OB P.Y.

+33663 -+729 B

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SIXTH CONGRESS, SECOND SESSION.

VOLUME X.



WASHINGTON: GOVERNMENT PRINTING OFFICE. 1880. CHODIAL RESIDENCE RECORD

BREELVEZGO.

The set

23T LADIO COLA 2007 OCCUPANTA AND

HALE RO

MORRER CHONGS PRESIDED BIXES TORON.

SC SELVINGEON



SURPLUS - 1 LIBRARY OF CONGRESS DUPLICATE

VOLUME X, PART III.

CONGRESSIONAL RECORD,

FORTY-SIXTH CONGRESS, SECOND SESSION.

THE BEAT OF A GREEN ON

The state of the second section of the second

Mr. BAILEY presented the petition of John C. Coe and others, citizens of Russell County, Kentucky, producers of leaf-tobacco, upon the subject of what is technically known as the regie contract; which

was referred to the Committee on Foreign Relations.

Mr. KIRKWOOD. I present the petition of P. L. Hoskins, Emory Prouty, and 105 others, some of whom are citizens of Iowa merely, and others of whom have been soldiers in the Union Army during the war of the rebellion, from Iowa and other States, praying that the soldiers be paid the difference between the value of coin and the value of the greenback currency in which they were paid for their services during the war. I move the reference of the petition to the Committee on

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of William
H. Gill, of New Jersey, praying for the passage of an act to authorize
his restoration to the Army; which was referred to the Committee

on Military Affairs.

He also presented a petition of citizens of Bradford County, Pennsylvania, and the petition of V. A. Bullock and others, citizens of Bradford County, Pennsylvania, praying for such legislation as will prevent fluctuation in freights and unjust discriminations in transportation charges; which were referred to the Committee on Com-

He also presented a petition of citizens of Bradford County, Pennsylvania, a petition of citizens of Wyoming and Sullivan Counties, Pennsylvania, and the petition of V. A. Bullock and others, citizens of Bradford County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Commit-

tee on Patents.

He also presented a petition of citizens of Columbia Township, Bradford County, Pennsylvania, a petition of citizens of Athens Township, Bradford County, Pennsylvania, and a petition of citizens of Forkston and Colley Townships, in Wyoming and Sullivan Counties, Pennsylvania, praying for the establishment of a department of agriculture; which were referred to the Committee on Agriculture.

Mr. CAMERON, of Pennsylvania. I present a preamble and resolutions passed at the meeting held on the evening of March 23, 1850, at the Third Reformed church, Rev. A. R. Van Nest, D. D., pastor, in Philadelphia, Pennsylvania. They recite that they have he ard with interest the statements of the wrongs inflicted upon the Indians, especially upon the Poncas, and they petition the Congress of the United States to accord to the American Indians the protection of the laws of the United States and the rights of person and property. United States to accord to the American Indians the protection of the laws of the United States and the rights of person and property. They also petition Congress to grant to individual Indians titles in fee-simple to lands, with a proviso that the lands shall be inalienable for a term of years, and they say that the bill lately introduced into the Senate of the United States providing for the return of the Ponca tribe to their lands in Dakota should be immediately passed. I move the reference of these proceedings to the select committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory.

The motion was agreed to

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present a petition numerously signed by citizens of Janesville, Wisconsin, which is situated on the Rock River. It is recited in the petition that the petitioners are very much in favor of the proposed plan for improving the navigation of the Mississippi River and its tributaries by means of dams and reservoirs, and they pray that Rock River, which is a tributary of the Mississippi, may be included in that system. I move that the petition be referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

tion be referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

The motion was agreed to.

Mr. BALDWIN presented the petition of H. C. Clark and 73 others, citizens of Richmond, Michigan, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

mittee on Finance.

Mr. PENDLETON presented a petition signed by 87 ex-soldiers in Ohio, praying for the passage of the bill (H. R. No. 2480) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds, and the bill (H. R. No. 2087) to provide for the payment of additional bounty to the soldiers of the Army of the United States during the war of the rebellion; which was referred to the Committee on Finance.

Mr. MORGAN presented the petition of Alfred Thomas and others.

Mr. MORGAN presented the petition of Alfred Thomas and others, employés of the Government Printing Office, praying that the legal holidays which are allowed other employés of the Government may be allowed to them; which was referred to the Committee on Print-

Mr. SAUNDERS presented the petition of Hannah S. Tyler Wilcox and others, citizens of Fairbury, Nebraska, praying for action by Congress looking to the removal of the political disabilities of the women of the United States; which was referred to the Committee on the Indiciary.

Mr. GROOME. I present a joint resolution of the General Assembly of the State of Maryland, asking legislation on the part of the General Government with a view to deepening the channel of Chester River between Kirby's Landing and Spry's Landing. I ask that it be read.

The resolution was read, as follows:

Whereas it has been represented to the General Assembly that the channel in Chester River between Kirby's Landing and Spry's Landing is obstructed by shoals that are a hinderance to navigation and seriously interfere with commerce: There-

that are a finderance of inavigation fore,

Be it resolved by the General Assembly of Maryland, That our Senators in Congress
Be instructed and our Representatives be requested to use their influence in urging
the necessity of an appropriation by the General Government for the purpose of
deepening the said channel in Chester River between Kirby's Landing and Spry's
Landing and thereby opening the same to the commerce of the country.

HIRAM MCCULLOUGH,
Speaker of the House of Delegates.

HERMAN STUMP, Ju.,
President of the Senate.

We hereby certify that the foregoing is a correct copy of a resolution of the General Assembly of Maryland passed at the January session, 1880.

MILTON S. KIDD,

Chief Clerk House of Delegates.

EUGENE HIGGINS,

Secretary of the Senate.

The VICE-PRESIDENT. The memorial will lie on the table.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 1090) to relieve John D. Defrees, Public Printer, reported it without amendment, and submitted a report thereon; which was

ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the memorial of Merrick, Fowler & Esseltyne, Gillett & Hall, Balch & Norton, F. W. Palmer, and 45 other business men and firms of Michigan, praying for the appointment of a marine statistician, whose duty it shall be to annually compile statistics of the loss of life and property throughout the lake region, and the valuation thereof, submitted an adverse report thereon; which was ordered to be printed and the committee were displayed from the further to be printed, and the committee were discharged from the further

to be printed, and the committee were discharged from the further consideration of the memorial.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the bill (S. No. 651) providing for the erection of a lighthouse at Anclote Key, in Hernando County, Florida, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1362) creating the customs district of Southern Oregon an inspection district, and providing for the appointment of an inspector of hulls and an inspector of boilers for the same, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom were referred the bill (S. No. 577) to correct the date of commission of certain officers of the Quartermaster's Department, and the bill (S. No. 192) to correct the date of commission of certain officers of the Quartermaster's Department, and the bill (S. No.

192) to correct the date of commission of certain officers of the Quar-192) to correct the date of commission of certain officers of the Quartermaster's Department, reported adversely thereon, and submitted a report thereon; which was ordered to be printed.

Mr. MAXEY. I am authorized by the Committee on Military Affairs to present the views of the minority upon the bills just reported upon, and ask that they be printed.

The views of the minority were ordered to be printed.

Mr. MAXEY. I ask that the bills be placed upon the Calendar with the reports of the majority and minority.

The VICE-PRESIDENT. The bills will be placed upon the Calendar

Mr. WALLACE, from the select committee to inquire into alleged frands in the late elections, submitted a report on the subject of assessments for political purposes; which was ordered to be printed.

Mr. TELLER. The Senator from Pennsylvania, [Mr. WALLACE,] the chairman of the select committee to inquire into alleged frands in the late Federal elections, has made a report on one branch of the case. The minority reserve the right to submit their views at some subsequent time. We have permission from the committee so to do, and I want that fact to go on record.

Mr. WALLACE. And it is entirely right. The testimony is not now reported for printing, and the minority have leave to present their views.

The VICE-PRESIDENT. Leave will be granted.

BILLS INTRODUCED.

Mr. VANCE asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1568) to provide for the purchase of a site and the erection of a public building to be used as a United States courthouse and post-office at Greensborough, in the State of North Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

tee on Public Buildings and Grounds.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1569) for the relief of William H. Thompson, late collector of internal revenue for the fifth district of North Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1570) providing for the transportation of the mails between East Saint Louis, in the State of Illinois, and Saint Louis, in the State of Missouri; which was read twice by its title, and, with a communication from the Postmaster-General relating to the same matter, referred to the Committee on Post-Offices and Post-Roads.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1571) for the relief of the heirs of Juan Read;

which was read twice by its title, and referred to the Committee on

Private Land Claims.

Mr. BAYARD asked, and by unanimous consent obtained, leave to Mr. BATARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1573) to amend section 4837 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Printing.

Mr. BAYARD. The object is to make operative the statute now authorizing the delivery to the homes of invalid soldiers of copies of public documents. That statute is not now operative. This amendment will make it so

ment will make it so.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1574) for the relief of Herman Ruge; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1575) to authorize the Commissioner of Patents

to hear and determine the application of the legal heirs of Robert G. Hatfield, deceased, for the extension of his patent; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO BILLS.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (S. No. 1209) to designate, classify, and fix the salaries of persons in the railway mail service; which was ordered to

aries of persons in the railway mail service; which was ordered to lie on the table, and be printed.

Mr. MORRILL (by request) submitted certain amendments intended to be proposed to the bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes; which were ordered to lie on the table, and be printed.

UNCOMPAHGRE PARK, COLORADO.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate copies of all affidavits filed in the Interior Department by or on behalf of the settlers on the Uncompangre Park, in Colorado; also a copy of the letter of Hon. C. H. McIntyre on the subject of settlement on said park.

SITE OF FORT STOCKTON.

Mr. MAXEY. I ask unanimous consent to call up for action Senate bill No. 1205, which was reached on the Calendar the other day and an objection was made by the Senator from Wisconsin, [Mr. CARPENTER.] which objection he has withdrawn, as I understand.

Mr. CARPENTER. I have examined the bill and withdraw the objection that I made to it. I am willing the bill should pass as far

as I am concerned.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1205) to enable the Secretary of War to acquire for the United States the title to the site of Fort Stock-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI VALLEY AND BRAZIL STEAMSHIP LINE.

Mr. COCKRELL asked, and by unanimons consent obtained, leave to introduce a bill (S. No. 1572) to provide for and establish a steamship mail service between the States of the Mississippi Valley and Brazil, via the West Indies, and for other purposes.

Mr. COCKRELL. I ask that the bill be read the first and second

times and referred to the Committee on Post-Offices and Post-Roads.

Introduce it by request, without committing myself for or against it.

Mr. MORRILL. I desire to call the attention of the Senate to the fact that a former bill in relation to a similar matter was referred to the Committee on Commerce. I suppose that this bill should go to the same committee.

Mr. COCKRELL. If the Senator makes that motion, we will test

Mr. MORRILL. I do not make any motion.

Mr. DAVIS, of West Virginia. May I inquire of my friend from Missouri whether or not this is a copy of the bill introduced day be-

fore yesterday morning?

Mr. COCKRELL. It is not a copy of the bill introduced heretofore; but I think probably that we have got plenty of time to have the bill read, so that the Senate can determine whether it ought to go to the Committee on Post-Offices and Post-Roads, or to the Committee on Commerce, or the Committee on Claims, or any other com-

mittee on Commerce, or the Committee on Claims, or any other committee of the Senate.

Mr. CONKLING. What is the subject of the bill?

Mr. COCKRELL. It is to establish a steamship mail service between the Mississippi Valley and Brazil.

Mr. COCKRELL. I prefer that the bill should be read, and then the Senate can decide to which committee it shall be referred.

The VICE-PRESIDENT. The bill will be read at length.

The bill was read the first time at length.

The VICE-PRESIDENT. The Senator from Missouri suggests that the bill be referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. On the face of the bill, it would seem that it should necessarily go to the Committee on Post-Offices and Post-Roads. It anthorizes the establishment of mail service, which is the principal point so far as the bill shows.

Mr. COCKRELL. And the only point.

Mr. COCKRELL. And the only point.

Mr. MAXEY. I think clearly it ought to go to the Committee on

Mr. MAXEY. I think clearly it ought to go to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. This bill is intended, if I heard it aright, to establish mail communication and also to bring into existence an express for merchandise, and as the Senator behind me [Mr. CARPENTER] says, with a foreign nation. It is the same bill which after discussion was referred to the Committee on Commerce the other day, except that the honorable Senator from Missouri or somebody for him

cept that the honorable Senator from Missouri or somebody for him has chosen to take out here and there particular words contained in the other bill. Substantially it is like it.

I rose to say that if the bill is to go to the Committee on Post-Offices and Post-Roads some revision should take place of the action of the Senate touching the other bill, because otherwise we should have two committees at work upon the same subject, the second committee having been clothed with power to do it by a mere verbal piece of finesse, I should say if I thought it would be agreeable to the Senator, a piece of verbal ingenuity, honestly so, proper, commendable to the last degree, but nevertheless a mere verbal change intended to avoid in terms the particular point upon which the Senate may have acted in sending the other bill to the other committee.

I venture to suggest to the Senator that it is hardly worthy of the Senate to leave its business as it will be left if another just such a

Senate to leave its business as it will be left if another just such a bill having been sent to the Committee on Commerce, this bill, the same, I repeat, in substance, although varied in terms, is sent to another committee in order thus to circumvent and virtually to undo the action of the Senate touching the other bill.

Mr. COCKRELL. I must confess my utter astonishment at the Senator from New York. The other bill was read, and this bill has been read. He is in the habit of understanding the subject-matters about which he talks; but when he undertakes to say that this is the other bill with a few words stricken out he misunderstands the subject entirely. I have read this bill, and I know what is in it. I had not read the other bill. If the Senator will compare the former bill with this bill, he will find that the entire seventh section of the former bill is stricken out, the only one which referred to the establishment of commercial relations between the two countries. He will find that the title of the bill is changed, and that the first section is wholly changed. The object, as the Senate determined before, of that bill is stricken out of this bill. The former bill read:

That for the purposes of opening a direct trade between the States of the Mississippi Valley and Brazil, via the West Indies, and of establishing a semi-monthly steamship mail service.

In the present bill the words "that for the purposes of opening a direct trade between the States of the Mississippi Valley and Brazil, via the West Indies," are stricken out, and the bill is only for the purpose of establishing a semi-monthly steamship mail service and express. The only point that the ingenuity of the Senator from New York could catch to justify a claim that this bill should go to the Committee on Commerce was the word "express." If he will read the bill he will find that the bill simply extends the present postal regulations of the United States to the transportation of articles of merchandise between the United States and Brazil by an express, which cannot be carried now under the international postal system—that, and no more. It only authorizes the carrying by express of packages which can now be carried all over this country in the mails but which cannot be carried under the international postal agreements with foreign countries. It requires the steamship company to carry those packages just the same as if they were carrying the mail within the limits of the United States. the United States.

Mr. CONKLING. The Senator from Missouri has stated so much better than I did or could what I attempted to say, that it is unnecessary for me to add a word. The Senator has pointed out as I could not do, as I had not the bill before me, how few and small the words are which are stricken out in order to get up a distinction between these two bills. He proposes in each bill to do one and the same thing. The first bill declared that the purpose, or a part of the purpose, was to open direct trade relations with Brazil. This bill drops those words; so that, proposing to do exactly the same thing, the distinction is that one bill says it would be useful for one object and the other bill does not say anything about it. Then the seventh section of the other bill, whatever that may be, the Senator says is stricken out also. That is exactly what I intended to say, and did say as far as I could without the bill before me.

I repeat that these bills being identical in purpose and in object, Mr. CONKLING. The Senator from Missouri has stated so much

say as far as I could without the bill before me.

I repeat that these bills being identical in purpose and in object, whatever terms may be employed, or whether the title has been altered literally or verbally or not, they ought to go to one committee. To send a subject to one committee and then to take the same bill, strike out a particular section, and strike out the utterly immaterial words, mere surplusage and embroidery in any bill, expressive of the hope, or object, or purpose, or inspiration of it, in order to get it before another committee, I submit again to the Senator is what the Senate ought not to do.

the Senate ought not to do.

Mr. HEREFORD. The Senator from Missouri will admit that the Mr. HEREFORD. The Senator from Missouri will admit that the whole subject-matter of this bill is contained in the bill that he introduced the other day. He will not deny that. Everything that is in this bill was contained in the bill which he introduced the other day, and which after discussion was referred by the Senate to the Committee on Commerce; so that the Committee on Commerce has this whole subject-matter under consideration. Now, why, when the Senate has already passed upon the subject and referred it to the Committee on Commerce, should it be given to the Committee on Post-Offices and Post-Roads? I hold in my hand the bill as introduced in the first place. The Senator from Missouri has stricken out of the bill "S. 1547;" then he has stricken out the words "March 29, 1880." He has left in the words "by request." I presume this bill, though, is not introduced upon request, but on the responsibility of the Senator.

Mr. COCKRELL. I stated explicitly, as clearly, as loudly as I thought it decent to state anything in the Senate, that I introduced it by request, and was not committed to vote for or against it.

Mr. CONKLING. Are those words "by request" stricken out of

this bill?

Mr. COCKRELL. No, sir.

Mr. CONKLING. I was going to say that if they were stricken out, that would be the most substantial alteration.

Mr. HEREFORD. Then I see he has added in the title of the bill "and establish a steamship mail service;" that was not in the other; and he has also added to the title of the bill "and for other purposes." That is the only difference now in the titles of the two bills.

The Senator from New York makes an inquiry sotto voce as to whether the motion to refer to the Committee on Post-Offices and Post-Roads is also by request. I am not informed on that subject.

Mr. COCKRELL. Yes, that is by request. The whole matter is by request, because it belongs there. The man who drafted the bill,

by request, because it belongs there. The man who dratted the bill, and whose name I gave the other day, is a lawyer and a gentleman of sense, and he knows where it properly belongs.

Mr. HEREFORD. The Senate the other day, it seems, after a full discussion, and after all that the Senator from Missouri could say, differed with his friend, this lawyer; consequently this Senate, according to the argument of the remark the Senator made a moment ago, has not as much sense as his unknown friend has who drafted this bill.

Mr. COCKRELL. That is an inference of the Senator from West Virginia, and wholly unauthorized.

Mr. HEREFORD. I think not. He says his friend is a lawyer and a man of sense, and therefore knew to what committee the bill should go after the Senate had decided the other way. So I do not think

the inference was far-fetched.

The other difference in the two bills is this: in section 1, lines 3, 4, and 5, this strikes out the words "opening a direct trade between the States of the Mississippi Valley and Brazil, via the West Indies." Section 2 is identically the same. In section 3, in the first and second lines, these words are stricken out: "for advancing and extending our commercial relations with Brazil." Section 4 is the same; section is the same; section 4. 5 is the same; section 6 is the same; but the last section, section 7, is stricken out in toto.

Then, as I have said and as the Senator from Missouri will admit, everything that is contained in the bill offered by him to-day was in the bill offered by him the other day. There was a little more in that. Thus the Committee on Commerce has, by action of the Senate itself after full discussion, had the whole subject-matter committed to it by this body. Now, why should a part of it be taken and referred to another committee? I cannot see the propriety of this double reference and double work by two committees.

Mr. INGALLS. Mr. President, I believe under the rules a bill must

be twice read before it can be referred to a committee.

The VICE-PRESIDENT. It must.

Mr. INGALLS. And the two readings must be on separate days unless the Senate, by unanimous consent, otherwise direct.
The VICE-PRESIDENT. That is the rule.

Mr. INGALLS. I regret to interfere with the innocent amusement of the Senator from Missouri, but inasmuch as it appears desirable that the business of the Senate should proceed during the morning hour, I believe that I shall venture to ask that this bill be read the second time to-morrow.

Mr. COCKRELL. That is the privilege of the Senator. Let it be read the first time and laid over.

The VICE-PRESIDENT. The bill has been read at length the first

Mr. COCKRELL Very well.

THE SOLDIERS' HOME.

Mr. CARPENTER. I offer the following resolution:

Mr. CARFEATER. I Offer the following resolution:

Resolved, That a committee of three, to be appointed by the Chair, be raised to examine into the condition, management, and discipline of "The Soldier's Home" in the District of Columbia, and whether any legislation is needed upon the subject, and to ascertain and report to the Senate what amount of money the said Soldiers' Home has received, when and from what sources received; what amount of money in now has, and where the same is kept and whether any part thereof is invested, and how invested. That said committee have power to send for persons and papers, administer oaths, and employ a stenographic writer to take down the evidence to be reported to the Senate.

Mr. DAVIS, of West Virginia. I have no objection to the inquiry Mr. DAVIS, or West Virginia. I have no objection to the inquiry; but I suggest to the Senator to send it to a regular committee and not to a special committee. We know what always follows special committees. We have several standing committees to which this inquiry could be properly confided, for instance the Military Committee or the District Committee, or any other committee the Senator prefers.

Mr. CARPENTER. The object of the resolution in this form was to relieve the Military Committee, which I suppose has work enough to do. There is such labor required for this that I thought a special committee could do it better.

committee could do it better.

Mr. DAVIS, of West Virginia. Perhaps the Military Committee could appoint a sub-committee to make the examination.

The VICE-PRESIDENT. The question is upon agreeing to the

Mr. DAVIS, of West Virginia. I hope the Senator will agree to

the reference to a regular committee.

Mr. COCKRELL. I object to the present consideration of the resolution.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution, and it goes over for the day.

DISTRICT PUBLIC HOLIDAYS

Mr. BURNSIDE. Yesterday the Senator from Wisconsin [Mr. CAR-PENTER] reported adversely from the Committee on the Judiciary the bill (S. No. 1444) to amend the Revised Statutes of the United States for the District of Columbia relating to public holidays within said District, and the bill was postponed indefinitely. I ask unanimous consent to have it placed on the Calendar.

The VICE-PRESIDENT. If there be no objection, the vote by which the bill was indefinitely postponed will be regarded as reconsidered and the bill placed on the Calendar. The Chair hears no objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this

day approved and signed the following acts:
An act (S. No. 474) for the relief of William McGovern;
An act (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; and

An act (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes.

LEAVENWORTH MILITARY PRISON.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to take up Senate bill No. 1319.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1319) authorizing the Secretary of War to expend the profits growing out of the manufacture of articles at the military prison at Leavenworth, Kansas, for the improvement of facilities for manufacture at said prison.

ment of facilities for manufacture at said prison.

Mr. DAVIS, of West Virginia. I do not wish to object to this particular bill, but it proposes to revive a bad practice. It is one that, if the Senate follows, it cannot know what it is doing. From this bill nobody knows what amount of money is being transferred. All public moneys ought to go through the Treasury regularly; and in future I shall object to all such bills. It makes a transfer of money when by law it ought to go into the Treasury and be regularly appropriated. It is wrong in principle and ought not to occur. This is a small bill and appropriates a very small amount of money I understand, and I shall not in this particular instance enter an objection; but in future I shall in all cases, and let the money received go regbut in future I shall in all cases, and let the money received go reg-ularly into the Treasury, as it ought to go by law, and then be prop-

erly appropriated afterward.

Mr. WITHERS. I wish to ask whether there is any information in possession of the Senator who introduced the bill as to the amount of manufactures at that prison, and whether there is any restriction

of manufactures at that prison, and whether there is any restriction as to the extent to which manufactures may hereafter be conducted?

Mr. CAMERON, of Pennsylvania. The profits growing out of the manufactures up to this time amount to \$7,000. What the profits will be in the future of course I cannot tell. The desire of the governor of the prison, General Pope, is that whatever profits come in shall be devoted to the purchase of machinery to enable the prisoners to produce articles more economically. They are making shoes now. The authorities want to make boots. There is machinery necessary to be bought. Without coming to Congress every time they want a machine that costs four or five hundred or a thousand dollars, they desire to use the profits which grow out of the manufactures they desire to use the profits which grow out of the manufactures carried on. These profits come from the difference between the prices carried on. These profits come from the difference between the they would pay to outside manufacturers and the actual cost at the they would pay to outside manufacturers and the actual cost at the prison. My own judgment is that it is a wise and proper bill to pass. That was the judgment of the Committee on Military Affairs after investigating the subject very thoroughly. I have here the report of the Secretary of War in reference to it, which I can read if necessary; but I do not think it is necessary. I think I have stated all there is in the bill.

is in the bill.

Mr. WITHERS. I think the principle upon which this bill is based is an erroneous one. I think it is wrong to give sanction to such a procedure as that proposed by this bill, because it certainly may be liable to be very much abused.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO REAR-ADMIRAL DU PONT.

Mr. BAYARD. Mr. President, I gave way yesterday afternoon when the Senate desired to consider executive business, and I now renew my application to the Senate to take up the bill to make an appropriation for the base and pedestal of the monument of Admiral Du

Pont, and I should like the Senate to pass that bill now. I think there will be no objection to it, and I move that the Senate proceed to its consideration.

The VICE-PRESIDENT. The Senator from Delaware asks the Senate to consider at this time Senate bill No. 841. Is there objec-

By unanimous consent, the bill (S. No. 841) making an appropria-tion for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and

Grounds, with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the circle at the intersection of Massachusetts and Connecticut avenues, in Washington City, shall hereafter be called the "Du Pont Circle;" and the sum of \$10,000, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Navy, in the preparation of the circle, and of the base for a proposed statue of the late Rear-Admiral Samuel Brancis Du Pont, United States Navy, to be erected thereon.

Mr. BAYARD. I propose an amendment to the amendment. In line 9, I move to strike out the words "of the Navy," and insert "of War." The office of the department of engineers, under whom works of this character are performed, public buildings and grounds, is under the direction of the War Department, and therefore it is proper, although this was an officer of the Navy, that the Engineer Corps should have control of the preparation of the site for the monument.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. VOORHEES. I should like to ask the Senator from Delaware

whether the statue has been authorized.

whether the statue has been authorized.

Mr. BAYARD. Not yet.

Mr. CONKLING. I should like to understand what authority is to select the artist to make this statue.

Mr. BAYARD. There is no selection of an artist whatever, for no statue has yet been provided for.

Mr. CONKLING. I think I failed to make myself understood by the Senator from Delaware. When this bill has become a law, what is the authority to make the arrangement to select the artist and to determine the various questions about it?

determine the various questions about it?

Mr. BAYARD. The authority I suppose will be in Congress. This is for the preparation of the site for a proposed statue; it is to prepare the ground on which the statue is to be placed. I suppose the statue, indeed I hope it will be made by private subscription. If it should fail to be made by private subscription, then I hope Congress will do itself the gradit and hope of authorising mean for the property. itself the credit and honor of appropriating money for the purpose. This is merely to secure a site in order that when the money shall be gotten, either by private subscription or by public appropriation for the erection of a statue, there will be a place for it. The Senator will perceive that if the site is not now secured it may possibly be occupied by something else, and I desire that this step should now be taken to secure a site and prepare it for the erection hereafter thereon of a statue.

Mr. CONKLING. Can it be occupied for any other purpose except by the authority of Congress?

Mr. BAYARD. I suppose it is right to segregate the circle for the purpose. That is what this bill proposes to do.

Mr. CONKLING. I do not wish to interpose, certainly by way of opposition, to a proposition of this sort, properly guarded; but I venture to say that it strikes me as being very odd to pass such a provision as this and nothing more. The circle in question belongs to the United States; it is a public reservation; it is subject to action by Congress. It is not subject to occupation by a statue or by anything else save by the action and permission of Congress. Here comes a provision to expend \$10,000 in preparing that circle for the contingency of receiving a statue which the Senator from Delaware says he hopes may come from private generosity.

Now if this were private property, if it were necessary to secure it, to guard it against being devoted to some other and inconsistent pur-

pose, I could see the force of it; but I hardly see why, in advance of any provision to produce or obtain a statue, \$10,000 should be expended in preparing this very limited bit of ground, so familiar to us all, prepared now for aught I know—I think I may say with some confidence, prepared now as to its grading, its level and all that, because it is adjusted as to all the surroundings. There are many of them, and they are costly. I do not see what can be done except to plant a base for a monument there. Can it be that a base is to be made for a monument in advance of any expectation of the species, size, or character of the monument; and not only so, but in advance of knowing whether there is to be a monument or not; and if so, whether it is to come from the action of Congress or from the voluntary action of individuals?

I say again I do not wish to seem even to antagonize any step in the progress of erecting statues about this city, although with great deference I will venture to say that there are some statues about this deference I will venture to say that there are some statues about this city which I would be very glad to part with my interest in for nothing; but a statue such as one I might refer to, not very far from the point in question, I should be very glad to see duplicated many times over. Therefore I mean to make no objection to that; but it

seems to me that to appropriate \$10,000 to put in preparation a circle seems to me that to appropriate \$10,000 to put in preparation a circue of very limited diameter, already graded, already in condition to receive a statue provided a base is put there, without knowing anything more about it than we are informed now, is at least premature legislation.

The VICE-PRESIDENT. Shall the bill be engrossed for a third

The question being put, there were on a division-ayes 29, noes 9; no quorum voting.

Several SENATORS. Another division.

The VICE-PRESIDENT. The Chair will put the question again on ordering the bill to be engrossed for a third reading.

The question being again put, there were on a division—ayes 37,

So the bill was ordered to be engrossed for a third reading. The bill was read the third time, and passed.

THE GEOLOGICAL SURVEY.

Mr. DAVIS, of West Virginia. I ask the Senate at this time to take up House joint resolution No. 116. It is intended to amend the sundry civil appropriation bill for the present year relating to the

sundry civil appropriation of the present year to age geological survey in the States.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. DAVIS, of West Virginia. Of course I have nothing to say but to ask the Senate to pass upon my request. This is an important subject to the country, and it will only take a moment, I presume, to pass the resolution. I hope the objection will be withdrawn. If not, shall ask the Senate to vote upon my motion. Several bills have been passed without objection.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other

Mr. BECK. I desire to make an objection, I think. Let me look at the resolution first.

Mr. PADDOCK. I think this had better lie over until to-morrow. The VICE-PRESIDENT. Objection is made; and the Senator from West Virginia moves that the pending order, being the consideration of the Calendar under the Anthony rule, be laid aside.

Mr. DAVIS, of West Virginia. Temporarily for this purpose only. Mr. CONKLING. That is not in order.

The VICE-PRESIDENT. The question is on laying aside the pending of the calendar under the Anthony rule, be laid aside.

ing order.

The question being put, it was declared that the noes appeared to

prevail

Mr. DAVIS, of West Virginia. I withdraw the request for this morning and hope the Senate will take it up at a very early day.

The VICE-PRESIDENT. The call of the Calendar will be proceeded with beginning at the point reached yesterday.

THOMAS LUCAS.

The bill (S. No. 152) for the relief of Thomas Lucas was announced as being first in order on the Calendar; and it was considered as in Committee of the Whole. It proposes to empower the commissioners of the District of Columbia, or their successors in office, to examine and of the District of Columbia, or their successors in office, to examine and audit for settlement the claim of Thomas Lucas, assignee of Peter Murray & Co., growing out of a contract, in writing, with the board of health of the District of Columbia, to abate certain nuisances in the city of Washington by lateralsewers running from the premises upon which the nuisances existed to certain main sewers, the contract being dated June 2, 1874. The amount found due is to be paid to Lucas out of any moneys belonging to the general fund of the District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE F. PHARES. The next bill on the Calendar was the bill (S.No. 1/85) granting a pension to Jesse F. Phares. The VICE-PRESIDENT. This bill is reported adversely by the

Committee on Pensions. Mr. COCKRELL. I move that the bill be indefinitely postponed. Mr. HEREFORD. Mr. President, I desire that the Senate shall hear me for a very short time while I give the reasons why this bill should not be indefinitely postponed. I believe that if the Senators will give me their attention and hear the facts in this case, there is not a man on either side of this Chamber who will vote against the

bill. I believe that the Senator from Missouri himself, who has moved

I think I can defy contradiction when I say that it presents one of the most remarkable cases of gallantry and heroism performed on either side during the last war. I make no exception. I say there was no officer in either the Union Army or the confederate army, on this floor or off this floor, who performed an act of greater gallantry and daring than did this man, and we simply ask for him that he be

reported in this case. The report contains the testimony of the offi-cer in command on the part of the Union forces and of the officer in charge on the confederate side, both of whom I knew well, and their testimony is that this man Phares had been from 1861 up to 1863, at the time he was shot, a bold, daring scout on the part of the Union forces under General McClellan and others. So bold and so daring was he, and so thoroughly acquainted with all that country, as this testimony shows, that the confederates sought often to capture him. They knew he was about there at the time of the expected battle in which he got shot, and the testimony shows that they sent in the night prior to the expected battle several of their men to try to capture him. In the morning the men who were sent out by the confederate commander did get between him and the Union forces and demanded that he should halt. He refused to halt and they shot him, shot him that he should halt. He retused to halt and they shot him, shot him through the body; as Colonel Hutton, the confederate colonel, says, shot him "through the body and through the lung," but he still remained in the saddle and went into Beverly where the Union forces were and informed them of the approach of General Imboden, who was in command of the confederate forces. That was the first information that the Union general had of the approach of the confederate forces; and he was thereby enabled to retreat and to save perhaps hundreds of his men.

Both of these colonels, the Union colonel and the confederate colonel—their testimony is here—concur in testifying to these facts. They furthermore testify that this man Phares was the owner of several thousands dollars' worth of property in this very town, and Colonel Hutton, of the confederate forces, testifies that the confederate army used or destroyed the whole of his property, amounting in value to several thousand dollars. They took him prisoner, and as Colonel Hutton, the confederate officer says, destroyed several thousand dollars' worth of his property, and his family now is in destitute circumstances. He himself, having been thus shot through the body and through the lung, is gradually dying, unable to support himself and family, having a large one dependent upon him.

Senators, this is briefly the story of this man to whom I ask you to-day to grant a pension. The bill provides that the Secretary of the Interior shall place upon the "pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse F. Phares, late a scout under General McClellan."

The other day when I showed this report to the gallant Senator Both of these colonels, the Union colonel and the confederate col-

The other day when I showed this report to the gallant Senator from Illinois [Mr. Logan] he said, "I would vote to pay him for all this property, or I would vote to give him several thousand dollars in money." But I stated to that Senator, "You cannot vote to pay him for this property for the precedent it would set, because it was destroyed by the confederate forces." There is no way you can provide for this gallant man and for his family except by placing him on the pension-roll. I ask then, Mr. President, for the passage of this bill, having told the story of this man; and it is all that I can say. I can say no more; his life, his deeds, his acts speak for themselves more eloquently than any poor words of mine. I trust that this bill will be passed and he placed on the pension-roll without one dissenting vote on either side of this House. The other day when I showed this report to the gallant Senator

ing vote on either side of this House.

If this man cannot be placed on the pension rolls, who can? Plenty of men are drawing pensions to-day who were drafted into the army, put there unwillingly; plenty of men to-day are drawing pensions who went in as substitutes; but this man went in as a volunteer. Early in the war he was there; as the testimony shows, he saved the Union army from being surprised by the confederate army which was Onion army from being surprised by the confederate army which was marching upon the town of Beverly at that time. As I said a moment ago, after having been shot entirely through the body, the bullet passing through the lung, he still remained in his saddle and while his life blood was dripping down galloped to the camp of the Union forces and informed them of the advance of the confederate army. This is the testimony of Colonel Hutton, and he declares also that so rapidly had the Union army retreated that Beverly was evacuated the same day. The officer in command of the confederate forces captured Phares and took special charge of him for fifteen days and kindly administered to his wounds. That confederate officer asks you to give Phares a pension. The Union officer who commanded the United States forces asks you to give him a pension, or in some way to compensate him for the wound he received and for his property destroyed by the confederate forces.

Mr. CONKLING. Will the Senator allow me to ask a question be-

fore he sits down ?

Mr. HEREFORD. Yes, sir.

Mr. CONKLING. Where did this man live?
Mr. HEREFORD. In the town of Beverly, Randolph County, where he was shot.

Mr. CONKLING. Where is that?
Mr. HEREFORD. In West Virginia.
Mr. CONKLING. Is that the place where his property was destroved?

Mr. HEREFORD. Yes, sir.
Mr. CONKLING. Will the Senator repeat what he said about the destruction of this man's property, and the reason why the property was destroyed?

Mr. HEREFORD. No reason was given. Colonel Hutton, the con-

federate officer, says this:

Jesse F. Phares was well known to be one of the most active and dangerous scouts and guides operating against us.

He had been so from 1861 up to this time, 1863, and Colonel Hutton says further:

His knowledge of the country was thorough; he was smart, daring, and vigitant, and capable of great endurance. In consequence of the knowledge we possessed of this fact every possible exertion was made on our part to capture him, but without success until the 23d day of April, 1863, when General Imboden advanced upon the Federal forces then stationed at Beverly, commanded by Colonel George R. Latham.

Whom we confirmed the other day as one of the census supervisors

of that State.

In order to cut off all scouts that might be outside the Federal pickets we sent by night a party of men through the woods to gain the road near the outside Federal picket post before daylight on the morning of April 23, 1863. About daylight said Phares, who was thus cut off, approached said party of men on horseback and was ordered to halt, but dashed forward and past the men, when he was fired upon by them, one ball taking effect, passing through his body—through the lungs—from the effects of which he is now almost wholly disabled. He retained his seat, however, until he reached the Federal picket and gave information of our advance. Beverly was evacuated the same day by the Federal forces and occupied by the confederates, and Phares fell into our hands.

He was cared for by me personally about fifteen days, but a large amount of goods, general merchandise, groceries, &c., household furniture, and other personal property, to the value of several thousand dollars, fell into confederate hands and was used or destroyed by them, leaving him and his family in very destitute circumstances, in which condition, principally in consequence of his disability, they remain to this time. He has four children living, and one, his oldest, a daughter, died of consumption, in 1870, induced by hardships and exposure, and his wife is worn down by care and labor.

Said Phares is about forty-three years of age, and has been for several years falling rapidly in physical strength in consequence of the wound above referred to.

Mr. CONKLING. His property was destroyed in the general ad-

Mr. CONKLING. His property was destroyed in the general ad-

vance and battle

Mr. HEREFORD. Not quite. It does not say distinctly whether in the battle or not, but that, I suppose, would be the presumption. The Union Army was retiring and the confederate army advancing, and Colonel Latham, who was the officer in command of the Union forces, testifies identically the same that Colonel Hutton does. are the colonels on both sides joining in this testimony, agreeing in their testimony entirely. There is no other way in which the man can be compensated. This is the only way that I know of, and I hope that there will not be a vote on the floor of the Senate against plac-

ing this man as a pensioner upon the roll of pensions.

Mr. WITHERS. Mr. President, I feel compelled, as the chairman of the Committee on Pensions, to defend the adverse report of that

committee now under consideration.

Mr. HEREFORD. It is from the adverse report that I read.

Mr. WITHERS. I do not pretend to challenge the correctness of any of the statements of fact made by the Senator from West Virginia; I simply state that this man belonged to a class who under the laws are not pensionable. He did not belong to the military or naval service of the Government. There are a great many applications from men of that class for pensions. The committee has heretofore reported adversely on all these cases. The present pension list is a very large one, and we did not deem that it was proper—

Mr. TELLER. I should like to ask the chairman of the commit-

tee on what theory they have reported against all these cases?

Mr. WITHERS. Because the law does not contemplate granting pensions to men of that class. The law restricts pensions to men in the military or naval service of the Government.

Mr. TELLER. I should like to ask another question then: whether the pensions granted by Congress are not always granted in cases

where the law does not afford a remedy?

Mr. WITHERS. No, sir; not always.

Mr. TELLER. Or in cases where the law might have afforded a remedy if the party had applied in time?

Mr. WITHERS. There is no question that Congress can in its wisdom grant a pension to any person whatever. It could grant a pension to any person whatever. sion to me if it saw fit to do so. The Senator from New York [Mr. CONKLING] shakes his head; but I undertake to say that if the Congress of the United States should determine that I had done any service worthy of a pension and were to vote me a pension, I should be entitled to receive it and would be a pensioner.

Mr. CONKLING. The Senator will allow me to remark that I did shake my head meaning no offense to him. I shook it rather as com-

municating to a Senator near me. I do, however, dissent entirely from the Senator if he means to say that Congress can rightfully—I do not speak of what can be done by main force of numbers as

physical fact—
Mr. WITHERS. That was what I referred to.
Mr. CONKLING. If the Senator means to say that Congress, proceeding within the Constitution, could vote as a pension arbitrarily money to A, B, or C, not in the military or naval service at all, simply

money to A, B, or C, not in the military or naval service at all, simply because Congress chose to give that man so much money, I dissent entirely from that proposition.

Mr. WITHERS. That is my position. I do not say that they can do it rightfully. The introduction of that word by the Senator from New York was an interpolation upon my proposition. I said they could do it if they thought proper to do it, and I still maintain that proposition. But I do say in answer to the Senator from Colorado that the pension laws were not framed for the pencit of men of this class. Their benefits were designed to be restricted to those who were disabled in the military or naval service of the Government. were disabled in the military or naval service of the Government.

Now, the effect of granting pensions to men of this class is simply to extend the benefits of the pension laws to persons who under the

laws as they now exist are not entitled to them, and there can be no practical limit to the extent to which this shall go if you break over the barriers created by the law.

Mr. TELLER. I should like to ask the Senator, then, if his argument does not go to simply this, that it is not judicious now to extend the law. Is not that all there is of it?

Mr. WITHERS. It is exactly what there is of it, that is precisely what there is of it, that the effect of an affirmative vote on this proposition would be to extend the benefits of the pension laws to a class of persons who are not now entitled to their benefit, as this is not an isolated case, as there are now before the Pension Committees of the Senate and House of Representatives probably scores of cases of similar character. As I stated in a previous discussion here upon a similar application on the part of another scout, the Senate committee desire an expression of the sentiment of the Senate upon the question in order that they may determine these cases by some uniform rule of action, and not, in consequence of eloquent appeals like those to which we have just listened, by Senators on this floor, make fish of one and flesh of another. If one man who was a scout and who was injured or disabled while in the service in that capacity is entitled to injured or disabled while in the service in that capacity is entitled to a pension, the benefit of it should be extended to all of that class. That is the view of the committee, and they propose, as I understand their determination, to make the decision of the Senate upon one of these bills now before it a test case; and if it be the will of the Senate to extend the provisions of the pension laws to other classes, the Senate Committee on Pensions will try to carry out their views.

Several Senators addressed the Chair.

The VICE-PRESIDENT. The morning hour has expired.

Mr. BLAINE. One moment on this matter. I should like to ask the honorable Senator from Virginia if every special pension that is granted is not exactly one that lies outside the pension laws, as much

Mr. WITHERS. It may lie outside of some of the details of the law, but it applies to some of the classes of persons who are pensionable under the law. This does not belong to a pensionable class of cases at all. A man in the military service may fail to make his proof satisfactory to the Pension Bureau either of the character of the service rendered or of the extent of disability or of the mode in which it was incurred; but the fact of his being in military service is established, and that fact does not exist in this case.

Mr. HEREFORD. I hope the Senate will by unanimous consent allow this bill to be disposed of. It will take but little time. There

never was a more meritorious case presented to this body.

Mr. BLAINE. I hope that will be done.

The VICE-PRESIDENT. Is there objection to this bill being further considered at this time?

Mr. WITHERS. I object.
Mr. HEREFORD. I shall ask a vote of the Senate.
Mr. WITHERS. I object simply because I fear so much time will be consumed in the discussion of the question, and I wish to proceed with the bill which is the business regularly in order at this hour.

Mr. HEREFORD. Will this bill be the unfinished business for to-

The VICE-PRESIDENT. It will be first on the Calendar on the call to-morrow

Mr. KIRKWOOD. I wish to say a few words in regard to it my-

self as I made the adverse report, and yet oppose it.

The VICE-PRESIDENT. The unfinished business is House bill No. 4924.

DEFICIENCIES IN APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, the pending question being on the passage of the bill.

Mr. EDMUNDS. Mr. President, I have a sincere wish to persuade the majority of this Senate that it ought not to pass this bill in its present form; and of course in saying that I apply what I have to say to the last provision in it that a majority of the Senate have refused already to strike out. I am not so confident, therefore, as I wish I were, that I shall succeed in the task I am about to undertake. But the duty of this Senate, understanding what this provision is, what its tendency and scope is, what its effect is to be, is none the less, whether success is to attend my efforts or not. We are all of us, Mr. President, the mere representatives of a self-governing people, and they are the ultimate and final judges of the fitness of the laws that their Congress may choose to pass; and inasmuch as we are obliged to their Congress may choose to pass; and masmuch as we are obliged to account to our constituents for our conduct, if we are to do this thing let us do it with our eyes wide open, and not go to our constituents with the plea or apology that we did not know what we were about, that we did not intend to destroy the supremacy of the laws of the United States, that we did not intend to aid in giving the Government over into the hands of fraud, violence, anarchy, and confusion, but that we were not wise enough to know that what we were about to do had that tendency.

The Forty-fifth Congress which expired on the 3d of March, 1879, for almost the first time in the long history of the Congresses of the United States, adjourned sine die without making any provision either for the support of the Army of the United States which was founded by Washington, or for the support of the legislative, executive, and

judicial establishments of the United States which had existed from the commencement of the Government. That failure arose from the simple fact that the House of Representatives insisted upon forcing upon the Senate of the United States, then differing from it in political views, certain changes in the laws as the sole and only condition upon which the Government should be carried on at all, as far as they had anything to do with it. The Senate did not choose to submit to that style of legislation for two reasons: first, because it believed that attempts to change the laws in essential and general respects such, as those attempts were, were entirely out of place upon all bills provid-ing money to carry on the ordinary operations of the Government; and in the second place, because the Senate of the United States was of opinion that the legislation insisted upon by the House of Representatives as the sole condition upon which it would permit the Gov-ernment to go on at all was in itself injurious to the welfare of the people. And so, as I say for almost the first time in the history of the country, the Forty-fifth Congress expired without making any provision for the future support of three of the great and necessary functions of the Government, legislative, executive, and judicial, and for another almost equally necessary function, the maintenance and support of the Army.

The consequence was that two weeks afterward we were called upon to assemble again under the Constitution on the proclamation of the President in order that the new Representatives of the people in the other branch and the new Senators with the old ones in this might take order to carry on the Government. A legislative, executive, and judicial appropriation bill came over from the other branch. tive, and judicial appropriation bill came over from the other branch. I have no right to make any reference to what occurred there. That bill contained, substantially what the bill of the preceding Congress had contained as an essential and indispensable condition for going on with the Government of the country at all, this provision:

And provided further, That the following sections of the Revised Statutes of United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed;

And making further changes in some other sections in the same direction. Those sections the repeal of which was imposed upon the bill to provide money to pay the members of Congress, the salary of the President, and all the executive officers of the United States, the the President, and all the executive officers of the United States, the salaries of the judges, and so on, were sections which provided for protecting the just right of the people of the United States in voting for members of Congress, provisions of law that already existed, but which this Congress, at its first meeting, in the way proposed by this bill, were determined should be repealed, and swept out of existence, or else that the Government should not go on.

All these provisions which this Congress was thus determined to repeal were provisions that in substance and effect, though not always in form but very nearly in form, have existed in the laws of the several States as it respects their elections of their own officers from the foundation of the Government. They have existed with the consent and support of good men of all parties as necessary safe-guards of social order and of political liberty. And yet the Congress of the United States, coming to us constituted as it is at the end of a great civil conflict, thinks it fit that the members of the lower House of this Congress and the people who are the clock them. of this Congress and the people who are to elect them shall either depend upon such laws or want of laws as the States in one way or another may choose to have on the subject, or shall not depend for another may choose to have on the subject, or shall not depend for the protection of their liberties on any laws at all. Well, such a bill passed and was sent to the President of the United States, who, whether he may have been a consequence of the civil conflict or not, was not exactly in accord with the tendencies that the majority of the two Houses of Congress growing out of that seemed to possess. He merely returned the bill to the House in which it originated without his approval, and he stated-and this will be found in the Journal of the House of Representatives of the 29th of May, 1879-on the particular subject that the bill now before us embraces, this:

particular subject that the bill now before us embraces, this:

The part of the election law which will be repealed by the passage of this bill, includes those sections which give authority to the supervisors of election "to personally scrutinize, count, and canvass each ballot," and all the sections which confer authority upon the United States marshals and deputy marshals, in connection with the congressional elections. The passage of this bill will also repeal section 5522 of the Criminal Statutes of the United States, which was enacted for the protection of United States officers engaged in the discharge of their duties at the congressional elections. This section protects supervisors and marshals in the performance of their duties by making the obstraction or the assaulting of these officers, or any interference with them by bribery or solicitation, or otherwise, crimes against the United States laws.

Again he said:

Again he said:

Again he said:

If it is urged that the United States election laws are not necessary, an ample reply is furnished by the history of their origin and of their results. They were especially prompted by the investigation and exposure of the frauds committed in the city and State of New York at the elections of 1868. Committees representing both of the leading political parties of the country have submitted reports to the House of Representatives on the extent of those frauds. A committee of the Fortieth Congress, after a full investigation, reached the conclusion that the number of fraudulent votes cast in the city of New York alone in 1888 was not less than twenty-five thousand. A committee of the Forty-fourth Congress, in their report, submitted in 1877, adopted the opinion that for every one hundred actual voters of the city of New York in 1868 one hundred and eight votes were cast, when, in fact, the number of lawful votes cast could not have exceeded 85 per cent of the actual voters of the city. By this statement the number of fraudulent votes at that election in the city of New York alone was between thirty and forty thousand. These frauds completely reversed the result of the election in the State of New York, both as to the choice of governor and State officers and as to the choice of electors of President and Vice-President of the United States. They attracted the attention of the whole country. It was plain that if they could be continued

and repeated with impunity free government was impossible. A distinguished Senator, in opposing the passage of the election laws, declared that he had "for a long time believed that our form of government was a comparative failure in the larger cities." To meet these evils and to prevent these crimes the United States laws regulating congressional elections were enacted.

The framers of these laws have not been disappointed in their results. In the large cities, under their provisions, the elections have been comparatively peaceable, orderly, and honest. Even the opponents of these laws have borne testimony to their value and efficiency and to the necessity for their enactment. The committee of the Forty-fourth Congress, composed of members a majority of whom were opposed to these laws, in their report on the New York election of 1876, said:

"The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world, and in no era of time, where there has been an expression of the popular will through the forms of law, has there been a more complete and thorough illustration of republican institutions. Whâtever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise."

As I have said. Mr. President, the Executive of the United States

As I have said, Mr. President, the Executive of the United States declined to assent to that species of legislation, and the bill failed for the want of a vote of two-thirds of the House in which it originated, so that it did not come here again at all.

Then the Congress of the United States passed what they called a legislative, executive, and judicial appropriation bill which omitted these changes in the laws that I have referred to, but also omitted any provision for the payment of the fees and emoluments of the marshals of the United States and their deputies. That became a law, and then the called session adjourned, and for the first time in the history of this country adjourned without making provision for paying what was lawfully due to certain necessary and essential offi-cers of the United States in the performance of their functions. That omission occurred, not by an accident, but by a design, and that design was to paralyze every one of the provisions of law which authorized and required the marshals as the peace officers of the United States to preserve the peace at congressional elections; to starve it out if it could not be fought out by a repeal of the laws themselves

But the Congress also passed or undertook to pass another bill which would have made a provision of that kind called "A bill making appropriations for certain judicial expenses" that, as one of the conservative and reformatory measures of the majority that then came in, had been for the first time in our history sliced out of a regular appropriation bill. That was sent to the President with a provision the substance of which was that no appointment should be made of any officer and no employment made of any officer of the United States, although warranted by the Constitution and the existing law, until Congress had provided the money to pay the salary and emoluments that belonged to the office, and that with the same design of defeating by a back-handed nullification the exertion of the force of these laws that have been referred to, for the protection of the liberty and freedom of elections. That was sent to the President and he returned it with this statement:

turned it with this statement:

It is not sought by the bill before me to repeal the election laws. Its object is to defeat their enforcement. The last clause of the first section is as follows:

"And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title."

Title 26 of the Revised Statutes, referred to in the foregoing clause, relates to the elective franchise, and contains the laws now in force regulating the congressional elections.

The second section of the bill reaches much further. It is as follows:

"Sec. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service ment shall, during said fiscal year, make any contract or incur any liability for the fature payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day, until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law."

This section of the bill is intended to make an extensive and essential change in the existing laws. The following are the provisions of the statutes on the same subject which are now in force.

That refers to the making of contracts which involve the Government in the expenditure of money until it has been appropriated, He then proceeds to say:

He then proceeds to say:

The appointment of special deputy marshals is not made by the statute a spontaneous act of authority on the part of any executive or judicial officer of the Government, but is accorded as a popular right of the citizens to call into operation this agency for securing the purity and freedom of elections in any city or town having twenty thousand inhabitants or upward. Section 2021 of the Revised Statutes puts it in the power of any two citizens of such city or town to require of the marshal of the district the appointment of these special deputy marshals. Thereupon the duty of the marshal becomes imperative, and its non-performance would expose him to judicial mandate or punishment, or to removal from office by the President, as the circumstances of his conduct might require. The bill now before me neither revokes this popular right of the citizens nor relieves the marshal of the duty imposed by law, nor the President of his duty to see that this law is faithfully executed.

I forbear to enter again upon any general discussion of the wisdom and necessity of the election laws or of the dangerous and unconstitutional principle of this bill, that the power vested in Congress to originate appropriations involves the right to compel the Executive to approve any legislation which Congress may see fit to attach to such bills, under the penalty of refusing the means needed to carry on essential functions of the Government. My views on these subjects have been sufficiently presented in the special messages sent by me to the House of Representatives during their present session. What was said in those messages I regard as conclusive as to my duty in respect to the bill before me. The arguments urged in those communications against the repeal of the election laws and against the right of Congress to deprive the Executive of that separate and inde-

pendent discretion and judgment which the Constitution confers and requires are equally cogent in opposition to this bill. This measure leaves the powers and duties of the supervisors of elections untouched. The compensation of those officers is provided for under permanent laws, and no liability for which an appropriation is now required would therefore be incurred by their appointment. But the power of the National Government to protect them in the discharge of their duty at the polls would be taken away. The States may employ both civil and military power at the elections, but by this bill even the civil authority to protect congressional elections is denied to the United States. The object is to prevent any adequate control by the United States over the national elections by forbidding the payment of deputy marshals, the officers who are clothed with authority to enforce the election laws.

The fact that these laws are deemed objectionable by a majority of both Houses of Congress is urged as a sufficient warrant for this legislation.

There are two lawful ways to overturn legislative enactments. One is their repeal; the other is the decision of a competent tribunal against their validity. The effect of this bill is to deprive the executive department of the Government of the means to execute laws which are not repealed, which have not been declared invalid, and which it is, therefore, the duty of the Executive and of every other department of Government to obey and to enforce.

That bill failed to become a law. The consequence was, as I have said, without referring to other branches of the affair, that the called session of this Congress departed without having made any provision for the payment of the fees and emoluments of that part of the execor the payment of the fees and emoluments of that part of the executive officers of the United States whose duty it is to preserve the peace and to execute the process of the courts. And that I think I have safely say has been without a parallel in the history of this country or any other civilized country at any time.

Now, after a period of more than a year from the time when this Congress was called in special session to fulfill its obligation to provide money to carry on the Covernment, and after for a covider to the covernment.

vide money to carry on the Government, and after for a period of nine months the marshals of the United States have been obliged to carry on their share, the execution of their duties under the laws of the United States, at their private expense, and after this Congress has been in regular session four months, we at last reach what is called a deficiency bill to pay to these marshals the sums of money that they have advanced to carry on the Government of the United States out of their private pockets; and the condition upon which only Congress is now willing to pay them this past-due debt which to the shame of the United States has existed so long, is that there must be a further attempt at the paralysis or emasculation of the election laws. It is to this provision that I invite the favorable attention of the nine Senators in the majority who do me the honor to listen.

Mr. BLAINE. Eleven. Mr. EDMUNDS. Eleven.

Mr. EDMUNDS. Eleven.
Mr. EATON. Count the minority.
Mr. EDMUNDS. The minority do not need to be convinced. Mr. President, at the risk of wearying the small fraction of the majority of the body that listens to me, but in the fear that they may have overlooked it, I think it right to call their attention very briefly to what is the condition of the law as it now stands about marshals of the United States and their deputies.

Section 776 of the Revised Statutes provides for the appointment by the President of the United States, by and with the advice and consent of the Senate, of a marshal of the United States in each judicial district.

Section 750 provides that every marshal may appoint one or more deputies who may be, not appointed, but removed from office by the judges of the courts.

Section 787 provides that it is the duty of the marshal to attend the essions of the courts of the United States in his district, to execute lawful precepts, to have power to command all necessary assistance in the execution of his duty

Section 788 provides that the marshals and their deputies,—mark the words, Mr. President,—the marshals and their deputies, whose appointment had been provided for by them in the preceding sections, shall have the same powers in their respective districts that the sheriffs of the several States have in their respective counties, and that we all understand alike to mean the power of being a conservator of the peace; the power of calling to his assistance the whole body of the strength of the State to assist him in doing whatever of lawful duty

he has to perform.

Section 789 and other sections provide, as they always have and always must, and as it is with sheriffs in every State, that the marshal shall be responsible personally for the acts of his deputies. They are his deputies; he is to be responsible for their conduct either of omission or commission. Everything connected with their official conduct, good or bad, the marshal is personally responsible for; they are his agents; and as my friend from New York [Mr. CONKLING] suggests, the marshal of the United States is a bonded officer. He is bound before he takes up the performance of his duties to give ample security for the good conduct and due observance of law of himself and his deputies.

Then come sections 1981 to 1988 of the Revised Statutes, which are provisions for the security of civil rights, and there it is made the duty of marshals and their deputies to execute warrants, preserve the peace, and enforce in the ways therein provided in that chapter about civil rights, the civil rights of citizens of the United States guaranteed to them by the Constitution of the United States.

Then we come to the provisions in respect of elections. Passing

over those about supervisors and so on, that I need not now specially refer to, I come to section 2021 of the Revised Statutes, which provides that in any city or town of twenty thousand inhabitants the marshal, on the application of two citizens, shall appoint, (as the

President of the United States mentioned in his message to Congress,) "special deputy marshals." Those are the very words, "special deputy marshals," not marshals of elections as a description of the office, but simply in the ordinary course, just like any other deputy of his, except that the marshal is to do it on an occasion when an election is about to occur and when citizens for the preservation of their rights and liberative arreal to him to do it in the order tities and tities are and liberties appeal to him to do it in the great cities and towns; and then he shall appoint special deputy marshals. Their duties, like the other duties under the old acts of Congress and in the other provisions of the Revised Statutes, are the duties of preserving the peace, of making arrests on sight for any crime committed, either with or without process, making other arrests on process, and, in fact, doing on those occasions, by a mere increase of the number of the force of the marshal's office, exactly the same things that the marshal and his other deputies do at all times and have done at all times from the foundation of the Government without any complaint or question by anybody until these new charmers who keep serpents, as the poet says, I believe, have brought in the antique sting within a year or two. These are their duties: The arrested persons are to be brought before some commissioner or judge. Then section 2024 provides that the marshal or his general deputies, or such special deputies as are thereto authorized by him under his hand and seal, when resisted may summon the posse comitatus and exert the power of the United States to preserve order and execute their duties.

Now, under the present condition of the law, which the last session of this Congress by its two Houses was determined confessedly, first, to repeal altogether, and then to break down indirectly, and failed in it at the expense of starving the marshals meantime, we come to consider how far the present bill is calculated, and it would not be ungracious I presume to say, designed, to effectuate the same object. What is the nature of the office of a marshal? It is purely a part of the executive branch of the Government of the United States, just as much so, in the same sense, in the same way, and on the same principle, that the office of the President of the United States is an executive office. It is one indispensable branch of the same tree of executive power. The marshal is not a judge; the marshal is not a legislator; but he is an inherent, an essential, and, I say with great respect to my honorable friends on the other side, an inseparable part of the executive power of the United States under the Constitution, if we are going to have a government at all. Yet this provision is that he shall come into existence through the exertion of judicial power. So shall come into existence through the exertion of judicial power. So far as it relates to these deputies, on these occasions when there is the greatest possible need of unity, of continuity, in the exertion of executive power, of subordination, of immediate responsibility, of appointment or of removal or both, you say that on these great occasions when more than any other day in the year the peace and good order among all people of the United States in these great towns should best be preserved, then the exertion of power is to be divided; then the President of the United States as the responsible head of the Government, or the marshal is not to have any nower of amointthe Government, or the marshal, is not to have any power of appointing extra executive force, but it is to be turned over to the judicial

Mr. President, I undertake to say that from the 24th of September, 1789, when the fathers of the Republic framed the bill to establish the judicial courts of the United States and provided for that part of the executive function to carry out their decrees and to serve process and to keep the peace, and provided for the appointment of marshals—from that time to this day, or rather, I should say, until last year, it has never entered the head of the wildest dreamer or of the most extreme fanatic to undertake to separate the exertion of the power of the marshal, of that kind of power, from the executive department of the United States, or the selection of the persons who were to exert it. I undertake to say (but without a careful examination, and I may be wrong; if I am I shall be glad to be corrected,) that there is not a single State in this Union that from the beginning of the Government to this day ever vested the appointment of sheriffs and deputy sheriffs in the courts of the State, or ever thought of doing it; because it was against the most obvious principles of that common sense which separates and keeps separated the respective powers of government. Such a thing, it appears to me, would be most injurious to the character, the weight, the impartiality of the courts of justice of the United States, to say nothing of its effect upon the executive

power, and for reasons that are perfectly obvious.

The provision applies to a city of more than twenty thousand inhabitants. Take the city of New York with a million, if you please. You are to have according to the provision of this bill, in each voting precinct at least two special deputy marshals, if they are applied for, and of opposite political parties. The circuit court of the United States for the southern district of New York is to appoint them. Of course the judge sitting on the bench, as the people come before him, committees of politicians, head-men from groceries and headquarters and all that, with their respective functionaries, is to divide out into array these two armies of respective politicians. Is that going to be a good thing for the character of the court? The court is obliged to make choices and proceed and exert its functions, which might require two weeks possibly. Is it possible that Senators are so eager to capture the next Congress of the United States in its lower house that they are willing to resort to means of this kind to do it? It is not exactly like the Maine affair, but a hint may have been taken from it possibly: I cannot tell.

There is another consideration that I should like to name right in this connection. I want to ask every candid democrat on the other side of this Chamber (which of course takes in the whole body of them) if they should get possession of all the departments of this Government, having passed this bill and it becomes a law, how long they think they would leave it stay on the statute-book? How long would it be before they would relieve the courts of the United States would it be before they would relieve the courts of the United States of the business of selecting and appointing political deputy marshals? Under this law every deputy marshal must be a politician; he has got to be a partisan; there must be one on one side and one on the other. How long would they leave that law on the statute-book, do you think? How long do they think they would leave it on? They would leave it on just as long as was indispensable to enable the form of passing a bill through the two Houses and its signature by

form of passing a bill through the two Houses and its signature by a concurring and sympathizing President, to be gone over.

They would say, as I do not know but it was said on another topic at the last session by some Senator, about their efforts to modify these election laws, that it was not because they were in favor of making them better for the purpose of keeping them, because when they had the power they would sweep them entirely from the statute-book, as indeed they attempted to do; and it would be just so with this thing. I should be glad to see any of my honorable friends on the other side, as a mere curiosity stand up and say that in his independent the means. as a mere curiosity, stand up and say that in his judgment the means provided by this bill is a proper means for the permanent government of this country upon that topic. I am quite willing to have the reason now if anybody is ready to give it; or I am quite willing that time should be taken to consider. I feel some confidence in what

that time should be taken to consider. I feel some confidence in what the answer would be if I should ever get it.

There is no use in disguising it; this is simply an expedient for the moment of a political battle that the two Houses of Congress are undertaking to carry on against the Executive of the United States, and the laws that he believes in. Inasmuch as it is supposed to be a warfare and an expedient, I am afraid my honorable friends on the other side do not stop to reflect whether that expedient is a measure just in itself that they would think at all of passing if they had control of the Presidency as well as of the two Houses. I am sure they would not; and I hear nobody suggest that they would.

Having described the general nature and tenor of this change, let us look and see exactly what we have got in the bill before us:

That hereafter special deputy marshals of elections, for performing any duties reference to any elections, shall receive, &c.

It so happens that except as created or implied by this clause, there is not any such thing in the law now as a special deputy marshal of elections. The law describes, as it now is, no such officer. It may be said, and probably truly, as a matter of constructive law, suppos-ing that is so this statute will authorize the creation of such officers. So it will; but what power have they got when they are created? This statute gives them no power. If they are not the officers mentioned in the existing laws and the existing laws give powers to other officers appointed in a different way, responsible to a different source, removable in a different manner, where do these special gentlemen get their power? Of course that would not hurt the bill at all in the eyes of the majority of this body, because they do not intend that these marshals shall have any powers, and the less the better for them. So I hope my honorable friends will not misunderstand me and say that I am pointing out a trouble with their bill that would disturb them any; quite the reverse. These are "special deputy marshals of elections." The bill proceeds:

And that all appointments of such special deputy marshals shall be made by the circuit court of the United States for the district in which such marshals are to perform their duties

The circuit court of the United States sits in each State of this Union, sometimes in more than one place, sometimes in two districts, sometimes in three or four places in a district; but it is the circuit court that is to make this appointment. It usually has two terms in a year. This power of the circuit court can obviously only be exerted a year. This power of the circuit court can obviously only be exerted at a regular term at the time fixed by law. The elections for members of Congress come off, under the law as it is now, substantially on the first Tuesday in November. I suppose Senators in charge of the bill have looked at the statutes fixing the dates of the terms of the court. How many circuit courts of the United States and in what States are called upon by law to hold a session at any time within a month, or two months, or three months before the 1st of November of this year? Are there many? Nobody will say that there are. How is it to be known a month in advance of an election, or six weeks, or two months, or three months, or six months, whether the emergency of the preservation of the peace will occur, whether the protection of the just liberty of every man who is entitled to vote, voting once and no more, is to be imperiled? Can anybody answer? voting once and no more, is to be imperiled? Can anybody answer? It is quite obvious that that simple provision, either by design or by accident, is just as effectual for the purposes that a year ago were avowed of breaking down these election laws and their securities as if you had an absolute repeal. It has been found that the serpent could not quite bite the file in two at one gnash of its jaws, and now it is to be nibbled, and by an insidious attack to be paralyzed in the exertion of any substantial power under it for the protection of the elections. That is what it comes to.

Let us look a little further about this business, Mr. President. Prehaps I have called your attention to it once, but I will venture to do so again, if I have. The present statute giving power to deputy marso again, if I have.

shals of the United States to preserve the peace on election days under such and such circumstances and to make arrests is a power which is given to the deputy marshals appointed by the marshal. That is what a deputy marshal means. As I read to you out of the statute it is the marshals and their deputies who are to have these powers. Now comes a statute which does not make a deputy of the marshal; it makes an officer of the United States entirely independent of the marshal, appointed by another authority and which the marshal has no power either to command or to remove, an officer of elections, and without in that creation giving him any powers at all. The consequence is that this arrangement—I will not call it a device in any injurious sense,—this skillful arrangement of language has, to use a railroad phrase, switched the whole force of the statutes about preserving the peace and protecting elections away from anything that these people that you are to have take the place of the old deputy marshals can do. Of course that is perfectly right from the view of the opposite side. They say the laws ought to be repealed altogether, or if not repealed altogether they ought not to be enforced; they ought to be nullified, as we undertook to nullify them and have nullified them, so far as Congress can do it, for nine months by refusing any them, so far as Congress can do it, for nine months by refusing any money to enable the marshals to perform their duties, and in some instances the very duties provided by the statute. Therefore I am not at all surprised that the majority of the Senate is satisfied with this measure. If I were of their opinion, so bravely and openly expressed at the last session and before, that all these laws ought to be wiped off from the statute-book, and if not wiped off that Congress is justified in refusing money to have them carried into effect, I should agree with them and be delighted with this performance. I should be delighted with it, for I might have some faint hope that I could entry a some other department of the Government into agrees to it. entrap some other department of the Government into agreeing to it as a matter of not much importance; but not being of that way of thinking I am unable to go for it.

Let us look a little further about this business. The bill proceeds:

But should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose.

Is there any State in this broad Union that does not have a session of the circuit court of the United States? There is none. Consequently the event upon which a district court may be convened can That is another of the delightful little arrangements of this bill, I will not say designed to take somebody in,—that would

of this bill, I will not say designed to take somebody in,—that would be very unparliamentary and improper,—but designed to effectuate the object that has been avowed all the time of just making the whole provisions of the present laws a dead letter. That it will accomplish with a vengeance. There is not any doubt about that in my mind.

The idea of a deputy involves the idea of a principal, a chief. All the present deputies of the marshals of the United States, whether you call them general deputies or special deputies, are persons who from time to time are appointed by a marshal. They may be removed by him, or they may, if there be occasion for it, be removed by the courts, but they are his personal officers; they are his hands and his eyes, and through him as a part of the executive government of the eyes, and through him as a part of the executive government of the United States, they are the hands and the eyes of the Chief Executive. Almost the whole executive power of the United States, so far as it is coercive, either in the protection of liberty or the punishment of United States, and their deputies, just as in the States the whole executive power of the States in the respects I am now referring to is always exerted through the sheriffs of the respective counties and their deputies; and it is to interfere with this on one special and most important occasion that this scheme is devised.

What power has the President of the United States as the Chief Executive, responsible for the faithful execution of the laws, over these deputies thus provided? The bill does not say that these special deputies of elections, so called, shall be under and in obedience to the command and authority of the marshal himself. The bill does not say that these special deputies of elections shall be under the command and authority of the judges even; but they are a law unto themselves. Every special deputy upon each side of this political array that is to be obtained is just as good as every other special deputy, with nobody to command any of them, and each one of them associating with his fellows to fight for his side of the political occasion. That is where you have come to.

How are you going to get rid of these special deputies, supposing you can find a circuit court in session at some suitable time where they can be appointed? The circuit court appoints these special deputies. Upon the settled principles of law nobody but the circuit court can dispense with them. Once a deputy always a deputy, until the circuit court of the United States by the implied power of removal from the power of appointment removes. Consequently, the stock of special deputies appointed by a marshal for one emergency, on the occasion of a disturbance at an election, as the law now is, and whose services are dispensed with the next day, take their \$3 or \$5, whatever it is, and go away. In this case, being appointed by the circuit court, and the court happening to have adjourned before the election came on, before the time when they had any duties, if they had any at all, they could not be disposed of and removed from office until the next session of the circuit court. The power of removal is only implied from the power of appointment, and as you give the appointment under the Constitution to courts of law and make no provision for

their removal except by implication, there is no authority to remove but by the same power that appoints.

I repeat that deputy marshals so appointed, with no provisions of law fixing their duties and pointing out to whom they shall be responsible and under whose orders they shall act, are just as much beyond the authority of the President of the United States as the Chief Executive to direct them in the execution of their duties, as the clerk of a court is, or as a judge himself. In other words, you have upset from top to bottom the whole scheme that was devised by our fathers and that has existed without question in the laws of the United States and in the laws of every State from the beginning until now in the and in the laws of every State from the beginning until now in the separation of these responsibilities and in the preservation of these powers. But as I say, I am not at all surprised, for the honorable gentlemen who press it repeat at all times, and I suppose they will say it again now, that they are not disturbed at that fact for the simple reason that they are opposed to the whole thing, root and branch. Therefore of course, if they cannot destroy the whole thing en masse, they will paralyze it by inconsistent provisions, by arrangements that raise doubts and difficulties on every side, so as to make it impossible to carry the law into effect; and until they can secure that, the debt the United States has owed these marshals not only in the one instance connected with this business but for their general duties for three-quarters of the year shall not be paid; and that you call continuing and wall selected asserting the state of the security of the s stitutional and well-ordered government, I suppose! Look at another provision of this paragraph:

Said special deputies to be appointed in equal numbers from the different political parties.

Is not that rather novel in the appointment of executive officers of the United States, or of the executive officers of any of the thirty-eight States in this Union? Would Senators on the other side be willing to give us a guarantee or even an intimation that they would preserve a provision of that kind a single month after they had the power serve a provision of that kind a single month after they had the power to get rid of it altogether by a President of their own? Of course they would not. We can all see the fitness and the force in the case of supervisors of election, as they are called, of the just and best representatives of the two contending parties having their witnesses and judges and actors in the scene of counting-out ballots, whether tissue or otherwise, of different parties, just as in a division in the House of Representatives, or if we had it here the Chair would always appoint a gentleman on one side of the question and one on the other side of the question to be the tellers, in order that each might be a check to the other. But how long would it take anybody to get through the Senate a provision that the deputies of the Sergeaut-at-Arms should be equally divided between the two parties? The answer would be (I do not mean the general one that the democrats wanted them all a mere matter of place, which I think we have found out substanas a mere matter of place, which I think we have found out substantially,) that the notion of making the test of the appointment of a deputy sergeant-at-arms political views pro or con is absolutely absurd. The business of the deputy of a sheriff, or of a sergeant-at-arms or of a marshal or of any other executive officer is to do something that the law commands. You might just as well provide that if you got up a company of militia, (and I do not know whether that would be very popular in some States that I know of,) one-half of them should be republicans and the other half should be democrate, and that they should have two colonels, one a democrate and one a and that they should have two colonels, one a democrat and one a republican, and each should command half the time. Why, it makes the whole thing absurd. You cannot carry on a government in that way; but of course, as I say, I know the Senators on the other side wish to make it absurd. So I am sure they will not consider that I am poking fun at their contrivance as a thing that intimates that they are et all dull at this brainess carries the

How would it do to provide (I rather think I should like to do that just now) that one-half the Senators should be appointed from the two different political parties exactly, and then whoever happened to have the Vice-President would be able now and then to succeed if to have the vice-riesdent would be able how and the wind he did not change his mind too often? Would anybody consider that a philosophical way of carrying on a government? Certainly not. way of carrying on a government? a philosophical way of carrying on a government? Certainly not. Yet there might be much more reason in it than in providing that one-half of the executive officers of the United States of any kind shall be of one political persuasion and one-half of another. It is quite apart, as I say, from this question of supervisors of election. It is quite of a piece, although I never would have agreed to that, with the method of selecting jurors which was provided for last year I believe. lieve. My objection to it is not upon the ground that it is not fit that gentlemen of different political parties shall exert the same functions and the same faculties and at the same time and together; they do all the time in the State of Vermont where I live; but the moment you undertake to say by a law that your Republic is to be split up in that way and to be enumerated by fractions and parties, you have

given it a stab.

But look a little further, though I do not want to take too much time about this business. The bill proceeds:

And the persons so appointed shall be persons of good moral character, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Thus you will see that these special deputy marshals of elections, whatever and whoever they may be, can perform no duty out of the voting precinct in which they reside. They are to be "well-known residents of the voting precinct in which their duties are to be performed." The residence and the performance of the duty must both.

concur in respect of location in the voting precinct. What is a voting precinct? The laws of the United States do not establish any. That is left to the laws and regulations of the States so far. The States very frequently, and I do not know but always, leave the regulation of the size of the voting precincts to the governing powers of the respective municipalities. The board of aldermen of the city of New York can therefore cut up the voting precincts (and indeed they are obliged to do it for the convenience of voting to a great extent,) into such small divisions that there you are to have an army of tens of thousands of these special deputy marghals of elections: two or more thousands of these special deputy marshals of elections; two or more thousands of these special deputy marshals of elections; two or more there must be under this bill in each voting precinct, or else your law amounts to nothing at all; you have upset the whole thing and you cannot have any. Suppose you do have them, and here is a voting precinct which embraces one block at the Five Points in the city of New York, or one block near the Sand Lots of San Francisco, where the constituents of my honorable friend [Mr. FARLEY] reside. The

the constituents of my honorable friend [Mr. FARLEY] reside. The law says in that case that Kearney and another fellow on the other side, who would be of different political parties, shall be selected—
Mr. FARLEY. And Davenport on the other side?
Mr. EDMUNDS. Yes, Davenport on the other. That would make them as wide apart as possible, I think; I am obliged to my friend for the suggestion. You have got them, and you have got therefore two men, each one of whom is either the head of a bloodthirsty faction. tion or a representative of that faction; and the law calls upon him by this description to be the representative of the faction, except that he is to have "a good moral character." That is a very elastic term. I have known many men to be hung who had what would be called a statutory good moral character; and I do not know but there are a good many such men who have not been hung who might be, without any serious inconvenience to the interests of the community.

What kind of a preservation of the peace, what kind of a protection of the purity of the elections, what kind of the due and orderly process of law, are you to have by a contrivance of that kind?

Then go a little further. Suppose you have got the best deputy marshal in the world under this provision in a particular precinct. He is authorized to arrest with process, sometimes without, but I am not on that point. He is authorized to arrest. What are his provision is a particular precinct. not on that point. He is authorized to arrest. What are his powers? He has, as I have shown you, no power at all outside of the boundary of that precinct; and he has either got to keep his man in perpetual imprisonment, or the moment he gets outside of the precinct with him on the way to a judge or a commissioner he has no authority to hold him any longer, any more than the marshal of the District of Columbia would have authority to hold anybody in the city of Alexandria, because the law gives him no function, no duty, no power outside of the voting precinct in which he resides and where his duty is to be performed. There would be a general jail delivery. How the roughs of the Sand Lots in San Francisco or of the Five Points of New York would laugh at an arrest that ceased to have all legal validity the moment they had got around the corner and near the next drinking saloon? Yet this is supposed to be the reformatory process of what is called democratic legislation!

It looks to me as if this whole business was one step in an attempt by what people would call revolutionary methods,—and I do not use not on that point. He is authorized to arrest. What are his powers!

by what people would call revolutionary methods,—and I do not use that word in any personal sense, but extraordinary, extra-constitutional methods; I will put it in that way,—to prevent the United States, in the exertion of its present lawful authority, to protect the freedom and purity and uprightness of elections. It is a part of an attempt to overthrow these laws altogether, and if this can be turned into a law it is just as good as if they were overthrown altogether.

into a law it is just as good as if they were overthrown altogether, so far as any power or duty of marshals or their deputies is concerned.

But this, after all, is only one breeze in that great atmosphere of change that this Congress, and the House of Representatives at the preceding Congress, has set on foot. I do not remember at this moment a single statute that has been passed during the rebellion or since its close which was directed to the preservation of liberty, the execution of justice, and the protection of equal rights, that has not been assailed in this Chamber, and that some means or another has not been brought forward to overthrow. This, as it appears to me, is only one brick in that vast edifice of intended extra-constitutional or revolutionary reaction. I remember the bill of the honorable Senator from Kentucky, [Mr. Beck,] and it is now pending, which provided for the repeal of test oaths as he styles them, a very taking title, and yet it is so framed as to give every man who had been an enemy of his country a right to appeal to the Treasury of the United States to pay him for the losses that he had suffered in consequence. It was framed hadler. Whether that was by design or has a local transfer. badly. Whether that was by design or by accident, I do not know that is the effect of it. Then there is the bill of my honorable friend from Maryland [Mr. WHYTE,] whom I see before me, which provides in substance for cutting up root and branch the exertion of the judicial power of the United States in reviewing or relieving from the effect of the decisions of the States in reviewing or the ring in the effect of the decisions of the State courts any cases arising under the Constitution and laws of the United States. That bill provides for the repeal substantially of all that, the repeal of laws though some of them were passed as early as the time of Andrew Jackson, by what was then, more truly than now, a democratic Congress, and approved by that great man, designed to protect the officers and agents of the United States in the securing of justice and in the defense of their rights in the tribunals of the United States. That is to go with these election laws

Then there is the bill of my honorable friend from Delaware [Mr.

BAYARD] now on the Calendar I think, to repeal the present law providing for the appointment of supervisors of elections altogether and to make a new law, inasmuch as it is feared you cannot just now get entirely rid of the old one without putting something in its place, get entirely rid of the old one without putting something in its place, to make a new law, by which the appointment of every supervisor of elections in the United States shall depend upon the will of the present democratic majority in this body, which would be a perfectly safe and convenient thing if you could only get it done.

Then there is the bill of the Senator from Delaware again, running through the same subject of assailing these provisions of law, providing that no arrest shall be made for any crime against the United

States by a marshal of the United States or his deputy on an election day at or about the polls. I have forgotten the exact phraseology of it. Every State has laws that provide for arresting people on election days as well as at other times; but that is not good enough for modern notions. The United States, even on the occasion of the elecmodern notions. The United States, even on the occasion of the election of one part of its own Government, members of the House of Representatives, shall not have power to lay its hands by due process of law upon the biggest criminal that there may be if he takes shelter at a voting precinct. What would be the effect of making a provision of that kind? Only to turn over the ballot-box in every place where there was any disposition to do wrong things, to the absolute secure authority of the mob, or of the ballot-box stuffer, or the tissueballot man, or some governor and his council or their agents, as in the State of Maine, and make a perfectly sure thing of it. That is on your Calendar reported from the Law Committee of this body. That is only another block in this great edifice, which we cannot fail

Then I have noticed, introduced in a former Congress, and I believe now in one house or the other of this, a bill to remove the statute of limitations and all the present safeguards against claims as well as the provisions about loyalty that I have spoken of before, so as to open up once more all that has been lost during the thirteen years of disturbance and trouble that began in 1861. That is still being pushed somewhere. And then, last but not least, there is the famous pushed somewhere. And then, last but not least, there is the famous bill of my friend from Indiana, [Mr. McDonald.] It has not got through yet to be sure. It went through once or twice, but failed somewhere and somehow. That is a bill which declares that for one day or more in the year the President of the United States shall not be Commander-in-Chief of its armed forces, and that on that day the armies of the United States shall not suppress anything, but that there may be a general carnival and riot on that day so far as any years of the President of the Continuing such as any power on the part of the Executive under the Constitution exists to put it down. That bill I believe stands at the head of our Calendar. am only surprised that my honorable friend in his eagerness to carry out his part in this great work of destructiveness and reconstruction on different principles has not pushed it through before this

This is the situation of these things, Mr. President, very briefly stated, and I only need to sum it up by saying that this measure stuck on to a deficiency bill to pay a past-due debt of the United States (the very existence of which would disgrace anybody but us) as the condition upon which it is to be paid is only one block, one link in this chain of propositions and proposals and designs which are in-tended to reverse everything that has taken place and now exists for the security and protection of the people of the United States under its own Constitution.

And so it is, Mr. President, that I hope my honorable friends on the other side will not insist upon pressing it. They had better pass this bill to pay the debt of the United States and leave the changes of its organic laws for more suitable occasions and for better methods. I do not say this because I wish to stir up anybody; quite the reverse. I say it because I wish and feel what so many people profess; and that is a desire for the peace and the good order and the frater-nity of the people of the United States; but that peace and good order and fraternity must be with me a peace that is real, a good order order and fraterinty must be with me a peace that is real, a good order that is equal and fair everywhere, and a fraternity that is what its name implies,—the peace of justice, the peace of equal law, the peace of personal security, the peace of freedom, of fair and just elections, the peace whose processes are in every step equitable and whose final seat and supreme throne is justice everywhere; and justice everywhere can only be had, as we all know, by equal laws justly administered. That is what we desire on this side of the Chamber, and it is relative to the chamber, and it is what we do not intend shall be broken down if we can help it, and I think we can.

purpose to affect another department of the Government. Time will show the effect of the argument which has been made here to-day. show the effect of the argument which has been made here to-day. The democratic party which has been assailed by the Senator from Vermont is the party of the Constitution. The democratic party always stands by the Constitution and the laws made in pursuance of that instrument. When we find laws upon the statute-book that in our judgment are objectionable and laws which conflict with the Constitution, we take measures to repeal such laws.

Fault is found with this bill because it says that said special deputies are "to be appointed in equal numbers from the different political parties. And the persons so appointed shall be persons of good moral character."

moral character.

The honorable Senator from Vermont finds fault with the bill in that regard; and I do not wonder at it. Under the laws of the United States heretofore have been appointed as special deputy marshals and supervisors, keepers of houses of prostitution, convicts just escaped from the State's prison, and I beg to say to you, Mr. President, that the democratic members of the Senate intend to put an end to that class of officials. If the Senator from Vermont chooses to train in that company, he may do so; and if there be any other excellent Senator upon the other side of the Chamber who desires to lift up his voice in favor of that class of officials, we shall be very happy to hear

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The ques-

tion is: Shall the bill pass?

Mr. CONKLING. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) On this bill I am paired with the Senator from Illinois, [Mr. Davis.] If he were here, I should vote against it.

Mr. BURNSIDE, (when his name was called.) On all political questions I am paired with the Senator from New Jersey, [Mr. Mc-Pherson.] If he were here, he would vote "yea" and I should vote

Mr. CAMERON, of Wisconsin, (when Mr. CARPENTER's name was called.) My colleague [Mr. CARPENTER] is paired with the Senator from Arkansas, [Mr. GARLAND.] If the Senator from Arkansas were present and my colleaguge were present, my colleague would vote "nay."

Mr. HILL, of Colorado, (when his name was called.) On all political questions I am paired with the Senator from Arkansas, [Mr. Walker.] If he were here, I should vote "nay."

Mr. INGALLS, (when Mr. Plumb's name was called.) My colleague, [Mr. Plumb,] who is unavoidably absent, is paired on all political questions with the Senator from Missouri, [Mr. Vest.] If present and not paired, my colleague would vote "nay" on this ques-

Mr. FARLEY, (when Mr. Sharon's name was called.) I desire to announce that the Senator from Nevada [Mr. Sharon] is paired on all political questions with the Senator from Oregon, [Mr. GROVER.] If the Senator from Oregon were here, he would vote "yea" and the Senator from Nevada would vote "nay."

Mr. TELLER, (when his name was called.) On this subject I am paired with the Senator from Virginia, [Mr. Johnston.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. EDMUNDS. On this question I am paired with the Senator from Ohio [Mr. Thurman] who is kept at home by sickness. I should vote against the passage of the bill if he were here, and he

would vote against the passage of the old it is well as well would vote for it.

Mr. COCKRELL. My colleague [Mr. Vest] is paired with the Senator from Kansas [Mr. Plumb] on all political questions. Were my colleague present, he would vote "yea."

Mr. WITHERS. My colleague [Mr. Johnston] is paired with the Senator from Colorado, [Mr. Teller.] My colleague, if present, would

Mr. DAWES. I wish to state that my colleague, [Mr. HOAR,] who is necessarily absent, is paired with some Senator on the other side, and the pair was left with me to announce. I am unable to say who the Senator is with whom my colleague was paired, but I know that my colleague was paired, and that if he were present he would vote

The result was announced—yeas 35, nays 21; as follows:

17	17	A	S-		sec.
ж.	ĸ.	а,	2	- 1	w

		TAKEN THE STATE OF	
Bailey. Bayard,	Farley, Gordon,	Kernau, Lamar,	Saulsbury, Slater,
Beck,	Groome,	McDonald,	Vance,
Butler,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Wallace,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Hill of Georgia.	Pryor,	Williams,
Davis of W. Va.,	Jonas,	Randolph,	Withers.
Raton	Jones of Florida	Paneom	

NAVS-21

Anthony, Baldwin.	Cameron of Wis., Conkling.	Kellogg, Kirkwood,	Rolli
Blaine.	Dawes.	Logan.	Wind
Blair,	Ferry.	McMillan.	
Booth.	Hamlin.	Morrill.	
Cameron of Pa.,	Ingalls,	Platt,	

	ABS	ENT-20.	
Allison,	Edmunds,	Johnston,	Sharon,
Bruce,	Garland,	Jones of Nevada,	Teller,
Burnside,	Grover,	McPherson,	Thurman,
Carpenter.	Hill of Colorado,	Paddock,	Vest,
Davis of Illinois,	Hoar,	Plumb,	Walker.

So the bill was passed.

ORDER OF BUSINESS.

Mr. COKE. I move to proceed to the consideration of Senate bill

Mr. McDONALD. I should like, if the Senator from Texas would allow me, to move that the Senate now take up the Geneva award

bill, with the understanding that it be laid aside informally for the purpose of considering the bill that he has referred to.

Mr. ALLISON. That is already the understanding.
Mr. McDONALD. If that is the understanding, all right.
Mr. BLAINE. No; the understanding yesterday was that the Geneva award bill was postponed, and it cannot be taken up except by a

The PRESIDING OFFICER. It requires a motion. Does the Sen-

Mr. COKE. I have not been able to hear the Senator from Indiana.

Mr. McDONALD. I simply desire to reinstate the Geneva award bill as the special order before the Senate, and am then ready to consent that it shall be laid aside informally to take up the bill of the Senator from Texas.

Mr. COKE. I have no objection.

The PRESIDING OFFICER. The Senator from Indiana moves to proceed to the consideration of what is known as the Geneva award

bill.

Mr. DAVIS, of West Virginia. There are two or three bills from the Committee on Appropriations that ought to be considered by the Senate at an early day. There is one especially for the repeal of what are known as permanent annual appropriations. I shall not antagonize the bill of my friend from Texas, but I give notice that as soon as that bill is done with I shall move to take up what is known as the bill repealing the permanent annual appropriations, Senate bill No. 1424, now on the Calendar of the Senate. I will say further that if any one was ready to speak on the Geneva award bill, or if the Senate was ready to vote on it, I should give way, but otherwise I hope the bill to which I call attention will be taken up.

Mr. BLAINE. Do I understand that my friend from West Virginia is going to antagonize that with the Geneva award bill?

is going to antagonize that with the Geneva award bill?

Mr. DAVIS, of West Virginia. I gave notice that if any one was ready to proceed to speak on the Geneva award bill I should give way. It has been the custom of the Senate since I have been here to always give way to a Senator who desired to speak on any subject.

Or if the Senate is ready to vote on that bill I shall not antagonize it.

Mr. BLAINE. There will be either speaking or voting on it, of

Mr. McDONALD. I simply desire that the Geneva award bill shall be reinstated in its proper place as the special order.

The PRESIDING OFFICER. The Senator from Indiana moves

that the Senate proceed to the consideration of what is known as the Geneva award bill.

Mr. INGALLS. What became of the motion offered by the Senator

What became of the motion offered by the Senator from Texas!

The PRESIDING OFFICER. That has been suspended pending the motion of the Senator from Indiana.

The motion was agreed to.
The PRESIDING OFFICER. The bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, is before the Senate.

Mr. McDONALD. Now, I consent that it be laid aside. The PRESIDING OFFICER. The Senator from Texas asks that the pending bill be laid aside temporarily for the purpose of considering Senate bill No. 1509. The Chair hears no objection.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

Mr. COKE. I ask that the substitute reported from the Committee on Indian Affairs yesterday evening be read and treated as the original bill. The original bill was reported some time since.

The PRESIDING OFFICER. The substitute will be read.

Mr. ALLISON. I ask in the consideration of this bill that the substitute way he considered as the original bill and treated as

substitute may be considered as the original bill and treated as

The PRESIDING OFFICER. It will be read as an amendment to the bill in the nature of a substitute.

Mr. TELLER. I should like to know what the effect of that is.

Does it supersede the other bill?

Does it supersede the other bill?

The PRESIDING OFFICER. It will require a vote of the Senate to adopt the amendment as a substitute in place of the original bill.

Mr. TELLER. The other bill vill still be before the Senate?

The PRESIDING OFFICER. It will be.

Mr. COKE. I ask that the substitute reported yesterday be read.

The PRESIDING OFFICER. The Chair has so ordered.

Mr. COKE. And treated as the original bill.

Mr. ALLISON. Cannot that be done?

Mr. TELLER. Why not read the original bill?

The PRESIDING OFFICER. The Secretary will read the substi-

The PRESIDING OFFICER. The Secretary will read the substi-

The PRESIDING OFFICER. The Secretary will read the substitute reported yesterday as an amendment to the bill.

The Secretary read the proposed substitute, as follows:

Whereas certain of the chiefs and headmen of the confederated bands of the Ute
tribe of Indians, now present in the city of Washington, have agreed upon and
submitted to the Secretary of the Interior an agreement for the sale to the United
States of their present reservation in the State of Colorado, their settlement upon
lands in severalty, and for other purposes; and

Whereas the President of the United States has submitted said agreement, with

his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: There-

his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That said agreement be, and the same is hereby, accepted, ratified, and confirmed: Provided, That the said agreement shall be amended by adding to the first clanse thereof, after the words "guilty parties," the words following, to wit: "Until such surrender or apprehension, or until the Secretary of the Interior shall be convinced that every possible effort to effect such surrender has been made, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid;" and by adding to the third express condition of said agreement after the word "forever," the words following, to wit: "Out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following-named persons, during the period of twenty years, if they shall live so long, the following sums respectively: To Mrs. Arivella D. Meeker, \$400; to Mrs. Sophronia Price, \$400; to Mary and John Price, each, \$150; to George Dresser, \$200; to Mrs. Saral M. Post, \$200; to Mrs. Eaton, mother of George Eaton, \$200; to the parents of Arthur Ls. Thompson, \$200; to the father of Fred Shepard, \$200; to the parents of Wilmer Eskridge, \$200; to the father the word "readimend," the words following, to wit: "This sum, together with the annuity of \$50,000 hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities:" And provided also, That three-fourths of the adult male members of said comfederated hands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner he

To each single person over eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section, and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

The said chiefs and headmen of the confederated bands of Utes further promise that they will not obstruct or in any wise interfere with travel upon any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of this groenement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:

First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee-simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incombrance, either by voluntary conveyance of the grantee to his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see f

the following words from article 3 of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of \$25,000 per annum, which sum of \$25,000 per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever," are hereby expressly reaffirmed.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Done at the city of Washington this 6th day of March, A. D. 1880.

(Signed)

OHAVANAUX + his mark.
IGNATIO + his mark.
ALHANDRA + his mark.
VERATZITZ + his mark.
GALOTA + his mark.
JOCKNICK + his mark. WASS SAWAWICK OURAY.

(Signed)

With F. Burns, Interpreter.

W. H. Berny, Interpreter.
OTO Means, Interpreter.
Henny Page, United States Indian Agent, Southern Utes.
CHARLES ADAMS, Special Agent.
Sec. 2. That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, five commissioners, who shall receive compensation for their services at the rate of \$10 per diem while actually engaged, in addition to their actual traveling and other necessary expenses; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to the confederated bunds of the Ute Indians in open conneil for ratification, as provided in the first section of this act; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to the confederated bunds of the Ute Indians in open conneil for ratification, as provided in the first section of this act; and said commissioners shall have a clerk, at a salary of \$200 per month, in addition to his actual traveling and other necessary expenses; and shall act also as disbursing officer for said commissioners. An appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and report the same to the Secretary of the Interior, appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and report the same to the Secretary of the Interior for settlement. It shall be their duty to take a careful census of said Indians, separating them under said census as Follows:

First. Those known as White River Utes.

Second. Those who was a subject to the secretary of the Interior for the provision of the secretary of the Interior may require of the control of the secretary of the Interior of th

under the general direction of the Secretary of the Interior; and they shall render a full and detailed account of such expenditure, with the vouchers therefor, as now provided by law.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided. And upon the completion of said survey and the enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: Provided, That the subdivisions upon which are located improvements to be appraised, as provided for in section 2 of this act, shall be offered to the highest bidder at public sale, after published notice of at least thirty days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until so sold.

Sec. 4. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the

provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to eve and be sued in the courts thereof: Provided, That neither their lands nor personal property shall be subject to taxation or execution upon the judgment, order, or decree of any court for the period named in the above-recited agreement.

SEC. 5. That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart, and hold as a perpetual trust-fund for said Ute Indians, an amount of money sufficient at 4 per cent. to produce annually \$50,000, which interest shall be paid to them per capita in cash, annually, as provided in said agreement.

\$\(\) Sign (0.00), which interest shall be paid to them \(\textit{per capita} \) in cash, annually, as provided in said agreement.

\$\(\text{SE} \). 6. That all salaries paid to any member or members of the Ute tribe under existing treaty stipulations shall be continued for the term of ten years beyond the time fixed in said treaties. And the sum of \(\frac{84}{0.00} \) per annum for the term of ten years shall be distributed by the President at his discretion to such of said Indians as distinguish themselves by good sense, energy, and perseverance in the pursuits of civilized life, and in the promotion of a good understanding between the Indians and the Government and people of the United States, and there is hereby appropriated, et of any moneys in the Treasury not otherwise appropriated, \(\frac{84}{0.00} \) as the first installment for such purpose.

\$\(\text{SE} \text{C} \). That the provisions of chapter 28 of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

\$\(\text{SE} \text{C} \). That the hot springs located in what is known as "The Uncompalgre Park," in the Uncompalgre Valley, and four square miles of land surrounding said springs and within said valley, are hereby reserved, and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart for the benefit and enjoyment of the people; and, so far as practicable, the provisions of sections 2474 and 2475 of the Revised Statutes are hereby made applicable to said tract.

\$\(\text{SEC} \). That for the purpose of carrying the provisions of this act into effect, the \$\(\text{SEC} \). That for the purpose of carrying the provisions of this act into effect, the

SEC. 9. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

For the payment of the expenses of the commissioners herein provided, the sum of \$25,000.

of \$25,000.

For the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, &c., as provided in said agreement and in this act, the sum of \$350,000.

For the sum to be paid to said Ute Indians, per capita, in addition to the \$60,000 now due and provided for, the sum of \$15,000.

For the payment of the appraised value of individual improvements as provided herein, the sum of \$20,000.

For the care and support of the Ute Indians in Colorado for the balance of the current fiscal year, the sum of \$12,000: Provided, That with the exception of the appropriation for expenses of the commissioners, the above appropriation shall become available only upon the ratification of said agreement by three-fourths of the male adult members of the Ute Indians, as provided in this act, and the certification of such fact to the Secretary of the Treasury by the Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Texas asks that this substitute be considered as the bill before the Senate. Is there objection? The Chair hears none, and it will be so regarded.

Mr. COKE. Isend to the desk and ask the Secretary to read the points

that I have marked of the explanation given by the Secretary of the Interior before the Committee on Indian Affairs of this agreement entered into between the executive department and the Ute Indians.

The Secretary read as follows:

The Secretary read as follows:

Now, one of the first things to be considered, probably, is the price to be paid for what they promise to cede to the United States, which price consists in an annuity of \$50,000, and such expenses as may be caused by their settlement, their being provided with the necessary agricultural implements and cattle, and their support until they can support themselves.

Mr. ALISON. You did not specify what amount of agricultural implements and cattle would be supplied.

Secretary SCHURZ. That can now be done only in a general way. The bill submitted here makes appropriation for a certain sum, and I am prepared to lay a schedule of the various items before the committee.

Before proceeding with this point, however, permit me to say that as to the number of commissioners, it seems to me five is the smallest number that could be fixed, considering the duties they will have to perform. I think two of them should accompany the Southern Utes to their place of settlement; two should remain with those who are to settle in the Grand River Valley, leaving one to go with those who make their home on the Uintah reservation. The commissioners are, in the first place, to superintend the formalities under which the consent of the Ute tribe is to be given to this agreement, so that it may be duly certified and come to the executive branch of the Government in a well-authenticated form. They will have to aid the Indians in the selection of their allotments. It appears to me, and I intend so to instruct the commissioners, that it will be conducive to their general interest if the Indians are not settled together in large compact bodies, but in little communities as whites would settle, being, however, not out of reach of the agencies, which will be necessary for some time. In the third place, the commission will attend to the payment to the Indians of the annuities now due, promised in the agreement to be paid immediately, and the appraisal of improvements made by the Indians on the lands they are to giv

sated.

(The Secretary then pointed upon the map of Colorado the present and proposed locations of the Indians)

The Secretary. When the settlement in severalty, with individual fee-title by patent, has taken place, the Indians will necessarily pass under the protection as well as the restraints of law. The courts will then take jurisdiction over them as provided in section 4 of the bill. At the same time, by the section following, the way to citizenship is opened to them as soon as they show themselves fit to assume its responsibilities.

way to citizenship is opened to them as soon as they show themselves fit to assume its responsibilities.

As to the annuity which is provided for in this act to be paid to the Indians in perpetuity, in consideration of the cession of their reservation, all I have to say is that while it may appear to some large, it will appear to others small. Considering the mineral resources the reservation is believed to contain, it is quite possible that one of the sixteen thousand square miles ceded may yield in mineral wealth ten times the sum of money of which we are to pay the interest to these Indians in the shape of an annuity. Besides, such an Indian war as is prevented by this agreement would in all probability have cost ten times as much as this peaceable consistion. On the other hand, if the agreement is accepted, we shall pay the Utes fully as much as their reservation could possibly have been worth to them. It appears, therefore, a fair arrangement both ways.

Now, as to the appropriation of \$350,000 for different objects, I desire to present to the committee a specific schedule showing them how that amount is prospectively to be expended. It will cover the expenses for survey, for houses, saw and grist mills, wagons and harness, stock-cattle, agency buildings and school-bouses, and a small balance for incidentals. Inasunch as we have made these estimates according to prices paid recently, a margin may be required on account of the advance in prices. As to the first item, about forty-four townships will have to be surveyed to accommodate these Indians, at \$1,500 a township; thus \$51,000 will be required for this purpose. It will be necessary to build about one thousand log cabins, which we have estimated to cost \$50 apiece—\$50,000—which seems to me a low estimate. We have asked for three saw-mills, \$18,000; and three grist-mills, \$18,000; one thousand wagons, \$65,000, as we want to give each family one wagon; harness, one thousand double sets, \$20,000; three thousand stock cattle, \$42,000; for agency buildings, \$30,000; and for school-houses, \$25,000, making a total of \$229,000. This leaves a margin for an incidental fund of \$21,000, which I think is necessary, the figuring upon the items being very close. It will require great economy to get on with the sum asked for.

There is one section in this bill touching salaries provided for in former treaties. That was put in especially with reference to Ouray, who at present, for past good services, draws a salary of \$1,000 a year, which will expire in about three years. I am sure it is the opinion of all those who have taken part in this proceeding and who have marked the excellent services rendered by Ouray, who deserves high credit for his good sense and fidelity, that he fully deserves a continuation of this salary. It was therefore provided that his salary should be continued for further ten years, and then at his suggestion it was provided that a small sum of money be put at the disposal of the Fresident of the Unite

Having given these explanations, I can only say that all that could be done by the executive department of the Government for the solution of a great difficulty has been done, and I now remit the matter to the good sense and favorable consid-eration of the two Houses of Congress.

Senator COKE. Is this annuity in perpetuity in accordance with treaty stipu-

eration of the two Houses of Congress.

Senator Coke. Is this annuity in perpetuity in accordance with treaty stipulations?

Secretary Schurz. The annuity of \$50,000 is new, in consideration of the cession of the Ute reservation, which contains twelve million of acres, very nearly. Senator Coke. How much of this land will be reserved for the Indians? Secretary Schurz. They will receive in all about thirty to thirty-four townships, both on and off the reservation.

Senator Invalls. Do you understand, Mr. Secretary, that this proposed agreement is satisfactory to the people of Colorado?

Secretary Schurz. I have had some cenversations with the Senators and the Representative from Colorado. Senator Hill gave me to understand that he thought it would be satisfactory to his people. Senator Tellers tells me that it would not be satisfactory to him unless every Ute left Colorado. Mr. Beleore occupies somewhat middle ground, I believe.

Senator Teller. I did not say exactly that. I said it was just as much a perpetuation of an Indian reservation as the other arrangement.

Secretary Schurz. It is certainly not the perpetuation of an Indian reservation in anything like the old sense. It is not any more so than the settlement of so many whites there would be. I may say that, if there are any people in Colorado who prefer an Indian war to a peaceable settlement, this agreement will of course be unsatisfactory to them.

Senator Coke. And the only difference between their settlement and the settlement of whites is that the lands occupied by the Indians are not taxable and are made inalienable?

Secretary Schurz. That is all. Mr. Belford suggested, and I am glad to be reminded of the matter, that in that section of the bill which makes the lands inalienable for a certain period of years a proviso might be inserted, that in case of the Indians, as coal or whatever other mineral it might be the Indian ower may make a lease to a white person covering that land, subject to the approval of the Secretary Schurz. We have two. By thi

wancement.

Mr. HOOKER. Is the entire amount necessary at once?

Secretary SCHURZ. I do not think the entire amount would be necessary to be expended at once. But some of it would be; for instance, here is the item for surveying, which would have to be done at once. The building of houses we could not proceed with until the allotments are made; so that it will be expended gradually? But the larger portion of the appropriation ought to be available this summer. I repeat, that a failure to appropriate the sum necessary for carrying out the whole, agreement would, in my opinion, seriously endanger the ratification of it by the Indians.

Senator INGALIS. How many Indians do you think will stay in Colorado by vir-

Senator Ingalls. How many Indians do you think will stay in Colorado by virtue of this agreement?

Secretary SCHURZ. That I cannot tell, for I do not know how many Southern Utes may settle on the Upper La Plata, although I do not think there will be many, or

how many Uncompalgres will or can settle on the Grand River bottom in Colorado. The probability is that a majority of them will settle in New Mexico and Utah. As you are aware, the White River Utes are to go to the Uintah reservation altogether.

Mr. AINSLIE. The removal of these people from Colorado, is it satisfactory to the people of Utah and New Mexico?

Secretary SCHURZ. A vote of the people of those Territories would probably favor having no Indians there; but the Indians must live somewhere, and in justice to them we cannot always be governed by the wishes of people who do not want to have any Indians in their neighborhood. Indians have rights just as well as other men.

Mr. COKE. Mr. President— Mr. HARRIS. Will the Senator from Texas yield to a motion that

the Senate proceed to the consideration of executive business?

Mr. COKE. I give way.

Mr. DAVIS, of West Virginia. I hope that will not be done. We have a great deal of business before the Senate.

Mr. COKE. I prefer to speak to-morrow rather than begin at this lets hope. late hour.

Mr. DAVIS, of West Virginia. Then let us lay this bill aside and

take up another.

The PRESIDING OFFICER. The Chair reminds the Senator from West Virginia that there is another order pending, the Geneva award

Mr. DAVIS, of West Virginia. Does the Senator from Tennessee want an executive session for any special purpose?

Mr. HARRIS. Yes, sir. There is business of importance in exec-

Mr. HARRIS. Yes, sir. There is business of importance in executive session that ought to be attended to.

Mr. DAVIS, of West Virginia. I withdraw the objection, but I hope hereafter that we shall continue in open session until the usual time of adjournment, and get bills off the Calendar.

The PRESIDING OFFICER. The question is on the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eleven minutes executive session the doors were recovered, and (at five e'clock

spent in executive session the doors were reopened, and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 1, 1880.

The House met at twelve o'clock m. Prayer by Rev. David Wilson, D. D., Washington, District of Columbia.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

Mr. CHALMERS, by unanimous consent, from the Committee on Pacific Railroads, reported, as a substitute for House bill No. 468, a bill (H. R. No. 5543) to complete the Pacific railway system, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted.

TERMS OF COURT IN COLORADO.

Mr. BELFORD, by unanimous consent, introduced a bill (H. R. No. 5544) to provide for the establishment of terms of court in the district of Colorado; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MILLS. I desire to move that the House will to-day take a recess from half past four until half past seven this evening for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Mississippi [Mr. SINGLETON] desires to submit some reports from the Committee on Printing, which are privileged.

AGRICULTURAL REPORT FOR 1879.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported the following resolution; which was read, considered, and

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for 1879; 220,000 copies for the use of members of the House, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agri-

MEMORIAL ADDRESSES ON HON. ALFRED M. LAY, DECEASED.

Mr. SINGLETON, of Mississippi, from the same committee, reported back, without amendment and with a favorable recommendation, the following resolution:

Be it resolved by the House of Representatives, (the Senate concurring therein,)
That 2,000 copies in book form, suitably bound, of the memorial addresses on the
life and character of Hon. Alfred M. Lay, late a member of the House of Representatives, be printed; 500 for the use of the Senate and 1,500 for the use of the
House of Representatives.

Mr. DUNNELL. Does not this resolution propose to print less than the usual number?

Mr. SINGLETON, of Mississippi. It does; but we have reported back the resolution in the form in which it was introduced by the friends of the deceased.

The resolution was adopted.

REPORT ON DEPRESSION OF LABOR, ETC.

Mr. SINGLETON, of Mississippi, from the same committee, reported

back, without amendment and with a favorable recommendation, the following resolution:

Resolved, That 5,000 copies of the majority and minority reports of the select committee to inquire into the causes of the depression of the industries of the country, and especially labor, on the question of Chinese immigration, be printed for the use of the House.

Mr. HAZELTON. I would like to have any one who is in favor of this resolution give some reason why at this time and under existing this resolution give some reason why at this time and under existing circumstances we should go to the expense of printing this large number of copies of this report. As I understand, it is the report of the committee that went to Chicago and across the continent to California to investigate into the "depression of labor," and found nothing there pertinent to their inquiries, but found prosperity everywhere. The rapid revival of business throughout the country rendered the work of this committee replace and it beautiful to the state of the country rendered the work of this committee replace and it beautiful to the state of the country rendered the state of this committee replace and it beautiful to the state of the country rendered the state of this committee replace and it beautiful to the state of the country rendered the country re The rapid revival of business throughout the country rendered the work of this committee useless, and it brought no beneficial results to the people or to labor in any form whatever. The necessity for which it was created had passed away before it entered upon its work, and any further expense incurred on account of this committee is, in my judgment, a waste of money. It seems to me we had better give the money which it will cost to carry out the purposes of this resolution to the poor; we had better give it to the common schools of the District of Columbia; we had better give it to a missionary fund or to any other good purpose than to publish this doen. sionary fund or to any other good purpose than to publish this docu-ment which can be of no earthly benefit to any person in the United

Mr. SINGLETON, of Mississippi. I am not very far from agreeing with the gentleman myself. [Laughter.] The reason we agreed to report favorably upon this resolution was this: the question of Chi-

nese labor is a very interesting one to the whole country—

Mr. CONGER. But it was never referred to this committee; they have interpolated it into their report without any instructions from

the House

Mr. SINGLETON, of Mississippi. The report embraces another question—the depression in the prices of labor. I must confess I have not examined the report carefully myself; but I take it for granted that the gentleman who offered the resolution considered it very important; and as we thought the House might be glad to get this information, we have reported the resolution favorably.

Mr. HAZELTON. Did I not understand the gentleman from Mississippi to say that he is not in favor of the resolution himself?

Mr. FISHER. I want to ask the gentleman from Mississippi one

Mr. FISHER. I want to ask the gentleman from Mississippi one question—whether any of the witnesses by whom this testimony was given were sworn f

Mr. SINGLETON, of Mississippi. I do not believe they were. Mr. REED. Mr. Speaker, is it in order to move to lay this resolution on the table?

The SPEAKER. It is.

Mr. REED. I make that motion.

The question being taken on agreeing to the motion of Mr. REED, aves 72, noes 72

Mr. WEAVER called for the yeas and nays.

The yeas and nays were ordered.

Mr. ATKINS. Mr. Speaker, is this resolution divisible?

The SPEAKER. The Chair thinks not. At any rate it is not divis-

ible upon a motion to lay on the table.

The question was taken; and there were—yeas 42, nays 151, not voting 99; as follows: YEAS-42.

Blake, Brigham, Garfield, Morton, Updegraff, J. T. Updegr	ı	Aiken,	Evins,	McCook,	Thompson, W. G.
Brigham, Garfield, Morton, Updegraff, Thomas Browne, Hall, Norcross, Valentine, Van Aernam, Conger, Hazelton, Pound, Van Voorhis, Wait, Conger, Hazelton, Pound, Van Voorhis, Wait, Cook, Joyce, Lapham, Reed, Willits. Deering, Lapham, Reed, Stone, McCoid, Stone, Mays—Isl. Lindsey, Richardson, D. P. Elam, McCoid, Stone, Mays—Isl. Lowe, Armfield, Cobb, Geddes, Mauning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, Atkins, Bachman, Cox, Hammond, N. J. McLane, McMahon, Beale, Crowley, Harris, Benj, W. McMillin, Belford, Belford, Culberson, Harris, John T. Mills, Mitchell, Berry, Davidson, Hark, John T. Mills, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Bland, Davis, Joseph J. Herbert, Muller, Bliount, De La Matyr, Hooker, New, Sirigs, Dunn, Hull, Houk, Newberry, Briggs, Dunn, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Butterworth, Errett, Johnston, Phelps, Phister, Cabell, Cabell, Farr, Camon, Felton, Kelley, Richardson, J. S. Robeston, Carpenter, Finley, Claffin, Ford, Ladd, Robeson, Carlaisle, Ford, Ladd, Robeson, Claffin, Ford, Ladd, Robeson, Claris, Proceedings of the Provence of	8	Aldrich, N. W.	Fisher,	Miles,	Tillman,
Brigham, Garfield, Morton, Updegraff, Thomas Browne, Hall, Norcross, Valentine, Van Aernam, Conger, Hazelton, Pound, Van Voorhis, Wait, Conger, Hazelton, Pound, Van Voorhis, Wait, Cook, Joyce, Lapham, Reed, Willits. Deering, Lapham, Reed, Stone, McCoid, Stone, Mays—Isl. Lindsey, Richardson, D. P. Elam, McCoid, Stone, Mays—Isl. Lowe, Armfield, Cobb, Geddes, Mauning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, Atkins, Bachman, Cox, Hammond, N. J. McLane, McMahon, Beale, Crowley, Harris, Benj, W. McMillin, Belford, Belford, Culberson, Harris, John T. Mills, Mitchell, Berry, Davidson, Hark, John T. Mills, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Bland, Davis, Joseph J. Herbert, Muller, Bliount, De La Matyr, Hooker, New, Sirigs, Dunn, Hull, Houk, Newberry, Briggs, Dunn, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Butterworth, Errett, Johnston, Phelps, Phister, Cabell, Cabell, Farr, Camon, Felton, Kelley, Richardson, J. S. Robeston, Carpenter, Finley, Claffin, Ford, Ladd, Robeson, Carlaisle, Ford, Ladd, Robeson, Claffin, Ford, Ladd, Robeson, Claris, Proceedings of the Provence of	4		Frye,	Monroe,	Updegraff, J. T.
Browne, Hall Norcross, Valentine, Caswell, Hawley, Overton, Van Aernam, Conger, Hazelton, Pound, Van Voorhis, Walt, Conger, Lapham, Reed, Wait, Willits. NAYS—151.		Brigham,	Garfield,		Updegraff, Thomas
Caswell, Conger, Hazelton, Pound, Van Aernam, Conger, Joyce, Price, Price, Wait, Willits. Deering, Lapham, Reed, Stone, D.P. Elam, McCoid, Stone, Stone, MAXS—151. Anderson, Clymer, Frost, Lowe, Manning, Geddes, Manning, Atherton, Coffroth, Gillette, Mason, McKenzie, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, McKenzie, Harmer, John T. McLane, McMahon, Beale, Crowley, Harris, John T. Mills, Belford, Culberson, Harris, John T. Mills, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Harkell, Money, Bicknell, Davis, George R. Blackburn, Davis, Horace Bland, Davis, Joseph J. Bliss, Davis, Lowndes H. Herndon, Myers, Bioknell, Bilss, Davis, Lowndes H. Herndon, Myers, Bioknel, Dibrell, Blount, De La Matyr, Hooker, New, Wers, Briggs, Dunn, Hull, Humphrey, O'Reilly, Brirgs, Brirgs, Dunn, Hull, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Michaels, Butterworth, Errett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Carpenter, Clallin, Ford, Ladd, Robeson, Robeson, Carpenter, Clallin, Ford, Ladd, Robeson, Robeson, Carlisle, Ford, Ladd, Robeson, Claracter, Forder, Clallin, Ford, Ladd, Robeson, Robinson,		Browne, .	Hall.	Norcross.	Valentine.
Conger, Cook, Joyce, Frice, Wait, Willits. Crapo, Lapham, Reed, Frice, Willits. NAVS—151. Anderson, Clymer, Frost, Iowe, Mauning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, McKenzie, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, McKenzie, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, McKenzie, Mason, McKenzie, Mason, McKenzie, Mason, McKenzie, Mason, McKenzie, Mason, McKenzie, McKenzie, Mason, McKenzie, McKenz			Hawley.		
Cook, Crape, Lapham, Reed, Willits. Deering, Lindsey, Richardson, D. P. Elam, McCoid, Richardson, D. P. NAYS—151. Anderson, Clymer, Frost, Lowe, Manning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Mason, Atkins, Colerick, Harmer, McKenzie, Mason, Cravens, Harmer, Harris, John T. Beale, Crowley, Harris, John T. Belford, Culberson, Harris, John T. Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Harris, John T. Biland, Davis, George R. Blackburn, Davis, Horace Hayes, Mullrow, Bliss, Davis, Lowndes H. Bliss, Davis, Lowndes H. Blionnt, De La Matyr, Hooker, Niew, Serry, Dounn, Hull, Houk, Newberry, Deurs, Honse, Nicholla, Briggs, Dunn, Bright, Dunnell, Humphrey, O'Reill, Burrows, Ellis, Humphrey, O'Reill, Burrows, Ellis, Humphrey, O'Reill, Cabell, Capel, Fertn, Jonnes, Phelps, Phelps, Carpenter, Clallin, Ford, Ladd, Robeson, Carpenter, Clalin, Ford, Ladd, Robeson, Callardy, Forney, Le Fever, Robinson, Robeson, Callardy, Forney, Le Fever, Robinson, Robeson, Robeson, Callardy, Forney, Le Fever, Richardson, J. S.	8		Hazelton.	Pound.	
Crapo, Deering, Lindsey, Richardson, D. P. Stone, NAYS—151. Anderson, Clymer, Frost, Lowe, Manning, Geddes, Manning, Atherton, Coffroth, Gillette, Mason, McKenzie, Hammond, N. J. McKenzie, McKenzie, Hammond, N. J. McKenzie, Hammond, N. J. McKenzie, Hammond, N. J. McKenzie, Hammond, N. J. McKenzie, McKenzie, Hammond, N. J. McKenzie, Haries, John T. Mills, Mills, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Muldrow, Muller, Hall, Davis, Joseph J. Herbert, Muller, Myers, Hooker, New, Hooker, Nicholls, Briggs, Dunn, Hall, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Phister, Cabell, Errett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Phister, Canpon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clarly, Forney, Le Fevre, Richardson, Robinson, Phelps, Pord, Ladd, Robeson, Clarly, Forney, Le Fevre, Robinson, Robinson, Robeson, Robeson, Robinson, Phelps, Forney, Ladd, Robeson, Robinson, Phelps, Pord, Ladd, Robeson, Robinson, Phelps, Pord, Ladd, Robeson, Robinson, Phelps, Pord, Ladd, Robeson, Robinson, Robeson, Robinson, Phelps, Pord, Ladd, Robeson, Robins	6	Cook.	Jovee.		
Deering, Elam, McCoid, Richardson, D. P. Stone, NAYS—151. Anderson, Clymer, Frost, Lowe, Armfield, Cobb, Geddes, Manning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Bachman, Cox, Hammond, N. J. McLane, McMahon, Beale, Crowley, Harris, Benj. W. McMillin, Belford, Culberson, Harris, John T. Mills, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Biland, Davis, Joseph J. Herbert, Muller, Blount, Bouck, Dibrell, Houk, Newyers, Biouck, Dibrell, House, Mills, New Pers, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, House, Nicholls, Butrows, Ellis, Dunnel, Hull, Humphrey, O'Reilly, Butrows, Ellis, Butterworth, Errett, Johnston, Phelps, Butrows, Ellis, Farr, Jones, Carpenter, Finley, Carpenter, Finley, Clallin, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Clallin, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Clalin, Ford, Clalin, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Carlishon, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Carlishon, Ford, Clare, Massen, Massen, Massen, Massen, J. S. Stone,			Lapham.		
Elam, "McCoid," Stone, NAYS—151. Anderson, Clymer, Frost, Lowe, Mauning, Geddes, Mauning, Atherton, Coffroth, Gillette, Mason, Atkins, Colerick, Gunter, McKenzie, Hammond, N. J. McLane, Bachman, Cox, Hammond, N. J. McLane, Bachman, Cox, Hammond, N. J. McLane, McMahon, Beale, Crowley, Harris, Benj. W. McMillin, Belford, Culberson, Harris, John T. Mills, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herndon, Myers, Blouck, Dibrell, Houke, Newberry, Bouck, Dibrell, Houke, Newberry, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, O'Neill, Burrows, Ellis, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Terett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Cappenter, Finley, Klotz, Roberson, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Roberson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clarine, Prond, Ladd, Robeson, Prond, Ladd, Robeson, Clarine, Prond, Ladd, Robeson, Clarine, Prond, Ladd, Robeson, Robeson, Clarine, Prond, Ladd, Robeson, Clarine, Prond, Ladd, Robeson, Robeson, Robeson, Robeson, Robeson, Clarine, Prond, Ladd, Robeson, Robeson, Clarine, Prond, Ladd, Robeson, Robes		Deering.	Lindsey.		
Anderson, Clymer, Armfeld, Cobb, Geddes, Manning, Atherton, Coffroth, Gelllette, Mason, Atkins, Colerick, Gunter, McKenzie, Bachman, Cox, Hammond, N. J. McLane, McMahon, Beale, Crowley, Harris, Benj. W. McMillin, Belford, Culberson, Harris, John T. Mills, Mills, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, Horace Hayes, Morrison, Biland, Davis, Joseph J. Bilss, Davis, Lowndes H. Herndon, Myers, Blouck, Dibrell, Houk, Newberry, Bouck, Dickey, House, Nicholls, Briggs, Bounn, Hull, Houk, Newberry, Butrows, Biriggs, Butterworth, Errett, Johnston, Phelps, Butrows, Ellis, Butterworth, Errett, Johnston, Phelps, Butrows, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Clallin, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Clallin, Ford, Ladd, Robeson, Clallin, Ford, Clallin, Ford, Ladd, Robeson, Clallin, Ford, Clallin, Ford, Clallin, Ford, Ladd, Robeson, Collins, Ford, Clallin, Ford, Ladd, Robeson, Collins, Ford, Ladd, Robeson, Collins, Ford, Ladd, Robeson, Robinson, Phere, Robinson, Phere, Robinson, Pholps, Ford, Ladd, Robeson, Robinson, Pholps, Ford, Ladd, Robeson, Robinson, Pholps, Ford, Ladd, Robeson, Robinson, Pholps, Robinson, Pholps, Ford, Ladd, Robeson, Robinson, Phere, Robinson, Robinson, Phere, Robinson, Phere, Robinson, Robinson, Phere, Robinson, R		Elam,		Stone,	
Armfield, Atherton, Coffroth, Gillette, Gunter, McKenzie, Mason, McKanzie, McMahon, Harmond, N. J. McMahon, McMahon, Harris, John T. Mills, Mitchell, Haskell, Haskell, Hatch, Money, Mills, Mitchell, Haskell, Hatch, Money, Harris, John T. Mills, Mitchell, Haskell, Hatch, Money, Morrison, Hatch, Money, Harris, John T. Mills, Mitchell, Haskell, Mitchell, Hatch, Money, Morrison, Harris, John T. Mills, Mitchell, Haskell, Mitchell, Hatch, Money, Morrison, Harris, John T. Mills, Mitchell, Mitchell, Haskell, Mitchell, Have, Morrison, Have, Moler, Moller, Moller, Mers, Muller, Moler, New, New, New, New, New, New, Newberry, Hooke, Nicholla, O'Neill, Burrows, Butterworth, Errett, Johnston, Phelps, Page, Phister, Cabell, Cannon, Felton, Garlisle, Ferdon, Kelley, Richardson, J. S. Robertson, Robesson, Carpenter, Clalain, Ford, Ladd, Robesson, Robesson,			NAT	ZS-151.	
Armfield, Atherton, Coffroth, Gillette, Gunter, McKenzie, Mason, McKanzie, McMahon, Harmond, N. J. McMahon, McMahon, Harris, John T. Mills, Mitchell, Haskell, Haskell, Hatch, Money, Mills, Mitchell, Haskell, Hatch, Money, Harris, John T. Mills, Mitchell, Haskell, Hatch, Money, Morrison, Hatch, Money, Harris, John T. Mills, Mitchell, Haskell, Mitchell, Hatch, Money, Morrison, Harris, John T. Mills, Mitchell, Haskell, Mitchell, Hatch, Money, Morrison, Harris, John T. Mills, Mitchell, Mitchell, Haskell, Mitchell, Have, Morrison, Have, Moler, Moller, Moller, Mers, Muller, Moler, New, New, New, New, New, New, Newberry, Hooke, Nicholla, O'Neill, Burrows, Butterworth, Errett, Johnston, Phelps, Page, Phister, Cabell, Cannon, Felton, Garlisle, Ferdon, Kelley, Richardson, J. S. Robertson, Robesson, Carpenter, Clalain, Ford, Ladd, Robesson, Robesson,		Anderson.	Clymer.	Frost.	Lowe.
Atherton, Coffroth, Gillette, Mason, McKenzie, Bachman, Cox, Hammond, N. J. McKenzie, Bachman, Cox, Hammond, N. J. McKenzie, Beale, Crowley, Harris, Benj. W. McMillin, Belford, Culberson, Harris, John T. Mills, Mitchell, Berry, Davidson, Hartis, John T. Mills, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Money, Blouck, Dibrell, Howker, New, Robots, Dibrell, Howker, New, New, Briggs, Dunn, Hull, O'Neill, Briggs, Dunn, Hull, O'Neill, Briggs, Dunn, Hull, O'Neill, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Caplenter, Finley, Carpenter, Finley, Klotz, Robertson, Calalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Caladin, Ford, Ladd, Robeson, Colarise, Ford, Ladd, Robeson, Claring the Mills of the Mills, Robeson, Robeson, Carpenter, Ford, Ladd, Robeson, Claring, Ford, Ladd, Robeson, Robeson, Carpenter, Ford, Ladd, Robeson, Robeson	1	Armfield.	Cobb.		
Akkins, Bachman, Cox, Bayne, Cravens, Beale, Crowley, Belford, Beltzhoover, Belzhoover, Bicknell, Bicknell, Bland, Davis, Joseph J. Biland, Bouck, Blouck, Blouck, Blouck, Bouck, Bouck, Briggs, Briggs, Briggs, Briggs, Briggs, Bright, Burrows, Bright, Burrows, Bright, Burrows, Bright, Burrows, Bright, Burrows, Bright, Burrows, Burrows, Burrows, Briggs, Burrows, Burrows, Burrows, Briggs, Burrows, Bu	1				Mason.
Bachman, Bayne, Cox, Bayne, Cravens, Beale, Crowley, Belford, Beltzhoover, Beltzhoover, Beltzhoover, Bieknell, Barry, Bieknell, Barry, Biackburn, Biackburn, Biackburn, Biackburn, Biackburn, Biackburn, Biackburn, Biackburn, Bilad, Davis, Joseph J. Bliss, Davis, Lowndes H. Blount, Biount, Birigs, Bouck, Bibrell, Boyd, Briggs, Bounn, Bright, Brigs, Bunnell, Bright, Burrows, Bils, Burterworth, Brigs, Butterworth, Brigst, Butterworth, Brigst, Butterworth, Brigth, Brigth, Butterworth, Brigth,	ı				McKenzie.
Bayne, Beale, Cravens, Harmer, McMahon, Beale, Crowley, Harris, John T. Mills, Mills, Belford, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Bliss, Davis, Lowndes H. Herbert, Muller, Blount, Blount, De La Matyr, Hooker, New, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, House, Nicholls, Briggs, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Dunnell, Humphrey, O'Reilly, Butterworth, Errett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Caplenter, Finley, Carpenter, Finley, Carpenter, Finley, Claldin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Clalin, Ford, Ladd, Robeson, Carlisle, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Carpenter, Ford, Ladd, Robeson, Carpenter, Ford, Ladd, Robeson, Claracter, Ford, Ladd, Robeson, Collarin, Ford, Ladd, Robeson, Collarin, Ford, Ladd, Robeson, Collarin, Ford, Ladd, Robeson, Robinson,	9				
Beale, Crowley, Harris, Benj. W. McMillin, Belford, Culberson, Harris, John T. Mills, Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herbert, Muller, Blount, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Bouck, Dibrell, Houk, Newberry, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Robinson, J. S. Carpenter, Finley, Klotz, Roberson, Clallin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clarlins, Ford, Ladd, Robeson, Control of the Robes of t					
Belford, Culberson, Harris, John T. Mills, Beltzhoover, Daggett, Haskell, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herbert, Muller, Blount, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Carleile, Ferdon, Kelley, Carpenter, Finley, Klotz, Carpenter, Finley, Klotz, Clain, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clarloy, Forney, Le Fevre, Robinson,		Beale	Crowley		
Beltzhoover, Daggett, Haskell, Mitchell, Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herndon, Myers, Blout, Dibrell, Houk, Hooker, New, Dibrell, Boyd, Dickey, Honse, Nicholls, Briggs, Dunn, Hull, Humphrey, O'Reill, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Butterworth, Errett, Johnston, Phelps, Cabell, Cabell, Farr, Jones, Phister, Carpenter, Finley, Carpenter, Finley, Clain, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Clalin, Ford, Ladd, Robeson, Claring, Ford, Ladd, Robeson, Claring, Ford, Ladd, Robeson, Claring, Ford, Ladd, Robeson, Clarins, Ford, Clarin, Ford, Ladd, Robeson, Clarins, Ford, Ladd, Robeson, Corporation, Ford, Ladd, Robeson, Robinson,		Belford	Culberson	Harris John T.	
Berry, Davidson, Hatch, Money, Bicknell, Davis, George R. Hawk, Morrison, Blackburn, Davis, Horace Hayes, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herbert, Muller, Blount, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Boyd, Dickey, Honse, Nicholls, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Carlisle, Ferdon, Kelley, Carpenter, Finley, Klotz, Carpenter, Finley, Klotz, Clain, Ford, Ladd, Robeson, Clarldy, Forney, Le Ferve, Robinson,	1			Haskell.	
Bicknell, Davis, George R. Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herndon, Myers, Blouck, Dibrell, Houker, Hooker, New, Boyd, Dickey, Honse, Nicholls, Briggs, Dunn, Hull, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Cabell, Farr, Jones, Carjenter, Finley, Carjenter, Finley, Klotz, Robertson, Clallin, Ford, Ladd, Robeson, Clarldy, Forney, Le Ferver, Robinson, Phore, Robinson, Clarldy, Forney, Le Ferver, Robinson, Robeson, Clarldy, Forney, Le Ferver, Robinson, Robeson, Clarldy, Forney, Le Ferver, Robinson, Robeson, Carjender, Forney, Le Ferver, Robinson, Pholoson, Robeson, Robinson, Robeson, Robinson, Robinson, Robeson, Robinson, Robin	1				
Blackburn, Davis, Horace Hayes, Muldrow, Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herndon, Myers, Blout, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reill, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Phister, Camon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffy, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,	4	Bioknell	Davis George P		Morrison
Bland, Davis, Joseph J. Herbert, Muller, Bliss, Davis, Lowndes H. Herndon, Myers, Blount, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Bouck, Dibrell, House, Nicholls, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Gabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clarldy, Forney, Le Fevre, Robinson,			Davis Horace		Muldrow
Bliss	ı		Davis, Horaco	Horhort	
Blont, De La Matyr, Hooker, New, Bouck, Dibrell, Houk, Newberry, Boyd, Dickey, Honse, Nicholla, Brigs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Carlon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Clailin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,	,		Davis, Joseph J.		
Bouck, Dibrell, Houk, Newberry, Boyd, Dickey, Honse, Nicholla, Briggs, Dunn, Hull, O'Neill, Bright, Donnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Sutterworth, Errett, Johnston, Phelps, Cabell, Cabell, Farr, Jones, Phister, Carpisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Clalin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,		Elount	De La Matra	Hooker.	New
Boyd, Dickey, Honse, Nicholls, Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Clain, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,	,	Ronok	Dibrell		
Briggs, Dunn, Hull, O'Neill, Bright, Dunnell, Humphrey, O'Reilly, Burrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Carlisle, Ferdon, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,			Diekey		
Bright, Dunnell, Humphrey, O'Reilly, Butrows, Ellis, Hunton, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,			Dann.		
Burrows, Ellis, Hunfon, Page, Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Clailin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,		Bright	Dannell		
Butterworth, Errett, Johnston, Phelps, Cabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,		Burrows		Hunton	Page
Cabell, Farr, Jones, Phister, Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,				Johnston	Phelps
Cannon, Felton, Jorgensen, Reagan, Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,	1				Phister.
Carlisle, Ferdon, Kelley, Richardson, J. S. Carpenter, Finley, Klotz, Robertson, Claftin, Ford, Ladd, Robesson, Clardy, Forney, Le Fevre, Robinson,	1				
Carpenter, Finley, Klotz, Robertson, Clain, Ford, Laid, Robeson, Clardy, Forney, Le Fevre, Robinson,		Carlisle		Kelley.	Richardson, J. S.
Claffin, Ford, Ladd, Robeson, Clardy, Forney, Le Fevre, Robinson,			Finley.	Klotz.	Robertson.
Clardy, Forney, Le Fevre, Robinson,		Claffin.	Ford.		Robeson,
		Clardy.		Le Fevre.	
	l	Clark, John B.	Forsythe,	Lewis,	Rothwell,

Russell, W. A.

leged questions.

Ryan, Thomas	Sparks,	Tucker,	Weaver,
Ryon, John W.	Springer,	Turner, Oscar	Wellborn.
Samford,	Starin,	Upson,	Whiteaker,
Sawyer,	Steele,	Urner.	Williams, C. G.
Scales,	Stephens,	Vance.	Williams, Thomas
Shallenberger,	Stevenson,	Voorhis.	Willis,
Shelley.	Talbott,	Waddill,	Wise,
Singleton, O. R.	Taylor,	Ward,	Yocum.
Slemons,	Thomas,	Warner,	Toolin.
	(A)	OTING-99.	
Acklen,	Ewing,	Kitchin.	Richmond.
Aldrich, William	Field,	Enott,	Ross,
Bailey,	Fort,	Loring,	Russell, Daniel L.
Baker,	Gibson,	Lounsbery,	Sapp,
Ballou,	Godshalk.	Marsh.	Sherwin,
Barber,	Goode,	Martin, Benj. F.	Simonton.
Barlow,	Hammond, John	Martin, Edward L.	Singleton, J. W.
Bingham,	Heilman,	Martin, Joseph J.	Smith, A. Herr
Bowman.	Henderson,	McGowan,	Smith, Hezekiah B.
Bragg,	Henkle,	McKinley,	Speer,
Brewer,	Henry,	Miller,	Townsend, Amos
Buckner,	Hill,	Morse,	Townshend, R. W.
Caldwell.	Hiscock.	Murch,	Turner, Thomas
Calkins,	Horr,	Neal,	Tyler.
Camp,	Hostetler.	O'Brien,	Wells,
Chalmers.	Hubbell.	O'Connor.	White,
Chittenden,	Hurd,	Orth.	Whitthorne,
Clark, Alvah A.	Hutchins,	Osmer,	Wilber.
Converse,	James,	Pacheco,	Wilson,
Covert,	Keifer,	Persons,	Wood, Fernando
Cowgill,	Kenna,	Philips,	Wood, Walter A.
Deuster,	Ketcham,	Pierce,	Wright,
Dick.	Killinger,	Poehler.	Young, Casey
Dwight,	Kimmel,	Prescott,	Young, Thomas L.
Einstein,	King.	Rice.	21
	refused to lay the	resolution on the	e table.

Smith, William E. Thompson, P. B. Washburn,

During the roll-call,

Mr. KENNA said: Mr. Speaker, I am paired with Mr. Brewer. If not paired, I should vote in favor of printing the report.
Mr. CLARK, of Missouri. My colleague, Mr. Philips, is detained

from the House by illness.

The following pairs were announced from the Clerk's desk:
Mr. Singleton, of Illinois, with Mr. Aldrich, of Illinois.
Mr. Lounsbery with Mr. Bailey.
Mr. Bayne with Mr. Martin, of Delaware, on all political ques-

tions

Mr. BAYNE. Not regarding this as a political question, I have voted "no."

Mr. Barber with Mr. Poehler. Mr. Prescott with Mr. Richmond for one hour.

Mr. Hill, of Ohio, with Mr. Rick, of Massachusetts, from April 1 to April 15, inclusive, except when necessary to make a quorum. Mr. THOMAS TURNER, for the balance of the week, with Mr. Mc-GOWAN.

Mr. Acklen with Mr. Killinger. Mr. Townsend, of Ohio, with Mr. Evins. Mr. Bragg with Mr. James.

Mr. BOUCK with Mr. McKINLEY.

Mr. BOUCK. By the terms of my pair with Mr. McKinley, I am authorized to vote at this time.

Mr. Townshend, of Illinois, with Mr. Henderson.
Mr. Hammond, of New York, with Mr. Simonton.
Mr. Goode with Mr. Osmer.
Mr. Einstein with Mr. Clark, of New Jersey.
Mr. Whitthorne with Mr. Ketcham.

Mr. PIERCE with Mr. KIMMEL. Mr. DICK with Mr. MARTIN, of West Virginia.

Mr. FORT with Mr. O'BRIEN.
Mr. WILSON with Mr. ORTH.
Mr. COVERT with Mr. YOUNG, of Ohio.
Mr. CONVERSE with Mr. SAPP.

Mr. MARTIN, of North Carolina, with Mr. KITCHIN until Monday

Mr. Smith, of Pennsylvania, with Mr. Henry. Mr. Loring with Mr. Speer. Mr. Sherwin with Mr. Wright.

Mr. FERNANDO WOOD with Mr. CHITTENDEN, on all political ques-Mr. FERNANDO WOOD WITH Mr. CHITTENDEN tions, from March 30 to April 6. Mr. SMITH, of Georgia, with Mr. WILBER. Mr. CALDWELL with Mr. HEILMAN. Mr. HOSTETLER with Mr. HORR. Mr. O'CONNOR with Mr. BOWMAN. Mr. BALLOU with Mr. SMITH, of New Jersey.

Mr. COWGILL with Mr. WELLS. Mr. MULLER with Mr. MILLER.

Mr. PACHECO with Mr. BINGHAM.

Mr. Pacheco with Mr. Bingham.

The vote was then announced as above recorded.

Mr. Singleton, of Mississippi. I demand the previous question on the adoption of the resolution.

The SPEAKER. The Chair will take the last vote as decisive and will consider the resolution adopted, if there be no objection.

There was no objection, and it was ordered accordingly.

Mr. CONGER. Having had our 1st of April amusement, I demand now the regular order.

The SPEAKER. Reports from the Committee on Printing are the regular order of business.

regular order of business.

Mr. HUNTON. I rise to a privileged question.

The SPEAKER. Reports of the Committee on Printing are privi-

REPORT ON BEET SUGAR.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported back the following resolution, with an amendment to insert after the word "resolved" the words "the Senate concurring:"

Resolved, That there be printed 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture February —, in pursuance of a resolution of the House of Representatives; of this number, 15,200 copies shall be for the use of the House of Representatives, 3,800 for the Senate, and 1,000 for the Department of Agriculture.

The amendment was agreed to; and the resolution, as amended, was adopted.

RECORD OF MILITARY OPERATIONS OF GENERAL BUELL.

Mr. HAYES. I desire to make an adverse report from the Committee on Printing, to whom was referred the following resolution on the 23d of May, 1879.

The SPEAKER. The resolution will be read.
The Clerk read as follows:

Resolved, That — of the revised record prepared by Ben. Pitman from his original stenographic notes as recorder of the military commission, under a resolution of the House of Representatives of the Forty-second Congress, and now on file in the office of the Clerk, to replace the missing proceedings of the commission which investigated a portion of the military operations of Major General Don Carlos Buell in the summer and fall of 1862, together with the opinion rendered by the commission, the map of the field of operations, General Buell's statement in review of the evidence, and his letter to the Adjutant-General of the Army, dated April 10, 1864, relative to the opinion of the commission, be printed, and that the various parts of oral and documentary evidence embraced in the record be numbered and indexed in one consecutive series, for convenience of reference.

The SPEAKER. The resolution will be laid on the table and the adverse report printed.

UNITED STATES OFFICIAL GUIDE.

Mr. HAYES also, from the Committee on Printing, submitted an adverse report on the following resolution; which was laid on the table, and the adverse report ordered to be printed:

Resolved by the House of Representatives, (the Senate concurring,) That 2,000 additional copies of the United States Official Guide be printed; 500 for the use of the Senate, and 1,500 for the use of the House.

METRIC SYSTEM.

Mr. HAYES. I am also directed by the Committee on Printing, to whom was referred the following resolution, to report the same with favorable recommendation.

The SPEAKER. The resolution will be read.
The Clerk read as follows:

 $Resolved,\ {\it That}\ 10,000\ additional\ copies\ of\ House\ report\ 203,\ second\ session\ Forty-sixth\ Congress,\ be\ printed\ for\ the\ use\ of\ the\ House.$

Mr. STEPHENS. That is the resolution which I reported from the Committee on Coinage, Weights, and Measures, for the printing of 10,000 additional copies of the metric system of coinage, for which there is a considerable demand at this time. The report in question embraces a report upon the bill for the metric silver dollar, for the metric double eagle, and for the metric "stella." I simply state to the House that there is a very general demand for this, which was favorably reported from the Committee on Coinage, Weights, and Measures.

The resolution was agreed to.

ECLIPSE OF 1878.

Mr. HAYES also, from the Committee on Printing, submitted a report on Senate concurrent resolution of January 29, 1880, providing for the printing of 5,000 additional copies of the report of the Naval Observatory of the eclipse of 1879—1,500 copies for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory, with the following amendments:

In line 4 strike out "1879" and insert "1878." Second. In lines 4 and 5 strike out "1,500" and insert "1,000." In line 6 strike out "2,500" and insert "3,000."

The amendments were agreed to. The resolution, as amended, was agreed to.

NATIONAL EIGHT-HOUR LAW.

Mr. NEWBERRY. I desire to present at this time the petition of a number of citizens of the first congressional district of Michigan, asking the enforcement of the national eight-hour law, and I ask that the body of the petition be printed in the RECORD and that it be referred to the Committee on Education and Labor.

There was no objection, and it was ordered accordingly.

The petition is as follows:

The petition is as follows:

Whereas the act of 25th June, 1868, to be found on page 77 of the Statutes at Large, volume 15, and embodied in section 3738 of the Revised Statutes, constituted eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and

Whereas the President of the United States and it is proclamation, to be found on page 1127 of the Statutes at Large, volume 16, directing that no reduction should be made in the wages of laborers, workmen, and mechanics in the employment of the United States by reason of the reduction of the hours of labor; and

Whereas the President of the United States did, on the 11th day of May, 1872, issue another proclamation, to be found on page 955, in the appendix, Statutes at Large, volume 17, again calling attention to the aforesaid act of 25th June, 1868,

and directing all officers of the Executive Departments having charge of the employment and payment of laborers, workmen, and mechanics to make no reduction in wages on account of the reduction of the hours of labor; and
Whereas the act of 18th May, 1872, to be found on page 134 of the Statutes at Large, volume 17, and embodied in section 3889 of the Revised Statutes, under the head of permanent annual appropriations under the War Department, page 727, provided that all laborers, workmen, and mechanics in the employment of the United States whose wages had been decreased under the idea that such decrease was warranted by the aforesaid act of 25th June, 1868, should, notwithstanding, be paid without any such decrease; and
Whereas the true meaning, spirit, and intent of said act and proclamations have been again vitiated by an interpretation under which the said employes have been required to work ten hours at day: Therefore.

Be it resolved. That we demand the strict and rigid enforcement of the national eight hour law, as passed by Congress June 25, 1868, according to its plain and obvious meaning that eight hours shall constitute a day's work—"a day's work that should bring a day's wages."

Resolved. That equity and justice alike demand that pro rata wages be paid for all extra hours of labor performed, which, under the unjust and strained interpretation by the heads of Departments of the United States, have been withheld from the employes of the Government.

Resolved. That the construction placed upon the act of June 25, 1868, by the above-recited acts and proclamations should also be carefully and impartially applied by Congress to the labor of all laborers, workmen, mechanics, teamsters, watchmen, and ship-keepers employed by or in behalf of the United States since the 25th of June, 1868, and to all such as may be so employed hereafter.

We, the undersigned, citizens of the United States, request our Senators and Representatives in the Forty-sixth Congress of the United States of America to vote for such le

ROBERT L. MARTIN.

Mr. HUNTON. I rise to what I consider a privileged question.
The SPEAKER. The gentleman will state it.
Mr. HUNTON. I desire to move to lay upon the table the motion entered by the gentleman from Michigan [Mr. CONGER] to reconsider the vote by which the joint resolution (H. R. No. 255) for the relief of Robert L. Martin was passed.
Mr. CONGER. I do not know that the gentleman from Virginia

has the right to make that as a privileged motion.

The SPEAKER. The gentleman from Virginia has that right under the rule.

Mr. CONGER. I gave notice merely of the motion to reconsider.
The SPEAKER. The gentleman entered the motion to reconsider.
Mr. CONGER. And I do not call it up at this time.
Mr. HUNTON. I bring up the question now because I am under the impression the gentleman from Michigan will withdraw the mo-

tion to reconsider.

Mr. CONGER. I stated to the gentleman from Virginia, after examining the subject, that I was willing to withdraw the motion to reconsider. But now the gentleman moves to lay the motion to re-

consider on the table.

Mr. HUNTON. I merely bring it up that the gentleman from Michigan himself may make the proposition and withdraw the motion. With that view I withdraw the motion to lay on the table.

Mr. CONGER. After examination of the subject and the statement of the gentleman from Virginia I withdraw the motion to reconsider.

ORDER OF BUSINESS.

Mr. THOMPSON, of Kentucky. I move that the morning hour be dispensed with in order that the House may proceed to the consideration of the special order, which is the census bill.

Mr. CONGER. I suggest that that might be taken up immediately

Mr. CONGER. I suggest that that might be taken up immediately after the morning hour.

The SPEAKER. The gentleman from Kentucky has the right to test the sense of the House on dispensing with the morning hour, which can only be done by a two-thirds vote.

Mr. BLACKBURN. By instruction of the Committee on Appropriations I was about to move to dispense with the morning hour in order that the House might proceed with the consideration of what is known as the postal deficiency bill. I am assured, however, that the census bill in charge of my colleague [Mr. THOMPSON] will only require fifteen or thirty minutes.

Mr. THOMPSON, of Kentucky. It will not economy more than that

Mr. THOMPSON, of Kentucky. It will not occupy more than that time, for I propose to call the previous question immediately.

Mr. BLACKBURN. Then I hope we may agree to dispense with the morning hour and let this little bill be pushed out of the way of other business by the action of the House.

The question being taken on the motion to dispense with the morning hour, there were—ayes 84, noes 36.

Mr. NEWBERRY. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. Thompson, and the gentleman from Pennsylvania, Mr. BAYNE.

The House again divided; and the tellers reported—ayes 109, noes 42. So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

was dispensed with.

THE CENSUS.

Mr. THOMPSON, of Kentucky. I now call up the special order, being the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, with amendments, reported by the Committee on the Census. The bill was read, as follows:

Be it enacted, &c. That all mail matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent, his chief clerk, supervisors, or enumerators, and indorsed, "Official business, Department of the In-

terior, Census Office," shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

Sec. 2. That the seventeenth section of an act entitled "An act to provide for the taking of the tenth and subsequent censuses" be amended by striking out so much thereof as provides that schedule 1 contain an inquiry as to the naturalization of foreign-born persons, and that schedule 4 contain an inquiry relating to the ownership of the public debt of the United States, by whom owned, and the respective amounts.

Sec. 3. That section 17 of the act aforesaid be so amended as to allow the report which the Superintendent of the Census is required to obtain from railroad corporations, incorporated express companies, telegraph companies, and insurance companies to be made for the fiscal year of the incorporation or company having its termination nearest to the 1st of June, 1880.

Sec. 4. That section 19 of the aforesaid act shall be amended so as to require the enumeration to commence upon the 1st day of June, 1880, and further so as to require the enumeration of population in cities having over ten thousand inhabitants shall be taken within two weeks from the 1st day of June, 1880.

Sec. 5. That section 5 of the act aforesaid shall be amended so as to allow that in case it shall occur in any enumeration district that no person qualified to perform, and willing to undertake, the duties of enumerator, resides in that district, the supervisor may appoint any fit person resident in the county to be the enumerator of that district.

Sec. 6. That section 9 of the act aforesaid be, and the same hereby is, so amended as to require each enumerator, immediately after completing the enumeration of

and whing to indertake, the duties of enumerator, resides in that district, the supervisor may appoint any fit person resident in the county to be the enumerator of that district.

Sec. 6. That section 9 of the act aforesaid be, and the same hereby is, so amended as to require each enumerator, immediately after completing the enumeration of the population of his district and before forwarding the same to the supervisor, to make and file in the office of the clerk of the county court or in the office of the court or board of administering the affairs of the county to which his district belongs a list of the names, with age, sex, and color, of all persons enumerated by him, which he shall certify to be true, and for which he shall be paid at the rate of ten cents for each one hundred names. He shall give notice by written advertisement at three or more public places in his district that he will be at the court-house of said county on the fifth day after filing said list, not including Sunday, from nine o'clock a. m. to six o'clock p. m. and the following day for the purpose of correcting his enumeration by striking out or adding the designation of persons improperly enumerated or omitted; and on the days so designated he shall, in accordance with said notice, proceed to correct, on such reliable information as he may obtain, all omissions and mistakes in such enumeration, and to that end he may swear and examine withcesses who shall testify subject to the pains and penalties of perjury. The result of such inquiry for correction and the whole number of persons by him enumerated, he shall make known to the bystanders, if any. And the time given enumerators by said act to make return to supervisors is hereby extended fifteen days; and within five days from the expiration of the time given for correcting his schedule of inhabitants each enumeratorshall make a full, true, and perfect copy of all schedules made by him, which he shall forward with the original as duplicate returns to the supervisor of his district in su

longs.

SEC. 8. That to pay the enumerators for the additional services required by this act, the sum of \$350,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated.

The report of the Committee on the Census was read, as follows:

That they have considered the bill (8. No. 885) and report the same back to the House, agreeing to sections 1, 3, 4, 5, and disagreeing to sections 2, 6, 7, and 8. They therefore amend said bill by striking out sections 2, 6, 7, and 8 of said Senate bill, and inserting therein section 9, as follows:

"The Superintendent of Census shall collect and publish the statistics of the population, industries, resources, of the district of Alaska, with such fullness as he may deem expedient, and as he shall find practicable under the appropriations made, or to be made, for the expenses of the tenth census."

Mr. THOMPSON, of Kentucky. I move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. THOMPSON, of Kentucky, moved to reconsider the vote by
which the main question was ordered; and also moved that the
motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is on agreeing to the amendments of the gentleman from Rhode Island, [Mr. Aldrich,] who claims the right to the floor for fifteen minutes under the third clause of Rule XXVIII, which the Clerk will read.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

Mr. ALDRICH, of Rhode Island. Do I understand that the gentleman from Kentucky [Mr. Thompson] does not propose to occupy the fifteen minutes allowed him under the rule?

Mr. THOMPSON, of Kentucky. I yield to the gentleman from Rhode Island that he may occupy his fifteen minutes in opposition to the report of the committee.

Mr. ALDRICH. I think the gentleman from Kentucky should

occupy his time first.

The SPEAKER. The practice has been uniform that the gentleman in charge of a bill should have the conclusion of the debate. There was an instance the other day in which a controversy arose upon that point, and the point was ruled upon as the Chair has now

indicated Mr. COX. Let the gentleman from Rhode Island go on. Mr. ALDRICH, of Rhode Island. Among the general inquiries required by the census act of March 3, 1879, to be made by enumerators was one in relation to the naturalization of foreign-born persons, and another in relation to the ownership of the public debt. These two inquiries were stricken from the schedules by the second section of the Senate bill now before the House. The House Committee on the Census recommend a disagreement with the Senate in this section. For the purpose of calling the attention of the House to the fact that this recommendation is not in accord with the wishes or the judgment of the Superintendent of the Census I ask that the letter which I send to the Clerk's desk may be read. I send to the Clerk's desk may be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE, Washington, D. C., March 30, 1880.

Department of the Intermor, Cansus Office,
Washington, D. C., March 30, 1880.

Sir: I have the honor to be in receipt of your communication of the 37th instant asking whether the inquiry in relation to the naturalization of foreign-born persons required by the census act of March 3, 1879, can be made in such manner as to secure valuable or reliable results.

In reply I would say that in my opinion the census, as at present organized, is not a competent agency for prosecuting an inquiry of this nature. It is to be borne in mind that under the American system of taking the census the questions on the schedules are, as a rule, asked of women.

The enumerators make their rounds during the day, when the men of the family are in the field, at the shop, or on the road.

Few Irish, German, or Scandinavian women, I apprehend, could give a definition of naturalization. For that matter, how many American women can tell what is the legal process by which an alien becomes a citizen? Even so far as the other sex is concerned, I do not feel sure that were correct answers to two or three questions relating to naturalization made a condition of appointment, it would be easy to secure cumerators in every one of the thirty thousand census districts. How large a preportion of men unlearned in the law could tell, off-hand, the standing, in this regard, of a person who came to the United States in his eighteenth year, and is now of age?

And it is also to be borne in mind that the enumerator, even if he understands the question himself, has no practical test available by which to assure himself of the woman's knowledge of her husband's, her father's, or her brother's status, or to help her in her answer to the inquiry. Shall he ask: "Does your husband vote?" But in many States foreigners are allowed to vote on taking out their first papers; in some, on a mere declaration of intention. Moreover, many men who are naturalized do, by reason of distance, of occupation, or of indifference to political affairs, refrain from voting.

The ce

Very respectfully,

FRANCIS A. WALKER, Superintendent of Census.

Hon. N. W. Aldrich, United States House of Representatives.

Mr. ALDRICH, of Rhode Island. I ask the Clerk also to read that portion of the report of the Superintendent of the Census which I have marked.

The Clerk read as follows:

In two minor matters, strictly matters of detail, it is deemed proper to request supplemental legislation; these are—

Eirst. The extension of the privilege of free transmission through the mails to matter directed to the Census Office, in answer to its inquiries, or in compliance

First. The extension of the privilege of free transmission through the mails to matter directed to the Census Office, in answer to its inquiries, or in compliance with its requests.

\[
\] Second. The abandonment of the interrogatory relating to the ownership of the public debt.

The first of the proposed provisions would simply obviate the necessity of one department of the Government paying to another department considerable sums in postage on the public service, involving the keeping of unnecessary accounts and an increase of the apparent cost of the census.

The second would result in removing from the course of the enumeration what is likely to prove a not inconsiderable obstacle. The inquiry respecting the public debt can possibly have no valuable result, inasmuch as the great proportion of these obligations are held by public institutions, banking and insurance corporations, charitable trusts, &c., so that were every householder to answer the question correctly, the information obtained would be partial and fragmentary, accounting for but a part of the body of the debt.

But secondly, it should be remembered that, in spite of the scheme of "prior schedules" in any degree to which it is likely to be used by the Census Office, the questions on the census schedules will often have to be answered by the women of the family in the temporary or protracted absence of the head thereof.

Usually it may be assumed that the wife or daughter knows little or nothing respecting the investment of the family property, and even in the cases where the knowledge existed, would hesitate to answer on such a point without the consent of the head of the family. It is a fundamental maxim of enumeration that as few matters as possible should be introduced in the house-to-house inquiry, respecting

which the wife and the grown daughter cannot be assumed to be equally intelligent with the husband and father.

Thirdly, even when the head of the family is present, the inquiry respecting property in United States bonds is unlikely to secure trustworthy answers, and is certain to provoke distrust and engender animosity.

On every account, therefore, the Superintendent deems it desirable that the interrogatory should be stricken from the schedule.

Mr. ALDRICH, of Rhode Island. As the inquiry in relation to the Mr. ALDRICH, of knode island. As the inquiry in relation to the naturalization of foreign-born persons has no practical importance, so far as I know, outside of the limits of my own State, I may perhaps be pardoned for saying a single word in behalf of the people I represent. I want it distinctly understood that I am not opposed to making this inquiry. All that we ask is that it shall not be made in this unsatisfactory and inconclusive mainer.

If, as I apprehend, the results of this inquiry are to be used here-after in determining the extent of the abridgment of suffrage in my State, for the purpose of affecting its representation on this floor under the second section of the fourteenth amendment of the Constitution, we certainly have a right to demand that the inquiry shall be

made in such a manner as to secure accurate results.

The people of my State desire the information contemplated by this inquiry. A petition asking for it has been signed by a large number of reputable citizens of Rhode Island who are opposed to the system of suffrage now in existence there. If obtained, it would set-tle disputes of some local importance, and I would be very glad if Congress would make an appropriation and give the Census Bureau the requisite authority to make such an examination and ascertainment of all the facts as that suggested by the Superintendent of the Census, as possible. But the gentleman in charge of this bill feels constrained to decline to yield to me to offer an amendment to this

Mr. THOMPSON, of Kentucky. I cannot do so.
Mr. ALDRICH, of Rhode Island. Then I hope that the House will
concur in the action of the Senate. Such an inquiry as that proposed
would be worse than useless. It would decide nothing, would have
no value for either friend or foe of suffrage system, as it would be made by means which are confessedly inadequate, and with notice given in advance, by the very highest authority, that the results ob-tained would be absolutely worthless.

I call for a separate vote on the amendment to strike out the second section of the Senate bill, and I hope the section will not be stricken

Mr. MILLS. Why not concur in the amendments recommended by the committee, and send the matter to a conference where it can be

Mr. ALDRICH, of Rhode Island. I prefer not to do that.
Mr. THOMPSON, of Kentucky. I did not desire to say anything on this subject, but what the gentleman from Rhode Island [Mr. Al-DRICH] has said may call for a few remarks from us to explain why we do not agree to all contained in the Senate bill. On examination it will be found that the fourteenth amendment to the Constitution of the United States requires that this very information shall be ascertained by the census, in order that, if Congress so desires, the four-teenth amendment may be enforced.

Mr. ALDRICH, of Rhode Island. Will the gentleman read any portion of the fourteenth amendment which requires this information

obtained by the census?

Mr. THOMPSON, of Kentucky. There is but one way in which it can be ascertained, and that is through the medium of the census. How else can you ascertain these facts? The basis of representation in each State is ascertained from the census returns and in no other There is no other way in which to ascertain it.

way. There is no other way in which to ascertain it.

What is the enumeration of the population for except that Congress in fixing the apportionment of representation among the States under the Constitution may give to each its due and proper share? Under the fourteenth amendment it is absolutely necessary that such infortunal transfer of the continuous and the continuous mation shall be obtained. The gentleman I suppose is making a proper and just defense of his own people. It may be that by this means it will be ascertained that some men in Rhode Island are disfranchised, and that under the fourteenth amendment they cannot be represented in this House. I do not know that it will fall more heavily upon his State than upon other States. I do not know that his State still adheres to the old principle that a man shall not vote his State still agneres to the old property.
unless he has a certain amount of property.

AT DRICH of Rhode Island. Will the gentleman allow me to

ask him a question?

Mr. THOMPSON, of Kentucky. If the gentleman does not desire his State to be affected by the fourteenth amendment, it can put itself in the line of the other States of the Union, and allow every man to vote whether he has property or not.

Mr. ALDRICH, of Rhode Island. Will the gentleman let me ask

him a question?

Mr. THOMPSON, of Kentucky. Certainly.

Mr. ALDRICH, of Rhode Island. Does not the gentleman know that under the law as it now stands it is required that this inquiry that under the law as it now stands it is required. And does not the shall be made concerning persons disqualified? And does not the gentleman know that that same inquiry was made in the census of 1870, and it was reported to the House that the information thus obtained was not reliable?

Mr. THOMPSON, of Kentucky. Unless the inquiry is made I do not know how the necessary information can be obtained upon which

to fix the basis of representation for the several States. I would call the attention of the gentleman to the fourteenth amendment of the Constitution, which provides in the second section as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

That is the clear provision of the Constitution of the United States; and it is expressly declared in the constitution of the gentleman's own State that citizens of the United States are those born in that State or in other States and those naturalized in that State or in other States. Many citizens of the United States in Rhode Island are ex-States. Many citizens of the United States in knode island are excluded from the privilege of voting by a property qualification which the State has seen fit to establish. This being the fact, there is no reason why the necessary information as to the extent of this exclusion should not be placed before Congress in order that if Congress deems it proper the representation of the State in the House of Representatives may be reduced in proportion to the number of otherwise qualified citizens whom the State excludes from suffrage by a

property qualification.

The consideration is applicable to the gentleman's State or to any other State of the Union that chooses to adhere to the system of requiring a property qualification for the exercise of suffrage, when the whole genius of our institutions dictates that every resident citizen shall be allowed to vote, if he is twenty-one years of age and not disqualified by reason of the commission of crime. Want of money or property ought never to be a disqualification; and if the gentle-man's State does not wish this interrogatory put, she should modify her constitution so as to bring herself in line with the other States of the Union

Mr. ALDRICH, of Rhode Island. The gentleman will allow me to say that the State of Rhode Island has no desire now and has had no desire in the past to evade any responsibility which may arise from the provision of her constitution on the subject of suffrage. She expects that such portion of her people as are disqualified so as to come within the contemplation of the second section of the fourteenth amendment will be deducted in making up her basis of representation. But she has a right to ask that this number shall be ascertained in some manner that will guarantee accurate results—not by a method which the Superintendent of the Census says himself is entirely worth-

Mr. THOMPSON, of Kentucky. I yield to the gentleman from New

York, [Mr. Cox.]
Mr. COX. I would say to my friend from Rhode Island that of course there cannot be a perfect system of taking the census; all we can do is to approximate to such a result. The best attainable returns will be imperfect. I think that by the modes already provided we may, according to the old chancery doctrine of cy pres, ascertain with approximate accuracy the number of naturalized citizens of the United States. There is no way of making this deduction under the Constitution event upon the basis of the census returns Constitution except upon the basis of the census returns.

Constitution except upon the basis of the census returns.

I am not particular about this amendment. All I want is that the questions of difference between the House and the Senate with reference to this bill may be determined one way or the other as speedily as possible, in order that the schedules may be made out, the printing done, and the work of taking the census go on. I do not think there is a man here who would not give up this question about naturalized citizens or about holders of United States bonds in order that this business of taking the census may go on—that the schedules may be printed and sent out. To attain this has been the only reason of our urgency upon this bill during the last four weeks.

Mr. THOMPSON, of Kentucky. Mr. Speaker, in response to the gentleman from Rhode Island [Mr. Aldrich] permit me to say that the census of 1870, about which he talks as not being an accurate enumeration of population, is the basis upon which his State enjoys its representation in this House at the present time. In making this enumeration ought it not to be as accurate as possible? If in any part of the Union there is a class of citizens disfranchised, ought not the same census which takes down their names as the basis of representa-

same census which takes down their names as the basis of representation to show also how many of them are disfranchised? It may be that this enumeration is only an approximation to accuracy; but if inaccurate, the result falls no more severely upon the gentleman's State than upon any other that chooses to require of the voter a property qualification.

The same amendment requires that the number of holders of United States bonds shall be ascertained. Why should we not ascertain this? The gentleman from Rhode Island says that we cannot rely upon the results which may be obtained by the enumerators.

Mr. ALDRICH, of Rhode Island. The Superintendent of the Cen-

sus says so.

Mr. THOMPSON, of Kentucky. And so do you. You follow in his footsteps. Now, if these enumerators are qualified to ascertain all the other facts committed to them, why can they not ascertain, at least approximately, such a fact as this? If you will look at the Revised Statutes, to which we are referred in the census bill, you will find

that to these enumerators is committed the ascertainment of the most intricate facts, many of which are far more difficult of ascertainment than this. Take, for instance, the ascertainment of the amount of machinery, the amount of capital, the amount of raw material invested in manufacturing enterprises.

Mr. ALDRICH, of Rhode Island. All those inquiries are made by

special agents appointed for the purpose.

Mr. THOMPSON, of Kentucky. No, sir; they are made in many cases by the enumerators.

Mr. ALDRICH, of Rhode Island. The statistics in regard to ma-

chinery and the other points the gentleman suggests are collected by special agents.

Mr. THOMPSON, of Kentucky. No, sir; not all of them.
Mr. ALDRICH, of Rhode Island. Most of them.
Mr. THOMPSON, of Kentucky. No, sir; provision is made that in large cities the Superintendent of the Census may have this work done by special agents; but in general it is done by the enumerators. I refer the gentleman to the census law for the necessary information upon this point. Now, sir, if they can ascertain all these intricate facts—and the very object of this thing is to lay the basis for representation—why should they not ascertain as near as practicable how many men in each State there are who are qualified to vote, because upon that fact depends the representation of the State in Congress? If it should turn out on the taking of this census the work was so inaccurately done and the information was so meager that the results were of no practical value, then Congress need not act upon them at all. It is no trouble to ask the question on the part of the enumerator as he goes through the district, and, if the answer is not satisfactory, and the information obtained proves to be unreliable, then we can lay it aside. I hope the amendment offered by the committee will be agreed to in order we may go into conference on the disagreeing votes of the two Houses so the matter may be finally settled and determined.

I now yield to the gentleman from New York to say anything he

Mr. COX. Mr. Speaker, I desire to say nothing more than I have already said further than to call the attention of the House to the fact there is great need of some bill on this subject being passed at once. I am not particular about various items in these schedules, but what I wish is the work shall be effectual and be allowed to proceed as soon as possible. The 1st of June is the time fixed and there is as soon as possible. The let of June is the time fixed and there is no reason why we should delay. There will be tons upon tons of printing to be done and they wait now for the action of this House on the Senate bill. If the House will give us a committee of conference on the disagreeing votes and agree to save \$350,000, as I think they may by disagreeing to some of the amendments, we will have a census which will be a picture of this country and every one can decide when the returns come in as to the proper ratio and basis of representation. resentation

Mr. ALDRICH, of Rhode Island. I move to concur in the second

The SPEAKER. The gentleman asks for a separate vote on that amendment of the Senate?

Mr. ALDRICH, of Rhode Island. Certainly.
Mr. THOMPSON, of Kentucky. I move then to concur in all the amendments with that exception.

The motion was agreed to.

Mr. THOMPSON, of Kentucky, moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The pending question now is upon concurring in the second section of the Senate bill.

the second section of the Senate bill.

Mr. GARFIELD. I desire to be heard for a few moments. I agree it is of importance to get speedy action on this bill, but the inquiry in regard to the ownership of the public debt and the naturalization of foreign persons is one of very great difficulty, in my judgment utterly impossible to execute with any kind of accuracy, and, to be worth anything, it must be accurate. We tried for two censuses, 1850 and 1860, to get an estimate of the value of personal and real estate in the United States, but they were all guesses, wild guesses, utterly useless, and the last Superintendent of the Census said he regarded them as so entirely worthless he would not encumber his record with the attempt. We got every sort of guess from every sort of person. them as so entirely worthless he would not endumer his record with the attempt. We got every sort of guess from every sort of person, one putting property high, the other low; so there was nothing that had comparative value in that class of statistics. Now, you have an inquiry far more difficult than that, the ownership of the public debt. inquiry far more difficult than that, the ownership of the public debt. No man is pledged to answer such a question. There is no accuracy as to the answer. The question of the persons who are naturalized, is another inquiry which will be looked upon as peering into a man's political relationship, whether he is a voter or not. A naturalized person will think it is some trick to get a hook on him as to his right to vote. Anything which stands in the way of getting the free consent of the people, when called upon to give these statistics, without any fear or without any hesitation, will be a bad thing. I think the striking out of those two inquiries is the proper thing to do.

Mr. THOMPSON, of Kentucky. I now ask for the question on the amendment.

amendment.

Mr. MILLS. I wish to ask the gentleman from Ohio whether two-thirds of the national debt is not already registered at the national

Winter Contract.

Mr. GARFIELD. You can get those at the Treasury.
Mr. MILLS. Then, as to the balance—
Mr. GARFIELD. You cannot get at those facts; they are scattered

everywhere.

Mr. MILLS. By the present census law we can call on any officer

of the Government for that purpose.

Mr. GARFIELD. Certainly.

Mr. MILLS. Every nation has attempted that except our own.

Mr. BLOUNT. I think debate is exhausted.

Mr. MILLS. And so too in reference to municipal debts.

Mr. GARFIELD. I should be glad to have those items of information as much set the certification for Toyac, but I say anything which tion as much as the gentleman from Texas; but I say anything which tion as much as the gentleman from Texas; but I say anything which goes into this census law which helps to prejudice the minds of the people against the census-taker and induce them to look upon him as a man who is making a domiciliary visit, peering into their private affairs beyond what is usual and ordinary, especially that inquiry about naturalization, which will everywhere be looked upon as peering into the question of a man's right to vote in order to entrap him about some vote he may have cast in the past—I think anything of that sort should be left out of the bill. I think these inquiries should be wisely left out, and I hope we will concur with the Senate.

Mr. BLOUNT. I would like to ask if the time for debate is not exhausted?

exhausted

Mr. MILLS. I only wish a few moments, and shall not detain the House but a very little time. I have heard the same arguments used House but a very little time. I have heard the same arguments used by the gentleman from Ohio applied as arguments why we should not have an income tax. It is said to be inquisitorial in its nature; that it offends the person to whom it is addressed. But the answer to the whole of that argument is—and they are all of the same nature as that which the gentleman applies here to the public debt—that all the States support their State governments by a direct tax, in the collection of which these very questions are propounded to its citizens, respecting the value of their property. It has never led to the difficulty that the gentleman claims this would lead to in this case. Wherever it is necessary to inquire as to the amount of a man's income in the States it is done. The offensiveness of inquiring about incomes is to the man who has an income and he does not desire to pay any tax on it. Now, on the subject of the public debt it is the same thing. Why should it be objectionable to the man who owns any portion of the public debt to state his ownership of it? Why should he be offended when the enumerator asks him if he holds any portion of the public debt of the United States? It is not that. He is not taxed on that income. He has intelligence enough to know s not taxed on that income. He has intelligence enough to know that the enumerator has no right or power to impose a tax upon it; and the gentleman underrates the intelligence of the people of the United States when he assumes that they would take offense if asked

such a question.

The SPEAKER. The time allowed for debate is exhausted.

Mr. MILLS. I hope I will be allowed two or three minutes.

Mr. LOWE. I move that the time of the gentleman be extended.

The SPEAKER. The time has already extended beyond what was

agreed upon.

Mr. MILLS. I simply want to get the statistical information as to the holders of our public debt. Great Britain has done this, and has history of her public debt, and I do not published to the world the history of her public debt, and I do not see why we are not able to obtain the same information, as we are to obtain statistics relative to the material interests of our people in other respects.

The SPEAKER. The question is on striking out the second sec-

tion of the bill.

Mr. THOMPSON, of Kentucky. That is the recommendation of

the Committee on the Census.

The SPEAKER. To which the gentleman from Rhode Island [Mr. Aldrich] moves an amendment in the nature of concurrence in the section as appears in the Senate bill. The disagreement to this motion will be equivalent to adopting the report of the committee.

The House divided; and there were—ayes 43, noes 78.

So the Senate amendment was non-concurred in.

Mr. THOMPSON, of Kentucky, moved to reconsider the vote by which the Senate amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the protection of shad and herring in the Potomac River; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 152) for the relief of Thomas Lucas;

A bill (S. No. 841) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy;

A bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American

Independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the State of New York and city of New York, in the year 1883;

A bill (S. No. 1205) to enable the Secretary of War to acquire for the United States a title to the site of Fort Stockton, Texas; and

A bill (S. No. 1319) authorizing the Secretary of War to expend the profits growing out of the manufacture of articles at the military prison at Leavenworth, Kansas, for the improvement of facilities for manufacturing at said prison. manufacturing at said prison.

STAR-ROUTE DEFICIENCY BILL.

Mr. ATKINS. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the star-route deficiency bill.

The motion was agreed to.

DEVELOP THE TABLE

sidering the star-route deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. SCALES in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, with amendments from the Senate. The gentleman from Texas [Mr. UPSON] has the floor.

Mr. UPSON. Mr. Chairman, were it not the fact that the bill now under consideration affects directly and seriously the people I have the honor to represent upon this floor, I would not presume to seemingly violate one of the recognized proprieties of this House; that is, that a new member should be seen and not heard; that he should vote and not speak. But as the bill under consideration does vitally concern the interests of the people I directly represent—and not only them, but the people of the whole section of country I have the honor in part to represe. —in so far as the House bill, should it become a law, would strike down or seriously impair some of their most important mail lines; and from the fact, which is well known, that for the first time in the last twenty years during the past eighteen months in the State in which I live and in many of the Southern States an efficient and a satisfactory mail service has been established, I deem it my duty to speak in defense of the star service, now under discussion.

I wish to state distinctly in the opening of my remarks that the gentlemen who are attacking the star service shall not. if I can pre-

I wish to state distinctly in the opening of my remarks that the gentlemen who are attacking the star service shall not, if I can prevent it, shift the issue upon the trial of the Postmaster-General or his subordinates, and attempt to influence and sway the minds of members by denunciations of that officer or of those connected with members by denunciations of that officer or of those connected with him. The real and the true issue here to-day is the star service of the country, or a great and material portion of it. If it cannot be demonstrated beyond a question or a doubt that that service is necessary and important, then strike it down. If it cannot be shown that the cost which the Government is paying for that service to-day is reasonable, and not extravagant, reduce it to a reasonable amount. The defenders and advocates of this service ask no leniency; they ask nothing and they demand nothing but the rights of the people they represent.

ask nothing and they demand nothing but the rights of the people they represent.

Before I close, I hope I shall be able to correct some errors which not a few have fallen into, and to illustrate and establish beyond a question that this House should concur in the Senate amendments to this bill. I am not here for the purpose of defending the Postmaster-General, and if any defense shall arise from anything that I may say it will not be because I stand here as his advocate or defender, but that the facts which I shall lay before this House make a defense—and they may prove his entire vindication. If they do, then, as honest Representatives, let us act accordingly, and not denounce and condemn an official, I care not to what party or to what branch of the Government he may belong, without just cause.

If you are to try him, put him on trial in accordance with law and give him an opportunity to be heard in his defense. Do not undertake to prejudice the country against an official by broad and unfounded denunciation. While I say this, I have this much to state in connection with it: I will not undertake to say that the cost of some of the star routes is not somewhat higher, perhaps a few thousand dollars, than the same might have been let for under full and fair competition. But I am prepared to say from the evidence taken before the inventions in the same might would be added to the providence taken before the inventions in the same and the proper in the same and entire the same and the same and entire the same and

than the same might have been let for under full and fair competition. But I am prepared to say from the evidence taken before the investigating committee, which evidence is now before us; from the price now paid compared with the prices paid for like services for many years past; from all the information I have been able to obtain, considering the increased prices of forage in my State resulting from a severe drought, corn having gone up from twenty-five cents to a dollar and fifty cents per bushel, and along a portion of the Fort Yuma and Fort Worth route to over two dollars per bushel; and from the general increase in the cost of material and the cost of running the mail lines during the last twelve months, I believe the price paid by the Government for the mail service upon the routes referred to is not exorbitant nor unreasonable, and that much of it is unremunerative to the parties performing the service.

I have not the time to discuss the cost of running all these routes in detail. But I would say in all sincerity that the most, if not all, of them are important to the wants and necessities of the people, and, in my judgment, it is the duty of the Government to maintain and provide for them.

I am frank to admit that the system of increasing the mail service

I am frank to admit that the system of increasing the mail service

which has been pursued by the Post-Office Department, although under the form of law, is by no means commendable, and may be liable to great abuses and to great wrongs, particularly to competing bidders. Yet, while honest bidders for mail contracts may have been wronged and cheated, (of which, however, I have no knowledge,) I am confident that in the matter of the increased mail service complained of the Government has not been wronged, and is paying but a fair price for the same. If I can have the attention of this House (which may be difficult to get) I will endeavor to illustrate that beyond all question.

The Postmaster-General, acting under the law—it may be a bad law, it may be an unwise law—has, upon advertisement and bids, let contracts to the lowest bidder; and in many cases the contract has provided for doing the service at a price far below what the service could be performed for—a price wholly unremunerative, and even ruinous. In consequence of this the Postmaster-General has in some cases seen proper to greatly increase the cost of service in order to maintain it. For instance, upon one route the increase was from a little over \$6,000 to \$150,000. Such a transaction looks bad upon its face, and very naturally suggests to the mind the idea of fraud. But face, and very naturally suggests to the mind the idea of fraud. But is it to be assumed as proven that fraud does exist from the fact alone of such great increase? Certainly not. The questions to be asked and determined before we can conclude that there was fraud are, was the service necessary? Was it proper? Was it important? Has the Government paid a reasonable price therefor? We are not to draw an unfavorable conclusion from the simple fact that the amount of compensation has been raised from \$6,000 to \$150,000. Even if the amount of increase may have gone to some friend or favorite of the Postmaster-General, that does not affect the question before the House to-day. The question at issue involves the star service, a most important branch of the postal service, and not the guilt or innocence of the Postmaster-General. The real issue is whether the service upon any or all of the routes in question is necessary and important,

and whether the amount contracted to be paid by the Government is fair and reasonable, not extravagant or exorbitant.

Before proceeding further in the discussion, permit me to say that I do not blame the Committee on Appropriations who undertook the investigation of the causes of the large expenditures by the Postoffice Department upon the star mail service, to cover which for the fiscal year ending June 30, 1880, an additional appropriation of \$1,100,000 is provided for in the bill as amended by the Senate. It is granted that the large increase in the cost of the star service over the estimate of \$5,900,000 for the entire year, and the manner in which such increase was made, were sufficient to arouse the suspicions of those unacquainted with the facts and circumstances connected with those unacquainted with the facts and circumstances connected with the increase, and to warrant the investigation which was authorized by this House. To the gentlemen who instigated, and to the committee which carried on the investigation, much credit is due. That investigation was in the line of economy and reform, inaugurated and adopted as one of the cardinal principles of the democratic party. While I say this much in justification of the investigation referred to, I cannot, in accordance with my views of fairness, of the public interest and of the facts, agree to the conclusions to which the Committee on Appropriations seem to have arrived.

mittee on Appropriations seem to have arrived.

I shall now attempt a candid discussion of the facts and the law relating to the mail service. I will first discuss the route from Fort Worth to Fort Yuma, partly within my district. The cost of the expedition of service upon this route has been singled out as among the most glaring instances of fraud and extravagance. It is important that gentlemen who are to vote upon this bill should understand some facts connected with this route, to which I call special attention. This route was consolidated out of four others. Those routes were from Fort Worth to Fort Concho, from Fort Concho to El Paso, from El Paso to Mesilla, and from Mesilla to Yuma, making an aggregate distance of fourteen hundred and fifty-seven miles, over which the transportation of the mails cost the Government, mark you, \$323,593.07.

This was just previous to the letting of the contract of July 1, 1878. Further, in the estimate of \$5,900,000 for the entire star service, \$300,000 was included for the Fort Worth and Fort Yuma route. It cannot therefore be claimed that the expenditure was not contemplated in the estimates; and it cannot be claimed that this amount has been applied to other routes to which it did not belong. The compensation provided for this route by the original contract was \$134,000; the increase \$165,000, making \$299,000. The amount previously paid was over \$24,000 more than the Postmaster-General contracted for under the contract which is so openly and so broadly denounced.

The advertisement and bids on this route, as consolidated, were as

Advertisement of November 1, 1877, for service from July 1, 1878, to June 30, 1882.

Advertisement of November 1, 1877, for service from July 1, 1878, to June 30, 1882.

ROUTE NO. 31454.

From Fort Worth, by Bear Creek, Thorp's Spring, Granbury, Paluxy, Rock Falls, Stephenville, Dublin, Proctor, Comanche, Blanket, Brownwood, Jim Ned, Camp Colorado, Coleman, Oakvale, Walthall, Fort Concho, Fort Stokton, Fort Davis, Fort Quitman, San Elizario, Ysleta, El Paso, (Texas,) Mesilla, Fort Cummings, Fort Bayard, Pinos Altos, Silver City, (New Mexico,) Apache Pass, Tucson, Florence, Maricopa Wells, and Gila Bend, to Yuma, Arizona, lifteen hundred and sixty miles and back, seven times a week.

Leave Fort Worth, daily, at six a. m.; arrive at Yuma in seventeen days.

Leave Yuma, daily, at six a. m.; arrive at Fort Worth in seventeen days.

Bond required with bid, \$320,000; check, \$16,000.
This service covers routes on which *pro rata* of the present pay aggregates about \$321,000 per annum.

Bids received.	
R. C. Kerens	\$309,000
T. S. Vaile	305, 000
James C. Kinzey	247, 800
Geo. H. Giddings and Jas. C. McKibben	239, 000
John S. Carr	216, 000
A. H. Brown	193, 500
Tohn T Gilmon	180,000
John T. Gilmer	178, 933
D. T. Parker	173, 420
John T. Chidester	134, 000

As required by law the contract was awarded to the lowest bidder, whose bid was \$134,000. Although the Postmaster-General was satisfied beyond a doubt that the mails could not be carried for the price bid by the lowest bidder, he had no discretion under the law, but was bound to award the contract to that bidder upon a tender of sufficient was far below a reasonable rate cannot be questioned. In the letter of Senator Maxey, dated July 22, 1878, in regard to this route, (and this was in evidence before the Committee on Appropriations,) he

I do not believe, and at the time the contract was let out did not believe, it would be maintained at the ruinously low figures at which it was let out.

The Postmaster-General, in his examination before the Senate subcommittee, said: "When the Fort Yuma route was bid for the Department and everybody else believed that the service could not be done for that price." This is confirmed by the testimony of the witness Adams, who was examined before the investigating committee. ness Adams, who was examined before the investigating committee. In all the testimony taken before that committee, who have been investigating this question for four months, there is not one scintilla of evidence to contradict this statement. More than this, there is not one word of testimony showing that \$299,000 is an unfair or exorbitant rate of compensation. The committee simply draw unfavorable inferences from the manner in which the letting was made. Take these three hundred and twelve pages which make up the report of the committee, and you will not find one word showing that this service is not well worth the sum of \$299,000.

Under this letting commencing July 1, 1878, the schedule time had been considerably increased, so much so as to cause great complaint along the whole route. Between Fort Yung and Treese a distance

along the whole route. Between Fort Yuma and Tucson, a distance of three hundred and one miles, the time had been increased from three to four and a half days. From Fort Yuma to Florence, Arizona, a distance of two hundred and fifty-six miles, the mails were retarded seventy-four hours over the previous time in which these mails had been carried under the old contract. What was the result? The consequence was that numerous petitions from Saint Louis and California, from one end of the line to the other, poured in to the Postmaster-General bitterly complaining of the delay in the delivery of the mails under the new contract, and urging in the strongest terms an increase of expedition in the whole route from seventeen to thirteen days. The Postmaster-General was reminded that fifteen years before the Overland Mail Company ran from Tucson to San Francisco in the Overland Mail Company ran from Tucson to San Francisco in eight days, four-horse stages all the way, but that under the new contract the same time was taken between the same points, although only one-half of the distance was by stage and the other half, from Yuma to San Francisco, was by railroad. Yet, sir, we hear gentlemen talk of the extraordinary expedition of time. Under the old system they ran the whole distance by stage in eight days, while under the letting of July, 1878, it took the same time, one-half of the distance being by railroad. Was that not a cause of complaint on the part of the people? Was it not a reason why they should send in their petition to the Postmaster-General appealing for more expedition? Was it not a fair and reasonable consequence of the delay in the delivery of the mails? of the mails?

The signers of the petitions were from Missouri, Texas, Arizona, California—numbered between fifteen hundred and two thousand cit-Among the petitioners were men of the highest character and izens. Among the petitioners were men of the highest character and standing. There were in the number one Senator, four Congressmen, three Delegates in Congress, one governor, one attorney-general, one secretary of state, beside many other State and county officials, a large number of merchants, officers of the Board of Trade of Saint Louis, and several officers of the United States Army, with a number of postmasters and other United States officials and prominent men, including lawyers, doctors, merchants, stock-raisers, and farmers.

Like petitions from men of character recommended the increase of services on the other routes of which we hear so much complaint.

service on the other routes of which we hear so much complaint. service on the other routes of which we hear so much complaint. Some of the arguments presented and the reasons given to the Postmaster-General for expediting the service on the Fort Worth and Fort Yuma route are to be found in letters and petitions which I will read, and which were in evidence before the investigating committee, but which, for some reason unknown to me, are not published in the printed document from the investigation committee which has been leid more our desire.

been laid upon our desks.

Mr. BLOUNT. Will the gentleman allow me to explain?

Mr. UPSON. Yes, sir.

Mr. BLOUNT. They were sent down to be printed by the Committee on Appropriations, but for some cause they do not appear in the printed testimony, much to our regret.

Mr. UPSON. I am very sorry they do not. It is a remarkable thing that a large amount of the testimony which was important to sustain the star-route service does not appear here in this book.

sustain the star-route service does not appear here in this book.

Mr. BLOUNT. I will furnish it to the gentleman if he wants it.

Mr. UPSON. Fortunately I have it in another document before
me, not furnished by the committee.

Mr. BLOUNT. Then the gentleman will not suffer.

Mr. UPSON. I hope not. I will read from a letter, dated Austin,
Texas, July 14, 1878. One of the issues before this House is the necessity and importance of this route? You hear it talked of around
the corridors that this Fort Yuma and Fort Worth route is unnecesarray. That they do not need any mail service there. Let use what sary; that they do not need any mail service there. Let us see what the people say, to the number of two thousand, in their petitions and in their letters to the Post-Office Department. They will silence, it would seem to me, some of the groundless clamor on the part of gentlemen who do not know or do not understand the facts.

1. The unprecedented and marvelous rapidity with which that section of the country is settling up.

Referring to the portion of Texas between Fort Worth and New

Mexico.

Mr. WHITE. What do you read from?

Mr. UPSON. I read from a letter signed by J. W. Throckmorton and D. C. Giddings, indorsed by Hon. John H. Reagan, R. B. Hubbard, governor; H. H. Boone, attorney-general, J. J. Searcy, secretary of state; J. D. Stephens, State senator, Twenty-fourth district:

2. The commercial importance of the large and growing towns, particularly the county seats, on the route and the disadvantages they labor under by reason of the distance they are from the railroad and telegraph;

3. The fact that communities with less claims are favored with equal, if not superior mail facilities than are herein asked for;

4. And finally, we submit that it is in furtherance of a wise and beneficent policy to lend encouragement and aid as far as possible, especially with regard to mail facilities, to the brave and enterprising people who are settling in and building up our frontier country.

Mr. REAGAN. Will my colleague allow me to interrupt him as

facilities, to the brave and enterprising people who are settling in and building up our frontier country.

Mr. REAGAN. Will my colleague allow me to interrupt him as my name is mentioned as one of the signers to that paper.

Mr. UPSON. I used your name because the names of the signers of the paper were asked for.

Mr. REAGAN. I desire to say I was called on at Fort Worth, and refused to sign the paper; but I did sign it at the city of Austin but doubted the propriety of doing it, and if I had ever contemplated the extravagant increase of pay allowed, I would not have signed it and do not hold myself responsible for the extravagant action of the Department under that request.

Mr. UPSON. I hope to be able to convince the honorable member before I close that he was right in signing that paper and that he would sign it again, and that if he opposes this service, he will not receive the approbation of the people of the Lone Star State.

Mr. REAGAN. I certainly would not, and I will not sign another of that kind of loose recommendations. I want to say further that whether it met the approbation of the people of my district or not, the time never has been and never will be in my estimation when I will recommend any measure which will lead to the perpetration of such frauds as seem to have been perpetrated in this connection.

Mr. UPSON. I hope the gentleman will wait until I get through, as I want to give him severe information.

Mr. UPSON. I hope the gentleman will wait until I get through, as I want to give him some information. And my purpose is to con-

vince him.

Mr. REAGAN. I desire to say further, if my colleague will permit me, that my attention was called to the fact that my name has been paraded at the other end of the Capitol in that connection.

Mr. UPSON. Well, I will do the best I can to convince the gentle-

man that he was right in signing that.

I now read from a letter dated Tucson, Arizona Territory, July 18, 1878, and signed by H. S. Stevens, Delegate from Arizona:

Under the present contract, which went into effect July 1, 1878, to continue for four years, the schedule time voas increased instead of reduced, and I find general and loud dissatisfaction and discontent expressed by the people at large throughout this Territory in regard to the length of time it takes to get their mail from the East or San Francisco. It is a matter of vast importance to the people of this section of the country, which is continually improving and settling up, as also the constant new development in the mining country, that their request should be granted, namely, that the schedule time be not less than heretofore. Under the present arrangements our New York and eastern mail will be on an average fifteen days in reaching us, requiring thereby fully a month before a reply reaches its destination, which is of great detriment to the commercial interests of this section of the country.

tination, which is of great detriment to the commercial interests of this section of the country.

Our commercial and mining interests have made such gigantic strides in the past year that any impediment which makes our eastern connection more tardy would be almost ruinous to their interests.

The request of the people is one of which I am compelled fully to indorse, and I ask that you order the time required under the former service to be again established, and have the honor to remain,

Yours, respectfully,

H. S. STEVENS, Delegate from Arizona

I will read now a second letter dated at Saint Louis, Missouri, on

DEAR SIR: I have the honor to ask your favorable consideration to the petition of the Board of Trade of this city, relative to the mail facilities between Fort Worth and Yuma. The business and trade of this section of country is assuming proportions which are of really national importance, especially as relate to the rich mineral deposits with which it abounds. Every facility to open it up to quick transit and rapid communication should, in my opinion, be granted.

Very respectfully, your obedient servant,

NATHAN COLE.

NATHAN COLE.

Again, I read from a letter dated-

Again, I read from a letter dated—

OFFICE DEPOT QUARTERMASTER, Yuma, Arizona Territory, July 22, 1878.

Major: There has been considerable delay in the overland mails of late, so much so that I have called upon the agent at this point for an explanation. I am informed that under the present contract for carrying the mails, which has been in operation since the 1st of the present month, that the time allowed between Yuma and Tucson is four and a half days, or one day and a half greater than has been heretofore occupied for the like service, and of course the mail facilities to and from the several points in Southern Arizona must suffer in like propertion.

You will observe that this is a great evil, and, unless it can be corrected at once, will act not only to the detriment of the public service, but the interest of the Territory will be greatly embarrassed.

Such a misfortune to have our mail facilities decreased at a time when the withdrawal of troops from the department calls for unusual precaution is greatly to be regretted, and I feel that it is my duty to report the same for your information.

Very respectfully, your obedient servant,

J. H. LORD,

J. H. LORD, Captain and A. Q. M., U. S. A.

Assistant Adjutant-General,
Department of Arizona,
Prescott Barracks, Arizona Territory.

Here is another letter, dated Fort Worth, Texas, July 30, 1878, which will show something of the business on that line:

Which will show something of the business on that line:

Dear Sir: I desire most earnestly to call your attention to the absolute necessity of providing our city with quicker mail facilities between our city and Fort Yuma. We have a city of about ten thousand inhabitants, and supply the country west of us to the Rio Grande. Our merchants do immense business in cotton, wheat, lumber, dry goods, groceries, and other articles of commerce. For instance, we have one wholesale grocer, J. H. Brown, who does a business of eight hundred to ten hundred thousand dollars annually. We are the terminus of the Texas and Pacific Railroad, and will no doubt continue to be for many years, and an extraordinary amount of mail comes to Fort Worth to be distributed to all points west of us. I therefore beg to impress upon you the needs, not only of our city but of the counties west of us, of decreasing the time from seventeen days to fourteen days in carrying the mail from Fort Worth to Yuma.

I am, very respectfully, your most obedient servant,

ROBERT McCORD.

The POSTMASTER-GENERAL, Washington, D. C.

To the following letter I also invite attention:

YUMA, ARIZONA, July -, 1878.

The Postmaster-General, United States of America:

The Posimaster-General,

United States of America:

Owing to the rapid increase of population of our Territory, and especially the
central and southern portion, the developments of our agricultural and mineral resources, the urgent demands of business in all the different departments, both public and private, which is increasing with each succeeding day, our mails should be
carried each way with as great speed and with as little delay as possible. In former times, where the mails were carried the whole length of the route, from Tucson
to San Francisco, a distance of one thousand miles, in four-horse stages, the distance was made in eight days. Now, with seven hundred miles of railroad and
only three hundred miles of staging, it requires the same time, seven and eight
days, for mail-matter leaving Tucson to reach San Francisco, and vice verza.

The immense influx of immigration all along the line from Tucson to Fort Worth,
Texas, and the growing condition of the whole Territory, demands that the mails
be carried in the quickest possible time. Under the former contract, Messra, Kereus & Mitchell, contractors, the mails were carried at the rate of four and a half
to five miles per hour. At the present time about one-half that time is made,
thereby greatly inconveniencing a large proportion of our people, and very much
deranging business, and discommoding business men generally. Therefore, we
most respectfully, ask that the speed in the mail facilities on route No. 31454 be increased to that of the former contract.

Very respectfully,

CLARK & PATTON, Merchants.

Under this new contract of July 1, 1878, the schedule time had been greatly increased, and yet they charged the Post-Office Department with corruption and extravagance in expediting the time from seven-teen days to thirteen days. There are many other letters to which I wish to call the attention of the committee, but I will incorporate them in my remarks as I do not wish to detain the committee now by them in my remarks as I do not wish to detain the committee now by reading them. I will read, however, an extract from a letter dated Tucson, Arizona, July 19, 1878. These letters to which I desire to call special attention are a part of the evidence that was left out of the printed testimony and not distributed by the Committee on Appropriations among the members; I therefore deem it proper to read a portion of them. They are as follows:

TUCSON, ARIZONA, July 19, 1878.

Hon. D. M. Key, Postmaster-General, Washington, D. C.:

Postmaster-General, Washington, D. C.:

Sir: Under the present mail contract for carrying the mails between Yuma and Tucson, the contract allows four and one-half days as the schedule time between the two points, a distance of three hundred miles. At no time in the history of this Territory was it more necessary for this advancement than the present, that mail facilities and communications should be increased rather than diminished. There is not a day passes without rich mining discoveries being made. Many families are coming into the southern portion of the Territory seeking homes, while both castern and California capital is becoming largely interested in our mining resources. Since the 1st day of July there has been nearly \$300,000 cash paid for mining properties in the vicinity of Tucson. Under last year's contract, the time between Yuma and Tucson was made in three days, which was considered by everybody as allowing ample time to the contractor. By the extending of this time, business, the traveling public, and the people of Southern Arizona generally, are very much inconvenienced and retarded.

In behalf of our growing interest, and as mayor of Tucson, I carnestly ask that you will take the necessary steps to have the schedule time for carrying the mails between Tucson and Yuma and Yuma and Tucson changed from four and one half days to, at the outside, three days.

Yours, very respectfully,

Yours, very respectfully,

JAMES H. TOOLE, Mayor of Tucson.

SAN FRANCISCO, CALIFORNIA, August 9, 1878.

To POSTMASTER-GENERAL, Washington, D. C .:

To Postmaster-General, Washington, D. C.:

Dear Six: A press of work caused by Rowell's sickness at Paso Robles, Hot Springs, and Robinson's absence in Saint Louis, has alone prevented me from writing you about Arizona mail service.

Having been a stage and express man on this coast for seventeen years, I know from actual travel the just requirement of different localities, and there is no section to day more urgently in need of first-class mail facilities in speed than Arizona, and none of similar importance that has worse. Our business with Arizona has constantly reminded me for four weeks past of the "ox-team" gait of United States mail-coaches—one hundred and eight hours from Yuma to Tucson: whereas the time certainly should be reduced to sixty hours. The commercial interest of the city and State, the development of Arizona, and thereby its freedom from Indian wars, all demand and justify it; and if the Postmaster-General or other authorized officer of the Post-Office Department wishes additional assurances of what I have stated, we will give all that may be required from the Chamber of Commerce, the Board of Trade, or individual merchants, by the thousand, if necessary. Such increased speed will promote the development, safety, and peace of a new country, which will thereby afford employment to many worthy men now in forced idleness. Give us sixty hours from Yuma to Tucson, or five miles per hour to Fort Worth, Texas.

Yours, truly,

JOHN J. VALENTINE, General Superintendent.

FORT WORTH, TEXAS, July 30, 1878.

To POSTMASTER-GENERAL, Washington, D. C .:

To Postmaster-General, Washington, D. C.:

Dear Sm: With pleasure I beg leave to call your attention to the very urgent necessity of our city having a quicker mail-route from Fort Worth, Texas, to Fort Yuma. The present time for carrying the mails from our city to Fort Yuma is seventeen days, and I am reliably informed that the mail can be successfully carried through in fourteen days. We are the terminus of the Texas and Pacific Railroad, and an immense amount of cotton and wheat and cattle is brought from the far West to our city; and our city feeds and supplies that most illimitate country west of us with dry goods, groceries, lumber, &c. The Fort Worth post-office is the distributing point for all mail matter west of us. Hence you will readily see the absolute need of the best and quickest mail facility that we can possibly obtain. Therefore I most sincerely ask in behalf of our merchants and other industrious and intelligent people, who have and are still settling up the frontier with the rapidity heretofore unknown in the history of the country, to require the mail to be carried from this city to Fort Yuma in fourteen days.

G. H. DAY, Ex-Mayor.

G. H. DAY, Ex-Mayor.

POST-OFFICE, ARIZONA, July 14, 1878.

Hon. D. M. Key, Postmaster-General, Washington, D. C.:

Postmaster General, Washington, D. C.:

Sir: In behalf of the people of the Territory, and more particularly the merchants and business men of Tucson, I beg respectfully to state that there is considerable dissatisfaction resulting from the slow mall time that has been inaugurated on mail-route No. 31454 since July 1, 1878. Previous to that date our mails were daily from Yuma, Arizona, in three days' time, now it is four and a half over the same road, requiring eight days for letters to arrive from San Francisco here, and from here there the same. It does great injustice to the people of the Territory. We are retrograding in the time of communicating with the outside world, and to retrograde just at this time when our mines are being developed and our lands being settled up and a large influx of immigrants from all sections of the country coming in, and everything assuming a prospect of a bright future, will be to us all a severe blow, and particularly to the Government, because it is to the interest of the Government to do everything to help us in developing our Territory so that we may become self-supporting as a State.

Fiften years ago the Overland Mail Company run from here to San Francisco, California, in eight days (four horse stages all the way;) now the time is the same where there is only half the distance to be staged; from Yuma to San Francisco, California, is railroad. This route is the principal route in our Territory, and is the feeder of all branch routes, and in behalf of my fellow-citizens I beg, respectfully, that some means may be taken to give us a quicker mail from east to west.

I am, sir,

I am, sir.

C. H. LORD, Postmaster.

The Postmaster-General, Washington, D. C.:

The Postmaster-General, Washington, D. C.:

Under the old contract, which ended June 30, 1878, the mail was carried between here and Yuma in three days, which was considered ample time by every one and gave general satisfaction.

Under the new contract the schedule time has been increased to four and a half days, much to the surprise of the citizens and most assuredly without their knowledge. This has caused and will cause great dissatisfaction, as we cannot see any just reason for the same; and on the other hand, by the way, the Territory has advanced during the last year, and the prospects for the future by the rapid and almost unprecedented development of our resources, mining and agriculture, it is apparent to all here that in a very short time the demand for mail facilities, even faster than under the old contract, will be almost imperative.

You can readily see that to have the time changed from three to four and a half days will have a bad effect on everything connected with the business and enterprise of the Territory, and also to all concerned or connected with us both on the Pacific coast and the business marts of the East. Respectfully calling your attention to these facts in the case, and hoping that you will give the subject the due consideration that it demands, I am,

H. O. H., Deputy Collector United States, Third District, Arizona.

Hon. D. M. KEY, Postmaster-General:

Sin: We beg to call your attention to the fact that the people of Southern California and the city of San Francisco carry on a heavy business with the Territory of Arizona; indeed, since the completion of the Southern Pacific Rallway to Yuma nearly all Arizona and a portion of New Mexico have become tributary to California.

It is therefore a matter of great moment to the business interests of these sections that there should be a better mail service between Yuma and the Rio Grande. Complaints reach us from the merchants and other business men on the coast that the present schedule on the mail-route from Yuma, Arizona, to Fort Worth, Texas, since July 1, is thirty-siz hours sloves from Yuma to Tucson and other important points than under former mail arrangements. To enable the people to properly transact the business already established and so fast increasing, owing to the development of its mines between this coast and Arizona and New Mexico, we earnestly join in the effort to increase the speed of the mails on the route above named, so that instead of eight days and a half from Yuma to the Rio Grande, to

New Mexico, as is now the case, the time be reduced to five days, which would be a reasonable mail service and satisfy the demands of business.

Very respectfully,

H. F. PAGE GEO. C. GORHAM.

FORT WORTH, TEXAS, July 30, 1878.

To POSTMASTER-GENERAL:

DEAR SIR: We beg to call your attention to the importance of a quicker and a better mail-route from this city west. The mail line inaugurated hence to Fort Yuma on the 1st instant appears to be perfect in all its appointments, and in our opinion should be placed on a footing to make better time than they now make by from three to five days. There is more than three and a half millions of produce, cattle, and cotton shipped east from this point, and all drawn from this western country, while there is nearly as much in value shipped from the east to supply this country and people. This is sufficient to show you the importance of quick mail facilities through it, and if you can assist us in the procurement of a faster schedule it will be greatly appreciated by the people.

A. M. BUTTON.

A. M. BUTTON.

YUMA, ARIZONA, July -, 1878.

TO POSTMASTER-GENERAL:

To Postmaster-General:

Sir: The United States mail has formerly been carried through this Territory with a punctuality and dispatch which, considering the difficulties on the road, has extorted admiration and praise.

Within the past four years the mail service between this place and the interior of Arizona has assumed an importance not heretofore manifested, on account of the large emigration trade and business in the mining regions. We are mortified to learn that the schedule for the next four years contemplated a reduction instead of an increase of service. It is almost the first time in the history of a Territory that we have retrograded in the vitalizing influence of the mail service, to which all must look in this country for the sources of intelligence, as well as the transition of passengers and transmission of bullion. We therefore beg, respectfully, to elicit your attention to the subject of increased time on the mail route from Yuma to the interior of Arizona, and thence across the continent. An accelerated mail service across the route in question at an advanced rate of speed will open new sources of revenue, amply compensating any expense of service.

DAVID H. NOBS.

The POSTMASTER-GENERAL:

Tucson, Arizona, July 19, 1878.

Tucson, Arizona, July 19, 1878.

The Postmaster-General:

Sir: We regret to find that under the new contract for postal service the schedule time between Yuma and this place has been increased from three days to four and a half. This has been a very unpleasant surprise to the people of this section of the country. At the very time the country was making its most gigantic strides in development, having advanced more within the last six months than within the whole of twenty years previous, to find our mail service reduced was not only an actual inconvenience and check to that progress, but also a morally depressing effect upon our spirit of enterprise. Perhaps one of the wisest measures in the policy of our Government is that of its readiness to assist in the opening up and settlement of its frontier regions by the establishment and maintenance of mailroutes and postal facilities. The mail-carrier not merely performs the bare service of carrying missives of communication, but spreads far beyond the points which he joins, feeling that new country is being opened, and is offering homes and fields of enterprise to those in the old. The decrease in the mail service brings a corresponding decrease of faith; it associates with it the idea of failure; it makes itself felt outside of the mere delay in the delivery of letters. The times for passenger travel is extended, express matter is longer on the road, and the idea generally prevails that the country is going back. To the people who have come here when it required stout hearts to brave the dangers of the journey, and whose future rests entirely upon the development of the country, the moral effect is perhaps more than the actual inconvenience.

We, therefore, earnestly pray that the schedule time be decreased to at least its former limits.

Most respectfully, yours,

FORLEY & POMEROY.

TUCSON, ARIZONA, July 15, 1878.

The Postmaster-General, Washington, D. C.:

Washington, D. C.:

Six: Twenty years ago the pioneers of this Territory were favored by the Federal Government with an overland mail from Saint Louis, Missouri, by this place, to San Francisco, which gave us mail communication from each side of the continent in less time than the schedule prepared to run for four years from the 1st day of July this year.

We have been steadily growing in population and prosperity against difficulties which no other Territory of the United States has ever had to surmount, and we are greatly astonished to find that our mail service is to be curtailed instead of extended, and seek in vain for any reason why this great injustice should be done.

We, therefore, as business men, to whom a quick mail service is of vital importance and an actual necessity, respectfully solicit your attention to the route from Fort Worth, Texas, to Yuma, Arizona, hoping it may be found to the interest of the people in general to have, at least, the same schedule time we always have had, if not a quicker time, and have the honor, to remain,

Yours, most respectfully,

LORD WILLIAMS, Merchant, With ten other signatures

Hundreds of these letters and petitions poured in upon the Post-master-General complaining that upon one part of the route under the old system they had their mails delivered in three days, while under the new contract it took four and a half days. Upon another part of the route time was increased from thirty to seventy-four hours. It is necessary to understand and consider and give weight to all of these facts and statements in order to give an unbiased judgment and decision upon the matter at issue.

and decision upon the matter at issue.

In view of the facts staring the Postmaster-General in the face, namely, that by reason of an inadequate price for the carrying of the mails on this route the contract must be abandoned; that under the new contract the schedule time had been increased to the great annoyance of the people and to the manifest injury of the growing and important business along the whole line; that there was a public necessity not only to continue but to expedite the service at a greatly increased price over the original contract; that the cost of the last mail serv-ice over the same line, when divided into four routes, as previously explained, was \$323,593.07 a year; that in years past, for like service, the Government had uniformly paid a much higher rate than was proposed to be paid at this time, (for example, in this connection take the following tabulated statement showing the cost of mail service ing the prayer of the petitioners?

on certain routes from 1850 to 1864 and the cost of the Fort Worth and Fort Yuma route, with the comparative cost under the old and the present rate,) is it honorable or fair to charge him with fraud in grant-

Western mail-routes, from 1850 to 1864.

Contract period.	Route.	Distance, miles.	Trips.	Running time.	Pay per annum.	Rate per mile on basis of once-a- week service.	Cost of a daily service on fore- going basis.	Cost of a daily service per mile.
1	2	3	4	5	6	7	8	9
1850 to 1854	Independence, Missouri, to Salt Lake, Utah	1, 100	1 trip per month		\$19,500	\$77 00	\$585,000	\$531 81
1854 to 1858	do	1,100	do	hour. 25 days, 15 miles per	36, 000	142 00	1, 080, 000	981 81
1858 to 1860 1850 to 1854	do	1, 100 885	1 trip per week 1 trip per month	hour. do29 days, 14 miles per	190, 000 18, 000	173 00 88 00	1, 330, 000 540, 000	1, 209 09 610 16
1854 to 1858	do	800	2 trips per month	hour. 25 days, 1½ miles per	33, 000	89 00	480, 000	600 00
1854 to 1858 1858 to 1860 1854 to 1858	Salt Lake to Placerville, California	798 798 1, 050	do	hour. do 25 days, 1½ miles per hour.	30, 000 80, 000 33, 500	81 00 217 00 69 00	450, 000 1, 200, 000 502, 500	563 90 1, 503 75 478 57
1857 to 1858	San Antonio to San Diego, California	1,600	do	30 days, 22 miles per hour.	149, 800	203 00	2, 247, 000	1, 404 37
1858 to 1861	San Antonio to Los Angeles, California	1,750	Twice a week on 700 miles, and once a week on residue.	30 days, 2½ miles per hour.	300, 000	127 66	1, 563, 835	893 62
1858 to 1861	Saint Louis to San Francisco, via Texas	2, 883	2 trips per week	25 days, 48 miles per	600, 000	104 00	2, 100, 000	728 40
1861 to 1864	Omaha to Sacramento	1,777	6 trips a week for 8 months, and 3 trips a week for 4 months.	20 days for letters, 37, miles per hour; 30 days for papers, 21, miles per hour.	1, 000, 000	115 00	1, 431, 530	805 58

Fort Worth and Yuma route, 1879-1880, compared with former rates.

Contract period.	Distance, miles.	Trips.	Running time.	What it would cost per annum at rate of old route as per columns 8 and 9, preceding table.	What it does cost per annum.	Difference per annum in favor of the Worth-Yuma route.	
1850 to 1854	1426	7 per week.	13 days each way;	\$758, 361	\$299, 000	\$459, 361	
1854 to 1858	1426	do	do	1, 400, 061	299,000	1, 101, 061	
1858 to 1860	1426	do	do	1, 724, 162	299,000	1, 425, 162	
1850 to 1854	1426	do	do	870, 088	299, 000	571, 088	
1854 to 1858	1426	do	do	855, 600	299, 000	556, 600	
1854 to 1858	1426		do	804, 121	299, 000	505, 121	
1858 to 1860	1426	do	do	2, 144, 347	299, 000	1, 845, 347	
1854 to 1858	1426	do	do	682, 440	299, 000	383, 440	
1857 to 1858	1426	do	do	2, 002, 631	299, 000	1, 703, 631	
1858 to 1861	1426	do	do	1, 274, 302	299, 000	975, 302	
1858 to 1861	1426	do	do	1, 038, 698	299, 000	739, 698	
1861 to 1864	1426	do	do	1, 148, 757	299, 000	849, 757	

DISCRETIONARY POWER.

The charge that the Postmaster-General, by contracting for increase and expedition of mail service at a cost beyond the amount of the annual appropriation, violated the law is untenable. The law gives the discretion without fixing any limit to such discretion. An officer clothed with unlimited discretionary power cannot be compelled
to exercise such discretion, nor can he be punished by impeachment
or otherwise, or be said to have violated the law, for using or for not
using such discretion; certainly not, unless it is shown to be a corrupt
or fraudulent use or non-use of the discretion. Simply an unwise, inindicious or extraorgent use of discretionary powers is not a violation. judicious, or extravagant use of discretionary power is not a violation of law. In the case of Secretary vs. McGarrahan, 9 Wallace, 298, Justice Clifford said:

Though mandamus may sometimes lie against an executive officer to compel him to perform a mere ministerial act required of him by law, yet such an officer to whom public duties are confined by law, is not subject to the courts in the exercise of the judgment and discretion which the law reposes in him as a part of his offi-

Whether or not the Postmaster-General has violated the law by the acts complained of, I reassert, is not a proper question for the consideration of the House at this time. If he has been guilty of a violation of law, put him upon trial, establish his guilt, condemn and punish him under the forms and in accordance with the provisions of law. To the real issues let us confine this discussion, and not drift away into the fields of imaginary frauds for the purpose of drowning the voice of reason and candid argument with loud-mouthed denunciations and hollow bluster. I submit again that the proper questions for our consideration at this time are the following:

1. Is the mail service, for which an additional appropriation is

asked, necessary?

2. If necessary, what amount, if any, is needed to be appropriated

3. If the service complained of is deemed unnecessary, in whole or in part, and the price contracted therefor unreasonable, will it be the policy or interest of the Government to withhold such appropriation?

The necessity for the service is clearly and forcibly set forth in the petitions, letters, and testimony from which I have already read and

to which I have referred, and cannot be successfully controverted.

From all of the testimony taken before the investigation commit-From all of the testimony taken before the investigation committee during nearly four months, comprising in part three hundred and twelve pages, I find not a single doubt cast upon the propriety and importance of continuing the present mail upon all of the routes in question, excepting the Las Vegas and Vinita, of eight hundred and ten, or six hundred and thirty-eight miles—which is the correct distance is not clear—raised from \$6,330 to \$150,592; the Santa Fé and Fort Stanton, one hundred and ninety-seven miles, raised from \$1,748 to \$13,110; the Fort Stanton and Fort Davis route, four hundred miles, raised from \$3,500 to \$31,500. And this doubt arises alone from the testimony of Charles Adams, a special agent of the Post-Office Department, who was a witness before the investigating committee, and seems to have concealed nothing and to have withheld no opinion which might reflect upon the importance and necessity of these routes. which might reflect upon the importance and necessity of these routes.

which might reflect upon the importance and necessity of these routes. The statements of the witness Kirk about the Prescott and Santa F6 route, which are very conflicting and fully contradicted, I regard as of no importance.

As to the Las Vegas and Vinita route see Adams's statement on pages 297, 298, 299, and 300 of printed testimony.

We submit that this testimony shows that the witness, Adams, had very little knowledge of the Las Vegas and Vinita route, only a part of which it would seem he had ever passed over. But aside from the many petitions setting forth the necessity of that route, the statement and opinion of Mr. Adams is most conclusively met and refuted by the report of John M. Crowell, a special agent of the Post-Office Department, with the accompanying papers, which will be found on pages 309, 310, and 311 of printed testimony, and are as follows:

A.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Division of Inspection, Washington, D. O., July 25, 1879.

SIR: This office desires information in regard to the manner in which the service on route 32024, Vinita, Indian Territory, to Las Vegas, New Mexico, is performed; and to obtain this it is deemed best that a special agent of the Department, one who is energetic and reliable, should go over the route and thoroughly investigate as to whether all offices on the route are visited by the carriers, if the required number of trips are being performed, and within the required time. Will you please designate such agent as you may deem best qualified for this duty and instruct

him to make the desired investigation. Inclosed find a transcript from the route book, containing the necessary information as to offices on route, distance, and schedule time.

Respectfully,

J. L. FRENCH, Acting Second Assistant Postmaster-General.

B.

[Telegram.]

WASHINGTON, D. C., July 31, 1879.

To C. Adams, Special Agent Post-Office Department, Denver, Colorado:

Case eight thousand five hundred and forty-one, sent you July 28, to go over route Vinita to Las Vegas; will you attend to while on your proposed trip or when

D. B. PARKER, Chief Special Agent Post-Office Department.

WASHINGTON, D. C., August 1, 1879.

Gen. CHAS. ADAMS, Special Agent, Denver, Colorado:

Transfer Vinita and Las Vegas case to Colonel Schuarte, who can send Caswell or Edgerton with it.

D. B. PARKER.

D.

OFFICE SPECIAL AGENT POST-OFFICE DEPARTMENT,
Saint Levis, Missouri, September 17, 1579.

Dama Sin: I hersewith have the boart to return case No. 584, in which the Second Assistant Post-Office Department be detailed to go over route No. 3824, between Vinita, Indian Territory, and Las Vegas, New Mexico, and thoroughly investigate the manner in which the service is performed on said route.

Being the agent designated to go over the route and make the destred investigation, I have the following report to submit:

Being the agent designated to go over the route and make the destred investigation, I have the following report to submit:

Agy, met W. L. Draw, the postmaster, and many citizens, and from my own observation and investigation, and information received from various sources, I am of the opinion that the mail aerives and departs at Vinita, on this route, very regularly, and that the mail sent over the route daily was larger than the amount sent over when the mail was running only once a week.

Provo Creek, distance the wenty-five miles, theme to Poulas, twenty miles, where I staid all night.

August 19. Left Poulas and drove to Tulsa post-office, on the Arkanssa River, about thirty miles from Poulas; found people all interested and axious for mail accommodations. The mail overtook and met me very regularly.

August 19. Left Poulas and drove to Tulsa post-office, on the Arkanssa River, about thirty miles from Poulas; found people all interested and axious for mail accommodations. The mail overtook and met me very regularly.

August 21. Drove to Sac and Fox agency, twenty-five miles from Post Oak, and took dilmer; onversed with Mr. Clark, postmaster, and the Indian agont, also with several merchants, all of whom were well pleased with the route, and very anxious for its continuance to that place. From Sac and Fox I crove to Cheyenne agency, and arrived there August 23, when I found the postmaster, Mr. George E. Reynolds, had resigned in favor of a Mr. Williams. The people seemed greatly in favor of the route. M

Liendre, Chaparito, and Hatche's Ranch are regularly supplied, and no complaint is made.

Is made.

September 7. Drove through a beautiful country and over a road well traveled, reaching Las Vegas, New Mexico, in the night, distance about one hundred and fifty miles from Fort Bascom, feeling as safe and sound as when I left Vinita, Indian Territory, twenty-two days previous. The postmaster, Mr. Chapman, at Las Vegas, informed me that the mail on this route arrived and departed generally on schedule time. He also informed me that the mail was rapidly increasing over this route, often amounting to two full sacks, and seldom less than one.

In conclusion I will state that, having traveled over every part of route 32024, from Vinita, Indian Territory, to Las Vegas, New Mexico, and after a careful observation and investigation, I am satisfied that the service on this route is regularly performed, and that every office is regularly visited by the carriers, and that the requisite number of trips are performed according to schedule and service in nine days. I requested the contractors to send me over the route, which they did, thereby causing the Government no extra expense.

I am, very respectfully, &c.,

I am, very respectfully, &c.,

JOHN M. CROWELL, Special Agent Post-Office Department.

DAVID B. PARKER, Esq., Chief Special Agent Post-Office Department, Washington, D. C.

E.

[Indorsed.]

Case 8541, C.1

POST-OFFICE DEPARTMENT, OFFICE OF CHIEF SPECIAL AGENT, Washington, D. C., September 20, 1879.

Respectfully referred to Hon. T. J. Brady, Second Assistant Postmaster-General.

Papers and reports of Special Agent Crowell relative to performance of service on route No. 32024, Vinita, Indian Territory, to Las Vegas, New Mexico.

DAVID B. PARKER,

Ohief Special Agent.

F.

Major John M. Crowell, Special Agent United States Post-Office Department:

Sir: Mails on route 32024 have been regular up to this time going east and west. Fort Bascom, September 5, 1879.

W. B. STOPP, Acting Postmaster, Per RICH, Deputy.

TRYGILLO, OLDHAM COUNTY, TEXAS, September 3, 1879.

I have been informed that a report is being circulated that no service is being performed on route 32024 east of Fort Bascom and Fort Elliott. I would respectfully state that the mail-sacks arrive at this office from the east and west with almost perfect regularity, and I can and do certify that in no instance has the mail failed to arrive either from the east or west. The service is and has been regularly and properly performed, and gives entire satisfaction in every respect.

CHARLES H. TUERLING, Postmaster.

On this report the gentleman from Kentucky in his speech on yesterday made, as I thought, a very unfair and unwarranted comment when he said, "That report is here in print, and he never once says when he said, "That report is here in print, and he hever once says there was any necessity for this increased service or for the continuance of this mail." It would not have been proper for that agent to have expressed such an opinion. He was sent out for no such purpose. See the order, page 309, "A."

But from the facts stated in that letter who can doubt that the agent, Crowell, if he had been called upon to give an opinion, would have expressed the opinion that the increased service was necessary and should be continued?

As to the Santa F6 and Fort Stanton route the witness Adams states.

As to the Santa Fé and Fort Stanton route the witness Adams states, see page 302, the following:

By Mr. BLACKBURN:

By Mr. Blackburn:
Question. Are you acquainted with the Santa Fé and Fort Stanton route?
Answer. Yes; I recommended the establishment of it first, several years ago.
Q. That route, I see, is one hundred and ninety-seven miles long.
A. I was not aware that it was so long, but it may be.
Q. It is given here as one hundred and ninety-seven miles long; the original contract was for one trip a week and the pay was \$1,748 per annum, but it has been expedited so that its cost now is \$13,110 per annum. Is that route of sufficient importance to warrant such an increase of pay as that?
A. No, sir; I do not think that the business of the people living along the route would warrant any such expense. At the time when I recommended the establishment of the route there were several Mexican settlements where they were asking for mail service.

It will be noticed that Adams recommended the establishment of this route when there were several Mexican settlements where they were asking for mail service. He does not tell us that those Mexican settlements have been abandoned, nor does he show much, if any,

actual knowledge of the route.

As to the Fort Davis and Fort Stanton route, the witness Adams shows no knowledge, excepting that he had heard there was such a route. His statement is as follows, page 302:

Q. You probably know something about the Fort Davis and Fort Stanton route, as it is a New Mexico route?

A. I have heard that there is such a route; only one part of it is in New Mexico; it is mostly in Texas.

Q. That route is four hundred miles long; the original contract price was \$3,500 and the present pay is \$31,500. Is that route of sufficient importance to warrant that increase of compensation?

A. No, sir; I do not think so.

The witness Adams establishes very clearly the importance of the Prescott and Santa Fé, Fort Worth and Yuma, and Las Vegas and Las Cruces routes, and that their cost to the Government is not un-

reasonable. See pages 302, 303, 304, and 305 of printed testimony, which is as follows:

Q. Are you familiar with the Prescott and Santa Fé route? A. Yes. Q. That is set down here as five hundred and twenty-nine miles long; is that an

A. It is one of the most important routes in the United States if the service were performed properly upon it.

Q. I see the original pay was \$18,500 and the present pay is \$135,975; is it a route of sufficient importance to warrant such an increase?

A. It hink so.

Q. What about the character of the service that is rendered upon that route?

A. I think so.

Q. What about the character of the service that is rendered upon that route?

A. That route should carry the Arizona mails from the east, but it does not. Instead of that the mail goes around by way of San Francisco and Fort Yuma to get to Prescott. I remember that petitions were handed me when I was at Prescott and Tucson, signed by nearly every person of standing in the Territory, asking for the establishment of this route, and I wrote such a report as I thought would secure the route and did all I could to have it established, and it was established with the understanding on my part that the Arizona mails from the east should be carried that way, and that there should be a regular stage line run; but the service has not been performed in that manner.

Q. And the mail from the east never has been carried over that line?

A. Not on a stage. It is carried part of the way, as far as Fort Wingate, where a great many people live, on some sort of conveyance, a buckboard or something of that kind, but from there for the greater part of the route its, as I understand, carried on horseback. Of course heavy mails cannot be carried over the route in that way, and they have not been carried.

Q. The original contract price was \$18,500, whilst the present pay is \$135,975. Does that route do any service which approximates in value to the present pay, \$135,973?

A. I do not know anything about the computation of pay for the mail service.

Does that route do any service which approximates in value to the present pay, \$135,975?

A. I do not know anything about the computation of pay for the mail service. I know that that route ought to be a very important one, and probably if the service on it were properly performed it would not be any too high.

Q. But you think it is not properly performed?

A. I am advised that it is not. Feed, and everything of that kind, is very dear out there, and \$135,000 a year for a daily stage line would not, in my judgment, be any too much if the service were properly performed.

Q. Do you know anything about the Fort Worth and Fort Yuma route?

A. I was over it last July. There is very fair service on that route.

Q. The original contract price was \$134,000?

A. They could not carry it for that; it is impossible.

Q. The present pay is \$239,000?

A. Well, I do not think that there is any great profit in it at that price. It is a very long route through a very bad country.

Q. How do they perform the service, by coaches or by buckboards?

A. They have coaches, and they run buckboards on off days, but they have at least three animals to each vehicle. They are doing very fair service on that route; they are running day and night at about four or five miles an hour.

Mr. BLACKBUEN. The distance is fifteen hundred and sixty miles, and they were allowed originally four hundred and eight hours.

Mr. BLOUNT: They had seventeen days at the beginning, but the time was cut down to thirteen days.

The Witness. I think they perform it in that time.

By Mr. BLOUNT:

By Mr. BLOUNT :

By Mr. BLOUNT:
Q. Do they graze their stock on that route?
A. I think they graze it, and they also have hay and corn.
Q. How many sacks of mail do they carry?
A. The quantity differs between different places; the line is a long one, and they have a great many different connections. I did not go over a part of the line from Fort Worth to Concho; I joined the line at Concho; the mails between there and Fort Worth are very heavy. Then from Concho to Fort Davis they are also quite beavy.

Fort Worth are very heavy. Then from Concho to Fort Davis they are also quite heavy.

Q. What is the distance between Fort Worth and Concho?

A. About 300 miles, I think. I should say there is daily about 500 pounds of mail from Fort Worth to Concho; then I should say there is daily about 500 pounds of mail arriving at Stockton, and about 400 pounds at Fort Davis; El Paso and San Elizario will probably take 300 pounds of that every day, so that there will be only about 100 pounds left, part of which will go to Mesilla and up to Santa F6. An entirely new mail comes in at El Paso, and increases the weight of the mails as far as Mesilla; then, at that point all the mail from the Northwestern States comes down, which will probably bring the weight up to 500 pounds again; that will go west as far as Camp Bayard, where it will drop, probably, 100 pounds; then it goes to Silver City or to Georgetown, and it drops, probably, 200 pounds there; then there is, probably, 200 pounds left going to Arizona; but from Fort Bayard and Silver City it will fill up again, and, probably, about 400-pounds will go through to Tucson, except that some will be dropped off at Fort Graat, Camp Thomas, and Camp Apache, all of which points are supplied by way of Colorado. Then, of pourse, it carries all the western mail again from Tucson to Yuma.

Yuma.
Q. What about the mail between those two points?
A. The mail from Tucson, with the Prescott mail added, will probably make fifteen hundred pounds. The railroad is now finished into Tucson. It was not finished when I was there last. It was only finished to Maricopa Wells.
Q. What is the distance from Tucson to Fort Yuma?
A. It must be in the neighborhood of three hundred miles.
Q. From Tucson to Fort Yuma the star-route contractor is paying the railroad company for carrying the mail, I believe?
A. That is often done. I do not know that it is done there, but I know that it has been done on other lines.

By Mr. BLACKBURN:

By Mr. BLACKBURN:

Q. The route from Las Vegas to Las Cruces, four hundred and twenty-five miles long—is that an important route?

A. Yes, sir.

Q. Does it carry a heavy mail?

A. Yes, sir; quite heavy.

Q. Do you know what sort of service is rendered upon that route?

A. Buckboard service all the way through now.

Q. I see that the original contract price was \$14,500, while the present pay is \$91,212. It was originally three trips a week. It is now a daily mail, and I find that at three trips a week on a schedule of one hundred and fifty-eight hours, it was let at \$14,900. Four trips a week were added, making it a daily mail, and for that addition of trips \$54,435.96 was allowed. Then it was increased in speed, for which there was an allowance of \$21,876.55, making the extra compensation for additional trips and expedition of schedule \$76,312.51, and the total cost of the route to-day is \$91,212 per annum. Do you know how they compute the extra allowance for additional trips?

A. No; I could never understand it. All I can say about that route is that it is a very important one. One of the largest military posts, Fort Stanton, receives its mail by that route, and there is a population of at least thirty thousand people along

the line. Of course, they are principally Mexicans, and they have not much correspondence, but there are American merchants among them, who do a good deal of business. There are towns along the route for some distance, although there are stretches where there are no towns. Between Fort Sumner and Fort Russell there is a long stretch where there is hardly anything along the line, but I suppose the route must be kept open there in order to connect.

Q. Do you think the mail service over that line is worth \$91,000 a year?

A. Well, I think the contractors don't make any money at that price. If they are going to carry the mail there, I don't think they can do it for less.

The present star mail service is but a continuance of the liberal policy adopted and carried on by the Government for the past thirty policy adopted and carried on by the Government for the past thirty years, prompted by the same progressive spirit and desire to open up to settlement and the development into new, rich, and populous States our vast frontier domain, which during the same period has induced the Government to grant in aid of the construction of railroads 215,203,807.97 acres of public lands, of which 42,847,403.12 acres have been actually certified up to date. It is a part of the same policy which induced Congress in 1857 to appropriate \$300,000 for the construction of a wagon-road from Fort Kearney, in the then Territory of Nebraska, via the South Pass of the Rocky Mountains, to the eastern boundary of California; that appropriated \$200,000 for the construction of a wagon-road from El Paso to Fort Yuma, a part of the mail-route now under discussion, and that appropriated \$50,000 for mail-route now under discussion, and that appropriated \$50,000 for the construction of a wagon-road from Fort Defiance, in the Territory of New Mexico, to the Colorado River, near the mouth of the Mohave

SENATORS JOHNSON AND RUSK.

In the language of Senator Johnson, of Arkansas, used in the Senate of the United States in 1857, when discussing the bill to appropriate \$300,000 for a semi-monthly, \$450,000 for a weekly, and \$600,000 for a semi-weekly mail to be carried from some point on the Mississippi River to San Francisco, I may say:

I am in favor of this measure because I believe it to be advantageous to the country and a great national object coming within the constitutional powers of Congress. If the Government can carry this mail at all it can carry it daily. It is called upon now to follow where western people have led. They have penetrated the forests and crossed the wild streams. This route must be opened and sustained by a power that will carry it onward through all the obstacles that nature presents and all those that savage tribes may offer. The more immediately and the more constantly your road is traveled by a daily mail, the more constant and the more safe will be the travel of the emigrant, and the more certain will be the success of the service.

Send it daily and let the emigrants know that the route is traveled daily by the mail and the whole tide of emigration to the Pacific coast and the returning travel from the coast will be on the mail line, for safety will be felt. The fact that the line will be inhabited by a constant stream of travel will give it a protection which the United States troops cannot secure.

Senator Rusk, of Texas, in the same discussion, well said:

Sir, there is not an expenditure under your Government, take it altogether, that is of such benefit to the citizens of your country and tends as much to the development of the resources of the country, or the amelioration of the condition of its inhabitants, as your post-office expenditures—none equal to it. The struggling son in California who is laboring to support an aged parent in Maryland can with great facility, on account of this expenditure, communicate with him at a cheap rate.

The bill passed the Senate by a vote of 24 yeas to 10 nays. The Senators voting in the affirmative were—Benjamin, Bigler, Collamer, Douglas, Durkee, Fish, Fitch, Foot, Foster, Green, Gwin, Harlan, Houston, Johnson, Jones of Iowa, Nourse, Pratt, Rusk, Seward, Slidell, Stuart, Thompson of New Jersey, Weller, and Wilson.

The bill became a law, and under it a contract was made to carry the problem of the problem.

mails from Saint Louis to San Francisco, a distance of twenty-eight hundred and eighty-three miles, twice a week; each trip to be made in twenty-five days, at a cost to the Government of \$600,000 a year—a much higher rate, by two or three times, than is now paid by the Government upon any of the routes complained of. At the same rate the present service on the Fort Worth and Yuma route would cost upward of \$1,000,000 over \$700,000 more than is now paid. Yet we are met with the cry of fraud and extravagance. Let me invoke the departed spirits of the distinguished and far-seeing statesmen who inaugurated, zealously advocated, and voted large sums of money to carry out these great mail enterprises, stretching across our continent and linking together by the strongest ties of a common brotherhood distant organized and by the strongest ties of a common brotherhood distant organized and embryonic States, to rebuke and put to shame the illiberal, narrow-rutted and snail-paced men of to-day, who, by groundless clamors and sensational cries of economy, would break down or impair these great works, left as monuments of the sagacity, wisdom, and greatness of their authors, as cheering blessings to their posterity, and as living instrumentalities to advance the power and glory of their country.

The great importance and incalculable benefits to be derived from the efficient and extensive mail service as now artablished.

the efficient and extensive mail service as now established, who can question?

These great mail lines, stretching along and through the Indian frontiers, serve as cordons of watchful and trusty pickets to give warning, protection, and security to the poor, daring, and hard-working frontiersmen as they penetrate the savage wilds, build their new homes, "blaze the way to civilization," and carve out new Territories and States.

Star routes—how aptly named! They are stars of hope and promise to guide the ambitious boy and the poor adventurous emigrant

to new homes, independence, and fortune. They are the peculiar and most highly prized blessings of the enterprising business man and hard-fisted yeomanry upon the frontier, which bring them the world's news and welcome messages from loved kindred and friends left behind in the old States and in the "fatherland."

The coming mail upon the far-off frontier, borne upon stage-coach, mule-back, or "buckboard," is looked for by anxious hearts; its arrival is welcomed with joy and gladness; its departure bears with it the blessing and god-speed of a grateful, brave, patriotic, and happy people, who praise and bless the generous Government, the munificent giver.

This is no fancy picture. Whoever has witnessed or experienced the dangers, deprivations, and heart-sick loneliness of frontier life will bear witness to its truthfulness.

will bear witness to its truthfulness.

The frontiersman asks for no palace cars, no lightning express trains, no carrier-boy to bear, at the expense of the Government, the mail to his door; he is content with the rough stage-coach, the rude buckboard, or the lazy mule to carry his mail to the little backwoods post-office, miles away from his isolated, humble cabin thatched with brush or the wild grass of the prairie. Will a great and powerful Government deny him that poor privilege?

Of the expensive railroad and steamboat mail service and the other large expenses connected with the mail service in the more populous parts of the country, aggregating \$17,000,000, we hear no complaint. The star service includes two hundred and fifteen thousand miles, at a cost of about \$7,000,000, while the railroad and steamboat mail service includes only one hundred thousand miles. If it is real reduction of expenditures in the mail service that is wanted, and expedition in of expenditures in the mail service that is wanted, and expedition in the delivery of mails is not to be paid for at fair and remunerative rates, let us deal alike with the entire mail service and cut down the service by railroads and steamboats as well as the star service. If that is correct policy and wise economy we may save the Government at least \$15,000,000 annually. On railroads let the mails be transported on freight cars; on rivers on slow freight boats; on the oceans and seas by freight vessels. If the time of carrying the mails on star routes should be reduced from four and a half or five miles to two miles per hour is it anything more than fair that on railroads the time should be cut down from twenty-five or thirty miles to ten or twelve miles per hour?

miles per hour?

To illustrate what a great saving might be made, take the railroad mail-route from New York to San Francisco, the schedule time of which is seven days, and costs per annum \$1,850,835. It is estimated that twenty thousand pounds of mail pass over that route daily. If carried on ordinary freight-cars, one freight-car a day would carry the mail, the schedule time of which would be twenty-five days, and would cost per annum about \$359,000, whereby there would be saved to the Government \$1,491,835 on this one route alone. Such a proposition would very properly be seconted as the height of folly as the osition would, very properly, be scouted as the height of folly, as the offspring of degenerate and incompetent law-makers, and its authors would be ignominiously driven from these halls of legislation by an

indignant people.

During the past eighteen months is the first time in the history of the administration of the Post-Office Department that our frontier people have had an efficient and satisfactory mail service. To their great astonishment and alarm, so soon after its establishment, there is a strong and determined effort being made to take it away or greatly

impair its efficiency.

If, in the line of "economy and reform," we are to strike at the mail privileges of the sun-bronzed cheek, labor-calloused hand, and brave heart of the frontiersman, in the name of common justice let the blow fall with equal severity upon the kid-gloved gentry, codfish aristocracy, chicken-hearted millionaire, and bloated gormandizer of the populous cities.

Regarding the present star service as necessary, the next question arises, What amount will it be necessary to appropriate to cover the

cost of the same to the end of the present uscar year?	
The amount estimated and appropriated for the entire year was	\$5,900,000 00
ber 31, 1879	3, 452, 771 40
Balance unexpended Estimated expenditures for the two quarters ending	2, 447, 228 60
June 30, 1880	3,602,767 20
Additional appropriation required	1, 155, 538 60
the Senate	1,100,000 00
The second for the same of the second second	FF F00 00

of covering the estimated expenditures for the present service to the end of the fiscal year. It is believed that the fines which may be assessed against mail contractors during that time will reduce the mail expenditure more than that amount, and while the bill does not provide, as I think it should, for any further increase of mail service during the present fiscal year, I shall support the bill as amended by the Senate in a spirit of compromise, and as I believe it will substan-

tially meet the present wants of the star service. Although we may doubt the necessity of the increased mail service complained of, and may believe the cost of the same as contracted for extravagant, will it, under the circumstances and facts existing, be wise or economic to withhold the appropriation necessary to meet it in whole or in part?

In view of the fact that a failure to make the appropriation will disarrange, disorganize, and cut down a large portion if not the entire star service of the whole country, causing widespread dissatisfaction and an interruption of business to a great extent throughout the country, more ruinously in the States and Territories west of the Mississippi, subjecting the Government to the payment of one month's extra pay to contractors, which will amount to from \$100,000 to \$600,000, besides creating claims for heavy damages on the part of mail contractors for a violation of their contracts, in spirit if not in letter, by the Government, we cannot believe it a wise, economical, or defensible policy to withhold any portion of the appropriation provided for in the bill as amended by the Senate.

The bill as originally passed by the House cuts off all expedited service after March 1, 1880, costing over \$2,500 per annum.

Should this bill become a law it will destroy the present mail service on eight lines, five wholly and three partly within my district, to some of which I will call attention.

The route from San Antonio to Corpus Christi, distance one hundred disarrange, disorganize, and cut down a large portion if not the entire

The route from San Antonio to Corpus Christi, distance one hundred and forty-eight miles, increased from two to six trips per week, and exand forty-eight miles, increased from two to six trips per week, and expedited from forty to twenty-nine and a half hours, at a cost of \$25,770, is one of the most important routes in my whole district, over which a large amount of mail passes, supplying the mails for some twelve counties, the whole coast country from and including Corpus Christi to and including Brownsville, the Lower Rio Grande, and a very large portion of the mail going into Mexico. Besides it is a trunk line, supplying the mail for several other important lines. Before expediting the time on this route the coast country referred to depended on steamboats by the gulf for their mails, which were very irregular, and sometimes by epidemics prevented for months from the delivery of mails.

delivery of mails.

The route from San Antonio to Eagle Pass, a distance of one hundred and eighty-three miles, increased from six to seven trips per week, and expedited from forty-eight to thirty-six hours, at a cost of week, and expedited from forty-eight to thirty-six hours, at a cost of \$20,161, is an old and very important route, none more so in the State. Besides supplying the mails for several old and important towns and county seats, it is a trunk line to several branch lines, and supplies the mails to several military posts, among them Fort Clark, the largest post in the military department of Texas.

The route from San Antonio to Laredo, a distance of one hundred

and eighty-three miles, increased from two to six trips per week, and expedited from sixty to forty-eight hours at a cost of \$9,635. This is also becoming a very important route, and is destined to be a main line for the transportation of mails to and from the United States to

and from the principal cities of Mexico.

The route from Laredo to Rio Grande City, a distance of one hundred and twenty-one miles, increased from two to six times a week, and expedited from forty-eight to twenty-two hours, at a cost of \$7,169, is a new but important route. This route runs along the Rio Grande River, between important and growing towns, Laredo and Rio Grande City, and the military posts, McIntosh and Ringgold Barracks. It is a part of an important line running up and down the east bank of the Rio Grande from Brownsville to Eagle Pass, a distance of three hydrod and fifty miles. The cost of receiving this line. east bank of the Rio Grande from Brownsville to Eagle Pass, a distance of three hundred and fifty miles. The cost of running this line, of which I have some personal knowledge and have pretty thoroughly investigated, is much more by several thousand dollars than the amount paid by the Government for the service, and were it not for the trade and travel passing over the line the contractor would be obliged to abandon his contract, which I am assured he will do if the

House bill becomes a law.

The route from Austin, Texas, to Fort Concho, a distance of two hundred and forty-nine miles, increased from six to seven times a week, and expedited from sixty to forty-eight hours, at a cost of \$11,703, is an important line running from the capital of the State to an important military post on the frontier, there connecting with the

great overland mail-route from Fort Worth to Fort Yuma.

I have not the time to show the character, resources, population, business, or future prospects of the country through which these mail lines pass. Nor is it my purpose to pronouce a eulogy upon West-ern Texas. But I ask that the mail lines needed by her people, and through which millions of settlers may be drawn to her rich soil and salubrious climate, may be protected and continued unimpaired.

From the best evidence we can obtain the contractors under the From the best evidence we can obtain the contractors under the letting of July, 1878, on the routes complained of as to increase of service, have expended in stocking and equipping, and in digging wells, building stations and stables, and in expenses of carrying the mails on their respective routes much more than they have received in pay from the Government. John A. Welsh, contractor, on the Prescott and Santa Fé route, which was increased from \$13,313 to \$135,975, swears that he is out \$90,000, (page 206, printed evidence;) that for the quarter ending December, 1879, he was paid by the Government \$32,000, and that his actual expenses on this route for the same quarter were \$28,000.

Such being the condition of the contractors, if compelled to abandon

Such being the condition of the contractors, if compelled to abandon

their contracts in consequence of the Government's withholding the necessary appropriations, which must result in heavy losses to the contractors, will they not have good reason to knock loud and long at the doors of Congress for a settlement of their losses?

am confident as a question of economy that the required appro-

priation should be made.

APPEAL TO DEMOCRATS.

To my brother democrats of the House let me in all candor say that by striking down or impairing the mail service in any part of the country we shall not reflect the policy of the democratic party in the

past, and I trust not fix it in the present or shape it for the future.

Let us remember that under democratic policy and statesmanship the vast country extending from the Mississippi River to the Pacific Ocean, embracing more than two millions of square miles, out of which have been carved and admitted into the Union the States of which have been carved and admitted into the Union the States of Louisiana, Missouri, Texas, Iowa, Minnesota, Kansas, Nebraska, Nevada, Colorado, Oregon, and California, besides the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, Wyoming, and the Indian Territory, was acquired; that that country has added empires of wealth and resources to the Union: in taxable property, real and personal, \$3,004,343,278; in annual farm products, \$430,024,738; in gold and silver actually deposited at the mints and assay offices of the Government from their organization to June 30, 1879, \$939,581,524.60; in annual revenues paid to the Government, \$9,961,278, and in population about 11,500,000, and that these States and Territories under democratic policy have been spanned and checkered by great mail lines, the most important of which are now sought to be greatly impaired or stricken down by this House with a demoto be greatly impaired or stricken down by this House with a democratic majority. Stimulated and encouraged by the grand results of the advancing and aggrandizing policy which acquired this immense domain, let it under like democratic policy be populated, developed, and made powerful and mighty, commensurate with its vast natural resources, and equal to the unmeasured capacity, genius, and resoluteness of the American results.

ness of the American people.

In our eagerness for "retrenchment and reform" and an honest and economical administration of the Government, let us beware that we mistake not the progressive spirit and sentiment of our people by supposing that under the burdens of taxation they desire a cheap or parsimonious government with a retrograding policy, or the with-holding of public moneys to the sacrifice of needed and substantial nothing or public moneys to the sacrifice of needed and substantial improvements, to the stoppage of great public enterprises, or to the denial of mail facilities, the conveniences of travel, and the promotion of trade and commerce, which have become great public wants, within the power and gift of the Government. While we should guard well the public Treasury against extravagance, fraud, and plunder, let us not prove laggards in the race of nations or sink into a miserly, parrow-minded, and contracted relies, which will tend to

plunder, let us not prove laggards in the race of nations or sink into a miserly, narrow-minded, and contracted policy, which will tend to paralyze the energies, dwarf the growth, imbecilitate the powers, imbellic the spirit, decay the vitals, and destroy the life of the nation. It has been the pride and proud boast of the democratic party that it was the party of the people, the friend and protector of the rights and privileges of all alike. Around its glorious standard every class and grade of society, the humblest and the highest, the followers of every creed and denomination, Protestant and Catholic, Jew and Gentile, the native and foreign born, have gathered; and under its broad banner, imprinted with the Constitution, emblazoned with "Equal rights to all, exclusive privileges to none," shoulder to shoulder, heart to heart, and hand in hand they have marched to victory and fearlessly sustained defeat.

To impair or strike down the established and efficient mail service upon our frontiers or in sparsely-settled districts is not the policy of

upon our frontiers or in sparsely-settled districts is not the policy of the democratic party, and will not be sustained by it or the people. For a democratic majority of Congress to permit such legislation would be an abandonment of the glorious record of the democratic party in the past, would belittle its noble struggles in the present to re-establish and reinstate a constitutional, economical, and wise govre-establish and reinstate a constitutional, economical, and wise government, and damn its prospects in the future. If we cannot measure and meet the wants of the country, and keep pace with the progressive spirit and onward march of the age, we will be shoved aside and left to follow the advancing column keeping time and step with the live and thrillant music of a progressive people. Among the sins of the democratic party may there never be numbered a desertion of the frontiersman, or a denial of the "poor man's mail."

During the delivery of Mr. Upson's remarks the hammer fell at the expiration of one hour.

expiration of one hour.

The CHAIRMAN. The gentleman's hour has expired.

Mr. WELLBORN. I move that my colleague have further time allowed him.

The CHAIRMAN. How much time?
Mr. WELLBORN. Iask that he be allowed to proceed without limit. Mr. WELLBORN. I ask that he be allowed to proceed without limit. The CHAIRMAN. Is there objection to the proposition of the gentleman from Texas [Mr. Wellborn] that his colleague be permitted to proceed without limit?

Mr. ATKINS. If the gentleman from Texas proceeds without limit, does the gentleman who makes the motion design that all speakers upon this bill shall proceed without limit?

Mr. WELLBORN. The gentleman from Kentucky [Mr. Blackburn] had his time extended yesterday.

Mr. HOUK. My colleague from Tennessee [Mr. ATKINS] proposed yesterday that the time should be extended to everybody, and he got the time of the gentleman from Kentucky [Mr. BLACKBURN] ex-

The CHAIRMAN. Does the gentleman from Tennessee [Mr. AT-

KINS] object?
Mr. ATKINS. I do not. I did not hear the remark of the gentleman from Tennessee, [Mr. Houk,] but I withdraw any objection I may

Mr. PAGE. How much more time does the gentleman from Texas desire

The CHAIRMAN. How much more time does the gentleman require ?

Mr. UPSON. I cannot tell.

The CHAIRMAN. The Chair hears no objection to the extension of time, and the gentleman from Texas will proceed.

Mr. UPSON resumed and concluded his remarks.

Mr. STONE. Mr. Chairman, I had purposed to say a few words on this bill as representing the Committee on the Post-Office and Post-Roads, but I am willing at any time to yield for a motion for the committee to rise, that the House may vote on the bill. It is very seldom at this stage of the discussion that further debate does much seldom at this stage of the discussion that further debate does much to influence votes in the committee or in the House, and I do not wish to trespass on the time of the committee. I had hoped, however, to have an opportunity of saying a few things on the subject-matter of this bill which might possibly throw a little light on this question. As the committee of which I have the honor to be a member are charged with this subject-matter, I had thought the information possessed by that committee might be of some interest to the gentlemen of the Committee of the Whole and aid them in voting on the question; but in this I may be mistaken on the question; but in this I may be mistaken.

Much has been said in reference to the importance of this branch of the mail service. I think we cannot overestimate the importance of the mail service to the entire country; not only to the West and Southwest, but to the East, the North, and the South alike. And this is a branch of the service in which all are interested, the rich and the is a branch of the service in which all are interested, the rich and the poor alike, although not perhaps in the same degree. While much has been done by the Department, and by Congress in furnishing appropriations, in the way of extending the railroad and steamboat service of the country, it is important that we do not overlook the star service. As has been said by the gentleman who preceded me, it outnumbers in miles, doubly so, both the steamboat and the railroad convices of the country.

service of the country.

it outnumbers in miles, doubly so, both the steamboat and the railroad service of the country.

While we have appropriated for the fiscal year ending June 30, 1880, for the railroad and steamboat services, including the free-delivery and the mail-messenger service, over \$17,000,000, we should bear in mind that we have appropriated for this branch of the service, which covers over two hundred and twenty-one thousand miles, only the sum of \$5,900,000. As many of the members of the Committee of the Whole are aware, we have appropriated for the railroad service for this fiscal year \$9,000,000; for the use of the railway postal cars, \$1,250,000; for route agents, \$1,350,000; for postal clerks, \$1,350,000; for route agents, \$1,25,000; for mail-route messengers, \$175,000; for local agents, \$120,000; for mail messengers, \$675,000; for the steamboat service, \$900,000; for mail catchers, \$4,500; for catcher-pouches, \$13,600; and for letter-carriers serving only one hundred and one cities, \$2,415,000. Thus we have a grand total of appropriation of \$17,178,100 for a service covering only one hundred and one thousand miles. For the star service, which extends over two hundred and twenty-one thousand miles in this country, embracing over ten thousand routes, we have appropriated for this fiscal year but \$5,900,000. For a service ramifying the entire country, covering double the number of miles traversed by the railroad and steamboat service, we appropriate less than one-half the amount appropriated to the latter, even if we should appropriate here the \$2,000,000 asked for by the Second Assistant Postmaster-General in the first instance. But this is not proposed. I was instructed by the Committee on the Post-Office and Post-Roads to ask this committee and this House to concur in the Senate amendment, which appropriates but \$1,100,000 added for additional servmittee and this House to concur in the Senate amendment, which appropriates but \$1,100,000, with \$100,000 added for additional serv-

I am not here, Mr. Chairman, to vindicate the Second Assistant Postmaster-General. I am not his agent in that respect. I am here to say this: that after looking over somewhat carefully the testimony of the Appropriations Committee charged with the investigation of this matter, I have yet to find where there has been any violation of law by the Post-Office Department; I have yet to find any member of that committee able to place his finger upon a postal route where the service has been increased or the schedule expedited fraudulently. They have not been able to show us one single contract where there has been any corruption traced to the Post-Office Department or to the contractor himself. But I do stand here, Mr. Chairman, to say that while I do not apologize for the Department, and while I would not defend the practice which has been pursued by the Department, yet I say it has all been done under forms of law, and if any body of men or any party is to blame for this practice, it is Congress and not the Post-Office Department. As you are well aware the practice is not a new one. The existing statute under which this increased service has been put upon these routes and upon which these schedthe Appropriations Committee charged with the investigation of this

ules have been increased is an old law which has existed for years. Under this law we had the western mail service as far back as from 1850 to 1864; we have had that service expedited from year to year

as the interests of the country have demanded. I append a state ment showing the extension of this western mail service from 1850 to 1864:

Western mail-routes, from 1850 to 1864.

Contract period.	Rente.	Distance, miles.	Trips.	Running time.	Pay per annum.	Rate per mile on a basis of once-a-week service.	Cost of a daily service on foregoing basis.	Cost with running time reduced to 4 and 5 miles per hour, and pay increased 100 per cent. for the expedi- tion.	Cost per mile as expedited.	Cost per mile for once- a-week service.
1850 to 1854	Independence, Missouri, to Salt Lake, Utah.	1, 100	1 trip per month	30 days, 11 miles per	\$19,500	\$77 00	\$585, 000	\$1, 170, 000	\$1,078 00	\$154 00
1854 to 1858	do	1, 100	do	25 days, 15 miles per hour.	36, 000	142 00	1, 080, 000	2, 160, 000	1,988 00	284 00
1858 to 1860	do	1,100	1 trip per week	do	190,000	173 00	1, 330, 000	2, 660, 000	2, 422 00	346 00
1850 to 1854	Independence to Santa Fé, New Mexico.	885	1 trip per month	29 days, 11 miles per hour.	18, 000	88 00	540, 000	1, 080, 000	1, 232 00	176 00
1854 to 1858	do	800	2 trips per month	25 days, 11 miles per hour.	33, 000	89 00	480, 000	960, 000	1,246 00	178 00
1854 to 1858	Salt Lake to Placerville, California.	798	do	do	30, 000	81 00	450, 000	900, 000	1, 134 00	162 00
1858 to 1860	do	798	do	do	80,000	217 00	1, 200, 000	2, 400, 000	3, 038 00	434 00
1854 to 1858	Santa Fé to San Antonio, Texas.	1, 050	do	25 days, 1½ miles per hour.	33, 500	69 00	502, 500	1, 005, 000	966 00	138 00
1857 to 1858	San Antonio to San Diego, California.	1, 600	do	30 days, 23 miles per hour.	149, 800	203 00	2, 247, 000	4, 494, 000	2, 842 00	406 00
1858 to 1861	San Antonio to Los Angeles, California.	1, 750	Twice a week on 700 miles, and once a week on residue.	30 days, 2½ miles per hour.	300, 000	127 66	1, 563, 835	3, 127, 670	1, 787 24	255 39
1858 to 1861	Saint Louis to San Fran- cisco, via Texas.	2, 883	2 trips per week	45 days, 43 miles per hour.	600, 000	104 00	2, 100, 000		728 00	
1861 to 1864	Omaha to Sacramento	1, 777	6 trips a week for 8 months, and 3 trips a week for 4 months.	20 days for letters, 3.7 miles per hour; 30 days for papers, 2.1 miles per hour.	1, 000, 000	115 00	1, 431, 530		805 00	

It is well for us to remember that this service has not been increased by the Post-Office Department independently of the action of members of this House and of members of the Senate. The Second Assistant Postmaster-General stated very correctly, when he was before the committee, that this increase has been made by the Department because it seemed to be imperatively demanded by the requirements of the service and the necessities of the case, and was done in response to urgent and frequent demands from the people and the Representa-tives of the sections where made. It has also been in furtherance of that liberal policy adopted by the present head of the Department toward this branch as well as others of the service of providing as ample mail facilities in every case as circumstances would warrant, keeping in view the good of the service, the needs of the people

the section of the country where the increase was made.

He represents that this increase has been made upon the urgent solicitations of members of Congress; that they have urged strongly the requirements of an increased volume of business, the claims of a growing country, and the consequent necessity for increased mail service. I have before me a speech made a few days since by Senator MAXEY in which I find a statement similar to the one made by the gentleman from Texas [Mr. Upson] yesterday, showing the indorsements of members of this House and of the Senate upon these recommendations. The Senator says:

ments of members of this house and of the Senate upon these recommendations. The Senator says:

There is another route from Vinita in the Indian Territory, in the Cherokee Nation, to Las Vegas in New Mexico, across the pan-handle of Texas, traversing that one hundred and sixty-seven and a half miles. I indorsed that. I believed it a wise thing to do. I believed it would aid in settling this terrible Indian problem in that country. It will help to bring peace and the road will carry with it population, and thus as the country settles up the necessity for troops in that region will decrease. That precise effect has been had so far as the building up of that stage route is concerned, and already there is a fine town, Mobertie, near to Fort Elliott, in the pan-handle of Texas, along which that stage line runs, and it has several hundred inhabitants. The county of Wheeler has been organized in that pan-handle which but a few years ago was a wilderness, and some ten post-fices have already been established on the line of that stage route, and they are constantly increasing.

I find that that route is indorsed by J. J. INGALLS, Senator from Kansas; T. Romero, Delegate from New Mexico; by myself; by John D. Miles, United States Indian agent for the Cheyennes and Arapahoes; by my distinguished friend to my left, A. H. Garland; by my colleague, Richard Core; by numerous and sundry others, Messrs, Cole, Metcalfe, Anthony, Ittner, and Erratus Wells, Representatives from Missouri; william A. Phillips, member of Congress from Kansas; J. W. Throckmorton, D. B. Culberson, John H. Reagan, and Olin Wellborn, Representatives from Texas; L. C. Gause, Representative from Arkansas; S. W. Dorsey, D. C. Haskell, Thomas Ryan, Senator F. M. Cockhell, Senator J. D. Walker, T. M. Gunter, Representative of the Austin district of Texas; by General J. W. Davidson, commanding at Fort Elliott; by General W. T. Sherman; and in General Sherman's letter, dated January 16, 1879, in referring to this be says:

"The establishment of these transconti

So I say that the law as it stands upon the statute-book to-day so I say that the law as it stands upon the statute-book to-day gives this power to the Postmaster-General to expedite this service. There has been great pressure brought to bear upon that Department. As the country has been opened and settled, as the mineral and agricultural resources of the great West have been developed from year to year, the country has filled up, the hardy pioneer has gone in there, and there has been a great demand for this branch of the postal service. service. Representatives and Delegates have appealed to the Post-Office Department. What was to be done? When this has been brought to the attention of the Postmaster-General, his attention having been called to the law, what did he do? He has expedited this service from time to time in pursuance of the earnest solicitations of the people and their representatives. He could not well have done

As early as the 1st day of June last the present Second Assistant Postmaster-General sent to this House a bill entitled "A bill to provide for regulating the manner of expediting schedules of mail-routes," and requested the Post-Office Committee to report that bill, in order to limit and regulate the power of the Department, and to require advertisement in cases of expediting this service. But he did not stop here. In the annual report made by him to the Postmaster-General he calls attention to this defect in the law. It is a defect in the law which addresses itself to us as the law-makers of this country. On page 54 of that report he says:

page 54 of that report he says:

I desire to call particular attention to the existing laws, which have been in force many years, under which orders for increased frequency and increased speed are necessarily made. The section relating to increase of service is as follows, viz:

"Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service, and when any such additional service is ordered the sum to be allowed therefor shall be expressed in the order and entered upon the books of the Department; and no compensation shall be paid for additional regular service rendered before the issuing of such order."

That relating to allowance for increased celerity is as follows, namely: "No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contracts bears to the stock and carriers necessarily employed in its exceution."

It is frequently the case in regions comparatively new that service is not resized the state the state of the state of

original contracts bears to the stock and carriers necessarily employed in its execution."

It is frequently the case in regions comparatively new that service is not required at the time of advertising more frequently than once or twice a week, and after the contract is entered into and the service is put in operation population centers along the line of the route, and more frequent service becomes a necessity. Under such circumstances it is clear that the rate that was reasonable for once or twice a week service through a sparsely settled region becomes a very unreasonable basis upon which to increase the service when the circumstances under which it is to be performed are entirely changed. I would therefore recommend that section 3960 be amended by adding after the semicolon following the word Department the words "and the Postmaster-General may in his discretion relet the service by advertising for proposals for thirty days in the newspapers at the termini of the route, or if there be none published at those points, then in others in circulation in the region to be supplied with the mails; the service to be awarded to the lowest responsible bidder, as usual."

Under section 3961 allowances for increased speed are based upon the sworm statements of contractors showing the additional stock and carriers required. This

practically makes a man and a horse of equal value as factors in determining the rate of increased compensation to be allowed. I would therefore recommend that allowance for increased speed be based upon the proportion the cost of performing the original service bears to the cost of the service at the increased speed; and that such additional allowances shall in no case be greater than 30 per cent. of the original cost of the service. In case the cost of increased speed would amount to more than 50 per cent. of the cost of the original service, the Postmaster-General shall readvertise for service with the increased speed; or, in his discretion, he may advertise in any case where increased speed is necessary. The advertisement to be inserted for not less than thirty days in newspapers published at the termin of the route, the contract to be awarded to the lowest responsible bidder, as usual.

This will accomplish, with but little delay, the desired improvement in the service, and with, I think, great advantage to the Government.

One would suppose, listening to the arguments of gentlemen on the

One would suppose, listening to the Government.

One would suppose, listening to the arguments of gentlemen on the other side of this question, that the Second Assistant Postmaster-General has been conniving with contractors. While this has not been openly charged, it has been more than insinuated that he has been eager to extend this abuse in the interest of fraudulent contractors. I have read from his report simply in justice to the Department.

I will state further that the Committee on the Post-Office and Post-Roads, carrying out the idea recommended by the Second Assistant Postmaster-General, have reported, and there is now upon the Public Calendar ready for consideration when reached in its order, a bill introduced by the chairman of that committee [Mr. Money] and amended and perfected in pursuance of the suggestions of the Second Assistant Postmaster-General, which bill provides for regulating the manner of increasing service and expediting schedules on mail-routes. This bill if passed into law will do away with all the abuses com-plained of in the practice of the Post-Office Department in its exercise

of this discretion.

Mr. HARRIS, of Massachusetts. What is the number of that bill?

Mr. STONE. It is House bill No. 3013, and reads as follows:

A bill to provide for regulating the manner of increasing service and expediting schedules on mail routes.

schedules on mail routes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, whenever it is found necessary or expedient to expedite the schedule, or to increase the frequency of the service on any mail route, the said route shall be advertised for one month in some newspaper in the city of Washington, and in some newspaper published at or near the termini of the route, for proposals to carry the mail at the increased rate of speed, or increased service proposed, and contracts shall be let upon the bids received as now provided by law: Provided, That this act shall not apply unless the increased pay shall be 20 per cent. of the pay under the contract in force at the time of the change: And provided further, That this law shall not apply except in cases where the pay as increased shall amount to \$5,000 per annum.

This I believe will cause the existing abuse if or I great you it is

This, I believe, will cure the existing abuse; for I grant you it is an abuse—that the law has been upon the statute-books too long without amendment; that it has given to the Post-Office Department too great a discretion, placing that Department at the mercy, so to speak, of members of Congress and Senators who have importuned the Department to give additional service, assuring the heads of the Department that they would see the requisite appropriations made.

As one member of this body, I am willing to take my share of the responsibility of this action. I believe that we have been derelict in our duty in this matter. I have already said that this practice is not a new thing. We had it in the good old democratic administrations of the country, as is shown by the statement which I incorporate in my remarks. Our postal system must be enlarged and adapted to the ever changing condition of the country. We cannot afford to go backward.

Now, Mr. Chairman, with reference to the Senate amendments, I wish to say that I prefer the bill with these amendments to the bill

wish to say that I prefer the bill with these amendments to the bill as passed by the House.

Mr. DUNNELL. I want to congratulate the gentleman from Michigan, as he is the first person who in this debate has made any reference to the Senate amendments. [Laughter.]

Mr. STONE. I accept the congratulation, Mr. Chairman, and I proceed to say that the House bill as it left us and went to the Senate contained an appropriation of \$970,000. This has been increased in the Senate by the addition of \$130,000, making the amount \$1,100,000. The Senator on the Committee on Appropriations of the Senate in charge of this bill then stated distinctly that he was satisfied, from the reports which had reached his committee from the Post-Office Department, that the sum named in the House bill was inadequate Department, that the sum named in the House bill was inadequate to carry out at least the bill as amended by the Senate. That gentleman made also another statement which is worthy of consideration here; and, while I have not tested the accuracy of the figures, I give it for what it is worth. That gentleman makes the statement that it will cost less to carry out the existing contracts for the remainder of the present fiscal year and adopt the Senate amendment appropriating \$130,000 additional, than to pay the one month's extra compensation the forfative necessary to be notify the senate when the forfative necessary to be notify the senate when the forfative necessary to be notify the senate when the forfative necessary to be notified to a complete the forfative necessary to be notified to a complete the senate. ating \$130,000 additional, than to pay the one month's extra compensation, the forfeiture necessary to be paid if we apply the knife where the House bill has put it, cutting down on one hundred and seven routes the expedition of the schedule. As I have not tested these figures, I do not know that they are strictly correct. But I believe it to be true that it is cheaper to carry out existing contracts for the balance of this fiscal year than to pay the one month's extra compensation necessary upon a cancellation of the contracts. All gentlemen who have given this question any attention understand that in order to carry out the provisions of the House bill and cut off this expedited service it will be necessary to pay one month's extra compensation. The language of the contracts, I presume, is familiar to all. It is as follows:

It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster-General may discontinue or extend this contract, change the sched-

ule and termini of the route, and alter increase decrease, or extend the service, in accordance with law, he allowing a pro rata increase of compensation for any additional service thereby required, or for increased speed, if the employment of additional stock or carriers is rendered necessary; and, in case of decrease, curtailment, or discontinuance of service, as a full indemnity to said contractor, one month's extra pay on the amount of service dispensed with and a pro rata compensation for the service retained: Provided, however. That, in case of increased expedition, the contractor may, upon timely notice, relinquish the contract.

Every gentleman is aware that if we attempt to cancel these con-

tracts we must pay one month's extra compensation.

racts we must pay one month's extra compensation.

Now, Mr. Chairman, I do not propose to spend any time in discussing the denunciations indulged in yesterday by the gentleman from Kentucky in regard to the Second Assistant Postmaster-General. I shall not discuss the appropriateness of his epithet of "mudsill" as applied to this officer; nor shall I discuss the manners of this officer. But I am here to remind the committee that the gentleman, in the midst of his discussion yesterday, was obliged to concede that in every instance where the service has been increased or the schedules expedited upon these routes it has been done under existing law and expedited upon these routes it has been done under existing law and in the exercise of a discretion with which the law clothes him.

I am prepared to say further that the testimony taken before the committee does not disclose any dishonesty practiced by the Post-Office Department or by the officer to whom the gentleman referred. No fraud has been traced to any contractor. Now, what is the condition of things? Under the existing law—the old law which has been upon the statute-book for years, giving this discretion to the Post-Office Department—this service has been from time to time increased as the necessities of the country have grown and new demands have been made upon the Department.

This has not been done openly and

This has not been done in a corner. It has been done openly and publicly. Gentlemen of this House by scores have petitioned that this very thing should be done. This discretion was lodged with that Department-in the breast of the Postmaster-General and his that Department—in the breast of the Postmaster-General and his assistants. Now, what is the presumption? The presumption is that these officers have done their duty. The presumption is that they have acted honestly. The record in this case discloses no dishonesty in their practice. That they may have erred in the exercise of their discretion may be true; that they may have been over-persuaded by the solicitations of members of Congress may indeed be the fact. But I say that no fraud or anything of that kind has been shown.

Now, should we stand here and arraign these officers for having carried out the law for which we are responsible? I think we should not. I think we should be very slow in charging these things upon public officers. The presumption that they have performed their duty obtains—at least that they have exercised honestly the discretion given them by the law in the discharge of that duty. I grant you that the system should be improved; and I say we are ready to improve it. I am sorry that the bill to which I have referred was not made a special order and had not passed this House before the discusmade a special order and had not passed this House before the discus-

sion which we had some weeks ago upon this subject.

Now, Mr. Chairman, there has been a large increase of the mail service of this country during the last few years. As is shown by the statement of the Second Assistant Postmaster-General, there has been in this branch of the service since 1876 an aggregate increase of 14,424,396 miles per annum of travel on postal routes; that is to say, the aggregate of routes traveled in 1876 was 54,824,003 miles, and it is now 69,248,399 miles, making in less than four years an increase of nearly fourteen and a half million miles. Not only that; but the development of our western country and the increase of business intervelopment of our western country and the increase of business interests, the "boom," as we have been pleased to call it in this country, have given new life and energy to the mail service. I notice the statement of the Department that comparing the month of February, 1880, with the month of February, 1879, there was an increase of \$250,000 in the amount received for postage stamps, stamped envelopes, postal cards, &c.; so that if there should be a corresponding increase in the other months of the year there would be an addition of

crease in the other months of the year there would be an addition or more than \$3,000,000 to the annual revenue of the Department. I mention this simply to show the general increase of business.

Now, Mr. Chairman, while it is easy enough for us to stand here and say that this or that man has acted improperly and illegally, I think we had better address ourselves to the real subject, and that, I believe, is the amendment of the law in the points wherein it is detective.

I will say, then, I am in favor of the first Senate amendment and the increase of the appropriation in the sum of \$130,000. I am in favor of striking out that portion of the House bill which cuts down the present contracts—which cuts down the increase of schedule, because I believe the pruning-knife has been applied by the Appropriation Committee and the House too indiscriminately. I do not think they have discriminated as they should.

The rule established by the Appropriations Committee here is an arbitrary rule. There is no good reason why the line should be drawn at the sum of \$2,500. They have failed to point yet to an instance, to one mail-route which has been improperly increased, where the schedule has been improperly expedited. I repeat that after all this labor and this discussion in the House, the Appropriations Committee up to this point have failed to indicate one route where they say the schedule was improperly expedited. They have scolded about some of these, and they have pointed to large increase in some instances on some routes, but they have not told us where this thing has been improperly done. The rule established by the Appropriations Committee here is an has been improperly done.

My idea is this, Mr. Chairman: These contracts are now in force; they are in force as between the contractor, who knew what the law was, and the Post-Office Department, acting under the law, and in the absence of fraud in these contracts (and none has been shown) I submit it is unjust for this Congress to cancel those contracts. That some of these routes have been unnecessarily increased may be true. That the administration has not been wise in this respect in every instance is quite probable; but between two evils we should choose the least. Let these contracts be carried out. Let this law be amended as is recommended here by the Committee on the Post-Office and Post-Let the Senate amendment be adopted, which provides for the striking out of this clause of the House bill.

And there is a further amendment of the Senate, that the Postmas-

ter-General shall not hereafter have the power to expedite the service under any contract, either now existing or hereafter, giving a rate of pay exceeding 50 per cent. upon the contract as originally let. That is well. It does not go far enough. It does not go as far as our bill goes, because you might expedite 50 per cent. one day, and expedite to-morrow 50 per cent. more, and so evade the law; but this could not be done under the bill proposed by the Committee on the Post-

Office and Post-Roads.

How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty-one minutes remain-

Mr. STONE. I have shown, Mr. Chairman, that the Post-Office De Mr. STONE. I have shown, Mr. Chairman, that the Post-Office Department has not been derelict in its duty in calling attention to this statute which they themselves say is defective. We are now just entering upon the last quarter of the present fiscal year. Let, I say, the existing service be continued, let the law be amended as I have suggested and let the Post-Office Department be investigated by this or any other committee raised by this House, to the end that no guilty man escape. If there has been any irregularity there or any illegalities practiced by the Department, let them be found out and punished. If there has been any fraud, complicity, or corruption, "turn on the light" and let us have the whole truth; but let it be done without punishing the people who are in need of mail facilities.

This effort, Mr. Chairman, to carry out the ideas which have been advocated here by the Appropriations Committee is not a blow at the star service, they tell us. I insist, sir, that the issue is clearly made here between the friends of this service and those who wish to cripple it; and I wish to call gentlemen's attention to the fact that this is not a contest with the Post-Office Department. The people are interested in this matter, and if the officials have not done their duty there is no reason why their misconduct or bad judgment should be visited upon the people who demand and require their postal facilities.

visited upon the people who demand and require their postal facili-ties. There is no branch of the civil service in which the people are ties. There is no branch of the civil service in which the people are so deeply interested as in the mail service. There is no branch of the civil service that comes so near the people as this very branch upon which we are now speaking. Let us, I say, not strike down or cripple this service at the present time—a service that is so important to the hardy pioneer and the growing population of the West, that is doing so much to develop the resources of that section of our country. It is not economy either to do this thing under the law, as I

have already shown.

Now, Mr. Chairman, I have no desire to further occupy the attention of this committee. I had a few things in the shape of figures here which I desired the committee to hear and understand, but having said all I care to on the subject, I now yield the floor to the gen-

tleman from Wyoning.

Mr. DOWNEY. Mr. Chairman, the Post-Office Department is the one strong, sustaining arm of the Government which fosters and ministers to incipient enterprise in new and sparsely settled regions. The daily arrival of the mail-bag reminds the pioneer of the eminent domain of the Government. He yields understandingly a cordial and hearty allegiance to a Government thus daily manifesting its usefulness, whereas without such manifestation, eminent domain, alle-

giance, and patriotism would relapse into theoretical vagaries.

In the old and densely populated portions of the country, where the postal service is rendered by rail and is fuller and speedier to a manifold degree than on the star lines the patrons and beneficiaries of the service receive it as a matter of course, and are indifferent to the painstaking labor and cost of its well-ordered systematic provision. Quite otherwise is it with the patrons and beneficiaries of the star lines. Here the Government becomes almost a personal presence, whose fostering effects all feel and appreciate. To the important whose fostering effects all feel and appreciate. To the important service of this arm of the Government is largely due that active paservice of this arm of the Government is largely due that active patriotism throughout the West, ever ready to respond to a call of country, ever efficient in laying the foundation, and rearing the superstructure of loyal States. The value of such, the legitimate results of a liberal and well-regulated mail service cannot be measured by the comparatively insignificant cost of the service.

The mail service promotes and maintains the settlement, development and reliable to the service.

The mail service promotes and maintains the settlement, development, and utilization of resources, material interests, and growth in prosperity of the regions traversed by the routes not less than the patriotism and fidelity of the people accommodated and benefited by the service. The springing up of villages, homesteads, agricultural and other industries along the mail-routes traversing what had been extensive, unoccupied wastes was fully disclosed and shown in the debates upon this deficiency bill before it went to the Senate. In my own Territory the route from Rock Creek, on the Union Pacific Rail-

road, to Forts Fetterman, Custer, and Northern Wyoming illustrates the same principle. A traveler over this route in the summer of 1878, after passing Fort Fetterman, would have been obliged to proceed by private conveyance. From Fetterman to Powder River, a distance of one hundred miles, there were then only four ranches. North of Powder River for a distance of one hundred and fifty miles to Custer there were no white settlements are considered. there were no white settlements; no conveyance could be obtained, there were no white settlements; no conveyance could be obtained, and life was in constant danger from road-agents and Indians. No cattle were grazed north of Fort Fetterman. Within one year, in the spring of 1879, a trip from Rock Creek, via Forts Fetterman and McKinney, to Tongue River, a distance of three hundred miles by the Rock Creek stage and mail line, could be made in seventy-five hours. Ranches had sprung up all along the route at short intervals, all improved and built upon within one year after the establishment of the mail-route. Two hundred and fifty miles from the railroad, along a little valley fifteen miles in length, more than forty families along a little valley fifteen miles in length, more than forty families had settled within this short time; homes had been erected, fields had settled within this short time; homes had been erected, fields planted, and permanent improvements projected. Not a year before the same region was in possession of marauding Indians and white outlaws, natural allies, co-operating to prey upon civil enterprise and honest industry. Some of the most attractive portions of Wyoming Territory, on account of the agricultural, pastoral, and mineral resources, are connected with the Union Pacific Railroad by this mailroute. Not only have settlers been attracted here from the States, but a large amount of English capital has been invested, drawn by but a large amount of English capital has been invested, drawn by the attractive appearance of this magnificent virgin region, as seen by tourists traveling over this mail-route. The diminution or total cessation of service upon this route might not remand these fertile districts to the savage and the outlaw, but would constitute an exhibition of bad faith unprecedented, meriting the severest reproach.

The Big Horn Mountains have always been believed rich in the precious metals. Their distance, danger, and difficulty of accessibility from base of supply have deterred explorations. The maintenance of service upon this route along the base of these mountains will directly promote the discovery and development of their mineral wealth.

Adjacent to Wyoming, on the south, is the North Park region of Colorado. The park itself is one vast, unoccupied meadow, watered by the North Platte and its tributaries. The proximity of the park to the hostile Utes, though wholly outside their reservation, has kept it unoccupied. The surrounding mountains teem with rich mineral de-

unoccupied. The surrounding mountains teem with rich mineral de-posits. Important discoveries were made during the past year, about seventy-five miles southwesterly from Laramie City and Cheyenne. Present indications point to the advent of thousands to the North Park rresent indications point to the advent of thousands to the North Park mining region during the approaching season, leading to the rapid settlement and occupation of the agricultural and pastoral portions of the park. This region has recently been accommodated by weekly mail service. With the increase of settlements, increased mail facilities will be required. If making the service effective according to the increasing wants of the people is to be branded as an offense and crime on the part of the Postmaster-General and his assistants, the briefest method of accomplishing the same end would be to grant a premium at once upon inefficiency.

The efficiency of this Department has been constantly heightened and increased in the past, until it has become indispensable, and almost like the air and water, free to all. The daily curriculum of communication between all parts of the country, it is the strong bondof union and a bulwark against rebellion. A blow at the service is a blow at the unity of the Republic. As a tree puts out new roots, gathering sustenance and strength from new soil, thus made tributary to its growth, so this Department plants the remifications of its star. to its growth, so this Department plants the ramifications of its star lines in the new West. Strength first goes forth from the parent stem, but in time manifold returns come back to the national tree. If you cut off these routes or impede their usefulness, you strike a blow at

the fealty of the regions through which they ramify.

Never in the history of the country has the United States mail service been better rendered and mere in accordance with the wants and wishes of the people than under the present administration. The call of advancing civilization has everywhere been heeded, and it has failed to be shown that lack of discretion has characterized the increase or expansion of the service. There is one significant fact in regard to the expedition and increase complained of, they are for the most part in the Territories, which have no vote in Congress or in the electoral college. Partisan discretion might have dictated that the expenditure be made in some doubtful State; but honest administration dictated that it be made where the necessities of the people required the service, and where it has been made.

If all departments and branches of the Government will take care that the true and substantial interests of the people are as zealously studied and as carefully promoted as they have been by the Post-Office Department, we shall have small cause to fear the effects of

Office Department, we shall have small cause to lear the elects of the governmental machinery.

The famine in Ireland and the disturbed political state of some of the continental nations it is predicted will conspire to bring to our shores a flood of immigration in the near future which will be without precedent. There is no longer room for them in the East. They must seek homes in the West—in the new States and great Territories. Wise will it be then to stamp the future home of these foreign—large distance with the distinctive features of American civilization. born citizens with the distinctive features of American civilization, to sow the seeds of national pride, and maintain the ardor of patriotism in the cradles of future States and municipalities.

Washington Territory, with its all but measureless resources of timber and agricultural capacity, already having an ocean tonnage greater than that of Texas; Texas an empire in itself, holding within its ample bosom four States in embryo; Utah, whose plains have been made fruitful by the artificial rain of its well-ordered system of irrigation; the great Territories of Idaho and Montana, now perfecting their connection by rail with the great railroad system of the country; Dakota, settling and increasing in population almost beyond its own Dakota, settling and increasing in population almost beyond its own conception; Wyoming with resources of coal, iron, petroleum, and soda sufficient to supply the nation; Colorado the newest and most flourishing star; and Nebraska, whose increase within a year has been alone sufficient to people a State, are all standing open for the advent

alone sufficient to people a State, are all standing open for the advent of foreign immigration.

Shall it be said that the American Congress has crippled, impeded, or reduced mail facilities throughout this region? Does not wisdom rather dictate that policy which shall bind still stronger to love of country that region which from its magnitude, variety of resources, and present and prospective growth is destined at no distant future to draw the center of national empire toward the shadow of the Rocky Mountains?

The West is proud of its ancestry, and loves the deserted scenes of childhood, as the colonists revered and clung to England long after wrong and injustice were meted out to them from throne and Parliament. Had England fostered instead of repressing the material in-

ment. Had England fostered instead of repressing the material interests of the young States, she might long have maintained her supremacy, although an ocean rolled between.

The light of experience dictates that a government should pursue the most liberal policy toward those of its citizens whose spirit of enterprise leads them to go into remote quarters and redeem from the wild state of nature the resources of the national domain.

Mr. STONE. I now yield to the gentleman from California.

Mr. PAGE. I am down on the list, but will avail myself of the time of the gentleman from Michigan to make a suggestion to the committee. I would like to inquire of the gentleman who has charge of this bill when he proposes to come to a vote on it.

Mr. BLOUNT. That matter can be arranged in the morning, as the gentleman who has charge of the bill is now absent.

Mr. PAGE. This is an important matter. If this bill is not to be

Mr. PAGE. This is an important matter. If this bill is not to be

passed or its passage delayed—

Mr. BLOUNT. I object to debate.

Mr. PAGE. I have twenty minutes of the time of the gentleman from Michigan to use as I please.

Mr. PAGE. I have taken the floor simply to make an inquiry, and the description of the simply to make an inquiry, and the description of the simply to make an inquiry, and the description of the simply to make an inquiry, and the simple sim on that inquiry I desire to make a statement that it is fair at least to the Post-Office Department, if this bill is not to pass, they should know it as soon as possible, so they can curtail the service and not create a deficiency in the Post-Office Department. The Postmaster-General, in his printed examination before the Senate which I have before me, has stated there should be no deficiency, that they intended to curtail the service. I say it is a duty on the part of this House either to pass this bill or send it to a committee of conference, that they may be notified of the action of the House. It will be impossible for them to reach the remote sections of the country and curtail this service now within thirty days as the gentleman well knows. It cannot be done if this bill passes.

It cannot be done if this bill passes.

Mr. HAYES. Why do you not make a motion that the committee rise, then, and report the bill to the House, and take a vote upon it?

Mr. PAGE. I do propose to do that unless the gentleman having this bill in charge will intimate that at some period, either to-day or to-morrow, he proposes to close the debate and take a vote on the bill.

Mr. BLOUNT. As I have already stated, the gentleman having this bill especially in charge is out of the House temporarily. There are I know arrangements to have the bill debated further. It is right that it should be done, and the House has gone into the Committee of the Whole on the state of the Union for that purpose. There is no such difficulty as the gentleman from California has stated in connection with this service. There is not a human being I suppose in the United States that doubts the passage of this bill and the retention of the service as it stands. Such has been the action of the Senate and of the House, and so far as the service for the next fiscal year ate and of the House, and so far as the service for the next fiscal year

ate and of the House, and so far as the service for the next fiscal year is concerned this money does not touch it. That comes from the appropriation bill for the next fiscal year.

Mr. PAGE. Allow me to ask another question. The gentleman says the service will not be disturbed. I ask him what is the subject now in debate and in controversy between the two Houses? The question, as I understand it, is whether one hundred and seven of these star routes shall not be discontinued, and is it not also a fact that the Post-Office Department must curtail the service according to the views of the House in order to avoid a deficiency unless the appropriation asked for is given?

Mr. BLOUNT. There is no direction of the House or the Senate upon that subject. That is the question before the House to-day.

Mr. PAGE. Mr. Chairman, I am surprised that the gentleman from Georgia makes such a statement. Let me call his attention to the House bill for a moment. That bill proposes to disagree with the Senate upon their amendments to the House proposition. The House proposition is that on all routes where the expedited service exceeds \$2,500 the service shall be reduced. Now I say the Post-Office Department will have to issue orders to carry out this law if it is to be en

forced on routes embracing some fifteen thousand miles, which cannot be reached unless by telegraph, and the order cannot be executed

be reached unless by telegraph, and the order cannot be executed inside of thirty days.

Mr. BLOUNT. And does not the gentleman know that until this law is passed there is no authority to cut off the expedition of the mails on any one of these routes? The same thing will happen whether this bill passes now or thirty days hence, as to the difficulty of notifying contractors.

Mr. PAGE. But what I say is, that if it is not done at once it cannot be done for thirty days at least. It will take that length of time to enforce the order. If the House refuses to concur this reduction of one hundred and seven mail-routes must take place.

of one hundred and seven mail-routes must take place.

of one hundred and seven mail-routes must take place.

Mr. BLOUNT. And when it is done the Postmaster-General will take notice and give his orders then.

Mr. PAGE. How does the Postmaster-General know whether the bill is going to pass or not? And how is he able to provide against the delay that must occur in carrying out the law when it does pass?

Mr. BLOUNT. It is not law unto him until it is passed.

Mr. PAGE. But the Postmaster-General notified the country that there should be no deficiency in the Post-Office Department, and that he will be compelled to make this order the moment the House indicates that it will not enter into the Senate determination to protect the service as it now exists. the service as it now exists.

Mr. BLOUNT. I trust the Postmaster-General will not do any such indecorous thing. Enough has been done already for the purpose of bringing undue pressure to bear upon Representatives of free con-

Mr. PAGE. What does the gentleman mean when he says that the Postmaster-General—

Mr. AIKEN. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point.

Mr. AIKEN. As I understand it this colloquy between the gentleman from Georgia and the gentleman from California is in the time of the gentleman who has just addressed the House?

Mr. STONE. I have yielded my time to the gentleman from California IMP. PAGE.

Mr. SIONE. I have yielded my time to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I did not rise for the purpose of discussing the bill, but I desired to ask a question of the gentleman from Georgia. I know he does not intend to mislead the House. I know that is not his intention. Did I not know his premises were wrong I would have

been misled myself.

Now, it is evident that if the House refuses to concur in the Senate amendments and maintain the House bill that there must be a reduction on one hundred and seven routes in this country. Is not that

Mr. BLOUNT. No; it goes to the committee of conference.
Mr. PAGE. But suppose the House sustain the committee of conference as against the Senate amendments, then there must be a reduction of one hundred and seven of these mail routes. Is not that

Mr. BLACKBURN. Is the gentleman from California prepared to state to the House what the conclusion of the committee of conference would be?

Mr. PAGE. No, sir; I am not; but I am prepared to make a statement to the House that unless some action is soon taken in reference to this appropriation the Post-Office Department will be driven into a deficiency, which in my judgment is desired by some gentlemen on

Mr. BLACKBURN. Will the gentleman allow me to answer that?

Mr. BLACKBURN. Will the gentleman allow me to answer that?
Mr. PAGE. Certainly.
Mr. BLACKBURN. Then I have this to say: there is no danger of
the Post-Office Department finding itself without funds before action
shall be taken upon this bill. I stated yesterday, and I repeat it today, that on this the first day of the last quarter of the fiscal year,
according to their own reports from the Sixth Auditor's Office, there
are six hundred and forty odd thousand dollars of this fund unexpended in their hands, exclusive of all fines and all penalties.
Mr. PAGE. Now let me ask the gentleman a question.
Mr. STONE. Is not that inclusive of fines?
Mr. BLACKBURN. No: exclusive.

Mr. STONE. Is not that inclusive of fines?

Mr. BLACKBURN. No; exclusive.

Mr. PAGE. Now I wish to ask the gentleman from Kentucky a question, and I will yield to him that he may answer it. If there is no further appropriation and the mail service is maintained as it is now, will there be a deficiency at the termination of this fiscal year?

Mr. BLACKBURN. Of course, if the star service be maintained upon its present basis, and neither the House bill, nor the Senate bill,

or the House bill as amended by the Senate, nor any other appropri

or the House bill as amended by the Senate, nor any other appropriation for a deficiency shall pass, there would be a deficiency; not to-day, not at the end of thirty days, but at the end of the fiscal year.

Mr. PAGE. I wish to ask the gentleman one other question. If the House bill is maintained, if the House refuses to concur in the Senate amendment striking out the twenty-five-hundred-dollar proviso, then it will be necessary for the Post-Office Department to curtail its service will it not?

tail its service, will it not?

Mr. BLACKBURN. It will not. If the bill as passed by the House becomes a law, the sum of \$970,000 for a deficiency will thereby be appropriated. To that you are to add the fines and penalties during the whole fiscal year; and when you have done that you have appropriated every dollar of money that is necessary to carry on the star service of this country to the 30th day of June without setting back

any expedited schedule, without impairing a single contract or dropping a single contractor. And I speak by the record.

Mr. PAGE. Now let me read from the House bill. The House bill

provides:

That the sum of \$970,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year, at or within contract prices as they existed on February 1, 1880: Provided—

Now listen to the House proviso-

Provided. That upon any route where there has been an increase of the original contract price during the last or current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880.

The gentleman from Kentucky in response to my question says if this House bill is retained as it is to-day, as it passed the House and went to the Senate, and we refuse to concur in the Senate amendments, it will not be necessary to cut down these routes at all; while upon one hundred and seven routes the expedited service must be cut down; and, as I have said, those routes embraced fifteen thousand miles in length, and it is impossible for these contractors in remote sections of the country to be notified to cut down their stock in order to comply with the law this House shall make.

Mr. BLACKBURN. Now the gentleman will permit me to say, and it is this which I beg the House to remember: I repeat and reiterate every word I said yesterday and have said to day. If you pass the House bill precisely as it went to the Senate it does set back the com-pensation for expedited schedule on one hundred and seven routes. But while it does that it appropriates all the money that is needed to carry on the star service of this country, without such docking of expedited schedules. It appropriates every dollar of money that would be needed to carry on the star service of the country to the 30th June, even if you did not set back these one hundred and seven routes, but carried them forward to the end of the fiscal year on the present basis of compensation, and more besides; it appropriates more money than is needed for this.

But one thing more and then I will yield the floor. This Committee of the Whole House must not forget, according to the report of the Sixth Auditor of the Treasury, you have upon this very morning the first day of the concluding quarter of this fiscal year six hundred

mr. PAGE. I did not yield to the gentleman for a speech.

Mr. BLACKBURN. Only one moment more. You have in addition the provision of the House bill that carries \$970,000 additional; you have in addition to that \$101,000 of fines and penalties for the first nave in addition to that \$101,000 of fines and penalties for the first six months of the year, and then the fines and penalties for the last six months of the year. And in addition to all that—and here is my answer to the gentleman from California—the answer of the Sixth Auditor of the Treasury, showing the discrepancy of \$764,000 between the statement of the Second Assistant Postmaster-General and the actual condition of affairs in that Department as shown by this record was made to this House and to this Congress after that House ord, was made to this House and to this Congress after that House

bill was drafted and passed by the House.

Mr. PAGE. Now, I submit the gentleman from Kentucky has not answered my question. He has said they have appropriated money enough, which I do not deny. But they have said to the Postmaster-General in this House bill that after the 1st day of March, 1880, he shall not pay upon any route for this expedited service at a rate of more than \$2,500 per annum.

Mr. BLACKBURN. Of course.

Mr. PAGE. Now the law provides these contractors shall be enti-tled to thirty days' extra pay for such a reduction, and this fiscal year has only three months to run. It will be thirty days before this bill can go into effect, as the gentleman well knows, because the contractors in remote sections of the country cannot be sooner notified. Therefore there would be a deficiency, because before the order of the House could be carried into effect thirty days would elapse, and then thirty days' extra compensation would have to be allowed.

Mr. BLACKBURN. Will the gentleman allow me one question?

Mr. BLACKBURN. Will the gentleman allow me one question?
Mr. PAGE. Certainly.
Mr. BLACKBURN. Does not the gentleman from California [Mr. PAGE] know that for what is ordinarily termed the third quarter of the fiscal year, I mean that quarter which ended yesterday, for that quarter under the law not a single contractor would have the right to demand a single dollar of pay until the 1st day of May; does he not know that ?

Mr. PAGE. Suppose that to be true; I do not see what figure it cuts in this case at all.

euts in this case at all.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired, and the Chair recognizes the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. I yield fifteen minutes of my time to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I shall not desire to occupy all of the fifteen minutes kindly yielded to me by the gentleman from Illinois, [Mr. CANNON.] I desire to say a word with reference to the reasons which will induce me to vote to non-concur in the Senate amendments to the House bill.

I am as anxious as any one to see a liberal system of star service, by which the wants of the country and all parts of the country shall

be supplied with the mails. As I understand it, the House bill as it passed appropriated the amount of money which the report of the Sixth Auditor showed to be necessary to carry on the service for the fiscal year. It will be remembered that the act appropriating money fiscal year. It will be remembered that the act appropriating money for the current fiscal year appropriated \$500,000 more for the star service than was appropriated for the same service for the preceding fiscal year. Notwithstanding that increased appropriation for that particular branch of the service, we were notified some time ago by the Post-Office Department that a deficiency of something near \$2,000,000 would occur in the revenues of that branch of the service unless more money was appropriated by Congress.

And it was announced to the country that unless that appropriation was made—indeed the order went forth from the Department—

tion was made-indeed the order went forth from the Department the service would be reduced to one trip a week in order to avoid the threatened deficiency in the revenues of the Post-Office Department. I am not going now to comment upon such an announcement from the Department before there had been time for an expression of the judgment of Congress as to whether the deficiency would be supplied in time to meet the wants of the service and prevent a curtail-

ment of the service.

I desire simply to say that the House bill as it left the House would have kept every mail-route in the country in operation without reducing a single trip on any mail-route in the country. As it comes back to us from the Senate there has been added to it some \$230,000. If in the judgment of the Senate that amount of money is necessary to preserve the service, I have no objection to vote for that amount. I would not refuse to concur in the Senate amendments simply because they propose to appropriate more money than the House bill appropriated. I am willing to accede to their judgment in that respect, because the expenditure of this money is to some extent regulated by the law of the land.

In my judgment much that has been said in the discussion of this bill is entirely foreign to the subject before it. Gentlemen discuss it as if it was the desire of this House to injure the star service of the country, to curtail and abridge the star service of the country. venture to say that there is not a member upon this floor, upon either side of the House, who wishes to see that service either abridged or injured. But there are a great many members of this House who desire to see the postal service honestly and fairly conducted, to see the Post-Office Department so administered as to give all necessary postal facilities without an undue draft upon the Treasury for the benefit of contractors without equivalent service.

The real issue, as it seems to me, is upon that portion of the House bill which proposes in the future to restrict the power of the Post-Office Department and prevent the enormous increase of the pay of contractors by the multiplication of trips and by the expediting of

the service.

Who is there who listened yesterday to the speech of the distinguished gentleman from Kentucky [Mr. Blackburn] and to some of the incontrovertible statements that he made, who is not satisfied that the management of that Department has not been what it ought We are told, and we learn from the official records, that one to be? We are told, and we learn from the official records, that one route let out on competition for \$6,000 a year for carrying on the mail service has been by increased trips and expediting of the service raised shortly afterward to over \$150,000 a year. Now, is it not incumbent upon us as representatives of the people to inquire what is the necessity for this, what the motive for it? And if we think it is wrong, then in the interest of economy and in the interest of justice, and in reference to our duty to the people who pay the taxes for carrying on this service, is it not our duty to provide a remedy against such things in the future?

When we see that a mail contract is let for \$2,000 a year upon competition, and in a short time afterward the price of the service without any chance for competing bidders is raised to \$72,000 a year, is there not something to arrest our attention and cause us to inquire whether such things ought to be I I notice one other route on which the contract when there were competing bidders was let for \$680 a year; that is the price at which the contractor agreed to do the service when there was competition. But we find that soon afterward the increased cost of that service was \$31,960, and the whole pay for

that service \$32,640.

When we see such things is there no duty incumbent upon us? Are we to consider nothing but the interests of wealthy mail contractors and brokers in mail contracts, who perhaps from patriotic motives drink their wine and nurse their gout in the city of Washington, and devote their leisure hours to instructing Congress and the Departments how the postal service ought to be managed; men who control many routes in regions of country which they never saw; men who seem to have special facilities for securing low contracts at the start, with frequent increases of trips and rapid expedition of service, so as to make fortunes out of a single contract running through four years.

four years.

Mr. ATKINS. One man got five hundred and twenty-five routes.

Mr. REAGAN. My friend from Tennessee [Mr. ATKINS] tells me that one man has five hundred and twenty-five routes.

Now, the question, it seems to me, is whether this shall go on in the interest of this petty class of favored contractors, or whether it shall be reformed in the interest of honest administration and good government and for the preservation of the money which the records nay ernment and for the preservation of the money which the people pay in taxes. That seems to me to be the fair issue. He who assumes

the issue to be whether there shall or shall not be star service, misunderstands the issue totally. It is a misunderstanding of the temper of this House and of all its members, so far as I know, to assume

per of this House and of all its members, so far as I know, to assume that there are any of them who desire to cripple that service.

I have been told that as I live in the far Southwest to which, with the West, many of these enormous contracts apply, I ought not to object to the portion of country in which I live getting any amount of money it can out of the Treasury. Sir, I have never read in a law book, or in a book upon morals, or in the sacred writings, anything which declared that roguery is qualified by degrees of latitude or parallels of longitude. It is our duty, sir, to protect the people, and while protecting them to give to the country an example of honest administration and good government. If the day shall come when contractors who live in this capital, who besiege the Departments, hang around our lobbies, and drill men into a knowledge of the way to help them plunder still more the public Treasury, shall control the legislation of this country, and if, in order to enable them to do so, the people are to be taught to believe that in trying to resist and check this roguery they are seeking to injure the country by arresting the carrying of the mails, it will be a sad day for this country.

I repeat that the issue is whether contracts such as have been mentioned to this House ought to be held so sacred that the hand of leg-

tioned to this House ought to be held so sacred that the hand of legislation cannot prevent the evil, and whether, whenever we come forward in the name of good government and common honesty to corforward in the name of good government and common honesty to correct such evils, we are to be menaced with threats of stopping the postal service; with threats of denunciation by our people possibly through the influence of a corruption fund which these contractors can well afford to spare for that purpose. However this may be, sir, I represent a people who desire good government honestly administered, proper public service for proper consideration, and no power of menace, no threat of proscription shall induce me to withhold the expression of my opinion, and to record my vote when it becomes necessary to give expression to that honest feeling of an honest people.

Mr. SLEMONS. Will the gentleman allow me a question right

here?

Mr. REAGAN. I will.
Mr. SLEMONS. Is it true or not that the service on the route from
Fort Worth to Fort Yuma was expedited at the special request of the

Fort Worth to Fort Yuma was expedited at the special request of the Texas delegation?

Mr. REAGAN. It is true that a portion of the Texas delegation asked for the expedition of service on that route; and I was among that portion. Let me say a word upon that subject.

[Here the hammer fell.]

Mr. CANNON, of Illinois, obtained the floor.

Mr. BLOUNT. I ask consent that the gentleman from Texas [Mr. REAGAN] be allowed to answer the question of the gentleman from Arkansas, [Mr. SLEMONS,] as it relates to a personal matter.

Mr. CANNON, of Illinois. I yield for that purpose.

Mr. REAGAN. I did sign a paper asking expedition of service upon the Fort Yuma route. I deem it right to make a statement connected with that matter. I was applied to in Fort Worth, Texas, to sign such a paper—

such a paper—

Mr. BLOUNT. By whom?

Mr. REAGAN. By a contractor I supposed it to have been, and because I supposed him to be a contractor I declined to sign it. I was because I supposed him to be a contractor I declined to sign it. I was engaged in a canvass of the State of Texas; I believe it was last fall a year ago when this matter occurred. When I reached the city of Austin this paper was presented to me again, signed by other members of the delegation. I said that I concurred in recommending the expedition of service on that route. But the question was not presented to me and was not in my mind that the expedition of service—not an increase of trips, but the mere expedition in point of time—was to create an additional charge upon the Treasury of \$164,000. And, Mr. Chairman, after I returned to Washington (I cannot state the exact period, perhaps it was about a year ago) I stated to a portion, at least, of our delegation that, in my opinion, in our desire to secure increased mail facilities we had allowed the use of our names in a way that would enable them to perpetrate fraud upon the Govin a way that would enable them to perpetrate fraud upon the Govin a way that would enable them to perpetrate fraud upon the Government. I said I would sign no more such papers, and I have not done so. At least one other member of the delegation said he would sign no more; and he recently told me he had not done so. This was before any question was raised here about this deficiency—before any knowledge of it existed here. And I see, sir, what seemed to me to be an exceedingly small thing—that in the other wing of this Capitol, when this subject was being discussed and the names signed to that paper were read to the Senate, mine was specially printed in capitals, and possibly by a man who knew that a year ago I had my regret for having signed any such requests.

Mr. HASKELL. I want to ask the gentleman a question.

Mr. REAGAN. I will not trespass further on the time of the gentleman from Illinois.

tleman from Illinois.

tleman from Illinois.

Mr. CANNON, of Illinois. I ask, Mr. Chairman, that the gentleman from Texas be allowed ten or fifteen minutes of his own time, so as not to take up the time which under the rules I am allowed.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Texas will proceed.

Mr. HASKELL. Let me ask the gentleman from Texas a question. Does he not know this same Fort Worth and Fort Yuma route in his State was in existence before this year commenced; that the whole

\$299,000 now appropriated for that service on that route was estimated for this year and appropriated by Congress, and that it was in

mated for this year and appropriated by Congress, and that it was in existence before this deficiency occurred?

Mr. KEAGAN. Does my friend mean as a separate item?

Mr. HASKELL. No; I mean that the Department called attention to the Fort Worth and Fort Yuma route and had said it was a route which should be increased, had designated the amount; that it had been put into the bill and provided for before this year came in.

Mr. BLOUNT. When and where?

Mr. BLOUNT. When and where?
Mr. HASKELL. In the estimates of the Department.
Mr. REAGAN. Does the gentleman say in the estimates of the Department?

Mr. HASKELL. Yes. Mr. REAGAN. I heard that statement made before, and I went with the gentleman from Georgia and examined the estimates for three years, this year, last year, and the year before, and it is an ag-gregate estimate in every single instance and no reference made to any one route.

Mr. ATKINS. No specific appropriation.

Mr. REAGAN. And there was never any specific appropriation

Mr. REAGAN. And there was never any specific appropriation made or asked for.

Mr. HASKELL. It was in the bill.

Mr. ATKINS. Never.

Mr. REAGAN. It was an aggregate estimate in reference to the star service, but nothing to designate any particular route.

Mr. HASKELL. In 1878, before this year commenced.

Mr. REAGAN. It is not shown on the estimates of the Department, which I have just examined, for the last three years.

Mr. ATKINS. The gentleman from Kansas got his information from the debate in the Senate. It is not correct.

Mr. HASKELL. I got it from the statement of the chairman of the Committee on Appropriations in the Senate.

Mr. HASKELL. I got it from the statement of the chairman of the Committee on Appropriations in the Senate.

Mr. ATKINS. It is not correct. Go to the books.

Mr. HASKELL. That is what I wish to do.

Mr. REAGAN. We have gone to the books.

Mr. HASKELL. I am glad the gentleman has done so.

Mr. REAGAN. It is an aggregate estimate. The statement has been made in the Senate on one side and admitted on the other, but I find it is totally wrong.

I find it is totally wrong.

Mr. HASKELL. I do not say the item was sent to Congress, but I said the estimates, as shown in the Department when they were making up these figures, which could be had by the committee, put that route at that amount.

that route at that amount. Mr. REAGAN. I cannot tell what entered into the mind of the Postmaster-General and his subordinates in making up the estimates; I can only say the estimates for the star service were made in bulk, so many millions and so many thousands of dollars, with nothing to show reference was made to any particular item of expense or to call the attention of Congress to the fact that it had been done. Certainly the Department in making up the attention of the congress to the fact that it had been done. tainly, the Department in making up its estimates considers the general expense of the Department, and it is not necessary to go beyond the consideration of its general expenditures in order to determine the question of the necessity of the supply for the succeeding year.

Mr. BLOUNT. Will the gentleman from Texas yield to me a mo-

ment?

ment?
Mr. REAGAN. Yes, sir.
Mr. BLOUNT. I wish simply to say that the estimates are not made up by consideration of routes in detail. If the gentleman will take the pains to examine the reports of the Postmaster-General for years back, both as to railroads, steamboats, and star service, he will find they are made up on a known percentage of increase. Routes are shifting, and there is an increase here and a decrease there during every fiscal year, and it is impossible to estimate for the service in detail. It never has been done.
Mr. REAGAN. One word more. I desire to repeat again I will not

Mr. REAGAN. One word more. I desire to repeat again I will not vote to non-concur in the Senate amendments because of the amount of money they appropriate. I shall simply vote to non-concur in the hope that if a conference can be had, that conference may be able, in view of the introduction of the subject in the House bill, to proin view of the introduction of the subject in the House bill, to provide some means of arresting the very great extravagance in the Post-Office Department and especially in the class of routes which by this debate has been shown to exist. That is the only ground upon which I propose to do it. I do not propose to do it to cripple the star service, for my State is as largely interested in that branch of the mail service as any other. There has not been a measure between the between the star to the fine of the service as any other. fore the House, since I have been a member, looking to the efficiency

fore the House, since I have been a member, looking to the efficiency of the star service which has not met my hearty support. There is not likely to be one here which gives efficient service on an honest basis, which furnishes the people with their mails speedily and properly, which will not receive my support.

I repeat, again, that is not the question at issue, for we are all on one side of it. The only question at issue is, shall the Government be run in the interest of the people, shall the public money be expended to supply them with mails, or shall it be expended for the purpose of enriching a number of pet contractors under a system which, if not fraudulent, bears the badges of fraud on its face.

Mr. HASKELL. Now may I ask a question?

Mr. REAGAN. Yes, sir.

Mr. HASKELL. I have heard several times the allegation, and the gentleman has repeated it, that there was fraud in these contracts—

that several of these contracts had some robberies and frauds in them.

that several of these contracts had some robberies and frauds in them. Now, will the gentleman from Texas or any member of the Appropriations Committee point out to me one single route where the evidence shows they are paid too much to-day for the service rendered.

Mr. REAGAN. The gentleman may very well appeal to me to answer what is in the consciences of the officers of the Department who make such contracts as these exhibited to us, and in the consciences of the men who accept them; but I desire to ask him if he heard the statement made yesterday by the gentleman from Kentucky about this Walsh contract, which is one of these to which allusion has been made here on several occasions?

Mr. HASKELL. Well, for the sake of argument, let us assume that that is one. Admit that it is one. Now, will you point out another?

Mr. REAGAN. That is one which carried its badges of fraud directly home to the officer who makes the contracts, and is one of the most grossly exaggerated increases of service.

most grossly exaggerated increases of service.

Mr. HASKELL. Let me ask whether the gentleman from Texas—
Mr. REAGAN. Circumstantial evidence in courts of justice as in codes of morals is always respectable. While it is more difficult in criminal cases to convict upon circumstantial evidence, yet I ask is there a man in this House or in this country who will examine the facts connected with this service during the last year and not feel

facts connected with this service during the last year and not leed profoundly convinced, whether he can prove it by witnesses or not, that there has been fraud perpetrated?

Mr. HASKELL. Is there any evidence—
Mr. BLACKBURN. I desire simply to ask a question of the gentleman from Kansas to indicate to this House whether there is in any portion of this testimony of the Postmater-General a single point where the contractor himself was not the only party upon whose testimony or upon whose affidavit this additional rate of pay was allowed for the service which was claimed to be rendered?

Mr. HASKELL. I do not understand the gentleman's question.
Mr. BLACKBURN. I say, can the gentleman from Kansas claim
there is any evidence showing that the service rendered is worth the amount now received for it except the affidavit of the contractor

himself?

Mr. HASKELL. I can; and the evidence I have on that particular route I wish my friend from Texas to pay attention to. It is that in years past, when it was run three times a week, \$600,000 was paid for the service, whereas now it is run for \$299,000. Now, then, let me answer that question through you.

Mr. REAGAN. Let me reply to you there. It is true that on the route from Saint Louis to San Francisco in the year 1857, I believe, and afterward, \$600,000 was the amount paid for three-times-a-week service. But that was more than twice the length, nearly three times the length of the present route. It was at a time when there was no railroad across the continent, when the unsettled portion of the country was twice as wide as it is now, and when the contractor had to haul rainroad across the continent, when the dissetted portion of the contrivence was twice as wide as it is now, and when the contractor had to hand his supplies along that vast route; when he had to build houses and hire guards and pay them, and it was done to secure a great overland route across the continent. There is no complaint as to that. They had to make their own roads, had to build their own bridges and make their own ferry-boats. Now, sir, however, when that route is shortened from Fort Worth to Fort Yuma instead of from Saint Louis to San Francisco, when the conditions are so changed, when railroads span the continent and do the carrying business and the travel and carry mails besides which were then carried on the stages, under the circumstances I have mentioned why draw the contrast? Why argue the necessity at this time to justify outrageous contracts made at this time, when they are not called for by the needs of the public service?

Mr. HASKELL. I will answer that question and correct an erro-

meons impression as to that route.

Mr. BLACKBURN. I wish to answer that question also.

Mr. HASKELL. I want to complete the statement through the gentleman from Texas.

Mr. BLACKBURN. Does the gentleman from Texas permit me to read from the testimony half a dozen lines?

Mr. REAGAN. Let the words be read.

Mr. BLACKBURN. The gentleman wants to know where the testimony shows that any compensation is exorbitant, and I will read him some testimony.

Mr. HASKELL. Oh! I have read that Walsh testimony.

him some testimony.

Mr. HASKELL. Oh! I have read that Walsh testimony.

Mr. BLACKBURN. Then you had better read it again.

Mr. HASKELL. I am perfectly willing to admit that there has been one bad contract, two bad contracts, three bad contracts, four bad contracts, but why cut off service from one hundred and seven routes because there have been? Admit that there have been four bad contracts, why did you not confine it to the four—

Mr. BLACKBURN. Will the gentleman talk in his own time, or does he prefer to speak in the time of somebody else?

Mr. HASKELL. I want to ask a question.

Mr. ELACKBURN. I do not want the gentleman to ask me any question now.

question now.

Mr. HASKELL. I shall not occupy much of the gentleman's time,

Mr. HASKELL. I sharing decapy interest the gentleman's time, Mr. BLACKBURN. Not now.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. Cannon] is entitled to the floor.

Mr. BLACKBURN. I ask the gentleman from Illinois to yield to

me for a moment.

Mr. CANNON, of Illinois. How much time does the gentleman

want?
Mr. BLACKBURN. I only want one minute.
Mr. CANNON, of Illinois. Then I will yield to the gentleman for that length of time.
Mr. BLACKBURN. I only wish to read from the sworn testimony of the partner in this very Santa Fé and Prescott route.
Mr. HASKELL. I am not talking of the Prescott and Santa Fé

Mr. BLACKBURN. It is matter of supreme indifference to me or

Mr. HASKELL. So, so!
Mr. BLACKBURN. Now I am proceeding upon the sworn testimony of Mr. Kirk, himself a partner in the contract on the Prescott and Santa Fé route:

Question. Did you make any direct offer to take the contract at \$75,550 ?

And that was on the fastest expedited basis that has ever been known on this route up to the present time.

Answer. That was proposed.
Q. What would it have cost you to run a tri-weekly service on the basis of one hundred and fifty-six hours?
A. I cannot say.
Q. Can you state what would have been the necessary amount of your investment on that basis?
A. I carnot without making a supervision of the property of the present time.

ment on that basis?

A. I cannot without making some calculations about it.
Q. How was that sum of \$74,550 arrived at as the compensation for the route?
A. I twas arrived at from an increase of speed, and from making it a daily service.
Q. The increase of speed and the making it a daily service was paid for, under McDonough's contract, at \$74,550; and, for the same service, the Department subsequently paid \$1,36,000?
A. Yes; and is paying that sum now.
Q. And you say that, in your judgment, as a business man connected with the enterprise, it could have been carried on at a profit at \$74,550?
A. Yes.
Q. And you would have serviced to the contract of the contract

A. Yes. Q. And you would have carried it at that rate? A. Yes.

Mr. HASKELL. A disappointed bidder, eh?
Mr. BLACKBURN. No; a partner in the contract, but a chiseled and swindled bidder under the practice of the Department.

Mr. HASKELL. I ask the gentleman from Illinois to yield to me.
Mr. CANNON, of Illinois. I am appealed to by several gentlemen
to yield. I have already given a considerable portion of my time

Mr. BLACKBURN. Will the gentleman from Illinois yield to me

that I may move the committee rise?

Mr. FRYE. With the understanding that the debate shall be trans-

ferred to next Saturday when no business can be transacted.

Mr. BLACKBURN. I am willing for my part to grant the gentleman from Maine leave of absence.

man from Maine leave of absence.

Mr. FRYE. There is not a quorum here now.

Mr. CANNON, of Illinois. In reply to the suggestion of my friend from Maine, if he wants a session for debate on Saturday that he may have an opportunity to address the House—

Mr. FRYE. I suggested it for this star deficiency bill, which has been discussed ten days in the House, until now I think every gentle-

man understands it.

man understands it.

Mr. CANNON, of Illinois. In reply to the remark of the gentleman from Maine—his unnecessary remark as it occurs to me—I have to say that when this bill was formerly considered in the House, and since it has been under consideration now, the friends, so called, of the starroute service who are antagonizing the Committee on Appropriations upon the bill as they reported it, and are antagonizing them to-day, wanting the House to concur in the Senate amendments, have made the air blue all around here, cursing in some instances and finding fault in others with the Committee on Appropriations for shutting fault in others with the Committee on Appropriations for shutting off debate; and now in view of that fact the gentleman from Maine gets up and makes his remark. So far as I am concerned I am ready that this debate should close after a continuation of it for any reason-

that this debate should close after a continuation of it for any reasonable time, half an hour, an hour, or two hours.

Mr. BLACKBURN. Will the gentleman now yield to me for a motion that the committee rise?

Mr. CANNON, of Illinois. Yes, sir.

Mr. BLACKBURN. Before making that motion I desire to say, without violating the statement made on yesterday to the effect that the Committee on Appropriations would not seek to stifle debate or the committee on Appropriations would not seek to stiffe debate or cut off any gentleman from his opportunity of being heard—I desire now to say that that committee is in favor of bringing this matter to a determination as early as a majority of this House shall see fit to order it. And if it be the pleasure of the House I will ask, under instructions from the committee reporting the bill, that a final vote shall be had during to-morrow's session if we shall be able to get the floor as against the Private Calendar. I have move that the committee rise

as against the Private Calendar. I now move that the committee rise.

Mr. HOOKER. I ask the gentleman from Kentucky to yield to me
for one moment to remark that when the gentleman reported the bill
with Senate amendments to this House he proposed, instead of moving a committee of conference, that the Senate amendments should be referred to the Committee of the Whole House for free and ample discussion. The gentleman occupied more than an hour himself; several other members of the committee have occupied a like time; and I insist others shall be heard before a final vote is reached on this meas-

Mr. BLACKBURN. Let me correct the gentleman before he goes into the record falsely, as I knew the gentleman does not wish to

state anything that is not correct. Besides myself there is not another state anything that is not correct. Besides myself there is not another member of the Committee on Appropriations who has been heard here at all since the Senate amendments were referred to the Committee of the Whole. That fact he can ascertain from the RECORD.

Mr. HOOKER. You have yielded to other gentlemen.

Mr. BLACKBURN. I have not yielded to any one.

Mr. HOOKER. I do not know, then, how they got the floor.

Mr. HASKELL. I can vouch for the accuracy of the gentleman's statement that he has not yielded.

Mr. FRYE. The gentleman from Kentucky always occupies his own time.

Mr. HOOKER. I hope no such motion to limit debate will be

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Scales reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H.R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, with Senate amendments thereto, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed a bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, with amendments; in which the concurrence of the House was requested.

THOMAS LUCAS.

Mr. BUCKNER. I ask unanimous consent to take from the Speaker's table the bill (S. No. 152) for reference to the Committee on the Dis-

There was no objection; and the bill (S. No. 152) for the relief of Thomas Lucas was taken from the Speaker's table, read a first and second time, and referred to the Committee on the District of Columbia, not to come back on a motion to reconsider.

J. D. BOND & BRO.

Mr. McMILLIN. I ask unanimous consent to withdraw from the files of the House, for reference to the Committee on Ways and Means, the papers in the case of J. D. Bond & Bro. I understand there has been no adverse report.

There was no objection, and it was so ordered.

HEIRS OF JUAN READ

Mr. PACHECO, by unanimous consent, introduced a bill (H. R. No. 5545) for the relief of the heirs of Juan Read; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Hill, until Wednesday next; and To Mr. Talbott, until Tuesday next.

ABIGAIL S. TILTON.

Mr. FARR, by unanimous consent, reported from the Committee on Pensions, as a substitute for House bill 3298, a bill (H. R. No. 5546) granting an increase of pension to Abigail S. Tilton; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

MOSES FULLINGTON.

Mr. FARR also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4446) granting a pension to Moses Fullington; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ARCHIBALD AND JOHN NELSON.

I ask unanimous consent that Senate bill No. 208 be

taken from the Speaker's table for reference.

There was no objection, and the bill (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

Mr. ATKINS. I move that the House now adjorn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of W. W. Hall and others, citizens of Atchison County, Kansas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of W. W. Sargent, publisher of the Signal, Holton, Kansas, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Beck & Shiner, publisher of the Desire of the

Also, the petition of Beck & Shiner, publishers of the Recorder, Hol-

ton, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee

By Mr. BEALE: The petition of citizens of Stafford County, Virginia, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-to the Committee on

Also, the petition of citizens of Stafford County, Virginia, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. BICKNELL: The petition of Henry A. Smith and 22 others, soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

mittee on Military Affairs.

Also, the petition of H. T. Mitchell and 9 others, citizens of Washington County, Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

By Mr. BOYD: The petition of W. M. Hunter and 57 others, citizens of Fulton County, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. CALKINS: The petition of citizens and soldiers of White County, Indiana, of similar import—to the same committee.

By Mr. COFFROTH: The petition of 18 surviving soldiers of southern prisons, for the passage of House bill 4495—to the Committee on Invalid Pensions.

By Mr. DEUSTER: The petitions of Francis Keehn, proprietor of the Milwaukee Type Foundery, and 15 printers and publishers of Milwaukee, Wisconsin, and of Benton, Gove & Co. and 26 others, against reducing the duty on type—to the Committee on Ways and Means.

By Mr. GIBSON: The petition of Mrs. Fanny Randolph and Mrs.

Dora Stark, that their claim for property taken by United States forces during the late war be referred to the Court of Claims for adjudication, but the Committee on the Ludisianre.

By Mr. HALL: The petition of Charles S. Whitehouse and 20 others, and of A. Nute and 35 others, citizens of New Hampshire, for the improvement of Lake Winnepesaukee—to the Committee on Commerce.

By Mr. JOHN T. HARRIS: The petition of Isaac N. Hollingsworth,

By Mr. JOHN T. HARRIS: The petition of Isaae N. Hollingsworth, for compensation for property rented by United States authorities during the late war—to the Committee on War Claims.

By Mr. HAWK: The petition of John Metz, a druggist of Lena, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. HILL: The petition of Colonel N. K. Brown and 300 others, citizens of Van Wert County, Ohio, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. HENDERSON: The petition of O. J. Smith, publisher of the Chicago Express, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HUMPHREY: The petition of George W. Wood, A. C. B.

Committee on Ways and Means.

By Mr. HUMPHREY: The petition of George W. Wood, A. C. B. Vaughan, and 136 others, of Wisconsin, for the passage of the bill for equalization of bounties—to the Committee on Military Affairs.

By Mr. McKenzie: The petition of B. F. Arnold and others, of Sacramento, Kentucky, that he be released from the payment of to-bacco tax improperly assessed against him—to the Committee on Ways and Means.

By Mr. MITCHELL: The petition of Robert Baird and 253 others, of the sixteenth congressional district of Pennsylvania, for the enforcement of the eight-hour law-to the Committee on Education and Labor.

Also, the petition of William B. Reese and 11 others, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of Loren A. Sears, H. J. Elliott, and others, citizens of Tioga County, Pennsylvania, for the passage of the Wright supplement to the homestead law—to the Committee on the Public

By Mr. NICHOLLS: Memorial of the Georgia and Florida Inland

By Mr. NICHOLLS: Memorial of the Georgia and Florida Inland Steamboat Company, for an appropriation to dredge out Habersham's Cut and Jekyl Creek—to the Committee on Commerce.

By Mr. OVERTON: The petition of L. W. McElwain and others, eitizens of Bradford County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of George Rightmire and 30 others, citizens of Bradford County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of G. A. Parcel and 48 others, citizens of Athens, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. PHELPS: The petitions of John Radcliffe and 65 others, of J. L. Farnham and 200 others, of William Shay and 125 others, of

W. E. Downs and 31 others, of Wilkinson Brothers & Co. and 105 others, of Patrick Higgins and 30 others, and of Robert Adams and 235 others, of New Haven County, Connecticut, against the reduction of the duty on paper—to the Committee on Ways and Means.

By Mr. PRESCOTT: The petition of Benjamin F. Ray and others, druggists, of Utica, New York, for the removal of the stamp-tax on

perfumery, cosmetics, and proprietary medicines-to the same com-

By Mr. REED: The petition of Charles L. Loring and 47 others, citizens of Cumberland County, Maine, against the reduction of the duty on paper—to the same committee.

duty on paper—to the same committee.

By Mr. RICHMOND: The petition of the publisher of the Clinch
County (Virginia) News for the abolition of the duty on type—to the

Same committee.

By Mr. ROBESON: The petition of citizens of New Jersey, for the removal of a bar in Delaware River—to the Committee on Commerce.

By Mr. SPARKS: The petition of 28 soldiers and 23 citizens of a law providing for the payment of

By Mr. SPARKS: The petition of 28 soldiers and 23 citizens of Illinois, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which soldiers were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. RICHARD W. TOWNSHEND: The petition of Frederick Grouneisen and others, citizens of Richland County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor

of patented articles alone responsible for infringement-to the Com-

mittee on Patents.

Also, the petition of Thomas Leaf and others, of Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce. By Mr. VOORHIS: The petition of citizens of Passaic County, New Jersey, against the repeal of the duty on paper—to the Committee on Ways and Means.

on Ways and Means.

on Ways and Means.

By Mr. WEAVER: The petition of J. H. Case and 190 others, of Akron, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WISE: The petitions of Oscar F. Baker and 25 others, and of Michael Snyder and 29 others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture. Also, the petitions of J. M. Rumbaugh and 29 others, and of Simon Fish and 26 others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of Thomas W. Fisher and 30 others, and of George F. Scheibler and 30 others, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation

viate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-

to the Committee on Commerce.

IN SENATE.

FRIDAY, April 2, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. ADJOURNMENT TO MONDAY.

On motion of Mr. BECK, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter of the mayor of the city of Jeffersonville, Indiana, inclosing an estimate of the cost, and specifications for the contemplated improvement of Canal street from New Market street to the Government depot in that city, and urging the expenditure by the United States of the sum of \$4,000 in the construction of a carriage-way between the points named; which was referred to the Committee on Military Affairs, and ordered to be printed. He also laid before the Senate a communication from the Secretary

of War, transmitting a letter from Hon. MARTIN MAGINNIS, Delegate from Montana, urging the establishment of a new military post at a point on or near a line between Forts Custer and Assinaboine, or Forts Assinaboine and Keogh, for the protection of the Muscle Shell Valley and the Judith Basin, with indorsements thereon; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary He also laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers, covering copy of report from Major S. M. Mansfield, Corps of Engineers, of the results of a resurvey of Trinity River, Texas, from its mouth to the bridge of the Great Northern Railroad, made in accordance with the provisions of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

J. V. ADMIRE.

The VICE-PRESIDENT. The Chair has received a communication, which he lays before the Senate. It is brief and will be read. The Chief Clerk read as follows:

OSAGE CITY, KANSAS, March 28, 1880 SIR: I have the honor to respectfully present the following claim against the United States Senate for mileage and per diem as a witness before the United States

Senate Committee on Privileges and Elections in the "investigation of charges in relation to the election of John J. Ingalls," to wit: Traveling to and from Washington, District of Columbia, and attendance before the United States Senate Committee on Privileges and Elections from the 15th to the 26th day of January, A. D. 1880, inclusive, less four days attendance allowed by said committee, eight days, \$24; mileage from Osage City to Washington, District of Columbia, and return, thirteen hundred and thirty miles, \$133=\$157.

I have the honor to be, very respectfully, your obedient servant,
J. V. ADMIRE.

Hon. WILLIAM A. WHEELER, Vice-President of the United States.

The VICE-PRESIDENT. The Chair will refer the communication to the Committee on Privileges and Elections for their advice as to what shall be done with it.

Mr. SAULSBURY. I did not hear the commencement of the reading, but I understand from the conclusion of it that it is a claim presented by Mr. Admire for attendance upon the Committee on Privsented by Mr. Admire for attendance upon the Committee on Privileges and Elections. I desire to say that the committee have allowed to all the witnesses the regular allowance according to law, so far as they in their opinion had any right to go. This witness, it will be remembered, was a witness brought here by the process of the Senate on an attachment, and the committee, in their judgment, did not think they had any authority to make any allowance except for per diem while he was in attendance and that was the received. while he was in attendance, and that was the reason why Mr. Admire was not paid for the time he claims an allowance. I deem it proper to the committee that I should make this explanation, because the mere presentation of the claim might carry an implication that the committee had failed to discharge its duty by not paying witnesses.

Mr. INGALLS. I should like to ask the Senator from Delaware if

the same rule was applied to all the witnesses that were brought

here under process of the Senate?

Mr. SAULSBURY. Yes, sir; to every witness who was brought

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation for the improvement of the harbor at Manitowoc; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in relation to the Saint Croix land grant; which was referred to the Com-

mittee on Railroads.

He also presented a memorial of the Legislature of Wisconsin, relating to school lands; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to pay awards for flowage caused by the United States in the construction and maintenance of the Fox River

United States in the construction and maintenance of the Fox River improvement; which was referred to the Committee on Commerce. He also presented a memorial of the Legislature of Wisconsin, relating to the construction of a harbor of refuge at Milwaukee, Wisconsin; which was referred to the Committee on Commerce.

Mr. BALDWIN presented a memorial of A. A. Paton and 50 others, members of the Saint Louis (Missouri) Cotton Exchange, in favor of a bridge across the Detroit River; which was referred to the Com-

mittee on Commerce.

Mr. SLATER presented the petition of A. Van Dusen, John Bryce, B. Van Dusen, and 500 others, citizens of Astoria and Portland, Oregon, praying that an appropriation of \$250,000 be made to begin the construction of a breakwater at the mouth of the Columbia River, in accordance with the report of Colonel Gillespie, major of engineers, made December 17, 1879, to the Chief of Engineers; which was referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Paul Gregory, formerly residing at Napoleon, Arkansas, now a resident of Mayville, Eric County, New York, praying that he may be indemnified for loss of property sustained by reason of the rebellion; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Pensions, to whom was referred the petition of Benedict J. O'Driscoll, praying that a pension be granted him as captain, submitted a report thereon, accompanied by a bill (S. No. 1576) for the relief of Benedict J. O'Driscoll.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 225) granting a pension to Melissa Wagner, reported it with an amendment, and submitted a report thereon;

which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 672) granting a pension to Abram F. Farrar, reported it without amendment, and submitted a report thereon; which

ported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 254) granting an increase of pension to James M. Boreland, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1465) granting a pension to Levi Leedom, submitted an adverse report thereon; which was ordered to be printed, and the bill was postnoned indefinitely.

was postponed indefinitely.

Mr. WITHERS. I am instructed by the Committee on Pensions, to

whom was referred the bill (S. No. 1403) granting an increase of pension to Samuel H. Johnson, to report it back and ask that it be indefinitely postponed, the case being still pending before the Pension

Bureau.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1216) granting a pension to Elisha M. Luckett, submitted an adverse report thereon; which was ordered to be printed,

and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin. The bill (S. No. 914) for the relief of William Bowen, of the District of Columbia, was referred to the Committee on Claims. The committee has examined the bill cursorily, and is of the opinion that it ought to go to the Committee on the District of Columbia.

The VICE-PRESIDENT. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on the District of Columbia if there be no

objection.

Mr. INGALLS. That bill has been twice before the Committee on the District of Columbia, and if the Committee on Claims do not choose to exercise jurisdiction over it, I suggest that the bill lie upon the table. It will be useless to refer it again to the Committee on the

District.

Mr. COCKRELL. As I understand, the bill was before the Committee on the District of Columbia and they did not deny that they had proper jurisdiction of the subject-matter of the bill, and acted upon it. They did not have it reported back to the Senate and the committee discharged and the bill referred to the Committee on Claims, but they acted upon it. The party, being dissatisfied with their action, has had this bill again introduced and referred to the Committee on Claims to see if he could not get another committee to consider it probably in a different light. The Committee on Claims now report it back to the Senate, and ask that it be referred to the committee to which it properly belongs, to which it was originally committed when introduced in the Senate. That committee as a matter of course can either adhere to its former action or pursue its matter of course can either adhere to its former action or pursue its own course in regard to it.

Mr. INGALLS. There can be no dispute between the Senator from Missouri and myself on the subject. The bill has been before the Committee on the District of Columbia at this session and has been acted upon, and it will be no use to refer it again to that committee. As it was referred to me as a sub-committee of that committee, I ask, knowing all the facts of the case, that the bill may lie upon the table and not be again referred to the Committee on the District of Columbia.

Mr. COCKRELL. Has the bill been before the Committee on the District of Columbia at this Congress?

Mr. INGALLS. Certainly it has, at the present session.

Mr. COCKRELL. That fact, I believe, was not known to the Committee on Claims. We knew that it had been before the Committee on the District of Columbia in a former Congress. I suggest to the Senator if the Committee on the District of Columbia have acted upon the bill and their action was adverse, it would be proper to make a motion to indefinitely postpone it and thus dispose of it, and not place

it on the Calendar at all.

Mr. CAMERON, of Wisconsin. I understand from the Senator from Kansas that the bill was reported back from the Committee on the Dis-

Trict of Columbia with a recommendation that it be referred to the Committee on Claims. Is that the fact?

Mr. INGALLS. I do not remember the precise course that was pursued by the Committee on the District of Columbia. I know that the bill has been before that committee both at this and at previous sessions of Congress, and the Committee on the District of Columbia decided that they had no jurisdiction to grant the relief that the bill prayed for. The suggestion was made that the Committee on Claims was a proper tribunal for the adjudication of the bill. It will be no use, as I have said before, to refer the bill again to the Committee on the District of Columbia. It had better lie on the table if the Committee on Claims do not wish to consider it.

Mr. CAMERON, of Wisconsin. The bill does not provide for the payment of a definite sum of money, but it directs that the commis-

payment of a definite sum of money, but it directs that the commissioners of the District do so and so. It seems to me very clear that it is a bill which ought to be considered by the Committee on the District of Columbia and not by the Committee on Claims.

Mr. INGALLS. It has been so considered.

Mr. CAMERON, of Wisconsin. If there were an adverse report I do not know how it came before the Committee on Claims.

Mr. INGALLS. As a matter of history I will state that the applicant, Bowen, had a claim against the District of Columbia for certain services which he alleged that he had rendered. The evidence showed that he had accepted a certain sum in satisfaction of his claim and receipted in full for it, and the committee decided that if he had any receipted in full for it, and the committee decided that if he had any further claim on the District it was a matter for some other committee to decide rather than that committee. While I do not wish to make any motion with regard to this bill, I simply ask that it may not again be sent to the Committee on the District of Columbia, where it has

already been times almost without number.

Mr. HARRIS. I am quite satisfied that the bill from its character should have gone originally to the Committee on the District of Columbia. That is the proper reference for the bill. I chance not to remember, but I am quite satisfied as to the accuracy of the memory

of the Senator from Kansas, though I suggest to him that he allow the reference to be made at present to the Committee on the District of Columbia, and we will look at it and see that it is the identical case upon which the District Committee has decided; and if so, we will report it back and ask to have it indefinitely postponed.

Mr. INGALLS. I certainly shall accede to the wishes of the chairman of the committee. I merely spoke from the fact that the bill had been repeatedly before the committee and had been referred to me as an individual member of the committee for examination.

Mr. HARRIS. The only point that I wish to examine is to see that

Mr. HARRIS. The only point that I wish to examine is to see that this is the identical case that the Senator from Kansas has considered

and reported upon.

The VICE-PRESIDENT. The bill will be referred to the Commit-

tee on the District of Columbia.

tee on the District of Columbia.

Mr. CALL, from the Committee on Pensions, to whom was referred' the bill (S. No. 143) granting an increase of pension to J. J. Purman, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1295) granting a pension to Lewis J. Blair, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BRUCE, from the Select Committee on the Freedman's Savings and Trust Company submitted a report accompanied by a bill (S.

Mr. BRUCE, from the Select Committee on the Freedman's Savings and Trust Company, submitted a report accompanied by a bill (S. No. 1581) authorizing and directing the purchase by the Secretary of the Treasury, for public use, the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

The bill was read twice by its title, and the report was ordered to be printed.

be printed.

Mr. BRUCE, from the same committee, to whom was referred the bill (S. No. 711) amending the charter of the Freedman's Savings and Trust Company, reported it with an amendment, the report upon Senate bill No. 1581 applying also to this bill.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1577) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1578) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court, and for the accommodation of United States internal-revenue officials, and for other Government purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds. Grounds.

Grounds.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1579) for the relief of B. B. Connor; which was read twice by its title, and referred to the Committee on Claims.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1580) for the relief of certain creditors of the bark Salmon P. Chase; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. BECK submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER. I submit an amendment intended to be proposed to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

I desire to call the attention of the Committee on Appropriations

I desire to call the attention of the Committee on Appropriations to the amendment. It appropriates about \$500 to pay the debts of Henry J. Wagner, who was a consular clerk at Lyons. The debts were occasioned, as the letter from the State Department that I desire to have filed with the amendment shows, by his sickness and subsequent death and burial. Mr. Wagner was a consular clerk at Lyons, and was sick for some time; the debts are unpaid, and the State Department is frequently besought by the creditors to pay them. The father of this young man is a man of very small means, living in Colorado, unable to pay the debts, and under the circumstances I think that, they ought to be paid by the Government.

Mr. ALLISON. Allow me to suggest to the Senator from Colorado that the amendment would more properly be put upon a deficiency bill rather than a bill for the expenditures of the consular service for the next fiscal year. I merely make that suggestion to the Sen-

for the next fiscal year. I merely make that suggestion to the Sen-

Mr. TELLER. I would inquire, then, of the Senator whether there

Mr. TELLER. I would inquire, then, of the Senator whether there is a deficiency bill to put the amendment on?

Mr. ALLISON. I think there will be quite a number before the session ends. There is a general deficiency bill which has not yet been reported in the House.

Mr. TELLER. There are some particular circumstances attending this case showing why the debts ought to be paid. The young man really did the business of the consul for a long time there, when both the consul and the vice-consul were absent.

The VICE-PRESIDENT. The amendment will be printed and referred to the Committee on Appropriations.

MISSISSIPPI VALLEY AND BRAZIL STEAMSHIP LINES.

Mr. COCKRELL. I ask that the bill which I introduced yesterday morning be read the second time, and referred to the Committee on Post-Offices and Post-Roads.

The bill (S. No. 1572) to provide for and establish a steamship mail service between the States of the Mississippi Valley and Brazil, via the West Indies, and for other purposes, was read the second time by its title, and referred to the Committee on Post-Offices and Post-

ORDER OF BUSINESS.

Mr. SAUNDERS. I wish to have Senate bill No. 550 taken up and

considered this morning.

Mr. COCKRELL. I call for the Calendar.

The VICE-PRESIDENT. The Senator from Missouri demands the

regular order.
Mr. SAUNDERS. I will state to the Senator from Missouri that this bill was passed over without prejudice a few days ago. There is considerable importance attached to it, and there will be no difficulty about the passage of it after it is taken up. The Committee on Territories have authorized me to accept the amendments that have been proposed, and it will not take five minutes to pass the bill.

Mr. COCKRELL. What is the bill?

Mr. SAUNDERS. It is to extend the northern boundary of the State

of Nebraska, and has not only connection with that subject but is connected somewhat with the Indian question.

Mr. KIRKWOOD. I dislike very much to interpose any objec-

Mr. EDMUNDS. We had better go on in order.

Mr. KIRKWOOD. But there is a bill now pending, and I think we had better go on with the Calendar and not take up bills out of order.

Mr. SAUNDERS. This bill was passed over without prejudice, to be taken up, as I understood, at any time. I assure the Senator that if it will take more than five minutes to pass it after it comes up, I will agree that it may go over. It will not take any time.

Mr. KIRKWOOD. Let us first get through with the bill that was pending yesterday, which is reached in regular order this morning.

Mr. SAUNDERS. Then will the Senator allow me to call the bill up after the pending bill on the Calendar is disposed of?

Mr. KIRKWOOD. I have no objection as far as I am concerned.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5524) to establish post-routes; and

A bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878.

The message also announced that the House had passed the bill (S. No. 685) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 4568) for protection of the Potomac fisheries in the District of Columbia, and for the

tion of the Potomac fisheries in the District of Columbia, and for the

preservation of shad and herring in the Potomac River.

The message also announced that the House had passed the concur rent resolution of the Senate providing for the printing of 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879, with amendments in which it requested the concurrence of the

Senate.

The message further announced that the House had passed a concurrent resolution for the printing of 2,000 copies in book form, suitably bound, of the memorial addresses on the life and character of Hon. Alfred M. Lay, late a member of the House of Representatives, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution for the printing of 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture February —, in pursuance of a resolution of the House of Representatives.

The message further announced that the House had passed a concurrent resolution for the printing of 300,000 copies of the annual Report of the Commissioner of Agriculture for 1879.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4568) for protection of the Potomac fisheries in the District of Columbia and for the preservation of shad and herring in the Potomac River; and it was thereupon signed by the Vice-President.

JESSE F. PHARES

The VICE-PRESIDENT. The first bill on the Calendar this morning is the bill (8. No. 1185) granting a pension to Jesse F. Phares. The pending question is on the motion of the Senator from Missouri

[Mr. COCKRELL] that the bill be indefinitely postponed.
Mr. KIRKWOOD. I desire to submit a few remarks upon this bill.
The report made is unfavorable. That report was made by me. I did

not personally concur in the report, but made it as the organ of the committee, reserving to myself the right to oppose the action recommended by the committee when the matter should be heard here. The bill is reported unfavorably by the committee for the reason alleged that this person who was a scout was not an enlisted soldier or in the military service of the country.

Mr. INGALLS. There is one other reason, that application had not been made to the Pension Bureau.

Mr. KIRKWOOD. The report of the committee says that the uniform ruling of that officer is not to grant pensions in such cases; and for that reason application was not made there.

Mr. INGALLS. That does not change the fact.

Mr. KIRKWOOD. That is true. The idea seems to prevail among many that in order to enable a person under the law to receive a pension he must have been an enlisted soldier. That I do not apprehend to be the law. If it be, I am wholly unable to understand section 4693 of the Revised Statutes. That section undertakes to define who shall be the beneficiaries of the pension law, dividing them into five classes. I call the attention of Senators to the third class as defined in that section. It reads: in that section. It reads:

Any person not an enlisted soldier in the Army-

who has certain other qualifications, shall be pensionable, clearly showing that it was not the intention of the law-makers to confine the granting of a pension to those who were enlisted soldiers, because it expressly provides that persons other than enlisted soldiers may be pensioners. Now, who are they?

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States—

becoming disabled in the service, is entitled to a pension; so any person not an enlisted soldier in the Army who otherwise volunteers and renders service in any engagement with rebels or Indians, who was disabled in consequence of wounds and injuries received in the line of duty in such temporary service, is entitled to a pension; showing, if language can show anything, that to entitle a man to a pension it is not necessary in all cases that he shall have been an enlisted soldier; but men who were not enlisted soldiers in these three classes of cases are entitled to pensions; just as well as those who were enlisted soldiers. are entitled to pensions just as well as those who were enlisted sol-

Mr. SAULSBURY. Will the Senator allow me to ask him if the law has not specified definitely who, besides soldiers or persons serving in the military or naval service of the country regularly enlisted, shall be granted a pension?

Mr. KIRKWOOD. I think so. I have been endeavoring to show

Mr. SAULSBURY. Does the Senator propose to show that this applicant comes under one of those classes

Mr. KIRKWOOD. Yes. Let me call the attention of the Senator to the language of the law:

Any person not an enlisted soldier in the Army-

That is this case; he was not an enlisted soldier in the Armyserving, * * * or who volunteered for the time being to serve with any regularly organized military or naval force of the United States—

not as an enlisted soldier, but a man who volunteers to serve with any regularly organized military or naval force of the United States in a capacity other than that of an enlisted soldier, is entitled to a pension. Phares did volunteer to serve with the military forces of the United States, not as an enlisted soldier, but as a scout. He rendered service in connection with the regular military service as a scout, and he is therefore in my judgment entitled under the provision of the law to a pension as much as any other man who served in connection with the military or naval service of the United States. The fact

with the military or naval service of the United States. The fact that he was not an enlisted soldier does not preclude him; but not being an enlisted soldier, he volunteered to serve with the regularly organized military force of the United States in the State of Virginia, and did serve in it as a scout, and while so serving was disabled.

To show further the true meaning of the law let me cite one or two other sections of the Revised Statutes. I refer Senators to sections 4709 and 4710 of the Revised Statutes fixing the date at which pensions shall commence. I shall not encumber the RECORD with the reading of them, but will call attention to such portions of them as I think bear upon this question. Take section 4710:

In construing the preceding section-

That is, the section fixing the date when pensions shall commence-In construing the preceding section, the right of persons entitled to pensions shall be recognized as accruing at the date therein stated for the commencement of such pension, and the right of a dependent father or dependent brother to pension shall not in any case be held to have accrued prior to the 6th day of June, 1868.

And so on, speaking of various other classes, until we come to this provision of the law:

If applying on account of persons enlisted as teamsters, wagoners, artificers, hospital-stewards, or farriers, their right shall not be held to have accrued prior to the 6th day of June, 1866.

If none but those who were regular soldiers in the service of the United States are entitled to pensions, what is the meaning of that

language?
Mr. BUTLER. May I ask the Senator whether this individual received pay as a scout'

Mr. KIRKWOOD. I presume he of course did; and so does every other man serving with a regularly organized military or naval force of the country receive pay in the capacity he serves, whatever it

may be.

Mr. MORGAN. I ask the Senator whether if this man had deserted from the Army, or had in any way been guilty of a violation of his duties as a soldier, he would have been subject to military law?

Mr. KIRKWOOD. That I am unable to answer, not being a mili-

tary man. The Senator can answer that question much better than

Mr. INGALLS. If the Senator from Iowa will allow me to answer I will respond, that having had that question presented before, I have made inquiry from those persons competent to answer, and they inform me that scouts are not subject to the rules and articles of war; that they serve under a voluntary contract at a very largely increased rate of pay, agreed upon between themselves and the commander, and that they can terminate voluntarily the contract at any time they

see fit without incurring any disability or any penalty.

Mr. KIRKWOOD. That is a question that I am unable to answer, Mr. KIRK WOOD. That is a question that I am unable to answer, not having been a military man. Whether a scout can terminate his contract with the Government at his pleasure or not, I cannot say; but that while he is in the service he is subject to military law, I apprehend is beyond doubt. While he is in the military service he is liable to military law.

Mr. WITHERS. He is subject to such military law as is applied to men of his class, to civil employés. He is not subject to the same

military law that enlisted men are.

Mr. KIRKWOOD. Again I call the attention of Senators to the Mr. KIRKWOOD. Again I call the attention of Senators to the language that I have read in section 4710. If the law intends that none but men regularly enlisted in the military or naval service of the United States shall receive pensions, what is or can be the meaning of the language I have read, that persons applying for pensions on account of disabilities incurred while serving as teamsters, wagoners, artificers, hospital-stewards, or farriers, shall have their right commence on the 6th day of June, 1866? If those persons were not entitled to pensions, what is the meaning of that language? Yet it is contended all the time that they are not regularly in the service of the United States as soldiers. the United States as soldiers.

Let me again call attention to another thing tending to throw light

on the meaning of this law.

Mr. WITHERS. What section is it the Senator calls attention to?

Mr. KIRKWOOD. Section 4710 of the Revised Statutes.

Mr. COCKRELL. I should like to ask the Senator from Iowa if

the parties named there are not now regularly granted pensions from the Pension Office?

Mr. KIRKWOOD. No, sir.

Mr. COCKRELL. The classes mentioned?

Mr. KIRKWOOD. Mr. COCKRELL. Mr. KIRKWOOD. No, sir. Artificers? No. sir.

Mr. COCKRELL. Though sworn in and regularly mustered in in

Mr. KIRKWOOD. No, sir; they are not allowed pensions, as I understand.

Mr. PLATT. I think, if the Senator will permit me, that persons who were enlisted as teamsters, wagoners, and so forth, who had an enlistment as teamsters, wagoners, or artificers, receive pension now at the Pension Office under the law. I think so.

Mr. KIRKWOOD. Let me call attention now to section 4787. That

gives to every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion in the military service and in the line of duty the right to have an artificial limb, if he need it. Subsequent to that, by an act approved February 27, 1877, the benefits of the law giving the right to have artificial limbs to those who need them is extended to "all officers, non-commissioned officers, enlisted and hired men of the land and naval forces;" so that not only are these men pensionable as I conceive under the law that I have

only are these men pensionable as I conceive under the law that I have previously read, but an oversight in that law is corrected by the law just cited, which entitles them to the benefit of the law allowing artificial limbs to soldiers. That is the state of the law.

Now I apprehend that the pension laws are laws which should be construed, not strictly as in derogation of right, but liberally, there being the two modes of construing laws. Laws in derogation of common right are always to be construed strictly; some other laws are to be construed liberally, and our pension laws I apprehend are of the latter class. If then I am right, it is clear that to entitle a man to a pension, other qualifications existing, he need not be an enlisted soldier, but if he volunteered to act and did act in the military or naval service, without stating in what capacity, he is in terms within the service, without stating in what capacity, he is in terms within the service, without stating in what capacity, he is in terms within the meaning of the law, and the other sections that I have stated show clearly (for you must construe all the law in regard to pensions as a whole) that there cannot be a fair and reasonable doubt that these men who did the duty that a soldier might be lawfully assigned to do are entitled to the same benefits that a soldier would have if he had been wounded or otherwise disabled while performing the same duty. A man who volunteers to do any duty that a soldier may within the terms of his enlistment, be detailed to do and required to do, if disabled while doing it, in my judgment, is entitled under our laws to a pension. laws to a pension.

But, Mr. President, if I shall be in error upon that subject, if the

law as written does not entitle this man to a pension, then I say that we should write a law which will give him a pension. We are part of the law-making power of the Government; we have as much power over the question as to who shall have a pension as the men had who passed the existing law; and if we shall find at any time that they have omitted to provide for any deserving class of our fellow-citizens who according to the ground upon which pensions are granted should have pensions, then it seems to me it is our duty to make the law as it should have been made originally. And that brings up the question whether or not this man, if not included within the law as it now stands should have been included within it.

tion whether or not this man, if not included within the law as it now stands, should have been included within it.

Why do we grant pensions to any one for military or naval services? Is it not because the man has periled life and limb and health in the service of the country? Is not that the reason? Why do you to-day give a pension to a man who has lost a leg in the Army? Just because he has done what I did not do; he has done more for the country than I have done; he has periled his life, periled his health for the perpetuity of the Union, and for the old flag; and having done that he has lost his life or his limb or his health. Where that can be said of any man he is within the spirit of the law that grants. be said of any man, he is within the spirit of the law that grants

pensions.

pensions.

Now, what did this man do? He was living in the State of West Virginia—old Virginia it was then—when the war broke out. He did not go with his State, as a great many very foolishly did in my judgment. He held that his allegiance was due to the Government of the United States and not to the State of Virginia. He was living in the town of Beverly in what is now West Virginia in, I judge from the testimony, comfortable circumstances, having several thousand dollars' worth of property about him. He was in the prime of life, forty-two or forty-three years of age, bright, active, intelligent, thoroughly familiar with that mountainous country—it is mountainous, I believe, or at any rate broken—and he was able to render to the Government of the United States a degree of service that a private soldier could not, by reason of the knowledge he had of the country in which military operations were being carried on. He volunteered to go forward to render these services, and he did render them—services more valuable than the service of a single soldier, perhaps better paid for because they were more valuable, and if so, perhaps better paid for because they were more valuable, and if so,

perhaps better paid for because they were more valuable, and if so, rightfully paid for at a higher rate on account of their greater value. He was wounded. He went out upon a scout; a rebel force was interposed between him and the Union force; he came upon it and was ordered to halt, but refused and dashed on; he was fired upon and wounded and to-day he is a helpless paralytic. One daughter has died of consumption, caused largely, as the testimony shows, by the privations and hardships the family had to undergo in consequence of his disability to provide for the family; a wife worn down with toiling for him, and four children besides; and his property all gone. That is his condition to-day. Why? How comes he to be in that condition to-day? Just because and only because he rendered to the Government of the United States service which I did not; just because he took upon himself peril that I did not take upon myself; to the Government of the United States service which I did not; just because he took upon himself peril that I did not take upon myself; just because he was doing all he could to secure that end for which hundreds of thousands of men volunteered and went and fought and died. Now, why is he not entitled to a pension in consequence of his disability? Did he not receive it in the service of his country as well as any man who is receiving a pension to-day? And if we could pension men who did risk life and lose life, or who did risk limb and lose limb, or who did risk health and lose health in the service of their country, why not this man? And if we have not provided for their country, why not this man? And if we have not provided for him by existing law why not now provide for him by law? I do not know why. If there be a reason it is for others than myself to as-

Mr. CARPENTER. Mr. President, there is nothing quite so eccentric as the exercise of the virtue of economy in this Chamber. Yesterday the Senate passed a bill appropriating \$10,000 to prepare the P street circle, as it is called, at the junction of Connecticut avenue, to receive a statue if one should ever be offered to be placed there to receive a statue if one should ever be offered to be placed there or if the Government should ever hereafter want to put one there. That circle is about one hundred and fifty feet in diameter; it is graded thoroughly and handsomely; surrounded with an asphalt pavement with a curbstone. Nothing is proposed to be done with it at present; nothing can be done except perhaps to disturb the green turf by digging a hole and filling it with an unsightly stone foundation, to lay there an unsightly blot upon a handsome circle until five years or ten years or twenty years hereafter somebody shall propose to put a statue there. None is contemplated now, as I understand. For that we gave \$10,000. All that can be done there can be done for \$150 or \$200, as I am informed. And yet to-day when a man who nearly lost his as I am informed. And yet to-day when a man who nearly lost his life in the service of his country, who rendered most valuable assistance to our troops; who saved perhaps hundreds of lives by carrying information of impending danger to their commanding officer, and who is now suffering in consequence of the wounds received in that service, asks for a pension, the whole Senate is alarmed that we are going mad with extravagance in paying him a pension.

Mr. HEREFORD. And he lost several thousand dollars' worth of

his own property.

Mr. CARPENTER. And he lost several thousand dollars' worth of his own property, the committee say, for which it is not proposed to make compensation; and we cannot do that on principle, because it was lost by the regular contingencies of war. But for his personal suf-

ferings and for his personal distresses there is no doubt we can grant

him a pension.

Now, whether the Senator from Iowa be right or wrong in the construction he places upon the sections of the pension laws which he has read, I do not know, for I have not examined; but if there be any doubt about the right of a man in these circumstances to have a pension under existing laws, that is precisely the reason why the Senate should pass a special act in his case.

I could never see any reason for enforcing an iron rule that, no matter what a man's services had been, or his merits, or his sufferings, in aiding the Government to put down the rebellion, he should not have a pension unless he happened to be regularly enrolled as a soldier. There is no principle upon which any such thing can stand. The scouts and the spies rendered extra-hazardous service; they took greater risks for themselves than any soldier was bound to in the line, supported as he was by his comrades, and subjected themselves to the punishment of death by hanging as spies in case they were de-

I witnessed once a scene in the War Office soon after the close of the war which I shall never forget. One very warm morning in May a little boy fourteen or fifteen years old came into the office wearing a pair of cotton gloves large enough for a giant. He walked straight up to the Secretary and said, "How do you do, Mr. Stanton?" Stanton looked at him, his eye glistening. "Why," said he, "Johnny, where did you come from?" Said he, "Mr. Stanton, these men have busted me." "What men," said Stanton. "Why the men you gave me a letter to; they hired me but they busted me; now I want to get into the Printing Office." Stanton turned immediately, and wrote a letter to the Public Printer, stating who he was, and asking him to employ this boy as a learner of the printer's trade. After the boy went out, Mr. Stanton told me that he had paid over \$150,000 to spies and scouts for information, and that that little boy, who had made three trips through the lines during the war, had brought him more valuable and more reliable information than he had got from the whole \$150,000. Suppose that boy in performing some one of those trips had met with some casualty disabling him for life, is it possible that he would be outside the generosity and charity of the nation because he was not old enough to be enrolled in the regular line?

that he would be outside the generosity and charity of the nation because he was not old enough to be enrolled in the regular line? The cases should be looked at according to their own surrounding circumstances; and in a case like this where the man seems to me to have as much merit and as high a claim as any soldier in the line—and I certainly am not reluctant to grant pensions to soldiers in proper cases—it appears to me that he should have this pension and after the Senate has voted to give \$10,000 to dig a hole up here at "P street circle" to be filled with stone, and remain for any number of years, nobody knows how long, I shall not hesitate to vote a pension to this man.

Mr. PLATT. Mr. President, the question now before the Senate is one of more importance than whether this individual shall receive a pension, because it involves a principle, and that principle is this: Upon what ground or basis is the Congress of the United States to act in granting special pension relief? It is not a question of economy; and if we did a foolish thing yesterday that fact is no reason why we should do an unwise thing to-day.

Now, what is this case, and how are we to act upon it? Are we to provide the president in the president

Now, what is this case, and how are we to act upon it? Are we to grant this man a pension because, by reason of the peculiar circumstances which surround him, he has enlisted our sympathies, or because of the eloquent appeals of the Senator from West Virginia, of the Senator from Iowa, and of the Senator from Wisconsin, our sympathies are enlisted? Or are we to act here with reference to the laws of the United States as they exist? I do not deny the power of Congress to pay a pension to any man under any circumstances; but I do deny that, under the laws as they exist, a pension can be granted to this man. So it comes right down to this: Are we to act here simply from sympathy, or are we to act with reference to the well-established law and policy of the country?

from sympathy, or are we to act with reference to the well-established law and policy of the country?

What was this man? He was a scout. What is a scout? He is not an enlisted man, but as I understand—and if I am wrong I shall be corrected by those who have more military knowledge than myself—he is a citizen, a civilian employed to render certain services and for a certain amount of pay. Scouts have never in the history of this Government been pensioned. It has never been supposed by any man who contracted to serve as a scout that he would be entitled to a pension. He takes the risk for the pay; that is all. And now if we are to pension scouts where are we to stop? The question is, are we to establish a pension-list for civilians? The Senator from Iowa says this man served his country. So a variety of men have served their country and lost life or limb in the service of their country who were not in the Army. Are we to pension them all?

country and lost life or limb in the service of their country who were not in the Army. Are we to pension them all?

Take an instance which fell under my observation within a day or two. A young man belonging to one of the exploring expeditions, while in the service of the Government, was injured by a rock falling upon him, and made a cripple for life; and he and his dependent mother are poor and penniless, and he can never do anything more for her support. He was engaged in the service of his country. He has lost his usefulness, his ability to labor. Will anybody say that he should be pensioned? But you will say, perhaps, that he was not engaged in the execution of the laws of his country as the soldier was. Then take another case. A man came to me within a few days with his right arm entirely destroyed, withered, useless, powerless.

The facts were these: He was a clerk in the Internal Revenue Department, or an officer engaged in the service of the Internal Revenue Department; and in endeavoring to arrest illicit distillers he received a shot, and that paralyzed his arm and has deprived him forever from obtaining his livelihood as he might have done before. There he was engaged in executing the laws of the country just as much as the soldier was. Are we to pension him?

soldier was. Are we to pension him?

So you see that if you once go beyond the law as it now stands there is no place where you can stop. If this scout is to be pensioned, then justice requires that the thousand and one scouts who have received injury in service shall be pensioned also. The Senator from Iowa is right about that. We must go further; we must pension every civil employé in the Quartermaster's Department who received any injury in the service; we must pension every person who engaged in the transportation of supplies as a civilian who received wounds or injury in the service.

If that is to be the policy of the Government, if that be what the Scnate desires, then I have no fault to find, let a bill be introduced to pension civilians. But if that be not the policy of this country, if that be not the desire of the Senate, why pension this man when there are hundreds and thousands of men in the same class who are just as much entitled to consideration as he? Why grant a special act in cases where a general law should be passed, and where there is no general law at present under which the man may be pensioned? I have heard it claimed for the first time this morning that this scout might be pensioned under the provisions of existing law. I hardly knew whether it was seriously insisted on by the Senator from Iowa or not, but I think a little examination of the statute will show that it was not intended to include scouts. The language is this:

Any person not an enlisted soldier in the Army-

Skipping what intervenes-

who volunteered for the time being to serve with any regularly organized military or naval force of the United States, &c., disabled in consequence of wounds or injury received in the line of duty in such temporary service—

That limits it; and again a little further on-

while temporarily rendering service.

This man did not volunteer in that sense. He entered the service of the Government about the month of June, 1861, as a scout, and he continued until April, 1863, when he was wounded. He was rendering no temporary service; he did not volunteer; he was employed. The distinction there I imagine is between being employed and volunteering; and the Senator asks what it means. It means just this, that when a man steps out of civil life and for the time being serves with the Army and is wounded, without fee or hope of reward, then he shall come within the pension laws of the United States; and there were plenty of such cases.

I have heard, and I believe it to be true, that a distinguished Senator of this body, then a member of the other House, was found at the first battle of Bull Run with the uniform on him and a musket in his hand fighting side by side with the regularly enlisted soldiers. He volunteered to serve with the Army temporarily. And we know of the farmer who at the battle of Gettysburgh volunteered and fought side by side with the enlisted soldiers. And so all over the country in times of peril men have stepped out of civil life and joined the Army for the time being; and the pension laws recognize those men, but it has never been claimed so far as I know that a scout came within the provisions of the pension laws as they exist. Indeed, in the discussion of this matter here the other day, it was admitted that this man was not within the provisions of the pension laws; so that the question comes back to this, shall we act from sympathy purely and solely, or shall we act with reference to the laws as they exist? If the laws are not right, pass others; but why single out this man, who is no more meritorious than hundreds of other persons who served in the same capacity, and grant him a pension while one will never be granted to them?

while one will never be granted to them?

Mr. LOGAN. Mr. President, I do not desire to discuss this proposition further than merely to state my position in reference to it, inasmuch as I opposed a similar bill a few days ago. I do not concur with the Senator from Iowa in reference to his construction of the law. That law is perfectly clear, and has been construed by the Commissioner of Pensions. It means exactly what my friend, the Senator from Connecticut, has stated. Where, for instance, an army is invading a portion of the country, or a battle occurs in a neighborhood, and citizens take their guns and volunteer temporarily and go into battle, there the law provides for them a pension in case they are wounded. That is the meaning and construction of it, and it has no reference whatever to persons of the character named in this bill.

The Senator from Wisconsin stated a very strong case, the case of a

The Senator from Wisconsin stated a very strong case, the case of a little boy, and this is a very strong case too, and one that really excites my sympathy, one for which I should like to vote if I could consistently do so; but there must be a stopping-place somewhere, and it is a question now, or soon will be, for the statesmen of this country to consider whether some stopping-point should not be fixed in reference to pensions. I do not mean pensions for soldiers, but I allude to the attempts that are being made to bring all classes on the pension-list. I stated, in reference to a similar bill that was before the Senate a few days ago, and I repeat now what the distinction is. The Committee on Pensions of course have examined the statutes in reference to pensions. The law of 1861, passed in July, calling for the

organization of the Army of the United States, provided that persons who should be wounded or disabled in the service should be placed who should be worthing as soldiers in other wars.

Mr. COCKRELL. Will the Senator permit me to read the section

that he refers to.
Mr. LOGAN. Certainly.

Mr. COCKRELL. It is as follows:

SEC. 6. And be it further enacted. That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and the widow, if there be one, and, if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of \$100.

That is the act of July 22, 1861.

Mr. LOGAN. I do not wish to detain the Senate; but if Senators will turn back to the pension laws in reference to soldiers of the Revolution and of the war of 1812, they will find the same principle running through them all. In fact the principle applying to pensioners under our pension laws is that when the Government enlists a soldier it makes an implied contract with him by virtue of the statute laws on our books then that he shall be provided for if he is wounded, disabled, or crippled, or becomes unfortunate from disease while in the line of duty. It was a part of the agreement between the soldier and the Government. That contract exists between the soldier and the Government; and pensioning the soldier who loses a leg, as my friend from Iowa said, or becomes disabled in the service, is naught but the carrying out of a contract on the part of the Government, and a contract that is binding. When I say "binding," I do not mean one that can be enforced in the courts, but I mean that it is

obligatory on Congress to perform this duty.

While that is the fact in reference to soldiers, the case is very different in regard to scouts, to teamsters, to contractors, to steamboat men, or any other persons who may be engaged in the service of the country in time of war and not enlisted in the Army. The contract with a scout is different. The contract with a scout is not that he is in the service, but that he shall receive a certain amount for performing extraordinary duty. That amount is much in excess of that which is paid to the soldier who serves in the line, and for that excess in amount he undertakes the performance of a certain duty. That contract may be terminated by him at any time or any moment. It is not binding on him longer than he himself feels required to comply with it. Hence for any misfortune that overtakes him during his service, there is no obligation whatever on the part of the Government to remunerate him. There is the plain distinction between the soldier and the employe of the Government not enlisted in the service.

As an illustration, for the benefit of the Senator from Wisconsin, let me put the case of a contractor with the Government in time of war to furnish a thousand head of beef-cattle or five hundred mules across here in Virginia to the Army for their benefit. He drives them across the Potomac and enters the lines when our Army is reweating—I am taking it at the time the war existed—and this man while carrying out his contract with the Government for which he was to receive remuneration and make a profit, should be wounded. Would any Senator claim that that contractor for the delivery of beef should be pensioned? The men are precisely alike; they are both contractors with the Government for a reward and remuneration higher and much more than is given to the soldier, mere contractors for the performance of certain service and for the performance of which the Government.

ment is under no obligation except to pay them the contract price.

If that be the case, the line should be drawn somewhere. Where will you draw it? Congress should draw the line, in my judgment, just as the law now does by providing a pension for wounds or disability suffered by a person in the service of the Government; and when you say "in the service of the Government," speaking in military phrase, you mean a person enlisted in the Government service. That is the military understanding of the words "in the service of the Government "enlisted service, and not a mere employé, although we in common parlance apply the words "in the service of the Government" to both. There is a distinction between employment in the Government and service in the Government, so far as the military is concerned; one means enlistment in the service, and the other means employment to perform certain duties.

Now, where will you draw the line? There is no place to draw it save to include the soldier who enlisted, who has with his enlistment a contract on our statute-book that if he be wounded or disabled in the service the Government will take care that he is remunerated. That is the line and there is where it is to be drawn.

I know so far as this poor unfortunate man is concerned that there is no pecuniary remuneration which I could vote to him on principle, that would not set an improper and bad precedent, that I would not vote. But I say the line must be drawn. If you pension this man who served the Government under a contract for a price much above that of the soldier, you may pension every teamster that drove a mule team in the Army, every captain of a steamboat that was employed to transport supplies, every deck-hand on a steamboat that was employed in the transportation of supplies for the Army if wounded in the service, every man on board of a ship employed to transport troops from New York to Savannah or anywhere else. I traveled from New York to Savannah, Georgia, on a ship with over a thousand soldiers employed by the Government. If the captain had been

wounded on that ship or any of the hands on that ship, upon the same principle you would put them upon the pension-roll. I say to Senators you must stop somewhere, and the place to stop is where the law is now. Where there is a contract with the Government a pension shall be allowed, and where that does not exist a pension shall not be allowed.

There was some discussion yesterday morning in reference to this proposition, and it was stated by my friend, the Senator from West Virginia, that there was no way to remunerate this man except by a pension. I agree with him that we cannot pay the man for the goods that were destroyed; but I remember well when an unfortunate manhere in the Senate Chamber by an explosion was badly injured Congress appropriated to him some \$2,000 or \$3,000. If Congress chooses as a mere gratuity to appropriate money to this man I have no objection; but I do insist that it shall not vote to put him on the roll as a pensioner under our laws, because then you strike down all the barriers; you open the flood-gates to every class of persons that may have been employed in any way in the Government service, as it is com-

monly but improperly called.

For instance, suppose that my friend, the Senator who was governor of Iowa during the war, [Mr. Kirkwood,] and a most excellent one he was too, and who raised many troops under his influence for the Government service—suppose he had started down on a steamboat loaded with supplies furnished by the people of the State of Iowa, a grand State, to the Army, and while traveling down the Mississippi River the steamboat had been captured and he had been wounded in the capture of that steamboat, will my friend the Senator from Iowa say that he would have been entitled to a pension? If he cannot say that in his own case in the instance which I cite, he cannot in this case; they are parallel cases; one is in the employment of the Government just as much as the other, and one just as much as the other is in the service of the Government.

Mr. President, I have merely said this much for the purpose of putting myself right; not that I am opposed to this man or that I do not sympathize with him, or that I would not be willing to contribute to him a reasonable amount, but not by way of a pension; but I do protest against establishing a precedent here that will get us into all kinds of trouble, when we can avoid it, and avoid it on principle;

and correct principle, too.

Mr. INGALLS. Mr. President, the duties that are devolved upon the Committee on Pensions are at best very arduous, irksome, and disagreeable. It is hard to resist such appeals as have been made by the Senator from Iowa, the Senator from West Virginia, and others who have spoken about the old flag, and about the sufferings of the soldiers, and about the losses they have incurred in the service of solders, and about the losses they have hearter in the service of their country. It is not the first time that we have heard from the Senator from West Virginia on this subject. He induced the Senate a short time ago to depart from its established rule in the case of a wagon-master who was, I think, a resident of that State, who had become frozen in consequence of some exposure while he was driving a team; and if he continues to sway the passions and move the judg-ment of the Senate by his fervid and somewhat picturesque eloquence we shall have all the wagon-masters and teamsters and civil employés in West Virginia on the pension-rolls before the close of another

The Senator from Iowa well said that statutes relating to pensions should be construed liberally. I agree with him fully in that interpretation; and if he will examine the records of this Government he will understand that there has been no fault on this score. number of pensioners now on the roll is two hundred and forty-five thousand, in round numbers. During the present year we shall pay in pensions \$60,000,000—more, I believe, than is appropriated to any other single branch of the public service, with the exception, it may be, of the interest on the public debt.

Mr. ALLISON. That includes arrearages, of course. Mr. INGALLS. This is more than has ever been paid by any nation, ancient or modern. Great Britain, the leading martial power of Europe, that has been for a century engaged in wars, for the balance of power in Europe with Napoleon, for the supremacy of the sea, and for empire in India, is paying to-day less than \$10,000,000 per annum; and France and Germany, that have just emerged from their gigantic conflict, are paying less than \$5,000,000 per annum. There can be no question on the score of liberality so far as this Government is conserved toward its presidence.

ernment is concerned toward its pensioners.

ernment is concerned toward its pensioners.

The Senator from Illinois has well said that we must draw the line somewhere at the point where we will stop paying pensions. He fixed it as a question of principle. I fix it as a question of financial capacity, because if this subject expands as it has during the last ten years there will be an actual impossibility to meet the demands that will be made upon this branch of the public service. We have, the first among the nations of the earth, established a system of gratuitous pensions by granting a pension to every survivor of the war of 1812 in 1871, fifty-six years after that war closed. We were told that it would merely grant a trifling benefaction to a few feeble, lingering, haggard, and decrepit men who were lingering on the verge of the grave. In answer to that, let any Senator examine the report of the grave. In answer to that, let any Senator examine the report of the Pension Commissioner and see how many men as survivors have been placed on the pension-rolls in pursuance of that act. Let him see what an addition has been made to the pension expenditures in consequence of that act.

But that is not all. Acting upon that, and properly acting upon it, the survivors of the Mexican war come forward and say that they are entitled to the same benefits extended to the survivors of the war of 1812. Who can deny it? They say they added vastly to the public domain; that California, New Mexico, Arizona, and all the mining possessions of this country were added to our domain in consequence of their efforts. And when they come and say that they also works. possessions of this country were added to our domain in consequence of their efforts. And when they come and say that they also ought to have the benefactions of this Government, who shall logically deny them? What will follow that? Within a very few years—and I ask Senators to mark my prediction—every survivor of the war for the Union, taking heart by the action of Congress in regard to the pensioners of 1812 and the survivors of Mexico, will say that he also ought to be put upon the pension-roll; that if it had not been for his efforts there would have been no Treasury to fill, there would have

been no country to be grateful.

Therefore, Mr. President, it is not merely a question of principle; it is a question of the pecuniary capacity of the Government to meet these demands that are made upon it in behalf of the pensioners of

this and preceding wars.

As I said, the duties devolved upon this committee are very arduous and very irksome. It is very unpleasant to be continually appealed to; to have one's sympathy assailed in behalf of the afflictions of the to; to have one's sympathy assailed in behalf of the afflictions of the living and the bereavements of the dead; to be continually confronted with the specters that have followed the war, with the sufferings of those who have been mutilated, who have been disabled, who have lost their health in the service of their country. It is very painful, sir; and the committee, I venture to say in behalf of a majority, have endeavored to interpret this law as they find it upon the statute-books, and they have a right to ask of the Senate that when they report a case which is in accordance with law, and report adversely, the Senate shall either support them, or so amend the law as to bring all cases that come within a certain class under the provisions of the

Now, in regard to this case before the Senate, there is no question that this man rendered efficient service to the Government; but the that this man rendered emclent service to the Government; but the bald fact remains that he belongs to a class not pensionable. If he ought to be pensioned, extend the same benefit to every individual who can show exactly the same circumstances that this man can. If you want to pension civil employés, if you want to pension the employés of the Quartermaster's Department, if you want to pension scouts, pass a law that shall enable the Committee on Pensions to bring them all within that specific category; but do not place upon them the invidious pecessity of reporting against one man and have

bring them all within that specific category; but do not place upon them the invidious necessity of reporting against one man and have that case placed upon the Calendar and the report overruled by the Senate, and allowing scores and hundreds of others equally meritorious to go without the gratitude and benefaction of the Government. Now, Mr. President, in response to what has been said by the Senator from Iowa and the Senator from West Virginia, I say that I yield to no one in my convictions of the service rendered by this man to the Government; I say that if the class to which he belongs is pensionable, he ought to have a pension; but so long as he belongs to a class that is not pensionable, it is unjust, it is invidious to place him upon the rolls and refuse the same right to hundreds and thousands of others, because if this principle is to be adopted, I say that the addition to the pension-rolls of this Government will be millions annually. Every man who drove a team, and was kicked by a mule annually. Every man who drove a team, and was kicked by a mule during some difficulty with his team, every man who in the hurry and confusion of battle or to get out of the way of a retreat was run over and damaged by an ammunition wagon, every scout, every sutler, every laundress, vivandiere, "daughter of the regiment," will all come in and be entitled to the same benefaction. There is no reason why, if they are to be pensioned, not being enlisted, all should not be pensioned; and it is for the Senate to decide whether they see fit to make this alteration and change in the pension laws. If they do, they ought to overrule the report of the committee in this matter;

they ought to overrule the report of the committee in this matter; if they do not, they ought to support it.

The VICE-PRESIDENT. The morning hour has expired. The Senate proceeds to the consideration of its unfinished business, being the bill in regard to the agreement with the Ute Indians.

Mr. DAVIS, of West Virginia. I ask the Senator from Texas [Mr. Coke] if he will not allow this pension bill to be finished?

Several Several Severances. It cannot be done.

Several Senators. It cannot be done.

Mr. DAVIS, of West Virginia. I understand some Senators want to speak on it, and I withdraw the request.

HOUSE BILLS REFERRED.

The bill (H. R. No. 5524) to establish post-routes was read twice by its title, and referred to the Committee on Post-Offices and Post-

The bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878, was read twice by its title, and referred to the Committee on Indian

THE TENTH CENSUS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent cen-suses," approved March 3, 1879; and they were referred to the Select Committee to make provision for taking the Tenth Census.

EULOGIES ON REPRESENTATIVE ALFRED M. LAY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring therein,) That 2,000 copies in book form, suitably bound, of the memorial addresses on the life and character of Hon. Alfred M. Lay, late a member of the House of Representatives, be printed; 500 for the use of the Senate and 1,500 for the use of the House of Representatives.

The resolution was referred to the Committee on Printing.

AGRICULTURAL REPORT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for 1879; 220,000 copies for the use of members of the House of Representative, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The resolution was referred to the Committee on Printing.

REPORT ON BEET SUGAR.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives of the United States, (the Senate concurring.) That there be printed 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture February — in pursuance of a resolution of the House of Representatives. Of this number, 15,200 copies shall be for the use of the House of Representatives, 3,800 for the Senate, and 1,000 for the Department of Agriculture.

The resolution was referred to the Committee on Printing.

REPORT ON ECLIPSE OF 1879.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate of January 29, 1880, providing for the printing of 5,000 additional copies of the report of the Naval Observatory of the eclipse of 1879; and the amendments were referred to the Committee on Printing.

FREEDMAN'S BANK.

Mr. GARLAND. The Senator from Mississippi, [Mr. BRUCE,] this morning, in making a report as chairman of the Select Committee on the Freedman's Savings and Trust Company, omitted to get an order to print the testimony reported back. I make a motion now that the testimony be printed with the report.

The motion was agreed to.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the

mitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

Mr. COKE. Mr. President—

Mr. BLAINE. I do not want to interrupt the honorable Senator from Texas, but I thought this bill being taken up informally yesterday the understanding was that the Geneva award bill would be proceeded with to-day.

Mr. COKE. The understanding was that the Geneva award bill was laid aside informally and that this should be taken up and proceeded with

ceeded with.

Mr. BLAINE. That was for yesterday. Now I want to understand from the honorable Senator from Indiana what his understanding

Mr. COKE. My understanding is that the honorable Senator from Indiana was of the impression that this bill would be acted on

Mr. McDONALD. What is the desire of the Senator from Maine?
Mr. BLAINE. I stated that my understanding was that this bill came up last night informally by reason of the Geneva award bill being informally laid aside, but that it would be proceeded with to-day.

Mr. McDONALD. No; I understood the Geneva award bill was

laid aside informally that this might be considered.

Mr. BLAINE. Without limitations as to time?

Mr. McDONALD. Without limitations as to time. But I wish to

state further that Mr. COKE. We

state further that—
Mr. COKE. We expect to get through with this bill to-day.
Mr. McDONALD. I wish to state further that it is proposed to take up the Geneva award bill again as soon as this bill is disposed of. The Senator from Illinois [Mr. Davis] is entitled to the floor on the Geneva award bill, and he is not able to be present to-day.
Mr. BLAINE. The taking up of the Geneva award bill then depends on the time when the Senator from Illinois is ready.
Mr. McDONALD. As soon as this bill is disposed of, I understand the Geneva award bill will come up as the unfinished business, on which the Senator from Illinois has the floor.
Mr. COKE. I have no speech to make this morning; and I shall

Mr. COKE. I have no speech to make this morning; and I shall only submit a very few brief remarks in connection with this bill.

The agreement entered into between the Executive and the Ute Indians is embodied in this bill. The other provisions of the bill are intended for the enforcement of the agreement. It is unnecessary for me to recount the facts connected with the outbreak of the Ute Indians during the past fall. Consequent upon that outbreak and

upon a collision of those Indians with the United States forces proceedings were taken which have resulted in making the agreement recited in this bill.

The salient points of the agreement are very few and may be stated

The salient points of the agreement are very few and may be stated as follows:

First. The Ute Indians agree to deliver up the guilty parties who were engaged in the massacre of Agent Meeker, at the White River agency, and his employés.

Second. The heirs and legal representatives of those parties named in the bill shall be paid out of moneys coming to these Indians the amounts specified in the bill as damages.

Third. The agreement provides for the cession by the confederate band of Ute Indians of their reservation in the State of Colorado amounting to some sixteen thousand square miles, or nearly eleven million acres of land, to the United States.

Fourth. The settlement of these Indians upon land in the vicinities and localities named in the bill upon designated tracts which shall be surveyed by the Government, upon which the Indians shall be localized, which shall be inalienable for twenty-five years, and not subject to taxation or to sale under the decree or order of any court.

Fifth. The payment by the Government of the United States of an annuity of \$50,000 to be distributed per capita among the Ute Indians in consideration for this cession, which annuity may be capitalized, and the principal sum at the end of twenty-five years paid to the Indians if the Government shall so elect.

Sixth. The Indians located upon the lands allotted to them shall

Sixth. The Indians located upon the lands allotted to them shall pass under the jurisdiction of the laws of the United States and of the States and Territories in which the lands are situated.

Seventh. The United States Government will support these Indians until they can become self-supporting by agriculture, and will give them agricultural implements and stock and so forth, as provided for in the details of the bill.

The policy of the bill is to break up this large reservation, to individualize the Indians upon allotments of land; to break up their tribal relations and pass them under the jurisdiction of the Constitution and laws of the United States and the laws of the States and Territories in which the lands are situated, to aid them with stock and with agricultural implements, and by building houses upon their allotments of lands, to become self-supporting, to be cultivators of the soil; in a word, to place them on the highway to American citizenship, and to aid them in arriving at that conclusion as rapidly as can

The bill is in many respects a departure from the ancient and established policy of the Government with reference to the Indian tribes. The advance of settlements in the West has been so rapid that it has been found inexpedient and impolitic, as leading to collisions between the whites and Indians, to continue the system of locking or attempting to lock up large tracts of land within their exclusive occupancy. The whites cannot be restrained from intrusion upon these large reservations. The Indians will not use them except for hunting purposes and the whites will not permit them to remain unused.

This bill simply recognizes the logic of events, which shows that it

is impossible to preserve peace between the Indians and the whites with these immense bodies of land attempted to be locked up as Indian reservations, and makes the attempt to remedy that fact by giving the Indians allotments of land, as is done in this bill, upon which they shall be located, whereon these houses shall be built, where they shall have stock around them, where they shall be made husbandmen and taught the arts of agriculture and thereby be led in the direction

of citizenship eventually.

That is the theory of the bill. With reference to the details the statement made by the honorable Secretary of the Interior before the joint committees of the House and Senate on Indian Affairs, a portion of which was read yesterday evening, is so lucid that I deem it unnecessary to go into them further.

I will state that this bill is regarded by the Secretary of the Interior as of the very first importance, and it is hoped that it will be acted on at once by the Senate and passed. It is necessary in view of the approach of spring, the time for farming operations, if we intend that these Indians shall do anything during the ensuing agricultural sea-

son, that they shall go on at once.

It is necessary for an additional reason that the reservation which is ceded by this agreement is being invaded at all points or intruded

is ceded by this agreement is being invaded at all points or intruded upon by whites who are locating ranches and staking off mining claims, and unless the cession is completed, under existing treaties with the Ute Indians it is protected against this intrusion, and this must necessarily lead to collisions with the Indians.

In view of all the facts, early action by the Senate is very much desired by the Department, and indeed is absolutely indispensable to prevent further trouble with the Indians; and I hope that it will be the pleasure of the Senate to continue the consideration of this bill and pass it or act finally upon it at least during the session of to-day.

Mr. TELLER. Mr. President, about the middle of March the honorable Secretary of the Interior submitted to the Indian Committee of this body an agreement made with the Ute Indians, and the draught

of this body an agreement made with the Ute Indians, and the draught of a bill. On the 22d of March the committee reported that bill to the Senate. I subsequently moved some amendments, and handed them to the members of the committee, not referring them to the committee formally, inasmuch as the bill was on the Calendar. On the 31st of March the committee reported a new bill, which now by

the consent of the Senate takes the place of the former bill. In it I find some very material changes from the original bill. I find in this bill what was not in the other bill, a provision for the payment of annuities for a certain length of time to the sufferers by the White River outbreak. That was in accordance with the amendment I had introduced into the Senate, although the committee did not adopt my amendments as to the amount and in some other respects.

Lagree with the Senator who represents the committee, the chair-

I agree with the Senator who represents the committee, the chairman of the Committee on Indian Affairs, [Mr. Coke,] that this is an important bill. It is important to the people of Colorado; it is important to the Indians; and it is important to all sections of the

country.

Mr. President, we have now arrived at a stage in the public mind when the question is asked, and asked in every portion of the country, what shall we do with the Indians? It is a difficult question to answer, but it is one that must be speedily answered. The people in all parts of the country are dissatisfied with the conduct of Indian affairs and demand a radical change. It is demanded alike in the interest of the whites and of the Indians. The continued Indian wars, terminating in disaster to both races, treaties and agreements made terest of the whites and of the Indians. The continued Indian wars, terminating in disaster to both races, treaties and agreements made to be broken on both sides, have convinced the people that there is a defect in the present system. The men who have studied this problem the most are the most outspoken in their condemnation of the system and its management. Is it possible to adopt a system that shall do justice to the Indian and white man alike, that shall put the Indian are the most described in the continued in the continue Indian on the road toward civilization and Christianity? If this can be done, all will admit that it is the duty of the dominant race to take all necessary steps to accomplish so desirable an end. However much we may differ as to the methods to be pursued to accomplish this end, it will hardly be denied that a thorough acquaintance with Indian history, character laws engages and religion will at least Indian history, character, laws, customs, and religion will at least qualify the agents of this work to cope with some of the recognized and admitted difficulties of the task. That it is a task, the almost unbroken line of failures for nearly three hundred years sufficiently demonstrates.

The early settlers of this country attempted this task, devoting much time and money to the education of this people, and not less than four of our principal schools were organized for the education of Indians, and Indians alone. I need not say that the attempts to civilize Indians by first educating them failed and that the efforts of the worthy men to make Christians of these pagans not only failed, but brought destruction on the objects of their solicitude. The powerful tribes with which they fought and treated and fought and treated again, have in many instances no living representative left. The early history of the country is full of the conflicts between the whites and Indians, and as the lines of settlement swept westward toward the setting sun the conflict increased in intensity. The history

toward the setting sun the conflict increased in intensity. The history of the country may be said to be one continued history of Indian wars, for not a year passed but in some part of the land the conflict was carried on; burned houses, wasted fields, murdered settlers, indignities on the dead, and worse ones on the living, are recorded in every chapter of our history.

Is it strange that the men who have carried the lines of settlement

westward and have come in contact daily with the Indians, feeding them one day and fighting them the next, studying their character in the school of experience, knowing their many vices and few virtues, and who of all men are interested in a peaceful solution of this problem, should demand of the men to whom this solution is intrusted

more than a passing acquaintance with the subject

Mr. President, it has not been considered essential that the men to whom this great work was intrusted should be learned in the history of the Indian race, should have a knowledge of their character, laws, customs, or religion; should even have studied the history of the past efforts at civilization. Ignorant of all these things, without a knowledge of the geographical distribution of the race now or in the past, we rely on such agents to accomplish the greatest work ever given to man to do for his fellow, that is, to bring a savage into a civilized state. These men, knowing nothing of the magnitude of the undertaking, assumed the responsibility without a doubt as to their success. All other men are fools! Now, will the wild Indian be civilized and Christianized in a twelvemonth! He is to become self-supporting, and the great drain on the public Treasury for his support will seem the product of the support will seem the support with several series. port will cease at once.

Theories worn out and disproved, systems tried and abandoned long ago, are at once adopted by these neophytes and we are promised an immediate solution of this problem. Flouring-mills are to be built in the wilderness hundreds of miles from grain-fields; reapers and mowers are to be sent by the car-load for the use of Indians whose very religion it is to despise manual labor and who will choose death in preference to the degradation of work; houses are to be built for dwellers in tents whose religion makes it a crime to remain in a house where there has been a death, and when the first death occurs the house must be burned or abandoned.

I am told, although I do not know how true it is, that the honorable Secretary of the Interior has discovered a system which once adopted on the part of the Government will work wonders with the savage Indian. I do not know the title of the bill prepared, but I do understand the principle on which it is based. This system will be presented to us in a few days, and for the lack of other title it might be entitled An easy solution of the Indian problem in one lesson. What is this system that is to work such wonders? Land in severalty. Give, says the honorable Secretary, to each Indian, great and small, from one hundred and sixty to three hundred and twenty acres of land, mark it on a map, fix its boundaries in a book, build a house on it, tell the Indian it is his, and the great work is accomplished! It is the lack of land in severalty that has kept the Indian a savage for centuries! The problem that has disturbed the people of Europe and America for three hundred years is solved in a day, and how simple it is!

Mr. President, this is called by the honorable Secretary the "new system." This system is not without merit, but it is not a new system and not original with the honorable Secretary of the Interior. In 1646, Elliott, the apostle to the Indians, procured the allotment of land in severalty to certain Massachusetts Indians, but they remained

land in severalty to certain Massachusetts Indians, but they remained savages still. It has been a feature in every administration of Indian affairs since this Government was founded, and within the last thirtysix years we have provided in not less than sixty treaties and agree-ments that land should be allotted to the Indians in severalty. In all of these the Indians might have taken lands, and in nearly all of them they pledged themselves to take the lands in severalty; but the record shows that very few did so take land, and those who did make selections did not as a general thing remain on the land. Land in severalty as a means of civilization has proved a failure.

Since 1868 the Ute Indians might have taken land in severalty;

Since 1868 the Ute Indians might have taken land in severalty; their treaty so provided; but they did not. Not one application was made under that treaty for land in severalty. If Indians can be induced to take lands in severalty and reside on the same, one step at least has been taken toward civilization. But it is not the first nor the second step and will not be taken by the Indian until he has made some progress in civilization.

What are the difficulties to be encountered in inducing the Indians to accept and live on land in severalty. The social organization of all the Indians is by clans or families, each clan consisting of a body of relatives. They may be several degrees removed, still they recognize the relationship. Two or more clans compose a band, and several bands a tribe; several tribes a confederation. The only permanent and stable organization is that of the clan. The tribes and confederacies may dissolve and fall apart, but the clan never. The only dissolution of a clan is by the death of its members.

The right of property as recognized by an Indian is the right in

The right of property as recognized by an Indian is the right in The right of property as recognized by an Indian is the right in his clan. Property in severalty is unknown to the wild Indian. If a hunter kills a deer or a buffalo, it belongs to the clan and not to the hunter. His rights are no greater in it than those of any other member of the clan. All right to the soil and the productions thereof inheres in the clan, and he who takes land in severalty or cultivates the common soil claiming the productions thereof for himself alone, is guilty of a crime against Indian society and one not likely to be forgiven. It has been well said that Indian virtues consist chiefly in

the recognition of clan rights, and crimes in Indian society consist chiefly in a violation of those rights.

In dealing with Indians it should never be forgotten that the institutions of civilized society are crimes in Indian society, and the moral sentiment of the Indian against such recognized crimes is not less severe than the moral sentiment of civilized people against recless severe than the moral sentiment of civilized people against recognized crimes. The murder of an enemy or the robbery of a foe is not a crime in Indian society, but the violation of a clanship right is. The destruction of the clan is to the Indian mind the destruction of the Indian himself, and he therefore instinctively rebels against any movement that tends to weaken his clan. To adopt the habits, customs, and laws of the white man is, in his judgment, to cease to be an Indian, and the meanest Indian in the land would not exchange his place with that of the most favored white.

Thus when we compel an Indian to take land in severalty we compel him to commit a crime against Indian society and, as he believes, to aid in his own destruction.

to aid in his own destruction.

We have not been able (save in a limited way) to induce the most civilized Indians to take land in severalty. The Indians of the Indian Territory resist with great energy all attempts to induce them to take land in severalty, and the Indians in the State of New York, with surrounding civilization, refused to take land in severalty until after 1842. Many of them refuse to take it to this day.

The ideas entertained by Indians for centuries will not be abandoned in a day by the adoption of a new system on the part of the Government, or an old one labeled a new one.

A few years since the attention of the whole country was directed.

Government, or an old one labeled a new one.

A few years since the attention of the whole country was directed toward this Indian question. The system then pursued was with one voice pronounced defective. We then adopted an addition to the already cumbersome machinery of the Indian Bureau, by creating a board of Indian commissioners, composed of men noted for their philanthropy and intelligence; and that their motives might not be suspected we required them to give their time and attention to the Government without price. In the main they have been good men; but the attention of the Senate has been recently called to some transactions in which at least one member of this board cannot be said to have preserved the high character that it was expected the members of the board would. He is still a member of the board. This board failed to discover some of the most glaring outrages of the Indian Bureau in time to save the credit of the nation; and but for the resolute action of one member of the board it is doubtful if the history of the board would have furnished a single instance of benefit either of the board would have furnished a single instance of benefit either to the Indian or the Government. It may be declared to have been

a failure. It was thought by many that with the appointment of this board the Indian trouble would cease. It was nearly equal, in the estimation of the advocates of it, and promised as much good as the present new system. Every new system will have its advocates, and the less a man knows of the difficulties of dealing with the Indians the more ambitious he is to introduce a new system and the more

confident he is of its success.

Mr. President, the great trouble in our dealing with the Indian is our ignorance of his laws, customs, character, and religion. We insist on treating him as if he was a civilized man, when he ought to be treated as a savage, full of the superstitions and weaknesses that belong to savage life. This error is shown in this agreement and bill before us. The Secretary tells us it is a fair and intelligent settlement between the whites and Indians, or, in other words, between civilization and savage society. And he would fain make us believe that he has discovered a way to destroy a prejudice, the growth of centuries, in a day, and force the savage mind to adopt the ideas, customs, and laws of civilized life at one step. It cannot be done either by the new system or the old.

What are the facts that surround this case and call for the bill? What has called forth this effort on the part of the Secretary of the Interior? Why does he appear before the committees of the House and Senate and urge this bill? Why does he press on us the sufficiency of this measure ?

Mr. President, the honorable Secretary says to avert a war, to save money and blood. In my judgment it is to save the reputation of his Department; it is to cover up, under the plea of keeping the peace, the stupidity and ignorance that have signalized the conduct of the Indian Office during the last three years; to divert attention from the many blunders and misfortunes of that office. The honorable Secretary of the Interior cannot be unmindful of the fact that from all parts of the country where Indians are located complaints are made by both whites and Indians of mismanagement. In Texas, New Mexico, Arizona, Colorado, Wyoming, Idaho, and Dakota Indian troubles have been of frequent occurrence. Rose-colored reports, depicting the astonishing rapidity with which the Indians are progressing in civilization, will not cover up or disguise the fact that within the last three years the most disgraceful chapter of Indian history has been written.

From whatever stand-point we examine the conduct of Indian affairs during the past three years we must admit that it has been disastrous to whites and Indians and disgraceful to us as a nation. The history of the removal and treatment of the Poncas in the Indian Territory; the Nez Perces in Idaho and subsequently in the Indian Territory; the murdered settlers in Kansas whose death is charged to lie close to the door of the Indian Bureau; the conflict with the Northern Cheyennes; the killing of Thornburgh and his brave troops in Colorado: the murder of the hillenthesis. in Colorado; the murder of the philanthropic Meeker and his asso ciates; the treatment of the captive women whose husbands and fathers were victims of savage hate; murdered citizens in Colorado, Wyoming, and New Mexico—these are incidents in the history of Indian affairs as administered by the present officials that have attracted the attention of the whole country. Both whites and Indians have suffered by this mismanagement.

Mr. President, peace will not come with this bill. There can be no peace with the Indians until the Government shall do justice to both whites and Indians alike.

When the officials to whose charge the administration of Indian affairs is intrusted shall become acquainted with the character, customs, laws, and religion of the Indians, and shall be moved to do justice to the Indians and whites alike, then this problem will be solved. Injustice to the whites will as surely end in the destruction of the Indians as if that injustice was practiced on the Indians them-

This bill is just neither to the Indians nor the whites; and if it be-

comes a law the Indians will be the greatest sufferers in the end.

It is unjust to the Indians because it provides no punishment for those guilty of crimes, makes no distinction between those who kept peace with us and those who fought us; because it gives them a false and exaggerated idea of their powers and rights. We treat with them without either punishment or rebuke. It is a reward for their crimes, and they will so understand it. They are the wards of the Government it is said, but we fail to exercise the powers of a guardian over a ward when such exercise is clearly demanded in the interest of the ward.

est of the ward.

It is unjust to the people of Colorado, because it leaves these Indians who fought Thornburgh and killed Meeker and his associates unpunished; and flushed with victory on the battle-field and in diplomacy they will be incited by the very mercy of the Government to commit other and greater crimes against our people.

We ought not to forget that we are dealing with savages—brutal, bloody savages—and we never should deal with savages as we deal with civilized people. Precautions against savages should be taken that are not required in dealing with civilized people.

It is unjust to the people of Colorado and the Indian alike in that it proposes to settle the Indians in Colorado under circumstances of great hardship to both whites and Indians. No wisdom is shown in the selection of the place where it is proposed to make savages learn to labor; and it is safe to say that no class of white men, situated as these Indians will be, would succeed.

If we propose to make a pastoral people of them, we do not give them enough land. If we propose to make farmers of them, we give them too much, and have selected a most unsuitable place to try the experiment. If it is intended that the Government shall support

them too much, and have selected a most unsuitable place to try the experiment. If it is intended that the Government shall support these Indians, we ought to put them where the supplies can be procured at less cost and where they will not be a continual menace to the peace of the people of Colorado.

The people of Colorado are interested in this experiment. If it succeeds they will be safe from savage hate and ferocity; but if it fails who can depict the disasters that may follow such failure. It will fail. All the circumstances connected with and surrounding this experiment make it morally certain to fail. Under the most favorable circumstances it would be likely to fail. What shall we say of the probability of failure with the temper of the Indians unfavorable, with all the natural obstacles it must encounter? If it fails what will become of the Indian? Let the friends of this bill answer.

The people of Colorado are neither bloodthirsty nor cruel. That they are bitter against these Indians I do not deny; but it is because of the wrongs they have suffered at their hands, and they believe there will be no permanent peace while the Indians remain in the State. And no man in Colorado is firmer in that conviction than I am. It is forced on us by our knowledge of the character of these Indians and our lack of confidence in the administration of Indian affairs. The want of information on the part of the Indian Bureau

The want of information on the part of the Indian Bureau

exhibited in this bill is sufficient to warrant the people in distrusting the ability of the Indian Bureau to deal with this subject.

The fundamental idea in dealing with the Indian should be that he is a savage. This bill ignores that fact and treats him as having made some progress in civilization, when in fact he has made none. The natural order in which men rise from a savage state to a civilized

made some progress in civilization, when in fact he has made none. The natural order in which men rise from a savage state to a civilized one is, first, pastoral, and then agricultural. This bill proposes to make them agriculturists first, and that too with natural obstacles to contend with that might well deter the most energetic Anglo-Saxon. This bill appropriates over \$400,000, and the honorable Secretary of the Interior told the committee what he intended to do with this money. Hear what he says: \$51,000 for surveys; \$60,000 for houses; \$18,000 for grist-mills; \$18,000 for saw-mills; \$65,000 for wagons; \$20,000 for harness; \$30,000 for agency buildings; \$25,000 for school-houses; \$42,000 for cattle; \$12,000 for subsistence the balance of the year, (they have already had \$78,000;) not a dollar for hoes, plows, or harrows, and not one dollar for an irrigating ditch, when every man who has the slightest information on the subject understands that not a pound of farm produce can be raised in that section of the country until there is an expenditure of from fifty to one hundred thousand dollars for irrigating purposes. And yet the honorable chairman of the committee says, acting under the advice, as I know, of the Secretary of the Interior, that it is important that these men should be put upon this land at once that they may commence their spring farming. If there ever was a fair specimen of stupidity on the part of public officials this comes fairly within the rule as exhibited by the Interior Department when they urge the consideration of this bill on thet gravand as exhibited by the Interior Department when they urge the consid-

as exhibited by the interior Department when they urge the consideration of this bill on that ground.

The people of Colorado believe that these Indians have by their misconduct forfeited all treaty rights, and the warrant for that belief they find in the treaty itself. The Indians who fought Thornburgh, murdered Meeker and his associates, outraged the female captives, were shielded and protected by the other Indians, who to this have refused to make known the variety are of the single one of the hour have refused to make known the name of a single one of the culprits. They believe, therefore, it was the duty of the Government to have declared the treaty at an end, and with a firm hand to have punished the offenders, if they could have been identified, and to have taken the Indians and put them on land suitable for pastoral and agricultural pursuits, where they would not necessarily come in contact with the whites; that they should be made to feel the restraints of law, disarmed of their fire-arms, and should, with the firm

but fostering hand of the Government, be made to become first a pastoral and then an agricultural people.

The people of Colorado believe that this cannot be done where they are to be located under this bill. These Indians, unable longer to support themselves by the chase, will depend on the Government for support, will in the end become worse than they are now. They will occupy all the agricultural land in the vicinity of their location, and will not have the advantages of the example of industrious form. and will not have the advantages of the example of industrious farmers, from whom they might learn valuable lessons, as they might in some other parts of the country. They will be surrounded by mining camps, and amidst the temptations that are inseparable from such camps, and amost the temptations that are inseparable from such camps. They are not adapted to that kind of labor, and could not, if they would, work in the mines. If they raise cattle, they must be kept on their own land, which is insufficient to support them as a pastoral people. Their future, therefore, is not promising.

Must the State of Colorado be cursed then by the presence of these people whose future promises no improvement? If there was no other place for them the people of Colorado would not complain. If the

proposed location was better than any other, the hardship of having them left there would not appear so great; but there are fairer and better fields in the almost immediate neighborhood of the proposed location that are out of the State of Colorado and better adapted to their wants and use, whether they remain savages or follow the pursuits of civilized life. Why not consult the interests of Indians and whites alike, and send them to the Uintah reservation, not more than

seventy-five miles distant? It is an Indian reservation belonging to the Government and not to the Indians, and there are no treaties with other Indians to interfere. It is sufficient in size for five times as many Indians as can ever be congregated on the land. It is inhabited only by four hundred Indians, speaking the same language and belonging to the same tribe. It is well watered, well timbered, easily irrigated, away from mines and mining camps. Why not send them

It is said by the Interior Department that they would not go to Uintah. Has it come to this, that a few hundred Indians, having murdered their agent and other employés, mutilated the dead, outraged the living, defeated our troops in battle, holding them in check for five long days, shall now dictate to us the terms of this agree-

ment?

ment?

It is said this is cheaper than to have punished them. Is it cheaper in the end? In my judgment we should have demanded submission to our terms, and if we had shown that we intended to compel submission we could have avoided a war. The exhibition of firmness on the part of the Government would have commanded the respect of the savages. What must be the effect on the savage minds of the course pursued by the Government, making demands accompanied by threats of punishment if not complied with, and on the refusal of the Indians to comply with our demands allowing them to dictate the

We are told that it is a great triumph of negotiations. Let us see what we demanded and what we got. To understand what we got we must know the condition of the title of the Indians as well as the

obligation of the Government toward these Indians.

Mr. President, the region of country occupied by the Ute Indians. Mr. President, the region of country occupied by the Ute Indians came to the United States by the treaty with Mexico. It was occupied at that time in part by these Indians and in part by other Indians. We made our first treaty with these Indians in 1849, at Santa F6. They were then not living in the region now known as Colorado at all. It is doubtful whether they had ever been in the region that they now inhabit. We made our second treaty with them in 1863. When that treaty came here to be ratified the Senate provided in ex-When that treaty came here to be ratified the Senate provided in express words, when accepting that treaty, that we recognized in these Indians no other and greater title than that recognized by the government of Mexico. Need I stop here to explain to Senators who have had their attention called to it—some at least I know have—the character of the title recognized by the government of Mexico in the Indian? Unlike our Government, they never recognized a title at all, neither the right of occupancy nor anything else. Whenever an Indian submitted himself to the church and to the law, then he stood on an equality so far as the nublic domain was concerned with the on an equality so far as the public domain was concerned with the citizens of Mexico. We said that should be the character of their occupancy; that we recognized these Indians as having no other right except that when they saw fit to submit to the legally constituted authorities they should have the right to select such lands as they needed for occupation and immediate use. When we made our third treaty in 1868, we provided that the prior treaty should remain in full force except so far as the new one was inconsistent with the old.

force except so far as the new one was inconsistent with the old.

So then, Mr. President, these Indians had no title to this land at all.
They stand on a very different footing from the Indians of Nebraska
and the Indians of Iowa and Minnesota; and but for the ignorance
of the Department that has control and management of this affair,
we never should be met by this complication at all.

It is said by the honorable Secretary in the address that he delivered
to the committee, which has been read and which has gone into the
RECORD. that this is a valuable tract of land.

Mr. COKE. Do I understand the Senator to say that these Indians
have no title to the sixteen thousand square miles of territory ceded
in this agreement?

in this agreement?

Mr. TELLER. I say that that is the law.
Mr. COKE. That they have no title to it?
Mr. TELLER. I say that they have no title such as is recognized by the Supreme Court in dealing with Indians who have been held to have a right of occupancy that the Government is under moral obligations to extinguish.

Mr. COKE. Will not the Senator admit that the lands are spoken of in treaties made by the United States Government with the Indians

as lands owned and occupied by them?

Mr. TELLER. Subject to that provision, that they own the land just exactly as they owned it under the government of Mexico, no more and no less. Look into the treaty of 1863 and see what the Senate added.

Mr. ALLISON. Look at the treaty of 1868. Mr. TELLER. The first section of the treaty of 1868 provides that it does not impair the former treaty except as it is inconsistent therewith. Whatever may be their title, whether it is such a title as is held by the Indians in Mexico or whether it be such a title as is held by by the Indians in Mexico or whether it be such a title as is held by the Indians of Minnesota, taking it on any view of the case, what do we get? The honorable Secretary says we get a large amount of mining land and of valuable mining property, and that we should take that into consideration; that in a mile square there is money enough perhaps to pay the whole of the fund which is to be set apart to pay the annuity. To whom does this mineral land belong? Will any Senator say that it belongs to the Indians? It belongs to the Government of the United States. Under the decision of the Supreme Court repeated again and again, and repeated particularly, emphatically in 19 Wallace, they have no right to mine a single pound of ore in that mineral land. It is not theirs, it is ours, and under the rule there laid down the United States has the right, without the violation of any treaty, to provide that any prospector or settler may go upon it and extract the ore.

Mr. ALLISON. I do not like to interfere with the Senator in his

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the

Senator from Colorado yield?

Mr. TELLER. I yield to the Senator from Iowa.

Mr. ALLISON. I should like to have the Senator construe section of the treaty of 1868, found in the fifteenth volume United States

Statutes, page 619.

Mr. TELLER. Yes, sir; I have got it here. The two treaties must be construed together. The honorable Senator cannot construe the one treaty without construing the other.

Mr. ALLISON. I should like to have the Senator put an interpretation on that article of that treaty and state what it means.

Mr. TELLER. I will go back to the treaty of 1863. I shall not ask the honorable Senator to construe it but I will construe it, and I will construe the two treaties together. By the treaty of 1863 they ceded to the United States all the land, reserving a certain piece. That is what they did in 1863. When that treaty came to the Senate the Senate placed upon it this amendment:

Nothing contained in this treaty shall be construed or taken to admit on the part of the Urited States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said territory from Mexico, by the laws thereof.

That remained a part and parcel of the treaty of 1868, and by that they own nothing. But I do not care to go into that; I say they do not own this mineral land under any theory. The Supreme Court of the United States has declared in The United States vs. Cook, in 19 Wallace, that they do not own it. It has declared further that they do not own the timber growing on it. The court declared in that case that the rights of the United States were paramount; that the United States stood in the relation of a remainder-man and the Indians in the place of a tenant. I need not say to lawyers that a tenant cannot extract a pound of ore under any law. I need not say to lawyers that a remainder-man may always go upon his own land and extract the ore, gold or silver, if he can do it without interfering with the tenant for life. The United States may put its miners into the Elk Mountains, where the Indians seldom go and where the Indians could not interfere with their occupation, and extract the ore, and not violate any principle, equitable or otherwise. Therefore we do not buy the mineral of these Indians, and the great trade that has been made by the Department in procuring the cession is not perhaps after all so valuable. But I have not time to spend on this point. I do not propose to find fault with the amount of money that is to be expended under the bill. It is the principle that I find fault with, and not the amount.

We maintain for these Indians three agencies: one at White River one at Los Pinos, and one in the southern part of the State. I will call the attention of the Senate to what occurred at the northern agency, out of which this trouble has grown. On the 1st day of October, 1879, it was telegraphed all over the country that the United States troops had been defeated by the Indians in a battle at a point known as Milk Creek. Major Thornburgh had been ordered by the Military Department, at the request of the Interior Department, to go to the White River agency to protect the agent against the outrages attempted to be perpetrated on him by these Indians. He reached the vicinity of the agency, and when twenty-two or twenty-three miles from it he was met by one of the principal negotiators of this treaty, Captain Jack. There Thornburgh was killed and twelve of his men were killed, and the troops were compelled to dig rifle-pits one at Los Pinos, and one in the southern part of the State. I will his men were killed, and the troops were compelled to dig rifle-pits and remain in the pits until the 5th day of October, at which time Merritt arrived with six or eight hundred more troops, and then the

Indians quietly retired.

Every day from the 29th day of September down to the 5th day of October that little band of soldiers, amounting to about two hundred, fought these Indians. At every hour, day and night, they were under fire. Every time that a soldier went down in the dark to the river to get a bucket of water he encountered an Indian fire. All the horses of the command were killed, and forty-three men were wounded. The Indians were not satisfied with simply holding our army in check; they had men enough under their command engaged in this battle to send a detachment away up on Bear River, forty or fifty miles off, and murder citizens of Wyoming and Colorado. When Merritt came down there and a battle was imminent, when there was danger that these wards of the Government might get their just deserts, then commenced an effort to avert a war and save blood, as deserts, then commenced an effort to avert a war and save blood, as it is said. A messenger was sent post-haste from Rawlins down to Merritt and he was ordered to desist. Messengers were sent post-haste from other sections of the country to assemble the Indians and have a council. It was telegraphed all over the land that this out-break was occasioned by the misconduct of the people of Colorado. The first telegram that the public got from the Indian Office contained the declaration that the miners encroaching upon this reservation had occasioned this difficulty and trouble. I charge that there was not a man connected with the Interior Department who did not know not a man connected with the Interior Department who did not know that it was absolutely and unqualifiedly false. There was not a

scratch of a pen on file to justify that declaration. They never had received a dispatch, or a letter, or a suggestion from anybody to the effect that the people of Colorado had infringed upon the reservation in the vicinity of that agency.

It was manufactured and made up to cover up their own misconduct, to lay the blame where it did not belong, and to save the Indians. Then it was telegraphed all over the country that only forty or fifty Indians had engaged in the battle, and there was the usual cry that it was a renegade band.

I want to call the attention of the Senate to how many Indians participated in the fight, because it becomes important in considering whether it was the act of a few Indians, or whether it was the act of the whole tribe. I may, I think, refer to the testimony taken by a House committee upon this subject, though it has not been printed. Lieutenant Cherry, a brave soldier, who was engaged in the fight at Milk Creek, testified that not less than four hundred Indians were in the fight. There could not have been four hundred of these Indians to the fight it has not been printed. in the fight if all the males of White River, big and little, from the aged grandfather down to the nursing babe, had been there. There were Indians there from other parts of the tribe. The governor of Colorado, who understood the matter thoroughly, telegraphed to the Interior Department as follows on the 22d day of October, after an examination of this question:

Information from Southwestern Colorado satisfies me that most of Ouray's warriors were in the Thornburgh fight. To surrender the criminals, Ouray must surrender his tribe, which he is powerless to do. They adhere to him for protection only, and will not submit to punishment; neither will they surrender White River Utes, who are bound to them by the closest ties, and are no more guilty than themselves. They whipped Thornburgh's command, and now Merritt retires. It cannot be disguised that the fighting men of the tribe are hostile and flushed with victory. They are savages; they take no prisoners except women; their trophies are not banners, but scalps.

This is the opinion of the governor after a fair investigation of the circumstances attending the fight. I find a dispatch, dated October 14, from Alamosa, Colorado, to the assistant adjutant-general, Department of the Missouri, Fort Leavenworth, Kansas, which is as follows:

Commanding officer Fort Lewis reports, under date of October 11, on Tuesday last Southern Utes assembled at agency. Some under the influence of liquor behaved badly, which caused agent to prepare to leave. Twenty cattle-men from Pinos River went to agency and remained with agent two days.

From five to six hundred Indians reported present on issue days; wanted rations for absent families. When refused, showed great dissatisfaction. The absent Indians reported having gone north. Arrival of troops, of which people have been informed, at Animas and other places has allayed fears.

Presence of troops in the immediate vicinity will alone satisfy settlers.

VALOIS,

Acting Assistant Quartermaster.

Acting Assistant Quarterma

How many Indians ought there to have been there at that time? Not five or six hundred, but thirteen hundred. Where were the rest of them? Fighting Thornburgh at Milk Creek. I find the following communications:

Los Pinos River, above Agency, October 20. (Via Alamosa, Colorado, October 22, 1879.)

Assistant Adjutant-General,
Department of the Missouri, Fort Leavenworth, Kansas:

At request of Page, Indian agent, have halted mounted men during issue of an-

At request of Page, Indian agent, have have not arrived to-day. Look for them to-morrow. Couriers expected from Ouray have not arrived to-day. Look for them to-morrow. Page sent two more couriers on the 18th.

The Indians have sent two chiefs to recall their young men who have gone north. Some returned to-day on information that troops were arriving. We are only eighty miles from Ouray. Should have information earlier than it is possible to obtain via Lake City.

Am in communication with Jewett, who is about forty miles south.

HATCH, Colonel.
VALOIS,
Acting Assistant Quartermaster.

Los Pinos River, October 21, 1879. (Via Alamosa, Colorado, October 4, 1879.)

To the Assistant Adjutant-General, Department Missouri, Fort Leavenworth, Kansas:

The agent issued to-day annuities to two hundred families. My interpreter, who knows every Indian, says Charlie Ojo Blanco, Coreante of the Manchors, with twenty lodges, are north, and fifty of the young bucks of Winnemuceas are with the White River Utes. The courier arrived from Uncompangre with information of Merritt's advance south. Captain Jack and band on Cucharas River. Not known whether the absent Indians from here are with him. It is known they are

The testimony of the people who were in the vicinity is that when the first effort was made at negotiation the Indians came in with their horses jaded and worn out, bearing the evidence of not having been on a hunt, but in a fight. It is safe, then, to say that some portion of every band of these confederated tribes was in that engage-

I said that when Merritt reached this point an effort was made on the part of the Interior Department to negotiate. Pending those nethe part of the Interior Department to negotiate. Pending those negotiations, and while they were endeavoring to patch up and procure a peace, the Indians continued on the war-path. At the very time that Merritt had his hands tied by the order of the Department the Indians were murdering not simply citizens of Colorado and women, but they were murdering United States soldiers. They killed Lieutenant Weir and Mr. Humm, who went out from the camp a little way pending these negotiations. The colonel said, when speaking of it, that although they had used great precaution they did not think that pending the negotiations the Indians would continue to commit their hostile acts. The Interior Department selected and sent to the Indians at Los Pinos (acting through Ouray, the head chief, who was head chief, but unable, it seems, to restrain his Indians) an agent who made a demand on them. Now let us see what the demand was. It is important in determining what the conduct of these Indians will be in the future and in determining what their conduct was that we should understand what demand the Government made on them, and whether they complied with it. The Secretary of the Interior, under date of October 26, sent the following dispatch to Charles Adams special agent, Los Pinos agency, by the way of Del Norte, Colorado:

special agent, Los Pinos agency, by the way of Del Norte, Colorado:
Dispatch of 24th from White River received. Your dispatch from Plateau Creek
also received. The President desires me to express his very high appreciation of
the courage and good judgment displayed in the performance of your task.
You will now insist upon the following terms: The White River Utes are to
move their camp temporarily to the neighborhood of Los Pinos. A commission
consisting of Brevet Major-General Hatch, yourself, and Ouray, to meet at Los
Pinos as soon as possible, legal adviser and clerk to be furnished by Government,
to take testimony to ascertain the guilty parties; the guilty parties so ascertained
to be dealt with as white men would be under like circumstances. The White
River Utes, or at least the mischievous elements among them, to be disarmed.

Is it done, Mr. President? Is there any proposition to disarm these murderers of the people of Colorado and Wyoming?

These terms, approved by the President and General Sherman, are fair, and the most favorable that can be offered.

He telegraphed subsequently:

I leave it to your judgment to inform Governor Pitkin, confidentially, that a settlement of the Ute question in accordance with interests of people of Colorado, but also just to Indians, is earnestly intended, but the matter of surrender must be disposed of first; and that interference by authoriting or people of Colorado would be most unwise, and cannot be tolerated.

C. SCHURZ, Secretary.

Subsequently he telegraphed:

The hostiles will have to surrender and throw themselves upon the mercy of the overnment. The guilty parties must be identified and delivered up. We shall be that no injustice is done any one. Peaceable Indians will be protected.

The commission went on and made this demand of the Indians. The Indians refused to surrender the culprits, and here is the dispatch that was sent by the Secretary of the Interior on the 17th of Novem-

Dispatch of 15th received. The artifice of the chiefs is too transparent. The following declaration might be made by commission: The agentand employes have been murdered. Thornburgh's command was attacked. Nobody else was there to do this but the White River Utes. If they will not disclose who is responsible, they must all be held responsible, forfeit their treaty rights, and be otherwise dealt with as the Government may determine. The testimony of individual members of White River band may thus be obtained. Every effort should be made to accomplish this.

These demands were made and repeated to these Indians day after day. Day after day the commission, headed by General Hatch, said to the Indians, "This is the ultimatum of the authorities at Washington; surrender these Indians, guilty not of the murder of Thornburgh, not the Indians guilty of the murder of Meeker; and there were thirty Indians engaged in the murder of Meeker; but surrender twelve men guilty of an outrage not to be repeated in the Senate on the female captives. Surrender them, and we will condone all the crimes that you have committed on the people of Colorado for the last four years; but if you do not surrender those, then we will go to war." They repeated this demand morning and night; they repeated it day after day, and when the Indians turned around and declared that they defied the Government of the United States and that they would not surrender a single individual for punishment, the honorable Secretary of the Interior, acting as it is now said with reference to the great interest of the country and of the Indians, declared that he withdrew that demand.

There are men upon this floor as well as myself who have been brought in contact face to face with Indians, who have gone out, perhaps, as I have, and taken a hand in defending the frontier settlements, and we know the character of the Indians as the sentimentalists who have never seen a wild Indian do not know it. We know from the Indian character that it is impossible under the circumstances. to ever have peace when you have made a demand upon an Indian to ever have peace when you have made a demand upon an Indian and he has faced you down and you withdraw the demand. I appeal to the Senator from Texas if it is true that there can be peace with an Indian when you have let him dictate to you what he will do. These men, flushed with victory in battle, flushed with victory in diplomacy, having outgeneraled our troops, having defeated them and outwitted their superior the Secretary of the Interior, will never be on terms with the people of Colorado or any other people with whom they may come in contact.

Mr. President, I might read here, for I have collated, so that if anybody wanted to see them I might read them, a dozen dispatches, each one pressing upon this commission not to recede from the demand, and the dispatches of the commission saying that they had repeated

and the dispatches of the commission saying that they had repeated the subject of the dispatches to the Indians. But the grand negotia-tion failed. It was telegraphed all over the country that the negotiation had succeeded, that twelve starred names, as were called the men who had committed this grievous outrage on the captive women, were to be surrendered. The whole country congratulated the Secretary of the Interior that he had avoided a war. Dizzy and elated by the flattery and by what was said in the newspapers, he immediately issued a congratulatory order to the commission. The next day a dispatch came that nobody was surrendered. The next day, or a few days afterward, came another dispatch saying that the Indians decline to surrender to be tried in Colorado; they will go to Wash-

ington to be tried. Then the Secretary, as he says, having consulted higher authority than himself, telegraphed to the commission "We will grant you the privilege of coming to Washington to be tried." You have murdered the citizens of Colorado, you have burned their homes and desolated their farms, and the law of Colorado that is paramount and had a right to take hold of them and deal with them shall not touch you; come down to Washington and we will see that these bloodthirsty fellows on the frontier do not have an opportunity to punish you for the crime of murder and rape.

I submit that if there ever was an indignity offered to a people and a State it was offered to us and to our State. What right had the Secretary of the Interior or the President of the United States, or anybody, to say that the laws of the States, or anybody, to say that the laws of the State of Colorado should not be enforced against the men who had murdered her citizens, who had burned their houses and ravished their wives? I pause for somebody familiar with the powers of the General Government to tell me where

that authority was found. It does not exist.

But the Indians said, "We will not do that, either; we will not surrender at all;" and then the Department sent for the chief man who had led the troops against Thornburgh and brought him to Washington, and they negotiated with him and agreed what they should give him and how much he and his coadjutors in this bloody fight should have.

There is another view of this case that I am going to mention now. On the 26th day of October, 1879, a trusted officer of the Interior Department having procured from these women a statement of the outrage perpetrated upon them, telegraphed it to Washington. On the 4th of November another trusted officer of the Government telegraphed it to Washington. The people of Colorado, familiar with the Indians, understood it, although it was kept quiet; nobody declared it openly; the newspapers of Colorado never suggested it, and yet every man familiar with Indians knew what had been the character of the treatment of those prisoners. How did it get out? When the Philadelphia, the New York, and the Boston papers were filled with laudation of the courage and the chivalry of these Indians, speaking of them as braves who only fought soldiers; when they were creating all over the country a public sentiment in favor of the Indians and against our people, the knowledge of that inhuman conduct rested securely with the Secretary of the Interior and his trusted agents; and it was only when that old woman, sixty-six years old, gave to the public of Colorado, in a letter over her own name, an account of the There is another view of this case that I am going to mention now. and it was only when that old woman, sixty-six years old, gave to the public of Colorado, in a letter over her own name, an account of the treatment that she and her fellow-prisoners had received, that the people spoke of it above their breath. I charge upon the Interior Department that they purposely withheld this information from the public to create, first, a sympathy for the Indians, and, secondly, a prejudice against the people of Colorado. When a call was made by the Senate for the correspondence that I thought would bring this information before the Senate, you were told by the honorable Secretary that there was one letter that he had withheld. That was a letter sent to the Department telling him of the misconduct of the letter sent to the Department telling him of the misconduct of the Indians with reference to these females. But before that information reached the Senate this letter that I hold in my hand was published in every Colorado paper, depicting the outrage upon these women and came to our knowledge. The Secretary said in defense, and I will give him the benefit of it, that he withheld the information to save the feelings of the women. I ask the Clerk to read the letter, omit-

The Chief Clerk read as follows:

To the Editor of the Colorado Chieftain:

GREELEY, December 30, 1879.

To the Editor of the Colorado Chieftain:

Dear Sir: I arise from a sick-bed to state a few facts which you and the people of Colorado demand. We three captives of the Utes—Mrs. * * * myself and daughter—were all interviewed separately, being put under oath by the officers of the Government to tell the whole truth of our treatment by the Indians and if they had outraged our persons, and each one of us gave in our testimony in answer in the affirmative against the Indians. I gave in my testimony for the use of the Government, to do with it just as they should see fit. There was nothing said about its being suppressed on either side. I just simply gave my testimony to the Government officers, innocently supposing they knew their duty, and would do it. I also thought I had done all that belonged to me to do by telling these officers the sickening and most humiliating mistortune that can befall a woman, and if they and the Interior Department have not done their duty by the people of Colorado, it is they who are to blame, and not me. On arriving home in Greeley I found myself completely broken down in mind and body, and have had a long spell of severe sickness, from which I am just recovering.

Yours, truly,

Mr. TELLER. When this bill came to the Senate from the honorable Secretary of the Interior it contained no provision for that old lady; it contained no provision for the fatherless children whose parents were murdered at that agency; and yet in the treaty which is said to be still in force there is a provision that for all depredations the Indians commit upon our people in Colorado or elsewhere indemitted the form of the colorado. nity shall be taken from their annuities. It would have been in strict accordance with the treaty to retain the money. The second thought of the committee has been better than the first, and for this old lady, almost in the hour of her death, suffering from the abuse she received at that time, they have reported the large sum of \$400 while she shall live!

There are a great many things surrounding this case that are well calculated to make a man who knows the facts feel that the bill is not such a measure as ought to be presented to the American Senate. While I admit that in the State which I represent there is a great

anxiety to have this question settled; while I admit that there are thousands of men who are anxious to go upon this land to prospect, to make money, to unearth and bring to light its hidden treasures, which are immense; while some of them are crying for the passage of this act; while some of them are urging it upon n.e, yet I believe the great mass of the people that I intend in part to represent in this transaction would rather see the bill fail than to see a measure passed so regardless of their rights and the rights of those who suffered at the hands of these Indians. They would rather see the bill fail and let the land remain unoccupied and unapproachable. Whether they would or whether they would not, my self-respect will not allow me, knowing the facts as I do know them, to support this measure.

It is said that we have not any special cause to complain; that there is a large amount of land to be released and these Indians will go down quietly upon the river-bottom known as the Grand, and there they will reside. I have been acquainted with these Indians for almost twenty years. I have seen them in every mining camp in the State; I have seen them in every principal town in the State. They have roamed over a region of country at least eight hundred miles in length and four hundred miles in width for the last twenty years, and they will continue to roam, whether the new system proposed or the old be applied to them.

posed or the old be applied to them.

During the last five years they have committed innumerable depredations upon our people that under the treaty we are justified in insisting shall be indemnified for before any subsequent and new treaty is made with them. It is so provided in the old treaty, and we say it ought to be provided in the new that there should be no settlement of this affair until the men whose houses have been burned and whose grain fields have been destroyed have some means and opportunity of making their losses good out of the immense bounty that the Government is giving to these Indians.

ernment is giving to these Indians.

I have prepared from correspondence submitted to the Interior Department a statement of the grievances of the people of Colorado as they have laid them before the Interior Department for the last three years. Every report of the Indian agents made for fifteen years past with reference to these Indians shows that they are off the reservation most of the time, and especially is that true of the more recent and modern reports. They have traversed the country frightening our citizens, murdering them in some instances, destroying our farms, burning our timber, and in every way obstructing the development of that portion of the State. For all this neither the Secretary of the Interior nor the committee saw fit to make any provision for payment for these depredations or for the punishment of the offenders.

The governor of the State telegraphed to the Secretary of the Interior on the 7th day of July that these Indians were committing depredations of the state indians were committing depredations or the state indians were committed to the state indians were committed in the state in the sta

The governor of the State telegraphed to the Secretary of the Interior on the 7th day of July that these Indians were committing depredations all over the State. He said in a dispatch of that date, if I recollect, that they had burned more timber during the last season than the entire State of Colorado had used in twenty years; and that, remember, was off and not on their reservation. Are we entitled to call either upon the Indians or upon the Government for redress for the wrongs perpetrated on our people? If we were to present here a bill providing for redress, we should be told at once that there is a provision in the treaty and we ought to have gone to the Interior Department and presented our claim and they would have seen that it came out of the annuities. If we were to go there, we should be told that that was the old treaty, and here is a new one, and by this new treaty we have condoned all the offenses of those Indians, and therefore we have no redress at all.

These facts with reference to their depredations do not rest upon the statements of the Colorado people; they are found in the archives of the Government, in reports made by Indian agents, reports made by special timber agents, reports made by every officer of the Government who has had anything to do with the Indians, clear up to and including General Sherman. General Pope, General Crook, General Hatch, and various others have put on file the statement that these Indians have been destroying the property of the people of Colorado for the last three years, and yet no provision is made in the bill for payment for these depredations. There are men to-day, and women too, who are the subjects of public charity in Colorado, made so by the misconduct of these Indians. Those people have not been here appealing to be indemnified by this bill, but we all believe that any fair and honest settlement of this affair should provide some way to determine what have been their losses and provide that they should be paid either out of the Treasury of the United States or out of the annuities due to these Indians.

I believe that it was the duty of the Government, and I believe it has been derelict in that it did not do it, to take hold of this question and declare these treaties at an end; to take these Indians by the strong hand of the Government and put them where they would be safe from harm by the whites and where the whites would be safe from harm by them. It is said they would not go. I deny it. I assert here that I have perhaps the most positive proof that is possible, because nothing can be positive, I am assured by men who ought to know, that if the Government had said to them, "There is a reservation away from the people whom you have outraged; go there and you shall not go anywhere else," they would have gone. But it is said that that would arouse the sentiment of the people all over the country and they would declare that it was another Ponca outrage or a Nez Percés or some other outrage. The Government has the right and it is the duty

of the Government when these men have violated the laws and have disobeyed the treaties, to treat them as public enemies until they can put them where they shall be harmless to the people on whose borders they live.

Would it have been a hardship to have sent these people to the Uintah reservation? Let me call attention to that reservation. It was erected and established in 1863 by an executive order. It contains 12,040,000 acres of land; more than half a million acres of good land. It has more than two hundred thousand acres of irrigable land that can be readily and easily irrigated. It is within seventy-five miles of where it is proposed to put these Indians. It is surrounded on two sides by high mountains, and on the other by a broad river running across, making a three-cornered piece, or nearly so. It is a fertile soil. Mr. Powell in his Report upon the Lands of the Arid Regions, on pages 103, 106, and 160, declares that it is the most fertile land in the West. Lieutenant McCauley, who went there and examined it, declares that it is the best land west of the one hundredth meridian. Why not put them there, unless we are prepared to say now, once for all, that when Indians have fought us, have murdered our agents, and committed other atrocities, the Government surrenders to them and says: "Do as you please, and stay where you will?" Can any man who has any knowledge of the Indians expect that under those circumstances there can be peace in our borders?

now, once for all, that when Indians have fought us, have murdered our agents, and committed other atrocities, the Government surrenders to them and says: "Do as you please, and stay where you will?" Can any man who has any knowledge of the Indians expect that under those circumstances there can be peace in our borders? But there are other considerations why they should have gone there, considerations that might appeal to the people who are anxious for the welfare of the Indians, who believe that Indians are more valuable than whites because they are a scarcer commodity. If we had said this is a fairer and a better land, this is better than the reservation for white people, and if we had placed the question upon these facts, there is no man having the good of these Indians at heart who would not have cheerfully said, "It is the proper thing for the Government to do." If these people are the wards of the Government we should do what the law recognizes that the guardian of a ward has the right to do, not submit the question to the ward but let the Government as the guardian exercise its judgment as to what is right for the ward, and put the Indians there and there make them learn the arts of civilized life.

It is proposed to give them eight hundred thousand acres of land and to give them that in the mountain regions of Colorado, surrounded on every side by mines, to be surrounded on every side by mining camps in the next six months; and when you shall have destroyed the tribal relations, as the Senator from Texas says you will, when you shall have taken them out from underneath the protecting clauses of the national statute with regard to the sale of liquor and other things, it is expected that they will immediately move on to civilization! It is preposterous; it is hopeless; it is useless; it is an insane effort that no man who has the good of the Indians at heart and a thorough knowledge of the facts would ever be guilty of making.

effort that no man who has the good of the Indians at heart and a thorough knowledge of the facts would ever be guilty of making.

Not only is the country where these Indians are to go to be surrounded by mining camps and miners, but the very land upon which they are expected to farm is mining land, rich in placer diggings, the coveted land now, not of the people of Colorado, but the coveted land of the people of Iowa and of Illinois, and the people clear back to the Atlantic coast. It is the men who are going to Colorado who are to go upon these lands, and not the men there now who are so much concerned. It is coveted, I say, by the people who are going in there, as they have a right to covet it. It ought not to be locked up from the honest hand of toil. It ought to be open to every man to go there and unearth and bring forth its hidden treasures. It is an outrage upon the whole people of the country to put these wild Indians, who are the purest type to-day of the native savage existing on the continent, upon this land and surround them with all the temptations that there must be, and expect us to live in peace and harmony with them, especially after the Government has admitted its doubt whether it could cope with them in battle, and has shown its inability to cope with them in diplomacy.

with them in diplomacy.

Mr. President, I know that Senators will say that I look at this from a stand-point peculiar to myself. On the floor of the Senate two years ago I predicted trouble with these Indians, and I predicted trouble then because I knew that the very course pursued by the Interior Department would bring it about. I predict it now, and I will take the chances of establishing my reputation as a prophet again by saying that there can be no peace with these Indians if you put them in the Grand River Valley. It is unfair to the Indians and to the whites alike.

chances of establishing my reputation as a prophet again by saying that there can be no peace with these Indians if you put them in the Grand River Valley. It is unfair to the Indians and to the whites alike. It is said that none of these Indians ought to go out of the State of Colorado. I am not at liberty to refer to what has taken place elsewhere, but I have heard it said that the provision in the bill that the Southern Utes should not go into New Mexico ought to be stricken out. That shows how apt we are to pass upon questions without a thorough knowledge of the facts. The Indians that are to go on the La Plata River in Colorado and New Mexico were taken by force by the Army and put in Colorado less than three years ago. They have been pining to get back to New Mexico. And yet the friends of the bill and the friends of the Indians say it is a bad feature that you should allow these Indians to go to New Mexico, and in some regions at least they are anxious that that provision should be stricken out; yet the Indian asks and is anxious to go back to New Mexico. He does not want to remain in Colorado. The people who live upon the frontier and come in contact with these Indians it might be presumed have some little knowledge upon this subject.

There are some special objections that I desire to make to the bill, and there are some objections which I think will commend themselves and there are some objections which I think will commend themselves to every lawyer of the Senate, but which must have escaped the attention of the committee. In the first place I call the attention of the Senate to the amount of money that is to be given to those persons who were the sufferers by the White River massacre, the sums being \$400 for Mrs. Meeker, \$400 for her daughter, \$400 for Mrs. Price, \$200 for the old man, Dresser, whose two sons were there murdered, \$200 for Mrs. Post, a widow lady with two children, whose husband was there murdered, a woman who has been brought up and lived in good circumstances, and now has her support taken away, and the mere pittance of \$200 is given upon which she is expected to support herself and her two children. But we are not under obligation to the Interior Department on account of the fact that there is any provision at all here for their relief. I call the attention of the Senate vision at all here for their relief. I call the attention of the Senate and especially of the lawyers of the Senate to this provision on page 5 of the substitute:

The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any char-

I submit to the Senate the question, when you have destroyed the tribal relations, as the chairman of the committee says the legal effect of this measure is, and in that I agree with him as to the law, where do you get the authority for the Congress of the United States to dedo you get the authority for the Congress of the United States to de-clare that the land that belongs to these Indians shall not be taxed any more than the lands belonging to white men? I have taken some pains to look up the law on this subject. I have, I believe, looked at all the decisions of recent date in regard to it, and I find that the courts have invariably sustained this kind of legislation upon the theory that the tribal relation existed, and that when the tribal relation falls it is perfectly indefensible from any legal stand-point

Mr. COKE. Does not the Constitution speak of "Indians not

Mr. TELLER. The Constitution speaks of the power of the Government to deal with the Indian tribes. The Supreme Court, in cases that have been decided, like the cases of the Kansas Indians and of the New York Indians, that will be found reported in 5th Wallace, have put it upon the express ground that the tribal relation still existed. There is no single case that can be found that I am aware of where the court has ever decided that an Indian who has severed his connection with the tribe can be protected by the Government with reference to the liquor laws, or that his property shall be exempt from taxation. In this measure you have not only provided that the real estate shall not be taxed, on which there might be some question provided the Government retains a sort of title in the land—it is possible that if the Government did not make an absolute title in the Ladican the Government might thus prevent the land from he the Indians the Government might thus prevent the land from being taxed, but when the fee passes to the Indians I deny that it can be so done—but the bill provides also what? That their personal property shall not be taxed; and it provides more—it provides that while they may sue and be sued, contract and be contracted with, yet no man can enforce a judgment against au Indian. It throws around these Indians not simply the laws now in force with refer-

ence to Indians, but other and new laws that never have been in force in any portion of the country that I am aware of.

Mr. COKE. Can you not enforce a judgment against an Indian for property of his own, for which he has been sued, in an action of det-

property of his own, for which he has been sued, in an action of definue or replevin?

Mr. TELLER. Although nobody can tell under this bill, it is barely possible that is true. I am willing to say that it is true, for the sake of argument; but what does the honorable Senator say with reference to this case? If I obtain a judgment against an Indian on a contract I cannot enforce it. Then why allow him to contract? Why not keep him under legal disability? Why give him the benefits of a citizen and yet not subject him to the burdens of citizenship? That is what I complain of. That is what I complain of.

Mr. COKE. A citizen cannot contract with an infant or a femme

Mr. TELLER. You cannot contract with an infant or a married woman except by statute, but you say here that you may contract with the Indian, and when you have contracted with him you shall not have power to enforce the contract.

Mr. COKE. You have notice of the status of the Indian as you have in the case of an infant or femme converte, and must contract at The homestead law in all the States affixes a limitation.

Mr. TELLER. This provision is not confined to the land. The bill provides that the Indian may contract. He may come to buy of me a horse; I may sell it and take his note. I may sue him on the note, and he may ride the horse up to me and tell me that it is exempt from execution.

from execution.

Mr. COKE. Certainly.

Mr. TELLER. Why, then, not let the owner recover the horse?

Why keep him under a legal disability?

Mr. COKE. Will the Senator permit me to interrupt him?

Mr. TELLER. Certainly.

Mr. COKE. The Indian can buy a horse from you and pay you for it, and the property will pass and then nobody will lose anything, because he has a right to contract with you. You cannot recover the

horse back from him, nor can he recover from you the price he paid

for the horse.

Mr. TELLER. But I have supposed a different case. Now section
7 of the proposed substitute provides—

It should be title 28, I suppose.

Mr. ALLISON. Yes, sir.
Mr. TELLER. It is in the statutes title 28:

That the provisions of title 28 of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

Now, you have a very wonderful condition of these Indians. They do not belong to a tribe; the tribal relation is utterly dissolved, and yet the Legislature of the nation assumes to oust the jurisdiction of the State and to legislate upon the questions touching intercourse with the Indians. It cannot be done under the Constitution. The Constitution only authorizes us to legislate with reference to the tribes. The power has been extended a great way I know by the courts. The Supreme Court in a case in 3 Wallace held that an Indian who was off of his reservation to whom liquor had been sold and who had not lived with the tribe still came under the provisions of the law.

Mr. WILLIAMS. Will the Senator allow me to interrupt him?

Mr. TELLER. Yes, sir.

Mr. WILLIAMS. How much property is allowed to be exempt from execution by the laws of Colorado?

Mr. TELLER. I am willing that the Indians should have the same exemption as everybody also so fer as I am concerned.

exemption as everybody else so far as I am concerned.
Mr. ALLISON. What is the amount, as a matter of fact?
Mr. TELLER. I do not remember.
Mr. WILLIAMS. Then how can the gentleman say that the people of Colorado are treated badly because they cannot enforce a contract against one of these Indians? In all the States, I know in my State, there is a homestead exemption of a certain amount of per-

sonal property, in some of the States amounting to \$500.

Mr. TELLER. The honorable Senator from Kentucky assumes that these Indians are not going to have any more property than is exempt under the homestead law of Colorado.

Mr. WILLIAMS. He assumes that the Indian is to have as much

as he can get. Mr. TELLER. I think it is likely my objection in this regard is more technical than real; that is to say, it will not amount to anything, for I very much doubt whether any of these Indians for many years will have any other property than the wild ponies they now have that will be subject to execution. But as a question of principle I spoke of it. I was speaking of the seventh section and of the incongruity of declaring in regard to these citizens, because they will become citizens of Colorado when their tribal relations are extinct, that Congress shall still retain its legislative power over them. I cited the case of The United States vs. Holliday, reported in 3 Wallace, and I said that there where an Indian lived off the reservation and liquor had been sold to him, the court held that it was a violation of the statutes, because he had kept up his tribal relations. While he did not live with his tribe, yet from the fact that he received through the head men of his tribe the annuity every year the court held that he had still kept up his tribal relations; but they inferentially declared that if he had ceased to receive his annuity he would not have come within the provision of the statute. I deny that the national Congress has the power, when an Indian has ceased to be a member of a tribe, to

the power, when an Indian has ceased to be a member of a tribe, to provide rules and regulations for his conduct or rules and regulations for the people of Colorado touching his affairs at all.

Mr. COKE. Cannot the Legislature of any State pass a law prohibiting the sale of spirituous liquors to minors?

Mr. TELLER. Yes, sir; and the Legislature of Colorado may do that. I am not saying that the Legislature of Colorado will not do it; I am not saying that they will not take care that these men do not get any liquor. If I had the power here to do it, I should be in favor of doing it. I simply say that this bill came from the Secretary of the Interior without due consideration. It came here crude and unsatisfactory to anybody, and I say that the honorable committee, with all deference to them, have not very much amended it after all, that they have not given it that careful attention which I think it deserved at their hands.

deserved at their hands.

The present bill is said to be the choice of two evils. It may be, but when all the defects of the measure are marshaled and arrayed, and when all the facts are understood, with as much desire to settle this question as any man living, I cannot vote for it. I have never ranked myself with the class of men who are not prepared at all times to recognize the rights of the Indian to live and exist. I have held that the Government is under solemn obligation to pay those people who originally inhabited this country, and that the Government should intelligently administer its laws with reference to their protection and future advancement. I am not one of the men who see nothing in the Indian that is good; but when all the errors of the bill are marshaled and when all the facts regarding it are understood, under all the circumstances, I am prepared to record my vote against the bill as a law unfit to be made, unfit with reference to the people of Colorado, and unfit with reference to the Indians for whose especial benefit it is declared that it is made.

Mr. HILL, of Colorado, obtained the floor.

Mr. ALLISON. I ask the Senator from Colorado to yield to me

till I suggest two informal amendments.

Mr. HILL, of Colorado. Certainly.

Mr. ALLISON. On page 12 of this bill, section 2, line 77, I want to suggest to strike out "section 8" and insert "section 9." These are errors in printing or, perhaps, in copying.

The PRESIDING OFFICER. The Chair hears no objection to the amendment

Mr. ALLISON. On page 15, section 7, line 1, I move to strike out "chapter" and insert "title;" so as to read:

Title 28 of the Revised Statutes.

The PRESIDING OFFICER. The Chair hears no objection, and

that amendment will be made.

Mr. HILL, of Colorado. Mr. President, I have listened attentively to the extended remarks of my colleague on the Indian affairs of Colorado, to the history which he has given of the causes which led to the outbreak of the past year, and to all other outbreaks, and to the censure which he has administered for acts which in his judgment

are opposed to a sound policy.

Much which has been said seems entirely irrelevant to the proper discussion of the merits of the bill. In listening to his speech one would be led to believe that the title to the bill was "A bill to censure the Secretary of the Interior." While I cannot agree with my colleague in many of his conclusions, and am compelled to dissent from his statements affecting the action and motives of others, I will not occupy the time of the Senate with a discussion which has so little bearing on the subject under consideration. I prefer to deal with the question as it presents itself in the bill which is before the Senate.

First. I am in favor of the passage of the bill because it will avert

a costly and destructive war. It is true there are not more than four thousand of these Indians; of this number not more than eight hundred to one thousand are fighting men. But they have the advantage of occupying a mountainous country, of which they know every pass and defile. It would cost several millions of dollars to conquer them. There are defenseless settlements close to the border of the reserva-tion; a war would result in the loss of many lives and the capture of women and children, to whom death would be a blessing. A war with these Indians would retard the settlement and development of this portion of the country for several years, and in the end we would still have to provide homes and support for the old men, the women and children of the tribe.

My colleague has developed the fact that these Indians have never been made to feel the strong hand of the Government, and that there-fore they will not conduct themselves in such a manner as to conduce to peaceable relations between themselves and the white inhabitants Colorado. I agree with my colleague that a thorough whipping might have a salutary effect upon these Indians. But it must be borne in mind that while we were making the Indians feel the strong hand of the Government many defenseless settlers on the frontier would feel the cruel stroke of an Indian war. It is not to be assumed that the Indian will submit quietly to such punishment as we may choose

to inflict. He is revengeful by nature, and will have life for life.

I am in favor of the bill, because it will open up for immediate occupation over seventeen thousand square miles of territory, some of which is rich in minerals, and some of which is fertile agricultural land. The reservation which will be ceded to the United States under the operation of this law embraces 11,724,800 acres. It is estimated that there are four thousand Indians on the reservation. Eight hundred of these are White River Utes, and will, under the terms of this agreement, go to the Uintah reservation, in Utah. Probably not one-half of the others will select their lands in Colorado, but assuming that they will all remain in the State, we will have to provide for thirty-two hundred. About one thousand of these are heads of families, and will have the option under the agreement of selecting land in Colorado in certain designated localities. The heads of families will be entitled to 320 acres each, or to 320,000 acres in all. The remaining twenty two hundred Ludiens will be entitled. in all. The remaining twenty-two hundred Indians will be entitled to 160 acres each, or to 352,000 acres in all. The total amount of land which the Indians can select in Colorado, if they all should elect to remain in that State, will be 672,000 acres. This taken from 11,724,800 acres embraced in the reservation leaves 11,052,800 acres. This tract of 11,000,000 acres, in round figures, will at once be thrown This tract of 11,000,000 acres, in round figures, will at once be thrown open to the miners and prospectors and farmers, who are now going in numbers from all parts of the country to Colorado. In selecting these lands the Indians are confined to two localities, namely, the vicinity of the Grand River, in the extreme western part of Colorado and the eastern part of Utah, and the vicinity of the La Plata River, in the southern part of Colorado and the northern part of New Mexico Mexico.

Practically the eleven million acres which will be ceded to the United States will be in a solid body, and will contain all the agricultural lands, as well as the mineral lands of this immense tract.

Objection has been made to this agreement on the ground that it does not provide for the removal of all the Indians from the State of Colorado. Well, Mr. President, taking the narrow and selfish view that I am here only to represent the interests of my own State, I would much prefer that no Indians should be left in that State. They are not the kind of people that any of the Senators on this floor would desire as neighbors. None of us would care to plant our homes in the

heart of a Ute community. But, Mr. President, I am willing to take a broader view of this question and to recognize the fact that the interests of our neighbors are entitled to some consideration. Already the people of New Mexico, who have twenty-two thousand Indians within the borders of their Territory, and the people of Utah are objecting to this transfer. My colleague has discussed this bill on the assumption that no one outside of Colorado has any interest in this question. The existence of four thousand uncivilized Indians in any State is a nuisance. It is a nuisance which now exists. May it not be enough to ask our neighboring Territories to share the evil with us?

Some regard must also be paid to the aversion which is known to

exist in the House of Representatives to any agreement for the removal of the Colorado Indians to other States and Territories. I base this assertion on the action taken by the House in the early part of this session on a resolution which I offered authorizing the Secretary of the Interior to negotiate with these Indians, &c. This resolution passed the Senate, but in the House was amended so as to limit the removal to some place within the State.

With deference to the sentiment of hostility to the Indians which exists in Colorado, the Secretary of the Interior has used every means of influence at his command to obtain the consent of these Indians for their removal to Utah. Failing to obtain such consent, he has made an agreement which is now before us for ratification. It is no longer a question of what might have been done or how much better terms might have been made, but merely the question of whether we shall secure what will be of immense value to the State and the country, even if it is done at the sacrifice of some points of minor consid-

I am in favor of the bill because it inaugurates a new line of policy in dealing with the Indians. It breaks up the tribal relation, which has always been a curse to the Indians of the United States. It gives to each Indian property, which will be owned and held by him separately and individually. It holds out inducements for a civilized mode of life. It abolishes all Indian reservations in the State, and mode of life. It aboushes all Indian reservations in the State, and subjects all Indians residing in the State to the jurisdiction of the courts. I am in favor of the bill because it is neither oppressive, unjust, nor injurious to the Indian. It is true the Indians give up eleven million acres of land which it is claimed they own under the stipulations of a treaty. But this land has always been useless to them, and always will be useless. It has always stood in the way of their progress in the pursuits of civilized life. They will remain saveress and beckerings as large of their progressis. ages and barbarians so long as they can roam at will over a tract of seventeen thousand square miles of mountainous country. Their settlement in severalty upon agricultural lands would contribute more to their welfare than any donation of money or land, however liberal, which the Government could make. I am in favor of the bill because its defeat would confront us with the following plain alternative: either to keep the Utes in possession of the whole reservation instead

of about one-twentieth part of it, or to drive them out by war after they have offered to give it up peaceably.

I am not overcharged with sympathy for the Ute Indians. They are a worthless set of vagabonds as a whole. But the policy of exterminating them could not be entertained by an enlightened nation. As between a war with them, with all its attendant evils, and the peaceable methods which will be reached by the operations of this bill, there seems to be but one choice.

To the objection that this bill will for twenty-five years fasten these Indians upon the State of Colorado, by depriving them of the power to sell their lands, it may be answered, that by the treaty under which they now hold nearly twelve millions of acres their title is as inalienable as it will be to the one-twentieth part of it which they will take under this agreement. If this objection has any force it is overcome by an amendment which I introduced, providing that this land shall be alienable to the United States

If this amendment is adopted, as I hope it will be, and if circumstances shall arise in the future calling for the extinguishment of this Indian title to accommodate the expanding demands of civilization, the Government can then extinguish their rights in severalty, just as it now proposes by this act to extinguish their right to the reserva-

The powers which make these agreements can certainly amend or repeal them. There is to my mind no serious objection to making ese lands inalienable except to the United States

Much importance has been given to the amount of money which will be paid in annuities under the provisions of this bill.

It is represented that this money is a premium or reward for murdering white men.

Whether the amount is too large depends on what is yielded up in lieu thereof. It is not a large price for eleven millions of acres of land, and when divided among four thousand Indians the amount in excess of what they were entitled to under the former treaty is only about \$12 per annum to each Indian.

There may be single acres of this tract which will produce more in the next few years than the cost of the entire reservation. If the Indians owned the land it cannot be said to be a dear purchase. If they did not own it, it would in my judgment still be difficult to convince Congress of that fact.

I held the view at first, or tried to hold it, that the Indians had for-feited their rights under the treaty of 1868 by murdering the agent and employés at the White River agency, and by attacking Thorn-

burgh's command. I frequently urged that view when conversing with Senators and Members of the House of Representatives. If I made any converts I was neverable to find it out, and I do not believe

my colleague has made any more converts to that view than I have.

In discussing this question it seems often to be treated as if the Indians had no rights to start with, or at least as if they did not own the reservation. I regret that my views and those of my colleague are so different on this subject. It may be that his is the popular course in Colorado. While I am aware that the intelligent people of that State desire the peaceable opening of the reservation for settletlement, if I were working only for political capital in that State I might resist or at least make a strong appearance of resisting the passage of this bill, giving as a reason that under its provisions some Indians will be left in our State. But influenced by a desire to promote the best interests of the State and country, I take my share of the responsibility of urging its passage, and I would willingly take all the responsibility if I could.

I must dissent from the declarations of my colleague, that the Secretary of the Interior has not discharged his duties to the State and nation faithfully and honestly in effecting this arrangement. All statements and insinuations to that effect I believe are unfounded and ungenerous. That officer of the Government has no right upon this floor to defend himself from attacks, no matter how unjust they may be. I deem it but an act of justice to state that I have conferred with him almost daily since these negotiations commenced, and I have always found him earnestly desirous of aiding and advancing the interests of the State which I have the honor in part to represent. If this bill becomes a law the State will owe him a debt of gratitude for his efforts to effect a peaceable and profitable settlement of our Indian

Mr. MORGAN. I desire to submit some remarks to the Senate on this bill; but I suggest to the Senator from Texas, who has charge of the bill, that it should go over to Monday. There are some other Senators also who desire to submit observations to the Senate.

As far as I am concerned I had hoped to get through Mr. COKE. As far as 1 am concerned 1 had noped to get through with the bill this evening; but the Senator from Alabama appeals for time to submit remarks, and I do not see how I can refuse to yield. The Senator from Alabama says he desires to speak on the bill and is not prepared to speak this evening.

Mr. ALLISON. I do not see those who are so anxious about the Geneva award now in the Senate. They are the only persons who

Geneva award now in the Senate. They are the only persons who are particularly anxious about this matter being disposed of at an early day. I think on account of that bill, which is pressing here from morning to morning, it is important that we should go on with this bill. Of course, if the Senator from Alabama is not ready to speak to-day, the matter will have to go over until Monday.

Mr. GARLAND. If there is no other legislative business to be done to-day, I move that the Senate proceed to the consideration of executive business.

THE TENTH CENSUS.

Mr. PENDLETON. If the Senator will withdraw his motion, I wish to state that the Select Committee to make provision for taking the Tenth Census instruct me to report back the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, with the amendments of the House of Representatives, and recommend disagreement to the House amendments

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator ask for the immediate consideration of the motion?

Senator ask for the immediate consideration of the motion?

Mr. PENDLETON. I do.

The PRESIDING OFFICER. Is there unanimous consent to consider the report at this time? The Chair hears no objection. The motion is that the Senate non-concur in the amendments of the House of Representatives to the bill.

The motion was agreed to.

SENATE LIBRARY.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the Library be directed to inquire into the condition of the Senate Library, and the force which has been in charge of the same for the past six years and now, and whether any increase of force is necessary, and, if so, to what extent; and to report to the Senate the result of their investigation.

ORDER OF BUSINESS.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Mr. President—
The PRESIDING OFFICER. Does the Senator from Arkansas

withdraw his motion?

Mr. GARLAND. For the moment.

Mr. DAWES. I wanted to ask the Senate to take up and pass the Geneva award bill. I hope the Senate will not go into executive session, but will stay here and pass the Geneva award bill this afternoon. If the Senator from Arkansas representing the Judiciary Committee will co-operate with me, we can get the bill up and dispose

of it.

Mr. PADDOCK. That is not practicable; but a bill which was called up by my colleague this morning to correct the northern boundary of our State is a bill that might be passed very readily. The boundary was very foolishly defined in the first place.

Mr. DAWES. I do not know whether it is in order to debate a mo-

tion to go into executive session.

The PRESIDING OFFICER. Does the Senator from Massachu-

setts submit any motion?

Mr. DAWES. The Geneva award bill was laid aside informally for this discussion to-day. It now comes up, as I understand. I call it up for action.

Mr. ALLISON. I do not understand that the Geneva award bill has been laid aside informally for a discussion to-day. The Geneva award bill was laid aside informally until Senate bill No. 1509 should

be disposed of.

Mr. DAWES. Idid not hear the arrangement, but I did not so understand it.

Mr. BLAINE. Idid not, either; but it was so announced this morning. The understanding that we adjourned on yesterday, as I thought, was that the Senator from Illinois [Mr. Davis] and the Senator from Indiana [Mr. McDonald] should proceed to-day with their discussion of the Geneva award bill.

Mr. GARLAND. The Senator from Illinois who has the floor on the Geneva award bill is not able to speak to-day. I thought that was

announced sufficiently this morning.

Mr. BLAINE. We are not speaking of going on now; but has there been a motion that the Senate adjourn over Saturday?

Mr. GARLAND. Oh, yes.
Mr. BLAINE. I supposed so. Then what will be the order on Mon-

Mr. GARLAND. This Ute Indian bill. Mr. BLAINE. Is it expected that it will consume the entire day?
Mr. GARLAND. That will be the order for Monday according to

Mr. DAWES. Can the Senator from Arkansas prophesy at what time we shall hear of the Geneva award bill again?

Mr. GARLAND. No. I should like to pass the bill now, but I do not understand that the Senator from Massachusetts is in favor of

Mr. DAWES. I am in favor of the bill, but not precisely in the form which the Senator from Arkansas proposes to pass it. I am in favor of the bill after it shall have met the judgment of a majority of the Senate.

Mr. SAUNDERS. This morning I endeavored to call up a bill which I thought it would take but a very few minutes to pass, and I gave way for the purpose of hearing a discussion on a subject that was brought forward in regard to a pension claim, with the under-standing that when that was through with we should take up the other bill. That discussion consumed the morning hour. On the bill to which I have called attention, the committee have agreed so thor-oughly on all the amendments that I think it can be passed within five minutes or less

The PRESIDING OFFICER. The Chair will inform the Senator

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that the Ute Indian bill is the pending question.

Mr. SAUNDERS. I thought that was laid aside for the time being. The PRESIDING OFFICER. It is the bill pending before the Senate; and pending that bill the Senator from Arkansas moved that the Senate proceed to the consideration of executive business.

Mr. GARLAND. The Senator from Alabama wanted to make a speech upon the bill and was not prepared to go on this afternoon, and as we had nothing else before us I moved that the Senate proceed to the consideration of executive business.

Mr. BLAINE. I suggest that if we lay aside the Geneva award bill because a Senator is not prepared to speak, and then lay aside the Ute bill because a Senator is not prepared to speak, and then the bill which takes the place of that bill is laid aside because a Senator is not prepared to speak, and then the bill which takes the place of that bill is laid aside because a Senator is not prepared to speak, and then the bill which takes the place of that bill is laid aside because a Senator is not prepared to speak, in about three or four removes of that kind we shall have a handsome arrangement of our Journal and of the order of the business of the Senate.

Mr. SAUNDERS. I do not see any objection to laying the pending bill aside.

The PRESIDING OFFICER. Does the Senator move that that bill be laid aside?

Mr. SAUNDERS. I do.
Mr. ALLISON. To that I must object.
Mr. SAUNDERS. Certainly this bill of mine will not take up much time in discussion.

Mr. BLAINE, (to Mr. SAUNDERS.) Ask unanimous consent.
Mr. SAUNDERS. Very well; I ask unanimous consent to take up
the bill (S. No. 550) to extend the northern boundary of the State of

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to lay aside the pending and all other orders that the bill named by him may be taken up. Is there unanimous consent?

the bill named by him may be taken up. Is there unanimous consent.

Mr. ALLISON. I object.

Mr. INGALLS. I hope the Senator from Iowa will not object.

This is a bill to rectify the northern frontier of Nebraska. It is a bill which is of no consequence to anybody but the Senator from that State, and purely sentimental I think on his part. It is a rectification of the frontier for the purpose of enabling a map to be published which will show a proper boundary, and it will take but a moment. It was laid aside on my request the other day, and I feel that I did an injustice to the Senator from Nebraska, who represents a sister State. I want to have the bill passed. State. I want to have the bill passed.

Mr. ALLISON. In two or three days I may feel the same way. I

object for the present.

Mr. MAXEY. I desire only to say that after the bill in charge of my colleague shall have been disposed of I shall ask that the friends of the Geneva award bill insist on that bill being disposed of, for of the Geneva award bill insist on that bill being disposed of, for this reason: I gave notice some days ago, and it was recognized by everybody, that as soon as the Geneva award bill was disposed of I should call up the bill for the relief of certain railway companies, a very important bill; and that was the understanding. I am kept behind the Geneva award bill, and can do nothing on that account. The bill to which I refer, a bill for the relief of certain railway companies at ording inst behind the Geneva award bill agrees now to The bill to which I refer, a bill for the feller of certain railway companies, standing just behind the Geneva award bill, appears now to be kept eternally in the background by reason of this continual giving way of the friends of the Geneva award bill and not pushing that in front. Now, when my colleague shall have finished his bill, I shall insist that the friends of the Geneva award bill call it up and dispose of it and be done with it, because I want to dispose of this very

pose of it and be done with it, because I want to dispose of this very important bill which is in my charge.

Mr. McDONALD. That is exactly what I desire to have done. I understood that the bill in regard to ratifying the terms of a convention with the Ute tribe of Indians and to provide for their removal, was one of such necessity that it required to be immediately considered on account of the difficulties that delay might occasion by prolonging the Indian troubles in that section of country, and perhaps involving other sections that have not yet been involved. It was on that account, and for no other reason, that I consented to the informal laying aside of the Geneva award bill; and as soon as ever this question is disposed of, which I had hoped would have been to-day, I shall not consent, as far as I am concerned, to any further delay or postponement of the Geneva award bill.

Mr. MAXEY. I will say to the Senator from Indiana that I have

Mr. MAXEY. I will say to the Senator from Indiana that I have made no complaint about to-day at all, because I wanted my colleague to get his bill through; but we have been going along in this way now for about two weeks, and there ought to be an end to the thing

Mr. McDONALD. This Indian bill has certainly taken up more time than I supposed it would when it was brought forward; but I have not yet changed my mind as to the necessity of early action on it, and I have no complaint to make that the bill has been allowed to take precedence over the other measure; but, for one, I shall be unwilling

that any other measure shall interpose to prevent the consideration and disposal of the Geneva award bill.

Mr. COKE. Mr. President, if the Senator from Alabama who desires to speak upon this pending bill would withdraw the request made by him, I should like very much to get a vote on the bill this evening. There is another bill before the Committee on Indian Affairs which involves the same general question that he desires to

speak on, which will be very shortly reported; and if he would content himself to await the incoming of that bill, I should be very glad, so that we might get this bill passed and out of the way of the Geneva award bill this evening.

Mr. MORGAN. I should like to oblige my friend from Texas. But, so far as the general merits of this bill are concerned, I have my mind made up as to how I think I shall vote. This, however, is one of the most important questions that have been before the Senate during this session, and it is one of the questions that I expect the Senate at large least understands. It is entirely novel. We find the Senators from Colorado directly antagonized in their views on this question as to the sentiments of the people of Colorado. It involves a number of questions both of constitutional law and of general public policy, which I think require more deliberation than we have opportunity to give to them to-day.

I would not ask the Senate to delay its action merely because I desire to speak upon the bill; but I think this measure is not sufficiently understood. A large number of Senators were absent from the Senate to-day when the Senator from Colorado [Mr. Teller] delivered his argument on the question, and still another number were absent when the other Senator [Mr. Hill] delivered his argument. absent when the other Senator [Mr. Hill] delivered his argument. It is a matter so deeply concerning those people not only in Colorado but in the surrounding country, in the Territories of Utah, Arizona, and New Mexico, that I think we should give more time and more deliberation to the consideration of this measure. I do not ask it merely as a matter of courtesy to myself, inasmuch as I desire to submit some remarks, but other Senators also have advised me that they perhaps would like to speak on the question, and hence I asked that the debate might go over until Monday, for I think that it will probably not be possible in this afternoon to pass this bill, at least with due consideration, for there are a great many points in it that require and are really worthy of profound and mature consideration before we pass upon it. we pass upon it

we pass upon it.

Mr. PADDOCK. Mr. President, after the exhibition that has been made here of the condition of the business of the Senate, it seems to me that we ought to reconsider the vote by which the Senate agreed to adjourn from to-day until Monday. It seems to me that one or the other of these bills might be discussed to-morrow, and thereby considerable time be saved to the Senate. I therefore move to reconsider the vote by which the Senate agreed to adjourn from to-day until Monday.

The PRESIDING OFFICER. It is moved by the Senator from Nebraska that the vote by which the Senate agreed to adjourn from | on either of the bills that have preference here to-day, and the one

to-day until Monday next be reconsidered. Is the Senate ready for

the question

Mr. MORRILL. I think my friend from Nebraska should send no-tice to the absentees, so that Senators who have gone away, supposing there was going to be an adjournment over until Monday, may be here to-morrow.

Mr. DAWES. I do not think Senators who go away in the present condition of the business should require at our hands that we should send after them and inform them that the public business here is of such a nature that their presence is required. They should take

notice.

Mr. PADDOCK. The Senate each day is liable to reconsider a vote of the morning before it adjourns in the evening.

Mr. BAYARD. I submit to the Senator that after an arrangement has been made early in the morning of a day respecting an adjournment over for Saturday, it is hardly right to change it at this hour when no one expected that any such motion would be made. The arrangements of some gentlemen, not known to me, but which I believe are probably made, will take them from the city, or enable them to devote to-morrow to different occupations; and it would be scarcely right to spring an action of this kind on the Senate after it has been understood that we were to adjourn over. I therefore submit that it understood that we were to adjourn over. I therefore submit that it would not be precisely just to those of our associates who are absent that we should now undertake to revoke the action of this morning

that we should now undertake to revoke the action of this morning on the subject of adjourning over.

Mr. DAWES. The Senator from Delaware will observe that the motion to adjourn over, I will not say was sprung upon the Senate, but it was moved the first thing after the reading of the Journal, and very many Senators came in here afterward and found that a question had been decided in the decision of which they had had no

Mr. BAYARD. I spoke, I may say, without the least reference to my personal convenience or wishes on the subject. I did not happen to be in the Senate at the time the agreement was made to adjourn until Monday; but that having been made I submit again for the consideration of my associates that it having been understood through the whole of the day's business that there should be an adjournment to Monday, now to change it would be a very great surprise to gentle-men who probably have arranged their business in view of the determination of the Senate.

Mr. DAWES. I certainly do not wish to take advantage of any-

Mr. BURNSIDE. I merely rise to say that I know of four Senators who, in consequence of this vote—I was not in the Chamber at the time the vote was taken, but I heard of it—made engagements which will prevent their being here to-morrow. I do not think it is a proper or fair thing to do, after the Senate has once voted to adjourn over, to make a change three or four hours afterward when a great many Senators, who are not now present, have made arrangements for tomorrow. I know of four myself who have made arrangements in
consequence of the vote. I was not in the Hall when the order was
made; but I know of such arrangements.

Mr. PENDLETON. It happens to be within my own personal

knowledge that several Senators have left the city upon the understanding that there was to be no session to-morrow. I do not say that the motion to adjourn over was sprung or was not sprung at any time, but the motion was passed, and I presume with the knowledge of every Senator who voted for it, and every Senator ought to have been present. Now, it seems to me it would be very unfair to have a session to-morrow, those gentlemen having gone away, not being paired, upon the faith of the vote passed by the Senate.

mpon the faith of the vote passed by the Senate.

Mr. BLAINE. I am as much interested probably in my feelings as any Senator in hurrying through this bill to get at the one that lies beyond; but the habit at this stage of the session—as early as the session is yet, though perhaps within two or three months of its end—is something, and that habit is usually to give Saturday to other business. I do not believe it will expedite public business or the convenience of any Senator to have a session to-morrow; and I hope the vote will not be reconsidered.

Mr. CONKLING. I move to lay the motion to reconsider on the

table.

Mr. PADDOCK. I wish to be allowed to say one word. Mr. CONKLING. I withdraw my motion for a moment to hear the

Mr. PADDOCK. Just one word. It was intimated by a Senator or two that this motion was sprung, that there had been some premeditation about it. I desire to say that it was merely on account of the statement of the anxiety of the friends of these respective measures that something be done in the way of concluding the discussion upon them that I was led to make the motion, not because I cussion upon them that I was led to make the motion, not because I desired to put anybody to discomfort, or for any such reason whatever. Now, in view of the statement that has been made in respect to the engagements that have been made by Senators who have gone away and who have made their engagements to go away, if it is within my power to do so, I withdraw the motion to reconsider.

Mr. CONKLING. That will do.

The PRESIDING OFFICER. The motion to reconsider is with-

Mr. SAUNDERS. I see that it will be impossible to reach a vote

that I tried to call up this morning will take but a very few minutes. I therefore move to lay aside all prior orders and take up Senate bill

No. 550.

Mr. ALLISON. Pending that, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 23, noes 16. The Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 2, 1880.

The House met at twelve o'clock m. Prayer by Rev. David Wilson, D. D., of Washington, District of Columbia.

The Journal was read.

CORRECTION OF THE JOURNAL.

Mr. FARR. I noticed that the Journal as read states that yesterday I reported two bills from the Committee on Invalid Pensions, near the close of yesterday's session. The RECORD has the same statement. That is an error; I reported them from the Committee on Pensions. The SPEAKER. The old Committee on Revolutionary Pensions has

now the title under the new rules of Committee on Pensions, as contradistinguished from the Committee on Invalid Pensions. The correc-

tion will be made.

The Journal as corrected was then approved.

CORRECTION OF THE RECORD.

Mr. THOMPSON, of Kentucky. On page 19 of the RECORD of this morning is the statement that I moved "to concur in all the amendments," with one exception, of the Senate to the census bill. That is an error. My motion was to agree with all the amendments reported from the Committee on Census of this House to the Senate bill.

The SPEAKER. The Chair has caused all the corrections in that

regard to be made.

DEFICIENCY BILL.

Mr. McMAHON. I ask consent that the bill of the House No. 4924. making appropriations to supply certain deficiencies in the appropri-ations for the service of the Government for the fiscal year ending. June 30, 1880, and for other purposes, together with the Senate amendments thereto, be taken from the Speaker's table and referred to the Committee on Appropriations, and that the bill, with the amendments, the printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BLACKBURN. Is the morning hour the regular order now? The SPEAKER. It is; and this being Friday the business in order during the morning hour is the call of committees for reports of a

Mr. BLACKBURN. I rise for the purpose of moving to dispense with the morning hour. I will state that if that motion shall be agreed to and the House will give this day from this time forward to the consideration of what is known as the star-service deficiency bill, I will agree, and I doubt not we all will agree—I know the Committee on Appropriations is agreed—to have a vote at five o'clock to-day.

Mr. ALDRICH, of Rhode Island. Suppose that we take that bill

up after the morning hour?

Mr. BLACKBURN. Then it will be impossible to get a vote upon

Mr. GARFIELD. I hope some arrangement will be made by which we can dispose of this bill to-day. If we hope to get on with the appropriation bills and not run into the dog days we must close the debate upon this bill some time.

Mr. BLACKBURN. I think so.

Mr. McLANE. Why not let it go over until to-morrow and dispose

of it then?

Mr. BLACKBURN. I will say to the gentleman from Maryland [Mr. McLane] that experience has demonstrated the absolute impossibility of getting a full attendance, or such attendance as ought to be here for the consideration of so important a measure as the starservice deficiency bill, on any Saturday.

Mr. BRIGHT. I wish to interpose a motion to go into the Committee of the Whole on the Private Calendar.

The SPEAKER. That motion will be in order after the morning

Mr. BRIGHT. I am aware of that; but the House has had a little experience on that subject. If the motion of the gentleman from Kentucky should prevail, it is evident that after we got into Committee of the Whole on the star-service appropriation, it will be impossible in the nature of things for us to get back into the House so as to proceed to the consideration of private business.

The SPEAKER. It will be necessary for the gentleman from Kentucky, in order to earry his point, to make two motions. If his motion to dispense with the morning hour should be agreed to by a two-thirds vote, he must necessarily follow that with a motion to dispense Mr. BRIGHT. I am aware of that; but the House has had a little

with the consideration of private business for to-day, which will also

mr. BlackBurn. I ask the chairman of the Committee on Claims [Mr. Bright] whether the very first bill that would be reached upon the Private Calendar, if we should go into Committee of the Whole for the consideration of that Calendar, would not the be bell for the relief of L. Madison Day, upon which a great deal of discussion is likely to be hed?

likely to be had?

A MEMBER. It will take all day.

Mr. BRIGHT. That is the pending bill, as I understand, upon the Private Calendar. Still it is within the line of business under the

Mr. BLACKBURN. That is true; but if the House shall dispense with the morning hour and let us go on with the consideration of the star-service deficiency bill to-day, we will conclude the discussion and vote either at four, half past four, or five o'clock.

The SPEAKER. The gentleman had better indicate a particular

Mr. BLACKBURN. I will say five o'clock.

Mr. BRIGHT. I wish to make a parliamentary inquiry. If the motion of the gentleman from Kentucky to dispense with the morning hour should prevail, will that operate beyond the hour which would be occupied by the business of the morning hour.

The SPEAKER. If the gentleman from Kentucky should succeed in getting a two-thirds vote to dispense with the morning hour, private husiness would still be in order, and he must obtain a two-thirds.

vate business would still be in order; and he must obtain a two-thirds vote to dispense with the consideration of such business, which would

then bring up the consideration of public business.

Mr. BRIGHT. Let the question be taken.

The question being taken on the motion of Mr. BLACKBURN that the morning hour of to-day be dispensed with, there were-ayes 101,

So (two-thirds voting in favor thereof) the motion was agreed to.
Mr. BLACKBURN. I now move to dispense with the consideration of private business for to-day.
Mr. DUNNELL. Will the gentleman from Kentucky give the Housesome indication as to when the discussion upon the star-service appropriation bill is to end?

Mr. BLACKBURN. I have already stated that I will call for a

vote at five o'clock.

A MEMBER. Say four o'clock.
Mr. DUNNELL. How can the gentleman control the matter in Committee of the Whole?

Mr. BLACKBURN. I can only promise I will move that the committee rise in order to take a vote at five o'clock.

Mr. DUNNELL. That is merely a motion which the gentleman can

Mr. GARFIELD. I suggest that before going into Committee of the Whole the House adopt an order to close all general debate at some fixed hour—say four o'clock.

Mr. BLACKBURN. I will make the motion to close debate in Com-

mittee of the Whole at half past four o'clock. I now move that the consideration of private business be dispensed with for to-day.

onsideration of private business be dispensed with for to-day.

Mr. FRYE. Is there any necessity for continuing this debate even until four o'clock? A number of gentlemen will leave the House at half past one o'clock to-day. I shall not be one of them; but there will not be a quorum here at half past four o'clock; and the gentleman will not be able to get a vote.

Mr. BLACKBURN. I do not think we shall be able to reach a vote even by five o'clock if we spend an hour or two hours now in a debate which is out of order.

which is out of order.

The question being taken on the motion of Mr. BLACKBURN to dispense with the consideration of private business to-day, it was agreed to, two-thirds voting in favor thereof.

Mr. BLACKBURN. I now move that the House resolve itself into

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion, I move that all general debate upon the postal deficiency bill close at half past four o'clock.

Mr. NEWBERRY. I move as an amendment that general debate close in one hour, one-half hour to be allowed to each side.

Mr. PAGE. I move to close debate in two hours, the time to be equally divided between the two sides.

Mr. BELECORD. I would like the save one word on this relief.

Mr. BELFORD. I would like to say one word on this subject. When this bill was before the House some weeks ago, almost all the time was occupied by members of the Committee on Appropriations. I ask now that gentlemen representing the western States and Territories, interested in this subject, shall have a chance to be heard.

[Cries of "Regular order!"]

Mr. SPARKS. I demand the regular order.

The SPEAKER. The question is on the amendment of the gentleman from Michigan [Mr. NEWBERRY] to close all general debate in

The House divided; and there were—ayes 83, noes 60.
Mr. HOOKER. I call for the yeas and nays on the proposition.
Mr. BERRY. Yes; let us have the yeas and nays.

The yeas and nays were not ordered.
Mr. BERRY. I demand tellers.
Tellers were ordered; and Mr. Newberry and Mr. Hooker were appointed.
Mr. BLACKBURN. As I understand the question, it is this: If this motion of the gentleman from Michigan shall prevail, it will simply result in closing general debate in one hour, and leave the debate under the five-minute rule to run interminably.

Mr. NEWBERRY. That is what I want.

The SPEAKER. The House can regulate that in addition.

Mr. NEWBERRY. Yes; when the time comes.

Mr. HASKELL. I wish to know, if we close debate, what disposition is to be made of the time?

Mr. BLACKBURN. We expect to make it exactly fair.
Mr. PAGE. I ask the gentleman in charge of the bill to consent
that the vote shall be taken on the bill at two o'clock.
Mr. ATKINS. As the tellers have taken their places, all discussion

is out of order.

The SPEAKER. The point of order is well taken.
The House again divided; and the tellers reported—ayes 70, noes 79.

So the amendment was disagreed to.

Mr. BLACKBURN. The question now recurs on my motion that all debate in the Committee of the Whole House on the state of the Union be closed at half past four o'clock.

Mr. POEHLER. I move to amend by making it half past three

o'clock.

Mr. HAYES. I move to amend by making it three.

Mr. BLACKBURN. If it will satisfy the House I will amend so as to make it four o'clock.

Mr. HAYES.

Mr. HAYES. That will do.

The SPEAKER. The gentleman from Kentucky moves that all debate, general debate and under the five-minute rule, shall be closed in the Committee of the Whole House on the state of the Union at

Mr. HASKELL. I move that all general debate be closed in one

Mr. HASKELL. I move that all general debate be closed in one minute, so we may have nothing but the five-minutes debate, and that at four o'clock that shall close. I wish to say a word.

Mr. FINLEY. That is not in order, as there is an amendment already pending to an amendment.

The SPEAKER. Debate is not in order.
Mr. HASKELL. I do not wish to debate it.
Mr. ATKINS. The gentleman is debating it.
Mr. HASKELL. I make that motion that general debate be limited to one minute, and all debate under the five-minute rule be stopped at four o'clock, when the vote shall be taken.
Mr. CANNON, of Illinois. One word.
The SPEAKER. Debate is not in order.
Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. I have the floor, with forty-five minutes remaining. Now, am I not entitled

the floor, with forty-five minutes remaining. Now, am I not entitled to that when we go into committee?

The SPEAKER. The House has control.

Mr. Haskell's motion was disagreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky, that all debate, general and under the five-minute rule, be closed at four o'clock.

Mr. HASKELL. I move to amend by closing all general debate in one minute.

The SPEAKER. That has already been voted down.

Mr. BLACKBURN's motion was then agreed to.
Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the follow-

ing cases:
Mr. DAVIDSON, for two days; and
Mr. WARD, until the 13th instant, on account of important business. STAR-ROUTE DEFICIENCY BILL.

Mr. BLACKBURN. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the star-route deficiency bill.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. Scales in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending Lyna 20, 1880, with amendments from the Senate. The gentlement June 30, 1880, with amendments from the Senate. The gentleman from Illinois [Mr. Cannon] has the floor.

Mr. PAGE. I rise to a parliamentary inquiry. How much time has

the gentleman from Illinois?

The CHAIRMAN. Forty minutes.

Mr. PAGE. It was the understanding with the gentleman from Kentucky that the time should be divided equally.

Mr. CANNON, of Illinois. What is that?

Mr. PAGE. That the time should be equally divided between the two sides of the House.

Mr. CANNON of Illinois. I will let the gentleman from Kentucky.

Mr. CANNON, of Illinois. I will let the gentleman from Kentucky answer for himself. I have no understanding of that sort.

Mr. BLACKBURN. No; the understanding was the whole time allowed for debate should be equally divided. The opposition to the committee so far have had the advantage.

Mr. PAGE. How is that?

Mr. BLACKBURN. The committee has had one hour and the opposition to the committee has had two hours. The gentleman from Illinois of the committee has possession of the floor, and at the expiration of his forty-five minutes which remain to him, the time will then be divided equally between the two sides.

Mr. PAGE. That was not the understanding at all.

Mr. BLACKBURN. With whom did the gentleman have his un-

derstanding

Mr. PAGE. I heard the gentleman from Kentucky say to some one on this side of the House he intended to be perfectly fair, and that one-half of the time should be given to this side of the House.

Mr. BLACKBURN. Not one-half of the time left, but one-half of

the time of the debate.

Mr. PAGE. I did not so understand. Mr. BLACKBURN. You heard no other statement from me. I now call for the regular order.

all for the regular order.

Mr. BELFORD. I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. I wish to make an inquiry in reference to the time. I understand that all general debate is to be closed at four o'clock. I also understand that the gentleman from Illinois is entitled to occupy the floor for forty minutes of time. Now, after that I want to know how the balance of the time is to be divided. I want to call the attention of the House to the fact that the gentlemen representing the States and Territories affected by this bill, those west of the Mississippi River, have been constantly gagged during this whole discussion, and I insist that we have a right to be heard on this question.

The CHAIRMAN. That is not a question of order.

Mr. CANNON, of Illinois. When order is restored I should like to proceed.

Mr. RYAN, of Kansas. The gentleman from Colorado is right.
Mr. CANNON, of Illinois. Mr. Chairman, if the committee will bear
with me for a few minutes and give me order in view of the fact that
I am not feeling very well this morning, I will promise that in my
discussion of this matter—

Mr. ATKINS. I suggest to the gentleman from Illinois, if he will permit me to interrupt him, that he take a position in the central aisle where we will have an opportunity of hearing him on this side.

The CHAIRMAN. The Chair requests that the committee will be

in order.

Mr. CANNON, of Illinois. I have no desire, Mr. Chairman, to say anything about these pending amendments, except as to the facts bearing upon them. Before I commence, however, what I have to say on his occasion, I wish to clear away a little underbrush, so as to eliminate the very matter at issue in this debate. This Senate amendment that is material strikes out the provise of the House bill which cuts off expedited service, and upon that amendment is this whole contest, and nowhere also. It affects seventy three routes, not one hundred and nowhere else. It affects seventy-three routes, not one hundred and seven routes, as has been stated and as appears to be the belief of many members in this Hous

This provision stricken out by the Senate in nowise touches the star service in the South except alone three routes in Texas and three routes in Louisiana; it does not affect a single route in the North nor in the Middle States; it does touch one route in Kansas, and one only, and one route in Nebraska, namely: the Sidney and Deadwood route. All the balance of the seventy-three routes affected are west of the western boundary of Kansas, Nebraska, and Texas, except three in the Indian Territory.

the Indian Territory.

If it does pass, the star service upon every route east of the Mississippi River will remain unimpaired. If it does not pass, the star service upon every route east of the Mississippi River and east of the western lines of the States of Kansas and Nebraska will remain undis-

The star service on over ten thousand routes absolutely, in any event. whether it passes or not, remains without one iota of disturbance, and this provision, upon which the House insisted and which the Senate struck out, touches the increase of schedule time for expedition only on seventy-three routes, all told. The original bill as reported from the Committee on Appropriations did affect one hundred and seven routes, but when that bill was amended in the House, leaving the increased number of trips to stand but outling of expedition it only increased number of trips to stand but cutting off expedition, it only

affected seventy-three routes.

I say the committee is to be congratulated because, without prejudice against anybody and from a desire to do even and exact justice and right, we can settle this matter precisely as it ought to be settled. I have thought proper to refer to this here and now for the reason that

I have thought proper to refer to this here and now for the reason that there appears to be a feeling with many members—and that feeling is assiduously stimulated by some parties on this floor—that the proviso stricken out by the Senate is an attack upon the whole system of the star-route service, ordinary as well as extraordinary.

Another thing let me clear away. The third quarter of this year ended the day before yesterday. Under the present appropriation there is now money enough to pay up to yesterday, and leave a balance of over \$600,000 for the next three months, so that the Post-Office Department is not embarrassing anybody. There is no pressure resting mittee without embarrassing anybody. There is no pressure resting upon anybody touching this service, and the only pressure that is at all brought to bear legitimately is the pressure to do what is right. Now, then, what is right?

The service upon these seventy-three routes was let on the average eighteen months ago, and let at a million of dollars per annum in round numbers, by advertisement and bidding. Since that time additional trips have been ordered by the Second Assistant Postmaster-General on these seventy-three routes at a cost of another million

General on these seventy-three routes at a cost of another million of dollars per annum in round numbers, making the cost now at the rate of \$2,000,000 per annum on these seventy-three routes, instead of \$1,000,000 as it was eighteen months ago.

The House and Senate, in a spirit of liberality, I might almost say extravagance, agreed not to touch this increased expenditure made by the Post-Office Department. But this is not all. The schedule has been reduced; that is, the time of making the trips has been expedited on these seventy-three routes in the last fifteen months at expedited on these seventy-three routes in the last inteen months at a cost, in round numbers, of \$1,200,000 per annum, (the exact amount is \$1,164,765.) Now, the House proviso strikes off that expenditure and the Senate amends the House bill by striking out the proviso, and that is the whole matter in controversy. The Committee on Appropriations recommends that the House do not concur in the Senate amendments, and the gentleman from Michigan [Mr. STONE] moved that the House should strike the House should that the House do concur. I am satisfied that the House should stick to the bill as it was originally passed. If we do, the whole matter will go to a committee of conference for such equitable agreement as can be arrived at to adjust the differences between the House and Senate. It is claimed there is only \$150,000 in controversy between the House and Senate. I am surprised that gentlemen should make such claim, for they do not deceive any one when they so state—not even themselves. The contracts on these seventy-three routes have an average of two years and a half to run from the 1st day of July next. Now, the House proviso cuts off the cost of expedition, which costs at the rate of \$1,164,765 per annum, which, for two years and a half, amounts to \$2,911,912.50—in round numbers \$3,000,000. If the motion of the gentleman from Michigan [Mr. Stone] prevails these contracts will continue to carry this amount for expedition until they

Now, then, I want to state right here and now, that while this \$3,000,000 for faster time is a great deal of money, yet if it is needed I am for letting it alone. If the demands of the service, if the wants of the people in these western Territories require that the mails should go at the faster time, then I am in favor of it. If, however, it is an expenditure to swell the profits of the contractors, a tax upon the people without an adequate equivalent, I will not sit by without protest and see the Treasury plundered by self-constituted champions of the people who play that role to enable them to plunder. And that brings me squarely to the discussion of the question as to

whether it is needed.

Will the gentleman from Illinois yield to me for Mr. BELFORD. a moment !

Mr. CANNON, of Illinois. My time is limited, and I wish to say without meaning any discourtesy that I do not propose to yield to anybody. When I get through I will be happy to answer any or every gentleman any question that may be asked of me, provided I have not spoken to the matter asked about during my remarks.

There has been a good deal of evidence taken—some before the Committee on Appropriations of the Senate—touching the matter of this expedited service, and a good deal of evidence before the House Appropriations Committee, (which can be had by all the members,) bearing upon this question as to the necessity of the increased expense for expedition, to which I will briefly refer. Mr. Salisbury, a contractor of many years' experience throughout the West, testified that his firm of Gilmer, Salisbury & Co. have seventeen routes that would be affected by this bill if the House proviso is adopted. The original cost of fected by this bill if the House proviso is adopted. The original cost of those Gilmer-Salisbury routes was \$147,000 per annum, let on the 1st of July, 1878, and 1st of July, 1879. The amount of cost for increased number of trips thereon is \$189,000. The amount, therefore, is more than double what the original price was. They get \$340,000 anyhow where they only got \$147,000 sixteen months ago. But for expedition, that is, faster time, the cost is \$217,000 on these seventeen routes. This House proviso strikes off that \$217,000. If the amendments of the Senate prevail, then what cost \$147,000 per annum sixteen months ago will cost \$553,000 per annum. If the House bill prevails, then it will cost \$336,000 per annum.

I have already said Salisbury, an old contractor, was before the

I have already said Salisbury, an old contractor, was before the House Committee and we examined him at length and I have his evidence before me. It was a little hard sometimes to get him to testify. He knew very well about some things and did not know about others. It was almost as hard sometimes to get full statements out of him as it would be to coax the head of an unwilling turtle from beneath his shell. But after two or three hours' examination and pounding away and cross-examining we finally got it; so that I am enabled to present to the House this state of facts from the evidence: that all over that western country covered by these seventeen routes on which over that western country covered by these seventeen routes on which this large amount of money is spent since this company took the seventeen routes there has been an increase in the demands of the country for mail service, an increase in immigration, an increase in passengers, an increase in express business of 25 per cent. That is what he fixed it at in his evidence. (See page 241.) Take notice there has been an increase now in this pay of over 350 per cent. We are letting 125 per cent. of it stand. Mind you he fixes the increase in the business demands of the country covered by these seventeen routes at 25 per cent., and 25 per cent. only. The House has been liberal to

him over and above the increase of the business by 100 per cent., double the demand for increase from development of the country Not content with that he comes and asks to have 225 per cent. still added to the 125 per cent., crying out like the horse-leech's daughter "Give, give," and the Senate gives and many members of the House are hungering and thirsting to give.

And it is apparently urged with earnestness by some that it is necessary. Now I want to talk of that for a minute, and I ask the attention of the committee. I send to the Clerk's desk an extract

from the evidence taken before the Senate Committee on Appropriations which gives the expenditure of Mr. Salisbury upon the route from Sidney to Deadwood and the route from Cheyenne to Deadwood; given, I presume, and furnished by Mr. Salisbury himself, he having testified before the Senate committee, while the House committee took evidence as to what the income was upon one of these routes only.

The Sidney and Deadwood route is one that has been talked about as being very hardly affected by the House bill. Salisbury took that Sidney and Deadwood route as a sub-contractor at \$9,775 a year, and was anxious to get it, so anxious that he paid \$625 to Mr. McDevitt for the privilege of taking that contract, which was for \$9,775 a year. That was in September or October, 1878; the contract being for a service of seven times a week. There has been no increase of trips on the Sidney and Deadwood route; and I call attention to it again because it was the route that was commented on by the Senate as one that would be very disastrously affected by the House bill, and I am willing to rest the whole case on the Sidney and Deadwood route so far as I am concerned. It was expedited; that is, faster time was put upon the Sidney and Deadwood route at an expense, in round numbers, of \$20,000. The service was seven times a week by the numbers, of \$20,000. The service was seven times a week by the original contract. The complaint is that if this \$20,000 is cut off, Gilmer, Salisbury & Co. cannot furnish and will not furnish mail facilities for that country, and that it would be an outrage to cut it off now. I send to the Clerk's desk, to be read, what I have marked in the CONGRESSIONAL RECORD of March 16, from the remarks of Senator Wallace when this bill was under consideration in the Senate. The Clerk read as follows:

Mr. WALLACE. There has also been furnished the sub-committee an expense account of several routes by one of the largest firms carrying mails west of the Mississippi River, Gilmer, Salisbury & Co., from which I read an extract as to but

THE BLACK HILLS ROUTES.
 Mail pay:
 34156, Sidney to Deadwood, per annum
 \$29,325 00

 Cheyenne to Deadwood, per annum
 16,800 00
 Six months Total for the year..... 159, 636 54

Showing that the business they had built up requires a largely increased amount to conduct it over the mail pay, and that the compensation from the mails is but a trifle as compared to the whole compensation they receive for the passenger and other work done on those routes. They carry now about fifteen hundred pounds freight daily, and the rate they receive is about six cents per pound.

Mr. CANNON, of Illinois. I ask the committee to notice that this evidence which I have just had read upon these two great rontes leading from the Union Pacific Railroad to the Black Hills country leading from the Union Pacific Railroad to the Black Hills country shows that the total expenditure is \$159,000 a year. That includes deterioration of stock, interest upon money, everything. The total mail pay upon those two routes is \$49,000, leaving a deficit of \$113,000. But somehow or other there the evidence before the Senate Committee on Appropriations stops, except as to one point; and that was that upon one route they were carrying fifteen hundred pounds of freight a day at six cents a pound; that is \$90 a day income.

Now, the Committee on Appropriations had Mr. Salisbury before them. If gentlemen will turn to page 236 of this evidence, which I

them. If gentlemen will turn to page 236 of this evidence, which I will not now take the time to read, as gentlemen can read it for themselves, they will see that upon one of these routes only we asked him what his passenger business was worth per annum. We did not ask him about the Cheyenne and Deadwood route but about the Sidney and Deadwood route. He stated this fact, that he did a good pas senger business on that route; that a good passenger business would

senger business on that route; that a good passenger outsiness would be fifteen passengers a day at \$30 each. That would give him an income from passengers alone of \$450 a day, or \$237,250 a year.

Now, if you add to that the \$90,000 for his freight business, at six cents per pound—he testified at one time that the express matter carried on that route paid ten to twenty cents a pound—you have a total of \$327,250 per annum. Now take from that sum the \$113,000 for each of the state o of excess of expenditure over mail pay as given by the Senate committee, and we find that upon that one route alone he makes a clean profit each year of \$214,000, which would be very largely increased

if we knew what the receipts from the Cheyenne and Deadwood route are.

Now, the House bill strikes off \$20,000 per annum for expedition on this route. It would certainly do Gilmer, Salisbury & Co. no injustice, for after it is done they still get just the price they contracted to do the service for, and they would still have an enormous profit of nearly \$200,000 per annum from the route. That is pretty good pay on a \$50,000 investment; but it is claimed that if we strike off the \$20,000 for expedition they will carry the mails at such a slow speed that the people would suffer for proper mail facilities.

In reply to this claim, I have to say all the evidence shows that the mails, whether on slow or fast time, must go on the same coach with the passengers and express matter, for the reason that the contractors cannot afford to run separate conveyances for the mails alone, Salisbury stating in substance that he would of course have to carry the mails on the coaches on which he carried the passengers and express matter; that he could not afford to run a separate coach for the mail matter. He said further that he would run that stage-coach, if we took this \$20,000 away from him on this route for expedition, just at the speed between the old schedule and the new one where he could keep out competition and retain his passenger and express business. Everybody knows he would do that; it would be good business to do it, and he said he would do that on all his routes. "Well, but," says somebody, "we might not get the mails as quickly as we ought to have them." Sir, if a person in that country, or any one in this part of the country or anywhere in the United States, can get the mail as rapidly as a passenger goes, and that, too, in first-class style, is not that fast enough? Honor bright, now. And just that fast they would get the mails on all these routes with the \$1,200,000 per annum stricken off.

The evidence taken by the House committee shows, and the facts are, that too high a price is paid upon these stage-coach routes for carrying the mails. The truth is that the carriage of passengers and express is the principal business, and the carrying of the mail is incidental, just as it is on the railroads. Yet, in many instances, on these seventy-three routes the mail pay is almost if not quite sufficient to pay all the expense of not only carrying the mail but also the expense of carrying all the passengers and express. This abundantly appears not only from the evidence, but is corroborated by the fact that these seventy-three routes, in the aggregate considerably less than 10 per cent. of the star service in length, cost more per annum than all the other ten thousand star routes in the United States.

Now, I have no time to go over all this evidence. What is true of this single route, which was picked out in the Senate and given as an example of the injustice of the House bill, is true of other routes. Speech after speech was made and poor mouth after poor mouth was put up. Now, we have taken the evidence and furnished the figures which show that poor Gilmer, Salisbury & Co. make only \$214,000 net out of one of these routes per annum. And they say, "For God's sake don't curtail this \$20,000 for expedited service;" and I say if you do you will cut their profits down to \$200,000 per annum on an investment of \$50,000.

Well, we all represent constituencies, a majority of whom follow the plow or dig in the mine or work in the factory at from one to two dollars a day, and who have to pay for this mail service, as well as all other expenditures of the Government, and I sometimes think if we would pay less attention to the interests of men who unduly fatten off the Treasury and more attention to the men who pay the taxes we would do our duty better.

Now, the increase in business, as sworn to by Salisbury, in that western country is 25 per cent. in sixteen months, while the increase of the cost of mail service on these seventy-three routes is 300 per cent. Now, fair and square, honor bright, is this a fight for the legitimate star service in that magnificent western country of ours that makes all our hearts swell with pride, or is it a fight of the contractors who have these seventy-three routes for undue compensation?

There was another route spoken of, and evidence was taken before the Senate Committee on Appropriations, and it was referred to in the discussion of the Senate as being a route that would be disastrously affected by the proposed legislation of the House. That was the route which Mr. Patrick has, from Rock Creek, on the Union Pacific Railroad, to Fort Custer, running away up there for three hundred miles. It is a new route, one let for the first time in 1878, and let then for \$10.000 a year in round numbers.

let then for \$10,000 a year in round numbers.

The contractor failed, and Mr. Patrick, who swears he had full knowledge of the country, came in and took a sub-contract from the securities for \$10,000 a year. You will find the history of that route on page 261 of the testimony. It was let on one hundred and ninety-six hours' schedule time; the route was three hundred and thirty-one miles long. A month after it was let the trips were increased to six a week at a cost of \$14,000. We do not touch that increase. The schedule was expedited (that is, faster time was made) at a cost of

\$64,000 per annum.

"But," asks somebody, "is not that necessary?" Upon this question there has been a great deal of talk, and a great deal of evidence has been taken upon it by the Senate committee and considerable before ours. Let us see what the evidence shows. Remember it has been a little less than a year since Mr. Patrick took that sub-contract. He went out and built his stations and stocked the route. I will not take time to read all the evidence; but any one who reads it will find that

in substance it amounts to this: Mr. Patrick has built his stations, twenty of them, at a cost of about \$600 each; he has stocked the route; he has acclimated his horses; he has lost a great many horses; he has had some bad luck; he went in and built up the business—quite a small business at first, but he had faith in the route because, as he says, there was a mining excitement up there in the Big Horn Mountains, and he was willing to take the risk. He swears further that he wanted the contract even at \$10,000, because it would enable him to shut out competition. He says it is very important to get rid of competition. All of them say that. He said further it would give him protection; that it would give him an advertisement; that he felt justified in taking the route because he counted upon the great emigration resulting from the mining excitement and the consequent development of the country.

gration resulting from the mining excitement and the consequent development of the country.

He swears that his total expenses all told—for horses, stages, stations, loss of horses, all his expenses in stocking the route—have been \$40,000 in round numbers. At the same time he fixes the income from his business as sufficient to pay all expenses including wear and tear and depreciation of stock, and to pay \$10,000 besides upon the plant. That is pretty good, is it not, for a new route? In one year's business, evidently, he can stand the effects of this bill.

That is pretty good, is it not, for a new route? In one year's business, evidently, he can stand the effects of this bill.

Do not misunderstand me. I believe in paying these and all other contractors of every kind the cash amount we contracted to pay them, but I do not think we are bound to pay them this \$1,200,000 per annum for expedition after the contracts were made, and which, in my opinion, in the main were not given in the exercise of a wise discretion upon the part of the Second Assistant Postmaster-General, and which, under the contract, we have the power to cut off.

opinion, in the main were not given in the exercise of a wise discretion upon the part of the Second Assistant Postmaster-General, and which, under the contract, we have the power to cut off.

Mr. HAZELTON. Will the gentleman allow me to ask—
Mr. CANNON, of Illinois. I cannot yield, because my time is limited; I will at the end of my remarks. I have abstracted this evidence and stated the result fairly and squarely.

Some may say that if this man has been fortunate in his passenger and express business that is his good luck, and the Government ought to pay for its mail service anyhow. I combat that position here and now. I say again that the mail service is merely incidental, and the business of the country should furnish the profits for these men. If you give them more than the incidental pay upon these established routes, where these large lines of emigration are going, it is a mere gratuity, and you might just as well give such gratuity to a railroad company or other common carriers.

company or other common carriers.

But I fancy I hear somebody asking whether I do not believe in subsidizing these routes in a new country? Yes, I do. We have always subsidized them; we are subsidizing them now. I believe in continuing that subsidization. But because I am willing to grant subsidies to a meet and proper extent, that is no reason why I should stand with my arms folded or my hands in my pocket and see the contractors walk up to the doors of the Treasury and say "In the name of subsidy and the mail service we will have not only enough to pay for the legitimate mail service, not only enough to pay a fair subsidy, but we will throw open the doors of the Treasury and take out of it \$1,200,000 a year after we have already had a million dollars a year more than we contracted for sixteen months ago."

As to these contracts, the question is not subsidy or no subsidy. The question is (I state it again) whether the contractors shall drive through the vaults of the Treasury taking what they choose—whether under the manipulations of these contractors, taking advantage of our anxiety for the development of the country and for the preservation of the star service which is not threatened, we shall stand idly by and see them not only take their fair portion of compensation,

but take just what seems to them proper.

We have heard a good deal about Leadville. We had before us a splendid witness, a clear-headed, honest man who had been in that western country as a special agent of the Department for six or seven years, and who knew whereof he testified. I refer to Special Agent Adams, who is better known for his connection with the Ute negotiation, and who has recently been appointed our minister to Bolivia. He came before us and testified. What was his evidence? I asked him about Leadville, because many members have felt sorely troubled about Leadville. Well, to my surprise, I found by his testimony that there are three daily mail lines—coach routes—into Leadville; one from Georgetown, where the railroad ends, sixty miles distant; one from Weston, thirty-five miles distant, and one from Buena Vista, also thirty-five miles distant. I found that there had been no expedition on the schedule of the Weston contractor, no expedition for the Georgetown contractor, and only \$4,000 expedition for the Buena Vista contractor. I find that upon that route leading into Leadville there is a business of \$500 a day for passengers alone, saying nothing about the express business. Upon two routes it does not make any difference whether you pass this bill or not, and upon the other route they would not throw the mails off; with this business of \$500 a day for passengers and a corresponding express business they would go right along. I asked Mr. Adams further about this service. I have not time to refer to his evidence, but it is here in extenso. On page 306 you will find he swore from his knowledge there were large amounts of star service which ought not to have been expedited and much that onght to be dispensed with entirely. So I might go on from one thing to another. This evidence we have taken absolutely piled stone on stone in this building, all of which cry out against this large expenditure of money on these seventy-three routes for expedition.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON, of Illinois. One word before I close.
Mr. PAGE. I object to any extension of the time.
Mr. CANNON, of Illinois. I will ask, Mr. Chairman, that I may be allowed to conclude.

Mr. PAGE. The time for general debate has been limited to four

Mr. CANNON, of Illinois. I wish to see whether the gentleman from Georgia [Mr. BLOUNT] or the gentleman from Connecticut [Mr. HAWLEY] will not yield to me five minutes of their time. That is all I want. And in conclusion I want to say that the Senate amendments present a strange proposition. First they in effect censure the Post-Office Department for expediting the service upon these seventythree routes, by providing that:

During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

Thus depriving the Department of a discretion it has had for forty ears or over, absolutely for the balance of this fiscal year and then further add:

That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let.

Thus placing it forever out of his power to repeat in the future such wholesale expedition as has been made by the Second Assistant Postmaster-General during the last sixteen months, and which provision, if it had been the law sixteen months ago, would have given on these seventy-three routes as the extreme possible limit of expedition in round numbers to the amount in cost of \$400,000 per annum, but which now bear in round numbers for cost of expedition \$1,200,000 per annum. And then after this rebuke to the Post-Office Department the Senate proceeds to strike out the House proviso which cuts off this \$1,200,000 expedition; and now the gentleman from Michigan [Mr. STONE] moves to concur in all these Senate amendments, and thereby asks the House to concur in rebuking the Post-Office Department in asks the House to concur in rebuking the Post-Office Department in one breath and in the next perpetuate the very thing which we rebuke the Department for having done.

Mr. Chairman, in my opinion, this is monstrous; for it is true the Second Assistant Postmaster-General was flooded with petitions for Second Assistant Postmaster-General was flooded with petitions for these increases from contractors and others, backed up by Senators and members of Congress and Delegates; yet we, in effect, censure the Department, which at most can only be accused from the evidence of exercising a discretion unwisely, while we let the contractors keep the swag. For one I will not do it. I am satisfied the House should stand by its bill as originally passed and send this bill to a committee of conference. I trust the committee will not be deceived by general talk about the welfare of the West. You had as well "steal the livery of heaven to serve the devil in" as to talk about the interests of the West, and under that cover and pretense help these contractors to plunder the Treasury. these contractors to plunder the Treasury.

I thank the committee for its attention.

Mr. VALENTINE. Mr. Chairman, the House having limited the debate upon this measure, there will be but one hour and seventeen minutes on each side, and therefore I shall be compelled to yield a portion of my time to other gentlemen who agree with me on this question, although I much desired the opportunity to speak fully on

I have watched very carefully the debate on this question at all times, when the same was before the committee before, and also at this time, and I say most frankly I do not think any gentleman on this time, and I say most frankly I do not think any gentleman on the other side on behalf of the Appropriations Committee has spoken to the point involved. They have gone clearly around the subject without touching it fairly and squarely as they ought to have done, as they ought to have tried to do, and to give to the House the information which they ought to possess in relation to it. Commencing back at the time when they were appointed a sub-committee to investigate the cause of the deficiency in the Post-Office appropriation known as the star service, they began on the 12th of January, held six meetings of their committee for the purpose of taking testimony in the matter, held another on the 3d of February, and then there was no meeting, as shown by their printed report, until this question came back from the Senate. back from the Senate.

After the 3d of February they waited twenty-two days, and then brought into this House the first bill introduced by them, No. 4736, argued it a whole day, urging that it was right, that it was just the proper thing for this House to do, that it was wise to pass that identical bill, and then the next morning came upon the floor, after limiting the debate to two hours, having before spoken upon it one whole day, and introduced as a substitute an entirely different proposition. Whether in the one night after the adjournment of this House and the next morning they had obtained a greater amount of informa-tion than during the whole time before they had been investigating the subject, I do not know; but they said then that was the proper thing to do.

I do not think, with all due regard to the intelligence and experience of gentlemen who compose the sub-committee, they understand what they are talking about, and I am led to believe that from the arguments they undertake to make on this floor on this subject. I do not believe either one of the bills they asked the House to pass are just to the country, just to the contractors, or just to anybody. The whole premises upon which they stand are wrong. If the service

is too great, if the great West, where all these routes are, is not entitled to the service which it now has, cut it off and the West will not complain.

But what do they propose to do? In the first bill they undertake to say, "We will set you back where you were sixteen months ago." Now, sixteen months in the great West is a long time to our people. We grow rapidly in sixteen months, and our wants are greatly increased. Sixteen months in the West, in reference to its growth and wants, are as to sixteen years in some of the Eastern States. But after speaking on that question for some time they abandoned it and said, "No, we will not strike off the increase, but we will cut down the expedition." There is one point that no gentleman, as I now recollect, has yet undertaken to explain. For instance, take this route that the gentleman from Illinois has just spoken of, the route from Rock Creek to Fort Custer. That route was originally let (and it is probable all the country demanded it at that time) upon a very slow schedule of once a week. They were eight days in making the trip from Rock Creek to Fort Custer—one hundred and ninety-six hours I believe it was.

six hours I believe it was.

As the country began to grow, as the mails increased, as the business of that portion of the country increased, as the wants of that country developed, they asked for an increase of service, and it was granted by this much-abused official, General Brady, and I say rightfully granted. I say that it was rightfully granted because I asked for it myself, and I stand here ready to defend what I asked for then, because I believed then and I believe now that it was but just and right that it should be done. When it was increased to six times, of course it was but fair and right that the time should be expedited. But now, if this House stands by the sub-committee and refuses to stand by the Senate amendment, what do we find?

stand by the Senate amendment, what do we find?

They say we are not interfering with the service. We give a daily line of mails, but what is the effect of it? The coach will start with a letter from Rock Creek to a business man, say at Fort Custer, and it will take under this bill, if it be adopted, sixteen days to get an answer. I ask, Mr. Chairman, is this right? Is this interfering with the service there? If you desire to do justice to the people, if you desire to be just to the context of the service that the service there? the service there? If you desire to do justice to the people, if you desire to be just to the contractors, why do you not cut down the service partially, and not the expedition wholly? Suppose this bill passes, what do we find? A bill with eight days of schedule would deliver Monday's mail on this route on Tuesday of the following week. Suppose you cut it down one-half, instead of six times a week, give them three times a week, which will be much better, on every one of these routes. If it be reduced to three times a week, just one-half, on any of these routes, the expense would bear that proportion to the expense that the Government is now put to on these routes, and Monday's mail would be received five days sooner upon the tri-weekly than day's mail would be received five days sooner upon the tri-weekly than it would upon the present schedule if the bill passes and the daily service is continued. Wednesday's mail thereafter would be received four days sooner.

Now, it is less expense to the Government and it is less expense to the contractors, and it is more equitable and just to everybody. If we are getting too much in the West, cut us down; but do not ruin the entire service. What would you say here, you gentlemen that can walk out at one o'clock and get your morning papers from New York—it is two hundred and thirty-seven miles, I believe, to New York—it is two hundred and thirty-seven miles, I believe, to New York—and your mail and morning papers come here in six hours and thirty minutes? Suppose that this economic streak that has struck this sub-committee should reach further and attempt to strike this mail-route from New York to Washington, and this committee would say, "We will put you back on a slow-freight schedule, as they propose to do on these great routes in the West, of thirty-six hours." What would you say to that? What would you do about it? Do you believe you would stand it? No, gentlemen; they do not ask that; they do not propose it, because they know the House would not submit to such a proposition; but they come in here and take seventy-three of these great routes in the West and talk generally about them, and then end by specifying one or two only and no-more.

Now, the route from Bismarck to Fort Keogh, if it goes back, as it will under this bill, will be on a schedule of a hundred and four-hours. If it is reduced to a tri-weekly mail on present schedule, it will deliver Monday's mail thirty-nine hours sooner than under the daily service if this bill is passed. I do not know if I make myself understood when I say the proposition of this sub-committee is all wrong. If the committee will strike out about five words from this bill, as they desire to have it passed, I think I can safely say that they would not get twenty-five votes on this floor for it, and that is with reference to the \$2,500 per annum expedition.

Now, I desire to say to this committee that the expedition on all the small routes through the East and West on the star service are

made upon exactly the same basis as upon those large routes. that and nothing more. But this sub-committee, when they come to consider this question, say we will not limit it upon them, because if we do it will strike all of the populous States, and we will be outvoted. Therefore, what do they do? They say, here are seventy-three routes through the West and Southwest and in the Territories,

(who have not a vote on this floor,) and they propose to strike these down, because they can do it without injury to themselves.

Now, I ask if it is fair to strike down these seventy-three routes in the West because of expedition, and not strike down the three or four-

or five thousand mail-routes that have been expedited in the older

In my own State I have had routes increased and expedited, and I am frank with this committee when I say that I am anxious for this bill to pass to get some more. There is \$100,000 for new service that my State is urging me day after day to secure for them, or a part of it. There are one hundred thousand people, or nearly that number, who have gone into the State since we have had an increase of mail facilities.

I am anxious to have this bill passed, and I believe every man who desires to secure an increased mail service should vote for the Senate amendments and against the report of this sub-committee. Let us pass the bill as it comes to us from the Senate. What is the benefit of talk-

the bill as it comes to us from the Senate. What is the benefit of talking upon it day after day? It is hardly necessary for this sub-committee to come before the House and say they are not in favor of expediting. They show that by their own action. They have had this bill before them for ninety days, and still it is not disposed of. I think if a little expedition would strike this House it would be a good thing for the country.

I would like to talk further on this subject but I have promised to yield a portion of my time. There are still one or two matters on which I ought to speak before I sit down. The gentleman from Illinois [Mr. Cannon] talked about two routes in which my country and my constituency are greatly interested. He held these up to view; but that leaves seventy-two routes untouched by his comment. I say they have not attempted to show why they take these large routes, the main arteries of the service in the West, and exclude others. Why should they not be just and equitable and serve all alike in this matter?

The gentlemen who have advocated the House bill have talked long about saving millions of dollars. The gentleman from Kentucky [Mr. Blackburn] went so far as to say that if we agreed to the Senate amendment it bound the Government for two more years on those routes for three or four millions of dollars. I do not think the gentleman meant that, though he said it, for the House has repeatedly decided the reverse. The gentleman talked for an hour and a half professedly on this subject; I watched him carefully, and I do not think he really touched the subject more than a minute and a half during the whole time. I do hope that the gentlemen who are to follow me on that side will get right down and show some reason why they have gone to the figure of \$2,500 instead of cutting it all out or leaving it all in. If the system is wrong, correct the system. This they should do, and in this the friends of the star service are anxious and willing to help them. But they have no right at this time to The gentlemen who have advocated the House bill have talked long and willing to help them. But they have no right at this time to come in here and by this sweeping measure cripple our entire service in the West and thereby do a great wrong to these contractors. They should serve them all alike.

Gentlemen have rallied or attempted to rally votes to sustain their action here by crying out that there was a great fraud being perpetrated upon the people of this nation by the Second Assistant Post-master-General. I desire the members of this committee to understand that that is not the question now before them. The question before them is, shall the star service remain intact as at present? The question as to whether the law or the system is right or wrong is not before you at this time, except in the amendment which says that in the future the service shall not be expedited more than 50 per

I do not believe that at this late day that rallying cry, or epithet, or whatever you desire to term it, of "mudsill" will be of any avail to the gentleman from Kentucky, [Mr. BLACKBURN.] He took occasion to term the Second Assistant Postmaster-General of the United States a "mudsill clerk." Very degrading, indeed! That kind of talk might have been of some avail twenty years ago upon that side of the House. But I do not believe that since the late "unpleasantness" the majority of my friends on that side of the House believe that every man North is a mudsill; and I should think the gentleman from Kentucky had received lesson enough upon that question himself not to have been found upon this floor in this debate terming an from Kentucky had received lesson enough upon that question himself not to have been found upon this floor in this debate terming an officer of the United States Government a "mudsill." I do not believe his colleagues will agree with him upon that subject, but will agree with me that his language was uncalled for and unnecessary. I have thought it proper that some one should make at least some reference to it, so that that epithet should not go by unchallenged.

The only question is this: Will this House be just to the great West, just to the mail interest there? If you so desire, you will stand by the amendments to this bill as it has come from the Senate. I repeat, if you desire to be just to yourselves and just to the people of the West, stand by and concur in the Senate amendments.

How much time have I left?

The CHAIRMAN. The gentleman has thirty-five minutes of his time remaining.

The CHAIRMAN. The gentleman has thirty-five minutes of his time remaining.

Mr. VALENTINE. I yield five minutes to the gentleman from South Carolina, [Mr. AIKEN.]

Mr. AIKEN. I desire to say a very few words on this subject in advocacy of the amendments made by the Senate to this deficiency bill. Two days ago, when I heard the eloquent gentleman from Kentucky [Mr. BLACKBURN] excoriating some one, I felt like saying to him, "Lay on, Macduff, provided you hit the guilty party;" but when I carefully and thoughtfully read his speech the next day in the Record I was forcibly convinced of the fact that his practice

and his preaching did not accord. It assured me most conclusively that the guilty party was the party that was to go scot-free by the passage of the House bill, and the innocent parties were to be made

As I understand it there is a complaint that at least a million, perhaps two millions, of dollars are fraudulently squandered—by whom? By the Post-Office Department. Who are to be the sufferers? Not a man connected with that Department, but private individuals. The committee who reported this bill have selected the arbitrary sum of \$2,500 as the maximum amount of the compensation received by a contractor to secure exemption from the penalties imposed by the bill; and yet the greatest difference between the original contract and the amount as raised by the Department, reported by the gentleman from Kentucky himself in all the enumerations that he made, was in a contract that at the original letting amounted to but \$680. That one contract was increased by the Department to over \$32,000.

Mr. BLACKBURN. Allow me to ask—

Mr. AIKEN. Do not interrupt me, I have but five minutes.

Mr. BLACKBURN. Only a question.
Mr. AIKEN. I take it from the RECORD. Again, the gentleman from Kentucky, who introduced the bill and I presume ought to know what he was talking about, asserted that there are one hundred and what he was taking about, asserted that there are one hundred and seven of these routes which would be affected by the House bill; but another member of the Committee on Appropriations rises to-day and contradicts that statement, and says that there are but seventy-three routes concerned. Now, I undertake to say that if they will investigate these figures thoroughly they will be able to reduce the number of these routes down to about twenty-three; because the gentleman from Kentucky, [Mr. Blackburn,] after enumerating the parties upon whom this money has been squandered, gives only twelve routes upon which over \$1,000,000 of an increase had been paid. Now, if the Committee on Appropriations had given in detail the fifteen or twenty men upon whom the Government is spending this money and had in-dividualized the contracts, I say for myself that I would cheerfully have voted to rescind the contracts. But why punish those men who are fulfilling to the letter of the law the contracts they have made with the Government, because, forsooth, fifteen or twenty men have received money fraudulently paid to them by an agent of the Gov-

I will give as an instance only one case with which I am familiar. I have an acquaintance, I may say a friend, who is a contractor. I believe him to be an honest man. Now, when I say that I wish this House to understand that I am not as prone to that belief generally as the sparks are to fly upward, for honest men are rarities. But in this particular case I believe the contractor to be an honest man. He made a contract with the Government to carry the mails for one hun-dred miles over a route in a State west of the Mississippi River, for which he was to receive \$3,000. In less than two months the service on that route was increased from once a week to three times a week. And in a very few weeks it was increased to six times a week. just so soon as it was increased to six times a week, it was expedited to one-half the time. The original contract required him to carry the mails one hundred miles in thirty-six hours. The expedited and increased service required him to carry the same mails the same distance in eighteen hours, six times a week. This increased and expedited service has required him to expend over ten times as much in supplying that route as he was required to expend under his first contract; and as that man took a contract on a route for \$3,000, and it has been expedited by the Government and increased pay given, it is proposed here to make him suffer because it is said the General Government has squandered the people's money fraudulently. I never will subscribe to any such doctrine as that, and I will vote for the Senate amendments, if for no other reason than is presented by this one contract.

[Here the hammer fell.]
Mr. VALENTINE. I yield seven minutes of my time to the gentleman from Colorado, [Mr. Belford.]
Mr. BELFORD. I hope the House will give me its attention, because I propose to discuss the subject of the Senate amendments, the only subject, in my judgment, which has so far escaped the notice of the gentlemen engaged in this discussion.

This House passed a bill appropriating \$970,000 for carrying on the postal service during the remainder of the current fiscal year. That

bill went to the Senate, and was there amended by increasing the amount appropriated from \$970,000 to \$1,100,000. That is the first point of difference between the House and the Senate; and the question is, shall we agree to the increase made by the Senate?

Now, it is a fact that if we vote down the Senate amendments and pass the House bill as it went to the Senate, we will be required to pay to the contractors by reason of the forfeiture of their contracts the sum of \$267,113. That is a fact from which we cannot escape. The amount of one month's pay which would have to be paid if the contracts were all forfeited on one hundred and seven routes, would be the sum I have just named. That is more than the difference between the amount appropriated by the House, \$070,000, and that appropriated by the Seuate, \$1,100,000. The only legitimate subject of controversy, then, is the difference between these two sums; all else is more spice thrown in to season the debate.

is mere spice thrown in to season the debate.

It was stated by a Senator from Pennsylvania when the bill was under consideration in the Senate, that if the amendment offered by

him was adopted by the Senate it would be in the interest of economy, and the Government would save more than \$100,000 by that amendment by avoiding the payment that would become nece if the forfeitures were made. Hence I say it is the duty of the House, even in the interest of economy and without regard to the contractors, to agree to that amendment of the Senate.

Now, why did the Senate strike out the forfeiture clause? It was

upon the ground that the Government had made a contract with these upon the ground that the Government had made a contract with these contractors to carry the mails. There was no fraud whatever intimated as to the making of the contract. It was said in the Senate that if that forfeiture clause which had been put in by the House was kept in the bill it would operate to the manifest disadvantage of the contractors. Why? Because on account of those contracts they had bought additional horses, hired additional men, purchased additional coaches, incurred additional expense, and the retaining of that forfeiture clause would lead to the ruin of these men, who by virtue of their contracts had incurred these heavy expenses. For that reacting the contracts had incurred these heavy expenses. of their contracts had incurred these heavy expenses. For that reason and that alone the Senate voted to strike out the forfeiture clause contained in the bill of the House.

Mr. WHITE. Was there any evidence at all of fraud in the let-

ting of these contracts?

Mr. BELFORD. There was no charge of fraud made in the Senate by any Senator, and I desire to call the attention of the gentleman from Pennsylvania [Mr. White] to the fact that this subject was investigated by the Committee on Appropriations of the Senate just as it has been investigated by the Committee on Appropriations of this House. The fact of the matter is that we are asked to legislate upon a mere suspicion. There is no member of the Committee on Appropriations of this House who has the courage to stand up here in his place and charge that any fraud has been committed in these contracts, because he lacks the evidence to support any such charge. The Postmaster-General may have abused his discretion, but what has that matter to do now with the concurrence or non-concurrence in the Senate amendment

ate amendment?

If the Committee on Appropriations think the conduct of the Post-Office authorities calls for their impeachment, bring in your charges and specifications of laws violated and trusts maladministered, and we will then pass on them, and if they can be sustained we will send them to the Senate. We are not here sitting as a grand national inquest to prefer articles of impeachment. Our present purpose, if we have any, is to decide on the wisdom or unwisdom of the Senate in amending the bill we sent to that body. The Committee on Appropriations may thrash the old straw they thrashed three weeks ago and their legislative flails may keep in motion for a week, but the simple question will recur, namely, will you agree or disagree to their amendments?

But the gentleman from Kentucky says that out West the expenditures are greatly in excess of the receipts. Why, sir, they are greatly in excess of the receipts in his own State. In Kentucky this Government pays over \$50,000 more to transport the mails than it receives from that State. In the State of Illinois the Government pays \$152,000 more to transport the mails than it receives there. Will the gentlemen from Kentucky and Illinois stop the transmission of the mails in their States because it is not a profitable business to the Government. ernment? This is new and alarming doctrine in view of the fact that for more than a decade the Post-Office Department has not been

self-supporting.

Some years ago I read an account of a battle which took place in Europe called the battle of the three emperors—the Emperor of Austria, the Emperor of Russia, and the Emperor of France. For the last three days we have had going on in this House a great battle which might properly be denominated the battle of the three Joes—the genmight properly be denominated the battle of the three Joes—the gentleman from Kentucky, [Mr. Blackburn,] the gentleman from Illinois, [Mr. Cannon,] and the gentleman from Connecticut, [Mr. Hawley]—not one of them living west of the Mississippi, not one living where these routes are located. Yet it is a fact that in the State of Kentucky this Government is obliged to pay for the transportation of the mails \$50,000 more than the receipts, and in the State of Illinois \$150,000 more. While we are talking about the difference between receipts and expenditures it must not be forgotten that in every Southern State in this Union except Delaware the expenditures vastly exceed the amount of the receipts. We cannot regulate our mail service by any question of receipts and expenditures. It is a service that comes home to every man, woman, and child. It is a service that reaches every heart and hearth-stone in the land. It is interlaced and interwoven with the very life of the nation. Strike it down, and and interwoven with the very life of the nation. Strike it down, and the business of the nation falls with it.

I have no interest in these contractors; I care nothing about them. If they have had their hand illegally in the Treasury my judgment is that the hand ought to be cut off. I have no sympathy for "rings" or for thieves; but I do say that the great interest of the people is to be affected by this legislation, and that interest can only be subserved

be anected by this legislation, and that interest can only be subserved by agreeing to the amendments recommended by the Senate, which in my judgment should be adopted.

The gentleman from Kentucky stated the other day a proposition which in my judgment is most extraordinary. He said that if we vote to concur in the amendments proposed by the Senate we obligate ourselves to pay these contractors until 1882. I deny that proposition. It has no warrant in law. No man ever thought of this doctrine in this body or elsewhere until it came from the gentleman from

Kentucky, who seized it as a shipwrecked mariner does a plank in Kentucky, who seized it as a shipwrecked mariner does a plank in mid-ocean, with a view of rescuing himself and his committee from the certain rebuke that awaits them when we reach a vote on this question in the House. Mr. Chairman, let us do our duty now by voting the money which the Senate declares is required to carry forward the postal service of the country. A great nation cannot afford to stand and haggle about a few thousand dollars more or less when new towns and cities are springing up, magic-like, throughout the West, that call for additional postal facilities. I prefer to see the people triumph in this struggle rather than the Committee on Appropriations. It is the people's money we are voting, it is their business priations. It is the people's money we are voting, it is their business interests we are here to advance and promote, and I shall cheerfully vote to concur in the Senate amendments.

vote to concur in the Senate amendments.

[Here the hammer fell.]

Mr. VALENTINE. I now yield twenty minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. Mr. Chairman, I have no time to make any argument upon the bill now under consideration; I have no time to show up all the fallacies presented to the House by the Committee on Approximation. In the limited time allowed me I must devote myself propriations. In the limited time allowed me I must devote myself propriations. In the limited time allowed me I must devote myself to a few salient points in the discussion and some specific declarations made here which are utterly unwarranted by the facts.

This deficiency or supposed deficiency or about-to-become deficiency was brought to the attention of this House in the early part

of December. For four months the Committee on Appropriations has been holding this matter in abeyance; for four months they have sent from one end of the country to the other and summoned before them witnesses upon a supposed or presumed fraud that might posthem witnesses upon a supposed or presumed fraud that might possibly be detected in the postal service. The evidence thus taken I have had but little time to examine, for the bill was thrown into the House and debate opened upon it before the evidence was printed; but a fair, careful, candid examination of that testimony will show that the entire committee seemed bent upon just one purpose, and that was to ask just questions enough to develop their side of the case and then drop the matter where they found it. Whenever a witness lifted up his voice and commended the execution of the great star service wast of the Mississimi River his testimony was not lisstar service west of the Mississippi River his testimony was not listened to; at least it has never been presented to the House by the committee; not one of them has ever alluded to it.

It has been stated that there was a discrepancy between the statements of the Second Assistant Postmaster-General and the auditing

books of that Department. I deny that there is such a discrepancy. No man has the right to state the matter in that way. There is no discrepancy. What is the cause of the apparent difference? It is that the Second Assistant Postmaster-General commences from a date, say, in September, and says that for a year from that date it will in his judgment take \$1,700,000 to perform the service. Sometimes those orders are issued by the Department three months before service is put upon the routes. But the estimate, whenever it may commence, is made for the whole year. But when you go to the Auditor's office you are invited to examine, not estimates, not the guess of a Department as to what the service will cost; you are called upon to examine the actual expenditure for a given quarter. Of course the actual expenditures are far below the estimates. The discrepancy which gentlemen undertake to exhibit by referring to the sworn statement of the Post-Office Department, which has been held up here almost as if the officer making that statement had perjured himself, is simply the difference between the money actually paid out, stated by quarters, and the estimate of the Post-Office Department as to what would be the cost for the whole year, figuring from the date of the order issued by the Department, which sometimes precedes the service by three months.

I do not care to discuss further that part of the subject. The Second Assistant Postmaster-General may have made wild figures; his clerks may have misled him; he may have been deceived himself. I care nothing about that. In any case, not a dollar under any of the estimates or any of the figures submitted was to be taken from the Treasury on that account—not a dollar.

The gentleman from Kentucky, [Mr. Blackburn,] who seems to have a very poor idea of this whole star service, insists that whenever an increase of service is ordered, or when the service upon a

ever an increase of service is ordered, or when the service upon a given route is expedited, the old contract should be canceled and a new contract for increased or expedited service should be made.

What an idea! How many men could you get to bid on a route if three months after they had bid, after they had spent \$50,000 stocking the route, the Post-Office Department were to come in and take their contract away from them and relet it. Of course no one bids on such an uncertainty as that. These contractors must have a definite time stated under which they bid in order their investments may be protected. Yet the gentleman from Kentucky stated on this floor with an air and with an assumption that the Second Assistant Postmaster-General actually had encouraged and fostered this vicious system of compensating contractors without reletting, when it has been the practice of the Government for fifty years and is fully authorized by law.

Another statement has been made by this committee, and that is, we are facing a deficiency of \$1,100,000 which has been incurred this year for increased and expedited service put on routes this year. I doubt it. They name a number of routes where for expedited and increased service this deficiency has come. I deny it. Nearly all

these great routes they have been enumerating were under order a year and a half ago, nearly every one of them. The increases and the expeditions were in existence when this year began. The Committee on Appropriations if they had reflected for a single moment would have found that the Fort Worth and Fort Yuma route was upon the schedule at the present rate of pay, and yet this committee come in and insist this year's deficiency comes simply by expedition and increase on these large routes. On the contrary, sir, it has come more largely because of the increased husiness of our country resulting in largely because of the increased business of our country resulting in the establishment of thirteen hundred new routes costing \$434,000, and more than that for increase and expedition on small routes. These large routes have been abused and condemned and the contractors vilified and the Second Assistant Postmaster-General accused of defrauding the Government and piling up the deficiencies this year. The contracts, the business, the whole matter concerning them, to the extent of \$700,000 out of these \$1,100,000, were in existence before the year commenced. It was the basis upon which the Postmaster-General made his estimates before the year commenced and the committee gave him the money based on the very routes which they say to-day have caused a deficiency in the service this year.

Again, to allude to the single point of my friend from Illinois, [Mr. CANNON,] whom I do not see now in his seat, as to the Deadwood and Sidney route. He went on to read a long array of figures of the and Sidney route. He went on to read a long array or ingures of the immense amount of money made by contractors outside of their postal service. I do not care how much they make in their business. It has nothing to do with this service. Under the House bill you remit the Deadwood and Sidney and the Deadwood and Cheyenne routes back to the original contract, back to the old pack-saddle conditions which attached to its commencement.

What is the condition of that Deadwood route to-day? As shown by the gentleman from Illinois, it has grown up a great freight and passenger traffic, supplying the mails and express business of nearly all Wyoming Territory. The stages are run through there on fast time, because, if they were not, passengers will not travel on them. It has been shown there is an enormous travel on the line. The mails It has been shown there is an enormous travel on the line. The mails ought to be carried with the passengers—the mails ought to go as fast as the men who travel in the coaches. But under this delightful House bill, you put the mail service on the Deadwood and Sidney route upon the pack-saddle of go-as-you-please, sixteen, eighteen, or twenty days on a route, or a week, if you please. What is the result? There may be fifteen hundred pounds of mail matter to be carried over the Sidney and Deadwood route, but when the great coach hauls up in front of the starting-place for its load of passengers, when it ought to take on the mail as well as the passengers who travel over the road, by your House bill while the passengers are to travel on the fast coach you make it possible for the mail to be put upon an ox-wagon and carted over the prairie by ox-power at a slow rate, while the passengers go through on the coaches on fast time. That is the delightful service the gentleman from Illinois wants to serve up to this country. That is his idea of the careful administration of the mail service.

Mr. CANNON, of Illinois. The gentleman misstates the evidence. Mr. HASKELL. I decline to yield. I have been snarlingly refused

Mr. HASKELL. I decline to yield. I have been snaringly rerused a word on this question too often. Now the gentlemen on the floor will have to listen to me awhile. [Laughter.]

The honorable gentleman from Texas [Mr. Reagan] became frightened over his signature to the old Fort Worth and Yuma route; but if he had given me five minutes yesterday I would have shown him he never did a wiser thing than when he asked for expedition of that service. I should have shown him in two minutes more that it was a honorage agree on that route then ever before. Think of it! The a cheaper service on that route than ever before. Think of it! The whole Fort Worth and Yuma route used to be the route from Saint Louis to San Francisco, twenty-eight hundred miles long. They sent the mail over it twice a week. They paid \$600,000 for the service. The present route is just fourteen hundred miles long, half of the old route. Cut down the compensation to one-half—\$300,000—which was the original price fixed for carrying the mail from Fort Worth to Fort Yuma twice a week at four miles an hour. Under the present mail service from Fort Worth to Yuma, figured by the old compensation which was in existence when my friend from Texas said it was economically administered, and the service of the Fort Worth and Yuma route would cost the Government of the United States \$700 a mile, and to-day that service is done on the Fort Worth and Yuma route under these fraudulent contracts for \$29 a mile.

Now, how can any one come in here and declare to this House that the Postmaster-General is defrauding the people of the United States when he is giving them the service cheaper than they ever had it before in the history of this country? And yet this officer is maligned and abused for simply doing his duty, and is denominated a "mudsill" clerk of the Department. He is the man, Mr. Chairman, that in the four years of his service in that Department has turned back into the Treasury of the United States between three and four millions of dollars that this Committee on Appropriations had given

him to expend in the mail service—

Mr. ATKINS. Was anything given to him which he did not ask for?

Mr. HASKELL. He found he could not use it advantageously and turned it back into the Treasury of the United States—turned back into the Treasury of the United States the money you gave him for certain service-money which he found he did not need.

Mr. ATKINS. I ask the gentleman if we have ever given him anything that he did not call for?

Mr. HASKELL. He turned this into the Treasury because he was an honest officer, and he did not think he could use it to advantage. But in this year when the giant of industry which has been sleeping for five years in the nation sprang again upon his feet, sending the life-blood of business through every vein and every artery of our great commercial system, and when the people all over the land are demanding new service, this officer, as he has the right to do under the law, yields to the demands of the people, yields to the demands of members of these Appropriations Committees—some of them—yields to the solicitation of members—

Mc. ATKINS. Who are they?

Mr. ATKINS. Who are they?
Mr. EASKELL. And under the law—
Mr. ATKINS. What members of the Committee on Appropriations?
Mr. HASKELL. And under the law—
Mr. SINGLETON, of Mississippi. The gentleman makes a charge in relation to the members of the Appropriations Committee—
Mr. HASKELL. I decline to yield. I say that under the law he gives us the service which is required—
Mr. SINGLETON, of Mississippi. I demand that the gentleman give us the names of the members of the Appropriations Committee to whom he alludes to whom he alludes.

Mr. HASKELL. And now he comes back here and asks this House to give this year, in the presence of this great pressure which has been brought to bear upon him for the increase of this service—he asks you to give him \$1,100,000 out of the money he has saved for you and turned back into the Treasury in the last few years. Eleven hun-

dred thousand dollars is all that he asks of you out of the amount which has been turned into the Treasury from his Department.

Mr. SINGLETON, of Mississippi. The gentleman has undertaken to refer to the demands of some member of the Committee on Appro-

to refer to the demants of some memoer of the Committee on Appropriations. I want him to give to this House the name. Who is the gentleman that you allude to?

Mr. HASKELL. I do not yield to anybody. When I have asked a question on this floor I have been snarlingly refused, and now I will not yield to anybody. I propose that they shall listen to me for a while.

You said—the members of the Committee on Appropriations have stated it here—that this officer got all the money he asked for, all the

money he wanted for his services; but the sworn testimony of the Postmaster-General shows that he did not get all the money that he thought was necessary. You say that that \$5,900,000 was all he wanted. That estimate was made months before the beginning of the year in which he was to expend this amount, and on the first day of the year, before he estimated the amount or before he could use a dollar of the money which you gave him, under the pressure of the people of the United States, under this vast pressure of the increasing business industries of the country, under the pressure of Members of Congress and Senators to put on increase of service—I say that before he made even that estimate he had six million dollars' worth of service on the books already contracted for.

And there would not have been a dollar of expenditure for increase of service possible in the United States this year under this appro-

of service possible in the United States this year under this appropriation if he had not done just what he has done—yielded to the just demands of the people to give them additional service.

Now the gentleman from Kentucky says another thing. He says that the Postmaster-General in his report speaks of a deficiency of \$150,000, but does not mention this deficiency. The report which he alludes to is for the year ending June 30, 1879.

Mr. BLACKBURN. I so stated.

Mr. HACKELL Year size it is for that year. Now have seen and the state of the state

Mr. HASKELL. Yes, sir; it is for that year. Now, how can any man put into a report for one year a deficiency which was to occur in the next year? On the 6th of December last that officer submitted to the Postmaster-General a statement of this whole case. That was nearly four months ago. Your committee have known that either the service of the United States had to be curtailed far below the needs and wants of the people or else you had to give him more money. But because a lot of men who have been trying to smirch and befoul every officer of this Government on every opportunity they can get, because they started the cry of "fraud," you pocketed his letter telling you the condition of the service, stating what he needed to run it for four months.

Mr. BLACKBURN. That is not true.

Mr. BLACKBURN. That is not true.

Mr. HASKELL. If I—

Mr. HASKELL. I say if I were the Postmaster-General—

Mr. SINGLETON, of Mississippi. That statement is false; I am a member of that committee, and it is false. [Cries of "Order!"]

Mr. HASKELL. What is false. [Cries of "Order!"]

Mr. HASKELL. What is false?

Mr. SINGLETON, of Mississippi. You say we pocketed that letter.

Mr. HASKELL. I say you pocketed it for nearly four months.

The letter was written by the Postmaster-General December 6. It was written by the Second Assistant Postmaster-General to the Postmaster-General on December the 6th. I think that is the date. Today it is April 2d. In round numbers it is four months since this information was sent to Congress, and it has not been acted on. I say if I were Postmaster-General of the United States, and was simply a politician, I would be glad to see this Congress refuse to obey the politician, I would be glad to see this Congress refuse to obey the wish of the people and the law; and when the money ran out I would stop the service of the Government, as I was bound to do under the

law, and go to the people with my office thrown wide open to the

inspection of the whole world.

It has been charged here on this floor over and over again that there have been frands in these contracts. The gentleman from Kentucky calls out the name of a man, one Walsh, and says he is an indicted

calls out the name of a man, one waish, and says he is an indicted man, indicted in the court. Why could the gentleman not have gone on and said he was honorably acquitted?

Mr. BLACKBURN. Are not two indictments pending against him now? And was not that case continued?

Mr. HASKELL. I do not yield. Again the gentleman from Kentucky comes and picks out another route, the Las Vegas and Vinita, and then reads to this Committee of the Whole the declaration of an account of the court of an account of an account of the court of the court of an account of the court of the account of an account of the court of the account o agent who had never been over the route, the declaration of an agent that for a large portion of the route no mail was necessary. And then he slurred over the report of the special agent who had trav-eled every inch of the route and declared with a sneer that this man rode with the contractors over the road. Does the gentleman not know that every special agent of the Post-Office Department carries a pass that gives him free passage over any mail-route of the United States when on the business of the Government? Does he not know that every contractor is bound to carry the agents free over their routes? How was he to inspect the route if he did not ride in the vehicles of the contractor?

[Here the hammer fell.]

Mr. VALENTINE. I yield the rest of my time to the gentleman from Mississippi, [Mr. HOOKER.]
Mr. HOOKER rose.

Mr. BLACKBURN. Before the gentleman from Kansas takes his

Mr. VALENTINE. I cannot yield.
Mr. BLACKBURN. This is a personal matter.
Mr. VALENTINE. I have promised the rest of my time to the gentleman from Mississippi, [Mr. HOOKER.]
I desire to print as part of my remarks some tables which I had not

time to read.

Mr. BLACKBURN. I object.

Mr. BLOUNT. I ask my colleague—
The CHAIRMAN. The gentleman from Mississippi is entitled to

Mr. ATKINS. I ask the gentleman from Mississippi to yield for a

Mr. HOOKER. At the instance of the Committee on Appropriations this debate has been limited so that it shall end at four o'clock I desire to occupy the time that has been allotted to me, and I will not let it be trespassed upon by any one.

Mr. ATKINS. I ask the gentleman to yield but for a moment.
Mr. HOOKER. I decline to yield.
Mr. ATKINS. I thank my friend from Mississippi for his courtesy.
Mr. HOOKER. It was the gentleman's colleague on the committee, the gentleman from Kentucky, [Mr. BLACKBURN,] who limited the time. The gentleman said in his speech he would not limit the debate, and yet he limited it to-day.

Mr. BLACKBURN. I did not limit the debate; the House did it.

Mr. HOOKER addressed the committee. [His remarks will be found

in the Appendix.]
Mr. ATKINS. I hope the gentleman from Kentucky [Mr. Black-BURN] will withdraw his objection to the gentleman from Nebraska [Mr. VALENTINE] printing the remainder of his remarks.

Mr. BLOUNT. I hope I will not be interrupted; I have the floor.

Mr. ATKINS. I withdraw the request, though it would not take

much time.

Mr. BLOUNT. I hope I will be allowed to proceed.
Mr. ATKINS. Certainly, go on.
Mr. BLOUNT. Mr. Chairman, for several sessions and for several ears since I have been a member of this House, on various occasions, years since I have been a member of this ridge, of various vegaciant. I have heard gentlemen pleading in behalf of their constituencies against the burdens of taxation imposed upon them by the tariff and the internal revenue laws. They have felt that there were grievous burdens to which their constituencies were subjected. In generalities they are very loyal in their sympathies and in their fidelity to their constituencies. Yet I have seen these very same patriots, whenever an effort was made to hold down this Government to legitimate methods and to reduce expenditures, turn upon and revile the very men who were endeavoring to keep down the expenditures and make possible the very reductions of taxation which they said they desired.

Now, what is the attitude in which the Congress of the United States finds itself in relation to this very subject? Before Congress had adjourned in July last, the Post-Office Department, in violation of law, which declared that it should not expend in a single fiscal year more than the amount appropriated for that year, this very Department had gone beyond the appropriations, and had not only violated that law to the extent of \$170,000, but had violated another law which forbeds it taking from our fund moves to a where the description. forbade it taking from one fund money to subserve the demands of another branch of the service.

While we were in session here, in the month of July, at the very commencement of the fiscal year, this Department commenced the service, by its own statement, at a rate of \$300,000 beyond the amount which had been appropriated for the entire year. We heard nothing then, not a word, as to the wants of the service for the new fiscal year; not a word as to whether the estimates had been cut down.

But in the month of December we were informed, not in the annual report, because that would have carried throughout this land the information that they were expending \$2,000,000 in addition to the large advance given them, but in a special communication we were told that additional appropriations would be needed. The gentleman from Kansas [Mr. HASKELL] says that the annual report related to the last fiscal year, and of course the Department would not mention the subject in that report. Yet in the report for the last fiscal year will be found item after item in the way of deficiencies for postal-car clerks, route agents, letter-carriers, &c., for the present

Now let us examine the circumstances connected with this special communication. In his statement to the Committee on Appropriations, submitted on the 12th of January last, in a carefully prepared written statement, prepared, perhaps, by counsel, the Second Assistant Postmaster-General announced without qualification that in order to keep up the star service for the remainder of the fiscal year as it then stood there would be required an additional appropriation of \$1,700,-000, and in order to provide necessary increase of service there would

be required \$300,000 more.

The Committee on Appropriations remembering that for the year 1879 and for the year 1880 there had been larger increases of appropriation for this star service than for the preceding ten years, I mean as to the rate of increase, felt it their duty under the circumstances, and especially in view of the fact that the law had been violated, and in view of the further fact that this House and the country held them responsible for matters of this sort, to proceed to make an investigation. It was with great difficulty that we could get information. This written statement was before them. The Committee on Appropriations knowing that it was false, necessarily false, deliberately false, addressed a communication to the Sixth Auditor of the Treasraise, addressed a communication to the Sixth Auditor of the Treasury, asking for his statement. What was the reply? An order from the Postmaster-General, striking down the mail service to one trip per week on every route in the United States. This was the answer. This was the pressure wickedly brought to bear to extort money and stifle investigation. What followed? The gentleman from Kentucky took occasion to inform his colleague in the Senate of what this committee them. mittee knew. A resolution was passed through that body calling for the Sixth Auditor's statement.

Mr. ROBERTSON. I call the gentleman to order.
The CHAIRMAN. What is the gentleman's point of order?
Mr. ROBERTSON. My point is that the gentleman has no right to refer to proceedings in the Senate.
The CHAIRMAN. The gentleman from Georgia will proceed in

Mr. BLOUNT. The information came in a few hours from the Sixth Auditor. What did it show? That instead of the service costing for the balance of the fiscal year \$1,700,000, it would cost \$1,150,000, provided every fine was remitted. Then the Second Assistant Postmaster-General went before the Senate Committee on Appropriations, and in answer to questions put by them stated that he had, perhaps, over-estimated the amount a little; that it would take about \$1,500,000 to pay for the service and allow increase; that his statement was more correct than that of the Sixth Auditor, as the Sixth Auditor proceeded upon estimates, while his calculation was based upon contracts. In his subsequent examination before the Committee on Appropriations of this House, he showed how his statements were made up. I will illustrate. The Postmaster-General in stating the cost of the starroute service for last year says that this service on the 30th of June, 1879, cost at the rate of \$6,450,000 per annum. The Sixth Auditor's statement says that the expenditures for that year were five and a half million dollars. There is a difference of over \$1,000,000 between the cost of the service per annum on the 30th of June, 1879, and the actual cost through the whole year, because the service was growing. The Second Assistant Postmaster-General, when under his second ex amination before the House committee, admitted that the monthly statements from which he made up his estimate were not made from the monthly expenditure, but at the rate per annum on the last day of the month.

The committee can well understand that if his estimate was based on methods of that sort in his own office and under his own eye, he knew he was using methods of calculation which must bring false results. He admitted in his last sworn testimony that the statement of the Sixth Auditor was more correct than his. He was obliged to admit it. Before he finished he admitted that the Sixth Auditor's statement shows not only the actual payments but the demands on the Government. The law of Congress requires that the Postmaster-General shall insert in the Blue Book this very information for the benefit of Congress, which was not done; this was omitted, and the Sixth Auditor shows that it could have been had at any time in one week. When I see these contradictory statements, these false methods of ascertaining information which we in this body are required ous or ascertaining information which we in this body are required to act upon, the singular occasion under which the order was issued reducing the service to one trip a week on every route in the country without discrimination, in order to put the hand of the Department on every man in this House to compel him to grant the money the Department was asking and which had been made necessary by violation of law, I say that such conduct is unprecedented and no man can undertake to defend it.

What is the defense? I have been astounded at it. Years ago a

republican Congress and a republican President, in order to prevent this very thing, declared that no Department should expend in any one fiscal year more than the amount of money appropriated for that one fiscal year more than the amount of money appropriated for that year. But this Department has gone on expending money at such a rate that, as these officers tell us, they are obliged to cut down the service in this way. As the Second Assistant Postmaster-General said, in order to keep within the appropriation a "Cæsarian operation" was required. The Postmaster-General by his construction of the law has put every member of this House in such a position that, no matter which side of the question he takes, he is obliged to vote from \$950,000 to \$1,150,000, whether he wills it or not; and this the officers of the Post-Office Department call "conformity with law!" Why, sir, this pettifogging would disgrace the most contemptible village lawyer in the land; and when it comes from a quarter where we had the right to expect statesmanship and manliness, the scorn with which it should be repelled in this House words cannot convey.

we had the right to expect statesmanship and manliness, the scorn with which it should be repelled in this House words cannot convey. What is the defense of all this? It is said that members of Congress are responsible; that the Committee on Appropriations is responsible in part for this crime. Why? Because there having been appropriated \$5,900,000 for this service, they represented the wishes of their constituencies and asked for service where they thought proper. The names of honorable men are paraded here as an excuse for this violation of law, simply because at the instance of contractors and others they have signed petitions for service. The pretense is that members of Congress by joining in such petitions were tempting and in a measure compelling the Department to this gross violation of the laws of the land. Sir, if that sort of stuff does not show willful and deliberate guilt, then I cannot answer for the good sense of this House or of mankind.

of this House or of mankind.

But, sir, I have but little time and must leave this branch of the subject. What is the issue between the House and the Senate? Simply whether the expedition of the mail service of the United States shall stand as it now is under the circumstances in which it has been shall stand as it now is under the circumstances in which it has been agreed to. As I stated a little while ago, the rate of increase in our mail service prior to 1879—in 1870, 1871, 1872, 1873, in all those flush times—would not average \$250,000 per annum. When we came to appropriate for the year 1879 the Postmaster-General informed us that the new contracts effected a saving of \$1,250,000. Gentlemen from the South were asking for an increase of service. The Department was clamoring for an increase of appropriation in order to build up the southern service. The \$1,250,000 were granted for that purpose, where did it go? You will find that the increase for that year for expedition and for increased number of trips was \$1,368,199. The great bulk of this increase went where? On so-called neglected lines in the Pacific States and Territories. The next year the same cry was raised. Of the amount which we then voted—\$500,000 increase on the previous year—\$800,000 went to the same section. For 1879 and 1880 you find more than the increased appropriations carried to these routes west of the Mississippi. This was made possible by the decrease of routes east of that river and the increased appropriations. What do we find? Utah with her four trips a week and my friend from South we find? Utah with her four trips a week and my friend from South Carolina with about one and a half. With these specious arguments these appropriations have been carried through this House and this money has been used as stated.

money has been used as stated.

What are the purposes of the Committee on Appropriations? We started out as asking that increase of trips and expedition should be both cut off where they exceeded \$5,000 per annum. We changed it by omitting from our bill the increase of trips. We did that to have the committee reconcile the differences existing between its members, because we felt it was a matter of great importance. We knew what was involved in the issue. We knew that there were millions of dollars in the struggle between contractors and the Government. We knew even democratic papers would be employed to analogize for this knew even democratic papers would be employed to apologize for this knew even democratic papers would be employed to apologize for this law-defying Department and denounce the men who proposed to arraign it. We determined to proceed according to the method by which we could accomplish some part of the good instead of failing in all. We determined that we would simply resort to reduction of expedition. There were abuses in the other branch. How? We had before us a witness by the name of Minor. We found his affidavit, in which he stated that as the rates for three trips a week required twelve men and thirteen horses, to double it would require one hundred and fifty men and one hundred and fifty horses. I asked him the question, "You say you started at the commencement of this service with nity men and one hundred and fifty horses. I asked him the question, "You say you started at the commencement of this service with twelve men and thirteen horses?" He answered that he did not say that. "What did you mean when you said in your affidavit it required that?" To that he replied that it was a bare estimate. We asked him, "If it is true it required so much stock to make your service double what it was before increase, how could you take it at half the sum your affidavit entitled you to and upon which you are making money, and how could you swear to this other statement?" He replied that it was a mere estimate.

ing money, and how could you swear to this other statement?" He replied that it was a mere estimate.

The Second Assistant Postmaster-General in his evidence says that where they make these affidavits they are entitled to pay accordingly. That is the method of the Department in almost every instance. The law declares they shall not exceed a certain proportion of increase for expedition and increase of trips. Taking that as the outside limit beyond which they cannot go, and within which they must keep, the general rule is to abdicate all discretion and to allow the Government to be plundered to the extent these gentlemen are willing to swear to. There is now, sir, annual expedition of seven hundred and sixty odd

thousand dollars. There will be running through two and a half years that expedition. Your law requires mail contracts, south, north, east, and west shall be let by competitive bidding, in order that there may be nothing fraudulent. Yet, notwithstanding this legislation, the great bulk of that increase of mail service for the last year, your money has been expended, not under the general law, but under the system of orders and affidavits at the Department, permissible in exceptional cases. Routes let originally on competitive bids at \$250,000 within a short time were increased by orders of the Department to \$1,100,000. \$1,100,000.

The policy of the law, to expend your moneys for mail contracts by competitive bidding, has been thwarted. How? One, a mail contractor, said to us, we bid it off at the original contract price, which we could not carry it for. Why, then, did you do it? Well, from his knowledge of the Department he concluded he could get orders for increase of trips and expedition of service; and when he orders for increase of trips and expedition of service; and when he did that according to the methods of the Department, by his own affidavit with no further inquiry—for that is the general system—then he had those magnificent profits to which the gentleman from Kentucky and the gentleman from Illinois have alluded. Now, sir, the tucky and the gentleman from Illinois have alluded. Now, sir, the great body of increase of appropriations which you are giving for the purpose of benefiting the service of the United States instead of going in that direction is devoted, by special orders, to about sixty-five routes west of the Mississippi River. And, sir, when we presumed to investigate this matter one of the contractors wrote a letter to the Senate Committee on Appropriations in which he speaks of the nefarious influences surrounding the Committee on Appropriations and governing this House in the passage of a measure based on the reasons which I have stated: that efforts had been made to black-mail him &c. which I have stated; that efforts had been made to black-mail him, &c.; but when we came to inquire of him, under oath, it was found that nobody had tried to black-mail him. He could not designate any nefarious influence. He said that his affidavit denouncing this House was drafted by an attorney, one Colonel McKibbin, who walks the floor of this House to help this man, arraigning this House, slandering this House. That attorney, sir, walks the floor of this House under its courtesy and in violation of its rules with a salary of \$10,000

for his services from this one contractor.

Mr. HOUSE. How does he get in?

Mr. BLOUNT. The rules of the House permit an ex-member of the House to come in provided he is not here for the purpose of representing or looking after claims.

Mr. HOUSE. Does he not give his pledge of honor that he is not

Mr. HOUSE. Does he not give his pleage of nonor that he is not interested in claims?

Mr. BLOUNT. That is the order, but he travels this House representing this man, taking the courtesies of this House and slandering it.

Mr. Chairman, one by one these contractors have come and made their statements under oath. It has been said on the other side of this question why did you only take a few routes? These gentlemen selected these few routes as the cases of hardship to them; but when selected these few routes as the cases of hardship to them; but when you come to examine these cases of hardship not one of them seems to know the details of his business. He knows some few, general things, but when you seek the details "his partner is at the other end of the line and he only represents the Washington interest." If these were great hardships, why could not these gentlemen make an intelligent statement of the condition of their business? If these cases which had been selected for the purpose of impressing this House with wrong-doing fail, then the presumption is that those which are not represented here are at least in quite as little a condition to ask for

favors.

But, sir, we are told about these contractors. Why should we interfere with them? I have shown you, Mr. Chairman, in the first place that these men by their conduct in reference to the affidavits

place that these men by their conduct in reference to the affidavits are not in a position to ask protection of the law.

Again, sir, and here is a point to which I wish to call the particular attention of the House. Every one of these contracts provides specifically that the Government may terminate service by giving thirty days' additional compensation. If so, if the Congress of the United States sees fit to interfere with the service for these good reasons which have been given here, and terminate some of these contracts, paying the extra month's compensation to these gentlemen, I wish to ask where is the wrong? There is not the slightest excuse for complaint upon their part in view of the statements which have been made.

Now, Mr. Chairman, I see that my time is nearly out and therefore feel that it is useless for me to attempt to develop any further thought on this subject. I will merely say that it is the bounden duty of the members of this House, representing the people of this countsy, to see that no such feeble excuses as have been alleged here shall be given for violating the laws and no man, no matter how high, shall dare to compel this House under duress to give up the moneys of the people.

asked thus early in order that, should the appropriation fail to be made, immediate steps might be taken to confine the service within the limits of the original appropriation.

In March, before the Senate Committee on Appropriations, he says:

In March, before the Senate Committee on Appropriations, he says:

Mr. Kry. I do not think, General, you have yet answered fully. You were asked
what was the least sum you thought we could get along with, as I understand.

Senator Wallace. That was the question.

Mr. Brady. The fines and deductions for the two quarters last past amounted to
\$101,000. If they keep up for the next two quarters, that would be, say, \$200,000
for the year. I am inclined to think that \$1,500,000 would carry us safely through,
just as we are, and allow something for increase—not near as much, though, as I
think we ought to have and as the country demands. In the statement of the Sixth
Anditor he has to estimate a great many things. He has to estimate the amounts
of unpaid service yet for these quarters. He may be incorrect in that estimate.

Mr. Kry. Your estimates are on contracts; and his on payments?

Mr. Brady. My estimate is on actual contracts in existence, and that is the only
safe way of making an estimate. We cannot depend on how heavily the fines may
run. Being fined heavily one quarter, the contractors may do perfect service the
next, so that we shall not have a chance to fine them at all.

The Sixth Anditor says, March 2:

The Sixth Auditor says, March 2:

Summary statement showing the amounts, by quarters, paid and yet to be paid, according to the records of this office, out of the appropriation for star transportation for the fiscal year ending June 30, 1880:

Amount paid on account of quarter ended September 30,1879	\$1,677,355 96	
Amount unpaid on account of quarter ended September 30, 1879	12, 718 43	
Total for said quarter		

Amount unpaid on account of quarter ended December	1,002,011	
31, 1879	160, 119	7
Total for said quarter	L 1880	. 1, 762, 697 01 . 1, 803, 171 49
A	1990	1 700 505 71

7, 055, 538 60 F. B. LILLEY

Acting Auditor. Deduct appropriation, \$5,900,000, leaves \$1,155,000 to finish the

Annual cost at rate of cost per first quarter	\$6,760,297 56
Annual cost at rate of cost per second quarter	7,050,788 04
Annual cost at rate of cost per third quarter	7, 212, 685 76
Annual cost at rate of cost per fourth quarter	7, 198, 382 84

General Brady's last statement before the House Committee on Appropriations:

Question. Then you do not say whether your statement or the Sixth Auditor's atement is correct?

Question. Then you do not say whether your statement or the Sixth Anditor's statement is correct?

Answer. I presume that the Sixth Auditor's statement is correct so far as it shows the actual payments, if these statements have been made up as I presume they have been. For instance, in my office we order service to commence, say on the 1st of September, and it goes upon our books as of that date, but that service may not actually commence until October, and the Sixth Auditor's statement in that case would show the payment as made from October, while our statement would show the cost from the 1st of September. That may account for a considerable amount of the discrepancy.

Q. Then the Sixth Auditor's statement is exactly correct and yours is not?

A. His statement is correct, as a matter of course, so far as the actual payments made are concerned.

Q. Does it not show more than that? When you make a contract, does not the Sixth Auditor get information of it at once?

A. Certainly; we certify the contract down immediately, but I understand—

Q. Then do not his statements show not only the amount paid out, but the liabilities?

ities?

A. Certainly, in the future; but not as I was instancing a moment ago. That is, suppose a contract was made to go into effect on the 1st of September, but it did not actually go into effect until the 1st of October or until the 1st of November, my statement in that case would apparently show that it went into effect on the 1st of September, while his statement would show that it did not go into effect until either October or November.

Q. Then your statement would be incorrect, while his would be correct?

A. Yes; so far as the amount actually paid was concerned.

Q. So far as the compensation paid for the service under that contract?
A. The Sixth Auditor only states the amounts actually paid; my statement shows

A. The Sixth Auditor only states the amounts actually paid; my statement shows the contract prices.

Q. Then his statement is the correct statement?

A. His statement would be the correct statement of the amount paid. You see at the time this statement was made the December quarter of last year was not ended; no fines or deductions had been yet made for that quarter, and we could not tell anything about what they would amount to, or how the service was running; all we could base our estimate upon was this simple statement of the contract prices.

prices.

Q. Which statement you do not think is correct?

A. Which I know, as a matter of course, is not so correct as the Sixth Auditor's statement of the actual payments.

Q. As I understand you, then, there is this advantage in favor of the Sixth Auditor's statement: Your books show the cost of the service according to the date of contract, but if the service should not commence at that date or until a month later, that fact would not appear on your books but would appear in the books of the Sixth Auditor?

4 39

A. Yes,
Q. Therefore his statement shows the real cost of the service, while yours does not?

A. Yes. I am not sure but what these monthly statements are made up in the same way that the yearly statement is. You will note here, for instance, the statement of the annual cost of the service on the 30th of June was \$6,401,000. That is based on the contract prices for the year; although that service might have commenced on the 1st of June, yet it would appear in this statement as for the entire

based on the contract prices for the year; although that service might have commenced on the 1st of June, yet it would appear in this statement as for the entire year.

Q. Can you ascertain positively whether that is true or not?

A. Oh, it would take weeks of labor to find that out.

Q. Not to find out what I mean. It is simply a question as to their method of book keeping. You think these monthly statements are made up in the same way that the yearly statement is?

A. I think that is the way it is done.

Q. Then there is not only what you have already said in evidence of the correctness of the Sixth Auditor's statement, namely, that his books show the actual amounts paid while yours show the cost from the date of the contract according to the contract price, although the expenditure under that contract may not commence for a month or for two months later—there is not only that, but now you also suggest that these figures of yours are liable to be discredited in another way because you think these monthly statements show the cost per annum in the same way as the yearly statement?

A. Yes, instead of for the fractional year. We now have, you understand, in the Auditor's statement the benefit of the settlements for the service up to the 30th of December. That is something which, as a matter of course, I did not have in November or early in December when I made up my estimate, and I simply based my estimate at that time upon the manner in which the service was then being run upon the contract prices. Therefore, as a matter of course the Auditor's figures are much nearer the actual cost of the service, because in making up his statement he had the benefit of the actual payments for that quarter. Since I made the estimate there has been no increase of the service. For instance, in December there was a net decrease of \$17,470, and in February, the last month of the quarter, there was a net decrease of \$16,912. We have been doing nothing in the way of increasing service of late.

To the Second Assistant Postmaster-General:

That there may be no deficiency created to maintain the star mail service for the present fiscal year, I direct that on and after the 1st of March proximo the service on all star routes be reduced to one trip per week, allowing one month's extra pay as provided by law on service dispensed with.

I also direct that the service placed on new routes since and including July 1, 1879, be discontinued if the foregoing reduction is not sufficient for the purpose indicated.

I think the rapid growth of population and beginning the first contract of the purpose indicated.

I think the rapid growth of population and business in the Territories and in the new States, and the restoration and improvement of the service in the Southern States, demand the existing service, and in many instances additional service on old, and new service on recently established routes.

I also believe the public service will suffer by the reduction; but the law requires that I shall not exceed the appropriation, and I am determined to conform to the law.

Postmaster-General.

Section 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble a register shall be compiled and printed under the direction of the Secretary of the Interior, of which 750 copies shall be published, and which shall contain the following lists, made up to such last day of September:

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

Statement in regard to twelve of the one hundred and seven mail-routes on which increased service is being performed, showing original contract price therefor, where situate, and the increase of pay for additional trips and increased speed.

State.	Number of route.	Termini.	Length as let.	Present length.	Number of trips as let per week.	Present number of trips per week.	Original pay.	Increase.	Present pay.	Number of offices in 1877-'78.	Number of offices in 1878-79.	Number of offices at present.	Pay last term.
Indian Territory Dakota Texas Montana Wyoming New Mexico Arizona Do Oregon California Do	40116	Vinita, Las Vegas	638 303 1,560 326 331 4422 460 190 140	Miles. 810 310 1, 426 361 331 424 460 190 140 275 332 179	1 1 7 3 3 3 3 3 3 3 2 1 2 7 2	7 6 7 7 7 7 7 7 7 7 7 6	\$6, 330 00 2, 350 00 134, 000 00 16, 500 00 10, 507 25 14, 900 00 13, 313 00 7, 440 00 8, 288 00 29, 000 00 5, 988 00	\$144, 262 03 67, 650 00 165, 000 00 68, 766 81 78, 260 87 76, 311 68 122, 662 00 59, 519 99 31, 960 32 64, 232 00 26, 424 33 29, 940 00	\$150, 592 03 70, 000 00 299, 000 00 85, 266 81 88, 768 12 91, 211 68 135, 975 00 66, 595 99 32, 640 32 72, 520 00 55, 424 33 35, 928 00	33 8 4 17 11 7 4 17 20 14	21 3 35 16 8 19 14 8 7 14 22 13	27 4 36 16 9 19 14 9 7 15 23 13	New service. Do. Prorata for like service, \$321,000. Three times a week, \$29,400.46. New service. Three times a week, \$42,033. Once a week, \$4,600. New service. Twice a week, \$4,500.29. Three times a week, \$45,990.29. Three times a week, \$45,990.29.

Original pay, \$249,296.25; increase, \$934,990.03; present pay, \$1,184,-286.28. In the three States and six Territories the increased cost in three years will be \$2,804,970 by executive order,

Statement showing the growth of the mail service from 1853 to 1879, both years inclusive.

	Miles.	Cost.	Miles of annual transportation.	Cost per mile- about.
1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861† 1862; 1863; 1864; 1863; 1864; 1865 (1867. 1868. 1869. 1870. 1871.	186, 973 190, 260 194, 936 204, 368 204, 826 219, 129 219, 129 194, 455 107, 028 112, 702 109, 278 105, 851 136, 483 153, 136 163, 415 166, 810 164, 191 174, 627 175, 991 182, 994	\$2, 262, 271 2, 382, 928 2, 646, 644 2, 864, 330 3, 061, 202 5, 066, 940 4, 162, 758 3, 057, 474 2, 977, 463 2, 998, 151 3, 179, 865 3, 798, 038 5, 048, 299 4, 908, 285 5, 049, 598 5, 027, 473 5, 299, 473 5, 297, 473 5, 297, 500 5, 973, 390 5, 973, 390 5, 973, 390 5, 452, 721	42, 220, 772 42, 158, 133 43, 738, 870 45, 258, 431 46, 120, 004 48, 432, 429 50, 470, 056 43, 119, 759 46, 208, 383 31, 461, 230 37, 816, 485 30, 901, 281 31, 461, 230 37, 816, 485 44, 933, 108 45, 3540, 587 44, 993, 108 45, 350, 641 47, 330, 968 48, 184, 137 50, 340, 420 52, 088, 206 54, 708, 454	Cents. 5.36 5.65 6.05 6.32 6.64 7.70 10.46 10.17 9.00 10.67 9.70 10.10 10.04 11.60 11.90 11.13 10.62 11.98 11.98
1876 1877 1878 1879	194, 567 200, 589 206, 777 215, 480	5, 051, 541 5, 663, 970 5, 714, 943 6, 401, 830	54, 824, 003 57, 956, 303 61, 435, 682 69, 248, 339	9, 21 9, 77 9, 30 9, 24

Note.—Previous to 1863 the service was divided into four classes, namely, "mode not specified," "coach," "steamboat," and "railroad." In this table the star service from 1853 to 1862, both years inclusive, consists of "mode not specified" and "coach" added together.

*Cost of coach service, \$3,134,094; annual transportation, 23,448,398 miles, about 13.36 cents. Cost of "mode not specified," \$1,932,846; annual transportation, 27,025,-658 miles, about 7.15 cents.
† Includes service in the Southern States to May 31, 1861, when it was discon-

nued. † Service in Southern States not included. † Service in Southern States restored. || This year the saving in contracts for new lettings was \$1,250,000.

Mr. PAGE. For the past three days this House has been engaged in the discussion of what is known as the star service deficiency bill. decided. What are the questions as between the House and the Senate? To this I shall confine myself in the few minutes that I shall occupy the floor. If the House gives me its attention I will endeavor to show the House what this question really is and to strip it of some of the guaze and mysteries which gentlemen have sought to throw around it. Within the next hour a vote is to be taken, and the question will be

Now, what is the question? This House passed a deficiency bill for the star service. They appropriated \$970,000 to continue the service to the end of this fiscal year and added a proviso that upon all routes where the expedition exceeds \$2,500 it should be reduced back to the original contract price. The Senate amended the House bill by striking out that provise and added \$130,000 to the \$970,000 appropriated by the House. They sent it back to the House in that form, and for two weeks nearly the Appropriations Committee of this House has discussed it, and then reported it back to the House with the recomdiscussed it, and then reported it back to the House with the recommendation of non-concurrence, in order that it should be sent to a committee of conference. One hundred and thirty thousand dollars is at issue; no more, no less. If you adopt the Senate amendment, you appropriate \$130,000 more than is contained in the House bill. Again, if the Senate amendment is adopted you strike out the proviso cutting off one hundred and seven of these mail-routes of the United States west of the Mississippi River, and I challenge any man on this floor representing the Appropriation Committee to deny it; and I will yield him my time to answer the question.

yield him my time to answer the question.

Mr. CANNON, of Illinois. Let me answer the question.

Mr. PAGE. One word more. These one hundred and seven routes embrace fifteen thousand miles of service, and exceed in importance

the balance of mail service in this country.

Mr. CANNON, of Illinois. Now, Mr. Speaker, I desire to answer in a few words.

Mr. PAGE. Not now. Is not the gentleman ashamed, after speaking here and occupying forty-five minutes without interruption on this side, to attempt now to interrupt me the very moment I begin? Mr. CANNON, of Illinois. I am perfectly willing to answer the gentleman's challenge if he will give me an opportunity.

Mr. PAGE. I cannot yield to the gentleman now—
Mr. CANNON, of Illinois. If you withdraw your challenge, then I have pothing the server.

have nothing to say.

Mr. PAGE. That may be, but what I have said I am willing to stand by, and I do not think that the gentleman can deny it.

Mr. CANNON, of Illinois. The gentleman knows that I am ready to answer any question upon this matter.

Mr. PAGE. Well, if the gentleman will answer yes or no, I will yield to him, but I will not yield for a speech.

Mr. CANNON, of Illinois. I would like to answer the question.

Mr. PAGE. Well, answer; yes or no?

Mr. CANNON, of Illinois. If the gentleman will not withdraw his challenge, I wish to refer him to the record.

Mr. PAGE. That is all right. I am not here to argue that question now.

Mr. CANNON, of Illinois. I wish to say to the gentleman that it is not one hundred and seven routes, but seventy-three routes.

Mr. PAGE. Then, I desire to say to the gentleman that this is only

Mr. PAGE. Then, I desire to say to the gentleman that this is only a question of veracity.

Mr. CANNON, of Illinois. Here is the record—

Mr. PAGE. I have the record here, too.

Now I say that is the question that this House has been discussing for the last three days. The Senate amendment protects the star mail service intact; the House bill strikes it down. One hundred and thirty thousand dollars is the amount in controversy for which this House thousand donars is the amount in controversy for which this house has been haggling for three days past, and the question is whether the House bill shall be adopted, and whether we shall reject the Senate amendment and strike down and destroy absolutely one hundred and seven of the most important mail-routes in this country, embracing more than fifteen thousand miles in length.

But the gentleman says there are only seventy-three, and therefore I presume they justify this action. Now I wish to show, Mr. Chairman, that without the passage of this bill there is a deficiency in the Post-Office Department. The failure to pass this bill creates a deficiency there. Under the law as it now exists provision is made for thirty days' additional compensation to contractors where the routes are stricken down before the expiration of the contract; and if that is enforced to-day (and they have no right to anticipate the passage of this bill) there is absolutely a deficiency in the Post-Office Depart-

I hold in my hand a letter from the Sixth Auditor setting forth the fact that on yesterday, the first day of this month, there was to the credit of the star service in the Post-Office Department \$642,000. It requires \$600,000 to continue the service as it now exists for one month, and if one month's extra pay is given to the contractors under the law, then the Post-Office Department is left without a dollar for this service. If the service stops, then the Postmaster-General will be driven into a deficiency by the bill of this House, and that, in my judgment, has been the object of some members of this House, namely, to create a deficiency. Because it is well known that the Postmaster-General on the 27th day of February last issued an order to cut this General on the 27th day of February last issued an order to cut this service down on the 1st of March; by request of the Senate committee that order was not sent out, in the belief that this House would act, and act speedily. But my friend from Illinois [Mr. Cannon] says this \$130,000 that you save, though the House bill cuts down seventy-three, and, as I say, one hundred and seven routes—but he claims it must be sent to the committee of conference. My God! After this matter has been debated for these does not be a lower debated for the sent to the committee of conference. matter has been debated for three days, not having a friend on the Committee on Appropriations, it must be sent to a committee of conference. Indeed, it must be confided to my friend from Illinois, [Mr. Cannon,] to my friend from Connecticut, [Mr. Hawley,] to my friend from Georgia, [Mr. Blount,] or my friend from Kentucky, [Mr. Blackburn.] They must be the men that will represent the House as against three Senate conferees.

as against three Senate conferees.

Mr. HOUK. You may say, save us from our friends.

Mr. PAGE. As the gentleman from Tennessee remarks, God deliver us from such friends. That is the fate this bill is to meet. But in the mean time the mail service will stop, under the law, because the House has not acted upon this matter, for there is an actual deficiency in the postal service; and I challenge any man on the Com-

mittee on Appropriations to say my statement is not correct.

The other day my friend from Kentucky introduced to the House a witness by the name of Carr. He recommended him to this House as a model mail-contractor and said he was a Californian and appealed to the California delegation to sustain him. I have been looking over the records of the Post-Office Department; and I hope the House over the records of the Post-Office Department; and I hope the House will remember what Carr said in his letter denouncing these contractors. He said he used to be one and people might think he was soreheaded because he did not get his contract. I find in 1870 Carr was awarded a special contract from Oroville, California, to Portland, Oregon, at \$700 a day, amounting to \$255,000 per annum, after a failure of the original contractor at \$127,000 per annum. He had the Government in a vise and he exacted this amount for the service.

As against that contractor, Mr. Carr, presented here by the gentleman from Kentucky, and as against the attack made on Mr. Salisbury, another contractor, denounced by the gentleman from Illinois, [Mr. Cannon,] let me say that on the route from Kelton to The Dalles under a former administration we paid \$224,000 per annum for carrying the mails; under this administration, and it has not been expedited or increased, we pay \$85,000. As against the witness of the gentleman from Kentucky, and as against the attack made by the gentleman from Illinois [Mr. Cannon] on one of these contractors, I place these facts before the House place these facts before the House.

Now, about this expedited service, as has been truly said, you might strike down the increased service and you would not strike at the heart of the people of the West so much as by striking down the

expedited service. The gentleman from Nebraska [Mr. VALENTINE] has given you an illustration of that with reference to the Fort Worth and Fort Yuma route. My friend from Connecticut [Mr. HAWLEY] is not satisfied but he, too, must throw obstacles in our way. He represents a country that has a railroad service of 101,240 miles, costing the Government \$17,178,100, while the star service of the country, representing two hundred and fifteen thousand miles, costs the Government, if this increase is made, \$7,900,000; a little over a third of what the other costs. And yet the gentleman from Illinois [Mr. Cannon] and the gentleman from Connecticut [Mr. HAWLEY] talk loudly and eloquently when they attack the mail service west of the Mississippi River, and say they only propose to strike out seventy-three of our routes. And how much do they save? One hundred and thirty thousand dollars. Well, that is a good deal of money to haggle over for three days. This discussion has cost the Government more than it would have cost to carry these mails for the next four more than it would have cost to carry these mails for the next four months

But the Committee on Appropriations must be consulted. It will not do for this House to do anything that is not recommended by them. The gentleman from Illinois [Mr. CANNON] said yesterday there were parties in this House who were absolutely antagonizing the Appropriations Committee. A dreadful thing, surely, that any-body in this House should have the temerity to antagonize the Com-

mittee on Appropiations!

Mr. Chairman, how much time have I left?

Mr. HAZELTON. I hope the Chair will give him all he can.

The CHAIRMAN. The gentleman has six minutes of his time re-

maining.

Mr. PAGE. On yesterday I asked the gentleman from Georgia [Mr. BLOUNT] a question, and he answered me in this way. In answering my question he said:

There is no such difficulty as the gentleman from California has stated in connection with this service. There is not a human being, I suppose, in the United States that doubts the passage of this bill, and the retention of the service as it

That is what the gentleman from Georgia said yesterday, and the gentleman from Connecticut [Mr. Hawley] nodded assent. They do not pretend to disturb the service, but only to strike down and emasculate the service on one hundred and seven mail-routes, which are more important than all the rest of the star service combined.

But I have exceeded my time. I propose to yield the few minutes I have to the gentleman from Montana, [Mr. MAGINNIS,] and I desire to say here that the Territories interested in this matter, and represented by eight Delegates, have been absolutely shut out and not allowed to be heard on the former occasion when the bill was before the Committee of the Whole or on this occasion.

I append to my remarks the letters to which I referred:

I append to my remarks the letters to which I referred:

POST-OFFICE DEPARTMENT,
Washington, D. C., April 2, 1880.

Sir.: In reply to your inquiry of the 1st instant, I beg leave to inform you that a revised statement of the total cost per annum of expedition of service on all routes costing \$5,000 and over, per annum, from July 1, 1878, to December 31, 1879, submitted to the Senate committee, shows the same to be \$1,129,487.

In justice to those performing this service, it should not be discontinued to take effect prior to May 1, 1880, if done at all.

Should it be discontinued, however, from April 15, 1880, the saving would be for the remainder of this fiscal year \$235,310, less \$94,123, (one month's extra pay,) leaving a net saving of \$141,167.

It is proper to state that, in the opinion of this Department, the wholesale reduction that would be compelled by the House bill, would practically destroy the usefulness of the service on the leading routes west of the Mississippi River. It would be better to reduce the number of trips rather than the speed upon these routes.

Very respectfully, &c.,

D. M. KEY, Postmaster-General.

Hon. H. F. Page, House of Representatives.

Office of the Auditor of the Treasury for the Post-Office Department, Washington, April 2, 1880.

SIR: In reply to your verbal request, I have the honor to submit the following statement of the amounts paid and unpaid out of the appropriation for star service for the fiscal year ended June 30, 1880, as shown by the records of this office on the 1st of March, 1880:

Amount paid on account of quarter ended September 30, 1879. Amount unpaid on account of said quarter. Amount paid on account of quarter ended December 31, 1879. Amount unpaid on account of said quarter. Amount unpaid on account of quarter ending March 31, 1880. Amount unpaid on account of quarter ending June 30, 1880.	\$1, 677, 355 96 12, 718 43 1, 602, 577 24 160, 119 77 1, 803, 171 49 1, 799, 595 71
Total paid and unpaid Appropriation for 1880.	7, 055, 538 60 5, 900, 000 00

To this sum should be added the estimated amount, namely, \$40,000, required for the special offices, making the deficiency in the star transportation to June 30, 1880, \$1,195,538.60.

1880, \$1,195,536.60.

Of the appropriation of \$5,900,000 for star service for the current fiscal year there remained available on the 1st instant the sum of \$644,057.11, requiring the additional sum of \$1,195,538.60 to be appropriated to complete the payment of the amount due for the quarter ending June 30, 1880, independent of all fines or deductions heretofore imposed.

I am, respectfully, your obedient servant,

J. M. McGREW, Auditor.

Hon. D. M. KEY, Postmaster-General.

Mr. MAGINNIS. When this question of a deficiency in the postal service came up for investigation several of the territorial Delegates endeavored to find out to what extent that inquiry would affect the mail service in their Territories. As to the question whether the Department had violated the law we did not feel any interest. That was a question for the statesmen of this House; and if they found that such was the fact they could have brought in resolutions of censure or of im-

was the fact they could have brought in resolutions of censure or of impeachment if they so chose, and made that issue with the Department.

Nor did we propose to defend the alleged improper practices of contractors. The jackals that follow the Federal supply-train through the western territory burrow under the shadow of this national capital and do not live out there; we are not interested in them. But like all faithful representatives we would rather have these contracts in the hands of our own people carried by men who live among the in the hands of our own people, carried by men who live among us and who would spend their earnings where they make them, in the development of the country where they live. We were interested, and we were deeply interested in the service to supply our country with the mails.

and we were deeply interested in the service to supply our country with the mails.

Three of the Delegates applied in an informal way to be called before the Committee on Appropriations in order to give our testimony as to the necessity for these routes if the service on them was assailed. We wished to show the absolute necessity for that service. We had no chance to obtain a hearing before that committee. Then the debate came on in the House; and though our country was more particularly affected, though there were eight of us here as Delegates to represent the interests of that country, though we had no vote and no way to make a record except by debate, we asked but did not obtain a chance to present our views to the House on that occasion. Newspaper men, honorable gentlemen, doubtless, and doing their duty and fairly representing their papers, had free access to the committee; and their printed statements were placed on our desks and were quoted by members on this floor. But the Delegates from the Territories, who were sent here to represent our people, were virtually forbidden to exercise our duties. Though we represent communities which in number of population, in resources, in commercial importance, and in the revenues which they yield to the Government are larger than any one of half of the districts represented on this floor, we were compelled to sit here, while the interests of our people are at stake, not only disfranchised but silenced.

I am thankful to the gentleman from California [Mr. Page] for the few minutes he has given me, wherein I may ask that the Delegates

I am thankful to the gentleman from California [Mr. Page] for the few minutes he has given me, wherein I may ask that the Delegates from Idaho, Washington, and other Territories who may desire to print remarks upon this subject which they have had no opportunity to deliver may be granted that leave by the House. As for myself, I have no remarks to print, no arguments to submit, except for their influence on the House, which has never failed to give me its attention. I would like half an hour to present some views on this question: but as I cannot have it I remain silent. If the committee and tion; but as I cannot have it, I remain silent. If the committee and the House choose to stand upon the record where they stand now as giving us no chance to be heard, I can only say that I was in this House before it was administered as it now is in this particular; and I hope that in the future the rights of our constituencies may receive

some respect.

The CHAIRMAN. The gentleman from Montana [Mr. Maginnis] asks that the Delegates from the Territories who desire to do so may have printed in the RECORD as a portion of the debates remarks prepared by them upon this subject.

There was no objection, and leave was granted accordingly. [See Appendix.

Mr. PAGE. I will yield the remainder of my time to my colleague, [Mr. Berry.]
The CHAIRMAN. The gentleman from California has one minute

and a half remaining.

Mr. BERRY. A minute and a half will not do me much good. I would have been very glad to have had an opportunity to state to this House some facts about a few routes in my district. I have been this House some facts about a few routes in my district. I have been making some figures, and I find that I have six routes in my district that will be absolutely ruined if this bill passes as it first passed the House. The time on those routes originally was one and a half miles per hour. If by the passage of the House bill we are to be remanded back to the original contracts, it will take the same time to carry the mail to the county seat in my district as it does to carry the mails from New York City to San Francisco.

[Here the hammer fell.]

Mr. BERRY. I regret exceedingly that I have not time to lay these matters before the House.

Mr. HAWLEY. Mr. Chairman, it is not a very agreeable task that I find assigned to me. It would be much easier for me to sit back at leisure and say, "No matter how much money has been expended in

I find assigned to me. It would be much easier for me to sit back at leisure and say, "No matter how much money has been expended in excess of the appropriations and against law, it is a great country; let them have it." That is easy. I could make a glowing speech upon the eagle, upon the growing West, and say, "Hurrah for Brady! Let him have his \$2,000,000."

On the 8th of December last Mr. Brady and the Postmaster-General came in here and said that they wanted \$2,000,000 in addition to the \$5,900,000 given to that Department by Congress to carry on the inland mail transportation on star routes for the remainder of this fiscal year. You put us on the Committee on Appropriations; you expected us to perform our duty, and you would have censured us if we had not inquired why there was a necessity for this additional \$2,000,000.

We began the inquiry. Gentlemen ask why we were so long about it. One reason is that a statement provided for in the Federal statutes and required to be made in September in each year giving all the increased service of various kinds for the previous year was not ready for us. When we inquired for it, we were told, in the first volume, that it would not be ready until February or March. We went to work to get the information necessary. Every particle of information which we got from the Department had to be extracted, as it were, by instruments, and it was not until after we had reported our bill to this House, upon confessedly imperfect data, that we got the most important statement of them all, and that went to the Senate Committee on Appropriations.

Now, if we had granted the wishes of these impatient gentlemen here, we should have voted \$2,000,000 last December for the glorious star service, the growth of the West, the magnificent lands of the setting sun, and all that. We should have voted it, for were there not capable officers in the Post-Office Department? Is not Mr. Brady an honest man? Is not Mr. Key an honest man? Have we not the figures, and do we not know what contracts they made? Give them

their \$2,000,000.

We began the inquiry. It was our duty to make it, and we have done so. Whether gentlemen have been patient or vexed, just or unjust, we have done our duty, and we have saved you nearly \$1,000,000.

Mr. PAGE. How have you saved that?

Mr. HAWLEY. The Post-Office Department wanted \$2,000,000; and I venture to say that with the temper in which the House was when the matter first came in the Department could have obtained that \$2,000,000 in five minutes.

when the nature in the Department could have obtained that \$2,000,000 in five minutes.

Mr. PAGE. Suppose the money had been voted, it would not have been spent unless it was needed.

Mr. HAWLEY. If the Department had got that amount, you would not have seen more than \$50,000 or \$100,000 of it go back into the

Mr. PAGE. It would have been spent in improving the mail service.
Mr. KEIFER. It would have been expended where it was needed.
Mr. HAWLEY. The Department was then making new routes at the rate of a million dollars to three million dollars a year, and it would have made a sufficient number of routes to have used the whole would have made a sunctient number of routes to have used the whole of that \$2,000,000. A gentleman asks whether the money was not needed. That is a question to come up hereafter. I am stating how much we have saved you; and you are now willing and anxious to settle with the Department upon the basis of an appropriation of \$1,150,000, instead of \$2,000,000.

Mr. HOUK made a remark in his seat.

Mr. HAWLEY. My friend from Tennessee must not sit here and

Mr. HAWLEY. My friend from Tennessee must not sit here and interrupt me by remarks in this way.

Mr. HOUK, (rising.) I reckon I can ask the gentleman a civil question. If he admits that the Government needed the money, how can he say we have "saved" it by refusing to appropriate it?

Mr. HAWLEY. When the gentleman from Tennessee finds me making an error of fact and wishes to correct me, I will hear him. But when gentlemen set around me and by continual questions and flings, several at one time, and some of them jeers, interrupt me without rising to their feet to do so fairly, I object, and I call upon the

out rising to their feet to do so fairly, robject, and real upon the Chair to protect me from it.

The CHAIRMAN. The gentleman from Connecticut is entitled to proceed without interruption.

Mr. HAWLEY. The House committee cut down the appropriation to \$970,000; the Senate proposes to appropriate \$1,100,000 for the deficiency—a disagreement of \$130,000 between the two Houses. But we offered \$100,000 for new service and the Senate \$50,000, so the real difference is but \$80,000. So far, then, we have been of some service

difference is but \$80,000. So far, then, we have been of some service to you.

On the 1st day of November, 1879, Mr. Brady reported that the Department had expended \$6,401,830 in the year ending June 30, 1879. We inquired into that among other things, and we found that the Department had spent \$5,537,245.28, a trifling error of \$864,554.72. Making the usual allowance for the settlement of old claims, \$44,000, the amount is reduced to \$220,000.

We were justified in making further inquiries. Mr. Brady, in his short communication announcing his highness's desire to have \$2,000,000 more, informed us that he had spent at the rate of \$7,620,004 this year. When he came to testify before us he said that he had spent \$3,800,000 in the first six months of the fiscal year. After making many inquiries of an officer who ought to know what has been spent, we found that if the Department had paid every dollar of the contracts the expenditure would have been \$3,452,771.40, a trifling error of \$347,239.60.

But the whole of this amount had not been paid. A considerable

of \$347,239.60.

But the whole of this amount had not been paid. A considerable amount upon contracts had been suspended; so that the real error as to what had actually been paid out was \$520,000 and something over. But if every dollar called for by the face of the contracts were paid, taking no account of the fines and deductions, there must be an error of at least \$350,000. When we discovered errors of this kind in book-keeping was it not our duty to extend our inquiries into this matter a little further?

Again, Mr. Brady told us that the Department was bound for an annual expenditure of \$7,620,004; that the appropriation for the year was \$5,900,000, making the deficiency \$1,720,000. But the Sixth Anditor, making his statement on the 2d of March last, says that the

total expenditure for the year, if the Department pays every dollar that the contract calls for, will be only \$7,053,000, against Mr. Brady's statement of \$7,620,004, so that Mr. Brady is wrong again to the extent of \$567,000. Thus the deficiency would be \$1,155,000, instead of \$1,720,000. But this apparent deficiency is still further reduced. The history of the Department shows that about \$200,000 a year is made by fines and deductions. Men fail to perform their contracts and penalties are imposed, and although these are sometimes remitted, these deductions amount to about \$200,000 a year. In this way the real deficiency to be supplied is reduced to \$955,538.

But I have not done with this matter yet. Mr. Brady has not been making any new contracts lately; he was not expected to do so under these extraordinary circumstances. And even when the Department is making no new contracts there is always a breaking down of old ones for

making no new contracts there is always a breaking down of old ones for making no new contracts there is always a breaking down of old ones for a variety of reasons. For instance, when a line of railroad is finished it dispenses with some star routes, and the charge for mail service is transferred to the railroad account. If the deductions made in this way are put down at \$5,000 or \$9,000 a month for six months, the real deficiency is reduced to about \$900,000. I venture to say, basing my estimate upon the figures of the Sixth Auditor, that \$900,000 would pay every dollar needed for existing contracts of all sorts.

Now what sort of book-keeping is this? Did the Second Assistant Postmaster-General know no better than to make these errors, the first one of \$820,000 the others ranging down to \$250,000? If the

Postmaster-General know no better than to make these errors, the first one of \$820,000, the others ranging down to \$350,000? If the officers of the Post-Office Department did not know any better, do you not think they ought to know better? Why, then, should gentlemen come here with bitterness against us who have no bitterness in this matter? I have had no discourtesy shown me and no unreasonable refusal of any request by that Department. I have no grudge against any man there. But you have put me on one of the outposts of the House; and until you call me back I am going to do my duty. I have no other feeling in regard to this matter.

I have no other feeling in regard to this matter.

He asked for more than he needed to carry out existing contracts. How came he to make these misstatements? How came it, sir? We tried to find out. Let me tell you how he came to make an error of \$820,000 as to the expenditure of a past year four months after that year had expired. We on the Appropriations Committee were curious to know, and we asked him. I think he finally explained in this way: The statement in the annual report that expenditure was \$6,401,830 last year was based on the condition of the contracts on the 30th day of June, 1879. If carried out for the whole year at the rates called for on that day, they would have called for \$6,401,830. And that is the book-keeping they brought here. That is all in the testimony. He called the expenditures of the whole year 1879 three hundred and sixty-five times what they were on the 30th day of June, 1879! And his monthly statements are made up in the same way; and that is where he is led into gross errors; whereas the Sixth Auditor, to whom a copy of every contract is given, keeps his book account of every contract and knows how much is expended, how much is paid, how much is unpaid, and how much is suspended by fines and penalties.

Now, Mr. Chairman, I have not said a word about theft or fraud or corruption or anything of that sort; not a word about impeachment.

That is not my business, but it is my business as a member of the Appropriations Committee to tell you these things, and when I do so, That is not my business, but it is my business as a member of the Appropriations Committee to tell you these things, and when I do so, have you a right to be vexed and impatient with our committee? We could not get all these facts until after we reported the bill. We were kept waiting for the Sixth Auditor's report, which never came to us until we gave you the best bill we could get up, and that had gone to the Senate before the Sixth Auditor's came up. There was no reference in the Postmaster-General's annual report to any deficiency for the current year, none at all. That was dated November 6. He must have known it. That gentleman, the Second Assistant Postmaster-General, Mr. Brady, knew it before the year began. He expected it. He says he did not know how big it was going to be, but there was going to be one, and he was going ahead. That is what he swears to. I will tell you what his expectations were. On the 1st day of July in this current fiscal year, according to his own statement, the expenditures were at the rate of \$6,135,678, which is \$235,678.15 above the appropriations which had just been made for this year. He started the year \$235,000 ahead of what you told him he must have to pay the whole year with. He knew it during the extra session. The appropriations had been made some time before, and did he not know in the months of May and June what his expenses were to be a month or two ahead? Did he not know in the month of June while we were here? Did he not know in the month of June while we were here? Did he not know what they were likely to begin the new year with? Certainly he did. He knew what the new contracts were while we were here, and that they would call for \$235,000 more than we gave him.

I say row if he had come here frankly and told the House there call for \$235,000 more than we gave him.

I say now, if he had come here frankly and told the House there was likely to be an increase of business and a necessity for more, he would have got another half million quite easily. Perhaps I should have voted for it without serious question, and all of us would have

voted for it

How childish it is in my friend from California [Mr. Page] to talk about my desire to "knife" the star service, when I have not a prejudice of any kind. I belong to a thickly settled community. He has found the expense of the mail service in my State. The mails of New England go through that State. I do not know what belongs to Connecticut and what belongs to Massachusetts. I know we in Connecticut pay considerably more than it costs to carry mails in our State, but I do not care about that. It never entered into my consideration, nor, I trust, into the mind of any other Eastern or New England man. We are proud of the service and of these western people, and of their

We are proud of the service and of these western people, and of their growth. We want them to have all they need, and then to add 10 per cent. out of good-will or 25 per cent.; only say what you want at the beginning of the year, and do not let one of our subordinate officers come up here taking the position this Second-Assistant Postmaster-General Brady has done—

Mr. UPDEGRAFF, of Ohio. "Mudsill."

Mr. HAWLEY. No, not a "mudsill."

Mr. HAWLEY. No, not a "mudsill." but the gentleman from Indiana who holds that position is mistaken about his important duties; that is all. He came up here and said, "I have run into debt \$1,730,000 more than you gave me." "Where is your authority?" "The law says we may place service where we please around the country." "Oh, yes; but does not the law say you shall not spend a dollar above the appropriations?" "Yes." "Does not the law say you shall not make any contracts for future payments in excess of apyon shall not make any contracts for future payments in excess of apdollar above the appropriations?" "Yes." "Does not the law say you shall not make any contracts for future payments in excess of appropriations?" "Oh! yes." "Then, why did you do it?" "Why, it was for the good of the West, for the good of the country generally." "Are you exceeding appropriations?" "Oh, no." "Why not?" "Because we can stop the entire service during the last few months and thus keep within the sum allotted us." "But will you not be obliged to stop on the 10th of March every single stage in the United States?" It was to him a "conundrum," as he at first called it, but he was civil afterward and acknowledged that he would; that he would not have a dollar to spend legally after the 10th of March.

Yet he said he was right; he thought he would be sustained; he thought he was doing his duty; he said he was entirely deliberate—

thought he was doing his duty; he said he was entirely deliberate—right in the face of the law. Gentlemen have dwelt a great deal on this being done under the law. Under the law! No; it is not. There are two laws, one that tells the Postmaster-General that he may have abundant discretion, because we cannot give it to anybody else, to contract these star rate contracts wherever it is best, and another scatter these star-route contracts wherever it is best; and another law which tells him he shall not go ahead of the money we give him to do it with for that year. Mark, "for that year," for the whole

Mr. HOOKER. Will the gentleman yield to me for a single question?

Mr. HAWLEY. If I have made a mistake in my figures or in any statement of fact I will yield to a correction.

Mr. HOOKER. What is your construction of section 2961, which

allows the Postmaster-General to increase compensation for expedited

Mr. HAWLEY. I was talking upon that topic generally. The law gives him certain powers; they are reposed in him, entirely in him. What next? The Government says to the Postmaster-General, here is \$5,900,000. What for? For the expense of the star-route service. For how long? The first three months or six months? No; but "during the fiscal year ending June 30, 1880." *But Mr. Brady and Mr. Key come up here and say deliberately that they had a right to expend the whole of that amount in the first ninety days if they thought proper. thought proper.

Mr. CLAFLIN. I should like to ask the gentleman from Connect-

icut a question. Mr. HAWLEY.

Mr. CLAFLIN. I should like to inquire of the gentleman from Connecticut whether he thinks that \$5,900,000 is sufficient for the starroute service for the year?

Mr. HAWLEY. The gentleman asks whether I think it is suffi-

cient ?

Mr. CLAFLIN. Yes; whether the gentleman thinks that is suffi-

Mr. CLAFLIN. 1es; whether the gentleman thinks that is sufficient to run the star routes which are necessary?

Mr. HAWLEY. It was about a half a million more than what they spent the year before. I think they might get along with it. The gentleman will notice I said before that they knew before the 1st of July it was not enough on their plan. They might have come here and asked for more and would have got it.

Mr. CLAFLIN. Is it the gentleman's empirical it is enough? I may

Mr. CLAFLIN. Is it the gentleman's opinion it is enough? I sup-

Mr. CLAFLIN. Is it the gentleman's opinion it is enough? I suppose from his answer he thought it was not sufficient.

Mr. HAWLEY. I doubt whether it was enough. That depends entirely on the necessities of the West. It is a question I cannot answer now. Congress said it was all he could have. He said he did not care; he would go through the year, spend it in ninety days, or spend the whole in the service in the first eight months, and then create a deficiency. That is what he said. What was exactly enough one way or the other is not the question here. I am discussing the question of proper administration.

Mr. BELFORD. Is it not a fact that since the estimates of the Postmaster-General were made two thousand new routes have been created and service put upon them?

Postmaster-General were made two thousand new routes have been created and service put upon them?

Mr. HAWLEY. It is a fact that there has been a revival of business; but many of these expensive routes were established a year and a half ago. It is a fact there was a revival of business, and also that we did establish two thousand new routes. We did that during the extra session. But we did not authorize the Department to spend any more money. We were here after that up to the 1st of July, and no request for more came here. Mr. Brady stated that he began the new year at the rate of \$235,000 per annum above the appropriations four months before he put service on any of those new routes, and without asking us any question about it. routes, and without asking us any question about it.

But I pass on hurriedly. I come back to the point where I was when interrupted. The statute is imperative that he shall not exceed his appropriation. This is obeyed in general—obeyed by the officers of the Government at large. I do not know a single officer of this Government who claims the right to violate that statute except Mr. Key and Mr. Brady. There is not an officer, from high to low, who does not obey it. We have been through the War Department lately, myself as the junior member of the sub-committee, making up an Army appropriation bill. We found every one of these officers acting as soldiers and gentlemen, scrupulous to keep within their figures. their figures.

If there should be a sudden breaking out of a Sioux war, or in the depth of winter some of the Army posts should burn down, the general would be compelled to go a little beyond his appropriations, and he would immediately have reported it, and everybody would have known it. He would not have waited until six months after the fact to make known his technical fault; he would not have waited until a month after his regular annual report. Nothing but the act of God, nothing but unforeseen calamitous necessities can justify an officer in going ahead of his appropriations. It is as much a law as the law against murder is. While the violations are not equally criminal, the laws are equally without exception or qualification. It is the command of his Government, the command of his master; and I have the right, as one of the legislators, to be not a little vexed when a subordinate officer talks about "my policy" and the policy of Congress; and when he expresses a desire that we shall make this appropriation so that we may be in harmony and he may go ahead with his "liberal policy." That is not the way for an administrator to talk; he

ought not to do it, and that is a very mild way of stating it. His action in this matter has been entirely deliberate. here in the first written statement he made to us. It has all the while been said that there is no deficiency—oh! no!—because they can throw away all the money appropriated for the service in eight months and then, by stopping all service for four months, keep within the law. Mr. Brady in testifying before us, in cross-examination, always denied he had exceeded the appropriations. But, in a written communication addressed to the committee he frankly said. munication addressed to the committee, he frankly said:

In exceeding the appropriation for the current fiscal year, I relied on the continued generous action of Congress in maintaining the present efficient service, and in building it up to even greater efficiency and usefulness. It is the policy of the Department to give ample mail facilities to the people everywhere.

Why, sir, he uses almost the language of Her Majesty Queen Victoria when she says to her Parliament: "Irely upon your generosity for the necessary supplies for carrying on my government. I have been obliged to expend five millions more than I anticipated in the Afghan and Zulu wars. I rely upon you to make good the amount." And so Mr. Brady relies upon "the continued generous action of Congress" and speaks of "my policy."

In a deliberate written statement submitted to us by Mr. Brady, on behalf of himself and the Postmaster-General he says the Postmaster-General with reference to carrying the mails...

master-General, with reference to carrying the mails-

May exercise the largest discretion in this respect.

While done, of course, by authority and in the name of the Postmaster-General, yet all increase of the service, both by additional service put on and by provision for increased celerity, has been made under my personal supervision and by my express direction.

Then he says:

The course pursued, it is believed, has not only been in conformity thus far to the letter of the law-

That I deny, for the money was given for the year and not for nine

but also is fairly within the spirit of the enactments of Congress upon the subject; best calculated to carry out the aims of the service and the purposes of the appropriations made therefor.

Who is to judge what is "best calculated to carry out the aims of the service?" Who but the representatives of the people who make the appropriations?

He proceeds:

The necessity for speedy action on the part of Congress is apparent. The Deartment especially desires it—

That is, desires you to be prompt-

in order that its action may be made strictly to conform to the wishes of Congress. The Department wants you to act promptly in conformity with the Department, so that the Department's actions may conform to the wishes of Congress, the Department having first gone ahead according to its sovereign pleasure.

If not deemed wise on the part of Congress to increase the appropriation as asked, the Department will of necessity curtail the service.

Here it is:

To necessitate this course would work incalculable injury and great injustice.

Thus they seek to put you and me and this House into this position, that they seek to put you and me and this House into this position, that we must either give a million and a half beyond the appropriations or "work great injustice and incalculable injury." And yet he says he can keep within the law by curtailing the service, but the responsibility, the necessitating this, would be our fault, working great injustice!

He says it is our fault if this great injustice be done, because we did not give the money that was necessary. He made it imperative

on us to give the million and three-quarters or work the injustice. Thus he tried to load the "incalculable injury" on us. And that is the language of one of the subordinate officers of this Government. But he says further:

The course pursued thus far by the Department was adopted after mature consideration—

Mature consideration! This course of exceeding the appropria-tions of Congress and violating its law was adopted after mature consideration !

and has been steadily adhered to, because it was deemed wise and just.

And in another place he says:

We deliberately increased this star service, as I have said in my statement, because we believed that the star service ought to be built up on something like an equality with the railroad service, and we simply trusted to Congress to give us money to carry out that idea.

Now, gentlemen, is it worth while to have laws, to lay down restrictions, if these servants, these agents of ours shall be entitled to go beyond the money you give them to carry on the service? That is the question before us.

I quote from the evidence of Mr. Brady. I asked him this question :

These contracts if carried out will make a deficiency. Were they, in any proper sense, authorized by law ${\bf 1}$

He answered:

It was entirely within the discretion of the Postmaster-General to do all that he has done.

So says Mr. Brady.

Q. Was there an appropriation (considered in the language of the statute) adequate to the fulfillment of these contracts?

A. There was up to a certain time.
Q. In your judgment, who is to be the judge of what shall be the expenditure for the star service? Is it the Post-Office Department or Congress?

This was modestly and deferentially asked by your committee, acting in your name. The answer was:

It is entirely within the discretion of the Post-Office Department.

When asked who is to be the judge of what is to be the expenditure, he answers, "It is entirely within the discretion of the Post-Office Department," drawing his authority from that wise general law which says he may distribute this \$5,900,000 appropriation over the year and over such parts of the country as he shall deem best. He interprets this as granting an unlimited authority, carte-blanche, to draw upon the Treasury for what amount he pleases. I quote further from Mr. Brady's testimony. Mr. Brady's testimonys:

Q. Do you conceive that, under your rights as an executive officer of the Government, you may do that thing with impunity?

A. I concede that I have done it.

Q. Do you concede that you have done it under any pretense of law or authority?

A I will not converge as which the present the present

A. I will not express an opinion on that point. What I have done I have done; and I have done it for most excellent reasons. It is a question now whether I am to be sustained or not. That is all.

That is all. Then this question was asked of Mr. Brady, with reference to the Postmaster-General:

Q. Do you understand that he knew that the rates at which the star service was being run, if carried out to the end of the year, would result in a deficiency of \$1,700,000?

A. He knew, as I knew, that it would result in building up the service to considerably more than the appropriation. How much more I do not suppose he knew, and I did not know myself in the outset.

He deliberately started out upon it, deliberately continued it, now justifies it, and says that if you do not follow out the course he has started upon you will work a great injustice. Now whatever the judgment may be expressed here, I do not think it will be inferred by any Department of this Government that this House desires to approve that manner of obeying the law or that kind of language toward the legislative department of the Government of the United States. I shall at least be well satisfied with that. We will have saved a million of dollars and we will show that that style of administration and that sort of language will not be approved by the Congress of the United States.

I must pass on rapidly, for I have but a minute or two left. In another place he says, "I went ahead in this matter believing I would be sustained," &c., and so on over and over again; it is not worth while for me to dwell upon it. I have explained to you that in my opinion it is not according to law, for while the Postmaster-General has discretion to distribute the appropriation for his Department as he pleases, he is equally bound by another law not to exceed the appropriation of the appropriation. amount of the appropriation.

amount of the appropriation.

This evil has arisen largely, not altogether, but largely, from the way of giving out contracts, which has been the fashion for some time past. But I say to you that it is wholly unnecessary. We are told that this is legal. Now what you can twist out of the law is one thing; how you can wisely administer it is quite another and a different thing.

I concede that it may be according to the letter of the law. But when the Department begins service upon a route seven hundred and twenty-five miles long, (Vinita to Las Vegas,) to be run once a week, for \$6,330, I know it cannot be done; the contractor knows it cannot be done; Mr. Brady knows it, the Postmaster-General knows it, every stable-boy on the line knows it, and they all know that such a contract is not to stand for a month. No man can deny that. Every

man on that line seven hundred and twenty-five miles long (I might almost say there was hardly more than one to the mile on it) knew that it was not to stay so.

that it was not to stay so.

It remained so a little while, and then they ordered that trips be made three times a week and the pay raised to \$12,660; a little while longer and it was three times a week, and a little while longer seven times a week. And they added a few miles to it, making it 810 miles, and getting the cost up to \$64,539 by several easy stages; and, finally, ordering daily trips to be made in seven days instead of ten, at 4.8 miles an hour instead of 3; with one grand sweeping order at the end, for the good of the service, adding \$86,053, they raised the total to \$150,592. The rise from \$6,330 to this figure took place in seven months.

months.

This shows what expediting the service is. The cost of expediting the service on 12 routes was \$735,000, and they raised the average rate of travel from 2.76 miles per hour to 4.22 miles per hour; that is the average on the 12 routes.

the average on the 12 routes.

When they began they were compelled to halt occasionally, lest they should overwalk the prescribed rate of speed; and then, getting a liberal allowance for each additional day's service in a week, they reached convenient figures, and with a single bound in each case they raised their speed on the average from 2.76 per hour to 4.22 per hour; and for that "expedition" they got \$735,000. I do not speak of the increased number of trips, only the increased speed.

Now, is that necessary? No. Why could not they at the beginning have advertised for contracts to run the mails so many times a week—three or four times a week—and say that the contract would be for four years, and that the rate would be four miles an hour to begin with, or as soon as they could get the roads cleared and things fairly in operation, making the cost what it ought to be, and stating that the contract would be made on those conditions, with the additional condition, if they pleased, that the service might be raised to that the contract would be made on those conditions, with the additional condition, if they pleased, that the service might be raised to six or seven times a week by adding to the compensation a sum to be named in the advertisement and agreed upon in advance? That could be done under the law, could it not? Suppose they had pursued that course; it would have been equally in accordance with the law. Now, would it not be better to make the law so that they shall do that? I think so.

do that? I think so.

The Department is condemned out of its mouth. It has done in the last few months what I have just stated to you, and has said that it has made these contracts on more favorable terms than could have been obtained by beginning them at low service and raising by many steps. And this might have been done always in most cases.

There is a printing deficiency amendment of \$50,000 put in this bill by the Senate, which must not be forgotten. We must not concur in that at any rate, for we have already granted \$400,000 to supply a deficiency in the Printing Office in other bills which have passed both Houses. Let us not forget that.

We are not punishing fraud here; we have not said that we have found any. Wo have found extraordinary extravagance in defiance of law, and we propose to limit it. We have brought the appropriation down to \$1,150,000. If you will now vote non-concurrence in the amendments of the Senate, and let us talk with the Senate Committee of conference we can save at least \$100,000 out of that just as well as not, and give Mr. Brady fifty or one hundred thousand dollars to as not, and give Mr. Brady fifty or one hundred thousand dollars to spend on new routes in the next three months.

Mr. PAGE. And destroy the service on one hundred and seven

Mr. HAWLEY. Not on one of them. We can do it and leave every one of these expedited routes running at full rates of speed with all its luxurious pay, and still cut the Senate amendments down at least \$100,000, according to the figures of the Department itself and the Auditor. It is admitted by gentlemen here that they do not want contractors to make money improperly. Almost every gentleman who has spoken has said that some of the contractors have wronged the Government. I am very glad to hear that admission,

at any rate.

Now, the Committee on Appropriations has done its duty. It has disclosed flagrant disobedience of your laws. It has saved you money. It asks from you now nothing in the world but that you shall nonconcur in the Senate amendments, so that we may save something

concur in the Senate amendments, so that we may save something more and possibly adopt some better regulations to check extravagance and unlawful expenditure in the future.

The Senate has put upon the bill a provision which some gentlemen think very good—that in the future the cost of expedited service shall not rise above 50 per cent. of the original contract price. That is utterly impracticable. The original contract on the Vinita route was for \$6,330; and under this provision the pay for expedited service, would be limited to \$3,165. There could be no expediting under such a provision. It is utterly impracticable.

[Here the hammer fell.]

The CHAIRMAN. The time allowed for general debate has expired. Mr. BLACKBURN. I withdraw my objection to the printing of the remarks of the gentleman from Nebraska, [Mr. VALENTINE,] although he declined to allow me to correct a misstatement which had been made by the gentleman from Kansas. I now ask that the amendments of the Senate be read.

Mr. CALKINS. I ask the gentleman from Kentucky to yield to me for one minute.

for one minute.

Mr. PAGE. He has no time to yield.

Mr. CALKINS. I ask through the Chair unanimous consent of the committee to occupy one minute in replying to a statement which is clearly erroneous, as the committee will see.

The CHAIRMAN. The committee has no power to grant the gen-

tleman's request.

The amendments of the Senate were read, as follows:

The amendments of the Senate were read, as follows:

In section 1, strike out "\$70,000" and insert "\$1,100,000."

In section 1 of the bill, strike out the following:

"At or within contract prices as they existed on February 1, 1880: Provided, That upon any route where there has been an increase of the original contract price during the last or current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number."

Amend section 2 by striking out the words "or increase the service upon existing routes other than those reduced by the first section of this act" and inserting in lieu thereof the following:

"Provided, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let."

Add to the bill the following:

"SEC. 3. That the sum of \$50,000 be, and the same is hereby, appropriated, as aforesaid, for the public printing, including the cost of printing the CONGRESSIONAL RECORD, it being a part of the deficiency for the current fiscal year.

"SEC. 4. Nothing in this act contained shall be deemed or construct to affect the validity or legality of the acts or omissions of any officer of the United States, or to affect any proceeding therefor."

Amend the title by adding the words "and for other purposes."

Mr. BLACKBURN. In obedience to the unanimous instruction of

Mr. BLACKBURN. In obedience to the unanimous instruction of the Committee on Appropriations, I move that the committee rise and report the bill back to the House with a recommendation of non-

and report the bill back to the House with a recommendation of nonconcurrence in the Senate amendments.

Mr. STONE. I move that the amendments be concurred in.

The CHAIRMAN. The question will be on concurrence.

Mr. BLACKBURN. Who makes the motion for concurrence?

The CHAIRMAN. The gentleman from Michigan, [Mr. STONE.]

Mr. PAGE. By direction of the Committee on the Post-Office and

Post-Roads.

The question being taken on concurring in the amendments of the Senate, there were—ayes 82, noes 75.

Mr. BLACKBURN called for tellers.

Tellers were ordered; and Mr. Blackburn and Mr. Stone were

appointed.

The committee divided; and the tellers reported—ayes 88, noes 79.
So the amendments of the Senate were concurred in.

Mr. BLACKBURN. I shall ask for the yeas and nays in the House

on this question.

Mr. STONE. I move that the committee rise and report the bill to the House

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Scales reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and had directed him to report back the same with a recommendation that the amendments of the Senate be concurred in.

The SPEAKER. The question is on concurring in the amendments.

The SPEAKER. The question is on concurring in the amendments

of the Senate.

Mr. STONE. I move the previous question.

The previous question was seconded and the main question ordered.

Mr. STONE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question then recurred on concurring in the amendments of

Mr. BLACKBURN. I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 91, nays 83, not voting 118; as follows:

		YEAS-91.	
Acklen, Aldrich, William Anderson, Atherton, Bachman, Barber, Belford, Berry, Boyd, Browne, Burrows, Butterworth, Calkins, Carpenter, Caswell, Chalmers, Coffroth, Cook, Cravens,	Deering, Dunn, Dunnell, Elam, Ellis, Errett, Ewing, Felton, Ford, Ford, Frost, Gunter, Haskell, Hawk, Hayes, Hazelton, Henkle, Hooker,	Jones, Jorgensen, Keifer, Keiley, Ketcham, King, Lapham, Lindsey, McCoid, Miles, Mills, Mitchell, Money, Morton, Myers, Norcross, Overton, Pacheco, Page,	Russell, Daniel L. Ryan, Thomas Shallenberger, Shelley, Slemons, Stone, Taylor, Thompson, W. G. Tillman, Updegraff, J. T. Updegraff, Thoma Upson, Valentine, Van Aernam, Van Voorhis, Woorhis, Washburn, Wellborn, White,
Culberson,	Hull,	Pound,	Whiteaker,
Daggett,	Humphrey,	Prescott,	Willits,
Davis, George R. Davis, Horace	Hard, Johnston,	Price, Robertson,	Wise.

	N.	A X 8 - 83.	
Armfield,	Field,	Lowe,	Rothwell,
Atkins,	Forney,	Manning,	Ryon, John W.
Baker.	Forsythe,	Marsh,	Sawyer,
Bayne,	Frye,	Mason,	Scales,
Bicknell,	Geddes,	McCook,	Singleton, J. W.
Blackburn,	Gillette,	McKenzie,	Singleton, O. R.
Blake,	Hall,	McMahon,	Smith, William E.
Blount,	Hammond, N. J.	McMillin,	Sparks,
Brigham,	Harris, John T.	Monroe,	Springer,
Bright,	Hatch,	Morrison,	Steele,
Buckner,	Hawley,	Muldrow,	Stevenson,
	Herbert,	New,	Thomas,
Clander		Nicholls,	Thomas,
Clardy, Cobb.	Herndon,		Thompson, P. B.
	Hiscock,	O'Reilly,	Turner, Oscar
Crapo,	House,	Persons,	Vance, Waddill,
Davis, Joseph J.	Hunton,	Phelps,	Waddill,
Davis, Lowndes H.		Phister,	Warner,
De La Matyr,	Klotz,	Poehler,	Whitthorne,
Dibrell,	Knott,	Reed,	Williams, Thomas
Dickey,	Lewis,	Richmond,	Willis,
Farr,	Lounsbery,	Robinson,	
	NOT V	OTING-118.	
Aiken,	Crowley,	Ladd,	Sapp,
Aldrich, N. W.	Davidson,	Le Fevre,	Sherwin,
Bailey,	Deuster,	Loring,	Simonton,
Ballou,	Dick,	Martin, Benj. F.	Smith, A. Herr
			Smith, Hezekiah B.
Barlow, Beale,	Dwight,	Martin, Edward L.	
	Einstein,	Martin, Joseph J.	Speer,
Beltzhoover,	Evins,	McGowan,	Starin,
Bingham,	Finley,	McKinley,	Stephens,
Bland,	Fisher,	McLane,	Talbott,
Bliss,	Fort,	Miller,	Townsend, Amos
Bouck,	Garfield,	Morse,	Townshend, R. W.
Bowman,	Gibson,	Muller,	Tucker,
Bragg,	Godshalk,	Murch,	Turner, Thomas
Brewer,	Goode,	Neal,	Tyler,
Briggs,	Hammond, John	Newberry,	Urner,
Cabell,	Harmer,	O'Brien,	Wait,
Caldwell,	Harris, Benj. W.	O'Connor,	Ward,
Camp,	Heilman,	O'Neill,	Weaver.
Carlisle,	Henderson,	Orth.	Wells,
Chittenden,	Henry,	Osmer,	Wilber,
Claffin,	Hill,	Philips,	Williams, C. G.
Clark, Alvah A.	Horr,	Pierce,	Wilson,
Clark, John B.	Hostetler,	Reagan,	Wood, Fernando
Clymer.	Hubbell,	Rice,	Wood, Walter A.
Colerick,	Hutchins,	Richardson, D. P.	Wright,
	James,	Richardson, J. S.	Yocum,
Conger,		Pohogon	Young Conor
Converse,	Joyce,	Robeson,	Young, Casey
Covert,	Kenna,	Ross,	Young, Thomas L.
Cowgill,	Killinger,	Russell, W. A.	
Cox,	Kitchin,	Samford,	

So the amendments of the Senate were concurred in.

During the roll-call the following pairs were announced from the

Mr. STEPHENS. I am paired on this star-service bill with Mr. BLAND. I would vote in favor of concurring in the Senate amendments, and he would vote against the Senate amendments.

Mr. McKinley is paired with Mr. Bouck. If Mr. McKinley were present, Mr. Bouck would vote "no."

Mr. BAYNE with Mr. MARTIN of Delaware on all political questions,

but not regarding this as such question, had voted.

Mr. McGowan with Mr. Thomas Turner. If Mr. Turner were present, Mr. McGowan would vote to concur in the Senate amend-

Mr. Aiken, who favors the Senate amendments on the star-route deficiency, is paired with Mr. Philips, of Missouri, who is confined to his room by sickness.

Mr. Harmer with Mr. Simonton until Tuesday, April 5. Mr. Fort with Mr. O'Brien.

Mr. Smith, of Georgia, with Mr. Wilber.
Mr. Dick with Mr. Martin, of West Virginia.
Mr. Pierce with Mr. Kimmel.
Mr. Einstein with Mr. Clark, of New Jersey.

Mr. EINSTEIN WITH Mr. CLARK, OF New Jersey.
Mr. HUTCHINS with Mr. DWIGHT until April 13.
Mr. ROBESON with Mr. TUCKER on this bill.
Mr. LOUNSBERY with Mr. BAILEY, but believing that he [Mr. BAILEY] would vote in accordance with the unanimous opinion of the House committee, Mr. LOUNSBERY had voted "no."
Mr. TOWNSHEND, of Illinois, with Mr. HENDERSON.
Mr. TALBOTT with Mr. BRIGGS.
Mr. WILLIAM WITH MR. BRIGGS.

Mr. Weaver with Mr. Bingham.
Mr. Clymer with Mr. Conger.
Mr. Hostetler with Mr. Horr.
Mr. Heilman with Mr. Caldwell.

Mr. FERNANDO WOOD with Mr. CHITTENDEN.

Mr. Morse with Mr. Brewer. Mr. Sherwin with Mr. Wright:

Mr. HILL with Mr. RICE Mr. MULLER with Mr. MILLER.

Mr. SMITH, of Pennsylvania, with Mr. HENRY. Mr. O'CONNOR with Mr. BOWMAN. Mr. BALLOU with Mr. SMITH, of New Jersey.

Mr. GOODE with Mr. OSMER.

Mr. Wilson with Mr. Oster.
Mr. Young, of Ohio, with Mr. Covert.
Mr. Martin, of North Carolina, with Mr. Kitchin.
Mr. Loring with Mr. Sprer.

Mr. Cowgill with Mr. Wells.
Mr. Ross with Mr. Russell, of Massachusetts.
Mr. Townsend, of Ohio, with Mr. Evins,
Mr. Harris, of Massachusetts, with Mr. Davidson.
Mr. Reagan with Mr. O'Neill.
Mr. Converse with Mr. Sapp.
Mr. Beale with Mr. Wait.
Mr. Ladd with Mr. Joyce.
Mr. McLane with Mr. Urner.
Mr. Williams, of Wisconsin, with Mr. Deuster.
Mr. Bliss with Mr. Newberry.
Mr. Aldrich, of Rhode Island, with Mr. Samford.

Mr. Aldrich, of Rhode Island, with Mr. Samford. Mr. Richardson, of New York, with Mr. Richardson, of South Carolina.

Mr. FINLEY with Mr. CLAFLIN. Mr. CABELL with Mr. FISHER. Mr. Bragg with Mr. James. Mr. Kenna with Mr. Carlisle. Mr. Camp with Mr. Beltzhoover. The vote was then announced as above recorded.

Mr. STONE moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The SPEAKER. The question now is upon concurring in the Senate amendments to the title. If there be no objection the title will stand as amended by the Senate.

There was no objection, and it was ordered accordingly.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the follow-

ing cases:
Mr. Warner, until Thursday next.
Mr. Knort, indefinitely after to-morrow, on account of sickness.

Mr. LE FEVRE, for two weeks.

ORDER OF BUSINESS.

Mr. KELLEY. I move that the House do now adjourn.
Mr. WHITE. And pending that I move that when the House adjourns it be to meet on Monday next.

Mr. McMAHON. Oh, no.
The House divided; and there were—ayes 86, noes 45.
Mr. ALDRICH, of Illinois. I make the point of order that no quorum has voted.

Mr. DIBRELL and others demanded the yeas and nays.

The SPEAKER. The yeas and nays will determine the point made by the gentleman from Illinois.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 65, not voting 148; as follows: YEAS-79

Anderson,	Ellis,	Kelley,	Robertson,
Armfield,	Errett,	King.	Ryan, Thomas
Bachman.	Felton.	Knott,	Ryon, John W.
Barber.	Forney.	Lapham,	Shelley,
Bayne,	Gillette,	Marsh.	Singleton, J. W.
Beale.	Gunter.	Mason.	Singleton, O. R.
Belford,	Hall.	McCoid.	Smith, William E.
Bicknell.	Hammond, N. J.	Miles,	Updegraff, J. T.
Browne,	Haskell.	Mitchell,	Upson,
Butterworth,	Hawley,	Muldrow.	Valentine,
Calkins,	Hazelton.	Murch.	Vance,
Carpenter,	Henkle,	Myers,	Van Voorhis.
Carpenter, Caswell.	Herbert,		Van Voornis, Voorhis.
		New,	
Cobb,	Herndon,	Nicholls,	Warner,
Coffroth,	Hooker,	Norcross,	Weaver,
Covert,	Houk,	Overton,	Wellborn,
Culberson,	Humphrey,	Page,	White,
Daggett,	Hurd,	Persons,	Whitthorne,
De La Matyr,	Jones,	Phister,	Williams, Thomas.
Elam,	Keifer,	Prescott,	

A Comment	NAY	75-65.	
Aiken,	Davis, Lowndes H.	Kenna,	Shallenberger,
Aldrich, William		Klotz,	Slemons,
Atkins,		Lowe,	Sparks,
Baker,		McKenzie,	Steele,
Berry,	Dibrell,	McMahon,	Stevenson,
Blackburn,	Dunnell,	McMillin,	Taylor,
Blake,	Ewing,	Mills,	Thompson, P. B.
Blount,	Farr,	Monroe,	Tillman,
Bouck,	Forsythe,	Pound,	Turner, Oscar
Bright,	Frye,	Price,	Van Aernam,
Buckner,	Geddes,	Reed,	Waddill,
Burrows,	Hatch,	Richardson, J. S.	Washburn,
Cabell,	Hawk,	Richmond,	Whiteaker,
Cannon,	Hiscock,	Robinson,	Willis.
Coleriek,	House,	Rothwell,	
Cook,	Hull,	Sawyer,	

Cravens,	Hunton,	Scales,	
	NOT	VOTING-148.	
Acklen, Aldrich, N. W. Atherton, Bailey, Ballon, Barlow, Beltzhoover, Bingham,	Bland, Bliss, Bowman, Boyd, Bragg, Brewer, Briggs, Brigham,	Caldwell, Camp, Carilsie, Chalmers, Chittenden, Claffin, Clardy, Clark, Alvah A.	Clark, John E Clymer, Conger, Converse, Cowgill, Cox, Crapo, Crowley.

Davidson,	Horr,	Morse,	Speer,
Deering.	Hostetler.	Morton,	Springer.
Deuster,	Hubbell,	Muller,	Starin,
Dick.	Hutchins,	Neal.	Stephens,
Dickey,	James,	Newberry,	Stone,
Dunn,	Johnston,	O'Brien,	Talbott.
Dwight,	Jorgensen.	O'Connor,	Thomas,
Einstein,	Joyce,	O'Neill.	Thompson, W.G
Evins,	Ketcham,	O'Reilly,	Townsend, Amos
Ferdon,	Killinger,	Orth,	Townshend, R. W.
Field,	Kimmel,	Osmer,	Tucker.
Finley,	Kitchin,	Pacheco,	Turner, Thomas
Fisher,	Ladd,	Phelps,	Tyler,
Ford,	Le Fevre,	Philips,	Updegraff, Thomas
Fort,	Lewis,	Pierce,	Urner,
Frost,	Lindsey,	Poehler,	Wait,
Garfield,	Loring,	Reagan,	Ward.
Gibson,	Lounsbery,	Rice,	Wells,
Godshalk,	Manning,	Richardson, D. P.	Wilber,
Goode,	Martin, Benj. F.	Robeson,	Williams, C. G.
Hammond, John	Martin, Edward L.	Ross,	Willits,
Harmer,	Martin, Joseph J.	Russell, Daniel L.	Wilson,
Harris, Benj. W.	McCook,	Russell, W. A.	Wise,
Harris, John T.	McGowan,	Samford,	Wood, Fernando
Hayes,	McKinley,	Sapp,	Wood, Walter A.
Heilman,	McLane,	Sherwin,	Wright,
Henderson,	Miller,	Simonton,	Yocum,
Henry,	Money,	Smith, A. Herr	Young, Casey
Hill,	Morrison,	Smith, Hezekiah B.	Young, Thomas L.

The result of the vote was then announced as above recorded. Mr. DIBRELL. I make the point of order that no quorum has voted, and move that the House do now adjourn.

Mr. WHITE. I move that there be a call of the House.

The SPEAKER. The Chair will entertain both the motions sub-

mitted in their order.

The gentleman from Tennessee makes the point of order that no quorum has voted. Less than a quorum cannot adjourn over, although the Constitution provides that less than a quorum may adjourn from day to day.

Mr. MILLS. The Committee on Appropriations are ready to report

another bill.

The SPEAKER. And pending the motion for a call of the House, the gentleman from Tennessee moves that the House do now adjourn.

The first question will be on a motion to adjourn.

The House divided; and there were—ayes 37, noes 46.

Tellers were ordered; and Mr. Mills and Mr. Keifer were appointed. The House again divided; and the tellers reported-ayes 43, noes

So the House refused to adjourn.

The SPEAKER. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. White] that there be a call of the House

A call of the House was ordered, more than fifteen members vot-

ing therefor.

Mr. HAWLEY. I hope we will not enter upon this. The majority

of the House want to adjourn over until Monday.

Mr. WHITE. I demand the regular order.

Mr. BRIGHT. I rise to a point of order. I wish to know how many it takes to order a call of the House.

The SPEAKER. Fifteen, under the Constitution.

Mr. MILLS. Business having intervened, I move that the House depends adjourned.

Mr. Milles. Business having intervened, I move that the House do now adjourn.

The SPEAKER. There has been no intervening business.

Mr. MILLS. There has been a motion for a call of the House, and several speeches by members. [Laughter.]

Mr. SPARKS. Suppose we compromise this matter by having a session to-morrow for debate only.

Mr. BAKER. I object to that.

Mr. MILLS. I move that we have a session to-morrow for the consideration of business on the Private Calendar.

Mr. WHITE. I demand the regular order.

The SPEAKER. There is no quorum voting, and there is nothing in order but a motion to adjourn or to proceed with the call of the

Mr. HUMPHREY. I wish to inquire of the gentleman from Illi-

nois what his motion was?

Mr. SPARKS. To have a session for debate only to-morrow.

The SPEAKER. To which there is objection. The gentleman

The SPEAKER. To which there is objection. The gentleman from Indiana objects.

Mr. MILLS. Is there any objection to devoting to-morrow to the Private Calendar? [Cries of "Regular order!"]

The Clerk proceeded to call the roll, but before it was completed, Mr. WHITE said: With the understanding there will be no objection to a session to-morrow for debate, I will withdraw the motion for a call of the House.

Mr. ELLIS. I object.

The Clerk proceeded with the call of the roll. Before completing it, Mr. HUMPHREY said: I understand the gentleman from Louisiana [Mr. ELLIS] has withdrawn his objection. I move to suspend

ana [Mr. ELLIS] has withdrawn his objection. I move to suspend the calling of the roll.

The SPEAKER pro tempore, (Mr. TOWNSHEND, of Illinois.) The call of the roll cannot be suspended.

Mr. WHITE. I suppose it may be by unanimous consent.

Mr. KEIFER. Is it not in order to move that all further proceedings under the call be dispensed with?

The SPEAKER pro tempore. It would require unanimous consent while the roll is being called. If there be no objection the call of the roll will be suspended and further proceedings under the call will be dispensed with. The Chair hears no objection.

Mr. WHITE. I now ask that by unanimous consent the session of the House to-morrow be for debate only,

Mr. MILLS. I suggest we take up the Private Calendar to-mor-

The SPEAKER pro tempore. Is there objection to the proposition of the gentleman from Pennsylvania?

Mr. MILLS. I object.

Mr. WHITE. Then I move a call of the House.

Mr. MILLS. I withdraw my objection.

The SPEAKER pro tempore. The Chair hears no further objection to the property of t

Mr. MILLS. I withdraw my objection.

The SPEAKER pro tempore. The Chair hears no further objection to the proposition of the gentleman from Pennsylvania.

Mr. WHITE. I move that the House do now adjourn.

Mr. HAWLEY. What is the arrangement for to-morrow's session? The SPEAKER pro tempore. By unanimous consent, it is assigned for general debate only—no business to be transacted.

The motion to adjourn was agreed to; and accordingly (at five checks and treatment of the large adjourned.)

o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of John G. Scherzer, for a pension—to the Committee on Invalid Pensions.

By Mr. NELSON W. ALDRICH: The petition of Henry Lippitt, of Providence, Rhode Island, for a change of the name of the schooner-yacht Cornelia—to the Committee on Commerce.

By Mr. ATHERTON: The petition of Joe Atwell and 300 others, citizens of New Straitsville, Ohio, for the enforcement of the eighthour law—to the Committee on Education and Labor.

By Mr. BURROWS: The petition of citizens of Michigan, that the

By Mr. BURROWS: The petition of citizens of Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents

By Mr. CARPENTER: Joint resolution of the General Assembly of the State of Iowa, in relation to interstate commerce-to the Com-

mittee on Commerce.

Also, memorial of the General Assembly of the State of Iowa, in relation to the Des Moines River lands—to the Committee on the Public Lands.

Also, memorial and joint resolution of the General Assembly of the State of Iowa, in reference to remitting and abating the internal-revenue legacy tax—to the Committee on Ways and Means.

Also, memorial and joint resolution of the General Assembly of the

State of Iowa, in relation to locating lands by the several counties of the State—to the Committee on the Public Lands.

By Mr. COVERT: The petition of D. M. Ripley and others, citizens of New York, for the opening of a channel connecting Lloyds' Harbor with Cold Spring Bay, New York—to the Committee on Com-

By Mr. DAVIS: The petition of citizens of Ballinger County, Mis-

By Mr. DAVIS: The petition of citizens of Ballinger County, Missouri, for the equalization of bounties of soldiers of the late war—to the Committee on Military Affairs.

By Mr. DEERING: The petition of 560 citizens of Chickasaw County, Iowa, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. EWING: The petitions of Miles T. Blake and other exsoldiers, and of Vincent Daily and other ex-soldiers, of Gallia County, Ohio, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of H. H. Shaw and 34 other soldiers of Ohio, for the passage of the Weaver soldier bill—to the

same committee Also, the petition of H. H. Shaw and 34 other soldiers of Ohio, against the passage of Senate bill No. 476—to the Committee on Invalid Pensions

By Mr. HOUK: The petition of Wright French, guardian of the

children of James Finger, for a pension—to the same committee.

By Mr. HOUSE: The petition of citizens of Caldwell County,
Kentucky, for relief from regie contracts—to the Committee on For-

eign Affairs.

By Mr. HUMPHREY: Memorial of the Legislature of Wisconsin, asking for the payments of awards made for flowage caused by the construction and maintenance of the Fox and Wisconsin Rivers improvement-to the Committee on Claims.

Also, memorial of the Legislature of Wisconsin, asking for the construction of a harbor of refuge at Milwaukee, Wisconsin, and for an appropriation for the harbor at Manitowoc—to the Committee on Commerce.

By Mr. LINDSEY: The petition of Lovel Shattuck, for a pension—to the Committee on Invalid Pensions.

By Mr. MILLS: The petition of Mrs. Florida Kennerly, for a pension—to the Committee on Pensions.

By Mr. NEWBERRY: The petition of Henry A. Robinson and 703 others, of the first congressional district of Michigan, for the enforce-

ment of the eight-hour law-to the Committee on Education and

Labor.

By Mr. NICHOLLS: A bill to appropriate \$7,000 to improve the inland navigation between Savannah, Georgia, and Jacksonville, Florida—to the Committee on Commerce.

By Mr. PHELPS: The petition of Tuttle, Morehouse & Taylor, and other printers and electrotypers, of New Haven, Connecticut, against the repeal of the duty on printing type and material—to the Committee on Ways and Means.

By Mr. PIERCE: The petition of citizens of Eric County, New York, against the passage of Senate bill No. 496—to the Committee on Invalid Paneions.

Invalid Pensions

By Mr. ROTHWELL: The petition of druggists, of Missouri, for

By Mr. ROTHWELL: The petition of druggists, of Missouri, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. VAN AERNAM: The petition of F. M. Paley, editor of the Argus, Franklinville, New York, for the abolition of the duty on type—to the same committee.

By Mr. WALTER A. WOOD: The petition of members of the International Institute for Preserving Weights and Measures and others, against the further introduction of the French metric system—to the Committee on Coinage, Weights, and Measures.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 3, 1880.

The House met at twelve o'clock m., Mr. CARLISLE in the chair as

Speaker pro tempore.
Prayer by Rev. David Wilson, D. D., of Washington, District of

Columbia.

The SPEAKER pro tempore. The Clerk will read the following letter received from the Speaker of the House.

The Clerk read as follows:

WASHINGTON, D. C., April 2, 1880.

Washington, D. C., April 2, 1880.

Sir: I expect to be absent from the House of Representatives during to-morrow's (Saturday's) session, and in consequence herewith name and appoint you, under power given me by the rules of the House, to act as Speaker in my stead for that day.

Your obedient servant,

SAM. J. RANDALL, Speaker.

Hon. John G. Carlisle, Representative from Kentucky.

The SPEAKER pro tempore. The session of to-day having been set apart by order of the House for debate only, the Journal of yesterday's proceedings will not be read. It will be read on Monday.

RECORD OF MILITARY OPERATIONS OF GENERAL BUELL.

Mr. McKENZIE. I desire to enter a motion to reconsider. On Thursday last a resolution for the printing of the revised record of the military operations of Major-General Don Carlos Buell was reported adversely from the Committee on Printing by the gentleman from Illinois [Mr. HAYES] while I was not in the House, and the resolution was laid on the table. I desire to enter a motion to reconsider the vote by which the resolution was laid on the table.

The SPEAKER pro tempore. It appears from the Journal that the report was made from the Committee on Printing the day before yesterday, and that the resolution was laid upon the table. Consequently under the rules of the House even if it were in order to entertain such a motion to-day, which is set apart for debate only, it would be too late now to enter the motion to reconsider.

Mr. McKENZIE. I will say if I had been in my seat at the time the resolution was reported I would have asked that it be placed on the Calendar. I therefore desire now to enter a motion to reconsider.

the Calendar. I therefore desire now to enter a motion to reconsider. I ask unanimous consent for that purpose.

The SPEAKER pro tempore. The Chair suggests to the gentleman from Kentucky that on Monday morning unanimous consent can be asked to place the bill on the Calendar.

Mr. McKENZIE. Then I give notice that on Monday I will ask unanimous consent for that purpose. I am informed that it would have been my right to have had the resolution go to the Calendar if I had made that request at the time it was reported.

The SPEAKER pro tempore. It would. If the gentleman had been in the House at the time the report was made he could have demanded as a matter of right that it should be placed on the Calendar as an adverse report.

adverse report.

Mr. McKENZIE. Does the Chair decide I have lost that right The SPEAKER pro tempore. The Chair decides the gentleman has lost the right to enter a motion to reconsider; but the Chair does not now decide what his right may be on Monday, a day set apart for legislative business, if he shall then ask to have the report placed upon the Calendar.

Mr. McKENZIE. I suppose I can ask unanimous consent on Monday to place the resolution on the Calendar.

The SPEAKER pro tempore. Certainly, that can be done on Monday.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House resolve itself into Committee

of the Whole on the state of the Union for purposes of general de-

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. McMillin in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of general debate. The gentleman from New York [Mr. COVERT] is entitled to the floor.

TARIFF REVISION.

Mr. COVERT addressed the committee on the subject of tariff revision. [His remarks will be found in the Appendix.]

THE INDIAN QUESTION.

Mr. DOWNEY addressed the committee. [His remarks will be found in the Appendix.]

REFORM IN CIVIL SERVICE.

Mr. JONES. Mr. Chairman, I would not claim the attention of the House upon the bill under consideration but for the attack made by its advocates upon our constitutional form of government, in that fraudulency in the Chief Magistracy is charged. If this be true, it is indeed a sad commentary upon our institutional liberty so long and so devotedly cherished by the votaries of freedom throughout the civilized world. Government must needs be either personal or institutional. Whatever its form, in its economy one or the other will predominate and direct its administration.

The President and his acts are very properly subject to criticism and censure. The person is accidental, temporary, and of comparative unimportance; while the Presidency in the present incumbent is not only institutional, but, filtered through both of the other coordinate departments, possesses the very highest authentication the Government is capable of giving. Therefore if spurious, the Government is a failure, its philosophy a sophism, and the people deluded in believing its institutions safe depositories for their rights and liberties. It is no escape to say that the authentication legitimates, for this involves organic distemper in the departments attesting. Our Covernment depends upon the affection and applicance of the condense of the conden Government depends upon the affection and confidence of the people. Alienate the former and destroy the latter, and revolution follows as

a matter of course.

Convince the people that the President is a fraud and the Supreme Court venal and you will have accomplished both and prepared the way for a Cæsar or Napoleon. All experience teaches that upon complicated and disputed questions the opinions of men are formed and controlled by motives of interest and ambition rather than inspired controlled by motives of interest and amotion rather than inspired by truth and guided by reason; hence the supreme necessity in a republic for tribunals whose decisions shall be conclusive. Whoever denounces those that we have as venal and false is preparing an appeal to others. I do not assert that such is always the purpose, though such is always the tendency. Men do not always intend the probable consequences of their acts. Other powerful motives sometimes blind them to or render them reckless of the consequences. In republics none has proved so powerful and fatal as partisan zeal. In republics none has proved so powerful and fatal as partisan zeal. It hides the faults of associates and denies the virtues of opponents; and, too frequently, mistaking partisan necessity for the public welfare, is fruitful of national calamities. The recent past bears witness. All questions of practical importance between the democratic and republican parties having been settled, an issue calculated to keep alive their prejudices and partialities was an absolute necessity to their continued existence. It was found in the abstract sentimental question of slavery in the Territories. Upon it the hosts were marshaled, elections had, and the land drenched in fraternal blood. Now again all real issues involving principle between the old parties having been settled, some abstract, sentimental issue is an absolute necessity to keep alive the old parties by keeping the prejudices and partialities engendered by them predominant in their councils, and thus tialities engendered by them predominant in their councils, and thus save them from the disintegration which new issues would inevit-

What are these old parties, weighed in the balances against the happiness and liberties of the American people? Incapable of dealing with new and practical questions in politics, they can but serve to obstruct and ruin. Fit for nothing but wrangle and spoil, they have survived their usefulness and must be abandoned. "Does a prudent man put new wine into old bottles or new cloth into an old gar-ment?" In behalf of my constituents, to whom practical, useful measures of public policy are paramount to "pride of antecedents," I protest against the prostitution of legislation to the uses of faction.

REMOVAL OF CAUSES FROM STATE TO UNITED STATES COURTS

Mr. ATHERTON addressed the committee in relation to the bill reported by Mr. Townshend, of Illinois, for the removal of criminal causes from State to United States courts. [His remarks will be found in the Appendix.]

THE FUNDING BILL.

Mr. FORD. Mr. Chairman, the bill 4592, reported from the Committee on Ways and Means by the distinguished gentleman from New York, [Mr. FERNANDO WOOD,] and entitled "A bill to facilitate the refunding of the national debt," invites the most serious attention not only of Congress but of the whole country. Under the provisions of this bill "the Secretary of the Treasury is authorized to issue bonds in the amount not exceeding \$500,000,000, which shall bear interest at the rate of 31 per cent per autom radeemable at the pleasure of at the rate of 31 per cent. per annum, redeemable at the pleasure of

the United States after twenty years, and payable forty years from the date of issue; also notes in the amount of \$200,000,000, bearing interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue, but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year."

This proviso, Mr. Chairman, denies to the people the privilege of paying off the national indebtedness as speedily as to them might seem desirable, and whether so intended must inevitably result in the

seem desirable, and whether so intended must inevitably result in the seem desirable, and whether so intended must inevitably result in the perpetuation of a burden beneath which the whole country is prostrated to-day. The bill is therefore objectionable, and may with propriety be placed in the category of devices designed to foster and protect special interests at the expense of the varied industries of our country. This conclusion is undeniable, as will be apparent by examining section 5 of the bill, which provides that "from and after the 1st day of July 1880 the 31 percent bonds authorized by the first see ining section 5 of the bill, which provides that "from and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation." Doubtless the purpose of the gentleman from New York is the popularizing of a lower rate of interest, but in endeavoring to accomplish this most desirable result he guarantees a protectorate to a system of banking that many conscientious people believe to be dangerous and oppressive, a system that secures special advantages to capital and the abolition of which could only result in the removal of discriminations that are deemed unjust and invidious. I believe sir, in view of the proposition now being considered this is I believe, sir, in view of the proposition now being considered, this is an auspicious and opportune occasion to review the financial policy to which the Government has been committed, and, if mistakes have been made, earnestly endeavor to rectify them. A sound financial policy, just alike to poor and rich, is not only essential to the existence of the Government but the prosperity of the people, and a correct solution of the problem demands the most careful, painstaking

investigation upon the part of Congress.

In attempting to examine this subject and give expression to honest convictions, in view of all that has been said and written by eminent thinkers, I recognize the importance and magnitude of the task. The theories advocated are as numerous as the speakers and writers who theories advocated are as numerous as the speakers and writers who have ventured to discuss it; hence to advance any new thought at this time is a somewhat difficult matter. And yet, sir, as a member of this House, endeavoring to represent an intelligent constituency whose interests may be very seriously affected by unwise legislation, I am impelled by a sense of duty to contribute (it may be very little) to a proper understanding of this important question. I will labor to avoid as much as possible a repetition of the opinions of others. The avoid as much as possible a repetition of the opinions of others. The bill now being considered is very suggestive, and involves the financial question in its entirety. The money problem remains unsolved, else why this proposition? Its correct solution is imperatively demanded. What is money? Whom does the Constitution authorize to issue it? One school of statesmen and political economists assert that money and metal are synonomous terms. Honest money, with

that money and metal are synonomous terms. Honest money, with
these teachers, is gold only; and we are assured in the most dogmatic
manner that God is the champion of this class of thinkers, as He has
placed within the reach of labor this valuable deposit.

I recognize all the truth there is in this proposition. That we are
indebted to Deity for the metal few will deny, but I submit it is the
duty of Government to issue money. Congress declares what is
money, notwithstanding the assumption of the school to which I have
referred and Congress alone has the power to utter this declaration. referred, and Congress alone has the power to utter this declaration. The act of Congress in accordance with the mandates of the supreme law will not be questioned by any gentleman on this floor; it is clothed with authority that cannot be successfully assailed. This branch of the Government may perform certain acts that are denied to corporations and individuals; and I am assured that by no construction of the Constitution can the people's representatives shirk, if they would, the responsibility thus imposed on them. Mr. Webster, who is recognized as a lexicographer of the highest order, is very explicit in defining the word money. He defines coin a piece of metal on which certain characters are stamped making it legally current as money; coinage, the act of stamping or converting into money. From these definitions I think the conclusion is legitimate that the metal is simply a material, a substance, a commodity. Money, on the contrary, is an evidence of authority exemplifying the power of the Government.

The metal is of great utility in mechanism and the arts indispensable to a high order of civilization, while money is the arbiter of commerce and trade, stimulates through the medium of its circulation the various industries, and prompts labor to the magnificent work of developing the vast resources of the country. Money, therefore, and individuals; and I am assured that by no construction of the Con-

of developing the vast resources of the country. Money, therefore, of developing the vast resources of the country. Money, therefore, is the national expression and possesses worth not because of some hidden inherent value the material used may be supposed to possess, but it is invested with the unquestioned authority of legal enactment, the insignia of the people's will in the law of the land. Therefore the people's Representatives, in accordance with the letter and spirit of the Constitution, have the exclusive undoubted right—it inheres in them—of providing for the public necessity by the issuing of money directly by the Government, that labor may be properly rewarded, prosperity insured, and pauperism rendered impossible. It follows that Congress should not, indeed cannot, transfer this prerogative to an agent, and I am fortified in this conclusion by the text of tive to an agent, and I am fortified in this conclusion by the text of the Constitution:

SEC. 8. Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

It is very evident the founders of the Government did not believe that any combination of capitalists should have the power to fix the value of the money of the country or assume to dictate to the producing classes the value of the season's toil by an expansion or contraction classes the value of the season's toil by an expansion or contraction of the volume of money in circulation, subjecting them to the treacherous standard of speculation stimulated by selfish cupidity. This must be evident upon reflection, because the greatest good to the greatest number is the theory of this Government.

The monometalist ignores this theory of equal rights, insists upon the single standard, and would, had he the power, banish, sweep from the statute-book and hurl from the Mint the silver dollar, thus deny-

ing to Congress the power it has always exercised, assailing its auing to Congress the power it has always exercised, assailing its authority, and impugning its honesty, because it refuses to spurn that historic money whose services were fully appreciated in the past by statesmen and patriots who realized the exact significance of the word honesty. Congress must not persist in trifling with this important matter; to do so invites more vigorous assaults, new attacks by these advocates of class ascendency; with us rests the responsibility of asserting that power and authority with which we are clothed, and we owe this duty to the people to peremptorily prohibit a contin-uance of these encroachments by which the syndicate is empowered to sweep away for a trifling consideration the labor and agricultural product of the country. Congress possesses this power and it should be enforced. In the exercise of its other prerogatives it is jealous and vigilant. Why should this sacred right be regarded as exceptional and unimportant? The Constitution confers on Congress "the power to establish post-offices and post-roads, to declare war, and grant letters of marque and reprisal, to constitute tribunals inferior to the Supreme Court, to define and punish piracies on the high seas, to raise and support armies, to make rules for the government of the land and naval forces, to suspend the writ of habeas corpus in cases of rebellion or

forces, to suspend the writ of habeas corpus in cases of rebellion or invasion when the public safety may require it."

These powers, prerogatives, I repeat, are conferred only on Congress, and when the occasion demands action, when the public exigencies justify their assertion, it is not within the power of this body to constitute an agency with authority to do that which under the Constitution can only be done by the people's representatives in their organized capacity. Congress declares war, and the history of the Republic assures us most positively of the anxiety and solicitude ever exhibited by the legislative branch of the Government in reserving to itself this most salutary and essential power, enabling the people to itself this most salutary and essential power, enabling the people to control and restrain ambition by an application of the force of public opinion. We look in vain for ambiguity or uncertainty in these congressional declarations when a crisis has been reached demanding a vigorous expression of opinion. Then there is manifested an intense desire to proclaim the inviolability of this prerogative, and nowhere is it written, neither can it be without changing our organic law, that corporations or individuals may declare war in the name of the nation. Congress has the power to raise and support armies. By this wise constitutional provision the very existence of society is placed under the protection of the legislative branch of the Government.

Does a hostile foe attempt an invasion of our country, are his ships of war threatening our seaboard cities, the commercial emporiums of our young, proud Republic; are our liberties threatened, our peace endangered by the teachings of the disciples of despotism; must we arm in defense of nationality, the voice of Congress is proclaimed throughout the land, the people are summoned to do their duty, whether it be to drive out the invader or preserve peace and tranquillity at home; the nation's will is registered in the congressional decree, a function of government is performed, and it would be paying a poor a function of government is performed, and it would be paying a poor tribute to the general virtue and intelligence to assert that an attempt to delegate such authority to a corporation or individual would be submitted to or tolerated by the people. The summons is obeyed cheerfully, enthusiastically by brave men, who would treat contempt-nously the pretensions of an improvised aristocracy having congressional letters-patent authorizing them to assume dictatorial powers

sional letters patent authorizing them to assume dictatorial powers in such grave emergency.

Congress makes rules for the government of the land and naval forces; another illustration of the superior wisdom of the founders of our republican system, impressing us with their profound knowledge of the details of government, peace, and harmony, without which progress is impossible, are assured in imposing upon the direct representatives of the people the sacred trust of securing order, the protection of the humblest citizen in his rights under the law, and were an attempt made to transfer this power to a corporation, a protest would be uttered against the crime that would fill this whole land and recoil with fearful effect upon the public servants who had thus betrayed the trusts reposed in them. Upon Congress is conferred the power to suspend the writ of habeas corpus; by this act the liberty of the individual may be jeopardized, social position ignored, the dignity of the citizen trifled with, the protestations of friends disregarded; the suspected party exclaims he is innocent; his voice is unheard, his protestations unheeded; a power is unchained that seizes upon men whom calumny has never dared attack before, whose lives were supposed calumny has never dared attack before, whose lives were supposed to be above suspicion.

Why the exercise of such extraordinary power? Because the existence of the State may be endangered, and in such moment of peril the dignity of the citizen must pale—yield submissively in the presence of authority. Will any gentleman assert that prudence and patriot-

ism would suffer this arbitrary power to pass under the control of one man or a number of men, not responsible to the people, because Congress desired to abdicate in their favor? To thus impeach the sturdy integrity of the masses might be deemed wise and statesman-like under the gloomy shadow of absolutism, but would be very properly denounced and resolutely opposed in this country. I have, sir, at some length enumerated causes calling forth an exercise of power than the country of the country. by Congress—extraordinary power, if you will; I could cite many others. I trust enough is indicated to show the evil tendency of legislation that suffers the existence of combinations shielded and protected in exclusive and valuable privileges, and I believe without warrant or authority under the Constitution, which declares in the warrant or authority under the Constitution, which declares in the most positive and emphatic language that Congress shall have exclusive power over the money of the country. The Constitution is mandatory and directly in conflict with the theory of special privileges that are as dangerous and subversive of the principles of republican government when applied to the issuing of money by corporations as it would be to intrust to them control over the liberty of the citizen.

of the citizen.

If it be safe, sir, to clothe corporations with authority to regulate the volume of money in circulation, upon which depends the happiness and prosperity of nearly fifty millions of people, then let us dispense with the empty, unmeaning forms of national and individual freedom, and empower them to suspend the writ of habeas corpus. It is trifling with the people to tell them the financiers may determine the amount of bread they shall eat—the price of the product of honest labor—but solemnly assure them that Congress will never transfer their liberties into the limited sphere dominated by the lords of special privilege. I believe the policy of chartering national banks is dangerous and will, if persisted in, prove a fatal experiment, and I am assured by able jurists is wholly unconstitutional. The nation's money should not be filtered through these banks whose existence is based upon Government bonds, upon the nation's indebtedness, is based upon Government bonds, upon the nation's indebtedness whose power and influence must ever be wielded in obedience to the rapacious demands of the system in opposing the too rapid payment of the national debt, as the extinction of our indebtedness would retire the bonds—a calamity from which the syndicate ever prays to be

Our vast overwhelming debt must be paid and all the resources of the Government that are available should be employed to reach that the Government that are available should be employed to reach that result as speedily as possible. The millions now unused in the Treasury should be devoted to this grand purpose, and the money of the nation substituted for the paper credit of corporations. Congress is called upon to act for all the people, and I submit it cannot abandon, sacrifice, the millions by trusting the volume of money, upon which everything depends leading to our material prosperity, to the caprice and ambition of national bankers. The Government is authorized to issue the bonds provided for in the bill under consideration. Why cannot the Government with could propriety, by virtue of its sovercannot the Government with equal propriety, by virtue of its sovereignty, issue full legal-tender money? The power to make anything save gold and silver a full legal tender is denied to States, corporations, and individuals, and can only be exercised by the General Gov-ernment, and ought to be in justice to the labor of the country. Is this proposition correct?

Mr. Chairman, it is argued with much plausibility that the Government does not possess this power. This authority is passionately denied to Congress. I am persuaded it has this right and should exercise it to save the people from the avarieous grasp of corporations whose power may be used at any moment for their own aggrandizement. But if Congress be bound by constitutional limitation from the exercise of this congress is a constitutional limitation from the exercise. But if Congress be bound by constitutional limitation from the exercise of this sovereign power, and wanting in which this Government is robbed of one of its highest attributes, by what species of logic do we arrive at the conclusion that Congress can invest national banks with an authority which it is stoutly contended it cannot exercise itself? Congress is a representative body; its members come to this Capitol from all sections of the country; they are supposed to be conversant with the wants of the people. Manufactures, cotton, corn, a great variety of interests are, or should be, considered. The theory is that the Representative is desirous of believe his consistents, and is that the Representative is desirous of helping his constituents, and his words are entitled to respectful consideration. But, sir, should he ascribe to want of sufficient money in circulation depression of business, labor poorly paid, the cotton, corn, and calico selling at famine prices, his sanity is immediately called in question; he is pronounced a fit subject for ridicule, if not the asylum; he is informed his opinions on other subjects may be very clever and possess some merit, but finance he is utterly ignorant of; his temerity and audacity are promptly rebuked.

The financial question may be abstruse, as difficult to understand as is asserted; and yet I venture the opinion that the men who are, theoretically at least, supposed to be sufficiently intelligent to vote theoretically at least, supposed to be sufficiently intelligent to vote honestly and understandingly on every other question that enters into the political thought of the day will with great reluctance consent that the power of the national banks shall be perpetuated by the adoption of the bill under consideration. The people insist that Congress shall do its whole duty and adopt such policy as will enable the producers of all wealth, the toilers, to realize a just and equitable price for their product; and this they believe can only be effected by the issuing of a sufficient amount of money to meet the business requirements of the country.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. JOYCE. Mr. Chairman, on the 21st of April last, at the earnest request of thousands of women and men in my State who feel a deep interest in the cause of temperance and who are opposed to the manufacture, sale, and use of intoxicating liquors as a beverage, I intro-duced a bill in this House "to provide for the appointment of a com-mission on the subject of the alcoholic liquor traffic," with a view to the collection of facts and statistics relating to that subject, on which to base legislation which shall tend to restrict its manufacture and sale and diminish its use

That bill was referred to the Committee on the Judiciary, where, with other bills of like import introduced by me and referred to the same committee in the Forty-fourth and Forty-fifth Congresses, it would have probably slept in undisturbed repose forever for all that that committee would have been likely to have done to disturb it. But subsequent to the time I introduced that bill, and during the last session, on motion of the gentleman from Maine, [Mr. FRYE,] a select committee was raised upon this subject to which was referred all bills and petitions relating to this matter. That committee, after a careful consideration of the subject, on the 27th of March, through the gentleman from Michigan, [Mr. Brewer,] made a report recommending the passage of a bill, which is, with one or two slight additions, in all essential particulars like the one I had the honor to intro-

Now, sir, in order to get the attention of gentlemen directly to the scope and purpose of the bill, before I proceed to discuss its merits I will ask the Clerk to read it.

The Clerk read as follows:

A bill providing for the appointment of a commission on the subject of the alcoholic liquor traffic.

The Clerk read as follows:

A bill providing for the appointment of a commission on the subject of the alcoholic liquor traffic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, not all of whom shall be advocates of profit or trust in the General Government or any State government. The said commissioners shall be selected solely with reference to personal fliness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic, formented, and vinous liquor traffic and manufacture with reference to revenue and taxation, and the effect of each class of such liquors in their economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire into the practical results of taxation and license, and of restrictive legislation for the prevention of intemperance in the several States. Territories, and District of Columbia.

Sec. 2. That the said commissioners shall further ascertain, as near as may be, the number of galons of wine, beer, or distilled liquors annually consumed in different countries, more especially within the United States; the number of deaths annually from alcoholism, the number and character of crimes resulting from the use of alcoholic and malt liquors, and the diseases produced by the use thereof, mental as well as physical; the number of arrests for drunkenness; the amount of pauperism produced by the use of such liquors; the amount of revenue received by the Government from the liquor traffic and liquor framking; the amount of traffic by State and municipal governments; the amount of food transformed into alcohol; the probable retail cost of alcoholic and ma

of their investigation and the expense by him transmitted to Congress.

It will readily be observed that the provisions of this bill are broad enough to cover every possible phase of the subject proposed to be investigated, and that the report of the commissioners, when made, will necessarily include all the information and facts which can be obtained and all that will be necessary to enable Congress to act intelligently and wisely upon the subject.

First, then, I desire to get the attention of the House to

THE VAST AND PARAMOUNT IMPORTANCE OF THIS SURJECT IN ITS RELATION TO THE GOVERNMENT AND THE PEOPLE, AND ITS UNPARTISAN CHARACTER.

To say that this is the most important subject that is now or that To say that this is the most important subject that is now or that can possibly come before Congress, or that can engage the attention, command the consideration, and enlist the efforts of good men everywhere, is to state a proposition which no fair-minded and intelligent man will deny. It is a subject which is pregnant with vast and mighty issues, which not only deeply affects the Government and society at large, but which concerns the health, the happiness, and the lives of thousands of our people.

It is neither sectional nor political; it excites no party feeling; it appeals to no party prejudice; it has no partisan purpose to serve, but only seeks the best good of all our people by means of a thorough sta-

tistical investigation and inquiry, the result of which when reported to Congress shall form a basis for future legislation upon one of the reatest evils that has ever afflicted our race.

The report of a commission, such as is contemplated by this bill, will, we hope and believe, enable Congress to discover and appreciate the direct relation of the traffic in strong drinks, and their use as a beverage, to the trade, the labor, the peace, and the general prosperity of this country. In the discussion of this measure we can for the beverage, to the trade, the labor, the peace, and the general prosperity of this country. In the discussion of this measure we can for the moment forget that we belong to any party or section and act only as American citizens imbued with the spirit of universal fellowship and good-will. There is no room for controversy or division, for it involves no question concerning "returning boards" or "cipher dispatches." As was said by a distinguished member of this House, when advocating the passage of another bill, "this is an occasion which enables us to unite in a great unpartisan effort to promote a great national" object.

A learned writer upon this subject grammed the whole appropriate

A learned writer upon this subject crammed the whole argument in favor of the passage of this measure into a nut-shell when he said that "the chief interest of the State is in the character of its citizens," and that "it is vitally important that a people should encourage and foster only those trades and habits which tend to promote industry,

Mr. Gladstone, the great English premier, once said, when opposing the policy of the government licensing the sale of intoxicating liquors,

the policy of the government licensing the sale of intoxicating liquors, "It is the duty of the government to make it as hard as possible for a man to go wrong, and as easy as possible for him to go right."

The stolid indifference manifested by so many of our people to this great evil may perhaps be accounted for in part by the fact that it has existed so long; the curse has been so universal, admitted by everybody and denied by none, that men have ceased to be excited or alarmed and have come to look upon it as a part of man's original sentence, for which no remedy has been provided and from which there is no escape. there is no escape.

Nothing is truer than that "there are many truths which are readily admitted by everybody and yet are not fully realized by those

The fact that this monstrous evil, which far exceeds those of war, pestilence, and famine combined, is allowed to exist and increase in our country, not only without legal restraint by the General Government, but under the sanction and protection of Federal law, can only be accounted for by the fact that our familiarity with crime some-times so blunts our sensibilities and deadens our feelings that we fail to realize its extent or to get a full and correct idea and impression of its hideous form and gigantic proportions.

Coleridge once said, in speaking of this subject:

Truths of all others the most awful and interesting are too often considered as so true that they lose all the power of truth, and lie bedridden in the dormitory of the soul side by side with the most despised and exploded errors.

It is so with the great evil of intemperance. We have been accustomed to look upon its ravages from our infancy. Rum-selling and rum-drinking, with all their attendant horrors, have always been familiar to us. We have seen men of all ages and in all positions in society fall a prey to the tempter and disappear forever. The great curse has been constantly before our eyes, until we have become hardened and have ceased to heed it or fear it, while its continued presence has softened its deformity and led us to regard it with in-difference.

But this moral blindness to the truth on our part does not change the facts; it does not take from the monster one ugly feature, give a single charm to the great destroyer, or excuse us from duty.

INTEMPERANCE THE SUM OF ALL EVILS.

I have no desire to take the time or to weary the patience of the House with any attempted description of my own of the terrible evils arising from the manufacture and use of intoxicating liquors, or to recall the scenes of misery, anguish, and horror which every man has so often seen and heard. That is a theme which has enlisted the sympathies and commanded the talents of the best and wisest men, not only of this country but of the whole civilized world, and for the suppression of this gigantic evil all good men and women are to-day laboring and praying. I shall therefore content myself with calling the attention of gentlemen to the views of some few of the eminent men who have thought and observed and spoken upon this subject, whose characters entitle them to be heard, and whose exalted posi-

tions give weight and authority to their opinions.
Charles Buxton, an eminent member of the British Parliament, once said when speaking of this subject:

Add together all the miseries generated in our times by war, famine, and pestilence, the three great scourges of mankind, and they will not exceed those that spring from this one calamity.

Richard Cobden, years ago, said:

Every day's experience tends more and more to confirm me in my opinion that the temperance cause lies at the foundation of all social and political reform.

John Bright said that-

The love of strong drink was the greatest obstacle to the diffusion of education rong the masses of the people.

Mr. Bruce, at one time home secretary, said that intemperance is "not only a great evil, but the greatest of all evils with which social reforms have to contend."

The Archbishop of Canterbury recently said, in a visitation charge to some of his people:

There is one dreadful evil overspreading the whole land, which makes have of our workingmen—the evil of intemperance. Unless you make distinct and positive efforts against it you will be neglecting an evil which is eating out the very heart of society, destroying domestic life, and perhaps doing greater injury than any other cause that could be named in this age.

Doctor Temple, bishop of Exeter, only a few months ago said:

Of all the preventable evils in the world, intemperance is perhaps the greatest.

The London Times tersely sums up the matter thus:

The use of strong drink produces more idleness, crime, want, and misery than all other causes put together.

Governor Dix once said, in a message to the Legislature of New

Intemperance is the undoubted cause of four-fifths of all the crime, pauperism and domestic misery of the State.

Governor Gaston, of Massachusetts, in speaking of this subject, says:

That intemperance has been the most prolific source of poverty, wretchedness, and crime; that it has filled the State and the country with its destructive influences; and that its progress everywhere heralds only misfortune, misery, and deg-

Over two thousand physicians of high standing, in the city of New York, lately signed the following certificate:

That a very large proportion of human misery, including poverty, disease, and crime, is induced by the use of alcoholic or fermented liquor as beverages.

That total and universal abstinence from all such beverages would greatly contribute to the health, the prosperity, and happiness of the human race.

Ninety-six physicians of Montreal, Canada, not long since joined in the following declaration:

That total abstinence from intoxicating liquors, whether fermented or distilled is consistent with and conducive to the highest degree of physical and mental health and vigor, and that such abstinence would greatly promote the health, morality, and happiness of the people.

The National Medical Association of the United States, in June, 1874, passed the following resolution:

That in view of the alarming prevalence and ill effects of intemperance, with which none are so familiar as members of the medical profession, and which have called forth from English physicians the notes of warning to the people of Great Britian concerning the use of alcoholic beverages, we, as members of the medical profession of the United States, unite in the declaration that we believe that alcohol should be classed with other powerful drugs, and that we would welcome any change in public sentiment that would confine the use of it to the demands of science, art, and medicine.

And the same association, at their meeting in Detroit in 1874, passed the following resolution:

That we are of the opinion that the use of alcoholic liquors as a beverage is productive of a large amount of physical and mental disease; that it entails diseased appetites and enfeebled constitutions upon offspring, and that it is the cause of a large percentage of the crime and pauperism in our large cities and country.

In support of this theory I might also cite the writings of Dr. Ray; Dr. S. G. Howe, of Massachusetts; Dr. Morel, a French author of high authority; Magnus Huss, an eminent Swede; Dr. Carpenter, English physiologist, On the Use of Alcoholic Liquors; Sir Henry Thompson; Mr. Darwin; and Dr. Nathan Allen, of Massachusetts, in a paper entitled "Alcohol as a cause of vitiation of human stock."

Sir, I believe it is now settled beyond all controversy by the highest medical authority, not only in this country but in Europe, that hereafter alcohol has no place as a necessity of life.

The use of intoxicating drinks as a beverage not only produces erime, pauperism, and every kind of evil, but, as Sir Charles Buxton says, "it has also a negative effect of great importance. It is the mightiest of the forces that clog and hinder the progress of good."

In this country the three great moral and educational aggregies are

In this country the three great moral and educational agencies are the school, the Sabbath, and the Christian Church. Can there be a doubt but that the use of strong drink leads to the desecration of the Sabbath; that "it blinds the intellect and deadens the heart" to all instruction and "counteracts all the spiritual work of the church?"

Again, history reveals the fact that those who use strong drinks are always the first to fall by any epidemic. Dr. Lees says:

In the great fever that raged in London in 1739, the era of the gin mania, the drinkers were the first and greatest victims.

And Dr. Short, writing upon the same subject, says:

The like was the fate of all tipplers, dram-drinkers, and punch merchants. Scarcely any others died of this severe fever.

Judge Pitman says:

The Asiatic cholera, too, singles out the drinker with fatal precision where it leaves the sober generally unscathed. So well known was this fact that the authorities at Philadelphia during an epidemic closed the grogshops as a nuisance to the public health. In Albany, the same year, while only one in twenty-five hundred of the teetotalers was seized by the epidemic, one in sixty of the general population perished. At New Castle, within a period of two months of the ravages of the cholera, it struck down one out of every six hundred and twenty-five of those who wholly abstained from the use of strong drinks.

Doctor Cartwright, of New Orleans, wrote in 1853:

The yellow fever came down like a storm upon this devoted city, with eleven hundred and twenty-seven dram-shops in one of the four parts into which it had been divided. It is not the citizen proper but the foreigners, with mistaken notions about the climate and country, who are the chief supporters of these haunts of intemperance. About five thousand of them died before the epidemic touched a single citizen or sober man, so far as I can learn.

Sir, it seems to me that if the Government has an interest in the

health and lives of its citizens, and if it has also a duty in respect to them, certainly these facts furnish an additional reason why we should pass this bill and follow it up with legislation which shall root

out the evil, or restrict it to the narrowest possible limits.

But, sir, it was reserved for Judge Pitman, in his admirable little book entitled Alcohol and the State, to give us, in brief and pointed language, the very essence and sum of this terrible curse. Says he:

Intemperance is the most prolific source of disease and view, clumating in insanity, premature death, infecting the whole social atmosphere with physical and moral malaria. It wastes our resources, increases our taxes, diminishes our productive capacity, degrades labor and destroys home, fills our alms-houses with paupers and our prisons with criminals; it is the strongest antagonist of every educating agency which tends to make good citizens, and the unfailing ally of every vice that makes bad ones.

Not only this, sir, but it corrupts elections, disgraces legislators, soils the judicial ermine, enervates, palsies, and restrains the executive arm of the law, while it endangers and seriously threatens our national prosperity as well as our national standing and reputation. For nearly six years the country labored and struggled under the terrible pressure of the commercial panic of 1873; trade went down, business was prostrate confidence variable greatly was destroyed.

terrible pressure of the commercial panic of 1873; trade went down, business was prostrate, confidence vanished, credit was destroyed, thousands of men were out of employment and their families in want, while bankruptcy and ruin swept over the land like a destroying flood carrying everything before it until it was met and turned back by resumption, in January, 1879. And yet during all that time our crops were abundant and the national income was over \$7,000,000,000 annually. The universal cry of "hard times" came up from every section of the country, and wise and sagacious men attempted to explain the cause and provide a remedy, but among all the reasons and explanations which were given no one ever mentioned or thought even. planations which were given no one ever mentioned, or thought even, of the \$700,000,000 which, during all that time, these oppressed, sufering, and starving people were paying annually for intoxicating

It would have been acting a wise and Christian part-

Says Mr. Hoyle-

if we had paid all this vast amount of money to avert and get rid of this terrible evil, but to buy it and foster it at such a price is madness that is inexplicable and can only be accounted for by taking into account the moral blindness and insanity that inevitably results from a continued course of evil.

WHO ARE THE PEOPLE THAT ASK FOR THIS LEGISLATION

During the various sessions of the Forty-fourth and Forty-fifth es hundreds of petitions, signed by thousands of people, were Congresses numereds of petitions, signed by thousands of people, were presented from all parts of the country praying Congress to pass such a measure as the one now under consideration. These petitions were signed by temperance societies, members of churches, and by people of all clases and conditions everywhere, without regard to their political faith or religious creed. They signed them not as republicans or as democrats, not as Methodists, Baptists, Congregationalists, or Catholics, but as American citizens and as Christian men and women, who exame the effects of the tarrible scourge of intemperance upon Catholics, but as American citizens and as Christian men and women, who, seeing the effects of the terrible sourge of intemperance upon the people of this country, pray Congress to enact a law appointing a commission to gather up all the facts and report them through the President and Congress to the country, which they hope and believe will enable the Government to discover and apply a remedy.

The thousands of men and women who signed these petitions, and who now urge the passage of this measure, belong to the most intelligent and respectable classes of society. They are Christian philanthropists, great in number, of high character, and deserve the respectful attention of Congress.

Their application to the Forty-fourth and Forty-fifth Congresses.

Their application to the Forty-fourth and Forty-fifth Congresses was such as to entitle them to a few moments of the time and to the consideration of the Committee on the Judiciary, and why they were coldly turned away without either the gentlemen who then composed coldly turned away without either the gentlemen who then composed that committee can tell better than I can. At all events, they have made their prayer to Congress in good faith, and they come now and demand a hearing, believing that if this bill becomes a law a commission such as is provided for will, in their report, present to Congress and the country such an aggregation and consolidation of all the terrible evils growing out of the manufacture and use of intoxicating liquors, and will paint a picture so dark and fearful, that men will be brought to see and realize the danger and take measures to overcome it. overcome it.

Now, sir, do gentlemen desire to know who are to-day asking for the passage of this bill? I will tell them. Every man and woman in all this broad land, north, south, east, and west, who are watching in all this broad land, north, south, east, and west, who are watching and laboring in the cause of temperance; every Christian in the whole universe of God who is struggling and praying for the earthly prosperity and eternal salvation of his fellow-men; every father and mother, who tremble as they see the terrible temptation to which their children are exposed; every wife as she watches and fears the approach of the tempter; ay, and every victim of strong drink who in his sober moments realizes the awful danger to which he is exposed and struggles to be free. He feels the galling shackles and grating chains that hold him in bondage, and in his deep distress he appeals to Congress to aid in removing the temptation and to assist in opening up a way for his escape. ing up a way for his escape.

THE SCOPE AND OBJECT OF THE INVESTIGATION.

The provisions of this bill are so plain and specific that I hardly feel that I should be warranted in enlarging upon them in this discussion. It is evidently the design of the bill that the commission, when appointed, shall ascertain and report the amount of spirits, wine,

and beer annually manufactured and consumed by the people of this country; the number of deaths from alcohol; the number and the character of all the crimes caused by drinking; the diseases produced by it, mental as well as physical; the number of arrests for drunkenness; the amount of pauperism produced by intemperance; the cost of caring for and supporting the criminals and paupers made such by drinking; the amount of money invested in the liquor traffic, which is thus sequestered from the productive industries of the country; what amount of revenue is received by the Government from which is thus sequestered from the productive industries of the contry; what amount of revenue is received by the Government from the manufacture and sale of liquor, from what classes of people it is derived, and how; what amount of grain is annually consumed in its manufacture; how many men are employed in making and selling it, and what their wages would amount to annually if engaged in some legitimate and useful employment; its influence upon health and morals; its relation to crime; its effect upon the social and intellect-ual well-being of the people; and finally, to ascertain as near as posnal well-being of the people; and finally, to ascertain as near as possible what it costs this nation in industry, in health, in taxes, in life, for the maintenance of law, for penitentiaries, for poor-houses, and hospitals; how it saps the foundations of the Government and undermines the moral character of the people; and to recommend what additional legislation, if any, would be beneficial on the part of the National Government to suppress within the sphere of national authority the accuracy treffer

National Government to suppress within the sphere of national authority the accursed traffic.

Such an investigation, if fairly and thoroughly conducted, as I have no doubt it would be, and honestly reported to Congress, would, I believe, arouse the people of this country from Canada line to the Gulf of Mexico, and would create such a public sentiment upon this subject as would compel the National Legislature to mature and enact measures for the suppression of this great evil.

HAS CONGRESS POWER TO AUTHORIZE SUCH AN INVESTIGATION?

It was very properly said by the Judiciary Committee, in reporting a similar bill to a former Congress, investigations under congressional authority, by committees of its own members or commissions composed of other persons, are usually made into the conduct of some officer or department of the Government, or are of a general nature,

with a view to furnish proper and authentic information to aid and guide Congress in future legislation.

Under the power to authorize those of a general nature Congress has often made investigations touching the safety of passengers on steamboats and railway cars; with a view to the protection and preservation of human life and to regulate and cheapen freights on lines of public travel; to discover, open up, and put in operation new routes of transportation and improve old ones; to inquire into the causes of the prostration of business and the depression of labor; to ascertain the working and operation of certain laws, and the causes of diseases prevailing among men and animals, and how to prevent or remedy them.

When that terrible scourge—yellow fever—swept off thousands of our fellow-citizens in the southern portion of our country, in the summer and autumn of 1878, the great, generous hearts of the Northern people beat in warmest sympathy with their brethren in the South, and Congress made haste when it assembled to appoint a committee to inquisite and investigate the whole subject with a view to as to inquire into and investigate the whole subject, with a view teacertaining the causes which led to it, and appropriated nearly a million dollars to carry it on, so that by timely and proper precautions, under the authority of the General Government, it might be avoided or mitigated in the future.

Was any man then bold or simple enough, either in or out of Congress, to raise the question that the Government had no power to make such an investigation for the purpose of staying the ravages of that terrible disease and saving and protecting the lives and the health of our citizens?

The same course was pursued by Congress when the cholera prevailed among the swine and when the pleuro-pneumonia swept off our herds of cattle, and no man ever objected to it or questioned the power of Congress to make such investigations for the purpose of collecting information and statistics to be used as a basis for future leg-

islation and to furnish the necessary funds to carry them on.

If, then, the power of Congress to investigate the causes and guard If, then, the power of Congress to investigate the causes and guard against the ravages of disease and pestilence which make their appearance but seldom, and then only at the sacrifice of a few thousand of our people and an inconsiderable amount of property in a small section of the country, stands unquestioned and unchallenged, shall we question its power to inquire into and protect us from the ravages of the demon of intemperance that is striking down his millions every year; whose work of destruction is not confined to any time, locality, or class, but who distills his insidious poison upon the lips of the high and the low, the rich and the poor, by night and by day, in every part and portion of our country; who respects neither age nor sex, and who fills the whole land with crushing sorrow and anguish unutterable?

Now, sir, who can present the shadow of an argument or the slightest reason why the Government should not order this investigation? Are the rights of any man to be invaded, and is there fear of any injurious results? Who are the men who object to it and whose idols are in danger? Why should gentlemen object to obtaining information in all legitimate ways upon all questions about which we may be called to legislate?

Sir it is my conviction as it is the theory of the tappearance people.

Sir, it is my conviction, as it is the theory of the temperance peo-ple of this country, that we should "turn on the light" upon this

subject, get all the knowledge we can from all sources, and then if it turns out that any man is engaged in business or indulging in practices which cannot endure the blaze of investigation and inquiry, let them be abandoned and his efforts be directed to some legitimate and honorable calling and his habits corrected and reformed. It is a principle of law as old as civilization that every man is bound to so use his own property and so exercise and enjoy his own rights as not to disturb or injure his neighbors. Now, sir, how is it possible for any man to manufacture and sell intoxicating liquors to his fellow-

men, to be used by them as a beverage, and which will inevitably ruin them body and soul, and not violate this ancient and golden rule. It can hardly be necessary in urging the passage of this bill to stop to discuss the question of the power of Congress in respect to regulating or prohibiting the manufacture and sale of intoxicating liquors. That question will necessarily and very properly come up for discussion and decision when the report of the commission is presented and Congress is called upon to take some action in regard to it. Whatever views may be entertained by different gentlemen upon the broad question of congressional power, it will not be denied that the General Government has jurisdiction and may exercise absolute control over the subject in the District of Columbia and in the Territories of the United States and may also if at any time it is deemed best are the United States, and may also, if at any time it is deemed best, pro-hibit the importation of it from foreign countries. Upon this latter point Chief-Justice Taney once said:

Congress, under its general power to regulate commerce with foreign nations, may prescribe what articles of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall deem best, the importation of ardent spirits.

But, sir, I do not desire to extend the discussion upon this branch of the subject any further at this time, and will therefore go on to inquire

WHETHER IT IS EXPEDIENT AND ADVISABLE TO MAKE SUCH AN INVESTIGATION AS IS NOW PROVIDED FOR IN THIS BILL?

Objection to the passage of this bill has often been made on the

Objection to the passage of this bill has often been made on the ground that this whole subject is one not cognizable by Congress, but one which properly comes within the jurisdiction of each State respectively, and should be regulated and controlled by them.

But, sir, it seems to me that the evil sought to be remedied is national, pertaining to all the States in common, equally and deeply affecting and interesting the people of the whole country, and should be investigated by the National Government; that if done by the States the inquiry would necessarily be too much restricted, and its secons would be too parrow to effect the great chiefet sought by this scope would be too narrow to effect the great object sought by this

Again, the friends of temperance have waited patiently and anxiously for the States to move in this matter, yet down to the present time they have waited and watched in vain. And, more than this,

time they have waited and watched in vain. And, more than this, it seems to me that in order to accomplish any good results by such an investigation, it will be necessary to have the combined power and force of all the States working together in harmony, moved by one will, having a common aim and purpose, which can only be effected through the agency of the General Government.

As has been well said, a report made by a commission appointed by Congress, as provided in this bill, would carry with it the anthority and power of the nation, and would exert an important and controlling influence, not only upon Congress, but upon the States, as well as upon the local Legislatures of the Territories. It would be of higher official anthority, would command more consideration and respect, and would be much less liable to question or doubt.

As bearing upon the question of the expediency or necessity of this

As bearing upon the question of the expediency or necessity of this investigation, it may be gravely questioned whether the great mass of the people have any accurate idea of the vast amount of money which is annually expended for intoxicating drinks in this country by those who consume it, or the enormous waste of time, labor, and material in its manufacture and sale.

As I have before remarked, it is an evil so common and has existed so long that we have deemed it hardly worth our while to inquire into it, and until Dr. Hargreaves's valuable little book, entitled "Our Wasted Resources," made its appearance, I venture to say that very few persons had any accurate conception of the immense cost of liquor drinking in the United States.

From that book we learn that in the years 1869, 1870, 1871, and 1872 we expended, on an average, a little over \$682,000,000 annually for intoxicating drinks, and that since 1872 the average has been over

for intoxicating drinks, and that since 1872 the average has been over \$700,000,000; while to this amount must be added at least 30 per cent. as profit to the retailer, which would swell the cost to the consumer to the enormous sum of \$910,000,000 annually.

The liquor bill of the people of this country for the thirteen years from 1860 to 1872, including a very moderate estimate of the amount paid for liquors not taxed, was \$9,040,000,000, being over \$800,000,000, more than the total war expenses of the National Government, the loyal States, and the confederate government all together, in the war of the rebellion.

After a glance at these figures, need any man be surprised that we were overtaken by a commercial panic in 1873, or that we had pros-

trate business, depressed labor, and hard times after that.

In 1877 we distilled in this country, upon which Government taxes were paid, sixty million gallons of spirits, and produced over nine million barrels of fermented liquors, while in 1879 we distilled nearly seventy-two million gallons of spirits and produced over eleven millions.

ion barrels of fermented liquors, which cost at the place of manufacture the snug little sum of \$720,000,000. In addition to this we import from seven to ten million dollars' worth yearly, which together with those not taxed, and profit to retailers, cost the people who drink it annually about \$960,000,000. It is also estimated by the same learned writer that there is alcohol enough distilled in an illicit manner and on which no tax is paid, to meet all the necessary demands for legitimate and useful purposes, so that it is fair to conclude that the whole amount on which revenue tax is paid is all unnecessary and a waste.

According to the census returns of 1870, the wages that year, in all our manufacturing establishments, amounted to about \$775,000,000; our church property was valued at three hundred and fifty-four millions; we paid for educational purposes ninety-five millions; our public libraries were estimated to be worth ninety-one millions, while we paid, the same year, for intoxicating drinks nearly as much as the wages amounted to in all our manufacturing establishments, nearly two millions more than all our church property and public libraries were worth, together with what we paid for educational purposes, and more than one-half the value of all the labor in the whole country.

Again, it is said that upon a fair estimate at least forty million bushels of food grain is used annually in the manufacture of these liquors, which, as Dr. Hargreaves says, is worth \$5,000,000 and would make six hundred million four-pound loaves of bread, which would give seventy-nine loaves to each family in the whole country, and if used as paving-stones would pave a street ten yards wide and more than a thousand miles long, or a road as long as from the city of Bos-

But, sir, this is not the end of this terrible waste. There are, at least, six hundred thousand persons engaged in making and selling intoxicating liquors in this country. The labor of these men in some useful productive employment would be worth at least \$500 per annum each, which would amount to \$300,000,000. Then we have, at a low estimate, six hundred thousand drunkards, who probably lose at least one-half of their time, which would, according to our previous estimate, amount to one hundred and fifty millions more; and last, the great army of moderate drinkers, who probably lose as much more time, in the course of a year, which swells this item of loss to the enormous sum of \$600,000,000 annually. Now, sir, if we add to all this loss of money paid for drinks the labor in its manufacture and sale, and materials wasted, the loss of time spent by those who drink, in recovering from its effects and getting ready to resume their labors, we shall find that the actual cost of the consumers every year exceeds \$1,400,000,000,000, being over two hundred and thirty millions more than the value of all the labor of every kind performed in this whole country during the same time, and nearly two-thirds enough to pay the public debt.

These facts and figures are not only miraculous, but they are truly alarming, and will, I am confident, when thoroughly understood by the intelligent and patriotic men in all sections of our country, induce them to call a halt in this nefarious and wicked traffic and unite their efforts in its suppression.

Why, sir, if this vast sum of money which is annually taken from the productive capital and industry of the country and worse than wasted could be directed to legitimate and useful purposes it would pay all the taxes, educate all the children, build all the churches and school-houses, feed and clothe all the hungry and naked, and leave a surplus which would be sufficient to pay all the interest on our bonds and wipe out the debt itself in a very few years.

It is but a short time ago that I noticed in a New York paper that

It is but a short time ago that I noticed in a New York paper that the liquor consumed by the people of that State cost them more than \$100,000,000 annually, and that they pay more every year for tobacco than they do for bread. While, said the writer, they pay for property and money taxes, for State government, education, and religion, and for the General Government and war debt only eighty-six million dollars, they pay to spread poverty, disease, and crime one hundred and seventy millions.

It is estimated by men who have given much time and thought to the subject that the whole amount of wages paid for labor in this country is \$1,263,000,000 annually, and that the use of intoxicating liquors diminishes the productive force of this labor at least 14 per cent., which entails a loss upon the country of more than \$176,000,000 every year.

The truth is that the figures from official sources, which are reliably accurate, show to our shame that the people of the United States pay every year more for drink than they do for food, and nearly twice as much as they do for clothing. Dr. Hargreaves, the best-informed man apon this subject in this country, estimates that the entire loss to our people from the manufacture, sale, and use of intoxicating drinks will not fall below \$1,426,000,000 annually, to say nothing of the interest on the capital invested in the business, the cost and care of the sick, insane, idiotic, paupers and criminals, the expenses of courts, and all the misery and wretchedness and suffering caused by it; and that if this immense sum was turned into the channels of productive industry it would set in motion and keep running thirty-five thousand manufacturing establishments, employ 272,000 persons, pay them \$92,000,000 in wages, create a demand for four hundred and seven million dollars' worth of raw material, and leave \$105,000,000 for the payment of profits and transportation. Such is the gloomy prospect which intemperance presents in this country, and if we turn to Eng-

land the prospect is equally dark and appalling, for we learn from official sources that her people pay, on an average, for strong drink the enormous sum of \$694,000,000 annually.

But, sir, this is not all, nor even the worst of this gigantic and universal curse. We find it established beyond doubt by official statistics, in the records of courts, by the experience of judges, and the observation of enlightened philanthropists, that the prevalence of intemperance in any country is an unvarying standard by which the crimes committed in it may be numbered and measured.

Sir Matthew Hale, then chief-justice of England, more than two hundred years ago, said:

The places of judicature I have held in this kingdom have given me an opportunity to observe the original cause of most of the enormities that have been committed for the space of nearly twenty years, and by observation I have found that if the murders and manslaughters, the burglaries and the robberies, the riots and tumults, and all other atrocities that have happened in that time, were divided into five parts, four of them have been the issue and product of excessive drinking.

Chief Baron Kelley, in a letter to the archdeacon of Canterbury, said:

Two-thirds of the crimes which come before the courts of law of this country are occasioned chiefly by intemperance.

Justice Coleridge said:

There is scarcely a crime comes before me that is not caused directly or indirectly by strong drink.

The language of Justice Gurney is to the same effect. He said: Every crime has its origin more or less in drunkenness.

Justice Patterson, in a charge to a jury, said:

If it were not for this drinking you [the jury] and I would have very little to do.

Mr. Justice Alderson, speaking on this subject, said:

Drunkenness is the most fertile source of crime, and if it could be removed the assizes of the country would be rendered mere nullities.

And Justice Wightman said:

I find in the calendar that comes before me that the one unfailing source, directly or indirectly, of most of the crimes that are committed is intemperance.

A late inspector of English prisons in his report says:

I am within the truth when I state that in four cases out of five, when an offense has been committed, intoxicating drinks has been one of the causes.

A committee of the House of Commons of the Dominion of Canada, in 1875, reported that—

Out of 29,279 commitments to the jails in the provinces of Ontario and Quebec during the three previous years, 21,235 were committed either for drunkenness or for crimes perpetrated under the influence of drink.

The State board of charities in Massachusetts for 1869 reported that—

The proportion of crime traceable to this great vice must be set down as here tofore at not less than four-fifths.

The board of police-justices in New York City, in their report in 1874, say:

We are fully satisfied that intoxication is the one great leading cause that renders the existence of our police courts necessary.

Dr. Elisha Harris, after inspecting the various prisons in New York, in 1873, for the purpose of ascertaining the relation of intemperance to crime, says that he has no doubt that 85 per cent. is traceable directly to that cause.

Hon. J. C. Park, of Boston, for many years prosecuting attorney in that city, and having ample means to observe and judge, gives it as his opinion that 99 per cent. of the crimes committed in that city are due to the use of intoxicating drinks. In addition to this, we have the united testimony of all the alms-house keepers in this country that nine-tenths of the inmates of those establishments are there through intemperance; while the leading medical authorities of the world tell us that if the drinking of intoxicating liquors as a beverage was abolished the sick and death rate among the people would be reduced at least one-half.

least one-half.

Add to all this evidence and weight of authority what every man of observation has seen and heard himself, and it places the question beyond all doubt, and proves conclusively that at the lowest possible estimate three-fourths of all the crimes committed and all the pauperism existing in this country and England may be charged directly to the use of intoxicating liquors as a beverage. What a terrible indictment is thus presented. What a fearful balance-sheet is here shown to us. What a frightful and yet truthful arraignment is here made before Congress and the country by the temperance people of this monstrous and gigantic evil.

No arguments are necessary or possible, no illustrations are required

No arguments are necessary or possible, no illustrations are required in advocacy of this measure, for the facts and figures are conclusive and overwhelming, and a simple statement of the truth goes far beyond the most extreme fancies of the wildest imagination.

But, sir, if this array of facts and figures are not sufficient to convince the most obdurate and soften the most hardened, let them remember the sorrow, the anguish, the misery, the broken hearts, the blasted hopes, the ruined prospects, and all the noble lives that have been destroyed by this insatiate monster, and then say whether it is not time to call a halt in this destructive and nefarious business and combine all the powers of the General and State governments with the efforts of good men for the purpose of ridding the world of this curse and emancipating our fellow-men from the terrible thralldom in which they are bound.

EVERY DOLLAR OF REVENUE RECEIVED FROM THE LIQUOR TRAFFIC BY THE GOVERN-MENT COSTS US THIRTY.

But it is said in answer to all this that the Government derives large revenues from the manufacture and sale of intoxicating liquors, and that therefore we should not interfere by cutting it off or restricting it.

It is true that, under the provisions of a law which passed Congress and was approved by the Executive, we did, during the fifteen years from 1863 to 1877, receive into the Treasury of the United States, from the manufacture and sale of intoxicating liquors, on an average between forty and fifty million dollars annually, besides customs duties on imported liquors; but how much money did we really save out of it, when, by a glance at the other side, we find that every dollar we put into the Treasury from this source cost us at least thirty, by the terrible losses it inflicted upon our people. Dr. Hargreaves most effectually disposes of this argument, and puts the whole matter in its true light, when, speaking of the miserable pittance received by the Government by way of revenue as an offset for all the losses and misery it brings upon the country, he says:

What else have we for all these millions spent for drink, besides this revenue? We have drunkenness with its follies, its revels, its obscentty, its beastliness, crime, and taxation. These drinks are marshaled enemies against civilization, liberty, justice, humanity, morality, and religion. In addition to all these we have also poverty with all its attendant evils; ignorance with its vulgarity, bruitishness and vices; crime of every degree; accidents on sea and land; idiocy, insanity, madness, disease, premature old age, and death.

In the light of these facts is it not, as the learned docter says, great question whether such revenue laws and regulations as enable the Government to realize an income from the manufacture and sale of intoxicating liquors are a blessing, so that the manufacture, importation, and sale ought to be encouraged by law, or whether they encourage and foster an evil which should be restrained and circumscribed by the same high power?

PROHIBITION AND LICENSE.

This bill also provides that the commission, when appointed, shall inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the sev-

While I do not think the questions relating to license and prohibition are necessarily involved in the discussion of the provisions of this bill, and have therefore no desire to enter into them at any length at this time, yet I deem it proper to say a few words upon the general subject of the means to be employed for the suppression of the traffic and the restriction of its use. I believe all men everywhere traffic and the restriction of its use. I believe all men everywhere admit the magnitude of the evil, but entertain widely different views as to the remedy to be applied. Some advocate the total prohibition of the manufacture and sale, by law, as a means of removing the cause and curing the evil, while others contend that moral suasion and the creation of a healthy public sentiment, strong and powerful enough to overwhelm and crush it, is the only sure and effectual

remedy.

Now, sir, whatever may finally be determined upon as the best mode of meeting and overcoming this great enemy of mankind, it seems to me that the first step to be taken is for us to get "a full and compre-hensive knowledge of the extent of the evil," so that we may be the hensive knowledge of the extent of the evil," so that we may be the better prepared to properly plan the attack and at the auspicious time to make a successful charge along the whole line. My own opinion and convictions are very decided upon this point, and have been for many years, that in order to make a vigorous and successful campaign against this friend of all evil, this enemy of all good, this great last curse of our race, we must have both law and moral sua-

A prohibitory law, if properly and faithfully executed, will tend largely to educate and advance public sentiment in favor of temperance and sobriety up to the true standard, while moral forces and religious influences will come in to support and sustain it.

No man, sir, has a higher appreciation or a greater degree of confidence and faith in the labors and progress of temperance people and the Christian Church than I have. I am not ignorant of what they have accomplished for mankind in the past, not only in the cause of temperance, but in promoting morality, obedience to law, loyalty to the Government, the best interests of society, and the honor and prosperity of the Republic.

And, sir, knowing and glorying in their past achievements as I do

And, sir, knowing and glorying in their past achievements, as I do, I hope much and expect much from them in the future. In this great conflict with the powers of darkness they stand in the front rank. The noble men and women who compose and make up the temperance army in this country have enlisted for the war. They are armed and equipped with the most approved and formidable weapons now

and equipped with the most approved and formidable weapons now in existence. They fight under a captain whose banner is peace, and whose orders are to advance and never retreat, and all they require now is the strong arm of the law to support and sustain them in order to insure a decisive and lasting victory.

Single-handed and alone they might never succeed in completely routing the enemy, but with the aid which the State and National Governments can render by wise legislation, I have faith that they will, in due time, wipe out this curse and redeem our people from its terrible thralldom. The passage of this bill will be the first step in advance; it will be like the bugle call to arms; it will impart courage and confidence to the troops; it will be notice to the whole world that hereafter law and moral force will go together.

Let us not, then, hesitate for a moment or halt betwixt two opinions; let us bring the artillery of the Government to bear upon the strongholds of this great arch destroyer; let us pass this bill now, get the report of the commissioners, and then we shall be prepared to follow that up with all the necessary legislation which the importance of the subject, the wants of our fellow-men, and the honor and welfare of the Benublic may seem to demand

of the Republic may seem to demand.

It would be idle and worse than folly to claim that any particular law or individual scheme would entirely suppress the evils of intemperance and make men sober. Nothing must be omitted, but all possible powers must be summoned and put to work together; the law, moral suasion, religious influences, and whatever will tend to create a sound, healthy sentiment in the community, which shall sustain law and make it disreputable for any man to make, sell, or use intoxicating liquors, must be put in operation.

Probably no one of these agencies alone would ever accomplish the

work, for, as Cardinal Manning recently said:

It is a mere mockery to attempt to put down drunkenness by moral and religious means alone, when the legislature facilitates the incitements to intemperance on every hand.

And, sir, I believe it would be equally a mockery to attempt to do it by legislative enactments, without the moral force and power of public opinion, acting through all the avenues of social life upon the individual man and the unfortunate victim, to back them up and render them effective. There is no antagonism between moral suasion and the coercive power of the law; one comes in to aid and support the other. While moral suasion takes the poor inebriate by the hand and lifts him from the gutter, the law steps in and "prevents the liquor-seller from pushing him back."

Professor Newman says that-

Virtue must come from within; to this problem religion and morality must direct themselves. But vice may come from without; to hinder this is the care of statesmen and the object of law.

As Dr. Edwards has well said, the important question now is:

Shall the sale of ardent spirits as a drink be treated in legislation as a virtue or a vice? Shall it be licensed, sanctioned by law, and allowed to roll its all-pervading curses onward under the protection of law, or shall it be treated, as in truth it is a deadly evil and a sin f

Judge Pitman, of Massachusetts, in his valuable work entitled Alcohol and the State, to which I have already referred, says:

It is a mistake to suppose that men rush into evil courses in a spirit of moral defiance. When the state writes "criminal" over the doorway of the most elegant drinking-saloon as well as over the lowest groggery; when it places at the bar of justice the tempter by the side of his victim, and when it stamps every package of liquor as a dangerous beverage, meriting destruction as a public nuisance, it has done much to warn the young and unwary and to turn their feet aside from the downward path.

No man who has observed the working of the law and the great benefits of legal restraint in those States where it has been tried can fail to come to the same conclusion that Judge Davis, of Maine, has, that "the enforcement of the law has a great effect on the public sen-timent of the community in making it disreputable to drink and in restraining men from a practice in which they cannot indulge except in secret.

That the strong arm of the Government, operating through wise and wholesome prohibitory laws, is potent and effective in diminishing the manufacture, sale, and use of intoxicating liquors, is conclusively proven not only by unanimous testimony of temperance men, but also by the evidence of those engaged in its manufacture and sale.

Mr. Louis Schade, special agent of the Brewers' Association, in an

address before the convention held at Cincinnati in 1875, said:

Address before the convention held at Uncinnati in 1875, said:

Very severe is the injury which the brewers have received in the so-called temperance States. The local-option law of Pennsylvania reduced the number of breweries in that State from 500 in 1873 to 346 in 1874, thus destroying 154 breweries in one year. In Michigan it is even worse, for of 202 breweries in 1873 only 68 remained in 1874. In Ohio the crusaders destroyed 68 out of 296. In Indiana the "Baxter law" stopped 66 out of 158. In Maryland the breweries were reduced from 74 to 15, some few of those stopped being situated in those counties where they have a local-option law. There is no doubt that the temperance agitation and prohibitory laws are the chief causes of the decrease compared with the preceding year.

The history of legislation shows that whenever and wherever the least legal restraint has been applied in the shape of prohibitory or local-option laws the manufacture, sale, and use of intoxicating liquors has materially decreased, while under any form of a license law it has universally increased. A license law carries upon its face the implication that intoxicating liquors are necessary, and that the sale, under certain restrictions, is legitimate and proper, while a prohibitory law declares that it is not demanded, and is so injurious that the

interests of society require its suppression.

Dr. Humphrey, of Amherst College, once said, in speaking of a license law:

It is plain to me, as the sun in a clear summer sky, that the license laws of our country constitute one of the main pillars on which the stapendous fabric of in-

Hon. Theodore Frelinghuysen, of New Jersey, an eminent friend and advocate of the temperance cause, struck the key-note when he said:

If men will engage in this destructive traffic, if they will stoop to degrade their reason and reap the wages of iniquity, let them no longer have the law-book as a pillow, nor quiet their consciences by the opiate of a court license.

The late Governor Washburn, of my State, in a report made to the

Legislature upon this subject some years ago, used the following

forcible and eloquent language:

forcible and eloquent language:

The cause of temperance should receive the most prompt, efficient, and complete aid that human laws can give consistently with the constitutional powers of the government on the one hand and the constitutional rights of the people on the other. Because religion appeals to sublimer laws and deeper principles for the reformation of the race, we are unwilling to infer that the State is not to resort to human laws for the prevention and punishment of the vices and crimes of its citizens. Such doctrines would at once strip civil government of all moral power and all moral responsibility. The power of the State to prevent or punish offenses against religion or morality is fundamental. Without that power the State could protect neither the lives, the liberty, the reputation, the property, the health, nor the peace of its citizens; and when it is considered that intemperance is a vice which impairs all these rights, and impairs them infinitely beyond any other vice known to exist, it seems to me to be very obvious that it is the duty of the Legislature to provide the most certain and efficient remedy within its power. The experience of more than half a century has proved the license system to be a failure. It is not efficient to stay the vice at which it professes to punish. But wherever the prohibitory law has been adopted and faithfully executed the sale and use of intoxicating liquors have diminished, drunkenness has fallen off, public and private tranquillity have been better preserved, pauperism and crime have been lessened, taxes have been reduced, and the public good has been materially promoted.

In addition to this I might cite the testimony of hundreds of other wise and good men in all parts of our country, as well as the history

In addition to this I might cite the testimony of hundreds of other wise and good men in all parts of our country, as well as the history of legislation in several of the States. In my humble judgment prohibition, in connection with the moral forces, is the only legal remedy for the disease. The more you tamper with it the more you humor it, the more audacious and dangerous it becomes. If it is right, the manufacture, sale, and use of it should be free and unrestricted; if

manufacture, sale, and use of it should be free and unrestricted; if it is wrong, it admits of no compromise and should be given no quarter.

Let the law lay its heavy hand upon this evil as it does upon the sale of adulterated and unwholesome provisions, dangerous explosives, and obscene publications, and let all good men and women everywhere sustain the law and stand by those whose duty it is to execute it, and we need have no fears; public opinion will at once assume a strong and healthy tone, the manufacture and traffic will fall off, the use of strong drinks as a beverage will in a great measure cease, and all the arills and lesses and misory and apprish which follow in its all the evils, and losses, and misery, and anguish which follow in its

train will be swept away and forgotten.
Unbounded honor and the highest meed of praise is due to the noble men and women who have labored so many years, under different names and organizations, to rescue their fellow-men from the deep and horrible pit of intemperance. Their success in the face of so many obstacles and under the most adverse circumstances has been truly wonderful and their achievements glorious; but the full fruits of their labors and progress were not manifest until some of the States began to legislate upon the subject and the strong arm of the law was brought in to aid and support them.

PROHIBITION IN VERMONT.

The history of the temperance movement in my own State, while it has not been all that we could wish, yet has been such that all good men have been inclined to thank God and take courage. Vergood men have been inclined to thank God and take courage. Vermont passed a prohibitory liquor law in 1852, and she has been strengthening it and making it more stringent and effective ever since. In the main it has been fairly and wisely executed. It has always been sustained by a sound and healthy public sentiment upon the subject, and in my opinion there never has been a moment since its passage when it stood so strong and firm in the good sense and hearts of the people as it does to-day. That it has, in connection with the moral sentiment of the people, had the effect to greatly diminish the sale and use of intoxicating liquors in our State no man who has examined the figures and who has been long domainted

minish the sale and use of intoxicating liquors in our State no man who has examined the figures and who has been long acquainted with our people and their habits will deny.

During this whole period of twenty-seven years the law, morals, and religion have gone hand in hand, and worked harmoniously together, and while there is yet much to be accomplished, we rejoice with exceeding great joy in the progress that has been made, and with renewed efforts and courage, inspired by success, our people are now pushing the good work with more vigor than ever, in the confident hope that, with the aid of the General Government, they will be able finally to rid the people of this curse.

It is a source of honest pride to our people that they have been able to achieve so great success in this terrible conflict. They have worked

to achieve so great success in this terrible conflict. They have worked in season and out of season, by night and by day. They have labored, in season and out of season, by night and by day. They have labored, preached, prayed, and voted, and the result is that to-day, thank God, there is not a spot upon the soil of our noble little State where it is not looked upon by all as disreputable and disgraceful as well as unlawful for any man to touch, taste, or handle the accursed thing.

This is the feeling that pervades all classes of our people, and this

This is the feeling that pervades all classes of our people, and this is the sentiment that daily and hourly sustains the law and supports those whose duty it is to execute it. Every man, old and young, understands that if it is known in the community that he uses intoxicating liquors as a beverage, it will be set down against him as a stain upon his character and his pride. His self-respect and ambition to be esteemed and honored by his fellow-men as well as his desire to be a useful citizen restrains his appetite, curbs his passions, and constrains him to be a scher man.

him to be a sober man.

Now, sir, the people whom I represent are to-day earnestly and actively engaged in this great work of suppressing intemperance. They are resolute and confident and will not abate one jot or tittle of their zeal or their labor if Congress should refuse to pass this bill; but at the same time they sincerely believe, as I do, that it would advance the work, that it would lay out the ground and open the way

for far more effective legislation, and a more speedy victory. sympathizing with them in this feeling, in their name and in behalf of the great body of temperance men and women in this whole country, I now make an earnest appeal to the House to give its sanction to this measure.

PUBLIC BUILDINGS.

Mr. WILLIS addressed the committee upon the subject of public buildings for the use of Government offices in the principal cities of the United States, and particularly in Louisville, Kentucky. [His remarks will be found in the Appendix.]

PUBLIC BUILDING IN DAKOTA.

Mr. BENNETT. Mr. Chairman, the bill (H. R. No. 1304) appropriating the reasonable sum of \$30,000 for the erection of a penitentiary in the Territory of Dakota is one that should command the favorable consideration of this House, there being many good and strong reasons why it should become a law. The Territories are supposed to be sons why it should become a law. The Territories are supposed to be the wards of the General Government, to be nursed, nurtured, and by kindly and generous treatment developed into a condition of independence and capable of being clothed with the habiliments of Statehood. They should be helped, not hindered; encouraged, not burdened. They are being populated by immigrants not only from the Old World but from every State in this Union, and perhaps every member on this floor can recall the name of some former resident of his district who is now one of the pioneers on our western frontier. As a general rule it is not the rich who "go west," but the young men starting out in life, ambitious to carve out their fortunes with their own hands and "grow up with the country," or men who have met with reverses in business and desire to renew the battle away from the scenes and surroundings of former disasters, or those with small means, who very correctly conclude they can better provide for their families where they will not be so crowded and jostled in the

To these courageous people, struggling for a start, often against misfortune and under most discouraging circumstances, that becomes burdensome which in older and wealthier communities would scarcely excite a passing thought. It has heretofore been the wise policy of excite a passing thought. It has heretofore been the wise policy of this Government, under the administration of all parties, to deal liberally with the Territories by way of appropriations for public buildings and improvements, and I have been unable to discover any good reason why the Territories of Dakota and Arizona should alone be excluded from this generous treatment. I wish to speak only for Dakota; the interests of Arizona are safe in the keeping of its able

Dakota was organized as a Territory on the 2d of March, 1861, and sent adrift to care for itself by this paternal Government, much like a step-child. About the only attention it has received has been in the collection of internal-revenue tax, and the acceptance of the services of two companies of Dakota cavalry in the hour of this nation's extreme peril, when the population of the Territory, in thousands, could be counted on the fingers of one hand, and when the safety of

every settlement was menaced by hostile Indians.

During the war, and for its own convenience, the Government laid out a few military roads and constructed a few bridges. At two different times small appropriations have been made for a territorial library, the last being for \$2,500, made by the Forty-fifth Congress, library, the last being for \$2,500, made by the Forty-fifth Congress, a like sum for that purpose being given at the same time to each of the other Territories. The people, in their poverty and in frequent adversity, have been left to maintain by taxation the machinery of their local government, with the exception of the legislative and executive departments and the salary of their judges; to provide for the keeping of their convicts, the care and custody of their insane, the education of their blind and deaf and dumb; to build their schoolhouses and furnish facilities as best they could for the education of their children for which they have no available school find. their children, for which they have no available school fund. All this they have done without help from any quarter while laboring to make comfortable homes, erect their churches, and organize society, the beginning and foundation of the future State. Having to keep its convicts in adjoining States has proved a heavy tax and constant drain upon its treasury, every dollar sent beyond its border for this purpose taking so much from what should contribute to its wealth

purpose taking so much from what should contribute to its wealth and help to advance its material prosperity.

For the year 1879 it has cost the Territory to transport its prisoners to Detroit, Michigan, the sum of \$5,511.60. For the same year the Territory paid for the keeping of its convicts the sum of \$3,215.21, making a total of \$11,726.81. A large proportion, perhaps three-fourths, of the cost of transportation would be saved were there a viscous in the Territory will all that wight he revealed in the residence. prison in the Territory, while all that might be expended in the maintenance of the prison would not immediately pass beyond our borders to enrich some old and already rich community but would be saved to the Territory and help swell the aggregate of its accumulated wealth. This estimate given above does not, of course, include United States convicts, the cost of their transportation for so great a distance, and their keeping beyond the limits of the Territory, but the ratio which the cost of transportation bears to the cost of maintenance would be about the same as in the case of territorial prisoners.

The governor, in his message to the thirteenth Legislative Assembly of the Territory, in referring to the matter of a prison, uses the fol-

lowing language:

One of the most important subjects that should, I think, demand your early attention, is the mode and the expense of keeping our convicts. It appears by the

auditor's report that the cost of keeping our convicts for the two years ending the 30th of November, 1878, was \$7,391.67, while the cost of their transportation for the same time was \$12,363.33. The number is increasing, and with our largely increasing population it will continue to increase. Unless some other arrangement can be adopted the cost of transportation alone will soon reach \$10,000 a year. So long as no steps are taken toward providing a prison of our own, this large expenditure must prove an increasing burden upon the tax-payers, and an entire loss; for at the last a prison or prisons of some kind must and will be built.

It will be seen that for the years 1877, 1878, and 1879 the expendi-It will be seen that for the years 1877, 1878, and 1879 the expenditure of the Territory on account of transportation and maintenance of its convicts amounted to the very considerable sum of \$31,482.31. It may be urged that for the present at least convicts could not be kept as cheaply in a territorial prison as at the House of Correction at Detroit. This may be true; but it is also true that the amount saved on transportation would more than make up the additional expense for keeping, and as before stated it would all be returned to the Territors in these of being a constant drain many its recovered.

ritory in place of being a constant drain upon its resources.

The governor of Dakota, in his annual report to the Secretary of the Interior, under date of September 13, 1879, states the average distance that territorial prisoners have to be transported to be twelve hundred miles, and realizing the pressing importance of this matter urges it upon the attention of that Department. The Secretary in his report, after giving the views of the governor, says:

The pressing need of the Territory, and one that Congress should supply at an early day, is a suitable penitentiary for the confinement of criminals.

But on this point I need not dwell. The necessity for a territorial prison I assume will be conceded, and the only question is shall Congress aid in its construction. If this House is to be governed by precedent then its action is clearly indicated. It will be taken for granted that the Government desires to deal with all the Territories alike, and where it has established a policy with reference to them will not depart from it without good cause. Let me call the attention of the House to what Congress has heretofore done for the Territories by way of appropriations for penitentiaries and other public buildings. In 1842 the Territory of Iowa had an appropriation of \$15,000 for a penitentiary, and that State is to-day occupying, with its splendid university, the edifice erected by the General Government as a territorial capital building.

In 1850 the Territory of Minnesota was given \$20,000 for a penitentiary, and I am informed was also furnished with a capital building, which is still used by that State.

In 1850, Oregon Territory was given \$20,000, and in 1855 \$40,000, making in all \$60,000 for a penitentiary.

The States of Kansas and Nebraska had appropriations for capitol buildings while Territories, but the amounts I have not ascertained. The State of Colorado while a Territory received, by appropriations that the Government desires to deal with all the Territories alike, and

The State of Colorado while a Territory received, by appropriations made by Congress in 1863 and 1867, the sam of \$45,000 for a penitentiary. The following appropriations have been made to the present Territories for the construction of territorial prisons, to wit: New Mexico, \$20,000; Utah, \$45,000; Idaho, \$40,240; Montana, \$47,595; Wyoming, \$40,413; Washington, \$87,271. The total amount appropriated for this purpose being \$420,520, an average of over \$42,000 to each of the State and Territoria purpole, \$10,000 to \$10, ated for this purpose being \$420,520, an average of over \$42,000 to each of the States and Territories named, being \$12,000 more than the sum appropriated by this bill. Three of these Territories, to wit, Idaho, Montana, and Wyoming, were organized subsequently to Dakota, yet, while they have been liberally provided for in this respect, Dakota has been neglected, and treated in a way that no other Territory of its importance has ever been by this Government.

Can this modest request of Dakota be said to be unreasonable when

we consider what has heretofore been done for other Territories? I certainly think not. Nor does Dakota come here as a mere beggar, giving to the Government nothing in return for what she asks. Let us glance at the record. For the fiscal year ending June 30, 1879, Dakota paid into the Treasury of the United States the following

For internal revenue		\$35, 011 56
Yankton land office	\$36, 492 86	
Bismarck land office	332 24	
Springfield land office	28, 184 16	5
Fargo land office		18 40 HE
Sioux Falls land office	38, 772 20)
Deadwood land effice	1,618 00)
		- 161, 210 57

Add to this the sum of \$11,667, being the gross custom receipts at Pembina, and we find the gross revenue paid by Dakota into the United States Treasury to be \$207,887. The total estimated salary of all the officers and contingent expenses incurred in the collection of this amount will not exceed \$37,887, leaving a net balance of \$170,000. In addition to these sums the Government has realized from the eash sales of lands during that fiscal year, without any additional expense,

the sum of \$115,988.57.

The sum of \$131,000 fees and commissions over and above all expenses to the Government, paid into the Treasury by the registers and receivers of the local land offices of Dakota for one year, is a sort and receivers of the local land offices of Dakota for one year, is a sort of grim commentary on the oft-repeated cry of "free homes for the homeless and free lands for the landless." The entire appropriations for Dakota for that fiscal year for all purposes, including the surveys of public lands, salaries of all Federal officials, expenses of the courts borne by the General Government; in short, all items of expenditure for which Congress makes appropriations in the Territory, (not in-

cluding the local land offices and custom-house,) would not exceed the sum of \$100,000, leaving a clear revenue to the Government over and above all manner of expense of over \$70,000.

This exhibit is much better than can be made by any other Terri-

This exhibit is much better than can be made by any other Territory, and even better than several of the States.

For the fiscal year ending June 30, 1879, the total gross revenue from all sources, paid into the United States Treasury by Vermont was \$47,978; Colorado, \$143,084; Nevada, \$61,139; South Carolina, \$175,880; Arkansas, \$144,377; Alabama, \$179,283; Mississippi, \$92,203; Utah, \$58,376, with its \$45,000 appropriation for a penitentiary; Wyoming, \$19,598, with \$40,000 for a penitentiary; Washington, \$66,383, with the modest sum of \$87,271 for a penitentiary; New Mexico, \$20,925, with about that sum for a prison; Montana, \$39,287, and only \$47,595 for a penitentiary; Idaho, \$38,236, while its prison cost but \$40,240; Arizona, \$26,018, and no appropriation for a penitentiary. Gross aggregate amount of revenue paid by all the Territories, excepting Dakota, \$268,823. Aggregate amount of appropriations for prisons in these Territories, \$280,000. While Dakota, paying into the United States Treasury for one year the gross sum of \$207,887, must be left to provide, as best it can, for the care and keeping of its convicts, many of whom have not been in the Territory long enough, when sentenced, to have acquired a residence. when sentenced, to have acquired a residence.

Dakota is to-day populated with as intelligent, industrious, and law-abiding people as any other State or Territory in the Union. In every settlement you find the school-house, in almost every village the church, many of them good, substantial buildings, while a majority of those who cheerfully contributed, either by way of taxation or voluntary donation to their erection, are compelled for the time to live in indifferent and some in cheerless habitations. Such is their interest in good government, founded on intelligence and sound public morals, and such their care for the public weal. The Territory has a body of laws that will compare favorably with that of any in the country; and in 1877 it expended from eight to ten thousand dollars in the revision and codification of its statutes and the publication of its revised codes. And while Congress is supposed to provide the its revised codes. And while Congress is supposed to provide the means for all necessary printing, it has refused to appropriate one farthing to assist in this very desirable and laudable work. Its courts are well organized and efficient; its laws intelligently and faithfully

executed.

A people who have shown such a willingness to help themselves, such a desire to enhance the welfare of community, to build up and develop their country even beyond the limit of their ability, and who by persevering industry and indomitable energy have made what was once known as a part of the "Great American Desert" "to bud and blossom as the rose," should receive at the hands of this House some kindly consideration and encouraging assistance, for

Toiling hands alone are builders Of a nation's wealth and fame.

The prosperity of Dakota concerns not it alone but the entire nation of which it is an integral part. Its future will contribute either to the glory or dishonor, the strength or weakness of our common country. But if the future builders build wisely and well on the foundations so auspiciously laid it will grow into a place among the sister-hood of States, an element of glory and strength helping to mold the institutions of the land and bearing a hand in carrying the Republic on to the fulfillment of its grand destiny.

PENSIONS FOR MEXICAN VETERANS.

Mr. TAYLOR. Mr. Chairman, history demonstrates that society cannot exist without the safeguards and restraints of civil government and that civil government cannot be maintained without the aid of military force. A civil government may be founded upon the purest and that civil government may be founded upon the purest military force. A civil government may be founded upon the purest principles of justice, equality, and liberty; it may be supported by the most virtuous public opinion and may abide in the warmest affections and enthrone itself in the very hearts of the people, yet without the presence of the sword as a minister of its wrath and a representative of its might, it is powerless to maintain its dignity and honor and to preserve its existence among the nations. But, sir, it must be admitted that while military force in its appropriate sphere is a necessary element of civil government, it is nevertheless, as history proves and as we have learned from recent unhappy experiences, a dangerous power.

In a government like ours, of checks and balances, it is fraught with many and perilous dangers. Unwatched by jealous eyes and uncurbed by the sovereign hand of civil authority, it may turn upon and destroy that which it was designed to protect and to preserve. When wicked and ambitious men are intrusted with the reins of government, military power may become in their hands a deadly foe to liberty. Wielded by an unscrupulous executive it may be made an engine of intolerable oppression. It may dare with bloody hands to violate the most sacred institutions of the Republic. It may be made an instrument to overthrow State governments at will, to fence in the ballot-box with menacing bayonets, to inaugurate reigns of terror, and to foist upon unwilling States as rulers and satraps hungry hoards of unprincipled adventurers, whose only business is to plunder the people and to foment sectional animosities.

But, sir, as I have said, military power when confined to the exercise of its proper and legitimate functions is an indispensable element in effective civil government. Without it our Republic could not have been born; without it we could never have had secured to

us the blessings of liberty; without it the Union of our States would have long since been broken up and destroyed, and the grand fabric of our National Government would have long since crumbled to ruins. If, therefore, military power inspired and sanctified by patriotism has been so essential in the preservation of the life of the Republic through all her tragic history; if at every step in the pathway of that history she has been baptized in the blood of her soldiers and sailors who made up that military power, how vast are her obligations to those soldiers and sailors who have served her so heroically in all her glorious struggles and have bared their bosoms to death in her defense. They stood like a wall of fire around her cradle in the dark days of the Revolution and parried the death-blows aimed at her infant breast by the ruthless hand of a British Herod. Again, in the second struggle of 1812 they paralyzed the arm of the same foe and second struggle of 1812 they paralyzed the arm of the same foe and hurled him reeling, dismayed, and defeated back to his distant isles. In the bloody conflicts of a hundred years they have crushed the spirit In the bloody conflicts of a hundred years they have crushed the spirit of the savage Indian, and sweeping him westward made way for the advancing empire of Caucasian liberty. Fighting against overwhelming odds at every step, they penetrated into the heart of Mexico, and vaulting over prostrate and conquered armies planted the victorious standard of the Republic in the city of the Montezumas. And, sir, in that last great struggle, yet fresh in our own memories, when the iron tread of that dread "irrepressible conflict" shook the continent and sent a shudder through the whole world, when "the sun in heaven" was "shining upon the broken fragments of a once glorious Union, on States dissevered, discordant, belligerent—on a land rent with civil feuds and drenched with fraternal blood," it was then that the triumph of American arms was more complete than ever before: the triumph of American arms was more complete than ever before; the triumph of American arms was more complete than ever before; it was then that our country received a more precious baptism of blood, a baptism of fraternal blood, which washed out the stain and blight of a glaring national sin and brought a fresh salvation and a new birth to free and reunited America. Far be it from me, sir, to tear open a single one of the old war wounds or to awaken a single one of its hatreds! The flower of our country bit the dust in that struggle; it is my wish that they may sleep in peace,

Under the roses the blue, Under the lilies the gray.

My only object is to show that the soldiers of the Republic have stood by her in all her gloomiest hours of peril and distress; they have freely laid their lives a willing sacrifice upon her altar; they have poured out their blood for her like fountains of water; they have poured out their blood for her like fountains of water; they have brought the trophies and fruits of more than a hundred victorious battles and laid them at her feet; they have kept her flag proudly floating in mid-air "with not a stripe erased or polluted, nor a single star obscured," and made it an object of unfeigned respect in every land and every clime under the sun wherever the breezes of heaven have kissed its swelling folds. How vast, then, I repeat, are the obligations of our Government to her faithful soldiers. Sir, I execut that this dabt can prevented dischard with prevented. There assert that this debt can never be discharged with mere money. assert that this debt can never be discharged with mere money. They deserve not only material aid from her coffers to make them comfortable in their old age and decrepitude and in their helplessness from battle wounds, but also a hallowed shrine in her most enduring memory and in the heart of a grateful people. Toward the soldiers of the Revolution, toward those of 1812, and of the recent war of the rebellion I think this Government has discharged her duty with credit. But there is a class of old soldiers whom she seems to have totally replaced and ignored. neglected and ignored. I mean those now living who participated in the Mexican war, and for whom the bill now on the Calendar is designed to provide. There are not more than eight thousand of these aged veterans still alive, and this little battle-scarred remnant of the once superb and invincible invading armies of the nation are swiftly passing away to that undiscovered bourne whence no travelers there are not more than eight thousand of the once superb and invincible invading armies of the nation are swiftly passing away to that undiscovered bourne whence no travelers the property of the property swiftly passing away to that undiscovered bourne whence no traveler returns, and are answering to their names "at the roll-call of eternity." Alas, sir, what a sad change has the sweep of one-third of a century wrought in the personnel of the Army and Navy that brought down the pride of Mexico to the dust! One by one they have obeyed the silent summons and gone to the grand court-martial. Scott, who served his country in three great wars, has fallen asleep beneath the folds of the flag he loved so well. The heroic Taylor has departed from the scenes of life. Most of the officers of lesser rank and four-fifths of the soldiers have sunk into the cold embrace of death. And now these their few surviving comrades stand like solitary oaks scattered in a fallen forest, bearing the marks and scars of a stormy past, hoary with age, and glorious as the living monuments of the heroic days of the Republic.

I do not propose here to enter into a discussion of the question as

I do not propose here to enter into a discussion of the question as to the justice or injustice of the war with Mexico. That is a question in which the American Army who fought it had no responsibility and which must be left for settlement to the judgment of impartial history. It is quite sufficient for present purposes to know that these brave men rendered great and meritorious services to the country in that memorable conflict which, in some respects, may be justly classed among the most wonderful of ancient or modern times. Indeed the among the most wonderful of ancient or modern times. Indeed the history of the whole war seems more like a splendid romance than a sober narrative of facts. The history of nations is a record checkered with successes and reverses, and few, if any, of the great generals and conquering armies of the world have uniformly won laurels unmingled with symbols of disaster, but to our armies invading Mexico there was no such thing as defeat. Even the embattled walls of the gulf city, sentineled and guarded by the world-renowned castle

of San Juan with its hundred frowning embrazures belching hurricanes of shot and shell, presented no obstruction. Their reduction was but a twelve days' jubilant celebration of the opening of the most magnificent campaign that illumines our history. The thunders was but a tweive days jubilant celebration of the opening of the most magnificent campaign that illumines our history. The thunders of Cerro Gordo pealed forth the martial melodies to which our resistless battalions kept time as they scaled the embattled escarpments to the lofty valley of Xallapa and the fertile plateaus of Pueblo; thence sweeping down through the mountain passes they beleaguered the defenses of the capital with bristling steel and streams of fire, and with the streamth of given to add the theory of which the streamth of given to add the contract of the capital with th with the strength of giants and the courage of gods that little band of nine thousand heroes, canopied with smoke, torn with musket-balls and shot and shell from hill and plain, from front and flank, deafened with the rattle of musketry, the clang of steel, and the thunders of artillery, hurled forty thousand Mexican warriors from their fields and

orthers, nuried forty thousand Mexican warriors from their fields and fortresses, wrung from the conquerors of the Aztecs nearly one-half of their domain for our country, and won for themselves the admiration of the world and immortality.

Sir, in this war we conquered from our sister republic a more than imperial realm, spanning the continent from the great gulf to the Pacific Ocean, and measuring more than six hundred thousand square miles, and nearly one-half of Mexico. It is true that in part consideration for this way wife some consideration are consideration and the same resident consideration and continue are consideration. and nearly one-half of Mexico. It is true that in part consideration for this magnificent acquisition our Government paid Mexico some sixteen millions, including something over \$1,000,000 due from Mexico to American citizens. But it is not less true that this immense territorial concession was extorted from Mexico by our conquering soldiers. Mexico was at the feet of our armies, subjugated and humbled in the dust, her entire territory was at the mercy of our Government, which, had she chosen so to do, could have swept Mexico from the map of the world. This vast domain embraces over two hundred millions of acres, more than the area of the thirteen original States map of the world. This vast domain embraces over two hundred millions of acres, more than the area of the thirteen original States of this Union. And, sir, a reasonable estimate of the present cash value of its farming lands, improved and unimproved, is not less than \$600,000,000. The export trade, foreign and domestic, of California and Texas, not to mention New Mexico and Arizona, amounts to nearly one hundred millions each per annum. But, sir, since we took possession of these regions they have yielded us of gold and silver not less than \$800,000,000. Now, to this stupendous sum we must add the estimated sum of the values of the opened and unopened deposits of mineral wealth of all this boundless domain. And I hesitate not to believe, sir, that these are and will be worth to the American people \$8,000,000,000. Summing these estimates all together, we are confounded at the amazing magnitude of the value of our acquisitions from Mexico. Nearly \$10,000,000,000—a sum so vast as to transcend our powers of computation—have been laid in the lap of our Government. Government.

And now, with these facts before us, can we afford to so far forget gratitude, ignore patriotism, trample upon honor, and disregard humanity as to vote no relief to these benefactors of the nation? They come not to the doors of your Capitol to challenge your charity and beg an alms, but with the dignity of conscious merit demand such a recognition of their services and sacrifices as may redeem their evening of life from the destitution of poverty and the humiliation of a pauper asylum. I marshal them before you to-day; look at them; ask their history. At the first sound of the tocsin of war they rushed to the front. Some of them slept on their arms with Taylor amid the dead and dying on the battle-field of Palo Alto, and arose from their slumbers to meet and conquer an army numbering five to one on the bloody field of Resaca de la Palma; some were with the gallant May, and felt the blaze of the battery whose discharge emptied twenty saddles, and, wheeling with their leader, sabered the gunners, seized the battery, and sweeping the enemy into the chapparal and the river rushed forward to the rescue of Fort Brown. Among this eight thousand there still linger some who followed the immortal Worth, the brave P. F. still linger some who followed the immortal Worth, the brave P. F. Smith, the chivalric Quitman, the intrepid Garland, and the other dauntless officers of Taylor's army, and helped to swell that fiery tornado of death that swept with resistless fury Federation Hill, the bishop's palace, and the very streets and houses and the grand plaza of Monterey, and at last, snatching victory from the very jaws of defeat, waved the flag of the Republic in triumph above the battlements of the conquered city. Some there are in this venerable throng who were in the ever-memorable and thrice glorious struggle of Buena Vista, the most wonderful battle ever fought on this continent. Five thousand raw volunteers put twenty thousand regulars to flight, broke

thousand raw volunteers put twenty thousand regulars to flight, broke the spirit of Santa Anna, and gave a lasting prestige to American arms.

But more than thirty years have intervened, and these grand armies have melted away. There are only a few left, and it is a painful fact that most of these old men are suffering the bitter pangs and sorrows of halpless poverty. that most of these old men are suffering the bitter pangs and sorrows of helpless poverty. Returning from the war while yet in the strength of manhood, they needed no aid from the bounty of the Government; they asked none. They were able to earn their support by honest, honorable toil. But now that the weight of years has fallen upon them, when white locks and dim eyes tell of youth that's faded, when they can no longer work for bread, they are coldly neglected by the Government they have served so well, and are thrown upon the scanty charities of a heartless world. They have added to the domain of the Union a mighty empire—a vast territory teeming with countless millions of wealth—and yet we hesitate to grant them in the time of their need and sore distress a pitiful pension in acknowledgment of that splendid gift. Sir, I appeal to this House in the name of all the precious blood of patriots, spilled for a glorious, rich, and prosperous nation, to do its duty by these old men. In their destitution and helpless old age, leaning on trembling staffs, with bony fingers pointing to the record of their noble services to the Republic, their dim and wistful eyes are turned to us to-day, appealing in mute but potent eloquence for that sympathy and aid so justly due and yet so long withheld. Hands that once staid the tide of ruin and defeat at Buena Vista are held out toward us, all withered and empty; arms that wielded the sword and musket at Cherubusco and Cerro Gordo and hurled the thunder-holts of hattle at the gates of the Mexican and hurled the thunder-bolts of battle at the gates of the Mexican capital are uplifted to us, unnerved and uncovered; bodies that felt the wrath and tempest of Molino del Rey are clad in tatters and rags; feet that once scaled with impetuous tread the heights of Monterey and Chapultepec are all shoeless and bare. Sir, if there is one spark and Chapultepec are all shoeless and bare. Sir, if there is one spark of humanity in us, one throb of patriotic love and sympathy in our hearts, one pulsation of pride in our country's glorious past, we cannot afford to let this bill die again on the Calendar—we cannot resist the appeals of these old veterans. Then, in the name of justice and of humanity, let us pension them, and thus discharge our most sacred duty while we smoothe their rugged pathway to the grave.

COMMERCE BETWEEN THE MISSISSIPPI VALLEY AND BRAZIL

Mr. DAVIS, of Missouri. Mr. Chairman, on the 29th of March, 1880, the gentleman from Missouri [Mr.Wells] introduced a bill (H. R. No. 5438) to provide for opening up mail service and direct trade between the States of the Mississippi Valley and Brazil, and for other purposes. At the proper time I will offer the following amendment as a sepa-

That from and after the 1st day of April, A. D. 1881, the act entitled "An act concerning the registering and recording of ships and vessels," approved December 31, 1792, and all acts and parts of acts supplementary thereto, be, and the same are hereby, repealed so far as to admit to register foreign built vessels of wood or iron, the property of a citizen or citizens of the United States: *Provided*, The same be purchased in good faith by such citizen or citizens.

The incontestable pre-eminence of the United States as an agricultural and manufacturing nation serves to illumine, to an extent that is truly mortifying to national vanity, the poverty of its merchant marine. It is impossible for an American citizen to glance at the statistics of the world's commerce without experiencing a pang of wounded pride, not unmingled indeed with a profound feeling or indignation at the weak and disastrous policy which for a long series of years has sent three-fourths of the products of our soil and our

factories to markets over the seas in foreign ships.

While the governments of the Old World have been judiciously fostering their merchant marine by the aid of liberal subsidies, and exhausting their ingenuity in every conceivable device to insure their success, our own Government has been so indifferent to the appeals of patriotism and true statesmanship as to permit American commerce to perish without stretching forth a hand to rescue it. While the ships of England, France, and Germany have monopolized the carrying trade of the world, American statesmen have thought it wise and well to be mere idle spectators of the golden harvests they were reaping. They have thought it sound political economy to permit the legitimate and natural carrying trade of America to be absorbed by foreign ships at a clear loss to the nation of millions of dollars

other nations have found it profitable and deem it wise to aid in Other nations have found it profitable and deem it wise to aid in establishing and maintaining regular maritime communication between their home and the principal foreign ports of the world. Can it be that the policy of American statesmen has been wiser than the combined wisdom of all Europe? The answer must be sought in the

Great Britain has considered it judicious to expend in subsidies to fereat Britain has considered it judicious to expend in subsidies to her various steamship lines in ten years upward of \$52,000,000, while the United States for the same period has grudgingly doled out five millions for similar purposes. The consequence has been that Great Britain, with the aid of these immense subsidies, has been enabled to regularly run well-equipped lines of steamships to the principal ports of the world at a profit to the owners and at a manifest advantage to the country. She has been enabled to drive all unsubsidized competition from the ocean, and to carry American produce and manufact-

ures at rates that are ruinous to unaided private enterprise.

It is not a little surprising that statesmen who can readily appreciate the necessity for subsidizing railroad and canal companies can be so utterly oblivious to the highest welfare of the nation as to declare that to subsidize ocean steamships is to plunder the public Treasury. Yet this statement has in substance been uttered by those who should not have been ignorant of the fact that the Pacific Mail Steamship Company has in nine and a half years (from 1867 to June 30, 1876) increased the United States revenue at the port of San Francisco alone to the extent of \$1,476,052.16, over and above the amount of all subsidies received from the Government. This result, it must of all subsidies received from the Government. This result, it must be borne in mind, represents only the direct benefits to the nation of the subsidy system; the indirect benefits, in the employment of American seamen, mechanics, insurance officers, and the like, are well-nigh incalculable. With what consistency, then, can it be contended that the subsidies paid to steamship companies are a "dead loss" to the Government? On the contrary, is it not too clear for debate that they are an inestimable advantage to the country at large and a palpable gain to the public Treasury? Can as much be said in behalf of the subsidies so profusely granted to railroad and canal compa-

nies, amounting, in the aggregate, up to the year 1877 to upward of \$140,000,000 7

A very proficient statistician shows that although our railroads exceed in estimated value the whole shipping of our ports by twentythree times, and the total value of traffic on our railroads is about sixteen times greater than the total value of our foreign commerce, still the shipping, even under its great disadvantages, for the last five years has paid our revenue, by customs, over \$360,000,000 more than our internal revenue has received from all sources in total, as shown by the following figures:

Receipts for customs, 1871 to 1876. \$1, 679, 673, 758 17 Internal revenue. 716, 587, 656 00

Customs over internal revenue.....

From these figures, then, we learn that the national commerce, which has been denied governmental aid, has brought to the nation's which has been defined governmental aid, has brought to the nation's Treasury in five years over \$362,000,000 in excess of that derived from all its internal revenues combined. Surely no argument in favor of fostering our merchant marine could be more cogent or convincing than this simple array of figures. And the question naturally arises, if this is the income of a commerce crippled by a "protective policy" and opposed by a ruinous competition carried on by subsidized foreign ships, what revenues might not the nation derive from a prop-

with the question of our national commerce? In individual cases we do not look for the rewards of a successful business career unless we invest our money and exercise proper care and prudence in the management of our affairs. Yet we expect, as a nation, that our commerce will take care of itself, without financial aid or the exercise of that wise and judicious supervision over it which prudent men be-stow on their personal business adventures. You cannot have a pros-perous national commerce unless you are willing to submit to the con-ditions on which alone a prosperous national commerce can be founded. You cannot have an American merchant marine to augment the national income by its earnings, and the import duties on its freights, without extending to it such liberal financial assistance as is extended to their merchant-marine service by the maritime nations of Europe. Capitalists will not, unassisted, risk their means in such hazardous enterprises. Nor will the ordinary profits of mercantile adventure justify individual capitalists in incurring the large outlay necessary to establish and maintain costly lines of steamships while struggling

to recover the foreign carrying trade we have lost.

Because the insignificant subsidies heretofore granted to steamship companies have not produced startling and impossible results, immediate and direct, we are told the system of subsidies is a failure, and the sums expended but a waste of the public money. Would that the same degree of zeal in defense of the public money could

always have prevailed.

But have the subsidies granted to steamship companies by the Gov-But have the subsides granted to steamship companies by the covernment, as a matter of fact, borne no fruit and brought no return to the national Treasury? Those who assume to answer this question in the negative have surely given little time to the study of the statistics of the San Francisco custom-house, to which I have briefly alluded. Of course, as a rule, it is idle to expect an instantaneous and direct return of all the money expended in subsidies to every steamship company who has received a dollar from the public treasure between critical times and company who has received a dollar from the public treasure the statement of the statemen ury, because ordinarily the return is the legitimate outgrowth of a trade which requires years of energy and perseverance to develop, and often appears in remote and indirect results. But at least in the instances of the Pacific mails and the Brazilian lines we have instances of direct and palpable returns for the subsidies granted. But it is not in the nature of things, nor in accordance with the usual operation of the rules of trade, that an immediate and direct visible result should ordinarily ensue; but that it ultimately ensues is as certain as that the effect follows its cause.

A singularly apt illustration of the indirect results of the subsidy system is to be found in the annals of British commerce from 1858

system is to be found in the annals of British commerce from 1858 to 1876. From the statistics published in the London Economist for December, 1878, a superficial observer might, with apparent force, argue that the enormous subsidies granted by the British government to its various steamship lines is but money buried in the sea. But a critical examination of the subject proves that they have been wise and judicious expenditures. From the figures presented by the Economist, it appears that the aggregate imports of Great Britain, including omist, it appears that the aggregate imports of Great Britain, including bullion and specie, for nineteen years, from 1858 to 1876, both inclusive, amounted to \$29,930,000,000; while exports during the same period were but \$23,965,000,000; leaving an apparent excess of imports over exports of \$5,965,000,000. If we should limit our investigation of the subject to these figures, it might, perhaps, seem that the amount paid in subsidies to the steamship companies by Great Britain decided were this period had been judged were then several than sever amount paid in subsidies to the steamship companies by Great Britain during this period had been, indeed, worse than squandered; but when we reflect that the bulk of these exports were carried over the seas in vessels constructed by British mechanics, and manned by British sailors, that the vessels and cargoes were insured in British offices, it is easy to be seen that the actual value to Great Britain of her \$23,965,000,000 of exports is very perceptibly increased. Indeed, the increase of valuation has been sustained by one authority as high as 20 per cent.

This, taken in connection with the fact that many articles of British

manufacture are invoiced for export far below their original cost, swells the value of British exports during the nineteen years above named to a sum estimated by the same authority to be \$26,250,000 in excess of her imports. If, then, this is the exhibit of Great Britain under a system of liberal subsidies, what an amazing exhibit might not our country make under a similar system? With such a system in operation in the United States, the nation would undoubtedly be enabled to absorb the large part of the South American trade, which is now controlled by European nations, having regular and frequent steam communication with their ports. The merchants and traders of these ports will and must order their goods from countries most accessible for rapid transportation. For dispatch in obtaining their of these ports will and must order their goods from countries most accessible for rapid transportation. For dispatch in obtaining their goods is of the first importance to them. And we must not overlook the fact that in numerous instances the vessels which would carry out goods to South American ports would bring back return cargoes, subject to custom dues; would employ American seamen to man them, and American mechanics to construct and repair them, and would doubtless insure them in American offices; and thus not only would our farmers, merchants, and manufacturers secure a market for their produce their wares but our seamen and mechanics would be emproduce their wares but our seamen and mechanics would be emproduce their wares. produce, their wares, but our seamen and mechanics would be employed, our insurance companies reap a profit, and the national income be appreciably increased.

But considerations graver and mightier than any arising from mere policy appeal to us in behalf of our merchant marine. Our experience in the past admonishes us that a merchant marine as an adjunct to our Navy may in a critical conjuncture become vital to the honor if not to the very existence of the Republic. No American can turn the pages of the nation's history without a quickened heart-beat as he recounts the splendid achievements of our merchant service in the cause of national independence, and the important service which it still later rendered to the Government in its subsequent struggle with later rendered to the Government in its subsequent struggle with Great Britain, and again during our own civil war. Shall we be told in the face of these facts that the money expended in creating and fostering a merchant marine is a "dead loss" to the nation? To eyes not blind by prejudice or judgments clouded by passion, our merchant service will never cease to be recognized as the vital force that made possible free America, and which more than once has proved its deliverer in seasons of storm and peril. Yet with these startling disclosures before us, we allow our maritime interests to dwindle and decay, while our railroad corporations are surfeited with subsidies.

In view of the present prostrated condition of our merchant marine, how hollow and meaningless sounds the language of Secretary Marcy, in his answer to the declaration of Paris, in 1856.

Itis

Said he-

not the policy of the United States to maintain vast standing armies and navies. When, unfortunately, we go to war, we depend upon our people to protect us on land, and our ship-owners to defend us on the sea.

Alas for the nation if the defense of its honor and safety on the

ocean must depend upon the handful of ships that comprise the American marine in the year of our Lord 1879.

But the existence and prosperity of a national marine depends not less on the inauguration of a system of free ships than on the granting of liberal subsidies to steamship companies and a generous public ng of Roeral subsidies to steamship companies and a generous public patronage. It is utterly futile to attempt to build up a merchant marine so long as the present restrictive policy of the United States Government on foreign-built ships prevails. It is idle to expect that astute financiers will invest their capital in American-built ships at a price far in excess of that for which similarly constructed vessels can be purchased in foreign markets. They cannot afford to pay and will not be covered into paying for an artisla more than it is fairly worth in the purchased in foreign markets. They cannot afford to pay and will not be coerced into paying for an article more than it is fairly worth in the cheapest markets of the world. And so long as the policy of this Government leads it, in violation of every principle of sound statesmanship, to allow the "temporary interest of the few to stand in the way of the permanent welfare of the many" by preserving for the benefit of a mere handful of American ship-owners a high tariff on foreign-built ships imported by our own citizens for the purposes of American commerce, so long will the whole nation suffer from the evils, and experience the losses incident to a crimpled merebant marine. ence the losses incident to a crippled merchant marine

If ever the utter fallacy of a system was demonstrated in this world, our ruined and depleted merchant service demonstrates the fallacy of imposing a high tariff on foreign-built ships imported by our own citizens for the purposes of our own commerce. If ever wisdom lifted up her voice in the temples of trade, she speaks to-day in thunder tones in advocacy of all means and measures by which a national merchant marine may once more become an element of American civilization. It is a weak and shallow answer to this imperative national need to say that the abolition of so-called "protective duties" on foreign-built vessels would cause some temporary loss to American shipbuilders. The same objection might be interposed with equal force to the introduction of the numerous mechanical inventions which have to the introduction of the numerous mechanical inventions which have revolutionized every branch of industry during the last quarter of a century. The same argument would lead to the abolition of steampower and machinery and every modern labor-saving appliance, and induce a return to the primitive methods of our ancestors. Of course the result of this new order of things has caused some individual loss and suffering. But the interests of the many and not of the few are of paramount importance in the solution of all social problems. And it is gradually dawning on the understanding of intelligent Americans that "protection" means simply profit to a class at the expense of the

masses; and they cannot too soon prick this iridescent bubble that has so long deluded them.

The benefits of a prosperous merchant marine diffuse themselves through all the arteries of national life, and are coextensive with its existence; their influence is unbounded, and reaches out toward and touches with a beneficent hand all classes of our citizens, (except, perhaps, the solitary ship-builder,) from the humblest tiller of the soil or the smallest trader up to the magnate of the land. And we do but trifle with the most vital interests of the country when we seek to perpetuate the narrow and paltry policy by which cheap ships are kept beyond the reach of our capitalists. It is the facility enjoyed by foreign countries for obtaining cheap ships that has more than anything else contributed to the maritime supremacy of the nations of Europe.

Glance, for a moment, at the statistics of the American carrying trade, and behold the insignificant proportion that is performed by American ships.

American ships.

During the year 1877 alone, the value of the imports and experts to and from all the ports of the United States was \$1,050,000,000, only \$280,000,000 worth of which was carried in American ships, while \$770,000,000 came and went in foreign bottoms. The amount of freight and passage-money may be reasonably estimated at 10 per cent., which makes \$77,000,000 paid to foreigners for carrying American commerce, which should have been averaged among our own records.

makes \$77,000,000 paid to foreigners for carrying American commerce, which should have been expended among our own people. Again, foreign vessels, it is said, employ three hundred and fifty thousand seamen. At \$10 per month, only, this would amount to \$42,000,000, which should be used to give employment to our own countrymen.

What stronger argument can possibly be advanced illustrative of the folly of the present "protective policy" of the Government than is presented in this brief statement? And what a contrast is here presented to the prosperous condition of our commerce twenty years ago, when we were foremost among the commercial nations of the presented to the prosperous condition of our commerce twenty years ago, when we were foremost among the commercial nations of the globe! If we turn to the statistics of the year 1857, we shall find that the total imports and exports of the United States for that year aggregated \$723,000,000, \$510,000,000 worth of which was carried in American ships, and but \$213,000,000 in those of foreign nations, a decrease of 75 per cent. in our carrying trade since 1860. For which unfortunate metamorphosis we are indebted, in a great measure, to the enlightened protective policy which has dominated the National Government for the last two decades. If these twenty years in this dissections policy have brought our commerce to the verge of min. and astrous policy have brought our commerce to the verge of ruin, and reduced our maritime status from that of a first to that of a third rate power, is it not well to diligently ponder the subject of a change of policy, or is it wiser to wait until the 25 per cent. of our carrying trade which still remains to American ship-owners shall be absorbed by foreign bottoms?

Nothing is more certain than that the present protective system is fraught with the direct evils to the nation. It means maritime prostration; it means idleness and destitution for millions of our people; it means foreign ships for our carrying trade; it means the employment of three hundred and fifty thousand foreign sailors to the exclusion of the same number of American seamen in carrying to market the products of our granaries, our mines, and our factories; it means, in times of peace, wealth to our rivals and want to our countrymen; it means, in times of war, strength to our enemies and weakness to ourselves.

With our vast sea-coast on the Atlantic, Pacific, and Gulf, there is no conceivable reason, with a judicious and national use of the means at our command, why the United States should not assume and hereafter retain the sovereignty of the seas. No other nation has within after retain the sovereignty of the seas. No other nation has within its reach facilities for controlling the commerce of the world and wresting from foreign rivals the trade and emoluments which are incident to it, if only we are wise enough to "take occasion by the hand" and "press forward to the prize." The conclusion is irresistible that without a native merchant marine to convey to foreign markets the golden harvest of our prairies and the products of our inventive genius in the mechanical arts a large part of the benefits which would otherwise result from our husbandry and our ingenuity must be lost to the nation, in violation of every rule of political economy. economy.

What a commentary on the policy of the Government is furnished by the fact that to-day England, Germany, and France monopolize the entire carrying trade of Brazil, to the exclusion of the United

Ten of the subsidized steamship lines of these nations regularly ply between their own and Brazilian ports, carrying annually imports and exports aggregating upward of \$200,000,000. It may be said subsidies have heretofore been granted to an American-Brazil steamship company that has failed. The answer is, it failed because the paltry subsidies granted were prematurely withdrawn in consequence of the scheme not producing an immediate and satisfactory return—as though the immediate dollar were everything, and the future permanent welfare of the country were nothing. The truth is that, compared with the advantages and benefits to the Republic of a national merchant marine, the gold expended to establish and foster it is as mere dross. So, at least, have reasoned the two foremost maritime nations of Europe, namely, France and Great Britain, the former of which expends annually in mail service to her steamship lines upward of \$23,000,000; and the latter, during ten years, has expended in subsidies upward of \$52,000,000. Ten of the subsidized steamship lines of these nations regularly ply

In the discussion of this question we are happily not driven, in order to sustain our arguments in behalf of an American merchant marine, into abstruse and nice speculations, nor need we summon to our aid the warm colorings of fancy or the embellishments of rhetoric. We have only to marshal the sturdy array of statistics immediately at hand in order to carry conviction to the most skeptical mind. Let us, then, attend for a moment to a brief examination of the results which the maritime nations of Europe are reaping from their merchant ma-

The Argentine Confederation imported in 1876 to the value of \$60,000,000, and exported a valuation of \$50,000,000, principally with Great Britain and France, the greater part of which passed through Buenos

Ayres.
Venezuela's trade in imports for the same period reached \$48,000,000, and her exports \$500,000, principally with Great Britain and France.
Chili imports annually to the amount of about \$35,000,000, and experience of the same period reached \$48,000,000, and experience of the same orts, principally from and to Great Britain, France, and Germany, a like amount.

The value of Russia's importations is \$300,000,000 annually, of which 40 per cent. comes from Germany and 30 per cent. from Great Britain. Her exports are \$260,000,000, of which 20 per cent. go to Germany and

Her exports are \$250,000,000, of which 20 per cent. go to Germany and 50 per cent. to Great Britain.

The Australias import annually to the value of \$234,000,000, and export some \$238,000,000, one-third of which goes to Great Britain. India imports annually to the value of \$121,500,000, and exports the value of \$289,500,000, principally with Great Britain, China, and Japan. The trade of Africa, which is continually increasing and is destined to become a most extensive and desirable one, is now divided about

as follows:
Algiers imports \$38,500,000, and exports \$28,700,000, four-fifths with France, the residue divided with Spain, Turkey, and Great Britain. Good Hope imports \$29,000,000, and exports \$22,000,000. This vast trade is almost exclusively monopolized by Great Britain.

Egypt has a total trade estimated at \$150,000,000 per annum; of this 70 per cent. is with Great Britain, and the balance with Turkey, Italy, and France.

Italy, and France.

And Western Africa imports principally from Great Britain annually about \$35,000,000, and exports about \$8,000,000.

You cannot fail to observe that nowhere in this voluminous catalogue of trade occurs the name of the North American Republic. It is almost incredible that the rulers of a large commercial nation like the United States can view undismayed these startling statistics, and equally incredible is it that they should pursue a policy whereby in a single year the nation pays to European steamship companies up-ward of one hundred and eighty thousand dollars for foreign mail service, which of right should be performed by an American merchant marine.

Marine.

No lover of his country with its true welfare at heart can contemplate without alarm and indignation the spectacle of her increasing maritime decadence. Year by year the forests of American masts drop away from our harbors and their white sails disappear from the seas, until the nation is no longer respected as a rival or feared as an antagonist on the ocean. And while this people is absorbed by busy schemes of internal development the keels of mighty fleets from abroad are writing the nation's maritime obituary in their foam.

But whatever may have been the cause, the fact of the decadence

But whatever may have been the cause, the fact of the decadence of our merchant marine confronts us. And is it not time we had a change of policy and something was done to recover our carrying trade? It would certainly seem to be the part of wisdom.

Let us, then, foster our merchant marine by granting liberal subsidies, and by permitting capitalists to purchase wherever they can get the cheapest and best vessels. Let us carry American commerce in American vessels, manned by American seamen, and thereby give employment to thousands of Americans and save to our country over \$100,000,000 annually; and then we will have established direct communication with foreign ports and given our farmers and mechanics a market for their products.

munication with foreign ports and given our farmers and mechanics a market for their products.

It is with nations as with individuals. What they will not learn from wisdom they must be taught by adversity; and happy will it be for this land if it learn not too late the bitter lesson of disaster which folly never fails to teach. Exceptionally blessed and singularly fortunate will it be if it shall not sooner or later be confronted with a crisis which shall overshadow its industries and imperil its safety. We have, indeed, read history to little advantage if we have not learned that the strongest guarantees of peace reside in continued readiness for use, and that no government can be permanently prosperous that is not wisely governed.

What, then, is the plain duty of those to whose hands are confided the government of this vast Republic. Will you say it is to administer its affairs in the interest of a class or a clique of its citizens to the injury of the great masses of its people and at the cost of its permanent welfare and security. Shall it be said of this generation that it was willing to hazard the great future of this country to promote its own temporary selfish purposes. Shall it not be rather the boast of our posterity that to the sagacity of their ancestors they are indebted for the glorious heritage of a country whose foundations rest on the eternal principles of wisdom, virtue, and patriotism?

tion of a bill (H. R. No. 5058) to restrict the immigration of Chinese to the United States. It is as follows:

That no master of any vessel owned in whole or in part by a citizen of the United States or by a citizen of any foreign country shall take on board such vessel, at any portor place within the Chinese Empire, or at any other foreign portor place what any number exceeding fifteen Chinese passengers, whether male or female, with the intent to bring such passengers to the United States, and leave such port or place and bring such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States.

The bill is substantially the same as a bill which Congress passed more than a year ago. That bill was presented to the President, but in his wisdom he saw fit to veto it. The bill was reintroduced into this House by one of my colleagues [Mr. PAGE] during this session of Congress, and referred to the Committee on Education and Labor.

Congress, and referred to the Committee on Education and Labor. That committee has examined the bill, and reported a substitute therefor which embraces substantially the same provisions. It is the first section of that substitute which I have read.

The object of the bill is to remove the incubus which is resting so heavily upon one or two of the States of this Union. It would be well for us to remember that supplication after supplication has come up here for years past from the people of those States, but so far our prayers and memorials have been unheeded. It is my purpose now to call the attention of the House to this subject, in order that during this Congress efficient relief may be granted to the recole who are ing this Congress efficient relief may be granted to the people who are now being borne down by the presence of a horde of heathen serfs. During the last Congress the question of Chinese immigration was so fully and ably discussed, and there has been so much written upon the subject, it may be unwise for me to attempt anything at this time. the subject, it may be unwise for me to attempt anything at this time. But in view of the deep and direct interest my constituency have in the passage of this bill, and the keen necessity felt by the entire population of the Pacific coast for the adoption of some restrictive measure that will save them from being supplanted by a foreign and pagan race, I feel constrained to urge upon this House prompt action. The effect of the introduction of Chinese into our country is a question that has engaged the serious attention of some of the best minds in our land, and the judgment of those who have given the subject most thought, and know most of Chinese character, is that the introduction thought, and know most of Chinese character, is that the introduction of a population so antagonistic and foreign to every aim and object of republican ideas, customs, and habits will prove dangerous to our peace and a disturbing cause in the construction of our society, hurtful alike to its moral, political, and material organization. In confirmation of the correctness of this judgment we have but to note the disturbed and restless condition of society on the Pacific coast.

There we have a people who feel more keenly than any other the terrible consequences and evil effects resulting from the injudicious extension of our welcome to this incompatible, antagonistic, and idolatrous horde of heathen serfs. The excited condition of the people of California at the present time should admonish us of the urgent necessity imposed upon the national Congress to adopt measures to

of California at the present time should adminish us of the digent necessity imposed upon the national Congress to adopt measures to relieve them of this intolerable burden. There is no division of judg-ment as to the evil effects of Chinese in California. The people of that State have as one man pronounced against it. At an election that State have as one man pronounced against it. At an election held last September in that State the question of Chinese immigration was submitted to the people, and the record shows that in a vote of more than 160,000 there were but 883 who expressed a willingness to receive them to our shores. This question was submitted by an act of the Legislature in consequence of statements made in Congress, of the Legislature in consequence of statements made in Congress, from the pulpit, and in the public press that it was only the vagrant and "hoodlum" element which was raising the cry of opposition, and only selfish demagogues who were taking up and echoing the same, and that the better classes were not opposed to Chinese immigration. Those who have heretofore believed these statements and honestly doubted a unanimity of sentiment among the people of California must now be convinced that they were mistaken. That these statements might be forever silenced, and that none should offer ignorance as an excuse, and that all should know that upon this proposition party lines had been obliterated, and that, however much our people might disagree upon other questions, they are a unit in opposition to Chinese immigration, to this end the governor has forwarded to every Senator and Representative in Congress, to the governor of each State and Territory, to the President and Vice-President of the United States, and to each Cabinet officer a certificate of the vote upon this proposition, attested by the great seal of the State.

This expression of opinion, so unanimous, coming from a people who have had an experience of thirty years with the Chinese, and deliberately expressed at an election at which each voter could express his opinion without fear or favor, should address itself with great force to the consideration of every one unbiased by prejudice or pre-

his opinion without fear or favor, should address itself with great force to the consideration of every one unbiased by prejudice or preconceived opinions. Indeed it seems to me that it should be conclusive, unless we are prepared to dispute the intelligence of that people. But I have heard it said that the reason why the vote was so unanimous was because of the violent public clamor and threatening demonstration of the Sand Lots that men of property were afraid to express their sentiments. It would be well for those making such statements to remember that the days of intimidation at the polls and tape-worm tickets are over in California, and that we have the best guarded secret ballot of any State in the Union. Every voter can cast his ballot without any mortal knowing how he voted unless he chooses to give the information. I am free to say that I do not RESTRICTION OF CHINESE IMMIGRATION.

he chooses to give the information. I am free to say that I do not believe there is a single unprejudiced individual upon that coast who has had an opportunity to observe the effect of the presence of the

Chinese, or had experience with them, but would be glad if they were gone; not one who is not satisfied that their presence is a curse to the country. I feel satisfied that the 883 votes favoring this immigration were cast by employers of Chinese, who are making a profit from their labor, and hence their action was purely selfish. We then have the unbiased and deliberate judgment of California that the Chinese are a people not homography. Chinese are a people not homogeneous; a people wanting in every element harmonizing with our society, and from their moral, religious, and political training disagreeable and dangerous members of the

American community.

It is unnecessary for the information of this House that I should enter upon a description of the character, habits, and customs of the enter upon a description of the character, habits, and customs of the class of Chinese who immigrate to this country. An exhaustive investigation by a committee of the senate of California, also by a committee of the Senate of the United States, with the distinguished Senator from Indiana, Mr. Morton, at its head, and again by a committee of the House with my venerable friend, Mr. Wright, of Pennsylvania, as chairman, with elaborate reports made and laid before Congress in each case, has brought clearly before you the distinguishing characteristics of this peculiar people. These investigations among other things developed the fact that the Chinese in the United States are here in a condition of servitude, a kind of bondage or slavery, the exact conditions of which could not be ascertained. Recent dispatches from our consul-general at Shanghai, China, now before us. the exact conditions or which could not be ascertained. Recent dispatches from our consul-general at Shanghai, China, now before us, throw additional light upon this subject. From these dispatches we learn that slavery is an institution of China recognized and enforced by her laws. Mr. Bailey, our consul, has given a brief history of the origin of slavery in China, and a synopsis of the laws permitting and governing it. He believes it had its origin in the patriarchal family relations. He says that with the Chinese the maxim is:

That as the emperor should have the care of a father for his people, a father should have the power of a sovereign over his family. To fully understand this maxim it must be borne in mind that the Chinese idea of a sovereign is that of an absolute one, with no limit or restraint to his acts but the bounds of human endur-

He shows that this maxim is the law of the family relation; when speaking of the power of the father over his children, he says:

The father can do with them as he likes; he may not only chastise, but even sell, expose, and kill them.

Again he says:

It has become the custom for the poor to mortgage and sell their children to the rich, conditionally or absolutely, in great numbers, under this law.

Mr. Bailey, in further speaking upon this subject, says:

The head of the family may justify the absolute sale of a member, by the fact that the person as the well fed and clothed slave of a rich family is better off than as a freeman, when he daily feels the gnawings of hunger and shiverings of cold, for want of the commonest kind of food and clothing.

But Mr. Bailey adds:

Whatever may be the justification sought for by the individual parties to such sales and purchases and by a government which allows such practices, the facts are, so far as all history goes, slavery by sale and mortgage has always existed, and now exists in all parts of China.

To show that slavery is an institution of the country recognized by the laws, he cites many sections of the civil and penal code, among which are the following:

SEC. 116. If a female slave deserts from her master's house, she shall be punished with eighty blows, or with one hundred blows if she contract marriage during such absence; and in both cases she shall be restored to her master. Whoever harbors a fugitive wife or slave, or marries them knowing them to be fugitives, shall participate equally in their punishment, except in capital cases, when the punishment shall be reduced one degree.

Mr. Bailey says the penalty for using violence to the master or his family is the highest known to the Chinese law.

The first four paragraphs of section 314 of the penal laws are as

First. All slaves who are guilty of designedly striking their masters shall, without making any distinction between principals or accessories, be beheaded.

Second. All slaves designedly killing, or designedly striking so as to kill, their masters shall suffer death by a slow and painful execution.

Third. If accidentally killing their masters they shall suffer death by being strangled at the usual period.

Fourth. If accidentally wounding, they shall suffer one hundred blows and perpetual banishment to the distance of three thousand li, not being allowed, as under similar circumstances in ordinary cases, to redeem themselves from punishment by a fine.

Other paragraphs of this section go on and define the punishment for insults to the masters and his relatives, which in certain cases amount to death.

These are but a few extracts from this very interesting document. He goes on to show the extent of slavery in China, its peculiarities, how thoroughly it permeates their social, political, and religious institutions, and how difficult it is to break it down. He states that it flourishes in the British province of Hong-Kong, notwithstanding it is in direct violation of English law. Mr. Bailey finally winds up with the following conclusions: the following conclusions:

First. Slavery does now prevail, and has prevailed extensively in China through her whole historic period.

Second. That the present system of slavery in China has grown out of the patriarchal family organizations.

Third. The laws of the Chinese family give the head of the family (pater familias) absolute power and control over members of the family.

Fourth. That this power and authority is transferable by mortgage or sale, and can be exercised when transferred by the original head of the family.

Fifth. That the slaves of Chinese are divided into four classes, and that these four classes comprise one-sixth of the whole population of the empire.

Sixth. That, judging from the results of thirty-seven years' experience by the British authorities in Hong-Kong, there is vitality and strength enough in the Chinese family law and in the system of Chinese slavery to enable them to defy foreign laws and courts in foreign countries.

The dispatches from which these extracts are taken are found in

an official document from our consul-general in China, transmitted to our Government, and establishes the fact beyond a doubt of the universal existence of slavery in China.

It is this slave class that is being shipped to our country, the lowest and vilest of China's teeming millions, steeped in the depths of paganism, superstitions, and moral degradations-certainly no debaganish, superstitions, and north degradations—certainly no desirable additions to our population, but such a population as we are bound by every consideration to exclude from our land. There may be individual exceptions, but I think from the investigations and the testimony taken, and the experience with the Chinese in California, it may be truthfully said that the class of Chinese now in the United States and still coming are a horde of thieves and have no conception of the principles of honesty. They are cruel and inhuman, often abandoning their sick and helpless, leaving them to die alone and uncared for, and that they regard their women as articles of merchandise. In their own country they sell their own wives, the mothers of their children. They have no regard for the sanctity of an oath, are habitual liars, and the truth is not in them. They will not assimilate with other peoples, are grounded in superstition, have a profound contempt for everything modern, and only revere antiquity. They despise our institutions and Government, and only tolerate them because they must. They herd together in droves, and live in quarters too loathsome to describe. Virtue is unknown among them, and many of their habits are revolting to nature. In a word, their habits, manners, customs, tastes, language, education, morality, and religion constitute a system incompatible with our evilusation. The two cannot exist together. It has been truly said that we must conquer, be conquered, or exclude them. The Chinese come not to stay; they leave their families behind them. From the best information attainable there are not three hundred families among all the 150,000 Chinese now in the United States.

The Chinese women here were brought for vile purposes. These people have but few wants, and practice the closest economy. They can and do exist on the cheapest food, often at a cost of not exceeding ten cents a day. Having no families, twenty have been found occupying, eating, and sleeping in a room ten by twelve feet. Their plodding industry and cheapness of living defy competition. They can always underwork the white laborer. Hence, whenever the supply of labor exceeds the demand the white laboring classes are disply of labor exceeds the demand the white laboring classes are displaced. They add nothing to the wealth of our country, because the profits of their labor are all returned to China. It is believed the Chinese now in the United States are earning not less than \$60,000 daily, at least one-half of which is clear profit, and goes direct to China; the other half is consumed in their support, and as nearly all their food and clothing is imported from China, it is safe to say that seven-eighths of the half required for their maintenance also finds its result of the proceeds a wealth which would not be presented. that seven-eighths of the half required for their maintenance also finds its way to China. They create no wealth which would not be created were they excluded; all they send away is that much less to our people. Hence, it is plain that instead of adding to our material prosperity they are despoilers of our land, leeches, as it were, drawing the life-blood of our country. If this labor was performed by our own or a homogeneous people, the earnings of the laborers would be invested at home and add to the national wealth and greatness.

The central idea of our institutions is the elevation and dignity of labor. The laborer of our country must be sufficiently naid to sun-

labor. The laborer of our country must be sufficiently paid to support himself and family, educate his children, and qualify himself to act understandingly his part in our republican Government. This he cannot do when brought in competition with Chinese labor. He cannot compete with those people without meeting them on their own plane, which means that he must content himself with a mere existence, must forego the family relations, and be a stranger to the home and home comforts of our civilization, and be a stranger to the nome and home comforts of our civilization, and be compelled to herd in droves and domicile in dens. This is Chinese civilization, and to it the American laborer must be reduced or be driven from the land, if there is to be no restriction to Chinese immigration. I know we boast of our prowess as a nation, and regard ourselves as the highest type of the human race, and therefore some are disposed to say that type of the human race, and therefore some are disposed to say that if our people cannot compete with the Chinaman they ought to be supplanted by them. The individual who is ready to act upon that proposition is ready to exchange American civilization for that of the Chinese. He is an enemy to his race, willing to renounce free republican institutions, and inaugurate serfdom. He is willing to see our country fail of that high destiny which awaits her if we are wise in our time and generation, and is willing to see the progress of the age give way to a backward movement into semi-barbarism.

The people of the Pacific coast understand this proposition. Their eyes have been opened. For thirty years they have had large numbers of these Mongolians in their midst. Business men in every department, working men and women, all find themselves quietly,

pertuent, working men and women, all find themselves quietly, almost imperceptibly, but steadily, being supplanted. They have come to understand that the presence of the Chinese does not mean competition but substitution. Hence the efforts they are now making to exclude them from our shores they regard as efforts for the perpetuity of our republican institutions. The cry of the "Chinese

must go" comes not from a rebellious faction or lawless people disposed to coerce the action of the Government or to hinder the administration of just laws, but must be regarded as the expression of a determined and quiet resolve of a Christian community not to be supdetermined and quiet resolve of a Christian community not to be supplanted by a heathen and pagan race. Once restrict the immigration and those now here will within a few years be gone, and that voluntarily, for none remain more than a few years among us. Much of the opposition to this kind of legislation is founded in the sentiment that this Government is the "asylum for the oppressed and downtrodden of all nations." It is true that our fathers ordained this Republic a "city of refuge" to our brethren escaping from the tyranny and oppression of the absolute monarchies of the Old World; but more especially was it dedicated to the persecuted and humble Christian brotherhood, that they might here find a resting-place secure from persecutions; where they could erect their temples to the one true and living God, and worship Him according to the dictates of their own consciences. tates of their own consciences

But I presume it does not enter into the belief of any sane person that it was ever the intention of our fathers that this land should ever become the possession of the heathen, or a mart in which he might gather and transfer to his own land the fruits and riches of this. Had this been their purpose why should they have waged a war of extermination against the heathen of this land? The Indians were the possessors of our broad plains and fruitful valleys, and the main excuse given for the displacement of them was that they were heathen and that this was a portion of the Great Father's domain and should be possessed by His legitimate heirs, His Christian children. Our fathers possessed themselves of this country under the same manner as did the children of Israel under the and much in the same manner as did the children of Israel under the and much in the same manner as did the children of Israel under the leadership of Joshua take possession of the Promised Land. They proclaimed "the heathen must go;" our fathers did the same; and now our brethren in California do but echo their language, and insist that the teachings of the ancient Israelite and our Pilgrim Fathers shall be reverenced, and that this is a Christian land in which the pagan has no inheritance and shall have no possession or foothold.

The principal argument used by those opposed to measures restricts.

The principal argument used by those opposed to measures restricting immigration is that all such acts are in violation of the existing treaty, and they insist that the only way in which we can be relieved treaty, and they insist that the only way in which we can be relieved and this incubus removed is through the treaty-making power. It will be remembered that the citizens of California have for years been petitioning this body and that the Legislature of that State has forwarded memorial after memorial praying Congress to urge the treaty-making power to take the necessary steps to modify the treaty. Congress, heeding their supplications, passed a resolution two years ago requesting the President to open negotiations with China in order to secure such modifications, so as to limit immigration; but as yet we have no relief, and still they come. If the President complied with the request of the resolution the presumption is that the government of China will not consent to such modification. If this be true we should only be the more deeply impressed with the preent necessity should only be the more deeply impressed with the urgent necessity of taking immediate action, such as will restrain the influx of these Mongolian serfs. But I am sure a careful examination of the spirit as well as the letter of the treaty will show to the unbiased mind that the passage of this measure will not be an infraction of the obligations of that instrument; and while I as well as the entire people of the Pacific coast would much prefer a total exclusion of this daugerous population from our country and only permit commercial relations to exist between this Government and China, yet we are anxious to secure the passage of this as the only measure now within our reach and the only means of present and partial relief.

Section 5 of the treaty provides, among other things:

That the high contracting parties join in reprobating any other than an entirely voluntary emigration, and agree to pass laws making it a penal offense for a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or any other foreign country, or for Chinese subjects a citizen of the United States to take citizens of the United States to China or any other foreign port without their free and voluntary consent respectively.

The obvious meaning of this clause is that emigration be restricted to the free and unbiased desire of subject or citizen of either country to visit or emigrate to the other, and was intended to prevent the introduction of coolies, slaves, or any other class bound in a condition of servitude. It certainly cannot be construed to permit, much less mean, that slaves might be imported, and that the poor, helpless, and despised classes in China might be induced and enticed away to this country under such contracts as to virtually sell themselves into bondage. No man is allowed to sell himself in this country. He may contract his services for any period, but there is no law by which he contract his services for any period, but there is no law by which he can be compelled to render the service. Almost every Chinaman in can be compelled to render the service. Almost every Chinaman in the United States came here as a slave or under a contract, bound for a longer or shorter period. The contract is made in China, and the most onerous conditions imposed. The emigrant, as he is called, but more properly the slave, is consigned to one of the six Chinese companies in the United States, who see that the conditions of the contract are complied with to the letter.

They have a system of government among themselves, by which they are enabled to enforce their mandates. So stringent and exacting is their code and so strictly is it administered that there is but little doubt that many of these creatures have suffered death as the penalty

doubt that many of these creatures have suffered death as the penalty for its violation, and this, too, in direct defiance of our laws. It is a fact that on the Pacific coast there is a Chinese government within

our Government. The readiness with which they submit to such servile conditions and endure such onerous exactions, in a land of freedom, where, by the laws they may enjoy the privileges of the subjects of the most favored nations, afford us an instructive lesson as to the servile character of the Chinaman. The tenacity with which this race cling to the precepts of their fathers, and the ready obedience they give to the customs of their native country, show that they are unable to appreciate the blessings of free government and that their presence can have none other than a demoralizing effect upon the inpresence can have none other than a demoralizing effect upon the institutions of our country. It will thus be seen that the free and voluntary immigration as provided for in the treaty, is ignored on the part of China, and the aim and purpose of our Government in the adoption of that clause of the treaty defeated. The effect of this bill, should it become a law, will be in a great measure to break up and destroy slavery and a speculative combination little less mischievous, if any, than was the African slave trade; in fact these so-called immigrants are, for the term of their contract, as much slaves as were ever the poor African. The only difference is that one was chained to perpetual bondage without hope; the other has a bare hope that his bondage may end.

These people are not seeking our country for hospitality or fleeing from the oppression of their own land. They are coming from the Celestial Empire, the Flowery Kingdom, to find among outside barbarians, as they term us, the treasure and wealth they fail to obtain in the empire of the Son of Heaven. It is for lucre and the precious metals they visit our land, and they laugh at the folly which permits them to gather without hinderance the wealth of a people too ignorant to appreciate the treasures so bountifully bestowed upon them. They are willing that we may sow and they may gather, and so long as this arrangement is submitted to by us they will certainly so long as this arrangement is submitted to by us they will certainly find no fault with it. But I ask the representatives of a free and liberal people if it is not about time that this state of things should cease, and that a treaty in which there is no reciprocity of interest should be limited to its original meaning and intent. But in considering this question a field larger and broader passes in review. The possibility of the renewal upon this continent of the struggle between the Christian and the heathen, between the cross and the cresters are the force. cent, opens up before us. This may well demand our most earnest consideration and admonish us to look well to the results which may follow a thoughtless and immature policy which invites to our land a race from the earliest periods of history the foe of Christian thought and principles; a race whose existence has been a warfare against its precepts, and whose presence is moral contamination and freedom's death. That they can ever become converts to Christianity or receive its holy teachings is a matter of extreme doubt, judging the future by the past, and taking the experience of Christian missionaries as our guide we must conclude that the good work will be transferred to a future so remote as to pass beyond the scope of mental vision. In our own time we can only guard ourselves and our posterity against the inroads of pagan doctrines and customs, and their baneful, blighting, and desolating effects.

The history of every country to which the Chinese have emigrated is that they are a disturbing element, non-assimilating, provoking the opposition of the native inhabitants, and puzzling the authorities in their management. I need but instance, as illustrative, Australia, Java, Singapore, Siam, and the Philippine Islands. The history of Chinese emigration to and occupancy of the Philippine Islands is full of interest, and would afford very profitable reading for the people of the United States just at this time. In the year 1603 their numbers were so great, they were so objectionable to the inhabitants and were so troublesome to the authorities, that disturbances arose in which twenty-five thousand were massacred at one time. After this they were only permitted to live upon the islands in numbers not exceeding six thousand, and these were heavily taxed and restricted to certain pursuits. In 1639, disregarding the regulations, they had increased to above forty thousand, when they were ordered to leave, and refusing to do so, thirty thousand were slaughtered. They still flocked to those islands in opposition to the authorities. In 1662 and 1679 they were again put to the sword and swept from the islands almost to the last man. Even as late as the year 1819 they were again slaughtered in great numbers. Notwithstanding all this bitter again slaughtered in great numbers. Notwithstanding all this bitter experience of the past, and the heavy taxes and stringent restrictions imposed at the present time, they are to-day occupying those islands in greater numbers than ever before, and virtually control the country. In speaking of the present condition of affairs there the testimony and deductions of the noted German philosopher and traveler, Jagor, is that the Chinese in the Philippine Islands, "as they do everywhere, remain true to their customs and mode of living. No nation can equal them in perseverance, adroitness, cunning, and skill in mercantile matters. When once they gain a footing they ap-

No nation can equal them in perseverance, adroitness, cunning, and skill in mercantile matters. When once they gain a footing they appropriate the best of everything to their own advantage. All over external India they have dislodged from every field of employment not only the native population, but even their European competitors."

With all these facts before us, and the vast Empire of China facing our western shores, with a population of four hundred millions, and pouring forth a stream of emigration from her overcrowded hive upon our Pacific States, it requires no prophet to forecast what the end must be; and I now ask members if it is the part of wisdom to remain inactive and invite history to repeat itself. We are told that the President is moving in this matter and that a commission has the President is moving in this matter and that a commission has

been nominated to proceed to China to discuss and adjust our relations, and we are asked to bide the time with patience. We of the Pacific coast understand something of the delays that always attend diplomatic negotiations. We also remember that the sentimentalists of our country, who hold sacred the doctrine of the one common fatherhood of God and brotherhood of mankind wield a potent influence, so far as this question goes, with the Department of Government which will have the naming of this commission. This was illustrated two years ago in the failure of this very measure now under consideration.

From our stand-point we have but little faith in the sincerity of the proposed negotiations, or that any beneficial results will follow. To us it seems highly probable that commercial influence will be such that when the commission is formed it will be divided in opinion as to what is desired by our Government in regard to restricting immigration. China would be unwilling to give up the advantage she holds through the one-sided treaty now existing, and our commissioners being divided negotiations would probably fail. Hence we prefer legislation first, negotiations afterward. Let us set aside all mawkish legislation first, negotiations afterward. Let us set aside all mawkish sentimentalism and meet this question as the times demand, bold in the determination to inflict no wrong upon others and not to permit others to impose upon us in their claim to rights which we never conferred nor intended to confer. I entreat you to heed the voice of our Pacific coast people, who have for years been calling upon Congress for relief, and who to-day are sounding the first notes of the irrepressible conflict of races upon this continent. Let us heed the alarm, for I say to you now there will be no tranquillity within our borders until the evil to which I have called your attention is in process of ultimate extinction.

Mr. PAGE. It was not my intention, Mr. Chairman, to submit any

Mr. PAGE. It was not my intention, Mr. Chairman, to submit any remarks to-day; but I take this occasion to say that I indorse the sentiments that have just been uttered by my colleague, [Mr. Berry.] In this connection allow me to say that it seems to me this House

cannot misunderstand the sentiment of the people on the Pacific coast on the subject of Chinese immigration. Prior to the late election in California it was charged by the friends of Chinese immigration that only those who were led by Kearney, and but a few in number of them, were opposed to Chinese immigration. But the question was submitted to the people at the election held in September last and the result was that out of 162,000 votes but a trifle over 800 votes were cast in opposition to restricting the immigration of Chinese into this country

I rose, however, more for the purpose of saying that two years ago, I think in February, 1878, a concurrent resolution was adopted by the two Houses of Congress instructing the President to open negotiations with the Chinese government for the purpose of restricting im-

migration from that country. Up to this time we have heard of nothing that has been accomplished through such negotiations.

Over two months ago my colleague on the Committee on Education and Labor, the gentleman from Kentucky, [Mr. WILLIS,] reported to this House a resolution, which was adopted, calling upon Mr. Evarts, of the State Department, for any information in his possession in reference to negotiations that had been had or were then reading upon this guide. pending upon this subject. To that resolution there has been no response, as I understand, up to the present time. The resolution was properly worded. It simply called upon the Secretary of State to inform this House, if not incompatible with the public interest, what action had been taken with reference to negotiations between the Government of the United States and the Chinese Empire upon the subject of Chinese immigration.

I say that it is the right of this House to be informed, if not incompatible with the public interest, whether the State Department is trifling with this subject or not; and I hope that before many days shall have passed away we will have the information that has been called for by the House, or will be furnished with good reasons why

called for by the House, or will be furnished with good reasons why such information is not given us.

One word more upon the question of a commission which has been referred to by my colleague, [Mr. Berry.] Before that commission shall have been sanctioned by the other branch of this Congress, I hope it will be first ascertained whether, under the concurrent resolution passed by the two Houses of Congress more than two years ago, any instructions have been given to our minister to China in reference to negotiating a treaty between this Government and China upon this important subject.

INTERSTATE COMMERCE. Mr. SPARKS. Mr. Chairman, within less than a third of a cer which has just passed, the lines and modes of travel and the ways and means for transportation of freights in the great West, from whence I come, have undergone a most vital and radical change. In fact, not only there, but throughout the whole country, within a period but little beyond that just mentioned, an almost entire revolution has been a constant of the property of the pro effected with respect to this interesting question. It is no exaggeration to affirm that, so far as passenger travel is concerned, the old modes known to the generation immediately preceding ours have been totally abandoned and superseded by the speedier and, in all seasons and under all conditions, more reliable means afforded by railroads, and that the interchange of commodities and transportation of freights throughout the country are now mainly directed into the same chan-

It requires no argument to convince intelligent men that all this

has largely contributed to the development of the wonderful agricultural and other material resources of our rich country, and that with this development and the facilities thus afforded for rapid communication between all the parts of its extended territory the reasonable hope may be indulged that, with wise and honest management of these railways by those who own and control them, much in the future may be done to promote the happiness and stimulate the prosperity of the people, and at the same time give fair and adequate compensation to their owners.

Recognizing, therefore, the fact that these railway corporations have become important factors in the attainment of this great purpose, and desiring to utilize them as such, we, as the representatives of the people of whom these corporations are a part, should be careful by no act of ours wrongfully to obstruct, but by generous fair-dealing and wise legislation do all in our power to advance and assist all legitimate enterprises conducted by them. In doing this, however, we should be equally careful to insist upon keeping their rights and interests subordinate to and in strict accord and harmony with the interests and welfare of the public, which result it is safe to assume will not be of difficult accomplishment if they will meet this view of the subject in difficult accomplishment if they will meet this view of the subject in a proper spirit and yield a cordial co-operation to its attainment. These railway companies are "common carriers," useful to the public, and there is no good reason why any conflict of interest should occur between them and the people who patronize them. And no conflict will arise if the management of their roads is of such character as to impress upon the public a conviction that they are disposed to deal justly, and that their tariff rates for fares and freights are reasonable and allow them but a fair margin for their capital invested, as well as such attentions devoted to the business as will secure honest and economical service

When they do this there can be little doubt that they will have the ood will and sympathy as well as patronage and hearty support of good will and sympathy as well as patronage and hearty support or the great body of the people with whom they are brought into busi-ness relations. But if, on the contrary, they by an abuse of their privileges create distrusts and bring their supposed rights and inter-ests into conflict with the rights and interests of the public by gross mismanagement, discrimination, and heartless extortions, (as candor compels the declaration that in many if not in all cases they have done,) it certainly imposes the duty upon us as legislators, in the exercise of an admitted constitutional authority, by wise and judicious legislation to restrain them from the commission of such wrongs and coerce them into equitable and just dealing in the premises.

POWER TO CONTROL BAILROADS

All, or very nearly all, of these corporations have their charters or corporate franchises from the Legislatures of the various States of the Union. They now represent an aggregate property valuation, according to the best information I have been able to obtain, of about \$4,500,000,000, consisting of about eighty-five thousand miles of railroad track, including fixtures, rolling-stock, and other real and personal estate, and are now conducting a commerce the value of which for several years past has amounted in round numbers to the immense sum of pearly \$18,000,000,000,000,000,000,000,000.

som of nearly \$18,000,000,000 annually.

Sir, I submit that to thoughtful and cautious legislators for a free people there is in this statement and array of figures much to arouse the gravest apprehension, if there be not something in them to sound the alarm of dangerous warning.

Chartered institutions possessing corporate privileges, which specially confer power into the hands of a few men to wield such vast

property valuations and to control and conduct such immense commercial interests, cannot be inactive or inert. They cannot from the nature of their existence be otherwise than productive of wonderful effects either for good or evil to the public under any form of government, but specially so in a Government like ours, where the sovernment, but specially so in a government like ours, where the sovernment is the source of the ernment, but specially so in a Government like ours, where the sovereign power is vested in the people. If under their charters from the Legislatures of the States these corporations have an acquired power beyond the subsequent control of the States with respect to State or "internal commerce," and also by virtue of those charters, without any concurring action on behalf of the Congress of the United States, they are beyond the control of Congress with respect to "interstate commerce," then indeed they are not only lawless, but there is reason for the fear that they will become potential agents for unlimited mischief and danger to the institutions of a free people.

But if on the other side they are amenable to law and subject to the restraint of subsequent Legislatures of the States from whence they obtained their charters as to "internal" or State commerce, and also are subject to the control of Congress with respect to the "in-

also are subject to the control of Congress with respect to the "interstate" commerce conducted by them, then all the ugly, dangerous elements of their composition fade into nothingness, and they become

(when wisely managed) blessings to the people.

Fortunately this latter view of the subject is the correct one.

These corporations are unquestionably within the jurisdiction and control of the States as to all that pertains to the business conducted by them solely within the States, and, under the eighth section of article 1 of the Constitution of the United States, clearly within the jurisdiction and subject to the control of Congress in the exercise of its powers "to regulate commerce among the several States." On this subject of the power to control as "common carriers" these railways, I beg to present, with my indorsement, an extract from a speech delivered in this House in the Forty-fifth Congress by the chairman of the Committee on Commerce [Mr. REAGAN] on a bill then pending and similar to the substitute presented by him and now before us. He

It has from time immemorial in Great Britain, the country from which we derive our system of laws, been held that common carriers were subject to regulation by acts of Parliament. It is held by the courts of that country much more uniformly than by the courts of our country, that the fact that these corporations derive their franchises from the public, the fact that they are common carriers, the fact that their right to exact toll at all depends on the bounty of the Government in securing to them their charter, the fact that the public is interested in their transportation—that these facts give Parliament the absolute right to legislate in regulation of them, without a reservation to that effect being contained in their charters. In our country, in our constitutional form of government, superadded to all these considerations is this: that we confer upon them, I suppose in all cases, the right of eminent domain, the right to condemn private property for their use upon just compensation. Now as private property cannot be condemned for private use, as it can only be condemned for public use, each such corporation as accepts a charter authorizing the exercise by it of the right of eminent domain accepts the constitutional inference that its functions are public; otherwise it could not exercise the right of eminent domain. So that in our country, upon this principle of the Constitution, as the exercise of the right of a public corporation is for the public good, the fact that they are common carriers for hire, the fact that the whole public is interested in the commerce which they carry, gives to Congress the power as to interestate commerce to regulate the rates of freight.

Then let it be granted that the power exists to regulate by legisla-

Then let it be granted that the power exists to regulate by legislation the operations of these corporations, the questions occur as to the expediency of its exercise and the extent to which it shall be done. NECESSITY OF LEGISLATION.

In the Forty-fifth Congress a distinguished gentleman from New York, not now a member, in a speech in opposition to the bill on this subject, then pending, used this quite emphatic and certainly very remarkable language:

If it [the bill] goes into effect it will result, as all these things do, in these great carriers controlling Congress and determining its action about freights themselves. Whatever evils there are in the discrimination which the great carriers make in favor of through over local freights, I believe the local dealers had better be left to the protection of the State Legislatures, and the laws of trade, and competition, than to secure relief by the legislation of Congress.

Again he says:

Once let it be understood by these great railway barons that Congress can put down rates, and they will take care to see that it puts them up as well when they want that. They are the most powerful interest in the country. They have long desired action by Congress that would enable them to claim its protection against the States. Once have it understood Congress can control them, and it will turn out that Congress will be used to protect them.

Now, sir, here we have in a nutshell a clear statement of the opposition urged against all congressional legislation proposed on this sub-

ject. It means in plain English,
First. That it is inexpedient and dangerous to attempt to control First. That it is inexpedient and dangerous to attempt to control these railway corporations by act of Congress, for the reason that Congress is unsafe and will prove false to the interests of the public, and instead of it controlling the railways they will control Congress and use it to protect them against the States and the people.

Second. The remedy is not in Congress, but in the State Legislatures, and in the laws of trade and competition.

Now let us examine these propositions in their order:

Now let us examine these propositions in their order:

First. Is it true that in a government in which the sovereign
authority is vested in the people, one made "by the people and for
the people," as it has been and is our proud boast that ours is, the
protection of their rights and interests against wrong and outrage inflicted upon them by corporations of their own creation is not safe
in the hands of their representatives when dealing with these cor-

If, indeed, this be true, then this body, constituting the highest and most important legislature on earth, can certainly command no longer the respect and confidence of honest men or nations, ought no longer to exist, but should be at once so revolutionized as properly to reflect the sovereign will of the people, or be instantly and permanently

But men who have faith in our free institutions will not believe this, and it should astonish the country that a member of this House should give utterance to such sentiments. It is unfortunately true that Congresses in the past have made mistakes and committed wrongs, and it is equally true that the present and future Congresses are subject to error and the commission of wrong; but whatever of evil may come through their infidelity to the high trusts committed to them cancome through their indenty to the high trusts committed to them cannot fail to be seen of the people, who, having the power to correct, will speedily do so by retiring faithless servants and substituting in their places those who will respect their sovereign will and guard and protect their interests. Sir, I must have faith in the people's chosen representatives or I can have none in the people themselves, and if no faith can be reposed in them, then our Government and all its beautiful interest failth the content of the cont its boasted institutions must fall to the ground and become an absolute

Now, as to the second proposition, is the desired remedy attainable through the State Legislatures? It is a doctrine well established that State Legislatures can only make laws to regulate commerce within the territorial limits of their respective States, and beyond this have no jurisdiction whatever. They can control passenger and freight traffic from points within to other points within the limits of the State, not beyond that. They certainly have no power to control or regulate "interstate commerce."

Admitting, then, the fact that an ample remedy exists through the local Legislatures to regulate local traffic, where is the remedy for that which goes beyond the State? Take, for example, the great crops and other productions of the State of Illinois. Of all the wheat and

corn and beef and pork raised in that State a very small portion relatively is consumed within it. The great bulk of it must seek a market outside of and beyond the State. Now let me ask how is its Legislature to control or regulate the railway carriers that take its surplus productions beyond and into other States? It certainly cannot do this; and, therefore, as to all that which goes beyond the State the people must look to Congress for aid, or have no legislative protection at all against the extortionate charges of these transportation menopoles. tion monopolies

Sir, I insist that Congress has the power conferred upon it by an express provision of the Constitution, which has been ratified by decisions of the Supreme Court, to regulate this traffic and to remedy this evil. And I further insist that the exercise of that power is an imperative duty already too long delayed to admit of strained technical objections now being urged to thwart our efforts for immediate and effective action in regard to it. But this second proposition goes

further. It is:

That there is a protection to the people in the laws of trade and competition.

How is this?

The theory is that there being numerous railways owned and controlled by as many corporations, and each and all struggling for the carrying trade, they thus arouse such rivalry among themselves that reasonable charges can be relied upon. Now, if that theory be sound, something like a reasonable remedy or protection may be found in it. But is it sound? Rivalry or competition among these carriers can only at best exist at terminal or intersecting points. It can only be where two or more railway lines in some way come together, and are thus brought into conflict with each other in their respective efforts to secure the same trade. But that is confined necessarily to only a small portion of the carrying trade. It does not and cannot appreciably affect that great body of the intermediate traffic and transportation which is confined to single lines and tributary to them. These are not and cannot under any circumstances be materially benefited by such supposed competition.

Now let us see how it is with respect to the terminal and intersecting points. I am free to confess that at such points it is not diffi-

cult judging from the ordinary transactions of men to arrive at the conclusion that so far as they are concerned a protection to the pub-lic by means of commetition ought reasonably to be expected. This lie by means of competition ought reasonably to be expected. This would be a first-blush view of it. Yet, judging from practical results, it is by no means reliable.

When railroad companies declare war against each other, during the continuance of such war, at the terminal and intersecting points, their tariff rates are in many cases reduced to ridiculously and ruinously low amounts, which always tend to distract trade and disturb all business enterprises; but when peace is restored between them, and they quietly sit down and form their "combinations," agree upon a division of business, and "pool" the profits, they contrive soon to make up in peace by high rates all and more than all that they lost by low rates in war; so that the culmination of the whole thing verifies the common yet true adage that where "combinations are possible competition is impossible," and as to practical ends emphasizes the expressive sentiment that "combinations are monopolies." Then, if my reasoning be correct, the people have no remedy at all in the State Legislatures for exorbitant charges on through traffic or "interstate commerce," and have no adequate protection therefor through the laws of trade and competition, but that protection against these must be obtained, if at all, by and through the legislation of Congress.

The character of that legislation is, therefore, in my judgment the great and only practical question before us.

This subject is now arousing deep and earnest thought on the part of the people. It has been before Congress for some time, and while there have been here differences of opinion as to the propriety of interfering with the subject in any form, it is very clear that the majority sentiment has always been and is now that legislation of some kind was and is imperatively demanded. Now, the practical question is, what ought that legislation to be? My own opinion is that the case demands heroic treatment, and that we should by positive law fix a tariff of rates, and demand of these railway carriers a strict compliance with them. This, it seems to me, would be the simplest solution of this vexed problem, and in all respects the most satisfactory to all concerned. Of course, if this plan were adopted we should be careful to confine our action strictly to "interstate commerce," and by proper and safe guards protect it from the remot-est inference of any infringement of the rights of the States to adopt their own measures for the regulation of the local traffic within their their own measures for the regulation of the local traffic within their limits. It would also doubtless be impracticable, at least for the present, in the endeavor to deal with a question so far-reaching as this, to attempt to do so in detail, and therefore all such legislation as may be adopted with the view of fixing a tariff should be of a general character and confined to maximum rates. All else may, perhaps, be safely left to the railways themselves and to the people. In other words, Congress may by law declare that freights, according to a classified schedule, being transported from one State through and into other States in continuous carriage by car-load, shall for certain fixed distances be charged per mile not exceeding a sum certain fixed distances be charged per mile not exceeding a sum stated per one hundred pounds, and from points "intermediate" not exceeding the aggregate for the fixed station next beyond them. The constitutional power to act up to this broad view of the sub-

ject, according to the interpretation of that power by the courts, is unquestionably in Congress. Then, why not do it and end all this trickery of "rebates and drawbacks," "poolings at terminal points," and ruinous discriminations against the intermediate points as now practiced by these railways? But the Committee on Commerce having charge of this matter, and from whom much was expected during the present Congress, have to the astonishment of the country, failed practiced by these railways? But the Committee on Commerce having charge of this matter, and from whom much was expected during the present Congress, have, to the astonishment of the country, failed by majority vote to agree upon and report to the House any measure calculated to inspire the hope that any fair and adequate relief to the public can be expected from that quarter. The reasons and influences controlling the majority of that committee in arriving at their conclusions on this subject are mainly unknown to me, and it is no part of my present purpose to discuss them. I shall certainly not, by direct charge nor by insinuation, impugn the sincerity of their motives, nor call in question the fidelity with which they have attempted to discharge the important trusts committed to their hands. But it seems to me that no exceptions can be fairly taken, nor will any injustice be done to that majority, in view of the fact that these corridors have been swarming with the high officials and paid attorneys of railway corporations during the greater part of the present session, should the inoffensive fear be expressed that they have been overreached by the hired arguments and interested influences that have been brought to bear upon them by these agencies in arriving at their conclusions. That committee, after an anxious delay of some months, have finally brought in a bill sanctioned by the majority, accompanied with two substitutes, under certain conditions agreed upon by the minority, with an understanding that the sense of the

accompanied with two substitutes, under certain conditions agreed upon by the minority, with an understanding that the sense of the House shall be tested as to the favorite measure to be accepted by it.

I shall not attempt to discuss the provisions of this majority bill, nor one of the substitutes, which is in many respects similar to the bill, but will pass them with the single remark that, in my judgment, they seem to be just such measures as these corporations, looking only to their own side of the case, would most likely desire to be passed, and by means of which they might well hope to parry and defeat any substantial and effective legislative control over them which would inure to the protection of the public. The other substitute, known as the "Reagan bill," indorsed by the chairman and by nearly one-half of the committee, is substantially the bill which passed this House in the last Congress and which though not as broad and comprehensive as I would have it, yet to the extent it goes is eminently satisfactory. I last Congress and which though not as broad and comprehensive as I would have it, yet to the extent it goes is eminently satisfactory. I therefore have no hesitancy in fully accepting it as the best attainable relief for my people at present, with the hope that the future may give us something stronger and more explicit.

This bill aims at the accomplishment of three important objects: First. It prevents discriminations by the railways as to persons, and prohibits rebates and drawbacks.

Second It attampts to prevent combinations and pools at terminal

Second. It attempts to prevent combinations and pools at terminal

and intersecting points.

Third. It prevents unreasonable discriminations in favor of terminal and against intermediate points.

I propose briefly in their order to discuss these provisions.

FAVORITISM.

As to the first, if railway carriers held the position simply of private citizens with no special privileges from the public and under no obligations or duties to it other than private individuals have in dealing with their property in their own way, there would be little question that they could distribute their favors in such way as they might deem proper and nobody could reasonably find fault with their action. But if on the contrary, they, by their vocation and by chartered privileges from the public, have become in a sense public servants, engaged in a business in which that public is a party as well as themselves, they certainly can have no right to indulge in favoritism by discriminations in favor of one man or class of men to the prejudice of others, but must treat all with whom they have business relations alike ers, but must treat all with whom they have business relations alike and equally fairly.

There is nothing in trade or in commercial pursuits more pernicious than for the sentiment to prevail in the breast of a business man or community that a neighbor or neighboring community can, from a common source in which all have an equal right to fair dealing, have advantages from which they themselves are debarred. And this evil advantages from which they themselves are departed. And this evil is greatly intensified if it be perpetrated under the thin disguise of a common cheat, in which all are ostensibly and ontwardly treated equally and alike by payment of the same price for the same service, and the favorites afterward reimbursed in the way of "rebates and drawbacks." Such deceit and trickery are detrimental to all legitimate business enterprises; are founded in dishonesty; and should,

like every other common nuisance, be abated.

COMBINATIONS AND POOLS.

Of still greater importance perhaps is that section which attempts to prevent "combinations" and "pooling" freights at terminal and intersecting points. Now, while I concur most fully in the effort to do this, and, from a careful examination of the provisions of the section on this point, think that the language employed is as strong and effective to that end as it is possible to make it, yet I freely confess my fears that it will not meet the case to the extent that its authors have desired that it shall do, and that it will be difficult if not impossible to remedy the whole of this evil otherwise than by the establishment of tariff rates by positive legislation.

The great object of this bill is to secure fairness in transportation

charges. And it seeks to accomplish this by attempting to compel the railway companies themselves to fix honest remunerative rates and to live up to them. But the trouble is, if this question of fixing rates be left solely to them, will they do this? On the contrary, will they not by some kind of legerdemain not seen on the surface yet, having all the effects of "combination," its and maintain exorbitant rates which will be difficult if not impossible to get at or prevent by any kind of legislation unless the question of rates be taken from them and assumed by Congress? I am fearful that such will be the inevitable result.

As a further part of this proposition we have the combining to-gether of these corporations for the purpose of parceling out freights among them by mutual arrangement, fixing rates therefor and dividing the profits; in other words, "pooling freights." Such disgraceful tricks as these, practiced to a large extent by all through lines of railways from terminal stations, and designed solely to prevent anything like fair and honest competition in commercial traffic, this bill can and does effectually prohibit, and in that respect cannot be regarded otherwise than productive of good results in stimulating legitimate com-

But I now come to the consideration, as it seems to me, of the most objectionable abuse connected with this whole transportation ques-

THE UNREASONABLE DISCRIMINATION IN FAVOR OF TERMINAL AND AGAINST INTER-MEDIATE POINTS.

THE UNREASONABLE DISCRIMINATION IN FAVOR OF TERMINAL AND AGAINST INTERMEDIATE POINTS.

In meeting this wrong and giving a just and adequate remedy for it, the fourth section of this bill is tersely and most admirably drawn. It is undeniable that the class of transportation known as small or package freights, according to all reasonable rules regulating commercial traffic, should be taxed such percentage higher than large or car-load freights as shall make good to the carrier all the well-recognized margins accepted in business enterprises as the difference in favor of wholesale as against retail transactions, and that a difference may be allowable even on car-load or wholesale carrying in favor of "through" as against "way" freights to make good for delays and stoppages. But to go beyond this, as must be admitted by fair-minded men, would be unreasonable discrimination on the part of the carrier and obviously unjust to the shipper. This bill on this point, carefully drawn in the interest of a just and equitable policy, meets this stated case precisely. First, it has no relation whatever to small or package freights, as will be seen by examination of the ninth section, in which all less than car-load freights are specially exempted from its provisions; and secondly, it provides that car-loads at or from "intermediate" stations may be charged the same, not per mile but in aggregate, as car-loads of through freights. This puts the wholesale or car-load business from intermediate stations upon an exact equality with the same quality of business from the heighting regists by absolutely making it "through" freights and the provision of the part of the carrier and business from the heighting regists by absolutely making it "through" freights and the provises in the part of the part This puts the wholesale or car-load business from intermediate stations upon an exact equality with the same quality of business from the beginning points by absolutely making it "through" freight and charging it the same price per car-load, regardless of its nearness to the ending points, and, as it seems to me, will fully and in fact more than compensate the carrier for the delays and stoppages that may occur in taking up laden cars at intermediate stations, by saving the wear and tear of cars and the expenses incident to longer distances in harding them. hauling them.

But it will be readily perceived that this fourth section has also incidentally in view fixing an equality and harmonizing the conflicting interests of two classes of persons affected by it besides the railway companies. The first is composed of the extensive commercial dealers at the large cities of railway terminal points, and the other consists of the smaller dealers and producers at the intermediate stations. Now, if the former can have a discrimination which gives a large percentage on carrying rates in their favor and against the latter, there can be no equality between them, but a cruel subordination of the interests of the latter to the mercy or cupidity of the former must of necessity exist. This inequality and flagrant wrong it is a part of the spirit and purpose of this section to remedy.

It has been insisted upon in the argument on this section that it would not be written.

would not be wise or expedient to attempt by legislation to correct this inequality and discrimination, for the reason that, if the power to thus oppress and plunder intermediate points be taken away from the railways by compelling fairness and equality between them and the terminal stations, it will not benefit the former but cause the railways to oppress shippers at the latter by increasing their rates without decreasing the rates of the others. Such a view of the situation I confess may have some plausibility in it, and the absolute remedy for the evil may, as I have before remarked, rest solely in fixing these carrying rates by law. But the course here proposed will at all events have the beneficial effect of putting all classes on an equality, and in combining them in common bonds of mutual interest by which they will be better enabled to resist exorbitant exactions. In fact, from the stand-point from which this abuse, as it now actions. In fact, from the stand-point from which this abuse, as it now stands, is viewed by many, it strikingly presents that common phase of human selfishness which is content to wink at wrong, and quietly enjoy its own advantages, however much of outrage inflicted upon others may be the consideration for its immunity. And in this connection I may be pardoned, in passing, for directing attention to the rather pointed circumstance that in the last Congress on the vote on a bill having in it this identical clause in relation to discriminations, that of the twenty-five gentlemen representing in this House the cities of Chicago, Cincinnati, and Saint Louis, of the West, and Bal-

46½ 55

511

timore, Boston, Brooklyn, and New York, of the East, but two of their votes are recorded in the affirmative. This circumstance can hardly be accidental. It may not positively indicate much, but these city gentlemen must not be offended if their "country cousins" insinuate the suspicion that a grain of selfishness may have prompted the striking unanimity of sentiment among them manifested by their votes on this question. And much less should they have cause of grievance against us should we insist that country people have some rights which deserve protection and demand equal unity of action on the

part of their representatives to secure.

It has also been objected to this section that it will operate prejudicially to railway carriers in this, that all those lines which have the competition of water communication at terminal points will be comcompetition of water communication at terminal points will be compelled to carry from intermediate points on their lines, where there is no water communication, at the same rates as from the terminal points where this competition exists. This, as it seems to me, is an adroit dodge, and those who present and insist upon it deserve to be classed as the defenders of monopoly and stanneh advocates of that grinding extortion incident to the very nature of all monopolies. What does this objection mean? If there be any point to it it means this and no more, that reilways having fair competition at each this, and no more: that railways, having fair competition at such points and thus compelled to the adoption of reasonable rates from them, insist that they be allowed to attain the full measure of avaricious extortion by plundering the helpless victims who may be located along their lines at "way" stations. Or, taking a milder view of it, that at such points, on account of the water lines competing for freights, the railways accept the carrying trade at less than remunerreignts, the railways accept the carrying trade at less than reminerative prices with the purpose of making good their losses at the "intermediate" stations does not improve the matter so far as moral honesty and the just rights of the whole people are concerned, for in such case it would simply be by odious discrimination the play of one monopoly into the hands of another; in either case the small dealers and the great body of the people who live along the lines elsewhere than in the large cities are alike plundered.

The inquiry is have fairly engreated that if railways converted and such

The inquiry is here fairly suggested that if railways cannot stand such reasonable competition as these water lines afford why do capitalists seek investment in them, and why are they built? For it is notorious that the "terminal" points of all these through lines have this competition. All the great business centers East and West have now, and had prior to the building of these roads, this water communication for them. Chicago by lakes completely support that the standard rivers are supported by the second support to the support that the standard rivers are supported by the second support them. tion to and from them—Chicago by lakes, canal, and river; Saint Louis and Cincinnati by river, gulf, and ocean, and San Francisco by ocean for their eastward-bound transportation; while the eastern centers have the same water-ways for their westward traffic. In view of this can it be maintained that this ruinous and heartless system of extortion upon these "way" stations shall be longer continued

upon a pretext so flimsy as this?

ABUSES OF DISCRIMINATION.

Now, sir, we have been discussing the general principles involved in this effort to do away with these discriminations against "intermediate" points as an abstract proposition, and incidentally only have attempted to show the great injustice done by such discrimination. I now propose briefly to particularize and give, by item, a few

of the many abuses in this respect complained of.

It has been reported by the newspapers, and I have it otherwise from reliable sources, that the Union and Central Pacific Railways, acting in concert, have made and now make such discrimination against the "way" stations on those lines that shippers at points from six to seven hundred miles east of San Francisco desiring to ship eastward, in order to get the best rates, are compelled to ship their freights at local rates west to San Francisco, and from thence have them turned square around and run back over the same line, and most likely in the same cars these hundreds of miles and passing directly through the point or points from which they started. And that on freights from the East bound westward to stations six hundred miles east of San Francisco they demand through rates to that city, and then extort additional local rates back to said stations, mak ing twelve hundred miles of unnecessary carriage of the freight, all of which the consignees are compelled to pay for, and, as before mentioned, one-half of the distance charged at exorbitant local rates.

Now, sir, if this be so, and it has never been denied by these railways so far as I have seen, does it not exhibit a condition of things

ways so far as I have seen, does to not exhibit a condition of things too grossly wrong to warrant the exercise of ordinary patience. And assuming, as we do, that the power to remedy these wrongs is unquestionably in Congress, does it not demand at our hands, as the representatives of the people thus oppressed, a speedy and effective redress? To refuse relief in such cases and under such circumstances,

as viewed from my stand-point, would be equivalent to conniving at the wrong if not absolutely becoming a party to it. But such startling acts of extortion as these are not confined alone to these roads. The same spirit that has prompted their action in

this respect seems to have pervaded, and now to a greater or less extent to pervade all other combined or continuous through lines.

At the second session of the Forty-fifth Congress, when a bill was pending having a section in it identically the same as this fourth section, the gentleman from the Pittsburgh (Pennsylvania) district, [Mr. Errett,] in addressing the House on this subject, made the following inquiry and statement:

What would the people of Chicago say if they had to ship their freight to Mil-waukee or Saint Louis in order to get cheaper rates to the seaboard? Yet that is

what has happened in Pittsburgh in more cases than one. I am told of a manufacturing firm there, which, having an order from Boston, was compelled to send the wares ordered first to Cincinnati, four hundred and fifty miles west, by water, and thence three hundred miles by rail back through Pittsburgh, and was able thus by sending them a useless journey of seven hundred and fifty miles to ship them cheaper to Boston than it could do by shipping them direct from Pittsburgh to Boston. It would be possible to give thousands of similar instances, but it is not necessary.

The gentleman further adds that-

Such anomalies as these cannot be suffered to exist without exacting a loud remonstrance, and fairness demands that the remonstrance should be heard and

In this sentiment I most cordially and heartily concur.

From Saint Louis pointing east there are five important railway lines, which of themselves and in combination with other roads forming their eastern connections are through lines to the great business centers on the Atlantic seaboard. These railways all pass through the district or parts of the district in Illinois which I have the honor to represent in this House, and with their operations therefore in their relations to and touching the interests of the people of that region I am to a certain extent familiar. That district of country is devoted mainly to agriculture, and the productions principally wheat and corn. These crops together with flour, quite extensively manufactured there, constitute the great bulk of its exports, 90 per cent. of which is destined for the markets of the East, such as Baltimore, Philadelphia,

ew York, and Boston.

My home is at Carlyle, a "way" station on the Ohio and Mississippi Railway, forty-seven miles east of Saint Louis. This railway, with its eastern connections, is a continuous through line to the great markets and business centers on the Atlantic coast. There have been times at that station when, as in the analogous cases just mentioned, it has been found cheaper and more advantageous for the farmers, millers, and dealers living and doing business there, on shipping freight over that road destined for Baltimore, New York, and other eastern markets, to first ship it at local rates west to East Saint Louis (a "termarkets, to first simp it at local rates west to East Saint Louis (a "terminal" point in Illinois) and from thence in the same cars have it returned over the same road and through the same "way" station to its eastern destination. This, I am reliably informed, has so frequently been done as to make it rather a rule than an exception to the rule. And the situation at that station is not now materially, if at all, improved. On the 15th day of November last, when I obtained the statistics herewith presented, the rates were as follows:

Tariff of freight rates via Ohio and Mississippi Railway.

From East Saint Louis, Illinois, to Baltimore, per car-load of flour, per barrel \$0 87
From Carlyle, Illinois, to Baltimore, per car-load of flour, per barrel 1 00
From East Saint Louis, Illinois, to Philadelphia, per car-load of flour, per From East Saint Louis, Illinois, to Philadelphia, per car-load of flour, per barrel.

From Carlyle, Illinois, to Philadelphia, per car-load of flour, per barrel.

From East Saint Louis, Illinois, to New York, per car-load of flour, per barrel.

From Carlyle, Illinois, to New York, per car-load of flour, per barrel.

From East Saint Louis, Illinois, to Boston, per car-load of flour, per barrel.

From Carlyle, Illinois, to Boston, per car-load of flour, per barrel.

From East Saint Louis, Illinois, to Baltimore, per car-load of grain, per 100 rounds. 1 02 93 1 06 1 03 1 16 pounds.
From Carlyle, Illinois, to Baltimore, per car-load of grain, per 100 pounds.
From East Saint Louis, Illinois, to Philadelphia, per car-load of grain, per

From Carlyle, Illinois, to Philadelphia, per car-load of grain, per 100 pounds
From East Saint Louis, Illinois, to New York, per car-load of grain, per 100 pounds
From Carlyle, Illinois, to New York, per car-load of grain, per 100 pounds
From Carlyle, Illinois, to New York, per car-load of grain, per 100 pounds
From East Saint Louis, Illinois, to Boston, per car-load of grain, per 100 pounds

pounds.

From Carlyle, Illinois, to Boston, per car-load of grain, per 100 pounds.

Railway freight cars were during the past season, as I am informed, each freighted with one hundred and twenty-five barrels of flour, or twenty-seven thousand pounds of grain, which, as will be seen from this table, makes a difference on flour shipments of thirteen cents per barrel, or \$16.25 per car-load, and on grain shipments an average difference of nearly eight cents per hundred pounds, or \$21.50 per car-load; and all in favor of the more distant or "terminal" point and against the shorter distance or "intermediate" station.

This tariff of rates it is understood is made by this road in concert and by the agreement of the officials conducting all of these other railways, namely: the Vandalia line, which has its eastern connection with the Pennsylvania Central and tributary roads; the Saint Louis and Indianapolis, having, I think, eastern connection with the New York Central and adjunct roads; and the Toledo, Wabash and Western and the Southeastern lines, having other eastern connections, and hence applies to the towns and way-stations lying on these lines and similarly situated to the one I have just mentioned. Now, Mr. Chairsimilarly situated to the one I have just mentioned. Now, Mr. Chairman, the inquiry arises, are these rates reasonable and just? Is it a fair price from points like the way-stations just mentioned, or others similarly situated in the same region of country, to charge \$125 per car-load of flour to Baltimore, \$127.50 to Philadelphia, \$132.50 to New York, and \$145 to Boston, being an average of \$132.50 for the transportation per car-load for an average distance of about one thousand rules? Or still worse and unwasseably discriminative and transports. miles? Or, still worse and unreasonably discriminative as to grain, is it reasonable to charge \$135 per car-load of wheat to Baltimore, \$140.40 to Philadelphia, \$148.50 to New York, and \$162 to Boston, being an average of \$146.47 per car-load for this average distance of one thou-

Without the practical experience in the management of railroads necessary to the formation of a safe opinion, my judgment on this subject may not be regarded as reliable. My opinion, however, is

that these rates are neither reasonable nor just, but on the contrary are 25 to 30 per cent. in excess of fair, remunerative rates for these railways if intelligently, honestly, and economically conducted, and in that opinion it is quite certain I am fully sustained by the judgment of the masses of the people who are affected by them.

But while called upon with respect to the fairness of these rates to the employment of a simple opinion, there is one thing that I do

to the employment of a simple opinion, there is one thing that I do know as certainly as the plainest principle of common honesty can be known to me, that if these rates from these "way" stations are just, then the rates from the "terminal" point are unjustly discriminative against them. I presume it to be a high price and hard bargain for a shipper at East Saint Louis to have a car-load of grain destined for the East taken by a railway from that station and transported to New York at a charge of \$125.55. But, however that may be, I have no hesitation in denouncing it as a great wrong for the same railway by the same train and trip after hauling this car fifty, one hundred, or more miles, to take on another car loaded identically as hundred, or more miles, to take on another car loaded identically as the first as to quantity and quality of freight, and destined to the same city, and charge its shipper \$148.50, being a difference of \$23 in favor of the longer and against the shorter distance. There is no code of morals recognized in any civilized nation that can sanction a wrong so patent and totally indefensible as this.

In conclusion, I most positively disclaim for my people as well as myself any unkindness toward these great commercial thorough-fares, and would do them no act of injustice. I fully appreciate their utility as efficient agencies when wisely and honestly employed in stimulating the growth and development of the country, and thereby advancing the happiness and prosperity of the people. I further dis-claim any or all intent to excite the passions or arouse unduly the prejudices of any class of men against those who compose these corprejudices of any class of men against those who compose these corporations. They have had and have the unquestioned right to invest their money in these railways and to be guaranteed most fully in the fair and honest profits arising from their legitimate operations. But I most earnestly insist that they are amenable to proper legal regulations, and that their operations shall be so controlled as to bring them into harmony with the just rights and interests of the public. Many of these railway companies have had large land and money contributions from the Government and people in building their roads. Many of them have had their right of way, to a large extent, freely Many of them have had their right of way, to a large extent, freely given to them by the people living along their lines, and all of them have had most liberal and generous charters from Congress or the Legislatures of the various States, under which they have been empowered to condemn and take the property of private citizens for their own use, most generally without adequate compensation. Now, sir, in view of all this it is now demanded that they shall in the future deal fairly with the people, and that their claim of exemption from regulation or control by legislative authority shall be no longer tolerated or respected.

POLITICAL ASSESSMENTS-CIVIL-SERVICE REFORM.

Mr. HOUK. Mr. Chairman, it was my desire when the bill reported by the gentleman from Indiana [Mr. HOSTETLER] was before the House to have made some remarks at that time. By some mysterious process under the rules of this House, that bill has taken its departure. Just where it sleeps, I am not exactly prepared to say; but as I am satisfied it will sleep without perhaps again reappearing in the House, I desire to say now, under the privilege of this general debate, some of the things that I would have said had I been able to secure the floor immediately after my colleague from the Nashville district [Mr. House] had addressed the House.

I have very great respect for my distinguished colleague to whom

I have very great respect for my distinguished colleague, to whom we all listened on that occasion, if not with pleasure at least with patience, when he so unexpectedly opened the Tilden campaign upon this floor and so eloquently reiterated the ancient cry of "fraud." But my admiration for my colleague was somewhat abated and weakened by the injustice which it seemed he was determined to do not only to himself but to the people he assumed to represent, and certainly speaking as a Representative upon this floor, did claim to represent in that most remarkable speech. And I her, not of the gentle. tainly speaking as a Kepresentative upon this floor, did claim to represent in that most remarkable speech. And I beg, not of the gentleman who made that speech but of this body and the country not to judge any considerable portion of the people of Tennessee, not to judge even the constituents of the gentleman himself by the harsh expressions which he on that occasion elected to employ, for if his utterances, Mr. Chairman, represent the sentiments and feelings of his district, if it should be true that his speech and the sentiments expressed by him were indorsed by the people for whom he assumed

to speak and by the party whom he essayed to represent, it would present a severe commentary upon the political malice they entertain.

But I deny that he uttered the true convictions and feelings of his people—at least not those of a majority of them. If he did, the speech itself should stand, as it will stand, a lasting monument to the vitiated taste and malignant sentiments of his party. The so-called great ated taste and malignant sentuments of his party. The so-called great democratic party, it seems, has not lived to learn, but has learned to seek to live by hating. Listening to this most remarkable speech of the gentleman on that occasion, without reading the provisions of the bill then under consideration, one would have naturally supposed that the proposition before this body was intended to strike the word "loyalty" from the English language or to make it a crime to employ the phrase except for the purposes of reproach and derision.

My distinguished friend used the word loyalty and descanted upon

it with a sneer and in a tone of voice indicating that it was a word of great distaste to him. I claim, Mr. Chairman, to be radical and at of great distaste to him. I claim, Mr. Chairman, to be radical and at the same time liberal in politics—radical in my devotion and strict adhesion to republican principles, and liberal toward those who differ with me. But I must confess that when those who espoused the causeless rebellion and spent the best energies and most mature years of their lives in the unhallowed attempt to destroy the Government in whose councils they now hold seats, seek to outlaw and make odious the term "loyalty" as well as the fact of loyalty itself, I become quite impatient, and conclude that a mistaken but a well-intended policy of conciliation has emboldened the malignant elements of the democratic party and is likely to result in injury to these for whose democratic party and is likely to result in injury to those for whose benefit it was intended.

Mr. Chairman, there was a time when the word "loyalty" had a meaning well understood and appreciated by both the friends and the enemies of the country. There was a time (and I feel confident that such is the fact still, and if any false or sickly sentimentality has caused a departure therefrom for the moment, the time will soon return with the "sober second thought" of the American people) when this word "loyalty" meant and shall again mean all that is implied in

a genuine patriotism.

With the present friends of the Government, whether they took part in the rebellion or against it, "loyalty" is a word of honored and endearing signification. When Fort Sumter fell, "loyalty" meant a endearing signification. When Fort Sumter fell, "loyalty" meant a man who was opposed to the treason by which it was forced to its fall. When the life of the nation hung as it were in a balance, "loyalty" to the nation hung as it were in a balance, "loyalty". was used to designate those who were willing to rush to its rescue. When treason was drenching the land in blood, "loyalty" pointed out those who were willing to shed their blood, expend their fortunes, and devote their lives to the defense of liberty. When every patriotic heart in the land was inspired with hope at the song,

We are coming, Father Abraham, six hundred thousand more the word "loyalty" was used to designate the gallant and patriotic men and women who stood by the Government, and to mark the line of patriotic action and true devotion to American citizenship, in con-

radistinction to those who were engaged in treason and rebellion.

But it seems now, Mr. Chairman, to be a part of the policy of the democratic party, and with this democratic Congress, to remove all disabilities incurred by treason and imposed on traitors, and by a system of "sneers," the making of "wry faces," humorous allusions, and other demagogical resorts, to render loyalty odious, and make rebellion honorable. rebellion honorable!

Why, Mr. Chairman, if this thing keeps on, and the policy of the democratic party continues to run in the groove pointed out by the speech of my colleague, some of us who happen never to have given our adhesion to the democratic rebellion will be forced to make ap-plication to the rebel brigadiers to have our "disabilities" removed! The republicans are denounced if they fail to vote amnesty to the leaders of the rebellion, and at the same time they are told, in effect,

leaders of the rebellion, and at the same time they are told, in effect, that loyalty during and subsequent to the war is something to be scoffed at and used as a matter of reproach.

I feel, Mr. Chairman, that I have some right to be heard on this subject, as I never believed in keeping the southern people under "disabilities," and not only aided to enfranchise the rebels of my own State but have voted for every amnesty bill which has passed since I have been a member of this body. It seems to me, however, that the matter of conciliation should be reciprocal; that while the friends of the Union are giving amnesty to its enemies, its enemies should not hold a grievance against those who were the friends of the Union, because they were such friends. Union, because they were such friends.

However, it appears that the malignant elements of the demo-cratic party, without regard to the section from which they come, are determined to punish the friends of the Government whenever an

opportunity is presented.

There are men from the North who no doubt sympathized with the rebellion, but who at the same time lacked the courage to withstand the "loyal" feeling by which they were surrounded, and were thus forced to take sides for the Union. These men are sour, they are disappointed, and never lose an opportunity to join in the refrain against "loyalty," along with my distinguished colleague [Mr. House] and others like him. The Northern man who sympathized with the treason of the rebellion but gave way to the influences around him and supported the cause of the Government against his will, very natural rally has a grievance against the Union people of the South because they exhibited a patriotic courage which treason failed to inspire in him. The Union people of the South had the courage of their convictions, while the rebel sympathizers of the North shrank with cowardice for the want of patriotic support resting in a conscious reliance in the right.

And it has been often asserted on this floor that "all the decent and And it has been often asserted on this floor that "all the decent and respectable people" of the South were rebels during the war, and that "all the wealth, intelligence, and respectability of the South is now democratic." Some of us will have to live a long time, Mr. Chairman, before we become respectable if these are the conditions upon which our respectability is to rest. Time would not suffice to enumerate the many gallant Union soldiers furnished by the South during the war. Nor is the long line of distinguished civilians and republican statesmen in the South less numerous and important. The very first and many of the subsequent and most brilliant victories of the war for the Union were achieved through the provess courage and military skill. Union were achieved through the prowess, courage, and military skill,

combined with patriotic and soldierly devotion, of brave men who were born and reared in the South. Can any patriot cease to remember and admire the valor and persistent energy of General Ord, a gallant son of the State of Maryland, who gave the first check to the advancing arms of the democratic party at Drainsville, I believe it was, in 1861? Will any lover of the liberty of the Constitution and friend of an indissoluble Union ever forget that grand old man who has recently been commemorated in bronze and statuary art in this city, who gained among the first and certainly among the last great battles of the war which preserved to us the nation undivided? Will any part of the civilized world cease to admire the man who so completely wove himself into the affections of his soldiers that they felt honored in calling him "Old Pap Thomas?"

Who can forget the heroism and sacrifices of this brave and intrepid son of Virginia, the only great general who "never lost a battle or made a mistake?" Coming from the South, he rose above section, and embraced the whole nation in his big heart. In the magnitude of his great soul he placed an affectionate patriotism upon every locality belonging to his country, and followed its flag "through evil as well

To what remote corner of the earth could you be driven to find a spot among civilized people where the name of Farragut is not held in remembrance as the great naval hero of the age in which he lived, and the most sublime example of daring recorded among the battles of the seas? He, too, was a native of the South, born and reared in Knox County, Tennessee, within four miles of my own humble home. Who that is an American can think of him without exultation and pride in the man and his career? And yet my distinguished colleague, [Mr. HOUSE,] and others like him, deride the word "loyalty," and evidently have fallen into the delusion that "all the wealth, intelligence, and respectability" of the country are hungering and thirsting to slake their appetites at Tilden's barrel.

Mr. Chairman, let me say right here and now that notwithstanding the Union people of the South are reproached and their "loyalty" made the subject of jest and ridicule, yet the facts and circumstances make it very doubtful whether the rebellion would have been suppressed without the aid of the three hundred and odd thousand—almost half a million—of Federal soldiers furnished by the South to the Union Army with which to suppress the rebellion. Let me send a statement from the Secretary of War to the Clerk's desk, that it may be read, showing the number of white Federal soldiers furnished to the Union Army during the war by the several Southern States respectively. The Clerk will please read this statement.

The Clerk read as follows:

Number of troops furnished to the Union Army by the Southern States during the late war.

States.	Number of men furnished for all periods of service.	Number reduced to three years' standard.
Delaware. Maryland. West Virginia. North Carolina Florida Alabama Mississippi Louistana Texas. Texas. Tennessee Kentucky. Missouri Arkansas	13, 670 50, 316 32, 068 3, 156 1, 290 2, 576 \$45 5, 224 1, 965 31, 092 79, 025 109, 111 8, 289	10, 322 41, 275 27, 714 3, 156 1, 290 1, 611 545 4, 654 1, 632 26, 394 70, 832 86, 530 7, 836
Totals	338, 327	283, 791

Mr. HOUK. Mr. Chairman, from that statement it appears officially that the Southern States gave nearly a half a million of soldiers to the Union cause. My own State, though in rebellion at the time, gave more soldiers to the Federal Army than some of the so-called "loyal" States which are now clamoring to furnish a President for the Republic. And notwithstanding these facts, we are told that there was no "loyalty" in the South during the war; told so by copperheads from the North, the most venomous serpent in the land, and that, too, when in addition to this stupendous army of Union soldiers from the South there were thousands and tens of thousands of patriotic men and women who did not enlist and serve in the Army, but rendered equally valuable services to the country in other ways equally useful and patriotic.

ways equally useful and patriotic.

Mr. Chairman, suppose this immense army of more than one-third of a million of men had been detached and transferred from the Federal to the confederate side of the great struggle, what might not have been the result? It would have made a difference in the strength of the Union Army of two-thirds of a million of men. What a stupendous force this was, and what a figure it actually cut in the war! And yet it appears as though the services of these men are to be forgotten, and the Tilden campaign, as championed by my distinguished

colleague, [Mr. House,] to be prosecuted under the policy foreshadowed by his speech, that friendship for the Government and devotion to the Union are to be used as "badges" of political infamy and social dishonor.

As one, Mr. Chairman, desiring to see the passions of the war banished from the politics of the land, I exceedingly regret the existence
of this feeling among such prominent and influential leaders of the
democracy as my distinguished colleague, [Mr. House,] who so unexpectedly appeared on this floor in behalf of "Tilden and reform." I
especially regret to witness my gental friend—I will not say "gental
little friend," for there is no telling what difficulty that might lead
me into—but I especially regret to see my gental friend embarking in
such a bad cause so late in the day. And, Mr. Chairman, I will ask
in this connection, now and here, for what did my distinguished colleague so bitterly assail the President and the principal officers of the
Government?

The President needs no defense against such assaults. To attempt any reply for him personally or in behalf of the Administration would be giving dignity to an unimportant attack. It would be answering an accusation which had spent its force when uttered and harmed nobody. But is not this method of attack on the President and his chief ministers a part of the policy of the democratic party to weaken the Government in the affections of the people? If the democracy can make the people believe that our institutions are so weak and the machinery of the Government so imperfect as to admit of the success of any man to the Presidency by fraud whose title is defective, I submit that if the people are once made to believe that this high position can be attained through fraud, and that too peaceably, it will not be long nor will it be hard to convince them that the Government is a failure and not worth the cost of sustaining it. And if this public sentiment can be manufactured against the Government by these insidious assaults ostensibly against the President and his Cabinet and counselors, then how easy it will be to put "loyalty" down and make the cry of fraud subserve the purposes of the rebellion. And I would ask gentlemen who harp upon this theme if they have considered the attitude in which they place themselves and the leaders of the democratic party?

No man on this floor, no man in all this country, no man of any party will pretend, it matters not how he takes the results of the war, to defend the secession of the South in 1861. And for my distinguished colleague [Mr. House] and others like him to insist now that the President was counted in by "fraud" and inaugurated by "fraud" is equivalent to making the admission that the leaders of the democratic party were brave enough in 1861 to force a bloody war on the country without cause, but too cowardly in 1877 to resist the inauguration of a President who they say was not elected but declare he was counted in by an "uncondonable" fraud! Indeed, how the mighty have fallen! What a change has come over the spirit of this chivalrous democracy of the South if they now tell the truth, for they allege that the present President of the United States was counted in by fraud! In 1861 they went to war because their candidate was not elected, but in 1877 they cowardly submit, according to their own declarations, to the inauguration of Mr. Hayes as President, whom they take pleasure in asserting was defeated; in 1861 they waged war when they did not pretend their candidate was elected, but in 1877 they raised their bristles a little—they threatened, they boasted around the Capitol here awhile, but refused to contend for their rights, as claimed by themselves, against a man whom they insist was defeated.

I believe it was

The King of France, with twenty thousand men, Marched up the hill and then marched down again.

And this seems to have been a kind of prophecy foreshadowing the courage of the leaders of the Tilden democracy. And did not the democrats of the Forty-fourth Congress force the electoral commission on the country? Certainly they did. Did not my distinguished colleague, [Mr. House,] who I believe was then as now a member of Congress, vote for the creation of this commission? Certainly he did. And now, after having selected his own forum to adjudicate this political dispute, after slumbering over his defeat for nearly four years, he seeks to appeal from its decision. Nothing is ever settled with the leaders of the democratic party unless the question in controversy is decided in their favor. If the electoral commission had decided for them, and thus virtually ratified and legalized bulldozing, riot, and bloodshed, the democratic leaders would never have ceased to extol its high character, and proclaim the virtues and judicial impartiality of its members, just as they did when the pro-slavery Supreme Court smirched itself by the infamous Dred Scott decision. But now their consistency in this regard is maintained by denouncing not only the electoral commission but they assail the United States Supreme Court now when it decides in favor of freedom and equality, in a spirit of malignant condemnation, as freely as they formerly praised the same tribunal, though composed of a different personnel, for deciding that a colored man had no rights which a white man was bound to respect. When the commissions or courts decide for the democracy they stand by the decisions, but neither commission nor court commands their respect when the judges fail to decide in accordance with the latest resolve of the democratic caucus.

Mr. Chairman, it may be that I have not confined my remarks as closely to the subject of "civil-service reform" as I have to the sentiments pervading the speech of my distinguished colleague, yet I have

been noting some of the characteristics of that speech, made by a leading member of the Committee on Civil Service Reform, and claimed no doubt by him to have been intended as a thorough and exhausting

discussion of that all-important question.

But as I now approach the more direct discussion of the merits of the bill introduced by the gentleman from Indiana, [Mr. HOSTETLER,] and upon which my distinguished colleague seized an opportunity to and upon which my distinguished colleague seized an opportunity to assail the President and everybody else who did not vote the democratic ticket, I beg to do so by saying that in my opinion—and I take my position, Mr. Chairman, upon this question advisedly, deliberately, coolly—that in my opinion the idea of "civil-service reform" has been very much overdone in these latter years. And especially is it amusing to hear our democratic friends declaiming in opposition to the use

of money in elections for campaign purpose

Think of the leaders of the democratic party resisting political assessments. If these walls, Mr. Chairman, could talk, I expect we would hear a great deal on that subject in regard to the leaders of both parties, and we would find that our democratic friends are no both parties, and we would find that our democratic friends are no whiter, cleaner, or purer on that point than we poor, weak republicans. I repeat, just think of the leaders of the democratic party opposing political assessments. Why, Mr. Chairman, I thought Tilden's bar'l was the principal plank in their platform. And we all know—it is a fact of current history, we read it in the newspapers, it is a part of our every-day life, buzzing about our ears—that many of the democratic papers of the country are to-day discussing the question of the propriety or impropriety of nominating this or that or the other man for the Presidency purely and wholly with reference to their expective to command money for use in the campaign. And, by their capacity to command money for use in the campaign. And, by the way, there are very many signs just at this time that Tilden's barrel had been again placed on tap, and that this plank in their platform is having a tremendous effect on some of the democratic newspapers of the country.

But what does this bill reported by the gentleman from Indiana, and on which the gentleman from Tennessee made his speech—what does it propose? And does any one suppose for a moment that it would be carried out by the democracy if enacted into a law? Certainly not. Nobody believes that it would. The idea of the democratic leaders executing in good faith the provisions of such a law is too paradoxical for belief among men of observation and experience. The meaning of all this is, all it can mean or amount to, will be a little political humbuggery, which it is proposed to force on the republicans for the time being, and then to be abandoned just as soon as the democracy can come back into power by means of tissue ballots, Ku-Klux outrages, and bulldozing frauds. This bill, known as the civil-service-reform bill, is but a cobweb structure at best. It is a burlesque on all serious legislation. It is in effect simply a measure to make slaves of all Federal office-holders, by placing them in the attitude of so many "machines," without the semblance of volition in the control of their own private and individual property and money. As I take it, the most fastidious and sentimental "civil-service reformer" in the land will not deny but that there are matters of expense legitimately attached to every political campaign, and I would But what does this bill reported by the gentleman from Indiana,

pense legitimately attached to every political campaign, and I would ask by what authority—indeed, from whence does Congress derive the authority to forbid an office-holder from contributing his own

the authority to forbid an office-holder from contributing his own honestly acquired money to defray these expenses, if he pleases? Mr. Chairman, for one, I say let the corrupt use of money in elections be forbidden and offenders surely punished. But on what principle can the Government assume to control the private and personal affairs of its office-holders, by saying how and when they shall pay out their money, or dispose of their property, and for what purpose they may use their honestly acquired private fortunes.

Our democratic friends talk about centralization! What more odious policy of centralization could exist than for Congress to reach out and take hold of the otherwise free citizen and forbid him to dispose of his money in his own way for any purpose he considers legitimate and honest?

As shown by this bill, and by the discussions upon it, the democracy cry centralization, and yet they are constantly on the direct road to increase and centralize the power of the Government.

Congress has just as much right to prescribe all other domestic relations as it has to direct its citizens how they shall personally apply their money. It might as well undertake to prescribe with whom an office-holder should contract a marriage; or from whom he should buy his wedding garment.

office-holder should contract a marriage; or from whom he should buy his wedding garment.

This whole proposed enactment is in direct conflict with the principles of the Constitution, the genius of the Government, and the spirit of the age in which we live. And how many of those who pretend to dote over the question of "civil-service reform," and inveigh against what they call "machine politics," are possessed of masterly qualities of demagogy? Take, for instance, the great head-light of so-called "civil-service reform," that prince of political humbugs, George William Curtis, and while he clamors against imaginary "machine politics" he is constantly proclaiming the necessity of some kind of "civil-service-reform machine" whereby to ascertain the practical clerical capacity, and other essential qualifications for office, by asking the applicant how far it is to the moon, and other like inapplicable questions.

Let me, in this connection, call attention to some of the questions propounded in the late "civil-service" examination for additional

clerks in the Pension Office. I beg of the House and the country not to

suppose I am jesting or trifling when I repeat some of these questions I will take for illustration some of those asked an intelligent young

lady applicant.

Among others equally as absurd, she was asked, "When and where was General Custer killed, and who was at the head of the opposing forces?" However important this knowledge might be to the comforces?" However important this knowledge might be to the commandant of United States troops on the frontier, or to scouts in pursuit of the Indian warriors of the West, it will take a keener perception than most of us possess to comprehend just how a female clerk in the Pension Office is to utilize the information that a correct answer would impart! Possibly the great head of the Interior Department—that celebrated reformer whom we are told has embarked in the business of the interior president as well as the control of the civil coveries?"

that celebrated reformer whom we are told has embarked in the business of making Presidents as well as "reforming the civil service" of the country—I say possibly he understands the applicability of this question to the matter of the work in hand.

But listen to the next question asked in order to test the qualifications of this young lady for a clerkship? "Name the illustrious foreigners who fought in the revolutionary war." That settles it! an answer, a proper answer, to this question would show the poor applicant competent for a biographical clerk, and, if so answered, she would of course he assigned to the duty of writing up the longerphy. would of course be assigned to the duty of writing up the biography of our revolutionary friends and warriors of foreign birth! Again, the profound "civil-service" commission of Mr. Schurz, fully

Again, the profound "civil-service" commission of Mr. Schurz, fully determined to confine itself to those matters with which the lady clerk would have to deal if appointed, asked, "From what territory was Washington Territory formed?" And "Where is Cape Mendocino?" Echo answers, "where?" I do not know, Mr. Chairman. [Laughter.] I presume it was contemplated to make a detail and establish a branch office on this cape, wherever it may be, and the purpose was to know whether the applicant could find the place of public duty if appointed. I cannot see any other reason for asking that question of a young lady who was expected to sit down and cony the mantion of a young lady who was expected to sit down and copy the man-uscript of others.

once more, do you hear this "civil-service" nonsense proceed, as the learned and eminently practical "reformer" continues his examination by inquiring, "What two questions have been settled by arbitration within the last decade?" and "Between whom, where, and in whose favor?" Shades of Webster and Ashburton, where are you? Rise up and inspire the poor trembling applicant for a clerkship in the mighty palace of the king of modern "civil-service reform!" Where shall the mantle of Caleb Cushing fall? On an Evarts or a female amplicant to cony letters in the Pension Office? [Laughor a female applicant to copy letters in the Pension Office? [Laugh-

ter.]
But I must desist! Time would fail me were I to attempt to speak
of all the interrogatories of wisdom put forth by this sanhedrim of
the great Carl; or shall I say "Carl the Great?"
However, Mr. Chairman, I could not excuse myself if I should fail
to call attention to at least one other profound chunk of "civil-service-reform" wisdom, as displayed in the questions in use by this
"machine" of the Interior Department. It is this: Remember that
this young lady applicant was under examination to see whether she
was competent to copy correctly the manuscript of others. And now, was competent to copy correctly the manuscript of others. And now, what other foolish question do you imagine was put to this applicant? Why, God bless you, she was required to spell "tonsilitis" like the

Why, God bless you, she was required to spell "tonsitits" like the doctors do, without once informing her that this was a big word employed by the medical profession to denote what common people call "quinsy." [Laughter.]

Now, I am not opposed to any reasonable method of testing the qualifications of applicants for office. Every person appointed in the civil service of the Government should possess the qualifications requisite to the proper discharge of the particular duties to be perrequisite to the proper discharge of the particular duties to be performed. I am ready to vote for the passage of a law requiring such an examination as will ascertain these necessary qualifications. There ought to be such an examination required. And I repeat that I will vote for any practicable measure looking to this end. Fix the standard of qualifications high if it is wished; but make it consistent with the duties to be performed. Let the rules be like the unhangeable lower of the ancients if you will

changeable laws of the ancients, if you will.

But when ladies, or gentlemen either, present themselves to compete with their rivals, it may be, as I have said, for the position of a copying clerk, and they are confronted with the inquiry as to what is the name of the capital of Siam, it sounds to me like the most absurd nonsense. of the capital of Siam, it sounds to me like the most absurd nonsense. Indeed, it has been intimated that the democratic party had become so devoted to the work of reforming the "civil service" of the Government, and feeling so sure of success next fall under the banner of "Tilden and reform," that they had employed Mr. Curtis, of Harper's Weekly, to prepare a "civil-service reform" catechism, the opening question in which is said to be, "Where was Cetawayo captured? And what are the geographical and topographical formations of the country where he, the great African bushwhacker, was born?" [Slight laughter] laughter.]

And this system will comport with the sublime notions connected with the patriotic movement in the interest of "Tilden and reform" as illustrated and enforced in the notorious "cipher telegrams," wherein Mr. Tilden unbosomed himself and displayed his "true inwardness"

The fact is our democratic friends have been very warm advocates of "civil-service reform" ever since they lost control of the offices, and they will continue to make a noise about the matter until they get an opportunity to turn themselves inside out on this as they have

always done on all other subjects with which they have had to deal. We all know how bitterly they assiled General Grant because he happened to find some of his relations whom he believed to be competent and worthy and therefore appointed them to office under his administration. They told us that this habit of appointing kinsfolk to office was in violation of the great principles of "civil-service reform," and that when the great democratic party should take its "inheritance" it would purify the public service by appointing men to fill the posi-tions under the Government who were not akin to the democrats. Of course, Mr. Chairman, this policy would have tended to improve and maintain the purity of the public service, if it had been pursued as promised. But as the democracy has come back to the control of the House of Representatives, and finally of the Senate at the extra session, we fail to see it inaugurating any particular movement or special policy of reform. It has not very signally rebuked Grant's so-called "nepotism" except it may be by excelling him so far as to make him ashamed that he did so little for his kinsfolk.

Mr. Chairman, it might be unparliamentary to give the names of

democratic Senators and Representatives who have provided for "their sisters, and their cousins, and their aunts." Notwithstanding both wings of the Capitol are crowded with the "brothers, and the cousins, and the uncles, and the brothers-in-law," and almost every other degree of relationship of democratic Senators and Representatives, I shall call no names, but refer to the respective "rolls" of the two Houses of Congress, where will appear all who are members and employés of

the present Congres

Mr. Chairman, I wish to say that, in my opinion, there is nothing more hateful, nothing more to be condemned in politics, and, I will add, nothing more certain to corrupt the public service than the improper interference of Federal office-holders in elections. In many instances in the history of the Government, under both democratic and republican rule, they have no doubt demeaned themselves badly in this regard. But, then, an office-holder is still a freeman, and entitled to the enjoyment of all the rights of an American citizen. Officeholders do not forfeit their rights, either of property or person, by be-coming office-holders. They have the natural as well as constitu-tional and conventional right to exercise every privilege and dis-charge every duty involved in American citizenship, as they have also the inalienable right to dispose of their own money for honest purposes in whatever way they may desire, whether it is for Sunday schools, for churches, or for republican campaign expenses, which would be the next best thing. [Laughter.]

Under our American system the possession of an office neither adds to nor detracts from the occupant. Under other systems in other

countries there is a social as well as a political significance attached to the office-holder. Here he is no greater on account of being an office-holder, but at the same time he is no less; and to disfranchise or take from him any political right because he held an office would not only conflict with the spirit of the Constitution and the genius of the Government, but would have a tendency to degrade our in-stitutions and take from freemen rights which they are entitled to

enjoy.

Mr. Chairman, in conclusion, let me say I am quite sure that Providence makes no mistakes. If it were not so I should wonder why the whole democratic party had not been long since transplanted and whole democratic party had not been long since transplanted and made an angelic host, they have become so pure on this subject of civil-service reform! [Laughter.] But while they linger out of paradise we find a democratic movement, under the banner of "civil-service reform," seeking to inaugurate the millennium which they propose to bring about by destroying the volition of all republican office-holders, and thus establishing "peace on earth" among democratic, and "good will toward men" of the democratic faith by a liberal use of the contents of Tilden's "bar'l." [Laughter and applause.]

Mr. LOWE. Mr. Chairman, in the few moments allotted to me, I shall not seek to discuss the details of this measure. I wish merely to record my opposition to it and the reasons therefor; my opposition to any scheme to refund the national debt beyond the power of Con-

gress, at any time, to pay it.

I oppose this bill, Mr. Chairman, because by its very terms it perpetuates an interest-bearing non-taxable debt; because it fortifies the national-bank system by furnishing a fixed and permanent bond basis for it; because it necessitates a so-called protective tariff and excuses an odious system of internal-revenue; both of which create an army of officials to enlarge the patronage of the Government and to eat up the substance of the people; because it mortgages the labor and enterprise of this and future generations to pay the interest; because it tends to enslave the debtor and enrich the creditor classes; by creating conditions in the law itself that must inevitably transmit these distinctions to posterity; because it takes from Congress and delegates to corporations and syndicates the control, in a great degree, of the currency, business, legislation, and politics of the country; because the fathers of the Republic, as well as the friends of liberty in other ages and countries, have warned us against a national debt as essentially dangerous to popular institutions; because it tends to establish in the money centers of the country an arrogant and aggres-Government at the expense of the States and the people.

I am well aware, Mr. Chairman, that regardless of these consider-

ations, in fraud of the original contract as well as of the subsequent funding acts, the House will proceed to pass this bill. Introduced under democratic auspices, it will receive republican as well as democratic support. The money power is not particular as to its sources of servility; "for they have made lies their refuge and under falsehood have they hid themselves." Nevertheless, it will be noted that the vote and voice of every honest greenbacker is against it. As for myself, I came from the debtor section of a debtor country. The mere ordinary fiscal operations of the Treasury, under the incubus of this debt have been and will doubtless continue to be quite and this debt, have been, and will doubtless continue to be, quite sufficient to keep us impoverished, dependent, and despised. But poor as we are, we have not yet lost the right nor the manhood to protest.

The national greenbackers, accepting the views of Jefferson and Calhoun, desire not to fund but to monetize the public credit. We

Caincin, desire not to fund but to monetize the public credit. We favor the earliest practicable payment of the debt according to the creative contract; that is, in Treasury notes, in silver certificates, in standard coin or paper dollars, or in any other "lawful money" accessible to the Government. The law of the contract allows this to be done and all the equities invite it. An inflation debt, if you please, should be paid with inflation money, rather than by contracting the currency and taxing the life out of labor and enterprise. If the debt, or any part of it, can be paid now, it should not be funded; its burdens, appreciating credit and depreciating property, ought not to be borne a single day beyond the period of redemption. It is a crime to transmit it to posterity.

I have always been a democrat in theory and practice. But, sir,

in view of the proposed action of this House on this and cognate subjects, I declare here and now that of the two old factions on this floor, the hard-money, high-tariff democrat is not to be preferred over the high-tariff, hard-money republican. Both offend against the common interest; but the former invades the last ditch of our defense and commits the name of the party to the betrayal of its principles. The republicans initiated this policy. It remains for the democracy (God save the mark) to consummate it.

God save the mark) to consummate it.

But it may be asked, can we pay the debt? Is it practicable? The luminous remarks of the gentleman from Texas, [Mr. Jones,] the noble appeal of his colleague, [Mr. Mills,] the bill of the gentleman from Iowa, [Mr. Gillette,] and of the gentleman from Georgia, [Mr. Felton,] present, I think, a pertinent and substantial reply to the question. We can, sir, if we will. We have the means, if we have the spirit and determination to employ them. If our integrity, our patriotism, is equal to our resources, every doubt will resolve itself in favor of the people. If the financial skill and information shown by the committee in devising schemes to reforge and refasten the debt upon us had been honestly employed toward its payment, it would be paid. If the zeal and ingenuity displayed in burdening the people had been devoted to their relief, they would have been relieved. If the democrats of to-day were led by the spirit of Jefferson and Jackson, if the republicans were inspired by the example of Lincoln and Chase, the stock-jobbers of Wall street and the cannibals of Change alley would never record a triumph in this House over the labor and business of the country. [Applause.]

But, sir, why waste time in words, in empty protests? Neither the sanction of reason, nor the authority of great names, nor the

warnings of experience can avail anything against this measure. No, not even the binding force of law itself can withstand the present mastery of bondholders and bank corporations over the machine politics of the country. But, sir, it will be borne in mind—I reserve all points in that behalf—that a contract impaired on one side is impaired on the other; that if one Congress can alter obligations against the people another Congress can restore them in favor of the peothe people another Congress can restore them in tavor of the people. It may require a general breaking up of parties, a popular revolution, a civil convulsion to regain the rights of the people; but I believe, sir, that sooner or later the victory will come, in spite of a false, half-hearted leadership and a truculent and venal press, peaceably and lawfully come out of the organic virtue of our institutions. In this faith I stand by the original, inherent sovereignty of tions. In this faith I stand by the original, inherent sovereignty of the people. In this faith I trust to the courage, I confide in the capac-ity of the patient and long-suffering masses to finally arouse and assert themselves. In this faith the fathers taught us to believe lies the glory and safety of the Republic, the ultimate hope of free govern-ment, the last resort against vested privilege, prescription, and mo-nopoly. In this faith, appealing to the future, I denounce against

any temporary triumph of classes and corporations the prophetic menace of universal suffrage. [Applause.]

I have said, Mr. Chairman, all I intended to say, crudely and imperfectly, I know, but with fairness and sincerity. I ask leave, in conclusion, to print with my remarks a number of extracts from Amer-

ican authorities upon the subject under consideration.

The CHAIRMAN. The gentleman from Alabama [Mr. Lowe] asks

leave of the House to print with his remarks in the RECORD certain references to authorities. If there is no objection leave will be granted. The Chair hears none.

REFERENCES.

Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the interest of the debt funded, but, as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself.—Washington's second message, 1790.

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement

for the regular redemption and discharge of the public debt, according to the right which has been reserved to the Government.—Washington's fourth message, 1792.

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed whatever is unfinished of our system of public credit cannot be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed and to prevent that progressive accumulation of debt which must ultimately endanger all free governernments.—Washington's sixth message, 1794.

Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt accords as much with the true interests of our country as with the general sense of our constituents.—Washington's seventh message, 1795.

I will only add that it will afford me heartfelt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret if, from any motive, intervals of tranquillity are left unimproved for accelerating this valuable end.—Washington's eighth message, 1796.

Avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.—Washington's Fareveell Address.

The consequences arising from the continued accumulation of public debts in other countries ought to admonish us to be careful to prevent their

JEFFERSON'S VIEWS.

It is not easy to estimate the obstacles which in the beginning we should encounter in ousting the banks from their possession in the circulation, but a steady and judicious alternation of emissions and loans would reduce them in time. But while this is going on another measure should be pressed to recover ultimately our right to the circulation. The States should be applied to to transfer the right of issuing circulating paper to Congress exclusively in perpetuum, if possible, but during the war, at least, with a saving of charter rights.

The question will be asked, and onght to be looked at, what is to be the resource if loans cannot be obtained? There is but one—Carthago delenda est. Bank paper must be suppressed, and the issue of the circulating medium restored to the nation, to whom it belongs. Treasury bills bottomed on taxes, bearing interest or not bearing interest, thrown into circulation will take the place of so much gold and silver.—Jefferson's Works, volume 6, page 409.

At the time we were funding our national debt, we heard much about "a publiclebt being a public blessing;" that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. This paradox was well adapted to the minds of believers in dreams, and the gulls of that size entered bona fide into it.—Ibid., volume 6, page 239.

The misfortune is, that in the mean time we shall plunge ourselves in unextinguishable debt, and entail on our posterity an inheritance of eternal taxes, which will bring our Government and people into the condition of those of England, a nation of pikes and gudgeons, the latter bred merely as food for the former.—Ibid., volume 6, page 409.

To Mr. Gallatin, minister to France, he writes in 1815:

"Put down the banks, and if this country could not be carried through the long-est war, against her most powerful enemy, without ever knowing the want of a dollar, without dependence on the traitorous classes of her citizens, without bearing hard on the resources of the people or loading the public with an indefinite burden of debt, I know nothing of my countrymen."—Ibid., volume 6, page 498.

To John Taylor, of Caroline, he wrote in 1816:

"Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth He made for their subsistence, unencumbered by their predecessors, who, like them, were but tenants for life.

"And I sincerely believe, with you, that banking establishments are more dangerous than standing armies; and that the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale."—Volume 6, pages 605-608.

To William H. Crawford, Secretary of the Treasury, in 1816, he writes:

"No earthly consideration could induce my consent to contract such a debt as England has by her wars for commerce, to reduce our citizens by taxes to such wretchedness, as that laboring sixteen of the twenty-four hours, they are still unable to afford themselves bread, or barely to earn as much oatmeal or potatoes as will keep soul and body together."—Ibid., volume 7, page 7.

MADISON'S MESSAGE, 1815.

It is, however, essential to every modification of the finances that the benefits of a uniform national currency should be restored to the community.

MADISON'S MESSAGE, 1816.

MADISON'S MESSAGE, 1816.

Upon this general view of the subject, it is obvious that there is only wanting to the fiscal prosperity of the Government the restoration of a uniform medium of exchange. The resources and the faith of the nation displayed in the system which Congress has established insure respect and confidence at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States, and it is expected that the same cause will produce the same effect throughout the Union. But for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nations should possess a currency of equal value, credit, and use, wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description.

FRANKLIN'S VIEWS.

Gold and silver are not intrinsically of equal value with iron. Their value rests chiefly in the estimation they happen to be in among the generality of nations.

Any other well-founded credit is as much an equivalent as gold or silver. Paper money, well founded, has great advantages over gold and silver, being light and convenient for handling large sums, and not likely to have its volume reduced by demands for exportation. On the whole no method has hitherto been formed to establish a medium of trade equal in all its advantages to bills of credit made a

establish a medium of trade equal in all its advantages to bins of credit made a general legal tender.

Want of money in a country discourages laboring-men and artisans (who are the chief strength and support of a people) from coming to settle in it, and induces many that settled to leave the country and seek entertainment and employment in other places where they can be better paid. For what can be more disheartening to an industrious laboring-man than this, that, after he hath earned his bread with the sweat of his brow, he must spend as much time, and have near as much fatigue, in getting as he had to earn it? And nothing makes more bad paymas ters than a general scarcity of money.—Franklin's Political Economy, vol. 2.

ADAMS'S MESSAGE, 1827.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress.—John Quincy Adams's third message, 1827.

JACKSON'S VIEWS.

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter, no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such a use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the power and money of great corporations are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as here-tofore, and supported by the usual means.—Jackson's message, 1833.

The payment of the public debt: Let us commemorate it as an event which gives us increased power as a nation and reflects luster on our Federal Union, of whose justice, fidelity, and wisdom it is a glorious illustration.—Andrew Jackson's letter, 1835.

We hail the extinguishment at so early a period of the public debt created by two wars—the one to purchase, the other to preserve and protect public liberty—as the result of a wise, economical, and patriotic administration of public affairs.—James K. Polk, 1835.

Whatever a government agrees to receive in payment of the public dues as a medium of circulation is money, current money, no matter what its form may be, Treasury notes, drafts, &c.; such notes, bills, or paper, issued under the authority of the United States, are money.—Henry Clay, in the Senate, 1837.

Tyler's message, 1843:

Tyler's message, 1843:

"The whole matter of the currency should be placed where, by the Constitution, it was designed to be placed—under the immediate supervision and control of Congress. The action of the Government would be independent of all corporations, and the same eye which rests unceasingly on the specie currency, and gnards it against adulteration, would also rest on the paper currency to control and regulate its issues and protect it against depreciation. The same reasons which would forbid Congress from parting with the power over the coinage, would seem to operate with nearly equal force in regard to any substitution for the precious metals in the form of a circulating medium. Paper, when substituted for specie, constitutes a standard of value by which the operations of society are regulated, and whatsoever causes its depreciation affects society to an extent nearly, if not quite, equal to the adulteration of coin."

CALHOUN'S VIEWS.

ever causes its depreciation affects society to an extent nearly, if not quite, equal to the adulteration of coin."

CALHOUN'S VIEWS.

The question is not between credit and no credit, as some would have us believe, but in what form credit can best perform the functions of a sound and safe currency. On this important point I have freely thrown out my ideas, leaving it to this body and the public to determine what they are worth. Believing that there might be a sound and safe paper currency, founded on the credit of the Government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity. " " My aversion to a public debt is deep and durable. It is, in my opinion, pernicious, and is little short of a fraud on the public. " " We are about to take a fresh start, and I seize the opportunity thoroughly to reform the Government, to bring it back to its original principles, to retrench and economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt, to create national banks, to reunite the political and money power—more dangerous than that of church and state—in any form or shape.

It is, then, my impression that in the present condition of the world a paper currency in some form, if not necessary, is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheaponess, lightness, and facility of determining the amount. The great desideratum is to ascertain what description of paper has the requisite qualities of being free from fluctuation of value and liability to abuse in the greatest perfection. I have shown, I trust, that bank-notes do not possess these requisites in a degree sufficiently high for this purpose. But I go further. It appears to me after bestowing the best reflection I can give the subject that no convertible

itself its own safer credit? It is time the community, which has so deep an interest in a sound and cheap currency and the equality of the laws between one portion of the citizens of the country and another, should reflect seriously on these things—not for the purpose of oppressing any interest, but to correct gradual disorders of a dangerous character which have insensibly, in the long course of years, without being perceived by any one, crept into the state.

We are told that there is no instance of a government paper that did not depreciate. In reply, I affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper, receivable in dues of government, had anything like a fair trial, it has succeeded.

It has another and striking advantage over bank circulation in its superior cheapness as well as greater stability and safety. Bank paper is cheap to those who make it, but dear, very dear, to those who use it—fully as much as gold and silver. It is the little cost of its manufacture, and the dear rates at which it is furnished to the community, which gives the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid palaces which we see under the name of banking-houses, and the vast fortunes which have been accumulated in this branch of business, all of which must ultimately be derived from the productive powers of the community, and of course add so much to the cost of production. On the other hand, the credit of government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, both to it and to the people, and of course would add nothing to the cost of production, which would give to every branch of industry, agriculture, commerce, and manufactures, as far as circulation might extend, great advantage both at home and abroad.

Quotation from Mr. Calhoun, in 1838:

"I now undertake to affirm positively, and without the least fear that I can be answered, what heret

HON. R. M. T. HUNTER, OF VIRGINIA, ON THE FINANCIAL PROBLEMS OF THE TIME. The power of the Government.

HON. R. M. T. HUNTER, OF VIRGINIA, ON THE FINANCIAL PROBLEMS OF THE TIME.

The power of the Government.

By the consent of most civilized people specie has been taken as the representative of the exchangeable value of commodities. It has been taken as the instrument of exchange in adjusting all contracts, and in general is convertible into all articles which are the objects of human desire. As there is not specie enough in the world to settle all contracts by actual payment, and it would be a great trouble to do so if there were enough, paper representatives of value have been made and need, on condition that they should be always convertible into specie, which still left contracts and commerce under the dominion of those who owned the specie of the world—the article of supreme value, made so by the social regulations of trade and the laws of most lands. Especially has this been the case in the United States; nothing but gold and silver can be made a legal tender by the States. Most contracts can be settled by specie, and as no legal power can impair the obligation of contracts, according to the Constitution, the payment of all debts, from the banknote to the gas-ticket, can be enforced in specie when the creditor chooses to demand it; and the owner of the specie dollar becomes the monarch of all he surveys. When the universal collection of debts is enforced, as the creditor may do at any time under our Constitution and laws, one dollar will sometimes buy ten times its amount in the property of the debtor. It was this vast power, which had been so mercilessly used, that drove the Roman Commons to Mount Sacer, and it was the fear of its abuse that led to the Mosaic regulations against usury, and to the limitation of credit in the Sabbatical year and that of the jubilee. It is this money power which has made Great Britain the most powerful among nations and given to New England and the Northeast the sway among the States of this Union. Federal legislation and administration have contributed largely to this result

The laborer and the capitatists.

These things may be exaggerated it is true, and probably are; but that the threat to resume specie payment and contract the currency still further should drive even honest laborers to despair is neither improbable nor unlooked-for. To show how wealth grows through bounties and irregular channels we need only look to the mode of its distribution in the favored States. Contrast the immense estates of the Astors, the Vanderbilts, and the Stewarts with the average condition of the laborer in those States, and, according to rule, it must seem one must be either a millionaire or a pauper. Occupations naturally profitable, which would support these thousands of honest laborers if let alone by the tax-gatherers, must give so much of their profit for the private benefit of persons pursuing employment not naturally self-subsisting, that those who follow them must abandon their own employment, with fair prospects of raising a livelihood if let alone by the Government. That this is no exaggerated picture I refer to the foreign navigation trade. A large business it ought to be; now it is nothing. It is sacrificed to special interests. This is New England's specialty. She has sacrificed it for what? Can a successful manufacture of delaines or anything else compensate her for the loss of the famous sea-going ship which traveled in the ice of the frozen ocean or amid

the lightnings and heats of the tropics in the noble pursuit of its gain, until it excited the admiration of Edmund Burke and all the bondholders of that day? What would Cotton Mather or his brave old Puritans say to the sacrifice of the hardy old industries of the people to the manufacture of new fabrics which are not self-subsisting if left to the unassisted profits of their own labor, but require subsidies from the private means of their fellow-citizens to live? What can we expect but contrasts between vast extremes in wealth and poverty among the citizens of a country thus governed?

The first step toward public distress.

The first step toward public distress.

But the first step toward the creation of the disparity in the circumstances of our people, already getting to be so remarkable, was the assumption of the States' debts, made in the revolutionary war, by the United States. It is not surprising that the conversion of bonds worth nearly nothing to an equivalency with specie should have put to work all the means of rapid dispatch, as described by Mr. Jefferson. The owners of specie, the preferred medium of exchange, into which all debts must be made convertible, were better situated than others to secure this valuable prize, whose profits inured mostly to the advantage of the Northern and New England States, where specie was beginning to aggregate. Every large loan made by the Government, and mostly negotiated through the banks, contributed to this same result. For at first the banks and the specie which controlled them were mostly there. A circulation of paper convertible by law into specie is subject to frequent contractions through panic, and during those periods the value of specie is increased often more than tenfold—a period of rich harvest to the money-king, who exchanges his specie for the property of the country at almost fabulous rates. The sacrifices of property, the hard earnings of industry, to this fiction of convertible paper money are not only untold, but in my opinion are scarcely imagined. Great Britain and the northeastern States of our Union have been pursuing this process to building up special interests through Government appropriations, until consequences have ensued far beyond anything ever contemplated, and it has become a problem how Government is to control them sufficiently to preserve the peace of society. Men begin to inquire whether laws have not themselves ministered to the overgrown and almost supreme power of those holding one particular species of property. The precious metals, though far inferior in normal value to all the other property of the world, control it and dominate over it. Are t

The usurers of ancient Rome.

Alllong standing governments have succumbed at last to the money power. When the equities who represented the money power in Rome became supreme, Crossus, who was probably their representative, obtained an equal division with Cessar and Pompey of the world, and it was not until he fell, through want of military skill and fitness of command, that his two colleagues obtained an open field for their contest for the supreme control. It is beginning to be a matter of some doubt, as historical investigation becomes more searching, whether the arm of Brutus was moved by a love of republican government or was directed as a representative of this same money power, who were enraged at the wild work which Cessar had been making with the laws governing debtor and creditor, and in tearing to pieces the usury nets which they had been laying so ingeniously for human victims.

It is established now, I believe, in the opinions of most mankind, that Brutus was a notorious usurer. We find in the writings of antiquity moving lachrymals on the evil of luxury, and the good governments which it has destroyed, and yet do they not mistake the symptom for the disease? The luxury which they denounce is the "extreme enjoyment of wealth;" and yet is not the extreme enjoyment the necessary effect of the extrayagant possession of wealth? The luxury of Lucullus, when he feasted Pompey in the hall of Apollo, must have excited dyspeptic affections in his guests, but it did not work half the mischief which Cassar effected in hiring men to subvert the liberties of his country, or in waging his self-supporting war in Gaul. The real mischief was in the unequal distribution of wealth, effected by unwise laws, or an unwise or an unjust administration of government. How came Lucullus or how came Cæsar by all this wealth so uselessly or improperly appropriated? Manifestly by the fault of the government by appropriations improperly made, by license allowed to them without regard to justice. To regulate these things properly involves nearly the whole sci

The true statesmanship.

The true statesmanship.

To raise himself to the pinnacle of official eminence, or to subjugate peoples and territories to a hostile government, has been the great object of the statesman of the past. A new era is opening upon us. Men are beginning to learn that true glory is not to be won through the tears of mankind. The true admiration of your fellow-being is not to be gained by trampling on his self-respect and destroying his liberties. Leave to each man his respect for himself, and that of others. Regulate the movements of society by laws of equity and justice. Leave to each man the fruit of his labor, save what he is bound to pay society for its protection and for securing to him peace and fair opportunities for improvement and earning wealth and the respect of mankind. Take nothing from him which is not justly returned to him, in securing his rights and his peace. Wring not from the hard earnings of labor a social fund to be distributed among favorites, without a fair return from them to the community which gave it, to be distributed. Let him do this and he will build up a well-ordered government and raise up a happy and progressive people. He will win a fame, too, such as men have not habitually struggled for, and which none can behold without respect and admiration. But how are we to effect all these grand results? How shall we attain these great ends? Doubtless there are laws by which all these things may be effected if men would study them and value them when discovered. But unhappily such has not been the direction in which statesmen have been in the habit of turning their thoughts.

"The good old rule Sufficeth them, the simple plan, That they should take who have the power And they should keep who can."

Ruinous enterprises.

Ruinous enterprises.

Some few, wiser and more considerate, conceive of some great moral or physical good, which they communicate to as many as they can, but care nothing for the mode in which it is raised, or the rights which may be violated in bestowing the gift. Perhaps it is a vast manufacture which is introduced, but how was it brought about? Men struck by admiration at perhaps the novelty of the scheme, will not pause to inquire, is it a great good just bestowed upon mankind, or is it the beginning of a mighty mischief? Great capitals are now rapidly created, but, to do it, how many barns are robbed, perhaps destroyed as completely as if they had been fired? Some, even, may find their wages higher, or shout their plaudits to their owner, as they seize the reins and rattle on their coaches, from New York to Philadelphia; but, to do this, how many poor women are forced to give up their "cup which cheers but not incbriates," which they might have enjoyed if the savings of their labor and those of their husbands had been permitted to inure to those who owned them, instead of the millionaires, who, it was imagined could put them to more splendid uses? Is it to be wondered at if the man who had worked to earn the money for the comfort and support of his wife, when he saw his earnings served to create millionaires, or to support people who could not support themselves at the

employment in which they were engaged, without taxing him and his fellow-laborers for their own private benefit, should begin to say something about communism, or socialism, or some of those things, whose names are of hateful import, which promises, not very reasonably to be sure, to put an end to these things?

The paper medium.

But the prime contrivance for producing these inequalities in human condition is the creation of a paper medium promising to be convertible into specie and dependent upon it for its circulation and continued existence. From this invention spring the Barings, the Rothschilds, and the splendid few who live at the expense of the many and control the multitude through this instrument, which controls all contracts, and consequently all commerce. The dreams of John Law were not all fictions quite, but the phantasma which are often the mirage that springs up on the journey of life to prefigure the coming event and give warning to the change which was to give a new and different infinence to human destiny. When William III founded the Bank of England, with its currency convertible into specie and the funding system, he contrived an instrument which England was likely to wield with more potency than any other in the world; an instrument which she was likely to use to the utter subjugation of the eager genius of her old enemy, France, notwithstanding the skill and wonderful powers of that child of fortune, Napoleon. The mighty genius of that half-inspired man, which wielded the usual contrivances of Arcola and on the day of Austerlitz, succumbed before the dull genius of the money-changer, and yielded at last to the mandates of the money-king. It may be said of him that his pathway has been over buried empires, as in India, and that from his hand fell the seed from which dominions were to spring to offer new resources to human achievement and the enjoyment of mankind, stupendous results which with our present stock of knowledge could not have been wrought without the money which that great coun

The bill of exchange as a war factor.

The bill of exchange as a war factor.

For the means of empire over the material world other nations have been pensioners on their bounty except in gold and silver. For the wonders wrought by steam and electricity other nations have looked to these two people. Is it too much to say that by their effort men's faculties have been sharpened, men's senses have been quickened and extended, men's vigor has been increased to the full limits to which human imagination has ever carried it? When William of Orange founded the Bank of England and established the funding system he little knew to what extent the money power he was calling into existence would throttle his old enemy. France, and render her dreams of empire and dominion impracticable and impossible. He did not foresee, to be sure, that she would raise up one like Napoleon, who would bear down the old defenses of human empire and render the precautions worthless by which people and dynasties had preserved their existence heretofore; but how proud he would have been in case of a revelation to that effect to know that he had planted a power, a great money power, which would cast in the shade even the wonders of that consummate genins and nullify to at least a saving extent his stupendous efforts to conquer Europe. But if Elizabeth was indebted for the defect to the Armada to her nobility and people, her sailors and soldiers, it is more than probable that her defense would not have been complete without the assistance of Gresham and his fellow-merchants. At that day the merchants had no princes, the money power no king. But they grew up in time for Napoleon, and victories to which Spaniards and Russians are supposed to have mainly contributed would never have been won but for those who drew the bill of exchange with more fatal effect than the other could direct the artillery of her almost invulnerable legions. If the one destroyed, the other restored, until the power of destruction changed sides. The day may come when the ghost of William Pitt will arise with his

become necessary to restore them to human credibility.

Danger to society from the moneyed power.

But if the money power has achieved much on which men dwell with delight, it is not to be denied that it has troubled the world with some strange bouleversements. Indeed, it may be said to have deranged the normal growth of society, and that it now threatens it with a control prejudicial to the rightsof the people to regulate it. The well-regulated and graded growth of society, with natural adjustments and equivalents, seems to be gone. Society must lose its well-adjusted happiness, if it is to grow only by extremes, and become a prey to the eternal turnoil between millionaires and panpers—a contest in which one has all the moral power and the other all the physical force. Is not this fast becoming the case, and is it not time to look into the causes and adjust the jarring elements, if possible? The United States has now a President not elected by the people certamly, or according to law and sanctioned by them. Whose President is he? Many shrewdly suspect that after all he owes his place to the money power. Has anything been done as yet to screen the Government against another result like it? Nothing, absolutely nothing. Unless something can be done effectually to that end the Government must soon pass absolutely into the hands of the money power. Its rings will not long confine their attention to driving stage-coaches, but direct it to something far more important and meretricious in usurping the control of the Government. It already directs the producing power of the country, and, under General Grant, it controlled the government of the people. But the machinery is yet to be modded to enable them to execute this work with convenience and dispatch.

The constitutional regulations.

The constitutional regulations.

The constitutional regulations.

To do this will require some boldness and much address. There are some democratic forms to which the people are attached, which can readily be put aside. In what way they may be best consigned to disuse and become significant of nothing operative, is yet to be considered and determined. The Roman Senate and senatorial forms long survived the erection of the empire. A distinguished Senator once told the author of this article, when he asked him, upon the passage of something that excited his indignation, how long he thought this Government could last, that 'nothing now remained but its skeleton form; the moving spirit has long passed away." To define the extent of this money power would be exceedingly difficult, but he who controls the specie of the country controls its comerce and production. By the Constitution of the United States all contracts must be carried out as made, and all debts must be paid in specie, if the creditor demands it, for no State can alter the contract, or make anything but gold and silver a legal tender. Congress, through its power to pass a bankrupt law, may interfere to some extent, but that is a question which does not belong to this discussion. So far as the above questions are concerned the creditor rules the country—rules the contract almost absolutely, for all that the States can do to the contrary. The men who hold the specie of the country hold the money and regulate the settlement of its contracts, the rates of interest, and its entire productive capacity. If all paper money must be convertible into specie, he who controls the specie will regulate the expansion and contraction of the paper, or the great question of how much money the people may have. If there be men who hold snot powers, are they not money-kings? And by what regulation of suffrage or representation can we control or order it? If there be snech contrivances, mankind seems not to have discovered them as yet. The Constitution has given no peculiar power to particular men. But

it has given to specie an influence and power beyond all other property; to this power the contrivances of trade have ministered until it has come to pass that the men who hold the specie are not only supreme on change, but before their voices governments sometimes truckle and quail. Sometimes the storm of revolution sweeps them away, as toward the close of the last century in France. Sometimes the ruling power in the State imposes special burdens on particular people, as the Athenian democracy, when they required particular burdens from individuals. Sometimes, too, unequal taxation is the resource, and taxation which operates like special contributions exacted from individuals. But all these schemes shock the sense of justice of mankind.

The convertible Treasury notes.

sense of justice of mankind.

The convertible Treasury notes.

There must be some way in which society can make progress consistently with its self-respect. It behooves every good man to see how this may be done if he can. With the present provisions of the Constitution in regard to specie I myself do not see how it can be effected if no paper money is issued which is not convertible into specie on demand. But if we can issue a paper which can be circulated at all times on a par with specie without being convertible into it on demand the production can go on, and with it the happiness and independence of society may be maintained without the capacity of convertibility of its paper money into specie on demand, and the sharp contests between extreme wealth and extreme poverty, which excite popular observation and attention to an extent so unwholesome and disturbing, would be avoided. I believe it may be done by using the credit of the Government, instead of the specie of the few who hold it, as the basis of a circulating medium. Suppose the United States should issue a Treasury note receivable for all does to it, a legal tender for all debts, and convertible at the pleasure of the holder into a United States bond, bearing such a rate of interest as will make it convertible into specie at par, with a right in the holder of the bond to reconvert it into Treasury notes, as above described, whenever he pleases. Does any man doubt that such a Treasury note would circulate at par with specie and with a steadiness and constancy which no other note ever possessed! But this is not all. The quantity in circulation would be regulated by the laws of trade, and the currency would be kept at par in specie. If below that value, it would be funded into bonds until it was at par with specie; if above the par of specie, more bonds would be reconverted into notes, until they were equivalent to specie in comparison with the demand would reduce the price so much, or force them to sell so much of their peculiar productions for a littl

Blessings that would ensue.

Blessings that would ensue.

But not so with the currency which I propose. The credit of the Government, together with its convertibility, would have sustained its value; its convertibility and reconvertibility into a Government bond would have kept a quantity in circulation equal to the wants of trade. Prices would have kept a quantity in circulation equal to the wants of trade. Prices would have kept up, and the productions and exchanges of society would be adequate to its happiness and improvement. The opportunities of the holders of specie to buy up large amounts of property for small values in the precious metals would be lost, and the unwholesome aggregation of wealth in a few hands comparatively cease. It is true that there would be anequal accumulations of money among individuals under any system of currency; but the great and startling inequalities which now strike all observers, to a great extent, would disappear when the system was changed which necessarily produced them. If the United States would issue notes in denominations suitable for currency, with a provision that they should be receivable for all dues to the Government, a legal tender for all debts, and convertible, at the pleasure of the holder, into currency bonds of the Government, bearing such a rate of specie interest as would keep those bonds at par with specie, the bonds, too, to be reconvertible into notes similar to those which were funded, then these notes would circulate easily at par with specie, if not issued in extravagant quantities. But this last could not well be, with the provision about convertibility. If issued in extravagant quantities, but notes would fall below specie par, and the holders would convert them into currency bonds, because they would bear a rate of interest which would make them worth par in specie. The surplus would be thus funded until the volume of currency in circulation would rise to par in specie. Should the notes, on the other hand, rise above specie par, the demand for them would continue until enou

How to preserve the equivalency.

How to preserve the equivalency.

But how are we to preserve the equivalency of the currency bond to specie, which is essential to the proper regulation of the notes? I would have the rate of interest of the bond annually declared by a board, to consist of a member appointed by the President, a member elected by the House of Representatives, and the Director of the Mint. This board might err a little in the proper rate of interest, but not much. The currency bond might be relied upon as a safe and effective regulator. The demands of trade would regulate the quantity of the currency, and there could not well be too much or too little, if the law was observed. The currency would be on a level with that of the world, being equal to specie; but the specie holder would be deprived of his capacity to force the debtor to sell large amounts of property for small values in specie. Nor could he force the production of the country to stand still until he choose to ext-nd his forbeatance to the paper issued, with a promise to be converted into specie at pleasure. Experience has proved that a specie currency is most conductive to the equivalency of the currency of the world, so necessary for equalizing values in the trade of the world; but at the same time my plan would take away the power of the specie holder to dictate the terms upon which the debtor must exchange his property for the other's money, which enables him to control the country, or its wealth, which is nearly the same thing.

Calhoun's opinion.

Calhoun's opinion.

Cathonn's opinion.

But it is said that if this scheme were tried a vast quantity of worthless paper would be issued, which would not circulate. But is not this contrary to theory and experience? Extravagant issues could be kept out on this plan. If too much were put out, the notes would fall below specie par, and the surplus would be funded in a currency bond at par with specie, by supposition, until the currency itself was equal to specie. If too little were issued, the Treasury note would be worth more than specie, and currency bonds would be reconverted, or new issues would be made until it was at specie par. And why should it not circulate. It would pay all debts to the Government. A legal tender, it would be good for all contracts. If in any way inconvenient as currency, it could be converted into a

Government bond at par with specie. Why then should it not circulate? Is its currency decried to satisfy a vain imagination? But I say experience has proved that a paper with only some of the qualifications of this has circulated at specie par. Mr. Calhoun, in his speech authorizing an issue of Treasury notes, September 19, 1837, said: "Nothing but experience can determine what amounts and of what denominations might be safely issued, but it may be safely assumed that the country would absorb an amount greatly exceeding its annual income. Much of its exchanges, which amount to a vast sum, as its banking business would revolve about it, and many millions would thus be kept in circulation beyond the demands of the Government. It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper which was made receivable in dues to her. It was also made a legal tender, but this, of course, was not obligatory after the adoption of the Federal Constitution. A large amount (say between four and five hundred thousand dollars) remained in circulation after that period, and continued to circulate for more than twenty years, at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the State, which was much less than \$100,000 per annum. I speak on the information of citizens of that State on whom I can rely."

What would counteract extravagant issue.

What would counteract extravagant issue.

Here is a fact which speaks volumes, on the authority of that great, cautious, and reliable man. Indeed, I know he was in favor of currency based on its receivability for Government dues—a basis for a circulating paper, which was his discovery, as I maintain—a currency, in other words, based on the credit of the State, and not subject to the various fluctuations and manifold hardships incident to paper circulation, promising to be convertible on demand in specie. But we have all witnessed a notorious experiment of much later date. The celebrated greenback was a Treasury note, receivable for public dues and a legal tender for all contracts between men. During the war the Federal Government issued a large amount of these, which circulated readily and easily on a par with specie. Let it do the same now, with a provision that the holder shall fund them at pleasure in a currency bond, at such a rate of interest as will keep it at par with specie. Of the capacity of such a currency for circulation there is no longer a doubt, if, indeed, any ever existed. But it is said the country will be swamped with them by an extravagant issue and the notes at last will be worth no more than contineatal paper. But how is this possible with the provision that these notes shall be funded at par at the pleasure of the holder in a United States currency bond, bearing such a rate of interest, payable in specie, as will keep the bond at par with specie? The moment the note falls in value below specie it will be funded until triess to par with specie. The quantity will be regulated by the wants of trade and the value of the note will be kept at specie par through the same means. But it is said the Government has no constitutional right to make a legal tender. Without this feature it would circulate readily. But why not exercise this right? The Supreme Court has decided that Congress possesses the power. I know that objections have been raised to the manner in which the court was constituted which

The power of Congress.

The power of Congress.

The Constitution has declared that no State shall make anything but gold and silver a legal tender. But it has not extended this prohibition to Congress, which is allowed to enact all laws necessary and proper to carry out the granted powers. Is it not necessary to enable the Congress to regulate commerce between the States, that it should have the right to declare something else but gold and silver a legal tender? If these metals are a legal tender, or if there is no legal tender, all contracts must be settled on specie, at the pleasure of the creditor; and, as there is not specie enough in the country to do this easily and conveniently, the commerce of the country and the country itself are placed in the power of the holders of the specie. Trade and production may be stopped and have often been stopped to a great extent at their will. To start these again, debtors must exchange their property for small amounts of specie. This is a condition which those who hold the specie will surely require hereafter, as heretofore. If, then, it is manifest that without some legal tender other than gold and silver the holders of species will rule the commerce of the country—and as a consequence the country itself—the property of the debtor class will be placed at the mercy of the creditor class. Is it not manifest, too, that the entire production of the country will be at the pleasure of those same holders of the precious metal? Then it follows that it is necessary for the proper regulation of commerce that a legal tender should be made of some such notes as I have described; for, that being done, the credit of the United States would enable it to issue a currency which would prevent all these ruinous effects. But now, it is said, such an enactment would impair the obligation of contracts. How could it do this if at par with specie values; and would it not maintain such par, with the provision that the holders of the notes might convert these notes into a currency bond, at such a rate of specie intere

Could the Government maintain such bonds?

Could the Government maintain such bonds?

But it may be said that all governments could not maintain such currency bonds at specie par. That is true of some governments, but is it probable that the United States would soon want the ability to do this, and, if not, are not the probabilities near enough certainty to make these arrangements safe and constitutional? Daniel Webster thought the United States could make nothing but gold and silver a legal tender, and probably thought specie, as did many others of that day, the only money. But, with the present lights and experience of the world, such an idea is scarcely respectable. Was not the leather money of Carthage money? Was not the iron money of Sparta money? The shell circulation of the East Indies, the "cowries," were money. If Congress were to issue coins of platinum and declare it money, would it not be money? If Congress were to issue notes receivable for all does, and a legal tender for all contracts, would not they be money? John C. Calhoun, a higher authority in finance than Daniel Webster, evidently thought receivability for public dues a far better basis for paper currency than the promise to pay specie on demand; a currency which it is far easier to maintain in the quantity necessary for trade, and at equivalent values from time to time, and between different nations, than a paper professing to be convertible into specie. The latter experiment has never been tried that it did not fail. England, the United States, France, all countries, indeed, that have tried it, have been forced to suspend specie payments. And when the specie payment is once suspended, has it ever been renewed without widespread ruin in the country attempting it? Let the country, then, by way of experiment, issue \$600,000,000 in such paper.

What the issue should be.

What the issue should be.

Doubtless it could exchange it on equal terms with a like amount of its debt. If this should not be enough, a similar amount might be issued to the great relief of the country and with a probable large diminution of the public debt. If the South and West would unite, they are strong enough to do it. The Northeast might hesitate, because they would dislike to give up the money power which they now wield through specie; but the good effects of the change would win them over at least

When through the experiment of a currency professing to be convertible into specie on demand. Failure, inequality, and distress have attended the trial. Give us one based on public credit, in which everybody is interested, based on receivability for public dues, as proposed by that master mind, John C. Calhoun, and see

to what extent relief will be afforded. If this should be made a legal tender, its efficiency would doubtless be increased. R. M. T. HUNTER.

RICHMOND, VIRGINIA.

R. M. T. HUNTER.

RICHMOND, VIRGINIA.

1. The right of the United States to issue legal-tender Treasury notes is fully sustained by the decision of the Supreme Court of the United States, in 12 Wallace. This settles the question.

2. The States, before the formation of the Constitution, had and exercised the right to coin money of gold, silver, and copper, and to issue full legal-tender token money. All the rights which they possessed over money they surrendered to the General Government. They therefore not only surrendered the right which they possessed and exercised to make money of the metals, but legal-tender paper money also. "In thus surrendering to the General Government their right to coin money, they also surrendered their right to issue legal-tender paper money."

3. Congress possess power to do under this surrender thus made to them by the States anything which the States could do relating to money before the surrender.

4. The States possessed and used the right to make paper money legal tender. They surrendered this right to the General Government. Then the General Government possessed this right.

5. If the States had not surrendered that right to the United States, they would have possessed it as a necessary consequence and accompaniment of sovereignty, and the ability to sustain their national existence.

6. The Constitution restricts the States as to what they shall themselves make legal tender in payment of debts; but it does not restrict the General Government to do anything which the United States shall make legal tender in payment of debts; but it does not restrict the General Government to do surthing which the United States shall make legal tender in payment of debts to the States or individuals.

7. The Constitution does not provide any material out of which Congress shall have power to make money; nor does the Constitution provide for the standard fineness of any metallic money, or for the number of grains of pure metal or of alloy that shall compose a dollar, five dollars, ten dollars,

alloy that shall compose a dollar, five dollars, ten dollars, or any number of dollars. The Constitution is slient upon all these matters. They are all left to the wisdom of Congress.

8. Five materials are therefore used by Congress out of which to make money, not one of which is so much as named or in any way referred to in the Constitution. They are: Copper, tin, zinc, nickel, and paper. The alloy in gold and silver coins, with copper or anything else, is not hinted at in the Constitution. If gold and silver coins, with copper or anything else, is not hinted at in the Constitution. If gold and silver coins of the United States possessed 49 per cent. alloy, and 51 per cent. pure metals, the Constitution would not in any way interfere with it.

9. The first money issued under the fiat of Congress after adopting the Constitution was paper money, issued by the Bank of the United States, though paper money was not named in the Constitution. This paper money was full flat so far as payment to the Government was concerned.

10. The first money issued from the Mint, created in 1792, was copper money; a material and a money not named or referred to in the Constitution.

11. Both gold and silver coin, authorized by the flat of 1792, were alloyed with copper, not named in the Constitution. The alloying with anything is not named. Gold and silver coin are once named in the Constitution; but we have never had any pure gold and silver coin. Our coins have all been alloyed, about which the Constitution is silent.

12. The law of 1857 introduced a new metal called nickel, with which to make our money. This is not mentioned in the Constitution. The law of 1866 has caused the extensive use of this material as money.

13. The law of 1864 introduced two other materials unknown to the Constitution. They are tin and zinc. If lawful money of the United States can be and has been made of these materials not heard of in the Constitution, why cannot money be made by the Government of paper, which is so much more convenient and desira

The following is the vote of the House by yeas and nays on the above resolu-YEAS-85.

Lowe, Manning, McKenzie, McMillin, Mills, Muldrow, Armfield, Atherton, Atkins, Dibrell, Dickey, Singleton, O. R. Slemons, Smith, William E. Dunn, Elam, Ewing, Felton, Sparks, Speer, Steele, Beale, Belford, Berry, Bicknell, Finley, Ford, Forney, Forsythe, Stevense Taylor, Tillman Murch. Myers, New, Nicholls, Blackburn. Bland, Cabell Turner, Oscar Turner, Thomas Cabell,
Clardy,
Clark, John B.
Cobb,
Coffroth,
Colerick,
Cook,
Cox,
Culberson,
Davidson,
Davidson,
Davis, Joseph J.
Davis, Lowndes H.
De La Matyr, Frost, Geddes, Gillette, Persons, Phelps, Philips, Vance, Waddill, Weaver, Wellborn, Whitthorne, Williams, Thoma Gunter, Harris, John T. Reagan, Richmond, Hatch, House, Hull, Robertson, Rothwell, Russell, Daniel L. Willis, Wilson. Ryon, John W Jones, Kelley, Scales, Singleton, J. W.

	- CONTROL OF THE PARTY OF THE P	The state of the s	
THE THE PARTY OF THE PARTY.	2	NAYS-117.	
Aldrich, N. W. Aldrich, William Anderson, Bachman, Baker, Barber, Bayne, Beltzhoover, Blake, Boyd, Brewer,	Brigham, Browne, Buckner, Burrows, Butterworth, Calkins, Cannon, Carlisle, Carpenter, Caswell, Chittenden,	Conger, Covert, Crapo, Cravens, Daggett, Davis, George R. Davis, Horace Deering, Deuster, Dunnell, Errett.	Farr, Ferdon, Field, Fisher, Frye, Garfield, Goode, Hall, Harris, Benj, W. Haskell, Hawk,
Briggs,	Clymer,	Evins,	Hawley,

Haves,	Lindsey.	Page,	Thompson, W. G.
Hazelton.	Lounsbery,	Phister.	Townsend, Amos
Henderson,	Mason,	Pierce.	Tucker.
Herbert.	McCoid,	Pound.	Tyler.
Herndon.	McGowan.	Prescott,	Updegraff, J. T.
Hiscock.	McLane.	Price,	Updegraff, Thom
Houk.	Mitchell,	Reed.	Upson,
Hubbell,	Money,	Robinson,	Valentine.
Humphrey,	Monroe,	Ross.	Van Aernam.
Hunton,	Morrison.	Russell, W. A.	Voorhis,
Hurd.	Morse,	Ryan, Thomas	Wait,
James,	Morton,	Samford.	Washburn.
Johnston,	Neal,	Shallenberger,	White,
Joyce,	Newberry,	Shelley,	Wilber.
Keifer.	Norcross.	Smith, A. Herr	Williams, C. G.
Kimmel,	O'Neill,	Stone,	
Lapham,	O'Reilly,	Thomas,	
Lewis,	Overton,	Thompson, P. B.	THE RESERVE TO SHARE THE

NOT VOTING-90.

Ellis,	Loring,	Simonton,
Fort.	Marsh,	Smith, Hezekiah B.
	Martin, Beni, F.	Springer,
	Martin, Edward L.	Starin.
		Stephens.
		Talbott.
		Townshend, R. W.
		Urner,
		Van Voorhis,
		Ward,
		Warner,
		Wells.
	O'Connor	Whiteaker,
		Willits.
		Wise.
		Wood, Fernando
		Wood, Walter A.
		Wright,
King		Yocum,
	Pichardson I S	Young, Casey
	Pohecon	Young, Thomas L.
Knott	Sapp.	Toung, Thomas L.
	Fort, Gibson, Godshalk, Hammond, John Hammond, N. J. Harmer, Heilman, Henkle, Henry, Hill, Hooker, Horr, Hostetler, Hutchins, Jorgensen, Ketcham, Killinger, Kitchin, Klotz,	Fort, Gibson, Godshalk, Hammond, John Hammond, N.J. Harmer, Heilman, Henkle, Henry, Hill, Hooker, Horr, Gorgesen, Ketcham, Killinger, Killinger, Killinger, Kitchin, Klotz, Kartin, Benj. F. Martin, Board L. Martin, Joseph J. McCook, McKinley, McKinle

Mr. BLACKBURN. If no one else desires to be heard, I move that the committee rise.

The motion was agreed to.

Le Fevre,

The committee accordingly rose; and Mr. Carlisle having resumed the chair as Speaker pro tempore, Mr. McMillin reported that the Committee of the Whole House on the state of the Union having according to order had under consideration the Union generally, had come to no resolution thereon.

Mr. THOMPSON, of Kentucky. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock p. m.)

the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz: By Mr. BEALE: The petition of Edward S. White, for pay for serv-

ices as light-house keeper at New Point Comfort light-house, in 1861-

to the Committee on Claims.

By Mr. BENNETT: The petition of C. A. Lounsberry, of Bismarck, Dakota, for the abolition of the duty on type—to the Committee on Ways and Means.

Ways and Means.

Also, the petitions of 61 citizens of Mapleton, and of 112 citizens of Grand Forks, Dakota Territory, that the bill creating the Territory of Pembina be amended by striking out "Pembina" and inserting "Northern Dakota" in lieu thereof, and when so amended that the bill pass—to the Committee on the Territories.

Also, the petition of 114 citizens of Pembina County, Dakota, for the passage of the bill creating the Territory of Pembina—to the

same committee

By Mr. CARPENTER: Memorial and resolution of the Legislature of Iowa, in relation to the removal of obstructions from the channel

of 10wa, in relation to the removal of obstructions from the channel of the Neshwabotina River—to the Committee on Commerce.

By Mr. FORD: The petition of Robert S. Stockton and others, for the equalization of bounties—to the Committee on Military Affairs. Also, the petitions of John Wagner and others, and of Albert Marshal and others, of Saint Joseph, Missouri, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. FRYE: The petition of John O. Sullivan, for a pension—to the Committee on Invalid Pensions.

By Mr. GIBSON: The petitions of members of the bar of Louisiana, and of merchants and owners of vessels at New Orleans, for an increase of the salary of the judge of the United States district court

for the District of Louisiana—to the Committee on the Judiciary.

By Mr. HAWK: The petition of A. Golder, Hon. Tyler McWhorter, and 14 citizens of Whiteside County, Illinois, for legislation on the manufacture, importation, and sale of oleomargarine—to the Committee of the Comm

manufacture, importation, and sale of oleomargarine—to the Committee on Agriculture.

By Mr. MILES: Papers relating to the pension claim of H. E. Edwards—to the Committee on Invalid Pensions.

By Mr. MITCHELL: The petition of John Bodler and 39 others, late Union soldiers of Germania and vicinity, Potter County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Abilia, D.

Also, the petition of Abijah Reynolds and 12 others, late Union sol-

diers, that prisoners of war who incurred disabilities while imprisoned be granted pensions, and that the oath of an applicant be suf-

oned be granted pensions, and that the oath of an applicant be sufficient to establish the contraction of disability as claimed—to the Committee on Invalid Pensions.

By Mr. PRESCOTT: The petition of B. J. Beach and others, of Rome, New York, against the further introduction of the French metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAM G. THOMPSON: The petition of druggists of

Iowa City, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines-to the Committee on Ways and Means.

IN SENATE.

MONDAY, April 5, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and ap-EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting communications from the Paymaster-General and the Second Auditor of the Treasury, showing the necessity of appropriations to pay certificates for arrears of pay and bounty, due white and colored soldiers and their beirs, which have been issued since January 1, 1880, and to be issued up to June 30, 1881; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the General Assembly of Iowa, in favor of the passage of an act providing for the improvement of the Nishnabatona River; which was referred to the

Committee on Commerce.

Mr. ALLISON. I present a duplicate of the memorial of the General Assembly of the State of Iowa, in favor of an appropriation for the improvement of the Nishnabatona River, and I ask that it be printed

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial and joint resolution in relation to the removal of obstructions from the channel of the Nishnabatona River.

Whereas the Nishnabatona River, in Southwestern Iowa, has been recognized by the National Government as a navigable stream and meandered in the public surveys, as such streams are, from its mouth, in Holt County, Missouri, to a point near Piverton Frement County, Large, and

Whereas the Nishnabatona River, in Southwestern Iowa, has been recognized by the National Government as a navigable stream and meandered in the public surveys, as such streams are, from its mouth, in Holt County, Missouri, to a pointnear Riverton, Fremont County, Iowa; and Whereas about the year 1867 the Missouri River cut away its east bank until it reached the channel of the Nishnabatona River, and thus made a new mouth for said river about three miles south of the State line between Missouri and towa, and about thirty or forty miles north of where said river formerly emptied into the Missouri River; and Whereas the General Assembly of the State of Missouri, in the year 1868, passed an act authorizing Atchison County, in said State, to put in an embankment across the old channel of the Nishnabatona River, and said county did, soon after the passage of said act, cause an embankment to be constructed across the said old channel below the new mouth of said river; and Whereas since that time the main channel of the Missouri River has changed and now runs west of McKissick's Island, about five miles west of where the steamboat channel was at the time said river cut into the channel of said Missouri River a mere slough, almost without water when said river is low; and Whereas in times of high water in the Missouri and Nishnabatona Rivers vast quantities of sand and sediment have been deposited in said slough, and thus the new mouth of said Nishnabatona has been filled and choked up so as to prevent the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowing into the Missouri River, and thus damming up the water in said river from flowi

LORE ALFORD, of the House of Representatives. FRANK J. CAMPBELL, President of the Senate.

Approved March 25, 1880.

Mr. ALLISON presented a petition, numerously signed by lumbermen on the Mississippi River, praying for an increase of the appropriation to remove the obstructions of the Rock Island Rapids; which was referred to the Committee on Commerce.

He also presented the petition of druggists at Clinton, Iowa, praying for the removal of the present unequal, arbitrary, and annoying stamp-tax on cosmetics, perfumery, and medicines; which was referred to the Committee on Finance.

He also presented the petition of Perry Engle & P. D. Sweet, publishers of the Iowa National, Newton, Iowa, praying that certain materials used in making paper be placed on the free list; which was referred to the Committee on Finance.

He also presented a petition of citizens of Newton, Iowa, praying for the passage of what is known as the Weaver bill; which was re-

ferred to the Committee on Finance.

Mr. WHYTE presented the petition of Ed. J. Oppelt, Julius O. Berg, James E. Lardauer, Isaac Adler, John C. Bosley, James C. Randall, and 300 others, manufacturers of cigars in the city of Baltimore, praying for the passage of a bill reducing the tax on cigars from \$6 to 4 per thousand, in accordance with the spirit of the reduction heretofore made of the tax on manufactured tobacco; which was

referred to the Committee on Finance.

Mr. WHYTE. I present the petition of Thomas Whitridge & Co., Whedbee & Dickinson, C. Morton Stewart & Co., Thornton Rollins, J. M. Bandel & Sons, and other ship-owners and shipping merchants of Baltimore, praying for a modification of the statute in relation to the payment of three months' extra pay to American seamen discharged in foreign ports; and when the proper order of business is reached I shall ask leave to introduce a bill to carry out the wishes of the petitioners. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILLIAMS presented the petition of Margaret Longshaw, mother of William Longshaw, jr., deceased, late assistant surgeon United States Navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FERRY presented the petition of Mrs. W. B. Robinson, Lucy L. Stout, Catharine A. F. Stebbins, Thomas W. Palmer, J. H. Stone, Giles B. Stebbins, and others, citizens of Detroit, Michigan, praying for an amendment to the Constitution of the United States granting to women the right of suffrage; which was referred to the Committee on the Judiciary.

Mr. BOOTH presented the petition of Mrs. Laura J. Watkins, a citizen of San José, Santa Clara County, California, representing that she is a real-estate owner, and is annually taxed heavily for the sup-

she is a real-estate owner, and is annually taxed heavily for the support of pauperism and crime, while she has no power to suppress vice or regulate taxation, and asking for the removal of her political disabilities; which was referred to the Committee on the Judiciary.

Mr. PENDLETON presented the petition of Mrs. Sarah Chapman, Mrs. A. R. Kieffer, Rev. A. R. Kieffer, H. B. Perkins, Rev. J. S. Hutson, and 330 others, citizens of Warren, Ohio, praying for an amendment to the national Constitution by which the right of suffrage in the United States shall be based on citizenship, and all citizens of the United States native or naturalized shall enjoy this right consilv the United States, native or naturalized, shall enjoy this right equally without any distinction founded on sex; which was referred to the

Committee on the Judiciary.

He also presented a memorial of type-founders of Cincinnati, Ohio, protesting against the repeal of the duty on type; which was referred

to the Committee on Finance.

Mr. KERNAN presented the petition of Henry S. Van De Carr, Elsie M. Reynolds, and Gordon B. Reynolds, of Stockport, New York, praying for the extension of letters-patent granted to Rensselaer Reynolds and Gordon B. Reynolds, for improvements in brakes for power loems; which was referred to the Committee on Patents.

Mr. FARLEY presented a memorial of citizens of California, miners and persons directly interested in mining operations, remonstrating

against the passage of the proposed mining law now before Congress; which was referred to the Committee on Mines and Mining.

He also presented the petition of Ellen Clark Sargent and 935 others, citizens of San José, Santa Clara County, California; and the petition of Sarah L. Knox Goodrich, of San José, Santa Clara County, Cali-

of Sarah L. Knox Goodrich, of San Jose, Santa Chara County, Calfornia, praying for the passage of a law granting women the right of suffrage; which were referred to the Committee on the Judiciary.

Mr. HAMPTON presented the petition of William Aiken, Robert Adger, William C. Bee, and 515 others, citizens and tax-payers of South Carolina, praying to be refunded money illegally collected from them, and received by the United States, without warrant of law, as in payment of dues under the direct-tax laws; which was referred to

in payment of dues under the direct-tax laws; which was referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of Emily S. Forman and other citizens of Boston, Massachusetts, praying for such an amendment of the Constitution as will grant to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. TELLER presented additional papers to accompany the bill (S. No. 1020) for the relief of B. F. Rockafellow; which were referred

to the Committee on Claims.

Mr. GORDON, presented the petition of Rachael M. McDonald of Stilesborough, Bartow County, Georgia, praying to be compensated for two mules furnished the United States Army; which was referred to the Committee on Claims.

Mr. DAVIS, of Illinois, presented the petition of Mary Brickford, E. Smith, Belle Wright, N. Brickford, W. E. King, and others, citizens of the State of Illinois, County of Hancock, town of Plymouth, praying for the following amendment to the national Constitution:

ART. XVI. The right of suffrage in the United States shall be based on citizenship, and all citizens of the United States, native or naturalized, shall enjoy this right equally, without any distinction founded on sex.

The petition was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 109) to incorporate the Mount Pleasant Railroad Company of the District of Columbia, reported ad-

versely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1494) to incorporate the Washington and Great Falls Railway Company, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 186) to incorporate the Mount Pleasant and Potomac Side Railway Company, reported adversely thereon, and the bill was post-poned indefinitely.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1037) approving the building of the Union Railroad of the District of Columbia, reported adversely

the Union Railroad of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1386) to incorporate the Potomac Union Railway Company of Washington, in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims to report adversely on the bill (S. No. 1579) for the relief of B. B. Connor. The Senator from Alabama, [Mr. PRYOR,] who is a member of the committee, desires to submit the views of the minority on the bill. I ask that the bill go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

with the adverse report of the committee.

Mr. PRYOR. In the adverse report made by the Senator from Wisconsin the committee are not entirely agreed, so much so that the minority asks leave to submit a minority report. I ask that it be

The VICE-PRESIDENT. The views of the minority will be printed,

no objection being heard.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 827) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the bill (S. No. 1077) granting a pension to William J. Elgie, submitted an adverse report thereon; which was ordered to be printed,

and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 809) for the relief of Duncan M. V. Stuart, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 340) granting a pension to Thomas J. Anthony, submitted an adverse report thereon; which was ordered to be printed, and the

bill was postponed indefinitely.

BOUNDARY BETWEEN NEW YORK AND VERMONT.

Mr. CONKLING. I am instructed by the Committee on the Judiciary to report back favorably, without amendment, the bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States. It is a very short bill. I ask that it be read, and I shall then make a request in regard to it.

The Chief Clerk read the bill.

Mr. CONKLING. Unless some Senator thinks there should be delay,

ask that the bill be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OFFICE EMPLOYÉS.

Mr. WHYTE. The Committee on Printing, to which was referred petition of the employes of the Government Printing Office praying that they may be allowed compensation for legal holidays, have in-structed me to report a joint resolution and to ask for it the favorable action of the Senate.

The joint resolution (S. R. No. 99) providing for payment of wages to employés in the Government Printing Office for legal holidays was

read twice by its title.

Mr. WHYTE. I ask unanimous consent of the Senate to dispose

of the joint resolution at this time.

of the joint resolution at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the employés of the Government Printing Office are, from December 31, 1879, to be allowed the following legal holidays with pay: The 1st of January, the 22d of February, the 4th of July, the 25th of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving. These employés are to be paid for these holidays only when the employés of the other Government departments shall be so paid. Nothing herein contained is to authorize any additional payment to such employés. contained is to authorize any additional payment to such employés as receive annual salaries.

The joint resolution was reported to the Senate without amend-ment, ordered to be engrossed for a third reading, read the third

time, and passed.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a concurrent resolution authorizing the printing of 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the

year 1879, reported a joint resolution as a substitute therefor.

The joint resolution (S. R. No. 100) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879

was read the first time by its title.

Mr. ANTHONY. I ask the present consideration of the joint reso-

The joint resolution was read the second time at length, as follows: Resolved, &c., That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries, the Illustrations to be made by the Public Printer under the direction of the Joint Committee on Public Printing, and 2,500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the cost of publication and ten per cent. thereto thereon added.

By unanimous consent the Senate, as in Committee of the Whole,

proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. BILLS INTRODUCED.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1582) to amend chapter 5, title 53, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1583) to change the name of the schooner-yacht Nettie to Nokomis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1584) granting a pension to Margaret Costello; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions

which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1585) for the relief of John Stewart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CONKLING

Mr. CONKLING. At the request of a citizen of New York I ask

leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. By unanimous consent, leave was granted to introduce a bill (S. No. 1586) to regulate the fees of attorneys in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1587) to secure the safe keeping of money

paid into court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1588) to authorize the Postmaster-General to compensate the Chicago, Burlington and Quincy Railroad Company for facilitating the transportation of the overland mails under agreement; which was read twice by its title, and referred to the Committee of the Comm

tee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1589) to provide for the payment of the amount due the Burlington, Cedar Rapids and Northern Railway Company for transportation of United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1590) for the relief of Henry S. Van De Carr and Elsie M. Reynolds, administrators of the estate of Rensselaer Reynolds, deceased, and Gordon B. Reynolds; which was read twice by its title, and referred to the Committee on Patents.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1591) to constitute the city of Denver, in the State of Colorado, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1592) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax; which was read twice by its title, and referred to the Committee on Finance.

Mr. BECK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1593) to authorize the Richmond and Southwestern Railway Company to build bridges across the Pamunky and Mattaponi Rivers; which was read twice by its title, and referred

to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That E. P. Vollum be allowed to withdraw his papers from the files of the Senate.

STEPHEN A. M'CARTY.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent of the Senate to take up Senate joint resolution No. 96.

Mr. HEREFORD. I desire the regular order.
Mr. CONKLING. This will take but a moment.
Mr. CAMERON, of Pennsylvania. It will only take two or three minutes, I think, to dispose of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be reported

and objection called for.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to reappoint Stephen A. McCarty a lieutenant-commander in the Navy of the United States, to take present position at the foot of the list of officers of that grade.

The VICE-PRESIDENT. Is there objection to the present considration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. COCKRELL. Is there a report?

The VICE-PRESIDENT. There is.

Mr. COCKRELL. Let it be read.

The VICE-PRESIDENT. The reading of the report is called for. will be here in a moment.

Mr. CONKLING. The Senator from Pennsylvania can state the

case, I presume.

Mr. CAMERON, of Pennsylvania. The report is long, and I prefer

that the report should be read.

Mr. DAVIS, of West Virginia. I think we had better proceed with the regular order, and when the report is found we can take up the joint resolution.

The VICE-PRESIDENT. The report has been found.
The Chief Clerk proceeded to read the report.
Mr. ANTHONY. The Senator from New Jersey, [Mr. McPherson,]
the chairman of the Committee on Naval Affairs, is absent, and I
know he wishes to be present when the joint resolution is acted upon.

hope it will be postponed.

Mr. CONKLING. Let the report be read.

Mr. ANTHONY. I have no objection to the report being read.

Mr. HEREFORD. That will only take up the time of the Senate.

Mr. CONKLING. It will have to be read some time. Let the report

be read now.

The Chief Clerk resumed and concluded the reading of the report submitted by Mr. Cameron, of Pennsylvania, March 23, as follows:

The Chief Clerk resumed and concluded the reading of the report submitted by Mr. Cameron, of Pennsylvania, March 23, as follows:

The Committee on Naval Affairs, to whom was referred the petition of Stephen A. McCarty, late lieutenant-commander, United States Navy, praying the passage of a law authorizing the President to restore him to his former position in the Navy, have duly examined and considered the same, and beg leave to make the following report:

This petition was before the Committee on Naval Affairs at the last Congress and they reported upon it adversely. This action your committee now think was not fully warranted by the facts of the case as they appear of record. On account of the great amount of business at the closing hours of the session the action of the committee was necessarily hasty, as is apparent from the fact that no printed statement accompanied the report at that time, and therefore the grounds upon which the adverse report was based do not appear. The case, in the opinion of this committee, is one which commends itself to the justice and leniency of Congress.

The petitioner, Stephen A. McCarty, is a citizen and resident of Pulastic, Oswego County, New York, and is about thirty-nine years of ago. He entered the United States Navy as a midshipman in 1856. In 1862 he was promoted to a lieutenancy, and in 1866 was appointed a lieutenant-commander. He held this commission until 1874, at which time he had been in the service eighteen years, and, until within a brief period before, had discharged and fulfilled, to the entire satisfaction of the Department and the officers in humediate command, every official duty and requirement of his position. Unfortunately, while he was attached to the United States steamer Powhatan, he was said to have been under the influence of liquor on several occasions, for which offense he was tried by a court-martial and found guilty; but the members of the court, however, recommended him to the clemency of the Secretary, with but one exception, and in deference

"To the Senate and House of Representatives of the United States:

"The petition of the undersigned citizens, inhabitants of the county of Oswego, New York, respectfully represents:

"That they are personally acquainted with Stephen A. McCarty, late a lieutenant-commander in the United States Navy, who for the last few years has been a resident of Pulaski, in the said county; that during the time of his resistence here, for the last two years or more, his character and conduct in every respect have been correct and exemplary, and particularly in respect to his sobriety and firmness in habits of temperance. In view of his education and training in the Navy and his services as an officer, and his entire freedom and emancipation from the unfortunate

circumstances which induced his withdrawal, we carnestly recommend his restora-tion to the position for which he is so well fitted by education, training, and expe-rience. We ask, therefore, that such act or resolution may be passed as will author-ize his restoration to the service, for which he is so well qualified and competent in

rience. We ask, therefore, and ize his restoration to the service, for which he is so well qualified and competent in every respect.

"Pulaski, Oswego County, New York, January, 1879.
"W. B. DIXON,
"Supervisor of the Town of Richland.
"FRANK S. LORD, M. D.,
"Late Sheriff of Oswego County,
"D. A. KING,
"Attorney and Counselor at Lave.
"JAMES M. FENTON,
"Justice of the Peace.
"JNO. B. WATSON,
"Justice of the Peace.
"NATHAN B. SMITH,
"Attorney and Counselor at Lave.
"SEBASTIAN DUFFY,
"Principal of Pulaski Academy.
"L. R. MUZZY,
"Editor and Proprietor Pulaski Democrat.
"M. B. COMFORT,
"Pastor Baptist Church, Pulaski."
"Robert PAUL,
"Rector of Saint James Church, Pulaski."
"I personally know each and every the gentlemen whose names are signed hereto

"I personally know each and every the gentlemen whose names are signed hereto, (on this half sheet,) and have for many years, and vouch for the high standing and respectability of each and every one of such signers. I unite with them in recommending that Mr. McCarty be reinstated in the Navy. "W. H. BAKER."

The following two letters, from his superior officers, show his conduct while under their immediate command:

"Commandant's Office,
"United States Navy-Yard, League Island, Pa.,
"December 17, 1878.

"Dear Sir: I received your note of 10th inst., and am glad to hear from you and that you have entirely reformed, and that for nearly three years you have been strictly temperate; and so long as you adhere to strictly temperate habits, you will triumph over the only barrier that I know of to your success in life.

"Aside from this objection, during the time you were under my command, on board the United States steamer Powhatan, I found you to be a very capable and useful officer. I am always glad to give a helping hand to deserving people; to encourage those who are determined to do right; and you have my earnest wishes for your success and prosperity.

"Very respectfully, yours,"

"PEIRCE CROSEY.

"PEIRCE CROSBY.

"S. A. McCaett, Washington, D. C."

"United States Navy-Yard, Washington,
"Commandant's Office,
"December 6, 1878,

"Size: In reply to your verbal request I have the pleasure of stating that while under my command as navigating officer of the United States steamer Shenandoah your conduct in every respect as officer and gentleman was such as to merit my approbation.

"Very respectfully, your obedient servant,"

"TYO O ENDOCRE

"JNO. C. FEBIGER,
"Commodore United States Navy.

"Mr. S. A. MCCARTY."

The Secretary of the Navy, in answer to a letter written to him by the former hairman of this committee, made the following reply, which gives a full history of the case:

"NAVI DEPARTMENT, "Washington January 13, 1879.

"Sir: I have the honor to acknowledge the receipt of your letter of the 8th instant, inclosing the memorial of Stephen A. McCarty for the passage of an act or joint resolution authorizing the President to restore him to his position of lieutenant-commander in the Navy, and asking that the Naval Committee, to which the memorial has been referred, may be furnished with such information and the cause of his leaving the naval service as the records of the Department contain; also with any recommendation I may think proper to make.

"Stephen A. McCarty entered the Navy as a midshipman September 25, 1856; was promoted to a lieutenant August 1, 1862, and to a lieutenant-commander August 9, 1866, and resigned November 7, 1874.

"He was in the Navy upward of eighteen years; was at sea over ten years of that time; was on shore duty about three years, and on leave or waiting orders about five years.

about five years.

"So far as the records show, his service was well performed and his general conduct and deportment good, until about September, 1872, when, while attached to the United States ship Powhatan, he was reported to have been under the influence of liquor on three or four separate occasions within a short period. Charges were preferred, and he was tried by court-martial September 30, 1872. The court found him guilty, but all the members, with a single exception, recommended him to elemence.

him guilty, but all the members, with a single exception, recommended him to clemency.

"The Secretary of the Navy, on the 24th of February, 1873, remitted the sentence, writing to him as follows:

"The members of the court by which you were tried, with one exception, unite in earnestly recommending you to elemency, on the ground that the misconduct which has placed you in your present position was a "a temporary aberration from the very high professional reputation you have heretofore borne." You were guilty of grave infractions of discipline, but the recommendation of the members of the court, themselves officers of experience and high professional reputation, is entitled to great weight, and the Department would with the utnost reluctance for a first offense, and that involving no grave moral turpitude, deprive an officer of a high professional reputation of the fruits of years of uniformly good and exemplary conduct. I have concluded, therefore, to yield to the recommendation in your behalf and remit the sentence of the court.

"In November, 1874, the commander-in-chief of the North Atlantic station

and remit the sentence of the court.

"In November, 1874, the commander-in-chief of the North Atlantic station preferred charges against Lieutenant-Commander McCarty, then executive officer of the Canandaigua, of drunkenness and neglect of duty, and brought him before a court-martial for trial. The Department finds from the record of these charges that while the ship was at anchor at New Orleans he became so much under the influence of liquor as to be unfit for the performance of his duty, and not in a fit condition to receive the commanding officer of the vessel on his return to the ship. After the court was organized and were about to proceed in the trial. Lieutenant-Commander McCarty tendered his resignation; and the commander-in-chief stating that he saw no objection to its acceptance, it was accepted, and his connection with the service ceased.

"There appears to have been nothing else that would have interfered with the further usefulness and future successful career of Lieutenant-Commander McCarty than his occasional overindulgence in intoxicating liquors, and these instances were only during the last two years of his service in the Navy. His reputation prior to that time was good for sobriety and for efficient and faithful discharge of duty. He possesses many traits of character which commend him to those in and out of the service.

"He now presents and places on file statements from citizens of high character and standing—associates and neighbors who have observed his conduct—as to his complete reformation, and that he has abstained from the use of any intoxicating lionors for two or three years past.

complete reformation, and that he has abstained from the use of any intoxicating liquors for two or three years past.

"He feels deeply the loss of a position which he had reached after so many years of faithful service, and is anxious to have the opportunity of proving himself as worthy of further trust and confidence.

"Under all the circumstances, the Department thinks that the prayer of the petitioner for relief might be granted. But in view of the claims of others in the service, and upon the principle that an officer who has sacrificed his position and rank by his own misconduct should not have them fully restored by legislation, I would suggest that the President be authorized to nominate and, by and with the advice and consent of the Senate, appoint him a lieutenant-commander in the Navy, but to take present position at the foot of the list of officers of that grade. He was No. 19 on the list of lieutenant-commanders when he resigned, and would have been about seventeen numbers from the foot of the list of commanders had he continued in service.

"I am, sir, very respectfully,

"I am, sir, very respectfully,

"R. W. THOMPSON, "Secretary of the Navy.

"Hon. A. A. SARGENT.
"Chairman of the Committee on Naval Affairs,
"United States Senate, Washington, D. C." Your committee, therefore, taking all the attendant circumstances into consideration, his previous good reputation, his long and honorable career in the United States Navy, and his subsequent total reformation and good behavior, attested by his neighbors and fellow-citizens, concur in the recommendation of the Secretary of the Navy, and beg leave to report a joint resolution authorizing his reappointment as lieutenant-commander in the Navy, to take present position at the foot of the trade. the list of officers of that grade.

A joint resolution authorizing the President of the United States to reappoint Stephen A. McCarty a lieutenant-commander in the Navy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to reappoint Stephen A. McCarty a lieutenant-commander in the Navy of the United States, to take present position at the foot of the list of officers of that grade.

Mr. ANTHONY. I have only to say that the chairman of the Committee on Naval Affairs desires to be present when this case is acted mittee on Navai Anairs desires to be present when this case is acted upon. I think in ordinary courtesy, considering his position especially, that his wish should be gratified.

Mr. CAMERON, of Pennsylvania. In reply to the Senator from Rhode Island I will state that the Committee on Naval Affairs by a majority authorized this favorable report to be made.

The VICE-PRESIDENT. Does the Senator from Rhode Island bloot to the favorable report to the favorable report to the favorable report to the senator from Rhode Island

object to the further consideration of the joint resolution for the rea-Mr. ANTHONY. Have I the power to object?
Mr. CONKLING. No; the joint resolution was taken up by unani-

mons consent.

Mr. ANTHONY. If I have the power to object, I do so. The VICE-PRESIDENT. The joint resolution was taken up by Mr. ANTHONY.

unanimous consent. Mr. ANTHONY. I move that the joint resolution be postponed

until to-morrow.

Mr. CONKLING. That may throw it over a great while.

Mr. COCKRELL. I suppose that, under the circumstances, it will

not be pressed.

Mr. CAMERON, of Pennsylvania. Under what circumstances does the Senator mean?

Mr. COCKRELL. I refer to the request stated by the Senator from Rhode Island, that the chairman of the Committee on Naval Affairs desires to be present when the joint resolution is considered; and I think if all were known that occurred in committee there were other requests in regard to the disposition of this case which should be made known.

Mr. CAMERON, of Pennsylvania. As I understand the statement of the Senator from Rhode Island, he does not state that the Senator from New Jersey, the chairman of the committee, desires to be present when the matter is considered; he simply states that that Senator is absent. He may be absent to-morrow; he may be absent next week; he may be absent at some other time. The Senate has heard the report, and I think it is just as competent to act upon the joint resolution now as it will be at any other time. Therefore I would very much

prefer that the matter should be considered now.

Mr. CONKLING. This case has been pending in the Senate for several years and there are reasons, I think somewhat special, why action should be prompt. Yet I would not, for one, object to a postponement if any Senator had made the request that it be postponed that he might be present; but I do not understand that to be so at all. A report comes here regularly from the Naval Committee, a majority report, and one member of the committee, and that the chairman of the committee, is absent. If he had expressed a wish to be here upon this case, I think as a matter of courtesy and orderly proceeding it

should be postponed for that purpose.

Mr. COCKRELL. I understood the Senator from Rhode Island to make the statement that the Senator from New Jersey desired to be here and desired him to present to the Senate, when the joint resolu-tion came up, a request which he was authorized to make by the Committee on Naval Affairs as to whether the matter should be considered.

Mr. CONKLING. I understood the Senator from Rhode Island to call attention to the fact that the Senator from New Jersey is absent and to express the opinion of his own that that Senator would like and to express the opinion of his own that that Senator would like to be present when the joint resolution is considered. I did not under-stand him to convey a request from the chairman of the committee at all; and unless there be a request of that sort, or some special reason, I hope that no Senator will object to considering the case now,

reason, I hope that no Senator will object to considering the case now, after this somewhat long report has been read, and the Senate understands it as well as it is ever likely to do.

The VICE-PRESIDENT. Shall the further consideration of the joint resolution be postponed until to-morrow?

Mr. COCKRELL. I hope that the request of the Senator from New Jersey will be granted, and that the friends of the measure will not include the senator will not be senatored.

better that it should lie over informally until to-morrow.

Mr. CONKLING. I do not object to that for one. It may lie over informally to be called up when the absent Senator is here; but if

put over on a motion it may never be reached again during the session.

Mr. ANTHONY. I shall object to the consideration of the joint resolution, so far as my objection will avail, in the absence of the chairman of the Committee on Naval Affairs, whether he is here tomorrow or not

Mr. CONKLING. Does the Senator object to laying aside the resolution informally, to be called up when the Senator from New Jersey

Mr. ANTHONY. Not at all.
Mr. CONKLING. Then I propose that.
The VICE-PRESIDENT. Is there objection to the suggestion that the joint resolution be laid aside informally, to be called up on the return of the chairman of the Committee on Naval Affairs?

The Chair hears no objection.

ORDER OF BUSINESS.

Mr. COCKRELL. I have been requested to call up a motion which was entered by me for the reconsideration of the resolution passed by the Senate on the 24th of March, in regard to an assistant librarian to the Senate library. I ask, if there be no objection, that the Senate now consider that question under the order of resolutions.

Mr. JONES, of Florida. I ask the Senator from Missouri what special necessity there is for departing from the regular order?

Mr. HEREFORD. I ask for the regular order.

The VICE-PRESIDENT. The regular order is the consideration of the Calendar of General Orders under the Anthony rule.

Mr. COCKRELL. I simply desire to say to the Senator from Florida that I called up this resolution once before and it could not be considthe read; and I was requested then by the Senator from Georgia [Mr. Hill] to let the matter remain for one day or a day or two, and I have allowed it to remain until now. The Senator from Georgia desires that it shall be considered. That is the only reason I have called it up, for I do not wish to be regarded as trying to defeat the resolution by a motion to reconsider.

Mr. HILL, of Georgia. It is a small matter and I think can be

soon disposed of by a vote of the Senate.

JESSE F. PHARES.

The VICE-PRESIDENT. The regular order has been called for, which is the bill (S. No. 1185) granting a pension to Jesse F. Phares, the pending question being on the motion of the Senator from Missouri [Mr. COCKRELL] to postpone the bill indefinitely.

Mr. PLATT. Mr. President, I desire to state that since the last ses-

sion of the Senate the Senator from Virginia, [Mr. WITHERS,] who is chairman of the Pension Committee, has been called home by a telegraphic dispatch announcing the sickness of a member of his family. I know that he desires to be heard on this bill. I do not wish to delay it except to give him an opportunity to be heard upon it. It has been made a test case, and the Senator from Virginia, as chairman of the committee, has charge of it. I would ask unanimous consent that it stand at the head of the list, not to be called up until the Senator from Virginia returns. I think that arrangement would be fair to

Mr. HEREFORD. I would not oppose the motion the Senator from Connecticut has made ordinarily in the absence of the chairman of the committee, who is opposed to the bill, but the Senate will recollect that the chairman of the committee who is now absent was present when this bill was called up, and he made his speech and presented his views in opposition to the whole measure. The case has been fully laid before the Senate, and I shall object to this bill going

over any further and hope we may get a vote on it this morning.

Mr. PLATT. Let me remind the Senator that a single objection, as I understand it, takes this bill over.

Mr. DAVIS, of West Virginia. Oh, no; it is the regular order, as I understand.

The VICE-PRESIDENT. One objection takes the bill over at any

time prior to its passage.

Mr. PLATT. I desire to remind the Senator from West Virginia that a single objection takes this bill over.

The VICE-PRESIDENT. "At any stage of the proceedings," in

to be present when it is further considered, and I trust the Senator from West Virginia will not object to the arrangement which I propose, because if we cannot have that arrangement I shall feel compelled to object to the further consideration of the bill. I think that the arrangement that it shall stand at the head of the list until the Senator from Virginia returns is fair to everybody. It keeps its place

and will not long delay action on it.

Mr. HEREFORD. Though I am opposed to the further postponement of the bill, yet under the threat that the Senator has made, that he will make an objection to it notwithstanding it has been discussed for three days, I suppose I shall have to yield to the wish of the Senator; that is, as I understand it, that this bill shall lie over without

ator; that is, as I understand it, that this bill shall lie over without prejudice, to be taken up in its regular order upon the return of the Senator from Virginia, the chairman of the Committee on Pensions.

The VICE-PRESIDENT. The Chair then understands the arrangement as follows: That this bill shall remain at the head of the Calendar until the return of the Senator from Virginia, the chairman of the Committee on Pensions. The Chair hears no objection to this arrangement. The Secretary will report the next bill on the Calendar.

SETTLERS ON OSAGE LANDS.

The next bill on the Calendar was the bill (H. R. No. 2326) for the relief of settlers upon Osage trust and diminished-reserve lands in Kansas, and for other purposes.

Mr. TELLER. There was a general understanding that this bill should remain without prejudice until the Senator from Kansas [Mr.

The VICE-PRESIDENT. Shall the understanding be maintained ?
The Chair hears no objection. The bill will keep its place on the Calendar. The Secretary will report the next bill.

INTERNATIONAL SANITARY CONFERENCE.

The next business on the Calendar was the joint resolution (S. R. No. 73) authorizing the President of the United States to call an international sanitary conference, to meet at Washington, District of Columbia.

Mr. McMILLAN. I object to that.

The VICE-PRESIDENT. The joint resolution will be passed over.

AFFIDAVITS IN PRE-EMPTION CASES.

The next bill on the Calendar was the bill (S. No. 1247) to amend sections 2262 and 2301 of the Revised Statutes, in relation to the settler's affidavit in pre-emption and commuted homestead entries.

Mr. EDMUNDS. Let that go over, Mr. President.
The VICE-PRESIDENT. The bill is objected to.
Mr. JONES, of Florida. I appeal to the Senator from Vermont and beg to say to him that this is a very simple bill, recommended repeatedly by the Land Office, and if he will listen to me for less than five minutes I think. I can perspade him to withdraw his objection and minutes I think I can persuade him to withdraw his objection and

let it pass. Mr. EDMUNDS. Mr. EDMUNDS. I will withdraw the objection for the time being. The VICE-PRESIDENT. The objection is withdrawn temporarily. Mr. JONES, of Florida. The object of the bill is to relieve pre-

emption settlers of a great inconvenience that they now labor under in the distant States and Territories in consequence of the present state of the law, which requires this affidavit to be taken before the register or receiver.
The pre-emption law now is—

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land district in which the land is situated that he has never had the benefit of any right of premption under section 2259; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself.

This is a necessary condition to the entry of lands under the pre-This is a necessary condition to the entry of lands under the pre-emption law, and before a settler can be permitted to enter under that law he must make this affidavit. In my State in many cases a settler would have to travel hundreds of miles to reach the office of the reg-ister or receiver to make this affidavit. The object of this bill is to enable him to make this oath before a proper local officer, as in the case of homestead entries it, I believe, is now permitted to be done. In other words it unifies the law, for a law on the statute-book now is that a homestead settler may make the affidavit respecting the con-ditions to be performed by him before a county officer such as is pro-vided for in this bill. vided for in this bill.

The next section to which it refers is that relating to the commutation of homesteads:

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

The VICE-PRESIDENT. "At any stage of the proceedings," in the language of the rule.

Mr. PLATT. I do not wish to object to the consideration of the bill; but I do think it just to the chairman of the committee, who I know feels a deep interest in it, that he should have an opportunity to make the affidavit before the officers designated in any county of

the State, instead of requiring him to travel and appear before the register or receiver in person. The homestead law stands in that way at present. This proposes to make the pre-emption law the same. That is the whole purpose of the bill.

Mr. EDMUNDS. I am not able to see that the homestead law is in the way the Senator from Florida states it at present. The homestead is the present of the law of the senator from Florida states it at present.

in the way the Senator from Florida states it at present. The home-

stead law is:

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

This provision as to the pre-emption laws leaves out entirely the This provision as to the pre-emption laws leaves out entirely the conditions and necessities supposed to exist as to the homesteaders and makes it an absolute right in every case to take the proofs necessary to this subject before the clerk of the county court or of any court of record of the county or district in which the lands are situated, and if they are situated in an unorganized county, it may be made before any clerk, &c., in an adjacent county.

The necessity for having these affidavits taken before the register of the land office is a pretty obvious one; and that is to have, first, a personal identification of the actual claimant and second, to guard

personal identification of the actual claimant, and second, to guard against the frauds which so often arise in the taking of affidavits to be used before executive officers otherwise than by themselves—false witnesses, fictitious witnesses, fictitious claimants, an entire series of frauds that are thus kept out of sight, whereas if every claimant of a pre-emption benefit under this statute has to go to the chief office of the register, although in some cases it is inconvenient, the register knows whether that is the same man who has made some other affidavit or some other pre-emption claim or owns some other land in his district, because his records will show it.

Now, then, to put the thing at sea and to allow the special benefits provided by the statute to which these affidavits apply to persons

who never put in an appearance at the land office at all, and upon affidavits taken before State authority in the counties where the lands are supposed to lie, or if in an unorganized county in some adjacent county, is in my opinion extremely dangerous to the just administration of the law.

But I shall not object to the consideration of the bill. If after what I have said the Senate passes it, it passes it on its own responsibility, not mine. I can stand it as long as the rest can.

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

Mr. JONES, of Florida. I think that the present state of the law in respect to homestead entries, though I am not entirely sure, is as I said a while ago.

I said a while ago.

Mr. EDMUNDS. I have read section 2294 of the Revised Statutes.

Mr. JONES, of Florida. There is a subsequent statute to that.

Mr. EDMUNDS. I have not seen it if there is.

Mr. JONES, of Florida. This matter was called to the attention of Congress a year ago or more by the Commissioner of the General Land Office in his general report, and this very measure was recommended; and I will say that before drawing up the bill I consulted him about it. Reasoning from the operation of the law respecting homesteads, I did not think that any practical inconvenience or any great injustice could follow from it. Certainly it would be very convenient to the settler to enable him to make this affidavit, which is a condition-precedent to his right to enter the public lands, near at home, without traveling as he must otherwise do four hundred or five hundred miles, paying more than the value of the land in traveling home, without traveling as he must otherwise do four hundred or five hundred miles, paying more than the value of the land in traveling in order to get one hundred and sixty acres of public land. That I think is a great detriment to the settlement of the public lands as well as to the interests of the general public.

Mr. TELLER. I find section 2291 has substantially the same provision with reference to homesteads that is contained in this bill. I

do not think there can be any doubt if the Senator will look at it.

Mr. EDMUNDS. If it has, it is wrong.

Mr. TELLER. It may be wrong, but it is there nevertheless, and I do not know why we should apply one rule to homesteads and another to pre-emptions. Parties making mineral entries also have a right to make their affidavits before State officers, and are not compelled to go to the land office and make them before the registrar or receiver. As was said by the Senator from Florida, the great distance persons have to travel in a new country and the great expense thereby incurred should be considered; and sometimes it is almost impossible that they should go to the receiver's office. It seems to me that the bill is proper and ought to pass.

The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representives, by Mr. T. F. King, one of its clerks, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

No. 76) directing that 10,000 copies of the Medical and Surgical History of the War of the Rebellion be printed.

The VICE-PRESIDENT. This joint resolution was reported ad-

versely from the Committee on Printing.

Mr. ANTHONY. I notice that the Senator from Florida, [Mr. CALL.] at whose instance the joint resolution was put on the Calendar, is in his seat, and I think if he will allow it to be taken up, and listen to In seat, and I think if he will allow it to be taken up, and listen to a letter from General Barnes, the Surgeon-General, he will consent to its indefinite postponement, and will relieve the Calendar of it.

Mr. EDMUNDS. It is up; go on.

Mr. CALL. I was informed by the chairman of the committee that if the resolution was recommitted to the committee they might recommend the postpone of the resolution was recommitted.

ommend the passage of the resolution some time about the close of the year, on account of the report of the Surgeon-General. Mr. ANTHONY. Does the Senator consent to its indefinite post-

ponement?

Mr. CALL. I should prefer that it be recommitted to the committee, hoping they will report favorably, limiting the time when it shall take effect.

Mr. ANTHONY. I ask the Secretary to read a letter from General Barnes on the subject.

Mr. CALL. I understood the objection of the committee was to

Mr. CALL. I understood the objection of the committee was to getting the printing done until some period later in the year.

Mr. ANTHONY. No; that was not the objection.

Mr. WHYTE. The Senator from Florida refers to a conversation he had with the chairman of the Committee on Printing. He misunderstood the statement of the chairman of that committee if he supposed that he desired the resolution to be recommitted. The chairman informed the Senator from Florida that it would be almost impossible to complete the work at this time because the parties employed on the illustrations of the work are now finishing the last two volumes, and it would cost a great deal more and involve the post-ponement of the getting out of the last two volumes if they were turned away from that work and turned upon the work of reproduc-ing the four volumes which have been already printed. I did not say anything about recommitting the resolution; I said if it was laid over, when the other two volumes were finished the probability was that

these could be reprinted at that time.

Mr. CALL. Will the Senator indicate any time at which those two volumes are expected to be concluded?

Mr. WHYTE. No, sir; I cannot so state. I cannot designate the particular time when the other volumes will be finished. The work s going on, and it will not be a great while; but as for fixing the day, it is not possible for me to do so.

Mr. ANTHONY. The communication at the desk will explain that.

ask that it be read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE, Washington, D. C., February 9, 1880.

Sir: I have the honor to request your attention to a joint resolution (S. R. 76) introduced yesterday in the Senate, and referred to the Committee on Printing, directing the printing of 10,000 copies of the Medical and Surgical History of the

directing the printing of 10,000 copies of the Medical and Surgical History of the War.

This work is now nearing its completion as rapidly as is consistent with accuracy; the passage of such a resolution would very seriously and injuriously retard this for years, as the artists now engaged upon the illustrations for the two last volumes—now in press—will have to suspend their work to reproduce the illustrations for the four volumes already published.

As you are aware, the distribution of the volumes already issued has in a great many instances proved irregular and unsatisfactory, persons who received the two first not receiving the two last volumes issued, and vice versa.

The original authorization to print was for an edition of 5,000. After the first two volumes of this edition were published the act of Congress, approved March 3, 1875, (Stat. at Large, volume 18, part 3, page 391, increased the edition to 10,000. But for the delay and confusion occasioned by this the entire work would have been completed before now and the distribution have been more uniform.

It appears to me to be exceedingly desirable if another edition shall be hereafter authorized it shall not be until that now in hand is completed, and that the six volumes shall be issued together to secure their distribution in full sets of the three surgical or three medical volumes, or both medical and surgical.

It was my anticipation in the original plan of the work that by making the medical and surgical sections distinct and complete in themselves that distribution could be made of the medical section to practitioners of medicine, of the surgical section to those engaged in surgical practice, while all the volumes would go to libraries, colleges, or the most eminent authors and teachers in the profession. Had this been dome an edition of 10,000 copies would have amply supplied the demand, as, when completed, it will immediately be made the basis of systems of military medicine and surgery, and its vast treasures of information be reproduced in

From the inception of the work you have been its staunch supporter in your committee and the Senate, and will, I trust, protect it now.

I am, sir, very respectfully, your obedient servant,

JOS. K. BARNES,

Surgeon-General.

Hon. H. B. ANTHONY, United States Senator.

The VICE-PRESIDENT. The question is, Shall the further consideration of the joint resolution be indefinitely postponed? The motion was agreed to.

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

The next bill on the Calendar was the bill (S. No. 1331) to authorize a retired list for non-commissioned officers of the United States The next business on the Calendar was the joint resolution (S. R. | Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward; which was considered as in Committee of the Whole.

Mr. MAXEY. I have a letter from the Adjutant-General on that subject, which I ask may be read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 28, 1880.

Sir: I have the honor to return herewith copy of Senate bill 1331, providing for the retirement of non-commissioned officers of the Army who have served a continuous period of thirty years and upward, and report, accompanying your letter of the 25th instant, wherein you request to be informed as to the number of non-commissioned officers now in the Army who could avail themselves of the provisions of the contemplated act, or to whom its compulsory section would apply, and in reply thereto to inform you that the number of non-commissioned officers of the Army now in service, who have served therein "continuously, honorably, and faithfully for thirty years," the last fifteen years thereof as non-commissioned officers, is twenty-six, and the number of those similarly conditioned who have served thirty-five years is sixteen, making an aggregate of forty-two men who would be affected should the bill become a law at this time.

I have the honor to be, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,

Adjutant-General.

Hon. S. B. Maxey, United States Senate.

Mr. MAXEY. I am instructed by a unanimous vote of the Committee on Military Affairs to offer the following amendments:

In section 1, line 3, after the word "thirty," strike out "consecutive."
In section 2, line 2, after the word "thirty-fre," strike out "consecutive."
Mr. SAULSBURY. I think this bill had better lie over. It is a proposition to increase the pension-rolls of this country, which I think are now sufficiently large. We had better think about this matter, and not hastily pass a bill to add to the pension list without consid-

Mr. MAXEY. The Committee on Military Affairs had this matter under consideration, and after full and mature consideration came to under consideration, and after full and mature consideration came to the conclusion that it was an act of simple justice to place the non-commissioned officers of the class described in the bill on the same footing as to the privilege of being retired after long and faithful service, and as to retired pay, with commissioned officers who may be on the retired list. This bill requires a man to have served thirty years as an enlisted man, honorably and faithfully, and the last fifteen years thereof as a non-commissioned officer, before he can be placed on the retired list on application to the President, or thirty-five years of such service will entitle him, at the discretion of the President, to be placed on that list. It seemed to the committee that this bill would remove any just ground of complaint that the law makes an invidious discrimination in favor of commissioned officers, and would be a strong incentive to the private soldier to do well, work for non-commissioned rank, and by faithful service retain it, and thus the Army would become more efficient.

come more efficient.

The committee further believed that a law such as contemplated by the bill would secure the best material for the Army, and therefore be a wise investment. It does seem to me that I have never known a measure that met the full approbation of nearly all the committee more than this. I ask that a letter of Colonel N. H. Davis, an inspector-general, an officer whose duty it is to look into these matters, and who has been well known to me for thirty-eight years as a capable man and faithful, be read. I shall also ask, before the vote is taken, that the report of the committee be read, which I think will show to the Senate the wisdom of the measure.

Mr. SAULSBURY. Very well.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Kennebec Arsenal, Augusta, Maine, March 13, 1880.

My Dear Maxey: Arrived here to-day on an inspection trip and have just read your very good bill for the retirement of old, infirm, and worthy non-commissioned officers.

It is needless for me to tell you that we have a number of most excellent non-commissioned officers in the Army, who have served their country faithfully in field and garrison, on frontier and other service, whose long and honorable service justly entitles them to that consideration proposed by your bill.

I have two now in mind who are eighty-three and seventy-one years old, and have served fifty-one and forty-three years, respectively.

I sincerely hope the bill will pass without any opposition.

Yours sincerely,

N. H. DAVIS.

N. H. DAVIS

Hon. S. B. MAXEY, United States Senate.

Mr. SAULSBURY. I have no doubt the Committee on Military Affairs honestly think there ought to be a retired list for these officers at the same proportionate rate of pay allowed other officers. I do not know but that it is due to them that they should be placed on the same footing. But we have already a pension-list which is very large, and there are no civilians, I believe, however long they may have served the country, except the judges of the Supreme Court, who are retired upon pay or half pay or who have any pension awarded to them.

to them.

Mr. MAXEY. Will not the Senator from Delaware allow the report to be read; and I think I can convince him that the committee is

right?
Mr. SAULSBURY. I am willing to hear the report of the commit-tee. I have no doubt the report expresses the view which the Senator from Texas, a member of that committee, has expressed, that these

gentlemen ought in justice to be put upon the same footing as officers of a higher grade. But we ought to remember that there is a vast number of people in this country who have worked just as hard as these gentlemen, who are not upon the retired list, who are not drawing pay, who are receiving no bounty and no pension from the Government. There are hundreds of thousands of men who pay the taxes that are to be awarded to these gentlemen, out of which their salaries are to be made up, who are just as worthy men, who have rendered as efficient service to the Government by the duties they have performed; and the proposition now is to increase your pension-rolls, to tax this class of men who are laboring for the very money that is put into the Treasury to be paid to these men in the form of public bounty. For one, I am interested in other people besides military men. I honor them in their calling and in the services they render to the country; but there are civilians who have rendered as valuable services to the country as any military men in it.

Walk the streets of this capital, and what do you see? There is

scarcely a monument raised to the memory of any man unless he was a military man. Gentlemen who have served in the Supreme Court, who have served in the various civil relations of the Government, have not been honored with monuments; but all through this city, wherever you go, there are military monuments erected, educating the youth of the country to believe that the only road to fame and distinction is by going to the field and killing their fellow-men. I have no objection to doing honor to the brave men who fight the battles of the country, but I do not believe that they are any better men than those who serve the Government in a civil capacity, or any better men than those who stay at home and work for the money out

of which their bounties and pensions are paid.

For one, I shall record my vote against any proposition to increase

the pension laws of this country.

Mr. BURNSIDE. Mr. President—
The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to

make the necessary appropriations for carrying out the same.

Mr. MORGAN. Mr. President, the bill under consideration deserves attention by the Senate. It will probably result, if this bill should become a law, in a demand upon the Treasury of the United States which will fall very little short of \$4,000,000. It will also result in the first construction that has been put upon the powers of the Government of the United States in reference to the Indian tribes generally since the passage of the law of March 3, 1871, which I understand to have worked an entire revolution in the relations of the Indian tribes Mr. DAVIS, of West Virginia. Do I understand the Senator to say

that this bill now pending will require about \$4,000,000, if carried into effect?

Mr. MORGAN. I think so. It will require considerably over three millions, I think about four millions.

Mr. DAVIS, of West Virginia. I had no idea that it appropriated

such a sum of money. Mr. MORGAN. The results that are to flow from it I think will reach to quite four millions. So that, considered in a purely financial view, it is a bill of very great importance, and ought to have the deliberate and careful attention of the Senate. I have not felt particular interest in the details of the bill, and I have not been disposed to scrutinize them very closely because there seemed to be a very great urgency on the part of the Secretary of the Interior and the Government generally to have some disposition made of the affairs of the Ute Indians which will preserve the peace of that section of the country and will also settle some difficult and dangerous questions of a most delicate character. I am prepared to adopt almost any measure, recommended by the Government, that will furnish any satisfactory solution of this problem, if, in the adoption of such a measure, I do not find that we are obstructed by what I conceive to be very serious constitutional difficulties. I do not know, under the existing state of the law, whether the Committee on Indian Affairs or any other committee of the Senate could present to us a bill which would be entirely in harmony, at the same time, with the Constitution of the United States and some of the existing statutes relating to Indian

But the question is now presented for the first time, and must now be settled, whether or not, in our future dealings with Indian tribes, we are to be regulated by the treaty-making powers of the Government, or whether we are to be controlled by a statute which, as I understand it, has deprived every Indian nation or tribe within our territories of all power and authority to make a treaty. The question as it presents itself to the Senate to-day is simply whether we shall adopt a measure, as an act of legislation, which cuts off an Indian tribe from the benefits of its capacity to make a treaty with the Government of the United States, and which takes from the Senate its jurisdiction over treaties.

Before I proceed to lay before the Senate the provisions of this so-called agreement which I think are in conflict either with the Con-

stitution of the United States or with the laws of the United States, I will read the statute of 1871, section 2079 of the Revised Statutes:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

Up to the time of the passage of this general statute I do not know of a single instance in which the Government of the United States by an act of Congress undertook to propose and to consummate any agree-ment with an Indian tribe. Up to that time, under the sanction of repeated decisions of the Supreme Court of the United States in reference to the treaty-making capacity of the United States in reference to the treaty-making capacity of the Indians, our dealings with them had been conducted solely under the treaty-making power. The Indians had the protection (and so had we) of a two-thirds vote in the Senate of the United States as a necessary condition-precedent to the ratification of any agreement with them in their tribal character. The Indians from the time of the foundation of the United States Government, during the period of the confederation, and even before that time, had been recognized by the government of Great Britain and by the States of the American Union under the articles of confederation and by the Constitution of the United States and the practice of the Gov-ernment under that Constitution as being states, nations, or tribes that had the capacity for entering into treaty engagements with the Government of the United States.

It does not make any difference how much further these powers may be extended; it makes no difference how much more may have been included within the purview of the definitions of these powers; it makes no difference whether the Indians being thus treaty-making powers had also an attitude of independence toward the United States Government which made them foreign powers. These considerations are not important in their bearing upon the question as to the treaty-making capacity of the tribes or nations of Indians. It was not until the passage of this act of March 3, 1871, that this relation between the Indian tribes and the United States was altered. But that statute made a clean sweep of the whole subject. There is no tribe of Indians (it makes no difference what the treaty stipulations may be between that tribe and the United States) that is exempted from this be extended; it makes no difference how much more may have been inbetween that tribe and the United States) that is exempted from this declaration, "that no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may

contract by treaty."

What, Mr. President, is the power to make a treaty? What sort of attitude does a government hold toward its own citizens or its own constituency, that enables it to make a treaty? It holds the attitude of sovereignty toward such people. It holds within its grasp the power to impose upon the minority of the tribe the will of the governing power, although they may, on their part, withhold their assent to its acts. It is a pure power of government, and nothing else than a power of government. Whatever nation, or tribe, or community, or State, claiming the capacity to enter into a treaty, the mere fact of the recognition of that capacity carries along with it the acknowlof the recognition of that capacity carries along with it the acknowledgement on our part that it is a governing power within the limits of its own jurisdiction. We have acknowledged that these tribes are governing powers within the limits of their own jurisdiction; not merely for the purpose of making treaties with us, but also for the purpose of dispensing the administration of law, according to their own ideas of justice, between their own people, without question or demur on the part of the Government of the United States. The demir on the part of the Government of the United States. The authorized powers of Indian tribes or nations have had, and up to this day, so far as I know, still have and exercise the right to dispose of life, liberty, and property according to their own views of law, and that too without responsibility to any government within the Union of American States. In like manner they dispose of rights of property; they dispose of title by inheritance; they punish all classes of crimes from the greatest to the least; they exercise within their their conditions of their conditions of their conditions. their own territorial limits, and in virtue of their own rightful jurisdiction, (by our consent and without any objection on our part,) all the powers of government in reference to their own people. It was because we had conceded to them such full powers of government; it was because we had always dealt with them as distinct peoples; it was because we had always treated with them as communities having the power to dispose of vast areas of land, and also to receive donations or releases of land from us, that we have grown up into the condition that we occupied at the time that this statute of 1871 was passed. Now I desire to call the attention of the Senate to that statute in connection with the inquiry whether or not it is a constitutional enactment.

Taking all the treaties we have made with the Indian tribes-for we have made treaties with every Indian tribe within the territory we have made treaties with every indian tribe within the territory of the United States recognizing, in a certain sense and to a certain extent, their independence—taking in view all of our own action in regard to each and all of the tribes that have been within the territorial boundaries of the United States since the organization of this Government have we now the constitutional power, by an act of Congress, to refuse further to recognize the binding obligation of these treaties whereby we recognize them as tribal governments? Have we the right to strike them down at a single blow?

Mr. President. I have no doubt about our constitutional power to do

Mr. President, I have no doubt about our constitutional power to do this; for, notwithstanding all the treaty obligations we have entered

into with the Indian tribes, and notwithstanding (as in the case of the Cherokee Indians and many others) we have guaranteed to them, in terms that are unmistakable, perpetual existence in their present state and condition of power and authority over their own country and their own people, they are subject states or peoples; and there sand their own people, they are subject states or peoples; and there is a power (a constitutional power) in the Government of the United States rising above all of these treaty stipulations which makes it necessary in some cases, and justifiable in all cases, where we abide by the rules of honor in our dealings with them, to declare that they shall no longer have the tribal power and tribal authority that they once had; that in so far as the existence of their independent tribal capacity is in confict with the capacity is in conflict with the general purposes and policies of this Government, they must give way; that we must prevail and predominate, and that they must yield to our superior power, and must obey the Constitution and laws of the United States.

I say again that I have no doubt as to the constitutionality of that law. It has been held by the Supreme Court of the United States in law. It has been held by the Supreme Court of the United States in frequent instances, and particularly in an instance which refers to an Indian treaty (one of our treaties with the Cherokees which I believe were about the most solemn engagements which were ever made) that the laws of Congress could abrogate a treaty; that the Congress of the United States need not set up any excuse to justify its conduct; that it is a matter of supreme and arbitrary power on our part, in virtue of which we may absolutely destroy and abrogate any treaty or any part of a treaty with any Indian tribe in this country. It is because our Supreme Court has thus decided that an act of Congress can repeal and revoke a treaty, and that no considerations of instice can repeal and revoke a treaty, and that no considerations of justice or honor can be pleaded against such an act when Congress sees proper to make it, that I come to the conclusion, which I am incapable of avoiding, that the statute to which I refer is a constitutional

But for the treaty obligation that we entered into with these various tribes it could not, it seems to me, be denied that we should have had the power at any time to have declared that these people had no such tribal capacity as enabled them to make a treaty with the Government of the United States, and it is only because of our own recognition of this capacity; it is only because of our own dealings with them in this capacity, that an argument has ever arisen on this sub-

I hold that statute of March 3, 1871, is constitutional; and that the bill which is presented here is in the teeth of the statute. This bill sets out in its first section a treaty engagement. The first section of this bill discloses nothing else than a treaty with the Ute Indians, with certain amendments proposed thereto, to be submitted to the Ute tribe for ratification. To illustrate this I will read a part of the agreement between the confederated tribe of the Ute Indians and the Government of the United States. This agreement sets out as

The chiefs and head-men of the confederated bands of the Utes, now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker and the employés at the White River Agency on the 29th day of September, 1879, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The said chiefs and head-men of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands as may be found in that vicinity.

The Uncompabgre Utes agree to remove to and settle upon agricultural lands on Grand River, mear the mouth of the Gunnison River, in Colorado, and such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

This agreement, then, provides for allotments in severalty of lands to be made to the heads of families and to other persons, in the Indian Territory. The second part of the agreement (the second article I suppose it should be called) provides:

That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President will cause to be distributed among them in cash the sam of \$60,000 of annuties now due and provided for, and so much more as Congress may appropriate for that purpose.

Third. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annulties and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of \$50,000 per annum, which sum of \$50,000 shall be distributed per capita among them annually forever.

Mr. COKE. I call the attention of the Senator to the fact that \$1,250,000 is the capital sum which may be paid over at any time after twenty-five years, and I ask him to explain how it is that he says the consideration for the cession will cost the Government \$4,000,000.

Mr. MORGAN. When I come to that part of the bill which relates to the appropriation of money, I will show how I think it is that we shall never get rid of this subject with an expenditure of less than \$4,000,000. Of course I speak of bonds to be issued or bought as money.

The fourth article of the agreement provides for the removal of different bands of Utes to the respective portions of territory selected for them under the provisions of this agreement. Then comes the fifth article, as follows:

Fifth. All provisions of the treaty of March 2, 1868, and the act of Congress approved April 29, 1874, not altered by this agreement, shall continue in force, and the following words from article 3 of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of \$25,000 per annum, which sum of \$25,000 per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever," are hereby expressly reaffirmed.

The sixth article provides:

That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

This bill provides for certain amendments to the agreement, one of which requires the White River Ute Indians to provide certain annual compensation to certain named persons who have received injury from that band of Indians. Another provision is:

That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided.

I have run over these different provisions of this bill for the purose of bringing out this fact, that this is an agreement between the Government of the United States on the one part and the government of the Ute tribe of Indians on the other. If that proposition is conceded—that it is an agreement between two governments—then it must be conceded that whatever we do in reference to the consummation of this contract we must do under and in virtue of our own capacity as a treaty-making power. Merely because we have declared in a statute that hereafter the Indian tribes shall have no ca-

pacity to make treaties does not prevent us, it seems, or the Secretary of the Interior, from engaging in treaty-making with them.

How did this proposition ever come before the Congress of the United States? First, by an engagement entered into between certain chiefs and head-men of the Ute tribe of Indians—the representatives of a nation, a people, so described and so treated-and the Government of the United States, represented by the Secretary of the Interior, whereby they agreed to certain stipulations which were not to become binding from the moment of the agreement or binding upon the parties to the agreement, individually and personally; which were not to have the force and effect of a binding centract or agreement either upon the Government of the United States or upon any part of the Ute tribe until it had been submitted by commissioners, to be appointed by the Government of the United States, to the Ute tribe, in open council, and had received the actual signatures and sanction of three-fourths of the adult male members of that tribe.

Mr. President, before the passage of the act of March 3, 1871, there would have been no doubt, I think, upon the mind of any Senator here that a proposition of the sort presented in this bill coming to the Congress of the United States would be considered as being addressed solely to the treaty-making power of the Government, and that so far as the consummation of that contract is concerned it could not under our own Constitution be achieved or accomplished otherwise than by the exercise of the treaty-making power upon it.

Mr. ALLISON. Shall I disturb the Senator if I ask some questions

on this point? Mr. MORGAN.

Certainly not.

Mr. MORGAN. Certainly not.

Mr. ALLISON. I understand the Senator to have argued that the law of 1871 was a constitutional and proper law. That provides that all engagements or treaties then in force shall remain as though that law had not passed, and all the obligations under those treaties continue. Now, we have a treaty with the Jte tribe of Indians, made in 1868, by which we set apart to them a certain territory and by which we agreed that white wear should not trespess on that territory and the state of the state o which we agreed that white men should not trespass on that territory, and that they should not have that territory alienated unless three-fourths of the adult male population should agree to it. Now, how can we treat or make an agreement with these Ute Indians if not in substantially the form here proposed? We have already agreed that they shall hold this property without disturbance unless they themselves agree to alienate it. I should be glad to have the Senator explain what form of agreement or what method he would adopt under his construction of the statute.

Mr. MORGAN. I think this bill should be recommitted in order that the Senator from Iowa may have a full opportunity of studying that very proposition. I do not think he has met that proposition in

Mr. ALLISON. If we have not, I should be very glad to have the light of the Senator from Alabama thrown on that very point. We have done the best we can in reference to this agreement, and believe that under the statute we have a right to make it. Now the Senator says we cannot make such an agreement. I want to know by what process we can secure from these Ute Indians the eleven million acres of land which our people desire to acquire? Mr. MORGAN. I can very easily cite the Senator an instance in our

own history of a process that was resorted to for the government of the people and for the disposal of all their rights, and yet it was said

to be constitutional, and those people were the people of a State, my State, was subjected to military rule after they had been at war. They were subjected to that rule, it was said, because they had been at war, because they had violated their obligations to the people of the United States, and thereupon a constitution was submitted to them and they refused to adopt it, and it was adopted by Congress, and thereupon other steps were taken, and they were called measures of reconstruction to which we had to give our assent on the condition of our coming here to be represented upon either floor of Congress; and there upon the Government of the United States proceeded in the exercise of what I have no doubt the Senator will concede to be a constitutional power to reconstruct us, and to impose these conditions and terms upon us.

Now it seems the Utes have been at war, or some of the Utes have been at war. The honorable Senator from Colorado [Mr. Teller] insists that there were numbers of every one of the Ute bands in the attack upon Thornburgh on the White River, and that virtually all of the Ute tribe, whatever band they belonged to, were at war with the Government of the United States. I understand also that it is a principle of law apprinciple of the property of the Utes and the states. principle of law, a principle of constitutional law, which has received its sanction in many notable instances in the history of the Government of the United States, that when war has existed between a State and the United States or between an Indian tribe and the United States and when the United States has become the conquering power, they have the right, independent of any treaty obligations or stipulations theretofore existing, to impose upon the conquered people such conditions as they see proper as the terms on which peace shall be established.

But I do not resort to that argument alone for the purpose of sustaining the position that I take here to-day, or for the purpose of answering the inquiry put to me by the honorable Senator from Iowa. I maintain that it has always been a principle of government, as between the United States and the Indian tribes, that notwithstanding we, by treaty, recognize their autonomy, their tribal authority within their own territory, and their power to regulate their own affairs in their own way in reference to their own people; notwithstanding we have given this sort of recognition to the Indian tribes, in many cases and along with it have recognized their treaty-making capacity also, they have not got as to the United States Government any higher power than that of making engagements with us; and that we can repeal, at any time that we choose, any part of a treaty, we can abrogate it whenever we see proper to do it. And whenever the public policy of the country indicates it to be a duty on our part to abrogate a treaty, it is our right and privilege to do so.

But it must not be inferred from what I have just now remarked that

I believe we can go further than that and after the abrogation of the treaty destroy rights of property that had vested in individual people while the treaty was in force and under its provisions. There is a difference between breaking a treaty with a tribe, overriding a treaty, abrogating a treaty, (so far as it affects the tribe with whom you make it,) and affecting the rights of individuals composing the membership of that tribe. While I hold that that power is constitutional, ship of that tribe. While I hold that that power is constitutional, and that we have a perfect right to say to every Indian tribe in the United States that hereafter you shall have no capacity to make a treaty of any kind; that you shall be subjected to the laws of the United States precisely as the white people and negroes and all other classes of people in the Territories are; yet it is our duty, and I do not know but it would be held by the courts to be our constitutional chiligation also to protect in every possible way every individual.

not know but it would be held by the courts to be our constitutional obligation also, to protect in every possible way every individual and every personal right of liberty or property that had arisen in favor of any individual under the provisions of such treaties.

The Senator from Iowa quotes that part of the language of the statute which relates to the ratification of existing treaties. I wish that it was a ratification. I would be pleased to-day if I could read from this statute an actual ratification of all rights that had inured to the Indians in virtue of all the treaty stipulations between the Government and them; but it says:

No obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

No restriction upon us as to what we may do afterward about it; but the act does not invalidate or impair the treaties; and that is as far as Congress chose to go on that occasion. I suppose those words

were inserted out of abundant caution.

The proposition that I undertake to state and to discuss in connection with the suggestion made by the honorable Senator from Iowa is simply this: that notwithstanding that provision in the treaty of 1868 with the Ute tribe of Indians which provides that no alteration 1868 with the Ute tribe of Indians which provides that no alteration shall be made in that treaty without the consent of three-fourths of the adult male members of that tribe, the Government of the United States has an entire right to abrogate that article of the treaty until it comes to the point of touching the individual, personal rights of some man who has acquired rights under it. Now, while we are on that subject I believe I had just as well call the attention of the honorable Senator to the fact that the committee seem to have overlooked two portions of that treaty negotiated with the Ute Indians. The Senator will find in the sixteenth article of the treaty, if he considers it something which ought to be observed and carried into effect a fatal objection, I think, to this bill.

ART. 16. No treaty for the cession of any portion or part of the reservation

herein described, which may be held in common, shall be of any validity or force as against the said Indians—

That means the tribe of course-

unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

Mr. ALLISON. On the contrary, as I understand, we have distinctly provided in this agreement for the protection of the rights of every Indian who has taken land in severalty.

Mr. MORGAN. If there is any provision of that sort, it has escaped

my attention.

Mr. ALLISON. I will undertake to point out the provision. We expressly provide that where individual Indians have made improvements on lands those improvements shall be paid for.

Mr. MORGAN. Oh, yes; it says "paid for;" that is to say, you take improvements made and pay for them; but the treaty says you cannot

Mr. COKE. The fact is that none of them have taken lands under that treat Mr. MORGAN. I expected to hear that observation made. I do

not know how the fact is.

Mr. ALLISON. None except Ouray, who has already signed the

Mr. MORGAN. He does not sign it as Ouray, but as chief of the tribe, as representative of the government, and not as an individual. No one could hold him personally on that contract, whether ratified or not ratified.

Mr. WILLIAMS. Will the Senator allow me to ask whether any

Mr. WILLIAMS. Will the Schator and which do ask whether any Indian has got a patent?

Mr. MORGAN. No Indian has got a patent, I suppose, but the title by treaty is just as good as by patent. The title by treaty is a title by the supreme law of the land, and a patent is a mere evidence, a mere muniment of title, and is not the substance of title in any re-

spect.

Mr. WILLIAMS. Let me say to the Senator that there is not a statute or treaty conveying to one of these Indians the fee-simple title to anything. He has a possessory right, and a possessory right only, by the treaty. It is provided that he shall be paid a liberal compensation for any individual improvements on the land.

Mr. MORGAN. This bill, Mr. President, if it becomes a law, to that extent repeals that treaty, breaks it down. I do not deny that we have the constitutional right to do it so far as the tribe of Indians is concerned, but I do think I have a right to deny it so far as the individual Indians are concerned, and not merely in reference to those who have made selections of land but in reference to those who may choose to make selections, because there is a provision in this treaty choose to make selections, because there is a provision in this treaty that every part of it, every clause in it, shall be a perpetual engage-ment between the Government of the United States and this Indian tribe; and under such perpetual engagement an Indian to day might go to the authorized agent of the Government of the United States and demand a survey of his location and a certificate of his residence and demand a survey of his location and a certificate of his restance upon it under his claim based on this treaty, and who shall prevent him from the enjoyment of that? And after he has made his location, if no survey is made, who can deprive him of his land under the Constitution and laws of the United States? What judge who has sworn to obey the laws and the Constitution of the United States will remove that man from his reservation and turn him off and send him

move that man from his reservation and turn him off and send him abroad to some other country that he does not want to go to in compliance with a treaty made by his tribe.

I recollect a case very well in which I happened to have some participation after I got to be a man of thirty or thirty-five years of age, having known a poor old Indian woman who was plaintiff in the action when I was a little boy, perhaps not more than six or seven years of age. Sally Ladiga, under the Creek treaty of 1832, claimed to be the head of a family, and as such to be entitled to a reservation under the treaty; yery much like a reservation under this treaty. to be the head of a family, and as such to be entitled to a reservation under the treaty; very much like a reservation under this treaty, except that the lands there had been surveyed. She went to the certifying agent of the United States Government and carried her daughter Lethoe and her little adopted child Arkeechee and demanded her reservation, and he turned her aside. The Government of the United States put that land up at public sale under the statute and sold it, got the money for it, and issued a patent to the purchaser. Sally Ladiga brought suit in the State courts of Alabama, (and the case afterward came to the Supreme Court of the United States, and her title was confirmed,) she alleging that she had a right to that land because she was the head of a family and had made her demand for a certain selection pointed out to the agent. The Supreme Court of the United States sustained her title as against the patent of the United States Government and against the law under which it was United States Government and against the law under which it was sold, showing that those judges who have respect for the rights of people under treaty obligations usually find some way of executing, in favor even of Indians, those rights guaranteed to individuals in this country under our own Constitution and laws. The treaty says:

And no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

The Ute Indian has got all coming time, as long as he lives, to demand a survey and make a location upon the land, and to demand a

certificate, and then he can hold possession of it against all comers. On that title that Indian, when thus located, could sustain an action of ejectment against any person claiming under a patent from the United States Government precisely as Sally Ladiga's title enabled her to sustain her right to the land in spite of the patent issued under an act of Congres

This treaty, made by the Secretary of the Interior and Ouray, consummated and accomplished or to be accomplished between these two high-contracting powers, disregards the seventh article of the treaty of 1868, and deprives the Ute Indians in that Territory of the right

of 1868, and deprives the Ute Indians in that Territory of the right to locate upon these lands, when it has been already conclusively provided in the treaty that the tribe shall have no power over that question whatever. The tribe can cede the right of possession of the lands held in common by the tribe, provided two-thirds of the Ute Indians shall subscribe a paper, after they have been informed duly of its contents, agreeing to such a cession. That is as far as the tribe can go.

Mr. PENDLETON. If it is agreeable to the Senator, I should like to ask him, only for the purpose of understanding his argument, whether he holds that after the assent of the tribe is given by the signature of three-fourths of the male adults, and after the passage of this law, yet there would exist these rights on the part of individual Indians to enter according to the provisions of the treaty of 1868 upon land and have it in severalty?

Mr. MORGAN. I think there would be; but a case has arisen in the Supreme Court of the United States, and has been there decided, which holds that where a person belonging to a tribe of Indians un-

which holds that where a person belonging to a tribe of Indians undertakes to show a state of facts which would protect his title against the act of his tribe, he is not permitted to question the authority of that act

Mr. PENDLETON. I am not asking as to individual Indians who have acquired the right of possession up to this time and up to the time when this agreement shall be ratified by the Indians, if it ever shall be; but I am asking if the opinion of the Senator is that, after the ratification of the agreement and after the passage of this law, the Indians would still have the right to acquire lands under the pro-

visions of the treaty of 1868?

Mr. MORGAN. I have no doubt they would have the moral right to do it; unquestionably a treaty right to it; but I do not believe they could enforce it in a court of justice for the reason that they would be held bound conclusively by the tribal agreement; and that is the injustice of the whole proceeding. You are binding men to give up property under a treaty to which they are not parties and when a previous treaty says they shall not be bound by it.

Mr. PENDLETON. But they have not taken advantage of the previous treaty, as I understand.

Mr. MORGAN. Neither has the Government of the United States

Mr. MORGAN. Neither has the Government of the United States ever given them an opportunity to take advantage of it. The Government of the United States has not opened its books of land entries in the Ute territory. It has not gone there for the purpose of making registration of these lands, as the respective individual Indians might claim them. The Government of the United States has been derelict on this subject. And now I hope the argument will not be made in the Senate of the United States, that because we furnished made in the Senate of the United States, that because we furnished them with no opportunity to enter on the land, as we were obliged to do under the provisions of the treaty, therefore they should be required to have made a demand for personal location. It may be ten years, it is said, that the Indians have failed to make this demand; it might be fifty, and the longer the worse it will be, because it will only be the prolongation of a great wrong on the part of the Government of the United States to these Indians. It is the fault of the Government and not of the Indian if he has no opportunity to enterpoon his lands as owner.

upon his lands as owner.

Mr. EATON. Will my friend permit me? In the instance which he quoted in Alabama, I suppose the Government had taken such steps that individual members of the tribe could locate, and therefore the woman that he spoke of as the head of a family gained her

cause in the United States courts.

Mr. MORGAN. The United States Government had for the pur-

pose what was called a certifying agent.

Mr. EATON. And here they provided none.

Mr. MORGAN. They have provided for agents, but the agents have not been provided with proper instructions or authority, so far as I

Mr. DAWES. If the Senator will allow me to get a little light in this colloquy without interrupting him too much, I should like to inquire how it is possible for the assent of any member of that tribe, except those who sign that paper, to be obtained under existing stat-

Mr. MORGAN. I do not know of any statute under which it could be obtained.

Mr. DAWES. Does not the statute prohibit it? Does not the statute the Senator has cited prohibit the making of any treaty? Any individual can make an agreement, if he please, and the individuals who sign that agreement may be bound by it; but I understood the Senator from Ohio to put his question upon the ground that the assent of the tribe had been obtained to the agreement through their chiefs; in other words, that the chiefs representing a tribe had made a treaty with the United States, which I understand to be unlawful. Mr. PENDLETON. No; the Senator misunderstood me. I do not claim that this contract or convention, or whatever it may be called,

can be of any binding force by reason of the signatures of the headmen, the chiefs of the tribe; but in the original treaty there is a provision that certain changes may be made if three-fourths of the adult male members of the tribe shall give their consent. I think that is no more in derogation of the law of 1871 than it would be to allow

a corporation, an association of the law of 1871 than it would be to allow a corporation, an association of any kind, acting by a majority of its members or its board of directors, to give their assent.

Mr. DAWES. If the Senator from Alabama is not interrupted too much, let me ask how does the Senator from Ohio propose to get the assent of three-fourths of the tribe—by what process indicated in

Mr. PENDLETON. The only process by which it can be done is to see the members of the tribe and get their signatures, as the law and

the treaty provide.

Mr. DAWES. How does the proposed bill provide?

Mr. PENDLETON. The proposed convention is that the commissioners to be appointed under it shall visit that Territory and secure the assent, if possible, of these people. If it is not given, the treaty or the convention falls. The commissioners are appointed for that

e among others.

Mr. MORGAN. The questions with which I have been interrupted have led me a little way from the line of my argument, but I shall return to it. I took the ground that the treaty of November 6, 1868, secured certain rights to individual Indians in that Territory, and prohibited the Ute tribe from ever afterward disposing of those rights by a treaty; that there were certain other rights secured to the Indians in common, such as the common occupancy of a broad area of

dians in common, such as the common occupancy of a broad area of territory for hunting purposes; and that the treaty of 1868 provided that those rights in common might be disposed of by the consent of three-fourths of the adult male Indians belonging to the tribe. The questions which have been asked me suggest the inquiry to my own mind, How are you going to deal with these people, since by a provision of law we are excluded from the right to enter upon any treaty engagements with them? In what attitude are they left by that provision of law? I admit that on the first view of the subject it is a difficult question to answer; but it seems to me that there can be but one solution of it, which is that, the tribal relations having been destroyed by an act of Congress, each individual Indian is left subject to the impress of the laws of Congress and the Constitution of the United States so far as they may affect his rights, his liberties, or his interests; that hereafter we cannot treat with these people as or his interests; that hereafter we cannot treat with these people as tribes, we cannot consider them as tribes, but we must consider them as people, to say the least of it, whether citizens or not, within the jurisdiction of the United States, subject absolutely to the law-making

jurisdiction of the United States, subject absolutely to the law-making power of this country, our ability to pass laws with reference to them being restrained only by the Constitution of the United States.

I do not understand that it was the intention of Congress in the passage of that law to destroy the tribal relations as between the Indians entirely. It broke down their treaty-making power; it broke down all idea of independence; it broke down all idea of separate tribal organization, except so far as the Congress of the United States in the government of the Indians might see proper to adopt tribal laws, tribal institutions, tribal relations, tribal traditions and cus-

I remember very well when the people.

I remember very well when the people of the State of Alabama, having a supreme court, a governor, and all the machinery of a civilized government, were held to be subject to military power, when the whole civil establishment of the State of Alabama was regarded as a mere means or agency within the reach and power of the Federal Government for the control of the people of that State. I understand that the relations which we occupy now to the Indian tribes bear some analogy to the state of case under which Alabama formerly existed, and that the Congress of the United States in denying that existed, and that the Congress of the United States in denying that there is any legal tribal government in the Indian countries has done no more than it did in reference to Alabama when it denied that there was any legal State government in Alabama. There being, therefore, no legal tribal government there, no government possessing the powers of independence and the right to govern without our consent, it must necessarily result that the laws of the United States, must be enforced there, and that the Government of the United States has the right to use all the tribal relations, traditions, usages, and laws of that people for the purpose of administering justice between them according to their own understanding of what justice is; and that that is the true situation to-day.

Now, what would be the result from this? It would be that when we start out to legislate in regard to these people we should not

we start out to legislate in regard to these people we should not first invite Ouray and those men (some of whom I understand were involved in the very deepest dyes of criminality in reference to the outrages upon the Meeker family and others at the agency) to come here to enter into contracts with us, but we would say to them: "We have looked at your condition, we understand your wants and necessities; we are aware of our own powers and our own duties, and whatsities; we are aware of our own powers and our own duties, and whatever laws we choose to enact with reference to you shall emanate solely from the authority of the United States and shall become laws without your consent." That is what I understand to be the situation, and that is what I understand to be the rightful method of legislation in regard to these and all other tribes of Indians.

But, Mr. President, do not understand me as intimating that while I would enforce the laws of the United States in this sense and in

to the last possible demand that they could justly make which had been secured to them heretofore by the treaties that we have solemnly entered into with them. I would adopt, for myself at least, that higher law which I consider to be the very best for governments and

But where ye feel your honors grip, Let that aye be your border.

No Indian should ever have a right to complain of the Government

No Indian should ever have a right to complain of the Government that we had violated the obligation of a treaty; and as we have stricken down his power to treat with us we should consider ourselves still the more highly obligated to respect all the rights that he could claim under existing treaties.

In dealing with these Ute Indians I do not know what might be the best policy to be observed with reference to the preservation of that country from the war which the Secretary of the Interior thinks is threatened there, and will occur if this bill is not passed; but it occurs to me that the Committee on Indian Affairs should have brought in a bill here, predicated solely upon the power of the United States Government, prescribing to these Indians what they should do, where they should go, and how long they should stay, and that they should take their lands in severalty. If I found that under the obligations of this treaty there were men who had rights secured they should take their lands in severalty. If I found that under the obligations of this treaty there were men who had rights secured to them as individuals, rights that had already vested, whether in possession or not, I would respect all those rights, but I would undertake to enforce upon them, simply and purely by the authority of the Government of the United States, our will and pleasure as to what they should do. I believe that if the Government of the United States had exhibited toward those Indian tribes that sort of fixedness of purpose, that sort of spirit which would deal with them at once with justice and with firmness, we should not have had the difficulties that have occurred, and that we should not in the future be subjected to the difficulties that the Secretary of the Interior seems to see in every movement that is to the reverse of his own opinions

I desire to call attention to sections 4 and 7 of the substitute, which are not at all referred to in the agreement; they are supplemental to the agreement, and intended, I suppose, to carry it into effect, although there is no reference whatever made to it. Section 4 provides—

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof: Provided, That neither their lands nor personal property shall be subject to taxation or execution upon the judgment, order, or decree of any court for the period named in the above-recited agreement.

Here it is provided that each individual Indian is to become sub-Here it is provided that each individual Indian is to become subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which he may reside, conditioned upon the event of receiving a patent confirming an allotment of land to him. It occurs to me that this is rather a peculiar way of applying the laws of the country to the Indians. A Ute Indian is taken from his present reservation; he is carried down to the La Plata River; he there makes his selection of land; he enters upon the business of agriculture; he does the best he can with it; he may be more or less prosperous. After awhile the Indian agent or the Government agent, or the commissioner at that point, sees proper to issue to him a title for his allotment, and thereupon that one solitary Ute Indian becomes liable thoroughly to the upon that one solitary Ute Indian becomes liable thoroughly to the laws of the State or the Territory in which he may be found. All the rest of his band around him are still subject to the tribal laws. I understand that by this bill tribal relation is continued until the Indians, one by one, are thus segregated from the mass and individ-ualized as citizens by reason of receiving land titles. If they are treated in that way, when is it that an Indian acquires this sort of citizenship? When does he leave his tribe? When does its authority over him cease, or in what condition is he from the time this proposed act is passed up to the time that he receives his allotment of land? I have heard a good deal about bad Indians, but I think an Indian thus treated would be the worst Indian in the world, because he would have no law over him, either tribal or otherwise, if he did not remain under his tribal laws. nave no law over him, either tribal or otherwise, if he did not remain under his tribal laws, until he was transferred to the jurisdiction of the State or Territory by the fact of the issuance of a patent to him. I do not think that the Congress of the United States ought to prescribe a rule by which a man is to become a citizen of a Territory or State, and subject to its laws, to be dependent upon the mere question of his land titles, or upon the date when somebody will issue a patent to him for his land. It would be very much better to preserve some line of policy that we can stand by, not with reference to these Indians alone, but with reference to all Indians upon a question of this kind.

Section 7 provides-

That the provisions of title 28 of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

and that is what I understand to be the rightful method of legislation in regard to these and all other tribes of Indians.

But, Mr. President, do not understand me as intimating that while I would enforce the laws of the United States in this sense and in this manner upon the Indian tribes I would not respect every right.

Title 28 of the Revised Statutes contains a great number of provisions which have been worked out through very many laborious sessions of Congress, and have been dictated by the experience of the country from time to time, with reference to the management and control of the wild bands of Indians in the country, and, indeed,

all other bands that are semi-civilized, or that, like the Cherokees, are really a civilized people. All of this entire title is made applicable now to what? Not to the Ute Indians as a tribe cable now to what? Not to the Ute Indians as a tribe—
Mr. COKE. Will the Senator allow me to interrupt him?

Mr. COKE. Will the Se Mr. MORGAN. Yes, sir.

Mr. MORGAN. Yes, sir.
Mr. COKE. None of it is made applicable unless it is applicable.
Mr. MORGAN. "None of it is made applicable unless it is applicable."
That means that none of it is applicable, and therefore none of it is made applicable. Who is to decide? It leaves the Indian in a very doubtful state of responsibility.
Mr. COKE. It leaves the Secretary of the Interior to determine whether or not any portion of the act is applicable, and, if so, what portion to those Indians under their new condition.
Mr. MORGAN. That is precisely what I understand it to many

Mr. MORGAN. That is precisely what I understand it to mean, and that is the very objection I have got to it, for I do not understand that its every objection I have got to it, and to not a stand that the Secretary of the Interior or any other officer of the United States Government has a right of individual and personal government over every individual Indian in the United States. It is giving to him more power than the Constitution warrants us in giving to him. It is leaving him with a roving commission, letters of marque and reprisal under which he can govern the Indians according to his own will and pleasure and despoil them according to his cupidity. I will read the seventh section again:

That the provisions of title 28 of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

I think a Secretary of the Interior would not have much difficulty, if he desired to do it, in finding out that any one or all of these numerous sections of this title were applicable thereto; that is, to each Indian. Let us see how many there are. In title 28 there are over one hundred and twenty sections that are left thus entirely in doubt as to whether they are applicable or not, and their applicability is to be decided by the Secretary of the Interior in reference to every individual Indian, because we see that the provisions of this title are not extended over an area of country, not over a general community, but over each allotment of land. As fast as an Indian girl who is eighteen years of age and upward takes an eighty-acre tract of land she will become subject to the will and pleasure of the Interior Department, and as fast as the head of a family gets his quarter section, with his grazing lands added, he will become subject, while those who have not received the allotments will not be subject. An Indian who has not received his land would not be subject to the provisions of the law, while an Indian who had received his allotment would be subject, because the law would at once extend over that allotment, and we should have a law of the United States which now pervades the entire Indian tribe cut up into quarter sections and eighty-acre tracts. Like a bed-quilt it would be here a piece of one color and there a piece of another color. That is the condition that the law is to be left in, as I understand the seventh section of the bill.

Mr. WILLIAMS. Will the Senator allow me to interrupt him?
Mr. MORGAN. Yes, sir.
Mr. WILLIAMS. The commissioners are to be charged with the duty not only of removing the Indians, but the lands are all to be surveyed and allotted. They are to take the census of these Indians and allot to the head of a family, to a minor, or other person his parand anot to the head of a family, to a minor, or other person his particular portion of land, and the moment that is done it is closed up. As soon as the commissioners complete their work the Indians all come under the provisions of the law, and every individual of them, without a single exception, will have the protection of the law over him, and it is not to be continuous and progressive.

Mr. MORGAN. The only saving clause I can see in reference to

the seventh section is that the Utes are not required to adopt it. am satisfied if Congress should enact it they would never adopt it. The clauses of this treaty are made binding upon them without reference to that section. If may be that these Indians would have the allotments made to them within a reasonable period of time after they got down there, or at least after the commissioners have enjoyed otium cum dignitate there at \$10 a day with all expenses paid for a length of time quite suited to their convenience. The commissioners are not required to perform this work within any specified time at all, and they are to be paid very liberally for being engaged at their leisure in the discharge of official duties. I dare say they will enjoy a great deal of leisure under the provisions of this bill, so that after while the allotment will be made and here we will have a part of the same territory over which about one hundred and thirty different acts of Congress will prevail, and in the vacant spaces about there will be no such law. The jurisdiction of the United States to enforce its laws upon any part of this Territory depends upon the allotment and is confined to the allotment, so that we will find, as the honora-

take effect when three-fourths of the Ute Indians give their consent to it. There is not one single provision in the bill except the ap-pointment of the commissioners and the provision made for paying them their salaries that would take effect as matter of law until three fourths of the Ute Indians consent thereto. I do not understand that this is the province of an act of Congress. I do not understand that we should subject our acts to the ratification and confirmation of the we should subject our acts to the ratification and confirmation of the persons to whom they are to apply. I have heard of laws sometimes being submitted to the people of the States to be voted upon by them, and to go into effect after the people should have given their sanction to the laws through the ballot-box. I never did believe that it was a proper system of legislation, and I have much doubt about its constitutionality, for I think that when a law leaves this body and leaves the President of the United States, having passed through all the constitutional requirements with reference to its enactment, it may not as a perfect and an entire law without reference to the green goes out as a perfect and an entire law without reference to the question whether it should be afterward adopted and ratified by somebody. It was not the intent or purpose, I dare say, of the committee to make all the provisions of this measure in the nature of an enactment by the Congress of the United States, for if they had that intent and purpose they would have made the act final at the time it received the signature of the President, and never would have referred it to the Ute Indians to see whether they would adopt it. Hence I do not regard it as a proposition to enact a law. I regard this bill as being in part a proposition that we should ratify a treaty and in part an enactment to carry that treaty into effect, and to make such other provisions with reference to the treaty and to the Indians who are to be affected by it as will make the provisions of the statute and the treaty altogether effectual. It is a combination of the two, into which the

committee have been driven. I know by the fact that they found, as they supposed, the Senate of the United States deprived by statute of its right of participation as a part of the treaty-making power.

Now, we have got this difficulty to get rid of one way or the other. We have got to take the ground that this is a treaty made with a party competent to contract with us, and that as such it must be referred to the Senate in experting except for religious to many descriptions. ferred to the Senate in executive session for ratification or amendment, or else we must take the ground that this is a statute from beginning to end, and a statute that is to be made effectual upon the ratification of three-fourths of the Ute tribes of Indians. It seems to me that one of these grounds is absolutely unavoidable, and I believe that in the line is the contract of the contract lieve that in the existing state of legislation in the United States we cannot take either ground; for I repeat that I believe the act of the 3d of March, 1871, was an effectual act to deprive Indian tribes of their capacity to make treaties, and therefore no agreement or contract can come from them under the laws of the United States through the instrumentality or agency of any department of the Government which we are bound or have the right to consider as a treaty.

Believing that that law is constitutional, that the Indian tribes are thereby deprived of their treaty-making capacity, then we are thrown back simply upon our legislative powers and upon no other; and when we undertake to exert those powers we should exert them as a Congress, and not submit our enactments to the ratification of a band of Indians described by the honorable Senator from Colorado [Mr. Teller] the other day as being the wildest and most savage tribe anywhere within the Territories of the United States.

I therefore believe that this subject ought to be recommitted. The Senate of the United States ought to take ground here to-day upon this question in the one direction or the other. The Senate ought either to say that this is a treaty, that the act which prohibits us to consider the Ute Indians as being no longer capacitated to make a treaty is void, and that we must refer this to the constitutional treatymaking power, or else the Senate ought to say this is no treaty but an act of Congress, and being such it is not in proper form; it contains provisions which it should not contain; it goes upon the idea that the Indians have the right to ratify and confirm our enactments or reject them at their will and pleasure, and remain where they are,

in spite of the will of Congress to the contrary.

in spite of the will of Congress to the contrary.

Mr. President, I have not found it necessary to read the many authorities which I had prepared myself with to-day, because none of the propositions of law to which I have adverted have been denied or questioned by any Senator upon the floor. I therefore content myself with the assumption that the propositions of law as I have stated them, and as they have come from the Supreme Court of the United States, have been correctly stated. If this be so, then it seems to me that there is but one duty left for us in regard to these Ute Indians, and that is to pass a law which in effect will carry into operation the rights of the Indians in harmony with the treaty of 1868. I would say this to them: Whereas they have the right under that treaty to engage in agricultural pursuits, and to locate themthat treaty to engage in agricultural pursuits, and to locate them-selves upon particular tracts of land; whereas that treaty contains and is confined to the allotment, so that we will find, as the honorable Senator from Massachusetts remarked the other day, "little Alsatias" all through the Indian Territory over which there will be a certain peculiar jurisdiction of the United States Government, and over other portions there will be no jurisdiction at all, as I understand the measure proposed.

To come to the real fact of this case, this is nothing but a treaty with an act of Congress to carry it into effect, provided the Ute Indians will adopt it. If you should treat it as an act of Congress it would certainly be the most singular act of Congress that has ever been enacted by this body, because it would be an act of Congress to

You are subject to the laws of the United States precisely as all other people of the United States are subject to the laws. You must therefore carry this treaty into effect by the selection of these reservations. Locate yourselves upon the lands where you are, anywhere within the broad limits of this Territory, and after you have done that we will place ourselves in the stead of the government that we have destroyed by this act of Congress. We will assume its trusts and exercise its powers with reference to you. We will enact laws by which you are to be governed. We will, if you choose, employ your tribal traditions and laws and customs and agencies to administer what you call or consider instice between yourselves until we choose to supplant call or consider justice between yourselves until we choose to supplant them with some better system. We will, in all things, take the government of your tribes. Having abolished your government, having destroyed the tribal capacity of your people, having dethroned your rulers, we will now assume ourselves the execution of all of these trusts, and you shall have to the last hair's breadth the full amount of your demands honestly and justly considered. But the value of your joint use and occupation of this great territory we will fund in bonds and give you the interest upon it. We will take the proceeds of the sales of these lands after you have been provided with a sufficient fund to help you to become self-supporting, and hand the balance over to you in perpetuity, giving you the proceeds of the very lands that you have owned in common under your treaties. If, as the Secretary of the Interior says, one square mile of your territory on which you now live may be worth the whole sum of money that we expect to pay you for it, if that be true under the treaty you are entitled to it, and you shall have it. Whatever rights your people have in all this territory, whatever profits may arise in their behalf under a liberal interpretation of the treaty, we, being trustees and standing in the place of these men whose authority we have dethroned, we will undertake to execute this trust to the last particular, and in every respect, and you shall have no right to complain of us.

It seems to me that it is easy enough, and that the door now stands wide open for the pursuit of a policy like this. It seems to me it would be far better to let the Indians understand that we have dethroned these rulers, that men like Ouray and many others among cient fund to help you to become self-supporting, and hand the bal-

throned these rulers, that men like Ouray and many others among throned these rulers, that men like Ouray and many others among them who are mere tyrants and despots, and who have ruled these Indians against their will, and with an arbitrary and a cruel hand, have no longer this power to wreck and destroy them in reference to their property rights; for there are not in this whole world more ab-solute despotisms than exist between the rulers of the Indian tribes and the Indians themselves. There are thousands and tens of thou-sands of the Indians who, if they had dared to break loose from their rulers, would have become free thinkers and independent, honest labor-ing men: but these men who have played lord and master over their rulers, would have become free thinkers and independent, honest laboring men; but these men who have played lord and master over their tribes, whose will is a law to every individual Indian, who can impose by their own decrees any sentence even to death or banishment—these men do not choose to give up their power, and it is almost impossible to break their authority over the Indian tribes under existing circumstances. That act of Congress of March 3, 1871, which I consider to be a wholesome act, destroys and dethrones these tyrants and will allow the Indian people to come forward and exercise their right of individual manhood under the laws and Constitution of the United States and under the pertection of our Government. It is a United States and under the protection of our Government. It is a

wise system, and it ought to be preserved.

I am in favor of leaving these Ute Indians just where they are, unless the people of Colorado are entirely satisfied that to leave them there will produce warfare and bloodshed. I do not believe that it will. I would leave them just where they are, and under the treaty rights that they have got there now, but I would pass laws to require them to take their individual reservations and selections and carry into effect that treaty, and then when I came to assume the administration of the question as to the value of the joint occupancy, the occupancy in common of all this territory, I would ascertain what its value is, and I would pay these people that value. I would do this by an act of Congress, and not by a treaty. I would have no more treaties with them. I would have no more treaty engagements with

the Indian tribes whatsoever. Let that law stand and carry it into

But the first thing that this measure proposes is to recognize the tribal relations, notwithstanding the act of Congress. The Secretary tribal relations, notwithstanding the act of Congress. The Secretary of the Interior enters into an engagement, a treaty, nothing else but a treaty, with Ouray and the head chiefs of the Ute tribe, notwithstanding he is prohibited by law from doing it, and then Ouray is paid a salary which is to continue now for three years under the treaty, a salary of a thousand dollars a year, and the bill prolongs the period for ten years longer, making it \$13,000 instead of \$3,000 that Ouray is to receive, and for what? For ruling these people; for being their head chief; for continuing to preserve his authority over this tribe in virtue of his chieftainship or his kingship over these people, imposed upon the Utes by an act of Congress, instead of carrying the law into effect and denying to him all authority over these people whatsoever, except so far as we may choose to admit it for the purpose of government among them. We are to put him in office by an act of Congress for ten years after the treaty itself has expired, for this measure contains the provision that this \$1,000 salary shall be paid to him as the head chief of the nation ten years after the treaty has expired.

I have not got time nor have I the inclination to go through all the

I have not got time nor have I the inclination to go through all the different provisions of the substitute and cite the many objections

which incline my mind to vote against it, but I shall pay some attention to appropriations. Section 9 provides:

That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

For the payment of the expenses of the commissioners herein provided, the sum

of \$25,000.

For the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, and so forth, as provided in said agreement and in this act, the sum of \$350,000.

For the sum to be paid to said Ute Indians, per capita, in addition to the \$60,000 now due and provided for, the sum of \$15,000.

For the payment of the appraised value of individual improvements as provided herein, the sum of \$20,000.

For the care and support of the Ute Indians in Colorado for the balance of the current fiscal year, the sum of \$12,000.

I believe the Senator from Colorado said that the sum of \$75,000

had already been expended.

Mr. TELLER. Seventy-eight thousand dollars.

Mr. MORGAN. That, with the sum necessary now at 4 per cent. per annum to raise \$50,000 as the annuity fund for these Ute Indians, I believe, comprises the new appropriations that are made under this proposed law. We give up to the Indians, to each Indian in the tribe, of whatever age or sex, I believe, as much as eighty acres of land and to some a half section. That itself amounts to a very large quantity of land. They are to select their lands upon the arable, fertile bottoms of the Grand River, the La Plata River, and in the Uncompangre Park, somewhere about the junction of the Gunnison River, I believe, with the Green or the La Plata, I forget the precise boundaries. We give them the same power, the same right in the new location to which they are to be transferred, that they possess now of individual settlement, and then we pay them a sum of money upon which, at 4 per cent., \$50,000 per annum is to be received for the land

that they leave.

When is this commission to end its labors? When are all its expenses to be paid? How much money can we safely say will be the least amount we will have to pay to carry out this treaty with the Ute Indians? I do not think that the sum will ever fall below \$4,000,000. The likelihood is that it may run above that sum of money. New agency buildings are to be put up, new school-houses erected, teachers are to be employed, blacksmiths are to be employed, a large list of annual expenditures are to be made from year to year until the Utes come to be self-sustaining. When are these Utes to become self-sustaining as agriculturists in this country? The honorable Senator from Colorado [Mr. Teller] told us the other day that scarcely a round of provisions could be raised there upon an agra of land with. pound of provisions could be raised there upon an acre of land without irrigation. When are they going to irrigate those lands? What capacity or ability have they to irrigate these lands? If irrigation must come first and production afterward, how many years may we expect that the Ute Indians will be shouldered upon the bounty of the country as pensioners, and very expensive pensioners, indeed,

This observation may apply to the country that they now occupy.

I do not know which of the two regions may be the better for agricultural purposes, or which may be better cultivated without irrigation, if either can be. We have got in the Ute Indians in the present location a hard set of people to deal with, I admit. The trouble is, however, as it appears from the statement made by the Secretary of the Interior, that you cannot prevent the miners from going among them; that when the miners go in there they have quarrels with the Indians who forage upon them; that depredations are committed upon Indians who forage upon them; that depredations are committed upon the one party or the other. The Secretary of the Interior closes his observations on that subject with the very sage remark that it would be impossible to control the people of the West in regard to the occupation of those lands. If it is impossible to control the people of the West, as a matter of course, I suppose, the next possibility is to be resorted to, and that is to destroy the Indians or to carry them off to some place where they may be pensioned in perpetuity upon the Treasury of the nation, so that we shall never be able to rid ourselves of the burden. of the burden.

Mr. President, I see very little hope in this measure for the improvement of the condition of the Indians, if that is what we are after. If we are expending this large amount of money to keep out of a war, or to conclude a war, perhaps it is cheap enough to do it. The Secretary of the Interior, in his remarks before the committee, said that he had stopped the war by arresting the army at the time it was progressing toward the agency on White River. Perhaps one of the best things we could do in this connection would be to put him in command of the forces that have anything to do with the control of the Indians in that country. It seems that his policy of not fighting the Indians while the Indians are destroying men who are going to the relief of the agents, and murdering people in the Territory, is a policy that he thinks not only very successful, but which ought to be very well paid

I have not been able to see that there is any injustice in the remarks made by the Senator from Colorado [Mr. Teller] in regard to the entire course of dealing with this Indian tribe. It seems to to the entire course of dealing with this Indian tribe. It seems to-me that the urgency of this question is to some extent intended to-cover up faithless dealings on the part of the Government of the United States with the Ute tribe of Indians. Those people had some occasion for war. There was some delinquency on the part of the Government of the United States. There was some wrong done to them; and it is doubtless supposed that the easiest way to get out of it is to pay out of it, and close the door to inquiry by removing the Indians from that country and make some entirely new provision for them.

I do not know as yet until I have heard further discussion upon this subject whether I shall make a motion to recommit the bill or not. I have the most profound respect for the Committee on Indian Affairs. I know that they have bestowed upon this subject a great deal of attention, and I hope that after a further consideration of the measure and after further discussion of it they will come to the conclusion that the proper course has not been pursued, whether we treat this subject as a treaty with the Utes or whether we treat it as merely an enactment of Congress, and that the committee will ask that the measure be restored to them in order that they may bring in some bill which is consistent with either one of two things, the Constitution of the United States or the enactments of Congress already upon the statute-books.

Mr. DAWES. Mr. President, the policy of one who has had so little knowledge of the Indian tribes as myself entering into this discussion at all may be considered doubtful. I confess to a great deal of difficulty in coming to a conclusion whether the measure before the Senate should be supported or not. I understand, and in some measure I hope I appreciate, the difficulties out of which it has grown and which it attempts to meet. The horrors committed by Indians upon the frontier I have no knowledge of except as I hear them recited by those who suffer them. I know I can very little understand the real feeling of our western people toward the Indians; perhaps I know as little of what is the real character of the Indians; but I have been unable to read the history of the Indian and his treatment by this Government without feeling that every attempt of late to deal with him and with the Indian question comes very far short of

deal with him and with the Indian question comes very far short of the necessities of the case.

Here are four thousand Indians in a reservation of twelve million acres of land, between whom and the white people in the State where they are there has sprung up an irreconcilable difficulty, culminating in violence and bloodshed; and the Government has attempted to deal with that question, overlooking it seems to me what is at the bottom of our trouble with the Indians. Out of all this work comes substantially the proposition that these four thousand Indians shall be taken from one reservation containing twelve million acres of land, or thereabout, and put into another in the same State consisting of about six hundred thousand acres. The Government gets the residue. The people of the State get these Indians removed to a new place in their State and crowded into a narrower compass. The gain is only that the difficulty is more aggravated, the chances of conflict are greater, and the necessities of renewing these agreements are increasing every day; and for all this advantage, as the Senator from Alabama [Mr. Morgan] has said, we appropriate from the Treasury at the least \$2,700,000, and, without any doubt in my mind, a sum in addition to it very near to the limit the Senator from Alabama has put upon this expenditure.

In the mean time the great Indian question remains unsettled; we have made no advance toward it; we have not even touched it; but we have aggravated it; and we are called upon by the exigencies of business here in this body to consider this great question and this large amount of expenditure and draught upon the Treasury under circumstances that almost forbid a due deliberation, if we had the information at our hands that would insure it.

information at our hands that would insure it.

We conclude all this work and this expenditure with a stipulation that we will support these Indians where they are or where they are to be in the new and narrow reservation, until the time shall come when they shall be able to support themselves. It so happens now that there are more births than deaths among the Indians upon these reservations. The dying-off process, which is so frequently resorted to by our friends in the West as a hoped-for relief from this question. I am told by General Sheridan and those who have charge of the Indian department in the West, lasts only a year or two, and it is followed by more than a restitution of the diminished number. It must follow in the nature of things. This dying-off process comes from exposure of the children and hardships to which they are subjected in their destitution and their savage life, to which they are not subjected in their new reservations under the care of the Government, and also to the effect upon their constitution which comes from change of climate and malarial diseases contracted under new circumstances and new exposures. Beyond that, outside of that, and after that has passed away, I am sorry to say to my friend from Kansas [Mr. INGALIS] there is little hope of relief from this Indian question in the manner which he has suggested.

which he has suggested.

Here four or five thousand Indians are to be supported by the United States until they can take care of themselves, in a little, narrow reservation, hemmed in by the mountains of Colorado, surrounded by aggressive and enterprising miners crowding in upon them, dependent upon the daily ratiou measured out to them as it is to the Army, and with no provision for any relief in cultivating the arts of peace or the ways of civilized life. Subject four thousand civilized and educated people from any part of this country to such treatment for any considerable number of years and they would be demoralized and relapse into barbarism. The very process by which in the main we treat two hundred and fifty thousand Indians, feeding them day

by day with rations of beef and coffee and beans, and with the annual distribution of clothing, with the miserable pretense of some sort of attempt to teach them agriculture which only disgusts them with the whole thing, is fastening upon us the burden of maintaining a standing army in this country little short, in its demands upon the Treasury looking to that alone, of the expenditures of such an army

Here we are making what appears upon its face to be a final arrangement with four thousand Indians, leaving them, I venture to say, in a worse condition, when crowded in this narrow space, than when they have the whole twelve million acres in which to roam. So long as they know that with each recurring day comes the ration that shall supply the demands of hunger, there is no inducement, there is no temptation to change for the better their condition. The Indian takes to his lodge on Monday morning the supply of the week and makes haste to devour it, and spends the remainder of the week in discontent and dissatisfaction with the Government that supplies it and with plots and plans against the hand that feeds him. Such is his nature, and that element in his nature alone is cultivated and encouraged and strengthened by the very manner in which he is treated by the policy of the Government.

by the policy of the Government.

Why sir, look into this bill. It provides for the distribution of \$60,000 now due these Indians, a \$60,000 debt of annuities that ought to have been paid to them before. We wake up now in the face of this trouble with the disposition to pay to them and distribute it per capita among them, \$15 apiece. You might as well take fifteen beans for all the good \$15 will do each of these Indians! Again, you provide in this bill for the setting apart of \$1,250,000 that shall produce another \$60,000 and that \$60,000 you propose to distribute each year per capita among these Indians. You make no provision with it for their permanent improvement; you do not buy a plow with it; you do not even take the amateur farmer who lives upon the salary of \$1,500 provided in the bill for so many other agencies; you do not give them even the light of his countenance, so that when an irrepressible impulse at civilization springs up unbidden in the breast of any Indian he may find this farmer ready to meet him half way and take him by the hand and lead him out upon the prairie and stake out for him his allotment of land, and teach this Indian, who never did a day's work in the world, how to turn his furrow, and follow him around the field three or four times until he becomes a practical farmer in the process of half an hour, and then leave him to pursue his onward course in the hope and expectation that from that hour he shall be not only self-supporting but a civilized citizen of the United States, clothed with all the privileges and immunities of any other citizen. His hands are blistered in this half-hour, he is tired of his work, the impulse fades away, he goes back to his lodge and is berated by his squaw for his degradation in working like a white man; and that is the last of all his spontaneous impulse to become a self-supporting Indian! You do not even do that with these Indians. You distribute per capita among them this sum, and you promise them that at the end of twenty-five years you will capit

at the end of twenty-live years you will capitalize the principal and distribute that among them.

Mr. President, this is idle; this does not meet the exigencies of this case; it, in my opinion, aggravates them; and while it does get rid, perhaps for a year or two, of the trouble existing in Colorado, it only holds back an accumulating and increasing peril, which, sooner or later, after the expenditure of all this money, will come back upon us with renewed force and with renewed danger to the people around these Indians and to the Indians themselves. It is not beginning at the root of this evil; it is making no attempt, it seems to me, toward meeting the question, how we shall treat this Indian problem or any part of it. Aside from the civilized tribes, as they are called, in the Indian Territory, I suppose there are, as I have said before, about 250,000 more or less dependent Indians. We appropriate each year—seven millions, is it?

Mr. ALLISON. Five.

Mr. DAWES. Five millions a year, with nine or ten millions of trust funds in our charge, the annual receipts of which are also applied; and how do we expend it? What progress do we make in the solution of this question? The Senator from Iowa can correct me if I am mistaken; but I hardly think since he and I have been in public life it has been otherwise than true that each succeeding year has added to that expenditure, growing out in part of the fact which the Senator from Kansas has denied, or has seemed to doubt, that in numbers the Indians are increasing; growing out also of the fact that the very policy we have adopted in relation to them has aggravated and increased the burdens we have assumed. We have always treated with them, up to the statute which the Senator from Alabama has alluded to, as independent tribes, capable of negotiating with us and having some sort of right in the soil we found them in the occupation of, that we would purchase of them, and not extinguish by violence, as we perhaps might have done. But when we purchased it of them we purchased it of a savage race, having no knowledge of our language, without ability to treat or to understand what they were treating about; and neither the tribes themselves nor the people of the United States, till within a few years, ever stopped to consider the future of the Indian. We, on our side, have always treated with him, up to within these few years, on the idea that we would make the best possible bargain with him; and the Indian, on the other hand, having no thought for his morrow, considered only the color

of the trinkets which we put off on him for vast tracts of country, out of which great and independent States have sprung up in this Union. It is only when the question has forced itself upon us so that it was impossible for us to ignore it that we have stopped to consider in our treatment with the Indian what shall be done with him in the future; whether it is not incumbent upon us, who have taken away his pressessions and his means of support to make some taken away his possessions and his means of support, to make some provision for him if he makes none for himself in the future. And provision for him it he makes none for himself in the future. And not a little has that question been pressed upon us in the form that he, whom we have thus treated, multiplying daily upon our hands, is a savage who knows no law or restraint but a chain; and the Indian himself has come to have some faint glimmering of what is before him, as the very walls of the continent have approached him on the one side and on the other, with apparent certain destruction awaiting

But we come to this question after long years of such treatment of the Indian that he has lost faith in us. He no longer, if he ever did, believes that we intend to keep our promises with him; he has been too often deceived, he has too often trusted only to find that engage-

too often deceived, he has too often trusted only to find that engagements with him are kept while they are of advantage to us, and no longer; and when we approach him he suspects that some lurking advantage is to be gained over him in the future, which he cannot quite understand, least of all can he protect himself against.

The Senator from Colorado [Mr. Teller] talked of the Indian's character, of his faithlessness, of the outrages he has committed upon the white people on the borders. I am not disposed to criticise the Senator. I do not know that the Senator or his State particularly is to be held accountable in any way for any infraction of good faith to be held accountable in any way for any infraction of good faith

on our part toward these Indians.

Mr. TELLER. Will the Senator yield to me a moment while I make a statement? There has never been a Ute Indian killed by any citizen of Colorado. There has never been a Ute Indian killed by any white man in Colorado since the country was settled. We have inwhite man in Colorado since the country was settled. We have invariably respected their rights; we have respected the obligations of the Government as made with them; and I believe that I may say here that pretty nearly the only white man in the United States who has attempted to enforce the treaties of the United States with them is my humble self. I followed this Secretary of the Interior from the time he came into office until the outbreak last summer, to have the money paid that the Senator has said was unjustly withheld, and I repeated over and over again to him that it was a cause of complaint and that it put our people in jeopardy that it was not paid, and I say here to day that neither white man nor Indian can give any good

reason why it was not paid.

Mr. DAWES. Why, Mr. President, I had it not in my mind to intimate that either the people of Colorado or the State itself or the Senator was to blame

Mr. TELLER. I know; but I want to add one other statement, that since the country was settled at least fifty white men have been

killed by these Indians; innumerable houses have been burned; innumerable farms on the edge of the reservation and off it have been destroyed; and yet the people of Colorado have never retaliated.

Mr. DAWES. That I think I would have said myself if the impatience of my friend from Colorado had not anticipated me. I will commence where I left off by saying that I do not know that the people of Colorado or the State is responsible for any of the breaches of faith on the part of the Government toward the Indians. The Senator cannot but know that such is the character of this savage that he visits the wrongs he receives from the strong upon the weak; such is his nature and such is the limit of his knowledge of men and of is his nature and such is the limit of his knowledge of men and or government that he only knows that it was white men who broke faith with him, and it is white men upon whom he visits his revenge. But the very State in which the outrage upon the peaceable agent at White River and his family and employés was inflicted by these savages, the very existence of the State itself, is a gross and palpable violation of the plighted faith of this Government, which in a solemn treaty with the Cherokee Nation pledged itself sacredly never to permits the state of the sacred of the treaty with the Cherokee Nation pledged itself sacredly never to permit any territorial or State government to be erected upon their western border, but that the free, unobstructed passage and control and jurisdiction westward, as far as the jurisdiction of the United States should extend, should be forever kept for the Cherokees. And yet in violation of that treaty obligation the State of Colorado is erected right across that western boundary of the Cherokee Nation, in chedience to that law of growth and progress in civilization in in obedience to that law of growth and progress in civilization in this land stronger than all human laws and human treaties; but the

Indian does not understand that.

Mr. TELLER. I should like to ask the Senator whether he thinks that the Ute Indians ever heard of that treaty, and if he does not know that when the treaty was made this very ground in controversy, every acre of it, was a part and parcel of the Republic of

Mr. DAWES. I know this last statement and I think it likely the other is true; but I know that the treaties stipulated that the territory as far as the jurisdiction of the United States should thereafter extend should be kept open. And as to the Utes ever knowing about that treaty it is not necessary for the argument that I am making here that they should understand that treaty. They understand, and every Indian understands, that when the white man approaches him with treaties in his hand something is to be gained on the one side and something is surely to be lost on the other. No tribe of Indians

ever entered into a treaty with the United States that did not result in putting fetters upon them. They have been lassoed into impris-onment and confinement within limits that the necessities of growth

omment and confinement within limits that the necessities of growth in this Government required, and no sooner have we made treaties than we have gone to work deliberately to violate them.

But it is not treaty obligations alone of which the Indian has to complain. Why, sir, the treatment of Indian agents, and the Army, and the whole Department with the Indian for long back is covered with blots and stains, and bad faith, and aggravations to the Indian and provocation to violence on his part. While we have been deliberating over this very measure in our Committee on Indian Affairs, a peaceable Indian chief, who never raised his hand in violence upon a white man, whose home had been ceded to him by words of grant a white man, whose home had been ceded to him by words of grant on the part of the United States as solemn and effective as a warrantydeed, in consideration of his good behavior and peaceable deportment toward the United States—this is the language of the grant—who had been driven at the point of the bayonet from that home into the malaria of the Indian Territory, has there been entited by false pretenses into the Indian agent's own house, an agent of this modern civilization, and there shot down upon the floor in cold and cowardly murder by the soldiers of the United States under the direction of an Indian agent! Indian agent!

Sir, the Northern Cheyennes, taken by the Army from their home and the graves of their fathers, among the cool mountain streams of the Northwest, down to the torrid jungles and malaria of the Indian and the graves of their fathers, among the cool mountain streams of the Northwest, down to the torrid jungles and malaria of the Indian Territory, there to fall before the ravages of disease, when they broke away and wandered through the wilds of Western Kansas seeking their old home, were taken by the armed soldiers of the United States and shut up in midwinter, in January, in a guard-house, when the thermometer was ten degrees below zero, without clothing to protect them from the inclemency of the weather. They were told by the officer whose official report I have here, "You shall have neither food nor drink nor fuel till you consent to go back to your doom in the Indian Territory," and there they were kept without either food or fuel or drink four or five days—the officer reports four, the Indians say it was seven—in what an officer calls "the freezing-out process;" and then when the chief was called out of the guard-room under pretense of a conference, armed soldiers were placed in side-rooms out of sight, and when he and his fellows came into a room for a peaceable conference they were seized and put in irons, and those in the guard-house breaking out with the resolution to die in flight for their homes rather than to die in the Indian Territory the victims of disease, were fired upon with shot and shell, and every male member of the band but those in irons and two others, with thirty women and children, were laid corpses in the process. laid corpses in the process

Sir, I have before me the process pursued toward men supposed to be guilty of the murder of a young man from Massachusetts upon a stage route in Arizona. When an officer of the Army called the In-

stage route in Arizona. When an officer of the Army called the Indians into council, having previously arranged with a half-breed that like Judas he should go among his brethren and betray the men he was willing to say were guilty, and when that process was gone through with, under the pretense of a council with friendly Indians, soldiers at a given signal shot them all dead.

Does anybody wonder when these instances multiply around us every day, when flags of truce, like that under which General Canby fell at the hands of the Modocs, are violated by our own soldiers when they treat with the Indians; when the whole history of the dispensing of the Indian annuities and of the Indian appropriations is one long history of plunder; when we make our promises with no apparent intention of keeping them, is it to be wondered at that the Indian question has come upon us with difficulties almost passing solution?

ent intention of keeping them, is it to be wondered at that the Indian question has come upon us with difficulties almost passing solution? Sir, before we can do anything toward making something out of the Indian we must do justice to him. The process of extermination, I think, is substantially abandoned by our people. It has proved a failure at least, with all the advantages under which it has been tried and the fidelity with which it has been pursued, sparing no expense of Indian warfare or cruel treatment, transferring the Indian from place to place, taking him from the cold regions of the North to the almost inhospitable and uninhabitable regions of the Indian Territory, there to die by hundreds: still the truth stares us in the face.

tory, there to die by hundreds; still the truth stares us in the face, that there are more of them to-day than there were yesterday.

Take the Poncas, who lived upon a reservation the title to which was a grant, in so many words, from the United States, in which it was recited that it was in consideration of two things: first, of a like was recited that it was in consideration of two things: first, of a like grant on the part of the Poncas to the United States, and next, of their long peaceable and quiet life and demeanor toward the United States. Take them and follow their band of eight hundred men, driven by soldiers into the Indian Territory, and falling down in the process and in the acclimation to four hundred and eighty-four or about that number; yet it is true that within the last year, since they have come to be acclimated and taken care of, there are more of them than there were when the year began. So it is true of them all. And, sir, that policy pursued so faithfully has got to be abandoned, and I thank God that it has.

Then we have to deal with these Indianal Control of the state of the part of them we have to deal with these Indianal Control of the part of the part

Then we have to deal with these Indians by some other process. Another process is like that shadowed forth in the argument of the Senator from Alabama, that we shall violently break up their tribal relations and scatter them, wild and savage and uneducated, abroad in the community, subject to the laws and enjoying all the rights and privileges of citizens of the United States, having no other restraint

upon them than the feeble and ineffectual restraint that comes from bringing them into a court of justice to plead to an indictment they cannot understand for the violation of a law they do not know the

meaning of.

Sir, the Senator from Colorado [Mr. Teller] well described the strength of the cords which bind the Indians in their bands. I vent-ure to say there is not power enough in the United States to violently ure to say there is not power enough in the United States to violently and against their will rend those cords. They are the ties of family, and kindred, and blood, as strong in the savage as in the civilized man, and stronger, perhaps, in some respects. If there were no question of humanity in it, it is an impossibility. You cannot with an army larger in number than all the bands themselves rend asunder by violence those cords and attachments which bind them one to another in families, any more than you could invade the homes of the civilized, scatter them and think vainly that thereby you had broken asunder all the ties that bind man to his family and to his kindred.

You may give up, then, Mr. President, all attempts thus to disintegrate and separate from their clans and their tribes the two hundred and fifty thousand Indians you have upon your hands and are obliged to feed by daily rations and clothe as you do your soldiers. You can neither exterminate them, nor can you violently separate and scatter them in the community and expect that you can make citizens of them. If you did it you would have two hundred and fifty thousand people gathering in the Western States more than in the Eastern, for they would not trouble us, but you might just as well turn loose the inmates of an insane asylum and impose upon them the restraints of

inmates of an insane asylum and impose upon them the restraints of

law and require at their hands obedience to the obligations of citizenship as to undertake by this process to make citizens self-supporting, obedient to the law of the land, of these Indians.

Then, sir, if you can neither exterminate them nor by the puny, ineffectual attempt at an enactment here at your desk, disintegrate and scatter them around through the forty-five millions of people we have here in this land, what next? Sir you cought to invested and scatter them around through the forty-five millions of people we have here in this land, what next? Sir, you ought to improve them, make something of them, undertake to relieve yourselves of this burden which comes upon you as a just retribution for the long line of treatment in the past which finds no justification in any standard of justice or of right between the powerful and the weak. No one expects that you can make much out of the adult Indians. You cannot teach them much how to work and support themselves. Industrious habits do not come by the force of enactments. Industrious habits are the result of long years of training hegiuning with ous habits are the result of long years of training, beginning with early life. You have them, too, without the ability to speak our language, to understand those with whom they are obliged to treat daily in order to obtain the merest necessities of life. Take one of them, allot him in severalty, which seems now to be the panacea for all evils, one hundred and sixty acres of land, and surround him, as this bill one hundred and sixty acres of land, and surround him, as this bill and the other proposes, with the enterprising western pioneer who purchase the real estate, the one hundred and sixty acres on each side of him, and what then? He goes out to support himself. He cannot understand his neighbor. He only knows from sad experience, because he cannot forget that he never treats with that color without having the worst of it. How long would he live and support him-

I had an interesting conversation a few days since with a chief of one of these tribes, as intellectual a man, as clear-headed, and as honest and truthful a man according to the Department and everybody else as any one could be, a man who realized the condition of the Indians, a man who made it a study as well as he could, of what, so far as his tribe was concerned, was the best solution of this question. I asked him if he could have for each male member of his tribe one hundred and sixty acres of land allotted in severalty with the condition that it could not be alienated for twenty-five years, what he would say to that. It was a great while before he could be made to comprehend what I meant, with an earnest desire to understand the full meaning of these words; and when at last he seemed fully to comprehend them, shaking his head, he said, "It would not do us any good; it might our children; but we do not understand your language; we do not know how to treat with white men; they always get the better of us; they would pluck us as you do a bird." Then I put the question in another form: "Suppose you were sallotted, and a good, honest Indian agent"—my friend from Illinois [Mr. Davis] almost laughs when I say that—"a good, honest Indian agent were put over you to keep off the white people and let you develop yourselves!" "We don't know how to work very well; we were never taught to work; if our children could be brought up to understand that what they earned to-day is theirs, and they can hold it against the world, they could take these lands and they could take care of themselves and of us, but we cannot do it."

There is more philosophy in that Indian's statement of the question than all that has been developed in the Indian policy of the Government for the last quarter of a century. Take their children; above I had an interesting conversation a few days since with a chief of

There is more philosophy in that Indian's statement of the question than all that has been developed in the Indian policy of the Government for the last quarter of a century. Take their children; above all take their girls into schools in which they may be taught the English language and English ways and English habits and ideas. They bring up the families; they take care of the children; from them the children learn to talk and learn to think and learn to act; and yet, in all the schools established in Indian agencies for the education of the Indian, the Indian girl is hardly thought of. Take the boy and make something of him; not keep him till he forgets his race and his parentage, but keep him until there shall be inspired in him a missionary

spirit to go forth among those of his blood and attempt to make something of them. Appropriate this \$125,000 which in this bill you pledge yourselves to distribute every year per capita around among these people, to the education each year of these four thousand Ute Indians, and by the time this experiment shall have failed and the Indian question, so far as Colorado is concerned, shall have come back upon us with increased force, you will have raised up among those Indians as with increased force, you will have raised up among those indians a restraining and at the same time an elevating influence that shall quicken in the whole tribe a desire to acquire, and with it shall come also the desire to protect and keep their daily earnings, and with that comes the necessity and the desire for peace, and with peace comes respect for law, and that is the simple natural process and the only one, it seems to me, Mr. President, which opens up to us with any hope of spaces.

hope of success.

It is a long and tedious process out of this difficulty; it is beset with embarrassments and discouragements on every side; but those who understand best and appreciate more fully than I do all these difficulties have themselves the strongest confidence in its ultimate difficulties have themselves the strongest confidence in its ultimate success. Certainly, sir, these puny efforts on the part of the Government to deal with the Indian question, these homeopathic doses, are idle and are folly in the extreme. If I could see any good to come from this bill, recognizing as I do the imperative necessity of action in respect to these Utes, recognizing as I am free to do the earnest desire on the part of the Indian Department to do the best possible thing, I should like to support it. I know that with great propriety and with necessity the Department turns to Congress; for it is Congress, and Congress alone, that can solve this question; but I fear that by no such processes as those we are considering to-day, involving as they do (and which I do not think the Senate quite realize) an enormous expenditure of public moneys with so little in return, can the great result I desire be accomplished.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, April 5, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

W. P. Harrison, D. D.
The Journals of Friday and Saturday last were read and approved. ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, beginning with the State of Ala-bama, for the introduction of bills and joint resolutions for printing and reference, not to come back on a motion to reconsider. Under this call resolutions and memorials of State and territorial Legisla-tures may be presented for reference. Resolutions calling for depart-mental information are also in order for reference, to be reported back within one week.

A. P. JACKSON AND OTHERS.

Mr. BERRY introduced a bill (H. R. No. 5547) for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed. H. C. WILSON.

Mr. BERRY also introduced a bill (H. R. No. 5548) for the relief of H. C. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES DOWNEY.

Mr. PHELPS introduced a bill (H. R. No. 5549) granting a pension to James Downey, of Waterbury, in the State of Connecticut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WATERHOUSE.

Mr. PHELPS also introduced a bill (H. R. No. 5550) for the relief of Charles Waterhouse, of Old Saybrook, in the State of Connecticut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOCATING LAND SCRIP.

Mr. PRICE presented joint resolution and memorial of the General Assembly of the State of Iowa, in reference to locating land scrip in other States; which was referred to the Committee on the Public Lands.

JACOB R. M'FARREN.

Mr. ANDERSON introduced a bill (H. R. No. 5551) granting a pension to Jacob R. McFarren, of Russell, Russell County, Kansas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GANNON.

Mr. ANDERSON also introduced a bill (H. R. No. 5552) for the relief of James Gannon, of Leavenworth, Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNULMENT OF ARTESIAN-WELL PATENT.

Mr. RYAN, of Kansas, introduced a joint resolution (H. R. No. 270) instructing the Attorney-General of the United States to bring suit in the name of the United States to cancel, vacate, and annul certain letters-patent issued to Nelson W. Green, for an alleged new and improved method of constructing artesian wells; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. SUSAN HALL.

Mr. THOMAS TURNER introduced a bill (H. R. No. 5553) for the relief of Mrs. Susan Hall, of Knox County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPROVAL OF MISSISSIPPI VALLEY COMMISSION ADDRESS.

Mr. THOMAS TURNER also presented resolution of the General Assembly of the State of Kentucky, approving the address of the Mississippi Valley commission; which was referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

Mr. GIBSON introduced a bill (H. R. No. 5554) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river," &c., approved June 28, 1879, by diminishing the number of commissioners from civil life and increasing their pay; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

CIRCULATION FOR STATE BANKS.

Mr. GIBSON also introduced a bill (H. R. No. 5555) to entitle State banks to circulating notes upon the same conditions as national banks, provided they comply with the provisions of the national-bank act relative thereto; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

R. M. JONES.

Mr. GIBSON also introduced a bill (H. R. No. 5556) for the relief of R. M. Jones, and confirming his title to land; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARINE HOSPITAL AT NEW ORLEANS.

Mr. GIBSON also introduced a bill (H. R. No. 5557) to establish a marine hospital at or near New Orleans, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVY-YARD, ALGIERS, MISSISSIPPI RIVER.

Mr. GIBSON also introduced a bill (H. R. No. 5558) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HISTORY OF LOUISIANA TERRITORY.

Mr. GIBSON also introduced a bill (H. R. No. 5559) to authorize the Mr. GIBSON also introduced a bill (H. R. No. 5559) to authorize the Secretary of State to appoint agents to procure copies of all papers in possession of the governments of Great Britain, France, and Spain relating to the history of Louisiana Territory and East and West Florida; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MEXICAN AND AROOSTOOK WARS.

Mr. FRYE presented resolution of the State of Maine, in favor of an act of Congress granting pensions to the veterans of the Mexican and Aroostook wars; which was referred to the Committee on Pen-

AMASA B. ROBBINS.

Mr. FRYE also introduced a bill (H. R. No. 5560) for the relief of Amasa B. Robbins, late a private in Company C, Twenty-ninth Regiment Maine Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY T. JOHNS.

Mr. DUNNELL introduced a bill (H. R. No. 5561) for the relief of Henry T. Johns; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF COLORED SOLDIERS.

Mr. CHALMERS introduced a bill (H. R. No. 5562) for the relief of the heirs of colored soldiers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONTHLY ITEMIZED STATEMENT, MAIL CONTRACTS.

Mr. DAVIS, of Missouri, introduced a bill (H. R. No. 5563) to require the Postmaster-General to mail on the 1st day of each month quire the Postmaster-General to mail on the 1st day of each month to each member of Congress an itemized statement of all mail con-tracts and contracts for increase of trips or expedition of service made during the preceding month; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CAPTAIN E. D. JOHNSON.

Mr. FORD introduced a bill (H. R. No. 5564) granting a pension to Captain E. D. Johnson, of Mirabile, State of Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BETTCH.

Mr. WADDILL introduced a bill (H. R. No. 5565) granting a pension to James Beuch, private Company K, Second Regiment Arkansas Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

HANNAH JUSTIS.

Mr. WADDILL also introduced a bill (H. R. No. 5566) granting a pension to Hannah Justis, widow of William M. Justis, deceased, sergeant Company F, Eighth Regiment Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER W. WALKER.

Mr. ROTHWELL introduced a bill (H. R. No. 5567) granting a pension to Alexander W. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNATIONAL EXPOSITION OF 1883.

Mr. COX presented a joint resolution of the New York Legislature as to the international exposition of 1883; which was referred to the Committee on Foreign Affairs.

CLERKS AND OFFICERS OF FEDERAL COURTS AS REFEREES.

Mr. COX also introduced a bill (H. R. No. 5568) in relation to the appointment of clerks and officers of Federal courts as referees, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD L. WHITMAN.

Mr. PRESCOTT introduced a bill (H. R. No. 5569) granting a pension to Richard L. Whitman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN MANCHESTER.

Mr. PRESCOTT also introduced a bill (H. R. No. 5570) for the relief of Stephen Manchester, of Forestport, Oneida County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNATIONAL EXHIBITION, NEW YORK.

Mr. PRESCOTT also presented a resolution of the Legislature of the State of New York as to an international exhibition in New York City in 1883; which was referred to the Committee on Foreign Af-

GORDON GRANGER POST, NO. 7, NEW YORK.

Mr. LAPHAM introduced a bill (H. R. No. 5571) donating a twelvepound Napoleon or other cannon to Gordon Granger Post, No. 7, department of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS H. LAWRENCE.

Mr. LAPHAM also introduced a bill (H. R. No. 5572) to reinstate Thomas H. Lawrence as a third lieutenant in the United States revenue marine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM B. FOSTER.

Mr. COVERT introduced a bill (H. R. No. 5573) for the relief of William B. Foster, late a private in Company H, Eighty-first New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPRESSED ILLUMINATING GAS IN LIGHT-HOUSES, ETC.

Mr. COVERT also introduced a bill (H. R. No. 5574) to authorize the use of compressed illuminating gas in light-houses, beacons, and other aids to navigation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROBERT J. OWENS.

Mr. LOUNSBERY introduced a bill (H. R. No. 5575) granting a pension to Robert J. Owens, Company D, Second District of Columbia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANT LA GRANGE F. MORE.

Mr. VAN AERNAM introduced a bill (H. R. No. 5576) granting a pension to Second Lieutenant La Grange F. More, of the One hundred and sixth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered

CENTENNIAL CELEBRATION-BATTLE OF GUILFORD COURT-HOUSE.

Mr. SCALES presented resolutions of the Legislature of the State of North Carolina, indorsing the proposed centennial celebration of the battle of Guilford Court-House; which was referred to the Committee on Yorktown Celebration.

TAX ON DISTILLED SPIRITS.

Mr. ARMFIELD introduced a bill (H. R. No. 5577) to reduce the tax on distilled spirits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIZABETH JOHNS.

Mr. BUTTERWORTH introduced a bill (H. R. No. 5578) granting a pension to Elizabeth Johns, widow of Joseph Johns, late of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURVEY OF PUBLIC LANDS, OHIO.

Mr. HURD introduced a bill (H. R. No. 5579) to provide for the survey of certain public lands in the State of Ohio; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPORTED GOODS IN BOND.

Mr. HURD also introduced a bill (H. R. No. 5580) to establish regulations as to imported goods in bond, and with duties paid, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. F. A. PERRIN.

Mr. HURD also introduced a bill (H. R. No. 5581) for the relief of Mrs. F. A. Perrin, of Clyde, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REMOVAL OF CHARGE OF DESERTION.

Mr. EWING introduced a bill (H. R. No. 5582) to provide for the removal of the charge of desertion in certain cases; which was read a first and second time.

Mr. EWING. I move that the bill be referred to the Committee on

Invalid Pensions.

The SPEAKER. If the bill proposes to change the record it should go to the Committee on Military Affairs.

Mr. EWING. It does not propose to change the record, but will

have an effect on pensions.

The bill was referred to the Committee on Invalid Pensions, and ordered to be printed.

EDITH BAKER.

Mr. EWING also introduced a bill (H. R. No. 5583) for the relief of Edith Baker; guardian of Daniel T. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RALPH SPENCER.

Mr. EWING also introduced a bill (H. R. No. 5584) granting a pension to Ralph Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARMENUS M. SMITH.

Mr. OVERTON introduced a bill (H. R. No. 5585) for the relief of Parmenus M. Smith, late a private in Company K, One hundred and sixty-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. K. HUGHES.

Mr. KLOTZ introduced a bill (H. R. No. 5586) granting a pension to C. K. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER-YACHT CORNELIA.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 5587) to change the name of the schooner-yacht Cornelia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KING'S MOUNTAIN CENTENNIAL CELEBRATION.

Mr. EVINS presented a concurrent resolution of the Legislature of the State of South Carolina, asking from Congress an appropriation in aid of the centennial celebration of the battle of King's Mountain; which was referred to the Committee on Military Affairs.

LEWIS F. SEEF.

Mr. TAYLOR introduced a bill (H. R. No. 5588) for the relief of Lewis F. Seef; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WRIGHT FRENCH.

Mr. HOUK introduced a bill (H. R. No. 5589) for the relief of Wright French, of Blount County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

M. M. CORBETT.

Mr. HOUK also introduced a bill (H. R. No. 5590) for the relief of M. M. Corbett, of Jefferson County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. M. PIPER.

Mr. HOUK also introduced a bill (H. R. No. 5591) for the relief of W. M. Piper; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT STOCKTON, TEXAS.

Mr. UPSON introduced a bill (H. R. No. 5592) to enable the Secretary of War to acquire for the United States the title to the site of Fort Stockton, Texas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA A. PARKER.

Mr. JOYCE introduced a bill (H. R. No. 5593) for the relief of Eliza A. Parker, of Norwich, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be

CAROLINE F. WRIGHT AND OTHERS.

Mr. CABELL introduced a bill (H. R. No. 5594) directing the Secretary of the Interior to issue duplicate of bounty land warrant No. 57833 to Caroline F. Wright and others; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JACQUELINE M. WOOD.

Mr. TUCKER introduced a bill (H. R. No. 5595) for the relief of Jacqueline M. Wood, of Lynchburgh, Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAINT CROIX AND LAKE SUPERIOR LAND GRANT.

Mr. HUMPHREY presented a memorial of the Legislature of the State of Wisconsin, asking that no steps be taken to divest said State of the title to the lands granted to said State under what is known as the Saint Croix and Lake Superior land grant; which was referred to the Committee on the Public Lands.

SCHOOL LANDS IN WISCONSIN.

Mr. POUND presented a memorial of the Legislature of the State of Wisconsin, relating to school lands; which was referred to the Committee on the Public Lands.

CYRUS W. BOWERS.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 5596) granting a pension to Cyrus W. Bowers, of Whitewater, Walworth, County, State of Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC-SCHOOL FUND OF WYOMING.

Mr. DOWNEY introduced a bill (H. R. No. 5597) authorizing the payment to the treasurer of Wyoming Territory, for the benefit of the public-school fund, of all moneys collected as timber tax or stumpage in said Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SCHOOL LANDS IN WYOMING.

Mr. DOWNEY also introduced a bill (H. R. No. 5598) to authorize the county superintendents of schools in Wyoming Territory to lease the school lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been completed. The Chair will recognize gentlemen who were not in their seats when their States were called for the introduction of bills for reference.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS introduced a bill (H. R. No. 5599) to equalize the bounties of soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES UPON SUGARS.

Mr. MORTON introduced a bill (H. R. No. 5600) to amend section 2983 of the Revised Statutes of the United States so that the duties paid upon sugars shall be assessed upon the quantity delivered from instead of the quantity entered into bonded warehouses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NISHNABATONA RIVER, IOWA.

Mr. UPDEGRAFF presented the memorial and joint resolution of the Legislature of Iowa, asking for an appropriation to remove ob-structions in Nishnabatona River; which was referred to the Committee on Commerce.

J. J. WILLIAMS AND J. D. THORNTON.

Mr. DAVIS, of California, introduced a bill (H. R. No. 5601) for the relief of John J. Williams and James D. Thornton, of San Francisco, California; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STEAMBOAT INSPECTORS AT BURLINGTON, IOWA.

Mr. McCOID introduced a bill (H. R. No. 5602) to amend section 4414 of the Revised Statutes, and to authorize a board of steamboat inspectors at Burlington, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be

DRY-DOCK AT DES MOINES RAPIDS CANAL.

Mr. McCOID also submitted the following resolution; which, under the rule, was referred to the Committee on Commerce:

Resolved. That the Secretary of War be requested to inform the House whether the construction of a dry-dock in connection with the Des Moines Rapids Canal, at or near Keokuk, Iowa, with locks for the passage of water and water-craft to and from the basin of the dock, is practicable without injury to the canal; and to submit any facts or opinions as to the location and necessity of such dock, showing the propriety of Congress granting permission for the construction of the same.

JAMES H. WELLING.

Mr. BREWER introduced a bill (H. R. No. 5603) for the relief of James H. Welling, of Lansing, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES H. BRIGGS.

Mr. HAWLEY introduced a bill (H. R. No. 5604) for the relief of Captain Charles H. Briggs, late first lieutenant Connecticut Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE J. COGSWELL.

Mr. MARSH introduced a bill (H. R. No. 5605) granting a pension to George J. Cogswell, of Hopper's Mill, Henderson County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PILOT LAW.

Mr. WAIT presented a resolution of the Legislature of the State of Connecticut, urging the passage of a just and equitable general pilot law; which was referred to the Committee on Commerce.

Some time subsequently, and after the call of States was concluded, Mr. WAIT asked and obtained unanimous consent to have the above resolution printed in the RECORD. It is as follows:

GENERAL ASSEMBLY, JANUARY SESSION, A. D. 1880.

Senate joint resolution No. 59, (175,) concerning pilot laws.

Senate joint resolution No. 39, (175.) concerning pilot laws.

Whereas the commercial interests of the State of Connecticut are materially injured by the unjust pilot laws of several States: Therefore,

Resolved by this Assembly, That we hereby earnestly request that our Senators and Representatives in Congress shall endeavor to obtain the passage of a just and equitable general pilot law.

Resolved, That a copy of the above preamble and resolution be forwarded to each of the Senators and Representatives in Congress from this State.

Approved March 25, 1880.

OFFICE OF SECRETARY OF STATE.

STATE OF CONNECTICUT, 88:

STATE OF CONNECTICUT, 88:

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said

State, at Hartford, this 31st day of March, A. D. 1880.

DAVID TORRANCE,

MILITARY AND TIMBER RESERVATIONS.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 5606) to authorize the United States to secure a title to certain military and timber reservations; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS BOWERS.

Mr. McMAHON introduced a bill (H. R. No. 5607) granting a pension to Francis Bowers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION CLAIMS.

Mr. PHILIPS introduced a bill (H. R. No. 5608) to amend the third clause of section 4693 of the Revised Statutes of the United States so as to extend the time of filing and allowing claims thereunder; which was read a first and second time, referred to the Committee on Invalid Parsions, and ordered to be printed. valid Pensions, and ordered to be printed.

JOSIAH M'CARY.

Mr. PHILIPS also introduced a bill (H. R. No. 5609) for the relief of Josiah McCary, of Pettis County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HUGH M'DADE.

Mr. PHILIPS also introduced a bill (H.R. No. 5610) for the relief of Hugh McDade, minor child of Lieutenant Michael McDade, deceased, of Benton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. KING introduced a bill (H. R. No. 5611) to amend and re-enact section 22 of an act approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company, to aid the construction of its road, and for other purposes;" which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed. to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. KING also introduced a bill (H. R. No. 5612) making appropriations for certain examinations, surveys, and works of improvement recommended by the Mississippi River commission; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

RICHARD SUGGS AND HENRY HILL

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 5613) for the relief of Richard Suggs and Henry Hill, late privates Company G, United States Colored Heavy Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EVIDENCE AND PRACTICE IN UNITED STATES COURTS.

Mr. HOUSE introduced a bill (H. R. No. 5614) to amend the laws of evidence and practice in civil and criminal trials; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH P. DUNFORD.

Mr. HOUK introduced a bill (H. R. No. 5615) granting a pension to Elizabeth P. Dunford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LIONS

Mr. HOUK also introduced a bill (H. R. No. 5616) for the relief of William Lions; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN PETERSON.

Mr. HOUK also introduced a bill (H. R. No. 5617) for the relief of John Peterson, deceased, (Squire Hunter, administrator;) which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL FORCE IN FOLDING-ROOM.

Mr. MILLS. I ask unanimous consent to offer for immediate action the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House is hereby authorized to employ ten laborers for servive in the folding-room, to be paid out of the contingent fund of

Mr. MILLS. I desire to say that the Committee on Accounts reported a resolution of this kind some time ago, but upon objection being made it was withdrawn. The work in the folding-room is far being made it was withdrawn. The work in the folding-room is farbehind. Those of us who have made speeches cannot get them folded
there to be sent out, and are obliged to have the work done at our
rooms. I hope there will be no objection to the resolution.

Mr. DUNNELL. I wish to inquire whether the resolution now
offered is designed to take the place of the resolution presented some
days ago by the gentleman from Massachusetts, [Mr. MORSE.]

Mr. MILLS. That resolution was withdrawn. This is substantially

the same.

A MEMBER. Let it go to the Committee on Accounts.

Mr. CONGER. I objected at one time to the introduction of such a resolution as this; but upon inquiry I am satisfied that the force proposed is necessary for the convenience of members.

The SPEAKER, If there be no objection—

The SPEAKER. If there be no objection—
Mr. WHITE. I objected to a similar resolution; I have not seen any reason to withdraw my objection.
Mr. MILLS. I will say to the gentleman from Pennsylvania that the work in the folding-room is very far behind.
Mr. HAYES. I hope the gentleman from Pennsylvania will withdraw his objection. If he will go to the folding-room and make inquiry he will find that this additional force is necessary in order to complete the work on hand.

The SPEAKER. The Chair understands the gentleman from Penn-

sylvania [Mr. White] to object.

Mr. DUNNELL. I think the gentleman from Pennsylvania will withdraw his objection. There are now three or four hundred thousand speeches in the folding-room that ought to be folded. The resolution offered some time ago by the gentleman from Massachusetts—

Mr. MILLS. That was withdrawn.
Mr. DUNNELL. Was in much better shape, I believe, than the

Mr. MORSE. I have no objection to presenting that resolution again, if the gentleman from Texas will withdraw his.

Mr. MILLS. I make no objection to that arrangement.

The SPEAKER. Upon the resolution reported by the gentleman

from Massachusetts a point of order was made, which would have

Are taken it to the Calendar. Therefore the gentleman withdrew it.

Mr. GARFIELD. I hope the gentleman from Pennsylvania will allow this resolution of the gentleman from Texas to pass, in view of the large number of speeches in the folding-room that ought to be

Mr. HUMPHREY. I desire to state that there are now in the folding-room boys who have been doing work for the House for nothing, in expectation that these speeches would have to be folded. It would be wrong for this House to keep those boys there and not provide pay

Mr. WHITE. If gentlemen will stop talking, I will withdraw my

objection—
The SPEAKER. There being no further objection, the resolution

will be regarded as adopted.

Mr. WHITE. One moment, Mr. Speaker.

The SPEAKER. The Chair thought the gentleman from Pennsylvania wanted the talking stopped. [Laughter.]

A MEMBER. He wants everybody but himself to stop.

Mr. WHITE. I want to say only this: I made objection the other day to a resolution of this kind, because I thought it was facilitating the circulation of noxions literature. I am told, however, that such is not the case. I therefore withdraw my objection.

There being no objection, the resolution was adopted.

Mr. MILLS moved to reconsider the vote by which the resolution

was adopted; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

JONATHAN CRANMER.

Mr. HATCH introduced a bill (H. R. No. 5618) for the relief of Jonathan Cranmer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES BRODIE.

Mr. PAGE introduced a bill (H. R. No. 5619) for the relief of James Brodie, of Alamada, California; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REPORTER OF UNITED STATES SUPREME COURT.

Mr. HAZELTON introduced a bill (H. R. No. 5620) to revise sections 681 and 682 of the Revised Statutes of 1878, as to the duties and compensation of the reporter of the Supreme Court of the United States, and providing for the publication of the reports of said court by the Public Printer; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MANNING. Mr. Speaker, I rise to a question of personal priv-

ilege.
Mr. WEAVER. And I rise to a privileged question.
The SPEAKER. The gentleman from Mississippi rises to a question.

The SPEAKER and the gentleman from Iowa (Mr. WEA-

The SPEAKER. The gentleman from Mississippi rises to a question of personal privilege, and the gentleman from Iowa (Mr. WEAVER) rises to a motion to suspend the rules, as the Chair believes, Mr. WEAVER. I do.

The SPEAKER. The motion to suspend the rules suspends the rule which grants the gentleman from Mississippi the right to rise to a question of privilege. The Chair is advised, however, that the gentleman from Mississippi proposes to occupy only a few moments, and suggests to the gentleman from Iowa that he allow the gentleman from Mississippi to first present his question of privilege.

Mr. WEAVER. I will do that cheerfully.

The SPEAKER. After which the Chair will, in due time, recog-

nize the gentleman from Iowa.

Mr. Manning. Mr. Speaker, I rise to a question of personal privilege, and send to the Clerk's desk an article in the Daily Post, of this city, of Saturday last, and ask that it be read.

The Clerk read as follows:

A DEMOCRATIC SCANDAL—MR. MANNING'S CHARGES AGAINST MR. SPRINGER—THE LATTER ALLEGED TO HAVE BEEN UNDULY INFLUENCED BY WASHBURN—AN INVESTIGATION BY THE ELECTIONS COMMUTTER—THE STORY IN FULL.

TION BY THE ELECTIONS COMMITTEE—THE STORY IN FULL.

At the next regular meeting of the House Elections Committee, on Tuesday of the coming week, Mr. Manning will make certain charges against Mr. Springer, the chairman of the committee, and demand an investigation. To sustain his allegations against Mr. Springer in the matter of the Donnelly-Washburn contested-election case, Mr. Manning will adduce three points, which he claims to have evidence, documentary and otherwise, to substantiate.

When Washburn's case was first referred to a sub-committee composed of Messrs. Manning, Bellingover, Amplied, Keiferr, and Weaver, and after sufficient testimony had been taken to prove the frauds of which Mr. Washburn is now known to have been guilty, an informal meeting of the democratic members of the full committee was held at the house of Mr. Springer, at which those present unanimously agreed to support the sub-committee in any action it might take. Upon this the sub-committee went ahead, heard the witnesses and arguments upon both sides, and when the case was closed submitted a report recommending the unseating of Washburn and seating of Donnelly. With this result Mr. Springer professed himself to be in sympathy. His actions lately have shown that he has experienced a change of heart. It is the cause which has led to this that Mr. Manning charges in substance that Mr. Springer has acted with the greatest duplicity throughout; that he has deceived his democratic associates on the committee, and the committee itself, with regard to his position, and that his conduct has been based upon corrupt motives. Mr. Manning presents the following evidences of this.

On the 8th day of March, Mr. Springer being then in New York, a letter was reaccived at his house addressed to him, which his wife opened. It was in substance as follows:

"WASHINGTON, D. C., March 7. "DEAR SIR: I carnestly advise that you do all in your power to prevent the House from unseating Washburn, of Minnesota, and putting Donnelly in his place. If you succeed in this I am authorized to say that a present of \$5,000 will be made to your wife.

"Very respectfully,

"A REPUBLICAN.

"Hon. WILLIAM M. SPRINGER."

Mrs. Springer, upon reading this, became very indignant, and immediately sent for Hon. George W. Julian, of Indiana, of Donnelly's counsel, and showed the letter to him. He sent for Mr. Donnelly, and the three read and commented upon it together. Donnelly, upon leaving, went to Messrs. Sawyer and Colerick, of the committee, and told them of the contents of the letter. As he was talking to them he received a message from Mrs. Springer, requesting him to call immediately. He did so, and she informed him that she had doubt as to the propriety of her action in showing the letter in the absence of Mr. Springer, and requested that both he and Mr. Julian say nothing about it until her husband's return. This Mr. Donnelly promised, and visited Sawyer and Colerick and made the same request of them. Mr. Springer returned on the 9th, and Mr. Donnelly immediately waited upon him, and, after mentioning the fact of his having seen the letter referred to, told Mr. Springer that he would be happy to help him as far as possible to discover the author. He thought it was either Charles Johnson, Mr. Washburn's private secretary, or the notorious Bill King, of Minnesota. Mr. Springer

requested Donnelly to oblige him by saying nothing about the letter at all, and said, "I would not for \$10,000 have it known that I have received such a letter." "But Julian knows it." arged Mr. Donnelly. "Well then," added Springer, "tell Julian that I shall hold him responsible for it. If it gets into print he will be to blame and I will take care to pay him for it." This last remark being repeated to Julian, he became indignant, and went to Springer and demanded an explanation, where upon Springer denied that he had made any such statement. Mr. Manning, in due time, heard of the letter, and daily expected that Mr. Springer would bring the matter to the attention of the committee, but this he did not do and has not done. Mr. Manning now charges that nothing but a corrupt construction can be placed upon such conduct. In addition he alleges that the fact of the letter's being anonymous and its general tenor show that Mr. Springer was not entirely unaware of the identity of its author. In short, that the letter was sent in pursuance of an agreement.

mous and its general tenor snow that Mr. Springer was not entirely unaware of the identity of its author. In short, that the letter was sent in pursuance of an agreement.

Mr. Springer, being called out of town frequently, paired with General Keifer in the early days of the investigation, and this pair was afterward transferred to Mr. Calkins, of Indiana. At the meeting of the committee last Tuesday, when it was considered that a vote would be taken on the case, Mr. Calkins volunteered the explanation that his pair with Mr. Springer was conditional. If it should at any time appear that his (Calkins's) vote was necessary to the adoption of a report favorable to Washburn it was to be given. Upon hearing this, which proved in effect that Springer was averse to Donnelly, Mr. Manning began to get mad. When the first vote was taken Thursday, and Springer being present recorded his vote squarely against Donnelly, Mr. Manning broke forth and denounced Springer openly as stated vesterday.

Mr. Manning considers that these facts warrant an investigation and addressed a letter to Mr. Springer Thursday, in which he formulated the charges as above stated, and announced to him the course he proposed to take. Mr. Manning being called upon last night substantiated all of the foregoing.

If the investigation into Mr. Springer's conduct is ordered by the committee or by the House it is expected that some startling revelations of attempts by Washburn's friends to bribe other members of the House will be brought out.

Mr. Springer yesterday, purporting to be a description of the scene in the Elections Committee on Thursday, in which Manning violently denounced him, was entirely unfounded.

Mr. MANNING. Mr. Speaker, it is due alike to Mr. Springer and

Mr. MANNING. Mr. Speaker, it is due alike to Mr. Springer and myself that I should make a statement in reference to the article just read.

Mr. McLANE. I desire the gentleman from Mississippi to state wherein this is a question of personal privilege to him. I allowed that paper to be read for information. I desire the gentleman to explain to the House now in what respect this is a question of personal privi-

lege for him.

Mr. MANNING. If the gentleman will hear me through, perhaps he will then receive an all-sufficient answer to his inquiry. I beg the gentleman to remember just what the article says. It states that I substantiated all that is contained in the article. That is not true; and therefore I have a right to be heard.

The SPEAKER. The Chair recognizes the gentleman from Missis-

sippi.

Mr. McLANE. I must object. I think there are matters which are personal to gentlemen which should not be obtruded into this House personal to gentlemen which should not be obtruded into this House as questions of privilege. So far as I appreciate that article I find nothing in it but what is personal to the gentleman from Mississippi, and the gentleman from Illinois; and I object to its introduction here as a question of privilege.

Mr. MANNING. It touches a matter before this House for consid-

eration.

Mr. McLANE. It is a question between the gentleman from Mississippi and the Washington Post as to the accuracy of the publication, to begin with.

Mr. COX. If the ninth rule will be read the gentleman will be

satisfied.

Mr. McLANE. I enter my objection; and that is all I can do.
The SPEAKER. The Chair overrules it.
Mr. MANNING. I prefer, Mr. Speaker, that Rule IX shall be read,
so the gentleman will have that in answer to his objection as well as
what I have said.

The Clerk read as follows:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. McLANE. I am quite at a loss to know in what respect the conduct of the gentleman from Mississippi is reflected upon.

Mr. MANNING. I do not feel called on, in view of the decision of

the Chair, to have any further controversy with the gentleman from Maryland as to my right to proceed. [Laughter.]

Mr. McLANE rose and proceeded to address the Speaker.

Mr. MANNING. Have I the floor, Mr. Speaker?

The SPEAKER. The Chair will listen to the gentleman from Mary-

land, because he claims to object. Mr. McLANE. The question I raise is one over which the gentle-

man from Mississippi has no control. It is a question I submit to the

Mr. MANNING. Do I understand the gentleman from Maryland to appeal from the decision of the Chair?

Mr. McLane. I do not understand the Chair has decided.

The SPEAKER. The Chair recognized the gentleman, and the point which he has stated does come within the clause of that rule. There is no doubt about it.

Mr. MANNING. Mr. Speaker, it is due alike to Mr. Springer and myself that I should make a statement in reference to the article just read. I do not propose in these remarks to refer to any criticisms of mine on that gentleman's course in the election contest in question, but to leave them wholly untouched so far as is possible under the circumstances. I have not had at any time any disposition to go further than my duty in the premises requires; indeed the discharge of that duty gives me no pleasure. But while the gentleman from Illinois has been advised by me, by letter, of my objections to his course and of the action already taken and to be taken by me, it is my purpose to treat him with the utmost fairness and deliberation, observing all the proprieties, so far as I understand them, of our respective positions and all the conventionalities usual among gentlemen. Prompted by this spirit. I shall now proceed to refer to some of the statements

by this spirit, I shall now proceed to refer to some of the statements contained in this article in the order in which they appear.

Before, however, speaking of those matters which refer exclusively to Mr. Springer and myself, I desire to notice the following statement touching the alleged action of the democratic members of the Election Committee:

When Washburn's case was first referred to a sub-committee composed of Messrs Manning, Beltzhoover, Armfield, Keifer, and Weaver—

It should have been OVERTON instead of WEAVER-

and after sufficient testimony had been taken to prove the frands of which Mr. Washburn is now known to have been guilty, an informal meeting of the democratic members of the full committee was held at the house of Mr. Springer, at which those present unanimously agreed to support the sub-committee in any action it might take. Upon this the sub-committee went ahead, heard the witnesses and arguments upon both sides, and when the case was closed submitted a report recommending the unseating of Washburn and scating of Donnelly. With this result Mr. Springer professed himself in sympathy.

This statement is untrue. Of course the committee took no evidence and heard no witnesses. It simply considered the record evidence taken by the parties to the contest pursuant to statute, and such matters of history and law as were deemed important in the

The private deliberations of the democratic members of that committee might have been given the broadest publicity without the slightest detriment to their dignity or integrity.

In the first paragraph of the article in question it is stated that I propose to demand an investigation by this House of certain charges against Mr. Springer. This is wholly unauthorized by anything that I have said.

I have said.

In the next place the article in question states that "Mr. Manning charges that his"—Mr. Springer's—"conduct was based upon corrupt motives." In so far as this language can be construed to mean that I have charged that Mr. Springer has received money for his action in this case as a member of the Election Committee, I desire to say that I have preferred no such charge.

So far as concerns the anonymous letter referred to in this article, Mr. Springer has been informed by me in a proper and temperate manner of the course I deem it my duty to pursue; but that course I do not deem it important, or perhaps proper that I should make

do not deem it important, or perhaps proper, that I should make

known at this time.

The article in question next states:

Mr. Manning considers that these facts warrant an investigation, and addressed a letter to Mr. Springer Thursday, in which he formulated the charges as above stated and announced to him the course he proposed to take. Mr. Manning being called upon last night, substantiated all of the foregoing.

It will be seen from what I have already said that the statement that I have substantiated all the charges contained in the article in question is untrue, and also that I have not determined to ask this House to investigate Mr. Springer's conduct.

A sufficient reference having already been made to my letter, I do

A sufficient reference having already been made to my letter, I do not deem it necessary to say more.

Mr. SPRINGER. Mr. Speaker, I have been in public life for many years, and up to this time no charge of this kind has ever been made by any one, so far as I know, affecting the integrity of my course as a representative of the people, and of course I was much surprised when I saw the article published in the Post of last Saturday. The gentleman from Mississippi has already taken occasion to deny in his place that portion of this article which refers to a meeting of the democratic members of the Committee on Elections at my room, at which ceratic members of the Committee on Elections at my room, at which this article alleges we agreed beforehand to indorse whatever report the sub-committee in the Donnelly and Washburn contested-election case might agree to make. Of course it was hardly necessary that the gentleman from Mississippi should denounce this report as false, because it bears on its face the evidence of its falsity. No number of gentlemen could meet together and agree to any such thing.

But I propose, Mr. Speaker, to refer in detail, as this is a question of privilege affecting my official integrity, to the article which appeared in the Post. It was quite natural that I should have applied to the editor of the Post to know who was responsible for the article which appeared in its columns, and I did so, and desire now to send to the Clerk's desk a copy of the letter which I addressed to the editor of the Post asking for information on this subject.

The Clerk read as follows: ocratic members of the Committee on Elections at my room, at which

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,

Washington, D. C., April 5, 1880.

Six: Please inform me upon whose authority the information upon which the article in the Post of Saturday, in reference to my course in the Donnelly-Washburn case, was based. case, was based.
I am, very respectfully, your obedient servant,

W. M. SPRINGER.

Mr. SPRINGER. I desire now to send to the Clerk's desk a copy of the letter which I received from the editor of the Post in response to the letter just read by the Clerk, the original of which is now upon my table.
The Clerk read as follows:

OFFICE OF THE WASHINGTON POST, (Stilson Hutchins, editor, 341 Pennsylvania avenue,) Washington, April 5, 1880.

Washington, April 5, 1880.

Dear Sir: I acknowledge receipt of your note of even date. The request contained in it is simple. My answer shall be as simple and as brief. The article published in the Post of Saturday, the 3d, was based upon information which came to me from a number of what might be called news sources, that made it in itself a connected story, which, however, before printing I desired to have verified by Mr. Manning. Mr. Waddle, one of our reporters, was instructed to call upon Mr. Manning and obtain from him a statement bearing on the subject. This he did, first receiving from me the story, as I understood it, in detail, which he was instructed to repeat to Mr. Manning, in order that he might substantiate or deny it as it stood. The result of the reporter's mission is given in the inclosed note, which he, at my request, has prepared for your information.

Mr. Manning did not deny that the statement made to him was true, nor did he authorize the reporter to say that he indorsed it. The reporter having told him the story as I had narrated it, he simply retold it to him. This I regarded as a satisfactory substantiation of the article I proposed to print. As such I regard it now. Very truly, yours,

W. S. HUTCHINS,

W. S. HUTCHINS, Managing Editor Post.

Hon. Wm. M. Springer, House of Representatives.

Mr. SPRINGER. In addition to this I received, accompanying that letter, the following letter from Mr. Waddle, the correspondent of the Post referred to in that communication.

The Clerk read as follows:

OFFICE OF THE WASHINGTON POST, Washington, April 5, 1880.

Mr. W. S. Hutchins,

Managing Editor:

The facts in the Manning-Springer controversy, as far as I had to do with them, are as follows: Upon receiving your instructions Friday night to call upon Mr. Manning, and obtain from him some statement of his charges against Mr. Springer, using the facts you gave me as a sort of groundwork, I went to him at his residence on Capitol Hill, and reported the story as you gave it to me to him. Discovering that I was acquainted with the details of the matter, he remarked that my information was in substance correct, and then went on, and in a rather disconnected manner repeated to me the story about as I told it to him.

He declined to submit to an interview, remarking that that was neither necessary nor proper under the circumstances.

Very respectfully,

WM. WADDLE, JR.

Mr. SPRINGER. I deem it entirely unnecessary to refer to the question as to whether the gentleman from Mississippi is responsible for the article in the Post further. Whether he be or not I do not know. I simply sent this information which I have received from these parties to the Clerk's desk, and I leave the question hereafter as one of veracity between the Post and the gentleman from Mississippi, a question with which I have not the slightest concern.

But while upon the floor, Mr. Speaker, I desire to say further, the gentleman from Mississippi having disclaimed all responsibility for this article in the Post, and the editor having stated that the article was based upon information derived from him and which he regarded as sufficient warrant for publishing the article, I do not deem it nec-

was based upon information derived from him and which he regarded as sufficient warrant for publishing the article, I do not deem it necessary to further refer to the fact and ask an investigation as to whether my action as a Representative may be attributed to corrupt motives or not. But there are some things in this article to which I think I should call the attention and claim the indulgence of the House for a very brief time. Gentlemen will readily imagine the sensitiveness I have and the delicacy with which I approach a subject of this kind from the fact that it necessarily brought my wife's name before the public, and it was on that account that I asked this matter should not be made public. The anonymous letter which is published in the paper is not the one or a copy of the one which was received in my absence, and in order that the matter may be fully known I now send to the Clerk's desk a copy of the letter received in my absence, and the only anonymous letter that I have received.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

House of Representatives, Washington, D. C., March 4, 1880.

Hon. WM. M. SPRINGER:

Sir: If you will keep Washburn in his seat, in spite of the democrats, we will pay Mrs. S.— \$5,000. Get the thing squashed at once.

Respectfully.

Respectfully.

[Laughter on the republican side.]

Mr. SPRINGER. It will be seen, Mr. Speaker, that this is not signed even by the thin disguise of "republican," and was not written by one, as will appear before I have concluded my statement. If I had been at home when this letter was received it would have been committed to the flames as I commit all anonymous communications I receive, and of course every gentleman in public life has at some time or other been favored with anonymous communications. But in my absence Mrs. Springer always opens my letters, and acts as my private secretary, and on this occasion having opened this letter she did not regard it for a moment as an offer to bribe me coming from Mr. Washburn's friends, but her indignation was aroused from the fact that she believed it was an attempt on the part of Mr. Donnelly and his friends to insult and annoy me because they had learned I was not going to vote to seat him. For this reason she sought Hon. George W. Julian, of Indiana, his counsel, and stated that a wicked and insulting attempt had been made toward herself and husband

To the Managing Editor of the Post.

which he ought to know, and that Mr. Donnelly and his friends were which he ought to know, and that Mr. Donnelly and his friends were responsible for it. You may imagine the indignation of a sensitive woman when the honor of her husband and herself were both impeached in such a manner. She is not to be blamed for instantly and indignantly resenting such an insult.

Mr. Julian being a friend of our family, and at the same time counsel for Mr. Donnelly, asked permission that Mr. Donnelly might be called—for what purpose? That he might exculpate himself from the charge which was made against him fan attempt to insult me

called—for what purpose? That he might exculpate himself from the charge which was made against him of an attempt to insult me by himself or his friends; and it was for that reason that Mr. Julian asked that he might be permitted to inform Mr. Donnelly, in order that he might exculpate himself. This request was granted upon the express statement that the matter was to go no further than himself and Mr. Julian until my return to the city. That agreement was broken immediately by Mr. Donnelly; because on my return to this city I found it in the mouths of more than a dozen of my colleagues here.

Accompanying this anonymous letter, and which reached me at the same time upon my return, was another to which I desire to call the attention of this House; not anonymous, but signed by one of Mr. Donnelly's friends. This other letter and the anonymous letter were placed in my hands at the same time on my return from New York on the morning of the 10th of March; and but a few moments afterward the writer of this letter called at my house and asked to see Mrs. Springer, supposing I was still absent. I went down myself immediately, and with what result I will state after I have caused this letter to be read.

I desire now to send to the Clerk's desk and ask to be read a letter from Mr. Henry H. Finley, one of Mr. Donnelly's friends in this contest, and who Mr. Donnelly stated to me was his friend, and assisted him in the work of securing his seat here. I received this letter at the same time I did the other; but one reached my house in the morning and the other in the afternoon of Monday the 8th of March, before my return, which was on the 10th of March. The first letter received was this one; the anonymous letter came on the afternoon of the same day, namely, the 8th of March.

The Clerk read as follows:

Washington, D. C., 1017 Seventeenth Street.

MY DEAR MR. SPRINGER: I have heard with a good deal of chagrin that you have some doubts—

Mr. MANNING. Is there any date to the letter?
Mr. SPRINGER. The date is at the bottom.
Mr. MANNING. The Clerk omitted to read the date. Let it be

The Clerk read as follows:

(Confidential.)

Washington, D. C., 1017 Seventeenth Street, March 6, 1880.

WASHINGTON, D. C., 1017 SEVENTEENTH STREET, March 6, 1880.

MY DEAR MR. SPRINGER: I have heard with a good deal of chagrin that you have some doubts as to the expediency of adopting the report of the sub-committee to seat Mr. Donnelly. Not to do this will, I know, leave you open to the severest criticism and give color of truth to reports which WASHBURN'S friends have most unguardedly set afloat. The importance of the matter, as it may develop, in regard to the next election of President makes every democrat anxious to see the State saved, now that we can legally and properly do it, to the democracy. The whole case is before our friends in New York, and upon the assurances which I gathered from what you said to me I have told them that the report voculd be adopted and Mr. Donnelly would be seated at once. I cannot believe that you will now fail to make this good.

Among the hundreds of letters which come to me, there is not one in which the matter has not been urged to completion, when there has been any mention of it, and it is as much a matter of general political interest as any of which they write to me. I am convinced that neither you nor the democratic Congress can afford to disappoint our friends in this matter. I am presumed to know, and no know, how much weight ought to be given to the paid democratic detractors of Donnelly and to the mercenary quasi-democratic defenders of WASHBURN'S bribery.

It is not enough that WASHBURN should be deprived of his seat, but that the wishes of the voters, as legally expressed, should be regarded and vindicated, and they demand that their chosen representative should be seated. To send the matter back to the people now, would be only to invite the investment of a large sum of radical money to be expended there, and this would be done without stint. The worst elements of the party would be put to work then, and the result would be impugned should the report fail of unanimous adoption by the democrate and

worst elements of the party would be put to work then, and the disaster to us.

The high character of the members of the sub-committee, too, would seem to be impugned should the report fail of unanimous adoption by the democrats, and I trust that such is not the case.

Pardon what may seem like interference in this matter. I still hold the closest and most confidential relations to those who are, perhaps, personally most to be affected by your decision in this matter, and I speak in that capacity when I write this, and urge upon you prompt and decisive action in this vital matter; and I may add that it reaches further even than I have intimated, and will both immediately and remotely affect us all beyond which can now be apparent to you.

In conclusion, I beg leave to add, that it still seems incredible to me that any one should doubt your intentions to carry out the wishes of our friends in this matter.

matter.

I am, with sincere respect, very truly yours,

HENRY H. FINLEY.

Mr. SPRINGER. Mr. Finley, the author of this letter, is a supporter and friend of Mr. Donnelly and claims a residence in the State of Minnesota, is a democrat in politics, I believe, and well known to at least some of the gentlemen on this floor. This gentleman called upon me or upon Mrs. Springer, supposing me to be absent, on the morning on which I returned, and stated that he called to suggest to Mrs. Springer the impropriety of making public any reference to the anonymous letter. I stated to him that it was entirely unnecessary for him to give me or my family any advice on that subject; that if the matter was made public it would come from Mr. Donnelly and his

friends and I would hold them responsible for making this public. He saw at once that I was not well pleased with the receipt of these letters and left my house.

On that day, which was the 10th of March, Mr. Donnelly called at my committee-room and stated that he desired an interview with me my committee-room and stated that he desired an interview with me in regard to this anonymous letter. I said to him that I would hear what he had to say. He said: "Whom do you suspect as having written you this letter?" I said to him, "I suspect no body except Mr. Finley, your friend; no one else could have written it but him; and if you will examine the handwriting you will see it is very similar to his." On this point I may say that I have submitted the handwriting of the anonymous letter and that of Mr. Finley's letter to a number of gentlemen, and they all agree with me as to that similarity.

Mr. HOUSE. How did he find out you had got the anonymous

Mr. SPRINGER. I stated before that Mr. Julian had informed Mr. Donnelly

Mr. HOUSE. How did Mr. Finley find it out?

Mr. SPRINGER. I do not know. It may have been through some communication with Mr. Donnelly, for he did not get the information from me.

Mr. Donnelly stated to me in the committee-room that he did not think his friend could have done such a thing, and he attributed it, as the article in the Post did, to some of Mr. Washburn's friends. I as the article in the Post did, to some of Mr. Washburn's friends. I said to him there was no foundation for any such supposition; that none of Mr. Washburn's friends could ever have approached me in any such way, and that another letter I had received from Mr. Finley, coming along with the anonymous letter, showed that he had prepared the way for the anonymous letter by stating to me in a letter over his own signature that if I did not vote to seat Mr. Donnelly I would leave myself open to the severest criticism and give color of truth to recent which Mr. Washburny's Grinds had received and a serious had a serious head a serious serious had a serious serious head. truth to reports which Mr. WASHBURN'S friends had most unguardedly truth to reports which Mr. Washburn's friends had most unguardedly set afloat. What those reports were could only be guessed from the expression in Mr. Finley's letter that Mr. Washburn's friends had "unguardedly set afloat" the fact that they were negotiating to buy my vote. "And the anonymous letter," I said to him, "is a thinly disguised effort to conceal the motive behind this movement and also to divert my attention from the facts in the case."

I said to Mr. Donnelly: "Mr. Finley's letter is impertinent. It purports to speak in behalf of Mr. Tilden, as I understand it, and by his authority, and in it I am told that I must vote to seat you." Said I, "I do not believe Mr. Finley has any authority whatever to speak for Mr. Tilden;" and I do not now believe it. "But," I remarked, "if he insists that he has authority. I want you to tell him that I am not

Mr. Tilden;" and I do not now believe it. "But," I remarked, "if he insists that he has authority, I want you to tell him that I am not Mr. Tilden's man; that I propose to decide this case upon the law and the facts, as I understand them, and will not be dictated to by anybody." [Applause on the republican side.]

That conversation was had in my committee-room on the 10th day of March. On the next day I received a second letter from Mr. Finley, which I now send to the Clerk's desk to be read.

The Clerk read as follows:

House of Representatives,

Washington, D. C., March 10, 1880.

Dear Sir: I learn [with] deep chagrin that you were ill-pleased with the letter which I wrote on Sunday and which reached you on Monday. If I, in any way, went beyond the bounds of the strictest decorum and propriety therein, I assure you it was not intentional, and I beg leave to recall it if it may seem exceptional to you.

Very truly, yours,

Hon, WILLIAM M. SPRINGER.

Mr. SPRINGER. I paid no attention to either of those letters; I did not answer them, but I kept them. This is the first time they have been made public. Any gentleman who desires to compare the handwriting of the anonymous letter with these two letters of Mr. Finley can do so. I have never had any doubt about the matter. When I stated the fact to Mr. Donnelly I said to him that it was not necessary that the handwriting should be the same, because Finley could have got somebody else to write the letter for him. He remarked to me, however, "that the paper was different." I supposed from that that he had seen the letter which I had received from Mr. Finley. [Laughter.] I learned afterward that if he ever did see it he saw it before it came into my possession, not afterward. [Renewed] saw it before it came into my possession, not afterward. [Renewed laughter.]

One word further. Mr. Donnelly's friends now charge in this article in the Post, for which nobody seems to be responsible, that I have led them to believe that I was going to vote to seat him, and that thereby I have deceived the committee in this matter. On that point I desire to state that there was a consultation in my room of the democratic members of the committee on the 1st or 2d day of March last,

ocratic members of the committee on the 1st of 2d day of March 1st, at which consultation I announced to my democratic friends on the committee that I did not agree with that part of the report of the sub-committee in reference to Isauti County, the throwing out of which was necessary in order to seat Mr. Donnelly.

The anonymous letter bears date the 4th of March. On the 5th of March, Hon. Mr. Julian, of Indiana, called upon me at my committee-room and said that he had been informed that I had doubts about the report of the sub-committee in reference to Isanti County, and that he desired to talk with me on that subject. I said, "Very well," and we sat down in the committee-room, and for more than an hour, perhaps an hour and a half or two hours, we argued the point at issue

between myself and the sub-committee in reference to that county. Mr. Julian left me on that occasion with the impression that I was "not right" on that point, because I maintained my position to the end, citing authority after authority, which I took from the committee library, to show that the law did not authorize the rejection of the return from that county.

Mr. Julian informed me afterward that he notified Mr. Donnelly that I was "not right" in reference to Isanti County, and that it would take considerable argument to get me right; that is, to get me in favor of the report of the sub-committee; for it would require the throwing out of Isanti County in order to seat Mr. Donnelly. Mr. Julian stated to me after that that he had so informed Mr. Donnelly, so that there could be no mistake as to my opinion as to what nelly, so that there could be no mistake as to my opinion as to what I thought about the case. He said that he told Mr. Donnelly I had treated him kindly; that there was no use in talking to me except as a lawyer; that I had listened to his points on questions of law with courtesy, as I did.

courtesy, as I did.

Now, mark the connection. This interview with Mr. Julian was on the 5th of March. On the 3d or 4th of March it was known to Mr. Donnelly's friends that I was "not right." On the 6th of March the first Finley letter was written, the very day after my interview with Mr. Julian. It was mailed on the 7th of March, and received by me on the 10th of March, when I returned to this city, but was received by my family on Monday, the 8th of March. On the same evening the anonymous letter was received, and the post-mark shows that it was mailed here in the House post-office on the 8th of March.

It was said in the article in the Post that I had a pair at that time with the gentleman from Ohio, [Mr. Keiper,] while I was absent in New York. That is a mistake. I was paired with the gentleman from Indiana, [Mr. Calkins,] a member of the Committee on Elections, on all subjects, without any reference whatever to the Donnelly-Washburn case, for I knew that that case could not reach a vote in the committee during my absence at that time.

nelly-Washburn case, for I knew that that case could not reach a vote in the committee during my absence at that time.

Now mark this coincidence: When my pair was announced in the committee with the gentleman from Indiana [Mr. Calkins] on all questions, how quickly the friends of Mr. Donnelly jumped to the conclusion that I was "right" on his case. They doubtless supposed that Mr. Finley's bulldozing letter had had the desired effect. That is the place, and that is the only place, where the deception comes into the case. Gentlemen deceived themselves when they supposed I could be influenced by any such trash. They were soon undeceived, as my interview with Mr. Donnelly, on the 10th of March, ought to have dispelled the illusion. have dispelled the illusion.

From the day when Mr. Donnelly had the interview with me, the 10th of March, until the time the question was voted on in the committee-room, last Thursday, none of his friends undertook to labor with me on this subject, because they knew very well that I was "ill-pleased," as is stated in the last letter I received from Mr. Fin-

ley.

Mr. MANNING. Will the gentleman permit a single inquiry, in order that I may know precisely what he means to state.

Mr. SPRINGER. Yes, sir.

Mr. SPRINGER. Yes, sir.

Mr. MANNING. Do you mean to state to the House that you never made repeated statements to me, before your adverse action in the committee, that you were in favor of seating Donnelly, and that after the vote occurred in the committee you stated to Colonel ARMFIELD, and perhaps others, that you were in harmony with your democratic brethren in the election contest of Donnelly and Washburn, and that you urged Mr. Speer of Georgia, Mr. Clark of New Jersey, and perhaps Mr. Phister of Kentucky, to go likewise? I am asking this question in all deliberation. Did you not often tell me that you coincided with your democratic brethren on the questions in the case? Please answer whether you mean to state that you did not several times assure me of your support of my report, and that you went to Governor ARMFIELD of your own accord, an hour or so, perhaps, after the committee had taken action with reference to the contest, and stated to him that you had in good faith, at my instance, approached the gentlemen of the committee whom I have named, and urged them

the gentlemen of the committee whom I have named, and urged them to go with us on both propositions—not one, but both.

Mr. SPRINGER. I will answer the gentleman. As to the proposition of unseating Mr. WASHBURN I did so state. But if the gentleman thought that I had any reference to the other proposition, the seating of Mr. Donnelly, he is mistaken.

Mr. MANNING. Let me make a further inquiry. Did you not, in that conversation with Governor Armfield, state to him, speaking of

your having voted against us, that you had made repeated appeals to Mr. Speer, Mr. Clark, and Mr. Phister to get them with us, and that you held yourself ready up to the very last instant to vote with us if it had been necessary to secure a report in favor of seating Mr. Donnelly

Mr. SPRINGER. I held myself ready all the time to withhold my final judgment in this case until the roll was called in committee, when I would have to vote upon deciding it. I never stated to anywhen I would have to vote upon deciding it. I never stated to anybody that I was irrevocably committed to any proposition, that I was
going to hold out one way or the other; but that I would hold my
mind as free as possible from all prejudice until the last moment.

Mr. MANNING. The gentleman has not answered the question.
Will he state whether or not he assured me that he would urge those
gentlemen to go with us, and also the inquiry as to his conversation
with Governor Armfield?

Mr. SPRINGER. I assured the gentleman from Mississippi that I would talk with the gentleman from Georgia and the gentleman from New Jersey with reference to the unseating of Mr. WASHBURN. The gentleman from Georgia, whom I see before me, will bear me out in the statement that I did talk to him with reference to the unseating of Mr. Washburn, but that I did not advise him to go to the extent of seating Mr. Donnelly; that I told him I would not vote to seat Mr. Donnelly. Is not that true, [addressing Mr. Speer?]
Mr. Speer. Yes, sir; that is true, if I understand correctly what the gentleman from Illinois says. He approached me in a committee-

A MEMBER. When?

Mr. SPEER. I cannot tell exactly the time; I do not remember. He approached me in the committee-room and urged that the evidence justified that Mr. Washburnshould be unseated; but he said distinctly that he did not think the law would justify us in rejecting the returns from Isanti County. I agreed with him on that and disagreed with him on the other proposition, and it was on that alone that we had any disagreed.

any discussion.

Mr. SPRINGER. Now, when I spoke of this case, it was very natural for the gentleman from Mississippi [Mr. Manning] to be thinking of one thing while I was thinking and speaking of another. But I am not responsible for the fact that the gentleman may have misunderstood me. That I ever intended to deceive him or any one with regard to my course in the committee, is positively untrue. I never could have intended such a thing. All the members of the committee with whom I have conversed will I think sustain me in this. I appeal even to my republican friends on the other side of the House, appeal even to my republican friends on the other side of the House, especially the gentleman from Indiana [Mr. Calkins] and the gentleman from Ohio, [Mr. Keifer,] to say whether I ever in any way led them to believe that I would do differently from what I did when the final vote was taken. I ask the gentleman from Ohio [Mr. Keifer] to make a statement on this point?

Mr. KEIFER. As the gentleman invites me to make a statement in relation to this matter, I take pleasure in doing so. I can say that I have had but one conversation with the chairman of the committee [Mr. Spenyager] in relation to his views of the views of any other.

[Mr. Springer] in relation to his views or the views of any other IMT. SPRINGER] in relation to his views or the views of any other member of the committee on the subject of the Donnelly-Washburn case. Some time about the 23d of February, I think—I cannot be certain about the date; the same day after I had concluded my argument before the full committee, which occupied some length of time; the day that was devoted specially to the consideration of the vote from Isanti County, in the State of Minnesota—the gentleman from Illinois did me the honor to say that he thought my argument was unanswerable. We then sat down and discussed some of the questions involved, in which he concurred with me as to that county; and then sat down and discussed some of the questions involved, in which he concurred with me as to that county; and he cited and called my attention to some additional authorities in support of the view I had taken. I wish to say, Mr. Speaker, he did not tell me in words or terms on that occasion how he intended to not tell me in words or terms on that occasion how he intended to vote on any proposition that was involved in the investigation. But it followed logically that if he was with me on that point he could not vote for the resolution to seat Mr. Donnelly. I always understood his position from that day to this to be against seating Donnelly. Mr. SPRINGER. I ask the gentleman from Kentucky, [Mr. Phsser,] whose name has been mentioned, to state any interview I had with him on the subject.

Mr. PHISTER. I cannot tell anything in reference to this matter

Mr. PHISTER. I cannot tell anything in reference to this matter except it be considered that Mr. Springer's invitation to me is to disclose what I regarded at the time as confidential between him and me, and that he thus relieves me from this seal of confidence.

Mr. SPRINGER. I relieve you from that.

Mr. PHISTER. What took place between him and me and others at an interview previously in his own room I suppose I could not speak of unless I had the removal of its confidential character from all the gentlemen who were present. I will not speak of that, but speak of unless I had the removal of its confidential character from all the gentlemen who were present. I will not speak of that, but only as to what occurred between Mr. Springer and myself. It was before he went to New York the last time. I told Mr. Springer I did not intend to vote for Mr. Field's resolution. In order that this shall be understood, it may be proper to state that the report of the sub-committee, that is, of the majority of that sub-committee, concluded with a resolution that Mr. Washburn was not entitled to his seat, and Mr. Field, from Massachusetts, a member of the committee, moved to strike out "Washburn," and to insert that Mr. Donnelly was not entitled to a seat. We took the ground, some of us in the committee, that that was not in order; that it was not proper to vote as to the right of Mr. Donnelly to his seat until it was ascertained whether the sitting member was to be ousted or not; that the proper mode was to vote first on the resolution that Mr. Washburn was not entitled to his seat, and then the question would properly come up as to the seat of Mr. Donnelly. The chairman of the committee [Mr. Springer] decided that the resolution of Mr. Field was out of order. An appeal was taken from his decision, and the appeal was sustained. Then I stated to Mr. Springer, in the said confidenwas sustained. Then I stated to Mr. SPRINGER, in the said coincidential conversation between him and me, before he went to New York, that I did not intend to vote for Mr. Field's resolution, because, according to the common phrase which I then used, it was "putting the cart before the horse;" it was bringing up events not in their proper order; it was asking the committee to vote on the right of Mr. Donnelly to a seat before we had determined whether the sitting member should be unseated or not—in other words, before there was any seat for Donnelly to occupy. Consequently, on that resolution of Mr. Field, I intended to vote "no;" that I should then vote to unseat Mr. Washburn; and then, if the resolution thereafter came up as to the right of Mr. Donnelly to a seat, when it came up at the proper time, in its proper and consecutive order, I should vote against seating Mr. Donnelly. I made this explanation to Mr. Springer in order that the two votes, one voting against Mr. Field's resolution, and ultimately voting against seating Mr. Donnelly, should not be considered inconsistent. Said Mr. Springer to me, "I intend to vote the same way." That was before he went to New York.

Mr. SPRINGER. The last time.

Mr. PHISTER. Yes, sir; the last time.

Mr. SPRINGER. I ask the gentleman from Iowa, [Mr. Weaver,] a member of the committee, to state what conversation, if any, I have had with him on the subject and as to how I should vote on this question.

Mr. WEAVER. Mr. Speaker, perhaps a week or more before Mr. Springer went to New York I had a conversation with him outside SPRINGER went to New York I had a conversation with him outside of the committee-room, in which I asked him how he stood on the question of Isanti County. He said he believed the argument of the subcommittee [Mr. Keifer] as to that county was conclusive and that we could not lawfully throw out the vote of that county. I replied that his views were in accord with my own. We then talked as to how we stood on the other branch of the case affecting Mr. Washburn, and we did not differ on that branch of the case. The day Mr. Springer left to visit New York, just before leaving, he came to me at my desk and asked whether I adhered to the opinion expressed to him at the former conversation. I replied to him that I did, and that I should so vote. I asked him if he had changed his mind in any way. He said not; that he would vote against seating Mr. Donnelly, but that he should vote to unseat Mr. Washburn. That was the whole conversation. Mr. SPRINGER never at any time led me to believe he

would vote to seat Mr. Donnelly.

Mr. SPRINGER. I desire to ask the gentleman from North Carolina [Mr. Armfield] to state whether I ever had any conversation with him prior to the vote in the committee, the final vote on the Donnelly-Washburn case, on this subject; and, if so, what it was.

Mr. ARMFIELD. Mr. Speaker, I never had any conversation with Mr. Springer on the Donnelly-Washburn case, I believe, except in the general meeting of the committee until after the vote was taken.

mr. Springer on the Donnelly-Washburn case, I believe, except in the general meeting of the committee, until after the vote was taken. The conversation I had with him was on the day after the vote was taken, if it is proper I should state that. Though I do not wish to be mixed up in this matter, I am perfectly willing to do so.

Mr. SPRINGER. I desire to ask the gentleman from North Carolina whether previous to the final vote in this contested-election case I said I would vote to seat Donnelly?

I said I would vote to seat Donnelly?

Mr. MANNING. Will the gentleman from Illinois permit him to

Mr. SPRINGER. I ask him to state whether prior to the final vote in this case I stated that I should vote to seat Donnelly.

Mr. ARMFIELD. Mr. SPRINGER never told me that he would or

would not vote to seat Mr. Donnelly or how he would vote, or any-

Mr. SPRINGER. That is all I desire to ask the gentleman now.
The charge in this paper is, that I changed my course on this question.
Mr. MANNING. I do protest against this way of seeking the

The SPEAKER. Does the gentleman from Illinois yield?

Mr. SPRINGER.

No, sir.

The gentleman from Illinois declines to yield. The SPEAKER.

Mr. MANNING. Then I shall ask the privilege of occupying the floor after the gentleman concludes.

Mr. SPRINGER. I desired to state that I had been charged with having changed my vote suddenly on this question. That is the allegation in this paper. What I said after the final vote was taken does not have the slightest bearing on this question, and I am perfectly willing that the gentleman from North Carolina may state all that took place, and I understand, and I want it distinctly understood, that there has never been any controversy between M. MANNING and myself. Now I yield to the gentleman from North Carolina.

that there has never been any controversy between Mr. Manning and myself. Now I yield to the gentleman from North Carolina.

Mr. ARMFIELD. Mr. Speaker, as I stated, the only conversation between Mr. Springer and myself was after the final vote was taken. That was on last Thursday. I came to my seat in the House, and Mr. Springer called me out. He remarked to me that Mr. Manning was very much excited. I told him that he was excited, and I knew that Mr. Manning was candid and honest in what he was saying, because he had said to me frequently before the vote was taken that Mr. Springer had assured him that he was with ms on both points, nearly the had said to me frequently before the vote was taken that Mr. Springer had assured him that he was with us on both points, namely, the unseating of Mr. Washburn and the seating of Mr. Donnelly. Mr. Springer remarked that he did not doubt that Mr. Manning was perfectly honest, but that Mr. Manning had evidently misunderstood him. He went on to say to me that he [Mr. Springer] had repeatedly, at the instance of Mr. Manning, talked to Mr. Speer, of Georgia, and Mr. Clark, of New Jersey, trying to get them to go with us, and Mr. Springer added that he found them both as solid as a rock.

Mr. Manning. Was it to go with us on the single or on both points in the controversy?

Mr. ARMFIELD. I thought it was on both. I do not know that he said both, but he said he found them both as solid as a rock and that they could not be moved. He added, "Mr. Manning does not

believe I talked to them for that purpose, but they will both tell you that I did." Mr. Springer then added that he was willing and ready on the final vote in the committee that morning to vote for the seating of Mr. Donnelly, if his vote would have carried it in his favor. He repeated this, I think, as many as three times during our conversation, one time adding that he would have strained his conscience for that purpose, if his vote would have carried it for Donnelly, because he did not want to go against his party. That, I think, is about the substance of our conversation. [Laughter.] Mr. Springer also said that the high regard he had for Messrs. Manning, Beltzhoover, and myself, members of the sub-committee, would have induced him to vote in the committee to seat Mr. Donnelly if his vote could have accomplished that object.

to vote in the committee to seat Mr. Donnelly if his vote could have accomplished that object.

Mr. SPRINGER. I did not strain it, Mr. Speaker, [laughter,] and I am glad I did not. For a gentleman called upon to act in a capacity of this kind ought to keep his mind clear and unbiased to the very last, and I endeavored to do so notwithstanding the effort to drive me into another course. I believe that in this matter I have conscientiously performed my duty. I have acted as I believed I was warranted by the facts before me—

Mr. PHISTER. If the gentleman from Illinois will yield to me I wish to make a statement in justice to him and also to myself, which I conitted before.

omitted before.

Mr. SPRINGER. Certainly I will yield to the gentleman. Mr. PHISTER. Mr. SPRINGER never attempted to influence my I announced to him in the first instance how I was

going to vote, and then he said he agreed with me.

Mr. SPRINGER. We were at the time discussing the legal feature of the election in Isanti County—

Mr. KEIFER. If the gentleman from Illinois will permit me to interrupt him for a moment I desire to say that the gentleman from Indiana to whom he has alluded is now in his seat.

Mr. SPRINGER. I wish, then, the gentleman from Indiana, [Mr. Calkins,] a member of the Committee on Elections, would state to the House all the facts in connection with his pair with me, that has been alluded to in this article.

been alluded to in this article.

Mr. CALKINS. On Thursday, or possibly Wednesday, of last week, just before the gentleman from Illinois went to New York, he called upon me and asked me to pair with him both in the House and in the committee. Up to that time I did not know how the gentleman from Illinois stood upon the question. I immediately put the question to him as to how he stood upon the Donnelly and Washburn case. I am not able now to recollect the exact language that was used upon the occasion, but the substance of it was that if his vote was not necessary to decide the seating of Donnelly he desired me to pair all the occasion, but the substance of it was that if his vote was not necessary to decide the seating of Donnelly he desired me to pair all the way through with him; but if my vote was necessary to keep Donnelly from being seated, he authorized me to vote in the committee. That was the substance of the conversation between us.

While I am upon the floor, on another point I desire to say that when the question came up incidentally in the committee—

Mr. PHISTER. Will the gentleman allow me to interrupt him? A number of gentlemen did not exactly understand the last remark as to what the gentleman from Illinois [Mr. Springer] said about the vote as to seating Donnelly.

the vote as to seating Donnelly.

Mr. CALKINS. Mr. Springer authorized me, upon the question of seating Donnelly, if it became necessary to keep him from being seated by casting my vote, to vote in his absence notwithstanding the pair.

by casting my vote, to vote in his absence notwithstanding the pair.

The question came up in the committee, and not knowing but that the vote would be reached that morning, I stated to the committee, in answer to a question from my friend from Mississippi, [Mr. MANNING,] that I was not authorized to state to the committee the condition of our pair unless it became necessary. That was the substance of my statement there; and that is all I know about it.

Mr. SPRINGER. Now, if there is any gentleman of the Committee on Elections, except the gentleman from Mississippi, who will rise in his place here and state that prior to the final vote upon the Donnelly.

Washburn case I ever led him to believe I would vote differently from what I did, I ask him now to get up and state it.

Mr. MANNING rose.

Mr. SPRINGER. I excluded the gentleman from Mississippi. Mr. MANNING. I did not understand the gentleman's question, and rose to ask him to repeat it.

Mr. SPRINGER. Excepting the gentleman from Mississippi, if there is any gentleman of the Committee on Elections to whom I have practiced deception in this matter, and deceived him as to my course on this committee, I desire him to rise now in his place and state it—or anybody outside of the committee, a member of this House. [After a pause.] There seems to be no response to this.

Now, Mr. Speaker, I have done. I have said all that is necessary to be said. I do not deem it necessary now to ask for a committee to investigate my conduct. I do not think there is a member of this House who will say it is necessary to take up more time about this matter. But if any gentleman of this House wants an investigation, he will not find me objecting. I am prepared to go before a committee and state under oath what I have stated on this floor.

I have acted in this matter from conscientious motives, from the beginning to the end; and the effort to prevent me from doing so comes from Mr. Donnelly and his friends who have known all the time for more than a month that I was opposed on legal grounds to giving him the seat. I now submit this case to the country. I sub-

mit to my colleagues on this floor whether I have not conscientiously discharged my duty in this matter as a representative of the people. If the gentleman from Mississippi [Mr. Manning] by any inadvertence of mine or any accident or mistake has been misled in reference to my course, or supposes that I ever informed him that I would vote otherwise than I did in the Donnelly-Washburn case, I sincerely regret it. I can assure him and I assure the country that it has been the furthest from my thoughts or intentions to deceive him or any-

the furthest from my thoughts or intentions to deceive him or anybody else in regard to my course. [Applause.]

Mr. MANNING. It was not my purpose in what I had to say when I claimed the floor this morning and it is not now my purpose to have any controversy with the gentleman from Illinois at this time in the remarks I propose to make on the question of his duplicity. That is not the matter that I propose to address myself to. I might have a good deal to say upon that subject, and I might go over what he has said, step by step, and respond to much that it has been his pleasure to make known to this House. But I forbear; I have no passion; I have proceeded with deliberation, and if I know myself with a spirit of fairness and justice to him; and I am not to be drawn from the nath of duty. path of duty.

I have not understood the gentleman to say that he never made the impression upon me—nay, I have not understood him to say that he never assured me that he was with me and with the majority of the democratic members of this committee on both propositions in the contest referred to. He has made no such intimation. He protests his innocence; he asserts he has been actuated by the sternest integrity; that he could not swerve from the path of duty, &c.

But, Mr. Speaker, and gentlemen of this House, it must appear to all who desire that there shall be no unfairness, that there shall be no injustice done to anybody whose name has been connected with this vector that the gentlemen has gone very far, and that he is me

this matter, that the gentleman has gone very far, and that he is unwarranted in his attack on Mr. Donnelly. Now I am not an especial champion of Mr. Donnelly. He can take care of himself at the proper time; but all gentlemen having the slightest acquaintance with this matter must know that as chairman of the sub-committee charged with the consideration of the merits of this contest between Mr. Donnelly and Mr. Washburn, and knowing what has transpired up to this time, I would naturally feel some solicitude about the feelings of other members touching the destiny of Mr. Donnelly in this contest. I do not wish at all to disguise that. But I desire to say that I have reason to believe, and I do believe, that there is no man on this desire to say that I have reason to believe that there is no man on the desire to the desired to th this floor as familiar with the facts as I am, who would hesitate in joining with me in the conclusion that Mr. Donnelly had nothing whatever to do in the effort the gentleman complains of to bulldoze him.

I narray think the gentleman from Illinois, when he is more deliberate, when he is freer from the influence of extraneous matters, when he has taken out of his spectacles the lenses he has himself adjusted through which to look at this subject—I hardly think the gentleman will then reassert what he has said, because I think his own good judgment and sense of propriety and fair-dealing will make him recall it.

Now, I want to say this in vindication of Mr. Donnelly. I do not intend to make a speech for that gentleman. But I have yet only to say I have a single wish urging me on: that is, that all fair men on this floor, all gentlemen, republicans and democrats alike, shall not imitate the gentleman from Illinois in prejudging this case. I appeal to gentlemen to suspend their judgment, not to arrive at a conclusion reflecting upon the integrity of Mr. Donnelly in this matter. In my judgment any such conclusion would do him the grossest injustice. His conduct throughout this contest in all respects has been, so far as I am aware, entirely honorable.

Mr. CONGER. I desire to say, Mr. Speaker, that it seems to me the gentleman from Mississippi [Mr. Manning] is speaking upon the merits of the election case, which I do not think is proper.

Mr. MANNING. I submit to the gentleman from Michigan [Mr. CONGER] that in all fairness I should be permitted to go on for a short time, say five minutes more, and then I will accommodate myself to the wishes of that gentleman and stop. Now, I want to say this in vindication of Mr. Donnelly. I do not

short time, say five minutes more, and then I will accommodate myself to the wishes of that gentleman and stop.

Mr. CONGER. I cannot imagine that the election case or its merits are before the House at this time.

Mr. MANNING. I said I would not discuss the election case; I do not propose to do so. And I hope the gentleman from Michigan will not make himself a party to the prejudice which is sought to be fixed upon Mr. Donnelly in this matter.

The gentleman from Illinois [Mr. Springer] knows that Mr. Donnelly is not the man who has produced this agitation. He has been advised by me of the course I shall pursue in a temperate manner, and in following that course I am clear that I am in the line of my duty. And I hold that I would have been derelict to my duty to my brethern on this floor if I had not already endeavored, and if I do not hereafter endeavor, to disabuse their minds, so far as the facts of this brethern on this floor if I had not already endeavored, and if I do not hereafter endeavor, to disabuse their minds, so far as the facts of this case will disabuse them, as to the status of Mr. Donnelly, as well as Mr. Springer. Here is what I want to say: Mr. Donnelly at the critical time referred to by Mr. Springer, when this letter came into the latter's hands, supposed the gentleman from Illinois was on his side. I do not care to speak about the merits of that matter now, about how far the gentleman is deserving of criticism in his conduct in undertaking to coerce silence, and in asserting to Mr. George W. Julian that if he attempted to make it known he, Mr. Springer, would be so des-

perate as not to know what he would do; and that he would not for \$10,000 have it made public. I have no criticism to make on that at this time.

But I say that at the time when that letter reached the hands of Mr. Springer, and forty-eight hours before, according to his own statement, Mr. Springer was regarded by Mr. Donnelly, from what Mr. Springer himself had communicated to me through his clerk, as being upon Mr. Donnelly's side.

Now see how absurd, see what gross absurdity there is in the statement made by the gentleman from Illinois. Think of a man paying \$5,000 to secure the support of one already on his side, or to inspire

a letter to coerce his support of one arready on his side, or to hispire a letter to coerce his support!

Mr. Springer had left the city and gone to New York, sending a message to me by his clerk, which he was quick to communicate, that I as chairman of the committee in his absence, being the second upon it, should hold a meeting of the committee at the appointed time and press a vote—there was emphasis upon that; press a vote in the Donnelly-Washburn contest and conclude it before his return; that he was paired, I thought the clerk said with Mr. Keifer, but certainly paired with a republican.

Now, how absurd it is to suppose that Mr. Donnelly at that time was going on in this matter in the attitude assigned him by Mr. Springer. I remember a conversation I had with Mr. Julian within five minutes after this message came to me by the clerk, who is a most worthy gentleman. I knew of the conversation which had taken place between Mr. Springer and Mr. Julian which has been referred to, and therefore I said to Mr. Julian on this floor "Your work has had its effect with Mr. Springer; he has gone away, but is paired with a republican, and has sent me a message that he wants this case disposed of in his absence."

Now, I desire to say that I do not indorse at all the suggestion that Mr. Donnelly has undertaken to corrupt anybody in this case, so far as the facts have reached me. I think it likely that Mr. Springer has reached a conclusion in this case, so far as Mr. Donnelly is concerned, which he himself will not be satisfied with when he is more deliberate than he is now. I have nothing to say about anybody's

motive in this matter.

But Mr. Springer has acted in this case in a manner which has produced a degree of impatience on my part, and I have so advised him, and I have stated to him why I have reason to be impatient

him, and I have stated to him why I have reason to be impatient with him. But it is not my purpose now to go into that, because he has not denied a single fact in reference to my statement, not one.

When I arose to address the House this morning it was for the purpose of contradicting that, and nothing more, which was published in the Post which I knew to be untrue, leaving all the other portions of the article uncontradicted, and untouched by myself. It is grossly untrue that I ever stated to any Post reporter that I substantiated all that was in that article. I have only denied those parts of the article which I desired to deny, and nothing more. article which I desired to deny, and nothing more.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had non-concurred in the amendments of the House to the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3,

The message also announced that the Senate had passed, without amendment, the bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States

The message also announced that the Senate had passed joint resolutions and bill of the following titles; in which the concurrence of

olutions and bill of the following times; in which the concarriage
the House was requested:

Joint resolution (S. R. No. 99) providing for payment of wages to
employes in the Government Printing Office for legal holidays.

Joint resolution (S. R. No. 100) to print extra copies of the report of
the Commissioner of Fish and Fisheries for the year 1879; and
An act (S. No. 1247) to amend sections 2262 and 2301 of the Revised
Statutes of the United States, in relation to settler's affidavit in pre-

emption and commuted homestead entries.

CURRENCY-NATIONAL DEBT-COINAGE.

Mr. WEAVER. I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That it is the sense of this House that all currency, whether metallic or paper, necessary for the use and convenience of the people, should be issued and its volume controlled by the Government, and not by or through the bank corporations of the country; and when so issued should be a full legal tender in payment of all debts, public and private.

2. Resolved, That, in the judgment of this House, that portion of the interest-bearing debt of the United States which shall become redeemable in the year 1821, or prior thereto, being in amount \$782,000,000, should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible, and according to contract. To enable the Government to meet these obligations, the mints of the United States should be operated to their full capacity in the coinage of standard silver dollars, and such other coinage as the business interests of the country may require.

M. CHALMEDS Lagrice to ask the graptleman whether he will

Mr. CHALMERS. I desire to ask the gentleman whether he will consent to strike out the words "and private" where the resolution speaks of the "payment of all debts, public and private."

The SPEAKER. The gentleman from Iowa has the right to modify his resolution before a vote is taken.

Mr. CHALMERS. I think the resolution would get a great many more votes if modified in the manner I suggest.

Mr. BELFORD. I object to debate.

The SPEAKER. After the question is taken on seconding the motion to suspend the rules debate will be in order for fifteen minutes on each side

Mr. WEAVER. I do not consent to strike out the words indi-

Mr. COX. I would like my friend from Iowa [Mr. Weaver] to Mr. COX. I would like my friend from lowa [Mr. WEAVER] to give way a moment. I desire to ask unanimous consent to have taken from the Speaker's table the census bill. The Senate has non-concurred in the amendments of the House; and it is desirable that a conference committee should be appointed at once.

Mr. WEAVER. I cannot yield for that purpose.

Mr. COX. It will take very little time.

Mr. WEAVER. The public has been very anxious for a vote on

these resolutions.

The question being taken on seconding the motion to suspend the rules, it was seconded.

Mr. ATHERTON. Are not these resolutions divisible?

The SPEAKER. They are not. The motion is to suspend the rules, including the rule under which propositions are divisible.

Mr. ATHERTON. This proposition, it seems to me, clearly em-

braces two subjects.

Mr. WEAVER. I call for the yeas and nays on suspending the rules and adopting the resolution.

The yeas and nays were ordered.

Several members asked that the resolution be again read.

The Clerk again read the resolution.

The SPEAKER. The yeas and nays have been ordered, and the Clerk will call the roll.

Mr. GARFIELD. I thought that under the new rules debate on a motion to suspend the rules might be had either before or after the

motion to suspend the rules might be had either before or after the ordering of the yeas and nays.

The SPEAKER. Nobody claimed the floor for debate. The yeas and nays have been ordered on suspending the rules and adopting the resolution. It is too late now to claim the floor for debate.

Mr. GARFIELD. I joined in supporting the call for the yeas and nays because I thought our right to debate the resolution would be reserved. I move to reconsider the vote by which the yeas and nays

were ordered. I want to say a few words on this subject.

Mr. WEAVER. I understood the Chair to say that after the yeas and nays were ordered remarks would be in order.

The SPEAKER. The time for debate upon a motion to suspend the rules is between the seconding of the motion and before the actual ordering of the yeas and nays.

Mr. GARFIELD. I think the language of the Chair was misun-

derstood

The rule states that debate shall be had "before The SPEAKER. The rule states that debate shall be had "before the final vote is taken." But in this instance the yeas and nays have been ordered on the only vote which is final.

Mr. WEAVER. Let the debate go on by unanimous consent.

The SPEAKER. The Chair has no objection, if that is the desire of the House. Is there objection?

Mr. ATHERTON. I object unless we can have a division of the

The SPEAKER. The gentleman has no right to make a qualified

objection. Mr. McMAHON. I move to reconsider the vote by which the yeas

Mr. McMAHON. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] has moved to reconsider the vote by which the yeas and nays have been ordered, which, in the opinion of the Chair, should be decided before the question will be open for the fifteen minutes' debate on each side.

Mr. GARFIELD. The remark of the Chair was misunderstood both by the gentleman from Iowa [Mr. Weaver] and myself.

The SPEAKER. The Chair never takes advantage of a misappreparation of this kind.

hension of this kind.

Mr. WEAVER. Then I think the House ought to give unanimous consent that the debate go on.

The SPEAKER. If there be no objection, fifteen minutes' debate will be allowed on each side.

Mr. HURD. I object.
Mr. GARFIELD. Then I move to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to; there being-ayes 81,

The question then recurred on ordering the yeas and nays.

Mr. WEAVER. I withdraw the call for the yeas and nays, with
the understanding that I may have the right to renew it.

The SPEAKER. The constitutional right of one-fifth of the mem-

bers present to order the yeas and nays on any question cannot be

bers present to order the yeas and nays on any question cannot be interfered with.

Mr. GARFIELD. Mr. Speaker, I never heard the provisions of this resolution until it was read from the desk a few moments ago. It has, however, attained some historical importance by being talked about a good deal in the newspapers, and by blocking the other business of the House for some weeks. As I listened to its reading I noticed that it is one of those mixed propositions which has some good things in it which everybody would probably like and vote for if they

were separated; but the good things are used to sugar over what, in

were separated; but the good things are used to sugar over what, in my judgment, is most pernicious.

There are three things in this resolution to which I wish to call the attention of the House before they vote. The first is a proposition of the largest possible proportion, that all money, whether of coin or paper, that is to circulate in this country ought to be manufactured and issued directly by the Government. I stop there. I want to say on that proposition to the majority in this House, who are so strongly opposed to what they call centralization, that never was there a measure offered to the Congress of so vast and far-reaching centralism. It would convert the Treasury of the United States into a manufactory of paper money. It makes the House of Representatives and the Senate, or the caucus of the party which happens to be in the majority, the absolute dictator of the financial and business afin the majority, the absolute dictator of the financial and business affairs of this country. This scheme surpasses all the centralism and all the Cæsarism that were ever charged upon the republican party in the wildest days of the war or in the events growing out of the war.

Now I say, without fear of contradiction, that prior to 1862 the wildest dreamer in American finance was never wild enough to propose such a measure of centralization as that single proposition implies. The Government should prescribe general laws in reference to the quality and character of our paper money, but should never be-come the direct manufacturer and issuer of it.

The second point involved in this resolution is that the Government of the United States shall pay all its public debts in this manufactured money, manufactured to order at the Treasury factory. Notwithstanding the solemn and acknowledged pledge of the Govern-ment to pay the principal and the interest of its public debt in coin, this resolution declares that in this legal-tender paper the public debt

shall be payable.

The third point I wish to call attention to—

Mr. EWING. Will my colleague allow me to interrupt him for a moment

Mr. GARFIELD. Certainly.

Mr. EWING. You certainly misunderstand the resolution. It de-clares that all public debts of the United States shall be paid in the

clares that all public debts of the United States shall be paid in the money of the contract, and not in any coin or money the Government may choose to pay them in.

Mr. GARFIELD. Any money the Government may issue is by this resolution declared to be lawful money, and, therefore, is to be made the money of the contract by the legislation proposed to-day.

Mr. EWING. That is a mere quibble based on a total misconstruction of the resolution.

Mr. GARFIELD. Anywor in your own time.

Mr. GARFIELD. Answer in your own time.

Now the third point in this resolution is that there shall be no refunding of the \$780,000,000 to fall due this year and next, but all that shall be paid. How? Out of the resources of the nation? Yes; but the money to be manufactured at the Treasury is to be called part of

the money to be manufactured at the Treasury is to be called part of these resources. Print it to death—that is the way to dispose of the public debt, says this resolution.

I have only to say that these three make the triple-headed monster of centralization, inflation, and repudiation combined. This monster is to be let loose on the country as the last spawn of the dying party that thought it had a little life in it a year ago. It is put out at this moment to test the courage of the two political parties; it is offered at this moment when the roar of the presidential contest comes to us from all quarters of the country. In a few moments we shall see what the political parties will do with this beast. All I have to say for one is, meet it and throttle it; in the name of honesty, in the name of the public peace and prosperity, in the name of the rights of individual citizens of this country against centralism, worse than we ever dreamed of, meet it and fight it like men. Let both parties show their courage by meeting boldly and putting an end to its power for mischief. Let the vote be taken.

Mr. WEAVER. I yield two minutes to the gentleman from Penn-

Mr. WEAVER. I yield two minutes to the gentleman from Penn-

sylvania.

Mr. KELLEY. I cannot say much in two minutes. I can, however, say that the announcement of the gentleman from Ohio [Mr. GAR-FIELD] that to require the Government to make our money tended to FIELD] that to require the Government to make our money tended to consolidation was idle vapor, as there never was an honest dollar, or franc, or mark, or shilling that was not made by a government. No other power than government can make money. Currency there has been which government did not create, bank-notes, and notes of individuals promising to pay money; but money other than that made and issued by a government, by its authority and upon its responsibility, has never existed here or in any other country. And all that the gentleman said on that point was, I repeat, balderdash. So was his allusion to the wildest dreamer that ever lived. In voting for this resolution I will stand with that wildest of dreamers, to become the contract of dreamers. resolution I will stand with that wildest of dreamers, to borrow the gentleman's wild phraseology, Thomas Jefferson, who, when portraying the dangers of using bank-notes as money, as was the practice at the time he wrote to Mr. Eppes, said:

The power to issue money should be taken from the banks and restored to Congress and the people, to which it properly belongs.

The gentleman also vociferated against the resolution because it proposes to put an end to the refunding of our debt. If there is to be no more refunding of maturing or matured bonds into those which are to have either thirty or fifty years to run, I will thank God with fervent thanks, for Secretary Chase never said a wiser thing than when he told Congress that the optional control of the debt was of vastly more importance than the rate of interest, unless he at some time exclaimed: "It is with nations as with men: out of debt, out of

Just here I beg leave to tell the gentleman and the House that if we convert redeemable bonds into those which will have thirty or fifty years to run, as is proposed, we will pay in premium to the members of the syndicate, from whom we will be compelled to purchase them if our debt is not to be perpetuated, more than we will seem to save by having reduced the rate of interest on a debt, which since the 8th of November last we have been extinguishing at the rate of \$9,000,000 a month.

Mr. EWING addressed the House. [His remarks will be found in

\$9,000,000 a month.

Mr. EWING addressed the House. [His remarks will be found in the Appendix.]

Mr. WEAVER. I yield for a minute to the gentleman from Indiana.

Mr. CALKINS asked, and obtained, leave to print some remarks upon this subject. [See Appendix.]

Mr. WEAVER. Mr. Speaker, I reckon myself most happy in having an opportunity of witnessing a vote upon these resolutions which have so attracted the attention of this House and of the country for the past three months. I am not surprised at the opposition of the gentleman from Ohio, [Mr. Garfield.] I understand very well that that gentleman and his party stand in the road blocking the progress of the people toward financial reform.

He assailed these resolutions with two distinct propositions: First, that they favored centralization; second, that they are in violation of the public faith of the nation, in that they propose to pay the public debt in "manufactured money," as the gentleman styles it. I call his attention to the resolutions themselves in response to that. There is not one word in these resolutions looking to a violation of the public faith or to the payment of the public debt in anything not strictly in accordance with the contract. That is the language of the resolutions, that the bonds shall be paid as rapidly as possible and according to the terms of the contract. We all understand very well what the gentleman means when he raises the cry that the public faith is about to be endangered. He means that it is a violation of the public faith to pay the public debt in silver dollars of 412½ grains. That is what the gentleman means. The resolutions propose to pay the bonded debt in silver dollars, if the bondholders prefer coin. Every man of sense in all this broad land knows that the holders of these bonds do not want them paid in either gold, silver, or greenbacks. They simply want them to be funded perpetually and be exempted from the burdens not want them paid in either gold, silver, or greenbacks. They simply want them to be funded perpetually and be exempted from the burdens

I say here and now that the national greenback party is opposed to the violation of the public faith, and is squarely opposed to the repudiation of any portion of the public debt. [Applause.] We are in favor of the payment of the debt according to the contract, and we are the only party that desires ever to pay it. And while we are in favor of that, we are determined that the moneyed interests of the country shall not repudiate again those features in the contract which are in favor of the people. We say that the bondholder having specified in the law that he would receive the silver dellar of 4121 craims in pay favor of the people. We say that the bondholder having specified in the law that he would receive the silver dollar of 412½ grains in payment for his bond, in all good faith he should be held to the strict terms of the contract. He may have his pound of flesh, but not another drop of American blood!

We do not seek to compel the bondholder to receive the greenback in payment of his bond. The people once had the right so to pay them, but that right was ruthlessly and wickedly taken away by a change of contract in 1869, which took from the toiling tax-payers \$600,000,000, more than half of which went to enrich foreign princes and usurers. These resolutions do not propose to interfere with the contract, notwithstanding it was conceived in sin and fraud and brought forth in iniquity. It proposes to pay in standard silver dollars. Ah, it is not greenbacks, it is not silver, that you hate. It is the payment of the debt that so enrages you. But the gentleman charges, vehemently, that the resolutions tend to centralization and Cæsarism. It is well that the gentleman has announced to the House and to the It is well that the gentleman has announced to the House and to the country that the republican party prefers to trust the national bankers, and the banking corporations, to control and issue the volume of the currency, rather than a Congress of the sworn representatives of the people. That he prefers the bankers of the country, not elected by the people and not responsible to them, should have the power to control the volume of the currency according to their own will, rather than the representatives of the people, who are directly responsible to their constituents. Let that issue be sharply and squarely drawn. [Applause.] It is the great practical issue to-day in the American Republic. Who shall issue the currency and control its volume? Shall the bankers control it for their own selfish ends, or shall its issue and volume be controlled by the whole people for the benefit of all?

of all?

That I say is the colossal issue, and in it is involved the very existence of this Government and the freedom of the people. "Centralization!" The Congress of the United States, chosen for two years, coming directly from the people and directly responsible to them for their conduct, are not to be trusted! but the bankers of the country, who are not chosen by the people, or elected by them, are to be trusted with this great power involving the happiness and welfare of fifty millions of people, and their countless posterity, without a murmur from the gentleman and with his express approval. Let me repeat it again, so that the American people may fully understand it. These

bankers are to be trusted, says the gentleman, in preference to the

people and their chosen representatives!

people and their chosen representatives!

Is there no centralization, no Cæsarism here? In the name of public peace, in the name of honesty and fair dealing, in the name of the laboring millions, who toil and dig and pay the taxes of the country, I invoke the soft-money democrats of the United States and the hun-Invoke the soft-money democrats of the United States and the hundreds of thousands of republicans who have been long looking in vain for economic reform within their party, to join with us in a death-grapple with this corporate monster. In the name of the humble poor who struggle not for office, and who simply want a fair chance in the race of life, I ask you to give one vote for the Republic. Let there be no dodging to-day, no hiding in the cloak-room; you cannot serve two masters. You cannot avoid the issue if you would. It is serve two masters. You cannot avoid the issue if you would. It is vital, permeating all classes, and engaging the attention of the people as never before in our history. This is a supreme moment in the history of men and of parties in this House. Reflect well before you

I ask the Congress of the American people to stand up and assert with Thomas Jefferson that the issue of the circulating medium with Thomas Jefferson that the issue of the circulating medium should be taken away from the banks and restored to the Government, to which it properly belongs. [Applause.] I ask my demoratic friends to stand where Jackson stood when he said in his farewell address that the banks could not be relied upon to keep the circulating medium uniform in amount. [Applause.] I ask you to stand where Calhoun and all the other great leaders of your party stood in the past and purer days of your history.

And I ask my republican friends here to repudiate the doctrine of the gentleman from Ohio. You owe it to your dignity and to the American people to repudiate the doctrine that you cannot trust yourselves as the people's representatives.

Mr. BAYNE. Will the gentleman allow me to ask him a question? Mr. WEAVER. Certainly.

Mr. BAYNE. Where will the Government get the money to pay the matured bonds?

the matured bonds?

Mr. WEAVER. It is very easy to answer. First, from the surplus revenues properly increased by a judicious income tax; second, by the coinage of silver. The bonds are not mature; they are payable at the option of the Government.

Mr. BAYNE. But where will the Government get the money to

pay when they do mature?

Mr. WEAVER. They are only payable at the option of the Government, and the Government can coin all the silver that is necessary.

Mr. BAYNE. And where will the Government get the silver?

Mr. WEAVER. Where does it get it now? It buys it with the surplus revenues, and manufactures silver dollars; and \$4,000,000 a

month, even under the present law, will pay off the principal and in-terest of the debt now maturing in half the time that it is now proposed to fund it.
Mr. MORTON.

posed to fund it.

Mr. MORTON. How do you propose to secure the \$4,000,000 a month to pay for the silver?

Mr. WEAVER. With the surplus revenues of the country. You are paying the debt now for electioneering purposes at the rate of two millions a week, and do not feel it. There is ample surplus revenue for the purpose; all that is needed is the disposition to pay.

Mr. CHITTENDEN. Is there any other way that the Government can pay for the silver with which you propose to pay off the bonds than by issuing legal-tender greenbacks therefor? Will you answer me that squarely?

me that squarely?

Mr. WEAVER. I will. We can buy the silver bullion with the Mr. WEAVER. 1 Will. We can buy the silver button with the surplus revenue that is now coming into the Treasury.

Mr. CHITTENDEN. There is nothing in that answer. The surplus revenue is in greenbacks. You dodge the question.

Mr. KELLEY. The greenbacks are convertible into gold.

The SPEAKER rapped to order.

Mr. CHITTENDEN. Will the gentleman answer me that question?

The SPEAKER. The gentleman from New York will be seated.

The gentleman from Iowa has the floor.

Mr. WEAVER. I dodge no question. In further and direct an-Mr. WEAVER. I dodge no question. In further and direct answer to the gentleman's question, I say that this Government has the power to issue and reissue its own currency, as has been held by the highest court of the country; and it can issue enough to redeem the national bank circulation, and then it can cancel, having paid the debt of the banks, it can cancel, as fast as they mature, the bonds now held by the banks to secure their circulation—

Mr. HAZELTON. Will the gentleman yield to me?

Mr. WEAVER. Not now. And in that way we can pay \$330,000,000 more of the national debt. There is no trouble about paying the debt. The trouble with the gentleman from New York [Mr. CHITTENDEN] is that he does not want to pay the public debt at all.

Mr. CHITTENDEN. You admit the paper is to be issued to pay it.

Mr. WEAVER. The Government has the same power to issue a paper dollar that it has to issue a gold dollar, the same power to issue a their circulation. The gentleman claims that the Government can

their circulation. The gentleman claims that the Government can-

not even reissue a paper dollar, as a legal tender, after it has been received into the Treasury for public dues. What supreme folly!

Mr. SAMFORD. Mr. Speaker, there is so much noise and confusion in this Hall that we can hardly hear, much less consider, the resolutions introduced by the gentleman from Iowa. If I correctly comprehend them, they contain several propositions I indorse, and will

vote for them when they come in to be legislated upon. I favor the doctrine asserted, that we should pay with greenbacks those bonds so payable. We should have unlimited coinage of silver, and with silver pay the bonds payable in coin. I am opposed to refunding the public debt, and am opposed to national banks. There are so many financial conundrums embodied in the resolutions, I may have forgotten some. But if I heard the resolutions aright, there is one doctrine asserted in them to which I cannot subscribe. I refer to that one asserting the power of Congress to make money out of paper, redeemable in nothing, and yet give it a legal-tender quality in payment of private claims between citizens. I do not understand that to be constitutional. I think that is entirely too violent an assumption of power by Congress. The gentleman from Mississippi [Mr. tion of power by Congress. The gentleman from Mississippi [Mr. Chalmers] requested that be omitted from the resolutions; if it had been, I should vote for the balance. The gentleman from Iowa declined to make the modification, and as these resolutions must all be voted on together I shall vote in the negative, especially as they

declined to make the modification, and as these resolutions must all be voted on together I shall vote in the negative, especially as they are simply an expression of opinion, and not intended to be a law even if they received every vote in the House. Not wishing to be put in the false attitude of opposing the wise provisions of the resolutions I make this explanation of my vote. The Supreme Court has decided that Congress had the power to issue a redeemable note but not an irredeemable nondescript. The idea, to my mind, is a chimera, and I am unwilling to subscribe to it.

Mr. WHITE. Mr. Speaker, the pending proposition is what in military parlance may be called a dress-parade vote. It is not a vote in the line of the regular legislative service. It does not propose to enact a law, but to vote upon an abstract proposition to ferment and agitate the public mind upon a most delicate and important question. This is not a political convention of any of the parties of the country. This is a Congress, a law-making body, the highest of the nation. It is unwise, in my opinion, to devote our time to the discussion of mere resolutions when they cannot have the efficacy of law. It has been very well said the pending resolution—for that is all it is—has some good points with many bad ones.

One bad point is, that it is a declaration on the finance question hastily thrown before the House and the country to be voted on without deliberate discussion and well calculated to be misunderstood by the now active and prospering business interests of the nation. The

out deliberate discussion and well calculated to be misunderstood by the now active and prospering business interests of the nation. The eyes and ears of the political economists and the statesman are everywhere gratified with certain evidences of thrift and prosperity in all the varied branches of our great industries. The trade, the business interests of the land have settled down to the bed-rock of sound money. Gold and silver and the greenback, all equal and interchangeable with each other, circulate without question with the tradesman and the banker, the laborer and the bondholder. A dollar to-day is a dollar of actual value, and prices and contracts have adjusted and are adjusting themselves accordingly. Resumption came, and came to stay. The wild visions and crazy prophecies of the "fiat money" theorists have vanished into thin air before the convincing logic of actual results. Yet the passage of the pending resolution will disclose to the country and the world that this House is willing to surrender all that has been gained; that we would return to the wilderness of financial confusion through which we have been wanwilderness of financial confusion through which we have been wan-

wilderness of financial confusion through which we have been wandering for the past few years.

Sir, I will not consent to this. This is not a proposition to retire the greenback nor to reissue it, but a declaration that the Government shall primarily issue all money in peace as well as war, metallic and paper, making each a legal tender for both public and private debts, without regard to the volume of the issue or the attribute of interchangeability. Observe, there is no provision in this proposition that the paper to be issued as a legal tender shall be convertible into coin. The effect, then, of the first resolution will be a declaration that this House is willing to commit itself to the utterance of that heresy that has tormented the country for the past few years, and which has been so recently repudiated by a majority of the people, that the mere stamp of the Government gave the value to the commodity which was called money. Sir, I will vote for no such paradox in our well-regulated political economy. My sentiments on this question before the people were at all times and everywhere announced. I will not now and here misrepresent them. will not now and here misrepresent them.

The second resolution may not be so objectionable as the first. The public debt should of course be paid according to the contract. I am not now and never have been disturbed about the payment of our debt in silver. I never thought any contract about the great mass of our public securities was violated by a payment in silver dollars. of our public securities was violated by a payment in silver dollars. But, sir, I have no time now to enlarge upon the details of our refunding processes. The first resolution before us is full of perils and political quicksands—such a declaration going out from this House at this time of business contentment will be a signal of danger. It may cause many an industrial venture to pause and hesitate; many a manufacturing establishment may stop and inquire; many a farmer will be concerned about the prices he will get for his crops and his stock. A reckless resolution like this going out to-day from the Congress of the nation will come like a bell in the night upon our commercial and industrial activity. No class of society will be exempt from the ban just now of this proposition. He who advocates such a measure may not say sincerely he is the friend of the working-man. No, sir; confusion and uncertainty in business brings no employment to labor, no bread to the poor man. I might vote for some points of

this proposition separately, but as a whole I believe it to be unwise and I shall therefore vote against it.

The SPEAKER. The time of the gentleman from Iowa has expired. The question is on ordering the yeas and nays on the motion to suspend the rules and adopt the resolution offered by the gentleman from

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 117, not voting 91; as follows:

YEAS-84.

De La Matyr,	Kenna,	Sawyer,
Dibrell,	Ladd,	Scales.
	Lowe,	Singleton, J. W.
Dunn,	Manning.	Singleton, O. R.
	McKenzie.	Slemons,
Ewing,	McMillin.	Smith, William E.
Felton.	Mills.	Sparks,
Finley,	Muldrow.	Speer.
Ford.		Steele.
		Stevenson,
Forsythe,		Taylor,
Frost.	Nicholls.	Tillman,
Geddes.		Turner, Oscar
Gillette,		Turner, Thomas
Gunter.	Philips.	Vance,
Harris, John T.		Waddill.
Hatch.		Weaver.
House,	Robertson.	Wellborn.
Hull,	Rothwell.	Williams, Thomas
Jones,		Willis,
Kelley,	Ryon, John W.	Wilson.
	Dibrell, Diekey, Dunn, Elam, Ewing, Felton, Finley, Ford, Forsythe, Frost, Geddes, Gillette, Gunter, Harris, John T. Hatch, House, Hull, Jones,	Dibrell, Dickey, Dickey, Dunn, Manning, Elam, Ewing, McMillin, Felton, Forlon, Ford, Ford, Forney, Forsythe, Frost, Geddes, Gillette, Gunter, Harris, John T. Hatch, House, Hull, Jones, Lowe, Manning, McMillin, Mills, McMerzie, Mulch, Mulch, Myers, New, Persons, Geddes, Gillette, Phelps, Philips, Reagan, Richmond, Robertson, Hull, Jones, Russell, Daniel L.

NAVE 117

	27.22.	LIS-LLI.	
Aldrich, N. W. Aldrich, William Anderson, Bachman, Baker, Barber, Bayne,	Davis, Horace Deering, Deuster, Dunnell, Errett, Evins, Farr,	Johnston, Joyce, Keifer, Kimmel, Lapham, Lewis, Lindsey,	Reed, Robinson, Ross, Russell, W. A. Ryan, Thomas Samford, Shallenberger,
Beltzhoover, Blake,	Ferdon,	Lounsbery,	Shelley,
Boyd,	Field, Fisher,	Mason, McCoid,	Smith, A. Herr Stone,
Brewer,	Frye,	McGowan,	Thomas,
Briggs, Brigham,	Garfield, Goode,	McLane, Mitchell,	Thompson, P. B. Thompson, W. G.
Browne,	Hall,	Money,	Townsend, Amos
Buckner, Burrows,	Harris, Benj. W. Haskell.	Monroe, Morrison,	Tucker, Tyler.
Butterworth,	Hawk,	Morse,	Updegraff, J. T.
Calkins, Cannon.	Hawley, Hayes,	Morton, Neal,	Updegraff, Thomas Upson,
Carlisle,	Hazelton,	Newberry,	Valentine,
Carpenter, Caswell,	Henderson, Herbert.	Norcross, O'Neill,	Van Aernam,
Chittenden,	Herndon,	O'Reilly,	Voorhis, Wait,
Clymer,	Hiseock,	Overton,	Washburn,
Conger, Covert,	Houk, Hubbell,	Page, Phister,	White, Wilber,
Crapo,	Humphrey,	Pierce,	Williams, C. G.
Cravens,	Hunton,	Pound,	

	7107	OTTMO-ST.	
Acklen, Aiken, Bailey, Ballou, Barlow.	Ellis, Fort, Gibson, Godshalk, Hammond, John	Loring, Marsh, Martin, Benj. F. Martin, Edward L. Martin, Joseph J.	Simonton, Smith, Hezekiah B. Springer, Starin,
Bingham,	Hammond, N. J.	McCook.	Stephens, Talbott,
Bliss,	Harmer,	McKinley,	Townshend, R. W.
Blount,	Heilman,	McMahon,	Urner,
Bouck,	Henkle,	Miles,	Van Voorhis,
Bowman, Bragg,	Henry, Hill.	Miller, Muller.	Ward, Warner,
Bright.	Hooker,	O'Brien,	Wells,
Caldwell,	Horr,	O'Connor.	Whiteaker,
Camp,	Hostetler,	Orth,	Whitthorne,
Chalmers, Claffin.	Hutchins,	Osmer,	Willits,
Clark, Alvah A.	Jorgensen, Ketcham.	Pacheco, Poehler.	Wise, Wood, Fernando
Converse,	Killinger,	Rice,	Wood, Walter A.
Cowgill,	King,	Richardson, D. P.	Wright,
Crowley,	Kitchin,	Richardson, J. S.	Yoeum,
Dick,	Klotz,	Robeson,	Young, Casey
Dwight,	Knott,	Sapp,	Young, Thomas L.

So (two-thirds not voting in favor thereof) the rules were not sus-

The following pairs were announced:

Davis, George R.

The following pairs were announced:

Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York. If present, Mr. RICHARDSON, of South Carolina, would vote "ay" and Mr. RICHARDSON, of New York, "no."

Mr. AIKEN with Mr. WARD. If Mr. WARD were present, Mr. AIKEN would vote "ay."

Mr. BOUCK with Mr. McKinley. If Mr. McKinley were present,

Mr. BOUCK with Mr. McKinley. If Mr. Mck Mr. Bouck would vote "ay." Mr. Willits with Mr. Knott. Mr. Robeson with Mr. Warner. Mr. Hostetler with Mr. Horr. Mr. Caldwell with Mr. Heilman. Mr. Fernando Wood with Mr. Chittenden.

Mr. Wilson with Mr. ORTH. Mr. SHERWIN with Mr. WRIGHT. Mr. HILL with Mr. RICE.

Mr. SMITH, of Pennsylvania, with Mr. HENRY. Mr. O'CONNOR with Mr. BOWMAN.

Mr. BALLOU with Mr. SMITH, of New Jersey.

Mr. Cowgill with Mr. Wells. Mr. Martin, of North Carolina, with Mr. Kitchin. Mr. Loring with Mr. Speer.

Mr. Converse with Mr. Sapp. Mr. MULLER with Mr. MILLER.

Mr. MULLER WITH Mr. MILLER.
Mr. HAMMOND, of Georgia, with Mr. BINGHAM.
Mr. HAMMOND, of New York, with Mr. Stephens.
Mr. Simonton with Mr. Harmer.
Mr. Bliss with Mr. Young, of Ohio.
Mr. Acklen with Mr. Killinger.
Mr. Chalmers with Mr. Van Voorhis. Mr. WHITEAKER with Mr. POEHLER.

Mr. CAMP with Mr. KLOTZ. Mr. CAMP WITH Mr. O'BRIEN.
Mr. STARIN with Mr. O'BRIEN.
Mr. LE FEVRE with Mr. McCook.
Mr. TOWNSHEND of Illinois, with Mr. CLAFLIN.
Mr. LOUNSBERY with Mr. BAILEY.

Mr. HUTCHINS with Mr. DWIGHT.

Mr. BAYNE with Mr. MARTIN, of Delaware, on all political ques-

Mr. Talbott with Mr. Briggs on all political questions.
Mr. McLane with Mr. Urner.
Mr. Whitthorne with Mr. Ketcham.
Mr. Bayne. My pair with Mr. Martin, of Delaware, is on all political questions. Believing he would vote in the negative on this

question, I have so voted.

Mr. BRIGGS. I am announced as paired with Mr. Talbott, of Maryland. I have been informed by the colleagues of Mr. Talbott that he would vote in the same way as I have voted, and therefore I have voted.

Mr. CHITTENDEN. The Clerk has announced that I am paired with Mr. FERNANDO WOOD. My pair with Mr. Wood expired this morning. I think I am authorized to say that he would vote as I

have done, if he were here.

Mr. LOUNSBERY. I am announced as paired with Mr. BAILEY, my colleague. Believing he would vote "no," if here, I have so

voted. Mr. McLANE. I heard the Clerk read the announcement that I vas paired with my colleague, Mr. URNER. There is no such pair at this time.

The SPEAKER. The Clerk has read the announcement as furnished to him.

nished to him.

Mr. TOWNSHEND, of Illinois. It was announced to me last week that Mr. McLane and Mr. Urner were paired.

Mr. McLane. That may be so; but the pair is now terminated. I have voted "no," and I understand that Mr. Urner would have voted the same way if he had been here.

Mr. GARFIELD. I am quite sure of that.

Mr. FORT. I understand that my pair still continues. The gentleman from Pennsylvania, [Mr. HARMER,] who has charge of the matter, is absent. With the understanding that my pair still continues. I have not voted.

Mr. SMITH, of Pennsylvania. My pair with Mr. Henry, of Maryland, is on political questions. Believing this not be a political question, I have voted "no."

Mr. KENNA. The Clerk announced the pair of Mr. HARMER, of Pennsylvania, with Mr. SIMONTON, of Tennessee. My colleague, Mr. MARTIN, of West Virginia, who is confined to his room by sickness, is under the impression that he is paired with Mr. HARMER, of Penn-

sylvania.
The SPEAKER. Mr. HARMER is absent, and therefore has not voted.

Mr. KENNA. I desire to state that my colleague is under that impression.

The result of the vote was then announced as above stated. Mr. WHITE. I ask leave to print some remarks upon the subject

of the resolution just voted upon.

There was no objection. [See Appendix.]

Mr. SCALES. I desire to make a similar request.

Mr. PHELPS. And so do I.

Mr. KENNA. I move that general leave be granted to members to print remarks upon this subject.

There was no objection, and leave was granted accordingly. [See

Appendix.]

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. ALDRICH, of Illinois. I move that the rules be suspended so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 4911) to amend the statutes in relation to immediate transportation of dutiable goods, reported with amendments from the Committee on Ways and Means, and that the bill with those amendments be now passed.

The bill as proposed to be amended was read, as follows:

A bill to amend the statutes in relation to immediate transportation of dutiable goods.

Be it enacted, &c., That when any merchandise, other than explosive articles, and articles in bulk not provided for in section 4 of this act, imported at the ports

of New York, Philadelphia, Boston, Baltimore, Portland and Bath, in Maine, Chicago, Port Huron, Detroit, New Orleans, Cleveland, Toledo, and San Francisco, shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the sixth section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section 2 of this act has been

shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the sixth section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the early prescribed in section 2 of this act has been made.

2. That the collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination; and such record shall consist of a copy of the invoice and an entry whereon the duties shall be required on the said entry. Such merchandise so shipped; but no caths shall be required on the said entry. Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

SEC. 3. That such merchandises shall be delivered to and transported by common at the port of the start of the state of the secretary or the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted to receive and transport any such merchandise, they shall become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law, and such security as the Secretary of the Treasury shall require.

SEC. 4. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and mercha

The motion to suspend the rules was then seconded.

Mr. MORRISON. I desire to say this is the unanimous report of the Committee on Ways and Means. I ask that the report of that committee, which is a short one, be read.

The report was read, as follows:

The report was read, as follows:

Your committee reports that under existing laws importers of articles destined for any of the interior ports are subject to delays, increased expense, and other hardships not necessary to secure the collection of the duties on such merchandise. Importers are now required to give bond at first port or port of entry in addition to the transportation bond, which has always proved sufficient to save the Government harmless in the collection of its revenues. Liquors and many articles other than explosive articles and articles in bulk are now excluded from the right of transportation in bond, thus compelling the importer to receive his goods and pay duties at the seaport.

Articles now authorized to be transported in bond, with right to importer to pay duties at any interior port, are required to be transported in sealed cars and in other modes than such articles as pig and railroad iron and other like articles are usually transported.

Your committee reports the following substitute for the bill (H. R. No. 870) referred to the committee for consideration and report; which substitute so amends existing laws as to remedy the hardships above referred to, and in this the Secretary of the Treasury concurs. Your committee therefore recommends the passage of the substitute.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

DUTIES ON SALT, PRINTING TYPE AND PAPER, ETC.

Mr. TOWNSHEND, of Illinois. I move to suspend the rules so that the Committee on Ways and Means be discharged from the further consideration of House bill No. 5265, and that the same be now

The bill was read, as follows:

A bill (H. R. No. 5265) to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2503, 2504, and 2505 of title 33 of the

Revised Statutes of the United States be revised and amended so that the duty on salt, printing-type, printing-paper, and the chemicals and materials used in the manufacture of printing-paper, be repealed, and that said articles be placed on the free list.

Avote being demanded on seconding the motion to suspend the rules, Mr. Townshend, of Illinois, and Mr. Conger were appointed tellers. The House divided; and the tellers reported—ayes 82, noes 81. So the motion to suspend the rules was seconded. Mr. TOWNSHEND, of Illinois. I call for the yeas and nays on agreeing to the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 80, not voting 100; as follows:

YEAS-112. Anderson, Armfield, Atherton, Atkins, Beale, Belford, Bicknell, Dickey, Kitchin, Lewis, Sawyer, Shelley, Singleton, J. W. Singleton, O. R. Dunn, Elam, Ellis, Evins, Felton, Lowe, Manning, Marsh, Martin, Joseph J. Slemons, Smith, William E. Sparks, Springer, Steele, Feiton, Finley, Ford, Forney, Forsythe, Frost, Geddes, Goode, Gunter McKenzie. McLane, McMillin, Blackburn, Blount, McMillin,
Mills,
Money,
Morrison,
Morton,
Muldrow,
Myers,
New,
Nicholls,
O'Reilly,
Persons,
Philips,
Phister. Stevenson, Taylor, Thomas, Thompson, P. B. Thompson, W. G. Tillman, Tucker Boyd, Buckner, Cabell, Calkins, Gunter, Gunter, John T. Cannon, Carlisle Harris, J Haskell, Hatch, Hawk, Clardy, Clark, John B. Tucker, Turner, Oscar Turner, Thomas Cobb, Colerick, Cook, Hayes, Henderson, Herbert, Upson, Vance, Waddill, Cravens, Culberson, Daggett, Davidson, Phister, Pinster, Reagan, Richmond, Robertson, Rothwell, Russell, Daniel L. Ryan, Thomas Samford, Weaver, Wellborn, Whiteaker, Whitthorne Herndon, House, Hull, Davis, Joseph J. Davis, Lowndes H. Hunton, Williams, Thomas Johnston. Jones, Kimmel, Willis, Wilson. Deuster, Dibrell.

NAYS-80. Kelley, Kenna, Klotz, Ladd, Lapham, Lindsey, McGowan, McMahon, Mitchell, Monroe, Price, Reed, Robinson, Deering, Dunnell, Aldrich, N. W. Bachman, Errett, Ewing, Farr, Ferdon, Field, Barber, Ross, Ryon, John W. Shallenberger, Smith, A. Herr Blake, Bouck, Brewer, Brigham, Field,
Fisher,
Frye,
Garfield,
Hall,
Harris, Benj. W.
Hawley,
Hazelton, Smith, A. Herr Stone, Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Valentine, Burrows, Butterworth, Morse, Neal, Norcross, O'Neill, Camp, Carpenter, Caswell, Clymer, Coffroth, Conger, Van Aernam, Voorhis, Hiscock, Houk, Hubbell, Overton, Page, Phelps, Voorms, Wait, Washburn, White, Wilber, Williams, C. G. Crapo, Davis, George R. Bavis, Horace Pierce, Pound, James. Prescott

NOT VOTING-100. Crowley, De La Matyr, Dick, Dwight, Einstein, King, Knott, Le Fevre, Robeson, Russell, W. A. Aiken, Aldrich, William Sapp, Scales, Sherwin, Le Fevre,
Loring,
Lounsbery,
Martin, Benj. F.
Martin, Edward L.
Mason,
McCoid,
McCook,
McKinley,
Milles,
Miller,
Muller,
Murch. Bailey, Baker, Ballou, Einstein, Fort, Gibson, Gillette, Godshalk, Hammond, John Hammond, N. J. Hermer, Heilman, Henkle, Simonton, Smith, Hezekiah B. Barlow, Berry, Bingham, peer, tarin, Stephens, Talbott, Townshend, R. W. Urner, Van Voorhis, Bland, Bland,
Bliss,
Bowman,
Bragg,
Briggs,
Bright,
Browne.
Caldwell,
Chalmers,
Chittenden,
Claffin Muller,
Murch,
Newberry,
O'Brien,
O'Connor,
Orth,
Osmer,
Pacheco,
Poehler,
Rice,
Richardson, D. P.
Richardson, J. S. Henry, Hill, Hooker, Horr, Hostetler, Ward, Warner, Wells, Willits, Wise, Wood, Fernando Wood, Walter A. Wright, Chittenden, Claflin, Clark, Alvah A. Converse, Covert, Cowgill, Cox, Humphrey, Hurd, Hutchins, Jorgensen, Ketcham, Yocum. Killinger,

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

The following pairs were announced at the Clerk's desk: Mr. Stephens with Mr. Osmer.

Mr. BERRY with Mr. PACHECO. Mr. NEWBERRY with Mr. SPEER. Mr. McCoid with Mr. Browne. Mr. COVERT with Mr. Young, of Ohio. Mr. Baker with Mr. Crowley.

Mr. Humphrey with Mr. Poehler. Mr. Walter A. Wood with Mr. Cox.

The Clerk also read the following announcement:

I am paired with Mr. Martin, of Delaware; but being informed by some of his arty associates that he would vote in the negative, I have so voted.

THOMAS M. BAYNE.

The result of the vote was announced as above stated.

PUBLIC BUILDING, CHARLESTON, WEST VIRGINIA.

Mr. KENNA. I move to suspend the rules so as to pass the bill which send to the Clerk's desk. For the information of the House I will state that this is precisely the bill which has been unanimously restate that this is precisely the bill which has been unanimously reported to the Senate by its appropriate committee, and it is precisely the bill which has been unanimously reported to the House by its appropriate committee, except that this bill fixes and appropriates the amount, which the committee's bill does not do. I have made the House so familiar with the facts, the propriety, the necessity for the passage of this bill that I will not occupy its time by extended remarks. I trust the bill will pass without opposition.

The SPEAKER. The bill will be read.

The Clerk read as follows:

The Clerk read as follows:

The Clerk read as follows:

A bill to provide for a building suitable for a post-office, for the accommodation of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury be, and hereby is, authorized and directed to procure a proper site for and cause to be constructed a suitable building, with a fire-proof brick vault extending to each story, in the city of Charleston, West Virginia, for a post-office, and for the accommodation of United States revenue officers and the United States courts and their officers; and the sum of \$75,000 is hereby appropriated for the purpose aforesaid out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury shall cause proper plans and estimates to be made, so that no expenditures shall be made or authorized for the purchase of a site and the full completion of said building, beyond the sum herein appropriated, upon plans to be previously approved by the Secretary of the Treasury: Provided, That no money hereby appropriated shall be used or expended until the valid title to the land for a site, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys, shall be vested in the United States, nor until the State of West Virginia shall cede its jurisdiction over the same, and also duly release and relinquish to the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

The question being taken on the motion to suspend the rules and

The question being taken on the motion to suspend the rules and pass the bill, (H. R. No. 5621,) it was agreed to; two-thirds voting in favor thereof.

PUBLIC BUILDING, PADUCAH, KENTUCKY.

Mr. OSCAR TURNER. I move to suspend the rules and pass the bill which I send to the Clerk's desk. I desire to state that this is a copy of a bill which was approved by the Committee on Public Buildings and Grounds, though afterward by a general resolution the committee struck out the amount. But this is the amount that was in the first bill approved by the committee.

The Clerk read as follows:

A bill to provide for the construction of a public building at the city of Paducah, State of Kentucky.

State of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be constructed, a suitable building, of bricks or stone, with fire-proof vaults, for the accommodation of post-office, United States district court, and internal-revenue and other Government offices, at the city of Paducah, State of Kentucky; and that for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, to be expended under the direction of the Secretary of the Treasury, who shall, upon the passage of this act, cause the proper plans and specifications to be made, only one-half of said sum to be expended during present fiscal year: Provided, That no part of the money herein appropriated shall be expended until a valid title to the site of said building shall be vested in the United States, and until the State of Kentucky shall duly relinquish and release its jurisdiction over the same, and its right to tax said site and the property thereon belonging to the United States.

The question being taken on the matient to the state of the content of the money herein appropriated shall be appropriated to the United States.

The question being taken on the motion to suspend the rules and pass the bill, (H. R. No. 5622,) it was agreed to; two-thirds voting in favor thereof.

GOVERNMENT BUILDING, CLEVELAND, OHIO.

Mr. TOWNSEND, of Ohio. I move to suspend the rules for the purpose of taking from the Calendar, that I may offer a substitute for and put upon its passage, the bill (H. R. No. 536) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio.

The bill, which was read, authorizes and directs the Secretary of

the Treasury to repair and extend, for the use of the Government offices at Cleveland, Ohio, in accordance with plans and specifications submitted by the Supervising Architect of the Treasury, the Government building at Cleveland, Ohio; provided the cost of the same shall not exceed \$150,000.

The question being taken on the motion to suspend the rules and pass the bill, (H. R. No. 5623,) it was agreed to; two-thirds voting in

favor thereof.

Mr. BLOUNT. I move the House adjourn. We have already passed

nearly \$200,000 for new public buildings.

Mr. CONGER. Two bills have been passed on that side of the House, and then the motion to adjourn is interposed.

The SPEAKER. The Chair has recognized one side of the House, and then the other.

Mr. CONGER. But two bills passed on that side of the House.

The SPEAKER. The Chair will make things exactly even, and hopes the House will. Mr. CONGER.

Mr. BLOUNT. I withdraw my motion to adjourn until the pending measure is acted on; and then I shall insist on it.
Mr. TOWNSEND, of Ohio. Let the report be read. [Cries of "No!"

"No!"]

Mr. SPARKS. Are not tellers demanded on this motion to suspend the rules !

The SPEAKER. The Chair heard no demand for tellers.

Mr. SPARKS. I understood the gentleman from Georgia to demand

The SPEAKER. He did not. Did the gentleman demand tellers? Mr. SPARKS. I did not,
The SPEAKER. The Chair thinks two-thirds have voted in the

affirmative; and the rules are suspended and the bill is passed.

Mr. BLOUNT. I move the House do now adjourn.

The House divided; and there were—ayes 95, noes 42.

CENSUS.

The SPEAKER. There is a bill on the Speaker's table returned from the Senate with amendments of the House non-concurred in, in

Mr. COX. I move that the House insist on its amendments to the Senate bill No. 885 to amend an act entitled "An act to provide for taking the tenth and subsequent censuses, approved March 3, 1879," and that the House ask for a conference on the disagreeing votes between the two Houses

There was no obejction, and it was ordered accordingly.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. Thompson of Kentucky, Mr. Cox, and Mr. ALDRICH of Rhode Island.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the follow-

ing cases:

To Mr. CLAFLIN, for one week from Monday;

To Mr. LOUNSBERY, for ten days, from April 12, on account of important business; and

To Mr. KITCHIN, for ten days, from to-morrow, on important busi-

EXPENSES OF CONTESTANT.

Mr. CALKINS, by unanimous consent, presented a memorial relating to expenses of the contestant in the Arkansas contested-election case of Bradley against Slemons; which was referred to the Committee on Elections.

SAN FRANCISCO LAND ASSOCIATION.

Mr. BURROWS, by unanimous consent, from the Committee on Private Land Claims, submitted a report touching the memorial of the San Francisco Land Association; which was ordered to be printed and recommitted.

CHIPPEWA INDIANS OF LAKE SUPERIOR AND MISSISSIPPI.

Mr. POUND, by unanimous consent, introduced a bill (H. R. No. 5624) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and Mississippi, and making an appropriation for the same; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

The SPEAKER. On the motion to adjourn there are—ayes 95, noes 42. So the motion is agreed to.

Accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BENNETT: The petition of citizens of Custer County, Dakota, against the passage of the bill to amend the mining laws of the United States—to the Committee on Mines and Mining.

By Mr. BLAKE: The petition of Cornelia C. Hussey, Laura G. Burr, Stephen Grimes, and others, of Orange, Essex County, New Jersey, for an amendment to the Committee on the United States securing wames suffrage—to the Committee on the Indicious securing woman suffrage-to the Committee on the Judiciary

securing woman suffrage—to the Committee on the Judiciary.

By Mr. BRENTS: Two petitions of citizens of Umatilla County, Oregon, for the passage of the bill (H. R. No. 3960) for the construction of the Walla Walla and Seattle wagon-road, in Washington Territory—to the Committee on the Public Lands.

By Mr. BUTTERWORTH: The petition of R. L. Read and 15 others, of Cincinnati, Ohio, against the further introduction of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. COFFROTH: The petition of Levi Zeiner, for a pension—to the Committee on Invalid Pensions.

By Mr. HORACE DAVIS: Resolutions of the California State Horticultural Society, for the establishment of a special burgar of agri-

ticultural Society, for the establishment of a special bureau of agriculture on the Pacific coast—to the Committee on Agriculture.

By Mr. DICK: The petition of J. L. Myers and thirty-nine other soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. FISHER: The petition of citizens of Huntingdon County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-to the Committee on Commerce.

Also, the petition of citizens of Huntingdon County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement-to the Committee on Patents.

By Mr. FROST: The petition of Mary A. Collins, Fannie Austin, Judge W. W. Drummond, and other citizens of Missouri, for an amendment to the Constitution of the United States securing woman suf-

By Mr. GARFIELD: The petition of J. R. Pratt and 57 others, soldiers, of Fort Smith, Arkansas, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of Mrs. Sarah Chapman, Rev. A. R. Kieffer, Mrs. A. R. Kieffer, and 332 others, citizens of Warren, Ohio, for an amendment to the Constitution of the United States securing woman suf-

hent to the Constitution of the United States securing woman surfrage—to the Committee on the Judiciary.

By Mr. HAWLEY: The petition of Mrs. William Hale, F. A. H.

Loomis, Edwin Dayton, and others, of New Haven, Connecticut, of similar import—to the same committee.

By Mr. KING: A bill to provide for the improvement of the Ouachita and Tensas Rivers and of the bayous Bartholomew and Maconto the Committee on Commerce.

By Mr. KLOTZ: Papers relating to the pension claim of C. K. Hughes—to the Committee on Invalid Pensions.

Also, the petition of the publisher of the News Item, Catawissa, Pennsylvania, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. LADD: The petition of 40 soldiers, of Maine, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. LOWE: The petition of P. Holmes Drake, Annie B. Robertson, Frank B. McCarty, and others, of Huntsville, Alabama, for an amendment to the Constitution of the United States securing woman

suffrage—to the Committee on the Judiciary.

By Mr. MARSH: The petition of Mary Bickford, E. Smith, Belle
Wright, and other citizens of Plymouth, Illinois, of similar import—

by Mr. McLANE: The petition of cigar manufacturers of Baltimore, Maryland, for a reduction of the tax on cigars—to the Committee on Ways and Means.

Also, the petition of sugar dealers and grocers of Baltimore, Maryland, in regard to the tariff on sugar—to the same committee.

By Mr. MORSE: The petition of sugar refiners and importers, of Boston, Massachusetts, for a change of the tariff on sugar—to the

same committee.

By Mr. MULLER: The petition of Jacob Huster, for compensation for damages done to his property by reason of the carelessness of officials of the District of Columbia—to the Committee on the District of Columbia

of Columbia.

By Mr. O'CONNOR: The memorial of William Aiken, Robert Adger, William C. Bee, and 514 others, citizens of South Carolina, asking to be refunded money illegally collected from them and received by the United States, without warrant of law, as in payment of dues under the direct-tax laws—to the Committee on the Judiciary.

By Mr. OVERTON: The petition of S. L. Tiffany, T. P. Grow, and 13 others, citizens of Pennsylvania, that a pension be granted Parmenus M. Smith—to the Committee on Invalid Pensions.

By Mr. PERSONS: The petition of 8,000 citizens of Georgia, for the removal of obstructions to the navigation of the Chattahoochee River—to the Committee on Commerce.

By Mr. ROBERTSON: The petition of Jean Pierre Lafleur, for

By Mr. ROBERTSON: The petition of Jean Pierre Lafleur, for compensation for cotton seized by United States officials in 1863—to the Committee on War Claims.

Also, three petitions of druggists of Opelousas, Baton Rouge, and Grand Coteau, Louisiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. ROBINSON: The petition of E.S. May and 134 others, citizens of Lee, Massachusetts, against the repeal of the duty on paperto the same committee.

By Mr. STEVENSON: The petition of F. K. Robbins, of Kenney, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of citizens of Logan County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon

the people by the transportation monopolies that now control the in-

terstate commerce of the country—to the Committee on Commerce.

By Mr. VANCE: Resolutions of the Legislature of North Carolina, favoring the celebration of the centennial anniversary of the battle of Guilford Court House, North Carolina-to the Committee on Military Affairs

By Mr. WAIT: The petition of Alvah H. Hicks, for one month's pay as an employé discharged from the soldier's roll—to the Committee on Claims.

tee on Claims.

By Mr. WASHBURN: The petition of Frank Ives, John McLean, and 512 others, citizens of Polk County, Minnesota, against the passage of a pending bill, providing for the discontinuance of the office of receiver of public moneys of local land offices—to the Committee on the Public Lands.

By Mr. WILBER: Resolutions of the Legislature of New York, relative to the international exhibition proposed to be held in New York City in 1883—to the Committee on Foreign Affairs.

By Mr. WILLIS: The petition of D. M. Rodman and 73 others, attorneys of Louisville, Kentucky, for the establishment of another term of the United States court at that place—to the Committee on the Judiciary.

the Judiciary.

By Mr. WILSON: Papers relating to the claim of George D. Gra-ham for pay for extra services as fireman in the Department of the Interior-to the Committee on Claims.

Also, the petition of A. W. Lindsay and 60 others, citizens of Harrison County, West Virginia, for the passage of Wright's supplement to the homestead bill—to the Committee on the Public Lands.

IN SENATE.

TUESDAY, April 6, 1880.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Postmaster-General, recommending that the salary of the Assistant Attorney-General for the Post-Office Department be made equal to

that paid other Assistant Attorneys-General; which was referred to the Committee on Appropriations, and ordered to be printed. He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of March 12, 1880, a letter from the Commissioner of Internal Revenue and facts and testimony in possession of the Commissioner of Internal Revenue relating to the claim for the relief of Calvin Bron-

The VICE-PRESIDENT. The letter of the Secretary of War and of the Commissioner of Internal Revenue will be printed, but not the

accompanying documents.

Mr. MORRILL. Let the communications be referred to the Com-

mittee on Finance.

The VICE-PRESIDENT. The bill for the relief of Calvin Bronson is on the the Calendar, so that the papers will lie on the table. Mr. MORRILL. Very well.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4911) to amend the statutes in relation to immediate transportation of dutiable goods;

A bill (H. R. No. 5621) to provide for a building suitable for a post-

office for the accommodation of the revenue officers and the United States courts and their officers in the city of Charleston, West Vir-

A bill (H. R. No. 5622) to provide for the construction of a public

A bill (H. R. No. 5623) to provide the three constitutions at the city of Paducah, State of Kentucky; and
A bill (H. R. No. 5623) to authorize the Secretary of the Treasury to
repair and extend the public building owned by the Government at

Cleveland, Ohio.

The message also announced that the House insisted upon its amendments to the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, disagreed to by the Senate, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. P. B. Thompson, jr., of Kentucky, Mr. S. S. Cox, of New York, and Mr. Nelson W. Aldrich, of Rhode Island, managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of First Lieutenant Charles W. Hobbs, Third Artillery, praying for the amendment of the bill (S. No. 1488) providing for promotions in the Army of the United States, so as to grant promotion to the rank of captain after fourteen years continuous service as a lieutenant without reference to grades of first

continuous service as a lieutenant without reference to grades of first and second lieutenant, placing the artillery arm on the same footing as the Engineer and Ordnance Corps; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WALLACE presented a petition of citizens of Armstrong County, Pennsylvania, and a petition of citizens of Huntingdon County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Huntingdon County, Pennsylvania, and a petition of citizens of Armstrong County, Pennremissivania, and a petition of cerebis of Amstrong County, a surveylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which were referred to the Committee on Patents.

protect innocent users of patented articles against prosecution as infringers; which were referred to the Committee on Patents.

Mr. VOORHEES presented a petition of merchants, manufacturers, and consumers interested in and using chrome iron ore and bichromate of potash, citizens of New York, Rhode Island, Pittsfield, Massachusetts; Cincinnati, Ohio; Columbus, Georgia; Passaic, New Jersey, and Terre Haute, Indiana, praying for the removal of the prohibitory duties now levied upon these articles; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois, presented the petition of Irwin Green and 15 others, citizens of Rock Falls, Illinois, praying Congress to pass a law prohibiting the sale of oleomargarine as butter; which was referred to the Committee on Agriculture.

Mr. HILL, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate of Londonderry, reported it without amendment, the committee adopting the report made by the House committee on the bill.

REPORTS OF COMMITTEES.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 33) to authorize the President of the United States to return the Twiggs swords to Mrs. Rowena Guedalla, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was

He also, from the same committee, to whom was referred the bill (S. No. 928) for the relief of J. G. Halsell, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 160) for the relief of H. A. Myers, reported it without amendment, and submitted a report thereon; which as ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 230) for the relief of Captain C. H. Briggs, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 229) for the relief of Thomas S. Bridges, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 504) to correct the military record of William H. Terry, late a private in Company H, Thirty-fourth Regiment Kentucky Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

LOAN OF FLAGS AT NASHVILLE.

Mr. RANDOLPH. I am directed by the Committee cu Military Affairs, to whom was referred the joint resolution (H. 4. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennessee, to report it without

Mr. BAILEY. I ask the unanimous consent of the Senate for the

Mr. Baller. I ask the unanimous consent of the Senate for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to lend to the centennial commissioners at Nashville, Tennessee, ten large national flags, taking from them such security as in their opinion may insure their safe return.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1594) for the relief of Charles H. Tompkins, of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Mili-

with the accompanying papers, referred to the definition of the tary Affairs.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1595) for the relief of Robert Spaugh, of Indiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1596) to amend the laws of evidence and practice on civil and criminal trials; which was read twice by its title, and,

on civil and criminal trials; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1597) granting a pension to William N. Pickerill; which was read twice by its title, and, with the accompanying papers,

referred to the Committee on Pensions.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1598) to provide for the allotment of lands in severalty to the united Peorias and Miamies of the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1599) for the relief of Dr. A. Sidney Tebbs; which was read twice by its title, and referred to the Committee on

Military Affairs.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1600) for the relief of W. J. Cowan; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOOTH, it was Ordered, That A. W. Von Schmidt be allowed to withdraw from the files of the Senate his petition and papers.

REVOLUTIONARY RECORDS.

Mr. ANTHONY submitted the following resolution; which was con-

sidered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to inquire into the expediency of purchasing the papers of Major-General Nathaniel Greene, of the revolutionary army.

SOMERVILLE NICHOLSON.

Mr. CAMERON, of Pennsylvania, submitted the following resolution: which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Navy be directed to furnish the Senate with a copy of the proceedings of the court-martial of Captain Somerville Nicholson, United States Navy, in November, 1874.

NEGOTIATION OF COMMERCIAL INSTRUMENTS.

Mr. COCKRELL. Yesterday the Senator from Delaware [Mr. BAY-ARD] reported adversely from the Committee on the Judiciary the bill (S. No. 827) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein, and the bill was indefinitely postponed. I ask that the action may be reconsidered and the bill placed upon the Calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears no objection to the request of the Senator from Missouri, and the vote by which the bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar with the adverse report of the committee.

JESSE F. PHARES.

The VICE-PRESIDENT. The Senate will proceed to the consideration of the Calendar of General Orders, under the order of the day,

commencing with the bill under consideration yesterday.

The CHIEF CLERK. A bill (S. No. 1185) granting a pension to Jesse F. Phares

Mr. PLATT. This bill was passed over yesterday until the return of the Senator from Virginia, [Mr. Withers,] who is still absent.

Mr. KIRKWOOD. Still retaining its place on the Calendar †
The VICE-PRESIDENT. That was the understanding yesterday.

The bill goes over without prejudice.

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

The next bill on the Calendar was the bill (S. No. 1331) to authorize a retired list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward, the consideration of which was resumed as in Committee of the Whole.

Mr. COCKRELL. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY

February 18, 1880:

The Committee on Military Affairs, to whom was referred the resolution of the Senate hereinafter described, respectfully submit the following report:

The resolution submitted to the committee is as follows:

"In the Senate of the United States

"In the Senate of the United States, "February 3, 1880." On motion by Mr. Maney, "Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and propriety of such legislation as said committee may deem proper, authorizing worthy and meritorions non-commissioned officers of the United States Army, who have faithfully and honorably served therein continuously a period of thirty years or upward, to be placed on the retired list, with such pay and allowances as may be just, and to report by bill or otherwise."

If it be expedient and proper to authorize by law the retiring of worthy non-commissioned officers of the United States Army in any case, then the questions arise: What class of non-commissioned officers ought to enjoy the benefits of the law, and what length of service as an enlisted man and non-commissioned officer ought to be required of such as may be admitted to its privileges, and what every dence of worthy and faithful service ought to suffice; and lastly, what amount of pay and allowances should those retired be entitled to?

The first act providing for a retired list, known to the committee, is the act approved August 3, 1861, entitled "An act providing for the better organization of the military establishment." (See U. S. Stats, at Large, vol. 12 p. 287.) Section 15 of that act reads as follows:

"And be it further enacted. That any commissioned officer of the Army, or of the Marine Corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act."

The privilege of going on the retired list, authorized by that section, is limited to commissioned officers of the Army or of the Marine Corps. Length of service is the controlling principle in that section. Section 16 of the same act makes provision on the retired list for commissioned officers of the Army or Marine Corps. "Who shall become, or shall hereaft

No provision was made for retirement of non-commissioned officers of the Army, Navy, or Marine Corps.

The act of July 15, 1870, (vol. 16, sec. 4, p. 317,) authorizes the President, at his discretion, to place on the retired list of the Army, on their own application, any commissioned officers who have been thirty years in the service, "upon the same pay and emoluments as are now allowed, or may be hereafter allowed, to officers retired from active service."

Section 5 of the act repeals so much of the act of August 3, 1861, as limits the number of officers on the retired list "to 7 per cent. of the whole number of existing officers," leaving the number to be retired under existing laws to the discretion of the President, but provides, "that the whole number on the retired list shall not exceed three hundred."

Section 12 of the act of July 17, 1862, (U. S. Stats. at Large, vol. 12, p. 596,) is as follows:

Section 12 of the act of July 17, 1862, (U. S. Stats. at Large, vol. 12, p. 596,) is as follows:

"And be it further enacted, That whenever the name of any officer of the Army or Marine Corps, now in the service, or who may hereafter be in the service, of the United States, shall have been borne on the Army Register or Naval Register, as the case may be, forty-five years, or he shall be of the age of sixty-two years, it shall be in the discretion of the President to retire him from active service, and direct his name to be entered on the retired list of officers of the grade to which he belonged at the time of such retirement; and the President is hereby authorized to assign any officer retired under this section or the act of August 3; 1861, to any appropriate duty; and such officer thus assigned shall receive the full pay and emoluments of his grade while so assigned and employed."

Section 24 of the act of July 15, 1870, (vol. 16, p. 320,) established a different rule as to pay to that theretofore in force, and fixed the amount of pay of every officer in dollars, from the General of the Army to second lieutenant. Fuel, quarters, and forage in kind, however, were allowed under the act as, at its date, were allowed by law, and it was provided that "these sums," fixed as the pay of officers, 'shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity, rations, and all allowances of every name and nature whatever; and it then provided that "officers retired from active service shall receive 75 per cent. of the pay of the rank upon which they are retired.

The substance of these provisions in respect to retirement of officers may be found in sections 1243, 1244, and 1274 Revised Statutes, so far as pertinent to the matter now under consideration.

In sections 1243, 1244, and 1274 Revised Statutes, so far as pertinent to the matter now under consideration.

It will be seen that ample provision is made for the retirement of officers on account of length of service.

No provision by law meets the case set forth in the resolution submitted to the committee. It is not met, as the committee believe, by the provisions respecting the Soldiers' Home.

The committee, after most careful consideration of the subject submitted, is of opinion that provision by law for a retired list of non-commissioned officers is not only just in itself, but that such a law would have a most salutary influence upon the Army:

1. It would remove the jealousy naturally arising from liberal provision for the worn-out commissioned officers, without any provision corresponding for the non-commissioned officers.

2. It would occasion the enlistment of good material for soldiers, in that they would feel an assurance that, in case of faithful service, then old age would be provided for.

would feel an assurance that, in case of faithful service, then old age would be provided for.

3. It would elevate the morale of the Army by encouraging a spirit of emulation for non-commissioned rank.

4. It would encourage those promoted from the ranks to the places of non-commissioned officers to continue in well-doing.

5. The very fact that these men can look forward to the day when, no longer fit for active service, they can provide homes of their own, would, in the opinion of the committee, not only content the men with the privations of the soldier's life, but aid other causes in the race for non-commissioned rank.

6. The view of the committee is that this retired list should be a reward of merit, and hence extended only to those who prove meritorious, and secure non-commissioned rank by honorable and soldierly conduct.

On the whole case the committee report favorably on the object of the resolution, and report the same back, accompanied by a bill, and recommend that the bill do pass.

Mr. MAXEY. Mr. President, I shall add very few words to what I said on yesterday and to what the committee has said in the report I said on yesterday and to what the committee has said in the report just read. So long as we have an Army it is to the interest of the tax-payers, of the whole people, of everybody, that the Army should be efficient. If the policy of creating a retired list were now before the Senate for the first time, then the argument made yesterday by the Senator from Delaware [Mr. SAULSBURY] would be applicable, or if the question were now before the Senate for the repeal of existing laws creating a retired list of commissioned officers, then that argument would be pertinent. But I respectfully submit that law which creates a retired list of commissioned officers has been in force which creates a retired list of commissioned officers has been in force for nineteen years. There is no attempt or effort made to repeal that

law. The tax-payers who have been spoken of have made no com-plaint in that regard, so far as I am advised.

The bill simply places on the retired list non-commissioned officers, those who are not backed in the presentation of their claims by any great political influence, old men whose service has been in the ranks on the frontier, on the battle-field, and who come here presenting their claims through the Committee on Military Affairs, who believe their claims through the Committee on Military Affairs, who believe that those claims are just, and that it would be wise on the part of Congress to recognize their claims. If it be wise and politic to create a retired list for commissioned officers, unquestionably it is wise and politic to pass a guarded, well-protected law, creating a retired list for non-commissioned officers; for it is perfectly plain, and must be to every one who will think about it, that where the law appears to make fish of one and flesh of the other, in the very nature of things it creates a jealousy and a spirit of discontent among the enlisted men which ought to be regarded here. It makes the Army less efficient than it would be if they all regarded the laws of the country as extending equal protection to non-commissioned officers being as extending equal protection to non-commissioned officers being without political influence alongside with the commissioned officer who can come here with his great backing behind him. Any law which may well be construed as discriminating in favor of commissioned officers as against explicit and the commissioned officers are against a commissioned officers are against the commissioned officers being without political influence alongside with the commissioned officers being who can come here with his great backing behind him. Any law which may explicit and the commissioned officers being without political influence alongside with the commissioned officers being who can come here with his great backing behind him. sioned officers as against enlisted men is unwise and impolitic. What reason applies to the commissioned officer that does not with equal

force apply to enlisted men?

Again, if there be provision made by law for the retirement of noncommissioned officers it secures a better material of soldiers, as every one who has ever served in the Army will tell you, for the soldier will have the assurance that if his life is worn out in the service of the country he will not be turned out in his old age to die, but that the Government which he has served will protect him in his old age and furnish him and his old wife a home. That is a consideration which should be taken in view by the Servets.

should be taken in view by the Senate.

I beg the Senate to bear in mind that this is in the nature of a bill in equity. If the commissioned officers are entitled to this aid, then the non-commissioned officers are entitled to it. The commis

siened officers get it, and therefore the non-commissioned officers

should get it.

The committee has with great care selected certain classes. who have served thirty years may be retired on application to the President, provided that they served fifteen years as non-commissioned officers next before retirement. Those who have served thirty-five years, and the last fifteen years of that time as non-commissioned officers, may be retired at the discretion of the President, without their application. Thus the policy of this bill is so guarded that we find in the letter of the Adjutant-General, which I caused to be read and spread upon the record yesterday, that only twenty-six come under the one class of the bill and sixteen under the other—forty-two all told. Yet it was thought that the bill would create an enormous tax upon the people when forty-two non-commissioned officers, all told, will be protected by the bill as originally drawn. That will be to a certain extent increased by reason of striking out the word "continuous" as recommended by the committee, because it is known that after the term of enlistment of a soldier is out sometimes it will be one month, or two months, or three months before they re-enlist, and that break would prevent the benefits of the bill from applying to many of the best men in the Army. By striking out the word "continuous," with the classes still remaining at thirty years or thirty-five

years' service as the case may be, and fifteen years as a non-commissioned officer, the number to be benefited will still be small.

Mr. President, I must confess that I feel a very great interest in this bill, because I live in a State whose frontier is protected by the soldiers sent there by the Government, and some of these old men served gallantly in the Mexican war, which grew out of the annexa-tion of Texas to the Union. Doubtless all those who are thus protected around the entire frontier of the United States needing protection feel an interest in these men. They come here through the committee because they have no great political influence behind them to urge this bill. They only ask that they shall be placed upon the same footing as commissioned officers, receiving when retired but three-fourths of the pay of their non-commissioned rank-small pay

compared with commissioned officers.

That the provisions of this bill would extend but simple justice to a worthy body of men there can be no question. Many, indeed most, of the men who would be benefited served through the Mexican war. Some of them served through the Florida war and the Mexican war, and some of them served not only through those wars but through the resome of them served not only through those wars but through the recent war. It is but a day or two ago that I got a letter from an old man with whom I served in Mexico. He had served in the Florida war. His name is Frank Rounds, orderly sergeant of Captain Hansom's company, Company E of the Seventh Infantry in the Mexican war. At the battle of Contreras, charging in line upon the works at that point, Captain Hansom was shot and mortally wounded. Rounds was in the next file behind him. I commanded the color company, next to the right of that company, and was the only commissioned officer left of the two companies. I directed that man, Frank Rounds, to take care of his mortally wounded captain, and I took both companies from that point into the fight. That there is a tax-payer in Texas, that there is a tax-payer in this Union, who would refuse to furnish this small pittance to a man now over seventy years old, as Sergeant Rounds now is, I do not believe.

otice the two cases put by Colonel Davis, of the Inspector-General's Department, in the letter read yesterday, one a man over eighty years old, one over seventy years old. One had served over fifty years and the other over forty years. These appeals come from men who have served their country honorably and faithfully, and that is the wording of the bill; and the fact of honorable and faithful service is

recognized by fifteen years' service as a non-commissioned officer.

Mr. CONKLING. Will the Senator from Texas indulge me in an

inquiry?
Mr. MAXEY.

Mr. MAXEY. Certainly.
Mr. CONKLING. Is there any argument in favor of the pending bill which does not apply as well to non-commissioned officers of the

Mr. MAXEY. None that I know of.

Mr. CONKLING. There is no such provision as to the Navy?

Mr. MAXEY. No, sir. There is complete provision, I will state to
the Senator from New York, for commissioned officers of the Army, the Marine Corps, and the Navy. There is no provision of law for non-commissioned officers of either. The policy of the bill is to place non-commissioned officers of the Army upon the footing of commis-sioned officers of the Army. We do not invade the province of the Committee on Naval Affairs because it would be in their place to make provision as to non-commissioned officers of the Navy and of the Marine Corps. Hence this bill coming from the Military Committee looks alone to the Army. Believing as I do, I would cheerfully vote for a like bill coming from the Naval Committee. Such a

bill would receive my support most certainly, because I believe it right.

Mr. CONKLING. I should like to make another inquiry. The reasons and the provisions in favor of this bill I infer, from the Senator's statement, are applicable as well to the Navy and to the Marine Corps as to the Army ? Mr. MAXEY. I think so.

Mr. CONKLING. I should like to inquire, are not the same reasons applicable to the civil service? Are not the same reasons applicable to the men who for a great period of years, upon small compensation,

have spent their lives in the various Departments and who growing too old to be active and too weak to retain their places are put aside to the end that other men more urgent than they may come in?

Mr. HEREFORD. Would not the same reasons apply to a common

soldier?

Mr. CONKLING. But first I inquire whether these reasons are not applicable as well to veterans in the civil service?

Mr. MAXEY. Opening up a complete answer to the question asked by the Senator from New York would throw me entirely off the line of argument which I am pursuing. The issue presented by the Senator is one involving those who are in the civil service. There are reasons which I could assign which in my judgment apply to those who have served in the Army and the Navy and Marine Corps which do not apply to those who have served in civil life. It is a different character of service. One risks his life upon the field of battle in deferee of his courter. fense of his country; his service in the Army qualifies him specially for that position and no other. Most men who serve in various civil positions acquire a knowledge which would well adapt them to various pursuits in civil life. That is an outline, I would say, of the answer to the question of the Senator from New York. But going back to the history of this Government from its foundation, the history shows that its policy has been always to give as a reward of merit to those who have served their country upon the field of battle some mark of distinction in recognition of that service. This bill is only in the line of this continuous policy of the Government from its foundation in some form or other, in the form of voting swords to officers, in the form of pensions to officers, in the form of a retired list, and in many other forms

Many other forms.

Now, Mr. President, to show that the tax-payers of this country will not complain of a bill of this kind, I have only to call attention to this fact, that a great many States—I think more than twenty—have by solemn resolutions of their Legislatures called upon Congress to grant a pension to the soldiers of the Mexican war. That shows that so far as the great heart of the people is concerned, the people are willing to give a portion of their substance to the support of these old men who have worn themselves out under the flag of their country and in its defense; for if it be the right thing to do, as I believe it

to be, to grant pensions to soldiers of the Mexican war, then by parity of reasoning this bill ought to pass beyond doubt.

Mr. CONKLING. I rose not to make or even suggest an argument against the bill, but rather to obtain from the Senator having the bill against the old, but rather to obtain from the Senator having the bill in charge some information; and if he will allow me, I will put a third question, premising it by the statement that I do not understand as matter of fact that all the men upon whom this provision would act even at once, certainly not all those on whom it would act hereafter, will necessarily be men who have periled their lives on the field of battle, if that was the statement of the Senator.

Mr. MAXEY. I think I did not so state. I said a great many of

Mr. CONKLING. Assuming, however, that those upon whom the bill is to act are men who have periled their lives on the field of battle, or are men who for some other reason not applicable to civilians have merits and claims in this regard, I beg to inquire of the Senator from Texas how he defends the provision which excludes all merely enlisted men, all private soldiers, no matter how many years they have served, no matter on how many fields of battle they imperiled their lives, unless they have been fortunate enough to attain to the rank of a non-commissioned officer? Listening as I have done to the argument of the Senator from Texas, I ask him to tell me, if he will, why it does not prove quite as much in behalf of the enlisted man merely, the private merely, the man farthest removed from the hand of power and the opportunity of influence; why it does not apply to him, especially why if he has served for thirty, nay thirty-five years, nay for thirty-five consecutive years, some regard in a provision of this sort should not be had to his rights and his wrongs, and why the discriminating hand of legislative choice should be laid with partiality merely upon the man who has been rewarded in so far that he has become an officer, although a non-commissioned

Mr. MAXEY. Mr. President, I think that the committee has fully and completely answered the question of the Senator from New York. The question, as I catch it, is why this bill does not extend to men who are not non-commissioned officers, who have served thirty or thirty-five years, as the case may be, as private soldiers. The answer is given in the report itself of the committee. It is simply that we desire to make this a reward of merit and create a spirit of emula-tion. If a man simply enlists and, without doing anything whatever to attract attention, remains a private that long, why should he be specially rewarded? I beg to assure the gentleman that if a man is an honest, honorable, faithful, and good soldier in that length of time he will reach the position of a non-commissioned officer. If he does nothing whatever to distinguish himself from his fellows, if he goes along for the whole thirty years remaining a private soldier, it is because his officers have not seen in him all that time any special merit justifying them in rewarding him with the distinction of non-commissioned rank. The reasons that are assigned by the committee I think are conclusive.

1. It would remov

Say this committee-

the jealousy naturally arising from liberal provision for the worn-out commis-

sioned officers, without any provision corresponding for the non-commissioned

officers.

2. It would occasion the enlistment of good material for soldiers, in that they would feel an assurance that, in case of faithful service, their old age would be provided for.

3. It would elevate the *morale* of the Army by encouraging a spirit of emulation

3. It would elevate the morale of the Army by encouraging a spirit of emulation for non-commissioned rank.

4. It would encourage those promoted from the ranks to the places of non-commissioned officers to continue in well-doing.

5. The very fact that these men can look forward to the day when, no longer fit for active service, they can provide homes of their own, would, in the opinion of the committee, not only content the men with the privations of the soldier's life, but aid other causes in the race for non-commissioned rank.

6. The view of the committee is that this retired list should be a reward of merit, and hence extended only to those who prove meritorious, and secure non-commissioned rank by honorable and soldierly conduct.

Mr. LOGAN. Mr. President, the theory upon which I consented to the bill as one of the committee that reported it is, that not only in an army like ours, but in armies everywhere there must be some inducement held out to a class of men that find their way into the Army known in it as rather intelligent, more so than others. They are usually selected for non-commissioned officers of the com-They are usually selected for non-commissioned officers of the companies. When their time expires, if there is anything of an inducement held out to them, of course they will undertake some other pursuit and refuse to remain longer in the Army; but if they are put upon the same basis that the commissioned officers of the Army are in regard to retirement after long service, it is such an inducement to them as will encourage them to re-enlist and continue their service in the Army, by which the Army receives the benefit of the service of the most efficient men that are enlisted. That is the reacon why I support the bill

son why I support the bill.

The objection to it on the ground that it is not applicable to the private soldier, I think can be readily answered. In armies as well as in every other thing connected with Government, there always has to be a line drawn. It is not intended by drawing a line between the private soldier and the non-commissioned officer and the tween the private solder and the hon-commissioned officer and the commissioned officer, to have it understood that the soldier is less in the mind of the legislator or the country, but that the situation is such that he would not be benefited at all by this provision if it were applicable to him, and why? If you put the private soldier on a retired list and allow him 75 per cent. of the pay of a private, which is applicable to officers on the retired list, it would not be a sufficiency for his support when retired from the Army; and there is a provision in the law that is ample for him and does support and sustain him during life. What is that? The home prepared for the soldiers in the Army. After their service has been given to their country and they become old and decrepit, there is a home provided which grows out of an assessment upon every soldier's pay each month of his service of twelve-and-a-half cents, which is placed in the Treasury Department and becomes a fund for the maintenance of the old and decrepit Mr. EATON. May I ask my friend a question?
Mr. LOGAN. Certainly.

Mr. EATON. Does not that apply to the non-commissioned officer

as well as the private?

as well as the private?

Mr. LOGAN. Yes, sir; but I was going to say that this home furnishes food and raiment for the soldier during his life. The retirement of a private soldier on retired pay would not do so; but with the increased pay of the non-commissioned officer, his retired pay, would afford him, perhaps, means by which he could subsist himself outside of the Soldiers? Home. The line is drawn just where it is for that reason. That is the only reason that I have all years as the soldiers. that reason. That is the only reason that I know of, because I say his retired pay would not be ample to afford the private soldier a sustenance after he gets old and decrepit, while for the non-commissioned officer it would; and if we desire to make the Army efficient, to encourage these men, who are capable men, who are men of intelligence, who perform in fact the most arduous duties pertaining to the officers of the company, let us pass this bill which places them in line and on the same basis with the commissioned officers, so far as retirement is concerned.

It is a well-known fact to every one who has served in the Army, or who knows anything about Army service, that the non-commissioned officers of the company perform nearly all the duties that pertain to the company. The commissioned officer as a matter of course is the head, the governor of the company, the controller, so far as their conduct in obeying orders is concerned and in issuing orders, and he appends his name to all the reports and returns and everything of that kind; but so far as the hard duty of the service is concerned pertaining to the company, it is performed by the non-commissioned officer. Every one knows that.

These are the reasons that suggested themselves to my mind when this question was before the committee that induced me to support this bill. I think it is a proper measure. Of course the same printhis bill. I think it is a proper measure. Of course the same principle, as it was suggested by the Senator from New York, would apply to the Navy, and I have no objection to that. When a man is promoted to a sergeantcy in the Army he has had usually some experience in the Army before he receives the promotion. This will be an inducement to him to continue for fifteen years from the time of his promotion from the ranks to be a non-commissioned officer. This, if you may call it proposition or promise of the Government, is held out to him, in order that he may continue for fifteen years or lower if he him in order that he may continue for fifteen years, or longer if he desires, in the service of the country, and that for that continuance he shall be provided after he becomes so old that he must be retired

from the Army for the reason that he is not in condition to perform

Its duties longer.

Mr. EATON. One other inquiry; and that is, suppose this bill shall become a law, and there should be a retired list of non-commissioned officers, would those men on that list still retain their right in the Soldiers' Home so called?

No. 1000AN. That is the privilege of going there?

Mr. LOGAN. That is the privilege of going there?
Mr. EATON. The privilege of going there.
Mr. LOGAN. I do not think there is anything in this bill that would prevent them from being received at the Soldiers' Home, but the understanding of this bill would be that they would not seek shelter at the Soldiers' Home if they were placed on the retired list of the Army, for the reason that that would provide for them outside of the Soldiers' Home. A soldier in the Army is entitled to be received at the Soldiers' Home under certain circumstances; and under the law now if a pensioner is received in the Soldiers' Home his pension stops; that is to say, he does not receive it but it goes to the Home. At least that is so as to one class of soldiers; and there is a bill here providing to make it apply to all. I do not wish the Senate to understand the soldiers in the senate to understand the soldiers. derstand that I am in favor of any such proposition; I oppose it; I think it wrong; but that is the law. That being the law applicable to pensions, the same construction applicable to retired sergeants would take their retired pay from them when they applied for shelter in the Soldiers' Home. I do not mean that that is the law or that that is this bill, but if that rule is applicable to pensioners it ought to be made applicable to retired non-commissioned officers. That is what I mean.

Mr. BECK. I desire to ask a question of the Senator from Illinois if he will allow me, for I know very little about military affairs. Is it or not the fact that all non-commissioned officers as well as sol-

diers enlist only for five years?

Mr. LOGAN. That is the law.

Mr. BECK. And it is a voluntary re-enlistment if they continue

longer in the service?
Mr. LOGAN. Yes, sir.
Mr. BECK. Is it a fact that the commissioned officer is obliged to hold his position until he is of age to be retired or leave the service altogether?

Mr. LOGAN. You mean a non-commissioned officer?

Mr. BECK. No, a commissioned officer. When an officer is once commissioned is he not obliged to remain as long as the Army regulations allow him, and that he cannot retire?

Mr. LOGAN. No, he is not compelled. If I understand the Senator's question, I will answer it. He may resign; but in order to be placed on the retired list he must remain in the Army so long unless in the compelled. he is retired on account of wounds or disability. Retirement for length of service he cannot receive unless he remains so long in the Army. That is the requirement of the law. So the same principle applies here: unless the non-commissioned officer remains the length of time, he is not entitled to the retirement.

Mr. BECK. I thought I saw a distinction in the present provisions of law in this, that the commissioned officer was by virtue of his commission required to remain in the service of the United States as

commission required to remain in the service of the United States as long as health permitted until he reached that age when he would be retired under existing law, whereas the non-commissioned officer and the soldier simply remain for five years, and if they remain any longer it is a voluntary act of their own, a voluntary re-enlistment. Mr. LOGAN. The Senator perhaps misunderstands the law in this: it is expected of commissioned officers that they will remain in the Army. That is considered practically obligatory on them, but there is no law requiring them to remain in the Army. They can resign any day; but in order to receive the benefits of the retired list from term of service they are compelled to remain in the Army. I think it term of service they are compelled to remain in the Army, I think it is forty years. I do not remember the exact length of time. Some

Senator probably will remember it.

Mr. MAXEY. Thirty-five years.

Mr. LOGAN. Thirty-five or forty years, one or the other. That length of time an officer is required to stay in order to receive the benefit of the retired list unless he is retired for wounds or disabil-

benefit of the retired list unless he is retired for wounds or disability, the same as the provision of this bill precisely.

Mr. COCKRELL. Will the Senator permit me to ask one question? At the end of each five years during that time, these men must re-enlist under the law?

Mr. LOGAN. Certainly. Of course this bill does not change the law of enlistment at all. If, for instance, a man is enlisted to-day and should be appointed sergeant in a company to-morrow, at the end of five years his term of enlistment expires, he goes out of the service, goes out as sergeant. If he desires to receive the benefit of this act he must re-enlist, serve another term, which would be ten years, and when that term expires then he must re-enlist again for five years and serve five years, which makes fifteen years, in order to receive the benefit of this bill. Of course it is a voluntary matter with him; he can do it or not, but he must do it in order to receive the benefits of this bill. the benefits of this bill.

Mr. BECK. A few words—
Mr. LOGAN. The Senator will allow me. I will correct myself. I was only illustrating the time a man must serve as non-commissioned officer. Besides that, he must have been in the service in all thirty years to be retired on his own application, and thirty-five years to be retired at the will of the President. That is the bill, I believe. So besides the fifteen years' service as a non-commissioned officer he must have been in the Army thirty years in order to be re-

tired on his own application.

Mr. BECK. Mr. President—

Mr. HAMPTON. Will the Senator from Kentucky allow me a moment? The bill provides that when an enlisted man has served thirty years in the Army of the United States honorably and faithfully and the last fifteen years of that continuous service a non-commissioned officer, he will then be entitled to retirement.

Mr. LOGAN. On his own application; but he has to serve thirty-five years in order to be retired by the President.

Mr. HAMPTON. I have to say that my recollection of the discussion of this bill in the Military Committee is that it was a very full and exhaustive one, and if I am right the bill comes here with the unanimous recommendation of the Committee on Military Affairs. We thought it was holding out a bounty to worthy soldiers to re-enlist and serve continuously in the Army, and I am sure as one of the committee that if the same provisions are proposed to be incorporated in the Navy I shall support the proposition most heartily and cordially. I think in both branches of the service a provision of this sort

looking to the good of the service and to the honorable retirement of men who have served so long a time should be incorporated.

Mr. BECK. I understand—the Senator from South Carolina will correct me if I am wrong—that a soldier may be received into the Army at eighteen years of age. The proposition of this bill is, that for all time to come we shall pension this class of men. It is said that there are only a few provided for by this proposition at present, because not many have continued in the military service of the United States in subordinate places very long; yet a soldier who enlists at eighteen can, by continuous re-enlistments, if he gets to be a non-commissioned officer in fifteen years or less time, retire on a pension (for that is what it is) by the time he is forty-three years of age Mr. RANDOLPH. Forty-eight years.

Mr. BECK. By the time he is forty-eight years of agemany years younger than most of us who are now here I suppose many of us certainly—although he may never have served a day in battle or heard a gun fired in anger, and his length of service depends on his own taste, because every five years he can determine whether he will continue there or go into some other service. At forty-eight years of age, if he has been a non-commissioned officer, he is then a pensioner on the Government, although, as I have said, he may never have heard a cannon fired in action or heard a hostile shot, and that is his own voluntary act. That is the provision to be made for the future subordinates, soldiers excluded, of the Army of the United States. If the service is likely to be dangerous, they quit; if easy and safe, they re-enlist.

Mr. MAXEY. Will the Senator allow me to make a remark in that

connection?

Mr. BECK. Yes, sir. Mr. MAXEY. A young man entering West Point at seventeen, as he can by law, graduates at twenty-one, serves as the law now stands thirty years, and may be retired; and so he goes out at fifty-one. Exactly the same principle which the Senator applies to the non-

commissioned officer applies to the commissioned officer.

Mr. BECK. Except in this, as the Senator from Illinois very well remarked, it is expected that the young man who enters the service of the United States as a commissioned officer shall devote his life to the context states as a commissioned officer shall devote his fire to the service of his country. He cannot honorably retire at the end of five years or ten years or any other time, especially if dangerous serv-ice is expected. He may tender his resignation, but the President may refuse to accept it, as I understand it; or, if he goes out of service, he leaves under a cloud without any provision. The commissioned officers, I understand, are men who are expected by all the rules of the Army and by the precedents of the Army to devote their lives to the service of the country, especially in the time of danger. The private and the non-commissioned officer are not. It is simply a service for five years at a time, when he may retire, having honorably fulfilled all the obligations he is under. If he does serve longer by voluntary enlistment each five years as a choice in preference to following any other pursuit, why should he be selected out, not having been compelled to remain, not having been expected to remain beyond any other public servant? As the Senator from New York very well remarked, why should he be pensioned over one who had spent his life either in the revenue service, internal or customs, or in any of the Departments of the Government? Why should he be pensioned on the country more than any other honest official?

The first precedent in the wrong direction may have been in giving commissioned officers retired pay. But if you are going to extend it, it is admitted on all hands that you should embrace the Navy, and I admit the Navy ought to be embraced as well as the Army, and soldiers and sailors should be on the same footing as subalterns. There will never, in my opinion, be another hostile gun fired on the soil of this country. I do not believe that any nation of Europe will ever make war upon us on land, or that all the nations combined will atmake war upon us on land, or that all the nations combined will attempt it. Year by year renders it more and more improbable; our standing Army will hereafter be used only to guard us from the few Indians who are diminishing and the dangers of which are being diminished as railroads pass through their country, and they are being held better and better in hand. Army life hereafter will be easier and safer than ever before, and therefore more sought after.

If there is any danger from any source it is from the great armaments of the nations of the world on the high seas; and if there are any men who ought to be looked after in the future it is the class of men who have to meet the armed ships of foreign nations, who are not sought to be provided for in this bill, and who alone of all the men we shall have to call upon to defend us will be likely to see any danger in the future. This bill is obviously part of a system of building up and pensioning here and there, and is an entering-wedge to an extensive system, just as it is with salaries. Very often when one man gets a salary that is improperly given to him, at once comes the question, why should not other men have just as much; why should not the men at your custom-houses get more, because so-and-so elsewhere gets more than they; why should not everybody be brought up to what is received at Washington in the different Departments? So it goes; there is no grading downward, always upward, by adding on system to system and class after class until we will have to pension everybody. If you can show old and faithful servants in the custom-houses who have served under all sorts of temptations for thirty years, why should not that service to the Government, honest and faithful, entitle them to a pension as much as the man who has been a soldier during thirty years? And so of any other civil employé of the Government. I am one of the few men—I believe there were only five of us; I was paired with the Senator from California, and therefore my vote was not recorded-only four or five of us who voted against th arrearages of pension bill; and the history of the working of that bill shows now, the reports from all the officers who have charge of these soldiers will show, that the benefit of the arrears of pension bill is being largely absorbed by men who ought not to have a dollar, and much of it has worked injuriously to the honest pensioner himself. These reports will come; they are coming now from all the Soldiers' Homes to that effect.

But I admit that is not a question now before us. Whenever we make these appropriations embracing whole classes they will continue to be extended. If this pension is given to the non-commissioned officers, you must give it to the privates; if it is given to the Army, you must give it to the Navy; if it is given to either of them, you must give it to the Navy; if it is given to either of them, you must give it to faithful public officers in civil life everywhere. Then we must provide the ways and means to do it with. Where is the money to come from? How are you going to provide additional taxes? Are you going to pile on more in the internal revenue? No man will dare say it ought to be done. man will dare say it ought to be done. Are you going to increase tariff taxation? Every man agrees that is too high now, and is fearfully oppressive on the business and commerce of the country. The ways and means for all these appropriations ought to be looked at and met. I had thought of suggesting, and I think it would be a very good idea, though I believe I will not offer it, that a tax of 2 per cent. should be "thereby imposed on the incomes of all persons in excess of \$5,000 per annum, which (less the expense in collection thereof) shall be set apart to carry out the provisions of this bill."

If the requisite taxation had to accompany the expenditure, appro-

This, I repeat, is only the entering-wedge to a system. It is like all other entering-wedges. They look very innocent and mild at first, but it will not be a week before the committee will come to us and say: "All private soldiers ought to have this provision made for their benefit in order to keep men long in the service and have them know that they are to be made comfortable for life;" and the Naval Com-mittee will feel impelled to come in and make the same demand, and, I admit, with a better reason for it; then the men in the civil service will be asking the same thing. It all looks to taxation, all looks to the maintenance of burdensome and oppressive taxation.

We have another bill here, introduced by the Senator from Rhode Island [Mr. Anthony] on the 1st of March last—

That any person who shall have been continuously employed in the civil service of the United States for fifty consecutive years or upward, and shall have attained the age of seventy years, shall, after his retirement from such employment for any cause other than his misconduct, be entitled to receive during his natural life three-quarters of the regular pay he was entitled by law to receive at the time of his retirement, which shall be paid to him in the same manner and at the same times prescribed by law for such employment.

I was not aware that such a bill had been introduced until just now, when it is handed me by my friend from Missouri, [Mr. COCKRELL,] but it is a necessary corollary to this measure, and the Naval Committee will do the same thing, if it is not already done, and every man will want to be pensioned who has served any continual length of time anywhere in the employ of the Government, notwithstanding, perhaps, he was drawing a higher salary during all that time than he would have been able to obtain if he had been in any ordinary civil employment outside of Government employ. Therefore it is proper, it is right that, looking to the great classes of drones and beneficiaries in middle age that have to come in for support, though able to work, civil employés, navy employés, private soldiers, and non-commissioned officers, men who may voluntarily retire if they like at the end of every five years, for I assume we are going to take them all in, we should provide the ways and means and impose taxes on incomes to do it. So far from increasing the taxation that is now upon this country, it should be diminished, and the struggle is being made now at the other end of the Capitol to diminish unjust and oppressive taxation, to relieve commerce, to enable our people to get what they want abroad in foreign markets more cheaply than they do, and not be dependent on the monopolized home markets alone, as they are

now. All these efforts are being made now, yet here we are loading down, by class after class, the able-bodied pensioners on the Treasury of the people until you must add to taxation in some form; and as it must inevitably come, I propose to meet it by a tax on the incomes of the rich and on the profits of great corporations of the country, and to set apart this tax thus collected to meet the appropriations. If that is done, as it ought to be, then my word for it nine-tenths of the men who are clamoring for the passage of these laws will vote against them, when they find that they and the men whose interests they have most at heart will be compelled to raise the money to pay for their patriotic propositions, which, while taxation is concealed, they consider so popular.

It is very easy to talk about giving gratuities and being just to this class of men and that class of men, civil employés, military employés, and naval employés. Who pays the money? The hardworking people of this country; for at last every dollar that goes into the Treasury comes from the sweat of the poor man's face. The corporations may pay it in, and the rich men may pay it in, but they take it back again out of the sweat of the poor at last. It was well said by the honorable Senator from Delaware [Mr. Saulsbury] yesterday, that the money in the Treasury comes from the men who labor day in and day out for hardly enough to live upon; at last it is out of their boots, their shoes, their blankets, their hats, their coats, that the money is obtained upon which we can be so liberal to men who have no claim of contract upon us, and who are under no obligation to renew their term of service unless they prefer it to other modes of life.

Mr. BURNSIDE. Mr. President, without admitting the similarity which is alleged to exist between the military and civil service, I am free to say to the Senator from Kentucky that I would myself be willing to vote for the bill of my colleague, and would be willing to pension every civil officer who has served the Government of the United States faithfully for fifty years, and the list would not be a long pension list at that. If the Senator from Kentucky will call to his mind any single mechanic or laborer or farmer who has toiled faithfully for fifty years and occupied a position before his neighbors as an honest man, and exerted precisely the same kind of integrity and industry that he would have to use in order to be an employé of the Government for fifty years and retain his position, I will point him to a man who has a competency in life, or a position in his community which assures to him a support.

I say there is no parallel between these two sets of employés; but

notwithstanding that fact I would vote for the bill of my colleague, and I would vote to pension every man who has faithfully served the Government of the United States for forty or fifty years. Take such a man as Mr. Hunter of the State Department. Who would not like a man as Mr. Hunter of the State Department. Who would not like to see that man pensioned? The same amount of integrity, the same amount of service, the same amount of industry and intelligence in private pursuits would have made him a well-to-do man in any community, probably a wealthy man. As I before said, point me to any man who uses the same amount of intelligence and industry in the ordinary walks of life that would enable him to occupy a position in the Government for fifty years, and I will point you to a man who has a competency unless extraordinary circumstances have occurred to

Mr. BECK. Allow me, to suggest to the Senator, as there are so many bills coming in, that there is perhaps no more ardnous service in the world than to serve in the Senate of the United States, and I suggest for the Senator's benefit that his colleague [Mr. Anthony has almost served in the Senate of the United States the length of time that these men have been serving in the Army about the country; and why not pension him and all such as he who have served faithfully here?

Mr. BURNSIDE. I will answer that by saying that my colleague has had nearly one-half of his time to attend to his own business, and can have all the time he wants to attend to it, and the Senator from Kentucky can go before the Supreme Court of the United States and plead a case to morrow and charge a fee of \$10,000, and put it in his pocket. A great many of us travel all over the country and attend to our own business almost at will and draw our salaries as Senators, and then complain because the bill introduced by my colleague favors and then complain because the bill introduced by my colleague ravors paying a small pension to a poor clerk who works eight or ten hours a day every working-day of his life for fifty years, and has shown the general intelligence and integrity to enable him to retain his place. It is said to be wrong to give him a pension, and that we are doing something monstrous to propose such a thing, even after he has broken himself down in the public service. A pension list such as is contemplated by the bill of my colleague will not be a large one.

I come back to the subject of the pending bill, and will say to the Senator from Kentucky that the cases he puts are not parallel. Senators of the United States seek their positions. During the late war when the authority and integrity of the Government were in danger we did not have to be Senators to service a record of the Conference of the Conferenc we did not have to beg Senators to serve, saying: "For God's sake come and serve in the Senate of the United States and we will give you a bounty." Far from that. Senators have always sought their you a bounty." Far from that. Senators have always sought their places of the people; but you asked and begged and implored men to go to the field to fight for the life of the country. They went and took their lives in their hands, and promises were made not only by the National Legislature but by State Legislatures, some of which promises have not been fulfilled.

But, Mr. President, I am the last man who should make a personal complaint, because I have received from the General Government and from the people of my State a great deal more than I have deserved. But promises have been made to the soldiers which have not been fulfilled, after we had begged them to go to the field and offered all kinds of inducements to go. It is to the interest of this Government to have an efficient army, and what we must look to when legislating

for the Army is not so much what their services are worth in dollars and cents as to how to keep up the esprit du corps in the Army.

Mr. HOAR. I do not know that any member of the committee has stated what will be the estimated cost to the Government, with the

present organization of the Army, of this system.

Mr. BURNSIDE. I was coming to that. I cannot state in round figures, but it is a mere pittance. The number of men who have served in the Army for a period of thirty or thirty-five years is very small. Many of them are killed in battle; others are worn out, and passaway; others are turned out for misconduct; and a large majority leave the service after first, second, or third enlistment. I venture to say there are not fifty private soldiers in the Army who have served for thirty years; so that if that class which I consider are wronged by this bill were included in it the list would not be large. In committee I was in favor of putting private soldiers on, and am now, but it was thought best by the committee to make this start. The retired list created by this bill will be very small, as very few non-commissioned officers live to serve thirty or thirty-five years.

These men could not have remained on duty and served as non-commissioned officers for thirty years without being good men, faithful missioned officers for thirty years without being good men, faithful men, industrious men, brave men; and the same amount of industry, faithfulness, and bravery in civil life would have given them competencies of some sort in all probability. They are unable to take care of themselves now; and here we are higgling at the passage of a law which will put probably sixty or one hundred of them on the retired list. We were not actuated by such feelings when the country was in danger. We would gladly have promised this and ten times as much, forty times as much, yea a thousand times as much, if it had been necessary to fill up our Army.

I am in favor of the bill in all its parts, and I am in favor of extending it to private soldiers, and I am free to say again that the bill of my colleague pensioning civil employés, if reported by a proper com-

ing it to private soldiers, and I am free to say again that the bill of my colleague pensioning civil employés, if reported by a proper committee, will receive my support as I feel now. I shall vote for it if it is properly brought before the Senate, because I think it is a just bill, and under it we would have better service, more honest service, than we have now. There would be less fighting for office. Men would not seek positions which are already filled by competent persons; they would go about their business on their farms, in their workshops, or in the mercantile walks of life, and allow the men who have obtained clerkships in public offices to remain in their positions until retired by old age. I know this is not popular doctrine, but it is my doctrine. I do not mean to say absolutely that it is right, but I think it is right. I would advise no friend of mine to become an office-seeker. Public employment in the Departments does not

give so much happiness as private employment. As to elective offices, the people will govern them wisely and rotate at pleasure.

Mr. BECK. I did not quite hear the Senator when he said something about being personally desirous of having the private soldier embraced, but the committee thought best to limit it and make this

Mr. BURNSIDE. There were several arguments in committee. I will say to the Senator from Kentucky that some of us thought private soldiers who had served that length of time should be retired. After discussion I was satisfied to drop that proposition for the reason that there are but very few, probably not fifty, of that class in the Army, probably not a dozen, who are not non-commissioned officers.

Mr. BECK. What did the Senator understand the committee to mean by making this a start? I think that was the expression.

mean by making this a start? I think that was the expression.

Mr. BURNSIDE. I did not intend to say that. On my own responsibility I say that I will, if possible, have at some future day the bill amended to include that class of private soldiers.

Mr. RANDOLPH. I think it has been the practice of the Senate not to question members of a committee as to what occurred in committee, concerning debate in committee. The Senator from Kentucky asks the Senator from Rhode Island what occurred in committee touch-

ing the passage of this bill.

Mr. BECK. I questioned the Senator from Rhode Island as to what he had said.

Mr. BURNSIDE. If I violated any rules—
Mr. BECK. It was as to what he said here in debate, saying that I had not distinctly understood him; he said something about desiring to put all the soldiers in, but that the committee thought it was best take this as a start, and I desired to know what the meaning of that language was on the floor of the Senate. I think the Senator from Rhode Island said this was only a start.

Mr. BURNSIDE. I merely say to the Senator from Kentuckythat if I violated any rule by imparting any committee secrets I beg pardon of the Senate and of the committee. I am, as a rule, generally pretty close-mouthed about things of that sort; but I am not a very ready or very practiced speaker, and I am apt to say things in haste that I ought not to say; but I do say that that was the view I gave expression to in committee. I did not mean to give the opinions of other members of the committee

The VICE-PRESIDENT. The morning hour has expired.
Mr. MAXEY. I hope we shall be allowed to take a vote on this
bill. I think it will only take a little while to do it.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill at this time?

Mr. MAXEY. I withdraw the request at the suggestion of several

The VICE-PRESIDENT. Senate bill No. 1509 is the unfinished

Mr. VOORHEES. Some days ago I gave notice that after the morning hour to-day I would call up a certain resolution, but in the present condition of business I esteem it to be my duty as well as my pleasure not to insist on that now in the face of the special business which occupies the attention of the Senate, so that I shall not ask to be heard at this time, but I shall in the course of a few days.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Publie Buildings and Grounds:

A bill (H. R. No. 5621) to provide for a building suitable for a post office, for the accommodation of the revenue officers and the United States courts and their offices, in the city of Charleston, West Virginia; A bill (H. R. No. 5622) to provide for the construction of a public building at the city of Paducah, State of Kentucky; and A bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government

at Cleveland, Ohio.

The bill (H. R. No. 4911) to amend the statutes in relation to immediate transportation of dutiable goods was read twice by its title, and referred to the Committee on Finance.

THE TENTH CENSUS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

On motion of Mr. PENDLETON, it was

Resolved. That the Senate insist upon its disagreement to the amendments of the House to the said bill, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-

The VICE-PRESIDENT appointed Mr. Pendleton, Mr. Harris, and Mr. MORRILL.

PAY OF NIGHT INSPECTORS.

Mr. ALLISON. I ask unanimous consent that House bill No. 2508. to regulate the compensation of night inspectors of customs, may be placed on the Calendar. It was reported adversely by the Senator from Pennsylvania [Mr. WALLACE] a day or two ago in my absence.

There are a good many people interested in this bill. I ask simply that it be placed on the Calendar instead of being indefinitely post-

poned.
The VICE-PRESIDENT. The Chair hears no objection. by which the bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar.

Mr. ALLISON. I have consulted with the Senator from Pennsylvania and he agrees that it may go on the Calendar.

VISITORS TO THE NAVAL ACADEMY.

The VICE-PRESIDENT appointed Mr. Hamlin and Mr. Beck members of the Board of Visitors on the part of the Senate to attend the next annual examination of the Naval Academy, under the provisions of the act of February 14, 1879.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to

make their reservation in said State, and for their purposes, and to make the necessary appropriations for carrying out the same.

Mr. PENDLETON. Mr. President, I do not think that this bill is entirely logical in all its theories or yet perfect in all its provisions. It would be, perhaps, impossible to frame such a bill in view of the many difficulties, inherent and otherwise, which surround every phase of this Indian question. Nevertheless, I shall support this bill cordially in the hope, and I may say in the belief, that a wise administration of its previsions by the executive officers and a baseficient see tration of its provisions by the executive officers and a beneficent application of its theories under the discretion which even the law allows to wise and just judges will, in the future, correct its errors and prove that we are to-day building even better than we know.

I shall endeavor to confine myself to the discussion of the bill. I shall not discuss the Indian question. I shall not discuss the principles that ought generally to have controlled the policy of the Government in relation to the treatment of the Indians, except so far as may be necessary in considering the provisions of this bill. I desire that the questions here involved shall be considered with entire freedom from prejudice or passion. I desire that we shall have here in the Senafe no sentimentalism muon this subject. I desire that we may Senate no sentimentalism upon this subject. I desire that we may avoid gush on the one side or the ether. I desire that the Senate shall escape the influences of the cyclone, as it has been called, of sympathetic humanitarianism which has pervaded Boston upon the subject of the Ponca Indians, or the tornado of wrath against the Utes

which seems to prevail in Colorado.

I desire to allay all prejudice and bitterness and to invoke the calm consideration of the Senate to the plain business propositions made in this bill. Let us look for a moment at the conditions out of which

this agreement has grown.

In 1870 the Ute Indians found themselves in possession of this immense reservation within the exterior limits of the then Territory mense reservation within the exterior limits of the their retrievy of Colorado. They held it under the guarantees and stipulations of a treaty that had been made in 1868 by the United States. I call it a treaty because according to the policy of the Government then it was known as a treaty, and is called a treaty by the parties to it. I call the attention of the Senate to the provisions of the treaty; and as the weight of the argument that I intend to make is predicated upon and contained in the very language of the treaty, I shall be excused for reading so much of it as seems to me pertinent. The second article of the treaty, after defining the limits of the reservation, provides that it-

Shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.

Article 5, provides that in eaco of devocations upon a be Indian as I.

Article 5 provides that in case of depredations upon the Indians or by the Indians upon white people, evidence shall be taken in writing and forwarded "together with their finding"—that is, the finding of the agents—"to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty."

Then article 6 provides:

Then article 6 provides:

If bad men among the whites or among other people, subject to the anthority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws, and in case they willfully refuse so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

I repeat, they shall deliver up the persons who have committed the

I repeat, they shall deliver up the persons who have committed the offense, or in case they willfully refuse to do so money compensation shall be made to the parties injured out of the annuities or other funds coming to the Indians under the treaty. Article 7 provides:

If any individual belonging to said tribe of Indians, or legally incorporated with them, being the head of a family—

I call attention to this provision because it was the subject of some debate yesterday-

debate yesterday—
shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land book as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her for purposes of cultivation a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the Ute Land Book.

And there is another provision in that article which may become

And there is another provision in that article which may become important in the further consideration of this bill, to which I now desire to call the attention of the Senate, and it is in these words:

The United States may pass such laws on the subject of alicnation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof as may be thought proper.

And again in article 16 it is provided:

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no eession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

I have been particular to read in the very language of the treaty these various provisions, in order that it may not be necessary hereafter in the progress of my argument to read them but only refer to them by their numbers. It was under the guarantees of this treaty, these wise and humane provisions, asserting at once the superiority and the kindly and protecting care of the Government of the United States, that in 1870 these Ute Indians were in the possession and enjoyment of this reservation. Almost immediately after they were thoroughly settled upon this land and in its enjoyment, the Congress

of the United States passed an act, the substance of which is embraced in section 2079 of the Revised Statutes, and it is to this effect:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation or tribe or power with whom the United States may contract by treaty. But no obligation of any treaty lawfully made or ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

What is the date of that? Mr. BUTLER.

Mr. BUTLER. What is the date of that?
Mr. PENDLETON. March 3, 1871. I call attention to the very language of the statute, "shall be recognized as an independent nation, tribe, or power with whom the United States may contract by treaty."
They do contract, as I shall have occasion to show, but not by treaty. The act says still further:

But no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

Mr. President, that act being passed in 1871, it becomes important, in view of the discussion we have already had on the subject, to conin view of the discussion we have already had on the subject to consider what is its true effect and meaning and the interpretation which has been given it by Congress. I find a legislative interpretation put upon it by the Congress and President of the United States in reference to these very Ute Indians. That interpretation establishes the difference I seek to make, that whereas they may not contract by treaty, they may contract by agreement or other form of obligation. Almost as soon as that act was signed, on the 23d of April, in 1872, Congress, having in view the provisions of the treaty that required the assent of the tribe ratified by three-fourths of the male members of the tribe to validate a cession of their land, passed an act declaring, (volume 17, 55:) ing, (volume 17, 55:)

That the Secretary of the Interior be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians, in Colorado Territory, for the extinguishment of their right to the south part of a certain reservation made in pursuance of a treaty concluded March 2, 1868.

Senators will see the pertinence of the provisions of the treaty . have read in view of the citations I have made. And, this law having received the sanction of the President of the United States, commis-

received the sanction of the President of the United States, commissioners were appointed to negotiate with these very Indians in order that their consent might be obtained to a cession of their lands.

Following this precedent, I come to an act in 1873, passed the very next year, carrying out the interpretation given by this first act of 1872. It recites in its preamble that the commission appointed in 1872 having failed to obtain the consent of the Ute Indians to a cession of their territory, another commission was appointed, which negotiated a contract and agreement, which is recited in the act, whereby the Indians, three-fourths of the male members consenting, made a cession to the Government of the United States upon condition that they, the Indians, retain within the limits agreed upon a certain reservation called the Uncompangre Park, and the United States should ervation called the Uncompabgre Park, and the United States should pay them annually \$25,000 in money; and after reciting this contract, after approving of it, (it having been first approved before it came to Congress, by the tribes and the requisite number of male Indians,) the act goes on to ratify on behalf of the United States this agreement, and to make the necessary appropriations for carrying it out. That treaty, that act, that contract, that agreement having been made in 1873, and the act which I have just read having been passed in 1874, a controversy arose between the Indians and the powers of the United States the agents or settlers, somebody, as to the boundary

the United States, the agents or settlers, somebody, as to the boundary of this cession. It was discovered that whereas in so many words a reservation had been made of the Uncompander Park, the boundary line was nevertheless run in such a way as to throw that park with fifteen thousand acres of arable land into the cession; and the Indians were thus deprived of a great portion of the agricultural country be-

Mr. TELLER. I know the Senator does not intend to misrepresent the fact.

Mr. PENDLETON. Not in the least.

Mr. TELLER. The Senator speaks of fifteen thousand acres. All the documents on file in the Interior Department, that he or anybody else can have access to, show that instead of there being fifteen thousand acres, as far as I have been able to find, it is about three thousand. The number is placed all the way from twenty-five thousand acres to three thousand acres. The extent of territory that was afterward included in the reservation by the executive order was simply four miles square. Therefore it could not have been fifteen thousand acres

Mr. PENDLETON. I will take occasion to show to the Senate before the debate closes, if not to the Senator, the authority upon which I make the statement. It is here within the leaves of this correspondence. But the Senator is very much more familiar with that subject, and if I have stated it too largely I am willing to say that it is fifteen hundred acres. At all events, the point is that immediately a controversy arose between these Indians and the agents or the settlers as to the true boundaries of the reservation, and it was discovered that that which they thought they had reserved, and did in terms reserve, was included within the boundaries of the cession as surveyed. An imbittered controversy went on between these parties for several years, until finally, in order to carry out the provisions of the treaty, General Grant was obliged to issue an executive order declaring that the boundaries should be corrected, and

that this park should be reserved to the Indians. Not only that, but

another controversy as to boundary sprung up afterward.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) Will the Senator from Ohio yield to the Senator from Colorado?

Mr. PENDLETON. Certainly; it gives me pleasure to yield to him. Mr. TELLER. This transaction is thoroughly within my knowledge, and is not within that of the Senator. edge, and is not within that of the Senator.

Mr. PENDLETON. Certainly; and I yield with pleasure.
Mr. TELLER. Allow me to say that no controversy ever went on between these settlers and the Indians until after the executive order had been made. The facts are shown by Executive Document No. 29 of the second session of the Forty-sixth Congress. If the Senator wants to find the amount of arable land, he will find it by looking at page 89. In the early spring of 1876, after the Government had run the lines of this reservation and after the Government had established its monuments, these settlers went on outside of the reserva-tion and made their settlement. Twenty-five or thirty families went on a little stream called the Uncompangre. In August, 1876, a few months after they had gone there, the President of the United States, without any knowledge so far as these settlers were concerned that there had been any complaint made, on the representation of the agent, issued an executive order and included these men with their cabins and farms in the reservation. Subsequently their attention was called to it, and I was asked as a member of the Senate to interfere in their behalf. The whole thing has been thoroughly familiar with me ever since.

The honorable Secretary of the Interior was called upon by a resolution that I had the honor to present to the Senate, and which was considered and passed, for the correspondence with reference to the mining-camps on the territory. He saw fit to send to the Scuate this Executive Document No. 29—although it had no reference to mining-Executive Document No. 29—although it had no reference to mining-camps at all, but did refer to the Uncompangre Valley or Uncompangre Park. With the same evidence that he had in his possession were the affidavits of at least fifteen good substantial citizens of Colorado, substantiating what I now say, which the Secretary did not send to the Senate. There was also on file, a letter of the State senator from the senatorial district, detailing all the circumstances, a long and carefully prepared letter, which was not sent here. I expect when the eighth section comes up to be acted upon, to say something about the provision in regard to the Uncompangre Park. I only wish to correct the Senator from Ohio, first, as to the amount of land, and, second, to state that these settlers went there in perfect good faith, and the Indians then set up a claim that the line ought good faith, and the Indians then set up a claim that the line ought to have been run farther south, and the President included these settlers within the reservation.

Mr. PENDLETON. The Senator from Colorado says that there was no controversy between the Indians and the agents, or whoever else it may have been, until long after these boundary-lines were surveyed. I call the attention of the Senator and the Senate to page 10 of Executive Document No. 29, in which there is given the statement of Ouray, the principal chief of the Ute Nation:

Governor Elbert informed me that a nephew of his run the eastern line of the reservation, and all the Utes believe that he made a false location for the purpose of throwing outside of the reservation good lands, so that they might make farms and town sites.

This is a statement made by Ouray, sworn to by the interpreter on the 19th day of October, 1874, and it was only in the spring of 1874 that this cession was made.

Mr. TELLER. If the Senator will yield to me one moment, he will see that that refers to the eastern line of the reservation and not to the southern. Ouray is talking about one piece of ground and the Senator is talking about another piece entirely different. The controversy was then with reference to the line as it ran through the Elk Mountains, a long distance from this place. I admit that the Indians claim there was a mistake in the line, and they always do claim that. In every single instance that I have known where there has been a reservation surveyed there has been set up by the Indians a claim afterward of an incorrect line.

Mr. SLATER. It is an old story.
Mr. PENDLETON. It is an old story of theirs; I do not doubt it; and it is an old story, too, that upon close examination it has been found in largely a majority of cases that their story is a correct one.

It is immaterial on the point that I am seeking to make as to the controversy which arose between these parties as to the boundaries whether or not I define correctly the eastern or the southern boundary. My point is that notwithstanding these various cessions, these various agreements, these laws that have been enacted, controversies did arise between the Indians and the settlers and agents touching the boundaries of those lines. The Senator from Colorado says that this controversy, and probably he says rightly, applied to the eastern boundary, whereas I made it apply to another. A controversy did exist; that is my point. There was also a controversy as to the Uncompabgre Park, and there was still another controversy as to the location of the northern boundary of the reservation. It appears that the line which was actually run by the surveyor was fifteen or seventeen miles south of that defined by the treaty, and so established did exclude the Indians from a large amount of territory. I think I amight shout that right about that.
Mr. TELLER. It is the northern line that the Senator speaks of?

Mr. PENDLETON. It is the northern line. I am also right in stating that there was a controversy about the Uncompangre Park, which contains a large amount of land. If the gentleman says fifteen thousand acres is too much, and that fifteen hundred acres is right, I take it at that. This controversy went on to the imbitterment of the Indians, giving them a sense of insecurity as to their title and occupancy of this whole country, until finally it was settled two years afterward by an executive order of General Grant rectifying

years afterward by an executive order of General Grant rectifying the boundary and reserving to these Indians the whole of the land that they claimed. I think I am right in that.

Mr. ALLISON. I desire to say one word in reference to this point, if the Senator will allow me.

Mr. PENDLETON. Certainly.

Mr. ALLISON. The original agreement of 1874, which I think the Senator has already read, provided that this cession should not include in a straight line the region known as the Uncompalagre Park, but that the line should be diverted so that the Uncompalagre Park but that the line should be diverted so that the Uncompangre Park

would remain a part of the Indian reservation.

Mr. PENDLETON. The Uncompander Park was included in the reservation, as they had a right to have it included, by the original

agreement.

Mr. TELLER. I should like to say that the Uncompangre Park is north of the south line, and the ground that the President of the United States by an executive order included and put into the reservation, as he had a right to do, was no part or parcel of the Uncompander Park. It is eight or nine miles at least north of that line.

Mr. PENDLETON. It is immaterial whether I have given correctly

the particular boundaries of the reservation or the particular amounts which the Indians claim to have been deprived of. The point I make is to show that during the period between 1874 and 1879, to which later date I intend directly to call the attention of the Senate, controversies had sprung up between these Indians and the agents and settlers; causes of complaint, just, I think, many of them, perhaps some of them exaggerated, which led to a feeling of insecurity among these Indians and made them feel that an attempt was being made and would be made to disturb their occupancy and break down their title. In order to show what was the state of feeling on the part of these Indians in 1879 I desire to call the attention of the Senate to a conference held in 1878, which throws great light on this subject. Executive Document No. 29, page 86:

Los Pinos Indian Agency, Friday, August 30, 1878.

At ten o'clock the council was called to order by General Hatch, chairman of the

At ten o'clock the council was called to order by General Hatch, chairman of the commission.

Present, General Hatch, Mr. McFarland, Inspector Watkins; Agent Abbott, U. M. Curtis, and Jesus Morend, interpreters; Ouray and Sapovanero, chiefs; and about twenty-five head-men of the Tabequache Utes; and Jack, Colonel Mapisco, and about half a dozen other head-men of the White River Utes, and the secretary of the commission.

The proceedings of the council were as follows:

Mr. McFarland. The commissioners, General Hatch and myself, are sent here from Washington to talk with these chiefs and Indians for the purpose of hearing any complaints and settling any difficulty. Colonel Watkins is inspector of Indian affairs, and is traveling with us.

Thereupon Ouray said:

We have no complaints to make; we were called to meet you, and didn't call you to meet us, but are ready to listen to anything you have to say; would like to hear what you have come for. Why do you drive Aijuillar from Cimarron and Ignacio to White River!

General HATCH. The Great Father has heard that complaints have been made about the white men taking the Indians' land and has sent out this commission. Ignacio had complained that he had a little strip of land that was not good, and the Great Father sent out to buy the land; but Ignacio says he has no complaint to make.

Ouray then speaks out and says:

The settlers here want the land and the movement has been instigated by Senators Chaffee, Teller, and Patterson.

Mr. McFarland. We don't want to drive anybody, nor have we power to do anything more than make a trial. We wanted Ignacio to come here, but he preferred to talk down there at the Southern Ute agency.

McFarland said :

We want to know if you will sell your interest in the four-mile offset and the southern and western strip, the agreement not to be binding until you are paid in cash for it. We want to buy it, that is what we are sent for, and we want you to consider it. If you will sell the four miles to the United States, then the settlers will have to buy it.

Recollect that this is a conversation with Indians who are called to meet the commissioners—Indians who protest that they do not want to sell their lands, that they have no complaints to make. The council adjourned after an hour, and, coming together, McFarland asked

What do you think of selling the four-mile square and the southern and western strips, or the four-mile square alone?

Ouray. As for the southern portion, I don't care to talk about that. I will agree to anything that Ignacio may do respecting the southern and western strip, and as for the four-mile square, we don't want to sell it; hence we asked that the settlers be removed.

General HATCH. The four-mile square is worth very little to the Indians, and the settlers are dependent upon that for their vegetables, and it would be better to remove this bone of contention for a good price and settle the question.

OURAY. We have written to the Department to send soldiers here to have the settlers removed.

General HATCH. Soldiers were sent here, but as soon as they came the white settlers wrote the Great Father, and, as the Indians didn't write, he thought the settlers must be right.

tlers must be right.

OURAY. We look upon it as the white settlers breaking the treaty. The miners

General HATCH. That is a fact, but it isn't the white men there, but their backers

General HARCH. That is a fact, but it isn't the white men there, but their dackers that are urging them to it.

OURAY. If the Government wants to take it and break the treaty, all right. General HARCH. I don't believe the land is worth ten ponies, but the Great Father will give you \$10,000 for the land and settle the question once for all.

OURAY. I don't think that would end it. They would want more.

General HARCH. You don't understand it. They want a little room to raise vegetables. There is no room for them to breathe. I think the Indians will gain by taking the money; \$10,000 will do a great deal; you can buy a great deal with it; the land isn't worth much to you, and with the money you can do a great deal.

Further on McFarland says:

We are not begging; we are trading. The land is not worth that to the President or to the Indians; but, to settle the question, we are willing to pay \$10,000. There are only twelve hundred or so acres that can be used, and we simply want to make a trade. The lands can't be taken from you.

SAPOVANERO. We don't want to sell it; don't want money.

Mr. McFarland. If you don't want money, we will pay then in cattle, in cattle or agricultural implements.

How persistent he is at getting that land from Ouray!

OURAY. We have been promised money before, but have never seen it.
Mr. McFarland. You will not give up the land till you sell the land?
General Hatch. The Indians know the land is not worth \$10,000; we are talking ryou and not for the white men.
OURAY. If you were talking for the Indians, you would put the settlers out.

I think there is a great deal of good sense in what this old Indian said, and when my friend [Mr. Slater] said in another place that he was a great negotiator, I think the statement is fully substantiated by the facts.

General Hatch. It is to settle this trouble. The \$10,000 is not for value of land but to settle the trouble. The people are ordered out when they get their crops, but if the settlers are put out it will only make bad feelings.

If we drive the white men off we will make enemies for the Indians; we do not pay the value of the land, but simply to settle the question.

OURAY. I do not care what the rest do.
General HATCH. I can drive the white men off, but the Indians will have enemies. If the Indians take the thousand dollars they will have much money and no ene-

QUERO. I do not want to offend any one, but we do not want the money. General HATCH. It is the Indians' interest to sell the land, and not for the Gov-

I do not wish to weary the Senate by reading too much of these proceedings. Proceeding further, Ouray said:

We don't want to sell that piece of ground, but we treat to keep the whites off. General HATCH. We would have to keep troops there all the time. Wouldn't it be better to sell it at once?

OURAY. The agreement was only to drive the people off, not to put a post there. General HATCH. That's the only way to keep the settlers off the land—to keep troops there; for they will have vegetables some way.

OURAY. The place is a camp for my horses, but now I can't use it for the settlers. General HATCH. What is the difference, if you get for the land more than it is worth? But if the soldiers are put there they will eat the grass as much as the settlers.

tlers.

OURAY. The soldiers are to come and put off the white settlers; that is what the treaty calls for.

General HATCH. Yes; but the soldiers will have to keep coming, and that will use up all the Indian land.

OURAY. Why will the settlers come again if the soldiers drive them off?

General HATCH. Because the settlers have been told that the Indians don't own that four-mile square, though we know they do; and that is the reason they dare to settle on it.

Finding that nothing more was to be gained except a persistent attempt to compel them to give up the land which they said time and time again they did not want to sell, for which they were not willing to take money, would not take money, Ouray, in despair, says: "We have nothing more to say on the subject." But after a while, persisting in that course and bringing these Indians to Washington, a convention was made by which these four miles square, or whatever other quantity it was, were finally agreed to be sold to the Government of the United States for \$10,000. The Indians ratified the treaty, the settlers went upon their land, and not a dollar of the \$10,000 has been paid to this time.

Mr. ALLISON. Was the agreement ratified by Congress?

Mr. ALLISON. Was the agreement ratined by Congress;
Mr. PENDLETON. The agreement was not ratified by Congress,
but the Utes had ratified it; the settlers went upon the land; the
Indians were deprived of their property. Congress did not ratify the
agreement, and not a dollar of this contract money has yet been paid.
In this connection I desire to call attention to the fact that of the

In this connection I desire to call attention to the fact that of the \$25,000 agreed to be paid annually by the treaty of 1874 as the price of the cession made by the Indians, it appears that last fall \$60,000 of the \$25,000 of annual payment were behindhand and unpaid, and these \$60,000 are provided to be paid by this bill. With negotiations such as these feelings must have been engendered which produced exasperation on all sides. I say here that I do not cite these things for any other purpose than to show that exasperation and bad feeling have been created and wrong has been done, without undertaking to intimate at all that the wrong was upon one side or the other. Without intimate at all that the wrong was upon one side or the other. Without undertaking to exculpate the Indians or to inculpate the whites, I have cited these things only to show that when the year 1879 came it came to people in that Territory and on that reservation whose feelings were irritated, who had been exasperated by wrong, perhaps on both sides.

The Indians were roaming. They went upon the Middle Park. Complaints were made of their doings there. It was claimed that outrages were committed, that houses were burned, that forests were destroyed, that wrongs were perpetrated. Perhaps it is true. The evidence obtained by the military officers from people throughout the whole range of country through which the Indians roamed gives great

reason to doubt whether the acts charged against the Indians are true

Mr. TELLER. I will ask the Senator from Ohio if he has read the report of Colonel Parker, who went there?

Mr. PENDLETON. I believe I have read every line in these two executive documents, but I am not able to say that I have read the report of Colonel Parker, because the name did not arrest my atten-

Mr. TELLER. Colonel Parker reported that these charges were

true; Captain Dodge reported the same, and General Pope, after a personal examination, reported the same.

Mr. PENDLETON. In the executive document to which I have alluded will be found the testimony of a large number of settlers, farmers, and miners throughout the country through which these Indians ranged, which was collected I believe by Thornburgh.

Mr. TELLER. Allow me to say that every single one of these with two or three exceptions is in Wyoming and not in Colorado. Mr. PENDLETON. How far is Wyoming from the boundaries of

Mr. TELLER. Wyoming is two hundred and fifty miles from the scene of a great portion of these outrages.

Mr. PENDLETON. Exactly, but close upon the borders of Colo-

rado ?

Mr. TELLER. It adjoins Colorado.
Mr. PENDLETON. It adjoins Colorado. I knew that when I asked the gentleman the question. I say there is great reason to doubt that depredations were committed to the extent that has been charged. As I said before, I desire to disarm prejudice; I desire to disarm bit-terness; I desire to come to the consideration of this question myself, and ask other Senators to do so, without prejudice and without bitterness at all.

I have cited these occurrences to show that in the beginning of 1879 exasperation, fear, and distress existed upon the part of these Indians, as well as upon the part of the white men. These Indians wandered, as I said before. That they committed some outrage I have not a doubt. They were brought back from the park to the reservation. Complaints were made by Indian agents. From the executive document it will be seen that the Indian agents were chafing under these performances of the Indians, and begged the Government to make an example of them. Thereupon the military arm of the Government to make an example of them. Thereupon the military arm of the Government was invoked. Thornburgh was sent with his troops, the battle of Milk Creek occurred, and lives on both sides were lost. Then followed the massacre at the agency with all its attendant outrages and horrors, and that brought the parties face to face.

When the commission met these Indians in the fall of 1879 the de-

When the commission met these Indians in the fall of 1879 the demand was made upon them to surrender the bad Indians who had been guilty of these outrages. The treaty of 1868 and 1874 required that they should be surrendered. The demand was made. It was peremptory. It was not yielded for a moment; and in accordance with that demand these Indians did take six of their men charged with being guilty of the outrages, three of them at least the chiefs of one of the bands of the Ute tribe of Indians. With their imperfect discipline and police force they actually, in obedience to the command of the Government, took these Indians into custody and surrendered six of them to the military power of the United States. The rendered six of them to the military power of the United States. The general commanding refused to receive six unless at the same time all the twelve demanded were given up. Thereupon, as they would not be received, the six Indians were discharged. Immediately after-ward the Indians came here to Washington and the demand was again made that they should deliver up the bad Indians who had committed these outrages. Then again, in pursuance of the demand made upon them by the Government, these Indians here so far influenced their tribes at home that three men of the six who had been tendered before were arrested and again delivered to the Government of the United States, and two of them are now in prison awaiting judgment for their crime. The Government has discharged one because he is proven to be not guilty.

This was the condition of affairs when, in December last, the agreement which we are now considering was negotiated. What is the condition in which the Government found itself? Forty-five hundred Indians are upon this reservation. The reservation contains twelve million acres of the best mineral land in the United States. Forty thousand white settlers, more or less, brave, enterprising, hardy, stimulated by courage and love of adventure and love of gold, are pressing now upon its borders. The Government of the United States must make a war to punish and coerce these Indians; it must make a war to keep within control these forty thousand white settlers and to prevent their intrusion on the reservation; it must face to-day the alternative of a war against the Indians and against the settlers at the same time; the Indians in their mountain fastnesses and the settlers surrounding and pressing upon the reservation upon all sides, or an arrangement which will satisfy the just and legitimate demands of both the Indians and the settlers. It was in this condition of affairs that the Government was called upon to make its choice. I shall not say a word about either the expense or the horrors of an Indian war. I shall not say a word about the cost of carrying on a war in a country the character of which was given by the Senator from Colorado the other day when he read the report of a military officer showing the difficulties of being able to reach the agency. This is the alternative. Satisfy the just and legitimate demands of

both the settlers and the Indians, or else prepare to make a war which shall coerce and punish the Indians and restrain and hold back the settlers. Finding that alternative presented to it, the Government framed this agreement.

Mr. MORGAN. I should like to ask the Senator a question.

The PRESIDING OFFICER. Will the Senator from Ohio yield to

the Senator from Alabama?

Mr. PENDLETON. Certainly, with pleasure.
Mr. MORGAN. I ask the Senator does he think the condition would be any better by these Indians being removed from their present location if they should unhappily be located upon lands where hereafter minerals may be discovered? Would not the objects to be attained by the bill and the Indians provided for be affected also in that case

Mr. PENDLETON. There are two answers to that question which to me are entirely satisfactory. In the first place, these Indians are to be scattered so that the vitality of their tribal organization will no longer continue. In the next place, a large body of them are to be removed to the Uintah reservation—I am not able to say how large a number of them will be removed to the Uintah reservation in which I am told there are not to be found those sources of mineral wealth which will stir the cupidity of settlers who may surround them.

Out of the condition I have stated grew the treaty— Mr. MORGAN. I understand that the honorable Senator, there-Mr. MORGAN. I understand that the honorable Senator, therefore, admits that in the event these Indians should get on lands where there are treasures of minerals he will expect a repetition of the same conditions we are now required to provide for by the bill?

Mr. PENDLETON. In case these same conditions are again renewed we may find ourselves confronted with the same difficulties. Sufficient to that day is the evil thereof.

Mr. MORGAN. I beg leave to say to the honorable Senator that I think it is the duty of Congress now to provide against all such evils by legislation. This is the proper time to do so. My objection to the billie that it is a more system of expedients and is not based upon

bill is that it is a mere system of expedients and is not based upon any principle that ought to control our relations with the Indian tribe

Mr. PENDLETON. The bill is based upon the principle of perform-Mr. PENDLETON. The bill is based upon the principle of performing as nearly as it is possible all our treaty obligations. It is based upon the principle of doing that entire justice to the Indians by way of convention which the Senator from Alabama said yesterday he would do by way of a law. It is based further upon the idea that the tribal organizations which are to be partially broken up by the bill will be eventually entirely broken up and the Indians will then perhaps be in a condition to compete in the race of life even with the settlers who are crowding upon them.

Mr. WHYTE. I will ask the Senator from Ohio a question if he will permit me

will permit me.

Mr. PENDLETON. Certainly.

Mr. WHYTE. I ask him if this legislation is not directly in the teeth of the policy that this Government has pursued heretofore in regard to the Indians since the days of Mr. Monroe? I mean as a

Mr. PENDLETON. Yes, sir, as a policy. The policy, as I understand it, of Mr. Monroe, which was pursued for a great length of time, was that inasmuch as there were vast amounts of territory unoccupied, scarcely inhabited at all, which it was believed that the tide of emigration would not, at all events in a century, reach, lands to the amount of several thousand acres apiece should be given to the Indians, and that they should roam upon them, hunt upon them, maintain themselves by the chase, and preserve their lives by pursuing the occupations which they had when this whole boundless continent was theirs. But in the course of time, notably in an instance like this, the tide of emigration rushed to the West; the villages of to-day, being the waste places of yesterday, became the cities of to-morrow; the wilderness of yesterday became the marts of commerce of to-day; the wilds of yesterday are penetrated by the railroads and the telegraph to-day. No part of this continent can be set apart for the Indian tribes as hunting-grounds sufficient to enable them to roam over them and lead the redetern life that they were accustomed to over them and lead the predatory life that they were accustomed to lead. Our conditions have changed; the necessities of our country, of our population, the discoveries of mineral wealth, have changed them. Our teeming population, which will permit no barrier to stand between it and the Pacific Ocean, compels us to pursue a different policy. However doubtful it may be in its results, I, for one, incline to believe it will be preservative of the Indian and save him from the ruin which is as inevitable as death itself if the former policy shall be pursued. shall be pursued.

The Senator from Texas [Mr. Coke] stated so succinctly and clearly the provisions of this agreement the other day that I do not desire to dwell upon them. The agreement provides, first, for the surrender of the criminals, and, if they are not surrendered, for a penalty, which of the criminals, and, if they are not surrendered, for a penalty, which it is believed is sufficiently stringent to compel their surrender if it is within the physical power of the tribes to do it. It provides for the cession of the reservation, for the allotment of lands in severalty, for compensation to be given for the land ceded, and for aid both by money and otherwise to be given in the removal. These are the provisions of the treaty, of the agreement, of the convention, of the compact, whatever gentlemen please to call it. Following upon that is the bill now before us, the first provision of which is the ratification of the contract. The next provision is for the appointment of five commissioners, whose duty it shall be to superintend, first, the ratification of this contract, next the taking of a census of these Indians, next the allotment to them of their lands. The bill provides that upon the completion of this scheme, upon the surrender of the reservation, upon the allotment of the lands, upon the dissolution to that extent of the tribal relations, these Indians shall pass under the protection and be subjected to the obligations of the Revised Statutes, section 2077, and to the laws of the State or Territory where they may be. The other provisions of the bill are appropriations for the

purpose of carrying these various objects into effect.

I submit, in the first place, that this convention and this measure I submit, in the first place, that this convention and this measure are entirely in accordance with the precedents of 1872 and 1874. The first objection that confronts us is that made by the Senator from Alabama, [Mr. Morgan,] that this is an entire violation of the section of the Revised Statutes which he read, and which I have read again this morning, providing that no treaty shall be made with these Indians. I call the attention of the Senate to the very language of that act. It is that the Indian tribes shall not be considered an independent action of the senate with one with whom the United States shall ent nation or a tribe or a power with whom the United States shall contract by treaty—not contract at all, but contract by treaty. What is a treaty? It is a contract made between sovereigns.

Mr. MORGAN. Will the honorable Senator allow me to ask him

whether this is not a contract between the Government of the United

States and a tribe of Indians?

Mr. PENDLETON. Certainly it is, and we have a right to make it, as I shall proceed to show; but it is not a treaty.

Mr. SLATER. I should like to ask right here whether the effect is not to abolish the tribal relations by allotting certain lands to the Indians in severalty?

Mr. PENDLETON. I am not prepared to answer the question of the Senator by saying that it is an absolute dissolution of the tribal

Mr. SLATER. Does not the bill provide for the continuance of Ouray as principal chief?

Mr. PENDLETON. No, sir; it does not provide for his continuance as principal chief. It provides for paying him an annual sum of money, and if they should depose him from his chieftainship he would still be entitled to be paid that money. It is a personal obligation to Ouray not in his capacity as chief but in his capacity as an influential man, an important man, I agree, with great moral power, perhaps political and governmental power over the tribe.

A treaty is an agreement between sovereign nations, and in that

sense the Government of the United States shall not contract with these Indians. A treaty which the Government of the United States makes with sovereign nations is made by the President by and with the advice and consent of two-thirds of the Senate. The law of 1871 does not forbid the contracting with Indians; it does not forbid a cession by Indians; it does not prevent any other recognition of In-dians and their tribes except as to making a contract in the nature of a treaty. The Government will not recognize their sovereignty as a nation, but it will recognize their power to contract with our sovereign nation. Gentlemen need not tell me that this is an extraordinary provision. Corporations contract with the Government; a city may contract with the Government; a partnership may contract city may contract with the Government; a partnership may contract with the Government. A corporation contracts by its board of directors or the majority of its stockholders; a city may contract by its municipal council, and they are elected only by a majority of the people. A partnership may contract with the Government; and so an Indian tribe may contract with the Government, even though it is not a sovereign power. This I submit is the proper interpretation to be placed upon the law of 1871, is the interpretation put upon it by the laws of 1872 and 1874, which I have read. But the law of 1871, in express terms, excepts from its operation the obligations of any treaty then already lawfully made. The treaty of 1868 was then in existence. That treaty provided there should be no cession of lands existence. That treaty provided there should be no cession of lands except upon the contract of the tribe concurred in by three-fourths of the male members. Upon the strictest principle of interpretation, if it were necessary to say so, under the exception of the law of 1871, the section of the Revised Statutes which has been read, the power of these Indians to contract for the cession of its lands, even by treaty, would be reserved.

Another objection made to this measure is that it would be the passage of a law of the United States to take effect upon the action of these Indian tribes. I submit that this objection is hypercritical. Here is a tribe of Indians, whose lands cannot be acquired except by a cession ratified by the tribe and also by three-quarters of its mem-

Mr. MORGAN. If the Senator refers to the treaty, I think he is mistaken. The lands are held in common—

Mr. PENDLETON. I will come to that point directly. It is not necessary to separate for this moment on this question the lands in common and the lands in severalty.

Mr. MORGAN. Lands in severalty cannot be acquired—
Mr. PENDLETON. Lands in common cannot be ceded except by
the action of the tribe, approved by three-fourths of the male mem-

Mr. MORGAN. But the lands in severalty cannot be acquired at

Mr. PENDLETON. Not so. The lands in severalty cannot be taken except by consent of the owner in severalty; I agree to that.

As I said before, here is a treaty providing that the land can only

be ceded in a particular way by the assent of three-fourths of the male members of the tribe. The Senator from Alabama seeks to give to these two laws an interpretation which makes it utterly impossible for the Government to acquire title to the land except by driving these people into a war and taking it from them by conquest or by way of punishment, or else by exercising the power of the Government of the United States over the tribes irrespective of treaty.

Mr. MORGAN. The honorable Senator will allow me to state my

own position in regard to the lands. When they become posses

individually

Mr. PENDLETON. If when I come to that point I misrepresent in the least possible degree the position of the Senator from Alabama it will give me great pleasure to yield to him.

Mr. MORGAN. Undoubtedly; but I desire just now to say that when the lands have become the property of individual Indians of that reservation, either in possession or in prospect of possession, they cannot be acquired by the Government of the United States except by a contract with the individual Indians; no treaty can reach that

subject at all.

Mr. PENDLETON. I am perfectly willing to concede that the Senator from Alabama in that position is entirely right. The sixteenth section of the treaty which he quoted yesterday, and which I read today, provides that while the tribe, with the concurrence of threequarters of the male members, may cede the lands held in common, the lands held in severalty cannot be ceded except by the consent of the particular owner of the land. The first answer to the proposition is that there is no land held in severalty under this treaty. The Senator in answer to that suggestion made yesterday, said that the reason land had not been held in severalty was because the Ute land book had not been provided, and therefore a condition necessary to the exercise of that choice by the Indians not having been performed by the Government of the United States, as it was under obligation to do, the Indians could not be held responsible for not having taken their land in severalty. If the gentleman were correct, I admit his conclusion would follow, as his conclusions usually do follow, in very conclusion would follow, as his conclusions usually do follow, in very logical sequence from the premises which he believes to be true: but I call his attention to the provision of the seventh section of the treaty, which is: That if an Indian belonging to the tribe, being the head of a family, desires to exercise the privilege of holding his land in severalty, he shall, in the presence and with the assistance of the agent in charge, select by metes and bounds a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land book as herein directed, shall cease to be held in common, and shall be held in severalty by him.

Mr. MORGAN. Will the honorable Senator allow me to ask him a

question !

Mr. PENDLETON. Yes, sir.

Mr. MCRGAN. How much time is given under that treaty for the Ute Indians to make that request?

Mr. PENDLETON. There is given under that treaty to each Indian to make that request the time until the treaty shall be abrogated.

Mr. MCRGAN. If you are abrogating the treaty, I have no objection to the legislation; but instead of abrogating a treaty you are

Mr. PENDLETON. We are abrogating this treaty and taking this

land which is held in common under the provision of the sixteenth section of the treaty itself. Mr. MORGAN. But you are abrogating it, not by statute, but by

Mr. PENDLETON. We are abrogating it by statute, and by the consent of the Indians, and, as the Senator in front of me [Mr. ALLIconsent of the Indians, and, as the Senator in Front of me [Mr. ALLI-son] says, as the treaty in express terms provides. The Senator said yesterday that you could not hold these Indians responsible for not having their lands in severalty because the land book had not been provided. I submit that it was not necessary to provide the land book until the Indian had made a selection by metes and bounds, with the concurrence of the agent, of the land that he desired to have in severalty and had demanded a certificate for it. As I am informed, and of course I can only speak from information, no such demand has been made by a single Indian.

Mr. MORGAN. If the Senator will allow me I will state that the

RI. MORGAN. It the Senator will allow me I will state that the relation of guardian and ward is supposed to exist between the United States and the Indian. I never yet have heard that a ward was estopped because he had not made a demand of his guardian for a fair settlement. It is the duty of the guardian by every means to afford every facility for the ward to have his rights in perfect enjoy-

ment.

Mr. PENDLETON. I will have no controversy with the Senator Mr. PENDLETON. I will have no controversy with the Senator upon that point. I would not estop an Indian. Up to this moment the right is as perfect to select their lands in severalty as it was the day after the treaty was made, and as it will be up to the time when this new convention and this statute go into effect. The first objection, then, of the Senator from Alabama on this point of the transaction, I think, is successfully answered; but if it were true that lands had been selected in severalty, here is a provision that lands in severalty shall be allotted by these commissioners to the Indians, and if any of them have land which they desire to hold that particular land can be allotted and patented to them; and if they desire to leave the location which they have selected, provision is made here that an equal amount of land in a different location shall be given, allotted, and patented to them, and that they shall be paid in money the assessed value of any improvement already made upon the land which they

way desire to leave.

We have guarded as carefully as could be the rights of these Indians. It was our intention to do so. We recognize the full force of the sixteenth section of the treaty. We have provided for the lands in common; we have provided for the lands in severalty; and we have provided further that if the Indians for any reason desire to give up the land which they have selected, ample compensation shall be made for them for the fruits of their industry upon the land

Objection was further made to the fourth section of the bill before s. The provision of the fourth section is—

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof.

Thereupon the Senator from Alabama drew us the picture of each particular Indian the very instant a patent was made to him of his land, becoming subject to the laws of State, Territory, and United States in the midst of other Indians who were not up to that time subject to the provisions of these laws. He drew a picture of the helpless conthe provisions of these laws. He drew a picture of the helpless condition in which the Indian might be placed. The Senator cannot have failed to read in this treaty and in the bill that there is a general scheme by which the reservation shall be ceded to the United States, and by which these Indians shall be settled upon the land in severalty, and allotments and patents be made out to them. The clear provision of this section is that when this scheme shall have been completed, when this tribe shall have been allotted lands, when patents shall have been issued, when each man is living upon his own farm, then they shall be subjected to the statutes of the United States and the laws of the State or Territory in which they may be

living.

Mr. MORGAN. I suggest to the honorable Senator that I did not criticise that part of the bill, and in the sense in which he understands that I criticised it. I was only alluding to the fact that a man should not derive his citizenship, his liberty, and his right of property under a patent for a tract of land.

Mr. PENDLETON. The gentleman states his position, and when he is given an opportunity to state his position he generally makes it very strong. The gentleman states he proposition now in an entirely

very strong. The gentleman states his position he generally makes it very strong. The gentleman states the proposition now in an entirely different way, that the Indian is to hold his right to life, liberty, and property under a patent issued to him from the Government. The gentleman knows that this treaty and the bill contemplate an entire change in the condition of these Indians. He knows that toentire change in the condition of these Indians. He knows that to-day they are not subject to this particular section of the Revised Statutes or to the laws of the State or Territory. He knows how much right and title they have to-day to their freedom, to their life, to their liberty, and to their property. The provision is that when un-der those provisions which now exist their life and liberty and prop-erty are no longer protected, they shall pass immediately under the beneficent provisions of the laws of the United States and of the State or Territory in which they may be found.

State or Territory in which they may be found.

Mr. TELLER. I desire to ask the Senator a question. He says the Indians are not now subject to the laws of the State of Colorado. I want to know where he finds authority for the statement, or upon

what principle he bases it?

Mr. PENDLETON. I do not mean to get into a discussion upon that particular branch of this question, which is extremely interesting, but is not pertinent to the particular points that I make now. The Senator knows, as I know, that it is a very disputed question as to the extent to which the jurisdiction of the State is over the Indians; but if he will read (as he has done, for I saw a reference the other day in his speech to it) the case of the Kansas Indians in 5 Wallace, and the lucid opinion delivered there by a man who was then an honored member of the court, as he is now an honored member of the Senate, he will see that there are limitations upon the power of the State of

he will see that there are limitations upon the power of the State of Colorado over these Indians.

Mr. TELLER. I should like to say that every time that question has been adjudicated there by the circuit judge of that circuit or by the supreme judge who presides there, by Judge Miller or Judge Dillon, they have held that the Indians were under the laws of Kansas and Nebraska, which are similar to our enabling act and act of admission, and that they are subject to the laws of the State.

Mr. MORGAN. Will the honorable Senator from Ohio allow me to suggest to him the fact that under the treaties made by the Government of the United States with the tribes of Indians they have made an unconditional acknowledgment of the authority and power of the United States Government over them in every respect under these

United States Government over them in every respect under these United States Government over them in every respect under these treaties? I think this treaty alters the case and makes the relation of the Ute Indians with the Government of the United States different from any other that has been considered by the Supreme Court of the United States. As the Senator was stating the position which he attributed to me, I beg leave to say to him that I believe under the first clause of the fourteenth amendment of the Constitution of the United States the Ute Indians and all other Indians are citizens of the United State

Mr. PENDLETON. I am aware that that is the opinion of the Sen-

ator, and I am also aware that there is very strong reason for believing that his opinion is right, although he knows very well that there is authority in and out of the Senate which differs from him on that subject. But I do not intend now to go into the question of Indian citizenship under the fourteenth amendment. The provisions of section 4 of this bill I think are eminently just and proper. I hold them to be essential to guard the Indian in his transfer from the condition in which he now is under the policy of the Government pursued since President Monroe's time to the condition in which we hope he will be after this law shall have been carried into effect. We provide that when the bill has been carried into effect he shall then be subject to the protection and also to the obligations of section 1977 of the Revised Statutes, and I call the attention of the Senate to the provisions of that section of the Revised Statutes:

SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Having guarded him, having protected him, having secured to him all the remedies as well as the rights that are secured to the white citizens throughout any portion of the country, providing that he shall be put in respect of his right and his remedies upon an equality with the white citizens of the country, that no discrimination shall be made against him in the State or Territory merely because he is an Indian, we provide that he shall be subject to the laws of the State

or Territory in which he may happen to be.

Mr. President, I have taken up so much time in the discussion of this bill that I feel that it is necessary that I should conclude my remarks. The Senator from Massachusetts [Mr. Dawes] in the elab orate speech that he made the other day criticised the whole conduct orate speech that he made the other day criticised the whole conduct of the Government toward the Indians from the beginning. He said that we were perpetuating a wrong policy and that we should undertake to educate these Indians. The appropriations that are made by this bill in a large part are to be devoted to schools in which the Indians are to be educated. By the munificence of the Government, at Hampton, at Carlisle, at other places, the schools for the education of these Indians are working at a Indian street model for at Hampton, at Carlisle, at other places, the schools for the education of these Indian children are working out as I think a great good for them. Education is worth a great deal. To be able to read and write, to be able to understand contracts, to be able to cultivate the mind and gratify the aesthetic tastes, are all good things and advance men in civilization and enlightenment; but after all I doubt whether there is any greater educator to be found anywhere than to give to men separate, independent, individual property. It is the protection of property, the possession of rights of property in all their aspects, that stimulate the faculties of men to the very largest degree, and develop and bring out those great faculties which in the beginning as in the end have contributed to the advancement and civilization and prosperity of the world in whatever condition of advancement it may have been, from the dawn even unto the splendor of this present noon-day.

As I said before, I do not know that the provisions of this bill are perfect. I do not believe they are. If it were possible to invest an entirely able and good man with the management of this question, unrestrained by anything except his desire to develop by justice, by humanity, by care, these Indians, he could do better than the Government of the United States, and the most perfect legislators who can be gathered under its provisions. That is impossible. But even without that perfection, without having reached that perfection, I claim that the bill goes a great way in the solution of the Indian question. It breaks up to a great extent, and finally will break up altogether, the tribal relations. It puts these Indians under the protection and subjects them to the obligation of the law. It says to these Indians and it says to the white men: "Here are your rights, and all the powers of the state shall be invoked to protect them. and all the powers of the state shall be invoked to protect them; here are your duties, and all the powers of the same state shall be invoked to compel their performance." I believe that this is the first step toward producing a condition of affairs which, when it shall have been perfectly produced, will, in my judgment, have solved the

Indian question. Mr. MORGAN.

Mr. MORGAN. I ask the honorable Senator from Ohio whether the Committee on Indian Affairs have considered the propriety of a general bill to carry into effect the policy which has been indicated in his remarks, and whether there is any reason for making the case of these Indians an exception to that general policy? I am not a member of the Committee on Indian Affairs, and do not know, of course, what they have been doing, but I trusted, and with great gratification, that they were considering a general law to control the relations of our Government toward the Indian tribes at large; and if that be so, I should like to ask the Senator from Ohio whether it would not be better, in his opinion, not to make this an exceptional case, but to allow these Indians, just as all other Indian tribes, to be treated alike under the laws of the Government?

Mr. PENDLETON. So far as I may properly answer the question of the Senator from Alabama without trespassing in any degree upon the rules that govern the relations of members on and off committees to each other, I think I am at liberty to say that that general subject has received a great deal of attention from the individual members of the committee, and somewhat from the committee itself, and that there is in contemplation the maturing of a bill which will go

very far in relation to all the tribes, as this has done in relation to the Ute tribe; and that it would have been a great pleasure to the committee if they could have formulated a bill and been enabled to pass it through both Houses of Congress so as that it would not be pass it through both Houses of Congress so as that it would not be necessary to legislate hereafter in respect to any of the individual tribes. But here is an exception. We do not make it; it is here. It is a matter of pressing necessity. It is a matter the necessity of attending immediately to which is enforced upon us every day. It is a matter to which the attention of the very candid Senator from Colorado [Mr. Teller] is called constantly. The formulation of and debate upon a bill involving all the questions of Indian citizenship, allotments of lands as applicable to all the Indians of the country, will require more time than can be given to it at this session. Therefore the committee thought it would be advisable instantly to take hold of the difficulty and avoid the general Indian question: to conhold of the difficulty and avoid the general Indian question; to consider this particular question in the light of this particular emergency, and endeavor to do that which seemed to be right and proper in this particular crisis.

Mr. MORGAN. Is all the urgency of this case in reference to furnishing the Ute Indians with an opportunity to engage in agricultural pursuits early in this year, the spring, on the reservation to which they are to be removed; or is the urgency of this case in reference to the suppression of an expected war between the Ute tribe and the people of the United States? Where is the urgency?

Mr. PENDLETON. The urgency is in both the particulars to which

the Senator has alluded.

Mr. MORGAN. Then the honorable Senator from Colorado [Mr. TELLER] says it is impossible to cultivate this land without irriga tion. As a matter of course, you cannot dig a ditch long enough to irrigate this whole Indian territory time enough to do anything this spring. I suppose the real urgency in this case is a controversy be-tween the Secretary of the Interior and the Secretary of War, or the Interior Department and the War Department. That is the real urgency. I do not really appreciate the fact that there is an emergent case presented to the Senate, and, therefore, I suggested yesterday that I thought perhaps the committee would like to reconsider this subject in order that they might bring in their general bill and have the advantage of a general disposition of the subject, for I should not like to see the committee, or the Senate either, pass a special law in reference to the Ute Indians, and then turn around and pass a general law which might in its provisions interfere with the special act we are now considering.

Mr. PENDLETON. I never have heard the latter reason suggested by the Senator from any quarter at all as a cause of urgency. The causes of urgency to which the Senator alluded just before the last time he spoke are those which were pressed upon the committee.

Mr. TELLER. I desire to offer some amendments to this bill, but I wish to say a word or two on the bill before I do it. This bill can-

mot be defended by anybody from any stand-point except—
Mr. KIRKWOOD. Before the Senator proceeds, I wish to offer an amendment, with his consent.
Mr. TELLER. Certainly.
Mr. KIRKWOOD. I move to amend the bill in section 1 by striking out all after the word "apprehension," in the seventh line, down to and including the word "made." The words I propose to strike out are: "or until the Secretary of the Interior shall be convinced that every possible effort to effect such surrender has been made;" so as to make the clause read :

Provided, That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties," the words following, namely: "Until such surrender or apprehension, the proportion of the money hereinafter provided coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid."

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment proposed by the Senator from Iowa, [Mr. KIRKWOOD.]

Mr. TELLER. Mr. President, I was saying, when interrupted by the Senator from Iowa, that this bill was indefensible except upon the theory that these Indians had committed no crimes against the Government of the United States; and that inasmuch as they did go to war, inasmuch as they did fight our troops, they had a just provocation for so doing; and I am supported in my statement, in view of the position taken by the honorable Senator from Ohio, [Mr. Pendleton,] who knew how illogical it would be to present this case here unless he based it upon that theory. Therefore he starts out with first endeavoring to make it appear that the people of Colorado had given these Indians great cause of complaint, and that the difficulty grew out of this cause of complaint given by the people of Colo-

Mr. President, in interrupting the honorable Senator I called his attention, and I will now call the attention of the Senate more at length than I did then, to my resolution introduced in the Senate on the 7th day of December last, if I am not mistaken, that brought to the Senate and the country the Executive Document No. 29, from which he read. I desire to read from the resolution, and read what the Secretary of the Interior was called upon to communicate to the Senate, that it may be seen whether he did communicate such information to the Senate as he was called upon to send, and whether it did support the statement made by the Commissioner of Indian Affairs, that this outbreak was occasioned by the intrusion of the people of Colorado

on this land by the establishment of numerous mining camps. The resolution required the Secretary of the Interior

To inform the Senate what number of mining camps have been located on the Ute Indian reservation in Colorado; when and at what points such mining camps have been located; what efforts, if any, have been made to remove such mining camps; and whether such camps are now in existence, or were in existence on the 1st day of September, 1879.

Mr. President, you may look over the Executive Document No. 29, and I challenge anybody here, whether he be the defender of the and I challenge anybody here, whether he be the defender of the Secretary or whether he be his accuser, to find a single particle of testimony, if I may so term it, bearing upon the subject that he was called upon to give us information about. He utterly ignores the whole question of mining-camps; he utterly ignores every question of collision of the White Rivers who brought on this trouble and commenced this fight, and he goes back years in the first page of it. Although the Commissioner of Indian Affairs says that it sustains fully the statement published in his report in 1879, that there were mining-camps, I say there is not a particle of evidence, there is no correspondence to show mining-camps on this reservation in 1879. They produce to the Senate the correspondence that arose in 1872 and in 1873 with reference to the San Juan country which was ceded to us by the agreement of 1873, ratified by Congress on the 29th of April, 1874. A matter that had been entirely disposed of was put before the Senate for the purpose of bolstering up the statement they had made, which I said the other day, and here repeat, they made for the express purpose, in the first place, of shielding themselves from the imbecility that they had exhibited in the office, and secondly to protect their Indians, and thirdly to outrage the people of Colorado.

Mr. President, the honorable Senator from Ohio, who I have no doubt intends to do what is right in this matter as far as he knows, hunts up the communications in this case with reference to the four-mile strip, as it is called. Now, I propose to give the history of this four-mile strip, because in the eighth section of this bill there is a provision that has no business here. Gentlemen disturb me by their loud talk. I do not suppose the friends of this bill care much about hearing anything in regard to it. They seem to have made up their minds that the bill is a forlorn necessity, that it must be passed, and they are hardly willing to give it an intelligent discussion before the Senate, either by occupying time themselves or by attention to those who are opposed to it. The whole matter seems to be treated as if the opposition to this bill was a mere make-shift, as if we did not suppose there were objections to this bill that ought to attract the atten-

tion of the Senate.

As I was saying, the honorable Senator from Ohio rakes up the correspondence in reference to the four-mile strip, and he undertakes to show that that is the occasion of the difficulty. Mr. President, is not the honorable Senator aware that this little point of land is one hundred and twenty-five miles at the least from the White River agency and that the White River Indians made no claim or pretended claim upon it? In accordance with the principle that I enunciated the other day as governing property in Indian circles and in Indian soother day as governing property in Indian circles and in Indian so-ciety, this land was the property of the Uncompanders and not the property of the Ute Indians, as was the extreme southern part the property of the Southern Utes. The White Rivers made no claim at all to the Uncompander Valley. That was the property claimed, if claimed by anybody, by the Uncompander Indians. Whatever then may have been the misconduct of the settlers at that point, that can-not be said to have occasioned the difficulty. But I deny that any set-tler upon that little strip of land up and down the Uncompandere River which General Hatch says at one place of page 86 in two River, which General Hatch says at one place, on page 86, is two thousand acres, and Judge McFarland, another of the commissioners, says is not to exceed twelve hundred acres, instead of fifteen thousand as stated by the honorable Senator from Ohio, caused disturbance. That little strip of land was not the occasion of the difficulty; and the settlers went there having a right to go there and acted in perfect There are upon this little strip of land about twenty-five or thirty settlers. It is a narrow strip of land running up and down the Uncompangre River, or what would be called a creek in most sections of the country—a small stream. It is at an elevation of not less than seven thousand five hundred or eight thousand feet. It is the only arable land in that immediate vicinity that is not covered by the reservation. It has back of it a respectable and flourishing mining-camp and a large flourishing mining district running clear back to the regions of perpetual snow and perpetual winter.

When the Government ran its line and established its monuments

and when the Commissioner of the General Land Office had declared that that line was the line between the land owned by the Government of the United States and the land owned by the Indians, then and not till then, when these monuments were erected all along the line so that every man could see them and know them, these hardy settlers went in and settled upon the Uncompangre River, and I say here that there was no controversy between the Indians and the set-tlers upon that stream. The agent, knowing that the Indians claimed this as they claim every other portion of the country not included, said the line had not been run far enough north, it had not been run far enough east, and it had not been run far enough south; they were dissatisfied with it as they are always dissatisfied.

The line was run strictly in accordance with the treaty; but the agent at Los Pinos sat down and wrote to the Government here, and

the Government, in utter disregard of the rights of these hardy set-

tlers-and it is not the first instance when exceptions have been made in favor of the Indians and against white men in the State of Colorado and in New Mexico to my certain knowledge—the Government, without calling upon them to make an explanation, without looking into the matter at all, in the face of the report of the Commissioner who declared that as far as he could find out the Uncompander Valley was north of that line and not south, in the face of the report of the man who ran the line that the Uncompangre Park was north of it, in face of what was known by every settler in the country that the Un-compander Park was not included, the President of the United States, by an executive order, without these people having heard that there was a contest as to their land, included this in the reservation.

Mr. PENDLETON. Will the Senator from Colorado yield to me

for an instant

Certainly.

Mr. TELLER. Certainly.

Mr. PENDLETON. I promised to show to him the authority upon which I spoke of the fifteen thousand acres of land. He will find it on page 15 of Executive Document No. 29, in which he will find this statement; and before I read the statement I desire to say that I think it is very probable that his statement was correct, and that I applied this to a different portion of the reservation and to a different controversy as to boundary; but I desire to put myself entirely right, as far as the authority upon which I spoke goes, and therefore I desire that he will allow me to read a single sentence.

Mr. TELLER. Certainly. I have not accused the Senator of any

intention to misrepresent.

Mr. PENDLETON. I assume that the Senator would not do that. I should be so far from treating him that way myself that I know that he would not intimate so as to me.

The Indians, at first, remonstrated against the survey of the exterior boundary of the San Juan cession, principally on account of the failure on the part of the Government to pay the first installment of \$25,000, as required by treaty; but were finally induced to let the lines be located, through the instrumentality of Agent Bond; and Sapovanero, one of the Ute chiefs, was selected to accompany the party, in order that the surveyors might not be interfered with in their work. He accompanied the party "until he saw with his own eyes" that the line was being located at such a point as would embrace at least fifteen thousand acres of their choicest agricultural lands, and many Indian farms, and other improvements in the cession. He then left the party, fearing that it might compromise the Utes in their protest against the cession lines, and for fear of losing his influence in his tribe.

It is upon that authority, which I believe now, as I have stated, I misapplied to another controversy, that I made the statement which I did make

I did make.

Mr. TELLER. The section of country alluded to by the Senator and reported on by the agent, Miles, who was sent out there, is what is called the Animas Valley, and is, I should say, by any way that the Indians or white men there could reach it to travel, seventy-five or eighty miles from the ground that I speak of. The Animas Valley was clearly within the land ceded. There could be no doubt about that, and I am told by the parties who made the treaty that the Indians understood that the Animas Valley would be included in the ceded lands as clearly and as fully as any white man there.

But I was speaking of Uncompahgre Park; I was speaking of this little four-mile strip upon which these settlers had gone. Now, I see

little four-mile strip upon which these settlers had gone. Now, I see that on page 86 of this document General Hatch says to the Indians that it does not include more than two thousand acres of arable land. Judge McFarland, who was with him, and both of whom must have passed down the valley to reach the agency where this conversation took place, says it does not exceed twelve hundred acres of arable land. Those people were included, I say, within the reservation by the executive order of the President; and it was immaterial to them whether the treaty did call for this or whether it did not. The President of the United States had an undoubted right, an unquestioned authority, to take the public land before it was entered and to erect it into an Indian reservation and to include in it the settlers who were living on it; and that is what he did. When the knowledge of this executive order reached these people in the fall of 1876 they began to write letters here to Washington to show that they had gone upon the land in good faith and to question the authority of the President of the United States to include them in the reservation. To show that they are not in the reservation, except as made by the order, I call the attention of the Senator who addressed the Senate last to page 25 of this same document, where, speaking of the instruction given to the surveyor, it is said:

struction given to the surveyor, it is said:

In the instructions given him his attention was specially called to the provision above quoted in regard to Uncompahgre Park, and he was directed, if necessary, to offset to the south to exclude said park, and to do so sufficiently to exclude all the park, and when he made return of the survey he was verbally interrogated in this office in regard to this subject. He stated that there was no one with him to designate the park, that the Indians or agent did not appear for this purpose, and that he believed said park was north of the surveyed line, and he brought to the office a former agent of these Indians, who stated that the park referred to was north of the line as run. The head of the Uncompahgre River is within the cession, and it flows northwestwardly. An examination of the map of the survey by Mr. Miller shows a large valley of the Uncompahgre River and a tributary north of this line, which was understood to be the park in question. There is nothing in the topography of the map that indicates that a park has been traversed by the north line of the cession, unless the narrow valley of the Uncompahgre River should be so regarded.

That is signed by the Commissioner of the General Land Office.

That is signed by the Commissioner of the General Land Office. On page 29 Mr. Williamson says:

All of the testimony which I have in regard to the location of said park tends to establish the fact that it is situated further down the river and north of the north line of the survey. I would, therefore, respectfully recommend a revocation by

the President of his proclamation of the 17th day of August last, which withdraws from settlement the lands upon which the petitioners have settled. The letter from Mr. Stoddard and others is herewith respectfully returned.

Mr. Stoddard and others had protested against this executive order, and on page 74 there is a letter addressed to the honorable Secretary of the Interior by Mr. Josiah Fogg, whom I have not personally very much knowledge of, but I understand him to be a reputable gentleman living in that section now, and formerly living at Saint Louis. Speaking of this reservation—it is a long letter and I only read a portion of it-he says:

I think one argument used to induce your predecessor to declare this four-mile tract to belong to the reservation was that it was a part of the great Uncompangre Park. Owing to the limited knowledge of this country at that time, it was difficult to tell how it was. The Uncompangre Park commences at the Gunnison River and extends to some five miles south of the agency, where the mountains come near together and force the road across the river, and they continue near the river for eight or ten miles, and then the Dallas Valley comes in from the southwest; and this reservation park of six miles long by an average of two miles wide is located from this point, running south; and four miles farther south is another little park of a mile long and one-half a mile wide, where the town of Ouray is located. This four-mile tract has nothing to do with the main Uncompangre Park which the Indians occupy, and is from eight to ten miles away from it.

I think there can be no doubt but the Uncompange Park was not south of the line, but nevertheless the President included it and it became a part of the reservation. To show the good faith of these settlers I filed, as I before stated, with the Secretary of the Interior not less than fifteen or sixteen affidavits of reputable men in that country that they had made their locations prior to any claim being set up by the Indians and subsequent to the running of the line and the establishing of the monuments, and that they were all south of them. I thought that that made a case so far as the bona fide character of their their states. acter of their settlement was concerned, and if they had thus inadvertently, led by a mistake of the Government, invaded a portion of that valley it certainly was not a cause for war on the part of the White Rivers, who lived one hundred and twenty-five miles from it, and who had no earthly claim to it at all. When the honorable Secretary of the Interior sent these documents here he did not send these affidavits. His attention was called to the fact that they were not

attidavits. His attention was called to the fact that they were not in, and he said they should come. They never have come here. It is like the other concealment of which I spoke the other day, for a purpose which the Senator and everybody else may readily see.

The honorable Senator from Ohio says one of the advantages of the bill is, that these Indians will be subjected to the laws of the State of Colorado. I do not think that there can be any doubt under the decisions that I called the attention of the Senate to, and the general principles laid down by Judge Dillon in the case in Kansas, and by Judge Miller in one case in Nebraska—decisions that never have been controverted in the Supreme Court of the United States-that these Indians are now amenable to our laws, and for the murder of Mr. Meeker and his associates, and their subsequent misconduct, they are, every one of them, liable to be indicted in our courts, and they will be there indicted, very likely, and punished under the law.

The honorable Senator says that there is a valuable provision in

the bill—that it throws around them the United States statutes, and keeps them there. If it does not make one reservation any longerfor they say it does not—it does make just as many reservations as there are distinct allotments of land; for the bill provides that on each particular allotment the laws in force in reference to reserva-tions shall immediately have effect. I denied that that was a proposition of law the other day, and no man has yet come to the rescue of this bill upon that point except by dealing in generalities. They say it ought to be done; I do not deny it. They say that there ought to be the protecting hand of the Government to keep these men away from strong drink. I do not deny it; but I say that when you destroy the tribal relations no lawyer can stand up a single moment and defend the proposition that the United States has any right to legislate for them any more on the soil of Colorado than it has to legislate fact for them any more on the soil of Colorado than it has to legislate for me. It may not be a very big thing; it may be a matter of very little consequence and of no great importance for the Senate of the United States to assume the right to legislate exclusively over the people of Colorado when they are denied that power under the Constitution. It is a big thing for us; it is an important thing for these Indians whether it will stand the test of the courts or not.

When you destroy their tribal relations, I say by the rule laid down by the honored Senator from Illinois [Mr. Davis] when he sat on the supreme bench in the case of the Kansas Indians, in 5 Wallace, you cannot do it. Your jurisdiction over these Indians is expressly limited to the time that they remain members of a tribe, and that case was so decided, and the court argued it upon the theory that the acts of the Indians there in controversy had not been such as to disintegrate or destroy their tribal relations. Judge Nelson, following in the very next case in the same volume, held to the same doctrine; and I say that there is not a single case, dictum, or decision that will controvert the position I have taken; and the Senate of the United States, aided by the other House, has not the power legally to enforce as to these allotments the provisions of the general statute touching intercourse with Indians.

Some one asked me the other day if the State of Colorado would not make suitable laws. I believe the State of Colorado would in time. But these Indians are to be taken from beneath those laws at once, and the evils that I depicted which would follow and be felt by our people will take place, many of them, long before the State of

Colorado, unless she has a special session of her Legislature, can interfere. I said before, and I say now, with all due respect to the committee, that the bill came here without proper preparation and without proper consideration. It is to tear up and abandon the whole Indian policy. Why? Because the Secretary says that we are unable to cope with four or five hundred Indian warriors!

or cope with four or five hundred Indian warriors!

Mr. President, this is not a question for to-day. The honorable Senator says sufficient for the day is the evil thereof; let us meet this case now; let us pass some law so that in 1880 there will not be any war; but if war should come in 1881 when the people of Colorado had been lured by the acts of Congress into a supposition that there was to be peace, when they had failed to be on their guard with their rifles in their hands as they are to-day, then if war should come we will legislate about that then! Mr. President, it is the duty of Congress to legislate upon these subjects, to legislate for all time and not gress to legislate upon these subjects, to legislate for all time and not to get off with these expedients because this may to-day save us trouble; but to-morrow may bring us tenfold more.

I said the other day that this whole question would be fought over

again in Congress and would be fought over again in the field. I say It is impossible to have peace with these Indians under this so now. It is impossible to have peace with these indians under this bill. I do not propose to go over what I said about the impossibility of making them learn agriculture, but I was struck by a question asked by the honorable Senator from Alabama [Mr. Morgan] of the honorable Senator from Ohio, [Mr. PENDLETON:] is it because you want to hurry this up to avoid war, or is it that the Indians may get at their spring work? The honorable Senator said it was both, when he knew and everybody ought to have known that there can be no spring work done there, and one month, two months, or three months of negotiation will avail nothing for their advantage, but may work great advantage to the people of the State of Colorado and the people of the United States.

Mr. Hill, of Colorado. May I interrupt my colleague to ask him if he desires to retain these Indians as they are now, in Colorado for

the next three months?

Mr. TELLER. Mr. President, I desire some legislation that shall end this subject. I do not desire to have these Indians left in Colorado, and that is what this bill proposes. That is just what this bill proposes and that is what it ought to be called, a bill to locate and

keep these Indians in Colorado.

Mr. HILL, of Colorado. I inferred from the statement made by my colleague that he was in favor of delaying any negotiations or making any movement whatever in this matter for the next two or three months. I wish to ask merely whether he is in favor of excluding the miners of Colorado from that reservation for the next three

Mr. TELLER. I will say that, in my judgment, it would be better for the miners of Colorado to be excluded from that reservation for the next five years than to pass this bill; and if the honorable Senator thinks that will not be a popular doctrine in the State of Colorado, I will give him the benefit of it in my speech. I say that what ought to be done here is to make this a final settlement, and while I am here I will not shirk any responsibility in this matter, whether it be popular or unpopular; whether the people of Colorado are anxious to get over the line and into that reservation and cannot wait, or whether they are not. I say I am opposed to any legislation that is not a finality in this matter, and because I know in the end it will work to the destruction of the people of Colorado as well as of

the Indians.

Mr. INGALLS. Will the Senator allow me to ask him a question to

Mr. TELLER. Most assuredly I will.
Mr. INGALLS. I agree with the Senator in thinking that it is desirable that something should be done that shall be a finality. recognize the fact that this is a matter of profound interest to the people of Colorado, and that the Senator, as their representative, has a right to ask from the Senate and from the committee the most deliberate consideration of this subject. I have heard him criticise the provisions of this bill with great severity; I have heard him comment upon the action of the Secretary of the Interior with considerable vigor; but I have thus far listened in vain to hear him say what he wants done, what it is that he considers will be a finality on this subject; and I venture to assure him as one member of the committee that, if he will tell us what will be a finality and give us satisfactory assurances on that subject, we will adopt it without the formality of even a formal consideration, and I hope before he sits down he will tell us what he wants done, and what in his judgment will be a finality.

Mr. TELLER. I might as well tell the Senator now. I told the Senate the other day, but I do not suppose the Senator gave the least

attention to the notice.

Mr. INGALLS. I listened. Mr. TELLER. I stated the other day that in my judgment it was Mr. TELLER. I stated the other day that in my judgment it was the duty of the Government of the United States to move in this matter without reference to the will of the Indians. The honorable Senator from Alabama discussed that question as to the power, and I think nobody will deny it. The Supreme Court of the United States has most explicitly said that it is in the power of this Government to annul any treaty, however solemnly made with the Indians, and that, too, although they had kept every provision in the treaty.

Mr. INGALLS. Now, I ask the Senator, agreeing with him very largely.

Mr. TELLER. The Senator is not willing that I should conclude. have not got through with my statement.

Mr. INGALLS. I ask him what movement he wants us to make

Mr. INGALLS. I ask him what movement he wants us to make irrespective of the will of the Indian?

Mr. TELLER. Wait till I get through. I laid that down as a proposition. I said then, and say now, that if the theory, which I think is a good one, that the Government of the United States is the guardian of these Indians and they are our wards be correct, it was the height of folly to say that the ward should dictate to us what should be our conduct toward it. I said that was independent of the question whether these Utes had broken their engagement with the Government. I attempted to show here—and but for the fact that I was cautious and careful of the time of the Senate I would have shown it more fully—that these Indians had a representative from every band in that fight, that the whole Ute nation was in that fight with Thornburgh at Milk Creek. I said by a well-known and well-established principle, if we treated them as nations, as we did prior to 1871, then the treaty was at an end and the Government had the right, independent of these decisions of the Supreme Court, to put its hand on them and say, "you must do this," or "you must do that."

Now, the honorable Senator wants to know where I would put them, what I would do with them. Mr. President, there is but one way to cattle the Indian continue and that its continue and the trial of the Court of the Court

what I would do were them. Int. Firsteen, there is not one way to settle the Indian question, and that is for the Government of the United States to assume the absolute control of the Indians; that is, for the Government of the United States to be the judge what is for his interest and what is for his benefit, and until that is done you will have the disgraceful chapters written and re-written that we have had, and which make us blush every time we turn to the book.

Mr. President, the way to settle the Indian difficulty, I say, then, is for the Government to take hold of it. How will the Government do it? Put them upon reservations, not great game preserves like this one, not twelve million acres of land, with only two or three or four hundred thousand acres at most of land susceptible of cultivation; put them on farming land; put them in a climate congenial to their natures; put them where they are in the habit of living sub-stantially, yet away from their former haunts; put them where the Government can at a little cost have its strong arm ready to put on them whenever they shall fail to obey and observe the requirements of the law enacted for their preservation and the preservation of the whites who surround them. Break up their tribal relations, but not by a bill, not by a declaration from the Senate and the House that by a bill, not by a declaration from the Senate and the House that this tribe is dissolved; break them up by teaching them that there is such a thing as individuality in men, and teach them to abandon their clannish notions and their tribal relations by degrees. The honorable Senator from Massachusetts [Mr. DAWES] said the other day it could not be done by any legislation. It could not be done by the Army. It cannot be done at all except as you inculcate these sentiments by degrees. There are no people that ever lived on the face of the sertly so tensions in adhering to their except their countries. ments by degrees. There are no people that ever lived on the face of the earth so tenacious in adhering to their ancient customs, their religion, and their notions as the Indians; and nobody knows that better than the Senator from Kansas. They are the most determined to stand by, and live up to, and adhere with the sentiments and ideas of their fathers of any people in the world. Now, to say that you can by an act destroy their tribal relations is the supremest folly in the world. It cannot be done. Yet it must be done before they will ever become citizens of the United States worthy of the name; it must be done before they will ever become the owners of property in severalty and support themselves. They never will be educated men and eduated women until they have adopted some of our notions of civilization.

Mr. President, the proper method, then, is to put these Indians upon reservations; put them upon small and reasonable-sized reservations; reservations; put them upon small and reasonable-sized reservations; surround them with proper influences, the Army, if it be necessary, if they are that class of Indians who require the Army to hold them in check; if not, with farmers; hire men to teach them and to lead them by degrees first to be a pastoral and then an agricultural people. That is what I would do with the Indians, and that is what I would do with them regardless of cost, regardless of expense. That I would do with them in the name of humanity to the Indians, and much greater humanity to the white men who have suffered too times much greater humanity to the white men who have suffered ten times more by the inhumanity of the Government than the Indians themselves. I would take these White River Utes and these Uncompahgres and I would locate them in the Uintah Valley, a reservation prepared for them by nature, prepared for their occupation almost as it were by the hand of the God that made them; surrounded by high mountains, with a broad river on one side, with fertile fields at an elevation where every vegetable and every grain known to the northern latitudes can be raised in perfection; and there I would teach them agriculture and there I would teach them the way to civilization. Put them on the Grand River under this bill and in one hundred years you will not have got any greater civilization in these dred years you will not have got any greater civilization in these Indians than you have to-day. If you were to put four thousand white men there of the ordinary intelligence of the citizens of Kansas, of Colorado, or Iowa, and give them just the advantages that you propose to give these Indians, they would in twenty-five years be as barbarous almost as these Indians. And yet Senators say that because I stand up here and talk against this bill it is in the interest of the hate that the people of Colorado have for these Indians.

The people of Colorado, Mr. President, have none of that hate spoken of by the Senator from Ohio. They have lived by the side of these

Indians, and I say here to-day, as I said before, the history of the country furnishes no parallel of an energetic, active, enterprising people submitting to the outrages for years that we have submitted to at the hands of these Indians; and why? We knew that if to-day we punished, as we might, one of these Indians for a crime committed in Routt County, they would go down to Hinsdale County and murder our people there. We knew that they were savages and we dealt with them as savages. If they have murdered fifty of our people, and I repeat what I said the other day, not a single Indian of that tribe has ever been killed by a white man in Colorado. They have tribe has ever been killed by a white man in Colorado. They have no occasion for complaint at our hands, whatever they may have at the hands of the Government. That is my proposition to settle the Indian difficulty

Mr. HILL, of Colorado. Will my colleague indulge me with one

more question?
Mr. TELLER.

more question?
Mr. TELLER. Certainly.
Mr. HILL, of Colorado. I should like to ask him whether he has ever been on the Uintah reservation?
Mr. TELLER. I never have.
Mr. HILL, of Colorado. I have heard it stated by persons who have been on that reservation and also upon the Grand River country, that the Grand River country is altogether better adapted to the wants of these Indians than the Uintah reservation. I have it only from information from what I deem reliable sources.
Mr. TELLER. I do not know what the honorable Senator has heard stated. I know what the facts are and I can prove what the

heard stated. I know what the facts are, and I can prove what the

Mr. HILL, of Colorado. I understood my colleague to say that he

Mr. HILL, of Colorado. I understood my colleague to say that he did not know them of his personal knowledge.

Mr. TELLER. I do not. There are a great many things I know that I do not know of my personal knowledge. I have here and I will read it, inasmuch as the question is raised, a report made by an officer of the Government, Mr. McCauley, some two years ago. It is in Senate Executive Document No. 62, Forty-fifth Congress, third session. He says:

For concentration here the Uintah tribes would have to be removed.

Speaking of moving them on to White River.

Speaking of moving them on to White River.

They are already elegantly located on an immense reserve in Northeast Utah, at a considerable distance from the railroad, and isolated by natural boundaries and barriers—which are always preferable for an Indian reserve—on three sides by mountains—upon the other by water. They are already engaged in farming, and are making fine progress; they possess farms and comfortable homes; the agency has a grist-mill, &c., and the intricate problem almost solved in its application to themselves; it would be exceedingly unwise, very expensive, and a violation of the most solemn agreements of the Government to eject them from their homes and farms and set them adrift.

Their reserve, wholly in Utah, is of immense extent, and includes in the valleys of the Du Chesne, Lake Fork, and Uintah, and tributaries, an area tillable by irrigation of two hundred and eight-five square miles; this equals an aggregate of fine farming land of 152,400 acres. Major Powell personally informed me that this section is the most valuable agricultural land in the whole of Utah. He stated also that the extensive deposits of coal, whose existence along and near White River is generally known, being already mentioned and constantly used at the agency, and which outcrops in Powell Valley, where it can be mined more easily than elsewhere, are of the finest quality west of the Missouri River.

The same officer, speaking in another place of this same land, says:

The same officer, speaking in another place of this same land, says:

This reserve, in brief, possesses perfect natural boundaries or barriers in mountain chains and high divides upon three sides, a wide river upon the fourth completely isolating it from civilization. It comprises, as will be seen from an examination of the maps, an immense territory, containing valuable hunting graunds, bountiful grazing-lands for ponies and stock, and an immense agricultural area, there being in the valleys of the Du Chesne, Uintah, and Lake Fork, with their tributaries, two hundred and eighty-five square miles of land, tillable with irrigation, equivalent to 182,400 acres! This is said by Major Powell to be the most valuable agricultural valley in the whole of Utah.

And Major Powell says in his Report on the Arid Lands of the West, on page 103, page 106, and page 100, that it is the very best land in the western country. Some officer in speaking of it has declared it to be the best land west of the one hundredth meridian. Nobody can raise any question as to the fitness of the place. There are men here in the employ of the Government making geographical surveys, one of them a man of character, who said to me this morning that it was the best place to put them anywhere in the United States, or words to that effect. I can produce plenty of evidence from these men as to that fact. Now, what is the character of the Grand River country? It is an elevated region, at least seven thousand feet above the sea, much higher than Uintah. It is a table, a bench, and I have it from the best authority that it will cost \$100,000 to put the first drop of water on that bench so that it can be cultivated at all. And yet we are told that we should make haste with this bill, so that these Indians may commence their spring farming! Indians who never tilled an acre of soil in their lives, and do not know the difference between a hoe and a plow, or the use of any agricultural implement, are to be put upon this ground, full of mineral in the hills, full of mineral in the bottom of the river, a placer region that but for the fact that it was a reservation would have been swarming with people fifteen years are. They are to be put there, and there they are expected to earn it was a reservation would have been swarming with people lifteen years ago. They are to be put there, and there they are expected to earn their living and become self-supporting. Why? Simply because the United States has not the courage and the nerve to put its hand on them and do what every Senator on this floor admits, so far as I have heard, it is the duty of the Government to do.

Mr. CONKLING. May I ask the Senator what is the evidence on which he says, and how confidently does he say, that the region to which it is proposed to transfer these Indians is indeed a mineral re-

gion, and not such a region as I understood the Senator from Ohio to describe it ?

Mr. TELLER. Mr. President, in 1877 a number of citizens of Colorado went upon this reservation, and in Executive Document No. 29 there is a newspaper report and there are various letters showing that this was a gold region.

Mr. INGALLS. Does the Senator now refer to the Grand River

country?
Mr. TELLER. I refer now to the Grand River country. saying, in the spring of 1877 a large number of people went in there and commenced prospecting and sunk shafts; but public sentiment in Colorado was against it; the newspapers denounced it; everybody was against it; and they were notified that they must get out and that public sentiment would not sustain them in their movement, and they retired. I have in my portfolio here a letter from a man of and they retired. I have in my portfolio here a letter from a man or considerable distinction as a geologist in the State, Mr. Collier, of Central City, in which he says that he is familiar with that country since 1859, and that it is a mineral-bearing region. I have two letters from Mr. Curtis, who was formerly an Indian interpreter and an Indian trader in that country in early times, in which he says it is a mineral country. It is recognized and admitted by everybody that the mountains that surround that valley are full of minerals. It may turn out that, aside from what is in the bottom of the river, there is not a great amount; and yet it is not any more likely that that will be the case there than in many other instances where valuable mines have been discovered on benches of this kind. It is not unlike in its geographical character to the country at Leadville where such immense deposits of silver have been found. It is a region where miners expect when this reservation is thrown open to find carbonates. It is a mining country par excellence; and to say that you can put these Indians there and do justice to them and justice to us, is hardly to be presumed.

Mr. INGALLS. I hope the Senator will not be disturbed by another

question.

Mr. TELLER. Not at all.

Mr. INGALLS. I have listened to him with a great deal of pleas ure, because the people of Kansas have once been through with the same experience under which the people of Colorado are now laboring. I asked him what his views were as to the course that ought to be pursued with these Indians in order to make it a finality. He answered that he would remove them to the Uintah reservation, which answered that he would remove them to the Umtah reservation, which he said was prepared by nature for such purposes, by natural boundaries and by water and grass and arable soil. He described it as inaccessible to civilization. I suppose that that definition would have described the Ute reservation a very few years ago, that if the Ute Indians were to be left on the Ute reservation as it now stands they would support themselves without any interposition on the part of the Government. What I am anxious to know is how he considers

would support themselves without any interposition on the part of the Government. What I am anxious to know is how he considers the removal of the Ute Indians from the present reservation to the Uintah reservation as a final settlement of the Indian question.

Mr. TELLER. I only spoke of these Indians as to that reservation. Mr. INGALLS. Then you are dealing simply with this branch of the Indian question and settling that.

Mr. TELLER. The rule I intended to lay down would apply to all Indians. I say that the proper rule is to put them upon reservations small in extent. It is folly to talk about giving an Indian three hundred and twenty acres of land unless it is for pastoral purposes, for there is not an Indian living that will cultivate more than twenty-five or thirty acres of land during his life, big or little, and if we succeed in doing that we shall have done a good work. I would put all the Indians upon small reservations, and I would surround them with white people if I could, and I would give them farmers, and I would take away their fire-weapons; I would take away from the nomadic tribes their ponies, for you cannot civilize an Indian who is allowed to jump on his pony and ride from ten to fifteen days away from where he lives. You must first take away their means of locomotion, and you must put them down and keep them there. I know there is a class of people all over the country who will rise up in horror when and you must put them down and keep them there. I know there is a class of people all over the country who will rise up in horror when they hear about that. I know that some people not very far off will be greatly alarmed when it is said the strong hand of the Government should be put upon an Indian and he should be denied the rights of locomotion that you concede to a white man, but you do not allow your children to roam over the country; you do not allow your ward, if you regard him, to roam all over the earth, but you exercise a control work him and so you must over the Ludiene. trol over him, and so you must over these Indians

trol over him, and so you must over these Indians.

You must put them in one place and keep them there, and they will be an expense to the Government of an immense amount, and all will bear me witness that I have made no attack upon the amount of money in this bill. It is four millions, says one Senator. It is a great deal more than that. It is a great deal more than four millions before you get to civilization; but I do not object, I do not care if it is fifty millions; it is a duty that the Government owes to the people, not simply the Indians, but the white people; and when you shall have brought these Indians to a degree of civilization where they will take care of themselves you can disband your frontier army; and how much does it cost us? The Senator from Iowa says it costs us \$5,000,000 to take care of the Indians. Forty millions, Mr. President, does not exceed what it costs us to take care of the Indians. What do you do with your Army? Ninety per cent. of it is on the frontier. There is where your casualties are; that is where your losses are;

that is where you spend your money; and every time that you charge up the expense of this Indian business you should charge to that account at least seven-eighths of the whole Army expenses, and, if you aggregate all the items, how much is it? "Why," said an intelligent man, who is familiar with the Indian subject, to me on Sunday, "it has cost more than \$750,000,000 to civilize the Indians sanday, "It has cost more than \$150,000,000 to civilize the Indians as far as we have gone." It is not the amount of money that I care for. Put them there, but do not spend your money uselessly; put them there, and then teach them something and get the worth of the money as you go along. It cannot be done in White River; it cannot be done in the vicinity of a mining camp or in a mining population. It can only be done in places that are favored by

I am not insensible to the fact that all over Colorado people are clamoring for this bill; I am not insensible to the fact that probably if a vote was taken in Colorado to-day more men would insist upon adopting this measure than would be found voting against it. But I am not insensible to the fact that the interests of the State would not be promoted by it, and I am not here myself to be dictated to by anybody upon this question. I am not insensible to the fact that the men who are to live by the side of these Indians are loud in their protestations that it will be an injury to them and that it will work great hardship upon that section of the State. The northern part of the State may be satisfied; but if the proposition was to put them on the White River, then there would be a cry from that part of the State equal to what it is now from the other.

But that is not the question. I do not ask the Senate to-day to vote upon this bill with reference to the interests of Colorado alone. I do, however, insist that we are entitled to some little regard in this matter, that our interests are to be consulted. If by the course of things it was impossible to put these Indians anywhere else, I would be the last man to stand up and oppose their remaining in Colorado. I recognize their right to live; I recognize their right to exist under comfortable circumstances; and I recognize the obligation that the Government of the United States is under; and I know the people of the United States will hold the Government responsible if it does not make an intelligent effort to bring these men out of savage life to civilized life, and if they do not do it it will be but a little while when there will be none of them left.

I have not any of the sentimentality, though, that pervades some ortions of the country. I agree with the honorable Senator from Massachusetts that outrages are perpetrated upon Indians; but I am not insensible to the fact that they perpetrate greater outrages upon us; and while this bill has been pending, and while this committee has been considering it, and while the Secretary has been treating, they have been murdering our people in Southwestern Colorado. Since we assembled in December at least one hundred people in the Territory of New Mexico have fallen victims to this The people on the frontier have some reason to want this matter settled, and settled finally, and settled honestly, and settled so that there will be no repetition of it. That is all we do ask, and we ask an intelligent consideration of the subject. We say it is bigger than the Alabama claims, it is bigger than anything that has been before the Senate. It is for the Senate to say now whether they will adopt a been that they will seed from in it wonths or whether they will plan that they will recede from in six months, or whether they will weigh and consider it and settle it so that it will be settled for all time, and will thus take care of the whites and of the Indians, and of the honor of the Government alike.

Mr. MORGAN. I desire to ask the Senator before he takes his seat whether there is anything in the act of admission of the State of Col-orado which authorizes the Government of the United States to settle a tribe of Indians anywhere in that State outside of the then existing

Mr. TELLER. There is no provision about it, one way or the other.

Mr. HILL, of Colorado. Mr. President—
Mr. WHYTE. I ask the Senator from Colorado if he will yield for a motion to go into executive session.

The PRESIDING OFFICER. Does the Senator from Colorado

yield for that purpose?

Mr. HILL, of Colorado. Yes, sir.
Mr. WHYTE. I move that the Senate proceed to the consideration of executive busines

Mr. DAVIS, of West Virginia. I hope not. Let us go on. Yesterday evening we went into executive session, and adjourned very soon afterward:

The PRESIDING OFFICER. The question is on the motion of the

Senator from Maryland.

Mr. COKE. I hope the Senate will go on with this bill.

The PRESIDING OFFICER. The Chair must put the question on

the motion unless it be withdrawn.

Mr. WHYTE. The Senator having charge of this bill seems very anxious to proceed with it, and therefore I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn, and the Senator from Colorado is entitled to the floor.

Mr. HILL, of Colorado. Mr. President, it may readily be inferred, from what has been said, that to make a satisfactory disposition of the Colorado Indians is a difficult task. It is not difficult to criticise or to find objections to any method which might be proposed. The author of a measure, whatever it may be, to secure a desired result in the management of Indian affairs, will be censured on one side for being too severe with the Indians, and on the other side for unjust discriminations in favor of the Indian.

It has devolved upon the Secretary of the Interior to provide some means of putting at rest the troubles which now exist, and for avoiding similar troubles in the future. He has made an effort to do this, and we have as a result of his labors the bill now before us. I do not regard it as a perfect remedy for past evils, nor a perfect security against evils to come. I do not believe the Secretary of the Interior so regards it. He offers it only as the best measure which can be adopted at this time—the best for the interests of the Indian, and the best for the interests of the white man. It proposes an experiment. It may not be entirely successful. It has been prophesied on this floor that it will fail.

It may fail to accomplish all that is desired. But in one important consideration it will not fail. The question which is of pressing necessity to-day is that of opening the reservation, so that any citizen of the United States can go upon it peaceably and lawfully to explore it for minerals, and if he finds mines that he may be enabled to obtain a valid title to them under the laws of the United States. This the bill will not fail to accomplish.

It is of great importance that it should take effect before the snows have disappeared from the mountains and the crowd of impatient miners have forced their way into the reservation. Collisions between the white men and Indians will be liable to occur. They will greatly complicate the trouble and may delay for a long time the final settlement.

In the few remarks I have to offer I will not attempt to discuss any of the legal questions involved in this subject. It would be presuming on my part to do this, in the presence of the many able lawyers who have seats upon this floor. I desire only to make suggestions on the practical questions connected with the bill, and to answer some objections which have been offered.

The policy of giving Indians lands in severalty has been severely iticised. It has been said that this policy has always proved a criticised. It has been said that this policy has always proved a failure. I do not believe that such a statement can be sustained. In the older States, such as Michigan and Wisconsin, many Indians

own their lands separately, and are supporting themselves comfortably on them. There is generally a rapidly increasing desire, at the present time, on the part of nearly all our Indians to take their lands in severalty. There is scarcely an Indian tribe that is not now asking for this privilege. The Sioux Indians, of Dakota, have, of their own accord, asked to have their lands allotted to them individually. Within a few months nearly every head of a family in Spotted Tail's band will be settled on land which he will own as his private property. The same is true of the Indians of Red Cloud's band. I think it will not be denied that two or three years ago these Indians were as uncivilized and as savage as the Utes. The Chippewas have representatives now in Washington to arrange for a division of their lands among the members of the tribe. Many of the Pacific coast Indians are voluntarily moving in the same direction. The Umatillas have lately sent a petition to the Department signed by every male member of the tribe except twenty-six, asking that a separate piece of land may be allotted to each Indian. Many other instances might be cited to show that light is breaking in upon this stolid race and that we are at the commencement of a new era in Indian management. The principle is

sound, and we cannot begin too soon to put it in practice.

It may be, as has been asserted, that the Utes have had an opportunity under former treaties to take lands in severalty, and have not elected to do so, but they have now accepted this agreement which provides that they shall take their land in this way.

But, Mr. President, if this system, which alone seems calculated to prepare the Indians to be absorbed by the people of the United States and fitted for citizenship, is rejected, we will have to hold fast to the present system of preserving large reservations, with all the attendant evils. We know that system cannot be long maintained, and it is that system which the opponents of this bill are struggling against.

What will be the result if the experiment fails? We have been

told that the Indians will not stay on their farms and will roam among the white settlements. But we were also told that they have roamed at large all over the State for the past twenty years. We will, therefore, not be worse off in this respect than we are now. If they were all sent to Utah, and continued to roam, we would not be any better off. They may fail for some time to support themselves. If they conduct themselves peaceably, neither the Government nor the people of

this country will allow them to starve.

There will doubtless be a military force of sufficient power to maintain peace stationed near them for a time. They will be subject to the laws of the State, and can be made to obey them. If they should make war upon the whites it will be no more difficult to conquer them

Objection has been made to the bill because it provides no punishment for those guilty of the crimes of the past year. There is force in this objection. The welfare of both races demands that guilty Indians should be punished, and it is unfortunate that they were not

punished at the time the crimes were committed.

The administration is not responsible for this. It did not remove the Indians from the jurisdiction of the State. The law placed them beyond the jurisdiction of the State. But they do not escape all punishment. The act of giving up the reservation is itself a severe punishment. They are strongly attached to their hunting-ground,

and they regard its surrender as part of the punishment for the crimes and they regard its surrender as part of the punishment for the crimes committed by some of their number. Ouray, their head chief, has a comfortable house and a good farm under cultivation. It is said to be in one of the most favored spots in Colorado. He is as much attached to it as white men are to their homes; yet he gives it up for the sake of peace. Does any one suppose that before the outbreak these Indians could have been induced to part with their land as they now propose to do? It required a great deal of time and labor in 1878 to induce them to sail the Honey hours Park a little tract of 1878 to induce them to sell the Uncompangre Park, a little tract of four miles square, for the amount of \$10,000. But admitting that they have not been sufficiently punished, what remedies on this score do the opponents of this bill suggest? None that I have heard. Would they propose, as is the custom with the Indians when the case is reversed, to send out armed men to kill a certain number of them, guilty or innocent, in retaliation for the murder of the agent and employés at the White River agency? If there is one thing which the Secretary of the Interior has insisted upon, it is the surrender of all those who could be proved to be guilty of these murders. Could he do more? He has twice sent a commission to demand their surrender. At one time six of the parties demanded were brought to General Hatch and delivered up. He refused to accept them because the whole number was not surrendered.

Every effort has been made to procure the criminals. No other course could be taken except to kill a certain number to expiate the crime. To make the retaliation complete, some of their women should also be captured and treated in the manner in which Indians treat

their captive women.

The Indians who attacked Thornburgh's command are also unpunished. What remedy would the opponents of this bill apply to this case? After the attack on Thornburgh the Indians fied. General Merritt with his command started in pursuit. He went as far as he could go, and then turned back. I read from a letter of General Sherman, addressed to General P. H. Sheridan, to show that Merritt was not called back by the Department in Washington, but turned back because he could not go further:

I also notice that all assert and claim that Merritt's march south from White I also notice that all assert and claim that Merritt's march south from White I have examined again my dispatch of that date and the inclosures from the Interior Department of same day, neither of which can be construed as a "recall." General Merritt doubtless so construed it, and at that time doubtless saw the difficulties ahead.

Mr. MORGAN. If I may interrupt the honorable Senator, I should like to ask him whether the United States forces are not now in the complete possession of the White River agency, and whether there is any apprehension of their being driven out by hostile Indians?

Mr. HILL, of Colorado. My understanding is that they are in possession of that post, and that there is no danger of their being driven

Mr. MORGAN. Then, is there any danger of war there?

Mr. HILL, of Colorado. No, sir; I do not state that there is danger of war. I merely state that everything that could be done by the Department here to secure the capture of these Indians was done. Merritt, who was in pursuit of them, withdrew because he could not go

Mr. MORGAN. If the Senator will allow me, I understand that the object of the bill is not to punish the Indians for what they have done, but to reward them for what they have done.

Mr. HILL, of Colorado. Not at all. I wish to say that every effort has been made to punish those Indians up to this time. Everything has been done that could be done to effect their punishment, as I shall

explain further on in my remarks.

Every Senator who knows the circumstances will admit that a sufficient force of soldiers could not be marched through that country in winter to conduct a successful campaign. The work of conducting this war must be left till spring, and thus it stands. In the mean time the people of Colorado were demanding the removal of the Indians. The Secretary of the Interior was desirous of accomplishing this result. Many were impatient of the delay caused by the attempts to secure the parties who were supposed to be guilty of the murders.

I think I am not violating confidence by stating that my colleague favored prompt action in this respect, and was opposed to waiting for the capture of the criminals before commencing negotiations. Yet great complaint is now made because the Indians were treated with

great complaint is now made because the Indians were treated with while they were flushed with victory and unpunished.

Will those who oppose this bill advise that all negotiations shall be set aside until punishment has been meted out to the Indians? This means a war with them. A strong force must be sent against them or we shall have another Thornburgh disaster. We must sacrifice the lives of more of our frontier settlers, and more of our women and

children will be taken captives.

I value the lives of a dozen of our white inhabitants at more than the whole race of Utes. Is it proposed to imperil their lives on the theory that we may thereby secure a more prominent peace? Objection has been made on account of the amount appropriated. I think the Senator from Alabama said the cost would be \$4,000,000. He did not show how this amount was made up. There is appropriated for annuities \$50,000 per annum, and for salaries and reward for good conduct \$5,000. duct \$5,000. These amounts will at 4 per cent. represent the interest on say \$1,400,000. In addition to this there is appropriated, to cover the cost of removal and other costs, \$350,000; for the purchase of improvements on the property, \$20,000; for the salaries and expenses of

commissioners, \$25,000; for an additional payment to the Utes per capita, \$15,000; in all, \$410,000. The whole cost will be the interest on \$1,400,000 for annuities, and a total outlay beside of \$410,000, for which the Indians cede their rights to over eleven million acres of

Objection is made that the bill does not provide for purchasing farming utensils and for constructing irrigating ditches. I read from

the RECORD:

This bill appropriates over \$400,000, and the honorable Secretary of the Interior told the committee what he intended to do with this money. Hear what he says: \$51,000 for surveys; \$60,000 for houses; \$18,000 for grist-mills; \$18,000 for saw-mills; \$65,000 for wagons; \$20,000 for harness; \$30,000 for agency buildings; \$25,000 for school-houses; \$42,000 for cattle; \$12,000 for subsistence the balance of the year, (they have already had \$78,000;) not a dollar for hoes, plows, or harrows, and not one dollar for an irrigating ditch, when every man who has the slightest information on the subject understands that not a pound of farm produce can be raised in that section of the country until there is an expenditure of from fifty to one hundred thousand dollars for irrigating purposes. And yet the honorable chairman of the committee says, acting under the advice, as I know, of the Secretary of the Interior, that it is important that these men should be put upon this land at once that they may commence their spring farming. If there ever was a fair specimen of stapidity on the part of public officials this comes fairly within the rule as exhibited by the Interior Department when they urge the consideration of this bill on that ground.

If my colleague had observed the specific schedule furnished by the

on that ground.

If my colleague had observed the specific schedule furnished by the Secretary of the Interior he would probably not have made this statement. By referring to that schedule, it will be seen that out of the various sums appropriated there are \$21,000 assigned for incidental expenses. This is intended to cover the necessary expenses for irrigating ditches for the first year, and probably something can be squeezed out of it for hoes and plows. As to the amount of a hundred thousand dollars which my colleague states will be necessary to construct an irrigating canal, I wish to say that an inquiry has been made of every person who has been seen in Washington who is familiar with that tract of country and all agree, I think, upon one statement, which is that the land bordering on the Grand River, below the mouth of the Gunnison, where these Indians are to go in the State of Colorado, is flat land and can be irrigated at very light expense.

Mr. TELLER. If I may interrupt my colleague, I should like to

Mr. TELLER. If I may interrupt my colleague, I should like to make a statement. He says he understands that I was opposed to waiting while the captive women were sought for. I would simply say that I am not in the confidence of the Secretary of the Interior and am not a person to be consulted by him. I do not myself interfere with the discharge of the duties of the General of the Army.

Therefore I was not consulted by either party, and I never expressed an opinion whether they should wait or whether they should not.

I should like to ask the Senator a question. I ask him if he does not know that all of that bottom land that he speaks of overflows every year? That is a statement made to me by everybody who has ever been there. Therefore that land cannot be cultivated.

Mr. HILL, of Colorado. I am aware that there is some portion of the land that the configure aware that I understand that there is

the land that overflows every year, but I understand that there is a the land that overnows every year, but I interest the land that overnows every year, but I interest that the great deal of other land there which does not overflow. In looking at Hayden's geological map of Colorado, which is made from actual surveys of that country, I notice that there is a large tract of agricultural land—it is marked in the color indicating agricultural land and there is no mineral land in that vicinity.

But if this is such a specimen of stupidity as it is said to be, why does not my colleague or some other Senator propose an amendment to the bill, so as to provide liberally for hoes and plows, and so as to appropriate \$50,000 for irrigating canals, which are said to be needed for in quote further from the RECORD in opposition to the bill:

It is said by the Interior Department that they would not go to Uintah. Has it come to this, that a few hundred Indians, having murdered their agent and other employes, mutilated the dead, outraged the living, defeated our troops in battle, holding them in check for five long days, shall now dictate to us the terms of this

Has it escaped the notice of my colleague that the White River Utes, who murdered the agent, mutilated the dead, &c., do go to the Uintah reservation by the terms of this agreement, and do not dictate terms? The bands which were guilty of these crimes were glad to accept any terms, and made no objection to going to Uintah.

I refer with reluctance to one other passage in a speech delivered upon this floor last Friday. The privileges of a Senator may allow him to charge an honorable member of the Cabinet with any crime, or to assign to him the basest and most ignominions motives for his

or to assign to him the basest and most ignominious motives for his actions, but it would seem, as that officer has no opportunity to reply, that there is a limit beyond which the privilege should not be exereised. I read from the RECORD:

cised. I read from the RECORD:

There is another view of this case that I am going to mention now. On the 26th day of October, 1879, a trusted officer of the Interior Department having procured from these women a statement of the outrage perpetrated upon them, telegraphed it to Washington. On the 4th of November another trusted officer of the Government telegraphed it to Washington. The people of Colorado, familiar with the Indians, understood it, although it was kept quiet; nobody declared it openly; the newspapers of Colorado never suggested it, and yet every man familiar with Indians knew what had been the character of the treatment of those prisoners. How did it get out! When the Philadelphia, the New York, and the Boston papers were filled with landation of the courage and the chivalry of these Indians, speaking of them as braves who only fought soldiers; when they were creating all over the country a public sentiment in favor of the Indians and against our people, the knowledge of that inhuman conduct rested securely with the Secretary of the Interior and his trusted agents; and it was only when that old woman, sixty-six years old, gave to the public of Colorado, in a letter over her own name, an account of the treatment that she and her fellow-prisoners had received, that the people spoke of it above their breath. I charge upon the Interior Department

that they purposely withheld this information from the public to create, first, a sympathy for the Indians, and, secondly, a prejudice against the people of Colorado.

There is no justification for this passage on the ground that it has any bearing whatever on the merits of the bill. I will briefly state the facts as I know them, and make no further comments on this subject.

when these women were traveling from Los Pinos to their home in Greeley and were entirely beyond the reach of the Indians, they stated to every one with whom they conversed, that they had been kindly treated by the Indians. They denied that their persons had been violated, and they continued to do so until they reached Greeley. When General Adams took their testimony at Greeley, they divulged the truth, but begged of him that it might be kept secret. It was so kept by General Adams, and by the Secretary of the Interior. It was kept for the sake of the women, and not to create prejudice. It was the only course honorable gentlemen could take. One of the persons involved went to the Secretary of the Interior, with tears in was the only course honorable gentlemen could take. One of the persons involved went to the Secretary of the Interior, with tears in her eyes, giving expression to bitter regrets that publicity had been given to their misfortunes. If that officer had divulged their secret, he would have been charged with the commission of a most unfeeling act. Yet we are told that the information was purposely withheld, to create sympathy for the Indians and a prejudice against the people of Colorado.

With all that has been said on this subject and with all the criticism and censure that have been indulged in, what has been offered as a substitute for the plan proposed? No one disputes the statement that there is an urgent necessity for some immediate action. We have been told what should have been done and what was wrongly done; but who has told us what action to take to meet the present necessities of the case? The only approach to a practical proposition of this kind was that of my colleague. He would send them all to the Uintah reservation. This was the favorite scheme of the Secretary of the Interior. Long before any negotiations had commenced he had planned this remedy for all the troubles. But it turned out that this was the one particular place to which the Indians would not go, unless they were forced, and the alternative was to force them to go to Utah or to remove them, with their consent, to another place, as is proposed in this bill.

There is one reason in my judgment why an attempt to send them to Utah would prove a failure. I have no right to speak of what has been done or what may be done by the other branch of Congress in been done or what may be done by the other branch of Congress in relation to this subject; but I may express an opinion that no bill which discharges all the treaty rights of these Indians and provides for their forcible removal to another Territory could have been enacted into a law at this session of Congress.

The honorable Senator from Massachusetts proposes to appropriate \$125,000 to educate them. Is this a practical suggestion? Does the honorable Senator suppose that they can be educated while they

have the right to roam over a tract of country a good deal more than twice as large as the whole State of Massachusetts, and a wild, mountainous country besides? Let us settle them first as is provided

in this bill so that they can be reached, and then educate them.

Mr. DAWES. If the Senator from Colorado supposes that I had any idea that the adult wild Indians could be educated in any such any idea that the adult wild Indians could be educated in any such sense as he suggests now, I failed to make myself understood by him. I said plainly and distinctly that such Indians could not be, but I have an impression that \$125,000 would take the young Indians to Carlisle Barracks, or to Hampton, or to other schools of that character, and make of them useful men and send them back to their tribes to work out for the tribes some good.

I should like, while I am up, to ask my friend to tell us, so long as the Government is to support these Indians, of what practical service to each particular Indian would \$15 be? What would he do with it that would tell at all upon his future good? You cannot sell him any liquor; you cannot sell him tobacco. He is to have \$15, as I said yesterday, and what difference would there be between \$15 and fifteen white beans?

teen white beans?

Mr. HILL, of Colorado. I may be wrong; I supposed that the honorable Senator from Massachusetts was speaking to the merits of this particular bill and on this particular subject when he said that

he thought \$125,000 ought to be appropriated to educate them.

Mr. DAWES. I was speaking to the demerits of the bill. I was suggesting that the bill did provide for distributing per capita, in little homeopathic pills, to the Indians money which would be wasted and might just as well be thrown into the sea.

Mr. HILL, of Colorado. I believe in educating these Indians, but was well be the property of the propert

you will have to catch them before you can educate them. I think the process of their education will be slow. What does the honorable Senator think will become of them while it is in progress? Does the Senator suppose that the white settlers can be kept off the reservation while we are educating these Indians?

This bill provides for an emergency and not for a final settlement of the great Indian problem. If the honorable Senator from Massa-chusetts has a tender regard for the Indian, I do not see how he can

oppose the bill.

I hope, Mr. President, that the bill will pass.

Mr. TELLER. I desire to call the attention of the Senate and of my colleague to the letter of General Sherman. It is said, and repeated everywhere, that General Merritt was compelled to turn back. Gen-

eral Merritt had overcome all the real difficulties of the trip. General Sherman says:

In some way my telegram of the 17th has been seriously altered, and I would like to know on whom the responsibility for the alteration rests. I did not in that telegram allude to the difficulties of a march by Merritt's command from the White River agency to the Los Pinos, as no difficulties as to crossing the range between these two points existed.

I do not write this to provoke any discussion of the matter, but to learn how the alterations referred to occurred.

General Merritt had already overcome the natural difficulties and had crossed the range. Therefore it is not correct to say that Merritt could not have proceeded. He could have proceeded, and he would have proceeded, but for the interference of the Secretary of the In-

terior.

Mr. HILL, of Colorado. I do not know how the letter of General Sherman under date of October 24 could possibly be held to be consistent with the statement of my honorable colleague, who distinctly asserts that the recall did come from Washington. It has been stated to me in the most positive terms by the Secretary of the Interior that he have nothing about the recall of General Merritt until some days he knew nothing about the recall of General Merritt until some days

after he had turned back.

Mr. HARRIS. It is obvious that the consideration of the bill cannot be completed to-night. I move that the Senate now proceed to the consideration of executive business.

Mr. COKE. Will the Senator from Tennessee allow me a moment? Mr. HARRIS. Certainly; I withdraw the motion for a single mo-

Mr. COKE. I desire to say that I shall, if I can, press this bill to a vote to-morrow without fail. It is the desire of gentlemen who have charge of bills, and especially of those who have charge of the Geneva award bill, upon whose courtesy we are somewhat dependent in having this bill now before the Senate, that this bill shall be brought to a vote to-morrow, and if it can be done I shall insist on a vote to-morrow.

Mr. HARRIS. I renew my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirteen minutes spent in executive session the doors were reopened, and (at five o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 6, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. AINSLIE. Mr. Speaker, I move by unanimus consent to take from the House Calendar a bill (H. R. No. 5048) relating to justices of the peace in the Territories, which has been reported from that committee favorably, in order that it may be brought before the House and put upon its passage at this time. It is an important bill to the Territories and should be passed at once.

The SPEAKER. The bill will be read, when the Chair will ask for

The SPEAKER. The bill will be read, when the Chair will ask for objection.

The first section of the bill, which was read, provides that when from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and Legislative Assembly of such Territory, provided that such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

The second section provides that all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, re-

flict with the provisions of this act be, and the same are hereby, re-

There was no objection.

The bill was taken from the House Calendar and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. M'NELLIS.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 5625) for the relief of John McNellis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NIGHT SESSIONS FOR NAVAL COMMITTEE.

Mr. WHITTHORNE. I ask, Mr. Speaker, by unanimous consent that Wednesday and Thursday nights of next week be set apart for the consideration of business which has been or may be reported from

the Committee on Naval Affairs. This committee is a modest one and has but little business, but what it has it deems of importance to the country. I trust there will be no objection to this unanimous request.

Mr. BLOUNT. What is the character of that business?

Mr. WHITTHORNE. As I said, the committee is a modest one.

Mr. BLOUNT. Does it relate to iron-clads?

Mr. WHITTHORNE. No, that is to come hereafter.

Mr. HUMPHREY. I am about on the eve of objecting to night sessions, but I want to know what the business of that committee is.

Mr. WHITTHORNE. There are several of a public character, one

looking to the reconstruction of the Navy—
Mr. HUMPHREY. Then I shall not object, for I am in favor of

reconstruction.

The SPEAKER. There being no objection, the motion of the gen-tleman from Tennessee will be considered as agreed to by unanimous

CONDITION, ETC., OF CERTAIN MILITARY CEMETERIES.

Mr. HASKELL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Military Af-

The Clerk read as follows:

Resolved, That the Secretary of War be requested to report to this House the condition of, and means of approach to, the following-named United States military cemeteries: Vicksburgh Mississippi; Arlington, Virginia; Fort Scott, Kansas; with such recommendations and estimates as he may deem judicious.

EVENING SESSIONS FOR DISTRICT COMMITTEE.

Mr. HUNTON. I ask unanimous consent to introduce the following resolution and put it upon its passage.

The Clerk read as follows:

Resolved, That there shall be evening sessions of this House on Wednesday and Friday of each week, commencing on Wednesday, 21st April, 1880—which sessions shall be devoted exclusively to the consideration of House bill No. 5541, "To establish a numicipal code for the District of Columbia," and shall continue till the consideration of said bill is concluded.

The SPEAKER. Is there objection to the resolution?

Mr. ATKINS. I object. Mr. HUNTON. I desire I desire to say I am instructed by the committee, unanimously, to introduce this resolution, and I hope the gentleman will not object to it. It is very important that this work shall be

Mr. ATKINS. Until the appropriation bills are disposed of I shall

object.

The SPEAKER. This is a resolution providing for evening ses-

Mr. ATKINS. I did not so understand it. I shall not object to that.
Mr. BUCKNER. I desire to suggest to the gentleman from Virginia whether he would not be willing to accept a modification of his proposition, that the House shall meet at eleven o'clock, instead of heaving these avening accessions.

of having these evening sessions.

Mr. ATKINS. I shall object to that. We cannot advance the business of the session except in committee.

Mr. HUNTON. This is a very important work for the District of Columbia. The municipal code of the District is now scattered through the ordinances of the corporation, and the Maryland laws, and the laws of Congress, and so it is difficult to determine what is the law in the District of Columbia.

Mr. BLOUNT. It occurs to me that it is a very bad plan to undertake to revise the code of the District at night. We tried it on our own statutes and found not only a collation of statutes but that

we absolutely repealed important statutes.

The SPEAKER. Does the gentleman object?

Mr. BLOUNT. I do.

Mr. HUNTON. I appeal to my friend to withdraw his objection.

Mr. HUNTON. I appear to my friend to withdraw his objection.
Some time subsequently,
Mr. HUNTON said: I understand that the objection to my proposition for sessions on the evenings of Wednesday the 21st and Friday
the 23d of April, at seven-and-a-half o'clock, has been withdrawn.
The purpose of those sessions, I will again state, is for the consideration of a bill to establish a municipal code for the District of Colum-

Mr. BLOUNT. I would like my friend to agree that the bill may be considered in Committee of the Whole on the state of the Union.

Mr. HUNTON. I have no sort of objection to that.

The proposition, as modified, was agreed to.

Mr. HUNTON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. Mr. Speaker, I am directed by the Committee on Appropriations to report back the amendments of the Senate to an act (H. R. No. 4924) making appropriations to supply certain defi-ciencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to move, in accordance with the instructions of that committee, that they be non-concurred in.

Mr. CONGER. Let the amendments be first read, so we can know

Mr. McMAHON. I desire to say to the gentleman from Michigan

that the bulk of the Senate amendments perhaps the House will concur in, but there has been added \$400,000 which the Committee on Appropriations have not yet had time fully to investigate, and therefore non-concurrence has been recommended in all the Senate amend-

Mr. CONGER. The result of that will be that the committee of conference will determine for this House without the judgment of the House being given on the amendments.

The SPEAKER. The gentleman from Michigan has the right to have the amendments read if he so desires.

Mr. CONGER. Then I desire to know what we are voting on. Let the amendments be read, and let each amendment be voted upon sepa-

The first amendment of the Senate was read, as follows:

Strike out "four" and insert "three;" so it will read:

PUBLIC PRINTING.

For the public printing and binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving, \$300,000.

Mr. GARFIELD. I wish to ask the gentleman in charge of this bill whether the \$100,000 which has already been appropriated for

bill whether the \$100,000 which has already been appropriated for this purpose does not really come out of this?

Mr. McMAHON. Yes, sir; and that is why they have put the amount at three hundred thousand dollars instead of four.

Mr. GARFIELD. But the amount ought to stand as it did originally so as to cover the \$100,000 appropriated to use temporarily, and which was to come out of appropriations hereafter to be made.

Mr. ATKINS. Fifty thousand dollars was appropriated in the starservice bill the other day which was also to come out of the \$400,000.

Mr. GARFIELD. But I understand that the \$100,000 was to come out of money hereafter to be appropriated. Does the committee recommend concurrence in the Senate amendment?

Mr. McMAHON. The committee recommend non-concurrence in all

Mr. McMAHON. The committee recommend non-concurrence in all of the Senate amendments. When we passed the star-route bill

of the Senate amendments. When we passed the star-route bill—
The SPEAKER. There is too much confusion in the House. The public business will be suspended until gentlemen are seated.

Mr. McMAHON. I desire to state to the House that not only did we pass, after we passed this \$400,000 for the Printing Office, \$100,000 which was to be taken out of this, but it will be remembered when the Senate passed the star-route bill, anticipating a struggle there over the marshals' clause they added \$50,000 for printing the Congressional Record, which also ought to come out of the \$300,000, and is expected to come out. Therefore the committee do not recommend concurrence in the \$300,000, but desire that to be reduced to \$250,000.

Mr. CONGER. Was not the estimate for \$400,000?

Mr. CONGER.

Mr. CONGER. Was not the estimate for \$400,000?

Mr. McMAHON. That is exactly what the Printing Office will get

when we pass this bill at \$250,000.

Mr. CONGER. The bill as it is amended by the Senate leaves out \$100,000 any way, making the appropriation less by that amount than the whole estimate of \$400,000.

Mr. McMAHON. The bill must leave that out, because \$100,000 has

been already appropriated.
Mr. CONGER. It leaves out \$100,000.
Mr. McMAHON. And still there will be \$400,000 at the disposal of

Mr. McMAHON. And still there will be \$400,000 at the disposal of the Public Printer.

Mr. CONGER. The bill uses the language "or so much thereof as may be necessary," so that there can be no difficulty as to the amount:

Mr. HAWLEY. I desire to ask the gentleman from Ohio a question. I suppose it is not intended to reduce the aggregate appropriation to the Printing Office below the \$400,000?

Mr. McMAHON. No. The House has expressed its wish to appropriate \$400,000, and the committee is carrying out that policy.

Mr. CONGER. I move to concur in the Senate amendment with an amendment striking out "\$300,000" and inserting "\$250,000."

Mr. FRYE. I desire to ask the gentleman from Ohio a question. Is this the bill which contains the marshals' clause?

Mr. McMAHON. Yes.

Mr. McMAHON. Yes.

Mr. FRYE. Has that clause been amended by the Senate?

Mr. McMAHON. It has.

Mr. FRYE. I understand it has been seriously amended; and, in Mr. FRYE. I understand it has been seriously amended; and, in my judgment, these amendments of the Senate ought to be considered in the Committee of the Whole. I understand, Mr. Speaker, that a point of order can be made against any of these amendments of the Senate which could be made if they had originated in the House; and I understand further that a point of order being made to one amendment will carry the whole bill to a Committee of the Whole House. I desire to make the point of order to a Senate amendment, and thus carry the bill to the Committee of the Whole.

The SPEAKER. To what amendment does the gentleman from Maine make the point of order?

Maine make the point of order?

Mr. FRYE. I will make the point of order on this amendment. I understand that this appropriation which is now under consideration

is increased by the Senate.

Mr. McMAHON. No; it is decreased.

The SPEAKER. Does the gentleman from Maine think that Rule XX prevents the Senate from increasing an appropriation the subject-matter of which is already in the bill by the action of the House? Mr. GARFIELD. I suggest to the gentleman from Maine that by

common consent we can treat these amendments in the House as in Committee of the Whole under the five-minute rule. That, I think,

Committee of the Whole under the five-minute rule. That, I think, will expedite the consideration of the bill.

Mr. FRYE. There are items of appropriation in this bill which have been increased by the Senate. Now, under Rule XX—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

The SPEAKER. The Chair desires to inquire about this point of order whether the gentleman from Maine takes the position under

order whether the gentleman from Maine takes the position under that rule that the Senate have not the power to increase an appropriation of money for a purpose already in a House bill?

Mr. FRYE. Oh, no. They have undoubtedly power to increase an appropriation. But if they do increase, then when the bill is returned to the House it is subject to the point of order and must be considered in Committee of the Whole.

The SPEAKER. The Chair will examine the question carefully. But the Chair has always supposed that the construction which should be put upon Rule XX was this: that where the Senate incorporated a new subject into an appropriation bill and provided for the appropriation of money therefor, under such circumstances any member of the House, under Rule XX, could demand that that bill on which that new subject was introduced in the Senate and for which money was appropriated should have its consideration in Committee of the Whole propriated should have its consideration in Committee of the Whole

on the state of the Union.

Mr. BLOUNT. I would like to hear the rule read.

Mr. McMAHON. Before the point of order is decided, I ask a ruling upon this: whether the House having started to consider the amendments it is not too late to make the point of order under Rule

The SPEAKER. The Chair thinks the House has not yet commenced to consider the amendments to which the gentleman from Maine alludes. The Clerk will read the rule.

The Clerk read as follows:

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Mr. FRYE. Now, Mr. Speaker, suppose the House appropriates \$100,000 for the erection of a building in Paducah, Kentucky. The bill goes to the Senate; the Senate appropriates \$200,000, increasing the amount \$100,000. I understand that is subject to the point of orthe amount \$100,000. I understand that is subject to the point of order here, that it is practically a new appropriation. It is an appropriation of \$100,000 more than the House in Committee of the Whole were willing to appropriate. Therefore, to carry out the spirit and intent of the rule, when that amendment comes back here it must go into Committee of the Whole and be considered as a new appropriation of \$100,000. I containly a understood it when the rule was tion of \$100,000. I certainly so understood it when the rule was

The SPEAKER. The Chair did not so understand it

Mr. PAGE. There are new appropriations in this bill; there is no doubt about that.

The SPEAKER. If there are new appropriations in this bill, the Chair would have no doubt on the point. The Chair would, however, prefer to reserve his decision upon the point of order made by the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. If there are new appropriations contained in the bill as it comes back from the Senate, I will not press my point at this time, for I would prefer the Chair would rule on the new appropria-

The SPEAKER. If the point of order is made that the Senate by any of its amendments has introduced a new subject and made an appropriation therefor, the Chair would rule that it was liable to a point of order.

Mr. ATKINS. Does the gentleman from Maine [Mr. FRYE] make a point of order against this entire bill or against the first amendment? The SPEAKER. The Chair understands the point of order to be made against the bill, because the gentleman from Maine says that

made against the birth, because the gentleman From Maine it contains matters that are new.

Mr. McMAHON. There is no doubt about that.

Mr. BAKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAKER. If the point of order is sustained, that the new matter incorporated by the Senate carries this bill into the Committee of the Whole House on the state of the Union, will that bring before the Committee of the Whole for consideration all the subjects contained in the bill; or will the Committee of the Whole have control

simply of the new matter introduced by the Senate?

The SPEAKER. Any portion of the bill which the two Houses have agreed upon is concluded, and in the judgment of the Chair neither the Committee on Appropriations, the Committee of the Whole House, nor a committee of conference has, technically or under the rule, any right to interfere with that portion of the bill so agreed

The Chair thinks that this Rule XX was intended to do away with an abuse which has heretofore involved enormous expenditures on the part of the Government by an evasion on the part of the Senate of the rules of the House requiring money appropriations to be first considered in Committee of the Whole. The Chair will exemplify;

for instance, an appropriation bill goes from the House to the Senate. An amendment is put on in the Senate which introduces into the bill an entirely new subject and makes an appropriation therefor. That provision introduced by the Senate, if it had been first introduced into this House, would have carried the bill into Committee of the Whole on the state of the Union. By this Rule XX the House proposes to retain the same power to protect itself against an amendment by the Senate appropriating money, as it would have against an amendment proposed in the House by one of its own members. Whether the rule goes further than that the Chair would like to take time to carefully consider.

Mr. BAKER. I do not understand that the Chair has answered the question that I submitted.

The SPEAKER. The Chair will hear it again.

Mr. BAKER. The question is this: If this bill shall be carried to the Committee of the Whole on the state of the Union on the point of order that new items have been incorporated in it by way of amend-

order that new items have been incorporated in it by way of amendment in the Senate, will that also carry to the Committee of the Whole the items which were incorporated in the bill by the House, and which

have been merely changed by the Senate?

The SPEAKER. Yes; the Chair is clear that a bill cannot have a status in two places. A bill must have a single status, either in the House or in Committee of the Whole. If one portion of a bill is amenable to a point of order, that will take the entire bill to the Committee of the Whole.

Mr. PRICE. But Mr. Specker, while it takes the hill to the Committee of the Whole.

Mr. PRICE. But, Mr. Speaker, while it takes the bill to the Committee of the Whole, it does not bring under consideration in Committee of the Whole any provision of that bill which has been agreed upon by the House and by the Senate, but only the points upon which

they have disagreed.

The SPEAKER. That is what the Chair stated very clearly.

Mr. PRICE. So I understood.

The SPEAKER. Whenever the two Houses agree upon a provision in the same language, the Chair thinks it is not in the power of either House to change that provision, although it has been sometimes done in conference committee

Mr. McMAHON. If this bill is to be considered in Committee of the Whole, I would prefer that it should not be so considered until the full Committee on Appropriations has acted upon all these matters. If gentlemen are willing, I will move to recommit this bill with the Senate amendments to the Committee on Appropriations.

Mr. BLOUNT. I would suggest to my friend [Mr. McMahon] that the bill with the Senate amendments should be printed.

Mr. McMAHON. That has already been ordered and done.

The motion to recommit was then agreed to. POTTAWATOMIE INDIANS.

Mr. SCALES. I desire to submit a privileged report from the Committee on Indian Affairs, to which was referred the resolution introduced by the gentleman from Virginia [Mr. Beale] calling for executive information.

Mr. CONGER. Has the morning hour been dispensed with?

The SPEAKER. It has not been; but the Chair understands this to be a privileged report upon a resolution calling for executive in-

formation, which has a right to come in at any time.

Mr. SCALES. I am instructed by the Committee on Indian Affairs to report back with a favorable recommendation the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas certain Indians of the Pottawatomie Nation, in their memorial to Congress, allege that they had been despoiled of their lands, annuities, and other moneys by means of forged deeds, fraudulent letters of administration on their estates, they still living,) and by the appointment of guardians to their children in the life-time of the parents; and
Whereas they allege also that they have hitherto sought in vain for redress of their grievances at the proper Department of the Government: Therefore,
Be it resolved, That the Secretary of the Interior be respectfully requested to communicate to the House of Representatives any information in his possession relative to the above allegation.

The preamble and resolution were adopted.

NAVAL APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

Mr. GARFIELD. I reserve all points of order on the bill.

Mr. ATKINS. I give notice that it is my purpose to call up this bill for consideration immediately after the passage of the Army appropriation bill see the Ladience recommittee.

propriation bill or the Indian appropriation bill.

GREEN'S PATENT FOR ARTESIAN WELLS.

Mr. RYAN, of Kansas. I ask unanimous consent to present a peti-Mr. RYAN, of Kansas. I ask unanimous consent to present a petition of numerous citizens of Kansas, praying Congress to enact a law authorizing the Attorney-General of the United States to institute legal proceedings to invalidate and set aside the patent of Nelson W. Green for what is termed a "new and improved method of constructing artesian wells." I ask the reference of this petition to the Committee on the Judiciary, and, as the subject is of interest to several of the States of the West and Northwest, I also ask that the body of the petition without the names be printed in the RECORD.

Mr. ROBINSON. I suggest that as this petition relates to a patent

it ought to go to the Committee on Patents, not to the Committee on the Judiciary.

Mr. RYAN, of Kansas. I have asked the reference to the Committee on the Judiciary for the simple reason that it asks the passage of a law authorizing the Attorney-General of the United States to institute legal proceedings to vacate letters patent.

Mr. ROBINSON. I have no wish in the matter; I only made the

Mr. ROBINSON. I have no objection to the reference of the suggestion.
Mr. RYAN, of Kansas. I have no objection to the reference of the petition to the Committee on Patents; but I supposed the proper committee would be the Committee on the Judiciary.
Mr. ROBINSON. I am entirely indifferent about the matter.
There being no objection, the petition was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States:

To the honorable the Senate and House of Representatives of the United States:

Your petitioners, the undersigned citizens of the State of Kansas, would respectfully represent and state that letters patent No. 73425 were issued under date January 14, 1868, and reissued, No. 4372, under date May 9, 1871, to one Nelson W. Green, for what he termed a new and improved method of constructing artesian wells. Said Green set forth in his specifications filed what he claimed by his invention, and desired to secure by letters-patent, was: "The process of constructing wells by driving or forcing an instrument into the ground until it is projected into the water without removing the earth upward as it is in boring." We further state that along many of the water-courses in the State of Kansas, and for some distance on each side of the branches of said streams, the country is underlaid, at a depth of from fifteen to thirty feet, with quicksand and gravel, which is percolated and supplied with an abundant and inexhaustible supply of pure, fresh water, and that for many years the inhabitants residing along said streams have obtained their supply of water by what are commonly termed "driven wells," which are constructed by driving into the ground until it reaches the water a hollow tube of metal or other material made air-tight, with holes in the lower end through which the water is admitted into the tube and to the surface by a pump attached.

We further state that this method of obtaining water had been in use by numbers of persons long before Green's patent was applied for and before he claims to have discovered the process, and has for years been used by thousands of people in this and other States without any interference from said Green or any one claiming under him.

We further state that within a few months last past W. D. Andrews & Co., claiming to be assignees of said Green under said value, have obtained then.

have discovered the process, and has for years been used by thousands of people in this and other States without any interference from said Green or any one claiming under him.

We further state that within a few months last past W. D. Andrews & Co., claiming to be assignees of said Green, under said patent, have made demand of an exorbitant sum by way of royalty from persons using the driven well in this State, and are threatening to sue all who do not pay their demand in the circuit court of the United States.

That in order to make a successful resistance to this claim it will be necessary in any case to take a vast amount of testimony from witnesses residing in different States and Territories, and the claimants refuse to make a test case, but insist on suing each one separately.

That many in order to avoid the costs and vexation of a lawsuit and from inability to pay the expenses of the same, are paying said demand under protest, believing the same to be unlawful and unjust.

We, your petitioners, would respectfully submit that there is no merit in said supposed invention; that it is void upon its face; that it makes the ridiculous claim of novelty in that it is a method of making a hole in the ground by driving a sharp, pointed instrument, a process as old as civilization.

We further state that, we are advised that said Green claims to have discovered this process in the year 1861, and we submit that, allowing his claim of novelty, the fact that he failed to apply for a patent for more than two years after the discovery, during which time the process went into general use, amounts to a waiver of his claim and renders the patent void.

Your petitioners further state that, notwithstanding all which, unless some relief is afforded by your honorable bodies by appropriate legislation, grievous wrongs and extortions will be practiced upon thonsands.

Wherefore, your petitioners would respectfully ask Congress to enact a law authorizing the honorable Attorney-General, or some other officer of the Government, t

LEAVE TO PRINT.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to have printed in the RECORD remarks touching the bill which I yesterday brought before the House, relative to repairing and extending the public building at Cleveland, Ohio.

There being no objection, leave was granted. [See Appendix.]

ORDER OF BUSINESS.

Mr. CLYMER. I move to dispense with the morning hour of to-day I give notice that if this motion should prevail, I shall ask the House to go into Committee of the Whole for the consideration of the Army appropriation bill.

Several Members. That is right. Mr. CONGER. I think we might have the morning hour, and withdraw the riders on the appropriation bill.

Mr. CLYMER. There are none on it, as I report it.
Mr. RYAN, of Kansas, and others. We ought to have the morning

Mr. SPRINGER. I desire to say that I antagonize the motion to dispense with the morning hour for the reason that I wish to have the morning hour, and after that to call up the contested-election case of Curtin vs. Yocum.

The SPEAKER. A contested-election case can be called up at any

time; now if the gentleman chooses.

Mr. SPRINGER. I do not wish, however, to antagonize the morning hour with the election case; but I wish to call it up after the

morning hour. Mr. CLYMER.

Mr. CLYMER. Allow me to make a parliamentary inquiry. If the morning hour should be dispensed with, and the gentleman from Illinois should undertake to bring up the election case, may not that be antagonized by a motion to go into Committee of the Whole for the consideration of the Army appropriation bill?

The SPEAKER. Whether the morning hour be dispensed with or not, whenever the gentleman from Illinois asks the floor to call up the election case the Chair will be bound to recognize him, to test the sense of the House, because a contested-election case is a question

of the highest privilege.

Mr. CLYMER. That is hardly an answer to the question which I propounded, which was whether it would be a question of consideration between the contested-election case and the Army appropria-

tion bill?

The SPEAKER. It would be for the House to determine which subject it would consider.

Mr. CLYMER. That would be determined by a majority vote.

The SPEAKER. The election case, as the gentleman is aware, would be considered in the House, not in Committee of the Whole.

Mr. CLYMER. But it would be a question of consideration between the two subjects, as I understand.

The SPEAKER. It would.

Mr. ATKINS. And can a majority vote of the House determine the question of consideration? That is the point.

The SPEAKER. The question of consideration would be decided by a majority vote.

Mr. CLYMER. If it is the wish of members to have the morning hour, I will withdraw my motion to dispense with it.

The SPEAKER. The Chair will submit the question, which will test the wish of the House.

The question being taken, the motion of Mr. CLYMER to dispense with the morning hour was not agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at six minutes before one o'clock. The call of committees rests with the Committee on Military Affairs.

JOHN DOLAN.

Mr. SMITH, of Georgia, from the Committee on Military Affairs, reported back adversely the bill (H. R. No. 726) authorizing the President to appoint John Dolan to a second lieutenantcy in the Army; which was laid on the table, and the accompanying report ordered to be printed.

ANNA W. OSBORNE.

Mr. SMITH, of Georgia, also, from the same committee, reported back the bill (H. R. No. 1739) for the relief of Anna W. Osborne; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Claims.

W. H. HELM.

Mr. McCOOK, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 4070) for the relief of W. H. Helm; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. W. BARKLEY.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back the bill (H. R. No. 4842) to reinstate R. W. Barkley as cadet-mid-shipman in the United States Naval Academy at Annapolis, with an amendment; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RANK OF ENGINEER OFFICERS.

Mr. WHITTHORNE also, from the same committee, reported, as a substitute for House bill No. 1439, a bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DR. JOSEPH TAYLOR.

Mr. DAVIDSON, from the same committee, reported back adversely the bill (H. R. No. 4019) for the relief of Dr. Joseph Taylor; which was laid on the table, and the accompanying report ordered to be printed.

TOBACCO FOR UNITED STATES NAVY.

Mr. GOODE, from the same committee, reported back the bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy, with amendments; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MACHINISTS IN THE NAVY.

Mr. GOODE also, from the same committee, reported, as a substitute for House bill No. 3821, a bill (H. R. No. 5628) relating to machinists in the Navy; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADMISSION INTO NAVAL ACADEMY.

Mr. BRIGGS, from the same committee, reported back adversely the bill (H. R. No. 3310) to amend section 1517 of the Revised Statutes, in relation to admission into the Naval Academy; which was laid on the table, and the accompanying report ordered to be printed.

NAVAL WHARF AT KEY WEST.

Mr. BRIGGS also, from the same committee, reported back favorably the bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State of Florida; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WINFIELD SCOTT SCHLEY.

Mr. BREWER, from the same committee, reported back adversely the bill (H. R. No. 3327) for the relief of Winfield Scott Schley; which was haid on the table, and the accompanying report ordered to be printed.

Mr. BREWER. I have also been directed by the committee to

Mr. BREWER. I have also been directed by the committee to allow the withdrawal of the papers in this case.

The SPEAKER pro tempore, (Mr. Carlisle in the chair.) The request for the withdrawal of papers must be made at some other time.

Mr. NEWBERRY. I should like to ask the Speaker whether, under Rule XXXIX, papers in any case can be withdrawn unless certified copies are left on file?

The SPEAKER pro tempore. They cannot.

Mr. NEWBERRY. I ask for a decision.

The SPEAKER pro tempore. When a committee is reporting in the morning hour, it is not proper for it to request the withdrawal of papers. That request must be made at some other time.

VOLUNTEER OFFICERS OF THE NAVY.

Mr. BREWER also, from the same committee, reported back adversely the bill (H. R. No. 3009) granting sea pay to the volunteer officers of the Navy mustered out of service under the act of Congress approved February 15, 1879; which was laid on the table, and the accompanying report ordered to be printed.

HENRY F. LOVEAIRE.

Mr. BREWER also, from the same committee, reported back adversely the bill (H. R. No. 4475) for the relief of Henry F. Loveaire, late second assistant engineer in the United States naval service; which was laid on the table, and the accompanying report ordered to be printed.

CAMP DOUGLAS MILITARY RESERVATION.

Mr. DIBRELL. I ask unanimous consent, Mr. Speaker, to submit a report on the part of Mr. Maginnis, my colleague on the Committee on Military Affairs, who was not present this morning when that committee was called.

There was no objection.

Mr. DIBRELL, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 1287) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. BROWN.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. No. 4731) for the relief of John R. Brown; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

AINT LOUIS BRIDGE COMPANY AND TUNNEL RAILROAD.

Mr. STONE also, from the same committee, reported back favorably the bill (H. R. No. 5429) to authorize the Postmaster-General to make a contract with the Saint Louis Bridge Company and Tunnel Railroad to carry the mails between East Saint Louis, Illinois, and the union depot at Saint Louis, Missouri; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

POSTAL SERVICE.

Mr. STONE also, from the same committee, reported back favorably the bill (H. R. No. 5430) to amend section 3949 of the Revised Statutes of the United States, relative to the postal service, with amendments; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LETTING OF MAIL CONTRACTS.

Mr. STONE also, from the same committee, reported back adversely the bill (H. R. No. 2245) to regulate the letting of mail contracts; which was laid on the table, and the accompanying report ordered to be printed.

B. N. EWING.

Mr. EVINS, from the Committee on the Post-Office and Post-Roads. reported back favorably the bill (H. R. 3293) for the relief of B. N. Ewing; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON MILEY.

Mr. EVINS also, from the same committee, reported back favorably the bill (H. R. No. 1652) for the relief of Aaron Miley; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

POSTAL CARDS WITH FLEXIBLE FLAPS.

Mr. SINGLETON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. No. 4355) in relation to postal cards with flexible flaps to conceal messages; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BERRY, from the Committee on the Public Lands, reported back favorably the bill (H. R. No. 2761) to amend sections 2304, 2305, 2306, 2307, 2308, and 2309 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. BERRY also, from the same committee, reported back favorably the bill (H. R. No. 3171) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and com-missions paid on void entries of public lands, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be

FEES FOR FINAL CERTIFICATES.

Mr. BERRY also, from the same committee, reported back favorably the bill (H. R. No. 3921) to amend section 2238 of the Revised Statntes, in relation to fees for final certificates in donation cases; which was referred to the House Calendar, and, with the accompanying re-

was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BLOUNT. I would like to know if that should not go to the Committee of the Whole on the state of the Union?

The SPEAKER pro tempore. The Chair inquired whether this made appropriations or not, and was informed that it did not.

Mr. BLOUNT. I understand from the reading of it that it relates to fixing the fees in certain cases.

Mr. BERRY. It reduces the fees on the entries of certain lands in donation cases.

donation cases

The SPEAKER pro tempore. It makes no provision for the payment of fees out of the public Treasury.

ARKANSAS CLAIM AGAINST UNITED STATES.

Mr. DUNN, from the Committee on the Public Lands, reported back favorably the bill (H. R. No. 3054) for the adjustment of the claim of the State of Arkansas against the United States, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN B. NIX.

Mr. DUNN also, from the same committee, reported back favorably the bill (H. R. No. 2487) for the relief of John B. Nix, of Miller County, Arkansas; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

Mr. RYAN, of Kansas, from the same committee, reported back favorably Senate bill No. 316, for the relief of homestead settlers on the public lands; which was referred to the House Calendar.

The SPEAKER pro tempore. There seems to be no report accompanying this bill, as is required under the rule.

Mr. RYAN, of Kansas. I will send the report in hereafter.

SCHOOL LANDS, KANSAS.

Mr. RYAN, of Kansas, also, from the same committee, reported back favorably the joint resolution (H. R. No. 123) authorizing the Secretary of the Interior to certify school lands of the State of Kansas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

OSAGE INDIAN TRUST LANDS.

Mr. RYAN, of Kansas, also, from the same committee, reported, as a substitute for House bill No. 4407, a bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished-reserve lands, lying east of the sixth principal meridian, in Kansas; which was read a first and second time, referred to the Committee of the Whele on the state of the Union, and, with the accompanying report, ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with amendments, the bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws; and the bill and amendments were referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ADDITIONAL LAND DISTRICT IN KANSAS.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2481) to create an additional land district in the State of Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

YAKIMA LAND DISTRICT IN WASHINGTON TERRITORY.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with an amendment, the bill (H. R. No. 1291) creating the Yakima land district in Washington Territory; and the bill and amendment were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FEES OF REGISTERS AND RECEIVERS.

Mr. RYAN, of Kansas, also, from the same committee, reported, as a substitute fer House bill No. 1233, in relation to certain fees allowed

registers and receivers, a bill (H. R. No. 5630) with the same title; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PRE-EMPTORS IN KANSAS.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4859) for the relief of certain pre-emptors in the State of Kansas; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOUSTON L. TAYLOR.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4862) for the relief of Houston L. Taylor; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. J. MERRICK.

Mr. RYAN, of Kansas, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4947) providing for the repayment to J. J. Merrick, of Harper County, Kansas, of the purchase-money paid for the southeast quarter of section 1, township 32 south, of range 7 west; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report ordered to be private. port, ordered to be printed.

LAND GRANT IN AID OF IRON MOUNTAIN RAILROAD.

Mr. McKENZIE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1673) to declare forfeited to the United States lands granted to the State of Missouri in aid of the construction and extension of the Iron Mountain Railroad from Pilot Knob by act of Congress approved July 4, 1866; and moved that it be referred to the House Calendar, and that the report be printed. The SPEAKER pro tempore. Does the bill make any appropriation or disposition of the public lands? If so, it must be referred to the Committee of the Whole on the state of the Union.

Mr. McKENZIE. It does not. It simply restores to the Government lands granted in aid of a railroad.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FORT ABERCROMBIE MILITARY RESERVATION.

Mr. WASHBURN, from the Committee on the Public Lands, re mr. WASHBURN, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H.R.No. 4216) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands; which was referred to the House Calendar, and, with the accompanying report, ordered to be winted to be printed.

SETTLERS ON MINNESOTA SWAMP LANDS.

Mr. WASHBURN also, from the same committee, reported back, with an amendment, the bill (H. R. No. 3697) for the relief of certain settlers on swamp lands in Minnesota; and the bill and amendment were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHAPTER 198, VOLUME 16, STATUTES AT LARGE.

Mr. WASHBURN also, from the same committee, reported back, with an amendment, the bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large; and the bill and amendment were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WORTHINGTON AND SIOUX FALLS RAILROAD COMPANY.

Mr. WASHBURN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1312) to authorize the Worthington and Sioux Falls Railroad Company to extend its road from the village of Sioux Falls, in the Territory of Dakota, in a westerly direction, to the east bank of the Missouri River; which was referred to the Committee of the Whole on the state of the Union, and with the accompanying report ordered to be printed. and, with the accompanying report, ordered to be printed.

CHICAGO, MILWAUKEE AND SAINT PAUL RAILROAD COMPANY.

Mr. WASHBURN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1313) to authorize the Chicago, Milwaukee and Saint Paul Railroad Company to extend its road through the Territory of Dakota; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

IMDEMNITY LANDS IN WISCONSIN.

Mr. WASHBURN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1141) to authorize the State of Wisconsin to select indemnity lands for sixteenth sections and swamp and overflowed lands included within Indian reservations; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS H. REEVES.

Mr. BENNETT, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 954) for the relief of Thomas H. Reeves; which was referred to the Committee of the Whole | dered to be printed.

on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORT SMITH MILITARY RESERVATION.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 964) to provide for the reappraisement and sale of the abandoned military reservation at Fort Smith, Arkansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LANDS FOR UNIVERSITIES IN TERRITORIES.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS F. TALBOT.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1778) for the relief of Thomas F. Talbot; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL LANDS IN NEVADA.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3708) to grant to the State of Nevada lands in lieu of the sixteenth and thirty-sixth sections in said State; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ADDITIONAL LAND DISTRICT IN NEW MEXICO.

Mr. BENNETT also, from the same committee, reported adversely the bill (H. R. No. 3712) to establish an additional land district in the Territory of New Mexico; and the same was laid on the table, and the accompanying report ordered to be printed.

PRE-EMPTION SETTLERS IN DAKOTA.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3948) for the relief of certain pre-emption settlers in Dakota Territory; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

FORT RANDALL, DAKOTA.

Mr. BENNETT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4575) abolishing all that portion of the military reservation of Fort Randall, Territory of Dakota, lying east and north of the Missouri River; which was placed on the House Calendar, and, with the accompanying report, ordered to be rejected. to be printed.

TOWN SITES ON THE PUBLIC LANDS.

Mr. BENNETT also, from the same committee, reported back, with amendments, the bill (H. R. No. 5034) providing for the reservation and sale of town sites on the public lands; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PALATKA MILITARY RESERVATION, FLORIDA.

Mr. HULL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4849) to confirm certain entries and warrant locations in the former Palatka military reservation, in Florida; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

ISAAC S. LYON.

Mr. HULL also, from the same committee, reported adversely the bill (H. R. No. 2315) for the relief of Isaac S. Lyon; which was laid on the table, and the accompanying report ordered to be printed.

ALEXANDER GRAHAM.

Mr. POEHLER, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 3938) for the relief of Alexander Graham; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. POEHLER also, from the same committee, reported a bill (H. R. No. 5631) for the relief of Abbie Sharp; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. S. M'DOUGALL AND C. S. WILDER.

Mr. DEERING, from the same committee, reported, as a substitute for House bill No. 1193, a bill (H. R. No. 5632) for the relief of Daniel S. McDougall and Charles S. Wilder; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. HASKELL, from the same committee, submitted a report to accompany the bill heretofore reported (H. R. No. 356) to provide for the sale of certain New York Indian lands in Kansas; which was or-

EDUCATION OF INDIANS.

Mr. POUND, from the same committee, reported back, with amendments, the bill (H. R. No. 1735) to increase educational privileges and establish additional industrial training schools for the benefit of youth belonging to such nomadic Indian tribes as have educational treaty claims upon the United States; which was placed upon the House Calendar, and, with the accompanying report, ordered to be printed.

UNPAID ACCOUNTS IN THE INDIAN BUREAU.

Mr. WHITEAKER, from the same committee, reported back, with amendments, the bill (H. R. No. 3458) to authorize the auditing of certain unpaid accounts in the Indian Bureau; which was placed upon the House Calendar, and, with the accompanying report, ordered to be printed.

COURTS IN ALASKA.

Mr. MULDROW, from the Committee on the Territories, reported, as a substitute for House bill No. 4049, a bill (H. R. No. 5633) establishing courts of justice and record in the Territory of Alaska, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

GOVERNMENT OF INDIAN TERRITORY.

Mr. FROST, from the same committee, reported, as a substitute for House bill No. 943, to establish the Territory of Oklahoma, a bill (H. R. No. 5634) to establish a United States court in the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MULDROW. I ask leave, on behalf of a minority of the com-

mittee, to have printed a minority report in opposition to the passage of the substitute. The report is now ready and only awaits the sig-

natures of such members of the committee as wish to sign it.

The SPEAKER pro tempore. The Chair hears no objection, and leave will be granted.

RAILROAD FROM SAN ANTONIO TO LAREDO, TEXAS.

Mr. SHELLEY. I am directed by the Committee on Railways and Canals to report back, with amendments, the bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Company for the immediate construction Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo, for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican border. I move that the bill with the amendments be printed and referred to the Committee of the Whole on the state of the Union. It is not necessary to print the accompanying report, as it is already in print. On behalf of the gentleman from Kentucky [Mr. OSCAR TURNER] I ask that he have leave to present hereafter the views of the minority of the committee upon this bill.

Mr. McLANE. I am sorry to oppose the motion submitted by the

Mr. McLANE. I am sorry to oppose the motion submitted by the gentleman from Alabama [Mr. Shelley] to refer this bill to the Committee of the Whole on the state of the Union, but I want to

Committee of the Whole on the state of the Union, but I want to call attention for a moment to this bill.

The SPEAKER pro tempore. The bill is not debatable.

Mr. McLane. I submit that the motion to refer is debatable. I am opposed to the reference proposed; and I wish to explain why. The House has committed to the Committee on the Pacific Railroads all subjects connected with railroads from the Mississippi to the Pacific and that committee is actually considering now these roads cific, and that committee is actually considering now these roads through Texas. Independently of the merits of this bill, a question to be considered hereafter, I submit to the House that this bill—

to be considered hereafter, I submit to the House that this bill—
Mr. FISHER. I will remark to the gentleman from Maryland [Mr. McLane] that the road to which this bill relates is a short line of road entirely within the limits of the State of Texas.

Mr. McLane. The same may be said of several other bills relating to roads between the Mississippi Valley and the Pacific Ocean. I do not mean to go into the merits of this bill at all at this stage of proceeding. I only wish to call the attention of the House to the fact that this and all other bills providing for railroads west of the Mississippi River should by the rules go to the Committee on Pacific Railroads. I submit, therefore, that the House should not send this bill to the Committee of the Whole House on the state of the Union until it has been passed upon by the committee that is considering until it has been passed upon by the committee that is considering

other bills relating to roads in the same State.

The SPEAKER pro tempore. What motion does the gentleman

Mr. McLANE. I have no motion to make except to oppose the reference to the Committee of the Whole House on the state of the Union.

ence to the Committee of the Whole House on the state of the Union. I do not understand that I have the right to make any motion now.

The SPEAKER pro tempore. The gentleman has a perfect right to move to refer this bill to any standing committee of the House.

Mr. McLANE. I was under the apprehension that I had no right to make that motion because, according to the rule, the question must be first on reference to the Committee of the Whole, then to a select committee or a standing committee.

committee or a standing committee.

The SPEAKER pro tempore. But unless the gentleman suggests some other reference than the Committee of the Whole on the state of the Union there is no proposition with which that motion is antag-

Mr. McLANE. My wish was to move the reference of the bill to the Committee on Pacific Railroads; but I did not understand that motion to be in order now.

Mr. CABELL. I had supposed that the only time at which the reference of a bill could be opposed was when the bill was introduced. It would at that time have been practicable for the gentleman to have made his opposition to the reference of this bill. But under the rules I take it that after a bill has been referred to a committee, and that committee has acted upon it, and reported it to the House, it is perfectly competent for the House to refer it to whichever of the Calendars may be appropriate, but it is not competent for any gentleman to move to refer the bill to any other committee, because the

bill has been already acted on by a committee and should now go to the appropriate Calendar.

Mr. NEWBERRY. It seems to me there is no question that the proposition to send this bill to the Committee on Pacific Railroads must be entertained under Rule XI. No matter where the proposition may come from, the rule is explicit that such a bill as this must go to the Committee on Pacific Railroads. Rule XI provides that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast, to the Committee on Pacific Railroads.

Pacific coast, to the Committee on Pacific Railroads.

No matter where this proposition comes from, it must be referred to the Committee on Pacific Railroads unless the rule is suspended.

The SPEAKER pro tempore. Rule XI, to which the gentleman refers, relates to the reference of bills upon their first introduction. But the second clause of Rule XIII, which the Clerk will read, refers to the reference of bills after they are reported.

Mr. CABELL. That is the rule to which I desired to refer the Chair—the second clause of Rule XIII.

The SPEAKER pro tempore. That refers to the reference of bills when reported back by committees. The Clerk will read this provision of the rule, from which it will be seen that the question must first be taken upon the reference of this bill to the Committee of the first be taken upon the reference of this bill to the Committee of the Whole House on the state of the Union, and if that should not be agreed to, then upon reference to a standing committee; then upon reference to a select committee.

The Clerk read as follows:

The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, namely: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, namely: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

Mr. CABELL. That settles the question, according to my view. The SPEAKER pro tempore. The question is upon the reference of the bill to the Committee of the Whole House on the state of the Union.

Mr. SHELLEY. That is not debatable?
The SPEAKER pro tempore. It is not debatable under the rule.
Mr. NEWBERRY. Before the question is taken, I ask that the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill, as it is important members should know upon what proposition they are voting.

The Clerk proceeded to read the bill.

Mr. CAMP. Has the morning hour expired?

The SPEAKER pro tempore. It has.

Mr. CABELL. When will this bill come up again?

The SPEAKER pro tempore. This will be the unfinished business at the beginning of the next morning hour for reports of a public

PRINTING OFFICE EMPLOYES.

Mr. SINGLETON, of Mississippi. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table the joint resolution (S. No. 99) providing for payment of wages to employés in the Government Printing Office for legal holidays, so it may be put upon its passage at this time. I think it is quite right that it should be passed.

Mr. CLYMER. It will lead to debate, and I must object on behalf

Mr. CLYMER. It will lead to complete to the Appropriations Committee.

Mr. SINGLETON, of Mississippi. It will not give rise to any debate.

Mr. SDEAKER pro tempore. The joint resolution will be read, when

The joint resolution, which was read, provides that the employes of the Government Printing Office are, from December 31, 1879, to be allowed the following legal holidays with pay: The 1st of January, the 22d of February, the 4th of July, the 25th of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving. These employes are to be paid for these holidays only when the employes of the other Government departments shall be so paid. Nothing herein contained is to author-ize any additional payment to such employes as receive annual salaries.

There was no objection; and the joint resolution was taken from

the Speaker's table and read a first and second time.

Mr. SINGLETON, of Mississippi. Mr. Speaker, this joint resolution is but an act of justice to the employes in the Government Printing Office. There is no department under the Government where there is more hard work done for the pay received than in this office.

A visit to that establishment during the hours of work will convince the most prejudiced of this fact. It presents the appearance of a

busy hive.

These employes, for the most part, work by the piece, the hour, or the thousand ems, and are only paid for the work done, and if absent from any cause whatever their wages stop. They have always enjoyed fewer holidays than the laborers in any other Government establishment, and by this resolution they are only entitled to pay for legal

holidays.

While thirty days' leave of absence, with pay, has been allowed in most if not all the other departments, these laborers have had no such privileges extended to them. They do not ask now for any such legislation, but only that while others who work for the Government are allowed a little respite from their labors they may enjoy the sunshine, breathe the fresh air, and rest their weary limbs; that they too may be made partakers of these blessings. I hope no member upon this floor will be found to oppose this resolution.

I demand the previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to

and under the operation thereof the joint resolution was ordered to a third reading; and it was accordingly read the third time, and

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FERNANDO WOOD, by unanimous consent, from the Committee on Ways and Means, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to report to the House of Representatives the rate of duty upon the importations into the United States for the last five years, which would, in his judgment, upon each article so imported, have yielded the maximum amount of revenue to the Treasury; and the said rate of duty so ascertained shall be expressed as an ad valorem per cent. duty, with the corresponding specific duty.

Mr. FERNANDO WOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK INTERNATIONAL EXHIBITION.

On motion of Mr. COX, by unanimous consent, the bill (8. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, was taken from the Speaker's table, read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DU PONT MONUMENT.

On motion of Mr. COX, also, by unanimous consent, a bill (S. No. 841) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, was taken from the Speaker's table, read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONTESTED-ELECTION CASE-CURTIN VS. YOCUM.

Mr. CLYMER. I move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of the Army approprintion bill.

Mr. SPRINGER. And pending that motion, I move to call up the Pennsylvania contested-election case of Curtin against Yocum.

Mr. CLYMER. I ask tomake a brief statement, and it is this: There are two appropriation bills which it is necessary should be immediated. are two appropriation bills which it is necessary should be immediately considered and passed. They are the Indian appropriation bill and the Army appropriation bill, both containing appropriations available in advance of the beginning of the next fiscal year for the purpose of purchasing goods and other supplies for the Army and for the Indians during the next fiscal year. Unless these goods are purchased in advance, (and they have to be advertised for thirty days before the purchase can be made,) by reason of the low stage of water in the Missouri and its tributaries where these goods are puriously. in the Missouri and its tributaries where these goods are principally sent, the cost of transportation is greatly increased. Unless the Army appropriation bill can be passed promptly and become a law, we will suffer to the extent of thousands of dollars in increased cost of trans-The same is true in reference to the Indian appropriation bill. I beg the House, therefore, to give preference in consideration to these two appropriation bills.

Mr. CONGER. Are there any political riders upon these appropri-

ation bills?

Mr. CLYMER. There is no political rider on the Army appropria-

Mr. CLYMER. There is no political rider on the Army appropriation bill as it is in my charge.

Mr. CONGER. Is it proposed to put any upon the bill?

Mr. CLYMER. I know nothing of that officially.

Mr. HAYES. It is not proposed by the Appropriations Committee to put any upon that bill?

Mr. CLYMER. It is not.

Mr. SPRINGER. Is this Army bill to take effect before the 1st of July?

Mr. CLYMER. There are appropriations made for the Quartermaster's Department to the amount of \$300,000, which is to be available

before the beginning of the fiscal year.

Mr. BUCKNER. I demand the regular order.

Mr. CONGER. If the gentleman can give the House assurance that there will be no political riders we can take it up and pass it at

Mr. CLYMER. It would be impossible for me to give any such assurance

Mr. REED. Do you know of any such rider?
Mr. CLYMER. Sufficient unto the day is the evil thereof.
Mr. SPARKS. I propose to answer some of these questions.
Mr. BUCKNER. I demand the regular order.
Mr. SPARKS. I do not want to debate the question—
Mr. WHITE. I call for the regular order.

Mr. SPRINGER. I desire to make a single statement. [Cries of Regular order!"]

"Regular order!"]
The SPEAKER pro tempore. The Chair has no discretion to recognize the gentleman from Illinois, the regular order being demanded.
Mr. SPRINGER. Is there objection to my making a statement?
The SPEAKER pro tempore. The regular order is demanded. The question is, Shall the House proceed to consider the Pennsylvania contested-election case of Curtin against Yocum?
The House divided, and there were the recognition of the pennsylvania contested the pennsylvania co

The House divided; and there were-ayes 71, noes 73.

Mr. SPRINGER demanded tellers. Tellers were ordered; and Mr. SPRINGER and Mr. CLYMER were appointed.

The House again divided; and the tellers reported—ayes 74, noes 78. So the House refused to proceed with the contested-election case.

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr. CLYMER,] that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill.

The motion was agreed to.

Mr. CLYMER. Before going into the Committee of the Whole I desire if possible to ascertain the wishes of the House respecting the limit to be allowed for general debate upon this bill. As the bill has been reported from the committee I am quite certain that the time to be occupied by the members of the committee will be very short, and, therefore, I would propose to limit it to a very brief time with the understanding that, should there be any amendment offered to the bill in the nature of what is known as political riders, general debate should not be limited upon that, but the question of the extent

of that debate be determined hereafter.

Mr. GARFIELD. That is fair, and I think there will be no objection to it. The gentleman from Pennsylvania in charge of the bill may wish to make a speech explaining the bill, and another gentleman on the other side of the committee can arrange the time between themselves. I think we should have as little debate as we can upon

Mr. CLYMER. For the information of the gentleman from Ohio, I wish to say that I do not propose myself to occupy at the furthest more than five or ten minutes upon this bill. The bill has been framed under the law for the necessities of that arm of the service, and I believe it expresses the unanimous opinion of the Committee on Military Affairs. That being so, I do not propose to occupy any time unnecessarily. Five minutes, certainly, I think, will be suffi-

cient for what I may have to say.

Mr. HAYES. Then, suppose we limit the time to one-half hour.

Mr. CLYMER. I have no objection to that.

The SPEAKER pro tempore. The Chair will state that at this stage of the proceedings there can be no limitation of debate, except by unanimous consent, under the rules of the House.

Mr. CLYMER. I do hope there will be unanimous consent to

limiting the debate.

The SPEAKER pro tempore. What time will the gentleman sug-

Mr. CLYMER. I will say a half hour.
Mr. HAWLEY. I agree with the gentleman, my colleague on the committee, in some of his remarks. I have the honor of being a member of the sub-committee which framed this bill. So far as the bill proper is concerned, I do not see why the House need to spend two hours of time, unless there be some minor items to be introduced under the five-minute debate which would give rise to some discussion. But I am given to understand, through the public prints and through gossip in the House, that the Committee on Military Affairs has sundry amendments of a political nature which they propose to offer to the bill. If so, I think it will be quite as well it should be known now, and these amendments be read to the House. Let them be proposed now and considered in any general debate that we may

The SPEAKER pro tempore. That cannot be done in committee; the bill is not now in the House.

Mr. HAWLEY. But we are seeking unanimous consent now to limit debate upon all the provisions of the bill, and it may be well to have this matter clearly understood.

Mr. CLYMER. I trust my friend from Connecticut will agree to

my proposition that if there be in committee any amendment pro-

posed in the nature of what I have called a political rider, upon that question there shall be general debate, the extent of which shall

be fixed hereafter.

Mr. HAWLEY. But, Mr. Speaker, how shall we know that until
we have entered upon the five-minute debate upon the bill?

Mr. GARFIELD. If we reserve that right, and it is understood now in the unanimous consent that when a question arises of that character, that right being reserved, we enter upon general debate, that, I think, will be the best settlement of the question.

Mr. CONGER. Notwithstanding the fact that we have entered

upon the five-minute debate?

Mr. CLYMER. Notwithstanding that.

Mr. CONGER. Then I do not object to limiting the time to half

Mr. GARFIELD. I would not object to saying twenty minutes.

Mr. GARFIELD. I wish to say to the House that such amendments as may come to this bill from the Military Committee will be offered, on reading the bill, for discussion under the five-minute rule.

Mr. GARFIELD. Let me suggest to the gentleman, when the political rider, if it is to be offered, is reached, it can be introduced and printed, and passed over informally until we have gone through with the bill regularly. Then we can take up the proposed amendment and discuss it. and discuss it. Mr. SPARKS.

Mr. SPARKS. I presume, Mr. Speaker, the rider the gentleman speaks of is a proposition in regard to which he congratulated him-self last session that fewer republicans voted against it than demo-

Mr. GARFIELD. I do not, of course, know what the gentleman's

Mr. SPARKS. I remarked just now that I remember the gentleman from Ohio congratulated himself and his side of the House that fewer republicans voted against this rider than democrats did in the

Mr. GARFIELD. We will be ready to attend to any question when

Mr. WHITE. Let it be understood now that this amendment is to be offered at the close of the bill. I gather from what has been said by the gentleman from Illinois, my colleague on the Committee on Military Affairs, that it is to be offered at the end of the bill; and if it be then intended to have the amendment printed and let the bill go over, we should understand it. But I do not understand that to be the proposition of the gentleman from Illinois.

Mr. CLYMER. I understand the gentleman from Illinois to indi-

mr. CLIMER. I understand the gentleman from linnois to indicate that no proposition shall be offered, as indeed it cannot be offered, until the bill, which consists of one section, is gone through with.

Mr. WHITE. Do I understand, then, that when that rider is reached it is proposed to let it be printed and the bill go over?

Mr. SPARKS. This amendment that I propose, or that the Committee on Military Affairs proposes, is embraced in three or four lines. It is the kind of "mischief" which has been done by the other side for twenty were when they had the entire power. for twenty years, when they had the entire power.

Mr. PAGE. I think the amendment should be read now for the information of the House.

The SPEAKER pro tempore. That may be done by unanimous con-

Mr. PAGE. I ask unanimous consent that the proposed amendment

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the proposed amendment be now read for the information of the House.

Mr. CLYMER. I do not suppose any member of the House is so ignorant as not to know its general purport at least.

Mr. HAWLEY. I am. I have had no official notice of it.

Mr. SPARKS. If I had it in my hand I would be perfectly willing to read it. I have no objection to giving its purport.

Mr. BUCKNER. I call for the regular order.

Mr. WHITE. Mr. SPARKS. What is its purport? You know what it is.

Mr. WHITE. I do; but I want it to be stated for the information of the Honse

Mr. SPARKS. You voted for it before.

Mr. WHITE. No, sir; I voted against it.
Mr. BUCKNER. I withdraw the call for the regular order until

an arrangement can be made as to the general debate.

an arrangement can be made as to the general debate.

The SPEAKER pro tempore. It is proposed, as the Chair understands, that there shall be general debate for one-half hour on the bill as reported by the Committee on Appropriations, but that the right to have general debate upon the amendment which is proposed to be offered by the Committee on Military Affairs shall be reserved.

Mr. TOWNSHEND, of Illinois. How long?

Mr. GARFIELD. That can be fixed hereafter.

The SPEAKER pro tempore. Is there objection to the proposition? Mr. SIMONTON. Unless the time for general debate on the amendment is limited, I object.

The motion that the House resolve itself into Committee of the

Whole on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. Springer in the chair) and proceeded

to consider the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending Jane 30, 1881, and for other purposes.

Mr. CLYMER. I ask that by unanimous consent the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. CLYMER. The bill making appropriations for the support of the Army for the ensuing fiscal year, as it is on the desks of members, comes to them with the unanimous indorsement of the Committee on Appropriations. I believe I am stating that accurately, although possibly, in a single item with reference to a mere matter which enters into the pay of some of the servants of the Government, there may be a desire for change in one or two members of the committee. The bill has been framed after a thorough and exhaustive examinathe bill has been framed after a thorough and exhaustive examination of the necessities of the Army, and after consultation with all the chiefs of the several departments of the Army organization. I believe, sir, I am stating further the fact when I say that the bill itself, although possibly not so large in amount in some particular items, receives the unqualified support and approbation of the officers of the Army who are in its executive charge.

It is a gratification that in all the wide procedured different

of the Army who are in its executive charge.

It is a gratification that in all the widespread political differences of men there is a unity of feeling with reference to the support of this great arm of the public service. Necessarily, sir, it involves the expenditure of large sums of money. By reason of the vast extent of our country and the necessity for the frequent transportation of the Army in masses and in detachments from one portion of it to another, the transportation accounts of the Army are seemingly very large as compared with those of other governments. So also with reference to its subsistence and to its clothing. This large expenditure has apparently in former bills been very greatly augmented by the fact that to the appropriation for the Army proper there have been added large sums of money for objects which the Army should not be charged with—for the building of forts and for the construction of telegraph lines; for many objects which are of a permanent nature and which lines; for many objects which are of a permanent nature and which the Government must needs have and which do not belong to the

the Government must needs have and which do not belong to the mere support, equipment, and sustenance of the Army.

In dealing with this subject the Committee on Appropriations have deemed it not only best but just that from the present bill should be eliminated all objects of this description; that we should only provide in it for the government of the Army, for its sustenance, for its equipment, and that all other objects, such as building of forts, construction of telegraph lines, &c., should be charged to other accounts, and that all these things if necessary and approved of by the House should be put in the sundry civil bill, and that for once in the history of the legislation of the country an Army bill should be a bill merely for the support of the Army proper.

of the legislation of the country an Army bill should be a bill merely for the support of the Army proper.

I will state very briefly what is in the bill before us. The estimates upon which it is based, as furnished to us by the proper Department, are for \$27,627,475.78. The gross amount proposed in the bill as reported is \$26,425,800, being \$1,201,175 less than the estimates. We appropriated last year for the support of the Army a sum greater by \$371,500 than is proposed to be appropriated by the bill under consideration. eration.

For the information of the Committee of the Whole I will state For the information of the Committee of the Whole I will state that for the commanding general's office, the expenses of recruiting, the contingent expenses of the Adjutant-General's office, the expenses of the Signal Service, and the purchase of equipments, &c., this bill proposes to appropriate for the next fiscal year the exact sums which were appropriated for those purposes for the present fiscal year. And we propose to appropriate for the pay of the Army the same sum as was appropriated for the present fiscal year.

When we come to consider the bill under the five-minute rule I will explain why, owing to the increase in rank and the increase in rank.

explain why, owing to the increase in rank and the increase in number of officers, the amount appropriated, if based strictly upon the number of officers and what is required apparently by the size of the Army as authorized by law, would be nearly one-half million of dollars in excess of that sum.

For the Subsistence Department we propose by this bill to appropriate \$2,250,000 as against \$2,300,000 appropriated for the present year, a reduction of \$50,000 in that Department.

For the Quartermaster's Department we propose to appropriate \$10,755,000 for the coming year, while the amount appropriated for that purpose for the present fiscal year was \$10,855,000, being \$100,000 less for the payt fiscal year than for the present fiscal year.

less for the rext fiscal year than for the present fiscal year.

Mr. McCOOK. Will the gentleman be kind enough to state the reasons which influenced the committee to make that reduction?

Mr. CLYMER. I would prefer to do so when we come to the five-minute debate, as I have accurate statistics in reference to the matter. I am now making only a general statement as to the difference between the appropriations proposed for the coming year for the support of the Army and those made for the current fiscal year. As I have said there is a decrease in the Quartermaster's Department of §100,000.

For the Medical Department and for the Engineer Department there is proposed to be appropriated for the coming year the same as was appropriated for the existing year. For the Ordnance Department we propose to appropriate for the next fiscal year \$770,000 as against \$730,000 for this year; being an increase of \$40,000 for that Department. There are some minor items of no special account; but this support which I have presented shows that the text appears this summary which I have presented shows that the total amount

proposed in the bill before the committee is \$25,425,000; which is \$371,500 less than the amount appropriated last year.

Unless there shall be propositions offered which shall give rise to lengthy debate, I doubt not the committee can dispose of the bill as reported from the Committee on Appropriations within the session

reported from the Committee on Appropriations within the session of to-day.

Mr. UPSON. Did the gentleman state why there was a reduction of \$100,000 in the appropriations for the Quartermaster's Department?

Mr. CLYMER. I did not state; but will explain that when we come to consider the bill by paragraphs under the five-minute rule.

If no one now desires to address the committee upon this bill generally, if necessary I will move that the committee now rise in order to terminate general debate, so that we may proceed to consider the bill under the five-minute rule.

The CHAIRMAN. That is not necessary, unless there be objection. If there is no objection the committee will now proceed to consider the bill under the five-minute rule.

the bill under the five-minute rule.

There was no objection.

The CHAIRMAN. The Clerk will now read the bill by paragraphs.

The Clerk read the following:

PAY DEPARTMENT.

For pay of the Army:

One general, one lieutenant-general, three major-generals, fifteen brigadier-generals, seventy colonels, eighty-five lieutenant-colonels, two hundred and forty-three majors, three hundred and twelve captains, mounted, three hundred and six captains, not mounted, thirty-four chaplains, twenty-one storekeepers, forty adjutants, forty regimental quartermasters, two hundred and two first lieutenants, mounted, three hundred and sixty first lieutenants, not mounted, one hundred and forty-six second lieutenants, mounted, three hundred and five second lieutenants, not mounted; including the additional pay to thirty-five aids-de-camp, to the adjutant and quartermaster of the engineer battalion, to one hundred and eighty acting assistant commissaries of subsistence, in addition to pay in line, to officers of foot regiments while on duty which requires them to be mounted, to the officer in charge of public buildings and grounds in Washington, and to the examiner of State claims in the office of the Secretary of War; four hundred retired officers; enlisted men of all grades not exceeding twenty-five thousand men; four hundred and fifty enlisted men of the Signal Corps; the allowances for travel, retained pay, and clothing not drawn, payable to enlisted men on discharge; and one retired ordnance-sergeant, \$11,548,601.55.

Mr. DIBRELL. I move to amend the paragraph instread by strik-For pay of the Army:

Mr. DIBRELL. I move to amend the paragraph just read by striking out "two hundred and forty-three" and inserting "two hundred and eighteen" before the word "majors," near the beginning of the paragraph; and also to insert after the word "majors" the following:

And the paymasters in the United States Army shall consist of one brigadier-general, two colonels, one lieutenant-colonel, and twenty-five majors.

general, two colonels, one lieutenant-colonel, and twenty-five majors.

We now have fifty majors as paymasters in the United States Army. The testimony taken before the Committee on Military Affairs of the last Congress showed that the troops were paid once in sixty days, and that the paymasters engaged in that duty were engaged upon an average only about eleven days out of the sixty.

The testimony further shows that of the fifty paymasters then in the Army thirty-three were in the Eastern States; three in the city of New York, I believe, and a large number in this city and in other cities. I think that if seventeen paymasters are enough to pay the troops in the field, twenty-five paymasters for the entire Army is certainly enough; and by adopting my amendment we will thereby save a large expenditure for their pay, and get rid of a large number of officers.

Of the paymasters now in the Army, forty-seven were appointed from civil life, not taken from the line of the Army. Therefore it will not hurt any one to cut off the number proposed to be cut off by

my amendment.

Mr. HAWLEY. I have not the full statistics of the Pay Department, but my impression is that the proposed amendment may be contrary to the rule. I do not understand that it comes from any com-

Mr. McMILLIN. It comes from a committee.
Mr. HAWLEY. Does it?
Mr. DIBRELL. It does not come from a committee, but it is in the line of retrenchment.

Mr. McCOOK. It was voted down in the Committee on Military Affairs.

Mr. DIBRELL. It was voted down by a tie vote.
Mr. WHITE. I raise the question of order.
The CHAIRMAN. The Chair is of opinion that the point of order comes too late. Before it was raised the Committee of the Whole had

from Tennessee [Mr. Directl.] had discussed it.

Mr. HAWLEY. If the point of order be overruled, I wish to say a word or two generally, without attempting to enter into a detailed discussion of the merits of the amendment. The law establishes the number of paymasters. After deliberate examination Congress has said how many of these officers the Army needs. Now, I do not know where the gentleman from Tennessee gets his figures when he says that on an average these officers are occupied only eleven days out of

that on an average these onicers are occupied only eleven days out or sixty in paying troops.

Mr. DIBRELL. If the gentleman will allow me, I will state that I get my information from the testimony of the Paymaster-General before the Committee on Military Affairs in the last Congress.

Mr. HAWLEY. Now, let us understand this matter; let us see exactly what this statement means. Does it mean that these paymasters spend eleven days out of sixty at a post verifying muster-rolls, calling up the men from their scattered duties, paying them their

money, and taking their receipts? If that is what the statement means it ignores the fact that the paymaster has to travel possibly hundreds of miles to the next post; that he has to go occasionally to headquarters to get money; that he travels frequently under circumstances of more or less difficulty and danger, often with only a small guard because he cannot get a larger one. Months of time are spent in traveling while hours are passed in the actual payment of money. Now, it cannot possibly be the fact that a paymaster is engaged only eleven days in two months in the payment of troops. As a gentleman near me suggests, take the case of a chaplain; you might as well say that he is occupied only six or eight hours a week, because that is all the time spent in his public ministerial service.

Mr. DIBRELL. Thirty-three of these paymasters are in the Eastern States, and only seventeen with the troops in the field.

Mr. HAWLEY. Troops are scattered from the upper corner of Maine clear down to Galveston, and up in the interior. To pay an army of twenty-five thousand men scattered in this way costs just as much,

Maine clear down to Galveston, and up in the interior. To pay an army of twenty-five thousand men scattered in this way costs just as much, probably more than to pay an army of two hundred thousand encamped around Washington as McClellan's was, because the paymasters must travel over the whole country to find the troops. In short, the law has wisely established the requisite number of these paymasters; and I object to this petty hacking—this boring with a gimlet at the Army.

masters; and I object to this petty nacking—this boring with a gimlet at the Army.

Mr. McMILLIN. Does the gentleman call a saving of more than \$150,000 "boring with a gimlet?"

Mr. HAWLEY. Yes, sir; in comparison with the cost of the Army.

Mr. McMILLIN. Then what would be boring with a big auger?

Mr. HAWLEY. Let democrats answer that.

Mr. WHITE. This amendment is offered by my friend from Ten-

nessee, [Mr. Dibrell,] a member of the Committee on Military Affairs, but let it be distinctly understood that it is offered without the I believe I to of that committee. I believe I violate no confidence when I remark that a majority of the Committee on Military Affairs is opposed to the proposition.

Mr. DIBRELL. It was defeated in the committee by a tie vote.

Mr. WHITE. That is not a proper statement to make, if my friend

will allow me to say so.

Mr. DIBRELL. The gentleman said that it was defeated in com-

Mr. DIBRELL. The gentleman said that it was defeated in committee by a majority.

Mr. WHITE. There was not a full vote. Some gentlemen who were not present would have voted against it, thus defeating it by a

But, Mr. Chairman, while at the last session I sympathized and cooperated with my friend from Tennessee in reference to the reorganoperated with my friend from Tennessee in reference to the reorganization of the Army, and under similar circumstances would do so again, I am opposed to this proposition as now offered. It is crude; it is incomplete; it is calculated to do great injustice to a class of meritorious officers. It provides for the reduction "at one fell swoop" of one branch of the staff department of the Army, while it makes no proper provision for the retirement of officers or for discriminating institutions this reserved as a total control branch or such as the same and the staff department of the Army, while it makes no proper provision for the retirement of officers or for discriminating justly in this regard, so as to avoid heart-burnings among them. I object to commencing in this way and reorganizing the Army by piecemeal. The general question of reorganization is before the proper committee of the House, who will report at a suitable time. I hope the amendment will be voted down.

The CHAIRMAN. Debate on the amendment is exhausted. Mr. SPARKS. I move formally to amend the amendment by striking out the last word. I think the gentleman from Pennsylvania [Mr. White] is mistaken in volunteering the statement that a majority of the Committee on Military Affairs are against this proposition. It is fair to say that the amendment does not come from the committee. In other words, the gentleman from Tennessee who offers the amendment was not directed to report it as coming from the committee, and he does not do so. If the sentiments of a majority of the members constituting that committee are a matter of any consequence to the House, I would say that in my opinion the majority of that committee are in favor of this amendment.

Mr. WHITE. I think not.

Mr. SPARKS. But I put that question aside; it is at all events immaterial just now, because the amendment does not purport to come from the committee; it is offered by the gentleman from Tennessee in his own right, and as a member of this House he is certainly entitled to offer it.

What does the amendment propose? Simply to strike off a number of paymasters—such number as many men believe (and I among them) of paymasters—such number as many men believe (and I among them) is entirely unnecessary. The gentleman from Connecticut [Mr. Hawley] regards this amendment as "boring with a gimlet at the Army." Does the gentleman want twice as many paymasters in the Army as are needed for its efficient service? In my judgment, too many of these officers are appointed and continued in office for the purpose merely of giving certain men "soft places." When it is shown that there are more officers in any branch of the service than are that there are more officers in any branch of the service than are necessary, it seems to me it should be our pleasure as well as our duty to strike off the superfluous number.

If, Mr. Chairman, it be absolutely necessary to have fifty paymasters, all of them majors, to pay our regular Army of less than twenty-five thousand men, (or rather less than twenty-two thousand men actually in service,) if it be necessary to have fifty men to pay that small Army, then let us have them. That is all there is about it. But if we can trim the number down to twenty-five and still have an efficient service, is it not our duty to do it? I am thoroughly convinced, from the information I have on the subject and from the examination I have been able to give it, that the amendment offered will still leave a sufficient force there to maintain efficiency in that depart-

Does the gentleman from Connecticut want more than an efficient service? Does he or any other member of this House want more officers in the Pay Department of the Army than are necessary properly to conduct the business of that branch of it? That is the only erly to conduct the business of that branch of it? That is the only question. If I be mistaken, (and I want to put myself right on this subject,) if it really requires fifty men to do this service, then I say, do not strike out a single one of them; but if on the other hand this pay service can be sufficiently well conducted by reducing the number to that proposed by the gentleman from Tennessee, I regard it as my duty to insist that we shall do it; and it seems to me that it ought to be the duty of every gentleman upon this floor in the interest of a wise and just economy to insist upon so doing. I think that this thing can be done, and ought to be done; and in the interest of public economy, while at the same time preserving efficiency of the service, it strikes me that the amendment should be adopted.

Mr. CLYMER. I rise, Mr. Chairman, to oppose the amendment. I desire to say the pay of these majors is \$2,500 a year; and, therefore, the saving which would be made by the adoption of the amendment of the gentleman from Tennessee would be \$62,500 on the gross amount

the gentleman from Tennessee would be \$62,500 on the gross amount

proposed to be appropriated.

Mr. DIBRELL. Each paymaster is entitled to a clerk; each paymaster is entitled to a horse, to fodder, fuel, and other things, amounting to \$6,000 apiece.

Mr. HAWLEY. Oh, pshaw!

Mr. CLYMER. There are questions tending to the support of this corps of paymasters in the Army; but under the total estimates made have been paymasters. by the Pay Department the amount required by the two hundred and

by the Pay Department the amount required by the two hundred and forty-three majors in the Army, of which number those to be stricken out by the amendment are a part, the whole appropriation for that number of majors is \$607,500. There would be, if this amendment should prevail, a saving, therefore, of \$62,500.

Now, Mr. Chairman, I would be loath to oppose any deliberate recommendation of the Committee on Military Affairs, and I do not say now I shall vote against this proposition, for in every wise and proper suggestion as to reducing the cost of the Army I shall unite; but I fear the doing of this thing rashly. I do know there are one hundred and sixty posts through which the Army is scattered from Maine to California, from the Atlantic to the Pacific, and that all over this country where the troops are paymasters must go to pay them.

California, from the Atlantic to the Pacinc, and that all over this country where the troops are paymasters must go to pay them.

If twenty-five men can be taken from the paymasters' force now in existence, I will heartily join in it. But I do not wish to leave our troops unpaid for a day by reason of any attempted economy. I wish them to be paid regularly, upon a fixed day, and at the most convenient places.

Mr. McMILLIN. Does the gentleman from Pennsylvania think that the part of the part of the part of the troops.

that twenty-five paymasters would not be sufficient to do that work

Mr. CLYMER. I will answer my friend from Tennessee that, no matter what I may think on this subject, I have the advice and opinion of the Pay Department of the Army there is not now an excessive number of paymasters.

Mr. TOWNSHEND, of Illinois. Are you to be entirely governed

Mr. TOWNSHEND, of Illinois. Are you to be entirely governed by what officials say?

Mr. CLYMER. I am not; and yet they have means of information which I do not possess. I do not stand here and resist amendment, but I say it is my duty, having this bill in charge, to present to this committee fairly all I know about it so that they may judge correctly. I am sure none of us wish to do anything that is wrong. I claim we are here to do what is right; that each one is as earnest and as anxious to have the economical administration of Government as the other.

as the other.

Mr. DIBRELL. The Paymaster-General swore last Congress we could do with forty-five.

Mr. CLYMER. If that be so, let us do with forty-five. I confess I do not know about it. I give only what is the opinion of the Pay Department of the Army. It is the opinion of the gentleman from Tennessee that this number is grossly in excess of what is needed. If that be the opinion of the Committee on Military Affairs—they have exclusive charge of this matter—they can so report. It is not to be supposed the committee which I have the honor to represent can have opinious fixed, well defined and grounded on a subject like can have opinions fixed, well defined, and grounded on a subject like this. I say to the gentleman from Tennessee if his opinion were the unanimous opinion of the Committee on Military Affairs, if indeed it was the opinion of a majority and was ordered to be ingrafted upon an Army appropriation bill, I myself would yield to it. I have noth-

ing more to say.

Mr. HAZELTON. I wish to ask the gentleman a question. How do I understand it—that these are necessary, or we ought to reduce

the number?

Mr. CLYMER. I understand from the Department the number is

no more than is required.

Mr. HAZELTON. Do you believe that yourself?

Mr. CLYMER. I understand from the Committee on Military Affairs, or at least what seems to be a majority of that committee, that they are not all necessary.

Mr. WHITE. I beg the gentleman's pardon; he is mistaken when he says he understands a majority of the Committee on Military Affairs is of that opinion, and I undertake to say that the majority of the Committee on Military Affairs is opposed to this amendment.

Mr. HAZELTON. Give us your square opinion of this. Mr. CLYMER. I propose for the present to stand by the bill as reported by the Committee on Appropriations.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. SPARKS. I renew the pro forma amendment.
Mr. BROWNE. I renew the amendment. Mr. Chairman, I presume it is a matter of very little consequence what the judgment of the Committee on Military Affairs may be in regard to the propriety of this amendment. Personally, I believe that the pay staff of the Army is too large. At the same time I believe this amendment to be too radical. We could not cut down the number of major paymasters in the Army to twenty five without in my opinion esciously. ters in the Army to twenty-five without, in my opinion, seriously affecting the efficiency of that branch of the service.

This amendment I regard as wrong for another reason. In amendment I regard as wrong for another reason. It makes no provision whatever for the officers who are thus to be discharged from the service. In every instance, I believe, upon which the committee have reported a reduction of the staff of officers of the Army they have provided that they shall retire either upon partial pay or that they shall receive some kind of compensation. But this bill proposes to muster, summarily muster out of the employment or out of the service of the United States treating for effects without relationship.

proposes to muster, summarily muster out of the employment or out of the service of the United States twenty-five officers, without making any provision whatever for them. That I regard as wrong. Another reason why this amendment ought not now to be adopted is that we have a sub-committee considering the subject of the reorganization of the Army. If there is to be a reduction of the Army at all in this department or any other department of the military service it ought to be made a part of a general system. There should be a general military system adopted for carrying out such provisions as this. As has been remarked by the gentleman from Connecticut, we ought not to go to work and legislate for the Army by piecemeal, but this reorganization ought to be systematized in some way. At the end of the war it is true we had but twenty-five paymasters with the rank of major, and we had but that number during the war with the rank of major, and we had but that number during the war on the regular staff; and yet it is a fact well known to every gentleman here that we had a very large force of volunteer officers serving in that capacity. It looks at first sight that having one paymaster for every four hundred men—as is the fact, for that is about the number—I say it looks a little extravagant.

But gentlemen must remember that this little army of only twenty—

one or twenty-two thousand men is scattered in almost every State and Territory of this Union. The number of posts amounts to about one hundred and seventy, and all of these are to be visited by the paymaster, and while it takes but a very short time to pay them off at the pay-table, it takes a considerable length of time to reach these various posts or military establishments for the purpose of paying

There is another thing which gentlemen on the committee ought to remember, that it is absolutely essential to the efficiency of the Army that the soldiers should be paid promptly, and that there should be no delay when their payment is due.

I say they should be paid promptly on every pay-day, even though it may cost a little more to do that than to delay it for a few days, or a few months. They should be paid promptly in all the paid promptly.

a few weeks, or a few months. They should be paid promptly in all cases. They are a class of public servants that the Government should cases. They are a class or public servants that the Government should care for, and there should be no hesitation in doing it in the most efficient manner. I think it can be done efficiently, from the examination which I have been able to give to this matter, by a force of forty-five paymasters. But this bill proposes to reduce the number to twenty-five. That, I think, is too radical a change. If the proposition was to reduce it but five instead of twenty-five, I should be inslined to vote for it as a grant members to the present bill.

I want to say to my colleague, however, on the Committee on Military Affairs that when we consider the question of reorganizing the Army, if it shall be considered necessary, I will be willing to vote for any reduction that would not affect the efficiency of this branch of the service; but let the matter pass until it is considered by the committee on the proper sub-committee and than we can cause to the mittee or the proper sub-committee, and then we can come to the House and give them some good reason for the reduction instead of making mere guesses. As it is now it is mere guesswork, and it is, I am willing to confess, a mere guess upon my own part to say that it can be reduced even to the extent of five. I hope the amendment

will not be adopted.

Here the hammer fell. Here the hammer fell.]
Mr. DIBRELL. Mr. Chairman, I rise to oppose the amendment. In answer to what my colleague on the committee has said as to the question of reorganization of the Army, my experience as a member of the Military Committee in the Forty-fifth Congress is, that the officers of the Army have too many friends in Congress ever to do that on a general bill, and the only way we will ever be able to cut off these useless expenditures and these unnecessary appendages in the Army is by piecemeal. That is my experience during one term in Congress on that committee. I was on the joint committee, and it was a unanimous report from that committee recommending a reit was a unanimous report from that committee recommending a reduction of the paymasters to twenty-five. That report, I say, was unanimously approved by that committee, and cut the number of

these officers down even further than this bill. As I recollect now, that report reduced the number of paymasters to twenty-five.

Mr. WHITE. The bill reduced it to twenty-eight.

Mr. DIBRELL. Twenty-five majors, was it not?

Mr. WHITE. Twenty-five; that is right.

Mr. DIBRELL. And this gives twenty-nine; one more than was

recommended.

Mr. WHITE. My friend will understand there was a deliberate

system of reduction.

Mr. DIBRELL. Yes, there was. And I think every member of the Military Committee agrees with me there is a surplus of officers in the Pay Department. Now, the gentleman from Pennsylvania, who is in charge of the bill, says we have one hundred and sixty or one hundred and seventy stations. There are but one hundred and thirty-eight where troops are stationed. I have the Army Register here, which shows there are one hundred and thirty-eight, and a number of

which shows there are one nundred and thirty-eight, and a number of them are only telegraph stations along post-routes.

Mr. BROWNE. But will the gentleman allow me to remind him that even in those cases the paymaster has to visit the post?

Mr. DIBRELL. Certainly; that is very true, but it is an easy matter to do it. As shown by the testimony of last Congress there are but seventeen paymasters on the frontiers with the troops and thirty-three in the Eastern States. I think twenty-five could do it now,

and I insist twenty-five are ample.

The gentleman complains it is proposed to muster these twenty-five out without making any provision for them. I say that is right; for forty-seven out of the fifty were appointed from civil life. The Army Register shows that; and they have no more right to claim to be provided for for life than a member of Congress has. If the gentleman's constituents were to vote him out he would have just the same right they must provide for him, as these paymasters have to say: "We have been drawing large pay for sixty or seventy days' work in the year for a long period of time, and therefore you must place us on the retired list for life." to claim that he had served them faithfully four years, and therefore

Mr. McCOOK. Do I understand the gentleman from Tennessee [Mr. Dibrell] to say that because a man has graduated from the military school he should be retired, while a man appointed from civil

life is unworthy to be retired?

Mr. DIBRELL. He has no more right to be put on the retired list than any other man in the civil service of the Government.

Mr. McCOOK. A great many of them have been promoted to that

position.

Mr. CLYMER. Will my friend from Tennessee permit me to interrupt him, that I may correct what I think is a misapprehension on his part? I have a statement here by the Surgeon-General, in which he sets forth as the number of permanent military posts of the Army one hundred and fifty, and the number of temporary posts and substations, seventeen, making a total number of one hundred and sixty-

Mr. DIBRELL. That shows that the Surgeon-General of the Army does not know what he is talking about, or that he wants a number of stations so as to have positions for his friends. Here is the Army Register, which shows that the number of military posts is one hundred and thirty-eight, and to make up that number there are forty-seven places where no person is in charge except an ordnance-sergeant. That is from a statement made out by the Adjutant-General in January last. Mr. CLYMER.

Mr. CLYMER. I do not dispute the statement of the gentleman from Tennessee. I merely desire to show the basis on which my statement to the committee rested.

Mr. HAZELTON rose.

The CHAIRMAN. Is the pending amendment withdrawn?

Mr. HAYES. I object to its withdrawal.

Mr. HAZELTON. Then I move to strike out the last two words.

The CHAIRMAN. The pending amendment is in the second degree, and the committee must vote on the formal amendment before any other will be in order.

The question being put on the pro forma amendment, it was not

agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Tennessee, [Mr. DIBRELL.]

Mr. HAZELTON. I move to strike out the first word.

I know but very little, Mr. Chairman, about the details of the Army bill, but I am desirous, like every other Representative on this floor, that the utmost economy should be practiced in our expenditures in maintaining an efficient Army. Of course when this amendment is proposed here to reduce the number of paymasters, it does not strike at the efficiency of the active Army itself, provided there be enough paymasters left to pay off the Army in the manner and within the time provided by law.

I find that the committee itself is uncertain as to what action should be taken in this matter. I find the gentleman from Connecticut, who has been in the Army and who understands this subject well, is uncertain himself about whether we should maintain the present num-

ber of paymasters or not.

Mr. HAWLEY. Not a bit.

Mr. HAZELTON. I find the gentleman on my right from Indiana,

[Mr. Browne,] a man of brilliant service in the Army, a fighting man,
and a first-rate man, is most uncertain on this question, but concedes

that the present number of paymasters may be reduced five perhaps without detriment to the service. On all sides I find a complete uncertainty, except with the gentleman from Tennessee, [Mr. DIBRELL,]

who moves this amendment.

I want no fancy paymasters in the United States Army. I want no sinecure positions in the United States Army. I will vote as much to pay the men who carry the bayonet and the sword as anybody. I will go as far toward the establishment and maintenance of an army adequate in all respects to defend our Government, its frontiers, and adequate in all respects to defend our Government, its frontiers, and to execute its laws as anybody. And I think this committee to-day ought to be able by an amendment to this bill to provide just how much money we need and without any injury to the service or injustice to any one perfect an amendment which would place this branch of the Army service upon a proper and correct basis. I am satisfied from what I can learn that a less number of paymasters can do the work. I are satisfied that twenty can do the work.

work. I am satisfied that twenty can do the work.

Mr. McCOOK. Why not offer an amendment to make it so?

Mr. HAZELTON. If the gentleman from Tennessee [Mr. DIBRELL]
will provide in his amendment that this reduction shall be made from those appointed from civil life—I mean those who were never in the volunteer or regular Army service—so as not to strike those who have been promoted into this service from their service in the field, I will stand by his amendment, unless the Committee on Appropriations can come up and by facts show that the present number should be

maintained. Mr. WHITE.

Mr. WHITE. What does the gentleman want?

Mr. HAZELTON. What do we want of a committee here? It is to give us light on this subject. We are to sit here and ascertain the facts from our committees upon these several subjects.

Mr. HAYES. Do I understand that the gentleman from Wisconsin [Mr. HAZELTON] favors the amendment of the gentlemen from Ten-

Mr. HAZELTON. I understand the facts as stated here are on hisside. Let gentlemen convince me that we need just this number to make this work efficient. I want no more quibbling on this subject.

Mr. HAYES. Is the gentleman in favor of legislation on appropri-

ation bills?

[Here the hammer fell.]
Mr. TALBOTT. I desire to offer an amendment.
The CHAIRMAN. There is pending an amendment and an amendment to an amendment. No further amendment is now in order.

Mr. HAZELTON. Iunderstand that my colleague [Mr. HUMPHREY]

wants to ask me a question.

Mr. HUMPHREY. I want to ask my colleague if he is satisfied that we need any army at all †

Mr. HAZELTON. I will wager a hundred dollars that my colleague himself can pay off the whole Army in twenty days. [Laughter.]

Mr. HUMPHREY. I would rather pay off the gentleman than the

Mr. HUMPHREY. I would rather pay off the gentleman than the Army.

Mr. SPARKS. I do not want to say much more upon this subject; but I desire to direct the attention of the House to one or two points. I would like to strip this discussion of anything like a feeling on the part of anybody that the Committee on Military Affairs (at all events myself as a member of that committee) propose to do anything that will cripple the efficiency of the Army. I repeat now what I stated before, that if fifty paymasters are necessary I will vote to keep fifty; and that if it honestly and fairly required a hundred I would vote to increase the number to a hundred. I want a fair, honest, and efficient service in the Pay Department of the Army. No more, no less.

But I want now especially to relieve this Committee of the Whole House from any impression that the Committee on Military Affairs have presented anything here on this subject. This amendment does not come from the Committee on Military Affairs. And the mere ipse dixit of the gentleman from Pennsylvania [Mr. WHITE] or of myself with respect to how the majority of that committee stand on this question can be of no particular importance in this discussion.

Mr. MARSH. I would like to ask the gentleman a question.

Mr. MARSH. Is it not true that this amendment not only does not come from the Committee on Military Affairs, but that that committee voted down the proposition?

Mr. SPARKS. I have stated that however the gentleman from

voted down the proposition?

Mr. SPARKS. I have stated that however the gentleman from Pennsylvania [Mr. White] and myself might differ in our views as to the standing of that committee on this question, it would not be of any benefit to this Committee of the Whole. I will, however,

of any benefit to this Committee of the Whole. I will, however, repeat that as I understand it the majority of that committee in my judgment would be in favor of this amendment.

My colleague upon the committee [Mr. Marsh] asks me whether or not this proposition has not been directly voted down by the Committee on Military Affairs. I answer by majority vote and in this shape, no. The gentleman from Tennessee [Mr. DIBRELL] in his own right and of his own volition moves this amendment, and the proposition comes purely from him. The gentleman from Wisconsin [Mr.* HAZELTON] has stated an opinion that twenty men can do this service. Now, if that he correct or approximately correct, why should we in-

Now, if that be correct or approximately correct, why should we insist that fifty shall be kept for that purpose?

The Committee on Military Affairs of the last Congress in presenting a bill to this House for the reorganization of the Army proposed to reduce the number of paymasters to a less number than it would be if this amendment should prevail. The "Burnside bill," as it was

known, proposed to reduce the number of paymasters to one less than is now proposed by the gentleman from Tennessee by his amendment, and I present that fact to the Committee of the Whole now as a fair argument that this force can be reduced as here indicated.

It is known that that committee at that time thoroughly considered this subject, and by its sub-committee examined it carefully during the recess, and after having thus investigated it came to the conclusion that the Pay Department could be reduced to the extent I have mentioned. It should also be horse in mind that at the end of the mentioned. It should also be borne in mind that at the end of the war this force in the Pay Department stood at the number proposed in this amendment. It has been increased to double the number since that time, while the line of the Army has not been thus increased.

[Here the hammer fell.]

The committee rose informally, and Mr. COVERT took the chair as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed

the House that the Senate had passed without amendment a joint resolution of the House of the following title:

A joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville,

Tennessee.

The message also announced that the Senate insisted upon its disagreement to the amendments of the House to the Senate bill No. 885, to amend an act entitled "An act to provide for the taking of the tenth and subsequent consuses," approved March 3, 1879; agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon; and had appointed Mr. Pendleton, Mr. Harris, and Mr. Morrill as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The question is upon the formal amendment moved by the gentleman from Wisconsin, [Mr. HAZELTON,] upon which debate has been exhausted.

Mr. HAZELTON. I withdraw my amendment.

Mr. MARSH. I renew the amendment. I have just come into the Hall and have not heard the discussion which has taken place upon the amendment moved by the gentleman from Tennessee, [Mr. Dibrell,] and consequently I may repeat something that has already been said by other members.

My friend from Wisconsin [Mr. HAZELTON] complains that the Committee on Military Affairs has not given us a report upon this matter which will inform the House as to the propriety of making any change in the number of paymasters in the Army. I will say to the gentleman from Wisconsin that this question has been discussed by the Committee on Military Affairs, and their action only a few days ago was adverse to any reduction of the number of paymasters

in the Army.

Mr. BRAGG. Will the gentleman permit me—
The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MARSH. No, sir; I have only five minutes. I desire to call attention to the fact that in the Forty-fifth Congress this question of the number of paymasters was fully and thoroughly discussed and investigated by the Committee on Military Affairs. Army officer after Army officer was called before the committee, and gave testimony upon the propriety of this reduction. Every officer that was called, from the Paymaster-General down, agreed, if my memory serves me, that forty-five was the smallest number of paymasters that could possibly perform the required service.

My colleague, [Mr. Sparkš,] the chairman of the Committee on Military Affairs, refers to the bill known as the Burnside bill, by which he serve the number of paymasters was reduced below the

which, he says, the number of paymasters was reduced below the which, he says, the number of paymasters was reduced below the number proposed in the amendment of the gentleman from Tennessee. I was surprised that my colleague failed to inform the House of another feature in that bill, a feature necessary to be understood in order to form an intelligent opinion as to the action of the committee that reported the Burnside bill. That bill provided for twenty-five paymasters of the rank of major, and authorized the detailing of ten more officers from the line to perform duty as paymasters, thus evincing the opinion of those who framed the bill that it might be necessary in certain contingencies to have thirty-five paymasters instead

Mr. Chairman, it was the uniform testimony of all the officers examined before the committee that forty-five paymasters would be as small a number as the Army could get along with, if payments are to be properly and promptly made. I assert that no information of an official or authoritative character now before this House militates against the testimony taken by the Committee on Military Affairs upon this subject in the Forty-fifth Congress, and which is now a matter of record.

Mr. CANNON, of Illinois. Mr. Chairman, as I understand this mat-Mr. CANNON, of Illinois. Mr. Chairman, as I understand this matter the Committee on Appropriations have reported an appropriation necessary to pay the number of paymasters who hold their places in accordance with existing law. There the duty of the Committee on Appropriations ceases. I was somewhat surprised as well as somewhat amused at the gentleman from Wisconsin when he made his fierce demand upon the committee to furnish to him and to the House information as to the exact number of paymasters absolutely necessary. It occurred to me that I had heard this same Committee on Ap-

propriations roundly abused within the last few months for once in a

while reporting some provision changing existing law.
Upon the merits of this amendment I desire to say that I do not Upon the merits of this amendment I desire to say that I do not know whether fifty-five or forty-five or forty or twenty-five paymasters are necessary. I cannot tell just how many are required. For all I know seventy-five may be necessary. The gentleman from Wisconsin or somebody else may have knowledge upon this question that I have not. I do know that there is general law providing for every paymaster that now holds a commission, and the statute fixes the compensation. This bill appropriates the money necessary to pay the officers authorized by law.

Whenever the Committee on Military African may be a served.

Whenever the Committee on Military Affairs may, by a majority vote, report a bill reorganizing the Army, if I should be satisfied after a full consideration that it is a wise measure, I will vote for it although it may reduce the present number of paymasters. But until such a measure is reported I will not by piecemeal vote to strike off this or that officer that some person may conceive ought to be dispensed

with.

Mr. MARSH. I withdraw the pro forma amendment.
Mr. TALBOTT. I move to amend the amendment of the gentleman from Tennessee by adding the following:

And that all paymasters not appointed from the regular Army mustered out of the service shall receive one year's full pay in addition to the amount due them when mustered out.

Mr. CLYMER. I make a point of order on this amendment. The CHAIRMAN. The Chair rules that the amendment is out of

Mr. TOWNSHEND, of Illinois. Why is it out of order? It dimin-

ishes expenditures.

The CHAIRMAN. The Chair does not so understand.

Mr. TALBOTT. The amendment of the gentleman from Tennessee retrenches expenditures; and this is only an amendment to that

amendment.

The CHAIRMAN. The Chair has not decided any point of order in reference to the amendment of the gentleman from Tennessee, none having been raised in time. That amendment is in by consent. Upon this amendment the point of order has been raised; and if the Chair understands it correctly, it would increase expenditures by giving certain persons one year's additional pay.

Mr. TALBOTT. I desire to be heard on the point of order. The

Mr. TALBOTT. I desire to be heard on the point of order. The amendment of the gentleman from Tennessee certainly reduces expenditures. This amendment is germane to that proposition. If the amendment of the gentleman from Tennessee be not adopted, of course mine will not be. My amendment applies only to that proposition, which clearly proposes the reduction of expenditures. My amendment being germane to that of the gentleman from Tennessee, I hold that the point of order is not well taken. The proposition taken as a whole—the amendment of the gentleman from Tennessee together with mine—tends to a reduction of expenditures in the together with mine-tends to a reduction of expenditures in the

Army.

Mr. CLYMER. The amendment proposed by the gentleman from Tennesse would undoubtedly have been in order, even if a point of order had been raised upon it, because it proposes a rower lend to the control of the order had been raised upon it, because it proposes to reduce expenditures by curtailing the number of officers in the Army. But if the proposition of the gentleman from Maryland [Mr. Talbott] should be adopted, providing that the officers to be retired under the amendment of the gentleman from Tennessee shall receive one full year's additional pay, it will make the whole proposition out of order, because then it would not reduce expenditures.

The CHAIRMAN. The Chair desires to state that the decision always under the this expenditure and the control of t

ready made that this amendment was out of order was based upon the rule that it increased expenditure, and not upon the rule that it was not germane to the subject-matter. The Chair adheres to the opinion already expressed. The amendment is ruled out of order. The question recurred on Mr. DIBRELL's amendment.

The committee divided; and there were—ayes 57, noes 77.
Mr. DIBRELL. No quorum has voted; and we are entitled to

The CHAIRMAN appointed as tellers Mr. DIBRELL and Mr. Marsh. The committee again divided; and the tellers reported—ayes 72, noes 82.

So the amendment was disagreed to.

The Clerk read as follows:

The Clerk read as follows:

For miscellaneous expenses, to wit: Hire of one hundred and twenty-five contract surgeons and two hundred hospital matrons; extra-duty pay to enlisted men for service in hospitals; pay of fifty-four paymasters' clerks and fourteen veterinary surgeons; hire of paymasters' messengers, not to exceed \$15,000; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon military courts and commissions; travel expenses of paymasters' clerks; commutation of quarters for officers on duty without troops at places where there are no public quarters; and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1881, in excess of the numbers for each class provided for in this act, \$551,198.45.

Mr. SPARKS. Mr. Chairman, I am instructed by the Committee on Military Affairs to submit the following amendment, to come in after line 71.

The Clerk read as follows:

Contract surgeons shall not be employed until all commissioned surgeons shall have been assigned to duty, and then only upon the request of the commanding officer, approved of by the General of the Army. Mr. HAWLEY. I will suppose the case of a detachment of one

hundred troops five hundred miles away from any proper surgeon in the Army, but near some frontier settlement where there is a civilian surgeon or physician. They have a skirmish with the Indians and ten, twenty, or thirty of the men are wounded. The best thing the officer in command can do is to employ the contract surgeon; and I do not see that he should be required to wait until he can inquire of the Surgeon-General of the Army, at Washington, whether all the regular surgeons have been assigned to duty or not. If there happened to be one of them gone off on a wedding trip, these wounded men would have to wait until he came back before he could hire a contract surgeon.

Mr. SPARKS. It is not the easiest matter in the world to get an amendment framed so that everybody will be perfectly satisfied with it. The object desired to be attained by this amendment is that the state of the same of t if there are more of these officers than are necessary—and it is based on the assumption that there are—they should be reduced in number on the assumption that there are—they should be reduced in number until we get rid of those who are not required, and thus to that extent save expense to the Treasury. We have of regular commissioned surgeons and assistant surgeons, according to my information, one hundred and eighty-seven; and we have, as the gentleman from Tennessee [Mr. Dibrell] said awhile ago, one hundred and thirty-eight posts. From this showing it would seem that we have plenty of these officers to supply all demands; yet we have one hundred and nine-teen contract surgeons taken from civil life and now employed by the Government at much expense. Now, it is insisted that these con-tract surgeons are unnecessary; and it is also further insisted upon that all the regular commissioned surgeons and assistant surgeons of that are regular commissioned surgeons and assistant surgeons of the Army should be assigned to duty and be stationed where their services are needed, so as to compel them to a proper discharge of duty and thereby relieve the Government of the expense of employ-ing civilians. The amendment makes provision that if there are any surgeons needed beyond the regular surgeons and assistants after they have all been properly employed then the proper authorities they have all been properly employed, then the proper authorities can employ contract surgeons. How are they to do it? By order of the commanding officer of the troops where the exigency occurs, sanctioned by the General of the Army.

Mr. HASKELL. Will the gentlemen allow me to ask him a ques-

tion?

Mr. SPARKS. Certainly.

Mr. HASKELL. I should like to ask the gentleman what evidence

he has these contract surgeons are not needed?

Mr. SPARKS. Simply this: We have a large excess of regular sur-Mr. SPARKS. Simply this; we have a large excess of regular sar-geons and assistants over the number of posts to be supplied; and further, the testimony taken before the Committee on Military Affairs in the last Congress—I cannot recall that testimony now in detail to state it with that precision I should like—but that testimony in substance shows these contract surgeons to be unnecessary. Now, it seems to me it would strike any reasonable man at once that the Army should be supplied with a sufficient number of surgeons and Army should be supplied with a sufficient number of surgeons and assistants; and if we have not got enough to supply the needs of the Army, then this branch of the Army should be increased to meet the demands of the service, instead of employing this large number of contract surgeons, who, from the nature of the case, must be to a certain extent inexperienced and inefficient for that service.

Mr. HASKELL. There are one hundred and seventy-three posts.
Mr. SPARKS. One hundred and thirty-eight, I am told. As before stated, we now have one hundred and nineteen contract surgeons employed. Now, in the loose-jointed manner in which we have been going on, we employ nearly as many contract surgeons as we have regular surgeons and assistants. It does seem to me that it ought to strike any man as reasonable that that sort of system ought to be done away with. Put these commissioned officers who are in the done away with. Put these commissioned officers, who are in the regular service as surgeons and assistants and who are drawing pay as such, at their posts of duty where they are needed, as this amendment proposes to put them, and then if any exigency occurs and it shall become necessary to employ physicians resident or near where such exigency happens, this amendment authorizes their employment and provides how they shall be employed. The spirit of this amendment is to put into active service, where they are really needed, the whole force of these regular medical officers of the Army, and it means to get rid of these one hundred and nineteen contract surgeons who are unnecessary only as they are used, at great expense to the Government, to fill the places made vacant by the regular force, who are

needlessly absent from their posts of duty.

Mr. CLYMER took the floor.

Mr. BROWNE. Let me send up this amendment to the amendment to be read.

Mr. CLYMER. Yes, for information. Mr. BROWNE. I submit the following as an amendment to the amendment.

The Clerk read as follows:

Add to the amendment the following:
But this shall not be so construed to require the appointment to duty with troops the commissioned surgeons who are now or may hereafter be put in charge of the national soldiers' homes, or those detailed to prepare the Medical and Surgical History of the War of the Rebellion.

Mr. CLYMER. Let me suggest to the gentleman from Indiana to add still further to his amendment the following words:

Or those who may be detailed upon examining boards. Mr. BROWNE. Yes, sir; I agree to that.

Mr. CLYMER. Mr. Chairman, I claim—— Mr. SPARKS. If the gentleman will permit me a moment, I merely ant to state that I am satisfied the amendment just offered makes it

Mr. CLYMER. It is due to the members of the committee and to myself that I should have read a communication received from the Surgeon-General of the Army in reference to this matter.

Mr. DIBRELL. When did you receive it?

Mr. CLYMER. This morning. I knew this amendment was to be offered, and I desire to have this letter read, for it states what I knew before, in a general way, from the conversations had with the Surgeon-General of the Army. I send it to the Clerk's desk to be read. The Clerk read as follows:

The Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,

Waskington, D. C., April 5, 1880.

SIR: In response to your inquiry (in person) concerning the necessity for employing "contract surgeons" in the Army, I have the honor to furnish for your information the following copy of a letter from this office of June 1, 1878, addressed to the chairman of the Senate Committee on Appropriations:

"I beg leave to call your attention to the concluding paragraph of section 27, page 26, of the Army appropriation bill as passed by the House of Representatives, May 28, 1878, which provides that 'no contract surgeon shall be employed, except for duty with troops at military stations or in the field, and not then until after all commissioned surgeons in the Army shall have been first assigned to such duty;' which, if it becomes a law, will operate to the detriment of the medical service of the Army.

the Army.
"The requirements of the service in regard to medical officers are as follows:

Number of permanent military posts 163 Number of temporary posts 7

Number of posts at each of which two or more medical officers are required to be stationed.

38

"There are also military expeditions and scouting parties frequently being sent out needing the services of medical officers. During the year 1877 the requirements were fifty-five medical officers for military expeditions and sixty-five for scouting parties. From the above statement it will be seen that the present necessities of the service as regards the number of medical officers required are greatly in excess of the commissioned medical officers of the Army, and to supply the deficiency private physicians are employed under contract, which has proved to be the most economical and advantageous to the Government, their contracts being terminated the moment their services are no longer required. With small commands, at recruiting stations, and in cities where no medical officers are stationed, there is a necessity for medical attendance, which, if supplied at local rates and by the visit, would be far more expensive than the present mode of supplying it by contract."

by the visit, would be lar more expensive the by contract."

At the present time these remarks are equally applicable. The requirements of the Army as to medical officers in the fiscal year ending June 30, 1879, as shown in my last annual report, were as follows:

Number of permanent posts.

Number of temporary posts and sub-stations

22

Apart from consideration of economy already mentioned there are others of great weight.

Were such a resolution as that now under consideration, in regard to contract surgeons and the detail of medical officers adopted, it would at once stop all work on the Medical and Surgical History of the War, as well as all other publications of this office now in progress; dissolve the Army medical examining board, and relieve from responsible and delicate duties officers selected with special reference to their qualifications. It is within your own knowledge that the medical profession throughout this country and Europe would learn with great regret that the completion of the Medical and Surgical History had been rendered impossible, or indefinitely postponed, and that there would be no more publications from this office. The statutes require the examination of candidates for appointment as assistant surgeons and of assistant aurgeons for promotion by a medical board; yet such a resolution will prevent compliance with the statute.

The number of contract surgeons in service at this time is one hundred and nineteen, of whom ninety-seven are on duty west of the Mississippl River.

The average amount required for the pay of contract surgeons during the current fiscal year has been \$11,751 per month.

Very respectfully, your obedient servant,

Hon. HIESTER CLYMER, House of Representatives.

J. W. BARNES, Surgeon-General.

Mr. BROWNE. Mr. Chairman, there are now, if I understood the report of the Surgeon-General correctly, one hundred and seventy-four surgeons in commission. He reports that there are one hundred and seventy-three military posts requiring to a larger or smaller extent the attendance of a medical officer. Upon examination, however, it will be found that there are only in fact about one hundred and thirty-eight or one hundred and forty of these posts where a medical officer may with propriety be stationed. Now, the amendment proposes this and no more, that before contract surgeons shall be employed all the surgeons in commission shall be put upon duty with troops, and this proposition as modified is subject to three exceptions: froops, and this proposition as modified is subject to three exceptions: first, it shall not require the assignment to duty with troops of those who are detailed to the soldiers homes; second, that it shall not require those who may be detailed to prepare the Medical and Surgical History of the War; and lastly, it also excepts those serving upon medical examining boards. If I am correctly advised these exceptions cover the entire detail of the thirty-nine to whom reference has been made in this communication from the Surgeon-General's Office, so that there are still left subject to some kind of duty one hundred and thirty-four surgeons in commission. And let me call the attention of the House to this startling—to me at least—startling statement of the Surgeon-General. Of these one hundred and seventy-three surgeons there are but twelve that are to-day performing duty with troops.

Mr. MARSH. Does not he state that there are seventy-three East

of the Mississippi?
Mr. BROWNE. No, sir; if the Clerk will send me the communica-tion from the Surgeon-General I will show him where they are sta-

Mr. CLYMER. Where are they?

Mr. BROWNE. I do not know. I say, if I remember the statement of the Surgeon-General just read from the Clerk's desk, that there are but twelve of these surgeons to-day performing duty with troops—
Mr. UPSON. With troops in the field.
Mr. BROWNE. Well, there are but twelve out of the one hundred

and seventy-three in commission who are performing duty with troops in the field; that is all.

Mr. BAKER. But the gentleman does not take into consideration the fact that they may be performing duty at posts.

Mr. BROWNE. That is immaterial here. But suppose it to be ma-

terial, I say it is a little startling that when the necessities of the service require in scouting expeditions forty-one medical men there should be only twelve surgeons in commission out of the whole num-

Mr. MARSH. Will the gentleman permit me to interrupt him for

the purpose of asking a question?
Mr. BROWNE. Certainly.

Mr. BROWNE. Certainly.
Mr. MARSH. In order that the House may intelligently understand this point, it ought to be specified how many detachments of the Army are in the field. There may not be more than twelve.
Mr. BROWNE. That is wholly immaterial. What I say is that it is startling to me that when necessary to send these officers to the field it should be found that of the list of the employed or contract surgeons there should be so many and so few of the regular surgeons, who are paid, not merely for services measured by the length of time, but who are paid for the year and have life employment. That is what I say is most remarkable to me.

of time, but who are paid for the year and have life employment. That is what I say is most remarkable to me.

What next? We do not propose, as suggested by gentlemen, to deprive the Government of the power, if necessary, of employing contract surgeons. No such thing is contemplated. The amendment provides that they shall be employed when necessary and just as many as may be necessary. There is no limit fixed to it. But it simply provides that before contract surgeons shall be employed all those who are in the regular service for life, and who constitute a part of the life military establishment of the Government, those who are provided for while upon active duty, and when they get upon the reprovided for while upon active duty, and when they get upon the retired list may be pensioners of the Government—I say it provides that that class may be employed as far as practicable to the exclusion of the contract surgeons.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Chairman, I rise to oppose the amendment. I have listened to what has been said touching this amendment, and also to the amendment of the gentleman from Indiana, which was promptly accepted by the chairman of the Committee on Military Affairs, and how many more ought to be accepted by him I do not know. I have also listened to the reading of the communication from the Surgeon-General, and I gather from what has been stated that it is very doubtful indeed whether this amendment should be adopted.

It is stated there are one hundred and seventy-one posts. Of those one hundred and seventy-one posts there are, it is stated, forty-eight that require two or more medical officers. On special duty there are thirty. There are disabled eleven. Now take the scope of the amendment of the gentleman from Indiana. It makes certain exceptions of surgeons in charge of the soldiers' homes, of surgeons detached on examining boards, &c. With these exceptions, it is provided that until all commissioned surgeons are in the field with troops no other surgeon shall be employed. What are you to do with the disabled

Mr. BROWNE. I will answer the gentleman if he desires an an-

Mr. SPARKS. I want to suggest to the gentleman from Illinois there are but one hundred and thirty-eight posts now, really, where

there are but one hundred and thirty-eight posts how, learly, where any surgeon is necessary.

Mr. CANNON, of Illinois. I am only taking the report of the Surgeon-General. I am sure the gentleman from Indiana would accept an amendment providing for the case of disabled surgeons.

Mr. BROWNE. Will the gentleman from Illinois allow me—

Mr. CANNON, of Illinois. I have not much time.

Mr. BROWNE. I undertake to say when an officer assigned to duty

with troops becomes disabled and for that reason is furloughed or retired by the retiring board he comes within the general law without

an exception being made for him.

Mr. CANNON, of Illinois. Very well. That is where he is retired, but a great many surgeons are disabled and are not retired. They may be disabled for a period of three months or six months.

Mr. BROWNE. The gentleman does not understand me.
Mr. CANNON, of Illinois. I cannot yield further, as my time is

nearly out.

I only allude to this to show the crude form in which this amendment comes here from the Committee on Military Affairs. It may be there are too many contract surgeons employed. The commissioned ment comes here from the Committee on Military Affairs. It may be there are too many contract surgeons employed. The commissioned surgeon costs this Government from \$2,500 to \$3,000 a year. When you put a contract surgeon into the service he costs this Government \$1,200 a year without any extra cost whatever except in the mere matter of transportation. They are the cheapest surgeons that can be employed. It may still be that there are too many of them employed. If so, let the Committee on Military Affairs bring in their bill to reorganize the Army. Let them deal with the Army surgeons, the staff, everything that needs dealing with, and when fully discussed let it be wisely adopted. But do not come in here piecemeal, throwing in a pebble here and a pebble there, and in this unguarded and uncertain way cut and carve where there may be great injury and uncertain way cut and carve where there may be great injury

[Here the hammer fell.]
Mr. BRAGG. I move to strike out the last word.

I am in favor of the proposition of the gentleman from Illinois [Mr. Sparks] representing the Military Committee, as supplemented by the gentleman from Indiana, [Mr. Browne.] I am astonished that the Surgeon-General should attempt by an array of figures in this House to throw so much fog on the question involved as to make people think this was some great attack upon the Medical Department and that the Army was about to be broken down, and therefore that no favorable action should be had upon this proposition.

What is the proposition? It is not to reduce the medical force of the Army at all; it is not to interfere with the Army at all; it is not to increase the expense of the Army at all. I was struck by the suggestion made by the gentleman from Illinois [Mr. Cannon] who last addressed this committee, because it revived in my mind a suggestion that has been often there before, that it was very much cheaper to de this hydrogen by contract the structure of the lateral line of the structure. to do this business by contract than to establish a long line of pensioners who are to live out of the Treasury of this Government so long as they live and their children who follow after them. The proposition of the Committee on Military Affairs is not to reduce the number of surgeons, but to make the number of surgeons who receive pay from the Government do their work; that they shall not be merely ornamental appendages of the Surgeon-General's Department, drawing pay at the rate of \$2,500 a year, while we hire civilians at \$1,200 to do their work. The proposition is simply that the regular surgeons of the Army must be assigned to duty, and then such vacancies as may arise through the necessities of the service shall be supplied by contract surgeons. That is all there is in this proposition; and I submit to this committee it is a proposition which ought to meet favor at their hands.

If we have one hundred and seventy-three commissioned surgeons ought they not to do some work for their pay? We have given them military title when they oughtnot to have it; because under the military title and drawing the pay attendant upon it they get greater pay than they would have got if we had hired them as civilian surgeons, as is fully evidenced by the fact that we can hire civilian surgeons at less than half what they get. Now, if they get this military rank and the privilege attendant upon it of retirement after so many and the privilege attendant upon it of retirement after so many years' service, ought they not to go to the field and do the work which belongs to them? Ought they not to be something more than ornaments and nothing else? If they are merely ornamental they should be stricken off. But if they are entitled to hold their places they should do the work, and we ought to employ no more contract surgeons than are necessary after we shall have exhausted the full num-

geons than are necessary after we shall have exhausted the full number of the regular surgeons.

Now, speaking of medical officers who attend scouting parties, of which the Surgeon-General makes so much, if you will examine the reports of the officers in charge of those scouting parties you will find that in a very large number of instances, if not in most all of them, the medical officer is a mere hospital steward. I hope the amendment will be adopted as proposed to be amended by the gentleman from Indiana, [Mr. Browne.]

Mr. UPSON. There is a point in connection with this amendment which seems to have been overlooked. According to the amendment no surgeon could be employed by contract until all of the commissioned surgeons are assigned to duty with troops.

Now, it is a fact that some thirteen or fifteen or more of these med

ical officers are on sick leave and incapacitated to perform duty. I am informed that at least ten of them are permanently disabled. One of them is hopelessly insane; others are in such a condition that they never can be assigned to duty with troops; others are temporarily upon sick leave, and others are assigned to necessary duties not with troops. According to this amendment no surgeon could be employed by contract as long as there was any commissioned medical officer, even if incapacitated to be assigned to duty, who had not been assigned to duty with troops.

Mr. BROWNE. If I do not interrupt my colleague on the commit-

Mr. UPSON. Not at all.

Mr. BROWNE. I will ask whether if officers are assigned to duty with troops and subsequently become sick, and are granted leave, they are not still assigned to duty with troops?

Mr. UPSON. No, I think not, or it might be so construed under

this amendment.

Mr. BROWNE. Then an officer of the Army who becomes sick while with his command, and obtains sick leave, is not in the military service?

Mr. UPSON. I do not say that; but whether that be so or not, I would suggest that if anything is to be adopted as an amendment it should be something like this:

Contract surgeons shall not be employed until all commissioned surgeons not on sick leave or incapacitated for duty shall have been assigned to duty.

It should not be confined to "duty with troops," because, as appears from the report of the Surgeon-General, a number of these officers are on duty but not with troops, and others are unfit to be assigned to duty. It would appear from the report of the Surgeon-General that over three hundred surgeons are necessary for the Army. The gentleman from Indiana, [Mr. Browne,] it seems to me, misconstrues the letter of the Surgeon-General, when he states that that letter shows that only twelve medical officers were with troops. I would call attention to this portion of the letter of the Surgeon-General:

Number of military expeditions in the field during the year, thirty-two; these expeditions required the service of forty-one medical officers. There were also sixty medical officers reported to this office as having been on duty with scouting parties.

That would make over one hundred medical officers on active duty,

either with souting parties or on other duty.

Mr. DIBRELL. Will the gentleman allow me to ask him one ques-

Mr. UPSON. Certainly.
Mr. DIBRELL. Does not the gentleman know that there was not a single medical officer with General Gibbon's expedition against the

Mr. UPSON. That I do not know. But I know this fact, that it is necessary to have a medical officer at a military post, it is also necessary to have a surgeon when troops are sent into the field. One surgeen will not supply the necessities of each of the posts on the frontier. A number of them require two surgeons and some of them three. When a scouting party is sent into the field it is necessary to send a surgeon with it.

There are always more or less sick at a post, and it is necessary that a surgeon should be left at the post. It is also necessary that a surgeon should be sent into the field with a scouting party. Hence

surgeon should be sent into the held with a scouting party. Hence if you undertake to confine the number of surgeons according to the number of posts, you will do great injustice to the service.

Mr. DIBRELL. Do you know how many there are in this city?

Mr. UPSON. I have no idea how many there are in this city. It seems to me that my amendment to the amendment should not be objected to. I would amend so that it should read in this way:

Contract surgeons shall not be employed until all commissioned surgeons not on sick leave or incapacitated for duty shall have been assigned to duty, and then only upon the requisition of the commanding officers approved by the General of the Army.

Mr. SPARKS. There is now pending an amendment and an amendment to the amendment. Therefore no further amendment is in order. Mr. UPSON. I do not offer it now as an amendment; I have read

The CHAIRMAN. The Clerk will now read the amendment of the gentleman from Illinois, [Mr. SPARKS,] and the amendment to the amendment moved by the gentleman from Indiana, [Mr. BROWNE.]

The Clerk read the amendment of Mr. SPARKS, as follows:

Contract surgeons shall not be employed until all commissioned surgeons shall have been assigned to duty with troops, and then only upon the requisition of the commanding officer, approved by the General of the Army.

The Clerk read the amendment of Mr. BROWNE to the amendment; which was to add the following:

And this shall not be construed as requiring the assignment to duty with troops of commissioned surgeons who are now or may hereafter be put in charge of the national soldiers' homes, or those who are detailed to prepare the Medical and Surgical History of the War of the Rebellion, or those who may be detailed on examining boards.

The question was taken upon the amendment of Mr. Browne to

The question was taken upon the amendment of Mr. Browne to the amendment of Mr. Sparks, and it was agreed to.

The question was upon agreeing to the amendment as amended. Mr. UPSON. If in order, I desire to offer an amendment.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. Browne] having been agreed to, it is now in order to further amend the amendment as amended.

Mr. UPSON. I move to amend the amendment as amended by adding the following:

Contract surgeons shall not be employed until all commissioned surgeons not on sick leave or incapacitated for duty shall have been assigned to duty, and then only upon the requisition of the commanding officers, approved of by the General of the Army.

Mr. BROWNE. This amendment (begging the gentleman's pardon) simply means nothing. It provides that no contract surgeon shall be employed until all the commissioned surgeons are assigned small be employed that are the commissioned surgeons are all assigned to duty now somewhere—to some kind of duty—under some manner of detail. The object of the amendment of the committee, as well as of my own, is to assign these officers to duty with troops, where they ought to be

Mr. UPSON. I would ask the gentleman where the surgeon who has been for a number of years hopelessly insane is assigned to duty?

Mr. BROWNE. He is assigned to duty, or ought to be, in the in-

sane asylum. Mr. McCOOK. I would like to ask the gentleman what will be the effect of this amendment upon officers detailed for duty in Washing-

officer of this amendment upon officers detailed for duty in washington City, where there are no troops?

Mr. BROWNE. Are there no troops in Washington?

Mr. McCOOK. None whatever, to my knowledge.

Mr. BROWNE. Then why should these officers be detailed here?

Mr. McCOOK. For staff duty. The gentleman is very wise in regard to this matter of contract surgeons. I have sat here without opening my mouth because, as a rule, I do not care to talk about matters of which I know very little. But for fear it may be understood on the republican side of the House that my friend from Indiana expresses the opinion of all the members of the Military Committee in regard to this matter, I desire to say that as a very humble and inconsequential member of that committee, I protest against this so-called economy—hacking away and nibbling away at the Army upon all occasions. I say, Mr. Chairman, we can do without the General of the Army; we can do without all our major-generals; we can do without all our brigadier-generals. I say that laws can be made as intelligently and wisely by half the number of men who are sitting here to-day. But does it follow that we must dispense with the General of the Army, that we must retire, for instance, General Hancock, that we must muster out General McDowell, that we must reduce the number of brigadier-generals in the Army?

When you come to discuss the question of the Army of the United States, there is something more to be considered, in my judgment, than the mere question of economy. The Army represents in one sense the majesty of the Government. It was the nucleus around which gathered the volunteer element of this country when the armed enemies of the Republic assailed it. So long as I remain a member of

mies of the Republic assalied it. So long as I remain a member of the House, I will never cast a vote to muster out a single officer, or private soldier, or to cut down the pay of such a one; and I do not care whether my constituents like it or not. [Applause.]

Mr. SPARKS. I have listened carefully to the speech of the gentleman from New York, [Mr. McCook,] but what connection or relevancy it has to the subject now before us I cannot imagine. Is the

wancy it has to the subject now before us I cannot imagine. Is the gentleman from Indiana [Mr. Browne] attacking the Army?

Mr. McCOOK. Indirectly, yes. All these things are.

Mr. BAKER. Certainly, he is attacking the health of the Army.

Mr. SPARKS. I am somewhat astonished at the speech of my colleague on the committee, [Mr. McCook.] Of course we understand that he opposes this amendment, and nobody has represented him as being otherwise than opposed to it. When a committee presents to the House a proposition it is not always understood that every member of the committee supports it. The amendment I have offered has been presented by the instruction of the committee in its regular has been presented by the institution of the committee in the ages lar course of business by majority, and I suppose the gentleman does not mean to insinuate otherwise. He, it seems, is not in accord with the committee on this question, and that is enough on this point. What is meant by this talk of attacking the Army? Who is attacking the Army? Because we have an army, and it becomes our duty to furnish them with all necessary support, medical supplies, surgical attendance, and everything of that sort, is it incumbent upon us that we should shut our eyes to all the abuses that may spring up in any part of it? Do we want an army of hangers on hitched on to any department or branch of the service? Do we desire that medical officers, whose business it is to attend to certain duties devolving upon them in the Army, shall be hanging around somewhere else than at their nexts of duty while siviliar arms are amplicated to fill their their posts of duty while civilian surgeons are employed to fill their places? That is the question.

Mr. McCOOK. Will the gentleman allow me to interrupt him?
Mr. SPARKS. For a question, not for a speech.
Mr. McCOOK. If the chairman of the Committee on Military Affairs [Mr. SPARKS] will indicate a single "hanger-on," (a term which he has been pleased to apply to officers of the Army,) I will yield the whole question.

Mr. SPARKS. I will answer a question; but I do not yield for a

Mr. SPARKS. I will allswer a question, but I do not yield speech.

Mr. McCOOK. That is a question.

Mr. SPARKS. I say that for this service to be performed the surgeons and assistant surgeons provided by law—the regular force—would be sufficient, in my judgment, if they were in the right places and properly utilized for doing this work. Now, are they not sufficient?

Mr. HAWLEY and Mr. BAKER. No.

Mr. SPARKS. Gentlemen say they are not. If not, then after you shall have placed them at their posts of duty and required them in good faith to perform it to the extent of their ability to do so, and it is found that the regular force is not sufficient, outside assistance can be employed under and by virtue of the express provisions of this amendment. Now what more do gentlemen want than this? It simply contemplates that the men whose duty it is to attend to this duty shall first discharge it, or attempt to do so, and if they are not sufficient for that purpose, then contract surgeons may be employed to make up the deficit.

Does anybody understand that under this amendment contract surgeons are not to be employed? Read the amendment. It makes provision for their employment, but it does so only after the regular surgeons and assistants shall have been first utilized, and that is all

there is of it.

I did not suppose after the amendment of the gentleman from Indiana [Mr. Browne] had been added to this proposition so as to make it cover every possible contingency that any member of the House would object to it. There certainly cannot be anything detrimental to the efficiency of the service in it as it now stands. For if the regular surgeons and assistants when properly placed are not enough to perform all this service as before stated, then under the amendment itself as many contract surgeons as may be necessary to make up the deficit can be employed.

Mr. Upson's amendment to the amendment was disagreed to.

Mr. UPSON's amendment to the amendment was disagreed to.
The question recurred on Mr. Sparks's amendment as amended.
Mr. WHITE. I move to strike out the last word. Now, Mr. Chairman, as a member of the Committee on Military Affairs, from which emanates this proposition, I entirely indorse it. I voted for it as a member of that committee, and am willing to vote for it as a member of this House. I think the amendment offered by my friend on that committee, the gentleman from Indiana, [Mr. Browne,] improves it

In advocating this amendment, sir, I want it to be distinctly understood I am the friend of the United States Army. I have heard remarks made by my friend from New York [Mr. McCook] and colleague on that committee. I know his record; I know his gallant services in the Army of the United States; I know the pride he naturally takes in the name of American soldier, and the organization of the American Army; but I protest as my friend and my colleague on the American Army; but I protest as my friend and my colleague on the Military Committee and party associate he has no right to reflect on his brethren on this floor on the same side of the House who see fit to advocate amendments to pending Army bills which require to go into active service with troops in the field medical officers who are in commission.

It is well known to this House and the country that great abuses have been practiced in the conduct of the Medical Department of the Army. I refer to the evidence taken by the Military Committee in the last two years. It is part of the records of the country. I have no reflections to make on anybody; I have no reflections to make on anyofficer of the Medical Department of the United States Army; but I protest, sir, that he is not a friend of the United States Army who fails to characterize as they should be characterized practices which obtain of drawing horses and forage for them by officers for the benefit of their own families when they are themselves carrying on their private practice as physicians. I do not like to say these things; but these facts are upon the records of investigating committees of this House— upon the records of the Military Committee for the last two years; and they admonish me it is necessary to do something, if possible, to and they admonish me it is necessary to do something, if possible, to correct these abuses. And in doing so I declare I am no enemy of the United States Army. What does this do? Does it aim a fatal blow at the medical staff of the Army? Not at all. It provides that before contract surgeons shall be employed the present medical staff of the Army shall be assigned to duty. My friend from Indiana offers to amend, and declares that shall not interfere with the employment of contract surgeons, because some of the United States Army surgeons are employed at the soldiers' homes, and shall not interfere with the are employed at the soldiers nomes, and shall not interfere with the employment of contract surgeons for the completion of the surgical and medical history of the war. I submit that is fair. It offers no violence to the present medical staff; and I shall vote for it cheerfully. [Here the hammer fell.]

Mr. BAKER. Mr. Chairman, I am surprised to hear the charge made here on the floor of the House to-day by members of the Military Characteristics.

tary Committee that they have been cognizant for two years of abuses which have existed in respect to the employment of contract surgeons and in respect to the regular surgeons in the Army; I am surprised at the fact that, having sat here for two years with a knowledge of these abuses, they have just found out it was important to bring their amendments forward and seek to pack them in on an appropri-

ation bill to carry them through.

Mr. DIBRELL. Will the gentleman from Indiana allow me to ask

Mr. DIBRELL. Will the gentleman from Indiana allow me to ask him one question?
Mr. BAKER. Certainly.
Mr. DIBRELL. Do you not know at both sessions of the Forty-fifth Congress this money to employ contract surgeons was stricken out of the appropriation bill, and put back in the Senate?
Mr. BAKER. I know it was put back.
Mr. DIBRELL. Yes, by the Senate.
Mr. BAKER. Yes, in the Senate; but, on reconsideration by the House, it was retained.

House, it was retained.

I say for one, Mr. Chairman, I look with jealousy and suspicion on all attempts made by gentlemen on the other side of the House to stab at the Army, first at one point and then at another. And I think the country views with jealousy, too, the attempt to stab the Army.

Mr. SPARKS. Allow me to ask the gentleman one question.

Mr. BAKER. I must be pardoned; I have only five minutes.

Mr. SPARKS. Does the gentleman refer to the gentlemen from

Pennsylvania and Indiana on his own side?

Mr. BAKER. I say I look with more jealousy and suspicion on this attempt by clamoring at the misconduct in the Medical Department of the Army to stab at that branch of the service which has in charge the health and life of the rank and file of the Army. There is not a man here on this floor, I submit, from all that has been charged in the various diverse and conflicting statements made by these gentlement of the Military Committee, who can say what ought to be done. men of the Military Committee, who can say what ought to be done. These doctors on that Military Committee do not know themselves, and I think it would be wise for the Committee of the Whole to relegate these gentlemen back to their committee-room, to invite them to study this question; and, when they have reached some definite conclusion on it, to bring forward their own bill and not seek the Appropriations Committee bill as a pack-horse to lug through their crude and ill-digested scheme.

Mr. BRAGG. Let me ask the gentleman from Indiana a question.
The CHAIRMAN. The gentleman from Pennsylvania has offered a formal amendment, which he proposes to withdraw. Is there objec-

tion? The Chair hears none.

Mr. BAKER. I understand the gentleman from Wisconsin desires

to ask me a question.

Mr. BRAGG. Yes; the gentleman from Wisconsin does desire to ask the gentleman from Indiana a question. I do not know but what I misunderstood the gentleman from Indiana. Was it intended by him in the remarks which he has made that we on this side of the House intended to ruin the health of the Army by sending out to troops in the field the regularly commissioned surgeons and assistant surgeons, and to take away the contract surgeons? [Great laughter.]

Mr. BAKER. That question I hardly think the gentleman from Wisconsin expects to be answered seriously.

Mr. MAGINNIS. I renew the amendment to strike out the last

word, in order to make a few remarks on the pending proposition.

word, in order to make a few remarks on the pending proposition. I am very sorry, Mr. Chairman, that the question of politics has been brought into this discussion. Gentlemen know that ever since I have been a member of this House probably there has been no warmer or more earnest defender of the Army than I have been. On every occasion and every time when it has been attacked I think I have stood up for it; and well I might, sir, because it stands between my people and their savage foes. But surely it was unjust to this Congress, and especially unjust to the present Committee on Military Affairs, to charge them with any partisan motives and with making attacks upon the Army with a desire to cripple or reduce or punish any of its officers either in the amendment introduced or in any action that it has recommended. It is unjust to charge this side of the House with attacking the Army from partisan motives.

Why, Mr. Chairman, I well remember the worst attack that has been made upon the Army since my arrival here as a member. I dis-

been made upon the Army since my arrival here as a member. I distinctly remember, shortly after I first came to Congress, that General Garfield's Committee on Appropriations, by one of its members, Mr. Wheeler, now the Vice-President of the United States, brought a rider upon an appropriation bill into this House which struck five thousand muskets out of the rank and file of the Army, which did not attempt to reorganize it or to cut off any excrescences, but which struck at the very heart of its efficiency and reduced it to that skeleton condition which has been so frequently commented on and de-plored by certain papers of this country which charge this reduction and demoralization to this side of the House.

I well remember the argument used to effect that reductionduction most cruel because it struck at the most efficient and least costly part of the Army; most disorganizing because most unscientific; the most deadly blow which has ever been struck at it, because it threw the organization into confusion and left it in such a shape as to make reorganization a necessity; not the healthful lop-ping off of a few superfluons limbs, but a blow at the very roots of The argument used was that our frontier settlements were too extended, that our population should be contracted, and that if our hardy pioneers would not come within the bounds of a closer civilization, they should be left to perish in the mountains or on the plains or called on to defend themselves. Such was the language of a republican Committee on Appropriations in a republican House. The gentleman from Connecticut [Mr. HAWLEY] will remember this, at least I remember with admiration and gratitude his brilliant but unavailing defense of the Army on that most unfortunate occasion.

unavailing defense of the Army on that most unfortunate occasion. Notwithstanding the impression to the contrary since that Congress and that time the Army has not been reduced a single man—not one solitary officer nor a single soldier. That was the last reduction of either rank, or file, or line, or staff made by the Congress of the United States. It was not made by the democrats, for at that time the whole democratic party on this floor could have been easily packed into one of these small committee-rooms. That bill went through and this reduction was made on an appropriation bill, and the Army not only reduced but disorganized when both Houses of Congress were overwhelmingly republican; consequently I say it is unjust to this House

to charge partisan dislike of the Army, and it is especially unjust to this present Committee on Military Affairs, who are endeavoring to take into consideration the question of reorganization of the Army, and who but yesterday decided it should not be reduced a single musket, and that if it should be deemed wise for the present House to undertake the reorganization of the Army at all, it would endeavor to do it so as to promote the efficiency of the service without the reduction of the force. duction of the force.

On this pending question of contract surgeons I have to say that I opposed the proposed amendment in committee because I thought perhaps it might strike where we did not want to strike—at commissioned surgeons who were detailed on necessary duties not technically with troops; that it was almost too much of an iron-clad restriction upon the Surgeon-General, and might disturb details necessary to the good of the service and the country at large. But I think a larger medical staff would be more just to the soldiers than this system of contract surgeons, possibly more expensive but certainly more satisfactory to men who should have confidence in the doctor who prescribes for their diseases and dresses their wounds. Who are these contract surgeons? Many of them good, skillful, efficient men doubtless, but very often not capable enough to be intrusted with the lives and the health of our troops. They are not unfrequently men who cannot get into the Army on regular examinations; some of them are men who dare not apply for regular examinations in order to secure a commission.

And so far as the health of the Army is concerned, I assure you that it is one of the great complaints of the soldiers that they are relegated to incompetent contract doctors instead of having competent surgeons regularly examined and fully qualified to administer to them. There is an Army officer in this town to-day whose four children are paralyzed because at a Texas fort some years ago when attacked with fever they were treated by an incompetent contract surgeon. His children living in this town are paralyzed, and he cannot move his family

to his regiment because of that treatment by an incompetent surgeon.

Sir, the only argument against the health of the Army is that advanced by my friend from Indiana [Mr. BAKER] that it is cheaper, and I suppose therefore better, to make these contracts than to have

regular surgeons.

I know one particular post in my own Territory where the Army surgeon in charge, who is a scientific and competent man, is given two contract surgeons to assist him, but there is so little confidence felt in these contract surgeons by the people and the Army there that the officer is called on to do most of the work. An able and active gentleman with that philanthropy and zeal and love of his profession which should characterize all two surgeons has been in consequence. which should characterize all true surgeons, he has, in consequence of appeals for his individual attention, to do the work for all of the

Now, while I have not favored the amendment of my friend from Tennessee, [Mr. Dibrell,] because I thought it was a little too bind-ing in some respects, I think the criticisms upon it as springing from partisan feeling or from a dislike to the Army are entirely unjust to

Army whenever a bill for its support has been brought into this House. I began when the House was largely republican, and was unsuccessful. Then the Army suffered, and from the effects of that legislation is suffering to-day. Since the democrats have come in the border men have been more successful and the Army has not been reduced a man or a musket. But we have been called on to struggle to save it several times. Now that committee bring in a clean Army bill without any attempt at reorganization or any adverse legislation; a bill of law and arithmetic founded on the statutes and the estimates necessary to carry them out. I for one feel like making a bow to the gentleman from Pennsylvania in charge of the bill, and to the committee which reports it. It is a good, clean, Army bill and ought to pass in one afternoon.

[Here the hammer fell.] Mr. BROWNE. I must confess my astonishment that I have been assailed by my colleague from Indiana as well as by my colleague upon the Committee on Military Affairs for having made what they are pleased to term a premeditated attack upon the Army of the United States. I refer now to my distinguished friend from New York, [Mr. McCook.] I regret exceedingly to see him manifest so much spirit in this controversy. Now, what have I proposed to do? To dismiss or relieve from duty any officer in commission? Not one. Have I proposed to reduce the salary of any person in the military service of the United States? Not one. Have I proposed to disgrace him in any way, or to put him in any service to which he may not with propriety be assigned? Nobody will pretend that I have for a moment. What have we proposed to do? What have I proposed to do? Simply to provide that those in commission shall be assigned to their legitimate duty, provided, first, that medical officers might be detailed Mr. BROWNE. I must confess my astonishment that I have been

ply to provide that those in commission shall be assigned to their legitimate duty, provided, first, that medical officers might be detailed to all of those duties to which they may with propriety be assigned. If there is a single other purpose to which a medical gentleman should be assigned, and some gentleman will propose it, I am ready to accept that as an amendment. I have attempted to include in this amendment every duty to which these men ought with propriety to be assigned; and that is all.

The committee have said that until these assignments shall have been made it shall not be legal to employ contract surgeons. We have not limited the number of these contract surgeons. They may be employed without limit. All the restriction there is is simply the boundary

ployed without limit. All the restriction there is is simply the boundary of the necessity, whatever that number may be. We give the Army the fullest authority through its commanding general to employ every contract surgeon that may be required. We have given to these details all the medical officers that the head of the Medical Department may require, as far as I know. If any other duty can be pointed out for which an assignment should be made, I shall consent to it.

Now, let any gentleman tell me in what way I have attacked the Army of the United States, either in its officers or in its rank and file. If any gentleman will tell me I should be pleased to know it. Certainly my friend from New York [Mr. McCook] did not understand me as either speaking for the republican members of that committee or for the republican party in this House. The republican party in this House does not represent my constituency. I represent that comor for the republican party in this House. The republican party in this House does not represent my constituency. I represent that constituency myself. No man is more loyal to his party than I am. There is but one loyalty I hold above it and that is my devotion to my country and the interests of my constituency, as I understand them; and when my idea of duty conflicts with the demands of my party, I shall obey duty and disregard the dictation of my party friends and my party colleagues.

[Here the hammer fell.]

Mr. McCOOK. I renew the pro forma amendment.

I am very sure the gentleman from Indiana [Mr. Browne] could not have understood me as assailing him. Up to the tile vey, when I attempted to say something, no member on this side of the House had spoken, as I understand, against this proposition which emanates from the Military Committee. Fearing as I did that it was a unanimous request or action of that committee, I wished to say, and I intended to say in my own way, what I thought in regard to it.

I concede now, what I believe is the fact, with the majority of the members of that committee—for I know comparatively little myself

members of that committee—for I know comparatively little myself about this question of contract surgeons and regular surgeons—I about this question of contract surgeons and regular surgeons—I assume that these gentlemen, who are officers in the Army of the United States, have been properly assigned to duty and are in the exercise of their legitimate duty. If any member of the Committee on Military Affairs can satisfy me that any medical officers in the Army are mere "hangers on," as gentlemen of that committee are pleased to characterize them; that they are men who habitually shirk their duty, then I concede it would be incumbent upon us that we should go to work and remodel this whole system of the detail and amployment of surgeons in the Army.

employment of surgeons in the Army.

Gentlemen talk about sending these regular medical officers to duty in the field. What do they mean by that? I do not know that I have a correct idea of what constitutes duty in the field; but my idea of it has always been that it means serving with troops in the

field, if it means anything.

There are in this city a great many officers properly on duty in the staff department in connection with the commanding officer of the Army and in numerous other places. And every one of those officers is entitled, in my judgment, to just as much consideration as if he was serving with troops in the field.

Mr. BROWNE. I wish to ask the gentleman a question. Are they entitled to any more consideration?

Mr. McCOOK. No more, but equal consideration; and among the things to which they are entitled is medical attendance. If I understand this amendment proposed by the Committee on Military Affairs, it sends absolutely into the field every single medical officer on duty here, saving the few that are excepted by the amendment of the gentleman from Indiana, without taking into consideration any other requirements of the officers on detail here.

requirements of the officers on detail here.

[Here the hammer fell.]

Mr. HISCOCK. I desire to ask a question of the gentleman from Indiana, [Mr. Browne.] Does he claim now there is any abuse in the appointment of the Army surgeons to duty? I understand the provision which is introduced here is to make a new regulation in reference to that. Now, I do not know what the present regulations are. The objection I have to the amendment is that there is not spread out now information before the committee, and I ask him for information on the subject as to who it is that assigns these men to duty and what regulations there are in reference to that, so that if they need amendment we can amend them. But until we have some information on that subject it seems to me we are acting entirely in the dark. Does the gentleman seek to make an attack on responsible military officers in an indirect way without furnishing the committee with some evidence that they have abused the discretion invested in them?

The question I desire that gentleman to answer, or any gentleman to answer who is in favor of this amendment, is, what are the regulations now in force, and wherein have they been abused, and in what

lations now in force, and wherein have they been abused, and in what respect do they need amendment?

Mr. McCOOK. I withdraw the pro forma amendment.

Mr. HAWLEY. I renew it for the purpose of making a brief statement. I find upon looking at this communication of the Surgeon-General that, after taking out the medical directors and the men at work on the Surgical and Medical History of the War and some sick and some on leave, there remain one hundred and thirty medical officers on duty. There are required at permanent military needs one officers on duty. There are required at permanent military posts one

hundred and fifty medical officers; at temporary posts and sub-posts seventeen officers. There are twelve on duty out with troops in the field, moving away from posts. I find that of these posts there are forty-eight which require two medical officers each, for various reasons.

That would make the whole number required two hundred and fiftyseven, and to supply that want there are but one hundred and thirty. That leaves one hundred and twenty-seven places to be supplied by hiring temporary service of one sort or another. That is as I understand this letter of the Surgeon-General,

Now I am unwilling to vote for anything that may be a reflection on the Surgeon-General until I have further information on the sub-

I do not know that this should be properly called a reflection upon him, but it is evidently establishing some new rule for his guid-

There have been slurs, or rather I might say there have been insinuations, against the Surgeon-General. I venture to say that he is a man who deserves the respect of this House and of the country by reasons of his qualifications as a medical officer and his character as a man, yet I have not heard it said by anybody that the courtesy even has been shown him to ask that he or his assistant shall come into the committee-room and tell the committee where all these men are, to explain how he governs those who are under him, why this one has been assigned to duty here and that one there, and perhaps another to no duty at all. Now no one has asked him for that information, so far as I understand.

From all that appears before us the Surgeon-General has wisely exercised all the duties of his department in every respect. There seems to be nothing but general declamation here against him. We have here his figures showing that he has one hundred and thirty medical officers, and that there are demands upon him for two hunmedical officers, and that there are demands upon him for two hundred and fifty-seven. My impression is that the statute does not allow him to fill up the medical staff beyond a certain number of officers, and he is obliged beyond that number to employ outside surgeons.

I am unwilling to vote for this amendment until we have had information from this department in detail on that point; and when

we get that information it may be such as to satisfy every one that there has been no abuse in that department.

Mr. DIBRELL. One minute in regard to what the gentleman from Connecticut [Mr. HAWLEY] says about information. The gentleman says there is nothing before the committee in regard to what is

wanted.

Mr. HAWLEY. No, I said you did not have the Surgeon-General

Mr. DIBRELL. We have the sworn testimony of the Surgeon-General, taken before a committee of the Forty-fifth Congress, showing what he has done with these contract surgeons. We have six of them what he has done with these contract surgeons. We have six of them in this city, and I guarantee that we have twenty regular commissioned surgeons here. What is their duty here? A number of them no doubt attend to members of Congress and their families, but is that any reason why we should keep them here?

Mr. HAWLEY. Specify the cases.

Mr. DIBRELL. The gentleman from Indiana [Mr. BAKER] comes

here and says that this is trying to stab the Army. Is it trying to stab the Army to endeavor to get rid of these men who are hired for political services ?

The testimony shows that the Surgeon-General of the Army receives a salary of \$5,500 a year and forage for four horses, his private horses; that his son drives one of them and is a practicing physician in this city, and a contract surgeon in the bargain. Now does that look nice in the Surgeon-General of the Army, the man who has the control of all these surgeons?

The gentleman from Indiana [Mr. Baker] does not seem to want to cut off anything of that sort. I supposed that he was one of the most economical men in the House, but I was mistaken in that. He seems to be for extravagance, for there is no greater extravagance in the Army than this hiring of contract surgeons, no more useless thing. In all the expeditions against the Indians on the frontier you cannot get a contract surgeon or a regular surgeon. The record shows that in General Gibbon's expedition against the Indians there was no medical officer of that sort.

I say that this amendment should be adopted, because it is right and proper. There is no part of the Army where there is worse abuse than there is in this. I say to the gentleman from Indiana, [Mr. Baker,] who talks about stabbing the Army, that that question has never been mentioned in connection with the Army. All that has been considered is the reduction of the number of paymasters and contract surgeons.

Mr. CLYMER. I desire to move that the committee rise. [Cries of "Vote!" "Vote!" Before doing so I would like to have a vote on this amendment, and in order to save time I will say to the committee that if the proposed amendment should be voted down I will agree that there shall be a vote on it in the House by yeas and nays.

Mr. HAWLEY. I withdraw the pro forma amendment.

The question being taken on the amendment of Mr. Sparks, as amended, there were—ayes 67, noes 50.

Mr. MARSH. I make the point that no quorum has voted.

Mr. CLYMER. In the absence of a quorum, I move that the com-

to the motion to adjourn in the House, and is in order though no quorum be present.

The motion was agreed to.

The committee accordingly rose; and Mr. Carlisle having taken the chair as Speaker pro tempore, Mr. Springer reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

DUTIES ON SALT, PRINTING-PAPER, ETC.

Mr. HURD. I desire to make a statement as to a pair. Upon the vote taken yesterday on the motion of the gentleman from Illinois [Mr. Townshend] to suspend the rules and pass the bill (H. R. No. the Revised Statutes of the United States, I was paired with the gentleman from Maryland, [Mr. URNER.] If we had been present, he would have voted in the negative, I in the affirmative.

NATIONAL CEMETERY NEAR VICKSBURGH.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the construction of a roadway from Vicksburgh, Mississippi, to the national cemetery near that city; which was referred to the Committee on Appropria-

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Ladd, for ten days, from the 9th instant, on account of important business

To Mr. ACKLEN, for two weeks; and To Mr. JAMES, indefinitely, on account of ill health. Mr. HUMPHREY. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: Resolutions of the National Land Reform Association, against the amendment to the homestead law recommended by the public land commission-to the Committee on the Public

By Mr. ATKINS: The petition of J. S. Field and J. H. Hall, druggists of Lexington, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines-to the Committee

perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BRIGGS: The petitions of S. S. Ayer and 133 others, of S. C. Clark and 33 others, and J. L. Odell and 20 others, of Lake Village, New Hampshire, and of citizens and business firms of the city of Portland, Maine, for an appropriation to improve the navigation of Lake Winnipesaukee—to the Committee on Commerce.

Also, the petitions of 40 members and of 11 members of the Hillsborough (New Hampshire) has for the removal of the United States.

borough (New Hampshire) bar, for the removal of the United States courts from Exeter to Manchester, New Hampshire—to the Committee on the Judiciary.

Also the petition of Ex-Governor Cheney and other prominent citizens of Manchester, New Hampshire, of similar import—to the same committee.

By Mr. COVERT: The petition of Justus Roe and 102 other citizens of Suffolk County, New York, for the improvement of Patchogue River, New York—to the Committee on Commerce.

By Mr. DEERING: The petition of citizens of Hampton, Iowa, for legislation to compel railroads to disinfect all cars in which live stock

has been transported—to the same committee.

By Mr. DE LA MATYR: The petition of W. Allen and 109 others, for the passage of the Reagan interstate-commerce bill—to the same committee.

By Mr. DUNNELL: The petitions of H. E. C. Huntington and of the publishers of the Herald, Hokah, Minnesota, for the abolition of

the duty on type—to the Committee on Ways and Means.

By Mr. FORD: Papers relating to the pension claim of Oliver Marcum—to the Committee on Invalid Pensions.

By Mr. FRYE: The petition of Lurenda E. Beal, Martha T. Clark, Parker Beal, and other citizens of Durham, Maine, for an amendment to the Constitution of the United States securing woman suffrage-to the Committee on the Judiciary

By Mr. GILLETTE: The petition of R. M. Springer and 16 others, citizens of Portland, Maine, against the passage of the Wood refunding bill, and in favor of the bill to pay the public debt—to the Committee on Ways and Means.

By Mr. HENDERSON: The petition of Hon. J. P. Irish and others, that the name of George Buchanan be placed on the pension-roll-to the Committee on Invalid Pensions.

By Mr. LORING: The petition of Emily S. Forman and others, of Boston, Massachusetts, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the

Mr. MARSH. I make the point that no quorum has voted.

Mr. CLYMER. In the absence of a quorum, I move that the comittee rise.

The CHAIRMAN. The motion that the committee rise is analogous Indians—to the Committee on Claims.

Also, the petition of John Ross, chief, and others of the Eastern band of North Carolina Cherokees, that the President be directed to execute the treaty of 1836 as provided in article 17 of treaty—to the Committee on the Judiciary.

By Mr. McCOID: The petition of Adolph Blumenkron, a citizen of the United States, resident in Mexico, for himself and in behalf of all American claimants against Mexico whose claims were, like his, rejected by the Mexican claims commission by reason of false testimony against them, and that the same relief may be granted him and them as to Mexico under like circumstances—to the Committee on Foreign Affairs.

By Mr. POEHLER: The petition of John H. Weldon and 32 others, citizens of Redwood County, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Michael Myers, of Brown County, Minnesota, for the passage of the bill for the equalization of bounties—to the same committee.

By Mr. STEPHENS: A memorial signed by Joseph Le Coute, pro-

for the passage of the bill for the equalization of bounties—to the same committee.

By Mr. STEPHENS: A memorial signed by Joseph Le Conte, professor of geology and history in the University of California, and George W. Hilgard and other professors of the same university; also by Israel W. Andrews, president of the Marietta College, of Marietta, Ohio, and all the faculty of that institution; also by George M. Potts, president of the National Park Bank, New York, Manton Marble and upward of a hundred citizens and business men of the city of New York; also by Joseph Schrenck, president public schools of College Point, Long Island; also by A. Schwarzman and 20 others, publishers of New York City; also by Luther Martin, E. M. Bainaird, M. D., Joseph Shepherd, E. A. McWhorter, and many others, of Saint Mary's, Georgia; also by R. S. McCombs, and many others, of Philadelphia, Pennsylvania; also by Walter Sullivan, Lincoln Houston, and many others, of Worthington, Ohio; also by B. Douglass, and others, of Middletown, Connecticut; also by H. S. Thompson, Thomas Fitzgerald, and over 100 others, of Westerville, Ohio; also by J. G. Benton, John E. Greer, and several other United States Army officers of the national armory at Springfield, Massachusetts, all asking the favorable consideration of Congress of the metric system, especially the report and bill from the Committee on Coinage, Weights and Measures at the last session of Congress, and now pending in this House—to the Committee on Coinage, Weights, and Measures.

By Mr. TYLER: The petition of Charles A. Kittredge, Horace W. Page, and other Vermont soldiers, for the passage of the Weaver soldier bill and against the passage of the sixty-surgeon bill—to the Committee on Military Affairs.

By Mr. CASEY YOUNG: The petition of Mary Geary, widow of Edward Geary, late a private Company A, First Mississippi Mounted Rifles, for an honorable discharge for her late husband—to the Committee on Military Affairs.

mittee on Military Affairs.

IN SENATE.

WEDNESDAY, April 7, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (JOHN C. BURCH, esq.) called the Senate to order and said: I have received the following communication from the Vice-President:

Vice-President's Chamber, Washington, D. C., April 6, 1880.

SIR: As I shall be absent from the session of the Senate to-morrow and for several succeeding days, the duty will devolve upon the Senate of choosing a President protempore.

Respectfully,

W. A. WHEELER, Vice-President.

To the SECRETARY OF THE SENATE.

What is the pleasure of the Senate?

Mr. WALLACE. I move that the Senate proceed to the election of a President pro tempore.

The SECRETARY. The question is on the motion of the Senator

from Pennsylvania.

The motion was agreed to.

Mr. WALLACE. I offer the following resolution:

Resolved, That in the absence of the Vice-President Hon. ALLEN G. THURMAN be, and he is hereby, chosen President of the Senate pro tempore.

The resolution was considered by unanimous consent, and agreed to nem con.

The Secretary. The Senator from Ohio will please take the chair. Mr. THURMAN was escorted to the chair by Mr. Kernan, and upon taking it said:

Senators, for this renewed mark of your confidence and esteem I tender to you my very sincere thanks.

Mr. WALLACE. I offer the following resolution:

Resolved. That the Secretary wait upon the President of the United States and inform him that, in the absence of the Vice-President, the Senate has chosen Hon.

ALLEN G. THURMAN, a Senator from the State of Ohio, President of the Senate protempore; and that he make a similar communication to the House of Representatives.

The resolution was considered by unanimous consent, and agreed to. THE JOURNAL.

The PRESIDENT pro tempore. The Secretary will read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a communication from the chief clerk and superintendent of the War Department building, reporting a deficiency in the appropriation for "contingent expenses, War Department building, 1880;" which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, and the communication of the Army appropriation bill as related to

relative to such portion of the Army appropriation bill as relates to commutation of rations to enlisted men; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BLAINE presented the petition of Lurenda E. Beal, Martha T. Clark, Sarah C. Brown, C. C. Crosman, J. Clark, Parker Beal, and others, citizens of Durham, Androscoggin County, Maine, asking that suffrage be granted to citizens of the United States without regard to sex; which was referred to the Committee on the Judiciary.

Mr. DAWES presented the petition of Thomas G. Hensey and 526 other citizens of Washington, District of Columbia, praying for the passage of House bill No. 3047 relating to the establishment of a union depot for the railroads entering the city; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented the petition of Marie Louise Perrin and her husband, Frautman Perrin, of Boston, Massachusetts, praying compensation for damages suffered by the bombardment of Greytown, Central America, by the United States sloop of war Cyane in July, 1854; which was referred to the Committee on Claims.

He also presented the petition and papers of Sergeant Isaac W. Am-

He also presented the petition and papers of Sergeant Isaac W. Ambler, of Boston, Massachusetts, late military instructor in the Sixth Regiment Maine Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 1276) for the relief of Charles B. Phillips, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 326) for the relief of Henry F. Lines, reported

it with an amendment, and submitted a report thereon; which was

ordered to be printed.

Mr. CARPENTER, from the Committee on the Judiciary, to whom were referred the bill (S. No. 14) to provide a term of the United States circuit and district courts at the city of Lincoln, in the State of Nebraska, and to divide the State into two divisions; and also the bill (S. No. 1241) to provide for the holding of a term of the circuit and district courts of the United States at Lincoln, Nebraska, and for other purposes reported them adversals.

mr. PADDOCK. I should like to have one of the bills placed on the Calendar. The other, I suppose, may be indefinitely postponed. The first bill reported, Senate bill No. 14, may be indefinitely postponed. The other bill I should like to have go on the Calendar. The other bill I should like to have go on the Calendar. The PRESIDENT pro tempore. The first reported bill, being Senate bill No. 14, if there be no objection, will be indefinitely postponed, and Senate bill No. 1241 will be placed on the Calendar with the adverse report of the committee.

Mr. EATON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1601) to provide for the erection of a public building in the city of Louisville, Kentucky; which was read twice by its title, and referred to the Committee on Public Buildings and

Grounds.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1602) to restore George A. Stevens to his relative rank in the Navy of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1603) granting a pension to Mrs. Almeda Pierce; which was read twice by its title, and referred to the Committee of Description.

mittee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1604) granting a pension to M. C. Sullivan; which was read twice by its title, and referred to the Committee on Pen-

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1605) to authorize the Secretary of the

Treasury to refund certain internal-revenue taxes collected from the Louisville, Cincinnati and Lexington Railway Company in excess of the amount legally due; which was read twice by its title, and referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. CARPENTER, it was

Ordered, That George W. Flood be allowed to withdraw his papers from the files of the Senate.

AMENDMENT TO A BILL.

Mr. BECK submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

LOAN OF FLAGS AT NASHVILLE.

Mr. CARPENTER. The Senate yesterday passed a joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennessee, which reads as follows:

That the Secretary of War be, and he is hereby, authorized to lend to the centennial commissioners at Nashville, Tennessee, ten large national flags, taking from them such security as in their opinion may insure their safe return.

This was a blunder in the printing, I suppose, of course. I suggest that some Senator who voted for the joint resolution move to reconsider it for the purpose of correcting the language.

Mr. BAILEY. I did not observe the exact form in which the joint resolution came from the House, but I submit to the Senator from Wisconsin, who is an acute and able lawyer, that there can be no doubt whatever about the construction of the language.

Mr. CARPENTER. Not the slightest. The construction is, that

the commissioners are to give such security as they think will insure

the commissioners are to give such security as they think will insure the return of the flags.

Mr. BAILEY. But I imagine there is no court in America that will hesitate to construe the word "their" to mean "his," for requiring the security is something naturally to be done by the Secretary of War. It is an act to be done preceding the bond which is for the protection of the Government of the United States, and I imagine there will be no difficulty about it. there will be no difficulty about it.

Mr. CARPENTER. There may be no difficulty about it, but the resolution does not look very well on the files of the Senate, and it will not look very well publicly as having passed the two Houses of Congress providing that such security shall be taken as will be satis-

factory to the men who give it.

Mr. HOAR. Where is the joint resolution now? Has it gone to

the President, or is it in the custody of the Senate?

The PRESIDENT pro tempore. The Chair will inquire. There is no motion before the Senate.

Mr. BAILEY. The difficulty is, I submit to the Senator from Wisconsin, that if we amend the joint resolution it will have to go back to the House. The people of Tennessee propose to celebrate the onehundredth anniversary of the settlement of their capital city within a few days, and I am sure the Senator from Wisconsin will not object to the patriotic desire that they have manifested to display the American flag upon that occasion. Even without bond or without security I imagine that the gentlemen who will have the conduct of the celebration of that memorable occasion will take care of any property of the United States that may be confided to their charge. the United States that may be confided to their charge. I beg the Senator not to press this matter. If the joint resolution goes back to the House there will be a necessary delay, and it may defeat altogether the object of the resolution.

Mr. CARPENTER. I made no motion; I merely made a sugges-

Mr. BAILEY. I suggest, as the Senator from Wisconsin says he merely made the observation without making a motion, that the mat-

ter be passed over.

Mr. HOAR. Has the Chair ascertained where the joint resolution is?

The PRESIDENT pro tempore. The joint resolution, after having passed the Senate, was sent, as the Chair is informed, to the House of Representatives for enrollment, and the joint resolution is now in the House of Representatives. There is nothing before the Senate, no House of Representatives. motion having been made.

Mr. DAVIS, of West Virginia. I ask for the regular order. Mr. CONKLING. I venture to ask for the reading of the joint res-

olution. It is not too late to make a motion about it. I will say in justification of the request, that the joint resolution passed under a misapprehension on my part. I thought it had been amended in another respect to which attention was called, and I should like to see whether it was so amended.

The PRESIDENT pro tempore. It will be read.

The Chief Clerk read the joint resolution.

Mr. CONKLING. The thing which struck me when the joint resolution was read upon being received from the House (and I think some other Senator made the suggestion and it went over) is that no time is fixed when these flags are ever to be returned, and that I suggest to the Senator behind me [Mr. CARPENTER] is quite as important as the somewhat anomalous provision about security being given satisfactory to those who are to give it. I suggest that there ought to be a provision in the case of ten large flags or any other public property which is to be loaned, that at or after some time it should

be returned or should be subject to call. I do not feel bound to make any motion about it, but it seems to me a very improvident form.

Mr. BAILEY. Of course this centennial celebration will not last

forever. The flags are to be loaned, I imagine, to these commissioners simply for the occasion that they intend to celebrate. The Secretary of War certainly may be presumed to have intelligence enough and capacity enough to control the matter. I think that the joint resolution would leave it to his discretion to fix the time within which Intion would leave it to his discretion to fix the time within which the return shall be made. I respectfully suggest to the Senator from New York that there is no difficulty in that respect. If he were the Secretary of War, I am very sure that he would fix a time for their return; and under the joint resolution the Secretary of War will have the authority to fix the time within which they shall be returned.

Mr. CONKLING. As I have said already, I make no motion about the measure; I do not feel called upon to do it.

The PRESIDENT pro tempore. The introduction of concurrent and other resolutions is next in order.

other resolutions is next in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had passed the joint resolution (S. R. No. 99) providing for payment of wages to employés in the Government Printing Office for legal holidays.

The message also announced that the House had passed a bill (H. R. No. 5048) relating to justices of the peace in the Territories; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they

were thereupon signed by the President pro tempore:

A bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States;

A bill (H. R. No. 4736) to provide for a deficiency in the appropri-

ations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and for other purposes; and
A joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville,

Tennessee.

REMOVAL OF SANTEE INDIANS.

Mr. SAUNDORS submitted the following resolution; which was considered by unanimous consent, and referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs be directed to inquire into the expediency and propriety of removing the Santee Indians from their present location in Knox County, Nebraska, to what is known as the Ponca reservation, Dakota Territory; and that said committee make report by bill or otherwise.

Mr. DAWES. When the resolution which was submitted by the Senator from Nebraska was read just now, my attention was diverted for a moment. I did intend to object to it, so that I might say a word

or two upon the subject to-morrow.

Mr. PADDOCK. I desire to state for the information of the Senator from Massachusetts that some time ago I introduced a bill having the removal to which the resolution of my colleague refers in contemplation. That bill was referred to the Secretary of the Interior, and quite a voluminous report was made upon it, which I have in my possession. The Secretary of the Interior decides that the removal would not be advisable. I disagree with him in toto upon that subject myself, and have been urging the Committee on Indian Affairs to take the matter into consideration. I trust that they will consider that bill at an early day, although I am frank to say that the Secretary of

the Interior does not approve of the proposition.

Mr. DAWES. Mr. President—

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Massachusetts that he can move to reconsider the vote by which the resolution was agreed to and on the motion to recon-

which the restator was agreed to and on the motion to reconsider he can address the Senate.

Mr. DAWES. I make that motion; and I desire in the outset to call the attention of the Senate to the proposition. It is to instruct the Committee on Indian Affairs to bring a bill into the Senate to transfer the Santee Indians to the old Ponca reservation. The old Ponca reservation was ceded—this is the language of an act of Congress—not its occupation or its use, but the land itself, by metes and bounds, was ceded to the Ponca Indians for a consideration set out in the act. Without their consent or even their knowledge, by a treaty subsequently made with another tribe of Indians, which the Indian Department says was a blunder, that same territory was ceded to another tribe of Indians. Four or five years after, without the slightest knowledge of the Ponca Indians who had been from time imme-morial the most peaceable and quiet Indians on the face of this con-tinent, a provision was inserted in an appropriation bill that \$40,000 should be appropriated for the removal of the Ponca Indians to the should be appropriated for the removal of the Ponca Indians to the Indian Territory, with their consent. The first knowledge those Indians had of it was the appearance of a man on the ground commissioned to take them to the Indian Territory. The result of it was that before he was able to take an Indian to the Indian Territory troops were called in and put in possession of this reservation, and it was the first time in the history of this country that ever a soldier was called in to preserve order among the Ponca Indians.

They were marched out of their own land, which they held by grant

from the United States, for a good and valid consideration recited in the grant. They were marched down into the Indian Territory, where from eight hundred and odd they have shrunk down to four hundred. from eight hundred and odd they have shrunk down to four hundred. The land granted to them was subsequently granted over again to the Sioux, and the Sioux agency put upon it for the period of six months and then removed back to its old place. It is proposed now to take another peaceable and quiet and orderly band of Indians, honestly and seriously and earnestly engaged in the arts of civilization, and transfer them up into the old home of the Poncas, where their fathers and their children are buried and their grave-yards are, all without their consent or their knowledge, and without the slightest fault on their part with the records of the Indian Department. est fault on their part, with the records of the Indian Department full of commendation of their good behavior. They have been driven by the Army of the United States into an exile as inhospitable and as cruel as Siberia itself, although for quite a different reason.

I suggest to the Senators from Nebraska that I do not desire to

interfere with any fair and reasonable effort upon their part to re-lieve the State of Nebraska of the presence of Indians; but I insist upon it that there is territory that belongs to the United States and does not belong to the Ponca Indians to which it had better remove

Mr. PADDOCK. I desire to state to the Senator as to my views, my action, and my record in this matter, that when the question of the removal of the Ponca Indians was considered by the Senate I entered my most solemn protest against their removal. At that time I said exactly what the Senator himself has now said, that they had a reservation which was their own, the title to which was an ancient

one, and a valid one, and they ought not to be disturbed.

Mr. DAWES. Then I know I am right.

Mr. PADDOCK. But at the same time I said that the Santee Indians who were upon public lands not upon a reservation, a tribe of Indians which had been moved into the State of Nebraska after it was admitted, and put upon surveyed lands, ought not to be permitted to remain there in the body of one of the best counties of the State; that that land belonged to the settlers and the Indians ought not to have been put there; that they ought not to be retained there; that if any Indian tribe was removed at all they were the tribe that ought

to be removed. That was the position I took at that time. The bill to which I have referred gives to the Santees the option. It not only gives an option to them, but at the same time it gives an option to the Poncas that they, the Poncas, may be returned to their old Indian reservation; that the Santees may go, too, upon that reservation, by an agreement with the other Sioux bands who claim through the treaty of 1868 to have some interest in it; that there shall be an adjustment which shall be satisfactory to all of them; that these lands known as Santee lands which are public lands shall be sold for the benefit of all of them, duly observing all the principles of equity in respect of the rights of each. That is all that is contemplated by the bill. They must all of them consent in open council that anything shall. the rights of each. That is all that is contemplated by the bill. They must all of them consent in open council that anything shall be done before anything is to be done. No advantage whatever can be taken of either or any of them under the provisions of the bill. That bill is just and fair in its provisions to all, and if it could be passed it would result in the settlement of this whole controversy.

Mr. DAWES. I do not criticise the course of either of the Senators. I am calling attention not to the bill which the Senator on my sight IMP Danveys I introduced. I am calling the extraction of the senator of the se

right [Mr. Paddock] introduced; I am calling the attention of the Senate to the resolution which the Senator on my left [Mr. Saunders] has submitted, and that is to supplant these Ponca Indians in their title to their own estate, by putting in the place of them these Indians. If the Sautee Indians are not properly where they are, and I

have nothing to say about that—

Mr. PADDOCK. Nobody proposes to put them upon the Ponca reservation unless the Poncas themselves consent to it.

Mr. DAWES. The Poncas are in exile. The Poncas are under guard. Their chief has been shot in cold blood in the station-house of the Indian agent. They have no voice here and no voice anywhere. They cannot give their consent. They have been told by the Indian Bureau that they have no alternative; that their home has been granted to the Sioux, because the Sioux are so warlike that this nation has not power enough to keep them off from the peaceable Poncas. Talk about the Poncas giving their consent! The Senator says there is a bill pending. So there is a bill pending here to restore the Poncas to their rights in that Territory.

Mr. SAUNDERS. Will the Senator allow me to ask him a question? I do not think he understands what the resolution is from the

drift of his argument.

Mr. DAWES. I fear I do understand it too well.

Mr. SAUNDERS. It is simply to inquire into the propriety and expediency of this thing; and if there is no sort of propriety and expediency in doing it, it will not be done.

Mr. DAWES. I understand that. I may have some objection to an Mr. DAWES. I understand that.

Mr. DAWES. I understand that. I may have some objection to an inquiry as to the expediency or propriety of any Senator here taking my home. There are some things that do not permit of inquiry into their expediency or propriety. What belongs to them is sacred to them and beyond the pale of expediency and propriety here in the Senate Chamber. Why do we sell their lands under the pretense that it is absolutely necessary for the preservation of peace among the Sioux Indians, and then take an unarmed, peaceable band, with no power to defend themselves, like the Santees, and put them there to

be crucified and devoured and consumed by the rapacity and violence

Mr. PADDOCK. The Senator can have no controversy with the Senators from Nebraska in respect to that matter. His controversy on that subject is with the commissioners who made the treaty of 1868, in which they very seriously blundered. It was because they had blundered, and it was discovered afterward that they had blundered through the anxiety of some people for the removal of the Sionx Indians to the Missouri River-I mean the Spotted Tail and Red Cloud people—that this removal of the Poneas was thought to be necessary and was made. That it was ill-advised, that it was a mistake, that it was almost a crime, there is no question whatever now with any one, and these never has been any in my mind from the beginning.

Mr. DAWES. I do not intend that the Senators from Nebraska shall so put things that it will be impossible to restore the Poncas to

their rights.

Mr. PADDOCK. That is not the idea at all.

Mr. SAUNDERS. If the Senator from Massachusetts will listen to me a moment I think he will not find much objection to the position that I have taken on this subject. The object sought is, that as the Poncas own that reservation, if the Poncas want to be removed back and located there, I have no objection to it. On the contrary, I should and located there, I have no objection to it. On the contrary, I should be favorable to it. They are a peaceable set of Indians; they behave themselves well; they are industrious, and I opposed their removal from that country to the Indian Territory. I made it a personal matter before the Interior Department to object to their removal and to request the Department that they should not send them away. But the law had been passed; Congress had authorized it; the money had been appropriated, and the Department seemed to feel that they were bound to carry out the law whatever it might be. So they sent them

bound to carry out the law whatever it might be. So they sent them there contrary to my wishes, as I have before said. Now, if they want to go back, and it is decided to be proper and best for them to do so, then this proposition will not interfere at all.

I will state the object to be sought by the resolution. I simply ask that we shall have the opinion of the committee on the propriety of removing the Santee Indians to that territory, because if the Poncas do not go back the land is lying there idle. It is a good conntry, as has been stated by the Senator from Massachusetts. It is a better country than where they are now located. They would be in a better situation there than they are now in, if this thing can be done, and if it cannot be properly done I do not ask it, and I do not want it done.

I am aware that our people in their vicinity want them removed, as they do in every State and Territory. I know that. You cannot go to any of the twelve States or nine Territories of the Union having Indians in them and find a single man among the white people who will say that he wants Indians to be his neighbors. They are not desirable neighbors. Each and every one of the whites wants them removed somewhere else. But as I have said before in the Senterland of the said that I have said before in the said that I have said the said that I ha ate, I now say the Indians have a right to be somewhere; they ought ate, I now say the Indians have a right to be somewhere; they ought to have a place to live, and they ought to have as good and as fair a chance for life and for the accumulation of property as any other individuals. I am in favor of that. I am in favor of extending the laws of the United States and of the States and Territories over them as fast as it can possibly be done, and thereby make citizens of them. I am in favor of giving them homesteads; I am in favor of dividing their property up in severalty, so that they may hold lands just as they are held by the whites. I am in favor of extending all the school facilities to them that we can so that we may educate them not only facilities to them that we can, so that we may educate them not only in letters, but in the mechanic arts and in farming. Give them a chance, is what I say. The question has been heretofore whether we should turn them over to the War Department or whether we should continue them as they have been heretofore under the management of the Interior Department. I am not in favor of either.

As I say, I want to make citizens of them. I want them to become self-sustaining and self-supporting, and in order to become so I want these Indians, if the Poncas are not to be returned, to take that good country and have it allotted to them and divided so that they shall hold it as other people hold their property, and make the best we can out of them and do the best we can with them.

out of them and do the best we can with them.

There is no object in this resolution, in my mind at any rate, to dispossess these Indians or any other Indians of their rights or of their homes; but, on the contrary, the purpose is to do something for them that shall be better than the present system, if possible; and in doing so I have thought that this goodly country of which the Senator from Massachusetts speaks would be the proper place to put them.

One word more, and I have done. The Poncas were removed probably as much because they were afraid of the Sioux as for any other reason. They were deadly enemies of the Sioux, and so were the Sioux of them, and they were afraid of the Sioux. They were weak; the Sioux were strong. While the Poncas only had a few hundreds, the others had fifteen or seventeen thousand altogether. The Poncas were others had fifteen or seventeen thousand altogether. The Poncas were others had fifteen or seventeen thousand altogether. The Poncas were in that way made willing probably to leave, through fear rather than because they wanted to leave their country. Now, the Santees are a peaceable branch or band of that Sioux Nation; and by putting them up in that country there is no danger of the difficulties that existed between the Poncas and the other Sioux, and therefore I thought it would be well. I will remark that their removal will only be a few miles; it is not twenty miles from where they are now to where they will be if this removal be made. They will be planted then in a better country, safer from the whites, because there are two rivers that run almost parallel for some distance, and then come together, leaving a little strip of country large enough for this reservation. The object sought by this resolution is not to dispossess the Indians

The object sought by this resolution is not to dispossess the Indians or damage them, but to work in their favor and interest.

Mr. KIRKWOOD. It so happens, Mr. President, that the Senator from Massachusetts and myself have served together upon a special committee that, among other duties, has been charged with an investigation into the removal of the Ponca Indians; and this is the second occasion on which the Senator from Massachusetts has alluded to the subject-matter of that investigation on the floor of the Senate.

I think it proper for me to make a remark or two on the same subject.

The Senator from Massachusetts is, I think, somewhat excited on that subject. The people of his State have been very much excited upon it for some months past; and he has caught the infection, I think. I have no desire to express any opinion that could properly be felt upon the transaction by that committee when it shall report; but one or two things have been said and have gone into the news-papers that I think do not give an entirely correct view of the con-dition of affairs there, and as to which I wish to make a single remark or two.

mark or two.

The Senator from Massachusetts has spoken very eloquently of the loss of life sustained by the Poncas by reason of their removal. I cannot say with certainty now, but my impression is that he is mistaken as to the extent of that. There has been a loss of life. The region of country to which the Poncas have been removed in the Indian Territory is liable to ague and fever, precisely the difficulty to which your State, Mr. President, and the State of Indiana, and the State of Illinois, and to some extent the State of Iowa, where I live, were once subject. The early settlers in all these States had to unwere once subject. The early settlers in all these States had to undergo the difficulties to some extent that the Poncas have had to

dergo the difficulties to some extent that the Poncas have had to undergo in settling upon the reservation where they now are.

Mr. DAWES. But it was voluntary on their part.

Mr. KIRKWOOD. That is entirely true, but the conditions so far as health is concerned are the same; and yet the Senator from Massachusetts and the people of Massachusetts speak of it as a thing wholly unprecedented in the history of our country. Ohio, with its three million people to-day, was once as unhealthy to the settlers as the Indian Territory is to these Indians to-day; so was Indiana, so a large portion of Illinois. Our people have undergone these privations and hardships and built up great Commonwealths there, and that matter should be considered when we are talking of this condition of things. tion of things.

As an illustration precisely, now, of it, let me say this, which I think is entirely true: The reservation where the Ponca Indians are to-day reaches within twenty-five miles of the south line of Kansas; and down to the south line of Kansas, within twenty-five miles of that reservation, to-day white men are crowding for settlement and set-tling, and you have to-day the Army of the United States interposed between the Ponca reservation and the south line of Kansas to keep between the Ponca reservation and the south line of Kansas to keep white men from going and settling on these lands that the Senator from Massachusetts compares in one sense to Siberia. The Army of the United States is to-day, a portion of it, interposed between the reservation now occupied by Poncas and white men from the North who desire to settle on that identical land, and they are only kept from going there by that Army, malaria and all to the contrary notwithstanding.

It is right that these things should be known and understood by the American people, and that our Government should not be held up day after day and week after week by speeches in the Senate and

day after day and week after week by speeches in the Senate and publications in the papers as desirous to thrust these men into a place where they must die. For one, I cannot understand the desire that seems to prevail among many of our own people to place our Government always in the wrong, that seems to rejoice over any opportunity to show that our Government has been derelict in all its duties, been

to show that our Government has been derelict in all its duties, been false to all its treaties. Cruel, harsh, unjust wrongs have been done the Indians, and those wrongs commenced with the landing on Plymouth Rock, and have lasted from that day to this day. They have been done in Massachusetts as well as in Dakota, as well as in the Indian Territory. They are inevitable.

The main purpose of my rising this morning, however, was to say what I shall now repeat again, that the territory occupied by the Ponca Indians to-day in the Indian Territory is so inviting, taking it as it stands, with all its advantages and disadvantages, that the Army of the United States has to stand guard over it, and keep the fellow-citizens of the Senator from Massachusetts and my fellow-citizens from Iowa from going there and taking possession of it. If it were the Iowa from going there and taking possession of it. If it were the hot Siberia the Senator from Massachusetts indicates it to be, I hardly

apprehend that condition of affairs would obtain.

Mr. DAWES. Mr. President, so far as the Senator from Iowa critimr. DAWES. Mr. President, so far as the Senator from lowa criticised any member of the Senate for a constant desire to hold up his own Government as in the wrong and always seeking an opportunity to point out wherever it has done a wrong and that it is constantly doing a wrong, as I do not see or understand its application I do not feel called upon to make any answer.

I agree with him that that same spirit which has impelled the Senators from Nebraska to cause the Santees and Omahas to be removed from the State in accordance all and the header and that it is never the same spirit which has the same spirit which has the same spirit which has a second that it is never the same spirit which has been all that it is never the same spirit which has a second that it is never the same spirit which has the same spirit which has been same spirit which has the same spirit w

from that State is prevalent all along the border, and that it is necessary to keep those who desire the Indian lands from entering in upon them, almost by a standing army. The fact that they belong to some

body else does not seem to be in the way very much; the fact that they belong to a poor, weak, and feeble people, not able to defend themselves either against the Government or against the aggressive spirit of our people, does not seem to attract any attention.

That for some purposes and for many purposes the land where these Poncas are is a desirable land, I am free to admit; and there these Poneas are is a desirable land, I am free to admit; and there are people all over the United States anxious to take it, and who do not stop to inquire to whom it belongs. I am not criticising that spirit; I have nothing to do with that just at this moment. I was calling the attention of the Senate to the proposition made here in this body and passed sub silentio to instruct one of its committees to prepare for taking one man's land and appropriating it to another. Let me just read the title by which the Ponca Indians held that reservation. vation:

ARTICLE 1. The Ponca tribe of Indians hereby cede and relinquish to the United States all that portion of their present reservation as described in the first article of the treaty of March 12, 1858—

And then it goes on to describe what that is.

ART. 2. In consideration of the cession or release of that portion of the reserva-tion above described by the Ponca tribe of Indians to the Government of the United States, the Government of the United States, by way of rewarding them for their constant fidelity to the Government and citizens thereof, and with a view of returning to the said tribe of Ponca Indians their old burying-grounds and corn-fields, hereby cede and relinquish to the tribe of Ponca Indians the following-described fractional townships, to wit.

And then it goes on to describe what is now their reservation. None of the doctrine of a Christian nation having a right to dispossess a savage people of a territory they devoted to savage uses comes in here; none of the rights of a Christian over the savage in the soil, or of the rights of discovery, come in here. If the words "cede and relinquish," words of grant, accompanied in a subsequent article by a covenant of warranty and defense of possession, do not make a good title to release the situation.

a covenant of warranty and defense of possession, do not make a good title to real estate, then it is because the agreement was unfortunately made by an Indian tribe with the United States. That is all.

Now, sir, the whole of this debate and all my over-excitement to which the Senator from Iowa has alluded in reference to it is this: Here is a goodly country, a Naboth's vineyard, which is coveted. After that grant, six or eight years after, by a blunder the Department says, the whole thing was ceded to a wild tribe that the United States had trouble to take care of; and here was a peaceable tribe of eight hundred strong only, none of whom ever fell at the hand of a United States soldier until the United States went into the process of remov-ing them to the Indian Territory with their consent. In the history of our treatment with the Indians, no one of them ever raised his hand in violence toward the authority of the United States; and the United States never was called upon to bring a police force among them to keep the peace until it undertook to take them to the Indian Territory with their consent.

Territory with their consent.

They were taken from this ninety thousand acres of beautiful land upon the banks of the Missouri and among the highlands around it, with one hundred and sixty homes, houses built by themselves out of their money, in which they were dwelling, and they were marched, as I have told you, literally, not figuratively, at the point of the bayonet, out of those homes; and their earthly goods, the stoves with which they warmed their houses and the tables at which they ate their daily food, were all piled up promiscuously in one heap and left there to be destroyed by either time or the rapacity of the white people around them; and there they are to-day. The saw-mill they had and the dwellings have been taken across the river by white people into Nebraska, and made the homes of the white settlers, and you can only Nebraska, and made the homes of the white settlers, and you can only tell how many of them there were there when those people were marched off at the point of the bayonet by counting the foundations

where the houses rested.

They have been taken down into that delightful paradise which the Kansas and Nebraska and other people desire to possess so much that an armed force has to keep them off, and there they have died down to the number of four hundred and odd. Their old chief came here the other day, having buried since July last his wife and four of his children. He was brought here; and while he was away another chief was shot down by the soldiers.

Mr. SAUNDERS. If the Senator wishes to amend the resolution

by including an inquiry into the condition of the Poncas and whether they should be removed back to their old reservation, I will vote

Mr. DAWES. Why, Mr. President, the Senate has already instructed a committee to inquire into the propriety of giving the Poncas back their own property. A bill is pending on that subject in addition to the resolution instructing that committee so to inquire. The Senate has referred that bill to another committee. That bill requires the Government to put them back. And now my friend from Nebraska comes in here and proposes, before that committee has reported upon that bill, to have another committee say whether the Santee Indians shall not go up there and take possession of these goodly lands he speaks of

speaks of.

Mr. SAUNDERS. There is room enough for them.

Mr. DAWES. Yes, there is in my friend's house room enough for him and me, but I take it he would not like the Senate of the United States to inquire into the propriety of setting me down in his parlor because there is room enough in his house for both of us.

Mr. SAUNDERS. The Senator does not do the subject justice.

Mr. DAWES. I do not do the subject justice. No man can do it

Mr. PADDOCK. How would the Senator like to have five hundred or six hundred Indians scattered over four or five townships of his own county in Massachusetts, which they should occupy to the exclusion of all other citizens, doing no labor, doing no service of citizenship in any respect whatever, and being in all essential respects of no account to anybody on the face of the earth; on the contrary, rather an incumbrance to the land they should occupy, as are these Indians where they are?

Mr. DAWES. I would think the policy of the Government that would do that, that would plant four or five thousand Indians anywhere in the United States with no purpose in life but to consume rations which the Government furnished them, with no schools to educate their children, with no opportunity to learn, would be the height of folly and absurdity, whether the experiment should be tried

in Massachusetts or anywhere else.

Mr. PADDOCK. Would the Senator say that it was an unreasonable request, under such circumstances, if there was another similar tribe a few miles away occupying a similar tract, that both should be put together upon such tract where there was room for both?

Mr. DAWES. That would depend on whom that tract belonged to.

Mr. PADDOCK. It it should be done with the consent of all consents and interested.

cerned and interested?

Mr. DAWES. Mr. President, in the language and in the policy of this Government "consent" means an absolute, dumb, silent yielding

on the part of the Indian to a superior force.

Mr. PADDOCK. Let me say to the Senator that when a tribe of Indians in open council consider a matter and consent to it they consider it as intelligently, and they consent as intelligently, as the Senator does, or the members of the council of his own city or his own township do when they determine what is best to be done for the

community they represent.

Mr. DAWES. Mr. President, I move to reconsider this vote, because the Senate has already instructed another committee to inquire into the propriety of returning the Poncas to their own reservation, and has also instructed it to consider whether it will report back a bill authorizing and requiring the Secretary of the Interior to do that. I think the whole should go together. I think it should be one act, and not a division or antagonism or conflict of views between differ-

Mr. ALLISON. Mr. President, before this question introduced by the Senator from Nebraska passes from public view I want to say a word or two with reference to the Poncas.

Mr. CONKLING. Would it be agreeable to the Senator to allow the resolution in question to be reported before he proceeds?

Mr. ALLISON. I should be very glad to hear it.

The Chief Clerk read the resolution submitted by Mr. SAUNDERS.

Mr. CONKLING. What is the committee that has the matter in

Mr. ALLISON. It is a special committee originally raised for the purpose of examining the Cheyenne trouble. I shall vote with the Senator from Massachusetts to reconsider this resolution. I listened to the resolution when it was offered by the Senator from Nebraska. I could see no particular objection to the inquiry, although my own mind is fully made up as to what I should say in reference to that resolution. The Senator from Massachusetts, however, in detailing the wrongs of the Poncas undertakes to throw the responsibility in the first place upon an act of Congress which he says provided for the removal of these Poncas to the Indian Territory and was put upon an appropriation bill, thus intimating, as I understand him, that there was some wrong purpose in the very inception of this Ponca business.

Mr. DAWES. The Senator will allow me to say this: the appro-

priation was right enough in its letter and in its spirit if it had been carried out in its spirit, because it depended solely upon their consent; that was its phraseology; and if it had been carried out in its

sent; that was its phraseology; and if it had been carried out in its spirit there would not have been a word of complaint. If they intelligently and knowingly had consented to give up their homes and go to the Indian Territory nobody would have complained.

Mr. ALLISON. It was my fortune to be at that time chairman of the Committee on Indian Affairs as well as a member of the Committee on Appropriations. The facts are these: In 1858 a treaty was made with the Ponca tribe of Indians by which a certain portion of the lands lying between the Niobrara and the Missouri Rivers was devoted to their use and benefit. In 1867 and 1868, or the early nor devoted to their use and benefit. In 1867 and 1868, or the early portion of 1868, an Indian war extended almost from the southern boundary of our country to the Canadian possessions on the north, and the Congress of the United States appointed a commission, directing it to make peace with all the Indian tribes, including the great tribes of the Sioux, the Kiowas and Comanches, the Cheyennes, and the Arapahoes, all of whom had made war upon the United States. The United States had expended more than \$50,000,000 to suppress the Indian wars. United States had expended more than \$50,000,000 to suppress these Indian wars. That commission consisted of the now Commanding-General of the Army of the United States, General Sherman, a then Senator of this body, Mr. Henderson of the State of Missouri, and several distinguished officers of the United States Army. They went from the northern to the southern boundary of our country; they met these great Indian tribes in council, and among other things they made a treaty with the great Sioux Nation, comprising many tribes, by which they set apart for the use of the Sioux Nation forever a

tract of country larger in extent than five States like Iowa, which unfortunately included this little Ponca reservation of ninety thousand acres of land. That treaty was ratified by the Senate of the United States. The Sioux always claimed the territory known as the Ponca reservation as a part of their own country, and that when we ceded it to the Poncas we ceded it in violation, as the Sioux always claimed, of their privileges and rights as the original occupants of

that country.

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. DAWES. I have heard that suggestion since the controversy arose, but it is not put upon that ground by the Indian Bureau. It is put upon the ground of a mistake. I want to say that more than after years are now friend will find a treaty between the United States. is put upon the ground of a mistake. I want to say that more than fifty years ago my friend will find a treaty between the United States and the Poncas in 1820 odd, wherein the United States—

Mr. TELLER. Eighteen hundred and seventeen.

Mr. DAWES. Eighteen hundred and seventeen, whereby this country was at that time set apart for these people.

Mr. ALLISON. This identical country in 1817?

Mr. DAWES. Yes, this same country.

Mr. ALLISON. These pipets the people are a seventeen.

Mr. ALLISON. These ninety thousand acres?

Mr. DAWES. The whole of this territory. This ninety thousand acres is what is left to the Poncas of all their large reservation. From time to time it has been cut down.

Now, I want to say a word more. The only trouble with the Sioux was that they must make war upon somebody, and they made war

was that they must make war upon somebody, and they made war upon those that they could with impunity.

Mr. ALLISON. Very well, I am not discussing that question. I only am stating that the Sioux Nation claimed this territory.

Mr. DAWES. They never claimed it until after the treaty of 1868, which by a blunder included it in their territory. They never claimed

it before that I have been able to find.

Mr. ALLISON. For the purposes for which I am speaking it is a matter of no moment. But by what was done in 1868 this country was set apart to the Sioux. The Sioux tribe were in the habit of makwas set apart to the Sloux. The Sloux tribe were in the habit of making annual depredations upon the Poncas. The Poncas would plant a thousand acres of land in corn, and the Sloux in the night-time would come, sweep down upon their corn and destroy it, and burn their houses and destroy their property.

Mr. DAWES. And so to protect them you took their corn-fields away from them!

Mr. ALLISON If the Senetor from Manual and the state of the senetor from the senetor f

Mr. ALLISON. If the Senator from Massachusetts will allow me to make my statement of the case, I think I shall give some reasons why this appropriation bill was passed, at least.

Mr. President, these difficulties occurred from year to year, and the Ponca tribe itself petitioned Congress and the Interior Department to be a senator of the Congress and the Interior Department. ment to have a portion of the Omaha reservation, in Nebraska, set apart for its occupation and use. They said "we are a feeble tribe of seven hundred people; we cannot live in peace with our natural enemies, the Sioux," because they have been enemies, not perhaps for eighty years, but for many years, "and therefore we ask to be removed from the Sioux reservation." I do not remember it in detail, but I remember that that petition was under consideration for some time by the Indian Committee of the Seante. We finally I believe represented Indian Committee of the Senate. We finally, I believe, proposed an agreement by which a part of the Omaha reservation should be set aside for these Poncas. Then the Interior Department informed us that a committee or commission from the Ponca tribe had gone into the Indian Territory, if I remember rightly; at least it was made to appear clearly to the Committee on Indian Affairs of this body and to the Committee on Appropriations that the Ponca Indians preferred to go to the Indian Territory, and upon that representation made by the Department, which we were bound to believe, the annual appro-priation bill for the support of the Indians was amended by insert-ing a provision that the Poncas might be permitted to go to the Indian Territory with their consent.

I am not familiar with the details that followed that appropriation; but I say here and now that the Ponca Indians desired to be removed at the time because they did not want to be in the immediate neighborhood of their hereditary enemies, the Sioux. Certainly that was our understanding here; and if it was a mistake to remove them to the Indian Territory, that mistake rests upon whoever was in charge of the Indian Bureau or the Interior Department at the time. It was, I make no doubt, an honest mistake; but we are now only adding to our complications by proposing to put the Santee Sioux upon this reservation. This reservation now is part of the Sioux reservation, and they are undertaking to make their own living by means of agriculture; and the agricultural lands upon the present limited Sioux reservation are not sufficient now for the number of the Sioux reservation are not sumelent now for the number of the Sioux already on the reservation. The Santee Sioux in my judgment have as good a right to remain in the State of Nebraska as any other citizen of the State of Nebraska has. They have farms there; they have cultivated land there for years; they want to stay there. They have homes and lands in severalty, and they have besought us year by year to provide allotments of their lands by which they can secure a fee-simple title. This we have not given them. Therefore, expressing only my own judgment I am expired any proposition that pressing only my own judgment, I am against any proposition that looks to taking a single individual of the Santee tribe from the State of Nebraska, unless they voluntarily choose to go. Hence I shall vote for the reconsideration proposed by the Senator from MassachuMr. PADDOCK. Nobody has ever proposed that the Santees should to from their lands to the Ponca or any other reservation unless they

themselves first consent to go.

Mr. ALLISON. Undoubtedly.

Mr. PADDOCK. It is altogether an option, so far as any proposi-

tion has ever been made.

Mr. ALLISON. I do not think anything will come of this resolution, whether it be referred to the Committee on Indian Affairs or whether it be referred to the special committee of which the Senator

from Massachusetts is a member and my colleague is chairman.

Mr. PADDOCK. The resolution itself involves nothing whatever except that the Committee on Indian Affairs shall institute an inquiry in respect of it. Therefore it seems to me that the strictures passed upon the resolution are absurd; and the position of the Senator from Iowa, who is a member of that committee, [Mr. Allison,] is equally absurd. It seems to me that this committee ought not to shirk the responsibility of inquiring into the subject, inasmuch as a great body of the citizens of my State in the vicinity of this reservation have been demanding it for a long time and a bill looking to this result has been before that committee for a long period and been neglected by the committee—utterly and absolutely neglected by it—although the Legislature of the State has twice memorialized Congress to take action in regard to the matter. The committee has never given it any attention whatever. I think it is nothing more than right and decent and proper that this resolution should pass and this committee should take action; at all events they should take action far enough to inquire and investigate and say whether it is right and proper that something should be done in regard to this matter.

Mr. HOAR. Mr. President, I desire to point out to my friend, the Senator from Nebraska, the objection to this resolution as it stands, independently of any of the considerations which appeal so deeply to the feeling or the sympathy or the humanity of members of the

Senate.

Here is this feeble Ponca tribe of Indians. Now, it is said, and it is said on authority which the Senator cannot but respect, to wit, the authority of a committee of this body charged with inquiring into that subject, that under circumstances of great inhumanity and harshness these men have been taken, practically against their will, from the property which they owned. Whether that be true or not, the Senate has not yet decided. It is an inquiry that the Senate has they give the property of the p thought fit to make, and in the process of making it certain developments have been made which, as stated by my colleague, present matters of the gravest character.

Now, while it is a matter in doubt whether the members of this feeble Ponca tribe are not exiled by an act of cruel force from their home, and while a resolution is pending directing an inquiry as to whether the honor and character of our Government does not require us to put them back there, a resolution is offered suggesting an inquiry whether we shall not put somebody else into that land of theirs, with or without their consent, or with such consent as may be ex-

torted from them under those circumstances.

My point is that it is not fitting to institute this inquiry till the other is disposed of. The Poncas are in no condition, if the facts be as my colleague represents them, to be asked by this Government for consent. We are sitting as judges in one of the gravest matters affecting the interest of these wards of the nation, these human beings on the one side, and the honor of the United States Government on the other, which is charged with having unwittingly through some of its agencies perpetrated an act of cruelty and injustice on weak of its agencies perpetrated an act of cruelty and injustice on weak and defenseless persons who are in its power. Now, for us to ask these men, while we are considering the propriety of making amends for such a wrong, "Won't you consent; come, give us your consent to give your land away to somebody else," puts the Government in the most unbecoming attitude. I submit to my friend from Nebraska that the time for the introduction of his resolution comes after the other inquiry is disposed of definitely, and not now.

Mr. PADDOCK. Mr. President, this inquiry has already been here before this committee for two years. The Legislature of my State, on behalf of the citizens who are interested as well as the Indians in

on behalf of the citizens who are interested as well as the Indians in that section, memorialized Congress twice; I think two memorials have been here. Therefore it is a question that ought to be inquired into out of regard to the sovereign character of the State in which they are, if for no other reason. There ought to be some inquiry made. None whatever has been made.

made. None whatever has been made.

The Senator says that it is for the United States to consider whether these lands ought to be given to some other tribe of Indians or some other people, or given away in some manner. That is not contemplated. Let it be remembered that these Indians do not own these lands; they are not their property in any sense; they were put there by an executive order after the State was admitted. Citizens who had gone and filed on these lands, men who had located homestead had gone and filed on these lands, men who had located homestead and pre-emption claims, were removed from these lands in order to put these Indians there. It is simply proposed now that these lands, about which there is great uncertainty as to the title, to say the least, shall be disposed of, shall be appraised regularly and sold for money or on time, as may be thought best—at all events, shall be sold in some manner, and that the proceeds shall be applied to the benefit of these Indians pro rata according to their interest.

Mr. CONKLING. My honorable friend was telling us a little while ago about some bad committee of the Senate that had failed entirely

to do what it ought. What committee is that, if I may venture to inquire?

Mr. PADDOCK. The Committee on Indian Affairs. Mr. CONKLING. That is the committee that has been guilty of all this default?

Mr. PADDOCK. That is the committee.

Mr. CONKLING. I think, if the Senator instead of devoting himself to the conduct of the Indians, would renew his assault on the committee, that might be useful.

Mr. PADDOCK. I do not propose to make any particular assault

on the committee or the Indians either.

Mr. CONKLING. They seem to have behaved very badly accord-

Mr. CONKING. They seem to have behaved very badly according to the Senator.

Mr. PADDOCK. The subject has been here for a long time. The resolution, as I understand it, is merely to request the committee to inquire into a subject which has been in their hands for a long period

of time, to which they have given no attention heretofore.

The PRESIDENT pro tempore. The question is: Will the Senate reconsider the vote by which the resolution of the Senator from Nebraska [Mr. SAUNDERS] was referred to the Committee on Indian.

Mr. SAUNDERS. Before that question is put I wish to state—
The PRESIDENT pro tempore. The morning hour has expired.
Mr. SAUNDERS. If I am allowed a few minutes we can dispose of this matter.

Several SENATORS. Regular order.

Mr. PADDOCK. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will go over, but when it will be reached again is more than the Chair can tell.

Mr. SAUNDERS. I ask the consent of the Senate to reconsider

this vote and let it go to the select committee.

The PRESIDENT pro tempore. Is there unanimous consent?

Mr. INGALLS. I call for the regular order.

The PRESIDENT pro tempore. The regular order is called for.

Mr. COKE. I insist on the regular order.

SENATOR FROM LOUISIANA.

Mr. SAULSBURY. I desire to give notice that I shall to-morrow, immediately after the morning hour, call up for consideration the question of privilege on the resolutions reported from the Committee on Privileges and Elections in reference to the seat of the Senator from Louisiana, [Mr. Kellogg.]

The PRESIDENT pro tempore. The regular order is the Senate bill

No. 1509.

Mr. INGALLS. I did not understand when the Senator from Delaware stated that he would call up the question of privilege.

The PRESIDENT pro tempore. To-morrow after the close of the

The PRESIDENT pro tempore. To-morrow after the close of the morning business.

Mr. HOAR. I hope the Senator will not make a call for the consideration of that question at so early a time. The authentic document containing the report of the evidence, which contains a great many printed pages—I presume a thousand or more—was only laid on our tables yesterday morning.

Mr. SAULSBURY. The evidence has been in possession of the Senate for now nearly three weeks.

Mr. HOAR. Senators have postnoned the examination of it until

Mr. HOAR. Senators have postponed the examination of it until

the genuine volume came in.

Mr. SAULSBURY. There is not a member of the Senate but knows what evidence has been stricken out. All the evidence bearing upon the case has been in possession of the Senate for more than two weeks: The committee have not been at all pressing in this matter. We have arrived at a time when I think it is due to the Senate, due to the country, and due to the parties connected with the contest that the

question should be decided.

Mr. HOAR. I desire to make a statement for the consideration of the chairman of the Committee on Privileges and Elections. The original document was withdrawn from all the public places to which it had been sent and from the desks of Senators by the order of the Senate some time ago; and yesterday morning, for the first time, the genuine document was placed on our desks. It seems to me, as one member of the committee, who, therefore, has had better opportunity for the examination of this evidence than other members of the Senate not on the committee, that the time is unreasonably short which

Mr. DAVIS, of Illinois. Mr. President, I do not see the Senator from Indiana [Mr. McDonald] in his seat, but I would like to make an inquiry; does this take precedence of the Geneva award bill?

Mr. CONKLING. It is a privileged question.

Mr. DAVIS, of Illinois, Does that give it precedence of the Geneva award bill without an order of the Senate?

Mr. CONKLING. Not without an order of the Senate.
Mr. DAVIS, of Illinois. I shall then antagonize this matter, and I know the Senator from Indiana wishes to take up the Geneva award bill as soon as the Ute Indian question is through. Mr. McDONALD. The Geneva award bill was laid aside informally

for the purpose of considering the Ute Indian bill.

The PRESIDENT pro tempore. The unfinished business is Senate bill No. 1509. Before it is proceeded with the Chair will lay before the Senate a bill from the House of Representatives for the purpose of reference.

HOUSE BILL REFERRED.

The bill (H. R. No. 5048) relating to justices of the peace in the Territories was read twice by its title, and referred to the Committee on

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1509) to accept and ratify the agreement sub-mitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same, the pending question being on the amendment proposed by Mr. KIRK-wood in section 1, line 7, after the word "apprehension," to strike out the following words:

Or until the Secretary of the Interior shall be convinced that every possible effort to effect such surrender has been made.

Mr. KIRKWOOD. Mr. President

Mr. KIRKWOOD. Mr. Fresident—
Mr. ALLISON. I ask my colleague to yield to me that I may move
an amendment to the text itself by striking out the words "Secretary of the Interior" and inserting "President of the United States."
The PRESIDENT pro tempore. The Senator from Iowa on the right
of the Chair [Mr. ALLISON] moves to amend the text of the bill in
the part sought to be stricken out by the amendment of the other
Senator from Iowa, [Mr. KIRKWOOD.] The question is on this amend-

The amendment was agreed to.
The PRESIDENT pro tempore. The question now is on the amendment of the Senator from Iowa [Mr. Kirkwood] to strike out the

Mr. KIRKWOOD. Mr. President, I desire to submit a very few remarks on this subject, and I will confine myself almost directly to the

question raised by the amendment.

The Ute Indians were on a reservation in the State of Colorado containing some twelve million acres. During the last year a difficulty arose on their reservation between them and the Indian agent stationed at White River; he was attacked, and the condition of affairs became so threatening that he called upon the Government authorities here to send some troops to that agency. They started for that destination, and on their way were met by a portion of these Indians and a battle ensued; a number of our soldiers were killed; a number of the Indians were killed; our soldiers were obliged to intrench and defend themselves as well as they could for several days until reinforcements reached them. In the mean time other of these Indians attacked the agent and the employés at the agency; killed the agent, Mr. Meeker; killed a number of other employés there; carried away and outraged the white women of the agency, and acted throughout in a manner peculiar to wild Indians such as these are. The outrage was such as is not new in our country but is terrible to contemplate.

Immediately thereupon the authorities here demanded that the In-Immediately thereupon the authorities here demanded that the Indians should surrender those of their number who were guilty of the murder of the employés at the agency and of the outrages committed upon the women, and they persisted in that demand, rightfully so, righteously so. They persisted in that demand until a number of the Indians came here and entered into an agreement (which is contained in this bill) with the Secretary of the Interior. That agreement makes no provision for the surrender of any of these persons. It makes no provision for the surrender of any one guilty of the outrages, greater than murder, committed upon the white women. That agreement has been sent to Congress for ratification and approval.

The Committee on Indian Affairs, recognizing the absolute justice of making the demand and enforcing the demand for the surrender of these criminals, seeks to amend the agreement so as to prevent the

of these criminals, seeks to amend the agreement so as to prevent the of these criminals, seeks to amend the agreement so as to prevent the payment to the Indians of any of the annuities due them until they shall surrender these criminals or until the Secretary of the Interior, now by the amendment of my colleague substituted by the President of the United States, shall be convinced that every possible effort to effect such surrender has been made. The amendment I propose is to strike out that clause, and to pay them not one dollar of annuities until they shall surrender for punishment, if there is any mode of punishing them, the men who have been guilty of these wrongs. If my amendment prevails it will leave it upon the naked ground that until they shall surrender for punishment these murderers, these ravishers, we will not pay them a dollar; and I will vote for no bill that ishers, we will not pay them a dollar; and I will vote for no bill that does not contain that stipulation.

Mr. INGALLS. Does the Senator from Iowa intend the Senate to understand that the agreement made between the Government and these Indians contains no stipulation for the surrender of the persons

guilty of the wrongs he has spoken of ?

Mr. KIRKWOOD. If the Senator will point it out to me, I shall be glad to hear it.
Mr. INGALLS. Let me read from page 3:

Said agreement is in words and figures as follows, namely:

The chiefs and head-men of the confederated bands of the Utes, now present in Washington, hereby promise and agree to procure the surrender to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker and the employes at the White River agency on the 29th day of September, 1879; and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

Mr. KIRKWOOD. I was aware that the agreement contained that stipulation. Now, what is it? The agreement is that these men will, if they can, surrender these criminals; but if they cannot, what then? It is not an unconditional agreement to do it.

Mr. INGALLS. Then the Senator and myself differ greatly about the meaning of the English language. I understand that this is the preliminary fundamental fact upon which this agreement stands, that they do promise to procure the surrender of these parties.

Mr. KIRKWOOD. If the Senator will strike out all after the word "1879" in line 47 it will be see but when you read the clarge "and

"1879," in line 47, it will be so; but when you read the clause, "and in case they do not themselves succeed in apprehending the said

in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties," it makes a very wide difference in the meaning of that clause.

Mr. INGALLS. It appears to me that we ought not to ask of the Ute Indians anything more than we should ask of any community of persons anywhere that contained within its members persons guilty of infractions of law. In this matter here certain members of the Ute tribe have been guilty of orimes. The Ute Indians agree that they will surrender the persons who have committed these crimes, or in case they themselves are unable to procure the surrender that they will not only allow the United States Government to arrest them, but that they will themselves co-operate with those authorities in securwill not only allow the United States Government to arrest them, but that they will themselves co-operate with those authorities in securing the apprehension of the offenders; so that if the Ute Indians do not surrender the parties it is open for the Government of the United States, by the whole force of its civil and military power, to enforce the apprehension and capture and surrender of these parties. I do not see what more could be done.

Mr. KIRKWOOD I think I understand fully the meaning of this

not see what more could be done.

Mr. KIRKWOOD. I think I understand fully the meaning of this language, and that is, these Indians say they will arrest and surrender these criminals; but if they do not do it, if they should not do it.

Mr. INGALLS. If they cannot do it.

Mr. KIRKWOOD. "In case they do not themselves succeed in apprehending the said parties," then what? Two things they will do. They first magnanimously agree that they will not obstruct the Government of the United States in its efforts to arrest them. That is a very condescending, a very magnanimous thing for the Indians to do! They absolutely agree that if they do not themselves arrest these people, they will not obstruct or hinder—

Mr. INGALLS. Does the Senator think that they should obstruct their apprehension?

Mr. INGALLS. Does the Senator think that they should obstruct their apprehension?

Mr. KIRKWOOD. No; but I would not bargain with them that they should not do it. What is this Government of the United States within its own limits? Has it got to bargain with anybody for the protection of its own people? What right has an Indian upon the Ute reservation, or elsewhere, to obstruct the Government of the United States in the prophension of many who have marked. States in the apprehension of men who have murdered the citizens and outraged the women?

Mr. INGALLS. What right has a grizzly bear to compel an Ameri-

Mr. INGALLS. What is can citizen to climb a tree?

Mr. KIRKWOOD. We are not talking about grizzly bears, but about human beings. Look at it, Mr. President—

about human beings.

Mr. MORGAN. I should like to ask the Senator from Towa whether there is any provision of law by which these Indians can be punished after they are arrested, and where are they to be punished?

Mr. KIRKWOOD. Mr. President, Mrs. Glass or somebody else said, in prescribing a mode of cooking a hare, that it was a good thing to catch the hare first. I am more concerned about catching these Indians for the present than about punishing them afterward. We will see about that when we have caught them. It is not white for us to quarrel over the question whether we can or cannot

will see about that when we have caught them. It is not worth while for us to quarrel over the question whether we can or cannot punish them until we have them ready for punishment.

Mr. MORGAN. I will say to the Senator that I have no doubt of our power to punish them; and if we have the power to punish them we certainly have equally the right and power to catch them.

Mr. KIRKWOOD. Very well. Now, here, either the attack upon our soldiers and the attack upon the employes of the agency was done by these Ute tribes, as tribes, or it was done by individuals of the tribes without the tribal authority. One of the two is true; I do not know which is true. I understand the Senator from Colorado [Mr. Teller] to say that representatives from all three of the Ute tribes were present both at the battle against Major Thornburgh and at the were present both at the battle against Major Thornburgh and at the massacre at White River agency. If that be true, the act is the act of the tribes. If, upon the other hand, it be merely an act of a portion of the people, without tribal authority, it varies, perhaps, the liability of the tribes as such, but it does not vary this: There are some four thousand Utes altogether. Now, we all know enough about them to understand that they know who were the men engaged in this thing. There can be no doubt whatever that the chiefs of the tribes know what men were engaged in the battle against Thornburgh, and what men were engaged in the battle against Thornburgh, and what men were engaged in the attack upon the agency and the outrages that followed. They know who they are. They could have surrendered them months ago if they would have surrendered them months ago; but they have not done it, and I do not know that they have even communicated to the Government of the United States the names of the parties by whom the outrages were committed.

Mr. CONKLING. May I inquire of the Senator under what law or principle they are bound to surrender them if they do know?

principle they are bound to surrender them if they do know !

Mr. KIRKWOOD. Mr. President, I am not a very good lawyer, but we are here dealing with these Indian people in some peculiar rela-tions that they bear to the Government of the United States. We have made treaties with them heretofore, we are making treaties with them now, as organized bodies. Whether they are independent nations or not, I do not pretend to say; but they are organized bodies with which, as such, we treat, bargain, and contract.

Mr. CARPENTER. Will the Senator allow me to ask him a ques-

Mr. KIRKWOOD. Certainly.

Mr. CARPENTER. I should like to inquire on what principle the action now proposed proceeds. We have treated this tribe, I understand, as we do other Indian tribes; we have made treaties with them. They violate the treaty, and make war upon us. Do you propose to arrest and hang them for it, or make war back?

Mr. KIRKWOOD. I am not prepared to say. As I said to the Senter from Aleberge a chost time since I was a conversed at this

ator from Alabama a short time since, I am more concerned at this

time to secure the guilty parties.

Mr. CARPENTER. I submit that before the Senate passes a bill compelling these men to be surrendered, we should inquire whether we have got any right to make such a demand, or to punish them if

they are surrendered.

Mr. TELLER. I should like to answer the Senator from Wisconsin, because he evidently does not understand this matter. It is not a proposition to punish the men who went into battle—I suppose we should have to punish four hundred or five hundred men if we did that—but it is to punish the men who were guilty of the murder of the agent and the employés and the subsequent mistreatment of the

Mr. INGALLS. They have all been invited to come in and be

hanged.

Mr. TELLER They have, and the honorable Secretary has stood aghast that they did not come. Ouray stood up there and declared the five or six men who were delivered up were not the men. He says that the names given by the women are not the men who were guilty of the crime, and he, like all the rest, refuses to give the

Mr. KIRKWOOD. It may be—sounder lawyers than I must answer the question—that upon Indian reservations our agents, sent there clothed with the authority of the United States, can be murdered; it may be that their wives or daughters may be ravished by Indians; it may be that these things can occur, and that there is no mode known to the law by which they can be punished for doing such acts. If that be so, I am very sorry that it is so.

Mr. CONKLING. I want to know under what provision or what treaty it is you say these men are bound to surrender the guilty par-

Mr. KIRKWOOD. If in England a number of citizens of the United States were there resident, or in France, where many of them are re ident, if the authorities of France or the authorities of England should take those citizens of the United States and murder the men and outrage the women, I do not think we should have any difficulty in as-certaining that the Government of the United States had the right to demand of the French government or the English government that the men who had committed those crimes should be punished, and I have no doubt that there would not be found a voice in the American Senate that would not say that if it was not done we would war with France or with England.

Mr. HOAR. What could we do with them if they were given up? Mr. KIRKWOOD. If I am right, these wrongs were committed within the jurisdiction of the United States, and I suppose that the Government of the United States is competent to punish murder and

rape within its own limits.

Mr. CONKLING. That may be; but I want to know how the Indians are bound to deliver them up?

Mr. KIRKWOOD. Because we are endeavoring to treat with them, and I would not treat with them to the value of a nickel; I would and I would not treat with them for the value of a incket, I would not treat with them for the possession of a rod of land until they had done what they can do, and what they have virtually said they will not do—surrender these criminals. I would make it the very first condition of any motion for a treaty or agreement with them. I would make no agreement with them, I would make no movement to them, I would pay no dollar to them until they had done so; and if they would make no bargain upon that condition, then I would send the Army of the United States there and I would sweep them from the

face of the earth.

Mr. CARPENTER. Will the Senator allow me to make a suggestion?

Mr. KIRKWOOD. Certainly.
Mr. CARPENTER. An instance once occurred exactly within the Mr. CARPENTER. An instance once occurred exactly within the illustration supposed by the Senator. Great Britain sent men across from Canada to attack a ship in the waters of the United States, and they murdered several people in Buffalo, within the jurisdiction of the State of New York, set the ship on fire and sent it over Niagara Falls blazing. The people of New York indicted one MacLeod for murder in that instance, and Mr. Secretary Webster and I believe all the best jurists of that day concurred that the State of New York could not and that the United States could not punish that as a murder, the foreign nation having avowed and made itself responsible for the act.

Now we have got to treat the Indians as one thing or the other. If we treat them as parties to treaties, then we have got to treat them with the same respect that we treat Great Britain. If we do not make treaties with them and regard them as subject to our laws, then I conceive we are to make laws and punish them for the violation of those laws. Our difficulty, it seems to me, is that we are trying to do both, which of course is inconsistent and impossible. We make treaties with them, we hold them responsible for violating those treaties. Now, what treaty binds them to deliver up these criminals?

Mone that I am aware of.

Mr. ALLISON. Mr. President—

Mr. KIRKWOOD. I must insist on my rights, for I dislike to consume the time of the Senate very much. I will hear my colleague, however.

Mr. ALLISON. I only wanted to call my colleague's attention to the fact that the treaty of 1868 expressly provides that in case wrongs are committed by these Indians they shall surrender the criminals to the United States to be tried according to the laws of the United

Mr. CONKLING. And it also provides a rule of damages in case

Mr. ALLISON. Certainly. If they do not do it the penalty is fixed

in the treaty itself.
Mr. WHYTE. V Will the Senator allow me to ask-

Mr. KHRKWOOD. Let us get through one thing at a time.
Mr. WHYTE. But just at this point, if the Senator will allow me,
desire to ask his colleague what law of the United States provides for the punishment of these Indians after they are surrendered?

Mr. CONKLING. That is the trouble.

Mr. KIRKWOOD. I do not like to have two or three issues at one Mr. KIRK WOOD. I do not like to have two or three issues at one time. Under the old common-law practice that was not considered a good way to try a case. I should like to answer the Senator from Wisconsin myself, as I have the floor. It is a long time since I read the history of the transaction to which he alludes, but my recollection of it varies somewhat from his. The men who were caught upon the American side who were engaged in the burning of the Caroline were indicted, and were tried by the State of New York. They were tried for murder.

Mr. CONKLING. MacLeod ?

Mr. KIRKWOOD. Somebody; I do not remember the name. Mr. Webster was negotiating with the British government at that time, the British government having assumed the responsibility of what had been done—not having ordered what had been done, but having assumed the responsibility of it—Mr. Webster thought that it was a matter which should be treated between the government of Great Britain and the Government of the United States. Still New York held on to the man she had caught, and he was indicted and tried, and, on to the man she had caught, and he was indicted and tried, and, luckily for the peace of the two governments, he was pronounced not guilty by the jury. But if the State of New York had pronounced him guilty and sentenced him to be hung, what would have happened I do not know, and nobody knows, I apprehend.

Mr. HOAR. If I recollect that case correctly, the British government avowed the act as an act of public force, done under her authority and at that everyal heing neved in defense under the instruc-

ity, and on that avowal being proved in defense, under the instruc-tion of the New York judge that was held a defense for the criminal,

and he was acquitted.

Mr. KIRKWOOD. It is a long time since I read the case, but the fact remains that the State of New York indicted a man for murder, tried him for murder, and he was pronounced for some cause not

guilty.

Mr. CARPENTER. On the ground that the English government

having avowed the act he was not personally responsible.

Mr. KIRKWOOD. I do not know but that that may be so. But here now in this case these people as tribes, I understand, have violated every existing treaty there is between them and the Government of the United States if it be true as the Separator from Colorado save

lated every existing treaty there is between them and the Government of the United States, if it be true as the Senator from Colorado says that every Ute tribe was represented in the battle with Thornburgh and in the massacre at White River.

Mr. INGALLS. There is no claim of that.

Mr. KIRKWOOD. The Senator from Colorado says it is so.

Mr. TELLER. It is true that every single band was there represented, unless it was the Uintahs, and there were at least four Uintahs there by their own agent's statement. There is but one Ute tribe, and these are bands, and every band had its representative there, unless it was the Uintahs, and the agent reports that he thinks four Uintahs were there.

Mr. ALLISON. What agent?

Mr. TELLER. Mr. Crichlow.

Mr. CONKLING. Suppose they were, what does that show?

Mr. TELLER. It shows that the whole tribe were engaged in the acts.

Mr. KIRKWOOD. The authorities, so to speak, of these bands unquestionably know who these men were, and they come here and they propose to our Government, "Let us make a new treaty; let us make a new agreement; you owe us a certain amount of money for back annuities; we are willing to surrender our claim, whatever it may be, to a body of the lands that we hold under former treaties, and to take a less quantity; we want you to pay us \$50,000 a year, a greater amount of annuities than you were paying before; you agreed to pay \$25,000 a year; now we want you to pay \$50,000 a year; in addition to that we want you to do various other things for us." Very well; I am willing to make a new agreement with them; I am willing to make a new contract with them; I am willing to make a new treaty with them, if you choose to call it a treaty; but before I will move a step in doing it I want these criminals surrendered. We certainly have the right to say whether we will make a new agreement or not. The first condition I submit before I will take a single step for making any new agreement with them must be a surrender of these persons to us that they may be punished by our laws, if our laws provide any punishment for them and any mode of applying punishment to them. If you do not do it, you are encouraging the committing of outrages of the kind again. Instead of guarding our people against

outrages of the kind again. Instead of guarding our people against the repetition of such outrages, you are encouraging these men to commit them again whenever in their passion, or whatever you may please to call it, they see fit to attempt to commit them again.

Mr. HILL, of Colorado. I wish the privilege of asking the Senator from Iowa if he is well advised as to the facts in respect to the power of these Indians to deliver up these guilty men. Persons well informed in this matter have stated that they have left the tribe; some of them are known to have left the tribe, and have gene and joined other tribes of Indians, and are very likely to-day in the British Possessions. It would be very natural that they should do so if they knew they were to be arrested, and tried, and punished. They are not fond of being hung. Therefore I think the Senator is not well advised in saying it is in the power of these Indians to-day to deliver use all these means of demand.

advised in saying it is in the power of these Indians to-day to deliver up all these men on demand.

Mr. KIRKWOOD. Mr. President, for weeks and months after these outrages were committed they were promising to deliver them up. Efforts were made to have them delivered up, and they were promised to be delivered up, but they baffled and delayed and delayed and baffled and evaded and evaded until now the Senator says the men have

fled and evaded and evaded until now the Senator says the men have left. I was urging upon the Senate the consideration of this, that when you allow outrages of this kind committed by Indians upon white men to go unpunished you are encouraging a repetition of them. Mr. COKE. Will the Senator allow me?

Mr. KIRKWOOD. Let me go a little further on the point I am at. My colleague will recollect as well as myself an occurrence that took place in the State of Iowa some years ago, in 1857, I think. A band of Sioux Indians from Dakota, not resident in Iowa at all, having no location there no business there entered our State upon the western location there, no business there, entered our State upon the western border and passed diagonally through and out on the northern border, leaving behind them a trail of fire and blood. They murdered every man they met upon their passage through our State, and outraged every woman; they burned houses; they destroyed property, and passed off into Minnesota, and that was the last of them. Our State passed off into Minnesota, and that was the last of them. Our State people attempted as volunteers to go to the scene of danger. They went to the region where the trouble had occurred and endeavored to protect the people who were still there if they could afford them protection; but when they got there the Indians were gone. They had vanished like these murderers the Senator from Colorado tells us already have, and nothing was done. I think the United States did pay the State of Iowa some of the expense the State incurred in sendpay the State of Iowa some of the expense the State incurred in sending her volunteers there, but no man ever was punished for those deeds. From that day to this the injuries to those citizens of Iowa who were murdered and worse than murdered have gone unredressed; no punishment has been suffered by the guilty parties, and no attempt has ever been made to punish them so far as I know. These outrages were committed by a band of Sioux; and because that band of Sioux was not punished the Sioux tribe in Dakota ever since, until recently they have been thoroughly whipped, has been aggressive, overbearing, hostile. And so it will be here if you take no means to punish these men. If you do not require them to be surrendered for punishment at least, you are offering a premium to such men for all ishment at least, you are offering a premium to such men for all ishment at least, you are offering a premium to such men for all future time to repeat just such outrages whenever their passions lead them so to do. That is the point I want to make, and I want to put it upon the single ground that we say to these people, "Until you do surrender for trial and punishment the men that you yourselves know have been guilty of these outrages, we will not treat with you at all." Mr. INGALLS. Suppose they have fled? Mr. KIRKWOOD. I have repeatedly admitted my limited knowledge of law. I used to know something about law some years ago; but I have forgotten it. My recollection, however, is that a contract can never be construed to require an impossibility.

Mr. INGALLS. Suppose they have fled beyond the limits of the United States?

United States?

Mr. KIRKWOOD. I do not know that.

Mr. INGALLS. My point is, ought there not to be some discretion lodged with some officer of the Government, in whom Congress can place confidence for the proper administration of law and the protection of its citizens, that will permit the provisions of a beneficent agreement like this to be carried out?

Mr. KIRKWOOD. I do not think so. If I had thought so I would Mr. KIRKWOOD. Ido not think so. If I had thought so I would not have offered the amendment. If you will place this matter upon the ground I suggest, that these people shall not be treated with, shall not be recognized, shall be in no way contracted with or dealt with, until they surrender these guilty Indians, and they know you mean it, you will get them; but just so long as you palter with this matter in a double sense and say you will have them if you can get them, or they must surrender them if they can, and if they cannot then not, you will never get them.

Mr. HILL, of Colorado. I dislike to interrupt the honorable Senator, but I wish to state that I believe there is no person who is well informed on this subject who doubts that the authorities of these tribes did the best in their power to deliver up these Indians; and it must be borne in mind at the same time that they did deliver up six of them. It was doing pretty well for a savage race of Indians to bring forward and deliver up six men accused of crime, knowing that

Mr. KIRKWOOD. Of course I do not know what occurred in Colorado as well as the Senators from that State know. If they were agreed fully upon what did occur there, and what did not occur, I should perhaps feel myself compelled to assent to their conclusion; should perhaps feel myself compelled to assent to their conclusion; but knowing what I know about Indians, I think I know, I feel fully assured at least, that if these Indians had intended to deliver these men they would have been delivered long ago. It was only because of the belief that they could shuffle off this matter, as they have again and again and again, without punishment; it was because they knew that, or because they hoped they could do so in this case, and they have done so thus far and will do so again if the American Congress

consents that it shall be done.

I have said my say, Mr. President.

Mr. WHYTE. Mr. President, the discussion which the Senator from Iowa has evoked in regard to the surrender of these Indians indicates the absolute absurdity of the whole Indian policy which has been pursued by the Government for the last few years. is the use of clamoring for the surrender of these Indians when, after you get them, you do not know what to do with them?

Mr. COKE. Allow me to suggest that the Revised Statutes, section

2145, provides:

Except as to crimes the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

Mr. WHYTE. "The Indian country," yes.
Mr. COKE. "The Indian country," and each Indian reservation is a part of "the Indian country," and I think that any crime committed by an Indian upon a white person on a reservation, as well as in the Indian Territory, is cognizable and punishable in the courts of the United States in that State or Territory where they may live. That is exactly the jurisdiction exercised over the Indian Territory by the courts of the United States, one of them at Fort Smith, Arbaneses

Mr. WHYTE. Mr. President, I do not understand that this provision of the law has the slightest reference to the reservation in the State of Colorado. It has reference to the Indian Territory, as the district court in Arkansas, if I remember correctly, has peculiar jurisdiction over crimes committed on the border; but there is no law, as far as I know, and I have taken the trouble to investigate the subject, which can carry out the intention, as I suppose, of the Senate and of the President, when they made the treaty for the surrender of these bad Indians.

Mr. ALLISON. Will the Senator allow me to suggest that he did not listen to the Senator from Colorado, [Mr. Teller,] who yesterday stated distinctly that these people could be punished under the laws

Mr. WHYTE. I supposed the Senator from Colorado had reference to crimes committed off the reservation, and not to any crimes com-

to crimes committed off the reservation, and not to any crimes committed upon the reservation.

Mr. TELLER. I will say that Judge Miller held in Kansas twice, and Judge Dillon in Nebraska, with the concurrence of the district judge, that for crimes committed on the reservations the Indians could be punished in the State courts. Now, this is not a proposition on the part of the Government to allow us to punish them. They were given an immunity, and told, "If you agree to this the State shall not punish you, and we will, if there is any law, or we will not, as the case may be."

Mr. WHYTE. I have understood that that question has been thoroughly discussed, and I have never heard before of these decisions in the circuit court, as I suppose they were. The discussion has been as to the propriety of authorizing the States to punish them for crimes committed within the State jurisdiction or within the boundaries of the State, and to allow the territorial courts to take jurisdiction in the Territories, wherever there were reservations; but I never have heard before that there was any law to carry out such an argument heard before that there was any law to carry out such an argument or enforce it, nor have I seen the decisions to which the Senator from Colorado refers.

Mr. MORGAN. Will the honorable Senator from Maryland allow me a moment to call his attention to a statute which I do not find in the Revised Statutes, but which I find in the report of the Committee on the Judiciary made by Mr. CARPENTER on the 14th of December, 1870. That report was on the question of the citizenship of Indians under the first clause of the fourteenth amendment of the Constitu-tion. In it the following laws are quoted, and I suppose they are still in force. If the Senator from Maryland will allow me I will read

Chapter 92, section 1, laws of 1817, provides:

That if any Indian, or other person or persons, shall, within the United States, and within any town, district, or territory belonging to any nation or nations, tribe or tribes of Indians, commit any crime, offense, or misdemeanor, which, if committed in any place or district of country under the sole and exclusive jurisdiction of the United States, would by the laws of the United States be punished with

death, or any other punishment, every such offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offenses, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States.

Section 2 of same chapter provides:

Section 2 of same chapter provides:

That the superior courts in each of the territorial districts, and the circuit courts and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with full power and authority to hear, try, and punish all crimes, offenses, and misdemeanors against this act; such courts proceeding therein in the same manner as if such crimes, offenses, and misdemeanors had been committed within the bounds of their respective districts: Provided, That nothing in this act shall be so construed as to affect any treaty now in force between the United States and any Indian nation, or to extend to any offense committed by one Indian against another, within any Indian boundary.

That is the law of 1817. Whether that has every been revealed.

That is the law of 1817. Whether that has ever been repealed, I am not advised. The Committee on the Judiciary presented it as

Mr. WHYTE. But the Senator will observe that that committee came to the conclusion that an Indian could not be tried by the laws of the United States.

Mr. MORGAN. No, I beg pardon; the committee had under consideration the question whether or not an Indian is a citizen of the United States and of the State wherein he resides, by force of the first

clause of the fourteenth amendment to the Constitution.

Mr. WHYTE. Let me read, if it is the same report that I have referred to, the report made by the Senator from Wisconsin [Mr. Car-PENTER

Mr. MORGAN. Yes. Mr. WHYTE. That report says:

Inasmuch as the Constitution treats Indian tribes as belonging to the rank of nations capable of making treaties, it is evident that an act of Congress which should assume to treat the members of a tribe as subject to the municipal jurisdiction of the United States would be unconstitutional and void.

Mr. MORGAN. I understand the committee to present this stat-

Mr. WHYTE. And they declare it to be unconstitutional and void.
Mr. MORGAN. Not as I understand the report.
Mr. WHYTE. If the Senator will look to the conclusion he will find it so. I differed with the honorable Senator from Wisconsin who made that report. I have quoted the language of the report. I remember the report.

Mr. MORGAN. That conclusion was not with reference to this

statute.

Mr. WHYTE. It was with reference to that statute, as a matter of course, when the conclusion is that no statute which authorizes them to be tried is constitutional, because we dealt with them as nations, and they were not therefore subject to the municipal jurisdiction of the courts of the United States.

Mr. MORGAN. The Senator, of course, knows that an act of Con-gress has deprived them of all nationality—that it has denationalized

Mr. WHYTE. Yes; and the reason why I am not going to vote for the bill is, because that law stands in the way of a treaty, and this is nothing more than a treaty, according to my judgment. I follow the learned Senator from Alabama in that view of the case; but that is not the question. The Supreme Court has decided that in the Territories the United States courts for the Territories can try an Indian for an offense committed in the Territory, but I am speaking of the Indians in the State of Colorado. The Supreme Court of the United States makes the distinction that outside of the States there is jurisdiction, but there is no jurisdiction in the courts of the United States within the States. I will read the decision of the court, for I looked within the States. I will read the decision of the court, for I looked at this subject and discussed it two years ago in the Senate. The power of Congress to subject these Indians (now declared to be no longer capable of treating as nations) to the authority of congressional laws cannot be doubted, for the Supreme Court has decided in United States vs. Rodgers, 4 Howard, 572, that it is—

Too firmly and clearly established to admit of dispute that the Indian tribes residing within the territorial limits of the United States are subject to their authority, and when the country occupied by them is not within the territorial limits of one of the States Congress may, by law, punish any offense committed there, no matter whether the offender be a white man or an Indian.

Again in the case of the Cherokee tobacco. (11 Wallace, 619) after

Again, in the case of the Cherokee tobacco, (11 Wallace, 619,) after declaring the Indian Territory to be considered as a part of the United States and stating the decision of the court in the case of The United States vs. Rodgers, (4 Howard, 572,) the court said:

Both these propositions are so well settled in our jurisprudence that it would be a waste of time to discuss them or to refer to further authority in support of them. There is a long and unbroken current of legislation and adjudication in accordance with them, and we are aware of nothing in conflict with either.

A treaty may supersede a prior act of Congress, and an act of Congress mast supersede a prior treaty. * * Indian treaties "have no higher sanction." (i Wallace, 6%).)

But they affirm the decision in the case of The United States vs. Rodgers, which held that whenever an offense was committed in a Territory under the jurisdiction of the United States the Indian might be tried as a white man was tried, but that that law did not apply where it was within the borders of a State. Therefore I ask where is the law to try these Indians for an offense committed on a reservation within the boundary of the State of Colorade? There is no law of the United States that makes them triable by the United States courts. There is no authority in the State to try them for a crime committed

upon a reservation not under the control of the State. Then why make a point about their surrender? It strikes me there is nothing in that a point about their surrender? It strikes me there is nothing in that point at all. He who votes to require their surrender votes merely to have them transported to Washington, and then comes the question, what will you do with them? There is no law to do anything with them but to imprison them I suppose under the general power of the United States to lock anybody up.

Mr. CONKLING. Will the Senator hear me a moment?

Mr. WHYTE. Yes, sir; with great pleasure.

Mr. CONKLING. Shall I understand him to assert that if in Colorado an Indian, although he is domiciled on a reservation, commit murder or felony, he is not triable by the laws of Colorado in the

murder or felony, he is not triable by the laws of Colorado in the

Mr. WHYTE. If he commits it on the jurisdiction of Colorado.

Mr. WHYTE. If he commits it on the reservation he is not triable in the State courts.

Mr. CONKLING. Ah, if he commits the crime on the reservation.
Mr. WHYTE. That is what I said. I said nothing else.
Mr. CONKLING. I beg the Senator's pardon.
Mr. WHYTE. Of course if he commits it outside of the reservation, and on the soil under the control and jurisdiction of the State, he is triable by the laws of Colorado just as a white man is.
Mr. CARPENTER. Just as a British subject would be.

Mr. SLATER. I desire to state that this question has come up in Oregon and has been considered in the State courts, which have held that they have jurisdiction to try all offenses between the whites and Indians committed on or off the reservations. They have gone so far as to convict Indians of murder on a reservation and to execute the Indians so convicted.

Mr. ALLISON. That is where a white man was murdered ?
Mr. SLATER. Where a white man was murdered. The decisions
go to the extent of arresting Indians for larceny when the larceny is committed on a reservation and sending the parties to the penitentiary. There is no doubt of that authority.

Mr. WHYTE. There may be some local decisions; I am speaking

about the decisions of the courts of the United States. I am speaking of the principle of law which has prevailed in the Supreme Court of the United States and in the inferior courts of the United States. I am not going to set up my knowledge against the knowledge of any Senator in regard to the local decisions of his State. I have never heard of any question being raised in regard to the decision of a State court, but I am speaking of the decision of the Supreme Court of the United State

Mr. CONKLING. Does the Senator understand that if an Indian commits an offense on an Indian reservation, he, more or less than a white man, committing the same offense in the same place is triable? Is there a particular jurisdiction? The Senator does not understand that there is any distinction between a white man and an Indian in

that regard?

Mr. WHYTE. The distinction I am making is in regard to the locality where the crime is committed. That is the point.

Mr. HOAR. Is the reservation a part of the State, or is it excepted from the State like a United States fort where jurisdiction has been

Mr. WHYTE. That is my judgment.
Mr. HOAR. I ask the Senator the question.
Mr. WHYTE. My judgment is that a reservation is excepted from

Mr. WHYTE. My judgment is that a reservation is excepted from the control of State authority.

Mr. TELLER. I should like to say that that question has been passed on twice by Judge Miller, who decided that unless there was something in the enabling act admitting the State or something in something in the enabling act admitting the State or something in the relation of the Indians by special treaty that excepted their res-ervation from the State control it became a part of the State and sub-ject to the jurisdiction of the State, and was not like the case of a fort. He decided that twice in Kansas.

Mr. WHYTE. Does the Senator from Colorado state now that if these Indians are surrendered they can be delivered to the authori-

ties of the State of Colorado and tried in the State courts?

Mr. TELLER. It is my judgment that they can upon the decision that I have mentioned, unless there is a distinction made between a white man and an Indian. Judge Miller held in the Kansas case in 1863, and he reaffirmed the doctrine, (it has never been decided by the Supreme Court,) that where two white men got into a controversy and one killed the other on an Indian reservation, it was not in the power of the United States courts to punish the criminal; that it belonged to the State courts.

Mr. HOAR. Was that a decision of the Supreme Court of the United

States, or his own opinion?

Mr. TELLER. His own opinion.

Mr. WHYTE. A local court; the circuit court.

Mr. TELLER. The circuit court in Kansas. Judge Dillon afterward in Nebraska held the same doctrine in a case which occurred there where an Indian killed a white man off a reservation.

Mr. WHYTE. That is a different case. There is no difficulty where

the locality of the crime is within the jurisdiction of the State. is committed where the State courts have absolute jurisdiction, it makes no difference, in my judgment, whether the man is white, red, or black; the crime is punishable by the State, because it is committed under the sovereignty of the State.

I merely rose for a moment, and did not intend to get into any dis-cussion of the subject, to call the attention of the Senate to the fact that this debate discloses more and more the necessity of having upon that this debate discloses more and more the necessity of having upon the part of the Government of the United States some established policy in regard to the Indians. We passed a law that there should be no treaty made hereafter with Indians as nations. Having treated them from the foundation of the Government to 1871 as nations capable of making a treaty, we determined in 1871 that hereafter there should never be a treaty made with a tribe of Indians. They were to be denationalized; they were to be deprived of the power of making a contract as a nation, which before had been recognized as belonging

Mr. ALLISON. Will the Senator allow me to interrupt him?
Mr. WHYTE. Certainly.
Mr. ALLISON. The provision of the act of 1871 was put upon an appropriation bill, and if the Senator will look at it he will see that it is carefully guarded; that is, they shall not contract by treaty.

If the Senator will pardon me just one moment more, I will give the reason why that provision was made. It was contended for long years by the House of Representatives, not only with reference to treaties with Indians but with foreign nations, that the Senate could not make a treaty involving the payment of money. We had a long contest, as the Senator from Kentucky [Mr. Beck] will remember, with reference to the Alaska purchase. In 1868 General Sherman and others made treaties with nearly all the tribes of Indians, involving the payment of several millions of dollars per annum. Some of those treaties in 1871 had not been ratified by the Senate; and after a long contest between the House of Representatives and the Senate this provision was put on an Indian appropriation bill for the sole and exclusive purpose of preventing, as it was claimed, the Senate of the United States from involving the Government in an expenditure of money without the consent of the House. That is all that was intended to be done by that provision, and the language carefully guards that condition of things.

Mr. WHYTE. I have no difficulty and never have had any difficulty about the motive which impelled the passage of the act of 1871. It grew out of that old jealousy which began in 1798, existed in 1802, and came along down until 1816, when it was discussed largely in the House of Representatives—the jealousy upon the part of the House of the President and the Senate making contracts or treaties with foreign nations which involved the payment of money without consulting those who sat at the other end of the Capitol. I have no doubt that that was the spirit that moved the gentleman who introduced that rider to the appropriation bill—a system of legislation which I never have approved. It has grown so by custom that it If the Senator will pardon me just one moment more, I will give

duced that rider to the appropriation bill-a system of legislation duced that rider to the appropriation bill—a system or legislation which I never have approved. It has grown so by custom that it has become a parliamentary law; but it is wrong in principle, because oftentimes the mind of those voting for it as a rider upon an appropriation bill is not as thoroughly called to the subject-matter contained in the amendment as it would be if it were a substantive proposition thoroughly discussed and more deliberately considered.

Mr. BECK. Will the Senator allow me to make a suggestion in

the same direction?

Mr. WHYTE. With great pleasure.
Mr. BECK. The Senator from Iowa [Mr. Allison] has mentioned some of the reasons which induced the action taken in 1871 relative to Indian treaties. With the consent of the Senator from Maryland, as I took a pretty active part in that matter, I desire to add, in addition to what the Senator from Iowa has said, that the commissioners who negotiated the treaties of 1868 were appointed by an act of Congress; and, as I now recollect, they were required in the allotment of the reservations to the different Indians under those treaties to submit their action back to Congress. That was never done. The lower House never having had an opportunity to act upon the reservations that were allotted, and those commissioners having been aptions that were allotted, and those commissioners having been appointed by an act of Congress and not under the treaty-making power, it was determined by the House that it should be heard in regard to all those matters. Therefore, in the year 1870 the House absolutely refused to carry out any of these treaties, and placed two or three million dollars in the hands of the President for Indian purposes to do as he pleased with the money; and I believe he did with that two or three millions better and kept the Indians in better order than had been done before or was done afterward with six or seven million

or three millions better and kept the Indians in better order than had been done before or was done afterward with six or seven million dollars. The next year, when the controversy came again, the House and Senate agreed to carry out the treaties that had been made, but said, "You shall make no more;" and the Senate agreed to that.

Mr. WHYTE. I am obliged to the Senator from Kentucky for the information which he has furnished on the subject of the reason which induced the House of Representatives to propose this amendment to an appropriation bill, but that is not the point with me. The Senate will pardon me for calling their attention to the point with me. I did it two years ago and I am not going into the details of the discussion then. The point is that we owe it to these people, we owe it to ourselves as a civilized nation holding a high position among the nations of the world as a Christian people, to come to some determined policy in regard to this unfortunate class of people, who in the providence of God are submitted to our care and our control. We owe it to them to adopt some line of governmental administration which is not to be changed upon the discovery of a mine on a reservation, or by the desire of a railroad company to run a road through their land, or of the white settlers to occupy the property which has

been set apart with all the sanctities of a treaty forever to these un-

been set apart with all the sanctities of a treaty forever to these unfortunate people with whom we have had to deal.

We commenced with the Monroe doctrine formulated by John C. Calhoun. We acted upon the principle then of removing these people west of the Mississippi River to a large area of country, promising to protect them, promising to take care of them, promising to give them all the aid in our power to civilize them. They have gone on in that territory prospering. The reports from the Cherokees and the Creeks and the Chickasaws show that these men have been doing all in their power under God's providence, and by the aid of men who are willing to give their lives and their energies to advance the civilization of man, and to-day some of these tribes are an ornament to humanity, expending in education more per capita than is expended in many of the most civilized States for their inhabitants—\$8 a day, I believe, is expended in the Cherokee Nation—publishing

expended in many of the most civilized States for their inhabitants—
\$8 a day, I believe, is expended in the Cherokee Nation—publishing
newspapers, having churches, having their upper and lower council
to guide and govern their affairs. With that example before us we turn
away from that policy and adopt another of segregating these people,
of driving them from reservation to reservation, until at last they come
to that grand reservation which is in store for them—the graveyard.

Mr. President, it would be far better for the United States to give up
to the State of Colorado all of the territory occupied by the Indians
upon condition that it should take care of them, upon condition that
it should have its laws applied to them, upon condition that it would
civilize them as far as it was in its power to do so. It would be far
better to give up to the States the territory within their borders than
to drive these people out of the States into the Territories farther
west, until at last they are driven into the Pacific Ocean, which is
evidently to be the resting-place of those in the northern part of our
western country.

western country.

No, Mr. President, I shall not vote for this bill. Now is as good a time as any other, while this controversy is going on, to adopt a policy. Congress contains to-day, in its Indian Committees, men able to conceive a policy and to devise plans to carry it out, which would relieve us from the constant complaint, which would relieve us from the obloquy which rests upon us as a nation, which would make these people happier, more contented with the situation, and make them more like the Indians in the British possessions, whose conduct and the conduct of whose governing power is a reproach to our people, for while we have had wars with our Indians for years past, in the Canadian Indian reservations there have been no wars. They trust the government, they believe in the agents who are sent to them. Why? Because that government has been faithful to them. It pays them their money when it is due; it furnishes them their provisions when they are needed and are due; it lives up to its contracts; when it pledges its plighted honor that they shall not be removed, it preit pledges its plighted honor that they shall not be removed, it preserves its faith and keeps the Indians upon their reservations, and they live contented, and do not make war upon the whites, and the whites are not permitted to make war upon the Indians.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. KIRKWOOD.]

Mr. KIRKWOOD. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Let the amendment be reported.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. In line 7, section 1, after the word "apprehension," it is proposed to strike out all down to and including the word "made," in line 9, as follows:

Or until the President of the United States shall be convinced that every possible effort to effect such surrender has been made.

Mr. BECK. Please read the clause as it would read if amended. The Chief Clerk read as follows:

Provided, That the said agreement shall be amended by adding to the first clause thereof, after the words "gullty parties," the words following, to wit: "Until such surrender or apprehension, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid."

removal and settlement, shall not be paid."

Mr. INGALLS. In order to make that intelligible, and that the Senate may fully understand what they are called upon to vote on, the first article of the agreement should be read with the proposed amendment, so that the whole subject may be presented in one view. The amendment that is now proposed by the Senator from Iowa is in the nature of an amendment that is proposed to the first article of the agreement. That article has not been read. In order that the Senate may understand fully the bearing of the amendments, that should be read in connection with the amendment suggested by the committee as proposed to be amended by the proposition made by the Senator from Iowa.

the Senator from Iowa.

The PRESIDING OFFICER. The Secretary will report it as desired.

Mr. ALLISON. It follows line 39, on page 3.

The Chief Clerk read as follows:

The chiefs clerk read as follows:

The chiefs and head-men of the confederated bands of the Utes, now present in Washington, hereby promise and agree to procure the surrender to the United States, for trial and punishment if found gulity, of those members of their nation not yet in the custody of the United States who were implicated in the murder of United States Indian Agent N. C. Meeker and the employes at the White River agency on the 29th day of September, 1879, and in case they do not themselves succeed in apprehending the said parties presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties. Until such surrender or apprehension the proportion of the money hereinafter provided coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid.

Mr. INGALLS. The Secretary has read that clause, not as it stands originally, but as proposed to be amended by the Senator from Iowa.

The PRESIDING OFFICER. That is what the Chair understood

the Senator to desire.

Mr. INGALLS. I desire that the clause should be read as it stands in the bill reported by the Senator from Texas from the Committee on Indian Affairs, page 2, from line 7 to line 12.

The CHIEF CLERK. It is proposed to add to the agreement the fol-

Until such surrender or apprehension, or until the President of the United States shall be convinced that every possible effort to effect such surrender has been made, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa, on which the yeas and nays

have been ordered.

Mr. BECK. Mr. President, I desire only to say a word. After reading the bill and amendments, and after hearing or reading most of the speeches that have been made on the subject, I have felt a good deal embarrassed to know how to vote, because I desire to do what is best for the Government and the Indians; but I confess I am of those who believe that there ought to be no more treaties made with Indians. I was one of those, as I said a little while ago by perwith Indians. I was one of those, as I said a little while ago by permission of the Senator from Maryland, who took as active a part as perhaps any one else in endeavoring to prevent any more of these so-called treaties from being made. I believe that we will have no good management of Indian affairs so long as they are managed and controlled under the Interior Department and by political agents appointed for the purpose of enriching themselves by their control over them. We have two things to do to make our Indian policy a success and we have never done either. I do not now speak of the action cess, and we have never done either. I do not now speak of the action of the Government either under republican rule or democratic rule. We have, first, to satisfy the Indian that we will accord to him absolute justice, and in the next place we have to assure him that we will punish him with absolute certainty if he does not obey our just orders and demands.

Mr. EDMUNDS. But we must do him justice.

Mr. BECK. Yes, we must do him justice as well as require him to obey. He must be made to understand that he is all the time in the presence of a power that he cannot resist, and that punishment follows disobedience. The moment he understands that he can resist lows disobedience. The moment he understands that he can resist power, that he has to be treated with and have agreements made with him as though he belonged to an independent nation, so long there will be no permanent Indian peace. I have therefore always believed that a transfer of the management of the wild Indians to the War Department, with the officers of the United States Army, the retired officers, if you please, put upon full pay and made Indian agents, would secure at least one thing, the thing primarily and most needed, that is, honest dealing with the Indians, because the Army officer has his whole life at stake upon the maintenance of his integrity. His position in society is dependent upon the fact that he will faithfully perform the duties of his trust, pay over the money and furnish the supform the duties of his trust, pay over the money and furnish the supplies that are intrusted to him; and I have not a doubt that honesty, efficiency, and integrity would be secured in ninety-nine cases out of a hundred under that management.

Under the management we have had—and I have gone through

investigation after investigation, to which I could refer, but I do not investigation after investigation, to which I could refer, but I do not propose to do it—it has been the exception rather than the rule where the Indians have had justice done them under the officials selected to carry out the present system. Men who have been appointed Indian agents, with salaries of \$1,500 a year, expecting that in the course of one or two years they could come to Washington and buy or build houses, as some of them have done, costing twenty-five thousand or thirty thousand dollars, retiring rich, while the Indian was robbed, getting his supplies at wrong seasons of the year, and generally not getting the supplies promised to him, he of course felt that no justice was done him, and preferred resistance to starvation. Those agents frequently stirred up strife for the very purpose of increasing

no justice was done him, and preferred resistance to starvation. Those agents frequently stirred up strife for the very purpose of increasing and making more valuable their trading-posts and otherwise making their positions more lucrative, while they would of course retire the moment trouble came, and the soldier had to be called in to take the responsibility of the difficulty off his hands.

I never have believed that the Army of the United States would seek to make war upon the Indians. There is no honor in such conflicts. No soldier seeks an Indian war. He would seek by every means in the world to avoid it, because if he succeeded in destroying an Indian tribe the world says of course the great military power of means in the world to avoid it, because if he succeeded in destroying an Indian tribe the world says of course the great military power of the country can easily conquer the Indians, and they ought to do it peremptorily. It is like a man fighting a humble-bees' nest: if one stings him, although he may kill them all, he loses. The soldier and the officer would see that justice is done, and so far improve existing conditions. But that is not all: we would have to go on and instruct the Indians in the arts of peace; perhaps the soldier is not a fit man to do that and therein lies the weakness of the view I favor; but he would secure justice; he would see that they are faithfully and honestly paid and supplied; that is a great point. As long as we are treating with them and bargaining with them and asking them to surrender culprits that they cannot and will not give up, there will be no permanent, peaceable, or proper relations established between the Government and the Indian.

In my judgment we will have to break up their tribal relations as soon as possible, and the sooner the better. As long as they have their hereditary chiefs and look to them as leaders and masters, and do not look to the United States and do not recognize the power of the Government, but feel that they are independent, owing only allegiance to their chiefs, we will have no lasting peace. More civilized nations than they have tried that. It was tried in the country from which I and from which several other Senators now before me sprang. I see my friend from Wisconsin [Mr. CAMERON] notably, and the Senator from Pennsylvania [Mr. CAMERON] also, but few degrees removed. That was tried with the Highland clans in Scotland, year after year. In 1715, the first rebellion, as it was called, broke out. After it was over the clans were allowed to retain their tribal rela-tions. The Camerons, the McDonalds, the McGregors, and all the other clans keeping up their feudal clanships, there was no settled or permanent peace. They looked to their head-men, they looked to the chiefs of their clans.

After the great rebellion of 1745 the British government said, there shall be no more McDonalds and McGregors and Camerons recognized as separate clans; there shall be no more tribal relations, no more clanships; Highlanders shall go to work like other people; we will make you recognize law and the rights of others, will punish your head-men just as we will punish the humblest man in the Highlands. It was not ten years after that policy was enforced before that country was peaceable, and it has been as loyal to the government ever since as any part of the dominions of that country.

The very moment you can bring those Indians to a position where they will look to the United States and can demand and receive its protection, and not look to the tribal relation and head-men and chiefs who are now absolute masters over them, and seek to make warriors and heroes of those who take the most scalps and who contest with the United States Government, the moment you get them in a position and disposition to recognize and obey our laws you will have peace and order, and you never will have it until that is done, and as long as you treat with them and fail to regard them as citizens, see no hope.

Mr. COKE. The United States Government can only treat with the

Indians as tribes

Mr. BECK. That seems to be the case at present, but there is no reason why the Congress of the United States should not deal with

reason why the Congress of the United States should not deal with them as individuals just as they may deal with the Senator from Texas or with me or with anybody else.

Mr. COKE. By acknowledging their rights as citizens.

Mr. BECK. The courts of the country have decided that they were citizens, not long ago, by issuing writs of habeas corpus, saying they had the same rights as a white man. We have gone very far in that direction already. We must take further steps in that direction or we will have no permanent peace with the Indians.

The bill before the Senate may be in the right direction, or it may be in the wrong direction. I fear it is in the wrong direction because

The bill before the Senate may be in the right direction, or it may be in the wrong direction. I fear it is in the wrong direction, because it is a recognition of agreements with men who have been guilty of offenses that would have consigned any member of the Senate under like circumstances to the gallows. When Sitting Bull achieved his victory over Custer and made his escape with his band every Indian knew it at once, and they have been defiant ever since. The fight made by the Utes last summer is making them still believemade by the Utes last summer is making them still believe—I mean those who have not realized our power, those who are wild on the plains—that they are as independent of this Government as if they did not live within the limits of the territory of the United States. Every step we take to make agreements with them and allow their assassins to go free, after all they have so wantonly and maliciously done, is only tending to encourage that spirit and that temper among them. We must devise some plan, as I said, first to do them justice, and then to punish them absolutely when they disobey. To accomplish these ends, we must place them in the hands of men who will and then to punish them absolutely when they disobey. To accomplish these ends, we must place them in the hands of men who will care for and treat them properly. I believe the only chance is the War Department, with perhaps some adjunct in the way of educational advantages to teach them the arts of peace. We must take steps to do these things or we will make no progress. I am afraid this bill is not in that direction, yet it may be better than to risk an outbreak. I confess I am at a loss to know what is best, and have said this much because I am.

M. BUDNIDE M. President I concern in every word that has

Mr. BURNSIDE. Mr. President, I concur in every word that has been said by the Senator from Kentucky upon this subject. I shall vote for the bill because I want to sustain the committee and the Secretary of the Interior; but I do not think the present management of the Indians by the Interior Department is wise management; I do not think we shall ever have wise management until we transfer

I want to say this much in explanation of the vote I am going to give. The bill does not meet with my views, but I simply support it because it is the best we can do under the circumstances. I believe there ought to be a change in the management of the Indians. I am not sure that I could express myself more clearly or better on that subject or more in accordance with my own views than by repeating

what the Senator from Kentucky has already said.

Mr. INGALLS. Mr. President, the Senator from Kentucky says that he wants to be just to the Indians. I presume from his remarks that he intends to vote for the amendment that has been proposed by the Senator from Iowa. What justice is there in demanding the perform-

ance of an impossible condition? Suppose that the Utes had been conquered; that they had been vanquished, and we were demanding of them the terms upon which they could be restored to their rights under the Government, would there be any justice in demanding of them the performance of conditions that were absolutely and to our own knowledge impossible? Suppose a commander has under his control a captured city and is demanding conditions of its people for the salvation of their property. He demands the surrender of men who have been guilty of infractions of the rules of war. If it is made to appear that those men have been slain in battle or that they are fugi-

appear that those men have been slain in battle or that they are fugitives so that they cannot be apprehended, is there any justice in saying that terms shall not be made with them until those persons have been surrendered, and that unless they are surrendered the city shall be burned and its inhabitants put to the sword?

I do not understand that there can be any question of dignity or any question of honor between persons who are not equals. There is no question of dignity at stake between the United States Government and the Ute Indians. As I said a short time since, the dignity of an American citizen I suppose is not particularly compromised when he escapes from the pursuit of a grizzly bear and climbs a tree to get out of harm, nor if he keeps a safe distance from the rear end of a mule, nor if he goes into a house to avoid the dangers of a thunder-storm. We are contending here with some of the wild elements of nature, and we may as well be blamed for taking precautions against the explosions of dynamite or the raging of a torrent as to stand on questions of etiquette with the Ute Indians.

We are confronted, as I understand, with a great emergency. There is an appalling exigency that confronts us; and the danger is that these three thousand or four thousand Indians, unless some terms are made with them, will break out into the horrors of massacre and ra-

is an appaining exigency that controlts us; and the danger is that these three thousand or four thousand Indians, unless some terms are made with them, will break out into the horrors of massacre and rapine and arson in Colorado. The Committee on Indian Affairs, acting under the advice of the Secretary of the Interior, have presented to the Senate some terms upon which this difficulty can be avoided and averted. We propose that they shall relinquish their reservation; that they shall break up their tribal relations; that they shall surrender persons who have been guilty of crime, if they can be surrendered; and if the tribe is not sufficiently powerful to surrender them it has agreed that the officers of the United States may make what search they please; may go into this reservation and pursue the fugitives, and if they can be caught that these Indians will interpose no obstacle, but, on the contrary, will aid and assist the authorities of the Government in apprehending the criminals.

Now, the Senator from lowa comes in and says that this agreement which has been reached after great labor and difficulty, for the purpose of avoiding this threatened and ominous trouble, shall not become operative in any particular unless these Indians primarily surrender the men who have been guilty of these crimes, even if it shall be made to appear that they cannot be surrendered.

All that we ask in the bill of the Committee on Indian Affairs is that after the President or the Secretary of the Interior shall become

that after the President or the Secretary of the Interior shall become satisfied that the Indians have endeavored to comply in good faith with this agreement and it appears that they cannot surrender the criminals, then the other terms of the agreement may be carried into effect. What is there unreasonable about that? What is there unjust about that? What sacrifice of honor is there about that? How is the dignity of the American people compromised by that? What pre-rogative does the Senate fail to exercise by that? What do we do treating with these people as equals in this particular more than we would do if they had been vanquished in war and were lying helpless

at our feet?

I believe, Mr. President, while this bill is not all that could be desired, while it might be improved upon, while it does not meet my views in regard to many of the details of Indian administration, that views in regard to many of the details of Indian administration, that it is the best that can be done under the circumstances, and if we postpone action on this matter until we have settled the whole Indian policy of the Government and reviewed the whole history of Indian affairs for the last two hundred years, the people of Colorado will suffer by our neglect and delay. This is a practical question. We are confronted by something that demands immediate action to-day; and to postpone it because questions affecting the administration of the general Indian service are not satisfactorily met in the bill appears to be not the part of statesmanship or the part of practical wisdom.

Mr. BRUCE. Mr. President, I shall support the pending bill, and without attempting a discussion of the specific features of the measure, I desire to submit a few remarks upon the general subject sug-

ure, I desire to submit a few remarks upon the general subject sug-

ure, I desire to submit a few remarks upon the general subject suggested by it.

Our Indian policy and administration seem to me to have been inspired and controlled by a stern selfishness, with a few honorable exceptions. Indian treaties have generally been made as the condition and instrument of acquiring the valuable territory occupied by the several Indian nations, and have been changed and revised from time to time as it became desirable that the steadily growing, irrepressible white races should secure more room for their growth and more lands for their occupancy; and wars, bounties, and beads have been used as auxiliaries for the purpose of temporary peace and security for the whites, and as the preliminary to further aggressions upon the red man's lands, with the ultimate view of his expulsion and extinction from the continent.

tinction from the continent.

No set purpose has been evinced in adequate, sufficient measure to build him up, to civilize him, and to make him a part of the great

community of States. Whatever of occasional and spasmodic effort has been made for his redemption from savagery and his perpetuity as a race, has been only sufficient to supply that class of exceptions to the rule necessary to prove the selfishness of the policy that we

allege to have been practiced toward him.

The political or governmental idea, underlying the Indian policy, is to maintain the paramount authority of the United States over the Indian Territory and over the Indian tribes, yet recognizing tribal independence and autonomy and a local government, un-American in structure and having no reference to the Constitution or laws of the United States as for a the tribal enveronment of feet, the persons lives. United States, so far as the tribal governments affect the persons, lives, and rights of the members of the tribe alone. Currently with the maintenance of a policy thus based, under treaty obligations, the Government of the United States contributes to the support, equipments, and comforts of these Indians, not only by making appropriations for food and raiment but by sustaining blacksmiths, mechanics, farmers, millers, and schools in the midst of the Indian reservations. This Government also in its treaties and its enforcement thereof encourages. ernment also, in its treaties and its enforcement thereof, encourages and facilitates the missionary enterprises of the different churches which look to the Christianization and education of the Indians distributed throughout the public domain. The effort, under these circumstances, to preserve peace among the Indian tribes in their relations to each other and in their relations to the citizens of the United States to each other and in their relations to the citizens of the United States becomes a very onerous and difficult endeavor, and has not heretofore produced results that have either satisfied the expectations and public sentiment of the country, vindicated the wisdom of the policy practiced toward this people, or honored the Christian institutions and civilizations of our great country.

We have in the effort to realize a somewhat intangible ideal, to with the research of the light and the administration.

We have in the effort to realize a somewhat intangible ideal, to wit, the preservation of Indian liberty and the administration and exercise of national authority, complicated an essentially difficult problem by surrounding it with needless and equivocal adjuncts; we have rendered a questionable policy more difficult of successful execution by basing it upon a political theory which is un-American in character, and which, in its very structure, breeds and perpetuates the difficulties sought to be avoided and overcome.

Our system of government is complex in that it recognizes a general and local jurisdiction, and seeks to subserve and protect the rights of the individual and of the different political communities rights of the individual and of the different political communities and the great aggregates of society making up the nation, by a division of authority distributed among general and local agencies, which are required, like "the wheels within wheels" of Ezekial's vision, to so move in their several appropriate spheres as shall not only prevent attrition and collision, but as shall secure unity in the system, in its fullest integrity, currently with the enjoyment of the largest liberty, by the citizen.

Our system, It is father the citizen.

Our system, I repeat, is complex, but it is nevertheless homogeneous. It is not incongruous; the general and local organisms belong to the same great class; they are both American, and they are moved by and respond to the same great impulse—the popular will of the

American people.

Now, the political system that underlies our Indian policy is not only complex but it is incongruous, and one of the governments embraced in the system, ostensibly to secure the largest license and independence to the red race affected by the subject of this nondescript policy, is foreign in its character; the individuals and the system of laws are neither American. All the contradictions, the absurdities, and impossibilities developed and cropping out on the surface of our administration of Indian affairs are referable to this singular philosophy upon which, as a political theory, the Indian policy of the United States rests. United States rests.

United States rests.

Now, sir, there must be a change in the Indian policy if beneficent, practical results are expected, and any change that gives promise of solving this red-race problem must be a change based upon an idea in harmony, and not at war with our free institutions. If the Indian is expected and required to respond to Federal authority; if this people are expected to grow up into organized and well-ordered society; if they are to be civilized, in that the best elements of their natures are to be developed to the exercise of their best functions, so as to produce individual character and social groups characteristic of enlightened people; if this is to be done under our system, its ultimate realization requires an adoption of a political philosophy that shall make the Indians, as an individual and as a tribe, subjects of American law and beneficiaries of American institutions, by making them first American citizens, and clothing them, as rapidly as their advancement and location will permit, with the protective and ennobling prerogatives of such citizenship. tives of such citizenship.

tives of such citizenship.

I favor the measure pending, because it is a step in the direction that I have indicated. You propose to give the Indian not temporary but permanent residence as a tribe, and not tribal location, but by a division of lands in severalty you secure to him the individual property rights which, utilized, will sustain life for himself and family better than his nomadic career. By this location you lay the foundation for that love of country essential to the patriotism and growth of a people, and by the distribution of lands to the individual, in severalty, you appeal to and develop that essential constitutional quality of humanity, the disposition to accumulate, upon which, when healthily and justly developed, depends the wealth, the growth, the power, the comfort, the refinement, and the glory of the nations of the earth.

The measure also, with less directness, but as a necessary sequence to the provisions that I have just characterized, proposes, as preliminary to bringing the red race under the operations of our laws, to present them the best phases of civilized life. Having given the red man a habitat, having identified the individual as well as the tribe with his new home, by securing his individual interests and rights therein; having placed these people where law can reach them, govern them, and protect them, you propose a system of administration that shall bring them in contact not with the adventurer of the border, not a speculative Indian agent, not an armed blue-coated soldier, but with the American people, in the guise and fashion in which trade, commerce, arts—useful and attractive—in the panoply that loving peace supplies, and with the plenty and comforts that follow in the footsteps of peace, and for the first time in the Indian's history, he will see the industrial, commercial, comfortable side of the character of the American people; will find his contact and form his associations with the citizens of the great Republic, and not simply and exclusively its armed men-its instruments of justice and destruction. So much this measure, if it should be a type of the new policy, will do for the Indian, and the Indian problem—heretofore rendered difficult of solution because of the false philosophy underlying it, and the unjust administration too frequently based upon it—a policy that has kept the Indian a fugitive and a vagabond, that has bred discontent, suspicion, and hatred in the mind of the red man will be settled-not immediately, in a day or a year, but it will be put in course of settlement, and the question will be placed where a successful issue will be secured

beyond a peradventure.

Mr. President, the red race are not a numerous people in our land, not equaling probably a half million of souls, but they are the remnants of a great and multitudinous nation, and their hapless fortmess heretofore not only appeal to sympathy and to justice in any measures that we may take affecting them, but the vigor, energy, bravery, and integrity of this remnant entitle them to consideration on the merits of this question.

Our age has been signalized by the grand scientific and mechanical discoveries and inventions which have multiplied the productive forces of the world. The powers of nature have been harnessed to do the work of man, and every hour some new discovery contributes to swell the volume of the physical energies that make a people rich, prosperous, and happy. Yet, sir, in the midst of this affluence of physical energy and its utilization, human ingenuity and thought have already been directed to the conservation, to the economy against the waste, of the physical forces. The man is considered a public benefactor who can utilize waste fuel, who can convert to some prac-

tical end some physical energy still lost, to a per cent. at least, through the imperfection of the machinery employed. Now, sir, the Indian is a physical force; a half million of vigorous, physical, intellectual agents ready for the plastic hand of Christian civilization, living in a country possessing empires of untilled and uninhabited lands. The Indian tribes, viewed from this utilitarian stand-point, are worth preservation, conservation, utilization, and civilization, and I believe that we have reached a period when the publie sentiment of the country demands such a modification in the Indian policy, in its purposes, and in its methods, as shall save and not

destroy these people.

There is nothing in the matter of obstructions, as suggested by the opponents of this measure, to convince me that the new policy is either impracticable or visionary. As a people, our history is full of surmounted obstacles; we have been solving difficult problems for more than a hundred years; we have been settling material, moral, and great political questions that before our era had been unsolved, and the possible solution of which, even among the timid in our midst, was questioned.

The Indian is human, and no matter what his traditions or his habits, if you will locate him and put him in contact, and hold him in contact with the forces of our civilization, his fresh, rugged nature will respond, and the fruit of the endeavor, in his civilization and development, will be the more permanent and enduring because his nature is so strong and obdurate. When you have no longer made it necessary for him to be a vagabond and a fugitive; when you have allowed him to see the lovable and attractive side of our civilization are really at the story will tark place; when you have made the low as well as the stern military phase; when you have made the law apply to him as it does to others, so that the ministers of the law shall not only be the executors of its penalties but the administrators of its saving, shielding, protecting provisions, he will become trustful and reliable, and when he is placed in position in which not only to become an industrial force—to multiply his comforts and those of his people—but the honest, full sharer of the things he produces, savage life will lose its attractions and the hunter will become the herdsman, the herdsman in his turn the farmer, and the farmer the mechanic, and out of the industries and growth of the Indian homes will spring up commercial interests and men competent to foster and handle them.

The American people are beginning to reach the conscientious conviction that redemption and civilization are due to the Indian tribes of the United States, and the present popular purpose is not to exterminate but to perpetuate them on this continent.

The Indian policy has never attracted so much attention as at the

The destruction of this vigorous race, rather than their preservation and development, is coming to be considered not only an outrage against Christian civilization, but an economic wrong to the people against Christian Civilization, but an economic wrong to the people of the United States; and the people of America demand that the measures and administration of government, relative to these people, shall proceed upon the wise and equitable principles that regulate the conduct of public affairs relative to every other race in the Republic, and when rightful conceptions obtain in the treatment of the red race, the Indian Conceptions of the red race, the Indian Conception of the red race,

and when rightful conceptions obtain in the treatment of the red race, the Indian question, with its costs, anxieties, and wars, will disappear.

Mr. McMILLAN. Mr. President, I concur with the Senator from Iowa [Mr. Kirkwood] who has offered the amendment, that we should take away from the bill proposed by the committee the contingency embraced in what his amendment aims to strike out.

An agreement was made between the Secretary of the Interior and the Indian chiefs who were present in Washington City that has been submitted to the Senate. The committee of the Senate have seen proper to report certain amendments to that agreement. That I regard as one of the serious features in regard to this bill.

The Indians having received from these chiefs who were here and entered into the agreement a report of the terms of the agreement entered into between them and the Government of the United States, represented by the Secretary of the Interior, it will be almost impossible to eradicate from their minds that fact and make them understand that the agreement has been changed. When any amendment to that agreement is adopted they will hardly be able to understand the that agreement is adopted they will hardly be able to understand the reasons why the Government can insist upon that change, because the agreement having been once settled they have received the impression that it must remain, although the forms of law may have been complied with in changing the agreement. They will always regard it as a violation of the agreement if we do anything inconsistent with the original contract; but the change being recommended by the committee, I think the amendment of the Senator from Iowa improves the amendment of the committee. improves the amendment of the committee. The original agreement in regard to this subject of the surrender of the criminals is as fol-

The chiefs and head-men of the confederated bands of the Utes now present in Washington hereby promise and agree to procure the surrender to the United States, for trial and punishment, if found guilty, of those members of their nation not yet in the custody of the United States who were implicated in the murder of United States Indian Agent N. C. Meeker and the employes at the White River agency on the 29th day of September, 1879, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The amendment proposed by the committee is to add to the context of the United States, directed by the proper authorities, it to add to the context of the United States.

The amendment proposed by the committee is to add:

Until such surrender or apprehension, or until the Secretary of the Interior shall be convinced that every possible effort to effect such surrender has been made, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall

The words "Secretary of the Interior" have been stricken out and "President of the United States" inserted. The amendment of the Senator from Iowa strikes out the words "or until the President of the United States shall be convinced that every possible effort to effect such surrender has been made." I agree with the Senator from Iowa that if you leave any question of doubt about the surrender of these people they never will be surrendered. The Senator from Kansas says that we propose impossible conditions upon these Indians. The kind of people we are treating with must be remembered. We are treating with a people who have more power over every member of their tribe than any civilized government on the face of the earth. These Indians can ascertain every crime that has been committed; they can ascertain every individual Indian who has participated in every crime; and they can secure the surrender of that individual if

every crime; and they can secure the surrender of that individual if he is living.

Mr. INGALLS. Suppose he is not living?

Mr. McMILLAN. If he is not living, that will be a matter for future consideration. There is no allegation here that these people have more than escaped merely, and that they are not in existence. These men have committed an atrocious, unprovoked murder; they have been guilty of terrible crimes; and if the perpetrators of them are not punished it will be regarded as a weakness on the part of the Government and it will be an immunity for crime.

Mr. HOAR. I should like to ask the Senator from Minnesota for information how it is that the Indians get the knowledge that he attributes to them of the action of each other?

Mr. McMILLAN. By the very relations existing among the In-

Mr. McMILLAN. By the very relations existing among the Indians. The tribal organization and the relations existing between the Indians are such that they have complete knowledge and control

of their people.

Mr. HOAR. Do I understand the Senator to say that there is a confidence lying in the rude and barbarous code among the different members of the tribe by which they communicate with each other such information?

such information?

Mr. McMILLAN. It is more than a confidence. They have a government among themselves, and it is a system of government far more powerful than we can conceive of.

Mr. HOAR. That does not answer what I want to know. Suppose some of these men commit an outrage on a white family. The Sensone of these men commit an outrage on a white family.

present time, and the public sentiment demands that the new departure on this question shall ultimate in measures, toward the wild tribes of America, that shall be Christian and righteous in their character.

Mr. McMILLAN. I do not say they all know it, but I say it can be ascertained. They can ascertain the knowledge of persons guilty of the commission of crimes.

the commission of crimes.

Mr. INGALLS. May I ask the Senator a question?

Mr. McMILLAN. Yes, sir.

Mr. INGALLS. I ask the Senator from Minnesota if this matter were left exclusively to him, and he became convinced that these Indians had in good faith made every effort for the surrender of the guilty persons, and it was impossible for them to be surrendered, in consequence of their death or in consequence of their having become fugitives beyond seas or beyond the dominion of the United States, would he then insist upon the performance of conditions such as he has stipulated?

has stipulated?

Mr. McMILLAN. If I were convinced that it was impossible for them to deliver the criminals, then, of course, I would excuse it; but that is not the question presented here. The question presented here that is not the question presented here. The question presented here is whether we shall say to them in this agreement that if they do not do it this money shall be paid. You are making a proposition to them. You must consider the persons to whom you make the proposition. You are not making a proposition to a civilized nation; you are not making a proposition to one of our own people. You are making a proposition to savage Indians, and they are such a people that if the proposition is inserted in this form you never will accomplish the

proposition is inserted in this form you never will accomplish the object which you wish to attain.

There is no pretense here that the persons who committed these crimes are not living or that they have escaped our jurisdiction. They have not been delivered by the Indians, and there is very strong evidence that they will not be delivered. But if the Indians are compelled to deliver them, if they know that there is no other course they can pursue in order to obtain this money but to deliver these people, then they will do it. If you make a proposition depending upon anything, as the bill does, you will never have the surrender of

these people.

Mr. INGALLS. The Senator from Minnesota admits that a contingency might arise in which they could not be surrendered and the gency might arise in which they could not be surrendered and the tribe themselves would be guilty of no lackes or no neglect or wrong-doing in not surrendering them. Is it not wise, is it not prudent, to lodge in some officer of the Government, in this case the highest as the bill has been amended, the discretion to say that if every possible effort has been made for their surrender, then these conditions shall not be imposed? Is it not wise, is it not prudent, to lodge that discretion somewhere?

Mr. McMILLAN. Not in a proposition to these people or to any savage Indians. The very moment you make a condition of that kind you defeat your purpose. Let the necessity appear positively, and then if there is any necessity for changing the agreement it can be done. Mr. INGALLS. To whom should that appear, and when should it

appear?
Mr. McMILLAN. It never should be made in a proposition to these people, because the very insertion of it defeats the purpose. These people will never surrender the criminals if we make a condition

upon which they can refuse to surrender them.

Mr. INGALLS. They agree to surrender them.

Mr. McMILLAN. The committee having changed the original agreement, I think this amendment of the Senator from Iowa will improve the committee's amendment. As I said before, I think any

change of the agreement is unfortunate if the agreement itself is such as should be enforced. With the amendment of the Senator from Iowa, I shall vote for the bill as proposed.

Mr. KIRKWOOD. Mr. President, I certainly have no desire to prevent the adoption of this or any other measure that will benefit prevent the adoption of this or any other measure that will beneau the people of Colorado or the western country and improve the con-dition of the Indians. I think that the amendment offered by myself will make the bill better than it is. I think it will be a protection to the people of Colorado and do no injury to the Indians, because I cannot help believing that if you say to these people that if they by their failure to act or in any other way, except an utter impossibil-ity, shall fail to surrender the criminals, it will not be done, and these Indians will be encouraged in the future, for any cause such as moved them in this case to the massacre at White River and the attack upon Thornburgh, to make a similar movement again. Their escape from punishment in this case will encourage them to renew that attempt.

The Senator from Kansas argues that the effect of my amendment, if adopted, is to prevent anything from being done. I do not so understand. It proposes merely that a certain sum of money shall not be paid to these Indians until they surrender the criminals. That is all there is of it. Every other part of the agreement is to be carried

Mr. TELLER. They will get their annuity.

Mr. KIRKWOOD. They will get their annuity, they will have their lands, they will have their houses built, they will have their schools, they will have everything; but we say that "certain sums of money which we agree to pay you here shall not be paid until you surrender these criminals." The Senator from Kansas very ingeniously argues that the men may be dead and therefore cannot be surrendered to my inhead. That is true undeabtedly, and if the fact were larger. punishment. That is true undoubtedly; and if the fact were known that they were dead, that knowledge would perhaps be satisfactory.

Mr. INGALLS. How does the Senator mean it would be satisfactory; that the money should not be paid even if the men were dead?

Mr. KIRKWOOD. Understand me. The Senator is arguing that it may be impossible to comply with the condition because the men may be dead, or may be impossible to comply with the condition because the men may be beyond sea. Very well, I admit both those things. Now, then, the objection I have to the bill as it stands is, that it is holding out to these men the inducement not to do the thing that the Senator himself admits should be done, the surrender of these men if it can be accomplished. In order to avoid embarrassing the bill I am prepared to vote for the proposition in another form. Instead of using the language of the bill in the words that I propose to strike out, let us insert:

Or until the President shall be satisfied that the guilty parties are no longer living, or have fied beyond the limits of the United States.

That would cover the precise two contingencies that the Senator himself suppo

Mr. CAMERON, of Wisconsin. If the honorable Senator from Iowa will allow me a moment, he proposes to encourage the Utes who were not engaged in the massacre either to kill those who were, or to com-

pel them to flee the country.

Mr. KIRKWOOD. It goes so far as to have the Government of the United States declare that the men who have been guilty of the out-

rages shall not live in the United States; that is all

Mr. CAMERON, of Wisconsin. I have heard it intimated here that they have already escaped beyond the territorial jurisdiction of the

Mr. KIRKWOOD. I have heard that, but I do not know it to be

Mr. TELLER. If the Senator will give way to me a moment, I should like to say that there is not any evidence that can be produced anywhere that they have escaped. There may be a rumor of that kind, but I have not the slightest doubt they are down on the Grand River waiting to get this money. There is no proof that they have escaped, or that they propose to escape.

Mr. CAMERON, of Wisconsin. There is no information on the subject as I understand

ject, as I understand.

Mr. KIRKWOOD. I should be glad to have the Senator from Kans, or the chairman of the Committee on Indian Affairs, state to the

sas, or the chairman of the Committee on Indian Affairs, state to the Senate what evidence there is that these men cannot be surrendered. Mr. COKE. Six of the culprits were arrested and tendered to the military commander. He refused to accept them, because the entire number, twelve, I believe, were not brought in. That statement is made by the Secretary of the Interior, and his evidence is all the statement that has been made to us on the subject. These six Indians were afterward released when they were not accepted. I will state further to the Senator from Iowa that, so far as I am concerned—I can speak for nobody else-I am willing to accept the last amend-

ment suggested by him.

Mr. KIRKWOOD. That contains just this simple proposition, that these persons shall not be allowed to remain within the limits of the United States. They have attacked our troops; they have .ardered our agent; they have outraged our women; they can, as we believe, be surrendered by the other members of the band if they remain within the United States; but we do say, if this proposition should be satisfactory to the Senate, that they shall not remain within the limits of the United States unless they are surrendered for punishment. It does not stop, as I understand, all the operations of this agreement if we refuse to pay this money. It lets everything else go on except the payment of so many dollars, and retains those dollars until these men are surrendered.

There is another matter to which I wish to call the attention of this committee—to the language of the agreement read by the Senator from Kansas and read from the Clerk's desk as well. Let me read it:

The chiefs and head-men of the confederated bands of the Utes, now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty—

Of whom ?-

of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker and the employés at the White River agency on the 29th day of September, 1879.

They and no others. The Indians who were concerned in the murder on that day on the reservation—they and they only are to be surrendered. Are they the only guilty ones? Were the outrages committed after that murder not greater than those committed in that murder and by it? And why is there no provision here for the surrender of the men who committed those outrages upon the women?

Mr. VEST. Will the Senator allow me a word? I have every dissistion to vote for the bill. I state frankly to the Senator from Iowa position to vote for the bill. I state frankly to the Senator from Iowa that I have not yet understood the answer to the objection made by the Senator from Maryland, [Mr. WHYTE.] The object of the amendment is to secure possession of the persons of these criminals who have certainly been guilty of offenses that have struck with horror the civilized world; but suppose the Senator from Iowa succeeds in causing them to be delivered up by this tribe, under what law does he propose to punish them? The Supreme Court of the United States has decided most emphatically that where crimes are committed by Indians upon reservations within the boundaries of a State, not in the Indian country, they cannot be punished; there is no law for it; they must be remitted to the laws of the tribe. I should like to know in all candor from the Senator what good will be effected if his amendment be adopted? ment be adopted?

Mr. KIRKWOOD. That is a proposition that I have expressly declined to answer, because I do not think it is necessarily involved in this bill. The Senator from Colorado [Mr. Teller] insists that we have full and complete authority to punish them in our courts, and that our courts have again and again so decided. It seems remarkable to me that we can have our agents and employés within the jurisdiction of our Government murdered, and no mode of proceeding in our courts by which the murderers can be punished. I have not examined that question for myself, but it seems to me such a terrible amined that question for myself, but it seems to me such a terrible omission to exist in the law, that while it is disputed and affirmed on one side that there is no such law, and on the other that there is, I shall incline in my own judgment to the opinion that such a condition of affairs cannot have been permitted to remain unprovided for. If that be the law, then every Indian agent of the United States, every employe at every agency in the United States, may be murdered in cold blood to-morrow, and, as Senators say, there is no mode by which we can punish the offenders. It may be the law; I am not prepared to say, not having examined whether it is the law or not; but the Senator from Colorado says the law is that they can be punished. The Senator from Maryland says the law is that they cannot be punished. I do not know. It ought to be the law that they can be punished, and while it is disputed, because it ought to be the law I believe that it is the law.

I wish to submit a single remark in reply to what has fallen from the Senator from Kentucky, [Mr. Beck.] He is not in his seat, but what I have to say in regard to the matter may as well be said in his absence as in his presence. He repeated the common statement that the Indian agents are dishonest men, and that the administration of Indian affairs by Indian agents is but a history of dishonesty and wrong. There is some truth in this, and a great deal of error. There have been bad men, perhaps there are bad men to-day who are Indian agents. There have been bad men in every branch of service in the Government. It has even been said that there have been bad men in this Chamber. I trust that that is a mistake.

There have been bad agents undoubtedly, and dishonest agents.

Mr. President, what have we, the law-making power of the Government, done to avoid that condition of affairs? What do you need when you are seeking an Indian agent? You need a man of unsusbusiness capacity, because he has a large amount of business to transact; you need a man of excellent business capacity, because he has a large amount of business to transact; you need a man of extensive knowledge of men as well as affairs. Now, that class of men is not as plenty in our country as it would be well for the country that it should be. Men of sterling integrity, of well for the country that it should be. Men of sterling integrity, of first-class business capacity, of an extensive knowledge of men as well as of affairs, are not as plenty as we all desire they should be. You are seeking around for a man of this kind to make an Indian agent of him. What surroundings do you place him in when you make an Indian agent of him? Take the case of the agents to these Indians, the two new agencies to be established. You send a man there with his life in his hands; you send him there with his wife, if she accompanies him, with her life in her hands; his family with their lives in their hands; and what is dearer to them than life also as well; and you place them there outside of civilization, outside of all social enjoyment, outside of everything that makes life dear to us here. You place them there; and to induce this class of men, to inhere. You place them there; and to induce this class of men, to induce these men of sterling integrity, of first-class business capacity, of an extensive knowledge of men and things, to go and live with these surroundings, you do what? You offer the magnificent compensation of \$1,500 a year! Is not that just what you do?

And do you wonder that you cannot get the class of men that you need under these inducements? You get a man thoroughly honest, but unacquainted with business affairs, not knowing men, and yet have to govern large hodies of savage Indians. He goes there, his

he has to govern large bodies of savage Indians. He goes there, his heart overflowing with the milk of human kindness to these people, and yet he does not know a bit more how to manage them than a tenyear-old boy, and he is a failure. Another man goes there with capacity enough, but without honesty, and he is a failure. To get the class of men you need, having all these requirements, you must pay them better; and when you do not do it, find fault with yourselves. That is where the trouble lies; it is with yourselves, with your parsimony, with your niggardliness that attempts to procure that which cannot be procured for the sums you offer for it.

It may be that these Indians had better be under the charge of the Military Bureau. I do not know; I have not examined that question; but I know perfectly well that as long as you dole out salaries in the way you do, in the mean, contemptible, niggardly way you do, for services of this kind, for men of the class that should fill these

places, you cannot get them.

Now I have said my say about this whole matter and am willing the vote should be taken.

Mr. COKE. Will the Senator from Iowa state his amendment as last proposed?

Mr. KIRKWOOD. I am content myself to insert these words, so that the bill shall read:

Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fied beyond the limits of the United States.

Mr. COKE. That is acceptable to me and several of the other gentlemen of the committee around me; we make no objection to it.

Mr. KIRKWOOD. It just goes on the naked assumption that these

men have been guilty of such outrages that if they cannot be caught in our country they shall not be allowed to live in it; that is all.

The PRESIDENT pro tempore. The Chair will state that the Senator from Iowa has lost the power to modify his amendment, the

yeas and nays having been ordered on it.

Mr. KIRKWOOD. So I suppose. If the words can be stricken out that I first moved to strike out these can be inserted afterward.

Mr. PENDLETON. Cannot the modification be made by unani-

Mr. FERRY. There is nothing to prevent the Senator from Iowa

moving an amendment to his own amendment.

The PRESIDENT pro tempore. That can be done.

Mr. KIRKWOOD. Well, I move that amendment to the amend-

The PRESIDENT pro tempore. The amendment to the amendment will be read.

Mr. ALLISON. I ask that unanimous consent be given to my colleague to modify his amendment.

The PRESIDENT pro tempore. Unanimous consent is asked for the Senator from Iowa to modify his own amendment. Is there objection? The Chair hears none. The amendment of the Senator from Iowa is modified and will now be reported as modified by him.

The CHIEF CLERK. In line 7 of section 1, after "apprehension," it is proposed to strike out down to and including the word "made," in line 9, and insert:

Or until the President shall be satisfied that the guilty parties are no longer living or have fied beyond the limits of the United States.

Mr. MORGAN. Mr. President, I hardly think it is right that the state of the law on the subject of our powers and jurisdiction over crimes committed by Indians within our territory should be left in the uncertainty which is indicated by the remarks of Senators to-day and stand before the country in that condition. I drew attention this morning to section 2145 of the Revised Statutes, and I desire to read that section in conjunction with the one which follows, to show that the Government of the United States has extended its criminal jurisdiction over all the Indian country, not merely the country occupied by the five nations within what is called the Indian Territory, but has extended its criminal jurisdiction over all the Indian country and exercises its jurisdiction therein precisely as it does on any other part of the territory of the United States where it has exclusive power, as in its dock-yards, navy-yards, and places of that sort. Section

Sec. 2145. Except as to crimes the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

The next section qualifies that:

SEC. 2146. The preceding section shall not be construed to extend to crimes committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

We have under these two sections given to the Indians the right to punish crimes, and after they have punished a crime according to their own laws the matter becomes under this statute res adjudicata and their action can be pleaded in bar of a further trial and conviction in the United States courts. That far we have given to Indians the power to protect their own institutions and their own society; but we have reserved the unqualified jurisdiction, unless it is expressly yielded by a treaty, to punish crimes in the Indian country precisely as we would punish them when committed within the precincts of a navy-yard, or dock-yard, or any other part of the country reserved to the exclusive jurisdiction of the Government of the United

Now, this term "Indian country" is used uniformly in the statutes in reference to a number of provisions that apply to the whole body of Indians in the United States. It is not used anywhere with reference to that part of the Indian Territory occupied by the five civilized tribes. It is a broad term that is used in every one of the statutes for the purpose of indicating a broad sweep of jurisdiction of the United States over all the country occupied by Indian tribes, except so far as that jurisdiction is expressly yielded by stipulations of treaties to the contrary.

In reference to arrests, section 2152 provides:

The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fied into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

Then section 2153:

In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them \$3 for each day in lieu of all expenses and services.

There is another provision of the statutes of the United States which authorizes a judge of the circuit or district court to try an Indian who has committed a crime within the Indian country in that part of the country where he may be found or to which he may be carried, meaning, of course, that part of the State or States in the nearest judicial circuit most convenient to the locality where the In-

dian had committed the offense.

When you come to look at the treaty of October, 1868, between the Ute tribe of Indians and the United States you will find that the Ute tribe have expressly stipulated for the supremacy of the laws of the United States and submitted themselves unqualifiedly to the jurisdiction of the United States. These Indians came into our jurisdiction from Mexico. They were then situated in the country near Santa Fé somewhere. They were removed from that location and we have had three treaties with them at least, if not more. In each one of these treaties, the first, second, and third, there has been an unqualified acknowledgment on their part of their subordination and subjection to the laws of the United States. So, then, the Ute tribe of Indians can have nothing to say against our trying these people if we catch them, or against our using any process known to the laws of the United States for the purpose of arresting them.

Therefore I think that when these Indians are arrested they can be tried, and if guilty can be convicted and executed as they should be. Ute tribe of Indians and the United States you will find that the Ute

tried, and if guilty can be convicted and executed as they should be. But it does not seem to me that it is the real purpose of this bill to have these Indians punished. In making this remark I cast not the slightest reflection upon the committee; but there are certain features grouped together in this bill which look to me more as if the whole project was intended to furnish an opportunity for the Indians whole project was intended to lurinish an opportunity for the Indians to escape trial and thereby to get rid of these difficulties which have been the subject of discussion and debate here this morning, rather than bring them to trial and enforce the laws of the United States against them. It seems to me so. Why should there be a provision here that you will retain the money coming out of these annuities in favor of that portion of the Ute Indians called the White River Utes. favor of that portion of the Ute Indians called the White River Utes? Simply because, I suppose, it is urged at least, that the men who committed the massacre at the White River agency belonged to the White River band. The honorable Senator from Colorado [Mr. Teller] does not believe that. There are a great many men in this country who do not begin to believe it. But you impose the penalty entirely on the White River band of Utes. When you have done this, what is to prevent the Ute Indians who were guilty of the massacre going down with Ouray, it may be, into the Uncompander Park or the Uncompander country on the Gunnison River, or going down with the other leader on the La Plata River and remaining there hid away, these other Indians receiving the full amount of their stipend, the full amount of their annuity, and yet these White River Utes the full amount of their annuity, and yet these White River Utes among them entirely free from arrest and really concealed and hid away by their friends?

away by their friends?

If we are going to offer the Indian tribe a reward for the delivery of these criminal Indians into the hands of justice, or if we are going to impose upon them a sort of coercion by withholding from them certain moneys until these Indians are delivered up, my judgment is that we should make this stipulation applicable to the whole tribe, to all the Utes as well as to the White River Utes, and let it be understood to be the duty of the whole Ute tribe to deliver these men up, if we must appeal to them rather than to our own laws to have the series. must appeal to them rather than to our own laws to have these criminals delivered into the hands of justice. It may be the cheapest way of getting at the administration of justice, and I have no complaint to make at it if it succeeds in producing that effect. I would no more object to offering that sort of coercive means to bring these Indians to justice than I would to offering a reward for a criminal who might have escaped from the hands of the officer of the law; but when we do put this coercive measure upon the Indians, let us see that it is effective; let it be understood by the people of the United States, and the Indians to that it is the real name of this Communication. the Indians too, that it is the real purpose of this Government to punish crime, and that it is not the purpose of this Government, after a certain effort has been made to bring these Indians to justice, then, in the discretion of the President, or of the Secretary of the Interior, as the bill stood awhile ago, to relieve them from this coercive measure, pay them their money, and at the same time require them out of their annuities to pension these gentlemen and ladies who have been so terribly outraged. It looks to me as if we were fixing up an arrangement by which the Meeker family and all these other sufferers may be satisfied, and by which the Indians after a while may be allowed to escape, by which justice will be defeated, and the great purpose of the Secretary of the Interior, in taking the charge of the Ute war into his hands, to determine by negotiations what the generals of the Army thought should have been terminated by blood and by warfare

I will not, however, vote for the amendment that is proposed, for the reason that I believe with the Senator from Maryland and the Senator from Kentucky that it is time we had made some distinct enunciation of the authority and power and majesty of the laws of the United States among the Indian people, and until we take that course and pursue it with firmness and decision we shall never accomplish I am afraid any valuable results by anything we do in refer plish, I am afraid, any valuable results by anything we do in reference to the Indians

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Iowa, [Mr. Kirkwood,] upon which the

yeas and nays have been ordered.

will succeed.

The Secretary proceeded to call the roll.

Mr. THURMAN, (when his name was called.) I am paired with
the Senator from Vermont, [Mr. EDMUNDS.] Mr. WHYTE, (when his name was called.) Upon this subject I am

paired with the Senator from Tennessee, [Mr. Harris.] present, he would vote "yea" and I should vote "nay." The roll-call was concluded. If he were

Mr. INGALLS, (after having voted in the negative.) I forgot when my name was called that I am paired with the Senator from Virginia, [Mr. Withers,] who is absent. I do not know that we should differ on this subject; but as we are paired, I withdraw my vote.

The result was announced—yeas 35, nays 11; as follows:

	YE	AS-35.		
Allison, Baldwin, Bayard, Beck, Blaine, Blair, Booth, Bruce, Burnside,	Butler, Cameron of Pa., Cameron of Wis., Coke, Ferry, Garland, Hampton, Hereford, Hill of Colorado,	Jones of Nevada, Kernan, Kirkwood, Lamar, McMillan, Paddock, Pendleton, Platt, Rollins,	Saunders, Slater, Teller, Vance, Vest, Voorhees, Williams, Windom.	
	, NA	YS-11.		
Bailey, Call, Dawes,	Eaton, Hoar, Logan,	Maxey, Morgan, Morrill,	Pryor, Saulsbury.	

ABSENT-30. Jonas, Jones of Florida, Kellogg, McDonald, McPherson, Anthony, Carpenter, Cockrell, Gordon, Groome, Grover, Hamlin, Sharon, Thurman, Walker, Wallace, Conkling, Davis of Illinois, Davis of W. Va., Edmunds, Harris, Hill of Georgia, Ingalls, Johnston, Whyte. Withers Plumb, Randolph, Ransom, Farley,

So the amendment was agreed to.

Mr. MORGAN. On page 3, line 33, after the word "Indians," I move to insert "or their descendants;" so as to read:

This sum, together with the annuity of \$50,000 hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians or their descendants per capita in lieu of said annuities.

Mr. ALLISON. I ask the Senator from Alabama, first, whether he thinks it wise to insert at this time exactly how this sum shall be distributed at the end of twenty-five years, if it is capitalized; and, secondly, whether the bill as it stands is not subject to the construction he proposes to put upon it by the amendment? "The Indians" is a general term.

is a general term.

Mr. MORGAN. My object is merely to provide against the contingency of our dealing at the end of twenty-five years with these Indians. I expect that at the end of twenty-five years these Indians will be, as they are now, anxious to receive annuities. I have no idea that any better result than that is to be expected from the bill. I do not know what general provisions of law the committee have in their mind to offer to the Senate for the purpose of regulating our intercourse with all the Indian tribes. I should be very happy to see them bring forward some general bill, and if the Senator from Iowa thinks this amendment will probably interfere with the subject he has in his committee-room, and that it might distract in any way that committee in bringing forward a general measure for their benefit, I shall not press it. Still I think it is necessary and proper at least to provide that the descendants of these Indians, as well as the ones now living; shall have the benefit of the per capita annuity distributed among them. From the language of the bill I am not sure that they would have the benefit of it. have the benefit of it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama.

The amendment was rejected.

Mr. DAWES. I offer the following as an additional section, to which understand the committee will agree:

SEC. 10. That the sum of \$25,000, set apart in article 3 of the act of April 29, 1874, ratifying an agreement with the Ute Indians, shall be expended under the direction of the President in the education in schools established for that purpose of such youths of both sexes belonging to said tribe as in his judgment are best calculated to make proficiency therein in practical industries and pursuits necessary for their self-support.

Mr. TELLER. If this bill is ever to be good for anything at all Mr. TELLER. It this bill is ever to be good for anything at all it is because it is satisfactory to the Indians, for it is not satisfactory to any white man that I have heard speak of it yet. I believe the committee have almost universally declared that it was not satisfactory to them. Every Senator that has spoken on the subject has declared that it was not satisfactory to him. Therefore I assume that the bill is in the interest of the Indians and that it is satisfactory to

them; and if it is not satisfactory to them it has not any merit at all. Now, this is a proposition to take the money that belongs to these Indians, if they have been guilty of no crimes. Let us be consistent about it. If they have not been guilty of any crimes do not let us take away money that belongs to them under an existing treaty which it is said is still in force. If Senators cannot convince them which it is said is still in force. If Senators cannot convince themselves after all that the treaty has been violated, and some of them say they cannot, do not let us go to work and violate it now, and take this money that is theirs for other purposes and use it in the education of their children when we have put in the agreement stipulation that we will educate their children. I want this bill to be satisfactory to somebody. If it is not going to be so to white men, I insist that it shall be satisfactory to the Indians.

Mr. DAWES. Mr. President, the Senator is laboring under a mis-

take in saying that this money belongs to the Indians in the sense that it belongs to them to use as they shall determine. It belongs to the Indians, but it is expressly provided in the treaty that it shall be expended under the direction and at the discretion of the President. I will read the variation dent. I will read the provision:

The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds which shall be sufficient to produce the sum of \$25,000 per annum, which sum of \$25,000 per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever.

The amendment simply provides that the President shall expend this particular money in this particular kind of education of their children. That this particular kind of education of their children must be useful to them I thought was a question not open for debate. Certainly the successes of the last few years in that kind of experiment, and what is going on at Hampton, at Carlisle Barracks, and sleavelers except to have settled the fact that the young children and elsewhere, seems to have settled the fact that the young children of the Indians, of both sexes, can be educated in what will make them useful, self-supporting people when they grow up. It is not an attempt to educate them in Greek and Latin or in the higher mathematics or anything of that kind. It is not such an experimental performance as that, but it is teaching them how to work and how to acquire that which makes the Indian an individual standing upon

acquire that which makes the Indian an individual standing upon his own feet and feeling himself the necessity of peace and law and order, and through that instrumentality of itself disintegrating the tribe and the band and making him prepared for that citizenship which he will assume when he becomes fit to discharge the duties of a citizen, and not forcing citizenship upon him. I do not see how he can object to that use of the money.

Mr. TELLER. I have not any doubt about our right to appropriate this money. I have not any doubt about its being a good thing to appropriate it in this way. I am now speaking from the standpoint occupied by some Senators who insist that we are bound by these treaties, and if we are bound by the treaties, I say this is a violation of the treaties; it is a violation of their spirit. I am quite willing, as far as I am concerned, to vote for it, because I insist that they have no treaty rights at all. But if Senators believe they have, they should be consistent and not put this in, and this bill must be they should be consistent and not put this in, and this bill must be voted against by every Senator if it is not upon the supposition that

the treaties remain intact.

Mr. COKE. The amendment is acceptable to the members of the Committee on Indian Affairs, so far as I am acquainted with their views. We all believe that it is a proper exercise of discretion by Congress to perfect this bill in reference to that amount of money provided for in the treaty, without infringing in the least upon the

terms of the treaty.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Massachusetts, [Mr.

DAWES.

Mr. ALLISON. The chairman of the committee thinks this amendment ought to be accepted. Of course, then, I shall not interpose any serious objection; but I should like to hear the amendment read again, and I think I can suggest some reasons why it ought not to be adopted.

The Chief Clerk read the amendment offered by Mr. Dawes, as

follows:

That the sum of \$25,000 set apart in article 3 of the act of April 29, 1874, ratifying an agreement with the Ute Indians, shall be expended under the direction of the President in the education, in schools established for that purpose, of such youths of both sexes belonging to said tribe as in his judgment are best calculated to make proficiency therein in practical industries and pursuits necessary for their self-support.

Mr. INGALLS. Is that an annual appropriation?
Mr. ALLISON. I want to submit to the Senator from Massachusetts that he proposes here a direct violation of this treaty, and if there is any one thing that these Utes are confused about it is this particular \$25,000. They have understood that it was to be paid to them in the discretion of the President. Now, instead of leaving it as the treaty leaves it, we undertake to exercise that discretion here. It is perfectly competent, if the President so decides, to use every dollar of this \$25,000 for educational purposes; and yet we undertake here as a condition to direct the discretion of the President for all time to come with reference to it. time to come with reference to it.

While upon that point I want to say that I agree with the Senator from Massachusetts that we ought to provide, so far as we can proriom Massachusetts that we ought to provide, so far as we can provide, for the education of these Utes away from their reservation. That is being done now experimentally, and I am glad that that proposition receives the support of the Senator from Massachusetts. We have a considerable fund now devoted to that purpose. I tried year after year for three years to secure the devotion of this educational fund to the purposes to which it is now being devoted, before a single dollar of it had been devoted. The provision was put upon three successive Indian appropriation bills in the Senate, beginning in 1875, but in committees of conference those provisions were stricken

out successively.

Now, I for one do not desire to disturb this fund as provided in this agreement, and I do not believe that this is all we shall be called upon to pay to these Indians for their education and support. I am frank enough to say here, what I believe, that we shall be obliged from year to year to make appropriations for the support of these Indians and for their education. I think that is our fair duty under

this agreement, and therefore I would leave this specific fund as the treaty leaves it, to be disposed of in the discretion of the President, and not in the discretion of Congress.

Mr. DAWES. Mr. President, I confess that it is utterly impossible for me to understand the policy on which this bill is based. I find those who advocate it proposing to expend every year \$50,000 in distribution around are certific money these Judius for all time to come I. tribution around per capita among these Indians for all time to come. I propose to them to take \$25,000 of that and appropriate it to this, a purpose that no Senator has for a moment done otherwise than commend. That cannot be done, the committee say, because that will interfere with an agreement that is made with the Utes, although it is proposed in the very bill to alter that agreement in very essential parts. I propose to make it a condition that they shall agree to it, but I find objection there. Then I turn to another part of the bill and I find that \$25,000 allowed by a former treaty is to be expended from year to year by the President under his discretion, and I propose to take that and apply that on these schools; but the Senator from Iowa says that cannot be done, because although the President would approve of the measure when he signed the bill, yet it would not be his discretion because we have suggested it to him in this bill, and though he will have approved of it by signing the bill, still it will not be his original discretion; he did not think of it before we did although he has approved of it when he has signed the bill. So did although he has approved of it when he has signed the bill. So whichever way we turn with any provision that tends to make something out of the Indian youth, we are met by obstacles—

Mr. MAXEY. Does the Senator from Massachusetts desire to expend that \$25,000 in part for ordinary school education?

Mr. DAWES. The design of my amendment is to expend it in these schools away from the reservation, where they teach the Indian how to work.

to work

Mr. MAXEY. The amendment reaches only to industrial schools. What I desire to know is if there are to be separate industrial schools

what I desire to know is it there are to be separate industrial schools apart from the ordinary schools.

Mr. DAWES. That is the process now going on. There are schools, the Senator knows, about Indian agencies where they teach the higher mathematics and where they teach Greek and Latin, where they project maps on the sides of the walls, and they are all covered by the black-boards. It is the idea of this provision to teach Indians how

Mr. MAXEY. But this amendment applies to industrial schools

only. It does not say a word about ordinary education.

Mr. DAWES. It is to be applied in such schools and in such education in the arts of industry as will best teach them to support themselves. I do not know that any part of it would be likely to be expended in that higher education to which I have alluded.

I was struck, when I was down in the Indian Territory, with the school establishment there. I went into as fine a school-house there as there is in the city of Boston. The seats, they said, came from New England. The walls were all covered with black-boards. It was an elegant school-house in every respect, and the teachers were as fine-looking and as fine-appearing and as highly educated teachers as you would find in the best of schools here. It happened to be vacation as to part of the scholars, and the scholars could be picked out in the tribe by their hair being cut short, but they were proficient in all that pertained to savage life more than in anything that tended to increase the expectation of their ever coming to be self-supporting. They went farther than any of the rest of the boys; they knew more about all that pertained to the savage life. It is not that kind of school I had in my mind. There is a school down at Hampton, and there is another at Carlisle Barracks, and there are three or four more springing up over the country, in which are placed the best of the Indian boys and girls, and they are taught how to work, they are taught how to plow, they are taught how to use the plane and the blacksmith's forge, and all the arts of peace, and they go back to their tribe efficient men.

Mr. ALLISON. I do not want the Senator from Massachusetts to understand that I object to the principle of his proposition.

Mr. DAWES. I know.
Mr. ALLISON. I only object to it because it will be difficult to make the Indian mind understand that we are not in some form intending to violate this treaty, and I am for maintaining the treaty in

Mr. DAWES. I think if that is the greatest obstacle toward making the Indian understand what we mean by this bill, the way is very clear. If you cannot make the Indians understand that the \$25,000 which the President is authorized in his discretion and just as he pleases to expend for their benefit will not be expended as the President thinks for their benefit when it is expended according to the provisions of a law which the President himself approves, then you cannot make them understand anything, and we must send them to a different kind of school and subject them to a different kind of treatment. I think the refinement of objection has been reached. I do not think casuistry or dialectics or any other large name that does not occur to me now will express the refinement into which this has been reduced by an objection that it is in violation of a treaty which expressly in so many words puts it in the discretion of the President as this does.

Mr. DGALLS, Mr. Decident to provisions of a law which the President himself approves, then you

Mr. INGALLS. Mr. President, the proposition made by the Senator from Massachusetts is open to two objections. In the first place, liberal provision is made in the agreement for the establishment of

schools and for the education of the Indians. If the Senator will examine the fourth article of the agreement he will find:

Examine the fourth article of the agreement he will lind:

Fourth. That as soon as the President may deem it necessary or expedient, the agencies for the Uncompalgres and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to maintain and support the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

And again, on the sixteenth page of the bill, from line 9 downward, the sum of \$350,000 is appropriated "for the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements," &c.

That is the first objection to the suggestion made by the Senator from Massachusetts.

from Massachusetts.

Mr. MAXEY. I ask the Senator from Kansas if there is anything at all in the clause which he has read which would prevent the industrial arts being taught as a branch of the very schools provided

Mr. INGALLS. On the contrary I believe that the great tendency of the administration of Indian affairs in educational matters has been toward what are known as industrial schools. That is the object and toward what are known as industrial schools. That is the object and purpose of it, not to instruct them in the higher mathematics, in the differential calculus, and Joseph Cook's philosophy, and all the transcendentalism of Boston philanthropy, and in civil service reform, as the Senator from New York suggests, [laughter,] but to educate them in matters of agriculture and the industrial pursuits generally.

But there is a second objection, and that will be found in the fifth article of the agreement, which says:

Fifth. All provisions of the treaty of March 2, 1868, and the act of Congress approved April 29, 1874, not altered by this agreement, shall continue in force, and the following words from article 3 of said act, namely.

This is an article in the agreement of April 29, 1874, and it is expected.

This is an article in the agreement of April 29, 1874, and it is expressly agreed in this contract now before us that all those articles shall continue in force, and an attempt to alter the direction of that appropriation would justly be regarded by the Indians as a violation of the terms of this agreement that we are now considering.

Mr. MAXEY. I would ask the Senator from Kansas whether the point which I was trying to make was not correct, that under that very agreement the object sought to be accomplished by the Senator

from Massachusetts can be accomplished by adding an industrial branch to the schools thereby authorized.

Mr. INGALLS. I do not know, and I presume nobody else does, what the Senator from Massachusetts endeavors or wishes to accomplish; but if he does desire to accomplish what the Senator from Texas thinks he does, then of course I have no hesitation in agreeing

with him on that subject.

with him on that subject.

Mr. DAWES. I do not know that any Senator knows what I desire to accomplish; but there cannot be any doubt as to what the Senator from Kansas desires to accomplish, and that is apparently, very evidently, to provide for the throwing away annually of about \$120,000 of money. Here are these provisions; and he says that it is expressly provided in the agreement that this section of the third article shall be ratified and affirmed. It is perfectly plain also that this provision that I offer does not conflict with it; but the anxiety of the Senator to keep inviolate, intact, that agreement, is singularly illustrated on the last line of the second page of this bill that he advocates, where it is declared: vocates, where it is declared:

Provided, That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties," the words following, to wit:

And provided also. That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided.

same to them, in open council, in the manner hereinafter provided.

The Senator's anxiety to keep this agreement inviolate loses all its force the moment we come to the question how we shall dispose of this money, for if we dispose of the money in any way that will contribute toward elevating the race and making one of them a citizen worthy of the duties and functions of a citizen of the United States, the Senator from Kansas is distressed for fear we shall violate the agreement; and he seems to think that nobody who desires that knows what he does want. That may be. I am not particular whether the Senator from Kansas understands me or not. I think I understand myself, and I think the Senate understands me. Of course the Senate will not adopt this amendment if it does not meet their approval.

After having provided for this process of distributing per capita around among these Indians this little present, so that they will feel good, then we have here \$25,000, which can be disposed of according to the discretion of the President or in any way he may direct; and when it comes to directing how that shall be expended, then there is trouble. The question is, what is the purpose of the bill? If the purpose of the bill is to make the condition of these Indians and of this Indian and of this Indian problem better, to improve it, then I think there can be no doubt that this provision or something equivalent to it should be adopted. It was proposed to take \$25,000 out of the per capita money, but that was not thought best; but here was \$25,000 placed at discretion and therefore it was proposed to be taken for this beneficent pur-

pose.

Mr. PENDLETON. Mr. President, the purpose sought to be attained by the Senator from Massachusetts, I think, commends itself to every

Senator upon this floor. His purpose is to provide that \$25,000 of the amount of money already agreed to be given or agreed to be given by this treaty—I recall the word "treaty" because that is offensive to some gentlemen—this contract, shall be appropriated for the purpose of educating these Indian youths. The simple question is how it can best be appropriated. By the contract \$50,000 a year are to be distributed to these Indians per capita. By the contracts that have heretofore been made \$25,000 are to be distributed to these Indians according to the discretion of the President. The proposition of the according to the discretion of the President. The proposition of the Senator from Massachusetts is that we shall advise the President that the \$25,000 distributable according to his discretion shall be appro-

priated to education.

Mr. MORGAN. Will the Senator from Ohio allow me to read from the bill? The words "distributed among the Indians" are not found

the bill? The words "distributed among the Indians" are not found in the agreement at all.

Mr. PENDLETON. "Disbursed or invested for the Indians."

Mr. MORGAN. Not "distributed" at all.

Mr. PENDLETON. I agree that the Senator is right; the word is not "distributed;" but after all the Senator is only right in correcting me as to the use of a particular word and not as to the effect of the precision. the provision.

As I said, \$25,000 are now at the discretion of the President of the United States for disbursement or investment. The proposition of the Senator from Massachusetts is that \$25,000, either from the one fund or the other, shall be disbursed for purposes of education; therefore he provides that that fund which under old treaties is within the discretion as to disbursement of the President of the United States shall be appropriated to education rather than that we shall amend the contract which is now before us providing that \$25,000 of the new annuity provided shall be disbursed for that purpose.

when the Senator suggested to me this morning the desire which he had to accomplish, I for one was very free to advise that it was better to provide by an act within our discretion that the President should appropriate \$25,000 in this way rather than to seek to amend further the agreement already made with these Indians; and after consultation among many members of the committee it was suggested, constitution among many members of the committee it was suggested, I will not say agreed, because that probably could not be done on the floor in an informal meeting, but it was understood, as I think, that the purpose should be accomplished by distributing the \$25,000 already proposed to be distributed within the discretion of the President, rather than by asking an amendment to this agreement.

I believe I have stated the question correctly. We have two funds in our discretion. One of them requires an amendment of the law;

in our discretion. One of them requires an amendment of the law; the other requires an amendment of the convention, or contract, or treaty, or agreement, whatever it may be called. I, for one, prefer that the appropriation of money shall be made by an advice which we can give to the President of the United States, rather than to encumber our negotiation with these Indians by an amendment to their convention or contract; and it was in this view, under this understanding, informal, perhaps, not complete, that the chairman of the committee said that the committee agreed to this amendment of the Senator from Massachusetts. I do not consider the question vital at all to the bill, vital to the agreement, vital to the law. It is a question, all of us being agreed as to what ought to be done, simply as to how we shall do it, and my opinion is that the way suggested by the Senator from Massachusetts is the best and most expeditions.

Mr. COKE. I stated a few moments ago that the committee so far

Mr. COKE. I stated a few moments ago that the committee so far as I knew were agreed that this amendment might be accepted. I did not know then that the Senator from Kansas and the Senator from Iowa objected; and so I was mistaken. I will still vote, however,

for the amendment.

Mr. ALLISON. I think after the statement made by the chairman of the committee that I ought to say that the Senator from Mas of the committee that I ought to say that the Senator from Massachusetts did come to my seat and propose the diversion of one-half of the \$50,000 for per capita distribution for purposes of education, and I said to him that I saw no real objection to that except that the consent of the Indians must be procured. Then it seems afterward the Senator from Ohio saw the difficulty in the way, that it would be cumbering this agreement and changing it in a material respect, and then the other suggestion was made by the Senator from Massachusetts about which I was not consulted, because if I had been I certainly should have objected. I ask the Senator from Massachusetts now, and the Senators of the committee who have agreed to this, to revise their judgment in regard to it, and I want to call attention to one single suggestion which has not yet been made.

By the fourth provision of this agreement, as an inducement to

By the fourth provision of this agreement, as an inducement to these Indians we have promised them that we will establish and maintain schools. The Senator from Texas [Mr. MAXEY] called attention

to this language awhile ago.

The United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

What is the reasonable meaning of the words "necessary provision?" It is that we shall educate these youths.

Mr. DAWES. That is in the Indian settlements.

Mr. ALLISON. Undoubtedly. These Indians, in other words, understand that we are to provide for their education; and now in the very beginning, even before this agreement is ratified by us, after we have told them that we will provide for their education, we come in here and by a propesition of law take from them what we had agreed

in 1874 to give them, to be distributed from time to time in the discretion of the President of the United States, having regard to the exigencies of the case at the time.

Mr. BURNSIDE. Will the Senator from Iowa give way for a mo-

tion to adjourn?

Mr. ALLISON. I will give way in a minute for any purpose the Senator may desire. I only have a word to say. I will not give way

now, but I will in a moment.

This sum is to be distributed in the discretion of the President; This sum is to be distributed in the discretion of the President; and the Senator from Massachusetts says that if we make a law and the President signs it, that is in the discretion of the President. That is the refinement of casuistry, it seems to me. What is the meaning of this third section? It is that this year these Indians may come and say to the President: "We want this sum used for school purposes," and the President may say, "I agree to it." Next year they may say to the President "We want this sum for another and a different purpose," and in the exercise of his wise discretion he may agree to their demand, or he may, at his discretion, again say "No. I agree to their demand, or he may, at his discretion, again say "No, I will devote this fund this year to schools as I did last year." Now, we propose to take away from him that discretion and put it in a

Mr. President, I for one must protest against any provision here that will divert this fund to school purposes, when we have expressly provided in this agreement that we will maintain schools for these In-

dians and make the necessary provision for their education.

Mr. MAXEY. Mr. President, the theory of this bill is to carry out in good faith the agreement. Now, it will be found on page 5 of the bill:

The said chiefs and head-men of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions.

The third condition is:

A sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of \$50,000 per annum, which sum of \$50,000 shall be distributed *per capita* amongst them annually forever.

Coming, then, to the fourth clause of the agreement, it is that the-

Coming, then, to the fourth clause of the agreement, it is that the—
United States Government will establish and maintain schools in the settlements
of the Utes, and make all necessary provision for the education of their children.

Therefore it follows that by the third article of the agreement they
are to get the \$50,000 for distribution per capita, and by the fourth
article of the agreement the Government of the United States is bound
to "maintain schools in the settlements of the Utes and make all
necessary provision for the education of their children." If the establish sent of an identified beauty has present to the education of the lishment of an industrial branch be necessary to the education of the to such schools, and they have a perfect right to them by that clause without depriving them of any portion of the \$50,000 which they are entitled to by virtue of the third clause. Thus you make a material change, and this Congress comes in and says "we go back on what we did agree to; we did agree in the fourth clause to establish schools; we did agree to; we did agree in the fourth clause to establish schools; we did agree to make the necessary provisions for the education of your children; but now we back out of that and say that in order to carry out that fourth article we intend to take \$25,000 of that which we already agreed to give to you for another purpose, and put that in to help us to carry out what we promised to do for the Ute children outside of the third article." If that is fair dealing, then I do not understand myself (and I think I do) what it is. I say they have a right to these schools and all necessary provisions—for the very terms of the fourth article must be met; and if an industrial branch is a necessary provision, they are entitled to it under the fourth article, and they are entitled to it outside of the \$50,000 which is to be distributed. they are entitled to it outside of the \$50,000 which is to be distributed per capita.

The PRESIDENT pro tempore. Is the Senate ready for the question ? Mr. BURNSIDE. Mr. President, I do not want to prevent an opportunity to vote, but I should like to make a motion to adjourn, if there is going to be any more discussion.

Mr. COKE. I hope there will be no adjournment until we get through with the bill.

Mr. BURNSIDE. I do not want to press the motion to adjourn if

there is to be a vote.

Mr. TELLER. It is not very probable, Mr. President—
Mr. BURNSIDE. I hold the floor, and I move that the Senate adjourn.

Mr. TELLER. I give way for that motion.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate do now adjourn.

The motion was agreed to; there being on a division—ayes 22, noes 20; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, April 7, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

ENROLLED JOINT RESOLUTION AND BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennes

Mr. WILBER, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and

Vermont respecting the boundary between said States; and
An act (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and for other purposes.

ORDER OF BUSINESS.

Mr. CLYMER. I move that the morning hour for to-day be dispensed with. My object is that we may proceed with the consider-

ation of the Army appropriation bill.

Mr. WILSON. I hope that the motion will not be agreed to.

The question being taken on the motion of Mr. Clymer, there were—ayes 91, noes 49; no quorum voting.

Tellers were ordered; and Mr. Clymer and Mr. McKenzie were

appointed.

The House divided; and the tellers reported—ayes 72, noes 61

So (two-thirds not voting in favor thereof) the motion of Mr. CLY-MER was not agreed to.

RAILROAD FROM SAN ANTONIO TO LAREDO.

The SPEAKER. The morning hour begins at twenty-five minutes before one o'clock. The pending question, as the Chair is advised by the RECORD, is upon the reference of a bill reported with amendments from the Committee on Railways and Canals, for reference to the Committee of the Whole House on the state of the Union; but the gentleman from Maryland [Mr. McLane] moved to refer the bill to the Committee on Pacific Railroads. The title of the bill will be

The Clerk read as follows:

A bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo, for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican

Mr. SHELLEY. I understand that the gentleman from Maryland Mr. McLane] desires to withdraw his objection to the reference of

this bill as proposed by myself.

Mr. CABELL. The gentleman from Maryland, the chairman of the Committee on Pacific Railroads, informs me that he does not desire to press the objection he made yesterday.

The SPEAKER. The Chair is already advised of that fact by the gentleman from Alabama, [Mr. SHELLEY.]

Mr. RYON, of Pennsylvania. I renew the motion of the gentleman

Mr. RYON, of Pennsylvania. I renew the motion of the gentleman from Maryland.
Mr. CAMP. When the morning hour expired yesterday this bill was being read. It had been read about two-thirds through, I should judge, when the morning hour expired.
The SPEAKER. The Chair will cause the bill to be again read.
Mr. REAGAN. May I say that this bill has already been reported to the House by a committee that had regular control of it; and the proposition is simply to place it upon the Calendar of the Committee of the Whole on the state of the Union.
The SPEAKER. Debate is hardly in order under the rules. The bill will be read, so that the House may be accurainted with its pro-

bill will be read, so that the House may be acquainted with its pro-

onli will be read, so that the House may be acquainted with its provisions before voting upon the question of reference.

Mr. RYON, of Pennsylvania. I desire to say in reply—
Mr. CABELL. This bill was read yesterday, if I mistake not.
The SPEAKER. It was not read through.
Mr. CABELL. I desire to make a parliamentary inquiry. Under clause 16 of Rule XI was it not competent, after examination of the title of the bill, to make the reference to the Committee on Railways and Caple? and Canals

The SPEAKER. That point is not in dispute. The bill went to the Committee on Railways and Canals originally. The Chair does not decide points which do not arise. The rule, as stated by the gentleman who occupied the chair yesterday, and the practice under it,

the present occupant of the chair confirms.

Mr. CABELL. I should like to have the two rules read.

The SPEAKER. To which rules does the gentleman refer?

Mr. CABELL. Clause 16 of Rule X—

The SPEAKER. That relates to the original reference, a point

which is not now in dispute.

Mr. CABELL. I make the point, Mr. Speaker, that the bill having once been submitted to the committee and considered by that committee for a long period of time, whether it is proper and competent for the House now to take that bill, after it has been reported from the Committee on Railways and Canals, and give it to another com-

mittee for consideration.

The SPEAKER. That is a matter for the House to determine.

Mr. CABELL. I submit that, if the original reference was competent and proper, it is just, the bill having been reported from the Committee on Railways and Canals, that report should be committed for further consideration to the Committee of the Whole on the state of the Union.

The SPEAKER. That is a matter for the House to determine. The bill will be read.

Mr. RYON, of Pennsylvania. I desire to make a parliamentary

inquiry.

Mr. STEVENSON. I make the point of order that the bill already has been read.

The SPEAKER. The gentleman from New York [Mr. CAMP] and the Clerk agree the bill was not read through yesterday.

Mr. STEVENSON. Does the Chair say it is to be read over again

Mr. STEVENSON. Does the Chair say it is to be read over again from the beginning?

Mr. McKENZIE. I object to the rereading of any part of that bill which has been already read.

The SPEAKER. When demanded, the reading of the bill is in order. The House being called upon to vote on the reference of the bill, when demanded, the bill ought to be read connectedly.

Mr. RYON, of Pennsylvania. What I wish to know, Mr. Speaker, is, whether the rule does not require all bills relating to railroads west of the Mississippi River shall go to the Committee on the Pacific Railroads. cific Railroads.

The SPEAKER. Yes; but the Chair must make the same answer to the gentleman from Pennsylvania he has already made to the gentleman from Virginia, that that is not now a point in controversy.

Mr. WISE. My colleague from Pennsylvania is out of order from the fact that this is not west of the Mississippi River but west of the Gulf of Mexico.

The SPEAKER. That is not a point of order. It is a question for the House to determine. What gentlemen state is in the nature of

Mr. RYON, of Pennsylvania. This is neither east nor south of the

Mississippi River.

Mr. HOUK. I wish to make a parliamentary inquiry. The Committee on Railways and Canals have reported the bill now before the House and which, it is proposed, shall be referred to the Committee on Pacific Railroads. That Committee on Railways and Canals have not only had this bill in reference to the Pacific Railroad before it. but it has now various other bills of a like character under consideration, some of which have been referred to myself and others as a sub-committee

The SPEAKER. That has nothing to do with the pending question

before the House.

before the House.

Mr. HOUK. The House will see the point, [laughter,] and the Speaker, too, I trust. The bills which have been referred to us are west of the Mississippi River. I understand the position assumed by the Committee on Pacific Railroads is that that was an improper reference to the Committee on Railways and Canals. If, then, the bill now reported from the Committee on Railways and Canals shall be referred to the Committee on Pacific Railroads, of which the gentleman from Maryland [Mr. McLane] is chairman, ought not the same action be taken in reference to all the other bills, and the Committee on Railways and Canals he discharged from the further consideration. on Railways and Canals be discharged from the further consideration on Rahways and Canals be discharged from the further consideration of the numerous bills on which we are now at work, in order that they may be referred to the same Committee on Pacific Railroads?

The SPEAKER. The House may see it, but the Chair still fails to see that is any point of order. [Laughter.] It is in the nature of argument and, under the rule, it is not allowable.

Mr. CABELL. May I be permitted to make a statement not to

exceed three minutes

The SPEAKER. The Chair will ask unanimous consent.

Mr. HOUK. The point of order, it seems, if this reference is made
to the Committee on Pacific Railroads, is that then the Committee
on Railways and Canals becomes at once a committee clerk for that

The SPEAKER. The collegation and the House and it is a speaker. The SPEAKER and we want to know our status.

The SPEAKER. The gentleman from Tennessee having concluded his argument, [laughter,] the Chair will now recognize the gentleman from Virginia to ask unanimous consent for three minutes.

Mr. RYON, of Pennsylvania. I object.

Mr. RYON, of Pennsylvania. I object.

The SPEAKER. The only question before the House, and it is not debatable, is on the proposed reference.

Mr. CAMP. The bill has not been read yet.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill.

Mr. TOWNSHEND, of Illinois, (pending the reading of the bill.)

I move to dispense with the further reading of the bill. No one appears to be paying any attention to it.

The SPEAKER. That is the fault of the members themselves. The gentleman from New York demanded the reading.

Mr. CAMP. I withdraw the demand.

Mr. NEWBERRY. I renew the demand for the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. The question is on the reference of this bill under the rule to the Committee of the Whole House on the state of the Union.

The reference was agreed to.

Mr. SHELLEY. I ask permission that the gentleman from Kentucky [Mr. OSCAR TURNER] have the privilege of presenting the views of the minority on this bill, and that the same be printed.

There was no objection, and it was ordered accordingly.

WYOMING, MONTANA AND PACIFIC RAILROAD COMPANY.

Mr. FORD, from the Committee on Railways and Canals, reported back favorably the bill (H. R. No. 4637) creating the Wyoming, Mon-

tana and Pacific Railroad Company, a corporation organized under the laws of the Territory of Wyoming, and for other purposes, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

RAILROAD BRIDGES AT SHREVEPORT AND MONROE, LOUISIANA.

Mr. SLEMONS, from the Committee on Railways and Canals, reported a bill (H. R. No. 5676) to authorize the construction of a railroad bridge at or near Shreveport, Louisiana, and also another across the Ouachita River at or near Monroe, in said State; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SURVEY, ETC., OF MINERAL LANDS.

Mr. STEVENSON, from the Committee on Mines and Mining, reported, as a substitute for House bill No. 4805, a bill (H. R. No. 5635) to provide for the survey and disposal of the mineral lands of the United States

Mr. STEVENSON. I am requested by the committee to ask that this substitute be printed and recommitted to the Committee on Mines

and Mining

Mr. PAGE. I desire to know if this bill is recommitted to the committee whether it can be brought back by a motion to reconsider? Mr. STEVENSON. I am unable to hear the remarks of the gen-

theman from California. My request was, however, that the substitute be printed and recommitted to the committee. The committee as yet make no recommendation as to placing it upon any calendar. Mr. PAGE. I understood that the bill was presented now to be recommitted, and I only wanted to know if it would then be in a posi-

tion where it could be brought back under a motion to reconsider.

The SPEAKER. The rule would prevent its coming back at all events on a motion to reconsider. There appears, however, to be no report accompanying this bill. The rule requires that.

Mr. STEVENSON. This bill is not reported to be placed on a cal-

endar, but simply to be recommitted.

The SPEAKER. The rule, however, requires that every bill coming from a committee shall be accompanied by a report. Consent,

however, may be given in this case.

Mr. STEVENSON. There is a report accompanying this bill.

The SPEAKER. The Chair thinks that also should be printed with

Mr. STEVENSON. There is a report from the land commission.

The SPEAKER. Let it be presented, then, and printed with the

There being no objection, the bill was read a first and second time, recommitted to the Committee on Mines and Mining, and, with the accompanying report, ordered to be printed.

MINING DÉBRIS, CALIFORNIA.

Mr. BERRY, from the Committee on Mines and Mining, reported, as a substitute for House joint resolution No. 161, a bill (H. R. No. 5636) for the appointment of a commission to investigate the débris question in the State of California; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed

Mr. PAGE. Why not let it go to the Public Calendar?
Mr. BERRY. It should go to the Committee of the Whole in order that the appropriation may be made to carry it into effect. Mr. PAGE.

PUBLIC BUILDING, HANNIBAL, MISSOURI.

Mr. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. No. 2150) to provide for the erection of a public building in the city of Hannibal, in the State of Missouri, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PACIFIC RAILROAD SINKING FUND.

Mr. McLane, from the Committee on Pacific Railroads, reported a bill (H. R. No. 5637) to alter and amend the sinking-fund act approved March 7, 1878; which was read a first and second time.

Mr. McLane. A portion of that bill has already been reported to the House, and is pending under a motion to suspend the rules. It requires the investment of money now in the Treasury, in a sinking fund, and demands urgent action. I therefore ask the House to allow it to be made a special order for the 27th of April.

The SPEAKER. The Chair cannot ask that at this time, but will after the morning hour.

after the morning hour.

The bill will be referred to the House Calendar, and ordered to be printed.

REORGANIZING THE MILITIA OF THE UNITED STATES.

Mr. SCALES, from the Committee on the Militia, reported, as a substitute for House bills Nos. 4979, 992, and 4889, to reorganize, &c., the militia of the United States, a bill (H. R. No. 5638) to provide for reorganizing, arming, and disciplining the militia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. to be printed.

Mr. SCALES. I ask that the minority be allowed to make a report,

and that the same be also printed.

There being no objection, it was ordered accordingly.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

Mr. COFFROTH. I give notice that after the morning hour I will ask to have this bill taken up for action.

Mr. COFFROTH also, from the Committee on Invalid Pensions, re-Mr. COFFROTH also, from the Committee on Invalid Pensions, reported a bill (H. R. No. 5639) in relation to the payment of certain pensions; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with

to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 2560) granting an increase of pension to St. Claire A. Mulholland;

The bill (H. R. No. 1264) granting a pension to George W. Teter, Company D, Tenth Regiment West Virginia Volunteers;

The bill (H. R. No. 4461) granting a pension to Forest W. McElroy;
The bill (H. R. No. 4474) granting a pension to Mary J. Goslee;
The bill (H. R. No. 5067) granting a pension to Margaret J. McKinney;
The bill (H. R. No. 4473) granting a pension to Catharine Lose;
The bill (H. R. No. 3085) granting a pension to James M. Singer; and The bill (H. R. No. 256) granting a pension to James M. Singer; and The bill (H. R. No. 256) granting a pension to James L. Jordan.

He also, from the same committee, reported a bill (H. R. No. 5640)

He also, from the same committee, reported a bill (H. R. No. 5640) granting a pension to Eliza Hudson, widow of the late William L. Hudson, captain in the United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar and with the accountance. Private Calendar, and, with the accompanying report, ordered to be

printed.

He also, from the same committee, reported back the petition of De Witt C. Meeker and 16 other soldiers in the late war, praying for the passage of the Weaver bill, as introduced December 3, 1879, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HATCH, from the same committee, reported back the bill (H. R. No. 1709) granting a pension to Solomon P. Kauble, and moved that it be laid upon the table and the papers returned to the Pension Bureau.

The motion was agreed to; and the accompanying report was or-

The motion was agreed to; and the accompanying report was ordered to be printed.

He also, from the same committee, reported, as a substitute for House bill No. 2661, for the relief of James W. Givens, a bill (H. R. No. 5641) granting a pension to James W. Givens; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be privated.

He also, from the same committee, reported, as a substitute for House bill No. 2380, granting a pension to Major D. Williams, a bill (H. R. No. 5642) restoring to the pension-roll the name of Major D. Williams; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the ac-

companying report, ordered to be printed.

He also, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the

accompanying reports, ordered to be printed:

The bill (H. R. No. 953) granting a pension to Martha A. William-

The bill (H. R. No. 953) granting a pension to Martina A. Williamson; and
The bill (H. R. No. 31) granting a pension to Edwin F. Lewis, late
acting second assistant engineer United States Navy.
He also, from the same committee, reported, as a substitute for
House bill No. 934, granting a pension to John T. Pennington, a bill
(H. R. No. 5643) with the same title; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.
Mr. DAVIS, of Illinois, from the same committee, reported back, with an amendment, the bill (H. R. No. 3303) in relation to the comreposation and expenses of pension agents; which was referred to the

pensation and expenses of pension agents; which was referred to the Committee of the Whole on the state of the Union, and, with the ac-

companying report, ordered to be printed.

He also, from the same committee, reported back, with favorable recommendations, bills of the Senate of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (S. No. 752) granting an increase of pension to Crafts J. Wright; and

Wright; and
The bill (S. No. 1044) granting an increase of pension to Crafts J.
Wright; and
The bill (S. No. 1044) granting a pension to James King.
He also, from the same committee, reported back the bill (H. R. No. 2942) for the relief of Ozias Hart, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

He also, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the ac-

companying reports ordered to be printed:

The bill (H. R. No. 1655) granting a pension to James T. Christian;
The bill (H. R. No. 3638) granting a pension to Robert P. Boggs;
The bill (H. R. No. 2177) granting a pension to Samuel Hazel;
The bill (H. R. No. 2154) granting a pension to Elizabeth J. Col-

The bill (H. R. No. 57) granting an additional pension to Watson

S. Bentley; and The bill (H. R. No. 1396) granting a pension to Ophelia E. Sim-

He also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accom-

panying reports, ordered to be printed:

A bill (H. R. No. 5644) granting a pension to Catherine J. Garrity;

and

A bill (H. R. No. 5645) granting a pension to Mary S. Web ster.

He also, from the same committee, reported back favorably the bill
(H. R. No. 2333) granting a pension to Thomas Liggins; which was referred to the Committee of the Whole on the Private Calendar, and,

with the accompanying report, ordered to be printed.

Mr. TAYLOR, from the same committee, reported back, with favorable recommendations, bills of the Senate of the following titles; which were referred to the Committee of the Whole on the Private

Calendar, and the accompanying reports ordered to be printed:
The bill (S. No. 475) granting a pension to Henry J. Churchman;
The bill (S. No. 315) granting a pension to Henry Stanley Wetmore; and

The bill (S. No. 39) granting an increase of pension to James H.

Reeve.

He also, from the same committee, reported back, with favorable recommendations, the following House bills; which were referred to the Committee of the Whole on the Private Calendar, and the accom-

the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2105) granting a pension to James Moreland;

The bill (H. R. No. 5186) granting a pension to James A. Doughty;

The bill (H. R. No. 4829) granting a pension to Owen M. Brown;

The bill (H. R. No. 3393) granting a pension to James Hughes;

The bill (H. R. No. 4823) to restore the name of William F. M. Hydrate the reporter well.

The bill (H. R. No. 4823) to restore the name of william F. M. Hyder to the pension-roll;

The bill (H. R. No. 5184) granting a pension to Jorial Onkst;

The bill (H. R. No. 2108) granting a pension to George C. Cloud;

The bill (H. R. No. 3627) granting a pension to John R. Schultz;

The bill (H. R. No. 3829) for the relief of Alice De Kalb Shattuck;

The bill (H. R. No. 4511) granting a pension to Joseph Grigsby;

The bill (H. R. No. 4828) granting a pension to Uriah L. Squibb;

The bill (H. R. No. 4512) granting a pension to Henderson Lady

He also, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No.5646) granting arrears of pension to James G. Will-

A bill (H. R. No. 5647) granting a pension to John Ryan; A bill (H. R. No. 5648) granting an increase of pension to Andrew J. Marshall;

A bill (H. R. No. 5649) granting arrears of pension to Sarah Jane

A bill (H. R. No. 5650) granting a pension to Albira Trent and minor children

A bill (H. R. No. 5651) granting arrears of pension to John L: Bart-

A bill (H. R. No. 5652) granting a pension to William O. White, guardian of the minor heirs of Horace A. Chambers.

Mr. UPDEGRAFF, of Ohio, from the same committee, reported back, with favorable recommendations, the following House bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (H. R. No. 534) granting a pension to Mrs. Rosetta L. Me-

Kay;
The bill (H. R. No. 3603) granting a pension to Mary Joyce;
The bill (H. R. No. 3602) granting a pension to Eliza A. Murray;
The bill (H. R. No. 1560) granting a pension to James B. White;
The bill (H. R. No. 4336) granting a pension to Anthony Peterson

The bill (H. R. No. 1300) granting a pension to James B. White,
The bill (H. R. No. 4336) granting a pension to Anthony Peterson;
The bill (H. R. No. 572) granting a pension to Sidney Saunders,
late first sergeant Company K, Fourteenth Ohio Volunteers;
The bill (H. R. No. 127) granting a pension to Mary F. Hall;
The bill (H. R. No. 4796) granting a pension to Mary U. Bartlett; and
The bill (H. R. No. 584) granting a pension to Frank Logsdon, late
a private of Company K, Forty-third Regiment Ohio Volunteer Infan-

He also, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5653) granting a pension to Freeman Johnson;

A bill (H. R. No. 5654) granting a pension to Patrick Hardiman;

A bill (H. R. No. 5655) granting an increase of pension to Mrs. Bev-A bill (H. R. No. 5656) granting a pension to Daniel Meenan;

A bill (H. R. No. 5657) granting an increase of pension to Augustus

Lempp;
A bill (H. R. No. 5658) granting a pension to Francis Reichert;
A bill (H. R. No. 5659) granting a pension to Mrs. Elizabeth Percy;

A bill (H. R. No. 5660) granting a pension to Henry McFadden.

Mr. CALDWELL, from the same committee, reported back, with favorable recommendations, the following bills of the House; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 645) for the relief of Deliah Colly;

The bill (H. R. No. 3793) granting a pension to George C. Tracy;

The bill (H. R. No. 2753) granting a pension to George Andrews. He also, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying

of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5661) as a substitute for House bill No. 4727, granting a pension to Henry C. Williams;

A bill (H. R. No. 5662) as a substitute for House bill No. 2915, granting a pension to Mohammed Kahn, otherwise John Ammahoe;

A bill (H. R. No. 5663) as a substitute for House bill No. 3623, granting relief to the heirs of Kunigunda A. Miller, deceased; and

A bill (H. R. No. 5664) granting a pension to Anna Podester and Sarah Landers

Mr. MASON, from the same committee, reported back, with favor-Mr. MASON, from the same committee, reported back, with favorable recommendations, bills of the following title; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 2842) for the relief of Lewis K. Whitmore;
The bill (H. R. No. 1993) granting a pension to Rosalie Louis; and The bill (H. R. No. 1993) granting a pension to George S. Riggs.

He also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5665) granting a pension to Mary C. Murray, widow of Lieutenant-Colonel Edward Murray, late of the Fifth New York

Heavy Artillery;
A bill (H. R. No. 5666) granting a pension to James B. F. Randall; (substitute for House bill No. 4195);
A bill (H. R. No. 5667) granting a pension to Solomon Prindle;
A bill (H. R. No. 5668) granting a pension to Julia Casey and chil-

A bill (H. R. No. 5669) granting a pension to Mrs. Catherine Silvey;
A bill (H. R. No. 5670) granting a pension to R. F. Reuss;
A bill (H. R. No. 5671) granting a pension to William H. Whipple;
A bill (H. R. No. 5672) granting a pension to Francis Watts;
A bill (H. R. No. 5673) granting increase and arrears of pension to Henry Reems; and

A bill (H. R. No. 5674) granting a pension to Charles H. Wisner. A bill (H. R. No. 5674) granting a pension to Charles H. Wisner.
He also, from the same committee, reported back adversely the following bill and petition; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 4226) for the relief of Frances Fraser; and
The petition of Martin Buell, guardian of the minor child of Frederick Johnson, late hospital-steward United States Army.

He also from the some committee reported back with a fewerable

He also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 1197) granting a pension to Peter Claesgens; which was referred to the Committee of the Whole on the

Private Calendar, and the accompanying report ordered to be printed. He also, from the same committee, reported back the petition of Dillezon Mallett, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOSTETLER, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1952) granting a pension to John H. Jackson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 5675) granting a pension to Henry T. Skinner; which was read a first and second time, referred to the Committee of the Whole on the Private

second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. RYON, of Pennsylvania, from the Committee on Pensions, reported back adversely the following bill and petition; which were laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 223) granting a pension to Mrs. Betsey Granteer; and

Petition of Esther Yost, of Pittsburgh, for a pension.
He also, from the same committee, reported back the bill (H. R. No. 4851) granting a pension to Thomas U. Rothrock, and moved that the committee be discharged from the consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

JOSEPH D. POCKWOOD.

On motion of Mr. MILES, from the Committee on Pensions, that committee was discharged from the further consideration of the peti-tion of Joseph D. Packwood, of Colchester, Connecticut, for remuneration for property destroyed in the revolutionary war, and for extraordinary services then rendered the Government; and the same was referred to the Committee on War Claims.

Mr. CLYMER. Has the morning hour expired ?
The SPEAKER. The morning hour has expired.

APPROVAL OF BILLS.

A message from the President, by Mr. Pruden, one of his secretaries, announced that he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 5258) appropriating money to provide for the

public printing;
An act (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes

An act (H. R. No. 3559) for the relief of L. H. Hershfield & Bro.; A joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry; An act (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah

S. James

A joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing

said vessels; and An act (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and her-

ring in the Potomac River.

WEST POINT OUTRAGE.

Mr. McCOOK. I ask unanimous consent to introduce a resolution of inquiry in regard to the alleged outrage at West Point; and I am sure, after it has been read at the Clerk's desk, not a member on this

floor will object to it.

Mr. COX. I hope that will be done; it should be inquired into.

Mr. McCOOK. It is a simple resolution of inquiry.

Mr. COX. There will be unanimous consent for my colleague's

Mr. GARFIELD. Let it be read.
Mr. CLYMER. I must insist on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the Army appropriation bill.

Mr. McCOOK. Oh, no; there can be no objection to it.

PACIFIC RAILROAD SINKING-FUND ACT.

The SPEAKER. The gentleman from Maryland [Mr. McLane] made a request this morning which the Chair at the time, under the rule, could not recognize. The morning hour having expired, he now renews the request. It is that the bill reported to alter and amend the sinking-fund act passed March 7, 1878, relating to railroads, be made the special order on the 27th of April next, to be considered in the House as in the Committee of the Whole House on the state of

the Union, and from day to day until disposed of.

Mr. CLYMER. Not to interfere with appropriation bills.

Mr. CONGER. I think we had better adhere to our rules and go on with the business in the regular order. I object. Mr. McLANE. I hope the gentleman from Michigan will not insist

upon his objection.

Mr. CONGER. Let it take its place among the regular business.
Mr. McLANE. The Government is losing its interest by this delay
and I hope the gentleman will not insist on his objection.
Mr. CONGER. I do, because I have bills on that Calendar.
Mr. McLANE. This is not a personal matter at all, but a public

Mr. CONGER. I have bills which I desire to reach, and let them all come up in regular order.

WEST POINT OUTRAGE.

Mr. McCOOK. I ask that my resolution be read.
Mr. CLYMER. I do not object to the reading of the resolution Mr. CLYMER. offered by the gentleman from New York.

The Clerk read as follows:

Whereas it is reported that one Johnson C. Whittaker, a cadet at the United States Military Academy at West Point, was visited in his room at night-time by a number of his fellow-cadets and subjected to a most shocking and barbarous treatment, his ears being slit and cut and he being otherwise inhumanly treated. There-

Resolved, That the Secretary of War be directed to furnish this House with all the information he may have in regard to the alleged outrage perpetrated upon Cadet Whittaker, and also what steps, if any, have been taken in relation thereto.

Mr. AIKEN. I object. I have the honor to represent the district from which Whittaker comes, and feel competent to see that he is thoroughly protected. The authorities at West Point are now con-ducting an investigation, and I think it far better to await their decision than to jump at conclusions based upon newspaper reports, especially as the latest report is that it is a "bogus outrage."

COMMUTATION OF RATIONS TO ENLISTED MEN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to such portion of the Army appropriation bill as relates to commutation of rations to enlisted men; which was referred to the Committee on Appropriations.

ARMY APPROPRIATION BILL.

Mr. CLYMER. I insist on my motion to go into committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. Springer in the chair,) and resumed the consideration of the Army appropriation bill.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Tennessee, [Mr. DIBRELL,] as amended on motion of the gentleman from Indiana, [Mr. Browne.] The Clerk read the pending amendment, as follows:

After line 71 insert the following:

Contract surgeons shall not be employed until all commissioned surgeons shall have been assigned to duty with troops, and then only upon request of the commanding officer, approved by the General of the Army; but this shall not be construed to require assignment to duty with troops of commissioned surgeons who are now, or may hereafter be, put in charge of the national soldiers' homes or those who are detailed to prepare the Medical and Surgical History of the War of the Rebellion, or those who may be detailed on examining boards.

Mr. HAWLEY. There was much inquiry for information while that was under discussion yesterday, and there is further information. I have visited the Surgeon-General since, and shall be glad to have the

debate opened for a short time.

Mr. DIBRELL. Debate is not in order, and I object.

Mr. TOWNSHEND, of Illinois. I hope debate will be opened.

The CHAIRMAN. Debate was closed, and the committee was dividing on the amendment.

Mr. HAWLEY. Possibly unanimous consent may be obtained for

Mr. HAWLEY. Possibly unanimous consent may be obtained for a brief explanation.

Mr. DIBRELL. I object.

Mr. GARFIELD. This breaks up the Medical Museum.

Mr. HAWLEY. I wish gentlemen to vote intelligently, which they are not doing now. Not one in the House understood this yesterday.

The CHAIRMAN. The tellers, Mr. Marsh and Mr. Sparks, will resume their places

The committee divided; and the tellers reported there were-ayes

82, nose 78.

Mr. CONGER. There was a great deal of confusion in that count while it was being taken, and I hope there will be no objection to allowing the tellers to make another count. I object to that count

allowing the tellers to make another count. It object to that count as being incorrect.

The CHAIRMAN. The tellers having reported to the Chair the result of the vote, it is not for the Chair to say that the count was not correct. The Chair can only announce it to the committee.

Mr. CONGER. But the tellers have changed their report or changed their count, and changed it against the side on which I voted. They announced in the first instance that a certain number had voted in the affirmative, but afterward it appeared that they voted in the neg-

Mr. CLYMER. I desire to ask if the teller who counted on the minority side complains that there was inaccuracy in the count?

The CHAIRMAN. The Chair has announced the vote as he received it from the tellers. The tellers made no complaint of inaccuracy in

the count, as far as the Chair is informed.

Mr. SPARKS. The only difficulty grew out of the fact that seven gentlemen were announced inadvertently as voting in the negative who really voted in the affirmative. It was seen, it seems, at the time, and was corrected immediately after, although not corrected instantly, as it should have been had attention been called to the inadvertence

Mr. CONGER. During that intervening time before the correction was made several gentlemen passed between the tellers who voted in

the negative. Whether they were counted or not I am unable to say.

Mr. SPARKS. I propose to say to the gentleman and to the committee that the count is an accurate one. No mistake was made excepting in this announcement of seven voting in the negative who voted in the affirmative, and the correction, as I have stated, was immediately made. But the final result of the count is correct, in my independ

The CHAIRMAN. The decision must stand, unless the tellers declare that it was an inaccurate count. Having reported their count, it is only for the Chair to state the result.

The Clerk resumed the reading, and read as follows:

Subsistence Department

Mr. CONGER. I must move to reconsider the last vote. The CHAIRMAN. It is not in order in Committee of the Whole to move a reconsideration.

Mr. CONGER. Then I call for a recount. If necessary, I move that there be a recount by tellers.

The CHAIRMAN. The Chair is not aware that there has ever been a precedent for a recount when the tellers announced the result and the tellers themselves agree as to that count and adhere to the report they made.
Mr. Marsh. Mr. Chairman, I wish to say—
Mr. CONGER. If the Chair should decide that, then there is no

power to ratify mistakes.

The CHAIRMAN. There is none except in the House and by the yeas and nays. The gentleman from Illinois addressed the Chair.

Mr. MARSH. I wish to say that I think there were three or four

votes cast that may not have been counted, or were perhaps improperly announced. There was some little confusion, owing to the change of the votes, to which my colleague from Illinois has referred.

The CHAIRMAN. The Chair does not understand the gentleman

as asking for a recount?

Mr. MARSH. I prefer that there should be a recount, for the reason I have stated. I am not entirely satisfied that the count was accurate. The CHAIRMAN. The Chair, under the circumstances, will direct the tellers to resume their places.

Mr. SPARKS. I desire to say one word, Mr. Chairman, in justice

to myself-Mr. KEIFER. There is not the slightest imputation against the

gentleman from Illinois.

Mr. SPARKS. I do not know that there is any objection to the count, but in justice to myself I would like to make an explanation in reference to this matter.

Mr. KEIFER. But nobody has imputed anything wrong to the

gentleman in this count.

Mr. SPARKS. I am aware of that; still I would prefer to make a statement in this connection.

The CHAIRMAN. It is the duty of the Chair to order the tellers to resume their places if the tellers themselves agree that the count

was an inaccurate one.

Mr. MARSH. When the gentleman from Illinois erroneously an-Mr. MARSH. When the gentleman from Illinois erroneously announced that there were seven votes to be added in the negative and then changed them to the affirmative, I think there were three or four votes in the negative that I do not believe were announced. The CHAIRMAN. The vote having been announced and one of the tellers objecting to it as having been in his judgment inaccurate, it is the duty of the Chair to order a recount.

Mr. CONGER. I desire that there shall be order while the vote is being taken.

being taken. The CHAIRMAN. The committee will be in order.

Mr. WHITE. I ask for the reading of the amendment on which we are to vote

The CHAIRMAN. The Clerk will report the amendment again.

The amendment was again read.

Mr. ATKINS. I wish to ask the chairman of the Committee on Mr. ATAINS. I wish to ask the charman of the committee on Military Affairs if this amendment comes from that committee? Mr. DIBRELL. It does. Mr. SPARKS. I wish to say in answer to the question that it comes

Mr. SPARKS. I wish to say in answer to the question that it comes from the Committee on Military Affairs with an amendment of the gentleman from Indiana, [Mr. BROWNE.]

Mr. HISCOCK. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. I desire to inquire of the chairman of the Committee on Military Affairs how this amendment changes existing laws

or regulations?

Mr. SPARKS. I believe we are not debating the question now.
Mr. GARFIELD. I ask unanimous consent that the amendment
also include the Medical Museum and library.
Mr. HAWLEY. And also the National Board of Health.
Mr. BROWNE. I am willing to consent to that.
Mr. MARSH. I object.

Mr. SINGLETON, of Illinois. I wish the Chair would state the question on which we are now to vote. There seems to be some confusion in the House as to whether we are voting on the amendment of Mr. Sparks or the amendment as amended.

The CHAIRMAN. The question is on the amendment pending when

the committee rose on yesterday.

The House again divided; and the tellers reported—ayes 88, noes

So the amendment was rejected.

Mr. RYAN, of Kansas. I wish to offer an amendment.

Mr. SPARKS. I shall ask for a vote on this amendment in the

Mr. MARSH. And I give notice that I shall object to any vote in the House upon it. [Cries of "Regular order!"] Mr. SPARKS. I desire to be heard on this for a moment.

Several members demanded the regular order.

The CHAIRMAN. The Chair desires to state that this amendment, not having been agreed to in committee, it will not be reported to the House at all; and unless the gentleman from Pennsylvania in charge of this bill admits the amendment, it cannot be voted upon in

Mr. SPARKS. That is just my proposition, that he does admit it. understand the condition of the question.

Now, sir, as this comes from one of the committees of this House, I hardly think that the member of the Committee on Appropriations having this bill in charge will refuse the request of that committee to have a vote in the House, after having announced on yesterday

that he would do so.

Mr. CLYMER. I did state last night, when the committee appeared to be without a quorum, that I would, under the circumstances, allow a vote in the House. What I will do now, when the time comes, I am not prepared to say. [Cries of "Regular order!" "That is in hot prepared to say. [Cries of Regular order.]

Mr. SPARKS. It will cut no figure with me whether the gentleman does or does not allow a vote in the House.

The CHAIRMAN. Debate is out of order.

Mr. CLYMER. I desire to say I have received no such request from

that committee; when it is submitted to me I will determine upon it.

Mr. SPARKS. I declare to the gentleman that this amendment
comes from that committee. I am authorized to demand this thing and the gentleman knows it and he cannot dodge it.

Mr. CLYMER. I do not propose the gentleman shall come here and assert that which does not exist. There has been no request to me for the yeas and nays in the House.

Mr. SPARKS. Does the gentleman insinuate that this does not come from the Military Committee? If he does, he lies. That is all

there is about it.

Mr. CLYMER. You cannot insult me, sir.
Mr. SPARKS made some further remarks, which were inaudible at
the desk on account of the confusion and the rapping of the Chairman's gavel. He concluded by saying: I say I am authorized by the
Committee on Military Affairs to do what I can to pass that amendment, and no man shall dispute my word upon it without it being

emphatically resented.

The CHAIRMAN. Gentlemen must resume their seats, or the Chair will order the Sergeant-at-Arms to take them into custody.

Mr. STEELE. Let us have peace.

Mr. CONGER. I demand that the language of the gentleman from Illinois be taken down.

Mr. CLYMER. I trust not.
Mr. HAYES. Yes, let it be taken down.
The CHAIRMAN. Nothing can be done until the committee shall come to order. [After a pause, during which order was being restored.] The gentleman from Michigan will state for what purpose

Mr. CONGER. I rise to a question of order. The gentleman from Illinois [Mr. Sparks] used unparliamentary language on this floor, and I ask that it be taken down.

The CHAIRMAN. The Clerk will read clauses 4 and 5 of Rule

The Clerk read as follows:

The Clerk read as follows:

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The CHAIRMAN. The gentleman from Michigan will indicate

what words are excepted to.

Mr. CONGER. The language of the gentleman from Illinois [Mr. SPARKS] to which I refer, as far as I could hear in the confusion, charged the gentleman from Pennsylvania [Mr. CLYMER] with being a liar. That was his language, if I was not mistaken. Whether it was conditional or absolute I could not understand; but I think it is proper that the language should be reported to the committee that we may know what was said.

Mr. McLANE. Reported to the House, you mean?

The CHAIRMAN. The Chair desires to say there was so much confusion at the time the words excepted to were spoken that the Chair

does not know what was said.

Mr. WILBER. The reporters do, I guess.

The CHAIRMAN. The Chair must appeal to the reporters for what was said. The Chair was rapping the gavel and could not hear. The words will be written out by the reporter. [After a pause.] The Clerk will now read the transcript of the reporter's notes.

The Clerk read as follows:

Mr. Sparks. Does the gentleman insinuate that this does not come from the Committee on Military Affairs† If he does, he lies. That is all there is about it. Mr. Clymer. You cannot insult me, sir.

Mr. GARFIELD. Read what follows. The CHAIRMAN. The reporters inform the Chair that that is all of the language of the gentleman from Illinois that they could hear

of the language of the gentleman from Illinois that they could hear in the confusion.

Mr. GARFIELD. I make the point that it becomes the duty of the presiding officer to report to the House, with the Speaker in the chair, the words excepted to. Any proceeding that may follow must be not in the Committee of the Whole but in the House.

The CHAIRMAN. The rule, as the Chair understands it, is that if disorderly conduct occurs in the Committee of the Whole or language is used to which exception is taken, it becomes the duty of the chairman of the Committee of the Whole to report the disorderly conduct or the language to which exception is taken to the House.

Mr. GARFIELD. That is exactly as I understand. I do not think it is necessary to move that the committee rise. It becomes the duty

it is necessary to move that the committee rise. It becomes the duty of the presiding officer to have the committee rise without a motion. The CHAIRMAN. The Chair is of opinion that a motion is necessary that the committee rise. Otherwise it would devolve upon the chairman of the committee to determine that the language was such as should be reported to the House.

Mr. GARFIELD. I make the motion that the committee rise.

Mr. SPARKS rose.

Mr. CONGER. One word upon that proposition. It seems to me

that that is assigning to the Committee of the Whole the duty of the Chair to preserve order and decide questions of order. If it be left to the committee to say whether in fulfillment of this rule the committee shall rise, that takes away in my judgment from the chairman the duty which rests upon him to decide the question of order, and whether anything irregular or improper has occurred that fairly comes within that rule.

The CHAIRMAN. The Chair desires to state that, as he understands the general parliamentary law upon this subject, a committee of the House has no right to pass upon the conduct of any of its members; and if any disorder occurs in one of the committees of the House or in the Committee of the Whole House it is the duty of the committee to report the facts to the House, and it is the duty of the House to decide what action shall be taken in reference to it. That is not only the general parliamentary law, but it is the rule of the House itself. The gentleman from Ohio [Mr. GARFIELD] has moved that the committee rise.

Mr. GARFIELD. I only made that motion because I understood the Chairman to rule that such a motion was necessary. I myself think that no such motion is necessary; and it seems to me that the reason of the opinion I express would be found in this:

It would always be within the power of a majority of the Committee of the Whole to prevent a minority here from enforcing the rules of decorum simply by mere force of votes. Now, let me call attention to the language of the rule:

It a member is called to order for words speken in debate the number calling.

If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to—

That has been done-

and they shall be taken down in writing at the Clerk's desk-

That has been done, too-

and read aloud to the House

Now you, sir, as the presiding officer of this committee, have reached the point where there is only one other duty for you to do; that is for you to report to the House what has happened in this committee, and then the House will proceed to act upon it.

Mr. McLANE. Will the gentleman allow me to call his atten-

Mr. GARFIELD. Certainly.
Mr. McLANE. These rules in their text are rules for the House.
Mr. GARFIELD. Certainly.
Mr. McLANE. Therefore when they recite that "the words shall be taken down and read aloud to the House," it is supposed that the

be taken down and read aloud to the House," it is supposed that the words were spoken in the House.

Mr. GARFIELD. Oh, no.

Mr. MCLANE. Surely that is so.

Mr. GARFIELD. The language is, "words spoken in debate."
Everybody knows that debate is largely in Committee of the Whole.

Mr. MCLANE. One moment.

Mr. COVERT. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] has the floor on the subject of a parliamentary inquiry, and the Chair will first hear him.

Mr. GARFIELD. I understand the gentleman from Maryland [Mr.

Mr. GARFIELD. I understand the gentleman from Maryland [Mr. McLane] desires to make an inquiry of me.

Mr. McLane. The point I want to make of the gentleman from Ohio [Mr. Garfield] is that the text of the rules shows that they one can charter of the House; and certainly they prescribe that when the rules of decorum have been transgressed the words shall be taken down and reported to the House. Now, when such words are spoken in Committee of the Whole House, then the Committee of the Whole House should act precisely as the House should act—that is, the words are to be taken down by the Clerk and read to the Committee of the Whole Whole.

Mr. GARFIELD. That has been done.
Mr. McLANE. And the Committee of the Whole should take no action until, as a Committee of the Whole, they find they cannot apply any remedy to the case.
Mr. GARFIELD. I will say to the gentleman that they know that

in advance.

Mr. McLANE. I do not think so at all.

Mr. GARFIELD. The Committee of the Whole cannot apply any

remedy.

Mr. McLANE. Suppose the gentleman from Illinois [Mr. SPARKS] should withdraw the offensive language used?

Mr. GARFIELD. Has the Committee of the Whole any power whatever to settle a controversy between members? That is within

the power of the House alone.

Mr. McLANE. I differ entirely with the gentleman from Ohio.

Mr. GARFIELD. I will read from page 220 of the Digest of the Rules of the House:

A committee cannot punish a breach of order in the House. It can only rise and report it to the House, who may proceed to punish.

That is all the Committee of the Whole can do. Now we have reached a stage where the words objected to have been written down and read aloud, and the demand has been made by the gentleman from Michigan [Mr. CONGER] that we proceed under the rule. Now, the next step under the rules is that these words shall be reported to the House. Here is the language of the Digest:

Disorderly words spoken in a committee must be written down as in the House, but the committee can only report them to the House for animadversion.

That shows that we have now in Committee of the Whole gone just as far as the committee has any power to go. There remains nothing else for the chairman of this committee to do than what he would do if he found himself without a quorum in the committee. Suppose the chairman of the Committee of the Whole found that there was no quorum, he would be obliged to call the Speaker to the chair and report the fact to the Speaker of the House. I will withdraw my motion that the committee now rise, for I want a decision on this point. on this point.

Mr. ATKINS. It seems to me that this matter might be adjusted

without all this construction of the rules, &c., if the gentleman from Illinois [Mr. Sparks] will make a statement.

Mr. McLane. Right here in committee.
Mr. ATKINS. I hope the gentleman will do it.
Mr. McLane. It ought never to go further than the committee, and if it be reported to the House at all it should only be when the committee are obliged to report to the House for some summary pro-ceeding to preserve order or censure those who have transgressed its

The CHAIRMAN. The Chair desires to state that the gentleman from Illinois [Mr. Sparks] having been called to order, cannot proceed to address the committee now except by unanimous consent of the committee

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that he be permitted to make a statement.

Mr. COVERT and others objected.

The CHAIRMAN. The only doubt the Chair has upon the subject is whether it is his duty at once to call the Speaker to the chair, or whether the committee must by a majority vote decide to rise and report this matter to the House. The Chair is clear upon the point that the committee has no jurisdiction to decide upon the question, and if acted upon at all it must be reported to the House.

Mr. ATKINS. I desire to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. Does it require unanimous consent to allow the gen-

tleman from Illinois to make a statement to the committee?

The CHAIRMAN. The gentlemar, having been called to order for disorderly language, cannot proceed to speak unless the committee

Mr. ATKINS. Does it require unanimous consent?
Mr. TOWNSHEND, of Illinois. A majority can give the leave.
The CHAIRMAN. It is the duty of the House first to determine

Mr. MILLS. It seems to me that the first question for the Chair to determine is whether the Committee of the Whole has jurisdiction at all to hear anything on the subject. If this committee has not jurisdiction to hear anything on the subject, it cannot receive an apology.

The CHAIRMAN. The Chair is of opinion that the committee

cannot decide upon the question.

Mr. COX. I rise to a point of order. I want to know whether the Chair entertains the motion that the committee rise, or whether he holds that upon his own motion he is authorized to report this matter to the Hous

The CHARMAN. That is the point in question.
Mr. COX. How does the Chair decide? We may have debate on

the point all day.

The CHAIRMAN. The gentleman from Ohio withdrew the motion that the committee rise and report the matter to the House. Chair will entertain that motion if any gentlemen will renew it.

Mr. COVERT. I renew that motion.

Mr. COX. The Chair is bound at any rate to report the matter to the House on application of any member.

The motion of Mr. COVERT was agreed to.

The committee accordingly rose; and the Speaker having resumed

Mr. SPRINGER (chairman of the Committee of the Whole) said: The Committee of the Whole House on the state of the Union have, according to order, had under consideration House bill No. 5523, making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes. In the discussion on that bill the gentleman from Illinois [Mr. Sparks] made use of landard the state of the Whole have a support of the Army for the fiscal year ending June 30, 1881, and for other purposes. In the discussion on that bill the gentleman from Illinois [Mr. Sparks] made use of landard the state of the Whole House on the state of the Union have, according to order, had under consideration House bill No. 5523, making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes. In the discussion on that bill the gentleman from Illinois [Mr. Sparks] made use of landard the state of the Whole House on the state of the Union have, according to order, had under consideration House bill No. 5523, making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes. guage which was alleged by another member to be disorderly; and I have been instructed by the committee to report the language to the House. The SPEAKER.

The SPEAKER. The gentleman from Illinois, chairman of the Committee of the Whole House on the state of the Union, reports that pending the consideration of the Army appropriation bill certain language deemed to be unparliamentary has been used, and the Committee of the Whole has directed that this language be reported to

the House. The language will now be read. The Clerk read as follows:

Mr. Sparks. Does the gentleman from Pennsylvania insinuate that this does not come from the Committee on Military Affairs? If he does, he lies. That is all there is about it.

The SPEAKER. The Chair desires that two clauses of Rule XIV which relate to such matters as have occurred be now read.

Mr. SPARKS. Mr. Speaker—

The SPEAKER. The Chair desires to have read first the provis-

ions of the rule which are applicable; and then he will direct atten-

tion to a clause of that rule which would enable the gentleman to make an explanation if he so desires.

Mr. SPARKS. I want to have read the language preceding what

has just been read.

The SPEAKER. The Chair will give the gentleman from Illinois an opportunity under the rules to be heard.

The Clerk read as follows:

The Clerk read as Joliows:

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Mr. AUKINS. I rise to a populsementary in gainer.

Mr. ATKINS. I rise to a parliamentary inquiry. Would it be in order that both gentlemen be allowed to make an explanation to the House?

The SPEAKER. The rule contains a provision, to which the Chair was about to direct attention, that "on motion of another member," a gentleman whose language is called in question under such circumstances as now exist shall be allowed "to explain."

stances as now exist shall be allowed "to explain."

Mr. ATKINS. I make that motion.

Mr. FRYE. I object to the motion in the form in which the gentleman stated it a moment ago—that both gentlemen be permitted to explain. Only one gentleman is charged with having used unparliamentary language.

Mr. ATKINS. Very well; I make the motion that the gentleman alluded to be allowed to make an explanation.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] moves that the gentleman from Illinois [Mr. SPARKS] be allowed to explain.

explain.

The motion was agreed to.

Mr. SPARKS. Mr. Speaker, I want, if I can get it, the language of the gentleman from Pennsylvania [Mr. CLYMER] immediately preceding whatever of difficulty occurred between us. I ask the reporters to furnish it, that it may be read at the Clerk's desk.

The Clerk read as follows:

Mr. CLYMER. I desire to say I have received no such request from that committee. When it is submitted to me, I will determine upon it.

Mr. SPARKS. I declare to the gentleman this comes from that committee; and I am authorized to demand this thing; and the gentleman knows it, and cannot dodge

Mr. CLYMER. I do not propose the gentleman shall come here and assert that which does not exist. There has been no request to me for the yeas and nays in the House.

Mr. SPARKS. Now, Mr. Speaker, there was much confusion here, and as members of the House know, in writing out anything of this kind, errors frequently occur. For my own part I am willing frankly to admit that I was laboring under some excitement at the time. do not know that I am more excitable than other men. I did understand the gentleman from Pennsylvania to say that I was not only not warranted in my action by the committee over which I have the honor to preside, but to insinuate that I was trying to deceive the House or to cheat the House and to falsify the action of the commit-

tee, and in response to that allegation, which no man of proper spirit would for a moment submit to, I used the language I did.

I want to say one word further. Since I have been a member of this House, though at times I may have manifested some impatience or impulsiveness, I have on all occasions endeavored to be courteous, fair, benerable, and projects in manifested. pulsiveness, I have on all occasions endeavored to be courteous, fair, honorable, and upright in my intercourse with my compeers around me. If I have not done so I am quite sure, sir, that the head and not the heart has failed. I have tried to be gentlemanly to those around me. I will not bear insult from others without resenting it. I would scorn to insult another man causelessly. No brave man will insult his fellow-man needlessly nor at all, except under some excitement or for just cause; and when he does, it is his duty to admit it.

If I have been in error; if I have mistaken the gentleman from Pennsylvania; if he did not charge or insinuate I was trying to deceive this House, or to misrepresent the facts, as I understood him to do, I want it distinctly understood that the language I used toward him was unwarranted, and I will recall it. But if he did thus charge me with this wrong, I want it known that no power under the sun will get me to withdraw it. I did so understand him. Now, if I mistook him I owe him and the House an apology.

Now, Mr. Speaker, I have one further word. The gentleman from

him I owe him and the House an apology.

Now, Mr. Speaker, I have one further word. The gentleman from Pennsylvania among my compeers in this House has been my personal friend. We served two years together on the Committee on Appropriations of this House, and have been intimately associated. There is no earthly inducement why I should have any unkind feeling toward him, nor would I do him any injustice, and if I have violated the rule of the House it is my duty and my pleasure to make proper

toward him, nor would I do him any injustice, and if I have violated the rules of the House it is my duty and my pleasure to make proper amends to it. With this statement, I have done.

Mr. CLYMER. Mr. Speaker, the language which I used has been correctly reported, and, when read in a cool moment, no such construction could possibly be put upon it as the gentleman from Illinois imagines it to be capable of. I certainly intended only to say that no request had come to me from the Military Committee that I should permit a vote by year and nays in the House on this proposi-

tion. I did not pretend to say, sir, the gentleman from Illinois was misrepresenting his committee in offering it; but I did say, what I reassert, that there was no request from the Committee on Military Affairs, nor from the gentleman from Illinois himself, that I should permit a vote in the House. I understood it was to be offered in the Committee of the Whole House on the state of the Union for action, but that did not carry with it, by intimation, the idea that if defeated there a vote in the House was to be allowed. No request of that there a vote in the House was to be allowed. No request of that nature had been made to me by any one; and, as I am but the organ of the committee having charge of the bill in the House, I did not feel, until I had gathered further information on the subject, I could assent to the demand of the gentleman from Illinois.

Here, sir, I leave it. I felt that when the excitement of the moment was over, when the gentleman from Illinois had time to read what I really said and understood it, he would do as he has done,

what I really said and understood it, he would do as he has done, and as a man of honor and gentleman, as he is, and friend of mine, as he has heretofore been, make that reparation which was demanded under the circumstances. He has done it and I am content.

Mr. ATKINS. The gentleman from Illinois has made his explanation to the House and offered an apology to the House and to the gentleman from Pennsylvania for the language used, having used it under a false impression, and, therefore, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. CONGER. The point having been made in the committee and reported to this House with the accompanying language, that it was unparliamentary language, improper language, I ask for the ruling of the Chair.

of the Chair.

Mr. ATKINS. Is the motion I submit debatable?

The SPEAKER. It is not; but the Chair thinks it better to listen.

Mr. TOWNSHEND, of Illinois. Let us hear what it is.

Mr. CONGER. I ask the ruling of the Chair on the point of order made that the language of the gentleman from Illinois was unparliamentary. Then, of course, the question will be for the House to determine what shall be done in view of the entire refusal of the gentleman from Illinois to admit, under a certain contingency, if the language be ruled unparliamentary, to take it back and apologize for it. That question, I think, should be determined before we go back into committee. back into committee,

The SPEAKER. While the Chair's attention has been called by the gentleman from Michigan to the language used, and while the the gentleman from Michigan to the language used, and while the Chair, under the circumstances, might omit to rule on the language used, as he considers the words have practically been withdrawn, and would hope, by agreement between the two gentlemen, they might even be omitted from the RECORD, yet being called upon to decide whether the language used was parliamentary or not, the Chair would state distinctly his opinion that they are unparliamentary. He recognizes the fact, however, that an amicable adjustment has taken place, and therefore does not desire in any way whatever unnecessarily to revive any ill-feeling between members of the House. For that reason, he entertained the motion of the gentleman from Tennessee.

Mr. DUNNELL. I desire to ask a question, whether that language is to appear in the RECORD to-morrow morning?

The SPEAKER. The Chair is unable to answer that question.

Mr. DUNNELL. I would like to ask the gentleman from Illinois if he insists upon retaining the language in the RECORD, to the disgrace of the RECORD.

Mr. SPARKS. I have no desire to retain it in the RECORD. I should

grace of the Record.

Mr. SPARKS. I have no desire to retain it in the Record. I should prefer in fact that it would not appear.

Mr. CONGER. There is another point, Mr. Speaker, that I raised. I have no desire myself in any possible way to extend remarks upon this subject, and I have certainly no desire, of all gentlemen on that side of the House, to press anything against the gentleman from Illinois, as he well knows. But the gentleman did say while he withdrew anything offensive in his remarks, if his understanding was in error as to the language of the gentleman from Pennsylvania, that he did assert and repeated the assertion that if the gentleman from Pennsylvania intended to have made the remark as he understood it, he had no apology to offer to anybody for having used such language

rennsylvania intended to have made the remark as he understood it, he had no apology to offer to anybody for having used such language in the House. Now I desire to submit that the wrong was to the House, and to its proceedings, and its honor, if I may say so.

The SPEAKER. The gentleman from Michigan will recollect that some time during the statement of the gentleman from Illinois he said distinctly that he regretted any offense, or language of similar import, to the House. The Chair thinks that in view of the facts that an apology has been made to the House, and that an amicable arrangement has been had between the gentlemen, the sooner the matter is allowed to drop the better.

Mr. CONGER. I was not aware that there was any apology of that

kind used to the House.

Mr. RUSSELL, of North Carolina. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL, of North Carolina. I desire to offer the following resolution in connection with this subject.

The Clerk read as follows:

Resolved, That it is the sense of this House that Mr. Sparks, a member of this House from the State of Illinois, be, and he is hereby, under the censure of this House because of unparliamentary language in debate, and a gross violation of the rules of this House.

Mr. COX. I move to lay that resolution upon the table.
Mr. RUSSELL, of North Carolina. I desire to say
Mr. TOWNSHEND, of Illinois. I rise to a point of order.
Mr. RUSSELL, of North Carolina. I desire to say that I offer the
resolution without the slightest feeling against the gentleman from

Mr. TOWNSHEND, of Illinois. I made the point of order that this resolution cannot be entertained pending the motion of the genfleman from Tennessee unless the Speaker decides that it is a privileged

motion.

Mr. RUSSELL, of North Carolina. I am entitled to the floor.

Mr. TOWNSHEND, of Illinois, I am entitled to the floor on the point of order. My point of order is that there is a motion made by the gentleman from Tennessee now pending, and unless the Speaker decides this to be a privileged motion it cannot be in order while the motion of the gentleman from Tennessee is pending.

Mr. RUSSELL, of North Carolina. Mr. Speaker, I desire to say a word on this subject.

The SPEAKER. The gentleman from North Carolina will observe that the rule seems to provide that questions of this character are to be decided without debate, if debate is objected to. Objection has been made. The gentleman from New York makes the motion to lay on the table the resolution submitted by the gentleman from North Carolina, and that motion the Chair entertained, and such motion is not debatable.

Mr. RUSSELL, of North Carolina. I submit that the gentleman

Mr. RUSSELL, of North Carolina. I submit that the gentleman from New York had not the floor to make that motion.

The SPEAKER. The gentleman made the motion, and the Chair entertained it. The motion to lay on the table the resolution is not open to debate. The rule will be read.

Mr. RUSSELL, of North Carolina. Then I demand the previous question on the resolution, and I would like to make one remark.

The SPEAKER. The Clerk will read the latter clause of paragraph

of Rule XIV.

The Clerk read as follows:

If the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be hable to censure or such punishment as the House may deem proper.

Mr. RUSSELL, of North Carolina. Now, I desire to make just one

The SPEAKER. The Chair will cause to be read the first clause of paragraph 4 of Rule XIV.

The Clerk read as follows:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate.

Mr. GARFIELD. Now, Mr. Speaker—
Mr. COX. There is no debate on this as I understand it.

Mr. GARFIELD. Now, Mr. Speaked.

Mr. COX. There is no debate on this as I understand it.

Mr. GARFIELD. I am not making the slightest reference to the merits of the proposition, but I wish to call the attention of the Chair to the fact that the thing there to be settled "without debate" is whether the member who has been called to order may proceed or not. That is the question that must be settled without debate under the rule; but in the subsequent part of the rule it is provided that the House may censure the member or inflict such punishment upon him as it chooses for the violation of its rules. Now, the resolution him as it chooses for the violation of its rules. Now, the resolution introduced by the gentleman from North Carolina touches the question of censure. There is nothing in the rule which says that shall be decided without debate, and it would be strange if so grave a thing as censuring a member should be decided without debate.

The SPEAKER. The Chair inclines to think that the rule provides in a case where the Here is a resolution of the rule provides.

in a case where the House is appealed to and where the language of

in a case where the House is appealed to and where the language of this clause of the rule applies, it should be decided without debate; but the Chair entertains the resolution.

Mr. GARFIELD. The specific language in this fourth clause of the fourteenth rule is as to whether a member who has been called to order shall be allowed to proceed. Suppose somebody calls him to order, and immediately the question is raised, is he out of order, and shall he be allowed to proceed or not. That we have got to decide without debate; but that point has been already passed. The Speaker has decided that, and declares the language is not in order. Now a member rises and moves something in the nature of punishment on account of the decision of the Chair, and there is no intimation in the rule that this proposition in the nature of punishment is tion in the rule that this proposition in the nature of punishment is not debatable.

Mr. RUSSELL, of North Carolina. I desire to make a single remark. I did not hear distinctly the gentleman from Illinois [Mr. SPARKS] in his explanation; but as I understood it, it amounted to

Mr. McMILLIN. I object to debate.
Mr. RUSSELL, of North Carolina. That he declined to apologize to this House. If that be true, then I shall insist upon the resolution.
The SPEAKER. The gentleman from New York [Mr. Cox] moves to lay the resolution on the table.
Mr. RUSSELL, of North Carolina. I make the point of order that that motion is not in order. I had demanded the previous question.
The SPEAKER. The motion to lay on the table may be made notwithstanding the gentleman has demanded the previous question.
Mr. McMILLIN. How does it happen that the gentleman from

North Carolina is still debating the question if he demanded the pre-

vious question?

The SPEAKER. The demand for the previous question does not

prevent the motion to lay on the table.

Mr. RUSSELL, of North Carolina. I demand the yeas and nays on

Mr. RUSSELL, or North Carolina. I demand the year and mays on the motion to lay on the table.

Mr. BLOUNT. Before that demand is insisted on, I would like to say that the gentleman from North Carolina [Mr. RUSSELL] has misapprehended the gentleman from Illinois. I do understand the gentleman from Illinois to have apologized.

The SPEAKER. The Chair has stated he did.

Mr. BLOUNT. I want the gentleman from North Carolina to be seemed of that so that we may says the time of the roll-call.

assured of that, so that we may save the time of the roll-call.

assured of that, so that we may save the time of the roll-call.

Mr. GARFIELD. I wish to remark that everything turns on the question of whether the apology was conditional or absolute. I ask that the apology itself be read that we may know what we have to vote upon. If it be an absolute apology, there need be no division; if it be a conditional one, there should be.

Mr. COX. Is not that debate?

Mr. SCALES. I am satisfied that the gentleman from Illinois intended that the applicacy should be sufficient so far as the House was

tended that the apology should be sufficient so far as the House was Mr. COX.

Mr. COX. I insist on my motion.
Mr. GARFIELD. I ask to have read the subject-matter of the gentleman's statement to which the resolution relates.

tleman's statement to which the resolution relates.

Mr. BLAND. I call for the regular order.

Mr. CONGER. I hope the gentleman's statement will be read. If
the apology was made as understood by the Chair, there will be no
disposition on the part of any gentleman to press this matter to a vote.

The SPEAKER. The Chair is informed that the language is not
written out as yet by the reporters. The Chair understood the gentleman from Illinois as making a full and sufficient reparation to the
House, and also to the gentleman from Pennsylvania, [Mr. CLYMER.]
Mr. GARFIELD. If the Chair says there was an absolute apology,
and nobody denies it, that satisfies me.

Mr. SPARKS. I desire to say a word, if I can now get the attention of the House. I believe I stated before that I thought I was
brave enough and fair enough to put myself always right on any oc-

brave enough and fair enough to put myself always right on any oc casion, so far as I understood what was right. I stated that so far as the gentleman from Pennsylvania was concerned, if I understood his language aright, I certainly had nothing to take back—that is, if it was as I understood him; but if it were otherwise, I certainly owed an apology to him. Now the question occurs, is that language under any circumstances or provocation under our rules competent in this House? I think not, and I want to impress that fact upon the brethren. [Laughter.]
Mr. GARFIELD. That is right.

Mr. SPARKS. I repeat I think not; and thinking not, I am brave

enough to withdraw it.

Mr. GARFIELD. After that statement I hope the gentleman from
North Carolina will withdraw his resolution.

Mr. RUSSELL, of North Carolina. I withdraw the resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that in the absence of the Vice-President the Senate had chosen the Hon. ALLEN G. THURMAN, a Senator of the United States from Ohio, as President of the Senate pro tempore.

ENROLLED JOINT RESOLUTION.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. No. 99) providing for payment of wages to employés in the Government Printing-Office for legal holidays.

ARMY APPROPRIATION BILL

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Springer in the chair,) and resumed the consideration of the Army appropriation bill.

Mr. RYAN, of Kansas. I offer the amendment which I send to the

desk, to come in as a proviso after line 71.

Mr. CLYMER. Not knowing what the amendment is, I reserve all points of order.

The Clerk read as follows:

The GIEFK read as follows:

Provided, That acting assistant surgeons, employed as such in the Army of the United States, who have served continuously in that capacity five years or more, shall, upon application, be granted one month's leave of absence for each year's service with full pay, upon condition that the applicant shall, during such absence, attend a course of lectures at some standard college of medicine; after which such acting assistant surgeon shall be allowed, upon application, an examination before the Army medical board, and if reported by said board to be in all respects qualified, the President shall appoint and commission him an assistant surgeon in the Army of the United States, in the same manner as such officers are now appointed and commissioned.

Mr. CLYMER. I suppose it is not necessary that I should press the point of order on the Chair. The amendment clearly contains an increase. It provides for a five months' leave after five years' service with full pay.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?
Mr. CLYMER. I do.

The CHAIRMAN. The Chair sustains the point of order.
The Clerk resumed the reading of the bill and read the following:

The Clerk resumed the reading of the bill and read the following:

Subsistence Department:

For subsistence of 25,000 enlisted men, 120 additional half-rations for sergeants and corporals of ordnance, enlisted men of the Signal Service, women to companies, daundresses,) 1,875 civilian employés, 125 contract surgeons, 200 hospital matrons, 110 military convicts, and 500 prisoners of war, (Indians,) in all, 10,755,820 rations, at twenty cents each; for difference between cost of rations and commutation thereof for detailed men, and for enlisted men and recruits at recruiting stations, and for cost of hot coffee and cooked rations for troops traveling on cars; for subsistence stores for Indians visiting military posts, and Indians employed without pay as scouts and guides, \$2,250,000; of which amount \$300,000 shall be available from and after the passage of this act for the purchase of stores necessary to be transported to distant posts in advance of the 30th of June, 1880: Provided, That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section 1149 of the Revised Statutes, 10 per cent. shall be added to cover wastage, transportation, and other incidental charges, save that subsistence supplies may be sold to companies, detachments, and hospitals at cost prices, not including cost of transportation, upon the certificate of an officer commanding a company or detachment or in charge of a hospital that the supplies are necessary for the exclusive use of such company, detachment, or hospital: Provided further, That commutation, in lieu of rations in kind, shall be paid to enlisted men only, under regulations made by the Secretary of War, and at not exceeding the following rates per diem, and under the following circumstances: Seventy-five cents when traveling under orders and it is impracticable to cook their rations or carry cooked rations; seventy-five cents when stationed where it is impracticable to draw rations in kind from the Subsistence Department, or wh

Mr. UPSON. I move to amend the paragraph just read by striking out the last proviso, as follows:

Provided further. That commutation, in lieu of rations in kind, shall be paid to enlisted men only, under regulations made by the Secretary of War, and at not exceeding the following rates per diem, and under the following circumstances: Seventy-five cents when traveling under orders, and it is impracticable to cook their rations or carry cooked rations; seventy-five cents when stationed where it is impracticable to draw rations in kind from the Subsistence Department, or where there may be no opportunity of messing; and twenty-five cents while on furlough by competent authority.

The question was upon the amendment of Mr. Upson.

Mr. CLYMER. A communication from the Secretary of War has been received by the Speaker of the House and by him submitted to the Committee on Appropriations this morning. It has not yet been submitted to me as the member of that committee in charge of this bill. That communication expresses the views of the Secretary of war with reference to this proviso. In justice to him and in order that this committee may fully understand what his opinion is, I desire that it may be read before I proceed to discuss the proposed amendment. I think it must be on the Speaker's table.

The CHAIRMAN. The Chair understands that the paper to which the gentleman alludes was referred to the Committee on Appropriations this morning in the House.

the gentleman and des was referred to the Committee on Appropriations this morning in the House.

Mr. CLYMER. It has not yet reached the committee; probably it is in the hands of the distributing clerk.

The CHAIRMAN. The Chair will send for it.

Mr. CLYMER. I will endeavor to state what this proviso, if adopted,

will effect

Mr. McMillin. I desire to reserve all points of order upon the amendment, and with that understanding I am willing the gentleman from Pennsylvania [Mr. CLYMER] shall proceed to discuss it.

Mr. CLYMER. It is well known that there is a class of men in the

Departments here and at headquarters and elsewhere known as "general-service men;" men who are enlisted as soldiers, not for the purpose of serving in the field but to serve as clerks. I think there are in this city some 350 men of that description. I may be in error in regard to the number, but I have a statement here which shows the number. [Referring to a manuscript.]

There are in this city 352 of such men, I believe, distributed among the various Departments. There are 30 in the War Department proper; 127 in the Adjutant-General's Office; 14 in the Office of the Chief of Engineers; 20 in the Surgeon-General's Office; 10 in the Office of the Chief of Ordnance; 8 with the Chief Signal Officer; 5 in the Army Dispensary at Washington; 8 in the Office of the Geographical Survey; 4 at the headquarters of the Military Division; 1 engaged in general recruiting service in New York; and 195 and I engaged in general recruiting service in New York; and 125 engaged in the Signal Service throughout the country. Then there are some 500 engaged in other service throughout the country.

Under an order of the War Department, which has been repeatedly sanctioned in appropriation bills, these men, instead of drawing twenty

cents a day for rations, have their rations commuted at the rate of a dollar a day. They are also allowed commutations for quarters, commutations for clothing, for subsistence, for fuel, and extra-duty pay. Some of them, those of the rank of sergeant, receive pay amounting to \$1,102.86 per year. This is made up, with other items, by commutation of subsistence in this city amounting to a dollar a day.

The Commissary-General, in repeated interviews with the sub-com mittee of the Committee on Appropriations having charge of this bill, suggested that commutation of subsistence at the rate of a dollar a day was excessive; that men here on this extra duty in this city should not receive more than seventy-five cents a day. It is for the Committee of the Whole to determine whether they ought to receive the greater or the smaller sum.

Here is a statement of the number of general-service men and where serving:

Total to whom \$1 per day for commutation of rations is to be allowed... 352

Enlisted men on duty at headquarters military divisions and departments....
Enlisted men on duty at headquarters recruiting service at New York and San Francisco
Enlisted men in Signal-Service throughout the country
Enlisted men in Signal-Service as repairmen
Enlisted men on detached duty, traveling...

Total to whom seventy-five cents per day for commutation of rations is to be allowed.....

There is a class of men who are put on detached duty, traveling, &c. This proviso will give them seventy-five cents a day, the same sum which they now receive. The whole proviso was submitted to sum which they now receive. The whole proviso was submitted to us by the Commissary-General, and he desired that that class of men, on detached duty, &c., should have their commutation raised to \$1 a day instead of seventy-five cents a day, as it is now by law. The committee, not agreeing to that, has left the provision for this at the same amount now allowed by the order of the Secretary of War.

The proviso further allows twenty-five cents a day in addition to the secretary of the secretary o

their rations to private soldiers who are on furlough. After this statement I ask that the letter of the Secretary of War be read, as it will

present the other side of the case.

Mr. McMILLIN. Before the gentleman takes his seat I desire to say that, if I understand him correctly, should this provise be stricken out there will be a larger amount given for this purpose than would

be given by the proviso. Am I correct?

Mr. HAWLEY. It will leave the law as it is now.

Mr. McMILLIN. But it would be an increase over the amount pro-

wided by the bill.

Mr. CLYMER. Unquestionably it would.

Mr. McMILLIN. Then I insist upon my point of order, and it is not necessary to take up time by reading the communication of the

not necessary to take up time by reading the communication of the Secretary of War.

Mr. BAKER. The point of order is certainly not well taken. The motion of the gentleman from Texas [Mr. UPSON] is simply to strike out this proviso, and if adopted it will leave the law to remain as it now is. It is only where a proposition is made to change existing law that a point of order would lie.

Mr. McMILLIN. But in determining a point of order, you must determine it by the bill before the House, and not by the law as it exists.

exists.

Mr. WHITE. Not at all. The point of order might be made against the provision reported by the committee, but clearly it cannot be made against the amendment offered by the gentleman from Texas, [Mr. UPSON.] It is the provision reported by the committee which proposes to change existing law.

The CHAIRMAN. The point of order not having been raised against the proviso in the bill reported from the Committee on Appropriations, which proviso, if enacted into a law, would change existing law, the Chair is of the opinion that it does not lie against the mo-

tion to strike out such proviso, because that would not change existing law. The Chair overrules the point of order.

Mr. BAKER. Let the letter be read.

The Clerk read as follows:

WAR DEPARTMENT, Washington, D. C., April 5, 1880.

Washington, D. C., April 5, 1880.

The Secretary of War has the honor to ask the attentive consideration of Congress to the following remarks upon that part of the Army appropriation bill which may be found under the head of "Subsistence Department," commencing at line 163. It is therein provided, in substance, that commutation, in lieu of rations in kind, shall be paid to enlisted men only, under regulations made by the Secretary of War, and at not exceeding the following rates per diem, and under the following circumstances:

First. Seventy-five cents when traveling under orders, or it is impossible to cook their rations or carry cooked rations.

Second. Seventy-five cents when stationed where it is impracticable to draw rations in kind from the Subsistence Department, or where there may be no opportunity of messing.

Heretofore in both the classes above cited the regulations and laws have authorized the Secretary of War to fix the rate of commutation according to the requirements of the case, not only as to enlisted men but also to civil employés who may be entitled to draw a ration. This bill excludes the latter class (civilians) altogether.

ments of the case, not only as to enlisted men but also to civil employés who may be entitled to draw a ration. This bill excludes the latter class (civilians) altogether.

The rule has been that when enlisted men have traveled under orders, without having been supplied with rations in kind, they have been reimbursed their expenses for meals, in such reasonable limited amount as the facts would warrant, having in view the expenses which were actually incurred by the claimant.

Enlisted men detailed at particular stations for the performance of clerical and other duty, where it is impracticable to draw rations in kind, the Secretary of War has granted them commutation of rations based upon the cost of living at the point where they may be stationed. So much as to existing practice.

I. The proposed allowance to soldiers traveling under orders at seventy-five cents a day is manifestly insufficient. In the country west of the Mississippi River, where most of such traveling is done, it is notorious that it costs much more than said sum to procure daily subsistence, as each meal costs that or more. The proposed allowance, if traveling by rail, would give a man one meal a day, and if traveling by stage west of Omaha not even that. The clause would operate as a pecuniary punishment upon every enlisted man ordered upon the performance of duties in which he was not supplied with rations in kind, thus inflicting a hardship upon a class whose compensation is not sufficient to pay such expenses.

The whole matter has ever been under the control of the Secretary of War, to determine the sum to be paid upon the merits of each class of cases as they arose. II. As to the second clause it may be well to say that it involves a reduction of the allowance now authorized to every man who is on duty as a general-service clerk, and to all the men of the Signal Corps stationed at the seat of Government, and to many of the men detailed as clerks at division and department headquarters. Congress has limited the number of those men who s

The SPEAKER
Of the House of Representatives.

ALEX. RAMSEY, Secretary of War.

Mr. CLYMER. It will be perceived by this communication that the Secretary of War thinks the reduction of the pay of these enlisted men in the general service would be wrong; that their present pay is not in excess of what is right. I beg leave now to submit a statement, carefully prepared, with explanatory notes, of the pay of this class of public servants.

Table of the annual compensation of enlisted men of the general service, United States Army, when on duty as clerks and messengers in the Adjutant-General's Office and elsewhere.

A CONTROL OF THE CONT								
. Place.	Grade and duty.	* Pay.	†Subsistence.	† Clothing.	Quarters.	§ Fuel.	Extra duty pay.	Total.
Washington, District of Columbia San Francisco, California, (headquarters Division of the Pacific) Prescott, Arizona, (headquarters Department of Arizona) Portland, Oregon, (headquarters Department of Columbia) All other headquarters	Sergeants, (clerks). Privates, (clerks). Privates, (messengers) Sergeant, (clerk). Privates, (clerks). Sergeant, (clerk) Privates, (clerks) Sergeant, (clerk) Privates, (clerks). Privates, (clerks).	\$204 00 156 00 156 00 204 00 156 00 204 00 156 00 204 00 156 00 204 00 156 00	\$365 00 365 00 365 00 365 00 365 00 365 00 365 00 365 00 365 00 365 00	\$46 11 44 34 44 34 46 11 44 34 46 11 44 34 46 11 44 34 46 11 44 34	\$252 00 252 00 216 00 240 00 240 00 240 00 240 00 216 00 120 00 120 00	\$108 00 108 00 84 00 238 92 238 92 315 00 315 00 198 00 198 00 96 00 96 00	\$127 75 127 75 73 00 127 75 127 75 127 75 127 75 127 75 127 75 127 75 127 75	\$1, 102 86 1, 933 09 1, 938 34 1, 921 78 1, 172 01 1, 297 86 1, 248 09 1, 167 69 958 86 909 09

*Estimated at lowest rates of pay. The average amount of contingent additions and longevity increase, under sections 1281-1284, Revised Statutes, which vary according to length of service, may be estimated for general-service men at \$5 per month. Paid by Pay Department.

†Where no messing facilities are provided subsistence is commuted at \$1 per day. Paid by Subsistence Department.

†These figures represent the average of the varying annual allowances of clothing for the five years of enlistment. Money payable only on discharge. Paid by Pay Department.

†Commutation of quarters (1 room) allowed, where same cannot be furnished in kind, at rates fixed by Secretary of War. Paid by Quartermaster's Department.

†Extra-duty pay (thirty-five cents per day for clerks, twenty cents per day for messengers) allowed for constant labor of not less than ten days. Paid by Quartermaster's Department.

(For rates prescribed for time subsequent to December 31, 1870 see General Order 169. Additional Communications of the contraction of the co

aster's Department.
(For rates prescribed for time subsequent to December 31, 1879, see General Order 109, Adjutant-General's Office, December 15, 1879—copy herewith.)

The proposed reduction of pay would be a saving to the Government of something more than \$88 a day, nearly \$30,000 a year. Whether it would be just to make this reduction the Committee of the Whole should decide impartially. I think the whole error is in the fact that enlisted men, men credited to the Army, are employed to do clerical duty instead of the Government employing regular clerks. I believe this practice is an injury to the public service. Under it we may get clerical work done more cheaply than we could otherwise, but the Army is depleted to the extent of the number of these general-service men. The Army is credited with three hundred and fifty men who have never been in its ranks, and who, if called to serve there, would plead that they had enlisted under an agreement that they should be employed as clerks at headquarters in this city or else-

Mr. ATKINS. Is it not a fact that these men all prefer to stay where they are rather than to go into the ranks of the Army?

Mr. CLYMER. Of course they would not want to go into the ranks.

They never enlisted for that purpose

Mr. ATKINS. That settles the whole question.

Mr. HISCOCK. Is it not true that these men enlisted because it was expected that they would be detailed to do this character of

Mr. CLYMER. Unquestionably that was the agreement.
Mr. ATKINS. I suppose that is true.
Mr. HISCOCK. I ask the chairman of the Committee on Appropriations whether these men were not enlisted for this service and with the understanding at the time that they would receive this com-

mutation of \$1 a day.

Mr. ATKINS. I do not know about that.

Mr. CLYMER. There is no law for the enlistment of men for this kind of service. There is a law that permits soldiers to be used as clerks in the different Departments here, fixing the number for

Mr. CALKINS. There was a provision of law, if it is not the law now, that persons might be enlisted for this special service.

Mr. CLYMER. That was during the war.

Mr. CALKINS. And since the war.

Mr. CALKINS. And since the war.
Mr. CLYMER. It is no longer the law; it is a regulation.
Mr. CALKINS. I beg to call the gentleman's attention to the fact that these enlisted men who are detailed for clerical duty in the War Department have always been allowed to resign their positions and be mustered out under a provision of law, as I have always understood derstood.

Mr. CLYMER. But, as I understand the case, and we examined

it very fully—
Mr. CALKINS. Will the gentleman allow me one word further? I know it to be a fact (and so I have no doubt does the gentleman) that many of these men accepted these places instead of clerkships

under general appointments.

Mr. CLYMER. No, I do not know that; I do not so understand.

I only know that there is a provision of law permitting a certain number of these enlisted men, as they are termed, to serve in the

Quartermaster's Department and elsewhere.

Mr. CALKINS. In the Engineer Department a great many of these men have served for years, and their services are almost indispensable, as they are familiar with the routine work there, which is peculiar. It would, in my judgment, be a very serious detriment to the interests of the Government to dispense with their services.

The CHAIRMAN. Debate is exhausted.

Mr. HISCOCK. I move to amend the amendment by striking out the last word. I do not understand any one as claiming that the clerks of this class are overpaid. On the contrary, I believe it is conceded on all sides that other clerks not in the military service, doing work side by side with these very men, are receiving a higher rate of compensation than these clerks, whose salary will in effect be reduced by reducing the amount of this commutation. Now let me duced by reducing the amount of this commutation. Now let me show how the position of these men, who while in the military service are discharging this clerical duty, differs from the position of other clerks. How is it with these other clerks? You reduce their salary and they have the right to resign at any time they please; when you say you will pay them only so much they have the right to leave the Department; but so far as this class of service is concerned, these men are enlisted for one, two, three, four, or five years. They enlisted with a full knowledge of the amount they were to receive; and when you reduce their salary they have no right to resign; you might reduce it to a nominal amount, and yet they are compelled to render these services. Isay it is unjust toward them. This is in the nature of contract between them and the Government, and the amount which the Government pledged itself to pay them at the time when which the Government pledged itself to pay them at the time when they enlisted and were mustered in is the amount which the Government should continue to pay them so long as they remain in the

As has been well said, this saves us nothing. For, if you muster them out you will have to increase the clerical force and pay a larger compensation for other clerks who may be engaged to discharge the duties

which these men are now discharging.

Mr. UPSON. In support of my motion to strike out I desire to have read an extract from the letter of the Adjutant-General of the Army.

The Clerk read as follows:

ADJUTANT-GENERAL'S OFFICE, Washington, April 7, 1880.

Dear Sir: * * * On pages 5 and 6, lines 103 to 112, are entirely new legislation which in my opinion is not only unnecessary but exceedingly ill-advised. The existing regulations for the Army cover all the essential points in this proposed legislation, and it is the rule by which such allowances are governed. But a few circumstances arise where an enlisted man may be sent in pursuit of a deserter, or with some important dispatch, where seventy-five cents a day would not more than half cover his actual expenses. Two such cases are remembered where after exhausting the regulation allowance, seventy-five cents a day, and spending all his own private means to subsist himself, a soldier was forced to return without accomplishing his mission, for want of money.

Again, under the sanction of general appropriations and laws the Secretary of War has assigned a commutation of \$1 a day in lieu of rations in kind to enlisted men doing the duties of clerks in the War Department and at military division and department headquarters. The entire compensation of these clerks, who do the same duties precisely as civilian clerks at \$1.200 per year, does not exceed \$350 a year. It would be unjust to take from them, in this indirect way, so large a portion of their hard-earned salary. This proposed legislation, which I append below, would utterly deprive the Secretary of War of all the discretion which he ought properly to exercise in matters of this kind. He does not confide in any other person the exercise of this discretion, and therefore it cannot be open to abuse. I therefore earnestly hope the provision will be stricken out of the appropriation bill.

Very respectfully and truly yours,

E. D. TOWNSEND,

E. D. TOWNSEND, Adjutant-General.

Hon. C. UPSON,
House of Representatives.

Mr. WHITE. May I ask who put that proviso in?
Mr. CLYMER. The committee did, after due deliberation.

Mr. McCOOK. On what information?

Mr. CLYMER. At the request of the Commissary-General, Macfeely, and I believe the proviso should not be stricken out. That is my judgment.

Mr. McCOOK. What does General Macfeely know about it?

Mr. HISCOCK, by unanimous consent, withdrew his formal amend-

Mr. CANNON, of Illinois. I renew it; and I wish to say a word about this proviso. The Committee on Appropriations were not unanimous, by any means, in reporting this to the House, and I wish, if I can, to break the force of the recommendation of the Commissary-General by reference to some facts. This amendment cuts down three General by reference to some facts. This amendment cuts down three hundred and fifty-two employés in the War Department, who, as stated by the gentleman from Texas, are paid on the average of \$950 a year, although clerks doing precisely the same duty alongside of them receive \$1,200 a year. Because these men receive \$250 a year less than other clerks who do no more or any higher grade of duty certainly cannot be put forward as any good reason why their pay should be still further reduced \$85 each per annum. If it is necessary to keep some and discharge others, why not retain the nine-hundred-and-fifty-dollar clerks and discharge the twelve-hundred-dollar clerks, or those who receive \$250 a year more?

clerks, or those who receive \$250 a year more?

As I understand it, the Commissary-General did make a recommendation in favor of this reduction, but he coupled with it a recommendation that fifty enlisted men who received only seventy-five cents a day as commutation should have that amount increased to a dollar a day. In other words, under that recommendation, he would cut off three hundred and fifty-two men who are getting a dollar a day for commutation of rations in order to raise fifty men from seventy-five cents to \$1. I do not know whether that is a selfish recommendation or not, but I do know the object sought cannot be accomplished under the proviso contained in this bill; and when the committee understand all the facts in the case I am sure there will be no question about the propriety of striking it out. I hope the mo-

tion will be agreed to.

Mr. UPSON. I ask the gentleman from Pennsylvania whether he is not satisfied that seventy-five cents a day is not sufficient for detailed enlisted men in the Army west of the Mississippi River to purchase their subsistence?

Mr. CLYMER. It would be after all only an expression of my opinion, but it seems to me seventy-five cents a day or \$4.50 a week to enlisted men for subsistence is sufficient. I think they ought to get

along with that.

But I ask to have read the recommendation of the Commissary-General on this subject.

The Clerk read as follows:

The Clerk read as follows:

In compliance with your verbal request, I transmit herewith, in the form of proviso to be attached to the appropriation bill, what may be considered my views as to the allowance of commutation to enlisted men in lieu of rations in kind, and as to the several classes of men to whom commutation should be given.

The Army Regulations of 1857 fixed the rate of travel allowance to enlisted men for subsistence at seventy-five cents per day. My opinion is that \$1 per day is not at this time in excess of the average cost per diem of meals throughout the country, and enlisted men, traveling on detached duty, when it is impracticable to cook rations or carry cooked rations, should be enabled to purchase subsistence in the mode in which ordinary travelers usually procure their meals.

The ration of a soldier stationed in a city, with no opportunity of messing, should be commuted at not exceeding seventy-five cents per day. This price was fixed by the War Department in 1857, but in 1863 the commutation in this city was increased to \$1.

The ration of a soldier to whom a furlough has been granted should be commuted during the period of his furlough at not exceeding twenty-five cents. This price was fixed by the War Department in 1865.

The question recurred on Mr. UPSON's motion to strike out the pro-

The committee divided; and there were—ayes 76, noes 33. So the motion was agreed to.

Mr. CLYMER. I make no further opposition, and will have a vote in the House on this proposition.

The Clerk read as follows:

Medical Department:
For purchase of medical and hospital supplies, medical care and treatment of officers and soldiers on detached duty, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department, \$200,000.

and other miscellaneous expenses of the Medical Department, \$200,000.

Mr. McLane. I move to reduce the appropriation \$1 for that item. My idea is, Mr. Chairman, frankly stated, to go back again to the item providing for the civil surgeons, or, as they are known in this bill, the contract surgeons. I do not think justice has been done to the Surgeon-General's Department in this debate. This morning, when we left that branch of the bill, there was very little, indeed no opportunity to examine the matter in its details. I desire now to state that I do not know in the whole public service of a more efficient or faithful officer than the present Surgeon-General of the Army; and certainly honorable gentlemen representing the Committee on Military Affairs left an impression on our minds that there was not due economy in so far as the civil surgeons employed in the Army are concerned. concerned.

Now, I have carefully analyzed the letter which was read on yester-day from the Surgeon-General's Department, and from that analysis I am satisfied that the entire military force of surgeons is fully occupied and that there is a manifest vacancy in that Department which calls for a certain number of contract surgeons, and which made it calls for a certain number of contract surgeons, and which made it necessary to employ those who have heretofore been employed. Every man is properly accounted for in this letter of the Surgeon-General. When you take the whole number available for duty, one hundred and thirty, and then take the military posts at which more than one are constantly employed, and take that small item of twelve surgeons serving with detachments of the Army in the field at this present moment there will be a deficiency of near one hundred that must be supplied from the contract surgeons if supplied at all.

I am very well aware that there are nearly one hundred and eighty surgeons always on the rolls, but the report of the Surgeon-General shows that there are only one hundred and thirty available for duty; and believing, as I do, the statement of that officer to be perfectly

and believing, as I do, the statement of that officer to be perfectly reliable, I take this one hundred and thirty as my basis, and all over one hundred and thirty must be supplied from the civil or contract

surgeons.

One word more. It is alleged that there are an undue number of Army surgeons in the city of Washington, but it must be remembered that there are a considerable number employed in the work that Congress has made necessary; that is, in the publication of the Medical and Surgical History of the War and in the preparation of medical statistics. There are over ten employed on these miscellaneous duties, including the National Medical Library and Museum.

Mr. HAWLEY. Not now.

Mr. McLANE. Well, I do not know the number exactly now, but

I am in the main correct.

Mr. KELLEY. There are only eight in Washington, and only three

Mr. KELLEY. There are only eight in Washington, and only three in that special department.

Mr. McLANE. At all events, I am convinced from this analysis that there will be a large number required to be employed from the civil list, to replace the regular Army surgeons on special duty, and I know no officer in the Army upon whose judgment and discretion I would more cheerfully rely than upon that of the present Surgeon-General, whose integrity and fidelity as well as whose intelligence has been illustrated by a long and active service of five and thirty years.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. DIBRELL. I rise to oppose the amendment.

The CHAIRMAN. Does the gentleman from Maryland withdraw his amendment?

his amendment? Mr. DIBRELL.

Mr. DIBRELL. I wish to oppose the amendment.

The CHAIRMAN. The Chair thinks this question is entirely out of order. It relates to another branch of the bill which has been

Mr. DIBRELL. I think I ought to be heard, as the gentleman from Maryland has been allowed to discuss the matter.

Mr. SPARKS. I hope the gentleman from Tennessee will be allowed

to proceed.

The CHAIRMAN. The subject-matter of this discussion has been already considered and passed over in the committee in previous stages of the bill, and therefore it is not in order at this time.

stages of the bill, and therefore it is not in order at this time.

Mr. BLOUNT. As the gentleman from Maryland has been allowed to refer to the matter, I think it is only fair that the gentleman from Tennessee should have the right to reply to him.

Mr. CLYMER. Let him be heard.

Mr. WHITE. The gentleman ought to be heard.

Mr. DIBRELL. I will not detain the committee but a moment.

The CHAIRMAN. If there be no objection, the gentleman will be

allowed to proceed.

Mr. DIBRELL. Mr. Chairman, I made my statement as to the number of posts and the number of surgeons from the Army Register, which was furnished to the Committee on Military Affairs by the

Secretary of War, and I am satisfied that it was correct.

Mr. McCOID. I rise to a point of order.

Mr. DIBRELL. And the gentleman himself is aware that a large number of the surgeons of the Army are not on duty.

Mr. McCOID. I insist upon my point of order. I insist that the

gentleman is out of order.

Mr. DIBRELL. The gentleman seems to be very sensitive on this subject now. I had a notion when this part of the bill was under consideration to offer an amendment providing for five hundred of these contract surgeons and to station two hundred and fifty of them in Washington City, and I venture to say he will do it if we give him the money. Now, as you are so sensitive you can go on with your bill.

Mr. McLANE. I withdraw the amendment.

The Clerk resumed the reading of the bill and read as follows:

For the Army Medical Museum, and for medical and other works for the library of the Surgeon General's Office, \$10,000.

Engineer Department:
For engineer depot at Willet's Point, New York, namely: For purchase of engineering materials to continue the present course of instruction of the engineer batalion in field engineering, 81,000.

For incidental expenses of the depot, remodeling ponton-trains, repairing instruments, purchasing fuel, forage, stationery, chemicals, extra-duty pay to soldiers engaged in special skilled labor, such as wheelwright work, printing, photographing, and lithographing engineer documents, and ordinary repairs, \$4,000.

Ordnance Department:

Ordnance Department:

For the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of fuel and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage, and vehicles; incidental expenses of the ordnance service, including compensation of workmen in the armory and museum building connected with the Ordnance Office and those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, \$10,000. For manufacture of metallic ammunition for small-arms, \$80,000. For overhauling, cleaning, and preserving new ordnance stores on hand at the arsenals, \$20,000. For dismounting guns and removing the armament from forts being modified or repaired, including heavy carriages returned to arsenals for alteration and repairs, and other necessary expenses of the same character, and for repairing ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, and for extra-duty pay for enlisted men detailed for ordnance service, \$30,000.

Mr. CLYMER. There is a mere verbal amendment which I wish to make in line 240. Insert before the word "dismounting" the words "mounting and;" so it will read:

For mounting and dismounting guns and removing the armament, &c.

The amendment was agreed to.

The Clerk resumed the reading and read as follows:

For purchase and manufacture of ordnance stores to fill requisitions of troops, \$115,000.

\$115,000.

For infantry, cavalry, and artillery equipments, consisting of clothing-bags, haversacks, canteens, and great-coat straps, and repairing horse equipments for cavalry troops, \$65,000.

For powder depot: For grading grounds, erecting magazines and other necessary buildings, and all expenses incident thereto, \$50,000: Provided, That the Secretary of War may, in his discretion, expend a sum not exceeding \$18,500 of this amount in the purchase of additional land adjoining the present site.

For manufacture of arms at national armories, \$300,000.

Mr. WHITE. I desire to offer the following amendment after line

The Clerk read as follows:

That upon the application of any college, university, or institution of learning, incorporated under the laws of any State within the United States, having a capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor therefor, and such officer may receive from the institution to which he may be detailed the difference between his retired and full

Mr. CLYMER. I would suggest to the gentleman that instead of the words "may receive" the words "shall receive" should be em-ployed. Unless that change is made the amendment is clearly liable

ployed. Unless that change is made the amendment is clearly liable to the point of order.

Mr. WHITE. If the gentleman will hear me for a moment I will state that the very purpose of that latter clause—

Mr. CLYMER. I will suggest the addition of the words "and shall not receive any additional pay or allowance from the United States."

Mr. WHITE. Do you want that in?

Mr. CLYMER. Yes; let it come in at the end of the amendment.

Mr. WHITE. All right.

The 'amendment as thus modified was agreed to.

The Clerk resumed the reading of the bill and read as follows:

The Clerk resumed the reading of the bill and read as follows:

United States testing-machine:
For caring for, preserving, using, and operating the United States testing-machine at the Watertown arsenal, \$5,000.

Mr. DUNNELL. I offer the following amendment: Strike out "\$5,000" and insert "\$4,000."

Strike out "\$5,000" and insert "\$4,000."

I offer that formal amendment that I may allude to the paragraph which immediately follows the clause which sums up the total amount appropriated. This bill appropriates \$26,425,800. Now, we frequently hear in debate upon some of the appropriation bills which annually pass this House about the expensiveness of this and that arm of the public service. I accidentally fell a few days ago upon a statement of the expenses of other nations as compared with our own in maintaining their military establishments; and I think we may congratulate ourselves as citizens of this Republic that we really appropriate so small a sum of money for the support of the Army. I believe that the public sentiment to-day of the country is very well satisfied with the present Army at its present size. I do not believe there is a demand for an increase of the Army, nor do I believe that public sentiment would sustain a reduction of the Army.

This bill appropriates \$26,425,800. Now let us see what the mili-

This bill appropriates \$26,425,800. Now let us see what the mili-

tary establishments of other countries cost. In Germany the cost of the military establishment is \$101,626,000; four times the amount of the cost of our own Army. In France the cost is \$128,520,000, or five times the amount of the cost of our Army. In Great Britain it is \$153,510,000. In Russia it is \$173,740,000. In Austria it is \$53,074,000. In Italy it is \$44,030,000.

Mr. CHALMERS. Will the gentleman allow me to ask him a question?

Mr. DUNNELL. I have only five minutes and have not much time

to yield for questions.

Mr. CHALMERS. I merely wish the gentleman to state, if he can, the number of troops of which the armies of those nations con-

Mr. DUNNELL. That has nothing to do with the point I am sub-

Mr. DUNNELL. That has nothing to do with the point I am submitting. We are happy as a nation that we have so small an Army, and I simply wish to congratulate the House that we are able to provide for our Army by an appropriation of \$26,000,000. I am happy it is all we need to support the Army of the United States of America, and I allude to the fact simply for that purpose.

Mr. CLYMER. I have but this to say, that we all of us, Americans, have deep cause for gratitude that this Government rests upon the love and affections of its people and not upon bayonets for its support. In computing the cost of armies in other countries the gentleman from Minnesota has not stated to us their number. Possibly if he had done so it would have anneared that the cost per man of our he had done so it would have appeared that the cost per man of our Army is much greater than the cost per man of the armies of other

Mr. DUNNELL. Let me ask the gentleman from Pennsylvania if he is not glad that the American soldier is better fed and better paid than the soldiers of Europe?

Mr. CLYMER. Yes, sir; and moreover I am glad to say he has less to do. If within my power I would not have him less well clothed, less well fed, or less comfortable, and the action of the committee in reporting this bill is the best attestation they can make in

Mr. DUNNELL. I withdraw the amendment.
Mr. McCOOK. I am authorized by the Committee on Military Affairs to offer as an additional section of the bill what I send to the

Mr. BAKER. I reserve all points of order until the amendment is

The Clerk read as follows:

SEC. 2. That there be printed and bound 8,000 copies of the Official Records of the War of the Rebellion, compiled for the years 1861 and 1862 from Union and confederate sources under the direction of the War Department; of which 6,020 copies shall be for the use of the House of Representatives, 1,520 copies for the use of the Senate, and 540 copies for the use of the Executive Departments.

Mr. McCOOK. If that amendment will pass without my saying

Mr. MCCOOK. It that amendment will pass without my saying anything in its support I do not want to say anything.

Mr. BAKER. I do not make the point of order.

Mr. CLYMER. If the gentleman from Indiana does not make the point of order, I do. I must act an impartial part. The Committee on Appropriations have avoided attempting in the least degree to make any appropriation in this bill which is not warranted by law; and if I do not take my stand against appropriation of that also makes. any appropriation in this bill which is not warranted by law; and if I do not take my stand against appropriations of that character I would not be doing my duty in obeying not only the expressed but the implied wishes of the committee.

The CHAIRMAN. Does the Chair understand the gentleman from Indiana [Mr. BAKER] to insist on the point of order?

Mr. BAKER. I have stated that I do not desire to press the point

of order.

Mr. CLYMER. I have made the point of order, but I am willing to withhold it until the gentleman from New York is heard.

The CHAIRMAN. Then the Chair understands the gentleman from Pennsylvania to make the point of order.

Mr. WHITE. He withholds it for the present.

The CHAIRMAN. The point of order must be made now before

debate is entered on or it must be withdrawn.

Mr. CLYMER. Then I make the point of order.

The CHAIRMAN. The Chair sustains it.

Mr. ATKINS. I would remark to the gentleman from New York
[Mr. McCook] that the proper place for the section he has offered
would be in the sundry civil bill any way.

Mr. McCOOK. If the gentleman will say that the Appropriations
Committee will put it into that bill, then I have no objection to with-

drawing it now.

Mr. ATKINS. I am not authorized to speak for the Committee on

Appropriations as to that.

Mr. McCOOK. It is of importance that these records should be printed. The Secretary of War has recommended it time and again, I think, for the last four years, and Congress has already made an ap-

Think, for the last four years, and Congress has already made an appropriation.

The CHAIRMAN. Debate is not now in order.

Mr. BAKER. On the point of order I desire to say a word.

The CHAIRMAN. The Chair has decided the point of order.

Mr. BAKER. I ask the Chair to hear me for a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BAKER. This is an appropriation for a public object that has already been in progress for several years past; and the third clause of the twenty-first rule provides that an amendment may increase

expenditure where the object of such amendment is the continuation of a public work or a public object that is already in progress.

This is a "public object" that is already in progress. The Chairman must recognize that fact, must be familiar with the fact that for a series of years the Government has been engaged in the prosecution

a series of years the Government has been engaged in the prosecution of this work, and this appropriation is simply for the purpose of continuing this "public object."

Mr. McCOOK. I do not wish to say anything out of order; but in connection with the point of order I would like to call the attention of the Committee of the Whole to this fact: for four years past appropriations have been made for the compilation of the official records of the late war from Union and confederate sources. That compilation has been now carried on so far that it is complete for the year 1861, and nearly so for the year 1862. The work for those two years will make eight large volumes of eight hundred pages each. It is scarcely necessary for me to speak of the almost invaluable character of these official reports from both sides engaged in the late war. It appears to me that it would, at all events, be wiser for us to make some provision for printing these volumes year by year as they are prepared and not wait until all the volumes are compiled and then throw twenty, thirty, forty, or fifty volumes on the country at one time. Of twenty, thirty, forty, or fifty volumes on the country at one time. Of course it should be done at some time, and it would be better to do it

The CHAIRMAN. The Chair having decided the point of order,

The CHAIRMAN. The Chair having decided the point of order, debate upon it is not now in order.

Mr. CLYMER. I would suggest that it would be better to incorporate such a provision as this in the sundry civil appropriation bill.

The CHAIRMAN. The Chair is of the opinion that while this may be an appropriation in continuation of a public work already in progress, it is not germane to this bill. The Chair would be inclined to entertain it as germane to this bill. The Chair would be inclined to entertain it as germane to the sundry civil appropriation bill, as suggested by the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. SPARKS. By instruction of the Committee on Military Affairs I offer as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Mr. KEIFER. I make the point of order on that amendment.

The CHAIRMAN. Before the merits of the proposed amendment are discussed, the point of order should be settled. The gentleman from Ohio [Mr. KEIFER] will state his point of order.

Mr. HAWLEY. Pending the point of order, I move that the committee now rise, so that the debate may come up on the point of

order to-morrow

The motion of Mr. Hawley was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. Springer reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H.R. on the state of the Union had had under consideration the bill (H. K. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

Mr. ATKINS. I move that the House now adjourn.

Mr. MILLS. I move that the House now take a recess until half

past seven o'clock for the purpose of considering business on the Private Calendar.

NATIONAL BOARD OF HEALTH.

Mr. NICHOLLS. I ask unanimous consent to have printed in the RECORD some resolutions adopted by the council of the city of Savannah, in relation to sundry bills now pending in Congress to increase the powers of the National Board of Health. They are short, and I ask that they be printed in the RECORD.

There was no objection.

The resolutions are as follows:

OFFICIAL PROCEEDINGS OF COUNCIL.

SAVANNAH, March 31, 1880.

Resolutions by Alderman Duncan.

Resolutions by Alderman Duncan.

Whereas the bills now pending in Congress increasing the powers of the National Board of Health will, if enacted into laws, be prejudicial to the interests of our seaport cities by imposing onerous restrictions upon our commerce: Therefore,

1. Be it resolved, That in the opinion of this council the bills proposed by Messrs. Harris and Young in Congress, entitled "A bill to increase the efficiency of the National Board of Health;" the bill introduced in the House by Mr. Acklen, entitled "A bill for the regulation of interstate freight and passengers, and to relieve the same from the restrictions of local quarantines," and the bill introduced by Mr. King, to "increase the efficiency of the National Board of Health," are intended to confer upon the National Board of Health powers far too great to be safely intrusted to any central body, inasmuch as they convey the right to supersede the anthority of all State and local government in the matter of quarantine, and to close any State against intercourse with the rest of the world whenever in the opinion of the National Board of Health or its executive committee (of five persons) an epidemic of infectious or contagious disease prevails in that State.

2. Resolved, That in the opinion of this council such legislation by the Federal Government is revolutionary in its tendencies and contrary to the spirit of our institutions.

3. Resolved. That a conv of these resolutions he sent to the contract of the spirit of our institutions.

Government is revolutionary in the stitutions.

3. Resolved, That a copy of these resolutions be sent to Hon. J. C. Nicholis, Representative of the first district in Congress, with the request that he will use his influence against the passage of the above bills.

4. Resolved, That his honor the mayor be requested to communicate with the State and municipal authorities bordering on the Atlantic and Gulf coast, with a view to appointing delegates to a convention, the object being the sanitary and

commercial interests of the States, and the framing of such a bill which, while looking to the health of the communities, will not compromise their commercial prosperity.

Adopted.

A true extract from the minutes.

FRANK E. REBARER, Clerk of Council.

ORDER OF BUSINESS.

Mr. CLYMER. Before the House agrees to a recess or an adjournment, I desire if possible to have some understanding with regard to any general debate to be had upon the proposition offered by the gentleman from Illinois [Mr. Sparks] as an additional section to the Army appropriation bill now pending in Committee of the Whole.

Mr. PAGE. I shall object to any understanding at all now.

Mr. CLYMER. Although I shall not insist upon it in the present and it is a facility of a first I will now the present and in the present and it is a facility.

condition of affairs, I will say that I do not believe any general debate can be had.

Mr. KEIFER. Are you opposed to general debate?
Mr. CLYMER. I have not said so; when I do gentlemen will hear it.
My purpose in rising now is to endeavor to get some understanding or agreement.

Mr. REED. It seems to me that this is not the proper time to make any agreement about debate. Such agreement should be made only

any agreement about debate. Such agreement should be made only when it is determined whether the proposition is in order or not.

Mr. CLYMER. We might fix some time when the vote is to be taken on the bill, for that would be a great convenience to members.

Mr. CONGER. What does the gentleman propose?

Mr. ATKINS. I insist upon my motion that the House adjourn.

Mr. MILLS. I have made a motion for a recess until half past

seven o'clock, for the purpose of holding a session this evening to consider business upon the Private Calendar. Mr. ATKINS. I believe my motion to adjourn takes precedence of

a motion for a reces

The SPEAKER. The Chair will cause to be read clause 4 of Rule XVI, on "motions, their precedence," &c.

The Clerk read as follows:

The Clerk read as follows:

When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the provious question, (which motions shall be decided without debate.) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. The point of order made by the gentleman from Tennessee [Mr. Atkins] is a good one, and under the rule the Chair is required to submit the motion to adjourn before he submits the motion for a recess.

motion for a recess.

Mr. FROST. I ask the gentleman to withdraw the motion to adjourn, so that I may move that the evening sessions of the second Monday and Tuesday in May may be set apart for special debate upon a bill reported yesterday for the establishment of a court in the Indian

The SPEAKER. That would require unanimous consent.
Mr. FROST. I ask that unanimous consent.
Mr. REED. I object, and call for the regular order.
The SPEAKER. The regular order is the motion of the gentleman

from Tennessee [Mr. ATKINS] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twelve minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ARMFIELD: The petition of citizens of North Carolina, for the passage of a bankrupt law—to the Committee on the Judi-

By Mr. BEALE: The petition of citizens of Accomac County, Virginia, for the erection of a fog-signal in Chincoteague Bay—to the Committee on Commerce.

By Mr. BICKNELL: The petition of Charles Rueff and 14 others, citizens of Clark County, Indiana, for the passage of the Reagan interstate-commerce bill, and for the amendment of the patent laws to the same committee.

By Mr. BRAGG: Seven petitions of publishers of newspapers in Wisconsin, for the repeal of the duty on type—to the Committee on

By Mr. CALDWELL: Papers relating to the claim of J. A. Briggs, executor of Charles M. Briggs, for pay for cotton seized by United States officials during the late war—to the Committee on War Claims.

By Mr. FARR: The petition of E. H. Prescott and 25 others, of Belknap County, New Hampshire, against the repeal of the duty on paper—to the Committee on Ways and Means.

By Mr. FISHER: The petition of Bart Fine Peter Melicles and 200

By Mr. FISHER: The petition of Bart Finn, Peter Maliska, and 373 others, of the eighteenth congressional district of Pennsylvania, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. GIBSON: The petition of druggists of New Orleans, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. GOODE: The petition of J. E. Harris, for pay for three bar-

rels of apple brandy seized and sold by United States officials-to the same committee

Also, the petition of John H. Yeatman, for a pension-to the Committee on Invalid Pensions.

mittee on Invalid Pensions.

By Mr. HUNTON: The petition of Mrs. Ellen Sherwood, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. JONES: The petition of citizens of Brown County, Texas, against the passage of the Wood bill, or any bill funding the public debt—to the Committee on Ways and Means.

By Mr. LADD: The petition of 40 soldiers of Arosotook County, Maine for the passage of the goal light of the person of the goal light of the Committee on Ways and Means.

By Mr. LADD: The petition of 40 soldiers of Aroostook County, Maine, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of a committee of Gordon Granger Post, No. 7, Department of New York, for a cannon that will make the earth, tyranny, and treason tremble while firing salutes for liberty at their next meeting—to the same committee.

By Mr. MURCH: The petition of O. W. Sims and 68 others, ex-soldiers and citizens of Kennebec County, Maine, for the passage of the Weaver soldier bill—to the same committee.

By Mr. NEWBERRY: The petition of Farrand, Williams & Co. and other druggists, of Detroit, Michigan, for the removal of the stamptax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. NORCROSS: The petition of Dennis Canedy, C. P. Coates, and others, citizens of Heath, Massachusetts, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. ROTHWELL: The petition of John E. Smith, Edwin Hereman, Henry Richmond, and 137 others, citizens of Sullivan County, Missouri, for the passage of the equalization bounty bill—to the Committee on Military Missouri.

man, Henry Richmond, and 137 others, citizens of Sunivan County, Missouri, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of J. Dixon, J. J. Clark, and 8 others, citizens of Livingston County, Missouri, that a pension be granted George Zeifle—to the Committee on Invalid Pensions.

By Mr. J. T. UPDEGRAFF: The petition of Brownlee & Davidson and others sitizens of Stanbenyille. Ohio, for an advantage duty on

and others, citizens of Steubenville, Ohio, for an ad valorem duty on sugars—to the Committee on Ways and Means.

By Mr. VAN AERNAM: Papers relating to the claim of H. R. Crosbie for pay for expenses and services rendered in procuring and laying before the Government information in regard to the disputed northwest boundary between the United States and Great Britain—to the Committee on Claims.

Also, papers relating to the claim of the widow of Edward Kunckle for pay due her late husband as an officer in the United States Army—to the Committee on Military Affairs.

IN SENATE.

THURSDAY, April 8, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of February 19, 1880, lists of the names of the clerks and other persons employed in the several bureaus of the Treasury Department, with the exception of the Bureau of Engraving and Printing, during the calendar year ended December 31, 1879, and showing the time each was actually employed and the sums paid to each.

The PRESIDENT pro tempore. The communication will be referred to the Committee on Civil Service and Retrenchment, if there be no

objection.

Mr. DAVIS, of West Virginia. The Committee on Appropriations called for the information. I move the communication be printed

Mr. DAVIS, of West Virginia. The Committee on Appropriations called for the information. I move the communication be printed and referred to that committee.

The PRESIDENT pro tempore. Accompanying the communication is an exhibit which is a very large roll. The Chair will submit to the Senate the question whether that shall be printed.

Mr. CONKLING. I suggest to the Senate and to the Senator from West Virginia that if the letter be printed and the accompanying teners to be referred without height printed in the first instance the papers be referred without being printed, in the first instance, the committee can determine afterward whether it be necessary to print them or not. I do not object to the reference to the Committee on Appropriations, but I suggest that this large roll of paper need not be printed in the first instance.

Mr. ALLISON. If this information is of any value whatever, and the resolution under which it is transmitted applies to all the Departments, the whole ought to be printed. It is either unnecessary to have this information, or it is necessary to have it for purposes of examination. If we are to look into it, I submit that we had better

The PRESIDENT pro tempore. The question is on the motion of the Senator from West Virginia, that the communication, with the accom-

panying exhibit, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, recommending an appropriation of \$5,000 for the completion of a road from Fort Bridger across the Uintah Mount-

the completion of a road from Fort Bridger across the Unitan Mountains to the Uintah agency; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, recommending an appropriation of \$100,000 to build a new military post at or near the junction of the Gunnison and Grand Rivers; which was referred to the Committee on Military Affairs, and ordered to be

printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of citizens of Michigan, praying for the appointment of a national railroad commission, which shall have the power to fix the rates of tariff to be charged by railroad companies for the transportation of freights; which was referred to the Committee on Railroads.

Mr. VOORHEES presented the petition of G. E. W. Sharretts, praying compensation for the preparation of tables in use by accounting officers of the United States in the payment of the clerical force in different Departments of the Government; which was referred to the

Committee on Claims.

Mr. BRUCE. Some time since I introduced a bill (S. No. 1600) for the relief of W. J. Cowan, of Mississippi, which was referred to the Committee on Claims. Since then evidence sustaining that bill has been placed in my hands, which I present now and desire to have referred to the same committee and considered by them.

The PRESIDENT pro tempore. The papers will be referred to the

Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRYOR. I am instructed by the Committee on Claims, to whom was referred the petition of Samuel Evans, a citizen of Arkanwhom was referred the petition of Samuel Evans, a citizen of Arkansas, praying compensation for the use and occupancy of his property at Devall's Bluff, Arkansas, by the United States military forces during the late war, to submit an adverse report, and I ask that the committee be discharged from its further consideration.

The PRESIDENT pro tempore. The question is on discharging the committee from the further consideration of the petition.

Mr. COCKRELL. As there is an adverse report I ask that the report recommending that the claim be not allowed be approved, so

as to conform to the rule.

Mr. GARLAND. The proper motion is the one made by the Senator from Missouri, it seems to me. It is a case from the State I represent in part, which has been here four or five sessions, adverse reports having been made upon it, and the safest way to get rid of it is to adopt the report.

Mr. COCKRELL. To adopt the report and decide that the claim

be not allowed?

The PRESIDENT pro tempore. The question is, shall the report be adopted and the claim not allowed?

The report was agreed to.

Mr. McMillAN, from the Committee on Claims, to whom was referred the bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress, reported it without amendment, and submitted a report thereon; which was ordered

to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the petition of George W. Saulpaw, praying compensation for the steamboat Alfred Robb, alleged to have been seized near Coger's Island, Tennessee River, by United States military forces during the late war and converted into a gunboat, submitted a report thereon, accompanied by a bill (S. No. 1606) for the relief of George W. Saul-

paw.

The bill was read twice by its title, and the report was ordered to

be printed.

TENTS FOR KNIGHTS TEMPLAR ENCAMPMENT.

TENTS FOR KNIGHTS TEMPLAR ENCAMPMENT.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, and so forth, to the triennial committee of Knights Templar at Chicago, to report it with an amendment. I will state that the Secretary of War and the Quartermaster-General in several instances of this kind have notified us that there were no tents to be allowed when the Grand Army of the Republic organization and other organizations made a similar request. I so stated in the report that I made the other day on a similar joint resolution. But I have received a letter from the person having charge in Chicago, and he writes me that he thinks a few can be obtained from the Department in Chicago. For the purpose of giving that opportunity, I have reported the joint resolution with the consent of a majority of the committee, with an amendment, and I will ask, if no one objects, that it be now acted on. It will take but a moment. There is an amendment to it authorizing the parties to receipt for the tents if they should receive them. The joint resolution has passed the House.

The joint resolution was read at length, and, by unanimous consent, considered as in Committee of the Whole.

Mr. CAMERON, of Wisconsin. I introduced a joint resolution some

time ago authorizing the Secretary of War to loan flags, &c., to a soldiers' reunion to be held at Milwaukee next June, which was reported back unfavorably from the Committee on Military Affairs, the Senator from Illinois [Mr. LOGAN] stating in substance what he now states. I desire now to ask the Senator from Illinois what number of tents are in charge of the quartermaster for the Department at Chicago, if that be the officer having them in charge i

Mr. LOGAN. I merely wish to remark that, in accordance with a letter that I received from a very responsible citizen at Chicago, in which he stated that it was thought they could get the loan of certain equipage of this character from the depot there, I asked leave of a majority of the committee to report this joint resolution, although we had reported against a joint resolution of a similar character on the information from the Quartermaster's Department, which I have stated. I have no knowledge of the quantity of tents on hand; perhaps there may be none, but on the letter I received, the writer saying that he had information that satisfied him the articles could be procured there, I obtained leave to report this joint resolution, and I hope it will be

The PRESIDENT pro tempore. The amendment reported from the Committee on Military Affairs will be read.

The amendment was, at the end of the joint resolution, to insert the

following proviso: Provided, That said articles shall be receipted for by some responsible person or

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the joint resolution read again. As I heard it, it was not to lend public property to soldiers for their reunion but to some other organization of citizens.

The PRESIDENT pro tempore. The joint resolution as amended

will be reported.

The Chief Clerk read the joint resolution as amended, as follows:

That the Secretary of War is hereby authorized to loan the triennial committee, representing Apollo, Chicago, and Saint Bernard commanderies of Knights Templar, for use at their triennial encampment at Chicago, Illinois, on the 16th, 17th, 18th, and 19th days of Angust, 1880, such tents, tent-poles, fiags, standards, guidons, and camp equipage as they may require: Provided, That such things are in the reserve supplies at the various quartermasters' depots: And provided further, That the said society shall pay all freight charges to and from said supply depots to Chicago, and shall return said articles in as good order as when received, ordinary wear excepted, or otherwise to pay the assessed damages: Provided, That said articles shall be receipted for by some responsible person or persons.

Mr. EDMUNDS. I should like to ask my friend from Illinois if it as been the practice of Congress to lend public property to anybody except to soldiers? I know that has been sometimes done?
My. LOGAN. I do not remember anything about the precedents so far as that point is concerned. I cannot see any objection to loaning tents to an organization of this kind any more than to any other remember in the does not belong to the Army. tents to an organization of this kind any more than to any other organization that does not belong to the Army. I myself would be in favor of allowing any encampment, if we had the articles on hand and they would pay the expense, to have the use of them whether they were soldiers or otherwise. What the policy has been heretofore I do not know, for I do not remember any precedents of the kind.

Mr. COCKRELL. I wish to offer an amendment. I move to add to the interpretabilities the following additional province.

to the joint resolution the following additional proviso:

Provided further, That they can be spared without detriment, injury, or loss to the public service.

Mr. LOGAN. I have no objection to that amendment.

Mr. EDMUNDS. I only wish to say that I think this is going altogether too far. I doubt if there is any precedent for it, and if there is it is a bad precedent. It is injurious to public property to use it in this way, as a matter of course. We have lent it to soldiers or those who have been soldiers for their encampments; but that stood on a pecuhave been soldiers for their encampments; but that stood on a peculiar ground and perhaps that has been carried further than was very safe; but now by lending it to a private organization of private citizens for charitable or other purposes you open the door to everybody who wants to borrow the public property. I should hope the Senate would not be quite willing to do that. I might like to have a tent myself, as well as other gentlemen.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri, [Mr. COCKRELL.]

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT pro tempore. The question is, Shall the amend-

The PRESIDENT pro tempore. The question is, Shall the amendments be engrossed and the joint resolution read a third time? The question being put, there were on a division—ayes 29, noes 11. Mr. EDMUNDS. I think we had better have the yeas and nays. The yeas and nays were ordered.

Mr. HOAR. I should like to know where we are to stop. An encampment of Knights Templar is an association, doubtless, of very All over the country there are celebrations going on of worthy men. All over the country there are celebrations going on of the 4th of July, Saint Patrick's day, and other celebrations, picnics, circuses, temperance organizations, democratic meetings which are the reverse, and Knights of the Golden Circle. I suppose when we shall have passed this joint resolution we shall be bound, in common justice, to lend a tent to any citizen or association of citizens who wants to use it. I do not see where we can stop in principle if we establish this precedent.

Mr. LOGAN. I have but a word to say. I cannot see the objection, where persons are responsible and pay the expense, to the lend-

ing of property of this character to an organization not political but purely charitable, whether it be a soldiers' organization or otherwise.

I reported against a similar joint resolution the other day; and I say to the Senator from Wisconsin that I am perfectly willing that that joint resolution shall be reconsidered and put in the same language that is used here, providing that the articles may be loaned only where it can be done without detriment to the service. I am ready to vote for such a joint resolution. If the Quartermaster's Department have the articles to spare, it is all right; if they have not, that ends it. I said that the only information I have received is a statement that in all probability these parties can present a certain amount. ends it. 2 said that the only information I have received is a statement that in all probability these parties can procure a certain amount of this property at Chicago. I have received a private letter of that character. Of course I do not know anything about it; but these people, I think, are very worthy and certainly will do no damage to the property. It is a convocation of persons from all parts of the United States to meet there at a certain time. They are all worthy men. They desire to have an encampment outside of the city, and they cannot have it without something of this kind. I do not see any objection to it myself. Certainly there can be none politically. I would say to the Senator from Massachusetts that I certainly should vote against lending public property to any political organization, no matter what their name might be, and to any organization except a charitable organization, and I would be in favor of lending them such property if we had it to spare.

Mr. EDMUNDS. Mr. President, it appears to me, with great respect to my friend from Illinois, that a political organization is just as necessary to the welfare of the country as a charitable organization is, because you cannot dispense charity satisfactorily without some political organization in its broadest and best sense. As long as the country is governed by the people, and I hope it will continue They desire to have an encampment outside of the city, and

some political organization in its broadest and best sense. As long as the country is governed by the people, and I hope it will continue to be for a good while, then a political organization is a proper, useful, and good thing. Yet my friend seems to suggest that it would be going too far to lend public property to a political organization. I think so too; and I think the same as to charitable organizations, and to all other organizations of any kind on principle. But we have made an exception in respect of the soldiers, and upon peculiar grounds. That I have been quite willing to agree to, although upon principle, I doubt if that is defensible; but we are willing to stretch it a little for that purpose. I do not think there is any instance yet of our lending the public property to any other organizations or set of citizens, and I think we had better keep up the dividing line, and not go beyond the extent that we have gone in this respect.

It is true, as the Senator from Illinois says, that this is a very small affair and will hurt the property very little; but, as the Senator from

affair and will hurt the property very little; but, as the Senator from Illnois says, that this is a very small affair and will hurt the property very little; but, as the Senator from Massachusetts says, if we are to exert fair play—and we are all for that—if we do it unto one we must do it unto another, and the result will be that every organization that is decent and respectable in the United States, as this one is, will have a just claim in the same sense upon the action of Congress to make such use of the public property that may be on hand as will for the time being serve its worthy and

necessary purposes.

I do not believe the Government is constructed for any such operations. I believe that we ought to hold strictly to the possession and preservation of the public property; and it is no answer to say that the injury is a very small one, as it is in this case. It is the principle of the case which must spread so widely if we adopt this measure, that

the injury is a very small one, as it is in this case. It is the principle of the case which must spread so widely if we adopt this measure, that leads me to oppose it.

Mr. HOAR. There is one other suggestion which strikes me as very forcible in addition to that made by the Senator from Vermont. He says that if we grant this request we have got to grant a like request to every other organization in the country that is decent. We have got to do more than that. We have got to determine every time a request is made whether the organization is decent or not. I submit that the law-making power of the country ought never to be put in such relations to the citizens or to any class of them as to say that one body of men asking a favor is entitled by reason of the respectability of the men who compose it or the excellence of its objects to a favor which we deny to another because we do not think its objects so excellent or the members composing it so respectable.

The Senator from Illinois says he would not lend the public property to a political organization. Why not? I do not myself think that a democratic organization is an organization for the public advantage, as this is; but I do not think I have a right to so declare in legislation or in my dealing with the public property. A democratic encampment or a republican encampment has a right to present itself to Congress and to have the presumption apply to it in all our dealing with the public property that it is the equal of any other organization. I have no doubt there are many Senators on this floor, perhaps a majority, who think a democratic organization which had no politics in it at all.

The difficulty in my mind is that it requires us to give to every politics in it at all.

The difficulty in my mind is that it requires us to give to every man who asks the use of this property; and if tents, why not muskets for instruction in the various military schools of the country, and why not other military property; why not wagons and other equipage? Muskets now are, under certain limitations, because the accomplishment of military instruction is a public object. It seems to me unless we deny this request and confine such loans to military organizations or organizations of persons who have rendered military service to the

country, which everybody agrees to, we shall be in trouble hereafter.

Mr. LOGAN. So far as the loaning of property is concerned there is a certain character of property of course that I would not agree to loan to any one; but if Senators will reflect for a moment they will see that, so far as the term "equipage" applies to tents, the mere fact of spreading a tent on a plain in the open air is a thing that has been done frequently without loaning them. They are in a great deal better condition that way than they are when rolled up and put away in some dry place where they are not as well cared for as if they were in actual use. No damage can occur to this property by its use for in actual use. No damage can occur to this property by its use for a short time.

I have no desire to discuss the question relative to the difference between this society and other organizations except to say that this organization is made up of all parties, and all denominations, and all religions. In everything of that sort it is of a different character from the bulk of the organizations of the country. It is certainly one that has nothing to do with political matters, and is devoted to charitable

I insist that in this instance we are not making a precedent that is a bad one. I do not see why the tents or flags of this country should not be loaned to organizations not political that are for charitable or patriotic purposes. I cannot see any objection to it. I think the more frequently our flags are displayed in this country, the better it is for the country. That is my judgment in reference to it, whether they are used by a military organization or by any other organization. For these reasons I hope the Senate will pass the joint resolution.

organization. For these reasons I hope the Senate will pass the joint resolution.

I wish to say in addition that my information is that a few days ago, without an objection, the Senate agreed to a House joint resolution for the loaning of this very class of property for a celebration at Nashville, Tennessee. I did not know it, but I am told it is the fact that just a few days ago we agreed to a joint resolution loaning this same character of property to a centennial celebration at Nashville, Tennessee. I hope the joint resolution as amended will be passed.

Mr. INGALLS. Mr. President, I have been a member of the organization for the benefit of which this action is asked, and I am frank to say that I do not think the joint resolution ought to pass. It appears to me that it is something for which the organization ought not to ask. If we grant the use of the public property to this organization, where is it to stop? We have national temperance conventions, we have camp-meetings for religious purposes in all parts of the country. Of course this property cannot be devoted to private purposes without serious loss and inconvenience. There are often national conventions for purposes affecting the Government in differnational conventions for purposes affecting the Government in different parts of the country. It appears to me that the precedent sought to be established here is injurious and one that the Senate ought not

to be established here is injurious and one that the Senate ought not to be called upon to make.

For one, as a member of the organization, I shall very cheerfully vote against the joint resolution.

The PRESIDENT pro tempore. The question is, shall the amendments be ordered to be engrossed and the joint resolution read a third time? on which question the yeas and nays have been ordered.

The Secretary called the roll.

Mr. GARLAND. My colleague [Mr. WALKER] is detained from the Senate by sickness. Senate by sickness.

YEAS-37.

The result was announced—yeas 37, nays 20; as follows:

Balley, Beck, Burnside, Butler, Call, Cameron of Pa., Cameron of Wis., Coke, Farley,	Garland, Hampton, Hereford, Hill of Colorado, Hill of Georgia, Jonas, Kirkwood, Lamar, Legan,	Maxey, Morgan, Paddock, Pendleton, Platt, Pryor, Randolph, Rollins, Samiebury,	Teller, Thurman, Vest, Voorhees, Williams, Windom.
The Arrest	NA	YS-20.	
Anthony, Baldwin, Blair, Booth, Bruce,	Cochrell, Davis of W. Va., Edmunds, Groome, Hamlin,	Harris, Hoar, Ingalls, Johnston, Jones of Nevada,	Kernan, McMillan, McPherson, Morrill, Slater.
10091	ABSI	ENT-19.	
Bayard, Blaine, Carpenter, Conkling, Davis of Illinois	Dawes, Eaton, Gordon, Grover, Jones of Florida,	Kellogg, Plumb, Ransom, Sharon, Vance,	Walker, Wallace, Whyte, Withers.

So the amendments were ordered to be engrossed and the joint esolution to be read a third time

The joint resolution was read the third time, and passed.

SOLDIERS' REUNION IN NEBRASKA.

Mr. HAMPTON. I ask to call up House joint resolution No. 218, granting the use of artillery, tents, and so forth, at the soldiers' reunion to be held at Central City, Nebraska, reported by the Military Committee favorably; and, inasmuch as a resolution to the same effect has just passed for another organization, I ask that action be had on

The PRESIDENT pro tempore. It can only be done by a vote of the Senate postponing the morning business. The Chair understands the

Senator from South Carolina to move that the Senate proceed to the consideration of House joint resolution No. 218.

The motion was agreed to; and the joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment, to add the following proviso:

Provided further. That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

Mr. COCKRELL. I have no objection to the amendment, but I desire to offer some additional amendments as soon as that amendment is acted upon, or I will offer them now, whichever the Chair may indi-

is acted upon, or I will offer them now, whichever the Chair may indicate as proper.

The PRESIDENT pro tempore. The question is on this amendment.

Mr. EDMUNDS. How does it happen that we require the State of Nebraska to be responsible for the soldiers having these articles, when we do not require the State of Illinois to be responsible for the Knights Templar? Are the soldiers less responsible than the Knights Templar for public property?

Mr. HAMLIN. Will the Senator from Vermont allow me to ask him a question? I ask him as a lawyer by what authority can we impose that obligation on the State of Nebraska?

Mr. EDMUNDS. We have authority according to modern notions to do pretty much anything we like.

Mr. PADDOCK. It is proposed in the contingency of loss to charge it to the quota of the State, and the adjutant-general, I suppose, is the proper officer to take charge of it for the State.

Mr. EDMUNDS. I do not propose to charge the State of Nebraska

Mr. EDMUNDS. I do not propose to charge the State of Nebraska with anything the soldiers lose, unless we charge the State of Illinois with what the Knights Templar lose. I move to amend the amendment by striking out that part relative to the State of Nebraska.

The PRESIDENT pro tempore. That would strike out the whole

amendment

amendment.

Mr. HAMPTON. I submit that the objection made by the honorable Senator from Vermont might be germane to the prior bill, but it is hardly applicable to this joint resolution. We have taken in the Military Committee all the precautions we possibly can do to have the property well guarded and to be returned.

Mr. HAMLIN. Will the Senator allow me to ask if there is a provision there for the return of the blank cartridges? I did not hear it.

Mr. HAMPTON. No, sir. The blank cartridges can do no harm; and as we do not wish to use ball cartridges so early in the campaign we think the blank cartridges can be expended there. The bill pro-

we think the blank cartridges can be expended there. The bill provides that the adjutant-general of the State shall receipt for this property and if any of it is lost or injured that it shall be charged against the State of Nebraska. I should be perfectly willing to vote for an amendment of that sort to the joint resolution passed just now; but we have only been more careful in framing this resolution so that

the United States shall lose no property.

Mr. EDMUNDS. I see that my proper motion inasmuch as this amendment is entirely devoted to the responsibility of the State of Nebraska, is to move to amend it. I modify my motion by moving to strike out all after the words "Provided further" and insert:

That the proper officer of the United States shall take satisfactory security for the preservation and return of the articles before mentioned.

Mr. PADDOCK. I hope the committee will accept that amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

Mr. CONKLING. That would include the blank cartridges, I sup-

Mr. EDMUNDS. I suppose so. This is an amendment to the amendment

Mr. CONKLING. But it would include the blank cartridges in the

Mr. PADDOCK. To relieve the mind of the Senator from New York in regard to blank cartridges, I will say that I understand a Senator will move to strike out the blank cartridges before we get

Mr. COCKRELL. I intend to move when it shall be in order, to insert in line 7 between the words "tents" and "muskets" the word "and," and then to strike out "and blank cartridges;" so that the loan will be of four pieces of artillery and such tents and muskets as

can be conveniently spared.

Mr. BURNSIDE. I desire to say that the amendment proposed by the committee is in my opinion a very proper amendment. It is a very usual thing for State authorities to loan to soldiers military propvery usual thing for State authorities to loan to soldiers military property of the State for reunions. The quartermaster or adjutant-general of the State, or whoever is in charge of the State property, very frequently loans to soldiers that class of property. Now, all military property issued by order of the War Department to the State of Nebraska is receipted for by the adjutant-general of that State and is charged against the quota of Nebraska. That proceeding, then, as here provided for, is a perfectly proper one. If that officer chooses to take the responsibility of giving this receipt, it is a perfectly valid receipt, and if he chooses to take the responsibility of allowing these soldiers to use this property, he has the right to do it. Therefore I

contend that the amendment as it comes from the committee is a proper amendment and is the regular course. I see no reason for requiring the Ordnance Department or the Quartermaster's Department to enter into a private contract with private individuals for the return of pub-

into a private contract with private individuals for the return of public property.

Mr. EDMUNDS. The amendment as reported by the committee, in my humble opinion with great deference to my friend from Rhode Island, is equivalent to saying that these soldiers shall not have these articles at all. You might just as well not pass the bill, because the adjutant-general of the State of Nebraska has no legal power whatever to do what this amendment requires him to do. The laws of Nebraska do not authorize him to do it, and therefore it is perfectly impossible for him to do it in his official capacity unless he makes himself liable to impeachment in that State for misconduct in office. He might be ever so willing personally to do it, but it requires an officer of the State of Nebraska to do a thing that the laws of Nebraska do not allow him to do. He has no authority to do it.

do not allow him to do. He has no authority to do it.

Mr. BURNSIDE. The Senator from Vermont is entirely mistaken about that. The officer in charge of military property in the State of Nebraska can communicate with the Secretary of War without any intermediate powers, and receive property and receipt for it, and it can be charged against the State of Nebraska as against her quota of arms. of arms, &c. There is a certain amount of arms and military prop-

erty issued to the different States every year.

Mr. EDMUNDS. If I correctly understand this bill, it is to provide for the issuing arms, &c., not to the State of Nebraska, but to a certain association of individuals who have been soldiers, for a certain purpose, and the amendment requires the State of Nebraska to be responsible for that issue. That does not come within the law authorizing the War Department to issue arms to the several States and has nothing to do with it. When the arms are issued to the State, if the State authorities choose to lend them to the soldiers, that is their affair. Itmay be that they can do it or not, as they like. But this bill requires the Secretary of War to issue these arms to these soldiers direct from the United States, and then says that they shall not have them unless the State of Nebraska acting through its proper authorities shall agree to be responsible. The State of Nebraska cannot agree to be responsible. A bond taken under that provision would be absolutely uncollectible taken from the adjutant-general, would be entirely void, for the reason that it is beyond the power of Congress to impose upon a State officer any such duty, or responsibility, or right.

Mr. CONKLING. Suppose they do it notwithstanding, would it be void? sponsible for that issue. That does not come within the law author-

woid?

Mr. EDMUNDS. I do say it would be void for the reason that it is entirely beyond our power to bind the official people of the State of Nebraska to anything of the kind. The trouble is that the adjutant-general of Nebraska under the laws of that State has no power, as I understand those laws—they are like those of every State which give the officers no power—to do a thing of this kind in respect of property that does not belong to the State. The consequence is that it will be found, unless the adjutant-general of Nebraska is willing to violate his official duty, that you have defeated the very object of the bill. the bill.

My proposition is to substitute for that the simple and ordinary provision that the proper officer of the United States shall take adequate security for the preservation and return of this property, just as we provided in the case of the Knights Templar, a mere private organization of citizens; but why you should tie this up and make it more difficult for the returned soldiers from the war to have a good time than the Knights Templar, I am quite unable to understand.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The question being put, it was declared that the ayes appeared to

Mr. COCKRELL. I ask for a division on that question. I do not think it would be in accord with the spirit of the bill that that amendment should be adopted. I have several amendments which I desire to offer which, I think, will put the bill in the shape it ought to be. I will say now that I propose, in line 7, to insert the word "and" between "tents" and "muskets;" to strike out "and blank cartridges;" and then, in lines 8 and 9, to strike out "and so forth" and insert between the words "tents" and "muskets" the word "and." It will then read: It will then read:

That the Secretary of War be, and he is hereby, authorized to send from some convenient Government arsenal, to be used at the soldiers' rennion at Central City, Nebraska, to be held in September, 1880, four pieces of artillery, and such tents and muskets as can be conveniently spared; said cannon, tents, and muskets to be returned after the holding of said reunion meeting in as like good condition as when received.

And then I desire to add:

And then I propose to strike out, in line 15, the word "ammunition;"

Shall receipt for said arms and camp equipage-

Striking "ammunition" out entirely-

in the name of said State, and that such of them as shall not be returned shall be charged to said State—

Then I propose to add, immediately after the word "State".

and deducted out of the sum, amount, and share of the annual sum of the \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of militia which may be assignable, distributable, or allotted to the State of Ne-

I simply suggest these amendments, and I think they will make the bill in better shape than it will be if the amendment of the Senator from Vermont prevails.

Mr. EDMUNDS. Mr. President, the suggestion of the Senator from Missouri amounts clearly to my mind to a provision that the State of Nebraska, after it has received these arms and become re-State of Nebraska, after it has received these arms and become responsible for them, may lend them to the soldiers if it wants to do so. Well, the State of Nebraska, if it has any arms and tents, can do that now. It is simply saying, therefore, that the soldiers shall not have these tents for this purpose that we have just granted them to an association of civilians, unless they get them under the authority and under the responsibility and really from the State of Nebraska, because this is to be charged to her. I am not willing to agree to that. We have gone into this business a long time before as to the soldiers, and we have never before that I know of required a State to be responsible for the soldiers. They can probably find somebody sufficiently responsible without the responsibility of the State.

Mr. PADDOCK. If the Senator will allow me, I will state that

Mr. PADDOCK. If the Senator will allow me, I will state that the adjutant-general of Nebraska happens to be that officer of the Grand Army of the Republic who would naturally take charge of

this subject.

this subject.

Mr. EDMUNDS. How does that help it?

The PRESIDENT pro tempore. Did the Senator from Missouri demand a division on agreeing to the amendment to the amendment?

Mr. COCKRELL. Yes, sir; I demanded a division on it. Now, as to the point the Senator from Vermont makes about the responsibility, let me say a word. The State of Nebraska has not these cannon and this camp equipage, and they cannot be furnished to her because they would more than cover her quota; but the Government loans these four cannon and such muskets and camp equipage as it can spare without detriment to the service and simply requires the State to be without detriment to the service, and simply requires the State to be responsible, and then promises in advance to receive back all these arms that may be returned, and if the adjutant-general of Nebraska should not return any of them, those particular ones at the cost-price will be charged to the State and deducted out of the annual appropriation which would be allowed her. There can certainly be no harm in this. It is not to deprive the soldiers of the use of these articles, but to provide so that the soldiers can use them, and, at the same time, the Government not be a loser.

same time, the Government not be a loser.

Mr. BURNSIDE. If it is in my power to accept the amendment of the honorable Senator from Missouri to my amendment, I will do so. The PRESIDENT pro tempore. There is a question now pending, and it is on the amendment offered by the Senator from Vermont to the amendment of the Committee on Military Affairs. The Chair did not originally hear the demand for a division, but he is informed that it was made, and therefore the Senate must divide on that question.

Mr. BURNSIDE. I desire to say that the amendment of the Military Committee as amended by the Senator from Missouri will be very satisfactory to me, for I proposed the committee's amendment myself. I desire to say further that this amendment does not impose any duty whatever on the State of Nebraska or any of its officers. It

any duty whatever on the State of Nebraska or any of its officers. It any duty whatever on the State of Neoraska or any of its officers. It simply says that if the officers of the State will do that much, then the Government of the United States will assent to it, and those officers will most surely do anything they can to further this reunion of soldiers and promote its success. It imposes no duty whatever on those officers, but simply makes a condition that this property shall be turned over to the State of Nebraska temporarily on condition that the officers of the State of Nebraska do certain things. When it comes to be the proper time and it is in my power, I shall accept the amendments of the Senator from Missouri.

Mr. PADDOCK. I desire to state on behalf of the State of Nebraska

Mr. PADDOCK. I desire to state on behalf of the State of Nebraska that it will be perfectly willing to accept the responsibility which the committee proposes to impose upon it in regard to the preservation and return of these arms. It happens, as I said before, that the adjutant-general of the State is a high officer in the Grand Army of the Republic of the State and I think it is well enough under all the circumstances to leave the bill substantially as it was reported from the committee. the committee. However, I think the amendments proposed by the Senator from Missouri would be well enough; and yet I have no objection to the amendment of the Senator from Vermont if that is the sense of the Senate. Nevertheless it strikes me that the whole dis-

cussion is a little superfluous.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] as a substitute for the amendment reported by the Committee on Military Affairs. The Chair will state it again. The committee report this amendment to the resolution:

That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in name of said

State, and that such of them as shall not be returned shall be charged to said State against its quota.

The Senator from Vermont moves to strike that out and to insert in lieu of it these words:

That the proper officer of the United States shall take satisfactory security for the preservation and return of the articles before mentioned.

The question being put, there were on a division-ayes 8, noes 26;

no quorum voting.

Mr. PADDOCK. I think if we divide again we shall find a quorum

voting. There is certainly a quorum present.

The PRESIDENT pro tempore. There would be a quorum if all the Senators present would vote. The Chair will put the question again

and have another division.

The question being again put, there were on a division—ayes 9, noes 36; so the amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amend-

ment of the committee. Mr. COCKRELL. Now I offer the amendments, which I have in-

dicated to the Chair, marked in the copy of the resolution I sent to the desk

The PRESIDENT pro tempore. The amendment of the Senator from Missouri will be read.

Mr. EDMUNDS. The first thing in order is the committee amendment or some amendment to that. The Senator from Missouri proposes to amend the text of the bill. The pending question is on the amendment of the committee.

Mr. COCKRELL. One of my amendments is to the amendment at the close of the bill in my own handwriting.

The PRESIDENT pro tempore. That will be reported.

Mr. COCKRELL. It is to the committee amendment, first striking out "against its quota" and inserting:

And deducted out of the sum, amount, and share of the annual sum of \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of the militia which may be assignable or distributable or allotted to said State of

Mr. CONKLING. How does that change the effect?
Mr. COCKRELL. It just simply shows how this credit is to be

Mr. CONKLING. Points out the way of doing it?
Mr. COCKRELL. It comes out of the quota, and shows how it

shall be done.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. COCKRELL. Now I move the amendments in the body of the

bill.

The PRESIDENT pro tempore. The question is first on the amendment of the Committee on Military Affairs as amended.

The amendment, as amended, was agreed to.

Mr. COCKRELL. Now I move, in line 7, after the word "tents," to insert the word "and;" so as to read, "tents and muskets."

The PRESIDENT pro tempore. Is there objection to this amendment? The Chair hears none, and it is adopted.

Mr. COCKRELL. Now, in line 7 I move to strike out "and blank cartridges."

cartridges.'

The amendment was agreed to.
Mr. COCKRELL. In line 8, after the word "tents," I move to ineert "and;" and in the same line, after "muskets," to strike out "and

The PRESIDENT pro tempore. Is there objection to this amend-ent? The Chair hears none, and it is adopted. Mr. COCKRELL. In line 10, after the word "provided," I move to That the same can be spared without detriment or injury to the public service:

And provided.*

The amendment was agreed to.
Mr. FERRY. Let the resolution be reported as amended.
The PRESIDENT pro tempore. The joint resolution, as amended, will now be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to send from some convenient Government arsenal, to be used at the soldiers' reunion at Central City, Nebraska, to be held in September, 1880, four pieces of artillery and such tents and muskets as can be conveniently spared; said cannon, tents, and muskets to be returned after the holding of said reunion meeting in as like good condition as when received: Provided, That the same can be spared without detriment or injury to the public service: And provided, That all transportation of said articles to and from the place of the reunion to the arsenal shall be without expense to the Government: Provided further, That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State and deducted out of the sum, amount, and share of the annual sum of \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of the militia which may be assignable or distributable or allotted to said State of Nebraska.

Mr. CONKLING: Few things are more interesting or more credit—

Mr. CONKLING. Few things are more interesting or more creditable in legislation than progress; and the zeal and enterprise of the Senate this morning touching this subject, will be illustrated by a short statutory provision, which I will read. On the 14th of June, 1878, the soldiers of Iowa, then being the persons considered, the two Houses of Congress passed, and there was approved a "joint resolution granting

the use of artillery, tents, &c., at the soldier's reunion, to be held at Centreville, Iowa," in these words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of War be, and he is hereby, authorized to send from some convenient Government arsenal, to be used at the soldiers' remion at Centreville, Iowa, to be held in August, 1878, four pieces of artillery, and such tents, muskets, and blank cartridges as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after the holding of said reunion meeting in as like good condition as when received: Provided, That all transportation of said articles to and from the place of the reunion to the arsenal shall be without expense to the Government.

That is all. Those and only those safeguards were considered necessary then. Now, in the greater advance of civilization and with the greater diligence of the Senate, we have many modern improvements in this bill. I do not know whether under this provision here loss or difficulty occurred or not; but there are two other instances which I have not looked up, one in the State of Ohio and another somewhere else, found, I think, in this same volume in which this years weakers form was employed.

where ease, round, I think, in this same volume in which this very meager form was employed.

The joint resolution was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments made as in Committee of the Whole be concurred in?

Mr. EDMUNDS. I ask that the question be taken separately on the last amendment about making this conditional on the assent of

The PRESIDENT pro tempore. The Senator from Vermont asks for a separate vote on the last amendment. If there be no objection the question will be taken on all the amendments together except the one reserved by the Senator from Vermont.

The other amendments were concurred in.

The PRESIDENT pro tempore. The last amendment will now be reported, on which a separate vote is asked.

The CHIEF CLERK. At the end of the joint resolution, strike out

"against its quota" and insert:

And deducted out of the sum, amount, and share of the annual sum of \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of the militia which may be assignable or distributable or allotted to said State of

Mr. EDMUNDS. There is also a provision about the adjutant-general receipting in the name of the State.

Mr. COCKRELL. I understand the exception of the Senator from Vermont is of the last amendment as amended.

Mr. EDMUNDS. My point was to have a distinct vote on the question that involves the matter of any action of the State. That what I asked to have reserved.

The PRESIDENT pro tempore. The amendment of the committee as amended will be read.

The Chief Clerk read as follows:

Provided further, That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State and deducted out of the sum, amount, and share of the annual sum of \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of the militia which may be assignable or distributable or allotted to said State of Nebraska.

The PRESIDENT pro tempore. The question is on concurring in this amendment made as in Committee of the Whole.

Mr. CONKLING. What amendment?

The PRESIDENT pro tempore. The amendment just read.

Mr. CONKLING. The Senator from Vermont demanded, as he had a right to demand, a separate vote on some amendment. Now the Chair has had read to the Senate not only that amendment but a great deal more with it. It is not of much consequence; but I do not understand, as a matter of parliamentary proceeding, or under the rule of the Senate, that the vote ought to be or can be regularly upon the whole amendment. It must be upon the amendment offered by the Senator from Missouri which was an entire and separate amendment by itself. I have no care about this whatever; I merely suggest it to the Chair because in other cases this course may lead to confusion.

The PRESIDENT pro tempore. The Chair will state to the Senator from New York that it seems to the Chair perfectly regular. The

committee reported an amendment; that amendment was amended on the motion of the Senator from Missouri; and now the question is, will the Senate concur in that amendment of the committee as amended; and that presents a question upon which a distinct vote

Mr. CONKLING. I respectfully submit that the question is whether the Senate will concur with what the Committee of the Whole did. What was that in respect of this amendment? To adopt the amendment of the Senator from Missouri. Then whether the Senate will adopt the whole thing is a question in the Senate which comes up on the third reading and on the passage of the bill.

Mr. COCKRELL. Not at all. I amended an amendment.

Mr. CONKLING. I understand that.
Mr. COCKRELL. Then the question is on the adoption of that amendment as amended. It is not a part of the original resolution; it is an amendment amended, and stands as one solitary amendment.

Mr. CONKLING. I do not so understand it, and I think that way would lead to great difficulty in the Senate. I care nothing about it in this case but I am satisfied that that is not the practice of the

Mr. HOAR. I understand that it is but the final action of the

Committee of the Whole in proposing an amendment which the Senate is asked to adopt or reject; that all the steps by way of amending that amendment before the Committee of the Whole has proposed it

to the Senate the Senate has nothing to do with.

Mr. EDMUNDS. That states it exactly.

The PRESIDENT pro tempore. That is the view of the Chair.

Mr. BURNSIDE. I would not make a point of order, if I could, upon this matter, so as to require a vote to be taken on the amendment of the Senator from Missouri. I had just as lief have it taken on the whole amendment; and I would vote for the joint resolution without any such amendment. I drew the amendment proposed by the committee, and drew it simply in the interest of the safety of the public property. I shall vote for the joint resolution even if this amendment is rejected; but I think it is wise to retain the amend-

ment in the joint resolution.

The PRESIDENT pro tempore. The question is, will the Senate concur in the amendment just read, made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

PUBLIC BUILDING AT CHARLESTON, WEST VIRGINIA.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 5621) to provide for a building suitable for a post-office, for the accommoda-tion of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia, to report it without amendment.

Mr. HEREFORD. I ask the Senator from Vermont to request the immediate consideration of that bill.

Mr. DAVIS, of West Virginia. I hope so.
Mr. MORRILL. I will say that the Senators from West Virginia ask that the bill may be now considered. I desire to state that it is precisely the same bill, word for word, reported some weeks ago by the Committee on Public Buildings and Grounds of the Senate, and therefore I can see no objection to the request made by the Senators from West Virginia that action be taken upon it at the present moment.

Mr. CONKLING. I am not going to object to this bill but to avail myself of the opportunity to ask a question. How many public build-

ings are there in the country proceeding now or ordered now?

Mr. MORRILL. I cannot answer the question now without re-

Mr. MOKRILL. I cannot answer the question now without referring to a statement that we have had prepared in the Committee on Public Buildings and Grounds. I do not remember.

Mr. CONKLING. Can the Senator approximate the number?

Mr. MORRILL. I cannot. There are quite a large number that have been commenced and are yet unfinished.

Mr. CONKLING. Repeating that I do not rise to object to this bill,

I feel moved to express an apprehension that we are going very fast in the erection of public buildings. The other day such a bill passed the Senate—I will not refer to it more particularly—but a Senator from the State in which the building was ordered, when I inquired of him what was the population of the place at which the building was ordered to be erected, told me about two thousand five hundred. Now, if it can be that we propose to erect public buildings so generally that they fall to places the population of which is under three thousand, it strikes me as being very extraordinary. I do not doubt that the committee does its duty on this subject; but my impression is that we shall wake up before long and find that, if not more atten-tion, more hesitation should have been given to this subject than seems to prevail.

Mr. MORRILL. I will say to the Senator from New York that this

place is the capital of the State of West Virginia.

Mr. CONKLING. As I have said, I do not rise to level an objection at this bill. I know nothing about it. It is not my province to object to it. I am not a member of the committee. I simply make it ject to it. I am not a member of the committee. I simply make it the occasion of calling attention to this subject. I suspect and indeed I may say that I believe that the business of erecting public buildings is becoming excessively general and unwarrantably so; and the idea of erecting a public building in a place of three thousand inhabitants anywhere, I believe is utterly indefensible.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent for the present consideration of the bill. Is

asks unanimous consent for the present consideration of the bill. Is

there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5621) to provide for a building suitable for a post-office, for the accommodation of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia.

Mr. KERNAN. I inquire whether there is any limit in the bill to

the amount that this building is to cost?

Mr. MORRILL. There is.
Mr. KERNAN. Is that to be the entire cost?
Mr. MORRILL. Yes, sir.
Mr. CONKLING. Hearing the inquiry of my colleague I wish to say for myself, so that he may not labor under any misapprehension, that whether there is a limit or not is in my belief entirely immaterial. It does not make one hair white or one hair black because you have put it in over and over again, and the building will cost just as much in the end as if you said nothing about it.

The PRESIDENT pro tempore. The morning hour has expired.
Mr. HEREFORD. I hope a vote will be taken on this bill.
Mr. DAVIS, of West Virginia. I trust it will be disposed of. Let

It will not require time.

ns act at once. It will not require time.

The PRESIDENT pro tempore. Is there unanimous consent to continue the consideration of this bill? The Chair hears no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM LOUISIANA.

Mr. SAULSBURY. I gave notice yesterday that I would call up for consideration to-day the question of privilege in reference to the seat of the Senator from Louisiana. I have been requested by genseat of the Senator from Louisiana. I have been requested by gentlemen who desire to consider the subject a little further not to call it up to-day, and I have consented that I will not call it up until next Tuesday. I give this notice so that Senators may govern themselves accordingly. One of the members of the committee made a request the day before yesterday which I had not in mind at the time I gave the notice I did give yesterday.

BENJAMIN HOLLADAY.

Mr. CAMERON, of Wisconsin. I desire to give notice that as soon as the Geneva award bill is disposed of I will call up and ask the Senate to proceed to consider a bill reported by me from the Committee on Claims on the 9th of February, entitled a bill for the relief of

Benjamin Holladay.

Mr. DAVIS, of West Virginia. I cannot let the notice go unpassed.

The Senator will recollect that a few days ago I said that there were three bills on the Calendar from the Committee on Appropriations that I should ask to have taken up as soon as the Geneva award bill

was out of the way.

Mr. CAMERON, of Wisconsin. I shall not object to giving way to an appropriation bill.

BILLS INTRODUCED.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1607) for the relief of S. W. Fountain; which was read twice by its title, and referred to the Committee on

Military Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1608) for the relief of certain settlers within the late Fort Kearney military reservation in Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1609) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation in the Territory of Utah; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BALDWIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1610) making an appropriation for the purchase of a site and the erection of a light-house and fog-signal at or near the entrance of Little Traverse Harbor, on Lake Michigan; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered. That the papers in the case of Alexander McNary and John H. Taylor be taken from the files and referred to the Committee on Claims.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1509) to accept and ratify the agreement sub-mitted by the confederated bands of the Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; the pending question being on the amendment proposed by Mr. Dawes, o insert as an additional section:

SEC. 10. That the sum of \$25,000, set apart in article 3 of the act of April 29, 1874, ratifying an agreement with the Ute Indians, shall be expended under the direction of the President in the education, in schools established for that purpose, of such youths of both sexes belonging to said tribe as in his judgment are best calculated to make proficiency therein, in practical industries and pursuits necessary for their self-support.

Mr. DAWES. Mr. President, in order to obviate the objections urged with so much force last night by the Senator from Iowa, [Mr. ALLISON,] I propose with the consent of the Senate to withdraw that amendment, and in place of it to offer the following, to come in on the second page on line 14, after the words "to wit:"

Provided. That the President may in his discretion appropriate an amount thereof not exceeding \$10,000 for the education, in schools established beyond the limits of the land selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their selfsupport, and.

The difference between this amendment and the one pending is this: The one pending requires the President to expend the \$25,000 which is the income from an established fund under a former treaty in the way indicated in this amendment. That, it was supposed, and with some force, would be interfering with the treaty obligation. To obviate that, it is proposed instead to appropriate \$10,000 out of the head-money for that same purpose. As I have always considered that the head-money was just so much money thrown away, if I can save \$10,000 of it for the purpose of beginning this work of education I

shall be exceedingly glad; and, therefore, with the consent of the Senate, I withdraw that amendment for the purpose of offering this. This, I will say, the Committee on Indian Affairs will not antagonize. The PRESIDENT pro tempore. The Senator from Massachusetts withdraws the amendment offered by him yesterday and now moves an amendment which will be read to the Senate.

The CHIEF CLERK. In line 14 of the first section, after the words

"to wit," it is proposed to insert:

Provided. That the President may in his discretion appropriate an amount thereof not exceeding \$10,000 for the education, in schools established beyond the limits of the land selected, of such youths of both sexes, as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self support, and.

Mr. INGALLS. I do not know that I exactly understand the object of the Senator from Massachusetts in the proposed amendment, and I will ask him to advise the Senate whether this is a withdraws of this amount of money from the appropriations made specifically

in this bill for definite purposes.

Mr. DAWES. This is taking of the \$50,000, which in all time to come is each year to be distributed per capita among these Indians, \$10,000 and appropriating it for the purposes indicated. It is an amendment of the agreement to come in in connection with the other amendment of the agreement to come in it connection with the other amendments of the agreement proposed by the committee themselves. The committee propose to amend the agreement by taking of that sum, which in the agreement is specifically appropriated per capita, certain amounts to pay to certain aggrieved individuals; and this adds to that change by proposing also to take from that sum per capita \$10,000 and appropriate it for the purposes indicated in the amendment.

Mr. INGALLS. And, therefore, adds another difficulty to the obstacles that already seem almost insuperable to the coming to some understanding with these Indians. I do not know how far the Senator from Massachusetts is justified in saying that his amendment meets with no objection from the Committee on Indian Affairs. As one member of that committee, I do object to it.

Mr. DAWES. I will explain to the Senator—
Mr. INGALLS. And I appeal to the Senator from Massachusetts
to throw no further obstacles in the way of the passage of this bill.
We have an Indian appropriation bill that will be here in the course of a few weeks upon which he can ingraft appropriately any provisions that he sees fit in regard to the education of the Ute Indians. Here we have made a specific agreement with these tribes to meet an emergency upon which immediate action is demanded, and the Senator from Massachusetts insists on coming in here and interpolating other provisions that will inevitably prevent an agreement being reached with these savages upon the frontier of Colorado.

I sympathize with the desires of the Senator from Massachusetts in

regard to the civilization of the Utes; I should be glad to have them all immediately assume the costume of civilized life and become selfsupporting and cultivate the soil and learn all the foreign languages

supporting and cultivate the soil and learn all the foreign languages and wear dress-coats and become ornamental members of society and vote the republican ticket; but I appeal to him to let this bill go, and put his provisions on the Indian appropriation bill when it comes before as, where these subjects properly belong.

I can see no good reason why this whole subject should be dealt with here, because we have before us a specific bill for accomplishing specific purposes; and I assure the Senator from Massachusetts that I will co-operate with him, at a proper time and on a proper occasion and when the suitable bill arrives, in doing whatever may seem best to him in order to accomplish those purposes which we adeasing and when the suitable bill arrives, in doing whatever may seem best to him in order to accomplish those purposes which we admit to be desirable; and I hope that he will withdraw this amendment and allow us as far as possible to carry out this agreement as it was made with the Indians, who have just departed for their reservation.

Mr. SAULSBURY. I desire to ask the Senator from Kansas whether the object contemplated by the amendment offered by the Senator from Massachusetts cannot be ingrafted in the bill by a provision authorizing the Commissioner, by the consent of the tribe, to so modify the agreement which has been made with them that of the appropria of course I see the difficulty of altering the agreement without the consent of the Ute Indians; but by ingrafting in the bill—

Mr. DAWES. I will say to the Senator from Delaware that

Mr. INGALLS. Did the Senator from Delaware address the Senator from Massachusetts or myself?

Mr. SAULSBURY. I was addressing myself to the Senator from

So I understood,

Mr. SAULSBURY. I ask whether the object contemplated by the Senator from Massachusetts might not be accomplished in the manner I have indicated simply by giving authority to the Commissioner by agreement with the Ute Indians themselves to consent to this

by agreement with the Ute Indians themselves to consent to this disposition of part of the money.

Mr. INGALLS. Yes, sir. There is no doubt that this agreement can be modified by act of Congress in any particular if the Indians will accept it. But the chiefs and the head-men of these confederated bands have been here in Washington for several months engaged in negotiations with the Secretary of the Interior, and after much difficulty and great tribulation they have at last reached a common

basis upon which they hope to secure an adjustment of the outstanding difficulties between the United States Government, the people of Colorado, and these Indians. Of course it is in the power of Congress to accept these conditions; it is in the power of Congress to modify them; it is in the power of Congress to say they will accept none of them; but it is a practical question before us whether under all the circumstances this is the best thing that can be done, and if it is, then we ought to assent to it; if it is not, we ought to modify it. But I insist that upon mere matters of speculative propriety, upon matters that can just as well be considered somewhere else, we ought not to embarrass this bill in its details by inserting all these provisions, and I appeal to the Senator from Massachusetts whether he is not willing to allow his views in regard to the education of these Indians to be placed on the Indian appropriation bill.

Mr. DAWES. Mr. President, I should feel that there was a great deal of force in the argument of the Senator from Kansas about interfering with this agreement if I had not observed on the face of the bill that he himself proposes to interfere with this very agreement in these words: "Provided, that the said agreement shall be amended by adding to the first clause thereof" a provision that these Utes, before they shall receive a dollar of this money, shall deliver up

the guilty parties, whether they can or not.

Mr. INGALLS. That was adopted in opposition to my expressed wish; I had nothing to do with it.

Mr. DAWES. Very well. And also either he, or his committee over his head, I do not know which, agreed to alter the agreement so as to take out of this head-money

To Mrs. Arivella D. Meeker, \$400; to Miss Josephine Meeker, \$400; to Mrs. Sophronia Price, \$400; to Mary and John Price, each, \$150; to George Dresser, \$200; to Mrs. Sarah M. Post, \$200; to Mrs. Eaton, mother of George Eaton, \$200; to the parents of Arthur L. Thompson, \$200; to the father of Fred Shepard, \$200; to the parents of Wilmer Eskridge, \$200; to Mrs. Nannie J. Elliott, \$300.

And all this, either with the assent of the Senator from Kansas, a member of this committee, or over his head, has been agreed to as amendments of this agreement. Now, I propose to amend it just one inch further, and that is to take \$10,000 out of this \$50,000 and appropriate it in some way that will benefit the Indians. The moment I broach that I find embarrassment; I find an appeal made to me by the Senator from Kansas, "For God's sake, do not touch this agreement," when he himself or his committee proposes to amend it in all these particulars. Do not touch this agreement when you come to anything that looks toward the education of these Indians.

Now, sir, it makes no difference with me whether this \$10,000 ap-

propriation shall be put here or in the regular Indian appropriation bill; but if it is stricken out of this bill, this bill on the face of it is simply a bill to extinguish the title to eleven million acres of land in Indians who have committed such an outrage in the murder of white citizens that many people think they ought to be driven off without a cent; and the bill proposes on the face of it not only to extinguish their title, but to pay them what amounts to \$2,700,000. Now I should like to get into this bill something for which I can vote; that is all. I should like to have this bill on its face make a small provision of \$10,000 a year toward the education of the children of these Utes.

hope that possibly the time may come when I may not affront the convictions of any Senator here by some provision of that kind.

Mr. ALLISON. May I call the attention of the Senator from Massachusetts to the fact that by this agreement we have positively pledged this Government to make provision for the education of these

people?

Mr. DAWES. Yes; I understand that.

Mr. ALLISON. And that we have appropriated in a general way in this very bill for that purpose.

Mr. DAWES. I alluded to that provision last night. That is a provision which is in all treaties and all agreements with Indians, to provide for schools for their children upon the reservations. The characteristic of them are acter of those schools is well known; the beneficial results of them are well known. It is not to add anything to the money expended in that line that I desire this amendment adopted, because I think that is in a great measure wasted, because it shoots over the heads of the Ina great measure wasted, because it shoots over the heads of the Indians; it does not touch their necessities, their wants, their demands. You may expend it all and the Indian is just so far from understanding how to support himself and be an individual Indian, parting company voluntarily with his tribe and his clan, as he was before he entered the school. He may be able to demonstrate a proposition in Euclid and not know how to sow the ground. We furnished the Indians down in the Indian Territory with a quantity of agricultural implements and the seed to be planted in the spring. We did not tell dians down in the Indian Territory with a quantity of agricultural implements and the seed to be planted in the spring. We did not tell them how to plant it, and they went and dug a hole and put it all into one hole, [laughter,] and their children in the mean time were in these elegant schools! I have had enough of that, and the country is coming to understand that that is money misspent, and it is no relief to that conviction to turn to this provision in the bill, saying that we have already provided for attention to that sort of education. What is proposed is instead of giving these individual Indians a

What is proposed is, instead of giving these individual Indians a little pocket money, that will be wasted, amounting in the aggregate to the sum of \$120,000, but in the distribution to eleven or twelve dollars apiece, to take the small sum of \$10,000 out of its aggregate and authorize the President to select promising boys and girls and put them in such schools as, at Hampton and at Carlisle, are demon-strating that the Indian youth may be taught to understand that he

is capable of being a man alone, acquiring property of his own that does not belong to his clan or his tribe, and separating him by his own choice and will from those strong bonds which hold him to his tribe; and in no other way can you loosen them. This is all there is

Mr. WILLIAMS. Mr. President, I do not desire to make a speech on this subject; I desire merely to say that in the amendment to the original bill submitted by the committee we have not proposed to inoriginal bill submitted by the committee we have not proposed to in-troduce a scheme for the regulation and reorganization of our entire Indian policy. It is a bill to meet a present emergency upon the country, and I have listened patiently to hear some objection that went to the real merits of the proposition of the committee from any

Mr. WILLIAMS. I will come to that presently and define the emergency. One class of objectors object to this bill because they

say it is inhuman, it is cruel in its provisions; another class object to it because they say that there is too much mercy and moderation in it; and a third set of objectors say there are legal technicalities in it which do not conform to the harmony of our general laws; but not one of them has urged an objection going to the merits of the bill

This, sir, is not a question to be settled by Boston sentimentalists This, sir, is not a question to be settled by Boston sentimentalists nor by border ruffians either. It is a question to be settled by business, by sense, and by practical statesmanship. It is not a question to be settled by philanthropy on the one side nor by cruelty upon the other; neither by sentimentality nor by inhumanity and wrong.

What are the facts? I will now tell the Senator from Alabama what is the emergency that requires this bill. What is the condition

of that country that has brought this question before the Senate ? It is that there has been war, which has been suspended only by the intervening of the winter and the impossibility of military operations against these warlike and hostile tribes. We do not care particularly about this bill. If any gentleman will propose a better plan the committee will gladly accept it. But while urging all these objections no man has proposed a substitute for the plan of the committee. The committee do not pretend that this plan is perfect.

Mr. FATON. May Lack my friend from Kantaky if the committee is the committee.

Mr. EATON. May I ask my friend from Kentucky if the reason war does not exist is because the Indian ponies have not been able to

wat does not clear to be a state to eat during the winter?

Mr. WILLIAMS. I do not know about that. I do not know that there is much corn in that country, or grass, either. These Indians are in mountains almost inaccessible to us.

Mr. McMILLAN. Allow me to ask—
Mr. WILLIAMS. I prefer to go on if my friend will allow me. Mr. WILLIAMS. I prefer to go on if my friend will allow me.
Mr. McMILLAN. I merely wish to submit a question in regard to
the remark made by the Senator, whether this is not an agreement
entered into between the Secretary of the Interior, representing the
Government of the United States, and the representatives of these
Indian tribes; and do the committee propose themselves to substitute
or will they accept a substitute in the form of a law enacted by Congress abolishing this agreement entirely?
Mr. WILLIAMS. If any gentleman will present a better scheme
the committee will be most happy to accept it; but no one has presented or offered any. Gentlemen find all sorts of objections. It is
much easier to find objections than to suggest remedies. It is easier
to pull down than it is to build up. Now, sir, what are the difficulties? This bill or some similar measure must be adopted by Congress
in order to avert the calamities of a war between the Ute Indians and

in order to avert the calamities of a war between the Ute Indians and

Mr. WILLIAMS. And the United States as well. Hostilities have already existed between these Indians and the Government troops. War has existed between these indians and the Government troops. War has existed, with all the attending horrors of savage warfare, with murder, massacre, rape, and arson. The passions of the Indians have been inflamed by a sense of injustice on the part of the Federal Government in withholding from them the annuities they were justly entitled to receive, and the passions of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the outroops are the same of the white men have been engaged by the same of the s raged by the outrages perpetrated upon their kindred and their neighbors. There is no sort of doubt but that these Indians deserve chas-

bors. There is no sort or doubt but that these states tisement for their outrages and their crimes.

The battle with Thornburgh and the massacre at the White River agency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall, and military operagency all occurred very late in the season last fall occurred very late in the seaso tions were impossible in that country until the return of spring. During the season of cessation of hostilities the President of the United States, through his Secretary of the Interior, has tried the arts of negotiation, to see if these troubles might not be settled without a recurrence again to war when the season of spring shall return in that region of snow. Believing that he has arrived at a satisfactory conclusion of these troubles, he sends in to Congress the *projet* of a treaty, the memorandum of a contract, a sort of memorial to Congress asking that the stipulations be enacted into law. Is there anything wrong in that? Is there anything irregular or unusual or unconstitutional in that? Is it a treaty? If it be, is it not such a one as Congress is competent to make? What is a treaty under our Constitution? A treaty is a compact made between the United States and a foreign independent nation—made by the President, by and with the advice and consent of the Senate. With this constitutional definition of a treaty, will any gentleman say that this is a treaty? Will any gen-

tleman say that the law that we propose is even a violation or an annulment of the act of 1871, prohibiting any further treaties with the Indians as independent tribes? No, sir; it cannot be so said. It is not a weaty. It is a proposition which the Secretary of the Interior, directed by the President, sends to Congress and asks their concurrence in, that peace may be restored to that country.

What are the propositions of the bill? What does it propose to accomplish? In the first place, it accomplishes the surrender to justice of the murderers at the White River agency to be punished by our laws. In the second place, it restores to the public domain 12,000,000 acres, a vast territory, covering and embracing, it is said, the richest mineral wealth in the world. It opens all the vast country up to settlement by our miners and by our farmers. These are the two benefits that the United States are to get from this treaty.

What do we propose to give to the Indians? We propose to pay them at once the long-withheld annuity to which they are entitled. We propose, in addition to that, to transplant them in colonies, not in tribes but as colonists, upon new territory adapted to agriculture,

We propose, in addition to that, to transplant them in colonies, not in tribes but as colonists, upon new territory adapted to agriculture, a new profession which we propose to teach them. One-third of them are to go down to the southern border of Colorado upon the La Plata River; a part of them are to be settled in New Mexico, and the remainder in Colorado. The Uncompangre Utes are to be sent up on Grand River, and the White River Utes are to be settled in the Unitah reservation, in the Territory of Utah. They are to be reduced to less than one-tenth of their original territory. They are to be compacted more closely, in fertile valleys, where they may be taught agriculture and all the arts of peace. They are to be allotted lands in severalty, inalienable for twenty-five years. School-houses and dwelling-houses are to be built at the public expense; teachers are to be provided to teach them the arts of agriculture, reading and writing, and, indeed, all the arts of peace. all the arts of peace.

Is not that humane enough to satisfy the Senator from Massachusetts, [Mr. Dawes?] Ought not their removal to satisfy the Senator from Colorado, [Mr. Teller?] In addition to this, we propose to pay them annually an annuity of \$50,000, provided that after the expiration of twenty-five years the Government of the United States may capitalize that fund and distribute it per capita among the In-

dians.

These are all the essential provisions of the bill, and I can see no objection to its passage. Its immediate passage is demanded. The committee are now considering a general law to be applicable to the whole of the Indian tribes. If this emergency had not demanded the immediate action of Congress this question would have been retained in the committee until that general law was presented; but we had proofs before us that satisfied every member of the committee that the immediate passage of this bill is demanded by the interests of the whites as well as of the Indians themselves.

We do not contend that we have a perfect bill. We shall be gled.

of the whites as well as of the Indians themselves.

We do not contend that we have a perfect bill. We shall be glad if some better plan can be presented; but something must be done, and that something must be done immediately, or with the coming of spring the forty thousand men that await the opening of that Ute reservation to settlement will be too strong to be resisted by the Indians or repressed by the Government of the United States. It will not be done; it cannot be done.

I hope, therefore, the Senate will proceed immediately to the passage of this bill, in order that the commissioners may start at once, before the snows have melted from those hills, and remove these Utes and establish them at once upon the reservations which the bill provides for them.

Mr. BUTLER. Mr. President, as I shall vote against this bill, I desire to state briefly the reasons which will influence my action. My principal objection to the bill is that it temporizes with and postmy principal objection to the bill is that it temporizes with and postpones a final and satisfactory settlement of the Indian question, one
of the most important with which we have to deal. Temporary expedients, a halting, vacillating, uncertain policy, have entailed upon
us and the Indians the evils of the past and multiply the difficulties
which confront us at each succeeding session of Congress.

If the debate on this bill accomplishes no other purpose it demonstrates and brings conspicuously before the country of leave as to the

ideas, the diversity of opinions, the instability of laws as to the status of the Indian. He is a native and yet he is a foreigner, for when we treat with him we treat through the executive head of his when we treat with him we treat through the executive head of his nation or tribe, who exercises in that regard the functions of sovereignty. He is not accorded the privileges of a citizen, and yet he is held responsible for many of the attributes of citizenship. There are grave doubts whether he is amenable to our laws in certain localities within the jurisdiction of the United States, and in other localities he can be hunted like a dog and corralled like a wild animal. He is not a freeholder, and yet his race owns a hundred and forty-one million acres of land within our territorial limits. He cannot hold an acre of land by inheritance or transmit a rod to his descendants. He is subjected to certain of our general laws, and yet almost without is subjected to certain of our general laws, and yet almost without the protection of any of them. He "is native here and to the man-ner born," and yet we treat him in many respects as a foreigner, cir-cumscribed by the limits of a reservation outside of which he has no rights which a white man or a black man is bound to respect. He is a full-grown, stalwart man, perfectly developed in mind and body, accustomed to untutored liberty, and yet we exercise over him a paternal and personal government which dwarfs his faculties rather than cultivates and enlightens them.

My objection to this bill, Mr. President, is, that it does not tear away from this fatal policy, so disastrous to the Indian and to the peace and welfare of the whole country. It has cost us in annual appropriations \$179,000,000, money paid out of the Treasury from year to year, with every prospect of being continued indefinitely unless some

change is made.

I think it safe to say that it has cost thrice that sum in numerous Indian wars with which our policy in the past has inflicted the country. In the loss of human life, in the taking off of the very best and bravest of our Army, and the boldest, most enterprising, and useful of our pioneers, the mind can scarcely comprehend the estimate. And yet we propose by this legislation to continue in all essential particulars the identical policy which has cost us all this blood and treasure

The honorable Senator from Ohio, [Mr. PENDLETON,] for whose opinion I have great respect, speaking for himself, and as the organ of the Committee on Indian Affairs, says that this is not a treaty and this remark is repeated by the honorable Senator from Kentucky [Mr. WILLIAMS] this morning—but an agreement with the Ute tribe of Indians; but, Mr. President, I submit that it may be an agreement and still be a treaty. It certainly bears upon its face the evidences of having been made with all the forms and ceremonials of a treaty between high contracting parties, the Secretary of the Interior, a high officer of the Executive Department of our Government, and the high officer of the Executive Department of our Government, and the chief and head-men of the executive department of the Ute government. They meet in convention, submit mutual propositions, and finally agree to the treaty, or, if you prefer, agreement, set forth in this bill and referred to in its preamble. But this is not all. It is submitted to Congress by the President, the Chief Executive of the United States, and to the "confederated bands of the Ute tribe," (that is the language of the preamble,) by the chiefs and head-men, the chief executive of the Indian nation to that nation.

Now, Mr. President, if that does not constitute a "treaty" I am at a loss to understand what does. And it is to this that I object. It has upon its face and in form and substance every element of a treaty, which involves the exercise of sovereign power by both contracting

mas upon its face and in form and substance every element of a treaty, which involves the exercise of sovereign power by both contracting parties—a power which I do not believe the Ute or any other Indian tribe or nation in this country has. But granting they have this power, there is an express inhibition in the act of 1871, as I think was conclusively shown by the honorable Senator from Alabama, [Mr. Morgan,] against its exercise; and it was further shown by that Senator that Congress had the constitutional power to pass that act, and in delay a subspaced as I think a honorable. senator that Congress had the constitutional power to pass that act, and in doing so discharged, as I think, a humane and proper duty toward the Indians. I trust this Congress will take no step backward by recognizing the tribal organization of the Ute Indians in this bill, or by dealing with them in any other capacity than as individuals. I know, Mr. President, the arguments and objections that are urged against this manner of dealing with them: that they are not prepared for the responsibilities of individual action by reason of their

pared for the responsibilities of individual action by reason of their savage and untutored nature, their ignorance of our language, their inexperience in the methods and habits and ways of civilized life, with its subordination to law and social order; that if we segregate them and destroy their tribal formations and the influence which can be had over them through their chiefs and head-men, we should have upon us an army of vagrants and vagabonds; that the Indians themselves would be despoiled and robbed by their white neighbor, and that they would be exterminated. But I apprehend that these difficulties are not insurmountable and are not so formidable as they appear. That we should have trouble in endeavoring to enforce obedience to our laws upon individual Indians, I do not pretend to deny: dience to our laws upon individual Indians, I do not pretend to deny; but what I do mean to say is that the advantages to be derived from that mode of dealing with them over the present recognition of their separate tribal organization will fully justify the effort at whatever cost. The test is a very simple one. Let the Indian be given to understand that the process of the sheriff or marshal shall be as effectual for him against a wrong-doer as for a law-abiding citizen against him as a wrong-doer, and the difficulties are overcome. This is the simple solution of the problem. Has not this great Government power

enough and justice and honesty enough to apply this test and enforce it? It would be very humiliating to think that it had not.

But it is insisted as a reason for the early passage of this bill that an urgent, immediate necessity or exigency is pressing upon us; that we are threatened with a war on the one hand by the Indians, and on the other by the aggressive hostility and encroachment upon the on the other by the aggressive hostility and encroachment upon the reservation by the white settlers; and that the consummation of the compact between the Secretary of the Interior and the Ute Indians will pacificate matters. Surely, Mr. President, nobody, unless it be the contractors, wants an Indian war. There is not much glory in them for anybody But it seems to me that this great calamity may be averted by a little heroic treatment; and the settlers ought to be, and I have no doubt will be, controlled by an executive order and a few cavalry stationed along the borders of the reservation. This precaution appears to have been effectual heretofore. Why should it not be now? But what assurances or guarantees have we, as was suggested by the Senator from Alabama and other Senators, that the peace thus patched up may not be broken elsewhere; that we may not suggested by the senator from Alabama and other senators, that the peace thus patched up may not be broken elsewhere; that we may not have a repetition of an Indian outbreak wherever these Utes may be located? If they have been guilty of the atrocities with which they stand charged, shall their simple removal from their reservation, with handsome annuities and compensation provided for in this bill, be

the price they are to pay for them? If so, I should not place much confidence in a peace thus purchased.

confidence in a peace thus purchased.

But there seems to be very great uncertainty in the minds of some of the ablest lawyers in the Senate as to our power to punish the criminals, if they should be apprehended. It is not at all settled, according to opinions expressed in this debate, that the Indians may not murder and ravish with impunity or with no greater penalty than a visit to Washington and a removal to some other territory with increased annuities. I give no opinion on these points myself, for I have not examined the law touching them, but I venture to say that if there is no law to punish such crimes, this Congress could not be better employed than providing them.

In my judgment it is high time that this Government was adopting some settled, fundamental, permanent, and, I was about to say, sensible, Indian policy. We are now pursuing substantially the same course toward the Indians that prevailed a half century ago, and they are just as much a menace to the peace of the country as they were then, and the antagonism between the two races is almost as pronounced. Is it not about time, then, that we should apply the principles of practical common sense to this question, and have done with the sentimentality and blunders and crimes which have grown out of our past Indian policy.

with the sentimentality and blunders and crimes which have grown out of our past Indian policy.

Let us try the efficacy of extending over the Indians and their reservations the laws of the respective States and Territories and take them into the body-politic. They are as well prepared for it now as they will ever be under our present system, and our treaty obligations need not be violated in effecting it. The Supreme Court has decided that it is entirely competent for Congress to abrogate or rescind these treaties. The dictates of good sense and the welfare of both races demand it. I do not believe it will result in the extermination of the Indian, but in his elevation and improvement. It is not necessary to deprive him of one acre of his land or one dollar of his property. On the contrary, under the well-recognized principles which govern the relation of guardian and ward we should secure his property in the safest investments, to be held in trust until his disaproperty in the safest investments, to be held in trust until his disabilities for the management of his own affairs had been removed by his progress in civilization and improvement. I do not believe that the white settler of the West would despoil and impoverish his Indian neighbor. The imputation is in my judgment a libel upon the character of the white man and the strength of the Indian. The honorable Senator from Colorado [Mr. Teller] informs us that not one of the Ute Indians has been killed by a white man; and in a one of the Ote Indian has been kined by a white man; and in a great majority of the cases where the Indian has been thrown upon his own resources he has sustained himself. The most cursory reading of the last annual reports of the Secretary of the Interior and the Commissioner of Indian Affairs must satisfy the most incredulous

upon this point.

These observations suggest another objection to this bill, Mr. President. In addition to what has fallen from the Senator from Alaident. In addition to what has fallen from the Senator from Alabama as to the disregard of its provisions as to the personal or individual rights which have vested in the Indians in their reservation, we take their land practically at our own price; the three-fourths of the Indians no doubt being induced to agree to it by having the price supplemented by a few trinkets or other attractions. We all know how that is accomplished. The price may not be adequate, for the Secretary says that "it is quite possible that one of the sixteen thousand square miles ceded may yield in mineral wealth ten times the sum of money of which we are to pay the interest to these Indians the sum of money of which we are to pay the interest to these Indians in the shape of an annuity." If this be so, why not give the Indians the benefit of this mineral wealth. It is just such treatment as this which has driven the Indians to acts of revenge and desperation, and the best way to escape it in the future is to throw around him where the best way to escape it in the future is to throw around him where he is the protection of equal and just laws, and require obedience to their mandates in return. We have never had any trouble in getting around "treaty stipulations" whenever we wanted his land, and why should we higgle about "treaty stipulations" in securing him in the perpetual enjoyment of his property and conferring upon him the blessings of American citizenship?

No, sir. There is, in my judgment, no difficulty in the way of making this change now, and this Ute trouble presents a fit and proper occasion for the exercise of that power by Congress. If what is said of them is true—and upon this point I express no opinion as to the degree of culpability of either the Indians or their white neighbors—they have broken their treaty obligations and forfeited all claim to any right under its provisions, and we should deal with them as with any others charged with crime; arrest and try them in a court of competent jurisdiction, organized and conducted with all those safecompetent jurisdiction, organized and conducted with all those safeguards which are thrown around the criminal and are intended for
the protection of society. If there is no such court and no law for
such an emergency, we had better go about providing both. If the
criminals are within our jurisdiction the whole power of this Government should be exhausted in bringing them to justice; and if they
have fled beyond our jurisdiction, then, I submit, we should demand
their return under our extradition treaties with foreign powers. And
if upon a fair investigation it should turn out that there was or could
have been any possible justification for their outbreak, and that they
have been wronged, punish with the same inexorable law the wrongdoer, and let the Indian understand that he shall not be maltreated
with impunity. with impunity.

It is in this way that all well-regulated governments deal with their

malefactors, tempering always the rigid enforcement of just laws with that mercy which comes of enlightenment and humanity. Any other course bargains away the safety and well-being of society. If there are any treaty obligations or agreements or stipulations in the way of such a course, let us proceed now in this exigency to get them out of the way, once and for all. That we have the right and constitutional power to do so I think need not be seriously argued. These "domestic dependent nations," as they have been styled by the Supreme Court—whatever they mean by it—should be converted into "domestic dependent" citizens—we know what that means. This imperium is imperium that it is the state of the state o

tic dependent" citizens—we know what that means. This imperium in imperio which has been such a thorn in the sides of our progress and peace and safety should be placked out by the roots and committed to the common current of American civilization.

Mr. President, the people of Colorado can settle this Ute question better than can the people of New York, or Massachusetts, or Georgia, or South Carolina, or of them all combined. Why not authorize the governor of that State to arrest and punish such of these people as have violated its laws! If he has not the power at hand, the Constitution provides a very simple method for his procuring all the assistance he may require. They have, as I have said, forfeited their right to immunity under their treaties with the General Government, and we must not assume that the distinguished gentleman who exercises we must not assume that the distinguished gentleman who exercises the executive authority of Colorado is going to discharge those duties otherwise than as a humane, enlightened governor, or that the people of that State are going to indulge in the pastime of killing Indians for the love of blood and the gratification of a revengeful spirit. I do not believe they will do so. Nor do I believe that they will despoil and rob the Indians of any vested rights. How can they do so, Mr. President, if they would? The guardian of these Indians is the United States Government. That Government knows the metes and bounds of their twelve thousand agrees of land and can secure it to them or of their twelve thousand acres of land and can secure it to them or for their benefit. It is an area capable in extent at least of accommodating several millions of people, and there are forty-five hundred

of the Utes.

There are three classes of people who would probably oppose the solution of the Indian question which I have suggested: those who compose the Indian Bureau proper, the contractors who get rich out of our Indian troubles, and the sentimentalist who would wreck the Government and create a pandemonium for the privilege of promulgating a "barren ideality." This is in no just sense a bureaucratic government. Surely our experience in an attempt to make it one has not been encouraging. The Freedmen's Bureau is not an institution to which an American citizen can point with pride; it brought upon us nothing but disgrace and dishonor and humiliation; and the Indian Bureau has not been a happy success. We had better commit this question, as all other merely race questions, to the custody of those immediately concerned, and in direct contact with the objects. They will settle them much more fairly, justly, and satisfactorily to both races than any enthusiastic theorists in a remote bureau, operating through the incompetent mediums of distant and feeble agencies. The same principles of American civilization and domestic tranquil-lity underlie the social fabrics in all parts of this country, and we must trust to love of liberty and social order to work out the local problems as they arise.

These principles apply as well to the settlement of the Indian question as to all others, and I hope to see them promptly applied and conscientiously administered. It may be proper for me to say in connection with foregoing observations, candor requires that I should say that I have not intended to impute to the present head of the Interior Department any other than the most honorable and conscientious conduct. I believe he has done the very best possible under the circumstances. His administration has been and the administration of any man will be smirched by disagreeable scandals in the management of the Indian Bureau—scandals and wrongs which he has promptly and vigorously rebuked and corrected when brought to his attention. They are incident to, and almost the necessary consequence of, the Indian system. I desire, too, to say that I have the highest respect for the ability, patriotism, and purposes of the honorable Committee on Indian Affairs, from which this bill emanates, and I dissent with great diffidence and related to the conclusions of its indement diffidence and reluctance from the conclusions of its judgment.

Mr. COKE. Mr. President, I desire to consume but a brief portion of the time of the Senate. The conclusions of the honorable Senator from South Carolina [Mr. BUTLER] it seems to me ought to have been drawn in favor of the pending bill. It seems to me that the pending bill goes beyond any plan ever yet proposed in either House of Congress in furtherance of the views he has so ably expressed in the speech he has just concluded. I have never been enamored of the Indian policy of this Government which has heretofore prevailed, especially that inaugurated under the administration of General Grant, known as the "peace policy." The Indians should, in my judgment, be treated as responsible human beings, and held amenable to law and authority, not humored like children. I believe that the so-called "peace policy" has been more prolific of war and more oner-ous in expense than any other that has ever been pursued by the Government.

Repeated efforts have been made to reverse that policy. At the session of Congress before the last, the House of Representatives sent a well-matured bill to the Senate providing for a transfer of the Indian bureau to the War Department. Some two years before that time, I believe, a bill had been passed in the House, certainly one had been

discussed in the Senate, providing for such transfer. The bill to which I allude, which came here from the House since I have been a member of this body, was defeated, as previous efforts had been defeated in the same direction. The policy of the transfer having been defeated, it has seemed to me desirable that some measure be adopted,

that some step be initiated, looking to a change in the existing policy. That step is found in the pending bill.

The bill now before the Senate is unlike any other I have known of heretofore before either House of Congress. It proposes to retain of the tribal power and of the tribal relations of the Indians scarcely a shadow, just enough of it to speak of as still remaining, but in substance, in vitality, in all essentials, it remits the Indians to the laws of the States and Territories in which they are located and to the of the States and Territories in which they are located and to the laws of the United States just as citizens stand under those laws. The bill has gone as far in that direction as it is possible to go and leave a vestige of the former Indian policy standing. Their lands are to be taken in severalty, not in a compact body, but in tracts with intervening public lands between. The Indians are to be passed under the laws of the States and Territories wherein their lands are situated and the authority of the courts under those laws. They can uated and the authority of the courts under those laws. They can sue and be sued in the courts of the States and Territories where they live. Estates will descend and vest in accordance with the laws of those States. The authority of the head-men and chiefs will be broken down, because two governing authorities cannot exist together. The laws of the States and Territories will be supreme and that of the

chiefs and the head-men will be gone.

What is then to be left of the tribal relation? Is there anything?

The only instrumentality by which the Government of the United States will hold on to its jurisdiction over them is through the provision in the bill which binds the Government to maintain public vision in the bill which binds the Government to maintain public schools among them, and which necessitates the keeping of an agent in order to pay the annuities provided for them. This seems to fill the measure exactly of what the honorable Senator from South Carolina thinks should be done. Yet he proposes to vote against the bill! The honorable Senator from Kentucky [Mr. Beck] says he wants the Government to deal with the Indians as it deals with the Senator from Texas and the Senator from Kentucky and other citizens. This is the longest step in that direction ever yet made by any bill proposed in either House of Congress. It takes the Indian away from the authority of his chief, it breaks down the authority of the tribe, and it substitutes the laws of the United States and the laws of the State government in their stead, and gets him very nearly in a position to be dealt with as the Senator from Kentucky says he wants to

see the Indian dealt with.

Mr. BUTLER. If the Senator from Texas will allow me, I should like to ask him if in order to make this bill a law and the treaty binding upon either party it is not necessary to have the consent of three-fourths of these Indians?

Mr. COKE. Of course. If you will pass the bill and cease to make captious objections, we will get the consent necessary. I do not mean any disrespect to the Senator by the word "captious," but I do say that it does seem to me that gentlemen professing to desire, and no doubt desiring, the objects sought to be obtained by the bill have sought to throw a great many obstructions in the way of its passage. The bill provides that three-fourths of these Indians shall sign this contract before it shall become a contract binding upon them and upon the Government. This is in plain accordance with the treaty passed prior to the act of 1871, which denationalized the Indian ribes, and being a treaty is a part of the supreme law of the land. The bill provides that the consent of three-fourths of the Indians shall be necessary, and their consent will doubtless be obtained if the bill is passed; at least such is my information.

The Senator from South Carolina calls it a treaty. I call it a contract, to be made as a government may contract with a corporation, with an individual, with a company, with a joint-stock association. It is true the Indian tribes were denationalized by the act of 1871, but was their contracting power destroyed? What say the statutes on that subject? What has been the practice of the Government? Has not the Government recognized tribal organizations since then; and if the tribal organization remains discontinuous contractions. and if the tribal organization remains for any purpose, cannot the

tribe contract?

In all the years since the passage of the act of 1871, which the Senator from Alabama [Mr. Morgan] says deprives this tribe of the capacity to make contracts, we find the legislation of Congress recognizing that capacity; we see contracts since that time constantly made with Indian tribes and ratified by Congress, one even with this very Ute tribe. Yet the Senator from Alabama and the Senator from South Carolina claim this contract to be a treaty in solar test that South Carolina claim this contract to be a treaty in order to say that it violates the act of 1871. The act of 1871 simply denationalized the Indian tribes as sovereign treaty-making powers, but left them, the Indian tribes as sovereign treaty-making powers, but left them, as the practice of the Executive Department, as the practice of the Indian Department show, and as the positive legislation of Congress shows, in possession of those attributes which enable them to contract as tribes. If they had not that power, still such a contract is a valid and legal contract upon another ground, and that is that under the treaty of 1868 the lands ceded in this bill were granted them coupled with the condition that they might be alienated to the United States upon the signature to the deed of cession of three-fourths of the Indians of the tribe; and the bill pending before the Senate provides in so many words for that sort of a deed of cession.

Call them what you please, if they are not a tribe, they have the power under the deed of cession as individual persons stripped of any tribal ties whatever to make the contract embodied in the bill.

I have great respect for the ability of the honorable Senator from Alabama, and I have very great respect for him personally. I mean no disrespect to him when I say that it does seem to me that this point is a legal technicality, not rising to the dignity of a legal ques-

I have said, Mr. President, that I have been opposed to the existing policy of the Government with reference to the Indians. Upon the floor of the Senate two years ago I earnestly advocated the transfer of the Indian Bureau to the War Department. The measure was defeated. I do not desire to see the administration of Indian affairs continued through the same methods which have brought disgrace upon the Government and ruin upon the Indians for many years past. I want a change in the policy of this Government toward the Indians. I cannot get it by transferring them to the War Department, as the Senator from Rhode Island [Mr. BURNSIDE] would have done. Then I want it in the mode proposed by this bill, as the only practical mode of obtaining it. This bill, if enacted into law, will give us a change of administration, and the Indians will become almost citizens under the State law. They will be individualized and trained zens under the State laws. They will be individualized, and trained to the duties and obligations of citizens, and will enjoy the protecto the duties and obligations or citizens, and will enjoy the protec-tion of the laws. They may become vagrants, as the honorable Sen-ator from South Carolina says; but anything for a change in the pol-icy which has brought naught but corruption, Indian wars, and most onerous burdens. The Indians may become vagrants; I hope they will not. We have aimed in the draught of the bill to retain the juris-diction of the National Government for certain purposes over them in the hope that the Government will be able to throw around them its protecting arm when they may need it, and help them in their ascent of the steep hill to be climbed before they reach the heights

of civilization.

I trust, Mr. President, that our anticipation of benefits to the Indians may be realized, but if the bill is to be a failure in that respect, if we fail to do anything through the schools that are provided for, if we fail to teach them agriculture, if we fail to teach them the value of laws in their duties and in their obligations, we shall certainly have accomplished one thing by the bill. One thing we shall have accomplished without any sort of question. Sixteen or seventeen thousand square miles of land in Colorado are locked up under the provisions of a treaty which is a part of the supreme law of this land by which we have solemnly guaranteed to these Indians that no white man, except the officers and employés of the Govern-ment of the United States, shall ever, without their consent, intrude

upon it. I will read it:

An act to ratify an agreement with certain Ute Indians in Colorado and to make an appropriation for carrying out the same.

ARTICLE V. All the provisions of the treaty of 1868 not altered by this agreement shall continue in force; and the following words, from article II of said treaty, namely: "The United States now solemnly agrees that no persons except those herein authorized to do so, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided," are hereby expressly reaffirmed, except so far as they applied to the country herein relinquished.

Sixteen thousand square miles of territory in the State of Colorado are absolutely locked up under that provision of law, to enforce which the Indians have the right to demand all the power of the Government, military as well as civil, upon which on all sides, at every point upon every line the constituents of the honorable Senator from Colorado are crowding in, staking off ranches and mining claims. The Indians, knowing that they were solemnly guaranteed these rights, are standing there with arms in their hands and defiance in their bosoms, waiting for this settlement to see whether or not they are to be protected in their rights thrice guaranteed, because they have

been guaranteed by three solemn treaties.

Certainly, if we pass this bill we will have unlocked this Territory and we will have averted an Indian war. There can be no question about that part of it. All else may fail. We may do nothing else, We may fail in everything else, but that certainly will be accomplished if we pass the bill. We will avert an Indian war in Colorado; we will keep faith with these Indians; we will avoid a collision between this Government and the people of Colorado now intruding in defence of the systems law as explained in the treaty I have interest. in defiance of the supreme law, as embodied in the treaty, I have just read, upon this Indian reservation. That we are certain of; that much we know. The rest is conjecture. We have done the best we could. The committee have called to their aid the experience of all the experts in the Indian Department. They have had before them the honorable Secretary of the Interior. They have examined all the reports of agents. They have availed themselves of every avenue and source of information; and by the light of all these experiences they have prepared the bill now pending before the Senate. We may fail in it, however; it may not work well. But, sir, in one respect it will work well. It will save bloodshed in Colorado. It will protect the honor of the Government in its dealings with these Indians. It will save the humble roof of many a frontiersman in the Northwest who otherwise would have the midnight lighted up with the burning of his household and his home.

All this may be worth very little. It is said that it will cost

\$4,000,000. The consideration to be paid by the Government for the sixteen thousand square miles of territory is an annuity of \$50,000 per annum, which may be capitalized at the end of twenty-five years and paid over in cash. One million two hundred and fifty thousand dollars at 4 per cent. will bring \$50,000. If you add to that 4 per cent. interest for twenty-five years it will, with the other amounts appropriated, run it up to some \$2,700,000; but that is not a fair way to count it, because the money is presumed to be worth the interest on it. It will cost the Government of the United States \$1,250,000 to stop an Indian war. That may cost ten million, or fifteen million, or twenty million dollars, besides women and children and men who may be killed and scalped, and whose cabins and houses and homes the Government is bound to protect and defend may be destroyed.

I want to see the gentleman who will put a few dollars against the precious lives, the blood, and the earnings of years of the constituents of the honorable Senator from Colorado. He will not do it; no gentleman here will do it. Leaving out everything except the question of cost, to say nothing of the solemn guarantee of the Government to these Indians in three solemn treaties, and treaties that are not with denationalized tribes, but treaties that are supreme laws of

not with denationalized tribes, but treaties that are supreme laws of this land—to say nothing of these but simply on the question of cost, I ask if Senators are going to vote against this bill? Shall not the Government protect its honor with these Indians? I wish that every member of the Senate and of Congress would read the treaties with these Indians. No government was ever more clearly, more closely bound than ours is to see to it that no man without the consent of these Indians shall go upon the sixteen thousand square miles of territory secured to these Indians, yet intruders are pouring in on it by

thousands.

Gentlemen declaim against this bill, and oppose it with all sorts of technical objections, yet fail in every instance to offer any substitute for it, any amendment of any important feature in it, or to suggest in what way it may be improved or amended. The question is one which presses for settlement, and they would defeat this without suggesting any other. The Executive has acted, and has thrown upon Congress the responsibility of accepting his action or substituting some other in its place. The good sense of the Senate will not reject this measure at the instance of those who, although denouncing it, acknowledge its expellered by failing to propose any other.

this measure at the instance of those who, although denouncing it, acknowledge its excellence by failing to propose any other.

Mr. President, this bill is one fashioned very much after my own ideas, not meaning that I am the author of it, for it is the joint work of the Interior Department and the committee on Indian Affairs of the Senate. It corresponds very nearly with my ideas of a proper bill, my views being that the Indians should be taken out from their present government and either sent to the War Department and present government and either sent to the War Department or made citizens. It is in the line of a judicious and proper departure from our existing policy with reference to the Indians. It comes as near making them citizens as it is possible to do without leaving them so that a great many or a large proportion of them would have to be put under guardianship under laws of the States and Territories when located.

I prefer, rather than have the State courts encumbered with the burden of taking care of these Indians under guardianship laws upon the idea that they cannot manage their own affairs, to retain in the hands of the General Government a sufficient authority, such as this bill does, to throw around them the mantle of its protection and care. Besides, there should be some authority which should be empowered to give them aid and help them along. While I am unconditionally in favor of remitting these Indians to all the duties and burdens of citizenship, the clause in the bill which retains the twenty-eighth title of the Revised Statutes, pertaining to Indian government, so far as applicable, is in my judgment made necessary by the peculiar condition of these people to which I have referred. Take the bill as a whole, and it is one which, while not all that I could desire, yet is one that I approve. The committee have labored on it earnestly and zealously, and have brought it in as the only measure upon which they could all agree, with the single exception of the Senator from Congrous [Mr. SLATER]. Oregon, [Mr. SLATER.

Oregon, [Mr. SLATER.]

I commend the bill to the attention and the kindly consideration of the Senate, because it is approved by the Executive, by the Interior Department, by the Committee on Indian Affairs, and is the result of the best judgment and the best consideration they have been able to give it. While gentlemen are able to pick flaws, to make objections, to indulge in vague denunciatory generalities, to say this thing and that thing and the other thing about it, without particularizing, without offering a specific amendment to the points in which they allege the measure is deficient—while they do all this I ask the Senate to remember the difficulties under which we labor, to remember the impossibility of providing any measure that shall be perfect on this subject, and to take it simply as a beginning and the best solution we can present of a most difficult question, until some experience of its results shall suggest that which none of the objectors have suggested, some specific mode of amendment.

I will say further that it is the intention of the committee, as was said by my colleague, [Mr. Williams,] to bring in a general bill upon

asid by my colleague, [Mr. WILLIAMS,] to bring in a general bill upon this subject, designed to cover the entire Indian question, at as early a day as possible, and present it to the consideration of the Senate, but this is an exceptional case, and the bill now pending possesses the general features of the bill now being considered in committee, so far as they have been considered. Therefore, I ask the Senate to pass

this bill to meet an exceptional emergency without regard to the general bill which the committee will bring in hereafter.

Mr. TELLER. Mr. President, the honorable chairman of the Committee on Indian Affairs tells us that that committee have presented a bill here which has exhausted the intellect of the committee, and that because it has exhausted the intellect of the committee everybody else should submit to and accept the bill as the only thing that can be done. Now, Mr. President, I have great confidence in the chairman of the committee and in the entire committee for that matter; but I know that they did not exhaust themselves on this bill; I know that they did not give this bill a very thorough examination; I know that they felt under constraint to take this bill and pass this bill heaves they allowed themselves to dren into the bill because they allowed themselves to drop into the error of supposing that these people were to be treated with by the United States only with their consent. That is the radical error of this legislation; and if there can be any more serious mistake in legislation than that, I do not know what it can be.

I say they neither exhausted themselves as to the power of Congress over this subject nor as to the condition of facts which would determine whether in equity we ought to assume a power which everybody here now admits we possess; that is, to legislate for these people without their consent.

Mr. ALLISON. I do not wish to interrupt the Senator from Colorado; but I should like to have him point out the authority upon which he bases the statement that we can legislate for these people without their consent.

Mr. TELLER. The department of Government that has that in hand, and whose duty it is to pass upon that question and to define our powers, has determined that very positively in 11 Wallace, where the Senator will find it. That decision never has been overruled; it never has been questioned; it is in the line of the current of opinions for from fifty to seventy-five years. I refer to the Cherokee tobacco case. We by express provision in 1866 declared that certain revenue laws should never be enforced in the Indian Territory; and in violation of that treaty, as they said, we did by act of Congress throw over them those laws, and made them amenable to those laws, and included them in a collection district. They came to the Supreme Court, saying that was a violation of their treaty. It was clearly a violation of the provision. Nobody doubted that. The Supreme Court unanimously passed upon that subject, and said that Congress might annul any

passed upon that subject, and said that congress hight annul my treaty that had been made.

Mr. ALLISON. I do not understand the Senator. I agree that we can abrogate a treaty or violate a treaty; that is to say, we have the physical power to do it.

Mr. TELLER. "Violate" is not the term. When the legislative power of the Government takes hold of a treaty it abrogates the treaty. To "violate" means another thing, an entirely different thing. To "violate" means another thing, an entirely different thing. We do it then by constitutional methods and in law that is always supposed to be right in equity, also when it is done by constitutional methods. The Secretary of the Interior may have violated a treaty when he withheld the money that was due them; somebody may violate it in that way; but Congress does not violate any treaty when it says that that treaty shall be at an end.

Now, it must be admitted that we have the power to do this; and Now, it must be admitted that we have the power to do this; and it was simply a question whether there were any circumstances to justify us in doing it. What were the circumstances; and did the Senate Committee on Indian Affairs exhaust themselves to get at the facts? Did they call anybody before them? Did they inquire of anybody, except those who represent these Indians, as to what the facts were? When I produced here, as I did the first day that I addressed the Senate, the evidence showing that of every single band of these life Linking there were now the large and represent in this dressed the Senate, the evidence showing that of every single band of these Ute Indians there were parts and parcels engaged in this fight, did the committee look into that? Did they inquire into it at all? What did they do? They assumed on an outside statement that the White Rivers were the only Indians engaged in it, while they knew if they had looked up the reports, as I said the other day, that if there were four hundred Indians engaged, there could not have been four hundred White Rivers. There must have been some from other bands, because it would have taken all those Indians, including the old men too old to go to battle, and they had left thirty Indians on the agency, and some up on Bear River. I say that the committee cannot stand here and assert that they have exhausted all effort, and, therefore, we are under obligations to vote for this bill. They do not know to-day who were engaged in that fight except as they have picked it up since this discussion commenced, and they made no effort picked it up since this discussion commenced, and they made no effort to find out.

Did the committee look into the condition of the country where they propose to put these Indians? Did they examine to see whether it was a mineral country or not? When I say it is an unsuitable place for these Indians, I am met by the statement that it is a very suitable place for them. The committee could have found that out. It is a mining country. It could have been proved to this committee in two hours that it was a mining country by the geological experts of the nation who are in the city engaged in Government employ. I have not brought them here; I have not the power. I have not each echised them on the subject, but I know, and I know from the head of the geological department, that every man who knows anything about it would come here and testify that it is a mineral country. Did the committee look into that?

Do they not know, and does not everybody know that the success Did the committee look into the condition of the country where

Do they not know, and does not everybody know that the success

of this enterprise depends largely on the kind of land the Indians are put upon? When I said the other day that the Uintah reservation was a more desirable place, I was told that it was not true. I was told that it was not to desirable as the Grand River country and that it was not a suitable place to put them. All these facts could have been brought to the knowledge of the committee, and the committee could have been prepared and ought to have been prepared (I say it with all due respect) to have settled these questions for the Senate. That I regard as their duty. They are not the simple agents of the Secretary of the Interior to present a bill because he submits it to them; and I am under no more obligation to vote with this committee than I would be if the bill came directly from the Secretary of the Interior to the Senate, if that thing were possible. rior to the Senate, if that thing were possible.

Mr. President-

Mr. President—
Mr. HILL, of Colorado. Before my colleague leaves this branch of the subject, I should like to ask him one question.
Mr. TELLER. Very well.
Mr. HILL, of Colorado. I wish to ask him whether in his opinion the judgment of Ouray himself in regard to a suitable place for the location of these Indians would not be a very safe and sound judgment, whether Ouray is not an intelligent man, and does not know the kind of land these Indians need, and whether his judgment would

not be good?

Mr. TELLER. I will answer that by saying that Ouray is an intelligent Indian; he is an Indian of ability, there is no doubt; but that he understands the necessity of putting these men and expects them to go on land for the purpose of doing work, I deny; and I doubt today whether Ouray can comprehend and understand what is intended by this bill, or what is intended by the statement of "land in several terms".

eralty."

Mr. HILL, of Colorado. If my colleague will allow me to interrupt him one moment further, I will say that Ouray himself lives in a framehouse on a farm, of which eighty acres are under cultivation, and has as good an eye for farming land as any man I know of, and I would trust to his judgment as soon as I would to that of any man I know of as to where would be a good location for farming land. And I wish to say now that Ouray himself selected this land. It was not assigned

to him. He took it of his own choice.

Mr. TELLER. I understand that. I understand that Ouray dictates this legislation to us; and that is what I complain of. I complain that the interests of the three hundred thousand people in Colorado are left to this renegade chief. Gentlemen may talk as much as they choose about his ability and his devotion to the whites; he as they choose about his ability and his devotion to the whites; he is an Indian, with an Indian heart and with Indian blood; and he is working for what he thinks is the interest of his tribe. He knows they do not intend, without a struggle that will end in his dethronement from power, to enter upon the walks of civilized life; and he, like lots of other men who are not Indians, is looking for the dollars to come out of this stipend that the Government gives him. I understand that he distrete the legislation. My collegged not tell derstand that he dictates the legislation. My colleague need not tell me that. I knew it from the beginning; and I am here to protest against that kind of legislation.

Mr. HILL, of Colorado. I merely mentioned that as an evidence that this particular spot selected was a fit place for these Indians to

live, and not to show that he dictated terms.

Mr. TELLER. No matter what my colleague introduced it for, nevertheless it shows the fact. The Secretary said before the committee that these Indians would not go to any other place. Whom did he consult? Ouray on the one hand and Captain Jack on the other. Captain Jack and Ouray acting together said they would not go to any other place than this. So I am justified in saying that they dictate this legislation.

But in order that I may not be accused of wanting to put these Indians where they ought not to go, and that I may not be accused, as I know I shall be, of cruelty toward these Indians, and that I may not be criticised, as I have been already, as being bloodthirsty and anxious for war and all that, I want to call the attention of the Senate to a statement made in 1874 by Mr. Powell and Mr. Ingalls, who were appointed a special commission by the Commissioner of Indian Affairs to go to this very country to examine a suitable place for the Indians to be located—I speak now of the Uintah reservation—men who are familiar with that whole country, and they say, speaking of the Uintah reservation:

The reservation on the Uintah is well known to one of your commissioners. There is an abundance of good soil, plenty of water, and convenient timber. The climate is good for the growth of smaller grains and vegetables, but not favorable to the raising of corn.

But it is a great deal lower and more favorable to raising corn than the White River.

Good range for cattle is practically unlimited-

That cannot be said of the White River-

in fact, there is room enough for all the Indians of Utah.

Perhaps there is no finer valley than the Unitah in the territory of the United States west of the hundredth meridian.

I think I shall be exonerated from any special desire to punish these Indians by putting them on any poor land in the West. I propose that they shall be put in a better place, and I say this committee could have determined that question and could have determined it in two hours if they had seen fit so to do.

I do not desire to detain the Senate by going over what I have said before; but I do want to call attention to another thing. It is said before; but I do want to call attention to another thing. It is said we are confronted with an emergency. What is the emergency? "Why," said one Senator the other day, "that these Indians might get their spring crops in." That is admitted, I believe, all around to-day not to be a pressing emergency. I believe it is generally conceded that they will not do any farming until June; that is about the time they will have to begin up there at all events, and so they will get along very well for a while yet. The other objection is that forty thousand miners are pressing on the flanks of this reservation and are bound to make a lodgment there. I do not disguise that and are bound to make a lodgment there. I do not disguise that truth; I do not deny it. I will admit it, and I presume they will go in there; but they are not citizens of Colorado any more than they are citizens of the States of Senators who sit around me. Most of are citizens of the States of Senators who sit around me. Most of them are not yet voters in Colorado. They have come from every portion of the United States and from the isles of the sea, and they do propose to go in there in spite of law and everything else. They have done it everywhere from Plymouth Rock back, and they will continue to do it, and their presence need not make war if the Government is prepared, as it should be, with its troops to deal with these Indians, whom, I say, ought now to be under the control, not of the Interior Department, but of the War Department.

It was said the other day that I was opposed to negotiations; that I wanted the Utes to be pursued at once before the women were recovered. Mr. President, I never was consulted; I knew nothing about it; but I am always opposed to negotiation with men who have armain their hands and who are in the condition and position of these Indians. I was opposed to negotiation, and I was especially opposed

Indians. I was opposed to negotiation, and I was especially opposed

Indians. I was opposed to negotiation, and I was especially opposed to it after these women had been surrendered. I denied the right of the Interior Department to say to the Army: "Now stop, and there shall be no punishment for the crimes so committed." I denied it because I knew it was unwise and I knew it was unsafe for us.

The honorable Senator from Texas says that if we shall get this bill we shall have accomplished one thing, we shall have avoided a war. That is what I deny; that is what I say is not correct. I say when you have done this you have inaugurated a war, and a war that will last not simply for 1880, but in all probability for the next fifteen or twenty years, until this people are either removed or annihilated. It is said that this bill maintains the tribal relation to some extent, and in other respects breaks it up, and that it gives to these Indians

and in other respects breaks it up, and that it gives to these Indians land in severalty, and that the upshot of the whole thing will be that they will settle down quietly in their cabins, and there will be peace in all our borders. I heard the other day that Indians were here from the West, the Chippewas, clamoring for land in severalty. I say here to-day that there is no portion of the Indians in the United States clamoring for land in severalty. It is not true; it cannot be proven by the facts; and while agents may write from their agencies that the Indians want land in severalty and are asking for it, they are not asking for it at all. They may ask for land upon which to go, but they do not ask for it in severalty, and they do not know what it means. I said the other day that I understood the New York Indians had only recently adopted the principle of land in severalty. I find that the New York Indians to-day are resisting, with an energy equal to that with which they resist everything that they are opposed to, the allotment of land to them in severalty in at least two of those ancient tribes. Every Indian in the Indian country is resisting it, and the Chippewas who are traversing our streets and come here for land in severalty, as

who are traversing our streets and come here for land in severalty, as the newspapers say, are being instructed by the Interior Department in the principle of land in severalty in the hope that they will take it.

Mr. VEST. Before the Senator takes his seat, let me say that in his statement that none of the Indians in the Indian Territory are claiming land in severalty he is unquestionably mistaken. The Committee on Territories heard from those at the Quapaw agency, the Peorias and Miamies, that they asked for land in severalty.

Mr. TELLER. I will say that I make my statement from the reports of the Government officers on the subject.

Mr. TELLER. I will say that I make my statement from the reports of the Government officers on the subject.

Mr. HILL, of Colorado. I stated the other day that some of the Indians were disposed to take land in severalty, among others the Sioux Indians of Dakota, who were recently a very wild tribe. I made that statement not unadvisedly; but after having carefully looked into and inquired as to the facts, I state now that if the honorable Senator desires to seek for the simple truth in this matter he can find within twenty-four hours that what I said was true, that the Sioux are demanding land in severalty and are taking it from choice.

Mr. TELLER. They have not done it, and they have the opportunity to do it. They need not come here to Washington for that. The Chippewas have a treaty by which they can take land in severalty.

tunity to do it. They need not come here to Washington for that. The Chippewas have a treaty by which they can take land in severalty, and they have been the wards of this Government for more than forty years. Since 1854, if I am not very much mistaken in the date, they could have taken lands in severalty. We have paid out for the Chippewa Indians \$9,000,000, and yet they have not taken land in severalty; neither are they likely so to do. I know it is stated in the report that they want land in severalty, that they demand land in severalty. They demand land, but not land in severalty, and there is where the distinction is, and there is where it must be made. They do not demand land in severalty while they are wild Indians. They never have and they never will. If these Chippewas want it they can get it; if the Sioux want it they can get it; but does anybody suppose if they do get it that each Indian becoming the owner of one hundred and sixty acres of land solves this problem and settles this

question and makes those men civilized instead of savages? What difference does it make to the people of Colorado whether they settle down and have a fee-simple title to their land, or whether they hold it under the usual title of Indians, by simple occupation? Is it not worse for us that they should be there as fee-simple owners? Is it not a fact, then, that they are then fixed upon us and cannot be taken away and never will be taken away while this land-in-severalty prin-

ciple prevails?

I will not detain the Senate; I have talked about this subject a couple of times; but this is a matter of importance to us and it is a couple of times; but this is a matter of importance to us and it is a matter of importance to the Indians, and I say with all deference to the Senate that there seems to be a haste as if there was such an emergency that we must settle this matter at once. And what is the great emergency when you come right down to the fact? The fact is undisputed that these men having commenced a war, having fought us and defeated us in battle, have dictated to us the terms, and stand there, not with their traditional tomahawk, but with their improved Winchester rifles, anxious, ready to go on and fight, and it is said because they are anxious to fight we must, therefore, immediately treat, and when we have given them this annuity the whole thing will be

settled!

Mr. President, if I believed that, I would compromise the dignity of the nation. The Senator from Kansas says it cannot be done when you deal with Indians. I would do it. I would yield my objections if that would do any good; but with this sentiment active in their hearts, are they going to settle down quietly and let you alone? In six months the war will begin, and we shall have then less preparation than now unless the Government puts troops there and builds a fort; and you have heard what the General of the Army says. He wants \$100,000 for forts. But the bill contains no provision for the Army; it contains no provision for troops. There is no guarantee to the citit contains no provision for troops. There is no guarantee to the citizens of Colorado that troops are to be there to protect us against these Indians. I have not the slightest idea, after this farce is enacted,

these Indians. I have not the slightest idea, after this farce is enacted, and these men are settled down in a camp and an agency established, that there will be any troops put in the vicinity; and who is to protect our miners who then go into these hills from these aggressive Indians?

Mr. President, we might take time and we might settle this once for all; and the committee ought to have taken time, first, to have known whether the place where they proposed to send the Indians was a practicable place to put them; secondly, whether there was any other place where they could have put them; and if so, they ought to have said, "There is the place for you togo to." But it is not enough for me to know that it is the best thing they could do under the circumstances. I have a right to demand of the committee and of the Senate something more and better than this. of the Senate something more and better than this.

Mr. President, I have not questioned any man's motive in voting for this bill. I have made no imputations of any kind. I concede to every man who votes on this question the right to vote as his judgment dictates, and I demand that right for myself. I do not intend to be dictated to because the committee are here almost unanimous, because the Executive of the nation is here with his suggestion that because the Executive of the nation is here with his suggestion that it is a fair bill, nor because the Secretary of the Interior is here saying that it is the best that can be done. I propose to vote upon this question with reference not simply to my individual interest but to the interest of the people of the State I am attempting in part to represent, the interest of the whole people of the nation, and with reference to a principle that I believe if it is not adopted and adhered to by the nation will continue the disgraceful condition of Indian affairs that we have now all over this country. Whenever you shall say, "By the strong hand of the Government we will quit leaving to these Indians the question as to what we shall do, and we will exercise our judgment on it; we will determine what is right and what is wrong, and you must submit to our power and authority," as we do with all other people in this country, we shall have peeper and not fill then

other people in this country, we shall have peace, and not till then.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts, [Mr. Dawes.]

Mr. VEST. Mr. President—

Mr. EATON. The Senator from Missouri giving way, I move that

the Senate do now adjourn.

Mr. ALLISON. I trust that motion will not prevail.

The PRESIDENT pro tempore. The Chair understands the Senator from Connecticut to move an adjournment.

Mr. EATON. Yes, sir.
The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and fifty-five min-utes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES. THURSDAY, April 8, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS. Mr. CLYMER. I move to dispense with the morning hour for the purpose of proceeding with the consideration of the Army appropriation bill. Mr. SCALES and others rose.

Mr. CLYMER. I am appealed to by several gentlemen to allow some other business to come in; but I think this appropriation bill is at present the most important matter before us. The motion of Mr. CLYMER was not agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBERTSON, for one week; To Mr. KING, for one week

To Mr. Gibson, for one week, on account of the dangerous illness of his brother; and

To Mr. WASHBURN, for ten days, from to-morrow, on account of important business

PUBLIC BUILDING, GREENSBOROUGH, NORTH CAROLINA.

Mr. SCALES. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5075) to erect a public building in the town of Greensborough, North Carolina, and that the bill be considered and passed now. I will state—

Mr. KEIFER. I object.

ORDER OF BUSINESS.

Mr. O'CONNOR. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at nineteen minutes after twelve o'clock. Reports from committees are in order; and the call rests with the Committee on

PENSIONS.

Mr. WHITEAKER, from the Committee on Pensions, reported back adversely the bill (H. R. No. 400) granting a pension to Jacob Srite, of Georgia, a soldier of the war of 1812; which was laid on the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported back, with an amendment, the bill (H. R. No. 428) granting a pension to Margaret A. Spencer; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

Mr. MILES, from the same committee, reported back adversely the following bill and petition; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H.R. No. 1395) granting a pension to Fanny Dimmick; and The petition of Oliver L. Wheeler, praying pension for services in the war of 1819.

the war of 1812.

Mr. FARR, from the same committee, reported back favorably the bill (H. R. No. 4120) granting a pension to Mathias Fosher; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 5677)

ranting a pension to Stephen P. Benton, a soldier of the war of 1812 which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FAVORABLY REPORTED.

Mr. DICKEY, from the Committee on Claims, reported back favorably bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (S. No. 212) for the relief of John M. Dorsey and William F.

Shepard;
The bill (H. R. No. 1269) for the relief of John M. Dorsey and William F. Shepard; and
The bill (H. R. No. 5318) for the relief of Mrs. Sarah B. Franklin.

The bill (H. R. No. 5318) for the relief of Mrs. Sarah B. Franklin. He also, from the same committee, reported a bill (H. R. No. 5678) for the relief of John A. Sutter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed. Mr. BARBER, from the same committee, reported back favorably bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accommittee of the whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and the Committee of the Whole on the Private Calendar, and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Private Calendar and the Committee of the Whole on the Privat

panying reports, ordered to be printed:

The bill (H. R. No. 3484) for the relief of Henry C. De Ahna;

The bill (H. R. No. 2995) for the relief of C. H. Howard, postmaster at Osage Mission, Kansas;

The bill (H. R. No. 621) for the relief of the German National Bank,

of Louisville, Kentucky; and
The bill (H. R. No. 17) for the relief of Joseph L. Stevens, postmaster at Manchester, New Hampshire.

He also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the

the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5679) for the relief of Leander M. Black, (substitute for House bill No. 1335;)

A bill (H. R. No. 5680) for the relief of Stephen P. Yeomans and Andrew Leech, (substitute for House bill No. 1110;) and

A bill (H. R. No. 5681) for the relief of Rebecca Nabors, (substitute for House bill No. 452.)

He also, from the same committee, reported back, with amend-

ments, the bill (H. R. No. 532) for the relief of J. J. Lints; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN S. MEADER.

On motion of Mr. BARBER, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 4677) for the relief of Helen S. Meader; and the same was referred to the Committee on Military Affairs.

FAVORABLE REPORTS.

Mr. O'CONNOR, from the Committee on Claims, reported back favorably the following bills; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the

mittee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 242) for the relief of Thomas A. McLaughlin;
The bill (H. R. No. 375) for the relief of Philemon B. Hawkins;
The bill (H. R. No. 684) for the relief of Daniel Parker;
The bill (H. R. No. 685) for the relief of Tolley & Eaton;
The bill (H. R. No. 686) for the relief of William T. League;
The bill (H. R. No. 1705) for the relief of Thomas Doak;
The bill (H. R. No. 2793) for the relief of Rachael Martin;
The bill (H. R. No. 2818) for the relief of Warren K. Churchill,
postmaster at Elmwood, Plymouth County, Massachusetts;
The bill (H. R. No. 3112) for the relief of W. B. Homer, second lieutenant Fifth Artillery, United States Army:

The bill (H. R. No. 3112) for the relief of W. B. Homer, second neutenant Fifth Artillery, United States Army;
The bill (H. R. No. 3592) for the relief of Robert Chisholm, of Charleston, South Carolina; and
The bill (H. R. No. 4670) for the relief of James L. Wilbur.

G. P. WORK.

Mr. O'CONNOR also, from the same committee, reported a bill (H. R. No. 5682) for the relief of G. P. Work; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

WILLIAM LAVERY.

On motion of Mr. O'CONNOR, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 2849) for the relief of William Lavery; and the same was referred to the Committee on War Claims.

FAVORABLE REPORTS.

Mr. CROWLEY, from the Committee on Claims, reported back favorably the following bills; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with

Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 1855) for the relief of Sidney P. Luther;
The bills (H. R. No. 2533) in addition to an act for the relief of Obadiah B. Latham and Oliver S. Latham, approved March 3, 1863;
The bill (H. R. No. 4210) for the relief of Peter Gallagher; and The bill (H. R. No. 4283) for the relief of Helen M. Scholefield, additional to the control of the

ministratrix.

He also, from the same committee, reported the following bills and joint resolution; which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5683) for the relief of Frederick W. Miller, postmaster at Elkart, in the State of Indiana;

A bill (H. R. No. 5684) for the relief of Robert C. Narramore, late

A bill (H. R. No. 5684) for the relief of Robert C. Narramore, late postmaster at Derby, Connecticut;
A bill (H. R. No. 5685) for the relief of David Ward;
A bill (H. R. No. 5686) for the relief of Jennie K. Moore;
A bill (H. R. No. 5687) for the relief of Eben Eveleth, of Washington, District of Columbia; and
Joint resolution (H. R. No. 271) authorizing the Clerk of the House

to pay J. B. Holloway.

Mr. LINDSEY, from the Committee on Claims, reported back favorably the following bills; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with

the accompanying reports, ordered to be printed:
The bill (S. No. 307) for the relief of L. C. Cantwell;
The bill (H. R. No. 2749) for the relief of Louis Volin; and
The bill (H. R. No. 2464) for the relief of Daniel J. Benner, of Gettysburgh, Pennsylvania.

He also, from the same committee, reported the following bills; which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with

Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5688) for the relief of Albert Grant;

A bill (H. R. No. 5689) for the relief of Colonel Alfred B. Meacham;

A bill (H. R. No. 5690) for the relief of Thomas Cottman;

A bill (H. R. No. 5691) for the relief of Oliver Moses;

A bill (H. R. No. 5692) for the relief of Sabin Trowbridge; and A bill (H. R. No. 5693) for the relief of Charles C. Reynolds.

Mr. BOWMAN, from the same committee, reported the following bills; which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5694) for the relief of Joseph Wescott & Son;

A bill (H. R. No. 5695) for the relief of the owners and crews of the

American whaling-vessels Midas, Progress, Lagoda, Daniel Webster, and Europa

A bill (H. R. No. 5696) as a substitute for House bill No. 341, for the relief of J. S. Braxton, collector of customs at Norfolk, Virginia; and A bill (H. R. No. 5697) for the relief of the owners and officers of

the brig Olive Frances, and others on board of said brig. He also, from the same committee, reported back favorably the following bills; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying

reports, ordered to be printed:

The bill (H. R. No. 3245) for the relief of Samuel O. Upham;

The bill (H. R. No. 776) to refund to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07, that being the amount paid on certain imported articles,

The bill (H. R. No. 63) for the relief of Julia E. Seeley; The bill (H. R. No. 1402) for the relief of Henry L. James; The bill (H. R. No. 1170) for the relief of H. K. Belding; and The bill (H. R. No. 2820) for the relief of John F. Severance, of Shelburne Falls, Massachusetts.

PENSION BILLS.

Mr. GILLETTE. I ask unanimous consent to present several bills from the Committee on Pensions, as I was out when the committee was called.

The SPEAKER. The Chair hears no objection.

Mr. GILLETTE, from the Committee on Pensions, reported back favorably the following bills; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accom-

panying reports, ordered to be printed:

The bill (H. R. No. 5249) for the relief of W. A. Lemaster, administrator of the estate of Margaret Lemaster, deceased, pensioner of the

war of 1812

The bill (H. R. No. 2151) granting a pension to Sylvia Jenks; The bill (H. R. No. 1818) granting a pension to Olive Stephenson;

The bill (H. R. No. 4264) to authorize the payment of \$66.09 to Julia Brown, one-seventh of the pension of Margaret Jenks.

He also, from the same committee, reported a bill (H. R. No. 5698) granting a pension to William Harrington, late a soldier in the war of 1812; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. GILLETTE, the Committee on Pensions was discharged from the further consideration of the bill (H. R. No. 2201) for the relief of the legal representatives of Daniel Bedinger, deceased, and the same was referred to the Committee on Claims.

ADVERSE REPORTS.

Mr. BLAND, by unanimous consent, from the Committee on Pensions, reported adversely the following bills and petition; which were laid on the table, and the accompanying reports ordered to be

The bill (H. R. No. 4197) granting a pension to James Harris; The bill (H. R. No. 162) granting an increase of pension to Anna

Hulser

The bill (H. R. No. 2912) for the relief of Elizabeth Miller; The bill (H. R. No. 2988) for the increase of pension of Thomas

The bill (H. R. No. 3141) granting a pension to Elizabeth Kurtz; and The petition of Sarah Parish, asking for arrearages of pension for war of 1812.

MARY B. KIRBY.

Mr. CABELL. I ask unanimous consent to report a bill from the Committee on Pensions. I happened to be absent when the committee was called.

The SPEAKER. The Chair hears no objection.

Mr. CABELL, from the Committee on Pensions, reported a bill (H. R. No. 5699) for the relief of Mary B. Kirby; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. DIBRELL. I ask unanimous consent also to make three adverse reports from the Committee on Pensions.

The SPEAKER. The Chair hears no objection.

Mr. DIBRELL, from the Committee on Pensions, reported back adversely petitions of the following titles; which were severally ordered to lie on the table, and the accompanying reports ordered to be printed:

The petition of Francis L. Dyer, for a pension;
The petition of Mary F. Francis, for a pension; and
The petition of Mary S. Cleveland, for arrears of pension.
Mr. BRAGG, from the Committee on War Claims, reported adversely
bills and memorials of the following titles; which were severally
ordered to lie on the table, and the accompanying reports ordered to

be printed:
The bill (H. R. No. 3227) for the relief of Martha Allen Lachman;
The bill (H. R. No. 1135) for the relief of Dabney Walker;

The bill (H. R. No. 561) for the payment of \$800 to Milton Kennedy for night services of the steamboat Piketon;

The bill (H. R. No. 2613) for the benefit of the Madison Female

Academy; at Richmond, Kentucky;

The bill (H. R. No. 3501) to pay W. W. Walden for building destroyed by fire while occupied by United States soldiers;

The bill (H. R. No. 1123) for the relief of Joanna W. Turner;

The bill (H. R. No. 483) for the relief of Mrs. Eliza E. Hebert;

The memorial of Dr. A. C. Hammond, praying compensation for property taken for public use

The petition of James B. and Richard Kitchin, asking the passage of a bill authorizing him to prosecute a claim for property, &c., in

the Court of Claims;
The petition of W. W. Jackson, of Washington, District of Co-

lumbia; and
The petition of Edmund Wolff and other citizens of Pennsylvania, for relief.

Mr. BRAGG moved to reconsider the several votes by which the bills and petitions he had reported with adverse recommendations were laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGES OF REFERENCE.

Mr. BRAGG also, from the Committee on War Claims, reported back the following bills and petitions, and the committee was discharged from the further consideration of the same, and they were referred to

the Committee on Military Affairs:

The bill (H. R. No. 1871) for the relief of George F. Selleck;
The bill (H. R. No. 1872) for the relief of Moses Bradley;
The bill (H. R. No. 2648) for the relief of Allen Harper, of Illinois;
The bill (H. R. No. 1640) for the relief of Charles S. Hayes;
The bill (H. R. No. 1717) for the relief of Mrs. Ann M. Elliott, of Detroit, Michigan;

The bill (H. R. No. 902) for the relief of Rev. Erastus Lathrop, of the State of Illinois;

The bill (H. R. No. 240) for the relief of Joshua Johnson;
The bill (H. R. No. 102) for the relief of Marvin H. Amesbury;
The bill (H. R. No. 759) for the relief of James Richardson;
The bill (H. R. No. 770) for the relief of Sasser Sullivan, of Pike

The bill (H. R. No. 770) for the relief of Sasser Sunivan, of Fike County, Indiana;
The bill (H. R. No. 651) for the relief of Captain Lewis Sowards;
The bill (R. R. No. 2026) for the relief of Captain F. B. Stewart,
late assistant quartermaster, United States Volunteers;
The bill (H. R. No. 642) for the relief of Lewis C. Dils;
The petition of J. W. Lawless, for relief;
The bill (H. R. No. 2525) for the relief of Henry Moore;
The petition of Charles Fair, late lieutenant-colonel Fifty-fourth
United States Colored Volunteers:

United States Colored Volunteers;

The petition of Sarah E. Herrel, widow of John Herrel, late captain of Company H, Second Regiment Ohio Volunteer Infantry;
The petition of Wright French, asking for commutation of rations

while a prisoner of war The petition of William D. Gray, of Ohio County, Kentucky, for

The petition of William D. Gray, of Glob County, Relatedly, for bounty money;

The petition of O. H. Rhodes, of Randolph County, Illinois, for pay and emoluments of assistant surgeon in the United States Army from the 30th of June, 1862, to January 29, 1863; and

The petition of Harlan P. Eggleston.

ADVERSE REPORTS.

Mr. BAYNE, from the Committee on War Claims, reported back, with adverse recommendations, the following bills and petitions; which were severally laid on the table, and the accompanying reports

ordered to be printed: The bill (H. R. No. 1967) for the relief of John Jackson, of Missouri; The bill (H. R. No. 1967) for the relief of John Jackson, of Missouri;
The petition of D. W. and Minnie H. Glass and Joseph C. Nash, of
Nashville, Tennessee;
The petition of Joseph Tagg, of Memphis, Tennessee;
The bill (H. R. No. 1895) for the relief of William Dadds;
The bill (H. R. No. 1962) for the relief of William A. Carr;
The petition of Captain J. F. Weston, of the United States Army;
The bill (H. R. No. 1943) for the relief of W. L. Carey;
The bill (H. R. No. 1910) making an appropriation to pay the claim
of Adolph Nimitz, trustee of Meta Nimitz;
The bill (H. R. No. 1968) for the relief of William Greenslade, of

The bill (H. R. No. 1968) for the relief of William Greenslade, of Des Arc, Arkansas

The bill (H. R. No. 1945) for the relief of the owners of the steam-

The bill (H. R. No. 1945) for the relief of the owners of the steamboat Fanny Brandeis;
The bill (H. R. No. 1933) for the relief of James Miller;
The bill (H. R. No. 1941) for the benefit of Mrs. Mary T. Duncan, of Louisville, Kentucky;
The bill (H. R. No. 676) for the relief of Henry S. French;
The petition of George W. Twidwell, of Smith County, Tennessee;
The petition of Mary L. Shields, of Memphis, Tennessee;
The petition of John T. Oates, of Holly Grove, Arkansas;
The petition of Nancy Seawright, of Memphis, Tennessee;
The petition of Robert Talley, of Memphis, Tennessee;
The petition of Edward Stack, of Shelby County, Tennessee, for property taken by the United States during the war;

The petition of William R. Webber and Hennie E. Revell, of Shelby

County, Tennessee;
The petition of Llewellyn Ross, of Shelby County, Tennessee;
The petition of Mrs. Elizabeth Toof, of Shelby County, Tennessee;
The petition of Peter Dooley, late captain Thirty-seventh Massa-

chusetts Volunteers

The petition of William F. Frasier, praying relief for injuries received during the late war

The petition of Reeder B. Sheppard, of Memphis, Tennessee; The petition of B. B. Taylor, of Murfreesborough, Tennessee, for relief:

The petition of James Scott and others, loyal citizens of Tennessee,

The bold of Francis Timmons.

The bill (H. R. No. 1944) for the relief of Francis Timmons.

Mr. BAYNE moved to reconsider the votes upon the adverse reports just made; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.
Mr. BRAGG, (for Mr. ROBERTSON,) from the same committee, reported the following petitions adversely; and they were laid upon the table, and the accompanying reports ordered to be printed:

The petition of James N. Hunter, of the State of Tennessee;
The petition of Allan T. Callahan, of Prince William County, Vir

The petition of Allen E. Anderson, of Claiborne County, Missis-

sippi; and
The petition of John W. Dougherty, James M. Roberts, and James T. Taylor, of Maryland.
Mr. BRAGG moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ATHERTON, from the same committee, reported adversely upon

Mr. ATHERTON, from the same committee, reported adversely upon the following petitions; which were laid upon the table, and the accompanying reports ordered to be printed:

The petition of A. H. Gardner, of Pike County, Mississippi; The petition of James M. Barker, of Arkansas County, Arkansas; The petition of Jeremiah F. Dorris, of Carroll Parish, Louisiana; The petition of William H. Huff, of Alabama; The petition of John Belcher, of Alabama; and The petition of John Osborne, of Louisiana.

The petition of John Osborne, of Louisiana.

Mr. ATHERTON moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

The latter motion was agreed to.

Mr. THOMPSON, of Kentucky, from the same committee, reported adversely upon the following bills and petitions; which were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 868) for the relief of William F. Willard and George E. Willard, of Michigan;

The bill (H. R. No. 979) for the relief of Elijah Davidson;

The bill (H. R. No. 836) for the relief of Mary J. Eddy;

The bill (H. R. No. 372) for the relief of John B. Sugg, of North Carolina:

olina;

The bill (H. R. No. 2221) for the relief of Franklin D. Pearson; The bill (H. R. No. 374) for the relief of F. P. Haywood; The bill (H. R. No. 1167) for the relief of Isaac Slocum; The bill (H. R. No. 1166) for the relief of E. P. Lieberg;

The bill (H. R. No. 977) for the relief of Jacob L. Shinn; The bill (H. R. No. 897) for the relief of Homer B. Parish; The bill (H. R. No. 1114) for the relief of Adam Hine, of Keokuk,

The petition of A. Folsom, of Massachusetts; The petition of Emmet J. Parhom, of Mississippi;

The petition of Emmet J. Parhom, of Mississippi;
The petition of James H. Boswell, of Indiana;
The petition of William P. Joie, of Mississippi;
The petition of William J. Moran, of Mississippi;
The petition of Charles Wagoner, of Tennessee;
The petition of Daniel T. Sanders, of Mississippi;
The petition of J. D. Reinhardt and others, of Mississippi;
The petition of Catharine B. Winston, of Alabama;
The petition of James H. Bell, of Tennessee;
The petition of James H. Knox, of Mississippi;
The petition of M. W. Winbourn, of Mississippi;
The petition of William H. Hughey, of Tennessee;
The petition of Asa Faulkner, of Tennessee;
The petition of M. Mulholland, of Mississippi.
Mr. THOMPSON, of Kentucky, moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table. table.

The latter motion was agreed to.

W. E. TOMLINSON.

Mr. THOMPSON, of Kentucky, from the same committee, reported a bill (H. R. No. 5700) for the benefit of William E. Tomlinson, of Clinton County, Mississippi; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOMERSET BAPTIST CHURCH, OF KENTUCKY.

Mr. THOMPSON, of Kentucky, from the same committee, also reported a bill (H. R. No. 5701) for the benefit of the Somerset Baptist

church, at Somerset, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. CLYMER. Has the morning hour expired? The SPEAKER: It has.

WABASH AND ERIE CANAL.

Mr. REAGAN, from the Committee on Commerce, reported back the following resolution; when the Committee on Commerce was dis-charged from the further consideration thereof, and the same was referred to the Committee on Railways and Canals:

referred to the Committee on Railways and Canals:

Resolved, That the Secretary of War be requested to furnish to the House of Representatives, so far as he may be able to do so from information in the office of Engineers of the Army, the approximate distance necessary to be traveled, and the estimated cost of a canal of adequate capacity for the commerce between the East and West, to connect the navigable waters of the Illinois River and the Illinois and Michigan Canal, by way of the Kankakee River, when improved and made boatable by slack water, with the Wabash and Erie Canal at or near Logansport, Indiana, leading to Toledo; and what would be the estimated cost of the improvement of said Kankakee River, and what would be the estimated cost of the enlargement of said Wabash and Erie Canal from Logansport to Toledo to the present capacity of the Erie Canal of New York, and what would be the distance by said water route from Chicago to Toledo.

ICE HARBORS, CHESTER AND MARCUS HOOK, PENNSYLVANIA.

Mr. REAGAN, from the same committee, reported back favorably the following resolution; which was considered and adopted:

Resolved by the House of Representatives of the Congress of the United States, That the Secretary of War be, and he is hereby, requested, if in his opinion not incompatible with the public service, to transmit to this House the report last received from the United States Corps of Engineers relative to ice harbors at Chester and Marcus Hook, on the river Delaware, in the State of Pennsylvania.

DIKES, WING-DAMS, AND JETTIES.

Mr. REAGAN, from the same committee, reported back adversely the following resolution; which was laid on the table:

Be it resolved by the House of Representatives of the United States of America, That the Secretary of War be, and is hereby, requested to furnish to this House, if not incompatible with the public interest, such information as may be in the possession of the War Department as will show the number of dikes, wing-dams, and jetties constructed by and under the authority of this Government since the formation thereof, where, when, and for what purposes respectively the same have been constructed, and what the cost thereof respectively has been.

ORDER OF BUSINESS.

The SPEAKER. The Chair asks unanimous consent to lay before the House for reference to the appropriate committee certain executive communications.

There was no objection.

ASSISTANT ATTORNEY-GENERAL, POST-OFFICE DEPARTMENT.

The SPEAKER laid before the House a letter from the Postmaster-General, relative to the salary of the Assistant Attorney-General for the Post-Office Department; which was referred to the Committee on Appropriations.

WAR DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a deficiency estimate for contingent expenses of the War Department building; which was referred to the Committee on Appropriations.

ROAD, FORT BRIDGER TO UINTAH AGENCY.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an appropriation to build a road from Fort Bridger to Uintah agency; which was referred to the Committee on Appropriations.

NEW MILITARY POST.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an appropriation to build a new military post at the junction of Gunnison and Grand Rivers; which was referred to the Committee on Military Affairs.

SOLDIERS' ARREARS OF PAY AND BOUNTY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimate for payment of claims of white and colored soldiers for arrears of pay and bounty; which was re-ferred to the Committee on Military Affairs.

FORT CLARK, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the purchase of the site of Fort Clark, Texas; which was referred to the Committee on Military Affairs.

GOVERNMENT DEPOT, JEFFERSONVILLE, INDIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the construction of a carriage-way on the street leading to Government depot in Jeffersonville, Indiana; which was referred to the Committee on Military Affairs.

MILITARY POST IN MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the establishment of a new military post in Montana; which was referred to the Committee on Military Affairs.

MAJOR H. W. JAMES.

The SPEAKER also laid before the House a letter from the Secretary of War, inclosing a communication from Major H. W. James,

United States Army, retired; which was referred to the Committee on Military Affairs.

SURVEY OF THE MISSISSIPPL

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of survey of the Mississippi River near Minton's Point; which was referred to the Committee on Com-

RESURVEY OF SABINE RIVER, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of resurvey of Sabine River, Texas; which was referred to the Committee on Commerce.

RENT OF GOVERNMENT BUILDINGS, DETROIT, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House calling for information as to the amount of rent paid for Government buildings in Detroit, Michigan; which was referred to the Committee on Public Buildings and Grounds.

INDUSTRIAL HOME FOR GIRLS, DISTRICT OF COLUMBIA.

Mr. NEAL, by unanimous consent, reported from the Committee on the District of Columbia, as a substitute for House bill No. 4204, a bill (H. R. No. 5702) to provide an industrial home for girls in the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WASHINGTON MARKET COMPANY.

Mr. NEAL also, from the same committee, by unanimous consent, reported back, with amendments, the bill (H. R. No. 589) to repeal the charter of the Washington Market Company; which was referred to the House Calendar, and the accompanying report ordered to be

SALE OF UNITED STATES PROPERTY, DISTRICT OF COLUMBIA.

Mr. NEAL also, from the same committee, reported back the bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia, with amendments; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHARLES H. TOMPKINS.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 5703) for the relief of Charles H. Tompkins, of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. CLYMER. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. Cox in the chair,) and resumed the consideration of the Army appropriation bill.

The CHAIRMAN. The Clerk will read the pending amendment. The Clerk read as follows:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The CHAIRMAN. On this amendment the gentleman from Ohio [Mr. Keifer] raises the point of order.

Mr. KEIFER rose.
The CHAIRMAN. The gentleman will address himself to the point

Mr. KEIFER. Mr. Chairman, I regard this point of order as of very great importance. While I will not occupy many moments in attempting to have the Chair understand the precise questions of order which can or ought to be made against this amendment, in my judgment, I shall have to ask the Chair to indulge me for a little

The proposed amendment has just been read. I shall claim under the rule that it is not in order because it, at least for the coming fiscal year, changes existing law. I shall claim also it does not retrench expenditure. I shall claim it was not reported at all, as a matter of fact, and properly considered under our rules, from the Committee on Military Affairs. I shall also claim, assuming I am wrong in that point, that the Committee on Military Affairs have no jurisdiction on the subject-matter of this proposed amendment to the Army appropriation bill.

And now, sir, before I proceed to take these points up and discuss them in detail, in order that I may demonstrate the first point if possible, I ask the Clerk to read section 2002 of the Revised Statutes.

The Clerk read as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

Mr. KEIFER. I ask the Clerk also to read sections 2004 and 2005, to show the present condition of the law.

The Clerk read as follows:

Sgc. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city,

parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC. 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Mr. KEIFER. Let the Clerk read next sections 5298, 5299, and 5528. The Clerk read as follows:

Mr. KEIFER. Let the Clerk read next sections 5298, 5299, and 5528. The Clerk read as follows:

Sec. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to emforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the millitia of any or all the States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

Sec. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted anthorities of such State are unable to protect. or, from any cause, fall in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States, and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression

Mr. KEIFER. Now, Mr. Chairman, I have caused to be read these sections of the United States statutes which are in force, for the purpose of making clear this one point, to wit, that the proposed amendment would change existing law for and during the ensuing fiscal year. I may say, Mr. Chairman, that I am not prepared to concede now that it is within the power of Congress through any sort of legislation to take away from the President of the United States his power under the Constitution to execute the laws of the United States. And six while I state that proposition I doubt forther works. And, sir, while I state that proposition I doubt further very seriously, whether or not by any legislation which we may put upon the statute-books we can take away from the President the power to execute all books we can take away from the President the power to execute an of the laws of the United States which he is sworn when he enters npon the duties of his office to execute. While I say this I am bound to assume that this proposed amendment is offered for the purpose of annulling that presidential power, or, in other words, changing existing law. Under section 2002 of the Revised Statutes we find that the military, naval, and civil officers of the Government are to be punished if they, in any improper way, interfere with elections; but we also find by the clearest sort of implication that it is regarded under our law enimently right and proper indeed absolutely lawful. ander our law eminently right and proper, indeed absolutely lawful, for these military, naval, and civil officers of the Government to keep the peace at the polls under certain conditions. Now, so far as this section can apply at all, it is intended to prohibit the President of the United States from using the military power of this Government to keep the peace at the polls on election days, and to that extent, Mr. Chairman, I hold that it would change existing law.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. TOWNSHEND, of Illinois. My point of order is that the gentleman is not confining himself to the point made against the amendment, but is making an ad captandum speech.

The CHAIRMAN. The gentleman will confine himself to the point

Mr. KEIFER. With all deference to the Chair, I desire to state that I am proceeding to do that, as I understand it, and I trust that I will not be under the censorship of a man who is used to making ad captandum speeches, for which purpose he takes wide latitude. I am trying to demonstrate as briefly as I can that this amendment is out of order on the ground that it changes existing law, first, because it takes away from the President of the United States the power to nse, when necessary, the military force of the Government to keep the peace at the polls. I might extend it by running over each of the several sections of the statutes which I have caused to be read. But it will be apparent to every person who reads the sections or who has read them and examines this proposed amendment that if it passes all the power expressly given under these several sections to the President of the United States to use the military officers of this Government to execute the laws on certain occasions and to execute the laws of the land where there has been a breach of the peace, or where riot reigns, or where violence is controlling the peaceable ac-tion of the people—I say that this amendment is offered here for the

purpose of saying to the President he shall not use these officers or any part of the Army for the purpose of preserving the peace. That

is the effect of it.

Now, it is true this amendment does not say that the Army shall not be used for the purpose of preserving the peace at the polls or for the purpose of executing the laws of the United States, the duty of executing which is intrusted to the President of the United States under certain circumstances, but it does say that no money appropriated in this act, referring to the appropriation bill which is supposed to contain all appropriations for the Army—that no money in this act is appropriated or shall be paid for the subsistence; that is, to feed the soldiers-for the equipment or transportation or the compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State. This amendment, if adopted, would amount to an absolute inhibition on the President in the use of the Army for any of the purposes contemplated under the existing laws to which I have referred.

Will the gentleman allow me to interrupt him a moment? Mr. FRYE.

Mr. KEIFER. Certainly.
Mr. FRYE. I wish to state that the gentleman has inadvertently said that if this amendment is enacted into a law it would take away from the President the power to use the troops for the purposes which he has enumerated. I say the gentleman has inadvertently made this statement. I do not understand he means that. But I understand from a former statement that he means to say it is an attempt to take away this power. I hope no republican, at all events, will admit, even if this amendment does become a law, that it will take away

from the President that power.

Mr. McMillin. If the proposed amendment does not change existing law, then why does the gentleman make the point of order

Mr. KEIFER. I cannot qualify every portion of my remarks. I opened by saying that I did not concede that Congress had the right to take away from the President the power to execute the laws of the United States, but I was bound here to treat the proposed amendment as if that was its scope and design—

Mr. TOWNSHEND, of Illinois. I rise to a point of order. It is evident that the gentleman from Ohio has prepared an elaborate speech

upon this amendment-

Mr. KEIFER. The gentleman is very much mistaken.
Mr. TOWNSHEND, of Illinois. And I make the point of order that he must confine himself to the point made against the proposed amendment, and not enter into a discussion of the merits of the amend-

ment itself.

Mr. KEIFER. I do not expect to convert the gentleman.

Mr. TOWNSHEND, of Illinois. If the gentleman has any desire to print his speech on this amendment I have no objection to that, but I make the point of order that he cannot debate the merits of the amendment on the point made against it.

The CHAIRMAN. The Chair has already admonished the gentleman Objecto confine his remarks to the point of order. There

a limitation on the debate as to points of order.

Mr. FRYE. The gentleman from Ohio has not in the slightest de-

gree transgressed that limitation.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. TOWNSHEND, of Illinois. I ask the Chair to decide whether
the gentleman from Ohio is confining himself to the point of order. Mr. KEIFER. I will be obliged to the gentleman from Illinois if

Mr. REIFER. I will be obliged to the genteman from this is he will not listen to my argument to keep still.

Mr. TOWNSHEND, of Illinois, rose.

The CHAIRMAN. This is a matter for the Chair to decide. It is sometimes very hard to prescribe the precise limits to be observed in an argument of this nature. The gentleman from Ohio will proceed

Mr. KEIFER. I have, Mr. Chairman, concluded for the present and perhaps for all time all I desire to say on the first proposition. I desired to make it clear to the House that this amendment was designed to take from the President all his power in the coming fiscal year to use the troops at the polls to keep the peace. It will hardly be claimed on the other side that the President could use the troops at the polls to keep the peace when he was forbidden by this proposed new section to feed them while there; forbidden to equip them while there; forbidden to transport them there; forbidden to pay them there while they were engaged in this duty, so that it amounts to an absolute prohibition against his right to use them during the coming fiscal year at all to keep the peace at the polls.

When we come to the merits of the proposition, if we should be so unfortunate as ever to do so, then I may perhaps have something further to say. I now submit that the amendment is not in order under paragraph 3 of Rule XXI, a part of which I desire now to read. Perhaps I might as well read it all:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States or by the reduction of amounts of money covered by the bill: Provided, That it shall be in

order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

It already appears the amendment will change existing law. clear that the proposed amendment does not retrench expenditures. All the money, Mr. Chairman—and I beg your careful attention to this—all the money appropriated by this bill will be appropriated and expended whether the amendment becomes a part of the bill or not. If that proposition is disputed I should be very glad to yield to some gentleman who would be able to enlighten me or the Chair on that subject. The amendment does not propose in any feature of it to cut down the expenditures of the Government. It leaves the appropria-tion complete in every respect. It leaves the money to be expended, every dime of it, all the same whether this second section is added to the bill or not. So that we may say with perfect safety that the amendment does not, and will not, if it should become part of the law retrench expenditures

law retrench expenditures.

The amendment applies to the proposed appropriation for the Army for the fiscal year ending June 30, 1881. The whole sum, I repeat, appropriated by the bill if it becomes a law will be expended even though the amendment should become a part of it. The proposed new section does not reduce "the number and salary of the officers of the United States;" nor does it reduce "the compensation of any person paid out of the Treasury of the United States;" nor does it reduce "the amounts of money covered by the bill." This is necessary under the rule before the amendment could be in order.

Nor is the amendment in order under the proviso of the third par-

Nor is the amendment in order under the proviso of the third paragraph of the rule just read. I call attention specially again to that in order that the Chair may have it fresh in his mind:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment; which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Having already shown that the amendment will not retrench ex-penditures if ruled in order, and if as a part of this bill it is enacted into law, it is scarcely necessary for me to pursue the subject much further. Under this proviso just read, though an amendment may be reported from a committee having jurisdiction of the subject-matter of the amendment, still it will not be in order unless it shall re-

Then, if I am right, Mr. Chairman, in the proposition that this amendment does not retrench expenditures, it is quite immaterial whether or not this amendment was reported from the Committee on whether or not this amendment was reported from the Committee on Military Affairs or not; but I further insist, Mr. Chairman, that the amendment within the true meaning of the rule was never reported from the Committee on Military Affairs. The rule requires the amendment before it is in order to be "upon the report"—for that is the word—"the report of the committee having jurisdiction," &c. Mr. Chairman, no report has been made from that committee. I wait for a reply from the gentleman who offers this amendment, if he desires to state whether or not there has ever been a report made from the

Committee on Military Affairs on this subject.

Mr. HASKELL. I desire to call the attention of the gentleman from Ohio to the fact that every report to this House from any committee must be in writing under the rules.

Mr. KEIFER. I think the gentleman from Kansas [Mr. HASKELL] is right in his suggestion. I wish to say, Mr. Chairman, I listened with a recommendation of the state of the same of the s

Mr. SPARKS rose.
Mr. KEIFER. I will hear the gentleman from Illinois in a moment.
I listened with care to learn—for I wanted to be accurate in any statement I might make—I listened to learn whether or not the gentleman from Illinois came here clothed with the power to make a report from the Committee on Military Affairs, and I learned no such thing. I now yield to him to make any statement he desires, even stronger

than he made on yesterday.

Mr. SPARKS. Are you through; or do you just want me to answer

Mr. SPARKS. Are you through; or do you just want me to answer a question?

Mr. KEIFER. I am not through.
Mr. SPARKS. I presume the gentleman certainly understood me to report this proposition from the Committee on Military Affairs. I certainly was explicitly instructed by that committee to do so.

Now, the point the gentleman seems to be making—I presume he alludes to that—is whether or not any proposition was sent by this House to that committee, and the committee acted upon any proposition pending before it having come from the House, to wit, a bill to that effect. I state to the gentleman that I do not remember whether there was any such proposition sent to the committee or not by the House. I will assume that there is not any. I will take it that such is the fact; at least that is my understanding. The Committee on Military Affairs considered this subject, and instructed me to report this proposition as an amendment to the Army appropriation bill. I this proposition as an amendment to the Army appropriation bill.

this proposition as an amendment to the Army appropriation bill. I presume that answers the gentleman. Does it?

Mr. FRYE. With the leave of the gentleman from Ohio [Mr. KEIFER] I will ask the gentleman from Illinois [Mr. SPARKS] a question.

Mr. KEIFER. Certainly.

Mr. SPARKS. I will answer it if I can.

Mr. FRYE. Was the subject-matter of this amendment ever referred by the House to the Committee on Military Affairs?

Mr. SPARKS. I have answered that by stating that to my knowledge it was not. I have not sent to the committee-room to ascertain;

but I do not know that any such proposition was ever referred to the

ommittee by the House.

Mr. FRYE. Does the gentleman know of any way in which the Committee on Military Affairs could get jurisdiction of a subject which has not been committed to it by the House?

Mr. SPARKS. I will answer that under the rules of the House it could do so by its own volition. If there is any point in that, make it. I will take it for granted that no bill or resolution upon this subject has been offered in the House and referred to that committee. I do not know that to be the fact, but I am willing to assume that to be the fact; I believe that to be so. I could learn, as a matter of

course, by sending to my committee-room.

Mr. KEIFER. One thing at least is made clear, if not everything that I have spoken about; that is, that the gentleman never was authorized to make and in fact never did make a report to this House

on the subject-matter of this proposed amendment.

Mr. SPARKS. How do I understand the gentleman?

Mr. KEIFER. I will try to state it as plainly as I can. The gentleman himself says that he never in fact and under the rules made any report to this House on the subject-matter of this proposed amend-

Mr. SPARKS. I beg the gentleman's pardon; he entirely misunderstands me

Mr. KEIFER. I put my own construction on the gentleman's lan-

guage.

Mr. SPARKS. The gentleman certainly will allow me to put him

right. He does not want to misrepresent me, does he?

Mr. KEIFER. No.

Mr. SPARKS. I will state the fact that the Committee on Military
Affairs especially and positively instructed me to report this proposition to the House, and move it as an amendment to this appropriation bill. This identical amendment was acted upon by the commit-tee, and I am instructed to move it as an amendment to this bill. Mr. KEIFER. The gentleman has repeated that two or three times;

but he never undertakes to tell us where his report is, when he made it, under what rule he made it to the Committee of the Whole, or in what morning hour he made it to the House. He leaves it perfectly clear, as I said before, that he never has made such a report.

Mr. GARFIELD. Has the gentleman a copy of that report?

Mr. KEIFER. I would be glad to have it read. The gentleman stated yesterday what he has stated to-day. I will read his language. Mr. Sparks. By instruction of the Committee on Military Affairs I offer as an additional section that which I send to the Clerk's desk.

That is, he was instructed by that committee, perhaps by only a majority of the members of the committee, to propose an amendment here to the Army appropriation bill. But that committee never authorized him to make a report to the House in favor of such an amendment, and the gentleman will not say so, for he never did in fact make such a report.

Mr. SPARKS. The gentleman is technical, I think. What I stated

is critically correct.

Mr. KEIFER. Well, if it is "critically correct" I am satisfied with

Mr. KEIFER. Well, it is "critically correct" I am satisfied with it, if the gentleman is.

Mr. SPARKS. That is so.

Mr. KEIFER. That is, in some sort of way, formally or informally, he got the consent of a majority of the members of the Committee on me got the consent of a majority of the members of the committee on Military Affairs to come in here and offer an amendment to the Army appropriation bill, not to make a report to enlighten this House, not to make a report that would give us the reason for tacking such an important amendment on an appropriation bill. The gentleman still insists that what he stated on yesterday is exactly right.

Now, the second point I make here in this connection is this: I

Now, the second point I make the accommittee having jurisdiction of the subject-matter of the proposed amendment. That is a tion of the subject-matter of the proposed amendment. part of the requirements of the proviso of the third paragraph of Rule XXI. I repeat that the committee did not have jurisdiction of

the subject-matter of this proposed amendment.

Pray tell me how it acquired such jurisdiction? I am authorized to state that no bill of this character was ever referred by the House to state that no bill of this character was ever referred by the House to the Committee on Military Affairs; that no measure of this character was ever referred to that committee. In the very nature of things, none could have been so referred. You could not refer a bill of this character to that committee, a bill that was intended to limit the use of money in an appropriation bill; that could not well have got before the Committee on Military Affairs.

Now Mr. Chairman this section analyzed amounts to nothing more

Now, Mr. Chairman, this section analyzed amounts to nothing more than a direction as to how money appropriated in this Army appropriation bill shall be used. It has no connection with military affairs at all in that sense. But in other views it is perfectly clear that this committee could not have had jurisdiction of the subject-matter of it, and that the House, obeying its own rules, would never have dreamed of referring such an amendment to that committee. The subject-matter did not belong there. In what way did the committee get jurisdiction of regulating, not military affairs, but the powers of the Chief Executive of this nation in his constitutional duty to execute the laws of the United States? I might stop here and read the last paragraph of section 3, article 2, of the Constitution of the United States, which defines the powers that will be affected by the adoption of this amendment at least for the coming year. I call attention to this, in order that members generally as well as the Chair. Now, Mr. Chairman, this section analyzed amounts to nothing more

may bear it in mind. In speaking of the powers of President, the Constitution declares:

He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

His oath of office requires him to faithfully execute the laws.

Here is an attempt by an amendment to take from the President his constitutional power to execute the laws. This committee had not jurisdiction of a subject-matter of that kind. When and in what manner was the subject-matter of this amendment referred? I have made that point perfectly clear already. Under the new rules the subject-matter of the amendment could not have been referred, as I have stated, to the Committee on Military Affairs. I read from Rule XI:

All proposed legislation shall be referred to the committees named in the pre-ceding rule, as follows, namely: Subjects relating—

10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs.

It is thus made clear under the rule that this committee had not jurisdiction of the subject-matter of this amendment, and the terms of the rule suggest an express exception of such a measure, because this amendment refers to the mode of applying money already ap-

In conclusion, I wish to say that the amendment if adopted—
Mr. McLANE. Will the gentleman from Ohio allow me a moment?

Mr. KEIFER. Certainly.
Mr. McLANE. I ask pardon of my friend from Illinois [Mr. Sparks] for offering what I conceive to be a conclusive answer to the question addressed by the gentleman from Ohio to the gentleman from Illinois. I understood the gentleman from Ohio to inquire whether the gentleman from Illinois had moved this amendment as a report from a tleman from Illinois had moved this amendment as a report from a committee. The reply of the gentleman from Illinois was to call attention to the amendment. It is urged that this amendment is no report from a committee in the sense of the rules. The rules require a written report to accompany any bill, resolution, or petition reported by a committee. But the gentleman from Illinois introduced no bill, resolution, or petition. He did what he was authorized to do by the twenty, first rule, which has no relation at all to the rule requiring a resolution, or petition. He did what he was authorized to do by the twenty-first rule, which has no relation at all to the rule requiring a report in writing to accompany a bill, resolution, or petition reported from a committee. The new rules of the House, it is true, require that a committee reporting a bill, resolution, or petition shall accompany it with a report in writing; but that requirement of the rules has no reference to an amendment which the twenty-first rule expressly authorizes a committee to move to an appropriation bill. There are two distinct rules—one requiring a report in writing to accompany a bill.

Mr. SPARKS. I would understand that technically any action of

Mr. KEIFER. I yielded to the gentleman from Maryland for a sug-

gestion only.

Mr. McLANE. I am addressing myself to the gentleman from

Mr. SPARKS. But right here I would like to interject the remark,

Mr. SPARKS. But right here I would like to interject the remark, of course with the leave of the gentleman from Ohio—

The CHAIRMAN. The Chair desires to say to the gentleman from Ohio that he had ten minutes to explain his point of order, and he has taken forty. The Chair has not, however, interrupted him, but he desires to say that on a point of order in Committee of the Whole there should be a limitation upon discussion, and the limit, in the opinion of the Chair, ought to be five minutes.

Mr. CONGER. Not by any rule.

The CHAIRMAN. The Chair has a discretion on the subject. He has allowed the centleman to speak forty minutes instead of ten. He

has allowed the gentleman to speak forty minutes instead of ten. He will proceed.

Mr. SPARKS. I hope the gentleman from Ohio will get through

very soon.

Mr. McLane. My inquiry of the gentleman from Ohio is whether he recognizes the distinction I have pointed out.

Mr. SPARKS. I will attend to that matter. Let the gentleman

Mr. KEIFER. I am unable to understand the meaning of language if the twenty-first rule does not require a report. I read again:

Provided. That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment.

That means a report because it says so. I cannot dwell longer on

that, and will conclude.

Now, Mr. Chairman, I beg your attention further to this: that the amendment if adopted would have the effect to regulate the subject-matter of elections as well as the matter of the presidential power to enforce the laws and put down violence and disorder. Section 2002, already read, which is specially aimed at, is part of the criminal and not a part of the military laws of the United States. It is the section not a part of the military laws of the United States. It is the section making improper interference on the part of military, naval, or civil officers of the United States in elections a crime. It is the section of the United States statutes which recognizes the right of the President, Commander-in-Chief of the Army of the United States, to keep the peace at the polls when there is a breach of it. This section is found in the statutes under the title "The elective franchise." It is the first section whether title in the Partical States. I supposit this first section under that title in the Revised Statutes. I submit this

amendment refers more to the manner of regulating elections, more to the manner of amending in some form or other, peculiar as it may be, the criminal statutes of the United States. It refers also to the manner of using appropriated money. It does not retrench expenditure. It could not come from the Committee on Military Affairs, because that committee has no jurisdiction over it. Indeed, in every possible view,

committee has no jurisdiction over it. Indeed, in every possible view, it must or at least ought to be ruled out of order.

I need not say a word, Mr. Chairman, on the subject of the great impropriety and the very bad policy of this character of legislation.

Mr. SPARKS. Mr. Chairman, I am not certain that it is not a waste of the time of this Committee of the Whole House on the state of the Union to say anything in reply to the gentleman from Ohio on this point of order. Such points as he has made against the amendment being in order under the rules are, in my judgment, purely technical. His first point is this: Has the Committee on Military Affairs reported the proposition before the House in conformity to the rules of the House? Of course I do not understand that gentleman as doubting that the committee have considered and passed upon this subject

ing that the committee have considered and passed upon this subject and instructed me to report it to the House. I do not understand the gentleman from Ohio to doubt that.

Mr. KEIFER. I did not hear the first part of the gentleman's state-

Mr. SPARKS. I do not understand the gentleman from Ohio in what he has said to doubt that the Committee on Military Affairs have acted on this matter and instructed me to report to the House

have acted on this matter and the track and the track that the amendment now pending.

Mr. KEIFER. I agree that the gentleman stated the exact truth last night and to-day when he said he was instructed by the Committee on Military Affairs to offer this amendment.

Mr. SPARKS. Such was my understanding of the gentleman's po-

Mr. KEIFER. But beyond that it did not go.
Mr. GARFIELD. Allow me to ask the gentleman a question.
Mr. SPARKS. In a moment. I will not go beyond the instructions of the committee. Gentlemen can safely rely on that. I will now hear the gentleman's colleague.

Mr. GARFIELD. We are of course discussing the technical language of the rule. I ask the gentleman whether he has ever before reported in any form this proposition to the House?

guage of the rule. I ask the gentleman whether he has ever before reported, in any form, this proposition to the House?

Mr. KEIFER. Yes, that is it.

Mr. GARFIELD. He has offered this amendment to the Committee of the Whole House on the state of the Union; but has he ever

reported, even orally, this proposition to the House from the Committee on Military Affairs?

Mr. SPARKS. Do not make a speech; you have stated your point, now let me answer it. I was instructed by the Committee on Military Affairs, which, as I have already stated, considered and adopted this identical proposition, to report it as an amendment to the Army appropriation bill. The Committee on Appropriations, when it reports the Army or other general appropriation bills, refers them under the rules to the Committee of the Whole House on the state of the Union. The House was in the Committee of the Whole House on the state of the Union for the purpose of considering that Army appropriation bill. The instruction of the committee, therefore, that the amendment should be moved to the Army appropriation bill went to the effect that it should be moved to the appropriation bill, where, under the rules, that bill was being considered by the House. There can be no dispute about that, certainly. It becomes the duty of the person having an amendment in charge ordered by a committee to follow the bill to which it is moved to its legitimate position under the rules and to use all proper means to secure its presentation and its adoption. This has been done in this case, and no more. I be-

lieve that statement fairly answers that point made by the gentleman.

At all events whether it answers it or not that is just what has been done in this instance. An instruction from a committee to move an amendment to a certain appropriation bill necessarily presupposes that the opportunity occurs to do so, and in this case the only opportunity to carry out the instruction of the committee that could under our rules occur, for me to move the amendment, was when the House was in the Committee of the Whole House on the state of the Union having the Army appropriation bill under consideration. The point made by the gentleman in this respect is, as it seems to me, an extremely technical one; I think my statement completely answers it

Another technical objection is made to this amendment. It is insisted that a formal report should be made to the House on the subject. But has not that been done? The House, when it is brought in, is in Committee of the Whole House on the state of the Union for the consideration of this Army appropriation bill under the instruction of the committee at the time, stating that it was by its instruc-tion. I moved that amendment at the only time and place when it

could be done.

Does the gentleman insist that a formal written report shall accompany it? Well, there is no such report. Now, if that be not Does the gentleman insist that a formal written report shall accompany it? Well, there is no such report. Now, if that be not purely technical, but is really a substantial, then the proposition is open to that objection, for there is no written report accompanying it. But I insist that in this regard I have done only as every other gentleman representing a committee in presenting such matters to the House does. The Post-Office Committee and all the other committees under like circumstances do this thing precisely in this way, and it has never before been questioned as incompetent so far as I

Now, let us corse to the next point: Has the Committee on Military Affairs jurisdiction of this subject-matter; or, in other words, has it the power to move such an amendment as this to the Army appropri-

the power to move such an amendment as this to the Army appropriation bill, nothing from the House having been referred to that committee in the way of bill or resolution; for though I do not remember, yet I presume that no bill or resolution on the subject has been referred to it. But there was, of course, referred to that committee the President's annual message, which involves all Army affairs.

But, aside from this, has not the Committee on Military Affairs, like all other committees of this House, original jurisdiction, if you please, and therefore the power to report bills covering this entire subject? Has it not clearly this power, even without anything being sent to it by the House? I insist that it has that power, and that its frequent exercise is a part of its ordinary duty. That it can do and frequently does this of its own volition is certainly unquestionable, and I am surprised that anybody should question it. Now, if it can do that, it can certainly move an amendment to a pending bill of a similar character. character

character.

Mr. KEIFER. Before going beyond that point, I desire to ask what portion of the President's message deals with the subject of limiting upon the Army appropriation bill the application of any portion of the money appropriated for the use of the Army?

Mr. SPARKS. I do not think that is material here, and I do not desire to lead into a discussion upon anything foreign to the subject directly beforeus. However, I will say that that message has as a part of it the report of the Secretary of War which covers all of the operations of the Army and everything that pertains to the regulation, equipment, movement of troops, field operations, &c.; and the message is referred to the Committee on Military Affairs in order that the condition of the Army be known to it for its information, so that it can offer suitable legislation to the House in regard to any and all things pertaining to it. Now, under the rule has the committee the power to do this? I will read that part of the rule applicable here:

Provided, That it shall be in order further to amend such bill upon the report of

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench ex-

The first point in this clause of the rule to which I call attention is whether or not, as tested by it, this amendment is or is not germane to the subject-matter of the bill. I presume gentlemen will hardly question that it is germane to the subject-matter of the bill, and will waive discussion on that and pass to the next inquiry, does the amendment retrench expenditures? And with a few words upon that point I propose to leave the subject. In my judgment the amendment clearly does this, and in that view comes within the express terms of this rule. If we say by law that no part of the money appropriated for the Army shall be used for a certain purpose, does not that trible off that postion of the express for the appropriate of the Army shall be used for a certain purpose, does not that strike off that portion of the expense for the support of the Army that should or would be expended in this way? And to that extent does not it retrench expenditures by lessening the amount? I think it cannot be seriously doubted that it does. What are the facts. Here is a sum of money appropriated for a particular service. propose to limit that service.

Mr. PAGE. Will the gentleman permit me to ask him a question

right here?

Mr. SPARKS. I say that we propose to limit that service, and to that extent we certainly retrench expenditures.

Mr. PAGE. I wish to ask if it is not that the limitation is upon the manner of expending the money and not upon the amount of money at all?

Mr. SPARKS. Ido not say that it is shown as to any sum of money saved by it, but that it is a limitation on the amount to be expended by limiting or lessening the service, and by saying that no part of this money here appropriated shall be expended for a particular purpose; which purpose is clearly set forth in the amendment.

Mr. ROBINSON. Permit me to ask the gentleman a question.

Mr. PAGE. I would like him to answer my question first.
Mr. SPARKS. I have answered you.
Mr. PAGE. Have you answered my question?
Mr. SPARKS. I have endeavored to do so.

Mr. SPAKKS. I have endeavored to do so.

Mr. PAGE. That, I suppose, is the best answer you can give.

Mr. ROBESON. I desire to ask the gentleman whether this is a
provision which affects the use of the Army at all, and whether it
is not rather a provision which only affects the payment of the Army,
the payment for its transportation and the payment for its equipment; whether it affects the right of the President to use the Army
in any way, or his conduct in relation to it; and whether it is not a
simple major varying a locking to the president of the payment of the president of the president

simple money provision looking to the use of the appropriation, and whether as such it should not have come from the Finance Committee of the House, and not from the Military Committee.

Mr. SPARKS. Well, that is a fair question and it will afford me

pleasure to answer it.

Mr. ROBESON. That is the point which is in my mind, and to which I would like the gentleman to give an answer.

Mr. SPARKS. The language of the amendment proposed is:

SEC. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Mr. ROBESON. Now, is that a limitation upon the use of the rmy

Mr. SPARKS. Not entirely.

Mr. ROBESON. Then does it come within the purview of the Military Committee of this House, or is that a subject that the Military Committee has no control over? Is it not rather one that under the rules belongs to the Committee on Appropriations?

Mr. SPARKS. It does seem to me that there can be no subject for doubt that there is a connection or combination of both—a limitation seems to the American Research of the American Research.

doubt that there is a connection or combination of both—a limitation as to the use of the Army, as also reduction of expenses. It is provided that no money shall be used for a particular purpose. What purpose? For the "subsistence" of the Army and for the "equipment, transportation, or compensation of any portion of it" when used for a particular purpose specified in the amendment. Of course it covers both. It mainly strikes at the money appropriated, but also has a prohibition against the use of the troops for a specified purpose.

Mr. GARFIELD. Will the gentleman from Illinois allow me to ask him if he holds the Committee on Military Affairs has anything to do with money in connection with the Army or the regulation of money paid to the Army?

paid to the Army?
Mr. SPARKS. I think so, most clearly.

Mr. GARFIELD. How?
Mr. SPARKS. If you please, in the stated case with which we are

Mr. SPARKS. If you please, in the stated case with which we are now dealing a fair answer to that question is apparent.

Mr. GARFIELD. The gentleman from Illinois said a moment ago that in the distribution of the President's message all that related to military affairs was referred to this committee. My friend from Massachusetts [Mr. FIELD] has just called my attention to the fact that in the distribution of the President's message all that related to appropriations was referred to the Committee on Appropriations. Now, this is a resulting of appropriations and executiving in the President's message and propriations. this is a regulation of appropriations, and everything in the President's message relating to appropriations has, by a resolution of the House as well as by the rules of the House, been referred to the Committee on Appropriations. How then did the Committee on Military Affairs ever get jurisdiction to offer an amendment relating wholly to

the use of money?

Mr. SPARKS. The amendment does not "wholly relate to money; but, as stated in the amendment itself, the money is to be applied for the use of the Army in transportation, equipment, subsistence, compensation, &c., and all of these are subject-matters purely within the control of the Committee on Military Affairs, and nowhere else.

Mr. FIELD rose

The CHAIRMAN. Does the gentleman from Illinois yield to the centleman from Massachusetts?

Mr. SPARKS. Yes, sir.
Mr. FIELD. The exact terms of the resolution distributing the various parts of the President's message were these:

That so much as refers to appropriations and expenditures be referred to the committee on Appropriations.

That so much as relates to military affairs be referred to the Committee on Mil-

itary Affairs.

Now, does not this amendment relate to appropriations and expend-

itures?

Mr. SPARKS. I have already referred to that point, and have also distinctly stated that, also, aside from the submissions that may be made to it from any source whatever, according to my view of it, the Committee on Military Affairs of itself has original jurisdiction of this subject, and that it is its business specially. What other business has it? It is its special business to control military affairs so far as legislation or maturing legislation is concerned. The use of the Army, everything connected with the Army, comes for this purpose within its jurisdiction necessarily.

Mr. CALKINS obtained the floor.

Mr. BURROWS. Will the gentleman from Indiana yield to me for a moment?

a moment;
Mr. CALKINS. I will, at the close of my remarks.
Mr. BURROWS. I desire to have a ruling of a former Speaker read, and should like to have it read now.
Mr. CALKINS. I will yield for that purpose.
Mr. BURROWS. On the question of jurisdiction, I ask the Clerk to read from the volume of the Journal which I send to the desk a ruling of Speaker Cobb, who certainly will be deemed good authority on the other side of the House.

The Clerk read as follows:

The Clerk read as follows:

Mr. Andrew Johnson, from the Committee on Public Expenditures, reported a bill, which was read for information by its title, as follows: "A bill to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family and a citizen of the United States, or any widow who is the mother of a minor child or children, who may become permanent occupants and cultivators of the soil."

Mr. Vinton objected to the reception of the bill on the ground that the subject-matter of the bill had not been referred to the committee which had reported it by the House, either by resolution, or by the rules, or otherwise.

The Speaker sustained the objection raised by Mr. Vinton, and decided that the said bill was not in order from the Committee on Public Expenditures.

From this decision of the Chair Mr. Andrew Johnson appealed.

The question was stated: Shall the decision of the Chair stand as the judgment of the House?

It was decided in the affirmative.

So the bill was not received.—Journal House of Representatives, February 21, 1859.

Mr. CALKINS. On the discussion of the question of order, and

Mr. CALKINS. On the discussion of the question of order, and inasmuch as the rule has been changed recently, and no decision, so far as I am aware, has been made by the Speaker of the House or the

Chairman of any Committee of the Whole under the new rule, I de-Chairman of any Committee of the whole under the new rule, I desire, in the first place, to point out the difference between the old rule and the present rule; and for that purpose, that my remarks may be somewhat connected, I will ask the Clerk now to read the old rule, No. 120, at page 132 of the Digest.

The Clerk read as follows:

120. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

read down to the new proposition that was ingrafted upon Rule 120 by the Forty-fourth Congress. The new rule, Mr. Chairman, which was recently adopted, reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The two rules down to that point are precisely the same, and the rule limits the Committee on Appropriations and each member of this committee to these measures. I will ask the Clerk to read the residue of Rule 120, which was the amendment put on it by the Forty-fourth

The Clerk read as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. CALKINS. Now it will be observed that the latter clause of this Rule 120 consists of three distinct propositions, namely: neither the Committee on Appropriations nor any member of the committee the Committee on Appropriations nor any member of the committee shall offer an amendment to any appropriation bill that changes existing law, (that is the first proposition,) except such as, being germane to the subject-matter of the bill, (that is the second proposition,) shall retrench expenditure, (that is the third proposition.) And that provision of the rule is a limitation on the Committee on Appropriations as a committee and each member of this committee acting in

tions as a committee and each member of this committee acting in his individual capacity.

The pivotal point of that rule is that such amendment must retrench expenditure. If the Committee on Appropriations report a clause changing existing law, or any member of the Committee of the Whole offers an amendment changing existing law, it is not of itself in order, even if it be germane to the subject-matter of the bill, unless it retrenches expenditure. Now, I desire to read the last clause

of paragraph 3 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, mark the difference between the new rule and the old rule, because that difference is marked and apparent. This new rule limits the right of any member of this committee to offer an amendment, or of the Committee on Appropriations in reporting a bill changing existing law, even when the provision is germane to the subject-matter of the bill, to "the reduction of the number and salaries of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduc-tion of amounts of money covered by the bill."

That is a limitation going further than the old rule went; a limitation not only upon the Committee on Appropriations, but upon each member of this Committee of the Whole. There are three distinct limitations on the committee and upon individual members to offer amendments as a matter of right, namely: First, a reduction of the number or salaries of officers; second, a reduction of the compensation of any other person paid out of the Treasury of the United States; and, third, a reduction of the amount of money covered by the bill; that is, by striking out a larger sum and inserting a smaller sum. These are the three limitations imposed by the new rule.

Now, the amendment of the gentleman from Illinois, [Mr. SPARKS,] offered under instructions of his committee, does not fall within the

purview of either of the three exceptions contained in the new rule which I have read. If it is in order at all it must be in order under the proviso attached to the new rule, which is:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench

Now, I take it that, although parliamentary law is arbitrary and stands upon no basis of logic, the rule in relation to the construction of statutes, when it is the same as parliamentary law, ought to have some persuasive power, at least in the determination of questions which are similar. That is to say, where the reason is the same the rule ought to be the same.

I am glad that I am now addressing a person who believes generally in strict construction. I do not myself believe that constitutional provisions should always receive a strict construction. But in regard to this matter it is a well-known rule of law that all provisos must receive a strict construction. I read from page 118 of Potter's Dwar-

ris on Statutes:

The office of a proviso generally is either to except something from the enacting clause, to restrain its generality, or to exclude some possible ground of misinterpretation of it, as extending to cases not intended by the legislature to be brought within its purview.

That is clearly the office of this proviso. Now, in regard to the construction of a proviso, I read from the same page:

A proviso in a statute is to be strictly construed; it takes no case out of the acting clause which is not clearly within the terms of the proviso.

Now let me call the attention of the Chair to this amendment. First let me analyze it. The amendment is:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Now, what is the gravamen of that amendment? It is an amendment restricting the use of the money appropriated in the bill. Now, is that amendment in order under any clause of the rule, except under the proviso? It was certainly brought here by the gentleman from Illinois with the understanding on his part and on the part of his committee at least, that it was in order under that proviso, if in order at all. But that proviso expressly states that the committee which reports an amendment must first have charge of the subject-matter of the amendment. Has the Committee on Military Affairs charge of the subject-matter of appropriating money for the use of the Army? To determine that it may be necessary to look at the rules of the House which charge that committee with special duties. That rule, which has already been read, expressly excludes from that committee the subject of the appropriation of money for the use of the Army. That subject by the express terms of the rule is referred to the Committee on Appropriations. If that be so, and this amendment, if it refers to anything, refers simply and solely to the use of the money appropriated for the Army, then it is not a matter within the jurisdiction of the Committee on Military Affairs. And though that committee may authorize one of its members to report an amendment of this kind, it does not bring it within the rule, and it could not be held to be in order thereunder.

Now, one other observation and I will leave this matter. It will be observed that under this rule an amendment may not be obnoxious to either of the first three propositions nor to all of them, and yet the amendment will not be in order unless upon its face it retrenches expenditures.

Mr. TOWNSHEND, of Illinois. I desire to ask the Chair if there

is to be any limit to the debate on this point of order.

The CHAIRMAN. The Chair will state to the gentleman that the limitation of debate upon points of order is within the discretion of the Chair. This being the first interpretation of a new rule, the Chair has allowed a large latitude of debate. The Chair will state to the gentleman that he thinks it is his duty to decide the matter promptly. The gentleman from Indiana [Mr. Calkins] will pro-

Mr. CALKINS. I was about to remark that three things named in the rule may concur in favor of a proposed amendment, and yet it the rule may concur in favor or a proposed amendment, and yet it will not be in order unless it also retrenches expenditures. First, as to changing existing law; this amendment does this as I have shown. Next, the amendment must be germane to the subject-matter of the bill. Whether this is true or not in the present case, I submit without further comment. In the next place the proposition must be reported from a committee having jurisdiction of the subject-matter. Now, all these circumstances may concur and yet the amendment is not in order unless it retrenches expenditures.

I do not care to go over what has been said by gentlemen who have preceded me. I submit, however, that upon the face of this amendment, as stated by the gentleman from Ohio, every dollar appropriated by the bill can be expended without a violation of this proviso, whether the proviso be made a part of the bill or not; and applying the well-known rule that provisos should be construed strictly, I ask the Chair and I ask the House how this proposition can be in order as an amendment when it is clearly shown that it is neither within the jurisdiction of the Committee on Military Affairs nor does it upon its face retrench expenditures.

Mr. REAGAN. Mr. Chairman, I would not obtrude upon the Com-

mittee of the Whole any remarks on this subject, considering the great

experience of the Chairman and his knowledge of the rules, except that we are proposing to give a construction which shall apply to this new rule in its application to the business of the House.

I take it that in construing rules we will do so as a court would construe a law, with reference to the object or intent of the provision. What is the object of this rule? To what does it relate primarily and winds? It relates to avendments, and as it relates to avendments. mainly? It relates to amendments; and as it relates to amendments, we should consider it as it is to be applied in the admission of amend-

ments.

It is true that a committee, under the rules which permit it to make reports of business to the House, has not jurisdiction of a subject matter unless it is referred to it. The rules covering that point, however, have another object than the rule here; that is, in relation to bringing the business of committees before the House. The third clause of the twenty-first rule (I hope I may be excused for referring to this leavement again) provides: language again) provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter.

This language is merely what we had in the former rule. But there

That it shall be in order further to amend-

Not further to make a report, but-

It shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, the main point is the right to amend. Under the rules as they existed heretofore a member of this House could offer an amendment subject to the condition of the rule. But in framing the new rule, it was the purpose of the House to enlarge the provision as it relates to the action of committees, so that a committee may upon a vote of a majority of its members propose an amendment which an individual member of the House cannot propose. That is the object of this proviso—to enable any committee of this House having general charge of the business being acted on, to offer an amendment which cannot be offered by an individual member.

Then, has the Military Committee the general consideration of bills

Then, has the Military Committee the general consideration of bills providing for an army and for the government and control of that army? Is not this the original jurisdiction of that committee as contemplated by the House? Without repeating the amendment of the gentleman from Illinois, it relates to the management and direction of the operations of the Army in a particular respect. Being an amendment relating to that which is under control of the Military Committee, it comes within the proviso of this rule which allows the Committee to offer an amendment that no individual member would be permitted to offer, an amendment limiting and restricting the control of the Army to the extent defined in the proposed amendment.

A number of points which have been presented seem to me so forcign to the subject that I will not occupy time by referring to them. I only desired to call the attention of the Chair to the fact that we are to construe a rule as a court would construe a provision of law—

are to construe a rule as a court would construe a provision of law—with reference to the object had in view in its establishment.

Mr. HOOKER. Mr. Chairman, in construing the third clause of Rule XXI we must be governed in a great degree by the construction which has been placed upon the old rule by former occupants of the which has been placed upon the old rule by former occupants of the chair. As I understand, in this third clause of Rule XXI we have preserved almost in totidem verbis the language of the old rule. I need not read again the language of the present rule; but to show the similarity, I cite the provision of our former Rule 120:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

In construing the new rule, the Chair, I assume, will be governed in a large degree by the adjudications upon the corresponding provision of the old rule.

vision of the old rule.

The amendment of the gentleman from Illinois, as I understand it, proposes to indicate there shall not be an expenditure of the amount appropriated by this bill introduced by the Committee on Appropriations except for a single purpose. And, Mr. Chairman, it would be very remarkable if the House, whose duty it is under the Constitution to make appropriations every two years for the support of the Army, had not the power to say how that money should be expended.

We have adopted under the Constitution the principle as a rule which everys in England on this subject. From her laws and her

We have adopted under the Constitution the principle as a rule which governs in England on this subject. From her laws and her history we learn all the lessons with reference to gnarding the liberties of the people as against any power, whether it be that created by itself, the Army or the Navy, or any other. In England they can only make appropriation for the support of the army for one year; and in England they never allow a dollar appropriated for the support of the army in India to be expended anywhere else. So, too, under our system of laws, existing by analogy precisely as the House of Commons exists under the English constitution, we ought not to allow a dollar to be expended except as the House directs. Therefore, Mr. Chairman, I had occasion to say in the Forty-fourth Congress, and afterward to repeat it in the Forty-fifth Congress, that every single appropriation ought to be itemized which is made for the support of the Army or Navy. You can only make an appropriation for two years; and the Army itself exists and lives only by the legislation of the representatives of the people, and cannot exist for a single moment without it.

It has been said, Mr. Chairman, in the Forty-fourth Congress, when we defeated the Army bill because we attached to it the very amendment now offered by the gentleman from Illinois, or in substance the same amendment, it was said the Army could live on hope; that there were patriotic citizens who would support it in spite of the fact that the representatives of the people had not agreed it should be done. If it can exist for one day, or six months, it may exist for any number of years. I would not cut down one single necessary appropriation to maintain it in all its efficiency on the Indian frontier or upon the Texas border or wherever it is necessary to be maintained; but to say that the House has not the power to say the appropriation made for which governs in England on this subject. From her laws and her

Texas border or wherever it is necessary to be maintained; but to say that the House has not the power to say the appropriation made for the maintenance and support of the Army shall not be expended in this way or that way, is to deprive the House, which is the immediate representative of the people, of the power to say what shall be appropriated for the Army and how it shall be used.

I say, therefore, under this proviso of the third clause of Rule XXI,

that the indication on the part of the House denying appropriation that the indication on the part of the House denying appropriation in a certain quarter is a retrenchment of expenditure. You appropriate a certain amount, and you declare how it shall not be used. To say the House does not possess this power is to say the immediate representatives of the people have not the right to say, when making appropriations for the support of the Army, how that money shall be used and how it shall not be used and in what method it shall be

used and how it shall not be used and in what method it shall be used for the purpose of maintaining the interest and honor of the Government wherever the flag floats under which that Army fights.

To say, therefore, that the gentleman from Illinois, [Mr. SPARKS,] the chairman of the Committee on Military Affairs, which has this question in charge, has not the right to offer an amendment under this proviso is to limit the power of the House in such way as no chairman and no Speaker can decide, unless he wants to say, as the sentiment has been uttered on this floor, that it is the duty of the House to make appropriations, and not the power of the House to indicate how those appropriations shall be used. The Army is the army of the people, created by the people, made by the people, paid for by the people; and they have a right to indicate where it shall be used and how it shall be used, and in what method and manner the appropriations shall be expended for its use.

the appropriations shall be expended for its use.

I, therefore, say, Mr. Chairman, under this proviso to the third clause of Rule XXI, the amendment offered by the gentleman from Illinois comes not only within the spirit, but within the letter of the rule as it now exists. To deny that power to the House is to say that the appropriations which you make may be expended contrary to the

the appropriations which you make may be expended contrary to the expressed will of the people as indicated by their representatives.

Mr. REED. Mr. Chairman, I desire to call the attention of the Chair to a single point which has been hinted at, but which, I think, has not been made very clear. The trouble with the objections to the amendment proposed by the chairman of the Military Committee seems to be rather an embarrassment of riches than otherwise. I do

seems to be rather an embarrassment of riches than otherwise. I do not purpose to go over any of the points which I think have been made clear, but there is one to which I wish to call the particular attention of the Chair, not only in its bearing on this, but upon all other cases which are to come hereafter.

The proviso states in express terms that the amendment shall not be made except upon the report of the committee charged with the business. Now, the point to which I wish to direct the attention of the Chair is the expression "upon the report of the committee." The House in framing its rules used just the language which I have quoted. It did not declare that an amendment should be ordered upon a statement of the chairman that it was by the advice of the Committee on Military Affairs, but that it should be made "upon the report of the Committee" on Military Affairs.

Military Affairs, but that it should be made "upon the report of the Committee" on Military Affairs.

And it used language when it said "report"—

Mr. BLAND. Will the gentleman allow me to ask him a question?

Mr. REED. Not now. After I have made my point I will answer any question. I desire to say, Mr. Chairman, when the House used the word "report" of the committee, it used language the meaning of which is technically and perfectly well understood by everybody. Now, what is the report of a committee? It is a formal transaction made to the House. No committee in this world ever reported to another committee. It is always a report to the House itself, and therefore it cannot be possible that the rule can be interpreted to mean a report made to a Committee of the Whole? Now, at what time can a report be made to the House?

Mr. HOOKER. Will the gentleman allow me to ask him a question

Mr. HOOKER. Will the gentleman allow me to ask him a question

in this connection?

Mr. REED. I cannot yield to the gentleman now. After I have concluded I will be glad to answer any question.

Mr. HOOKER. If you are right about it this bill is not properly before the committee, because as I understand it there is no report

accompanying it.

Mr. REED. Under the second clause of the twenty-fourth rule it is provided that there shall be a morning hour for reports from comis provided that there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and therefore the House when it inserted the word "report" into this rule contemplated a report which was to be made to the House, (as expressly defined in the words of the rule,) to be printed and for the deliberation of the House. And the reason and sense of things correspond with this interpretation, because the object of this House is to provide well-considered legislation. Now, legislation is not well considered simply because a committee has sat upon it; but the House itself, by having the report made to it and printed, and considering it in the House, will tend to produce well-considered and valuable legislation and not otherwise.

Now, the object of the amendment which we made to the old rule

Now, the object of the amendment which we made to the old rule was to limit the power of the House, and to prevent ill-considered legislation from getting before the House; and therefore I insist that the House having used in these rules well-known words—words of technical import and meaning—it is bound by those words, and that the Chairman of this committee has no right to admit an amendment except upon a report of a committee, and that report must be made in the morning hour, and must be printed, and must be before the House for its consideration at the time when it is offered in the Committee of the Whole.

Now I will yield to the gentleman from Missouri to ask his ques-

Mr. BLAND. My question is, that this being an amendment to the

bill that has been reported—suppose, in other words, that this amendment originated in the Military Committee, and originated there, say, ment originated in the Military Committee, and originated there, say, six weeks ago, and that the House, during all of that time, suspended the rules, as it has frequently done before to prevent reports of committees being made—how could this amendment be reported to the House? My point is, that if there is no call of committees, say, for six weeks—and that may happen often—and there is no chance or opportunity given to the committee to report to the House its amendment, I wish to ask the gentleman if in his judgment that would prevent a simple amendment being offered in Committee of the Whole?

Mr. REED. I say it would, because if the House was to determine for six weeks by suspension of the rules that it would decline to receive a report from the Military Committee, that might be taken as a pretty strong indication that the House did not want the committee to make a report to it, and that it did not want to hear anything from the committee. That, I take it, would be a pretty strong hint to the

the committee. That, I take it, would be a pretty strong hint to the committee. Now I will hear the question of the gentleman frow Mis-

Mr. HOOKER. I desire to ask, if your theory is correct that the bill is to be accompanied by a formal report, how this present bill is before the committee for consideration, if, as I understand to be the case, there is no report accompanying it?

case, there is no report accompanying it?

Mr. REED. There is a report.

Mr. GARFIELD. Certainly there is a report, No. 621.

Mr. HOOKER. Where is it?

Mr. REED. Of course there is a report. Now, I very earnestly ask the attention of the Chair to this point. I make it because I believe it is of importance to the House that the interpretation I have suggested shall be given to the rule by the Chairman. I regard it as a matter of great importance for the right conduct of the business before the House that it should have proper consideration in the commatter or great importance for the right conduct of the business before the House that it should have proper consideration in the committee before it is brought up here for discussion and action. The great trouble heretofore has been that amendments on appropriation bills, as a general thing, are presented to the House without warning or any previous information, and that produces largely the difficulty under which we labor in the consideration of such amendments. I think the rule was meant in good faith to prevent such practices as the loading down of appropriation bills with amendments which we have no opportunity to discuss and with legislation we have no time nave no opportunity to discuss and with regime such construction to the consider. I appeal to the Chairman to give such construction to the rule as will remedy this wrong and prevent such objectionable practices as I have referred to.

Mr. Mills. Mr. Chairman, in disposing of this question of order we must analyze the different provisions contained in the third clause of the twenty-first rule. The first clause of the rule has reference to appropriations contained in the bill, or offered by amendment to the bill not in pursuance of pre-existing law. This amendment is not embraced under that clause. The second clause of this rule prohibits any amendment to an appropriation bill that changes existing law. That is the second general proposition.

The exception to the second general proposition is that an amendment may be adopted to a general appropriation bill changing existing law, provided it has two qualities: the first is that it must be germane to the subject-matter of the bill; the second is that it shall

retrench expenditures.

Now, looking at this amendment that is offered to this bill, we in quire—does it possess these two requisites? If it does not, then it cannot be admitted as an amendment to the bill. Is it germane? I will not discuss that question. But does it reduce expenditures? It was ruled by Mr. Speaker Kerr, the first time that rule was construed at all after it was made, that the amendment must affirmatively show upon its face the retrenchment. It must not be left to speculation as to whether something might not be saved under the administration of the amendment; but it must affirmatively appear upon the face of the amendment that there is a reduction in the expenditures of the Government.

Looking to these plain principles of construction and to the precedents, it cannot be contended that this amendment is legitimate. It dents, it cannot be contended that this amendment is legitimate. It does not cover the two points of being germane and reducing expenditures—that is, it does not cover them both. It is a very serious question whether the amendment is at all germane to the bill, but unquestionably the fact does not appear upon the face of the amendment that it reduces the expenditures one dollar.

I make these remarks because it is essential in my judgment that we adhere to the line of precedents established in the construction of the rules, no matter what side may be benefited thereby.

Mr. SPARKS. I call for the decision of the Chair.

The CHAIRMAN. The Chair is ready to decide the point of order. Mr. GARFIELD. I ask the indulgence of the Chair for a moment. The CHAIRMAN. The Chair will hear the gentleman from Ohio. Mr. GARFIELD. I think it is exceedingly important on this first construction to be given to the new rule that the Chair should get

and GARFIELD. Ithink it is exceedingly important on this first construction to be given to the new rule that the Chair should get all the shades of judgment from the different points of views that bear upon it, so that we may have once for all a settlement of the construction of this rule, not for this case merely, but for all cases that may come up. As upon the decision of the Chair or the decision of the House at this time will rest our future practice under this new rule it is invocated in making this decision the Chair should take new rule it is important in making this decision the Chair should take into account that all the old rulings are in large measure dispensed with and are indeed of but little value in the construction of this rule.

Before this discussion began I had paid but little special attention to the language of this rule as applied to this case, but in the study I have given it this morning I have very deliberately and decidedly come to the conclusion that the strict and proper enforcement of this rule, as the gentleman from Texas says, rules this amendment out. Now, I want to call the attention of the Chair to the first clause which relates to amendments offered by individuals. There are two clauses, one that relates to the amendments offered by individuals, the other to the amendments offered by committees; and they are entirely distinct. The amendments that may be made by individuals the Chair will see in the language just preceding the proviso; and that is very markedly different from the language of the old rule. The old rule says that if the amendment was germane and retrenched expenditures it should be in order. This rule does not say that if it is germane and retrenches expenditures it shall be in order; but it goes on to limit in what way it must retrench expenditures in order to make it so clear that no chairman can possibly be deceived. It must retrench expenditures in several ways that it may be in order here.

And what are the ways?

It must retrench expenditures first by reducing "the number and salary of the officers of the United States." Now, this amendment reduces no number of officers and reduces no salary; so it does not come under that clause. It cannot come under that clause. In order to do so it must reduce expenditures by the reduction of the number and salaries of the officers of the United States. Now there is an-

other way:

By the reduction of the compensation of any person paid out of the Treasury of the United States.

There is nothing in this amendment that reduces the compensation of any person that is paid out of the Treasury. It does not touch anybody's compensation, it does not touch any officer's salary, and it does not reduce the number of officers. Now, is there any other way? There is. Third:

Or by the reduction of amounts of money covered by the bill.

This amendment does not reduce the amounts in the bill. The word "money," so far as amounts is concerned, is not named in this amendment.

amendment.

This amendment neither cuts down the number of officers, the salary of officers, the compensation of any person, nor the amounts in the bill. And these are the only forms in which an amendment can so retrench expenditures as to be in order when offered by an individual member. I have therefore exhausted the category of all the several ways by which an amendment offered by an individual can be made in order by retrenching expenditures; for it must do it in one of the three precise ways pointed out in the rule.

Therefore no man can claim that this amendment is in order as being effected by the individual who precented it. If it is in order as

being offered by the individual who presented it. If it is in order at all, it gets itself in order by virtue of the proviso and by virtue of its and, to gets his in order by virtue of the provise and by virtue of its being reported by the committee. Well, now, to that last clause I address myself for a moment. Under the provise there need not be a retrenchment in these three specific ways. There may be a retrenchment in a more general way, in an unnamed way. If it is in reality manifestly and evidently a retrenchment, then it can come in even mannestry and evidently a retrenement, then it can come in even here, if it comes in by the power of a proper committee. I omit all reference to the word "report," which has been so fully discussed by my friend from Maine; and I call attention only to that single feature on which the power of the Military Committee is supposed to be

on which the power of the Military Committee is supposed to be based in presenting these amendments.

And I make my first premise on that subject in this, which I think every parliamentarian in this House will agree to: no committee of this House has any jurisdiction over any subject whatever unless it has been committed to that committee by the House in one of two ways. First, by the general order of the House expressed in the rule; second, by the special order of the House referring a special subject to that committee.

to that committee.

We are more restricted now than we were eight weeks ago on that subject, because eight weeks ago our rules were vague as to what subjects went to the different committees. But now we have a rule absolutely precise and definite. One clause of that rule tells what the Committee on Military Affairs may have. It says they may have jurisdiction over the affairs of the Army, except such as relate to appropriations for the Army. It says by a pregnant negative that they shall not have jurisdiction of matters touching appropriations for the Army. There, then, is the language of the House, expressed in its rule, excluding the Committee on Military Affairs from taking up or reporting upon subjects relating to appropriations for the Army.

Now, what has been referred to that committee by the special order of

the House? In the distribution of the President's message and accompanying documents there have been referred to that committee all matters therein relating to military affairs. Does that include appropriations? In order that it may not, another resolution in the same batch of resolutions refers to the Committee on Appropriations all matters contained in the President's message and documents touching appropriations. But it does not stop there; it goes further than appropriations. It uses another word; it expressly refers to the Committee on Appropriations all matters touching "expenditures."

Now, therefore, the two topics from which the Committee on Military Affairs are excluded, first by the rule, and second by the special order of the House, are appropriations for and expenditures of the Army. These two things the Committee on Military Affairs are the House? In the distribution of the President's message and accom-

absolutely excluded from considering, both by the general order of the House in its rule, and also by the special order of the House in the distribution of the President's message.

Now, what is this amendment? I ask the attention of members to it for a moment. It will be found on page 38 of this morning's RECORD. The amendment offered by the gentleman from Illinois [Mr. SPARKS] is not an amendment that regulates or limits any use of the Army whatever. In its terms it does not pretend to be a limitation of the Army or of the movements of the Army. of the Army or of the movements of the Army. It does not relate to the organization of the Army, nor to the uses of the Army even.

Mr. ROBESON. And the gentleman who introduced it admits

Mr. GARFIELD. And the gentleman who introduced it admits it. Mr. SPARKS. I beg the gentleman's pardon. Mr. GARFIELD. If he does not, then I take it back; I thought

Mr. SPARKS. Allow me to interrupt the gentleman; he interrupted me. Allow me to say that I stated distinctly, as I remember, and if I did not I made a mistake, that while the gist, the gravamen of this amendment touched appropriations, yet it was connected with the use of the Army, which is the business of the Committee on Military Affairs. And further in this connection; this is the order in the rule in relation to the Committee on Military Affairs:

And the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs.

That covers everything except-

Mr. GARFIELD. Everything other than appropriations.
Mr. SPARKS. Allow me to conclude. Everything except what by
clause 3 of that rule is referred to the Committee on Appropriations:

To appropriations of the revenue for the support of the Government: to the Committee on Appropriations.

Everything else connected with the Army is committed by that rule to the Committee on Military Affairs, and I stated, or I meant to do so, that while the appropriation of money was a part of the amendment, yet the control of the Army was another part.

Mr. GARFIELD. No matter whether the gentleman admitted it

or not. The language of this amendment is confined solely to the limitation of pay, of the money appropriated, the use of this appropriation. It says that the money herein appropriated shall not be applied to pay for feeding and transporting the Army when it is to do certain things. But it does not follow that some other appropriation may not be used for that. It does not declare that the Army shall not do these things. For all this clause amounts to, the Army may go on and do the very things referred to; only this clause will not pay the Army out of this appropriation the money for doing those things. That is all.

This amendment relates wholly to the uses of this money, and not This amendment relates wholly to the uses of this money, and not to any law regulating the movements of the Army. This amendment is no regulation of the Army, no military regulation. It is a limitation upon the use of the money here appropriated; that is all. It does not retrench one dollar, and does not pretend to. It does not reduce the number of officers of the Army, and does not pretend to. It does not reduce the salaries of the officers, and it does not pretend to. It does not restrict the payment of a single dollar to any man or officer entitled to that dollar. Therefore in its origin and in its character it is a limitation upon appropriations—an appropriation busiacter it is a limitation upon appropriations—an appropriation business. The Committee on Appropriations might have introduced it under the rule, but not the Committee on Military Affairs.

Mr. McMAHON. Will my colleague allow me to ask him a ques-

tion?

Mr. GARFIELD. Certainly.

Mr. McMAHON. If this amendment is purely an act of appropriation, why would it not be in order for any member of the House to move by amendment to designate the direction which that money shall take?

Mr. GARFIELD. Because when a member of the House offers it upon his individual motion then it would come under the first clause of the rule, and in order to be in order it must reduce salaries, or or the rule, and in order to be in order it must reduce salaries, or reduce the number of officers, or reduce the amount of money proposed to be appropriated; this amendment does not do either. I say that under the rule the Committee on Appropriations could have made a report bringing in this proposition, and it would have been in order.

Mr. SPARKS. And only that committee, does the gentleman say?

Mr. GARFIELD. I do not believe the Committee on Military Afficirs had convenient to many the committee on Military Afficirs had convenient to many the committee on Military Afficirs had convenient to many the convenience of the committee on Military Afficirs had convenient to many the convenience of the convenie

fairs had any more right to report such a provision as this than the

fairs had any more right to report such a provision as this than the Committee on Foreign Affairs.

Mr. SPARKS. Nor any other committee, except the Committee on Appropriations; is that your proposition?

Mr. GARFIELD. That is my view. Now, Mr. Chairman, all I ask of the Chair in this matter is to make a ruling in strict conformity to the letter of the rule—a ruling which shall be our guide and safeguard in all the entanglements that may arise hereafter. If the ruling should now be made broad and general, we shall find a conflict among committees all through our legislation. We shall find one committee undertaking to usure the functions of another, to get in among committees all through our legislation. We shall find one committee undertaking to usurp the functions of another, to get in its way. For the sake of good order, good legislation, and the proper regard which one committee should pay to another, we ought to construe this rule strictly. On this point I concur with the gentleman from Texas, [Mr. MILLS.]

The CHAIRMAN. The Chair is sorry that his mind is somewhat

preoccupied by having decided similar questions upon the former and similar Rule 120. In the view of the Chair that rule has not been

substantially changed by the new rule.

In the opinion of the Chair, any individual member has the right of offering the pending amendment, and, a fortiori, a committee under the provise of the new rule (Rule XXI, third clause) may do so.

The Chair is unwilling, where there is doubt, to make a decision which would take a novel question of this importance from the dewhich would take a novel question of this importance from the decision of the Committee of the Whole. On all doubtful points of order, according to its experience in the chair, it seems wise to allow the Committee of the Whole to decide, for is not the majority of the committee or House then responsible? Nay, the majority can now overrule the present decision. It can do it upon an appeal.

If the Chair were in doubt he would be bound by any previous analogous decision. A decision upon a question closely analogous to the first section of the second closely analogous to

this was made in the first session of the present Congress. The ques-[Mr. Sparks.] It was in the form of an additional section to the Army appropriation bill. The Clerk will read the amendment which was then offered.

The Clerk read as follows:

SEC. 6. That section 2002 of the Revised Statutes be amended so as to read as

follows:

"No military or naval officer or other person engaged in the civil, military, or naval service of the United States shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States."

And that section 5528 of the Revised Statutes be amended so as to read as follows:
"Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repelarmed enemies of the United States, shall be fined not more than \$5,000 and suffer imprisonment at hard labor not less than three months nor more than five years."

The CHAIRMAN. Thereupon, on this the gentleman from Michigan [Mr. Conger] raised a point of order. What was it? Was it similar to the point here? He held that the clauses of the amendment involved new legislation not germane to the bill; that it was not in the interest of economy. He contended that the amendment did not upon its face or in any manner tend to retrench expenditures. His question of order was elaborately discussed. The Chairman of the Committee of the Whole decided it. The Clerk will read a portion of his decision.

Mr. GARFIELD. Of course that was under the old rule.

The CHAIRMAN. The Chair has so stated. It was a decision made at the last session of this Congress.

The Clerk read as follows:

The Clerk read as follows:

The CHAIRMAN. The point of order raised upon the pending section is this: that it changes existing law, that it is not germane to the pending bill, and that it does not retrench expenditures. Rule 120 provides that no proposition in an appropriation bill, or an amendment thereto, which changes existing law, shall be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures. That the pending section changes existing law appears on its face. That it is germane to the pending bill there can scarcely be a doubt. It relates to the duties of the Army, or the uses to which it may be put. The object of the bill is to provide a support for the Army. A kindred subject to that would be the kind of service the Army is expected to perform. The duties to be performed are closely allied to the matter of Army support. "Germane" does not mean synonymous, but something "near akin," "closely allied," or relevant to that the section is germane to the pending bill.

But the most serious question involved is this: Does the section retrench expenditures! In considering this question the Chair will take into view the Constitution of the United States, the acts of Congress, the provisions of the pending bill, the parliamentary rules and practices of the House, and any official documents of which a court might take judicial cognizance.

The CHAIRMAN. The Chairman of the Committee of the Whole

The CHAIRMAN. The Chairman of the Committee of the Whole at that time went farther. He held that he would look to estimates and appropriations. He would see where money had been expended in the use of the Army at the polls to control or influence elections: If he could draw the conclusion from authentic public documents; that the amendment was not obnoxious to the point of order as to retrenchment, he would so rule. He did so rule; as the Chair now rules. He held, furthermore, that—

If it were lawful to use troops as policemen in cities, as sheriffs and constables for serving civil processes, as guards for State prisons, or as messengers for carrying the mails or the transportation of merchandise for private individuals, would not such enlarged duties greatly increase the expense of supporting the Army? As the enlarging of the duties of the Army would necessarily increase the expenses of supporting it, so will the restricting of the uses to which it may be put reduce such expenses. In so far, then, as the services which may be required of the Army, or any part thereof, are restricted by the pending amendment the expense necessarily attending such service is reduced, and to that extent the pending provision does retrench expenditures.

Precisely the serve rescenting, and with heavier force, applies to the

Precisely the same reasoning, and with heavier force, applies to the amendment now offered by the gentleman from Illinois, from the Committee on Military Affairs. This amendment provides—

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States—

In what case? What emergency? For what object? Whyto be used as a police force to keep the peace at the polls at any election held within any State.

Therefore, the Chair, disregarding technical objections and criticisms, holds that any amendatory provision, by which the Army is relieved from additional duty, is in the line of retrenchment. How

can it be otherwise? Outside of mere dialectics and refinements, do we not come to this conclusion? Looking at the matter plainly—judging expenses from documents, as well as the prima facie suggestion of the amendment itself—must there not be a saving to the Treasury of the United States, and to the people of this country, by forbidding the use of the Army in an expensive and abnormal presence and relation at the polls?

Mr. CONGER. The provision in the former case expressly prohibited the use of the Army in those cases where expenditures might arise. This proposition does not in any manner prohibit it.

The CHAIRMAN. The Chair will further state, in reply to a suggestion about the strict construction of the proviso in the new rule, that under the rule itself, without the proviso, the amendment is in order. Under the proviso it is beyond controversy. Observe the pro-

order. Under the proviso it is beyond controversy. Observe the pro-

Provided. That it shall be in order further to amend such a bill upon the report of a committee having jurisdiction of the subject-matter of such amendment.

It matters little how the Military Affairs Committee received its authority to report. If under the rules, then "the military establishment and the public defense" (Rule XI) is within their function. If on the reference of the President's message, is it not comprehensive—"That so much as relates to military affairs be referred," &c.? Is a reference required for a committee to report a mere amendment to an reference required for a committee to report a mere amendment to an appropriation bill? If so, and to conserve the largest liberty of amendment and debate to the Committee of the Whole, the Chair regards no action of the House more general than that which refers kindred matters to the appropriate committee. What else can be the reason or meaning of a reference than to give jurisdiction? All references of all matters pertaining to the military establishment are referred to the Military Committee. Can any one say that the direction of the resolutions of the resolutions of the resolutions of the resolutions of the resolutions. tion of the people, through their representatives, as to the use of the Army, is not pertinent to the military establishment?

Is it said that the use of the word "report" in the proviso to the new Rule XXI is used in a technical and limited sense? The Chair

regards such an interpretation as very irrational, evanescent, and remote. The word "report" in such a connection does not mean a written report accompanying a bill-a bill to the House itself; never to reach this committee. Surely that cannot be a sound construction.

Members of a committee often rise here and say: "I am authorized,
Mr. Chairman, by my committee to report the following amendment."

He does not make a formal written report; nobody expects it, though

the amendment, as this one, may be in writing.

In this proviso "report" is used in a common and general, not a limited, technical, sense. For twenty years or more that language has been the familiar language of members of the House in offering amendments from committees. Gentlemen all know that well. The RECORD is full of such statements.

Mr. GARFIELD. Will the Chair have the goodness to point out under which of these clauses this would be in order by an individual?

Mr. HOOKER. I hope the Chair will go on with his decision on

the point of order.

The CHAIRMAN. What does the gentleman from Ohio say?

Mr. GARFIELD. Will the Chair be good enough to point out under which of the clauses referred to the proviso would be in order if offered by an individual.

offered by an individual.

Mr. HOOKER. I insist that the Chairman shall be permitted to proceed with his decision on the point of order.

The CHAIRMAN. The Chair will make his decision in his own way, with all respect to the gentleman from Ohio. He has listened to the remarks of the gentleman from Ohio on this subject.

The Chair would hold that this amendment is not obnoxious to the

point of order. It is germane. It, of course, changes existing law, but it retrenches, and the spirit and letter of the old and new rule requires the amendment to be received.

If there were doubt, the Chair would not take the question from the committee; and, on all these questions connected with the ex-penditure of money and the conservation of the ballot, he will en-deavor to give to the majority of the committee the power to pass upon them so as to direct the manner of the payment of the people's money. He will not construe strictly or otherwise any rule which would deny the debate and the amendment characteristic of, and indispensable to, the Committee of the Whole.

Therefore, he thinks this amendment in order.

However, if any member will take an appeal from this decision in order to have the judgment of the committee on the question—

Mr. CONGER. I rise to take an appeal from the decision of the

Chair.

The CHAIRMAN. In an analogous case under the former rule, to which the Chair has adverted, the same rule substantially, and vindicated as such in the debate on the rules this session, there was an appeal taken by the gentleman from Michigan.

The committee divided. The tellers reported there were—ayes 125, noes 107. The Chair, believing in the analogy of the two cases and in the force of precedent, cannot but respect the reasoning and precedent established in the present Congress.

Mr. BLOUNT. I should like to ask whether the present rules do not specifically deny an appeal from the decision of the Chair in

not specifically deny an appeal from the decision of the Chair in

committee.

Mr. CONGER. I take an appeal from the decision of the Chair.

Mr. BLOUNT. I make the point, Mr. Chairman, that an appeal

does not lie from the decision of the Chair in the Committee of the Whole House on the state of the Union. I ask whether the Chair does decide under the rule that an appeal does lie from the ruling of the Chairman of the Committee of the Whole House on the state of the Union

The CHAIRMAN. The Chair will examine that point.

Mr. HOOKER. I rise to a point of order.

The CHAIRMAN. One point of order is already pending.

Mr. CONGER. I insist on my right to take an appeal from the

Air. CONGER. I misst on my right to take an appeal from the decision of the Chair.

The CHAIRMAN. The Chair will look at the rules on the pending point. The rule may have been changed. Will the gentleman from Georgia who has made the point of order give his attention and his

authority for his point of order?

Mr. BLOUNT. Has it not been the uniform ruling that an appeal does not lie from the decision of the Chair in Committee of the Whole?

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Georgia. The question is, Shall the decision of the Chair stand as the judgment of the committee? And the Chair profession of the committee of the committee of the chair stand as the judgment of the committee? prefers to appoint tellers, as it concerns his own decision, and names Mr. SPARKS and Mr. CONGER.

The committee divided; and the tellers reported—ayes 103, noes 92. So the decision of the Chair was sustained.

The question recurred on Mr. Sparks's amendment.

Mr. CONGER. The time has come now, under the arrangement,

Mr. CONGER. The time has come now, under the arrangement, when general debate on this amendment will be in order.

Mr. McMILLIN. No general debate can be had unless there is a change made by order of the House.

Mr. CONGER. There was a distinct understanding on this side that general debate should be permitted on this amendment.

Mr. HAWLEY. Distinctly understood and agreed to by the whole

House.

Mr. McMILLIN. It was distinctly objected to.
The CHAIRMAN. The Chair will have the RECORD read. The
Speaker informs the Chair there was some arrangement made.

The Clerk read as follows:

The SPEAKER pro tempore. It is proposed, as the Chair understands, that there shall be general debate for one-half hour on the bill as reported by the Committee on Appropriations, but that the right to have general debate upon the amendment which is proposed to be offered by the Committee on Military Affairs shall be re-

Served.

Mr. TOWNSHEND, of Illinois. How long †
Mr. GARFIELD. That can be fixed hereafter.

The SPEAKER pro tempore. Is there objection to the proposition †
Mr. SIMONTON. Unless the time for general debate on the amendment is limited, I object.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was then agreed to.

Mr. McMILLIN. That is what I had reference to.

Mr. CLYMER. As I chanced to have charge of the bill at that time, I beg leave to say what my recollection is of the fact.
Mr. TOWNSHEND, of Illinois. The RECORD shows that.
Mr. CLYMER. It is true we went into Committee of the Whole

without any agreement as to the length of time to be consumed by general debate. I had endeavored to have it fixed, but there was objection. We went into committee without its being limited. I occupied the floor possibly for ten minutes, as the length of my remarks in the RECORD will show. Then I said:

If no one now desires to address the committee upon this bill generally, if necessary I will move that the committee now rise in order to terminate general debate, so that we may proceed to consider the bill under the five-minute rule.

My object being to go into the House and offer to terminate it because I had been engaged in general debate.

The CHAIRMAN. That is not necessary unless there be objection. If there is no objection, the committee will now proceed to consider the bill under the five-minute rule.

There was no objection.

We then proceeded to the consideration of the bill under the five-minute rule. Possibly technically this would close the general debate; but I must say in frankness there was evidently an understanding in all parts of the House when we came to what is known as the political riders we should determine then when the general debate should

Mr. PAGE. I ask to have read the RECORD, on page 38, which re-

fers to this matter.

The CHAIRMAN. The gentleman will send to the Clerk's desk the part he wishes to have read.

Mr. PAGE. On page 38, under the head of "order of business." Mr. BLOUNT. I would like to ask the gentleman in charge of this bill if in any conversation with the gentlemen on the other side there was any assurance on his part that he would consent to general debate, provided there was legislation of this character proposed upon the bill?

Mr. CLYMER. I will say in response to the gentleman from Geor-

Mr. ROBESON. Will the gentleman allow me here to ask him one question 1

Mr. CLYMER. I will answer immediately. I will say

Mr. PAGE. Let the RECORD to which I refer be read.

Mr. WILSON. Did not the gentleman from Pennsylvania say that if a rider was proposed to the bill debate might be extended for Mr. CLYMER. Yes, sir; I so stated.

Mr. HAWLEY. Yes, the gentleman agreed to that.
Mr. PAGE. I would like to have the Clerk read that portion of
the RECORD to which I have referred.

The Clerk read as follows:

ORDER OF BUSINESS.

Mr. CLYMER. Before the House agrees to a recess or an adjournment, I desire if possible to have some understanding with regard to any general debate to be had upon the proposition offered by the gentleman from Illinois [Mr. Sparks] as an additional section to the Army appropriation bill now pending in Committee of the

whole.

Mr. Page. I shall object to any understanding at all now.

Mr. Clymer. Although I shall not insist upon it in the present condition of affairs. I will say that I do not believe any general debate can be had.

Mr. Keifer. Are you opposed to general debate?

Mr. Clymer. I have not said so; when I do, gentlemen will hear it. My purpose in rising now is to endeavor to get some understanding or agreement.

Mr. Reed. It seems to me that this is not the proper time to make any agreement about debate. Such agreement should be made only when it is determined whether the proposition is in order or not.

Mr. Clymer. We might fix some time when the vote is to be taken on the bill, for that would be a great convenience to members.

Mr. Corger. What does the gentleman propose?

Mr. Clymer. Now I desire in reponse to the question of the gen-

Mr. CLYMER. Now I desire in reponse to the question of the gentleman from Georgia to state that while I cannot recollect the names of any individual members on the other side of the House to whom I gave assurance that I would be willing to allow debate on such a proposition as this, yet that I did so I have the most distinct recollection.

Mr. HAYES. It will be found on page 35 of the RECORD of the day

before yesterday in the gentleman's own words.

Mr. CLYMER. Let the Clerk read it.

The Clerk read as follows:

Mr. HAWLEY. But we are seeking unanimous consent now to limit debate upon all the provisions of the bill, and it may be well to have this matter clearly under-

all the provisions of the bill, and it may be well to have this stood.

Mr. CLYMER. I trust my friend from Connecticut will agree to my proposition that if there be in committee any amendment proposed in the nature of what I have called a political rider, upon that question there shall be general debate, the extent of which shall be fixed hereafter.

Mr. HAWLEY. But, Mr. Speaker, how shall we know that until we have entered upon the five-minute debate upon the bill?

Mr. GARFIELD. If we reserve that right, and it is understood now in the unanimous consent that when a question arises of that character, that right being reserved, we enter upon general debate, that, I think, will be the best settlement of the question.

Mr. CONGER. Notwithstanding the fact that we have entered upon the five-minute debate?

Mr. Clymer. Notwithstanding that. Mr. Conger. Then I do not object to limiting the time to half an hour.

Mr. CLYMER. At the time I made this assertion the political rider had not been offered, and I did this in view of its being offered, without, however, having any authority from the committee in the matter. Since that time the new section has been offered, and by the direction of the Committee on Military Affairs. Now, as it comes the direction of the Committee on Military Affairs. Now, as it comes from that committee and is under the control of the chairman of that committee rather than myself, it seems to me that perhaps it would be proper that he should make the arrangement regarding the general debate on this subject.

Mr. SPARKS. Mr. Chairman—

Mr. ROBESON. I desire to ask a question before the gentleman from Pennsylvania sits down.

Mr. SPARKS. Have I the floor?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. SPARKS. When the question in regard to the probable presentment of this amendment was pending on Tuesday last, there was much confusion in the discussion with respect to the propriety of any, or if any what, length of time should be occupied in general debate

much confusion in the discussion with respect to the propriety of any, or if any what, length of time should be occupied in general debate upon it. I tried at that time, I remember, to make myself heard, and got in perhaps a few words. I know that I positively objected to extending time for general debate, although I think it is not in the RECORD; I distinctly objected to general debate upon this subject, and think some other gentlemen around me did the same. I also remember stating at the time that if I had the amendment in my hand that I would not get in the information of sandarous who made that I would read it for the information of gentlemen who were inquiring as to its import. I believe that statement appears in the RECORD. At the time that statement was made I also tried to get information as to whether the member of the Committee on Appropriaformation as to whether the member of the Committee on Appropriations having charge of the bill would have charge of it after the amendment came in from the Committee on Military Affairs, or whether it would devolve on me. And I am not now advised on that subject. If, however, it does devolve upon me, or any other controlling part in regard to it, I desire to say that I am personally opposed to opening the question up again to general debate after it has been once closed by the order of the House. This subject, however, in my judgment, is one that devolves upon no single man. And I can speak for myself only when I say that I prefer to have no general debate. The amendment was offered when the House was in Committee of the Whole under the five-minute rule, and it seems to me now that it ought to be discussed under that rule and have it disposed of without opening it up to an exciting, extended debate, in order that we out opening it up to an exciting, extended debate, in order that we may get through with the matter and go on with some other business that is pending before the House and which the country demands shall be attended to by us.

I think, sir, that there has been discussion enough on this question heretofore in the extra session of this Congress, and in the last session of the Congress prior to it, and that it is needless now to have any further extended or general discussion of it.

Now, if I am regarded as having charge of this matter—I do not know that to be so, but the gentleman from Pennsylvania having charge of the bill indicates that as his view of it—then I desire to say the sooner it can be disposed of satisfactorily will be best for all concerned in that it will facilitate the business of the House

Mr. CLYMER. I have stated that so far as this amendment is concerned the time fixed for general debate ought to be arranged by the gentleman having control of the amendment.

Mr. SPARKS. Of course I have nothing to do with your bill except simply so far as the amendment is concerned; and whether or not smiply so har as the amendment is concerned; and whether or not my relations to it give me any special rights or privileges in the conduct of this matter I do not know; neither is it material. This matter, I repeat, has been heretofore elaborately discussed formonths, and there is no good reason why that discussion should be now renewed and repeated.

Mr. DUNNELL. Is the gentleman from Illinois opposed to general

debate?

Mr. SPARKS. There is all around me a manifest disposition to end this matter and I am in hearty accord with that disposition. Let the debate go on under the five-minute rule and end there. But gentlemen will not find me anywhere or under any circumstances disposed to be factious about it.

Mr. FRYE was recognized. Mr. HOOKER. Will the gentleman from Maine allow me to say a single word? Mr. FRYE.

single word?

Mr. FRYE. Yes, sir.

Mr. HOOKER. I want to say simply this: I do not know if I care to say a word upon this question, nor do I know anybody that does: But if the opposite side of the House wants to discuss the question, I do not see why it should not be done.

Mr. FRYE. I simply desire to say it was distinctly understood by a majority of gentlemen on this floor, and by all on this side of the House, yesterday, that it was agreed practically that general debate should be allowed. When objection was made the gentleman from Pennsylvania [Mr. CLYMER] in charge of the bill, in my hearing—it may not have been in that of the reporter—said: "Oh, very well, we will attend to it when the time comes," meaning "we will vote for it." Now, the republican side of this House, as I understand it; intend to have general debate on this amendment.

intend to have general debate on this amendment.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, this same amendment was debated for nearly three months during the extra session.

Nothing has occurred that requires any further discussion upon it.

Mr. KEIFER. The gentleman is mistaken. There was no general

Mr. BAYNE. In egentieman is mistaken. There was no general debate upon it at all.

Mr. BAYNE. Is it not the fact that when this amendment was discussed in the House all the speeches were made in advocacy of it; while no gentleman who was opposed to it was allowed to say a word; except the gentleman from Ohio, [Mr. Keifer,] who made a few remarks ?

Mr. TOWNSHEND, of Illinois. Nine-tenths of those on the other side of the House voted to put this amendment on the appropriation bill as a rider. I can see no occasion for general debate on it. I

bill as a rider. I can see no occasion for general decade of the object.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. Is it in order in Committee of the Whole to discuss whether there shall be general debate?

The CHAIRMAN. It is not.

Mr. ATKINS. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Cox reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No: 5523) making appropriations for the support of the Army for the fiscal 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

Mr. HAWLEY. I propose, Mr. Speaker, that in Committee of the Whole we enter upon general debate upon the amendment to the Army appropriation bill now pending. I would offer to limit the time if I were able to do so. I desire as a member of the sub-committee that prepared this Army appropriation bill to speak upon the amendment briefly and to yield part of my time to another gentleman. An agreement that there should be general debate upon this amendment was as distinctly made as ever was made in the House or

as can be made unless by a contract signed and sealed.

Mr. SPARKS. With whom?

Mr. HAWLEY. I will read from the RECORD, and that will show it; but I know it without reading. A part of it has been already read:

it; but I know it without reading. A part of it has been already read:

Mr. HAWLEY. I agree with the gentleman, my colleague on the committee, in some of his remarks. I have the honor of being a member of the sub-committee which framed this bill. So far as the bill proper is concerned, I do not see why the House need to spend two hours of time, unless there be some minor items to be introduced under the five-minute debate which would give rise to some discussion. But I am given to understand, through the public prints and through gossip in the House, that the Committee on Military Affairs has sundry amendments of a political nature which they propose to offer to the bill. If so, I think it will be quite as well it should be known now, and these amendments be read to the House. Let them be proposed now and considered in any general debate that we may have. The Speaker pro tempore. That cannot be done in committee; the bill is not now in the House.

Mr. HAWLEY. But we are seeking unanimous consent now to limit debate upon all the provisions of the bill, and it may be well to have this matter clearly understood.

Then said Mr. CLYMER:

I trust my friend from Connecticut will agree to my proposition that if there be in committee any amendment proposed in the nature of what I have called a political rider, upon that question there shall be general debate, the extent of which shall be fixed hereafter.

That was a very fair proposition. I said:

But, Mr. Speaker, how shall we know that, until we have entered upon the five-minute debate upon the bill !

I did not wish to be foreclosed from having general debate upon the political rider that was expected to come in. Therefore I made that suggestion. Then the gentleman from Ohio [Mr. Garfield] said:

If we reserve that right, and it is understood now in the unanimous consent that when a question arises of that character, that right being reserved, we enter upon general debate, that, I think, will be the best settlement of the question.

The gentleman from Michigan [Mr. CONGER] inquired:

Notwithstanding the fact that we have entered upon the five-minute debate?

The gentleman from Pennsylvania [Mr. CLYMER] answered:

Notwithstanding that.

The gentleman from Michigan [Mr. CONGER] remarked:

Then I do not object to limiting the time to half an hour.

That is, for the primary, general debate. If that be not a fair under-

standing, words cannot make it.

Mr. ROBESON. Was not the action of the House limiting general debate to half an hour founded upon that understanding?

Mr. HAWLEY. Yes; it was based upon that understanding. I should have stood here from that time till this upon the question of allowing general debate upon this rider if it had not been for that

The SPEAKER. The gentleman from Illinois [Mr. SPARKS] is rec-

Mr. HAWLEY. I cannot understand the readiness of gentlemen to run away from this battle-field. You seek to run away from this battle-field. What is the matter with you?

Mr. SPARKS. Have I the floor, or does the gentleman from Connecticut have it?

The SPEAKER. The Chair supposed the gentleman from Connecticut had concluded and recognized the gentleman from Illinois.

Mr. HAWLEY. I had stopped but had not got through.

Mr. SPARKS. I do not know the extent to which members on this

Mr. SPARKS. I do not know the extent to which members on this side agreed to allow general debate on this proposition. I do know, however, that at the time this amendment was spoken of as likely to be offered by me, I proposed to give the substance of the amendment, and that I then and there stated that I should object to any general

and that I then and there stated that I should object to any general debate upon it. Now, I want to say—
Mr. HAWLEY. Here is the RECORD.
Mr. SPARKS. Hold on; I am stating this for myself and will make my position plain before I get through. If the gentleman from Connecticut [Mr. HAWLEY] understood his side all to agree, and also understood that a part of this side agreed, to having general debate, I do not object. But I say that for myself I stated to the House (I do not know that it got into the RECORD) that I objected to general debate. And thus objecting, I know there could not have been unanimous consent to it—

The SPEAKER. The gentleman was not in charge of the bill.

Mr. SPARKS. No, I was not; and I do not at this moment know that I have any special charge of it now. This amendment comes here through me by instructions from the committee of which I am chairman; and that is my whole connection with it. And I might, sir, just as well here add that this amendment is not broad enough and does not go to the extent that makes it by any means an im-

portant question to me. And I will state on this subject—
Mr. HAWLEY. Mr. Speaker—
Mr. SPARKS. I have not done. Unless the gentleman wants to ask

Mr. SPARKS. I have not done. Unless the gentleman wants to ask a question—
Mr. HAWLEY. I will ask a question.
Mr. SPARKS. Very well.
Mr. HAWLEY. I will ask the gentleman if the language which I have read from the RECORD does not imply that the gentleman from Pennsylvania, [Mr. CLYMER,] my colleague on the sub-committee and on the Committee on Appropriations, and myself distinctly proposed, and it was so understood between us, with the assent also of the gentleman from Michigan [Mr. CONGER] and the gentleman from Ohio [Mr. KEIFER] and the gentleman from Ohio, [Mr. GARFIELD,] that when the political amendment came up there should be general debate on it, and that nothing then done should bar the possibility of that general debate?
Mr. SPARKS. That is a speech rather than a question. But I will

Mr. SPARKS. That is a speech rather than a question. But I will state to the gentleman that if any agreement was made binding upon anybody I have nothing to say or to do with it. I stated (whether it

mr. HAWLEY. Here is the RECORD.

Mr. SPARKS. Do not interrupt me. I then stated (whether it got into the RECORD or not) that I should object to general debate on the amendment, so far as I was concerned.

The gentleman has said something about somebody running away from debate. Why, this modest, mild little amendment of mine is one that the gentleman himself voted for during this Congress. It is one that my friend from Ohio [Mr. GARFIELD] voted for. It is one that my friend from Michigan [Mr. CONGER] voted for.

Mr. TOWNSHEND, of Illinois. As a rider.

Mr. TOWNSHEND, of Illinois. As a rider.

Mr. SPARKS. As a rider on an appropriation bill. The gentleman from Tennessee [Mr. Atkins] voted for it. The gentleman from Wisconsin [Mr. Bragg] voted for it. Now, as these republicans all voted for it, and as these democratic friends of mine also voted for it, is it fair to call this amendment a political rider? I can show by the RECORD which I now hold in my hand that the great majority of this House on both sides have supported this identical amendment. It also passed the Senate, was approved by the republican President, and became a law.

Mr. KEIFER. I want the gentleman to except some of us. He says that we all voted for it.

Mr. SPARKS. No; I did not so state, for I know that the gentleman from Ohio, now before me, [Mr. Keifer,] voted against it; and I myself was paired with the gentleman from Indiana [Mr. Browne] and did not vote for it; but these other gentlemen did.

Now, Mr. Speaker, I think it is hardly fair to the country and to

Now, Mr. Speaker, I think it is hardly fair to the country and to the business of this House to get up a long angry discussion here about what some gentlemen choose to call a "political rider." In fact it is not just to call this amendment a "political rider" at all. Because both sides of this House, democrats and republicans, with great unanimity, at the extra session, as is well known, supported by their recorded votes identically this thing. It is a mild, modest, in offensive amendment, that we have about all of us sanctioned once, one that the Senate has concurred in passing, and that the President has sanctioned. And it is one which I hope the House will now again sanction, and that we will then go on with the other pressing and important business before us.

business before us.

Mr. BLOUNT. Mr. Speaker—

Mr. SPARKS. One word mere. Having said this much, I now submit to the gentlemen on the other side of the House that if I have any power in this matter they will find me now, as always, disposed to yield to and sanction any reasonable request they have to make. How much time do gentlemen desire to discuss this amendment?

Mr. GARFIELD. A few weeks ago—

Mr. SPARKS. I am asking a question now.

Mr. GARFIELD. I do not ask the gentleman to yield to me; I want to take the floor in my own time.

Mr. SPARKS. I am asking how much time these gentlemen want.
Mr. ATKINS. I desire to make one remark. I wish to state that
I watched the discussion the other day, and I concur with the gentleman from Connecticut [Mr. HAWLEY] that there was an understanding that this matter in regard to debate upon this amendment was to be settled hereafter.

Mr. COOK. I certainly understood, as the gentleman from Connecticut [Mr. Hawley] does, that there was to be general debate

allowed on this amendment.

Mr. ATKINS. That was my understanding; and I want to make the further remark that I think that is the shortest way of settling the matter.

Mr. SPARKS. Whatever the understanding or agreement was with other gentlemen, I made no agreement, but specially objected to doing so. That is all I pretend to say. But I want now to say that I am not only willing but hope a reasonable time will be allowed to gentlemen on the other side to discuss this amendment. Enough to satisfy any ordinary ambition. Enough for them to get fully on the record on this subject. But I do hope that no member on this side

record on this subject. But I do hope that no member on this side of the House will want to take up time in discussing it.

Mr. COOK, (in his seat.) And if he does, take him out and shoot him.

Mr. SPARKS. And when gentlemen on the other side get through their discussion, I hope we will vote upon the amendment and end it.

And to expedite it, as my friend from Georgia [Mr. COOK] says, if any man on this side of the House does propose to discuss it, we will have him "shot on the spot." [Laughter.]

Mr. CONGER. That is the usual manner in which you dispose of people who discuss political questions. [Laughter.]

people who discuss political questions. [Laughter.]

The SPEAKER. The bill is pending in Committee of the Whole;

and there is no proposition now pending in the House.

Mr. CLYMER. I will make the motion that the House resolve itself into Committee of the Whole House on the state of the Union for general debate

The SPEAKER. Does the gentleman from Pennsylvania move to

put a limitation as to general debate?

Mr. CLYMER. That is a subject for discussion.

Mr. GARFIELD. Let the motion be that when the House resolve itself into Committee of the Whole on this bill it be for general de-

Mr. SPARKS. We want simply to fix some limit of time.
Mr. GARFIELD. That can be fixed hereafter.
Mr. ATKINS. I move that all general discussion in Committee of the Whole on this bill be limited to four hours.
Mr. CONGER. There has been no general debate on the pending

The SPEAKER. This is a proposition to allow general debate, with limitation as to its length.

Mr. CONGER. And the House cannot close it until there has been

general debate under the rule.

The SPEAKER. If true, that would only involve the necessity of the committee rising; and the Chair thought the proposition for a limitation could be entertained now.

Mr. CONGER. We desire to let the general debate go on until the House may feel disposed to close it. That is the quickest and most direct way of meeting this proposition.

Mr. MCMILLIN. The gentleman from Michigan does not speak with his usual accuracy when he says that there has been no general debate. There was general debate, which was engaged in by the gentleman in charge of the bill, [Mr. CLYMER.]

Mr. REED. I suggest that when we go into Committee of the Whole for general debate, it is very possible four hours will not be required, unless some "shooting" be done on the other side.

The SPEAKER. The Chair does not think the rule applies in the manner suggested by the gentleman from Michigan, [Mr. CONGER,] because this bill has been under general debate in the Committee of

manner suggested by the gentleman from Michigan, [Mr. CONGER,] because this bill has been under general debate in the Committee of the Whole House. The Chair, therefore, as a safe mode of reaching a result satisfactory to all, entertains the motion to limit debate.

Mr. ATKINS. I rise to a question of order. Is not the next thing in order the putting of my motion to the House?

The SPEAKER. The Chair entertains the proposition; but the gentleman from Michigan made a suggestion that it was not within the power of the House to limit general debate until the House had again gone into Committee of the Whole on the subject. The Chair in reply states that this bill has already been considered in Committee of the Whole House on the state of the Union, and there has been general debate. general debate.

Mr. CONGER. But, Mr. Speaker, if we have any rights under the arrangement which was made, then this is a new proposition, entirely different from the other on which there was general debate.

The SPEAKER. Strictly speaking, this is simply an amendment

to the bill.

to the bill.

Mr. CONGER. I claim that by the understanding we have the right to general debate on this proposition.

The SPEAKER. The Chair recognizes fully that there was an understanding there should be general debate.

Mr. CONGER. That being the understanding, there has been no general debate on this proposition. We were to have independent general debate on it; and I ask that we may have it without limit.

The SPEAKER. The Chair entertains the motion of the gentleman from Tennessee, [Mr. ATKINS.] on the ground that the bill having been already considered in Committee of the Whole, and general debate having been had thereon, the House now has the right to limit debate under existing condition of the facts in the case.

Mr. CONGER. Then, of course, it has the right to cut off all general debate.

eral debate

eral debate.

The SPEAKER. The Chair thinks not, according to the understanding heretofore alluded to. Upon this bill, in the opinion of the Chair, all the requirements of the rule as to discussion and limitations thereon have been complied with. The rule to which the gentleman from Michigan refers applies more particularly to the five-minute debate; as to general debate, all the requirements of the rule have been met; and there having been general debate upon the bill, it is now competent for the House to fix a limit upon the general debate to be allowed in the committee on the amendment pending.

bate to be allowed in the committee on the amendment pending.

Mr. TOWNSHEND, of Illinois. General debate having been closed, how can we, without a change of the rules, extend the time for general debate?

The SPEAKER. Because it was the understanding.

Mr. TOWNSHEND, of Illinois. It may have been the understanding among some members; it was not the understanding of the House.

The SPEAKER. If the House does not think there was any understanding, it can vote down the proposition for general debate; but the Chair proposes to give the House the opportunity to determine the question.

the question.

Mr. SIMONTON. I desire to say that it required unanimous consent to agree to the proposition for general debate. When the proposition was stated from the Chair, I said very distinctly, as the RECORD shows, that "unless time for general debate on the amendment is limited, I object." There was no general consent that there should be unlimited debate upon this amendment when reached. We have gone into Committee of the Whole; we have had general debate; we have gone into this debate under the five-minute rule; we have reached this amendment, and there we are under the five-minute rule.

The SPEAKER. The Chair thinks he has allowed the motion fixing a limitation in exact harmony with the gentleman's statement.

Mr. SIMONTON. If gentlemen agree to limitation, I am ready for it. I objected at the time, because there was no limitation upon the general debate.

general debate

The SPEAKER. The motion is, that when the House resolves itself again into Committee of the Whole House on the state of the Union all general debate on the amendment and remaining portion of the bill shall be limited to four hours.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. No. 5621) to provide for a building suitable for a post-office, for the accommodation of the revenue officers and the United States courts and their officers, in Charleston, West Virginia.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, joint resolutions of the following titles:

Joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago; and
Joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 5621) to provide for a building suitable for a post-office, for the accommodation of the revenue officers and the United States courts and their officers, in the city of Charleston, West Virginia; when the Speaker signed the same.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. ROBINSON, for ten days;

Mr. Houk, for ten days;
Mr. Muller, until Tuesday next;
Mr. Scales, for ten days, to attend court as a witness;
Mr. Steele, for two days;

Mr. NEAL, for ten days from to-morrow; and

Mr. KENNA, for one week.

AUSTIN P. PROCTOR.

Mr. THOMPSON, of Kentucky, by unanimous consent, introduced a bill (H. R. No. 5704) for the relief of Austin P. Proctor, of Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARRIAGE OF PASSENGERS BY SEA

Mr. DEUSTER, by unanimous consent, introduced a bill (H. R. No. 5705) to regulate the carriage of passengers by sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.
Then, on motion of Mr. BROWNE, (at four o'clock and thirty-seven

minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: Memorial of the president of the Philadelphia, Wilmington and Baltimore Railroad Company, for an appropriation for the payment of the claim of said company against the Government—to the Committee on Appropriations.

By Mr. BAKER: The petition of H. D. Hathaway and 30 others, citizens of DeKalb County, Indiana, late soldiers in the war for the suppression of the rebellion, for the equalization of bounties—to the

suppression of the rebellion, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of George De Long and 25 others, of DeKalb County, Indiana, late soldiers in the war for the suppression of the

rebellion, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BALLOU: The petition of John T. Smith, George V. Blake, and 119 others, of the second congressional district of Rhode Island, for the enforcement of the eight-hour law—to the Committee on Education

ucation and Labor.

By Mr. BAYNE: Resolutions of the council of the city of Pitts-burgh, Pennsylvania, recommending an appropriation to enable the commission constituted to test metals to proceed with its work—to

the Committee on Appropriations.

By Mr. BURROWS: The petition of citizens of Van Buren County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Commit-

By Mr. CLYMER: The petition of Nathaniel Miles, for a pension—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of the Seaside Press Company, Sandwich, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—

on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. CROWLEY: The petition of Polly Morford, for a pension—to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of R. T. James and others, citizens of Minnesota, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of R. T. James and others, citizens of Minnesota, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee

on Commerce.

By Mr. ERRETT: Resolutions of the council of the city of Pittsburgh, Pennsylvania, favoring an appropriation for testing the strength of metals—to the Committee on Appropriations.

By Mr. JOHN T. HARRIS: The petition of Tinsley & Morton, editors of the Staunton (Virginia) Vindicator, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of John S. Cochran and others, against the pas-

sage of any law fixing a certain tax on wines, &c.—to the same committee.

By Mr. HENKLE: The petition of F. P. B. Sands, for himself and others, for the transfer to the naval fund of certain funds erroneously covered into the Treasury—to the Committee on Appropriations.

By Mr. KLOTZ: The petition of 36 soldiers of the late war, of Carbon, Pennsylvania, for the passage of the Weaver soldier bill—to

the Committee on Military Affairs.

By Mr. McGOWAN: The petition of Seth Davis and 55 others, of Barry County, Michigan, of similar import—to the same committee.

By Mr. McMILLIN: The petition of J. H. Gardner, H. C. Lyles, G. H. Adams, and 69 other citizens, of Robertson County, Tennessee, for relief from the regie-contract system for the producers of to-bacco—to the Committee on Foreign Affairs.

By Mr. O'BRIEN: The petition of Philip Smith and Robert Boyd, for relief as sureties on the bond of a distiller—to the Committee

on Ways and Means.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, for the equalization of bounties—to the Committee on Military Af-

Also, the petitions of members of the bar of Rice, Stafford, and Ford Counties, Kansas, against establishing terms of the United States court at Wichita, and that terms be held at Newton, Kansas—to the

Count at wichita, and that terms be held at Newton, Kansas—to the Committee on the Judiciary.

By Mr. VAN AERNAM: The petition of the Seneca Nation of Indians, against the passage of the bill (H. R. No. 3573) to authorize the Seneca Nation of Indians to grant title of lands for cemetery purposes on the Allegany reservation—to the Committee on Indian Affairs.

By Mr. WEAVER: The petitions of G. T. Livingston and 60 others, of Dickson County; of Robert Kendall and 227 others, of J. T. Clark and 80 others, and of John Davis and 155 others, of Junction City, Kansas; of William D. Ware and 8 others, of Patmos, and of O. H. P. Linn and 17 others, of Lettsville, Iowa; of George A. Webb, of Rock Elm, Michigan; of P. H. Ryon and 26 others, of Fairfax; of J. D. Sheridan and 19 others, of Swanton; of Spofford A. Wright and 7 others, of Jericho; of Elijah P. Webber and 19 others, of St. Albans Bay; and of James W. Judkins and 14 others, of Highgate Centre, Vermont, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, memorial and resolution of the General Assembly of Iowa, relating to the removal of obstructions from the channel of Nishnabatona River—to the Committee on Commerce.

batona River—to the Committee on Commerce.

By Mr. WILLITS: The petition of Mrs. W. B. Robinson, Lucy S. Stout, Thomas W. Palmer, and others, citizens of Detroit, Michigan, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

IN SENATE.

FRIDAY, April 9, 1880.

Prayer by Rev. T. S. WYNKOOP, of the city of Washington. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Interior, transmitting a letter from W. W. Godding, M. D., superintendent of the Government Hospital for the Insane, relative to a probable deficiency of \$11,638.89 in the ap-propriation for current expenses of the hospital for the present fiscal year; which was referred to the Committee on the District of Co-lumbia and ordered to be printed.

year; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Adjutant-General of the Army, forwarding plans and estimates for the construction of a permanent building at Columbus Barracks, Ohio, for use as a chapel and school; which, on motion of Mr. COCKRELL, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War transmitting a letter from the Chief of Engineers and an

of War, transmitting a letter from the Chief of Engineers, and an accompanying report of Colonel J. H. Simpson, Corps of Engineers, upon a survey made in compliance with the requirements of the river and harbor act of March 3, 1879, of the Mississippi River opposite the mouth of the Missouri; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented a memorial of the Seneca Nation of Indians, Mr. KERNAN presented a memorial of the Seneca Nation of Indians, anthenticated by the tribe, remonstrating against the passage of the bill (H. R. No. 3573) to authorize the Seneca Nation of Indians to grant title of lands for cemetery purposes on the Allegany reservation; which was referred to the Committee on Indian Affairs.

Mr. DAWES. I present the petition of J. F. Folsom and 85 other citizens of Knox County, in the State of Nebraska, where the Santee Indians reside, asking that they be allotted lands in severalty; also a like petition of 32 other citizens of the same county, and another from the same number of citizens of that county, all praying for the same

the same number of citizens of that county, all praying for the same

object. I move the reference of these petitions to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GROOME presented the petition of Mrs. Ann Fletcher, mother Mr. GROOME presented the petition of Mrs. Ann Fletcher, mother of Edward Fletcher, late private Company B, Fifty-seventh Regiment New York Volunteers, praying for the passage of a bill granting her a pension; which was referred to the Committee on Pensions.

Mr. McPHERSON presented the petition of Henrietta Walcott Johnson, M. D., of Orange, Essex County, New Jersey, praying for the removal of her political disabilities; which was referred to the Com-

mittee on the Judiciary.

Mr. BUTLER. I present resolutions passed by the Chamber of Commerce of Charleston, South Carolina, approving the preamble and resolutions of the New York Chamber of Commerce, in which Congress is requested, in addition to the present annual volumes of Commercial Relations, which is a standard work of great value, to make provision for the weekly and monthly publications of the consular reports and their distribution to at least the leading commercial help of the United States. cial bodies of the United States. I am somewhat at a loss to know whether the memorial should be referred to the Committee on Foreign Relations or the Committee on Printing.

Mr. WHYTE. I will state to the Senator from South Carolina that

the Committee on Printing had that subject under consideration and found it more appropriate that it should be referred to the Committee on Foreign Relations, and it was reported back and so referred.

Mr. BUTLER. I move that the resolutions be referred to the Com-

mittee on Foreign Relations.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were there-

upon signed by the President pro tempore:

A bill (H. R. No. 5621) to provide for a building suitable for a postoffice for the accommodation of the revenue officers, and the United
States courts and their officers, in the city of Charleston, West Vir-

ginia; and A joint resolution (S. R. No. 99) providing for payment of wages to employés in the Government Printing Office for legal holidays.

ADJOURNMENT TO MONDAY

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered. That when the Senate adjourn to-day it be to meet on Monday next.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio, reported it without amendment.

Mr. GROOME. A few days ago the bill (S. No. 1585) for the relief of John Stewart was referred to the Committee on Pensions. It relates to a balance of unpaid bounty, and the Committee on Pensions think it should go to the Committee on Military Affairs. I am therefore directed to report back the bill and ask that the Committee on Pensions be discharged from its further consideration and that it be referred to the Committee on Military Affairs.

The report was agreed to.

Mr. BLAINE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 163) to restore Assistant Paymaster Nicholas H. Stavey to the active from the retired list of the Navy, reported it without amendment.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. GARLAND. The Committee on Territories have had under consideration the bill (H. R. No. 5048) relating to justices of the peace in the Territories, and have directed me to report it back with the recommendation that it pass. Accompanying it is a written re-

ort.

The PRESIDENT pro tempore. The report will be printed.

Mr. GARLAND. The Delegates from all the Territories have made a request that the bill be acted upon immediately, and I ask for its present consideration. It will not take fifteen minutes.

The bill was read at length, and by unanimous consent considered as in Committee of the Whole. It provides that when from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill made vacancy by appointment or election, in such manner as has been such vacancy by appointment or election, in such manner as has been or may be provided by the governor and Legislative Assembly of such Territory; but the appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

Mr. GARLAND. There is a report which will explain the whole

Mr. COCKRELL. Let the report be read. The Chief Clerk read the following report this day submitted by Mr. GARLAND:

The Committee on the Territories, to whom was referred the bill H. R. No. 5048, wing had the same under consideration, report as follows:
Upon an examination of the Revised Statutes of the United States we find that

section 1856 provides that "justices of the peace and all general officers of the militia in the several Territories shall be elected by the people, in such manner as the respective Legislatures may provide;" and section 1857 provides that "all township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and Legislative Assembly of each Territory." &c. From these two sections it appears that while all county officers, except justices of the peace and officers of the militia, may be elected or appointed in the manner provided by the governor and Legislative Assembly, yet justices of the peace must be elected and cannot be appointed, and the question arises as to whether a vacancy arising in the office of justice of the peace can be filled by appointment instead of by election.

Under section 1857 the governor and Legislative Assembly of a Territory may provide that county officers, with the exception aforesaid, may be appointed instead of elected; and also that all vacancies which may occur in such county offices may be filled by appointment. It seems to be deubtful whether, as the law now stands, the governor and Legislative Assembly car provide for filling vacancies in the office of justice of the peace by appointment, although we are informed that in all the Territories such a law exists. In one Territory we are informed that two out of the three justices of the supreme court have held that the territorial statute providing that vacancies in the office of justice of the peace shall be filled by appointment of the board of county commissioners was invalid, as being in violation of the two sections of the Revised Statutes of the United States above quoted. To require that a vacancies in the office of an inferior grade, must be filled only by election while more important offices can be filled by appointment seems an anomaly, and must evidently have been an oversight or mistake made in co

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PADUCAH, KENTUCKY.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report back with amendments the bill (H. R. No. 5622) to provide for the construction of a public building at the

No. 5622) to provide for the construction of a public building at the city of Paducah, State of Kentucky.

Mr. BECK. I ask that it be considered at this time.

Mr. MORRILL. I desire to make a response to the inquiry made yesterday morning by the Senator from New York, [Mr. Conkling,] whom I am sorry not to see in his seat at the present time, in relation to the amount of appropriations that have been recommended by the Committee on Public Buildings and Grounds. I desire to say that they have been exceedingly moderate, and it is the purpose of the committee to keep them so. So far all the appropriations that have yet been acted upon by the committee amount to \$1,036,500. Upon a consultation with the Secretary of the Treasury it is supposed that we may with propriety report something more beyond this sum. I could give if necessary the particular places where buildings have been proposed, and I think there would not be any criticism made upon any one of the reports of the committee save that alluded to by the Senator from New York yesterday. The whole amount is \$1,036,500. \$1,036,500.

\$1,036,500.

Mr. INGALLS. Is that the amount for the present Congress?

Mr. MORRILL. Yes; for the present Congress. In Indiana, \$9,500;
Colorado, \$75,000; Florida, \$75,000; Rhode Island, \$125,000; Alabama, \$40,000; West Virginia, \$75,000; District of Columbia, \$117,000, (a bill that we have not yet acted on, but I hope we may within a very short time, as it is very much needed indeed for enlarging the City Hall for the accommodation of the courts here;) Virginia, \$75,000; Ohio, for Toledo, \$75,000; Paducah, the bill reported this morning, \$50,000; for Cleveland, Ohio, \$150,000.

Mr. INGALLS. Are these sums for new buildings?

Mr. MORRILL. Mainly for new buildings, but in part it is for an enlargement of old ones.

Mr. BECK. I ask the Senate to allow this bill to be considered this morning. The reason is that the Kentucky Legislature have to con-

morning. The reason is that the Kentucky Legislature have to consent to give the ground before the building can be constructed. I hope there will be no objection to the bill. That Legislature adjourns in a few days, and unless we can pass the bill now the work will be in a few days, and unless we can pass the bill how the work will be delayed two years.

I desire to say that I shall be compelled to be absent all next week, and I ask that the bill may be considered now.

Mr. McPHERSON. Has this bill just been reported this morning?

Mr. McPHERSON. I object.

The PRESIDENT pro tempore. One objection carries it over.

Mr. McPHERSON. I withdraw the objection.

Mr. McPHERSON. I withdrawn by the Senator. I think

Mr. BECK. The objection is withdrawn by the Senator. I think the bill will not take long.

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments.

The first amendment was, in line 14, after the word "made," to

So that no expenditures shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated, upon plans to be previously approved by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in line 17, after the word "building," to insert:

Which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT ON ROCKY MOUNTAIN LOCUST.

Mr. WHYTE. I am instructed by the Committee on Printing to report back with a favorable recommendation, and without amendment, the concurrent resolution of the House of Representatives, for the printing of 10,000 copies of the second report of the United States entomological commission on the Rocky Mountain locust and other injurious insects; and as that is a very important subject, I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and concurred

in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed with necessary illustrations at the Government Printing Office, 10,000 copies of the second report of the United States entomological commission on the Rocky Mountain locust and other injurious insects; 5,000 copies for the use of the House, 3,000 copies for the use of the Senate, and 2,000 copies for the use of the

REPORT ON ZOOLOGY.

Mr. WHYTE. I am instructed also by the Committee on Printing to report back, with a favorable recommendation and with amend ments, the Senate concurrent resolution providing for the printing of 5,000 copies of the report on zoology, volume 14 of the final reports of the United States Geological Survey; and I ask for its immediate consideration.

By unanimous consent, the Senate proceeded to consider the reso-

lution.

The amendments reported by the Committee on Printing were, in line 8, to strike out "3,000" and insert "2,800," and, in line 10, to strike out "1,000" and insert "1,200;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed at the Government Printing Office, with the necessary illustrations, 5,000 copies of the report on zoology, volume 14 of the final reports of the United States Geological Survey of the Territories by F. V. Hayden; 2,800 copies of which shall be for the use of the House of Representatives, 1,200 for the use of the Senate, and 1,000 for the Department of the Interior.

The amendment of the Interior.

The amendments were agreed to. The resolution, as amended, was concurred in.

COMMITTEE ON EXCISE REVENUES.

Mr. BAYARD. I ask the Senate to proceed to the consideration of a resolution reported by me from the Committee on Finance about three weeks ago proposing to create a joint committee of two mem-bers of the Senate Committee on Finance and of the Committee of Ways and Means of the House for the purpose of taking into consideration alleged losses of revenue arising from the evasion of the stamptax on cigars and all forms of tobacco that are subjected to stamps. The object is, that as there is an alleged loss of revenue, and a very great one, at this time by the non-payment of stamp duties on cigars made, a sub-committee, as it may be called, composed of members of the House Ways and Means Committee and of the Senate Committee the House Ways and Means Committee and of the Senate Committee on Finance may have before them and hear the various claims for methods of preventing these alleged losses. I believe it is a matter of practical interest to the revenue. I ask the Senate to proceed to the consideration of the resolution. It is on the Calendar at page 2.

Mr. HOAR. I ask the Senator from Delaware if he expects that the resolution will require to be discussed or explained?

Mr. BAYARD. I do not think it will be discussed at all. It is a mere formal matter. It will not take a minute and a half to pass it. The PRESIDENT pro tempore. It requires unanimous consent to proceed to the consideration of the resolution at this time.

Mr. TELLER. I suggest that it be reported. Nobody knows, except from the statement of the chairman of the Finance Committee, what it is.

Mr. BAYARD. The resolution is on the Calendar.

Mr. BAYARD. The resolution is on the Calendar.

The PRESIDENT pro tempore. The resolution will be reported.

The Chief Clerk read the following resolution, reported by Mr. BAYARD, from the Committee on Finance, February 24, 1880:

Resolved by the Senate, (the House of Representatives concurring.) That a joint committee, consisting of two members of the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives, be appointed by the respective presiding officers, to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on eigars and other articles subject to excise duties, what remedy can be provided by law, and with power to recommend such measures as they may deem proper by bill or otherwise.

The resolution was considered by unanimous consent, and agreed to.

REPORT ON BEET SUGAR.

Mr. WHYTE. The Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives authorizing the printing of 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, have instructed me to report it back, with a favorable recommendation, together with two amend-

ments which they recommend to be adopted. I ask for the present consideration of the resolution.

The resolution was read, as follows:

Resolved by the House of Representatives of the United States, (the Senate concurring,) That there be printed 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture February —, in pursuance of a resolution of the House of Representatives. Of this number, 15,200 copies shall be for the use of the House of Representatives, 3,800 for the Senate, and 1,000 for the Department of Agriculture.

Mr. SAULSBURY. I should like to inquire of the gentleman who reported the resolution if he knows anything about the character of this report. The manufacture of sugar from beets in this country is a very new enterprise. Before we order a publication in regard to it we ought to have some assurance that the book has been prepared by gentlemen acquainted with the matter. We should do harm by by gentlemen acquainted with the matter. We should do harm by sending out a book unless it has been prepared by persons having information and knowledge on the subject. Besides the expense of the matter, we should do an actual injury to a young and interesting business in this country unless we are confident that the work which we are to publish, and to which by our publication we give some authority, is a work that has been carefully prepared. Ido not know anything about the knowledge of the parties who have done the work, but we ought to be careful in this matter, I think.

We have in my State an enterprise of this kind for the manufacture

We have in my State an enterprise of this kind for the manufacture of sugar from beets, and it is an interest in which we feel great concern. We do not want our people misled by the publication under the authority of Congress of works upon that subject which are not

authoritative.

The PRESIDENT pro tempore. Does the Senator from Delaware object to the present consideration of the resolution?

Mr. SAULSBURY. No, sir; but I want information.

Mr. SAULSBURY. No, sir; but I want information.

The PRESIDENT pro tempore. There being no objection, the resolution is before the Senate.

Mr. WHYTE. I should like to state, so that the Senate may understand, that this work is prepared by Commissioner Le Duc. Will anybody question for amoment his entire capacity to prepare such a work?

Mr. SAULSBURY. I asked the question of the Senator, as upon the knowledge of the gentlemen preparing the work in my estimation.

the knowledge of the gentlemen preparing the work in my estimation depends the value of the book. I have never learned that Mr. Le Duc is so well informed upon all subjects that he can write books about the ravages of the cotton-worm, the diseases of swine, and every-

about the ravages of the cotton-worm, the diseases of swine, and everything else, including the manufacture of sugar from beets.

Mr. ALLISON. And sorghum.

Mr. SAULSBURY. I should like to have some better authority.

Mr. WHYTE. I thought if there were any two subjects in the world about which he knew everything, they were sugar and tea.

[Laughter.] I hope there will be no objection to the passage of the

The PRESIDENT pro tempore. The amendment of the committee

will be reported.

The CHIEF CLERK. It is proposed in line 9 to strike out "fifteen" and insert "fourteen" before "thousand;" so as to read: "of this number fourteen thousand two hundred copies shall be for the use of the House of Representatives;" and in line 10 to strike out "three" and insert "four" before "thousand;" so as to read: "four thousand eight hundred copies for the use of the Senate."

The amendments were agreed to.
The resolution, as amended, was concurred in.

EULOGIES ON REPRESENTATIVE ALFRED M. LAY.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a concurrent resolution of the House of Representatives authorizing the printing of 2,000 copies of the memorial addresses on the life and services of Hon. Alfred M. Lay, to report it back without amendment, and recommend its passage; and I ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in; as follows:

Resolved by the House of Representatives, (the Senate concurring therein.) That 2,000 copies, in book form, suitably bound, of the memorial addresses on the life and character of Hon. Alfred M. Lay, late a member of the House of Representatives, be printed; 500 for the use of the Senate and 1,500 for the use of the House of Representatives.

REPORT ON ECLIPSE OF 1878.

Mr. ANTHONY. I am directed by the Committee on Printing, to which were referred the amendments of the House of Representatives to a concurrent resolution of the Senate to print 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1878, (1879 in the original resolution,) to report it back, and recommend concurrence in the amendments of the House; and I ask for present consideration. eration.

The Senate, by unanimous consent, proceeded to consider the amendments of the House of Representatives, which were, in line 4, to strike out "1879" and insert "1878;" in lines 4 and 5, to strike out "1,500" and insert "1,000," and, in line 6, to strike out "2,500" and insert "3,000;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1878; of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory

The amendments were concurred in.

AGRICULTURAL REPORT FOR 1879.

Mr. ANTHONY. I am directed by the Committee on Printing, to Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a concurrent resolution of the House of Representatives authorizing the printing of 300,000 copies of the report of the Commissioner of Agriculture for the year 1879, to report it with amendments, and I ask for its present consideration. I call the attention of my economical friend, the chairman of the Committee on Appropriations, [Mr. Davis, of West Virginia,] to the amendments of the Committee on Printing.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for 1879; 220,000 copies for the use of members of the House of Representatives, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The resolution was reported by the Committee on Printing with

The first amendment was, in line 2, to strike out "three" and insert "two" before "hundred;" so as to read, "two hundred thousand

Mr. PADDOCK. I hope that amendment will not be adopted.
Mr. ANTHONY. We have reduced the number from 300,000 to 200,000 copies. The House sent us the resolution for printing 300,000 copies. The committee recommend that the number be reduced to 200,000. The publication, as the resolution came from the House, would cost \$130,000.

Mr. COCKRELL. To publish 300,000 copies?
Mr. ANTHONY. To publish 300,000 copies.
Mr. DAVIS, of West Virginia. How much would it cost to publish

Mr. DAVIS, or West Virginia. How much would it cost to publish 200,000 copies?

Mr. ANTHONY. There will be a proportional reduction by diminishing the number. The cost of composition is very small. The expense is nearly all in press-work and paper and illustrations.

Mr. DAVIS, of West Virginia. May I ask the Senator what has been the usual number?

Mr. ANTHONY. The usual number has been as many as the Sen-

Mr. ANTHONY. The usual number has been as many as the Senate could swallow.

Mr. DAVIS, of West Virginia. How many has that been?

Mr. ANTHONY. I think 300,000 copies.

Mr. PADDOCK. Of the last two reports 300,000 copies each were published. This is the most important of all the reports.

Mr. ANTHONY. I think when providing for printing the last report we amended the resolution by printing 200,000 or 300,000 copies of the reports of previous years, owing to the strenuous exertions of my economical friend from West Virginia.

We are constantly complained of for the extravagance of the public printing. Congress makes meager appropriations for printing, issues large orders upon the Printing Office, and then complains of the Public Printer for making a deficiency. We have appropriated \$400,000 for the deficiency in printing this year, and here we propose to take out \$130,000, about one-third of it, in a single publication.

I have no expectation that the amendment of the committee will prevail, but in the interest of economy we felt it to be our duty to offer it, and I feel it to be my duty to support it.

offer it, and I feel it to be my duty to support it.

Mr. DAVIS, of West Virginia. From the appearance of my friend from Rhode Island and the manner in which he puts his questions, I think the motion to reduce was presented by him in order to have a little fun this morning. I am sure the Committee on Printing do not intend what they have reported to the Senate. If so, they have forgotten that a moment ago they wanted to renew some report that had been made about the moon or about the moon or stars or something else, which perhaps will cost as much as 100,000 copies of these agricultural reports.

Mr. President, almost every morning I listen to the Senator bringing in some report to print something new, something that no one ever heard of before. But let me say to the Senator that nothing he could do would perhaps advance the interests of this country more than to aid agriculture. It is a well-known fact that almost every country on the globe spends perhaps twenty times as much in the fos-tering of agriculture as the United States. I believe about \$200,000 is the entire amount we spend for that purpose, while Russia, our greatest agricultural rival in almost all the cereals, last year or the

year before last spent \$14,000,000.

Mr. ANTHONY. In printing?

Mr. DAVIS, of West Virginia. No, sir; in the fostering of agriculture; and the Senator knows that this printing is almost the only form in which our Government aids agriculture. I hope the report

of the committee will not be agreed to.

Mr. ANTHONY. The Senator says that I have just reported a resolution for the printing of a report about something in the moon. He refers to the observations of the eclipse of 1878, one of the most He refers to the observations of the eclipse of 1878, one of the most extraordinary and, to science, useful natural phenomena that has occurred in many years. The observations are for the safety of navigation, for the security of ships, and for the salvation of life. Congress appropriated \$8,000 to take the observations, which are entirely useless unless the report of the observations is printed, and the cost of that printing will be about \$5,000.

Mr. DAVIS, of West Virginia. It will be recollected by the Senate that perhaps a handful of people are interested in the report the Senator has just referred to, while half the people of the country are

interested in agriculture, and those who are not directly interested in it are dependent upon it.

Mr. ANTHONY. Every man who sails the ocean, every man who has anything brought to him in a ship, is interested in this. The whole navigation of the country and of the world is interested in it.

Mr. DAVIS, of West Virginia. I am not objecting to what the Senator asks, but the Senator is objecting to giving information to the agriculturists of this country. I do not object to what he proposes in the other matter, but I say again that but a handful of people are interested in it compared to those who are interested in agriculture.

Mr. KIRKWOOD. I wish to inquire of the Senator from Rhode Island whether or not the report of the chemist of the Agricultural Department, in relation to making sugar from sorghum-cane, is contained in this report?

tained in this report?

Mr. ANTHONY. I do not know what is contained in this report; I have not seen it; but we have just ordered a large edition of a report on the production of beet sugar this morning.

Mr. KIRKWOOD. But the report upon beet sugar is not as impor-Mr. KIRKWOOD. But the report upon beet sugar is not as important as the report upon the manufacture of sugar from sorghum-cane. We are importing every year many millions of dollars' worth of sugar. The chemist of the Agricultural Department says, rightfully or wrongfully I am sure I do not know, he very earnestly believes that he has demonstrated our power to produce unlimited quantities of sugar in the United States from sorghum-cane. If that be true, the fact that it can be done and the methods by which it may be done should be spread as broadcast as possible through our country. If we can save forty or fifty millions of dollars a year that we now spend for sugar raised abroad by making it from the Chinese sugar-cane at home, the cost of printing three hundred thousand copies of this report will be very well spent.

very well spent.

Mr. ANTHONY. I think that might be put into a separate report.

I have great confidence in the chemist of the Agricultural Department, Professor Collier, a very competent and able man. I have great faith in the truth of his theory, and in his development of it. I think that of the report upon the production of sorghum I should be in favor of a large edition.

Mr. KIRKWOOD. I am anxious that should be done. I know the report has been withheld; I have tried to get it to send to my own State, so that this spring our people before corn-planting time might be ready to go on with the enterprise in the direction pointed out by the chemist; but I have been met all the time on application to him and to General Le Duc, the head of the Department, by the statement that there was no money to print the report. I was glad when I heard the resolution brought in this morning, and I suppose that, of course, this report becomes part of the general report of the Commissions.

sioner of Agriculture.

Mr. ANTHONY. The Senator from Nebraska [Mr. PADDOCK] can answer that question.

Mr. PADDOCK. I understand that there is a very full and elaborate report on this subject contained in the general report of the

Commissioner. In other respects it is, perhaps, equally important. It is by far the most important report from that Department.

Mr. KIRKWOOD. I have but a single further remark to make. If the conclusion of the chemist is true, and that shall prove to be a success, the establishment of the Department of Agriculture will prove to be the best investment that this Government has made for

a long time.

Mr. PADDOCK. Considering these facts in connection with the fact that during the two years preceding this we published the same number of this report, it seems to me that it would be a very improper thing to cut down the number at this time. Certainly, upon the score of economy, we need not dwell quite so particularly at this time, because the country is in a more prosperous state than it was during the two preceding years when this large number was published before, and we are undoubtedly better able this year to publish the same number than we were before. Therefore I should say that it was practicing economy in the wrong direction and at the wrong time.

Mr. SAUNDERS. I hope this amendment will not prevail. This is about the only thing we can do for the farming community in the way of legislation; and, as has already been said, about one-half of all the business men of this country are farmers, and from them has to come everything that we all depend upon for a living. If we can do a little by way of circulating documents to give information (and this one, I understand, is very full of valuable information for farmers) it will be a thing that will be appreciated by them. While I do not object to the printing of the document that has been alluded to by the Senator from Rhode Island on behalf of the Printing Committee, I would not look at the expense of printing this report to save the money for that purpose or for any other. I hope that this amendment will not prevail, but that the resolution will be passed as it came from the House of Representatives.

Mr. WINDOM. I only rise to say that I am very glad to hear the Senator from Rhode Island inform the Senate that he does not expect his amendment to pass. I hope the Senate will not disappoint him. I think that to commence our economy upon the agriculturists of the country is a very bad place to begin it. I hope it will not be done to-day. Mr. SAUNDERS. I hope this amendment will not prevail. This

be done to-day

The PRESIDENT pro tempore. The question is on the amendment

of the committee to strike out "three" and insert "two," so as to reduce the number to "two hundred thousand."

The amendment was rejected.

The next amendment of the Committee on Printing was stated to be, in line 5, to strike out "two hundred and twenty" and insert "one hundred and thirty;" so as to read:

One hundred and thirty thousand copies for the use of the members of the House

The PRESIDENT pro tempore. The remaining amendments are amendments providing for distributing the two hundred thousand.

Mr. ALLISON. They ought to be rejected, of course.

Mr. DAVIS, of West Virginia. What is the number in the amended

resolution for the Senate?

The PRESIDENT pro tempore. "Forty thousand for the use of the members of the Senate" is the amendment. The original resolution

Mr. ANTHONY. The subsequent amendments fall of course with the main amendment. They were merely adapting the distribution to the reduction of the whole number proposed by the first amend-

Mr. DAVIS, of West Virginia. Now I understand the Senate proposes to pass the resolution as it came from the House with 300,000,

and the proper distribution accordingly.

Mr. WHYTE. The committee reported these amendments to conform the distribution to the reduction reported. This new distribution the committee recommended on the theory that the number would be reduced from 300,000 to 200,000. Mr. HARRIS. I ask for the reading of the original resolution as it

came from the House.

The Chief Clerk read the concurrent resolution of the House of

Mr. DAVIS, of West Virginia. The distribution appears to be very

Mr. ANTHONY. I have an amendment to alter the distribution

when these pending amendments are rejected.

The PRESIDENT pro tempore. The first question is on the amendments reported by the committee, which the Senator from Rhode Island suggests should fall because the amendment reducing the total number to 200,000 was not agreed to. If there be no objection, it will be considered that these amendments are rejected. The Chair hears no

considered that these amendments are rejected. The Chair hears no objection, and it is so ordered.

Mr. ANTHONY. Now, having given Senators who are devoted to agriculture an opportunity to air their patriotism, I suppose that if we are to print this large number the Senate wants some proportion of the "swag." The original resolution gives the House 220,000 copies and the Senate 50,000. I move to amend by substituting 195,000 for 220,000 for the House, and 75,000 instead of 50,000 for the Senate, leaving the 30,000 for the Commissioner untouched.

Mr. BIAINE. Make it 76,000 for the Senate, and that will be exactly 1,000 arises.

actly 1,000 apiece. Mr. ANTHONY. Mr. ANTHONY. At the suggestion of the Senator from Maine, I will modify the amendment so as to read "194,000 for the House and 76,000 for the Senate," leaving the 30,000 for the Commissioner.

Mr. HOAR. I wish the Senator from Rhode Island would give the

House the whole of them.

Mr. EATON. Let me suggest that 30,000 is a greater number than is necessary for the Commissioner.

Mr. ANTHONY. No, I think the Commissioner makes the best dis-

tribution, because he has many correspondents who have no other compensation than a copy of this work.

Mr. DAVIS, of West Virginia. I understand the Commissioner furnishes all the agricultural societies of the country. He has lists,

and sends one copy out regularly to each society.

The PRESIDENT pro tempore. The amendments of the Senator from Rhode Island will be reported.

The CHIEF CLERK. In line 5 it is proposed to strike out "220,000" and insert "194,000."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be read.

The CHIEF CLERK. In line 7 strike out "50" and insert "76," so as to read, "76,000 copies for the use of the members of the Senate."

The amendment was agreed to.

Mr. ALLISON. That will allow a thousand copies to each Senator. The resolution, as amended, was concurred in.

BILLS INTRODUCED.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1611) to incorporate the National American Humane Association; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ROLLINS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1612) to relieve from taxation certain property in the District of Columbia actually held and used for charitable and benevolent purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1613) to establish post-routes in the State of Nebraska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McPHERSON, it was

Ordered. That the papers in the case of Sallie A. Palmer be taken from the files of the Senate and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. INGALLS submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SAWYER'S IMPROVED CANISTER.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate what has been the action of his Department in adopting Sawyer's improved canister, and his opinion as to the justice of compensating said Sawyer for his invention.

MUTILATION OF A WEST POINT CADET.

Mr. LOGAN. I submit the following resolution for present consideration:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate any facts that may be in his possession in reference to the recent mutilation of one of the cadets at West Point.

Mr. EATON. I think that had better go over. There is already an examination as I understand going on in regard to that outrage.

Mr. LOGAN. This is not an investigation; it is merely a call for

Mr. EATON. We shall be very apt to get it when the examination

is through.

Mr. LOGAN. I see from reports that are going through the country that it has been at least suggested that this cadet mutilated himself. Now, that is so strange, it strikes me as being so extraordinary, that I should like the Senate to have some information on the subject. Without giving any opinion in regard to it, I only ask that the Secretary of War furnish the Senate with information; and then whatever information is received can be referred to some committee. Afterward, if the committee shall deem proper to ask the Senate to inquire further into the matter, the proper steps will have to be taken. That is the only object I have. Mr. HOAR. Mr. President—

The PRESIDENT pro tempore. The Chair wishes to inquire whether the Senator from Connecticut objects to the present consideration of the resolution?

Mr. EATON. I merely made a suggestion to the Senator from Illi-nois that he had better wait until information came from the proper

Mr. CONKLING. What is the proper source?
Mr. EATON. We know the Secretary of War has not got it yet. We know that at this time there is an examination going on by the authorities at West Point; and therefore it struck me that we had better wait awhile before we ask the Secretary of War for informa-tion which we know now that he does not possess—that he has not

Mr. LOGAN. The Secretary of War is the proper source—
The PRESIDENT pro tempore. The Senator from Illinois will please suspend. This discussion is out of order until it is ascertained whether the Senate gives unanimous consent. Is there unanimous consent to the present consideration of this resolution? The Chair hears no objection, and the Senator from Illinois will proceed.

Mr. HOAR. I rose to suggest to the Senator who offered the resolution whether it would not be well to incorporate in it "so far as may be made public without injustice." If there has been communicated from the Superintendent of the Military Academy or from any quarter information reflecting on the character of this cadet or of any other cadet as mere matter of suspicion, it ought not to be spread before the Senate and before the country prior to an investigation being made. I suggest, therefore, that the resolution should say "so far as, without injustice, in his judgment, the information may be

made public."

Mr. LOGAN. I have no objection to that, because that is usual in inquiring of the Department for information. I have no objection

to that modification.

Mr. CONKLING. If the Senator will hear me I do not think it is usual to address to the head of a Department such a discretion as that. My recollection is that a resolution containing that is always addressed to the President; and is in the form of a request if not incompatible with the public interest in his judgment to furnish the information. But to address the Secretary of War and then leave him to determine whether he chooses to answer, I think the Senator will agree with me on reflection has never been customary. I do not see myself any objection to the resolution as the Senator proposes it; but if he does, it seems to me the better way would be to change it and address it to the President and request him, if in his judgment not incompatible with the public interest, to communicate this infor-

Mr. MAXEY. I suggest to the Senator from Illinois that it is possible this call may be premature. General Schofield, commanding the department at West Point, has, we learn, ordered a court of inquiry, and that is the usual and ordinary method of investigating a question of this kind. Doubtless that court will fairly and fully investigate the circumstances, and we shall then have an official report,

not a mere newspaper report, of all the facts and circumstances so far as they are ascertained by that court; and when that report is received by the Department the Senate can take such action as may be proper.

Mr. HOAR. Mr. HOAR. I do not see any objection in a proper case, although it be not usual—because such proper cases do not often arise—to allowing the head of a Department to withhold facts which, in his judgment, it would be improper to make known. Here is a case of a secret crime of the most gross and odious description, and the authors of it are not yet discovered. Measures are in progress for their discovery. Now, why require every possible fact, or suspicion, or suggestion which may have been communicated through the head of the Department at West Point to the authorities here, to be made public? I do not understand the Senator from Illinois comtemplates for a moment that there shall be made public things that merely raise suspicion about an individual which further examination may show not to be well founded. In regard to this young man the fact of a suspicion against him ought not to be spread abroad unnecessarily. For that reason it has occurred to me that there can be no harm in excepting from the direction such facts as the Secretary may be of opinion justice requires to be withheld from the public.

The PRESIDENT pro tempore. Does the Senator from Massachusetts move an amendment?

Mr. HOAR. I did not move an amendment; I only made a sug-

Mr. LOGAN. I have no desire except to get proper information. I am willing to change the resolution and direct it to the President and make the addendum as suggested by the Senator from Massachusetts, so as to put it in this form: "That the President be requested, if not incompatible with the public service;" and then there can be no objection to it.

I wish to say to the Senator from Texas [Mr. Maxey] that the fact that a court of inquiry has been ordered by the commandant at West. Point is unimportant so far as this resolution is concerned. This resolution will not take away from that court any of its qualifications or powers, but will only give us the facts as they are obtained here at the proper Department. I do not know; I am giving no opinion about this matter; but I desire that the Senate may be informed of the facts with a view that if the necessity should arise the Senate may then take such action as they deem proper, if they should deem any action proper at all, for the purpose of making an inquiry in reference to this case.

Mr. MAXEY. If the Senator from Illinois will permit me, I will give my reasons. A court of inquiry is a legal body acting by authority of law, authorized by law to send for books and persons and papers, to summon witnesses, to make an examination and report; and I to summon witheses, to make an examination and report, and it thought we should get a more satisfactory report of this matter from a court which the law authorizes to make a report. I do not want to interfere in the slightest degree with a full investigation; I only want a reliable report from a legal body, as I think that is.

Mr. LOGAN. The Senate will observe that the only way we shall

get the report of the court of inquiry is through a resolution; and this resolution, because that court has been convened, will not by any means prevent us getting the information, nor will it hasten the information; it only paves the way for us to receive the information. I offer the resolution because of the extraordinary character of the dispatches which I have seen. Without reflecting upon any officer or anybody, I must say that these dispatches are extraordinary. The accusation against an individual that he would cut off his own ears is something I have never understood before, except in one instance. I remember once defending a man before a court for mayhem. He was accused of biting off the nose of another party, and I undertook to prove to the jury that the man bit off his own nose, but I did not succeed. [Laughter.] This is the only instance I have ever heard of since that where a man was accused of mutilating himself in this way; and on account of that fact, I desire the information, and that is the

I hope the resolution will pass, because it will not impede any court

of inquiry or prevent any action.

Mr. VOORHEES. I rise to ask the adoption of the resolution, not for the purpose of objecting to it. I have for many years looked with wonder upon all graduates from West Point. I have looked upon them as spared monuments of a system of brutality and barbarism, and the wonder is that they have passed through it and are alive in our midst. I have known for years of young men, not colored young men but white young men, who have been driven away from that place of national education by a system of conduct on the part of their fellow-students so disgraceful that I will not attempt its description. I will not attempt its description. tion. I will support any proposition for an investigation. I will assist as far as in my power to create public opinion against such practices, and to humanize and civilize, if not possibly Christianize, West Point. This ought to be done, or the Military Academy ought to be abolished. If this unspeakable and infernal outrage of which we read in the last few days has been perpetrated, there is no length to which this Government ought not to go for the purpose of correcting such abuses, even to the extent of abolishing the institution. If it is impossible to conduct the institution upon civilized and humane principles, it ought to go down. I have attended institutions of learning in my earlier days, and so have other Senators about me. I know that it is possible for young men in large numbers to be assembled

together and pursue their studies and yet treat each other as gentlemen. I know that is possible from my own experience. But it seems to me there must be something in this seminary of war on the Hudson River that inspires young men, after their arrival, with a taste for brutality and blood that is perfectly amazing. Whether it is because they are being educated to war with their kind, I do not know. Whether it is the fault of the management there I cannot know. Whether it is the fault of the management there I cannot say. But if there is any sentiment in my heart that is stronger than another it is that of abhorrence for the violence and outrage which have the stronger than another it is that of abhorrence for the violence and outrage which have so long and so often characterized the conduct of the students of West Point.

of West Point.

I take no stock in the idea that this young man cut his own ears. It is absurd, ridiculous. Such a report is part of that system which I have denounced. I favor the adoption of the resolution.

Mr. MAXEY. I do not suppose there is a man living who would be more in favor of the most thorough and complete and searching investigation into this alleged outrage than myself. If the reports in the newspapers be true, it is not only brutal, but it is contemptible and cowardly. There is no courage, there is no bravery in such an act as that. It is absolute cowardice, if the reports be true. The point that I was making and the only suggestion that I made to the act as that. It is absolute cowardice, if the reports be true. The point that I was making, and the only suggestion that I made to the Senator from Illinois, was that Congress has created by law a court for the purpose of making inquiry into matters like this. The court of inquiry has the power to make inquiry into all the facts and circumstances; and when the report of the court of inquiry is made, it is simply reported through the proper channels to the Secretary of War. When that report comes, then we shall have from the Secretary of War something tangible, something definite, instead of wild, floating rumors. That is all there is in it. If we can expedite that, as a matter of course I have no objection in the world, because I desire it understood that I am in favor of investigating this thing to the very bottom, but I believe the law has provided a channel through which we must start in that direction, and that channel I have pointed out.

Mr. BURNSIDE. Mr. President, I hope this resolution will pass, because I want to see the most thorough investigation made and in

every possible way.

Just one word in answer to what the Senator from Indiana [Mr. VOORHEES] has said in reference to hazing at West Point. After an experience of four years there I can bear witness to the fact that the cadets are no more addicted to that habit than students in other colleges, and cruelties have never to my knowledge been perpetrated to any extent except in an indiscreet, certainly not in a premeditated, way. I have never known but one cadet to be harmed in my life. I never heard of an instance of this kind before, and I am sure I am very anxious as a graduate of that institution to have it investigated, not only by a court of inquiry of which the Senator from Texas speaks, but he compared the court of the co but by every possible means that we can adopt. I shall therefore favor this resolution.

I have felt bound to say that much in answer to the Senator from Indiana, because I did not want it to go abroad from so high a source as that that West Point was worse than other institutions, because it is not. I think this habit of hazing on the part of students at the colleges in the United States ought to be stopped; it is a very bad habit; and we as promoters of the public good and makers of the public laws ought to do everything in our power to stop it.

Mr. BRUCE. Mr. President, I indorse every word that the Senator from Indiana has uttered. For three or four days the newspapers have been laden with reports as to the mutilation of this young man at West Point. Now, a theory is being advanced that this young man

have been laden with reports as to the mutilation of this young man at West Point. Now, a theory is being advanced that this young man has mutilated himself. If he did, the country ought to know it, and he should be promptly expelled from the institution. But it is asking entirely too much of me when I am called upon to believe that young Whittaker, or any other man under similar circumstances, would thus mutilate himself. To use a very significant cant phrase, this theory is entirely "too thin." We have for several days been engaged very industrially and desired the statement to be him. is entirely "too thin." We have for several days been engaged very industriously, and legitimately, I think, in an attempt to pass a bill which will more effectually civilize and Christianize the Indians. I think the Senate would do well if it would devote a little time to the civilization of West Point. For six or seven years scandalous stories have emanated from that institution relative to the treatment rehave emanated from that institution relative to the treatment received by young men sent there. I know one instance in which a young man voluntarily abandoned the institution because he was unwilling to be subjected to the outrages that obtained therein.

The Senator from Rhode Island [Mr. Burnside] says that West Point is not worse than other institutions. I hope it is not; but I fear that West Point has retrograded in some respects, in administration at least, since the Senator left it.

I once said to a young colored man who asked me for my influence to secure him an appointment at this institution, that if he were my enemy, and I desired to inflict a severe punishment upon him, I would send him to West Point. But in cases of this sort it makes no difference whether the cadet is white or colored, and I have not for a moment stopped to consider that phase of the question, and I am glad to see that the Senator from Indiana has not done so. We support this resolution upon higher grounds, and rest it upon considerations of humanity and the good order and efficiency necessary to the administration of this important public trust. The Senate ought to know all the facts in the case, and if any of the parties who belong to the corps of which this young man is a member, or if other persons

not connected with the institution are the criminals, the country should know it, and the guilty parties should be promptly and ade-

quately punished.

I do not propose to institute a comparison between this and other institutions of learning as to their methods of administration; I do not know that there are other institutions as vicious in the direction not know that there are other institutions as vicious in the direction under discussion as West Point; but I do know that we are more directly connected with the control of this, a Government and national institution, than of any other of similar character in the country, and that public opinion holds us responsible for the conduct of its affairs. It is hard to conceive that such excesses as have sometimes occurred at West Point, in the matter of hazing and other irregularities and personal indignities, could happen in a military institute with its exact and stringent discipline, unless there was a vice somewhere in the methods of governing the institution, and I believe this investigation will have a healthy influence upon the officers charged with the administration and control of West Point.

Mr. HOAR. Mr. President, I do not think this case ought to be confounded, as the Senator from Indiana seems to confound it, with the ordinary cases of hazing which has existed, as we all know, in all our

ordinary cases of hazing which has existed, as we all know, in all our large colleges, and which has existed in West Point in the past. That brutal system came so us by lawful inheritance from the English schools. I suppose there are few illustrations of savage brutality to be found in the practices of civilized nations greater than those furnished by the brutalities practiced in former generations, and in some respects at present, by English boys upon one another in their great public schools. That occurs in the first year, not in the third year, in our colleges. The good sense of our young men, the efforts of interests the fact that occurs are respectively. structors, the fact that boys now enter college at a more advanced age than formerly, are largely curing that abuse in many institutions of education, but the treatment of the colored pupils at West Point stands by itself alone. The colored boys who have entered West Point have been subjected to a course of treatment there which, if it cannot be put a stop to, ought to result in the abolition of the institution itself and the resorting to some other method of educating officers for the service of the Republic.

Now, as a rule, the young men at West Point abstain from outrages of the character which have been alluded to by the Senator from Indiana; but, as a rule, they have indulged until very recently, and perhaps do still indulge, in a course of conduct more cruel than any physical brutality such as has been described. The colored boy who enters West Point, unless the practice of that institution has changed within a year or two is in as complete a solitude from the time he within a year or two, is in as complete a solitude, from the time he enters until his graduation, as Robinson Crusoe was on his desolate island. Everything which the discipline of the institution demands from one soldier to another next him in the ranks is scrupulously performed; but the boy is left absolutely without an associate; nobody speaks to him; nobody calls upon him at his room; nobody affords any sympathy to him in sickness or in sorrow. When he enters the recitation or the examination room and takes his seat on a bench, that bench is left vacant. Who would not rather have his son fight his way through a dozen such attempts at hazing as have been described than spend four years of his life, of the sensitive period of growing

boyhood, in such a solitude as that i

I suppose that centuries ago, when the pride of rank and of caste existed among the civilized countries of Europe, something like that existed among the civilized countries of Europe, something like that might have happened in the case of a boy of poor and humble origin who had gone into a university which had been appropriated to the children of the rich; but the manly feeling of boyhood and the example and instruction of the men in charge of the institutions, the teachers, have long since cured all that, and I suppose any English or American boy would consider it the basest thing he could do to treat in that way any other boy on account of humbleness or poverty of origin; but I am afraid the instructors at West Point have not succeeded, and I am not quite sure that many of them have tried to impress on the classes there that the basest thing they can do is to treat a young colored youth as a person to be exiled from all the sympathies and associations of humanity on account of the color of his skin; and this American Republic, with its four million colored citiskin; and this American Republic, with its four million colored citi-zens equal before the constitution and the law, will grind that institution to powder unless this abuse is cured.

Mr. McMILLAN. Mr. President—

The PRESIDENT pro tempore. The morning hour has expired.

REFERENCE OF A MESSAGE.

Mr. JOHNSTON. I move that the message of the President of the United States, communicating, in compliance with a resolution of the Senate of January 29, 1880, information in relation to the awards of the mixed commission organized under the treaty of April 25, 1866, between the United States and Venezuela, be referred to the Com mittee on Foreign Relations.

The motion was agreed to.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1509) to accept and ratify the agreement sub-mitted by the confederated bands of the Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same, the pending question being on the amendment submitted by Mr. Dawes,

to insert, in section 1, line 14, after the words "to wit," the following:

Provided, That the President may in his discretion appropriate an amount thereof, not exceeding \$10,000, for the education, in schools established beyond the limits of the land selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and.

Mr. VEST. Mr. President, I shall make no apology for occupying the time of the Senate in briefly discussing the bill reported by the Committee on Indian Affairs. Any measure which involves the political and social existence of a people deserves the earnest consideration of both the statesman and the philanthropist. There is nothing political and nothing sectional involved in this piece of legislation, and yet I venture to say that upon no question ever brought before the American Senate has there been so much cheap philanthropy and cheap rhetoric as upon the so-called Indian problem. The woodland tales of Cooper, the unerring rifle of Deerslayer, the heroism of the Huron chief, and Longfellow's sweet song of Hiawatha and "the shining water," have so enchanted the eastern press and pulpit that they profess to believe that the people on the border are principally occupied in first robbing the Indians and then murdering them.

Sir, I do not complain; it is a part of the selfishness of human nature for those "to jest at scars who never felt a wound." The last three generations in New England have had no Indian war, and they view this question by the light of the domestic lamp, not by that of the burning home. With us in the West it is a living, practical, real question. It comes to us by day and is with us by night; and it is time that this Government should meet and grapple with the greatest question that has ever come before it in the present century, and end it. I say, sir, that the northern press and pulpit are filled with gush and sentimentalism on this Indian question. I have before me a pamphlet issued in the State of Massachusetts, over the signature of Governor Long of that State, upon the Ponca question and the Indian problem generally, and in that report the whole result of this great question is summed by the committee appointed by the governor as

Removal of tribes unlawfully; permitted encroachments of settlers upon the lands belonging to the Indians; violation of solemn treaties; non-payment of funds belonging to the Indians; neglect in providing schools, as promised; starving the Indians; holding whole tribes responsible for the crimes of a few; threatening them with war, and starving innocent women and children, if the guilty persons will not give themselves up to be hung; in fact, all the abominable, atrocious, and revolting crimes that a stronger power can perpetrate upon a weaker one.

I have read this pamphlet, emanating from that great State, from one end to the other, and in it is not one syllable, not one single expression that does not condemn the white race upon this continent, and declare the Indians in every instance the innocent party. And, sir, not content with this they quote with approbation a slander upon the Congress of the United States, and send it to the country charging us with malignity and hostility to the entire Indian race. Let me read:

read:

It is to be regretted that a more favorable sentiment toward the Indian Department does not prevail in Congress. But as Congress is the outgrowth of public sentiment, we must infer that public sentiment demands, or it would not sustain, their unfavorable action. So long as the Indian question remains without advocates other than those in the pulpit or in the Indian service, we have little to hope for in the way of favorable action or friendly sentiment in Congress. The moralist, the philanthropist, and Christian may cordially unite in their sentiments of friendship for these degraded wards of the nation; the missionary societies may drain their contribution-boxes, and their missionaries themselves may prosecute their self-sacrificing labor in vain, while the politician in the halls of Congress carries his dislike for the unfortunate Indian into the treatment of the Government having charge of this unprofitable matter.

If this hostility exists in the hells of Congress where is it seen.

If this hostility exists in the halls of Congress, where is it seen; where is it felt? Look at the bill now pending before the Senate of the United States; the principal objection made to it by its opponents is that it suffers the guilty to escape. I charge here to-day that the Ute Indians deliberately for months before prepared for this outbreak of hostilities, and burned the grass between the Union Pacific Railroad and their reservation to prevent the advance of troops, and before they murdered the agent and the agency employés three packages of Winchester rifles had been secured by them. General Merritt reports that from one Indian engaged in the White River massacre was captured the enormous amount of twelve thousand rounds of fixed ammunition. And yet these Indians to-day are to receive from the bounty of 'he Government increased annuities and to be removed to a more favorable reservation. This is the hostility of the Government! This is what New England denounces as the savage feeling of the western people and their representatives to these unfortunate wards of the nation!

Sir, I say in all kindness these gentlemen should read the history of their own fathers; they should read of that first raid on Indian territory made by the so-called Pilgrim Fathers, when they came to the shores of New England uninvited and unexpected. They resolved "first, that the earth with the fullness thereof belongs to the saints, and, second, that we are the saints." Sir, if they propose now to carry out their philanthropy as they proclaim it from the lecture-rooms of Boston, in the name of justice let it be carried to the full extent. If we propose to do complete justice, let us give back this continent to its original owners, or let us impanel a jury of nations and assess the damages and pay them to lineal descendants of the people we have wronged.

I hardly think either political party will adopt such an issue in the

coming campaign, for not even the ex-President, before whom, as we have heard in this Chamber, an entire continent uncovered, could successfully carry this debt through the nominating convention.

Mr. President, this is not a question for namby-pamby sentiment nor for lecture-room gush. It is a practical, real question worthy of the earnest consideration of practical and sensible men. What is to be the fate of the three hundred thousand, the remnant of the people who once owned this vast domain? According to the report of Mr. Walker, former Commissioner of Indian Affairs, and much the most intelligent incumbent of that office, there are to-day, or were a few years ago, a little over three hundred thousand Indians within the jurisdiction of the United States, one hundred and twenty-five thousand half-civilized, ninety-eight thousand completely civilized, and seventy-eight thousand wholly barbarous. We have, then, these three classes of this unfortunate race with whom to deal, and the question before the country now is, not as to the wrongs done their fathers, not as to the history of outrages which have been committed, but what shall be done with this people.

When the sentimentalists of New England desire to go back and moralize on the condition of the past, let them read the history of other nations and content themselves with their abstractions, for they are but abstractions at best. I say it in no unkindness and with no desire to put any badge of inferiority on the Indian race, but in all animated nature the rule prevails of the survival of the fittest; in all history it has been so and will be so to the end. The very volume on the pulpits of the East, when preacher and congregation gush in sentimentality over the wrongs of the Indian, contains that wonderful history of the forty years' pilgrimage by the chosen people of God, in which, under His immediate direction, they seized territory after territory and exterminated the inhabitants, smiting them hip and thigh, even to the destruction of men, women, and children. It has been so and will be so unto the end of time. The superior race, under the expansive force of civilization, will push aside the inferior. The Roman people had dominion over the then known world; but they fell before the superior force of the nations of the north. The Norman overcame the Saxon, who had before that driven out the Celts and the Picts, and when our fathers landed upon this continent the wave of civilization commenced rolling westward until it struck the shores of the Pacific Ocean. As well cope with the silent but irresistible forces of nature as with the expansion that comes from the superiority of blood and of race.

Mr. President, without extended résumé of the Indian question and its history, I propose to notice hurriedly the action of the Congress of the United States since the formation of the Government.

During the revolutionary war, very naturally and properly dreading the scalping-knife and the tomahawk of the savage, when invoked to the assistance of our British adversaries notwithstanding the appeals of Lord Chatham and other great statesmen, our fathers sought the friendship and attempted in every way to conciliate the Indian tribes then occupying the territory west of the Alleghanies, and extending from the great lakes of the North to the Gulf of Mexico on the south. We find in the annals of the Continental Congress an appropriation of forty thousand pounds sterling to purchase goods with the view to open and maintain an amicable trade with the Indian tribes. We find a resolution inviting the Indian tribes to send their youth to Dartmouth and Princeton and other colleges then existing in the Colonies. When the war of the Revolution had terminated, when Independence had been declared, and the fundamental articles of association came to be agreed upon, the policy in regard to the Indian tribes was materially and essentially altered.

In the Federal Constitution there is inserted a clause which remains to this day:

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It required no decision of the Supreme Court of the United States to show that these Indian tribes were not foreign nations and were not States. When the Supreme Court afterward, in the case of the Cherokee Nation against The State of Georgia, decided that under the judiciary clause and under the treaty clause of the Constitution the Cherokee Nation was not a State and was not a foreign nation, they simply followed out the irresistible construction of the original clause placed in the Federal Constitution. "The Congress shall have power to regulate commerce" with three classes of nationalities, or rather with three sorts of organizations; first "with foreign nations." If Indian tribes had been included within "foreign nations," then "Indian tribes" would not have afterward been mentioned by the framers of the Constitution. First "with foreign nations," next "among the several States," and if they had been included in the term "States" they would not have afterward been mentioned in this clause; but to show that they were included in neither, to show that they occupied a position widely different, to show that they were not States, that they were not foreign nations, that they were, to use the language of the Supreme Court, dependent provinces, wards of the nation, they added to the other two clauses "with the Indian tribes;" so as to make the clause read:

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

That clause has been construed by the Supreme Court, and it shows, with great deference to that august tribunal, how the judiciary become imbued with the necessities and interests and prejudices of the

people; and while they may be perfectly pure—and I make no charge as to the purity of the Supreme Court of the United States in any regard—while they may be perfectly pure and learned in the law, they still, like all men, partake of the prejudices, feelings, and passions and interests of the age. In construing this clause of the Constitution, the Supreme Court of the United States says, 1 McLean, page 254, in the case of The United States vs. Cisna:

Commerce with foreign nations and among the several States can mean nothing more than intercourse with those nations and among those States for the purposes of trade, be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or by a passage overland through the several States, when such passage becomes necessary to the commercial intercourse between the States.

This clause in the Constitution applied also to the Indian tribes; but construing that part of the clause in regard to Indian tribes or nations, the same court says:

Under the power to regulate commerce for the Indian tribes Congress has power to prohibit all intercourse with them except under license.

In 1790, a year after the adoption of the Federal Constitution, in my judgment, the great mistake was instituted and has been since perfected under which we have come to our present position, with the status of the Indian unknown and undefined, and all the evils of an erroneous system pressing upon us. We have attempted to civilize the Indian, and yet have excluded him from civilization. We have put around him all the barriers which law and force could put about any people. We have excluded him from contact with civilization and Christianity; we have placed him under the power of corrupt agents, or else under the power of men who know nothing of the Indian and nothing of the necessities of his practical life. This poor mundered man Meeker lost his life heaves he know nothing of poor murdered man, Meeker, lost his life because he knew nothing of the Indian character. He was a partner at one time in the enterprise which established the town of Greeley on the plains, and went West, his heart swelling with philanthropy. He went with the Bible and the doctrine of the New Testament to a people in whose hearts rankled malice, vindictiveness, and death to every white man, and who

sited mance, vindictiveness, and death to every white man, and who can be restrained only by force and by fear.

Sir, the last recorded syllable from Meeker was an epitome of the history of all this terrible Indian war. A few weeks before his death he was assaulted by Johnson, one of the Indian chiefs. He was beaten, mangled, and but for the interference of the whites at the agency, his death would then have occurred instead of a few weeks after. Carried to his bed, he then reviewed his life. He looked back when all that he had dear. He had left the situ of New York he upon all that he had done. He had left the city of New York; he had left his employment on the New York Tribune, and gone as a large-hearted but mistaken man into a country for which he was not fitted, gone to a people whom he did not understand, gone with the best intentions, and under the mistaken notion that the Indians could be controlled by absolute kindness without the application of force at all. When he undertook to make their children attend school; when he tried to teach them the arts of agricultural life, they turned upon him like a tiger upon his keeper and destroyed him. Here is what he said to a citizen of Kansas City, Colonel Steele, a gentleman whom I know very well.

I came to this agency in the full belief that I could civilize these Utes, that I could teach them to work and become self-supporting—

Ah, sir, that is the dream of the philanthropist; that is the dream of the lecturer at the lyceum; that is the pathetic appeal of the preacher in the pulpit of the East—
that I could teach them to work and here.

preacher in the pulpit of the East—
that I could teach them to work and become self-supporting. I thought that I could etaalblish schools and interest both Indians and their children in learning. I have given my best efforts to this end, always treating them kindly, but firmly. They have eaten at my table, and received continued kindness from my wife and daughter, and all the employés about the agency. Their complaints have been heard patiently, and all reasonable requests have been granted them, and now, the man for whom I have done the most, for whom I have built the only Indian house on the reservation, and who has frequently eaten at my table, has turned on me without the slightest provocation, and would have killed me but for the white laborers who got me away. No Indian raised his hand to prevent the outrage, and those who had received continued kindness from myself and family stood around and laughed at the brutal assault. They are an unreliable and treacherous race.

He found it out on the eye of death. His death was the most hor-

He found it out on the eve of death. His death was the most horrible known, even in uncivilized warfare—butchered in the presence of his wife and daughter—when he knew that the same hands that were then reeking in his blood would tear from that wife and daughter the jewel that makes womanhood and life alone desirable. Sir, I have frequently thought that the great mistake made by such men as Meeker, made by men who go among the Indians with the best motives, is that they know nothing about the Indian character. They do not appreciate the fact that the motives which apply to the white race apply not to them. They do not understand in a state such as the Indians occupy on the plains that you might as well carry the Bible to the wild beasts in the jungles of Africa, you might as well preach to a hyena as undertake to teach them that the doctrine of the New Testament is the code given by God to man under which he must live

From 1790, after the adoption of the Constitution of 1789, which, I say, was the commencement of this system of non-intercourse with the Indians, falsely called the Indian intercourse laws, by which we shut them up, put them under an agent, prohibited them from trade, took away from them all individual responsibility, merged their existence in the tribal relation—from that time down to this we have succeeded most admirably in perfecting a system, false in theory,

ruinous in practice, which can have only one solution—the utter extermination of the Indian race—I say deliberately, the extinction of the Indian race from the face of this continent.

the Indian race from the face of this continent.

I approve most cordially that sentiment of General Grant given in his first message to the American people, when he said that the extermination of any race by the people of the United States would bring down upon us justly the execration of all christendom. It is an idea too horrible to contemplate; it is an idea which no intelligent and civilized human being can for a moment contemplate without a shudder. What must we do? We must abandon this system inaugurated in 1789 and perfected in legislation down to 1871.

I shall not detain the Senate at any unnecessary length, but the history of this legislation is instructive and interesting. On the 22d of July, 1790, an act was passed by Congress establishing a line between the Indian country and that of the whites, no trade with the Indians except by license, no sale of lands to be valid unless ratified by the Government; merchandise, if found without license in the

Indians except by license, no sale of lands to be valid unless ratified by the Government; merchandise, if found without license in the Indian country, to be forfeited absolutely to the Government. The Indian country, then being west of Cleveland and extending from the great lakes of the North to the Gulf on the south, was hermetically closed to civilization except by communication with the British on the north or the Spaniards on the south.

November 19, 1794, the English were permitted to trade with the Indian tribes and in August 1705.

November 19, 1794, the English were permitted to trade with the Indian tribes, and in August, 1795, a treaty was made at Greenville with the tribes of the Northwest, which prohibited trade with all except citizens of the United States. The English finding then that the great and valuable fur trade of the Northwest was to be taken from them, and a monopoly put into the hands of American merchants, complained, and the result was that the Government of the United States, May 4, 1796, added an explanatory article to the treaty of 1794, which again gave English subjects the right to trade with the Indian tribes.

April 19, 1796, the President of the United States was authorized to establish trading posts, and the Government furnished \$150,000, to carry on, as the act expressed it, "a liberal trade with the Indians." A clause was added in 1806 that the agent should sell all goods sent to him by the Government, but he was prohibited from taking in ex-

to him by the Government, but he was prohibited from taking in ex-

to him by the Government, but he was prohibited from taking in exchange anything but furs and peltries.

April 29, 1816, Congress again, after the close of the war of 1812 in which the Indians sided with the British, prohibited all trading by Indians except with American citizens. On March 3, 1847, all executory contracts for the payment of money or for goods made with the Indians were declared to be absolutely void.

All these provisions, which erected a Chinese wall around the Indians of the United States excluding them from all correct with the

dians of the United States, excluding them from all contact with the white race, excluding them from all civilization—all these provisions were incorporated in what are called the Indian intercourse laws of 1834, and those laws to-day remain on the statute-book unrepealed. Out of three hundred and eighty treaties—I have examined them all—made by the Indians with the United States there is but one solitary treaty in all of them that gives the Indians the right to go off their reservations and have any contact with the white people of this country, and that is the Cherokee and Chickasaw treaty of 1866 which gave to those two tribes the right to carry their products out of the Indian Territory and sell them to the citizens of the adjoining States:

In three hundred and eighty treaties we have specially refused to the Indian the right to individual commerce and individual responsibility; we have made him a child; we have kept him a ward yet we hold up our hands in holy horror at the idea that he has not further advanced in civilization and become self-supporting. The whole system is vicious and wrong. It is alien to the spirit of our institutions; it is false to all the ideas which go to make up the happiness and the material prosperity of the human race. And in addition to that we have allowed these Indians to hold their land in common under a superstition of their own; for, as they told the Committee on Territories in the consideration of the Oklahoma bill, they believed that the earth was their mother, and they did not propose to scar her bosom with boundary lines. That is the Indian idea in regard to the tenure of land; and for that reason they told us then they proposed to hold their lands for all time to come in common; thus destroying the idea of home, of individual possession, and making them nomadic to the end of time. No kind of civilization can exist in a nomadic state of society.

The progress of industry, of the arts, of science and literature, goes with the idea of home. The Christian religion teaches us that heaven is to all its believers at last a home, and the sweetest ballad in the English language, that which touches the traveler above all others by sea and land, is "Home, Sweet Home." The old English law says it is the poor man's castle. And yet these Indians have no home. We move them from reservation to reservation. They know that they need not work and accumulate the comforts that make home desirable. They know that in a few years they will be taken away from it by the strong arm of the Government and carried off to other and distant reservations. They are nomads by the force of law. We have made them wanderers on the face of the earth; we have done away with the charms of domestic life; we have said to them, "You need not protect wife or children; you need not build up around you the comforts of the domestic hearth, because you do not own it; it belongs to your tribe, and not to you."

Mr. President, I do not propose to discuss at any great length the political status of the Indian now before the law. I am very well,

aware that learned gentlemen, whose opinions I should antagonize with the greatest diffidence, hold that under the fourteenth amendment to the Constitution the Indian now is a citizen of the United States. I modestly disagree with them. I have great regard for the opinions of the Senator from Alabama, [Mr. Morgan,] who has expressed that view openly in the Senate. I do not believe that the fourteenth amendment has made the Indian a citizen of the United States. I wish it had.

In my judgment, citizenship, tenure of lands in severalty, smaller reservations, turning over the wild blanket Indians to the War Department, is the solution of the Indian problem, and there can be no other. Whether a citizen or not, whether he has around him the ægis of American citizenship or not, one thing is unquestionable: the Indian, if not a citizen, if he is simply a denizen, if he is simply a ward of the nation, is still under the jurisdiction of the United States and in some degree amenable to its laws. We have established over the Indian Territory the jurisdiction of the district court for the western district of Arkansas. A statute which has been read here provides that upon Indian reservations crimes against a white man shall be punished as in those places, arsenals, dock-yards, and forts, under the exclusive jurisdiction of the United States Government. He is then partially under the protection of the law, amenable to it; and yet most remarkable—and I call the attention of the Senate and the country to the fact—most remarkable in this Christian and civilized land, where the telephone whispers from one State to another, here where we have seized the lightning from heaven and chained it for commercial purposes, here with the broad light and blaze of a civilization such as the patriarchs of old never dreamed of, in this country, according to the decision of the Supreme Court of the United States and the present status of the law, any Indian tribe may erect again the stake upon a reservation, may take an Indian prisoner, torture him to death, put fagots around him, put blazing splinters in his flesh, may tomahawk him, and the arm of this Government can never touch one single man engaged in that cruel process!

The law now in the United States of America under the decision of

The law now in the United States of America under the decision of the Supreme Court is such that you cannot arrest an Indian for any crime perpetrated against another Indian upon a reservation. He is to be tried according to the traditions and usages of his tribe, and not according to your law. If these Utes had seized an Arapahoe, had seized a Cheyenne or a Sioux, and, upon their reservation in the mountains, driven a stake and put him to death according to their usages, there is no law in this country that could have rescued the Indian or brought the criminals to justice. I assert this as a lawyer from my place in the Senate, and I say it is a burning shame upon the civilization of this age and upon our so-called philanthropy and justice. We call these people our wards; we say that we are responsible for their condition; we say that we propose to civilize and Christianize them, and yet our jurisprudence is such that they can do as they please to one another and we cannot interfere. I do not propose to make a statement like this without reading the decision of the Supreme Court which establishes the fact. In ninety-fourth United States Reports the Supreme Court decided as follows:

These Indian tribes are semi-independent tribes whom our Government has always recognized as exempt from our laws, whether within or without the limits of an organized State or Territory, and in regard to their domestic government left to their own rules and traditions; in whom we have recognized the capacity to make treaties and with whom the government, State and National, deal, with a few exceptions, only in their tribal or national character, not as individuals.

If that be law—and it is unquestionably—there is no statute of the United States under which any Indian is amenable for his conduct with regard to another Indian. Even among the civilized tribes of the Indian Territory to-day, as to all offenses committed by one Indian against another, whether he belongs to the same tribe or not, they are amenable alone to their own traditions, to their own usages. No law of the United States can enter and effect their arrest.

Mr. President, I shall support the bill now before the Senate, not because it goes as far as I would have the legislation of Congress go in regard to this race, but because it tends in that direction which I believe can alone bring these people to civilization and solve this great question. As I have intimated in the few remarks I have made, I believe that tenure in severalty is the first great step to settling the Indian question now before the country. I believe until the tribal relations are dissolved, until the Indian is taught his individual responsibility, until he is taught to look to the Government of the United States for protection and for punishment, there can be no solution of this terrible problem. So long as he looks to his chieftain and not to the Government, so long as he clings to the traditions and superstitions of barbarism, just so long you may treat, you may beg, you may threaten, and it falls upon deaf and unwilling ears. Sir, Ispeak of what I know when I declare that every western man who has seen the Indians and mixed with them will testify that the wild blanket Indian of the plains knows no law except superior force and superior authority. All that he cares for is the pleasure of the chase and of war. The chase has disappeared with the destruction of the buffalo. He is fed now by the Government, and what is the result? They go to the agencies, receive the bounty of the Government, and the young braves then leave the old women and men and children under the protection of the United States flag, spring upon their horses, and gallop off with long-range rifles, purchased with the goods issued by the Government, to join some chieftain then upon the war-path. They are called upon the plains "dog-warriors," the most savage, the most

relentless, the most bloody of all the organizations that have been known in western warfare.

Some Senator spoke here of attacking Indians like attacking a bumble-bees' nest. He never tried it. Sir, they are the finest cavalrymen that were ever mounted upon horses, and the most fearless, not excepting the Mamelukes who swept and circled like eagles around the serried columns of Nanoleon at the foot of the Pyramids.

cepting the Mamelukes who swept and circled like eagles around the serried columns of Napoleon at the foot of the Pyramids.

The Sioux, the Arapahoes, the Comanches, the Cheyennes, I assert here to-day are warriors worthy any foeman's steel in any country and in any clime. These warriors lived once by the chase and live now by war. They are armed to-day with long-range rifles, purchased with the proceeds of the blankets and the bacon issued to them by the Interior Department of the United States. So soon as they are armed, so soon as they receive this fixed ammunition, I repeat, they go upon the war-path until the next distribution day, when they come back to the agency and provide themselves again with the munitions of war.

Mr. President, force is the only argument to the savages of the plains. I speak now of the seventy-eight thousand who are barbarians, who are in open hostility to the Government, who have no land, who are roaming from north to south, who are not inside of reservations, for they have none, but roam over the whole extensive plains of the Northwest, and make war not only for pastime but for livelihood.

A few days since, while on a visit to my State, I conversed with Governor Fletcher, president of the commission appointed a few years since to visit the Indians of the plains. He related to me an interview he had with Sitting Bull, the father of the present chief. He said that he traveled three hundred miles with him, and that Sitting Bull told him the great trouble with his young men and with the Indians of his tribe was that they could not realize the power of the United States Government. He said, through his interpreter: "We see a troop of cavalry, or we see a company of infantry, and my braves believe that the whole military force of the Government. When I was called to Washington lately" (using my own language, but expressing his idea) "I promised my young men that I would take a willow stick and cut a notch for every lodge of the white men, and bring it back and show them. Before I got to Omaha the stick was notched clear through on both sides and I threw it away. When I went back and they asked me for the notches I told them if I should ent every willow wand upon the Missouri River and notch them to show the lodges of the white people, there were so many that these willow wands would have been exhausted," and one young brave immediately rose in the council, with a look of incredulity and contempt: "Ah," said he, "Sitting Bull has seen the Great Father; he has got a fine gun and a medal."

They do not believe, they do not realize the power of the Government. They have seen, as I said, only a small portion of our military force, and the result is they go on the war-path incredulous as to the consequences, believing that the Government is not able to enforce its demands, much less its threats.

I have said that I would support this bill because it takes one step in the right direction; it gives these Indians a tenure of their lands in severalty. It does away with that iniquitous system which is antagonistic to all ideas of civilization, the tenure of land in commen. While I would defer with the greatest pleasure to the opinion and the wishes of the Senator from Colorado, [Mr. Teller,] until he offers me something better, until he produces before the Senate some measure which goes further than the bill now under consideration, I am compelled by the sentiments and opinions I hold upon this question to vote in favor of this measure. I recognize the fact, as does my friend from South Carolina, that sooner or later this Gordian knot must be cut, and cut effectually. I know that this is simply a first step in that direction. I am not willing as a Senator of the United States to take upon myself the responsibility of an Indian war which in horror, in devastation, may exceed any of the terrible atrocities that these people have perpetrated in the past.

The Ute Indians are a warlike and savage race. They have shown

The Ute Indians are a warlike and savage race. They have shown by the White River massacre what they can do if organized and determined to resist to the last man. What is an Indian war, Mr. President? It is the greatest horror, the greatest misfortune, the most terrible calamity that can come upon the border States. Any amount of money, any amount of expenditures, compared with the loss of lives and the terrible atrocities that are committed would be nothing.

The commission of 1868, upon which was John B. Henderson, formerly a Senator from my State, (I believe General Sherman was president of the commission, and General Augur served on it,) made a report in regard to the Cheyenne war of 1864, and I read briefly from it:

You will not be astonished that a war ensued which cost the Government \$30,000,000, and carried conflagration and death to the border settlements. During the spring and summer of 1865 no less than eight thousand troops were withdrawn from the effective force engaged in suppressing the rebellion to meet this Indian war. The result of the year's campaign satisfied all reasonable men that war with Indians was useless and expensive. Fifteen or twenty Indians had been killed, at an expense of more than a million dollars apiece, while hundreds of our soldiers had lost their lives; many of our border settlers had been butchered, and much property destroyed.

Thirty million dollars expended and twenty Indians killed! Sir, to-day the war with the Utes would be raging if it had not been that winter put an end to it, and nothing else. They had prepared for war. They had burned the grass between the railroads and their reservation; they had purchased three cases of Winchester rifles; they

had hundreds of thousands of rounds of fixed ammunition for long-range guns; but the White River massacre brought down upon them swift vengeance.

Thornburgh advanced and was first attacked by them. They massacred Lieutenant Weir and a companion with him three or four days after the White River massacre. These Indians were prepared for war, and but for the fact that the grass was gone, that their ponies were unable to stand the campaign, and they were compelled to give

were unable to stand the campaign, and they were compelled to give up the idea of hostilities until spring, they would to-day be engaged in a hand-to-hand struggle with the soldiers of the United States.

Are we to take the chance of a war like that? Are we to say to the civilized world that while we may prevent this by adopting an expedient, while we may avert it even temporarily, we are willing to take the responsibility of saying, "Let the war come; let it be precipitated; let the people of Colorado, with the soldiers of the United States, go into the Ute country and exterminate these four thousand savages, the innocent and the guilty—for some of them are innocent—wipe them from the face of the earth and add another langel to the military glory of the United States?"

Sir, I have my opinions, and I have expressed them in regard to the treatment of the Indians. I repeat again, I would put the seventy-eight thousand blanket Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of the plains under the War Department of the Indians of eight mousand blanket indians of the phans under the war Department. I would take their ponies and guns away from them. They need neither the one nor the other. They need not their guns, because the game has gone. They need not their ponies, because they are not fit for agriculture; they are war ponies, intended for a campaign and not for the purposes of the farm. I would put these Indians under the War Department, and as soon as they showed evidence of even semi-civilization I would put them upon agricultural reservations and keep them there.

Mr. MORGAN. Would the honorable Senator submit an act of Congress to those Indians, it becoming a law only upon their consent, or would he undertake to legislate in the outset for them without con-

would he undertake to legislate in the outset for them without consent on their part?

Mr. VEST. My choice would be, and has always been, to legislate for them directly; but no such measure is proposed here, and I am prepared to give up my long-cherished opinion, not to say prejudice, rather than take the responsibility of plunging the border States into a strife which I know would inevitably ensue.

Mr. MORGAN. I will say that my objection to this measure is that all its provisions, except the selection of the commissioners and their salaries, depends entirely upon the consent of the Indians, and that the act cannot become operative in any respect whatsoever until three-fourths of those Indians have consented that it shall become a law.

Mr. VEST. That is a provision in the treaty between the Government and the Utes, as I understand, and the committee have kept inside of it. Let me say that I accept the result of the report of the committee the more cheerfully because I appreciate the difficulty of treating with this Indian question. I have had some experience in the last few months in attempting to frame a bill under the instructions of the Legislature of my State in regard to the Oklahoma Territory. I have been slandered, traduced, vilified in every direction, accused of attempting to violate treaties, while I know that my sincere desire has been to be just to the Indians and to save for them a portion of the vast inheritance which they once owned.

We are told that every step taken by the Congress of the United States is against the Indians. Such pamphlets as I have read here are sedulously distributed through the country, stating that the Congress of the United States is inimical to the Indians, that we propose to strike them down and take from them their land and despoil them of all their possessions. The Committee on Indian Affairs, like the Committee on Territories, have labored earnestly, faithfully, consci-Mr. VEST. That is a provision in the treaty between the Govern-

Committee on Territories, have labored earnestly, faithfully, conscientiously to keep inside of the treaties and at the same time relieve the country from a terrible Indian war, in which there is much expendthe country from a terrible Indian war, in which there is much expenditure of blood and treasure and no glory to be gained for the armies of a great nation. I accept the result of their deliberations because nothing else is offered to me. I am not willing to give my vote that the Indians shall stay there until the people of Colorado, justly imbittered by the atrocities they have committed, shall have gone upon that reservation, assisted by the troops of the United States, and killed these Indians or driven them into the fastnesses of the mountains, and a miserable remnant shall be carried off to some unknown reservation, a standing monument to the imbecility of legislation on the part of the National Congress.

I know and feel, I repeat, that the question at some time or other

I know and feel, I repeat, that the question at some time or other must receive an heroic solution. I know that the Gordian knot must be cut by the legislation of the Congress of the United States, but I am not prepared now, until a general bill shall be introduced, until the deliberation is had which this great question demands and deserves at the hands of the representatives of the people, to say to the people of Colorado and to the Ute Indians: "Take this issue and people of Colorado and to the Ute Indians: "Take this issue and fight it out; fight it out until this tribe is exterminated, until the national Treasury is almost depleted; until the Indians are driven back into the fastnesses of the mountains with their wives and children around them." A great nation of fifty millions of people, with military prestige as the first among the nations of the earth, can afford to say to these miserable savages, "We will not exterminate you, because it would derogate from our national character."

Mr. MORGAN. Will the Senator allow me to ask him what we are

going to do if these Ute Indians refuse to ratify the bill and the

Mr. VEST. If they refuse it, then I should be in favor of trying some other alternative to avert a war, to prevent hostilities, and I should continue to try some expedient until a peaceful solution of this question was arrived at. I declare here to-day, most solemnly, that I know of no calamity that can befall the people of the West, and expenielly, the results of Colorado, greater than a war of exterand especially the people of Colorado, greater than a war of exterand especially the people of Colorado, greater than a war of extermination with these Ute Indians or any other tribe. There is no glory to be gained. We have come out of a great war among ourselves, establishing beyond question the fact that the United States Government is the greatest military power of the civilized world. Cannot we afford to be magnanimous to this miserable remnant, a handful of savages in the gorges of the Rocky Mountains? Cannot we afford to say to them, "We know the wrongs that have been inflicted upon you; we know your barbarous condition; we know the prejudices that surround you; we know that you are savages; we say to you we do not want to exterminate you; we propose to take you and deal with you as children, as we have been doing for a hundred years."

dred years."

If we had not these miserable non-intercourse laws; if they were placed upon their own individual responsibility; if they had been in the free sunlight of civilization, knowing what they did and fully responsible for all their acts, I would say, in the face of the outrages they have committed at White River, "Exterminate them; let not a single man be left in that whole tribe." But are they fully responsible? They are children of a larger growth. We have made them children; we have kept them children. We have taken away their individual responsibility. We have said to them: "You shall not mix with us; you shall not live with us; you shall not sell land or goods; you shall have no home; we will move you when we please and not when you please; we will take you and put you in any portion of our vast domain without consulting you." And when we have done that, because they have been true to their barbarous instincts we take our armies and go among them and exterminate and wipe

we take our armies and go among them and exterminate and wipe them from the face of the earth.

My vote shall never do that. I believe the question is between the extermination of the Indians and the division of their lands in severalty. Put them upon reservations, not of ten, fifteen, or twenty million acres, with hunting-grounds attached, for that is an inducement to barbarism, and there is no game in this country now upon the western plains that justifies such an immense reservation, and they are fed by the Government. Put them where they will have from two hundred to three hundred or four hundred acres of land Take from the wild Indians their ponies and long-range rifles, which they have obtained from mercenary white men; take away from them their ammunition, and put them upon a fixed reservation, and when the first war party leaves let the cavalry of the United

States follow and cut them to pieces.

That is the heroic but proper treatment; and by that treatment civilization will come. It will come like the morning light slowly across the horizon and afterward mingling and mingling until it blazes like the noontide sun. It will come to these people; how soon we know not; but sooner or later the Indian will be a citizen of the

we know not; but sooner or later the Indian will be a citizen of the United States and the divinity that presides over every home will lead him to a nobler and better future.

Mr. MORGAN. Mr. President, in a great deal that has been said by the Senator from Missouri [Mr. VEST] I very heartily concur. I agree with him that the destiny of the Indians in the future—if they are to have any destiny that is worth while speaking of—and their civilization must depend almost exclusively upon the fact that they are to have and hold lands in severalty and adopt agricultural pursuits. But I understand that while the bill under consideration attempts to provide for something of that sort, it is a totally ineffectual measure and based upon wrong principles. measure and based upon wrong principles.

The bill which the Senate is now considering undertakes to engage these people in a contract, an agreement, and by which they will submit themselves to the control of the laws of the United States to the extent proposed in this enactment. The bill does not assume the extent proposed in this enactment. The bill does not assume the ground or any part of the ground which the honorable Senator from Missouri stated as the basis of his advocacy of the measure. The bill does not assume the authority of the United States to legislate with reference to the Ute tribes, except upon their consent. The bill is confessed by the Senator from Missouri to be a series of expedients, and only of expedients. If the measure brought forward by the committee of the consent of the c mittee were based upon proper legislative grounds, or proper constitutional grounds, or proper economic grounds, I should be prepared to support it, saving and reserving, however, as I am bound to do under my oath to support the Constitution of the United States, the supremacy of their treaty rights as we have engaged that they shall

supremacy of their treaty rights as we have engaged that they enjoy them.

This bill, as I observed to the Senator, and as I remarked in the opening speech which I made upon this subject, is not a measure of legislation intended to receive all of its force from the time it gains the signature of the President of the United States; but it is a measure which is made to depend for all its vitality, all of its efficiency, all of its force indeed, upon the consent of these wild and savage bands of Ute Indians that the Senator says he would be prepared to exterminate if they should not ratify the act. I cannot quite comprehend the logic of that argument. I cannot quite appreciate the

situation of a race of people to whom you come with an act of Congress, a treaty, an engagement, or an agreement, I care not what you may please to call it, and submit it to their consideration and their you may please to call it, and submit it to their consideration and their adoption, and ask of them that three-fourths of them shall engage in its adoption, and then say to them, as I understand the Senator's argument at least to have said to-day, "if you do not adopt it, we shall then pursue some other expedient with reference to you." What is that next expedient? According to the argument of the Senator, it is to be extermination by the military power of the Government of the United States; pursue them with the cavalry, cut them down, destroy their lodges, drive them as you would the coyotes or the wolves of the prairies to their dens, and there destroy them.

Mr. President, there is a want of logic in this bill; there is a want of consistency in the principles of the bill, against which I have attempted to argue, and it is only because I think that the bill is proceeding upon false premises that I have ever had any opposition to it whatever. If we are going to deal with these Ute Indians in a man-

whatever. If we are going to deal with these Ute Indians in a manner through which we expect to control them, through which we expect to avoid war with them, through which we expect to bring about definite consequences as the result of our relations and actions toward them, then, according to the theory that has been advanced, as I understand it, by the committee and by every gentleman who has advocated the bill, we ought to commence with an act of legislation simple and pure, asserting the power and authority of the Government of the United States over these Indians consistent with our treaty obli-

ations toward them.

Mr. WILLIAMS. Will the Senator from Alabama allow me to ask him simply a question right there?

Mr. MORGAN. Certainly.

Mr. WILLIAMS. The Senator's main trouble now seems to be that this act is to take effect only upon the assent of the Ute Indians to it. I ask him if there is anything unusual in that; if we do not find in the legislation of every State in this Union laws passed to take effect upon their ratification by the vote of the masses of the people; if the constitution of every State has not been thus adopted; if the Constitution of the United States and all its amendments were not submitted

in that manner to the Legislatures of the several States Mr. MORGAN. If we were dealing with white people of the Anglo-Saxon race or any race of people whatsoever who were competent to build up a civilized state, then perhaps there would be some applicability or some suggestion of relevancy and pertinency in the question of the Senator from Kentucky; but we are told that we are dealing with a set of savages, men who have no respect for law, who have no ideas of Christianity, who have no features of civilization even in their own hearts and consciences; and we are asked to adopt the system under which we submit constitutions to the ratification of the people of the States, worthy to be the constituency of great States of this country, and to pursue that sort of a system with reference to the Indians! You might as well go to them with Sunday-school books with the expectation of converting them, by a presentation of the pictures in them, to the Christian religion. They are totally unfit—so says the Senator from Missouri, so says the bill, so says everybody who has had anything to do at all with this discussion—really to judge and determine in reference to the value of a law which is proposed to them for their adoption. It is a very peculiar thing that we should go with a statute in one hand and a bayonet in the other and ask an Indian to adopt the law or take the bayonet in his bosom. That is Mr. MORGAN. If we were dealing with white people of the Anglo-Indian to adopt the law or take the bayonet in his bosom. That is the difficulty in the situation.

You are treating with these Indians as if they were a civilized or even a Christianized people. You are submitting the power and action of Congress under this very bill to the adoption and ratification of a band of Ute Indians, and if they refuse to adopt it by a threefourths majority of all the adult male population of that tribe then your law becomes nil; it is no law at all; it is repealed after it has passed the Congress of the United States by the refusal of a minority amounting to a little more than one-fourth of the savages of the Ute tribe of Indians. That is the difficulty that I find.

Senators have been particularly careful to avoid the use of the senators have been particularly careful to avoid the use of the ordinary expressions by which such a negotiation would be characterized, to exclude the word "treaty" from all their remarks; and once or twice I have noticed that when Senators have dropped the word "treaty" from their tongues they would recall it and make it an "agreement." With due respect to the Senators, it seems to me that that is a mere quibbling upon terms. We are either treating with these people or we are legislating for them. If we are legislating for them, we are the second to the property of them. ing for them we ought to legislate under the power and anthority of the Government of the United States, and not by the consent and advice of the Ute tribe of Indians. They are neither law-makers nor law-acceptors. We legislate in regard to the most important individual rights of men in the United States and the Territories, and we do not ask their acceptance of our laws.

not ask their acceptance of our laws.

The fallacy of the bill is that you do not make it now and forever and at once a law, and carry it into execution by the powers of the Government. There is the difficulty in the matter. As I suggested in the outset of my remarks, while I am not opposed to the policy of the bill, I am opposed to this principle of legislation; I am opposed to the ground upon which it is based. It is a yielding pro hâc of a power into the hands of the Ute Indians that I contend should not be conceded to the Ute Indians or any tribe of Indians or any part of the people of the United States. We yield them the power to adopt

our laws, and yet we turn around and say to them, "We cannot deal our laws, and yet we turn around and say to them, "We cannot dear with you except through law; we cannot deal with you through the treaty-making power—we are cut off from that by our statutes." Gentlemen will not even intimate that this is a treaty; on the contrary, they deny it and say that it is mere legislation. When you make that denial you assert that it is law and nothing but law; and if it be law the bill is fatally defective, because in the enactment of it you do not propose a law but a mere proposition, to become a law when the Ute Indians shall see proper to adopt it. Indians shall see proper to adopt it.

Mr. WILLIAMS. If the Senator will allow me one moment, I ask

him how we could make a law to buy their land without providing

him how we could make a law to buy their land without providing some means to know whether they would agree to sell it to us or not? Mr. MORGAN. If the purpose is to buy the land, go and make a treaty with them for the acquisition of the land. Pass a law to enable them to make a treaty with you, if it is necessary to do that. Reconfer upon them the treaty-making power, if it is necessary, in order to buy their land, to make a contract with them; but it is not necessary to pass a law to do that.

Mr. WILLIAMS. We assert that they are not a treaty-making power at all

power at all.

Mr. MORGAN. I know you assert that, and yet you treat with them. The objection I have to the measure and to the whole proceeding is that while you assert that they are not a treaty-making ceeding is that while you assert that they are not a treaty-making power, yet you do make a treaty with them. You say to the Ute tribe of Indians, represented by men who are in lawful authority among them, "Come now, three-fourths of you, as a band and as a tribe, and consent to this agreement, and we will make it binding upon every single individual in the whole tribe." If that be not a treaty-making power, I do not know what a treaty-making power is that we have

exercised or that we are trying to exercise.

I say that we have, as the law now stands, no capacity to make a treaty with them. The statute says so. Hence I would deal with these people as I suggested in the opening remarks I made, so far as their common territory is concerned. We having broken down their power and authority as a tribe to hold land in common and to control it in common, I would put the Government of the United States in the stead and place of their tribal authorities, as a trustee, and I would execute in equity and in justice all the benefits and privileges arising to them under the treaty relations that we have hitherto had with them. I would do that; and if it be necessary for the sake of public justice, for the peace and welfare of any community in any State or Territory of the Union, that these Indians should be taken bodily and marched off of their territory, I would then take them and march them hadily off from their territory, I would then the treather than their territory. bodily and marched off of their territory, I would then take them and march them bodily off from their territory; but in doing that I would repeal the treaty. I would not allow it to stand as a treaty, recognized as such and violated in the very act that you attempt to pass. You have got the power to repeal the treaty; you have got the power to revoke it. If you find that it stands in the way of the Government of the United States and the proper exercise of its authority, repeal it, but do not violate it. If these Ute Indians cannot be dealt with in the territory they now occupy under existing treaty regulations, then repeal the treaty by an act of Congress and take charge of them, military charge if you please, and remove them where you will; but do it in pursuance of law, and not in pursuance of treaty; and in undertaking to remove them do not set out by attempting to pass an enactment to become such at the moment that they ratify it and not before.

I do not think there is a Senator who has advocated this bill, or a member of the honorable committee, who can answer the question that I put to the Senator from Missouri: What are you going to do if these Indians refuse to accept your terms? Suppose they turn upon you and say: "At the time you commenced to legislate with reference to this subject you did so upon the hypothesis that you had no right to legislate until we had ratified and confirmed your action; now you turn around and say because we have refused to do this you will now legislate in reference to us." The answer to that proposition on their part would be a very hard one to make by a Senator or a lawyer. When we came to reply to that suggestion on their part, we should be obliged to say that the honorable Committee on Indian Affairs and the Senate of the United States had committed a great blunder when they passed the bill which you have refused to ratify. They held up to you an opportunity to ratify it, when under the Constitution and laws of the United States they had no such power. They made you a part of the legislative system of this country by making a statute to depend upon your ratification; but having done that and your scheme having failed because they rejected it, you turn around and say to them: "This was a blunder and a mistake. We had the power originally; we have always had the power; and now that you have refused and got us into this muss we will exercise the power absolutely in virtue of the Constitution and laws of the United States of America."

We had better take our ground now firmly and properly and pru-dently, upon the safe position which I think has been assumed by dently, upon the safe position which I think has been assumed by the argument of the Senator from Missouri, and by various other gentlemen who have spoken here, and as I understand it is conceded by members of the committee, that to-day, under the existing statutes of the United States and its Constitution, we have a right to legislate in reference to these people, and we had better commence by law-making rather than by undertaking to make bargains.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The question is on the amendment of the Senator from Massachusetts, [Mr. Dawes.]

DAWES.]

Mr. TELLER. Let it be reported.

The CHIEF CLERK. In line 14 of section 1, after the words "to wit," it is proposed to insert:

Provided, That the President may, in his discretion, appropriate an amount thereof, not exceeding \$10,000, for the education, in schools established beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and.

Mr. DAWES called for the yeas and nays; and they were ordered Mr. KERNAN. If I understand the amendment it is to appropriate \$10,000, to be expended by the President at his discretion, he selecting the Indians and also selecting the place where they are to be educated.

Mr. MORGAN. It is to be taken out of their annuities.

Mr. KERNAN. I think that it at least is not a very good way, to leave the President to select the Indians who and the place where they are to be educated. Their education ought to be placed under some other system, I think, although I am not very familiar with this matter

Mr. MORGAN. There is another provision of the bill, which provides for their education in the Territory where they reside.

Mr. KERNAN. I am not in favor of placing \$10,000 at the discre-

Mr. KEKNAN. I am not in layor of placing \$10,000 at the discretion of the President in this way.

Mr. DAWES. Mr. President, the Senator from New York understands, I trust, that out of the per capita distribution of \$120,000 each year this is diverting simply \$10,000 of that to these educational purposes. It seems to me to be a very small matter; and it is hardly worth while for us to say that we will not do as much as that for

Perhaps it would not be improper for me to send to the Secretary's desk and have read a letter from an Army officer who has been detailed and put at the head of the school at Carlisle Barracks, where this policy and this kind of education is being pursued toward In-

While I am up, I want to add one word in reference to the remarks that fell from the Senator from Missouri, [Mr. Vest.] It is certainly to be regretted that the Senator from Missouri, in making the remarks that he made to the Senate, evincing so much ability and study of the Indian question, and in which there was so much to be com-mended, should have found it necessary, in order to make his remarks more acceptable to the people to whom they are specially addressed, to preface them with the usual sneer and attack upon New England. The Senator commenced a very able and good speech by holding up a pamphlet which he said had issued from the State of Massachusetts, under the authority of the State, and had been prepared by a committee appointed by its governor, and which he said contained a great many things which were false, and was filled with sentimentalism and namby-pambyism; and he then went on directly to prove every word there was in it to be true. No statement in any part of the pamphlet has been so strongly put and so fortified in regard to the policy of this Government toward the Indians as the statement of the Senator himself. The Senator's arraignment of that policy from the days of the Revolution down to this hour is stronger and, if possible, more conclusive than what is contained in the pamphlet itself. He even went further, and said that this long course of wrong and maltreatment of further, and said that this long course of wrong and maltreatment of the Indians and mistake in policy toward them began further back than any of us had alluded to, as far back as the Pequod war, and the treatment of the Indians by our forefathers almost simultaneously with their arrival upon the continent. That is, I am sorry to say, true to some extent, and certainly, whether true or not, it furnishes no ground for the Senator's arraignment of people in Massachusetts because they have seen fit to join with him in condemning the Indian policy of this Government and its treatment of the Indian tribes. The Senator is mistaken in saving that the namphlet was an tribes. The Senator is mistaken in saying that the pamphlet was an official pamphlet from the State of Massachusetts. The same gentleman, whom Massachusetts has made its governor, felt that he did not so far lose his identity as a citizen of Massachusetts as to forbid his taking part as an individual in the examination of these questions, any more than the Senator or myself who are citizens; but that is a small matter and a matter that I care nothing about.

The Senator is in the main right in his view of the Indian policy, and has presented it with singular force. I have only alluded to the manner in which he felt bound to treat others who coincided in the main with him in it, who happened to come from a section of the country toward whom it is the habit of some statesmen to point their arguments with sneers and ridicule. The "sentimentalism" and "namby-pambyism" which the Senator from Missouri has seen fit to "namby-pambyism" which the Senator from Missouri has seen fit to apply to my constituents are not new terms; they are quite used to them. They have heard such things for many years. It used to be the way, and the only way, that Senators and Representatives and other men who differed with them found to answer the arguments they put forth in vindication of the rights of man, wherever born and of whatever color, in this country; and those arguments proved of very little force and answered very little purpose. The great truths contained in that pamphlet, advocated in years back by my constituents, were never refuted by any such attempts at ridicule as the Senator felt instified in indulging in today; and in the remarks which ator felt justified in indulging in to-day; and in the remarks which he subsequently was compelled by the facts to make he presented the same views, but in a form more acceptable to those among whom he lives. I only allude to it to just remind the Senator that he is coming into that kind of argumentation late in the day. It has spent its

force; it does not attract attention; it has no sort of effect upon those who know from conviction that man, whether he be a white man, a black man, or a red man, in this country has rights that this great and powerful nation cannot afford to ignore or trample upon.

In reference to this amendment, it is all there is in the bill that

will enable the President of the United States to apply to these Indans the benefit of outside schools and give them the practical edu-cation in the industries and in civilization and in self-support and in the personal independence that they so much need, and which will contribute so largely to reaching that end that the Senator from Missouri, I have no doubt sincerely, desires to reach, and all of us desire to reach, when what is left of the Indians shall be self-sustaining, lawabiding, peaceable citizens of the United States, and not this

charge upon the Treasury, this constant terror to defenseless frontiersmen, and this constant repetition of outrage and of horror.

I hope, therefore, that the Senate will do this much toward practical education of the Indians, which is to take but just \$10,000 out of
money which would otherwise be scattered like so many beans among

these Indians without any good effect whatever.

Mr. KIRKWOOD. I am very heartily in sympathy with the object sought by the Senator from Massachusetts, and would be glad if the committee having the bill in charge would feel at liberty to accept it. I do not know whether they will or not; but I think the amendment of the Senator from Massachusetts should be amended. It provides solely for the establishment of these industrial schools beyond the limits of the lands selected for the Indians. I am strongly inclined to think that the establishment of industrial schools in connecask the Senator whether he would be willing to accept such an amendment to his proposed amendment as will effect that object.

Mr. DAWES. The Senator will excuse me; I did not catch what

he said.

Mr. KIRKWOOD. I ask whether the Senator would be willing to accept an amendment, inserting after the word "established" the words "within or;" so as to read:

Provided, That the President may in his discretion appropriate an amount thereof, not exceeding \$10,000, for the education in schools established within or beyond the limits of the lands selected, of such youth of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support.

Mr. DAWES. I think that would improve the amendment. I can understand how those schools, under certain circumstances, would be better on the reservations than outside of them, and that would leave them entirely in the discretion of the President, where they should be. I would accept the Senator's amendment, but that the yeas and nays have been ordered.

Mr. KIRKWOOD. I will move it, then.
Mr. DAWES. If I can I will accept the amendment.
The PRESIDING OFFICER. In the opinion of the Chair the amendment cannot now be accepted, the yeas and nays having been ordered on the original amendment.

Mr. FDMINDER The Senetar from Lowe can make it on the Senetar from

Mr. EDMUNDS. The Senator from Iowa can move it, or the Senator from Massachusetts can obtain unanimous consent to accept it.

The PRESIDING OFFICER. Under Rule 44-

Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

Mr. DAWES. The Chair is certainly right as to the rule. If there is no objection, I will so modify my amendment.

The PRESIDING OFFICER. By unanimous consent the amend-

ment suggested by the Senator from Iowa and accepted by the Senator ment suggested by the Senator from Iowa and accepted by the Senator from Massachusetts will be considered a part of the original amendment. Is there any objection? The Chair hears none. The question now is upon agreeing to the amendment of the Senator from Massachusetts as modified, on which the yeas and nays have been ordered.

Mr. ALLISON. I intend to vote for the amendment of the Senator from Massachusetts, but I have been somewhat surprised at him in

accepting the amendment of my colleague, because just a moment ago he told the Senate that this was the only thing in the bill which would enable the President of the United States to educate these Indians beyond the boundaries of the reservations, and it seemed to be the little thing that commended the bill to the approval of his judgment. Now, my colleague rises and proposes an amendment, which is that this money may be expended within or without the reservation, and the Senator from Massachusetts says he thinks that will improve his amendment, and therefore he accepts it.

Mr. DAWES. If the Senator wants to know why I did accept it, I

will tell him.

will tell him.

Mr. ALLISON. I have no particular desire, though I should be glad to know why. I am willing to hear the Senator if he can give any reason why it is improved now.

Mr. DAWES. It is improved for two reasons. I am anxious that the amendment should be adopted because I think it will commend my proposition to some Senators who will be willing to vote for it in that form when they would not in other forms; and in its present. that form when they would not in other forms; and in its present form it is perfectly competent for the President to spend the whole \$10,000 outside of the reservation if he chooses; and no man will occupy the presidential chair who in my opinion will have any hesitancy about it.

Mr. ALLISON. That may be; but the President can expend the whole sum in the reservation. I want to call the attention of the Sen-

ator from Massachusetts once more to the fact that this bill as it stands provides for the education of these Indians, and his amendment only has the effect to enable the President, if he shall choose to do so, to expend this limited sum in carrying a few of the youths from the reservation on Grand River or in New Mexico at Uintah to Carlisle Barracks or Hampton. I should have voted, as I said to the Senator from Massachusetts, for his amendment as it stood originally, but I do not want the Senate to think that this is a material amendment to the bill. It is a mere change. It will allow an infinitesimal sum to be appropriated in a different way from that proposed by the bill, for the purposes of education; but if it lays the smallest kind of a bridge to enable the Senator from Massachusetts to vote for the bill, I shall be glad if the Senate shall adopt it.

The PRESIDING OFFICER. The Senator from Massachusetts sent

to the Chair a letter which he desired to have read. If there is no objection the letter will be read.

The Chief Clerk read as follows:

United States Indian Service, Training School for Indian Youth, Carlisle Barracks, Carlisle, Pennsylvania, April 7, 1880.

Dear Sir: If a majority of the Senate and House concur in the views you expressed upon the Ute bill day before yesterday, in reference to the education of Indian youth, and will legislate accordingly, the "beginning of the end" of Indian troubles is reached. Education and industrial training for Indian youth, for all Indian youth, will, in a very short period, end Indian wars, and, in a not very long period, end appropriations to feed and clothe them. I do not believe anything else will.

With great respect

With great respect,

R. H. PRATT, Lieutenant in Charge.

Hon. H. L. DAWES, United States Senate.

Mr. DAWES. The gentleman who wrote that letter I have never seen; I have never known him except as I know him to be an Army officer detailed by the Department to superintend the school at Carlisle Barracks. I know there is provision for other kinds of schools. I have often called the attention of the Senate to the distinction between those schools and the schools that are provided for in the amendment.

The Senator from Iowa [Mr. Allison] says this is an infinitesimal ting. I know it is small, but it is as much as the Senate can be induced to take. I tried the experiment of \$25,000, and that encountered the opposition of the Senator from Iowa. This is but \$10,000. To take \$10,000 of this money each year, and select the best youths of both sexes from these four thousand Utes and take them to schools ontside of the settlement and teach them the arts of peace, or it may be as the amendment is now modified, if the President thinks that can be done better on the ground, it can be done there, will do a good can be done better on the ground, it can be done there, will do a good deal, and it is a kind of teaching that has been overlooked. That is all I am after. The Senator from Missouri alluded to it; all Senators have alluded to it. It is a kind of teaching which has been overlooked in the attempts to educate the Indians.

I ask pardon of the Senate for any undue zeal I feel in regard to this amendment. I am not on the Indian Committee, I do not live in the vicinity of the Indians, but I do feel that we have an opportunity now to make some little advance; it is small; but even that disturbs my friend from Iowa.

disturbs my friend from Iowa.

disturbs my friend from Iowa.

I want to say that this proposition is not original with me, nor did it have the honor to spring up in that hated and despised New England to which allusion has been made to-day. I read, I had the great pleasure of reading, this morning a very able report made by the honorable Senator from Iowa himself five years ago to the Department of the Interior urging, in language I cannot hope to equal in force or beauty, this very plan. If anybody is entitled to the honor of having originated it, it is the Senator from Iowa himself. In Indian appropriation bills, time and again, the Senator from Iowa, when he has had charge of the business of the Indian Committee, has urged appropriations for applying the money to this very kind of schools genpropriations for applying the money to this very kind of schools gentrally throughout the Indian service, and he ought to have been sustained. He was sustained generally in this body, but in the other branch the measure failed. If I could reproduce here the arguments of the Senator from Iowa, I should not have tried to offer any of my own.

Mr. TELLER. I am not willing to allow the statement of the Senator from Iowa, I should not have tried to offer any of my own.

ator that this is a new proposition to go unchallenged, for there is no man who has read the history of the Indians with any care at all who will understand that this is a new proposition. It is one of the theories that I spoke of the other day, worn out and abandoned, and now taken up again. I am glad the Senator said it was not original with him. We have sent Indians to industrial schools off and on for three hundred years; we have sent them to be educated, not simply in the teaching of the schools, but in the trades, mechanics, and farming. History is full of such instances; and when we have a production like that read here from this captain at Carlisle, who says that the whole difficulty will be solved in an hour when we shall have adopted the principle of educating the children at Carlisle and at Hampton, I think it is time that some man should enter a protest against such

Mr. PLUMB. Mr. President, one assertion is just as good as another. I therefore put on record my assertion against that of Captain Pratt, and say that education will never do anything for the settlement of the Indian question. I have seen something of the Indian in my time; and it has not been greatly to his advantage. There is no possible

education that can ever be given to a full-blooded Indian or one possessing a large amount of Indian blood in his veins which will ever enable him to compete to any considerable degree in an industrial occupation or employment. You might turn all the Indians that occupation or employment. You might turn all the Indians that could be educated at Carlisle Barracks for the next fifty years into Pennsylvania, and the Indians would starve to death in competitionwith the people of Pennsylvania. The only thing that the Indian is fit for, when it comes to an industrial occupation, is the lower branches of agriculture; something that is in its nature passive, something that requires no perceptible intelligence. He is no more capable of improvement in the sense in which we ordinarily use the term than improvement in the sense in which we ordinarily use the term than a wild beast. You may gorge him as you may gorge a rattlesnake, and of course by just as much as you gorge him his appetite for rapine and for plunder is lost. The entire effect of it is that he is simply less savage in the sense of hostile manifestations of that sort; but so far from being of any use to himself as a member of society, that idea is, to use a common phrase, gammon.

I say nothing about the obligations of humanity. We have certain obligations to the Indians which I am not disposed, so far as I am concerned, to disregard; but when it comes to talk about educating them and making them a factor of civilization, that is one of those things which cannot possibly result from anything we can do.

The opinions that are expressed here result from an absence of contact with Indians. The original New Englander, for whom I have just as much respect as its worthy descendant here on my right [Mr.

just as much respect as its worthy descendant here on my right [Mr. just as much respect as its worthy descendant here on my right [Mr. Dawes] or any other person, treated the Indians just exactly as the western people do, and made just such a compact with them as the necessary cupidity which they had for his land and all sorts of things led them to make, but by lack of proximity of course their feelings are loosened up, so to speak; they do not feel so hostile toward them as they did before. They deal with the Indians now at the distance of fifteen hundred miles. The Indian is nothing to them. No citizen of Massachusetts or of New England knows anything of those people unless he happens to go out on the frontier. The people of New England unless he happens to go out on the frontier. The people of New England are not related to this question in a practical way at all. If they were there would be plenty of Miles Standishes and men of that sort who would come to the front and solve the Indian question in the only practical manner.

Mr. MORGAN. I ask the Senator whether he thinks that three-fourths of the adult male members of the Ute tribe now in Colorado are capable of understanding and adopting this act of Congress which

we are about to pass?

Mr. PLUMB. I do not think they are. In fact my opinion is quite unanimous upon that point. They will understand a thing that is made practical to their apprehension by the point of the bayonet or by hunger or by some equal force of that sort, and that is all they will understand. Still we are bound to legislate for them. We have got to the point where this question has to be met. We have got to the end of the string. It has been gush and sentimentalism, and then something else. We have dealt with them with milk and water, when we ought to have dealt with them with an iron hand. Of course the result is when we have dealt with them in that lenient way great outbreaks occur, and then we must deal with them the other

way and apply the Army.

A great deal has been said about outrages committed upon the Indian and what is due to him. I have not heard a word said here on this floor, and I have not seen anything quoted in the press about the damages the Indian has done to the white man. It seems that the men on that western frontier, the men who have been killed one men on that western irontier, the men who have been killed upon the frontier endeavoring to settle upon the public lands surveyed and opened to public settlement, who were invited to go there, have not had an advocate or even an apologist here at all. A year ago last September a band of Cheyenne Indians broke away from their reservation in the Indian Territory and went across the frontier to Kansas. Every single acre of land they traversed in that State was public land. There was not an acre of Indian land on their route. Every acre of it was land that had been surveyed many years since. Every acre of it was land that the United States Government had by express statute invited the people of the United States to go upon and settle there. Nine-tenths of all the people who were upon the frontiers were men who had gone there from the Eastern States. There were men there from New York and Massachusetts and Vermont and Illinois, and in fact that eclectic composition of all western communities was present.

Over forty of those persons living there, without arms, without the least hint or insinuation of danger, were killed. Nameless outrages were committed upon fifteen or twenty of their wives and daughters. Yet that conduct on the part of these Indians never has been characterized here or elsewhere as it ought to have been. When we come to consider these questions, whether by appropriation or by treaty or what not, we have always considered them upon the basis of justice to the Indians without reference to that which was due to the front-iersman who has been inevitably but necessarily crowding the Indians to the wall. But in this case, as in nine-tenths of the cases of outrages of that kind, there was no contact except such as was invited by the Government itself. The white man was not in the way of the Indian; the white man did not seek an acre of his land; he was not within fifty or one hundred miles of the reservation even. He was just precisely where the Government of the United States had invited him to go. He was just where the Government of the acterized here or elsewhere as it ought to have been. When we come

United States had said that no Indians and especially none of those particular Indians ever should go; and yet they did go there and they murdered the white settlers and outraged these women, and it has been spoken of simply as one of those things which are inevitable in the settlement of the frontier and not one that called for the con-

in the settlement of the frontier and not one that called for the condemnation of the Indians at all.

Mr. President, I shall vote for the bill, probably, if it does not get too many amendments on it of the kind proposed by the Senator from Massachusetts, just because I think on the whole it is the best thing that can be done. I propose to accept the inevitable. The people of Colorado have a right to respect. The bill is not up to the sentiment of that country or any just sentiment founded upon the actual knowledge of facts, but we have got to take it, as I said, as we can get it. It is probably as good as the American Congress, formed as it is now, will give. It is half a step in the right direction. It is a halting decision, to go forward hereafter in a different way from what we have heretofore gone, and to that extent and for that reason I shall vote for the bill. But I object to any anticipations that may be derived from the bill of the kind spoken of by the Senator from Massachusetts in the way of education under the direction of the President at Carlisle Barracks or Hampton Roads or the Uintah Valley or anywhere else on the supposition that that can ever be of any perceptible service to the Indian race in making the Indians better qualceptible service to the Indian race in making the Indians better qualified, by making them useful and self-supporting citizens of the United States. That result never will be reached. They may go out on the plains, they may take charge of a herd of cattle, they may in some degree adapt themselves to agriculture of an inferior kind; but when it comes to the competition for which we seek to prepare them by education, and without which education will be of no use to them, they will inevitably go to the wall. They can only stand anywhere on the face of the earth by the protection of government, and not at

on the race of the earth by the protection of government, and not at all in competition with the white man.

Mr. President, an eminent citizen of the Senator's own State—I think it was Oliver Wendell Holmes—characterizes and settles definitely the status of the Indian when he speaks of him as simply a member of a provisional race. He is simply here to get out of the way at the proper time; he was not expected to be here in the way of the white race. In no way did he eyer become a factor of civiliway at the proper time; he was not expected to be here in the way of the white race. In no way did he ever become a factor of civilization; in no way did he ever become enduring either by amalgamation or otherwise. Within fifty years there will not be probably one single full-blooded Indian on the American continent; and within a hundred years there will not be a single person living who in his features or in his blood will bear the impress of a single characteristic of the Indian character. He will be entirely gone. The only question to be considered is, what shall we do as a matter of humanity to take hold of these people whose lot has thus been provisionally cast among us?

Mr. BLAINE. Mr. President, I do not propose to debate at length this much-debated bill. It has two aspects to it: one viewed from the stand-point of the State of Colorado; the other the general interest of the United States and the duty of Senators respecting that wider and larger question. Ordinarily, in a matter that interests a

wider and larger question. Ordinarily, in a matter that interests a State, we find the Senators from that State agreeing. In this particular case there is a sharp conflict, the two Senators from Colorado absolutely disagreeing as to the expediency and desirability of this

I do not propose to argue the Indian question; but after a good deal of deliberation I have determined to vote for the bill, and I do deal of deliberation I have determined to vote for the bill, and I do it upon the general ground that I believe from the tenor of this debate, whatever theory may underlie it or whatever theory may in the end prove fallacious in regard to it, it is a bill which I must believe will be advantageous to Colorado, in that it remits to her a very large portion of her area for settlement which is now sealed, and it will be of still greater advantage to her in that it will prevent an Indian war.

Mr. TELLER. That we deny. That is just the question, will it prevent an Indian war? The Senator assumes that it will. He assumes the whole argument. I assert that it will bring on a war. That is a difference of judgment between us.

Mr. BLAINE. I listened to the honorable Senator the other day,

and his theory seemed to be that he would not go forward one step in anything touching these four thousand Utes until they submitted to the authority of the United States. As to the question of dignity between the United States, with fifty million people, and four thou-sand Utes in the mountains of Colorado, I submit to my friend that

no such point is involved.

Mr. TELLER. I do not think the Senator has any right to put me in that position. I never claimed that any question of dignity was

Mr. BLAINE. I am not saying that the Senator did. Mr. TELLER. I did not claim that there was any question of dig-

Mr. BLAINE. That question is not involved. The United States Mr. BLAINE. That question is not involved. The United States cannot stop to talk of that; it does not exist. The sensitiveness that exists between two great nations touching their intercourse with each other, is a point that must always be held, as you might say, at the point of the sword. Here it does not exist. The infinite distance between the two parties to the controversy forbids it.

I have known enough of the history of the United States and its dealing with the Indian tribes to know that whatever theory there may be (and there are many) as to their treatment, the most expensions.

sive of all is treating them by war. The Senator from Colorado will agree with me in that. I think the weight of evidence is that this measure is, at least for the present, a measure of peace, and I do not want to launch this country into an Indian war, I do not as a friend of Colorado—and I certainly would always desire to vote in the interest of that State and not against it—to make her soil the theater of an Indian war. I believe it would do more to check and

theater of an Indian war. I believe it would do more to check and destroy the great and rapid and splendid development of that most interesting State than a pestilence or a famine would do.

Therefore, upon the weight of testimony, (and I have tried to weigh it impartially,) I believe that the passage of this bill will for the present avert the danger and disaster of war. Whether the honorable Senator from Colorado, for whose opinion on such questions I always have great respect, is right in supposing that in this measure is contained the seed of a future war, is yet to be determined. It does not appear on the foce of the argument, and we must hold ourselves.

is contained the seed of a future war, is yet to be determined. It does not appear on the face of the argument, and we must hold ourselves ready to deal with future exigencies as they arise.

I have a word to say in reply to the honorable Senator from Kansas [Mr. Plumb] merely as a matter of fact, not as a matter of argument pertinent to this bill. I think he felicitates himself quite too freely when he says that in fifty years from this time we shall not see within the area of the United States the face of an Indian, nor one that has Indian blood in his veins. If the statistics of the Indian Department are correct, there are to-day nearly or quite as many Indians within the area of the United States as there were when Columbus discovered America. I believe there never has been a census of the Indians made upon any assignable basis of fact that gave a number beyond one hundred thousand greater than that which is now known to exist. Why, in my own State we have two little tribes of known to exist. Why, in my own State we have two little tribes of known to exist. Why, in my own State we have two little tribes of Indians that are literally, not figuratively, wards of the State—the Passamaquoddies and the Penobscots. They came down to us as part of the charge assumed by Maine in the separation from Massachusetts in 1820. One lives, you may say, at the door of my colleague, or within a dozen miles of his home; the other further down on the coast. I do not know the precise numbers, but I should say that the two tribes united do not represent more than six hundred persons.

tribes united do not represent more than six hundred persons.

Mr. HAMLIN. Something over eight hundred.

Mr. BLAINE. My colleague corrects me by saying "something over eight hundred." He would be more accurate than I upon that matter. They are in either event a small number. I do not know that they have perceptibly diminished in fifty years. My colleague informs me that the Penobscot tribe, near which he lives, has slightly gained in that time. There they have lived segregated right in the heart of New England, and in sixty years that Maine has existed as a State, while they have been the wards literally of the State, supported from our treasury in large measure, and constantly looked after, not held as voters, not reckoned as citizens, not treated as white men are treated under the laws—they have under all these adverse circumstances continued to hold their own and have slightly gained in number.

In number.

I believe the Indian question is one that is going to exist very many years beyond the time when the Senator from Kansas in his sanguine feeling thinks it will cease to trouble us. It will not depart. Three hundred thousand men, living in a healthy climate, expanding all the time under the area that is given to them, do not die out very soon. I remember a distinguished Senator of the United States—I will not call his name, although I shall not make an unkind reference to him—was one of a few gentlemen who went South in what we called the "Andy Johnson" days, when we were troubled a good deal about the matter of reconstruction, and he came back and said: "You are troubling yourselves"—and that became a theory in Washington with many—"You are troubling yourselves a great deal about this question of the negro; freedom is going to destroy him; you will not ton with many—"You are troubling yourselves a great deal about this question of the negro; freedom is going to destroy him; you will not have any negroes in twenty years."—I think he put it at twenty years. When asked why we were not going to have any his reply was, "Why, the small-pox, every form of disease, is coming in to ravage them and destroy them," and he was certain the negro was soon not to be known on the face of the earth within a very short time. I think the census of 1880 will show a pretty large and healthy increase of that troublesome member of society, as some gentlemen regard him. And when we attempt to deal with the Indian question on the theory that they are going to disappear, we are proceeding upon a foundation that is not true. We shall have to deal with them as an ever-present question, which our descendants will confront as we have been confronting it for nearly four centuries in this country; and it will be here for four centuries more, I venture to prophesy to the honorable Senator from Kansas, and with all the more confidence, as neither of us will ever be able to contradict the other on the ultimate solution of it.

I only rose to say that I believed this bill had the merit of giving

I only rose to say that I believed this bill had the merit of giving to the people of Colorado in their rapid development at this time a to the people of Colorado in their rapid development at this time a guarantee against the outbreak of an Indian war in their country. While I do not pretend to say anything about its details, which I have not closely examined, I have risen to say that I shall support it. It has not been my fortune in Congress during the past three years always to agree with the Secretary of the Interior. Sometimes I have taken occasion on this floor to disagree with him, and I have risen the more readily to do an act of justice to that officer by saying that in this case I shall vote for the measure which is the recommendation of his Department.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. DAWES] upon which the yeas and nays have been ordered.

the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS, (when his name was called.) Upon the passage of this bill I am paired with the Senator from Maryland [Mr. WHYTE] whom I do not see in his seat, who is opposed to the bill and I am for it. I do not know how he would vote on this amendment; but as the Senator from Maryland is not here, I decline to vote.

Mr. VOORHEES, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. GARLAND.] If he were present, I should vote "yea."

The roll-call was concluded.

The roll-call was concluded.

Mr. BALDWIN. On this question my colleague [Mr. Ferry] is paired with the Senator from New Jersey, [Mr. RANDOLPH.] Were my colleague here, he would vote "yea," and the Senator from New Jersey would vote "nay."

The result was announced-yeas 44, nays 8; as follows:

VEAS_44

Allison, Anthony, Bailey, Baldwin, Bayard, Blaine, Blair, Booth, Bruce,	Cameron of Wis., Carpenter, Coke, Conkling, Davis of Illinois, Dawes, Edmunds, Gordon, Hamlin,	Hoar, Johnston, Jonas, Jones of Florida, Jones of Nevada, Kirkwood, Logan, McDonald, McMillan,	Morrill, Paddock, Pendleton, Platt, Pryor, Rollins, Saunders, Teller, Thurman,	
Burnside,	Hampton, Hill of Colorado.	McPherson, Morgan,	Williams, Windom.	

Cameron of Pa.,	Hill of Colorado,	Morgan,	Windom.
	NA	AYS-8.	
Butler, Eaton,	Farley, Kernan,	Plumb, Slater,	Vance, Vest.
	ABS	ENT-24.	
Beck, Call, Cockrell, Davis of W. Va., Ferry, Garland,	Groome, Grover, Harris, Hereford, Hill of Georgia, Ingalls,	Kellogg, Lamar, Maxey, Randolph, Ransom, Saulsbury,	Sharon, Voorhees, Walker, Wallace, Whyte, Withers.

So the amendment was agreed to.

Mr. KIRKWOOD. I wish to suggest another amendment to this bill, and I hope the Committee on Indian Affairs will accept it. On page 2, in lines 19 and 20 of section 1, where the word "four" occurs in three places, I move to strike out that word and insert "six" in

The PRESIDENT pro tempore. The amendment will be reported. The CHERCHERK. The amendment is, in line 19, after the word "Meeker," to strike out "four" and insert "six;" in the same line, after the word "Meeker," to strike out "four" and insert "six;" and in line 20, after the word "Price," to strike out "four" and insert "six;" so as to read:

To Mrs. Arivella D. Meeker, \$600; to Miss Josephine Meeker, \$600; to Mrs. Sophronia Price, \$600.

Mr. KIRKWOOD. Mr. President, Senators will perceive at once the purpose of this. Mrs. Arivella D. Meeker is the widow of the murdered agent, Miss Josephine Meeker is a daughter, and Mrs. Sophronia Price is the widow of a murdered employé. These three ladies were all taken prisoners by the Indians and subjected to treatment that we all understand. The committee have reported in favor of allowing to each of these three ladies for a specific period of time the sum of \$400 a year out of the moneys payable to these Indians. The amendment submitted by myself is to increase that sum to \$600 per

Mr. BUTLER. May I ask the Senator from Iowa a question?
Mr. KIRKWOOD. Certainly.
Mr. BUTLER. What will the Indians say to that increase from

Mr. KIRKWOOD. I should be very careless myself as to what they said about it.
Mr. EATON. We are told they have agreed through their head-

Mr. EATON. We are told they have agreed through their headmen to this amount.

Mr. KIRKWOOD. I will not argue the proposition at all. I leave it to the Senate to say. I think my amendment will commend itself to the judgment of the Senate.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa, [Mr Kirkwood.]

The question being put, it was declared that the ayes appeared to prevail; when a division was called for and the ayes and noes rose and were counted.

and were counted.

Mr. BURNSIDE. I desire to say a word to explain my vote. I understand this is an agreement with the Indians, and I vote against the amendment, not because I do not want to increase the amount, but I understand the sum which is to be devoted to this purpose is fixed at a certain amount. This amendment of the Senator from Iowa will exceed that sum. If that is the case, I think it would be

wery unwise to open the question again.

Mr. McMILLAN. I understand an amount is reported as an amendment by the committee, and the Senator from Iowa merely increases that amount as amended by the committee.

Mr. HILL, of Colorado. I desire to say that the several amounts

in the bill are the amounts agreed upon and accepted by the headmen of the Indians before they left for Colorado.

Mr. McMILLAN. Does not this appear in the bill as an amend-

ment reported by the committee to the agreement entered into be-

ween the Secretary of the Interior and the head-men?

Mr. KIRKWOOD. I think the Senator from Colorado must be laboring under a mistake.

The PRESIDENT pro tempore. This debate is out of order when

the Senate is dividing.

Mr. KIRKWOOD. I can hardly suppose the Indians voluntarily

agreed to make payment of the sums named in this bill before they left Colorado, and that when—
Mr. CAMERON, of Wisconsin. Before they left Washington for

Colorado.

Mr. KIRKWOOD. Then I misunderstood the Senator from Colorado. It certainly should have been placed in the agreement itself,

if that be so The PRESIDENT pro tempore. The Chair must call attention to the fact that it is not in order to debate when the Senate is dividing. The Senate is dividing on this question. The ayes are 26 and the noes 15; the amendment is adopted.

Mr. MORGAN. The adoption of that amendment would seem to make it proper to adopt an amendment in line 22 in reference to Mrs.

Sarah M. Post. I should like to inquire of the chairman of the committee what ground there was for giving any compensation at all

when it is put at only \$200?

Mr. COKE. I am not able to hear the Senator from Alabama.

Mr. MORGAN. I ask why Mrs. Sarah M. Post is given only \$200?

I understand she is the widow of a man who was murdered by these

dians. She was not there, it is true, but he was her husband.

Mr. COKE. I am not familiar with all these details. Perhaps

Mr. Coke. I aim not laminate with all these details? Telhaps some other member of the committee can give information.

Mr. MORGAN. I move to strike out "two" and insert "six" in her case, in line 23; so as to read: "To Mrs. Sarah M. Post, \$600."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was rejected.

Mr. TELLER. I move to strike out "two" and insert "three" in that clause. I find that Mrs. Elliott, whose husband was killed not at the time of the massacre but at another time, is given \$300. There is no reason why Mrs. Post should not have as much. She is a woman with three children to support.

Several SENATORS. That is right.

The PRESIDENT pro tempore. The question is on the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado, [Mr. Teller.]

Mr. HOAR. I desire to say that I should like to have this matter distinctly understood. I understood the Senator from Colorado on the right [Mr. HIL.] to say that the allowance of these sums had been agreed upon by some representative or quasi representative of the Government and the head-men of the Indians. If that be true, we ought not to disturb that agreement by making the sum a little larger; but if there is any larger sum to be paid it should be paid from the Treasury of the United States and not from the Indian fund. If it is not true, we should be prepared to support the Senator's amendment.

I do not know anything about that except the state-Mr. TELLER. I do not know anything about that except the statement that my colleague makes, which I assume to be true of course. I will simply say on this subject that the whole question is still by this bill left to the Indians. If they decline to accept it, of course it does not go into effect. It is still to be remitted to them for their approval. They have got a veto on this bill. If they happen to veto this bill, of course that is the end of it; but if they do not veto it, it will become a law. I think this woman ought to have \$300; she has three children; she is entirely destitute; she is a woman that has been well brought up and accustomed to living decently and properly.

well brought up and accustomed to living decently and properly.

Mr. DAWES. I observe in the original bill that there is a distinction in the amounts to be given to these different persons, and that distinction is kept up I suppose because there is something in the history of their sufferings that accounts for it. I am not acquainted with the facts.

Mr. WILLIAMS. I will say to the Senator that it appeared to the committee that most of these women were at the White River agency, where the massacre took place, and were taken off and outraged by the Indians, and the others were injured at different times and places. The committee, therefore, made a difference in the pension allowed

Mr. DAWES. Grewing out of the difference in the outrages?
Mr. WILLIAMS. Yes, sir.
The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. Teller] to increase the amount from \$200 to \$300.

Mr. TELLER. I understand the committee assent to it.

The amendment was agreed to.

Mr. PLUMB. I move to amend by inserting, in line 45, after the word "and," the words "the murder of and outrages upon;" so as to

Who were implicated in the murder of United States Indian Agent N. C. Meeker, and the murder of and outrages upon the employés at the White River agency.

The first part of this agreement requires the tribe to surrender up those Indians who were implicated in the murder of certain persons

at the agency. Now, according to my understanding of the matter and my belief, and I think it is common among the people of that section of country, that is not the worst of the atrocities that were committed, and I do not want the Indian Committee to say, as I think was intimated a moment ago, that they were proposing to condone this offense by the payment of money for twenty years, but I want the persons guilty of the principal offense delivered up as well.

Mr. WILLIAMS. The committee assent to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas, [Mr. Plumb.]

The amendment was agreed to.

Mr. MORGAN. I offer the following amendment, to be inserted at the end of line 37 on page 3: at the agency. Now, according to my understanding of the matter

the end of line 37 on page 3:

Provided further, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty, or to deprive any such Indian who refuses to sign said agreement of his or her right to select a tract of land for agricultural purposes at any time within two years from the date of this act, under the stipulations of any existing treaty with the Ute Indians, in any part of the reservation now occupied by any of the confederated tribes of the Ute Indians in the State of Colorado.

Mr. President, in support of the amendment I merely desire to call the attention of the Senate to the stipulations in the seventh and sixteenth articles of ≀he treaty, which I send to the desk of the Secre-

tary to be read.

The PRESIDENT pro tempore. The Secretary will read the articles sent to the desk by the Senator from Alabama.

Mr. WILLIAMS. I am in favor of the principle of the first part

The PRESIDENT pro tempore. The Senator from Alabama retains

the floor, but has sent up some matter to be read.
Mr. WILLIAMS. I beg pardon.
The Chief Clerk read as follows:

The Chief Clerk read as follows:

ARTICLE VII.

If any individual belonging to said tribe of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land book as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Utc Land Book."

The President may at any time order a survey of the reservation; and when so surveyed Congress shall provide for protecting the rights of such Indian settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descont of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof as may be thought proper.

ARTICLE XVI.

ARTICLE XVI.

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

Mr. MORGAN. I understand that a portion of the committee, at least, and perhaps all the gentlemen of the committee, are satisfied with the amendment that I propose as far as the first part of it is concerned; that is, to secure to those Indians who have made selection of agricultural lands a right to continue there and enjoy them, and to

cerned; that is, to secure to those Indians who have made selection of agricultural lands a right to continue there and enjoy them, and to receive certificates for those lands under this treaty. The difficulty arises in regard to the second portion of the amendment, which provides that within two years from the date of this enactment every Indian of the Ute tribe who has not signed this agreement shall have the privilege of enjoying the benefit of the seventh article of the treaty by going on within that period of time and selecting his agricultural land, and making that place his home, if he chooses to do so. My purpose is to try to execute this treaty as far as it is practicable to do so.

to do so.

We provide in this law, as was provided in the original treaty of 1868, that the consent actually obtained by signature of a three-fourths majority of the adult male Indians in that territory shall have the majority of the adult male Indians in that territory shall have the effect of transferring to the Government, or yielding by cession to the Government, or disposing of, the lands held by these Indians in common; but that treaty expressly provides that the rights of the individual Indians shall not be disposed of except with their personal consent. Of course, when you remove these Indians from their present territory under the power of the tribe acting as a tribe, and compel the minority of a little less than one-fourth to remove from this territory, the personal rights should be secured to them which we guaranteed in the treaty and which the tribe has no power to affect. I do not believe that it was ever the intention of the treaty that a three-fourths majority of the Indians in that tribe should have the power to take the minority from that territory so as to deprive them of their right to make selections under this treaty of lands for agricultural purposes. agricultural purposes.

I wish at all events to satisfy the Indians; I wish when we come to consider this legislation further, and to deal with the Indians hereafter, we shall not be met with the complaint that we had violently torn them away from places where they had a right under the treaty to make their selections, and had done it immediately and without notice. I want to make provision of law by which there shall be at least two years allowed to those who do not sign the agreement and thereby bind themselves by a contract with reference to this enactment to have the right to locate upon these lands under the provisions of the treaty.

Mr. CONKLING. How many adult male Indians are there in this

ribe?

Mr. MORGAN. I am not quite able to state. I should suppose between eight and nine hundred.

Mr. CONKLING. That is, Indians over twenty-one years of age?

Mr. MORGAN. They are called "adult male Indians" in the treaty.

There are four thousand of these Indians; and so in all probability about eight hundred adult male Indians in the tribe. Three-fourths of those have a right, as long as we recognize their tribal power, to transfer the entire tribe out of this territory into the territory into which we propose to remove them. I propose to make it entirely clear which we propose to remove them. I propose to make it entirely clear that that right remains to those who have already made selections by that that right remains to those who have already made selections by the first part of my amendment, and to that I understand the committee have no objection; but the second part of it in equity and justice ought to be enacted. The very moment this law is ratified by the Utes, if it ever takes effect at all, it becomes operative. You call a council under the direction of these commissioners and submit this enactment or treaty or whatever it may be called to that council; three-fourths of the adult male Indian population agree that they will accept it, and they sign the agreement. That is a ratification of it; that makes the agreement operative, which before that time is not operative. The minority who may decline to sign it, it may be one operative. The minority who may decline to sign it, it may be one or it may be one hundred or more, are transferred by the operation of this law and this agreement of the tribe as a tribe, away from this territory, and all opportunity to make the selection is entirely cut off. I do not think that is just; neither do I think that the Indians will regard it as just. If we are to make this arrangement with them

in the interest of peace, we ought to give them certainly some satisfaction in regard to the equity of our conduct toward them. So I hope that the Senate will adopt this amendment.

I wish to say, however, that I cannot consider this a constitutional law in its present form, enacted, all of its provisions except one section or perhaps two, to take effect upon the consent of the Ute tribes. Mr. Cooley, in his comments on constitutional law, strongly denounces such enactments as being unconstitutional. A large number of ausuch enactments as being unconstitutional. A large number of authorities are cited by him to show that in reference to any general law affecting the people of an entire State, or you may say affecting the people of an entire tribe, for we are dealing with them now at least as a State or a tribe, as a law-receiving power if not a law-enacting power—in reference to any general legislation affecting the people of a tribe or a State, it is unconstitutional to make that legislation depend upon the condition of the people accepting it

people of a tribe or a State, it is unconstitutional to make that legislation depend upon the condition of the people accepting it.

Mr. EDMUNDS. May I ask the Senator a question in that connection, if I do not disturb him?

Mr. MORGAN. Certainly, sir.

Mr. EDMUNDS. There is great force in what the Senator says, beyond all question; but there is another point connected with that on which I should like to get his views. If we are dealing, as we appear to be, with these Indians in their character as a tribe or community, how does it happen that we can deal with them by a statute, make an agreement by a statute at all, when the Constitution says that the Senate and the President are to make treaties? The fact that you call this an agreement instead of using the werd "treaty" that you call this an agreement instead of using the word "treaty"

does not change it any, as it appears to me.

Mr. MORGAN. I stated that proposition in the outset of my remarks on this bill as indicating entirely my opinion that it was impossible that we could proceed with this bill at all without violating the treaty-making right of the Senate and President.

Mr. EDMUNDS. I did not have the pleasure to hear the Senator.

Mr. MORGAN. We are in a choice between two alternatives, one of which is that we do not treat with them; for members of the committee say this is not a treaty but legislation; the other of which is that we legislate and make the entire law dependent upon their acceptance. So I conceive that it is unconstitutional in both aspects; that there is no constitutional aspect in which this bill can be viewed at all. I think it will be so held by any court that ever has its construction under consideration.

Mr. ALLISON. I have heard the Senator say over and over again that this law is to be submitted to the Ute Indians. There is nothing further from the fact. We do not propose to submit any law to the Indians. The only thing that is submitted to the Ute Indians in this statute is whether or not they will respond to the agreement. the Indians. The only thing that is submitted to the Ute Indians in this statute is whether or not they will respond to the agreement made by their head-men. What is that agreement? It is simply an agreement providing for the surrender of a portion of the lands they have now and the taking of other lands in lieu, and whether they will receive the compensation which the United States proposes to pay them for these lands.

Mr. EDMUNDS. Then let me ask the Senator from Iowa if it be an agreement in the sense in which he speaks of it, suppose some particular individual or all of them choose not to carry out the agree-

ment after they have made it, what are you going to do? All you can do with a man who breaks an agreement in a civilized country is to sue him. And if you say this is an agreement with a nation of Indians in their political character, then you have run into the Constitution which says you are to deal with them by treaty.

Mr. ALLISON. I am not on the point the Senator from Vermont made a while ago; but the Senator from Alabama, as I understand him, now says that it is proposed that these Indians shall agree to this law; in other words, that they become a part of the law-making power of the United States here. There is nothing further from the fact in this case. We do not propose any such thing. The law is passed by Congress. It is to carry out an agreement not yet completed.

Mr. MORGAN. The first section of this bill contains nothing but an agreement and the amendments thereto. The agreement is set out in have verba in the section and the signatures of the contracting parties are there given. All the remaining sections of the bill are to

in hec verba in the section and the signatures of the contracting par-ties are there given. All the remaining sections of the bill are to carry that agreement into effect, so that if the agreement is not adopted the rest of the law falls, the rest of the statute would be en-tirely incomplete and would have no purpose to accomplish, and there-fore it would be no statute.

Mr. CONKLING. What is the distinction between this case in that respect and any other case of contingent legislation; as between this

respect and any other case of contingent legislation; as between this and the embargo case for example?

Mr. ALLISON. Or the case of a grant of land in a State to erect a custom-house. The grant is on condition that the State relinquishes its anthority. There is no trouble about that.

Mr. MORGAN. This is not submitted to the Indians in that sense. It is not a question which is left to the law to determine when the contingency arises; but it is a question that is left to a certain body of men by a vote to accept it or not to accept it.

Mr. CONKLING. The honorable Senator will pardon me for suggesting that in the instance of the embargo act it was left contingent.

mr. CONKLING. The honorable Senator will parton me for suggesting that in the instance of the embargo act, it was left contingent upon the occurrence of a certain event, the ascertainment of that fact by an officer of the Government, and his promulgation of that ascertainment by a proclamation. Now, what is the distinction between that case and this, in principle?

Mr. MORGAN. The distinction is this: that the President of the United States has the right to put a law in force when the law provides that it shall be put in force on his proclamation. He is one of

vides that it shall be put in force on his proclamation. He is one of the agencies of our own Government. But when a law is to go into effect upon the acceptance of some foreign power, or upon the accept-ance of some band of Indians in our country, then the contingency depends upon their determination and not upon ours. The legislation is entirely incomplete until they vote, until they act, and they to that extent are admitted to a participation in the act of legisla-

Now, I will read from Cooley on Constitutional Limitations his text on that subject:

The question then arises, whether that which may be done in reference to any municipal organization within the State may not also be done in reference to the State at large? May not any law framed for the State at large be made conditional on an acceptance by the people at large, declared through the ballot-box?

Mr. ALLISON. That is not this case.

Mr. MORGAN. Very good. In examining the principle, I will not read the entire body of the text because there is a good deal of it not bearing particularly on this subject:

bearing particularly on this subject:

If the decision of these questions is to depend upon the weight of judicial authority up to the present time, it must be held that there is no power to refer the adoption or rejection of a general law to the people of the State, any more than there is to refer it to any other authority. The prevailing doctrine in the courts appears to be, that, except in those cases where, by the constitution, the people have expressly reserved to themselves a power of decision, the function of legislation cannot be exercised by them, even to the extent of accepting or rejecting a law which has been framed for their consideration. "The exercise of this power by the people in other cases is not expressly and in terms prohibited by the constitution; but it is forbidden by necessary and unavoidable implication. The senate and assembly are the only bodies of men clothed with the power of general legislation. They possess the entire power, with the exception above stated."

What is "the exception above stated."

That the propole in their

What is "the exception above stated?" That the people in their constitution have reserved the right of approval or disapproval of a law, and only in that case.

law, and only in that case.

"The people reserved no part of it to themselves, (with that exception,) and can therefore exercise it in no other case." It is therefore held that the Legislature have no power to submit a proposed law to the people, nor have the people power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the constitution. The government of the State is democratic, but it is a representative democracy, and in passing general laws the people act only through their representatives in the Legislature.

Nor, it seems, can such legislation be sustained as legislation of a conditional character, whose force is to depend upon the happening of some future event, or upon some future change of circumstances. "The event or change of circumstances on which a law may be made to take effect must be such as, in the judgment of the Legislature, affects the question of the expediency of the law; "—

Not of its validity but the expediency of it. There is the distinc-

"an event on which the expediency of the law in the opinion of the law-makers depends. On this question of expediency, the Legislature must exercise its own judgment definitively and finally."

become entitled to a certain subsidy of bonds or lands. Again, suppose we say that whenever the State of Alabama cedes jurisdiction pose we say that whenever the State of Alabama cedes jurisdiction over a suitable site in Montgomery, then and in that event it shall be paid for, and a public building shall be erected thereon, and so on. Those are all contingencies; they are addressed, as the Senator says, to the expediency of the law; but the law speaks, as the Constitution says it shall when it becomes consummate by the concurrence of the three bodies which act upon it, the Executive and the two Houses. What is the distinction between those cases and the case in which you say that whenever an Indian tribe agrees willingly or voluntarily to go to the White River or the Grand River or some designated reservation, then and in that event they shall become entitled to certain annuities?

Mr. MORGAN. The distinction, as I consider it, is this: In the cases cited by the Senator from New York the particular event upon which the act is to take effect is expressed in the act itself; its expediency is determined, and the law becomes operative to take effect upon the happening of that contingency or that event. But in this case, inasmuch as we make the agreement itself the basis of the statute, the law does not take effect until another party consents that it shall take effect.

Mr. CONKLING. Not so as I understand it, if the Senator will allow me. Let us see which is right. The statute authorizes and therefore me. Let us see which is right. The statute authorizes and therefore requires the appointment of a commission. It requires that commission to proceed to do certain things, one of which is the ascertainment of the contingency now in question. Surely the Senator cannot say that this is like the case, attempted some time in the States, of passing a law and providing that the people shall vote upon it, and if they vote in favor of it it shall go into effect, and unless they do it shall not; the law takes effect pro tanto; but the law is frustrated when a contingency arises which frustrates it after that.

Mr. MORGAN. The difficulty in the Senator's argument, as I conceive, is that in this case the law takes effect by the agreement of another party.

another party.

Mr. CONKLING. It is the question if that is so.

Mr. MORGAN. I will take the case of providing for the payment

Mr. MORGAN. I will take the case or providing for the payment of money to the women here named.

Mr. CONKLING. That does undoubtedly.

Mr. MORGAN. Very good. That is part of the statute. Is that an unconstitutional part of it? If it is, the whole of it is unconstitutional, because you make the law take effect on the agreement of somebody else that it shall take effect, not that the law shall be of full effect to become operative upon a contingency, but that it shall be of no effect until it takes effect upon the consent of some person

to be hereafter obtained.

Mr. CONKLING. The Senator will pardon me once more. You say by act of Congress that certain property shall be disposed of on certain terms and it shall be disposed of to the highest bidder. Suppose nobody bids and the property is not disposed of? Again you say that a contract shall be made, that sealed proposals shall be asked for, and that it shall be given to the lowest bidder. there are no sealed proprosals, or the persons who come are totally irresponsible, or the whole thing is entirely informal, and it fails in frustration; is not that just such a case as this?

Mr. MORGAN. But in the case cited by the Senator from New York there is no condition at all that the law shall become operative

if there are sealed proposals, or that it shall not become operative if

Mr. CONKLING. But it presents the point that the Senator was last suggesting, that the residue of the act would fail of execution.

Mr. MORGAN. The point is stated by Judge Cooley in better terms than I can state it:

The prevailing doctrine in the courts appears to be, that, except in those cases where, by the constitution, the people have expressly reserved to themselves a power of decision, the function of legislation cannot be exercised by them, even to the extent of accepting or rejecting a law which has been framed for their consid-

Mr. CONKLING. No doubt about that. Mr. MORGAN. Whenever you devolve on any people or this tribe of Indians so much of the function of legislation as makes a law operative on their giving their consent to anything at all, you introduce

into it an unconstitutional feature. That is my proposition.

Mr. INGALLS. Mr. President, it is rather late in the day, it seems to me, to talk about the right of Congress or the duty of Congress to treat with Indians for the cession of the land that they occupy. Each one of the four great powers that colonized this continent— England, France, Holland, and Spain—uniformly recognized the principle that, while the Christian powers that conquered the country obtained the right of sovereignty, the Indians were the rightful occupants of the soil so long as they continued to possess it, and that their title could not be extinguished except by their voluntary agreement secured in pursuance of law. We have made during the period of our history nearly four hundred treaties with Indians. Nearly all the country we occupy has been procured by voluntary cession from the Indians; and, with the single exception of the Minnesota Sioux outbreak in 1862, this Government has never claimed that it had a title to any Indian territory by the right of converge. Mr. CONKLING. Now, will the Senator indulge me a moment, because I am seeking for information?

Mr. MORGAN. Yes, sir.

Mr. CONKLING. Suppose by act of Congress we say that whenever any party or corporation who may choose to do it completes a certain number of miles of road, then and in that event they shall

Mr. TELLER. I trust the Senator will withdraw the word "peace-

Mr. INGALLS. I say they are in the peaceful possession to-day of twelve million acres of soil, because that is the fact. In 1871, after a continuous recognition of the "domestic-dependent-nation" theory of Indian political attributes, Congress declared that no more treaties should be made with Indians, but that all agreements for the acquisition of their territory should be submitted to both Houses of Congress for ratification. There has been no change of the question of title between the United States Government and the Indian in consequence of that change of law in 1871. The Supreme Court by in-numerable decisions has held that the Indians were the lawful occupants and possessors of the soil, and that there was no way for the Government to obtain possession, if they were peaceable, except by voluntary cession on their part.

Here is another illustration of the exercise of that power and authority on the part of the Government. We have endeavored to seeure from them an acknowledgment of the terms and conditions under which they will cede these twelve million acres of land in Col-What question of constitutional law is there about it? In what particular does the doctrine that the Senator from Alabama has

produced here apply to this question?

Mr. MORGAN. If the Senator will allow me, I will say that it is only in view of the fact that this is considered by the committee as an act of Congress and not a treaty.

Mr. INGALLS. The Senator entirely misapprehends. It is immaterial, whether you call this an act of Congress or a treaty. We have tried, as we were bound to do before we could get possession of this land, in some way to come to an understanding with these people, to make a bargain with them. They are the occupants of it; they are the possessors of it; they are there rightfully by the consent of the Government; and under the unbroken precedent that has been established, under international law, under the law of the Supreme Court, we are bound before we can obtain possession of that land to secure the consent of the Indians in some way.

Mr. MORGAN. Then I will ask the Senator whether he expects to secure that consent from them as a political body, as a government, or as individual men?

Mr. INGALLS. I do not propose to discuss the doctrine whether the Indians are domestic dependent nations, as the Supreme Court has heretofore declared them to be, or whether their condition has has heretorore declared them to be, or whether their condition has been changed by the act of 1871; or whatever Senators may see fit to assert on that point I shall not deny. I assert that these Indians, whether they are recognized as nations or as a community or as a partnership, or in any sense that you may choose to define them, are in the rightful possession of this territory of which we desire to obtain control, and a treaty or agreement has been made with them, through their head-men, their agents, if you please—if you do not desire to call them a political sovereignty, if they are a partnership, or an association an agreement has been made with their agents. or an association, an agreement has been made with their agents, which it is now sought to make operative. This law is not to take effect in any sense of being contingent legislation upon the consent of the Ute tribe of Indians. It is a misuse of terms to talk about that. There is no contingent legislation about it. Here is an agreement that Congress assumes the right to modify, to change, to abrogate if necessary; but in case it is agreed to, as defined and established by these head-men and by the Secretary of the Interior, then these conditions are to be effectual and to go into operation. There is nothing else in it.

When the Senator quotes from Cooley on Constitutional Law and Limitations as to the effect of contingent statutes, it shows that he has an entire want of comprehension of this matter, as it appeared to the Committee on Indian Affairs. He may be right and they may

Mr. THURMAN, (Mr. VOORHEES in the chair.) Mr. President, I have been so anxious that this bill should be disposed of, as I hope it will be before we adjourn, that it is with very great reluctance that I say a word. I shall by my brevity certainly not contribute to the

prolongation of this debate

With the greatest respect in the world for my friend from Alabama it does seem to me that he has an entirely mistaken view of this subject. Suppose that an act of Congress had been passed, authorizing the Secretary of the Interior to purchase from these Utes their lands upon such terms as to him should seem just and reasonable, and he had made the purchase, what difference would it make whether they had a distinct and independent autonomy as a tribe or whether they were so many individuals? Could not Congress authorize the Secretary of the Interior to purchase the lands of A B or C D or E F in the State of New York or the State of Ohio, and cannot Congress authorize the Secretary of the Interior or the President or any officer to purchase the lands which belong to an Indian tribe, whether they have autonomy or whether they are so many individuals? If we could do that, what difficulty is there when the Secretary of the Interior has made such a contract, which, standing alone on his action would not be binding, for the Congress of the United States to ratify it and thereby we keet the good case (Congress had in the Secretary of the Interior has thereby make it as good as if Congress had in the first instance delegated that authority to him? For the life of me I cannot see; and we may ratify it with modifications, which, when accepted by the other party to the contract, become operative and binding. I see no legal difficulty in this question at all. It may be that I do not un-

derstand it, and I always have great difficulty in my own mind when

I find myself differing from my friend from Alabama.

Mr. MORGAN. If my friend will allow me, I will say that we have no power under existing statutes to confer on the Ute tribe of Indians authority to convey the rights of individual Indians to their lands.

Mr. THURMAN. I am not sufficiently familiar with this subject to know whether there are rights in the control of the contr

Mr. IHUKMAN. I am not sunctiontly familiar with this subject to know whether there are rights in severalty.

Mr. ALLISON. In the first place there are no rights in severalty. There is not a single individual Indian in this Ute reservation who has selected land under the seventh article of the treaty—

Mr. INGALLS. Except Ouray.
Mr. ALLISON. I understand even Ouray has not, and he has signed

the treaty. They hold these lands in common, all of them.

Mr. THURMAN. That being the case, I really do not see the difficulty. While I am up, having said all I want to say on that matter, I will add that there is in the bill, I am told, a provision that I should like a word of explanation about, and that is that these lands having been allotted in severalty and becoming private property. Sanda bring been allotted in severalty and becoming private property, lands lying in the State of Colorado are to be free from taxation for twenty or

twenty-five years.

Mr. TELLER. Twenty-five years.

Mr. THURMAN. I do not exactly understand how the United States can, by any bargain it may make with anybody, exempt from taxa-

ean, by any bargain it may make with anybody, exempt from taxation private property in a State.

Mr. ALLISON. I will say to the Senator, if he will allow me, that these lands to be taken in the State of Colorado are now a part of this Indian reservation, and the Supreme Court—and, unless I am very much mistaken, the Senator from Illinois [Mr. Davis] delivered the opinion-has decided that that class of lands cannot be taxed by

A State. That was in the Kansas case.

Mr. THURMAN. That is all very true; but after they have become lands in severalty and the tribal relation is broken up—

Mr. ALLISON. But it is not broken up. We do not propose to

Mr. TELLER. I will say to the Senator from Ohio that the chairman of this committee [Mr. Coke] when opening this debate announced as a question of law that the tribal relations were dissolved by the bill. Upon that I made a proposition that if they were dissolved you had no right to exempt the land from taxation.

Mr. ALLISON. But it is not dissolved.

Mr. TELLER. It is dissolved. That is the legal effect, there is no

Mr. COKE. I think the tribal relation in all essential particulars is broken; but there is enough left of that relation to retain over the Indian the jurisdiction of the Federal Government, as will be seen by

reference to this bill and by reference to the decision of the Supreme Court in the Kansas case. That is my position.

Mr. HOAR. I wish to put a question to the Senator from Ohio, if there is any doubt in his mind that an act of Congress and the consent of an Indian tribe may change the tenure on which the Indian lands are held from the ownership of the tribe in common to a seisin in severalty by the individual, leaving the tribal relation existing for all other purposes. If that be true, I ask him whether lands so held in severalty may not still be exempted from taxation as the lands held by the tribe in common?

Mr. CONKLING. I should like to ask the Senator from Texas another question about these lands. I observe that so much is to be given to one, and so much to another, and so on, hereafter. Is that allotment of land to be in bulk; or is the bill open, equally as to any other construction, to the idea that one man is to receive land in one place and another man in another place and another man somewhere else, and intermediate all these pieces of land white settlers may be located?

Mr. COKE. That will be arranged under the instruction of the

commissioners who are to survey the locations.

Mr. CONKLING. They are to go where the commissioners please to locate them?

Mr. COKE. Yes, sir.

Mr. CONKLING. So that they may put one man in one place and another man somewhere else, and disperse them abroad as they please, and leave white people among them if they choose?

Mr. COKE. Yes, sir.
Mr. CONKLING. May I inquire of the Senator from Texas whether
he has any evidence on the subject that the Indians understand that

that is to be the effect of this?

Mr. COKE. I suppose that the head-men who made the agreement understand it. At all events it will be the duty of the commissioners to explain it to them, as they will be charged with procuring their

Mr. CONKLING. So, as I understand the Senator, the commissioners, if they are explicit and ingenuous, will let these Indians understand that one member of a family may be put in one place and another member of the same family at a distance, with white people between them, and that they may be not only divided into families but subdivided and disposed of in as many directions as anybody who

at the time administers this may think on the whole would be wise?

Mr. COKE. Of course the bill supposes that the commissioners will consult the allottees in making the allotments.

Mr. COKE. It does not say so.

Mr. COKE. That of course is the presumption.

Mr. CONKLING. The Senator trusts to the humanity or the good

Mr. COKE. We cannot go into every detail in the bill.

Mr. EDMUNDS. Since we passed the act of 1871 saying that the President and the Senate should not exercise their constitutional power to make treaties with Indians, but that all treaties afterward with Indians should be called a greater than the same and the same are the same and the same are the same with Indians should be called agreements and should be made by Congress, I confess I have been a good deal at sea and quite unable to understand what is the effect of an act of Congress which embodies an agreement of this character, or any other similar character, with Indian tribes. If the act of Congress speaks, as it may about other agreements such as those to which the Senator from Ohio has alluded, in its civil character, then the Indian or the United States breaking the contract, not keeping it, is only liable to a civil remedy. Treating this as an agreement—and that is all of course that Congress has power to authorize to be made as it cannot authorize the making of a treaty with these people in their political character-treating it then as an agreement, the thing that troubles me is, supposing the Indians do not keep the agreement, supposing one-fourth of them do not wish to leave their homes in Colorado and go to Utah, and then suppose the Army of the United States is brought to bear upon them, is that the civilized and constitutional way of compelling the performance of a civil agreement, although it is contained in an act of Congress? There can be but one answer to that, I think, and that congress? There can be but one answer to that, I think, and that answer must be in the negative. And consequently if any part of these Indians do not wish to go to where this agreement agrees that they shall, take those who will not agree—and it is recognized that there may be a certain number who will not agree—if we should undertake to compel them to go by force, they would have the best of the argument; and if any one of them (as an Indian did a year or two ago in Nebraska or somewhere) should appeal to the courts for protection by a writ of habeas corpus or an action of trespass against the soldier who undertook to remove him by force, he would most certainly win, as it appears to me; whereas if we do this same thing under a treaty under the Constitution, such as the courts have held over and over again is a valid exertion of the constitutional treaty-making power, we are then dealing with these people as a nation and we compel them just like the people of any other nation to keep their obligations, and if they will not do it otherwise, by the only means that they are the second another these the obligations. that any nation has to compel another to keep its obligations, and

that is by the exertion of power. In this way you get along.

But this does not proceed upon that theory. It proceeds upon the theory that this is not the exertion of the treaty-making power, but it is the exertion of the constitutional right of Congress to make a civil agreement with an association of individuals, call them what you like; and the consequence, I am afraid, is very likely to be, supposing this were ever so good an agreement and nobody is dissatisfied with it, and then we resort as I do not know but that we properly should to force, we should be in the wrong, and there would be trouble. But I pass from that because I know the Senate wishes to

Mr. INGALLS. I wish before the Senator does pass from that, that he would oblige me, and I presume he would also oblige the Senate, by stating whether he considers that the political relation of the Indians to the United States Government has been at all changed in consequence of the adoption of the act of 1871 declaring that no further treaties should be made?

further treaties should be made?

Mr. EDMUNDS. Of course it has not.

Mr. INGALLS. It has not.

Mr. EDMUNDS. At least I do not think it has.

Mr. INGALLS. Then what is the objection to this agreement, whether you call it a treaty or an agreement? The Senator would undoubtedly admit that if what he says is true—and it agrees with my views—we must still treat with them as a domestic dependent nation having a political existence. So it appears to me to be immaterial whether we call this a treaty or an agreement; the fact remains the same

Mr. EDMUNDS. I do not know but that the fact does remain the same, only if it remains, as this thing is in substance a treaty within every principle of construction or interpretation that has ever existed until within two or three years, I respectfully submit that it is not within the competence of the Senate of the United States in its legislative character, as it is now acting, to make a treaty in this way, and that it cannot have the effect of a treaty and invoke the force and power of the Government of the United States to be exerted against a nation who will not keep its obligations with us, for the reason that neither they nor we have entered into an agreement in the way that the Constitution provides an agreement between nations shall be made. That is the thing that troubles me. I may be tions shall be made. That is the thing that troubles me. I may be entirely wrong; I do not expect to prevent the passage of this bill; and as far as I can see it in general it very likely may be a good thing, but I am not able to see my way clearly out of the dilemma which this method of doing business seems to involve. But as I say I do not wish to weart the Senate with any complaints about that.

Another thing I wish to say. I am afraid now, looking to the nature of this agreement itself, that it is likely to lead to trouble—and we wish to avoid trouble; that is the object of this—by the vagueness of some of its provisions. It speaks first about the Southern Utes, who are to be moved and settled "on the unoccupied agricultural lands on the La Plata River in Colorado and in New Mexico and

ural lands on the La Plata River in Colorado and in New Mexico and

such other unoccupied agricultural land as may be found in that vicinity." That is so vague that if the Indians are at all intelligent and the settlers are as hungry for the good lands there as they are supposed the settlers are as hungry for the good lands there as they are supposed to be, it immediately invites a collision of interests, opens one, for the reason that the country they are to occupy is not sufficiently clearly described. The Indians will say: "Here is a fine little meadow bottom, with good streams and good soil, &c., in the vicinity of the La Plata River." The settlers rush on and say: "It is not in the vicinity, it is not within this agreement at all." There you have a collision, and somebody will be killed or hurt very likely, for that seems to be the usual result of a collision with Indians; and then it is said that the Indians are to blame or somebody is to blame, and we have another row, and we shall have to get out of that by a fresh treaty or a fresh agreement.

Mr. ALLISON. If the Senator will allow me to interrupt him a moment, I quite agree with him as to the vagueness of that particular statement; but if the Senator will read the subsequent sections of the bill he will observe that the committee have undertaken to remedy that defect, if it be a defect, by providing that the commissioners shall go there in person and superintend the selection of these

lands in detail.

Mr. TELLER. But they must follow this agreement.
Mr. ALLISON. Undoubtedly; but I think under the provision of
the subsequent sections there will be practically no difficulty on that

Mr. EDMUNDS. I certainly hope if this is to go through that there will not be any difficulty because it seems extremely unfortunate to try and get out of an existing difficulty by putting things into a condition that is to invite a fresh one. Of course nobody wishes to do that. I am very much afraid that we shall find that, instead of having one consolidated difficulty with these people on their present reservation, we shall have three or four separate ones in the new places, arising out of some of the things that I have suggested. The same remark applies to other divisions of these Indians and I need not repeat my remark about them.

Now we come to the question mentioned by the Senator from Ohie about the provision in this agreement with regard to taxation; and the answer to it made by the Senator from Iowa is that it has been decided by the Supreme Court that so long as the United States are the proprietors of the lands and they have not become the private and several property of the individual Indians, they are not the subject of State taxation. Well, take that to be the law. Now what does this agreement contained in this bill provide upon that subject? It says

first as to the White River Utes that-

Allotments in severalty of said lands shall be made as follows.

Then it states the number of sections to the various heads of families and so forth. Then it comes to the next provision:

The said chiefs and head-men of the confederated bands of Utes promise to obtain the consent of their people to the ession of the territory of their reservation as above on the following express conditions:

First. That the Government of the United States cause the lands so set spart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee-simple to them respectively therefor.

That language is perfectly clear and as far as I see is incapable of any two interpretations. The individual Indian as a person becomes the proprietor of a particular section of land. That having been done it proceeds:

The title to be acquired by the Indians shall not be subject to alienation, lease,

That I agree can be done, assuming the agreement to be valid at all, for the reason that if a person chooses to take a title limited by that condition, that is the nature of the estate that is created. It is a strict fee-tail or limitation in the nature of a fee-tail for the period of time mentioned, the time of twenty-five years. Then it goes on

or subject to taxation of any character.

That, so far as the United States is concerned would be undoubtedly binding, if the agreement is binding at all, because it has been held, and rightly no doubt, that a sovereign power can renounce its sovereign right of taxation in particular respects; but this is intended I suppose to exclude State taxation, although it is not clear that it to the suppose to exclude State taxation, although it is not clear that it would be so construed; and that raises another difficulty, that the Indian is likely to be disappointed. What sort of a case have you got then? You have got the case where the United States executing this agreement has a particular section of land surveyed; that land is given to a particular Indian, and he receives a title to it by patent in fee-simple, saving the limitation that he shall not exert the power that the word "fee-simple" implies, taken without that limitation, the power of alienation-

Mr. ALLISON. For twenty-five years.
Mr. EDMUNDS. But it descends as a matter of course to his heirs during that time. It would not be, as I believe the old lawyers used to call it, immovable until the end of twenty-five years. If the particular patentee happened to die, the title would run to his heirs no doubt, unless there was a special limitation the other way. You have the case of a clear, separate individual ownership in fee of a piece of land in a particular State. Now is it possible that the Congress of the United States has a right to say that that State shall not tax that land when it is the individual property of a person? And if we have

the right to say that as to a red man, have we not upon a sufficient motive a perfect right to say it as to a white man or a black man? Mr. DAVIS, of Illinois. There is no doubt about that if the tribal

relations were dissolved unless these people are kept on what is called

Mr. EDMUNDS. Suppose they are kept on it. The explanation of my friend from Texas, in answer to the Senator from New York, is that exactly the reverse is the expectation, that they are to be individualized between white settlers, a white settler having one section and a red settler having the next, and so on.

Mr. DAVIS, of Illinois. That is not the way I understand the bill.

Mr. EDMUNDS. That is what I understood the Senator from Texas

Mr. HOAR. I desire to ask the Senator from Vermont how it is any different from the exemption from taxation of the personal property owned by the individual? The individual Indian, though sustaining a tribal relation, within a State owns personal property; that personal property is not taxable by the State as the same personal property would be of a white man. Is it not perfectly competent for the Government and the tribe to agree that, while the tribal relation continues, still there shall be such a change in the tenure of land that it shall have this qualified capacity for descent, this qualified individual convership instead of remaining in the tribe?

shall have this qualined capacity for descent, this qualined individual ownership instead of remaining in the tribe?

Mr. TELLER. What portion of the tribal relation exists?

Mr. EDMUNDS. I take it there can be no reasonable doubt that where an Indian tribe continues to be an Indian tribe and continues to reside on its Indian lands by virtue of its Indian title to lands that the United States in setting up the State of Colorado (which is this case) have not turned over to the jurisdiction of that State in any case) have not turned over to the jurisdiction of that State in any way, the State has no political power over that reservation at all except as it respects the relations of its own citizens to the Indians, and then perhaps it would be the courts of the United States that would have to settle them; and probably that is the existing state of the law. But this bill does not provide that this limitation as to taxation shall be dependent upon the continued existence and consolidated character of the tribal relation or the places where they are to settle. It does not provide that they are all to settle in one place, but they are to go to a certain region of country and so they are to settle down together, just as if the United States in order to encourage immigration from Ireland, where there is great distress, should provide, as it might probably lawfully do, that if a body of Irishmen from the county of Cork to the number of two thousand should come and enter upon the public lands in the State of Colorado and settle in one place, at this very spot we are now speaking of, on the come and enter upon the public lands in the State of Colorado and settle in one place, at this very spot we are now speaking of, on the Gunnison River, they should have patents in fee-simple for one hundred and sixty acres of land each; that they should live all together, and form a community if you please; make it as strong as you like in that way; they should not alienate for twenty-five years, and they should not be taxed by the State for twenty-five years; would that do? Nobody would contend that it would. It is only just so long as the nature of this Indian tribal condition, its original nature as the prigringle political community that the courts and Congress have all original political community that the courts and Congress have all agreed had a certain kind of title of their own in their political character to the soil, exists and continues, that the right to escape taxation, as it seems to me, can exist.

This bill is not limited even to such a contingency as that, so far as

This bill is not limited even to such a contingency as that, so far as I can see; but it says that, without regard to the question whether these Indians continue to be a tribe or not, every individual of them in his personal character shall have a certain piece of land that shall be his in fee-simple, and that the State shall not tax it for twenty-five years, or shall never tax it, which would be exactly the same thing in principle. The restraint of alienation, I think my friend from Massachusetts will not admit, would not change the taxation principle; that agreement might be made with anybody; we might provide for the homestead settlers and the pre-emptors and all others who take public lands in the United States that they should not alienate them for twenty-five years; but that would not help the

Then there is another question—

Mr. ALLISON. Before the Senator leaves that question I should like to call his attention to one fact, if he will allow me.

Mr. EDMUNDS. Certainly, with pleasure; I am only seeking for

Mr. ALLISON. The question of taxation is a difficult one, which the committee considered as well as it could. If the Senator will take the bill together, he will see that the tribal relation, in contemtake the bill together, he will see that the tribal relation, in contemplation of law and in contemplation of the decision of the Supreme Court, does continue for a period of twenty-five years, and at the end of twenty-five years the tribal relation may be dissolved; but until that time the whole theory of the bill is that this taxation provision shall continue twenty-five years, that these annuities shall be paid for that period, that at the end of twenty-five years they may be capitalized and paid over to them; and the schools are provided for in the same way. Every provision in this bill looks to the ending of the tribal relation at the end of twenty-five years, not before.

Mr. TELLER. I should like to ask the Senator now if he will name any single thing that looks to maintaining the tribal relation.

Mr. ALLISON. The whole bill looks to that.

Mr. TELLER. Simply because you give that money?

Mr. ALLISON. One word more. This question of course is not

without its practical difficulties; but if the reservation in reference to taxation is not made here, it is utterly useless, in my judgment, to

to taxation is not made here, it is utterly useless, in my judgment, to allow Indians to have lands at all.

Mr. EDMUNDS. That is another question.

Mr. ALLISON. I know it is. I know how unpleasant it is to a speaker to be interrupted in this way, but I have occupied very little the attention of the Senate in this debate and I hope the Senator from Vermont will excuse me now. We did suppose that the Supreme Court had decided substantially that as long as the tribal relation continued the State could not tax the Indian lands.

Mr. EDMUNDS. Now, Mr. President, I will go on. The Senator from Iowa says that the theory of this bill is that the original character of these people shall continue for twenty-five years. That may be the theory, but I am unable to see it written by the best light I can read it in in the bill itself. That may be the idea, but it does not appear to me to be expressed. There is an additional clause on this taxation question, that these lands shall continue free from taxation not only twenty-five years but "until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in the patents when received." porated in the patents when received."

Now turn to section 4, to which my attention has been called by my friend from Minnesota, [Mr. McMillan:]

That upon the completion of said allotments-

Which I take it refers to these

and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof: Provided, That neither their lands nor personal property shall be subject to taxation or execution upon the judgment, order, or decree of any court for the period named in the above-recited agreement.

That does not look at all tribal to me. I must say it looks personal, it looks civil, and it looks like the ordinary and suitable, so far as the United States is concerned, disposal by Congress of its right in these lands, a disposal by the tribe of Indians of their right in the lands, because their right is a common right. They have no such law, or tradition, or usage as holding their land in severalty. They are like our forefathers were in that respect a long time back, having law, or tradition, or usage as holding their land in severalty. They are like our forefathers were in that respect a long time back, having only common interests and common rights in their lands. Everybody is free everywhere; but this looks exactly the other way, and so far as it respects the best civilization of these Indians it probably ought to look the other way. They probably ought to be absorbed, as fast as it can be done suitably, into the general body of the people of the States, subject to the laws, just as this fourth section provides.

So it seems to me the bill is looking rather to the dissolution of the tribal relation, and its dissolution immediately upon the issuing of these patents in fee-simple as it respects these persons; and the circumstance that we provide them schools does not guard that any. We may provide for schools for white settlers in any place if we think the public interest requires them, by appropriating money for that purpose and appointing the agents to carry it out.

think the public interest requires them, by appropriating money for that purpose and appointing the agents to carry it out.

Now, I pass to another question to which I invite the attention of my friend from Texas, and I shall be very brief. This agreement is to take effect, as I believe, on the proviso that "three-fourths of the adult male members of said confederated bands shall agree to and sign the agreement." What I should like to know is whether that three-fourths is three-fourths of the whole number of all the adult three-fourths is three-fourths of the whole number of all the adult males comprised in the three divisions of these people that are mentioned on page 4, taken en masse, all together, or whether it is three-fourths of each particular band or separate community as they seem to be spoken of here as it respects them. In other words, supposing that three-fourths of the Southern Utes agree to this—

Mr. COKE. Three-fourths of the entire number of separate and

confederated tribes.

Mr. EDMUNDS. Then I suggest with great respect to my friend from Texas that it would be better to say so.

Mr. ALLISON. That is the treaty.

Mr. EDMUNDS. I am speaking of this provision.

Mr. ALLISON. The provision is exactly the provision of the treaty.

Mr. EDMUNDS. Suppose it is, I am trying to find out what it means, and it does not aid me a bit to say you can find the same language used ten years ago. What I want to know is, what construction is to be put on this language in respect of affecting these three divisions of these people.

Mr. ALLISON. If the Senator wants my humble opinion about it, which does not seem to have much influence on his mind or judgment, I can say to him that I believe the language of the treaty is such that

I can say to him that I believe the language of the treaty is such that three-fourths of this tribe of Indians is sufficient to make this aliena-

three-fourths of this tribe of Indians is sufficient to make this alienation. That is what I believe.

Mr. EDMUNDS. Then I suggest with great respect, to avoid any misunderstanding with the Indians, and it can be done in two or three words, that this act or agreement shall be made to say so in language that is not capable of two constructions. Taking that to be the construction that it ought to bear and can be made to bear, if you want it that way, then we have got the provision in this form: that in respect of the Southern Utes, who it seems are now living by themselves on a separate part of the present twelve million acres, although not a single one of them may be willing to enter into this agreement, although it may be that not a single one of them has committed any wrong against the United States or any of its people which would justify us in expelling them from the place where they now are, may

disagree to this treaty entirely and not one of them sign it, if there are enough in the other two bands in the other two settlements to make three-fourths of the whole, then these poor southern fellows have got to go nolens volens. Is that right?

Mr. ALLISON. But as a matter of fact the Southern Utes comprise

one-half of the tribe.

Mr. EDMUNDS. Then if the Southern Utes comprise one-half the tribe, I have taken for my illustration the largest division when I might have taken the smallest one. I did not know how the fact was, but it illustrates the question precisely.

Mr. TELLER. The Southern Utes number thirteen hundred out of

twenty-five hundred.

Mr. EDMUNDS. Then take the next, that unpronounceable middle place, where there happens to be a small settlement of these peo-ple. Suppose not one of those is willing to sign this agreement, are they to be expelled and sent to another country to live, against their will, because these two separate settlements on either side of them, the Southern Utes and the White River Utes, think it best to go? the Southern Utes and the White River Utes, think it best to go it is merely put the question. I put it to the committee, whose sentiments of justice I have no doubt are just as strong as mine, that it is a thing worth thinking about, whether it would be better not to compel any one of these separate divisions to go unless three-fourths of that division agreed to go, rather than to compel them to go against their unanimous opposition simply because there were enough votes or signers in the other two divisions to make three-fourths. I regard that as worth thinking of; but at this time of day I do not wish to

I am not able, with these provisions in the bill, to see my way clear to vote for it, as much as I sympathize with the object the committee has in view, and as much as I might hope that it would prove an advantage over the existing state of things.

Mr. McMILLAN. I shall vote for the bill, because I think the con-

sequence of any failure to enter into some agreement now would be hazardous to us and might result in great disasters to the people on the frontier. There is one provision of the bill with reference to the relation which these individual Indians will hold to the tribe or to the law to which I wish to call attention. Section 4 provides:

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof.

Then follows the proviso, which is the provision specially to which I wish to call the attention of the chairman of the committee:

Provided, That neither their lands nor personal property shall be subject to taxation or execution upon the judgment, order, or decree of any court for the period named in the above-recited agreement.

This section, independent of the question of taxation altogether, confers upon an individual Indian the right to sue and be sued in the courts, and then it exempts all his property, personal and real, from execution upon any judgment which may be rendered by the courts. Was that intended here by the agreement?

Mr. COKE. Suppose an Indian gets possession of personal property belonging to somebody else, a white man, an action of detinue or replevin can be brought against that Indian, and the property recovered from him. That is an instance in which the section would be executed out of his own.

be operative, although no judgment could be executed out of his own

property.

Mr. McMILLAN. The section provides that he may sue and be sued in all the courts of the State or Territory, yet in no court, State or otherwise, can the judgment be executed against his property.

Mr. COKE. I cannot hear the Senator.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama, [Mr. MORGAN.]

Mr. MORGAN. I ask for the yeas and nays upon the amendment.

Mr. EDMUNDS. Yes, it is a very important amendment; we ought to have the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I only want to occupy one moment to say that so far as I am concerned I have no objection to the first portion of the amendment of the Senator from Alabama down to the word "sever-

Mr. EDMUNDS. What is the objection to the second portion?

Mr. ALLISON. The objection to the second is that it leaves open for two years the right of certain portions of these Indians, under the influence of people, to go anywhere within this reservation which they cede now to the United States, and which will be occupied undoubtedly by settlers in various ways. It enables these Indians within two years to go in anywhere and make a settlement. The treaty provides that all lands held in common by these Indians may be ceded to the United States by a vote of three-fourths, as provided by the treaty, so that when the treaty is complied with in this respect I submit to the Senator from Alabama that we have complied literally and perfectly with our treaty obligations. I think it will open up new questions, new difficulties, and new troubles with the white settlers who are to go in. I appeal to the Senator from Colorado [Mr. Teller] to state if the bill should finally be adopted whether that provision would not be objectionable. provision would not be objectionable.

Mr. TELLER. I believe that would be the effect of it as far as the second portion of the amendment is concerned. The first part is

undoubtedly proper, I admit, but the second would leave it all un-

Mr. MORGAN. The Senator from Iowa cannot refrain from calling

Mr. MORGAN. The Senator from lows cambo retrain from carried this a treaty, after all.

Mr. TELLER. That is what it is.

Mr. ALLISON. I was speaking of the treaty of 1868.

Mr. EATON. I suggest to the Senator from Alabama to withdraw the second branch of his amendment.

Mr. MORGAN. I do not propose to withdraw it. The Senate may

defeat it if they choose.

Mr. ALLISON. I hope the first part will be agreed to.

The PRESIDENT pro tempore. Does the Senator ask for a division

of the question?

Mr. MORGAN. I understand that upon a division of the question

Senators are willing to accept the first part.

The PRESIDENT pro tempore. Does the Senator ask for a division of the question !

Mr. ALLISON. I do, so that we may agree to the first part of the

The PRESIDENT pro tempore. In the opinion of the Chair the amendment is divisible, the first part ending with the word "severalty." It will be reported by the Secretary.

The Chief Clerk read as follows:

Provided further, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she shall claim in severalty.

Mr. HOAR. I suggest to the mover of the amendment, who made the call for the yeas and nays, that he does not desire the yeas and nays on the first branch, and I hope there will be unanimous consent to dispense with them.

The PRESIDENT pro tempore. The yeas and nays have been ordered and can only be dispensed with by unanimous consent.

Mr. HOAR. I ask unanimous consent that the call for the yeas and nays may only be considered applicable to the second division.

The PRESIDENT pro tempore. Is there objection to dispensing with the call of the yeas and nays on this branch of the amendment?

Mr. MORGAN. I have none.

The PRESIDENT pro tempore. The Chair hears none. The question is on agreeing to this branch of the amendment.

The first branch of the amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will report the remaining branch of the amendment.

The Chief Clerk read as follows:

Or to deprive any such Indian who refuses to sign said agreement of his or her right to select a tract of land for agricultural purposes at any time within two years from the date of this act, under the stipulations of any existing treaty with the Ute Indians, in any part of the reservation now occupied by any of the confederated tribes of the Ute Indians in the State of Colorado.

The PRESIDENT pro tempore. The question is on agreeing to this proposition, on which the yeas and nays have been ordered, and the ecretary will call the roll.

The Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. Logan.]

The roll-call was concluded.

The roll-call was concluded.

Mr. BUTLER. On this question I am paired with the Senator from Mississippi, [Mr. BRUCE.] If he were present, I should vote "yea."

Mr. BAILEY. On this question my colleague [Mr. HARRIS] is paired with the Senator from Maryland, [Mr. WHYTE.]

Mr. DAVIS, of West Virginia. On this question my colleague [Mr. HEREFORD] and myself are divided. He is absent and I am regired with him. paired with him.

The result was announced—yeas 6, nays 45; as follows:

	Y1	EAS-6.	
Call, Edmunds,	Johnston, Morgan,	Pryor,	Saulsbury.
The state of the s	NA	YS-45.	
Allison, Anthony, Bailey, Baldwin, Bayard, Blaine, Blaine, Blaire, Booth, Gameron of Pa., Cameron of Wis., Cockrell,	Coke, Conkling, Farley, Garland, Gordon, Hampton, Hill of Colorado, Hoar, Ingalls, Jonas, Jones of Nevada, Kernan,	Kirkwood, Lamar, McDonald, McMillan, McPherson, Maxey, Morrill, Paddock, Pendleton, Platt, Plumb, Rollins,	Saunders, Slater, Teller, Thurman, Vance, Vest, Voorhees, Williams, Windom.
	ABS	ENT-25.	
Beck, Bruce, Butler, Carpenter. Davis of Illinois, Davis of W. Va., Dawes,	Eaton, Ferry, Groome, Grover, Hamlin, Harris, Hereford,	Hill of Georgia, Jones of Florida, Kellogg, Logan, Randolph, Ransom, Sharon,	Walker, Wallace, Whyte, Withers.

So the second branch of the amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendments the bill will be reported to the Senate.

Mr. MORGAN. I move to strike out section 7 of the bill.

The PRESIDENT pro tempore. The section will be reported. The Chief Clerk read as follows:

Sec. 7. That the provisions of title 28 of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

Mr. MORGAN. I merely desire to say that the last words in that section, "so far as said provisions can be made applicable thereto," merely put the tribe and the individual Indians under the personal

government of the Secretary of the Interior.

Mr. CONKLING. The effect is, if the Senator will allow me, to make a reservation of every one of these allotments, as I understand it.

Mr. MORGAN. I know it makes a reservation of each allotment; so we are to have the country spotted over, partly under Federal law, and partly under State law, according to each eighty-acre or quarter-section tract, as the case may be. I think it would be very much better to leave these Indians under the control of title 28, just as they are now, so long as the tribal relation continues. When the tribal relation is dissolved, of course the various sections of title 28 of the relation is dissolved, of course the various sections of title 28 of the Revised Statutes, about one hundred and thirty in number, have no application to them. If we strike out the seventh section, then the authority of the law of the United States, as it is at present administered with reference to this tribe, will continue over them until their tribal relation is dissolved and they become citizens of the United States and of the State of Colorado—for I believe that is the effect—when a different system of course will prevail. I can see no use of the seventh section of the bill except to put each individual Indian under the personal control of the Secretary of the Interior. If there is any other use that can be made of it, I should be glad if the chairman of the committee would explain it. man of the committee would explain it.

man of the committee would explain it.

Mr. COKE. The object of the committee in putting this section in the bill, making title 28 of the Revised Statutes applicable so far as it can be made applicable, was, as the bill provides for agents among these Indians to see to the schools which it is provided shall be maintained there, to pay the annuities, &c., if there should be portions of title 28 of the Revised Statutes for the government of the Indian country and the Indians that could be made applicable without conflicting with other portions of the bill, it would possibly be beneficial to the Indians to have that much care from the Interior Department extended over them. To what extent that title is applicable or may be made applicable we have not undertaken to define in the bill; but we have hoped that some exercise of discretion by the Secretary of the Interior could be had under that title in the interest and for the benefit of the Indians.

benefit of the Indians.

Mr. MORGAN. Now, as the honorable Senator says the committee have not defined that in the bill, I think that the Senate has a right to ask him to give some definition here of it, so that we can understand it, for I do not understand it.

Mr. COKE. Simply the discretion, if there be any at all, is left to the Department. It will be simply a matter of construction. The Secretary of the Interior will take this law, if it be enacted into a law, with its provisions in his mind, and he will take the provisions of title 28 of the Revised Statutes, and comparing the two he can see whether or not under the provisions of title 28 he can, without con-

whether or not under the provisions of title 28 he can, without conflicting with this law, exercise any more authority, and he will exercise it if he sees proper, if he finds that he has power to do so.

Mr. MORGAN. That is the very point of objection that I make.

The laws of the United States, as they now stand applicable to Indian tribes, do not give the Secretary of the Interior the right of personal government over each individual Indian; but the object of the amendment that is proposed to these laws in section 7, as the chairman of the committee avows, is to place each individual Indian, as he receives his allotment, under the personal government of the Secretary of the Interior. That violates all treaty obligations with this tribe. It violates the existing laws of the United States, or at least it is contrary in spirit to them. I think that the purpose of the committee can be very much better accomplished by striking out this section and leaving these Indians under the charge of the laws of the United States as they exist so long as they maintain their tribal relations to each other.

I move to strike out the section so as to leave the laws to bear upon

I move to strike out the section so as to leave the laws to bear upon them as before until they cease to be a tribe. That is all of it.

Mr. COKE. I will say to the Senator that the presumption certainly is that an officer will discharge his duty and will not violate the law. That is certainly the legal presumption. If it is improper for the Secretary of the Interior to exercise any authority or any discretion after giving the provisions of this bill, if it should be enacted, full effect, he will exercise none. If he can find no margin for the exercise of discretion in behalf of the Indians, giving this bill, if it passes, full effect, then the presumption is that he will exercise none; but if there is such a margin, and he finds that that margin can be used beneficially for the Indians, I simply desire by inserting this section that he shall have the authority to use it for their benefit.

Mr. MORGAN. I admit the presumption that when the law prescribes a duty to a public officer he will honestly and justly discharge it. There is a very great difference, however, between that presump-

it. There is a very great difference, however, between that presumption and leaving to the discretion of that officer what shall be the law. The bill allows the Secretary of the Interior to apply to each Indian upon each reservation or location what he considers to be the law that is applicable to him, leaving him under the personal, irre-

sponsible government of the Secretary of the Interior, uncontrolled by law except as his discretion is a law unto himself. That is the situation. I prefer to strike it out, having the law apply to the Indians instead of his discretion.

Mr. COKE. The Senator does not state the proposition as I under-

Mr. MORGAN. I state it as I understand it.
Mr. COKE. I do not understand it in that way.
Mr. TELLER. The trouble with this matter is that the committee do not know whether the tribal relation is to be dissolved or not.

Mr. MORGAN. That is it.
Mr. TELLER. If the tribal relation is not dissolved then these

Arr. I.E.LLER. If the tribal relation is not dissolved then these laws are in force.

Mr. ALLISON. They are in force now. Then this reassertion of the power of title 28 can do no harm.

Mr. TELLER. That raises the question of the right of Congress to legislate over these Indians after the tribal relation is dissolved and they have become citizens of our State. Whenever these Indians and they have become citizens of our State. Whenever these Indiansgo upon their one hundred and sixty acres of land and have got in
their crops, as our friends anticipate they will, and they go out to
sell them, this law steps in, as the Senator from Missouri said, and
provides that they shall not sell them except under the direction of
the agent. If they are to remain members of the tribe then the law
is over them now. If they are not to remain members of the tribe, then Congress has not the power to pass this provision; it ought to be annulled. While they are members of the tribe let the law stand, and when they cease to be members of the tribe let them be amena-ble to all the laws, subject to all the conditions of society, to which white men are subject.

Mr. ANTHONY and others. Question, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out the seventh section of the bill.

amendment striking out the seventh section of the bill.

The amendment was rejected.

Mr. TELLER. If it is the desire of the committee to sit the bill out I want to say that I do not propose to delay action upon it, but I have several amendments that I propose to offer to the bill, and even the risk of incommoding and discommoding the Senate will not dissuade me from offering them. I think the committee perhaps had better not attempt to "sit it out," However, if they do, I do not ask anything on my part, only I notice an impatience on the part of some Senators, and they may have labored under the impression that we were about to close this bill. I have several amendments that are important and ought to be considered, and if they are not considered. I shall at least present them, and very likely I shall take a little time on them.

on them.

Mr. COKE. I desire to say that the Senate has heard a very full discussion of this bill, and the friends of it are determined, if they can, to put it to a final vote before adjournment to-day.

Mr. TELLER. I am not asking anything on my account.

Mr. EATON. One word, if my friend will permit me.

Mr. TELLER. Certainly.

Mr. EATON. It is very important that there should be an executive of few winters.

want it ended; I am willing to stay here until nine o'clock, if necessary; but I shall be compelled to ask an executive session in a very few minutes, because it is very important that there should be one.

Mr. WILLIAMS. We can vote on the bill after the executive ses-

Mr. CONKLING. I doubt very much, and I say this in the best of Air. CONKLING. I doubt very much, and I say this in the best of faith to the Senator from Texas, whether it is worth while for him to strive for a vote upon the bill this evening. I have taken no part in the debate; I have tried to profit by it; and I should be uncandid if I concealed that I am greatly confused and perplexed over the bill. Within a short time, an hour or two, there has sprung up in the Senate a debate touching particular provisions, which to me is quite as instructive as the general discussion has been. Nobody seems to be debating for delay; and I suggest to the Senator from Texas that the bill is as likely to receive the assent of the Senate, and I think more likely to be defensible as it shall be finally adopted, if a fair opportunity is given for that practical discussion in detail of particular provisions which proceeds now. I do not believe that that can be time lost.

I confess I have great doubt myself which way to vote upon all these provisions taken together; I cannot doubt that some of them may be radically improved, and I hope they will be; but if now, at half after five, without notice of that fact having been given, and after, as everybody must see, a considerable number of Senators have gone, we are to "sit out" the bill, as the saying is, it will have the effect I suppose to constrain most Senators against making any serious attempt to modify or improve the bill. I would suggest to the Senator from Texas to let it go over, unless he thinks there is some indication that somebody wants to debate it for delay. I see no such indication myself. I do not know that I shall have personally a word to say about it.

Mr. COKE. So far as I am concerned I would willingly according

Mr. COKE. So far as I am concerned I would willingly acquiesce in the desire of the Senator on the subject; but the bill should be brought to a vote to-day, if possible. We are indebted to the courtesy of the Senator from Ohio [Mr. Thurman] for having the bill before the Senate in advance of the Geneva award bill, which was laid aside temporarily because he did not suppose that near the time would be consumed that has already been consumed in considering this bill. He was pressing the committee this evening, and has done so repeatedly, to make no concession, but to get a vote if possible on this bill to-night, because he says he must have the Geneva award bill up on Monday.

Mr. CONKLING. It is not often that the Senate finds itself in so

rigorous a dilemma as this. An argument, I think I may say the argument, in favor of this bill is, "Take it or take your share of responment, in favor of this bill is, "Take it or take your snare of responsibility of what may happen if you do not take this, because nothing else is proposed." That is rather an unusual exigency, an extreme in legislation. It is not quite like saying to a man, "Your money or your life," but it comes near enough to be very embarrassing to one who tries to understand the bill and his duty upon it and has great doubt after that trial. If to that is added the urgency which compels us in the absence of a considerable portion of the Senate and with want of time for that practical discussion of the details of the bill which ought always in respect of an important measure to precede final action, we are to be compelled to record ourselves, it increases the hardship felt by those who, unlike distinguished Senators around me, are not clear in their minds, but wish to be so.

As to the Geneva award bill I feel, I think, my share of interest in

having it considered; and I will join the distinguished chairman of the Committee on the Judiciary, from which it comes, in any effort to hasten that consideration; yet I think that the honorable Senator from Ohio and any other member of the Senate would shrink somewhat from insisting, if he could, by his individual persuasion, that a bill of this sort, important as it is, important as is the series of bills of which, if I mistake not, this is but one, should, for the sake of anticipating by an hour or two or three the moment when another bill shall be taken up, be hurried to a conclusion which might be

I do not think, Mr. President, I shall be tempted to vex the ear of the Senate with any observations at large upon this bill. I will say, however, that I think, as little as I understand it, I should be able to point out a good many particulars in respect of which no single Senpoint out a good many particulars in respect of which no single Senator, if he is a lawyer, would be willing to stand up and alone take the responsibility; and that whether you deal with it as a treaty, whether you consider it a bargain, as I have heard it called, or an agreement less than a treaty, or whether you regard it only as an exertion of that unbridled statute-making power with which the Supreme Court has said you may destroy and therefore modify,—regard it as you will, sympathize, as you must, with the emergency which induces it, and then, I repeat, I think any man, reading only casually these provisions and with no more information than I have, can point out incongruities, repugnancies, vague uncertainties, dangers in view out incongruities, repugnancies, vague uncertainties, dangers in view of what has been said, such as hardly any single Senator would be willing to say was the best product of his judgment in this regard. And certainly seventy-six men, seventy-five of whom are so competent as the members of the Senate, ought to be able to produce something which will not leave open not only to different, but contrary, constructions, one as well as the other, the very meaning of the bill. It has been said, I believe, that if thirty-nine bishops were to sit

down separately and write each his construction of the thirty-nine articles, it would be doubtful whether they would agree. I feel quite confident that if thirty-nine Senators, or seventy-six, were to sit down and write out each his understanding of the true intent and meaning of some of these provisions, no supposable doctrine of chances would permit us to hope that they would come to the same

The Senator from Texas says that the true meaning of the bill, (indeed I heard another Senator say that was one of its beauties, and I had found it somewhat picturesque, although that particular feature had not struck me,) is that, whoever in the end is to have the jus disponendi of this matter, and I know who that is, the Kriss-Kringle who at last is to divide out and dispense among these Indians the benefits of this scheme, is, of his own motion, to say not only as to families and individuals and different members of the same family, whether they shall be located near each other or whether they shall be located far apart, whether their neighbors shall be Indians or whether they shall be interspersed with whites. Mr. President, when the infinite goodness, mercy, and wisdom of this emissary or agent, whoever he may

Mr. COKE. Five commissioners, five sworn men.
Mr. CONKLING. Five commissioners. When this five-headed agent,
which goes out to lay off this land into kingdoms and possessions, comes
to allot to the individuals what they shall have, distributing them among the whites, as I heard one Senator say it was proposed, and it was that he said that was one of the beauties of the bill, then each one of these allotments is to become an Indian reservation and is to become subject to the blessings of police and other things prescribed in a title of the Revised Statutes comprising, I believe, five voluminous chapters. I believe it is there somewhere made unlawful to sell spirituous liquor upon an Indian reservation. What an effectual munous chapters. I believe it is there somewhere made unlawful to sell spirituous liquor upon an Indian reservation. What an effectual municipal regulation that will be! Here one Indian has a farm of two hundred or three hundred acres; if he is the head of a family three hundred and twenty, I believe; next to him is a white man, or he is surrounded on every side by white men; but he has his farm of three hundred and twenty acres. It is illegal, it is penal, it is therefore vastly improper, to sell distilled or fermented liquor upon that three hundred and twenty acres, because it is an Indian reservation, and it

subjects this Indian, fleet of foot as most of them are, to the necessity of crossing the road, if there is one, or climbing a division fence, if there is one, to get upon the next farm where it is perfectly lawful to sell all the beverages known to any organization, political or Indian! That is very odd. It is very odd, in view of the fact so often illustrated, that, in respect of the Indians more than in respect of any other community belonging to either of the three races on this continent, the need of regulations securing abstinence from strong drink

has been found urgently important.

And so I might go on with the provisions and the consequences, such as a Frenchman would call very bizarre, growing out of this notion that these lands are to be distributed between individuals, notion that these lands are to be distributed between individuals, whites and reds to alternate. But, as I said, I do not mean to be led into a discussion of this bill. It is vastly better understood, no doubt, by other Senators than by me. All I hope is to learn enough about it to find out how I shall vote and to see the united judgment of the Senate improve, if it can improve, some of its features. With that view, I do not think it worth while, without notice having previously been given, to attempt to hold on by main force and have this bill put through now, if I may so say, in the shape it is.

Mr. COKE. Mr. President, this is the sixth day, I believe, that we have consumed on this bill. I have frequently given notice that I was going to attempt to bring it to a final vote. I find that a notice of that sort is of no avail, and I ask now unanimous consent of the Senate that this bill shall be taken up Monday morning after the morning hour and that it shall be voted on finally during Monday sometime.

Mr. BLAINE, (to Mr. Coke.) Specify a particular hour, if you are

going to have an agreement.

Mr. COKE. Before adjournment.

Mr. BLAINE. That does not need unanimous consent. A majority

and ot that. Why ask unanimous consent for that?

Mr. COKE. I make the necessary motion that the bill be taken up

Monday morning, and the final vote be had on it before the adjourn-

ment on Monday next.

Mr. BLAINE. That you cannot do.

Mr. CONKLING. If the Senator from Texas will allow me a moment, let me inquire what is the objection to his asking and obtaining, as I think he can, unanimous consent that during the session on Monday this bill shall be finally disposed of?

That is what I ask.

Mr. COKE. That is what I ask.
Mr. COKE. I do not think anybody will object to that.
Mr. COKE. I make that request of the Senate.
Mr. HOAR. Why will not the Senator ask for a particular hour?
This bill has been debated for three or four days.

Mr. INGALLS. Seven consecutive days.

Mr. HOAR. Seven consecutive days; and after being debated and propositions made to amend it in most important particulars, the Chair puts the question, shall the bill be reported to the Senate? And then, at half past five o'clock in the afternoon, for the first time, certain very serious and ingenious, and I am not prepared to say entirely very unsound objections, are stated to the bill. It seems to me that if the Senate is going to doom itself to sit here on Monday until we may expect that same thing to happen then, we shall be here until midnight on Monday. Why should we not deal with it now, if we

midnight on Monday. Why should we not deal with it now, if we have got to have a long session over it?

Mr. COKE. I am ready to stay now.

Mr. HOAR. If we can fix by agreement that one hour, two hours, three hours, or four hours shall be given to debate, and then that at four o'clock or half past four we shall take the vote, I will consent to it. I do not see that the other suggestion helps us at all.

Mr. CONKLING. Mr. President, as I happened to be occupying the floor at the hour of half after five and attention is called to that hour. I must infer that the hour appears from Messeshests at

hour, I must infer that the honorable Senator from Massachusetts, at least inclusively, points to me in the statement he has made.

Mr. HOAR. I had no reference to the Senator from New York as an individual at all.

Mr. CONKLING. Then I beg to say that before half after five I heard an honorable Senator near me, the Senator from Colorado, [Mr. Teller,] announce that he had himself a number of amendments which he intended to offer and have a vote upon, and I heard him two or three days ago on two occasions indicate, I suppose in gene-ral terms, in the arguments he made, the nature of those amend-ments. Therefore, the Senator from Massachusetts must see that it is not upon the latest suggestion made by anybody just now for the first time, that this proposition arises. On the contrary, the Senator from Colorado tells me of a number of amendments, his own and others, substantial in character, to be voted on; and the question is whether that shall be done intelligently or otherwise.

Now, I have no care whether an hour is fixed or not, except that

when an hour is fixed, the time is usually occupied in discussion and amendments are proposed which we are compelled to vote upon at last without debate; whereas if we have an understanding that we shall vote on Monday, and as early as possible, we get the bill disposed of during that day; and if any Senator wants to explain an amendment which he offers toward the close of the consideration of

the bill he has the opportunity to do so. That is all.

Mr. INGALLS. Mr. President, this bill was taken up for consideration on the 1st day of April. I do not know that there is anything significant about that date. To-day is the 9th day of the same

month. Omitting Sunday and one day over which we adjourned, this is the seventh continuous day of debate. The Senator from Delaware [Mr. SAULSBURY] has given notice that on Tuesday next he proposes to call up the report of the Committee on Privileges and Elections upon the case of the Senator from Louisiana, [Mr. Kellogg.] I believe that if this debate is proceeded with to-night we can finish the bill in the course of an hour at the outside, and considering the amount of time that has been consumed, the very urgent public business that is pressing for attention, the notice that has been given of a privileged question that will consume undoubtedly a considerable portion of the following week, if not all of it, and, beyond all that, the very serious necessity of early action being taken on this measure unless there is to be difficulty in Colorado, I think that the Senate owes it to itself and to the subject to proceed with this matter to-night and to finish it. Every Senator knows that if this debate begins again on Monday morning it will continue with just as much fluency, with just as much ingenuity, and with just as much ability as it has proceeded to-day; and there will be just as many amendments offered there will be just as many amendments offered, there will be just as many objections propounded; and so it would be day after day and day after day till "the last syllable of recorded time," for the Indian question is to the Senate like a red rag to a bull, every person seems disposed to jump at it and every person has the ability to cope with it.

Of course I am only one member of the committee, but it appears to me that we have spent time enough on this subject, and that the further debate upon Indian policy and as to Indian administration ought to be postponed until the Indian appropriation bill comes before the Senate, which will give an opportunity for the delivery of all speeches that have not yet been propounded to the Senate. I hope there will be no adjournment until the bill is disposed of.

Mr. McDONALD. Mr. President, when it was suggested that the Geneva award bill should be laid aside informally and this subject taken up for consideration, it was understood that, at most, two days would be sufficient to complete it. It was urged that it was of the utmost importance that it should be considered without delay on account of the necessity of taking some measure to secure that section of the country particularly concerned from further Indian depredations. This morning, when the Senate consented to adjourn over from to-day until Monday, it was with a clear and distinct under-standing that this measure would be closed to-day, and that on Monday the regular order, which will take its position again as soon as this que tion is disposed of, would come up and be considered. I am satisfied that if now, at this time, we consent that this measure go over until Monday, the middle of next week will not find it con-

I simply judge of the future by the past; and, therefore, I do not think I am mistaken when I say that if the Senate decline this evening to go on and conclude this measure (as it was certainly understood this morning it would be concluded or we should not have passed over to-morrow without a session) it will be at least the mid-dle of next week before the regular order, for which this was laid aside, can be resumed.

I hope, therefore, that there will be no adjournment until this bill

is disposed of.

Mr. TELLER. Mr. President, this bill has taken about as much time, I believe, as the Geneva award bill has so far-about the same. It is infinitely of more importance to the nation than the Geneva award bill; it involves a great deal more money than the Geneva award bill; but it is not like some other bills where somebody is wait-ing here to get hold of money as is the case with the Geneva award bill. The Geneva award bill has waited a good while; it can wait a

little longer.

Now, I want to say a word as to the threat that is held up over the Senate. Nine-tenths of those who have expressed themselves upon this question have announced that they propose to violate the Constitution and the law of the land, and to outrage the people of Colorado, as I say, because there is impending danger of an Indian war. Does not the Senate know that that condition of affairs has existed since last October? Does anybody here pretend to say that there is any more probability of an outbreak between this and Monday night or between this and Saturday night of next week than there has been

heretofore?

Why, Mr. President, when the people down there on the border petitioned the Administration here for troops, it was said by this Secretary: "I have these Indians so perfectly in hand, I have them under such absolute control, that although the six hundred or eight hundred people living on the edge of the border"—where they had a right to be and where re-enforcements could not be got to them in a right these reactions and the said "you may rest recognize these." week if there was trouble—he said, "you may rest peacefully there; you may rest secure that no harm will come to you." Now all at once we are told that these Indians are prepared to grasp their rifles and sail in and there will be an Indian war. Mr. President, that is for effect on the Senate. That is why it is pressed from outside. It is said: "Now you must take hold and dispose of it at once." There is no more pressing necessity than there was sixty days ago—not a particle. The Indians cannot go to war now. It is winter up there, and it is the dead of winter up there; that whole country is covered with snow, and the grass has not started and will not start for sixty days yet in that vicinity. There is plenty of time to dispose of this bill.

It is an important bill: it involves intricate and difficult questions of

law, and I have some amendments that I propose to put on it.

Since I have been in the Senate I think it will be admitted that I have taken as little time as anybody, and have been as courteous in not occupying time when anybody else wanted the floor, and I have always been loath to stand up and say anything when anybody else wanted to speak, or at any unreasenable hour of the day; but I do not propose, if it takes until to-morrow morning, to submit without these amendments being brought to the attention of the Senate, and without the senate hor incare when That is any right as a Senate. out the Senate hearing me upon them. That is my right as a Senaout the Senate hearing me upon them. That is my right as a Senator, and I do not propose to yield it to anybody under the plea that Senators want their dinner or that they want to go to bed, or anything else. I am here to do a duty that I owe to my people and a duty that I owe to myself and to the country, and I propose to stay here and present these amendments that I believe, as I believe I live, ought to be put on this bill, and which, if put on the bill and the bill pass, will in my judgment infinitely improve the bill. I have not offered amendments and do not propose to offer any to load down the bill. I am opposed to it. I believe it is bad, and I believe that just what Senators say they are attempting to escape will be the result of the passage of the bill as it is. I believe it is in our power to make it more acceptable and to possibly so amend it that the object which is sought by everybody, I will admit—and I question many amotives in various for it, way he accomplished

the object which is sought by everybody, I will admit—and I question no man's motives in voting for it—may be accomplished.

Is it an unusual thing for a question of this magnitude to take seven or eight days? Why, Mr. President, I have heard a question of rules debated here for two whole days. I have heard questions not involving five cents, nor any great principle at all, discussed a whole day and a night here. This bill is of importance to the people of the United States; it is of importance to the people of Colorado; and I think the Senting over the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the state of the people of the contract of the people of the people of the contract of the people of the think the Senate owes it to itself, and every man who proposes to vote for this bill owes it to himself, to examine and see whether he cannot make it so that this experiment may be a success, if it is at-

Mr. BUTLER. Will the Senator from Colorado yield for a motion for an executive session?

Mr. TELLER. I will.
Mr. BUTLER. It seems to me we have no prospect of getting through with this bill to-night. The Senator from Colorado has indicated that he has several amendments to offer. I move that the Senate proceed to the consideration of excutive business.

The PRESIDENT pro tempore. The Senator from South Carolina

moves that the Senate proceed to the consideration of executive busi-

The motion was not agreed to; there being on a division-ayes 24,

noes 25.

Mr. SAUNDERS. I hope we shall go on with this business to-night. If the Senator from Colorado has any amendments to offer that are proper and right, let us take them up and act on them. I have re-frained from saying anything on this subject, although I expected to speak upon it as I am a member of the Committee on Indian Affairs; but I am now willing to go on and vote on the bill without saying another word. There has been plenty said, and we can tell whether it is our duty to say whether we are for the bill or not, for having worked on the bill as long as we did in committee, and having heard as much as we have heard in the Senate, I think we ought

Mr. ALLISON. May I be permitted to make a suggestion to the Senator from Colorado? He tells us that he has a number of amendments. Those amendments are not in print. I ask now that he submit those amendments to the Senate and let them be printed; that then this bill go over, and that on Monday at five o'clock, by unani-

mous consent, we commence voting.

Mr. TELLER. I have no objection.

Mr. BLAINE. Let that be understood.

Mr. ALLISON. And earlier, of course, if we can reach a vote.

Mr. GARLAND. I want to understand what the unanimous consent amounts to. I have no objection to this arrangement, but I want to understand what the operation of the agreement is if the consent is given now. I have seen such agreements that did not amount to anything. I am willing to vote now or then, but I want to understand the effect.

Mr. ALLISON. I have named five o'clock on Monday. I do not care to name any hour, but let the understanding be that on Monday we shall not adjourn until a final vote is reached.

Mr. BLAINE. Do not put it in that way. That throws us into a night session. Have the hour specified.

Mr. GARLAND. I have not yielded the floor.

The PRESIDENT pro tempore. The Senator from Arkansas has the

Mr. EDMUNDS. I rise to a point of order. I am quite unable to understand what the Senator from Arkansas is saying.

The PRESIDENT pro tempore. The Chair must request Senators to take their seats. Conversation must stop in the Senate Chamber.

Mr. GARLAND. The point is this: I have seen here repeatedly, where it was apparently understood that a vote should be taken at a certain time, and that time came, and some Senator would say he had not made any such arrangement. My idea is that the bill had better go on and take its chances.

Mr. BLAINE. I never heard what the honorable Senator speaks of, and I have been here as long as he. Where an agreement was made by the Senate, I never knew it to be violated.

Mr. GARLAND. I have, half a dozen times at least.

Mr. BLAINE. Then I was absent when it was done.

Mr. GARLAND. That is very probable. I think that is the state of fact that I have seen here on this floor. There is no unanimous consent, as I have understood the practice here, by which a vote can be reached at a particular time. There is no previous question; there is no gag law here. I do not care; I am ready to vote now on this proposition; but I do not want business to be obstructed or to be hastened by any understanding of this sort, and then, when it comes hastened by any understanding of this sort, and then, when it comes to the hour, some Senator say the Senate cannot make such an arrangement

Mr. DAVIS, of Illinois. Where there has been unanimous consent to fixing a time, I think it has always been observed in the Senate.

Mr. EDMUNDS. Mr. President, I do not remember the time when

Mr. EDMUNDS. Mr. President, I do not remember the time when any Senator has refused to be bound by the understanding, because Senators are only bound, not by the rules but by their understanding. The Chair cannot enforce it. We know that he can enforce the rules, but Senators enforce these understandings.

I have no objection to voting to-morrow or Monday at any time; but I do not think the Senate ought to tie itself up not to have a similar world of explanation brief and fair around on a many department.

single word of explanation brief and fair, pro and con, on amendments that may be offered. It is extremely dangerous to absolutely cut off proper and reasonable explanation on one side and the other, briefly, of amendments; and I am unwilling on this occasion, or any other, to have an understanding that shall prevent any Senator who wishes to do it from doing what I have a constant to the state of the stat

to do it from doing what I have suggested.

Mr. ALLISON. Then I will modify my suggestion so that at three o'clock on Monday general debate on this bill shall cease, and that there may be a five-minute debate upon amendments offered after that time

Mr. BLAINE. Under the Anthony rule.
Mr. ALLISON. Under the Anthony rule, whatever that may be;
that is to say, a brief debate may be had in explanation of amendments. I do not think myself we can finish this bill to-night as intelligently as we ought, and therefore I make the suggestion

Mr. TELLER. I suppose under that arrangement I may offer these amendments and we can commence voting on them at any hour we are ready?

Mr. ALLISON. Undoubtedly.
Mr. TELLER. I have not any speech to make, except that I want to press the amendments and explain them.

Mr. ALLISON. But I want them printed to-day.

The PRESIDENT pro tempore. The Chair will submit the proposition of the Senator from Iowa to the Senate. It will require unanimous consent; and then, according to the universal practice of the Senate, it will rest simply upon the honor of each Senator; the understanding cannot be approved by the Chair. The proposition is derstanding cannot be enforced by the Chair. The proposition is that general debate shall cease at three o'clock on Monday, and that, upon amendments offered after three o'clock, a five-minute debate

Mr. DAVIS, of Illinois. Oh, no; the amendments are to be offered now.

The PRESIDENT pro tempore. The Senator from Illinois did not understand the Chair. Of course there can be debate upon amendments offered now up to three o'clock without limit, but upon amendments offered after three o'clock the five-minute rule shall apply to

debate. That the Chair understands to be the proposition.

Mr. ALLISON. That is the proposition.

The PRESIDENT pro tempore. Is there unanimous consent to that proposition !

Mr. DAVIS, of West Virginia. And that the bill shall be finished

on Monday?

Mr. ALLISON. Undoubtedly.
Mr. DAVIS, of West Virginia. That the bill shall be finished before we adjourn on Monday? That is part of the understanding?

The PRESIDENT pro tempore. Certainly.

Put the Chair did not state that.

The PRESIDENT pro tempore.
Mr. DAVIS, of West Virginia.
The PRESIDENT pro tempore.
That is proper to be stated as part of the understanding.

Mr. TELLER. Then I offer some amendments to be printed.

The PRESIDENT pro tempore. Not yet. The Chair has not obtained the consent of the Senate. Is there unanimous consent to the proposition of the Senator from Iowa as stated by the Chair? [A

pause.] The Chair hears no objection.

Mr. TELLER. Now I offer some amendments, and ask to have them printed.

The PRESIDENT pro tempore. The amendments will be received and ordered to be printed.

EXECUTIVE SESSION.

Mr. EATON. It is necessary to have a brief executive session. I move that the Senate proceed to the consideration of executive busi-

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at six o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 9, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MISSISSIPPI RIVER COMMISSION REPORT.

Mr. DUNN, by unanimous consent, from the Committee on Levees and Improvement of the Mississippi River, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That 10,000 copies of the report of the Mississippi River commission be printed for distribution.

SOLDIERS' REUNION, CENTRAL CITY, NEBRASKA.

On motion of Mr. VALENTINE, by unanimous consent, the House took from the Speaker's table amendments of the Senate to the joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City Nebraska; which were read, as follows:

were read, as follows:

Line 5, after "tents," insert "and;"
Line 6, after "provided," insert "that the same can be spared without detriment or injury to the public service;" and
At the end of line 10 insert the following:
"Provided further, That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State and deducted out of the sum, amount, and share of the annual sum of \$200,000 appropriated for the purpose of providing arms and equipments for the whole body of the militia that may be assignable or distributable or allotted to said State of Nebraska."

Mr. VALENTINE. I move concurrence in the Senate amendments

Mr. VALENTINE. I move concurrence in the Senate amendments

The motion was agreed to.

Mr. VALENTINE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM TURMAN.

On motion of Mr. WHITTHORNE, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. No. 5053) granting relief to William Turman, guardian of William W. Brewer, and the same was brought before the House for consideration.

The bill, which was read, directs the Secretary of the Interior to issue a duplicate of check No. 144989, drawn by D. T. Boynton, pension agent, dated October 13, 1879, for the sum of \$1,646.83, in favor of William Turman, guardian of William W. Brewer; said check hav-

ing been lost in the mails.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PRICE. Does this bill provide the necessary safeguards?

Mr. WHITTHORNE. That is the general law of the land.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRUSILLA H. SWANGER.

Mr. CARPENTER, by unanimous consent, introduced a bill (H. R. No. 5706) for the relief of Drusilla H. Swanger; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE V. HEBB.

Mr. BRIGHT, by unanimous consent, from the Committee on Claims, reported back favorably the bill (H. R. No. 417) for the relief of George Hebb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BRIGHT, by unanimous consent, the same committee was discharged from the further consideration of a letter of the Secretary of the Treasury in relation to the claim of Mr. William P. Wood, for the detection and recovery of the plates on which spurious 7.30 notes were printed; and the same was referred to the Committee on Appropriations.

On motion of Mr. BRIGHT, by unanimous consent, the same committee was also discharged from the further consideration of the bill (H. R. No. 3175) for the relief of James C. Barnes and others; and the same was referred to the Committee on the Public Lands.

On motion of Mr. BRIGHT, by unanimous consent, the same committee was also discharged from the further consideration of the bill (H. R. No. 1173) to remove the charge of desertion against Charles H. Georgius; and the same was referred to the Committee on Military Affairs.

On motion of Mr. BRIGHT, by unanimous consent, the same committee was also discharged from the further consideration of the following cases; and the same were referred to the Committee on War Claims:

The bill (H. R. No. 2457) to authorize the payment to the widow of Captain George W. Yates, killed at the Custer massacre, for the loss

The bill (H. R. No. 332) for the relief of William Tabb;
The bill (H. R. No. 1755) for the relief of John R. Holland;
The bill (H. R. No. 2734) for the relief of Charles M. Coen;
The bill (H. R. No. 1693) for the relief of Thomas Plant;
The bill (H. R. No. 724) for the relief of P. H. Cardwell, of Knox

County, Tennessee;
The bill (H. R. No. 2017) for the relief of Herbert S. Jenkins, of

Pawnee, Nebraska;
The bill (H. R. No. 471) for the relief of Robert Stevenson;
The bill (H. R. No. 1994) to refer the claim of Hiram W. Love to the Court of Claims;

The bill (H. R. No. 2950) for the relief of Mrs. James McCallion, of

The bill (H. R. No. 2950) for the relief of Mrs. James McCallion, of Washington County, Missouri;

The bill (H. R. No. 1897) for the relief of Richard C. Lewis;

The bill (H. R. No. 1257) for the relief of Lot Bowen;

The bill (H. R. No. 1257) for the relief of Merritt Barber, first lieutenant United States Infantry;

The bill (H. R. No. 1883) for the relief of Catherine S. Lawrence;

The bill (H. R. No. 2228) for the relief of R. J. Turnbull;

The bill (H. R. No. 22918) for the relief of Richard H. Porter;

The bill (H. R. No. 2918) for the relief of Colonel Silas Adams, late quartermaster in the First Kentucky Cavalry;

The bill (H. R. No. 2833) for the relief of Michael Mooney, late ship's carpenter and in charge of a torpedo raft;

The bill (H. R. No. 2819) for the relief of George H. Boston, private Company D, Second Massachusetts Infantry;

The bill (H. R. No. 338) making an appropriation for the Commissary-General of the Army, and for other purposes; and

The bill (H. R. No. 368) to compensate the State of North Carolina for the use and occupation of certain grounds and buildings by United States troops. United States troops.

TRIENNIAL COMMITTEE, KNIGHTS TEMPLAR, CHICAGO.

Mr. ALDRICH, of Illinois. Mr. Speaker, I desire to ask unanimous consent to take from the Speaker's table joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of the Knights Templar at Chicago, Illinois, for the purpose of concurring in the Senate amendments.

There being no objection, the amendments of the Senate were read, as follows:

as follows:

Add to the joint resolution the following:
"Provided, That the said articles shall be receipted for by some responsible person or persons: And provided further, that they can be spared without detriment, injury, or loss to the public service."

The Senate amendments were concurred in.

Mr. ALDRICH, of Illinois, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSAN FOX.

On motion of Mr. MARTIN, of Delaware, by unanimous consent, Senate bill No. 1097, granting a pension to Susan Fox, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

EVENING SESSION FOR REPORTS FROM FOREIGN AFFAIRS COMMITTEE.

Mr. COX. I desire to ask unanimous consent on behalf of the Committee on Foreign Affairs that Friday evening next at half past seven o'clock be set apart for the consideration of business from the Committee on Foreign Affairs.

Mr. MILLS. I object.
Mr. CONGER. I shall object to an evening session except for consideration of pension bills.
Some time subsequently, Mr. MILLS having withdrawn the objection, the request was renewed; when Mr. CONGER objected.

BRIG GENERAL ARMSTRONG.

Mr. WILSON, by unanimous consent, from the Committee on Foreign Affairs, reported back, as a substitute for House bill No. 928, a bill (H. R. No. 5707) for the relief of the captain, owners, officers, and crew of the late United States private armed brig General Armstrong, their heirs, executors, administrators, or assigns; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed. printed.

INDUSTRIAL MISSION OF AMERICAN MERCHANTS, MEXICO.

Mr. WILSON also, from the same committee, by unanimous consent, reported as a substitute for House joint resolution No. 54, a joint resolution (H. R. No. 272) thanking the Mexican government and people for contributing so heartly to the success of the industrial mission of American merchants and manufacturers; which was read a first and second time.

The SPEAKER. What disposition does the gentleman desire to

have made of the resolution?

Mr. WILSON. I would like, if possible, to have immediate action upon it

The SPEAKER. That would require unanimous consent.

Objection was made.

The joint resolution was referred to the House Calendar.

TEMPORARY GOVERNMENT FOR ALASKA.

Mr. DE LA MATYR, by unanimous consent, introduced a bill (H. R. No. 5708) to provide for a temporary government for Alaska; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. SCHUYLER SUTTON.

Mr. MONROE, by unanimous consent, introduced a bill (H. R. No. 5709) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMER J. H. KELLY.

Mr. HISCOCK. I ask unanimous consent to take from the Speaker's table Senate bill No. 1475 for present consideration.

There being no objection, the bill was read, as follows:

A bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn. Be it enacted, &c., That the name of the steamer J. H. Kelly, of Clayton, New York, be, and is hereby, changed to John Thorn, by which name said steamer shall be hereafter licensed and known.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL WHEELER.

Mr. EWING, by unanimous consent, introduced a bill (H. R. No. 5710) granting a pension to Samuel Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY H. SHERWOOD.

Mr. EWING also, by unanimous consent, introduced a bill (H. R. No. 5711) granting a pension to Wesley H. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY T. DUNCAN.

Mr. WILLIS. I ask unanimous consent that the bill (H. R. No. 1941) for the benefit of Mary T. Duncan, of Louisville, Kentucky, reported adversely yesterday from the Committee on War Claims, be placed upon the Calendar. I do not think there will be any objection to this.

The SPEAKER. The Chair is informed that the bills upon which adverse reports were made yesterday were laid upon the table, and a motion to reconsider the votes by which they were laid upon the table was also reconsidered and laid upon the table. This the Chair suggests would clinch the action of the House on yesterday and prevent a reconsideration. The gentleman might, however, confer with the chairman of that committee and some arrangement be made.

Mr. WILLIS. I have already notified the chairman of the committee, and I understand he has no objection; I therefore ask unanimous consent to vacate the order of the House on yesterday, and allow this bill to be pleady great the Calendar.

Mr. BRAGG. I object.

Some time subsequently the objection was withdrawn, and the bill (H. R. No. 1941) was taken from the table and referred to the Committee of the Whole House on the Private Calendar.

ORDER OF BUSINESS.

ORDER OF BUSINESS.

Mr. CLYMER. I rise to make a privileged motion.
The SPEAKER. The gentleman will state it.
Mr. CLYMER. I move to suspend the rules and dispense with the morning hour to-day.
Mr. BRIGHT. I wish to make a parliamentary inquiry. If the motion of the gentleman from Pennsylvania should prevail, to dispense with the morning hour, would that cut off the privilege of making a motion to go into Committee of the Whole on the Private Calendar at the end of the morning hour?

The SPEAKER. The Chair has already decided that point, that it takes two motions to dispense in order to get at the public business in that way on Fridays, namely, first a motion to dispense with the morning hour, which requires two-thirds, and if that carries, then a motion to dispense with the private business, which also requires two-

motion to dispense with the private business, which also requires two-thirds. The question will be first taken on the motion to dispense with the morning hour.

The motion was not agreed to.

WILLIAM G. BUDLONG.

The SPEAKER. The regular order being demanded, the morning hour begins at ten minutes to one o'clock; and this being Friday, the business of the morning hour is the call of committees for reports of a private nature. The unfinished business in the morning hour is the bill (H. R. No. 2030) for the relief of William G. Budlong. The pending question is on the passage of the bill.

Mr. CONGER. How can this bill be on its passage in the morning

hour

The SPEAKER. Because it comes over from a morning prior to

the adoption of the new rules. The bill has been engrossed and read a third time, and the question is now on its passage.

The question being put, there were—ayes 54, noes 76.

Mr. BALLOU. A quorum has not voted and I call for tellers,
The SPEAKER. The Chair will order tellers, and appoints the
gentleman from Rhode Island [Mr. BALLOU] and the gentleman from
New Jersey, [Mr. SMITH.]

The House again divided; and the tellers reported—ayes 67, noes 82. So the bill was not passed.

Mr. SMITH, of New Jersey, moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 5487) granting a pension to Wyley Gardner; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 367) granting an increase of pension to Isabel L. Evans; which was referred to the Committee of the Whole with Private Calendar and with the accompanying report ordered.

on the Private Calendar, and, with the accompanying report, ordered

to be printed.

He also, from the same committee, reported a bill (H. R. No. 5712) granting a pension to Nancy Tipton; which was read a first and second time, referred to the Committee of the Whole on the Private

Calendar, and ordered to be printed.

Mr. COFFROTH, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with

the accompanying reports, ordered to be printed:

The bill (H. R. No. 3184) granting a pension to James H. Thew; and
The bill (H. R. No. 3936) restoring to the pension-roll the name of

William A. West.

Mr. MASON, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4586) granting a pension to Elizabeth Maria Doull; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 4293) granting a pension to John Wallace; which was laid on the table, and the accompanying report

ordered to be printed.

Mr. MASON moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MASON also, from the same committee, reported back the following bills; and the committee was discharged from the further consideration of the same, and they were referred to the Committee on Pensions:

The bill (H. R. No. 2032) for a pension to James S. Griswold; and The bill (H. R. No. 2532) to grant a pension to John Rosecrants.

Mr. HOSTETLER, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 4581) granting an increase of pension to Samuel

Aladice;
The bill (H. R. No. 5138) to authorize an increase of pension to Stephen Fairchild; and
The bill (H. R. No. 2934) granting a pension to Carrie G. Harrison.
Mr. FARR, from the Committee on Pensions, reported back, with an adverse recommendation, the bill (H. R. No. 3181) granting an increase of pension to John Reed, a soldier of the war of 1812.
Mr. DUNNELL. I ask that the bill go to the Calendar.
The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. FARR also, from the same committee, reported back, with an adverse recommendation, the petition of Benjamin Hawkes to be allowed a pension for services on board a privateer in the war with Great Britain in 1812.

Mr. FIELD. I ask that that be placed upon the Calendar.

The petition was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. FERDON, from the Committee on War Claims, reported back the bill (H. R. No. 502) for the relief of Henry Hull, of Pattersonville, Louisiana, and moved that the committee be discharged from the further consideration of the same, and that the accompanying papers be returned to the files of the House.

The motion was agreed to.

He also, from the same committee, reported back, with adverse recommendations, the following bills and petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1615) for the relief John Allen;

The petition of Amelia Ann Whitaker, of Wake County, Northa Carolina;

The petition of Thomas McBride, for compensation for loss of a barge while in the United States service;

The petition of Abner D. Lewis, of Fayette County, Tennessee; The bill (H. R. No. 482) for the relief of the Baton Rouge Gas-light

Company, of Louisiana;
The bill (H. R. No. 1752) for the relief of Elisha Bass;
The bill (H. R. No. 1682) for the relief of Reinhart Breinneiss, John
H. Moas, Henry W. Kolkmeyer, Frank Breinneiss, and Louis Tomp-

The petition of Delos A. Harrell, of Shelby County, Tennessee;
The petition of Joseph Diehl, of Moniteau County, Missouri;
The bill (H. R. No. 1679) for the relief of Jason Ashworth;
The bill (H. R. No. 1643) for the relief of Francis C. Buffington;
The bill (H. R. No. 1684) for the relief of R. M. Wyrick and others;
The bill (H. R. No. 493) for the relief of Thomas B. Harris;
The petition of Samuel McKenna, of Shelby County, Tennessee;
The petition of William B. Whitted, of Henderson County, North Carolina; and

The petition of John H. Russell, of Adrian, Michigan.
Mr. BRAGG moved to reconsider the votes by which the above bills and petitions adversely reported were laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FERDON also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 1656) for the relief of the legal heirs of Hugh Worthington, and moved that it be referred to the Committee of the Whole on the Private Calendar.

The bill was referred to the Committee of the Whole on the Private

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. CARPENTER, from the same committee, reported back, with adverse recommendations, the following petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Earl D. Burdon, of Providence, Rhode Island.

The petition of Elvey Russell, of Gates County, North Carolina; and The petition of George W. Miffleton, of Monroe County, Mississippi.

Mr. BRAGG moved to reconsider the votes by which the above petitions adversely reported were laid on the table; and also moved that the motion to reconsider be laid on the table.

that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CARPENTER also, from the same committee, reported a bill (H.
R. No. 5713) for the relief of Alderson T. Keene; which was read a first
and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

Mr. BRAGG, by unanimous consent, was granted leave to submit hereafter the views of a minority of the said committee on said bill.

Mr. TYLER, from the Committee on War Claims, reported back, with adverse recommendations, bills and petitions of the following titles; which were laid on the table, and the accompanying reports ordered

The bill (H. R. No. 1562) for the relief of John Dwyer, of Washing-

ton, District of Columbia;
The bill (H. R. No. 1790) for the relief of the estate and heirs of William Lucas, deceased, of Jefferson County, West Virginia;
The bill (H. R. No. 612) for the relief of John Taylor & Son, of

The bill (H. R. No. 612) for the relief of John Taylor & Son, of Newport, Kentucky;
The bill (H. R. No. 2324) for the relief of Mrs. Ann Sheely;
The bill (H. R. No. 1787) for the relief of Wildey Lodge, Independent Order of Odd Fellows;
The bill (H. R. No. 2346) for the relief of Mrs. Louisa Cheek;
The bill (H. R. No. 2347) for the relief of William A. Wathen, of Marice Courty, Kentucky.

The bill (H. R. No. 2347) for the relief of William A. Wathen, of Marion County, Kentucky;
The bill (H. R. No. 1754) for the relief of Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton;
The bill (H. R. No. 1793) for the relief of John Humphreys;
The petition of Julius Beauchery, late of Brownsville, Tennessee;
The petition of Allen P. Molloy, of Memphis, Tennessee, for compensation for property destroyed;
The petition of Thomas G. Neal, of Memphis, Tennessee, asking to be paid for the use of a certain building used as a hospital during the late rebellion:

late rebellion :

The petition of James H. Shumate, of Warrenton, Fauquier County, Virginia;

The petition of Martha M. Parker, of Memphis, Tennessee; The petition of Robert D. Fort, asking compensation for property

The petition of Isaiah Sweet, of McNairy County, Tennessee;
The petition of Isaiah Sweet, of McNairy County, Tennessee;
The petition of Duncan James, of Fauquier County, Virginia;
The petition of Mrs. Catharine Smith, for property taken during

The petition of Mrs. Catharine Smith, for property taken during the war of the rebellion in 1863;

The petition of E. P. McNeal, of Hardeman County, Tennessee, for property destroyed during the years 1862, 1863, and 1864;

The petition of B. W. Hunter and others, for permission to file a claim before the southern claims commission;

The petition of Samuel W. Lancaster, of Madison County, Mississippi.

sippi;
The petition of the heirs of William H. Whitefield, deceased, an alien, some time resident of Sebastian County, State of Arkansas, and late of Utilla Island, off Honduras, Central America;
The petition of Horace D. Mead, of Yazoo County, Mississippi;
The petition for the relief of the estate of Hugh Lewis, late of Madison County, the State of Mississippi;

ison County, in the State of Mississippi;

The petition of W. F. Goggin, of Pulaski County, Kentucky; The petition of Jeremiah B. Simmons, of Moscow, Fayette County, Tenneseee, for property taken and used by the United States Army during the war;

The petition of Mary E. McKinney, of Memphis, Shelby County, Tennessee, for property taken by the United States Army during the

The petition of Consider Parish, a resident of Hinds County, Mis-

sissippi;

The petition of J. C. Cameron, of Madison County, Mississippi; and The petition of James F. Perkins, executor of the estate of Eliza M. Dawson, deceased.

Mr. TYLER moved to reconsider the votes taken upon the adverse reports just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TYLER also, from the same committee, reported adversely upon the petition of Nelson Potter, of Hinds County, in the State of

Mississippi.

Mr. HOOKER. I ask that the petition just reported back to the House be placed upon the Private Calendar, and, with the accompanying report, ordered to be printed.

The motion was agreed to.

The motion was agreed to.

Mr. TYLER also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2254) for the relief of Lieutenant Henry Z. Eaton; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying re-

the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. COWGILL, from the same committee, reported adversely the following petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Roscoe C. Oglesby; and
The petition of Mary E. Whitehead, of Helena, Phillips County,

Arkansas

Mr. BRAGG moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROTHWELL, from the same committee, reported adversely upon the following bill and petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 3279) to reopen the claim of Alexander W. Mc-

Connell, of Tennessee;

The petition of John A. Gwin, of Marshall County, Mississippi, for quartermaster stores and subsistence supplies;

The petition of Nancy P. Garrison, of Benton County, Mississippi, for quartermaster stores and supplies taken by the United States Army during the late war;
The petition of Pleasant H. Thompson, of Saint Francis County,

The petition of William T. Hamner, of Tuscaloosa County, Ala-

The petition of Hamilton F. Arthors, of Limestone County, Alabama; The petition of Jordan Broadway, of Marshall County, Mississippi, for quartermaster stores taken by the United States Army during the war :

The petition of Andrew Cathey, of Tishomingo County, Mississippi;
The petition of Thomas B. Smith, administrator, for property taken
by the United States Army during the war;
The petition of Calvin Cheairs, of Benton County, Mississippi, for
quartermaster supplies taken during the late war by the United

States Army; and
The petition of S. E. Belcher, of Wilson County, Tennessee, for compensation for property destroyed by the Army of the United States

during the late war.

Mr. BRAGG moved to reconsider the votes upon the adverse reports just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAYNE, from the same committee, reported back favorably the bill (H. R. No. 213) for the relief of the heirs at law of William R. Downing, deceased; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

Mr. STEVENSON. I am directed by the Committee on Private Land Claims to report back, with a favorable recommendation, the bill (H. R. No. 531) to authorize the correction of boundaries of certain lands in San Mateo County, California. I ask that the bill and report be printed, and that the minority of the committee have leave to present their views, to be printed with the report of the majority. I submit to the Chair the question whether this bill should go to the Committee of the Whole or to the House Calendar.

The SPEAKER. Does it appropriate money?

Mr. STEVENSON. It makes no appropriation of money.

The SPEAKER. Or property?

Mr. STEVENSON. No, sir. The bill is for the benefit of certain private citizens.

The SPEAKER. At whose expense?

The SPEAKER. At whose expense?
Mr. STEVENSON. Not at the expense of the Government.

The SPEAKER. If the bill in any way involves an expense to the Government it must go to the Committee of the Whole. The Chair will examine the bill.

Mr. STEVENSON. I prefer that the Chair should do so. I have called attention to the point in order that the bill may, under the direction of the Chair, go to the proper Calendar.

Mr. PACHECO. I desire to reserve the right to submit a minority

report.
The SPEAKER. The gentleman from Illinois [Mr. STEVENSON] has already made that request on behalf of the minority. The views of the minority will be printed with the majority report.

Mr. PAGE. I think this bill should go to the Committee of the

Whole.

Mr. STEVENSON. I ask the Chair to examine it.
Mr. BUCKNER. This bill was on the Private Calendar in the last

Mr. PAGE. The bill provides for a new survey of certain lands, and of course involves an expense to the Government.

The SPEAKER. In the opinion of the Chair, the bill should go to the Committee of the Whole on the Private Calendar.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed, leave being given to the minority of the committee to file their views, to be printed with the majority report.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Wisconsin, [Mr. HAZELTON,] who was not in his seat when the Committee on Invalid Pensions was called, asks leave to report at this time some bills which are in his charge

There being no objection, leave was granted.

PENSIONS.

Mr. HAZELTON, from the Committee on Invalid Pensions, reported back favorably bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and,

with the accompanying reports, ordered to be printed:
The bill (H. R. No. 1124) granting a pension to Lydia S. Bicknell;
The bill (H. R. No. 5110) granting a pension to David S. Loudon;
The bill (H. R. No. 3679) granting a pension to Stephen S. McCann;
The bill (H. R. No. 3691) granting a pension to Jesse Conrad;
The bill (H. R. No. 1106) granting a pension to Mrs. Sarah J. Chip-

man;
The bill (H. R. No. 3692) granting a pension to Alanson Eaton;
The bill (H. R. No. 4160) granting a pension to Jane S. Taplin;
The bill (H. R. No. 4215) granting a pension to Joseph Austin;
The bill (H. R. No. 3913) granting a pension to Daniel Cornwell; and
The bill (H. R. No. 1102) granting a pension to John S. Corlett.
Mr. HAZELTON, from the same committee, reported back adversely
the bill (H. R. No. 4152) granting a pension to John W. Anderson;
which was laid on the table, and the accompanying report ordered tohe printed.

be printed.

THOMAS LUCAS.

Mr. SAMFORD, from the Committee on the District of Columbia, reported back favorably the bill (S. No. 152) for the relief of Thomas Lucas; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed. COMPLETION OF WASHINGTON MONUMENT.

Mr. MARTIN, of Delaware. I am directed by the Committee on the District of Columbia to report a bill providing for the completion of the Washington National Monument.

The SPEAKER. This is a public bill, and cannot come in to-day except by unanimous consent.

Mr. MARTIN, of Delaware. I ask unanimous consent.

There being no objection, the bill (H. R. No. 5714) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. to be printed.

GAS COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. MARTIN, of Delaware, from the Committee on the District of Mr. MARTIN, of Delaware, from the Committee on the District of Columbia, reported back adversely the following bills; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2509) to incorporate the Atomic Steam Coal-Gas Company of the District of Columbia; and

The bill (H. R. No. 2514) to incorporate the Municipal Gas Company of the District of Columbia.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the bills were laid on the table; and also moved that the motion to reconsider be laid on the table.

reconsider be laid on the table.

The latter motion was agreed to.

BALTIMORE AND OHIO RAILROAD COMPANY TAXES.

Mr. HENKLE, by unanimous consent, from the same committee, reported back favorably the joint resolution (H. R. No. 266) ratifying settlement of taxes made by the District commissioners with the Baltimore and Ohio Railroad Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SQUARE 446, WASHINGTON.

Mr. SAMFORD, by unanimous consent, from the Committee on the

District of Columbia, reported back favorably the bill (H. R. No. 4749) to authorize the commissioners of the District of Columbia to dispose of the ground in square 446, in the city of Washington, belonging to said District, for market and school purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SQUARE 504, WASHINGTON.

Mr. SAMFORD also, by unanimous consent, from the same committee, reported a bill (H. R. No. 5715) to vacate and close an alley in square 504, in Washington, District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF CORNELIUS BOYLE.

Mr. SLEMONS, from the same committee, reported back favorably the bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF EDWARD B. CLARK.

Mr. SLEMONS also, from the same committee, reported back favorably the bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed. ADVERSE REPORTS.

Mr. SLEMONS also, from the same committee, reported back adversely the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 3581) for the relief of the Potomac Insurance Company, of Georgetown, District of Columbia; and
The bill (H. R. No. 3887) for the relief of Dr. T. S. Verdi.

MARTHA A. BEERBOWER.

Mr. WILSON, by unanimous consent, introduced a bill (H. R. No. 5716) to restore to the pension-roll the name of Martha A. Beerbower, of West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPORTED GOODS, GULF OF MEXICO, ETC.

Mr. NEWBERRY, by unanimous consent, introduced a bill (H. R. No. 5717) to prohibit the transportation of imported goods, in bond or otherwise, or any products or manufactures of the United States, from one port or place in the United States to any other place therein when any portion of such transportation is made through any foreign country bordering on the Gulf of Mexico or the Caribbean Sea, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPORT OF CHIEF SIGNAL OFFICER.

On motion of Mr. HAYES, by unanimous consent, the joint resolution (S. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing

Mr. WILSON. A similar bill to that has been before the Committee on Printing of the House; and I have been directed to move to take the Senate joint resolution from the table and put it upon its

Mr. HAYES. That is so.

The SPEAKER. The law requires all such cases to go to the Committee on Printing.

Mr. WILSON. Unless they shall be acted on by the Committee on

Mr. WILSON. Unless they shall be acted on by the Committee on Printing in the House.

The SPEAKER. All propositions for printing exceeding in amount \$500, under the law, must go to the Committee on Printing.

Mr. WILSON. But the Committee on Printing have considered

this subject

The SPEAKER. This is not the identical proposition considered by the Committee on Printing, as it has not been before that committee

The joint resolution has gone to the Committee on Printing, under the law

Mr. WILSON. All right, then.

ORDER OF BUSINESS.

Mr. CLYMER. The morning hour having expired, I now move, Mr. Speaker, to dispense with all further private business for to-day and that the House shall resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the Army appropriation bill.

Mr. BRIGHT. I hope that will not be done.

The House divided; and there were—ayes 73, noes 37.

The SPEAKER. The Chair votes in the affirmative.

Mr. BROWNE. No quorum has voted. [Laughter.]

Mr. CLYMER. I demand tellers.

Tellers were ordered; and Mr. CLYMER and Mr. BROWNE were approximated.

Tellers were ordered; and Mr. CLYMER and Mr. BROWNE were appointed.

The committee again divided; and the tellers reported-ayes 90,

The SPEAKER. Two-thirds not having voted in favor of the motion, it is rejected.

L. MADISON DAY.

Mr. BRIGHT. I now move the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Cal-

endar, (Mr. Burrows in the chair.)

The CHAIRMAN. The pending question before the committee is the bill (H. R. No. 2798) for the relief of L. Madison Day, coming

The CHAIRMAN. The pending question before the committee is the bill (H. R. No. 2798) for the relief of L. Madison Day, coming over from last Friday, on which the gentleman from Louisiana [Mr. ELLIS] is entitled to the floor.

Mr. ELLIS. I yield for thirty minutes to the gentleman from New York, [Mr. VAN VOORHIS.]

Mr. VAN VOORHIS.]

Mr. VAN VOORHIS. I shall require not perhaps as much time as has been extended to me by the gentleman from Louisiana. I shall endeavor to present the questions involved in this case as pointedly as I can. It will be remembered, Mr. Chairman, that the report of the committee, read on a former occasion, was somewhat lengthy; but it was able and exhaustive. It seems this claimant purchased in the city of New Orleans a square of land which had been the property of Judah P. Benjamin, at a confiscation sale; that he paid therefor the sum of \$5,400; that the title utterly failed; and he asks Congress to pay back the money which is now in the Treasury of the United States. The act under which confiscation proceedings were taken was passed on the 17th of July, 1862, and is entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." I would ask the Clerk to read two sections, sections 7 and 8, of that act, (which in all comprises fourteen sections,) because those are the two sections under which this proceeding has been taken.

The Clerk read as follows:

The Clerk read as follows

The Clerk read as follows:

SEC. 7. And be it further enacted, That to secure the condemnation and sale of any of such property, after the same shall have been seized, so that it may be made available for the purpose aforesaid, proceedings in rem, shall be instituted in the name of the United States in any district court thereof, or in any territorial court, or in the United States district court for the District of Columbia, within which the property above described, or any part thereof may be found, or into which the same, if movable, may first be brought, which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases, and if said property, whether real or personal, shall be found to have belonged to a person engaged in rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemies' property and become the property of the United States, and may be disposed of as the court shall decree, and the proceeds thereof paid into the Treasury of the United States for the purposes aforesaid.

Sec. 8. And be it further enacted. That the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof where real estate shall be the subject of sale as shall fitly and efficiently effect the purposes of this act, and vest in the purchasers of such property good and valid titles thereto. And the said court shall have power to allow such fees and charges of their officers as shall be reasonable and proper in the purpose.

Mr. VAN VOORHIS. Mr. Chairman, acting under the authority.

Mr. VAN VOORHIS. Mr. Chairman, acting under the authority given in the eighth section the district court of the United States for the eastern district of Louisiana, on the third Monday in February, 1865, made an order prescribing the form of a deed to be given in said case. I will read an extract from that order:

It is ordered that in all cases where real estate is condemned and sold under the act aforesaid the marshal shall cause all mortgages existing against the property sold to be canceled, and shall attach the certificate of the recorder of mortgages to the deeds given to the purchaser showing the cancellation of the same

Now, what have we before us in this connection? The statute authorizes the court to make the order. We have the court making the Now, what have we before us in this connection? The statute authorizes the court to make the order. We have the court making the order, and that order is the law, and under that law proceedings were taken in the case. The decree is a proceeding in rem. The rem was there, but it was afterward held that there was no jurisdiction, and that there was no valid title acquired upon the sale. The decree of the court made on the 18th day of March, 1865, adjudges that this square of land is the property of the United States, and directs that it be sold. It does not direct any interest or equity in the property to be sold, but directs the property itself to be sold without reserve or qualification. It is a decree against the fee, and I agree with the gentleman from Georgia, [Mr. Hammond,] who spoke the other day upon this subject, that the decree is utterly void to convey even a life estate in the property.

Now, the marshal having, according to the judgment of the court, a right to sell, he did sell, and on the sale stated that the property would be sold discharged from all mortgages existing against it; and on that declaration the bid was made by the purchaser. According to the law he was required at the time of the bid to pay the purchasemoney. The money was paid before he got his deed. The deed was then given; and that deed embodies in it, in the body of it, a statement that this mortgage had been discharged. The deed was a contract between the United States on the one side and L. Madison Day on the other, and contains in the body of the contract the statement that the mortgage has been canceled and that no mortgage is exist.

on the other, and contains in the body of the contract the statement on the other, and contains in the body of the contract the statement that the mortgage has been canceled and that no mortgage is existing against the property. How, I ask, can you go back upon that deed? Can you deny the effect of the deed? Is it not, in other words, repudiation to attempt to do so? Ought not the United States to live up to its contracts? Ought it, because it has the power by mere force to do so, after it has taken this man's money under the terms of a contract which it cannot fulfill and will not fulfill, retain his money and give him nothing in return for it? For that is about the substance of it. In order that the committee may see precisely the condition of it. In order that the committee may see precisely the condition

of this property at the time of the sale and the exact terms of the deed, I ask that the Clerk read the deed itself.

The Clerk read as follows:

Deed of sale, marked G.—Filed in evidence May 23, 1868.

UNITED STATES OF AMERICA.

Eastern district of Louisiana, city of New Orleans:

United States of America.

Whereas J. Cuthbert Bullitt, marshal of the United States for the eastern district of Louisiana, under and by virtue of a venditioni exponas to me directed by the honorable the district court of the United States for the district aforesaid, in the suit entitled The United States vs. Two Squares of Ground, &c., the property of J. P. Benjamin, No. 793 tof the docket of said court, did expose at public sale, according to law, and after all previous legal requisites had been fulfilled and complied with, and after having given full thirty day's notice of said sale in the Picayune, one of the daily newspapers printed and published in the city of New Orleans, namely, on the 29th of March, 8th and 22d of April, and 4th of May, 1865, the following-described property, namely: a certain square of ground situated in the town of Huntsville, parish of Jefferson, with all the improvements thereon, designated on a plan of said town drawn by B. Buisson, surveyor, the 17th day of March, 1837, and deposited in the office of E. Barnett, late notary in New Orleans, by the number 63, and measuring 243 feet 4 inches on Nayades street, 426 feet 4 inches front on Arabella street, 240 feet on Cornelius street, and 377 feet 8 inches on Nashville street, on Thursday, the 4th day of May, 1865, in the year 1865, at the hour of twelve o'clock m., at the Merchants' and Auctioneers' Exchange, No. 18 Royal street, in the city of New Orleans, when, after making due proclamation of said sale, and duly crying the said property and appurtenances, the same were adjudicated, to S. Madison Day, he being the last and highest bidder thereon, for the price and sum of \$5,400 in cash at the time of adjudication; which said sum I hereby acknowledge to have received in ready current money of the United States of America. And it appears, from a duly certified copy from the records in the office of the recorder of mortgages for the parish of Jefferson, which certificate is annexed to the writ of venditioni exponas, under the authorit

Fifth. The one which by an act passed before H. B. Cenas, notary, dated 23d of July, 1858, Judah P. and Joseph Benjamin granted in the favor of the widow of William C. Micou, on said square No. 63, to secure the payment of \$10,000, payable four years after date, with interest at the rate of 8per cent. per annum from date till paid; and in a clause in said act the said Levy, holder of the mortgage above recited for \$4,000, has agreed that this mortgage should take precedence of the one in his favor. (Recorded, book 19, folio 674.)

STATE OF LOUISIANA,
Parish of Jefferson, Recorder's Office:

Parish of Jefferson, Recorder's Office:

This is to certify that, first, the mortgage granted by Joseph Benjamin in favor of S. L. Levy by an act passed before T. O. Stark, notary, dated 30th of December, 1856, on square No. 63, in Huntsville, in this parish, to secure the payment of a note for \$4,000, payable one year after date, with 8 per cent. interest per annum from date, recorded book 19, folio 2116; second, and the one granted by Joseph and Judah P. Benjamin, by an act passed before H. B. Cenas, notary, dated 23d of July, 1858, in favor of the widow of William C. Micou, on said square No. 63, to secure the payment of \$10,000, payable four years after date, with like interest, with a clause giving this mortgage priority or the one above recited, (recorded book 19, folio 674,) have both been this day canceled and annulled from the records in this office.

JUSTIN HATARD,

Deputy Recorder.

Parish of Jefferson, May 12, 1865.

Parish of Jefferson, May 12, 1865.

Now, therefore, know all men by these presents, that I, the United States marshal aroresaid, in consideration of the premises and by virtue of the laws in such case made and provided and under the authority of the acts of Congress of August 6, 1861, July 17, 1862, and March 3, 1863, in relation to confiscation, do hereby sell, transfer, assign, and set over unto the said L. Madison Day, as aforesaid, his heirs, administrators, executors, and assigns, all and singular, the above described property, with all the buildings and improvements thereon, rights, ways, privileges, hereditaments, and appurtenances to the same belonging, and in any wise appertaining; to have and to hold the above-described property, with all the buildings and improvements thereon, rights, ways, &c., as aforesaid, to his and their proper use, benefit, and behalf forever.

In testimony whereof, I grant these presents under my signature as United States marshal aforesaid, in the said city of New Orleans, on this 10th day of May, in the year of our Lord 1865, and of the Independence of the United States of America the eighty-ninth.

CUTHBERT BULLITT, United States Marshal.

Executed in presence of A. Boisblanc and G. Holland.

UNITED STATES DISTRICT COURT,

Eastern District of Louisiana, City of New Orleans:

I hereby certify that the foregoing deed of sale has this day been duly recorded in this office in sales-book B, folios 113 and 114.

Clerk's office, May 13, 1865.

CHAS, CLAIBORNE, Clerk.

Mr. VAN VOORHIS. Mr. Chairman, there is no doubt that all parties believed this was a valid proceeding. The United States believed it to be such; the purchaser believed it to be such. Both were mistaken. It transpired afterward that the Supreme Court of the United States transpired afterward that the Supreme Court of the United States held that this transaction was utterly void. Who made the mistake? Was it it L. Madison Day? Not at all. Was it the marshal? Not at all. It was the judge of the district court of Louisiana that made the mistake, and nobody else, and because the judge made a mistake they cry caveat emptor on this purchaser and say, "You are responsible for the mistake of the judge of Louisana, and you must lose your memory."

Now, sir, see what this poor fellow has to do. Here is a judgment that he supposes is valid, a judgment that the law officers of the Government pronounced valid, a judgment pronounced by a judge of a court of the United States. The position of the gentleman from Geor-

gia [Mr. Hammond] is that Day must look through all those proceedings to the Supreme Court and possess the knowledge that the Supreme Court will hold that all this is void. It is utterly absurd.

I concede that the maxim ignorantia juris non excusat is a maxim of the common law. But it is not to be generally applied. It applies only to general law and not to private rights. You cannot apply it to lawyers, because if it were a State-prison offense to be ignorant of the law there is not a lawyer of the country who would not be in State prison, because in every case there is a lawyer on each side, and one knows the law and the other does not, as they find out by the decision of the country of the apply it to lawyers not can one knows the law and the other does not, as they find out by the decision of the court. So you cannot apply it to lawyers, nor can you apply it to judges. There is not a judge in the United States who has not had his judgments reversed because he was ignorant of the law. Appellate courts have so decided by reversing his judgments; and if it were a State-prison offense for the judges to be ignorant of the law we would have our prisons full of judges. And yet here is a layman who has in good faith relied on the judgment of a court of competent jurisdiction turned over to the doctrine of caveat emptor; and it is claimed that he is bound to know the judge made a mistake, and he must lose his money because he did not know more than the lawyers and more than the judges.

There is no such rule that applies to such a case as this. There is

than the lawyers and more than the judges.

There is no such rule that applies to such a case as this. There is no common law of the United States. In the nature of the case there cannot be. We are thirty-eight States, and the law is different in every State. In those States where the common law prevails it is not held uniformly. In one State the same rule is construed differently from what it is in another. I need not dwell upon that, but I will simply read a few words from the opinion of the Supreme Court in the case of Wheaton and Donaldson vs. Peters and Grigg, in 8 Peters's Reports, page 658, as given by Justice Wilson. He says: Reports, page 658, as given by Justice M'Lean. He says:

It is clear, there can be no common law of the United States. The Federal Government is composed of twenty-four sovereign and independent States; each of which may have its local usages, customs, and common law. There is no principle which pervades the Union and has the authority of law that is not emboded in the Constitution or laws of the Union. The common law could be made a part of our Federal system only by legislative adoption.

When, therefore, a common-law right is asserted, we must look to the State in which the controversy originated.

Therefore on this question we must look to Louisiana, and inquire Therefore on this question we must look to Louisiana, and inquire before any common-law rule is applied, is there any common law in Louisiana? It is well known there is not. The code of Louisiana on this point is identical with the rule of the civil law, which is that whenever a man sells anything, be it real estate or chattels, he is deemed to warrant the title, to warrant that he has a right to sell the thing which he sells. And there is no rule of caveat emptor in Louisiana has a constant to anything. That and this continue to anything. ana that applies to anything. That ends this controversy. But the other point is also conclusive.

Mr. ATHERTON. Will the gentleman allow me to ask him a ques-

Mr. VAN VOORHIS. Certainly.
Mr. ATHERTON. You say the statutes of the United States and a deed under them shall not be construed to have the same effect in

every portion of the American Union?

Mr. VAN VOORHIS. I do not say that. I say the statutes of the United States are to be construed alike everywhere. But the gentleman will not claim that the statutes of the United States establish the common law of England as a law of the United States. I am saying that there is no caveat emptor in the statutes of the United States, and there is none in Louisiana.

Mr. ATHERTON. What I wanted to ask was this: whether a deed made in exactly this same form in some other States of the Union would not have the same effect that it had in Louisiana; or whether

would not have the same effect that it had in Louisiana; or whether the gentleman claims it would have a different effect in that State from what it would have if made in Ohio or in New York.

Mr. VAN VOORHIS. I do not claim that; but I claim the argument in reference to Louisiana is tenfold stronger than in any State where the common law prevails, because the rule caveat emptor does not exist there at all, and therefore all arguments based on that rule

This defect was a latent one. Assume that the common law does prevail; assume that this happened in the State of New York, if you please, where the common law was adopted by statute, and then the rule is this, that where the defect is latent and the purchaser by reasonable diligence does not discover it, especially where the seller himself does not know it, the rule caveat emptor does not apply. Broom says:

The rule caveat emptor indeed has no application where the defect is a latent one, and of such a nature where the purchaser cannot by the greatest attention discover it.

And you cannot find the rule stated differently from that anywhere by common-law courts.

You cannot bring this case within the principle of caveat emptor at all, because there is not a decision in existence that holds that to a sale under a void judgment the rule of caveat emptor applies

sale under a void judgment the rule of caveat emptor applies.

Now, I will cite a case in a common-law State, the case of Putnam against Westcott, in 19 Johnson's Reports of New York. That is a case where a constable on an execution sold a leasehold estate and the purchaser paid the money. It was afterward held that the sale was utterly void; that the constable could not sell a leasehold estate on an execution, and the constable was sued by the purchaser to get back his money. The supreme court of New York upheld the action,

and Chief-Justice Spencer, one of the ablest jurists of the day, wrote the opinion. In that opinion he says:

It would seem that both parties were under a mutual error. The defendant supposed he had a right to sell Frink's interest in the land; and the plaintiff, by becoming the purchaser, must have thought the defendant had such authority. If, under this mistake, common to both parties, the defendant had paid over the money to the plaintiff in the execution, before the mistake was discovered, I should more than doubt the plaintiff's right to recover. The plaintiff's equity to recover would then be opposed by the injustice of requiring the defendant to refund. In such a case, I should not consider the plaintiff as entitled to recover ex æquo et bono. But it was not offered to be proved that the defendant had parted with the money; therefore, taking all that was offered to be proved as true, still the plaintiff is entitled to recover, as he has paid his money to the defendant, who, for aught that appears, still retains it, without right, and without any consideration.

[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. ELLIS. How much longer time does the gentleman desire?

Mr. VAN VOORHIS. Only about five minutes.
Mr. ELLIS. I will yield that time to the gentleman.
Mr. VAN VOORHIS. In this case which I have cited the officer
was sued for the money. It would be precisely as if L. Madison Day
had sued the marshal before the money was paid into the Treasury. But there is another case where the money was paid over, a tax case decided by the court of appeals of the State of New York. The purchaser at a tax sale paid his money, and it subsequently turned out that the tax levy was void, and the sale therefore void. He sued the City of Brooklyn, the party which had got the money. The case is Chapman vs. the City of Brooklyn, (40 New York Reports.) I read from the syllabus of the case:

from the syllabus of the case:

The municipal authorities of Brooklyn having caused measures to be taken in apparent conformity with the statute (Laws of 1850, chapter 144) regulating the subject, for the assessment upon the lots deemed to be benefited of the expense of grading and paving a certain avenue in that city, the amount of estimated benefit to two lots was assessed against parties who were not the owners of them. Judgment for the amount of such assessment against these persons having been entered up in the form provided by the statute, and executions thereon having been returned unsatisfied, the lots were put up for sale by the city street commissioner, and struck off to a purchaser, who paid over the amount of his bid, and received the usual certificate of sale. The money was transmitted by the street commissioner to the city treasury. In an action by the assignee of this certificate, and of all claim, and right of action of the purchaser by reason of the premises, brought against the city to recover back the money paid, with interest—Held, That the assessment, proceedings, and sale were absolutely void for want of jurisdiction, the assessment not having been made against the owner of the lots.

It was further held that the plaintiff could recover on the ground of an entire failure of the consideration for which the money was paid to the city.

I call attention to the following from the opinion of the court:

In ordinary cases the circumstances established in this action would be sufficient to entitle the plaintiff to recover the money paid upon the sale with interest, for the consideration of the sale has entirely failed. The defendant supposed its own proceedings had been regular, and that it was consequently entitled to sell the land in question for the payment of the assessments made upon it, and under the same impression the lots were bid off by the purchaser. The defendant received the purchaser's money for the right to the title it was expected and believed would be ultimately conveyed, if the land was not afterward redeemed from the sale. In fact the city had no power to sell or in any manner affect or incumber the land in favor of the purchaser. It was unable to give him for his money the right on account of which the city received it; and if the defendant can succeed in retaining it, that must be done on account of some peculiar immunity enjoyed by it as a corporation.

The rule ordinarily applicable to cases of this description is well stated by Parsons in his work upon contracts. It is as follows:

"Where the consideration appears to be valuable and sufficient, but turns out to be wholly false or a mere nullity, or where it may have been actually good, but before any part of the contract has been performed by either party and before any benefit has been derived from it to the party paying or depositing money for such consideration the consideration wholly fails, then a promise resting on this consideration is no longer obligatory, and the party paying or depositing money upon it can recover it back.

I have other cases here, but I have not time to refer to them. want to read a word, however, from Kerr on Frauds and Mistakes, with respect to the point that this marshal, in making this contract, was not the agent of the Government in making this contract to sell this property discharged from the mortgage. I have shown that Congress authorized the courts to make that bargain and it was made in pursuance of that authorization. Kerr says:

A man cannot adopt and take the benefit of a contract entered into by his agent and repudiate the fraud on which it was built. If the agent, at the time of the contract, makes any representation or declaration touching the subject-matter, it is the representation and declaration of the principal. The statements of the agent which are involved in the contract, as its foundation or inducement, are in law the statements of the principal. The principal cannot separate the contract itself from that by which it was induced. He must adopt the whole contract, including the statements and representations which induced it, or must repudiate the contract altogether. It would be inconsistent with natural justice to permit a man to retain property acquired through the medium of false representations made by his agent, although he was no party to them, or did not authorize them.

Mr. Chairman, I repeat, here is a contract of the United States to

Mr. Chairman, I repeat, here is a contract of the United States to give this man the property he bought discharged of the mortgage. The United States has broken its contract. It has taken the man's money and given him nothing for it. I say that the Government cannot afford to keep it and will not. Either this Congress or some other Congress will do justice in this case.

Mr. ELLIS. My friend from New York who has just preceded me [Mr. VAN VOORHIS] has pursued the line of thought that I had contemplated pursuing, and my labors therefore will be very much lightered, and I shall occupy but little of the time of the committee. I have heard with some regret that there has been an attempt made to create the impression that the claimant in this case was an advent-

urer, a stranger, a camp-follower, and an informer; one who, holding no convictions upon either side of the civil war which lately convulsed this Republic, occupied his time in purchasing confiscated property and making money out of the miseries and exigencies of the country. I say I regret to find that an attempt has been made to create this impression.

This must be my excuse and my apology for informing the committee that Mr. Day, the claimant, was a resident of the State of Louisiana a long time before the war began. He was a native of Kentucky, and came to Louisiana twelve years before the beginning of the war and entered into the practice of law there. He was conservative in politics, a candidate for elector on the Bell and Everett ticket in 1860, and when the war actually began he sided with the Union cause.

Since the war he has pursued the practice of his profession, and is universally esteemed and beloved by those who know him. His character for integrity, for honesty, and for fair dealing is equal to that of any gentleman who sits on the floor of this House. So much, then, for the personnel of the claimant. And I have made this statement with regard to him to endeavor to remove that prejudice which has

with regard to him to endeavor to remove that prejudice which has been created against him, for prejudice insidiously creeps into the councils of judgment, and, alas! too often influences its decrees.

This case has been before Congress, I believe, since the Forty-third Congress, and has five times been favorably passed upon by various Senate and House committees since that time. A favorable report was prepared by the Senator from Florida, Mr. Jones, and a favorable report to this House, in the Forty-fourth Congress, by the late Secretary of War, Mr. McCrary. I cite these facts to inform the House that the report which we are seeking to sustain here has had the that the report which we are seeking to sustain here has had the

that the report which we are seeking to sustain here has had the sanction of some very able lawyers who are not of this House.

The facts of the case are simply these: Under the confiscation act of July 17, 1862, certain real estate in the city of New Orleans, the property of Judah P. Benjamin, was libeled by the Government of the United States as the property of a rebel in arms. Two squares of ground were libeled. And right here let me say that during the ground were libeled. And right here let me say that during the progress of the debate, two weeks ago to-day, some gentleman inquired what became of the other square. I will state to the House that the other square of ground which was purchased at that sale was situated a half or three-quarters of a mile away from the square in question; it lay off in a swamp; was purchased for \$700, and became so involved with taxes that it was abandoned and sold in 1871, I believe, for taxes, so that Mr. Day never realized a single cent, but lost \$700 by the purchase of the other square; and it does not and

lost \$700 by the purchase of the other square; and it does not and cannot enter into the discussion of this case.

A monition issued and the property was condemned as the property of the United States, and after legal proceedings, the proceedings provided for by the act of July 17, 1862, it was sold to L. Madison Day, the present claimant, for the sum of \$5,400. Mr. Day paid his money, and the Government gave him a title, in the body of which was incorporated the certificate of the recorder of mortgages, showing that all evidences of prior mortgages had been erased and canceled.

Another inquiry arose in the course of the former debate in this case. It was as to the value of the property. Now, I can inform the House something about that, because I own and live upon the same property now. The price paid by Mr. Day, in 1865, when the property was sold by the Government, was then full value. I purchased it at private sale for \$10,000, in 1875. It must be remembered that when the Government sold this property, and Mr. Day purchased, the war was raging; business of every kind was suspended; New Orleans was almost depopulated; real estate had become almost valueless; so that in paying \$5,400 for the square of ground, Mr. Day purchased it at its full market value at the time of the sale.

I trust, Mr. Chairman, that the committee will pardon these digres-

I trust, Mr. Chairman, that the committee will pardon these digressions from the argument. I happen to remember that the question was asked the answer to which I have just given. It is my earnest wish that the case be fully understood.

In proceeding with the argument it is most necessary, in the first place, that we ascertain clearly what law must govern the decision of

this case, especially if we are to decide it as a court of law. Some gentleman has said the common law of the United States must govern. I confess I was astonished to hear that. Why, have gentlemen reflected that there is no such thing as "the common law" of the United States? There is no all-pervading principle recognized in the United States as common law. That has been distinctly decided by the Su-States as common law. That has been distinctly decided by the Supreme Court in the case in 8 Peters, from which my friend from New York [Mr. Van Voorhis] has just read. There is no common law of the United States; there could be no common law of the United States unless the common law of England should be adopted as the law of the United States by statute, which has not been done. In the case in 8 Peters the court declared:

It is clear there can be no common law of the United States. There is no principle which pervades the Union and has the authority of law that is not embodied in the Constitution and laws of the Union. The common law can be made part of our Federal system only by legislative adoption. When, therefore, a common-law right is asserted, we must look to the State in which the controversy originated.

Such is the doctrine laid down by our highest tribunal, and no one has disputed it. And it is the veriest nonsense for gentlemen to talk of the "common law" of the United States. And if there is no common law of the United States, to what system of laws shall we appeal for rules of decision in the case at bar? Shall we decide it by the laws of the common-law States, by the law of Ohio or by the law of

Mentucky, if you please?

Mr. ATHERTON. No; by the law of the United States; by the statute of the United States.

Mr. ELLIS. No; not by the laws of the United States, because there is no law of the United States which is applicable to this con-

Mr. ATHERTON. There is the confiscation act.
Mr. ELLIS. Mr. Chairman, I am referred by my friend from Ohio to the confiscation act. I look at it section by section and find provisions for the confiscation of property of rebels in arms; but nowhere do I find a single line even squinting at the idea of such a controversy as this; nowhere a single line providing for warranty or the doctrine of caveat emptor, which is sought to be applied, or a single line arms in the most remote manner for the settlement of

line which provides in the most remote manner for the settlement of a controversy of the kind we are now dealing with.

Then, if there is no common law of the United States, if the statutes of the United States do not reach the case, if the Constitution ntes of the United States do not reach the case, if the Constitution of the United States does not reach it, will you attempt to apply to it and decide it by the laws of any particular State from which members here may come? Why, sir, the law of a foreign State can have no extra-territorial jurisdiction, and, except for the purposes of the Union, the States of this Union are foreign States to each other. Shall I cite authorities to sustain this point? The books bristle with them. No, sir, you cannot apply to this case the laws of any State except that one in which it arose. You must go to the law of the State of Louisiana where this controversy came where this suit originated: Louisiana, whence this controversy came, where this suit originated; and you must decide it by the law of the State of Louisiana.

Section 721 of the Revised Statutes declares that:

The laws of the several States, except where the Constitution The Constitution does not touch this questiontreaties

There is no treaty that touches itor statutes of the United States

There is no statute that touches it:

The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply.

Now, Mr. Chairman, this is a dilemma from which the opponents of this bill cannot escape. You must determine and try this case by the laws of the State of Louisiana, and no other laws can reach or affect it. Then, sir, what are the provisions in the law of the State of Louisiana in regard to the points involved in this controversy? The civil code of Louisiana, article 2621, page 473, (Voor. Ed.,) is as follows:

The purchaser, evicted from property purchased under execution, shall have his recourse for reimbursement against the debtor and creditor; but upon the judgment obtained jointly for that purpose, the purchaser shall first take execution against the debtor, and upon the return of such execution, no property found, then he shall be at liberty to take out execution against the creditor.

And by the law of the State there is an implied warranty in every judicial sale; and the courts of that State, in interpreting the code have gone so far as to declare that even where the recitation of warranty was omitted in the deed, the doctrine still applied, and there was and must be warranty in every judicial sale.

Mr. BAYNE. Not on the part of the State—the warranty did not come from the State?

Mr. ELLIS. I will come to that point; and my friend will excuse me until then. This is not a judicial sale, but a conventional sale on the part of the United States to the claimant.

Mr. ATHERTON. Let me ask the gentleman from Louisiana how he construes the preceding section in the civil code of Louisiana. The section he quoted was section 2621 of the civil code of that State. Mr. ELLIS. Yes, sir.

Mr. ATHERTON. Let me refer to the one immediately before it.

Mr. ELLIS. Certainly.
Mr. ATHERTON. Section 2620 of the civil code of Louisiana provides "this sale on execution transfers the property of the thing to the purchaser as completely as if the owner had sold it himself; but it transfers only the rights of the debtor such as they are."

Mr. ELLIS. Now, Mr. Chairman, in the case of Scott againt Feath-

erstone (5 Louisiana Annual Reports, 314) the court, in answer to the objections that the purchaser at a judicial sale was aware of the dangers of eviction when he purchased, (the property being then in litigation,) and that he, therefore, took the risk, and was not entitled to warranty and a return of the price, said:

To these propositions we cannot assent. The sheriff's sale to Collier is in the usual form, and carries with it, of course, the usual warranties of such instruments. The knowledge which purchasers have of the danger of eviction does not deprive them of the right of claiming the return of the price after the eviction has taken place. The right exists in all cases, unless the party evicted, knowing the danger of eviction, took the property without warranty and at his risk and peril.

Such, then, is the law of Louisiana; and such is the construction

Such, then, is the law of Louisiana; and such is the construction of the article of the code which I have cited.

Now, what are the facts in the case? When the marshal went to sell this property on behalf of the United States Government, under the eighth section of the confiscation act, which gave to the United States courts special power to make such order, establish such forms of decree at the sale, and direct such deeds and conveyances to be executed and delivered by the marshals, where real estate was the

subject of sale, as shall fitly and efficiently effect the purpose of this act and vest in the purchasers of such property good and valid titles thereto; and also power to allow such fees and charges of their officers as shall be reasonable and just in the premises; and, again, in one of the last sections of the act it is provided that the courts of the one of the last sections of the act it is provided that the courts of the United States shall have full power to institute proceedings, make orders and decrees, issue process, and do all other things necessary to carry this act into effect. Now, then, when, in obedience to the order of the United States court, the marshal sold this property, what did he do under the order of the court? In the first place he went, by order of the court, to the place where mortgages are recorded and procured the erasure of every mortgage that stood against this property. The order of the court was directed to the recorder of mortgages to the state of the outer was theeter to the recorder of mortgages to erase every single mortgage that stood against the property. So, at the sale, the marshal exhibited a clean certificate showing that no mortgages existed against the property.

Mr. WILSON. Canceled the debt.

Mr. ELLIS. Yes; a certificate of erasure of all mortgages or evi-

Mr. ELLIS. Yes; a certificate of erasure of all mortgages or evidence of mortgages registered against the property.

Mr. ATHERTON. A mere void act.

Mr. ELLIS. But whose fault is that? There had been no construction at that time of the confiscation act. It was not until nearly ten years afterward that there was any construction of the confiscation act by the Supreme Court of the United States. Then it was supposed under this act the courts of the United States had power, and a complete power to do everything necessary to year in these supposed under this act the courts of the United States had power, ample, complete power, to do everything necessary to vest in these purchasers good and valid titles to their property, and there was no one to gainsay or deny the authority of the Congress or of the courts of the United States to do so.

Mr. ATHERTON. The authority of the officer designated by the statute. It gave him authority to do this or it did not. If it did, there is nothing to complain of; if it did not, he simply violated the

Mr. ELLIS. That may be, but there is no question that he was the executive officer of the court of the United States, armed with the authority given to it by the statute, ordered the erasure of the mortgage and the sale of the property—ordered a clean mortgage certificate, in order that the title of the purchaser might be perfect.

Mr. OSMER. Ordered the erasure of all evidence of mortgage.

Mr. ELLIS. The gentleman anticipated me. The court ordered and the marshal executed and the recorder obeyed, and the monition having previously issued, and no one having appeared to set up a

having previously issued, and no one having appeared to set up a claim against the property, Mr. Day, the claimant, was entirely off his guard, and the error was the error of the Government and not of the claimant.

Mr. BAYNE. I would like to ask the gentleman a question, if he

will permit me.

Mr. ELLIS. With great pleasure.

Mr. BAYNE. Did not the confiscation act in terms enable the United States to take the fee, and did not the district court at the time the property was sold decide the fee passed?

Mr. ELLIS. Yes, sir.

Mr. BAYNE. And did not the Supreme Court subsequently declare that the fee could not pass under the Constitution of the United

clare that the fee could not pass under the Constitution of the United

Mr. ELLIS. That is true, sir. At that time there had been no construction of the confiscation statute, and the intendment of the law was that the fee should pass; but the Supreme Court decided (a decision in which I believe everybody acquiesces) that only a life estate could pass under that provision of the Constitution; that no estate could pass under that provision of the Constitution; that no attainder of treason shall work forfeiture except during the life of the person attainted. But as to that the Government failed to give this man a life estate even in the property of Judah P. Benjamin. He is alive to-day, and from all accounts we have will in all probability live on at least twenty years longer. The Government failed even to do what the Constitution permits, and did not secure to claimant even the life estate in the confiscated property.

Mr. ATHERTON. Will the gentleman permit me to ask him a question right there? The court decided that the life estate passed, subject to the mortgage—

Mr. ELLIS. Yes, sir; but the court decided further that when the marshal of the United States, in obedience to the order of the court and in strict compliance with the statute of Congress, erased the mortgage he did wrongfully. Now, the error under which Day was

mortgage he did wrongfully. Now, the error under which Day was led to purchase the property and pay his money for it into the Treasury of the United States was not his error, but the error of the law in the first instance, the error of the court in the second, and the error of the marshal in the third, and Day himself was an entirely innocent party in the transaction.

But, Mr. Chairman, the doctrine of warranty is not only broadly recognized in judicial sales in the State of Louisiana, but in conventional or private sales, if I may so designate them, the doctrine is still more broadly recognized. Every one is bound to warrant what he sells under the laws of that State.

Mr. BAYNE. Was not the United States in this case really the vendor?

Mr. ELLIS. I think so, sir.

Mr. LAPHAM. Was there any proceeding to confiscate the property of the mortgagees or their interest in the premises?

Mr. ELLIS. No, sir; they were made parties to the monition. A

monition issued warning all persons to appear at a certain time to set

monition issued warning all persons to appear at a certain time to set up their claims, but no party appeared.

Mr. OSMER. How was that monition served?

Mr. ELLIS. By publication under the law.

Mr. ATHERTON. By service of order or by publication?

Mr. ELLIS. By publication in the newspapers. It was published under the law in the newspapers. No one appeared to contest the right of the Government to erase the mortgages, and the court ordered them to be careled.

them to be canceled. Now, Mr. Chairman, I lay down again not only that this doctrine of warranty at judicial sale is broadly recognized and enforced by a number of decisions that I would weary the House in quoting, but in conventional or private sales the doctrine is still more broadly recognized and rigidly enforced, the theory of the law being that every man must and is bound to warrant what he sells. Then I contend that the United States Government having divested Benjamin of all interest in this property, condemned it as its own property, and that, although attended by the forms of a marshal's sale, it was really a personal or a conventional sale on the part of the Government to L.

Madison Day. Mr. PRICE. Will the gentleman allow me to ask him a question?

Mr. ELLIS.

I yield to the gentleman with pleasure. Is it not true that the Government sold this property Mr. PRICE. to Day ? Mr. ELLIS.

I think so, sir.
And made him a title therefor? Mr. PRICE.

Mr. ELLIS. Yes, sir.

Mr. ELLIS. Yes, sir.
Mr. PRICE. And took his money and he never has received anything in the world in return therefor?
Mr. ELLIS. No, sir.

No, sir. Then I think the Government ought to pay the money Mr. PRICE. back. That is all there is of the matter.

Mr. PHILIPS. He got all the statute allowed him.

Mr. ELLIS. I do not think that my friend, the gentleman from Iowa, is a lawyer. He is too good a man to be a lawyer. But in his straightforward, honest, business way he has arrived at the correct solution of this whole question.

solution of this whole question.

And now from the strict letter of the law I appeal to the higher court, I appeal to you, Representatives, who sit here in this highest and greatest court of the whole people, as interpreters of the honesty and the fair dealing and the good faith of this Government; and I charge you on your consciences, beware how you interpret. Will you interpret that this great Union, having sold this property to this claimant, an honest man, who purchased honestly, having had his money in its Treasury for the last twelve or fifteen years, and having utterly failed to give one cent of value therefor—will you interpret the utterance of its creat heart-beatings to be that because it has the the utterance of its great heart-beatings to be that because it has the power and because it has the might it will do this dishonest thing?

Mr. ATHERTON. I would like very much to answer the gentle-

man, if he will give me an opportunity.

Mr. ELLIS. I yield the gentleman the balance of my time for that

purpose.
Mr. ATHERTON rose.

Mr. ELLIS. How much time have I left?

The CHAIRMAN. One minute.

Mr. ELLIS. I am afraid that little minute would not be of any service to my friend from Ohio. I regret I have not an hour to offer

him.

Mr. HERBERT. The gentleman from Louisiana [Mr. ELLIS] has referred to the political antecedents of Mr. Day, the claimant in this case. These have nothing whatever to do with the question. The simple, broad question is whether Mr. Day, having purchased at a judicial sale by a marshal of the United States, and having made, as he conceived, a bad bargain, the Congress of the United States will relieve him. If we do, Mr. Chairman, we will do what this Government has never done yet in any case, although it is now over a century old; and we will establish what seems to me to be a dangerous precedent.

precedent.

Let us look for a moment at the facts of the case as they are. Mr. Day was a lawyer acquainted with the laws of Louisiana and of the United States. He knew this property. He knew, or had opportunity to know, the condition not only of the property itself but of all persons having any claim whatever to it. From the record of the case as it appears in the Supreme Court of the United States, which I have examined, it seems that in the fall of 1864 Mr. Day, as the I have examined, it seems that in the fall of 1864 Mr. Day, as the agent of the United States, took possession of this property, some three or four months before any proceedings were begun against it. That was in the fall of 1864. At that time the condition of the property was this: Judah P. Benjamin, against whom these proceedings were had, had the title to it subject to a mortgage, which mortgage was on record, and therefore notice to L. Madison Day and all the world. Being a lawyer, acquainted with the laws of Louisiana, Day was bound to know, and did know well, that if he would find out the condition of that property he must go to the record. The mortgage at that time was held by the children of the widow Micou, who had died a year before these proceedings began. They were, if not all, some of them, minors at that time. In 1869, when they subsequently commenced proceedings for the property, some of them were still

minors. These minors had committed no crime whatever against the Government of the United States. The statute which was read, or part of which was read, at the instance of the gentleman from New York [Mr. VAN VOORHIS] was not leveled at these minors, but was directed at those who were in arms against the United States, and the purpose of the act was to condemn rebels' property, enemies' property.

Now, two persons or two classes of persons were interested in that property: Judah P. Benjamin, who was held by the court to be guilty; his interest was confiscable. Secondly, these minors who were never before the court, who have never been declared guilty, and who could not have been guilty. They never were before the court. And when the case came to the Supreme Court of the United States that court decided simply and broadly that the purpose of that act of 1862 and of the act amendatory thereof, the act of 1864, was simply to reach the property of Judah P. Benjamin or his interest in that property. If we look, Mr. Chairman, into these proceedings as they appear

If we look, Mr. Chairman, into these proceedings as they appear not only in the record of the Supreme Court of the United States, but not only in the record of the Supreme Court of the United States, but as they appear even in this report from the Committee on Claims, what do we find? Simply this, that the writ of seizure was directed against that property, and all the right, title, and interest therein of Judah P. Benjamin. Particular words like these, "right, title, and interest," following the general description "the property" always control; so that writ authorized a seizure solely and only of the interest, the right, the title of Judah P. Benjamin, and nothing more. And this was what the Supreme Court decided was sold.

Mr. VAN VOORHIS. May I ask the gentleman a question?

Mr. HERBERT. Yes, sir.

Mr. VAN VOORHIS. May I ask the generman a question.
Mr. HERBERT. Yes, sir.
Mr. VAN VOORHIS. Do you find that those words which you have just repeated are in the decree or in the deed?
Mr. HERBERT. No, sir; I am coming to that.
Mr. VAN VOORHIS. They are not there.

Mr. HERBERT. They are not in the decree, but they are in the writ of seizure. But it is only that which was seized and brought into court that the court had the right to condemn. That, too, is the language of the order of publication.

Mr. VAN VOORHIS. Mr. Day of course had something to do with

the deed, for he was a party to it; but he had nothing to do with

the writ.

Mr. HERBERT. The gentleman now says that Madison Day, who bought under this deed, who traced his title to that decree, which decree was founded on that writ of seizure, had nothing to do with the proceedings in that court, under which proceedings he purchased, and which constitute the basis of his title here.

I have repeated from memory, Mr. Chairman, the words used in the monition and in the writ of seizure. The eighteenth volume of Wallace, containing the case of Day against Micou, has been handed to me, and I will read from that, so that there may be no misunderstanding as to the words. An order of publication was made, and the

words in that were:

To show cause why the said property and real estate, and right, title, and interest therein, of the said J. P. Benjamin should not be condemned and sold according to law.

Now, right there, the gentleman from New York [Mr. VAN VOORHIS] asked me what J. Madison Day had to do with that. In answer I will tell him what the Supreme Court say. Mr. Justice Strong, delivering the opinion in the case, said, page 161:

It was not any property in which the persons designated in these two sections might have an interest that was made subject to seizure; it was their estate, their property, and their interest in it, whatever that interest might be.

It is a well-recognized principle of law that whenever any person purchases under a judicial sale, he must look to the proceedings necespurchases under a judicial sale, he must look to the proceedings necessary to give the court jurisdiction. The point I am making is, that the court, whatever it might have attempted to do, had no jurisdiction over anything whatever except simply the interest of J. P. Benjamin. That was condemned, and that only. That interest was seized, and that only. The petitioner here, Madison Day, went into the possession of that property, was put in possession of it by the marshal, and enjoyed that possession without question up to 1869.

Then a suit was brought against him. The court in Louisiana rendered a decree, not divesting him of the interest that had belonged to I. P. Benjamin, but simply recognizing the right in him to hold on to

J. P. Benjamin, but simply recognizing the right in him to hold on to all the title of Benjamin, and declaring that he should give up the property unless he saw proper within ten days after that time to pay this mortgage that was due to the Micou children.

Mr. CULBERSON. What was the rental value of the property worth for the four years that he was in possession of it?

Mr. HERBERT I counts say, but it must have appointed to \$400.

worth for the four years that he was in possession of it?

Mr. HERBERT. I cannot say; but it must have amounted to \$400 or \$500 per annum. That was the decree of the court: that this petitioner, L. Madison Day, had the right to hold on to the interest of Benjamin in the property and the right to pay that mortgage to the Micou children. He did not see proper to do it, but appealed to the Supreme Court. The Supreme Court held that the judgment of the State court of Louisiana was right, and refused to reverse its decision. We now have the whole question before us. It is this: Madison Day having purchased the property under these circumstances, and having been put in possession of the interest of J. P. Benjamin in it, is he entitled to be reimbursed by this Government the amount he paid for that property in full without deducting therefrom the rental he has enjoyed; or is he entitled to anything whatever?

Mr. O'CONNOR. Allow me to interrupt the gentleman a moment.
Mr. HERBERT. Certainly.
Mr. O'CONNOR. While Madison Day was enjoying the rent of
that property, the United States had the advantage of the interest on the \$5,400 of purchase-money.

Mr. HERBERT. And Madison Day, for that \$5,400, had got every-

thing which the United States sold.

Mr. O'CONNOR. No, he did not.
Mr. HERBERT. He did; that which the United States sold was nothing more than the interest of Benjamin. The statute never

authorized the sale of anything more.

Mr. O'CONNOR. The United States Government sold him, not the

interest of Benjamin, but two squares of ground in Louisiana free from all incumbrance whatsoever.

Mr. HERBERT. That is where the gentleman and the Supreme

Mr. HERBERT. That is where the gentleman and the Supreme Court differ.

Mr. O'CONNOR. No, we do not.

Mr. HERBERT. The Supreme Court of the United States says that all which the United States had the power to sell to Day, all that was sold to him, was the interest of J. P. Benjamin; that, and that only. And that, I say, he got and enjoyed.

Mr. O'CONNOR. The United States court decided that the court had not the right to cancel that mortgage. But not with standing that the court issued the order, and in virtue of the order the mortgage was canceled, and Day bought the title with the mortgage canceled upon the record.

upon the record.

Mr. HERBERT. I want to call attention to the manner in which, in so far as it affects this particular case, that order was issued. The decree of condemnation, which, as I say, was based upon the seizure, was rendered before any order ever was made by the court that the should be any cancellation whatever of any mortgage. No rule had been made, no order had been made by the court affecting or pre-No rule had been made, no order had been made by the court anecting or pre-tending to affect the interest of any outside person. When the de-cree was passed the power of the court over that case was functus officio. The court did undertake to pass an order, which the Supreme Court say was void. What sort of an order was it? It was an order to cancel all outstanding mortgages against that property, although they might be, as in this case, in favor of minors, or in favor of inno-cent purchasers, or in favor of persons against whom this law was never directed and whom it was never intended to affect

eent purchasers, or in favor of persons against whom this law was never directed and whom it was never intended to affect.

It was under those circumstances that Madison Day saw proper to buy two lots of land. From this particular lot he has been evicted. He says he has made a bad bargain, and asks this Congress to pay him back his money. The Committee on Claims cite to us a report made in the Forty-fourth Congress in favor of the payment of the paymen made in the Forty-fourth Congress in favor of the payment of this claim. There were two reports at that time. The minority report took ground against paying Mr. Day anything. The majority report, however, said that he ought to be paid \$5,400, less the expenses, amounting to some \$1,000. The report of the Committee on Claims in the present Congress is that he ought to be paid the full amount, \$5,400, and that the United States ought to pay the court costs, marked the states of the court costs, marked the states of the court costs and the court costs.

shal's fees, &c., amounting to \$1,200.

Now, on what principle can these two reports be reconciled? If one is right, the other is wrong. The plain truth of this matter is, that Madison Day has no right here, either legally or equitably. If he had a legal right, he would have gone to the Court of Claims and there have asserted it. He passes by that forum, because he knows he has no rights there; and he comes here to appeal to our sympa-

Gentlemen on the other side say that we are wrong when we contend that the doctrine of caveat emptor applies. That this is the general rule I believe they do not deny. I read from Rorer on Judicial Sales, page 199, section 476:

The rule of caveat emptor applies in all its rigor to judicial sales.

The rule of careat emptor applies in all its rigor to judicial sales.

That is to say, the rule has been established for ages in court after court all over this country and in England, whence we derive our law, that the only sound, safe policy in order to put an end to litigation, in order to have no drawbacks, no claim for reclamation, is that the person who purchases at a judicial sale must take simply what he can get and pay the purchase-money he bids. He gets nothing more than the court has the right to sell.

But gentlemen say the case is different in Louisiana. Let us see for a moment whether this be true. Is it the fact that a judicial sale conducted on behalf of the United States means one thing in Louisiana, another thing in Virginia, and another in Maine? That cannot be.

another thing in Virginia, and another in Maine? That cannot be States have no right, even if they should attempt to do it, to control in this manner the rights of the United States. In a case in 9 Peters, page 182, in which the opinion was delivered by Chief-Justice Marshall, the case of Field vs. The United States, the court being unani

mous, it is said:

The rights of the United States cannot be abridged by the local laws of the States; and the Government is not bound, in order to protect them, to appear and become a party to proceedings in State courts.

But gentlemen say the United States are bound because by section 721 of the Revised Statutes the laws of the States are made applicable to the courts of the United States, sitting in the several States, and because further, by a law of Louisiana quoted by the distinguished gentleman from that State, [Mr. Ellis,] who, I take it, has gathered all the law that can be found in the statutes of that State favoring his position, the rule of caveat emptor does not apply.

Mr. O'CONNOR. Will the gentleman allow me to call his attention to a decision in the State of Louisiana?

Mr. HERBERT. Yes, sir.

Mr. O'CONNOR. I refer the gentleman to the case of Hass vs. Neville, (3 La. Annual Reports, 327,) and the case of Scott vs. Featherstone, (5 La. Annual Reports.) In these cases it was held that a purchaser at a judicial sale in Louisiana can always recover the purchase price unless he has expressly bought at his own risk and peril, and excluded his right of recovery by a stipulation on his part

Mr. HERBERT. I take it for granted, and would have done so even if the gentleman had not cited these authorities, that the courts of Louisiana follow the statutes in that State. I am about to comment on the statute of Louisiana read by the gentleman from that State and on which these decisions are Iounded, and to show that it has and can have no possible application in this case or any case like it either to the United States or even to the State of Louisiana. The

statute read by the gentleman was as follows:

And I ask particular attention to this statute to show how far it falls short of the mark—

The purchaser evicted from property purchased under execution.

This was not an execution sale-

shall have his recourse for reimbursement against the debtor and creditor.

Is there any debtor here? Is there any creditor here? Did the relation of debtor and creditor subsist between Judah P. Benjamin and the United States? But the statute goes on:

But upon the judgment obtained jointly for that purpose the purchaser shall first take execution against the debtor, and upon the return of such execution, "no property found," then he shall be at liberty to take out execution against the creditor.

This proceeding is upon a joint judgment to be obtained against the two parties to the suit. Will the gentleman from South Carolina or the gentleman from Louisiana undertake to say that there is any proceeding known to the laws of Louisiana by which a joint judgment could be obtained against the United States and Judah P. Benjamin—a proceeding which would regard one of them in the light of a creditor and the other in the light of a debtor? If not, then it is perfectly clear upon the face of this statute that it does not apply, because it is only applicable to an execution sale, and this was no

execution sale; and because it relates solely to cases between private individuals where the relation of creditor and debtor subsists.

It seems to me that this would be enough to dispose of that statute without more. But, Mr. Chairman, there is another and a conclusive reply. I read from the first volume of Kent's Commentaries,

marginal page 460:

It is likewise a general rule, in the interpretation of statutes limiting rights and interests, not to construe them to embrace the sovereign power or government, unless the same be expressly named therein or intended by necessary implication.

Apply that rule here. If it were not sufficiently apparent before that the Legislature of Louisiana did not intend that statute to apply to the Government when tested by this rule, it is perfectly clear it can have no application whatever. It would not even apply to the State of Louisiana, much less to the United States. It was never intended to have any such application. The State of Louisiana is not named in it. There is no word or syllable in it from which an inference could be drawn that the law-makers intended, by the passage of that statute to include the State.

that statute, to include the State.

And, sir, I have looked somewhat through the statutes of Louisiana, and have been unable to find there is a single act intended even to apply the principle of the statute I have commented on to sales made by the State of Louisiana, much less to sales under the authority of

the Government of the United States

These answers, to me, seem conclusive as to the legal or equitable right of this petitioner. He has no equitable right; because the rule is general and well established everywhere throughout this country that the doctrine of caveat emptor applies to judicial sales. It was his own folly to buy what the court never seized and never had authority

under the law to condemn. He cannot have any equity, Mr. Chairman, unless we lay down the broad principle that whatever is done by the courts of the United States this Government stands ready to guarantee in every particular. When you give to Madison Day the relief he asks simply because the United States district court for the State of Louisiana made a mistake, then you are saying that you hold out not only to purchasers, but to all the world, that this Government guarantees that its judges shall know and shall administer all the law; and that if any man be injured by the mistake of a United States court, he shall have his

remedy by coming to Congress If that be a correct principle of law, that we warrant, that we guarantee, that our courts shall decide the law and nothing else but the law, then we ought not to stop here with giving Madison Day that \$5,400 he paid to the Government of the United States. We ought to go further; we ought to reimburse him for his costs, his lawyer's fee, for his attendance here in Washington watching his own case in the Supreme Court of the United States—all these things ought to be re-

imbursed to him.

And that is not all; we cannot stop there. If Madison Day is entitled to relief, because we guarantee correctness and legality in the

proceedings of the United States courts, then every other person injured by those proceedings is likewise entitled to relief. These chiljured by those proceedings is likewise entitled to relief. These children, these minors, who had that mortgage, were kept out of their property for years by reason of this decision of the district court of the United States of Louisiana. This man, Madison Day, was put into possession of property upon which they had a lien, and which they had a legal right to enforce without difficulty, without let or hinderance, so the Supreme Court of the United States has held. Yet that district court put this man into possession of that property; and that district court put this man into possession of that property; and he held it from them and resisted them year after year; for although they commenced proceedings in 1869, they never got final judgment in the Supreme Court of the United States until 1875. During all that time they were losing interest on their money. The gentleman from Louisiana [Mr. Ellis] says the property was not worth \$10,000. There were due not only \$10,000, but interest also. The claim of these children was large enough to take the whole of that property and they were entitled to it; to sell it and to get the value of it; but by order of this United States district court of Louisiana they were not only kept out of its possession for five years, but were compelled to pay kept out of its possession for five years, but were compelled to pay

kept out of its possession for five years, but were compened to pay large lawyers' fees.

It is just as equitable, Mr. Chairman, just as proper to pay these persons, these innocent parties who were in no default, who were guilty of no negligence, whose mortgage was recorded, just as proper to pay them all they lost by this mistaken decree of the United States district court of Louisiana as to pay Madison Day.

Mr. CULBERSON. Does not the record show he had actual knowl-

edge of their title ?
Mr. HERBERT. I do not know that the record does show that. Mr. HERBERT. I do not know that the record does show that. But it does appear that when Day took the deed he got with it a certificate which showed him plainly that the mortgage debt due these minors had been canceled by this void order of court instead of being satisfied by a payment. It does show it in that way. I thank the gentleman for calling my attention to it.

For, sir, here now is the position of this claimant. Here are these winess winess at that time their mother dead a way before with

r or, sir, nere now is the position of this claimant. Here are these minors—minors at that time, their mother dead a year before, with their mortgage subsisting and recorded, a lien on that property—minors who had never been guilty of any crime against the United States; and here was this man taking that property, paying his money for it, setting himself down in it, and relying upon an order that the court had made.

had made.

Here comes up another doctrine of the law. If it be said for Day that when he paid that money into the court it became the duty of the Government of the United States to protect the rights of those minors, we say he, as a lawyer, he as a justice-loving man, he seeing that the money he was paying would be put into the coffers of the United States unless they were notified of their rights ought to have gone before the court and said: "I purchased all this property. have gone before the court and said: "I purchased all this property. These innocent persons, these minors, have a claim on it, and therefore they have a right to the purchase-money. Cite them to come into court and propound their claim." But here is this court making this cruelly unjust order, and never for a moment taking into consideration any of the rights of the minor children.

Mr. CULBERSON. On what ground did the court order the mortgages to be canceled?

Mr. HERBERT. The court ordered the cancellation of the mortgages under the confiscation acts, which it somehow seems to have

gages under the confiscation acts, which it somehow seems to have imagined authorized proceedings of that kind.

Mr. FINLEY. Brute force?

Mr. HERBERT. It might be so termed perhaps. The Supreme

Court of the United States declares no such power existed.

Now, Mr. Chairman, I have but a few words to say in conclusion. Shall we now, at the end of nearly ninety years from the time the Government went into operation, for the first time set a precedent of this kind? I sincerely trust not. If we do where will we stop, and how much will such a precedent cost the Government? Who can tell what limit we are to set, what bounds we are to fix, if we once leaves be not on such a course? launch out on such a course?

Mr. HAMMOND, of Georgia. Will the gentleman from Alabama allow me to call his attention to the question of private agents in

this connection?

Mr. HERBERT. A suggestion has been made to me, Mr. Chairman, which reminds me that I have omitted one other ground of reply to the gentlemen on the other side of the House. They say here, in the first place, that the court bound the United States by its decree, and that if the court did not do it the marshal did when he stated at the sale that the titles would be made perfect and good. Now, at that time the cancellation of these mortgages had not been made. Mr. time the cancellation of these mortgages had not been made. Mr. Day did not know, he said, at the time he purchased—he had never heard—that there were mortgages upon the property; and why? Simply because he did not take the trouble to inquire. They were on the records right under his nose. They were recorded in the proper office of that parish under the laws of the State of Louisiana. But it seems he never made any inquiry; he never took the trouble to examine into the matter; and the marshal at the sale said that the titles would be made good. That seems to have been the only warrant upon which Day acted. Day acted.

Now, gentlemen say that the marshal was an agent of the United States, and being an agent he had the right and power to bind this Government. A more untenable proposition was never advanced in this Hall. The leading case which has been cited in this connection—

one from 6 Otto, United States vs. The State Bank-decides simply this, that a Treasury agent in the city of Boston at the United States sub-treasury, having the power to issue certificates of deposit, did, when he issued such certificates in form and manner strictly in accordance with the power confided in him by the law and by the Government, thereby bind the Government, and the party injured by that act, which turned out to be fraudulent, had the right to say the Government could not set up the plea of fraud on the part of this agent. ernment could not set up the plea of fraud on the part of this agent. That is the case gentlemen rely upon to sustain the broad proposition that this United States marshal was the agent of the United States Government and had the right to bind it in this transaction. There is no analogy whatever between that case and this. That agent at Boston was put there to issue certificates of deposit; but the Government of the United States never appointed a marshal to give legal opinions about the effect of a decree, to make representations to law-

yers about law.

I read from the case of Whiteside vs. The United States, found on page 257 of volume 3 of Otto's Reports. The opinion of the court is set out in the following words:

Principals in the latter category

That is referring to private persons-

the in many cases bound by the acts or declarations of their agents, even where the act or declaration was done or made without any authority, if it appear that the act was done or the declaration was made by the agent in the course of his regular employment; but the Government or public authority is not bound in such a case unless it manifestly appears that the agent was acting within the scope of his authority or that he had been held out as having authority to do the act, or was employed in his capacity as a public agent to do the act or make the declaration for the Government.

Will gentlemen defending the claims of Day here undertake to tell this House that the marshal when he undertook to say whether the titles were good, and the United States was a guarantor of the title, was acting within the scope of his legitimate authority, and that this Government had held him out as an agent having the right to bind it over and above what the decree did? We are considering now the act of the marshal as separate and distinct from the act of the court. The gentlemen seem to rely with great confidence upon his declarations, but they amount to nothing whatever. All the power, all the right he had was simply the power that emanated from the court. There is no law, there is no statute, there can be no decision found in the Court of Claims, or in any other court of the United States, where it is held that the marshal in selling under a decree can give any more force or power to that decree than it already had, by any declaration whatever that he may choose to make. He is simply a ministerial officer and has no right and no power to undertake to decide what the law is, or to bind the United States by any guarantee he may make. It is not within the scope of his authority and thereby the Government is not bound.

Mr. NEW. He did exactly what the court did not want him to do.

Mr. HERBERT. Yes. This is exactly what the court did not want

him to do, and never empowered him to do.

The proceedings of courts are in writing. To let the representa-tions which marshals may make at sales be treated as binding would be to introduce confusion absolutely intolerable. No such thing was ever contemplated by any court in this country as that it should be in the power of a marshal by any declaration he might make on be-half of the United States or for himself to bind the Government in any way whatever. The only safe, the only reasonable, the only sound rule by which we can be guided here is the rule established by courts and adhered to everywhere for generations back, that the purchaser at a judicial sale must look out for himself. He buys only what the court has power to sell and he buys nothing else. When that sale is made, when the deed is given, when he is put in possession, there is an end of the case

If that be not so, Mr. Chairman, if we adopt a different policy here, what is to be the result? There are already knocking at the doors of this Congress, I do not know how many claimants whose claims rest on similar grounds to that of L. Madison Day. The committee to which I have the honor to belong had several claims—two at least to which I have the honor to belong had several claims—two at least that I know of—resting upon almost precisely the same question, except that they occurred in another State; and they have already been reported upon adversely to this House. I see no particle of difference between those cases and this except in this respect: those cases come from the eastern district of Virginia; this case comes from the State of Louisiana. Shall we make a difference between the two on that account? Shall we tell those men who bought property in the State of Virginia that they are not entitled to any relief at the hands of this Congress, and say to this man who bought in the State of Louisiana that he is entitled to relief? If we do, we do what Judge Marshall said in that case I cited from 9 Peters could not be done—we recognize the right of the States by their laws to bind the United States to make the obligations of the United States one thing in one State and another thing in another State, although the proceedings are every-

make the configations of the United States one thing in one State and another thing in another State, although the proceedings are everywhere under the same law of Congress.

The effect would be simply to say that if you pass a law here on the subject of confiscating rebel property, it means one thing in Louisiana, it means another thing in Virginia, and perhaps it means another thing in some other State close by. That cannot be. It would be to allow a citizen of the one State to recover, where a citizen of another

State would have no right whatever.

Mr. Chairman, whenever we establish this precedent, whenever we

pass this bill giving relief to L. Madison Day, we open the flood-gates to a new class of claims and no one can tell how much money it will cost the United States, how much time and money it will cost this Congress to consider cases like this which have already arisen and which may arise under tax sales and other sales by the United States Government. In the exercise of a sound policy let us place ourselves upon the rule of law which has served us and our ancestors for centuries past that the purchaser at a judicial sale pays his money for that which the court has power to sell. This rule has been found to work well between individuals, and this Government is certainly entitled to the benefit of it.

I yield the balance of my time to the gentleman from Ohio, [Mr.

ATHERTON.]

Mr. ATHERTON. How much remains of the time of the gentleman from Alabama, [Mr. Herbert?]

The CHAIRMAN. Ten minutes.

Mr. ATHERTON. The gentleman from Illinois [Mr. BARBER] who is to follow I understand will also yield me ten minutes.

Mr. BARBER. I propose to yield the gentleman from Ohio ten

Mr. BRIGHT. I think this case has occupied as much time as it should reasonably occupy. If the debate be not brought to a close very soon, I shall have to move that the committee rise for the pur-

pose of fixing a limit to the debate.

Mr. O'CONNOR. I desire to say that after the hour occupied by the gentleman from Alabama [Mr. HERBERT] and the gentleman from Ohio [Mr. ATHERTON] I will take the floor and call for a vote on the

bill.

Mr. BARBER. I do not propose myself to talk more than ten

minute

Mr. ATHERTON. I desire to make a somewhat fuller statement than has yet been made in respect to some of the facts in the case which perhaps the committee ought to understand in order to vote intelligently upon the measure before them. The facts show that prior to 1865 two squares of ground in the city of New Orleans were owned by Judah P. Benjamin and another man also named Benjamin. Judah P. Benjamin, whose property was sought to be confiscated by this proceeding, owned only the undivided half of this property of the confiscated by this proceeding, owned only the undivided half of this property. cated by this proceeding, owned only the undivided half of this property, as I understand the facts. That property was encumbered by a mortgage in favor of the lady whose name is mentioned in the case, Madame Micou, for \$10,000. L. Madison Day went into the possession of that property as tenant of the Government in 1864; subsequently, in 1865, on the 15th day of May of that year, by a proceeding under the confiscation act of 1862, he became the purchaser of those two prices of ground proving for them the sum of \$6,100. The cost under the confiscation act of 1862, he became the purchaser of those two pieces of ground, paying for them the sum of \$6,100. The cost and expenses of that proceeding and the taxes upon the property amounted to \$1,276.35. So out of these two squares of ground there was paid into the Treasury of the United States the sum of \$4,823.65. L. Madison Day remained in possession of that property until February 3, 1868, when Madame Micou, who had a mortgage upon one of the squares, commenced proceedings for the purpose of foreclosure of the mortgage. The proceedings resulted in a decree of foreclosure of the mortgage and sale of the property. But Day had remained in posmortgage and sale of the property. But Day had remained in possession of that property under his purchase for about four years before the confirmation of the sale.

Madison Day was a lawyer, and lived and practiced law in New Orleans for many years prior to that time. He was not an ignorant man; he understood the law and was learned and eminent in his chosen profession. He took his chances in this business of getting a

good bargain, or perhaps losing some money, as every man does who undertakes to purchase at a judicial sale.

Mr. VAN VOORHIS. That is, he gambled.

Mr. ATHERTON. If you choose to call it so, he gambled. He Mr. ATHERTON. If you choose to call it so, he gambled. He took his chances of getting a first-rate bargain or losing his money. This sale was not without consideration, as is attempted to be shown in the proceedings in this case. By virtue of that sale by the marshal he procured the interest in that property formerly owned by Judah P. Benjamin, whatever that interest was; that is, his life estate; nothing more, because under the laws of the United States nothing more could be acquired by forfeiture by the United States as penalty for treason.

This confiscation act was passed, providing in general terms that the estates and interests of all persons of certain classes engaged in the rebellion might be taken and confiscated, might be forfeited to the Government. By reason of the provisions of the Constitution of the United States, which prevented the forfeiture of real estate for any longer period than the life of the owner, President Lincoln had prepared, and was ready to send to the Congress of the United States, a message vetoing the confiscation act. For the purpose of avoiding that veto, on the very day that the act was passed, a joint resolution passed both Houses of Congress which provided that no forfeiture of real estate should take place for a longer period than during the lifetime of the offending party. These two statutes were upon the statute-book when those proceedings were taken. What was that joint resolution? The joint resolution and confiscation act are to be construed together, because they are substantially a part of the same legislation. The joint resolution was passed because of the scruples of the President of the United States upon the language of the confiscation act itself. That joint resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the third clause of the fifth sec-

tion of "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," shall be so construed as not to apply to any act or acts done prior to the passage thereof, nor to include any member of a State Legislature, or judge of a State court, who has not, in accepting and entering upon his office, taken an oath to support the constitution of the so-called "Confederate States of America."

Now, let me call attention to the real gist of this joint resolution. Nor shall any punishment or proceedings under said act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life.

Now, when Day came to purchase the property he had these two statutes before him. He was a lawyer and knew the joint resolution had been passed because of the provision of the Constitution, and because of the scruples of the President in respect to this act. When

cause of the scruples of the President in respect to this act. When these proceedings were commenced, and when this claimant purchased this property, he knew of the existence of this joint resolution.

This sale was made by a United States marshal. It is said that the marshal, in making the sale, made certain representations and a warranty. What would be the effect of a warranty if he made it? I see nothing in the papers indicating that he did so, but I will take gentlemen at their word, and assume he made them. What is the effect of a marshal or any ministerial officer at a judicial sale attempting to make a warranty of title to anything sold?

The officer making a sale has merely a ministerial duty to perform. His power is limited and his duties pointed out by the statute, and if he makes a representation or warranty he merely binds himself.

The rule is, as to all judicial sales except as regards fraud, that the maxim of caveat emptor applies. Let the buyer beware. There is no warranty of title or quality. * * If the person conducting the sale under the court makes a paper warranty he binds himself alone. This he should not do.—Rorer on Judicial Sales,

page 77.

The person selling is the mere instrument of the court to carry out the law, and is not liable if guilty of no fraud. And if he warrants expressly he then binds himself individually, but the warranty affects no one else.—Same, page 221.

The marshal's power is prescribed and limited by statute. Every man can look at that and determine the extent of his authority. A special agent cannot bind his principal by his representations unless he has authority to make them. Even a general agent cannot do so contrary to the letter of his instructions unless those instructions are unknown to the vendee. This marshal was only the agent to make the sale, not to warrant the title. His instructions were to be found in the acts of Congress. All had knowledge real or constructive of these instructions

It would hardly do for a lawyer having an extensive practice extending to the Supreme Court of the United States to say he was misled by the representations or relied upon the warranty made by a United States marshal touching a matter like this. It is remarkable, too, that he did not have actual knowledge of the existence of the Micou mortgage. Registry acts existed in Louisiana. The mortgage was matter of record. He had only to look at the record to have actual notice of it. He already had constructive notice by the record. If he did not know it, he was willfully blind. It takes great charity to believe that height a lawyer living in the property as great and to believe that being a lawyer, living in the property as tenant, and buying it at so large a figure, that he took a marshal's word and did not look for himself.

Let us look for a moment at the confiscation act and see whether the marshal was empowered to sell or did sell anything except the life estate of Judah P. Benjamin in the property. For whether he thought he was selling the entire interest or not is very unimportant. No one knew better than the claimant here, that he could only sell the interest in the property that had been forfeited to the United States. The real estate of Judah P. Benjamin could only be forfeited during his natural life. The confiscation act could not affect Mrs. Micou's mortgage, for it was not alleged that she had incurred the penalties of the confiscation act. So all that could be seized of the real estate of Judah P. Benjamin under the act was his estate therein during his natural life.

By looking at the terms of the act it will be found that "all the estate and property" of certain classes of persons might be seized by the Government and the proceeds applied to the support of the Army. It was further provided that to secure the condemnation of "any such property," proceedings in rem were to be instituted in the United States courts.

The "above-described" property was to be condemned as enemies'

property.

By examining these statutes and the joint resolution of the same date it will clearly appear that it was the interest of the offending party that was to be seized, not the entire estate, if others owned a joint interest in it or an incumbrance upon it. It was such property that was to be condemned and forfeited to the Government, and it was that property—that is, the whole if he owned all, or the interest therein of the offender—that was to be sold, and no court by its order, or marshal by his representation, could sell more, and no one should have known this better than L. Madison Day.

The proceedings were against two squares of ground, "the property of Judah P. Benjamin." The property and "his right, title, and interest therein" were forfeited to the Government and bought by Day. He procured by that purchase the life estate therein, then owned by Judah P. Benjamin, who is still living. He occupied it several years. So far as the papers show, he has one of the squares of ground yet. If he made a good bargain he would not be here to refund any of the proceeds of the speculation, and when he comes alleging a bad bargain the law says to him construction.

gain the law says to him caveat emptor.

Gentlemen who support the bill say the other square was in a swamp and got involved for taxes and he abandoned it. The taxes due on the land at the sale were all paid out of the proceeds of the sale; so, if it got involved for taxes, it was for taxes accruing after the purchase by Day. If it was before, his claim would be as good for the price of that land as this, and no demand is made in the bill for that, the money paid for the "other square."

I believe it is not disputed that if this sale had been made in New York, Ohio, or any of the States except Louisiana, the rule caveat emptor would apply. But it is said that the local law of Louisiana is very peculiar; that the ordinary words of a deed without any covenant for title amount to an implied warranty of title. And it is contended that the deed binds the Government to warrant the title

is contended that the deed binds the Government to warrant the title because of the local statute of that State. This is certainly somewhat novel. That is to say, that the statutes of the United States are to have ingrafted on them the local law of Louisiana, so that a deed made under an order of the court that would not create any liability made under an order of the court that would not create any hability in case of a failure of title elsewhere in any of the other thirty-eight States is to be construed as a warranty deed if made in Louisiana. If there was anything I thought was settled in this country, I thought it was that the acts of Congress should have a uniform operation throughout the entire Union; that one of the chief reasons for a Federal judiciary was that the Constitution, treaties, and acts of Congress should have a uniform construction and operation, and might be brought under review by the Supreme Court of the United States wherever brought.

The act of Congress has been invoked which provides for assimilating the practice in the circuit courts of a State to the procedure authorized by the laws of the State; also to the rule that always obtained in the Federal courts that the local law will be enforced therein in controversies not involving the laws of the United States. the rule has its limitation, and the language of the court is:

The local law of the State in which a Federal court is authorized to exercise jurisdiction forms the rule in civil actions not arising under the laws of the United States. (7th Peters R., 469; 9do, 607; 16 How., 65; 3 Circuit Pennsylvania, 817; Peters's Circuit Court Report, 487; 2 Summer, 401.)

United States courts follow State courts "where no Federal questions and the states of the United States Courts of the States Court

tion arises." (Walker vs. State Harbor Commissioners, 17 Wal., 648.)

The court will follow, as of obligation, the decisions of the State courts only on local questions peculiar to themselves or on questions respecting their own constitution and laws. (16 Wal., 678.)

Courts of the United States have no authority to adopt provisions of State laws which are repugnant to or incompatible to an act of Congress. (Watson vs. Tarpley, 18 How., 517.)

While the courts of the United States will enforce the laws of the while the courts of the United States will enforce the laws of the several States in suits pending in them, and will regard as authoritative the construction put by the State courts of last resort on the constitutions and statutes of the State, they will not allow the State law to change by implication the statutes of the United States. The rule does not apply to controversies wherein Federal questions arise, or to cases requiring the construction of the statutes of the United States. Otherwise there would be no uniformity of decision in the courts of the United States, and the statutes, like a chameleon, would take their hue from the legislation and peculiar jurisprudence of each State. In controversies between citizens of the several States, and where jurisdiction rests on reasons other than the fact of a Federal ingredient, the United States courts generally execute the State law as the courts of the State do wherein they are held, but on questions of general commercial law and the enforcing and construction of the statutes of the United States they are not governed by the local law, nor do they follow it. To use the language of the courts:

In administering the laws of the Union the rule of decision of the Federal courts is unvaried throughout the Union. (Lorman vs. Clark, 2 McLean, 568.) In passing upon questions of general commercial law the Federal courts are not bound by the decisions of the courts of a State where the contract is sought to be enforced. (Jerrett vs. Howe, 2 Am. L. T. R., 87.)

The confiscation act must have the same construction in every State. And the deed made under the order of the court and by its officer must mean the same in Louisiana and Maine and in every State of the Union.

The statutes of the United States are and must be the supreme law of the land, from the Atlantic to the Pacific, uniform in their

meaning, construction, and operation.

Certainly, if anything can be settled it is by the rules of law; it is that this claim has no standing here as a legal claim, such as could be enforced if this was a controversy between rival litigants. It seems to me to fall far short of that on every legal principle.

My eloquent friend from Louisiana [Mr. Ellis] with peculiar power asks us to rise above the rules of the law and do full justice as measured by a higher standard. These rules are the contributions of the law and do full justice as measured by a higher standard.

ared by a higher standard. Those rules are the crystallized wisdom of the ages, and when we go beyond them we are liable to go a long way astray; but is this the case to invite us to pour out the generosity and bounty of the Government? The money is not ours, or we might and bounty of the Government? The money is not ours, or we might indulge our generosity to an unlimited extent. Every cent of it is the people's and we are the trustees of their sacred trust, and the law generally furnishes the safest rule for our action and conduct.

But who asks this generosity and bounty? Not the poor or the ignorant, but the learned, lettered, and accomplished attorney whose name as counsel can be often found in the highest court of the United States. He attempted to speculate on property that had been for

States. He attempted to speculate on property that had been for-feited as he claimed. He did not seek to deprive the offender. He

sought by an ex parte proceeding to destroy the heritable blood of the offender and deprive the expectant heir, who had done no wrong, of his patrimony. He sought further, through this abortion of a decree, where no notice had been given to lien-holders, to strip them of their claims because the proceedings, in the language of my friend from New York, was against the "rem," and he need not go any further than the rem, and without paying them any of the purchase-money hold the property free of their liens.

I confess I have no such love for this confiscation act, or the speculators who sought to enrich themselves by good hargains the reunder

ulators who sought to enrich themselves by good bargains thereunder while the owners were ruined, as to bend the rules very far to extend while the owners were ruined, as to bend the rules very far to extend the one or help the other. I confess some natural repugnance both to the machine and its operator. The good President of the United States would not indorse that machine, even when manufactured to order by his party friends, until the constitutional rights of a guiltless posterity was recognized and protected. The claimant sought to override that right, and comes here like the Jew who demanded the pound of flesh, and when the courts said he could not take a single drop of blood from an innocent posterity, he then wanted to be allowed "his principal, and let him go." I am unwilling to do more for him than was done for his prototype. He perhaps expected to find in the Federal courts a power that would override the joint resolution of Congress and the law giving every man, and woman, too, whose rights are affected by a litigation a day in court, but he failed, and he found no "second Daniel" in the judiciary of the Union.

They were not eight to seven for him; but hearing him in his own behalf in the Supreme Court they refused to hear counsel on the other side, and turned him away empty. They said that the confiscation act interpreted in the light of the concurrent joint resolution of Congress did not mean that any interest passed to the purchaser of confiscated property except the former title of the offending party, and that only for the farm of his party all life. They did not mean that life.

cated property except the former title of the offending party, and that only for the term of his natural life. They did not make the law; they declared that was the law as intended to be made—was the law when the forfeiture occurred and when the sale was made, and that Madame Micou's mortgage remained unaffected by the proceeding to which she was not a party. And when Day found he had nothing by his forfeiture but the title of Judah P. Benjamin and had lost both his

speculation and his money, I think I hear him saying:

Why then the devil give him [her] good of it! I'll stay no longer question.

I demand no forfeit of his goods, nor any hanging as was done in the court of Venice, but cannot think that claimant is the person on whom to lavish the substance of a long-suffering people.

[Here the hammer fell.]
Mr. O'CONNOR. If the committee will come to an understanding to take a vote immediately at the close of my remarks, I will now proceed. If that understanding cannot be had, I will move that the committee rise in order that the House may fix a limit to this debate. I believe that according to the rules of the House I am entitled to the last speech before the vote is taken on this bill. I simply wish to understand whether there can be an agreement that I shall now say what I have to say, and that the committee will then proceed to

Mr. FINLEY. I understand that the gentleman from Missouri [Mr. Philips] desires to speak upon this bill.

The CHAIRMAN. Does the Chair understand the gentleman from South Carolina [Mr. O'CONNOR] to move that the committee rise?

Mr. O'CONNOR. I do move that the committee now rise for the

urpose of obtaining an order from the House to close debate upon this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Burrows reported that the Committee of the Whole had had under consideration the Private Calendar generally, and particularly the bill (H. R. No. 2798) for the relief of L. Madison Day, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:
A bill (H. R. No. 5048) relating to justices of the peace in the Ter-

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 5622) to provide for the construction of a public

building at the city of Paducah, State of Kentucky.

The message further announced that the Senate had agreed to the amendments of the House to the concurrent resolution of the Senate to print 5,000 copies of the report of the Naval Observatory on the eclipse of 1879.

The message also announced that the Senate had agreed to the

The message also announced that the Senate had agreed to the following concurrent resolutions of the House:

A resolution to print 2,000 copies of the memorial addresses on the life and character of Hon. Alfred M. Lay, late a member of the House of Representatives; and

A resolution to print, with necessary illustrations, 10,000 copies of the second report of the United States Entomological Commission on the Realty Montain leavest and other injurious insecute.

the Rocky Mountain locust and other injurious insects.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested,

A resolution to print 20,000 copies of the report upon beet sugar, prepared by the Commissioner of Agriculture; and A resolution to print 300,000 copies of the Agricultural Report for 1879.

The message further announced that the Senate had passed, and requested the concurrence of the House in, resolutions as follows

A resolution for the appointment of a joint committee consisting of A resolution for the appointment of a joint committee consisting of two members of the Finance Committee of the Senate and the Committee on Ways and Means of the House, to take into consideration the alleged losses of revenue arising from the evasion of the stamptax on cigars and other articles; and

A resolution to print 5,000 copies of the report on zoology, volume 14 of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden.

L. MADISON DAY.

Mr. O'CONNOR. I move that the House resolve itself into Committee of the Whole to resume the consideration of the Private Cal-

mittee of the Whole to resume the consideration of the Private Calendar; and pending that motion I move that all debate upon the bill for the relief of L. Madison Day be limited to thirty minutes.

Mr. FROST. I move to amend the motion of the gentleman from South Carolina [Mr. O'CONNOR] so as to limit debate to five minutes.

Mr. HARRIS, of Virginia. The gentleman from South Carolina who has charge of this bill would be entitled to one hour to conclude the debate, but he is willing to restrict himself to thirty min-

ntes. I think the House will not treat him with proper considera-tion unless it gives him this much time.

The amendment of Mr. Frost was not agreed to.

The motion of Mr. O'CONNOR to limit debate to thirty minutes was

agreed to.

The motion of Mr. O'CONNOR that the House again resolve itself into Committee of the Whole to resume the consideration of the Private Calendar was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. Burrows in the chair) and resumed the consideration of the bill (H. R. No. 2798) for the relief of L. Madison Day.

Mr. O'CONNOR. I yield five minutes to the gentleman from Illi-

nois, [Mr. BARBER.] Mr. BARBER. Mr. Chairman, though I had no particular desire to address the committee on this case, yet as a member of the Committee on Claims who concurred in this report after examining the case carefully in connection with the gentleman who made the report, I thought I might be able to put the Committee of the Whole in possession of some facts that ought to be considered in voting upon the case.

I am wholly unable to discover any propriety whatever in attempt-I am wholy unable to discover any propriety whatever in attempting to apply to this case the common-law doctrine of caveat emptor. That is an old rule of the common law established as a matter of public policy between suitors in courts of justice. That is not this case. This question is between the sovereign power of this Government and L. Madison Day, its citizen. We attempted by virtue of the sovereign power of this Government to seize this property and confiscate it, between the sovereign areas a posticipant in the modelling. power of this Government to seize this property and confiscate it, because Judah P. Benjamin was a participant in the rebellion. We authorized our court to condemn the property; and we invited citizens of all classes to come forward and purchase it. We did this in violation of the Constitution of the United States. We ourselves did it—the sovereign power of this country. We undertook to sell to Mr. Day this property. We took his money; and it does not lie in our mouths to say that he bought it at his peril, for that would be to take advantage of our own wrong—our own deliberate attempt to violate the Constitution of the United States. That is all there is in this

We have this man's money in the Treasury; he has nothing. It has been intimated here that he had the use of this property. But every lawyer knows that on failure of title the party evicted is accountable

Mr. ATHERTON. Certainly not in this case, because Benjamin was entitled to the property until that time.

Mr. BARBER. The mortgagee might hold Day responsible.

Mr. ATHERTON. No; the mortgagee would not be entitled to

Mr. BARBER. Well, the question would be between Benjamin and the mortgagee. Now, I say the reason of the rule failing the doctrine itself fails, and the attempt to apply the rule caveat emptor

ought not to prevail.

Mr. PHILIPS. Mr. Chairman, I never heard of this claim until it was taken up for consideration in the Committee of the Whole House. It attracted my attention because of the novel propositions of law asserted in the report of the committee and the extraordinary grounds for equitable relief assumed by the claimant. He places his right to

relief upon three grounds:

First. Because he was misled by the Government through the action of the district court into the belief that he was to have the

property free from incumbrance and in fee.

Second. Because the marshal as agent of the Government made certain statements at the time of the sale as to the mortgage, and because the marshal executed to him a warranty deed.

Third. The Government is bound by the conduct of the marshal, be-

Third. The Government is bound by the conduct of the marshal, because it ratified his acts by the receipt of the purchase-money.

The whole foundation of this claim crumbles to pieces by a simple reference to the act of Congress of July 17, 1862, (12 United States Statutes, 591,) under which the property of Judah P. Benjamin was seized and sold. The proceeding was statutory. There was no civil law, Code Napoleon, or Louisiana code about it. It had its origin and completion in a Federal statute. There were established the boundary lines of jurisdiction; there were fixed the character of the property to be confiscated and the nature of the estate any purchaser could acquire under it. The whole proceeding being a creature of the Federal statute, it possessed no quality, or attribute, or function not derivable from the statute itself. Keeping within its letter and spirit, there was safety; passing beyond this in search of something prompted by greed and avarice, the claimant got hurt. The fifth section of the act authorized "the President to cause the seizure of all the estate and property of anybody else; not the interest of mortgagees or any other interest of any other party. The sixth section is gagees or any other interest of any other party. The sixth section is still more explicit:

All the estate and property, moneys, stock, and credits of such persons shall be liable to seizure as aforesaid.

The seventh section prescribes the manner of the condemnation of such property. It is a proceeding in rem in the United States courts, "which proceedings shall conform as nearly as may be to proceedings in admiralty and revenue cases." That is as to the manner, the mode of judicial procedure. The court conducting the condemnation should conform as nearly as the provisions of this act will permit to the

eonform as nearly as the provisions of this act will permit to the methods in admiralty and revenue cases.

The eighth section directs the making of a deed, and for vesting absolutely in the purchaser all the estate of the libelee—that and nothing more. And on the same day of the passage of this act Congress passed a joint resolution explanatory and declaratory of this act, so as to make it conformable to the spirit of our Constitution in pari materia, by which the act was not to be "so construed as to work a forfeiture of the real estate of the offendee beyond his natural life."

a forfeiture of the real estate of the offendee beyond his natural life." Now, I submit it to every impartial, candid mind, to every intelligent lawyer in this House, to say if the provisions of this statute are not plain and simple. Ought there among honest, law-abiding men to have been any two opinions as to its meaning and purposes?

What was the object of the act? Its preamble recites it clearly, boldly. It was "to confiscate the property of rebels," not anybody else's property, and only the life estate of the offender. And yet the district court of Louisiana, if the claimant is to be believed, not only in the teeth of the joint resolution of Congress, which was a part and parcel of the act itself, undertook by its decree to confiscate the fee to the land, but to wipe out and destroy the estate of somebody else in this land—a third party—a mortgagee, who years before the war had loaned Benjamin \$10,000 and taken a conveyance of this land as security.

nad loaned Benjamin \$10,000 and taken a conveyance of this land as security.

Think of this but for a moment. The mortgagee, against whom no intimation is made that he had offended his Government—who, for aught that appears, may have been a resident of Massachusetts or Missouri and loyal to the Government—held as security for his debt, not only the life estate, but the fee, if in the mortgageor—his mortgage by a mere sweep of the recorder's pen was satisfied and wiped out in toto, when the Government could only sell the life estate.

Nor is this all. The very confiscation act hore on its face unmis-

Nor is this all. The very confiscation act bore on its face unmistakable evidence that Congress never contemplated affecting any other interest than that of the libelee, not only by the plain language of the sections already quoted, but by the provisions of section 6, which, after allowing sixty days to the offending parties to return to their allegiance after due warning, &c., by the President, says:

And all sales, transfers, or conveyances of any such property, after the expira-tion of the said sixty days, shall be null and void.

Expressio unius est exclusio alterius is a well-understood legal maxim. Why prohibit the conveyance or incumbrancing of the property after a given period if the monition seizure and sale had the effect to wipe out all incumbrances and to conclude all incumbrancers and claims

of every degree and from every grantee?

This claimant talks about being an innocent purchaser! Who is he that he should before this Congress and the country lay claim to that charity invoked by the ignorant? He is a lawyer of high degree, sharp in practice, and old in experience. He made his own brief, and argued his own cause in propria persona in the Supreme Court in resisting the claim of the mortgagee, and displayed his usual tact in trying-

To veer and steer and tack a cause Against the weather-gauge of laws

If fame has not overdone his reputation he had long been a prowler among ancient moldy records to disturb quiescent titles on which generations of unsuspecting families had reposed. By all the trainings of his mind and the habits of his profession he had learned to look well to the titles of lands in judicial sales and knew the need of investigation, not only into existing incumbrances, but into the powers of courts to adjudicate concerning the divestiture of titles. So when he tells us, in the report of the committee read before us, that he did not know of the existence of the mortgage in question when he bought, he excites my incredulity. Why, the very court decreeing the sale of the property, made an order for the satisfaction of the mortgage, not as if it had been or was to be satisfied by payment, but by a mere brutum fulmen of the court, the violence of which should

by a mere brutum fulmen of the court, the violence of which should have been apparent to any honest mind.

The claimant, too, says the marshal at the sale proclaimed that all mortgages would be satisfied. Was not all this notice? Notice, say the books, is actual, not only where the party sought to be affected knows of the existence of the particular fact in question, but where he is conscious of having the means of knowing it. "Where the purchaser has knowledge of any fact sufficient to put him upon inquiry as to the existence of some right or title in conflict with that he is about to purchase, he is presumed either to have made the inquiry and ascertained the extent of such prior right or to have been guilty of a degree of negligence equally fatal to his claim to be considered a bona fide purchaser." (48 Mo., 370; 15 N. Y., 359.)

If this man did not know of this mortgage it was because he did not want to know. It was of public record. His avaricious eye was so filled with visions of fat grabs, of luxuriant homes, and profitable speculations under this confiscation act that he sought for nothing so much as to acquaint himself and to indoctrinate the Federal

ing so much as to acquaint himself and to indoctrinate the Federal court at New Orleans with the customs of a feudal age and despotic practice that obtained in the proceeding in rem in the British Isles,

where it was held that the hanging of a red rag from a port of customs in Britain was sufficient notice to an absent debtor in the Indias to warrant the seizure and despoiling of his property.

Why, sir, the order of publication itself, in the confiscation proceedings against Judah P. Benjamin, shows that it was not designed to

ings against Judah P. Benjamin, shows that it was not designed to affect anybody else but the libelee. It was for persons interested at a given time to appear and show cause why "the right, title, and interest therein (of this real estate) of the said J. P. Benjamin should not be condemned and sold according to law."

The Supreme Court of the United States in Day vs. Micou, (18 Wallace, 156,) therefore rightly and justly decided that it was only the right, title, &c., of the libelee, and nobody else, that was to be or could be sold, and then only his life estate. That the district court New Orleans could have entertained any other view is but an eviof New Orleans could have entertained any other view is but an evidence of how sadly the war spirit and the mad reign of passion had pervaded even the judiciary of certain localities. And when Mr. Day comes here and says he, as a lawyer, believed in the validity and right of such action, he confesses that he was particeps criminis. He was not only trying and seeking to carry the confiscation act (certainly extreme and severe enough as a war measure, having its birth amid the threes and convulsions of the shock of dreadful battle) far beyond both its letter and spirit, in making it reach out its Briarean arms so as to take within its grasp the debts of innocent and unapprised third parties, but he sought to have the penalties of the offending father visited upon the heads of his unoffending offspring and heirs—a monster of British tyranny, against which the best blood of our forefathers was poured out as water, and against which they en-

tered their solemn protest in the very chart of our liberties.

Furthermore, Mr. Chairman, it is a historical fact with which the newspapers of the day at the time teemed and was known to every reader of newspapers in this broad land, that the confiscation act, as discussed and passed by Congress, was disapprobated by President Lincoln, who ever had a warm place in his heart for justice tempered Lincoln, who ever had a warm place in his heart for justice tempered with mercy. He disapproved of it because he believed it violative of the second clause of section 2 of article 3 of the Federal Constitution, which declares that "no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted;" and it was to prevent his threatened veto of the bill that Congress, on the day of its passage, passed the joint resolution limiting its operation to the life estate of the offender.

The following is President Lincoln's message accompanying the confiscation act when he returned it to Congress:

confiscation act when he returned it to Congress:

Considering the bill for "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," and the joint resolution explanatory of said act, as being substantially one, I have approved and signed both. Before I was informed of the resolution I had prepared the draught of a message, stating objections to the bill becoming a law, a copy of which draught is herewith submitted.

ARRAHAM LINCOLN. ABRAHAM LINCOLN.

The pretense, therefore, of this claimant that he supposed he was buying the fee is not only in defiance of the statute and in contempt of well-known history, but it is a sin against the memory of the dead President. And what is more conclusive against the good faith of President. And what is more conclusive against the good faith of this claimant, and an overwhelming proof of his cunning and sharp practice, is this fact, (which the public records disclose and which the report in this case conceals,) that he entered into possession of this property in the fall of 1864 as a tenant of the United States. At the tax sale, October 8, 1864, J. Madison Wells became the purchaser of this property, who conveyed the same to claimant March 25, 1865, prior to his purchase under the confiscation proceedings. When he purchased at this last sale he was evidently scaling to the transfer of the purchased of this last sale has we evidently scaling to the property. purchased at this last sale he was evidently seeking to strengthen his purchased at this last sale he was evidently seeking to strengthen his tax title, and was no doubt conniving to procure the largest result to this end in bringing about the extraordinary orders of the district court and the very verbose and remarkable deed gotten up for him by the marshal. When sued by the minor children, who are the beneficiaries of the mortgage deed, he set up as a defense not only the title acquired under the confiscation sale but also the tax title. How hollow and shallow, therefore, is the pretense that he was led into the purchase of this property and the expenditure of his money by

reason of the decree of the district court and the assurances of the marshal at the sale.

Juggling and contriving, as he was by cumulative titles to acquire this property, it is imbecile to conclude that this adroit lawyer was induced to make this last purchase in ignorance of the conditions of this title. The extraordinary conduct of the district court and the remarkable character of the marshal's deed find their explanation in

the solicitude of this speculation to acquire a handsome estate.

Why did the marshal make him a warranty deed? There is nothing here to show that the court ever ordered such a deed to be made. It had no authority to make such an order. Every lawyer knows that. If this marshal put into the deed a covenant of title it was his own voluntary, over-officious act, for which the Government is in no wise

responsible.

Rorer, a standard author on judicial sales, pages 167, 168, says:

It is a well-settled principle that in judicial sales there is no warranty. The officer, trustee, or person executing the deed is the mere agent or instrument of the court; is not liable for defect of title or insufficiency of the proceedings; nor at all, except for fraud, unless he conveys with warranty, and then the covenant of warranty binds him personally, and him only.

So if there was a warranty of title the marshal himself was liable, and not the Government, and the claimant should be relegated to his action on his alleged covenants for breach against the marshal.

The doctrine of respondent superior invoked by the claimant, and over which he has, through this report, shed so much of the gladsome light of judicial learning, has no sort of application here. There is no principal and agent about this case. The court in dealing with the subdefined and limited statute. The marshal was in no sense an agent. He was a mere ministerial officer of the court, to carry out and execute only such decree and order as the court, under the statute, might rightfully make. This whole question was settled fully by the Supreme Court in the Monte Allegro case, 9 Wheat., 616, and text-writers and the profession universally have acted on it until it has become canon of the law.

When the claimant comes here asserting as the basis of relief the doctrine of this report, he either assumes that Congress is ignorant of long-settled truisms in law or he expects us to fly in the face of principles which the courts have settled and the experience of ages has demonstrated the wisdom of. I for one shall not by my vote unsettle them to oblige a man whose very profession should teach him

"The rule of caveat emptor applies in all its rigor," says Rorer, page 168, "to judicial sales of real property." And the Supreme Court of the United States, in the Monte Allegre case, said, more than fifty years ago:

Generally in all judicial sales the rule caveat emptor must necessarily apply from the nature of the transaction, there being no one to whom recourse can be had for indemnity against any loss which may be sustained. Is there, then, (they ask,) anything peculiar in the powers of a court of admiralty that will authorize its interposition or justify granting relief to which a party is not entitled by the settled rules of the common law? We know of no such principle.

Congress never contemplated that the Government should become a guarantor of titles under this or any other penal statute. The Government was not presumed to know anything about the condition or complications of the title. The statute was before this lawyer purchaser. It was so plain and explicit that no man compos mentis had a moral right to misunderstand it. No man should be held blameless who gave his sanction to the outrage upon common right and law attempted by the Louisiana district judge.

The money arising from this sale is not in the Treasury, as has been

so repeatedly asseverated in this discussion. It has been expended as a war fund in obedience to the requirement of the confiscation act. If this man Day is to be paid this sum of \$5,400 it is to come out of money

this man Day is to be paid this said of \$5,400 it is to come out of money to be wrung from the over-burdened tax-payers of this country.

If, Mr. Chairman, we shall establish the precedent for the doctrine of respondeat superior and of warranty of titles in these judicial sales, what a swarm of claims may we not expect to come up here from all over the country, from that hungry, voracious crew of land-grabbers, the green-goggled, faded-umbrella, battered-high-hat "Captain Wragge," who sought fortunes in this class of forced sales! The gluttons who saw in them more "millions" than Colonel Sellers did in an illimitable expanding hog market and the myriads of sore-eyed an illimitable, expanding hog market, and the myriads of sore-eyed Asiatics, are to-day "as ragged as Lazarus in the painted cloth, the can-kers of a calm world and a long peace." We are now asked by the pas-sage of this bill to invite this disappointed army of speculators to turn upon the public Treasury for the recovery of the money which they put into a lottery. There are now pending before this Congress, in the House and the Senate, similar bills. Where is to be the end? Will not members pause and think what they are doing before voting for this bill?

The property of one McVeigh, of Virginia, was attempted to be confiscated in 1863. When the libelee appeared in court by his counsel to answer, in obedience to the monition to show cause why his property should not be confiscated, the court struck out his answer on the ground that he was a "resident at Richmond, within confederate lines, and a rebel." Judgment by default was rendered, and

the property sold.

The Supreme Court of the United States, in reviewing this proceeding of the lower court as to the validity of such a judgment, held that it was void, and that the purchaser acquired no title whatever.

Judge Swayne, delivering the opinion of the court, used the following strong language:

A different result would be a blot upon our jurisprudence and civilization. We cannot hesitate or doubt on the subject. It would be contrary to first principles of the social compact and of the right administration of justice. (McVeigh vs. United States, 11 Wallace R., 259, 267, December term, 1870.)

United States, 11 Wallace R., 259, 267, December term, 1870.)

The case of another of these purchasers is reported in 3 Otto, 274–284, reaffirming the above case, in a most elaborate opinion. These purchasers are now before Congress with relief bills claiming the return of their purchase-money. Their claim is stronger than that of Day, because the judgments under which they purchased were absolutely void and the purchasers acquired nothing, whereas Day did acquire under his purchase the life estate.

Yet the Judiciary Committee of this House, in report No. 627, report adversely against the claim of the purchaser under the judgment against the McVeighs. Another of these purchasers, at this session of Congress, presented a bill for relief to the Senate, and the Judiciary Committee of the Senate, on the 16th of February, 1880, made the following report, (No. 260:)

The Committee on the Judiciary, to whom was referred the bill (8. No. 280) for

The Committee on the Judiciary, to whom was referred the bill (8. No. 280) for the relief of Ann Gregory, widow of Charles N. Gregory, deceased, report:

That the rule of caveat emptor applies to sales of the character mentioned in the preamble to said bill, and that the committee find nothing in the circumstances of this case that should except it from the operation of that rule. They therefore recommend that the bill be indefinitely postponed.

From all of which it is apparent that the judgment of the Judiciary Committees of both branches of Congress is in exact accord with the opinions of the Supreme Court that the doctrine of caveat emptor does apply to such sales, and that the purchasers are speculators entitled to no equitable consideration.

THE WANT OF CONSIDERATION.

But the claimant says there was no consideration received for his purchase-money, and it is unconscionable for the Government to keep the money. Every speculator at a judicial sale who loses his game has the same equity. "You pay your money and take your chance." Day got all he was entitled to under the law—the life estate. He took it cum onere. As the mortgagee held both the life estate and the fee as security for his debt, Day, as the purchaser of the particular estate, had I presume a right in equity to compel the mortgagee to first explants his security on the fee hefore selling the life estate and first exhaust his security on the fee before selling the life estate, and if the sale of the fee would not satisfy the mortgage, and Day was unwilling to pay the balance to save his particular estate, it was his fault or misfortune.

But it is claimed that under the civil code of Louisiana where a But it is claimed that under the civil code of Louisiana where a purchaser at an execution sale is evicted and loses the purchased property "he shall have his recourse for reimbursement against the debtor and creditor." The supreme court in the Monte Allegre case, supra, decided directly and flatly that in such sales as the one under discussion "the rule of caveat emptor must necessarily apply from the nature of the transaction, there being no one to whom recourse can be had for indemnity for any loss which may be sustained."

This Louisiana code has nothing whatever to do with a sale made ander the provisions of a Federal statute. Such a construction would produce jars and collisions unbearable in the working of our federative and State systems. In their appropriate spheres each is exclusive and supreme. In the enforcement of domestic judgments founded on a local statute, the State court proceeds according to its own prescribed methods and regulations. So the General Government, in enforcing judgments rendered in its own courts under a Federal statute proceeds according to its statute and its own prescribed rules. ute, proceeds according to its statute and its own prescribed rules. Otherwise it would have no uniform fixed laws and practice for administering justice, nor litigants in its courts any equality of right. The invocation of this provision of the Louisiana code is an admis-

sion that if this sale had occurred in any other State than Louisiana the doctrine of caveat emptor would apply. Can it be possible that under this confiscation act, and under a Federal statute, striking at the property and punishing political offenders on the theory that the Government reaches the offender as a citizen, that a purchaser under a judgment of confiscation in one State would not acquire the same right and the same interest as a purchaser under a judgment rendered in any other Federal court in any other State? Or that the liabilities of the Government to the purchaser would not be the same all over the Union? The absurdity of a contrary doctrine is too palpable for argument.

This question was fully discussed and settled by the Supreme Court of the United States at an early day in the case of Wayman vs. Southard, 10 Wheat.; reaffirmed in Riggs vs. Johnson County, 6 Wall., and

in the case of ______, 9 Wall.

This Louisiana statute has never been adopted by Congress as applicable to proceedings of Federal courts sitting in Louisiana.

But this Louisiana code, like all the cases cited by the claimant,

has reference to contracts between parties out of which arise mutual

obligations, debts, judgments, &c., and has no application to cases where the sovereign proceeds in invitum against the property of the offending citizen for the enforcement of a penal statute.

This Louisiana statute, too, unquestionably applies to cases of sales under judgments in personam, for it is a well-settled rule that judgments in rem on constructive service bind only the res, the thing seized. Even under the provisions of the Louisiana code "the purchaser shall first take execution against the debtor, and upon the

return of such execution no property found, then he shall be at liberty to take out execution against the creditor." Has Day done this? Has he exhausted his remedy against Judah P. Benjamin? This he must show before he comes on to the creditor Government. Who knows but what Benjamin has property in Louisiana?

Suppose Mr. Day follows Benjamin to London? I would like to

see him grapple with this judicial "lion of the tribe of Judah" on such monstrous propositions of law as he asserts in this report

such monstrous propositions of law as he asserts in this report.

Three years ago I looked in upon the House of Lords of the British Parliament. It had not been long since there left his once happy home under the genial sky of the Pelican State, a beaten, disappointed man, once a leader among his people. He had landed at Liverpool moneyless, friendless, and homeless. He sought but for a resting-place and bread. Before this great House of Lords, on this grand theater where genius and learning had wrought their mightiest achievements in the world's civilization, I then saw this wanderer from our shores pleading a cause before this august tribunal sitting as a high court of appeals. Every ever and ear were given to his every word as to an appeals. Every eye and ear were given to his every word as to an oracle of the law. I inquired of an English barrister near me, who that was? He whispered to me "that is Judah P. Benjamin, the foremost lawyer in England." Differing as we had during the war, yet my American heart felt a tinge of pride to remember that he was of "my own my native level."

of "my own, my native land."

In a text-book of this great jurist, now of international authority, as by all text-writers and jurists, this doctrine of caveat emptor, especially as against the sovereign power, is asserted in all its breadth. And if the voice of the law and wise statesmanship could be heard and heeded in this House, instead of a mandlin sentimentality, and a timidity in the performance of public duty this Congress would see the idity in the performance of public duty, this Congress would say to this claimant: You paid your money on the chances of a speculation under a statute plain and explicit. Had you realized your expected profits, the Government would have no claim on you for a share, nor have you any on the Government for your losses. He who ventures must sometimes lose

Mr. O'CONNOR. I yield two minutes to the gentleman from Maine,

[Mr. FRYE.] Mr. FRYE.]
Mr. FRYE. Two minutes are sufficient for me to make all the speech I wish to make about this question. I investigated it once with a great deal of care, as a member of the Judiciary Committee. Gentlemen may bury this question as they please under glittering generalities or discussions of carefully drawn legal points, but there is no question of caveat emptor or caveat anything else about it. The involve case is this. The Itited States Convenient when the representations of the care in this. simple case is this: The United States Government, upon the represample case is this: The United States Government, upon the representations of its own officers, obtained from this man \$5,400 in money, and he received not a single inch of ground or anything else for the money which he paid. The United States Government guaranteed, to all intents and purposes, that the property was free from incumbrance. It was not free from incumbrance, and the man lost his money. He now asks the Government to pay him back that money, without one cent of interest for the ten or lifteen years during which the Government has held it. Lawyer after lawyer has great hour. without one cent of interest for the ten or fifteen years during which the Government has held it. Lawyer after lawyer has spent hour after hour here trying to convince this House that it is not legal to pay back this money. I say there is not a man on this floor who, under similar circumstances, would not feel bound on his honor to pay back every dollar of the money with interest. Now, in Heaven's name, shall not this great Government, in dealing with its citizen, do what you or I or any honorable man would feel bound to do, without any law on the subject? The simple principles of good morals, of high honor, would compel any one of us to do toward another man what this man asks the Government shall do toward him.

Mr. PHILIPS. Will the gentleman from Maine allow me to ask him a question?

him a question?

Mr. O'CONNOR. I will yield to the gentleman from Missouri to

ask a question.

Mr. PHILIPS. I should like to know what the difference is between the case now before the House and the case of the Monte Al-

legre, 9 Wheaton, 616?

Mr. O'CONNOR. I will state to you the difference. That is the case of the sale of condemned personal property, and there was no warranty. There was no representation by the marshal at the sale that the purchaser was to get a clear and unencumbered title.

Mr. PHILIPS. That is where the gentleman misrepresents the

facts of history.

Mr. O'CONNOR. Read the whole of that case.

Mr. PHILIPS. That was a marshal's sale of tobacco by sample.

Mr. O'CONNOR. Yes, sir.

Mr. PHILIPS. And there was a misrepresentation as to the quality of the article sold; and the purchaser came back for his purchasemoney. But the Supreme Court held that—

Generally in all judicial sales the rule caveat emptor must necessarily apply from the nature of the transaction, there being no one to whom recourse can be had for indemnity against any loss which may be sustained. Is there, then—

anything peculiar in the powers of a court of admiralty that will authorize its interposition or justify granting relief to which a party is not entitled by the settled rules of the common law?

They say:

We know of no such principle.

Mr. HARRIS, of Virginia. Who received the money for which the tobacco was sold?

Mr. PHILIPS. The Government.
Mr. HARRIS, of Virginia. Did the Government hold it?
Mr. PHILIPS. Of course the Government held it; and the imputation of fraud which the gentleman from Maine makes against good faith would apply to the Supreme Court of the United States, which decided the identical question involved here.
Mr. O'CONNOR. That, sir, has nothing to do with this case. The Government of the United States sold by sample, and held up the sample. In this case the Government of the United States when they advertised this property for sale represented to every hidder at that advertised this property for sale represented to every bidder at that sale that they were to give to the purchaser a free and unencumbered title; and I say now for the Government of the United States to go behind that warranty, to go behind that stipulation, to go behind that representation, is to cheat the plaintiff, who stands before the Congress of the country and asks his money shall be returned to him.

Mr. FINLEY. Will the gentleman from South Carolina yield to

Mr. O'CONNOR. I beg the gentleman's pardon, but I must refuse to yield to anybody. When I first opened this case I yielded to everybody; but now I propose to yield to nobody for the few minutes which

are left to me.

I say, Mr. Chairman, neither by the law of Louisiana, where the law of caveat emptor does not apply, nor by the common law of England, which is the common law of all the States of this Union, can it be held for an instant that the Government of the United States has the right to retain this money and the claimant has not the right to

If the House will bear with me for a moment I will show this is a case of false representation. It is a case in which the Government of the United States did not sell the interest of Judah P. Benjamin; of the United States did not sell the interest of Judah P. Benjamin; the Government sold the thing itself, and when it sold it, it warranted it. But the party has been evicted and deprived of his possession by failure of the warranty on the part of the Government. This is a case of sale under a void judgment or void decree; and I can give you decisions from every court and every State in this Union that, where property has been sold under a void judgment or a void decree, the purchaser is entitled to recover the purchase price.

I will give you first a case from Kentucky. In that State it is well settled that where a plaintiff in execution points out property or is in any way concerned in causing property to be seized and sold as the property of the defendant, a purchaser who takes nothing by his pur-

any way concerned in causing property to be seized and sold as the property of the defendant, a purchaser who takes nothing by his purchase may enjoin the collection of a sale bond given on account of the purchase. (2 J. J. Mar., 35; 7 J. J. Mar., 641.)

I quote, in the next place, an English case. In Newdigate vs. Davy (1 Lord Raym., 742) it was held that money paid under a judgment which was void for want of jurisdiction and authority in the court to render the judgment could be recovered back. So I say to the gentleman from Alabama, [Mr. Herbert,] here, in a case void for want of jurisdiction and authority in the court to render the judgment, it was held that the money in that case could be recovered back.

I come now to a case from Tennessee. In Henderson vs. Overton (2 Yerger, Tennessee, 394) it was held that caveat emptor was the rule

(2 Yerger, Tennessee, 394) it was held that caveat emptor was the rule

(2 Yerger, Tennessee, 394) it was held that caveat employ was the rule as to the title, but that a purchaser under a void judgment could recover back the purchase price paid for the property.

I quote now from the great State of Virginia. In Virginia it is held that notwithstanding a purchaser at a judicial sale "takes all the risk of the title," yet where the sale is under a void decree the purchaser is not only entitled to a return of the purchase price but is the property. (Sands as subrogated to the creditor's rights against the property. Lynham, 27 Grattan's Reports, 291, 304.)
In Maine, where a guardian's sale is void by reason of his not hav-

ing given the bond required by law, the money can be recovered back from the guardian. (Williams vs. Martin, 38 Maine, 47, 51.)

I quote you now from the case of Chapman vs. The City of Brook-

I quote you now from the case of Chapman vs. The City of Brooklyn, 40 New York, page 372, where it was held that a purchaser under a void judgment could recover back the purchase price from the city. And in the case of Schwinger vs. Hickock, 53 New York, page 285, it was held that the sale of property under a void judgment was a nullity, and that the money could be recovered back from the plaintiff in execution; as the purchaser, in the language of the court, acquired and could acquire no title under the sale. From Alabama, the State of the gentleman who seems to enter with so much zeal into this question. I quote: question, I quote:

In Bell vs. Craig (52 Ala., 215) the court, in reference to a void sale and the right of the purchaser to purchase price, says:

"If the sale was void the purchase-money was not assets in the hands of the administrator-in-chief. (Petit vs. Petit, 32 Ala., 288.) It belonged ex æquo et bono to the purchaser. Neither the administrator de bonis non nor the creditors or heirs of the intestate had any claim or right to it."

In Bland vs. Bowie, (53 Ala., 152, 162,) although it was considered that sales of lands of a decedent made under an order of the probate court are judicial sales, to which the maxim caveat emptor applies in all its rigor, yet the court said:

"We do not doubt that it is competent for the purchaser, at any time after he discovers that the proceedings for the sale are void, to resort to a court of equity to compel the heir or devisee to elect a ratification or the revision of the contract of purchase. If the purchase-money has been paid and distributed to the heirs, or applied by the personal representative to the payment of debts, a court of equity would compel a conveyance of title from the heirs, if they could not successfully impeach the fairness of the sale." (Bell vs. Craig, 52 Ala., 215.)

In the case reported in 25 Ohio, it was held that money paid under a void judicial sale will be restored to the purchaser by the court; and it has been held by many courts that a plaintiff who sues out an execu-

tion on a void judgment is liable to an action for trespass. (Albe vs. Ward, 8 Mass., 85.)

Now, it might be said that this is not a void judgment. What is this judgment? The judgment in this case was a judgment of condemnation and forfeiture of these two lots of ground in the city of New Orleans, the same being the property of Mr. Benjamin, to the United States. But the judgment goes further. It provides for sale of this property and a decree that the marshal when he sold the property should make a title to the purchaser in which should be incorporated the certificate of the recorder of mortgages, showing that the mortgage had been canceled. Now, that act, I say, was a part of the judgment of the court, and if that judgment is void, then, under the theory of the cases that I have cited, the whole cause of the opposition falls to the ground and the claimant is entitled to his

money.

I have, Mr. Chairman, voluminous cases which I might cite in support of the proposition set forth in my report, but my time is limited and I must hurry on. I must beg leave to say here that if we are to decide this case according to prejudice, that is one thing; but if we are to decide the case according to the laws of the land, according to justice and equity and good conscience, that is quite another thing. And I am bound to state to the House that I myself have been surprised and felt ashamed when this case came before the House two prised and felt ashamed when this case came before the House two weeks ago to hear whisperings along the rear of these benches that this claim should be put down because Madison Day was nothing but a "Union bummer." I was ashamed, too, to hear remarks made by gentlemen upon the other side that this case should be put down because Day was nothing but a "speculator."

Now, I have to state to this House that I, as a member of the Committee on Claims, regarded this case, and regard all other cases that come before me, in the light of a judge and not of a partisan. I have nothing to do with the character of L. Madison Day, and I am thankful for the sake of the old man that a democratic Representative has stood upon the floor of this Chamber to-day and borne testimony to

stood upon the floor of this Chamber to-day and borne testimony to

his good character.
Why, Mr. Chairman, a gentleman, a friend of mine, came to me to-day and stated that it was reported that Madison Day had "squatted" on this land before it was reported to the Government, and that it was in the record; but it is a base and malicious falsehood. There is nothing of the kind in the record of the case. I say that is not fair play in a high judicial tribunal like this, the Congress of the American people—

Mr. PHILIPS. If you will give me a chance to reply— Mr. O'CONNOR. You have had plenty of time. I am stating noth-

ing more than what can be supported from the records in the case.

Now, I say it with pain, but I say it because I am bound for the sake of justice and the truth to say it, that these unfair and unjust whisperings to prejudice the claimant were made here. I have reported on this man's case judicially; I want him to be treated judicially; I want him to be condemned judicially, or I want him to have his money back, if he is entitled to recover it.

I say there is no law in the universe that would deprive him of the

I say there is no law in the universe that would deprive him of the right to recover that \$5,400. I say a law of such a character as would deprive him of that right would disgrace the code of any barbarous nation on the face of the globe.

Why, the gentlemen here have endeavored to draw some kind of distinction between the law which would govern in the case of one individual and another, and that which would apply between an individual and the Government of the United States. Why, the Supreme Court of the United States has distinctly decided that point, and the rule of law applicable to the individual is distinctly applied to the United States by the Supreme Court. In both cases cited in the report of the committee on this case, The United States vs. State Bank and Merchants' Bank vs. United States, it is laid down in 6 Otto's Reports that the rules of law applicable to individuals apply to the United that the rules of law applicable to individuals apply to the United States, and that the United States, like an individual, must refund

States, and that the United States, like an individual, must refund money received without consideration given for the same, and which, according to natural justice and equity, ought to be refunded.

On the other side they brought in an appeal to the sympathies of the House for the heirs of Micou. Why, sir, the heirs of Micou have got all they were entitled to. They sold the property for \$9,000, and have got the money. They have no claim to your sympathy. But the Government of the United States, which sold to Day this property, and sold it with a covenant and warranty in the deed that no incumbrance or lien should ever rest against it, has got to-day in its vaults \$5,400 of his money; and I say in equity and in conscience the Government is bound to return that money to this claimant.

Mr. Chairman, I am very thankful to the House for the patience it

Mr. Chairman, I am very thankful to the House for the patience it has exhibited. I am very sorry so much of the public money has been consumed in the time that has been occupied in the consideration of this case; but I felt bound to discharge the duty I had to perform in connection with the bill I had in my charge; and I now

perform in connection with the bill I had in my charge; and I now ask the committee to come to a vote upon it.

The CHAIRMAN. The question is upon the motion that the bill be laid aside to be reported favorably to the House.

The question being put, there were—ayes 69, noes 40.

Mr. FINLEY, and Mr. HAMMOND of Georgia, called for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from South Carolina [Mr. O'CONNOR] and the gentleman from Michigan, [Mr. WILLITS.]

Mr. FINLEY. I withdraw the call for tellers.
Mr. HAMMOND, of Georgia. It was I who made the call for tellers, and I do not withdraw it.

The committee again divided; and the tellers reported—ayes 72,

Mr. BRAGG. I make the point that a quorum has not voted. Mr. CLYMER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. Burrows reported that the Committee of the Whole House had had under consideration the Private Calendar, and particularly the bill (H. R. No. 2798) for the relief of L. Madison Day, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the

Joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago.

Joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAR-FIELD for three days.

WITHDRAWAL OF PAPERS.

On motion of Mr. BRIGHT, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Richard Atkins.

On motion of Mr. BEALE, by unanimous consent, leave was given to withdraw the petition of — Tabb, now before the Committee on

On motion of Mr. WILLIS, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Mrs. Mary Griffith.

COLUMBUS BARRACKS, OHIO.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting plans and estimates for chapel and school at Columbus Barracks, Ohio; which was referred to the Committee on Military Affairs.

GOVERNMENT HOSPITAL FOR INSANE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to a probable deficiency in the appropriation for the Government Hospital for the Insane for the current fiscal year; which was referred to the Committee on Appropriations.

PUBLIC BUILDING AT MACON, GEORGIA.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 5718) to provide for the erection of a public building in the city of Macon, Georgia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be

Mr. CLARK, of Missouri. I move that the House do now adjourn. Mr. HAWLEY. I move that when the House adjourns it be to meet

on Monday next.

The question being taken on the motion to adjourn over, there were ayes 36, noes not counted.

So the motion was not agreed to.

The motion to adjourn was agreed to; and accordingly (at four o'clock and thirty-seven minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BELFORD: A paper relating to the claim of Charles Adams for pay for advertising as an Indian agent—to the Committee on Indian Affairs.

By Mr. BRAGG: The petition of J. B. Holloway, for pay for services as assistant clerk to the Committee on War Claims from April 19, 1879, to March 10, 1880—to the Committee on Accounts.

By Mr. DUNN: The petition of citizens of Arkansas, for the passage of the equalization bounty bill—to the Committee on Military.

Affairs.

By Mr. HOUSE: Papers relating to the claim of John M. Shelton for pay for services and expenses incurred in conveying a prisoner from Nashville to Knoxville, Tennessee, under the order of a United States district judge—to the Committee on Claims.

By Mr. HUBBELL: The petition of O. S. Cowley and 27 others, citizens of Mecosta County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Charles Burmeister and 54 others, for the completion of the improvement of Frankfort Harbor, Michigan—to the Committee on Commerce.

Committee on Commerce.

By Mr. KLOTZ: Papers relating to the petition of S. F. Laurish for relief—to the Committee on Military Affairs.

By Mr. LAPHAM: Resolutions of the Legislature of New York, relative to the proposed international exhibition in New York City in 1883—to the Committee on Foreign Affairs.

By Mr. LINDSEY: The petition of E. L. Rideout and 25 others, against the repeal of the duty on paper—to the Committee on Ways and Means

and Means

By Mr. MURCH: The petition of Cornelius J. Lynch and 58 others, citizens of Gloucester, Massachusetts, for the passage of the bill providing for the establishment of a national bureau of labor statistics—

to the Committee on Education and Labor.

By Mr. O'CONNOR: Resolutions of the Charleston (South Carolina)

Chamber of Commerce, relating to the extension of our foreign commerce through the medium of our consuls in foreign countries, and urging the more frequent publication of their reports—to the Committee or Foreign Africa. mittee on Foreign Affairs.

Also, the petition of Solomon Hyams, a soldier of the Creek, Seminole, and Florida wars, for a pension—to the Committee on Pensions.

By Mr. OSMER: The petition of Benjamin M. Fuller and 47 others for an appropriation for the improvement of Allegheny River—to the Committee on Commerce.

Committee on Commerce.

By Mr. PACHECO: The petition of citizens of Inyo and Mono Counties, California, for the donation of Camp Independence for school purposes—to the Committee on Military Affairs.

By Mr. ROTHWELL: A paper relating to the pension claim of George Zeifler—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: The petition of Colonel C. W. Hazzard and 26 others, ex-soldiers and sailors, of Post No. 60, Grand Army of the Republic, department of Pennsylvania, for the establishment of a national soldiers' home in Pennsylvania for disabled veterans not already provided for—to the Committee on Military Affairs.

By Mr. SPEER: The petition of citizens of Georgia, for a post-route from Cleveland to Gainesville, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: A communication from Thomas F. Wood, of North

By Mr. VANCE: A communication from Thomas F. Wood, of North Carolina, concerning the National Board of Health—to the Commit-tee on the Origin, Introduction, and Prevention of Epidemic Diseases

in the United States.

By Mr. WEAVER: The petition of C. B. Hilborn, of Jasper, New York, and 18 others, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of Henry B. Hecker, of Montrose, Missouri, and 24 others, for the passage of the Weaver soldier bill—to the same committee. CHANGE OF REFERENCE.

Changes of references of petitions were made, under the rule, as follows:

The petitions of William Arnold, of David T. Flinn, and memorial of the Legislature of Colorado—from the Committee on Invalid Pensions to the Committee on Pensions.

The petitions of Thomas S. Brandon, of James M. Lyles, of Wolf & Brown, of Julia A. Duncan, Merritt Barber, John R. Farrell, and John S. Logan—from the Committee on Claims to the Committee on War Claims.

The petition of John B. Davis—from the Committee on Claims to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 10, 1880.

The House met at twelve o'clock m., Mr. Cox in the chair as Speaker

Prayer by the Chaplain, Rev. W. P. HARRISON, D. D. The SPEAKER pro tempore. The Clerk will read a letter received from the Speaker of the House. The Clerk read as follows:

WASHINGTON, D. C., April 9, 1880.

WASHINGTON, D. C., April 9, 1880.

SIR: I expect to be absent from the House of Representatives during to morrow's (Saturday's) session, and in consequence herewith name and appoint you, under power given me by the rules of the House, to act as Speaker in my stead for that day.

Your abedient assent

Your obedient servant,

SAM. J. RANDALL, Speaker.

Hon. S. S. Cox, Representative from State of New York.

The Journal of yesterday was read and approved.

EVASION OF THE STAMP-TAX.

Mr. FERNANDO WOOD. There is on the Speaker's table a con-Mr. FERNANDO WOOD. There is on the Speaker's table a concurrent resolution of the Senate looking to the appointment of a joint committee of the two Houses for a purpose which the resolution, if read, will explain. I ask consent that it be taken from the Speaker's table and acted upon now.

The SPEAKER pro tempore. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee, consisting of two members of the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives, he appointed by the respective presiding officers, to take into consideration the alleged losses of

revenue arising from the evasion of the stamp-tax on cigars and other articles sub-ject to excise duties, what remedy can be provided by law, and with power to recommend such measures as they may deem proper by bill or otherwise.

Mr. MILLS. I would inquire what is the object of that resolution?
Mr. FERNANDO WOOD. This subject has already been partially considered by a sub-committee of the House. This concurrent resolution was unanimously reported from the Committee on Finance of the Senate, and the concurrence of the House is asked for the purpose of authorizing the appointment of a sub-committee of the Committee of Finance of the Senate and a sub-committee of Ways and Means of the House to consider this subject. It is merely a matter of form to enable the two committees to act conjointly.

There being no objection, the concurrent resolution was taken up,

considered, and adopted.

Mr. FERNANDO WOOD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

WILLIAM C. EDMONSTON.

Mr. DUNNELL, by unanimous consent, reported from the Committee on Ways and Means, with amendments, a bill (H. R. No. 432) to adjust and pay the account of William C. Edmonston; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.
Mr. CLYMER. Pending the demand for the regular order, I move
that the morning hour of to-day be dispensed with.
Mr. MITCHELL. I desire to ask unanimous consent to take from

Mr. BILAND. I have demanded the regular order.
Mr. CLYMER. I will say to my colleague [Mr. MITCHELL] that the regular order was demanded before I made the motion to dispense with the morning hour.

The question was taken upon the motion of Mr. CLYMER; and upon

a division there were—ayes 126, noes 38.

Before the result of the vote was announced,
Mr. HAWLEY, Mr. CONGER, and others called for tellers.

Tellers were not ordered, there being but 25 in the affirmative; not one-fifth of a quorum

So (two-thirds voting in favor thereof) the morning hour was dis-

Mr. CLYMER. I move that the House now resolve itself into Com-

Mr. CLYMER. I move that the House now resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the Army appropriation bill.

Mr. MULDROW. I ask the gentleman to yield to me to ask consent to have printed in the Record a memorial.

Mr. CLYMER. If I yield to the gentleman from Mississippi [Mr. MULDROW] I must yield to others. I must insist upon my motion.

Mr. ATKINS. The gentleman from Pennsylvania [Mr. CLYMER] moves that the House go into Committee of the Whole for the purpose of taking up the Army appropriation bill. I suppose it will be competent for the Committee of the Whole to take up some other bill; it is not competent for the gentleman to move to go into Committee of the Whole for a particular purpose. When the House shall get into Committee of the Whole it will be competent for the committee to take up any subject it may choose.

mittee to take up any subject it may choose.

The SPEAKER pro tempore. The Army appropriation bill would first come up in Committee of the Whole as the unfinished business.

Mr. ATKINS. My reason for making the remark is this: There are gentlemen on the other side of the House who desire to discuss the amendment offered by the Committee on Military Affairs to the Army appropriation bill. How long they desire to discuss it I do not know; nor do I know what the sentiment of the House is in regard to the time to be allowed for discussing that amendment.

time to be allowed for discussing that amendment.

I understand that there are some gentlemen who desire to take part in that discussion who are now absent and will not be present until Tuesday next. For one I am willing, as one member of the House and as a member of the Committee on Appropriations, to take up the Indian appropriation bill to-day and go on with it. The gentleman

and as a memoer of the Committee on Appropriations, to take up the Indian appropriation bill to-day and go on with it. The gentleman in charge of that bill is now ready to go on with it, and the Army appropriation bill can be postponed until Tuesday next.

Mr. DUNNELL. That is right.

The SPEAKER pro tempore. The Chair will say to the gentleman from Tennessee [Mr. ATKINS] that the Committee of the Whole will have to regulate that when the House shall go into Committee of the

Mr. ATKINS. That was the inquiry I rose to make of the Chair. The SPEAKER pro tempore. That can be arranged in Committee

of the Whole. Mr. SPARKS.

Mr. SPARKS. I call for the regular order.

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Pennnsylvania, [Mr. CLYMER,] that the House now resolve itself into Committee of the Whole to consider the Army

appropriation bill.

Mr. CONGER. I raise the point that the House cannot determine what bill the Committee of the Whole shall take up.

The SPEAKER pro tempore. The Chair coincides with the gentleman from Michigan, [Mr. CONGER,] and has so decided.

Mr. CONGER. I understood the Chair to state the question as being

upon going into Committee of the Whole for the purpose of consider-

apon going into Committee of the Whole for the purpose of considering the Army appropriation bill.

The SPEAKER pro tempore. The Chair has already stated that the Committee of the Whole must control its own business.

Mr. CLYMER. I modify my motion so as to provide simply that the House go into Committee of the Whole on the state of the Union. This will leave the Committee of the Whole at liberty to decide what will take up.

The motion of Mr. Clymer was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

ARMY APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes. The Chair is informed that the amendment moved as an additional section by the gentleman from Illinois [Mr. Sparks] on behalf of the Committee on Military Affairs is now before the Committee of the Whole for general debate. The Chair

before the Committee of the Whole for general debate. The Chair recognizes the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. CONGER. I understood the proposition was to take up the Indian appropriation bill. If so, I raise the question of consideration at this time of the Army appropriation bill.

The CHAIRMAN. The Chair is informed that the Indian appropriation bill is not before the Committee of the Whole.

Mr. HASKELL. I desire to ask a parliamentary question. Is the gentleman from Missouri [Mr. Wells] who has charge of the Indian appropriation bill now in the House?

Several MEMBERS. Yes.
Mr. HASKELL. Then I desire to ask whether he desires to take up the Indian bill now?

up the Indian bill now?

The CHAIRMAN. That is not a parliamentary question. [Cries of "Regular order!"]

The Chair was in error in recognizing the gentleman from Connecticut, [Mr. HAWLEY.] He is informed that the gentleman from Illinois [Mr. SPARKS] who moved the pending amendment desires to be heard upon it. Hence the Chair must recognize him.

Mr. HAWLEY. I thought the gentleman from Georgia [Mr. Cook] was going to "shoot" anybody on that side who discussed this question. [Laughter.]

Mr. SPARKS. Mr. Chairman, I propose to occupy the time of the committee for only a moment. The question of "troops at the polls" occupied the time of this House in the last Congress for many weeks. It, perhaps, precipitated the extra session, in which the subject was It, perhaps, precipitated the extra session, in which the subject was cussed for months. The question originally before the House was this: whether or not a statute allowing the Army to be used by order of its Commander-in-Chief, or those controlling it, at the polls at elections in the States, to control or interfere with those elections, should be wiped out by repeal. A bill unobjectionable, so far as appropriations for the Army were concerned, with this proviso added to it, passed the House of Representatives at the last session of the last Congress. It was stricken out in the Senate. A conference of the two Houses was had. There was a failure of agreement by that conference; the term of the Congress expired, and the bill failed. In the extra session a bill embracing the same provisions was introduced, discussed for months, passed by this House, passed by the Senate, and sent to the acting President of the United States, by whom it was vetoed. The same proposition was afterward brought in as an independent measure, unconnected with appropriations; was fully discussed, passed by the House and by the Senate, and was again vetoed by the Executive. After all this there was added to the Army appropriation bill a clause identical with this amendment, namely:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

This of course did not propose to repeal any law; it was simply a prohibition upon the use of the Army or a condition that the appropriations should not apply if the Army should be thus used. This was adopted nearly unanimously. Those whom we on this side recognize as the leaders of the other side acceded to it. It was discussed but little, and when the vote was taken, it resulted as follows; republicans in Italics:

The question was taken; and there were—yeas 172, nays 31, not voting 83; as follows:

The question was taken; and there were—yeas 172, nays 31, not voting 83; as follows:

YEAS.—Acklen, Aiken, N. W. Aldrich, William Aldrich, Anderson, Armfield, Atherton, Atkins, Bachman, Bailey, Baker, Barber, Bicknell, Binghom, Blackburn, Black, Bounek, Bourman, Brewer, Brigham, Bright, Burrows, Butterworth, Caldwell, Calkins, Cannon, Carlisle, Carpenter, Claftin, Alvah A. Clark, Clymer, Cobb, Conger, Covert, Crape, Cravens, Crowley, Culberson, Davidson, George R. Davis, Joseph J. Davis, Lowndes H. Davis, De La Matyr, Deering, Dibrell, Dunnell, Elam. Ellis, Errett, Evins, Ewing, Furr, Felton, Ferdon, Field, Finley, Ford, Forney, Forsythe, Frye, Garfield, Geddes, Gibson, Gillette, Godshalt, Goode, Gunter, John Hammond, N. J. Hammond, Harmer, John T. Harris, Haskell, Hatch, Hawley, Hayes, Hazelton, Henry, Herbert, Herndon, Hill, Hisocok, Horr, Hostetler, Hubbell, Hull, Hunton, Johnston, Jones, Kenna, Ketcham, Kimmel, King, Le Fevre, Lewis, Lounsbery, Lowe, Marsh, Benjamin F. Martin, Edward L. Martin, Mason, McCoid, McCook, McGovcan, McKenzie, McKinley, McMahon, McMillin, Mitchell, Monroe, Mortson, Morton, Murch, Myers, Neal, New, Newberry, Norcross, O'Connor, Osmer, Overton, Phelps, Phister, Poehler, Pound, Price, Reagan, Rice, Richmond, Robertson, Robinson, Ross, W. A. Russell, Thomas Ryan, John W. Ryon, Samford, Sawyer, Scales, Shallenberger, Shervin, Simonton, O. R. Singleton, A. Herr Smith, Springer, Steele, Stephens, Stevenson, Stone, Taylor, Thomas, Thompson, Tillman, Amos Townsend, R. W. Townshend, Tyler, Upson, Valentine, Vance, Voor

his, Waddill, Wait, Weaver, Wellborn, Wells, Whiteaker, Whitthorne, Thomas Williams, Willis, Wise, Wright, Yocum—172.

NAYS.—Bayne, Bliss, Briggs, Clardy, John B. Clark, Jr., Coffroth, Cook, Cowgill, Cox, Daggett, Dunn, Frost, Hall, Humphrey, Hurd, Joyee, Keifer, Klotz, Knott, Manning, Nicholls, O'Neill, Persons, Rothwell, Slemons, Hezekiah B. Smith, William E. Smith, Oscar Turner, Ward, C. G. Williams, and Thomas L. Young—31.

NOT VOTING.—Ballou, Barlow, Beale, Belford, Beltzhoover, Bland, Blount, Boyd, Bragg, Browne, Buckner, Cabell, Camp, Caswell, Chalmers, Chittenden, Colerick, Converse, Denster, Dick, Dickey, Dwight, Einstein, Fisher, Fort, Benjamin W. Harris, Heilman, Henderson, Henkle, Hooker, Houk, House, James, Jorgensen, Kelley, Killinger, Kitchin, Ladd, Lapham, Lay, Lindsey, Loring, Joseph J. Martin, McLane, Miles, Miller, Mills, Money, Morse, Muldrow, Muller, O'Brien, O'Reilly, Orth, Pierce, Prescott, Reed, D. P. Richardson, J. S. Richardson, Robeson, Daniel L. Russell, Sapp, Shelley, J. W. Singleton, Sparks, Speer, Starin, Talbott, Tucker, Thomas Turner, J. T. Updegraff, Thomas Updegraff, Urner, Van Aernam, Van Voorhis, Warner, Washburn, White, Wilber, Wilson, Fernando Wood, Walter A. Wood, and Casey Young—83.

So the bill was passed.

It will thus be seen that of the members voting upon this proposition, but twelve republican and nineteen democratic members voted

tion, but twelve republican and nineteen democratic members voted against it. Now, it seems to me that when a proposition so mild and inoffensive as this has so lately and so unanimously met the concurring sentiment of both sides of this House, it is hardly reasonable and certainly not profitable to enter now into any further discussion of it.

Mr. Chairman, this proposition does not rise to the measure of my demands by any manner of means. No, sir, this tame, cowardly amendment does not come up to that standard of legislation which (had I the power) I would here and now unyieldingly insist upon. I would wipe out this un-American, anti-democratic, villainous statute, which owes its existence to the inspirations of fanaticism and to an era of hate; one which disgraces the statute-book, is a shameful parody on republican government, and an insult to the sovereign people of the country! ple of the country

Mr. CONGER. Will the gentleman state on which side the "hate" and "fanaticism" were?

Mr. SPARKS. I decline to answer questions. With this I am done. And now having occupied five minutes' of time to say this, I hope it will end the discussion so far as this side of the House is concerned. I yield the remainder of my time to the gentleman on the other side, [Mr. Robeson, of New Jersey.]

Mr. CONGER. But the gentleman from Illinois did not answer where the fanaticism and the hate of these laws were.

Mr. SPARKS. As I have said, I do not propose to answer any ques-

Mr. CONGER. On which side that fanaticism and hate were to be found I desire the chairman of the Military Committee to answer. I venture to say the gentleman will be in no danger of being shot in answering my question. [Laughter.]
Mr. ROBESON. How much time has the gentleman from Illinois

left?

The CHAIRMAN. Fifty minutes.
Mr. ROBESON. Mr. Chairman, according to the arrangement, and by virtue of the fact that the gentleman from Connecticut [Mr. HAW-LEY] is a member of the sub-committee and entitled to an hour in his own right, and as it was understood he should open the debate, if the committee will allow me, I should be glad to reserve whatever time has been extended to me by the gentleman from Illinois till after he has concluded.

Mr. SPARKS. I am willing to yield whatever remains of my time to that side of the House; and, as I have said, I yielded to the gen-

tleman from New Jersey.

Mr. HAWLEY. I have the floor in my own right, Mr. Chairman, as a member of the Appropriations Committee and a member of Conas a member of the Appropriations Committee and a member of Congress, for an hour. The gentleman from New Jersey is entirely right.

Mr. SPARKS. I have used four or five minutes, and am entitled to an hour. Whatever remains of my time I yield to the other side of the House, and promised to give it to the gentleman from New

Mr. ROBESON. I only wish the gentleman from Connecticut [Mr. HAWLEY] to understand how it is that I have taken the floor.

Mr. HAWLEY. There is no feeling in the matter at all. I am much obliged to the gentleman from New Jersey.

The CHAIRMAN. Does the gentleman from New Jersey proceed

now with his remarks?

Mr. ROBESON. No, sir; I desire my time substituted for that of the gentleman from Connecticut; in other words, that the gentleman from Connecticut shall proceed now, and that I shall have my time hereafter. I will go on after he gets through.

Mr. FRYE. I am to follow the gentleman from Connecticut.
Mr. CLYMER. There is no objection.
Mr. BUTTERWORTH. Do I understand the chairman to decline answering any question, or to give his construction of this amend-

Mr. SPARKS. I simply offered this amendment in obedience to the instructions of the Committee on Military Affairs.

Mr. BUTTERWORTH. I wish to know whether the gentleman refuses to answer questions as to his remarks, and also as to his con-

struction of this provision?

Mr. SPARKS. I decline most positively to answer anything; I do not wish to consume a moment more than the five minutes I have

already taken up.

Mr. BUTTERWORTH. I wish to find the true inwardness of this

Mr. SPARKS. I have yielded the floor; I am not on the floor any

Mr. SPARKS. I have yielded the noor; I am not on the noor any longer and positively refuse to answer any questions.

Mr. CLYMER. Let us have the regular order of business.

The CHAIRMAN. The Chair will recognize first the gentleman from Connecticut if there be no objection.

There was no objection.

Mr. HAWLEY. It is understood that I am not speaking in anybody else's time

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut in his own time, and he has the floor for an hour.

Mr. HAWLEY. Mr. Chairman, I am well aware that many of these Mr. HAWLEY. Mr. Chairman, I am well aware that many of these topics have been very thoroughly discussed during the sixteen weeks we spent here last summer, and yet I am not willing to pass by this bill and pending amendment without some remarks. I believe we have before us one of the most important questions which has agitated Congress for years; not altogether included in the simple amendment which the Committee on Military Affairs has proposed, but in the general policy of which that is a part; and chiefly, I may say, in the evident determination of the ruling majority of this House to insist upon forcing upon us political riders on appropriation bills. I think that involves a great constitutional right, involves a complete revolution in deliberative legislation. Whatever the amendment may be, whether it be altogether bad or only tainted and colored ment may be, whether it be altogether bad or only tainted and colored with badness, or whether it be altogether good, whether it be the devil's creed or the New Testament, I vote against any political amendment on an appropriation bill, and vote against that bill when the amendment shall have been put on it.

I believe that to be my duty; I ask no other man in the world to follow me. I think there is so much involved in the claim of the majority that I have not only the right, but it is my bounden duty to take that ground. I do it with the firmest conviction that I am right, and without hesitation. I rely upon my constituents to sustain me; I know they will; but whether they do or not, it is my ground.

I confess I was a little astonished at the declaration on the other

side that they wanted no general debate and there ought to be none here. Why, Mr. Chairman, we have spent two days in this House lately, hurried as we have pretended to be, in discussing a little private bill—very little compared with the great interests of this country—involving the repayment of \$5,000 to a citizen of Louisiana; two whole days we have spent on it, and yet gentlemen are suddenly seized with such a desire to economize time that they desire to force without

a moment's debate a political amendment upon the Army bill.

I do not understand this. What change has come over the spirit I do not understand this. What change has come over the spirit of their dream? Last summer they were ready for nothing so much as debate. They appealed to English and American history to justify them in their alleged right to load down appropriation bills with amendments. They were all for talking. They appealed to the country; they challenged us to meet them at the polls and on the hustings. Now they pass the word that there shall be no general debate, and one of the best-natured men on the other side of the House said that if any man on that side wanted to debate this question he should be shot on the spot. I take it, therefore, that the gentleman from Illinois [Mr. Sparks] is doomed, for the gentleman from Georgia who made that threat is a brave soldier and a man of his word. [Laugh-

I ask again what has come over them? Is it the frost of the last fall elections? Where were these gentlemen in the recent elections who rode about here last summer with spurs and plumes? Did they come to Maine, and Massachusetts, and Ohio, and New York, to advance these doctrines? Many of them whom we should have been glad to see there were absent. They failed to come, and yet the people tolerably well understood the issue. I confess I hoped to hear them. I am anxious because we want some speeches to circulate in the next fall campaign. We want some more of these fiery arguments made on that side of the House in denunciation of all military force, of all armed force in the American Government; in denunciation of what I conceive to be the incontrovertible right of the National Government. We want some more of those threats to repeal every word on the statute-book that was "born of the spirit of the war;" or, if you choose, "engendered by the hates of the war;" having in mind not alone the legislation of reconstruction, but manifesting also hostility to the I ask again what has come over them? Is it the frost of the last legislation of reconstruction, but manifesting also hostility to the famous constitutional amendments. I beg gentlemen of the majority to go on with the power they displayed last summer in laying down the principles of last summer. Why is it they are so silent? Is it in obedience to the commands of the whisperer of Gramercy Park? Does he object to the commands of the whisperer of Gramercy Park ? Does he object to this discussion? Is it because it will disclose a difference of opinion among themselves that they object to this debate? Possibly, for if you will take the members of this House aside, four out of five of them will tell you that political legislation on appropriation bills is unfair and unwise. Is there any further political motive in this enforced silence among men who dearly love to talk, and better still love to fight?

still, love to fight?

It was said last summer and last autumn that in order to insure the nomination and election of a certain presidential candidate, it was only necessary that the democratic party should maintain the policy of the extra session. Is it possible that the opponents of General Grant have laid in with the majority in this House not to have any warm political debate, lest it should bring about the nomination and election of that most distinguished gentleman? Have you not heard it said, gentlemen on the other side, as I have heard it said, that if the democratic party proceeds, insists upon its policy, the country will be ready to elect and inaugurate even John Brown, if he can be found? Are you aware of that fact? Do you know that defeat stares you in the face if you attempt to make as bold a fight as you made last summer? If you do not know it, I know it. I think you do know it, and therefore I understand this silence. I am not saying whether I want General Grant or not; but I have so much of the nature of ordinary men that I confess the more of that there is the more I am driven to combative feeling and the of that there is the more I am driven to combative feeling, and the less I care how pronounced and vigorous the man may be whom we nominate, for I am ready to meet every charge that we met before. I court it. I wish the majority to make absolutely certain the election of a republican President that we may have for four years more the country in the hands of the men who saved it, and under the legislation which saved it. Thereafter the census will dispose forever of all anxieties about a solid South.

Probably these are meany resultance, here who have visited Madage.

Probably there are many gentlemen here who have visited Madame Tussaud's gallery in London. Doubtless it has happened to some of them, as it has happened to a great many others, that in walking through those halls they have brushed against some lady or gentleman and have made ample apology to what turned out to be a wax figure. Is that side of the House to become a Madame Tussaud's collers?

A MEMBER. Jarley's wax-works.

Mr. HAWLEY. I shall apologize if I say anything discourteous to

the wax figures.

I see over there our witty friend from New York, [Mr. Cox.] We shall see our light and graceful friend from Michigan [Mr. Horr] in the *rôle* of Hamlet, walking over there, placing his tender finger upon the head of the gentleman from New York and exclaiming:

Alas, poor Yorick! I knew him, Horatio; a fellow of infinite jest, of most excellent fancy. * * * Where be your gibes now? your gambols? your songs? your flashes of merriment that were wont to set the table on a roar?

And he is silent. For the order is given that there shall be no general debate. I commiserate him and many others. How they rode through this arena! How the feathers danced in the sunlight! The feathers are here; but they are not on the head of the ostrich. His

head is in the sand. [Laughter.]
I recollect how gallantly my chivalrous friend from Kentucky [Mr. BLACKBURN] came into the lists. "Where is my Highland laddie

There shall be no general debate on a great question, one of the greatest we have had here for years. But, Mr. Chairman, there will be general debate. I do not refer to this House alone. The general debate of this year began last summer, and it has not stopped; the general debate of the thousand cross-roads; the general debate in a thousand groves; the general debate in every shoe-shop and in every country groves; the general debate in every shoe-shop and in every country tavern and in the sheds of every meeting-house even on a Sunday, for there are men who believe that their duty to their country is quite near their duty to their God. And there will be general debate in the seven thousand periodicals published in this country. If you could see them flying through the air they would cloud the sky like the multitudinous flights of pigeons. The rolls of the great papers passed through the press at the rate of fifteen miles an hour, printed on both sides, cut, and folded. That is the general debate that you cannot suppress by the vote of a caucus here, and that the kindly gentleman from Georgia [Mr. Cook] cannot shoot down.

The general debate has begun; we welcome it; we court it; we challenge it; because through that we expect to save our country. We have done it before and believe that we shall do it again.

I propose now to make a very brief discussion of the merits of this

I propose now to make a very brief discussion of the merits of this amendment.

Mr. COX. Will the gentleman yield to me for a question?

Mr. COX. Will the gentleman yield to me for a question?
Mr. HAWLEY. I am willing to yield for general debate.
Mr. COX. My question is: Does it hurt the gentleman to kick at nothing? [Laughter.]
Mr. HAWLEY, Well, I was kicking at the entire democratic party, and not at the gentleman from New York. [Laughter.]

The amendment declares

That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Now, it is a little difficult to construe that so as to get at the precise meaning of the gentlemen who invented and composed it. does not say that the Army shall not be paid its full rations, its full allowance for clothing, for transportation, for arms, and all the purposes for which the money is given in the bill. None of it is withheld. It does not even say that the Army shall not be used as a police force to keep the peace. It only says that none of this money shall be used for that. No one doubts the power of the President of the United States to put the Army anywhere he pleases within the limits of our land. He has the right to accumulate two companies, a reciprost ten thousand men if the charge of the New York Heat. a regiment, ten thousand men, if he chooses, at New York, at Hartford, at Cincinnati, or at Chicago. He is bound to have them wherever he has reason to suppose that the laws and Constitution may be defied. You cannot question the motive with which he places men at any particular point. You may say he has what you call a political motive, and we may say this motive is to see that the laws shall

be obeyed in any emergency. He may have reason to expect that bad men are about to defy the Constitution and the laws beyond the power of the civil authority to subdue, and therefore he has placed the Army in such a position. You have not, then, forbidden him to use the Army in any way he sees fit under his views of constitutional You only intimate that the Army shall not be used as a police

force.

Now, sir, I am not about to say just precisely how far I might be willing to agree to a proposition of that sort if it were an independent measure. As I interpret it, I could so word it as an independent measure. As I interpret it, I could so word it as an independent measure that there would be no strong objection to it, because we have never claimed that the Army can be used as a police force. But men dispute about these words. I should say that the use of the Army as a police force would imply something like this: the stationing of lines of armed men at the polls and thereabout; regulating the ticket peddlers and the canvassing and keeping the crowd away so as to maintain open lines; telling peaceably disposed men which way to go and how to keep order. That is properly the duty of the police force. And the police force is called upon to suppress such disorders or slight irregularities as are within their power as comparatively unarmed men.

But when the civil authority is unable to keep order, unable to protect peaceably disposed men in the exercise of their legal rights; when the tumult surpasses the power of constables and sheriffs and marshals, then I say, leaving the discretion where we must always leave it, in our rulers, absolute, overwhelming, crushing force may and ought to be brought in. And I do not care what the law is so it be a just and constitutional law. The State must take care of its State laws and the National Government must take care of its national We believe these laws concerning elections to be just and conlaws. We believe these laws concerning elections to be just and constitutional. We have the judgment of the Supreme Court with us. Then, if that be so, I have to say that there is no second of time in the year, there is no inch of space within the Union, when and where we may permit any man to successfully defy any law of the United States, the election laws included. And the man who is loyal to liberty, law, and the Constitution must believe that, or else believe that his

Government is but a rope of sand.

I say I could vote for a bill embracing this idea; I would guard it against the misconstruction which some gentlemen of the majority place upon it. But we are under no obligation, as I view it, to recognize the merits of this amendment at all, if it has any. I do not care how much or how little of merit it has. It is brought in here upon an appropriation bill for the ordinary subsistence and maintenance of the Army of the United States. It is brought in here by the majority because they know that the minority here and the Senate of the United States, and the Executive in general, desire that this bill shall pass. It is brought in here because they know the absolute necessity of passing this bill; because they know that to attack and destroy this bill is to attack the Union in its jugular vein, is to cut its throat, to starve it, to kill it, to black-mail it, thumb-screw it, to play the highwayman upon it, to destroy it. That is what the destruction of the Army appropriation bill means; and they know how unwilling we should be to see it done. Therefore they dare to put on an appropriation bill that which they know is offensive to us and which is meant to put a slur on the Federal laws for the protection of elections. I say I could vote for a bill embracing this idea; I would guard it of elections.

The only gentleman on that side of the House who has thus far indulged in general debate expressed what I suppose to be the sentiment of that side—all of them. No; I do not believe that; I will qualify it. It is not the sentiment of all on that side, but of the qualify it. It is not the sentiment of all on that side, but of the controlling portion. I thank the gentleman for so much of "general debate" as he has given us in five minutes; and if that is to be all that we are to have, we will put it very prominently before the people, so that by the light of the few words which he has given us they may comprehend the amendment and the policy of the party. He denounced this legislation in reference to elections, which we deem to be patriotic and constitutional legislation, as villainous, born of hate. &c. Let me quote literally: of hate, &c. Let me quote literally :

Mr. Chairman, this proposition does not fully meet my views by any manner of means. This tame, cowardly amendment does not come up to that standard of legislation which I adopt on this subject. Had I the power I would insist upon something much stronger than this, and would unyieldingly insist upon its adoption. I would wipe out this un-American, unrepublican, undemocratic, villainous statute, which owes its existence to the inspirations of fanaticism and to an era of hate. It disgraces the statute-book of this country—

Mr. CONGER. Will the gentleman state on which side the "hate" and "fanaticism" were a

Mr. SPARKS. And it insults the sovereign people of this country.

He frankly announces the purpose of the democratic party, so far

as he can foretell it, to be to wipe out from the statute-book every statute or line protecting Federal elections. That is frank, and if democrats agree with him, and think that a popular and constitutional issue, why, then, is there to be no general debate?

But as I said, the more important question concerns the alleged right to place general legislation on appropriation bills. It is a persistent endeavor to incorporate here a revolutionary policy, a policy revolutionary of the parliamentary history of Great Britain and of the United States. It is subversive of the freedom of debate, of the freedom of voting.

freedom of voting.

What is the use of a discussion of this amendment if we are to be absolutely compelled to take it? The Army appropriation bill is:

indispensable to the life of the Government; the amendment is a political and partisan measure which could wait an indefinite time and could be better discussed independently. What good does it do to make argument against this amendment if it is absolutely certain to pass? The democrats say that the Army shall not live without it, and we say the Army must live. There can be no freedom of debate or vote. It is our duty and only resort to vote against any political amendment, and vote against any appropriation bill containing a political amendment, until this practice shall have been abandoned.

It is a coercion of the Senate. We do not permit the Senate to originate revenue bills, and it is our claim that the Senate shall not originate appropriation bills, though it may amend those that have originated in the House. But what freedom of debate will the Senate have when political amendments are put on appropriation bills in the House, and it is told by the House that the money cannot be granted without those amendments?

without those amendments

In England the House of Lords discovered this one hundred and seventy years ago. During the long revolutionary period, before the advent of William of Orange, the British Parliament tried all manner of revolutionary pretexts to carry their purposes. After the government was fairly established in 1688, the House of Lords put its foot on this particular practice, and protested in a rule which remains upon the books, and will remain there, that such practices are sub-versive of the constitution and destructive of the rights of the House of Lords

upon the books, and will remain there, that such practices are subversive of the constitution and destructive of the rights of the House of Lords.

Our Senate has taken precisely that ground before this, when a republican majority in the House of Representatives unwisely and unconstitutionally undertook to do precisely this very thing in connection with the use of the Army in Kansas, and brought on an extra session. And the discussion in the Senate showed republicans and democrats, the ablest and best men in the country, arguing against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans, argue against this policy precisely in the line that we, the republicans argue against this policy precisely in the line that we, the republicans argue against this policy precisely in the line that we, the republicans argue against this policy precisely in the line that we, the republicans argue against this policy precisely in the line that we, the republicans argue against this policy precise and the majority of the features what political legislation shall go upon an appropriation bill, and the Senate cannot initiate an appropriation bill. That proposition hardly needs arguing.

This policy coerces, and is intended to coerce, the President. It compels him to forswear a constitutional right. I need not speak of the shall return it with his objections. He is sworn

These are not new ideas. I do not profess to consider them such in any degree. They are as old as the history of legislation in free governments. I have indicated the position of the British Parliament. It was claimed for a little while last summer, in the beginning of this debate, that we could find precedents in English history. They are not to be found, except in times of professed revolution of the wildest description and the excepting of the professed revolution of the wildest description, ending in the execution of one king and the expulsion of

another. They are not to be found since Great Britain has had a true constitutional government and a really free Parliament.

I have heretofore called the attention of the House, and shall therefore do it but briefly now, to the history of our ideas on this subject in this country. In twenty-five of the States of the Union it would be impossible under their constitutions to do what we are asked to be impossible under their constitutions to do what we are asked to do to-day. There are not a dozen men on the other side of the House who would be allowed this in their State Legislatures. I might easily find out how many. There are thirty States that provide in their constitutions against this sort of legislation—twenty-five of them directly in provisions declaring in one way or another that every bill shall contain but one subject-matter, which shall be clearly expressed in the title, or giving the governors the right to veto any sections or parts of an appropriation bill and approve the rest; and five States that forbid attaching general legislation to revenue, that being the old form of protection against riders.

Mark that, gentlemen of the majority! There are probably not ten of you who could do this thing in your own States. And the provisions preventing this are not new in our State constitutions. Perhaps the clearest and most vigorous disapproval of this idea is found in the constitutions of New Jersey and Maryland—old constitutions—that of Maryland having been adopted in 1777.

I have called attention, and it has been done by others also, to the fact that the very able politicians and statesmen who inaugurated

tact that the very able politicians and statesmen who inaugurated the rebellion, when they came to found their confederate government and adopt their constitution, took the Constitution of the United States as their model and general frame-work, making comparatively few additions or alterations. But in two or three provisions they made it unconstitutional and absolutely impossible to do what gentlemen who were formerly members of that government are trying to do here to-day. There are ex-members of the confederate congress on this floor whe are water king are to the work the confederate congress. to do here to-day. There are ex-members of the confederate congress on this floor who are undertaking now to do what they could not have done in the confederate congress. The chairman of our Committee on Apropriations was an honored and useful member of that body—so far as a man can be honored in doing wrong. He is an honorable and just gentleman in every relation of life. Yet he is countenancing by his vote, though opposing in his heart, that which the majority is undertaking to do here to-day, but which he could not have been allowed to move in the confederate congress. Such a proposition would have been ruled out of order upon a suggestion from the humblest member.

Yet gentlemen on the other side are forcing a measure of this kind upon us. Why? Because they have the majority! Look out that you keep it! You are trying to do here that which history condemns, which thirty State constitutions condemn, and which the other eight will condemn as soon as those States hold constitutional conventions.

you keep it! You are trying to do here that which history condemns, which thirty State constitutions condemn, and which the other eight will condemn as soon as those States hold constitutional conventions. You are doing that which the British Parliament condemned, and which this Congress itself, in previous years, after deliberate argument, has condemned. You are doing that which your own confederate government condemned and rendered impossible. Yet, for the sake of choking this Federal Government, which you tell us you love, you are inaugurating that policy—driving us, or attempting to drive us, into submission to it. This is to be done with no "general debate" on your side. I do not wonder at it. Your ground is gone; the excuses you imagined have been shown to be without foundation. History and law and constitution and logic and common sense are against you, and only revolution on your side.

I have substantially done. I have run over the subject in a brief and condensed way. I repeat, then, in conclusion, it is not a matter of mere party tactics or personal preference, but the duty of a patriotic gentleman, under the Constitution, to resist this measure, in the beginning, in its course, at the end, and always; to vote against every political amendment on an appropriation bill, and vote against the bill when the amendment shall have been adopted, and thereupon to go to the people in defense of our rights as citizens and as legislators. I say, I ask no man to stand with me on that; but I have made up my mind. [Applause on the republican side.]

How much time have I occupied?

The CHAIRMAN. The gentleman has occupied thirty-five minutes.

Mr. HAWLEY. I am willing now to yield the rest of my time to any one on this side who desires to take it. I yield to the gentleman from New Jersey.

Mr. ROBESON. I believe I am now entitled to the floor.

from New Jersey.

Mr. ROBESON. I believe I am now entitled to the floor.

The CHAIRMAN. The Chair recognizes the gentleman from New

Jersey.
Mr. ROBESON. Mr. Chairman, I would be glad to have the amend-

ment reported.

The Clerk read as follows:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Mr. ROBESON. By a decision of the Supreme Court of the United States, the highest and ultimate tribunal of judicial judgment under the organization of our Government, it has been declared, "that the Government of the United States may, by means of physical force exercised through its official agents, execute, on every foot of American soil, the powers and the functions which belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent." This is the inevitable, incontrovertible result of right reasoning from established principles. This declares the principle on this subject of the Constitution of our country, (a principle which lies at the foundation of all Anglo-Saxon government,) and these are the conclusions which follow inevitably from it. All laws of Congress are, and must be held to be made, in the light of those principles which have been settled, adjudicated, and declared by the highest tribunal of the country; and this law, if it becomes a law, must mean and be understood to mean Mr. ROBESON. By a decision of the Supreme Court of the United

judicated, and declared by the highest tribunal of the country; and this law, if it becomes a law, must mean and be understood to mean just what is permitted by this declaration; otherwise, if not unconstitutional, it is at least in defiance of constitutional command, and in derogation of constitutional duty.

In the discussion of this question, Mr. Chairman, which, to my mind, lies not only at the foundation of the power of the Government in this country, but relates to the very principles upon which rests the superstructure of popular government—in the discussion of this important question, I shall deal in no flowers of speech, nor indulge in the insubstantial harmony of declamation. I shall declare what I con-

ceive to be undeniable principles, and shall endeavor to follow them by unwavering logic down to irresistible conclusion; and if I fail to convince, the fault will not be with the truth which I declare, but must rest either with the minds and temper of my auditors or in the want of power of the humble individual who has attempted their illustration.

This amendment looks to, and is meant to control, the execution of United States law on election day. Need I pause to say to you, citizens, Representatives, Americans, that if there be a day in the calizens, Representatives, Americans, that if there be a day in the calendar when the laws should have full sway; when that atmosphere of perfect peace and perfect liberty which can only be found in the enjoyment of freedom under the perfect control of law shall surround us and our action like the "all-incasing air," that day is the one day which is set apart by the laws of our country, on which the freemen who are to govern this continent act in their individual capacity for themselves, and set in motion, primarily, the political machinery of our Government. We are so familiar with their action on that day that we do not appreciate its significance and force. The orderly gathering together on election day of the free voters of action on that day that we do not appreciate its significance and force. The orderly gathering together on election day of the free voters of a great republic, with a continent as an empire and freedom as a heritage, and there exercising their political will under the protection of law, supreme, powerful, efficient, and all-pervading, to keep the peace for the perfect exercise of that will, is as sublime a spectacle in government as the world has ever seen. To accomplish that result all the agencies of political progress and civilization have culminated here on our shores. That is the day of American freedom, that union of liberty and law which is our heritage, not the day of its celebration, but the day of its exercise. That is the time and there is the place when and where the American citizen impresses for himself, and not when and where the American citizen impresses for himself, and not through any representative, his will upon American policy and government. There and then he casts his vote.

A weapon that comes down as still As snow-flakes fall upon the sod; But executes a freeman's will, As lightning does the will of God.

And if there be one day in the whole calendar of time when the laws should not only exist, but when they should be powerful and effective, when they should be able to command all the force of the Govrve, when they should be able to command all the force of the Government for the preservation of peace, this is that day. If there be such a day more than another, when is it if this be not it? If the laws of the country are to be executed, and for that purpose its peace preserved at all, will you make an exception of election day? Does the democratic party of this country choose by its action to say, "We will reluctantly execute the laws; we will for very shame, maintain peace; we will sustain the Government on every day except on election day but more that coercion when the freeze of the country tion day, but upon that occasion, when the freemen of the country desire freely to execute their will, and without let or hinderance to impress their power upon the Government of the country, we cannot afford to keep the peace of the United States?"

Let us look at this question as it is. What is government? Government is an organization of civil society which governs; and for that

purpose makes and executes laws. If it does not make the laws, it is no government. If it does not execute them, it does not govern. There can be no government, in theory or in fact, which has not the power to execute its laws.

Are these propositions fair ones? Can anybody dispute them? Is anybody bold enough to deny them?

Next let us consider what are laws. Laws are those rules which a government executes; and if they be not executed by government they are not laws. How do governments execute their laws? By force. Who shall deny it? Why are laws efficient and why do they govern the actions of men? Because they have the power of the government behind them. What is the power of the government? The physical force at its command. Laws, then, are those rules which governments execute by physical force. Shrink not from that proposition, for none can deny it? Society is organized in order to put the whole power of the community into the form of laws and regulations, behind which the whole strength of that organized community exists in the shape and substance of what we call the civil power. Nothing is law, then, which is not to be executed by the power of the government; that is, by physical force. Next let us consider what are laws. Laws are those rules which

ing is law, then, which is not to be executed by the power of the government; that is, by physical force.

Sir William Blackstone has defined municipal law to be "rules of civil conduct prescribed by the supreme power of the State, commanding what is right, and forbidding what is wrong." The whole theory of law which I have declared is to be found in that exact and comprehensive language. It is a rule prescribed by the supreme power of the State, by the government, which carries with it not only the authority but the force to execute its will.

Now, Mr. Chairman, by what means is this force to be applicable.

authority but the force to execute its will.

Now, Mr. Chairman, by what means is this force to be applicable to the execution of laws? In this country, under our constitutional system born of the line of English precedents, traditions, and laws, and in the light of English history, and established in the atmosphere and operating according to the principles of Anglo-Saxon common law, all laws are executed in time of peace and under ordinary circumstances, by the Executive through the civil officers of the Government. I do not contend that in time of peace, under ordinary circumstances and without special authority of law, the civil laws are to be executed by the Army, under military control and acting directly under military inspiration. Mark well the proposition as I have endeavored accurately to state it. I yield nothing of the power

of the Government necessary for its preservation and safety. This is no question of direct, forcible attack upon Government. Then, governments, like men, are driven to their reserved forces, and have and must have and must exercise all their force for self-preservation, and

are, if necessary, a law unto themselves for that purpose. Such is not the proposition now, nor are we maintaining this power.

But we do now say that the republican party is the party of civil government; and it believes that, to govern, the Government must have laws to carry out its constitutional rights and duties, and that the failure to make these laws is a failure of constitutional duty. And they believe that when these laws are made, the Government, it is a government, must execute them; that if they are to be executed they are to be executed by the power of the Government which is behind them; that if the power of the Government is behind any law, it must be there every day in the year; and that if any part of the power of the Government is behind any law, the whole power of the Government must be there. Who shall deny this last proposition? Who will state and defend the monstrous anomaly that a part of the force of the Government is behind a law and not the whole; that the Government is bound and its officers sworn to execute a law, and that it has reserved strength which it will not use to execute it !

No, sir; such is not the character of American law, nor the spirit of the American people. If it be law, it must be executed to the very edge if necessary, and all the power of the Government is and must be behind it.

To go a little more into detail, Mr. Chairman. Under Anglo-Saxon government the process of the execution of law is this: The laws are made by the legislative power in obedience to the constitutional duty and obligation imposed by the commands of the constitution. They are executed by the executive power, through the civil officers of the government, to whom in time of peace is ordinarily intrusted the execution of these laws, and into whose hands is given, for that purpose, the whole physical power of the government and all the strength of the people. Is that a fair proposition? Does it command the assent of thoughtful minds, and will it have the affirmative assent of patriotic action?

Now, how do the civil officers execute the laws in this country? They put in motion primarily the machinery provided to carry them into execution. They breathe the inspiration of life into the system, and put it into working order and effective operation on all persons and things, so that the freemen of the country may exercise their inalienable or guaranteed rights in its atmosphere and under its protection, and "in the peace of the United States." And if any man, by force or by fraud, by riot or by confusion, by wrong action or by unjust command, seeks to interfere with that exercise, and break that peace, they put down that interference and they keep the peace for the transpare.

for that purpose

How do they keep that peace? First, by the majesty and respect of the law itself. In what consists this majesty of the law, and whence comes its respect? It consists in the strength of the Government, and the law itself. In what consists this majesty of the law, and whence comes its respect? It consists in the strength of the Government, and comes from the fact that the individual who represents it is clothed with the power and backed by the force of the whole people. If the wrong-doers submit, nothing further is required. If they do not submit, what then is to be done? All the forces of the civil power, as represented by its executive officers, are then called in requisition. If this be not sufficient for the purpose, what then? The bystanders may be called upon. If they be not sufficient, or if they be not proper persons for any reason, or if they be the very people who are making the disturbance and encouraging or enforcing the wrong, what then is to be done? The peace must be kept by the whole force of the bailiwick, "the posse comitatus," covering and including the whole power of the Government; including every citizen who is under the protection of the laws, all the militia, organized or unorganized, all the Army, wherever it may be, within reach, every man, citizen or soldier, militia or regular, that is or can be brought within reach.

This, you will see, is not the Army moving with "plumed troops" and in the "big wars" which make military power and primacy, but the Army held in subjection by, and subordinate to, and acting as the instrument and the weapon of, civil power.

Can this be denied? Who dare deny it before the good sense of the American people? Who has the courage to stand up here in his place and say that that is not the true theory of Anglo-Saxon government, upon which our Constitution is founded and upon which it rests; in striking at which you strike at the very foundation-stone of its power, till the edifice, symmetrical and beautiful as our fathers

ernment, upon which our Constitution is founded and upon which it rests; in striking at which you strike at the very foundation-stone of its power, till the edifice, symmetrical and beautiful as our fathers left it, may topple to its fall?

These armed citizens come, not as warriors, but as the servants and conservators of peace, contributing only to her victories, no less important than those of war. They are not armies surrounded by the "pomp and and circumstance of glorious war," exciting the imagination, swaying the feelings, and trampling on the rights of the people; they come, arrayed not for the destruction of their Government, but for its safety, its maintenance, and its preservation. As illustrative of this I will read a few lines from the speech of Lord Mansfield in the British House of Lords upon the Westminster riot cases, in which he puts this proposition exactly: he puts this proposition exactly:

The military have been called in-

Said he-I read from Hansard's Reports, volume 21:

The military have been called in, and very wisely called in, not as soldiers, but a citizens; no matter whether their coats be red or brown, they have been called—

Not to strike down, but-

in aid of the laws, not to subvert or overturn the constitution, but to preserve

both.

Is that right or is it wrong? If there were riot in the city of Washington on election day so violent, so uncontrollable that it threatened with its terrors the destruction of your beautiful city and all that the country has done to adorn its capital, would it not be competent for the civil officers of the law, acting under our Constitution and our laws, to call upon the organized force of marines, which is the control of the Charles with the charles with the control of the Charles with the ch which is quartered yonder within half a mile of this Chamber, and bring them up as citizens of this country, under its laws subordinate to its civil power, for the execution of the laws and the preservation of the peace of the country?

This, as I have said, is the very last and fullest subordination of the military to the civil power. It is no exercise of military dictatorship. It has no element of Cæsarism. It is a splendid spectacle of

peace, liberty, and law-armed, organized military power marching under the banners of peace, armed with the weapons of civil liberty, carrying on their shoulders bayonets that think, the very safeguards of American institutions, and following humbly and simply, cheerfully and obediently, under the control of civil power. The military shall be subordinate to civil power. Yes. That is its noblest attitude, because it shows that it is the weapon of law, which may be used and rightly used for the civil purposes of peace, and will not itself seek domination and command.

The military acting subordinate to the civil power. Why, if your amendment does not mean that it shall so act, then it means to destroy this principle and to say that the military shall not be subordinate to the civil power. Does it not mean that? If you do not mean that you must mean, that when civil laws are to be executed and when peace is to be maintained by civil officers in order that the freeman's will may have full and free control, that at that time and there the Army shall no longer be subordinate to civil power, shall not come to its assistance when properly called upon, but shall refuse or be powerless to act for civil purposes and under civil control, but shall stand idly by to see peace destroyed and civil government overthrown, till quiet and orderly citizens must either submit to the domination of force or fraud, the rule of the bludgeon or the knife, or the civil laws, which are powerless because unexecuted, must give way and be silent in the presence of armed power, because the legislative power will not provide for them adequate force, and martial law must

prevail because it only can be executed. Mr. Chairman, the first direction that we receive upon the subject of the execution of the laws is in the Constitution of the United States. In the third section of the second article we find:

The President shall take care that the laws be faithfully executed.

The President shall take care that the laws be faithfully executed!

That is the constitutional provision, clothing the President with affirmative power and enjoining upon him an affirmative duty.

Oh, but say gentlemen, the President cannot act unless that power

be organized by the National Legislature into the forms of law. Suppose for the purpose of this argument I admit that. Where, then, does it put the opponents of this executive power? The Constitution

"He shall take care that the laws be faithfully executed."

That is undoubtedly a constitutional duty. But it requires, you say, that the National Legislature shall act to put it in motion. Then it is your constitutional obligation and duty so to organize it Then it is your constitutional obligation and duty so to organize it into the forms of law, but if you do not so organize it you yourselves fail in constitutional duty. Accept the position if you wish. Go before the country on that day when the freeman exercises his power, and say to him: "It is true, here is a law upon the statute-book which we by our votes have made, pretending we would give you free elections; it is true that the President is called upon by the Constitution affirmatively to take care that it be faithfully executed. But it is necessary that to execute it he should have his power for that purpose organized in forms of law. But that is our constitutional duty. pose organized in forms of law. But that is our constitutional duty, and we refuse to do it. This is the Constitution our fathers gave for the government of the country, which we swore to maintain before high Heaven when we stood here and took our oaths of office. That is the Constitution upon which rest the structure of our Government. the liberties of our people, the last hope of freedom for all the world Here is our duty imposed expressly upon us, but we decline to execute it, for fear our party may lose its majority." Gentlemen, pause. Some of you have formerly been arrayed against this Constitution and this Government—I refer to it only as a matter of history—but when you were so arrayed you took your lives in your hands, and poured on the altar of success your fortunes and your sacred honors; you appealed boldly to the God of battles, and stood bravely on a field where every man who fell could see the foe who struck him; but now you are enlisted under the banner of that Government; you are its chosen representatives; you are sworn into its service; you have pledged your honors and your oaths that you will maintain its Constitution and carry out its laws. You are armed with its weapons, admitted inside the defenses of its strength, have control of its citadel, make its defensive garrison. Would you now saw off its flag-staff, undermine its walls, spike the cannons of its strength, bind its defenders hand and foot, and poison the pure well-spring of its power at its source? Are such the plumed troops, these the big wars that make ambition virtue?

Oh, gentlemen, the history of the world presents many spectacles which according to moral or political law may be considered outrageous and wrong, but in which the very magnitude of the struggle itself, the audacity of the courage displayed, the mighty interests and splendid destinies of nations which follow in its track of fire, and the imperial spirit which inspires its sacrifices and guides its action, considered of the courage displayed, the defermine to defer respectively.

imperial spirit which inspires its sacrinces and guides its action, conspire to defy reprobation, if they do not disarm criticism.

Thus it has been said that ambition, though a vice, is a vice so equivocal that it seems to sometimes verge on virtue; that though its grasp may be ruin and its flight may be famine, yet it sits on earth's pinnacle, and sports with the lightnings of heaven. But, gentlemen, the property of the prop there is neither heroism, patriotism, nor ambition in that spirit which, intrusted by a confiding country with the welfare of the Government, would betray it to its destruction and its fall.

would betray it to its destruction and its fall.

Now, gentlemen, how are these laws to be executed? The President is to "take care that the laws be faithfully executed." What does that mean? He shall take every means in his power to do it. Not that he shall order the Army under its military officers, and acting, as I have said, directly under the military inspiration, to execute the civil laws, but that if it be necessary, or if it be likely to be necessary, he shall have not only ready but amply ready and convenient every element of physical force which the Government has a right to control, ready to apply it at a moment's notice. What sort of an officer would he be who, acting under military orders, if ordered to support a division to-morrow with his corps, keeps it fifty miles away, so that such support would be impossible? What sort of a President would he be, acting under the command of his constitutional obligations and duty and the force of his constitutional oath, if he had reason to believe that there was to be organized riot in the city of New York on next that there was to be organized riot in the city of New York on next election day, that five thousand men were to be there, organized or unorganized, ready to put down the law, to destroy the peace of the United States, and to interfere with the popular will—what sort of a President would he be if he did not have every soldier he could muster ready to execute and maintain the laws; not by military power, not as a military constabulary force, but to be there where they were needed, restrained under proper commands, waiting for the call of the civil power and acting under its control and governed by their orders

whenever action was necessary?

I am happy to say that that President, under whose banner I served, and of whose administration I was an humble member, whenever he had information that the laws of the United States were to be threatened and interfered with in their execution, provided all the force of the Government at command, to be ready at the call of the civil power to maintain the laws, and to keep the peace for that purpose, whenever and wherever it was threatened or disturbed. Do purpose, whenever and wherever it was threatened or disturbed. Do not misunderstand me, gentlemen. I have already said, and will say again, if need be, that in time of peace, and in the absence of specific law authorizing it, the military power of the Government is not to be used as a military organization, acting under military inspiration alone, for the execution of civil law.

But I do say that all the military power of the Government is at the command of the President and of the civil officers, when properly called upon for the proper execution of the laws of the country. And I say that that President fails in his duty before God and man, before our generation and in the face of our hopes for the future, who, if he

our generation and in the face of our hopes for the future, who, if he is informed of and understands its need, fails to have that power ready

for use wherever and whenever the occasion absolutely requires it.

Gentlemen, democrats, this law appointing marshals to keep the peace at the polls was passed by your votes, since the decision of the Supreme Court of the United States affirming the constitutionality Supreme Court of the United States affirming the constitutionality of the election laws and the right and power of the Government to keep the peace for their execution, and I suppose it is to be construed by that decision; that all you mean by it, is to declare an unquestioned principle, that the military arm of the country, as a military organization, acting under military officers and by direct military inspiration, is not to be used as a constabulary force; that they are not the people who are to act in the first instance to keep the peace. But you do not mean to say, in the face of that decision, and in the face of the constitutional duty and power which is there affirmed, that the Army of the United States, a part of the physical force of the Government, is not at the command of the civil officers of the Government whenever it is necessary for the execution of the law and the preservation of the peace of the United States for that purpose.

If there is any doubt of your intentions and position on this sub-

If there is any doubt of your intentions and position on this subject I will give you a chance to define it by your votes before this bill becomes a law, and shall judge you, as the people will, by your con-duct and not by your professions, if you refuse to carry them into

action.

Last session, gentlemen, if they saw fit, might stand upon the question that the United States had no peace to preserve; that it was the peace of the State, and must be preserved by the power of the State. But the Supreme Court has now decided otherwise, and declared that the United States may execute its laws at any place, at any time, and in any State, and may preserve its peace for that purpose. I would say to my friend from Maryland, [Mr. McLane,] if he were here, that there is now a decision of the Supreme Court that the United States has "a peace to preserve;" and that decision goes also to the extent that it has the power and the duty to preserve it.

Those gentlemen who, standing in their representative capacity here, said in effect by their votes: "It is true that this is the decision of the

Supreme Court of the United States; it is true that by that decision these laws are constitutional; it is true that they are to be executed, and it is true that there is a peace to be preserved for that purpose; but as the representatives of the people, as members of a co-ordinate branch of the Government, we refuse to be controlled by that decision, and therefore will not vote for this law," are consistent.

Wrong as I think them, false as they are in position, unconstitutional as is their stand in refusing to execute a constitutional duty, they at Wrong as I think them, false as they are in position, unconstitutional as is their stand in refusing to execute a constitutional duty, they at least preserve their consistency in wrong. But to those men who have made this law, providing for the services of marshals at elections, who have said that there shall be marshals to carry out the election law; to those who have said that these marshals shall be clothed with the power of civil government, shall have the power to enforce the law, I put the inquiry: Where do you stand? Will you say, "Yes, we have made this law; but the Government shall not execute it, if it needs power to do so; if no power is needed to execute it, then let it be enforced; but if it is resisted, if it needs forcible execution, we will clothe the Government with no weapons of power for that purpose?" On which side are you, gentlemen? Are you on the side of government, of law, of constitution, of right? Do you believe that that only is a government which makes and executes law; that if it fails either to make laws or to execute them, it is no government? Do you believe that the Government can command? Or do you deny those propositions? If you deny them, I am able to understand you; but if you accept them, and refuse by your action to carry them out, I beg you will understand that if you trifle thus with the intelligence of the American people, and think you deceive them, you are "like little wanton boys that swim on bladders, far out beyond your depth."

Let us understand what you mean by this proposition—you gentlement whe have introduced and youted for it. Do you mean that the

Let us understand what you mean by this proposition—you gentle-men who have introduced and voted for it. Do you mean that the President shall retain all his constitutional power for the execution of the law through the civil officers, and that if need be every man and every boy in this country who can carry a firelock shall be organized and called upon to enforce the laws and maintain the Government; or do you mean that, as I have said, being inside the fortress and clothed with the weapons of the strength of this Government you will spike its guns and leave it to disorganization and destruc-tion? Take which side you please. We accept the issue before the country. The republican party stands on it to-day. Laugh not in your assumed cleverness, thinking that you have got us in a trap by means of this equivocal provision. Truth, right principle, is never in a trap. It marches right onward from principle to achievement. It is only cowardice or subterfuge that puts itself in the wrong. [Loud applause.]

[Here the hammer fell.]

Mr. ATKINS. I will move that the gentleman's time be extended, if he desires to go on. [Cries of "That is right!"]

Mr. ROBESON. If anybody will undertake to answer my propositions, I shall be very glad to reply. I will reserve the time gentlemen so kindly offer me to reply to any one who will answer my posi-

The CHAIRMAN. The gentleman's time is exhausted. The Chair

has recognized the gentleman from Ohio, [Mr. Keifer.]

Mr. TÜCKER. We might give the gentleman from New Jersey
more time to enable him to say something that would require answer.

Mr. ROBESON. Truth is unanswerable; you must accept it or be silent

Mr. KEIFER. Mr. Chairman, this Congress will be known in future history as the one in which it was proposed by the party in power to destroy the Government unless the minority of this House and the President of the United States would allow laws to be passed legalizing in effect fraud, violence, and crime; and it will be known as the first Congress in the history of this country in which it was proposed in both branches to annul all the President's power to execute the laws of the United States authorizing the preservation of peace and order at the polls on election day.

at the polls on election day.

In the course of the discussion of this question I propose very briefly to review the history of legislation in this Congress.

First, I may say that the Forty-fifth Congress adjourned without having performed its constitutional duty by appropriating the money necessary to carry on the legislative, executive, and judicial departments of the Government, and also without providing for the pay of the Army. The democratic party then embarked upon the policy of coercing the minority of the House of Representatives and a repubilcan Senate and the President in the matter of important legislation. How far has it succeeded? The first bill of this Congress proposed to appropriate for the Army, only on condition that a section in it should be allowed to become a law making it a high crime to keep the peace at the polls on election day. That section was notice to the

United States election laws which secured the constitutional right through supervisors of elections, special deputy marshals, &c., to have free, fair, and honest elections of members of Congress. This bill also was notice to the country that open fraud by means of violence, intimidation, repeating, tissue ballots, and other unlawful measures would be in the future as in the past the pernicious policy of the democratic party. It met at the hands of the Executive the fate of the other two bills.

These misfortunes Mr. Chairman notwithstanding the defaut boosts.

These misfortunes, Mr. Chairman, notwithstanding the defiant boasts of certain democratic members, led the democratic party to "dally" of certain democratic members, led the democratic party to "dally" and "doubt" in the face of the authoritative statement (by Mr. Black-Burn) that "he who dallies is a dastard, and he who doubts is damned." Other direful threats came to us that certain members of the democratic party would stand by the revolutionary policy entered on "until the marble of this Capitol crumbled into dust by the neverfailing action of time." But, Mr. Chairman, time, aided by the firm stand of the republican party here in Congress and the vetoes of the President, acted with singular rapidity on the minds of democrats and on their nuwise policy here. and on their unwise policy here.

and on their unwise policy here.

It is said that when disease seizes on the human body, it develops first in the weaker parts. Through the purse of democrats the weakness in the first place cropped out. The remedy was applied. An old-fashioned appropriation bill, shorn of all extraneous matter or political legislation, was at the extra session promptly prepared—one on which all parties struck hands, although it was an anomaly in form, omitting the usual appropriations for the judicial branch of the Government. It was hastily pushed through without a rider, and it received the executive approval.

the Government. It was hastily pushed through without a lider, and it received the executive approval.

The pay of members for the fiscal year ending June 30, 1880, being made certain, the old policy of coercion of the Executive was promptly returned to; a new Army appropriation bill was brought forward from the democratic caucus which contained a section restricting the right to use any of the money appropriated, to clothe, equip, or transport any portion of the Army to be used as a police force to keep the peace at the polls at any election. We have the same amendment now before us; and I ask the Clerk to read it.

The Clerk read as follows:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the pells at any election held within any State.

Mr. KEIFER. Mr. Chairman, this proposed amendment would, in my opinion, if literally carried out, have the effect to annul the appropriation for the Army to the extent that no part of it could be used to keep the peace at the polls. To use troops in aid of the civil power, all authorities concur in holding, is to use them as a police force. While troops of the United States are being so used, they may

power, all authorities concur in holding, is to use them as a police force. While troops of the United States are being so used, they may possibly be said to be used as an army, but they are none the less used as a police force. The very language, Mr. Chairman, of the proposed amendment indicates that the soldiers are not to be transformed into policemen, but that they are simply prohibited from being used as a police force in keeping the peace.

One of the early struggles in the history of this Government was during the administration of President Washington, about the right to maintain a navy; and also as to how that navy was to be used. Alexander Hamilton, who was the leader of the federalists, maintained that it was the right and the duty of the Government to establish a strong navy; and, to use his own language, he said that "it ought to be established and maintained to be used on the high seas as a police force to protect our flag and our commerce." He did not mean by that the seamen were to be turned into policemen, but that our ships, properly manned, should patrol the seas "as a police force," and there maintain the majesty of our Government, &c. That great controversy, which lasted for years, between Alexander Hamilton and the great Secretary of the Treasury, Albert Gallatin, the leader of the then republican party, resulted in the question being settled (and since maintained) in favor of the United States having a navy to be used on the high seas as a police force. In this amendment is found the precise language used in that controversy. used on the high seas as a police force. In this amendment is found the precise language used in that controversy; it speaks of using the Army of the United States as a police force to keep the peace at the polls. But I will not dwell further on that point.

having performed its constitutional duty by appropriating the money necessary to carry on the legislative, executive, and judicial departments of the Government, and also without providing for the pay of the Army. The democratic party then embarked upon the policy of coercing the minority of the House of Representatives and a republican Senate and the President in the matter of important legislation. How far has it succeeded? The first bill of this Congress proposed to appropriate for the Army, only on condition that a section in it should be allowed to become a law making it a high crime to keep the peace at the polls on election day. That section was notice to the country that the democratic party in the future as in the past proposed, when necessary to accomplish its ends, to have riots and other breaches of the peace on election days at the polls. This legislation was shipwrecked by the veto of the President.

The second bill brought forward was designed to disarm the Executive and paralyze his power to enforce all laws of the United States as a police force to keep the policy of the Meel further on that point. Let us analyze this amendment. I may say, Mr. Chairman, that it is exactly the sixth section of the Army appropriation bill which was based at the extra session of this Congress, against which my friend here. [Mr. WILLIAMS, of Wisconsin] and a few others with myself voted. A fair construction of this proposition drives us to the conclusion that it inhibits the use of the Army at the polls to keep the peace and quell election riots, and that it is purposely gotten up to prevent a quiet and an honest election. By the very terms of the amendment the President of the United States, if he feels bound by it if enacted into a law, and I think it is our duty to oppose it as though the policy of the President.

The second bill brought forward was designed to disarm the Executive and paralyze his power to enforce all laws of the United States as shall not be used to put down riots on election day.

But let us

being held during the coming fiscal year; they are to have no equipments; they are to have no subsistence; they are to have no ammunition or arms; in other words, they are to go naked and hungry and without arms to put down a riot if there be one at the polls on election day. That is what we propose to say if we adopt this amendation. without arms to put down a riot if there be one at the polls on election day. That is what we propose to say if we adopt this amendment. I understand some gentlemen contend this does not prohibit the use of troops at the polls on election day, because it does not expressly repeal any law. I simply answer such persons by saying it prohibits their use at least to the extent that, if they are used, they are to go to the polls unclothed and unarmed by the Government of the United States, and they are not to eat at the Government expense while there, and while they perform that most important duty they are to be docked their pay.

It is claimed they are only prohibited from acting "as a police

It is claimed they are only prohibited from acting "as a police force." I repeat they cannot act in aid of the civil authorities at all unless they act as a police force. Some gentlemen claim that because men are soldiers they cannot act as a police force. The very terms of the amendment provide, not that they shall be transformed from soldiers to police, but as soldiers they shall not act as police to keep

the peace at the polls on election day.

Passing from that, this amendment, Mr. Chairman, has the merit of conveying to the country by irresistible implication the willingness to allow the President of the United States to use the Army of the United States "as a police force to keep the peace" at all other places within the States and Territories—at all other times and places

save at such times and places when and where an election is being held for Delegates and Representatives in Congress.

Nothing short of free fraud, free riot, and free crimes at elections is to be regarded as constitutional, according to democratic notions of constitutional law! Now, I do not propose to be misunderstood on this question. I have heard on both sides of this House the claim made that it was wrong to use the troops of the United States at the polls to regulate elections. I have heard gentlemen on both sides talk about this character of legislation as though it was intended to prevent interference in elections. On another occasion when I was permitted to have only about two minutes' time, I undertook to draw a distinction, which I beg leave to refer to again in this connection. I am opposed to the use of troops at the polls on election day to in

any way interfere with the election officers or with the voters in the rightful exercise of their constitutional privilege.

But, Mr. Chairman, I am in favor of the use of troops at the polls, or the use of any other force under the command of the Government, to interfere with the bad men who arm themselves and go to the polls to get up riots and interfere with the election officers in the honest discharge of their duties and to interfere with the right of the citiascharge of their duties and to interfere with the right of the citizen to cast his vote. That is the extent to which I would go in the use of physical force at the polls. What this legislation is aimed at is not to protect the voters or election officers on the day of election from being interfered with by the United States Army, but it is to prevent Ku-Klux bands, White-liners, and armed bands of whatever name, who propose to interfere with elections, from being interfered with by the Army when they are to prove that the general led by name, who propose to interfere with elections, from being interfered with by the Army when they are too powerful to be controlled by the civil authorities. The men who engage in fraud, in intimidation, in high crimes, and in the work of driving the honest voter from the polls, are the only ones to be shielded by the proposed law. Such is its avowed purpose. A republican Congress long since put upon the statute-books a law making it a crime for military, naval, or civil officers of the Government to in any manner by the use of troops interfere with elections. (Paying Statutes sections 2002 and 5595) omeers of the Government to in any manner by the use of troops interfere with elections. (Revised Statutes, sections 2002 and 5528.) The democratic party now desire to make it a crime for these officers to interfere with those who do interfere with elections. I contend that the Government should execute its laws on the subject of elections and that it should have ample power to enable it to execute them. We ought no longer to hear doubts expressed about the constitutionality of laws designed to enable the United States authorities to preserve the patiental authority at elections. ties to preserve the national authority at elections. A recent decision of the Supreme Court of the United States has authoritatively settled this constitutional question of governmental power in that regard.

I hope the House will pardon me while I read an extract from the syllabi in the case of Ex parte Seibold et al.

The National Government has the right to use physical force in any part of the United States to compel obedience to its laws and to carry into execution the powers conferred upon it by the Constitution.

The concurrent jurisdiction of the National Government with that of the States, which it has in the exercise of its powers of sovereignty in every part of the United States, is distinct from that exclusive jurisdiction which it has by the Constitution in the District of Columbia, and in those places acquired for the erection of forts, magazines, arsenals, &c.

The provisions adopted for compelling the State officers of election to observe the State laws regulating elections of Representatives, not altered by Congress, are within the supervisory powers of Congress over such elections. The duties to be performed in this behalf are owed to the United States as well as to the State; and their violation is an offense against the United States which Congress may rightfully inhibit and punish. This necessarily follows from the direct interest which the National Government has in the due election of its Representatives and from the power which the Constitution gives to Congress over this particular subject.

The right to use physical force in any part of the United States to compel obedience to the laws is thus authoritatively settled. This right must now be regarded as the fixed law of the land.

From the exhaustive opinion of Justice Bradley, who spoke for the court, I read further:

Court, I read further:

The more general reason assigned, to wit, that the nature of sovereignty is such as to preclude the joint co-operation of two sovereigns, even in a matter in which they are mutually concerned, is not, in our judgment, of sufficient force to prevent concurrent and harmonious action on the part of the national and State governments in the election of Representatives. It is at most an argument ab inconseniente. There is nothing in the Constitution to forbid such co-operation in this case. On the contrary, as already said, we think it clear that the clause of the Constitution relating to the regulation of such elections contemplates such co-operation whenever Congress deems it expedient to interfere merely to alter or add to existing regulations of the State. If the two governments had an entire equality of jurisdiction, there might be an intrinsic difficulty in such co-operation. Then the adoption by the State government of a system of regulations might exclude the action of Congress. By first taking jurisdiction of the subject, the State would acquire exclusive jurisdiction in virtue of a well-known principle applicable to courts having co-ordinate jurisdiction over the same matter. But no such equality exists in the present case. The power of Congress, as we have seen, is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no further, the regulations effected supersede those of the State which are inconsistent therewith.

As a general rule it is no doubt expedient and wise that the operations of the State and National Governments should, as far as practicable, be conducted separately, in order to avoid undue jealousies and jars and conflicts of jurisdiction and power. But there is no reason for laying this down as a rule of universal application. It should never be made to override the plain and manifest dictates of the Constitution itself. We cannot yield to such a transcendental view of State sovereignty. The Consti

And quoting further from this opinion:

In exercising the power, however, we are bound to presume that Congress has done so in a judicious manner; that it has endeavored to guard as far as possible against any unnecessary interference with State laws and regulations, with the duties of State officers, or with local prejudices. It could not act at all so as to accomplish any beneficial object in preventing frauds and violence, and securing the faithful performance of duty at the elections, without providing for the presence of officers and agents to carry its regulations into effect. It is also difful to see how it could attain these objects without imposing proper sanctions and penalties against offenders

And in another place Justice Bradley, in the opinion, says:

Without the concurrent sovereignty referred to, the National Government would nothing but an advisory government. Its executive power would be absolutely

In speaking of the fair and obvious interpretation of the Constitution and the mode of reaching it, the judge says:

In speaking of the fair and obvious liferpression of the conservation and the mode of reaching it, the judge says:

We shall not have far to seek. We shall find it on the surface, and not in the
profound depths of speculation.

The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and National
Governments. It seems to be often overlooked that a national constitution has
been adopted in this country, establishing a real government therein, operating
upon persons, and territory, and things; and which moreover is, or should be, as
dear to every American citizen as his State government is. Whenever the true
conception of the nature of this Government is once conceded, no real difficulty will
arise in the just interpretation of its powers. But if we allow ourselves to regard
it as a hostile organization, opposed to the proper sovereignty and dignity of the
State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority. No greater jealousy is required to be exercised toward this
Government in reference to the preservation of our liberties than is proper to be
exercised toward the State governments. Its powers are limited in number and
clearly defined, and its action within the scope of those powers is restrained by a
sufficiently rigid bill of rights for the protection of its citizens from oppression.
The true interest of the people of this country requires that both the National and
State governments should be allowed, without jealous interference on either side,
to exercise all the powers which respectively belong to them according to a fair
and practical construction of the Constitution. State rights and the rights of the
United States should be equally respected. Both are essential to the preservation
of our liberties and the perpetuity of our institutions. But in endeavoring to vindicate the one, we should not allow our zeal to nullify or impair the other.

I am tempted to read another extract from this most admirable exposition of the constitutional powers of this Government:

exposition of the constitutional powers of this Government:

It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here, again, we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.

This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the same places. The one does not exclude the other except where both cannot be executed at the same time. In that case the words of the Constitution itself show which is to yield. "This Constitution and all laws which shall be made in pursuance thereof * * shall be the supreme law of the land."

And still another:

And still another:

And still another:

Why do we have marshals at all if they camot physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they cannot use force! In executing the process of the courts must they call on the nearest constable for protection? must they rely on him to use the requisite compulsion and to keep the peace while they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States, and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old confederation.

The argument is based on a strained and impracticable view of the nature and powers of the National Government. It must execute its powers or it is no government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this, it must necessarily have power to command obedience, preserve order, and keep the peace; and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds

of its jurisdiction. Without specifying other instances in which this power to preserve order and keep the peace unquestionably exists, take the very case in

There are other extracts which might be read to the same effect, but I will not stop to read them now.

The power to keep the peace at elections is here expressly recognized, and it is a necessary power; otherwise the foundations of our Republic would crumble away. A government without power to protect all of its people from lawlessness and violence at all times and places is unworthy to exist, and of all other times and places it should have and exercise the power of preserving the peace on election day at the polls.

On the necessity of this Government having ample power and the right to exercise it in all fundamental matters which concern its life I read a single extract further from Justice Bradley's opinion:

I read a single extract further from Justice Bradley's opinion:

The true doctrine, as we conceive, is this, that while the States are really sovereign as to all matters which have not been granted to the jurisdiction and control of the United States, the Constitution and constitutional laws of the latter are, as we have already said, the supreme law of the land; and when they conflict with the laws of the States, they are of paramount authority and obligation. This is the fundamental principle on which the authority of the Constitution is based, and unless it be conceded in practice, as well as theory, the fabric of our institutions, as it was contemplated by its founders, cannot stand. The questions involved have respect not more to the autonomy and existence of the States, than to the continued existence of the United States as a government to which every American citizen may look for security and protection in every part of the land.

Mr. Chairman, I believe in State sovereignty in purely State matters. But I believe in United States sovereignty in all United States matters. I believe States to be creatures of the Constitution, and in matters. I believe States to be creatures of the Constitution, and in all matters not reserved by the Constitution to the States they are subordinate to the United States. Some of these States the United States bought and paid for with both treasure and blood. We bought from the first Napoleon the territory comprised in the States of Louisiana, Arkansas, &c., and in due time we erected this once French territory into States. Later some of these States set up for themselves the pretense that the thing created was superior to their owner and creator. The Republic of Texas, not quite able to stand alone, knocked at the door of the United States, and it was admitted within the portals of the Union and habilitated with the garb of a State in the Union with a republican form of government; and in a few years she, too, proposed to turn the United States out and set up a new government. ment on the same mistaken notion that the created was superior to the creator.

Time, shot, shell, bullets, bayonets, powder, and spilled blood, in short, war, proved this a mistaken notion to eleven States in this Union that went into rebellion.

It should now be clear to the blindest of partisans, at least, that we have a nation. By stealth, or if I should not say that, under false colors, it is proposed fifteen years after the close of the war to accomplish by peaceable methods what the inexorable events of war failed to do. It is a marvelous and yet dangerous spectacle for the people of a great nation to look on and see a party which arrogates to itself the championship of liberty, struggling for the right to maintain violence and disorder on election days at the polls. If there is to be no disorder or no broken peace, what is the necessity of tying the hands of the General Government so that it cannot keep the peace or quell disorders at elections? The whole country is bound peace or queil disorders at elections? The whole country is bound to judge the democratic party for the future by its acts of preparation as well as its past deeds. The proposed action to-day is notice to the order-loving people of this country, North and South, that in the coming elections of members of the next Congress and also in the election of the next President of the United States, it is essential to democratic success that no force possessed of the requisite power shall be used to prevent the use of such violence as may be needed to secure democratic success against the will of the people when fairly and peaceably expressed. There will be no mistake made by the people in this matter. The republican party, a party of law and order, of course cannot fear the use of troops at the polls to keep the peace. The law is not a terror to those who do not expect to violate There would seem to be no necessity for struggling here from day to day and from month to month as we have been doing in this Congress to get an inhibition against the power of the Government to put down riots and disorder, if there were not a party somewhere in this Government that was in favor of organized riots and broken peace,

especially on election day.

A little further review, Mr. Chairman, of the revolutionary legislation had and proposed may be valuable. I need hardly offer an excuse for reviewing the past. I think it throws light on the present. We find here that party that started off so defiantly in the latter days of February and the first days of March, 1879, claiming that this Government should not him should not have the present westerness. ernment should not live, should not have the necessary sustenance, unless these vicious measures were allowed to be adopted. We find to-day in the presence of debate and in the presence of a shocked to-day in the presence of debate and in the presence or a shocked people the members of that party hesitating and sitting mute in their seats. They were warned before we entered upon this general debate—perhaps in pleasantry, but certainly none the less a warning—that if any one indulged in debate on that side of the House he should be shot. Their tongues cleave to the roofs of their mouths in the presence of this combat. Why are they silent? Let it be noted in this land that they sit silent in their seats, unable if not unwilling to meet the context.

Mr. ATKINS. The gentleman from Georgia, [Mr. Cook,] who made

the remark the other day in the purest spirit of jest and pleasantry, to which the gentleman from Ohio has adverted, is not in his seat. I do not think it is worthy of the gentleman from Ohio to make use of that remark in the way he does in his speech.

Mr. KEIFER. I said the remark might have been made in pleasantry, but it was none the less a warning, as the gentleman from Tennesses would have understood if he had been listening carefully. But

if that remark was uttered in pleasantry, it had also a well-understood

meaning

Gentlemen tried hard all through the extra session of Congress to convince the people of this country that it was the right of the majority in Congress, nay that it was patriotic to sit here and attempt to tear down the whole fabric of this Government, unless the President of the United States would lay at the feet of that party all his veto power and allow them to pass just such legislation as they deemed essential to their future success; and when their proposed legislation was spread out before the country it was all found to be vicious and

in opposition to good order.

Mr. CONGER. If the gentleman from Ohio will permit me I will call his attention to the fact that the gentleman from Georgia who said every one should be shot who spoke on this subject on the dem-

said every one should be shot who spoke on this subject on the democratic side is now in his seat.

Mr. KEIFER. If the gentleman from Georgia desires to rise and deny that statement, I will yield to him.

Mr. COOK. I will say that I had no thought of intimidating the gentlemen over there, not the least.

Mr. KEIFER. No, sir; the intimidation was meant for the gentleman that the wild the statement of the gentleman.

men on the other side who thought they had not enough of idle de-bate. The threat was not to shoot us down, but to shoot down his own colleagues if they were so foolish as to attempt hereafter to enter upon debate on a subject that they had already heard debated to their utter overthrow and disgust.

Mr. SPARKS. Well, I suppose you would like to see some of us

Mr. KEIFER. And then, Mr. Chairman, [Mr. Springer in the chair,] I know you have been quite impartial to-day and willing to recognize gentlemen over there. But with the single exception of the gentleman from Illinois [Mr. Sparks] who made a remark or two in explanation of his amendment, in which he did not enter upon the merits of this discussion, and who was so very clever as to yield fifty-five minutes of his hour's time to a gentleman on this side of the House—with that single exception they have all been silent to-day, and we understand that they promise to remain so

and we understand that they promise to remain so.

I might say that some of the distinguished gentlemen who were in I might say that some of the distinguished gentlemen who were in the lead, who were in the van, who were early in the battle and sounded the charge in the extra session, are now out of their seats; they are otherwise engaged. Why are they away? Why do we not hear their clarion voices here? Has there been any edict of the democratic cancus to seal their lips or keep them out of the House for fear that in listening to this debate they would become excited and rise to their feet and say foolish things in the estimation of the country, and thus jeopardize the coming presidential election? [After a pause.] I have been a little deliberate, thinking that in the interval some of the leaders, some of those who with great readiness issue flats to that side of the House, might rise and say that they would take off the gag; but they are still silent. There are deeds so dark or so grave that they can only be done in silence.

I speak now for myself if not for my party. I have referred to the action of the democratic party to show that its members here do not desire to openly legislate on the merits of a measure. During the extra session the democratic party tried to menace the Executive into approval of appropriation bills containing vicious amendments, and when failure after failure had come to that party it abandoned pass-

when failure after failure had come to that party it abandoned passing the usual bill making appropriations for the legislative, executive, and judicial departments of the Government. It might be unkind if not unfair to say that the democrats of this Congress, who but a few months ago proposed to couple all kinds of extraneous legislation with appropriation bills, discovered their lack of ability to collect into one bill and intelligently act upon it the ordinary appropriations for the support of a single department of the Government. But time and presidential vetoes have done much to demoralize the democratic party in this Congress and I hope throughout the coun-

At the revolutionary or extra session of this Congress the appropriations for the judicial department of this Government had to be dropped from what is known as the legislative appropriation bill. The appropriations for that department had to be segregated, seem-

In appropriations for that department had to be segregated, seemingly to enable the democratic mind to grasp and comprehend them. It was of course reasonable to suppose at the close of the extra session that with the aid-of numerous deficiency bills to be passed at future sessions the several Departments of the Government would be provided for in some way in the ensuing fiscal year, save only the fees of United States marshals and their deputies, and also compensation for special deputy marshals provided for by statute, and whose duties are to aid supervisors of elections in the discharge of their duties under the United States election laws. We now know that these United der the United States election laws. We now know that these United States officers who performed their duties without pay are not to be paid unless the election laws of the United States are rendered wholly

nugatory.

Mr. Chairman, it is always dangerous to prophesy; but it is gener-

ally safe to prophesy of the shortcomings of the democratic party. In the face of the knowledge that the so-called legislative appropriation bill, which became a law at the extra session, was not understood in its full scope by its authors or supporters in either House of Congress—and I mean no reflection upon the capacity to understand of any Senator or member of this body, for the bill was simply incomprehensible—the Government would be under constant embarrassment until Congress should give construction to that measure. It was an anom-

Congress should give construction to that measure. It was an anomaly in legislation.

The marshals bill vetoed at the extra session contained, as printed, five lines devoted to the appropriation of \$600,000 for the payment of the fees of United States marshals and their general deputies for the fiscal year ending June 30, 1880. The remaining twenty-seven lines of the bill were devoted to vicious legislation, all of which has received the disapproval of the President. Some of this objectionable legislation is now abandoned in the face of the judgment of the people and the decision of the Supreme Court.

I have another purpose in view in speaking to-day, and I cannot review fully the effect of the proposed legislation at the last session in relation to United States marshals. If the marshals bill had become a law, however, the effect of it could have been summarized

come a law, however, the effect of it could have been used to pay any compensation or fees or expenses of any kind or character incurred under title 26 of the Revised Statutes of the United States, relating under title 26 of the Revised Statutes of the United States, relating to elections. Second, it was proposed to make it unlawful for any Department or officer of the Government to incur any liability for the payment of money under the provisions of said title 26 until an appropriation had first been made by law; notwithstanding the provisions of the said title are as imperative on the judges, supervisors, marshals, and other officers as any law on the statute-book.

On proper application of a court or judge, who is sworn to obey the laws, he must act and appoint supervisors of election, and thus necessarily incur a liability on the part of the United States for compensation, expenses, &c. That bill enacted into a law would have made it unlawful for a judge or court to obey an imperative statute.

Third, the penalty which would have been incurred by a judge for acting in obedience to a mandatory law was subjection to a fine of not exceeding \$5,000, or by imprisonment for not exceeding ave years,

not exceeding \$5,000, or by imprisonment for not exceeding five years,

or by both fine and imprisonment for not exceeding ave years, or by both fine and imprisonment, in the discretion of the court.

Gentlemen on the other side said at the last session of this Congress that the so-called marshals appropriation bill should typify the "last ditch," in guarding which they resolved to die. It was quite fitting. The purpose of the democratic party, so easily understood from the beginning, was quite prominently shown in that bill. The country noted it; and we had its verdict. It was then and still is proposed to withhold from the courts of the United States their sole executive to withhold from the courts of the United States their sole executive arm in enforcing their judgments, orders, and decrees; it was proposed that the marshals and their general deputies should go without payment of their lawful fees and the expenses incident to the performance of their duties unless the minority in this Congress and the President would yield assent to the vicious legislation already referred to. The duties of marshals and their general deputies are many and of the highest importance. They constitute the physical arm of the United States courts in the arrest of all violators of the law and in the execution of all processes.

Mr. Chairman I cannot refrain from occupying a few moments more.

Mr. Chairman, I cannot refrain from occupying a few moments more, with the indulgence of the House, in making some observations suggested to my mind in the course of the debate on the marshals appropriation bill at the close of the extra session. The member from New York [Mr. Cox] then took pains to have read an old resolution of his and the vote thereon relating to the issues settled by the late war.

My honorable friend from Michigan [Mr. Congen] had read in reply
a like resolution of his and the vote thereon. It seems to me it is of
more concern to know how members now stand on the issues made up and determined by the war. A close observer of the debate between and determined by the war. A close observer of the debate between my colleagues [Mr. GARFIELD and Mr. HURD] at the last session, on this marshals bill, would have had no trouble in discovering, with unerring certainty, how members regarded the war issues and their settlement. When my colleague [Mr. GARFIELD] declared that the principle of national unity was perpetually and eternally settled by the war, free from the right of a State or any number of States ever to destroy it, applause went up in response from this side of the House; but gentlemen on the other side sat as mute and dumb as they do to-day. When my other colleague [Mr. HURD] declared his belief in the superior sovereignty of a State under the Constitution, that heresy which brought this country to the court of war, before which the Union shook from foundation to turret for more than four years. the Union shook from foundation to turret for more than four years, the Union shook from foundation to turret for more than four years, a general and spontaneous cheer went up from the democratic members of this House. My colleague [Mr. Hurd] undertook then to expound to us some other supposed constitutional law long since exploded. He then claimed that the Constitution and the Union were "the creature of the States," to use his own language, and he then read to us the tenth amendment of the Constitution. This amendment, Mr. Chairman, was found necessary to be adopted long after the Constitution went into operation, for the purpose of granting to the States or to the people such powers as they could not otherwise possess, and which were not expressly delegated to the United States by the Constitution nor prohibited by it to the States. Had the gentleman begun by reading the preamble of the Constitution of the tleman begun by reading the preamble of the Constitution of the United States, he would have found out whose instrument it was he

was talking about so inconsiderately. I quote that preamble and commend it to the gentlemen on the other side:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

You will note the opening language, "we, the people of the United States." In the judgment of the framers of the Constitution, "the people of the United States" ordained and established this instrument. It was not ordained by the States. The framers of the Constitution understood that the sovereignty of the States was merged in the Federal Government under the Constitution. In the letter of the convention, bearing date September 17, 1787, the day of the sign-ing of the Constitution by its framers, George Washington, speaking for the convention as its president, uses this language:

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the individual safety of all. Individuals entering into society must give up a share of liberty to preserve the rest.

He further says in the same letter:

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national

I have not time to follow my colleague through all his other propositions of bad constitutional law. He still reiterates in this session of Congress his old theory of the right of this House—because of its constitutional right to originate money bills—to have grievances redressed before making appropriations to carry on the Government and to execute existing law. This theory has been so thoroughly exploded both by speeches and by the recent back-downs of democrats in both ends of the Capitol, that I need hardly comment on it now. When the cool judgments of men of both parties gain full sway, there will be no person found bold enough to announce the dread doctrine that it is the constitutional duty of this House of Representatives to destroy this nation's life by withholding needed appropriations, unless the party in the majority in the House for the time being, shall be allowed to dictate to the Senate and the President of the United allowed to dictate to the Senate and the President of the United States the passage of laws for the redress of real or supposed grievances. No legislative body of any country ever before undertook to destroy the nation which its members were sworn to support, unless some other brauch of the government of the same nation would assent to its dictation.

My colleague still adheres with characteristic obstinacy to the view that the measures to which the democratic party objected were un-constitutional. He still stands by his constitutional argument made constitutional. He still stands by his constitutional argument made early in the extra session to demonstrate that a law on the statute-book was unconstitutional because it did not make it a high crime for a civil, military, or naval officer of the United States to keep the peace at the polls. This was the doctrine announced by the gentleman in the extra session, and I understand him to adhere to it now as a constitutional proposition. Verily, we have developed strange expounders of constitutional law when it is declared that an act is inimical to the Constitution of the United States because it does not in terms make some act of the people a crime.

A confident appeal was made to English statutes to show that in Great Britain troops were not permitted to keep the peace at the polls. A statute which provided for the conduct of British soldiers not on duty was often read and referred to as proof of this. History, how-

A statute which provided for the conduct of British soldiers not on duty was often read and referred to as proof of this. History, however, reveals to us the fact that at no time up to the present has the government of Great Britain failed to use its military power to put down riots and to keep the peace at the polls in England as well as in Ireland and Scotland. Do gentlemen challenge that proposition? In the long, 'and sometimes angry, debates during the extra session of Congress, democrats have gone down before facts, principles, and arguments, until there may be some excuse for their present silence. I will notice another attempt at constitutional exposition by my colleague, [Mr. Hurd.] I quote from a speech of his, made in the last expiring hours of the extra session:

Strange to say, the President and his advisers and the gentlemen on the other side of the House seem to have lost sight of the constitutional provisior which gives the President the power to execute the laws. The language of that instrument is that the President of the United States may call upon the militia of the several States to execute the laws. There is the power given to him for the execution of the laws; not the Army, unless Congress says so, but the militia of the States, because the Constitution so provides.

Mr. Chairman, it must have distressed my friend's constituents

Mr. Chairman, it must have distressed my friend's constituents when, after reading his speech, they took down the old Constitution and read it through, and found it contained no such language as he attributed to it. The Constitution nowhere, in terms, authorizes or empowers the President to call out the militia of the United States. empowers the President to call out the militia of the United States. Section 8, article 1, which gives Congress power to raise and support armies, grants to it power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion." The President, it is true, is the Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States; and Congress has the same power over the organization of the militia in actual service that it has over the creation of a regular Army, except the right is reserved by the Constitution to the States to appoint the officers and to raise and train the militia according to the discipline prescribed by Congress.

I commend, then, the re-reading of the Constitution to my colleague. He, with others, still insists if Congress does take from the President his right to use the Army the duty still rests upon him to "take care that the laws are faithfully executed" as required by the Constitu-

that the laws are latellitury executed as required by the first and his oath of office.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLACKBURN. Mr. Chairman, in order to promote the comfort of the gentleman from Ohio, [Mr. KEIPER,] and without the slightest fear of doing any detriment to free elections by the presence

of troops at the polls, I move his time be indefinitely extended.

Mr. KEIFER. I am always thankful to my friend for any favors.

I suggest, however, I only want a minute and a half.

Mr. BLACKBURN. This side is more than willing to give him an

Mr. KEIFER. I only need a minute and a half.

Mr. TUCKER. I hope the gentleman's time will be extended.

The CHAIRMAN. There being no objection, the time of the gentleman from Ohio is extended.

Mr. KEIFER. While I thank my honorable friend from Kentucky for his great consideration for me, I feel very glad that by anything I have said, whether it has been pleasing to his ears or otherwise, that I have at least brought him to his feet. [Laughter.]
Mr. BLACKBURN. Mr. Chairman, I must be frank enough to state that I have not been induced to listen to what the gentleman from Ohio has said; I am fortunate in having been absent from the House.

Mr. KEIFER. I have in the course of my remarks included the gentleman from Kentucky among those who were absent, and one of those who may have been regarded on the other side as unsafe to have present.

Mr. BLACKBURN. The gentleman knew my good taste. Mr. KEIFER. And your proneness to give utterance to your pe-

Mr. BLACKBURN. Thank you.

Mr. KEIFER. I was referring when my time expired to some propositions which were maintained or insisted upon by my colleague from Ohio, [Mr. HURD.] Let me add he with others still insists that if Congress does take from the President his right to use the Army, the duty still rests upon him to see that the laws are faithfully exerted at the constitution of the United States is by the Constitution. cuted, as the executive power of the United States is by the Consti-

tution of the United States vested in him.

We are cautioned to remember that to take away the right to use the Army does not withdraw any constitutional power or duty from the President. Granting this to be true, how will the President execute the law if the instrumentalities by which he may do it are taken from him, as is proposed by the present amendment? It is proposed to strip the President of all means with which to enforce the laws of to strip the President of all means with which to enforce the laws of the United States, and then in mockery point out to him his duties under the Constitution. The logic of the proposed amendment to this bill would require the President to go in person to execute the laws; require him to go on election day in person to keep the peace at all polls where riots raged or were threatened. We were told at the extra session that party issues were made up. I concur in this, and await complacently the verdict of the whole country. We have recently had the verdict of the people in my own State. Until the people have declared that civil liberty is endangered by not allowing fraud intimidation, hallot-hox stuffing, riots, and bloodshed at the fraud, intimidation, ballot-box stuffing, riots, and bloodshed at the polls, I shall have full faith in them and in my country's future. [Applause.] Mr. FRYE.

Mr. Chairman, I had an idea of occupying an hour-

Mr. FRYE. Mr. Chairman, I had an idea of occupying an hour—Mr. COX. Take the hour.
Mr. FRYE. I have no doubt that if I did I should do the gentleman from New York an infinite amount of good. [Laughter.] I have no doubt I should have made a very fine speech. But under the circumstances, and for reasons which seem to me to be perfectly good, I shall not make the speech I intended to make, but will yield my time to various gentlemen. I now yield to the gentleman from Iowa for ten

Mr. McCOID addressed the Committee. [His remarks will be found

in the Appendix.]

Mr. FRYE. I yield ten minutes to the gentleman from Kansas,

[Mr. HASKELL.]

Mr. HASKELL. I am almost sorry I had any time reserved for me. I have very little to say on this amendment. For once in my life, after some years of service in this House, I must confess my belief personally that the democratic side of it was wisest this day in keeping still. If ever there was an absolutely empty nothing to be discussed,

still. If ever there was an absolutely empty nothing to be discussed, it is this democratic amendment to the Army appropriation bill.

A MEMBER. Why talk on it, then?

Mr. HASKELL. Just to say that. Just to say there is nothing in it. To say that it is an old dead horse. To say when after long debate, after the democratic party in this House had for weeks and months tried to strip the statute-books of the power that is lodged in the hands of the Executive to enforce the laws, they failed at the end of that time, and Providence or some other power very kindly opened to their discernment this little back-door out of which the democratic party filed from a most disastrous defeat.

What does this amendment say? It says in effect merely this—and it is the only construction that can be put upon this amendment;

it is the only construction that can be put upon this amendment; you may torture it into one form or another—it simply says that no

soldier of the United States shall be used as a policeman is used to keep the peace at the polls. That is all there is in it.

My friend from Ohio [Mr. KEIFER] says that this word "police" is a word of far wider reach than this. I grant that it is. If you use the term in its broad, general sense and significance, the Army of the United States in time of peace performs simply police duty. But when you put these words into the statute-book directing the control or the use of this Army, and you say that it shall not be used as a police force is used, you put upon it the narrow, literal, every-day, honest intent and interpretation that every man will take when he first reads it over, that the Army shall not be used as a police force. There is not a statute to-day in existence that permits the Army to be used as a police force. It never has been used as a police force. I stand here to-day to assert that at any time, around any poll, whenever it becomes apparent that the civil authorities of the United States find themselves unable to preserve the peace, and that the disturbance has gone beyond the ordinary realm of the jurisdiction and care of civil officers, and becomes a riot and insurrection and rebellion, or a bit of domestic violence, in spite of your amendment, under the Constitution and under the law the President of the United States will have the power to call out the military and suppress that riot and put down that insurrec-

out the minitary and suppress that riot and put down that insurrection and disperse those mobs; and he will not be using the Army to do that as a police force to keep the peace at the polls either.

Mr. DUNNELL. I would like to ask my friend from Kansas a question. In what way was the Army used by Mr. Buchanan in Kansas?

Mr. HASKELL. Never as a police force; never in the world. The civil processes in the enforcement of which the Army was called in the State of Kenses were always averaged by sivil efficers. to aid, in the State of Kansas, were always executed by civil officers, sometimes a posse of them. Behind these men, in order from a democratic stand-point to preserve the Territory from what the democrats were pleased to term an insurrection and violence, the Army was located in that Territory for that purpose. No military officer ever served anybody's process that I recollect. And so far as the free-State men of Kansas were concerned, I do not know of the man in that Territory that ever asked to have the Army withdrawn from the

then Territory of Kansas

It was a request made by our eastern friends, who thought that the Army was being used to oppress the free-State men in that Territory. As a matter of fact, my old friend from Virginia, General Johnston, was in command of a part of the Federal Army in the Territory of Kansas, and that Army was practically a blessing to us, and many times served as our shield and defense.

But I come back to the old pressition that whenever sixty.

But I come back to the old proposition that whenever a riot occurs, or an insurrection, or a piece of domestic violence, even if a poll is located right in the center of it, notwithstanding you may have this provision on your statute-books, you will find that the Chief Executive of the United States is armed with the authority to suppress that insurrection; I do not care whether it occurs on election day or not, or whether there be a poll in the center of that insurrection district or not; and when the President thus uses the Army to put down that insurrection and that domestic violence, I insist that he does not use it as a police force to keep the peace at the polls, and I insist that not a single soldier thus used acts as a policeman to keep the peace at the

Mr. CONGER. I ask the gentleman if the majority of this House pass that law, and do so with the express declaration that it is to keep the soldiers of the United States away from the polls under any

pretense

Mr. HASKELL. Oh, I admit that. Mr. CONGER. I desire to ask the gentleman if he says that when

Mr. CONCER. I desire to ask the gentleman it he says that when they pass such a law and put in it as a part of the explanation of it that no soldier shall approach the polls for any purpose whatever—

Mr. HASKELL. I understand what the intendment of my democratic friends on my left here has been all along. I understand what their intendment was at the extra session. I understand the position their intendment was at the extra session. I understand the position which the State-rights men took during that debate. I am not by any means excusing the democratic party in this matter. I understand perfectly well that they would like to have this little tom-fool arrangement, which they have flung up to the surface, made to mean a great deal more than it does mean; because the honorable gentleman who brought it in here has stated to the House that if he could have his way he would go a great deal further. And I suppose that every one of our democratic friends would like to deprive the Executive of every ticle of power to do that which he can do to-day. But if they think, which I doubt, that this little foolish amendment accomplishes anything, then in my judgment they are wonderfully deceived; but I do not believe they are deceived.

Mr. CONGER. Then why do they insist upon it so strongly, if they

Mr. CONGER. Then why do they insist upon it so strongly, if they do not think it means more than you say it means?

Mr. HASKELL. It is because they got into an exceedingly tight place at the extra session; an exceedingly tight place. They had been whipped from every battle-ground; they had met veto after veto; they had been absolutely crushed and annihilated before the people. And when this little trap-door of escape was opened to them, they all filed through it in a grand mad rush to escape. Of course they would like to deceive the country with the idea that this little trap-door they have escaped through means more than they know it

Mr. BUTTERWORTH. I understand the gentleman to agree that this amendment is susceptible of more than one construction.

Mr. HASKELL. Oh, I know some claim that one construction is that the Army of the United States cannot be used at all for any

purpose.

Mr. BUTTERWORTH. I understood the gentleman to say that the amendment presented to the House is susceptible of more than

one construction.

Mr. HASKELL. I do not think there was ever a sentence of English written in the world that some idiot could not construe differently from what a sensible man would construe it.

Mr. BUTTERWORTH. It seems to me you are the one who is giv-

ing it an idiotic construction.

Mr. CONGER. I insist—

The CHAIRMAN. The gentleman from Kansas [Mr. HASKELL] has the floor.

Mr. CONGER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONGER. I insist that while the gentlemen on the other side are dumb and have nobody to answer for them the gentleman from Kansas shall not use such epithets as he has used about them. [Laugh-

Mr. TUCKER. Do I understand the gentleman from Michigan [Mr. CONGER] to require that the words of the gentleman from Kansas [Mr. HASKELL] shall be taken down? [Laughter.]

Mr. HASKELL. I can illustrate this case a great deal better in regard to this matter than by a long argument, if I should explain what I conceive to be the exact condition of the democratic party with reference.

ence to this amendment.

I will illustrate it in this way: the State-rights men of the United States made an attack in the extra session of Congress upon the United States Government as a Federal Government. They made war upon States Government as a Federal Government. They made war upon that Government, to which in homely phrase we have given the name of "Uncle Sam," as though it was an individual. They started in with great bluster to take the life of Uncle Samuel, but they failed to do it. Then they said they would burn his house, but we whipped them out of that idea. Then they said they would cut down his shrubbery and plow up his front yard; and we prevented them from doing that. Then, as they retreated down the back way of the old man's grounds, they commenced picking up the bricks of his side-walk for the purpose of destroying that, and we whipped them out of that.

Then they sneaked over the back fence and called a halt for consultation, and one of them produced this little bucket of slops and slush and said if we would permit them to smear the fences of Uncle Samuel they would then stop and go away; and for the sake of peace

slush and said if we would permit them to smear the fences of Uncle Samuel they would then stop and go away; and for the sake of peace we agreed to their proposition and to the nuisance they proposed to perpetrate. Now after a year this army has come back again, not with efforts against Uncle Samuel's life, or against his house, or his shrubbery, but they again produce the old slush-pot, with the same old stuff that was in it a year ago, and propose to smear Uncle Sam's fences again—dirty business, out of place, but entirely harmless. That is all there is of this amendment—an excuse, an apology, a cover for the complete back-down of the extra session. I will vote against it now, as I did before. I shall vote against it because it is a political rider. I shall vote against it because it is out of place here, because it is useless, because the original intendment behind all these riders was of such a character that it met my hearty disapproval; but not because this rider in and of itself, properly construed, can possibly because this rider in and of itself, properly construed, can possibly work injury to any one or in any way impede the legitimate and needful action of the President in executing, "carefully" executing,

the laws of the land.

Mr. FROST. I ask that the time of the gentleman from Kansas [Mr. HASKELL] be extended.

The CHAIRMAN. The floor belongs to the gentleman from Maine, [Mr. FRYE;] the Chair does not control it.

Mr. CONGER. I hope that the gentleman from Maine, if any gentleman on the other side wishes to say a word or two, will yield some

of his time.

Mr. FROST. I merely asked that the time of the gentleman from Kansas be extended. We wanted to hear more from him.

Mr. BAYNE. I should think so.

Mr. CLYMER. Does the gentleman from Maine yield the remainder of his time to any one?

Mr. FRYE. I have not done so.

Mr. CLYMER. Does the gentleman desire to occupy his time?

Mr. FRYE. Some portion of it.

Mr. CALKINS. Will the gentleman give way for a motion that the committee rise?

the committee rise?

Mr. FRYE. Oh, no; I shall probably occupy only five minutes. I do not care to discuss a question when the talk is all on one side; there is no fun in that kind of a fight. I should be very happy to yield all my time to gentlemen on the other side if they would oc-

cupy it.

Mr. RYON, of Pennsylvania. Does the gentleman want somebody to move that he have leave to print?

Mr. FRYE. No, I thank you. [Laughter.]

Mr. Chairman, I wish to call attention in the first place to my text for a speech of five or perhaps ten minutes. The gentleman from Illinois, [Mr. Sparks,] chairman of the Committee on Military Affairs, used this language to-day in introducing the subject for discussion:

This value cowardly amendment.

courageous gentleman from Illinois—the father, at any rate the puta-tive father, of a "vain, cowardly amendment?" What shall we say of a Military Committee that spends its time and finally brings forth a "vain, cowardly amendment?"

I agree with the gentleman fully and completely. The amendment is a coward and a sneak beyond any question. I have nothing to say of its origin except this: it was born a long while ago, and has not grown a particle since it was born. It was born in the eventful extra session, when the democratic party met in solemn caucus in this magnificent Hall and determined that no officer of the Army or the Navy

nificent Hall and determined that no officer of the Army or the Navy and no civil officer of the United States should keep the peace at the polls with armed men. That was bold—bad, I admit, but bold—worthy of a bold but a bad party. This is "vain" and "cowardly." Mr. SPARKS. "Tame," not "vain" was the word I used. Mr. FRYE. Well, "tame and cowardly," there is very little difference. Now, gentlemen, if you could have compelled this Congress to recognize and enact into law that proposition of your caucus, it would have been a most magnificent victory for the democratic party. How New York would have gone next fall, with Samuel J. Tilden or Horatio Seymour or any other gentleman you might name as a candidate, no man could have the slightest doubt. It would have been no loss to your party whatever that those two distinguished demono loss to your party whatever that those two distinguished demo-cratic patriots, Judge McCunn and Judge Barnard, had been impeached and driven from the bench; no loss that they could not once peached and driven from the bench; no loss that they could not once more naturalize citizens and send them to the voting precincts at the rate of one thousand to fifteen hundred a day. It would have been no loss that they could not summon men into their court and administer the oath of citizenship to one hundred and fifty in a batch. It would have been no loss that the democracy could not have had assisting them the twenty-two rum-shops that were discovered in the city of New York peddling out blank naturalization certificates to the extent of over eleven thousand in some twenty days.

oh, gentlemen, if you could have enacted into law this bold, bad amendment that no military or civil officer should keep the peace at the polls, you might well forego William M. Tweed and Samuel J. Tilden and Judge McCunn and Judge Barnard, and all the rest of the great lights in that magnificent campaign of yours won in 1868, the great lights in that magnificent campaign of yours won in 1868, for under this amendment as a law all on earth that you would have needed would have been simply to let your democratic "bummers" and ruffians, mobbists and thieves in the city of New York arm themselves with bludgeons, go to the voting precincts, drive away every respectable man who sought to cast his vote, and completely, with a reign of terror, control the city of New York on election day. With such a law, gentlemen, you could have carried New York City, as you did before in 1868, by sixty thousand majority without the slightest difficulty.

such a law, gentlemen, you could have carried New York City, as you did before in 1868, by sixty thousand majority without the slightest difficulty.

You fought for it like men. You stood here and for three months fought like heroes—no! like democrats [laughter]—and then you passed it through this House. Then it passed the Senate, went to the President, and he, a republican, vetoed it; and you had not power enough to pass it and make it a law over his veto. You met once more in caucus; you met in this magnificent Hall, in the night-time; you locked the doors, double-locked them, and you hunted every nook and cranny of this whole broad Chamber to see whether there was a listening ear or peering eye. Then you stationed sentinels, who stalked through the darkened corridors, to keep away every transgressing newspaper man. Then something took place.

Why, Mr. Chairman, did the gentleman from New York [Mr. Cox] read that wonderful description of the birth of the baby elephant the other day? [Laughter.] Oh, it was magnificent as a matter of description. It was night-time; there was a great widespread tent; beneath it, and right in the center of it, was this mother elephant chained. Around her were a score of huge elephant forms swaying to and fro in chains. There were sleeping lions there, snarling hyenas there, and crouching tigers.

Mr. COX. Do not point at Conger. [Great laughter.]

Mr. FRYE. And the baby elephant was born. Then the elephants lifted their trunks and trumpeted, the lions roared, the tigers shrieked, the hyenas yelled. Oh, it was magnificent; it was fitting; it was proper; it was a perfect scene in all its parts; the baby born was an elephant.

Mr. COX. What about the giraffe? [Laughter.]

elephant.

elephant.

Mr. COX. What about the giraffe? [Laughter.]

Mr. FRYE. Clearly he was not from New York. [Laughter.] But here, at your caucus, when your democratic party was in travail, and the doors were locked, and the lights were dim, and the sentinels were placed on duty, there, too, was a birth; and the doors were opened, and the lights were let in upon it. What was it? Oh, there never was a mountain in all the wide world that labored and brought forth such a little, contemptible mouse, as your democratic party brought forth in that caucus. [Laughter.] A mouse sans teeth, sans eyes, sans everything but tail and a little soft fur. [Laughter. Here was no such eternal fitness of things as at the elephantine birth. birth.

Mr. FRYE. No, I thank you. [Laughter.]
Mr. Chairman, I wish to call attention in the first place to my text
or a speech of five or perhaps ten minutes. The gentleman from
linois, [Mr. Sparks,] chairman of the Committee on Military Affairs,
sed this language to-day in introducing the subject for discussion:
This vain, cowardly amendment.

How is that for the Military Committee? How is that for the

not let us. You mounted it on your appropriation bill. It rode through the House, rode through the Senate, then up to the President, and he, with a microscope, could not see it, and so it became the law. We thought the little mouse would die then of starvation. We thought thought the little mouse would die then of starvation. We thought it was so small it could not possibly survive. But lo and behold, the mouse was put out to nurse; he was put in the charge of the chairman of the Military Committee, the fighting committee of the House. [Laughter.] He was to be made the child of the regiment. [Renewed laughter.] The chairman of the Military Committee, after nursing him now for six months, tenderly brings him into this House and passes him over no larger than when he took him. He is still sans teeth, sans eyes, and sans everything but tail. Even this father who brought him in says he is "a vain, cowardly little shrimp." [Great laughter.]

[Great laughter.]
Oh, you wicked republicans! I do not believe this little miserable rider, this birth of the democratic party in travail—surely it cannot injure you very much. It is their only one, if it is so little; then can you not let them have it when it will amuse them so? [Laughter]

and applause.]

I yield now to the gentleman from New York.

Mr. COX. I do not intend to debate. I want to have a descriptive scene to illustrate this afternoon in the House read from the Georgia Scenes, written by Judge Longstreet, to show what a one-sided fight

we have had.

Mr. FRYE. How much of it?

Mr. COX. Not very long, but it is interesting.

Mr. FRYE. I wish to yield my remaining time to the gentleman from Wisconsin.

Mr. COX. But you yielded to me.
Mr. FRYE. I yielded to the gentleman for a speech.
Mr. COX. This is part of my speech.
Mr. FRYE. The gentleman can speak so much better than a book,
I wish to hear him. [Cries of "Read!" "Read!"] Well, I will yield
five minutes to the gentleman from New York to make a speech by

Mr. COX. The "gentleman from New York" prefers to make a speech by Cox-y. [Laughter.] I send my speech to the Clerk's desk. The Clerk read as follows:

Rapt with the enchantment of the season and the scenery around me, I was slowly rising the slope, when I was startled by loud, profane, and boisterous voices, which seemed to proceed from a thick covert of undergrowth about two hundred yards in the advance of me and about one hundred to the right of my road.

"You kin, kin you?"

"Yes, I kin, and am able to do it! Boo-oo-oo! Oh wake snakes, and walk your chalks! Brimstone and —fire! Don't hold me, Nick Stoval! The fight's made up, and let's go at it; — my soul if I don't jump down his throat and gallop every chitterling out of him before you can say 'quit!"

"Now, Nick, don't hold him! Jist let the wild cat come, and I'll tame him. Ned 'll see me a fair fight; won't you, Ned?"

"Oh, yes; I'll see you a fair fight, blast my old shoes if I don't."

"Thus't sufficient, as Tom Haynes said when he saw the elephant. Now let him come!"

"That's sufficient, as Tom Haynes said when he saw the elephant. Now let him come!"
Thus they went on, with countless oaths interspersed, which I dare not even hint at, and with much that I could not distinctly hear.

In mercy's name, thought I, what band of ruffians has selected this holy season and this heavenly retreat for such Pandemonian riots! I quickened my gait, and had come nearly opposite to the thick grove whence the voice proceeded, when my eye caught, indistinctly and at intervals through the foliage of the dwarf-oaks and hickories which intervened, glimpses of a man or men who seemed to be in a violent struggle; and I could occasionally catch those deep-drawn, emplatic oaths which men in conflict utter when they deal blows. I dismounted, and hurried to the spot with all speed. I had overcome about half the space which separated it from me, when I saw the combatants come to the ground, and, after a short struggle, I saw the uppermost one (for I could not see the other) make a heavy plunge with both his thumbs, and at the same instant I heard a cry in the accent of the keenest torture, "Enough; my eye's out!"

I was so completely horror-struck that I stood transfixed for a moment to the spot where the cry met me. The accomplices in the hellish deed which had been perpetrated had all fied at my approach; at least I supposed so, for they were not to be seen.

"Now, blast your corn-shucking soul," said the victor, (a youth about eighteen years old,) as he rose from the ground, "come cutt'n your shines bout me agin, next time I come to the court-house, will you! Get your owl-eye in agin, if you an!"

At this moment he saw me for the first time. He looked excessively embar-

next time I come to the court-house, will you! Get your owl-eye in agin, if you can!"

At this moment he saw me for the first time. He looked excessively embarrassed, and was moving off, when I called to him in a tone emboldened by the sacredness of my office and the injustive of his crime, "Come back, you brute, and assist me in relieving your fellow-mortal whom you have ruined forever!"

My rudeness subdued his embarrassment in an instant; and, with a taunting curl of the nose, he replied: "You needn't kick before you're spurred. There a'nt nobody there, nor ha'nt been nother—I was jist seein' how I could 'a' fout." So saying, he bounded to his plow, which stood in the corner of the fence about fifty yards beyond the battle-ground.

I went to the ground from which he had risen, and there were the prints of his two thumbs, plunged up to the balls in the mellow earth, about the distance of a man's eyes apart; and the ground around was broken up as if two stags had been engaged upon it.

[Great laughter and applause.]
Mr. CONGER. Mr. Chairman, I had thought in my own mind after
the severe remarks of my colleague on this side and after the utter
paralysis of the democracy [laughter on the democratic side] when
no one came to the rescue, that it behooved me to say a word or two as some excuse, some apology to the country why they had thus become so cowardly, so paralyzed, so utterly unfit and unwilling to defend what they defended so strenuously six or eight months ago. I feel much sympathy for them; I feel sympathy to see the great giant democracy of this House lay down utterly prostrated and so utterly paralyzed.

But, sir, there was a man from the South, who used southern lan-

guage, and who can make his vindication so much more complete in the ears of southern men than any language that I have, and whom my distinguished friend from New York has picked out and selected as a defender for his party—that worthless party, that party gone, that party which has not even the semblance of a man to gouge it, [laughter]—I say that he used that language so much better than I can, and used it in general debate, too, and has not yet been shot for dainy it that I rise here simply for the research of the seminatory. doing it, that I rise here simply for the purpose of saying that the vindication was triumphant. The language is beautiful. [Laughter.] The author is unknown to me, but its sponsor, the gentleman from New York, presents it here as the only vindication of that side of the House for the paralysis which has stricken his brethren here on these House for the paralysis which has stricken his brethren here on these weighty and serious wrongs and charges made against the democracy of cowardice, of unwillingness to debate, that I desire to add nothing further. [Great laughter and applause on the democratic side.]

Mr. FRYE. I now yield the remainder of my time to the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. UPDEGRAFF, of Ohio. I ask the gentleman to yield to the other side to reply. [Laughter.]

Mr. FRYE. I would gladly yield to gentlemen on the other side, but they do not want to reply.

but they do not want to reply.

Mr. VAN VOORHIS. I move the committee now rise.

Mr. CASWELL. I will yield for a motion that the committee rise, reserving my time.
The CHAIRMAN. The gentleman from Maine has fifteen minutes

of his time remaining.

of his time remaining.

Mr. SPARKS. Do gentlemen on the other side want any further time for debate? If not, my motion would be that the committee rise and end this discussion; but if the gentleman wishes to proceed this evening I hope he will do so.

Mr. FRYE. It would be just as well to let the gentleman from Wisconsin finish. He will only occupy fifteen minutes.

Mr. SPARKS. That is what we want.

Mr. CASWELL. I desire to say again, I will yield for a motion for the committee to rise.

the committee to rise

Mr. TOWNSHEND, of Illinois. Let the gentleman finish his speech

Mr. CASWELL. If it is the wish of the committee I will proceed

The CHAIRMAN. The gentleman will proceed.

Mr. VAN VOORHIS. The gentleman from Wisconsin yields to me for a motion that the committee rise; I make that motion.

Mr. ROBESON. Before the committee rises I desire to have an amendment read for information.

Mr. SPARKS. Does that require unanimous consent? The CHAIRMAN. It does.

Mr. SPARKS. I object.
Mr. ROBESON. Will not the gentleman hear it read?
The CHAIRMAN. Objection is made. The question is on the motion that the committee rise.
The committee divided; and there were—ayes 40, noes 78.
Mr. CONGER. A quorum has not voted.
The CHAIRMAN. A quorum is not required on a motion that the committee rise.

The CHAIRMAN. A quorum is not required on a motion that the committee rise. It is equivalent in that respect to a motion in the House to adjourn.

Mr. CASWELL. Mr. Chairman, at the extra session held one year ago the election laws passed by Congress from time to time, making provisions for the appointment of supervisors to attend election preducts with the aid of deputy marshals and the military force, if need be, to keep the peace, were assailed upon the other side of this Chamber with great vigor. More than one-half of the democratic members of this House made elaborate speeches against the constitutionality of these laws. They insisted that they were an encroachment upon the rights reserved to the States, and that Federal officers had no right to interfere. They held that an election for any purpose was a local proceeding, to be conducted under State without the intervention of Federal authority. Upon the theory that the General Government had no interest in elections, not even for choosing members of Congress, they denied the right of the Federal Government to exercise any control over them. While upon this side of the House it was insisted that we are a nation with power to oversee and superit was insisted that we are a nation with power to oversee and supervise all measures pertaining to the General Government, with authority to execute the laws of Congress made in pursuance of the Constitution on every inch of soil under the jurisdiction of the States. The issue thus joined between the two parties gave rise to that session, and for three and a half months we discussed these questions.

sion, and for three and a half months we discussed these questions. After that long-protracted session, extending far into the fiscal year for which the appropriations were being made, a rider to that bill, making provision for the support of the Army, in the same form as that now offered to this bill, was adopted, receiving the votes of several republicans upon this side of the Chamber, though I was not one of them, yielding as they did to the coercion exercised by the majority rather than lengthen the session, creating an enormous expense and deficiency, which have followed and embarrassed us to the present day. There was also no well-founded belief that the Army, or any portion of it, would be needed at any election to be held during the year for which these appropriations were to be made; for in no State except in California were congressional elections to be held. It is well known that every republican who voted for that bill was It is well known that every republican who voted for that bill was opposed to the rider which was attached, and it comes with little

force for gentlemen to taunt this side of the House for having given the measure some support, attached as it was to an appropriation bill. It illustrates the mischief of such legislation.

Since that session, however, the Supreme Court has held these election laws to be constitutional and valid, and has removed all doubt,

if any existed, as to the right of Congress to enact laws supervising the elections of members of Congress. On this subject the court say:

The State may make regulations on the subject; Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further.

The regulations of Congress being constitutionally paramount, the duties imposed thereby upon the officers of the United States, so far as they have respect to the same matters, must necessarily be paramount to those to be performed by the officers of the State. If both cannot be performed, the latter are pro tanto superseded and cease to be duties.

The court also say:

We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to keep the peace to that extent.

By the highest judicial tribunal of this country have the validity of these laws and the authority of the Government to enforce them and to preserve the peace when necessary to their due execution and ob-

servance been set at rest

During the year for which this appropriation is to be made there will be held elections for members of Congress in every State of the Union, except in California. We are on the eve also of a presidential election, and all the powers of the Federal as well as State governments should be brought into requisition if necessary to secure a fair elec-tion by the people. No arm of either branch of the Government should be paralyzed, but fraud, violence, and intimidation should be put down if it takes the combined force of both Federal and State governments. The liberties of the people depend upon it. The perpetuity of our institutions and the protection of our homes, our fortunes, and lives depend upon it. Every arm should be outstretched, every voice should be raised in the interest of peace and good order. The ballot-box is the medium through which the people are heard. The ballot-box is the medium through which the people are heard. By it abuses are put down, dishonesty overthrown, and a pure government maintained. It is the voice by which the people are heard, and is a prerogative above all others. If we endanger the elective franchise, if we render its exercise doubtful, our Government will soon go to pieces. How important, then, that every possible safeguard should be thrown around the ballot-box, and the people left free to

express their will through it.

We must have a Congress to provide means for the support of the Government. Without a legislative branch we shall perish. We must have a President to see that the laws are executed. Elections in the several States must be held for the selection of members of Congress. several States must be held for the selection of members of Congress and a President of the United States. If a State government be sufficient to insure a fair and free expression of the will of the people, no interposition on the part of Federal officers will be necessary and none will take place. This every man knows who holds a seat in this House. But if the State authority be insufficient or not disposed to protect the citizen in the exercise of the elective franchise, and according to his own will and convictions, whenever a congressional election is to be held the General Government may and ought to extend its protecting power to every voting precipet in the land and tend its protecting power to every voting precinct in the land, and by the aid of its marshals and troops, if necessary, enable the people

to hold their elections.

On such protection may depend the election of a Congress at all. State authority may be opposed to such elections, and may desire to extinguish the National Government, remanding all power to the States, and it may be that by the strong arm of the Federal Government alone can a Congress be secured. We know, too, that fraud, wielence, and intimidation have been practiced in some of the States to an extent which should alarm every well-disposed citizen and receive his condemnation. The people have held elections, cast their votes in apparent security, but by some pretext, or through some fraud their votes were never counted, but oftentimes destroyed.

Upon the present basis of representation in this House, there are in each congressional district throughout the United States about twenty-five thousand lawful voters. In ordinary elections, when the people are left free to exercise their choice, each member of Congress receives from twelve to fifteen thousand votes. But if we turn to some of the Southern States, we find there are three members of this House holding seats who received less than three thousand votes are. each. There are three others who received less than four thousand votes; six others less than five thousand; and four others who re-ceived less than six thousand; all democrats. Gentlemen may tell us they had no opposition, and the vote in these districts was therefore us they had no opposition, and the vote in these districts was therefore small. This may be true. But in the name of freedom and the laws which shall protect the people of this country in the free exercise of their political rights, I ask what has become of the republican party in those States. But a short time ago the republicans carried some of these States, where this small vote now appears, by a majority of thirty thousand. Have our democratic friends converted the people to their faith. to their faith; if so, why do they not east their vote with and for them? No, Mr. Chairman, they are not converted, they are there with the same political belief, but disfranchised, intimidated, and driven

from the polls. If not that, they are proscribed, disgraced, threatened, and often driven from their homes, until they dare not assert their political views, and they stay away from elections.

Three years ago Congress was kept in continuous session for thirty days to determine questions of fraud and intimidation practiced in some of these States in the election of President. We should bring some of these States in the election of President. We should bring to our aid every department of the Government to avoid a repetition of a like occurrence. We then found ourselves involved in a difficulty never anticipated by our fathers who framed the Constitution. A violation of the elective franchise to such an extent was never contemplated by the most far-seeing statesmen, and Congress for the first templated by the most far-seeing statesmen, and Congress for the first time in the history of the Government was obliged to adopt a new plan of determining the result of an election, and did, I fear, usurp the prerogative of the President of the Senate in counting the electoral vote. Instead, however, of adopting means to avoid a repetition of these troubles our democratic friends on the very eve of an election so important as to affect every State in the Union and at which the members of this House are to be chosen as well as a President, now propose to restrict the use of any military force whatever, however great the emergency, and prohibit the use of soldiers in preserving the peace or in the execution of the laws made for the protection of the ballot.

They say by this amendment that no money therein appropriated shall be paid for the subsistence, equipment, or transportation of any portion of the Army to be used as a police force to keep peace at the polls at any election held within any State. By this we understand they are to withhold from the troops all money which might be due them while in the execution of such duties and in pursuance of law and their obligations as soldiers to obey their commander. We must meet this proposition this scheme to canture the Government, upon meet this proposition, this scheme to capture the Government, upon the broad plane for which it is intended. It amounts to a prohibition the broad plane for which it is intended. It amounts to a prohibition of the use of the military forces to restrain armed bodies, leaving violence to have its sway on election days. Armed forces may patrol the streets, visit the voting precincts, break up and destroy elections and ballot-boxes at will, and there is to be no remedy. Federal troops may be within reach, but they must remain idle, powerless, and let the riot proceed, notwithstanding the National Government has a direct interest in the result. direct interest in the result.

Why the democratic party wish this restraint upon the Army I canwhy the democratic party wish this restraint upon the Army I cannot conceive. If they desire fair elections it is difficult to discover why they do not also desire peace and good order. A soldier under strict discipline, as he is, and oftentimes non-partisan, is the last person to interfere in elections, except to preserve order. It will not do for gentlemen to say the voters of the South are in the least intimidated by the presence of one or more, or any number of soldiers who might be present at the polls under orders to preserve the peace. The men who could meet our soldiers in battle, as they often did at the cannon's mouth, are not the men who are intimidated by a harmless soldier with unloaded musket.

There never was any force to that argument, and there never can be, for it is unfounded in fact or reason. What, then, is the cause of their anxiety to keep away officers of the peace, or soldiers, who can preserve it? Does a quiet election embarrass them? Does it lessen their prospects of success. If they are in the minority, I confess a fair election would bring them defeat. Do they wish to allow armed men to surround ballot-boxes, break up and destroy them? If so, they do not want the presence of soldiers to prevent them. If they want a fair election, the greater the force stationed at the polls for the purpose of keeping order the more certain they would be to have it. But there is another reason why I am opposed to this amendment. Any proposition, whether it be a rider to an appropriation bill, as in this case, or a bill standing alone, which in any way interferes with the President of the United States in his capacity as Commander-in-Chief of the Army, made so by the Constitution, or imposes restrictions upon him in the movement of troops to such parts of the country as in his judgment he shall deem for the safety of the people, will

try as in his judgment he shall deem for the safety of the people, will never have my support while I am a member of this House.

To the President is committed a trust more important than all others. He is the special guardian of the public peace. To him is intrusted the security of the whole country. The Army is placed at his disposal. They are his police and should obey his commands. He must be left free to act and send it where he will. No rational man supposes the Army will be detailed for police duties at elections unless the public safety requires it, and not until every prospect of securing peace from the local authorities has been exhausted. If in any State it be obvious that no election for members of Congress can be held with safety by reason of violent composition, will it be conbe held with safety by reason of violent opposition, will it be contended that the General Government may not send a force into that State sufficient to protect those who wish to hold such elections? not, the election of a Congress may be wholly defeated. Shall the Executive witness the overthrow of the National Legislature by a factious opposition in the States and the Government broken up and dissolved because it has not the means or the authority from Congress to send troops into such States to preserve order during the elections? By this amendment he would find himself virtually forbidden. Is there danger that the Executive will violate the trust reposed in him by the people? Is it supposed he will become the oppressor of the people because he has an unlimited control of the Army? We must not forget he is selected above all others from the body of the people because of his wisdom, his judgment, and love of justice, and we must

trust him in the exercise of those powers with which the Constitution has clothed him.

Mr. CLYMER. I move that the committee rise.

Mr. SPARKS. The object of that motion, I presume, would be that the House may limit debate. Is there any further disposition to debate this question? Why not vote upon the amendment now and

Mr. BAYNE. There is some further disposition to debate this question; and it was understood that those who thought there was something in this amendment should have an opportunity of being heard

Mr. SPARKS. Cannot we now vote upon this proposition and

Mr. SPARKS. Cannot we now vote upon this proposition and dispose of this appropriation bill and get to some other business?

Mr. BAYNE. I hope the gentleman will not insist upon that.

Mr. ROBESON. In order to settle definitely whether or not there is anything in this proposition which it seems gentlemen on the other side generally wish to speak upon, I have an amendment to offer which should settle that; and if I am allowed to read it now gentlemen can

study it till to morrow morning.

Mr. SPARKS. To-morrow will be Sunday.

Mr. ROBESON. Very well, they can study it with prayerful consideration on Sunday and come back with right minds on Monday.

The CHAIRMAN. The question is on the motion that the com-

Mr. ROBESON. I ask unanimous consent to have read the amend-

ment which I propose to introduce at the proper time.

Mr. BLAND and Mr. BRAGG objected.

Mr. ROBESON. I appeal to the gentleman from Missouri not to insist on his objection. I meant to read the amendment as a part of my speech but forgot.

Mr. BLAND. I insist on the regular order.

Mr. FRYE. Allow me to call the attention of the gentleman from

The CHAIRMAN. Debate is not in order.

Mr. FRYE. I wish merely to suggest to my friend that the bill cannot pass without coming again into Committee of the Whole and no power can prevent the gentleman from offering his amendment.

The CHAIRMAN. Until general debate is closed by order of the House it is not in order to move an amendment to the amendment.

Mr. FORT. The gentleman from New Jersey desires to put in his amendment for Sunday reading.

Mr. ROBESON. It reads like the Proverbs.

Mr. SPARKS. I hope it will be inserted in the motion that the committee rise that it is for the purpose of closing debate.

Mr. KEIFER. Oh no; it is for the purpose of adjournment.

The question being put on the motion that the committee rise,

nere were—ayes 57, noes 78.

Mr. CONGER. A quorum has not voted. I demand that the roll be called.

The CHAIRMAN. It does not need a quorum to decide the motion

Mr. CONGER. I think there is not a quorum present. The rule says that when it appears there is not a quorum in the Committee of the Whole the roll shall be called, and thereupon the committee shall rise and the names of the absentees shall be reported to the House.

Mr. ATKINS. Let us have tellers.

Mr. TOWNSHEND, of Illinois. We are willing to allow discussion

to go on.

Mr. CONGER. I make the point that when it appears there is no quorum present in Committee of the Whole then the roll shall be

The CHAIRMAN. But it is the duty of the Chair to order tellers when a quorum does not vote. The Chair appoints the gentleman from Michigan [Mr. CONGER] and the gentleman from Pennsylvania [Mr. CLYMER] to act as tellers.

A MEMBER. They are on the same side.

The CHAIRMAN. It was the gentleman from Pennsylvania [Mr. CLYMER] who made the motion that the committee rise.

Mr. CONGER. I will trust the gentleman from Pennsylvania in

his count.

The committee again divided; and the tellers reported that there

The committee again divided; and the tellers reported that there were—ayes 43, noes 81.

Mr. CONGER. I make the point that no quorum has voted.

Mr. TOWNSHEND, of Illinois. And I make the point of order that it does not require a quorum to determine the question.

The CHAIRMAN. The Chair is of the opinion that a motion that the committee rise, that motion being equivalent to a motion in the House to adjourn, does not require a quorum to determine it, and if the committee determines to rise, the question of a quorum is not important. But if the committee does not determine to rise, or if in the House the motion to adjourn be not agreed to, and on that motion no quorum votes, then in the House the only motion in order is for a call of the House; and in the Committee of the Whole the second clause of the new Rule XXIII applies, which the Clerk will now read.

The Clerk read as follows: The Clerk read as follows:

Whenever a Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The CHAIRMAN. The Clerk will now proceed to call the roll, as provided for in the rule.

Mr. CLYMER. It seems to me that it is impossible to get along further with this bill to-day; and why should we waste time at this late hour of Saturday in calling the roll?

Mr. ATKINS. How much time do gentlemen on the other side want to discuss this amendment?

Mr. CALKINS. We can fix that on Monday.

Mr. ATKINS. I think the House ought to settle now how much time shall be consumed on this amendment. It is very important that appropriation bills shall be passed through the House so that the Senate may have something to do. There is nothing before the Senate now, and they are waiting upon this body. If we expect to get these appropriation bills through before the 1st of August, it is important that we go on with them now. I do not want to limit debate unnecessarily, but I hope gentlemen on the other side will make up their essarily; but I hope gentlemen on the other side will make up their

essarily; but I hope gentlemen on the other side will make up their minds how much time they want on this amendment, and I hope this side will give it to them. We want none ourselves.

Mr. CALKINS. Let us rise now, and then we can fix it on Monday. Mr. SPARKS. Why not fix it now? There is an evident disposition to give all the time that gentlemen want.

Mr. CALKINS. Allow me to make this suggestion—

Mr. SPARKS. We want to know now how much time is wanted. Mr. ROBESON. Permit me to make a suggestion which I think will stop all this difficulty.

Mr. FARR. I call for the regular order.

Mr. ROBESON. I ask permission to make a suggestion.

Mr. SPARKS. I am willing for the gentleman to make it.

Many Members. Regular order!

Mr. SPAKKS. I am willing for the gentleman to make it.
Many Members. Regular order!
Mr. DUNNELL. I ask consent that the gentleman from Pennsylvania [Mr. CLYMER] be allowed to make a statement.
The CHAIRMAN. That is objected to.
Mr. CLYMER. Is there objection to my making a statement?
The CHAIRMAN. The Chair will submit the question to the committee. Is there objection to the gentleman from Pennsylvania [Mr. CLYMER] making a statement? [After a pause.] The Chair hears none.

Mr. CLYMER. I make this suggestion: that we agree by common consent—I understand that we can do nothing in committee that will

consent—I understand that we can do nothing in committee that will bind anybody—that we agree by common consent to fix some hour of Monday next when we shall take the final vote on this bill. I would suggest that it be agreed that at four o'clock on Monday next the previous question shall be called on the bill and amendment.

Mr. KEIFER. You cannot do that in Committee of the Whole.

Mr. CLYMER. I understand that. I stated when I commenced my remarks that the Committee of the Whole could not bind anybody. I am talking about what shall be done by the House. I merely make the suggestion that it now be agreed by common consent among us that at four o'clock on Monday next the previous question shall be ordered in the House on this bill and the amendment.

Mr. CONGER. That will give no length of time for debate on Monday, because under the new rules all of Monday can be occupied until five o'clock—

Mr. CLYMER. The gentleman will recollect that next Monday will

Mr. CLYMER. The gentleman will recollect that next Monday will be the second Monday of the month, and under the new rules it is for regular business. Only the first and third Mondays of the month are

regular business. Only the rules. Next Monday will be for regular business, except the call of States for the introduction of bills.

Mr. CONGER. And I say that that call may take all day long. We on this side object to fixing the time for closing this debate until gentlemen who have prepared their remarks and desire to speak shall

themen who have prepared their remarks and desire to speak shall have an opportunity to do so. When no time is desired on the other side, there seems to be no reason why there should not be some liberality shown to this side.

Mr. CLYMER. I grant that all the time allowed for debate may be used by my friends on the other side. And I will say that we are here now ready to listen to gentlemen on the other side, and to wait for their speeches from now until four o'clock on Monday next, if necessary.

Mr. ATKINS. I would suggest to gentlemen on the other side that we agree to take a recess until ten o'clock on Monday morning.

Mr. CONGER. I would be glad to do that if I did not recollect that three or four hours yesterday were spent on the Madison Day claim without our hearing a word against it from the Committee on

Appropriations.

Mr. ATKINS. Yesterday was private bill day.
Mr. CONGER. I know that.
Mr. ATKINS. And the Committee on Appropriations were voted down; and I expect the gentleman from Michigan [Mr. CONGER] helped to do it. [Laughter.]
Mr. FROST. There is no doubt of it.
Mr. CONGER. Is there any other gentleman who wants to make a remark?

Mr. HAWLEY. I ask consent to make a statement.

The CHAIRMAN. If there is no objection the gentleman from Connecticut [Mr. HAWLEY] will proceed.

There was no objection.

Mr. HAWLEY. I do not think it worth while for our friends of

the majority to undertake to compel us to say now just when we shall be willing to close debate. We cannot say for the reason that there

are, as I know, several gentlemen on our side who desire to speak; I know of at least one prominent gentleman who wishes to take part in the debate, and who is now out of town. This talk of continuing the debate as long as we may desire this evening is mere trifling; and it seems to me it would be of no use to take a recess until ten o'clock on Monday morning. Let us adjourn regularly until Monday; and as soon as debate has reached a reasonable extent we will agree with gentlemen on the other side in closing it.

Mr. ATKINS and others objected to debate.

Mr. ROBESON. I rise to make a proposition.
The CHAIRMAN. The Committee of the Whole having found itself without a quorum, the Chair, under the rules, must now direct that the roll be called.

The roll was called; when the following members failed to answer:

Dwight, Einstein, Errett, Felton, Acklen, Aiken, Aldrich, N. W. Richmond. Knott, Robertson,
Robinson,
Ross,
Russell, Daniel L.
Ryan, Thomas
Sapp,
Scales,
Simonton Ladd,
Le Fevre,
Loring,
Lounsbery,
Manning,
Martin, Joseph J.
McCook, Anderson, Bailey, Baker, Barber, Ferdon, Finley, Fisher, Forsythe, Garfield, Barlow, Belford, McGowan, McKenzie Simonton. Beltzhoover, Berry, Bicknell, Starin, Steele, Stephens, Gibson, Gillette, McKinley, McLane, Gunter, Hammond, John Harmer, Hayes, Hazelton, Bingham, Bliss, Bowman, Miller. Stone, Talbott, Talbott,
Thompson, W. G.
Thompson, W. G.
Townsend, Amos
Turner, Thomas
Tyler,
Updegraff, Thomas
Urner,
Valentine,
Van Voorhis,
Wait,
Ward,
Washburn,
Weaver,
Welborn,
White,
Wilber, Mills, Morse Boyd, Brewer, Brigham, Morton, Muldrow, Heilman, Henderson, Henkle, Hill, Hooker, Muldrow, Muller, Murch, Neal, Newberry, O'Brien, O'Neill, Orth, Brigham,
Camp,
Carlisle,
Chittenden,
Clafin,
Clardy,
Clark, John B.
Converse,
Covert,
Crapo,
Crowley,
Culberson,
Daggett,
Davidson,
Davis, Lowndes H.
De La Matyr,
Deering,
Deuster, Horr, Hostetler, Orth, Osmer, Overton, Pacheco, Page, Persons, Phelps, Pierce, Poehler, Pound, Rice, Richardson, D. P. Richardson, J. S. Houk, Hubbell. Hunton, Hurd, Hutchins, Wilber, Wilson, Wood, Fernando Wood, Walter A. James, Joyce, Kelley, Kenna Young, Thomas L. Killinger, King, Kitchin, Deuster. Dick Klotz.

During the roll-call, Mr. CALKINS said: Before the call proceeds further, I desire to submit a motion that the committee rise.

The CHAIRMAN. That motion is not in order during the roll-call Mr. CALKINS. I move that the further call of the roll be dispensed with.

The CHAIRMAN. No motion is in order during the roll-call.

Mr. BROWNE. Is it not in order to move that the further call of
the roll be dispensed with?

The CHAIRMAN. Nothing can interrupt the roll-call.

The call of the roll was resumed and concluded.

The committee rose; and Mr. Cox having resumed the chair as Speaker pro tempore, Mr. Springer reported that the Committee of the Whole House on the state of the Union having found itself without a quorum, he had directed the roll to be called, and now reported the absentees to the House.

The SPEAKER pro tempore. A quorum having appeared on the roll-call, the Committee of the Whole, without any motion to that effect,

resumes its session.

Mr. CALKINS. I move that the House now adjourn.

EVASION OF STAMP-TAX.

Mr. TUCKER. In the concurrent resolution of the Senate which was adopted by the House this morning three words were omitted, which I desire now to have inserted in the fourth line of the resolu-

on. [Cries of "Agreed!"]
Mr. FRYE. In order to have the record right, is it not nec that the gentleman should move to reconsider the vote by which the

resolution was adopted?

The SPEAKER pro tempore. The motion to reconsider was made and laid on the table.

Mr. CONGER. Then the resolution can be amended by unanimous

consent. The SPEAKER pro tempore. The proposed amendment will be read. The Clerk read as follows:

The Cierk read as Iollows:

Before the words "the Ways and Means Committee" insert "three members of;" so as to make the resolution read as follows:

Resolved by the Senate, (the House of Representatives concurring.) That a joint committee, consisting of two members of the Finance Committee of the Senate and three members of the Ways and Means Committee of the House of Representatives, be appointed by the respective presiding officers, to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties, what remedy can be provided by law, and with power to recommend such measures as they may deem proper by bill or otherwise.

There being no objection, the proposed amendment was agreed to. Mr. TUCKER moved to reconsider the vote by which the amend-

ment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CALKINS. I have moved to adjourn; but I yield for a moment to the gentleman from Missouri, [Mr. Frost.]

MONUMENT TO GENERAL FRANCIS P. BLAIR.

Mr. FROST. I ask unanimous consent to have taken from the Speaker's table for immediate passage a bill from the Senate donat

Francis P. Blair, formerly a Senator from the State of Missouri.

There was no objection; and the bill (S. No. 837) to donate twelve condemned bronze cannon to the Blair Monument Association of Saint Louis, Missouri, was taken from the Speaker's table, and read a first

and second time

and second time.

The bill, which was read, authorizes and directs the Secretary of War to deliver to the Blair Monument Association, of Saint Louis, Missouri, or its proper officers, twelve condemned bronze cannon, if the same can be spared without injury to the public service, for the purpose of aiding in the erection of a monument to the late Major-General Francis P. Blair, jr., at the city of Saint Louis, Missouri.

Mr. FROST. I ask to print some remarks on this bill.

There was no objection. [See Appendix.]
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FROST moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. VALEN-TINE, until Wednesday next, on account of important business

ANSON MILES.

On motion of Mr. EVINS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Anson Miles, there being no adverse report.

FIRE-PROOF ROOF, WINDER'S BUILDING.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting recommendation of an appropriation for a fire-proof roof to Winder's Building; which was referred to the Committee on Appropriations.

ENROLLED BILL.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 5048) relating to justices of the peace in the Territories; when the Speaker signed the same.

UNITED STATES COURT IN INDIAN TERRITORY.

Mr. MULDROW, under authority heretofore granted, submitted the views of the minority of the Committee on the Territories on the bill (H. R. No. 5634) to establish a United States court in the Indian Territory, and for other purposes; which was ordered to be printed as part 2 of Report No. 755, accompanying said bill.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

Mr. RYAN, of Kansas, under authority heretofore granted, submitted a report (No. 1117) in writing, to accompany the bill (S. No. 316) for the relief of homestead settlers on the public lands, reported from the Committee on the Public Lands, and referred to the House Calendar; which report was ordered to be printed, and referred to the same calendar.

ABSENTEES.

Mr. ROBESON. Do the names of the absentees go into the RECORD and the Journal

The SPEAKER pro tempore. Under the rules they do.
Mr. ROBESON. Then I am bound to state that the gentleman
from Kentucky, Mr. Carlisle, was too ill to stay here and, before
leaving, paired with me.
Mr. NICHOLLS. I wish to announce that Mr. Persons is paired

with Mr. FORSYTHE.

Mr. NEW. It is also proper I should state that my colleague, Mr. HOSTETLER, was too ill to remain.

And then, on motion of Mr. CALKINS, (at five o'clock and five

minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BALLOU: The petition of Francis B. Fisher, James B. Baxter, George A. Darling, and 60 others, citizens of Rhode Island, for the enforcement of the eight-hour law—to the Committee on Education

By Mr. BROWNE: The petition of 8 book-keepers, of Richmond, Indiana, against the passage of the bill (H. R. No. 4806) to amend the statutes in relation to patents—to the Committee on Patents.

Also, the petition of 70 citizens of Franklin County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed

upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Com-

Also, the petition of 67 citizens of Franklin County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

the Committee on Patents.

By Mr. CALDWELL: The petitions of D. B. Dalton, T. S. Brown, and others, and of W. B. Miller, James Whitney, and others, citizens of Kentucky, of similar import—to the same committee.

Also, the petition of D. B. Dalton, Jesse Howell, and others, citizens of Allen County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the

Country—to the Committee on Commerce.

By Mr. CAMPBELL: The petition of citizens of Pinal County,

Arizona Territory, against the passage of the proposed mining law now before Congress—to the Committee on Mines and Mining.

By Mr. COVERT: The petition of the Mutual Farmers' Club of Frederick County, Virginia, for the creation of a Cabinet Department of Agriculture—to the Committee on Agriculture.

By Mr. JOSEPH J. DAVIS: Resolutions of the Legislature of the State of North Carolina, in relation to the centennial celebration of the battle of Guilford Court-House—to the Committee on the York-

town Celebration.

By Mr. DICKEY: Papers relating to the claim of Charles Cline, for a pension—to the Committee on Pensions.

By Mr. GILLETTE: The petition of A. F. Perry, of Grand June. tion, Iowa, and 62 others, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they

were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. GOODE: The petition of Mrs. Elizabeth Baker, widow of Captain Francis H. Baker, United States Navy, for an increase of pento the Committee on Invalid Pensions.

By Mr. HATCH: The petition of Eliza B. Buckley, Lillian Ingalls, Sarah J. Haven, J. A. Eaton, Dr. William N. Conrad, J. M. Ward, and others, citizens of Saint Louis, Missouri, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary

Also, the petition of Eunice A. Ashby, Flora H. Fink, John W. Trunnel, James A. Robinson, and others, citizens of Knox County, Missouri,

of similar import—to the same committee.

Also, the petition of R. C. Risk & Brother and 20 others, druggists of Northeastern Missouri, for the removal of the stamp-tax on per-fumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. HAWK: The petition of Captain William Young, for a pen-

sion-to the Committee on Invalid Pensions.

By Mr. MILLS: The petition of citizens of Brazos County, Texas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-to the Committee on Commerce.

By Mr. PRICE: The petition of citizens of West Branch, Iowa, for the equalization of soldiers' bounties—to the Committee on Military

By Mr. VANCE: Papers relating to the claim of Samuel Bell, of North Carolina, for pay for a horse furnished the United States troops—to the Committee on War Claims.

By Mr. WARNER: The petitions of Isaac Headley and 53 others, and of J. W. Allen and 41 others, citizens of Morgan County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country, to the Committee on

control the interstate commerce of the country-to the Committee on Commerce.

Also, the petitions of Isaac Headley and 45 others, and of J. W. Allen and 42 others, citizens of Morgan County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement-to the Committee on Patents.

By Mr. WEAVER: The petitions of J. L. La Rue, of Garrison, Iowa, and 28 others, and of J. H. Mage, of Grand Rapids, Michigan, and 466 others, for the passage of the Weaver soldier bill—to the Committee

on Military Affairs.

By Mr. WILLIS: Papers in regard to the bill (H. R. No. 5514) to provide a June term for the United States courts at Louisville, Ken-

provide a June term for the United States courts at Louisville, Kentucky—to the Committee on the Judiciary.

By Mr. WRIGHT: The petitions of William H. Newberry and 125 others, citizens of Charles City, Iowa; of John O'Malley and 140 others, citizens of Geneva, New York; of Robert Allen and 90 others, citizens of Muskegon, Michigan; of George Waddell and 712 others, citizens of Wilmington, North Carolina; of John Doran and 125 others, citizens of Wilton and vicinity, Minnesota; of D. L. Brancher and 64 others, citizens of Lincoln, Illinois; and of Henry Johnson and 52 others, citizens of New Brunswick, New Jersey, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

IN SENATE.

MONDAY, April 12, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of War, transmitting a letter from the Chief of Engineers in relation to the bill (S. No. 1439) to confirm the Stratton survey of the pueblo of San Francisco, and the bill (H. R. No. 4928) to confirm the survey of the pueblo of San Francisco, and suggesting certain amendments thereto; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of John M. Goodhue, of Worcester, Massachusetts, late major Eleventh Infantry, United States Army, praying the passage of an act restoring him to the Army and placing him upon the retired list; which was referred to the Committee on Military Affairs.

Mr. HOAR. I also present the petition of Nathaniel Wales and others, some thirty or forty persons, residents of Massachusetts and officers in the late war, some of them officers in the regular Army and Navy, but most of them officers in the volunteer service, praying that there be no partisan action in reference to the case of Fitz-John Por-I move that the petition lie on the table.

The motion was agreed to.

Mr. FERRY presented the petition of Thomas D. Smith and 92 others, of Muskegon, Michigan, praying for such an amendment to the patent laws as will protect innocent users from prosecution as infringers; which was referred to the Committee on Patents.

Mr. WINDOM presented the petition of James A. G. Beales, administrator of John Charles Beales, long a resident merchant and banker of the City of Mexico, praying that Congress will confirm title to a grant of land lying in New Mexico, obtained from the government of Coahulla and Texas; which was referred to the Committee on Private Land Claims.

Mr. WINDOM. I present a petition, numerously signed by citizens of Northern Dakota, referring to the fact that a bill is now pending for the division of the Territory of Dakota, and applying to the northern portion the name of Pembina, and asking that the proposed division be altered, and the name of Northern Dakota be applied to the new Territory thus formed instead of Pembina, and that the capital be located at Tower City. I move the reference of the petition to the Committee on Territories.

The motion was agreed to.

The motion was agreed to.

Mr. McMILLAN presented a petition of leading business men and firms of Saint Paul, Minnesota, urging the appointment of a commission composed, in part at least, of representative business men, to prepare for the consideration of Congress, at its next session, a form of bankrupt law that will work justly toward both creditor and debtor, and give to the country a uniform and permanent national bankrupt system; which was referred to the Committee on the Judi-

Mr. WALLACE presented a preamble and resolution of the select and common councils of the city of Erie, Pennsylvania, in favor of the passage of the bill now pending before Congress for the establish-ment of a soldiers and sailors' home in Pennsylvania; which were

ment of a soldiers and sailors' home in Pennsylvania; which were referred to the Committee on Military Affairs.

Mr. PLUMB presented a petition of a large number of citizens of Kansas, praying for an appropriation for the improvement of the Arkansas River; which was referred to the Committee on Commerce.

He also presented the petition of W. E. Timmons, publisher of the Chase County Courant, Kansas, praying that certain articles used in the manufacture of paper be placed on the free list, and that the duty on book-paper be reduced; which was referred to the Committee on Finance.

Mr. JOHNSTON presented the petition of the Chase City Farmers' Club, of Virginia, praying for the establishment of a national board of agriculture; which was referred to the Committee on Agriculture.

Mr. BRUCE presented the petition of Samuel R. Lowry and others, citizens of Alabama, asking aid to endow an academy for the benefit of the colored citizens; which was referred to the Committee on Education and Labor.

Mr. GROOME presented the petition of Sallie E. Pearce, of Georgetown, District of Columbia, praying to be refunded certain sums erroneously paid by her as beneficial owner of certain lots in Georgetown, District of Columbia; which was referred to the Committee on Claims. He also presented the petition of Margaret A. Chantry, widow of Colonel Alfred W. Chantry, late of the Thirtieth Regiment Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 257) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company, reported it with an amendment. He also, from the same committee, to whom was referred the bill (S. No. 1381) to amend the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 387) to amend the charter of the Metropolitan Railroad Company of the District of Columbia, reported it with an amendment.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1493) to regulate the use and prevent the waste of Potomac water in the District of Columbia, reported it with an amendment.

Mr. VANCE, from the Committee on the District of Columbia,

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1477) for the punishment of tramps in the District of Columbia, reported it with an amendment.

THE TENTH CENSUS.

Mr. PENDLETON. I desire to make a report from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

I will state in one moment the substance of the report, which is in the hands of the Secretary. Section 2 of the bill which was sent from the Senate to the House of Representatives provided that the schedule of returns to be made by the enumerators should omit statistics as to naturalization and also as to the ownership of the public debt. The House disagreed to that section of the bill entirely, but the debt. The House disagreed to that section of the bill entirely, but the committee of conference have recommended that the House recede from its disagreement and that an amendment be made to the section providing that the statistics of the ownership of the debt shall be gathered by special agents and experts rather than by the enumerators.

Section 6 of the bill as it passed the Senate provided that means should be adopted for the correction of the returns of the enumerators by posting up the lists in certain public places in each district and giving notice to the population, and that the enumerator should be present for the purpose of hearing complaints either as to omissions or other errors. It also provided that a copy of the returns should be made in order that they might be sent to the secretary of state of the respective States. The House refused to concur in that section of the bill. The committee of conference recommend that there be a recession by the House from the disagreement to so much of the section as requires copies to be made and to be sent to the secretary of state of the State, but they concur in an amendment which omits all that provision, leaving the methods for the correction of the returns to stand as it was in the Senate bill.

This amendment necessitates a change in the amount of appropri-Section 6 of the bill as it passed the Senate provided that means

This amendment necessitates a change in the amount of appropri ation to meet the expenses incurred under the provisions of the bill as it passed the Senate, and the next amendment recommended by the committee of conference is that the amount of appropriation be

reduced from \$350,000 to \$125,000.

The House provided by an additional section to the bill for taking the census in Alaska, and in this amendment the committee of conference recommend that the Senate concur.

Those are the only provisions embraced in the disagreeing votes of the two Houses

Mr. PLUMB. Before any action is taken on the report, I should like to ask the Senator from Ohio to state what is the effect of the conference report upon that provision of the bill as it passed the Senate which provided for making copies for the use of the several

Mr. PENDLETON. It provides that no copies shall be made. The reasons why the committee of conference came to that conclusion were two or three; first, that the making of copies is a very expensive operation, very much more so than Senators would for a moment susoperation, very much more so than Senators would for a moment suspect. Next, the Superintendent of the Census, upon conference with him, thought, and the committee thought very truly, that he could furnish the statistics from this point at an earlier date and in more correct form than they could be furnished by the enumerators through the supervisors of the respective States. Another reason which was very potent was that two votes by yeas and nays had been taken on that provision in the House and it had been rejected.

Mr. EDMUNDS. That ought not to be stated.

Mr. PLUMB. The reason in reference—
The PRESIDENT pro tempore. The Senator will suspend until the Chair puts the question required by the rules. The question is, will the Senator want it read before the question is put?

the Senate proceed to the consideration of this report? Does the Senator want it read before the question is put?

Mr. EDMUNDS. I wish to suggest to the Senator from Ohio to let it lie aside for an hour or two. I shall not object to its being taken up at any time, but I should like to look at it.

Mr. PENDLETON. I have no objection to that course.

Mr. EDMUNDS. We can finish it to-day, undoubtedly; and the Senator from Kansas can look at it, too.

The PRESIDENT pro tempore. Does the Senator wish the report read now?

Mr. EDMUNDS. I do not at this moment.

The PRESIDENT pro tempore. The report will lie on the table for

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M.

ADAMS, its Clerk, announced that the House had passed the following bills

A bill (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande frontier;
A bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsyl-

A bill (S. No. 237) to donate twelve condemned bronze cannon to the Blair Monument Association, of Saint Louis, Missouri; and, A bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn.

to John Thorn.

The message also announced that the House had concurred in the amendments of the Senate to the following bill and joint resolutions:

A bill (H. R. No. 5622) to provide for the construction of a public building at the city of Paducah, State of Kentucky;

A joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska; and A joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago, Illinois.

The message further announced that the House had agreed to the resolution of the Senate for the appointment of a joint committee of

resolution of the Senate for the appointment of a joint committee of two members of the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties, with

an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 5053) granting relief to William Turman, guardian of William W. Brewer; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President pro tempore:

An act (H. R. No. 5048) relating to justices of the peace in the Ter-

A joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago; and
A joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska.

BILLS INTRODUCED.

BILLS INTRODUCED.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1614) to regulate the promotion and fix the rank of line officers in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1615) granting a pension to Henry Schreder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1616) for the relief of Henry B. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1617) for the relief of Jules Baratier; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1618) to amend section 553 of the Revised Statutes, relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1619) to reimburse the colored depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read twice by its title, and referred to the Select Committee on the Freedman's Savings and Trust Company.

AMENDMENTS TO THE POST-ROUTE BILL.

Mr. PLUMB, and Mr CAMERON of Wisconsin, submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5524) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GENEVA AWARD FUND.

The PRESIDENT pro tempore. The routine business of the morning hour has expired.

Mr. BUTLER. I ask the Senate to take up the joint resolution (H.

Mr. BUTLER. I ask the Senate to take up the joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia. I do not think it will take long.

Mr. McDONALD. Mr. President—

Mr. BUTLER The Senator will pardon me one moment. I beg to call the attention of the Senate to the importance of early action upon this matter. [A pause.] Upon the representation of Senators near me that the honorable Senator from Indiana [Mr. McDonald] desires to submit some remarks upon the Geneva award bill, I shall not press this matter further than to say that I trust at the very earliest possible moment the Senate will take up and consider this important question. important question.

Mr. McDONALD. I have risen for the purpose of requesting the unanimous consent of the Senate to consider the Geneva award bill

as informally before the Senate, to enable me to submit some remarks upon it, as I am compelled to leave the city to-night to go home.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the Geneva award bill may be considered as before the Senate in order that he may submit his views upon it. Is

Mr. HOAR. What effect has that request upon the order of the Senate made on Friday to dispose of the Ute Indian bill at a certain hour to-day

Mr. McDONALD, I expect to get through by half past one.
Mr. HOAR. I make no objection to the Senator's request, of course; I am very anxious to hear him; but I wanted to know whether it would

affect that order or not.

Mr. McDONALD. My purpose in asking the indulgence of the Senate now was not to trench upon the Indian bill. I am compelled to leave, and must either say what I wish to say on the subject now

The PRESIDENT pro tempore. Should the Senator from Indiana not conclude his remarks before half past one, it will require unanimous consent to enable him to speak further.

mous consent to enable him to speak further.

Mr. MAXEY. I shall not object to the Senator from Indiana speaking under the circumstances, and I know what they are, but I beg to say that a bill has been up in the morning hour twice heretofore, which has been postponed for the accommodation of Senators who had special cases, and I shall ask after to-day that the bill (S. No. 1331) to authorize a retired list of non-commissioned officers of the United States Army who have served therein continuously, honora-

United States Army who have served therein continuously, nonorably, and faithfully for thirty years or upward, which is the pending bill on the Calendar, be disposed of, and I shall object to taking up anything in the morning hour hereafter until that is disposed of.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none; and the Senate, as in Committee of the Whole, resumes the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, and the Senator from Indiana [Mr. McDowald has the floor.

moneys of the Geneva award, and the Senator from Indiana [Mr. McDonald] has the floor.

Mr. McDonald]. Mr. President, the treaty of Washington was signed on the 8th day of May, 1871. The treaty provided for the settlement of all the pending controversies at that time between the United States and Great Britain, and among other things formulated certain rules of international law known as "the three rules," and confided the settlement of what were commonly called the Alabama claims to a tribunal of arbitration composed of five members, one representing the Kingdom of Great Britain, one representing the

representing the Kingdom of Great Britain, one representing the United States of America, and the other three appointed by certain other great powers. This tribunal assembled at Geneva on the 15th day of December, 1871, and continued in session until its final award was made on the 14th day of September, 1872. This award was signed by four of the five members, the member of the board of arbitration representing Great Britain having declined to sign it.

As covering what were known as the Alabama claims, the arbitrators awarded a sum in gross amounting to \$15,500,000 in gold. This sum was paid by Great Britain to the United States in full, according to the stipulations of the treaty. On the 23d day of June, 1874, Congress passed an act to provide for the distribution of this fund to those having the first equities, as then regarded and understood. This act provided for the full extent of their losses, and it provided that such payments should be made in full of their claims. Any part of the sum remaining after the act had been executed was for further distribution.

I wish to call the attention of the Senate for a moment to the language of the act of 1874. First, in regard to those claims whose payment was provided for in the act, in section 14 will be found the fol-

That if the sum of all the judgments rendered by the said court, together with interest, shall exceed the amount received into the Treasury of the United States as proceeds of the sum to be paid by Great Britain. by virtue of the said decision and award, then the Secretary of the Treasury shall distribute, in ratable proportions, among the parties in whose favor judgments shall have been rendered, or to their legal representatives, such moneys as have been received into the Treasury, according to the proportions which their respective judgments shall bear to the whole amount received into the Treasury as aforesaid, which payments shall be in full satisfaction and discharge of such claims and judgments.

And as to the residue of the fund, if any, it is provided in the fifteenth section, as follows:

And after the payment of the said judgments, and the re-imbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon.

"Shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon." The court of commissioners of Alabama claims, consisting of five members, organized July 22, 1874, and continued to sit, under extensions from time to time as authorized by Congress, until the 1st of January, 1877. The court passed upon two thousand and sixty-eight claims, and awarded judgments amounting to \$9,316,120.25. The balance of the fund, with the accumulated interest, amounting to about \$10,000,000, remains for distribution.

Two propositions are now before the Senate, the one embraced in Two propositions are now before the Senate, the one embraced in the report of the majority of the Committee on the Judiciary repealing so much of the act of 1874 as required insurance companies to account for profits on war risks; the other providing for the distribution of the balance of the fund in the payment of other claims as set forth in the substitute moved by myself, and in various amendments that have been offered thereto. Which of these propositions is right? What is the nature and the character of the fund we are ments that have been offered thereto. Which of these propositions is right? What is the nature and the character of the fund we are called upon to distribute? Those who contend for the bill reported by the majority of the committee insist that it is a legal fund which has come into the possession of the United States as a trustee, and that it belongs to certain specified parties, their representatives and privies. The provisions of the bill are inconsistent with the theory of its supporters, which is that the whole amount recovered on account of vessels and properties destroyed by the inculpated cruisers, as they are called, has been collected by the United States as agents for the parties representing those losses.

The three inculpated cruisers, namely, the Florida, the Alabama, and the Shenandoah after she left Melbourne, destroyed one hundred and thirty-five vessels. The bill, if the theory of its supporters is correct, should simply provide for the ascertainment of how much the United States have received for each of those vessels and the property on board, and pay over that amount. If the United States Government is a trustee, she has no right to contend with her cestuic que trusts that the damages suffered are not so great as the amount recovered. On the other hand, I contend that the fund is a national indemnity collected by the United States as a nation from Great Britain a vertical the states as a nation from Great Britain and the property of the contend with her cestuic que trusts.

covered. On the other hand, I contend that the fund is a national indemnity collected by the United States as a nation from Great Britain as a nation. In this respect the settlement differs from the settlement proposed in the Stanley-Johnson negotiation and in the Clarendon-Johnson treaty rejected by the Senate, which proposed no more than to secure indemnity to citizens. That I may be seen to be correct on that point, let me quote from the papers known as the Geneva Award Papers, on that subject, volume 3, page 193. In speaking of the difference between the Clarendon-Johnson treaty and the treaty at Washington, attention is called to this fact:

As the first result of these negotiations a convention known as the StanleyJohnson convention was signed at London on the 10th of November, 1868. It
proved to be unacceptable to the Government of the United States. Negotiations
were at once resumed, and resulted, on the 14th of January, 1869, in the treaty
known as the Johnson-Clarendon convention.

This latter convention provided for the organization of a mixed commission,
with jurisdiction over "all claims on the part of citizens of the United States
upon the government of her Britannic Majesty, including the so-called Alabama
claims, and all claims on the part of subjects of Her Britannic Majesty upon the
Government of the United States which may have been presented to either government for its interposition with the other since the 26th of July, 1853, and which
yet remain unsettled."

So that it will be seen that the Johnson-Clarendon treaty, which the Senate was not willing to ratify, did treat these cases as claims of individuals, and treated them in that light only. It did not provide or undertake to provide for the settlement of great international questions or the formulation of great international principles of law; it did not undertake to cover the ground that was covered by the treaty of Washington which succeeded it.

Therefore, Mr. President, I have started out with the assumption that this settlement, differing as it did from the Clarendon-Johnson treaty, was a settlement between nations in regard to not merely loss and damage that might have been sustained but in respect to great questions of international law that might connect themselves with these injuries; and hence it became a national claim on the part of

the United States against Great Britain as a nation.

The treaty of Washington gave the Geneva tribunal no jurisdiction over the claims of citizens as private citizens. That is very clearly shown from the first article of the treaty itself, to which I shall ask the attention of the Senate. The introduction to the articles referring to the Geneva tribunal is:

Whereas a treaty, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concerning the settlement of all causes of difference between the two countries, was concluded and signed at Washington by the high commissioners and plenipotentiaries of the respective governments on the 8th day of May last; which treaty is, word for word, as follows:

as follows:

"A treaty concerning the settlement of all causes of difference.
"A treaty concerning the settlement of all causes of difference. Not the claims of citizens, as was mentioned in the Johnson-Clarendon treaty, or providing for jurisdiction of those claims, but a treaty that covered "all causes of difference" between the United States and the Kingdom of Great Britain; and the first article declares that:

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims."

Providing for the submission of those claims. These differences arose between the two countries, these two sovereignties. Complaint was made by the United States against the government of Great Britain, not of any acts of commission, but of acts of omission; not because she had depredated upon the property of our citizens directly herself, but that she had so conducted herself with respect to her assumed position of neutrality that she had permitted these injuries

I said that the treaty of Washington gave to the tribunal of Geneva no jurisdiction of claims of citizens, as private citizens. That this was the understanding of both countries is quite clear from what has been said at various times by the representatives of those countries.

And first as to the view which the government of Great Britain took of that question. After the Geneva tribunal had made its award declaring that \$15,500,000 in gold should be paid to the United States, persons in England thought it was necessary and proper to inquire of the prime minister, the representative of the British government upon all questions of this kind, why if Great Britain had provided for the payment of citizens of the United States for injuries that had accrued on account of these or any vessels that had been sailing under the flag of the Confederate States, she should not also provide for indemnifying her own citizens, why they should be the only sufferers. In response to that inquiry Mr. Gladstone in Parliament made use of this language:

It appears to be implied that the government submitted the claims of certain persons, not subjects of Her Majesty, to arbitration. This is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the Alabama. What was submitted to arbitration was entirely a question between the two governments.

But that does not rest upon the declaration of the prime minister of Great Britain merely, for it is to be found in the instructions under which the distinguished attorneys selected to represent the United States before the board of arbitrators were acting. In a letter dated "Department of State, Washington, December 8, 1871," the then Secretary of State, Mr. Fish, gave these instructions to the Hon. Caleb Cushing, William M. Evarts, and R. M. Waite:

GENTLEMEN: * * * In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty.

It was not incumbent on this board of arbitrators to make any award after having settled the true meaning and construction to be given to the three rules propounded to them. They were not required to make an award of any amount. If they stopped at the point of simple construction and went no further, then the tenth article of the treaty provided for a different kind of board to assess the special and particular damages that might result, and therefore this letter covers both points.

both points.

It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the case of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government, without committal as to the mode of distribution. It is expected that all such committal be avoided in the argument of counsel.

I have the honor to be, gentlemen, your obedient servant,

HAMILTON FISH.

Hon. CALEB CUSHING, WILLIAM M. EVARTS, and M. R. WAITE

And so both Great Britain and the United States understood that the United States did not stand there as the mere agent and representative of parties claiming to have suffered, but she stood there as a nation claiming that she had been injured by the neglect of duty on the part of a neutral, and that she had a right to demand indem-nity for the past and security for the future.

But it is claimed that because the basis of the damages assessed in

this case was the direct destruction of certain property by the three inculpated cruisers, therefore the owners of that property are the only sufferers, that they are entitled to whatever was recovered under this treaty by the decision of the board of arbitrators. It has been said that such was the action of this board of arbitrators that no other claims were taken into consideration. When the board organized and the American case was stated it embraced the following classes

American case as stated by our counsel, volume 1, page 185.
First. The claims for direct losses growing out of the destruction of vessels and their cargoes by insurgent cruisers.
Second. National expenditures in pursuit of those cruisers.
Third. The loss in the transfer of American commercial marine to

the British flag.

Fourth. In the enhanced payment of insurance.

Fourth. In the enhanced payment of insurance.

Fifth. The prolongation of the war, and the addition of a large sum to the cost of the war, and the suppression of the rebellion.

In glancing over that list I am struck very forcibly with one of the propositions, which is, "the loss in the transfer of the American commercial marine to the British flag," a loss that we have intensified, if it was a damage then, by ever since ostracizing the vessels that made the transfer. We have perpetuated this wrong upon ourselves by from that time forth refusing by our laws to permit those vessels to come again under the American flag without having an American register. If Great Britain could have foreseen the course of our own legislation upon that subject she might very well have said to our own legislation upon that subject she might very well have said to us, "we might claim a set-off there; in place of setting that up as a cause of damage you seem to rather rejoice in the fact that you have got clear of that amount of your commercial marine, because you will not permit it again to return to your flag." But it was one of the causes of complaint and one of the grounds of damage insisted upon at the Geneva convention.

In examining the proceedings of that board we learn that the three last of these causes were held by the board not to be the subject of international claims; that whether they were embraced within the three rules or not; whether they had been submitted under the provisions of the treaty to this board of arbitrators for their determination or not, they did not constitute within themselves any ground

of national complaint. The decision of the board on that subject is as follows:

The arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.

The United States had urged them, Great Britain had objected to them, and they therefore stood in direct antagonism upon these propositions. But so far as the action of the board of arbitrators was conreceived, the question was disposed of by simply saying that these three propositions could not be considered because they were not within the principles of international law; not that the damage had not been suffered; not that persons had not been injured; but that they did not come within the principles that entitle one nation to hold another responsible for such losses.

The second wavenessitions of damage that is for the retired expenditure of the principles and the principles are that is for the retired expenditure of the principles are that is for the retired expenditure of the principles are that is for the retired expenditure.

The second proposition of damage, that is, for the national expendi-The second proposition of damage, that is, for the national expenditure in the pursuit of the rebel cruisers, was also held not to be a subject of consideration by this board, for the reason that they said it was a part of the general expenses of the war that could not be separated from them, and could not therefore be presented in an item or considered in an item as any ground of national grievance by itself.

Having disposed of all, so far as the board were concerned, except the first class—that is, for direct damage and losses sustained by the

destruction of vessels and property by the rebel cruisers—the board then examined the question that was specifically submitted to them; for in the statement and argument of this question I want to present it clearly and as it presents itself to me; and in that they de-termined, finally and effectually, that there were but three vessels that the conduct of Great Britain had been such with reference to as made her responsible under the terms of the three rules, and their tenders were said, of course, to belong to them. They took no particular distinction, and, of course, the tenders were included. But these three vessels and their tenders, as my friend from Ohio [Mr. Thurman] suggests, were those for whose acts Great Britain was held responsible, and one of these only from the time she had been supplied and aided and assisted at Melbourne.

But, Mr. President, while that was the conclusion arrived at by the board, it is equally clear and conclusive that when they came to form their estimate of damages they did not undertake to separate or to ascertain with anything like exactness (nor was it their purpose to do so) the amount of loss or destruction that had been caused by these three vessels to the one hundred and thirty-five vessels destroyed by the street of the second street of t by them. That it was referred to as constituting an element of damage, and a very large one, there can be no doubt whatever. It was undoubtedly necessary under this treaty for the board of arbitrators to find that Great Britain had in some respects in regard to some of these vessels so conducted herself as to make her liable to the United

these vessels so conducted herself as to make her liable to the United States for a breach of her neutrality, not by acts of commission but by such acts of omission and negligence as would, in the judgment of this august board, bring her within the terms of that treaty.

It is also true, that having arrived at the fact that there were three vessels with their tenders that had been so aided and assisted by the people of Great Britain, with such knowledge and consent at least of the authorities as to make that government responsible for negligence, the lowest measure of damage that this board were authorized to assess in a case of that kind would be the value of the property thus destroyed. That would have been its lowest measure, but they were not limited to that. The principle that governed that tribunal as not limited to that. The principle that governed that tribunal as well as all others was that when you come to deal with a tort-feasor you are bound to assess the actual damage that he has caused; but then you are not limited to that actual damage and can go further; you can take into consideration the circumstances and all other facts that connected themselves with this wrong, and add to the ass ment on account of them.

Mr. THURMAN. May I interrupt the Senator a moment?
The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Indiana yield ?

Mr. McDONALD. Yes, sir.

Mr. THURMAN. Did the Senator ever hear or see of a case of

Mr. THURMAN. Did the Senator ever hear or see of a case of punitive or vindictive damages imposed upon a man whose whole fault was omission of duty or negligence? Is there any case in the books of international law or common law in which a man has been made to suffer punitive damages in a case of mere negligence? Mr. McDONALD. Gross negligence? Yes, sir.

Mr. THURMAN. I should like to see it.

Mr. McDONALD. When you have established the fact that the party complained of is a wrong-doer, whenever he is presented in that attitude punitive damages may be awarded.

Mr. HOAR. Will the Senator from Indiana permit me to make one suggestion in answer to the Senator from Ohio's question? Persons are indictable and convictable of manslaughter for mere negligence—

are indictable and convictable of manslaughter for mere negligence-

not merely held for vindictive damages, but as criminals.

Mr. KERNAN. Allow me to ask is not that by express statute

always?

Mr. HOAR. No, sir; at common law.

Mr. KERNAN. It is by statute in my State.

Mr. HOAR. A person charged with the support of an infant child is obliged to protect it, and if by his negligence it loses its life he is punishable for manslaughter, and so a common carrier dealing with

passengers. And this without regard to the statute.

Mr. KERNAN. In my State we had to pass a law that a railroad engineer or conductor who by negligence kills a person shall be liable

for manslaughter.

Mr. DAVIS, of Illinois. Mr. President, the Senator from Indiana has but a few moments, and I think that these interruptions will not enable him to get through.

Mr. HOAR. That is certainly a question in the discretion of the centleman who interrupts, and not in the discretion of the Senator

from Illinois.

Mr. DAVIS, of Illinois. The Senator from Indiana stated to me a moment ago that he could not get through in the time limited if he were interrupted. The Senator from Massachusetts is very touchy

whenever I speak upon anything.

Mr. McDONALD. My answer to all these questions is a very simple one. I repeat the proposition, for I desire to have it considered, that whenever you have established the fact that the party complained of is a tort-feasor, a wrong-doer, then the question of damages is governed by the circumstances of the case with all its surroundings, and it was necessary before we could recover one cent from Her Britannic Majesty to establish that her government was a wrong-doer; and I say further, that in a case of that kind the rule is well settled that the least measure of damages is the actual loss or injury, and that it may be enhanced according to the circumstances as the judgment and discretion of the tribunal trying the case shall award.

But, Mr. President, I wish to state another proposition in this con-

nection. Although these arbitrators found under the provisions of the treaty that this infringement of the rights of a neutral by Great Britain, or rather this violation of her own neutral obligations more properly speaking, could only attach to three of the vessels and their tenders, and although they had before them the estimate of the damage done to the one hundred and thirty-five vessels and the value of their cargoes as fixed by the United States, and also had before them their cargoes as fixed by the United States, and also had before them the estimate put upon the same property by the Board of Trade of Great Britain, to which it was referred by the representative of Great Britain before the tribunal for the purpose of aiding his judgment on the subject; and these two statements differed as widely as the poles. The amount named by the American representatives, with the addition that they finally made to it, ran up to nearly \$19,000,000, while the estimate fixed upon the same losses of property through the medium of the Board of Trade of Great Britain and present hy through the medium of the Board of Trade of Great Britain and present hy the dium of the Board of Trade of Great Britain and presented by the agent of that government before the commission was a little over \$7,000,000. When they had got through with considering all these questions, it appears from their report, but it does not appear in anything that occurred in the proceedings of the commission, that the amount they arrived at did not embrace and was not intended to embrace the exact value of the property thus destroyed or anything of the kind.

Now, Mr. President, let me call the attention of the Senate to the construction which has already been given to that very question by the court of commissioners of Alabama claims, in the consideration of the cases submitted to them. I have here their report to the Secretary of State, embracing their opinions and decisions on the various cases submitted. In the case of Charles Pratt Williams vs. The United States, No. 45, in the opinion rendered by Judge Porter, the following

language occurs:

How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed, is not now known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear to us that the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel the payment of the money by Great Britain, and when this Government obtained it the claimants had no power to demand it, and no legal right to it, except that which the Government by its own acts chose to accord. They must, therefore, take their respective shares of it subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

I have read this more especially for the purpose of showing that the judges constituting the commissioners of Alabama claims, whose duty it was to examine all these questions with care, have deliberately stated that there was nothing to determine how this award was made up as to the specific data or the particulars of any one claim, and the same declaration is repeated by this court, in other cases, in almost the same language, as it was their governing rule. In fact it was the act of 1874; it was the first declaration of Congress in regard to the character of this fund when it assumed to dispose of it, and has been the action of this Government down to the present time.

Mr. Davis, the American representative, in his report of the proceedings of the arbitration to the Secretary of State, declares in express terms that there were no special or specific damages assessed, and none intended to be, and that the arbitrators had given, as it had been the purpose of the American agent and attorneys to obtain, if possible, a gross sum to the United States. I read from the report of the agent of the United States, Mr. Davis, to the State Depart-

ment, of the proceedings before the board and the conclusions finally reached in reference to this assessment of damages.

The neutral arbitrators and Mr. Adams, from the beginning of the proceedings, were convinced of the policy of awarding a sum in gross. For some weeks before the decision was given, I felt sure that the arbitrators would not consent to send the case to assessors until they should have exhausted all efforts to agree themselves upon the sum to be paid. We therefore devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the sum of the sum

So that when the arbitrators had arrived at the conclusion to make an award in gross, the representatives of our Government directed their energies and aimed their purposes at obtaining such a sum as would indemnify the sufferers, and when that award came to be made it was made under the terms and conditions of the treaty which required that whatever was given, whatever sum should be arrived at by this board of arbitrators, was to be a sum in full. Accordingly, we find that they made their report upon this point in this language:

The tribunal, making use of the authority conferred upon it by Article VII of the said treaty, by a majority of four voices to one, awards to the United States a sum of \$15,500,000 in gold, as the indemnity to be paid by Great Britain to the United States, for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in Article VII of the aforesaid

Not in full consideration of the destruction of one hundred and thirty-five vessels destroyed by the three inculpated cruisers, as they are called, and their tenders, but it was to be in full satisfaction "of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in Article VII of the aforesaid treaty." And then, to make it still more specific, they further declare:

And, in accordance with the terms of Article XI of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled."

"All the claims," " all causes of difference" that could in any manner grow out of war as against Great Britain, termed the Alabama claims-that is, the loss and destruction arising from the presence of rebel cruisers upon the high seas-were settled. Furthermore it was declared by the tribunal:

Furthermore it declares that "each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible."

That sum of \$15,500,000 was paid over. In receiving it we gave to Great Britain a final receipt and acquittance, not merely for the particular claims that arose in regard to the three inculpated cruisers, but for all claims for all damages. We had undertaken to stand there, not as the agent of private parties who had suffered losses, but as representing this nation to make a final and complete settlement of this question, and we received this money and signed away all right, title, and claim, if any one had any, of every American citizen that had received injury on the high seas by reason of the presence of rebel cruisers in the war.

The purpose of the United States in negotiating the treaty of Washington was twofold: First, it was to establish the true intent and meaning of the three rules; for the high character of the tribunal, the representative character of that tribunal as representing the civilized nations, made it fit and proper for such a purpose as that. But it had a second purpose, and that was to secure indemnity to the sufferers; and therefore whatever might have been the basis of the estimate of damage the Government reserved the final right to determine as between herself and her own citizens who had suffered, as

the rights of all were surrendered.

I do not think that the proposition can be gainsaid that when we agreed to accept this \$15,500,000 as a complete indemnity and satisfaction, so far as money could give it, and took it into our hands, we took it reserving to ourselves the right to determine who these sufferers were and to provide for them—the final right to determine all that; and therefore the most potent question before us now is, Who were these sufferers?

I am free to admit that standing in the front door of equity as en-titled to first consideration were the owners of the one hundred and thirty-five vessels and their cargoes, who had the legal right to claim to be sufferers. But I insist that the act of 1874 provided for them. All that any just demand could require from this Government was there embraced. The owner, if it was a total loss to him, got the value, not as to what we had secured from England, not as a portion of this \$15,500,000 that was supposed to be represented by his vessel, but what he could prove before this court that his vessel was worth. That is what we gave him. We did not say to him, "We have collected \$150,000 for your vessel; here it is;" but we said to him, "We have a fund in our hands, paid over to us as a national indemnity for our demands upon Great Britain by the award of this high tribunal, and now prove in this new court that we have organized how much your vessel was worth, and we will pay it—that is, we will pay you to the extent of your loss; if you have received money from other sources in the form of in. extent of your loss; if you have received money from other sources in the form of insurance, &c., deduct that from the loss and we will make you whole." That is what we said to him, and we said to the insurer, "If in this business of war risks, although you were engaged in it as a legitimate business, or at least you called it so, you have suffered on the whole face of your business in that connection, to the extent of that suffering we will pay you."

That is what the act of 1874 said, and if these two sums should be

in excess of the amount we had thus collected we said we would divide it ratably between these classes according to their respective interests and shares in it, and they were to receive that in full satisfaction of their claims or demands, whatever they might be; and then we said in that same act—and I wish to call the attention of the Senate to it again:

And after the payment of the said judgments, and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon.

"Other claims thereon." Under that law over \$9,000,000 in judgments were rendered up against the fund and paid, and the remainder of the fund now is here for distribution among the other sufferers, and the very first thing that we are asked to do is to repeal the provision by which we undertook to equalize the loss and damage of those who were engaged in the business of insuring war risks, and to give them the full measure of the amount that they paid upon the particular loss, without any regard whatever to the profits that they may have made upon the one hundred vessels they took that went safe. The theory is that they are the sufferers! Why Mr. President, what is war insurance?

The PRESIDENT pro tempore. The morning hour has expired. Mr. ALLISON. I ask unanimous consent that the Senator from Indiana may be allowed to proceed, and that the hour of three o'clock may be postponed accordingly.

Mr. HOAR. It is not necessary to add that. Let the Senator from

Indiana proceed.

Mr. ALLISON. If he occupies half an hour, it will be half past three o'clock when we commence voting on the Indian bill instead of

Mr. HOAR. The same length of time?

Mr. ALLISON. Yes, sir; the same length of time.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the Senator from Indiana be allowed to proceed, and that by as much time as he shall occupy the time for taking the vote on the Ute Indian bill shall be postponed. Is there objection?

The Chair hears none. The Senator from Indiana will proceed.

Mr. JONES, of Florida. I wish to ask the Senator from Indiana a question. Would the passage of the bill reported by the majority of the committee, and now before the Senate, affect in any way the principle of distribution adopted by the act of 1874?

Mr. McDONALD. Undoubtedly. It would change the whole spirit and principle of that act. The overative section of the bill reported.

and principle of that act. The operative section of the bill reported by the majority of the Committee on the Judiciary is as follows:

SEC. 4. That so much of the twelfth section of the said act-

That is the act I have before me-

as provides that "no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured, as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this act as he could have had after the passage of the first class.

Right here let me remark that the very point that the Senator from

Right here let me remark that the very point that the Senator from Illinois [Mr. DAVIS] has privately called my attention to is provided for in the substitute; that is, carrying forward by supplemental legislation the principles of the act of 1874. It provides:

That the first class shall be for claims not already adjudicated upon their merits, resulting from damage to property done on the high seas by confederate cruisers during the late rebellion, &c.

That allows them to come in yet on the same terms they could come in in 1874 if they had preferred their claims. This allows all persons, whether included or not, whose claims have not been adjudicated, to stand just as they would have stood if they had preferred their claims, except that they are to take under the provisions and principles of the act of 1874.

Now, let us look for a moment at the equities of the class of claimants who ask for this sweeping repeal of the act of 1874 and full indemnity. In the first place those who did not acquire authority from the Legislatures that had given them their corporate existence to engage in war risks were exercising power ultra vires. The ordinary power to engage in marine insurance in ordinary classes of risks does not embrace war risks, and every company that was engaged in this business that did not have authority in its charter covering that class of risks, or did not obtain authority from the Legislature that had created it, was engaged in this business ultra vires without au-

What was the business? It was the insurance of ships and cargoes against the presence and the dangers caused by the presence of rebel against the presence and the dangers caused by the presence of rebel cruisers on the high seas. It was special in its character. It was a business that the war created, without which it could not exist. It was a business which the close of the war terminated, and, therefore, they had a right to complain of the close of the war, because it destroyed their business. We complained of Great Britain because she had prolonged the war. The insurance companies certainly never joined in that complaint. They were not parties to that, because they had no grievance to complain of on that account.

What further? They watched the course of these cruisers over the ocean; they had the charts of the ocean; and every means of communication or information that could be possibly brought into service in their behalf was utilized by them, and they directed their course from day to day, and raised their premiums according to the increase in the risk, until their war premiums ran up in some instances

They engaged in it for gain—not for risk, but for gain. And when we got this money in our hands we proposed to pay them their losses. But they are not satisfied with that. They say: Add to our profits out of this fund. The reason that so few claims of insurers were presented before the Alabama claims commission is, perhaps, owing to the fact that there were but very few who could present any such claims under the act of 1874. I have here a letter from a member of

one of these companies, informing me that his company out of war risks made a profit of over \$300,000, with a loss of \$100,000.

Now, Mr. President, in reference to this class of traffickers who were engaged in this business, it is claimed that the United States made her complaints against Great Britain during the war and after the close of the war on account of these depredations, and that we finally brought her to book by the treaty of Washington almost under a threat of war, and that we were doing it as the agents of these insurance companies to pile up their profits, whose only complaint was that the war ended too soon. And this is called an equitable claim because the right of subrogation is said to be an equitable right, and it is sought to be ingrafted upon the doctrine of subrogation. I say it is a legal right, brought into our system, however, from the rules of the civil law, and has therefore been exercised through our courts of equity rather than our courts of law; but it ought to assimilate when it comes into a court of equity to the principles of equity, whatever may have been its origin, and especially when it comes to us the representatives of this country, the representatives of this nation, and asks us out of this fund thus obtained, in which these principles of international law have been established and all claims surrendered and given up, to enforce what is called a legal right upon a purely equitable fund which we have in our possession and which it is our bounden duty to administer and distribute upon the principles of high equity, and that is the only obligation resting upon us. The fund legally belongs to the United States. She was not standing before the Geneva tribunal as the agent of any one except the people of the United States whom she represented. It came into her possession legally as a fund belonging to her, impressed with principles of equity, however, in behalf of certain parties who had suffered, and in 1874 we provided for those who

had the first equity.

It would have been wrong not to do that. We did provide for them, and we said to them: "We have made this provision; we have them, and we said to them: "We have made this provision; we have in doing this followed out the principle that guided and governed our representative before the Geneva tribunal, not to commit us as to the distribution of the fund; we do this because we have surrendered all claim against Great Britain on account of the war, and her failure to comply with her obligations in it, and admitted this to be a full satisfaction of them, and now we propose simply to make an equitable distribution of it among the sufferers."

Who were the sufferers then? Certainly not the insurance companies, unless they suffered because their business was stopped by the close of the war. We put in a claim for damages in the statement of

close of the war. We put in a claim for damages in the statement of the American case because England had prolonged the war. Did that represent the interests of the insurance companies? Had they any principle involved in that settlement that could be affected by such

a claim as that? Surely not.

Then I ask again, who were the sufferers? The men whose property was destroyed on the high seas, who come in after we have made proper compensation to those who stand in the foreground, in the front door of equity, to receive what we think it proper they should receive. Take for illustration the case of one of these vessels, the Shenandoah, built and fitted out with everything except her armament in the ports of Great Britain and in her dock-yards, armed by a tender that went to sea for the purpose of carrying the armament to her and the men, but she did not enter any other British port or receive any other aid until she reached Melbourne. On her course there she destroyed seven vessels. She entered the port of Melbourne, there received additional aid, and recruited additional forces and started out. The arbitrators said that from that time Great Britain was liable for her acts; that is, that the conduct of her authorities at that point connected her with the destiny of the Shenandoah, and made her liable to us as having committed the breach of faith that the tribunal had to find against her in order that we might get any damages at all.

Now, will you say that the seven owners of the seven vessels who were killed—yes, "killed," that is the proper term for them, for there was no taking these vessels into harbors there to be treated before was no taking these vessels into harbors there to be treated before prize courts or in any other way; the necessity that forced their capture forced their destruction—will you say that the seven men who owned those seven vessels, if they were owned by seven different men, are no sufferers by reason of this matter brought to the attention and embraced in and settled by the award made at Geneva, and have we not surrendered their claims? Did we not by giving a receipt for this \$15,500,000 in gold give a full receipt for the destruction of these seven vessels, and so of any others that were destroyed by any other of the cruisers anywhere in the war? We receipted for all. When we reserved the express power to determine here upon the distribution of the fund, have we no right to consider these things and provide

Again, have not the men suffered who paid war premiums for the purpose of protecting their property as far as possible? The Geneva tribunal said that their losses were not within the principles of international law, and that, therefore, they could not take them into special account; but when we received this money we receipted and gave a full and complete acquittance for these losses. Oh, it is said, if they paid war premiums they enhanced the price of their goods; they were enabled to put on an additional price on that account. Let us see how that works. I have a table here that shows the practical working of that argument, compiled from the files of the New York Shipping and Commercial List, embracing the rates of freights from the rates 1861 down to 1865 the rates. year 1861 down to 1865, the rates on American vessels and on the year 1861 down to 1865, the rates on American vessels and on foreign vessels, and you will see that right away, as soon as it became more dangerous to ship on American vessels than on foreign vessels, the freights on American vessels went down and the freights on foreign vessels went up. That is, the man who had goods in London or Liverpool and wished to ship them to this country, finding two vessels, one under a flag that would be respected by the rebel cruisers, another under the American flag that would be subject to capture, preferred shipping on the safe vessel, and the man who had the safe vessel knew perfectly well his advantage and added to the price. Let me present the table:

Discriminating rates of freight in favor of foreign vessels during years 1861 to 1865, inclusive, compiled from the files of the New York Shipping and Commercial List.

April 27.—English bottoms have a decided preference on account of the war clause in their insurance policies. Letter from Captain Remington, of bark Mustang, at Havana, states that Spanish merchants were alraid to ship by American vessels, owing to existing difficulties, and were giving French and English the preference. May 25.—Corn to London: American vessels, 9d.; foreign vessels, 10d.
May 29.—Foreign vessels command the highest rates, most of the orders received here from England being restricted to foreign bottoms. The discrimination in favor, 1d. to 2½d. Wheat to Liverpool: American vessels, 8d.; foreign vessels, 10½d. June 1.—Freight rates lower, but foreign bottoms still have the preference. June 5.—Wheat to Liverpool: American vessels, 7d. to 3½d.; foreign vessels, ₹d. to 9½d. Murdoch & Smythe's circular of this date says: Neutral flags command 15 to 20 per cent. over quotations for American vessels. 9d.; foreign vessels, 11d. August 7.—Corn to Liverpool: American vessels, \$\frac{1}{2}\text{d}\$, to 9½d.; foreign vessels, 9d. to 9½d.

September 11.—Rye to Antwerp: American vessels, 13½d.; foreign vessels, 14½d. October 26.—Flour to London: American vessels, 3s. 9d.; foreign vessels, 3.1½d. December 4.—Flour to Liverpool: American vessels, 2s. 3d. to 2s. 6d.; foreign vessels, 2s. 9d. to 3s. Wheat to Liverpool: American vessels, 8½d. to 9½d.; foreign vessels, 10d. 1862.

January 1.—Flour to Liverpool: American vessels, 2s. 6d.; foreign vessels, 3s. 3d. February 1.—Flour to London: American vessels, 2s. 9d. to 3s.; foreign vessels,

32. 43d. March 1.—Flour to Liverpool: American vessels, 2s. to 2s. 13d.; foreign vessels, 2s. 3d. Corn to Liverpool: American vessels, 62d.; foreign vessels, 3d. April 2.—Flour to London: American vessels, 1s. 103d.; foreign vessels, 2s. May 3.—Flour to Liverpool: American vessels, 2s. 3d. to 2s. 43d.; foreign vessels, 2s. 5d.

2s. 5d.
October 18.—Vessels under foreign flags command higher rates, in consequence of the reported seizure and destruction of American vessels by the rebel steamer "290." October 25.—Shipments making almost entire in foreign bottoms, American vessels being in disfavor.
October 29.—Shipments to Liverpool and London by American vessels small, and makes for grain lower, but by foreign bottoms there is a fair business at full previous rates. Wheat to London: American vessels, 10d. to 10½d.; foreign vessels,

ous rates. Wheat to London: American vessels, 2s. 44d. to 2s. 6d.; foreign vessels 104d. November 15.—Flour to London: American vessels, 2s. 44d. to 2s. 6d.; foreign vessels, 104d.

Sels, 3s. to 3s. 6d.

December 10.—Wheat to London: American vessels, 9d.; foreign vessels, Flour to London: American vessels, 2s. 4†d.; foreign vessels, 3s. to 3s. 1‡d.

1863. January 3.—Flour to Liverpool: American vessels, 1s. 9d. to 1s. 101d.; foreign

January 3.—Flour to Liverpool: American vessels, 1s. 9d. to 1s. 104d.; foreign vessels, 2s. February 4.—Flour to Liverpool: American vessels, 1s. 104d. to 2s.; fereign vessels, 2s. 9d. Bacon and lard to Liverpool: American vessels, 20s.; foreign vessels, 2s. 6d. to 30s.

March 4.—Pork to Liverpool: American vessels, 3s.; Foreign vessels, 4s. Flour to London: American vessels, 2s. foreign vessels, 4s. Flour to London: American vessels, 1s. 7d.; foreign vessels, 2s. to 2s. 44d. Bacon and lard to Liverpool: American vessels, 1s. 7d.; foreign vessels, 2s. to 2s. 4d. Bacon and lard to Liverpool: American vessels, 1s. 7d.; foreign vessels, 2s. to 3d. 5d. to 2s. Flour to London: American vessels, 2s.; foreign vessels, 2s. to 2s. 3d. Flour to Liverpool: American vessels, 1s. 9d.; foreign vessels, 2s. to 2s. June 6.—Flour to Liverpool: American vessels, 1s. 6d. to 1s. 8d.; foreign vessels, 2s. to 2s. 3d. Wheat to Liverpool: American vessels, 1s. 6d. to 1s. 8d.; foreign vessels, 2s. to 2s. 3d. To 2d. 3d.; foreign vessels, 2s. 4d. 7dd.; foreign vessels, 2s. 4dd.; foreign

74d. to 73d.

Valet to Liverpool: American vessels, 12. 13d. to 22. foreign vessels, 12. 9d. to 22. foreign vessels, 22. 13d. to 22. 6d. Wheat to Liverpool: American vessels, 7d. to 73d.; foreign vessels, 83d. August 1.—American vessels are in but little request, and chiefly for coastwise voyages. Wheat to Liverpool: American vessels, 6d. to 7d.; foreign vessels, 6d.

Sct.
September 2.—American vessels almost entirely neglected. Wheat to Liverpool: merican vessels, 6½d.; foreign vessels, 7½d.
October 3.—Wheat to Liverpool: American vessels, 5½d. to 6½d.; foreign vessels,

November 4.—Neutral vessels continue to receive the "lion's share," as may be inferred from the fact that of some one hundred and fifty vessels loading for foreign ports, only twenty are covered by the American flag. Wheat to Liverpool: American vessels, 4½d. to 4½d.; foreign vessels, 4½d. to 5d.

December 5.—The war risk remains 2 per cent. to all ports in Great Britain on shipments covered by the American flag.

1864. January 20.—Wheat to Liverpool: American vessels, 42d.; foreign vessels, 52d. Flour to Liverpool: American vessels, 1s. 3d.; foreign vessels, 1s. 5d.

February 3.—Flour to Liverpool: American vessels, 10½d. to 1s.; foreign vessels, 1s. 6d. Wheat to Liverpool: American vessels, 4½d.; foreign vessels, 4½d. March 9.—Pork to Liverpool: American vessels, 2s. 6d.; foreign vessels, 3s. Bacon to Liverpool: American vessels, 17s. 6d.; foreign vessels, 20s. to 22s. 6d. April 6.—Bacon and lard to Liverpool: American vessels, 10s. to 12s. 6d.; foreign vessels, 20s. Bacon and lard to London: American vessels, 17s. 6d.; foreign vessels, 20s.

vessels, 20s. Bacon and lard to London: American vessels, 17s. 6d.; foreign vessels, 22s. 6d.

May 4.—Tallow to Liverpool: American vessels, 5s.; foreign vessels, 12s. 6d.

June 1.—Flour to Liverpool: American vessels, 2s.; foreign vessels, 2s. to 2s. 14d.

July 2.—Wheat to Liverpool: American vessels, 3d. to 4½d.; foreign vessels, 4d.

to 4½d.

August 3.—Flour to Liverpool: American vessels, 1s. 9d. to 2s.; foreign vessels, 2s. 3d.

Sontamber 3.—Wheat 6. 7.

September 3.—Wheat to Liverpool: American vessels, $5\frac{1}{2}d$. to $5\frac{1}{6}d$.; foreign vessels, $5\frac{1}{2}d$. to 6d. Tallow to Liverpool: American vessels, 12s. 6d.; foreign vessels, 22s. 6d.

October 1.—Flour to London: American vessels, 1s.; foreign vessels, 1s. 3d.

November 16.—Wheat to Liverpool: American vessels, 23d. to 3d.; foreign vessels, 3d.

sels, 3d. December 7.—The discrimination against American bottoms is so great that neutrals are almost monopolizing the European trade. Beef to Liverpool: American vessels, 1s. 6d.; foreign vessels, 2s. 3d. Tallow to Liverpool: American vessels, 7s. 6d.; foreign vessels, 12s. 6d. to 15s.

1865.

January 7.—Neutral flags continue to monopolize the bulk of the business to-foreign ports, and the fact that two more rebel pirates, the Shenandoah and Olus-tee, are depredating upon our commerce is not likely to help matters. Logwood to Liverpool: American vessels, 2s. 6d.; foreign vessels, 10s. February 4.—Bacon to Liverpool: American vessels, 10s.; foreign vessels, 15s. March 29.—Provisions to Liverpool: American vessels, 2s.; foreign vessels, 5s.

EXPLANATIONS.

The rate on flour is by English shillings per barrel.
The rate on grain is by English pence per bushel.
The rate on provisions and tallow is by English shillings per ton.

Mr. President, this is a very instructive table, and it shows just exactly under what disadvantages American vessels had to labor and struggle for any kind of business during those times, and it shows

struggle for any kind of business during those times, and it shows very clearly why so many of our vessels broke their American registry and registered under the British flag; and we have kept there ever since by way of decreasing our commercial marine.

Mr. President, in looking over the classes of cases that, in my judgment, commend themselves to us, I think the next class of persons who are entitled to consideration at our hands, if we follow what has been marked out by the act of 1874, and make this distribution to other sufferers, are the owners of those vessels and cargoes that were destroyed by what are termed the exculpated cruisers and the Shenandoah, before she reached Melbourne. I have taken some pains to ascertain as near as I could how this list of sufferers stood. I have already said that the inculpated cruisers destroyed one hundred and already said that the inculpated cruisers destroyed one hundred and thirty-five vessels. The exculpated cruisers destroyed about sixty-five, thirty-five vessels. The exculpated cruisers destroyed about sixty-five, about one-half in number, and I embrace in this now the seven destroyed by the Shenandoah before she reached Melbourne, but the value of these sixty-five does not bear the proportion to the value of the one hundred and thirty-five that their number does. On the contrary, the value of the sixty-five destroyed by the exculpated cruisers may be said to be about one-fifth of that of those destroyed by the inculpated cruisers, for you remember that the Shenandoah after she left Melbourne passed up into the Northern Pacific and committed such havoc in our whaling fleets that to this day the whaling interest has not recovered itself.

has not recovered itself.

Following them, as I have already indicated, I think that those men who paid what are termed war risks, requiring them to deduct whatever they have received by way of profit upon those risks, are the next parties in suffering. I do not believe in adding profit to any one, but, if possible, to seek and find out those who have suffered, and provide for them as far as this indemnity fund will enable us to do. When we have accomplished that, if there should remain any more of this fund in the Treasury, I have no hesitation in saying it belongs to the United States. When Great Britain paid it over to us, and received our receipt in full for all claims that we had marshaled against her our receipt in full for all claims that we had marshaled against her to be considered by the Geneva tribunal, she parted with it forever, reserved no legal right, no equitable claim to any part of that fund. If we should not distribute it all among the sufferers here, it is ours, not hers any longer, for she has simply paid a judgment rendered by this high tribunal upon the claims that we preferred against her, and tried her for, and convicted her.

HOUSE BILL REFERRED.

The bill (H. R. No. 5053) granting relief to William Turman, guardian of William W. Brewer, was read twice by its title, and referred to the Committee on Pensions.

COMMITTEE ON EXCISE REVENUE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the appointment of a joint committee consisting of two members of the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise

Mr. VOORHEES. There was an unintentional omission that marred the resolution when it left the Senate, and I move that the House

amendment be concurred in.

The PRESIDENT pro tempore. The Senator from Indiana moves that the amendment of the House of Representatives to the resolution of the Senate be concurred in. The amendment will be reported.

The Chief Clerk read the amendment, which was, in line 4, after the word "and," to insert "three members of;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee, consisting of two members of the Finance Committee of the Senate and three members of the Ways and Means Committee of the House of Representatives, be appointed by the respective presiding officers, to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties, what remedy can be provided by law, and with power to recommend such measures as they may deem proper by bill or attempting.

The amendment was concurred in.

BILL RECOMMITTED.

Mr. VEST. I move that the bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio, be taken from the Calendar and recommitted to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. Is there objection to the recommitment of the bill? The Chair hears none, and it is recommitted.

UTE INDIANS IN COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of the Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same

The PRESIDENT protempore. General debate on this bill will close at half past three o'clock, and on all amendments offered after that a five-minute debate is allowable.

Mr. TELLER. Mr. President, I do not rise to discuss the bill, but

Mr. TELLER. Mr. President, I do not rise to discuss the bill, but to move an amendment on page 6 of the bill as printed. I move to strike out, in lines 105 and 106, the words "or subject to taxation of any character," and, in line 107, to strike out the words "and not subject to taxation." That will simply, if adopted, leave the lands subject to taxation—the question that was raised just before the Senate adjourned on Friday night. If these words are stricken out, of course the lands will be subject to taxation, which I insist they must be, if they are held in severalty in the way designated in the bill.

Mr. MORRILL. I do not take much interest in this bill, but it is

Mr. MORRILL. I do not take much interest in this bill, but it is obvious that if the State should have power to tax this land before the parties can reap any benefit from it themselves, it will result in driving the owners of the soil away and the confiscation of their property. It seems to me that the amendment would defeat the whole purpose of the bill. If these Indians are to go there and remain there, they must have some sort of favor until they learn the duties and the rights and privileges of citizenship, and also learn the industrial arts, or at least the agricultural part of them, so far as to enable them to support themselves. If they are to be subject to taxation, of course these lands will soon be forfeited, and they will not own a

ord of land in the territory they propose to occupy.

Mr. TELLER. I should like to ask the Senator if he thinks Congress has any power to exempt this land from taxation after having destroyed the tribal relation and given the Indians the land in sever-

altv

Mr. MORRILL. I have no doubt about the power so far as an In-

dian reservation is concerned.

Mr. TELLER. This is not to be an Indian reservation.

The PRESIDENT pro tempore. of the Senator from Colorado. The question is on the amendment

Mr. TELLER. Let us have the yeas and nays. It is a question of law purely.

The yeas and nays were ordered.

Mr. INGALLS. It appears to me that the Senator from Colorado is acting somewhat in opposition to the interest of the State that he represents in proposing this amendment. If this agreement is not adopted in some shape and the right of occupation by these Indians is not relinquished, there will be twelve million acres of land wholly within the limits of the State of Colorado exempt from taxation by the consent of everybody for an indefinite period of time. By this agreement those twelve million acres are relinquished, and in lieu thereof a portion of these Indians retain a certain small tract of land within the limits of Colorado which it is proposed shall be exempt from taxation for a period of twenty-five years. As the Senator from Vermont [Mr. MORRILL] suggests, if local and municipal and State authorities are allowed to tax this land with its concomitant powers of sale for non-payment, it would be but a short time before the Indians would be divested of title and expelled and again become homeless wanderers on the face of the earth, unless there should be a provision incorporated here that the United States Government shall assume to pay to Colorado the taxes which would become due on the land. Assuming that the United States Government has a title to this land, as the State of Colorado has already expressly agreed by accepting the terms of the enabling act that she will not impose any tax upon and belonging to the United States, she is estopped; so that in any way you may view this, whether as a question affecting the interest of the people of Colorado, who obtain a vast tract of land, twelve million acres, upon which they can impose taxes, in exchange for a few scattering tracts that will be exempt for a short period of time, or whether you regard the obligation the State has entered into, it seems to me that the amendment offered by the Senator from Colorada out that the headerthal orado ought not to be adopted.

Mr. TELLER. I have no doubt it is greatly to be regretted that

the honorable Senator does not represent Colorado. If he did, I have no doubt it would be very much better represented. No doubt, at least, that is the opinion of the Senator from Kansas; in fact, I think he could fill the bill for most of the Senate. But it is a question of law that is presented to the Senate, and I want the opinion of the Senate upon it, whether, when you have destroyed the tribal relation as you propose to do, you can still exempt the lands occupied by Indians individually. If you have not destroyed their tribal relations, I admit that we cannot tax their land; and if these Indians are to be put upon this land, I admit that to tax it will defeat the very purpose in view. That is what I say of the bill which came from the committee of which the honorable Senator from Kansas is a member. I say, having destroyed the tribal relations, we have thrown these people out of the protection of law.

I have called attention to this matter so that the Senate may go to of the states have a right to tax the land. I am only asking to make

the bill consistent.

Mr. INGALLS. The Senator from Colorado displays a little unnecessary temper about this subject this morning. I have no desire to represent the State of Colorado, and I am sure that I would not dispute with him as to the question of his ability to do so, but it certainly is a novel theory to advance that because I am not a resident of the State of Colorado I have no right to comment upon the provisions of the bill, especially as the question before the Senate is, as the Senator himself admits, a question of law and not a question of fact. A question of law involving the title of the United States to a certain tract of land is a question that a Senator can discuss, whether he represents Colorado or any other State in the Union.

I do not admit, as the Senator from Colorado assumes, that this agreement breaks up and abrogates the tribal relation of the Ute Indians. When he assumes that this bill does break up and destroy the tribal relation he is assuming what, as one member of the committee, I do not assent to. The whole bill proceeds upon the theory that the tribal relation continues to exist. The agreement is madewith the chiefs and head-men of the confederated bands of the Ute-Indians, and that political affiliation is to continue; it is not changed by the fact that these men take their lands in severalty, that allotments are made to them, and that they live in different portions of

Colorado and New Mexico and Utah.

As the Senator from Colorado suggests, this is a question of law; and if it is a question of law, a vote of the Senate cannot change it.

The whole Senate might vote unanimously upon one side or the other as to their interpretation of this question of law, and when it comes to be decided by the courts that expression may be entirely disre-garded. Therefore, assuming that the Senator is right in his statement that this is a question of law, his amendment is idle and nugatory, because the Senate can in no event decide a question of law.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on agreeing to the amendment of the Senator from Col-

question is on agreeing to the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. THURMAN. Mr. President, I expressed some doubt about this question of taxation the other day, and I still feel some doubt about it. If the tribal relation of these Indians continues, if they are still to be regarded as a tribe of Indians with that degree of independence or autonomy that we have heretofore accorded to them, under the protection of the United States, and these lands which are to be set apart to them are to be regarded as lands belonging to members of a distinct and independent tribe, (that is, as independent as a tribe of Indians can be,) then I see no serious difficulty, in view of the decisions of the Supreme Court, in exempting these lands from taxation. But if their tribal relation is to be absolutely broken up and they are to become citizens of the United States under the fourteenth amendment, and in all respects subject to the laws of the State, then I do not know where Congress finds the authority to exempt their property from State taxation.

I am assured by the members of the Committee on Indian Affairs that the tribal relation will continue; that that is the purpose of the bill; and that the case is therefore brought distinctly within the decisions of the Supreme Court upon this subject. Under those circumstances, if that be so, it is competent to pass the provision which

Mr. TELLER. Then it ought to be left, if that is so.

Mr. THURMAN. Yes, if that is so, the Senator himself says the clause ought to be left. Deferring to the judgment of the gentleman who framed this bill, I can vote against this amendment, although I

do not like the proposition.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the amendment, and the Secretary will call the roll. The question being taken by yeas and nays, resulted—yeas 5, nays 40; as follows:

VEAS_5. Butler, Jones of Florida, Teller. Kirkwood, Morgan, NAYS-40.

Allison, Anthony, Bailey, Baldwin, Bayard, Blair, Bruce, Burnside, Call, Cameron of Wis., Coke, Davis of Illinois, Farley, Ferry, Garland, Hamlin Hampton,

Harris, Hereford, Hill of Colorado, Hoar, Ingalls, Kernan

McMillan, McPherson, Maxey, Morrill, Pendleton, Platt, Pryor,

Saunders, Slater, Thurman, Vest, Voorhees, Williams, Windom.

ABSENT-31.

Beck. Blaine, Booth, Cameron of Pa., Conkling, Davis of W. Va., Eaton.

Edmunds. Gordon, Groome, Grover, Hill of Georgia, Johnston, Jones of Nevada, Kellogg, Lamar, Logan, McDonald, Paddock, Plumb. Randolph, Ransom, Rollins,

Saulsbury, Sharon, Vance, Walker, Wallace,

So the amendment was rejected.

Mr. TELLER. On page 6 of the bill, commencing after the word "Utes," in line 126, there is a provision—I do not know whether the "Utes," in line 126, there is a provision—I do not know whether the committee will object to my proposition or not—that the agricultural implements, wagons, and so forth, that shall be provided by the Government shall be divided in a certain manner. It seems to me to be unwise to make such a provision at this time and, without knowing where these Indians will settle or how many will settle in one place to say how this property shall be distributed. It seems to me that is a matter that ought to be left under the control of the Government. a matter that ought to be left under the control of the Government. The Government furnishes these goods, and the Government ought to distribute them as they are needed. If the Senator from Kansas will look at the provision he will see that it certainly will not work any injury to the bill to strike it out, and it may work embarrassment to leave it in in dealing with these Indians. Therefore I move to strike out, after the word "Utes," in line 126, down to and including the word "reservation," in line 129, in the following words:

In the following manner: One-third to those who settle on the La Plata River and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah reservation.

And in lieu thereof to insert:

As the Secretary of the Interior may direct.

That will leave the appropriation still to be made by the Government under the control of the Secretary of the Interior as to its distribution. Then, if the Secretary of the Interior thinks that the Uintah Utes have need of more agricultural implements than the Uncompahgres, he may give them more. As the provision is here, one-third is fixed to those who settle on the La Plata and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah reservation. It is a matter in which the Indians have very little concern and the Government a great deal.

Mr. INGALLS. To make the amendment harmonious with the rest of the section it should read "the President" instead of "the Secre-

tary of the Interior."

'Mr. TELLER. I have no objection at all to that modification.
Mr. ALLISON. The Senator will see that what he proposes is a modification of the agreement. I think no harm would result from allowing the provision to remain as it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. TELLER. On page 15 I move to strike out section 8. Mr. HAMLIN. Let the section be read.

The Chief Clerk read as follows:

SEC. 8. That the hot springs located in what is known as "The Uncompangre Park," in the Uncompangre Valley, and four square miles of land surrounding said springs and within said valley, are hereby reserved, and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart for the benefit and enjoyment of the people; and, so far as practicable, the provisions of sections 2474 and 2475 of the Revised Statutes are hereby made applicable to said tract.

Mr. TELLER. I will only say that that is a matter in which the Indians have not the slightest interest in the world, so that Senators who are anxious to please these Indians need not be afraid to strike out this section. It is a matter that probably concerns six or eight settlers who have gone down there and settled on this land, under the circumstances which I detailed to the Senate some days ago, when it was practically understood by everybody to be outside of the It is a simple question whether these settlers there on reservation. It is a simple question whether these settlers their houses, and everything that they have got probably in the world. I suppose the sum total, if it were put up and sold at public auction in the State of Colorado, after six months' notice, would not bring more than state of Colorado, after six months notice, would not bring more than three or four thousand dollars at the most, and that is probably a high figure. These settlers are not people of any great distinction; they are laboring people. I think they are foreigners from the names that I saw on the affidavits. I guess all, or nearly all, of them are foreigners. They are common people and very poor people who are living there. There cannot be any political capital on my part in eigners. They are common to any political capital on my part in living there. There cannot be any political capital on my part in moving to strike out this section, because their votes are insignificant and they always go, I think, for the democratic party. From their names I conclude that they are all democrats. They are certainly all Irishmen, or nearly so, unless their names are misnomers.

Mr. INGALLS. What is the character of these springs?

Mr. INGALLS. What is the character of these springs?
Mr. TELLER. These springs, like a great many others in the vicinity, are small springs that are really of no value. The Government never will make anything by reserving them. They are of no earthly

consequence. The effect of the provision will be simply to disturb a few people who are hardy, honest working people and deprive them of their homes.

Mr. INGALLS. Is this valley within the limits of the present Ute reservation?

Mr. TELLER. This valley is within the limits of the Ute reserva-tion as declared by an executive order issued on the 18th of August,

Mr. INGALLS. It will become public land in case this agreement is adopted?

Mr. TELLER. Certainly. I contend that it never ought to have been in the reservation; that these people went there in perfect good faith. I submit that it will be a great hardship to them. Their number is small; but notwithstanding it would be a great outrage on them to drive them from this land. If the Senate wants to do it, very well.

Mr. ALLISON. The papers, letters, and documents in the office of the Secretary of the Interior disclose that these springs are valuable; how valuable of course we cannot ascertain. The Interior Department made several efforts to purchase these springs. It actually made a treaty with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course with the Indians for the purchase of the spring for the sum of the course we cannot ascertain. of \$10,000 with lands surrounding it. Instead of being four miles square, however, they purchased four square miles. The committee thought that this spring and the lands surrounding it were of so much value that they should be withdrawn from settlement, at least for the present. Of course if these springs turn out to be not valuable at any time it is within the control of Congress to either grant the lands to these settlers or to sell them. The only effect of the eighth section is to reserve for the present this small tract of land surrounding these hot springs. I think the provision had better remain in the

There is no doubt about the fact that these people, if they are there, are there in violation of the treaty and every provision of it. They have been warned off over and over again, but they still cling to this small region of country, evidently having in view the fact that these springs either now or in the near future will be very valuable, though

springs either now or in the near future will be very valuable, though the committee thought they should be exempted from the general provisions of the bill to open up all this land to public settlement.

Mr. TELLER. They are not there in violation of law. They are there as they had a right to go, under the very terms and stipulations of the treaty. But the President had a right to make by an executive order that a part and parcel of an Indian reservation. He saw fit to do that without these people being heard. They did not go there for the benefit of the springs. They went there to make little farms. I suppose there is not one of them who has got over forty acres of land that is arable in one of those little farms. It is an exacres of land that is arable in one of those little farms. It is an exceedingly small thing for the United States Senate to do to deprive them of their farms; but of course it can be done. You have the power to do it, you have the might; but it ought not to be done. The You have the springs are of no value. In the town of Ouray there are hot springs; a few miles above there are hot springs of much more importance, and I am told that down below there are other springs. I do not know about it; I never was there on the ground.

Mr. WILLIAMS. Will the Senator allow me to ask him a question

for information ?

Mr. TELLER.

Mr. TELLER. Certainly.

Mr. WILLIAMS. The Senator says that the settlers there had a right to be there. Is not this tract within the Indian reservation?

Mr. TELLER. It is not within the Indian reservation. The provision in the treaty was that if the Uncompahgre Park fell south of the line that was supposed to be the south line, then the Government should make a deed to include this tract. The Uncompahgre Park proper fell eight or nine miles north of the line. The Indians insisted that they can all the Uncompany Park and there were a the that they owned all the Uncompahgre Park, and thereupon, on the agent making a representation to the President that it was a part of the Uncompahgre Park, he included it by an executive order.

Mr. ALLISON. In the map of Hayden the Uncompahgre Park seems to be located right on this reservation.

Mr. TELLER. But the whole controversy grew up before the map

Mr. BRUCE. I desire to ask the Senator a question, as I did not hear his explanation fully. I wish to ask him whether the territory which is now settled upon was embraced in the Indian reservation by the President before the settlers went upon this land or afterward?

Mr. TELLER. The Government ran the line and put up their monuments showing that this little valley, which contains two thousand acres of arable land perhaps, was south of the line. After the monuments were established these settlers went in there and built their cabins. After they went there, without any notice to them, the agent wrote down to Washington that the line was improperly run. The Commissioner of the Land Office declared that from all the evidence he could get the line was properly run and that the park was north of the reservation; but the President of the United States at the request of the Commissioner of Indian Affairs made a special executive reservation, as he might do, and included these men in it months after they had gone there and when they were farming their lands. It is of very little value to the Government but of a good deal to these

people.

Mr. KIRKWOOD. It will be public land again, then?

Mr. TELLER. It will be.
Mr. ALLISON. I only want to say one word in reply to the Senator from Colorado. It is true that the surveyer who ran this line,

who was a man by the name of Miller, not only made an improper survey there, as the Indians claim, but he ran another line several miles outside of what was agreed to by the treaty. The Commissioner of the General Land Office, in a general way, adopted his survey, but as soon as the President of the United States discovered that this had been done in violation of the Indian treaty, he, by an executive order, set apart this small tract of land, and it has remained as a part of the reservation by executive order from that time to this.

reservation by executive order from that time to this.

Mr. McMILLAN. The Senator from Colorado states that before the executive order was issued, these settlers had gone on the land.

Mr. ALLISON. I have no doubt that is true. They jumped in upon this valuable tract of land—I do not know when—perhaps immediately after the survey was made by this Mr. Miller, who was employed by the Land Office to run the boundary.

Mr. TELLER. I beg the Senator's pardon; it was six months after the line was established before a settler went there.

Mr. McMILLAN. Will the Senator from Iowa permit me to ask him whether these settlers had the right to go there when they did? That is the point I want to understand.

Mr. ALLISON. They had not the right, of course. They went there in absolute violation of the treaty.

Mr. PLUMB. This section does not seem to be germane to the bill. It would be just as pertinent, I think, to require to be set apart all

Mr. PLUMB. This section does not seem to be germane to the bill. It would be just as pertinent, I think, to require to be set apart all the hot springs and soap springs and iron springs that are there.

Mr. ALLISON. They ought to be so set apart, I assert.

Mr. PLUMB. If we should set apart a large body of public land we should get into hot water, I suggest, if we kept on defining land that was reserved. I think that on principle, without any regard to the merits of the controversy between the settlers and the Government, this section should go out of the bill, because it is not in any sense germane. The bill relates to the Utes and the partition of land to them, and not to the possession of lands claimed by settlers. It not only embarrasses the bill for nothing, but introduces a new element of controversy regarding that tract of land. Setting apart that tract of land will simply make it an eye-sore in that valley and a constant temptation to the settlers, who will be put off it, and who certainly will not feel well toward the Government when Congress had a chance by a vacation of the Indian title to restore it to them, and did not do so. Therefore I hope the amendment of the Senator from Colorado will prevail. Colorado will prevail.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Colorado.

of the Senator from Colorado.

Mr. TELLER called for the yeas and nays, and they were ordered.

Mr. McMILLAN. Before I vote on this question I want to understand exactly what the rights of these parties are. If these are persons who had a right to go to this place and settle upon these lands as public lands of the United States, then I think the amendment of the Senator from Colorado should be adopted; otherwise I should vote against it. As I understand it, any lands of the United States, surveyed or unsurveyed, if they are not within some reservation by the General Government, can be settled upon, and title to the lands acquired by settlement. As I understand the facts in this particular case, these lands were not within the Indian reservation at the time these settlers went upon them: but subsequent to the time they went these settlers went upon them; but subsequent to the time they went upon them the President of the United States issued an executive order under the terms of an Indian treaty, embracing within the reservation the lands upon which these people had settled.

Mr. INGALLS. While the Senator is on that point—
The PRESIDING OFFICER. Will the Senator from Minnesota yield to the Senator from Kansas?

Mr. MANULLAN Vent Land vent to be a senator from the senator from Minnesota wield to the senator f

Mr. McMILLAN. Yes; I merely want to have correct information

Mr. McMILLAN. Yes; I merely want to have correct information on this point, so that I can vote intelligently.

Mr. INGALLS. Let me call the Senator's attention to the provision of the act of April 29, 1874, ratifying an agreement with the Ute Indians, by which they relinquished a portion of their reservation in Colorado. It appears that there had been a controversy between the commissioners and Indians as to this identical tract of land. It was one of the frequented places of the Indians, one of their places of resort for religious purposes, and a very beautiful valley, inclosed between ranges of mountains, lying just below the present settlement of Ouray, and is at this time the source from which they derive a large portion of their supplies, in the way of vegetables, and so forth. In the treaty that was made it was expressly provided in the

That if any part of the Uncompangre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

Mr. ALLISON. They understood it so all the time.
Mr. INGALLS. All the parties understood that. There was a spe-Mr. INGALLS. All the parties understood that. There was a special exception made in favor of the reservation of this particular tract of land. Accordingly, after the line had been run by this man Miller, to whom the Senator from Iowa has referred, it was discovered that the line did run north of this reservation so as not to include it. Thereupon a new survey was made by which the line was diverted so as to include this particular tract, which was subsequently set apart by the President through an executive order in compliance with this article of the treaty. Therefore when that had been done it became a portion of the Ute reservation; and if any white man is there to-day he is plainly a trespasser, and is upon the ground in violation of law. It seems to me that the Senate would hardly be doing

justice to recognize the rights of men who are admitted to be wrong-

So far as the Senator from Colorado is concerned, I agree with him in believing that the policy of reserving these hot springs in that portion of the country is without much value, because that whole region is penetrated with hot springs. There are thousands of them in the neighborhood on the land that this treaty refers to, and along the whole course of the Rocky Mountains. If every thermal spring were to be reserved and the land to be reserved around about it, the country would be marked with executive reservations that would be

country would be marked with executive reservations that would be of no special value to anybody.

Mr. TELLER. I should like just to make one statement upon this point. It is a matter that I think the Senator might understand and ought to understand. There is the provision read by the Senator with reference to the Uncompahgre Park. This was comparatively an unknown region; there were no settlers in the vicinity; none in the park. The question might have arisen, of course, what was the Uncompahgre Park? The Senators who are on the committee assume now that there is no question but what the Uncompahgre Park is the four miles reservation; yet the Commissioner of the General Land Office, after he had examined it, declared that the evidence was satisfactory to him that the other park, which is much larger, much Office, after he had examined it, declared that the evidence was satisfactory to him that the other park, which is much larger, much finer, much more valuable, eight or nine miles farther down the stream, is what was intended by the Uncompangre Park. Mr. Fogg, a citizen of Ouray, formerly a citizen of Saint Louis, (I read his letter here the other day to the Senate,) wrote to the Secretary of the Interior that this was not the Uncompangre Park at all; that the Uncompanders Park was still forther partly

Interior that this was not the Uncompangre Park at all; that the Uncompangre Park was still farther north.

Mr. INGALLS. Of course I sympathize with the Senator, but I want to ask him if this is not what the Indians understood by the Uncompangre Park, and what they wanted to reserve?

Mr. TELLER. No one being there or understanding anything about the Uncompangre Park at all, the Government went to work and ran the Uncompangre Park at all, the Government went to work and ran this line. It ran it and established its monuments, large monuments that everybody could see. That survey was approved in January, 1875, having been made the previous fall, and the monuments put up. Nobody had gone there. Everybody was waiting to see where the line was to be. When it ran across this park, Mr. Miller said he saw nothing that he thought indicated a park; that the Indians did not claim that this was a park; and therefore he ran the line supposing the park to be where yet think it now is vertibely the park to be where we think it now is, north. But the monuments were put up after the approval by the Commissioner of the General Land Office of the survey, and after this had been declared thereby to be public

Mr. ALLISON. Does the Senator mean to say that the Uncompangre Park is north?

Mr. TELLER. I mean to say that the Uncompangre Park is north.

That is my understanding.

Mr. ALLISON. Then to carry out the provisions of this treaty there ought to have been still a larger reservation, because the Utes understood when the treaty was made that this particular country should be reserved for their use.

Mr. TELLER, [indicating on a map.] Here is the Uncompangre

Mr. ALLISON. Then the reservation ought to be there, [indicating.] Mr. TELLER. But that is in the reservation.

Mr. ALLISON. I understand it.

Mr. TELLER. The Senator mistakes; the Uncompangre Park is in the reservation. Then after all this was done, in the spring the settlers went in there and established their homes, as I have stated. It cannot be said that they were there in violation of law, at least if they were they had been misled by the action of the Government. I saw affidavits on file from these men (and I do not know what particular men are now touched by this reservation) in which they said if compelled to leave this ground everything they had in the world would be swept from them; that in making their little homes and building

be swept from them; that in making their little homes and building their cabins they had expended every dollar they had in the world. The Senator from Kansas [Mr. INGALLS] says the matter is of no account, that there are plenty of thermal springs there; and yet it seems to be considered, when the Indians have nothing to do with it, that these men should be deprived of their homes. Every Senator who has given attention to the United States land laws understands that they had a right there if it was a part of the public domain, and yet we understand that the President of the United States had the right to include them in the reservation if he say fit. the right to include them in the reservation if he saw fit; up to the time that they had entered their lands at the land office the power existed. These men have been living there on the sufferance of the Government ever since, raising a few vegetables and taking them up to the town of Ouray to sell. Personally I do not know a man living on the tract; I could not pick out the names of the many men whose affidavits I have filed, but I know it affects some men, I know they are poor men, and I know that nothing is gained either to the Indians or to the white men of the nation by the withdrawal of this land from settlement except to give these men trouble and to cause us

trouble in the future.

Mr. KIRKWOOD. The question, as I understand, is not between the settlers and the Indians. The Utes have no claim, if this agreement is carried out, to this four-mile strip?

Mr. ALLISON. None at all.

Mr. KIRKWOOD. The naked question to-day is as to whether a

number of settlers who went on there, as they supposed they had a right to do, in good faith, and made little homes for themselves, shall be compelled to get up and get out for the sake of setting apart a piece of land there for a pleasure-ground hereafter for some people who may go into that Territory to live. It is not a question between the white man and the Utes at all, but it is a question whether men who went there and made their homes, as many did in Iowa, shall be allowed to remain. Many men went to Iowa and made their homes there before the Indian title was divested. Many men have settled in Kansas and elsewhere all through the west, and made little homes for themselves, perhaps not strictly within the technical meaning of the law, but in advance of the law. The question is whether for the purpose of saving a reservation for a pleasure-ground, to be used perhaps a century hence, those men shall be compelled to get out of there. That is all there is of it, as I understand.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, on which the yeas and nays have been ordered.

The question heing taken by yeas and pays resulted. there before the Indian title was divested. Many men have settled

The question being taken by yeas and nays, resulted—yeas 9, nays

YE	AS-9.	
Kirkwood, Morgan,	Platt, Plumb,	Slater, Teller.
NA	YS-41.	
Edmunds, Ferry, Garland, Gordon, Groome, Hamiln, Hampton, Harris, Hereford, Hill of Colorado, Hoar,	Ingalls, Johnston, Jonas, Jones of Florida, Kellogg, Kernan, Lamar, McMillan, Maxey, Morrill, Pendleton,	Pryor, Rollins, Vance, Vest, Voorhees, Walker, Wallace, Williams.
ABS	ENT-26.	
Davis of Illinois, Dawes, Farley, Grover, Hill of Georgia, Jones of Nevada, Logan,	McDonald, McPherson, Paddock, Randolph, Ransom, Saulsbury, Saunders,	Sharon, Thurman, Whyte, Windom, Withers.
	Kirkwood, Morgan, NA Edmunds, Ferry, Garland, Gordon, Groome, Hamilin, Harris, Hereford, Hill of Colorado, Hoar, ABS Davis of Illinois, Dawes, Farley, Grover, Hill of Georgia, Jones of Nevada, Logan,	Morgan, Plumb, NAYS—41. Edmunds, Ingalls, Johnston, Jonas, Gordon, Jonas, Groome, Hampton, Harris, Hereford, Hill of Colorado, Dawes, Farley, Grover, Hill of Georgia, Jones of Mevada, Mepherson, Paddock, Randolph, Ransom, Jones of Nevada, Saulsbury,

So the amendment was rejected.

Mr. TELLER. I move to add at the end of the bill the following as an additional section:

That compensation for depredations heretofore committed by the Ute Indians shall be made to the parties suffering from such depredations out of the money to be paid said Indians; the amount so to be paid to be determined and ascertained by the commission herein named, and reported to the Secretary of the Interior, who shall retain the amount so reported out of the money to be paid to the band guilty of such depredations.

I will say that that is strictly in keeping with the provisions of the treaty of 1868, which provides that for any depredations they commit they shall pay out of their annuities. I have provided that the commission to be appointed shall make an estimate of the depredations. I do not desire to discuss the amendment. I should like to have a vote on it, and I should like to have the vote by yeas and nays, if the

Senate will give it to me.

Mr. INGALLS. If these depredations are provided for in the treaty of 1868, which the Senator states, and in which I concur with him, the amendment is entirely unnecessary, because in the agreement that we are now acting upon it is expressly declared and agreed that

all the provisions of that treaty shall remain and be in full force and effect unless they are altered by the terms of this agreement.

Mr. TELLER. Mr. President, I do not so understand the treaty, and I want it on the record whether the Senate propose to make this provision or whether they do not wish to do so. In this matter I suppose Senators will not go against the committee if the committee op-pose the amendment, but I want the amendment made. It is the fairest way to determine it; it is the only way to determine it. I want the yeas and nays; I do not desire any delay.

Mr. MORGAN. I should like to ask the Senator from Colorado

whether there is any provision now existing under which the Ute Indians can be compelled to pay the parties who have been depredated upon, out of their annuities, for damages done by them?

Mr. TELLER. The treaty provides that complaint shall be made to their agent; but inasmuch as they have killed their agent, I do not know how the persons seeking indemnity are to proceed.

Mr. MORGAN. The amendment proposes merely to substitute the

Mr. MORGAN. The amendment proposes merely to substitute the commission in place of the agent?

Mr. TELLER. That is what it amounts to.
Mr. ALLISON. What agent did the Indians kill?
Mr. TELLER. Their agent.
Mr. ALLISON. There are agents for all these Ute tribes. There is an agent for the White River Utes.
Mr. TELLER. Who is he?
Mr. ALLISON. His nomination was sent here.
Mr. TELLER. That was for the Uncompanders, if the Senator pleases.

Mr. ALLISON. The one sent here?
Mr. TELLER. Mr. Berry's name was sent here.

Mr. ALLISON. Another name was sent for the White River Utes.

Mr. TELLER. If so he is not confirmed, and we do not know that he will be

Mr. INGALLS. Let me read a portion of article 5 of the treaty of 1868, which is declared by this agreement to be and remain in full force and effect:

In all cases of depredation on person or property, they shall cause the evidence to be taken in writing and forwarded, together with their finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

That article is declared expressly to be in full force and effect by the agreement now under consideration.

Mr. TELLER. Will the Senator show me the clause in the bill?

Mr. INGALLS. It is as follows:

All provisions of the treaty of March 2, 1868, and the act of Congress approved April 29, 1874, not altered by this agreement, shall continue in force.

April 29, 1874, not altered by this agreement, shall continue in force.

Page 7 of the bill, paragraph 5, lines 150 to 153.

Mr. TELLER. That is in the bill, I admit, but the only provision that seems to be expressly reaffirmed is the provision with reference to the payment of these Utes. I am satisfied that whenever the people who have suffered by depredations come here they will be met with the statement that this matter is now settled by a new treaty, and I want to provide for it as we go along.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, on which the yeas and pays are demanded.

nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 43; as follows:

(000 M I = 0 10 3 12 (1 M I	YI	GAS-8.	
Cameron of Pa., Cockrell,	Davis of W. Va., Eaton,	Kirkwood, Platt,	Slater, Teller.
Thirm poor six	N2	AYS-43.	
Allison, Anthony, Bailey, Bailey, Baldwin, Blair, Bruce, Burnside, Cameron of Wis., Carpenter, Coke, Edmunds,	Ferry, Garland, Gordon, Groome, Hamilin, Hampton, Harris, Hereford, Hill of Colorado, Hill of Georgia, Hoar,	Ingalls, Johnston, Jonas, Jones of Florida, Kellegg, Kernan, Lamar, Maxey, McMillan, McPherson, Morrill,	Pendleton, Pryor, Rollins, Saunders, Vance, Vest, Voorhees, Walker, Wallace, Williams.
Desired to the second	ABS	ENT—25.	
Bayard, Beck, Blaine, Booth, Butler, Call,	Davis of Illinois, Dawes, Farley, Grover, Jones of Nevada, Logan, McDonald	Morgan, Paddock, Plumb, Randolph, Ransom, Saulsbury,	Thurman, Whyte, Windom, Withers.

So the amendment was rejected.

Mr. TELLER. No provision is made in the bill for a failure on the part of the Utes to ratify this agreement. If they should negative this legislation and refuse, there is no provision for the disposal of the controversy that everybody admits is going on. I do not know how long a time the committee think that the Interior Department ought to have to secure the approval of the Indians or to determine that they had disapproved of this legislation. I have thought that ninety days was long enough. If the committee think it is not, I have no objection to modifying my amendment. I have prepared an amendment that if these Indians shall refuse after ninety days to accept this agreement, the negotiation shall be terminated, at least that the War Department shall take charge of them until such time as they shall consent to agree to it. I therefore move to add as an additional section the following:

If the Ute Indians refuse to ratify the agreement herein within ninety days, the War Department shall have the control and management of the several bands of Ute Indians now in the State of Colorado until such time as three-fourths of the said adult Indians of said bands signify their approval of the agreement herein.

Mr. EDMUNDS. How would it do to modify that amendment, by striking out the word "control" and inserting the word "protection," and then adding at the end of it that the War Department shall defend them in the possession of the territory that by treaty they are now entitled to? With that amendment to the amendment, I am not sure but that I should be glad to go for it.

Mr. TELLER. The Senator assumes that they are entitled to this

reservation. I think if he had given as much attention to this subject as he ordinarily does to matters here he would have concluded that there might be some question whether they were entitled to anything after their conduct.

Mr. EDMUNDS. I have given attention to that particular branch of the subject. I wish I had the treaty of 1868 here now to see just how that stands.

Mr. INGALLS. Here it is.

Mr. EDMUNDS. It is worth while thinking of, if we care anything about the honor of the United States as we used to do; and I presume in the change of politics our disposition to care for that has not grown any less. One provision of the treaty is:

That the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.

The "otherwise provided" refers to the building of roads and railroads, which the Indians agreed might be done. Then we come to the case of misconduct on the part of these Indians or any of them. It is in the last article.

That if any chief of either of the confederated bands make war against the people of the United States, or in any manner violate this treaty in any essential part, said chief shall forfeit his position as chief and all rights to any of the benefits of this treaty. But provided further, Any Indian of either of these confederated bands who shall remain at peace, and abide by the terms of this treaty in all its essentials, shall be entitled to its benefits and provisions, notwithstanding his particular chief and band may have forfeited their rights thereto.

It is said that one of these bands, the White River band, committed wrongs, contrary to the spirit of this treaty, against the people of the United States. This amendment provides, as a consequence of that, that the War Department, in spite of this treaty, shall take the control of the whole of these people, the innocent as well as the guilty, the separate bands. The bill itself provides, in carrying out this agreement, for making this new agreement as a consequence of the alleged misconduct of one of these bands. The frame of the bill is such that apparently a majority of all the bands taken together may have the effect to remove two of these peaceable bands, who have not made any war at all or done anything else that is complained of, from the places where the treaty of 1868 says that if they stay at peace they shall be entitled to stay and be protected by the United States. If that is what we call keeping the faith of the United States, I think we had better get a new book of definitions as early as possible. It It is said that one of these bands, the White River band, committed

we had better get a new book of definitions as early as possible. It looks to me as if it were exactly the other way.

As I say, therefore, in serious earnest it might be a very good thing to adopt the amendment of my friend from Colorado with the change that in case this agreement is not carried into effect within ninety days or thirty days it shall be the duty of the Department of Way days or thirty days, it shall be the duty of the Department of War to uphold the treaty of 1868 and keep people from violating the sure-ties of exclusion provided by that treaty and leave these peaceable bands of Indians at least in the place that the faith of the United States, as the treaty expresses it, is solemnly pledged that they shall be left.

Mr. TELLER. There are a great many people in the United States the United States who have studied the Indian question very carefully who believe that it is a mercy to the Indians to turn them over to the control of the War Department. If any man who studies the history of Indian affairs for the last three years does not come to that conclusion I shall wonder very much at the constitution of his mind and his heart both, for wrongs and wicked things have been percentaged. for wrongs and wicked things have been perpetrated upon the In-dians within the last three years that I am satisfied would never have been inflicted upon them had they been under the control of the War Department. There are a great many men whose hearts beat warmly for the Indians who believe that the only salvation of the Indians is to put them under the control of the War Department. I believe that it is the sentiment of the people on the frontier who have studied the question most carefully that nothing else will save the Indian from utter extinction in your day and mine, if we live to the age of

our fathers, but the strong hand of the War Department.

I have not offered the amendment in a spirit of cruelty, but because
I believe it is to the interest of the Indians that they should be put
under the control of a department and a branch of the Government that has the ability and the inclination to do justice to the whites and the Indians on the frontier alike.

Mr. President, I know there is such a provision as the Senator has mr. President, I know there is such a provision as the Senator has read. I know that if the men who have committed wrongs are turned over to the tribal authorities to be punished by their band the band is exonerated; but I know that all of the bands have refused to do it. I know that the man who led the troops against Thornburgh came I know that the man who led the troops against Inorhourgh came here and was petted and petted and sent off to become what? The head chief of the White Rivers; and I know, too, that the man who had given Meeker more aid, more assistance, had made greater attempts at the civilization of his tribe than any other White River Indian, is in Fort Leavenworth. I know that he was less culpable and less guilty than Captain Jack, and yet Captain Jack is to be made head chief of the White Rivers.

Now Mr. President, there must be some disposition made of this case. There must be something done. When these Indians sign the treaty, of course there is a provision for carrying it out. If they do not sign it, if they refuse, what are you going to do with them? Who is to control them? I say that it is a mercy to them and to us to give the control to the War Department; and if it is the duty of the War Department to keep the people off that reservation, the War Department alone can do it, the Interior Department cannot do it.

Mr. EDMUNDS. It is the duty of the President.

Mr. TELLER. Very well. It will be the duty of the War Department and the duty of the President. There must be some provision made for a failure to carry out this treaty. Something ought to be done if they say they will not accept it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado. Now Mr. President, there must be some disposition made of this

of the Senator from Colorado.

The amendment was rejected.

Mr. MORGAN. I rise to offer an amendment.

Mr. EDMUNDS. I suggest to the Senator from Alabama to withdraw his amendment until the Senator from Colorado gets through.

Mr. TELLER. No; go on.

Mr. MORGAN. I thought the Senator was through.

Mr. TELLER. No; but go on.

Mr. MORGAN. At the end of the bill I move to add:

If the agreement as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribe on or before the 1st day of July, 1880, this act shall cease to be of effect after that date.

As I understand the act-if I am incorrect the committee can correct me—there is no period at which the act ceases in the event of the failure or refusal of the Indians to ratify this treaty, if I may so call it. There is no period fixed beyond which or after which ratification may not take place. It seems to me there ought to be a period provided when the pay of these commissioners and their office shall cease, and when we ought to come to an understanding as to whether this and when we ought to come to an understanding as to whether this-law is to be effectual or not. I do not see but what the Indians and the commissioners may protract this thing for a long time. Inasmuch-as this peculiar proposition is for the first time presented to the con-sideration of the Senate, there having been nothing like it before that I have ever heard of, and inasmuch as we are legislating now not upon a contract made with Indians but upon a proposition to make a contract with them, it seems to me there ought to be some period of time absolutely fixed as a limit beyond which the negotiations shall not extend. If this was a treaty in its ordinary form submitted to us for ratification, we should understand that as soon as we ratified it and the Indians had ratified it it would go into effect. Now, here there is no ratification provided for at all except by this board of commissioners. They may withhold obtaining the ratification as long as they think proper to do so. They may continue their negotiations as long as they choose to do so. We are just at their mercy on this subject. We pay \$10 a day each and all their expenses for five men to continue these negotiations just as long as it may suit their convenience to do it.

Mr. EATON. Allow me to suggest to my friend from Alabama that I entirely agree with the spirit of his amendment, but if I heard it aright it fixes the 1st day of July, 1880-

Mr. MORGAN. Yes, sir.

Mr. EATON. It seems to me if it takes as long in the other Houseto consider the bill as it has taken here, it may be the 1st of July,
1880, before the bill is finished. Would it not be better to say the
"1st day of August?"

Mr. COKE. "The 1st day of January next."

Mr. EATON. The 1st day of January would be too long.

Mr. ALLISON. Would it not be better to say "the 1st day of July,
1881?"

Mr. MORGAN. The bill has been pushed down the throat of the Senate on the ground of emergency in order to get the Indians into a new country this spring so that they may begin to cultivate the land. Now, one gentleman of the committee suggests the 1st of January next, and another the 1st of July, 1881. That answers all the argument of the transfer of this country and the suggests.

ment about the urgency of this measure.

Mr. HARRIS. I would suggest to the Senator from Alabama that, instead of fixing the 1st day of July, 1880 or 1881, the amendment be so modified as to say "sixty days" or "ninety days after the approval of the act."

Mr. MORGAN. I have no difficulty about that. I will take it in that form, "ninety days after the passage of the act." I modify my

amendment to that effect.

Mr. ALLISON. I would suggest to the Senator to make it "four months." I quite agree with him, and so does the committee, that this ought to be facilitated as rapidly as possible. Mr. MORGAN. Well, I have no objection to "four months," only

I do not like to see the argument made here for a week broken down in that way by the committee itself—the argument as to urgency.

Mr. ALLISON. That is rather unfortunate.

Mr. MORGAN. I will take "four months" rather than no time

at all.

The PRESIDING OFFICER. The amendment will be reported as

Mr. ALLISON. I suggest to the Senator from Alabama that there are one or two things that need further amendment; one, for example, is that these commissioners will have to be continued in the exercise of their duties after the Indians ratify the agreement. The committee will quite agree with the Senator in the propriety of providing a limitation and preparing such a limitation as will cover all

Mr. MORGAN. Let the amendment be reported as now modified. The Chief Clerk read the amendment as modified, as follows:

If the agreement as modified in this act is not ratified by three-fourths of the adult male Indians of the Ute tribe within four months from the approval of this act, the same shall be of no effect after that date.

Mr. MORGAN. That is my amendment.
Mr. INGALLS. Would the Senator from Alabama consent to a still further modification in words like these: "In case of the failure of three-fourths of said Ute Nation to ratify the said agreement, the United States Government shall protect them in the full and peaceable enjoyment of their present reservation?"

Mr. MORGAN. I have no objection to that. That is exactly what
I desire the Government to do.

Mr. INGALLS. I move that amendment then to the amendment effered by the Senator from Alabama.

Mr. EATON. The United States, without that amendment, is bound

to protect them by the treaty.

Mr. INGALLS. The Indians will understand that the Senate

believe that it is the duty and obligation of the Government to do it. If it is put in as an amendment to this bill, it will bring it more fully and clearly before the minds of the Indians, and I think we cannot repeat these guarantees too often in view of the lessons of the past.

Mr. MORGAN. I do not think that the amendment proposed by

the Senator from Kansas would alter the law or improve the bill at all; yet I am willing to accept it, because I understand this bill to the nothing else than a mere talk to the Indians, and I want to make them understand it, if I can.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama as modified by him.

Mr. PLUMB. That amendment, I think, would be a fair notice to the Indians that they are under no obligation to do this thing at all.

Mr. EDMUNDS. Are they? Mr. PLUMB. The Senator from Vermont asks if they are. I think they are, myself. I am not speaking of the letter of the law, but speaking of some of the experience of the United States Government with the Indians within the last few years. I remember when the discovery of gold was made in the Deadwood country the military discovery of gold was made in the Deadwood country the military were sent out to that country to protect it against the immigration of settlers. I remember the result of that. The obligation on the part of the Government in that case was as sacred as it is in the case of the Utes, and it might as well be accepted first as last as a fact, that this reservation now existing in the State of Colorado will be trespassed upon whether we desire it to be or not.

We are talking now not about what the law is or what it ought to be; we are talking about the propriety of an agreement with the Utes, and upon the theory that that agreement will be made, as I have no doubt it will if the proper authorities apply themselves to the making of the agreement at the proper time and under the proper circumstances and in the proper way; but to go to them and say, "If you do not ratify this we renew the promise we have heretofore made, that you shall stop where you are notwithstanding the fact that you yourselves have violated the treaty under which you are on these lands," is giving them fair notice that we do not care much whether they ratify this new contract or not. I think it would be a burden

upon the proposition likely to operate very disastrously.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama as modified by him.

Mr. ALLISON. Let it be reported again as modified. The Chief Clerk read as follows:

If the agreement, as amended, in this act is not ratified by three-fourths of the adult male Indians of the Ute tribe within four months from the approval of this act, the same shall be of no effect after that date.

The amendment was agreed to.

Mr. MORRILL. What was read did not contain the whole amend-

Mr. INGALLS. I thought the Senator from Alabama accepted the

amendment I proposed.

Mr. HARRIS. The question was put on the original amendment of the Senator from Alabama without the modification proposed by the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from Alabama accepted the amendment, but the Clerk understood that the Senator from Kansas offered another amendment.

Mr. INGALLS. No, sir.
The PRESIDENT pro tempore. The Secretary will read what he omitted to read before.

The Chief Clerk read as follows:

And in case of the failure of three-fourths of the said tribe to ratify the said agreement, the United States Government shall protect the Ute Nation in the full and peaceable possession of their present reservation.

The PRESIDENT pro tempore. The Chair understood incorrectly that the modification was included in what was first read by the Clerk. He put the question on what was read alone, supposing it included the whole amendment. That was an error. The question is on the amendment just read.

The amendment was agreed to.
The PRESIDENT pro tempore. The hour of half past three having arrived, general debate has closed. On all amendments hereafter offered a five-minute debate will be allowed.

Mr. TELLER. I offer an amendment which I think the committee ought to accept, and probably will. The amendment which I now propose provides simply that if the Indians are dissatisfied with this agreement as made and any of them desire to go to the Uintah reservation—it is now provided that only a certain class may go to the Uintah reservation-any of the others may go there if they wish to go. I do not know whether the committee will object to that; I think not, though. I offer it as an additional section:

That nothing herein contained shall prevent the settlement of the Southern Utes or the Uncompalagre Utes on the lands of the Uintah reservation in Utah if any of the said Indians desire to settle there.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. TELLER. I offer another amendment which I commend to the attention of the committee. I do not know but that they may object to a word here, and, if so, I will change it. I have prepared an amendment that the commissioners shall, before allotting said lands—I say "take from the Indians;" if it is preferable to put in the term

"purchase from the Indians," I will change it; and perhaps it would be. I offer it as an additional section:

The commissioners shall, before allotting said lands, purchase from the Indians all rifles and muskets now owned by them, and shall pay the said Indians the full cash value thereof at the time of taking the same; and the sum of \$\$50,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. HOAR. Suppose they will not sell them?

Mr. TELLER. Then we cannot buy them. It is useless to talk about civilizing these Indians if you allow them each to keep his rifle and roam over the country. I have also another amendment which I shall propose that shall enable the commission to buy their horses. The great objection and obstruction and obstacle to civil-izing Indians is the fact that they have arms and ponies.

Mr. COKE. Suppose the Indians refuse to sell their rifles and mus-

kets, what then?

Mr. TELLER. I do not suppose you can buy them. My amendment says "purchase." If they say they will not sell them, that is the end of it; but if they are going to settle down and are willing to sell their muskets and rifles, we should buy them.

Mr. ALLISON. Would not the Senator consent to an additional amendment that with the proceeds they may buy other horses and

other rifles?

Mr. TELLER. It is useless to talk about civilizing these Indians with their rifles and their horses. We had that experience with the Sioux; and when we took their rifles and took their horses by force that the starting them on the road to civilization. I have not any idea that the committee will accept this amendment, because it is really looking toward the settlement of the difficulty, and they have steadily objected to anything that looked toward the settlement of this trouble.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. TELLER. I offer another amendment. These Indians have, I suppose, about eight or ten thousand horses; and I want the commission to buy these horses. These are not horses that can cultivate land; they are war ponies; they are too small for land cultivation; and the Secretary stated before the committee that they had to have other horses to cultivate their land. The amendment is to add as a new section:

The commissioners are authorized to negotiate and buy of the Indians their horses, paying for them a fair price, if they will sell at a fair price; and the sum of \$50,000, or so much as may be necessary, is hereby appropriated.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. TELLER. I offer the following amendment as an additional section.

The sum of \$50,000, or so much thereof as shall be necessary, is hereby appropriated for the purpose of constructing irrigating ditches on the land allotted to said Indians, to be expended under the direction of the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. TELLER. I offer another amendment, to come in as an additional section:

That any Ute Indian, being the owner of land that he desires to sell, may appear in any circuit court of the United States within the district where said land is situated and make application to the court, in such manner as the court shall provide, to sell his land, or any part thereof; and if the court, after due examination into the matter, shall be of the opinion that the interests of said Indian require the said land or any part thereof to be sold, it shall, by decree, order such sale and the manner and terms thereof: Provided, however, That no such sale shall be ordered to pay any debts of the said Indian; and no decree shall be made except in the presence of said Indian, after the same shall have been fully explained to him by the court and his consent to such decree given.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr, TELLER. I offer an additional section:

That if after the allotment of said lands in severalty as herein provided the Indians shall abandon the same or refuse to live thereon, the Secretary of the Interior, with the approval of the President, may sell such lands not occupied and use the proceeds thereof for the benefit of the Indians, or may exchange the said lands for lands outside of the State of Colorado, on which the Indians shall be located if they consent thereto.

The amendment was rejected.

Mr. TELLER. Mr. President, I offer another amendment, which I think is in the interest of the Indians and I think the committee ought to accept it. It is to add as a new section:

SEC —. The Secretary of the Interior may, with the consent of the Indians and with the approval of the President of the United States, exchange any lands so allotted to the Indians for lands in the Unitah reservation on such terms as shall be agreed on between the Secretary and the Indians.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. TELLER. The Secretary of War has sent to the Senate a statement that it is necessary to erect a post in the vicinity of the mouth of the Gunnison River, which is in the vicinity of these Indians. I think it is necessary before the land is allotted that the Government should reserve a piece of land for that purpose. It is very clear to everybody that after the land is allotted it will be difficult to put

the troops on lands belonging to the Indians; and therefore I offer as an additional section the following amendment:

That before any lands shall be selected the commissioners shall designate not less than two sections nor more than five, which shall not be allotted to the Indians, but shall be reserved to the Government for the use of the Government if it is desirable to establish a military post at such place.

The PRESIDENT pro tempore. The question is on this amendment of the Senator from Colorado.

The amendment was rejected.

The amendment was rejected.

Mr. PLUMB. I desire to ask a question of the chairman of the Committee on Indian Affairs in regard to the construction of the fourth clause of this agreement on page 7.

The PRESIDENT pro tempore. The Chair will observe to the Senator from Kansas that general debate being closed, and there being no debate allowable except on amendments, there is nothing pending was which there can be debate under the agreement of the Senator

upon which there can be debate under the agreement of the Senate.

Mr. PLUMB. I will then propose an amendment which I had intended to offer after my inquiry had been made. I propose to insert on page 7, in line 145, "not exceeding five years." When I first read this provision I supposed this was not cumulative, that is to say, that this did not add to the appropriations provided for in the subsequent portion of the bill. Under the provisions of this bill the Government agrees to pay these Indians \$75,000 a year in addition to the various sums given them to set up housekeeping upon; but I find that in this contract, in section 4, it is provided that the Government shall also maintain and support them so long as they are unable to support themselves, there being no limit of time whatever. I think that is a very great discouragement under which to support these Indians. Certainly if they are expected to support themselves they ought not to be set leose upon a promise that the Government will support them as long as they fail to support themselves. I know a great many white people who under a provision of that kind would never arrive at a self-supporting point.

This is said to be a new departure in the Indian policy. The Indian is to be put upon a self-supporting basis; and yet we start him out this provision I supposed this was not cumulative, that is to say, that

is to be put upon a self-supporting basis; and yet we start him out with a statement that if he never does arrive at that point, we will always continue to support him, and in addition to that pay him \$75,000 a year for not supporting himself. I think that there ought to be a limitation upon this obligation of the Government. I do not know that such an obligation exists in the treaty that has been referred to, the treaty of 1868; but if it does, I think it ought to be modified especially as we increase the sums of money which are going to these

Indians per annum.

Mr. ALLISON. May I ask the Senator one question? Suppose it should turn out as a matter of fact that at the end of five years they

cannot support themselves

Mr. PLUMB. That will be a fact which can then be made the subject of legislation; but we shall find Senators rising on this floor forty or fifty years from now, probably, and asserting that this is an agreement which cannot be avoided on the part of the Government, and that as these parties have been encouraged in idleness by the promise of the Government, the Government is bound by the letter of this contract to keep them in idleness.

It is always time to consider what we will do with paupers when we have them. If the Utes are not able to take care of themselves at the end of five years, the question will then be before us as a practical question; but in the mean time I find that we appropriate

\$350,000 to furnish them stock, houses, establish schools, build mills and agency buildings, and furnish agricultural implements, &c.; that we pay them down \$75,000; that in addition to that we agree to

that we pay them down \$75,000; that in addition to that we agree to pay them \$75,000 per annum; and on top of all that we say: if this does not support you we will give you such other sum as will be necessary to accomplish that purpose.

As I said before, I think this is discouraging these Indians from ever arriving at the self-supporting position. I think there ought to be some limit of time within which the Government will say to them at least very in making this greener, whetever it more do become least now in making this agreement, whatever it may do hereafter, least now in making this agreement, whatever it may do hereafter, "We will cut you loose from the protecting and fostering care of the Government, except so far as it may relate to this \$75,000, and after that you must take care of yourselves." This will be no solution of the Indian problem if we are to go on with this assumption of guardianship over them, with this obligation to support them so long as they may live. It will simply be perpetuating the worst features of the cell system.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Kansas, [Mr. Plumb.]

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. As the yeas and nays are to be called on this amend-

ment I desire to say just one word.

This is a provision of the agreement made with these Ute tribes, that the Government agrees to maintain these Utes until such time as they shall be self-supporting. It is all the time within the control and direction of the Congress of the United States to facilitate them in becoming self-supporting. That may take one year; it may take two years; it may take five, and it may take ten. Now I submit to the Senator from Kansas that it is not a wise thing to place this limitation now in the agreement. Whatever limitation we may make here, if at the end (f five years it shall turn out that these people are not self-supporting, this Government will not permit them to starve

because they are not able to support themselves. It will, if it pursues because they are not able to support themselves. It will, if it pursues the policy it is now pursuing, by appropriations make provision for their support. We are to-day supporting numbers of Indians with whom we have no treaty stipulations for their support. How are they to live from year to year and from time to time? Their hunting-grounds have been occupied by the white people. They are no longer able to support themselves in many portions of the country except by agricultural or pastoral pursuits. Now, if these people by the aid we propose to give them are not able at the end of five years, either by means of agriculture or by means of pastoral pursuits to support themselves, there is no way by which they can be supported except by the action of the Government of the United States. Therefore, whether it be one, two, or three years. I think it should be left to whether it be one, two, or three years, I think it should be left to Congress from time to time to settle that question. I hope the amendment will not be agreed to.

Mr. PLUMB. If I may be permitted—
The PRESIDENT pro tempore. The Senator from Kansas has spoken five minutes on this question.

Mr. PLUMB. I ask unanimous consent to say a few words in reply

to what the Senator from Iowa has said.

Mr. HOAR, (to Mr. Plumb.) Move to amend that amendment by striking out the last word.
Mr. Plumb. Mr. President, I desire to have this matter left in

the position-

The PRESIDENT pro tempore. The Chair cannot enforce this understanding. The Chair will submit to the Senate whether it gives unanimous consent to the Senator from Kansas proceeding, he having occupied five minutes.

Mr. FERRY. Has not the Senator a right to move to amend the

amendment?

amendment?

The PRESIDENT pro tempore. He has not offered to do so.

Mr. FERRY. I suggest that he can move to amend the amendment, and then speak five minutes on that.

Mr. MAXEY. I am in favor of the general principle of this bill. I believe that the purpose is to break up the tribal relation and place these people ultimately in a self-supporting position. In the carrying out of that the committee have provided for agricultural implements, cattle, &c. Now, it does seem to me the time has come when we should regard these people as being fit for the experiment of selfwe should regard these people as being fit for the experiment of selfsupport. There ought to be a limit, and I think the limitation of five years a good and wise provision. It shows these people that they must be doing something in the direction of self-support. If at the end of this time it is found that they still need the fostering hand of the Government, doubtless it will be extended; but it will be very good notice to them that the Government of the United States intends that they shall support themselves by their own labor, as we have to sup-

they shall support themselves by their own labor, as we have to support ourselves by our labor. Hence I believe the amendment offered by the Senator from Kansas is in the right direction, and is carrying out the real spirit and purpose of this bill, which is to make these Indians self-supporting.

Mr. MORGAN. Mr. President, I have no doubt that some period of time ought to be fixed in the bill beyond which the Government will not pledge itself to support these Indians. This morning, on another committee, I examined under oath a gentleman who has spent some fifteen or twenty years among the Ponca tribe of Indians, a very excellent tribe of people. I asked him the question whether or not the Ponca Indians if returned to their reservation would be self-sustaining with the assistance the Government proposed to give to them. taining with the assistance the Government proposed to give to them. He said they would after a while if we did not put in some provision of a treaty or act of Congress which would require them or induce them to lean on the Government entirely; that if we commenced issuing rations to them and went on without limit or stint in that direction they would never become self-sustaining.

Mr. TELLER. I move to amend the amendment of the Senator

from Kansas by making the time ten years, and I do it for the express purpose and only that the Senator may have a chance to be heard.

The PRESIDENT pro tempore. The Senator from Colorado moves to amend the amendment by striking out "five" and inserting

Mr. PLUMB. I am indebted to the courtesy of the Senator from Colorado for his amendment, and I should propose now to say what I purposed saying before in reply to what the Senator from Iowa [Mr. ALLISON] said, except for the fact that the Senator from Texas [Mr. MAXEY] and the Senator from Alabama [Mr. MORGAN] have antici-

pated a certain portion of it.

My own belief is founded on experience that as long as the Indian is in the receipt of any considerable bounty from the Government he will never be self-supporting or anywhere near it; that he will not only spend all the Government gives him, but will be in need of as only spend all the Government gives him, but will be in need of as much more. One little incident that has recently occurred under my observation during the past two years satisfies me on that point fully. Several years ago the Government purchased of the Sac and Fox Indians in the State of Kansas a reservation, and sent those Indians to the Indian Territory. All but two families went there. A portion of those families went back to the State of Iowa, where they are now residing, and the remainder of them staid within the limits of their all reservation is the State of Vareas. The Government has their old reservation in the State of Kansas. The Government has never paid one dollar of annuity or contributed a single cent to the support of any of those Indians that did not go to the Indian Territory. The Indians residing in the State of Iowa and those who have

remained in Kansas from that time to the present have supported themselves. They have been as absolutely self-supporting by means of their labor as almost anybody else has been. I do not mean to or their labor as almost anybody else has been. I do not mean to say that they have not committed some little thefts, but they have not disturbed the peace, or what they have done in that direction has not been conspicuous. They have floated around in the neighborhood where they formerly resided. They have husked corn for the farmers and done odd jobs at different times, and to-day they are living there and prefer to live there in that way, supporting themselves, rather than to go to the Indian Territory and receive the annuity which the Government pays to that portion of the tribe which did go there. I believe to-day that if the Government were to put the Indians of the United States in some position whereby they could reasonably do as these Indians have done they would do it. I believe that if instead of giving to these Indians \$75,000 a year, and providing for their support indefinitely, we were simply to put in their charge or in charge of persons for them, for a stated period of time, sufficient stock, they might make use of the pasturage which surrounds the location to which they are going, and that within a few years' time they would become able to take care of themselves. They would not get a classical education; they would not cultivate the æsthetic tastes, of which the Senator from Ohio spoke a few days ago; they would lack a good deal of being white men, or at least of being civilized as white men are, but the burden of the Indian question would be rolled say that they have not committed some little thefts, but they have white men are, but the burden of the Indian question would be rolled from off the shoulders of the Government; they would not be a drain upon the Treasury of the United States. Their treatment, growing out of the conduct of the Government, would not be a reproach to the civilization of the country; they would be taking care of them-

the civilization of the country; they would be taking care of themselves in that simple and pastoral way for which alone they are fitted, and for which alone they will ever be fitted.

By just so much as we give them money year by year we encourage them in their idleness and in their pauperism. They are no more entitled to it as a matter of humanity than any other paupers in the United States. It is a discrimination against the blacks; it is discrimination against the blacks; it is discrimination against the states. United States. It is a discrimination against the blacks; it is discriminating against the paupers around your cities and all parts of the country, while we are constantly legislating in favor of the Indian. In addition to that, as I said before, it is not practicable. It is wholly and entirely impracticable. It is simply depleting the Treasury of the United States in order that these people may remain in an idleness that is not necessary to a people who can support themselves; because to-day they are just as well qualified to do it as the Navajoe Indians in New Mexico, who live on their herds. These Indians will live on their sheep and cattle just as completely and fully and just as well in every respect as the Navajoes do, when they get a chance.

Mr. INGALLS. Mr. President, it is wrong to speak of these Indians as paupers. If left alone and where they now are they would be one of the richest communities in the United States. If not interfered with, they could support themselves by the chase; they could derive large annuities by the lease of their lands. I venture to say that men could be found within a day's ride of Washington who would be glad could be found within a day's ride of Washington who would be glad to give twenty million dollars for that reservation. They are in the rightful, peaceable possession of it. They are the owners, and they alone, so far as its use and occupation are concerned, if the faith of the United States is good for anything, so long as they see fit to stay there. What justice is there in saying that these men are paupers; that they are dependent upon the beneficence of the Government; that they are stipendiaries; that whatever we give them is a depletion of the United States Treasury?

Mr. President, the United States gets a great deal more from these Indians than it gives them. If what these Indians surrender were put into the United States Treasury; they would be rich beyond the dreams of avarice. They are asked to cede their rights. In return for that we give them a resting-place; we propose to put them in pos-

dreams of avarice. They are asked to cede their rights. In return for that we give them a resting place; we propose to put them in possession of the means so far as possible of gaining a subsistence; and in order to avoid even that, after we have wrenched from them this great magnificent principality, we now propose to say that at the end of ten years we will do nothing for them whatever. The policy of the Government about Indians has always been shiftless; it has been a policy of expedients. We have dealt with emergencies. It is no use to say that we will not support these Indians after five years; it is no use to say we will not support them after ten years, because everybody knows that if they need support we shall have to support them. It is better to do as we have always done and trust to the justice of Congress to say what shall be done with the Indians whenever the emergency arises. ever the emergency arises.

I hope, therefore, that neither of these amendments will pass, sim-

I hope, therefore, that neither of these amendments will pass, simply because they would be nugatory and idle.

Mr. TELLER. Mr. President, the remarks of the Senator from Kansas [Mr. Ingalls] are in keeping with those made by other gentlemen on this floor and made through the press. The honorable Senator says there are people who would give \$20,000,000 for this reservation. He might put it up in Wall street to-morrow, and if men would go to work to understand what the title is he could not sell it for \$500, for all it is good for is as a game preserve. The Supreme Court has said they cannot dig a pound of ore on it; the Supreme Court has said they cannot cut a saw-log to sell to a white man, or to manufacture a board or a shingle to sell to a white man. What is their right there? If it is undisputed, unquestioned, the highest Indian title existing on If it is undisputed, unquestioned, the highest Indian title existing on

the continent, it is the right to roam over it, the right, if they see fit, to sit down and cultivate the soil, and cut off the trees and pile up the logs that are in there—that and nothing more. The Supreme Court, in the case of The United States vs. Cook, declared that when Court, in the case of The United States vs. Cook, declared that when Indians went on their reservations, and cut saw-logs and sold them, no title was acquired. It has said here that they cannot extract a pound of ore from the land.

Mr. INGALLS. But I did not say—
Mr. TELLER. But the honorable Senator said they could lease it.
Mr. INGALLS. I said if they could lease it they would be rich beyond the dreams of arraying.

beyond the dreams of avarice.

Mr. TELLER. If they had a fee-simple; but that is just the kind Mr. TELLER. If they had a fee-simple; but that is just the kind of talk you hear all over the country, and half the people of the United States believe the Indians have a fee-simple title to the land and that we are outraging them. The Senator from Kansas knows better. He ought to have been a little more guarded in his language than he was. We are giving them more than this land is worth to them, and that is what its value is. What is it worth to them? Nothing. The game is gone. Will they settle down and cultivate it? We are giving them substantially all the arable land there is on it, and that is but a trifle. I am willing to pay them all it is worth, but I do not want anybody to claim, in view of the decisions of the Supreme Court, that they have a title, which they have not got, and that we not want anybody to claim, in view of the decisions of the Supreme Court, that they have a title, which they have not got, and that we are committing a fraud on them when we are virtually and actually appropriating what will cost the United States full eight or ten million dollars before we get through with it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado to the amendment.

Mr. TELLER. I withdraw that amendment.

The PRESIDENT pro tempore. The question then is on the amendment of the Senator from Kansas, [Mr. Plumb,] upon which the yeas

The question being taken by yeas and nays, resulted—yeas 15, nays 33; as follows: YEAS-15.

Butler, Cameron of Pa., Eaton, Garland,	Harris, Maxey, Morgan, Platt,	Plumb, Pryor, Ransom, Slater,	Teller, Thurman, Vest.
	N	AYS-33.	
Allison, Bailey, Baldwin, Bayard, Blair, Bruce, Burnside, Call, Cameron of Wis.,	Coke, Davis of Illinois, Ferry, Hamlin, Hampton, Hill of Colorado, Hoar, Ingalls, Johnston,	Jonas, Jones of Florida, McMillan, McPherson, Morrill, Pendleton, Randolph, Rollins, Saunders,	Vance, Walker, Wallace, Whyte, Williams, Windom.
The state of the s	ABS	ENT-28.	
Anthony, Beck, Blaine, Booth, Carpenter, Cockrell, Conkling,	Davis of W. Va., Dawes, Edmunds, Farley, Gordon, Groome, Grover,	Hereford, Hill of Georgia, Jones of Nevada, Kellogg, Kernan, Kirkwood, Lamar,	Logan, McDonald, Paddock, Saulsbury, Sharon, Voorhees, Withers.

So the amendment was rejected. Mr. HOAR. Mr. President, I move to strike out the fourth section. It is not necessary to read the section unless somebody demands it. I make the motion for the purpose of asking the honorable Senator from Iowa whether it is the understanding of the committee that the tribal relation is preserved by this bill or destroyed. The bill provides that the Indians shall dwell in severalty upon lands held by them in severalty, among white men, and it provides that section 1977 of the Revised Statutes, the civil-rights section, shall be applicable to them. That is, that they

Shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind.

I am aware that taxes are expressly excepted in the bill, but otherwise the provision applies to them. Then the section itself indicates that they shall be subject to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof. Now, my question is whether these and be sued in the courts thereof. Now, my question is whether these persons are henceforth to be subject to two entirely different systems of law, one the law of their tribe, the other that which is imposed upon them by this section and by the section of the Revised Statutes which is referred to? Is the Indian to be punished twice for the same crime, once by his own tribal law, and once by the law of the State or of the Union? If not, is he punishable by the first jurisdiction that indicts him? Is he to be pardonable by the chief of his tribe, and then pardonable by the President of the United States, according to which law he is held under, and so on? Are the laws of descent and non-descent, of holding property, of marriage of the tribe and the laws of the State on the same subjects to apply? This bill, if the tribal relation is maintained, leaves the Indian liable to the marriage laws, the laws for the descent of personal property, and so on of the State where he lives. The Senator I think sees the infinite multiplication which might be made of that question; I have stated sufficient to give my idea. sufficient to give my idea.

Mr. ALLISON. I can only give my own view about it, and I think it is the view of the committee. It is not the intent and purpose of this bill to destroy absolutely the tribal relation.

Mr. HOAR. What is there left of the tribal relation after this bill has gone into effect? What relation has an Indian who has gone on to real estate in severalty to any other citizens which his next door white neighbor is not, which makes the tribal relation continue?

Mr. ALLISON. I do not know that I can state exactly what he can do that another citizen cannot do. I only know that the Supreme Court of the United States has held in the Kansas case that, although the individual Indians held lands in severalty, that did not destroy the tribal relations. It held in the Michigan case that although an Indian voted in Michigan, that did not destroy the tribal relations. the tribal relations. It held in the Michigan case that although an Indian voted in Michigan, that did not destroy the tribal relations. It held in the New York case that although they had absolutely parted with their title and agreed within a certain time to leave the territory, that did not destroy the tribal relation.

Mr. HOAR. But has the Supreme Court ever held that a man to whom every law, civil and criminal, of State and Union, applicable to his next-door white neighbor is applicable, holds tribal relations

to an Indian tribe any longer?

Mr. ALLISON. I do not know that it has ever had that exact question before it. I leave the Senator from Massachusetts, however, to construe section 1977 of the Revised Statutes. I do not think this bill changes that section, whatever it may be, because that provides that every person in a State or Territory shall be treated alike.

It is true that we have added in this bill that these Indians may sue

and be sued. I do not think that adds anything to the force of the bill, though it was thought better to insert it. My own impression is that we can follow safely the decision of the Supreme Court of the United States; which is that as long as these people have agents, as long as they have treaties with the Government of the United States still subsisting, (and this bill provides that the treaty of 1868 shall remain,) as long as they have annuities coming to them, as long as they are under the protection and government of the United States as distinguished from the protection of the State, under all these conditions and considerations they still remain with the tribal relation subsisting.

These are of course difficult questions, as the Senator from Massa-

These are of course difficult questions, as the Senator from Massachusetts propounds them. I do not think we are called upon to decide all these questions in advance. They are questions which as they arise will be decided by the courts of the United States.

Mr. HOAR. I move to strike out the last word of section 4 to perfect it before the question is taken on striking out the section. It seems to me, Mr. President, that this question which I have put is one to which I may not improperly ask the consideration of every lawyer in the Senate and of every Senator in the body. It is said that this bill is a new departure in the Indian policy, and it is a bill intended to solve a great difficulty, to inaugurate a new system of dealing with the Indians, and certainly the committee reporting it ought to be able to tell us whether this bill be constitutional in this particular feature or not. feature or not.

Now, does this bill break up the tribal relation or not? If it does, then you cannot by law impose restraints upon the alienation of land and impose certain legal disqualifications upon these persons on acthen you cannot by law impose restraints upon the alienation of land and impose certain legal disqualifications upon these persons on account of their race, and describing them by their race, which you do not impose on other citizens. In order to sustain the bill, therefore, the committee came to the conclusion that they do break up the tribal relation. If they do not break up the tribal relation, the committee are asked what there is left of it. The Senator from Iowa says he does not know. They are asked whether, if the tribal relation continues, these men are subject to two conflicting systems of civil and criminal law, of inheritance, of the punishment of crime, &c. Polygamy is lawful among the Utes, as I am informed by authority, at this moment. When one of them settles on his reservation, by the force of this bill every law of the State of Colorado is applicable to him. Is he indictable under the law of Colorado if he keeps six or seven wives; and if he is to be, would it not be reasonable to put into the bill an express explanation of that fact to the Utes who are asked to accept the bargain? Does any Senator believe that any chief of the Ute tribe would venture to accept this bargain if this feature of the bill were explained to him, that all his wives are at once put away but one, that the marriage system of his tribe is destroyed for the future, and that he is punishable in all respects under the criminal laws of the State of Colorado, retaining, however, the liability to punishment also under the criminal system of his tribe?

Mr. COKE. Mr. President, if I understand the decisions of the Supreme Court in the Kansas Indian case, in the Michigan case, and in the New York case, that court held that as long as the tribal relation exists for any purpose at all the jurisdiction of the Government of the United States remains over the Indians, and the State has no right

exists for any purpose at all the jurisdiction of the Government of the United States remains over the Indians, and the State has no right to tax their property as long as the tribal relation exists for any pur-pose at all. Now under this bill the Government of the United States has to maintain schools for the education of the Indian children, the Government has to pay annuities for these Indians. The bill pro-

wides for maintaining agents among them for these purposes—
Mr. HOAR. After this bill comes into force, may I ask the Senator, is the Indian punishable by any criminal law of his tribe for his crime for a murder committed on another Indian?

Mr. COKE. I think not. I think he is amenable to the law of the State or of the Territory where he resides.

Mr. HOAR. For what he does in Colorado to Colorado? Mr. COKE. Yes, sir.

Yes, sir. Then the whole criminal jurisdiction of the tribe over Mr. HOAR.

him is gone. Mr. COKE. Yes, sir.

Mr. HOAR. What of his contracts, the descent of his personal property, his marriage contracts, or otherwise in future?

Mr. COKE. They come under the law of the State or the Territory

here he may be.

Mr. HOAR. So that a tribal relation without any civil or criminal attribute whatever is the tribal relation that remains. What is that? Mr. COKE. I will refer the Senator to the cases of the Kansas Indian and the Michigan Indian.

Mr. HOAR. They only applied to one particular.

Mr. COKE. In the case of the Kansas Indian, the Indian had his land in severalty, and he was a voter in the State of Kansas. He was under the laws of the State of Kansas because he was a voter there. Yet the Supreme Court held that notwithstanding these facts, there being an agent kept there who dealt with the Indians in matters between them and the Federal Government, the tribal relation existed in that sense which maintained over the Indians the jurisdiction of the Federal Government in the matter of taxation.

That was ruled in the Kansas case. It was also ruled exactly the same way in the New York case, and the Supreme Court say distinctly that they follow the lead of the religious tribals of the religious tribals.

that they follow the lead of the political authority. They say as long as the executive department of the Government claims the jurisdiction to deal with Indians through an agent, the judiciary must recognize the tribal relations of those Indians as existing, at least for some purposes, and when they exist for any purpose, as they did in the New York case and the Kansas case, it exempted the property of

the Indians from State taxation.

This bill was drafted with a view to the decisions of the Supreme Court of the United States upon this question. Agents are provided for, annuities are to be paid, schools must be maintained. The annuities and schools are provided by the Government of the United States, and must be carried on and consummated through agents appointed by the United States, who deal with these Indians just as agents dealt with the Kansas Indians and just as agents dealt with the New York Indians. The bill comes, according to my judgment, precisely within the research of those ages.

precisely within the reasoning of those cases.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. MORGAN. I moved the other day to strike out the seventh section of this bill in order that the fourth section might have some field of operation. The Senate voted me down upon that proposition. Now, I suppose the Senator from Massachusetts moves to strike out the fourth section in order that the seventh may have some field of operation; for the two sections are diametrically in conflict. The two sections bring two separate and distinct jurisdictions over the Indians at the same time. One brings the jurisdiction of the State or Territory in which he may reside over him whenever allotments of land are made to him and patents are issued; and the other brings all the provisions of title 28 of the Revised Statutes over every allotment, and of course every Indian upon the allotments at the same time. Thus we have a positive statute which enacts that they shall be a tribal body under the jurisdiction of the laws of the United States as a tribe, their affairs to be administered as a tribe, and then that every Indian in that tribe shall have his own rights secured under the laws of the United States and his own criminal and civil fiability as therein provided for; and at the same time he shall be amenable to the laws of the State of Colorado as they are provided in the statutes of that State. That is a clear impossibility.

Mr. ALLISON. Allow me to ask the Senator this question: Suppose section 4 be stricken out of the bill, what effect would section

1977 of the Revised Statutes still have upon this body of people?

Mr. MORGAN. I do not remember what section 1977 is. Mr. ALLISON. I will read it. Section 1977 provides:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

I should be glad to have the Senator from Alabama and the Senator

from Massachusetts together explain that.

Mr. MORGAN. This merely makes them, as applied to these Indians, citizens of the United States. They are treated as citizens, called citizens or the United States. They are treated as chizens, called citizens in that section. They, therefore, have conferred on them the rights of citizenship, so far as those rights are defined in that section. But the point I make is, that at the moment you complete the allotment, by the fact of allotment and patenting the land, you place the Indians within the jurisdiction of the State; and I understand that an Indian placed within the jurisdiction of a State cannot be an Indian beat maken the invisidition of his tribe and at the derstand that an Indian placed within the jurisdiction of a State cannot be an Indian kept under the jurisdiction of his tribe, and at the same time that you do that by section 7 of the bill, you provide that he shall be to all intents and purposes as much under the jurisdiction of the Interior Department as if he was a wild blanket Indian on the plains to-day. There is the difficulty.

Mr. COKE. The Senator from Alabama entirely misapprehends the meaning of section 7.

Mr. MORGAN. I asked the Senator from Texas on the first day we had a dayste about this matter to explain that and he said that the

had a debate about this matter to explain that, and he said that the

laws of the United States in reference to Indians were applicable to these Indians only so far as they could be made applicable. I never could understand that. The explanation makes the section still more could understand that. The explanation makes the section still more obscure. I really cannot get at the meaning of the committee on that subject; but I do understand, I think, that a lawyer would find the greatest possible difficulty in reading section 7 and section 4 in conjunction and making out of them anything like a system. He would get out of them incongruities and difficulties that are obvious upon the face of them.

Mr. HOAR. I withdraw the amendment striking out the last word and move to strike out the first word for the purpose of answering

and move to strike out the first word for the purpose of answering the question of the Senator from Iowa. The Senator from Iowa asks what we make of section 1977, which is that-

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, &c.

That is the first section of the civil-rights statute, the Senator understands.

derstands.

Mr. ALLISON. Undoubtedly.

Mr. HOAR. Now an Indian dwelling within his tribe is not a person within the jurisdiction of the United States within the meaning of that section. The tribe is within the jurisdiction, but the individual person is not so treated. Unless that be true the tribal relation of all the Indian tribes in the country is destroyed by the recent amendments to the Constitution, and it follows from that that any legislation which makes any provision for an Indian, or binding on legislation which makes any provision for an Indian, or binding on an Indian, or inhibits trading with Indians or buying their property, which is not applicable to white men, is unconstitutional. The Senator's question would bring with it if it were answered in the affirmative that result; that has never been held by any considerable num-

ber of persons in the country.

Mr. ALLISON. The treaties with these Ute Indians provide that they shall subject themselves to the jurisdiction of the United States, be subject to its laws. I should like to know how you could punish a tribe for the infraction of a law of the United States?

Mr. HOAR. Does the Senator claim that we can make a treaty with any particular set of American citizens through their head-men binding them, not because they have made a contract, but because some person with whom they sustain a certain political relation makes it? For instance, since the amendments could we make a treaty with the colored citizens of this country through their head-men and bind all the colored men, or could we make a treaty with the citizens of Iowa through their conspicuous men?

Mr. ALLISON. Mr. President—

The PRESIDENT pro tempore. Will the Senator allow the Chair to make a statement? When a speaker submits to interruption the time taken up by the person interrupting him comes out of the time of the speaker—out of his five minutes.

Mr. HOAR. I believe my five minutes are exhausted.

Mr. HOAR. I believe my five minutes are exhausted.

Mr. ALLISON. Then I take the floor to respond. In the first place, we never made any treaty with the colored people of the United States that I know of, but we have made treaties with the Indian tribes, several of them, and notably with this particular tribe in 1849, when they came to us from the jurisdiction of Mexico. The Utes then agreed that they would subject themselves to the laws of the United

States. They had a right to make that agreement.

Mr. TELLER. Suppose they had not, would they not be subject to the laws of the United States?

Mr. ALLISON. Perhaps they would without that agreement; but they specifically agreed that they would come within the jurisdiction and under the laws of the United States. Now, section 1977 says that they, being within the jurisdiction of the United States, being subject to its laws, shall have the right to sue and be sued as other people in the United States.

Mr. BUTLER. And all the rights of white citizens.

Mr. ALLISON. But that section 1977 is not intended to confine itself to citizens of the United States. By express terms it says every person in the United States. If I mistake not, although I have not the statute before me just now, that particular law was passed in 1866. It was intended that every person in the United States should be secure in his rights of person and property, whether he was a citizen or not a citizen.

Mr. TELLER. Mr. President, I insist, as I did the other day, that this bill destroys the tribal relation of this tribe. Now, I am confident that it does, and I have got it from high authority. When the Senator from Texas, who is chairman of this committee, opened this

discussion

Mr. COKE. Will the Senator permit me a moment?
Mr. TELLER. I do not want it to come out of my time.

Mr. COKE. I do not want to have any words with the Senator.

He understood what I meant, I think.

Mr. TELLER. I will hear the Senator when I get through. I call the attention of the Senate to what the Senator said, and the Senate must determine what he meant. This was his language:

The policy of the bill is to break up this large reservation, to individualize the Indians upon allotments of land; to break up their tribal relations and pass them under the jurisdiction of the Constitution and laws of the United States, &c.

Mr. COKE. If you read it all through you will see the qualification.

Mr. TELLER. I thought that was correct. I will read more if the Senator thinks I do not do him justice.

And the laws of the States and Territories in which the lands are situated, to aid them with stock and with agricultural implements, and by building houses upon their allotments of lands, to become self-supporting, to be cultivators of the soil; in a word, to place them on the highway to American citizenship, and to aid them in arriving at that conclusion as rapidly as can be done.

in arriving at that conclusion as rapidly as can be done.

I discussed this question upon the basis of the statement made by the Senator from Texas. My objections to the bill were, many of them, based upon that statement. I believe I have understood always that he was a pretty good lawyer. I have had some little experience in that line myself. I interpreted the bill that way. When he came and said it was so, I was sure it was so, I was confident of it. I might have had doubts of my judgment, but I had not any when the chairman said so. I argued it upon that theory. Now what does it do? What is there left of the tribal relation? You support a school, says the Senator. You do that for white people, He says you have Inthe Senator. You do that for white people. He says you have Indian agents

Mr. ALLISON. The intercourse laws are maintained; annuities

are paid.

Mr. TELLER. That is begging the question. Your bill has put the intercourse laws around them, which I say you cannot do if the tribal relation is extinct; and now you say because you put them around them, therefore the tribal relation is not extinguished? There is nothing left of the tribal relation here at all. The money paid to these Indians is not paid to the head-men; it is paid to individuals. The agent has no authority to pay it any more than any other agent of the Government. It is suggested to me that you might as well say that the Union Pacific Railroad is a tribe because you deal with it through an agent. That does not establish it. In the case of Holliday which has been sited from Michigan, the court leaks a reput day, which has been cited from Michigan, the court looked around evidently anxious to find that the tribal relation had continued for the purpose of punishing a man who had sold whisky to the In-

Mr. ALLISON. They will look around in the same way again.
Mr. TELLER. They said that he had an agent; that was one
thing; and that he recognized the head-men by taking his money through the head-men, and upon that they said that the tribal relation for this purpose must be held to continue. In the New York case the tribal relation continued beyond a question. There was not any pretense that it had been dissolved. I say here the tribal relation will be sundered and dissolved by this bill. Then, as the Senator

will be sundered and dissolved by this bill. Then, as the Senator from Massachusetts says, you have got these Indians liable to be punished by the State courts and probably by—

The PRESIDENT pro tempore. The Senator's time has expired.
Mr. HOAR. The Senator from Iowa says—

The PRESIDENT pro tempore. The Chair will remind the Senator from Massachusetts that he has spoken five minutes on this question.

Mr. HOAR. I will withdraw the first amendment and move to strike out the seasond wind.

or the United States shall have the same right in every state and Territory to make and enforce contracts * * * as is enjoyed by white citizens," applies to Indians, because they are within the jurisdiction of the United States. Now, the same Revised Statutes in the next title but two prohibits any trading with Indians under a penalty. Does the Senator claim that that prohibition of trading with Indians, the special prohibition of selling them liquor and arms, is unconstitutional under the amendments or in conflict with section 1972. If he does not he concedes what I think he must on reflection, that this section was not intended to apply to individual Indians dwelling in their tribe, but that Indians dwelling in their tribe are excepted from all these general provisions as to civil rights.

The PRESIDENT pro tempore. Does the Senator from Massachu-

setts insist on his amendment?
Mr. HOAR. I withdraw the amendment.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from Massachusetts to strike out the fourth

Mr. HOAR. I withdraw the entire amendment.

The PRESIDENT pro tempore. The amendment is withdrawn.
Mr. TELLER. I wish to offer an amendment which I do not propose to discuss. I move to insert the following as a new section:

That if three-fourths of the adult male Indians shall refuse to accept or ratify the agreement herein contained, within four months from the passage of this act, all of the reservation east of the one hundred and eighth meridian shall be held and deemed to be public land of the United States and subject to disposal under the laws provided for the disposal of public lands, at the same price and on the same terms as other lands of like character. And the commission herein provided for shall report to Congress the amount of land so declared to be public land, and the amount that in the judgment of said commission would be a fair compensation for the same; but no money shall be paid in case of a failure on the part of said Indians to accept said agreement until Congress shall make appropriation-therefor.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

Mr. HAMPTON. Mr. President, I wish to say a word on this bill, and, as I am afraid this will be the last amendment the Senator from

Colorado will offer, I will avail myself of the opportunity.

It is very seldom that I explain any vote that I give or propose to give here, but I wish to do it on this occasion, chiefly because I find myself differing from my colleague, [Mr. BUTLER,] for whose opinions and abilities I have very great respect. I concur very fully in the views that he expressed so ably the other day upon the general Indian policy; and had he submitted a bill embodying those views, I should have sustained it most heartily; but there is no such bill before us, and the only question for our consideration is whether this bill shall be adopted or rejected.

I confess that it does not go as far as I desire; but recognizing the arduous and earnest labors of the committee in framing it, appreciating fully the zeal and the patriotism of the Secretary of the Interior in trying to settle this vexed and menacing question, and believing that it is a step in the right direction, I cannot withhold my support from it. Its advocates say that its passage will in all probability avert an Indian war. That consideration alone would control my But apart from that, I believe that should it become a law and its action prove beneficent, it will lead to the abandonment of that false and fatal policy which we inherited from our mother counthat false and fatal policy which we inherited from our mother country, and which we have retained for so many years, long after England has given it up and pursued that wiser and more humane one adopted by the French. In the hope that this bill, should it pass, will lead to the adoption of a wiser and a broader and a well-defined Indian policy, one that will do justice to the Indian and to the white man, to all the citizens of the country, and will give protection to

all, I shall support the bill.

Mr. THURMAN, (Mr. GARLAND in the chair.) I find myself completely puzzled by the bill, I must say. Section 4 provides:

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section 1977 of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof.

We know what that section 1977 is; it is the first section of the old civil-rights bill. Section 4 puts these Indians who shall have lands civil-rights bill. Section 4 puts these Indians who shall have lands allotted to them as completely under the jurisdiction of the United States as are the Senators of this body; that is, if section 4 shall be, when passed, a valid law, these Indians will be as completely under the jurisdiction of the United States as are the Senators in this Chamber. Then, what is the consequence? The first sentence of article 14 of the Constitution immediately operates upon them; it operates proprio vigore; and no law that can be passed can prevent its operation; it is utterly impossible to prevent its operation by law. The moment you bring these Indians under the jurisdiction of the United States that moment this clause of the Constitution operates upon them; and the clause is in these words: and the clause is in these words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Can any one doubt that these Indians were born in the United States? Was it intended, does this fourteenth article of the amendments mean to exclude Indians who were born on an Indian reserva-tion? Is that reservation not to be considered as embraced by the words "the United States?" I do not think any such construction as that can be placed upon it; but it means that all persons born in the territory of the United States, whether that teritory is composed in part of an Indian reservation or otherwise, shall, the moment they become subject to the jurisdiction of the United States, be citizens of the United States. The words "subject to the jurisdiction there-of" were put in for the express purpose of excluding the Indians; but the moment you bring an Indian within the jurisdiction of the United States that moment he becomes a citizen of the United States. ments mean to exclude Indians who were born on an Indian reserva-

I know very well that Congress utterly disregarded this provision when it removed the Winnebagoes from Wisconsin, who were just as much citizens of Wisconsin as were the Senators from Wisconsin on much citizens of Wisconsin as were the Senators from Wisconsin on this floor; and after removing them, and spending a hundred thousand dollars in doing it, they all worked their way back. For the life of me I cannot see how, if that section when passed will be a valid law, any man can deny that these Indians, the allottees, as they are called according to this new-coined word, will be citizens of the United States, with every right that belongs to a citizen.

Mr. HOAR. May I ask the Senator, after that has happened—
Mr. THURMAN. My five minutes are out.

Mr. HOAR. I wish to ask the Senator, and he may answer out of my time, because I entirely sympathize with his argument, whether he does not also agree in thinking that, when that thing has happened, the power to subject those Indians to a tribal law, either as a punishment for crime or in regulating their civil relations, is ended?

ment for crime or in regulating their civil relations, is ended?

Mr. THURMAN. I do not think we would allow an Indian tribe to make laws for the Senator from Massachusetts or myself, and I think when an Indian becomes a citizen of the United States he has just the same right as the Senator from Massachusetts has.

has just the same right as the Senator from Massachusetts has,
Mr. HOAR. That answers the question as I anticipated.
Mr. ALLISON. The Supreme Court has otherwise decided.
Mr. HOAR. I do not understand that the Supreme Court has otherwise decided. On the contrary, all that I understand is that the Supreme Court has settled that, the tribal relation continuing in all other respects, the mere permitting an Indian to vote, not abrogating the thousand other relations, or the mere allowing him to own a tract of land in fee, not abrogating his other relations, did not of itself alone destroy the tribal relation. But here is a measure which enacts

that every law, civil and criminal, applicable to his white neighbor shall govern the Indian; further, that he shall be separated from the society of his chief and dwell on land which he owns himself in fee.

The Supreme Court has never dealt with that question.

Mr. ALLISON. I should be glad to hear the Senator say what he thinks ought to be done. Here we have this fourth section; we have also the seventh section. I think the seventh section is essential for the protection of the Indians. Senators say they are inconsistent

with each other. Do I understand the Senator to advise really that the fourth section shall be stricken from the bill?

Mr. HOAR. The committee come in here with a proposed statute which seems to me clearly unconstitutional in its main and principal features. I point out to them as well as I can the difficulty and they fail, so far as I can understand, to answer the difficulty. I do not be-lieve the Senator from Iowa would wish to be subjected to a very rigid cross-examination as to whether he is satisfied with his own answer, but that of course I do not know. It does not seem to me that when that state of things appears the committee charged with this subject should simply turn around upon us and ask, "you, Senator, what do you want to do?" I have not been charged with drawing a bill on this subject, but must vote on it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. TELLER. I offer one other amendment. I move to add as an additional section the following:

SEC. —. That no patent shall issue to the head of a family until he shall settle on land so allotted to him and shall be a resident on the same at the time of the issuing of said patent; that no patents shall issue to the other class of persons named herein until at least one-fourth of the heads of families to whom said allotments are made shall have settled on the land alloted to them, or such person shall settle on the land allotted him.

I offer that because I am supposing if these Indians take this land in severalty and acquire their deeds, they will still herd together in a reservation and will not occupy their lands. It will be impossible to deal with them there; it will be impossible to obtain the title either to the Government of the United States or to anybody else, for the majority of these Indians who receive this title will be infants. Now, way to get over the difficulty, the title must still remain in these infants until they come of age. I want the Government to withhold the title a reasonable time until they can see whether they are going to accept it, and whether it will not be as I have predicted, a necessity looking to the interest of the Indians alone, if you do not look to ours, to make some new arrangement. It cannot hurt the Indians and may help them.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is a vote upon any amendment reserved ?

Mr. FERRY. I ask that the amendment proposed by the Senator from Colorado, to be known as section 11, be reserved.

The PRESIDENT pro tempore. Is there any other? If there is no other reserved amendment, the question is on concurring in the other

amendments to the bill.

The remaining amendments were concurred in.

The PRESIDENT pro tempore. The question now is on concurring in the amendment on which a separate vote is asked. The amend-

ment will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, agreed to the following amendment:

SEC. 11. That nothing herein contained shall prevent the settlement of the Southern Utes or the Uncompander Utes on the lands of the Uintah reservation in Utah, if any of said Indians desire to settle there.

The amendment was concurred in.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed and read a third time?

Mr. EDMUNDS and Mr. HOAR called for the yeas and nays, and they were ordered.

The Secretary called the roll.

Mr. GARLAND. I wish to state that the Senator from Kentucky [Mr. Beck] is paired on this question with the Senator from Massachusetts, [Mr. Dawes,] both of whom are absent.

Mr. HARRIS. I do not see the Senator from Maryland [Mr. Whyte]

Mr. HARRIS. I do not see the Senator from Maryland [Mr. WHYTE] in his seat. Some days since I paired with him on this question and he is probably relying still on the pair, in view of which fact I will withdraw my vote. I voted "yea." The Senator from Maryland would vote against the bill if he were here.

Mr. HOAR. My colleague [Mr. DAWES] is paired with the Senator from Kentucky [Mr. BECK] on general questions. I do not know how either of them would vote on this bill if they were here.

Mr. VOORHEES. My colleague [Mr. McDonald] left the Senate Chamber to go West this evening. He told me that he had paired with the Senator from Wisconsin, [Mr. CARPENTER,] but how either of them would vote on this question I do not know.

Mr. TELLER. The Senator from Wisconsin would vote against the bill.

the bill.

The result was announced-yeas 37, nays 16; as follows: VEAS_37

Allison,	Cockrell,	Jonas,	Rollins,
Anthony,	Coke,	Jones of Florida,	Saunders,
Bailey,	Farley,	Kernan,	Vance,
Bayard,	Ferry,	Lamar,	Vest.
Blaine,	Gordon,	McMillan,	Voorhees,
Blair.	Hampton.	McPherson.	Walker,
Bruce,	Hereford,	Maxey,	Williams
Burnside,	Hill of Colorado,	Morvill,	
Call,	Ingalls,	Pendleton,	rolativa (L

NAYS-16.

Butler, Cameron of Pa.,	Edmunds, Garland.	Morgan, Platt.	Teller, Thurman
Davis of W. Va.,	Hoar,	Plumb,	Wallace,
Eaton,	Kirkwood,	Slater,	Windom.
	A	DEFENT 02	

Baldwin. Jones of Nevada, Kellogg, Ransom, Saulsbury, Beck, Booth Groome. Logan, McDonald, Paddock, Randolph, Grover, Hamlin, Harris, Hill of Georgia, Sharon, Whyte, Withers. Carpenter, Conkling, Davis of Illinois,

So the bill was ordered to be engrossed for a third reading. The bill was read the third time, and passed.

GENEVA AWARD FUND.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The unfinished business of the Senate is the Geneva award bill.

Mr. GARLAND. I move that the Senate resume the consideration

of the unfinished business known as the Geneva award bill.

The PRESIDENT pro tempore. It comes up without a motion.

Mr. EDMUNDS. I think not. The bill was postponed.

The PRESIDENT pro tempore. The Chair had the matter looked into and found that on the last day the bill was laid aside informally to take up the bill which has just passed.

Mr. EDMUNDS. On the last day?

The PRESIDENT pro tempore. On the last day when the bill was

before the Senate.

Mr. EDMUNDS. But the constant practice, I submit with great respect to the Chair, has been, where a bill is laid aside informally and is not taken up before that day's adjournment, and the unfinished business goes on, that it loses its place. It makes no difference in this instance except as a precedent, because I presume everybody will vote to take up the Geneva award bill.

Mr. HOAR. There was unanimous consent and an express stipution.

lation when it was laid aside that the Geneva award bill should come

up as soon as the Ute Indian bill was disposed of.

Mr. EDMUNDS. Very well; that is another thing. My only point of order is that it was laid aside informally on a day before to-day, and it does not come up of itself.

Mr. GARLAND. I move that the consideration of the Geneva award

bill, which was the order of the day, be resumed.

Mr. EDMUNDS. The constant practice of the Senate, I think, has

been as I have stated.

The PRESIDENT pro tempore. The Chair has not so understood it to be, but the Chair will inquire of the Senator from Michigan, [Mr.

FERRY,] who has had larger experience, what has been the usage in

Mr. FERRY. The Senator from Vermont is correct in the statement

he has made

The PRESIDENT pro tempore. Then the question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of the Geneva award bill.

Mr. BLAINE. I did not understand the Senator from Vermont to say, in answer to the suggestion of the Senator from Massachusetts that there was an explicit and unanimous consent, quite different from

an informal laying aside, that the bill does not come up of course.

Mr. FERRY. The Senator from Vermont stated that where unanimous consent was given that it should be taken up it was quite a

different question from the ordinary laying aside, as in the latter case the bill would come up on the same day, but not on a subsequent day.

Mr. EDMUNDS. That states it exactly.

The PRESIDENT pro tempore. Then the Chair understands the usage of the Senate to have been that where unanimous consent has been given to that effect the bill comes up of itself and the Chair. been given to that effect the bill comes up of itself, and the Chair

will so rule. The Geneva award bill is before the Senate.

Mr. GARLAND. I merely wish to take the floor on the measure.

The PRESIDENT pro tempore. The Senator from Arkansas is entitled to the floor.

THE TENTH CENSUS.

Mr. PENDLETON. I made a report from a committee of conference this morning, which upon the request of the Senator from Vermont [Mr. EDMUNDS] was informally laid aside. I now desire to

call it up.

The PRESIDENT pro tempore. The rule requires that the question shall be put, Will the Senate proceed to the consideration of

Mr. BLAINE. That is, provided it does not displace the unfinished business.

Mr. HOAR. This does not displace the Geneva award bill? The PRESIDENT pro tempore. Not at all. Mr. EDMUNDS. That depends on the rule. Mr. DAVIS, of West Virginia. It is a privileged question. Mr. BLAINE. No, a conference report is not privileged in the

Mr. DAVIS, of West Virginia. I think it is.
Mr. PENDLETON. Such a report can be made at any time.
Mr. HOAR. I suggest to the Senator from Ohio that he ask unanimous consent to take up the conference report without prejudice to the Geneva award bill. That will settle the whole thing.
Mr. PENDLETON. I do not antagonize it with the Geneva award

Mr. EDMUNDS. I want a construction of the rule. I object to unanimous consent.

The PRESIDENT pro tempore. The forty-ninth rule is in these words:

The presentation of reports of committees of conference shall always be in order, except while the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

This morning, by unanimous consent, the Senate resolved to wait, and the question was not put; but the rule is imperative that the question shall be put. Senators, as many as are in favor of proceeding to the consideration of this report will say "ay;" those opposed "no." [Putting the question.] The ayes have it; and the report is before the Senate.

Mr. EDMUNDS. And let it be read. It has not been read.

The report was read, as follows:

Mr. EDMUNDS. And let it be read. It has not been read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to Senate bill No. 885, to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment 1: That the House recede from its amendment numbered 1, in disagreeing to section 2 of Senate bill No. 885, and agree to section 2 with the following amendment:

"Provided, That the Superintendent of the Census shall collect and collate, as far as possible by experts and agents and from officers of the Government, information in relation to the ownership of the public debt of the United States;" and the Senate agree to the same.

Amendment 2: That the House recede from its disagreement to section 6, and agree to the same, with the following amendment: strike out all after the words "iffeen days," in line 27 of Senate bill 885, down to the word "and," in line 35; and the Senate agree to the same.

Amendment 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, which is to strike out all of section 7 of Senate bill 885; and the Senate agree to the same.

Amendment 4: That the House recede from its amendment numbered 4, striking out all of section 8 and concur in section 8, with an amendment in lines 2 and 3 of Senate bill 885, striking out the words "three hundred and fifty" and inserting in lieu thereof "one hundred and twenty-five;" and the Senate agree to the same.

Amendment 5: That the Senate recede from its disagreement to the amendment of the House numbered 5, as to collecting and publishing the statistics of the population, industries, and resources of Alaska, and the Senate agree to the same.

Amendment 5: That the Senate recede from its disagreement to the amendment of the House numbered 5,

The report was concurred in.

ORDER OF BUSINESS.

Mr. GARLAND. With the understanding now that the Geneva award bill is next in order-

I do not so understand it.

The PRESIDENT pro tempore. The Chair has always understood when a conference report is made pending a question before the Senate, and the conference report is considered and disposed of, it does not displace the pending order, but that upon the disposition of the conference report the consideration of the pending order is resumed. The Chair believes that has been the universal practice of the Senate.

The Chair believes that has been the universal practice of the Senate.

Mr. FERRY. That is right.

Mr. EATON. I have been trying to catch the eye of the Chair for a long while. I want to move to lay aside informally what the Chair has declared to be the present order of the Senate in order to proceed to the consideration of an appropriation bill, the consular and diplomatic bill. I apprehend that it will not take over half an hour to pass the bill; and, therefore, I should like to have it considered in the morning. I do not care to have it considered now, but I shall bring it up in the morning hour to-morrow, if possible, so as not to interfere with the Geneva award bill.

Mr. DAVIS, of West Virginia. Let it come up the first thing to-morrow after the morning business.

Mr. EATON. Yes, the first thing in the morning, after the routine business.

Mr. FERRY. I suggest to the Senator from Connecticut that he make his motion to-morrow.

Mr. EATON: I shall make it to-morrow unless it obtains now.
Mr. FERRY. Nothing will prevent its being made to-morrow.
Mr. HOAR. I should like to inquire if it be the purpose of Senators having the various appropriation bills in charge to make like motions with regard to all of them?

Mr. EATON. I hope so.
Mr. HOAR. I hope not.
Mr. ALLISON. This is the only one likely to interfere with the

Mr. ALLISON. This is the only one likely to interfere with the Geneva award bill.

Mr. HOAR. I certainly understood when consent was given to taking up the Ute Indian bill that it was the purpose of the Senate and of the gentleman who moved that bill, that the Geneva award and of the gentleman who moved that bill, that the Geneva award bill should come immediately on the disposition of the Ute bill. Of course I do not wish to interfere with the gentlemen who have charge of the business of the Senate, as the Senator from Connecticut has in this instance, by making objections that are needless. Still I trust that the Geneva award bill will not substantially lose its place.

Mr. EATON. It will not. I have no idea that the bill which I propose that the Senate shall proceed to the consideration of will take over thirty minutes. I cannot conceive that it will.

Mr. FERRY. I call the attention of the Senator from Arkansas to the fact that if the motion of the Senator from Connecticut prevails it displaces the Geneva award bill.

it displaces the Geneva award bill.

Mr. GARLAND. I am aware of that, and I was going to make a suggestion to the Senator from Connecticut to postpone his motion until to-morrow morning. Let the Geneva award bill be the unfin-ished business for to-morrow, and then I think the bill the Senator from Connecticut has in charge can be accommodated. I cannot yield to him this evening for the reason that it would displace the unfinished

business.

Mr. DAVIS, of West Virginia. My friend from Connecticut, my colleague on the Appropriation Committee, proposes after the morning business to-morrow, to bring up the consular and diplomatic appropriation bill. We believe that the bill can be passed before half past one o'clock. He will make the motion to-morrow morning that the Senate proceed to its consideration.

Mr. FERRY. But if the motion is agreed to to-day, displacing the Geneva award bill, the consular and diplomatic bill will be the unfinished business for to-morrow and may displace the Geneva award.

finished business for to-morrow, and may displace the Geneva award

bill for the entire day.

Mr. DAVIS, of West Virginia. We simply give notice that we shall

call it up to-morrow morning.

Mr. EATON. I withdraw my motion, and that will end the con-

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

Mr. BLAINE. That leaves the Geneva award bill the unfinished

business for to-morrow?

The PRESIDENT pro tempore. It does.
Mr. HARRIS. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Tennessee moves that the Senate adjourn.

The motion was agreed to; and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 12, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.
The Journal of Saturday was read and approved.

CORRECTION OF ERROR IN POSTAL LAW.

Mr. HARRIS, of Virginia. Mr. Speaker, I ask by unanimous consent to correct an error which has crept into section 5480 of the Resent to correct an error which has crept into section 5450 of the Revised Statutes, making the present law defective. The substitution of the word "or" in the second line for the word "to," occurred during the enrollment of the bill, and after it had been engrossed and passed from this House. I ask the Clerk to read the first paragraph of a letter which has been forwarded to me by the Post-Office Department, and which will, I think, give an explanation of what I desire this proximate beyonders. this morning to have done.

The Clerk read as follows:

After a conversation with United States District Attorney Bliss, I have thought it best to write you in reference to section 3480, Revised Statutes. Mr. Bliss claims that he wrote to the Postmaster-General on the same subject two or three years ago, but nothing was ever done about it. The authorities here are unwilling to go into cases under that section, Judge Treat holding that the law is defective on account of the word "or," in the second line. He says it should be "to," which would make the law read: "If any person having devised or intending to devise any scheme or artifice to defraud, to be effected," &c.

The SPEAKER. Is there objection?

Mr. HARRIS, of Virginia. I think the best course to be pursued at this time would be to re-enact section 5480 of the Revised Statutes with the correction made of the word "to" for the word "or"

Mr. YOUNG, of Tennessee. Should this not go to the Committee on the Judiciary?

on the Judiciary?

Mr. HARRIS, of Virginia. It is a very simple matter. The error which crept into the enrollment of the statute is recognized, and all I propose to do at this time is to correct that error. I examined the matter and find the word "to" was in the engrossed bill as it went from this House.

Mr. REED. I think it might as well go through now. There is no necessity to refer it to the Judiciary Committee.

Mr. HARRIS, of Virginia. I ask, then, by unanimous consent to introduce for passage at this time a bill (H. R. No. 5719) to revise and re-enact section 5480 of the Revised Statutes.

There was no objection; and the bill was received, and read a first

and second time.

The bill, which was read, provides that section 5480 shall be reenacted, so as to read as follows:

enacted, so as to read as follows:

SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, to be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside of the United States, by means of the Post-Office establishment of the United States, or by inciting such other person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice, or attempting so to do, place any letter or packet in any post-office of the United States, or take or receive any therefrom, such person, so misusing the Post-Office establishment, shall be punishable by a fine of not more than \$500, and by imprisonment for not more than eighteen months, or by both such punishments. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the Post-Office establishment enters as an instrument into such fraudulent scheme and device.

The bill was ordered to be engreesed and read a third time; and

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be

laid on the table.

The latter motion was agreed to.

MILITARY POSTS, RIO GRANDE FRONTIER.

Mr. UPSON. I ask unanimous consent to take from the Public Calendar Senate bill No. 53 with a view to putting it upon its immediate passage.

There being no objection, the bill was read, as follows:

A bill (S. No. 53) making appropriations for the erection of suitable posts for the protection of the Rio Grande frontier.

protection of the Rio Grande frontier.

Be it enacted, &c., That the sum of \$200,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of acquiring sites and erecting thereon such military posts on or near the Rio Grande frontier as may be deemed necessary by the Secretary of War for the adequate protection thereof: Provided, That none of said appropriation shall be used for the purposes aforesaid until a valid title to said sites be vested in the United States: And provided further, That the State of Texas shall duly release and relinquish to the United States the right to assess or tax said sites, or any of them, or any improvements placed thereon for military purposes, so long as the United States shall remain the owner thereof.

Passed the Senate December 11, 1879.

Mr. DUNNELL. Is it proposed to pass the bill at this time?
Mr. UPSON. That is my wish, if possible.
Mr. DUNNELL. Has this bill been reported from any committee? Mr. UPSON. It has been reported unanimously from the commit-tee, and is now pending before the Committee of the Whole on the

state of the Union.

Mr. BROWNE. A precisely similar bill was reported from the Committee on Military Affairs of the House.

Mr. UPSON. It has been twice favorably reported.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON, ETC., G. A. R., MUNCY, PENNSYLVANIA.

Mr. MITCHELL. I ask unanimous consent that Senate bill No. 631, granting six pieces of condemned cannon, &c., to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for the purpose of constructing an inclosure and for monumental purposes, be taken up and put upon its passage.

There being no objection, the bill was read, as follows:

A bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental pur-

poses.

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, six condemned cannon and cannon-balls, to be used in ornamenting a monument erected in honor of the deceased soldiers of said Muncy, Pennsylvania.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MITCHELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.
Mr. McMILLIN. I demand the regular order.

PUBLIC BUILDING, PADUCAH, KENTUCKY.

Mr. OSCAR TURNER. I hope the gentleman will withdraw the demand for a few minutes to permit me to ask concurrence in certain unimportant amendments of the Senate to a House bill that will

cause no debate.

Mr. McMILLIN. I withdraw the demand for that purpose.

Mr. OSCAR TURNER. I ask concurrence in the Senate amendments to House bill No. 5622, to provide for the construction of a public building at the city of Paducah, State of Kentucky.

The SPEAKER. The Senate amendments will be read.

The Clerk read as follows:

In line 14, after the word "made," insert:

"So that no expenditure shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated, upon plans to be previously approved by the Secretary of the Treasury."

In line 17, after the word "building," insert:

"Which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys."

My OSCAP THENER Theorems of the purchase of

Mr. OSCAR TURNER. These amendments, in my judgment, were unnecessary, as the House bill was perfect; but I ask the concurrence in the Senate amendments that this just measure may be passed with-

out further delay.

Mr. ATKINS. Does this require an additional appropriation?

Mr. OSCAR TURNER. No; it simply puts an additional limitation upon an appropriation already made in the House bill, and which limitation I think was not necessary.

The Senate amendments were concurred in.

Mr. OSCAR TURNER moved to reconsider the vote by which the

Mr. OSCAR TURNER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. OSCAR TURNER. I now desire, in behalf of my constituents and myself, to return my thanks to the Speaker and to gentlemen on both sides and in the center of this House for an act of justice to the Gibraltar district, which I have the honor to represent on this floor, and to the Steaker of Wentucky.

and to the State of Kentucky.

Mr. McMILLIN. I now demand the regular order.

BILLS, ETC., FOR REFERENCE.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Alabama, for the introduction on leave of bills and joint resolutions for reference to their appropriate committees not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

LEAVITT POST-MARKING MACHINE.

Mr. SHELLEY introduced a bill (H. R. No. 5720) authorizing the Postmaster-General to purchase and adopt the Leavitt card-canceling and post-marking machine; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMENDMENT TO ARTICLES OF WAR.

Mr. LEWIS introduced a bill (H. R. No. 5721) to amend articles 104 and 114 of the Articles of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLUMBUS F. PERRY AND ELIZABETH H. GILMER.

Mr. HERBERT introduced a bill (H. R. No. 5722) for the relief of Columbus F. Perry and Elizabeth H. Gilmer; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIEU LANDS, CALIFORNIA.

Mr. BERRY (by request) introduced a bill (H. R. No. 5723) explanatory of an act granting lieu lands to the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN CLARKEN.

Mr. PHELPS introduced a bill (H. R. No. 5724) granting a pension to John Clarken, of Waterbury, in the State of Connecticut, late a private in Company A, First Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. PHELPS also introduced a bill (H. R. No. 5725) amending the acts approved January 25, 1879, and March 3, 1879, relating to pensions, so as to extend for three years from the 1st of July, 1880, the time within which applications for arrears may be filled with the Commissioner of Pensions and be granted from the time of the death or displayers of the coldinarion expects of the coldinarion and the second of the control of the coldinarion of the Commissioner of Pensions and be granted from the time of the death or discharge of the soldiers on account of whose service the arrears are claimed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC E. PALMER.

Mr. HAWLEY introduced a bill (H. R. No. 5726) for the relief of Isaac E. Palmer; which was read a first and second time; referred to the Committee on Patents, and ordered to be printed.

MATERIALS IN CONSTRUCTION OF VESSELS.

Mr. MARTIN, of Delaware, introduced a bill (H.R. No. 5727) permitting the use of domestic materials in the construction of steam and sall vessels for foreign account; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES W. DUNN.

Mr. BAKER introduced a bill (H. R. No. 5728) granting a pension pensation for transportation of mails on rate Charles W. Dunn, late a private in Captain Jonathan Jenkins's a first and second time, referred to the Company, New York Militia, war of 1812; which was read a first and. and Post-Roads, and ordered to be printed.

second time, referred to the Committee on Pensions, and ordered to be

JOSEPH T. ERWIN.

Mr. COLERICK (by request) introduced a bill (H. R. No. 5729) granting a pension to Joseph T. Erwin, of Monroeville, Allen County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CANNON.

Mr. HASKELL introduced a bill (H. R. No. 5730) to authorize the Secretary of War to turn over to the governor of Kansas two cannon, for the use of the Baxter Springs Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

D. W. POWERS AND OTHERS.

Mr. ANDERSON introduced a bill (H. R. No. 5731) for the relief of D. W. Powers, D. B. Powers, I. W. Powers, and Henry L. Newman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CARLISLE introduced a bill (H. R. No. 5732) to refund to W. L. Bedinger, postmaster at Greenwood Lake, Kentucky, certain public money destroyed by fire; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA A. SCOTT.

Mr. CARLISLE also introduced a bill (H. R. No. 5733) granting a pension to Eliza A. Scott, widow of Joseph Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISVILLE, CINCINNATI AND LEXINGTON RAILWAY.

Mr. CARLISLE also introduced a bill (H. R. No. 5734) to authorize the Secretary of the Treasury to refund certain internal-revenue taxes collected from the Louisville, Cincinnati and Lexington Railway Company in excess of the amount legally due; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

F. A. GONZALES AND OTHERS.

Mr. ELLIS introduced a joint resolution (H. R. No. 273) authorizing and directing the Secretary of the Treasury to hear applications for the relief of F. A. Gonzales and Gonzales & Brother, in regard to duties and taxes paid on cigars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES J. WHITING.

Mr. McLANE introduced a bill (H. R. No. 5735) for the relief of Charles J. Whiting; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB W. LIDIE.

Mr. URNER introduced a bill (H. R. No. 5736) granting a pension to Jacob W. Lidie, late private of Company D, First Regiment, P. H. B., Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REV. JAMES FITZ GIBBON.

Mr. URNER also introduced a bill (H. R. No. 5737) for the relief of Rev. James Fitz Gibbon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. V. C. ENGLISH.

Mr. URNER also introduced a bill (H. R. No. 5738) granting an increase of pension to Mrs. V. C. English; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWMAN KAUFMAN.

Mr. URNER also introduced a bill (H. R. No. 5739) granting a pension to Newman Kaufman, late corporal Company H, Seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTIONS IN THE ARMY.

Mr. WILLITS introduced a bill (H. R. No. 5740) to regulate promotions in the Army and to fix the rank of line officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW H. FACE.

Mr. BREWER introduced a bill (H. R. No. 5741) granting a pension to Andrew H. Face, of Owasso, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION FOR MAIL TRANSPORTATION.

Mr. MONEY introduced a bill (H. R. No. 5742) regulating the compensation for transportation of mails on railroads; which was read a first and second time, referred to the Committee on the Post-Office and Post Roads and redemand to be priced.

PURCHASE OF UNITED STATES BONDS.

Mr. CHALMERS introduced a joint resolution (H. R. No. 274) requiring notice as to purchase by the Secretary of the Treasury of United States bonds; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRANCIS A. LIEBSCHUTZ.

Mr. FORD introduced a bill (H. R. No. 5743) providing for the back pay and increase of pension of Francis A. Liebschutz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

METROPOLITAN POLICE OF DISTRICT OF COLUMBIA

Mr. FORD also introduced a bill (H. R. No. 5744) providing for an increase of the number and efficiency of Metropolitan police of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered

WILLIAM R. OLIVER.

Mr. FORD also introduced a bill (H. R. No. 5745) for the relief of William R. Oliver, of De Kalb, Buchanan County, State of Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

OLIVER MARCUM.

Mr. FORD also introduced a bill (H. R. No. 5746) increasing the pension of Oliver Marcum, of Alanthus, State of Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

P. F. LONERGAN.

Mr. BUCKNER introduced a bill (H. R. No. 5747) for the relief of P. F. Lonergan, of Pike County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HERBERT JOYCE.

Mr. PRESCOTT introduced a bill (H. R. No. 5748) for the relief of Herbert Joyce, late a private of Company B, Second Battalion, Sixteenth United States Cavalry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA ANN SHARER.

Mr. PRESCOTT also introduced a bill (H. R. No. 5749) granting a pension to Eliza Ann Sharer, of Utica, Oneida County, New York; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DUTY ON LEAD ORE.

Mr. COVERT introduced a bill (H. R. No. 5750) to reduce the duty on lead ore; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARGARET COSTELLO.

Mr. COVERT (at the request of Mr. MULLER) also introduced a bill (H. R. No. 5751) granting a pension to Margaret Costello, widow of Thomas Costello, late private Company K, First Regiment United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT POUGHKEEPSIE.

Mr. KETCHAM introduced a bill (H. R. No. 5752) to provide for the erection of a public building at Poughkeepsie, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALICE BINNIT.

Mr. BLISS introduced a bill (H. R. No. 5753) for the relief of Alice Binnit; which was read a first and second time, referred to the Com-mittee on Invalid Pensions, and ordered to be printed.

PROPELLER LEHIGH.

Mr. BAILEY introduced a bill (H. R. No. 5754) to change the name of the propeller Lehigh, of Albany, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE MAURER.

Mr. VAN AERNAM introduced a bill (H. R. No. 5755) to remove the charge of desertion against George Maurer, late a private Company A, One hundred and fifty-ninth Regiment New York State Volunteers, and authorizing the Secretary of War to grant an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT AVERY.

Mr. KETCHAM introduced a bill (H. R. No. 5756) for the relief of Robert Avery, and reappropriating money heretofore appropriated, and which was afterward covered into the Treasury of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAGE PATENT.

Mr. VANCE (by request) introduced a bill (H. R. No. 5757) defining and limiting the use of the Page patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INSPECTORS OF CUSTOMS.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 5758) relating to inspectors of customs, and to repeal sections 2733 and 2737 of Revised Statues; which was read a first and second time, referred to the Committee on Public Expenditures and ordered to be printed.

REVENUE FRAUD IN MAINE.

Mr. DAVIS, of North Carolina, (at the request of Mr. Ladd, of Maine,) also submitted the following resolution; which under the rule was referred to the Committee on Ways and Means:

Resolved. That the Secretary of the Treasury be requested to furnish to the House of Representatives the reports of N. W. Bingham and R. M. Kimball, special agents, who examined the frauds upon the revenue of the United States alleged to have been perpetrated in the Houlton collection district, in the State of Maine, with such other information relating thereto as he may deem advisable to communicate, such frauds consisting in the illegal importation of goods subject to duty.

HEIRS OF E. M. SHIELD.

Mr. BUTTERWORTH introduced a bill (H. R. No. 5759) for the relief of the heirs of E. M. Shield, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUBSIDIARY SILVER COIN IN THE MAILS.

Mr. WARNER introduced a joint resolution (H. R. No. 275) to authorize the Secretary of the Treasury to transmit subsidiary silver coin through the mails as third-class matter; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

BUREAUS OF MINES, COMMERCE, ETC.

Mr. WARNER also introduced a bill to establish a bureau of mines and mining, a bureau of manufactures, and a bureau of labor statistics in the Interior Department, and to change the designation of the Bureau of Statistics to the Bureau of Commerce; which was read a first and second time.

Mr. WARNER. This bill in its subject-matter belongs to two different committees. I ask that so much as relates to a bureau of manufactures

The SPEAKER. There is no way of dividing the reference of a bill between two committees. The gentleman had better introduce two separate bills.

Mr. WARNER. Very well; I will do so. I withdraw the bill.

IMPORTED GOODS IN BOND.

Mr. HURD introduced a bill (H. R. No. 5760) supplemental to an act to establish regulations as to imported goods in bond and with duties paid, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIGIBILITY TO OFFICE OF PRESIDENT.

Mr. GEDDES introduced a joint resolution (H. R. No. 276) proposing an amendment to the Constitution of the United States providing that no person shall be eligible to the office of President for more than two terms; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed

MILITARY WAGON-ROAD IN OREGON.

Mr. WHITEAKER introduced a bill (H. R. No. 5761) providing for the construction of the Mount Jefferson military wagon-road in Oregon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVY-YARD ON NORTHWEST COAST.

Mr. WHITEAKER also introduced a joint resolution (H. R. No. 277) for the appointment of a commission to select a site on the northwest coast for a navy-yard; which was read a first and second time, re-ferred to the Committee on Naval Affairs, and ordered to be printed.

PAYMENT OF BOUNTY AND BACK PAY.

Mr. COFFROTH submitted the following resolution; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay:

Whereas there is great and just complaint being constantly made by soldiers on account of the long delay, in many instances nearly a year, in the payment of the bounty and back pay settled and allowed to them by the Second Auditor of the Treasury: Therefore,

Be it resolved. That the Secretary of the Treasury be, and he hereby is, respectfully requested and directed to inform the House of Representatives the cause of delay in paying the bounty and back pay found to be due to the soldiers and other persons entitled thereto, and why it is that he permits these claims to remain unpaid from six to twelve months before he asks Congress for an appropriation of money to pay the same.

EDWARD G. PENDLETON.

Mr. BINGHAM introduced a bill (H. R. No. 5762) for the relief of Edward G. Pendleton, late volunteer aid-de-camp and guide to cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD H. LEIB.

Mr. RYON, of Pennsylvania, introduced a bill (H. R. No. 5763) for the relief of Edward H. Leib; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIMON LAURISH.

Mr. BACHMAN (for Mr. KLOTZ) introduced a bill (H. R. No. 5764) for the relief of Simon Laurish; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELSIE A. PARKER.

Mr. SHALLENBERGER introduced a bill (H. R. No. 5765) granting arrears of pension to Elsie A. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSION TO SOLDIERS' WIDOWS.

Mr. SHALLENBERGER (by request) also introduced a bill (H. R. No. 5766) granting arrears of pension to widows of deceased soldiers in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M. HOOPES.

Mr. WARD introduced a bill (H. R. No. 5767) granting a pension to Francis M. Hoopes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JOSEPH A. BURNS.

Mr. HARMER introduced a bill (H. R. No. 5768) to correct the Army record of Joseph A. Burns, late private Company A, Seventy-first Reg-iment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BARK SALMON P. CHASE.

Mr. HARMER (by request) also introduced a bill (H. R. No. 5769) for the relief of certain creditors of the bark Salmon P. Chase; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM BULLARD.

Mr. DIBRELL introduced a bill (H. R. No. 5770) granting a pension to William Bullard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

SAMUEL P. IRVINS, JR.

Mr. DIBRELL also introduced a bill (H. R. No. 5771) for the relief of Samuel P. Irvins, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M. HENNARD.

Mr. TAYLOR introduced a bill (H. R. No. 5772) granting a pension to James M. Hennard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

DAVID F. HUMPHREYS.

Mr. TAYLOR also introduced a bill (H. R. No. 5773) granting a pension to David F. Humphreys; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED WALLEN.

Mr. TAYLOR also introduced a bill (H. R. No. 5774) granting a pension to Alfred Wallen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. JOHNSON.

Mr. TAYLOR also introduced a bill (H.R. No. 5775) granting a pension to Thomas F. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMPSON W. M'KEE.

Mr. TAYLOR also introduced a bill (H. R. No. 5776) granting a pension to Thompson W. McKee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

WILLIAM A. CHARLES.

Mr. TAYLOR also introduced a bill (H. R. No. 5777) granting a pension to William A. Charles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JAMES M. TAYLOR.

Mr. TAYLOR also introduced a bill (H.R. No. 5778) granting arrears of pension to James M. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. T. PRITCHETT.

Mr. TAYLOR also introduced a bill (H. R. No. 5779) granting a pension to W. T. Pritchett; which was read a first and second time, reserved to the Committee on Invalid Pensions, and ordered to be

ENLARGEMENT OF CITY HALL, DISTRICT OF COLUMBIA.

referred to the Committee on the District of Columbia, and ordered to be printed.

JENNY RICHARDSON.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 5781) for the relief of Jenny Richardson, of Shelby County, Tennessee, administratrix of the estate of Catlett G. Richardson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORPORATIONS, DISTRICT OF COLUMBIA.

Mr. McMILLIN (by request) introduced a bill (H. R. No. 5782) to amend section 553 of the Revised Statutes, relating to the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REPEAL OF STATE-BANK TAX.

Mr. McMILLIN also introduced a bill (H. R. No. 5783) to repeal the law imposing a tax on the circulation and notes of State banks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIR OF WILLIAM HENDLY, DECEASED.

Mr. JONES introduced a bill (H. R. No. 5784) for the relief of the heir of William Hendly, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARINE HOSPITAL, GALVESTON.

Mr. JONES also introduced a bill (H. R. No. 5785) to provide for construction of a marine hospital in Galveston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETER ROBBINS.

Mr. TYLER introduced a bill (H. R. No. 5786) granting a pension to Peter Robbins, Company G, Fourteenth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COALING STATIONS, ETC., ATLANTIC AND PACIFIC COASTS.

Mr. GOODE introduced a joint resolution (H. R. No. 278) authorizing and instructing the Secretary of the Navy to take necessary steps to secure adequate coaling stations and harbors for the use of the naval forces of the United States at proper points on the Atlantic and Pacific coasts of Central America and of the American Isthmus; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CULLINGWORTH & ELLISON.

Mr. JOHNSTON introduced a bill (H.R. No. 5787) to authorize Cullingworth & Ellison to use a stamp-label; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BOUNTY LANDS.

Mr. HUNTON introduced a bill (H. R. No. 5788) to repeal section 3480 of the Revised Statutes so far as bounty lands are concerned; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON AND GEORGETOWN JUNCTION STEAM RAILWAY.

Mr. HUNTON (by request) also introduced a bill (H. R. No. 5789) to incorporate the Washington and Georgetown Junction Steam Railway Company, of Washington, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SOLDIERS' REUNION, MILWAUKEE.

Mr. BRAGG introduced a joint resolution (H.R.No. 279) authorizing the Secretary of War to grant use of tents for soldiers' reunion at Milwaukee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARBOR OF REFUGE AT MILWAUKEE, WISCONSIN.

Mr. DEUSTER presented the memorial of the Legislature of Wisconsin, relating to the construction of a harbor of refuge at Milwaukee, Wisconsin; which was referred to the Committee on Commerce.

BOISÉ BED-ROCK FLUMING COMPANY, IDAHO.

Mr. AINSLIE introduced a bill (H. R. No. 5790) granting a right of way to the Boisé Bed-Rock Fluming Company, of Idaho Territory, over the public lands of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

RIGHT OF WAY THROUGH THE PUBLIC LANDS.

Mr. AINSLIE also introduced a bill (H. R. No. 5791) to amend section 1 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

OFFICE OF SURVEYOR-GENERAL, OREGON.

Mr. BRENTS introduced a bill (H. R. No. 5792) to amend the act Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 5780) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia; which was read a first and second time, approved February 14, 1853; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be

WIND RIVER RESERVATION.

Mr. DOWNEY introduced a bill (H. R. No. 5793) for the extinguishment of the Indian right to the Wind River reservation and the allotment of land in severalty to the Shoshone, Bannack, and Arapahoe Indians, of Wyoming Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MILITARY RESERVATION, FORT BRIDGER.

Mr. DOWNEY also introduced a bill (H. R. No. 5794) in reference to the military reservation of Fort Bridger, in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAINTINGS ON THE WALLS OF THE CAPITOL

Mr. DOWNEY also introduced a bill (H. R. No. 5795) providing for certain paintings on the walls of the National Capitol; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been completed. The Chair will recognize gentlemen who were not in their seats when their States were called for the introduction of bills for

JOSEPH H. HAMMOCK.

Mr. SPARKS introduced a bill (H. R. No. 5796) granting a pension to Joseph H. Hammock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' REUNION COMMITTEE OF THE NORTHWEST.

Mr. SHERWIN introduced a joint resolution (H. R. No. 280) authorizing and empowering the Secretary of War to deliver arms, ammunition, and tents to the soldiers' reunion committee of the Northwest; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF MINES AND MINING, ETC.

Mr. WARNER introduced a bill (H. R. No. 5797) to establish a bureau of mines and mining, a bureau of manufactures, and a bureau of labor statistics in the Interior Department, and to change the designation of the existing Bureau of Statistics to the Bureau of Commerce; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

CLAIM OF THE STATE OF MINNESOTA.

Mr. POEHLER introduced a bill (H. R. No. 5798) making an appropriation to the State of Minnesota; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM BUGGERT.

Mr. POEHLER also introduced a bill (H. R. No. 5799) for the relief of William Buggert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF RULES.

Mr. HUNTON, from the Committee on the District of Columbia, submitted the following resolution; which was referred to the Committee on Rules:

Whereas Congress has assumed to itself the sole power of legislating for the District of Columbia, and it is therefore, in the opinion of this committee, the solemn duty of Congress to provide ample time and facilities for the proper consideration of the business of the District; and

Whereas under the present rules it is evident that sufficient time will not be afforded for the due consideration of legislation absolutely necessary for the good government of the District: Therefore,

Resolved, That the chairman of this committee be, and he is hereby, instructed to give notice to the House, as required by the rules, of his intention to move an amendment to the rules providing that hereafter every second and fourth Monday of each month, after the reading of the Journal, shall be devoted to the consideration of business pertaining to the District.

SALE OF PROPERTY IN NEW YORK.

SALE OF PROPERTY IN NEW YORK.

• Mr. FERNANDO WOOD. I am directed by the Committee on Ways and Means to report a substitute for the bill (H. R. No. 2268) to authorize the sale of certain property in the city of New York, and to ask for its immediate consideration.

Mr. TOWNSHEND, of Illinois. I reserve the right to object until the bill shall be read.

The substitute was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury and Postmaster-General are hereby authorized and directed to sell, on such terms as they may deem best, at public auction, on or before the 1st day of June, A. D. 1880, in the city of New York, the land and premises formerly occupied as the site of the post-office in the city of New York, lying upon Nassan street, between Cedar and Liberty streets, in the said city: Provided, kowever, That they shall not sell the same for a less sum than \$300,000, and that out of the proceeds of said sale they shall reimburse to the Chamber of Commerce of the State of New York the sum of \$50,000, which its members and others, at their solicitation, contributed toward the purchase, for the purpose of retaining the post-office in Nassan street.

Mr. TOWNSHEND, of Illinois. I object to the present considera-

Mr. FERNANDO WOOD. I hope the gentleman will not object.

I will state here there are reasons why the Government should dis-

pose of this property at the earliest possible moment.

Mr. TOWNSHEND, of Illinois. I will withhold my objection until I hear a statement from the gentleman.

The SPEAKER. The Chair will look at the rule and see if the gentleman from New York has the right to report this bill under the

Mr. FERNANDO WOOD. Many years ago the Government, aided by the Chamber of Commerce of New York, purchased in the city of New York a piece of ground on which to erect a post-office. Subsequently it was determined, for various reasons well known to the Government, that the location was not desirable, and proceedings were had to erect a post-office on a portion of what is known as the park opposite the Astor House, in the city of New York. The local government of New York virtually contributed for a merely nominal consideration a piece of ground, on which has since been erected a new post-office, with accommodations for the United States courts. The old site, bought some years ago, has been consequently abandoned, and the Government has been in the habit of leasing it or renting it from year to year until Congress should take some action in the premises.

It is the wish of the Government and it is the desire of the city of

New York, and indeed of every person familiar with the subject, that this old post-office rookery shall be reconstructed and that an edifice which will be of advantage to our great commercial emporium shall be erected in its place. For this purpose this bill authorizes the Postmaster-General and the Secretary of the Treasury to put up the piece of ground at public auction at the minimum value of \$300,000, to be sold to the highest bidder above that upset price. I suppose the gen-

sold to the highest bidder above that upset price. I suppose the gentleman from Illinois with this explanation is satisfied.

Mr. TOWNSHEND, of Illinois. I am not satisfied that this bill ought to be acted upon in this hasty manner. I have been informed that there are good reasons why it should not be passed. I am told there are \$75,000 now paid by the Government for rents of buildings in New York, and that this could be made serviceable for the purposes for which rents are now paid. There are some other facts I would wish to present to the House if an opportunity should be given to consider this bill more deliberately. Meanwhile I must insist on my objection.

my objection.

Mr. FERNANDO WOOD. The gentleman from Illinois is entirely misinformed. The buildings on this ground are unfit for any public purpose whatever for Government uses. There can be no reason founded on public good which will justify any opposition to the passage of this bill immediately.

Mr. TOWNSHEND, of Illinois. There are some who differ from the gentleman from New York upon that point.

The SPEAKER. In clause 47 of Rule XI it is provided that—

The following-named committees shall have leave to report at any time upon the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue.

The effect of this bill would be to produce revenue; and, under The effect of this bill would be to produce revenue; and, under that clause, the Chair thinks the gentleman from New York has the right to report it at any time from the Committee on Ways and Means. But the gentleman from Illinois, [Mr. TOWNSHEND,] as the Chair understands, makes the point of order that the bill parts with the property of the United States, and should therefore be considered in the Committee of the Whole on the state of the Union.

Mr. FERNANDO WOOD. I call the attention of the Chair to the fact that this case is not the ordinary one where the Government parts with property. We propose to part with this property for its full value, providing that it shall be sold at public auction to the highest bidder.

est bidder.

Mr. TOWNSHEND, of Illinois. I am told if the Government de-

Mr. TOWNSHEND, of Illinois. I am told if the Government desired to purchase that same property they could not purchase it for less than \$1,000,000; and yet it is proposed to sell it for \$300,000.

Mr. FERNANDO WOOD. It is proposed to sell it at public auction to the highest bidder at a sum not less than \$300,000.

Mr. TOWNSHEND, of Illinois. I insist on the point of order. The SPEAKER. The Chair sustains the point of order; that the bill parts with the property of the United States and should be considered in Committee of the Whole House on the state of the Union.

Mr. FERNANDO WOOD. Very well, let it go there.

The bill (H. R. No. 5801) to authorize the sale of certain property in the city of New York was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed. to be printed.

ORDER OF BUSINESS.

I rise to submit a motion.

The SPEAKER. The regular order now is the morning hour. The Chair supposes the gentleman from Tennessee desires to proceed with the Army bill?

Mr. ATKINS. That is the purpose for which I rose; but I do not

which is a motion at this moment.

The SPEAKER. The Chair would suggest to the gentleman that the first proceeding would be to dispense with the morning hour.

Mr. ATKINS. I move that the morning hour be dispensed with in order that the House may go into Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill priation bill.

The motion was agreed to (two-thirds voting in favor thereof) and

the morning hour was dispensed with.

Mr. ATKINS. Before submitting the motion to go into Committee of the Whole for the purpose of further considering the Army appropriation bill, I desire to have some indication from the House as to the length of time to be allowed for general debate. I believe it is generally conceded on this side that there is no desire on the part of any gentleman on this side of the House to address the House upon the subject now pending in Committee of the Whole. Several gentlemen on the other side have already addressed the House. Whether

tlemen on the other side have already addressed the House. Whether or not there are more who desire to continue the discussion, I am not advised. Of course, I wish to accommodate myself to any reasonable proposition in submitting the motion to limit general debate.

Mr. HAWLEY. I know of two or three gentlemen who desire to speak; two of them are ready now to speak. I do not think there is a desire on this side of the House for a very extended debate; but I do not know of any one who feels authorized to name a precise limit to the debate. I think I can say this, that there is not likely to be any lengthy debate. So far as I am concerned, I have no desire to have it continued unreasonably. It is possible that the debate may close to-day, though some might desire to have it go over until to-morrow.

Mr. ATKINS. I would ask the gentleman if two hours would not be sufficient? That would bring us to half past three o'clock.

Mr. HAWLEY. There are three gentlemen who desire to speak, and I suppose there is another, but I have not his word for it. I have the word of three now in the House who desire to speak; of four who

desire to speak; but they might speak within three hours.

Mr. BLOUNT. It does seem to me that we should limit this debate. I have never before known the minority to dictate absolutely the time to be allowed for debate on any bill. This debate ran all day Saturday, and it seems to me that this side of the House should have some assurance that the debate shall be confined within some

reasonable limit.

Mr. HAWLEY. I have given some assurance, the best I could. I do not think it unreasonable that three hours at least should be given for this general debate, because there are four gentlemen here now who desire to speak. I tell the gentleman from Georgia [Mr. Blount] candidly that I think they can speak within the three hours. Then there is another gentleman who, I know, desires to speak, but he is not here to speak for himself.

Mr. ATKINS. I will say to the gentleman from Georgia [Mr. Blount] that I have generally found the best way in the House to get out of a difficulty of this kind was to allow gentlemen to settle it themselves. Therefore, I have not been disposed to fix a limit for this debate; but I think gentlemen on the other side must themselves see the necessity of limiting this discussion.

Mr. HAWLEY. I have no doubt we could get through to-morrow of the property replacements of the property replacements.

afternoon, perhaps early in the afternoon.

The SPEAKER. The gentleman suggested three hours.

Mr. HAWLEY. I said that there were four who desired to speak. I am told now that there are five who have expressed a desire to obtain an hour each, and they tell me their names are down for that purpose. That does not still include the gentleman to whom I have referred, who is now absent. I will tell the gentleman that I think we can get through early to-morrow afternoon.

Mr. SPARKS. Why not have it understood that the debate shall

close with to-day !

Mr. BLOUNT. I have never known such terms imposed on the majority by the minority.

Mr. HAWLEY. The right of the minority to debate is quite equal

to that of the majority.

Mr. BLOUNT. I have no doubt of that; but we on this side have

the right to indicate a reasonable time for debate.

Mr. CONGER. I have no doubt the Chair has on his list a large number of names of gentlemen who have expressed a desire to speak on this question.

The SPEAKER. The Chair supposes that the chairman of the Committee of the Whole has such a list.

Mr. CONGER. I mean the chairman of the Committee of the Whole. Gentlemen on the other side have repeatedly said that all the debate that was desired should be allowed to this side of the House. I have been informed by five or six gentlemen at least that in view of the fact that debate was to be general they have prepared and desire to speak on this subject. I presume there are seven or eight gentlemen who have made their preparation to speak, some a longer and some a shorter time.

The SPEAKER. The Chair is advised that some of those gentle-

The SPEAKER. The Chair is advised that some of those gentlemen desire only fifteen minutes each.

Mr. CONGER. I say "some a shorter and some a longer time." I believe the reaching a vote will be facilitated by allowing the debate to go on without now fixing a definite time for its limit. No one will occupy the time without having something to say, and of course the other side have no desire to resort to dilatory motions or anything of that kind to secure time for debate.

Therefore I would suggest that debate be allowed to run on as it has done on this political question; let gentlemen have an opportunity to debate it. I speak the more freely because I do not know that I desire myself to occupy any of the time. I have been requested by gentlemen on this side to endeavor to secure to them an oppor-

tunity for debate. Therefore I would say that the debate should be

tunity for debate. Therefore I would say that the debate should be allowed to go on, and when it reaches beyond what might seem to be a reasonable limit, then the House can take action.

Mr. WARNER. It has already exceeded a reasonable limit.

Mr. ATKINS. As I have already shown, I have every disposition to accommodate the wishes of the House in this matter so far as I am concerned. I am perfectly satisfied that a large majority of the House desire to limit this debate to to-day, to bring it to a close this afternoon. And I think that by half past four o'clock.

Mr. BLOUNT. Say four o'clock.

Mr. ATKINS. No; half past four; and I believe that by that time everything can be said on the subject that gentlemen desire to say. I have no idea that any gentleman on the other side expects to address the House for an hour; perhaps no one will speak more than half an hour. There will be a good many fifteen-minute speeches, and perhaps some of thirty minutes. I think that at half past four o'clock we ought to bring this debate to a conclusion. Gentlemen on the other side of the House will hardly say that we on this side have not been liberal toward them in this matter.

Mr. ROBESON. Does the gentleman mean that this limitation shall apply to general debate only?

Mr. ATKINS. No, sir; all debate.

Mr. ROBESON. Who can say what we may want to do in the way of amendment?

The SPEAKER. The House cannet out off the right to effort mean.

of amendment?

The SPEAKER. The House cannot cut off the right to offer amendments, or to debate under the five-minute rule any amendment yet to

be offered.

Mr. ATKINS. Then let the limitation apply to general debate.

Mr. BLOUNT. In that case I hope an earlier time will be fixed for closing debate. I trust we may finish this bill to-day. Half past four or a little later is our usual time for adjournment; and we must have the yeas and nays on the passage of the bill.

Mr. ATKINS. Let the debate close at four o'clock.

Mr. HAWLEY. We desire to aid in agreeing upon a time for the conclusion of this debate. I have inquired of gentlemen now present who wish to speak; and so far as I can find, three hours will just about accommodate them.

Mr. TOWNSHEND, of Illinois. That will carry the debate to half past four o'clock.

Mr. HAWLEY. I speak for gentlemen on this side: I do not know

past four o'clock.

Mr. HAWLEY. I speak for gentlemen on this side; I do not know anything about the wishes of gentlemen on the other side.

Mr. WEAVER. So far as I know, not a member of the "third party" wishes to speak on this question.

Mr. CONGER. I have been told that the "third party" were a little scared by the threat which was made, and do not wish to risk anything. [Langhter.]

Mr. WEAVER. The gentleman from Maine [Mr. FRYE] reduced this thing to a very small mouse—sans claws, sans tail, sans teeth, sans everything; and the "third party" is not afraid of a small mouse like that.

Mr. ATKINS. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Army appropriation bill; and, pending this motion, I move that all general discussion upon the bill close at four o'clock

Mr. HAWLEY. I hope the gentleman will say half past four o'clock, That will just allow sufficient time for gentlemen on this side who wish to speak. I have done my best to be reasonable in this matter. I move to amend the motion of the gentleman from Tennessee so as to fix half past four o'clock as a time for closing de-

Mr. ATKINS. At the suggestion of a great many gentlemen, I agree to modify my motion by substituting half past four for four o'clock.

Mr. CONGER. This limitation applies only to general debate?

The SPEAKER. It is not in the power of the House to cut off the right to offer amendments in Committee of the Whole or to cut off debate under the five-minute rule upon any amendment not yet offered.

The motion of Mr. ATKINS, as modified, to close general debate on the Army appropriation bill at half-past four o'clock to-day, was agreed to

agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution and bills of the following titles:

Joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville,

Tenne

An act (H. R. No. 2817) giving the consent of Congress to an agree-ment or compact entered into between the States of New York and

Vermont respecting the boundary between said States; and
An act (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal
year ending June 30, 1880, and for other purposes.

CHINESE IMMIGRATION.

The SPEAKER laid before the House the following message from

the President of the United States; which, on motion of Mr. WILLIS, was referred, with the accompanying documents, to the Committee on Education and Labor, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 12th of February last on the subject of negotiations concerning the immigration of Chinese to the United States, I transmit a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

WASHINGTON, April 12, 1880.

PATRICK CRANE.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. No. 5800) granting a pension to Patrick Crane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY APPROPRIATION BILL.

The question recurring on the motion of Mr. ATKINS, that the House

resolve itself into Committee of the Whole to resume the consideration of the Army appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. Springer in the chair) and resumed the consideration of the bill (H. R. No. 5523) making appro-

sumed the consideration of the third. R. R. No. 3525) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes.

The CHAIRMAN. On this bill by order of the House general debate will close at half past four o'clock—three hours from this time.

Mr. HISCOCK obtained the floor, and yielded five minutes to Mr.

PRICE.
Mr. Chairman, through the courtesy of the gentleman from New York I have the floor for five minutes. In that time I do not propose to say anything about constitutional law or about the proceedings in the English Parliament, or anything of that kind. I have but one object; and that is to examine what will be the practical common sense operation of this amendment if adopted—only

that and nothing more.

that and nothing more.

This amendment provides four things: First, that troops shall not be subsisted when they are used for a certain purpose. Now, I submit to gentlemen on both sides of the House whether that is practicable: whether, in short, there is any common sense in it. To-day mit to gentlemen on both sides of the House whether that is practicable; whether, in short, there is any common sense in it. To-day we will suppose there is an election. A telegram brings the news that there is a riot in Baltimore; and the troops are ordered there. They have had their breakfasts, and they leave at ten o'clock. They come back at four o'clock. They have been gone six hours. Transportation is furnished by the railroad company, which is compelled to furnish transportation whether willing or not. The appropriation made by this bill is appropriated whether the troops are used for that or any other purpose; it makes no difference what they are used for. The equipment is furnished, also. There is no more equipment required if they are called for duty of that kind than if they are not called for any such duty; so that is paid for. It neither increases nor diminishes the amount paid for equipment or for subsistence. So those two things are disposed of, and the appropriation remains the nor diminishes the amount paid for equipment or for subsistence. So those two things are disposed of, and the appropriation remains the same as is now provided in the bill, whether this rider is adopted or not. Transportation, as I said before, is either done on foot and costs nothing, or else is done at the expense of a railroad company; which would be paid for, if at all, by appropriation to be made for that purpose. Then there is but one more point left; and that is the compensation. Now, the compensation of a soldier is about fifty cents a day; very little more or less. The compensation is paid for by the month or by the year, as you please; and now I ask gentlemen on this floor, without any reference to party predilection, whether when the end of the year comes or the end of the month and you propose at the counter to pay the soldier the small pittance he has earned, whether you propose to deduct from it the few hours he has been engaged in this provided when I would be a converted to the propose to deduct from the few hours he has been engaged in this provided when I would be a converted to the provided when I would be a converted pose to deduct from it the few hours he has been engaged in this particular duty. I undertake to say without fear of successful contradiction there is not a democrat or republican on this floor who will for one moment say that shall be done. So this amendment is as utterly harmless and utterly void of point as anything possibly can be. There is simply nothing in it; and the chairman of the Military Committee has properly designated it when he says it does not amount to anything. We fought over it. My friend on my right says it is cowardly. That is his saying; I have nothing to do with that. I am not treating this in a partisan view at all; I am treating it, as I said before, in a practical, common-sense view of the question before us as legislators.

before us as legislators.

Now, it is evident, without argument, subsistence, equipment, transportation, and compensation will be paid, whether the troops are used for one purpose or another. And if you strike anybody by this amendment, you will strike the man who is working for fifty cents a day; and who has simply obeyed orders and who is powerless to resist this unjust treatment; and there is not a man on this floor who will undertake to say he will do that, because that would be mean and

Another thing. There is not a man on this floor, on either side of this Chamber, who will say for a moment that if it be necessary to protect the ballot-box from violence, from bulldozing, from the "short boys" and the "dead rabbits" of this country, it should not be done. A free and fair election is what every man claims to be in favor of, and what I believe every man necessarily is in favor of. If, then, we are to have a free and fair election in all parts of this Union, and it

be necessary an armed force shall protect orderly and well-disposed peaceable citizens in the exercise of the elective franchise, no man of either party will dare say to the country, or to the House even, he is not in favor of it. No, sir; the ballot-box is the foundation-stone of our liberties, both civil and religious, and when we fail to protect it we are not very far from an archy and destruction. The history of all republics proves that, and it is not necessary for me to argue it. And when it comes that the disorderly and dissatisfied and law-breaking part of the community is to control the elections of this country, then, sir, not very far down the vista of coming time can be seen the ruin and overthrow of this republic, and the proudest monument the people of this country, in the last century, have erected to the per-petuity of civil and religious freedom will have hanging over its top

Mr. BUTTERWORTH. Mr. Chairman, I do not know how much time I am allowed by the gentleman from New York, [Mr. Hiscock.] I understand I have the floor through his courtesy.

The CHAIRMAN. The gentleman has been allowed twenty-five

Mr. BUTTERWORTH. I do not know I shall occupy that time. The pending amendment reads as follows:

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Mr. Chairman, I do not regard that amendment as being simply a subject for merriment as is suggested by gentlemen on this floor, nor do I regard the issue involved in it as being unimportant, and of such diminutive proportions as fitly to be characterized as a mouse born the democratic party after much labor. But if it be so that the dimensions of the little animal render it seemingly inconsequential, let us see to it that we are not misled as to its relative importance. The father of Philip of Macedon admonished his son not to despise the opinions and influence of the meanest and the lowest; "for," said he, "remember, my son, a lion may die by the puncture of an asp." I am not clear the republican lamb may not die by the sting of this democratic asp.

My friend from Maine [Mr. FRYE] it was, who likened this amendment to a mouse, a mouse brought forth as the only result of the labor of the democratic mountain. And he is inclined to treat it with contempt. I will call the gentleman's attention to the fact that in his own State of Maine, within the past six months, an animal of much smaller dimensions than this drew the people of that State to the brink of revolution; that a less important question than the one involved here drove the people of Maine so near to the verge of revolution. lution that troops were stationed about the State-house and held in

maintenant troops were statement about the state-house and held in readiness to quell a threatened insurrection.

Mr. FRYE. But I want to call the gentleman's attention to this fact about Maine, that the democrats there, instead of calling the troops, called together a guard selected by themselves, and six of these turned out to be State-prison convicts.

Mr. BUTTERWORTH. But what I desired was to call the gentleman's attention to the real consequence of the pending amendment when compared with the source and cause of the trouble in his own State. The governor of the State of Maine and the learned counselors about him were, as they solemnly asserted, unable to determine what the word "ditto" meant when found in election returns. They dethe word "ditto" meant when found in election returns. They declared that they were equally unable to determine the significance of two dots placed directly below certain figures in election returns, and that although to all the world besides it was perfectly plain that the two dots meant "the same;" and so the State of Maine was wellnigh convulsed by a revolution because the governor and his council affected to be unable to understand or construe what was intelligible

affected to be unable to understand or construe what was intelligible to the ordinary school-boy.

My brother from Kansas [Mr. Haskell] is pleased to refer to this amendment as simply a small hole out of which the democratic party expects to creep. If that is so, true policy would suggest that that means of escape be cut off. There should be no hole left out of which any party should be permitted to creep, and so escape just responsibility for its acts. It is not simply a mistake, but it is a crime to place upon the statute-books laws affecting the most sacred interests of the neonle which are, and are clearly intended to be, of doubtful of the people which are, and are clearly intended to be, of doubtful

construction.

construction.

Gentlemen of the democratic side, you are silent. You take no part in this debate. You are satisfied to express your views touching this amendment by simply voting for it, and this although it is attached as a political rider to an appropriation bill, and although you must recognize that it is of doubtful import. You withhold from the country the information they ask for as to the scope and effect you claim for your rider. Gentlemen, are you here to legislate for the people, or to prepare legal snares into which the unwary may fall? Are you here to propose and enact proper laws for the whole people, or ple, or to prepare legal snares into which the unwary may fall? Are you here to propose and enact proper laws for the whole people, or to mislead them with unintelligible statutes, with legal puzzles, involved in the double meaning of the language of your enactments? It is not solely a question whether this amendment is susceptible of the construction my friend from Kansas or my friend from Iowa would give it. It is not solely a question whether it is susceptible of the construction the democratic party would put upon it. The true question is, what does the amendment, properly construed, mean? What is its purport? What is its object? The amendment deals with the most important rights of our people, and I insist that if it is of doubtful construction, that if it is susceptible of two constructions, it should be so amended as to make it clear, plain, and intelligible, so that those to be affected by it, either in their official capacity or private station, may understand it. It is the duty of a Legislature in making laws to make them so clear and so far removed from any doubt or obscurity that the intelligent man who runs may read, and read understandingly.

obscurity that the intelligent man who runs may read, and read understandingly.

At the extra session of Congress it pleased the democratic party to make a square issue in this House and before the country touching the exercise by the Executive of his authority to use the forces of the United States for the purpose of keeping the peace at the polls. In other words, touching the power of the Executive to enforce the election laws as well as all other laws upon the statute-books. The democratic party made a square issue upon that point; there was no mistaking what they proposed. They were beaten. They were not beaten in this House, for, being in the majority, they passed the bill; but they stumbled upon the rock of executive veto. They went to the polls, having made the same issue before the people, and again they were beaten at the elections and their cause rebuked.

At the close of the extra session of Congress when the "dastards had dallied, and the doubters were danned" by vetoes patriotically

At the close of the extra session of Congress when the "dastards had dallied, and the doubters were danned" by vetoes patriotically applied to acts which were unconstitutional and revolutionary in their character, the democratic majority brought in this sickly semblance of their original bill—toned it down, leaving it, however, susceptible of diverse constructions and of doubtful interpretation. A majority of the gentlemen on this side, myself among them, voted for the bill, being satisfied with the interpretation given the amendment by the honorable gentleman from Onio, my colleague, [Mr. Garfield,] and the honorable gentleman from Connecticut, [Mr. Hawley.] If the amendment was only susceptible of the interpretation then given it by the honorable gentlemen mentioned, it would not be objectionable beyond that it is a political rider upon an appropriation bill. However, we found that so far as that construction was concerned it was said we were entirely mistaken. While we held to that construction the democratic party in the House and Senate rejected it as utterly untenable, and upon further investigation I submit the democrats may be correct in rejecting our interpretation or construction of this rider. But on that interpretation, and believing in it, many of us voted for that bill. Many democrats voted for it on the distinct understanding that, according to their interpretation, which was none akin to ours, there was an implied prohibition upon the President from using the troops in any possible contingency at or about the polls for the purpose of enforcing the election laws. Gentlemen, I believe you were right. I believe the position that you assumed then was thoroughly plausible if not entirely sound. And in view of that fact we now oppose your amendment. It seems that the President was satisfied with the construction given to the rider by some republicans who voted for it; at all events, he signed the bill. What was the result? The issue was immediately forced upon us as to the proper construction of this

Now, Mr. Chairman, what is the true interpretation put upon this amendment by the democratic party? And I want here to point out the importance of rooting out of this amendment the doubtful construction; and to that end I say to my brethren on the other side that although they may be sullenly silent now, there will come a time when they will want to speak and the people will not permit them to be heard. If the men upon that side of the House imagine they can put upon the country legislation of doubtful interpretation, that they may have within it hidden meanings, ulterior purposes not disclosed in its letter, and that their conduct in that behalf will be approved, they are grievously mistaken, or else the patriotism and

what do you claim, gentlemen? I will tell you what I understand you to claim. First you will insist, and with reason, that if by an express declaration in a statute you direct, as in this amendment, that no part of the appropriation for the Army shall be used to equip, transport, or pay troops to be used as a police force to keep the peace at the polls, &c., you thereby by plain implication say that the troops shall not be used for the purposes indicated. You will treat such a statute as being tantamount to a prohibition of the thing for the doing of which you withhold an appropriation, and without which appropriation the doing of it becomes practically impossible. You expressly take away the means necessary to the doing of the thing, and you thereby prohibit its being done. You tried to repeal certain laws; you failed to accomplish it. You now seek to nullify them. If you may exempt soldiers from being called as a part of the posse comitatus, may you not exempt them from performing duty in enforcing the election laws? You claim you may do both. What we desire now is to know precisely what you do propose by this amendment. On its face it is obscure. In the Senate, and subsequently on the stump, you gave it an interpretation not in accord with that given it by our republican friends.

The proposition that the Army could be used as a "police force" was said by republicans here to be untenable. But in its wider and more general application the term "police force" has a broader sig-

nification than we were pleased to accord to it. And it may well be doubted whether when soldiers are called out to aid the civil authorities to keep the peace, to suppress an incipient riot at the polls where the Government is authorized to keep the peace, they are acting in any other manner than as a police force, using the term "police force" in its broadest sense. I am not authorized to speak for my party, but I speak for myself alone. And whether I am right or wrong, it is enough to say to the majority of this House the amendment you propose is of doubtful construction, and the doubt should be removed.

It is not what Congress may or may not do in the matter of controlling the use of the Army by the Executive; not what the President may do or be prevented from doing in the matter of using the Army to enforce the law, but what is proposed in that behalf by the terms of the pending amendment. You have it in your power to make perfectly plain your intention and to clear this matter of all doubt, and you refuse. Are you playing a trick upon the people? Are you enacting a law here for their deception? You have it in your power to make your intention and purpose as clear as the sunlight; to advise the Executive and the people as to the precise object and purpose of this amendment, and yet you remain silent. The time will come, as I have said, when you will want to speak and you will not be heard.

The object of this amendment, as interpreted in the light of your conduct, is twofold, depending upon whether it becomes a law or is defeated. In one case you are authorized for partisan purposes to claim one thing; in the other contingency you will feel authorized to claim another.

Let us suppose this bill with this vague political rider, just as it is now presented to the House, becomes a law. And suppose at the elections next fall the republicans in Louisiana and Mississippi, where they are largely in the majority, should attempt to exercise their right to vote, and that organized Ku Klux should interpose to prevent, and being too powerful for the civil authorities to successfully cope with, or the constituted authorities should side with the Ku Klux and interpose no objection or resistance to the efforts of the armed mob to drive the officers supervising the election from the polls, and the officers, finding themselves without support and likely to be murdered, should apply to the President for protection, and he, to enforce the law, as in duty sworn to do, and to protect the lives of his officers, should send a squad of soldiers or marines to the voting precinct where the danger threatened to see that the freedom of the ballot was not completely overthrown. What would be the result? Notwithstanding the only act done by the soldiers was to protect the civil officers in the enforcement of the law and to prevent the reign and rule of riot and bloodshed, and notwithstanding it might be made to appear that no act was done or word uttered which would or could in anywise militate against a full, free, and fair ballot, yet we all know that the parish, county, or State where this occurred would be thrown out by this House because of the previsions of the amendment now pending before this House. And such a course they would claim would be warranted by the construction which the democratic majority would put upon this amendment. I mean they would throw out and reject the vote of the parish, county, or State if they found it demanded by some pressing political exigency. I am not mistaken in that. The democratic party never legislate for simple amusement. This may have been to some a source of merriment, but the democratic party never engages in an enterprise of this kind for merriment.

This may have been to some a source of merriment, but the democratic party never engages in an enterprise of this kind for merriment. This "rider" is full of meaning, and is contrived for a purpose.

In the first instance they propose, if this shall be enacted into a law, to insist upon the stump, and to insist in this House when we approach the counting of the electoral vote, that the use of troops anywhere for any purpose under the sun in connection with the election laws will vitiate the election, if the majority here so will—always provided, however, that the State where the soldiers are used goes republican. And I say this in view of the fact that we have notice served on us from the house-tops and by leading democrats that it is proposed in this Chamber in 1881 to count in the democratic candidate for President whether he be elected or not.

What is the other horn of the dilemma. If this bill should not become a law; if it should strike upon the rock of an executive veto, as it ought, because it is not clear in its statements, because it is a trick and a snare; if it shall sink upon that rock, what next? Then we will have it proclaimed all over the country that the republican party is in favor of bayonets at the polls. Well, the time will never come, at least it is not near at hand, when you can convince the honest, intelligent northmen that there is any danger to be apprehended from soldiers at the polls. Go to New England and see whether you will be able to make any headway there by such a puling cry; go to the great Mississippi Valley and ask the people there whether the mad-dog cry of bayonets at the polls has terrified anybody into voting the democratic ticket; go to the Pacific coast and ask them if the demagogical cry of "soldiers at the polls" has had the effect to reduce the republican ranks. When a man comes before the people in our country with such a proposition as that you may rely upon it that his friends will begin to inquire anxiously concerning his sanity. But in any event this is to be the rock of offense, the stumbling-block upon which the republican party is to trip; that is, bayonets at the polls.

What are the ends sought to be accomplished by this bill? Gentlemen, do you mean to say that the Executive of the Government shall not use the powers intrusted to him under the Constitution and the statutes, including the use of Army and the Navy if necessary, to enforce the laws of the land, including the election laws? If you do, why not say so? Are you honest? Is this a political chess-board mean which you can play with the most sacred rights of our month. upon which you can play with the most sacred rights of our people, as if those rights were pawns to be handled at your will and pleasure and for your political advantage? You much mistake the temper of the American people if you hope to avail yourselves of that subter-

the American people if you hope to avail yourselves of that subterfuge.

If you do not intend to assert by this act, by implication, that the President shall not or may not use the troops wherever he is now authorized by law to do so, it is your duty under your oaths to so affirm. The President has a right to demand what you mean by this dubious and uncertain language. We have a right to know what you mean by this dubious and uncertain language. The people of this country will demand to know what you mean by it, and when you come to explain you may be refused a patient hearing.

This House, it is said, is charged with deciding for itself whether a law is constitutional or not and also as to its full scope and effect. I grant that in the firstinstance, but I deny that it may in the last instance. This House must for itself in the first instance decide whether a law is constitutional or unconstitutional. But having decided that it was constitutional, and that decision having been affirmed by the Supreme Court of the United States and having been acted upon by the Departments, this House may not, without violating its oath and sacred obligation, treat such a law as a nullity. The election laws have been by Congress adjudged constitutional. That judgment has been sanctioned by the Supreme Court of the United States, and if those laws are to be nullified we should be advised of the fact.

No one regrets more than I do that it may become necessary in some parts of the Republic to enforce the election laws by using the strong arm of the Government. But if the occasion shall arise nobedy

parts of the Republic to enforce the election laws by using the strong arm of the Government. But if the occasion shall arise, nobody knows better than the men within the sound of my voice that it will not be due to the action of the republican party. Never at any time in any place within our borders has the republican party ever been particeps criminis in doing that which tended to create the necessity for sending troops to the polls to enforce the election laws. The cry of "no bayonets at the polls" does not come up from our border. It comes from the quarter where the minority rules absolutely and in defiance of law. It comes with ill grace from those who have rendered troops at the polls a necessity, to stand in their places here and elsewhere and complain that soldiers are sent to their voting precincts. Gentlemen when you shall accord to others the rights you claim for yourselves, there will be no need of troops at the polls.

You assert that in your section you are competent to take care of your own affairs. Very well; I submit that I am entirely satisfied with that. What I complain of is that you are enabled, through the instrumentality of suppressing a free ballot, to control the affairs of the entire country. There sit to-day upon this floor men each one of whom wields with his vote five times the power that a member on this side of the Chamber wields by his vote.

The political power of one democrat in certain districts in Louisiana The pointical power or one democratin certain districts in Louisiana and Mississippi is five times as great as that of any democrat or republican north of Mason and Dixon's line. And it is against that condition of affairs that I protest. I do not object to your controlling your own affairs, but I do object to your managing the affairs of this nation, making our laws, regulating our taxes, voting the money of the people at your pleasure, and exercising all this power and authority by trampling under foot the election laws of the country, and then complaining because the minority on this side of the Chamber insist that this defiance of law and order shall cease.

[Here the hammer fell.]
Mr. BUTTERWORTH. I would like five minutes more to read some amendments which will be offered when the opportunity is pre-

Mr. BAYNE. I yield to the gentleman five minutes more.

Mr. BUTTERWORTH. In order that the majority on this floor may fairly say to the country what they mean by this legislation, in order that any obscurity in this amendment may be removed, in order that it may be perfectly clear what the democratic majority propose by the amendments sought to be attached to this appropriation bill, I desire to give notice that at the arrows time the Hersey till be added. I desire to give notice that at the proper time the House will be asked to vote upon certain amendments which I will read. The first is the following:

Provided further, That nothing herein or in any other act contained shall be held to forbid or prevent any citizen of the United States, or any person in its service or under the protection of its laws, from assisting the civil officers of the Government in the execution of the laws of the United States and the preservation of the peace for that purpose whenever properly called upon for such assistance.

That is presented at the request of my honorable friend from New Jersey, [Mr. ROBESON.]
I shall also offer as an amendment the following, which was offered

in the Senate:

Provided, however, That nothing herein shall be so construed as to affect the right to employ any part of the Army or Navy to execute the laws in such cases and under such circumstances as such employment of said force may be authorized by the Constitution or by an act of Congress.

If you do not intend to nullify by this amendment the election laws if you do not propose to interfere with the proper and just execution

of the laws of the land, you must vote for this amendment. If you are not proposing to repeal or nullify by implication the provisions of law referred to in this proviso; if you are not proposing to lay the groundwork for asserting that which you do not now intend or of denying that which you do intend, there can be no objection to making

that fact conspicuously plain.

I shall also offer another amendment. To test whether there is that active "hungering and thirsting" after political "righteousness" which the great clamor about bayonets at the polls would indicate; to show whether it is indeed the protection and the purity of the ballot-box that the majority on this floor desire; to ascertain whether it is the protection of the control of the protection and the purity of the ballot-box that the majority on this floor desire; to ascertain whether it is the purpose of the majority to prevent men from being murdered for political reasons; whether it is to secure that free, untrammeled ballot for which gentlemen seem to sigh—to test all this, I shall offer the same amendment which was offered at the extra session, which provides for punishing any man who approaches the polls with a gun, pistol, sword, or other deadly weapon with intent to hinder or prevent a free and fair election. This amendment, which would prevent interference with that freedom of action to which gentlemen profess to be so thoroughly devoted, is as follows:

Provided, That if any person shall carry a gun, pistol, sword, or other deadly weapon of any kind, openly or concealed, at or near the polls at any election at which Representatives in Congress are voted for, he shall, on conviction thereof by any court of competent jurisdiction, be fined in any sum not less than \$500 nor more than \$2,000, and be imprisoned for a term not exceeding two years, in the discretion of the court.

Now, gentlemen, I am aware that there is a constant clamor on the democratic side of the House about "the people." Nobody is deceived by that cry. We do not forget that in Rome, whenever it was the purpose to rob the commons of any sacred right, it was the practice invariably to couple the name of the people with the decrees of the senate; and I observe that our democratic brethren here are given

to the same practice in all cases and at all times.

All I desire, Mr. Chairman, is that the Executive shall be advised what is enjoined and what is forbidden by this amendment; that the what is enjoined and what is forbidden by this amendment; that the people of the country may know what rule of action is herein prescribed for them and for the Executive. Will an honest Congress deny this? Will any one who has not a dishonest purpose withhold this knowledge from the Executive and from the people?

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, I do not know that on this occasion I

would have desired to say anything, had it not been for the attitude of some of my political colleagues regarding this measure. At the last session of Congress there was quite a difference of opinion respectlast session of Congress there was quite a difference of opinion respecting the meaning of a precisely similar proposition. It was regarded by a large majority of the House of Representatives as a trivial and unimportant matter. It was perhaps viewed by some gentlemen as little more than a "mouse," to use the characterization of my friend from Maine, [Mr. Fave.] But in the Senate it was considered what a few of us here thought it was, a pretty large elephant. It caught the attention in that body of gentlemen of very great ability, and elicited their earnest connection.

the attention in that body of gentlemen of very great ability, and elicited their earnest opposition.

The point of inquiry is, has this amendment pith and substance? What is its legal import? What will be its legal effect? In my opinion it contains pith and substance, and if it becomes a part of the law of the land, will have the legal effect intended. No court, it seems to me, would give it any other construction than that it was intended to prohibit the use of any part of the Army to preserve the peace at the polls on election day, however urgent the necessity.

But suppose this provision has not the significance which I attribute to it, is it therefore harmless? Who may take if they have not occasion to construe it? It may be construed by the very majorities in the present Congress which pass it. Suppose that in the city of New York, at the coming election for members of Congress and presiden-

the present Congress which pass it. Suppose that in the city of New York, at the coming election for members of Congress and presidential electors, it may become imperatively necessary to a fair election that a part of the Army should be used to suppress riots and combinations of armed men, which the civil authorities of that city were unable or unwilling to suppress. Then suppose that when the electoral vote of the State of New York shall be counted in the presence of Congress by the Vice-President, the majority in each House should say "we have a right to throw out the electoral vote of New York because the law was violated in conducting the election." The democratic party has availed itself of pretexts less plausible to do what it desired. As suggested by the gentleman from Ohio [Mr. BUTTER-WORTH] it resorted to much smaller devices in the State of Maine to

worth 1st resorted to much smaller devices in the State of Maine to capture political control of that State.

But, Mr. Chairman, I will return to the inquiry respecting the legal force of this provision. There is another way of testing its validity. Section 2022 of the Revised Statutes explicitly commands the marshals and their deputies, among other things, to keep the peace at the polls. Section 2024 tells them what they may do if resisted. I will

read this section:

That the marshal, or his general deputies, or such special deputies as shall be thereto specially empowered by him, in writing, and under his hand and seal, whenever he or his said general deputies or his special deputies, or either or any of them, shall be foreibly resisted in executing their duties under this act, or the act hereby amended, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person or persons who shall commit any offense for which said marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is hereby, empowered to summon and call to his or their aid the bystanders or posse comitatus of his district.

Section 788 extends and enlarges their powers with respect to the

preservation of the peace to the fullest extent known to the common or statute law. I will read it:

That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have by law in executing the laws of the respective States.

These statutes unquestionably vest ample authority in the marshals to enforce these laws.

In what capacity do the marshals act on such occasions? As peace officers. In what capacity do those whom they employ to subserve their cause act? As peace officers. And yet it has been said repeatedly, that the military when under the control of the marshals to these ends is not used as a police force. I say, in no sense can the military be used otherwise than as a police force and as a part of the

military be used otherwise than as a police force and as a part of the posse comitatus, when directed by the marshal to preserve the peace.

During the progress of these debates gentlemen have gone out of their way to seek for some far-fetched illustration to show this section has no meaning. Has there been a single judicial opinion cited, or a single construction furnished to us, which will show that the military, thus employed, does not act as a part of the posse comitatus and as a police force 7 Not one.

Now, Mr. Chairman, let us see if there are not authorities on the other side of the question.

other side of the question.

other side of the question.

During the progress of the debate in the Senate at the extra session on the section of the Army bill just like this, the distinguished Senator from New York [Mr. CONKLING] cited some authorities which I will quote. He read from Wise on Riots, who, in speaking of the military, says:

Like all other ministers of the law, whether executing warrants or obeying parol orders, which in cases of riots seem to have, under 34 Edw. 3, c. 1, the force of warrants, (see 1 Hawk, c. 65, s. 18,) they are exposed to an indictment or a court-martial for disobedience, or, if death ensuses, are liable to be indicted for manislaughter or

Here, too, it may be remarked, that the military are constables, being engaged in a lawful purpose, would not collectively be answerable for any misconduct. Not so, the mob. In the one case each must take the consequences of the act of any one, while in the other no person will be answerable for the improper act of one, except that one only.

He says further:

The knowledge of these principles will exercise a wholesome influence both over the military and the civilians. Not forgetting their responsibility to the laws, they will honestly and manfully do their duty, quite satisfied that even if the prejudices or angry passions of the people should from accidental circumstances expose them to temporary difficulty.

Next, the Senator quoted from Wharton's Criminal Law the language used by Judge King on the Philadelphia riots of 1844. The judge said:

Those who love law and order should not shrink or hesitate in striking an honest blow for their protection, when threatened by lawless violence. When such a timid and feeble spirit prevails the days of the Republic are numbered. This general duty, this universal obligation, extends to the citizen soldiers who, in common with all other members of the community, are required to be assistant in the maintenance of the public peace on the call of the civil magistrate. They are subject to the same penalties, in case of neglect or refusal to appear, as any other citizen summoned by the sheriff.

They do not, on such occasions, act in their technical character as military.

That is the contention-that they do act in their military charac--bear in mind, of the gentlemen who say they are not used as a

When assembled, they are but part of the sheriff's posse, and act in subordination to, and in aid of, that officer, who is the true and responsible chief of all forces summoned under his authority. If the soldiers act in any manner not authorized by law, they are amenable for such acts, not to the military but the civil law. In brief, as to all rights and authorities, they stand on the same footing with the other citizens summoned by the sheriff, and composing with them his posse.

Then he quoted from the opinion of Attorney-General Cushing, as

A marshal of the United States, when opposed in the execution of his duty, by unlawful combinations, has authority to summon the entire able-bodied force of his precinct as a posse comitatus.

This authority comprehends, not only bystanders and other citizens generally, but any and all organized armed force, whether militia of the State, or officers, soldiers, sailors, and marines of the United States.

Such being the law as to the marshals and their deputies, there was no absolute need, in the fifth section of the act of 1850, to introduce a clause to authorize them to command all requisite assistance in the execution of the warrants and precepts mentioned in that act, which should be directed to them. In this respect the act is declaratory merely.

These considerations apply as well to the military as to the civil force employed; for the posse comitatus comprises every person in the district or county above the age of fifteen years, (Watson's Sheriff, page 60,) whatever may be their occupation, whether civilians or not; and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey the commands of a sheriff or marshal. The fact that they are organized as military bodies, under the immediate command of their own officers, does not in any wise affect their legal character. They are still the posse comitatus.

And yet we have gentlemen who rise in their places here and, with-

And yet we have gentlemen who rise in their places here and, without citing a single authority or giving a single legal judgment to sustain them, allege that the military so employed do not form a part of the posse comitatus; that they do not exert the functions of a police force, and therefore this amendment has no meaning. Let me invoke some analogies. I will call attention to some of the acts of the State Legislatures on this subject. I ask the Clerk to read from the Revised Statutes of Kentucky, page 733.

The Clerk read as follows:

The Clerk read as follows:

Sec. 2. Whenever there shall be in any city, town, or county any tumult, riot, mob, or any body of men acting together by force, with intent to commit any felony or misdemeanor, or to offer any violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or any such tumult, riot, or mob shall be threatened, and the fact be made to appear to the commander-in-chief, or to the mayor of any city, or to any court of record sitting in said city or county, or to any judge thereof, or to any judge of the court of appeals, or to the sheriff of said county, the commander-in-chief may issue his order, or such mayor, court, judge, or sheriff, may, in writing, direct the senior or other military officers convenient to the scene of disturbance, to turn out such portion of his or their command as may be necessary to quell, suppress, or prevent such tumult or threatened tumult; and any officer or member of the military who shall fail promptly to obey such orders and directions of said civil officers shall be subjected to such fines as a court-martial may inflict, and, if an officer, shall be cashiered; and such officer or member may be indicted by a grand jury of their respective counties for such offense, and fined in a sum not exceeding \$100.

Mr. BAYNE. Mr. Chairman, it will be observed that that act au-

Mr. BAYNE. Mr. Chairman, it will be observed that that act authorizes the mayors of cities, the judges of courts of record, and the

sheriffs, under the emergencies named.

I have not time to call attention to the numerous State statutes containing similar provisions. In a hasty and hap-hazard examination
I found that Kansas, Iowa, Illinois, Alabama, Maine, and Arkansas all
have statutes which authorize the civil local magistrates, whose duty it is to keep the peace and direct the police, to call on the military when necessary. In looking over the index to the statutes of Arkansas I

Militia, when to be called out by sheriff. See State sovereignty

I turned to that, and from that to the statute, and it read:

The sheriff or coroner, as the case may be, of any county shall not only have power to call to his assistance every man to aid him in discharge of his duty in the execution of the laws of this State, but shall be, and is hereby, authorized and empowered to make a requisition upon any officer commanding a regimentor battalion of militia, or brigadier or major general of militia, within this State for such number of men as may be necessary to suppress all resistance to his authority in the execution of the laws of this State within any county; and any officer refusing to furnish the quota of men thus required may be arrested, tried by a court-martial, and cashiered therefor.

I submit that the identity recognized by Arkansas between State sovereignty and the power in the hands of the peace officers to use all the force of the State to execute the laws is instructive. If the democratic party had the same respect for the National Government it has for the State governments it would not constantly make efforts

to take from the former what it would not constantly make enorts to take from the former what it so freely concedes to the latter.

Now, Mr. Chairman, the rights of the States to preserve the peace are not denied by anybody. If the employment of military force for that purpose by the civil magistracy be not using such military as a police force, words have no definite signification. Since the Supreme Court of the United States, in the magnificent opinion recently delivered by Mr. Justice Bradley, says that the United States has a peace, and may employ all needful physical force to preserve it, it

seems to me that the analogies I have presented of the States lead inevitably to the conclusion I have sought to enforce.

It was contended by my colleague, [Mr. CLYMER,] who had the similar provision in charge at the extra session, that the effect of it would be to deprive the President of the power to use the troops at the polls to keep the peace. He called attention to section 3678 of the Revised Statutes, which is as follows:

All sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others

He argued that the President would be liable to impeachment if he

He argued that the President would be liable to impeachment if he authorized the use of any part of the Army to keep the peace at an election under the proposed section and section 3678.

That is the construction put upon this proposition—that it worked an absolute prevention of the use of the Army to suppress riots and mobs at the national elections. I opposed this at the extra session, and I oppose it now, because I think there is unfortunately too much

and I oppose it now, because I think there is unfortunately too much force in the contention of the majority.

There are two great principles, Mr. Chairman, that must be sustained in practice if the national autonomy is to be preserved. One is that the necessary money must be appropriated to carry out all the laws; the other is that ample force must be placed and kept in the hands of the executive department to execute all the laws. The people pay taxes under the laws as they are for the purpose of providing adequate appropriations. The laws represent the will of the people. If an appropriation may be denied to carry out one law, it may be denied to carry out all laws. If adequate force may be withheld to prevent the execution of one law, it may be withheld to prevent the execution of all laws. The logic of the matter is that money must be appropriated and the laws must be enforced, or nullification, anarchy, and the ultimate destruction of the Government must result. anarchy, and the ultimate destruction of the Government must result. No party in this country under our system of government can afford to stand on any platform but this: The laws must be enforced whenever it is necessary to secure the ends sought by them. If any of them be objectionable, let it be repealed or amended according to constitutional methods.

we are in the habit of boasting that we have the best government in the world. This was the dominant belief. The rebellion was a protest against the idea. It arose out of the belief that its promoters and sympathizers could establish a better government. The idea of the democrats who joined actively in the rebellion, and those who only sympathized with it, seemed to be that the United States Government had too much power. The outery against consolidation, the old shib-

boleth of the democratic party, has been supplanted by the hue and cry against centralization. Only to the extent that centralization differs from consolidation has the democratic party progressed in its acquiescence in the idea of national growth. It opposed the idea of consolidation, because it held that there was nothing in the Union of the States that could prevent a sovereign State from setting herself up as a national independent sovereignty at her pleasure. The success of the Government in putting down the rebellion disposed of that theory. After that the best the democratic party could do to advance its theory of the Government was to limit as much as possible the Government's powers.

That is the democratic party's idea of a National Government. That party clings to that idea. It does not like the Government of the United States. It regards it as an enemy of the State governments. If every democrat in the United States were as loyal to the United States Government as he is to that of his State the controversies that perplex legislation and vex the apprehension of the people would cease wholly to exist. But instead of that a very different condition of things exists. Every session of Congress revives the discussion of the powers of the General Government and the powers of the States. The republican Senators and Representatives stand by the General Government; the democratic Senators and Representatives stand by the States. It is perfectly certain that the peace, welfare, and safety of this country and the perpetuity of our Government would be freed from besetting dangers if this contention were removed from our political discussions. We have the best government in the world just as it is this day.

day.

The democratic party is incapable of improving it. Party action represents the average of the party's motives and intelligence. It will never be so good as the best men in the party would have it; nor so bad as the worst men in the party would have it. Nothing can be expected, therefore, but the changes which would be suggested by the average democrat. There is nothing in the composition of the average democrat that fits him for improving the Constitution and laws of the United States.

laws of the United States.

The republican party has been called the radical party. It is now the conservative party of the country. It is struggling day after day to keep the Constitution and laws as they are. The people will see to it that they are so kept.

[Here the hammer fell.]
Mr. BROWNE. I yield eight minutes to the gentleman from New

Jersey, [Mr. Brigham.]

Mr. Brigham. In this amendment the House and the country recognize, I think, an old acquaintance, if not an old friend. We remember the war that was waged on its behalf a few months ago against a statute of the United States; and we remember, too, that the statute stood, and it stands to-day unshaken—the supreme law of the land. Our Committee on Appropriations, a committee wisely discerning the signs of the times, noting the attitude and temper of the House and the country, have seen fit to propose to us a bill which makes provision for the wants of our Army for the next year. In this bill not a paragraph, not a line, not a syllable is to be found of a political character. I say that this committee, made up as it is of strong democrats, nine in number, and six republicans, all of them experienced in public affairs, who have long been members of this House, who know what the country wants, and have given heed to the results of the discussion had a year ago, deserve and will receive the thanks of this House and honor from the country.

Of course, every member of that committee will vote for this bill and will put his foot on this amendment. Every member of that committee, be he democrat or republican, will exert all his influence to have the bill as reported become a law of the land. But we find that this amendment is proposed as a rider, as it is called, by the chairman of the Committee on Military Affairs. Now, I say, Mr. Chairman, to the members of this committee that any bill fit to become a law ought to be able-bodied enough, ought to have a constitution strong enough to walk into this House upon its legs, stand upon its own feet, and command our votes upon its own merits. Anything that is imbecile or imperfect and does not command that respect and confidence which everything strong and correct in principle deserves, has to be put on the back of something else and brought into our presence. That is the infirmity of character of all riders. They have to be carried like infants in arms in order to be presented for our consideration.

I trust the House will commend and act upon the judgment of our Committee on Appropriations. Although I voted for the bill with this rider in the extra session I feel constrained for one now to vote against this amendment and to sustain the Committee on Appropriations. I shall respect that duty, and vote for their bill, and vote against the amendment, of which they must disapprove.

Why, just see how it stands! There are some men in this House

Why, just see how it stands! There are some men in this House who do not approve of the keeping of the peace at the polls by the troops of the United States in any emergency, and because that is their view they want this rider put upon the bill. There are some men in this House who say, if soldiers are employed to keep the peace at the polls they shall not be paid for it. What exquisite meanness we find in this proposed law! They know the Executive holds the Army as his sword, and if the peace of the country is threatened and must be preserved and the Executive lifts his arm it is the arm of the nation, and when it falls and strikes it is the people's stroke, and

must be respected. When the peace is threatened and the soldier receives an order to do a certain thing, he is like those under the centurion of old, who, having soldiers under him, said to one man, "go," and he goeth, to another "come," and he cometh, and to another "do this," and he doeth it.

But after the soldier has heard the command, and, respecting his oath, has discharged his duty and obeyed the order, then this amendment comes in and says that he shall not be paid for it, although he has obeyed the law and performed his duty at the peril of life and limb. I say that if you can find a very Pecksniff of a law, a law monumental in its meanness, it is a law of this kind, which exacts duty from a soldier who has no voice in the making of the law, who has nothing to do but to obey it, and after he has risked his life by obedience, then this amendment comes in and says that he shall not be paid.

There are men here who do not believe in our Indian policy. Those men should come in with an amendment to this bill, saying that after our soldiers have obeyed the law in defending our brethren upon the frontiers from murderous Indian forays they shall not be paid. There are men here who profess to be earnestly in favor of peace agencies and disapprove of all force. Those men should introduce an amendment that the Army shall never be used in any other way than as a persuasive agent and a moral force, and that if it is used otherwise it shall receive no compensation. That will be in the interest of economy, which is the great democratic cry at the present time. And in that way we shall have an Army and all its service and not have to pay a dollar for it; we will save the whole \$26,000,000 which this bill proposes to appropriate. But the objection is the meanness of the thing against the innocent soldier who does his duty.

But there is something deeper than this. Here is a law which our friends on the other side acknowledge to be the law of the land.

But there is something deeper than this. Here is a law which our friends on the other side acknowledge to be the law of the land. They come in and try to paralyze it and thwart it and destroy its operation, and to teach our citizens to contemn and disobey it, and to set at naught all authority. I say that when you do that you inflict the deepest wound of all.

operation, and to teach our citizens to contemn and disobey it, and to set at naught all authority. I say that when you do that you inflict the deepest wound of all.

How is this House governed? By its rules. On what depend the harmony and the integrity of our proceedings? Not upon the number of members nor upon their knowledge, but upon their obedience to the rules. I obey them because I ought to obey. Our Republic is governed by law, and our peace depends not upon the knowledge or numbers of our citizens, but upon their obedience to existing law. Strike at that, and you strike at the foundation of our peace, nay, of our very existence.

Three roots bear up Dominion: Knowledge, Will— These two are strong; but stronger still the third, Obedience; 'tis the great tap-root, that still, Knit around the rock of Duty, is not stirred, Tho' storm and tempest spend their utmost skill.

Mr. BROWNE. Mr. Chairman, I am conscious, sir, that no comment of mine can change the democratic majority in its determination to pass the pending amendment. Its adoption is sure, and no argument can arrest the decree, for in the presence of party interest and party dictation logic goes down. Nothing I can say, no attack I may make, can provoke its friends to rise in its defense. Unable in debate to give any excuse for this partisan attempt to cripple the executive power of the nation they sit dumb, hoping to avoid any record but that of the final vote. They cannot thus escape. There is a tribunal—that of public opinion—in which they will be compelled to answer. The people rebuked, at the late elections, these apostles of misrule, but even the humiliation of defeat is not sufficient to restrain them from repeating the folly. There is a fanaticism too blind to profit by experience; an infatuation which fascinates only to destroy, and the democracy now in the toils of some strange hallucination, in their frenzy to seize upon victory at the coming election in defiance of law, are compassing their own destruction. In the reckless attempt to fashion some pretext for abrogating the laws for the protection of the freeman's ballot they are wholly unmindful of the lessons of the late elections. Flattered by victories that gave them supremacy in Congress, they in the last Congress conceived the possibility of protracting their reign by turning over national elections to the tender mercies of the mob. They attempted to repeal or neutralize every law of the Government that stood sentinel at the polls to preserve the freedom and purity of the election. They attacked the supervisor and deputy-marshal law and the law authorizing the employment of the military arm of the people to secure peace, order, and respect of law at a nation's election.

election.

They proposed to give the bludgeon, the shot-gun, the Ku Klux, and rifle clubs immunity for one day, the election day, the most important one in the calendar of a free people, for it is the one on which they strengthen the bastions of liberty and make its foundations more secure. On this day their policy would have made anarchy easy and misrule respectable. They failed to coerce the minority and the President to submit to these wrongs. Foiled here they formulated a scheme so cunningly devised as to leave the election laws unrepealed, while the power to enforce them was wholly undermined and paralyzed. This failed to run the gauntlet of a presidential veto. After these exasperating defeats, despairing of their ability to accomplish more, and frightened by the maledictions of an outraged public, the democracy contented itself by tacking a rider, in the words of the pending amendment, on the Army appropriation bill. By many this

rider was regarded a weakling, impotent for harm, a mere bauble to tickle the fancy of the disappointed, or a kind of a glittering generality to be mounted as a text by the democratic orator at the hustings, so that he might vociferate meaningless adjectives, threadbare anathemas, and oratorical fustian about the employment of radical bayonets to coerce democrats to vote the republican ticket.

As an amendment it was opposed by the republican party on this floor. When it was fastened to the bill, rather than protract the session longer, rather than further delay the appropriation of the money necessary to clothe, feed, and pay the Army, many republicans voted for the bill as amended. Many assented to the passage of the appropriation bill because they believed the amendment did not rob the Executive of the power, should the exigency arise, to coerce respect and obedience to law. In no sense, however, was the republican party committed to it either as a rider to an Army appropriation or as an independent measure.

I did not vote for it when it stood alone, and refused to support the bill when it was amended. I believed then as I believe now, that this proviso is intended by its democratic progenitors to embarrass the Government in the enforcement of its election laws. Does it mean nothing? Is it designed to effect no purpose? Are the subtle leaders of a powerful and unscrupulous political organization making this struggle for a mere shadow? Why, sir, if this is not intended to embarrass the President, if it is not intended to put a limitation on embarrass the President, if it is not intended to put a limitation on his power, to render inoperative some law, to paralyze some statute, why has the evil genius of the democratic party conceived it, and why does that party stand by it at the peril of its political life? Those of my party friends who believe this bantling of a democratic caucus so harmless a thing may be cured of their credulity when in some coming Congress, upon some such filmsy pretext as that troops have been used to put down mob violence and protect the citizen in the enjoyment of his most sacred right, they find a revolutionary democracy to trying the limitations they are now nutting on the use of the racy torturing the limitations they are now putting on the use of the money appropriated by this bill to the convenient purpose of over-

turning congressional and presidential elections.

My discussion of this question shall be brief. I would be content to remain silent, but as this section is proposed by a committee to which I have the honor to belong, I deem it my duty to present my objections to its adoption. It reads:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Now, sir, it is clear that if there be any law authorizing the em-Now, sir, it is clear that it there be any law authorizing the employment of any portion of the Army of the United States as a police force to keep the peace at the polls at any election, this amendment does not prohibit such employment. It does not declare either expressly or by implication such use of troops to be unlawful. It is open to no such construction. It goes no further than to forbid that any money appropriated by the act shall be paid out for the subsistence, equipment, transportation, or compensation of any part of the Army that may be used for such purpose. The limitation is upon the use of the money and not upon the use of the Army. "It hath this extent-no more.

If the President could subsist, equip, transport, and pay the troops without resorting to this fund, or any other public fund, or creating any future charge upon the Treasury, so far as this amendment is concerned, he could use them as a police force to keep the peace at the polls with impunity. No one, I apprehend, will challenge this construction. At this point I would cheerfully withdraw my objection to this amendment if I was ready to admit, as some distinguished gentlemen claim, that there is no law authorizing the use of the people's Army as a police force at the polls to protect their elections, their rights, and to enforce their election laws. If there be no law authorizing this use of troops, then, without this prohibition, no money is appropriated by this bill for that purpose. If there be no statute under which any part of the Army may be used as stated, the amendment is useless and absurd, for under existing law no money can be legally paid out of the Treasury until it has been first appropriated to that end. That gentlemen on the other side will concede there is no law under which United States troops may be thus employed, I cannot believe, for the admission would convict them of the folly of having wasted much time and money in fighting the mere creature of their distempered imaginations.

Those who insist that no part of the Army can be used under the law as a police force to keep the peace at national elections give a very narrow construction to the word police. Employing the word in its limited and restricted sense these gentlemen may be right, for in that sense a police or a police force is a body of civil officers organin that sense a police or a police force is a body of civil officers organized by the laws of a city or town and put on duty to preserve the peace and good order of the municipality. Thus interpreted there is perhaps no law by which any part of the Army can be put on police duty. But I insist the term has a broader and more comprehensive meaning—one that is used to cover the employment of physical force by a Government to coerce obedience to its laws. This use makes whoever is employed in it, for the time, a part of its body of police. When the mob runs riot in the city or the town, and the posse, whether composed of citizens, or the militia, or the Army, is called out to suppress it, to restore order, to enforce the law, and to protect the persons and property of the people, it engages in a police duty and

is, during its employment, in the broad sense a part of the police

It is important to inquire before I proceed further whether we have any law under which United States troops may be used "to keep the peace at the polls at any election," for I insist the power to "keep the peace" when exercised by the executive arm of a government is essentially a police power. What is the present state of our election laws? We have laws and such as are ample for the protection of the election and the voter. Provision has been made for tion of the election and the voter. Provision has been made for supervisors, deputy marshals, and other election machinery so that the vote may be free and fair. These laws must be enforced. That we have national elections and national voters is settled, for the Supreme Court by its recent decision has exploded the logic so arrogantly proclaimed at the extra session.

In the light of this decision it can no longer be disputed that Congress may constitutionally protect its voters and its elections by law, and when statutes looking to this end are enacted it becomes the sworn duty of the President to enforce them, if need be, by all the powers committed to him by the Constitution. To do this he may powers committed to him by the Constitution. To do this he may rightfully employ every man and gun in the Army and the Navy. A neglect or refusal to enforce the laws would subject him to impeachment. But, passing on, the people by the fifteenth amendment put all citizens of the United States, regardless of race, color, or previous condition of servitude, on an equality as to the exercise of the right of suffrage. To maintain and protect this equality we passed statutes putting the right under the national jurisdiction, and in this connection also the Executive may be compelled to employ the military power to enforce election laws and to keep the peace at the polls. I will not stop to discuss these laws, for they need no interpretation. They are as follows:

They are as follows:

SEC 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State. Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite, or qual-ification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

But Mr. Chairman, there are other laws that expressly authorize

requisite, and to become qualified to vote.

But, Mr. Chairman, there are other laws that expressly authorize the President—indeed, sir, that impose on the President the duty, in certain cases, of employing the land and naval forces of the United States in the suppression of unlawful combinations, insurrections, or domestic violence in the States. These combinations, these insurrections, this violence may occur at a poll, may happen on election day, and may originate in a purpose to set at defrance the election laws of the United States. Still the President must act. He must, by the express command of the law-making power, use the troops, if it be necessary, to enforce the law. He puts down the violence, restores order by military force, and in doing so he employs of right the troops to keep the peace at the polls. I imagine if in performing this duty the officer should use his command as a police force, or as police are used, he would violate no law, nor would he incur the dispolice are used, he would violate no law, nor would he incur the dis-pleasure of any save the cut-throats of the mob and their allies. Right here I call your attention to sections 5298 and 5299 of the Revised Statutes:

see Statutes:

Sec. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

Sec. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of su

Further comment on these sections now is unnecessary. They are intended to put those rights, privileges, and immunities of the citizen named in the Constitution and secured by law under the protection of the Government. To make this protection sure they command the President to use the Army and Navy when necessary.

At this point I will read two additional sections of the statute, and then I will tire the House no further by these quotations:

Sec. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general

or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force is necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than \$5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

Let me pause here and briefly restate the propositions of law to which allusion has been made:

First. All citizens of the United States, as to the right of suffrage, have been put upon an equality.

Second. Laws have been ordained to enforce this right.

Third. We have a national election and a national voter and have

made laws for the protection of each

Fourth. If the execution of any of these laws is resisted, under the circumstances recited in the statute, it is declared to be the duty of the President to employ the armed force of the United States to enforce them.

Fifth. We have declared that except to repel invasion and to keep the peace at the polls, it is unlawful for any person to have or keep

any armed troops at any election.

Sixth. We have imposed upon the President the duty of executing every law, and have empowered him to use, for that purpose, any

part of the national forces.

From this brief review of the law it is clear that when it is neces sary to repel invasion, suppress insurrection, to put down unlawful combinations of persons who are engaged in obstructing and hindering the execution of the laws of the United States made to secure a

combinations of persons who are engaged in obstructing and hindering the execution of the laws of the United States made to secure a free and unintimidated ballot, the President may employ troops to keep the peace at the polls. The law does not define the manner in which the troops are to be used to put down mob violence or to keep the peace. This must be left to the sound discretion of the Executive; for the responsibility is wholly upon him. Suppose the military in keeping the peace, in protecting the rights of the citizen, and in enforcing the national law should be used as a police force—whatever that may mean—for a day or an hour, is that a sufficient reason for withholding the money necessary to provide their subsistence, equipment, transportation, and pay?

For one I will not vote to put the limitation proposed by this amendment on the use of the money appropriated by this bill. If there is no law authorizing the employment of any part of the Army in the manner named, there is no sense in the amendment, for in that case the money could not be used to pay the subsistence, transportation, or compensation of the troops so employed. If, on the other hand, any part of the land and naval forces may be lawfully used in the manner and to secure the end mentioned, I will never consent to withhold from these forces the necessary supplies while engaged in the performance of that duty. Repeal these laws if they are wrong. Do not leave them on the statute-book and then deny the money necessary to their execution. To attack a measure in this way is cowardly. It is so. It is cowardly in its attempt to prevent the enforcement of a beneficent statute by denying the means essential to its execution. It is cowardly in that it attempts to disguise its purpose in its verbiage. cent statute by denying the means essential to its execution. It is cowardly in that it attempts to disguise its purpose in its verbiage.

this cowardly because it seeks to conceal its purpose in its verbiage. It is cowardly because it seeks to conceal its purpose by employing words of doubtful import and capable of being tortured to serve the basest ends. It is cowardly because it seeks to skulk the end aimed at.

Why, sir, if the law authorizing and requiring the peace to be kept at the polls, in certain exigencies, is "un-American, anti-democratic, and villainous," and owes its existence to "the inspiration of fanaticism and an era of hate;" if it is "a disgrace to the statute-book, a beautiful product on which to the cism and an era of hate;" if it is "a disgrace to the statute-book, a shameful parody on republican government, and an insult to the sovereign people of this country," as is proclaimed by my distinguished colleague on the committee, [Mr. Sparks,] why not, by an amendment, squarely and distinctly prohibit the use of any part of the money appropriated to aid in its enforcement? Why dodge the question by using in this limitation of the use of the money the words "as a police force," when these words are unknown in this connection to any national election law? Why not be brave enough to say in unmistakable language just what you intend? If you intend to inhibit the use of this money in the execution of any statute, say so plainly, and take the consequences that may be visited upon you by the people. Stripped of its disguises, this amendment is aimed at the election laws. It is intended to cripple them—to make difficult or impossible laws. It is intended to cripple them—to make difficult or impossible their execution—or it has no object whatever. Believing this to be its purpose, whatever others may do, I will not vote for it now or

Gentlemen who regard this amendment as harmless and powerless must remember that it may not be construed by them, but by the party who fashioned it and who will make it accomplish ends they

never dreamed of.

But, Mr. Chairman, I am inflexibly opposed to any interference with our national election laws. The people demand no change, and look upon every attempt to cripple them with alarm. A free, quiet, lawful election is the right of the American voter of whatever race, color, or condition. Our institutions are the outgrowth of the popular will, and that will can only have expression through an unpol-

luted ballot-box and an unfettered election. The ballot should be protected by judicious laws enforced by all the power reposed by the people in the Government. If the voter is overawed by menace or violence; if his vote is coerced; if ballots are counted that were never cast, this is a Republic no longer.

A national election must be protected, if protected at all, by the power of the nation. Upon the absolute freedom and purity of the election depends the nation's liberty and its life. Every year it is becoming more and more apparent that our elections should be under the vigilant guardianship of law. We are assured, I know, that we are in an era of peace, that never before were elections so free and fair. Well six this reject of season and read will have result in fair. Well, sir, this reign of peace and good-will has wrought in some of the States of this Union strange results. Let me refer to a few of them. First, let me call your attention to the State of Georgia, and contrast the election of 1872 with that of 1878. I will take the third, sixth, and eighth congressional districts of that State:

	1872.		1878.	
District.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.
Third	9, 530 9, 993 7, 437	9, 616 6, 196 6, 230	2, 626 3, 192 3, 673	6 18 54
Total	26, 960	22, 042	9, 439	78

Three congressional districts give but 78 republican votes! Is not this marvelous for a section of a State where a large proportion of the voters are colored men, and men who, when not overawed by a rifleclub banditti, are ever loyal to the party that gave them liberty? But, Mr. Chairman, if this is astonishing, the story of the recent elections in Mississippi is simply startling. Let me here give the poll of four congressional districts in that State. They are the third, fourth, fifth, and sixth:

	1872.		1878.	
District.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.
Third	6, 440 8, 870 8, 973 8, 509	15, 047 15, 950 14, 817 15, 101	4, 125 4, 025 4, 816 6, 663	656 866 1,370
Total	31, 892	60, 915	19, 629	2, 712

This shows a wonderful shrinkage of the republican vote. In 1872 these four districts gave nearly 61,000 republican votes, and in 1878 less than 3,000, showing a loss of more than 57,000 votes. Is any sane man so credulous as to believe this extraordinary change was brought about by fair and honorable means? What a commentary on free elections is this! Let us now take a single district—the sixth—in North Carolina. Here the republican vote in 1872 was 10,561, in 1876 10,282, and 1878 but 258. How did this happen? Why this loss of over 10,000 votes to the republican party in a single district in two years?

I could give similar cases in South Carolina, Louisiana, Arkansas, and in fact in all of the remote Southern States, but my time is limited and I must omit them. The election statistics in these States are full of ominous facts and I hope the advocates of free elections will give them a careful study. I have but a moment longer to speak, and I have no time now to give the logic by which a great party has been annihilated in a large section of this Union. It has departed from ten States. As to these it has no representative here. Three colored men sat in this Chamber in the Forty-fifth Congress, but they are gone, and six millions of their people have no one of their race to sit here in council.

The history of the outrages by which these results have been achieved is in type and will stand a blot and a reproach to democratic government through the ages. It is as sad a page as was ever written by a free people. In several States of this Union a free balwritten by a free people. In several States of this Union a free ballot has been impossible for years, and no man unless blinded by partisan zeal or caste prejudice will deny the statement. How long will these things be? Will a free people consent to crown the knight of the bludgeon, the bowie-knife, and the shot-gun king? It is said that in a monarchy to attempt the life of the sovereign—the king—is high treason, but here it seems, under this democratic régime, marplots may murder the Republic by assassinating the free ballot of the people and be guilty of no crime.

I now yield the remainder of my time to Mr. WILLIAMS, of Wis-

consin.

Mr. WILLIAMS, of Wisconsin. How much time have I?
The CHAIRMAN. The gentleman from Indiana [Mr. Browne]
has twenty minutes remaining.
Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I have been of the

impression that the real difficulty with this contest was that it came about ten months too late. But since listening to the remarks of the gentleman from Ohio [Mr. BUTTERWORTH] and of others who preceded him, in which the position has been taken that if we have made a mistake the best way is to say so and remedy it as well as we can, I feel sure that the time devoted to the discussion has been well must be the property of the spent. I have no desire to indulge in that wisdom which springs from the feeling of "I told you so!" While I am glad that I have no position to apologize for or to explain on a question so important as this I cheerfully accord to gentlemen on this side of the House who weighed carefully in their minds the question whether it was their duty to oppose and if possible to defeat the Army bill at the extra session, or to vote for it with this political rider upon it, and decided upon the latter course, the same candor in action and fidelity to principle which I claim for myself.

But, sir, when my friend from Maine, [Mr. FRYE,] and I am proud to call him my friend, told us, in effect, that this amendment amounted to nothing, that it was not of the slightest consequence, that it might be whistled down the wind with impunity, I for one could not agree with him. When he described in that ludicrous manner and in the graphic language of which he is master the birth of the baby ele-phant and of this political mouse, while I laughed with the rest I could not forget that the mouse thus brought into the world became something of an elephant when it traveled to the other end of this Capitol. And, sir, I greatly fear that should the next electoral count be thrown into this House this amendment, right here in the very arena of its birth, may become an elephant so strong as to uproot and overturn the electoral votes of whole States, if not the nation

This to me is not a matter for amusement or joke. It is no time now by amendment to make doubtful and uncertain that which is certain and clear, especially when it affects the executive power of the Government to enforce laws which have just been decided to be constitutional and valid, and which in turn concern the purity of the

What is the point of the contest we are now making upon this amendment? Is it that the attempt is being made to coerce the President? It cannot be that, for he has already signed and sanctioned a law containing this identical provision. Is it that we will now stand upon the high ground that we will oppose from this time forth any and all political riders upon appropriation bills, and stamp out, if we will the contest of th if we can, this dangerous and pernicious legislation? So be it, then; but let us first in all candor admit that republicans as well as democrats have put political riders upon appropriation bills. True they never carried the practice to the foolish extent of coercing the Exnever carried the practice to the foolish extent of coercing the Executive, starving the Government, or nullifying the laws. But it was a question of degree rather than of kind. I was glad to hear the distinguished gentleman from Connecticut [Mr. HAWLEY] say that he would vote for no more of those. Take that position, and add to it that of my friend, the distinguished gentleman from Ohio [Mr. KEI-FER] that this amendment does in fact lay the ax at the very root of executive power, and we have a foundation to stand upon firm as

executive power, and we have a foundation to stand upon firm as the granite and lasting as the principle of eternal right.

Mr. Chairman, I repeat that I have risen in no spirit of criticism or complaint, but I would appeal, if I might, to every republican on this floor, to say here and now that until the laws of this nation affecting its very life are willingly obeyed or strictly enforced, by no vote of ours, by no ambiguity of language, by no experimental amendments rendering construction doubtful shall one jot or tittle of executive power be abated or embarrassed.

We may as well frankly admit that the republican party within

We may as well frankly admit that the republican party within the last six years has made grievous mistakes in this House. We made a mistake when we consented to the amendment prohibiting the Army from being used as a posse comitatus. Many voted for it under a misapprehension of fact, but by the mercy of God, as it were, ancient and existing statutes were found which despoiled the amendment of its power and of its intended purpose. But should not this ment of its power and of its intended purpose. But should not this teach us that these primary powers running down to the very life of the Government are things not to be lightly trifled with upon appropriation bills in the haste of legislation or the hurry of conference committees in the expiring hours of a session? We also made a mistake in countenancing this present amendment at all. Gentlemen say it does not affect the power of the President, that it simply forbids the use of the Army as an ordinary police force. If that be its meaning, why was it offered at all? And why was an amendment which I had the honor to offer at the extra session in the very words of the President's veto message limiting this restriction to the "ordinary civil police force" voted down? Yet it was voted down, and you will see it voted down here again to day, for I intend to offer it you will see it voted down here again to-day, for I intend to offer it

at the proper time.

I think I have heard gentlemen say or intimate at some time during this discussion that the few of us who took ultra ground upon this question at the extra session wanted soldiers stationed with this question at the extra session wanted soldiers stationed with bayonets as an ordinary police force at the polls, to keep the peace as policemen would keep it, before any disturbance had arisen or was even threatened! Who, ever claimed that? Who, ever pretended that it could be done? What lawyer worthy of the name of a lawyer ever dreamed that there was any constitutional power for that? Who will assert that it ever has been done until the ordinary police have been menaced or overcome?

Mr. Chairman, the distinction between using the Army as a police force and using it as an army in the military sense is as clear as night is from day. When troops are brought to the polls to quell a disturbance or a riot which has become too formidable for the ordinary civil police to manage, who invokes the use of this military force, who directs it, who controls it, the military or civil authority? Why, sir, anybody knows that civil officers invite, direct, and control it. Are we to be told that soldiers marched as a military force to the polls, controlled, directed, and guided by civil officers, and when even their own officers are directed by the civil authorities, move as an army? own officers are directed by the civil authorities, move as an army? They march there as conservators of the peace, and the generic term "police force" defines exactly what they are. Our friends on the other side would no more admit into this amendment the words "ordinary civil police" than they would abandon the amendment itself. Eminent men, men learned in the law, statesmen in both ends of the Capitol, have shown and demonstrated that the term "police force" applies to soldiers when they are used as a posse comitatus to enforce civil processes or preserve the peace within the plain purview and jurisdiction conferred by that constitutional injunction that the President shall see that the laws are faithfully executed. The gentlemen dent shall see that the laws are faithfully executed. The gentleman from New Jersey [Mr. Robeson] stated in able, strong, and even majestic language the logical order of the application of power in the enforcement of law. Some of us in an humble way have tried to state the same thing before, and no man can missunderstand it.

In a State, first comes the sheriff, the posse comitatus, then the militia, and, if need be, the call on the President for United States troops. Under the light of the comment of the comme

der the United States Government first comes the marshal, then the posse comitatus, which, as has been settled for a hundred years by the highest judicial authorities of two continents, embraces all persons within the district or county whether civilians or soldiers, whether individuals or military organizations. And beyond the posse thus composed finally comes the whole power of the Government; for foreible resistance to law must be met by forcible compulsion to obedi-ence, or civil government is at an end and mob law and anarchy are

In conclusion, Mr. Chairman—for I only asked for ten minutes and have already said more than I intended—in conclusion, let me appeal to republicans to renounce here and now, once and forever, all idea that any victory worth having is to be gained through democratic magnanimity rather than by sturdy, hard blows struck for the principles that we believe in. Democrats are not republicans; republicans ples that we believe in. Democrats are not republicans; republicans are not democrats; fundamental principles divide them as wide as the world. We believe we have fearful responsibilities resting upon us. Let us use with care the constitutional power at our command; let us hear no more of apologies or self-condemnations for using troops at the polls, as though the use of troops at the polls had been abused by somebody. On the contrary, let us remember that but for the legitimate and proper use of military power to repel armed ruffianism at the polls we should have been without a pretense to seat the Executive of this nation in the honored seat which he holds to-day. No more tampering with fundamental powers; no more and

seat the Executive of this nation in the honored seat which he holds to-day. No more tampering with fundamental powers; no more apologizing for duties performed!

Mr. BROWNE. I yield what remains of my time to my colleague.

Mr. COWGILL. Mr. Chairman, precisely the same provision that is now offered as an amendment to the bill before the committee as an amendment to the our before the committee passed this House at the extra session that met on the 18th day of March, 1879. I then thought of the principle itembodied as I think of it to-day. I then contented myself with recording my vote against it. To-day I propose to briefly give the reasons why I shall again record my vote against a measure embodying a principle that in my judgment strikes at the very foundation of the Government I have sworn to support.

sworn to support.

The amendment in question provides that no money appropriated by this act shall be paid for any of the following purposes: First, for the subsistence; second, for the equipment; third, for the transportation; and, fourth, for "compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State." These, Mr. Chairman, are the purposes and objects for which it is specifically expressed that no part of the Army appropriation shall be paid.

Now, sir, that we may fully comprehend the full scope and purpose of this amendment and the manner in which it will and evidently is intended to affect the Government if certain necessities for the use

intended to affect the Government if certain necessities for the use of the Army or any portion thereof shall arise, I propose to show the

of the Army or any portion thereof shall arise, I propose to show the danger lurking therein.

And first, Mr. Chairman, I assert, as a proposition not to be successfully controverted, that no human government can be maintained against bad men bent on its destruction, excepting in the last resort, by the force of arms. That being so, an army is absolutely essential to the very existence of any government, and doubly so to a government like the American Government, embracing, as it does, all the States, with a controlling national power over all, and constituted to govern and protect all; all the citizens of which, wheresoever situated, having a right not only to expect the unmolested enjoyment of all their natural and civil or political rights that the law accords to them but to demand that they shall be protected in such enjoyment as them but to demand that they shall be protected in such enjoyment as

the execution of the law secures.

Among other rights, Mr. Chairman, that belong to American freemen is the right to have peace. And the government that neglects or refuses to provide for that, neglects and refuses to provide for the

enjoyment of a right without which no other right is worth asserting; peace, sir, in its broadest and fullest sense; peace in all the avocations and pursuits of life; and, above all, peace at the polls on election days; peace, sir, at that place, and at that time, where every citizen not only has the right to be, but where duty demands that he shall be, to exercise that right and discharge that duty that he may not omit without imperiling the very existence of his Government. Now, sir, what is to be the effect of your proposed amendment if it shall become a law?

This, sir: nothing more and nothing less than this, that remains the state of the sta

This, sir; nothing more and nothing less than this: that, no matter what may take place at the polls and at elections in any State in the American Union where United States officers are to be elected that

ter what may take place at the polls and at elections in any State in the American Union where United States officers are to be elected that shall disturb and break the peace and prevent a fair and full expression of the public will through the ballot, you will have declared in a public statute that no part of that arm of the Government—without which it is impossible to maintain a government—shall be paid one penny for the performance of a duty the highest that devolves on freemen, namely, that of maintaining the peace.

You declare that no part of this appropriation shall be paid to any portion of the Army for keeping the peace at the polls of an election. Do you not know that without peace you can have no fair election? Do you not know that without fair elections the continuance of your present form of government is an impossibility? I am not unmindful of the fact that you have attempted to turn public attention from the wicked design of this amendment by speaking of it as "any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State." I assert, sir, that if any portion of the Army should be required to aid in keeping the peace at the polls, it would then be acting in the character of a police force, and nothing else. It would be in the performance of the public peace that may arise, and that has arisen on election days, and that has prevented fair elections in this country. It is that aid that the Chief Executive of the Government is clothed with the constitutional power to invoke, in the discharge of that duty the developes upon him by reason of that provision that country. with the constitutional power to invoke, in the discharge of that duty that devolves upon him by reason of that provision that commands him to "take care that the laws be faithfully executed;" that may be rightfully called to his assistance if the exigency demanding it arises. Yes, sir, on all days; and especially would it be his duty to exercise it on election days if disturbance at the polls should require it.

The duty so to be performed, Mr. Chairman, by a part of the Army is a police duty as contradistinguished from military duty, performed to be sure by men in the military service, and belonging to and as a part of the Army, but performing precisely that duty that policemen perform under like circumstances. That portion of the Army that may be rightfully used under such circumstances is not used in that may be rightfully used under such circumstances is not used in the military sense of repelling the armed enemies of the Government in a state of war, but in that other sense of using a lawfully organized power in the Government to aid the civil authorities when necessary in maintenance of the peace and in the execution of the laws, in obedience to the mandate of the Constitution; that is, it may be used in its organized form. And herein it differs from what is generally denominated the posse comitatus, which is drawn from the body of the county, and may be called on at all times. But that fact, Mr. Chairman, may not dispense with the right and the necessity of evoking that still more efficient power of the Government as a part thereof, to protect itself and the rights of its citizens.

And, sir, when so called upon it is to peform police service and to do police duty. Then, sir, the President, being required to see that the laws are faithfully executed, is under obligation to call on the Army, or a portion thereof, if necessary, on election days as well as

Army, or a portion thereof, if necessary, on election days as well as other days; and if he has reason to believe the necessity will arise that shall require, it then becomes his duty to prepare for it by having transported to the point where he has reason to fear disturbance such part of the Army as he may deem necessary to prevent or suppress it. It is no less the duty of the Army to obey than it is of the press it. It is no less the duty of the Army to obey than it is of the President to command such service of the Army. That being the case they are entitled to pay for such service; they are entitled to transportation to the point where needed, to subsistence and the necessary equipments while in the performance of duty, and it is your duty and mine to provide the means for such payment; and the Representative that refuses it, in my judgment, refuses to perform one of the plainest duties devolving upon him under the laws and the

of the plainest duties devolving upon him under the laws and the obligations that he owes to the country as such.

The pertinent question here is, Why are you opposed to using any and all means that shall be found necessary to keep the peace at the polls and at elections? The history of the wrongs and the outrages that have been perpetrated time and again by the democratic party at elections suggest the answer, you do not want fair elections; you want that reign of terror to pray if that shall keep necessary laws. want that reign of terror to prevail that shall keep peaceable and lawabiding men from the polls; you want it understood that the man abiding men from the polls; you want it understood that the man who shall dare to exercise the most sacred right of an American freeman in many places in this land in opposition to the democratic party, shall do so at the peril of his life; you want to maintain that reign of terfor, of intimidation, and bulldozing that shall enable you to send Congressmen to these Halls to participate in the legislation of the country from districts where the entire vote polled shall be less than three thousand. It was a fitting remark to drop from the lips of the gentleman from Georgia that whoever participated in the discussion of this amendment from the democratic side should be shot.

I can readily understand, sir, why it is, living in a district where fear and terrorism so prevail that 2,628 votes all told constitute the number of ballots cast at an election for a member of Congress, and where no one dared to cast an opposing vote, that the gentlemen so elected should not only favor this amendment but should favor shooting any one who by participation in its discussion should delay its passage for an hour. Sir, it is that system of intimidation at the polls that has practically disfranchised the republican party in many States of this Union that you desire to maintain intact; that causes the democratic party to stand up as one man in favor of this amend-

The gentleman who introduced this amendment tells the committee that it is "tame and cowardly" in comparison with what he would do if he had the power. I can readily believe that, Mr. Chairman, of any man or any party that justifies the fraud and violence that have sprung out of the shot-gun policy and the tissue-ballot system that have operated so admirably to blot out republicanism in the South.

"I would wipe out this un-American, anti-democratic, villainous stat-"I would wipe out this un-American, anti-democratic, viliainous statute, which owes its existence to the inspiration of fanaticism and an era of hate," said the gentleman from Illinois who introduced this amendment. Sir, if that gentleman will turn his attention to the wiping out of that spirit of hatred and disloyalty that caused his party to involve this country in bloody, devastating war, the offspring of the damnable doctrine of State rights, that we heard so much of during the extra session, when it was earnestly insisted that the National Government has no right to preserve the peace at elections, he

will engage in a work much more commendable.

Let me say to the valorous chairman of the Committee on Military
Affairs that I do not wonder that he loathes the insidious attack that
his amendment makes upon the life of the Government, so much so that in his agony of despair at being unable to throttle it outright he feels constrained to cry out that his attack is "tame and cowardly."

There was a time, sir, when democracy was more bold and manly

There was a time, sir, when democracy was more bold and manly in their attack upon the nation's life. I say democracy, because none but democrats ever engaged in the treasonable design of destroying this Government. Failing in that mad and treasonable attempt, although you engaged in it with a courage and boldness worthy a better cause, you in a cowardly and insidious manner seek to accomplish the same purpose by withholding the necessary means to supply and sustain the power provided by the Constitution and the laws to compel the execution and enforcement of the same, whereby you yet hope to destroy what by force of arms you failed in by these dastardly and insidious attacks, in the prevention of the maintenance of that peace and good order without which no government can long

Do not deceive yourselves in the belief that you can cheat the loyal people of the land by pretending that your only object is to prevent soldiers from being stationed around the polls where there shall be no occasion for their use. Your proposition means much more than that, and well do you know that it means more. If that were all, and you so believed, you would not cling to it with such tenacity of purpose. If that were all, and I believed it, I should not care to oppose it.

You are determined to have control of this Government—or you are

You are determined to have control of this Government—or you are determined to ruin it if you can—to give you control is to allow ruin to follow. You know you cannot acquire control by lawful means and fair elections; hence you are prepared to deprive the country of the power of protecting the rights of electors and securing fair returns of the expressed will of the people through the ballot-boxes. Am I justified in making these charges against you? I appeal to the history and conduct of your party, presented on every hand, as evidence of the facts charged. Your party have so wronged and cheated and deprived the colored man of the South out of the political rights that the laws of the country intend that he shall enjoy, that he is fleeing from the land of his nativity and the clime most congenial to his nature and habits as he would flee from a pestilence sweeping over the land. over the land.

You gladly accepted the plan of reconstruction of the Government You gladly accepted the plan of reconstruction of the Government and the amendments to the Constitution as a ransom for your guilt and your treason, whereby all men were made your equals before the law. And yet with an audacity only equaled by your first mad attempt at the destruction of the Government, you deny to all the right of the elective franchise unless they shall vote as you do. Your party attempted to clothe themselves in the stolen official robes of one of the States of the Union, notwithstanding the verdict at the ballot-box was against you by thousands. You hold in suspense and undetermined the contest made against republican members of Congress where there can be no question of the legality of their election, for what purpose cannot be conceived, excepting that it shall be found necessary to unseat them to give you a preponderance of States in the election of a President. in the election of a President.

in the election of a President.

With such a purpose in view as is contemplated by this amendment, and with the record that you have made to prove what your purpose is, it is not strange that when you are called upon to defend this insidious and cowardly attempt to destroy the Government that you are dumb, your tongues cleaving to the roofs of your mouths and your muscles quivering as if stricken with a paralysis.

Mr. DUNNELL. Mr. Chairman, I desire to occupy the attention of the committee but a short time, and to express my opposition to the political rider which has now been under discussion for some days, and which is so successfully impeding the passage of the Army appropriation bill

through the House. We have witnessed, during the last two or three years, attempts on the part of the majority of this House to legislate on appropriation bills. I am very well satisfied, as is also, I think, the majority of the House, that the American people have become tired of political riders on appropriation bills. No party ever received a more decisive and emphatic condemnation at the polls than the democratic party received in November last. It was overwhelming in every State in the Union in which elections were held, and for reasons to which I now wish to make allusion. The condemnation came not simply because political riders were sought to be passed into law as indicated, but because this kind of legislation had worked against the public good. No party, I repeat, has ever been more heartily condemned for this course of action than was the democratic party at the last election, since the repeal of the Missouri compro-

Let me call attention to the voice of disapproval which has been given by the people everywhere, because of these attempts to legislate in this improper and irregular manner.

It has been argued on this side of the House with great force and conclusiveness, and indeed to the acceptance of the public mind, that an attempt to force through on an appropriation bill what is not in harmony with every branch or constituent of the legislative department of the Government, is and has been, only an attempt to compel the President to the approval of measures which did not meet his approval. Nothing was more completely demonstrated in debate in the last Congress than this, that the President has as much right to the enjoyment of his personal convictions as to any proposition as the House has to its personal and individual conviction or the Senate to its view and judgment. The veto messages of President Polk and President Pierce were read; and they were far more forcible in con-demnation of that kind of legislation than anything which was said on either side of the House.

The chief, the all-conspicuous record of the Forty-fifth Congress was attempted legislation in violation or disregard of constitutional methods. This is the only record which it left of itself. It was only that record which the people had to look to in considering whether

that Congress should be approved or condemned.

I now call attention to a practical view of this pending question or subject. After the prostration of business in 1873 there followed a period of material distress in the country. When the Forty-fifth Congress came into session it was expected, Mr. Chairman, that it would devote its attention to the material interests of the country, steadily, increasing the province of the country, steadily, increasing the province of the country and closed. devote its attention to the material interests of the country, steadily, vigorously, patriotically; but, sir, no Congress ever began and closed its existence so utterly fruitless of good results as that Forty-fifth Congress. Its records show nothing looking to the material development of the country. They furnish a record of no remedial measure, no process by which the great industrial concerns of the country were to be revived and advanced. That Congress came into power with a majority twice as large as that of the present Congress; and the expression of the people in November last foreshadows that this present Congress will be condemned by the people when they reach it in November part

There are vast interests in the country which to-day lie prostrate, and to demonstrate this, I propose to occupy the time allotted to me. These great interests ought to be taken hold of by the appropriate committees, and then by the House; but the House was so completely debauched by the attempted legislation of last spring and summer that it is incapacitated for legitimate legislation. We, the representatives of the people, are simply in the power of partisanship and partisan legislation. The democratic House of last year proposed nothing and voted nothing that was not wholly and entirely in the interest of party supremacy. It never attacked the tariff, which it said should be modified when it came into power. It never passed a vote for the revival of American trade and commerce. It never gave one vote which it can look to to-day with the least possible pride or

satisfaction.

Let me tell you, Mr. Chairman, that the American people, thank God! are vastly more intelligent than the politician is inclined to suppose. There was an intelligent analysis of that democratic Congress made by the people last November. The vote then was a vote of want of confidence; it was a vote of severe censure. Let me say that we are here to-day, after four and a half months of session, and have nothing to show as a result.

have nothing to show as a result.

During the last four and a half months that we have been here in session, what has been done by the majority in this House? Has it done anything? Is there one single measure to which the other side can refer with pleasure? Not one. We have adopted some new rules that are to furnish a common burial-ground for all the business the committees may work out. That and that only have we accomplished since we came here on the 1st day of December last.

I hold that practically, Mr. Chairman, we have in Congress far too much of what may be called mere political discussion and political action. Strike out this rider from the Army appropriation bill, and it goes through the House in an hour. Strike out political riders from our appropriation bills generally, and all of them may be passed within a week. Then there is left to us the whole session to ask what is necessary and what we shall do to build up the great inter-

ests of the country.

Mr. Chairman, since I took my seat here within the last hour, I have marked with my pencil some bills, now pending on the Calen-

dars of the House. I come to the first—a resolution coming from the Committee on Commerce, an ever active, vigilant, untiring committee of this House. They ask that there may be a committee appointed to whom shall be referred the subject-matter of the commercial relations and interests of the country, and who may be authorized to inquire what means may be best adapted to promote the foreign trade of the United States. That question, simple yet transcendently important, and which may prove to be the chief escape from the burdens of our national debt, and give us permanent prosperity, must lie on the Speaker's table or have a reference to some Calendar, where it will remain from this day of from the day of the transcendent of the country of th will remain from this day or from the day of its introduction to the close of the session, because nearly every appropriation bill brought in here must have a democratic rider on it, a political rider, calculated to advance the interests of the party in power in this House.

Take another bill from the Committee on Commerce. It is the bill

to establish a board of commissioners of interstate commerce. The magnitude of the interstate commerce of the country, or the means by which it shall be freed from the exactions placed upon it by the railroads and other carriers, cannot have discussion and action. The burdens must be endured because the majority more desire the success of their party. This bill was reported February 26.

Another bill was reported to the House from the same committee, December 19, concerning commerce and navigation and the regula-tion of steam-vessels. But interstate commerce carried on by railroads, or commerce upon the rivers and lakes of the country by steamvessels, has no rights which are to be respected where the interests of the dominant party are to be subserved and ask attention. Party, and not the common weal, is the watchword.

The Committee on Public Lands have reported a number of bills for the passage of which every settler on the frontier is anxiously praying. One of them is of more value, has more of good all the riders which the Committee on Appropriations aided by the Committee on Military Affairs can write out. They are for the relief Committee on Military Affairs can write out. They are for the relief of actual settlers on the public lands, for their protection against the land speculators of the West and the East.

There is either before the House or the Committees on Public

Lands and Mines and Mining, the able and elaborate report of the public land commission, obtained at great cost to the Government. Who expects that these bills will be reached and passed or this report considered?

I now call attention to another bill, a great and important one, coming from the gentleman from New York, the chairman of the Committee on Foreign Affairs, [Mr. Cox.] a bill to regulate immigration. That gentleman reported the bill January 1. He was alive to the interests and to the necessities of the immigrants coming to this country in such large numbers. His committee did its duty. The chairman did his duty, but his mouth is closed by the dictation of his party. That bill is on the Calendar, simply to be there, to die there, and he never expects to hear it read from the Clerk's desk. Why? Because our whole time is expended in party legislation and discussion.

Take the riders away from these appropriation bills and let these subjects which I have mentioned come before the House in their proper order, and so intense is the interest centered in them, and so important to the industries of the country, that every one of them will be passed through the House. Take away from this Army appropriation bill this rider, and our work upon it will be very short. Mr. TOWNSHEND, of Illinois. You voted for it last session.

Mr. TOWNSHEAD, of Illinois. You voted for it last session.
Mr. DUNNELL. I will come to that presently. I hope that the other side will not participate in this debate. [Laughter.]
Now, I allude to another bill, a very important one, a bill that is vital to the interests of the country; a bill to refund \$760,000,000 of the national debt. If the opportunity of refunding that debt slips away from us now, it is certainly gone for this year. The ability to refund it was admitted on all sides, when that bill was reported to this House, at the low rate of $3\frac{1}{2}$ per cent. per annum. That bill is also on the Calendar. It must there remain for aught I know, and all of these vast money and material interests be held in abeyance simply that the democratic party may say that no portion of the Army shall be used as a police force to keep the peace at the polls.

Mr. WARNER. Are we not paying now about \$8,000,000 a month

of that debt?

Mr. DUNNELL. But the time is slipping away when we can refund this \$760,000,000, and yet this democratic House is dumb in the presence of this mighty interest, simply that it may get time to discuss questions of party policy.

Mr. WARNER. The money interest is abundantly championed by

that side of the House.

Mr. DUNNELL. We had brave soldiers from 1861 to 1865, as gallant and valorous men as ever marched under a triumphant flag; as lant and valorous men as ever marched under a triumphant flag; as brave men as ever rejoiced in a great national victory; as grand an army as was ever read of in history, and as brave as ever marched to triumphant success. We made many promises to those gallant men. We promised that the crippled, the maimed, they, their wives and their children, should be well cared for. There are four or five general pension bills pending, looking to the interests of these gallant men. They must remain unpassed, because the other side wants to decree how the President may use the Army. These mighty interests are to be forgotten or ignored. ests are to be forgotten or ignored.

I congratulated the House, Mr. Chairman, the other day that we

had so small an Army. Why have we and why may we have so small an Army? It is because we have in our national history always prom-

an Army? It is because we have in our national history always promised to do well for the volunteer. We are proposing to do it on the Calendar. But the Calendar alone will tell the story of what this House will do, or rather will fail to do.

One or two other references I will make; and I might occupy a good deal more time than is given me. There is a bill reported by Mr. BICKNELL, of Indiana, a bill that tells how we may count and determine the electoral vote. That must be held on the Calendar. I do not know what that bill is. The presumptions are that it is linked with the very life of the nation. For who did not feel, that were members of the Forty-fourth Congress, that the very Republic was in peril in more than one hour, during the last week that preceded the 3d day of March, 1877? Who did not then turn pale at the terrible peril that threatened us? But this electoral bill must sleep the sleep that knows no waking.

Then, here is the Chinese question. Here is a bill referring to that.

Then, here is the Chinese question. Here is a bill referring to that. There are many others I might speak of. Here is an act for the relief of homesteaders on the public lands. Here is an act to alter and amend the sinking-fund act, deemed by the gentleman from Maryland [Mr. McLane] to be a bill of immense importance to the country. I could read the titles of dozens of bills here that ought to arouse the patriotism of both sides of this House, and bring us to action, to

the patriotism of both sides of this House, and bring us to action, to legitimate legislation, and the abandonment of this miserable policy of legislating politically on appropriation bills.

Mr. Chairman, I have not claimed that the democratic party was the mother of this kind of legislation. The old whig party practiced it; the old democratic party practiced it; the republican party practiced it; and the new democratic party has practiced it. But I did hope, as an American citizen, that the House would come together this year and say we have had enough of that. I did hope that the other side would accept the proposition that henceforth we were legislating for the country, for its material interests, and for its glory rather than for the triumph of a party.

But it seems that this beneficent result is not to be attained, even after the long struggle in the extra session, a session that has got its well-

the long struggle in the extra session, a session that has got its wellrounded place in American history, over which there falls not one ray of
glory, but to it there can come nothing but the blackness of shame, of
defeat to the party making it a necessity, and of defeat to legislation
that ought to have been enacted. Members remember how much of
legislation was lost when Congress adjourned on the 4th of March, 1879, with a private Calendar embracing many hundreds of bills untouched and already we have a Calendar of some thirteen hundred bills. We expect that these Calendars will be enlarged rather than diminished. Some four hundred of these bills are for pensioning soldiers.

The gentleman from Georgia [Mr. Speer] who now honors me with his attention put upon the title page of a speech which he delivered in this House a few days ago, these words:

The peace of the country, the regular discharge of all the functions of the Government, the confidence of our commercial and industrial interests, the quiet of the public mind, and above all the supreme necessity of maintaining the Government, are so far superior to the importance of any mere party victory that reason will not brook hesitation, and patriotism but obeys the dictates of reason.

These words, an apparent quotation, constitute a sentence of great force and truthfulness as well as beauty. They enunciate doctrines which should characterize the legislation of the nation.

Mr. SPRINGER. I beg to state to the gentleman from Minnesota that what he has just read occurs in the body of the speech of the gentleman from Georgia [Mr. SPEER] as part of that gentleman's own

remarks.

Mr. DUNNELL. I thank the gentleman from Illinois for his correction; I thought them the words of another, indicating the argument of the gentleman from Georgia. The whole speech I cheerfully concede abounded in admirably stated propositions, logically discussed, and most happily illustrated. I have promised to yield fifteen minutes of my time to the gentleman from New York, [Mr. CHITTENDEN,] and if he will allow me a moment I will state in reply to a suggestion coming from the other side, that I voted for this proposition last session, that while I admit the fact, I find a justification for a change of my vote in the vagueness which clings to the amendment, and especially in view of the congressional elections of this year in all the States and in view of the presidential election. The gentleman from New York is now entitled to the floor for fifteen minutes, and the balance of my time, after he has concluded, is given to his colleague, [Mr. LAPHAM.]

Mr. CHITTENDEN. I appeal to every sober [laughter] and honest member of this House that the "rider" is an outlaw, and I declare to the House and the country that life is too short for me to discuss it.

to the House and the country that life is too short for me to discuss it.

Mr. Chairman, it is with unaffected hesitation that I engage in any way in this debate, because I differ in toto with some of my friends who have preceded me. Their objective point has been to induce the democrats to talk. I think the democrats have talked too much on this subject, to their hurt, already. I say frankly that I do not propose to argue now the question of riders to appropriation bills, but I do mean to furnish an inferential key to the silence of the democracy or the subject now and I have that two time will not be whelly lest on the subject now, and I hope that my time will not be wholly lost. Unless I am mistaken the silence over there points to a change of heart and tactics. [Laughter.] I aim to be friendly, and show in brief that the democracy is either bewildered and stark mad in respect to the true character and aims of their political opponents, or

else that the democracy itself can never be safe and protected from the wicked republicans, at the polls or elsewhere, without troops.

We listened the other day, Mr. Chairman, to the distinguished independent, liberal democrat from Georgia [Mr. Felton] while he lashed and unsparingly anathematized the money power of his country, and denounced many of his colleagues and thousands of his fellow-citizens, mainly republicans, as Ishmaelites and pirates, "armed with grappling-irons for robbery, plunder, and spoliation." The gentleman shall not say that I misrepresent him. I will repeat to the committee his exact language, word for word. I ask the Clerk to read it, and hope he will, as usual, put the emphasis in the right place every time. place every time.

The Clerk read as follows:

These banks

Meaning of course their managers-

meaning of course their managers—
anchor the States to this Union. Yes, sir, like the piratical craft, with its black
flag and heavy guns, bearing down upon a rich, unarmed East Indiaman, as soon
as the Ishmaelite of the high seas comes within grappling distance of that rich
freight the grappling irons are fastened into its sides, and it is held firmly until
robbery, plunder, and spoliation have done their work, and then the despoiled ship
is left to float away a helpless and worthless thing, the sport of wind and wave.
So these banks will anchor the States to this Union; they will thrust their political and monetary influences into the sides of these States and hold them steady
until their labor and productions, their lands and houses, all their wealth, become
a sacrifice acceptable to this money power.

a sacrifice acceptable to this money power.

Mr. CHITTENDEN. The meaning of this language is neither obscure nor questionable. The gentleman's soulless, impersonal term shall not shield him. He declares that "these banks," a term which includes more than six thousand and three hundred institutions, employing mainly the capital of dead men and laboring-men under the supervision of thirty-five or forty thousand of his countrymen, including about half the members of both Houses of Congress, are pirates bent upon stealing, until the houses, lands, and wealth of the country become a sacrifice to the money power! All that, notwithstanding the gentleman knows or should know that "these banks" are generally regarded as useful and indispensable to the people as the houses in which the people live.

We have witnessed, Mr. Chairman, before in this Hall frantic efforts

We have witnessed, Mr. Chairman, before in this Hall frantic efforts to picture the hideousness of the money power of the United States; but the lurid imagination of the democrat from Georgia has produced the most exasperating image of the monster in congressional history! Suppose the gentleman is right, can the democracy manage the pirates

without troops?

without troops?

If the gentleman from Georgia is right, it is the first duty of Congress to arrest and punish the "money power." There is not a moment to be lost! The democracy is Congress now! How will it proceed? Will you begin with the Sage of Gramercy Park? Or will you make an example of the proprietor of the New York Herald? His "money power"—he is a democrat—has recently sent at least half a million of dollars to starving Ireland. He is notoriously and manifestly a first-class "Ishmaelite" and pirate, according to the gentleman from Georgia. If the democracy, following the lead of Dr. Felton, shall decide to elevate James Gordon Bennett to a gibbet on Capitol Hill, can the job be done without troops?

There sits over there my friend and colleague, Mr. Morron. He is literally one of "these banks," going about with his money power all the time, plunging his grappling-irons into the sides of people and States at home and abroad. Incidentally, he has lately half loaded a ship for starving women and children in Ireland. Can an order of the democracy to swing Mr. Morron at the yard-arm of the Constella-

the democracy to swing Mr. MORTON at the yard-arm of the Constella-

tion on her return home be executed without troops?

tion on her return home be executed without troops?

Once more, more atrocious and immediately dangerous. I vouch for it that a syndicate of New York bankers bought an unfinished railroad of the governor of North Carolina a week or two ago, binding themselves to finish it at a cost of four or five millions of dollars; which means, of course, that a fresh "piratical craft" of the "money power" have plunged their irons into the sides of North Carolina for "robbery, plunder, and spoliation." This is an aggravated case, and requires prompt attention from the democratic House. The railroad runs to the very frontier of Georgia, and the pirates nefariously persist in building it, notwithstanding the gentleman from Georgia says that the tax on steel rails shall not be reduced below \$28 per ton. Everybody will say that these robbers of North Carolina are Georgia says that the tax on steel rails shall not be reduced below \$28 per ton. Everybody will say that these robbers of North Carolina are unfit to hang but deserve to be, and must be, cremated! My key to the situation is the assumption that the democratic House takes that serious and sanguinary view of the case, and are silently studying how to eatch and burn up the rascals without troops, marshals, or money. The issue is clear in the minds and will of the people, and

money. The issue is clear in the minds and will of the people, and the country is safe!

Mr. LAPHAM. Mr. Chairman, the gentleman from Illinois, [Mr. SPARKS,] the chairman of the Committee on Military Affairs, chose the other day to characterize the law with the execution of which this amendment proposes to interfere as a law originating in the hatreds of the war. There can be no greater mistake than that. I fear the chairman of this important committee has not familiarized himself with the subject. The law which permits the executive power to use the Army and Navy of the United States in enforcing the constitutional duty of the President to see that the laws are faithfully executed was passed during the administration of George Washington. It has been upon the statute-books of the Republic for almost ninety years. It remained substantially unchanged for a period of seventy years from the time of its enactment, during which time this country passed through many stormy and exciting periods, and no complaint was ever made against the use of the military power of the Government, which from time to time was invoked by the civil authorities to aid in the execution of the laws. It is now found in section 5298 of the Revised Statutes, and reads as follows:

Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

In 1865 a proposition was made in the Congress of the United States to entirely inhibit this use of the military power for any purpose on election day. It resulted finally in the passage of the act which constitutes section 2002 of the Revised Statutes, and is as follows:

No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

That statute does prohibit the bringing of the military power to a place where a general or special election is held in a State, except for the single purpose of keeping the peace at the polls. That restriction undoubtedly originated from the hatreds of the war. But on which side of the House was the hatred which prompted its adoption? Not on this side of the House, or on the part of the friends of this side, but on the part of those who had failed in their efforts to destroy the Government of the United States and prevent the execution of all its laws. They sought to fix this limitation, and they secured it by the assent of republicans then in Congress; and now by law, with the single exception of preserving the peace at the polls and executing the laws, there can be no interference by the use of

the Army on election day.

Now, what has brought about the change in the attitude of gen-Why this enforced silence? They say that we voted for the passage of a provision similar to this during the extra session of this Congress. Although I was not one of the number who voted for it, and gress. Although I was not one of the number who voted for it, and although I was opposed to it, I can see very good reasons why my associates on this side of the House were willing at that session to let it pass. It changed no law, but only withheld the means of executing it. There were no congressional elections to be held last year except in the State of California, in one election district in the State of New York, and I believe in one election district in Iowa.

But we are now approaching a congressional election which is to embrace the entire delegation to Congress in the next House of Representatives. In the mean time the Supreme Court has solved the only doubt on which gentlemen on the other side rested their oppo-

resentatives. In the mean time the Supreme Court has solved the only doubt on which gentlemen on the other side rested their opposition, the question of the constitutionality of the Federal election laws. Those laws are now declared to be constitutional, and gentlemen on that side of the House at this very session have voted for the appointment of officers to see to their execution. These laws have been enacted since the passage of the act of 1865. Why, then, refuse the means to execute these laws? Why this change of front on the other side? Why do the advocates of this amendment refuse to discuss it? We remember that at the extra session of Congress the motto was, "Not one man on this side will falter in his support;" "He who dallies is a dastard, and he who doubts is damned." Mr. Chairman, he who dallies is a dastard no longer; and if he who doubts is still to be damned, my heart flows out in earnest sympathy for the is still to be damned, my heart flows out in earnest sympathy for the silent and doubting spectators on the other side of this Hall. [Laugh-

Gentlemen, you know that it is your duty to provide the means for executing these as well as all other laws. You know that to refuse to provide the means for executing this law on the day of election is a willful omission of a plain constitutional duty resting upon you by reason of the oaths which you took when you entered upon the discharge of your duties as members of this House.

Here is the reason of this ominous silence. It is because not one word can be said by any conscientious and right-minded man in favor of this amendment and in defense of this proposition. That is the reason for the obstinate silence on the other side. We, on the contrary, in view of the magnitude of the national elections to be held this coming fall, are free to see that this restriction upon the executhis coming fall, are free to see that this restriction upon the execution of the laws is not ingrafted on this or any other appropriation

bill, and are earnest in our opposition to it.

I had hoped, Mr. Chairman, to be afforded an opportunity, earlier in this discussion, to dwell somewhat at length on this subject; but as I have been limited by the circumstances under which this debate has progressed, I will forbear to say anything further on the present occasion

The CHAIRMAN. Three minutes remain of the time allowed for general debate.

Mr. KEIFER. I desire to offer an amendment if it be now in order.

The CHAIRMAN. If no gentleman desires to occupy further time in general debate, the remaining portion of the bill will be subject to has the right to use physical power to enforce the law.

debate and amendment under the five-minute rule. The Clerk will report the pending amendment. The Clerk read as follows:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Mr. ROBESON. I move to amend the pending amendment by adding thereto that which I send to the Clerk's desk.

The Clerk read as follows:

Provided further. That nothing herein or in any other act contained shall be held to forbid or prevent any citizen of the United States, or any person in its service, or under the protection of its law, from assisting the civil officers of the Government in the execution of the laws of the United States and the preservation of its peace, whenever properly called upon for such assistance.

The question was taken upon the amendment to the amendment: and upon a division there were—ayes 82, noes 97.

Before the result of this vote was announced,

Mr. CONGER called for tellers.

Tellers were ordered; and Mr. Robeson and Mr. Sparks were appointed.

The committee again divided; and the tellers reported-aves 87.

So the amendment to the amendment was not agreed to.

Mr. KEIFER. I move to amend by adding at the end of the proposed section the words, "except as authorized by the Constitution of the United States."

I shall not occupy five minutes in discussing this amendment; but am quite anxious that members on both sides of the House, and especially on the other side, shall understand this amendment. very brief and easy of comprehension. If it be adopted, the only exception to the operation of this proposed new section, which comes from the bowels of the Military Committee of the House, will be that it shall not operate to annul the Constitution of the United States; that this section if it becomes law shall not prevent the use of the Army at the polls to keep the peace, so far as such use may be authorized by the Constitution. I suppose every gentleman here, every lover of the Constitution, will feel bound by his oath to vote for this amend-

Mr. SPARKS. Let the amendment be again read.

The Clerk again read the amendment.

Mr. KEIFER. I ask the Clerk to read the whole of the proposed section as it will stand if amended.

The Clerk read as follows:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State, except as authorized by the Constitution of the United States.

Mr. BLACKBURN. Is an amendment to this amendment in order? The CHAIRMAN. No further amendment is in order at this time;

Mr. BLACKBURN. Then let me ask the gentleman from Ohio who offers the amendment whether he has any objection to inserting after the word "authorized" the three words "and provided for."

Mr. KEIFER. I think the amendment is quite clear as it stands.
Mr. BLACKBURN. I will vote for the gentleman's amendment if
he will simply insert after the word "authorized" the three words
"and provided for."
Mr. FIELD. I desire to ask the gentleman from Ohio two questions: First, is there anything in the Constitution of the United
States that authorizes the President to use the Army as a police force

at the polls? And, secondly, if such power is granted by the Constitution can it be impaired by an act of Congress? [Cries of "No!"

Mr. KEIFER. I desire to answer both those questions. I reply to the first by saying, yes, there is a requirement of the Constitution which makes it the duty of the President of the United States to exewhich makes it the duty of the President of the United States to execute all the laws of this country, including those laws which protect every man in the right to vote. Secondly, if I understand the gentleman's question—I shall be obliged if he will repeat it—

Mr. FIELD. If such power is granted to the President by the Constitution, can it be impaired by an act of Congress?

Mr. KEIFER. I say it cannot be impaired by an act of Congress; but this is an attempt to impairit; and I desire that gentlemen shall not do that sort of thing here. Hence I offer the amendment.

Mr. FIELD. I desire to ask the gentleman from Ohio one further.

Mr. FIELD. I desire to ask the gentleman from Ohio one further question. It is this: can the uses which the President, in the execu-

question. It is this: can the uses which the President, in the execution of the law in time of peace, under the Constitution, may make of the Army be regulated by law or not?

Mr. KEIFER. That has nothing to do with this question. [Laughter.] This is a question relating to the use of money. But I will say this: granting that the use of the Army may be regulated by law, there is still the constitutional requirement, the constitutional injunction upon the President of the United States to "see that the laws are faithfully executed."

Mr. FIELD. Does he execute them according to law or against law?

Mr. KEIFER. The Supreme Court has recently decided that he

The question being taken on the amendment of Mr. Keifer, the Chairman declared that the "noes" seemed to prevail.

Mr. CONGER called for tellers.

Tellers were ordered; and Mr. KEIFER and Mr. SPARKS were appointed.

The committee divided; and the tellers reported—ayes 76, noes 98. So the amendment of Mr. Keifer was not agreed to.
Mr. WILLIAMS, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the words "as a" before the words "police force" and inserting in lieu thereof the words "instead of the ordinary civil;" so that, if amended, the section will read:

"That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used instead of the ordinary civil police force to keep the peace at the polls at any election held within any State."

Mr. WILLIAMS, of Wisconsin. I desire to say only that this identical amendment was offered by myself at the extra session, was subsequently offered in the Senate, and was voted down in both Houses. It confines the restriction to the use of the Army as an "ordinary civil police force."

The question being put on agreeing to the amendment, the Chairman declared that the "noes" seemed to prevail.

Mr. WILLIAMS, of Wisconsin, called for tellers.
Tellers were ordered; and Mr. WILLIAMS, of Wisconsin, and Mr. SPARKS were appointed.

The committee divided; and the tellers reported—ayes 60, noes 90. So the amendment of Mr. WILLIAMS, of Wisconsin, was not agreed to.

Mr. BUTTERWORTH. I offer the following amendment to the amendment.

The Clerk read as follows:

Provided, That nothing herein shall be so construed as to affect the right to employ any part of the Army or Navy to execute the laws in such cases and under such circumstances as such employment of said force may be authorized by the Constitution or by act of Congress.

Mr. BUTTERWORTH demanded tellers.

Tellers were ordered; and Mr. BUTTERWORTH and Mr. SPARKS were

appointed.
The committee divided; and the tellers reported—ayes 55, noes 84.
So the amendment to the amendment was disagreed to.

Legips to offer one more amendment for the sat-Mr. ROBESON. I desire to offer one more amendment for the satisfaction of my friend from Kentucky.

Mr. SPARKS. You have offered one amendment to the amendment

already.

Mr. ROBESON. One more amendment, and no more.

The CHAIRMAN. The Clerk will read the amendment to the amendment offered by the gentleman from New Jersey, [Mr. Robe-SON.]

The Clerk read as follows:

Provided further, That nothing in this or any other act contained shall be held to limit or interfere with the constitutional right, duty, and power of the President "to take care that the laws be faithfully executed," and to use, through the civil officers, all the power of the Government at his command necessary to secure the faithful execution of the laws of the United States, and to keep the peace for that

Mr. SPARKS. That is not a competent amendment.

Mr. SPARKS. That is not a competent amendment.
Mr. ROBESON. Why not?
Mr. SPARKS. It provides for the use of civil officers.
Mr. BLOUNT. It is all surplusage.
Mr. SPARKS. I do not think it amounts to anything; but the quickest way to kill it is to vote on it.
Mr. ROBESON demanded tellers.

Tellers were ordered; and Mr. Robeson and Mr. Sparks were ap-

The committee divided; and the tellers reported-ayes 62, noes 92.

So the amendment to the amendment was disagreed to. Mr. HASKELL. I move the following amendment to the amend-

Insert the word "ordinary" before "police" in the pending amendment; so it will read:

"That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as an ordinary police force to keep the peace at the polls at any election held within any State."

Mr. HASKELL demanded tellers.

Tellers were ordered; and Mr. HASKELL and Mr. SPARKS were ap-

The committee divided; and the tellers reported—ayes 44, noes 88.

So the amendment to the amendment was disagreed to.

Mr. HURD. I offer the following amendment to the amendment. The Clerk read as follows:

Provided, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof or of the executive when the Legislature cannot be con-

Mr. ROBESON. Is that amendment open to further amendment? The CHAIRMAN. No; it is an amendment in the second degree. Mr. ATKINS demanded tellers.

Tellers were not ordered.

The amendment to the amendment was agreed to.

The question recurred on Mr. Sparks's amendment as amended.

Mr. REED. I move the committe rise; there have been a good many amendments offered, and we ought to see the effect they have. The motion was disagreed to.

Mr. MITCHELL. I move the following amendment to the amendment as amended.

The Clerk read as follows:

Provided. That nothing herein contained shall be held to interfere in any manner with the enforcement of title 24, relating to civil rights, and title 26, relating to the elective franchise, of the Revised Statutes of the United States.

Mr. MITCHELL. I have no desire, of course, Mr. Chairman, at this late hour of the evening to indulge in any extended remarks on the general question involved in this discussion. I shall content myself with calling the attention of my friends on this side of the House to some sections of the Revised Statutes which are pertinent to the consideration of the important issue involved in the pending proposition.

They are as follows:

They are as follows:

Sec. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them. and, for the purposes of arrest or the presence of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

Sec. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are anthorized from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are anthorized to make such arrest, are, and each of them is, empowered to su

SEC. 1983. The circuit courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

States.

SEC. 1984. The commissioners authorized to be appointed by the preceding section are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued.

rum and be executed anywhere in the State or Territory within which they are issued.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them, or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than \$3,000, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

The amendment as amended by the committee reads as follows:

SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: Provided, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof, or of the executive when the Legislature cannot be convened.

This amendment prohibits the payment of any money appropriated in this bill for the use of the Army "as a police force" to keep the peace at congressional elections.

Section 2022, to which I have called attention, makes it the duty

of marshals, deputy marshals, and supervisors of election, acting under United States laws, to "keep the peace" of the United States at congressional elections.

Sections 1982, 1983, and 1984 make it the duty of marshals to arrest and prosecute "persons violating any of the provisions of chapter 7 of Title 'Crimes,'" and empower "suitable persons" appointed to execute warrants for the arrest of such offenders "to call to their aid the bystanders, or posse comitatus of the proper county, or such portion of the land or naval forces of the United States" as may be necessary to this end.

Section 5522 of chapter 7, Title "Crimes," makes it a misdemeanor for any person to interfere with any marshal or supervisor of election "in the performance of any duty required of them, or either of them, or which he or they or either of them may be authorized to perform by any law of the United States in the execution of process or otherwise." Section 2022 before cited makes it the duty of the marshal and his deputies, by its express terms, to "keep the peace" and to "preserve order" at elections. To resist any such marshal or in any manner to interfere to prevent his keeping the peace at any congressional election is a misdemeanor under section 5522, and "such portion of the land or naval forces of the United States or of the militia as may be necessary" may be summoned and called to their aid by marshals to arrest such offenders on view.

The amendment as amended prohibits the payment of "any portion of the land or naval forces" summoned "as a police force to keep the peace." Just what this means no one favoring it has yet explained. If it means anything its intent is to keep the forces of the United States from being called in if necessary to aid the marshals in preserving the peace and enforcing the laws against those who break it at the polls on election day. If the use of the Army for this purpose is not its use "as a police force" I am unable to conceive what is such use. Here is a law which requires the peace to be kept at elections. "in the performance of any duty required of them, or either of them,

use. Here is a law which requires the peace to be kept at elections. In my judgment that is a law which the President shall "take care" to have "faithfully executed." It requires marshals to see that it be faithfully executed in the first instance; if they come short of this the President must see to it, or he fails in complete performance of

his sworn duty.

There stands the statute, and his oath is registered! Keep the peace, says the law. "He shall take care that the laws be faithfully executed," says the Constitution to the President. This law, if it says anything, and I think it is meant to express a great deal, says:
No, Mr. President, not by the Army, of which you are Commanderin-Chief; not at least by the Army "as a police force." By the Army
as what, then? Under martial law? As a force above, if need be
in disregard of, the civil law? No; rather let it be in obedience to
the civil law, to which martial law should be subordinate in time of
peace. Let the law stand in favor of peace at the polls on election
day, and its majesty will command respect and obedience in every
loyal community without the intervention of the Army. Wherever
these are wanting let all the power of the Government, civil and
martial, if need be, be invoked to maintain it.

My amendment is intended to preserve all laws upon the statutebook enacted for security of the franchise and civil rights of all citizens in full vigor. This is an attempt to obscure the meaning and
andermine the force of those laws, and as such I shall resist it to the it says anything, and I think it is meant to express a great deal, says:

zens in full vigor. This is an attempt to obscure the meaning and undermine the force of those laws, and as such I shall resist it to the end. If this be not the intent of this endeavor, let it be defined. It is the purpose and spirit of this assault that I combat. Ridicule cannot obliterate these. They will march onward toward their object if not met and overcome at every point. Instead of less we need more and more stringent laws upon these subjects. The silenced vote of the stringent laws upon these subjects. of nearly a million citizens yet speak, in an undertone it may be, for justice to the enfranchised, and I for one refuse to close my ears to

this voice crying for help.

There is no republican press, there is no republican party which dares assert itself, there is no republican freedom at elections in the South. I will yield no consent to make such injustice and such oppression more secure and more triumphant anywhere. In this my own rights and those of my constituents are jeopardized. One white man's vote South counts much more in this House than one white man's vote at the North. It is the old oligarchy in a new and more potential form, that I would see obliterated, not strengthened and given new lease of power. Current signs of the hour all admonish us of this peril. It is unpatriotic and unjust to yield a hair's breadth in face of this latest endeavor to enforce the will of a democratic eaucus as the law of this Republic, and I utter my voice and shall

give my vote against it.

But above and beyond all this is the iniquity of forcing legislation by riders on appropriation bills. The constitutions of three-fourths of the States prohibit what is here proposed. I care not what the practice has hitherto been by either or any party. It is enough for me that the practice is iniquitous. Even the constitution of the late rebel confederacy prohibited this method of legislation. Eight months ago a domineering majority of a secret democratic cancus invoked this power in an attempt to destroy the independence of the co-ordinate branches of this Government, and only failed to accomplish its object by the veto of a republican President. That usurpation has been condemned since by an indignant people at the ballot-box, and now it is again attempted, in a new and comparatively insignificant form, it is true, but in the same spirit and under a like dictation of caucus domination. A secret party caucus maturing legislation by regular organic caucus committees of the dominant party in either House is a power unknown to the Constitution; but if it is allowed to grow it will become a fourth estate of the Re-

public, and every consideration of patriotism and of good govern-ment requires that it be banished forever from our legislative his-tory. If, therefore, I had no objection to the rider itself I should oppose it, because it encourages a vicious practice which has no excuse in this if it ever can have an excuse in any case.

Mr. MITCHELL'S amendment to the amendment was disagreed to. Mr. CONGER. Let the amendment as amended be read.

Mr. Sparks's amendment, as amended, was read, as follows:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: Provided, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States, on application of the Legislature thereof, or of the executive when the Legislature cannot be convened.

Mr. Sparks's amendment, as amended, was then adopted.
Mr. SPARKS. I ask unanimous consent now to go back and insert the following as a part of the amendment offered by the gentleman from Pennsylvania [Mr. White] and adopted a few days ago. If this proposed amendment is read in connection with what has been adopted the committee will see the propriety of it. This matter was brought to my notice by the Secretary of War, and the simple reading of it will make plain its importance and the necessity of it. The Committee on Military Affairs also agree upon the propriety of it. It is a mere verbal amendment. Let the original amendment be first read.

The Clerk read as follows:

That upon the application of any college, university, or institution of learning, incorporated under the laws of any State within the United States, having a capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor therefor, and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.

M. SDADES Now that is already adopted, and the processed.

Mr. SPARKS. Now, that is already adopted, and the proposed amendment is to come in after that and make it effective.

Mr. FIELD. If the gentleman from Illinois will permit me to call his attention to one thing I will say to him that some of our largest colleges and institutions of learning, such as Harvard, Yale, Dartmouth, and others, are not incorporated under the laws of any State, and these would be excluded under the provisions of this amendment. They received their incorporation from the Crown when the States were colonies.

Mr. SPARKS. I do not know anything about that. This clause has been already discussed, adopted, and the addition which I propose to it is simply to make it effective and to make sense out of it, that

Mr. BAYNE. If the gentleman will permit me to say to him, those colleges which he has mentioned, Harvard, Yale, and Dartmouth, get these appointments under the law as it now exists, if desired.

Mr. SPARKS. I hope the committee will permit the amendment

to be read.

The Clerk read as follows:

The Clerk read as follows:

It is proposed to add to the clause the following:

"Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of any small-arms or pieces of field artillery belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case in double the value of the property for the care and safe-keeping thereof, and for the return of the same when required.
"Sec. 3. That all acts or parts of acts authorizing the detail of officers on the active list for such duty, or otherwise inconsistent with the provisions of this act, be, and the same are hereby, repealed."

Mr. HAWLEY. Would the point of order lie against that if

Mr. HAWLEY. Would the point of order lie against that?
Mr. BAYNE. I hope the gentleman will not raise that question.
Mr. SPARKS. Does the gentleman desire to make the point of order against it?

Mr. HAWLEY. I have serious objections to the principle of the

Mr. HAWLEY. I have serious objections to the principle of thing, and I must object to it.

Mr. SPARKS. I submitted it for unanimous consent. If any gentleman objects, of course it cannot come in.

Mr. BAYNE. I hope there will be no objection to it.

Several members objected.

Mr. ATKINS. I move that the committee rise and report the bill with the amendments to the House.

Mr. FIELD. Is this amendment in order?
The CHAIRMAN. Objection having been made the amendment is not in order.

Mr. FIELD. I ask unanimous consent to amend the clause as follows: strike out the words "incorporated under the laws of" and insert the word "incorporated" before college, and the word "in" before the words "any State;" so it will read if adopted: Mr. FIELD.

Upon the application of any incorporated college, university, or institution of arning in any State within the United States having the capacity, &c.,

Mr. SPARKS. I object.
The CHAIRMAN. The amendment is objected to.
Mr. REAGAN. I object. I objected to the amendment in the first

Mr. REED. As I understand it these are incorporated institutions

in the States and under the laws of the States.

Mr. FIELD. I think not. They were incorporated in the first instance when they received their grants from the Crown, and there

has been no act of incorporation since that time on the part of the States.

Mr. ATKINS. I rise to a question of order. Is the amendment pending

The CHAIRMAN. It is not; objection having been made, the

The CHARMAN. It is not; objection having been made, the amendment is not before the committee.

Mr. MARTIN, of West Virginia. I want to move one amendment to which I hope there will be no objection. It is to strike out "one hundred and fifty" and insert "one hundred." I have but one institution in my State and I should like for it to be brought within the provisions of this amendment if possible.

Mr. CRARMS.

Mr. SPARKS. I am satisfied to have it amended in that way.
Mr. BAYNE. It is altogether unnecessary. The gentleman can have an officer detailed for the college without the amendment. The amendment he proposes cannot effect anything.
The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from West Virginia.

The Clerk read as follows:

It is proposed to strike out "one hundred and fifty" and insert "one hundred;" so that if adopted it will read:

"That upon the application of any college, university, or institution of learning, incorporated under the laws of any State within the United States, having a capacity at the same time to educate not less than one hundred male students, the President may detail any officer of the Army," &c.

Mr. BLOUNT. I must object, sir. We have not Army officers enough

for the purpose.

Mr. ATKINS. I insist now upon my motion that the committee rise and report the bill to the House.

The motion was agreed to. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair; Mr. Springer reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, had directed him to report the same to the House with sundry amendments thereto.

Mr. ATKINS. I move the previous question on the amendments reported by the Committee of the Whole to the Army appropriation bill, and on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered.

Mr. ATKINS moved to reconsider the vote by which the main ques-tion was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ATKINS. I move that the House do now adjourn.

LEAVES OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of ab-

sence was granted as follows:
To Mr. Clymer, till May 1;
To Mr. McGowan, for two weeks, on account of important business;

To Mr. Robeson, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. WADDILL, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of James

On motion of Mr. CLARDY, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Samuel

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 5632) to provide for a public building at the city

of Paducah, State of Kentucky.

MILITARY RESERVATION IN WASHINGTON TERRITORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to military reservation in Washington Territory; which was referred to the Committee on the Public Lands.

STORAGE OF SILVER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the necessity for additional facilities for the storage of silver; which was referred to the Committee on Appropriations.

PUEBLO OF SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the survey of the pueblo of San Francisco; which was referred to the Committee on Private Land Claims.

C. C. ROBERTS.

Mr. MURCH, by unanimous consent, introduced a bill (H. R. No. 5802) for the relief of C. C. Roberts, late an acting lieutenant in the Fourth Regiment of United States Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The motion of Mr. ATKINS was then agreed to.

And accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz: By Mr. AINSLIE: The petition of 120 citizens of Lemhi County,

By Mr. AINSLIE: The petition of 120 citizens of Lemhi County, Idaho Territory, against amending the mineral-land laws defining claims by vertical lines—to the Committee on Mines and Mining.

By Mr. NELSON W. ALDRICH: The petition of C. B. Farnsworth, treasurer of the Dunnell Manufacturing Company, and others, that chrome iron ore and bichromate of potash be placed on the free list—to the Committee on Ways and Means.

By Mr. WILLIAM ALDRICH: The petition of John Creswell, D. B. Mackinzie, A. F. Warren, and others, printers, publishers, stereotypers, and type-founders, of Chicago, Illinois, against the abolition of the duty on type—to the same committee.

By Mr. BLISS: The petition of H. C. Dunham, Winthrop S. Jones, and others, relating to the pensions of those who have lost limbs—to the Committee on Invalid Pensions.

By Mr. BRAGG: The petition of citizens of Wisconsin, that restraint

By Mr. BRAGG: The petition of citizens of Wisconsin, that restraint be put upon the manufacture and sale of oleomargarine—to the Com-

be put upon the manufacture and sale of oleomargarine—to the Committee on Manufactures.

By Mr. BRIGGS: The petition of Henry M. Baker, of New Hampshire, for an increase of duty on opium, morphia and its salts, and on opium prepared for smoking—to the Committee on Ways and Means.

By Mr. BRIGHAM: The petition of Edward G. Pendleton, for compensation for services rendered as an aid-de-camp during the late war—to the Committee on Military Affairs.

By Mr. BROWNE: The petition of 8,753 citizens and ex-volunteer soldiers of the United States, for the passage of a bill equalizing bounties—to the same committee.

By Mr. CARLINLE: Papers relating to the pension claim of Mrs.

By Mr. CARLISLE: Papers relating to the pension claim of Mrs. Eliza A. Scott—to the Committee on Invalid Pensions.

By Mr. CHALMERS: Proceedings of the board of supervisors of Claiborne County, Mississippi, relative to the preservation of the river landing at Grand Gulf, Mississippi—to the Committee on Com-

By Mr. DAGGETT: The petitions of citizens of Ponaca, Silver City, Reveille, Sheridan, Alpha, Pine Grove, Camp Halleck, Winnemucca, Battle Mountain, Lovelocks, Pioche, Stillwater, Grantville, Mason Valley, Washoe, Deeth, Wadsworth, Wells, Ruby Valley, Cherry Creek, Franktown, Carson, Reno, Huffaker's, and Virginia, in the State of Nevada, for the passage of the bill (H. R. No. 5142) to reduce the price of public lands within railroad limits—to the Committee on the Public Lands

By Mr. FISHER: The petition of soldiers of Perry County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FORT: The petition of P. A. Barrally and others, of Kankakee County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HALL: The petition of Benjamin F. Brown and 89 others, citizens of New Hampshire, for the improvement of the navigation

citizens of New Hampshire, for the improvement of the navigation of Lake Winnipesaukee—to the Committee on Commerce.

By Mr. HEILMAN: Ten petitions of ex soldiers and sailors of the first congressional district of Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, nine petitions of publishers of newspapers of the first congressional district of Indiana, for the abolition of the duty on type—

to the Committee on Ways and Means.

Also, the petition of tobacco dealers, of Evansville, Indiana, regarding the regulation of trade in tobacco with foreign countries the same committee.

Also, the petition of citizens of Kentucky and of Evansville, Indiana, regarding the improvement of Tradewater River, in Kentucky—to the Committee on Commerce.

Also, the petition of citizens of Gibson County, Indiana, against

Also, the petition of citizens of Gibson County, Indiana, against damming Patoka River—to the same committee.

Also, the petition of ex-soldiers and sailors of the first congressional district of Indiana, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

Also, the petition of George L. Williamson, for an appropriation to pay a claim allowed for a horse lost in the service—to the Committee on Appropriations.

Also, three petitions of publishers of newspapers, in the first congressional district of Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-

be placed on the free list, and for a reduction of the duty on printingpaper—to the Committee on Ways and Means.

By Mr. MILLER: The petition of James A. Lee, for arrears and increase of pension—to the Committee on Invalid Pensions.

By Mr. MORSE: The petition of military officers who served in
the late war, against partisan action being taken on the bill to relieve
General Fitz-John Porter—to the Committee on Military Affairs.

By Mr. NEWBERRY: The petition of 47 county officers and citizens of Lapeer County, Michigan, for a bridge across Detroit River
at Detroit, Michigan—to the Committee on Commerce.

By Mr. NICHOLLS: Memorial of the business men of Savannah,
Georgia, favoring an appropriation to improve the inland navigation
on the coast of Georgia—to the same committee.

By Mr. NORCROSS: The petition of James A. G. Beals, for the confirmation of title to certain lands in New Mexico—to the Committee
on Private Land Claims.

By Mr. PRESCOTT: Papers relating to the bill for the relief of Herbert Joyce—to the Committee on Claims.

By Mr. SHALLENBERGER: The petition of Mrs. Elsie A. Parker, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. SHERWIN: Six petitions of citizens of Illinois, for the passage of a law regulating the manufacture and sale of oleomargarine—to the Committee on Manufactures.

By Mr. SPARKS: The petition of citizens of Montgomery County, Illinois, that Congress enact such laws as will alleviate the oppres sions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-to the Committee on Commerce

By Mr. SPEER: The petition of citizens of Gwinnett, Jackson, and Walton Counties, Georgia, for a post-route from Buford, Georgia, to Jug Tavern, Georgia, via Duncan's Creek, W.A. Cain's Store, Kemp's Mills, and Pentacost's Store—to the Committee on the Post-Office and Post-Roads

and Post-Roads.

By Mr. THOMAS: The petition of citizens of Illinois, for an appropriation of \$50,000 to continue the public works at Dickey Island, Mississippi River—to the Committee on Commerce.

By Mr. WEAVER: The petition of J. B. Ashton and 83 others, ex-Union soldiers of Jackson County, Minnesota; and of John D. Pattison and 62 others, of Henry County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WILLIS: Papers relating to the bill for the relief of Joseph Haxthausen, of Louisville, Kentucky—to the Committee on Ways and Means.

and Means.

By Mr. WRIGHT: The petition of William J. Booth and 17 other citizens of Luzerne County, Pennsylvania, soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CASEY YOUNG: The petition of Jennie Richardson, of Mem-phis, Tennessee, administratrix of Catlett G. Richardson, for rent of fands, &c., occupied by United States troops during the late war—to the Committee on War Claims.

CHANGE OF REFERENCE.

Change of reference of the claim of the heirs of Charles Fierer was made from the Committee on Pensions to the Committee on War

IN SENATE.

TUESDAY, April 13, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. COMMITTEE ON EXCISE REVENUE.

The PRESIDENT pro tempore, in pursuance of a concurrent resolution providing for the appointment of a joint committee, consisting of two members of the Finance Committee of the Senate and three members of the Ways and Means Committee of the House of Representatives, to be appointed by the respective presiding officers, to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties, appointed Mr. Voorhees and Mr. Kernan as members of the loint committee on the part of the Finance Committee of the Senate. joint committee on the part of the Finance Committee of the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 9th instant, the action of his Department in adopting Sawyer's improved canister, and his opinion as to the justice of compensating Sawyer for his invention; which, on motion of Mr. HOAR, was referred to the Committee on Appropriations, and

ordered to be printed.

He also laid before the Senate a communication from the Secretary He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 18th ultimo, letters from the Chief of Engineers and Lieutenant-Colonel C. S. Stewart, senior member of the board of engineers for the Pacific coast, and a report of George W. Wood, upon the survey of Yaquima Bay; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of ex-soldiers of Hilliards, Franklin County, Ohio, remonstrating against the passage of what is known as the sixty-surgeon bill; which was ordered to lie on the table.

Mr. CONKLING presented a resolution and proceedings of the republican association of the seventeenth assembly district of the city of New York, calling attention to the precarious and dangerous condition of the provisions touching the count of the electoral votes, and asking that action may be taken on that subject before the expiration of the present session of Congress; which were referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States.

He also presented the memorial of the Seneca Nation of Indians,

of New York, remonstrating against the passage of the bill (H. R. No. 3573) to authorize the Seneca Nation of Indians to grant title to lands for cemetery purposes on the Allegany reservation; which was

referred to the Committee on Indian Affairs.

He also presented a petition signed by a large number of professional and business men, citizens of Griffin, Georgia, praying for the passage by Congress of a well-regulated bankruptcy system; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, presented a preamble and resolution of the select and common council of Erie, Pennsylvania, in favor of the passage of a bill now pending for the establishment of a home in Pennsylvania for honorably discharged soldiers and sailors who are in indigent circumstances; which was referred to the Committee on Military Affairs.

Mr. FARLEY presented a memorial of miners and persons directly interested in mining operations in Blind Spring Hill, Clover Patch, and other districts in Mono County, California, and Oneoto and other districts in Esmeralda County, Nevada, remonstrating against the passage of the proposed mining law; which was referred to the Com-

passage of the proposed mining law; which was referred to the Committee on Mines and Mining.

Mr. TELLER presented the petition of David Tucker, a Cherokee Indian of the Cherokee Nation proper, praying compensation for acting as interpreter for the Eastern band of North Carolina Cherokees; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 452) for the relief of Priscilla Watson, reported it without amendment.

son, reported it without amendment.

Mr. BAYARD. I am instructed by the Committee on Finance to report back favorably and with certain amendments the bill (S. No. 900) to provide for the appointment of a commission to investigate the question of the tariff. From the same committee I am also instructed to report back the bill (S. No. 906) providing for a commission to examine into the subject of the tariff, with a view of facility of the subject of the tating legislation in reference thereto, and ask to be discharged from

its further consideration.

The PRESIDENT pro tempore. The first bill reported will be placed on the Calendar. What disposition does the Senator wish made of the other bill?

Mr. CONKLING and others. Let it be postponed indefinitely. The PRESIDENT pro tempore. If there be no objection the bill

will be indefinitely postponed.

Mr. HOAR. I should like to inquire of the Senator from Delaware if the indefinite postponement of this bill is a final disposition of the

subject?

Mr. BAYARD. No, sir. There were two bills reported back relating to the same subject, the one adopted by the committee and reported back favorably; and as to the other they asked simply to be discharged from its further consideration. It is not an indefinite postponement of the measure; on the contrary, it is a favorable report upon it.

Mr. HOAR. If the bill adopted by the committee be a brief one, I ask to have it read at the desk.

Mr. BAYARD. As I stated, one bill has been reported favorably, and it became unnecessary to report the other bill on the same subject favorably.

Mr. HOAR. My present request is that the bill reported favorably be read.

be read.

The Chief Clerk read the bill (S. No. 900) to provide for the appointment of a commission to investigate the question of the tariff.

The PRESIDENT pro tempore. Senate bill No. 906, touching the same subject, will be postponed indefinitely.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1549) to authorize the Willow Springs Distillery Company to use a certain building in the city of Omaha, Nebraska, for the rectification of distilled spirits, reported it with an amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom sar referred the bill (S. No. 530) for the relief of James P. W. Neill, submitted an alverse report thereon; which was ordered to be writted.

submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 904) for the relief of Major G. W. Candee, reported it with an amendment, and submitted a report thereon; which was ordered to

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the petition of Maxwell Carroll, praying that he be placed upon the pension-roll as a captain, submitted an adverse report; which was ordered to be printed, and the committee were discharged from the

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the petition of George W. Graham, praying for the passage of a law granting him pay as second lieutenant from May 12, 1863, to November 1, 1863, and as captain from November 1, 1863, to

September 1, 1864, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 147) to authorize the President to restore Bernard Reilly, jr.,

Mr. WALLACE. I ask that that bill be placed on the Calendar.
The PRESIDENT pro tempore. The bill will be placed upon the Calendar with the adverse report of the committee, which will be

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1039) to authorize the restoration of William McGee to the rank of second lieutenant in the Army, submitted an adverse report thereon; which was ordered to be printed, and the bill

was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Jabez Matthews, a soldier of the war of 1812, and other citizens of New York, praying for an appropriation to pay certificates issued by the State of New York to soldiers of the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of

and the committee were discharged from the Interior consideration.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Lucy Mayhugh, widow of William Mayhugh, late a teamster in the service of the United States in the war of 1812, praying that she be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. WITHERS. I report back from the same committee the bill Mr. WITHERS. I report back from the same committee the bill (H. R. No. 5053) granting relief to William Turman, guardian of William W. Brewer, and ask that the committee may be discharged from its further consideration and that it be referred to the Committee on Finance, its purpose being to issue a duplicate check in lieu of one lost.

The PRESIDENT pro tempore. The Committee on Pensions will be discharged from the further consideration of the bill, and it will be

referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, from the Committee on Military
Affairs, to whom was referred the bill (S. No. 1124) for the relief of the
heirs of Major D. C. Smith, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom
was referred the bill (S. No. 1336) for the relief of John Reed, sub-

mitted an adverse report thereon; which was agreed to and ordered to be printed, and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Pensions, to whom was referred

the petition of Nehemiah Ford, praying that he be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 2859) granting a pension to Paul Walker, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

CAPTAIN SAMUEL C. SCHOYER.

Mr. PLATT. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer, to report it favorably, without amendment.

Mr. INGALLS. There are special reasons why that bill should pass at once. It has come here from the House. I know personally that

the beneficiary of the bill, who is a citizen of Pennsylvania, is in very great need of the relief which will be secured by the passage of the bill; and I ask that it may be acted upon now.

Mr. COCKRELL. Let the bill be read for information, subject to

objection

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Captain Samuel C. Schoyer, late captain of Company G, One hundred and thirty-ninth Regiment of Pennsylvania Volunteers, to \$50 per month.

Mr. COCKRELL. Is there a report with the bill ?

Mr. PLATT. There is a written report. Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, this day submitted by Mr. PLATT:

Mr. PLATT:

The Committee on Pensions, to which was referred House bill No. 253, increasing the pension of Captain Samuel C. Schoyer, have carefully examined the same and report:

That Samuel C. Schoyer was captain of Company G, One hundred and thirty-ninth Regiment of Pennsylvania Volunteers, and participated with his regiment in the war of 1861-65. That on the 2d day of June, 1864, he was wounded at the battle of Cold Harbor, by a gunshot in the left ankle joint, which completely destroyed it and produced permanent anchylosis; that he now receives a pension of \$20 per month on certificate No. 46970; that he is permanently disabled by the wound and is daily getting worse.

Dr. Andrew Fleming, of Pittsburgh, Pennsylvania, certifies that Captain Schoyer is permanently disabled by paralysis, undoubtedly the result of his wound.

Dr. L. H. Willard, of the same city, certifies that he has been Captain Schoyer's physician for the past six years, and that Captain Schoyer is totally unable to perform manual labor, and that in consequence of his wound he suffers from paralysis of the legs, which may soon result in his inability to walk; that in fact his system has become so greatly enfeebled that he may properly be termed a complete wreek.

The character and standing of these surgeons and physicians are satisfactorily wouched for.

Captain Schoyer is a lawyer by profession. He states that his injury has resulted in partial paralysis of both his legs and arms, and affects the lower part of his spine; that at times he is unable to waite, and the greater part of the time unable to write, and that since the date of his wound he has been under constant medical and surgical attention.

The committee believe this explication to be next most and and are also as a surgical attention.

The committee believe this application to be most meritorious, and recommend the passage of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSION BILLS.

Mr. EDMUNDS. Mr. President, as we are passing a pension bill that is reported to-day, and there are several pension bills on the Calendar, cases of people in great distress that have been reported a long time ago, I hope that the chairman of the Committee on Pensions will ask the Senate to take up those pension bills out of the Calendar, and have them acted upon. It is rather unjust even among pensioners and disabled soldiers, to have the man whose case is acted upon last by the committee immediately put through the Senate, and the others put into this sink or swamp or whatever it may be called the others put into this sink, or swamp, or whatever it may be called, of the Calendar. I hope the chairman of the committee will ask the Senate to take them all up.

Mr. WITHERS. It has been my purpose at the expiration of the morning business to make that request, in view of the fact that there is a large accumulation of pension cases on the Calendar, now amount-

ing to between thirty and forty. At the proper time, when the morning business shall have been dispatched, I propose to make that

request.
Mr. EDMUNDS. Good.

Mr. MAXEY. I shall object to that, and give notice now that I shall do so, and ask that the Calendar be taken up regularly.

The PRESIDENT pro tempore. The introduction of bills is next in

BILLS INTRODUCED.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1620) granting an increase of pension to Sallie A. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1621) in addition to an act for the relief of Obadiah B. Latham and Oliver S. Latham, approved March 3, 1863; which was read twice by its title, and referred to the Committee on Claims.

Committee on Claims.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1622) for the relief of Isaac E. Palmer; which was read twice by its title, and referred to the Committee on Patents.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1623) forfeiting to the United States the unearned lands included in the grant made to the Oregon Central Railroad Company by act of May 4, 1870, and for other purposes; which was read twice by its title.

Mr. SLATER. I suggest that the bill be referred to the Committee

on Public Lands.

The PRESIDENT pro tempore. The bill will be referred to the Com-

mittee on Public Lands.

Mr. EDMUNDS. The Chair and the Senate are aware that under an order of the Senate the Committee on the Judiciary has the whole subject of the forfeiture of railroad land grants under its consideration, and has made some progress therein. I suggest to the Senator that perhaps it would be better to send the bill to the committee now charged with the subject.

Mr. SLATER. I have no objection.

The PRESIDENT pro tempore. The bill will be referred to the Com-

mittee on the Judiciary.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bil (S. No. 1624) to amend an act entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for their survey and to make donations to settlers of the said lands," approved September 27, 1850, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands. Public Lands.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1625) for the relief of Charles G. Berry, of Indiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1626) granting a right of way to the North River Railway Company; which was read twice by its title, and referred to the Committee on Military Affairs.

referred to the Committee on Military Affairs.

Mr. McPHERSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1627) relating to the appointment of professors of mathematics in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1628) for the relief of Harry J. Todd, late keeper of the Kentucky penitentiary; which was read twice by its title, and referred to the Committee on Finance.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1629) to provide for the erection of a public building in the city of Peoria, in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO THE POST-ROUTE BILL.

Mr. BUTLER and Mr. GORDON presented amendments intended to be proposed by them respectively to the bill (H. R. No. 5524) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PRINTING OF A BILL AND REPORT.

Mr. WITHERS. I ask that an order be made for reprinting the bill (S. No. 496) providing for the examination and adjudication of pension claims, and the report accompanying it. I am informed by the superintendent of the document-room that the number of applications has exhausted entirely the supply. There are great demands for the bill and accompanying report, and I ask that they be re-

The PRESIDENT pro tempore. The usual number?
Mr. WITHERS. Yes, sir, of the bill and report.
The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT HEALTH ORDINANCES.

The PRESIDENT pro tempore. The routine morning business is

Mr. EATON. I ask the Senate to proceed to the consideration of the consular and diplomatic appropriation bill. Mr. BUTLER. The Senator from Connecticut will allow me to say

that I gave notice yesterday morning that I should ask the Senate to consider to-day the joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia. I health ordinances and regulations for the District of Columbia. I gave way yesterday in order that the Senator from Indiana [Mr. McDonald] might submit his remarks on the Geneva award bill, with the understanding, certainly on this side of the Chamber, that the joint resolution would have precedence this morning. I ask my friend if he will not give way until I can have the matter considered.

Mr. EATON. I am anxious to get through with the appropriation bill this morning so as not to interfere at all with the Geneva award bill. Will there be much discussion on the joint resolution?

Mr. BUTLER. I think not. I think it will require very little discussion.

cussion.

Mr. EATON. If there should be discussion I apprehend that the appropriation bill should not go over because of that.

Mr. BUTLER. I do not see that it is likely to lead to any discussions. Mr. BUTLER. I do not see that it is likely to lead to any discussion. With a view of bringing the importance of this matter to the consideration of the Senate I ask to have a letter read from the health officer of the District to the chairman of the Committee on the District of Columbia. If after hearing that letter the Senator insists on the appropriation bill, of course I shall have to give way. I ask that the letter be read.

The PRESIDENT pro tempore. The letter will be read.

The Chief Clerk read as follows:

DISTRICT OF COLUMBIA, HEALTH DEPARTMENT, Washington, April 6, 1880.

Dear Sir: I have the honor to invite your attention again to the urgent necessity for action by the Senate upon the health ordinances of the District.

The warm season is fast approaching, with the health department left absolutely powerless to protect the community from the approach or spread of disease. We have no law whatever to act under in securing the abatement of nuisances, and yet we are held responsible for the care of the public health.

This code of ordinances, the legalization of which is asked, was framed by a committee of gentlemen appointed for the purpose, who visited all the principal northern and eastern cities, examined the different sanitary systems in vogue, and took from their health laws what were deemed best suited and most appropriate for our community. There is no section contained therein the counterpart of which is not found in the health ordinances and acted upon in the courts of most of the larger cities of our country.

Tound in the health orunances and acted upon in the courts of most of the larger cities of our country.

They were in force and acted under for four years in this city and no complaints of undue power being exercised or hardship resulting therefrom was ever heard. I trust you will recognize the very embarrassing position in which my department is at present placed and see the necessity for urging prompt action by the Secrets.

Senate.

I am, sir, yours, very respectfully,

SMITH TOWNSHEND, M. D.,

Health Officer, District of Columbia.

Hon. Isham G. Harris, Chairman Senate Committee on the District of Columbia.

Mr. HARRIS. I hold in my hand the petition of Dr. J. C. Hall and 35 others, citizens of the District of Columbia, earnestly appealing to the Senate for the immediate consideration of the joint resolution in question, pointing out the importance of immediate action as an absolute necessity to the preservation of the health of the District. I hope the joint resolution will be considered and adopted.

The PRESIDENT pro tempore. The petition will lie on the table.

Does the Senator from Connecticut withdraw his motion †

Mr. EATON. It seems that our friends think that this is a matter of very great importance, and that the health of the city of Washington may suffer unless the joint resolution is taken up to-day. While I certainly do not look at it in that light, I shall not stand in their

Mr. BUTLER. There is a substitute reported by the Senate Committee on the District of Columbia.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Carolina, to proceed to the consideration of the joint resolution that he has indicated.

Mr. CONKLING. May we hear it read for information?

The PRESIDENT pro tempore. The joint resolution will be reported.

Mr. ALLISON. Let the substitute be read.

Mr. EDMUNDS. Let us hear the resolution that it is proposed we shall take up, read, in the first place, and then we can hear the sub-

The Chief Clerk read the joint resolution.
The PRESIDENT pro tempore. The substitute will be read.
The CHIEF CLERK. It is proposed to strike out all after the resolving clause, and in lieu thereof to insert:

The Cherk. It is proposed to strike out all after the resolving clause, and in lieu thereof to insert:

That the ordinances of the late board of health of the District of Columbia, as revised, amended, and adopted. November 19, 1875, entitled "An ordinance to revise, consolidate, and amend the ordinances of the board of health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof," as printed in the report of said late board of health made to the first session of the Forty-fourth Congress, being Executive Document No. 1, part 2, be, and the same are hereby, legalized; and the respective penalties therein prescribed for violations thereof may be imposed and enforced for the respective offenses therein described, excepting the sections of said ordinances following, namely, sections 7, 9, and 14, which said sections are not hereby legalized.

SEC. 2. That the ordinances, rules, and regulations of said late board of health contained in the report mentioned in the preceding section, and printed in the said executive document therein mentioned, namely—

First. "An ordinance to amend an ordinance to prevent domestic animals from running at large within the cities of Washington and Georgetown, passed by the board of health May 19, 1871;"

Second. "An ordinance to prevent the sale of unwholesome food in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the board of health;"

Fourth. "An ordinance to amend an ordinance passed May 13, 1873, to read as follows;"

Sith. "An ordinance to prevent committing or creating nuisances; in or about."

Sith. "An ordinance to prevent committing or creating nuisances; in or about."

follows;"
Sixth. "An ordinance to prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown;"
Seventh. "Rules and regulations in regard to small-pox"—
be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof may be imposed and enforced for the violations of the same respectively.

Mr. BUTLER. Just in that connection I ask the Secretary to read an amendment which I have been instructed by the Committee on the District of Columbia to offer.

Mr. EDMUNDS. The question now is on taking up the joint reso-

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Carolina, to proceed to the consideration of the joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

Mr. BUTLER. I desire to offer an amendment to that. After line 24, I move to insert:

Eighth. "Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia."

Mr. BUTLER. The amendment to the amendment was authorized by the committee. The item to which it refers was overlooked at the time the report was made. It is simply to legalize the regulations to secure a record of vital statistics.

Mr. CONKLING. I should like to inquire at some time, and perhaps this is a good time, to ask one of the Senators to state how many offenses the joint resolution creates.

Mr. BUTLER. If the Senator from New York will examine the

printed copy of the revised ordinances he will ascertain. There are in the ordinances, as revised, amended, and adopted November 19, 1875, the Senator will find, twenty-eight sections. Of that number, the seventh, ninth, and fourteenth are not legalized. As to the exact number of offenses created by the ordinances, I am really not able to say, but there is a penalty attached to a violation of every one of the sections.

Mr. CONKLING. Mr. President, some time ago an order was made by the Senate—I think it was an order; possibly only an understand-ing—that we were to have printed the ordinances to which the joint resolution does apply. I have a print of the ordinances here, and I should like to know whether these are the ordinances, or whether this pamphlet includes only some of them.

Mr. BUTLER. These are the ordinances, with the exception of those three sections I have referred to, approved November 19, 1875.

those three sections I have reterred to, approved November 13, 1643. Those are all the ordinances.

Mr. CONKLING. I should think on turning over this pamphlet that there must be somewhere from forty to sixty offenses created by this joint resolution. That may not be accurate, but I think it is within bounds; and the feature in that respect which strikes me is the purely discretionary and therefore, of course, purely arbitrary power deposited by these provisions in this board. To illustrate this, let me read one or two of these ordinances:

That any wells, springs, or waters used for drinking or cooking purposes, which are impure and unwholesome, or which have been rendered inpure and unwholesome by reason of any defiling or poisonous substance, are hereby declared nuisances injurious to health; and any person who shall maintain or continue such nuisance, after due notice from this board to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Who is to determine whether water, a spring, a well, is unwhole-some or not? Nobody that I can discover here; but the provision is that in every such case upon receiving due notice, whatever that may be,—whether it is a day's notice or a week's or what I know not,—every person who after that uses this water is to be fined for doing it as for continuing a nuisance. It is a very arbitrary power. If I have a well on my lot which I use to water my horse from it, if I have a horse, it would seem rather extraordinary in this age that anybody, without my having an opportunity to be heard before or after, should pass by and say "that well is a nuisance, I give you notice it is a nuisance," and then if I water my horse from it afterward, I may be fined \$50 for doing it. That seems rather severe. Take another one of these provisions: of these provisions:

That allantus trees, the flowers of which produce offensive and noxious odors, in bloom, in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person maintaining such nuisance, who shall fail, after due notice from this board to abate the same, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense.

Now, whether the ailantus tree is desirable in its odor or not is a question of taste. It is a question of smell in one sense, but it is a question of taste in a broader sense. Those trees are desirable to some people. To other people they are not. There is a theory—I will not say a superficial one, but a theory—that they are unwholesome, which is utterly disbelieved and scouted by a great many people; perhaps I ought not to say by people in general, because I do not know where the majority would be on that question, but they are thought very far from being nuisances and very desirable trees by many persons who plant them and cultivate them and raise them by many persons who plant them and cultivate them and raise them and prune them and nurture them. A man has an allantus tree in the rear of his house, in his yard. Under this provision some agent of this board passes along and says "that allantus tree is a nuisance. I give you notice it is a nuisance," and on the next day, if it is not cut down, he is to be fined for not cutting it down. That is an offense.

I read one other section and only one to show the exceedingly arbitrary power here conferred; and whether this is one of the sections adopted or not, I was not able to hear distinctly. If it is not, of course my compent upon it will not be of force:

my comment upon it will not be of force:

That drain-pipes, soil-pipes, passages into sewers, or connections between any sewer and any ground or building, not of adequate and sufficient size to allow the free and entire passage of all the material that enters the same, or not provided with good and sufficient sewer-traps, so as to prevent the escape of noisome odors and noxious gases therefrom, are hereby declared nuisances injurious to health; and any person creating or maintaining either of said nuisances, who shall fall, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

A householder finds that the waste-pipe running from his stable or running from his house is by some accident obstructed, choked for the time being. That would come exactly within this provision. One would suppose that was trouble enough for this man. He sends for a plumber, making his arrangements on his own account to get it right; but somebody passes along and says, "that is inadequate for a complete passage of all the material, and it is a nuisance." The next day he is liable to this fine, or that same day for aught I know, "on due notice," whatever that may be, being given and with no provision in any of these cases for any hearing, discussion, or explanation, so far as I see. planation, so far as I see.

Planation, so far as I see.

When the bill was passed, establishing a National Board of Health, I ventured to say, and I venture to repeat now, that it far outran, in my judgment, any other act of Congress in the powers it conferred. Here is a provision applicable to the District of Columbia alone, which, in respect of power, stands upon a footing of its own; but I think no Senator can listen to these ordinances, which I have read, and contemplate the idea of putting their enforcement absolutely and arbitrarily into the hands of three or four individuals, with no forum in which a hearing may take place. It is utterly tyrannical.

and contemplate the idea of putting their enforcement absolutely and arbitrarily into the hands of three or four individuals, with no forum in which a hearing may take place. It is utterly tyrannical. The board must act through agents. Any agent who, from ill-will or impatience or prejudice or heedlessness, chooses to make any householder or family uncomfortable, will have, under these provisions, all the powers that is necessary to enable him to tantalize anybody he chooses. I do not know how a man could well do enough to be safe from anybody who felt disposed to go after him with retributions which are provided for here. I do not believe in it.

Mr. INGALLS. Mr. President, in the nature of things all regulations that affect the sanitary condition of a community or its police must be summary. They differ very largely from invasions of private right from the fact that such offenses touch the rights of all. They affect the air that all breathe and the water that all drink, and especially when a nuisance is brought to the attention of the authorities it is absolutely essential that there should be power to deal with it summarily. If a horse in midsummer gives up the ghost on the highway in a thickly settled portion of the city, it is not possible to go to law to ascertain whether that animal shall be removed or not. And if it is discovered that in consequence of some defect in drainage the sewerage of a city is leaking into the aqueduct which furnishes the water in which the community bathe or from which they drink, it is not possible to go to law to settle that question, because before it could be determined the health of an entire community might be destroyed, fever might be introduced, diphtheria and all those zymotic diseases might affect the entire health of the community. Therefore the objections urged by the Senator from New York, while they may

apply to some particular provisions of the ordinances that are to be legalized or validated by this resolution, certainly do not apply to the general subject.

The reason why it is necessary to do something about this matter because the courts have decided that the board of health has no authority to enforce these regulations. That is why I want to give the District commissioners authority to enforce them. The object of the resolution is to give the District commissioners power to enforce these regulations. In consequence of their being now dead, there is no power to take care of the sanitary condition here, and the Senator from New York certainly must be aware that that power should be lodged somewhere, and the committee in considering the matter thought it best to leave this discretion where the whole power of the District is lodged by act of Congress to take care of the health and welfare and lives of the citizens.

Mr. HARRIS. The Senator from Kansas will allow me to call his attention to section 27 of these ordinances. It provides—

That all fines and penalties imposed by any section of this ordinance shall be collected by prosecution in the police or other proper court of the District of Columbia, by information filed in said court, at the instance of the board of health,

It is by regular information. A party has all the means of defending against any one of these charges, if he has any good defense that can be made.

Mr. INGALLS. It may be that some of the regulations and rules that have been established by the board of health are burdensome. If they are, certainly it would be advisable for Congress to modify

them. I think the board of health was raised by an act of what was known as the Territorial Legislature.

Mr. BUTLER. I have the extract from the act to which the honorable Senator refers, passed on the 21st of February, 1871, and so far as it relates to this board of health it is as follows:

SEC. 28. And be it further enacted, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a board of health for said District, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

I understand that that board of health, as provided for by that section, has been abolished, but that all the duties pertaining to that board are now performed by the health officer of the District of Columbia by the act of 1878.

Now as to the propriety or impropriety, or the hardship of these several ordinances, the committee had no means of ascertaining as to these matters except by procuring information from the health officer himself, and it seems to me that in his letter to the chairman of the committee, which I had read from the desk, he makes a complete answer to the criticisms of the Senator from New York on this subject. He says in his letter:

subject. He says in his letter:

The warm season is fast approaching with the health department left absolutely powerless to protect the community from the approach or spread of disease. We have no law whatever to act under in securing the abatement of nuisances, and yet we are held responsible for the care of the public health.

This code of ordinances, the legalization of which is asked, was framed by a committee of gentlemen, appointed for the purpose, who visited all the principal northern and eastern cities, examined the different sanitary systems in vogue, and took from their health laws what were deemed best suited and most appropriate for our community. There is no section contained therein the counterpart of which is not found in the health ordinances and acted upon in the courts of most of the larger cities of our country.

They were in force and acted under for four years in this city, and no complaint of undue power being exercised or hardship resulting therefrom was ever head.

Now, Mr. President, as the Senator from Kansas very properly remarked, from the very nature of these ordinances the proceeding must be summary. If a nuisance be brought to the attention of the health officer of such a character as would not brook delay, I submit that it would be unreasonable to expect that the usual delay and forms required in other proceedings should be required to abate it.

I have gone over these ordinances with a good deal of care, as has the committee, and there is not one of them (with the single exception of the fourteenth section) that did not commend itself to our indement. Every other provision in these ordinances seemed to us

judgment. Every other provision in these ordinances seemed to us to be required by a due regard for the preservation of the health of the city, and I venture to say that there is not another city of ten thousand inhabitants in the United States whose sanitary condition is not better provided for than that of the city of Washington to-day. Dr. Townshend, a very intelligent gentleman, who is the health officer of this city, says that he is absolutely powerless, and that those who maintain nuisances may do so in absolute defiance of any protest of his, as he has no means whatever of enforcing these ordinances.

The Senator from Tennessee, the chairman of the Committee on the District of Columbia, [Mr. Harris,] has called attention to the twenty-seventh section, which says:

That all fines and penalties imposed by any section of this ordinance shall be Every other provision in these ordinances seemed to us

That all fines and penalties imposed by any section of this ordinance shall be collected by prosecution in the police or other proper court of the District of Columbia.

A test case will be found reported in the Washington Law Review of November 7, 1879, in which it was held by Judge James that the health department had no legislative power, had no means of enforcing its ordinances. Hence the necessity for this proposed legislation.

I dare say that all these ordinances we could criticise, and any Senator has the same opportunity of passing upon their wisdom or un-wisdom as the Committee on the District of Columbia. We were compelled to adopt the ideas and suggestions very largely of this very intelligent gentleman who has charge of the health department of the District, and therefore we have recommended that the joint resolution

be passed, recommended it unanimously in the form reported.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina to the amendment reported by the

Committee on the District of Columbia.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee as amended.

Mr. ALLISON. Mr. President, while section 27 provides for a mode of procedure for alleged violations of these ordinances, yet so far as the first portion of this statute is concerned, I see no such regulation or provision as would cover section 2; or rather, I ask the Senator in charge of the measure whether, if the other provisions are violated, the same procedure will be required to be pursued as is prescribed in

Mr. HARRIS. If the Senator will look at the joint resolution he will find that it only legalizes the ordinances that were passed November 19, 1875, of which the twenty-seventh is next to the last sec-

Mr. ALLISON. I find here the printed document, which contains

Mr. ALLISON. Twenty-eight sections.
Mr. ALLISON. Twenty-eight sections. Then I find in section 2 certain other acts and ordinances referred to, and they are also legalized. How are prosecutions to be made under those ordinances or acts here referred to?

Mr. INGALLS. The last clause of the amendment is:

Be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof, may be imposed and enforced for the violations of the same respectively.

Mr. ALLISON. So I see; but where; in what court? Section 27 provides for the police court having jurisdiction, but I do not see that in these other ordinances there is any provision as to what court shall have jurisdiction.

Mr. BUTLER. I think if we pass the joint resolution legalizing the ordinances, the health officer will find some way by which to en-force them in the courts, and I think he will be governed entirely by section 27.

Mr. ALLISON. Very likely; but should not section 27 of the ordinance of November 19, 1875, be made to apply to the provisions of the second section?

Mr. BUTLER. I have no objection to such a provision. Mr. ALLISON. I only ask if it is not necessary. Let us add:

And that said penalties and forfeitures for the violation of the same respectively as provided by section 27.

Mr. HARRIS. After the word "imposed," in line 27.
Mr. BUTLER. I will accept such an amendment.
The PRESIDENT pro tempore. Will the Senator from Iowa send the amendment to the desk?
Mr. ALLISON. My amendment is to make the last clause read:

May be imposed and enforced for the violations of the same respectively as provided by section 27 of the ordinance passed November 19, 1875.

The PRESIDENT pro tempore. The Senator from Iowa moves an amendment, which will be read.

The Chief Clerk read the amendment of Mr. Allison; which was,

at the end of the amendment reported from the Committee on the District of Columbia, to insert:

As provided by section 27 of the ordinance passed November 19, 1875.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The joint resolution was reported to the Senate as amended; and the amendment made as in Committee of the Whole was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time.

Mr. CONKLING. I wish to vote against this resolution myself, and I think it would be well to have the yeas and nays on its passage.

The PRESIDENT pro tempore. The Senator from New York asks for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas

40, nays 5; as follows:

Pryor, Randolph, Rollins, Saunders, Slater, Vance, Voorhees, Walker, Williams, Withers.

NAYS-5.

Morrill,

Thurman.

Vest.

ABSENT-31.

Jones of Nevada, Kirkwood, Lamar, Logan, McDonald, Paddock, Pendleton, Platt, Allison, Eaton. Ransom Saulsbury, Sharon, Teller, Wallace, Anthony, Beck, Bruce, Edmunds. Farley, Groome, Carpenter, Cockrell, Davis of Illinois, Grover, Hampton, Hill of Georgia, Jones of Florida, Whyte, Windom. Dawes,

So the joint resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (H.R. No. 5719) to revise and re-énact section 5480 of the Revised Statutes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 5622) to provide for a public building at the city of Paducah, State of Kentucky; and it was thereupon signed by the President pro tempore.

AMENDMENT TO A BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes; which was ordered to lie on the table and be printed.

ORDER OF BUSINESS.

Mr. SAUNDERS. I ask the Senate to take up Senate bill No. 550.
Mr. WITHERS. There is a pending bill, which has been delayed in consequence of my absence, which I should like to have acted on this morning. It stands at the head of the Calendar.
Mr. SAUNDERS. I think this will take but a very few minutes. It was passed over the other day on account of an objection which will now be met and obviated.
Mr. WITHERS. I ask for the regular order.

Mr. WITHERS. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the consideration of the Calendar. The Senator from Nebraska, however, moves, as he has a right to do, to proceed to the consideration of Senate bill No. 550. The Chair will call the attention of the Senator to the fact that there are but three minutes left of the morning hour.

Mr. SAUNDERS. It can be passed in that time.

Mr. MAXEY. I object to everything that interferes with the regular order of busines

The PRESIDENT pro tempore. A single objection does not prevent a majority of the Senate from taking up any bill.

Mr. DAVIS, of West Virginia. But the Senator from Nebraska has not moved to lay aside all previous orders. He only asked to take up his bill. It is not in order unless he moves to set aside the Calendar.

Mr. SAUNDERS. I asked simply to take up the bill. I thought there would be no objection to it. It certainly will take but a very

few minutes to pass it.

Mr. WITHERS. I will state that my call for the Calendar is based on the fact that the case at the head of it has been called up in my absence and postponed in consequence of my absence. The Senator from West Virginia, [Mr. Hereford,] who is very much interested in the particular bill, is compelled to leave to-morrow, and is anxious to have a vote upon the bill. It is a pension case in addition. I have

said enough I think to show the importance of its present consideration. The PRESIDENT pro tempore. The Senator from Nebraska moves to postpone the preceding orders and proceed to the consideration of the bill (S. No. 550) to extend the northern boundary of the State of Nebraska.

Mr. ALLISON. That bill will take some little time for its consideration. I appeal to my friend from Nebraska—
Mr. BLAINE. Is that motion in order under the Anthony rule?

Mr. BLAINE. Is that motion in order under the Anthony rule?
The PRESIDENT pro tempore. It has been so decided by the Vice-President, and acquiesced in by the Senate.
Mr. ALLISON. I am afraid the bill will take some time. I do not think there is any pressing urgency about the bill.
Mr. CONKLING. What is it about?
Mr. ALLISON. It is a bill to rectify the boundary of the State of Nebraska, by which they take a considerable portion of the Territory of Dakota and attach it to Nebraska.
Mr. CONKLING. Is it to straighten the boundary?
Mr. ALLISON. It is to straighten the boundary; but there are a

Mr. ALLISON. It is to straighten the boundary; but there are a good many Indian reservations in the way, and in the absence of the senior Senator from Massachusetts, [Mr. Dawes,] who has the Poncas

in charge, I think the bill had better not be taken up.

The PRESIDENT pro tempore. The morning hour has expired.

The Geneva award bill is before the Senate, on which the Senator from Arkansas [Mr. Garland] is entitled to the floor.

GENEVA AWARD FUND. The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the

unappropriated moneys of the Geneva award.

Mr. GARLAND. I obtained the floor for the Senator from Illinois,
[Mr. Davis,] who was not present when the bill was taken up just
prior to the adjournment yesterday.

Mr. DAVIS, of Illinois. Mr. President, it is with extreme reluctance that I again address the Senate on the pending question. Some of the views which I presented when I was last upon the floor have been made the subject of review and comment, and other arguments have

made the subject of review and comment, and other arguments have been advanced by Senators which in my judgment deserve special notice. I therefore beg the renewed indulgence of the Senate.

The Senator from Massachusetts [Mr. HOAR] concedes the principle of marine insurance law by which the insurers are subrogated to the rights of the owner of a destroyed vessel or cargo whom they, in accordance with their contract, have paid as for a "total loss." He denies, however, that the owner of the vessel or of the cargo which was destroyed by an insular total confidence and the confidence of the cargo which

denies, however, that the owner of the vessel or of the cargo which was destroyed by an inculpated confederate cruiser "ever had a claim against anybody to which they can be subrogated."

This is the first instance, so far as I am aware, that the opinion has been advanced on this side of the Atlantic that such an owner had no claim against Great Britain for indemnity. The non-liability of Great Britain to our injured fellow-citizens was declared in Parliament, and maintained by her department for foreign affairs in its correspondence with our Secretary of State; but I never expected to hear it avowed in the Senate of the United States. The Senator, in that connection, said:

I fully concede that an individual whose property is destroyed by the lawless act of a foreign government, or its agents, may have in many cases a claim for compensation. His remedy for that claim may be imperfect. He may obtain compensation by individual application to the justice of the foreign state, as in many instances of foreign citizens whose property was taken or destroyed by our armies in the late war; he may obtain compensation through negotiations conducted by his own government; he may obtain redress through reprisal. In all these cases an underwriter who has paid the loss is substituted to his right. The same principle applies to the case of the citizen whose property is destroyed by the lawless act of his own government, or its officers. But in no case is there a remedy to a citizen against foreign governments, against his own government, or against public officers for a mere neglect of a duty of government.

cers for a mere neglect of a duty of government.

The Senator, in the concluding part of these remarks, obviously does not use the term "remedy" in that narrow sense which in our municipal law signifies the instrumentalities and methods by which damages against a wrong-doer may be recovered in a court of justice. To such modes of redress the owner of property destroyed cannot resort against a foreign government. He has, however, a valid claim against it when, by reason of the disregard of its duties and obligations, its responsibility for the acts of destruction, is at least to the extent of indemnity, the same as if they had been perpetrated by its officers apparently acting pursuant to its authority. Such acts are then, in contemplation of law, its own "lawless acts." In no case can his rights be effectually asserted and enforced except by the intervention of the public authorities of his own country. tervention of the public authorities of his own country

During the civil war and afterward until the negotiation of the treaty of Washington of May 8, 1871, our Government habitually maintained that our citizens were entitled to indemnity from Great Britain for the destruction of their property by certain confederate cruisers, for the acts of which we declared her to be responsible. In the letter of our accomplished representative at London to Lord Russell, bearing date November 20, 1862, he mentioned "the depredations committed on the high seas upon merchant vessels" by the Alabama, and the right of reclamation of the Government of the United States for the grievous damage done to the property of their citizens by reason of the escape of that vessel, and added:

I have the honor to inform your lordship of the directions which I have received from my Government to solicit redress for the national and *private* injuries sustained.

On the 19th February, April 29, July 7, August 24, September 19, and October 23, all in the year 1863, Mr. Adams presented a series of and October 23, all in the year 1863, Mr. Adams presented a series of claims of our citizens against the British government, touching their ships and property destroyed by the Alabama. In the last of those letters he declared that the United States must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredation of the vessel called the Alabama. Again, on the 31st of October, 1863, he presented similar claims in respect of the property of our citizens destroyed by the Florida, and calls renewed attention to "the claims growing out of the depredations of the Alabama and other vessels issuing from British ports." He presented January 20, 1864, the claim of the owners of the Sea-Bride, captured by the Alabama. As new losses were sustained by our captured by the Alabama. As new losses were sustained by our citizens from time to time during the war, they were brought to the notice of the British government. Lord Russell, on the 30th of August, 1865, declined "either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state." On the 21st of October of that year, Mr. Adams presented the claim of the owners of a ship captured by the Shenandoah, and again in his letter of the 25th of the following November, he writes to Lord Clarendon, declaring that "his Government adheres to the opinion that the claims it has presented are just and reason. to the opinion that the claims it has presented, are just and reasonable." On the 26th of August, 1866, Mr. Seward transmitted to Mr. Adams "a summary of claims of citizens of the United States against Great Britain, for damages which were suffered by them during the period of our late civil war and some months thereafter."

These claims relate exclusively to the losses sustained by the owners and insurers of vessels destroyed by confederate cruisers. Mr. Seward

observes that-

The table is not supposed to be complete, but it presents such a recapitulation if the claims as the evidence so far received in this Department enables me to

furnish. Deficiencies will be supplied hereafter. The claims upon which we insist are of large amount. They affect the interest of many thousand citizens of the United States. The justice of the claims is sustained by the universal sentiment of the people of the United States.

I am afraid, Mr. President, that I should tax too severely the patience of the Senate by further citations from our diplomatic correspondence prior to the negotiation of the Clarendon-Johnson treaty, which was signed January 14, 1869. I therefore desist; but I hazard nothing in asserting that throughout the entire correspondence the United States vigorously asserted the claims of our citizens against the British government for losses which they, either as owners or underwriters of vessels or cargoes, had individually sustained by reason of the destruction of their property by the Alabama and other confiderate expires. confederate cruisers.

The fate of that treaty and its provisions are too familiar to the Senate to require any special allusion to them. Mr. Fish addressed our representative at London (Mr. Motley) a communication, bearing date May 15, 1869, instructing the latter gentleman to say to Lord Clarendon that the United States in rejecting that treaty "abandoned neither its own claims nor those of its citizens;" and on the 15th of November of that year he again whether

of November of that year he again wrote:

The President is not yet prepared to pronounce on the question of the indemnities which he thinks due by Great Britain to individual citizens of the United States for the destruction of their property by rebel cruisers fitted out in the ports of Great Britain.

President Grant, in his annual message to Congress of that year, specifically states what he conceives to be just grounds for disapproving the rejected treaty; and in his message of December, 1870, there is not only a distinct affirmation of the existence of these claims, but a pointed recommendation in regard to them. He remarks:

a pointed recommendation in regard to them. He remarks:

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain, growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's government was guilty of any negligence, or did or permitted any act during the war, by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. It therefore recommend to Congress to authorize the appointment of a commission to take proof of the amounts, and the ownership of these several claims, on notice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain. It cannot be necessary to add that, whenever Her Majesty's government shall entertain a desire for a full and friendly adjustment of these claims, the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

It thus appears that a change of administration had worked no change in the opinion of the constituted authorities of the nation as to the validity of those claims. President Grant alludes to them as "private claims," and proposes that the United States should settle them, so that it should be vested with the ownership of them as well as the responsible control of all demands.

Before any action was taken by Congress, Sir Edward Thornton addressed the Department of State, in compliance with instructions from the British Government, and proposed the appointment of a joint high commission for the determination of certain questions between the two nations. It bears date January 26, 1871. On the 30th of the same month Mr. Fish informs Sir Edward Thornton that, in the opinion of the President, "the removal of the differences which arose during the rebellion in the United States, and which have existed since then, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the 'Alabama claims,' will be essential to the restoration of cordial and amicable relations between the two governments." Sir Edward replies on the 1st of February, by the instructions of his government, and consented on its behalf that those claims should be so submitted, "provided that all other claims, both of British subjects and citizens of the United States, growing out of acts committed during the recent civil war in this country, are similarly referred to the same commission." To this, on the 3d of that month, Mr. Fish, by direction of the President, assented. The joint high commission was accordingly appointed, and it held its first session in this city on the 21st of the same month.

It will be seen that Mr. Fish uses the term "claims generically known as the Alabama claims." Both governments understood that it embraced those claims of American citizens growing out of the destruction of their property, which had been the subject of long-continued correspondence between the two governments, but the United States contended that it also included a special and distinct claim for

In Mr. Fish's confidential communication to Mr. Justice Nelson and the other American members of the joint high commission, he speaks of the amount of claims, and then subdivides them into two heads:

 Claims belonging to the United States.
 Claims of individuals.
 And under the latter head he states "the amount of injuries committed by the rebel cruisers," giving what he considered to be a proximately complete statement of the claims which had then been pre-

sented to the Department of State.

In view of the conclusive proofs which our diplomatic correspondence affords of our repeated and earnest presentation of these claims of individual sufferers against Great Britain, and of her recognition of their existence, although she denied her liability, it was with un-

affected surprise and regret that I heard the honorable Senator declare affected surprise and regret that I heard the honorable senator declare at this late day that the owners of property destroyed by the inculpated cruisers "never had a claim against anybody," and that the United States alone had a title to redress. This extraordinary position was, however, essential to maintain his conclusion as to the disposition which he insists should be made of the fund in our hands. We did complain that Great Britain had not faithfully discharged her duties as a neutral power during an eventful and melancholy pethereof she incurred liability to such owners for the acts of those cruisers. She disavowed responsibility upon the ground, not that these claims were those of owners or underwriters, but that she had performed all the obligations which the law of nations imposed upon her. riod in our national history, but we also declared that by rea

The joint high commission met, as I have said, in this city. It appears from the protocol that among the subjects which were brought before that body by us were "the differences which arose during the rebellion in the United States, and which have existed since then, growing out of the acts committed by the several vessels, which have given rise to the claims generically known as the Alabama claims."
This is a quotation from Mr. Fish's letter to Sir Edward Thornton,

to which I have already alluded. Among the published proceedings is the following:

is the following:

At the conference held on the 8th of March the American commissioners stated that the people and Government of the United States felt that they had sustained a great wrong, and that great injuries and losses were inflicted upon their commerce and their material interests by the course and conduct of Great Britain during the recent rebellion in the United States; that what had occurred in Great Britain and her colonies during that period had given rise to feelings in the United States which the people of the United States did not desire to cherish toward Great Britain; that the history of the Alabama and other cruisers, which had been fitted out, or armed, or equipped, or which had received augmentation of force in Great Britain or in her colonies, and of the operations of those vessels, showed extensive direct losses in the capture and destruction of a large number of vessels, with their cargoes, and in the heavy national expenditures in the pursuit of the cruisers, and in direct injury in the transfer of a large part of the American commercial marine to the British flag, in the enhanced payments of insurance, in the prolongation of the war, and in the addition of a large sum to the cost of the war and the suppression of the rebellion; and also showed that Great Britain, by reason of failure in the proper observance of her duties as a neutral, had become justly liable for the acts of those cruisers and of their tenders; that the claims for the loss and destruction of private property which had thus far been presented amounted to about fourteen multions of dollars, without interest, which amount was liable to be greatly increased by claims which had not been presented; that the cost to which the Government had been put in the pursuit of cruisers could easily be ascertained by certificates of Government accounting officers; that, in the hope of an amicable settlement, no estimate was made of the indirect losses, without prejudice, however, to the right to indemnification on their account in the

It will be here perceived that our commissioners maintained that Great Britain was liable, not only for our expenditures in pursuing cruisers and for other general damages which the Government as such had sustained, but also for the direct losses sustained by the owners of the vessels and cargoes.

The Senator from Massachusetts [Mr. DAWES] alludes with partic-

ularity to the language of the treaty.

The first article commences with a recital that differences exist between the two governments, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims.

I have already stated what our Government declared to be the import and effect of "Alabama claims." It gave to the term a broader scope than did Great Britain. The latter confined it merely to claims for the actual destruction of property belonging to the Government or to individuals by the cruisers in question, and this disagreement gave rise to the difficulties which attended the submission of our case to the tribunal at Geneva. The treaty then proceeds:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama claims," shall be referred to a tribunal of arbitration, to be composed of five arbitrators, to be appointed in the following manner, that is to say, &c.

The Senator, in commenting upon this phraseology, says that "the grievances, complaints, and claims on the part of the United States were manifold, and that they were all embraced in a single formula, the failure of Great Britain in its duty to the United States as a neutral nation," and he concludes that "had there been no failure there would have been no complaint." Conceding that to be true, it would not sustain the proposition for which, if I understand him, he ultimately contends, that when we received this fund awarded at Geneva we could rightfully do with it what we pleased, or, in the language of his colleague, "use a sound discretion." We insisted that Great Britain was liable for the acts committed by those cruisers. that Great Britain was liable for the acts committed by those cruisers. We might have declared war against her in the event of her continued refusal to make adequate reparation for their depredations, for which she, a nation at peace with us, was, as we alleged, responsible. Wiser counsels prevailed. Hostilities with that great and powerful country, to which we are bound by so many kindred ties and reciprocal interests, were avoided, and in a spirit worthy of the advanced civilization of the age the question of her liability was submitted to the peaceful arbitrament of a disinterested tribunal. What was in fact submitted? "The Alabama claims." I have stated what, as interpreted by our Government, is the import of that term. With-

out repeating that statement, or any of the views which I had the honor to submit to the Senate on a previous occasion, I may be permitted to say, and I do so without fear of successful contradiction, that every class of claims but one was rejected at Geneva, and this fact is specifically set forth in the published record of the proceedings of the tribunal. Nothing was allowed for the losses incurred by the transfer of our commercial marine to the British flag, nothing for "war premiums," nothing for the cost of pursuing the cruisers nor for the expenses incurred by the prolongation of the war. Damages were alone awarded for the destruction of property by certain specified cruisers and their tenders. In making up the gross amount the claim of the underwriter, who had paid as for a total loss, was as fully recognized as that of the unassured owner. Neither of the Senators from Massachusetts, in his able discussion of the pending measure, has questioned this statement, and its perfect accuracy is conclusively shown by the record in the case.

The evidence we submitted is thus stated by Mr. Davis, the agent of the United States, in his report to the Secretary of State:

The cylinded States, in his report to the Secretary of State:

The evidence already collected, together with important new materials from the archives of the several Departments, and the proof of the losses suffered by individual claimants, were arranged and stated in the manner marked out by the American members of the joint high commission, namely:

1. The evidence offered by individual claimants for the loss and destruction of property and for enhanced rates of insurance was analyzed and tabulated, and a full abstract of each case was prepared by the clerks.

2. The national claims for the pursuit of the cruisers were stated and tabulated at the Navy Department, and were inserted by us exactly as received from that Department.

3. No proof was offered of the national losses by the transfer of the commercial marine, or by the prolongation of the war, but they were left to be estimated by the tribunal of arbitration, should Great Britain be found responsible for them.

The award was made of a sum in gross, our agent declaring that "the original wrongs to the sufferers by the acts of the insurgent cruisers have been increased by the delay in making reparation. It will be unjust to impose further delay and the expense of presenting claims to another tribunal." What sufferers? Obviously such alone as had sustained losses by the acts of those vessels for which Great Britain should be declared to be liable. No award could be made against her for any other acts, and the sufferers included alike the unassured owners and the underwriters. Could he have foreseen what has since transpired it would have been his imperative duty to forbear making such a request. It would have been far, far better had a board of assessors been appointed. Each "separate claim" would then have been determined, and the sufferer by the acts of the inculpated cruisers would have been entitled to a decision in writing

on his claim, and the question as to his right would have been relieved from all further controversy.

I have already stated, Mr. President, that the tribunal at Geneva rejected all claims save those for the actual destruction of property by certain designated cruisers and for net freights. It has been inwho suffered by England's fault should alone govern" the distribu-tion of the fund. What fault is meant by the Senator [Mr. DAWES] who uses this language? That tribunal declared wherein Great Britain was in fault and for what acts she was liable, and its decision is final and conclusive. He proposes to distribute the fund not to those for whom we received it, but to bestow it upon the payers of "war premiums" and the sufferers by the acts of the exculpated cruisers, although not a dollar was awarded in behalf of either of those parties, and the court declared that in no event could any indemnity be awarded by reason of the enhancement of the premiums on insurance.

No such claims could have been successfully asserted before the No such claims could have been successfully asserted before the board of assessors. Are not we, as much as that board would have been, bound to distribute the money to the class of sufferers which the tribunal decided was alone entitled to receive it? It has been urged that the Government was the claimant; that it was represented by its agent and counsel, and that the money was awarded and paid to it. If it be meant that it was paid or awarded on account of claims for noticeal leaves exceed that for national losses, except such as were occasioned by the destruction of national property, the assertion has no foundation in fact, and there is no justification for it in anything that transpired at Geneva. Not only is the award indisputably clear on this point, but let me cite the opinion of one of the arbitrators, a detached passage from whose judgment in Rustomjee vs. The Queen, is relied upon by both the Senators from Massachusetts and the Senator from Vermont [Mr. EDMUNDS] to justify the assumption that we have an absolute discretion over the fund in question, and that we are under no obligation to give it to those in whose behalf we claimed and received it. The opening sentence of the opinion of that learned arbitrator at Geneva

The indirect claims at first insisted on by the Government of the United States being now out of the question, we have to deal with the claims for damages "growing out of the acts" of certain specified vessels, as to which it is alleged that, by reason of some default on the part of the government of Her Majesty the Queen of England, these vessels were enabled to take and destroy ships and cargoes belonging to citizens of the United States.

Again, (see papers relating to the treaty of Washington, volume 4, page 537,) he says:

I concur entirely with the rest of the tribunal, in holding that the claim for cost of pursuit and capture must be rejected. This item of expense formed part of the general expense of the war. The cruisers employed on this service would, proba-

bly, have been kept in commission had the three vessels in question never left the British shores.

We have therefore only to deal with the claim for losses sustained by individual

citizens.

Now, there can be no doubt that the only damages which the tribunal is authorized to award under the treaty for the indemnification of American citizens must be confined to loss actually sustained by destruction of ships, cargoes, or personal effects. Where damage to property arises, not directly from willful injury, but indirectly only, from want of due care, an indemnity against actual loss is all that, by the law of England or America, or by any principles of general jurisprudence, can possibly be awarded.

If, therefore, this tribunal, instead of sending the amount to be paid by Great Britain to be ascertained by assessors, should think fit to award a sum in gross, as it is empowered to do by the treaty, it must still, in fixing the latter, proceed on the best estimate it may be enabled to arrive at, on the data before it, of the losses actually sustained by American citizens through the three ships for which Great Britain is to be held liable.

This language of Chief-Justice Cockburn needs no comment, and is too clear for misconstruction. It leaves no loop upon which to hang a doubt as to the class of claims in satisfaction of which the award

The Senator from Massachusetts [Mr. Hoan] quotes the twelfth article of the treaty, and maintains that there is a striking difference between it and the first article in regard to the character of the claims submitted. The twelfth article is as follows:

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, not being claims growing out of the acts of the vessels referred to in article 1 of this treaty * * * shall be referred, &c.

The Senator says:

The arbitrators who metat Geneva on neutral territory, were "to decide all questions that shall be laid before them on the part of the United States and Her Britannic Majesty, respectively." They deposited the archives of the tribunal among the archives of the council of state of the canton of Geneva. The commissioners, under article 12, on the other hand, were to meet at Washington, were to hear counsel as to every separate claim, and to make a separate award in writing as to each claim—

and that the distinction—one class of claims being national and the other individual—" is carefully marked throughout the treaty." I entirely dissent, Mr. President, from this view. The twelfth article is a distinct and unequivocal recognition that corporations, companies, and private individuals, citizens of the United States, had claims growing out of the acts of the vessels referred to in the first article and it makes special provisions for the adjustment of other claims not so growing out of them. Construing both articles together, they clearly establish that the claims submitted at Geneva were not merely those of the nation, but that they included those of corporations, companies, and private individuals. Again, the mere fact that the claims mentioned in the twelfth article were to be adjudicated by a mixed commission has no significance in the solution of this question, becommission has no significance in the solution of this question, because the tribunal at Geneva, after determining for the acts of what vessels Great Britain was liable, could, as I have already stated, have submitted the adjudication of the claims mentioned in the first article to a board whose duties and jurisdiction as declared by the treaty would in that event have precisely similar to those of the mixed commission. Although a separate award on each claim was to be made in smiting it would be been the dutie of the second contract of the seco in writing, it would have been the duty of the assessors, as it was of the mixed commission, to make a general award for a certain sum equal to the aggregate awards upon the several claims, and that Great Britain pay to the United States that sum in full satisfaction of them. This was the course adopted by the mixed commission. (Id. volume 6, page 230.) Will the Senator affirm that if separate awards had been given, and the amount of them paid to the United States, the latter would not have committed a palpable wrong by withholding from any claimant a dollar allowed to him? Unquestionably not. Yet the duty of the Government in that event would not be more

sacred and binding than it is in the case before us.

The fact that the United States was represented by an agent and counsel at Geneva has no weight in determining the character of the claims there submitted. We were represented in the same manner before the mixed commission which sat in this city, although confessedly none but individual claims were to be there determined. So far as I am aware, this is the universal practice in international arbitrary and the property of the trations. No claim can be presented except by the agency of the government, whereof the interested party is a subject or citizen. Take as an instance the recent convention between the United States and Spain, (17 Statutes at Large, page 389.) It created an arbitra-tion for the settlement of claims of our citizens for wrongs and injuries committed against their persons and property by the Spanish authorities in Cuba. It provides that each government shall name an advocate, and limits the jurisdiction of the arbitration to such claims as shall be presented by the United States. An award is to be made in each case, but the aggregate amount of them is to be paid by Spain to the United States, with a percentage to be added thereto to cover the cost of the arbitration. When we receive this money, there is no means by which we can be compelled to pay it to the claimants in whose favor it was allowed; but will any Senator contend that we are less bound on that account to a faithful distribution of it?

It is said that if the grounds I assume are tenable then, by a parity of reasoning, if a treaty between two nations which have been at war provides for the payment of an indemnity to the successful belligerent, any of his subjects or citizens who suffered special loss would have a right to a share in that indemnity which he could not justifiably withhold from them. There is not the most remote

analogy between the two cases. That before us was for the arbitration of disputed claims, embracing those which the nation put forward in its own right, and those which President Grant denominated private claims," and his Secretary of State "claims of individuals."

If certain claims of a particular description were alone declared to be just and valid, and an award sufficient to cover them made, which we have received, I am unable to discover why we are not as fully and completely bound to pay it over to the parties in interest as if they had been specifically named in the award and the separate claim of each adjudicated.

Differences arose between this country and Great Britain as to the construction of the first article of the treaty of Ghent, and they were by a convention concluded between the two countries on the 24th of October, 1818, submitted to the arbitrament of the Emperor of Russia. That sovereign decided "that the United States of America are entitled to claim from Great Britain a just indemnification for all private property which the British forces may have carried away, and, as the question relates to slaves, more especially for all the slaves that the British forces may have carried away from places and territories, of which the treaty stipulates the restitution in quitting the same places and territories," &c.

The slaves in question had been invited by the British admiral commanding the naval forces in the Chesapeake Bay during the war

of 1812 to join those forces, and had been promised emancipation in the event of their so doing. They were never returned to their mas-

It will be perceived that the terms of the Emperor's award are that the United States are entitled to claim a just indemnification, &c. A convention to carry this decision into effect failed to secure any practical results, by reason of the disagreeing opinions of the members of the board organized to execute its provisions. A subsequent con-vention was entered into, by which Great Britain stipulated to pay a specific sum (\$1,249,600) to the United States for the use of the own-

a specific sum (\$1,249,600) to the United States for the use of the owners of the property.

It did not occur to the statesmen of that day that the claim of the United States could inure to the benefit of any other parties. It would have been evidently improper to divert the fund to others, who had more grievously suffered by the invasion of the British military or naval forces, or whose property greater in value than that of the escaped slaves had been destroyed. The failure to return the slaves was a neglect of duty, a breach of a treaty stipulation, and, according to the arguments of the other side, the owners had no claim and the United States would have been justified in giving the money to whomeover it pleased.

money to whomsoever it pleased.

I listened with pleasure to my honorable friend from Indiana, [Mr. McDonald.] He is a lawyer, and "a ripe and good one." I do not derogate from his high reputation as such when I say that his argument yesterday was entirely misplaced. It would have been appropriate at Geneva, had it been addressed to the international tribunal, in maintaining our right to recover for the transfer of our commercial marine to the British flag, or for the expenses incurred by the prolongation of the war, or for the increased premium on insurance occasioned by the exceptional perils to which American property on the high seas was subjected.

Those questions were foreclosed by the decision of the tribunal that such claims did "not constitute a good foundation for an award," and our representative declared that they should be "excluded from all consideration in the award" that might be made. That decision, all consideration in the award" that might be made. That decision, whether right or wrong, was made by the tribunal to which the determination of the "Alabama claims" was submitted; yet my honorable friend as earnestly contends that those who paid war premiums should be indemnified from this fund as if their claims, so far from having been excluded, were recognized as just and valid, and as if the sums they had so expended had actually entered into the computation of

the amount awarded.

My friend insists that damages were awarded only to the nation as such, because the gravamen of our complaint against Great Britain was her omission to perform a public duty enjoined by the law of nations upon a neutral power. He then contends in the same breath that the damages awarded were not merely by way of indemnity, but were such as might be assessed against her as a tort-feasor, and that they were "not intended to embrace the exact value of the property destroyed." It will be impossible for him with all his research to find a solitary case in which any respectable court has held that damages could be justly assessed against a defendant beyond satisfaction for the injuries actually sustained, when they resulted simply from his failure to perform a duty. Exemplary damages having in his view been awarded, his argument is that we may distribute the fund as we please. But, Mr. President, our only claim for damages, recognized by the tribunal to be just and valid, was for direct losses sustained by the acts of those cruisers for which Great Britain was liable. The Senator from Massachusetts [Mr. HOAR] says that this is "not an accurate statement," and that our claim was for the "omission on the part of the British government to take certain precautions." The acts committed by the several vessels gave rise to the claims generically known as the "Alabama claims." These were the claims that were submitted for adjudication. I have already shown what, in the opinion of both governments, they embraced. We declared that Great Britain was bound to make reparation for the losses which our citizens suffered by reason of the acts of the vessels for which she was zens suffered by reason of the acts of the vessels for which she was

liable. The arbitrators specified the vessels, and awarded a sum sufficient to cover those losses. They could not have allowed one penny for property destroyed by any other cruisers. The fund awarded having been paid to us, we are, in my opinion, bound to disburse it in good faith, as the board of assessors, passing on each separate claim of the owner or the underwriter, would have been, had a sum in gross not been allowed. The fund in our hands is affected with this trust, the

execution of which a court of equity would enforce if the United States were, in such a case, subject to suit.

Reference has been made by the Senator from Indiana and by both the Senators from Massachusetts to the decisions of the court of Alabama claims organized under the act of Congress of June 3, 1874. These decisions are not entitled to the least weight in deciding the questions before us. The jurisdiction and duties of that learned tribunal were defined by the statute creating it, and it was bound to take cognizance of such claims as Congress declared should upon due proof be allowed and paid.

I venture to submit, Mr. President, that I have clearly shown that the owners and insurers of property destroyed by the inculpated confederate cruisers had claims against Great Britain which we insisted entitled them to indemnity, and we presented all such claims to the arbitration at Geneva. If so, it follows from the express admission of my honorable friend from Massachusetts [Mr. HOAR] that by the of my honorable friend from Massachusetts [Mr. Hoar] that by the principle of maritime law, where the destroyed property was insured and the owner was paid as for a total loss by the underwriters, the latter are subrogated to all his rights. If in this Chamber there be a lingering doubt on the question, I refer to the views expressed by the Senator from Arkansas [Mr. Garland] and the Senator from New York, [Mr. Kernan.] They have so fully established this doctrine upon principle and authority, and so clearly shown that it applies to the case before us, as to leave nothing to be added on the subject.

Mr. President, the organization of international tribunals for the adjustment of public and individual claims has been justly considered as denoting an auspicious advance in popular sentiment throughout the world. The arbitrament of reason is better than that of the sword. the world. The arbitrament of reason is better than that of the sword. If the decisions of those tribunals, however, are not carried into full effect with entire good faith, they will soon become a subject of scorn and reproach. Edmund Burke said "Justice itself is the great standing policy of civil society, and any eminent departure from it lies under the suspicion of being no policy at all." That great statesman and sagacious philosopher never uttered a maxim more worthy of all acceptation. It should guide us in the discharge of the duty before us. Let us not be misled by any mistaken sympathy, but decide these conflicting claims by those principles of law and justice which should always govern in the determination of private rights.

connicting claims by those principles of law and justice which should always govern in the determination of private rights.

Mr. HOAR. Mr. President, I do not learn on inquiry of the honorable chairman of the committee that any member of the committee who have reported this bill proposes to take the floor at this moment; and unless that be the case I desire to occupy a few minutes in replying to the honorable Senator from Illinois, [Mr. DAVIS.]

It seems to me there power has been any more convolute instance of

It seems to me there never has been any more complete instance of that habit of mind which is illustrated by the old and familiar story of the two knights who looked at the different sides of the shield, than the arguments which have been made in behalf of the bill reported by the majority of the Judiciary Committee. The gentlemen who have addressed the Senate on that side, including the distinwho have addressed the Senate on that side, including the distinguished jurist and lawyer who has just taken his seat, seem to think their case is established when they reiterate and reiterate, and adduce proof from the history of the Alabama negotiation that evidence was presented to the tribunal which sat at Geneva of the amount and extent of individual damages suffered by the destruction of vessels belonging to American citizens, and when it appears that certain other proof of other injuries suffered was rejected by that tribunal.

That fact no person disputes. It has never been denied. The question for the consideration of the Senate, and the question which the honorable Senator from Illinois does not even condescend to touch, is this: whether a nation may not be the sufferer; whether a nation may not have a right of action; whether a nation may not be entitled to enforce a claim for damages which grows out of injuries sustained by particular citizens; whether if a French army should march across Canada, or be enlisted in Canada by the negligence or the acquiescence of the government of Great Britain, and should ravage one of the northern counties in New York, although the extent of the injury to the farmers and manufacturers who suffered might be the precise measure of the damage to the nation, yet that would afford no cause of action whatever to the citizen, Great Britain having been negligent merely in such a case, but would afford a cause of action, so measured and ascertained, to the nation.

That is the question; and the Senator from Illinois it seems to me That is the question; and the Senator from Illinois it seems to me has not helped the Senate, either in this or the other laborious argument which he addressed to us, to deal with or decide that question. I affirm, on the contrary, in opposition to the proposition of the Senator from Illinois, that this treaty was made not only to permit but to secure the proceedings by the tribunal on the theory which I have indicated. The British commissioners originally rejected a proposition that the tribunal at Geneva might award gross damages, and thereafter, it being urged upon them informally but efficiently that the feeling of injury on the part of citizens of the United States would not be removed unless a treaty was so made that our Government

should be able to give the damages awarded, if they were awarded, to the person whom they might deem the actual sufferer, without regard to the opinion of the arbitrators at Geneva, the British commissioners said they would reconsider their refusal, and thereupon consented.

The Senator from Illinois says that the first time it was ever heard that no claim existed on behalf of an individual against Great Britain for her failure to perform a mere public duty of government was when I announced the proposition the other day in the remarks that I had the honor to address to the Senate. How can the Senator from Illinois say that; and how can he say that any decision of this matter by the Congress of the United States will affect the credit of the principle of international arbitration in the future, in the face of Mr. Gladstone's express declaration? Mr. Gladstone was the prime min-ister of England when this treaty was negotiated. It was an act of his administration, and an act by which his administration must stand or fall. Mr. Gladstone declared on the return of the British commissioners that the claims which would be presented at Geneva were not the claims of individual citizens of the United States, and that Great Britain had not provided for the arbitration of any individual claim; but whether the injuries were inflicted on individuals or not they were national claims alone.

How can the Senator from Illinois affirm that this doctrine is heard of for the first time in this debate, in the face of the declaration of Mr. Adams, the American arbitrator at Geneva? Mr. Adams begins his opinion as one of the arbitrators at Geneva by stating that the foundation of this claim is the failure in due diligence, as expressed noting the face of the instructions of Mr. Fight to the sources of

has made in the face of the instructions of Mr. Fish to the counsel of the United States at Geneva? If it be true that when the United States presented and made proof of the claim of a ship-master for the loss of his ship and that was allowed, that was a final and conclusive judgment of the arbitrators that that ship-master was entitled to the judgment of the arbitrators that that ship-master was entitled to the money recovered, every act of the distinguished counsel who represented the United States at Geneva was a violation of their instructions. According to the theory of the Senator from Illinois, such a presentment and allowance conclusively bound the United States to pay the money to the person who was proved to have suffered the injury, and Mr. Fish instructed the counsel and the counsel reported that they had obeyed the instructions, that nothing should be done by them at Geneva which should in the least create an obligation on the part of the United States to pay the money over to any person the part of the United States to pay the money over to any person whatever, but that they should be left free to deal with the distribution according to their sense of all the equities of the case.

That doctrine was repeated and reiterated by the counsel of the United States. I will not advert again to their course in abandoning

the claim of one and saying not only that it abandoned it, but that when they presented it they did not want the tribunal to allow it.

But, Mr. President, how can the Senator from Illinois claim that this is a new proposition in the face of the statute of 1874? He says

that these moneys awarded were awarded as a judgment by the tri-bunal at Geneva; that the ship-owner whose claim was proved had a claim against the government of Great Britain, which they allowed, and which had been presented by his government at Geneva, whereupon Congress proceeds to enact a statute, with the full approbation of most of the members of the Judiciary Committee that have reported this bill, by which, without regard to the evidence at Geneva, without regard to what that tribunal allowed or did not allow, the court to sit in Washington created by the act of 1874 are to inquire as an original question who have lost ships, what was the extent of their loss, and how much they ought to be entitled to in equity to make them whole.

That is as violent a departure from the doctrine of this bill of the Committee on the Judiciary as the amendment proposed by the Senator from Indiana or the amendment proposed by myself, because it implies the right to ascertain anew not what was allowed at Geneva but what the United States think was the real loss to an actual sufferer,

and to pay that without regard to the opinion of the Geneva tribunal.

In other words, Mr. President, suppose this money is not enough to go round. Under the act of 1874, to which every member of this Judiciary Committee then a member of the Senate I think consented, the money is to be paid by the court to persons whose claims were not even presented at Geneva, persons whose claims on the then evidence in the possession of our Government were not even thought worthy of presenting or of considering. So that the bill itself reported by the Judiciary Committee proceeds not on the ground that certain claims have been allowed at Geneva, but on the ground that certain claims are now to be authenticated and established.

Mr. President, the tribunal at Geneva have never decided that any claimant whatever is entitled to this money except the United States. On the contrary, the counsel said to them, "We claim that the United States is entitled to receive this money as its absolute owner, and by reason of an injury, of a failure to perform an obligation to them, of which the sufferings of their household are the measure," and that is the award of the tribunal. But I do not care to detain the Senate with a new discussion of this

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the amendment proposed by the Senator from Ohio [Mr. Thurman] to the amendment of the Senator from Massachusetts, [Mr. HOAR.

Mr. HOAR. I desire to move an amendment to the bill to perfect

it before the question is taken on the substitute.

The PRESIDING OFFICER. It is in order to move an amendment to the text of the bill.

Mr. EDMUNDS. Let us hear the amendment to the amendment

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Ohio to the amendment of the

Senator from Massachusetts. The CHIEF CLERK. In section 4, line 8, after the word "class," in the amendment of Mr. Hoar, it is proposed to strike out:

And shall also consider and allow, as a second class, claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser; in determining which it shall be the duty of the court to deduct any sum in any way received by or paid to the claimant in diminution of the amount paid for any such premium, so that the actual loss only shall be allowed.

Mr. HOAR. I move to amend the bill with a view of perfecting it before the question is taken on the substitute by striking out in the fourth section, after the word "class," in the middle of the seventeenth line, the remainder of the section.

The PRESIDING OFFICER. The Senator from Massachusetts moves to amend the text of the bill by striking out as stated. The Secretary will report the words proposed to be stricken out.

Mr. EDMUNDS. What has become of the amendment already offered to the text?

offered to the text?

The PRESIDING OFFICER. That was an amendment to the substitute. Now the Senator from Massachusetts moves to amend the text of the original bill.

Mr. EDMUNDS. I thought the previous amendment of the Senator from Massachusetts was an amendment to the text.

The PRESIDING OFFICER. The previous amendment was an amendment of the Senator from Ohio to the amendment of the Senator from Massachusetts, the latter being a motion to strike out and insert a substitute. Both the substitute and the original bill can be amended in the second degree. Each is an original proposition for purposes of amendment.

The CHIEF CLERK. The amendment now proposed by the Senator from Massachusetts [Mr. Hoar] is, in section 4 of the bill, to strike out all after the word "class," in line 17, down to line 27, as follows:

And such court shall also consider and allow all claims properly proved, and not included in the first class directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked and taken on the high seas, or pursued by them therefrom, although the loss or damage occurred within three miles of the shore, and whether such claims be made by the original property-owner or by an underwriter who paid for such loss or damage, which claims shall be considered as claims of the second class.

Mr. HOAR. I understand that the Chair has ruled according to what I believe to be the rule of the Senate, that the question upon this amendment takes precedence of the question upon the substithis amendment takes precedence of the question upon the substi-tute and of any amendment perfecting the substitute. The purpose of this amendment, I wish to have understood by the Senate, is to bring up directly the question of the obligation to pay the insurers. It strikes out from the original bill proposed by the Judiciary Com-mittee the provision for insurers; and if any further amendment of the bill is necessary in case this shall be agreed to, it can be offered

hereafter.

Mr. CONKLING. Having lost the run of this matter, I beg to inquire, where does the amendment of the Senator from Ohio striking

out war premiums come in ?

The PRESIDING OFFICER. That is an amendment to the sub-

stitute proposed by the Senator from Massachusetts.

Mr. CONKLING. For my own edification, I beg the Chair to state what the condition of the question is, beginning with the original

what the condition of the question is, beginning with the original bill—what are the amendments pending?

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts [Mr. Hoar] offered an amendment as a substitute for the whole bill, pending which the Senator from Ohio [Mr. Thurman] moved an amendment to strike out certain words from the substitute. The Senator from Massachusetts subsequently moves to amend the text of the original bill, which has priority. That is the immediately pending amendment.

Mr. CONKLING. Next to that, as we stand, will be the vote on the amendment of the Senator from Ohio to strike out certain words in the substitute?

in the substitute?

The PRESIDING OFFICER. After the last amendment of the Senator from Massachusetts. That has precedence because it is an

amendment of the text of the bill.

amendment of the text of the bill.

Mr. EDMUNDS. Mr. President, I wish to suggest to the Senator from Massachusetts that I think with great respect to him he would reach the object he has in view, to try the question on the insurance companies first, much better by moving to strike out in section 4 from the first line inclusive to the eleventh line inclusive, which is a direct repeal of the provision of the old act, that is revived, which excludes the insurance companies beyond the extent of their losses.

The clause that he moves to strike out now might embrace—and I

think it does—the losses by what are called the exculpated cruisers, and I for one, as at present advised, should not be willing to strike that out until we have further consideration.

Mr. HOAR. The Senator is right.

Mr. EDMUNDS. I was going to move to strike out of section 4 all the lines, beginning with the first, down to line 11, and I suggest to the Senator from Massachusetts, if he wants to try it on the insurance question first, to modify his motion, so as to apply it to the first part of that section.

Mr. HOAR. The necessity for the motion came up very hurriedly, and I made the motion hurriedly. The Senator from Vermont is right. I will modify my motion accordingly, or withdraw my motion

and let him make it.

Mr. EDMUNDS. Oh, no.

The PRESIDING OFFICER. The Senator from Massachusetts adopts the suggestion of the Senator from Vermont, and moves to strike out of section 4 of the original bill, beginning with line 1, the words which will be read.

The Chief Clerk read the words proposed to be stricken out, as

That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured, as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

repealed.

The PRESIDING OFFICER. The question is on striking out from the fourth section of the original bill the words just read.

Mr. HOAR. I shall hereafter, if that is adopted, move to strike out the twenty-fourth and twenty-fifth lines, to correspond.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts just read.

Mr. BLAINE. I regret that the honorable Senator from Illinois, [Mr. DAVIS,] who addressed the Senate at length this morning, is not in his seat, for I desire to ask him a question in order to inform myself of the exact scope of the doctrine he has presented. The question is a very simple one. I presume the honorable Senator from question is a very simple one. I presume the honorable Senator from Ohio will be willing to answer it, because he and the Senator from Onto will be willing to answer it, because he and the Senator from Illinois hold the same views. The question is this: According to the doctrine held by those Senators, what is the duty of the United States in case the \$15,500,000 paid should prove to be a larger sum than the aggregate of the individual private losses for which it was awarded? That is a pretty interesting question; and it is not to be answered as a great many such questions are, by saying that we shall cross Big Muddy when we reach it.

How are we to deal with the balance of this fund if we have any? That lies at the root of the whole matter because according to the

How are we to deal with the balance of this fund if we have any in that lies at the root of the whole matter, because according to the theory maintained by the honorable Senator from Illinois this great international arbitration that we had, this great conference between what we are disposed to think the two leading nations of the world, this great example of a new mode of adjusting international disputes on which we have felicitated ourselves on subsequent Fourth of Julys, the whole of it, as I understand now, was nothing in the world except

the United States consenting to become the attorney for some insurance companies. That is all there was of it!

If the argument of the honorable Senator from Illinois and of the honorable Senator from Ohio amounts to anything, or if I comprehend it, it is that the United States consented to throw its whole power into the scale to get up a great diplomatic negotiation in which the prestige of this Government should be put in and we should appear before an international tribunal, all in order to get the particular losses that might have occurred on one hundred and thirty-five vessels that were burned and sunk, and to have the amount of the premiums of insurance that were paid thereon restored to the companies! That is all we had ever there; and now, if that be so—
Mr. THURMAN. Why does the Senator say that in view of the

Mr. THURMAN. Why does the Senator say that in view of the fact that the amount already paid, and not paid to insurance companies, but to individuals, is far greater than the insurance companies would get if this bill were to pass?

Mr. BLAINE. Well, I ask the honorable Senator, suppose we pay the insurance companies; according to him we have already paid those who suffered direct losses, those who had the vessels and carross destroyed and new the insurance companies; are the honorable. goes destroyed, and now the insurance companies are to be paid; if taking these two classes in, there are four or five million dollars left, what I asked was, what shall be done with that balance?

Mr. THURMAN. The bill answers, so far as the majority of the

Judiciary Committee are concerned.

Judiciary Committee are concerned.

Mr. BLAINE. I have never heard this question answered yet in the argument. The honorable Senator and myself had a little colloquy the other day on the subject, and it was not answered. My only reason for rising this afternoon is to correct him upon a point of very great importance in this discussion, the honorable Senator maintaining as he did that on the subject of war premiums the mercantile marine of the United States could show no loss; that they had "charged it in," as his phrase went. I rise this afternoon to correct him, a Senator in the American Congress, by reading the words of an eminent member of the British Parliament, not now living, an eminent mem-

ber of the House of Commons of Great Britain, known and respected wherever the English language is spoken. If the honorable Senator from Ohio will give me his attention, I think he will admit that there is ground for claiming a loss which ought to be a matter of international consideration. Here is what Richard Cobden said on the floor of the House of Commons on the 13th day of May, 1864; and I am sure that I could not make half so good a speech nor a hundredth part as applicable to this question as by simply reading the language of Mr. Cobden. Addressing the House of Commons, he said:

You have been carrying on hostilities from these shores against the people of the United States, and have been inflicting an amount of damage on that country greater than would be produced by many ordinary wars.

Mr. Cobden seems to have had something different in his mind from repaying a few insurance companies. He says:

repaying a few insurance companies. He says:

It is estimated that the loss sustained by the capture and burning of American vessels has been about \$15,000,000, or nearly £3,000,000 sterling. But that is a small part of the injury which has been inflicted on the American marine. We have rendered the rest of her wast mercantile property for the present valueless. Under the system of free trade, by which the commerce of the world is now so largely carried on, if you raise the rate of insurance on the flag of any maritime power you throw the trade into the hands of its competitors, because it is no longer profitable for merchants or manufacturers to employ ships to carry freights when those vessels become liable to war risks. I have here one or two facts which I should like to lay before the honorable and learned gentleman, in order to show the way in which this has been operating. When he has heard them, he will see what a cruel satire it is to say that our laws have been found sufficient to enforce our neutrality. I hold in my hand an account of the foreign trade of New York for the quarter ending June 30, 1860, and also for the quarter ending June 30, 1860, and also for the quarter ending June 30, 1863, which is the last date up to which a comparison is made. I find that the total amount of the foreign trade of New York for the first-mentioned period was \$92,000,000, of which \$62,000,000 were carried in American bottoms and \$65,000,000, of which \$62,000,000 were carried as the war continued, for it appears that for the quarter ending June 30, 1863, the total amount of the foreign trade of New York were carried in American bottoms, in 1863 three-fourths were carried en in foreign bottoms. You see, therefore, what a complete revolution must have taken place in the value of American bipping; and what has been the consequence?

Then he goes on to detail the immeasurable loss that had been inficted upon the American mercantile marine by the raising of the price of insurance upon every vessel that sailed and upon every cargo which it took out; and the whole of that loss came directly upon the American ship-master and ship-owner.

I do not think it is worth while for me to enter at all into an argu-

ment touching the doctrine of subrogation, which has been discussed so elaborately between the Senator from Massachusetts and the Senator from Illinois; but it struck me as I was listening to them, throwing out of sight the instructions of Mr. Fish, throwing out of sight the argument of the counsel at Geneva, in which they were specially the argument of the counsel at Geneva, in which they were specially instructed not to admit any solitary point in regard to what this Government might do when it got control of the fund, that Mr. Fish might just as well have said in that paper that if the United States does not guard itself against this point there will rise up a class of technicalists in the profession of the law who will insist that this fund is to be distributed just exactly as if this were a suit at law between two individuals, (and that is precisely what the honorable Senator from Illinois is contending to-day,) and they will insist upon the doctrine of subrogation being applied to an extent which, I think, never has yet been attempted in the world's history.

It occurred to me, as I heard the honorable Senator from Illinois

It occurred to me, as I heard the honorable Senator from Illinois arguing, that it would not be much more absurd in the case of a man owning a ship and insuring her, and the ship being lost, and the insurance company being subrogated, as of course it would be, to the hulk and whatever could be made of it, if afterward a rich uncle should write to the man who owned the ship saying to him, "You met a severe loss in that vessel, and in consideration of it I make you a present of \$50,000," for the insurance company to step in and say, "on the doctrine of subrogation that \$50,000 shall be subrogated to this company, because it is given in consideration of this loss." There is absolutely as much logical connection between the loss and the money in the one case as in the other.

Mr. President, I am not feeling in a good condition to speak this afternoon, and I do not wish to delay the vote for any more prolonged argument that I might desire to make upon this question. If the Senate is ready to vote upon the amendment, I shall not longer detain it. The constituency which I represent, and which is largely interested in this bill, as the whole commercial community of the United States are, is much more anxious for action on the part of the Congress of the United States than for talk. I am very sure that I shall not delay that which has been delayed already much too long,

by any needless argument at this stage of the proceeding.

I am somewhat curtailed in the line of remark which I had laid out for myself when I rose by the fact that the honorable Senator from Illinois is not in the Chamber. There was one remark that he from Illinois is not in the Chamber. There was one remark that he made which struck me, I must even say in his absence, as very strange, that he should quote the opinion of Chief-Justice Cockburn as having weight upon this question when it was a dissenting opinion, one that was made in anger, one that was so offensive in its tone that had it been known that it was to be presented, as I am credibly informed, it would not have been admitted into the records of the proceeding at Geneva. That the angry words of a disappointed arbitrator in a case which had been lost to the power that he represented should be quoted as the law governing the case in the American Congress is a

very extraordinary thing for an eminent lawyer and an ex-judge of the Supreme Court of the United States to do; and that is what I desired to say in the presence of the honorable Senator himself. If I am mistaken as to the fact that he quoted the dissenting opinion of Chieftaken as to the fact that he quoted the dissenting opinion of Chief-Justice Cockburn, then of course all I have said on that point is inapplicable; but I repeat that if I am correct in the assumption that what the honorable Senator was quoting as the law of the case for us to observe was itself the language of an angry and, if Caleb Cushing is to be believed, a most discreditable and most dishonorable opinion of Chief-Justice Cockburn, it is a very extraordinary quotation to make in the Senate of the United States in this connection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. Hoar] to the fourth section of the bill.

fourth section of the bill.

Mr. THURMAN. Mr. President, I am quite sure that no Senator expects a vote to be taken on the amendment until this subject has been discussed, as those who support the bill think it ought to be discussed, and as the Senate may be willing to hear them. The motion of the Senator from Massachusetts is to strike out the main feature of the bill. If that motion should prevail, the bill, so far as it is the production of the Judiciary Committee of this body, is dead. Of course the committee will desire to be heard upon that amendment before the question is put. I therefore hope there will be nothing like an attempt to ask a vote on the amendment until the close of the debate.

Mr. HOAR. Will the Senator be kind enough to repeat what he said? I lost the last remark he said, as to what he hoped.

Mr. THURMAN. I say the motion of the Senator from Massachusetts is to strike out the main feature of the bill as it is reported by the Judiciary Committee, and if that motion should prevail the bill so far as that committee is concerned is dead. Of course those who are in the majority can continue it and shape it in such form as they see fit; but so far as the committee is concerned its production will have ceased to live. Therefore, I do not suppose that the Senator from Massachusetts or any other Senator will ask for a vote on that amendment until the discussion is substantially at an end. When amendment until the discussion is substantially at an end. When the debate is closed, let the vote be taken on it, and let the fate of the bill be decided. If the amendment should carry, then I shall surrender the bill into the hands of those who may prove to be a majority in the Senate to do with it as they see fit. If, on the contrary, it should be defeated, then as the organ of the Judiciary Committee I shall press the bill to a passage if it is the will of the Senate to

I do not rise to discuss this question now. I have not wished to speak much on this bill, and for the reason that twice I have elaborately discussed this question, when the first report was made by the Judiciary Committee, and again the succeeding year when the act of 1874 was passed. It is a subject that has no novelty to me, and, therefore, very little charm to me. I do not feel like undergoing all the fatigue of an elaborate discussion of a subject that I have already o much discussed. Although there are a number of Senators now in the body who were not here when the act of 1874 was passed, which was the occasion of the last discussion, yet, after the speeches delivered by the Senator from Illinois, [Mr. Davis,] the Senator from Arkansas, [Mr. Garland,] the Senator from New York, [Mr. Kernan,] and others that will be delivered, I do not feel that it is incumbent on me to take up much of the time of the Senate. However, according to the courtesy of debate, I am entitled, I believe, to conclude the debate, I do not say to cut anybody off after I shall have spoken, but to conclude the debate as we generally understand it, on the bill, and I should like very much to know when I shall be called upon to perform that duty. I do not wish to occupy more than an hour of the time of the Senate; I probably shall not occupy that much time

Mr. EDMUNDS. I wish to say to the Senator from Ohio that while for one I shall most gladly listen to him in a final reply, yet, as in all other similar instances, if he should present any new point of consideration that Senators differing from him have not had an opportunity to present their views of, I think that Senators opposed to his views ought to feel quite at liberty to make such reply to that as they should deem suitable

I have already said so.

Mr. THURMAN. Mr. EDMUNDS. Mr. THURMAN. I did not hear the Senator in all he said. We have no previous question in the Senate; it Mr. THURMAN. We have no previous question in the Senate; it all rests on the courtesy that prevails among Senators. If in the conclusion I say anything that any Senator feels that he ought to reply to, of course he will be at liberty to do so. I only say that exercising that privilege which the courtesy of the Senate has uniformly, and in all parliamentary bodies is uniformly accorded to him who has a bill in charge, I expect in a very brief speech—certainly not over an hour in length, possibly not half that—to sum up what I have to say in reply to what has been said so far as I think it necessary and in support of this committee bill; and I am anxious to know when I shall have to hold myself in readiness for the performance of that duty. I would be extremely glad to know what Senators expect to speak on the bill. I shall not take the time now, as I am told by my friend from Delaware [Mr. Bayard] that he is ready to proceed with some observations upon the bill; and therefore I give way to him.

Mr. BAYARD. Mr. President, I should not have voted in favor of

the report of this bill excepting for the very feature it contains which is now proposed by this amendment to be stricken from it. I was in the Senate when this treaty was negotiated. I was here when the act of 1874 was reported from the Committee on the Judiciary, and I voted against it because it failed to distribute to some of the parties who were plainly in my judgment entitled to a share of this money the sums which in their name Government had demanded for them. In my construction of the treaty of Washington there was no such thing as a claim by the American Government or the American peo-ple of a national character.

We all know very well the history of the events that preceded and caused this treaty. In the very first article, in the second recital, is to be found the only solatium or compensation which the British government was willing to accord the Government of the United States. It took the form not of pecuniary recompense or any suggestion of that kind, but it took the form of simple apology, and the language in which that apology was tendered and accepted is as follows:

And whereas Her Britannic Majesty has authorized her high commissioners and plenipotentiaries to express in a friendly spirit the regret felt by Her Majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those ves-

Mr. President, I always believed, from my construction of the treaty and all that I knew of the historical events that preceded, accompanied, and followed it, that the United States accepted this expression from the government of Great Britain in accord and satisfaction and full discharge of their national demands against that government. Such was the interpretation that the British government put upon it. Such was the interpretation that the English people unaniupon it. Such was the interpretation that the English people unanimously put upon it. I as an American did not attempt to conceal my surprise when claims called "indirect," of a national character, were set forth in the case of the American Government at Geneva. A report was made by the very able and accomplished agent for the United States, now filling a responsible office under our Government, Mr. Bancroft Davis, dated at Paris on the 21st of September, 1872, giving an account of what he terms the "successful termination" of the transactions committed to his charge on behalf of his government. In this report he gives a condensed history of the proceedings of this arbitration. He states that "the American case" had been, after its preparation by him submitted to the criticism of a number after its preparation by him, submitted to the criticism of a number of distinguished American citizens, jurists and publicists, and had met their approval; but on page 4 he distinctly states that the chapter claiming losses as national losses or "indirect claims" as they were generically termed, was "not sent out for criticism as the others

In that respect, I think, therefore, to those gentlemen to whom this "case" had been submitted and to those who had supposed that none but the claims for the damage to individual citizens would be submitted to this international arbitration, it was a matter of surprise when the chapter of claims for what are known as the "indirect claims" or national claims, for national losses, was introduced before that tri-bunal. Therefore, he says that "an outburst followed" the presen-tation of these claims, and he cites the expressions of amazement, in-dignation, and almost fury on the part of the British press that such claims should have been presented. The result was, in short, that the proposition of Great Britain was to terminate proceedings under the proposition of creat Britain was to terminate proceedings under this treaty, to close the whole transaction. I can recall the expressions of the British press at the time among those who had been the strongest and firmest friends of the United States Government pending the late civil war. They together with all other British subjects joined in a unanimous resolve that the negotiations should terminate then and there, and they had rather abide the arbitrament of war than to continue a negotiation which would make their position as a central power far more averaging and building in its results then than to continue a negotiation which would make their position as a neutral power far more expensive and humiliating in its results than if they had been actually a conquered belligerent, because it would by its principle have saddled a neutral with all the losses of a war in which they had not taken part; that under the allegation of negligence on their part all the penalties of unsuccessfal belligerency would have been incurred. They never could admit it; they never would admit it. They said they would not, and they said the proposed negotiation should close then and there, and it was proposed to do that or that an adjournment should be had for several months for the purpose of seeing whether some new convention between the United States and the government of Great Britain could be arranged. But in the mean time intimations were given that those "indirect But in the mean time intimations were given that those "indirect claims" were not seriously to be pressed by the United States, that claims" were not seriously to be pressed by the United States, that they were thrown in rather as the shadow of a claim to affect the claims which were to be made on behalf of the individual citizens, and which had been presented to the government of Great Britain, and for which she was sought to be held responsible, and for which certain "new rules" of law in derogation, as was alleged in the new treaty, of the then existing international rules of law for the purpose of bringing the government of Great Britain within their operation, of oringing the government of Great Britain within their operation, in order that a practical compensation might be given to those who had suffered from the alleged negligence of British efficials to assert certain British statutes of neutrality. But it appears by these proceedings that these claims being set forth in the "case" were abandoned upon such intimations by the tribunal that they would not be considered or allowed as made it palpably useless to attempt to press them; and we find at page 19 of this book in the protocol made

of the record of the proceedings of the board of arbitration on the 19th June:

Count Sclopis then, on behalf of all the arbitrators, made the following statement:
"The application of the agent of Her Britannic Majesty's government being now before the arbitrators"—

The application for postponement-

The application for postponement—

"the president of the tribunal (Count Sclopis) proposes to make the following communication on the part of the arbitrators to the parties interested:

"The arbitrators wish it to be understood that in the observations which they are about to make they have in view solely the application of the agent of Her Britannic Majesty's government, which is now before them, for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, viz, the difference of opinion which exists between Her Britannic Majesty's government and the Government of the United States as to the competency of the tribunal, under the treaty of Washington, to deal with the claims advanced in the case of the United States in respect of losses under the several heads of "—

These were the (indicate below).

These were the "indirect claims"-

"First, 'the losses in the transfer of the American commercial marine to the British flag;' second, 'the enhanced payments of insurance'—

War premiums-

"and third, the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion; and the hope which Her Britannic Majesty's government does not abandon, that if sufficient time were given for that purpose, a solution of the difficulty which has thus arisen, by the negotiation of a supplementary convention between the two governments, might be found practicable."

This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect to these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.

This intimation hains, given to all the parties it seems that on the

This intimation being given to all the parties, it seems that on the 25th of June Mr. Bancroft Davis, on behalf of the United States, stated as follows:

The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal for: first, "the losses in the transfer of the American commercial marine to the British flag;" second, "the enhanced payments of insurance;" and third, "the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion," is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.

The agent of the United States is authorized to say that, consequently, the abovementioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.

Such was the manner in which the first attempt, immediately upon its disclosure, the first proposition that there had been a national damage, something that should bring money into the Treasury of the United States, was met. That was the answer. The intimation was so strong on the part of the tribunal of Geneva that, under the instructions of the President, the American agent withdrew the claim, and said it should be excluded from any further consideration by the tribunal, and so it was.

tribunal, and so it was.

Now, sir, throughout the treaty it will be found that every matter submitted to the Geneva arbitration affected "claims generically known as the Alabama claims," which meant claims for the destruction of property of American citizens on the high seas by armed cruisers of the Confederate States, which being built in British ports, or having escaped from British ports, or having been supplied by British officials, or with their privity and consent, became agents therefore of that authority, for which the principals should be held responsible. All through this treaty it will be found there is such reference to the character of the claims as excludes the idea of their being of a national character. I do not confine myself to the interpretation put upon the treaty by the arbitrators at Geneva, nor to that construction which was accepted by the agent of the United States in the language which I have just read; but all through the treaty, all over its face, the treaty is marked by constant repetition of the fact that the claims are separate, are singular, are individual, are to be considered claims are separate, are singular, are individual, are to be considered each by itself, and the award upon each to be signed separately by the parties agreeing thereto. Let me read article 7:

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law.

In article 10 the tribunal shall-

Ascertain and determine what claims are valid-

Speaking in the plural, when as we know a claim for national damage is not so to be described-

what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel.

Further on in the same article:

They shall be bound to hear on each separate claim, if required, one person on behalf of each government, as counsel or agent.

Then further:

Every claim shall be presented to the assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The assessors shall report to each government at or before the expiration of one year from the date of their first meeting the amount of claims decided by them

up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

That distinctly shows that there were classes of individual claims. It is not the language that would be applied to a national claim for general reimbursement for the prolongation of the war, or for injuries to national right and national honor. All of that, I have said, was embraced and condoned in the apology contained in the first article. It was so accepted, so treated; and then having passed from the consideration of the great claim of one nation against another, it proceeded to the consideration of individual claims for the determination of which this board of arbitrators was created.

But in article 12 provision is made for another class of claims, showing that the claims now in question were for the destructions and depredations committed by those cruisers, termed generically "Ala-

bama claims." Article 12 provides:

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in article 1 of this treaty * * * shall be referred to three commissioners to be appointed in the following manner.

Mr. JONES, of Florida. "Not being claims referred to in article 1." I think the language shows that the claims therein mentioned were claims of the United States in article 1.

Mr. BAYARD. Not at all. There were claims mentioned in article 1, the claims of individuals who had suffered by the Alabama depredations, and the claim of the Government of the United States for national compensation, which was settled by raising the hat, as it were, by simply a courteous bow and apology which ended the claim, according to their agreement, of the Government of the United States as a government against Great Britain as a government for action of Great Britain during the civil war and the depredation committed by these cruisers; and then it went on to provide that the claims should be presented to the tribunal, not the claim for wounded national honor or for injury to national interests, but the claims of the tional honor or for injury to national interests, but the claims of the classes of injured citizens of the United States, which were well known. They had at that time been presented by the American minister at the court of St. James. They had been forwarded to him under the direction of the Department of State at Washington. And what were those claims? I shall presently discuss them, because I say that distinctly among the claims so presented, so accepted, so indorsed by the American Government, and passing through the channels of American power to be presented at the court of St. James and subsequently to the tribunal at Geneva, were the identical claims of lawful insurers and underwriters, which it is by this amendment.

lawful insurers and underwriters, which it is by this amendment proposed to be stricken out of this bill.

Article 12 shows distinctly that there were other claims for individual losses than the Alabama claims, there had been other depredations than by the Alabama, there had been other wrongs inflicted by British negligence or hostility upon citizens of the United States which were not to be settled by the Geneva arbitration, but which were under the terms of this treaty to be settled by a board of three

commissioners to be appointed as was provided in article 12.

What I desire to impress upon the Senate is that we are dealing with a fund, not a charitable fund for general distribution among all the poor and needy or all the American citizens injured by the late war, but a fund which is held in trust, received by the United States for certain purposes, to be appropriated for the benefit of certain classes alone, and who they are is to be determined by the award of the arbitration and by the terms of our submission under the treaty

of Washington in advance of that award.

One thing I think the American Congress should not forget. If we One thing I think the American Congress should not forget. If we shall to-day in a spirit of easy and careless generosity undertake to deal with this fund by distributing it as is proposed by the amendment of the honorable Senator from Indiana [Mr.McDonald] not now in his seat, or that of the Senator from Massachusetts, [Mr. Hoar,] we shall apply this money to the very objects which the arbitrators said we should not apply it, in satisfaction of claims which the agent of the United States Government at Geneva declared had been forever "withdrawn from the consideration of the tribunal," which the award of the arbitrators themselves said should not be paid, but they provided that it should be paid only to certain classes who are described as sufferers under the depredations of certain named vessels and none others. "The expression of one thing is the exclusion of another." Such is the accepted rule of interpretation. But you are not driven to inferential interpretation. You have the express mandate of the

to inferential interpretation. You have the express mandate of the arbitrators by whose decision you pledged yourselves to abide, that this money should be paid to certain classes of American claimants, in whose name and behalf, claims had been expressly called for and filed through the agency of the United States Government.

Now, who were embraced in that class? Here is the decision and award of the Geneva tribunal made on the 14th of September, 1872, and signed by four of the five arbitrators. I will not fatigue the Senate by reading it at length. Who are included and who are excluded? Before the award was made, by the consent and action of the United States, all claims for "indirect" losses; the cost of prolonging the war; the cost of increased insurance, not enforced change of flag and sale had been distinctly excluded by the arbitrators and

withdrawn by the United States agent and therefore they were not referred to by the arbitrators in their final award, because by the referred to by the arbitrators in their final award, because by the action of one of the chief contending parties they had been withdrawn and abandoned. They found that the Alabama, or No. 290, as she was first called in the ship-yard, had committed depredations, for which Great Britain was liable, and also in regard to the Florida—the Orieto, as she was originally called—and also in regard to the Shenandoah, but in regard to the Shenandoah only after she had reached Melbourne in Australia, and had been there refitted. Prior to that time they expressly decided there was no liability on the part of the British government; her depredations only after that time were to be charged against the British government. to be charged against the British government.

Then they proceeded to consider the case of the tenders—the Tuscaloosa, the Clarence, the Tacony, and the Archer:

The tribunal is unanimously of opinion—
That such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals, and be submitted to the same decision which applies to them respectively.

Then they proceed to consider the case of other of these cruisers, the Georgia, the Sumter, the Nashville, the Tallahassee, and the Chickamauga.

Chickamanga.

The tribunal is unanimously of opinion—
That Great Britain has not falled, by any act or omission, to fulfill any of the duties prescribed by the three rules of Article VI in the treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called—
The Sallie,
The Jefferson Davis,
The Music,
The Boston, and
The V. H. Joy, respectively,
The tribunal is unanimously of opinion—
That they ought to be excluded from consideration for want of evidence.

Then proceeds the excluded from consideration in regard to general

Then proceeds the exclusion of other claims in regard to general expenses of the war increased by the presence of these vessels on the

high seas

Now, Mr. President, what manner of claims and what claims were forwarded by the United States through their administration in Washington to their agents in Europe and placed before the tribunal? At page 583 and from that to 632 of the second part of executive document 1, part 1, of the Forty-second Congress, will be found a list stating the name of the ship, the character of the cargo, the loss, and the particulars attending that loss, and the name of the

What I mean to say is this, that the Government of the United States in receiving and filing these claims recognized that an under-writer who had in good faith paid the loss incurred by these inculpated cruisers was a claimant acknowledged by the laws of this country, and they presented him as such to the tribunal, and the tribunal allowed his claim as much as it did that of the man who was not insured. It is a simple substantial fact; and the effect of striking out this clause of the bill reported by the Committee on the Judiciary simply amounts to this, that for some reason which I cannot conceive, for some cause heretofore unknown in the history of American juris prudence, the contract of insurance is to be assailed and penalized, that something has been discovered which makes the contract of insurance against public policy and unworthy of legal protection. Why, sir, in the legal experience that I have gained such a suggestion strikes me with amazement. I have always believed that insurance contracts were meritorious, that the law favored the contract of insurance, that it was both an act of discretion and wise providence for a man to insure his property against danger, and thereby by paying a small contribution to obtain safety for his venture. I also know that, with men of great wealth and extensive business, the habit widely prevails of what is known as self-insurance. I have known large lines of packet ships trading between England and the United States, where the owners never insured, having a business so extensive that the calculation of chances warranted them in becoming their own insurers whereby they found that in a long course of years they saved more by not paying the usual premium and suffering their own actual loss should any occur. I could name many citizens so wealthy and so largely interested in real estate that they never think wealthy and so largely interested in real estate that they never think of insuring. I believe there are such in the city of New York who never in their lives paid a farthing of fire insurance; and why? Because the extent of their possessions and the scale of their property and interests permit them prudently to take the risk under the doctrine of chance, and they save money by not paying premium, thus becoming an insurance company practically for themselves.

Take the simple operation of this case. Two men engaged in the

same trade send out vessels of equal value freighted with cargoes of equal value. They are to run the risk of capture by belligerent cruisequal value. They are to run the risk of capture by belingerent cruisers upon the high seas. One of these owners is a man able to take the chances and insure himself; the other being less wealthy sees fit to insure. Voyages are made, say nine each, with success. One has paid his premium in every case, the other has saved it by not insuring at all. On the tenth voyage the vessels of both are destroyed, captured by the same cruiser at the same time and under the same circumstances. Their losses are scheduled alike, forwarded to the same department of the Government, passing through the same hands, and the same claim is made by both before the Geneva tribunal under this treaty with Great Britain. They are presented at Geneva. There is no hesitation and doubt even in the bill of 1874 that the man who insured himself and who thereby gained his profit shall be paid in full; but the man who has honestly insured the other and who has paid the loss in full, who has promptly and honorably performed a contract considered meritorious before the law and recognized with favor in our courts of justice, shall not have the benefit of subrogation to the rights of property he insured against the identical risk; but for some reason, for the first time alleged in the history of jurisprudence, he shall be excluded from the results of a contract meritorious on his part, lawful on both sides, wholly without fraud or deceit, and he is to be excluded from reimbursement for some reason relations to make any which has proper set have stated in which here unknown to me and which has never yet been stated in my hearing

satisfactorily!

Why, sir, it certainly is a new departure from all known law— I would agree that it is for us to decide; but I do mean to say that we are bound to do one of two things, pay this money to those citizens in whose name we demanded it, or hand it back to those who paid it to us. There is nothing, I agree, to control the American Congress in the disposition of this fund except their sense of what is due to the honor and reputation of the American people and their Government. I agree it is no affair of Great Britain whether we shall exclude these parties insured or not. That is not the question. I do not propose to gauge my conduct or vote, or to ask my associates to gauge theirs at all by apprehension of what the Government of Great Britain can do or may please to think about this business. That is not the question. But I do say there are rules of action, there are limits to administration laid down for us by the treaty, by the award which was made in execution of the treaty, that we cannot escape if we wish to maintain that which our forefathers called "a decent respect for the opinions of mankind."

If we shall, as I said, pay this money over to those who lost money by being compelled to sell their vessels to avoid capture, and for whom I have a sincere and ready sympathy, or to those who were compelled to pay away their substance in extravagant war premiums, ernment. I agree it is no affair of Great Britain whether we shall

compelled to pay away their substance in extravagant war premiums, which were expressly excluded by this arbitration from their consideration and withdrawn by the act of the American agent finally from consideration, then it will come to this: that we may pay them now, but it will be a gratuity at our own cost; we shall have to pay that meney a second time when the parties really entitled shall come formoney a second time when the parties really entitled shall come forward to claim it. I now state as my opinion, and it has been my opinion from the beginning of this case, that if the underwriters lawfully insuring, who paid losses recognized by the tribunal and whose claims were presented through the agency of the United States before the tribunal, for whose payment this money was expressly awarded by the arbitrators, shall be excluded by the vote of Congress from participation in this fund to-day, and the money shall be otherwise distributed, their right to recover has not been in the least degree affected, and we shall have to stand in the judgment of future times, if not of the present time, as having obtained this money, I will not say under false pretenses, but having obtained this money under one pretense and in one name, and refused to execute the trust reposed in us by the payment of the money into our hands only for a stated and ascertainable purpose. I am unable to see this case in any other light; and unless the contract of insurance shall be shown to be an unlawful or impolitic contract, unless its meritorious character, which has always been admitted heretofore, shall be shown not to exist, I am unable to see how we can avoid, after the reception of that money into the Treasury of the United States under express terms of the submission and of the award, that followed it—I cannot see how we can expect to escape future liability when the

press terms of the submission and of the award that followed it—1 cannot see how we can expect to escape future liability when the question comes to be properly presented, as it certainly will.

I tell you, Senators, that such claims as the insurance companies made under the due forms of law in pursuance of valid contracts, where no fraud existed, and which were presented by the American agent to the consideration of the Geneva tribunal, and which by the tribunal were embraced within the class of cases of depredations for which Great Britain was held liable, and for which these damages were awarded will survive, and they will be pressed, and they will, I trust, if not to-day, at some future day be paid for the exoneration of the American Government from the act of bad faith toward a mer-

itorious class of its own citizens.

The question of the profit or the loss of the insurance companies is not proper or possible for us to consider. We all know what these insurance companies are, but who are their stockholders; and whether they be rich men or whether they be poor widows or orphans, whether they hold single shares or whether their shares are numbered by thousands, that is not the question. It is this aggregation of capital that enables the important business of insurance to be carried on. It is only by associated companies and corporations that the general business of insuring can be securely effected, for such amounts of capital do not exist in single hands. The people who profit by contracts of insurance may be among those who should awaken the most ready sympathy of every man who is acquainted with their personal ready sympathy of every man who is acquainted with their personal circumstances; and therefore such considerations have no place in a debate like this. I was amazed when I heard my worthy friend from Indiana [Mr. McDonald] yesterday referring to the profits that some insurance company had made which were disclosed to him by one of its members. He mentioned some great sum that they had made as profits. What if they did? Was it not lawful? Was not that contract meritorious? Was it not a fair and lawful bargain between them and those who sought to be insured by them? What have we as leg-

islators to do with these questions of profit and loss in a business ad-

mitted to be lawful?

They say there was an enhancement of the prices of merchandise.

Why, the enhancement of prices was just as great whether the vessel and her cargo was insured or uninsured, provided she made a safe voyage and landed her cargo in safety. It is in vain, under the idea voyage and landed her cargo in safety. It is in vain, under the idea of equity, to pursue or estimate such remote results, and to attempt to class them on the ground of equitable set-off to claims formally presented and plainly entitled under the Geneva award to recognition and payment. No, sir; the case is perfectly plain. If the contract of insurance was unlawful, was impolitic, was void, of course there can be no claim justly whether they crept into the account stated by the American agents before these arbitrators or not. But unless you are American agents before these arbitrators of not. But timess you are prepared to say that insurance is an unjust and unlawful contract, you cannot object to giving these parties the same rights of subrogation that every court of justice in the civilized world has heretofore allowed them, and which none have more readily sustained than the American courts.

I will not argue here the question of subrogation. It has been in-I will not argue here the question of subrogation. It has been in my judgment completely stated. The statement made in 1874 by you, sir, I thought unanswerable, [Mr. Thurman in the chair,] then on the floor of the Senate, which has been again so ably stated by the honorable Senator from Illinois [Mr. Davis] in the exhaustive arguments made by him, and also ably and clearly by my friend from New York, [Mr. Kernan.] It would be surperfluous if I should restate them. In my judgment the argument was an irrefutable one that the right of sub-

my judgment the argument was an irrefutable one that the right of subrogation did exist in cases like the present, and that there was nothing in the circumstances that attended these losses, or which can be found in the language of the treaty or the manner of the presentation of the claims which in any degree affects the full right of these lawful insurers to receive the legal results of their meritorious contracts.

I have said, Mr. President, all that I intended to say about this matter. I shall vote against this bill if it is amended as proposed by the Senator from Vermont, [Mr. EDMUNDS.] I shall vote against this bill if the indirect losses, so expressly rejected by the arbitrators, so plainly withdrawn by the American agent, should be attempted to be forced into its provisions. As I said, this is no charity fund for the equal benefit of all American citizens. There is no more reason, in mercy, in justice, in patriotic feeling, why we should pay any Amerequal benefit of all American citizens. There is no more reason, in mercy, in justice, in patriotic feeling, why we should pay any American citizen for losses on the sea than on the land, unless they are embraced within those classes for whose express use we received this money. Many a man during the war, innocent, peaceful and patriotic, had his house burned down or destroyed, perhaps lost his limbs and his health by the act of war, which could not be prevented, and to which his loss was a natural and unhappy incident, and yet for which this Government cannot dream of being held responsible. To do so would simply bankrupt any treasury. War is a universal evil and the last resort only,—the last argument, the consequences of which are never to be repaid in the case of private injuries. Therefore it is that this money had as well be spread pro rata all over the country for losses on land as well as on sea unless it is to be strictly kept and applied to the especial cases of those parties in whose name and beapplied to the especial cases of those parties in whose name and behalf we claimed it, and who alone are the proper beneficiaries of this fund. Among them I hold the contractors for insurance to be. They are there by name; they are there by stated case; they are there by description; they are there eo nomine as insurers, and having gotten the money in their name I cannot see how we can withhold it from them as is proposed by this amendment.

I hope, therefore, that the Senate will refuse to agree to this amend-

and that the bill may stand in substance as reported by the Committee on the Judiciary.

Mr. BLAINE. Before the honorable Senator from Delaware takes his seat I should like to ask him a question. I did not want to interrupt his line of argument, and therefore postponed until he was through. I ask it for information; because I never yet have heard how Senators who take the position he does construe, or what weight they give or what engingeration they in any way attach to the senators. they give, or what consideration they in any way attach to the very specific instructions issued from the State Department of this Government against permitting any possible restriction in any way to be placed upon the discretion of Congress.

Mr. BAYARD. I do not apprehend that it was competent for the Department of State to control in any degree the action of the arbitration. I hold that in the administration of this fund we look to two papers; we look to the treaty; and we look to the award. The treaty provides the terms of our submission; the award determines what we are to get and how we are to dispose of it; that is to say, which claims and which claims only we are to pay out of it.

which claims and which claims only we are to pay out of it.

Mr. BLAINE. But if the Senator is going to make himself so literal as that, the award does not mention any insurance company, and the American agent especially states that there was not any ground on which you could get the name of one in—

Mr. BAYARD. The letter of the Secretary of State cannot possibly change the true facts. The letter of the Secretary of State cannot have the fact that a way had a ship destroyed for instance by the

change the fact that a man had a ship destroyed for instance by the Alabama, at a certain time and place, and the letter of the Secretary of State cannot provide compensation for a man who lost another ship at another time, not destroyed by the Alabama or any other confederate cruiser. Therefore his directions were in my judgment ultra vires. I do not understand that he had any control over the American case at all. It was as competent for Mr. Fish to insist that

we should have the indirect claims, which the tribunal immediately

we should have the indirect claims, which the tribunal immediately threw out, and which he himself was compelled to withdraw. I do not know that the instructions of the Secretary of State formed at all a part of anything that bound the arbitration.

Mr. BLAINE. Then, if I understand the Senator, he is bound to take the ground that the Secretary of State in giving the instruction which he did, and which the counsel in the paper which I hold in my hand here say they followed, for Mr. Caleb Cushing, one of the counsel, says they obeyed them, acted wholly outside his authority, and that Congress has nothing to do with it, and that it has no relation whatever to the question.

whatever to the question.

Mr. BAYARD. I do not think Mr. Fish's instructions are binding at all on Congress. I think what binds us is the terms of the treaty which we agreed to, which he did not, which we confirmed and ratified as a Government, and in regard to the interpretation of which he might as well be mistaken as anybody else, and I think he was mistaken in that. I think Mr. Fish's letter was in the nature of a private instruction that he could give as he pleased, but which can-not in the least degree affect the measure of our duty in disposing of

this fund.

Mr. BLAINE. It is a very easy way of arguing. The Senator from Mr. BLAINE. It is a very easy way or arguing. The Senator from Delaware will observe there is no mode of arguing a case so easily to get at a conclusion as to throw out all the facts that make against the case we are presenting. There is nothing so easy as to draw your conclusions if you can eliminate all the testimony that makes against you. But this letter of Mr. Fish cannot be read too often, and I want the honorable Senator from Delaware to observe that it was written six months after the indirect claims had been thrown out. It was written after they had stripped off everything which he says brought it down to the basis which leaves us no discretion.

Mr. BAYARD. The letter might have been of great use if read to

the Geneva tribunal.

the Geneva tribunal.

Mr. BLAINE. It was addressed to the counsel, but the Geneva tribunal in their award do not say one solitary thing in conflict with this letter. I want the honorable Senator to remember, and I want the Senate to remember, that full six months after all the claims which the Senator from Delaware says were excluded—

Mr. BAYARD. Were they not?

Mr. BLAINE. Six months after they were thrown out, and when the honorable Senator says the whole case was stripped right down to the individual parties who were entitled to this award, leaving to the Senate of the United States nothing to do but sit as a board of assessors, leaving us here no function in the world but what three assessors could perform—

assessors, leaving us here no function in the world but what three assessors could perform—

Mr. BAYARD. Mere distributors.

Mr. BLAINE. Mere distributors. I say that six months after that the Government of the United States speaking through its recognized channel of communication upon foreign affairs, on the 8th day of December, 1871, the tribunal then being in session, said:

December, 1871, the tribunal then being in session, said:

In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered in the event of the appointment of the board of assessors, mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free te decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.

It was not in the name of the insurance companies the honorable Senator will please observe; it was not in behalf of individuals. Mr. BAYARD. Each claim was separately considered.

Mr. BLAINE. By whom?

Mr. BAYARD. By the arbitrators.

Mr. BLAINE. There is nothing in the evidence under heaven to show that; there is not a thing in the whole record at Geneva that will vindicate and justify that statement of the Senator from Dela-

Mr. BAYARD. Why, the case maintains it.
Mr. BLAINE. No, sir; it is just as I stated a few days ago in regard
to this elaborate figuring that was made to get at the amount. I
stated—and I was not aware at the moment that I was so thoroughly well backed in my statement-that it was a mere case of general average on which they made up by what they call in the country chalking on the barn-door for the average, a mere splitting of the difference, and I want the honorable Senator's attention to that. After this instruction had been received, Mr. Caleb Cushing, who in his day and generation was accounted to be something of a lawyer, Mr. Caleb Cushing, one of the American counsel, says:

The counsel of the United States obeyed the instructions given them, and did not commit the United States to any theory of distribution whatever, either by way of inclusion or of exclusion, but left that question to be determined by the wisdom and discretion of Congress.

The honorable Senator from Delaware says Congress is nothing but a board of distributors in this matter; they are to take up these in-dividual men, one after another and then I should like to ask him the question that I was not able to ask the honorable Senator from Illineis: Suppose there is an overplus; here are one hundred and thirty-five cases, and the honorable Senator finds that out of the fif-teen and a half millions awarded, the amount payable to these men is eleven and a half millions, what will you do with the other four?

Mr. BAYARD. I do not think that one honest dollar can remain in the Treasury of the United States under the name of a national claim.

Mr. BLAINE. Then it must be sent back to Great Britain.
Mr. BAYARD. It would be if my vote would take it there instead
of attempting to apply it to any other purpose than this for which it was paid to us.

Mr. BLAINE. That is, if these particular individual claims do not cover the whole fifteen and a half millions the balance belongs to

Great Britain?

Mr. EATON. We might credit it to the \$5,500,000 fishery award.

Mr. BLAINE. Then, as I understand the honorable Senator from Delaware, if these insurance companies—and I have a letter from one of them in which the statement is made that they realized a profit of 100 per cent. on their capital, that they doubled their capital in the and per cent. on their capital, that they doubled their capital in the matter—if these insurance companies in getting "indemnity for their profits" shall not absorb the whole of this fund, it belongs to the treasury of the British Empire. That is the proposition of the honorable Senator. I want to read further from Mr. Cushing to show how accurately this account was made up that the honorable Senator says was itemized at Geneva. I never saw any ground whatever for that statement in the efficied desuperates. that statement in the official documents.

Mr. BAYARD. The Senator will pardon me. I said that these claims were all in detail laid before the Geneva arbitrators and that they chose to make their award of damage upon the face of the information given them by the American agents, and among those claims were those which the present amendment would exclude.

Mr. BLAINE. Here is what the counsel of the United States says

as to what was laid before it:

The United States at Geneva laid before the tribunal all the claims of citizens of the United States which had been presented to the Government, without vouching for the validity of any of them; but insisted that the United States were not bound by the printed schedules, but only by the description of the treaty—"all the said claims, growing out of acts committed by the aforesaid vessels, and generally known as the Alabama claims."

This is what Mr. Cushing says as to how that account was made up: The tribunal, in making up their award, expressly excluded the idea of definite

The honorable Senator from Delaware says that they expressly took in these items. The Hon. Caleb Cushing, one of the counsel at Geneva, says that:

The tribunal, in making up their award, expressly excluded the idea of definite sment-

I leave the honorable Senator from Delaware to reconcile these two statements. Mr. Cushing goes on to say-

and allowed a sum in gross, incompatible with assessment, by taking the American estimate of supposed damages of \$14,437,000, and the English estimate of supposed damages of \$7,074,000, and splitting the difference—

I was not aware of that phrase being used by Mr. Cushing before employed it.

Mr. BAYARD. Then they did use the American estimate.

Mr. BLAINE. Mr. Cushing says:

And splitting the difference, so as to arrive at the arbitrary sum of \$10,905,000, as the capital which, with interest added, makes the \$15,500,000 of the award.

Therefore when the honorable Senator from Delaware presents the idea as has always been presented here, that there were certain defi-nite, well-ascertained, and named claims, on which this great tribunal at Geneva sat as a board of arbitrators, and that they made out in the names of these persons the amount due to each and that we became the trustees of that amount and should be false to that trust if we do not pay it over, he is going directly in the face of the record. The fact is that in the opinion of one of the most eminent of our counsel at Geneva, shown also in the records of that tribunal, they took the claim as presented by the American Government and they took the estimate as presented by the British government, and they sent Mr. Stæmpfli up into a high mountain and he staid there six weeks, and he came back and said "I have gone through a computation of this kind;" when all he did was to split the difference. That was all there was about the award at Geneva. They gave it as a gross sum, and the counsel were careful not to commit themselves by one solitary word or deed as to what the United States should do with that gross amount when it came into possession of it; and it was awarded in a secret conference of that tribunal for the very express purpose of enabling the United States to cover such cases as in its discretion presented

instances of severe and peculiar loss.

The position, then, of the henorable Senator from Delaware is precisely in antagonism to the statement of the counsel at Geneva and in antagonism with the facts as they are recorded in the proceedings of

the tribunal at Geneva.

Mr. BAYARD. Here is something that is not in antagonism with them, and that is the American case, and here is the detailed statement of these losses, the names of the vessels, the description of their cargoes, the statement whether insured or not. Here was the bill of particulars placed before the tribunal, and I say that upon this bill of particulars they made their award, and without this information they could not have made it. As to this guesswork as to whether they split the difference between the amounts in rough of the British ascertainment and of the American claim, it is a matter purely of guesswork. purely of guesswork.

Mr. BLAINE. But the evidence is, if the honorable Senator will observe, they did not allow that bill.

Mr. BAYARD. It shows that they had these claims before them, and who put these claims there? The agents of the American Government put them there. What claims did they make? They made claims for vessels insured and vessels uninsured, and they gave the specific amounts that were so claimed, and it was upon the basis of these lists that money was awarded to the American Government.

Mr. BLAINE. But the honorable Senator from Delaware will not take the ground that the Geneva tribunal could know exactly what

Mr. BAYARD. No, the Geneva tribunal gave what they chose to give. They had the discretion imposed on them under the treaty to make the award of proper damages. They did so. The amount that they gave us as they believed was sufficient to cover this bill of losses presented to them.

Mr. BLAINE. But that bill of losses was \$7,000,000 larger than

they allowed.

Mr. BAYARD. Let me go a little further. They need not have made any ascertainment and award at all if they had not chosen; but the American claims were before them, and their award was based on the American claims. I do not mean to say that they gave no weight to counter-evidence, I do not mean to say they took every case presented to them as being strictly true. I know not what were the operations or the methods by which they reached the results they finally gained; but I do mean to say, and the Senator cannot get rid of it, and nobody ought to wish to get rid of it, that this award was made on the basis of the claims presented by the American Government, and among those claims are now contained the very class of American citizens that it is proposed to exclude from any benefit of

the award.

Mr. THURMAN. Mr. President—
Mr. BLAINE. One moment. The honorable Senator from Delaware, then, abandons the idea, I understand, that the Geneva tribunal made their award upon an itemized account?

Mr. BAYARD. I did not say so.

Mr. BLAINE. In the itemized account submitted by the American

commissioners or the American counsel they cut \$7,000,000 off of it. Whose \$7,000,000 were cut off? I want the honorable Senator to tell me, if this is a question of the right of individual claimants, whose were the \$7,000,000 that were cut down? Who owned them? Were they excluded at Geneva? If they were, then, according to the honorable Senator from Delaware, we are estopped from granting them here. The bill of particulars as submitted by the American tribunal was not in the list accepted as the measure of damage that we were to have. If the position of the honorable Senator from Delaware is worth anything, it should have taken the American statement and given it, or if it cut it down state who was cut down—who was excluded and who was admitted. There is not from the beginning to the end of all the proceedings of the tribunal, (and I do not want to detain the honorable Senator from Ohio from taking the floor,) not one word that recognizes the individual claim of any solitary man in the United States. There is not anything in the award there that recognizes the claims of an insurance company or of insurance companies or of anything else or anybody else whatever. As I said this afternoon, the idea of utterly degrading that international conference and tribunal into a mere arbitration before which the United States employed counsel to represent the losses of marine insurance companies in the city of New York is the most extraordinary conclusion, it seems to me, that logic or false logic ever can lead a man to maintain.

Mr. THURMAN. Mr. President—

Mr. THURMAN. Mr. President—
Mr. CARPENTER. Will the Senator from Ohio allow me a moment?
Mr. THURMAN. I wish to say just a few words, and then I will yield. About thirty years ago an ingenious man living in the State of Vermont published a book in which he undertook to show that Sir Isaac Newton and all the philosophers of his generation were totally mistaken when they supposed there was any such thing as the law of gravitation. He said it was wholly a mistake. He denied the existence of any such law in toto, and wrote a book of about one hundred and fifty pages to prove that he was right and that they were all mistaken. That was considered a pretty bold denial; but it was not one particle more bold, if it was as bold, as the denial of the Senator from Maine that this award of fifteen and a half million dollars to us was based upon the claims, a portion of which he excludes from

payment.

If the thing had not been demonstrated ad nauseam, I might in a rery few minutes demonstrate itso clearly that even the Senator from Maine would have to give it up. First, let me take notice of his closing remarks. He says that we claimed \$17,000,000 in our bill of particulars and they awarded us but \$11,000,000; and asks what became of the other \$6,000,000? Whose claims amounting to \$6,000,000 were rejected? How can you single them out? I answer the Senator that I do not know that one single one of them was rejected that came I do not know that one single one of them was rejected that came within the rules laid down by the Geneva tribunal. But there is one thing in rejecting a claim and there is another thing in giving the full amount of damages that the plaintiff claims. The Senator's argument amounts just to this: If some man injures my horse—and seeing my friend from Kentucky [Mr. Williams] in my face I naturally thought about a horse—if some man injures my horse and I bring an action of trespass against him and claim \$100 damages and the jury award me but \$60, then says the Senator from Maine, what part of the horse did they leave out? [Laughter.] You did not recover for in-

juries to the horse at all. You claimed \$100 and they only gave you \$50. No, Mr. President, that won't do.

Here is a very easy way of testing this matter to see upon what foundation the award was made. Was it made in respect of the war premiums? The Senator must say no, he finds it right in the record that they were excluded. Was it made in respect of the transference of our commerce, of the American marine, to the British flag? The Senator must answer no, for the record of the tribunal tells him so. Was it made on account of increased expenses of the war? The Senator must answer no, for the record tells him so, and our Government withdrew the claim. Was it made on account of the cost of pursuing the confederate cruisers? Again the Senator must answer no, because the record says that that claim was excluded, and the Government withdrew it. Was it made on account of the losses inflicted by the exculpated cruisers? Again the Senator must answer no, because the record in so many words says that Great Britain was not liable for those losses.

Then when you have thus estimated all these items that were in our bill of particulars, all these items that were stricken out by the judgment of the tribunal from our bill of particulars, what is there left? Nothing in the wide world but the direct injuries sustained by reason of the three inculpated cruisers and their tenders. Not one thing else is left. Therefore, the tribunal gave us fifteen and a half million dollars without anything upon which to award that sum, or that sum was awarded upon these claims which alone remain after

the others have been eliminated.

Mr. President, it is denying the existence of the sun to deny this fact. No boldness, no audacity can make any man who understands this subject doubt about it for one moment. They did not give the this subject doubt about it for one moment. They did not give the full amount that we claimed for this property. They thought our claims were exaggerated as to the amount, not as to the right to be paid, but as to the amount that we claimed for the property. They cut it down. Ay, and when our tribunal sat here under the act of Congress of 1874 they cut these things down still further; and that is the way there comes to be any surplus of this money left or will be after the payment of these claims that were thus the very foundation of the award. The damages claimed were too high. The property in the estimate made by the claimants, which was ex parte testimony alone, was overvalued. The tribunal cut down that valuation, and our tribunal, created by the act of Congress itself cut it down still further. But to deny the plain fact that it was upon the foundation of these claims and of these claims alone that that award was-

made is just as bold as to deny the existence of the sun.

Mr. President, one word more. The Senator from Maine attachesgreat importance to the instruction of Mr. Fish to the counsel of the United States. What was that but a private instruction of the Secretary of State to the counsel of the United States? The Senator, if am not mistaken, will look in vain throughout the proceedings of the Geneva tribunal to find that that instruction was ever communicated to the Geneva tribunal. If it was, I have wholly overlooked it. I do not believe that the Geneva tribunal ever had the slightest knowledge of that private instruction given by the United States Government to its lawyers, and that is all there was. Mr. CONKLING. Suppose it had, if I may ask the Senator, what

bearing has it on this question?

Mr. THURMAN. Nothing in the wide world, as my friend from

Delaware has already shown.

Mr. CARPENTER. Will the Senator allow me to interrupt him

one moment?

Mr. THURMAN. Certainly.
Mr. CARPENTER. I think the Senator from Ohio is conceding more than there is any necessity for doing under the letter of Mr. Fish. I was as much surprised as the Senator could be, when the Senator from Maine stated in his graphic way the letter that Mr. Fish had written, and which I thought went to the point of saying that although money should be allowed to us co nomine for the insurance companies, we would do as we pleased about paying it to them—
Mr. BLAINE. I never said so, because they did not allow any such

Mr. CARPENTER. I did not say that the Senator did say so. I was saying that I got that impression of the understanding of Mr. Fish's letter from the Senator's statement of it.

Mr. BLAINE. The Senator must have got that impression because he was trying to maintain the ground that Mr. Fish did contend that it was awarded for the insurers' claims eo nomine. I was against it all the time

Mr. CARPENTER. Who has the floor, Mr. President †
The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The Senator from Wisconsin is entitled to the floor.

Mr. CARPENTER. I was getting so much in doubt about it that thought probably I was intruding upon the Senator from Maine. Laughter.] I want to call the attention of the Senator from Ohio to this letter just as it reads:

In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered in the event of the appointment of the board of assessors, mentioned in the tenth article of the treaty.

Now, why?

It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured.

That is to say, suppose the bark Saint Mary, for instance, was alleged to have been destroyed by one of these cruisers. She is presented in a claim by the insurance companies. They claim that they paid her full value as a total loss. It is also claimed by the owner that the insurance company has not paid him the loss. It would, therefore, be a disputed question, after the amount to be allowed by Great Britain for the value of that ship had been ascertained and paid over, whether the insurance company or the owner is entitled to the award.

Mr. CONKLING. Read the next sentence.

Mr. CARPENTER. The next sentence shows that to be the true construction. Let me go back and read the two sentences together:

It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case.

Insurers as to what? Why, as to the duplicate claims for the loss of a particular ship made by the insurance company and made by the owner. The Government would decide which of them was entitled to the money. That was all Mr. Fish committed himself to.

Mr. THURMAN. Mr. President, I had not gone into the analysis of that letter, and I am obliged to my friend from Wisconsin for having done so, and he has presented it so clearly that I shall not repeat

ing done so, and he has presented it so clearly that I shall not repeat a word that he has said. Indeed it is time for me to stop or I shall be making my speech along on this bill by piecemeals. If it had not been for the very extraordinary courage with which the Senator from Maine made his assertions to-day I should not have taken the floor

I want to say, however, one word further. The Senator from Maine says that the award of the Geneva tribunal did not specify eo nomine who should have the money. Of course it did not specify that, but that is certain which can be rendered certain; and when it is ascertained upon what claims the award was made, then you have got the people whose property brought the money and who ought to be paid.

This whole case is in a nutshell, and can be stated in five minutes. Upon the claims of these private citizens for damages, which they had sustained by the loss of their property, Great Britain, by the judgment of the Geneva tribunal, has paid us fifteen and a half millions of dollars, and now there are Senators who say that those men in respect of whose property, and in respect of whose property alone, that money was paid shall not receive one penny of it. My friend from New York [Mr. Conkling] insists that I shall put the other point of the absurdity, and that is that there are Senators who contend that those people upon whose claims it was not awarded, whose claims were

expressly rejected, shall receive the money.

As I am up I will say one word more. Suppose there had been but one American ship destroyed by confederate cruisers, and Great Britain, by the award of the Geneva tribunal or without it, had paid to the United States a million dollars in respect of the loss of that ship, is there a man in the Senate who would say that that money ought not to be paid to the owner of that ship? If it were one single case of the loss of a ship, and for the loss of that ship Great Britain paid as \$1,000,000, paid it to the United States, because no citizen of the United States can present his claim otherwise than through his Government, is there a Senator here who would say that that money ought not to go to the man who lost his ship? I do not think there If that is true of one ship it is true of the whole one hundred and

Mr. CALL. Mr. President, I desire to take the floor upon the bill now pending before the Senate.

Mr. WALLACE. Will the Senator yield to me to move an executive session?

Mr. CALL. Certainly.
Mr. BLAINE. I want to say a word, if the Senator will yield to me.
Mr. WALLACE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Florida has the floor, as the Chair understands, for to-morrow.

Mr. WALLACE. Yes, sir. Mr. BLAINE. I want to say a few words, if there is no particular

mr. BLAINE. I want to say a few words, if there is no particular reason why I should not.

Mr. CALL. Certainly not. I yield to the Senator temporarily.

Mr. BLAINE. The honorable Senator who has resumed the chair

[Mr. Thurman] suggested, as I understood, that it was about as rash an act of temerity to differ from his judicial opinion on this point as it was for the man who questioned the law of gravitation; but unfortunately for his assertion both branches of Congress every time it has been tried have differed from the view of the Senator from Ohio. I never heard that a large convention of respectable gentlemen had ever yet differed from Sir Isaac Newton on the doctrine of gravitation; I never yet have heard of one large association of respectable gentlemen who had agreed with the honorable Senator from Ohio on the question he presents.

When the Senator from Wisconsin was reading the letter of Mr.

Fish he omitted the concluding paragraph.

Mr. CARPENTER. I am sorry I did because that is the strongest

Mr. BLAINE. It is as follows:

If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution. It is expected that all such committals will be avoided in the argument of counsel.

The honorable Senator either by accident or design did not read that part. Whatever meaning he chooses now to attach to that by fine points of construction he certainly cannot argue away the significance which Mr. Cushing attached to it. However the Senator may take Mr. Fish's language and make it appear different from the plain meaning which it shows on its face, it will give him, as the Yankee phrase would say, a pretty hard stent to make this language appear different from what Mr. Cushing intended it should be.

The counsel of the United States obeyed the instruction given them, and did not commit the United States to any policy of distribution whatever, either by way of inclusion or of exclusion, but left that question to be determined by the wisdom and discretion of Congress.

tion to be determined by the wisdom and discretion of Congress. haps the honorable Senator will say that that also has the same limitation which he attaches to the language of Mr. Fish. If he will read Mr. Cushing a little further on, and I will give him a little more to chew, for he relishes it, he will find that Mr. Cushing said:

The history of the treaty and of the arbitration, however, tends to show that it was the intention of the Government to exercise its own discretion, according to its own sense of justice and equity in the distribution of indemnity among citizens of the United States whether owners, mariners, insurers, or payers of premiums, who are actual losers by the acts or neglects of the British government.

I suppose the honorable Senator from Wisconsin can show in two minutes that Mr. Cushing did not mean that. He has shown that Mr. Fish did not mean at all what he said. He has shown very plainly that Mr. Fish, who wrote distinctly that the Government should not have any committal made at all as to the distribution, meant merely that the Geneva tribunal should not get us so confused that we should pay twice for the same vessel; that in case the bark Saint Mary should be lost we should not pay twice for it, and Mr. Fish thought that was so difficult and recondite a question, and thought that five great commissioners sitting at Geneva might be confused on knotty points as to whether the bark Saint Mary should be paid for twice, that he sent a special letter over to Caleb Cushing and William M. Evarts and Morrison R. Waite to tell them not to put their foot in it there. That is the criticism: and that is the extent to which the known be Sen is the criticism; and that is the extent to which the honorable Senator attaches his meaning to the letter of Mr. Fish. Now, I should like him to tell me what Mr. Cushing meant when he referred to the distribution among the actual losers, whether payers of premiums or insurers, and I will very gladly hand the paper to the honorable Sen-ator from Wisconsin, and let him argue that away also.

Mr. CARPENTER. Mr. President, the Senator from Maine is a mas-ter of conundrums. I never saw a man so full of them, and I never ter of conundrams. I never saw a man so run of them, and I never saw a man quite so profuse of them. I had said nothing about the language of Mr. Cushing. I understood that Mr. Cushing represented us before the Geneva tribunal; but I did not understand that his opinions were binding upon Congress. The Senator, however, read a opinions were binding upon Congress. The Senator, nowever, read a letter from Mr. Fish, who was Secretary of State, and although I should not concede that his opinion was binding upon Congress at this time and upon this subject, yet it seemed to me, from listening to his read-ing of the letter, that the letter meant a thing totally different from what I found it did mean when I came to look at it. It was my fault, not the fault of the Senator from Maine, I did not comprehend the language properly and fully from hearing it read. I simply called the attention of the Senator from Ohio, your honor's attention, to the fact that the concession which you were making was beyond what was called for by the letter of Mr. Fish; in other words, that Mr. Fish

Now the Senator from Maine says to me, "I will prove to you what Mr. Fish meant by reading to you what Caleb Cushing said, and I should like to see you chew upon that." I am not aware that the Senator from Maine has any right to set me cuds to chew, or to compel me to chew under his dictation, or to give the meaning to the language of Caleb Cushing or anybody else. At the same time I would suggest that the answer to a letter should always fairly be read in connection with the letter received and to which it is an answer. Certainly, the language of Mr. Fish's letter, if this language is an answer to it-I have not read it yet-I cannot tell from this little docu-

Mr. EDMUNDS. It is not an answer to the letter.
Mr. CARPENTER. It is not of any consequence whatever more than any man's opinion at some other time given on some other sub-

That is a sufficient answer.

Mr. BLAINE. That is an easy way of disposing of Caleb Cushing's opinion, but still it will be remembered that Caleb Cushing was a lawyer of fair fame in his day. In the small circuit of the New England States, where the honorable Senator was born, Mr. Cushing had some reputation; he was the counsel of the United States at Geneva; he was one of the men to whom the letter of Mr. Fish was addressed, and he gave his construction as to what that meant. I am sure that the Senate cannot have failed to observe that the honorable Senator the Senate cannot have failed to observe that the honorable Schator from Wisconsin got a cud a little too tough to chew on that point. It was very well for the Senator to say "your honor" when he addressed the Chair, because he was arguing this as if it was a case at common pleas. He was arguing this great question as if we were restrained by the narrowest dogmas of the law. He was arguing this as if subrogation could be pleaded here as it could be in an ordinary case before a State court. We are the men who can repeal subrogation. tion. This question was explicitly given to the discretion of the Congress of the United States. Mr. Fish's letter might just as well have said, "If you do not take care and not make committals the Senator

from Wisconsin and other acute lawyers will be pleading the doctrine of subrogation in the Senate of the United States just as conclusively as if arguing it before a State court in behalf of an insurance company."

as if arguing it before a State court in behalf of an insurance company."

Mr. Cushing's construction of Mr. Fish's letter was to exclude that narrow way of settling it. It was remanded to the discretion of Congress. The idea that Congress is bound by the law of subrogation that would be pleaded in an ordinary case for the recovery of the hulk of a vessel, what was left of her after the insurance had been paid, is diminishing this great issue, I confess, far below my vision.

Mr. CARPENTER. I simply wish to ask the Senator from Maine for information how he knows that this is the production of Caleb Cushing? Here is one of the little pamphlets, of which I have five or six hundred in my office, that I have received at different times on this subject. I see the name "C. Cushing."

Mr. BLAINE. If the Senator will permit me to interrupt him, see how exactly he is treating this question according to the smallest kind of practice in the county court of a State. He wants me to get an affidavit from Mr. Cushing's executor that Cushing wrote that letter. I cannot do it. [Laughter.]

Mr. CARPENTER. I submit to such criticism from the Senator from Maine with great patience, for if there was the slightest evidence from any source that he ever was in a court of common pleas even, there is certainly nothing in his manner of treating an opponent that indicates that he ever was. There is certainly nothing in his argument that indicates that he ever was to a leave files. I do not he

indicates that he ever was. There is certainly nothing in his argument that indicates that he ever wrote in a law-office. I do not believe he ever did. I simply asked for information if Mr. Cushing had delivered a deliberate opinion on the subject that is entitled to consideration. This does not purport to be an opinion; it is not in the form of an opinion; and I simply wished to ask whether the Senator knew that Mr. Cashing aver weste it or not

Mr. CONKLING. Is it addressed to anybody?

Mr. CONKLING. Is it addressed to anybody?

Mr. CARPENTER. It is not addressed to anybody; it is not dated anywhere; it has no beginning and no end. Here is a lot of propositions strung together and "C. Cushing" is printed at the end of them. It is all a mistake that Mr. Cushing ever wrote it.

Mr. BLAINE. Does the Senator wish was to prove that Mr. Fish

Mr. BLAINE. Does the Senator wish me to prove that Mr. Fish ever wrote the other letter?

Mr. CARPENTER. There is no proof that would stand in any court

from a justice of the peace to King's Bench.

Mr. BLAINE. I observe simply in answer to the Senator that the Mr. CARPENTER. I make no such argument. I asked the Senator if he knew where the paper came from, and said I thought it was not from Mr. Cushing. He says that is an argument. If it is, there is great weight in the suggestion that it did not come from any-

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had passed a bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes; in which it requested the concurrence of the Senate.

PAPERS WITHDRAWN.

On motion of Mr. TELLER, it was

Ordered. That the papers in the case of T. H. Lawrence be withdrawn from the files of the Senate, subject to the rules of the Senate.

Ordered. That the papers in the case of Charles J. Whiting be withdrawn from the files of the Senate, subject to the rules of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 5719) to revise and re-enact section 5480 of Revised Statutes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other pur-poses, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. WALLACE. I move that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened; and (at five o'clock and five minutes p. m) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 13, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

CLASSIFICATION OF MEMBERS.

Mr. SHALLENBERGER. I desire to call the attention of the House to page 11 of the Congressional Record of this morning. There is, I think, on that page an inaccuracy of statement which I desire

to point out, but if it is not objected to I shall consider it as an acceptance by the gentlemen indicated of the classification made for them. I refer to a speech made by the gentleman from Iowa [Mr. GILLETTE] on the 5th of April, and printed in the RECORD of this morning.

The SPEAKER. The gentleman from Iowa [Mr. GILLETTE] is not

Mr. SHALLENBERGER. I am aware of that; but I refer to it so that when gentlemen come into their seats they may know that attention has been at once called to the statement. There is a classification of the members of this House in which I find twelve gentlemen classed as "nationals." I suppose it is the intention of the gentleman from Iowa to distribute this speech liberally and that he wants to be accurate in his statements.

I see the gentleman from lowa classifies my distinguished colleague from Pennsylvania [Mr. Kelley] as a national. In the Congressional Directory he appears as a republican. There is an inaccuracy in the one statement or the other. If the gentleman from Pennsylvania makes no objection to this classification I certainly shall not. I make none whatever to my own classification in this statement.

I make none whatever to my own classification in this statement.

I see again that in this classification Mr. Jones, of Texas, elected, according to the Congressional Directory, as a democrat, is classed as a national. I desire to be correct in referring, possibly, to these gentlemen in the coming campaign, and if there be no objection to the classification as made here it will probably be accepted as correct. Mr. LADD, of Maine, elected as a "greenback democrat," is classified here as a national. If those two terms are held to be synonymous, I do not object. If Mr. Lowe, of Alabama, elected as a "greenback democrat," is willing to be classified as a national, I do not object. If no objection is made by those gentlemen the two terms will be understood to be synonymous. stood to be synonymous.

Mr. LOWE ros Mr. SHALLENBERGER. I desire to finish my statement before yielding to the gentleman from Alabama. Mr. Murch, of Maine, elected as a "greenback labor reformer," is classified as a national. Mr. STEVENSON, of Illinois, according to the Congressional Directory, was elected by the national greenback and democratic parties. He is classified here as a national. We have thus two classifications for certain representatives of the people. One is the Congressional Directory, from which it is customary to quote in our campaign speeches. That directory is, as I understand, approved by the gentlemen themselves. Here we have a speech, presumably made in open House, intended to be circulated very liberally, in which some of these distinguished gentlemen are classified differently. Now, if there be no objection whatever on the floor of the House to this statement, we are to understand, I presume, that the classification made by the gentleman from Iowa is the classification that is accepted by the gentlemen in question.

DISEASES OF DOMESTIC ANIMALS.

Mr. HAYES. I am instructed by the Committee on Printing to report back to the House a concurrent resolution, and recommend its

The SPEAKER. The previous question is prevailing on the Army appropriation bill, reported, with amendments, from the Committee of the Whole yesterday.

Mr. ATKINS. I will not claim the floor just at this time.

Mr. HAYES. I ask consent to report from the Committee on Print-

ing, for present consideration, the resolution which I send to the

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring therein.) That there be printed 100,000 copies of Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine, and infectious and contagious diseases and other classes of domesticated animals; of which 65,500 copies shall be printed for the use of members of the House, 20,000 copies for the use of members of the Senate, and 15,000 copies for the use of members of the Senate, and 15,000 copies for the use of the Commissioner of Agriculture.

Mr. HAYES. In view of the direct interest which the farmers and stock-raisers have in that report I hope the resolution will be adopted. Mr. YOUNG, of Tennessee. I hope the gentleman will include the publication of the report on the yellow fever, which I have been trying for three months to get printed.

The SPEAKER. That is not before the House.

Mr. HAYES. I am in favor of printing that report.

Mr. HAYES. I am in favor of printing that report.

There being no objection, the concurrent resolution was received and adopted.

Mr. HAYES. 1 wish to obtain consent of the House to have printed in the RECORD as a portion of the debates some remarks which I have prepared upon the resolution just adopted.

There was no objection, and leave was granted accordingly. [See

Appendix.]

PROFESSOR HAYDEN'S ZOOLOGY.

I ask consent to have taken from the Speaker's table Mr. HAYES. and referred to the Committee on Printing the concurrent resolution received from the Senate providing for the printing of 5,000 copies

of Professor Hayden's Report on Zoology.

There was no objection, and the following resolution was taken from the Speaker's table, and referred to the Committee on Printing: Resolved by the Senate, (the House of Representatives concurring) That there be printed at the Government Printing Office, with the necessary illustrations, 5,000

copies of the Report on Zoology, volume 14 of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden: 2,800 copies of which shall be for the use of the House of Representatives, 1,200 for the use of the Senate, and 1,000 for the Department of the Interior.

PAINTINGS ON WALLS OF THE NATIONAL CAPITOL.

Mr. DOWNEY. Mr. Speaker, I have prepared an argument in support of a bill (H. R. No. 5795) providing for certain paintings on the walls of the National Capitol, which I desire printed in the Con-GRESSIONAL RECORD.

There was no objection, and leave was granted accordingly. [See Appendix.]

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.
The SPEAKER. The regular order is the consideration of the Army appropriation bill reported with amendments from the Committee of the Whole on yesterday, and upon which the previous question is

operating.

Mr. ATKINS. I hope the gentleman from Missouri [Mr. Bland]
will not insist on his call for the regular order. There are two or
three gentlemen who desire to submit requests to the House to which

there may be no opposition.

Mr. BLAND. I will not press the call now.

Mr. BRENTS. I ask consent that the bill (H. R. No. 1291) creating Mr. Brents. Task consent that the bill (H. R. No. 1291) creating the Yakima land district, in Washington Territory, be taken from the House Calendar, for consideration at this time.

Mr. BLOUNT. I call for the regular order.

The SPEAKER. The Chair will recognize the gentleman from Washington Territory [Mr. Brents] later in the day.

ARMY APPROPRIATION BILL

The SPEAKER. The regular order is called for, which is the Army appropriation bill, coming over from yesterday under the operation of the previous question. The question is upon concurring in the amendments reported from the Committee of the Whole.

Mr. ATKINS. I do not desire myself to occupy the floor for the hour to which I am entitled under the rules, but I will yield to the gentleman from Ohio, [Mr. EWING.]

Mr. EWING addressed the House. [His remarks will be found in

the Appendix.

Mr. CONGER. Before further proceedings, I desire, Mr. Speaker, to raise a point of order, which for very obvious reasons, as the Chair and gentlemen of the House will understand, I did not wish to make at the commencement of the remarks of the gentleman from Ohio, [Mr. EWING,] lest it might seem that I sought to prevent him from making his speech. I raise the point so that the Chair may make a ruling upon it, and that all who desire to avail themselves of the ruling may know the proper time to do it.

I make the point of order, under the first paragraph of Rule XVII,

relating to the previous question, that after the previous question has been ordered no debate of any kind whatever, not even the hour's debate which under the former practice and rules of the House was allowed, is permissible until the previous question has exhausted

The paragraph of the rules to which I have referred provides:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote apon the immediate question or questions on which it has been asked and ordered.

The continuation of the paragraph prescribes how far the previous question may operate—up to and including, I think, the engrossment of the bill. Now, the right to an hour's debate on the part of the member reporting a measure exists under the third paragraph of Rule

The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

I make the point that, as the result of the change in our rules on this subject, the person claiming an hour to close debate must take that hour before the motion for the previous question is put and seconded. As he has possession of the floor, it can of course make no difference in practice whether his closing speech is made before or after the seconding of the previous question. Having possession of the floor, he may give notice of his intention to call the previous question, and may move it at the close of his hour, thus violating no rule.

The construction which I now submit to the Chair, will, as will be

The construction which I now submit to the Chair, will, as will be perceived, give effect to both rules. The other day I raised this point for the consideration of the Chair; but at that time there seemed no desire for a closing hour of debate; therefore the question was waived; and in fact I withdrew the point. But at this time I desire the Chair shall rule upon the point, one way or the other, so that members may understand when the proper time to occupy the closing hour arises, which as I understand is either before seconding the previous question on amendments and on the engrossment of the bill, or

perhaps after the engrossment, and before seconding the previous question on the passage of the bill.

Mr. ATKINS. I recognize the courtesy of the gentleman from Michigan [Mr. Conger] in waiving this point of order until the speech of the gentleman from Ohio [Mr. Ewing] had been made. Still, I think the gentleman is mistaken in his point. It seems to me the third clause of Rule XIV settles the question. That rule gives

to the member reporting any measure the right to open and close the debate, if the discussion extends beyond one day, that rule read.

that rule read.

Mr. CONGER. I read that clause of Rule XIV and remarked that of course it gave the member reporting a measure the right to the closing hour; but my point was that under the first clause of Rule XVII the hour must be used before the previous question is ordered. I think the two rules may be construed consistently.

The SPEAKER. The first question suggested to the Chair by the remarks of the gentleman from Michigan, [Mr. CONGER,] and the first question which will naturally arise in the mind of every member, is as to the right of a gentleman reporting a measure to occupy one hour.

as to the right of a gentleman reporting a measure to occupy one hour in closing debate. On that subject the right under the rule is clear. In closing debate. On that subject the right under the rule is clear. The second question is as to the time when this right shall be exercised, when the hour shall be occupied. Under the old rule the practice was to allow the closing hour for debate either before or after the main question was ordered. Under the new rules, which provide in the first clause of Rule XVII that the previous question "shall have the effect to cut off all debate," the present question is raised.

In the present instance it was not in fact material whether the light to account one hour in clearing debate, should be experied as in

right to occupy one hour in closing debate should be exercised, as in fact it was by unanimous consent, after the main question had been ordered on the amendments and engrossment of the bill, and before its complete execution, or whether the right should be exercised after the main question upon the amendments and the engrossment of the bill had been executed, which would leave to the member, beyond question from any source, the right to a closing hour before the order-

question from any source, the right to a closing hour before the ordering of the main question on the passage of the bill.

The Chair decides in the first place that in cases like this the right to occupy an hour in closing debate does exist. The only query is, therefore, whether this right should be exercised before or after the main question is ordered. In this case it seems to have been exercised without objection after the ordering and before the execution of the main question on the amendments and the expressment. cised without objection after the ordering and before the execution of the main question on the amendments and the engrossment. But if any member had objected at that time, still the right to the closing hour would have continued on the part of the gentleman from Tennessee, and could have been exercised before the ordering of the previous question on the passage of the bill. Hence, in point of fact, the exercise of the right in this case has been equitable and just. Hereafter, however, unless the Chair be ordered to the contrary by the House, he will take the liberty of suggesting that whenever the hour is to be used under the provision of the third clause of Rule XIV the member entitled to the hour should claim it before the main question is ordered upon the engrossment of the bill, or before it is question is ordered upon the engrossment of the bill, or before it is ordered on the passage of the bill, as he may select, and not during the execution of the previous question on engrossment or the execu-

the execution of the previous question on engrossment of the execution of the previous question on passage.

Mr. REAGAN. I desire to call the attention of the Chair to a practical point in the consideration of this particular branch of the rules. The wording of the first clause of the seventeenth rule seems to justify the opinion taken by the Speaker, but in that event this practical difficulty arises in the construing the two rules together. If the right on the part of the member reporting a proposition to close delate is to be avaraged as the Chair suggests before the debate is bate is to be exercised, as the Chair suggests, before the debate is closed, then it will always be in the power of the majority of the House, after that closing speech has been made, still to continue the debate, unless that closing speech shall be made after the main question has been ordered and the debate finally terminated. I present this practical difficulty which meets us in the application of the new

The SPEAKER. The Chair has not decided absolutely on the point raised, but has merely suggested it would seem to be better hereafter that the right of the member reporting a proposition to close debate should be exercised before the main question has been actually ordered on the engrossment or on the passage of a bill. The gentleman reporting a measure is always, of course, subject to the will of the majority of the House; and even should the main question be ordered, and the majority of the House should so desire, it could reopen the whole question by reconsidering the vote ordering the main question. It would seem better that the member reporting should take his hour before the main question is actually ordered; because, if the main question should not be ordered, as demanded by the member in charge, by a majority of the House, the effect would be to throw the measure into the hands of its opponents and cut him off from closing in explanation.

The question recurred on the following amendment reported from the Committee of the Whole House on the state of the Union:

Page 5, strike out the following:

"Provided further, That commutation, in lieu of rations in kind, shall be paid to enlisted men only, under regulations made by the Secretary of War, and at not exceeding the following rates per diem, and under the following circumstances: Seventy-five cents when traveling under orders, and it is impracticable to cook their rations or carry cooked rations; seventy-five cents when stationed where it is impracticable to draw rations in kind from the Subsistence Department, or where there may be no opportunity of messing; and twenty-five cents while on furlough by competent authority."

The SPEAKER. The question is on concurring with the Committee of the Whole House on the state of the Union in striking from the bill the words which have been read by the Clerk.

The House divided; and there were—ayes 101, noes 10. So the amendment was concurred in.

Mr. SPARKS. I desire now, by direction of the committee, to submit again for a vote of the House the contract-surgeon amendment.

The SPEAKER. The bill is not open to amendment.

Mr. SPARKS. I gave notice in committee I should ask a vote on the amendment in the House.

The SPEAKER. The gentleman has not the right under the practice to ask for such a vote. When an amendment is rejected in the Committee of the Whole House on the state of the Union it does not come before the House. In addition the previous question has been seconded and the main question ordered and that motion reconsidered, and that motion laid on the table in this instance, which cuts off all further amendment in the House on this bill.

Mr. SPARKS. I ask whether I have not the right, as the chairman representing the Committee on Military Affairs, to have a vote in the House on this amendment? I ask the chairman of the Committee on Appropriations to make a statement in reference to the subject.

Mr. ATKINS. Owing to the irregularity with which this amendment was rejected, there being some confusion about the count of the ment was rejected, there being some confusion about the count of the tellers, and some other circumstances connected with it, the Committee on Appropriations instructed the gentleman reporting this bill, [Mr. CLYMER,] and I am subrogated to his rights, to consent to a vote in the House on this same proposition, if demanded by the Committee on Military Affairs. It is asked now, as I understand, by the chairman of the Committee on Military Affairs that a vote shall be had in the House on this proposition, and, in accordance with the instructions of the Committee on Appropriations, I yield or consent to the moving of the amendment to the pending bill.

The SPEAKER. The amendment is not before the House in any shape.

shape.

Mr. ATKINS. That is for the Chair to decide.

Mr. SPARKS. The proposition was voted on in the committee,

Mr. SPARKS. The proposition was voted on in the committee, and the demand was made at the time that a vote would be taken on the same amendment in the House. Now, when the bill is brought up in the House and the chairman of the Committee on Appropriations having the bill in charge states to the Chair that it is the instruction of that committee a vote should be allowed in the House on the amendment, I want to know why we are prevented from hav-

on the amendment, I want to know why we are prevented from having such a vote. How are we ever to get a vote on any subject if, under these circumstances, we are to be refused a vote on this contract-surgeon amendment?

The SPEAKER. The Chair understands the amendment was offered in committee and voted down. Therefore not being reported from the Committee of the Whole House on the state of the Union—having been rejected there, it is not before the House. That amendments are referred to the contribution of the Whole House are the Whole House. ment was not reported from the Committee of the Whole House on the state of the Union and is not, in any shape or form, included in

the report of that committee.

Mr. SPARKS. It could not be, because it was voted down in the Committee of the Whole House on the state of the Union.

The SPEAKER. In addition to that, the previous question has been seconded and the main question ordered on the report of the Committee of the Whole House on the state of the Union, and the motion was made to reconsider the vote by which the main question was ordered and that motion was laid upon the table; so that the only questions upon which the House can vote are those included in the report of the Committee of the Whole House on the state of the Union.

Mr. SPARKS. How is it possible, then, on any proposition brought before the Committee of the Whole House on the state of the Union which is vested down to have a vest afterward at the state of the Union which is vested down to have a vest afterward to the vester afterward.

which is voted down to have a vote afterward on the same proposi-tion in the House? [Cries of "Regular order!"]

The SPEAKER. It is not in the power of the House to vote on a proposition voted down in committee unless moved afterward in the House when in order to do so.

Mr. McMAHON. The gentleman who had charge of this bill before

demanding the previous question could have yielded to the gentle-man from Illinois to offer it, and then it would have been in order. The SPEAKER. It would not then have come in as an amendment in any of its relations to the Committee of the Whole House on the state of the Union, but as an original proposition offered in the House.

Mr. McMAHON. Of course, but it would have been in order at

The SPEAKER. It would under the conditions stated by the gentleman from Ohio, [Mr. McMahon.]

Mr. DIBRELL. It was announced at the time that it would come

up again in the House when a vote would be demanded on the amend-

The SPEAKER. The Chair has nothing to do with anything which occurred in Committee of the Whole House on the state of the Union beyond what he actually finds in the report of the Committee of the Whole House on the state of the Union.

Whole House on the state of the Union.

Mr. DIBRELL. The proposition was twice carried in committee, and was only defeated on the last vote by a quibble. I shall insist we are entitled to a vote on that proposition in the House, and if we do not get it I shall be compelled to vote against the whole bill.

The SPEAKER. The Chair begs to inform the gentleman from Tennessee that he cannot recognize an amendment voted down in committee, which, of course, has not been reported to the House. In addition to which, it is cut off from being offered in this case in the

House by the previous question being seconded and the main question ordered. The only propositions before the House to be voted on are those which come from the Committee of the Whole House on the

state of the Union.

Mr. McMILLIN. In Committee of the Whole the question was asked whether there could not be a vote upon this amendment in the

Mr. BURROWS.

Mr. BURROWS. I rise to a question of order.

The SPEAKER. The Chair is now listening to a point of order.

Mr. BURROWS. But I make the point of order that it is not competent for gentlemen to allude to what took place in the Committee of the Whole. The report of the chairman of the Committee of the

of the Whole. The report of the chairman of the Committee of the Whole must be conclusive.

The SPEAKER. The Chair thinks it should be competent for a member to allude to what occurred in the Committee of the Whole House on the state of the Union in line of debate in the House.

Mr. McMILLIN. How are you going to know what occurred in Committee of the Whole otherwise? It is not so sacred we cannot allude to it. Otherwise we have nothing to act upon.

Now, Mr. Speaker, I say the inquiry was made whether a vote could not be had on this proposition in the House. The gentleman in charge of the bill [Mr. Clymer] announced, as I understood, that consent might be given for that purpose, or that he would take the matter under consideration. Afterward, and exercising his right, when he was compelled to be absent, he authorized the gentleman now in charge of the bill to allow this amendment, coming from a committee of the House, to be permitted to come to a vote in the House.

charge of the bill to allow this amendment, coming from a committee of the House, to be permitted to come to a vote in the House.

Mr. SPARKS. The committee requested it.
Mr. McMILLIN. The committee asked it, and I say if no vote is allowed upon that amendment the House will be misled in its action, for it was generally understood we were to have a separate vote.

The SPEAKER. The Chair begs to inform the gentleman from Tennessee [Mr. McMILIN] he can act only in accordance with the rules. The gentleman from Illinois [Mr. SPRINGER] will please statewhat occurred in the Committee of the Whole House.

Mr. REED. I submit that the Committee of the Whole cannot give consent to a vote in the House and that it is not possible for the chair-

consent to a vote in the House and that it is not possible for the chairman of the committee or the gentleman in charge of the bill to give consent that an amendment which has been rejected by the Committee

of the Whole shall come before the House for action.

The SPEAKER. The Chair wants knowledge from the chairman of the Committee of the Whole House on the state of the Union. The Chair has stated that the Committee of the Whole having failed to report the amendment it could not come before the House unless itcome in in manner as has not been done in this case, by unanimousconsent in the Committee of the Whole or by allowance before the previous question was ordered upon the engrossment of the bill and the amendments. Then it would come in as an original proposition.

Mr. SPRINGER. I desire to have read that part of the proceedings of the Committee of the Whole as relate to this subject. I send

to the Clerk's desk.

Mr. SPARKS. As is well known, I demanded in the Committee of the Whole that there should be a separate vote in the House now, asthis did not come as a report from the Committee of the Whole, because the Committee of the Whole, if you please, defeated it. I understand that the proposition now comes before the House as an amendment, not as a report from the Committee of the Whole, but as an amendment to the bill.

The SPAKER The Contlement count offer it as an amendment.

amendment to the bill.

The SPEAKER. The gentleman cannot offer it as an amendmentnow, because, as has already been stated by the Chair, it was notoffered prior to the demand for the previous question on the amendments reported by the Committee of the Whole, the effect of which
is to cut off all other amendments.

Mr. SPRINGER. I desire to state in explanation of what I will
now ask the Clerk to read that it occurred just after the Committee
of the Whole had disagreed to this amendment. I ask the Clerk now
to read that portion which I have marked.

Mr. CONGER. Mr. Speaker, it is not questioned but that this
amendment was voted down in the Committee of the Whole?

The SPEAKER. That is admitted.

Mr. CONGER. Then what further can there be of it? If it was
voted down in the committee, how can it come before the House?

voted down in the committee, how can it come before the House?

The SPEAKER. The Chair desires to have read what the chairman of the Committee of the Whole has indicated for his own information and to revive the memory of the House.

Mr. CONGER. I hope that will not be read. I should be sorry to

have read again that harrowing scene that took place in the House.

[Laughter.]
Mr. SPRINGER. I will take care of that if the gentleman will

allow this extract to be read.

Mr. CONGER. I am afraid that the effect of this will be to rekindle the sparks which flew up so vividly and brightly when this question was before the committee before. [Laughter.]

The SPEAKER. The part to which the chairman of the committee alludes has nothing offensive in it to anybody.

The Clerk read as follows:

Mr. Sparks. I shall ask for a vote on this amendment in the House.

Mr. Marsh. And I give notice that I shall object to any vote in the House upon
it. [Cries of "Regular order!"]

Mr. Sparks. I desire to be heard on this for a moment.

Several members demanded the regular order.

The Chairman. The Chair desires to state that this amendment, not having been agreed to in committee, it will not be reported to the House at all; and unless the gentleman from Pennsylvania in charge of this bill admits the amendment it cannot be voted upon in the House.

Mr. Sparks. That is just my proposition, that he does admit it. I understand the condition of the question.

Now, sir, as this comes from one of the committees of this House, I hardly think that the member of the Committee on Appropriations having this bill in charge will refuse the request of that committee to have a vote in the House after having announced on yesterday that he would do so.

Mr. CLYMER. I did state last night, when the committee appeared to be without a quorum, that I would, under the circumstances, allow a vote in the House. What I will do now, when the time comes, I am not prepared to say. [Cries of "Regular order!" "That is right!"]

Mr. SPRINGER. Now, after this the other proceedings took place

Mr. SPRINGER. Now, after this the other proceedings took place which are familiar to gentlemen, and there was nothing further said

in reference to this amendment.

Mr. SPARKS. In connection with what has just been read from the Clerk's desk I desire now to call attention to what took place on the preceding day in reference to this matter, and to the remarks made by the gentleman having charge of the bill [Mr. CLYMER] on that occasion. I read from the RECORD:

Mr. CLYMER. I desire to move that the committee rise. [Cries of "Vote!" "Vote!"] Before doing so I would like to have a vote on this amendment, and in order to save time I will say to the committee that if the proposed amendment should be voted down I will agree that there shall be a vote on it in the House by yeas and nays.

The SPEAKER. The Chair has nothing to do except with what comes to his knowledge in the report of the Committee of the Whole on the state of the Union through its chairman. This amendment does not come from that committee. The Chair is advised, however, that it was offered in Committee of the Whole on the state of the Union and was voted down; and under such circumstances, without general consent such amendment would not come into the House. It was competent for the gentleman from Tennessee, [Mr. ATKINS,] before the main question had been ordered on the bill and amendments recommended by the committee running to the engrossment of the bill, to have yielded to the gentleman from Illinois to move this amendment. But that was not done, and the Chair thinks it is too late now to offer it. The next amendment reported from the Committee of the Whole on the state of the Union will be read.

The Clerk read as follows:

On page 11, line 240, after the word "for," insert "mounting and;" so that it will read: "For mounting and dismounting guns and removing the armament from forts being modified or repaired," &c.

The amendment was agreed to.

The next amendment reported by the Committee of the Whole was read, as follows:

On page 12, after line 283, insert the following:

"That upon the application of any college, university, or institution of learning, incorporated under the laws of any State within the United States, having a capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof, and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States."

Mr. MURCH. Can we have the yeas and nays on that amendment?

The SPEAKER. Certainly.
Mr. MURCH. Then I call for the yeas and nays.
Mr. CONGER. Is that one amendment, or is it susceptible of division 1

The SPEAKER. It is one amendment. It comes from the committee as one amendment.

The question being put, the yeas and nays were not ordered; only thirteen members voting therefor.

Mr. REAGAN. I ask that the amendment may be again read, and call for a division. I think the question is not understood.

The SPEAKER. The gentleman has a right to a division on the

question of adopting the amendment.

The question being taken on agreeing to the amendment, there

were—ayes 87, noes 44.

Mr. REAGAN. I call for the yeas and nays.

The SPEAKER. The yeas and nays have been refused. They were demanded by the gentleman from Maine, [Mr. MURCH,] and the House

demanded by the gentleman from Maine, [Mr. MURCH,] and the House refused to order them, only thirteen gentlemen rising.

Mr. REAGAN. Then I call for tellers.

The SPEAKER. The Chair will order tellers, less than a quorum having voted, and appoints the gentleman from Texas, [Mr. REAGAN,] and the gentleman from Wisconsin, [Mr. HUMPHREY,] to act as tellers.

Mr. SPRINGER. Tellers on what?

The SPEAKER. On the adoption of the amendment.

The House again divided; and the tellers reported—ayes 107, noes 47.

Mr. REAGAN. I move to reconsider the vote by which the yeas

and nays were refused.

The SPEAKER. The reconsideration of a vote refusing the yeas and nays is under the control of a majority.

Mr. CALKINS. I suggest that the motion to reconsider comes too

Late after other business has intervened.

The SPEAKER. Not necessarily; because the House is still dividing in order to determine what is its judgment. The Chair has always entertained a motion to reconsider the vote by which the yeas and

nays were ordered, the effect being, if the vote is reconsidered by a majority, the constitutional right of one-fifth of the House to have the yeas and nays immediately recurs.

Mr. PAGE. I move to lay the motion to reconsider on the table.

Mr. ATKINS. I hope the gentleman from California will withdraw

that motion. Let us take a direct vote upon the question of reconsideration.

Mr. PAGE.

Mr. PAGE. I insist on my motion. Mr. REAGAN. I ask for the yeas and nays on the motion to lay on the table the motion to reconsider.

The yeas and nays on the motion to lay on the table were not or-dered, only 22 members voting therefor—not one-fifth of the last

Mr. LOWE. I call for tellers on the year and nays. Tellers were not ordered, only 15 members voting therefor—not onefifth of a quorum.

The motion to lay on the table the motion to reconsider the vote by which the yeas and nays on agreeing to the amendment were re-

fused was then agreed to.

The SPEAKER. The amendment is agreed to by the vote reported by the tellers—ayes 107, noes 47.

The next amendment reported by the Committee of the Whole was read, as follows:

Add to the bill the following section:

"SEC. 2. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: Provided, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof, or of the executive when the Legislature cannot be convened."

Mr. ATKINS. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. ATKINS. Can this amendment as reported be divided?
The SPEAKER. It cannot.

Mr. ATKINS. Then it is to be voted on as an entirety. Mr. WARNER. Can the House not vote separately on the proviso added on the motion of the gentleman from Ohio, [Mr. HURD? The SPEAKER. It cannot; because this comes from the Commit-

tee of the Whole on the state of the Union as an entire amendment.
Mr. ATKINS. I call for the yeas and nays on agreeing to it.
The yeas and nays were ordered.
The question was taken; and there were—yeas 117, nays 96, not voting 79; as follows:

YEAS-117.

Aiken, Armfield, Atherton, Atkins, Bachman, Beale, Beltzhoover, Bicknell, Blackburn, Bland, Bliss, Blount, Bouck, Bright, Cabell, Caldwell, Caldwell, Caldwell, Caldwell, Cohalmers, Cobb, Coffroth, Colerick, Cox, Cox, Cravens, Davis, Joseph J. Davis, Joseph J. Davis, Joseph J. Davis, Joseph J.	Dickey, Dunn, Elam, Evins, Ewing, Felton, Forney, Frost, Geddes, Goode, Gunter, Harris, John T. Hatch, Henkle, Henry, Herbert, Herndon, Hooker, House, Hull, Hunton, Hurd, Johnston, Kimmel, Lewis, Lowe, Manning, Martin Reni F	McLane, McMahon, McMillin, Money, Morrison, Muldrow, Murch, Myers, New, Nicholls, O'Connor, O'Reilly, Persons, Phelps, Phister, Reagan, Richmond, Ross, Rothwell, Ryon, John W. Samford, Sawyer, Shelley, Simonton, Singleton, J. W. Singleton, O. R. Slenons, Swith Herelvich B.	Speer, Springer, Steele, Stevenson, Talbott, Taylor, Thompson, P. B. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas Upson, Vance, Waddill, Warner, Weswer, Wellborn, Wells, Whitteaker, Whitthorne, Williams, Thomas Williams, Thomas Willis, Wise, Wood, Fernando Wright.

	NA	YS-96.	
drich, N. W. drich, William nderson, diley, ker, dilou, urber, kyne, diford, ngham, ake, owman, oye, riggs, righam, rowne, urrows, atterworth, ump, unnon, urpenter, sswell, affin,	Conger, Cowgill, Crowley, Daggett, Davis, George R. Davis, Horace Dunnell, Einstein, Errett, Farr, Ferdon, Field, Fisher, Forsythe, Fort, Frye, Gillette, Godshalk, Hall, Harmer, Harris, Benj, W. Haskell, Hawk. Hawk.	Hayes, Hazelton, Heilman, Henderson, Hiscock, Humphrey, Jorgensen, Keifer, Kelley, Ketcham, Lindsey, Loring, Marsh, Mason, McCoid, McKinley, Mitchell, Monroe, Morten, Newberry, Norcross, O'Neill, Orth, Overton,	Pacheco, Page, Pierce Pound, Price, Robeson, Russell, Daniel L. Shallenberger, Sherwin, Smith, A. Herr Stone, Thomas, Thompson, W. G. Tyler, Updegraff, J. T. Wan Aernam, Van Voorhis, Voorhis, Wait, Ward, Williams, C. G. Willits.

P

1880.		CONGR	ESSIONAL
anning of the	NOT V	OTING—79.	and mellips one
cklen, arlow, erry, ragg, alkins, hittenden, lardy, lark, Alvah A. lark, John B. lymer, onverse, overt, rapo, ulberson, avis, Lowndes H. eering, iokk, wight, llis, inley,	Ford, Garfield, Gibson, Hammond, John Hammond, N. J. Hill, Horr, Hostetler, Houk, Hubbell, Hutchins, James, Jones, Joyce,	Ladd, Lapham, Le Fevre, Lounsbery,	Richardson, D. P. Richardson, J. S. Robertson, Robinson, Robinson, Russell, W. A. Ryan, Thomas Sapp, Scales, Starin, Stephens, Townsend, Amos Valentine, Washburn, White, Wilber, Wood, Walter A. Yocum, Young, Casey Young, Thomas L.
So the amendr The following Mr. LADD with ions touching the lair to continue Mr. CLYMER wher notice. Mr. LAPHAM vions. Mr. RICHARDS	h Mr. JOYCE on he tariff and wh until April 19. rith Mr. HUBBEI with Mr. CULBER on, of New Yor esent, Mr. RICH	ounced from the C all political ques en necessary to m L on all political ason for to-day or ck, with Mr. Rice	stions except ques- ake a quorum; the questions until fur- all political ques- tardson, of South York, would vote

Carolina. If present, Mr. RICHARDSON, Of New York no" and Mr. RICHARDSON, of South Carolina, "ay," Mr. CLARDY with Mr. RUSSELL, of Massachusetts.
Mr. RYAN, of Kansas, with Mr. YOUNG, of Tennessee.

Mr. HOSTETLER with Mr. HORR. Mr. ACKLEN with Mr. KILLINGER.

Mr. Converse with Mr. Sapp.
Mr. Martin, of North Carolina, with Mr. Kitchin.
Mr. Knott with Mr. Robinson.
Mr. Wilber with Mr. Kenna.

Mr. Covert with Mr. Young, of Ohio. Mr. Clark, of Missouri, with Mr. Calkins. Mr. Prescott with Mr. Robertson. Mr. Starin with Mr. O'Brien.
Mr. Klotz with Mr. Valentine.
Mr. White with Mr. Muller.
Mr. Washburn with Mr. Poehler.

Mr. DICK with Mr. ELLIS. Mr. Houk with Mr. Lounsbery. Mr. PHILIPS with Mr. MILES.

Mr. King with Mr. Neal. Mr. McGowan with Mr. Clark, of New Jersey.

Mr. DEERING with Mr. SCALES

Mr. Townsend, of Ohio, with Mr. Finley. Mr. Bragg with Mr. James.

Mr. Bragg with Mr. James.
Mr. Gibson with Mr. Crapo.
Mr. Morse with Mr. Miller.
Mr. Sparks with Mr. White.
Mr. REED, (having voted in the negative.) I am inclined to think that I am paired with Mr. Hammond, of Georgia, and therefore I desire to withdraw my vote. If he were present, I should vote "no."
Mr. OSMER. I desire permission to vote.
The SPEAKER. Did the gentleman respond when his name was called?

Mr. OSMER. I am not certain that I was in my seat when my name was called; if I was, I did not hear it.

The SPEAKER. The rule provides that a member must answer when his name is called, or he loses his right to vote.

The result of the vote was then announced as above stated.
Mr. ATKINS moved to reconsider the vote by which the amendment
was agreed to; and also moved that the motion to reconsider be laid
on the table.

The latter motion was agreed to.

The bill, as amended, was then ordered to be engrossed and read a

third time; and it was accordingly read the third time.

Mr. ATKINS called the previous question upon the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. ATKINS moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the passage of the bill.

Mr. CONGER and others called for the yeas and nays.

The SPEAKER. The rule requires the yeas and nays to be taken on the passage of an appropriation bill.

The question was taken; and there were—yeas 118, nays 95, not retire? 21, as follows:

voting 79; as follows:

	7	EAS-118.	
Armfield, Atherton.	Beltzhoover, Bicknell.	Blount, Bouck.	Caldwell, Carlisle.
Atkins.	Blackburn.	Bright.	Chalmers.
Bachman,	Bland,	Buckner,	Cobb,
Beale	Bliss	Cabell	Coffroth

Coek, Herbert, O'Connor, Taylor, Cox, Herndon, O'Reilly, Thompson, Cravens, Hooker, Persons, Tillman, Culberson, House, Phelps, Townshen, Davidson, Hull, Phister, Trucker, Davis, Joseph J. Hunton, Reagan, Turner, Os De La Matyr, Hurd, Richmond, Turner, T. Dibrell, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	
Cravens, Hooker, Persons, Tillman, Culberson, House, Phelps, Townshen, Davidson, Hull, Phister, Tucker, Davis, Joseph J. Hunton, Reagan, Turner, Os De La Matyr, Hurd, Richmond, Turner, T. Dibrell, Johnston, Ross, Upson, Vance, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	
Cravens, Hooker, Persons, Tillman, Culberson, House, Phelps, Townshen, Davidson, Hull, Phister, Tucker, Davis, Joseph J. Hunton, Reagan, Turner, Os De La Matyr, Hurd, Richmond, Turner, T. Dibrell, Johnston, Ross, Upson, Vance, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	P. B.
Davidson, Hall, Phister, Tucker, Davis, Joseph J. Hunton, Reagan, Turner, Os. De La Matyr, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	
Davis, Joseph J. Hunton, Reagan, Turner, Oston De La Matyr, Hurd, Richmond, Turner, T. Dibrell, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	1, R. W.
Davis, Joseph J. Hunton, Reagan, Turner, Ostobell, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	Turnesto.
De La Matyr, Hurd, Richmond, Turner, T. Dibrell, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	car
Dibrell, Johnston, Ross, Upson, Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	
Dickey, Kimmel, Rothwell, Vance, Dunn, Lewis, Ryon, John W. Waddill,	
Dunn, Lewis, Ryon, John W. Waddill,	
Elam, Lowe, Samford, Warner,	
Evins, Manning, Sawyer, Weaver,	
Ewing, Martin, Benj. F. Shelley, Wellborn,	
Felton, Martin, Edward L. Simonton, Wells,	
Forney, McKenzie, Singleton, J. W. Whiteaker	
Forsythe, McLane, Singleton, O. R. Whitthorn	
Frost, McMahon, Slemons, Williams,	Thomas
Geddes, McMillin, Smith, Hezekiah B. Willis,	
Gillette, Mills, Smith, William E. Wilson,	
Goode, Money, Sparks, Wise,	
Gunter, Morrison, Speer, Wood, Fer	nando
Harris, John T. Muldrow, Springer, Wright.	
Hatch, Murch, Steele,	
Henkle, Myers, Stevenson,	
NAVE OF	

2363

		110-00.	
Aldrich, N. W. Aldrich, William Anderson, Bailey, Baker, Baker, Bayne, Belford, Bingham, Blake, Bowman, Boyd, Brewer, Briggs, Brigham, Browne, Burrows, Butterworth, Camp, Cannon, Carpenter, Caswell, Chittenden,	Claffin, Conger, Cowgill, Daggett, Davis, George R. Davis, Horace Dunnell, Einstein, Errett, Farr, Ferdon, Field, Fisher, Fort, Frye, Godshalk, Hall, Harmer, Harris, Benj. W. Hasbell, Hawley, Hawley, Hawley, Hayes, Hazeton,	Heilman, Henderson, Hiscock, Humphrey, Jorgensen, Keifer, Kelley, Lapham, Lindsey, Loring, Marsh, Mason, McCoid, McKinley, Mitchell, Monroe, Morton, Newberry, Nicholls, Norcross, O'Neill, Orth, Osmer, Overton,	Pacheco, Page, Page, Pierce, Pound, Price, Robeson, Russell, Daniel L. Shallenberger, Sherwin, Smith, A. Herr Stone, Thomas, Thomas, Thompson, W. G. Tyler, Updegraff, Thomas Updegraff, J. T. Urner, Van Aernam, Van Voorhis, Voorhis, Wait, Ward, Willits.
	NOT	VOTING-79.	

	NOT	VOTING-79.	
Acklen,	Finley,	Klotz,	Richardson, J. S.
Aiken.	Ford.	Knott.	Robertson.
Barlow.	Garfield,	Ladd.	Robinson.
Berry,	Gibson,	Le Fevre,	Russell, W. A.
Bragg,	Hammond, John	Lounsbery,	Ryan, Thomas
Calkins.	Hammond, N. J.	Martin, Joseph J.	Sapp,
Clardy,	Hill.	McCook.	Scales.
Clark, Alvah A.	Horr,	McGowan,	Starin,
Clark, John B.	Hostetler.	Miles.	Stephens,
Clymer,	Houk,	Miller.	Townsend, Amos
Converse.	Hubbell.	Morse.	Valentine.
Covert,	Hutchins,	Muller.	Washburn,
Crapo,	James,	Neal.	White.
Crowley.	Jones,	O'Brien.	Wilber,
Davis, Lowndes H.		Philips,	Williams, C. G.
Deering,	Kenna,	Poehler.	Wood, Walter A.
Deuster,	Ketcham,	Prescott,	Yocum,
Dick,	Killinger.	Reed,	Young, Casey,
Dwight,	King, Kitchin,	Rice,	Young, Thomas L.
Ellis.	Kitchin.	Richardson, D. P.	HUMANIZ HANDE

So the bill was passed.

Before the result of the vote was announced the following proceed-

Before the result of the vote was announced the following proceedings took place:

Mr. SPARKS. In the vote immediately preceding this it was announced that I was paired with the gentleman from Pennsylvania, [Mr. White] and supposing it to be the fact, I refrained from voting. It seems, however, that the gentleman from Pennsylvania was paired with another gentleman. I ask to have my name recorded.

The SPEAKER pro tempore, (Mr. SPRINGER.) The Chair is at liberty to entertain a request to correct an error in the recording of a vote, or to correct a vote given through misapprehension. As the gentleman states that in this case there was a misapprehension, the Chair presumes there will be no objection to his recording his vote upon the previous roll-call.

Mr. SPARKS. In the announcement sent to the desk by the gentleman from Pennsylvania [Mr. HARMER] who has charge of the pairs on the other side, it was stated that the gentleman from Pennsylvania [Mr. WHITE] was paired with Mr. MULLER, of New York; hence, he could not have been paired with me.

The SPEAKER pro tempore. If there be no objection, the gentle-

The SPEAKER pro tempore. If there be no objection, the gentle-man's name will be recorded on the previous vote.

man's name will be recorded on the previous vote.

There was no objection.

Mr. SPARKS. I vote "ay."

Mr. AIKEN. Mr. Speaker, during the vote just taken I was in the Hall, but did not hear my name called. I desire to vote.

The SPEAKER pro tempore. The Chair cannot entertain the gentleman's request to have his name recorded unless he states that he did vote, but that his vote was not heard at the Clerk's desk.

Mr. AIKEN. I claim the right to vote. I was in the House; but I did not hear my name called.

The SPEAKER pro tempore. The clerks inform the Chair that the gentleman's name was called twice.

Mr. AIKEN. I did not hear it, though I was in the Hall. I claim

the right to have my vote recorded.

The SPEAKER pro tempore. Is there objection to allowing the gentleman to record his vote?

Several members objected.

The SPEAKER pro tempore. Objection is made; and the request cannot be entertained.

Mr. AIKEN. I raise the point that I have the right to have my vote recorded. I was in the House, but I did not hear my name called. I desire to know who can say that I shall not vote.

The SPEAKER pro tempore. The Clerk will report the rule on the

subject.

Mr. AIKEN. I was in the Hall, but there was so much confusion I did not hear my name called. Two-thirds of the time I cannot hear at my seat what is going on in the House. I am here to vote; and I demand my right to vote.

The SPEAKER pro tempore. The Clerk will read clause 1 of Rule

The Clerk read as follows:

Upon every roll call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

The SPEAKER pro tempore. Under the circumstances the Chair will ask unanimous consent for the gentleman to record his vote.

Mr. CONGER. But the rule prevents the Chair from asking such

consent

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. Aiken] sits in a part of the Hall remote from the Clerk's desk, and he states on his responsibility as a member that he did not hear his name called, owing to the confusion in the Hall at the time.

Mr. HAYES. The gentleman must pay attention during the roll-

call.

The SPEAKER pro tempore. Is there objection?

Several members objected.

Mr. DAVIS, of California. I was excluded from voting under identically the same circumstances by the Speaker not a week ago.

The SPEAKER pro tempore. There being objection, the gentleman's vote cannot be recorded.

Mr. AIKEN. I do not pretend to decide upon the proper construction of the rule; but it is very well known to the House that those members who sit as I do, on the outer tier of seats, find it impossible often to know what is going on. While this roll was being called often to know what is going on. While this roll was being called there were a dozen men in my neighborhood talking, so that the voice of the Clerk or the Chair could not be heard at my seat. It is the duty of the occupant of the chair to preserve to every member his privilege of hearing what is going on at the Clerk's desk. It is no man's right to deny to me the privilege of voting when I have been unable to hear my name called. I have the constitutional right to declare to the people of the country my vote on this question. I desire it to go on record, rules or no rules, that I am in favor of the passage of this bill.

The SPEAKER pro tempore. The gentleman had the right to

The SPEAKER pro tempore. The gentleman had the right to vote, and as he did not vote, the Chair does not see that he has any

remedy.

Mr. WILLIAMS, of Wisconsin. I was called out for a moment,

Mr. WILLIAMS, of Wisconsin. I was called out for a moment, and I am willing to pair with the gentleman from South Carolina.

Mr. AIKEN. My statement goes on record.

The following additional pair was read from the Clerk's desk:

Mr. Hammond, of Georgia, with Mr. Reed. If not paired, Mr. Reed would vote "no" and Mr. Hammond "ay."

The vote was then announced as above recorded.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to. Mr. WILLIAMS, of Wisconsin. I desire to announce, Mr. Speaker, that I was paired on the last vote with the gentleman from South

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 253) to increase the pension of Cap-

tain Samuel C. Schover.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

The message also announced that the Senate had agreed to the

amendment of the House to the concurrent resolution of the Senate providing for the appointment of a joint committee to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties.

of the following title; in which the concurrence of the House was requested:

An act (S.No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

EVENING SESSIONS FOR PENSION BILLS.

Mr. COFFROTH. I ask unanimous consent to offer the following: resolution:

The Clerk read as follows:

Resolved. That there be sessions of the House this evening and Friday evening of this week, commencing at seven and a half o'clock, for the purpose of considering pension bills now on the Private Calendar.

The SPEAKER pro tempore. The Chair hears no objection; and

the resolution is agreed to.

Mr. CONGER. To-morrow night and Thursday have been set apart for the consideration of cases coming from the Committee on Naval Affairs.

The SPEAKER pro tempore. The Chair will cause the Clerk to examine the record; and the resolution will be considered as still pend-The Chair has been informed that it does not interfere with previous orders of the House. Is there objection to the adoption of the resolution? The Chair hears no objection, and the resolution is

Mr. COFFROTH moved to reconsider the vote just taken; and also

moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSIONS FOR PRIVATE CALENDAR.

Mr. MILLS. I ask unanimous consent to submit the following resolution for reference to the Committee on Rules.

The Clerk read as follows:

Resolved. That on Tuesdays and Fridays of each week the House, until further order, take a recess at 4.30 p. m. until 7.30 p. m., such evening sessions to be devoted exclusively to the consideration of the Private Calendar.

Mr. SINGLETON, of Illinois. I object to the resolution. I also call the attention of the Chair to the fact that when the resolution proposing to hold night sessions to consider pension cases was up-the gentleman from Missouri objected several times loudly, and the

Chair paid no attention to him.

Mr. COFFROTH. That is too late.

The SPEAKER pro tempore. The Chair did not hear the objection. The pending question is on the resolution of the gentleman from Illinois. Is there objection to the introduction and reference of the resolution to the Committee on Rules? The Chair hears no objection; and the resolution is referred to the Committee on Rules.

CENSUS.

Mr. COX. I rise to a question of order. My colleague [Mr. Thompson, of Kentucky] on the Census Committee has been standing here on a privileged question to submit a report, and again and again he has demanded the ear of the Chair, and no attention has been paid

The SPEAKER pro tempore. The Chair has heard for the first time the gentleman rose to a question of privilege.

Mr. THOMPSON, of Kentucky. The Chair did not listen, because I announced again and again I arose to a privileged report. I send up to the Clerk a conference report on which I demand the previous

The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the Senate bill No. 885 to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

Amendment 1: That the House recede from its amendment numbered 1, in disagreeing to section 2 of Senate bill No. 885, and agree to section 2 with the following amendment:

"Provided, That the Superintendent of the Census shall collect and collate as far as possible, by experts and agents and from officers of the Government, information in relation to the ownership of the public debt of the United States "And the Senate agree to the same.

That the House recede from its disagreement to section 6 and agree to the same with the following amendment:

"Strike out all after the words' fifteen days,' in line 27 of Senate bill No. 885, down to the word 'and' in line 35."

And the Senate agree to the same.

That the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Housenmbered 3; which is to strike out all of section 7 of Senate bill 885; and the Senate agree to the same.

That the House recede from its amendment numbered 4, striking out all of section 8, and concur in section 8, with an amendment in lines 2 and 3 of Senate bill 885, striking out the words "three hundred and fifty "and inserting in lieu thereof "one hundred and twenty-five;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House of the hundred and the senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House of the House of the same of the hundred and fifty "and inserting in lieu thereof "one hundred and the wenty-five;" and the Senate agree to the same.

PHIL B. THOMPSON, Jr., S. S. COX, NELSON W.

deration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties.

The message further announced that the Senate had passed a bill

Mr. HAWLEY. I rise to a question of order. I do not desire to embarrass the gentleman, but I make the point so we may have some explanation of this conference report, that this increases expenditure.

Mr. COX. This cuts it down \$275,000.

Mr. HAWLEY. If the gentleman will explain the effect of his amendment, that is what I want.

Mr. CONGER. I ask for the reading of the report.

Mr. COX. The report has been read.

The SPEAKER pro tempore. The conference report has just been

Mr. CONGER. No; I ask for the reading of the report provided for by the rule. Under Rule XXIX, every conference report is to be accompanied by a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate. I call for the reading of that detailed statement.

Mr. BLOUNT. I ask the gentleman not to insist on his point of order, but to let the gentleman from Kentucky proceed to make his statement in explanation of the effect of the conference report if

adopted.

Mr. CONGER. No; let Rule XXIX be read.

Mr. HAWLEY. The gentleman from Michigan raises a distinct point of order. I made my objection merely for the purpose of havelengthen from the gentleman from Kentucky. The gentleing an explanation from the gentleman from Kentucky. man from Michigan raises a different question.

The SPEAKER pro tempore. The gentleman from Michigan has raised a question of order which must be settled.

Mr. THOMPSON, of Kentucky. I insist the report read fulfills the demands of the rule.

The SPEAKER pro tempore. The Clerk will read the rule.

The Clerk read as follows:

RULE XXIX. CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

Mr. THOMPSON, of Kentucky. Now, the gentleman from Michigan makes the point of order that this is not accompanied by such a statement as is required by Rule XXIX. I insist that the report itself

complies with that requirement.

Mr. CONGER. I ask for the reading of the statement required by

the rule.

The SPEAKER pro tempore. The Chair will ask the gentleman from Kentucky if he has sent to the Clerk's desk with the report from the committee of conference a detailed statement?

Mr. THOMPSON, of Kentucky. That is the report of the committee. That report contains a detailed statement, and I insist that it is in full compliance with the rule.

The SPEAKER pro tempore. Has the gentleman from Kentucky sent to the Clerk's desk with the report of the conference committee a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures

effect such amendments or propositions will have upon the measures to which they relate?

Mr. BLOUNT. I would like to ask the gentleman from Michigan—
Mr. THOMPSON, of Kentucky. If the gentleman will permit me, I wish to state in response to the question of the Speaker that the report shows the effect; the report that has just been read. The details are embodied in the report.

The SPEAKER pro tempore. The gentleman from Kentucky does not answer the question of the Chair. Will the gentleman answer whether accompanying the report of the committee of conference there is a detailed statement sufficiently explicit, in the words of the rule, to inform the House the effect of the amendment or proposition upon the measure to which it relates? upon the measure to which it relates?

Mr. THOMPSON, of Kentucky. I have sent the only report made by the conference committee to the Clerk's desk, and that has just

been read.

Mr. CONGER. I insist upon a detailed statement of the effect of the proposition upon the measure before the House.

The SPEAKER pro tempore. This is an important question, and the Chair desires the attention of the House to it as it may be one that will arise frequently. This being the first time that it has occurred under the new rules the Chair thinks that it had better be settled definitely. The gentleman from Michigan makes the point of order that this report of the conference committee is not accompanied by the statement required in Rule XXIV.

order that this report of the conference committee is not accompanied by the statement required in Rule XXIX.

Mr. CONGER. The object of the rule was that a detailed statement should be made showing the effect of the proposed changes upon the measure before the House for consideration. If that is not read I object to accepting the report of the committee of conference at all.

Mr. THOMPSON, of Kentucky. I do not understand the rule requires that a separate report from the report of the committee of conference shall be made. That is to say, I do not understand the rule requires that a double report shall be made. The conference committee have made a report which has been read. mittee have made a report which has been read.

The SPEAKER pro tempore. The only question in the opinion of the Chair is whether the detailed statement required by the rule shall be in writing or whether it may be made verbally by the gentleman presenting the conference report. Upon that point the Chair will hear gentlemen upon the point of order.

Mr. COX. It is impossible for the committee of conference to make

any other report than this, for this explains what the committee did. The Senate adopted this in its details, and we only make the same report to the House that the Senate has already adopted. If we make another report to the House it will be a simple copy of this. We can make no other. If gentlemen want another copy, that can be furnished; or if they wish a verbal explanation, they are welcome to it

Mr. TOWNSHEND, of Illinois. Will the gentleman from Michigan explain exactly what he wants?

Mr. COX. Does the gentleman from Michigan state any particular portion of the report to which he objects?

Mr. CONGER. I cannot explain it in that way, for the whole discussion on this rule prior to its adoption by the House, and the object of the rule, as stated at that time, was that some such statement should accompany the conference reports as would give a clear insight into the conference reports as would give a clear insight. into the amendments proposed to be incorporated into the pending measure instead of requiring every part to be read and examined separately. The object of that detailed statement, required in this separately. The object of that detailed statement, required in this rule, was to give in writing as a part of the report of the committee of conference the effect such amendment or proposition would have upon the measure to which it related; and the object of the discussion, as every one who is present will recollect, was solely to develop

that point.

Now, sir, there are things here which no man can understand unless they are all read in connection with the amendments proposed to be incorporated, or in connection with what is proposed to be stricken out, and the parts inserted or stricken out, as the case may be, and the proposition reread and re-examined. I thought when that rule was adopted it would cure the evils of these irregular conference reports which we have submitted to for so long in the past. The whole conference committee make their report while the subject-matter was fresh in their minds, and come to the House with a detailed statement of the changes made, and allow the House to vote understandingly upon the proposition, and without that blindness with which we were compelled to receive these reports at other times. I regard it as a very important matter that the object and intent of this rule should be carried out in all its details.

this rule should be carried out in all its details.

Mr. COX. To save further discussion my colleague on the conference committee will withdraw the report for the present.

Mr. BLOUNT. I hope the gentleman from Kentucky will not withdraw the report, but allow a ruling of the Chair, for I think it is a very important question, which may be often raised in this House, and the gentleman from Michigan has done well to raise it now in this instance so that under our new rules we may be able to have a construction on it at the time the first conference report is presented, and I think—

and I think—

Mr. ATKINS. I also hope that the gentleman will not withdraw it, but allow a ruling upon it for another reason than that assigned by the gentleman from Georgia.

Mr. BLOUNT. In a moment I will yield to the gentleman from Tennessee. I think the objection made by the gentleman from Michigan is entirely correct. The language of the rule requires that there shall be a detailed statement accompanying each conference report. It is clear to my mind that he is correct. I hope the gentleman from Kentneky will allow the Chair to rule upon the question raised now Kentucky will allow the Chair to rule upon the question raised now for the first time in order that gentlemen may be governed hereafter

by that ruling in making conference reports.

Mr. THOMPSON, of Kentucky. I insist upon the ruling of the Chair, for I claim that the report which has been submitted by the conference committee complies with every requirement of the rule,

and is so clear that every man will understand it.

and is so clear that every man will understand it.

Mr. ATKINS. I hope the ruling will be had, for I can see endless difficulties which may arise at the close of a short session if this rule is to be applied and construed strictly. If it is to be construed strictly, I think that it will require modification. I do not believe when we come into the House with conference reports upon the sundry civil bill, the legislative, executive, and judicial bill, or a general deficiency bill at the close of a short session, that it will be possible to comply with the strict requirements of the rule. I hope, therefore, there will be a ruling upon it in order, if necessary, that it may be amended if a strict compliance with its exact language be insisted upon.

Mr. BLACKBURN. I desire to say, before the ruling is had upon the point of order raised by the gentleman from Michigan, that the last sentence of the twenty-ninth rule under which the gentleman from Michigan has made his point of order, I believe, has been fairly construed by that gentleman. The House will remember that that clause or sentence of the rule was not embodied in the report made by the Committee on Rules, but was inserted upon the motion of the

by the Committee on Rules, but was inserted upon the motion of the gentleman from Wisconsin, [Mr. WILLIAMS,] who offered it as an amendment in the Committee of the Whole on the state of the Union, and it was there agreed to. My understanding of that amendment at the time it was so offered and accepted, was that it imposed on every conference committee the duty of making in writing, to accompany a conference report, such a detailed statement of the agreement reached by that conference committee as would advise this House of the effect of the report upon the measure in hand. I therefore can-not but believe that the gentleman from Michigan is right and agree in the point of order he makes.

I do not mean to say that the report made by my colleague from Kentucky [Mr. Thompson] does not substantially comply with that-

provision of Rule XXIX. But, however that may be, this simply serves to illustrate the absolute necessity of giving to some power or to some committee—probably the Committee on Rules—the right from time to time to make recommendations, in the shape of reports, for amendments in this system that will serve to harmonize not only the conflicting or incongruous provisions of its own original reports but the hard system as it came out of the hands of the Committee of the Whole with the various amendments that it imposed upon us. The gentleman from Michigan, in my judgment, is thoroughly sustained in the point of order that he makes; but I do not undertake to anticipate the ruling of the Chair as to whether the report made by my colleague substantially complies with the provisions of the

Mr. WILLIAMS, of Wisconsin. I ask the gentleman from Kentucky to allow me a moment. The amendment to the report of the Committee on Rules which I offered required that this statement should be embraced in the report of the committee of conference. The gentleman from Kentucky [Mr. Blackburn] suggested that we could not control the action of the committee of the Senate in conference and suggested that the detailed statement should accompany the report. I accepted that modification and the amendment as thus modified was adopted by the Committee of the Whole. That is the his-

tory of the amendment.

Mr. BLACKBURN. The gentleman has stated correctly what took

Mr. THOMPSON, of Kentucky. I understand that the construction of the rule required by the gentleman from Michigan [Mr. Con-GER] is that in addition to the conference committee's report agreed to by the conferees on the part of both Houses, the managers on the part of the House shall file a brief explanatory statement addressed to the House showing what they have done. I think that in preparing this report we have substantially complied with the rule of the House and have made it sufficiently clear by the reading of the report, to the mind of any man who has read the original bill, what has been done and what has not been done.

I will call the attention of the House for a moment to the report. This first clause refers to the second section of the bill. That section was originally in the Senate bill. The House disagreed to the second section. When we went into the conference committee, as stated in the report, the Senate conferees refused to recede from that section; they stood by it and we had to recede from our amendment, but we required another proviso should be added to it, which proviso is incorporated in the report in a manner I consider that fully complies with the rule.

The next section there is any difficulty about is the sixth. It is clearly stated in the report exactly what portion of that section is stricken out. No man can fail to understand it. It is indicated by

lines and by words so that it cannot be misunderstood.

The seventh section is stricken out in toto. The conference report states that the seventh section is stricken out. Do you expect us to write out a long report and tell the effect that section will have?

A MEMBER. Yes.

A MEMBER. Yes.

Mr. THOMPSON, of Kentucky. Do you want a report explaining that if the seventh section is stricken out a duplicate return shall not be sent to the Secretary of State; when, if you look at the bill, you will see that if the seventh section is stricken out nothing of the kind will occur. The bill is printed and laid on your desks, and

how much more can you require upon this point than the clear statement that the seventh section is stricken out?

Then you come to the eighth section, the only other one about which there is any difference. The Senate conferees refused to agree to our striking out the eighth section. We agreed to that section with an amendment to strike out \$350,000 and insert \$125,000. That is stated in the report; and it is made clear to every one who hears the report read that instead of appropriating \$350,000 in the eighth section we only appropriate \$125,000. There is not a man of common intelligence who hears the report read who cannot see the effect of

intelligence who hears the report read who cannot see the effect of that part of the report.

Mr. BLACKBURN. I ask my colleague to yield to me one moment.

Mr. THOMPSON, of Kentucky. I yield to the gentleman.

Mr. BLACKBURN. To make this matter entirely clear I have gone back to the RECORD of the 28th of February; and I think in the light of the debate which then took place it is perfectly clear that my colleague has complied with the provisions of Rule XXIX. When the gentleman from Wisconsin [Mr. WILLIAMS] had offered this amendment and it was under debate I find that the following colloquy took

Mr. Blackburn. A conference report means the report of the conference committee of the two Houses. The reports to the two Houses must be duplicates, the one of the other. There cannot be a syllable in the conference report made to this House that is not embraced in the report made to the Senate. We cannot compel the Senate to do what is here suggested; but I pledge myself I will use my best endeavor as a member of the Committee on Rules and of the Joint Committee on Rules to have this incorporated into a joint rule to govern the two Houses. While assenting to the idea of the gentleman from Wisconsin, I am in favor of so modifying his amendment as to require the House members of the committee of conference to furnish with each conference report an explanation, by a statement in detail of the points in controversy covered by such report.

I find that in the same discussion a question was asked by the gentleman from Tennessee, [Mr. ATKINS:]

Does the gentleman-

Referring to the gentleman from Wisconsin, [Mr. WILLIAMS,] the author of the amendment—

design by his amendment that this statement or explanation of the various items in the conference report shall constitute a part of the report itself, or that it shall be a statement to simply accompany the report?

Mr. WILLIAMS, of Wisconsin. Simply a statement, independent of the report.

Mr. ATKINS. If it is to be a simple statement to accompany the conference report, I have no objection to it.

Mr. BLACKBURN. That is all.

I find that that was the construction given by the House to the amendment of the gentleman from Wisconsin [Mr. WILLIAMS] at the

time of its adoption.

Mr. HAWLEY. I am glad the gentleman from Michigan [Mr. Con-GER] has raised this point of order. I claim that the report submitted y the committee of conference does not answer the requirement of the rule, nor does the statement just made by the gentleman from Kentucky, [Mr. Thompson,] from the committee of conference, answer that requirement. This report is very much like all our former reports from committees of conference before our new rule was adopted. It says that the committee of conference agreed to strike out section so and so, and agreed to amend section so and so by striking out so many dollars and inserting so many dollars. Now, what does that mean? That is just exactly the old trouble.

The gentleman from Kentucky [Mr. Thompson] has spent five minter the trainer to the law and the second section of the second sec

utes trying to tell us what was struck out and what was put in this bill by the committee of conference. And after all that he has said, I do not know and I do not think any member of this House understands the effect on the bill of what was done by the committee of conference. The gentleman says that we have the bill and the report, and that we can understand from the report what has been done with the bill. So we can, if every member will take the original bill and the report and sit down and spend ten minutes in comparing the two. If he will do that he can of course arrive at some result. But that is

not what is contemplated by the rule.

We should bear in mind that conference reports are made at all the House, and members of the House are not generally willing to stop for the purpose of making a long examination of a conference report and the bill to which it relates. As a general rule, I will say, it is within the experience of all old members that nine times out of ten conference reports are voted upon without members having any definite knowledge of what has been done by the committees of con-

I listened to the reading of this report, but I could not understand certain things in it. I desired to be informed upon certain matters, certain things in it. I desired to be informed upon certain matters, but I could not get the information from that report. I suppose—and this I get from personal inquiry of members of the committee of conference and others—I suppose that the pay of the enumerators has been raised. I suppose that this conference report dispenses with so much of the census laws as requires an attempt to ascertain the number of naturalized citizens. I suppose it dispenses with an attempt to ascertain through the enumerators just where the national debt is held, and it gives the Superintendent of the Census authority debt is held, and it gives the Superintendent of the Census authority to get that information in some other way. Now, if things of that kind were stated in the detailed statement called for by the rule, we

should be enabled to act intelligently upon this report.

Mr. BLOUNT. You are wrong in what you suppose has been done.

Mr. HAWLEY. The gentleman from Georgia [Mr. BLOUNT] tells

me I am wrong in that; but it is the best I can do, after listening to

the report as it was read, and after making personal inquiry.

The rule is clear. It is true that we cannot control the action of the Senate committee of conference. It is true that the report agreed upon by the joint conferees and signed jointly must be very much in the old-fashioned style, simply referring to the sections or amendments by numbers and giving the words put in or the words struck out. But the moment the report is read everybody asks, what does that mean? Therefore this very excellent rule suggested by the genthat mean't Inercipe this very excellent rule suggested by the gen-tleman from Wisconsin was adopted by the House requiring an addi-tional statement, for the House only, and from the House conferees only, setting forth briefly the effect of the changes agreed upon by the joint committees of conference.

Mr. REAGAN. So far as this bill is concerned, as it is a short bill and easily understood, I am entirely willing to join with others in giving unanimous consent for action upon this report of the committee of conference. But we are undertaking now to construe the rule upon this subject for the first time. That rule requires that there shall accompany every conference report "a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they

The conference report now before the House I presume is an exact copy of the report which has been submitted to the Senate, and is in the usual form of conference reports. The object of the amendment to our rule was intended to go beyond that, to require something more than a conference report.

Experience here has shown the members of this House that long bills containing many items and with many amendments come from conference committees before the House for action, and the reports when read simply state what sections or parts of sections were agreed to, what were disagreed to, and perhaps some statement of the effect of those amendments upon the particular section of the bill under consideration. But the conference reports fail to disclose to us what is the effect of the action of the committee.

The object of this addition to the old rule was to require that a statement should accompany each conference report which would apprise the House of the effect of the amendments made. It is true that the report here shows that certain amendments were agreed to

and certain other amendments disagreed to; but there is not accompanying this report the detailed statement required by the rule, which was intended to inform the House of the effect of those amendments.

I would not occupy one moment of the time of the House on this matter, if it were not that this is the first time the Chair is called upon to rule upon the effect of the new rule. We must look beyond this bill to the effect which the decision of the Chair may have upon

the action of the House on future conference reports.

If the report now before the House is a compliance with the rule, then all other reports coming from conference committees hereafter will come in exactly as they have come heretofore, and we will derive no benefit from this rule, which it seems to me had in view a most beneficent and useful purpose—the purpose of advising the House not only as to what amendments were agreed to and what disagreed to, but as to the effect of those amendments, so that the House could vote intelligently upon the report. As I think this amendment to our rules was a wise one, and will be useful in guarding us, perhaps, against frequent errors, it seems to me best to give the rule the interpretation which was manifestly intended by the House when it was adopted.

Mr. THOMPSON, of Kentucky. I insist, Mr. Speaker, that this report fully complies with all the requirements of the rule and that report fully complies with all the requirements of the rule and that any further explanation, instead of making it clear, would only serve to make it obscure and bungling. Besides, it surely was not contemplated that the member presenting a conference report should bring into the House along with the report a long and tedious statement, giving a full history of the bill, section by section and amendment by amendment. The whole thing contemplated was that the reading of the report, with the bill before members, would give such information that they would know exactly what had been done. Now, there is no human being who can take this bill with the report and read them one with the other without fully understanding exactly what has been agreed to. Therefore I submit that the rule has been what has been agreed to. Therefore, I submit that the rule has been

what has been agreed to. Therefore, I submit that the rule has been fully complied with as far as it possibly could be.

Mr. HAYES. May I ask the gentleman a question?

Mr. THOMPSON, of Kentucky. Yes, sir.

Mr. HAYES. Does the gentleman claim that this is anything more than a conference report? Is it not simply a conference report signed by the conferees on behalf of the House and the Senate? Is it anything more than that?

Mr. THOMPSON, of Kentucky. It is nothing more than that; and nothing more is necessary where the conference report gives all the information that could be embraced in an additional statement.

Mr. HAYES. If this is simply a conference report, and nothing else, where is the "detailed statement" which the rule provides for? Mr. THOMPSON, of Kentucky. The "detailed statement" is in

Mr. THOMPSON, of Kentucky. The "detailed statement" is in the report itself.

Mr. HAYES. Where is the "detailed statement" which was contemplated by the rule according to the discussion had upon its adoption, as read by the gentleman from Kentucky, [Mr. BLACKBURN ?]

Mr. THOMPSON, of Kentucky. The "detailed statement" is in the report; and if this is not sufficient the statement made by myself

the report; and if this is not sufficient the statement made by myself ought to be sufficient, because nothing requires that the accompanying statement shall be in writing. The rule provides simply that the report shall be accompanied by a detailed statement, which may be given verbally or in writing. I call for the ruling of the Chair.

Mr. BAKER. Mr. Speaker, I am very glad that this question has arisen thus early in the session. I consider that a very important change in our rules was wrought by the additional clause which has been read in the hearing of the House. A single word will demonstrate that the construction sought to be placed upon this new rule by the gentleman from Kentucky [Mr. THOMPSON] is not the correct construction.

struction.

Under the old rule, Mr. Speaker, we had conference reports which embodied, in a measure, information which enabled the House to determine what changes were effected by the agreement of the conference committees of the two Houses. Those reports were accompanied by verbal statements explanatory of such matters as were not sufficiently explained by the report. It was not intended by this change of the rules to leave the House in the condition in which it was under the old rule, that is, with what information might be gleaned from the conference report, and the accompanying verbal statement made by the gentleman having it in charge. If, as is insisted, this is all that is required by the present rule, what was the purpose sought to be accomplished by the House in changing the phraseology of the rule? Under the old rule we had the report with whatever information it might contain, and we had the accompanying verbal statement of the gentleman who had the report in charge. But, Mr. Speaker, the new rule was not designed to leave the House in this same situation. If that had been the intention, there would have been no change in the phraseology of the rule. The phraseology having been changed so as to require something in addition to what was required under the former rule, it seems to me it must be held by the Chair to contemplate that there shall accompany the report

an independent written explanation of the effect of the change agreed

to by the conference committee.

The SPEAKER pro tempore. The Chair is ready to decide the point.

of order. Mr. THOMPSON, of Kentucky. Before the Chair passes upon the point, I will submit, along with the report, a statement in writing, if

The SPEAKER pro tempore. The Chair will first decide the point

of order.

of order.

Mr. CONGER. I do not wish to occupy further time; but I do consider this amended rule a very valuable one for giving members information in regard to conference reports. Now, I have before me this conference report as presented in the Senate and printed in the Record. Having read the bill and having read this report, I say that in regard to these amendments I am utterly unable to tell their effect.

I illustrate this by referring to the report as to the fourth amend-I illustrate this by referring to the report as to the fourth amend-

Amendment 4. That the House recede from its amendment numbered 4, striking out all of section 8, and concur in section 8, with an amendment in line 2 and 3 of Senate bill 885, striking out the words "three hundred and fifty" and inserting in lieu thereof "one hundred and twenty-five;" and the Senate agree to the same.

Who can tell what the effect of that will be or what it is about unless every member has the bill before him, or the report of the com-

mittee, and time also in which to study the whole subject?

Take the next amendment, "that the Senate recede from its disagreement to the amendment of the House numbered 5, as to collecting and publishing the statistics of the population, industries, and resources of Alaska, and the Senate agree to the same." What does that mean? Does it strike out all in regard to the population of Alaska, and all in regard to the resources of Alaska, or does it put them in? Does it give us any information as to the effect of the report? I say from the printed report before me, having read it carefully as reported to the Senate, I am unable to know, as to one of those amendments, even with the bill before me, in the short time I have had to examine it, what the result will be. I say it would be the same with any member of the House. It is immaterial to me how this rule is to be decided of course, more than any other member of the House; but considering the new rule valuable as a check on the imperfect and hasty adoption of conference reports in the ignorance greement to the amendment of the House numbered 5, as to collectimperfect and hasty adoption of conference reports in the ignorance of the members of the House of the effect to be had, I hope it may be rigidly enforced, and that a detailed statement in writing, as contemplated, shall be required.

Mr. McLANE. I hope the Chair has heard enough now to make

his decision.

The SPEAKER pro tempore. The Chair is ready to decide the question of order.

Mr. FRYE. I hope the Chair will decide in the interests of the rules. [Cries of "Regular order!"] What is the regular order! The SPEAKER pro tempore. It is the point of order.

Mr. FRYE. I hope the Chairman will so decide this that the rules shall receive a clear and fixed construction, and that the Chairman will decide that the report must be made in writing, signed by the conferees on the part of the House, to be read by the Clerk. That

the speech I desired to make. I hope it did not disturb anybody.

The SPEAKER pro tempore. In construing an amended statute it is necessary to take into consideration the statute previous to its amendment. Before the amendment of this rule conference reports were submitted and signed by the conferees, and it was customary to call on any member of the conference committee to make explanation of the effect of the report if adopted. The Chair understands the new part of the rule was intended to change that practice, and therefore in construing the language of that new part of the rule—namely, "And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate"—it is necessary to give effect to that additional provis-ion. In order to give effect to it the Chair understands it has reference to something in addition to the report of the conference committee, something to accompany that report, an explicit detailed statement, which of course could not be the report itself.

Whether that additional detailed statement should be made ver-

or in writing may be a question open to some doubt; but, in view of the fact that this detailed statement must be made by the referees, as a statement accompanying the report, the Chair is of the opinion it must come with the sanction of the conferees; not a statement of one of the managers of the conference, but a statement of all of them, or a majority of them, and, to be a statement of all of them, or a ma-

or a majority of them, and, to be a statement of all of them, or a majority of them, it must be in writing—

Mr. McLANE. Signed by them.

The SPEAKER pro tempore. Detailed and sufficiently explicit that the members of the House, on the reading of it, can understand the changes to be effected and the actual purport of the conference report. The Chair, therefore, is of the opinion that, in presenting a conference report, it must be accompanied by a detailed statement in writing, signed by the conferees themselves, or a majority of them, giving their explanation of the changes made in their own report. This report not being accompanied by such detailed statement in writing, signed by the respective conferees, the Chair sustains the point of order and holds that the report is not in order under the rule.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry, and that is whether the report of the conference committee is not sufficiently explicit coming under the hand of one of the managers. Is that not a sufficient compliance with the rules, embracing, as it does, details of the amendments?

The SPEAKER pro tempore. It is not a detailed statement accom-

panying the report.

Mr. THOMPSON, of Kentucky. If necessary, I send up this statement, then, to accompany the report. It is a written statement signed by all the conferees.

Mr. WILLIAMS, of Wisconsin. It is, perhaps, immaterial now; but at the moment I rose to read from the original amendment in support of the construction of the Chair that this statement should be in

writing. It reads as follows:

Shall be so written out as to inform the House from the reading of the report the effect such amendments or propositions will have, &c.

For that the clause inserted in the rule was substituted. The SPEAKER pro tempore. The statement of the gentleman only confirms the position taken by the Chair. As this is a new question, if there is any doubt on it, the Chair would prefer that an appeal be taken in order that its construction may be settled by the House. [Cries of "No!" "No!"] The Chair understands the gentleman with-

draws his report.

Mr. THOMPSON, of Kentucky. No, I do not; but I send up a writ-

ten statement to accompany it.

Mr. COX. I rise to a point of order. This being pending as a privileged question, the gentleman from Kentucky sends up a statement to accompany it. He, in that respect, complies with the ruling of

The SPEAKER pro tempore. The Chair so understands, and will

entertain the report as now presented, accompanied by the detailed statement required by the rule.

Mr. CANNON, of Illinois. I ask the gentleman from Kentucky to allow me a single observation, and that is touching the ruling of the Chair. I want to find what it is in one particular. Do I understand the Chair to rule that in all cases there must accompany a constand the Chair to rule that in all cases there must accompany a conference report a separate report from the conferees, carrying out and embodying the exact terms of that rule? I recollect during the discussion on the rules it was quite generally spoken of on the floor that the effect of the rule would be that the House conferees would insist upon such report as would give the House the desired information before they would agree to the report, and that the identical or a duplicate report would go to the Senate. Now, I do not see the necessity for example to the report accomplished the necessity for the second contraction. sity for a separate report from the conference committee if the original report gives the desired information.

The SPEAKER pro tempore. The Chair regards the rule as imper-

ative in this respect.

Mr. THOMPSON, of Kentucky. I now move the previous question on the report.

The SPEAKER pro tempore. The Clerk will read the report submitted by the gentleman from Kentucky.

The Clerk read as follows:

The House committee of conference on the disagreeing votes of the two Houses on Senate bill No. 885 submit this accompanying statement along with their con-

on Senate bill No. 885 submit this accompanying statement along with their conference report:

First. In receding from its amendment No. 1 the schedules of the existing law were modified so as to strike out the naturalized-citizen clause and United States debt clause, requiring the census of the latter to be taken out of the schedules and to be taken by experts.

Second. The second amendment was intended to make more certain the verification of the returns of enumerators.

Third. The whole of section 7 of the Senate bill was stricken out, as the committee did not consider any necessity for the copy of the meturns to be deposited in the Secretary of State's office.

Fourth. As a consequence we lessen the appropriation \$275,000.

Fifth. It was intended to take the census of Alaska as the House proposed and the Senate agreed. The reasons are apparent. It is a part of this country. We struck out so much of section 6 as required duplicate copies of the schedules to be made, and all of it is left in the Senate bill intact except that part.

PHLIP B. THOMPSON.

S. S. COX.

S. S. COX. NELSON W. ALDRICH.

Mr. THOMPSON, of Kentucky. I now demand the previous ques-

tion on the report.

Mr. CONGER. I desire to say that that is a very satisfactory report, [laughter,] made, as it must have been, in the hurry of debate here. But I desire to ask still if there is to be an enumeration of indi-

widuals and resources in Alaska.

Mr. THOMPSON, of Kentucky. I suppose so.

Mr. CONGER. The gentleman does not state it, and it cannot be gathered from the reading of the report.

Mr. THOMPSON, of Kentucky. That will be settled by the law, I

presume.

Mr. CONGER. I desire to repeat that in the hurry of debate that was a very well prepared report. [Laughter.]

The SPEAKER pro tempore. The Chair desires to state that since he has decided the question of order he has taken the opinion of the Speaker of the House, who fully concurs with him in that decision.

Mr. LAPHAM. There is a point to which I wish to call the attention of the Chair in that ruling, and that is whether under this rule, in case the committee of conference should disagree among themselves, whether two reports, a majerity and a minority report, would be required, so that both sides of the case might be presented.

The SPEAKER pro tempore. The majority report would be conclu-

The SPEAKEK pro tempore. The majority report would be conclusive, in the opinion of the Chair.

Mr. LAPHAM. The views of the minority would not be heard at all, then, if there is a difference of opinion?

Mr. THOMPSON, of Kentucky. This report only states what we did and not what anybody might think about it. I insist upon the demand for the previous question.

The previous question was seconded and the main question ordered.

The conference report was then agreed to.
Mr. THOMPSON, of Kentucky, moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I rise to make a privileged report from the Committee on Appropriations. I am instructed by the Committee on Appropriations to report back the following bill.

The Clerk read as follows:

A bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes, with amend-

Mr. WELLS. I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up this bill.

The motion was agreed to.

Mr. WILLITS. I reserve all points of order.

Mr. WELLS. Pending that motion, I move that all general debate be limited to thirty minutes.

Mr. CONGER. Mr. Speaker, there must be general debate on that bill. The rule provides that debate must be begun in Committee of bill. The rule provides that debate the Whole before it can be limited.

Mr. BLOUNT. How much time would the gentleman desire?
Mr. CONGER. I cannot tell until we get into Committee of the

The SPEAKER pro tempore. The rule to which the gentleman from Michigan refers is the five-minute rule. All general debate may be closed at any time.

The motion to limit debate was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. WHITTHORNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering a bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes.

Mr. WELLS. I move to dispense with the first reading of the bill.

There being no objection, the motion was agreed to. Mr. WELLS. I now move the committee rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Whitthorne reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes, and had some to no resolution thereon.

BELINDA CURTIS.

Mr. McCOID. I ask unanimous consent to take from the Private Calendar, that it may be put upon its passage, the bill (H. R. No. 2407) granting a pension to Belinda Curtis.

The SPEAKER pro tempore. The Chair will cause the bill to be read, and will then ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Belinda Curtis, widow of Major-General Samuel R. Curtis, at the rate of \$50 per month.

Mr. McCOID. This is a bill to pension the widow of Major-General Curtis, who was educated at West Point, served two years in the Regular Army in Mexico, was a member of the House of Representatives from 1857 to 1861, and went from the House into the Army. As a mark of respect to a former member, I ask the House to take up this bill now and act upon it.

Mr. ATKINS. The bill, as I understand, is for the benefit of the widow of General Curtis, of Iowa.

Mr. McCOID. Yes, sir.

Mr. McCOID. I se, sir.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INTERNAL REVENUE LAWS.

Mr. CARLISLE, from the Committee on Ways and Means, reported back to the House, with amendments, the bill (H.R. No. 4812) to amend the laws in relation to internal revenue; which was referred to the

Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MARTIN, of Delaware. I move that the House do now ad-

Mr. COFFROTH. I suggest that the motion be for a recess until half past seven o'clock.

Mr. MARTIN, of Delaware. I insist upon my motion.

Mr. COFFROTH. Can I move to amend, so that the House shall

The SPEAKER pro tempore. A motion to adjourn does not admit

of amendment.

Mr. MILLS. I desire to make a parliamentary inquiry: Is a mo-tion to adjourn now in order when the House has made an order that a recess shall be taken?

The SPEAKER pro tempore. The House can vacate the order for

a recess by adjourning.

Mr. SINGLETON, of Mississippi. I desire to make some reports from the Committee on Printing. [Cries of "Regular order!"]

The question being put on the motion to adjourn, there were—

ayes 66, noes 81.

Mr. MCKENZIE. I call for the yeas and nays. The yeas and nays were not ordered, only seven members voting therefor.

So the motion to adjourn was not agreed to.
Mr. COFFROTH. I move that the House take a recess till half past seven o'clock.

LEAVES OF ABSENCE.

The SPEAKER pro tempore. Pending the motion for a recess the Chair submits the following requests for leave of absence:

of Mr. Le Fevre, indefinitely, on account of important business; Of Mr. Price, from attendance on the session to-night; Of Mr. Davidson, from attendance on the session to-night; and Of Mr. Fernando Wood, from attendance on night sessions of the

House during this week.
Mr. McKENZIE. I object.

The SPEAKER pro tempore. Objection being made, the requests

are not granted.

Some time subsequently Mr. McKenzie withdrew his objection, and the requests were granted.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania, [Mr COFFROTH,] that the House take recess till half past seven o'clock this evening.

The question being put, there were—ayes 95, noes 47.
Mr. SINGLETON, of Illinois, and Mr. McKENZIE made the point

Mr. SINGLETON, of Illinois, and Mr. MCKENZIE made the point that a quorum had not voted.

The SPEAKER pro tempore. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. COFFROTH, and the gentleman from Kentucky, Mr. MCKENZIE.

The House again divided; and the tellers reported—ayes 99, noes 9.

Mr. MCKENZIE. A quorum has not voted.

Mr. CONGER. I demand the yeas and nays. Let us see who vote

against pensions.

The yeas and nays were ordered.

Mr. McKENZIE. I move that the House do now adjourn.

Mr. CONGER. I make the point of order that that motion is not in order. The House is now dividing on a motion for a recess.

The SPEAKER pro tempore. The yeas and nays had been ordered, but the first name on the roll not having been called the motion to adjourn is in order.

The question being put on the motion to adjourn, there were—ayes

Mr. McKENZIE. I call for tellers.
Mr. CANNON, of Illinois. I rise to a question of order. The motion to adjourn is not in order, for the reason that since the prior motion to adjourn was made no other business has been done. Following the motion to adjourn was a motion to take a recess. "Regular order!"

Mr. CANNON, of Illinois. This is the regular order. I am stating my point of order.

The SPEAKER pro tempore. The Chair is of opinion that the point

Mr. REED. How can it be too late when the Chair would not lis-

ten to it before?

The SPEAKER pro tempore. The Chair is of opinion that the motion to adjourn is always in order after intervening business, and there has been intervening business.

Mr. CANNON, of Illinois. I challenge the recollection of the Chair

as to its correctness.

The SPEAKER pro tempore. The Chair may be in error.

Mr. CANNON, of Illinois. I refer the Chair to the record which will show that the intervening business had not been finished.

Mr. SINGLETON, of Illinois. I desire to make a parliamentary

inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SINGLETON, of Illinois. My inquiry is this: whether when it appears from the reporters' notes, and the record shows the fact,

that objection was made to the resolution of the gentleman from Pennsylvania [Mr. Coffroth] for an evening session, that resolution was properly before the House?

was properly before the House?

The SPEAKER pro tempore. That question cannot arise at this time. The question is now on the motion to adjourn.

Mr. SINGLETON, of Illinois. I have made a parliamentary inquiry and I demand of the Chair a reply.

The SPEAKER pro tempore. The gentleman from Illinois has inquired about a matter which is not before the House. It does not go to the question pow pending.

quired about a matter which is not before the House. It does not go to the question now pending.

Mr. SINGLETON, of Illinois. I do not suppose that any rule requires that parliamentary inquiries shall go to any particular subject. This is a privileged question.

The SPEAKER pro tempore. A parliamentary inquiry must relate to a subject-matter before the House. No business could be transacted if inquiries could be continually addressed to the Chair about extraneous matters

Mr. SINGLETON, of Illinois. I ask that the reporters' notes be read for the information of the House.

Mr. BAYNE. I object.

The SPEAKER pro tempore. That could only be done by unanimous consent, and objection is made.

Mr. SINGLETON, of Illinois. I suppose the reading of the record of the House for the information of the House on the matter to which

or the House for the information of the House on the matter to which my parliamentary inquiry refers would be in order.

The SPEAKER pro tempore. The gentleman's parliamentary inquiry does not relate to the question now before the House; the reading of the record could only be entertained by unanimous consent and the Chair hears objection on all sides. The question is on the ordering of tellers on the motion to adjourn.

Mr. BROWNE. I call for the yeas and nays.

The yeas and nays were ordered, 41 members voting therefor.

Mr. ALDRICH, of Illinois. I desire to make an inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ALDRICH, of Illinois. The time having arrived at which the
House ordered a recess to be taken, is it not the duty of the Chair to declare a recess at this time?

The SPEAKER pro tempore. The House fixed no time at which the cess should be taken.

Mr. ALDRICH, of Illinois. I understood that the recess was to be taken at four and a half o'clock.

The SPEAKER pro tempore. The at which the recess shall be taken. The resolution does not fix the hour

Mr. ALDRICH, of Illinois. How does the resolution read? The SPEAKER pro tempore. The Clerk will read it.

The Clerk read as follows:

Resolved, That there be sessions of the House Tuesday and Friday evenings of this week, commencing at half past seven o'clock, for the purpose of considering pension bills now on the Private Calendar.

Mr. MILLS. I desire to make a parliamentary inquiry.
The SPEAKER pro tempore. The Chair will hear the gentleman.
Mr. MILLS. If the House shall continue in session from now until seven and a half o'clock, will the House not then have to go into ssion this evening, according to that resolution?

The SPEAKER pro tempore. That is not a question before the

House at this time.

Mr. MILLS. It is a construction of the resolution directing a recess to be taken.

The SPEAKER pro tempore. The pending question is on the motion to adjourn, upon which the yeas and nays have been ordered. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 53, nays 100, not voting 139; as follows:

Martin, Benj. F. Martin, Edward L. McKenzie, McMillin, Nicholls, Aiken, Armfield, Atherton, Atkins, Beale, Bicknell, Slemons, Smith, Hezekiah B. Smith, William E. Steele, Tillman, Deuster, Dibrell, Dickey, Elam, Felton, Tillman,
Turner, Oscar
Turner, Thomas
Warner,
Wells,
Whiteaker,
Williams, Thomas. Forney, Goode, Hawley, Herbert, Herndon, Persons. Blackburn, Blount, Bouck, Reagan, Richardson, J. S. Richmond, Buckner, Chalmers, Cook, Ross, Rothwell, Hull.

Cox, Davidson,	Jones, Lowe,	Shelley, Singleton, O. R.	
	NA	YS-100.	
Aldrich, N. W. Aldrich, William Bailey, Ballou, Barber, Bayne, Bingham, Bragg, Brewer, Briggs, Browne, Cabell, Caldwell,	Carpenter, Caswell, Coffroth, Colerick, Conger, Converse, Cowgill, Cravens, Culberson, Davis, George R. Davis, Horace De La Matyr, Dunnell,	Farr, Ferdon, Field, Fisher, Frye, Gillette, Godshalk, Hall, Harmer, Harris, Benj. W. Hartch, Hatch, Hawk,	Henry, Humphrey, Hurd, Jorgensen, Keifer, Kelley, Lewis, Marsh, Mason, McCoid, McKinley, MoMahon, Mills,

Myers, New, Norcross, O'Connor, O'Neill, Osmer, Overton, Phister, Pierce, Pound.	Reed, Ryon, John W. Sawyer, Shallenberger, Sherwin, Smith, A. Herr Sparks, Springer, Stevenson, Stone,	Taylor, Thomas, Thompson, P. B. Townsend, Amos Townshend, R. W. Tucker, Updegraff, J. T. Updegraff, Thomas Upson, Voorhis.	Waddill, Ward, Weaver, Wellborn, Whitthorne, Williams, C. G. Willias, Wilson, Yocum.
---	---	--	--

NOT VOTING-139.

	TIOT	O11110-100.	
Acklen.	Dwight,	King,	Price,
Anderson,	Einstein.	Kitchin,	Rice,
Bachman,	Ellis,	Klotz,	Richardson, D. P.
Baker,	Evins,	Knott,	Robertson,
Barlow,	Finley,	Ladd,	Robeson,
Belford,	Ford,	Lapham,	Robinson,
Beltzhoover,	Forsythe,	Le Fevre.	Russell, Daniel L.
Berry,	Fort.	Lindsey,	Russell, W. A.
Blake.	Frost,	Loring,	Ryan, Thomas
Bland,	Garfield,	Lounsbery,	Sapp,
Bliss,	Geddes,	Manning,	Scales.
Bowman,	Gibson,	Martin, Joseph J.	Simonton.
Boyd,	Gunter,	McCook,	Singleton, J. W.
Doye,	Hammond, John	McGowan,	Speer,
Brigham,	Hammond, N.J.	McLane,	Starin.
Bright,	Haskell,	Miles.	Stephens,
Burrows,		Miller,	Talbott,
Butterworth,	Hayes, Hazelton,	Miller,	Thompson, W. G.
Camp,		Money,	Tyler,
Carlisle,	Henkle,	Monroe,	Urner,
Chittenden,	Hill,	Morrison,	Orner,
Claffin,	Hiscock,	Morse,	Valentine,
Clardy,	Hooker,	Morton,	Van Aernam,
Clark, Alvah A.	Horr,	Muldrow,	Vance,
Clark, John B.	Hostetler,	Muller,	Van Voorhis,
Clymer,	Houk,	Neal,	Wait,
Cobb,	Hubbell,	Newberry,	Washburn,
Covert,	Hunton,	O'Brien,	White,
Crapo,	Hutchins,	O'Reilly,	Wilber,
Crowley,	James,	Orth,	Wise,
Daggett,	Johnston,	Pacheco,	Wood, Fernando
Davis, Joseph J.	Joyce,	Page,	Wood, Walter A.
Davis, Lowndes H.	Kenna,	Phelps,	Wright,
Deering,	Ketcham,	Philips,	Young, Casey
Dick,	Killinger,	Poehler,	Young, Thomas L.
Dunn,	Kimmel,	Prescott,	The second second

So the motion to adjourn was not agreed to.

Mr. Robeson with Mr. Carlisle.

Mr. Robeson with Mr. Carlisle.

Mr. Page with Mr. Sprer.

Mr. Dunn with Mr. Weaver.

Mr. Evins with Mr. Van Voorhis.

Mr. DAVIS, of North Carolina, with Mr. LINDSEY, for the remainder

of the day.

The result of the vote was then announced as above stated.

The SPEAKER pro tempore. The question recurs on the motion that
the House now take a recess until half past seven o'clock, upon which

the yeas and nays have been ordered.

Mr. MILLS. I move to reconsider the vote by which the yeas and

nays were ordered.

The metion to reconsider was agreed to.

The question recurred upon ordering the yeas and nays; and being taken, the yeas and nays were not ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence for the session of this evening was granted to Mr. Martin, of Delaware, Mr. Humphrey, Mr. Tromas Turner, and Mr. Reagan.

The SPEAKER pro tempore. The question recurs upon the motion of the gentleman from Pennsylvania [Mr. Coffroth] that the House

now take a recess.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House met at half past seven o'clock, Mr. Springer in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the resolution prescribing the order of business for this evening.

The Clerk read as follows:

Resolved. That there be evening sessions of the House this evening and Friday evening of this week, commencing at seven and a half o'clock, for the purpose of considering pension bills now on the Private Calendar.

Mr. COFFROTH. I move that the House resolve itself into Committee of the Whole for the purpose of considering pension bills, which are the special order.

Mr. SINGLETON, of Illinois. I move that the House do now ad-

The motion of Mr. Singleton, of Illinois, was not agreed to. The question recurring on the motion of Mr. Coffron, it was

The House accordingly resolved itself into Committee of the Whole, Mr. STEVENSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

ELIZA M. FRICK.

The first pension bill on the Private Calendar was the bill (H. R. No. 3021) granting a pension to Eliza M. Frick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza M. Frick, widow of the late Captain C. H. Frick, Company C, Second Regiment Pennsylvania Volunteers, who contracted disease in the war with Mexico, from which he died, commencing on the 21st day of January, 1861, at the rate of \$20 per month, deducting therefrom any pension paid to the claimant or her husband heretofore.

The report was read, as follows:

The report was read, as follows:

That Captain C. H. Frick, the husband of the claimant, in the late war between the United States and Mexico, entered the service of the United States as a volunteer in Company C, Second Regiment Pennsylvania Volunteers, commanded by Captain John S. Wilson, and was regularly mustered into the service of the United States at Pittsburgh, Pennsylvania, on the 3d day of January, 1847, as the first lieutenant of said company. That on the way to the city of Mexico, on shipboard, off Vera Cruz, the said Captain John S. Wilson died; and that on the 12th day of November, 1847, at the city of Mexico, the husband of claimant, the late Captain C. H. Frick, was promoted to the captaincy of said Company C, and served in that capacity to the end of the war, and was honorably discharged the service of the United States, at Pittsburgh, Pennsylvania, on the 20th day of July, A. D. 1848. It is shown in evidence that he gallantly led his command in several of the more important engagements with the enemy, namely, at the siege of Vera Cruz, Cerro Gordo, Chepultepec, and the city of Mexico. On the 26th day of January, 1861, he died of consumption, the result of "climate diarrhea," from which he suffered while in said service and for several years after his return home, leaving a wife and three minor children to mourn his loss. It is also shown that, as a result of this diarrhea, his constitution became so much impaired that his whole left side became paralyzed, destroying the sight of one eye and prostrating his whole nervous system. It is further shown that previous to his enlistment he was of sound and robust health, and capable of undergoing all manner of hardships.

Your committee consider that the honorable and meritorious service of claimant's husband against a foreign foe, and his untimely death, the result of disease contracted in said service in the line of duty, entitles the claimant to a pension from the date of the death of her husband, at the rate of \$20 per month, it being the same amou

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. SINGLETON, of Illinois. I object.

The question being taken on laying the bill aside, to be favorably

reported, The CHAIRMAN declared that the ayes seemed to prevail.

Mr. SINGLETON, of Illinois. When the Chairman called for objections I objected. I now call for a division.

The question being again taken, there were 30 in the affirmative, 1 in the negative

Mr. SINGLETON, of Illinois. I make the point that no quorum has voted.

Tellers were ordered; and Mr. SINGLETON, of Illinois, and Mr. Cof-FROTH were appointed.

The committee divided; and the tellers reported—ayes 31, noes 2.
Mr. SINGLETON, of Illinois. No quorum has voted.
The CHAIRMAN. The Chair will cause to be read the second clause of Rule XXIII.

The Clerk read as follows:

Whenever a Committee of the Whole House finds itself without a quorum, the Chairman shall cause the roll to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

Mr. SINGLETON, of Illinois. I ask leave of absence for to-night. The CHAIRMAN. If there be no objection, leave will be granted. There was no objection.

The CHAIRMAN. As the Chair understands, the point that no quorum has voted is withdrawn; and this bill will be laid aside, to

be reported favorably to the House.

MARY ANN M'CARROL.

The next pension bill on the Private Calendar was the bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol. The bill was read, as follows:

Be it enacted, dc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Ann McCarrol, of Allegheny County, Pennsylvania, widow of James McCarrol, deceased, late a member of Company B, Forty-third Ohio Volunteers, who died from disease and exposure contracted in the line of duty while in the military service of the United States.

The CHAIRMAN. The Clerk will read the report.

Mr. CONGER. Perhaps it might save time if as each bill is reached the chairman or some member of the Committee on Invalid Pensions

would state whether it is a bill in the ordinary form for placing a person on the pension-roll, and whether the report is unanimous.

Mr. COFFROTH. These reports are all unanimous.

Mr. CONGER. Then, where a bill is in the usual form, merely placing the person on the pension-roll without any increase, it might facilitate business to waive the reading of the report.

The CHAIRMAN. The Chair is informed that this is a unanimous

report; and unless some member calls for it, the report will not be

read. Mr. SPARKS.

Mr. SPARKS. Let the report be read.
Mr. ATHERTON. I desire to make one inquiry of the Chair. I understood that the gentleman from Illinois [Mr. SINGLETON] did not withdraw his point that there was no quorum. I do not know whether the bill immediately preceding this is regarded as laid aside to be reported favorably to the House.

The CHAIRMAN. The Chair understood the gentleman from Illi-

nois to withdraw the point.

Mr. ATHERTON. I did not so understand. My objection to the provisions of that bill (I had none to its passage if properly amended) provisions of that bill (I had none to its passage if properly amended) was that it goes back and attempts to pay arrears of pension from 1861. If it were a pension bill in the ordinary form, I would make no objection; but if in this case we go back to 1861, we might as well in some other case grant a pension from 1812.

The CHAIRMAN. That is not a question for the Chair.

Mr. ATHERTON. The point, however, which I make is that the gentleman from Illinois did not withdraw his objection but simply asked leave personally to retire; and unless that bill was declared laid aside for favorable report to the House it is still open to amendment.

ment.

Mr. CONGER. The gentleman from Illinois said, I believe, that he would withdraw his point of order if the House would excuse him. He asked to be excused and left the House. I think it was understood by those who sat near him that he withdrew the point.

Mr. ATHERTON. That may be; but I did not so understand. The Clerk read the report, as follows:

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol, widow of James McCarrol, deceased, late a private in Company B, Forty-third Regiment of Ohio Volunteers, having had the same under consideration, respectfully report:

That Mary A. McCarrol is the widow of James McCarrol, who was a private in Company B, Forty-third Regiment Ohio Volunteers, and who died July 16, 1862, in the hospital at Camp Dennison, while in the service.

Mary A. McCarrol made application for a pension in July, 1864, as No. 56624. She produced adequate evidence to sustain her claim, had it not been for two entries in the records of the War Department, one of which reported James McCarrol as a deserter, and the other of which gave the cause of his death as mania a potu. The record in the Surgeon-General's Office kept complete trace of the soldier during the whole time he was charged with desertion, excepting the latter portion of this time, when he was in his grave. One of these records had to yield to the other, for they were palpably inconsistent; so the charge of desertion was removed, and the only impediment remaining in the way was that the soldier died of mania a potu, which was deemed good cause for rejecting the widow's claim.

This is the only question in the case : all class is clear.

Sustaining the charge that he died of this complaint there is no evidence whatever except the entry in the surgeon's book kept at the hospital.

Refuting the charge is evidence furnished by the same records which charge it. The records in the Surgeon-General's Office show that he was left sick in hospital, Hamburgh, Tennessee, April 24, 1862; transferred to hospital steamer Pringle, June 28, 1862, and sent to hospital, Camp Dennison, Ohio, where he died July 16, 1862.

It is wholly irreconcilable with the probabilities that he lingered for seventy-eight days with the mania a potu.

thence transferred to general hospital, Camp Dennison, Ohio, where he died July 16, 1862.

It is wholly irreconcilable with the probabilities that he lingered for seventy-eight days with the mania a potu. It is not to be assumed that a sick man, under medical care and the discipline of the hospital, would contract this disease.

Then M. R. Shaltos and Sebastian Floading swear that they belonged to the same company with James McCarrol, and that to the best of their knowledge he was taken sick with the diarrhea while in the line of duty, and was sent to the hospital, and that they never saw him under the influence of strong drink while in the service. George H. Trout, also a member of the same regiment, but belonging to Company A, knew him before he entered the service, was with him in the service and saw him frequently, and he avers that he had not the mania a potu, but the diarrhea, and that he never knew him to drink any intoxicating liquors, and that he was a sober, industrious man.

Mrs. McCarrol, the claimant, in her affidavit says that her husband was not addicted to the use of strong drinks. She also states in her affidavit that she is poor and unable to bear the expenses necessary to obtaining additional affidavits. She resides in Allegheny, Pennsylvania, while the regiment to which her husband belonged was raised in the State of Ohio.

The committee, believing that this claim is just, report back the bill (H. R. No. 1469) with a recommendation that it be passed.

Mr. BRAGG. I desire to ask the gentleman making this report at

Mr. BRAGG. I desire to ask the gentleman making this report at

what time this man was mustered into the service?

Mr. COFFROTH. I am not able to state from memory. The report will show it, I think. He was mustered in early in the war, at all

Mr. BRAGG. He died early in the game, it seems.
Mr. BAYNE. He was mustered into the service at an early period in the war

Mr. COFFROTH. Let that portion of the report be read. The CHAIRMAN. The Clerk will read the report.

The Clerk proceeded to read as follows:

That Mary A. McCarrol is the widow of James McCarrol, who was a private in Company B, Forty-third Regiment Ohio Volunteers, and who died July 16, 1862, in the hospital at Camp Dennison, while in the service.

Mr. BRAGG. That report does not seem to state the time when he was mustered into the service. The reason I desire to ask that question is, that from other circumstances connected with this case I should be led to infer that that soldier never got very far from the place of his original enlistment.

Mr. BAYNE. He was in Tennessee. Mr. BRAGG. He seems to have been transferred from the camp to a hospital-boat, from the hospital-boat to another hospital in Kentucky, and from there transferred to another hospital, and so on.

Mr. BAYNE. He was mustered in with the Forty-fifth Ohio Regiment, a regiment which saw some hard service in the early part of the war, and he was with the regiment during the early part of the

Mr. BRAGG. At what time was he enlisted?
Mr. BAYNE. In 1861.
Mr. BRAGG. What is his military record?
Mr. BAYNE. His military record was that of an active soldier until he was taken sick.
Mr. BRAGG. When was he taken sick?

Mr. BRAGG. What was the matter with him?

Mr. BRAGG. What was the matter with him?

Mr. BAYNE. I know all about this case, and it presents a question of interest to Congress, because it indicates the necessity for adjudicating upon these pension cases without delay. This man was taken sick from diarrhea, from the effects of which he died. The records of the hospital allege that he died of mania a potu, and he was also charged on the records with being a deserter. It was found after he died that instead of being a deserter he was in the hospital, but his name was carried on the rolls as a deserter after he was dead and in

his grave. They removed the charge of desertion against him.

Mr. BRAGG. What was his military record in the service?

Mr. BAYNE. I have stated that his military record was that of an active soldier up to the time of his sickness. After he was taken sick he was sent to the hospital, and the evidence of his comrades who served with him in the regiment is to the effect that he did not drink at all, and that the charge that he died with mania a potu could

not have been a correct one.

Mr. BRAGG. You say that he was an active soldier up to the time that he was taken sick and sent to the hospital?

Mr. BAYNE. Yes, sir.
Mr. BRAGG. Was he with his regiment during the whole time

before he was taken sick?

Mr. BAYNE. Yes, sir.

Mr. BRAGG. Was that regiment in any engagement prior to the time that he went into the hospital?

Mr. BAYNE. Yes, sir.
Mr. BRAGG. What engagement was it?

Mr. BAYNE. I have forgotten the name of it, but I know that it

was in an engagement.

Mr. BRAGG. It seems to me that the committee making this report, and expecting it to be supported by the House, ought to be able to state all the details which might be required in determining a question of this kind, such as the length of service of the soldier, his place of enlistment, and the character of the service in which he was engaged, instead of showing that he was in the hospital all the time in the early part of the war. This report shows that in the early part of 1862 he died in the hospital—

Mr. BAYNE. But the fact is that the Committee on Invalid Pen-

sions felt it incumbent upon them to meet the objections raised in the Pension Bureau to the granting of this pension. They presented the reasons in this case—the reasons why the Commissioner of Pensions rejected the claim. He alleged no other reasons at all for rejecting the claim, and the committee have presented the objections raised by the Commissioner of Pensions, and the committee thought that from all of the circumstances in this case the pension ought to be

Mr. BRAGG. Was it not a good objection on the part of the Commissioner of Pensions that the record of this man showed that he died of mania a potu—that he did not die of disease contracted in the service or in the line of duty?

Mr. BAYNE. It would have been a perfectly good objection if he had died of that. But he did not die of mania a potu, but he died of

altogether a different disease.

Mr. BRAGG. As I understand it, that is the evidence of the surgeon who treated him. Now, do the committee intend to say that the evidence of this man's comrades has more weight with them in determining the case than the evidence of the surgeon who treated him while he was in the hospital, and who made a record in his hospital book showing the character of the disease of which he died? Does the gentleman mean to say that the surgeon at Camp Dennison did not know the difference between mania a potu and diarrhea?

Mr. BAYNE. It appears that the gentleman could not have known the difference between the two diseases, because it is just a matter of impossibility that this man could have been taken there sick with this complaint, and kept there for seventy-eight days and died of it after that length of time, where it would have been impossible for him to have continued drinking. The evidence of his comrades from the time that he was in the service until he left shows that he did not

drink anything at all.

Mr. RICHMOND. That is the reason that he died. [Laughter.]

There being no objection, the bill was laid aside, to be reported to

MARY WADE.

The next pension bill on the Private Calendar was the bill (H. R. No. 2450) granting a pension to Mary Wade. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Wade, of Gettysburgh, Pennsylvania, who was the mother of Jennie Wade, who was killed while baking bread for the Union soldiers, and pay the said Mary Wade a pension at the rate of \$8 per menth from the 3d day of July, 1863, the date of her said daughter's death, to continue during the widowhood of the said Mary Wade, she having been dependent for support on her said daughter.

The report was read, as follows:

The Committee on Invalid Pensions in the Forty-fourth and Forty-fifth Congresses reporting in favor of the claimant, the committee adopt the report made to the Forty-fifth Congress, namely:

Jennie Wade, a daughter of the petitioner, twenty years of age, was killed by a rebel bullet at Gettysburgh, on the 3d day of July, 1863, within the Union lines, and while she was engaged in baking bread for the Union soldiers. Mary Wade,

the petitioner, was dependent, in part, for support upon her daughter. The husband of the petitioner is a maniac, and has been confined for many years past in the county almshouse. The petitioner is fifty-eight years old, and has no property except about fifty dollars' worth of household goods and a life interest in a small house and lot, valued at \$350 or \$400. Your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GEORGE W. LEAMY.

The next pension bill on the Private Calendar was the bill (H. R. No. 228) granting a pension to George W. Leamy; reported by Mr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George W. Leamy, formerly a second lieutenant of Company B, Ninth Regiment Pennsylvania Cavalry; and he is hereby granted and allowed a pension, to commence from the 2d of June, 1865, at the rate of \$15 per month.

The report was read, as follows:

The report was read, as follows:

It appears from the testimony that the petitioner enlisted in the United States service in 1861 as a second lieutenant in Company B, Ninth Regiment Pennsylvania Cavalry. It is shown by the testimony of Major Shuman, who was major of his regiment, and present at the time that, on the 2d of June, 1864, when returning to camp at Bowling Green, Kentucky, from an expedition to obtain provisions for his mess, he fell in crossing a fence and broke his right arm at the elbow, which resulted in permanent disability in that arm, it stiffening at the joint and becoming and still remaining almost useless. He was afterward honorably discharged on account of this disability. His brother officers bear testimony to his good and faithful services, and the committee think it is clearly established that the petitioner is suffering from disability incurred in the United States service and in the line of duty, and they therefore report back the said bill and recommend that it do pass. The bill passed the House of Representatives on the 29th of April, 1876, and again June 14, 1878.

Mr. BRAGG. Loffer the following amondment.

Mr. BRAGG. I offer the following amendment:

Strike out the words in the seventh and eighth lines "from the 2d of June, 1865," and insert in lieu thereof "from and after the passage of this act."

Mr. McMILLIN. I would state that the difference this would make

Mr. MCMILLIN. I would state that the difference this would make in the present case—I have made the calculation—is \$2,700.

Mr. BRAGG. The reason of my offering this amendment, Mr. Chairman, is for the purpose of testing the sense of the committee whether we will continue to repeat over and over again the error which we have committed by the passage of what is known as the arrearages bill. I do not pretend to say but what there were many cases in which bill. I do not pretend to say but what there were many cases in which the pensioner was justly entitled to arrears, and I should have gladly advocated any bill which upon its own merits recommended a case for such action on the part of Congress. But I was opposed to the general sweeping character of the bill which we passed; and the result has shown that it has brought applicants for pensions from every hamlet in the land who never dreamed of making application for pension before.

It has offered a reward for claim and pension agents to hunt up It has offered a reward for claim and pension agents to hunt up men and to assist them in manufacturing cases and presenting them to the Department. Because the premium is great it affords a sufficiently large sum of money to divide liberally; and the facilities with which pensions can be furnished at this day are so great that there are but very few cases where, if the pension claimant knows exactly what he wants to prove and takes the time, he is not able to

supply the proof necessary to establish the case.

Experience has shown that we committed an error, and the ques-Experience has shown that we committed an error, and the question is whether we shall keep on repeating this error for this great flood of pensioners who are coming to Congress, not being able to procure a pension under the pension laws. At the time of the passage of the pension laws they were supposed to be ample in their provisions to secure a proper pension to every soldier who was entitled to a pension, and when parties come to Congress making special cases for special relief, and we grant them special relief, we ought to grant it, it seems to me, as a donation given by us to them, not letting it extend away back ten, twelve, sixteen, seventeen, or eighteen years.

Mr. O'NEILL. The report in this case states that a bill similar to this passed the House of Representatives in 1876, four years ago, and again two years ago in the last Congress. This is not one of the class of pension claims got up by pension agents and by men whose business it is to look after soldiers who have claims, and who sometimes perhaps overstep the mark and present to the Commissioner of Pensions claims which ought not to be granted. But this is a claim of a sions claims which ought not to be granted. But this is a claim of a soldier who came here by a petition presented by myself in two Congresses, and I think presented again in this Congress; and this is the report made by the Committee on Invalid Pensions. This soldier had a right to come to Congress and he had a right to have his case examined by the Committee on Invalid Pensions, and that committee, doing justice to the statements made in his petition and to proofs from the reports have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have accommended that much a hill confidence in the servers have a recommended that much a hill confidence in the servers have a recommended that much a hill confidence in the servers have a recommended that much a hill confidence in the servers have a recommended that much a hill confidence in the servers have a recommended that much a hill confidence in the servers have a recommended that much a server have a serve doing justice to the statements made in his petition and to proofs from other sources, have recommended that such a bill as is now before the House shall pass. I do not know, sir, why we should not give to this man and others arrearages of pensions as we have given under the general laws to many claimants. I do not know why a pension claim passed through Congress and which has become a law by the action of Congress and by the signature of the President of the United States should be debarred from arrearages.

Mr. BRAGG. I will answer the gentleman if he will permit me. Will he yield to me for a moment, and I will give him the reason why?

Mr. O'NEILL. I yield to the gentleman.

Mr. BRAGG. A soldier who enlisted and served, served with refer-

ence to the pension laws of the Government. If he was able to make a case which would entitle him to a pension under the pension laws of the Government, he was entitled to and received pay under those laws from the time he received the disability for which those laws secured to him a pension. But if he claims to suffer from a disability not covered by those laws, and asks of us to pass a special act which will reach his case, he has no equity to ask us to make that act retroactive and to place him in the condition he would have been in had his disability been such as would have entitled him to a pension under the pension laws which he had a right to look to and expect relief from.

Mr. O'NEILL. This gentleman went into the Army just as others did to serve his country when his services were needed. He probably did not calculate at that time upon ever receiving a pension; he calculated only upon doing his duty to his Government, which he did, as

I know of my own personal knowledge, for I know him very well.

A MEMBER. Were you with him?

Mr. O'NEILL. No, I was not with him. He was one of the men who went from the neighborhood where I lived, and I know he per-formed his full duty. He now comes to Congress and asks for a pension. If the Congress of the United States is going to say that in all sion. If the Congress of the United States is going to say that in all these special pension cases it will not give any arrearages of pension, well and good; but it must be recollected that we have by a general law granted arrearages of pensions. If we cannot agree to pass in a case of this kind a bill giving arrearages of pension to individuals, then why should we not pass a general law giving arrearages of pensions to all cases that have received special congressional action? The House has passed such a bill, but the Senate has not.

As I said before, I happen to know this gentleman, and know him very well. I know his gallantry while in the service, and I know that he served well and faithfully until he was discharged.

Mr. MORRISON. Why has he not been pensioned under the gen-

Mr. O'NEILL. I am coming to that. There are many claimants

Mr. O'NEILL. I am coming to that. There are many claimants for pensions who cannot get pensions under the general law.

Mr. MORRISON. I am asking about this particular case.

Mr. O'NEILL. I am coming to it. I will answer the gentleman in a general way and specifically. There are many persons who deserve pensions who under the general law cannot get them. We all know many such cases, and their only way to obtain relief is to come to Congress for special acts in their behalf. They cannot get pensions under the general law because, perhaps, of some technicality of decision in the Pension Office, properly made under the pension laws. Hence they come to Congress and stand upon just as good footing as they would if they could go before the Commissioner of Pensions and obtain a pension under the general law.

It has been the pleasure of Congress heretofore, upon the recommendation of the Committee on Invalid Pensions, to grant relief in cases like this. I was saying that it should give some strength to

cases like this. I was saying that it should give some strength to this bill, that two former Congresses passed just such a bill as this for this man.

Mr. McMILLIN. Will the gentleman allow me to ask him a ques-

tion?

Mr. O'NEILL.

Mr. O'NEHLL. Certainly.

Mr. McMILLIN. The gentleman bases his argument in favor of this bill upon the ground that it has been recommended to and passed

by other Houses.

Mr. O'NEILL. Yes, sir.

Mr. McMILLIN. Did it pass in other Houses with this arrearage feature in it!

feature in it?

Mr. O'NEILL. I cannot say.
Mr. McMILLIN. I think the gentleman is in error about that.
Mr. O'NEILL. I do not know about that. If I said so, I take it back. All I know is that in two Houses a bill has been passed for the relief of this petitioner, and passed in the usual form I suppose.

Mr. COFFROTH. I wish to say, Mr. Chairman—
Mr. O'NEILL. Go on.
Mr. COFFROTH. I thought my colleague was through.
Mr. O'NEILL. I do not want to detain the House longer. I will only say that I hope this bill will pass.

Mr. MORRISON. I must have failed to make myself understood by the gentleman from Pennsylvania, [Mr. O'NEILL.] This report sets out with the statement that this soldier was wounded while in the line of his duty in the service of the United States. If that is true, I want to know why he has not been pensioned under the gentrue, I want to know why he has not been pensioned under the gentrue, I want to know why he has not been pensioned under the general law. If this is a mere shadowy case and has no merits, I would like to know that. If this man was wounded while in the line of his duty, why has he not heretofore obtained a pension?

Mr. O'NEILL. I assume that it is true that he was wounded while

in the line of his duty.

Mr. MORRISON. If this report is true, and this soldier was wounded in the line of his duty, why has he not been pensioned under the general law?

Mr. O'NEILL. He would not necessarily get a pension under the general law, because there might be some technical defect in the proof which was brought before the Commissioner.

Mr. MORRISON. What is that technicality? That is what I want

Mr. COFFROTH. I desire to say on behalf of the Committee on Invalid Pensions that at the extra session of Congress that committee reported no bill containing a provision granting arrears of pensions, until the House unanimously passed the joint resolution granting arrears of pensions to every pensioner placed on the rolls by special act of Congress. The committee then took action and came to the conclusion that in obedience to the unanimous voice of this House, in all instances where the pensioner received his disability while in the service, they would grant to him arrears of pension from the date of his discharge, and thus place him on an equal footing with those who had been put on the rolls by authority of the Commissioner of Penhad been put on the folis by authority of the Commissioner of Pensions. Wherever the pensioner did not receive his injury while in the service, but asked for a pension on account of his long service to the country, we treated it as a mere gratuity on the part of the Government, and granted him a pension from the date of the passage of the bill. That is the reason why arrears of pensions are granted by a portion of these bills and are not granted by other bills.

Mr. BRAGG. What time did this soldier first make application for

Mr. COFFROTH. The first bill in his favor was passed in 1876.
Mr. BRAGG. Then will you grant him a pension for ten or fifteen
years before he was sufficiently disabled to make claim?

Mr. COFFROTH. I know this; the proof was conclusive to the mind of the committee that he received this injury while in the service; and in two Congresses before this the Committee on Invalid Pensions said to this House that the injury was incurred in the line of duty, while this man was in the service of his country.

Mr. BRAGG. At what time did the permanent character of the

disability appear?

Mr. COFFROTH. At the time of the injury—at the time his arm was broken. He was discharged from the Army at that time; and the disability has continued from that time to this.

Mr. BRAGG. Can the gentleman state why this man did not sooner make application for a pension?

Mr. COFFROTH. Yes, sir; because upon the rolls at the Surgeon-General's Office he was not reported as having been injured in the

Mr. BRAGG. That does not answer my question. When did he

first make his application?

Mr. COFFROTH. To the Pension Bureau?

Mr. BRAGG. Yes, sir.

Mr. COFFROTH. I do not remember that. We have the papers as they were presented to us, and when the select committee which has been ordered by the House to examine this subject shall make their report the House will see that thousands and thousands of cases have been rejected at the Pension Office on mere technicalities, though the evidence was sufficient to satisfy the mind of any lawyer or of any judge who ever sat on the bench. These applications have been rejected because not supported by the testimony of an officer in the service, or because the records did not show that the injury was received in the service. In this way most meritorious cases are kept off the pension-roll by these rulings of the Pension Bureau, although the men thus excluded deserve pensions equally with those who are

on the rolls.

Mr. SPARKS. Mr. Chairman, I favor the amendment offered by the gentleman from Wisconsin, [Mr. BRAGG.] It will be remembered by the House that after the passage of the arrears law in the last Congress, (and I had much to do with the passage of that law,) when Congress, (and I had much to do with the passage of that law,) when the appropriation was made to meet the requirements of that law, an amendment was adopted in that appropriation act in which authority was conferred upon the Pension Office to grade the pensioners according to the disability as it might exist from time to time. So that a pensioner who is to-day receiving say \$15 a month, and who may have been originally pensioned at \$6 a month, afterward increased to \$8, then to \$12, then to \$15, should be the basis of such

grading.

Now, I invite the special attention of members to this point: if in these cases we now fix a rate which the pensioner is to receive—say \$15 a month as stated in this bill—and extend the pension back at that rate for fifteen years, we do not grade this pensioner as other pensioners are graded. There is hardly a single pensioner under the arrears law who received during the whole of his term as pensioner the amount which he received when the arrears law was passed. These pensions generally begin at a low figure, six, eight, or ten dollars, being increased gradually according to the extent of increase of disability from time to time. In this case the disability may be such that the pensioner may be entitled to-day to \$15 a month; but if the pension had been granted to him at the time to which it is to date back—fifteen years ago—the amount might have been only \$6, and gradually increased as disability increased. Therefore, I say that we cannot proceed fairly in allowing arrears in these special cases. How can we do it? We can do it by general law, allowing these pensioners to be graded with others, and we cannot do it otherwise. It is impossible to grade these cases here. Let the amendment offered by the gentleman from Wisconsin be adopted; then, by some general law hereafter to be adopted, let these pensioners be placed upon the same plane with other pensioners who receive arrears. But if we attempt to-day to say that this man shall not only receive \$15 per month for his present disability, but that his pension shall run back at this rate for fifteen years, we make an odious discrimination and inflict a wrong upon the two or three hundred thousand of meritorious pensioners of the country. These pensions generally begin at a low figure, six, eight, or ten dol-

Mr. BROWNE. This whole question has been discussed at every night session we have had for the purpose of considering these pension cases. Certainly the Committee of the Whole is prepared to pass upon it. So far as I am personally concerned, I believe that all these bills ought to be passed without the arrearage clause. I do not propose now to give my reasons for thinking this would be best, except to say that those whom we now pension would be placed upon a perfect equality with those whom we now pension would be placed upon a perfect equality with those who have been pensioned by special acts of former Congresses. If they ought to have arrearages, and I believe they ought, it ought to be given by a general law that takes in those pensions which are granted now as well as those which have been pensioned by former Congresses. I hope, therefore, while I think the Pensions Committee is right in principle that they will consent to take up these cases and strike out this clause in all of these bills and then pass them as we can under a general law.

Mr. COFFROTH. I will suggest to the gentleman from Indiana that I yielded to that the other night. I am willing to strike out the amount and let the pensions pass, and the rate to be fixed hereafter by the Pension Office, so as to pass the whole number of bills reported

from the committee.

Mr. BROWNE. Allow me to suggest to my friend, who will bear witness that I have always been here to attend these sessions held for the passage of pensions, although I have but a single pension case upon the Calendar, that unless this bill be made in the form—I mean unless it be made to conform to that principle—there will be such opposition here to the passage of any of these bills, or to the passage of each one of them, that we will never get through with the Pension Calendar, Warrat to the these secretary through with the Pension Calendar. We want to take these cases up and pass them. We want to sit here and vote upon them, and not take up the entire time of each evening session with discussing these same questions over and over again, and I say unless we consent to that I apprehend we will not get through with many cases on the Calendar.

I hope, therefore, gentlemen will consent to vote now, and when we have passed upon it by a vote we may consider it a test vote and

we have passed upon it by a vote we may consider it a test vote and not discuss the question any further.

Mr. O'NEILL. Let this bill pass, and make a test on some other case. I offer that by way of a compromise.

Mr. McMILLIN. I concur fully, Mr. Chairman, in the amendment offered by the gentleman from Wisconsin pending before the committee, and in support of that and of the positions taken by the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state that The shed seasons the gentleman from Middle I will state the state of the gentleman from Middle I will be shed seasons the g tleman from Indiana, I will state that I have had occasion recently to tleman from Indiana, I will state that I have had occasion recently to investigate what has been saved to the Government of the United States by the rating of arrears of pensions as provided for by a subsequent law instead of giving full arrears back to the day of disability, as proposed in this bill, and as was inadvertently provided in the first arrears law—and I have ascertained that the saving to the people has been between \$10,000,000 and \$11,000,000.

Now, all will agree that with the onerous duties of the session upon us, with all of the business that is pending before Congress, and other duties crowding us, we cannot stop to make a full investigation and rate each case and determine satisfactorily whether the applicant should receive fifteen or seven dollars a month, nor what year the disability began. Much has been said in the course of this discussion about injustice that may be done. Now, there are two sides to that question. Do gentlemen remember that there are thousands of soldiers who fought in the armies for the Government who did not receive wounds, and who are now able-bodied, but poor as they can be, and have to pay the taxes which go to make up the amounts paid out by the Government in pensions? Surely these people deserve some consideration, and I insist that no injustice should be done to these any more than to the disabled and wounded soldiers who served in the war. Let us pass such bills as are meritorious without arrears, and where rating is to be done, let the rating be done hereafter by the proper tribunal that can do it satisfactorily.

proper tribunal that can do it satisfactorily.

Mr. THOMPSON, of Iowa. Will the gentleman from Tennessee permit me to ask him a question?

Mr. McMILLIN. Certainly.

Mr. THOMPSON, of Iowa. I ask the gentleman whether it has not been decided by the Commissioner of Pensions that in all cases where pensions are received by special acts the pensioners are not entitled to arrearages unless provided for by law, which has not been done by any act prior to this, except that which is now pending in the Sentata?

Mr. McMILLIN. If it has not been done, a sufficient answer is that justice can be done hereafter by a proper general law. It will not be claimed by any gentlemen on this floor that it cannot be done; neither will it be claimed by any person here that this is a proper mode of disposing of this question. What have we before us here? We have disposing of this question. What have we before us here? We have the anomaly of Congress, fifteen years after the disability occurred, going back blindly, groping in the dark, trying to discover what degree of disability existed, and whether it was such as to entitle a man to \$15 a month, or whether after all these years have passed, during the dark of man to \$15 a month, or whether after all these years have passed, during which time no application for pension was made, whether he is entitled to anything. We see the party come in here and make his claims for pension years after the disability occurred. That is the anomaly presented here. The present case is one of that character.

Mr. COFFROTH. I will tell the gentleman from Tennessee that there are thousands of the most meritorious cases on the pension-rolls that did not apply for their pensions until lately and because they have become so poor now that they were not able to sustain them-

selves. Thousands did not apply for pensions until after the hard times came on, when their wants and necessities forced them to do it.

Mr. McMILLIN. I hope the proposed amendment will be adopted.

The saving will be some \$2,700 to the people.

Mr. McKENZIE. I desire to ask a question of the chairman of the Committee on Pensions. I discovered that there are some two hundred pension bills on the Calendar undisposed of, and I should like to know if every one of these is to draw arrearages of pensions? If they are, the amount involved will be something over \$400,000, as I perceive from making a hasty calculation.

Mr. COFFROTH. In the first place the gentleman's calculation is

Mr. COFFROTH. In the list place the genterman scholars extravagant. They do not average \$1,000 a case.

Mr. McKENZIE. If the disability occurred during the service of the soldier it must go back at least fourteen years.

Mr. COFFROTH. Some of them are only allowed \$4; some a quarter of a pension; others three-quarters of a pension. And in many cases the pensions start only from the passage of the act because they And in many do not come within the rule laid down by the committee.

Mr. McKENZIE. If that is the case it is time we put a stop to it.
Mr. COFFROTH. The House can put a stop to it. The committee
is only carrying out what has been done by the House heretofore.
Mr. HARRIS, of Virginia. I desire to ask one question of the chairman of the Committee on Invalid Pensions: whether in all these

cases which have been before the Pension Bureau and rejected, the committee call on the Pension Bureau for the evidence on which it

acted, and whether the same has been given?

Mr. COFFROTH. Yes; always. Wherever the application was made and rejected by the Department we have brought all the evidence down and had it examined by a sub-committee who report it

to the general committee.

Mr. HARRIS, of Virginia. That is all right.

Mr. NEW. A single word will suffice for all I desire to say now on Mr. N.E.W. A single word will sumce for all I desire to say now on this subject. How I may vote at some other time if a general bill such as has been referred to should be presented for our consideration I cannot say until I see the provisions of that bill. But I am opposed to the amendment offered to this bill by the gentleman from Wisconsin, [Mr. Bragg.] Certain pension claims or bills are now upon the Calendar. They have been reported by the Committee on Invalid Pensions for our consideration, and we should not hesitate to act upon them. Already by the Forty-fifth Congress an act has been passed granting arrears of pensions to persons not more entitled, so far as we know or can know, than are the soldiers in whose behalf the bills now upon the Calendar have been favorably reported.

Already many thousands of dollars have been paid by the Government, and much more will yet be paid, under the law passed by the Forty-fifth Congress, in the way of arrears of pensions. That money has been disbursed and cannot be recalled, and should not be. It is true that if a general bill of the kind that has been referred to in a general way should hereafter be passed, possibly it could be so framed as to equalize, or nearly so, in some equitable way, the pensions paid to all, taking into account what may have already been paid as arrearages under the law passed by the Forty-fifth Congress. But if no such bill should pass, then it would follow, inasmuch as it has been held, as I have been informed, by the Pension Commissioner, that a soldier receiving a pension by one of these special acts can rethat a soldier receiving a pension by one of these special acts can receive no arrears unless the special act shall so provide—it would follow, I say, that the inequality, discrimination, and unfairness, of which we have heard so much, would be suffered in a manner grossly unjust by pensioners worthy in every way, but who were so unfortunate as to not have their names on the pension-rolls prior to the passage of the arrears of pension act of the Forty-fifth Congress, and to which I have already referred.

Mr. BROWNE. Will my colleague yield to me for a question?

Mr. NEW. Yes, sir.

Mr. BROWNE. What becomes of those unfortunate men who have

Mr. BROWNE. What becomes of those unfortunate men who have been pensioned by special acts of Congress during the last fifteen

years, whose pensions simply began from the dates of the acts?

Mr. NEW. I will answer the gentleman's question. It will be far better and more commendable every way to give to the class of which the gentleman speaks arrears of pension also, than that those who are now being provided for by special law should not receive that which you have a freely and have the provided to the class of the c are now being provided for by special law should not receive that which you have so freely and bountifully given to others in the recent past, and which will be paid to others in the future, under the act of the last Congress. A general law, such as has been foreshadowed by gentlemen, may never be enacted or ever heard of again. If it shall be, then if the amount of money received by soldiers as pensioners can be equalized, can be graded, can be regulated in any way reasonably fair to all pensioners, well and good. We will see about that when the time comes. But, sir, the day may never arrive when any such action will be taken by Congress, and I submit, therefore, that the right thing to do, and to do without hesitation, in all meritorious cases, is to include arrears of pensions in the bills we may pass. No cases, is to include arrears of pensions in the bills we may pass. No other course, in my opinion, will be consistent in ourselves or just to the soldier. For one, I am not willing to be influenced in my action now by the expectation or prophecy of any one that at some future day we will so legislate as to make all our pension laws consistent and just and just.

Mr. LAPHAM. On this question I ask the attention of the House

while I refer briefly to the substance of what I said on a former occasion. I am in favor of special legislation to relieve every person suf- ity, and will be again.

fering under a disability contracted in the service which is not provided for under the general laws granting pensions to soldiers. This claimant cannot bring his case within the present provisions of the pension laws. What does he need for his relief? Simply and only that we shall remove that disability and direct his name to be placed upon the pension-rolls. Then he goes, as all other claimants go for pensions, to the Pension Office, and receives his pay according to the provisions of law with reference to the degree of his disability. The feature of this bill to which I object is the manner in which we undertake to define the rate of pension which the applicant shall receive. I have never introduced a bill, I have never known a bill to pass Congress, until some have passed this House at the present session, which named any sum of money which the pensioner was to receive for his disability except in that class of cases where we grant an increase of pensions. There I conceive the amount of increase should be stated in the bill.

Mr. DAVIS, of Illinois. I ask consent of the gentleman from New York [Mr. LAPHAM] to make a statement, because it seems to me that this matter is misunderstood by the House. I had supposed that the chairman of the Committee on Invalid Pensions [Mr. COFFROTH] would make a statement relative to a resolution which was adopted by that committee. After a full and fair discussion of this question, the committee determined to let the rating of pensions be made by the Pension Bureau; that was the unanimous action of the commit-That resolution passed the committee subsequent to the reporting of these bills which we are now considering. I have no doubt that any member of the committee will allow the bill he has reported to be amended so far as the rating of the pension is concerned. That portion of the bills which were reported before the action of the committee on that subject could be stricken out. The committee also determined, because it deemed it but right and proper, that the pension, as rated by the Pension Office, should date back to the time of the disability, as ascertained by the board of examining surgeons in the Pension Office.

Mr. LAPHAM. A word upon that point. I conserve that the content of the time of the disability of the pension of the disability of the pension of the disability.

Mr. LAPHAM. A word upon that point. I conceive that there is a propriety in allowing any person who may be debarred by the provisions of the general law, and who is placed on the pension-roll by action of Congress, to date his pension back to the period when his disability began. The difficulty is that this bill undertakes to fix the action of Congress, to date his pension back to the period when his disability began. The difficulty is that this bill undertakes to fix the rate of pension absolutely for the past and for the future. That is my objection to the bill. If the whole subject shall be remitted to the Pension Office, and arrears are to be granted as under the general law, then the difficulty, in my mind, will be removed.

We all know the practice of the Pension Office in regard to grant-

ing arrears of pensions. They do not grant arrears at the full rate of the pension which the pensioner draws at this time. I have a case in mind where the pensioner drew \$8 a month for a period of time; yet when the arrears of pension bill became a law his widow was allowed only \$3 per month arrears. The office said that that amount was all that they could allow by way of arrears under the tariff which they had adopted.

had adopted.

This bill proposes to give this man \$15 per month from the time that he broke his arm until the present time. That is the difficulty about the bill. Let us remove the barrier which the general law places in his way; let us direct his name to be put on the pension-roll, which will entitle him to a pension; and then let him go to the Pension Office and draw his pension at the rate fixed by law.

Mr. WARNER. I was about to offer an amendment to the effect of the suggestion of the gentleman from New York, [Mr. LAPHAM.] I move to amend by striking out of the bill all after the words "eighteen hundred and sixty-five," in line 8. That will leave the rating of the pension to be made at the Pension Office, instead of being made by this bill.

Mr. WILLITS. How will the bill then read?

Mr. WILLITS. How will the bill then read?

Mr. WARNER. Let the bill be read as it will read if my amendment and that of the gentleman from Wisconsin [Mr. Brage] shall

be adopted.

The Clerk read as follows:

* * * And he is hereby granted and allowed a pension to commence from and after the passage of this act.

Mr. WARNER. This question has been discussed heretofore on several occasions. I supposed that the Committee on Invalid Pen-sions had agreed to allow in all these cases the rating to be made at the Pension Office, as in other cases. I hope my amendment will be

adopted.

Mr. TAYLOR. I will state to the gentleman from Ohio [Mr. WARNER] that our committee has adopted a resolution to that effect in all cases, but it was adopted after these bills which we are now con-

Mr. WARNER. It is so manifestly inequitable for us here to make the rate of pension absolute, that I will offer the amendment I have indicated as a substitute for the amendment of the gentleman from

Misconsin, [Mr. Bragg.]

Mr. DE LA MATYR. I would inquire if that makes the rating from the present time, or does it apply the rating to the arrears? This same amendment has been before this House three different times, and the gentleman from Ohio [Mr. WARNER] has occupied one-half of the time of the House for two evenings in discussing this very amendment. It was rejected each time by an overwhelming major-

Mr. WARNER. I do not ask the consent of the gentleman from

Mr. WARNER. I do not ask the consent of the gentleman from Indiana [Mr. De La Matyre] to offer an amendment.

Mr. De La Matyre. And I do not ask the consent of the gentleman from Ohio [Mr. Warner] for what I shall say. I speak what I please and what is the fact. I want to know whether this amendment proposes to leave the entire rating with the Pension Office? If it does I am opposed to it. If it simply leaves the rating of the arrears of pensions to the Pension Office, then I am not opposed to it, and believe it will pass unanimously. If it designs to leave the rating of the pension from this time on I am opposed to it.

Mr. WARNER. The gentleman is mistaken, I think, about any such amendment as this having been voted down. I think the record will show that the Committee of the Whole and the Pension Committee have accepted and acted upon the principle of this amend-

ord will show that the Committee of the Whole and the Pension Committee have accepted and acted upon the principle of this amendment, that the entire rating shall be made at the Pension Office, and not fixed absolutely here.

Mr. DE LA MATYR. I have a very distinct remembrance; for it was impressed upon us by three or four speeches each evening, the gentleman from Ohio [Mr. WARNER] repeating the same thing in substance every time, and repeating his amendment, in a little different form, perhaps, as many times. Those of us who were here remember that. member that

Mr. BRAGG. Is not \$15 the full rate for permanent disability for

a lieutenant?

Mr. DE LA MATYR. Certainly, and if we leave the rating of the arrears to the Pension Office, that will be right. If the disability has been a growing disability, it will be known whether at the present time it is a permanent disability or not. The question whether the disability has continued from the time of discharge until the present time, should be left to the Department. But the Committee on Invalid Pensions of this House, one of the ablest and most thoroughly work-Pensions of this House, one of the ablest and most thoroughly working committees of this House, who have given their time exhaustively to these matters, as I have occasion to know, for I have been before them several times, know as well as Mr. Bentley or any other person can know whether these cases deserve a particular rate from the present time. As to the question of arrearages for the past, let that go to the Department. I hope the amendment in its present form will be voted down, and that the House will compromise by leaving the

writed down, and that the House will compromise by leaving the arrearages to be rated by the Department.

Mr. VAN VOORHIS. Mr. Chairman, the difficulty under which we labor seems to be that we are talking about everybody's case, and not the special case before the committee. This general question we have had up twice before; we have discussed it on two evenings, and voted upon it several times.

Now, what is the question in this case? I understand from the statement of the chairman of the Committee on Invalid Pensions

statement of the chairman of the Committee on Invalid Pensions that this applicant had his arm broken in the service. I would like to have somebody tell me whether a man disabled by having his arm broken is not entitled to just as much pension the first year afterward as the tenth year, if the disability has been permanent. If he is entitled to anything, he is entitled to the arrears.

Mr. COFFROTH. Will the gentleman allow me to explain?

Mr. VAN VOORHIS. Certainly.

Mr. COFFROTH. If this bill be passed with the substitute of the gentleman from Ohio in place of the amendment of the gentleman from Wisconsin, it will leave the fixing of the rate entirely in the discretion of the Pension Office. This man then, under the rating of that office, will be allowed up to this time the rate given to a second lieutenant, (I believe that is the position he occupied,) which will not be less than \$15 a month; and then, probably from this time on he will get, according to the amendment, \$24 a month. Hence I say that the amendment of the gentleman from Ohio is better than the original bill. Speaking for myself, as chairman of the Committee to adopt it.

adopt it.

Mr. DAVIS, of Illinois. Under the amendment the pension will commence from the passage of the bill.

Mr. VAN VOORHIS. I understood my colleague [Mr. LAPHAM] to say that the Pension Office in its discretion has a certain tariff of rates which it applies to these soldiers. All I have to say is, the Lord have mercy on that soldier who goes before some of the examiners in

Mr. BRAGG. I claim to be just as good a friend of the soldier as any man who is talking in favor of the passage of these pension bills. I claim to speak for and represent a large soldier element; and I know that those gentlemen who are seeking the favor of the soldier element

that those gentlemen who are seeking the favor of the soldier element are not working in the direction to get it when they are attempting to swamp the Treasury of the United States by voting pensions to every "bummer" who went into the service from 1861 to 1865.

Mr. VAN VOORHIS. Is this man a "bummer?"

Mr. BRAGG. The arrearages of pension act has brought to the Pension Office over one hundred thousand, nearer two hundred thousand, claimants, who never dreamed that they were entitled to pensions. These claims come in at the rate of from five thousand to seven thousand a month; they are brought there simply by the operation of the and a month; they are brought there simply by the operation of the arrearage act. We by that act and by the recognition of these claims are simply demonstrating that every man who was in the northern Army ought to be pensioned, whether he did service or not, whether he incurred disability or not. If they cannot be pensioned under the pension laws, that same army of two kundred thousand will turn

their attention to this House and "snow us under," until the amount which we shall have to pay annually for the support of the pension list of this Government will represent a greater capital than the national debt. Now there must be an end to this; and the country is prepared to call a halt. Our pension laws are liberal; we pay greater amounts of pension than any other country. We are liberal to every branch of the service.

Mr. O'NELLL. Will the gentlemen appears a question?

Mr. O'NEILL. Will the gentleman answer a question?
Mr. BRAGG. Yes, sir.
Mr. O'NEILL. I know very well the patriotism of the gentleman; and I would like to ask him this question—whether he considers that these pensions are favors to these men whose services have been of such signal advantage to the country. Are they not rather a duty and a debt due by this Government to men who came forward to save the Government from destruction?

the Government from destruction?

Mr. BRAGG. I will answer the gentleman. In regard to every soldier entitled to a pension under the pension laws, the pension is a debt which the Government owes him; but as to every pension we

pass by special act, it is a gift to the man who receives it.

Mr. O'NEILL. No, sir.

Mr. BRAGG. Now, we have the cases of active, able-bodied men, who for sixteen years have discharged all of the services that their station in life required of them for their support, discover now, after the expiration of sixteen years from the time that the service was the expiration of sixteen years from the time that the service was performed, that they are suffering from the diarrhea contracted in the service, while their towns-people, knowing they receive pensions from the Government, and knowing for all this time they have been in good health, laugh and point at them as they pass as pensioned soldiers who have some secret disease not visible to the eye, but who have been able by some means or other to get around a congressional

committee, or impose upon it in some way so as to secure a pension.

Mr. O'NEILL. That may apply to many cases, but I wish to ask
the gentleman if he does not know that many are to-day applying
for pensions who never dreamed five years ago that they would be required to ask pensions from the Government—men who were in fairly good circumstances at that time, and did not feel it necessary to get this little pittance for the service that they rendered during the war? I ask him if he does not know that that is the reason there

war? I ask him it he does not know that that is the reason there are so many making applications now?

Mr. BRAGG. Let me inquire of the gentleman from Pennsylvania in return if these men are suffering from total disability how it happens that they have only lately discovered it?

Mr. O'NEILL. It is not a question as to why they did not discover it. It is a question now of absolute necessity with them. In thought sands of instances applications are made for pensions where men were disabled during the war but did not feel compelled to make applica-

disabled during the war but did not feel compelled to make application, being able heretofore to support themselves.

Mr. BRAGG. If we are to pension every man in want, every man
who is needy, then of course there is an end of it.

Mr. DAVIS, of Illinois. I wish to inquire of the gentleman from
Wisconsin, who refers to the towns-people laughing at and ridiculing
these pensioners, if those pensions were granted by act of Congress
or whether they have been given by the Pension Bureau?

Mr. BRAGG. Some on testimony manufactured and imposed upon
the Pension Bureau, and some on testimony manufactured and imposed upon congressional committees.

Mr. DAVIS, of Illinois. Then let me ask another question in refer-

ossed upon congressional committees.

Mr. DAVIS, of Illinois. Then let me ask another question in reference to these "bummers" the gentleman is pleased to refer to who have been so successful in imposing upon somebody. I wish to ask the gentleman if he believes the Committee on Invalid Pensions, consisting of fifteen members, is not competent to examine for themselves all the evidence that is brought before them in support of these cases? And if he does not believe that committee is more competent than the closure of Mr. Pentlevic burgers? than the clerks of Mr. Bentley's bureau?

Mr. BRAGG. I consider them entirely competent to exercise their own judgment and report such bills as they see proper to this body, and it is entirely competent for every member of this House to state his views on the bills and vote as he considers proper when they are

reported.

Mr. COFFROTH. I desire to ask the gentleman from Wisconsin

a question.

Mr. BRAGG. Well, I will hear the gentleman.

Mr. COFFROTH. Does the gentleman know that Mr. Leamy, the applicant in this case, was a "bummer?"

Mr. BRAGG. I know this, that if Mr. Leamy broke his arm—

Mr. BRAGG. I have not stated that he was a bummer.
Mr. COFFROTH. Answer my question.
Mr. BRAGG. I have not stated that he was a bummer.
Mr. COFFROTH. The gentleman has referred to the "bummers" who come in here at this late date making applications for pensions.
Mr. BRAGG. I have stated that there are many applications made

Mr. BRAGG. I have stated that there are many applications made which come from men who never rendered any service whatever to the Government, and who have only discovered at this late day that there is a possibility of imposing upon somebody to get a pension.

Mr. COFFROTH. Then you take the whole line—

Mr. BRAGG. I will take this case to which you refer as a representative man, and I will ask the Pension Committee to answer me this, whether they are willing to say that a soldier is entitled to draw a pension for total disability who broke his arm in the year 1865 and never discovered it until 1875—ten years after?

Mr. COFFROTH. There are thousands of cases, as I have said to

the gentleman, where the application was not made because the party did not need the pension until now.

Mr. DAVIS, of Illinois. I wish to say in justice to the Committee

on Invalid Pensions

Mr. COFFROTH. I desire to say further to the gentleman from Wisconsin that within my own knowledge since I have been chairman of the Committee on Invalid Pensions, and from the testimony that has been adduced before the special committee investigating the subject, that there are thousands of applicants for pensions today who would not call upon the Government for support at all if it were not for the distress that has come upon them and because they need support from the Government that they defended when they were strong and vigorous men. These men have lived without support as long as they were able, and many of them are the most hon-

orable men who were in the service. Mr. BRAGG. In reply to the remarks of the gentleman from Pennsylvania, chairman of the Committee on Pensions, I desire to say that if the committee expect me to support a report upon the theory that they have examined the case so that their opinions should govern this House, I would like to know whether that committee, after having made the examination, can state when it was that this man first applied for his pension and why it was not granted? When I find the committee not able to state when the application was made, I conclude they have made a report that somebody fixed up for them.

[Laughter.]

Mr. FRYE. I want to make one suggestion—
Mr. COFFROTH. The gentleman does not state any reason for objecting to this case except his usual mode of warfare against these

pension cases. [Laughter.]

Mr. DAVIS, of Illinois. Mr. Chairman, I desire to state in justice to the Committee on Invalid Pensions, that this House has dumped upon them some three thousand pension bills. They have proceed with the aid of three or four extra clerks to sort these out, tabulate them, sift the evidence in each case, and so far have succeeded in them, sift the evidence in each case, and so far have succeeded in getting through with only about one hundred and fifty cases, which they have reported to the House, and which are now on the Calendar. Those in which the evidence is deemed insufficient are being laid aside, or rather I should say those in which the evidence is not thorough and complete. Those, I say, are laid aside for future examination, the committee deeming it wise to give their attention first to those cases which the evidence was sufficient to warrant a favorable report-those presenting prima facie cases, and leaving the others for subsequent action, or, in some cases, on the evidence presented, as not being worthy of consideration.

I wish to state, Mr. Chairman, that the Commissioner of Pensions came before the Committee on Invalid Pensions and admitted that

in many and many a case that had passed this House he would have granted the pension himself if the papers had gone before him, but stated that he is supplied with an insufficient number of employes and clerks to examine these cases, and he himself has not the time to ex-

amine the evidence.

I state further that some of the most interesting and valid cases presented to the committee are cases which have been thrown out of the Pension Office unfairly on technical theories raised by physicians. If we have the fortune to reach the cases reported by myself, there are some of them to which I may point as samples of the management of

that office.

I would say in conclusion that I do not think this House is acting justly by the Committee on Invalid Pensions in discussing the general principles of the pension laws instead of dealing with the particular cases. If any case is presented that does not meet the views of the House, the simplest method to deal with it is to vote it down. But those that have merits and are good cases should be passed. I believe the committee would accept the amendment which has been offered, that the rate should be fixed by the Pension Office.

Mr. WARNER. Does the gentleman mean the entire rating?

Mr. DAVIS, of Illinois. I mean the rating, not the time; the amount to be allowed for the disability under the general law, the

provision being that this man shall be put on the pension-roll from

such and such a date.

Mr. WARNER. The same as all others who are granted pensions through the Pension Office?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. WARNER. That is right.

Mr. BRAGG. The gentleman from Illinois propounded to me the question whether or no the Committee on Invalid Pensions, consisting of fifteen members of this House were not as competent to hear ing of fifteen members of this House, were not as competent to hear and determine these cases as Mr. Bentley's clerks. I now understand the gentleman to state the Committee on Invalid Pensions has four clerks, and that it is they who examine the evidence and prepare

Mr. DAVIS, of Illinois. I beg the gentleman's pardon. I stated that, owing to the amount of business and the number of bills before the committee, we had got three additional clerks, four in all, who assisted in hunting up evidence, tabulating it, making an abstract, and presenting it for consideration.

Mr. BRAGG. Now, do you not know that before and since the research of the arrest research where are present whose business it is

passage of the arrearages act there are persons whose business it is to send out a printed circular with questions to be asked, all over the country, to soldiers they may hear of, who are requested to answer the

questions and then return the papers to them here; so that they may draw affidavits and then direct the parties to come to Congress with

the evidence prepared by them?

Mr. DAVIS, of Illinois. I will say in reply to the gentleman from Wisconsin that I presume such a thing is done. And I will say further that on an intimation from Mr. Bentley, the Commissioner of Pensions, who gave to the committee an idea of the standing and character of men engaged in business of this kind, the committee adopted a resolution that none of the papers from the Pension Office should in any instance be shown to those parties.

Mr. BRAGG. I do not desire to reflect on anybody engaged in the

business by my question. I have asked the question because I have seen those circulars scattered all through the West.

Mr. DAVIS, of Illinois. I am not aware of evidence from that source coming before the Committee on Invalid Pensions in a single

Mr. FRYE. I want to make one suggestion, which, if acted upon, will, I think, settle this whole thing. We have spent three nights on these pension bills, and nothing practical has been done. Now, down in the Botanical Garden there is a curious plant known as the

down in the Botanical Garden there is a curious plant known as the mother-in-law plant, the perfume of which paralyzes the tongue and makes dumb. If the chairman of the Pension Committee will send down to the Botanical Garden and get some of that mother-in-law plant the business will get along. [Laughter.]

Mr. ATHERTON. I suggest the gentlemen from Maine should take the first dose. [Cries of "Vote!" "Vote!"]

Mr. CALDWELL. I regret exceedingly to differ with any gentleman on either side of the House as to the policy to be pursued in regard to these pension bills. As I introduced into the Committee on Invalid Pensions the resolution which fixed the date to be placed in these bills it is right I should state the reasons for that resolution. Unlike some of the gentlemen who have spoken to-night I voted against the arrearages of pension act. I did so because I thought it was passed. Now, will the American Congress say to these soldiers whose claims have been rejected by the Commissioner of Pensions that the Commissioner of Pensions may exercise more control over the money Commissioner of Pensions may exercise more control over the money in the Treasury than the representatives of the people? Is it right that the Commissioner of Pensions shall grant arrears of pensions for ten or fifteen years, but when the claim is brought to this House and granted by Congress the date shall be fixed from the passage of the granted by Congress the date shall be fixed from the passage of the act. Now, that is not fair. I stand here as one of the confederate brigadiers, so much abused by the other side of the House and by the press representing republican sentiment in the country; and I want to say that it is the purpose of the four or five confederates upon this Committee of Invalid Pensions to carry out in good faith the pension laws of this country as they have been passed by the representatives of the people. [Applause.]

Now, I know full well that rejections of pension claims have been made by the Commissioner of Pensions, and those rejections cannot be sustained either by the law or by any principle of centix that has

made by the Commissioner of rensions, and those rejections cannot be sustained either by the law or by any principle of equity that has been taught any lawyer in this House. I can point to a number of such cases; I have myself examined some of them. I do not pretend to have any special knowledge about the merits of the particular case now before the House. But I will say to gentlemen on both sides of this House that if they want to make some meritorious amendment in pension laws I would advise them to strike out that section which makes a distinction between an officer and a private sciliar for the in pension laws I would advise them to strike out that section which makes a distinction between an officer and a private soldier for the same kind of disability. There is a section of the pension law which gives a lieutenant-colonel \$30 a month for total disability, while the private soldier receives for the very same character of disability the miserable pittance of \$8 per month. Now, I confess that my sympathy has been with the majority of these applicants here because they were private soldiers. I know that the officers have been enabled to draw around them such circumstances and to bring such proof before the Pension Office as would get their claims through, when one-half of the private soldiers presenting their claims could not get them passed.

not get them passed.

Mr. THOMAS. Will the gentleman allow me to ask him a question ?

Mr. CALDWELL. Certainly.
Mr. THOMAS. Is the gentleman not aware of the fact that the Mr. THOMAS. Is the gentleman not aware of the fact that the law with reference to pensioning officers has not been changed since the beginning of the war, while the law in regard to enlisted men has been so changed that a private soldier receives \$72 a month for a total disability caused by the loss of both eyes, both arms, or both legs? The officer has to draw his pension according to the law as it existed at the beginning of the war. There never has been any change in the law in reference to officers, and they cannot draw a pension in proportion to the rank they held in the Army.

Mr. CALDWELL. I do not care how far that law may reach back. It is wrong; it is in violation of the fundamental principle upon which this Government rests, which is the equality of all the people of this country.

of this country.

I defy any man in this House or elsewhere to give me any sound reason why two men entering the Army, both born in the same town, perhaps educated in the same college, and stricken down upon the same battle-field, yet because one of them was fortunate enough to hold the commission of lieutenant-colonel when he was discharged that he should receive \$30 a month for the period of his life, while the

man who carried the knapsack, and I presume did the fighting, can receive but \$8 a month.

Mr. BRAGG. If the gentleman desires any good reason I will tell

Mr. CALDWELL. Well, tell me.
Mr. BRAGG. It is because that when the man accepted his commission as lieutenant-colonel and entered into the service of the Government the Government contracted to give him that rate of pension; and when the man entered the service as a private the Government

and when the man entered the service as a private the Government contracted to pay him the rate of pension which he receives. It is simply carrying out the contract of the Government.

Mr. CALDWELL. My proposition is this: as I said to the gentleman on the other side of the Chamber who interrupted me, [Mr. Thomas,] if that is the contract, then it is wrong. It is violative of the very principle upon which this Government rests, the equality of all. There can be no good reason given why this distinction should be made, when both of these parties have been discharged from the service disabled for life and dependent upon the benefaction of the Government. Yet the Government will generously bestow \$30 a month on the one and the miserable pittance of \$8 a month on the other.

Mr. ATHERTON. And that same distinction extends to their widows and children.

ows and children.

Yes; it extends to their widows and children. Mr. CALDWELL. Mr. TOWNSEND, of Ohio. I desire very much to vote upon these claims for pensions; and as we have discussed everything to-night except the pension bills on the Calendar, I ask that we now proceed

except the pension bills on the Calendar, I ask that we now proceed to consider and vote upon them.

Mr. PRESCOTT. I will detain the House but a moment. I wish to call the attention of gentlemen back to the question now in hand. If the amendments which have been offered to the pending bill shall be adopted, the bill will be left in such a condition that no member of this House will desire to vote for it, for the applicant will not be able to receive the benefit of the general pension law.

Now, in order to remove the confusion and difficulty arising from that I desire to offer a substitute for the original bill and the amend-

that. I desire to offer a substitute for the original bill and the amendments, which substitute is in a form which the House has adopted and which provides that the pensioner shall receive a pension subject to the provisions and limitations of the pension laws. That provision is not in the bill before the House. I offer as a substitute for the pending bill and amendments that which I send to the Clerk's desk. The Clerk read as follows:

Strike out all after the enacting clause, and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Leamy, formerly a second lieutenant of Company B, Ninth Regiment Pennsylvania Cavalry."

Mr. DE LA MATYR. If passed in this form, the bill leaves the whole question with Mr. Bentley. We all know what would be the result. I had a conversation with him; and he said that a bill passed in this form amounts to scarcely anything.

A MEMBER. It is worth nothing.

Mr. DE LA MATYR. No; it does not amount to a row of pins.

Mr. WARNER. I withdraw my amendment in order that the substitute of the gentleman from New York [Mr. Prescort] may be

The question being taken on the substitute proposed by Mr. Prescott, there were—ayes 69, noes 31.

Mr. TAYLOR. I call for tellers. This substitute does not amount

to anything.

The bill, as amended, was laid aside, to be reported favorably to

ORDER OF BUSINESS.

Mr. BROWNE. Mr. Chairman, I desire to ask as a special favor that House bill No. 2303 may be taken from the Calendar.

The CHAIRMAN. Is there objection?

Mr. DAVIS, of Illinois. Yes, sir; I object.

CAROLINE BOLL.

The next pension bill on the Calendar was the bill (H. R. No. 3099)

The next pension bill on the Calendar was the bill (H. K. No. 3099) granting a pension to Caroline Boll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Boll, mother of Lonis Boll, deceased, late a private of Company H, Eleventh Regiment Pennsylvania Volunteers, at the rate of \$8 per month, commencing on the 30th day of August, 1862, the date of the son's death.

The report was read, as follows:

The report was read, as Ioliows:

The Committee on Invalid Pensions, to whom was referred the petition of Caroline Boll, mother of Louis Boll, deceased, praying for a pension, report:

That Louis Boll, the son of claimant, was enrolled on the 12th day of November, 1861, in Company H, Eleventh Regiment Pennsylvania Volunteers, to serve three years, and was regularly mustered into the service of the United States as a private on the 27th day of November, 1861, at Annapolis, Maryland, in Company H, Eleventh Regiment Pennsylvania Volunteers, to serve for three years or during the war, and was killed in action at Bull Run, Virginia, on the 30th day of August, 1862.

1862.

This claim was originally filed at the Pension Office on the 25th day of January, 1873, and was, after a full compliance with all the requirements of that office, rejected upon a final hearing; cause, non-dependence. An appeal was taken to the Secretary of the Interior, who, however, sustained the decision of the Commissioner of Pensions.

Your committee consider, after a careful investigation of all the evidence in the case, that the decision of the Pension Bureau was erroneous, in that it was based entirely upon a letter from the postmistress at Mauch Chunk, Pennsylvania, Mrs.

Jane Righter, whose statement was not made under oath, ignoring thereby the sworn statements (testimony) of sixteen unimpeachable and disinterested citizens of Mauch Chunk, who testify to claimant's dependency on account of old age and physical disability of husband. This postmistress, in her reply to Department letter of June 14, 1873, requesting her to forward an opinion relative to husband's ability to support his family by manual labor, and whether the son ever rendered the claimant any material aid, says:

"Upon inquiry have learned from a reliable source that Joseph Boll, the father of the said Louis Boll, has worked at Packerton, about two miles from this place, for the past ten or twelve years. Has supported his family without the assistance of the son, and is therefore not entitled to a pension. Mrs. Caroline Boll, is the wife of Joseph Boll."

The affidavits of Dr. Ludwig Flentje, (three in number,) family physician, clearly and unmistakably establish the physical disability of husband, as does also the certificate of N. B. Reber, M. D., medical examiner for Pension Bureau, who, in his report to the Pension Office, dated Lehighton, Carbon County, Pennsylvania, July 2, 1873, says:

"The said Joseph Boll, husband of Caroline Boll, who claims a pension as dependent mother of Louis Boll, is, and has been, physically incapacitated for the support of himself and family. Have had no acquaintance with Mr. Boll until at this examination. I find him suffering with salt-rheum on left leg with varicoseveins. The limb is very much atrophied. Apparently, his limb may have been affected some eight or ten years. He is now totally disabled, hardly able to walk, and that but a very short distance. His disability is probably permanent, since but very, very few cases of salt-rheum, complicated with varicose veins, are currable."

It is further shown in evidence that previous to deceased's entry into the service

but very, very new cases of sample compositions to deceased's entry into the service of the United States he contributed the entire proceeds of his earnings to the support of his parents, being then not quite seventeen years of age; and that while in the service, it is shown by the affidavit of his captain, E. H. Rauch, that he, the deceased, on three or four occasions sent the greater part of his pay to his parents for their support. This fact is also corroborated by the sworn statements submitted in evidence by some of his comrades in the company of which he was a member. A letter from the deceased to his parents, inclosing funds for their sole use, is also in evidence.

ted in evidence by some of many learnes, inclosing funds for their sole use, is also in evidence.

Now, in view of the foregoing, and in addition thereto the affidavits of father and mother, in answer to the interrogatories of the Pension Office, setting forth their dependence on their son, and the manner in which he contributed to their support, all of which show conclusively their dependence upon and aid from that source, we are of the opinion that the mother is entitled to a pension at the rate of \$8 permonth from the 30th day of August, 1862, the date of the death of her only son and support, and accordingly report a bill for that purpose and recommend its passage.

Mr. PRESCOTT. I move to amend the bill by striking out all after

the enacting clause and inserting the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Boll, mother of Louis Boll, deceased, late a private of Company H, Eleventh Regiment Pennsylvania Volunteers.

Mr. NEW. I desire to ask the gentleman from New York [Mr. Prescort] a question. Does he understand that the phraseology "subject to the provisions and limitations of the pension laws" will give to the person in whose favor a bill is passed by Congress the benefit of existing laws upon the subject of arrearages of pension?

Mr. PRESCOTT. I am advised that it will; yet right in front of me a centleman says it will not, while in the rear of me my colleague.

me a gentleman says it will not, while in the rear of me my colleague [Mr. Lapham] says that it will.

Mr. NEW. The impression, so far as I could observe, among mem-

bers when the substitute of the gentleman from New York to a former bill was voted on, was, that the language which I have quoted would give to the pensioner the benefit of all existing laws on the subject of arrearages of pensions. But I have just been informed by the chairman of the Committee on Invalid Pensions that the Commis-

chairman of the Committee on invalid Pensions that the Commissioner has held that those words will not give to those who are pensioners by special acts the advantage of the laws referred to. We should make no mistake in this particular.

Mr. LAPHAM. The Commissioner of Pensions has decided that under bills heretofore passed limiting the pension from and after the passage of the act the Pension Office cannot go back and allow arrears; but that a bill passed in this form with the words "subject to the provisions and limitations of the pension laws" covers arrears.

Mr. NEW. Will the gentleman permit me to inquire—not by way.

Mr. NEW. Will the gentleman permit me to inquire—not by way of cross-examination at all—the nature of the evidence which he has, whether founded on personal knowledge or not, that the Commissioner of Pensions so holds?

Mr. LAPHAM. The Commissioner informed me that the bills here-

missioner of Pensions so holds?

Mr. LAPHAM. The Commissioner informed me that the bills heretofore passed have contained a provision expressly limiting the pension to take effect from and after the passage of the act. Upon such language the Commissioner's construction was of course proper. By this bill we propose to put the person on the pension-roll "subject to the provisions"—that is all the provisions—"of the pension laws."

Mr. PRESCOTT. I understand it to be the fact also that all these claims arose prior to the passage of the laws for arrears of pension; and by a bill in this form the only question as to whether or not these parties would be entitled to arrears of pension will be removed.

Mr. NEW. I am not free from doubt as to what the Commissioner of Pensions will hold on this point. My own judgment, however, is that the language "subject to the provisions and limitations of the pension laws," if included in any special bill now passed, would give the pensioner the benefit of all laws now in force upon that subject.

Mr. PRESCOTT. That is what I understand.

Mr. NEW. I have heard that the Commissioner held otherwise.

Mr. PRESCOTT. Not upon a bill drawn in this form.

Mr. THOMPSON, of Iowa. Mr. Chairman, I have not intruded upon the time of the committee during this discussion. I merely wish now to state that I have at the present time in my possession a statement from the Pension Bureau, in full, of a case which meets the point made by the gentleman from New York, and the decision is one which covers all cases of this character. The number of this case I have in my possession, and any gentleman can investigate the case for himself. The decision to which I refer is set forth in writing, that in my possession, and any gentleman can investigate the case for himself. The decision to which I refer is set forth in writing, that

in all cases where the pension is granted by a special act of Congress (not under a general act) the bill allowing arrearages of pensions does not touch the case, and consequently the pensioner could not receive arrearages of pensions. Now, if this fixed the time, (that it is to take effect from and after its passage,) the Commissioner of Pensions, I insist, would be compelled to go back on his decision already made—a decision that I believe is in accordance with law. I have stated that I can give the number of the case in which this decision was made. It was a case from my own State which I had personal charge of, and I spoke of it, therefore, from personal knowledge.

Mr. BAILEY. I suggest that the committee had better rise to get some authority on this question, as there seems to be considerable doubt in reference to it.

doubt in reference to it.

Mr. PRESCOTT. I trust this bill will be passed before the com-

Mr. VAN VOORHIS. I wish to ask whether there is any such thing known in the law as a "pension-roll," on which it is proposed to put these names. Is there anything else other than a mere list kept at the Pension Office for the convenience of the office?

Now, I have this suggestion to make. I have no doubt that the amendment can be put in shape so that it will accomplish the object of my colleague from New York; and it should be put in all of these

I desire to move, therefore, that this bill, with all of the other bills down to and including No. 3568 on this Calendar, be referred back to the Committee on Pensions with instructions to insert that amend-

ment in each one of them.

The CHAIRMAN. The Chair cannot entertain that motion at this time. [Cries of "Vote!" "Vote!"]

Mr. STONE. I hope we will not vote upon this bill at this time. I Mr. STONE. I hope we will not vote upon this bill at this time. I am sure that there is some misapprehension as to the ruling of the Commissioner of Pensions on this point. I examined a few moments ago the cases passed in the third session of the Forty-third Congress, and I have observed that on the list of pension bills passed at that time fully one-half of them provide that the pensioner shall be placed on the rolls subject to the conditions and limitations of the pension laws, without fixing any date whatever. And yet the Commissioner of Pensions has decided, and his decision has been sustained by the Attorney General that in page of these cases can arrange of pensions torney-General, that in none of these cases can arrearages of pensions be paid. I should be glad to hear a ruling of the Department on this

Mr. NEW. Will the gentleman permit me to ask him a question— if he remembers whether these bills contain the words "from and

if he remembers whether these bills contain the words "from and after the passage," &c. ?

Mr. STONE. Many of them do and many do not. If any gentleman will examine the acts passed in the third session of the Fortythird Congress he will see the point to which I refer. On referring to them myself I found what I have stated, and I hope the committee will rise until we can get some definite information in reference to this matter. [Cries of "Vote!"]

Mr. BAKER. I wish to propose an amendment, to insert, after the words "pension laws," in the substitute presented by the gentleman from New York, the words "including arrears of pensions."

Then it will read:

Then it will read:

Subject to the limitations of the pension laws, including arrears, &c.

Subject to the limitations of the pension laws, including arrears, &c.

Mr. PRESCOTT. I was going to make this suggestion to the committee, that if this bill should pass as the last was passed, and if all of these bills should be passed as it is proposed to pass them, and it should be found on inquiry that the Commissioner of Pensions has ruled and will adhere to the ruling that this does not cover the arrears of pensions, then we can offer a general resolution giving further construction, which would cover all of these cases.

Mr. COFFROTH. That has been done already.

Mr. BAILEY. I move that the committee now rise.

Mr. PRESCOTT. I will accept the amendment of the gentleman from Indiana on condition that it be inserted in the other bills that have been passed.

have been passed.
Mr. McMILLIN. I desire to have the amendment reported.

The Clerk read as follows:

After the word "laws" insert the words "including arrears of pension act."

The committee divided; and there were—ayes 40, noes 25.

Mr. BRAGG. I make the point that a quorum has not voted.
Mr. ATKINS. I ask the gentleman from Indiana [Mr. BAKER] to
withdraw his amendment.
Mr. DE LA MATYR. I move that the committee rise. If gentlemen desire to fool away the evening let us rise.
Mr. COFFROTH. As there appears to be a difference of opinion
shout the construction to be given to these hills by the Commissioner.

about the construction to be given to these bills by the Commissioner of Pensions, I think it would be proper for the committee to rise, in order to get his construction of the law.

The CHAIRMAN. The motion that the committee rise is now

pending.

Mr. BROWNE. Let me suggest to the chairman of the Committee on Invalid Pensions that there are some bills here to which there can be no objection. For instance, there is one of which I have charge which does not ask for arrears of pension at all. I simply ask that my man be put upon the rolls subject to the limitations of the pension laws. Let that be taken up and the report read, and I pledge you I will not trouble you with any speech. Mr. TOWNSHEND, of Illinois. I have one or two bills in the

same condition.

Mr. BROWNE. My man is paralyzed.

Mr. TOWNSHEND, of Illinois. And my man is in a deplorable condition.

Mr. ATKINS. I ask the House to hear me just a single moment. It is not often I ask the House to hear me upon any subject that I have any personal interest in. I have a personal interest here in this respect, that I represent the individual for whom I now speak. I wish to state, and the chairman of the Committee on Invalid Pensions will bear me out, that the bill which ought to come next on the Calendar to that which has just been considered is the bill (H. R. No. Calendar to that which has just been considered is the bill (H. R. No. 4759) granting an increase of pension to Richardson K. Baird. By some means it has lost its place on the Calendar, and has been put back one hundred and seventy-five cases lower down. I do not know how it has happened. I suppose it has been by a mere accident. I ask that the House take that case up and act upon it. This man Baird is now a pensioner for partial deafness, drawing \$4 a month. He has made application for an increase of pension on account of increased deafness, and a bill granting it has been reported by the Committee on Invalid Pensions, and is now, as I have stated, on the Calendar. Calendar.

Mr. LAPHAM. Does it give arrears?
Mr. ATKINS. There are no arrears at all about it.

The CHAIRMAN. Is there objection to taking up the bill indicated

by the gentleman from Tennessee?
Mr. BAILEY. I object.
Mr. DE LA MATYR. I insist on my motion that the committee rise. There seems to be no use in our remaining here. If there was, would stay.

Mr. ATKINS. Who objected to my request?
Mr. BAILEY. I did.
Mr. SPARKS. The gentleman from Indiana [Mr. Browne] made a request in favor of a man who was completely paralyzed. Let us take up that bill.

Mr. BROWNE. Why should we not pass some bills to which there Mr. BROWNE. Why should we not pass some bills to which there can be no objection. If gentlemen are in earnest and wish to do something, why not take up cases that are in no respect vulnerable?

Mr. DE LA MATYR. I will withdraw my motion if anything can be done; but I am tired of this wrangling.

Mr. McKENZIE. I desire to call up the bill (H. R. No. 591) granting a pension to Eliza K. Ashley. It is a case to which there can be no objection.

no objection.

Mr. ATKINS. The gentleman from New York [Mr. BAILEY] withdraws his objection to taking up the bill I indicated.

Mr. BAILEY. I do. I made the objection under a misapprehension.

Mr. McKENZIE. I have been a member of Congress for three years, and have never asked a favor from the House before. I ask the House

or to give unanimous consent to take up the bill I have mentioned and put it on its passage.

Mr. COFFROTH. I move that the bill now pending, (H. R. No. 3099,) granting a pension to Caroline Boll, be passed over, in order that the bills which gentlemen have indicated may be reached.

The motion was agreed to; and the bill (H. R. No. 3099) was passed

over.
The CHAIRMAN. The Chair recognizes the gentleman from Tennessee, [Mr. ATKINS.]

RICHARDSON K. BAIRD.

Mr. ATKINS. I call up the bill (H. R. No. 4759) granting increase of pension to Richardson K. Baird. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$13 per month, the name of Richardson K. Baird, late a private in Company E, Second Ohio Cavalry.

The report was read, as follows:

This is a case where the petitioner, Richardson K. Baird, late a private in Company E, Second Ohio Cavalry, now drawing a pension of \$4 per month for partial deafness in both ears, asks an increase on the ground that his deafness has increased to such an extent that it incapacitates him from performing the usual busily ness of life. That he is suffering from almost total deafness in both ears is verified by the testimony of three examining boards of surgeons, by the postmaster of his town, and by numerous citizens of his neighborhood. In a review of this case the Commissioner of Pensions says: "It appears from the evidence that he is suffering from severe deafness of both eass, and in view of the extent to which partial deafness interferes with the ability to obtain labor and the ability to perform certain kinds of labor, it appears to the Department that the law will justify the granting of a higher rate of pension for severe deafness than that now allowed. In view of all this testimony, and all things considered in a review of this case, your committee report favorably, and recommend the passage of the accompanying bill.

Mr. RPAGG. That bill proposes to grant a pension of \$13 a month

Mr. BRAGG. That bill proposes to grant a pension of \$13 a month, and I must object to it.

Mr. ATKINS. Then I will move to amend, so as to make it \$8 a month.

Mr. BRAGG. I will not object to that.

The amendment was agreed to; and the bill, as amended, was laid

aside, to be reported favorably to the House.

ELIZA K. ASHLEY.

Mr. McKENZIE. I ask that House bill No. 591, for the relief of Eliza K. Ashley, be now taken up.

There was no objection.

The bill was read, as follows:

Be it enacted, dc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-rolls, subject to the provisions of the law now in

force, the name of Eliza K. Ashley, widow of John P. Ashley, deceased, late a private in Company B, Seventeenth Regiment Kentucky Cavalry Volunteers.

The report was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. No. 591) granting a pension to Eliza K. Ashley, widow of John P. Ashley, deceased, late a private in Company B, Seventeenth Regiment Kentucky Cavalry Volunteers, have had the same under consideration, and ask leave to submit the following report:

The committee find that Eliza K. Ashley and John P. Ashley were legally married in the county of Hopkins and State of Kentucky, as appears of record in said county court clerk's office. That on the 12th day of September, 1864, John P. Ashley was regularly enrolled as a private in Company B, Seventeenth Regiment Kentucky, Cavalry Volunteers; that he was taken sick at Hopkinsville, Kentucky, about October 27, 1864, having performed active service from the date of his illness, and that he died on the 12th of November, 1864, from the effects of fever and flux, a disease contracted in the service of the United States, and that he was a sound and healthy man when he entered said service.

The application of Mrs. Ashley to be placed on the pension-roll was rejected by the Commissioner of Pensions, on the ground that there was no record of her husband's services at the War Department as a member of Company B, Seventeenth Kentucky Volunteers, and that the Adjutant-General United States Army refused to amend the records of his office unless she furnished the enlistment papers of said soldier.

to amend the records of his office unless she furnished the enlistment papers of said soldier.

Your committee find that said enlistment papers were destroyed or lost while the Seventeenth Kentucky Volunteers were stationed at Bowling Green, Kentucky, and after the death of John P. Ashley, as appears by the sworn statement of Captain James C. Wilson, late captain of Company B, and abundant proof of the enlistment, service, and death of said John P. Ashley is furnished by the sworn statements of said James C. Wilson, James T. Utterback, S. Southard, R. B. Utterback, Henry C. Ashley, Willis Revor, and Jeff. H. Ashley, all of whom served in Company B, Seventeenth Regiment Kentucky Cavalry Volunteers.

Your committee further find that Mrs. Ashley is in needy circumstances; and at the time of John P. Ashley's death was left with four small children without means for their support, and that she has not since remarried.

We therefore recommend the passage of the bill H. R. 591, and that the name of Eliza K. Ashley be placed on the pension-roll at \$8 per month, subject to existing pension laws.

Mr. McKENZIE. I desire to say that I am personnel with the Captain Wilson referred to in this report.

Mr. BROWNE. That is all right; do not make a speech.

Mr. WARNER. It seems to me that the same amendment should

Mr. McKENZIE. This bill does not provide for arrears of pension, and grants but \$8 a month.

There being no objection, the bill was laid aside to be reported favorably to the House.

ABRAM F. FARRAR.

Mr. BROWNE. I now ask that House bill No. 2303, granting a pension to Abram F. Farrar, be taken up.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Abram F. Farrar, late first lieutenant Company F. Thirty-fifth Regiment Indiana Volunteer Infantry, subject to the provisions and limitations of the pension laws of the United States.

The report was read, as follows:

subject to the provisions and limitations of the pension laws of the United States. The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2303) granting a pension to Abram F. Farrar, late first lieutenant of Company F, Thirty-fifth Regiment of Indiana Volunteers, would respectfully report:

The claimant alleges that in July, 1862, while first lieutenant of Company F, Thirty-fifth Regiment Indiana Volunteers, after a hard and fatiguing forced march, he was attacked by typhoid fever; that the attack was severe and protracted; that constantly, from that sickness forward, while in the service and subsequent to his resignation in July, 1864, he was afflicted with severe pains in his sides and back, and particularly in the region of the spine; that these pains grew constantly worse, until April, 1871, when he was totally paralyzed from his waist down.

A pension was refused, because: 1. The record of the War Department did not show he had an attack of typhoid fever, although the record showed him absent sick. 2. He did not show hospital or other treatment subsequent to his sickness and prior to his resignation. 3. That his resignation was not tendered because of his bad health. And, finally, because, in the opinion of the Commissioner, the testimony was not sufficient to show the existing paralysis to be due to the alleged attack of typhoid fever.

Your committee think the last-assigned reason for refusing the application for pension includes the others.

The evidence shows that Lieutenant Farrar entered the service in April, 1861, when but twenty-three years of age; that he had superb health and was of an unusually robust constitution; that he had never been sick or in any wise disabled; that his habits were temperate and unexceptionable, and that neither paralysis nor like disease had ever afflicted any of his family.

Colonel John C. Walker, who was then Lieutenant Farrar's commanding officer and now a physician of eminence, testifies as follows:

"When he entere

As to his continued indisposition from the attack of typhoid fever until he was stricken with paralysis, the evidence is briefly as follows:

Martin Igoe, quartermaster, says: "His (Farrar's) health never became vigorous again while he remained in the Army, and that he resigned because of it."

Captains O'Brien and McHugh say that he never recovered his health while in the service, and add:
"He was at last under the necessity of resigning, owing to great suffering from neuralgia through the sides and back."

Lieutenant John C. Hibbetts says:
"He never become vigorous again while he remained in the service. Further, from the time of his sickness constantly forward while he remained in the service,

and after he resigned in July, 1864, he complained of suffering from pains in the sides and back."

Frank Cunningham, adjutant, says:

"His health never became vigorous again after his sickness."

Jane N. Ewing, mother of the claimant, says that—

"When at home on furlough in January, 1864, Lieutenant Farrar complained of pains in his sides and back, which suffering he still complained of after his discharge from the Army."

MEDICAL EVIDENCE OF SICKNESS AND TREATMENT SUBSEQUENT TO HIS RESIGNATION.

Dr. S. M. Linton, a physician of thirty-seven years' standing, a graduate of the Indiana College of Physicians and Surgeons, says:

"I treated him (Farrar) at Columbus, Indiana, in the years 1864 and 1865. He complained of pains in the back in the region of the spine. I attributed his condition to exposure and sickness suffered while in the Army, and it is my present opinion that his helpless condition and ailments were caused by sickness and exposure in the Army." exposure in the Army."

Dr. R. L. Metcalf, Saint Louis, Missouri, a physician of thirty years' practice,

says:
"I treated him professionally in the years 1867, 1868, and 1869. He complained of great suffering with pains in his back in the region of the spine. Treatment gave only temporary relief. I at the time attributed his ailment to extreme exposure and sickness suffered while in the Army. Am satisfied, from my experience and what I know personally of the case, that his present helpless condition was caused by such exposure and sickness."

Hon. Benjamin Rush Plumley, who kept a hotel on the ocean beach at Galveston,

Hon. Benjamin Rush Flumley, who kepts are some actions as a says:

"In the early part of the year 1870—perhaps in January—he met Lieutenant Farrar, who had recently arrived in Galveston. He walked with a cane, and seemed to be an invalid. Witness became intimate with Farrar and watched the progress of his disease. He complained of intense pains in his back and loins. Witness suggested blister treatment, and was informed that he had been systematically cupped without benefit. Farrar then attributed his condition to his exposure and sickness in the Army service. Early in the next spring he was stricken with total paralysis of the limbs below the waist."

EXPERT TESTIMONY.

Dr. Isaac C. Walker, professor of diseases of the nervous system in the Medical College of Indiana, and who has treated Farrar since his paralysis, upon a hypothetical case embodying the above facts, gives it as his professional opinion that the paralysis is the result of exposure in the field and the attack of typhoid fever. Dr. D. R. Wallace, a graduate of the University of New York, a surgeon in the confederate army, and at present superintendent of the State lunatic asylum. Austin, Texas, treated Lieutenant Farrar subsequent to his paralysis and then had a history of the case. It was his conviction then and is now that Farrar's condition is attributable to his exposure in the Army.

To this medical testimony may be added that of Dr. John C. Walker, now assistant superintendent of the Indiana asylum for the insane, who was the colonel of Lieutenant Farrar's regiment, and whose evidence we have already given.

REPORT OF BOARD OF EXAMINING SURGEONS

REPORT OF BOARD OF EXAMINING SURGEONS.

Drs. Stanton and Tyler, of Washington, District of Columbia, examining surgeons, report Farrar's condition as follows:

"There is complete paralysis of lower extremities, with great impairment of sensation; the bladder and rectum can only be emptied by artificial aid, but has sometimes involuntary evacuations from bowels; tenderness on pressure overspinous process of second lumbar vertebra, with great diminution of tactile sensibility; has no use of lower extremities; obliged to use two crutches; muscles of legs soft and flabby; circulation in legs and feet much impaired. Says he is unable to dress himself except in certain positions, or to raise himself on his feet. He requires the regular aid and attendance of another person.

"Disability total and permanent."

To sum up briefly, this evidence shows that this officer went into the service in most robust health; that he had never been sick or in any way disabled; that his habits were temperate and unexceptionable; that there was no taint of paralysis or other nervous disease in his family; that while in the service he had an attack of typhoid fever or other sickness as the result of the hardships of a forced march; that he left the service in bad health, and was thereafter constantly under treatment; and that he is now, and has been for nine years, a hopeless, helpless paralytic. Your committee believe, from the evidence, that his present condition is due to the hardships and exposure of the service.

To the above the committee desire to add that the evidence shows that Lieutenant Farrar is in extremely indigent circumstances, indeed wholly without means and without relatives able to furnish him any support; that he has a wife dependent upon him; that, as shown by the medical examination, he requires the constant attendance of an assistant, and is not in a fit condition to be provided for in a soldiers' home. He was a faithful and deserving officer.

For the reasons stated your committee recommend the passage of the bill

There being no objection, the bill was laid aside, to be reported favorably to the House.

ORDER OF BUSINESS.

I now ask the committee to take up the bill-Mr. TOWNSHEND, of Illinois. I shall object to any bill being taken up which is later on the Calendar than the bill which I have referred to; for it would be an injustice.

The CHAIRMAN. The Chair has recognized the gentleman from West Virginia, [Mr. WILSON.]
Mr. TOWNSHEND, of Illinois. If his bill is further down on the Calendar than mine, I must object to it.
Mr. WILSON. It will take but a few minutes. It is House bill

Mr. TOWNSHEND, of Illinois. I shall object if it is later on the Calendar than mine.

Mr. McLANE. I demand that the pension bills on the Calendar be taken up in their order.

Mr. DAVIS, of Illinois. I desire to call up a bill.

Mr. BURROWS. I have a bill that I want to call up.
The CHAIRMAN. This proceeding is by unanimous consent.
Mr. TAYLOR. I shall object to taking bills up out of their order on the Calcudar.

Mr. WILSON. If the report in my case is read, gentlemen will see that a more meritorious case never came before Congress.

Mr. WILLIS. I desire to make a suggestion which I think will be acceptable to gentlemen on both sides. It is that the pension bills on the Calendar be taken up in their order, and if any one is objected

to then that it be passed over, and the committee can proceed to con-

sider those bills to which there shall be no objection.

Mr. WILSON. The Chair has recognized me.

The CHAIRMAN. If gentlemen will give attention for a moment, the Chair will say that he will recognize gentlemen alternately on the opposite sides of the House.

Mr. McLANE. I object to that.

Mr. TAYLOR. I object to any further consideration of pension

bills except in their regular order upon the Calendar.

The CHAIRMAN. Objection being made, the Clerk will report the

next bill on the Calendar.

Mr. ROTHWELL. I move that the House now rise.

Mr. DE LA MATYR. Let us have a half an hour mor Let us have a half an hour more, if we can do anything with these bills.

The question was taken upon the motion that the committee rise;

and upon a division there were—ayes 36, noes 26.

Mr. TAYLOR. I call for tellers.

Mr. SPARKS. No quorum has voted.

The CHAIRMAN. It does not require a quorum for the committee to rise. But the Chair will submit the question upon ordering tellers. Tellers were not ordered.

The motion that the committee rise was accordingly agreed to

The motion that the committee rise was accordingly agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker pro tempore, Mr. STEVENSON reported that the Committee of the Whole had had under consideration the pension bills on the Private Calendar, and had directed him to report to the House sundry bills, some with and some without amendments.

Mr. VAN VOORHIS. I move that the House now adjourn.

Mr. BURROWS. Oh, no; not until we pass the bills reported from the Committee of the Whole.

The SPEAKER pro tempore. The Clerk will report the first bill

The SPEAKER pro tempore. The Clerk will report the first bill reported from the committee without amendment.

ELIZA M. FRICK.

The title of the bill was "A bill (H. R. No. 3021) granting a pension to Eliza M. Frick."

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BRAGG. I hope that bill will not pass, and I think if gentlemen shall understand it it will not pass.

Mr. VAN VOORHIS. I rise to a point of order.

Mr. VAN VOORHIS. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VAN VOORHIS. I made a motion that the House now adjourn.

The SPEAKER pro tempore. The Chair did not understand the
gentleman to press that motion.

Mr. VAN VOORHIS. I insist upon my motion.

Mr. TOWNSHEND, of Illinois. The gentleman cannot take the
gentleman from Wisconsin [Mr. Bragg] from the floor by that motion.

The SPEAKER protectors. The gentleman made the motion be-

The SPEAKER pro tempore. The gentleman made the motion before the gentleman from Wisconsin [Mr. Bragg] obtained the floor. The Chair did not submit the motion because he did not understand the gentleman to press it. He says now that he insists upon his motion, and the Chair will submit it to the House.

The question was taken upon the motion, and it was not agreed to.

Mr. BRAGG. This claimant is the wife of an officer who, it is claimed, died in 1861 from a disease contracted in the Mexican war. In 1874 she appears to have had granted to her (it must have been by special act of Congress) a pension from that time of \$20 a month.

Mr. COFFROTH. I rise to a point of order. This bill has been dis-

cussed in Committee of the Whole and reported to the House. Is it

Mr. BRAGG. Yes, sir.

The SPEAKER pro tempore. The question is on ordering the bill to be engrossed and read the third time; and until the House shall cut off debate by ordering the previous question discussion is in order.

A MEMBER, (to Mr. COFFROTH.) Demand the previous question.

Mr. BRAGG. I have the floor.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BRAGG] has the floor, and is entitled to one hour under the rules.

Mr. BRAGG. We have had under discussion during a great many

Congresses the propriety of passing a general law granting pensions to soldiers who served with our Army in Mexico. No bill of that kind has ever passed, though one, I believe, is now pending in the House.

This bill comes in here now, taking out a single case—
Mr. TALBOTT. I rise to a point of order. What is the bill now

Mr. TALBOTT. I rise to a point of order. What is the bill now pending before the House?

A MEMBER. That is not a point of order.

Mr. BRAGG. The bill pending before the House is a bill to grant a pension to Eliza M. Frick, widow of Captain Frick, who contracted in the Mexican war in 1846 a disease which resulted in his death in 1861. In 1874 a pension of \$20 a month was granted to his widow. This bill proposes to give her a pension from the time of her husband's death till 1874, amounting to some \$3,000 and more. In other words, it will establish a precedent for granting arrearages of pension to soldiers of the Mexican war to whom pensions may hereafter be granted. I do not think we are prepared just now to establish such a precedent, and for that reason I oppose the bill.

Mr. ATHERTON. I desire to ask the gentleman whether the general theory on which we have granted pensions to widows of soldiers

eral theory on which we have granted pensions to widows of soldiers

of the Mexican war is not different from the principle which would be established by this bill in its present shape Mr. BRAGG. Entirely different.

Mr. BRAGG. Entirely different.

Mr. ATHERTON. In other words, as to soldiers of the late war, the civil war, pensions are granted in accordance with the principles of the arrears act; but if we attempt by bills of this kind to give special pensions to the soldiers of the Mexican war or their widows

special pensions to the soldiers of the Mexican war or their widows and children, we do it in defiance of the general principle that has been established in relation to such pensions.

Mr. COFFROTH. I will ask that this bill be laid aside for the present. My colleague, [Mr. Klotz,] who is very much interested in it, and who reported it to the House, is now absent. I ask that the bill be laid aside until some future time when he can be heard.

Mr. BRAGG. I have no objection, provided the bill is not to be called

up and passed at some time when no one's attention is drawn to it.

The SPEAKER pro tempore. The bill, if there be no objection, will be laid aside, and will take its place as unfinished business from the Committee of the Whole.

There being no objection, the bill was laid aside.

MARY ANN M'CARROL.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1469) granting a pension to Mary

Mr. PRESCOTT. I desire to know whether this bill is subject to the provision we have adopted as to other bills.

Mr. BAYNE. It does not provide for arrearages at all.

The bill, having been read, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2450) granting a pension to Mary Wade.

Mr. McMILLIN. I desire to know whether this bill falls under the exception made by the gentleman from New York. Mr. PRESCOTT. I ask that the bill be read. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Wade, of Gettysburgh, Pennsylvania, who is the mother of Jennie Wade, who was killed while baking bread for the Union soldiers, and to pay to said Mary Wade a pension at the rate of \$8 a month from the 3d day of July, 1863, the date of her said daughter's death, to continue during the widowhood of the said Mary Wade, she having been dependent for support on her said daughter.

Mr. McMILLIN. I think this bill ought not to pass in this form. The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

ELIZA K. ASHLEY.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 591) for the relief of Eliza K. Ashley.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ABRAM F. FARRAR.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 2303) granting a pension to Abram F. Farrar.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

GEORGE W. LEAMY.

The next bill reported from the Committee of the Whole was a substitute for House bill No. 228, a bill (H. R. No. 5803) granting a pen-

sion to George W. Leamy.

The substitute was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RICHARDSON K. BAIRD.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 4759) granting a pension to Richardson K. Baird, with amendments.

The SPEAKER. The amendments reported from the Committee

of the Whole will be read.

The Clerk read as follows:

It is proposed to amend by striking out "\$13" in the fifth line and inserting in lieu thereof "\$8."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COFFROTH moved to reconsider the votes by which the several bills were passed; and also moved to lay the motions to reconsider on the table.

The latter motion was agreed to.

And then, on motion of Mr. COVERT, (at ten o'clock and twenty-three minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz: By the SPEAKER: Memorial of John Bierer, relative to a proposed

change in the revenue laws-to the Committee on Ways and Means.

By Mr. BOWMAN: The petition of Elbridge Smith, for a pension—to the Committee on Invalid Pensions.

Also, the petition of George C. Richardson & Co. and others, of Massachusetts, for the passage of the House resolution providing for the appointment of a commission to investigate the question of a resiprocity treaty with the British Provinces-to the Committee on Foreign Affairs

By Mr. BRAGG: The petition of Mathias Schneider, of Wisconsin, for a change in the pension laws—to the Committee on Invalid Pen-

By Mr. CAMPBELL: The petition of 32 citizens of Yavapai County, Anzona Territory, against the passage of the proposed mining law now before Congress—to the Committee on Mines and Mining.

Also, the petitions of 19 citizens and of 18 citizens, of same county,

Also, the petitions of 19 citizens and of 18 citizens, of same county, of similar import—to the same committee.

By Mr. CLYMER: The petitions of Daniel Miller, of J. Knobb & Co., of A. B. Urick, of Clint. S. Miller, and of Pilger Buchhandhing, publishers of six newspapers in Berks County, Pennsylvania, for the abolition of the duty on type—to the Committee on Ways and Means. By Mr. HORACE DAVIS: Resolution of the Legislature of California, asking for an appropriation to improve Petaluma Creek—to the Committee on Commerce.

the Committee on Commerce.

By Mr. DE LA MATYR: The petition of 5,000 citizens of Indiana, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. HAWK: A paper relating to the pension claim of William Howard—to the Committee on Invalid Pensions.

By Mr. HAYES: The petition of citizens of La Salle County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country-to the Committee on

Commerce.

By Mr. JONES: The petition of J. H. Robertson and others, of Austin, Texas, for the amendment of the revenue laws relative to the tax on liquors—to the Committee on Ways and Means.

By Mr. McGOWAN: The petition of N. B. Dresser and 90 others, citizens of Branch County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Charles Boyne and 90 others, residents of Branch

Also, the petition of Charles Bogue and 90 others, residents of Branch County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Mr. NEWBERRY: The petition of leading merchants of Detroit, Michigan, for an ad valorem duty on sugar—to the Committee on Ways and Means

By Mr. ORTH: The petition of citizens of Park County, Indiana, for the passage of the bill equalizing bounties—to the Committee on

Military Affairs.

By Mr. WILLIAM G. THOMPSON: The petition of G. W. Olds and others, soldiers, of similar import—to the Committee on the Payment

of Pensions, Bounty, and Back Pay.

By Mr. TYLER: The petition of Lewis H. Spaulding and 75 others, citizens of Windsor County, Vermont, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the

country—to the Committee on Commerce.

By Mr. WARNER: The petition of S. J. Donaldson and 22 others, of Noble County, Ohio, soldiers in the late war, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of D. N. Dunsmore and 55 others, citizens of Washington County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for

infringement—to the Committee on Patents.

Also, the petition of D. N. Dunsmore and 49 others, of Washington County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

IN SENATE.

WEDNESDAY, April 14, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to a deficiency of \$15,500 in the appropriation for depredations on the public timber, and a deficiency of \$2,500 for protecting timber on the public lands; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of William B. Whiting, United States Navy, praying an amendment to the bill (S. No. 929) to repeal \$5,000 was made to pay the expenses of the removal of the band of the Ute Indians

section 4724 of the Revised Statutes of the United States, and to provide that no person on the retired list of the Army, Navy, or Ma-rine Corps shall draw a pension; which was referred to the Committee on Pensions.

He also presented additional papers in the case of William Greaner, of Richmond, Virginia, claiming rent of two tobacco factories at Richmond, in that State; which were referred to the Committee on

Mr. ROLLINS presented the petition of residents of Belknap and Carroll Counties, New Hampshire, praying for an appropriation for the purpose of facilitating travel and commerce on Lake Winnipesaukee, in that State; which was referred to the Committee on Com-

Mr. WALLACE presented a petition of citizens of Montgomery County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which was referred to the Committee on Pat-

He also presented a petition of citizens of Montgomery County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture. He also presented a petition of citizens of Montgomery County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for trans-

portation; which was referred to the Committee on Commerce.

Mr. FARLEY. I present a joint resolution of the Legislature of
California in favor of an appropriation for the purpose of improving
an arm of the San Francisco Bay, called Petaluma Creek. I should
like to have the memorial read and referred to the Committee on Commerce.

The resolution was read, as follows:

CHAPTER XVIII.

Assembly joint resolution No. 6, relative to procuring a congressional appropriation of \$100,000 for the purpose of improving Petaluma Creek for the purposes of navigation.

[Adopted April 3, 1880.]

Resolved by the assembly, (the senate concurring.) That our Senators and Representatives in Congress be, and are hereby, most respectfully and earnestly requested to procure an appropriation of \$100,000 from the General Government, to be expended in dredging, straightening, and otherwise improving Petaluma Creek, for the purpose of navigation. The governor of the State is hereby requested to forward a certified copy of the foregoing resolution to each of our Senators and Representatives of Congress.

J. F. COWDERY, Speaker of the Assembly.

JOHN MANSFIELD,

President of the Senate.

Attest:

D. M. BURNS. Secretary of State, By THOS. H. REYNOLDS,

The PRESIDENT pro tempore. The Chair would call the attention of the Senator from California to the fact that the Senate has decided in several cases that resolutions in these words, which are a mere instruction or request to Senators from the State, are not to be referred to a committee, but are to be laid on the table and printed. Mr. FARLEY. Very well; if that is the usage of the Senate, let the resolution lie on the table and be printed for the instruction of the Committee on Commerce.

The PRESIDENT are tempore. That course will be pursued.

The PRESIDENT pro tempore. That course will be pursued.

Mr. HOAR. I present the petition of Henry P. Russell and 28 officers, gentlemen who are among the most distinguished officers contributed by the State of Massachusetts in the late war—generals, colonels, majors, captains, and other high officers—praying that there be no partisan action on the bill to relieve Fitz-John Porter. I move that the petition lie upon the table.

The motion was agreed to.

APACHES IN NEW MEXICO.

Mr. COKE. I am authorized by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878, to report it with a recommendation that it pass. The bill is a matter of very great importance, one that ought to be passed immediately; and I ask unanimous consent to have it considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals the proviso to the act approceeded to consider the bill. It repeals the proviso to the act approved June 20, 1878, making an appropriation for the removal of the band of Apaches at Cimarron, New Mexico, to the Mescalero Apache reservation at Fort Stanton, New Mexico, requiring the removal of those Indians within thirty days after the passage of the act, and forbidding the issue of rations and annuities to them except at the Mescalero Apache agency, New Mexico, and authorizing the Secretary of the Interior to issue to them their supplies and annuities at the Abiquiu agency, New Mexico.

Mr. COKE. I send to the table and ask the Secretary to read two letters from the Commissioner of Indian Affairs giving a full explanation of the bill.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

JANUARY 29, 1880.

at Cimarron. New Mexico, to the reservation of that tribe in Colorado, and also to remove the band of the Apaches at the same place to the Mescalero Apache reservation at Fort Stanton, New Mexico, with the proviso that "the President shall cause the removal of said Indians within thirty days after the passage of this act; and thereafter no rations or annuities shall be issued to said Indians except at the agencies of their respective reservations." In accordance with this law, an attempt was made to remove the Apache Indians, but they persistently refused to remove further south than the Abiquin agency, where they now are, and in a starving condition, the Department being powerless to extend them aid on account of restrictions contained in above act.

Owing to the impoverished condition of said Indians, and fearing an outbreak unless relief is extended immediately, I have the honor to recommend, that Congress be requested to repeal that portion of the act referred to forbidding rations or supplies to be issued to said Indians except at the agency located in the Mescalero Apache reservation.

Very respectfully,

E. A. HAYT,

Commissioner.

Commissioner.

Hon. SECRETARY OF THE INTERIOR.

Hon. Secretary of the Interior.

Department of the Interior.

Department of the Interior, Washington, April 10, 1880.

Sir: I have the honor to acknowledge the receipt by your reference of a letter dated 7th instant, from Hon. Richard Coke, chairman of the Committee on Indian Affairs of the Senate, inclosing a copy of House bill No. 5161, "to amend an act entitled "An act for the removal of certain Indians (Apaches) in New Mexico," and asking for any information in the possession of the Department relative to the same, "particularly with reference" to their removal from Cimarron to Fort Stanton, their refusal "to remove from their present situation," why the Department has "receded from its attempt to remove them," and what disposition it proposes to make of the band, and in reply to your direction for a report thereon, have respectfully to state that these Indians, numbering over four hundred, with three shundred Utes, were in 1862 placed upon what is known as Maxwell's ranche in Mora County, New Mexico, in the Cimarron Valley, a tract of land containing twelve hundred and eighty acres, which the Government rented at the nominal price of \$20 per year for the term of twenty-five years, but reserving the right to relinquish the same at the expiration of five years from the date of the lease, or any time thereafter. The location was regarded as temporary in its character, it being the determination of the Government to place these bands of Indians upon reservations. In 1877 it was deemed best to discontinue the agency, as there were constant and serious complaints made by the settlers against the Indians, and as provision had been made by Congress to settle the Utes on the Rio de Los Pinos, in Southern Colorado, in compliance with their treaty of 1868, it was determined to send the Apaches to the Mescalero reservation. It was also determined to make the same disposition of the Utes and Apaches at Abjouit, New Mexico, who were similarly situated, the former numbering about nine hundred and the latter over three hu

The honorable THE SECRETARY OF THE INTERIOR.

Mr. TELLER. I should like to ask the chairman of the committee

what Indians these are.

Mr. COKE. The Mescalero Apaches; they are Apache Indians.

Mr. TELLER. I should like to inquire if the band referred to in the bill is not the band known as Victoria's band.

Mr. COKE. Not that I know of. I do not think that it is.

Mr. COKE. Not that I know of. I do not think that it is. Some other member of the committee may be able to state definitely.
Mr. TELLER. I do not hear a word that the Senator says.
Mr. WILLIAMS. I will say to the Senator from Colorado that these Indians do not belong to Victoria's band, who are in Arizona fighting, while these Indians are in New Mexico starving.
Mr. TELLER. I understand that they do belong to Victoria's band, but I may be mistaken about that. I understand that while Victoria is fighting perhaps others of the band may be in some want; that is, the children and the old men.

I should suppose the committee ought to know whether that is true

Mr. COKE. If it is true, the committee have no information to that effect.

Mr. INGALLS. Does the Senator from Colorado say that is true? Mr. TELLER. I say I understand so; I do not know. The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

COURTS IN COLORADO.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the bill (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado, and have directed me to report it back with sundry amendments. The bill makes no increase of officers in the district, and no change of the district. It is a bill that the Senator from Colorado nearest me [Mr. TELLER] thinks ought to be passed now so that it can be passed in the House in time to be operative for the ensuing term. It is satisfactory to everybody and unanimously reported by the committee. I therefore ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I desire to ask the Senator in charge of the bill if it increases the number of places where the courts in Colorado are

Mr. DAVIS, of Illinois. No, sir; it does not. Del Norte and Pueblo are fixed as the places in the act forming the State into a district. We have repealed the divisions of the district, and the courts are to be held in exactly the same places where they are now held by law.

Mr. ALLISON. The district and circuit courts are to be held in

Mr. ALLISON. The district and circuit courts are to be held in the same places?

Mr. DAVIS, of Illinois. In the same places.

Mr. PADDOCK. I should like to inquire of the Senator reporting the bill, what is the distance between the points at which the different terms are to be held?

Mr. DAVIS, of Illinois. The Senator from Colorado [Mr. Teller] can answer the question better than I can.
Mr. TELLER. I will say that from Denver to Pueblo is about one hundred and twenty-five miles, or a little over, and to Del Norte is probably one hundred and twenty-five or one hundred and fifty miles still further.

Mr. PADDOCK. From either point?
Mr. TELLER. From either point.
Mr. DAVIS, of Illinois. The courts are held at those places now?

Mr. DAVIS, of Illinois. The courts are held at those places now? Mr. TELLER. That is the present law.

Mr. PADDOCK. I did not make the inquiry for the purpose of making any objection to the bill, but for the purpose of information. The PRESIDENT pro tempore. The amendments reported by the Committee on the Judiciary will be stated.

The Chief Clerk read the first amendment reported by the Committee on the Judiciary, which was in section 1, after the word "year," in line 9, to strike out all down to and including the word "instituted," at the end of section 4, as follows:

At Del Norte, on the first Tuesday in September in each year. Special terms of said courts may be held at the places aforesaid, and elsewhere in the district, as the said courts and the judges thereof may order and direct, but a special term of the circuit court shall not be held except upon the order of the circuit judge or of the circuit justice. Notice of any such special term shall be given as the court, or the judge ordering the same, shall direct, and any business may be transacted at any such special term, in like manner and with the same effect as at a general term.

any such special term, in like manner and with the same effect as at a general term.

Sec. 2. A clerk's office shall be kept and maintained at Denver, Pueblo, and Del Norte in said district, for each of said courts, in which shall be kept the records of the proceedings of the respective courts, and the files thereof, at the said places, respectively. A clerk shall be appointed for each of said courts in the manner prescribed for appointing clerks by the said courts, respectively, to reside at each of said places; and a seal for each of said courts shall be provided and kept at each of said places.

Sec. 3. When sitting at either of the places before mentioned, or at any place in said district, the said courts, respectively, shall have jurisdiction throughout the district, and any suit, action, or proceedings, civil or criminal, of which the said courts, or either of them, may have jurisdiction, may be instituted and brought at either of the places before mentioned.

Sec. 4. Any cause or proceeding, civil or criminal, which shall be instituted or brought in either of said courts at any of the places aforesaid may be transferred to another of such places for hearing or trial, as the convenience of parties or witnesses may require. Such transfer may be made upon application of any party to any such suit or proceeding by the court or by a judge thereof in vaccion; and upon any such transfer it shall be sufficient to certify a transcript of the proceedings of the court at the place to which the cause or proceeding, and transmit the same to the clerk of the court as the same had been there instituted.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in line 4, section 5, to strike out the word "shall" and insert "may;" so as to read:

Whenever the terms of the said circuit and district courts shall be held at the same time and place, grand and petit jurors summoned to attend in either of said courts may serve in both of said courts.

The amendment was agreed to.

The next amendment was, in section 6, line 6, after the word "officers," to insert "of the district of Colorado;" so as to read:

The records of the district court in the several divisions of the district of Colorado, as declared by the act approved February 15, 1879, entitled "An act to provide for holding terms of the circuit and district courts in the district of Colorado," shall be kept and retained in the clerks' offices of the district of Colorado established by this act within the said division, respectively.

The amendment was agreed to.

The next amendment was, in section 6, line 13, to strike out the words "may have" and insert "has;" so as to read:

Actions, suits, and proceedings pending and undetermined in the district court for the southern and western divisions, as declared by said act, of which a circuit court has jurisdiction, may be certified into the circuit court sitting at the same place, for further proceedings therein and for final hearing or trial thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN MAINE.

Mr. HAMLIN. There is another bill reported by the Judiciary Committee to which the same reasons will apply for prompt action as those which applied to the bill just acted on. As it will take but a moment I ask the Senate to take up the bill (S. No. 1979) regulating the times and places for holding the district courts of the United States for the district of Maine.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

Mr. HARRIS. I have no disposition to object to the proposition of the Senator from Maine, but I want to make a report from a com-

The PRESIDENT pro tempore. Reports of committees will be re-

ceived.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 585) for the relief of J. H. Merrill, and the bill (S. No. 806) for the relief of John H. Merrill, asked to be discharged from their further consideration, and that they be referred to the Committee on the District of Columbia; which was agreed to.

Mr. PENDLETON, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1630) for the relief of the Chippewa Indians in the State of Minnesota and Territory of Dakota; which was read twice by its title, and, on motion of Mr. PENDLETON, recommitted to the Committee on Indian Affairs.

Mr. PENDLETON. I move that certain papers accompanying the bill which I submit be printed.

bill which I submit be printed.

The motion was agreed to.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the memorial of Elias C. Boudinot praying indemnity for losses alleged to have been sustained by the seizure of certain tobacco and tobacco manufactory belonging to him in the Indian Territory for alleged non-payment of internal-revenue taxes, reported adversely thereon; and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (S. No. 120) to permit Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims, reported it with an amendment.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 1305) granting a pension to Mrs. Emma Schell, reported it without amendment, and submitted a report thereon; which was ordered to be printed. which was ordered to be printed.

which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Georgie A. Stratton, praying for such legislation as will fix the military rank of her late husband at the time of his decease and result in giving her a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. PRYOR, from the Committee on Claims, to whom was referred the petition of Samuel D. Lecomoto, praying for compensation for

the petition of Samuel D. Lecompte, praying for compensation for services as attorney in sundry cases under the revenue laws, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of

the petition. Mr. HOAR. I present a report from the Committee on Claims adversely upon the bill (H. R. No. 2262) for the relief of Juliet Leef,

versely upon the bill (H. R. No. 2202) for the relief of Juliet Leer, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil. The Senator from Alabama [Mr. PRYOR] desires to present the views of the minority of the committee.

Mr. PRYOR. The minority of the committee in the case just reported by the Senator from Massachusetts ask to submit a minority report. I ask that the bill be placed upon the Calendar and the resent winted.

port printed.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar and both reports will be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 1291) for the relief of Charles W. Denton, sub-

mitted an adverse report thereon; which was agreed to and ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1257) for the relief of J. H. Alexander, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 626) for the relief of the Albemarle and Chesaneake Canal Company, reported it without amendment and

Chesapeake Canal Company, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1631) authorizing the Treasurer of the United States to convert into cash certain bonds held in trust for the Shawnee Indians; which was read twice by its title

Mr. INGALLS. This bill was transmitted to the committee by the Secretary of the Interior, and I ask that the letter of transmittal and also the statement of the Commissioner of Indian Affairs both be

also the statement of the Commissioner of Indian Affairs both be printed in connection with the bill.

The PRESIDENT pro tempore. That order will be made.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the bill (S. No. 1573) to amend section 4837 of the Revised Statutes, to report it with a substitute by way of amendment. As it relates to the current business of the Senate, I ask for its present consideration.

The PRESIDENT pro tempore. The Chair hardly knows which to put first, there having been a previous request by the Senator from Maine [Mr. HAMLIN] which was interrupted by morning business. The bill reported by the Senator from Rhode Island will be read for information

Mr. ANTHONY. It is only necessary to read the substitute.

The Chief Clerk read the proposed substitute.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill. Is there

objection?
Mr. COCKRELL. I think it had better be printed so that we may

The PRESIDENT pro tempore. The Senator from Missouri objects. COURTS IN MAINE.

Mr. EATON. Mr. President—
The PRESIDENT pro tempore. The Senator from Maine has made

Mr. HAMLIN. I ask the Senate to take up Senate bill No. 1079.

Mr. HAMLIN. I ask the Senate to take up Senate bill No. 1079. It will require but a moment.

Mr. ANTHONY. I shall not be so ungracious as to object, for my friend from Maine has allowed my bill to come up and be read, although it was defeated by the Senator from Missouri; but I give notice that after this I shall insist upon the Calendar. My friend from Missouri, whose turn it is to do to-day the ugly for the Calendar, has utterly failed for several days, and I shall have to take it upon myself.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent to proceed to the consideration of the bill indicated by him. Is there objection?

him. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1079) regulating the times and places for holding the district courts of the United States for the district of Maine.

The bill was reported from the Committee on the Judiciary with

amendments.

The first amendment was, in line 5, to strike out "first" before "Tuesday" and insert "third;" in line 6, to strike out "March" and insert "April;" and in the same line to strike out "November" and insert "September;" so as to read:

That instead of the times and places now fixed by law, the district courts of the United States for the district of Maine shall hereafter be held as follows: At Portland on the third Tuesday of April and September, and at Bangor on the fourth Tuesday of June; and all recognizances, indictments, or other process or proceedings, civil or criminal, pending in or returnable to said court shall be entered at and have day in and be heard and tried at the term of said court next to be held as herein provided.

The amendment was agreed to.

The next amendment was to add at the end of the bill:

SEC. 2. That one body of grand and of petit jurors shall be summoned for both the circuit and district courts at Portland, and shall be taken and deemed to be for both thereof, and, being otherwise qualified, shall, when impaneled and sworn in either court, be competent to act in all proper matters in the other court, in the same manner and with the same effect as if summoned and impaneled for that court. Officers, jurors, and witnesses attending said courts shall be allowed only for travel and attendance as of one court.

Mr. HOAR. I want to ask the Senator from Maine if we can enact by law that a recognizance stipulating that the principal shall appear at one place shall be so changed in its legal effect as to require him to appear at another?

Mr. HAMLIN. No, it is at the same place. The bill fixes the time for holding the district court at the precise time which the law now designates for holding the circuit court; and then the new section provides that the jurors shall be drawn and summoned for both courts at the same time

Mr. HOAR. My question related to the provision of the bill that all recognizances which are returnable at one time should be returnable at another.

Mr. HAMLIN. It only changes the terms from one time to another.
Mr. HOAR. The question is whether that can be done.
Mr. HAMLIN. I do not think there is any trouble about that.
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill regulating the times and places for holding the district courts of the United States for the districts of Maine, and for other purposes.

MARY ALLISON.

Mr. BAILEY. Mr. President— Mr. WITHERS. I call for the regular order if the morning busi-The PRESIDENT pro tempore. It is not yet one o'clock. The Senator from Tennessee is recognized.

Mr. BAILEY. I ask unanimous consent to call up the bill (S. No. 1143) granting a pension to Mrs. Mary Allison, which has been reported favorably by the Committee on Pensions. I ask it for the reason that this applicant for a pension is an old woman, nearly ninety years of age, the widow of a soldier of the war of 1812; and unless there shall be some prompt action in her case it is altogether proba-ble that if the Government of the United States shall seek to confer a benefit on her, it will have to follow her to another bourne. Therefore I ask that the bill may be taken up now so that it may be sent

to the other House and there acted on.

Mr. PLUMB. I rise to present morning business.

Several SENATORS. Regular order.

The PRESIDENT pro tempore. The next business in order is the introduction of bills and joint resolutions.

BILLS INTRODUCED.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1632) for the relief of Alfred Hedberg; which was read twice by its title, and referred to the Committee on Mili-

tary Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1633) to define the amount and manner of purchases of the public loans to be made by the Secretary of the Treasury; which was read twice by its title, and referred to the Committee on Finance.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1634) for the relief of certain officers and privates of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

and referred to the Committee on Military Affairs.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1635) for the relief of the heirs-at-law of Dr. I. I. Gibson, deceased; which was read twice by its title, and, together with the papers on the files in relation to the case, referred to the Committee on Claims.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 101) authorizing the use of the unexpended moneys appropriated for the protection of the Absecom light-house, in the State of New Jersey, to be expended for the protection of the beach above said light-house; which was read twice by its title, and referred to the Committee on Commerce.

SOLDIERS' REUNION AT MILWAUKEE.

Mr. CAMERON, of Wisconsin. I ask leave to introduce a joint res-

Mr. CAMERON, of Wisconsin. I ask leave to introduce a joint resolution, and ask for its present consideration.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 102) authorizing the Secretary of War to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion at Milwaukee, in the State of Wisconsin, in June, 1880.

The joint resolution was read three times, and passed.

AMENDMENT TO THE POST-ROUTE BILL.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Hannah Roche have leave to withdraw her papers from the files of the Senate.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

Mr. VOORHEES submitted the following resolution; which was read:

Resolved, That the Committee on Pensions be, and is hereby, instructed to report, without unnecessary delay, a bill authorizing the Commissioner of Pensions to place on the pension-roll of this Government the names of the surviving soldiers and sailors of the war between the United States and Mexico: Provided, That this resolution shall not apply to such as are now on any account drawing pensions, or who are laboring under political disability.

Mr. VOORHEES. Mr. President, in presenting this resolution I hope I may be pardoned a few words in explanation. I am fully aware of the obstacles to be encountered. An impression has been created in certain quarters that we are already engaged in paying pensions in too lavish a manner. A note of alarm is raised on this floor whenever the subject is discussed. We heard it a few days ago in connection with a private bill to pension a disabled scout from West Virginia.

The Senator from Kansas [Mr. INGALLS] drew a vivid picture of The Senator from Kansas [Mr. InGalls] drew a vivid picture of the dangers to which our growing pension list was subjecting the country. He announced that we were paying more money in pen-sions to disabled soldiers and sailors, their widows and orphans, than any other government in the world. This is true, and in my judg-ment it is greatly to our credit. While the governments of Europe pour out enormous sums in annuities and pensions on their royal families, and on their nobility, we are left free to expend similar sums, if we choose, on far worthier objects, on the citizen soldiery of the Republic, in grateful recognition of the fact that but for them the Union would not now exist, nor would foreign nations salute the

the Union would not now exist, nor would foreign nations salute the American flag with respect.

I cannot consent that the policy of other governments on this subject shall be held up to us for adoption or imitation. There is nothing in the pension system of Great Britain for us to consider except as an example to be avoided. It is true that there is comparatively a small sum paid in pensions to her soldiers and sailors, but she has a pension list which is truly amazing to the eye of an American. Under the heads of hereditary pensions, political pensions, special pensions, annuities, compensation allowances, compassionate allowances, retiring allowances, and superannuation allowances, she pays more than \$10,000,000 a year—in part to such as have retired from the different branches of her public service, and in part to a worthless nobility which has fastened itself by inheritance on the tax-paying toil of that kingdom.

I have examined that pension-roll. It is full of curious things. One man was pensioned for the sum of £7,191 on the excise, and for £3,384 on the post-office revenue, making the annual sum of \$52,875, because he was descended from an illegitimate son of Charles the

Second. His base but high-born ancestor had been pensioned, and the pension descended to those who came after him. In 1857 his government redeemed, as it is called, its excise and post-office revenues from this annual charge, by paying the pensioner £255,777 13s. 2d.; counted in our money \$1,278,885, in round numbers. The old Duke of Schomberg fell at the battle of the Boyne, in 1690, and a pension of £4,000, or \$20,000, per annum was settled upon his heirs. They have drawn more than \$2,000,000 from the English treasury. The private purse of the Queen of England and her household expenses paid by the people amount to over \$2,000,000 a year; and the annual allowances granted to her children reach the sum of five millions and upward; while adding marriage portions to their other allowances these favored youths have drawn from the revenues of their government

ward; while adding marriage portions to their other allowances these favored youths have drawn from the revenues of their government the sum of \$62,790,095 up to the year 1877.

Facts like these, it seems to me, ought to have a strong tendency to reconcile the most dissatisfied American citizen to the policy of his own Government even if we do pay our scarred and veteran soldiers liberal pensions, and even if for the time being at least we are denived of the blessings of really and the second of the blessings of the blessings of really and the second of the blessings of really and the second of the blessings of the blessings of the second For my part it does not alarm me at all that we are paying many times as much in pensions to our soldiers as Great Britain pays to hers; nor do I ever wish to see them deprived of their pensions or cut short in their rates in order to bestow them on the favorites of an empire, as is done in that country.

Sir, in addition, however, to what we have already done for the Sir, in addition, however, to what we have already done for the American soldier there remains, in my judgment, an imperative duty yet to be discharged. The soldier of the war with Mexico has not yet had justice. The life-time of a generation has passed by since he obeyed the call of his country and upheld its honor in a foreign war. Thirty-four years ago he moved with the elastic step of youth to battle and to victory. He is now old and waits from year to year for that recognition, which, though it may be small in amount, is always dear to a soldier's heart.

There is but little difficulty in making a correct estimate of the

There is but little difficulty in making a correct estimate of the number of soldiers and sailors who would be entitled to a pension for having participated in the Mexican war. The muster-rolls contain 101,000, all told, in the military and naval service against Mextain 101,000, all told, in the military and naval service against Mexico. Of these, however, 17,224 were re-enlistments, showing that there were in fact but 83,776 men in that service. From this number must be deducted the dead who died in Mexico, 16,000, and 11,000 heretofore pensioned for wounds and disabilities incurred in the line of duty. I regret to note the fact that 7,225 are marked as deserters. This leaves a body of 49,551 men to the accidents of time and the assaults of disease during a period of nearly thirty-three years of intense activity, and stupendous scenes of excitement, danger, and death.

death.

It is known to all that the survivors of the Mexican war were among the foremost to take part in the war of the rebellion. They had been trained as soldiers, and they snuffed the approach of battle. Many of them died on the field or in the hospitals during the four bloody years. Others survive crippled, and drawing pensions for their services in the cause of the Union. All these circumstances, added to the natural death rate since the close of the war with Mexico, have reduced the number of soldiers and sailors now surviving, and who would be entitled to pensions, according to the most intelligent and careful calculations, to perhaps less than ten thousand. Very competent judges who have spent much time in gathering statistics on this subject put the survivorship entitled to pensions as low as seven thousand. It is said that the following facts are well authenticated: authenticated:

Of the two Pennsylvania regiments, mustered in with twenty-five hundred and ree officers and men, but one hundred and eighty-one survive.

Of the Second Mississippi, one thousand and thirty-five officers and men, forty-

seven survive.

Of the Palmetto Regiment, one thousand and seventy-seven officers and men, only thirty-four are now living.

According to these melancholy illustrations no one need be alarmed According to these melancholy illustrations no one need be alarmed at the increase of our pension-roll, even if the veterans of Mexico are added to it. A million a year will pay what remains of them at \$8 per mouth. A million a year! A single manufacturing establishment in the city of Terre-Haute, where I live, pays more revenue annually into the Treasury of the United States than it would require to pension every survivor of the Mexican war; and yet we are met with a sort of panic in regard to the increased expenditures of the Government the subject is mentioned. Six whether a bell part

sort of panic in regard to the increased expenditures of the Government whenever this subject is mentioned. Sir, what we shall pay them is a mere atom compared to the mighty acquisitions of wealth and national power achieved by their courage and endurance.

The veterans of the Mexican war are not asking charity; they are not pleading for support out of the hard earnings of others; they simply desire an infinitesimal per cent, a per cent, so small that it cannot be designated, of that vast domain and inexhaustible treasure which they secured to their Government by their own exertions. Such a conquest of far-reaching boundaries, and of present and future wealth, power, and glory as was made by their arms has, perhaps, no parallel in human history. The ephemeral conquests of Alexander the Great, in the East, the subjugation of extensive portions of Europe by Cæsar, and afterward by Napoleon, the Norman conquest of England by William the Conqueror, none of these achievements were equal in their effects upon the progress of the world to those which were accomplished by the war between the United States

and Mexico. Does this statement appear extravagant? Let the cold facts of history speak for themselves. A condition-precedent to the war was the annexation of Texas, a State larger in extent, more fertile in natural resources, and capable of sustaining a more numerous population than many of the leading powers of Europe. A settlement of the proper boundary between that State and Mexico followed the way and some of the disputed territory between the ment of the proper boundary between that State and Mexico followed the war, and secured the disputed territory between the Nueces and the Rio Grande, a territory as large and as rich as the State of Ohio. The Union was composed of twenty-nine States when the war closed, and by the treaty of peace a more extensive country than them all put together was brought under the authority of the American flag, and under the protection of American law. The boundaries of the American Republic were more than doubled, and fountains of wealth were secured which have revolutionized the commerce of the seas and

the traffic of the civilized parts of the earth.

California, the queen of the Pacific, with her dower of gold, marks a new era in the activity and advancement of the human race. Enough of the precious metals have been taken from her mines alone, coined in this country and taken to Europe for coinage to pay our national debt. She has caused this continent to be spanned by an iron thoroughfare for the travel and transportation created by her wonderful products. The customs duties received by the Federal wonderful products. The customs duties received by the Federal Government at her ports in any period of five years since her admission into the Union, has been sufficient to defray the entire cost of the war with Mexico. Nevada, Utah, Colorado, a portion of Wyoming, Arizona, and New Mexico, with their tremendous capacities for future development, also stand to the credit of those who fought at Cerro Gordo, and in the Valley of Mexico under Scott, and at Monterey and Buena Vista under Taylor.

The imagination of man can hardly grasp the reality of those vast regions fifty years hence. If a statue of the precious metals was erected to-day to each surviving veteran of the Mexican war, instead of the enactment of a law giving them \$8 a month for their lives and

erected to-day to each surviving veteran of the Mexican war, instead of the enactment of a law giving them \$8 a month for their lives and their widows after them, the expense would be but a barren pittance in comparison with what this Government has received as the proceeds of their privations and their valor.

Sir, why further delay this act of justice? It has already been far too long delayed for the honor of this Government. There is but a remnant of these heroes left. Their ranks are growing thinner from year to year like the gray locks on their honored heads. Those battle-fields on which they startled the world with the constancy and daring of American volunteers are beginning to be seen through the haze of long intervening time. Let us not wait until all who made these fields illustrious have gone to their graves before we recognize, in some slight degree, the debt we owe them.

Congress is far in the rear of a grateful public opinion on this sub-

congress is far in the rear of a grateful public opinion on this subject. When we last considered it on this floor, less than a year ago, the Legislatures of twenty States had instructed their Senators and requested their Representatives in Congress to pension the veterans of the war with Mexico. Now, the Legislatures of twenty-five States have made similar instructions and preferred similar requests. There are fifty Senators instructed, and more than two hundred members of the House requested by their States to pension these surviving veterans without further postponement. Ohio, Pennsylvania, Illinois, Indiana, California, Minnesota, Wisconsin, Oregon, Nevada, Kentucky, Tennessee, Texas, Alabama, Arkansas, Virginia, Maryland, North Carolina, South Carolina, Louisiana, Mississippi, Georgia, Florida, Missouri, New Jersey, and Massachusetts have joined their potent voices in this demand. Will they not be respected and obeyed? Who will presume to say so? And why defer action another day? The step is to be taken, the American people have so willed it; why not take it now? are fifty Senators instructed, and more than two hundred members

There is nothing sectional in this question. All the States in this Union have shared in the increased greatness of our common country. Every section has alike reaped the fruits of the fortitude and wisdom displayed in the field and in the national councils in the conduct and in the conclusion of the Mexican war. American enterprise and intelligence, from the hardy regions of New England to the Pacific coast, and from the northern lakes to the warm waters of the Gulf, have found new and boundless fields for their restless activity and their almost fabulous achievements. I cannot believe that there will be any further reluctance in any quarter to the small recognition and re-

amy further reluctance in any quarter to the small recognition and reward which I ask for those who proved themselves the benefactors of every portion of the American people, and in fact of the whole commercial and civilized world. I ask that the resolution which I have offered may be printed and lie upon the table; and I give notice that I shall call it up at an early day for the action of the Senate.

Mr. HOAR. Mr. President—
The PRESIDENT pro tempore. The discussion goes on by unanimous consent, as the Chair understands.

Mr. HOAR. I ask the same unanimous consent which was given to the Senator from Indiana to permit me to say a word on this subject. The PRESIDENT pro tempore. The Senator will proceed.

Mr. HOAR. I shall not take more than three or four minutes. Just after the bill for pensioning the soldiers of the Mexican war was rejected a little more than a year ago, on the last night or last but one of the session, I spent an evening in Massachusetts in the company of ene of the persons whom it was proposed to pension. He was a man forty-eight years of age, a giant in strength, of vigorous health, with I have no doubt a stronger constitution and greater prospect of

life and health in the future than any member of this body. He was a man in affluent circumstances, and enjoying a large salary as the holder of one of the most important offices in the gift of the Commonwealth of Massachusetts. He joined with me in emphatic disapprobation of the careless and reckless legislation which would put a man like him on the pension-roll of the Government.

I saw the next day or the next but one, by appointment, a soldier of our late war whose health had been wrecked by injuries received in the line of his duty. He was able to get about the streets, but not to go up stairs from his carriage; he required the constant attendance of one person to look after his wants; and yet under the general law as then and now existing he was entitled, I think, to but \$50 a month.

I heard of another soldier who had been reduced by exposure in the late war and by a rheumatic difficulty, living in my native town and well known to my own relatives and friends, who was drawn up into the space of about four feet in length from the erect manhood of which he had been a conspicuous specimen when he entered into the war, and whose only desire and ambition in life was to have his pen-

war, and whose only desire and ambition in life was to have his pension so increased that he could put a little veranda on the outside of his dwelling, on which his wife could drag him in the warmth of our New England summer to enjoy the air.

I think, Mr. President, that until provision is made by a general law for such persons as these we should, not refuse to pension the surviving soldiers and sailors of the Mexican war, but apply to them the principle which every other government and this Government has heretofore applied to its pension-rolls, pension only those who are disabled, and not pension men without regard to their condition in life.

In regard to the soldiers of the Revolution we waited before we passed a general pension law until by the lapse of time every surviving Revolutionary soldier was disabled by old age. When we extended the pension system to all the survivors of the war of 1812, the youngest of those survivors exceeded seventy-eight years in age; and yet it is proposed here simply to transfer the provisions of that act relating to the soldiers of 1812 to the soldiers of a war which ended about thirty-three years ago, and many of whose surviving soldiers are men in the vigorous health of fifty years of age, most of

soldiers are men in the vigorous health of fifty years of age, most of them within a few years of that age.

Now, I will join with the Senator from Indiana in placing upon the pension-roll every survivor of that war who comes within the principles which we apply to the survivors of the last war, or which we applied to the survivors of the war of 1812, or the Revolution; but I will not pension men wealthy, holding important offices under the Government, able to transact business, without a disability in the world, until the Government has exhausted the list of those wounded and sick and disabled in the war which saved the Union by very and sick and disabled in the war which saved the Union, by very largely increasing the restricted and narrow limits of our present pension-rolls; and I will not yield my judgment on this question as a Senator of the United States to that of any State Legislature, whether it be hastily or deliberately adopted.

Mr. WITHERS. Mr. President, I wish merely to state that when the resolution shall come up for action I propose to have something to say upon the subject, inasmuch as the committee of which I am chairman is by implication severely censured by the terms of the resolution. I think it premature, however, to discuss the merits of the question in advance.

Mr. VOORHEES. I never thought if the Committee on Pensions were instructed to do such a thing it would be a reflection on them. It never entered my head in any degree that this resolution reflected on a committee of which I was a member for two years when I first

on a committee of which I was a member for two years when I first entered this body. I thought it would be a relief to the committee to have the sense of the body taken on a subject concerning which there has been much discussion.

The PRESIDENT pro tempore. The resolution will lie on the table

and be printed.

Mr. WITHERS. I simply wish to say that the bill proposing to pension the Mexican war soldiers has been referred to that committee, and this resolution of instruction to report it back in a certain form is to a certain extent a reflection on that committee.

The PRESIDENT pro tempore. The morning hour has expired. The Chair calls up the unfinished business, which is the Geneva

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment proposed by Mr. Hoar, beginning in section 4, line 1, of the original bill, to strike out the following:

That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured, as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

Mr. CALL addressed the Senate. [His remarks will be found in

The PRESIDING OFFICER, (Mr. WILLIAMS in the chair.) The question before the Senate is on the amendment offered by the Senator from Massachusetts [Mr. Hoar.] to strike out the fourth section of the bill down to the word "repealed" in the eleventh line.

Mr. DAVIS, of West Virginia. Let the Secretary report what is proposed to be stricken out.

The PRESIDING OFFICER. It will be read.

The Secretary read the amendment.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. GARLAND. The Senator from Ohio [Mr. Thurman] who has the bill in charge supposed that some other Senator would speak after the Senator from Florida. He expects to close the debate upon the proposition which comes up on the amendment of the Senator from Massachusetts.

Mr. EATON. I will say to the Senator from Arkansas that unless

Mr. EATON. I will say to the Senator from Arkansas that unless some gentleman desires to go on immediately, after conversation with the chairman of the Judiciary Committee, I propose to move temporarily to lay the pending bill aside and take up the consular and diplomatic appropriation bill.

Mr. GARLAND. I agree to that so far as I am concerned.

Mr. EATON. Informally.

The PRESIDING OFFICER. The proposition is to informally lay the pending bill aside, for the purpose of taking up the consular and diplomatic appropriation bill. Senators in favor of that proposition will signify it by saying "ay;" the contrary, "no." [Putting the question.] The ayes have it. The consideration of the Geneva award bill is informally postponed. bill is informally postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

The message also announced that the House had passed a concurrent resolution to print 100,000 copies of Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine and infectious and contagious diseases incident to other classes of domesticated animals; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5803) granting a pension to George W. Leamy;

A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;

A bill (H. R. No. 4759) granting increase of pension to Richardson

K. Baird;
A bill (H. R. No. 2303) granting a pension to Abram F. Farrar;
A bill (H. R. No. 2407) granting a pension to Belinda Curtis; and
A bill (H. R. No. 2540) granting a pension to Mary Wade.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL

Mr. EATON. I now move that the Senate proceed to the consider-

Afr. EATON. I now move that the senate proceed to the consideration of the consular and diplomatic appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government

priations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

Mr. EATON. Mr. President, I will make a short statement for the benefit of the Senate before the bill is read, so that the Senate may know precisely what the bill is.

The amount of the bill as it passed the House of Representatives is \$1,138,235. The amount of the estimates for 1881 was \$1,185,135. The amount of the estimates for 1880 was \$1,087,835. The Senate Committee and Approximations have in reconstituted by the House bill \$2,000 colleges. mittee on Appropriations have increased the House bill \$7,900 only, as follows:

For a new officer, a consul-general at Bucharest, \$4,000. That is a city of one hundred and fifty thousand inhabitants, the capital city of the new kingdom of Roumania, which has a population of five million people. We have at the present time no diplomatic or conmillion people. We have at the present time no diplomatic or consular officer there. It was deemed very important by the State Department, by the Committee on Foreign Relations, and by the Committee on Appropriations that this officer at Bucharest should be appointed. For clerks at three consulates, \$3,000; and for clerk-hire at the legation at Columbia, \$900, making in all \$7,900 increase by the Senate Committee on Appropriations.

That makes the total amount of the bill as reported to the Senate \$1,146,135, less than the estimates by \$39,000, and exceeding the

\$1,146,135, less than the estimates by \$39,000, and exceeding the amount appropriated for 1880 \$58,300.

Perhaps that is sufficient to say at this present moment. After the bill is read I will make any explanation in my power that any member of the Senate may require. I now ask that the bill be read.

The PRESIDING OFFICER, (Mr. WILLIAMS.) The Chair would suggest to the Senate that unless the reading of the bill in full is demanded by some Senator, he will direct the Secretary to read only such clauses of the bill as are proposed to be amended.

Mr. DAVIS, of West Virginia. It is a rule of the Senate that all bills shall be read. I cannot consent that any bill shall be passed over without being fully read. It is not a very long bill.

Mr. EATON. I suppose it must be read, according to our custom.

The PRESIDING OFFICER. The Chair merely suggested that the reading might be dispensed with unless it was called for.

Mr. DAVIS, of West Virginia. I call for the reading of the bill.

Mr. EATON. I will make the necessary explanations as the bill is read.

The Secretary proceeded to read the bill, and, having read the following clauses:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at \$17,500 each, \$70,000.

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, at \$12,000 each, \$84,000.

Mr. EATON. I will say here for the information of Senators that precisely the same amount is appropriated this year for these officers that was given for the preceding year; that there has been, in other words, no change.

The Secretary resumed the reading of the bill and read the follow-

ing clause:

For charges d'affaires ad interim and diplomatic officers abroad, \$20,000.

Mr. EATON. I ought to say to the Senate that this is a new item. Mr. EATON. I ought to say to the Senate that this is a new item. From 1856, as I understand, up to two years ago this amount of \$20,000 has been appropriated by Congress on the estimate of the State Department. Two years ago the appropriation was not made, and last year it was not made. The Department of State are very anxious that this appropriation should be made. I believe it would be entirely safe to leave the \$20,000 under charge of the Department of State and the Committee of Anxionistics of the Committee of State and the State an of State, and the Committee on Appropriations have recommended

this appropriation of \$20,000.

Mr. EDMUNDS. Although it is not perfectly germane to what the Senator from Connecticut is explaining, I beg to ask him, in charge of this bill, whether any provision is made by the committee in the bill, as undoubtedly was not in the House, for the expenses of the special

commissioners to China?

Mr. EATON. No; at the time the bill was considered by the Committee on Appropriations those gentleman had not been confirmed.

Mr. EDMUNDS. That undoubtedly is an entire justification of the

action of the committee, but I beg to suggest to my friend from Connecticut the propriety of adding an appropriation, to be available immediately, of a proper sum to pay their proper compensation and

expenses.

Mr. DAVIS, of West Virginia. I will ask my colleague on the committee whether there was not something said in the committee in that connection, and we thought the appropriation for contingent expenses in lines 62 and 63 would cover it? That appropriation includes an additional amount of \$24,000 or \$25,000 allowed to the State Department, and it was supposed there would be a sufficient sum for this purpose out of the total sum of \$80,000 appropriated "for contingent expenses of foreign intercourse proper and of all the missions abroad." I ask my colleague on the committee whether that is so or not. is so or not.

Mr. EATON. There was conversation in regard to that matter, but I apprehend that neither of the two items to which attention has

appreciated that neither of the two items to which attention has been called would contemplate that expenditure.

Mr. EDMUNDS. I think that the Senator from Connecticut is quite right in his reply to the Senator from West Virginia. Although there might be a sufficient fund there unexhausted, yet it would be rather a stretch of power in the President or the Department of State to take from the "contingent expenses" account the salary and expenses of a mission that the President and the Senate under the Continuous had provided for a gracular purpose. It would seem and expenses of a mission that the Fresident and the Senate under the Constitution had provided for a special purpose. It would seem hardly to fall within the scope of that. Therefore, I suggest, with great respect to my friend from Connecticut, that this might be a very convenient and proper place to make provision for that matter.

Mr. EATON. Let my friend from Vermont suggest to my friend, the chairman of the Committee on Appropriations, the proper amount.

Mr. EDMUNDS. As the bill goes on, we can fix that. Mr. EATON. I think the Senator from Vermont is quite right that

The Secretary resumed the reading of the bill till he reached the first amendment reported by the Committee on Appropriations, which was after line 52 to insert:

For clerk-hire for the legation at the United States of Colombia, \$900.

Mr. EATON. Upon the recommendation of the Secretary of State and after full conversation with the minister at that point, and in consideration of the complications which may arise in the near future with regard to the canal question, we were perfectly satisfied, all of us, that this small amount of \$900 ought to be allowed for clerk-hire at that legation.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was in "Schedule B," after line 66, to insert:

For a diplomatic agent and consul-general at Bucharest, \$4,000.

Mr. EATON. I said in my opening statement all that I care to say unless some Senator requires further information in regard to this addition for a diplomatic agent and consul-general at Bucharest. Some gentlemen are here who may not have been in at the time, and I will simply repeat that Bucharest is a city of one hundred and fifty thousand inhabitants, the capital of the new kingdom of Roumania, which has five million inhabitants. We are led to believe that it is

a very important new point. It may become very important in the distribution of our manufactures; and it will be a great commercial point, we hope.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 243, to increase the appropriation for allowance for clerks at consulates from \$55,500 to \$55,500.

Mr. EATON. In the original bill the allowance was \$55,500. Examination was made at the State Department and a full and thorough classification of all the clerks at the various consulates, and after this classification made by the Department—and the Committee on Appropriations had full consultation with the Secretary and officers of the Department-we have come to the conclusion to adopt the suggestion made by the Department and take their entire classifica-

There are five or six different classes, from \$3,000 down to \$600 per annum, and in making the new classifications there is a saving of about \$3,000. So, by the action of the Department and the Committee on Appropriations, we are enabled to reduce the total appropriation, as Appropriations, we are enabled to reduce the total appropriation, as we originally reported it, about \$3,000, with a thorough and full classification of the various officers. Therefore we propose that the amendment I now send to the chair be substituted in lieu of the amount in the House bill and of the amendment reported by the Committee. If gentlemen will follow the printed bill from line 243, on page 11, they will see that the amendment I now send to the desk makes an alterwill see that the amendment I now send to the desk makes an anter-ation from \$58,500 to \$55,500, and then gives the names of all the officers, with their different classes. Each Senator can follow the Clerk as he reads it, and he will discover that the classification is somewhat different from that in the printed bill between lines 245

The CHIEF CLERK. On page 11 it is proposed to strike out the sum named and insert in lieu thereof "\$55,600;" and to strike out all after the word "follows," in line 244, down to the word "Provided," in line 259, and to insert in lieu of the matter stricken out:

For the consulat Liverpool, a sum not exceeding the rate of \$2,500 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of \$2,000 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of \$1,500 for any one year; for the consul-general at Montreal, and the consuls at Bradford and Birmingham, each a sum not exceeding the rate of \$1,200 for any one year; for the consuls-general at Calcutta and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Glasgow, and Singapore, each a sum not exceeding the rate of \$1,000 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, and Matamoras, each a sum not exceeding the rate of \$500 for any one year; for the consuls at Belfast, Naples, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demarara, each, a sum not exceeding the rate of \$600 for any one year.

The PRESIDING OFFICER. The question is on the amendment just read

Mr. MORGAN. I move to insert the words "Colon (Aspinwall)" after "Panama," in the amendment of the committee. I gave notice of an amendment yesterday predicated on the report of the committee, not in the amendment now offered by the Senator from Connecticut. I find that my amendment will come in with the consulates at ranama and Demarara. The consulate at Aspinwall is the most important that we have in South or Central America, with the exception of that at Rio de Janeiro. The income from that consulate is nearly \$4,000 a year, whereas the income from the consulate on the opposite side of the Isthmus at Panama has not probably exceeded \$2,000 at any time. It is a very unhealthly climate, and a very expensive place to live, and the consul has an enormous amount of business of the Isthmus at Panama has not probably exceeded \$2,000 at any time. It is a very unhealthly climate, and a very expensive place to live, and the consul has an enormous amount of business and the consul has an enormous amount of business at the consultant and the consul ness owing to the large number of ships and the great amount of tonnage arriving at that port. It is the port from which the Isth-mus railroad is supplied with commerce from this side.

I was absent at the time the committee had this bill under consid-I was absent at the time the committee had this bill under consideration, and only arrived after the report was made, so that I did not have the opportunity of bringing this subject to the attention of the committee at that time. I saw the Secretary of State this morning on the subject, and he fully concurs, as I am authorized by him to state, in the adoption of the amendment allowing the consul at Colon (Aspinwall) a clerk. I think that the salary ought to be \$1,000; but as we give by this scheme only \$600 to the clerk on the opposite side of the Isthmus, I suppose I shall have to modify my wishes in that respect so as to conform to the action taken in reference to the consulate at Panama. The Secretary of State prepared a written recommendation for the chairman of the Committee on Appropriations when I was present this morning, recommending the allowance tions when I was present this morning, recommending the allowance of this appropriation; but unfortunately it has not reached the chairman of the committee yet. I have telegraphed for it and I have no doubt it will be here in the course of a few moments.

I am not prepared to present it to the Senate as an official recom-mendation of the Secretary of State; and yet I know that the Secretary of State very fully concurred in the view and wrote the recommendation while I was present. I gave notice of this amendment yesterday, and I suppose the committee will not be disposed to raise the point of order after that notice. I hope the Senate will insert the words "Colon, (Aspinwall,)" so as to give the consul at that point a clerk as well as the consul at Panama. It is very necessary indeed; it is a very important consulate, and it is almost impossible for any

one man without the assistance of a clerk to discharge the duties of

that important office.

Mr. EATON. I do not quite like to interpose a question of order here; but of course this motion is not in order. I only want to say that after full consultation with the Department of State, after a very thorough classification of all these various offices by that Department, I do not feel myself at liberty to vote for this amendment of my friend from Alabama. I will not interpose the question of order which I might do, because if the Senate agree to it, very well; but it strikes me that the State Department ought to have known from it strikes me that the State Department ought to have known from this consul, at this very important point that my friend from Alabama speaks of, of the existence of the very great necessity that he speaks of. They do not seem to have learned it; or if they have learned it, they have not communicated it to any of the committees of this body, either the Committee on Appropriations, or the Committee on Foreign Relations, or the Committee on Commerce. There should have been, as we have here with regard to all these various changes I have proposed, a written communication from the Secretary of State in regard to the matter. We have nothing of this sort in the present case, and therefore, while I will not interpose the question of order, I cannot vote myself to create this new office.

Mr. MORGAN. This amendment is offered to a proposition which

has never been printed, which the Senate has not been in possession of, and is not in possession of except by hearing it read from the desk, and therefore I do not think a point of order would apply.

Mr. DAVIS, of West Virginia. But I will state to my friend from

Alabama that it is in order for two reasons: first it is recommended by a Department; and secondly, it comes from a standing committee, from neither of which does my friend's amendment come.

Mr. MORGAN. The amendment of the committee ought to have been laid before the Senate and printed, so that the Senate could have understood it. It is a very important amendment, and providing an entirely new classification of consular clerkships; but I make no point upon that. It is suggested by the Senator in charge of this point upon that. It is suggested by the Senator in charge of this bill that the State Department ought to be in possession of information in regard to the necessity of having a clerk at the point named by me. I can say to the Senator that the State Department has been in possession of this information, but it sometimes happens that the State Department omits to make suggestions which are important. Very important suggestions are brought to their attention by consuls. It is a very well known fact in that Department that there is no more efficient consul in the service of the State Department than this gentleman, Mr. Thorington, who was once a member of Congress from the State of Iowa. His own health is very poor; and so is that of his family. His expenses have been very much increased thereby. He is taking charge of the affairs of the Government down there in some very delicate and some very important trusts that have been confided to him.

He has a vice-consul who has no salary. He has no clerk. A very large amount of commerce, as is known to every Senator here, passes into that port, Colon, (Aspinwall.) Of course there cannot be a larger amount of commerce coming from the Pacific coast to Panama than comes from the Atlantic Ocean to Colon, (Aspinwall,) for they are different points on the same line of transit across the Isthmus. Then, why should there be a clerk at Panama where the income has not exceeded about \$1,600 a year and no clerk at Colon (Aspinwall) where the income has exceeded \$3,000? Why require one man to do a work which yields to this Government in fees more than \$3,000 a year, and lives perhaps within twenty-five miles of another engaged in the same kind of business on the line of transit who does work not to

same kind of business on the line of transit who does work not to exceed \$1,500 or \$1,600 a year iv fees, and to whom you allow a clerk? The injustice of the thing is entirely palpable.

I have no interest in the world in it except that I have been informed very frequently—having no personal acquaintance with this gentleman—that he was in great need of having some assistance there and that there was some omission in not providing it. Then when I went this morning and called the attention of the Secretary of State to the matter, he at once saw the propriety of it and made a written recommendation in my presence and sent it to his clerk to be copied, but it has been delayed by some means, I know not what, addressed to the chairman of the committee, recommending on behalf of the State Department the allowance of a clerk to this con-

I do not think the Senate ought to be very technical in voting down a proposition of this kind; or at all events I should have the benefit of delay upon this bill until that communication shall come in here

from the Department, if that is required.

Mr. DAVIS, of West Virginia. I understand the committee not to make any point of order. Therefore the Senator's statement is accepted by the committee making the amendment in order. It is not worth while to delay the bill on that account.

worth while to delay the bill on that account.

Mr. EDMUNDS. Mr. President, it strikes me that as a matter of principle and as applying to a great many other similar questions that will arise, it is the duty of some Senator to make the point of order because the theory of the rules is that changes of this kind should have first been brought to the attention of the executive department of the Government that is primarily responsible for the due administration of the public service, and that the executive department having had it brought to its consideration should make an estimate or representation. I am not speaking of the mere form, but what

amounts to a recommendation—that a thing of that kind should be amounts to a recommendation—that a timing of that kind should be done. In this particular instance, I dare say upon the statement of my friend from Alabama in which I implicitly rely, his proposition may be perfectly right. And yet this very act of ours will become a precedent for doing the same thing in instances that we are not so clear about. With great respect to him, inasmuch as I am sure that if this recommendation comes it will still be within the competence of the two Houses to act, for as some amendments are to go over to of the two Houses to act, for as some amendments are to go over to the other House, that House can amend one of our amendments by adding this if it wishes to, and so I shall not do any injury to the public service in making the point of order, I feel it to be a duty as a principle, and not in respect to this particular case, to make it, and I do make it. My point is that it is against the rule in respect of amending bills of appropriation.

The PRESIDING OFFICER. The Chair does not see very clearly the point of order, but would like the Senator from Vermont to enlichten him in regard to it.

lighten him in regard to it.

Mr. EDMUNDS. I will call the attention of the Chair, with great respect, to the rule that I think governs it. Will the Chair be kind enough to have the amendment proposed by the Senator from Alabama read? Then I shall be able to state my point of order.

The PRESIDING OFFICER. The proposed amendment will be

Mr. MORGAN. I should like to remark to the Senator from Vermont that my amendment is to an amendment that has not been printed—a long amendment of the committee that has not been printed.

Mr. EDMUNDS. Still it can be stated by the Secretary so that the

The Secretary. At the end of line 28 of the written amendment, after the word "Panama," it is proposed to insert "Colon, (Aspinwall.)"

Mr. EDMUNDS. Then read the written amendment. Mr. DAVIS, of West Virginia. The Department sent an amend-

ment providing for a number of—
The PRESIDING OFFICER. The amendment offered by the Senator from Alabama is to the written amendment offered by the Senator from Connectiont.

Mr. EDMUNDS. Let the written amendment be read and then we can understand the amendment of the Senator from Alabama.

The Secretary read the amendment of Mr. EATON.

Mr. EDMUNDS. Now, Mr. President, I make the point of order that this amendment of the Senator from Alabama to the amendment which is reported by the committee, and which I therefore assume is within the rule, is against the twenty-seventh rule as well as the twenty-eighth rule. The twenty-seventh rule, after the first clause about the reference of bills, provides as follows:

And no amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

It has always been held by the Senate, and justly as anybody can see, that an amendment to an amendment, the original amendment itself being in order, falls within the principle and spirit of the rule, and therefore the amendment of my friend from Alabama stands in point of order exactly as if this written amendment had not been proposed but it were offered to the text of the bill. That, I think, I am safe in saying has been the constant practice of the Senate, and I presume nobody will question it. So then this amendment increases the appropriation contained in the bill and puts in a new provision for an expense in respect of a consular clerk at a particular place where the law does not now provide it.

The PRESIDING OFFICER. The Chair understood the Senator

from Alabama to say that the Secretary of State had prepared an estimate and a recommendation for this office.

Mr. MORGAN. I stated that I have seen the Secretary write a Mr. MORGAN. I stated that I have seen the Secretary write a recommendation to that effect, but I am not relying on that for the purpose of overruling the point of order. What I do rely upon, however, is this: the question is whether my amendment can be received. My amendment was received and was debated before the Senator from Vermont made his objection to it. The committee had made no objection. The Senate by unanimous consent, that is to say, because nobody had dissented, had received the amendment, and it was the senator in charge of the hill and myself subject of debate between the Senator in charge of the bill and myself before the Senator from Vermont rose to make the question of order. He came, therefore, too late, because my amendment had been received.

Mr. EDMUNDS. I do not think that has ever been the practice of the Senate because I could not interrupt either the Senator from Alabama or the Senator from Connecticut while on the floor discussing the amendment, as to whether it was in order; but the practice here has always been, as I think it ought to be, that whenever a Senator can get the floor properly to make a point of this kind he is in time.

The PRESIDING OFFICER. The Chair feels disposed to sustain

the point of order. If the Senator from Alabama desires it, however,

he will take the sense of the Senate upon it.

Mr. MORGAN. No, sir; I do not think the matter is of sufficient consequence for that.

Mr. EDMUNDS. I hope my friend from Alabama will not understand me as opposing this proposition of his upon the correctness of the thing itself, which I do not perfectly understand, but I make the objection as a matter of principle governing the action of the Senate. That is all.

Mr. MORGAN. I desire my course in the Senate to be submitted to the severest tests, and make no complaint whatever of any Senator applying the rules to me. I wish only to say, however, that when a proposition is made to furnish money to the Chinese commissioners

and matters of that sort, I shall have a right to object.

Mr. EDMUNDS. That will depend on whether the amendment is proposed by direction of a standing or select committee, or is made to carry out the provisions of something that the Senate has already done, as I believe we have public information that the Senate in this instance as to the Chinese mission has done something, which by the

mstance as to the Uninese mission has done something, which by the way is nothing to me.

Mr. MORGAN. Not by force of any law but by force of an executive act of the Senate—not a law by any means. The country does not know anything of it by means of a statute.

Mr. ALLISON. I suggest that Singapore should be transposed from the place where it is now in the amendment of the Senator from Convertions and insorted into these Chespita. Connecticut and inserted just above Chemnitz.

Mr. MORGAN. Will the Senator allow me a moment? I withdraw Mr. MORGAN. Will the Senator allow me a moment 1 I withdraw the amendment with a view of offering it again as soon as I get the recommendation from the State Department.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut, [Mr. EATON,] on behalf of

the Committee on Appropriations.

Mr. ALLISON. I propose an amendment to the amendment by inserting "Singapore" before "Chemnitz," and then striking out "Singapore" where it is now in the amendment. This is a mere transposition.

The PRESIDING OFFICER. Is there objection to that transposition ?

Mr. DAVIS, of West Virginia. What is the object of it?
Mr. ALLISON. The object is to put Singapore in a different classification from that in which it now appears in the amendment of the committee

Mr. DAVIS, of West Virginia. Does it not fall within the principle of the rule

Mr. ALLISON. By no means.
Mr. DAVIS, of West Virginia. That depends on whether it in-

creases the amount. Does it increase the amount appropriated?

Mr. ALLISON. I find in the original bill asit comes to the Senate, and in the law as it now stands, and in the estimates of the State Department, a provision for a clerkship at Singapore at the rate of \$1,500 per annum. Now, by this manipulation, or rearrangement, which perhaps is a better term, Singapore is put down in another classification. All I desire is that Singapore may be put in the relation and position that the statutes now put it in and that the esti-mates of the Departments now put it in and that the House bill puts

The PRESIDING OFFICER. The Chair is not satisfied that this is a new appropriation. The appropriation is in the bill already, and therefore it does not come within the objection made by the Senator from Vermont.

Mr. ALLISON. Certainly not. It is in the law, in the estimates, and in the bill. I do not see how you could get jurisdiction more completely than from these three things.

Mr. EDMUNDS. Will the Senator from Iowa tell us exactly what

mr. EDMUNDS. Will the Schator from lowe tell us exactly what the law is now about Singapore, and then tell us exactly what his amendment is and what is the effect of it.

Mr. ALLISON. I shall be glad to do so.

Mr. EDMUNDS. He undoubtedly has a clear and definite public

Mr. EDMUNDS. He understeady has a clear and purpose in what he proposes to do.
Mr. ALLISON. I have.
Mr. EDMUNDS. Now let us understand it.
Mr. ALLISON. I find in the statutes, volume 20, acts of the Forty-fifth Congress, page 273, in Schedule B of the last consular bill, an allowance for clerks at the following consulates:

Sheffield, Sonneberg, Dresden, Havre, Marseilles, Rio de Janeiro, Nuremberg, Leith, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding \$1,500 for any one year.

Now I find in the estimates of the Department for this year, "consular clerks," &c., running through a number of places which I need not recapitulate:

Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding \$1,500

Then running on down and submitting estimates for other consular clerkships, I turn to the House bill, which is the bill we are considering, and I find on page 11, line 255:

Naples, Singapore, Stuttgart, Mannheim, &c.

Naples, Singapore, Stuttgart, Mannheim, &c.

Mr. EDMUNDS. What does the Senator find at line 255?

Mr. ALLISON. "Singapore."

Mr. EDMUNDS. He finds that that is a provision to pay the consul-general at Berlin, &c., and to the consuls at Hamburg, Singapore, and so on, so much. That seems to be payment for a consul.

Mr. EATON. I think my friend from Vermont is mistaken. If he will look at the heading of the clause he will see it is for clerks. All between lines 245 and 259 is for clerks at the consulates named.

Mr. ALLISON. "For allowance for clerks at consulates," so many dollars, and then the paragraph proposes a distribution.

Mr. EDMUNDS. Oh, yes, that is true. I see it.

Mr. ALLISON. The State Department, in order to get in clerks for a few consuls that they did not estimate for, and to keep the total within the limits of the appropriation, have revised the list and cut down some and put up others. All I desire is that at this important consulate in the region of the equator, Singapore, where we have a great deal of commerce and where the Secretary of State says it is important that we should extend our commerce, there shall be the allowance that was made last year for a consular clerk.

Mr. EDMUNDS. The Senator from Iowa is mistaken in supposing that his amendment, which is to put the consular clerk at Singapore in a better condition as to pay than he is now, is to carry out the provisions of an existing law. I think that is a mistake, so far as he has based it upon the authority which he says is found in volume 20, page 273, where he says it is provided that at Singapore the pay shall be so and so. Now, if you turn to volume 20, page 273, and turn back to the beginning of that act, of the 27th of January, 1879, you find that it is an act making appropriations and nothing else, and it terminated with that fiscal year. The act of 1879, which the Senator has referred to, is not an act which says that the consular clerk at Singapore shall have a certain sum of money as his salary from year to year. It is simply a provision that for the year 1879-'80 we would give him so much, and that is exhausted. Therefore my friend cannot stand Mr. EDMUNDS. The Senator from Iowa is mistaken in supposing so much, and that is exhausted. Therefore my friend cannot stand on that statute to get within the rule. It consequently comes, just as the amendment of the Senator from Alabama did, to increasing the appropriations contained in the bill.

Mr. ALLISON. Now my friend will allow me to interrupt him a

moment i

Mr. EDMUNDS. Certainly.
Mr. ALLISON. What is the object of having regular estimates from the Departments if we are not to be governed at least in a prima facie way by them? Here I find in the regular printed estimates an item for this sum.

Mr. EDMUNDS.

But the Senator will allow me to say that I had not come to that part of the case yet. The Senator relied, as he said, upon the statute of 1879 as bringing this within the rule which provides that, if you move an amendment to carry out the provision of an existing law, it is in order. I say that the amendment does not stand upon the provisions of an existing law. Now we come to the estimate

Mr. ALLISON. It is in the regular Book of Estimates, the most authoritative statement the Department can make, I submit to the honorable Senator from Vermont.

Mr. EDMUNDS. It does appear that the estimates for this year are for a consular clerk at "Singapore"—leaving out the others—" a sum not to exceed \$1,500 for any one year." If the Senator's amendment is to bring that item in the bill up to a point not exceeding \$1,500 a year, then so far as it respects the estimate it would be in order; and

the only other question then would be whether it had been offered in season and referred to the Committee on Appropriations.

Mr. ALLISON. The Senator from Connecticut moves an amendment to a provision in the bill as it comes from the House of Representatives. That bill allows the sum of \$1,500 for this particular clerksentatives. That bill allows the sum of \$1,500 for this particular clerkship. The committee, through the Senator from Connecticut, move to strike out a number of lines, which includes the striking down of this Singapore clerkship, and I move to amend their amendment by putting Singapore in a different classification. If there is any rule of the Senate which excludes that sort of amendment, the sooner we modify the rule the better it will be for the business of the Senate.

Mr. EDMUNDS. Then I understand the point of the Senator from Iowa is in effect to merely strike out of this committee amendment that part of it which changes Singapore to a different attitude from

that part of it which changes Singapore to a different attitude from what it stands in the original bill. If that is the effect of his amendment, of course it is in order.

Mr DAVIS, of West Virginia. But I understand the Senator wishes

to add this to another class, which of course will increase the appro-

Mr. ALLISON. Five hundred dollars above what the committee

propose.
Mr. DAVIS, of West Virginia. While I am disposed to think the Senator from Iowa is right as to the question of order, it is wrong to do what he proposes. I think the Senate ought not to consent to his amendment. Here is a recommendation of the Department carefully considered, a revision of these clerkships, and among them this one. I presume the Department went on the ground that business had changed, and that the salaries ought to be more in one place and less in another.

Mr. ALLISON. I think this must have been through inadvertence. I cannot think it possible it could have occurred under the circum-

I cannot think it possible it could have occurred under the circumstances stated by the Senator.

Mr. DAVIS, of West Virginia. This is a revision by the Department of the House bill. It would be very wrong to adopt the amendment proposed by the Senator from Iowa, but I cannot help but think it is in order to propose it. I hope the Senate will not adopt it. We ought to take the amendment as it comes from the Department.

The PRESIDING OFFICER. The Chair understands that the effect of the amendment offered by the Senator from Iowa is to reject the one offered by the committee.

one offered by the committee.

Mr. ALLISON. Pro tanto. It modifies the amendment so far as Singapore is concerned. I do not propose to interfere with the general classification of the State Department as proposed by the committee, but merely in one particular to make a little modification.

Mr. EDMUNDS. And that modification, the Senator says, brings it back to the House bill.

Mr. ALLISON. Brings it back to the House bill.

The PRESIDING OFFICER. In that view of it, the Chair is disposed to think it is in order.

posed to think it is in order.

Mr. EDMUNDS. I think it is.

Mr. EATON. I have no doubt that the ruling of the Chair is en-

The PRESIDING OFFICER. The question then is on the amendment offered by the Senator from Iowa to the amendment of the Com-

mittee on Appropriations.

Mr. EATON. I say I have no doubt about the ruling of the Chair being entirely correct on this subject, and I have no more doubt that we ought to vote down the amendment. The Department of State we ought to vote down the amendment. The Department of State examined this subject with very great care. They know better than I—I will not say better than my friend from Iowa, but quite as well—better than I and quite as well as any member of the Senate can know with regard to what the proper salaries of these officers should be. Now, I do not know it to be so, but I suppose my good-natured friend, the Senator from Iowa, has got some acquaintance at Singapore who has a little pocket interest in this clerkship, and he had rather that his friend should not be cut down. I apprehend it is so; I certainly do not know it. If we are to make changes for reasons of that character, if there is any such reason, every Senator may have a friend—I certainly have one at one certain point who is cut down here; I am very sorry it is so, but I submit that we should vote down the amendment of my friend from Iowa.

ment of my friend from Iowa.

Mr. ALLISON. Only one word in reply. I desire of course to be perfectly frank in reference to this matter. The consul at Singapore is a citizen of my State and is a very able and efficient consul. He has recently been charged by the State Department with important has recently been charged by the State Department with important duties, such as examining into other consulates in that region. He is allowed by the law and by the estimates of the Department a certain sum for a consular clerk. That clerk he undoubtedly has now. He is in a distant portion of the globe. Suddenly the State Department, in order to come within the \$55,000 agreed to by the committee of the House and by the Committee on Appropriations of the Senate, wishing to add one or two consular clerks, finds it convenient to scissor off—if I may use a term which I have heard used sometimes—my friend who is in Siam: so that when the last of Inly comes instead of being off—if I may use a term which I have heard used sometimes—my friend who is in Siam; so that when the 1st of July comes, instead of being in the receipt of the emolument which he supposed his Government was willing to pay him for honest and faithful service in that distant country, where he is endeavoring honestly and faithfully to increase the commerce of our country with that distant region, he finds suddenly only a thousand dollars granted to him, instead of \$1,500. That may be fair, but it is not quite according to my notions of what we ought to do here as legislators. I do not think we should run up and run down consulates or consular clerks in that way. If two more consular clerks are necessary at other places, why do we not in a manly way add two more consular clerks? And if it costs \$2,000 more, so be it. Let us not, for the purpose of keeping within a specified sum of \$55,000 or \$58,000, undertake to razee a consular clerk here and one

so, ooo or \$505,000, intercake to razee a constant clerk here and one there who are performing faithful and efficient service.

Mr. MORGAN. I ask the Senator from Iowa if he knows of any good reason why the Committee on Commerce should not have considered this matter before it was brought before the Senate?

Mr. ALLISON. I of course should have great respect for the opinion of the Committee on Commerce upon any question.

ion of the Committee on Commerce upon any question.

Mr. HAMLIN. Mr. President, I think there is a good deal of force in what the Senator from Iowa has said in relation to this appropriin what the Senator from Iowa has said in relation to this appropriation for consular clerk hire. Senators should reflect that our consular system is a paying system. It pays money into the Treasury. The consuls of the United States are the agents of our commerce over the world, and I do not believe it is a wise policy to cripple that service abroad. It has been said by the Senator from Iowa that it has been done for the purpose of adding a few other consuls to the list of those allowed clerks and still not increasing the sum total of the appropriation. If it became necessary, and I doubt not it was, to add a provision for clerks at some consulates where the consul had not heretofore been entitled to a clerk, very well; but from my knowledge of the consular system I am sure that the demands for clerical assistance are not less than they were formerly, and I am certain that assistance are not less than they were formerly, and I am certain that there are consulates provided with \$1,500 for clerk-hire which are less important, where less business is to be done, and which are of less interest to the commerce of the United States, than this in Siam. If there is to be a discrimination there are other consulates where the commerce of the country can better bear it than in this case. an important consulate, and it is a very small matter to transfer it from the class of one-thousand-dollar clerkships, where I understand it has been put in the amendment of the Committee on Appropria-tions, back to where the House put it and back to where the original estimates of the Department placed it. It is a little thing, but it is a wise thing for the Senate to do to put it back. Mr. DAVIS, of West Virginia. The amendment sent by the Secre-tary of State has recently been carefully revised after the House bill had been prepared, and the State Department ought to know what

the duties of these different positions are, and after proper consideration it has placed the person now in controversy in a grade of thousand-dollar clerks. I see no reason why the Senate should change it

after the Department has made this classification.

Mr. EATON. It is a very small matter, and I am somewhat astonished at the view which is taken of it. My friend from Iowa went a little further in my judgment than he would be willing on reflection to go, when he said that the Department of State in order to get two or three more consular clerks struck down this

two or three more consular clerks struck down this—

Mr. ALLISON. Oh, Mr. President, I did not mean to say that.

Mr. EATON. That is precisely what I understood my friend to say, and precisely what my friend from Maine understood him to say.

Mr. ALLISON. I meant to state that the Department of State found itself requiring two or three additional consular clerks and found the committees of the House and Senate only willing to appropriate a certain sum, and therefore, in order to get the additional service, they were obliged to scissor off some of these salaries.

Mr. EATON. Mr. President, I do not think any such thing. One would suppose from what my friend from Iowa says that here was a consulate where the fees were \$10,000 or more. The entire fees of this consulate are only \$1,800. What an idea, that the consul there should receive \$2,000 and that his clerk should receive \$1,500, when his fees are but \$1,800, for that is all they are! There is no propriety in it, and the Department of State have done well in cutting down this. The tax-payers will be glad, whether my friend from Iowa is or not, The tax-payers will be glad, whether my friend from Iowa is or not, when the Department shows a desire if possible to reduce expenses somewhere. I do not mean to speak harshly with regard to anything of this kind, nor do I mean to play the part of a demagogue; but I mean to say that when we can, without doing bad service to the public interest, cut down the expenses of our missions or consulates

or any other expenses of the Government, it ought to be done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Con-

necticut.

Mr. McMILLAN. Let the amendment to the amendment be read. Mr. ALLISON. I will state to the Senator from Minnesota that the effect of my amendment is to place Singapore in one classification instead of another, increasing the compensation of the consular clerk

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from

Connecticut.

The question being put, there were on a division—ayes 10, noes 26.
Mr. ALLISON. I give it up.
Mr. EDMUNDS. The Chair has announced a vote which shows no

Mr. ANTHONY. There is evidently a quorum in the Senate. The Chair can satisfy himself by a count that there is a quorum present. The PRESIDING OFFICER. There is evidently a quorum in the Senate if Senators will vote. The Chair understands the Senator from Iowa to have withdrawn his amendment.

Mr. EDMUNDS. Now I ask the Chair to count the Senate, and see if a quorum is here, because a vote which will go in the Journal shows no quorum voting, and we ought not to proceed until it appears that there is a quorum present.

Mr. DAVIS, of Illinois. There is evidently a quorum.

The PRESIDING OFFICER, (after counting.) Forty Senators are

Mr. EDMUNDS. All right. Mr. ALLISON. Now I renew my amendment, so as to have a vote

upon it.

The PRESIDING OFFICER. The Senator from Iowa renews his amendment to the amendment. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut, [Mr. EATON,] from the Committee on Appropriations.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to the

The Secretary resumed and continued the reading of the oli to the close of the clause making appropriations for the salaries and expenses of the United States and Spanish claims commission, in line 295.

Mr. EDMUNDS. Before we pass this clause, I should like to ask the Senator in charge of the bill how long by the present treaty or convention this Spanish claims commission, which has existed ever since I can remember, is to continue?

Mr. EATON. If it has continued as long as my friend from Vergett and the state of the

mont can remember, I must say that I fear it will continue some time longer. We have the matter before us now in committee, and are trying to take some steps to hasten the action on this subject. I am not aware that there is any limit to the duration of the commission.

Mr. EDMUNDS. I hope that my friend from Connecticut, who is at the head of the Committee on Foreign Relations, will find some means as we have been obliged on former similar accessions to find

at the head of the Committee on Foreign Relations, will find some means, as we have been obliged on former similar occasions to find means, of bringing this matter to a conclusion, and not let this be made a sinecure where we are paying salaries to gentlemen who are quite able for some reason or other—probably not their own fault, I am not criticising anybody—to keep this a perpetual establishment when it ought to be a temporary and very short means of settling matters between the two governments. matters between the two governments.

Mr. DAVIS, of Illinois. I can state from what I know that the The commissioners disagree entirely.

Mr. EDMUNDS. The treaty provides for an umpire.

Mr. DAVIS, of Illinois. No, it does not provide for an umpire ab-

Mr. DAVIS, of Hinds solutely.

Mr. EDMUNDS. I think it does.

Mr. DAVIS, of Illinois. But they do not agree about it. That is the trouble. We want to make it so that they will agree. I understand the Spanish government, when it pays us the money, is to pay the expenses of the commission.

Now I hope the Senator will let me add a few dollars for the benefit

Now, I hope the Senator will let me add a few dollars for the benefit of a poor soldier, \$60 for the messenger of the commission. The Spanish government has to pay this sum ultimately. When the commission was organized the messenger's pay was fixed at \$50 a month, and a soldier who served through the war, a private soldier with a large family, occupies the position. His pay was fixed at that sum when the commission started. It then occupied a hired house, so that he had light and fuel given him. Now the commission sits, when it does sit at all, in the building of the Department of State, and the house is given up. I wish only to add \$10 a month to this man's pay. I am satisfied the committee will not object. I will make the motion unless somebody objects.

Mr. ALLISON. It seems to be a very meritorious case.

Mr. ALLISON. It seems to be a very meritorious case. Mr. EATON. I could not hear the Senator from Illinois.

Mr. EATON. I could not hear the Senator from Illinois.
Mr. WALLACE. I rise to say in reference to the Spanish-American commission that some few months ago I introduced a resolution asking for information from the State Department in reference to the reasons why action was not had and the commission closed, and also for information as to the amount it had cost the Government up to that time. There was in reply to that resolution a large amount of documentary evidence sent to the Senate, which has been printed and referred to the Committee on Foreign Relations. I unite with the Senator from Vermont in asking that the committee may take the subject-matter up and consider it at an early day.

The PRESIDING OFFICER. The Chair hearing no objection to the matter of the Senator from Plincia will receive it.

the motion of the Senator from Illinois will receive it.

Mr. EATON. I shall object to anything not in order. The PRESIDING OFFICER. It may be in order by unanimous

Mr. EATON. I do not give unanimous consent. I propose to

object.

The PRESIDING OFFICER. The Chair did not hear the objec-

ion of the Senator from Connecticut.

Mr. EATON. I make it now.

Mr. EDMUNDS. Go on with the reading.

The PRESIDING OFFICER. The reading of the bill will be resumed

The Secretary resumed and concluded the reading of the bill.
Mr. EATON. I now move to amend by inserting, after the word dollars," in line 15:

For the compensation, at the rate of \$10,000 a year each and the necessary expenses, of the commissioners appointed to act with the envoy extraordinary and minister plenipotentiary of the United States to China to negotiate and conclude by treaty a settlement of such matters of interest to the two governments now pending between the same as may be confided to said envoy and said commissioners, \$24,000, or so much thereof as may be necessary, to be available immediately.

The salary of the two commissioners is not to exceed \$10,000 each, and \$2,000 is allowed to each for expenses.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut.

Mr. BLAINE. I am amazed that the Senator from Vermont permits that to go in—it is such a flat, palpable violation of the rules.

The PRESIDING OFFICER. The chair understands that the amendment is offered by the Committee on Appropriations.

Mr. EDMUNDS. I shall never attempt to account for the amaze.

Mr. EDMUNDS. I shall never attempt to account for the amaze-

ment of the Senator from Maine. It is entirely too great a subject for me. I understand this amendment to be moved by direction of the Committee on Appropriations, and is therefore, if so, strictly within the rules.

Mr. BLAINE. I am in favor of it, heartily.
Mr. EDMUNDS. I do not object to what the rules allow, whatever
the Senator from Maine may think.

Mr. EATON. It is strictly within the rules.
Mr. BLAINE. Anything is in order by unanimous consent.
The amendment was agreed to.
Mr. MORGAN. I move to insert the words "Colon (Aspinwall)" after the word "Bordeaux" in the amendment proposed by the committee which has just been adopted by the Senate, after line 244. I send to the desk and ask to have read a communication from the Secretary of State.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 14, 1880.

Washington, April 14, 1880.

Sin: I have the honor to request that provision may be made in the diplomatic and consular appropriation bill for the employment of a clerk at the commercial agency at Aspinwall, Colombia.

This consular post, as you are well aware, is established at one of the points of transit and exchange between North and South America, and at a port at which five lines of ocean steamers have their terminus.

The business of the commercial agency is very large and important, and it is thought to be necessary to secure the rapid and efficient discharge thereof that the

staff of the commercial agency should be increased. I have therefore the honor to request that an allowance of \$1,000 may be made for clerk-hire at Aspinwall.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. HENRY G. DAVIS,

Chairman of the Committee on Appropriations of the Senate

Mr. EATON. I shall not interpose the objection which I perhaps ought to interpose to the amendment, not in deference to the Department of State, for it was their business to have given us this information long ago, if there is any necessity for it, but out of deference

to my friend from Alabama entirely.

Mr. ALLISON. I thought the Senator from Connecticut said awhile ago that the State Department had recently revised the whole ques-

Mr. EATON. I shall not vote for it; I shall vote against it.
Mr. DAVIS, of West Virginia. I think the letter shows that there has been a more recent revision.

Mr. ALLISON. They may revise it again.
The PRESIDING OFFICER. Does the Chair understand that objection is made to the reception of the amendment?
Mr. DAVIS, of Illinois, and others. There is no objection to it.

The amendment was agreed to.

Mr. PADDOCK. I move, in line 150, to strike out the word "Chemnitz," and to insert it in line 134, the effect of which is to change the classification of the consulate at Chemnitz from \$2,000 to \$2,500. This amendment was proposed some time ago—
Mr. EATON. I shall interpose an objection to it.
Mr. PADDOCK. I wish to state to the Senator that the amend-

Mr. PADDOCK. I wish to state to the Senator that the amendment was proposed some time ago, and referred to the Committee on Appropriations, and it is certainly in order.

Mr. WITHERS. It has not been reported on.

Mr. DAVIS, of West Virginia. It certainly increases, as I understand, the appropriation; it comes from no standing committee, nor is it recommended by a Department.

Mr. PADDOCK. It is recommended by a Department; in general

terms it is recommended.

Mr. DAVIS, of West Virginia. The objection is urged because it

is out of order.

Mr. PADDOCK. It is recommended by the State Department. It has been recommended very decidedly to me verbally. I have just received a telegram in regard to the matter. I have been absent two or three days, and was not here in time to attend to the matter.

Mr. ALLISON. I should like to have the telegram read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., April 14, 1880.

[From State Department.]

Senator PADDOCK, United States Senate:

The State Department thinks that, in view of the large amount of business transacted by the Chemnitz consulate, an addition to the salary of the consul might be properly made. The reason why an increase was not recommended in the estimates is the same considerations would apply in perhaps an equal degree to several other places, and a general increase would not be regarded favorably by Congress.

mafes is the same considerations would apply in perhaps an equal degree to several other places, and a general increase would not be regarded favorably by Congress.

Mr. PADDOCK. Mr. President, I desire to state—
Mr. ALLISON. I want to know who signs this telegram first.
Mr. PADDOCK. The Assistant Secretary of State, John Hay.
Mr. ALLISON. They seem to be still revising this consular system.
Mr. PADDOCK. It was an oversight on the part of the Department in not making this recommendation before. It was called to their attention some time ago, and they admitted that it was an oversight on their part not to have done it. The fees paid by the consulate of Chemnitz amounted to \$11,057.50 for the last fiscal year, a larger amount of fees than was paid by any consulate in Germany, larger than almost any consulate in Great Britain, larger than any of the consulates in the class which receives \$3,000 per annum salary—larger than either one of the consulates at Glasgow, Bradford, Demarara, Havre, Matanzas, or Vera Cruz, all of which except one receives \$3,000 per annum. The demand in this case is only that it shall be changed to a twenty-five-hundred-dollar consulate. The consulate at Glasgow, a consulate which receives \$3,000 per annum, pays but \$9,000 in fees; that at Belfast pays but \$9,000, whereas Chemnitz pays nearly \$12,000. That at Bradford, which is one of the most important consulates in England, pays but \$9,000. In Germany, Barmen pays but \$6,250; Berlin pays but \$6,255; Bremen pays but \$3,650. All these most important consulates in Germany, for which the salary is \$2,500, are vastly less in fees received than this. It is one of the most important consulates—the most important consulate in respect of the fees paid in Germany to-day, and the salary is the lowest of any of them.

I will state that this proposition was adopted by the Senate in the last regular appropriation bill, but for some reason or other it failed in the conference committee. It will be an injustice now if it should not be adopted.

Mr. DAVIS

not be adopted.

Mr. DAVIS, of West Virginia. The Senator from Connecticut raised

Mr. DAVIS, of West Virginia. The Senator from Connecticut raised the point of order some time ago.

Mr. PADDOCK. The point of order does not hold good. Here is a recommendation by the Department of State which brings my amendment clearly within the rule.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is in order.

Mr. DAVIS, of West Virginia. It certainly increases an appropri-

ation now contained in the bill; the Senator himself has said so. It is not recommended by any standing committee, nor is it recom-

mended by a Department.

Mr. PADDOCK. It is recommended by the State Department. I am surprised at the Senator's statement.

The PRESIDING OFFICER. The Chair understands that it is

The PRESIDING OFFICER. The Chair understands that it is recommended by the Department of State in the letter just read.

Mr. PADDOCK. In the telegram from the Assistant Secretary.

The PRESIDING OFFICER. It stands exactly on the ground of the amendment offered by the Senator from Iowa, [Mr. ALLISON.]

Mr. DAVIS, of West Virginia. This is the first time I have ever known the Senate to take a telegram as a recommendation from a Department; and it is not intended as a recommendation in the ordinary sense of the word. It is a mere telegram to a Senator and not to the Senate. How can it he a recommendation from a Department. to the Senate. How can it be a recommendation from a Department when it is a telegram to a Senator, addressed to him, and does not even say to the Senate anything?

Mr. PADDOCK. It is an answer to a telegram addressed by me to the State Department as a Senator of the United States, for presentation to the Senate. The statement made in my telegram to the Department was that I desired a statement to present to the Senate, that is, a statement from the State Department for that purpose. It

is a recommendation in terms, in fact, and in deed.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Nebraska.

of the Senator from Nebraska.

Mr. DAVIS, of West Virginia. I cannot let the ruling of the Chair go without saying, with all respect to him, that it must be a mistake, and I want the RECORD to show that I do not submit to the ruling, though I am willing to have a vote.

The PRESIDING OFFICER. Does the Senator from West Virginia appeal from the decision of the Chair, or merely enter his protest?

Mr. PADDOCK. The Senator has entered his protest and twice repeated it. I think that ought to be sufficient.

Mr. EATON. To settle that question, believing that the Chair is entirely wrong, I will appeal from the decision of the Chair in this case. I think the amendment is clearly out of order.

Mr. PADDOCK. I hope the Senator will withdraw his appeal under the circumstances.

the circumstance

the circumstances.

The PRESIDING OFFICER. Upon this appeal the question is, Shall the decision of the Chair stand as the judgment of the Senate? Mr. CONKLING. I ask to have the ruling of the Chair stated. The PRESIDING OFFICER. The Chair ruled that the amendment of the Senator from Nebraska was in order upon the ground that it was offered upon the recommendation of the Department of State, communicated to the mover by telegraph for the information of the committee and the Senate. Upon that the Chair sustained the amendment as being in order under the twenty-ninth rule.

Mr. CONKLING. May I inquire if the point of the Senator from Connecticut is that this is not a recommendation of a head of a Department?

partment !

The PRESIDING OFFICER. That it is not a recommendation of

the Department, but a telegraphic communication.

Mr. EATON. On the ground that there is no recommendation of a committee, no communication of a Department, but a mere private

telegram to a member of the Senate.

The PRESIDING OFFICER. But intended, as stated, for the information of the committee and the Senate, communicated to the committee and the Senate by the Senator from Nebraska. Upon that ground the Chair ruled that the amendment was in order.

Mr. PADDOCK. I desire to state again that this telegram is in answer to a telegram sent a little while ago to the Department of State, in pursuance of a verbal request and following up a written communication, which they had not the time to answer, requesting, because the bill was under consideration at the time in the Senate, that the proper officer there should communicate by telegraph rather than by letter. The Assistant Secretary of State, who happened to be in charge of the Department of State at the hour, telegraphs offi-cially to me, for the use of the Senate, exactly as I requested, and gives the information and the recommendation.

Mr. SAULSBURY. I ask that that statement be read for the infor-

mation of the Senate

The PRESIDING OFFICER. It will be read again.
The Chief Clerk again read the telegram signed "John Hay."
Mr. HOAR. I ask the Senator from Nebraska if there is any esti-

mate in that communication?

Mr. PADDOCK. I desire to state to the Senate that my communication to the Department was a request that the Department should recommend that the classification of this consulate should be changed from the two-thousand-dollar class to the three-thousand-dollar cla but instead of making a motion to change it thus, I simply ask that it shall be raised one point, which is to the twenty-five-hundred-dollar class. The Department recommends that it shall be increased. The lowest possible increase that can be made is to the next class. There can be nothing short of that. The next class is the twenty-fivehundred-dollar class. The Department recommending an increase, it is with a view that it should be at least \$2,500, which is the next class. It might be assumed properly that the increase should be more; but at least it must be that because there could be no increase whatever unless it was increased to the next classification.

Mr. DAVIS, of West Virginia. I wish to call the attention of the Chair to the fact that that telegram is not from the head of a Department. It is from an assistant secretary, I believe, and he does not

recommend it even.

Mr. CARPENTER. The real objection, I think, to the ruling of the Chair is that that is not a recommendation or an estimate of the Department within the meaning of the rule. A telegram to a Sena-tor is no more a compliance with the rule than a telegram to a page in the Senate. It is a mere expression of the opinion of the man who sends the telegram, but it is not a communication to the Senate as the report of a committee is, and as the estimates of the Departments which are sent to Congress are, and that, therefore, is not within the rule. It would not do to sustain the ruling unless we set aside the rules entirely.

Mr. CONKLING. If the Senator from Wisconsin had Rule No. 27 before him he would I think have made the remark he has but with perhaps more precision. The rule does not refer to the recommendation of the head of a Department or to any act whatever of the head of a Department save only that act as "an estimate." That is a well-understood term. We know what "the estimates" are. It is not a telegraphic dispatch addressed to the whole Senate nor to any committee of the Senate, nor to any Senator, nor is it a communication put in writing, however formal, unless it be an estimate.

Now, I suggest to the honorable Senator from Nebraska with whom I sympathize entirely about this proposition, that the difficulty is that I sympatrize entirely about this proposition, that the difficulty is that this communication is a mere explanation or statement of the reason why no estimate was made. Not only it is not an estimate, but it is an assignment of reasons for not estimating. Surely, I think, the honorable Senator from Nebraska can scarcely ask us to vote that that is a compliance with Rule 27 which, among other things, declares that no such amendment under any circumstances shall be in order unless it is "in pursuance of the estimate of the head of some one of the Departments."

For myself I will do anything for the honorable Senator from Netherlands.

For myself I will do anything for the honorable Senator from Ne-braska except to vote something which I believe to be wrong, and I should be willing to submit to him that it is quite impossible under this rule to sustain this amendment.

The PRESIDENT pro tempore. The Chair understands that the Senator who occupied the chair when this question arose ruled this amendment when offered to be in order, and that from that ruling an appeal was taken to the Senate. The question then is, Shall the decision of the Chair stand as the judgment of the Senate?

The question being put, it was decided in the negative.

The PRESIDENT pro tempore. The amendment is ruled to be out of order.

of order.

Mr. WILLIAMS. In explanation of my ruling I desire to state to the Senate that that telegram was not read entirely through at the time I gave my decision, and really at the time I gave the decision I thought it was signed by the Secretary of State, the head of the De-

Mr. Morgan. Mr. President, I am directed by the Committee on Foreign Relations to offer an amendment to this bill, inserting, in line 134, page 6, after the word "Dresden," the words "Greece, Athens," so as to establish a consulate at Athens, Greece, of the fourth class.

Mr. EATON. I could not hear the Senator from Alabama; but I

am compelled to say that his amendment is out of order. There has

am compelled to say that his amendment is out of order. There has been no report of a committee.

Mr. MORGAN. I offer it by order of the Committee on Foreign Relations, of which the honorable Senator is chairman.

Mr. EATON. Ah! I was not aware of it.

Mr. MORGAN. I send to the Secretary's desk the correspondence with the State Department on the subject, which can be read.

Mr. CONKLING. I wish to inquire of the Senator from Alabama

whether he does say that this is a report of the Committee on Foreign Relations

Relations.

Mr. MORGAN. That is my understanding of it. I was so directed, and I called the subject to the attention of the Secretary of State under the direction of the committee.

Mr. CONKLING. I do not mean for one to challenge the statement. I can only say that I was not aware that there had been such a report from the Committee on Foreign Relations. I am in that respect as unfortunate as the honorable Senator from Connecticut the chairman of the committee. I have no doubt it is true, however.

Mr. DAVIS, of West Virginia. I wish to say, in the first place, that this is creating a new office; and, in the next place, it is out of order, because so far as I know it has not been referred one day in advance to the Committee on Appropriations, as required by the rule. I never heard of it until now.

Mr. MORGAN. In presenting the amendment I merely discharge a duty that I supposed to be made imperative on me by the Committee on Foreign Relations. This subject was under discussion by that committee; they resolved to recommend to the Committee on Appropriations, whenever this bill came to the Senate, the establishment of a consulate at Athens, Greece, on the grounds set forth in the letter to the Secretary of State transmitted by citizens of the United States residing at Athens, very recently, requesting that this consulate should be established.

The PRESIDENT pro tempore. The Chair must request the Sena-

The PRESIDENT pro tempore. The Chair must request the Sena-

tor from Alabama to suspend. A question of order is made, which is not debatable. The Senator from West Virginia objects to the reception of the amendment under the twenty-eighth rule, which reads:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations.

This bill was reported from the Committee on Appropriations on the 7th day of this month, and at that time it did not contain an appropriation for a consulate at Athens. The consequence is that no committee could propose to insert that without its having been one day beforehand introduced in the Senate and referred to the Committee on Appropriations. The Chair rules the amendment to be out

of order.

Mr. MORGAN. I hope the Senate will indulge me a moment to state that it is an embarrassing position to be put in when the chairman of a committee does not remember the action of that committee in reporting this amendment to the bill. The committee took its action in my absence on necessary business, while I was away from the Senate for ten days or more. This bill came from the House. The chairman of the Committee on Foreign Relations, I supposed, would chairman of the Committee on Foreign Relations, I supposed, would bring the subject to the attention of the Committee on Appropriations, of which he is a member. He did not do so, however, and I had a duty to do to the Committee on Foreign Relations that I simply performed by bringing the subject to the attention of the Senate.

The PRESIDENT pro tempore. Are there further amendments to this bill?

this bill

Mr. EATON. Owing to the adoption of the motion of the Senator from Alabama, relative to the appointment of a consular clerk, it will be necessary to change the figures on lines 243 and 244, from \$55,600 to \$56,600, in order to cover the additional \$1,000. I propose simply to correct the gross amount for clerk-hire.

The PRESIDENT pro tempore. Is there objection to this amendment of the Senator from Connecticut? The Chair hears none, and

it is adopted.

The bill was reported to the Senate as amended.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be ead a third time.

The bill was read the third time, and passed.

DISEASES OF DOMESTIC ANIMALS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 100,000 copies of Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine, and infectious and contagious diseases incident to other classes of domesticated animals; of which 65,000 copies shall be printed for the use of members of the House, 20,000 copies for the use of members of the Senate, and 15,000 copies for the use of the Commissioner of Agriculture.

HOUSE BILLS REFERRED.

The following bills of the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;
A bill (H. R. No. 2303) granting a pension to Abram F. Farrar;
A bill (H. R. No. 2407) granting a pension to Belinda Curtis;
A bill (H. R. No. 2450) granting a pension to Mary Wade;
A bill (H. R. No. 4759) granting increase of pension to Richardson K. Baird; and

A bill (H. R. No. 5803) granting a pension to George W. Leamy.

AMENDMENT TO POST-ROUTE BILL.

Mr. GORDON submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DAVIS, of West Virginia. I ask the Senate to take up House joint resolution No. 116, being a resolution to correct the sundry civil bill. The resolution has passed the House, and is now pending in the Senate.

Mr. BLAINE. The Geneva award bill was laid aside informally, and according to the decision quoted the other day that informality

displaces it entirely if it is not resumed to-day.

Mr. DAVIS, of West Virginia. We can take it up before we adjourn. I move that the unfinished business be resumed.

The PRESIDENT pro tempore. It does not require any motion. The Geneva award bill is before the Senate.

Mr. GARLAND. I am willing to lay it aside informally to take up the resolution of the Senator from West Virginia.

The PRESIDENT pro tempore. Unanimous consent is asked that the Geneva award bill be laid aside informally in order to consider the resolution indicated by the Senator from West Virginia. Is there elication?

objection?

Mr. BLAINE. I do not know whether you can grant unanimous

consent with a condition; but I do not want to give way so that this shall displace the Geneva award bill.

Mr. DAVIS, of West Virginia. Certainly not; it is not intended

to displace it.

The PRESIDENT pro tempore. Is there objection?

Mr. BLAINE. The unanimous understanding is that the Geneva award bill will remain the unfinished business when the Senate ad-

journs to-day.

The PRESIDENT pro tempore. If it is laid aside informally and the joint resolution be taken up and disposed of to-day, the Geneva award bill will be resumed as a matter of course without any motion. If this resolution should threaten to go over until to-morrow, then in order to keep the Geneva award bill the unfinished business, it will be necessary to lay the resolution on the table or postpone it and

take up the Geneva award bill.

Mr. DAVIS, of West Virginia. There will be no trouble about it.

I will give way whenever the friends of the Geneva award want it

Mr. HOAR. What is the objection to a unanimous understanding, such as the Senator from Maine who just addressed the Chair has stated, that the Geneva award bill be laid aside informally and this resolution taken up, with the understanding that at the adjournment of the Senate the Geneva award bill be considered as the unfinished business? Certainly that can be accomplished.

The PRESIDENT pro tempore. The Senator from West Virginia proposes that if the Geneva award bill be laid aside informally and

this joint resolution be taken up, it shall be taken up subject to a call by any Senator for the regular order and that will achieve all the

Senators desire. Is there objection?
Mr. BOOTH. I object.

The PRESIDENT pro tempore. The Senator from California objects. Mr. DAVIS, of West Virginia. I ask the Senate to take up House joint resolution No. 116.

The PRESIDENT pro tempore. That can only be done by postpon-

ing the pending order.

Mr. DAVIS, of West Virginia. There will be no trouble about that,
Mr. President, if the Senate is willing to take it up. We have now
part of the evening. It is a House joint resolution looking to amending the sundry civil bill of last session, and there is no trouble in the
world about its giving way to the Geneva award bill.

Mr. CONKLING. What is the intended amendment will the Sena-

Mr. DAVIS, of West Virginia. I will have it read for information, and then the Senator can understand it.

Mr. CONKLING. Very well.

The Chief Clerk read the joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880,

penses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

Mr. DAVIS, of West Virginia. Now let the Secretary read the amendments reported by the Committee on Appropriations, so that the Senate will know what the joint resolution is.

The Chief Clerk read the amendments, which were, in line 10, after the word "examination," to strike out "into the States" and insert "of the geological structure, mineral resources, and products, into the respective States when requested by the authorities thereof," and in line 18, after the word "examination," to strike out "into the States" and insert "of the geological structure, mineral resources, and products, into the respective States when requested by the authorities thereof;" so as to make the joint resolution read: ties thereof;" so as to make the joint resolution read:

ties thereof;" so as to make the joint resolution read:

That the first clause under the heading "Geological Survey," in the act "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, and providing for said survey, is hereby amended by inserting, after the words "national domain," in said clause, the words "and he may extend his examination of the geological structure, mineral resources, and products, into the respective States when requested by the authorities thereof;" so that the paragraph of the amended clause will read: Provided, That this officer shall have the direction of the geological structure, mineral resources, and products of the national domain; and he may extend his examination of the geological structure, mineral resources, and products, into the respective States when requested by the authorities thereof.

Mr. CONKLING: The amendments are proposed by the committee

Mr. CONKLING. The amendments are proposed by the committee

of the Senate to the House resolution?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. CARPENTER. What "authorities of the State" does it re-

fer to?

Mr. DAVIS, of Illinois. It means the governor, I suppose.

Mr. DAVIS, of West Virginia. If the resolution is taken up, then
we can discuss the merits of it. I understand that it is not competent to discuss the merits before it is taken up.

Mr. BLAINE. If this is going to lead to discussion it is very evident, at twenty minutes of five o'clock, that there will be no opportunity to conclude it to-day. I am with the Senator for the measure;
but I consider it my duty, whether ineffectually performed or not, to
protest against the dislodgment of the Geneva award bill until the
indgment of the Senate is pronounced thereon. It has been booted judgment of the Senate is pronounced thereon. It has been booted about for the last two and a half months, giving way to everything, and postponed on the most trivial occasions. While I am with the Senator from West Virginia on this measure, which I aided him in reporting to the Senate, I am very sure that I shall not discharge my own duty unless I protest against any postponement of the Geneva award bill at

all except those inevitable postponements which come from appropriation bills.

Mr. DAVIS, of West Virginia. My colleague on the committee will allow me just one moment. It is understood that to-morrow morning the Geneva award bill will be the pending order. That is the general

understanding.

Mr. BLAINE. By unanimous consent I was willing to let this come up, but the Senator from California would not consent to that arrangement. Then the Chair ruled, according to the rules of course, that the joint resolution could only be taken up by a formal vote displacing the Geneva award bill. Then the Senate will adjourn with it as the unfinished business, and we do not get back the Geneva award

as the unninshed business, and we do not get back the Geneva award bill except by a formal vote again.

Mr. DAVIS, of West Virginia. I will say to my colleague on the committee that I shall move myself to lay the joint resolution aside if it be not disposed of to-day.

Mr. BLAINE. That still is only an evidence of the good-will of my friend. That does not control the Senate at all.

Mr. DAVIS of West Virginia. It is likely the Senate will take the senate at all.

Mr. DAVIS, of West Virginia. It is likely the Senate will take up the Geneva award bill to-morrow. I hope my friend will not enter an objection.

The PRESIDENT pro tempore. What is the motion of the Senator

from West Virginia?

Mr. DAVIS, of West Virginia. I move to postpone the pending order, so as to proceed to the consideration of House joint resolution

Mr. BOOTH. Mr. President, I hope the joint resolution will not be taken up at this hour of the afternoon, under the supposition that it can be disposed of in twenty minutes. There is no measure of more importance for good or for evil to be brought before this Congress than this one. It may be very beneficent; it may prove in its effects all to be good, but on the other hand it is a most serious question whether we have a right to pass it as a resolution at all, and it is morally certain if was decreased. ally certain if we do pass it that it will lead to an expenditure which no man here to-day can compute. To spring it at the very close of a day's business, and ask that it may be interpolated and decided in twenty minutes, seems to me to be absolutely preposterous and

I have another reason to urge why the measure should be post-coned, and I think it will commend itself to the chairman of the Committee on Appropriations. It is well known to me, whether it be to him or not, that the Senator from Kentucky, [Mr. Beck,] who is now absent, desires to be heard at length upon this proposition. It is a proposition of so much importance that a day ought to be assigned for its consideration, so that it may be known when it shall come up and it may be thoroughly discussed. It involves constitutional principles, and it involves, as I said before, the commencement of an expenditure the end of which we may see predict.

enpies, and it involves, as I said before, the commencement of an expenditure the end of which no man can predict.

The PRESIDENT pro tempore. The question is: Will the Senate postpone the Geneva award bill with a view to take up the joint resolution indicated by the Senator from West Virginia?

Mr. ALLISON. Pending that, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senate had better dispose of this question first or it will come up to-morrow.

Mr. BOOTH and others. Vote it down.

Mr. CONKLING. Pending that, I move that the Senate do now adjourn

adjourn.

Mr. HAMLIN. That is the best motion that can be made.

Mr. DAVIS, of West Virginia. Let me make a statement to the
Senator from California, [Mr. Booth,] my colleague upon the Committee on Appropriations. I had no idea that he wished to make any
remarks upon the joint resolution which I have moved. He now submits that the Senator from Kentucky [Mr. Beck] wishes to be
heard. That I knew nothing of whatever. That being the case I of
course withdraw my motion that the Senate lay aside the pending
order in order to take up the joint resolution; but I shall ask that at
some early day it be taken up and acted upon. The Senate now hear some early day it be taken up and acted upon. The Senate now has notice of it, and I shall call it up the very first opportunity I can get. The PRESIDENT pro tempore. The motion of the Senator from West Virginia is withdrawn. The Senator from New York has moved that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 14, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

YAKIMA LAND DISTRICT.

Mr. BRENTS. I move, Mr. Speaker, by unanimous consent that the House Calendar be discharged from the further consideration of a bill (H. R. No. 1291) creating Yakima land district in Washington Territory, which was reported from the Committee on the Public Lands by the gentleman from Kansas, [Mr. RYAN,] with an amend-

ment, in order that the amendment may be concurred in and the bill passed at this time.

Passeu at this time.

The SPEAKER pro tempore, (Mr. Carlisle in the chair.) The Chair understands from the gentleman from Washington Territory that the gentleman from Georgia, who objected yesterday to the consideration of this proposition, to-day withdraws his objection.

Mr. BLOUNT. Yes, sir; I withdraw my objection after conferring with the gentleman from Washington Territory, and understanding this proposition comes with the recommendation of the Committee on the Public Loads, baying the sphice; in charges.

on the Public Lands, having the subject in charge.

The SPEAKER pro tempore. Is there objection to discharging the House Calendar in order that the bill and amendment may be brought before the House for consideration at this time?

There was no objection.

The amendment of the committee was to strike out the following words in the first section:

words in the first section:

The southwest corner of township 4 north, of range 12 east, of the Willamette meridian, and extending thence north on the line between ranges 11 and 12 east, to the line between townships 6 and 7 north; thence west along said line to the summit of the Cascade Mountains; thence northerly, along said summit, to the boundary-line between the United States and British Columbia; thence east, along said line, to the Columbia guide meridian; thence south, on said meridian, to the line between townships 16 and 17 north; thence west, along said line, to the line between ranges 27 and 28 east; thence south, along said line, to the Columbia River, at a point nearly opposite the mouth of the Umatilla River, where said Columbia River forms the boundary-line between said Territory and the State of Oregon; thence westerly, down and along said river, to the line between ranges 17 and 18 east; thence north, along said line, to the line between townships 3 and 4 north; and thence west to the place of beginning.

And in lieu thereof to insert the following:

A point of the intersection of the line between townships 6 and 7 north, and between ranges 27 and 28 east of the Willamette meridian; and running westerly along said line between townships 6 and 7 north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary-line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships 16 and 17 north; thence west along said line to the line between ranges 27 and 28 east; thence south along said line to the place of beginning.

So the bill will read as follows:

So the bill will read as follows:

Be itenacted, &c., That all that portion of Washington Territory bounded by a line commencing at a point of the intersection of the line between townships 6 and 7 north, and between ranges 27 and 28 east of the Willamette meridian; and running westerly along said line between townships 6 and 7 north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary-line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships 16 and 17 north; thence west along said line to the line between ranges 27 and 28 east; thence south along said line to the line between ranges 27 and 28 east; thence south along said line to the place of beginning, shall constitute a separate land district, to be called the Yakima land district, the office of which shall be located at Yakima City therein.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities, and shall receive the same fees and emoluments, as the like officers now receive in the other land offices in said Territory.

SEC. 3. That all persons in said district who, prior to the opening of said Yakima land office, shall have flied their declaratory statements or applications for pre-emption, homestead, or other land rights, in any other land office in said Territory of Washington, shall hereafter make proofs and entries at said Yakima land office; and all unfinished business in any other land office relating exclusively to lands in said Yakima land district shall be transferred to said Yakima land office; and all unfinished business in any other land office relating exclusively to lands in said Yakima land office; and all unfinished business in any ot

Mr. BRENTS. I move that amendment be agreed to.

Mr. BRENTS. I move that amendment be agreed to.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT DODGE MILITARY RESERVATION.

Mr. RYAN, of Kansas. I move, Mr. Speaker, by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, which has been reported from the Committee on the Public Lands with an amendment.

Mr. ATKINS. How much time will it take up?

Mr. RYAN, of Kansas. It will take but a very short while.

The SPEAKER pro tempore. Is there objection?

There was no objection; and the Committee of the Whole House on the state of the Union was discharged from the further consideration of the subject, and it was brought before the House for action.

The amendment was to strike out the following words:

The following line, to wit: Commencing on the east side of the said reservation, at the southeast corner of section 24, township 26 south, of range 24 west; thence west to the southeast corner of lot number 4, section 20, township 26 south, of range 24 west.

And in lieu thereof insert the following:

The strip of land owned and occupied by the Atchison, Topeka and Santa Fé Railroad Company for right of way for its railroad.

So the bill will read:

Whereas that portion of the Fort Dodge military reservation hereinafter described is no longer needed for military purposes: Therefore,

Be it enacted, &c., That it shall be the duty of the Secretary of the Interior to

cause all that portion of the Fort Dodge military reservation, in the State of Kansas, being and lying north of the strip of land owned and occupied by the Atchison, Topeka and Santa Fé Railroad Company for right of way for its railroad; and to cause the same to be surveyed, sectionized, and subdivided as other public lands, and after said survey to offer said lands to actual settlers only, under and in accordance with the homestead laws of the United States.

Mr. RYAN, of Kansas. I move that the amendment be agreed to. Mr. McMILLIN. Does that make an exception in favor of a railroad?

Mr. RYAN, of Kansas. No, sir; that is a boundary line; that is all. Mr. ATKINS. How long will it require to consider this proposition?

Mr. RYAN, of Kansas. Not two minutes. The SPEAKER pro tempore. The question is on agreeing to the amendment which has just been reported.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid

on the table.

The latter motion was agreed to.

J. R. FRIERSON.

Mr. BERRY, by unanimous consent, introduced a bill (H. R. No. 5804) for the relief of J. R. Frierson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF INTERNAL-REVENUE REPORT.

Mr. BUTTERWORTH. I ask unanimous consent, Mr. Speaker, to Mr. BUTTERWORTH. I ask unanimous consent, Mr. Speaker, to move that double the usual number of the report made by the Committee on Ways and Means on the proposition to amend the internal-revenue laws, House bill 4812, be printed. The usual number, I believe, is about three hundred; and there is a great demand for the report. The additional cost will be trifling.

Mr. BLOUNT. I should like to know whether this comes from any committee or not. We are doing a vast amount of printing.

The SPEAKER pro tempore. The Chair understands it does not come from any committee.

ome from any committee.

Mr. WILSON. Let it go then to the Committee on Printing.

The SPEAKER pro tempore. Is there objection to the reference of the proposition to the Committee on Printing?

Mr. BLOUNT. I have no objection to the reference to the Com-

mittee on Printing.

There was no objection, and the resolution for printing was referred to the Committee on Printing.

COMMERCIAL RELATIONS, ARGENTINE REPUBLIC.

Mr. MORTON, by unanimous consent, from the Committee on Foreign Affairs, reported, as a substitute for House bill No. 4985, a bill (H. R. No. 5805) to increase commercial relations between the United States and the Argentine Republic; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DAILY HOUR OF MEETING.

I demand the regular order of business. XER pro tempore. The regular order of business is the The SPEAKER pro tempore.

morning hour.

Mr. HARRIS, of Virginia. But, Mr. Speaker, I rise to a privileged question. A few days ago I submitted a resolution that on and after Monday next the daily hour of meeting should be at eleven o'clock a. m., and I rise now for the purpose of asking for the action of the House on that resolution.

Mr. ATKINS. Does it not require unanimous consent to take this

subject up?

Mr. HARRIS, of Virginia. The rules require that one day's notice should be given of the introduction of the proposition, and that one should be given been given, and therefore my request is now in order.

day's notice has been given, and therefore my request is now in order.

Mr. FERNANDO WOOD. That resolution, in my judgment, should be referred to some committee, as it is now too early in the session to submit a proposition for the meeting of the House at eleven o'clock

each day

Mr. HARRIS, of Virginia. I want to test the sense of the House Mr. HARRIS, of Virginia. I want to test the sense of the House on the proposition at this time. We have now on the Private Calendar 480 bills which ought to be disposed of; in the Committee of the Whole House on the state of the Union 267 bills and joint resolutions; upon the House Calendar 192 propositions; unfinished business and business upon the Speaker's table, 16; Senate bills on their first and second reading, 74—making 1,014 propositions of all sorts upon the several calendars and on the Speaker's table. I see no upon the several calendars and on the Speakers table. I see no necessity for committees reporting and crowding the calendars if nothing is to be done by the House. Let us dispose of the business now upon the calendars before anything else is put upon them. We want to dispose of the business now upon the calendars.

Mr. ATKINS. Before the gentleman makes a speech on the subject would it not be well to determine whether we shall consider it or not?

Mr. EPVE. Lyish to suggest to the gentleman from Virginia that

Mr. FRYE. I wish to suggest to the gentleman from Virginia that the Committee on Rules considered that proposition this morning and agreed to report favorably on it, and probably will report as soon as the Indian appropriation bill is disposed of.

Mr. HARRIS, of Virginia. That is all right; but let us take the

Mr. HARRIS, of Virginia. That is all right; but let us take the sense of the House on the subject now.

The SPEAKER pro tempore. The Chair does not think that under any rule this is a privileged motion.

Mr. HARRIS, of Virginia. The rule requires one day's notice, and one day's notice has been given, and it is now a privileged matter.

The SPEAKER pro tempore. It is a privileged motion to offer it at the proper time perhaps; but when offered, unless referred by the House, it goes to the Speaker's table, as the Chair supposes. There it must be reached as any other business on the Speaker's table is reached.

Mr. HARRIS, of Virginia. I think the resolution fixing the time of meeting of the House is a question of the highest privilege.

The SPEAKER pro tempore. Will the gentleman from Virginia call the attention of the Chair to any rule of the House which makes

Mr. HARRIS, of Virginia. Parliamentary law provides for it, and of course there need be no rule on the subject. Questions of adjournment and recess are always regarded as questions of the highest priv-

The SPEAKER pro tempore. Undoubtedly.

Mr. HARRIS, of Virginia. So, too, the question of fixing the hour of

The SPEAKER pro tempore. Of course motions to adjourn and to take a recess are privileged, because the rules make them so; but such is not the case with a motion to change the hour of daily meet-

ing.
Mr. HARRIS, of Virginia. Of course I yield to the Chair. I have accomplished my purpose, as the statement from the Committee on

PATENTS FOR PRIVATE LAND CLAIMS.

Mr. GUNTER. I trust the gentleman from California will with-

draw his motion and permit me to report a bill for reference.

Mr. PAGE. I will yield to the gentleman for that purpose.

Mr. GUNTER. I ask to take from the Speaker's table Senate bill
No. 1049 for reference to the Committee on Private Land Claims.

The SPEAKER pro tempore. The Clerk will report the title of the

The Clerk read as follows:

A bill (S. No. 1049) to amend section 2447 of the Revised Statutes of the United States, in relation to the issue of patents for private land claims confirmed by act

There being no objection, the bill was referred to the Committee on Private Land Claims.

EPIDEMIC DISEASES.

Mr. MULDROW. I ask unanimous consent to introduce at this time a memorial from the State board of health of Mississippi, in relation to epidemic diseases, for reference to the Committee on Epidemic Diseases, and ask that the memorial be also printed in the RECORD.

There being no objection, it was ordered accordingly. The memorial is as follows:

JACKSON, MISSISSIPPI, April 5, 1880.

To the honorable Senators and Representatives of Mississippi in the Congress of the United States:

Gentlemen: The undersigned, members of the United States:

Gentlemen: The undersigned, members of the Mississippi State board of health, present at the regular annual session of the board now being held in the city of Jackson, deem it their duty to inform you that the National Board of Health has promptly extended us during the past year all the aid needed by us to protect our State against another epidemic visitation of yellow-fever. We desire to express, in the most emphatic manner, our opinion that the affairs of the National Board of Health have been administered with great prudence and ability.

We believe that it would be unreasonable, in the present condition of sanitary science, to expect that or any similar organization to accomplish in a day results that can be reached only through a long series of years, in which ripe experience, founded on patient and laborious investigation, shall fully determine the practical details of sanitary work.

We therefore view with a feeling of great concern the indications of a prejudiced hostility to the National Board of Health which have been manifested in certain quarters, and we would most respectfully urge you, in view of the recent sanitary legislation of our own State Legislature, to support the National Board in its laudable efforts to carry out the great work imposed upon it.

We would remind you that our Legislature at its recent session amended our health statutes so as to confer on the State board of health absolute power in matters of quarantine, and made a liberal appropriation to enable us to enforce these statutes.

We do not hesitate to say, in view of the great responsibility resting upon us

ters of quarantine, and made a neural appropriate statutes.

We do not hesitate to say, in view of the great responsibility resting upon us, that we cannot efficiently discharge our duty without the aid and co-operation of the National Board of Health, and that any action on the part of Congress tending to restrict the power or to withhold the means needed to carry out the recommendations made in connection with the National Academy of Sciences by the National Board of Health in its annual report would be regarded by us as a direct blow at the most vital interests of our beloved State.

Praying your earnest consideration of this important subject, we beg leave to remain, with sentiments of the highest regard,

Your most obedient servants.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande

An act (S. No. 631) donating six condemned cannon and cannon-

balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsyl-

vania, for monumental purposes;
An act (S. No. 837) to donate twelve condemned cannon to the Blair

Monument Association, of Saint Louis, Missouri; and An act (S. No. 1475) to change the name of the steamer J. H. Kelley to John Thorn.

ORDER OF BUSINESS.

Mr. WELLS. I now demand the regular order. The SPEAKER pro tempore. The regular order will be the morn-

ing hour.

Mr. WELLS. I move to dispense with the morning hour to go on with the consideration of the Indian appropriation bill.

Mr. SPRINGER. I do not wish to antagonize the motion to go on with the Indian appropriation bill at this time, but I shall oppose the motion to dispense with the morning hour for the reason that I propose to call up after the morning hour to-day a contested-election

The SPEAKER pro tempore. The motion of the gentleman from Missouri to first dispense with the morning hour is in order. That

motion will require two-thirds.

The House divided; and there were—ayes 110, noes 24.

So (two-thirds voting in favor thereof) the motion to dispense with the morning hour was agreed to.

INDIAN APPROPRIATION BILL.

I now move the House resolve itself into the Com-Mr. WELLS. mittee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the Indian appropriation bill. The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. Whitthorne in the chair.

The CHAIRMAN. The House is now in Committee of the Whole

for the purpose of considering a bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes.

The CHAIRMAN. The first reading of the bill has been dispensed

Mr. WELLS. Mr. Chairman, I shall occupy the attention of the House at this time only a few minutes, and that for the purpose of stating that this bill as now reported from the Committee on Approstating that this bill as now reported from the Committee on Appropriations is with few exceptions the same as the one reported from the committee a few weeks ago and recommitted, and those items are so few I will refer briefly to them: First, striking off or discontinuing the agent at the Papago agency, which was recommended by the Department of Indian Affairs; reducing the number of interpreters at one agency and increasing at another, but not increasing the number in the aggregate; and reducing appropriation for contingencies of the Indian service \$2,500, same being recommended by the Department; and providing for the payment of the sum of \$79,723.96, interest due March 1, 1881, to the Osages, of Kansas, on their trust fund arising from the sale of their lands; increasing appropriation for expenses for board of Indian commissioners \$2,500, making the total appropriation \$10,000. In the bill last year there was appropriated appropriation \$10,000. In the bill last year there was appropriated for said service \$15,000.

for said service \$15,000.

This bill is founded upon the estimates of the Department. The estimates for this service there found amount to \$4,992,845.86. The bill as submitted recommends \$4,571,869.02. Of this amount \$2,376,027.86 is appropriated under treaty stipulations, \$1,180,100 for removal, settlement, and subsistence of various Indians, \$225,000 for transportation of Indian supplies, \$182,900 for general incidental expenses, \$140,800 for salaries for inspectors, agents, and interpreters, \$99,218 for interest on trust funds. The bill of same character providing for this current year became a law at the sum of \$4,713,178.58, being \$141,308.76 more than the sum recommended by the present bill. I yield the remainder of my time to the centleman from Indiana.

I yield the remainder of my time to the gentleman from Indiana,

[Mr. BAKER.

Mr. BAKER. Mr. Chairman, it must be a matter of regret to every one who has paid any attention to the management of the Indian affairs of this Government that from the organization of the Government to the present time we have had no fixed Indian policy. We have continued to drift on the current of events without any definite aim, or without any apparent fixedness of purpose in our dealings and relations with the Indian tribes. During the last twenty years we have expended more than \$50,000,000 in the prosecution of Indian wars in the Indian country, and largely, in my judgment, on account of the absence of any fixed Indian policy, and largely, too, on account the description of the absence of any fixed Indian policy, and largely, too, on account the absence of any fixed Indian policy, and largely, too, on account the absence of any fixed Indian policy, and largely, too, on account the absence of any fixed Indian policy, and largely, too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the absence of any fixed Indian policy, and largely too, on account the account the account to the account the account the account the account the account to the account the acco count of the disregard paid by the Government and our people to the

count of the disregard paid by the Government and our people to the obligations imposed upon us in our relations with the various Indian tribes by treaty stipulations.

We often hear surprise expressed, Mr. Chairman, that we fail to manage our Indians as successfully as our neighbors in Canada do theirs. But to those who have given any consideration to the subject it is not a matter of surprise at all. The Indians have been pressed by the greed and the avarice of the white men from one point to another until they have reached the utmost verge to which they can be pressed. And even after they have been placed on reservations which it has been stipulated they should enjoy without interference as long as grass grows and water runs, that has been no protection

against the avarice and the greed of the white man, and has not appealed to the Government as it ought to have appealed to insist on the vindication and protection of the rights that have thus been

It will be true, Mr. Chairman, for the years that are to come, as it has been in the past, that this will be a source of trouble and of difficulty; that we shall have Indian wars and that we shall have outrages upon our frontier settlements until some definite and determined policy shall be established which shall be at once wise and humane on our part and just and beneficent as relates to the Indians.

numane on our part and just and beneficent as relates to the Indians. There are three things that must be attended to by this Government that have already too long been neglected before we can set on foot any policy that shall have any definite aim or purpose in view. The Government ought long since to have done what I am about to mention; and it ought not to delay a single year further in the initiation of a policy that shall look to the accomplishment of those three chiects. In the first place Mr. Chairment it is intended to the control of the control o tion of a policy that shall look to the accomplishment of those three objects. In the first place, Mr. Chairman, it is important that the lands that are reserved to the Indians should be segregated and divided among them, and that the title to the lands should be inalienable for a long period of time. In the next place, it is essential that we should observe the treaty stipulations that we have with at least nine of the largest and most powerful Indian nations looking to the establishment of industrial schools, where the youth of these Indian tribes should be educated in the elementary branches of English learning and in the ordinary avocations of life. We are bound to-day, and have been for a series of years past, by solemn treaty obligations requiring this Government to inaugurate such a system as this among nine of the leading tribes, including among them the Aranahoes. mine of the leading tribes, including among them the Arapahoes, the Cheyennes, the Sioux, the Apaches—requiring us to establish industrial schools among these Indians for the education of their youth trial schools among these Indians for the education of their youth between the ages of six and sixteen, one school for every thirty of these youths; and yet notwithstanding the treaty obligation that we assented to at the earnest instance and request of these Indians, from year to year we have been neglecting this duty that we assumed and entered into treaty obligations to carry out with the Indian tribes.

In the next place, Mr. Chairman, it is important that we should bring all the Indians within the limits of the United States under the operation of our civil and criminal laws, treating them as subjects if not citizens of this country. Until we shall have done these things we may look to a continuance of the hostility that has been exceed during the past hundred years, whereby we shall have Indian

evoked during the past hundred years, whereby we shall have Indian wars and difficulties and shall continue during the indefinite number of future years that are to come to feed an ignorant and savage and of little years that are to come to feet an ignorant and savage and idle race of people. There are to-day as many Indians within the limits of the United States as there were at the time of the organization of our Government, and we must initiate this policy that I have suggested or else we must look to the policy of exterminating these Indians, a policy from which the heart of every right-thinking man

It was not my purpose, however, Mr. Chairman, to say more than a very little touching the general subject of the methods to be observed in the management of our intercourse with the Indians. I served in the management of our intercourse with the Indians. I have said enough to indicate the views I have, as the result of three years' study of this question in connection with the preparation of bills for the support of the Indian tribes within the limits of the United States. I desire now to draw attention for a few moments to some of the features of this bill that I trust will be changed in the Committee of the Whole, and I hope these changes will be assented to when the committee shall report the bill to the House.

There are sixty-nine Indian agencies scattered over a half of the

North American continent. In order that the operations of these agencies may be understood by the central office here at Washington, it was provided by law there should be five inspectors appointed, men whose duty it should be to go from one to the other of these agencies from time to time, for the purpose of examining into the condition of the Indians and the condition and management of the agencies. It has been the policy in the preparation of this bill to cut off two of these five inspectors and to reduce the number to three. These inspectors, Mr. Chairman, are the eyes of the Indian Bureau, with which they see what is going on over half this continent. They are the ears with which they hear. And if you cut off this branch of the service to the extent of nearly one-half you paralyze and cripple to that extent any wise and just administration of this Department. It is no wonder, Mr. Chairman, that we hear charges against the administration of this Department of the service when there has been a policy during the time I have been here in Congress constantly pursued of hampering and crippling this Department in the proper avenues of obtaining information.

There is another anomaly connected with this. It is an anomaly in republican representative government. It originated in the year 1869 in an anomalous appropriation that was made in that year.

In an anomaious appropriation that was made in that year.

Instead of appropriating for specific objects, as we have been in the habit of doing for years, for some reason or other in that year a gross sum of so many millions of dollars was appropriated for the entire Indian service, and a provision was made for designating ten men by the President of the United States to act without salary, men of philanthropy, to act in conjunction with the Commissioner of Indian Affairs in the distribution of that money.

Mr. BLOUNT. Do I understand the gentleman to say that the Indian appropriation was made in a gross sum?

Indian appropriation was made in a gross sum?

Mr. BAKER. It was, as will be seen by reference to volume 16.

Mr. BAKER. It was, as will be seen by reference to volume 10, Statutes at Large.

Mr. BLOUNT. I do not recollect it in that way.

Mr. BAKER. It was done in 1869.

Mr. BLOUNT. In 1869? I beg the gentleman's pardon; I misun-

derstood the date.

Mr. BAKER. These commissioners were vested with jurisdiction to act in conjunction with the Commissioner of Indian Affairs in the distribution of this vast sum of money among the different Indian tribes in accordance with their wants as they appeared to exist.

Mr. HOOKER. Will the gentleman allow me to ask him a ques-

Mr. BAKER. Certainly.
Mr. HOOKER. By the the terms of the act of April 10, 1869, was not that commission limited in the discharge of their duties to advising and acting with a commission appointed to expend the money appropriated, and would it not have expired except for the revival

of the act?

Mr. BAKER. I was about to say that this arose from the anomalous condition of the appropriation bill. It was continued, by what means I am unable to say, but it still remains and is a greater anomaly in the administration of departmental services than it was when it was first originated. It is an anomaly that we should have a Department officer who is charged with the execution of certain specific duties, and should also have a commission vested with concurrent jurisdiction; and, more than that, vested with jurisdiction to examine and try, and, if you please, impeach the head of the Department.

As well, and with as much harmony in the administration of the

business of any department, might you say that there should be like commission of ten men to sit in supervision of the discharge of duties by the head of the Treasury Department, or of any other department. Indeed, if there is to be a decemvirate, if there is to be an institution, like the octroi of the Spartans, for the purpose of supervising the lawful management of any department of Government, I think it would be quite as well to authorize ten philanthropic gentless. men, serving without compensation, to sit as a revisory board for the purpose of determining what laws enacted by the Federal Congress shall go into execution.

If we desire to have an honest, an economical, and a faithful administration of any department, the experience of all ages demonstrates that it must be managed by one head, and that that one head must be held amenable alone to the representatives of the people. I hope that that feature will be removed, because it is an expense without profit; it is an impeachment in advance of the honesty, the integrity, and capacity of the man who has charge of that Department; it is saying that you will select ten men who shall be volunteers without pay to sit in judgment, to sit upon the head of the Department in the execution of the laws relating to his Department.

There is another feature in this bill, or rather other features in it, that I shall have accession to call attention to work in detail have

that I shall have occasion to call attention to more in detail hereafter. Many of the agencies that are provided by this bill are agencies that have relations with large bodies of men, men who are semi-savages, men who only know and largely know of the Government from the relations which the agents sent there have with the Indians.

The agent is a living representative of the Government, a living embodiment of its power, and he ought to be a man of such weight of character, of such solidity of judgment, of such discreetness as would impress himself upon the minds and indeed the lives of the people he is called in a measure to govern and preside over.

Now, how can we expect to obtain such services as those in these

remote frontier sections of the country at a compensation less, in a majority of cases, than is received by a departmental clerk in this city, for performing mere clerical duties here? You send an agent out there to take charge of three or four or five thousand Indians, and you pay him a salary less than the compensation of a clerk in one of your committee-rooms who performs perhaps an hour of clerical service in the twenty-four.

I submit that there should be some wisdom manifested in this regard, and that such a rate of salary should be provided as will secure the services of men competent to impress themselves upon those under their charge, upon these Indians, with the dignity and power of this Government, and at the same time to impress the Indians with the importance of taking upon themselves the habits of civilized life.

There is another general feature of this bill, running through the whole of it, to which I cannot give my assent. The revival of business during the last year has occasioned a large increase in the cost of the supplies and commodities that go to the support and clothing of these Indians. Yet the Committee on Appropriations have recommended to this Committee of the Whole, for its sanction and approval, a bill which appropriates \$220,000 less money than was appropriated for similar purposes during the current and the preceding fiscal years. Even with the lower prices at which supplies were obtained than they can be obtained during the fiscal year for which we are about to appropriate, instead of the amount appropriated for the present fiscal year, there are large deficiencies that have occurred and must

be appropriated for even for the present fiscal year.

Mr. Chairman, these deficiencies occur largely in connection with the great and warlike tribes of Indians—the Arapahoes, the Cheyennes, and the Wichitas. My friend from Kansas has some recollection about these people, who made a raid through the western part

of his State only two or three years ago, marking their track by conflagration and murder. The deficiencies occur also in connection with the Sioux Indians, a body of savages of nearly twenty-two thousand, having their six or seven thousand warriors

sand, having their six or seven thousand warriors.

I say, Mr. Chairman, that unless we change this bill in the Committee of the Whole, unless we increase it in these particulars by quite a large amount, we shall be confronted with a large deficiency next year; and the probability is that we shall be confronted with other Indian wars, expensive and cruel in their features.

Mr. Chairman, I confess that I view with alarm the policy which seems to be foreshadowed by this bill, of undertaking to cut down the

food and clothing provided for these savage men of the plains. Far better would it be, if we must economize, to cut down where it can be done without imperiling the peace of the country, without jeopardizing the lives of our fellow-citizens who have taken their all and gone to the distant frontier to make their homes. Mr. Chairman, when the Committee of the Whole shall consider the bill by paragraphs, I shall have occasion to call attention more in detail to these graphs, I shall have occasion to call attention more in detail to these matters. Instead of cutting down these appropriations, as they have been cut down in this bill \$220,000 below the act which made appropriations for the current fiscal year, my judgment is that the interests of the Indian service, the interests of peace, the interests of the country demand that these appropriations shall be increased by not less than \$400,000 or \$500,000—say \$300,000 in addition to the amount appropriated for the two preceding fiscal years. If we should make this increase, it is extremely doubtful in my mind whether we would not even then find ourselves confronted by a deficiency in view of the great increase in the cost of provisions, clothing, and the thousand and one articles necessary to be purchased for the supply of the Indians.

One word further and then I believe I shall have closed my pre-

liminary statement touching this appropriation bill.

I am surprised, Mr. Chairman, that under the law as it now exists the board of Indian commissioners, to whom I have had occasion already to allude, are allowed so wide latitude in respect to their purchases for the Indians. At least two thousand different varieties of articles are purchased for the Indians, and the law requires that these shall be purchased by bid after public advertisement. I had supposed that the Indian commissioners were tied down in some way so that facilities for favoritism and corruption would be cut off. But such I find is not the fact. After an advertisement has been issued calling for bids for supplies, these gentlemen have it in their power (and they exercise this discretion as I personally know) to give contracts for supplies not to the man or firm who offers the required article at the lowest price, but to pass over the lowest bidder and award the contract to a man whose bid is higher.

There ought to be some revision in this regard; and I hope the

Indian commission-

Indian commission—
Mr. BLOUNT. I would like to ask the gentleman a question.
Mr. BAKER. Certainly.
Mr. BLOUNT. I understand that the gentleman is proposing to legislate on this bill with the view of abolishing the Indian commission. I understand further that he proposes to legislate in reference to the salaries of Indian agents with the view of increasing them. Now I submit whether, in his judgment, such things are in order under the rules, and whether, according to the position he has taken in reference to other bills, he can afford to advocate such propositions.

Mr. BAKER. Mr. Chairman, I have not said one word about offering any amendments for the purpose of increasing the salaries of the Indian agents; I do not know that I shall do so, in view of the fact that the Committee of the Whole is hampered and tied down by a Procrustean set of rules which virtually prevent this body from doing what it may desire to do. I do not know that I shall be able to get any change in legislation for the purpose of doing away with the Indian commission.

Mr. BLOUNT. Did not the gentleman help to make this "Pro-

Mr. BAKER. Mr. Chairman, the particular purpose I have in view now is to call the attention of this body and the country to the fact that we have been drifting along from one generation to another in this country without undertaking to develop any Indian policy looking to anything further than the robbery of the Indians and the plunging of this country into war after war. It looks as though the only Indian policy in this country is to try to destroy the Indians from the face of the earth, so that their feet shall have no resting place on the continent that their fathers owned. I do not expect, I have no hope, that we shall accomplish any reform in this respect to-day; but I do hope that the time is not far distant when the good men, the philanthropic men, the patriotic statesmen, will take this matter in hand and will see to it that there shall be devised for the government and regulation of our intercourse with the Indians a system looking to peace, looking to their civilization, looking to their upbuilding, looking to the development of the peaceful charities that ought to obtain among the representatives of a great people in their intercourse with these feeble wards, instead of that other policy which has been marked by entrage, and the foot-prints of which have been tracked in rapine and blood.

Mr. Chairman, in further answer to the gentleman from Georgia, I will say that I do not know I shall offer amendments touching any-

thing except an increase of appropriation in those particulars in which an increase can be made under the rules of the House and without making myself amenable to a point of order.

The CHAIRMAN. The time for general debate fixed by the House has terminated; and the bill will now be read by paragraphs for amendments and debate under the five-minute rule.

Mr. HOOKER. I hope the gentleman from Missouri having charge of this bill [Mr. Wells] will consent to an extension of the time for general debate.

The CHAIRMAN. That cannot be done in the Committee of the Whole House on the state of the Union, as the general debate was

closed by order of the House.

Mr. HOOKER. I move, then, that the committee rise for the purpose of having the general debate extended by order of the House.

The CHAIRMAN. The Chair will inform the gentleman from Mississippi that cannot be done except by unanimous consent, inasmuch as the motion by which the general debate was closed in committee was reconsidered, and that motion was laid upon the table.

Mr. HOOKER. I do not care; I make the motion; and if gentlemen choose to cut off general debate on this important question, they

can do so.

Mr. WELLS. The general debate was limited to one half hour. Mr. HOOKER. Here is a bill appropriating nearly \$5,000,000; and the Committee on Appropriations have taken up all the time allowed for general debate, without any other member in the House being permitted to say a word. It is an outrage.

The committee divided; and there were—ayes 14, noes 57.

So the committee refused to rise. The Clerk read as follows At the Klamath agency, at \$1,100.

Mr. BAKER. I move to strike out "\$1,100" and insert "\$1,300."
Mr. WELLS. I make the point of order, Mr. Chairman, on that
amendment. This compensation for the Indian agent at the Klamath agency at \$1,100 is fixed by law, and this is a change of law and an increase of expenditure. Under the rules it is not in order to change a law and at the same time increase expenditure on an appropriation bill. As I have said, the salary of this Indian agent is fixed by law at \$1,100; and the gentleman's amendment moves to increase it to \$1,300, which is a change of law and an increase of expenditure, and

therefore not in order under the rules.

Mr. BAKER. The salaries of Indian agents, as we find them in the appropriation bill for last year, were fixed as one of the items in that appropriation bill. In the law under which they have all been fixed appropriation bill. In the law under which they have all been fixed at the sum of \$1,500, this one at the Klamath agency is included. Now, in the revision made last year it was only for the current fiscal year. I hold that law in my hand. It was revised on a scheme that was considered by the committee having this bill in charge so as to put the salary of some of the Indian agents above \$1,500 and others below it. The revised statute which fixes the salary of Indian agents fixes it at \$1,500. That statute has not been changed. The change nxes it at \$1,500. That statute has not been changed. The change in the appropriation bill last year was simply a temporary and not a permanent change in appropriating for the Klamath agency \$1,100 instead of the amount fixed by law, namely, \$1,500. I submit, therefore, the point of order does not lie for the reason that there is nothing to be found in the appropriation bill that I hold in my hand fixing the pay for the current year at \$1,100 that changed the revised statute which had previously fixed the salaries at all agencies at \$1,500 a year. Consequently my amendment still leaves the salary of this Indian agent \$200 below the amount fixed by the Revised Statutes.

Mr. HAZELTON. What agency does the gentleman refer to?
Mr. BAKER. It is the Klamath Indian agency, where there are a
large number of Indians; and this amount of \$1,300 for the Indian

agent at that agency is recommended by the Indian Bureau.

Mr. HAZELTON. There are a great many other agents in precisely the same position; and I should like to inquire of the gentleman from Indiana why it is the committee did not provide for them

Mr. BAKER. That calls for something I am not permitted by the rules of the House to disclose. I should like to call attention to the Revised Statutes which fix the compensation of all these Indian agents; and I will do so as soon as I can get it. I have already sent

Mr. BLOUNT. So far as the salary of these Indian agents is con-cerned the provision in the Revised Statutes to which the gentleman proposes to refer does not control. It is well known to you, sir, and to many gentlemen in this House, that during the Forty-fourth Congress the salaries of officials in all the Departments of the Government, the salaries of Indian agents as well as other officials, were reduced; and the construction in the various Departments from that day to this has been that the legislation at that time then fixing the salaries of these various officials at the amounts then stated was a salaries of these various officials at the amounts then stated was a change of the law; and that amount of salary, as fixed by the law, was the amount which was then determined by the action of Congress. That law in every Department of the Government from that day to this, as I have already stated, has been held to be conclusive. It has been recognized by these officials themselves, and no claim has been made for any additional compensation beyond what was then provided. The very estimates themselves, coming from the several Departments, ask for nothing beyond the amount then fixed by the law.

Mr. BELFORD. I wish to ask the gentleman a question.
Mr. BLOUNT. I decline to be interrupted; I wish to say what I have to say on the point of order without interruption.

Mr. HOOKER. Let the gentleman from Colorado speak in his own

Mr. BLOUNT. Certainly. Mr. Chairman, the action of Congress reducing these salaries in the Forty-fourth Congress is at present held by all the Departments to be the law of the case, and this amendment contemplates legislation with a view to a change of that law

and an increase of expenditure.

My friend from Indiana refers to the fact that this increase ought to take place, and he wants to have it provided for in this general appropriation bill. But, as he has stated, he finds this Procrustean bed in his way, which that side of the House heretofore has been so much delighted with whenever it touched political riders. Then it was considered all right, and this legislation changing the law was considered infamous; but now, when it touches increase of salaries, this same Procrustean bed seems to the gentleman to be disgusting and objectionable.

I hope, sir, that the Chair will see fit to take the law of this case as it is taken and recognized by the Department and accepted by the officers of the Government, and unquestioned anywhere.

Mr. HENDERSON. Mr. Chairman—

Mr. BAKER. I want to say a word further upon the point of order. The CHAIRMAN. The gentleman from Illinois is recognized by

Mr. HENDERSON. I want to present this consideration to the Chair. I do not know whether the Revised Statutes fix the salary of the Indian agents or not. I take it for granted from the statement of my friend from Indiana that the salaries are fixed in the statutes. Now, it occurs to me that an appropriation bill which does not in terms repeal or propose to repeal a statute, and which only refers to the fiscal year beginning at a certain time and ending at a certain time, cannot, in my judgment, be so construed as to repeal a statute. It is simply an omission on the part of Congress to appropriate the full amount of the salary fixed by law.

What is the case before us here? Here is an appropriation bill, which is to take effect on the 1st day of July next and end on the 30th day of June, 1881. It says that so much money shall be appropriated as the salaries of certain Indian agents at specified agencies. The law says the salary of the Indian agent shall be so much. Now, it seems to me that can hardly be construed as a repeal of an express statute fixing a salary, but simply as an omission to appropriate the full amount of salary for the year fixed by the law.

Mr. BLOUNT. Will the gentleman from Illinois allow me to ask

him a question?
Mr. HENDERSON. Yes, sir.

Mr. BLOUNT. I desire to know of the gentleman if there has been any claim of that sort set up on the part of anybody; if there has been any construction of that sort put upon the law by any officers of the Department or of any Department of this Government; or if

there has been any estimate for any deficiency by reason of such construction on the part of any Department of this Government?

Mr. HENDERSON. In response to the gentleman from Georgia I would say that the officers of the Treasury Department cannot pay a dollar out of the Treasury for the salary of any officer of the Government. ment, or for any purpose whatever, except it be appropriated by

Mr. BLOUNT. They can make a ruling on a claim and send in an

estimate to Congress to cover the deficiency.

Mr. HENDERSON. The officers of the Government, in their disbursements of the public moneys, must conform in every particular with the provisions of the appropriation bills, and they are unable to pay a dollar unless it be appropriated. They cannot pay the salaries of members of Congress, the President of the United States, or any other officer of the Government, as I understand it, unless the money

other officer of the Government, as I industrate it, the state is appropriated in advance by Congress.

Now, I regard it as an important matter that this point should be settled as to whether an appropriation bill which can hardly be called a permanent statute but which makes temporary appropriations for the fiscal year and which does not propose in its terms to repeal a statute is in effect a repeal of such statute. It seems to me to be simply a failure on the part of Congress to appropriate for the time

being the amount of money the law fixes as the salary provided by law. Mr. BAKER. I desire now, Mr. Chairman, to say a word further on the point of order. I think I shall be able to make it entirely plain that the point of order raised against the amendment will not lie. I send to the Clerk's desk and ask to have read section 2055 of

the Revised Statutes of the United States.

The Clerk read as follows:

SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of \$1,500 a year, except as herein otherwise provided for.

Mr. BAKER. Now, Mr. Chairman, that is the permanent law of this country unless it was altered or repealed by the provisions of the appropriation bill of last year.

I hold in my hand that bill, and I desire to state, and the statement,

I apprehend, will not be challenged, that there is not one single word contained in the law of last year, now in force, that looks to the repeal of the Revised Statutes so far as they touch the question of the salary of these Indian agents.

Now, then, Mr. Chairman, what is the rule of legal construction in such cases? You accompany the consideration of the legal question by the statement of the fact that there is a permanent law on the statute-books which regulates for all time until repealed the salaries of these agents, what then occurs? It occurs that during the fiscal of these agents, what then occurs? It occurs that during the iscal year while that law is in force an appropriation bill is passed that fails to appropriate the full amount that the agent by the Revised Statutes is entitled to, and it is gravely urged that the failure to appropriate the money during the current fiscal years operates as a limitation upon the power of the committee for the year to come.

How does it happen, Mr. Chairman, that an appropriation bill that simply appropriates to an officer a portion of the amount he is entitled to receive under a permanent law, for a given year, repeals that permanent law when there is not a word in the appropriation bill that suggests it? It is what is known in law as a repeal, if it be a repeal at all, by implication; and what is the rule that obtains when it is understood that a law is repealed by implication? The rule is that you must construe the law that is said by implication to repeal that you must construct the law that is said by implication to repeal the general statute, strictly, giving it no further force than is required to carry out the apparent intent of the last law? What was the apparent intent of the last law? The only intent that can be drawn from it is that the man for that one year shall have a salary less than the amount fixed by the law. But it does not profess to interfere with the question for the next year as to whether or not the Congress shall appropriate the whole that he is entitled to, or a less sum.

It therefore appears to me absolutely incontrovertible that it cannot be claimed that this statute by implication repeals a permanent law by reason of the fact that it fails to appropriate for a single year the amount that was required by law. In order, Mr. Chairman, that it should have the effect of operating as a permanent repeal by implication of that statute, it would be necessary that there should implication of that statute, it would be necessary that there should be words contained in the appropriation bill that appropriated the less sum declaring that for the future no more should be appropriated than the amount fixed in this bill. That by implication would change it for future years, but less than that will not.

Mr. WELLS. The law which was read by the Clerk at the request of my colleague on the committee, the gentleman from Indiana, provides that unless otherwise provided the salaries of these agents shall

be so and so. That was an authority to the Department to arrange and regulate the salaries of these agents. But by the law of last year and of the year previous, in fact ever since these agencies have been established, the salary has been fixed at \$1,000. It must be remembered when the law passed in 1873 there was a much less number of agencies than to-day. The number of agents has been increased; of agencies than to-day. The number of agents has been increased; their duties have been diminished; and the number of Indians under their control has been decreased largely. In this case the number is about five hundred.

Mr. BAKER. The number is one thousand and twenty-three at

the Klamath agency.

Mr. WELLS. It strikes me the point of order should lie. The appropriation in the bill is in accordance with the law now on the statute-book, and which has been there for two years. During that

time the salary has been but \$1,000.

Mr. BLOUNT. The gentleman has referred with a great deal of triumph to the Revised Statutes as containing the general law upon the subject of the salaries of Indian agents, and has recited rules of construction upon the subject. Now, if the gentleman had taken the pains to have gone a little further he would have seen that the section of the Revised Statutes, to which he refers, simply has a reference to ah Indian appropriation bill, such as we have here now, providing that the salaries of the Indian agents at certain places shall be thus and so. I have the Revised Statutes before me.

Mr. BAKER. Will the gentleman permit me to ask him a question?

Mr. BLOUNT. Certainly.
Mr. BAKER. I wish to ask the gentleman whether this is not in terms a general statute; whether it was not codified and inserted as part of the Revised Statutes; whether it has not stood so for a long number of years.

Mr. BLOUNT. So far as that is concerned I say it was simply the law as contained in an appropriation bill of a given date; and the revision of the statutes did not mean to do more than the law had already done. It is a collation of it; and if you want to understand what that section of the Revised Statutes is, the proper plan is to refer to the statute itself. It was simply the arrangement of the salaries at that time. They have been changed since the adoption of the Revised Statutes by the very same method, by a provision in an appropriation bill; and the Indian appropriation bill last year and

When the gentleman proposes to resort to rules of legal construction it may be well for him to remember that we are not in the courthouses of the country here; that we are dealing with public affairs; that we are here in connection with the Departments of the Government; that those Departments have their law officers who are making constructions from time to time in reference to their duties; and that the committee have here to-day the construction of that Department in their Book of Estimates fixing the salaries of Indian agents and reciting the acts passed subsequent to the Revised Statutes as indicative of what those salaries are.

Mr. HOOKER. I understand the gentleman from Georgia [Mr.

BLOUNT] to claim that the appropriation made at a former session of Congress is the law. Suppose, sir, to test the strength of the gentleman's argument, the Appropriation Committee last year had fixed the salary of this agent at \$100; would it not be in the power of the House to change it? Is that the sort of law the Appropriations Com-

House to change it? Is that the sort of law the Appropriations Committee propose to make? It is an absurdity on its face.

Mr. BLOUNT. I think so, too, and the Appropriations Committee never did any such thing.

Mr. HOOKER. It only needs to be stated to be refuted.

Mr. BLOUNT. Certainly. It could not pass the House.

Mr. HOOKER. I know it could not pass the House till it passed the Appropriations Committee. But I think the House has some the country of the state of th

power over a matter which comes before it, notwithstanding the judgment of the Appropriations Committee against it.

The Committee on Appropriations is but the servant of the House, The Committee on Appropriations is but the servant of the House, and its duty is to report propositions to the House for its consideration. It is a strange and startling doctrine to say that because the Committee on Appropriations of last year failed to make an appropriation for a salary as fixed by law, therefore that failure becomes the law. Apply that rule to the salaries of the judges of the Supreme Court. Suppose that in your legislative, executive, and judicial appropriation bill you fail to appropriate the amount required by law to pay the salaries of the supreme judges, does the gentleman mean to say that that would be the law; that the failure on the part of that committee to report an appropriation for the full amount of the salary fixed by law is to be the law governing the House for all time to come? If that is so, then the boast of the gentleman from Georgia as to what was done in the Forty-fourth Congress never could have been accomplished. It is in the power of the House to change the law or rather to change the appropriation on that subject, but that would be no law. If we should assent now to the proposition of the gentleman no law. If we should assent now to the proposition of the gentleman from Indiana [Mr. Baker] and fix the salary of these Indian agents from Indiana [Mr. Baker] and fix the salary of these Indian agents for this year at the maximum sum appropriated by law, \$1,500 a year, that would not be the law of this year, but it could then be changed and altered by the House.

Now, because the Committee on Appropriations has undertaken to fix the compensation of these agents at this rate, or because the Department in its discretion has undertaken to fix the rate of compensation that makes we law higher ways the House hat the House has the House had been seen to the House had been also because the House had been also been also because the House had been also been a

sation, that makes no law binding upon the House, but the House itself must pass upon the question in a general law. The gentleman from Georgia [Mr. BLOUNT] says that the rules and regulations of the Department fix this matter. Suppose that the Department in its estimate had fixed these salaries at \$1,500 a year. Does the gentleman mean to say that because the Committee on Appropriations followed the estimate of the Department therefore the House has no power to increase or diminish the amount according to existing law? Why, sir, increase or diminish the amount according to existing law? Why, sir, such an idea as that would make the appropriation bill of the last year a fixed law like that of the Medes and Persians, with no power on the part of the Government to overturn; or it would make the interpre-

tation of the Department such a law.

There are many parts of this bill to which we intend to propose amendments, not only to this, but to several other portions. I think it extremely questionable whether the sixty-nine agencies which the Committee on Appropriations have appropriated for are properly apportioned. Surely because the Department has undertaken to say that they would limit the expenditures to a certain amount, and have that they would limit the expenditures to a certain amount, and have sent their estimates to the Committee on Appropriations, and the Committee on Appropriations have probably in many respects followed those estimates implicitly, therefore the House has no power to change it under the general law read by the gentleman from Indiana, [Mr. Baker,] which makes the maximum salary \$1,800 a year. To say so would be to make the report of the Appropriation Committee, and the bill passed in accordance with that report, an unchangeable law.

Mr. MAGINNIS. It seems to me that if gentlemen who are advocating this amendment accommiss their nurroese they would rather

Mr. MAGINNIS. It seems to me that if gentlemen who are advocating this amendment accomplish their purpose, they would rather injure than benefit the Indian service. It is true that some time ago all these salaries were fixed at \$1,500 a year. But it is also true that there are a great many agencies which are of much more importance than others. In order, then, to graduate the agencies in accordance with the importance of the duties there performed, the Secretary of the Interior recommended and the Committee on Appropriations of a former House reported a bill arranging the salaries of the agents in some sort of accordance with the importance of the agents. Some of the salaries were reduced below \$1,500 a year and others, as they should be, were placed above \$1,500.

should be, were placed above \$1,500.

Now, if we say that the provision of the Revised Statutes is to be the law governing this case, it seems to me that by bringing down the salaries of the important agencies to \$1,500 a year we would do a great deal more harm than if we were to allow the salaries to stand as the Committee on Appropriations have reported in their bill. Some of them are now \$2,000 a year; some of them are below \$1,500. If you think those are too low, no amendment will be in order to raise the salaries to \$1,500, and the only effect of the position taken by the gentleman from Indiana [Mr. Baker] would be to cut down the higher salaries to \$1,500.

gentleman from Indiana [181]. Dakan higher salaries to \$1,500.

Mr. BELFORD. I have not been a member of this House long enough to understand all the parliamentary technicalities that seem to control matters here. I rise for the purpose of asking the Chair one question, in order that by the answer I may be guided in my action hereafter. I want to know whether this House is absolutely

bound to refrain from altering the recommendations made to it by the Committee on Appropriations?

Mr. BAKER. Will the gentleman permit me—

Mr. BELFORD. That committee comes in here with a bill recom-

mending that the salaries of these Indian agents be fixed at a certain

Mr. BAKER. Will the gentleman permit me now?
Mr. BELFORD. Certainly.
Mr. BAKER. I understand that the House is bound to follow the recommendation of the Committee on Appropriations just so far as it

and no further.

Mr. BELFORD. Very well; that is what I want to get at. This Committee on Appropriations reports a bill fixing the salary of Indian agents, we will say at \$1,000 a year. A member of the House, anxious to carry out the recommendations of the Interior Department, proposes that that salary be increased to \$1,500. Thereupon a member of the Committee on Appropriations rises to a point of order, and says that the House is absolutely bound hand and foot by the dictation of the thirteen despots who constitute the Committee on Appropriations

Mr. ATKINS. Oh, no; there are fifteen of them.
Mr. BELFORD. Yes; and eight of this number rule the repreentatives from thirty-eight States.

Now, Mr. Chairman, it is a fact known to the country that for the last three years the Commissioner on Indian Affairs has importuned Congress to increase the salaries of these Indian agents. He stated that there were grave and important reasons why Congress should appropriate sufficient money to employ the best talent in this country to preside at these different agencies. I think it was in his last report that he suggested that Congress should place at the disposal of the Secretary of the Interior \$30,000 to be distributed by him among these various agents as a constal for maintribute sortions against these dis these various agents as a reward for meritorious services at these distant agencies. Why has not the committee given some heed to these recommendations? The duties of the agent are exacting and important; stationed for the most part in the heart of a wilderness, practically shut out from communication with civilized communities, deprived of the society and association of those with whom he has been accustomed to associate, denied all protection save that which springs from the fear the Indian may entertain for the national authority. We charge him with the government and control of a race, savage and brutal by nature; a race accustomed to respect nothing but force, and we expect him unaided and alone to conduct this brutal but force, and we expect him unaided and alone to conduct this brutal and savage race from barbarism to civilization. The compensation allowed is a bar against the employment of great talent. Men of brains and character, men capable of awing and controlling a turbulent and restless tribe are not willing to assume the perils of so hazardous a position for the miserable pittance which Congress allows. Whatever changes you may introduce into your Indian policy they will be unaccompanied with beneficial results unless you attach to the office of agent a salary large enough to command the ability of men absolutely competent, and then make their tenure so certain and permanent that the fear of removal may not be added to the other fears nent that the fear of removal may not be added to the other fears and alarms which environ them. A man fit to be governor of a wild and barbarous race, whether it be white, black, or red, is necessarily a man of great executive ability, of unquestioned courage, and of unconquerable will; lacking in any one of these attributes, he is destined to fail.

destined to fail.

The idea of sending a man and his family out to the desert to superintend a part of the seventy-five thousand wild Indians who roam over it, and who are ignorant of the most elementary principles of civilization; who despise labor; who value the earth simply for what is on it, and not for its uses and capabilities, and having him remain there as the embassador of this great nation to the Indian nation at \$1,000 a year, is abhorrent to my sense of right and justice. I have no respect for such economy. It carries in it the seeds of the failure that has cursed and disgraced your whole Indian system. I think it proper that we should pay to our agents who go to the frontier to preside over and control these Indians a liberal salary in order that we may get good men—men of acknowledged ability, of unquestioned integrity, of undoubted courage, who while able to preside over the fortunes and interests of the Indians may have the courage to represent in a befitting manner the dignity of this great nation.

Now it seems to me that the point taken by my friend from Indians

resent in a befitting manner the dignity of this great nation.

Now it seems to me that the point taken by my friend from Indiana is well taken. The Revised Statutes fix the salary of each Indian agent at \$1,500 a year. The Committee on Appropriations in this bill say, that notwithstanding this positive declaration of law found upon the statute-book, the salary of these officers shall be fixed at \$1,000. If there is any new legislation it is on the part of the Committee on Appropriations, who are seeking to introduce new legislation by changing existing law. I have said this much generally because this Indian question is viewed very differently in the East from what it is in the West. We are in practical relation with this people on the frontier; we have gotten far beyond the poetry and sentiment of the question, and look at it in a practical light. The safety of our homes, the peace of our communities, the growth of our settlements, the westward course of our civilization, all depend on the treatment which this Government accords the Indian and the agents sent to control him. He is a barbarian, to be governed by force and sent to control him. He is a barbarian, to be governed by force and not sentiment, and we need agents who represent the power rather than the sentiment of the nation—agents who bring to the discharge

of their labors a large intelligence, and, in my judgment, such cannot be secured for \$1,000 a year.

Mr. BLOUNT. To any gentleman who considers this subject fairly

and calmly it is a matter of amusement to observe the premises which and calmly it is a matter of amusement to observe the premises which gentlemen construct from their fancy as to the power of the Committee on Appropriations, the propositions which they make to this House, and the conclusions which they deduce from their premises with a flourish of trumpets, as though they had accomplished some great triumph, when they have only done what any boy of ten years of age is quite capable of doing. The gentleman from Colorado, [Mr. Belford,] simply because heretofore on an appropriation bill the salaries of Indian agents have been fixed, branches into a tirade as to the power of the Committee on Appropriations. Why, sir, he ought to understand that we come before this House with our recommendations simply as other committees do.

ought to understand that we come before this House with our recommendations simply as other committees do.

The CHAIRMAN. The gentleman from Georgia will please confine himself to the point of order.

Mr. BLOUNT. I thought the Chair would give me the same latitude he extended to the gentleman from Colorado when he pictured the Indian agents roaming about among the Indians, and when he denounced the Committee on Appropriations.

the indian agents roaming about among the indians, and when he denounced the Committee on Appropriations.

The CHAIRMAN. The Chair has sympathy with a younger member of the House, but not so much with an older one. [Laughter.]

Mr. BLOUNT. Well, sir, I submit.

Mr. BENNETT. I would like to ask the gentleman from Georgia to state the basis on which the committee has made this apportionment of the salaries of Indian agents—whether it is on the basis of the number of Indians in the particular tribes.

the number of Indians in the particular tribes.

Mr. BLOUNT. In answer to the gentleman I have simply this to say: During the Forty-fourth Congress, after conference with the officers of the Indian Department and an examination of a great multitude of details, which I could not state here in a day if I were allowed to do so, these salaries were raised. They are not rearranged every year. The case is the same with these as in reference to the salaries, for instance, of our consuls, which are fixed at one place at one rate, and at another place at another. We have not seen fit, in view of the fact that gentlemen on the other side of the House, aided by many on this side, have seemed to be quite jealous of the Committee on Appropriations, declaring that they were undertaking to do too much

Mr. BENNETT. I simply asked a question. I would like to ask one other—whether these salaries as fixed in this bill are as recom-

mended by the Commissioner of Indian Affairs?

Mr. BLÖUNT. I simply say to the gentleman that the committee have desired some changes; but as gentlemen on the other side have for some time, especially during the consideration of the rules, objected to our doing anything except reporting here the salaries fixed by law, we have yielded much. There are many changes which we might have made in this and in other bills, but we have respected what we regarded as the sentiment of the House.

Mr. BENNETT. I simply wish to refer to one or two agencies in

Dakota

Mr. BLOUNT. Perhaps it would suit the gentleman better to take up these matters in detail when we reach them. We are now on a point of order.

Mr. BENNETT. I am aware of that. Mr. HOOKER. But the point of order applies to all the other cases

Mr. BLOUNT. I understand that; still the question whether the law fixing this salary is right or wrong does not come up.

Mr. BENNETT. I understand that the question before us is whether the Committee of the Whole has now, under the rules, the privilege of considering any amendments to this bill increasing any of these salaries. I thought this was the time to make the suggestions I might desire to make in regard to that matter. I notice here—
Mr. BLOUNT. With great respect, I submit that the gentleman is

not in order.

Mr. BENNETT. I wish simply to say if this question is determined favorably on the point of order raised by the gentleman from Georgia, we will have no opportunity of showing the injustice of some of the provisions in this bill.

Mr. BLOUNT. If the gentleman will look further, he will find some agencies are as high as \$2,000 a year.

Mr. BENNETT. I am aware of that.

Mr. HOOKER. Let me ask the gentleman from Georgia whether it will be in order to move to reduce those two-thousand-dollar agencies when we come to those paragraphs in the bill?

cies when we come to those paragraphs in the bill?

Mr. BLOUNT. It will be if your Indian Committee see fit to do so.

Mr. HOOKER. Cannot an individual do it? Do you mean to say under the rules it cannot be done except on motion of the Indian

Mr. BLOUNT. I submit under the rules it cannot be done other-

Mr. HOOKER. Why, that is a horrible idea. [Laughter.]
Mr. BENNETT. I wish to say, Mr. Chairman, if I am proceeding
in order, that the salaries should not be graded in these Indian agencies by the number of Indians who may be included under the care
of the agent. I wish to call attention to a few of these Indian agencies simply by way of illustrating my point. Here is the Crow Creek
agency at \$1,400, one of the most peaceable agencies on the Missouri

River, one of the most manageable, where there is little or no difficulty in dealing with the Indians. Here is the Sisseton agency on the eastern border of Dakota, where you give the agent \$1,500. That agency is surrounded by civilization and settlement. It is no more It is no more trouble to conduct the affairs of that Indian agency than it is the business of an ordinary retail dry-goods store.

Mr. BLOUNT. Is this open to discussion under the rules?

The CHAIRMAN. The Chair wishes to hear the point that is made

by the gentleman from Nebraska.

Mr. BENNETT. The Lower Brulé is put down at \$1,200, an agency with the most intractable Indians on the Upper Missouri River, the hardest agency to handle, with Indians warlike and unmanageable. hardest agency to handle, with Indians warlike and unmanageable. These Indians are beligerent; it is an unpleasant place to live, and it is hard to get a man to go there to take charge of the agency. It is necessary to have a capable man for the purpose of managing those Indians. Every year half of them run off to the hostiles if they are not carefully watched and looked after. You want a good man at that agency and every agency of a like character, and I venture to say you cannot get such a man at \$1,200 a year.

I started out by saying, Mr. Chairman, that it is not the number of Indians at an agency which should determine the salary of the agent, because at all these agencies it requires the whole time and attention of the agent to properly care for the Indians placed under his charge.

of the agent to properly care for the Indians placed under his charge. To say you will give one man \$2,250 a year and another \$1,200 a year is simply to make a bid for incompetent and inefficient men at these Indian agencies. The result will be that the Government will get men who will not take the proper care in the management of the

agencies.

I wish to say, with all due respect to the Committee on Appropriations, and I have no war to make on that committee, that there are some things in connection with Indian affairs and the management of Indians on the frontier which the honorable gentlemen who compose that committee may not be fully advised of. There are some things which this House would like to know and to understand, and, in order to reach that information and that it should be brought intelligently before the House, it is necessary that gentlemen who do know something about these agencies, their wants and their necessities, should have an opportunity of presenting amendments to this bill so it may be perfected, and in that way advance alike the inter-ests of the Government and the Indians.

Mr. HISCOCK. Mr. Chairman, I do not desire especially to defend the Committee on Appropriations so far as this bill is concerned, but I do invite the attention of the gentleman who has just resumed his seat and the gentleman from Colorado to a suggestion which I am about to make. I ask the gentleman from Colorado whether in his judgment it would be better in the distribution of these salaries we should be governed by the statute which has been read by the gentleman from Indiana, or whether the scheme which has been presented by from Indiana, or whether the scheme which has been presented by the Committee on Appropriations is not a better scheme—whether the scheme presented by the Committee on Appropriations is not a better scheme than for us to act entirely within the letter and within the spirit of the Revised Statutes which my friend from Indiana has read? Now, it is well enough to assail the Committee on Appropriations on this question. I undertake to say, from the examination I have given it, that the scheme they have presented is better than the Revised Statutes. They have acted under the rules and have made the same appropriations which had been made in the past and they the same appropriations which had been made in the past, and they have not attempted to repeal this provision of the Revised Statutes; and if this scheme goes out on this point of order, or if this point of order is ruled in favor of the gentleman from Indiana, this scheme

Now, I say that the gentleman from Colorado should not come in here and criticise the Committee on Appropriations for its action in this matter. If you want a new arrangement of this matter or if you want a general law, why do you not bring in a bill here, a general statute, and pass it over to the Committee on Appropriations, and say, "Make your appropriations in accordance with that general statute, which we have enacted for your guidance?"

Mr. HOOKER. Will the gentleman from New York permit me to sale him general statute.

ask him a question?

Mr. HISCOCK. Not now.

Mr. HOOKER. That is exactly what the gentleman from Indiana

proposes.

Mr. HISCOCK. I will take the Committee on Indian Affairs as an illustration. That committee has full jurisdiction of the subject-mat-ter presented here. We have been in session for a considerable length of time. The Committee on Indian Affairs have had the power to investigate this subject-matter and readjust the whole scheme of the salaries of these agents; and if they had proposed a bill of that kind and passed it, then there would have been nothing for the Committee on Appropriations to do but to appropriate the money to pay the salaries in accordance with the law.

Mr. BENNETT. Will the gentleman from New York permitme to ask him a question? The gentleman from New York speaks of a general law. I wish to call the gentleman's attention to the fact that the gentleman from Indiana [Mr. Baker] called the attention of the committee to a statute now in force and on the statute-books which the Committee on Appropriations has not seen fit to regard in making my this bill

up this bill.

Mr. HISCOCK. They ignored that statute, because they have done

it before in making up the appropriation bills, and felt warranted by

former precedents.

Mr. HOOKER. A good reason!

Mr. HISCOCK. Now, if the point of order is raised here that the salaries are to be fixed in accordance with that law, they should all be placed at \$1,500.

Mr. BLOUNT. Some of them are now receiving as much as \$2,000

Mr. HISCOCK. Yes; many of them reach \$2,000, and the question I ask the gentleman from Colorado is if he does not believe that justice will be done by regulating these salaries in accordance with the

duties imposed upon these agents?

Mr. BELFORD. I regard all of these salaries as entirely inadequate. I do not believe we pay a single agent the salary that the Government ought to pay for the service performed. I do not intend to reflect upon the Committee on Appropriations, but I insist that so far as these Indian agencies are concerned the Government is not paying a decent salary or a sum sufficient to justify competent men in accepting the position.

Mr. HISCOCK. I agree with the gentleman from Colorado that these salaries are all too small, but I believe the Committee on Approximation.

propriations have gone as far as they can consistently go, or as far propriations have gone as far as they can consistently go, or as far as they can with propriety go in violation of statute law. And I say to gentlemen here that it is entirely out of place for them to arraign the Committee on Appropriations, when the fact is that the Committee on Indian Affairs could have brought in a bill fixing the salaries and making a scale of salaries appropriate for these different men, and that would have left nothing to do but for the Committee on Appropriations to provide the money in accordance with the salaries fixed therein. But the Committee on Indian Affairs have brought in no such bill.

There was some question asked me by the gentleman from Missis-sippi which I did not answer at the time, though I did not mean to

be discourteous to the gentleman.

Mr. HOOKER. I did not suppose the gentleman from New York intended to be discourteous. My question was simply this: The gentleman from Indiana referred to the general statute upon the subject regulating these salaries, and the gentleman from New York, in reply thereto, said the Committee on Appropriations have gone as far as they ought to go in fixing these salaries. Now suppose that the Committee on Appropriations had reduced the salary at this agency to \$300, does the gentleman mean to say they would have had the right to do it?

Mr. HISCOCK. I have no doubt they would have had the right to

do it.

Mr. HOOKER. Do not you think they ought to do it?
Mr. HISCOCK. I have no doubt that it ought to be done; but the

Mr. HISCOCK. I have no doubt that it ought to be done; but the committee has simply followed the precedent of past years in making up this appropriation bill, and felt warranted in fixing the salaries as stated in the bill.

Mr. HOOKER. Will the gentleman from New York pretend to say that if the Committee on Appropriations had failed to appropriate last year money to pay the salaries of the Supreme Court judges or the President that they would have been justified or would have had warranted to the salaries of the Supreme Court for the salaries of the salaries of the Supreme Court for the salaries of t

resident that they would have been justified or would have had warrant for failing to do it during the present Congress?

Mr. HISCOCK. I say it would have been their duty to have done it. And I say that if there was a general statute fixing the salaries, then there would have been nothing for the Committee on Appropriations to do but to appropriate the money for the payment

Mr. HOOKER. If the Committee on Indian Affairs had introduced a bill here of the character the gentleman refers to it would have found its tomb in the Committee of the Whole or on the Calendar, found its tomb in the Committee of the Whole or on the Calendar, and the House would never have heard anything further of it. And the only way that we can practically reach this question is to reach it in an appropriation bill in this manner. Unless you get the law on an appropriation bill you never can get it passed.

Mr. HISCOCK. If a bill brought in here by the Committee on Indian Affairs would have met that fate it would have been the fault of the House or the fault of the rules; it would not have been the

Mr. HOOKER. If the Committee on Indian Affairs had brought in such a bill it would have been in accordance with the law as it now exists in the Revised Statutes as pointed out by the gentleman

from Indiana.

Mr. HISCOCK. I trust my friend from Indiana will withdraw his amendment, for the reason that I believe the scheme which has been amendment, for the reason that I believe the scheme which has been adopted by the Committee on Appropriations is a more just and fair one than we would obtain if we complied strictly with the statute to which he has called the attention of the House. I believe that so far as the Committee on Appropriations has departed from that statute it has been in the interest of liberality and of grading justly and fairly the salaries of these men; and it has gone as far as it could in that direction in view of the existing law.

Mr. BAKER. I desire to make a statement, and I shall follow that statement by withdrawing the amendment I have offered.

I had hoped, Mr. Chairman, that the Committee on Appropriations would have been ready to acquiesce in the request of the Department, a request that grows out of the experience of that service, and would have allowed an increase to have been made in the salaries of

certain of these agents, the gross amount of which would have been under \$3,000. That is all we have asked in the way of increase.

I was one of the gentlemen that spent a considerable time in con-

junction with the late Commissioner of Indian Affairs in readjusting the schedule of salaries as they now exist in the appropriation law, and which did not meet the entire approbation either of myself or of the Commissioner of Indian Affairs. The distribution was made of the whole amount of money required to pay the agents at the salary of \$1,500, amounting in all to about \$102,000. That amount of \$102,000 was distributed by paying some agents \$1,000, some \$1,100, some \$1,200, some \$1,300, some \$1,400, some \$1,500, and as high as \$2,200; in the aggregate, however, only equaling the amount that would have been required if all the salaries had remained at \$1,500. We did this at the earnest solicitation of the Department. It was our junction with the late Commissioner of Indian Affairs in readjusting did this at the earnest solicitation of the Department. It was our belief, and it is still the belief of the Department, that this distribution was wise, but it is felt that the amount ought to be increased \$2,000 or \$3,000.

But, Mr. Chairman, as I understand that, if the amendment I have offered is held to be in order, a point of order will be made against the salaries at all of the agencies where the amount fixed by the bill the salaries at all of the agencies where the amount fixed by the bill reported exceeds \$1,500, thereby, if that should be done, doing very great injury to the service, I feel as though it were my duty in the interest of the service to withdraw the amendment I have offered and to allow the scheme to stand as it has been reported. It does not meet my approbation. I could wish that the amount could be increased by about \$3,000 in the particular cases in which I propose to increase the amount in the bill. This would add to the efficiency of the service far more than the increased expense. But in order that a greater damage shall not be done the service by striking at those agencies where the amount exceeds \$1,500, I think we had better adopt the scheme which would leave it the same as it would be if we followed the Revised Statutes, allowing \$1,500 to each agent.

I withdraw the amendment.

Mr. HOOKER. I renew the amendment.
Mr. BAKER. It will do a very great injury to the service if those agents who receive above \$1,500 should have their salaries reduced by the excess above that amount.

by the excess above that amount.

Mr. WELLS. I make the point of order on the amendment as renewed by the gentleman from Mississippi.

The CHAIRMAN. The Chair is ready to give his opinion on the point of order raised. The Chair has been referred to a section of the Revised Statutes fixing, as has been alleged, the salaries of Indian agents, and it is claimed that that is the existing law. If that be true as a legal proposition, then the point of order would not lie. But the question is, is that true?

Laws may be expressly and directly repealed, and they may be repealed by implication. It is true that repeals by implication are not favored, and that statutes claimed to be repealing statutes are to be strictly construed. The law in this case to which the gentleman from Indiana [Mr. Baker] has referred has not been expressly repealed. The question then is, has it been repealed by implication? The Chair assumes this to be the fact: that since the Forty-fourth Congress continuously the rate of salaries as found in the present bill has appeared from time to time in the different appropriation bills. Under tinuously the rate of salaries as found in the present bill has appeared from time to time in the different appropriation bills. Under the existing law these are the salaries as now fixed. This having been continuously so for years, having been acted upon by the Executive Departments of the Government, having been acted on by the parties directly interested, and in addition it being shown that in no instance has a claim or a representation been made by the Department on the writer since the Earth Courth Course was for a definition.

in no instance has a claim or a representation been made by the Departments or otherwise since the Forty-fourth Congress for a deficiency, the Chair thinks he is warranted in assuming that by this continuous action of the legislative department of the Government in connection with the action of the executive department of the Government the law as it appears in this section of the Revised Statutes has been repealed, and is not the existing law of the land. If the Chair held that it was the existing law, then the point or argument made by the gentleman from Montana [Mr. MAGINNIS] would hold good, and the Chair would be compelled to hold that every increase of salary that has been made since the date of the act referred to in the Revised Statutes and any increase in this bill going beyond the sum of \$1,500 would be out of order. Looking, then, to the construction given to the salary act by the action of all the Departments of the Government and the parties directly interested, the Chair holds that the appropriation made for the last fiscal year is

partments of the Government and the parties directly interested, the Chair holds that the appropriation made for the last fiscal year is the existing law, and that therefore the point of order raised by the gentleman from Missouri [Mr. Wells] is well taken.

Mr. BRENTS. I appeal from the decision of the Chair.

Mr. BELFORD. Oh, no; let it go.

The CHAIRMAN. The Delegate from Washington Territory [Mr. BRENTS] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of this committee? mittee?

Mr. POEHLER. Does the Chair decide that this committee can-not increase any amount reported by the Committee on Appropria-

The CHAIRMAN. Without qualification of words, yes.

Mr. HOOKER. Does the Chair also hold that the salaries cannot be reduced?

The CHAIRMAN. The Chair does not so hold.

Mr. BRENTS. I withdraw my appeal from the decision of the Chair.

The CHAIRMAN. The appeal having been withdrawn, the Clerk will proceed to read the bill.

The Clerk resumed the reading of the bill and read the following: At the Devil's Lake agency, at \$1,200.

Mr. HOOKER. By instruction of the Committee on Indian Affairs, Mr. HOOKEK. By instruction of the Committee on Indian Analis, I move to amend the clause just read by striking out "\$1,200" and inserting "\$1,600."

Mr. WELLS. I make the same point of order on that amendment that I did on the other.

The CHAIRMAN. And, for the reasons already given, the Chair sustains the point of order.

Mr. HOOKER. I felt bound to offer the amendment, although I

knew it would come under the ruling which the Chair had made.

The Clerk resumed the reading of the bill and read the following:

At the White River agency, at \$1,400.

Mr. BELFORD. I move to strike out the clause just read, providing for an agency at White River. It is well known to this House and to the country that during the month of September last, Mr. M. C. Meeker, late agent at the White River agency, was massacred in cold blood by these Indians. It is a well-known fact that at that time these White River Utes broke into the Government store-house and carried off all the Government goods. It is well known that at that time they fired a number of Government buildings. It is well known that they not only murdered Mr. Meeker, but they practiced the most

that they not only murdered Mr. Meeker, but they practiced the most atrocious horrors on the employés at that agency.

It is well known that since September last these villainous Indians have not been at the White River agency, but a part of them have been down at Los Pinos, and a part of them in the extreme southern part of Colorado engaged in murdering our citizens. I see no necessity for perpetuating this agency at White River. First, because there are no Indians there at the present time, and I cannot conceive of the hardihood of even an official leech who would go to White River as an agent to represent the beauties of sentimentality and gush on the Indian question. It seems to me, therefore, that we should abolish this agency.

this agency.

this agency.

Who is to be benefited by it? The Indians are not there; they are down in the southern part of Colorado looking for scalps, or else over in Utah, or up among the Sioux Indians. I say that in the interest of economy, retrenchment, and reform I am in favor of abolishing this agency and allowing these "gentle savages," who add to their character of murderers that of thieves, to shin for themselves in the western country and earn their living as other people do.

I am opposed to the whole system of legalized pauperism which has been santioned by this Government for so many years. If these mild

been sanctioned by this Government for so many years. If these mild savages can murder Indian agents and rob the Government stores, I say that they should be left to shift for themselves. Inasmuch as there is no necessity for a mere agency on paper, I say this should be abol-

ished.

Mr. WELLS. The Committee on Appropriations were governed in this matter by the recommendations of the Indian Bureau. The act-ing Commissioner of Indian Affairs was before the Committee on Appropriations a few weeks ago and he made no recommendation for abolishing this agency. Personally I care nothing about it.

Mr. BELFORD. Do I understand the gentleman to state that there are any Indians at all at this agency at the present time?

Mr. WELLS. I know nothing about that. I am only saying that the Indian Breson saled for this agency.

the Indian Bureau asked for this agency. The Department may have some reason for maintaining this agency. So far as I am personally concerned I care nothing about it.

Mr. BELFORD. There has been none there for the last four or

five months.

Mr. WELLS. If it is deemed necessary when the bill goes to the

Mr. WELLS. If it is deemed necessary when the bill goes to the Senate this provision can be stricken out.

Mr. BAKER. I trust the suggestion of my inflammatory friend from Colorado [Mr. Belford] will not be rushed through with the hot haste he desires, for the reason that we have the general statute that authorizes and requires the President of the United States to discontinue any agency at any point whenever in his judgment it can be discontinued without injury to the service. I will read it; it is certiful 2053 of the Beying Statutes. is section 2053 of the Revised Statutes:

It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

Now, if this committee, without any recommendation from the Interior Department or from the Executive, shall vote to discontinue this agency it would be a most unprecedented thing. It is my judgment that we had better pass this bill in accordance with existing law and in accordance with the recommendations of the Department, and leave to the President under the general statute to discontinue this agency when it can be discontinued; for the law makes it his duty to do so, and we have no reason to suppose that he will not per-

form his duty.

Mr. MAGINNIS. I would like to inquire whether the Indian agents have not discontinued this agency, without any regard to the Revised

Mr. BELFORD. Of course they did—last September.
Mr. BAKER. In reference to that, I wish to answer that whether
or not it is permanently discontinued is a question that does not depend upon the fact whether these Indians are having trouble with

their white neighbors who trespass on them. After this agreement has been ratified and become a law, they may, in the judgment of the President, be brought back there, or they may be located elsewhere. It may be important and necessary that we should have this agent, although he may perform his duties at some other point, the statute authorizing the transfer from one point to another.

Mr. BELFORD. I would like to know whether the gentleman thinks Mr. Meeker and his family "trespassed" on these "gentle savages." I would like the gentleman to point out one single instance in which any one in the State of Colorado has "trespassed" on the Indians.

Indians.

Mr. BAKER. It is wholly immaterial what my judgment may be in reference to the origin of this trouble with the Utes. But the fact that these Utes have had association with the white people from their earliest settlement beyond the Mississippi River down to a very recent time, when their territory was trespassed upon, is pretty strong reason to lead me to think they are like the lamb in the story of the lamb and the wolf.

Mr. HISCOCK. I wish to inquire of the gentleman from Colorado whether there has been a treaty made by the Government with these

Mr. BELFORD. There was a treaty made in 1868.
Mr. HISCOCK. Has one been made since?
Mr. BELFORD. Yes, a treaty has been made with the head-men of the Ute tribe by the Secretary of the Interior, which has been submitted to both branches of Congress, the bill having passed in the Senate

and being now before the House.

Mr. HISCOCK. Then, as I understand, a treaty has been made with these tribes, and the Department, in carrying out that treaty when ratified, may beyond doubt need this agency.

Mr. BELFORD. No; the treaty contemplates the abolition of this

Mr. BELFORD. No; agency at White River.

Mr. HISCOCK. Then it would be abolished under the Revised Statutes

Mr. BAKER. It would be abolished by the treaty when confirmed. The question being taken on the amendment of Mr. Belford, it was not agreed to.

The Clerk read as follows:

Eleven for the tribes in Dakota, namely, two at Fort Berthold and one each at Yankton, Crow Creek, Standing Rock, Cheyenne River, Sisseton, Devil's Lake, Pine Ridge, Rosebud, and Lower Brulé agencies, at \$300 per annum each, \$3,300.

Mr. ERRETT. I am authorized by the Committee on Indian Affairs to move to amend so as to make this paragraph read:

Twelve for the tribes in Dakota, namely: two each at Fort Berthold and Pine Ridge, and one each at Yankton, Crow Creek, &c.

Mr. McMILLIN. Does this increase the appropriation?
Mr. ERRETT. It increases this appropriation \$300; but another appropriation on the next page is reduced \$300.
The amendment of Mr. Errett was agreed to.

The Clerk read as follows:

Six for the tribes in Nebraska, to be assigned to such agencies as the Secretary the Interior may direct, at \$300 per annum each, \$1,900.

Mr. BAKER. I move to amend by striking out \$1,900 and inserting

The amendment was agreed to.

The Clerk read as follows:

For additional payment of the said interpreters, to be distributed in the discretion of the Secretary of the Interior, \$4,000; in all, \$26,800.

eretion of the Secretary of the Interior, \$4,000; in all, \$25,800.

Mr. BAYNE. I move to strike out that paragraph.

Mr. BLOUNT. I want to withdraw my point of order.

Mr. BAYNE. I am not fully informed in reference to Indian affairs, but it does strike me, on reading this bill, that it is a singular production, and if not excused by precedents would seem a very marvel of legislation. Three hundred dollars appropriated at this place, and \$300 at that, to provide for the payment of interpreters! Here an agency and there an agency all over the western country, and large amounts appropriated to pay agents; and an aggregate amount of \$5,000,000 is appropriated to keep up a lot of paupers, who should go to work and earn their bread like white people. This is an extraordinary species of legislation, with which I have no sympathy. When my colleague, [Mr. WRIGHT,] in a time of great distress among our own people, the industrious people of the country, made an effort to relieve them by an appropriation of lands and money, his proposition met with no favor in the House. But few gentlemen voted for it, met with no favor in the House. But few gentlemen voted for it, and it was alleged that the Government should not be a paternal government in its relations with its citizens, in which view I fully concurred. But here comes tribe after tribe of Indians, who have muscles and sinews and strength, who have all the requisite ability to work and earn their livelihood, and yet the bounty of the Government must be extended to them year after year out of the taxes paid

by the people!

I have moved the amendment to strike out the pending paragraph,
Mr. Chairman, for the purpose of putting myself on the record as
expressing my entire dissent from measures of this character. I think
that the Government of the United States ought to permit these people to adapt themselves to the civilization which prevails in this country. Any Indian may go and acquire a piece of land, go upon it, improve it, and maintain himself and his family by honest labor. I protest against this whole scheme of taxing the industries of this country to maintain a lot of paupers in this way. I think it is a shame and disgrace; and I object to it. I want to put my protest on

Mr. HAZELTON. I ask the gentleman from Pennsylvania for a moment, to explain to the House our treaty relations with the various

Mr. BAYNE. Ido not care anything about our treaty relations. I see here references to treaties. I know commissions are being appointed to make so-called treaties. I know that these tribes of worthless dependents are dignified into independent nations, as it were, treating with the United States Government, and acquiring rights; and all the while, under the obligations of these treaties, the Government of the United States is paying to them millions and millions of dollars every year. This is not right. It is a gross injustice, and this money could be infinitely better applied in paying off the nation's real debt.

Mr. HAZELTON. What are you going to do about it?
Mr. BAYNE. Why all this talk in behalf of the Indians? In the West, where they are known, it is regarded, as has been well said by the gentleman from Colorado, [Mr. Belforn,] as an exhibition of "gushing sentimentality." It is nothing but gush and sentimentality. How are you going to ameliorate the condition of these people if you keep on in this way? You deprive them of the great educator, nekeep on in this way? You deprive them of the great educator, necessity. Necessity is what develops and makes men and civilization. The men who landed at Plymouth Rock had no government to provide bounties for them. They had to contend with a barren soil and a cold climate and work their way through trials. Look at their achievements. I tell you that if you pay these bounties year after year to these Indians you never in God's world will make them any better than they are. They must be taught self-reliance. There is but one teacher of that—necessity. As long as you support them as papers, just so long will they be paquers. paupers, just so long will they be paupers.
[Here the hammer fell.]

Mr. HOOKER. Mr. Chairman, I desire to say in reference to this motion to strike out lines 189 to 192, inclusive—

Mr. BLOUNT. Before the gentleman from Mississippi proceeds, I wish to withdraw my point of order, as it seems we may have a revival

Mr. HOOKER. It is the first instance of liberality on the part of the Appropriation Committee, and I commend the gentleman from Georgia for the spirit in that behalf which he has evinced.

Mr. BLOUNT. I am glad the gentleman has found something to

Mr. BLOUNT. I am glad the gentleman has found something to commend outside of himself.

Mr. HOOKER. When I do, I will do it with the greatest grace in the world. I will not withhold from the gentleman from Georgia anything he is entitled to. He is distinguished for his liberality, and especially so in appropriation bills. That committee limited the general debate on this bill to half an hour, and he and the gentleman from Indiana, also a member of the committee, took it all themselves and, as for the balance of us, said, oh! why, we will hear you in the Mr. BLOUNT. The gentleman was in the House, or I suppose he was in the House, and did not claim the floor.

Mr. HOOKER. You and the gentleman from Indiana have occu-

Mr. HOOKER. You and the gentleman from Indiana have occupied all the time you have conceded the general debate on this bill appropriating \$5,000,000. Now, I want to say in reference to this measure, it is in keeping with the whole of the appropriation bills coming from that committee. Never has there been a bill presented to Congress which clothed the Department with such absolute power as this bill clothes them, and gives such command of money. Not only this clause, but when you turn to the other clauses of the bill, (and we have scanned it in the Indian Committee,) never has there been such an appropriation bill which voted to the Department of the Interior such unlimited power as this does. Interior such unlimited power as this does

Here it proposes to give the Secretary of the Interior under this provision of law an additional \$4,000—

Mr. BLOUNT. Let me ask the gentleman a question.
Mr. HOOKER. Certainly.
Mr. BLOUNT. Does the gentleman mean to say this appropriation here is the first ever allowed?

Mr. HOOKER. Oh, no. I mean to say you committed the same crime for the last four years.

Mr. BLOUNT. And does not the gentleman know it has been done

all the time?

Mr. HOOKER. I protested against it all the time. I protest against it now, and I am going to be heard under the five-minute rule which the liberality of your committee allows me to be heard under.

I wish to say in reference to it, Mr. Chairman, there ought not to

be an appropriation of a dollar of the people's money except for some be an appropriation of a dollar of the people's money except for some specific object. The same rule which applies for the military appropriations under the charge of the Military Committee, and which applies to naval appropriations, Mr. Chairman, under the committee of which you are the distinguished chairman, ought to be applied to the Indian appropriation bill. Accusations have been made in reference to these Indian matters recently, and you had a Commissioner of Indian Affairs dismissed from his position. Why? Because you clothed the Department, under the bills which give them unlimited command of money, you clothed them with authority you have not given to any other Department under the Government. That is the reason.

Why, sir, you appropriate \$7,500 in this bill for ten inspectors, and

for the last three years you have been appropriating \$15,000 for these ten inspectors, who inspect everybody and everything, who go to every agency. You have modestly reduced it now to \$7,500. Why did you do it? It is a condemnation of your former action when you gave them \$15,000; and this appropriation of \$4,000 over and above what is necessary to pay interpreters, in the discretion of the Department, is in keeping with that appropriation.

is in keeping with that appropriation.

If you want to have the Secretary of the Interior and his Department inspected, why do you not have ten inspectors for the Treasury Department, ten for the War Department, and ten for the Post-Office Department? Why not enlarge the number of men whose salaries you will pay in the shape of expenses for public service rendered while traveling over the country? This bill contains many other enormities. The training the grant property of the contract is but one ties. That which the gentleman has moved to strike out is but one of them. I intend to speak on all of them, every one of them, and I intend to call the attention of the House to them. I intend that the Indian Committee shall not be responsible if you do retain clauses in the bill making appropriations without a specific object, without enu-merating specifically the purposes for which the money of the people is to be taken. If you need interpreters, employ them, pay them according to the time they serve, and do not give the Department unlimited control and command of money in reference to this matter. I repeat, sir, why appropriate \$4,000 in addition for these interpreters? If you need interpreters for the Indians, why not say for such an agency you need an interpreter and you will give so much, and for such another agency you need an interpreter and will give so much,

Why give this unlimited control to anybody, to any man, to any head of a Department? It is in violation of the true rule which should govern this Congress in appropriating the people's money. That money, Mr. Chairman, should be appropriated for specific purposes—purposes clearly indicated and fully set forth in the bill and poses—purposes clearly indicated and fully set forth in the bill and expressed beyond the possibility of doubt or controversy. Hence it is sir, that in England when they are making appropriations for the sup port of the army they make it but for a single year; and when they appropriate for the support of the army in India they deny the government the power, despotic and all-powerful as it is—though not as despotic and all-powerful as some of the inside corporations in this House—despotic and all-powerful as it is, it dare not use a dollar of the expression in India for any other property. the appropriation in India for any other purpose.

the appropriation in India for any other purpose.

The CHAIRMAN. The gentleman's time has expired.
Mr. HOOKER. I hope the committee will, by unanimous consent, extend my time a little further.

Mr. McMILLIN. I move the gentleman's time be extended.
Mr. COX. I take the floor and yield my five minutes to the gentleman from Mississippi.

Mr. HOOKER. I thank the gentleman from New York.
Mr. WELLS. Let us know how long the gentleman intends to occurry the floor.

occupy the floor.

Mr. HOOKER. I will get through with what I have to say in a short time

The CHAIRMAN. The committee cannot extend the time. Mr. WELLS. The gentleman will have many opportunities before the bill is passed to say what he has to say.

Mr. HOOKER. If the Committee on Appropriations is so anxious

to occupy the floor I will give way.

The CHAIRMAN. The gentleman from Mississippi has the floor.

The gentleman from New York having taken the floor and yielded

his time to the gentleman from Mississippi.

Mr. HOOKER. I have the floor, then, in the time of the gentleman

from New York, who has yielded it to me?

The CHAIRMAN. The gentleman from Mississippi will proceed.

Mr. HOOKER. I desire to say in all seriousness that every clause in this bill deserves the earnest attention and consideration of this committee. It deserves it for this reason, that the Committee on committee. It deserves it for this reason, that the Committee on Appropriations have in this appropriation bill gone on as they have done for the last four years making appropriations according to the estimates of the head of the Department of the Interior and the clerks employed by him without reference to the specific objects for which the appropriations should be made. Every item of expenditure should be specified precisely as I have heard the chairman of the Committee on Naval Affairs urge that everything appropriated for the Navy should be specified, and citing on this floor the action of the British Parliament in that respect. There they are required to give specific items. Here we have an item of \$4,000 for these interpreters, to be expended in the discretion of the Secretary of the Interior. It is very easy to say, if you need an interpreter at this point you should pay him so much; and if you need an interpreter at that point you should pay him so much. point you should pay him so much.

While you give to this Department and this Indian Bureau these five and six millions of dollars to be expended in the large discretion of the Secretary of the Interior and the Commissioner of Indian Affairs it is no wonder that you require to have a Commissioner sometimes dismissed; it is no wonder that you hear that contracts are made with parties who contract to furnish one sort of goods to the Indians and furnish another. It is no wonder that the newspapers are full all over the country of accounts of illegal expenditures made in the Indian Bureau. But if Congress will specify precisely what an appropria-tion is made for, and will require all executive officers who have con-trol of this money, and its disbursement, to account to Congress for every dollar they expend, and the mode and manner in which it is expended, then there would be no room for these frauds in the Indian

I fully intend before this bill is disposed of, and I give notice to the gentleman having charge of it, that at the proper time and at the proper point, I intend to apply the incisive pruning-knife to this whole system of fraud and robbery and peculation which has characterized the management of Indian affairs. I propose to do this by an amendment providing that on and after the expiration of the next fiscal year the management of Indian affairs shall be transferred to the War Department, where the responsibility will be in one person and where there will be a class of agents who will command not only the confidence of the people they represent, but the confidence of the Indians themselves.

I shall never forget when the commission was sent out to ascertain what had been the mode and manner of conducting Indian affairs what had been the mode and manner of conducting Indian affairs and we were interrogating a chief, and asked him a question as to the manner in which the affairs of the Sioux, the largest of the savage tribes of Indians, had been conducted, how he said, "We never had an agent who did not tell us a lie except when we had Captain Lee, of the Army; we knew whenever he promised anything we could rely upon it." And so they said of that gallant soldier and distinguished general who has earned more honor in Indian wars carried on among the rocks and in the wilderness where there is no large. on among the rocks and in the wilderness where there is no laurelwreath to be wound around the brow of the conqueror. No man has done better for his country while at the same time he obtained the good-will of the Indians than General Crook, who is now, and has so long been, commanding on the frontier.

We want a set of men to conduct Indian matters who will be plain, straightforward, and direct in their dealings; who will be honest to the Government and honest to the Indian.

[Here the hammer fell.]
Mr. HISCOCK. As bearing on this question of fraud and this matter of stealing, which it is stated has received the indorsement of the Committee on Appropriations, I will read the provision in the Revised

SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nominated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

This particular item appropriates the enormous sum of \$4,000 to provide for interpreters to some seventy different tribes of Indians; and I believe the highest salary that is paid to any one of these interpreters is \$300 a year.

Mr. BAYNE. More than many a workingman earns in a year

Mr. BLOUNT. I am much surprised the gentleman from Mississippi, [Mr. Hooker,] who has been here for many years, who has been acquainted with the Committee on Appropriations in the mean time, and has paid his respects to them often, has never before expressed his intense horror, as he has done on this occasion, in regard to this fund for the payment of interpreters. And I congratulate him that for the first time he has conceived and announced the theory to the House that it is right to transfer the Indians from the Interior Department to the War Department.

Mr. HOOKER. I beg the gentleman's pardon. I made a speech an hour in length in support of that proposition.

Mr. BLOUNT. The gentleman announced it with such a gusto that I supposed I must have been under some illusion.

Mr. HOOKER. If the gentleman had read my speech he would

have known what my views were on that question. Mr. BLOUNT. The gentleman ought to find time for me to read

his speeches

Mr. HOOKER. I am sure the gentleman would be much improved by reading my speech. [Laughter.]
Mr. BLOUNT. Now, Mr. Chairman, so far as this sum is concerned there is nothing unusual in it. It existed long before the Fortyfourth Congress; it has existed always, so far as I know, and it ought

to exist.

You have an interpreter for a tribe, and you want a portion of that tribe to come to Washington, and you need here a medium of communication with them. You have an interpreter for a tribe who has a fixed salary, and he becomes sick, and you desire intercourse with him. There are many instances in which it is right and proper that this fund should be placed in the hands of the Secretary of the Inte-

The gentleman from Mississippi [Mr. HOOKER] seems to be astounded at such a sum being appropriated in this way. There is in every Department of this Government and in all their bureaus what every Department of this Government and in all their bureaus what is known as the contingent fund, in many instances far greater than this. Has it come to this, that you cannot trust anybody with any sum of money at all? Heretofore the course of action has been in favor of detailed appropriations. That plan is being followed more and more every year wherever a reasonable suggestion is made that it can be done. I submit, however, that it would be impossible in this case. The gentleman desires to fix by law what amount shall be maid to an interpreter for a given service on a given occasion, which paid to an interpreter for a given service on a given occasion, which you cannot anticipate at all. You cannot tell whether the occasion for the service will ever arise. You therefore must give some fund to be used in the discretion of the Department.

The question was taken upon the amendment of Mr. BAYNE, and was not agreed to.

The Clerk read as follows:

For pay of three Indian inspectors, at \$3,000 per annum each, \$9,000. For necessary traveling expenses of three Indian inspectors, \$4,000.

Mr. HOOKER. I move to strike out the two paragraphs just read

in relation to Indian inspectors. Mr. BLOUNT. I would like to ask my friend from Mississippi [Mr. HOOKER] if this is a recommendation of the Committee on Indian Afffairs, or whether he makes the motion on his individual responsi-

Mr. HOOKER. Yes.
Mr. BLOUNT. It is from the Indian Committee?

Mr. VALENTINE. Does the gentleman say that this amendment authorized by the Committee on Indian Affairs?
Mr. HOOKER. Yes.

Mr. HASKELL. I think the gentleman from Mississippi is mistaken.

Mr. HOOKER. The Committee on Indian Affairs authorized any member to offer any amendment he desired.

Mr. HASKELL. Any amendment below the estimate.
Mr. HOOKER. No; any amendment to this bill.
Mr. BLOUNT. Do I understand my friend to state that the Committee on Indian Affairs has authorized any member of that committee to offer any amendment he wanted to this bill?

Mr. HOOKER. To offer any amendment he desired. That was so decided by the committee this morning, I understand, when I was not present. There are so many errors in this bill that it was a very difficult matter to point them all out at once, and we must take them seriatim as we come to them.

The proposition to amend this bill came originally not from myself but from our absent and permanent chairman of the Committee on Indian Affairs, [Mr. SCALES.] He made the suggestion to the committee on this subject, and called particular attention to this clause now under consideration, for the pay of three Indian inspectors at \$3,000 per annum each, and for the necessary traveling expenses of three Indian inspectors \$4,000, making \$13,000 in all for three Indian inspectors.

When you come to look at the law on this subject you will find this provision:

There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this title. Each inspector shall hold his office for four years, unless sooner removed by the President.

Now there is no use for these inspectors, and the amendment which I have offered to strike out these clauses is in conformity with the rule, being germane to the subject-matter of the bill and in the line of retrenchment. What duty do these inspectors perform?

Mr. DEERING. Will the gentleman allow me to ask him one ques-

tion?

Mr. HOOKER. I will.

Mr. DEERING. Do I understand the gentleman to state that he offers this amendment by direction of the Committee on Indian Af-

Mr. HOOKER. I state this, that I was informed by Mr. GUNTER, who is a member of the committee, and by Mr. ERRETT, who is chairman pro tempore of the committee, that this morning the committee adopted a resolution authorizing any member of the committee to offer to this bill any amendment he pleased. It is true that this particular amendment was once before the committee, and rejected by a vote of 5 to 4. But allow me to say that was several days are. This vote of 5 to 4. But allow me to say that was several days ago. This morning I understand, though I was not present, the committee authorized amendments to be offered.

Mr. DEERING. But not having this special amendment in view.

Mr. HOOKER. Any amendment.
Mr. HOOKER. Any amendment.
Mr. HOOKER. It was given to any member of the committee.
Mr. DEERING. But not carrying with it the indorsement of the

committee

Mr. HOOKER. I desire to say with reference to this amendment that I can see no use for these inspectors. If you will look a little further on in the bill you will find a provision to which I will refer in connection with this subject:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and their offices, and for pay of employés, and for pay of two special agents, at \$2,000 per annum each, \$35,000.

Now, I say there ought not to be an officer in the Indian Bureau or in the Department who has no particular functions to perform specified

by law and regulated by law.

Though it may be true that every Indian agency is properly conducted, though there may be not a single complaint, yet if you make in this bill these appropriations the money will be spent whether there is occasion for the expenditure or not. If honest agents be appointed, if the agents give bond and report properly to the Department, where is the necessity for these appropriations? Further along in the bill you will find, in keeping with this provision, an appropriations of the second tion for paying the expenses of ten inspectors or commissioners as they are called \$7,500. These officers serve without bond, without

salary, and without prescribed duty except the general duty of visiting the agencies. They have power to try anybody, to displace any agent. I say that all these appropriations are unnecessary, and that by making them we are simply multiplying the number of irresponsible officers who have no special functions to perform. If the Department has occasion to send out an inspector it ought to take from the Department some man familiar with its rules and familiar with Indian affairs and send him upon this duty. There is no occasion for Indian affairs and send him upon this duty. There is no occasion for these three inspectors; there never was occasion for them. The Secretary of the Interior has power now to detail from his office men for this duty. He constantly details from the Land Office men to go to various portions of the country and investigate questions in connection with the public lands. In the same way men can be detailed from the Indian Bureau to go and inspect Indian agencies.

This appropriation for the expenses of these officers is as useless as the fifth wheel to a wagon. If the Department is honestly conducted, if honest agents are appointed, there is no occasion for the appropria-

[Here the hammer fell.]
Mr. HASKELL. The gentleman from Mississippi [Mr. HOOKER]
misunderstands, I think, the action of the committee in several important points. In the first place, the amendment proposed here to strike out the three inspectors was, as I understand, defeated by a formal vote of the committee. Again, this morning the committee authorized any member not to offer any amendment that he chose, but to move to raise the amounts appropriated for subsistence and supplies up to the amount estimated for by the Department.

Mr. HOOKER. No, sir; it was a general power.

Mr. HASKELL. What I have stated was the motion I made myself

in the committee.

Mr. HOOKER. Then the chairman did not understand it.

Mr. HASKELL. If I was not understood it was not my fault; for I tried to be explicit.

Mr. McMILLIN. Did you move in committee, and did your committee adopt, a proposition to grade upward and not to grade downward, to increase expenditures, but not to diminish them?

Mr. HASKELL. We did nothing of the sort. Here are five inspectors allowed to the Indian Bureau by the law as it stands. Only

three are given by this bill. They are the eyes of the Indian Bureau. Your Indian agencies, sixty-nine in number, are scattered over an area of territory larger than the thickly settled portion of the country this side of the Mississippi. How is the Secretary of the Interior to detect fraud at these agencies or to administer the affairs there if he has no power to send any man there to see what the transactions of the agencies are?

A MEMBER. Let him appoint good men to office.

Mr. HASKELL. The Great Master who gave us a great code of morals had a Judas among his disciples; and even a republican administration of the Government, in the appointment of sixty-nine officers, may have one or two Judases.

More than that, these inspectors are not sent to hunt dishonest agents, but to inspect methods; to investigate the condition of things as well as the condition of men. Why, sir, the Internal Revenue Department, with no greater extent of territory, has twenty-eight special agents; the Post-Office Department has a larger number. Yet the Indian Bureau having under its control practically all the country west of the Mississippi River, being charged with the care of all these agencies, has but five inspectors by law, and this bill cuts the number down to three. This bureau should rather have the number fixed by law than the number named in this bill. If this bill is to be attacked, according to the indications here to-day, and if the Indian Department is to be crippled day by day and year by year, by the action of this Congress, I want the individual members of this House to know that upon them will rest all the degradation and infamy that may come from maladministration—more than that, upon their heads will rest the blood of the slaughtered settlers upon our frontier, More than that, these inspectors are not sent to hunt dishonest heads will rest the blood of the slaughtered settlers upon our frontier, for you have stood here year by year refusing to fulfill treaty stipulations, refusing appropriations, and compelling this bureau to violate the letter of the law.

[Here the hammer fell.]
Mr. WILLITS. I desire to have read the statute which defines the duties of these inspectors.

The Clerk read as follows:

The Clerk read as follows:

Sec. 6. That there shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties herein required. Each inspector shall hold his office for four years, unless sooner removed by the President, and he shall receive an annual salary of \$3,000 and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine on each all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any one of them, shall have power to suspend any superintendent or agent or employe, and to designate some person in his place temporarily, subject agent or employe, and to designate some person in his place temporarily, subject agent or employe, and to designate some person in his place temporarily, subject agent or employe, and to designate some person in his place temporarily, subject agent or employe, and to designate some person in his place temporarily, subject agent in the superintendency or

to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violalation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector inspectors.

Mr. WILLITS. So much for the statute which has existed since 1873. What the law was prior to that time I am not advised. It is manifest from that statute there are duties assigned to inspectors which are important, and it seems to me it would be contrary to pubwhich are important, and it seems to me it would be contrary to public good to abolish these officers. They ought to be increased in number. That law provides for not less than five. This bill appropriates for three. In my judgment the number should be increased to five. How can the Secretary of the Interior and the Commissioner of Indian Affairs know the workings of the different agencies except through these inspectors? They are the eyes of the Indian Department. It seems to me it is unwise to abolish them. We should rather increase they also belief them. than abolish them. If not subject to the point of order, I would move they be increased to five.

Mr. McMILLIN. I hope the amendment of the gentleman from Mississippi [Mr. Hooker] will be adopted. It is urged that we ought to have these officers for the purpose of watching other officers of the Government and seeing that they discharge their duties under the law. The gentleman from Kansas places his support of them on

that ground.

Mr. HASKELL. And upon other grounds.

Mr. McMILLIN. To-day if you offer to strike down or diminish the salaries of any one of these officers who require so much watching the gentleman from Kansas will be among the very first to interpose to prevent striking them down in any degree whatever. The plain English of this section is that we must have one set of officers to discharge the duties necessary to the carrying on of the Government, and another set to watch them and to see that they discharge their duties. But who is to watch this second class and hold them to the discharge of their duties? I do not know, and we are not told. Who are to watch the watchers? [Laughter.]

The gentleman says they have a right to have a few corrupt men. He compares those of his party who are corrupt to Judas. I think it is rather hard on Judas to have the comparison made. [Laughter.] For they have never, like Judas, done themselves and the world the justice to hang themselves on account of their transgressions. I can hardly say I hope this amendment will prevail. I would have been pose to prevent striking them down in any degree whatever.

hardly say I hope this amendment will prevail. I would have been more accurate if I had said I desired it, for, judging the future by the past, it is bound to go under, as a great many meritorious measures

have done.

We have officers ad infinitum. We have officers to discharge real duties, officers to fill sinecure places, and officers to watch those who have real duties to perform. Where it is to end no man can tell. Already the hungry swarm numbers more than one hundred thou-sand. Yet it is claimed we have not enough. One gentleman tells us his committee solemnly authorized the members of the committee to try to increase the number of these vigilant officers who are to supervise and superintend others, who are sworn and have to give

bond to discharge their duty.

Mr. HASKELL. Will the gentleman allow me to correct him? I
did not state the committee had authorized the increase of anybody's

Mr. McMILLIN. I did not wish to be understood as stating that you did say you had been authorized to increase salaries.

Mr. HASKELL. I thought you did.

Mr. McMILLIN. I said you said you had been authorized to move an increase of the number.

Mr. HASKELL. Not of number, but we were authorized to increase the amount of money for subsistence stores. That is what I

Mr. McMILLIN. What you get under one name and what under another it is useless to discuss. But sufficient is it for us to know that we are overrun with officers and with tax-gatherers to support I think the gentleman from Mississippi [Mr. HOOKER] is entirely correct, that we ought to have no funds appropriated except for specific purposes; we should never relax the purse-string till we know exactly where the money is to go. It leads to fraud, it leads to corruption; and no Government which has an immense fund, where public officers can go and place their hands and grab it at will and dispose of it on personal favorites, will ever flourish long. I think it is time for a reform, and am glad to hear the announcement by the gentleman from Georgia, a member of the Committee on Appropriations, that the tendency in framing these bills is toward the making of all appropriations specific.

[Here the hammer fell.]
Mr. BELFORD. Mr. Chairman, I am not in favor of the amendment presented by the gentleman from Mississippi. I am exceedingly anxious that these inspectors should be sent to the western country; and I propose to tell the House why. We have a board of Indian commissioners under this Government, and every member of that board, with the single exception of the gentleman from the State of Michigan, is taken from the East. We have about seventy-five thousand wild Indians out on the frontier, and we have got a board of sentimental gentlemen all taken from the East to civilize and Chris-

tianize this noble race of red men.

A year ago when I went down to the Interior Department to ask to have a western man appointed an agent for an Indian tribe I was informed by the late Commissioner of Indian Affairs, who was also taken from the East, and whose morality and virtue overtopped and overpeered the morality and virtue of the West, that in all the western country you could not find a man who was fit to be appointed ern country you could not find a man who was nt to be appointed as an Indian agent and placed in charge of an Indian agency. I now declare that in all the western country you cannot find any man for Indian Commissioner who would be willing to steal a mine upon an Indian reservation. [Laughter and applause.]

I say the only method by which the Government can be informed in regard to the condition of these Indians is either through the local

agent or through the inspectors sent there by the Government, and who are sent there to inquire into the condition of the Indians, to ascertain their circumstances, to learn whether trespasses are made

on their reservation, to ascertain whether they are maltreated in any degree by the people of the West.

It is well known, at least I have heard it said, that under the administration of the late Commissioner of Indian Affairs an Indian agent was expected to misrepresent the people of the West on this Indian question. That seemed to be one of the fundamental requirements of that gentleman who presided over the destiny of seventy-five thousand wild and blanketed Indians in the West. Now, if we are to have three inspectors, I think, owing to the usual generosity which characterizes the Department in making these appointments, we may at least get one inspector west of the Mississippi River who has actually seen an Indian, who knows how he looks, how he feels, how he acts seen an Indian, who knows how he looks, how he leels, how he acts; and then, by and by gentlemen who live in these Eastern States, once occupied by the noble red men, may know all about them, and especially my friend from Indiana who declared to-day that the people of the West were trespassing on these Utes. When I heard that I could not help asking myself the question, what has become of the Delaware Indians who used to live in Indiana, and what has become of the Pottawatomies, and what has become of the great crowd of Indians who used to roam in that country north of the Ohio River? I can tell the gentlemen; they have put their infected goods into our cellar, and now they say, "Gentlemen, you are trying to steal something." [Laughter.] Notwithstanding your board of Indian commissioners is made up of eastern men, more frauds have been practiced on the Indians during their reign than at any other period in our history. The people of the West are in no manner responsible. voice in the appointment of this board; we have no voice in the appointment of agents or inspectors. The people of the West who have to endure the burden of the Indian's presence are never consulted about his affairs. It is sufficient that we endure their incursions; it is sufficient that we passively witness their trespasses and depredations.

They live among us, threaten our homes, murder our citizens, burn our property, steal our horses, and spread terror and dismay in every direction, and yet we are never consulted as to the appointment of an agent who is to deal out rations, or an inspector, whose duty it is to inform the Government of the conduct of these savages.

We have schools and churches, we have philanthropic and Christian people in great abundance in the West, but our eastern friends, with their peculiar notions as to the civilization of the Indian, so dominate the Indian Department that a western man when named in connection with Indian affairs is regarded as a barbarian as fierce as one of the

vandals who sacked Rome.

vandals who sacked Rome.
Years ago, at the bidding of this eastern sentiment, we transferred the Indians from the War to the Interior Department; we inaugurated the United the Quaker policy; we placed the East in full possession of our Indians, and the result has been most lamentable: War with the Sioux; war with the Cheyennes; war with the Bannacks; war with the Nez Percés; war with the Modocs; war with the Apaches; war with the Kiowas and Comanches; fraud with the Poncas; shameless slaughter of Dull Knife's band, and other atrocities too numerous to mention. In view of this record, I ask, could the neople of the West if intrusted In view of this record, I ask, could the people of the West if intrusted with this whole Indian business manage Indian affairs in a worse way? By all means let us have these inspectors. By and by the light of truth may penetrate the cloud of hypocrisy and false sentiment that has for years overshadowed this Indian business. By and by they may teach us that a gigantic system of legalized pauperism is not the best system that can be adopted. By and by they may teach us that there is no law in nature which compels an able-bodied white man to labor for the support of an able-bodied Indian pauper. We need light; we need knowledge; we need some practical experience on this sub-ject, and God grant that we may get it through these inspectors.

Ject, and God grant that we may get it through these inspectors.

[Here the hammer fell.]

Mr. BAKER. The gentleman from Colorado talks about the Delaware Indians having lived in Indiana. Why, Mr. Chairman, the Delaware Indians, if he will study the history of that band of noble red men, to use his elegant and enphonious phraseology, never happened to live there at all. [Laughter.]

Mr. BELFORD. They did happen to live there.

Mr. BAKER. I confess, Mr. Chairman, I do not see how it is any worse for the General Government to send out Indian agents from

worse for the General Government to send out Indian agents from somewhere down in the East, because perhaps it has been the misfor-

tune of those men to be born in the East, than it is for the State of Colorado to elect a Pennsylvanian to come here and represent them

in Congress. [Laughter.]

But I do not want to spend any time about this. I have heard a long discussion about the necessity of sending these men west of the Mississippi River, a matter which any business man would have passed Mississippi River, a matter which any business man would have passed upon in two minutes. More time has already been occupied on it than would be sufficient for a question of much graver importance. The question is whether or not three inspectors, in order to perform duties required by law, shall be at the disposal of the Interior Department, to go on such errands, to make such inspections, as from time to time may be necessary. Why, the gentleman from Tennessee talks long and loud about Tilden and reform. He did not say anything about his "barrel," but Tilden and reform, as though it was a monstrous thing. Mr. Chairman, we should have three inspectors in the Indian service who should go to see the condition in which these agencies were under, not upon the assumption that these agents were dishonest, but to see whether they were exercising wise agents were dishonest, but to see whether they were exercising wise and just discretion in the management of the Indians placed under their charge.

There is no other way in which this can be investigated except through the inspectors; and it is one of the items I should like to see increased. I think it would be wise to increase the number from three to five. [Cries of "Vote!" "Vote!"]

Mr. WELLS. I desire to give notice now that hereafter I shall insist upon the rule being observed in respect to the limitation upon delagate.

In connection with this amendment I wish to say that the committee have endeavored in preparing the bill to conform to the law in all respects as far as they believe the requirements of the service would demand in regard to the number of these inspectors. The Department recommend that the number should be five; but the committee determined to appropriate but for three, believing that number would be sufficient to perform all of the duties required. For many years past, although the law on the statute-book provides for five, only three have been appropriated for, except in the year 1874. In my opinion it is a very important provision. These agents have a great deal of work to do; and they are able to save money to the Government. I regard the payment for their services as money well and properly expended. I think, however, the number provided for in the bill is sufficient.

The CHAIRMAN. The question is on the amendment of the gen-

tleman from Indiana.

The amendment was not agreed to.

The Clerk resumed the reading and read as follows:

For buildings at agencies, and repairs of the same, \$15,000. For vaccine matter and vaccination of Indians, \$500.

Mr. BAILEY. I move to strike out lines 199 and 200, which provide for vaccine matter and vaccination of Indians, \$500. I make this motion, Mr. Chairman, in the line of retrenchment and reform. [Laughter.] I do not know of any reason myself why the people of this country should take so large a portion of the public money for the vaccination of these Indians we have heard so much talk about here to-day. I believe that the medical and sanitary statistics of this country show that we are to have just about so much of contagious and epidemic diseases annually throughout the land; and for my own and epidemic diseases annually throughout the land; and for my own part, and speaking for my own section of the country, I am quite willing to allow the small-pox to go West. [Laughter.]

Mr. BROWNE. And grow up with the country.

Mr. BAILEY. Yes; and grow up with the country, as my friend from Indiana suggests. [Laughter.]

Again, Mr. Chairman, I ask in all sincerity [laughter] why are we to take from the public Treasury such a large amount of manner and

to take from the public Treasury such a large amount of money and expend it in the vaccination of these wild men of the West in prefexpend it in the vaccination of these wild men of the West in preference to men who are right here in our midst that we are bound to by ties of affection, blood, and sympathy? Look all over the country. [Laughter.] I say look all over the country on the condition of things. I have no doubt my friend from Pennsylvania over there, [Mr. WRIGHT,] possibly the next President of the United States, may have constituents himself who would like to be vaccinated. [Laughter.] Why shouldn't we vaccinate them in preference to the Indians? I have no doubt that my gallant friend from Mississippi [Mr. HOOKER] who has spoken so logically and forcibly to-day on this bill may have somewhere down in the Mississippi lottoms constituents whom has somewhere down in the Mississippi bottoms constituents whom he would like to have vaccinated out of the public Treasury.

A Member. Or who ought to be.

Mr. BAILEY. Yes; who, if they have not been vaccinated ought to be. But why take this money of the people to do it with? I say again, why take this money out of the Treasury and put it away out there in the West among the Indians, among the rocks, [laughter,] among the mines where they have plenty of money, and don't need it ? [Laughter.]

it? [Laughter.]
Again, Mr. Chairman—now to be serious. [Laughter.] I want to be serious now. I say that this appropriation is against public policy. I say it is against Christian policy. It is against morality. It is against everything that is good. [Great laughter.] Why make an appropriation here at all, gentlemen, for that purpose? I say why make an appropriation from the public money to preserve the laverage of these men and thereby increase the appropriation. and increase the number of these men, and thereby increase the appropriations of the Indian Committee every year? [Laughter.]

Mr. VALENTINE. I am with you on that point.
Mr. BAILEY. That is sense. [Laughter.] Mr. Chairman, I have
not time to compute the saving to this country. It will amount to
millions and millions of dollars. [Laughter.] I do not know how

much.

Who knows if we appropriate this money how far its ramifications will extend in the future? Why build up here a great vaccination school, a hospital, a training ship or a receiving ship, a house of refuge, or whatever you may choose to call it, in order to perpetuate these Indians and swell their numbers to undue proportions—to plant them and make them grow as it were? [Great laughter.]

I believe, Mr. Chairman, that this House should pause [laughter] and cry halt in these public expenditures; and I say, in the language of my young and distinguished friend from Pennsylvania, that we should pause in this expenditure of the people's money, and not expend it on these red men of the West while there is such abundant need for it at home.

med for it at home.

Mr. Chairman, if I had the time— [Great laughter.]

Mr. TOWNSHEND, of Illinois. Extend his time.

Mr. BAILEY. And if the gentleman from Missouri, in charge of Mr. BAILEY. And if the gentleman from Missouri, in charge of this bill, [Mr. Wells,] had not given me notice about the limitation on this debate I would like to have made a speech on this important question. [Laughter.] I tell you here that the country is watching you to-day, and there is no mistake about it. They are getting serious in this country now, [laughter,] and before the two great national conventions meet this summer the man who goes on the record in favor of expending this money in this reckless manner will find cause to regret it. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. STEELE rose and said: I yield my five minutes, or whatever time I have, to my serious friend from New York, [Mr. BAILEY.]

Mr. BAILEY. Mr. Chairman, I am not one of those who believe that the Indians have an hereditary and inalienable right to the soil of America. A wise Providence did not design that this fair land of ours should, for all time, be peopled by savages, whose creed is war and plunder, and who have only proved themselves efficient in the

and plunder, and who have only proved themselves emeient in the use of the scalping-knife and tomahawk.

Gentlemen have said during this debate, and undoubtedly have truly said, that there have been grave and serious abuses committed in the management of the Indians by some of the agents of the Government. This does not change the question. We are called upon year by year to make large contributions of money from the public Treasure of the dead and lates and treat these process. to feed and clothe and teach these persons, who are born savages, and whom no amount of education, culture, or Christianizing influences have as yet succeeded in inducing them to earn an honest living by the ordinary pursuits of agriculture, manufacture, or commerce.

Besides all this, Mr. Chairman, the greater portion of our Army in time of peace is required to be stationed on the confines of the several Indian reservations at great distances from the center of Government at vast expense, and extraordinary peril of health and life, aside from the casualties of war, in order to protect and defend us

from the ravages of these people.

This Government has been more than liberal in aiding corporations in the construction of railroads; in making large annual appropriations for the improvement of our rivers and capacity of our harbors; in building school-houses, colleges, and universities, so that the means of education may be as free as the air we breathe; in inviting, not only, but welcoming to our shores the people of all countries and of every class and condition in life who desire to avail themselves of the blessings of freedom and become citizens of this great Republic. All this is done in the interests of commerce, education, civilization, humanity. The crowded cities and over-populated farms of the East have given their young and vigorous men to the fertile prairies and broad acres of the West. A well-defined course of public policy has been maintained for years and years in encouraging western emigration. Towns and cities have sprung up as if by magic; great States have been peopled and admitted into the Union; and still greater Territories, fertile in soil, salubrious in climate, and rich in boundless mineral treasure, are impatiently awaiting their entrance into the Union.

We have solved the problem in this nineteenth century of a free, republican form of government, and the one dark spot that shadows the western horizon and every now and then makes the blood chill and the heart almost cease to throb is the sad and sickening tale of some Indian atrocity and barbarian cruelty wherein loving wives and sweet and innocent children by scores and hundreds are worse than murdered. The wailing cry from plunder, destruction, and slaughter has gone up from thousands of quiet and peaceful homes in the border towns, and all these lessons should teach us now the wisdom of a policy that protects the American citizen, his life, liberty, and home, wherever he may acquire the legal right to locate on the

public domain.

We may be charitable and kind to a race of beings we find in our midst, but we must be true and just to the American citizen to whom our Constitution guarantees the fullest protection of life, liberty, and

property.
[Here the hammer fell.]
The question being taken on Mr. Bailey's amendment, it was not agreed to.

The Clerk resumed the reading of the bill and read as follows:

Cheyennes and Arapahoes:
For thirteenth of thirty installments provided to be expended under the tenth ticle of treaty of October 28, 1867, \$20,000.
For purchase of clothing, as per same article, \$14,000.

Mr. HASKELL. I move to amend the latter clause by striking out "\$14,000" and inserting "\$19,000;" so that it will read:

For purchase of clothing, as per same article, \$19,000.

The treaty of 1867 declares that a given quantity of clothing shall The treaty of 1867 declares that a given quantity of clothing shall be purchased, and other supplies, the quantities of which are designated, and not the sums of money. The estimate of the Department is to the effect that it will require \$19,000 to procure those goods that are specifically provided for under the treaty stipulations. I offer this amendment also having in mind that these tribes have had several bills passed against their fund by this and a preceding Congress, wherein quite a portion of their funds has been diverted from the use of the tribe and paid over to those Indians who have suffered by their depredations. This leaves their affairs in a somewhat critical condition, and their resources not as great as they should be. Therefore on this item, for the purchase of the materials which it is specifically declared they shall have under treaty stipulations, and which the Department says will take \$19,000 to purchase, I desire to move the amendment I have offered because I believe it will require that amount and because the treaty stipulations demand it.

I offer this amendment for another reason. This same band for which this provision is made is the one that by reason of lack of appropriation for supplies and medicine only two years since raided my State from one side of it to the other. Hence I am anxious, as might naturally be supposed, to see the treaty stipulations with these tribes from whom the people of my State have so recently suffered care-

fully carried out.

I ask from the committee this increase from \$14,000 to \$19,000 because I believe it is needed, and it is an appropriation for a tribe of Indians that are turbulent, hard to control, and have already evidenced their restless and depredating disposition. I fear that the amount provided here by the committee, which is under the estimate, will not be enough to fully meet the requirements of the treaty and give satisfaction to the Indians as they have a right to expect. I believe it is an amendment to which the committee will not seriously object, except as it may be in the line of a series of amendments that they may feel called upon generally, in the interest of economy, to

I do not like to stand here and ask for larger appropriations than the committee give. As a rule they have been liberal, I believe, in the bills appropriating for the administration of the different Departments of the Government; but in the matter of the subsistence of all these tribes, the furnishing of clothing and of food, I think they have cut the estimates of the Department too low, and I desire to

have cut the estimates of the Department too low, and I desire to make a test question of this amendment.

Mr. WELLS. The estimate for this item is \$14,000, the exact amount provided in the bill. The committee, in getting up the bill, were governed, in regard to the Indians under treaty stipulations, by the estimates. We have not varied the language of the bill one particle from the estimates made by the Department.

It will be observed by those who will look over the bill that a large

It will be observed by those who will look over the bill that a large portion of the money here appropriated, amounting to over \$2,500,000 out of the \$5,000,000, is appropriated to carry out treaty stipulations. Now if we break over the estimate made by the Department and the bill recommended by the Committee on Appropriations for clothing or feeding the Indians, there is no telling where the amount may reach. I admit in some instances there may be a ground for increase, but not in the case of tribes with tribal relations and under treaty stipulations. The expense of clothing has increased in some instances, but not in the proportion in which the gentleman from Kansas proposes to increase this item, which is about 35 per cent.

Mr. HASKELL. Will the gentleman from Missouri allow me a

moment?

Mr. WELLS. Yes, sir. Mr. HASKELL. I admit that the original estimate prepared last fall was for \$14,000 or \$16,000. But the figures I have here are taken from a supplemental estimate which has been furnished the Committee on Appropriations, asking for \$19,000, just as I have asked in this amendment.

It appears from the official estimate that the number of Indians in It appears from the official estimate that the number of Indians in this band of Arapahoes and Cheyennes is forty-five hundred and ninety-six. This appropriation only allows a little over §3 a head to provide all the articles of clothing named in the treaty stipulations. Without reflecting on the committee, for in the main this bill has been prepared with a kindly eye to the Department, and I want to accord that much to the committee, yet in this matter, which is a mere matter of judgment as to the amount needed, I side with the Department, and ask that the full estimate be allowed for the reasons which have been stated—the turbulent disposition of the Indians. which have been stated-the turbulent disposition of the Indians

which have been stated—the turbulent disposition of the Indians and the specific treaty obligations.

Mr. BLOUNT. The Committee on Appropriations in making recommendations to this House are guided by the estimates which come from the Treasury Department and which are the result of conferences at Cabinet meetings. They are the official recommendations of the Executive to this House of the amounts of money which shall be expended for specific purposes; and they are the only ones that in my judgment, as a general proposition, we ought to require. It is com-

ing to be the case, sir, that every subordinate official whose estimate has been cut down or disallowed by a Cabinet officer is found in various committee-rooms seeking to get an increase of appropriations for the service he represents. The estimates which are known to be rious committee-rooms seeking to get an increase of appropriations for the service he represents. The estimates which are known to be official contain the identical amount which is placed in this bill. What information the gentleman from Kansas [Mr. Haskell] may have from other sources I do not know. I will simply say that at the time we were considering what sums of money should be appropriated in this bill those sources of information were not before us.

Mr. HASKELL. May I ask the gentleman a question?
Mr. BLOUNT. No, sir; I have not time.
It has been charged here in the general debate that we were not liberal enough to these Indians. There are over \$2,000,000 in the bill which we are not obliged by treaty stipulations to give. The gentleman from Kansas [Mr. HASKELL] has well said we have been liberal in this matter. We have been as liberal as in past years. There in this matter. We have been as liberal as in past years. There may have been, as compared with last year, an increase in the price of the clothing required for these Indians. But, sir, when you go back to a period many years ago you find the same thing. These amounts have not varied in accord with prices—not at all.

In my judgment, therefore, it is safest for this House to take the estimates furnished by the Department to the Committee on Appropriations, which committee has had an oportunity to examine those

estimates and make a recommendation to this House, instead of adopting amendments thrown in here unexpectedly and in a sort of ambuscade. I trust the House will see fit to take the official estimates

and the action of the committee as amply liberal on this subject.

Mr. HOOKER. I want to say to the gentleman from Georgia, when he says that these amendments are thrown in here as a sort of ambuscade, that we have a right to offer these amendments. He and

Mr. BLOUNT. I would like to know if the gentleman is?

Mr. HOOKER. They make their report for the consideration of the Committee of the Whole House. Let me say to him, you are not a dictator to this House; you have no right to speak in the language of authority to this House; you are simply the servant of the House; you and the members of your committee are its servants, and it is your duty to present certain propositions to the House for its consideration.

A little while ago, when some member referred to the Committee on A little while ago, when some member referred to the Committee on Appropriations as consisting of thirteen dictators, one of the members of that committee said that there were fifteen of them. I have been taught by history that there is more trouble to be apprehended from many minds and from many heads than there is from one. Where there is but one, he is likely to have a conscience that may be influenced by public judgment. But many tyrants can commit crimes with

I hope, therefore, the Committee on Appropriations will not consider that it can shield itself under the idea that it is a sort of close corporation which has the right to make suggestion to the House.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. HOOKER. Certainly.

Mr. BLOUNT. I believe that by the rules of the House the Com-

mittee on Indian Affairs is excluded from the consideration of the Indian appropriations. Now, I would ask the gentleman if the Committee on Indian Affairs, which I understand has been considering

this matter for some days, proposes to ignore the rules and to act on the general principle of full liberty?

Mr. HOOKER. We do. [Laughter.] I am happy to say that the gentleman from Georgia is exactly correct. We do not propose by any failure to offer needed amendments to indorse a bill so monstrous this, not the less monstrous because the iniquity has been perpeas this, not the less monstrous because the iniquity has been perpetrated year after year. The gentleman from Georgia has given me the credit of just discovering the great iniquity of this bill. Now, if he had read the speech to which I referred him, and if he will do me the honor to apply to me I will refer him to the very pages of the RECORD where he will find it, he will see that the views I now express to the House I expressed on the first occasion when the Committee of Appropriation was accommon to the contract of the committee of the comm mittee on Appropriations was so generous as to allow me to have the floor in this Congress. I struggled for it during the last Congress, but did not get it. I have now an opportunity to express my views, and if he will read that speech he will see that they are views which I have constantly expressed when I have had the opportunity.

I say that so far as many of the amendments I have offered are concerned my committee agrees with me. And I say that it is a terrible reproach, and one for which the country will hold responsible the gentleman from Georgia and his colleagues on the Committee on Appropriations, that they assume to report a bill and hold it up as too sacred in its character for amendment, which bill is full of iniquities and outrages, and to hold that it is a bold thing for any man to offer

an amendment to it.

Now, I say in reference to this whole bill that it should be amended now, I say in reference to this whole our that it should be amended in many particulars. The gentleman from Georgia, [Mr. BLOUNT,] and his friend from Missiouri, [Mr. Wells,] in charge of this bill, ought not to conform, as they say they do, strictly to the estimates of the Department. They ought to require the Department of the Interior and the Commissioner of Indian Affairs to specify the particular use to which they will apply every dollar they ask for the Indian Affairs ought not to be any expenditure in any particular. There ought not to be any expenditure in any particular that the Committee on Appropriations, with its vast extent of power, its learning and considerable research, could not explain.
[Here the hammer fell.]

Mr. HISCOCK. The gentleman from Georgia— Mr. SIMONTON. I rise to a question of order. The CHAIRMAN. The gentleman will state it.

The CHAIRMAN. The gentleman will state it.

Mr. SIMONTON. My point of order is that debate has been exhausted upon the pending amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HISCOCK. Then I move to strike out the last word. The gentleman from Georgia [Mr. BLOUNT] says that the Committee on Appropriations has been extremely liberal in its appropriations for this

Mr. BLOUNT. It was the gentleman from Kansas [Mr. HASKELL]

who said it.

Mr. HISCOCK. Well, the gentleman from Kansas, then; I will accept the amendment. The gentleman from Kansas claims that we on the Committee on Appropriations have been extremely liberal. Now I do not think we have been. I believe that very many abuses, very many of the difficulties between the whites and the Indians have been due to this very sort of liberality which has been extended by the American Congress to the North American Indians.

I am in favor of the amendment offered by the gentleman from Kansas, [Mr. Haskell.] And as bearing upon that question, and as bearing upon the liberality of Congress in dealing with these Indians, I will call the attention of this committee to the treaty provision which requires the appropriation of the sum now under discussion.

It will be borne in mind that there are forty-five hundred of these Indians; to be exact there are forty-four hundred and ninety-six Indians for whom this \$14,000 is to be appropriated. And it is to carry out this treaty stipulation:

For each male person over fourteen years of age a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made

For each female over twelve years of age one flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of

cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen

Under these treaty provisions this Government appropriates \$3 a head for those Indians to provide them with this clothing which it is stipulated each of them shall have from the United States.

Mr. BLOUNT. The gentleman has stated, I believe, that there are something over four thousand of these Indians.

Mr. HISCOCK. I have said that there are forty-four hundred and

ninety-six Indians; and the appropriation you propose to make to carry out this treaty provision is \$14,000.

Mr. BLOUNT. Now, does not the gentleman know that it is not the entire number of Indians who are entitled to this clothing but

only those between certain ages; and does he not also know that this money need not be used in that way but may be diverted to other

Mr. HISCOCK. I know of no law or regulation—
Mr. ATKINS. Will the gentleman yield for a question?
Mr. HISCOCK. Certainly.
Mr. ATKINS. I understand the gentleman to say that the Department has estimated but \$14,000 for this particular purpose. Is there any subsequent estimate recommending an increase for this particu-

Mr. HISCOCK. I will answer the gentleman's question. The Department stands toward the Committee on Appropriations in this attitude: It knows that the committee is bound to keep down these appropriations. The Department stands begging of the committee, and says, "How much will you give us?" On the other hand the committee says to the Department, "How little can you get along with?" If the Department says, "We want this or that sum," the committee says, "You cannot be furnished with that amount of money." The Department comes in here with an estimate for this year founded upon the appropriations of last year, knowing that under no circumstances will the Committee on Appropriations, or this House, if constances will the committee of Appropriations, of this floate, it controlled by the committee, be induced to increase these appropriations a single dollar. Now, as has been said by the gentleman from Kansas, [Mr. HASKELL,] a supplemental estimate has been made.

One word further before the hammer falls. The gentleman from

Georgia [Mr. BLOUNT] says that this money may be used for other purposes. How else is it to be used? Into what other channel may you divert the value of this clothing? These Indians are entitled to this clothing or its value. If the money is not expended upon clothing, it should be expended in some other direction. The gentleman's suggestion is not an answer to the proposition I make, that we are

not paying these Indians sufficient money.
[Here the hammer fell.]

[Here the hammer fell.]
Mr. ATKINS. I simply wish to call attention to the fact that the Committee on Appropriations in this instance propose to appropriate precisely what was estimated for by the Department and exactly what was appropriated last year. Now, the gentleman from New York [Mr. Hiscock] says that the Departments are in the habit of saying to the committee, "Give us the most you can; but if you will not give us what we ask, we will cut ourselves down to what you say you are willing to give." I think this is quite a compliment, so far as economy is concerned to the Committee on Appropriations and far as economy is concerned, to the Committee on Appropriations and to this democratic House that has sustained it.

But, Mr. Chairman, there are very few Departments in this Government that have confined themselves in their estimates to the law;

very few indeed. I believe I may say for the Treasury Department that it has in most instances confined itself in its estimates to the law of the present year; but this remark is not true of any of the other Departments. It is partially true of the Navy Department; but of the other Departments it is not true. Especially is it not true of the Interior Department, which has charge of this Indian Bureau.

Now, the question is simply this, whether these Departments are dealing candidly with the House of Representatives and with the country. Are they competent to make up these estimates, or is it.

dealing candidly with the House of Representatives and with the country. Are they competent to make up these estimates, or is it possible that gentlemen on the Indian Committee, with the distinguished gentleman from Mississippi [Mr. HOOKER] at their head so far as to-day's operations are concerned, know better what amount should be appropriated for this or any other object contained in the bill than the Department itself? That is the question.

I asked a moment ago whether there was any other estimate before this House increasing the amount proposed to be appropriated in this bill. I am told there is not.

Mr. HASKELL, (to Mr. ATKINS.) You have had an estimate from the Department.

the Department.

Mr. ATKINS. Yes, sir; and we have conformed to it.

Mr. HASKELL. Have you not had a supplemental estimate ask-

Mr. HASKELL. Have you not had a supplemental estimate asking for \$19,000 more?

Mr. ATKINS. Not before the bill was reported. Does the gentleman mean to say that the supplemental estimate of which he speaks comes from the Interior Department?

Mr. HASKELL. Yes, sir; from the Indian Commissioner.

Mr. ATKINS. Ah! the Indian Commissioner—a subordinate officer.

Mr. HISCOCK. I withdraw my pro forma amendment. The gentleman from Indiana [Mr. Baker] renews it, and yields to me his time.

The CHAIRMAN. Is there objection to the withdrawal of the amendment? The Chair hears none.

Mr. MILLS. I ask the gentleman from Missouri [Mr. Wells] who has charge of this bill to let the committee rise now. We are to have a session to-night for reports from the Committee on Naval Affairs.

Mr. WELLS. Very well.

Mr. MILLS. I move that the committee rise.

The motion was agreed to.

The committee accordingly arose; and Mr. Carlisle having taken

The motion was agreed to.

The committee accordingly arose; and Mr. Carlisle having taken the chair as Speaker pro tempore, Mr. Whitthorne reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 1412) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed joint resolution and bills of the following

titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 102) authorizing the Secretary of War
to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion to be held at Milwaukee, in the State of Wisconsin, in June, 1880;

An act (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado; and
An act (S. No. 1079) regulating the times and places for holding the district courts of the United States for the district of Maine, and for

The message also announced that the President pro tempore of the Senate had appointed Mr. VOORHEES and Mr. KERNAN members on the part of the Senate of the joint committee to take into considera-

tion alleged losses of revenue arising from the evasion of the stamptax on cigars and other articles subject to excise duties.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June

ELIZA R. ASHBY.

The SPEAKER pro tempore. The Chair desires to call attention to a mistake in a bill passed last night granting a pension to Eliza R. Ashley. The name should be "Ashby." The Chair suggests that the Committee on Enrolled Bills be authorized to make the correction. The Chair hears no objection.

BANKRUPTCY.

Mr. HUTCHINS, by unanimous consent, introduced a bill (H. R. No. 5806) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UTE INDIANS.

On motion of Mr. POUND, by unanimous consent, a bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State and for other purposes, and to make the necessary appropriations for carrying out the same, was taken from the Speaker's table, read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Phister, indefinitely; To Mr. Bayne, for to-night;

To Mr. CHITTENDEN, for the remainder of this week; and To Mr. Marsh, for to-night.

CHESTER AND MARCUS HOOK ICE-HARBORS.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of War, relative to ice-harbors at Chester and Marcus Hook, Delaware River, Pennsylvania; which was referred to the Committee on Commerce.

SAWYER'S IMPROVED CANISTER-SHOT.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to Sawyer's improved canister-shot; which was referred to the Committee on Appropriations.

SURVEY OF PASSAIC RIVER.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the survey of the Passaic River, New Jersey; which was referred to the Committee on Commerce.

STATIONERY FOR INDIAN AGENTS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to supplying stationery for use of Indian agents; which was referred to the Committee on Appropriations.

DEPREDATIONS ON PUBLIC LANDS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the appropriations for depredations on the public lands; which was referred to the Committee on Appropriations, and, on mo-

tion of Mr. Conger, ordered to be printed.

And then, on motion of Mr. WHITTHORNE, (at four o'clock and twelve minutes p. m.,) the House took a recess till seven o'clock and

thirty minutes p. m.

EVENING SESSION.

The House reassembled at seven o'clock and thirty minutes p. m. ORDER OF BUSINESS.

The SPEAKER pro tempore, (Mr. CARLISLE in the chair.) The Clerk will read the resolution under which the House meets this evening. The Clerk read as follows:

Tuesday, April 6, 1880, on motion of Mr. WHITTHORNE, by unanimous consent, Ordered, That there be sessions of the House on Wednesday and Thursday next, April 14 and 15, for the consideration of business reported, or to be reported, from the Committee on Naval Affairs.

Mr. WHITTHORNE. Under instructions of the Committee on Naval Affairs I shall have to take up the Naval Committee business in the order of its dignity: first, bills and joint resolutions in the Com-mittee of the Whole on the state of the Union; second, bills and joint resolutions on the House Calendar, and third, business on the Private

UNITED STATES NAVAL OBSERVATORY.

The SPEAKER pro tempore. Does the gentleman move the House resolve itself into the Committee of the Whole House on the state of the Union f

Mr. WHITTHORNE. No, sir. In the first place I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill (H. R. No. 674) to locate and purchase a new site for the United States Naval Observatory, and that the same be laid upon the table. It was reported from the Committee on Naval Affairs by the gentleman from Massachusetts, [Mr. MORSE,] but has already become a law.

The Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill and it was laid

discharged from the further consideration of the bill, and it was laid

on the table.

Mr. WHITTHORNE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

GOVERNOR NAVAL ASYLUM, PHILADELPHIA.

Mr. WHITTHORNE. I am also instructed by the Committee on Naval Affairs to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill (H. R. No. 64) to authorize the assignment of a rear-admiral on the retired list of the Navy to duty as governor of the naval asylum at Philadelphia, and that the same be laid upon the table. The reason for that motion is this: the Committee on Naval Affairs of the Senate have considered the same subject and reported adversely on it.
As it has in that body been postponed indefinitely the Committee on
Naval Affairs deem it useless in this House to ask the bill shall be
further considered.

The motion was agreed to; and the Committee of the Whole House on the state of the Union was discharged from the further consider-ation of the bill, and it was laid on the table.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I now move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose

of considering the remaining bills on the Calendar reported from the Committee on Naval Affairs

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. STEVENSON in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole for the purpose of considering reports from the Committee on Naval Affairs. The Clerk will report the first bill.

PERMANENT CONSTRUCTION FUND FOR NAVY.

The Clerk read as follows:

Whole for the purpose of considering reports from the Committee on Naval Affairs. The Clerk will report the first bill.

PERMANENT CONSTRUCTION FUND FOR NAVY.

The Clerk read as follows:

A bill (H. R. No. 389) to provide a permanent construction fund for the Navy. as soon as may be affer the passage of this act, to canse an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy as soon as may be affer the passage of this act, to canse an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy Department, in which account is able be stated the original cost of each article and present value of such stores and supplies to be made and entered in such accounting the stores and supplies to be made and entered in such accounting the such accounting the store of t

Mr. WHITTHORNE addressed the committee. [His remarks will

be found in the Appendix.]
Mr. HARRIS, of Massachusetts. Mr. Chairman, it is not my habit, at least in this House, to speak upon any question unless I expect and hope to be able to render valuable service to the House. It is my purpose to explain briefly the several provisions of the bill under consideration and to give the reasons for those provisions. After having done that, I shall be content to leave the subject, for I believe that the purposes and reasons of the bill being understood, argument will

be unnecessary.

This bill is not the result of the efforts and study of one Committee on Naval Affairs of the House of Representatives. The present committee is the third one which has had charge of the subject, and the bill has assumed various forms at different periods. It was once called the admiralty bill, but it has now been so far changed as to contain no reference to a board of admirals; it is the unanimous re-port of this committee, and has moreover the earnest support of every member of the committee; it has met with the unqualified approbation of the present prudent and cautious head of the Navy Department, and in its preparation he has been often and fully consulted; it has been subjected to the scrutiny and criticisms of the chiefs of bureaus in the Navy Department, and has been modified to meet their views. The best officers of the Navy, very generally I believe, look upon it with favor. upon it with favor.

The report submitted by the committee with this bill, No. 169, is very full and complete. It has been copied by many of the leading journals of the country, and I believe the measure has received favorable comment during the last two months from the best writers on the subject.

The first section of the bill provides that the Secretary of the Navy shall cause an account of stock to be taken of all materials and sup plies on hand in the various yards and naval storehouses of the country, and shall cause these articles to be appraised at their present cash value and to be entered in new accounts, so that hereafter when a requisition is made for these articles to be used in the conwhen a requisition is made for these articles to be used in the construction, armament, or equipment of ships they shall be charged at their present price. The reason for this is that now there are piled up vast quantities of material in the storehouses of the Navy, bought in the midst of the war at high prices. There is no power in the Navy Department or in any of its officers to cut down or reduce these prices; therefore, when a requisition is made, they must be charged to the ship at the price at which they were originally purchased. This has the effect of making the ship appear to cost very much more than it actually does cost. Substantially this is the object of the first section of the bill. tion of the bill.

The second section of the bill requires that all vessels now in the The second section of the oill requires that all vessels now in the Navy not at sea shall be examined by a board of officers competent to judge of their efficiency and value, who shall determine the question whether they ought to be further repaired. If such board shall determine that any vessel is unworthy of repair or unfit for further service, the next step required by the bill is that the Secretary of the Navy shall appoint a competent board of officers to appraise the value of the vessel to the Government—the value at which the Government is willing to dispose of it. Then if the Secretary of the Navy shall deem it proper, he shall cause all such vessels to be advertised in the public prints, to be sold at or above, but never below the appraised value.

If this bill shall become a law, then for the first time in the history

of the American Navy it will be impossible for rings to surround a Government sale and obtain possession of Government property at their own price. We propose to appraise an old ship at what it is worth to the Government to be broken up, and then we shall say to the world that if any one will not give that price for it, it shall not be sold. I think every gentleman who knows anything about the past will say that this is a wise provision. These vessels are not to be de-stroyed unless the board shall determine and recommend it, and unless the Secretary of the Navy himself shall approve it for reasons to be spread upon the records of the Department.

the Secretary of the Navy himself shall approve it for reasons to be spread upon the records of the Department.

Mr. ATKINS. I desire to interrupt the gentleman, but will not do so without his permission. But just there I want to ask the question is it proposed that the bill shall be a continuing law?

Mr. HARRIS, of Massachusetts. It is.

Mr. ATKINS. The object is not only to sell the vessels in the Navy already unfit for service, but to sell for all time to come vessels in the Navy as they may become unfit for service.

Mr. HARRIS, of Massachusetts. Yes, sir.

Mr. ATKINS. All these vessels as they become unfit for service are to be condemned, appraised, and sold. Is that the purpose of the bill?

Mr. HARRIS, of Massachusetts. That is the spirit and purpose of the bill. It is to be a continuing law so that whenever a ship is deemed unfit for further service in the Navy, unfit for repair, she can be sold under the process here laid down. The purpose of the bill is to establish if possible a policy for the future government of the Navy so far as it relates to its ships, its engines, and armor.

The gentleman from Tennessee [Mr. ATKINS] a few moments ago asked me how many ships there were in the Navy which it is supposed should be sold. I have from such information as has been within my reach prepared a list of such vessels. I believe there are thirty-eight

reach prepared a list of such vessels. I believe there are thirty-eight of them, including vessels on the stocks, unfinished vessels, worn out in the service, and vessels which have rotted at their wharves. I might have included in this list some vessel or vessels which may upon careful examination be found to be capable of further service. I think they are few, however, if any. My own judgment is that other ships

not included in this list when brought under examination will be found unworthy to be retained. Here is a list, marked "A," of thirtyeight vessels of all classes which I am of opinion should be sold or broken up. I have taken pains to give the age, the tonnage, the displacement, the supposed number of guns of each of these vessels, together with its present location and conditions, so far as I was able.

Table A.—A list of vessels which have no value as vessels of war or for naval purposes, and should be withdrawn from the Navy and sold or broken up, with their ages, number of guns, tonnage, displacement, and present location of each.

Name of vessel.	When built.	No. of guns.	Tonnage.	Displacement.	Where located and condition.			
STEAM-VESSELS.					Contrato de la como			
1. Niagara	1855	12	2, 958	5, 440	At Boston; worthless; machinery			
2. Connecticut	1867	21	2, 869	4, 450	out; hull rotten. At Boston; rotten; unfinished on stocks.			
3. Pennsylvania	1867	21	2, 490	4, 000	At Boston; rotten; unfinished on stocks.			
4. Java	1867	21	2, 490	4, 000	At New York; rotten; unfinished			
5. Susquehanna. 6. Congress. 7. Omaha 8. Iowa 9. Worcester 10. Benicia 11. Florida 12. Narragansett 13. Saco 14. Nyack 15. Kansas. 16. Shawmut 17. Michigan 18. Frolic, purchased. 1RON-CLADS. 19. Colossus 20. Massachusetts 20. Massachusetts 21. Oregon	1867 1867 1867 1867 1864 1863 1863 1863 1863 1864 1864	4	2, 000 1, 122 2, 119 2, 000 1, 122 2, 135 566 410 410 410 450 614	2, 400 4, 220 1, 235 900 900 900 900 685 1, 300	Laid up at Portsmouth. Laid up at Boston. Laid up at Norfolk. Laid up at Mare Island, California. Laid up at New London. Laid up at Mare Island, California. Laid up at More Island, California. Laid up at Portsmouth, New Hampshire. Laid up at Norfolk. Laid up at Erie, Pennsylvania. Laid up at Washington. On the stocks at New York. On the stocks at Portsmouth.			
22. Roanoke	1001	6	2, 260		Laid up at Chester, Pennsylvania.			
SAILING-VESSELS.	16.00	1.38	Market .	1.36	Established In the Control of the Co			
23. Ohio	1820 1818	5	2, 700 2, 600	4, 250 4, 150	Laid up at Boston; partly taken			
25. Sabine	1855	22	1, 475	2, 450	down. Laid up at Portsmouth, New Hamp- shire.			
26. Guard, purchased.		2	. 925		Laid up at Portsmouth, New Hamp- shire.			
27. Savannah 28. Cyane 29. Relief 30. Nine tugs, &c	1837 1836	2	695 468	950	Laid up at Norfolk. Laid up at Mare Island, California. Laid up at Washington. Laid up at several navy-yards; said to be worthless or useless.			

The Niagara, the first on the list, was built in 1855, as will be seen, and she is the largest ship of the old Navy now afloat—a ship of 2,958 tons measurement and 5,440 tons displacement, and is now stationed at Charlestown, Massachusetts. This vessel has been tied up for ten years at her wharf at Charlestown navy-yard with ship-keepers upon her night and day during all that time to protect her from the harbor thieves. She was the ship that assisted in laying the first Atlantic cable, and has been of great service to the country, but her inside planking is partially off; her outside planking has been partially removed; her engines and boilers are gone, and she is a worthless hulk. If the Secretary of the Navy were to advertise her for sale under the present law he would realize but little from her, and the cost of adpresent law he would realize but little from her, and the cost of advertising and selling would come out of the naval appropriation, and nothing would come back into the Treasury for the benefit of the Navy. This explains why ships are allowed to lie in this condition unsold. The cost of selling has to come from funds which otherwise would be used in the construction or repair of vessels of the Navy, while the Navy derives no benefit from such sales. I know that some Secretaries have said that they did not propose to expose themselves to the charge of encouraging rings and jobs when no benefit was to be derived to the Navy, and that they would sell no ships until Congress provided a way in which they could be sold safely to the Government and without scandal to the Department.

Mr. MORSE. And this vessel could not be sold to-morrow for enough to pay what it costs to take care of her while she is lying at her wharf

Mr. HARRIS. I am not sure of that; she is an old ship, copper-bolted, and probably has considerable value. I am not informed as to how much money has been expended in her care since she has ceased to be of service in the Navy. It may be that the money expended in her care during the last ten or twelve years will even exceed the sum which may be realized from her sale, but the fact ought to induce Congress to provide immediately that no more money shall be wasted upon her.

Near by the Niagara floats the old Ohio, a broadside sailing-ship,

built in 1820. She has been long discarded as unworthy and unfit to be used as a receiving-ship, and lies there wearing out her chains and rotting away.

Side by side with the Niagara is the Iowa, a new ship finished in 1867, but begun before the close of the war. She was built of white oak timber; she was an elegant ship, and possessed or intended to possess great speed; her engines were put into her in New York, and she made her trial trip and went round to Boston, and was there tied up to the wharf where she has ever since remained. She is rotten, and being very sharp her ends have dropped for want of ballast; her engines have been partially removed, and she is utterly worthless for any naval purpose.

I might go on through this list of thirty-eight vessels showing, as I think I could, the propriety and the necessity of this section of the bill by giving the present condition of each of said vessels, but the table will be printed with my remarks, and I shall not occupy the time by reading it in all its details. I think it will satisfy any person who will examine it that my position is right.

Mr. CONGER. Are any of the old historic ships among that list; the Constitution, for instance?

Mr. HARRIS. Yes, sir; the old Constitution is now in service, having been rebuilt in 1876. She went to France carrying goods for exhibition at the French Exposition. The Constellation is also in service, having been kept in repair, and is now on a voyage carrying

hibition at the French Exposition. The Constellation is also in service, having been kept in repair, and is now on a voyage carrying supplies for the starving people of Ireland.

Glancing over the list I find the Florida at New London. Some gentlemen may differ with me as to the propriety of her sale, but she made only one trip, and that, her trial trip; she is the fastest ship in the American Navy, having made seventeen and a half knots per hour, but she was built for a special purpose; almost everything else in her construction was sacrificed to speed, and she is therefore so full of machinery that there is little else in her, and she is fit neither for naval or commercial purposes. naval or commercial purpos

Mr. BERRY. How many ships are tied up at Mare Island, California? Mr. HARRIS. The table shows that there are laid up at Mare Island the Benicia, the Narragansett, the Saco, the Nyack, and the

Island the Benicia, the Narragansett, the Saco, the Nyack, and the Cyane, and it is probable some of the nine worthless tugs are there also. There is a law now providing that the President of the United States may sell any ship in the Navy, but the Secretary of the Navy can only sell by pursuing certain methods in regard to advertisement, and he must sell by auction. This bill provides that all ships must be sold in the way I have described, and in no other way, except upon the expressed order of the President of the United States. The reason be sold in the way I have described, and in no other way, except upon the expressed order of the President of the United States. The reason of this exception is this: it may be necessary to sell a ship in a foreign country, it may be necessary to sell for some special reason a ship not within reach of the officers of the Government. So, too, if a ship had been advertised and no bids were made equal to the appraised value it might become necessary to order the sale at a less price or in some other mode, and this power is therefore given to the President of the United States.

The section also provides that no old material is to be exchanged or sold in the future if it can be made useful in the Navy by reworking or otherwise. This provision is inserted for the purpose of put-ting an end forever to any question as to the right of the Secretary of the Navy to sell or exchange any property belonging to the Navy, and to give him the right to sell that which is unprofitable to keep, but not to exchange. This material must be sold, if at all, after conbut not to exchange. This material must be sold, if at all, after con-demnation and appraisal, and must be sold at public auction. It can-not be sold if the officers who are appointed deem it worth keeping

for future naval purposes.

The third section of the bill provides for a permanent construction fund, and this is the central idea of the bill. Heretofore, as the chairman of the Committee on Naval Affairs has stated, every sale of an old ship or of old material has carried the article immediately out of the old ship or of old material has carried the article immediately out of the Navy and the proceeds into the Treasury. At the close of the war, as Secretary Welles, in his report of December, 1865, states, a large number of ships, which had cost the Government \$18,000,000 or more, were sold for a little over \$5,000,000, and all this money was turned into the Treasury. So, always, now when a ship is sold the proceeds go into the Treasury. What we propose is to establish from the proceeds of these sales a nucleus for a permanent construction fund of the Navy to be need only for the construction of nor versely. If all these of these sales a nucleus for a permanent construction fund of the Navy to be used only for the construction of new vessels. If all these thirty-eight vessels and all the old material on hand were sold the amount obtained might be a half million of dollars or more. It would depend upon the appropriation of Congress how large this fund should be at any time. It would be entirely within the control of Congress to determine how many new ships should be built, how rapidly any work upon them should be pushed forward. This fund should be protected from encroachment, and no officer should be allowed to expend a dollar of it except upon a new vessel. During many years it has been the practice, it is part of the history of the Navy, to rebuild old ships, to build a ship around an old name and a splinter of a keel, and all that under the name of repairs. This has been complained of in ships, to build a ship around an old name and a splinter of a keel, and all that under the name of repairs. This has been complained of in all administrations and I believe it to be wrong. This bill will effectually put a stop to that practice—a practice, however, which the law has fostered and encouraged and even compelled.

The bill also provides that no old ship shall be repaired if the cost of repairing shall be more than 40 per cent. of the cost of constructing a new vessel of equal size and power, and if such repairs are done they are to be taken out of this special permanent construction fund of the Navy, and as if a new ship was in fact being built.

These thirty-eight vessels to which I have referred, unless they are sold must go to ruin, for no Secretary of the Navy will be justified in tearing them to pieces for the sake of the old material. The cost

in tearing them to pieces for the sake of the old material. The cost of tearing to pieces so large a number of vessels would involve a large expenditure of the appropriations for the Navy and would result in accumulating a vast amount of nuwrought old material not required. In other words, the Secretary would be expending the appropriations for old material which ought to be expended in keeping the vessels we have in repair. The only way to get rid of these vessels, then, is to offer them for sale in the manner provided for in the bill.

Under the fifth section of the bill the Secretary of the Navy is compelled to make annual reports of every sale and all expenditure of money on account of them, to explain how the money derived from the sale of these old vessels has been applied, so that Congress at the beginning of every session may be informed exactly of what changes have taken place in the Navy in this respect.

The last section is merely a provision for getting into the Navy a little knowledge from the outside world. Our Navy, I am sorry to say, is to nearly a close corporation. Without disrespect to our naval constructors and naval engineers, who I believe generally to be men of accomplishment in their professions, it is yet true what they do not know seldom finds its way into the Navy. We have inserted in this bill a clause providing that any person in the Republic, any bright genius who thinks be can do something for the benefit of the Navy of his country, may be invited to bring his plans, specifications, and that if such plans, models, or all that if such plans, models, and that if such plans, models, or able that if such plans, models, and that if such pla

cations, and models and exhibit them to the Department and to the inspection of the officers charged with the duty of building ships and engines, and that if such plans, models, or specifications are adopted

Table B.—A list of vessels, now in commission or repairing, having steam-power, being the vessels forming the present fighting force of the Navy, showing the ages, tonnage, displacement, armament, and location (at date of Navy Register for 1880) of each.

When built. Tonnage. Displacement.	100000	ilula:			Gun	8.						
	Displacement.	11-in. smooth-bores, 16,000 pounds, or 8 tons.	9-in. smooth-bores, 9,200 pounds, or 4.6 tons.	8.in. smooth-bores, 6,500 pounds, or 2\frac{2}{4} tons.	8-in. rifle, 17,330 pounds, or 8\frac{3}{5} tons.	100-pounder rifle, 9.750 pounds, or 4g tons.	60-pounder rifle, 5,400 pounds, or 2.7 tons.	Other guns.	Total.	Remarks.		
FIRST-RATES.	TO LAND			o laterio	51 344 R	1	STATE OF					
1. Tennesseesecond-rates.	1865	2, 840	4, 840	2	16			2	1		21	Classed as a second-rate in 1879. Flag-ship Nor Atlantic station. Recently repaired and much is proved at great expense.
2. Lancaster	1858 1858	2, 120 2, 000 2, 000 2, 000	3, 250 3, 000 3, 000 2, 700 3, 800	2	20 16			2			20 18	Repairing at Portsmouth, New Hampshire. Repairing at New York. Flag-ship Pacific station.
4. Pensacola 5. Richmond	1858 1858	2,000	2,700	2	18 12		·····i		2		22 14	Flag-ship Pacine station.
7. Powhatan, paddle	1874	2, 300	3, 800				11				11	Flag-ship Asiatic station. Flag-ship European station. On North Atlantic station.
. Powhatan, paddle	1850	2, 182	3 980		14			2			16	On North Atlantic station.
Alaska	1867 1862	1, 122 1, 026	2, 400 2, 220 2, 130 2, 100 2, 220 2, 080		11 6		1 2		1		12	On Pacific station. On Pacific station.
. Canandaigua	1862	955	2, 130		6		2		1		9	Repairing at Norfolk.
. Shenandoah	1862	929	2, 100		6		2		1		9	Repairing at Norfolk. Flag-ship South Atlantic station.
2. Ticonderoga 3. Vandalia	1862 1874	1,019	2, 220	1	6		2		1		9 8	On special service. Classed as a third-rate in 1879. On North Atlan
THIRD-RATES.	1014	901	2,000				1010000		nices to	*****		station.
. Juniata	1862	828	1,900	1	6			in the state of the	1		8	Renairing at League Teland
. Quinnebaug	1866	910	1, 900		6		1		î		8	Repairing at League Island. On European station. On Asiatic station. Repairing at Norfolk.
. Swatara	1865	910	1,900	1	6				1		- 8	On Asiatic station.
Galena	1862 1874	910 910	1,900	1	6				1		8	En route to Pacific station.
Mohican	1858	910	1, 900	1	6				î		8	Repairing at Mare Island, California.
. Iroquois	1858	695	1,575	2	4				1		7	Repairing at Mare Island, California. Repairing at Mare Island, California. On South Atlantic station.
. Wachusett	1861	695	1, 575	2 2 2 1 1	4				11		7	On South Atlantic station.
Wyoming	1858 1861	726 726	1,560	20	4				1		7 7	On European station, Surveying in Pacific.
. Kearsarge	1861	695	1, 550	2	4						7	On North Atlantic station.
Adams	1874	615	1, 375	1	4				1		6	On Pacific station.
Alliance	1874	615	1, 375	1	4				1		6	On North Atlantic station.
Essex	1874 1874	615 615	1, 375 1, 375	1	4	*******			1		6	In ordinary at League Island, in good condition. On European station.
Nipsic	C 1863	} 615		1000	6		1		1	1000	8	On special duty.
	1879)	1, 375		0		- 1	******	1		- 32	I GOAL CARACTERS IN TO SEE
Ashuelot	1865 1866	786 747	1,370			4			2 2		6	On Asiatic station. Paddle-wheel steamers and On Asiatic station. Small value.
2. Alert	1874	541	1, 020	1	2				ĩ		4	On Asiatic station.
3. Ranger	1874	541	1,020	1 1 1	2				1		4	En route to San Francisco, California.
4. Yantic	1864	410	900	1	4	*******			1		5	Repairing at Washington.
IRON-CLADS.	1865	550	9.100	1	S 100	200	1000	19	- 1	*2	2	At Brandon on the James Pivar
5. Ajax	1864	550	2, 100 2, 100							*2	2	At Brandon on the James River. At navy-yard, Pensacola. Repairing at Marc Island.
7. Comanche	1865	496	2, 100 1, 875							12	2	Repairing at Mare Island.
3. Catskill	1863	496	1, 875				******			*2	2 2	At Brandon on the James. At League Island, Pennsylvania.
9. Jason	1863 1863	496 496	1, 875 1, 875							*2 *2 *2	2	At League Island, Pennsylvania. At Brandon on the James.
I. Mahopac	1864	550	2 100							*2	2	At Brandon on the James.
0. Lehigh	1864	550	2, 100 1, 875			,				49	2	At Brandon on the James.
3. Montauk 4. Nahant	1862 1863	496 496	1,875						******	*2 *2 *2	2 2	At Washington. At League Island, Pennsylvania. At Annapolis. At Washington; receiving ship. At Washington.
5. Nantucket	1863	496	1, 875 1, 875							+2	2	At Annapolis.
6. Passaic	1862	496	1, 875							*2	2	At Washington; receiving-ship.
7. Saugus	1864	550	2 100							*2	2	At Washington.
8. Wyandotte 9. Alarm,torpedo-boat.	1866 1873	550 311	2, 100 1, 550							*2	2	At Washington. At New York, repairing.
	1010	011	1,000				*******			4		At New Lork, repairing.

^{*} Fifteen-inch smooth-bore, 43,000 pounds or 214 tons.

As appears by Table B, the armament of our Navy consists of 29 11-inch smooth-bore guns, 222 9-inch smooth-bore guns, 8 8-inch smooth-bore guns, 23 8-inch rifle-guns, 6 100-pound rifles, 33 60-pound rifles, and also 29 15-inch smooth-bore guns carried by our monitor fleet and the torpedo-boat, making in all, in our entire fighting Navy, only 350 guns afloat.

TABLE C .- A list of iron-clads in process of rebuilding, and awaiting repair, with number of guns, tonnage, displacement, and present location

Name.	No. ofguns, (15- inch.)	Tonnage.	Displacement.	Remarks.						
Dictator	2	1, 750	4, 500	At League Island, much out of repair, and at present useless.						
Amphitrite	4	874	3, 815	Rebuilding at Wilmington, Delaware, by Harlan & Hollingsworth.						
Miantonomoh	4	1, 225	3, 815	Rebuilding at Chester, Pennsylvania, by John Roach.						
Monadnock	4	1, 091	3, 815	Rebuilding at Mare Island, California, by Burgess & Co.						
Puritan	4	1,870	5,000	Rebuilding at Chester, Pennsylvania, by John Roach.						
Terror	4	1, 085	3, 815	Rebuilding at Philadelphia, by Cramp & Sons.						
Total	22	7, 895	24, 760							

Table C gives a list of iron-clads in process of rebuilding and await-Table C gives a list of iron-clads in process of rebuilding and awating repair. There are six in number. The Dictator, the first on the list, is laid up in ordinary at League Island, Pennsylvania, awaiting repair, and until repaired can be of no practical service to the Navy. The Miantonomoh is now afloat at Chester, having been rebuilt of iron. Her turrets are not yet on, but in other respects she is nearly completed, and is the most powerful ship of the American Navy for harbor and coast defense. The other four are yet on the stocks, half completed, awaiting action and appropriation by Congress.

Table D.—A list of vessels supposed to be worthy of repair or completion, with the age, tonnage, displacement, number of guns, and present location of each, and having, or designed for, steam-power.

Name.	When built.	No. of guns.	Tonnage.	Displacement.	Remarks.		
New York Hartford Monongahela Plymouth Ossipee, (possibly) Dispatch, (purchased) Wabash Colorado	1867 1858 1862 1867 1861 1874 1855 1855	21 16 9 12 8 4 45 30 26	2, 490 2, 000 960 1, 122 828 730 3, 000 3, 032 3, 173	4, 070 2, 900 2, 100 2, 400 1, 900 4, 650 4, 700 5, 170	On the stocks at New York. At Boston, Massachusetts. Mare Island, California. Portsmouth, N. Hampshire. Boston, Massachusetts. Repairing at Washington. Receiving-ship, Boston. Receiving-ship, New York. Receiving-ship, Norfolk.		
Minnesota	1855	81	3, 000	4, 700	Training-ship, New London.		

Table D gives us a list of ten vessels belonging to the Navy which are supposed to be worthy of repair or completion, with their age,

- 103

One torpedo-boat, the Intrepid, with neither torpedo machinery nor guns on board.....

I have presented as well as I am able the Navy of the United States as it at present exists. I shall now call attention to the armament

At the close of the year 1878 England had 184 steam-vessels of war afloat, and in her service at the close of the year 1879 she had an iron-clad fleet afloat and building of 68 vessels, of which, as we all know, many are the most powerful iron-clads in the world. Fortyeight of these iron-clads were said to be in active and efficient serv-

ice, and they were armed with 4 81-ton guns, 14 38-ton guns, 10 35-ton guns, 31 25-ton guns, 47 18-ton guns, 138 12-ton guns, 30 9-ton guns, 77 6½-ton guns; or a total of 351 upon this iron-clad fleet alone; and many, if not in fact most of these guns, are all rifles of the longest range and power. Six of these vessels of the first class are turret-ships, carrying armor from 12 to 24 inches thick, and having displacement from 9,150 to 11,165 tons and horse-power from 5,500 to 8,000 each. They are intended and capable of great naval warfare not only at home but abroad, and are said to be capable of making voyages of 3,000 miles. There are also among the iron-clads of England seagoing vessels of considerable speed intended as cruisers.

The one hundred and thirty-six unarmed steam-vessels of war of England are many of them superior to any we possess. I am not in possession of data which enables me to give the whole number of guns in the steam pays of England are to give the whole number.

session of data which enables me to give the whole number of guns in the steam navy of England nor to give their general character. We know, however, that England has spent vast sums in the manufacture of heavy rifled-cannon since the close of our civil war, and has now many in the service of very long range, of immense power, guns capable of penetrating twenty-two inches of solid iron. The American 11-inch smooth-bore gun was considered in England a most formidable weapon as lower as they the bettle better the West. formidable weapon no longer ago than the battle between the Kearsarge and the Alabama, June 19, 1864, and the English writers at that time declared it to be a better gun than could be found on any English ship. The London Evening Star, soon after the battle, in an article describing it, said of the armament of the Kearsarge:

But she also had two 11-inch smooth-bore Dahlgrens; and it is to these tre-nendous weapons the sinking of the Alabama is due.

The Liverpool Mercury of June 25, 1864, six days after the battle,

It is notorious that there is not an 11-inch gun on board a vessel in the British navy, while on board the Kearsarge there are two of these *tremendous* weapons, each capable of throwing 200-pound shell or shot.

In an account of that battle, written by Frederick Milnes Edge, published in London in 1864, is the following, showing the opinion in Europe of the American gun at that time:

Europe of the American gun at that time:

There is but one key to this victory. The two vessels were, as nearly as possible, equal in size, speed, armament, and crew, and the contest was decided by the superiority of the 11-inch Dahlgren guns of the Kearsarge over the Blakily rifle and the vaunted 68-pounder of the Alabama, in conjunction with the greater coolness and sharper aim of the former's crew.

* The French, at Cherbourg, were by no means dilatory in recognizing the value of these Dahlgren guns. Officers of all grades, naval and military alike, crowded the vessel during her stay at that port, and they were all eyes for the massive pivots and for nothing else. Guns, carriages, and even rammers and sponges, were carefully measured; and if the pieces can be made in France, many months will not elapse before their muzzles will be grinning through the port-holes of French ships of war.

before their muzzies will be graining already as partial partial war.

We have no such gun in Europe as the 11-inch Dahlgren; but it is considered behind the age in America. The 68-pounder is regarded by us as a heavy piece, but in the United States it is the minimum for large vessels, where some ships * * carry the 11-inch gun in broadside. * * * It is considered far too light however, for the sea-going iron-clads, although throwing a solid shot of pounds; yet it has made a wonderful stir on both sides of the channel. What then will be thought of the 15-inch gun throwing a shot of 480 pounds, or of the 200-pound Parrott with its range of five miles?

Such was the state of American gunnery in 1864. We are, however, but little farther advanced than at that time, while England, instead of having no gun in its navy equal to our 11-inch smooth-bore gun of 8 tons, mounts upon her ships of war rifles of 81 tons, throwing shot of nearly a ton's weight, and which can penetrate 22 inches of solid iron armor. Ought America longer hesitate to put her ship-builders, her forges, and her founderies at work? For a nation which proposes to dominate a hemisphere, and to dictate to the great naval powers of Europe non-interference in the affairs of the American republics, the United States is singularly neglectful of the means by which she may make her manifesto effectual. may make her manifesto effectual.

may make her manifesto effectual.

The French navy contains 326 steam-vessels and 113 sailing-vessels. Her steam fleet carries 1,701 guns. She has 59 iron-clads, many of which, if not equal, are but little inferior in fighting capacity to the best English iron-clads of the same class. This iron-clad fleet of France carries 28 38-ton rifle-guns, 4 25-ton rifle-guns, 20 24-ton rifleguns, 32 18-ton guns, 110 12-ton guns, 115 7-ton guns, 2 10-ton guns, 36 6½-ton guns, 87 6-ton guns, 1 20-ton gun, 12 5-ton guns, or 447 guns upon her iron-clad fleet alone.

As shown by the table the iron-clads of the United States, 24 in number if all finished and in condition, carry but 51 guns.

The Spanish navy has 81 steam-vessels mounting 800 guns, and there are in that navy 10 iron-clads, armed with modern guns.

there are in that navy 10 iron-clads, armed with modern guns. Even Brazil has a steam navy of 57 vessels mounting 177 guns, and 18 of those vessels are iron-clads.

I present these facts in the hope that, our relative naval power being seen, Congress may take measures to place our country in a condition at least to defend itself from invasion.

The importance of this bill can hardly be overestimated at the present time. Go into any navy-yard in the United States to-day and wander where you will, on its gun-park, upon its docks, in its shops and warehouses, and you will see vast quantities of useless material which should be converted into money or into new and useful form; hundreds of guns which have no shot or shell to fit them, and never will have again; piles of shot and shell which will never be used in war. They all bear evidence that they have been carefully taken care of They all bear evidence that they have been carefully taken care of for many, many years, and have been painted and kept looking war-like to those who do not know their worthlessness; old anchors which ships of the line used to carry fifty years ago with their wooden stocks rotted off, old boilers and engines and chains which have no value except as old material, will meet your eyes at every step. Much of this old material cannot be reworked, some of it not even turned to pieces and made ready for reworking for the want of the necessary tools and power in the yards. I am certain that certain guns, shot, shell, and old anchors now lie in the navy-yard at Charlestown, Massachusetts, exactly where I saw them when a boy more than forty years ago. The storehouses contain great quantities of old and antiquated articles not now used, not called for during our late civil war which put in requisition every resource of the Government, and which never will again be used unless we go back to sailing-vessels and wooder gun-carriages.

In conclusion, I desire to say that in my opinion the time has arrived

for us to begin the construction of a navy which shall compare in size, in speed, in armament, and in fighting qualities with the modern ships of the other first-class naval powers. We should stop repairing ships which have become obsolete. If we take no steps to spend our money on new vessels and new engines and improved guns which will conform to the new standards, we shall continue in the future as in the past to require of our Navy Department to keep up the semblance of a navy by patching, rebuilding, and repairing old antiquated vessels, which when war comes upon us will serve no purpose whatever for our defense.

I cannot better close what I have to say upon this subject than by an extract from the report which accompanies this bill:

At the opening of the late war the ships and the guns of the American Navy were equal to those of any nation. When the Monitor and the Merrimae met and startled the world with their conflict, in which thick armor became for the first time an over-match for heavy guns, the other nations commenced to solve great problems in naval warfare. While they have been spending vast sums of money and making experiments in all directions we have rested and waited, until now the power of guns has outrun the resisting power of armor. In comparison with the navies of Great Britain, France, Italy, and even Spain, the American Navy is immensely inferior in ships and armament. And yet these nations have in the construction of these navies but followed out and improved upon American examples and models.

the power of grans has outrum the resisting power of armor. In comparison with the navies of Great Britain, France, Italy, and even Spain, the American Ravy in the navies of Great Britain, France, Italy, and even Spain, the American Ravy in the navies of Great Britain, France, Italy, and even Spain, the American Rava ples and models.

In view of these facts the committee believe it to be our duty to begin at once to prepare for the work of building up a Navy adequate to the national defense, and to the preservation of the national honor. We cannot expect at once to build up a Navy powerful enough to meet in mid-ocean and successfully contend with the monster iron-claids of England, France, and Italy, nor do we desire that the attempt should be made and the preservation of the national dependencies to hold in murtilities of power. We have no temptation to make aggressive war for conquest upon any trans-oceanie nation. We have an empire equal to our ambition, not too large, let us hope, to be successfully governed as one nation upon repullean principles.

We want a Navy capable of protecting our commerce in all seas, of defending our own borders from invasion, and of destroying the commerce and sea-going craisers of any nation which may make war upon us.

To do the first, we should put our iron-claif deet in condition of the greatest effect of the state of the st

All material now on hand which can be made useful in the future by reworking or otherwise should be retained and put in good condition, and all the rest should be sold.

or otherwise should be retained and put in good condition, and all the rest should be sold.

Old guns, shot, shell, and arms, which long ago, even before our late civil war, were obselete and without practical value, now encumber our navy-yards and warehouses. These, also, should be sold.

In the opinion of the committee the proceeds of these old ships, old material, ordnance, arms, &c., should be paid into the Treasury to the credit of the Secretary of the Navy, and be available for naval purposes; but by the law as it now stands they must go to the general fund of the Treasury, so that the Navy would derive no benefit from them without reappropriation by Congress. While the law remains as it now is there will be, as there has been in the past, no inducement for officers in charge of the Navy to specify sell and dispose of such old and useless material, and they will evade the responsibility and escape the often delicate and hazardous duty, and the old and useless ships and condemned material will be suffered to waste and decay and be lost to the nation.

With these reforms accomplished and a permanent construction fund thus established, to be annually supplied by liberal appropriations by Congress, to be used only in the construction, equipment, and armament of new vessels, as contemplated in this report, the old vessels to be kept in repair and the navy-yards maintained by appropriations for that purpose, as now, the committee think the first and important step in the direction of an efficient Navy will have been accomplished.

Mr. WARNER. Before the gentleman from Massachusetts [Mr.

Mr. WARNER. Before the gentleman from Massachusetts [Mr. HARRIS] takes his seat I would like to ask an explanation of one or two points. The provision in this bill for the sale of material and vessels seems to have been well considered and to leave no room, so far as I see, for suggestions. The fund that arises from such sales under this bill, as I understand it, is to be placed to the credit of the Navy, to constitute a naval fund to be used for the building of new vessels only. Now, a question in that connection: Who is to determine how that fund shall be expended, what kind of vessels shall be

Mr. HARRIS, of Massachusetts. The question of the gentleman from Ohio is a proper one and I shall endeavor to make a proper answer to it. The view of the Committee on Naval Affairs is that the Secretary of the Navy is to have charge of a fund arising from this source that may not exceed at any time more than a million or a million and a half of dollars, and that he should have the privilege of laying down a new ship; but as this fund is to be supplied from time to time by appropriations made by Congress, it is believed that Congress will direct the expenditure of it. For instance, to-day if the Secretary of the Navy should lay down a keel of a ship-of-war, properly so called, of five hundred tons, there are individuals here in this country who would claim that he was liable to impeachment, and I think this present Secretary of the Navy would say that he would be going further than the law would allow.

Mr. WARNER. That is not the point exactly. The point I want Mr. WARNER. That is not the point exactly. The point I want to get at is whether it was intended to give authority to the Secretary of the Navy to begin or lay down the keel of a new vessel without any authority other than that given in this bill and thus lay the foundation for an expenditure of one, ten, or twenty millions of dollars. Mr. HARRIS, of Massachusetts. No, sir; it could not be done under this bill. This fund originates in the first instance from the proceeds

of the sale of old vessels, old iron, and other material, and would be undoubtedly greater in amount during the first year that it went into

operation than at any time subsequent.

There is a limitation put upon the expenditure for the construction of new vessels. The Secretary would have no power under this bill

Mr. WARNER. But if the Secretary of the Navy is given authority to lay down the keel of a ship, might he not thereby lay the founda-tion for an expenditure in this direction that would require an appro-

priation by Congress amounting to millions of dollars without any authority in the first instance excepting that given in this bill?

Mr. HARRIS, of Massachusetts. If the gentleman from Ohio will-allow me, I said I thought some authority or discretion should be given to the Secretary of the Navy. I believe he should have it, and not be compelled to steal it. The Tennessee, one of the finest ships afloat, except the Trenton, was rebuilt, under the name of "repairs," from keel to main-truck. No law of Congress authorized that rebuilding. It was done, as I have stated, under the name of repairs, and was a violation of the spirit and intent of the law. For my own part, I would rather allow the Secretary of the Navy to distribute and dispose of the fund derived from the sale of this old material and old ships, and get appropriations from Congress for constructing new vessels, than to allow him under the name of repairs build ship after ship out and out, which has been done constantly in the history of our Navy

Mr. WHITTHORNE. I should like to call the attention of the committee for a moment to the language of section 5 of this bill. On examination of that section it will be found what is required of the Secretary of the Navy in his report to Congress.

The language of the section is:

It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of vessels and materials made under the provisions of this act, and the expenses attending such sales, and also all expenditures made, or authorized to be made, from the permanent construction fund of the Navy; and in his said report he shall state what vessels have been built, commenced, or authorized to be built, out of said permanent construction fund of the Navy, and generally in what manner the same have been built, or authorized to be built, and whether by contract or otherwise.

Again, in section 6, it is provided:

SEC. 6. Not more than —— millions of dollars shall be expended or authorized to be expended, out of the permanent construction fund of the Navy, during any one fiscal year, without authority of Congress.

It will be seen that the Committee on Naval Affairs purposely left the amount blank, the amount to be expended, leaving it to the Com-mittee of the Whole to insert. If I understand the point made by my friend from Ohio it is that the Secretary of the Navy under the authority of this bill might perhaps commence the construction of a vessel or of vessels which would involve before completion the expenditure of five or six or more millions of dollars. But the gentleman will perceive on an examination of the bill that it would not be

man will perceive on an examination of the bill that it would not be possible to accomplish that.

The committee intended, so far as they could in these provisions, to protect the Government of the United States from any such contingency as is in the mind of the gentleman from Ohio, [Mr. Warner.] It is believed that that is done in this way: Of course Congress cannot go into detail, nor, indeed, ought they to go into detail. I state to my friend now that if he has kept up with the improvements taking place in naval architecture he will find that the English government, which government stands at the head, in respect of naval ernment, which government stands at the head, in respect of naval construction, of all the powers of the world, has during the present year given up the policy of building heavy vessels of large cost, and that they are building a class of vessels called steel-clad vessels, costing less than \$1,000,000; whereas heretofore they have been spending from five to fifteen millions of dollars. And the class of vessels, in the opinion of naval experts, that are to control hereafter is of the

character I have indicated.

Mr. WARNER. If my friend from Tennessee will allow me, I will say that I confess I am not versed in naval architecture or the construction of vessels, and therefore I ask a question for information. In the construction of English vessels, can the gentleman from Tennessee tell us who determine there the character of the vessels that shall be built? Is it not a board of naval officers? Or is it a committee of Parliament? Or is it the minister having charge of the navy department ?

Mr. WHITTHORNE. It is what is termed a board of admiralty. Now, here a board of the heads of bureaus is framed virtually on the Now, here a board of the heads of bureaus is framed virtually on the idea of the British board of admiralty; and in this bill the gentleman will see that the Secretary of the Navy is clothed with the power, and he possesses that power anyway, to organize boards. He can make them special or general, or avail himself of the admiralty board by which he is surrounded, to wit, the heads of bureaus; and in addition to that the Committee on Naval Affairs in this bill have in this last section authorized the Secretary of the Navy to go out and avail himself of the genius and talent of the entire country, or indeed of the world.

Mr. WARNER. I wish to inquire a little further whether in the opinion of the committee the matter of determining the character of the vessels should be left with the Secretary of the Navy or whether some other provision should not be made in this bill. That is the

only question that presents itself to my mind.

Mr. ATKINS. I suppose it is the purpose of the chairman of the
Committee on Naval Affairs to ask that the bill shall be considered

by sections?

Mr. WHITTHORNE. I ask that the reading of the bill by sections

be dispensed with.

Mr. HARRIS, of Massachusetts. I wish to suggest there is one blank to be filled, and I propose to fill it with \$1,000,000, the lowest

sum.

Mr. ATKINS. I consider this a very important bill. I do not know that I am opposed to it nor do I know I am for it. It proposes to sell all the condemned ships that we have on hand and all the material that may be said or believed to be by any board we may appoint of not much value to the Government, all which is proper enough. But, sir, there is one feature of the bill which presents, I think, rather a dangerous principle, and that is the constituting of a permanent fund upon which the Secretary of the Navy can draw without any kind of limitation, it is true, for the patriotic and praiseworthy purpose of constructing a navy.

constructing a navy.

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to interrupt him a moment?

Mr. ATKINS. Certainly.

Mr. HARRIS, of Massachusetts. I have said that probably the sum derived from the sale of old material will never yield more than a few hundred thousand dollars. Congress every year must make the appropriation to that fund; and when it makes the appropriation, as we contemplate, it will be made in the regular appropriation bill, and the appropriation for the support of the Navy will be so much less. less

As I have stated, I propose to fill the blank with \$1,000,000; so that there can never be spent in any one year a sum greater than \$1,000,000

Mr. ATKINS. I will ask the gentleman from Massachusetts this question: Suppose the Secretary of the Navy sells these thirty condemned ships and all the condemned material that belongs to the Navy, does he pretend to say all that will not bring more than \$1,000,000?

Mr. HARRIS, of Massachusetts. I cannot say. But I will remind the gentleman from Tennessee of this—that an old ship, worn out, will not bring 5 per cent. of its original cost to the Government, or to

anybody else.

Mr. WHITTHORNE. I will state to my colleague from Tennessee that with this limitation not more than this amount can be expended.

Mr. ATKINS. What becomes of the unexpended balance?
Mr. WHITTHORNE. It goes into the permanent fund, which is not under the control of Congress, but is under the control of the Secretary of the Navy. Now, suppose you had a Secretary of the Navy who was not disposed to do exactly right, who was not disposed to do as I believe Secretary Thompson is disposed to do, and that is to do exactly right, for no one will question his honesty and his integrity.
Mr. HARRIS, of Massachusetts. In answer to the gentleman I will take the instance of ships rebuilt without the authority of Congress. From the foundation of the Navy to this day there never has been a Secretary of the Navy who has not been able to expend more than \$1,000,000 at his own sweet will.

This bill, if it shall be amended as proposed, will restrict the Secretary of the Navy in the construction of new ships to the expenditure of only \$1,000,000 in any one year, and it provides that the rebuilding of an old ship at an expense of more than 40 per cent. of its original cost shall be deemed equivalent to building a new ship.

Mr. ATKINS. If we are to heed the representations made to-night by the gentleman from Massachusetts [Mr. HARRIS] and by my colleague from Tennessee [Mr. WHITTHORNE] that these old ships are absolutely worth nothing, and that it will cost more to continue to take care of them than they would be worth to sell, then perhaps it may be better that we should pass the bill. But I had the impression that these ships which have cost us many millions of dollars would certainly bring several millions of dollars if sold. In twelve years there has been expended upon the Navy nearly \$500,000,000.

Mr. HARRIS, of Massachusetts. I beg the gentleman's pardon.

certainly bring several millions of dollars if sold. In twelve years there has been expended upon the Navy nearly \$500,000,000.

Mr. HARRIS, of Massachusetts. I beg the gentleman's pardon. From 1865 to 1877 there was expended upon the Navy \$416,000,000. But it must be borne in mind that that included the pay of the Navy, the support of the Naval Academy, the pay of the Marine Corps the purchase of supplies for the Navy, and all the expenditures of every department of the Navy.

Mr. ATKINS. I did not say that nearly \$500,000,000 had been expended in the construction of ships. I said that nearly \$500,000,000 had been expended in twelve years upon our Navy. I stand corrected

had been expended in twelve years upon our Navy. I stand corrected as to the amount; it is \$416,000,000 up to 1877. To that amount is to be added the appropriations for the last three fiscal years, including this one, amounting to the sum of \$13,000,000, and making a total of about \$430,000,000.

Mr. HARRIS, of Massachusetts. I wish to call the attention of the gentleman to the fact that there has not been spent by the Bureau of Construction and Repair exceeding \$150,000,000 since the war closed; and that is the only bureau that builds ships. All the rest of the money has gone for the general support of the Navy.

Mr. ATKINS. I arose only for the purpose of eliciting information.

Mr. CONGER. I wish to have the gentleman from Massachusetts

Mr. ATKINS. Allow me to finish my remark.
Mr. CONGER. This is in the line of the gentleman's remark.
Mr. ATKINS. I beg the gentleman's pardon.
Mr. CONGER. I wish to have the gentleman from Massachusetts [Mr. HARRIS] state, if he is able, what is the average life of a wooden ship of the class that it is proposed shall be sold.
Mr. HARRIS, of Massachusetts. If the ship is to be used as a sailing-vessel, and is built of live oak, her life will be very long. But if she is to be used as a steam-vessel the naval authorities tell me that twelve years will be about the average life of such a ship.
Mr. WHITTHORNE. If built of live oak?
Mr. HARRIS, of Massachusetts. If built of live oak and used understeam?

steam?
Mr. ATKINS. And if built of white oak it will be four years.
Mr. HARRIS, of Massachusetts. A white oak ship will not last until she is built. In explanation of that statement I wish to say that in the Boston and Portsmouth navy-yards there are iron-clad ships of white oak which have been built since the war, and if the gentleman will go to either of them he will find that he can pick the timbers to pieces with his fingers.

Mr. McMillin. Who was the Secretary of the Navy that directed such ships to be built?

Mr. HARRIS, of Massachusetts. They were built by Secretary Welles.

Welles.

Mr. ATKINS. I arose for the purpose of eliciting from the gentleman some idea as to about how much money is involved in this bill.

Mr. WHITTHORNE. I will say to my colleague [Mr. ATKINS] that the enormous disparity between the cost of these vessels and the proceeds of their sale is due to the present condition of naval architecture. Of the entire number of vessels that, in the opinion of the committee, are deemed unworthy and utterly useless, some have been already offered for sale and could not be sold. They are of the character which are reported as utterly worthless.

Then again, a great deal of the material on hand in the navy-yards which was purchased during the war has become unavailable in consequence of improvements in naval architecture, and therefore is of compartively trifling value.

The limitation proposed by the amendment of my colleague on the committee, the gentleman from Massachusetts, [Mr. Harris,] will confine the operations under this bill within the reasonable discretion of the Secretary of the Navy. We must trust some of these agencies.

Having fixed that limitation and required the Secretary to report from time to time to Congress, Congress will have the ultimate supervision

of this whole matter.

There is a necessity that something shall be done in this matter. If the House shall vote down this proposition, we will still be left with a law under which the Secretary of the Navy can sell all this property without any guards or restrictions around him. He can do that now, or he can go on and keep a large number of employés upon these worthless hulks, at the expense of the Government and without any benefit or advantage to the Government. It is therefore really in the interest of the Government, in the interest of economy, that something shall be done. I now ask a vote upon the amendment and upon the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts. The amendment was read, as follows:

Fill the blank in the first line of section 6 with the word "one," so that it will

read as follows:

"Not more than \$1,000,000 shall be expended or authorized to be expended, out of
the permanent construction fund of the Navy, during any one fiscal year, without
authority of Congress," &c.

The question was taken upon the amendment, and it was agreed to. Mr. WHITTHORNE. I move that this bill be laid aside, to be reported favorably to the House.

Mr. CONVERSE. I think our rules require that a bill of this character should be read section by section for amendment. I desire to

offer an amendment.

The CHAIRMAN. The Chair will state that the bill was read in full, and, there being no objection, that was considered as reading by sections. The Chair will entertain the gentleman's amendment.

sections. The Chair will entertain the gentleman's amendment.

Mr. CONVERSE. I move to amend by striking out in the last two lines of the second section the words "to the credit of the permanent construction fund of the Navy." so that the funds realized from the sale of vessels or materials shall be paid into the Treasury.

Mr. Chairman, I do not desire to take any part in the discussion of this bill, because I do not claim to have the information upon this subject which other gentlemen have who have given it attention. But there are some general principles which ought to control and guide us in this business as in every other; and one of those principles is that no money ought to be expended by this Government in any considerable amount except as it shall be appropriated by the any considerable amount except as it shall be appropriated by the representatives of the people from year to year. This bill creates a permanent fund to be used by the executive department of this Government without appropriation. It provides that the surplus from year to year shall not lapse into the Treasury as other surplus sums are required to do by law. It creates a permanent fund to be used, either in years when there shall be presidential elections or on any other occasion, for any purpose for which the Administration may see fit to use it.

In my belief the true policy is to require every dollar paid out to be appropriated by the representatives of the people; and in this I would include the interest on the public debt. Let me state the reawould include the interest on the public debt. Let me state the reasons for this position. When these appropriations are made from year to year by the representatives of the people, the subject is brought constantly before the people themselves; their representatives are compelled to study these subjects; thus they and the people know what the income of the Government is and what is paid out. But under the existing system a very large portion of the revenue of this Government is like water running through a sieve. It is collected, goes into the Treasury, is paid out in pursuance of permanent law; and you have only such reports as your executive officers see fit to make, which are not distributed very extensively to the people. If these which are not distributed very extensively to the people. If these appropriations were required to be made year by year, it would be in the interest of economy.

Now, if I may be permitted to digress a little, you provide in this bill that only a million dollars shall be paid out each year for the purpose of building up a navy. This seems to me an absurd propo-

Mr. HARRIS, of Massachusetts. Will the gentleman yield a moment?

ment?
Mr. CONVERSE. Certainly.
Mr. HARRIS, of Massachusetts. I desire to appeal to the gentleman to take in, if possible, the scope of this bill. The points which he is making were all considered by the committee; and we thought we had guarded this bill so as not to be open to the objections he makes. The fifth section provides that the Secretary of the Navy, at the opening of each regular session of Congress, shall report in detail the proceeds of the sales of all ships and material, and what he has done with the money, so that the Appropriations Committee can have before them, when reporting the annual appropriations for this conbefore them, when reporting the annual appropriations for this con-

before them, when reporting the annual appropriations for this construction fund, the precise amount of money coming in and can regulate accordingly the appropriations for this fund.

Mr. CONVERSE. My friend must remember that the bill as now amended provides that only \$1,000,000 shall be paid each year out of this permanent fund—

Mr. HARRIS, of Massachusetts. Not at all.

Mr. CONVERSE. Unless by special authority of Congress. Well, if that is so, what is the necessity of putting in at all this limit?

We have all heard with regret, to say the least, and almost with confusion, the statement that the Navy of this Republic ranks as the

tenth, and in my judgment the thirteenth, among the navies of the world, when it ought to be the first, or certainly not lower than the second.

second.

Mr. HARRIS, of Massachusetts. Pass this bill, and it will.

Mr. CONVERSE. Do gentlemen expect to build up a navy by paying out \$1,000,000 a year? Do we expect to establish a navy by the creation of any fund like this? There is but one way to do it. We want a navy; the people want it. Let them know each year how much is to be appropriated for this purpose; let them understand the use to which the money is to be devoted; and instead of paying out \$1,000,000 a year, pay out \$10,000,000 or \$12,000,000 or \$20,000,000, if necessary, to build up a navy of which we shall all be proud—a navy commensurate with the dignity of the nation we claim to represent. The object cannot be attained in any such way as this bill, contemp. The object cannot be attained in any such way as this bill contemplates.

Mr. HARRIS, of Massachusetts. If Congress will appropriate under this bill \$5,000,000 a year to this fund, we shall in five years have as good a navy as this country needs. But if you go on as you have done in the last ten or fifteen years, you will simply spend all your money on old tubs, without authorizing the construction of any new vessels. For be it remembered that since the close of the war, in 1865. Congress has authorized the construction of only sight allows.

wossels. For be it remembered that since the close of the war, in 1865, Congress has authorized the construction of onl eight sloops of war, with a total tonnage of only about eight thousand tons. One of those vessels has gone to the bottom of the ocean; the remaining seven are the best in the Navy.

Mr. CONVERSE. If that be so, this is not the way to build up a navy. The way to do it is to let the facts be known, and go to work to do it in a straightforward manner. This is too much like making an auger-hole with a gimlet. [Laughter.] It is too small a matter to undertake to create a little permanent fund and pay out a million dollars a year, and then talk about building a navy in that way. I must apologize to my friend from Tennessee and the other gentlemen here. I only desired to call the attention of gentlemen to this subject—gentlemen who know much more about it than I do or profess to.

Mr. WHITTHORNE. My friend will see, I think, he has been boring with a gimlet, if he will go back a moment. What is the meaning of the term "creating a permanent construction fund?" It is this: that from time to time the Secretary of the Navy, as he finds worthless, useless material, or material which may be condemned, that that material when condemned and sold shall pass to the credit

that that material when condemned and sold shall pass to the credit of the fund to be called a permanent construction fund of the Navy. If that was all to be done in one year, or if we were satisfied after now making such sale of worthless material in the Navy nothing would be done next year or the year after, there would be something in the objection of my friend from Ohio; but inasmuch as the committee believe that mortality and decay belong to everything, and

mittee believe that mortality and decay belong to everything, and this is likely to occur from year to year, they have employed simply this term of a permanent construction fund of the Navy.

Now, then, instead of that being diverted, as has been in years past, in barter and exchange, and whipping the devil around the stump, the committee propose, when anything is realized from such source, it shall go to this permanent construction fund. We might have said to the Navy, but we may have been unfortunate in the use of language, and have said permanent construction fund of the Navy. Permanent construction fund of the Navy. Permanent construction fund, if it amounts to anything, I will say to my friend from Ohio, must be in annual appropriations made by Congress; and I venture, if the Committee on Appropriations had come into this House and proposed an appropriation of five or ten millions of dollars for the reconstruction of the Navy, we would have had

of dollars for the reconstruction of the Navy, we would have had Ohio to fight on that proposition.

Mr. CONVERSE. Allow me one word right here. Sir, not only would the gentleman have had Ohio supporting it, but if he doubled the amount he would have every Representative of Ohio standing at his back for the purpose of building up a necessary and an efficient navy. [Applause.]

Mr. WHITTHORNE. I wish a note to be taken of that; for before this Congress is done I will remind my friend of it and ask him to bring Ohio up to the work. I trust this matter is understood by the House, and that my naval friend will withdraw his amendment and let the bill be favorably reported to the House.

Mr. REED obtained the floor.

Mr. McMILLIN. Will my colleague permit me to ask him a question?

Mr. WHITTHORNE. Yes, sir.

Mr. McMILLIN. It strikes me we ought to turn this fund into the Treasury. What is the objection to that?

Mr. REED. I believe I have the floor.

Mr. WHITTHORNE. My friend from Maine will indulge me a moment to answer my colleague. This is our experience, at least in naval administration, that there is not an anxiety to sell any of the material of the Navy. They have heretofore indulged in what is called a barter and exchange business to keep it from going into the Treasury. It is the opinion of the committee that a larger sum of money in this way will be derived by the Government than paying into the Treasury depending—I will be frank—depending on my colleague from Tennessee, [Mr. ATKINS,] chairman of the Committee on Appropriations, and my friend from Georgia, [Mr. BLOUNT,] who is absent to-night. absent to-night.

Mr. McMILLIN. Do I understand the object is to prevent the

Committee on Appropriations getting jurisdiction of it?

Mr. WHITTHORNE. Yes; I should like to keep it out of their

hands.

Mr. McMILLIN. I think it should all go in together.

Mr. REED. Mr. Chairman, while we all agree with the gentleman from Ohio, [Mr. Converse,] that the members of the House of Representatives and of the Senate should yearly examine all amounts to be expended, yet nevertheless sound business principles require sometimes we should leave expenditures to the discretion of executive officers. We do that every year in the Post-Office Department with the approval of the House, and we do it from the very nature of the business. And it seems to me our Navy is now in a condition where something of sound business principles would require the same thing.

I do not agree with the gentleman that it would be wise or just to do it all at once and spring to the position of the first naval power

do it all at once and spring to the position of the first naval power in the world, for such is the rapid nature of improvements in the Navy

that by the time we had got our Navy completed we should find we would have to build another one.

This seems to me to be an experimental matter, and what we ought to do, in my judgment, is to furnish ourselves with all the vessels absolutely necessary for our purpose, and at the same time make necessary arrangements to enable us on a special emergency to do

the best thing needed for the country.

This bill, as I understand it, provides that all of the old material of the Navy, all of the useless accumulations, shall be turned into money, and that sum, together with whatever Congress chooses to appropriate, shall constitute a fund out of which the Secretary of

appropriate, shall constitute a fund out of which the Secretary of the Navy may expend a million of dollars each year for the double purpose, first, of making the Navy what it is absolutely necessary it should be for present purposes; and, second, to keep abreast of the improvements of the times in naval construction.

It does seem to me such a bill as this ought to meet the support of this House; and as for any greater sums to be applied, whenever Congress is willing that can be done. As for leaving the Navy in the condition that it has been in for the last ten years, I do not believe that anybody here is disposed to do it. People find fault because too many repairs have been made, repairs in some cases amounting to 90 per cent. of the original cost of the vessel, but that source of trouble has been largely in the House of Representatives and in the representatives of the people themselves; for, singularly enough, it has been possible, if I may use a rather exaggerated expression, to build a ship around an old hawse-hole instead of being able to get an appropriation to build a new ship. That has been the condition of affairs, and this bill, which seems to me desirable and wise, as putting a stop to this, proposes a plan of settling these differences and putting the Navy upon a proper footing. Under all the circumstances it ought to meet the indorsement of this House.

Mr. WARNER. Speaking for myself, and not for the delegation from Ohio Large and the condition of the circumstances in the condition of the circumstances it ought to meet the indorsement of this House.

to meet the indorsement of this House.

Mr. WARNER. Speaking for myself, and not for the delegation from Ohio, I am compelled to differ somewhat from my colleague on this subject. I am not so desirous myself to vote for an appropriation of five, ten, fifteen, or twenty million dollars for the sake of building up a glorious navy. I want to have just as large and just as efficient a navy as we need, but whether it be a third-class or a thirteenth-class navy, as compared with other countries, I do not care, only so that it be effective and efficient for our purpose. I do not see any objection, and I rose before the gentleman from Tennessee made the explanation he did to my colleague to say that I saw no objection myself to the payments into the Treasury to the credit of a naval fund of all receipts derived from the sale of condemned property.

property.

I do not suppose the Naval Committee expect out of this to build up a new navy complete, as a certain committee once proposed to build a new jail out of the material of the old one, and keeping the prisoners in the old jail until the new one was built. But they may use as much material of the old navy as they can, adding to it all of the new material Congress may give it, or as much as Congress may see fit to appropriate for that purpose. I therefore am in favor of the passage of this bill; and the only point I had any question about was as to the authority for determining the character of new vessels. The CHAIRMAN. The question before the Committee is on the amendment of the gentleman from Ohio.

The amendment was not agreed to.

Mr. ATKINS. I move to strike out in section 3 the word "permanent," in line 2; and also the word "permanent," in long the indicate of this same section. My object in doing that is to prevent the constitution in totidem verbis of another permanent fund.

We have already got permanent funds now to the number of nearly fifty, and, sir, it is the policy of this Congress, and a bill has been already introduced in the other end of the Capitol, and one introduced here two years ago, and it has been approved, if I may say so,

duced here two years ago, and it has been approved, if I may say so, in a very high executive Department of this Government, to dispense with a good many of these permanent appropriations, because, being permanent appropriations, they do not pass under the review and beneath the eye of Congress. No committee of Congress looks into

We have only, as has been stated by the gentleman from Ohio, a report made by an executive officer who reports what he pleases. There is no examination made into these permanent appropriations at all, and the policy of this Government has been for years to narrow the limit of permanent appropriations instead of expanding it.

Now, here is a proposition to make a permanent appropriation out of all the condemned material belonging to the Navy, and it is multi-tudinous, and all the condemned ships, and there are over thirty, and from year to year there will be additional condemned ships coming in constantly; and we constitute this a permanent fund for the con-struction of the Navy.

I believe I agree on this point with the gentleman from Ohio, and can say I would rather than create another permanent appropriation to last for all time to come-I would rather accede to the intimation made by the gentleman from Massachusetts, and also by my colleague from Tennessee, to appropriate several millions of dollars to start your Navy at once. I believe I would rather do that for one. Therefore I do hope the word "permanent" will be stricken out of this bill; and I do not know that that amounts to anything either, [laughter,] for the principle remains the same. Only the pill will be a little more willed if we have to take it.

more gilded if we have to take it.

The question being taken on Mr. Atkins's amendment, it was adopted.

Mr. CONVERSE. I desire to take the sense of the House on one other amendment without any debate. I desire to amend line 10 of section 3 so that it will read as follows:

Unexpended balances of said construction fund shall hereafter be covered into the Treasury as other moneys appropriated by law.

Mr. VALENTINE. That is just the proposition that was voted

Mr. HARRIS, of Massachusetts. I do not propose to debate that amendment. I only wish to say that in all human probability if the Congress of the United States is as liberal as the gentleman proposes to be you will have no trouble with this clause. If it is not as liberal

to be you will have no trouble with this clause. If it is not as liberal as he proposes there will never be a dollar found unexpended at the end of any year.

The gentleman from Ohio [Mr. CONVERSE] wants to turn back into the Treasury the unexpended balance of this construction fund at the end of two years' time. It seems to me this affects very materially the scope and purpose of the bill. The Naval Committee have been trying for five years to mark out a line for the future policy of the Naval Department.

Mr. MORSE. And have unanimously agreed upon this measure.

Mr. CONVERSE. I stated I did not desire to discuss the amendment. I only propose to take the sense of the Committee of the Whole upon it.

Mr. ATKINS. I wish to ask the gentleman from Massachusetts.

Mr. ATKINS. I wish to ask the gentleman from Massachusetts [Mr. HARRIS] if the law does not now make the Navy an exception to the law requiring unexpended balances to be returned into the Treasury? I know that is the case with regard to the pay of the Navy. Does it not apply to construction and repairs and engineer-

Mr. HARRIS, of Massachusetts. Unexpended balances of appropriations for those purposes go back into the Treasury.

The question being taken on the amendment offered by Mr. Converses, it was not agreed to.

Mr. WHITTHORNE. I now move that the bill as amended be laid

aside, to be reported favorably to the House.

The motion was agreed to.

TRANSFER OF NAVAL HOSPITAL AT ANNAPOLIS.

The next bill on the Calendar reported by the Committee on Naval Affairs was the bill (H. R. No. 2872) to transfer the naval hospital at Annapolis to the care and custody of the Secretary of the Treasury, to be used as a marine hospital.

Mr. KIMMEL. With the consent of the chairman of the Committee on Naval Affairs, I move that the Committee on Naval Affairs be discharged from the further consideration of this bill, and that it be referred to the Committee on Commerce.

The CHAIRMAN. That motion might be a proper one to make in the House after the committee rises. It cannot be made now.

Mr. KEIFER. I suggest that the bill be passed over by unanimous

Mr. WHITTHORNE. My friend from Maryland [Mr. KIMMEL] has stated probably a little too strongly what occurred between us. I know there is a conflict as to this matter; and I said to my friend I was willing the bill should be, on the proper motion, transferred to the Committee on Commerce. The Navy Department is willing to sell what the Treasury Department is hardly willing to buy. Unless the two Departments agree, nothing could be accomplished by the passage of this bill. I move that it be passed over, and the gentleman from Maryland can make his motion in the House.

There being no objection, the bill was passed over.

EXPEDITION TO THE ARCTIC SEAS.

The next bill on the Calendar reported from the Committee on Naval Affairs was the bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to establish a temporary colony at some point north of the eighty-first degree of north latitude, on or near the shore of Lady Franklin Bay, for purposes of scientific observation and exploration and to develop or discover new whaling-grounds; to detail such officers or other persons of the public service to take part in the same as may be necessary; and to use any public vessel or vessels that may

be suitable for the purpose of transporting the members of said colony and their necessary supplies, and for such other duty in connection with said colony as may be required from time to time.

The Committee on Naval Affairs reported the bill back with the following amendment:

Strike out all after the enacting clause and insert as follows:

"That the President of the United States be, and he hereby is, authorized to establish a temporary station at some point north of the eighty-first degree of north latitude, on or near the shore of Lady Franklin Bay, for purposes of scientific observation and exploration, and to develop or discover new whaling-grounds; to detail such officers or other persons of the public service to take part in the same as may be necessary, and who are willing to enlist for such purpose, not exceeding fifty in number, and to use any public vessel or vessels that may be suitable for the purpose of transporting the members of said station and their necessary supplies, and for such other duty in connection with said station as may be required from time to time: Provided, That the President of the United States is authorized to accept from H. W. Howgate, and fit out for the purposes of this expedition, the steamship Gulnare, which vessel shall be returned to its owner when the objects of the expedition shall have been accomplished, or when, in the opinion of the President, its services are no longer required: Provided further, That the United States shall not be liable to any claim for compensation in case of loss, damage, or deterioration of said vessel from any cause, or in any manner whatever, nor be liable to any demand for the use or risk of said vessel."

Mr. WHITTHORNE. Mr. Chairman L. do not know that anybody.

Mr. WHITTHORNE. Mr. Chairman, I do not know that anybody

wants an explanation of this bill.

Several MEMBERS. We do.

Mr. WHITTHORNE. I will briefly state that this is a proposition made by an eminent citizen of the United States, Captain Howgate, to furnish his own vessels and to take from the United States only Mr. ATKINS. Citizens?

Mr. WHITTHORNE. Officers and seamen that may volunteer without receiving pay from the United States Government.

Now just one word. I can call to mind at this moment but seven

of the principal governments of the world that have agreed, in what is called a polar congress, to establish stations surrounding, as it were, or making the circle of the North Pole. In making that contemplated movement the United States have been assigned two places, one of which is at Lady Franklin Bay.

Captain Howgate proposes to furnish his own vessel. The officers who are to command it and the men who are to work it are to be volunteers. It therefore will not involve the Government of the United States in the expenditure of a single dollar so far as the pay of the men is concerned. The only possible cost to the Government (and that was the reason why this bill was referred to the Committee of the Whole on the state of the Union) is that in fixing up or repairing the vessel for this expedition it might be necessary to do certain work upon her.

Now, a single word more as to the general object of this expedi-tion, for I do not care to occupy the attention of the committee for a long time. We have heretofore expended millions of dollars in this country in subsidizing corporations and individuals. Here is a proposition that looks to research in that region, according to the best informed and most philosophic minds of the world, where lies the secret of human life and human progress. It is there that, in the opinion of philosophers, the tides and currents of the sea emanate; there is the birth-place, so to speak, of the atmosphere of the world. A thorough comprehension of those things, and of electricity and of magnetism, would do much for the elevation and improvement of

The proposition is now made by one of the adventurous spirits, one of the moral heroes of the world, at a comparatively trifling cost to this Government, to penetrate into that ice-bound region and unlock those secrets and mysteries for the benefit of the human race. It seems to me that it is within the province of this limited and constitutional Comparative in the province of this limited and constitutional Comparative in the province of this limited and constitutional Comparative in the province of this limited and constitutional Comparative in the province of this limited and constitutional Comparative in the province of this limited and constitutional Comparative in the province of the province of this limited and constitutional Comparative in the province of the prov tutional Government, if you please, to do something to reap the advantages of such an expedition as this for the benefit not only of our own people but of the whole human race.

Mr. CONVERSE. Will the gentleman allow me to ask him a ques-

tion?

Mr. WHITTHORNE. Certainly.
Mr. CONVERSE. Is it possible that the Government of the United States is reduced so low in the scale of nations that it is obliged to borrow the vessel of some rich man to send on an expedition to discover the North Pole?

Mr. WHITTHORNE. It is not so poor that it is obliged to borrow. It is, I trust, rich enough in its sympathy for the human race to accept the offer of one of the high-minded and noble-hearted men in the world. I trust that the United States will not be so poor as to reject the offer of such a man for the benefit of the whole race.

Mr. CONVERSE. I would like to ask another question if my friend will allow me. The gentleman seems to think that it is in accord with the high notions we all have of our country, to work in conwith the high notions we all have of our country, to work in conjunction on this question with some wealthy gentleman who happens to own a vessel. Now, I desire to put to him this question; whether it would not be more in accord with the dignity of this Government, if it desired to send an expedition of this kind, to send it under the control of its own officers; that the Government itself should give direction to the expedition, instead of furnishing the officers and the equipment and letting somebody else direct it?

Mr. WHITTHORNE. The direction will be under the United States

officers. It is because this gentleman desires the protection of our flag that he has humbled himself, if you please, before the gentleman from Ohio [Mr. Converse] and asked for this assistance.

Mr. MILLS. What will you do with the pole when you find it?

Mr. WHITTHORNE. I now move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. The question is first upon agreeing to the amendment reported from the Committee on Naval Affairs.

The amendment was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

Mr. REED. I move that the committee now rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and Mr. Carlisle having taken the chair as Speaker pro tempore, Mr. Stevenson reported that the Committee of the Whole on the state of the Union had had under consideration sundry bills reported from the Committee on Naval Affairs, and had directed him to report to the House with amendments the following bills:

A bill (H. R. No. 3983) to provide a permanent construction fund

for the Navy, and for other purposes; and A bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas.

NAVAL CONSTRUCTION FUND.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 3983) to provide a permanent construction fund for the Navy, and for other purposes; reported with amendments.

Mr. WHITTHORNE. I call for the previous question on the bill

and amendments.

Mr. MILLS. This is a very important matter; and I would suggest to the gentleman from Tennessee that he let this bill go over until to-morrow morning as unfinished business, when it can be acted upon with a full House.

The SPEAKER pro tempore. The question is upon the demand of the gentleman from Tennessee [Mr. Whitthorne] for the previous question upon the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee of the Whole were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill; and being taken, npon a division there were—ayes 64, noes 16.

Mr. STEELE. No quorum has voted.

Tellers were ordered; and Mr. WHITTHORNE and Mr. STEELE were

appointed. Mr. STEVENSON. I hope the gentleman from North Carolina [Mr.

Mr. STEVENSON. I hope the gentleman from North Carolina [Mr. STEELE] will not insist upon the point that no quorum has voted.

Mr. STEELE. The gentleman does not understand "the gentleman from North Carolina," or he would not make that request.

Mr. STEVENSON. Does he understand himself?

Mr. STEELE. Ever since I have been a member of Congress, I have had an ambition to be a teller; but I have never had the opportunity before.

tunity before. [Laughter.]

The House again divided; and the tellers reported that there were-

ayes 75, noes 12.

The SPEAKER pro tempore. The tellers report 75 in the affirmative and 12 in the negative. If no further count is called for, the ayes have it, and the bill is passed.

Mr. STEELE. Oh, no, Mr. Speaker; no quorum has voted.

The SPEAKER pro tempore. Does the gentleman insist upon that

Mr. STEELE. I do; it takes more than that to make a quorum.
Mr. CONGER. The gentleman is too late.
The SPEAKER pro tempore. The Chair will not take advantage of
the fact that the gentleman did not make his point immediately upon
the result of the count being announced by the Chair.
Mr. WHITTHORNE. Will my friend from North Carolina [Mr.

STEELE] agree that the previous question shall be considered as ordered upon the passage of both these bills? If so, then I will move to adjourn.

Mr. CONGER. Mr. Speaker, if it can be understood that these two bills shall go over by unanimous consent as unfinished business to

come up in the morning, it would be better perhaps to adjourn now than to prolong the session this evening and have a call of the House.

Mr. MORSE. The gentleman from North Carolina agrees to that. The SPEAKER pro tempore. The Chair will state that the arrangement suggested can only be made by unanimous consent, and the ment suggested can only be made by unanimous consent, and then the question might be made that no quorum was present. If, however, it could be arranged to have the main question ordered upon the passage of each of these bills, they would undoubtedly come up in the morning under the rules as unfinished business.

Mr. ROSS. I object.

Mr. KEIFER. May not these bills, by unanimous consent given now, come up as unfinished business in the morning?

The SPEAKER pro tempore. But the House, in the absence of a quorum, cannot make any order by unanimous consent in regard to the bills.

Mr. ATKINS. I move that the House adjourn.

The SPEAKER pro tempore. It appears upon the records of the House that no quorum is present to transact business; and only two motions are in order—one for a call of the House and the other to adjourn. Mr. VANCE. Is not the previous question operating on this bill, and will it not necessarily come up to-morrow?

The SPEAKER pro tempore. The Chair will state the situation of the bill. The previous question was demanded upon ordering the bill to be engrossed and read a third time. That demand was sustained by the House: the amendments were agreed to, and the bill tained by the House; the amendments were agreed to, and the bill was ordered to be engrossed and read a third time. The question was then put upon the passage of the bill, on which the previous question had not been demanded; and upon that vote it was disclosed that there was no quorum present.

Mr. ATKINS. Is it not competent for the gentleman from North Carolina to withdraw his point in regard to a quorum, so that the previous question can be ordered on the passage of the bill?

The SPEAKER pro tempore. If the demand for a quorum be withdrawn, the House can proceed to make that order; but so long as it appears that the question is made upon the absence of a quorum, the

House can of course transact no business

Mr. STEELE. My main purpose in making the point of the absence of a quorum was to avoid being forced to a vote on the passage of the bill to-night, particularly when the House is so slim. I am perfectly willing to withdraw the point and let the previous question be ordered, with the distinct understanding that there is to be no vote until the House is in full session.

The SPEAKER pro tempore. The gentleman can arrest proceedings whenever he sees proper by raising the question.

Mr. CONGER. That proposition will be satisfactory I presume to

Mr. WHITTHORNE. It is satisfactory to the friends of the bill.
Mr. CONGER. Of course there could be no vote to-night without we can adjourn and have no further trouble.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Whitthorne] demands the previous question on the passage of this

The previous question was seconded and the main question ordered. Mr. WHITTHORNE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPEDITION TO THE ARCTIC SEAS.

Mr. CONGER. I ask unanimous consent that the previous question may be ordered upon the other bill reported from the Committee of the Whole, so that both bills may come up to-morrow.

The SPEAKER pro tempore. Is there objection? The Chair hears none; and the main question will be ordered to be put on the other

bill likewise.

NAVAL HOSPITAL AT ANNAPOLIS.

Mr. KIMMEL. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 2872, and that the same be referred to the Committee on Commerce.

There being no objection, the bill (H. R. No. 2872) to transfer the naval hospital at Annapolis to the care and custody of the Secretary of the Treasury, to be used as a marine hospital, was referred to the Committee on Commerce.

Mr. ATKINS. I move that the House adjourn.

The motion was agreed to; and accordingly (at nine o'clock and ferty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: Papers relating to the claim of Lieutenant S.
R. Douglass for indemnification for the destruction of his baggage

R. Douglass for indemnification for the destruction of his baggage and personal effects while in charge of the Quartermaster's Department—to the Committee on Military Affairs.

By Mr. WILLIAM ALDRICH: The petition of Armour & Co., Chicago Packing and Provision Company, and 237 other firms in Chicago, Illinois, that all duty on salt be removed and that it be placed on the free list—to the Committee on Ways and Means.

By Mr. BELTZHOOVER: The petition of all the surviving soldiers and sailors of the late war of Cumberland County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. BERRY: Resolution of the Legislature of California, relative to a modification of the Burlingame treaty with China—to the Committee on Education and Labor.

Committee on Education and Labor.

Also, resolution of the Legislature of California, asking for an appropriation for the improvement of Petaluma Creek-to the Committee on Commerce.

By Mr. BURROWS: Two petitions of citizens of Michigan, against the reduction of the duty on paper—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Papers relating to the claim of A. H.

Brooks, for pay for services rendered the Internal Revenue Bureau—to the Committee on the Judiciary.

By Mr. CAMPBELL: The petition of 30 citizens of Mohave County, Arizona Territory, against the passage of the proposed mining law now before Congress—to the Committee on Mines and Mining.

By Mr. CONVERSE: The petition of Benjamin J. George, for pay as chaplain of the One hundred and seventy-fourth Regiment Ohio Volunteer Infantry during the late war—to the Committee on Military Affairs.

Also, the petition of A. C. Benedict and 21 other claimants, of Arizona, against confirming the Gandera or Calabasas land grant—to the Committee on the Public Lands.

By Mr. COX: The petition of General Alexander S. Webb, to be placed on the retired list of the Army—to the Committee on Military

Affairs.

By Mr. GARFIELD: The petition of Richard Maloney, of Saint Joseph County, Missouri, for additional bounty—to the Committee

By Mr. GILLETTE: Resolutions of the Legislature of Iowa, concerning the location of certain land scrip—to the Committee on the Public Lands.

By Mr. GODSHALK: The petition of citizens of Montgomery County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Montgomery County, Penusylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce

By Mr. HALL: The petition of Cyrus K. Sanborn and 50 others, citi-cens of New Hampshire, for the improvement of the navigation of Lake

zens of New Hampshire, for the improvement of the navigation of Lake Winnipesaukee—to the same committee.

By Mr. HEILMAN: The petition of W. A. Munford, of Princeton, Indiana, for the refunding of \$1,050, amount paid in compromise of liabilities as store-keeper—to the Committee on Claims.

By Mr. HOSTETLER: The petition of ex-soldiers of Clay County, Indiana, for the passage of the bill (H. R. No. 4495) knows as the Keifer pension bill—to the Committee on Invalid Pensions.

Also, the petition of citizens of Morgan County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of soldiers of Clay County, Indiana, who served in the late war, that all soldiers who were prisoners of war for ninety days, captured in the line of duty, be granted pensions—to the Committee on Invalid Pensions.

Also, the petition of citizens of Owen County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. MORTON: The petition of George Quarrel, for a pension—to the Committee on Invalid Pensions.

By Mr. ORTH: The petition of David Bryan, for back pay as an officer in the United States Army—to the Committee on Military Af-

By Mr. PACHECO: Four petitions of citizens of Inyo and Mono Counties, California, for the passage of the bill (H. R. No. 4857) to donate Camp Independence to said counties for school purposes—to

the same committee.

By Mr. ROTHWELL: A paper relating to the pension claim of Alexander W. Walker—to the Committee on Invalid Pensions.

By Mr. THOMAS RYAN: The petition of Kansas soldiers, against the passage of the sixty-surgeon pension bill—to the same committee.

Also, papers relating to the claim of Henry Reimers, to be reimbursed the purchase-money paid for Government land to which he received no title—to the Committee on the Public Lands.

Also, the petition of citizens of Kansas, for the amendment of the patent laws—to the Committee on Patents.

patent laws—to the Committee on Patents.

By Mr. SIMONTON: The petition of citizens of Tipton County, Tennessee, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on

Commerce.

By Mr. TYLER: The petition of H. V. Hadgman, and 20 others, citizens of Windsor County, Vermont, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringment—to the Committee on Patents.

By Mr. VANCE: Papers relating to the claims of A. B. and J. J. Welch, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WEAVER: The petition of John Haning, of Chicopee, Massachusetts, and 13 others; of Joseph Jennings, of Attica, Iowa, and 16 others; and of Ira Westbrook, of Williamsport, Nebraska, and 178 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

on Military Affairs.

By Mr. WRIGHT: The petition of John R. Harring and 90 others, citizens of Brooklyn, New York, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

IN SENATE.

THURSDAY, April 15, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. TELLER presented a memorial of D. C. Collier and 665 others, citizens of Gilpin County, Colorado, remonstrating against any and all changes of the mining laws; which was referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to which was referred the bill (8. No. 1376) for the relief of Ella Long, to report it favorably without amendment and with a written report. This bill has once been presented to the Senate and favorably acted upon, and I should ask for its present consideration but for the fact that I think it unjust to cases that have been reported before.

The VICE-PRESIDENT. The report will be printed under the

Mr. MAXEY. The Committee on Post-Offices and Post-Roads, to whom was referred a joint resolution of the Legislature of Wisconsin in favor of an increase and change of the mail service in Door County, in that State, instruct me to report that the offices named in the memorial are all now established and have mails as requested from Sturgeon Bay; that the changes desired can be made by the Department, being ministerial and not legislative. I therefore ask that the committee be discharged from its further consideration.

The report was agreed to.

Mr. MAXEY. I am instructed by the same committee, to whom was referred the bill (S. No. 1567) to designate, classify, and fix the salaries of persons in the railway mail service, to report that Senate bill No. 1209, which is on the Calendar, reported by the Committee on Post-Offices and Post-Roads, covers the exact points in the bill now reported back. I therefore ask that the committee be discharged from the further consideration of this bill.

The report was agreed to.

Mr. MAXEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5524) establishing post-routes, have directed me to report it back with certain amendments. the report now in order to have the bill printed, and I call the attention of all Senators to it, and suggest that they examine the postroutes reported for their respective States and see that they are properly printed. The bill contains no legislation except the establishment of post-roads; but it is largely amended, and I desire that the bill be printed with the amendments, and recommitted.

The VICE-PRESIDENT. The bill will be printed and recommitted.

Mr. KIRKWOOD. By instruction of the Committee and Provided and And Provi

Mr. KIRKWOOD. By instruction of the Committee on Post-Offices and Post-Roads I report back the bill (8. No. 1570) providing for the transportation of the mail between East Saint Louis, in the State of Illinois, and Saint Louis, in the State of Missouri, with an amendment. Accompanying the bill is a letter from the Post-Office Department, explaining the necessity for the passage of the bill, which I ask be

printed.

The VICE-PRESIDENT. Does the Senator ask for the present con-

sideration of the bill?

Mr. KIRKWOOD. No, sir; but I desire to call it up soon, as it is a matter of considerable importance. Let the accompanying letter

a matter of considerable importance. Let the accompanying letter be printed.

The VICE-PRESIDENT. That order will be made.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 1610) making an appropriation for the purchase of a site and the erection of a light-house and fog-signal at or near the entrance of Little Traverse Harbor, on Lake Michigan, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

was ordered to be printed.

Mr. McMILLAN. The Committee on Commerce have had under consideration the joint resolution (S. R. No. 97) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the States, and have directed me to report it back with amendments and recommend its passage.

The VICE-PRESIDENT. The joint resolution will be placed on

the Calendar.

the Calendar.

Mr. McMILLAN. Mr. President, I am directed to ask the immediate consideration of the joint resolution. It is a joint resolution that contemplates action and a report to the next session of Congress, and the House will have to act on it at the present session.

Mr. COCKRELL. Let it be read for information.

The VICE-PRESIDENT. The joint resolution will be reported at length and objections asked for.

The Chief Clerk read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

mr. BAYARD and others. I object.
Mr. DAVIS, of West Virginia. One moment. There is objection behind me, but I wish to say one word upon the subject. The joint resolution proposes to create a new committee or commission. Now

we have got a Committee on Commerce and we have got one on Transportation Routes, either of which is perfectly competent to take charge of all such questions. I give notice now that I shall oppose the joint resolution whenever it comes up on the ground that the standing committees ought to inquire into such matters when it is necessary to make inquiry. We have already forty-five standing and select committees of the Senate to attend to all matters relating to the Government.

The VICE-PRESIDENT. Objection is made, and the joint resolution will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up Senate bill-

Mr. COCKRELL. I object now and give notice in advance that as soon as morning business is over I shall call for the regular order. We have been going on for about a week and have not touched the Calendar, and I shall insist that we go to the Calendar of regular

Mr. CAMERON, of Pennsylvania. To what does the Senator object?
Mr. COCKRELL. I object to the consideration of anything out of

Mr. COCKRELL. I object to the consideration of anything out of the regular order.

Mr. CAMERON, of Pennsylvania. I was going to ask the Senate to take up a bill that is on the Calendar and which was up a few days since and postponed to take up another bill.

Mr. COCKRELL. I object to it.

The VICE-PRESIDENT. Objection is made.

BILLS INTRODUCED.

Mr. BALDWIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1636) to authorize the Secretary of the Treasury to purchase a site and to enlarge the present Government Treasury to purchase a site and to enlarge the present Government building in the city of Detroit, Michigan, or for the purchase of a site and the erection of a Government building in said city; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1637) granting a pension to Ellen M. Godfrey; which was read twice by its title, and referred to the Committee on

WITHDRAWAL OF PAPERS.

On motion of Mr. BUTLER, it was

Ordered, That Lacon R. Tillman have leave to withdraw his memorial and accompanying papers from the files of the Senate.

AMENDMENTS TO BILLS.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BURNSIDE submitted amendments intended to be proposed by him to the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

BILL RECOMMITTED.

Mr. BOOTH. With the consent of the Senator from Pennsylvania [Mr. WALLACE] who made the adverse report in regard to it, I move to recommit the bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs to the Committee on Finance.

The motion was agreed to.

PENSION BILLS.

The VICE-PRESIDENT. The Secretary will call the Calendar of General Orders, under the standing order of the day.

Mr. WITHERS. There is a large accumulation of pension bills, with favorable reports, upon the Calendar. I move that the remainder of the morning hour be devoted to the consideration of those

Mr. MAXEY. I feel constrained to object to that. I desire to have disposed of a bill which has been considered twice during the morning hour, and which is second on the Calendar but has been postponed for a whole week by this unanimous consent arrangement, and I am getting tired of it. I have no objection to the pension bills, but let them take their regular order like the bills from all other committees which it is invertent also to have action woo.

let them take their regular order like the bills from all other committees, which it is important also to have action upon.

Mr. WITHERS. I make the motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Virginia that all orders on the Calendar prior to pension
bills be postponed for the purpose of considering such bills.

Mr. EDMUNDS. Those bills to be considered in the order in which

they stand?

Mr. WITHERS. Yes, the order in which they stand, the bills upon which favorable reports have been made by the Committee on Pen-

Mr. EDMUNDS. There will be no objection to that.

The VICE-PRESIDENT. The question is, Shall all prior orders on the Calendar be postponed? The motion was agreed to; there being on a division-ayes 38,

The VICE-PRESIDENT. The question now is, Will the Senate pro-

ceed to the consideration of pension bills in their order upon the Calendar?

The motion was agreed to.

JESSE F. PHARES.

The VICE-PRESIDENT. The Secretary will call the Calendar of pension bills as directed by the Senate in its order.

Mr. WITHERS. The bill on the Calendar at the point reached

when it was last under consideration was the bill (S. No. 1185) granting a pension to Jesse F. Phares, in which the committee submitted an adverse report. I ask that that may be passed over without prejudice so that it may retain the same position it has at present, in consequence of the absence of the Senator from West Virginia [Mr. Hepsgeogen] who is specially interested in the asset HEREFORD] who is specially interested in the case.

The VICE-PRESIDENT. The Chair hears no objection to the re-

quest; and the bill will be passed over without prejudice.

REESE LAMMEY.

Mr. WITHERS. Senate bill No. 1384 is the first one to be consid-

ered under the order as made.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1384) granting a pension to Reese Lammey. It authorizes the Secretary of the Interior to place upon the pension-roll the name of Reese Lammey, father of John R. Lammey, deceased, late captain of Company D, Sixth Regiment Wisconsin Volunteers.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The Chief Clerk read the following report, submitted by Mr. FAR-LEY March 1, 1880:

The Committee on Pensions, to whom was referred the petition of Reese Lammey, praying for a pension, beg leave to report:

That the evidence in this case shows that the son of petitioner, John R. Lammey, was killed while serving in the line of duty as captain in Company D, Sixth Regiment Wisconsin Volunteers; that the son assisted materially in supporting his father and mother both before and after he entered the service; that the mother has since died; that the claimant is now about seventy years old; that he is poor and capable of performing but little work.

Your committee therefore recommend that the petitioner be allowed \$8 per month from the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AARON HATCHER.

Mr. WITHERS. The next pension bill on the Calendar is the bill (S. No. 1360) granting a pension to Aaron Hatcher.
Mr. EDMUNDS. There is first the bill (S. No. 742) for the relief

of Mary A. Lord. Mr. WITHERS.

I only ask to take up those cases where favora-

ble reports have been made.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S.No. 1360) granting a pension to Aaron Hatcher. It author-izes the Secretary of the Interior to place on the pension-roll the name of Aaron Hatcher, late private Company F of the Twenty-third Regiment Missouri Volunteer Infantry.

Mr. EDMUNDS. I should like to hear the report read.

The Chief Clerk read the following report, submitted by Mr. Platt

March 5, 1880:

March 5, 1880:

The Committee on Pensions, to whom was referred the petition of Hon. G. B. Thomas and numerous other citizens of Howell County, Missouri, praying that a pension may be granted Aaron Hatcher; also Senate bill 1360, granting a pension to said Aaron Hatcher, beg leave to report:

Said Aaron Hatcher was a private in Company F, Twenty-third Regiment Missouri Volunteers. In an application to the Pension Bureau, filed January 10, 1872, he alleged that he contracted disease of the eyes at Rollo, Missouri, in the year 1863. He was discharged in April, 1864, for disease of the eyes, which has proved incurable, and he is now almost totally blind. His application was rejected solely upon the certificate of the assistant regimental surgeon indorsed on his discharge that he "had suffered from impaired vision for nearly nine years." It was subsequently again considered, and finally rejected March 26, 1878. To show that the disease was contracted in service and in the line of his duty, there is his captain's certificate of discharge that soldier's disease "has been contracted since date of enlistment, to the best of my knowledge." An affidavit of the captain states that he "recruited the soldier, at which time he was to all appearances a sound man." Two physicians of good standing state in the most unequivocal manner that soldier's eyes were sound prior to enlistment. Two neighbors testify to soldier's soundness prior to enlistment.

The petition referred to the committee is signed by a very large number of soldiers, neighbors, and acquaintances, who state their belief to be that he was a sound man when he entered the service.

In view of all the evidence, the committee are of opinion that claimant's disease was contracted in service and in the line of duty, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS E. BRAWNER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 748) granting a pension to Thomas E. Brawner. It authorizes the Secretary of the Interior to place on the pension-roll the name of Thomas E. Brawner, late lieutenant Company F, Twentythird Regiment Missouri Volunteer Infantry.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. GROOME March 5, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 748) granting a pension to Thomas E. Brawner, report:

That Thomas E. Brawner was mustered into service as first lieutenant of Company F, Twenty-third Missouri Volunteers, on November 22, 1861, and continued to serve as such until April 6, 1862, when he was captured at the battle of Pittsburgh Landing, and confined for about seven months, first at Montgomery, Ala-

bama, and afterward at Madison, Georgia. Upon his return to his regiment in November, 1862, he complained of being much broken in health from exposure and alleged harsh treatment while he was a prisoner of war. Two captains of companies in said regiment and several privates who were taken prisoners in the same battle, and confined in the same prisons with him for the same period, testify that he was a sound man when he entered the service, and that while in prison he contracted the disease of rheumatism to such an extent as to disable him from active service after he was exchanged. Still another captain of a company in that regiment and the colonel of the regiment testify that Lieutenant Brawner was taken prisoner at the battle of Pittsburgh Landing, and that up to that time he was in sound health, and that when he returned to his regiment in November, 1862, he complained that his health was much broken as a result of his imprisonment. On December 22, 1862, his resignation having been tendered, was accepted, and he was honorably discharged from the service. The colonel testifies that he 'was a good officer, soldier, and a gentleman, and as such his standing was equal to the best," and that, to the best of his recollection, his resignation was tendered because of the disability already indicated. The "special orders" of the Department of the Missouri state that he was honorably discharged, "having for good cause tendered" his resignation.

His family physician testifies that he was sound when he entered the Army; and

and that, to the best of his recollection, his resignation was tendered because of the disability already indicated. The "special orders" of the Department of the Missouri state that he was honorably discharged, "having for good cause tendered" his resignation.

His family physician testifies that he was sound when he entered the Army; and that ever since his return he has been suffering from rheumatism, contracted by exposure while in the Army, and of so aggravated a character that it brought on spinal irritation, resulting in epileptic convulsions, which disqualify him for manual labor. There is the testimony of another physician that he was in sound health when he enlisted; and the testimony of still another that he knows he was suffering from rhematism and epilepsy for three years before he made his application for a pension; and that his disease was not aggravated or prolonged by intemperate or other bad habits. There is no evidence that he had any epileptic fits before 1869.

The examining surgeon who, by direction of the Pension Bureau, examined him on September 3, 1873, found him suffering from a chroniz form of nervous rheumatism, and from hemorrhoidal humors, and expresses the opinion that his epilepsy is probably owing to his general derangement of health. He also declares that his disability, which he rates at one-half, is permanent, and expresses the belief that it did originate in the service in the line of duty.

When Lieutenant Brawner made his application for a pension the postmaster of his town wrote to the then Commissioner of Pensions, "in confidence," that said Brawner was "a democrated editor of a dirty newspaper" published there, and "that his application is a grand swinde on the Governent."

This led to a special agent being sent to the town, who examined the postmaster and several other persons, among whom were two who had been officers and one who had been a private in the same regiment with Brawner. The persons above designated testified that Brawner was in good health when discharged

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER K. MORGAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1113) granting a pension to Peter K. Morgan, private in the war of 1812. It authorizes the Secretary of the Interior to place on the pension-roll the name of Peter K. Morgan, a private in Captain Andrew Stevenson's company of Virginia infantry in the war of 1812.

Mr. EDMUNDS. I should like to hear the report.

The Chief Clerk read the following report, submitted by Mr. GROOME March 5, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 1113) granting a pension to Peter K. Morgan, private in the war of 1812, report that said Morgan is an extremely old and feeble man, who is represented to them to bear an excellent character. He claims to have served for several months during the war of 1812 in Captain Andrew Stevenson's Company of Virginia Infantry as a substitute for a certain Charles Blunt. The name of Peter K. Morgan is not borne on the roster of that company, but the name of Charles Blunt is. From the best information your committee have been able to obtain they believe that it was not unusual in that war for a person acting as a substitute for another to take that other's place in his company and answer to his name as roll-call. The fact that Peter K. Morgan served in said company for more than fourteen days while it was stationed at Camp Holly seems to be established by the testimony of a soldier who was serving in the same company, by a citizen who frequently visited it, and by other corroborative evidence.

Your committee recommend the passage of the bill.

Your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. M'AFFREY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 602) for the relief of Thomas W. McAffrey.

Mr. EDMUNDS. I should like to hear the report read.

Mr. PLATT. There are amendments to the bill.
Mr. EDMUNDS. We do not want to adopt the amendments until we hear the report.

The Chief Clerk read the following report, submitted by Mr.

WITHERS March 5, 1880:

The Committee on Pensions having examined the bill S. No. 602 and the papers accompanying, find that the said bill proposes to restore to the pension-roll Thomas W. McAffrey, late second lieutenant Company D. Fourth Tennessee Infantry, war of 1846, and to pay him the pension which he received up to the 4th day of March, 1861.

It appears that the applicant was allowed a pension for disability from rheuma-tism originating in the service and in the line of duty during the war with Mexico;

that his name was dropped from the rolls March 4, 1861, because a resident of an insurrectionary State; that after the close of the war he applied for restoration and was refused, because the disease from which he is now suffering is not traceable to the disease which caused the disability for which he was pensioned. The disease from which the applicant now seems to suffer is valvular and other diseases of the heart, and he was originally pensioned for rheumatism. Several medical witnesses testify that the diseased condition of the heart is, in their opinion, directly traceable to the rheumatism, and that rheumatism is recognized as one of the most frequent causes of heart disease. As this is no doubt true, and as the applicant has established the fact that he has suffered continuously and unremittingly from disease, and with constantly increasing disability, the committee recommend the passage of the bill with an amendment.

recommend the passage of the bill with an amendment.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In line 7, after the word "pensioners," the Committee on Pensions report to strike out "and pay, or cause to be paid, him \$11.25 per month from the 4th day of March, 1861, when said McAffrey, with others, pensioners of the United States, was stricken from the pension-rolls, during the late civil war, on account of residence in southern territory;" in line 13, after the words "and pay him," to strike out "monthly said sum" and insert "a pension;" in the same line, before "limitations," to insert "the;" and in line 14, after the word "restrictions," to strike out "governing other pensions in their payment," and to insert "of the pension laws;" so as to make the bill read: the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore and place the name of Thomas W. McAffrey, second lieutenant Company D, Fourth Tennessee Infantry, war of 1846, on the list of pensioners, and pay him a pension under the limitations and restrictions of the pension laws.

Mr. EDMUNDS. I should like to know first whether the effect of the bill is to pay all the pension for the period during which the name

of this person has been off the rolls?

Mr. WITHERS. No, sir; the regulations as to the payment of arrears of pensions are not applicable to any pension granted by a

special act.

Mr. EDMUNDS. That I understand, but arrears are payable according to the order of this bill to this man if the act will bear that construction, and I think it will. I move to amend the amendment, if that is the proper thing to do now, by saying "pay him a pension from and after the passage of this act at the rate provided by the pension laws.

Mr. WITHERS. That was the intention of the committee. I have

no objection to the amendment.

Mr. EDMUNDS. While that is being framed, I should like to have somebody show me the statute which strikes off from the roll a pensioner of the United States, as this report states it, on account of his being "a resident of an insurrectionary State?" I have never seen any such statute that I remember.

Mr. WITHERS. I think that is the phraseology used in the re-

port from the Department. That is my impression.

Mr. EDMUNDS. I think, at least I had thought until I read this report, that people were stricken from the pension-rolls only on account of not having adhered to the cause of the United States on a

recent important occasion. I may be mistaken, however.

Mr. WITHERS. I will state for the information of the Senator from
Vermont that the whole question of the loyalty of this claimant was investigated by a special agent of the Pension Bureau, and his loyalty was established to the satisfaction of the bureau. He was an invalid

during the whole war.

Mr. EDMUNDS. That, if so, would of course answer the matter as to this bill; but the committee in its report does not seem to put it upon that ground. It puts it upon the ground that he got off from the pension-rolls, apparently unjustly, in pursuance of a statute that struck him off because he resided in Tennesse, which was his home. I want to see if there is such a statute as that. Let this bill be laid

aside for a moment, Mr. President.

Mr. WITHERS. I presume, even if there is anything of that kind which the Senator may find to be necessary in order to correct the report and make it correspond with the statute, the bill would not be objected to for that reason, and I ask that the bill be passed over

informally with that understanding.

Mr. EDMUNDS. Let the bill be laid aside for a moment and I will look at the statute if I can find it.

Mr. WITHERS. Very well.

The VICE-PRESIDENT. The next pension bill on the Calendar will be considered.

THEODORE RAUTHE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 963) granting a pension to Theodore Rauthe. It directs the Secretary of the Interior to place on the pension-roll, the name of Theodore Rauthe, late a private in Company K, Thirteenth New York Cavalry, whose name was stricken from the pension-rolls on

June 4, 1878.

Mr. EDMUNDS. I should like to hear the report.

The Chief Clerk read the following report, submitted by Mr. Call. March 10, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 963) granting a pension to Theodore Rauthe, beg leave to submit the following report:

That the said Theodore Rauthe enlisted as a private in Company K, Thirteenth New York Cavalry, January 5, 1864, and was mustered out September 21, 1865.

That in January, 1865, while on horseback engaged in picket duty, his feet were frost-bitten. When he returned to camp and attempted to dismount he was unable too stand upon his feet, and was therefore taken to the camp hospital for treatment. Although afterward returning to duty, yet he always complained of his feet.

Shortly after his discharge from the Army, on the approach of cold weather, his feet broke open and he was taken to Harewood Hospital, Washington, D. C., where both his legs were amputated. The foregoing statement is clearly proven by the following, with other testimony:

following, with other testimony:
Six comrades of Rauthe's swear positively that he was severely frost-bitten while
on picket duty in January, 1865, and was laid up therefrom in camp hospital. That
he was discharged the service in September, 1865, and that shortly afterward, when
the weather grew colder, his feet broke open and he was admitted to Harewood

he was discharged the service in September, 1865, and that shortly afterward, when the weather grew colder, his feet broke open and he was admitted to Harewood Hospital.

The sergeant of the company in which Rauthe served testifies that he (Rauthe) was a very good soldier, but had often to be excused from duty on account of his feet, which, he understood, were frost-bitten while on picket duty.

Proof from the Surgeon General's Office shows that he was admitted to Harewood Hospital in the winter of 1865–'66, and that his feet had to be removed, after they had nearly separated by sloughing.

A physician, now a resident of Troy, New York, but an Army surgeon in 1865–'66, says he recollects seeing Rauthe in Harewood Hospital, and that his impression always was that his feet were frozen while in the line of duty.

On the above showing the Pension Office granted him a pension for the loss of both legs, which was afterward discontinued, because, as the Pension Office claims, the disabilities were not received in the line of duty.

The only proof in support of that assertion appears to be the testimony of a man who swears that in December, 1865, he found Rauthe in one of his barns in Prince George's County, Maryland, nearly frozen to death, and that he removed him to the county poor-house on the following day. He also states that Rauthe could not have been very long in his barn when he found him, as the weather was very cold, and that he cared for him that night and found his feet in a very bad condition. He further states that he does not know in what condition Rauthe's feet were previous to his appearance in the barn.

Inasmuch as it is clearly proven that Rauthe's feet were frost-bitten while on duty, it follows that the disabilities under which he now claims a pension originated in the line of duty, although subsequent exposure may have complicated the original injuries.

Your committee, therefore, consider the testimony on which Rauthe's name was dropped from the pension-roll insufficient, and recommend the passa

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY ALLISON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1143) granting a pension to Mrs. Mary Allison. It authorizes the Secretary of the Interior to place on the pension-roll the name of Mrs. Mary Allison, widow of Robert Allison, a soldier of the war of 1812.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. INGALLS March 12, 1880:

The Committee on Pensions, to whom was referred the bill S. No. 1143, submit the

following report:

It is shown that the applicant was married to Robert Allison, sr., in 1842. He

following report:

It is shown that the applicant was married to Robert Allison, sr., in 1842. He died in 1861.

John Fulmer swears that he was a soldier of the war of 1812, and a member of Captain Hulsell's company, from Washington County, Tennessee; that in 1813 or 1814, upon the expiration of his term of service, and when returning to his home in Washington County, he met at a fort on the Hiawassee River a company of soldiers from Sullivan County, Tennessee, under the command of Captain Scott; that he was acquainted with Scott and many of the soldiers under him, and in that company he plainly and distinctly remembers to have seen and talked with Robert Allison, sr., who was a member of that company, armed and equipped "and on duty;" the said Allison being at the time in actual service. He knew Allison well, "they having been boys together," and knew him intimately until his death. They afterward talked about the meeting frequently. The place of meeting was one hundred and eighty miles from Allison's home. He cannot say how long Allison served in the Army, but knows it was near six months from the time he met him until he (Allison) returned home.

John Allison, sr., swears he was brother to Robert Allison, and of his own personal knowledge and recollection Robert Allison was drafted into the military service of the United States in the war of 1812 at Blountville, in Sullivan County, Tennessee, and served in Captain Scott's Company; that Robert Allison left said county with Scott's company, armed and equipped; cannot state the length of service.

Both these witnesses prove that all the members of Scott's company are now

Both these witnesses prove that all the members of Scott's company are now

dead.

Rachael Gregg, daughter of Abram Gregg, who was a soldier of the war of 1812, and related to Allison, knew him well; often heard her father and Allison speak of the service of the latter in the war of 1812, and of the fact that he was a soldier in that war; knew Allison well for many years; was "raised" on the homestead of the Allison family.

James Hodges swears: "Am seventy-eight years old; knew Robert Allison from the time he reached manhood; was intimate with him for fifty years; have always understood in the neighborhood—I often heard the fact spoken of—that he was a soldier in the war of 1812; have heard Allison speak of the fact; heard Abram Gregg speak of it."

Mary Allison, the applicant: "Was told frequently by my husband that he was drafted in the war of 1812, and served as a soldier under Captain Joseph Soott, and marched into the Hiawassee Valley, which was upon the border of the Indian tribes at war with the United States; often heard him speak of the incidents of the service," &c.

tribes at war with the United States; often heard him speak of the incidents of the service," &c.

Mrs. Hall, a daughter of Allison, swears that she is a daughter by Allison's first marriage, sixty years old; often heard her father speak of his military service in the war of 1812; often heard my aunt, the sister of Allison, speak of his service and the distress of the family when he was drafted; heard my grandfather speak of it and the trouble and distress it brought upon the family; of his having served at Knoxville and other points, &c.

From this it clearly appears:

1. That Robert Allison was drafted for military service.

2. That he marched from his home in Sullivan County, Tennessee, to the Hiawassee River, a distance of one hundred and eighty-eight miles.

3. That he was in the military service, "armed and equipped," and doing military duty.

3. That he was in the miniary service, "armed and equipped, and doing miniary duty.

4. That he was absent on this duty near six months.

5. From tradition and reputation he served at Knoxville and other points.

6. All this was on the border of the Indian Territory, the United States being at war with the Indians.

The committee recommend that the bill do pass.

Mr. COCKRELL. I should like to know on what ground the Commissioner of Pensions rejected the claim; or was it acted on by the Pension Bureau?

Mr. WITHERS. It was rejected for want of proof by the necessary commissioned officers or two comrades in the service

Mr. EDMUNDS. Does the law now as to the war of 1812 require

Mr. EDMUNDS. Does the law now as to the war of 1812 require proof by commissioned officers?

Mr. WITHERS. Either that or by two comrades, or an identification of the party by the rolls of the office. A bounty warrant is merely prima facie proof.

Mr. EDMUNDS. I think the statute does not require that kind of proof, but I think it has very often happened that the Department has done injustice to soldiers of that old time by insisting upon too strict a proof, and which the statute does not require them to insist upon, but of course gives them the right to do it.

Mr. WITHERS. I think it is very probable that there is no statutory provision, but that that is the regulation of the Department.

Mr. COCKRELL. I should like to inquire of the chairman of the Committee on Pensions, if the granting of a bounty land warrant is

Committee on Pensions, if the granting of a bounty land warrant is prima facie evidence, what further evidence ought the commissioner to require, and what further does he require? If he has got a prima facie case, why does he not grant a pension?

Mr. WITHERS. For the reason that bounty land warrants are

issued to many parties who are not entitled to a pension. The possession of a bounty land warrant would not suffice to establish the claim for a pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. M'AFFREY.

Mr. EDMUNDS. We can now go back to the bill that was laid aside for the moment, as I am ready to dispose of it, so far as I am concerned.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 602) for the relief of Thomas W. McAffrey.

The VICE-PRESIDENT. The amendment of the Senator from Vermont to the amendment of the committee will be reported.

The CHIEF CLERK. It is proposed to add at the end of the bill "from and after the passage of this act."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. EDMUNDS. Mr. President I now wish to say that I have,

through the kindness of our Reporter, who remembers everything, found the acts referred to about limiting the payment of pensions to persons engaged in the rebellion. The first is an act of the 4th of Feb-ruary, 1862, which provides:

rnary, 1862, which provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension-rolls the names of all such persons as have or may hereafter take up arms against the Government of the United States, or who have in any manner encouraged the rebels or manifested a sympathy with their cause.

Then came a joint resolution of the 2d of March, 1867, which is too long to take the time of the Senate by reading, which as it appears to me does not apply to the case of pensions at all, but rather refers to accounts of quite a different nature against the Government, and that provision prohibits payment to anybody, no matter where refers to accounts of quite a different nature against the Government, and that provision prohibits payment to anybody, no matter where he happened to be, who was not known to be in favor of the Government and who had not given aid in opposition to it; but I believe the Pension Office has construed that resolution of 1867 as applying to pensions, which I think is a mistake.

Mr. WITHERS. It is the construction of the office.

Mr. EDMUNDS. I think it is a mistake, although the act of 1862 would be broad enough. Then there is a section of the Revised Statutes which provides:

utes which provides:

SEC. 4716. No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

The result is, Mr. President, that there is not any statute, and there never has been any that I know of, which requires any Department of the Government to strike people off or deny their claims on account of the fact that they resided in an insurrectionary State; but very likely the committee intended to refer-and I do not know but that that is a fair construction of the report—to the action of the Department instead of to the statute on which it was founded.

Mr. WITHERS. That is what was designed. My recollection of the case, which I examined myself with very great care, is that that phraseology is identical with the phraseology used in the report of the Commissioner of Pensions to the committee as to the cause of the

rejection of the claim.

Mr. EDMUNDS. It was not my desire to criticise the action of the committee. Now, if I correctly understand the case, the chairman of the committee states that the committee is satisfied that this claimant did not oppose the authority of the United States, or aid or abet opposition to the authority of the United States; in short, that he

was loyal.

Mr. WITHERS. I presume there can be no doubt whatever of the fact, inasmuch as that allegation was made and investigated by a special agent of the Department, and he reported that the loyalty of the party was perfectly established.

Mr. EDMUNDS. That being so, the only question then is to get him back on the rolls.

him back on the rolls.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATSY DAVENPORT.

The bill (H. R. No. 1597) granting a pension to Patsy Davenport was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Patsy Davenport, mother of William Henry Davenport, who died in the service of the United States, and upon whom she was dependent wholly for support, the pension to be at the rate of \$8 per month, to begin at the date of the death of William Henry Davenport.

William Henry Davenport.

The Chief Clerk read the following report submitted by Mr. Mc-Pherson March 15, 1880:

The Committee on Pensions, to whom was referred the bill (H. R. No. 1597) providing for the granting of a pension to Patsy Davenport, report as follows:

That the testimony shows that William Henry Davenport was regularly recruited and sworn into the service of the United States Army by a Captain James Taylor, in the year 1862, in Carter County, Tennessee; that he was subsequently captured by the confederate soldiers, imprisoned at Vicksburgh, Mississippi, where he died of chronic diarrhea, 28th June, 1863. It further appears that his mother was dependent upon him for support and now has no support. Your committee therefore recommend the passage of the bill granting Patsy Davenport a pension, as provided in said House bill No. 1597.

Mr. NICALLE, I move to amond the House bill by striking out.

Mr. INGALLS. I move to amend the House bill by striking out, in lines 8 and 9, the words "to begin at the date of the death of said William Henry Davenport," and to insert "from and after the passage of this act."

The amendment was agreed to.

Mr. WITHERS. It was an inadvertence that the bill was allowed to be reported in the form it is.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in. The amendment was ordered to be engrossed and the bill to be read

third time. The bill was read the third time, and passed.

JACOB H. EPPLER.

The bill (S. No. 1070) granting a pension to Jacob H. Eppler was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob H. Eppler, late of Company B, Eleventh Regiment Indiana Volunteers.

The Chief Clerk read the following report, submitted by Mr. Mc-

PHERSON March 15, 1880:

PHERSON March 15, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 1070) granting a pension to Jacob H. Eppler, respectfully report as follows:

That Jacob H. Eppler (late of Company B. Eleventh Regiment Indiana Volunteers) entered the United States Army on the 17th day of August, 1861, as private Company B, Eleventh Indiana Infantry, Colonel Lewis Wallace commanding, and that he re-enlisted in said company and regiment, as a veteran, in February, 1864; and that in September, 1864, at the second battle of Winchester, he was wounded in the leg, and contracted serious and fatal cold in the eyes while lying exposed on the battle-field, subsequently becoming blind, and when discharged from the hospital was totally and permanently blind.

The report of the Surgeon-General and the examiners, and reports of the Surgeon-General and the examinations and reports of the examining surgeons, show that Eppler became totally blind before he was discharged from the hospital; that the blindness was caused by ophthalmia, and that the said Eppler was in sound health before his gunshot wound.

Colonel Daniel Macauley, of the Eleventh Indiana Regiment, and Captain John Macauley, both testify as to the wounding of Eppler on the battle-field. Colonel Macauley swears that said Eppler, while with his company, was a good and efficient soldier, and did not, so far as he knew, have any physical disease either of eye or body, and was a sound and healthy man up to the time of receiving said wound.

Captain John Macauley testifies to the sending of Eppler from the battle-field to the benefits of the service.

wound.

Captain John Macauley testifies to the sending of Eppler from the battle-field to the hospital, and of Eppler's subsequent and final discharge from the service.

Dr. David Funkhauser, the family physician, testifies to the sound physical condition of Eppler when he entered the service, as do also the examining sur-

geons.

Examining Surgeon James L. Reat makes four reports from 1870 to 1879, and in substance deposes that Eppler is totally blind; that the history and diagnosis of the case show that some time prior to September, 1864, Eppler doubtless had slight ophthalmia of both eyes, but that the wound in the leg and his exposure on the battle-field, where he lay exposed during the night, getting wet from rain, chilled by the night air, and weakened by loss of blood, brought on the aggraved disease of the eyes, and resulted in total blindness; and he rated his disability as "total, first grade."

Eppler is totally unable to gain a livelihood, and is supported by relatives and friends.

Your committee therefore recommend the massage of the accommanying bill (S.

Your committee therefore recommend the passage of the accompanying bill, (S. No. 1070.)

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. GEORGE W. WICKWIRE.

The bill (S. No. 873) granting a pension to George W. Wickwire was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of George W. Wickwire, who enlisted as a messenger-boy on the United States receiving-ship Allegheny, at Baltimore Harbor, November, 1862, and was discharged September 16, 1863, for disability occasioned by injury received while in the line of his duty, on the United States gun-boat General Putnam, and paying him a pension at the rate of — dollars per month.

Mr. EDMUNDS. Let us hear the report.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. FAR-LEY March 15, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 873) for the relief of George W. Wickwire, report:

That the claimant emisted November 3, 1862, as a first-class messenger-boy on the United States steamer General Putnam, and was discharged April 16, 1863; that he applied for a pension at the Pension Bureau July 27, 1868, and that his application was rejected on the ground that the disease on account of which he was discharged did not originate in the line of duty. Claimant enlisted November 3,

1862, and was in hospital on board of steamer, and subsequently at Norfolk naval hospital, from about December 1, 1862, till the time of his discharge. He was discharged, as appears from the hospital records, for scrofulous inflammation of the hand and wrist, which was the result of crysipelas, and the records state that this crysipelas did not originate in the line of duty. How it originated they do not set forth.

Fixmining Surgeon Charles H. Lathrop reports, in 1869, that applicant "has a dislocation of the lower end of the ulna, backward. The wrist is stiff, and he is mable to use the hand freely. Disability, one-half." The applicant and Ensign William Jennings, the latter the officer vecond in command of the steamer General Putnam in 1862-63, testify that the injury to the wrist was occasioned by a fall while practicing at a gun in line of duty, and that he was disabled, and entered hospital on account of said injury. The evidence is somewhat conflicting as to whether the disease, crysipelas, which subsequently intervened, resulted from the alleged fall or from some other cause not mentioned in the hospital records.

Your committee would recommend that applicant be allowed pension for one-half disability from and after the passage of this act.

The bill was reported from the Committee on Pensions with an amendment in line 11, after the word "pension," to strike out "at the rate of —— dollars per month from and after this date," and insert "under the provisions of the pension laws."

"under the provisions of the pension laws."

The amendment was agreed to.

Mr. COCKRELL. What will be the effect of that?

Mr. WITHERS. Simply that he will be examined at the Pension Office and rated according to his disability, fixed by the proper officer, and he will be allowed a pension from the passage of this act.

Mr. COCKRELL. I should like to know why the Pension Commissions rejected the employed in the proper officer.

missioner rejected the application.

Mr. WITHERS. Because there was no evidence that the erysipelas originated from the cause alleged.

Mr. COCKRELL. Does he belong to a class of persons entitled under the law to a pension?

Mr. WITHERS. Yes, sir; he is of a class entitled to pension.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. DAVIS.

The bill (S. No. 898) granting a pension to Mary A. Davis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Davis, stepmother of Benjamin F. Rodgers, late a private in Company H, Bissell's Engineers, West Missouri Volunteers.

The bill was reported from the Committee on Pensions, with an amendment in line 5, after the word "laws," to strike out "the name

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report; but before that is read I wish to call the attention of the chairman of the committee to the question whether under the existing pension laws a stepmother, as this lady is described, would be entitled to any pension at all in ever so clear a case; and if she would not, whether her being put on the roll would point out to the executive department the rate or grade or any other thing to fix her being entitled to any specific

Mr. WITHERS. I will state that the view of the committee upon that subject was that when the bill is passed directing the name to be placed upon the roll, the objection which would apply to the want of maternity proper would cease to exist; and after that, the name being placed on the roll, she would then become subject to the pro-visions and limitations of the laws as applicable to a person on the rolls. That is as to the rate of pension, the extent of disability, and so on.

Mr. EDMUNDS. I hope that is so, but I am afraid it is not.
Mr. WITHERS. That is the construction placed by the committee.
Mr. EDMUNDS. Now we will hear the report.

The Chief Clerk read the following report, submitted by Mr. CALL March 15, 1880:

March 15, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 898) granting a pension to Mary A. Davis, respectfully report as follows:

That Mary A. Davis was the adopted mother of Benjamin F. Rodgers, having adopted him in his infancy on the death of his parents, and that said Benjamin F. Rodgers was the sole support of his adopted mother for five years previous to his death, turning over to her his wages, &c., and she in turn bestowing on him a mother's care and love. That the above is clearly proven by the affidavits of several respectable witnesses, near neighbors of the petitioner. The tax-collector of Edgar County, Illinois, (the residence of the petitioner.) testifies that Mrs. Davis never had any property to assess.

The records of the Adjutant-General's Department show that Benjamin F. Rodgers enlisted as a private in Company H., Bissel's Engineer Regiment of the West Missouri Volunteers, on October 12, 1861, and was discharged from the service on October 12, 1862, for disability.

The certificate of disability for discharge states that he was suffering from "general constitutional weakness, which entirely unfits him for hard labor, and chronic ophthalmia, resulting from a serofulous diathesis of the system," and also that he had ophthalmia when he entered the service.

One of the commissioned officers (a lieutenant) of the regiment in which Private Rodgers served testifies that Rodgers was in good health when he enlisted, and was discharged for disability contracted in the service. The disability was chronic diarrhea and inflammation of the bowels, so stated by the surgeon at the time, as he remembers it.

diarrhea and inflammation of the bowels, so stated by the surgeon at the time, as he remembers it.

Several witnesses testify as to the soldier's good health before enlistment.

The physician who attended him after his return from the Army testifies that the soldier (Benjamin F. Rodgers) "did not have any disease of the eyes, or scrofulous symptoms during last sickness. When he came home he was suffering with inflammation of the bowels and lungs, and died of inflammation of the bowels February 15, 1863," (four months after his return from the Army.) That he came under his professional care immediately on his return from the service.

A neighbor of Rodgers testifes that he (Rodgers) was suffering from a severe

cough and complained of his breast and lungs when he came home. He was able to be about but little. At times was better for a day or so, and then would grow suddenly worse. Soldier was not able to walk home from the depot (a distance of a mile) when he returned from the Army. The statement of this witness is corroborated by affidavits of several neighbors.

Mrs. Davia's claim for a pension was rejected by the Commissioner of Pensions on the ground that "there was no provisions under the general law for pensions on account of the death of an adopted son," and informed the claimant that the only manner in which she could obtain a pension would be by special act of Congress.

Your committee would therefore recommend the passage of the accompanying bill, (S. No. 898.)

Mr. WITHERS. There is a slight amendment necessary. This lady is described as a step-mother. It should be "adopted mother." I move to strike out "step" and insert "adopted."

The amendment was agreed to.

Mr. COCKRELL. I should like to know the number of cases of

Mr. WITHERS. Two only have occurred in my service on the committee.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. WITHERS. The next pension bill on the Calendar is the bill (S. No. 1501) to restore pensions in certain cases. That is a bill of a general character and may be passed by for the present, and I shall ask that it be taken up and acted on in a few days. The next case is the bill (S. No. 496) providing for the examination and adjudica-tion of pension claims. I ask that it be passed over for the same rea-son. It is a very important bill, and will probably elicit considera-ble debate. The next case on the Calendar is Senate bill No. 545.

ELIZABETH H. PIERCE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 545) granting a pension to Elizabeth H. Pierce. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth H. Pierce, mother of Leander H. Pierce, late private in Company E, Sixth Regiment of Maine Volunteers.

Mr. COCKRELL. I desire that the report in that case be read. The Chief Clerk read the following report, submitted by Mr. KEL-

LOGG March 30, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 545) granting a pension to Elizabeth H. Pierce, have carefully examined the same, and report:

Elizabeth H. Pierce is the mother of Leander H. Pierce, who was a private in Company E, Sixth Regiment Maine Infantry Volunteers, who was a private in the service of the United States at Portland, Maine, July 15, 1861, and died September, 1862, at the hospital on Bedloe's Island. It appears from the record that he was present for duty from the time of his enlistment till July 15, 1862, when he was admitted to the hospital, and was afterward found dead in a bath-tub. Hence the record is that he came to his death by suicide. A careful examination of all the facts proved, and evidence in the case, leads irresistibly to the conclusion that he was a good soldier, and a sound, healthy man when he entered the service, and there is nothing in his condact to warrant the conclusion that he died from suicide: It is abundantly proved that he contributed to the support of the applicant, and that she was dependent upon him, and is now very poor. In view of all these circumstances your committee report back the bill with a recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA F. WHITE.

The bill (S. No. 1564) granting a pension to Mrs. Cornelia F. White was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mrs. Cornelia F. White, widow of Frank I. White, late an officer in the United States Volunteer Army.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. CALL March 31, 1880:

March 31, 1880:

The Committee on Pensions, to whom was submitted the petition of Mrs. Cornelia F. White, widow of Frank I. White, respectfully report as follows:
That the records of the Adjutant General's Office show that Frank I. White entered the military service of the United States on the 27th day of April, 1861, as captain of Company A, Tenth New York Volunteers. His military history, as far as the records go, is that he was first captain as aforesaid; then major Second Battalion Missouri State Cavalry; then major and assistant adjutant-general of volunteers. He served under General Butler in 1861 at Fortress Monroe, and commanded an expedition up Black River. He was subsequently on General Herron's staff at Vicksburgh; also on General Frémont's staff in Missouri. He was in the expedition which captured Lexington, Missouri. At Springfield, Missouri, he was wounded in the side, his ribs broken; and he was taken prisoner, but escaped. Later he served as assistant adjutant-general under General Schofield. He was taken sick with malarial fever at Vicksburgh and sent to hospital, and then sent home for three months on sick leave; recovered and went at once back to service. He was afterward a colonel on General B. F. Butler's staff, and was provost-marshal of the Eastern Shore of Virginia. He was mustered out of the service in 1865. He died in San Francisco in August, 1875, of paralysis.

General Frémont, in a letter to the soldier's mother, writes in glowing terms of the valor of her son and of his severe injuries and narrow escape from death'at Springfield, Missouri. There is no official record of the Springfield hospital and the treatment of Colonel White. This is explained by the Surgeon-General, who states that in the early stages of the war the hospital service and records were very incomplete.

The physician who attended White in his last illness states that the paralysis

states that in the early stages of the war the hospital service and records were very incomplete.

The physician who attended White in his last illness states that the paralysis from which he died was probably caused by the typho-malaria contracted at Vicksburgh.

Your committee would concur in this opinion, as they have no doubt that Colonel White's disabilities resulted from the wounds received at Springfield and the fever contracted at Vicksburgh.

The physician who attended General White when he was on sick-leave from

malarial fever contracted at Vicksburgh testifies to his severe illness, and to his opinion formed at that time that his disease would terminate in paralysis.

The same surgeon and physician testifies to his examination and medical treatment of General White at intervals subsequent to his illness, extending through several years, and states that his opinion, formed at the time of his first illness, was confirmed by the continuous development of the symptoms of paralysis. The character of this witness and his professional skill and knowledge are established by the proof.

by the proof.

The committee recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MELISSA WAGNER.

The bill (H. R. No. 225) granting a pension to Melissa Wagner was considered as in Committee of the Whole. It proposes to place upon the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Melissa Wagner, widow of Jacob F. Wagner, late private in Company B, Sixty-seventh Regiment Pennsylvania Volunteers, who died from the effects of wounds received in action and in the line of duty.

The Committee on Pensions reported the bill with an amendment, after the word "duty," in line 9, to strike out "said pension to take effect from the date of the death of her said husband."

The amendment was agreed to.

Mr. COCKRELL. Let the bill be read now as amended.

The Chief Clerk read the bill as amended.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. KIRK-WOOD April 2, 1880:

The Committee on Pensions, to whom was referred the bill (H. R. No. 225) granting a pension to Melissa Wagner, have carefully examined the same, and report: The bill is for the relief of the widow of Jacob F. Wagner, deceased, who was a private in Company B. Sixty-seventh Pennsylvania Volunteers. The deceased soldier, at Cold Harbor, Virginia, was severely wounded in the head by a musketball, which entered his face at left wing of the nose and made its exit in front of the lobe of the right ear. The anterior portion of the roof of his mouth, the bony and soft parts, were destroyed. The wound so interfered with articulation that it was difficult, without an artificial palate, and made it difficult for him to eat or drink. He was discharged for disability resulting from his wounds, was pensioned, and died April 12, 1875. His widow applied for a pension, which was refused on the ground that it was not proved satisfactorily that her husband's death resulted immediately from the wound for which he was pensioned.

An examination of the testimony shows that, although the wound of the deceased soldier may not have been the immediate cause of his death, yet his condition in consequence of his wound was, in the language of his family physician, who attended him in his last illness, such that in his opinion "the said wound and the general condition of his health, caused by said wound, hindered his recovery to a great extent and materially increased the violence of the attack."

The widow is the mother of four children, and has no means whatever, except from her own earnings.

The committee, on these grounds, recommend the passage of the bill, with an amendment striking out all after the word "duty," in the ninth line.

Mr. COCKRELL. I ask the Senator from Iowa who reported the

Mr. COCKRELL. I ask the Senator from Iowa who reported the bill whether, if it had been found by the Commissioner that this wound produced the death, there would be any question of the right

of this widow to a pension?

Mr. KIRKWOOD. No question at all.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

ABRAM F. FARRAR.

The next pension bill on the Calendar is Senate Mr. WITHERS. bill No. 672, granting a pension to Abram F. Farrar. The House of Representatives has passed a bill identical in terms with the bill which has now been taken up. I ask that this bill be indefinitely postponed, and that the House bill which is now before the Committee on Pensions be taken up and acted on.

Senate bill No. 672 was indefinitely postponed, and the Committee on Pensions discharged from the further consideration of the bill (H. R. No. 2303) granting a pension to Abram F. Farrar, and it was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Abram F. Farrar, late first lieutenant Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, subject to the provisions and limitations of the pension laws of the United States

Mr. COCKRELL. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. WITH-ERS April 2, 1880:

ERS April 2, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 672) granting a pension to Abram F. Farrar, first lieutenant Company F, Thirty-fifth Indiana Volunteers, have carefully examined the same, and report:

That Lieutenant Farrar's application for pension was rejected because the records furnish no evidence of the alleged disability, and the claimant was unable to furnish evidence connecting his alleged disability with his military service.

The disability at present existing, as shown by the report of the board of examining surgeons, is complete paraplegia, or paralysis of the lower extremities, rendering him entirely helpless.

It appears from the testimony on file that the claimant was an unusually robust and active man and efficient officer until 1862, when he had a violent and protracted attack of typhoid fever, testified to by his captain, who was also an eminent physician, and his testimony is sustained by that of the adjutant of the regiment, a lieutenant of his company, and several other officers.

Abundant proof is filed showing treatment for pain in the region of the spine, from the date of his discharge to the present time, and that the evidence of spinal disease increased in severity until complete paralysis supervened.

ant Farrar was in private quarters during his illness with typhoid fever, which is established by credible witnesses.

The committee, believing that the paralysis was the result of the disease contracted in service, recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BORELAN.

The bill (H. R. No. 254) granting an increase of pension to James M. Boreland was considered as in Committee of the Whole. It proposes to increase the pension of James M. Boreland, late a private in Company C, Ninth Regiment Pennsylvania Reserve Corps, so that he shall be entitled to receive the rate allowed by existing laws to those wholly disabled while in the service of the United States.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr.WITH-ERS April 2, 1880:

ERS April 2, 1880:

The Committee on Pensions, to whom was referred the bill (H. R. No. 254) granting an increase of pension to James M. Boreland, having examined the papers and evidence in the case, find as follows:

That the pensioner now receives a pension at the rate of \$4 per month for disability caused by gunshot wound of left leg, received at the second battle of Bull Run. That an application for increase of pension, because of total disability resulting from insanity caused by epileptic fits alleged to have been produced by injury received by falling over a log soon after the battle of Gettysburgh, July, 1863, was rejected because there was no record of any such injury as was alleged, and there was no increase of disability from the gunshot wound which would Justify a change of rating.

But the evidence of several witnesses establishes the fact that he did receive a fall as alleged, and that very soon thereafter he had spasms, which continued with increasing frequency and violence; that he was discharged from the Army on the 28th of July, 1864; and two medical witnesses certify that in August of the same year they were called to treat him for spasmodic attacks, which proved to be epileptic in character, and resulted in incurable madness, assuming the form of epileptic mania, for which he has been confined in an asylum for the insane since June, 1872. The superintendent of the asylum pronounces his case incurable, and that he is often so violent as to require constant attendance and watching.

As this condition of the pensioner might reasonably have resulted from the alleged injury, and the disability is permanent and total, the committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The morning hour has expired.

Mr. WITHERS. I ask unanimous consent to consider the only three other pension cases, which will complete the Calendar.

The VICE-PRESIDENT. Is there objection to the request? The

Chair hears no objection.

J. J. PURMAN.

The bill (S. No. 148) granting an increase of pension to J. J. Purman was considered as in Committee of the Whole.

The Committee on Pensions reported the bill with an amendment

to strike out all after the enacting clause and in lieu to insert:

That J. Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of \$30 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said J. Jackson Purman on the pension-roll at said rate, in lieu of the pension now paid him.

Mr. COCKRELL. Why is he increased from \$24 to \$30 ?
Mr. WITHERS. The report explains the case.
Mr. COCKRELL. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. CALL

The Committee on Pensions, to whom was referred the bill (S. No. 148) granting an increase of pension to J. Jackson Purman, having considered the same, make the following report:

That the committee find the facts to be as stated in House report No. 57, which said report is hereto annexed and made part of this report, and is as follows:

["House Report No. 57, Forty-sixth Congress, second session.]

["House Report No. 57, Forty-sixth Congress, second session.]

"Mr. Coffroth, from the Committee on Invalid Pensions, submitted the following report, to accompany bill H. R. 238:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 238) granting an increase of pension, at the rate of \$24 per month, to J. Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment, Pennsylvania Volunteer Infantry, having had the same under consideration, respectfully submit the following report:

"It is in evidence that the claimant was mustered into the service September 4, 1862, as first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry for three years, and was in active field service with his company and regiment until July 2, 1863, when wounded at the battle of Gettysburgh, Pennsylvania. Owing to the character of his wounds received in that engagement, he was thereafter unable to rejoin his regiment for duty, and was honorably discharged May 23, 1864, by special orders from the War Department, for physical disability on account of wounds received in action. He is now in receipt of a pension at \$18, and asks that it be increased to \$24, to date from the date of his original certificate.

sion at \$18, and asks that it be increased to \$24, to date from the date or ms original certificate.

"He bases his claim for increase on section 4698 Revised Statutes, which provides that 'all persons who have lost a leg above the knee, and are so disabled thereby that they cannot use an artificial limb, shall be rated in the second class, and receive \$24 per month."

"In this case it is shown that in the amputation of claimant's leg it was performed improperly; that the 'stump' is with deficient covering to bone, and the tenderness prevents the continuous use of an artificial limb, and compels claimant to go on crutches the greater part of his time.

"The nature of his present condition is established by the report of T. B. Hood, medical referee, Pension Office, and transmitted by the Commissioner of Pensions, and which is now on file with the committee, as follows, to wit:

"EXAMINING SURGEON'S CERTIFICATE.

" ' EXAMINING SURGEON'S CERTIFICATE.

" WASHINGTON, D. C., May 2, 1879.

"'I hereby certify that I have carefully examined J. Jackson Purman, late a lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteers.
"'Disability permanent.

"'I found, first, amputation of the left leg at a point about midway between the knee and ankle. The condition of the "stump" is bad, because evidently there was sloughing of the flaps, leaving the stump conical and covered only by the integument which is stretched over the bones, is adherent thereto, and is consequently lowered in vitality. Very great care, and very great care only, could prevent sloughing of the poor covering here afforded, as any pressure, though very slight, if continued even for a few hours, would produce sloughing. The subject claims that he suffers great pain in the leg, and doubtless it is true. The thigh of this leg presents the condition of marked muscular strophy.

"'2. I found in the right leg, and about four inches above the ankle upon the lateral and anterior surfaces, two adherent cleatrices, which the subject claims mark the site of a gunshot wound. These cicatrices are adherent. It should seem from the course of the missile that the fibula was fractured, though the bone does not present any enlargement or outer evidence that it was so. The missile traversed the mass of muscles upon the side of the limb, namely, the two peronei, the long flexor of the toes, and the tibialis anticus. The movements of the leg are consequently limited and certain of them necessarily painful, rendering locomotion difficult and uncertain, particularly upon a rough surface, or in ascending or descending heights or a stairway. In addition to these local injuries it is clear that the general health of the subject suffers somewhat. That which he claims is, in my judgment, entirely consistent with that which is objective and rational in the case.

"T. B. HOOD,
"Medical Referee."

"The foregoing medical testimony establishes—
"Eiger Most and the stables and the stables are referred to bis cruetches."

"The foregoing medical testimony establishes—" "Medical Referee."

"First. That with a very little use of an artificial limb he is forced to his crutches; the shriveled condition of the thigh urgos the impression that it would have been preferable if a proper amputation had occurred above the knee, insuring claimant's general health.

"Second. The medical referee states that the mass of muscles upon the side of the other limb was severed by a second gunshot wound, naturally rendering locomotion vexations. He says, 'It should seem from the course of the missile that the fibula was fractured, 'that 'The movements of the leg are consequently limited, and certain of them necessarily painful.' The disabled condition of the remaining leg forces your committee to the conclusion that claimant's disabilities are greater than if amputation had occurred above the knee; adding to these severe injuries a shattered constitution entitles him to relief in accordance with the spirit of existing laws; and as they are not of that character as will give the desired relief, the committee are of the opinion that Congress should grant the same. They therefore return the bill to the House, and recommend its passage."

The committee recommend that House bill be amended by striking out the words "twenty-four," in the seventh line of section 1, and inserting thirty; and in line 6, of the same section, the words "eighteen hundred and sixty-four" and inserting the words "from the passage of this act."

The committee, therefore, adopt the House report as the report of this committee; and finding the claim of the said J. Jackson Purman for an increase of pension to be just, the committee report back said House bill and recommend that it do pass.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENEDICT J. O. DRISCOLL.

The bill (S. No. 1576) for the relief of Benedict J. O. Driscoll was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Benedict J. O. Driscoll, as of the rank of captain instead of second lieutenant of Company C, Eighty-eighth New York Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. Platt April 2, 1880:

The Committee on Pensons, to whom was referred the petition of Benedict J. O. Driscoll, praying that a pension may be granted him as captain, have carefully examined the same, and report:

That the petitioner, while serving as second lieutenant of Company C, Eighty-eighth Regiment New York Volunteers, was, on the 16th day of June, 1864, wounded in action, and in consequence of this wound his leg was amputated. For this disability he is now receiving a pension as second lieutenant. His claim that he is entitled to a captain's pension is based upon the following facts, set forth in his petitive.

ability he is now receiving a pension as second lieutenant. His claim that he is entitled to a captain's pension is based upon the following facts, set forth in his petition:

He first enlisted as private in Company C, Eighty-eighth Regiment New York Volunteers, September 17, 1861. Here enlisted in December, 1863, for three years. While on veteran furlough, he was authorized by the governor of New York to raise and organize a company for said regiment. He alleges, and the committee believe truly, that to enable him to act as recruiting officer he was conditionally mustered as second lieutenant with the promise that if he raised such company such conditional muster should be confirmed, and, further, that he should be commissioned as captain whenever the opportunity occurred.

A company was raised by the petitioner, and with it he rejoined his regiment in the field at Cold Harbor, Virginia, on the 2d day of June, 1864. He commanded said company in action on the 3d of June, 1864, and in all the subsequent actions occurring between Cold Harbor and Petersburgh, until the 14th of the same month, when he lost his leg in the action before Petersburgh.

On the 9th of June, 1864, the colonel of his regiment wrote the governor of the State of New York recommending that the petitioner be commissioned as captain, in pursuance of which he was commissioned a captain in said regiment by Governor Seymour, his commission dating the 13th day of July, 1864.

This commission having been dated after his loss of a leg, his application to be mustered in as captain was refused, unless he should return to his command for duty. This he was unable to do, and therefore was never mustered as captain.

The committee are of opinion that in equity the petitioner is entitled to be pensioned as a captain, and therefore recommend the passage of the accompanying bill for his relief.

Mr. COCKRELL. I ask, as this is akin to a question that is frequently before the Committee on Military Affairs, whether this officer performed the duties of captain from the date fixed?

Mr. WITHERS. The testimony before the committee was that he had always acted as captain, though never mustered in as such; but he had been promised the commission of captain, and subsequently received the commission, but it being received after the loss of his leg, and the regulations requiring that he should be mustered in for duty, and not being in that condition, he is not so borne on the rolls.

Mr. COCKRELL. I understand that point; but at the time he re-

ceived the injury was he in a position justifying him under the law to be a captain?
Mr. WITHERS.

Mr. WITHERS. That is my impression. The Senator from Connecticut who reported the bill examined it more critically than I.

Mr. PLATT. The hospital records in this case show that when he was wounded he was admitted into hospital as a captain, was con-

sidered a captain, and commanded his company as captain.

Mr. COCKRELL. But the question, whether the men he was in charge of and actually commanding were enough under the law to entitle them to a captain?

Mr. PLATT. Certainly.
Mr. COCKRELL. So that had he had his commission then he

Mr. COCKRELL. So that had he had his commission then he would have been mustered in as a captain.

Mr. PLATT. Certainly; it was a full company.

Mr. COCKRELL. And there was no other captain?

Mr. PLATT. No captain of the company; and the colonel of his regiment had written nine days previous to his wounds for his commission to be issued by Governor Seymour; but it was not dated, in fact, until after his wounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EMMA SCHELL.

The bill (S. No. 1305) granting a pension to Mrs. Emma Schell, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Emma Schell, widow of Christian Schell late of Company M, Forty-fifth Regiment Indiana Volunteer Infantry, and afterward transferred to the Third Indiana Cavalry.

Mr. COCKRELL. I should like to hear the report read.

Mr. WITHERS. I can state the substance of the report. It has the best of the report of the report.

Mr. WITHERS. I can state the substance of the report. It has not been printed yet. The substance of it is that this man was disabled for service in the line of duty and received a pension at the rate of \$14 a month; that he went to Indianapolis to receive his pension, and on his return it was necessary for him to leave the train at some little place. On attempting to get on the train the truss which he wore broke, and he was unable to free himself from the train,

which, having just started, passed over his body.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WITHERS. That is the last pension case on the Calendar.

GENEVA AWARD FUND.

Mr. GARLAND. I call for the unfinished business, the Geneva

award bill.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) It comes up of course. Senate bill No. 1194 is before the Senate as in Committee of the Whole.

Mr. GARLAND. The Senator from Ohio who has charge of this bill is detained at home. He sent me word that he would be here by two o'clock. The Senator from Wisconsin [Mr. CARPENTER] I understood was about to claim the floor, but he is not here. If there is any measure of the Appropriations Committee ready, I am willing that this bill shall be passed over informally for the present.

Mr. DAVIS, of West Virginia. I ask if there is any one ready to

Mr. GARLAND. I do not know of any one but the Senator from Ohio, who will be here by two o'clock.

Mr. DAVIS, of West Virginia. Then I ask the Senate to allow this bill to lie aside informally.

The PRESIDING OFFICER. Is there objection to this bill being laid aside informally

Mr. BLAINE. Subject to be called up as the regular order at any

moment.

The PRESIDING OFFICER. Laid aside temporarily.

Mr. DAVIS, of West Virginia. I object to its being called up "at any moment." Of course at any proper time it can be called up.

Mr. BLAINE. The right must exist to call it up. Of course that right will be exercised with proper courtesy; but the right must exist, or else the bill will be displaced. Of course it will be exercised with

proper courtesy.

Mr. DAVIS, of West Virginia. That is right.

The PRESIDING OFFICER. That will be the understanding.

PERMANENT APPROPRIATIONS.

Mr. DAVIS, of West Virginia. Then I ask the Senate to proceed to the consideration of Senate bill No. 1424, relating to appropriations.

No objection being made, it was announced that the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1424) to repeal certain laws relating to permanent and indefinite appropriations.

The bill was read.

The bill was read.

Mr. DAVIS, of West Virginia. This is rather an important bill, and I regret that there are not more Senators present to know what it is and act upon it, though it is right and proper, and I have no doubt it will pass nearly unanimously, as the Committee on Appropriations I believe were unanimous in recommending it. This is a bill repealing a large number of permanent annual and indefinite appropriations that have grown up with the Government, commencing almost with its existence. with its existence.

My friend from Arkansas [Mr. GARLAND] asks me whether there is

a written report. There is a written report which sets out the facts very fully; but it is a report of considerable length, and I can answer any question any Senator may ask, or the report may be read if desired.

These "permanent annual" and "indefinite" appropriations are These "permanent annual" and "indefinite" appropriations are about one hundred and fifty in number. The Appropriations Committee propose to repeal nearly one hundred and forty of the one hundred and fifty, leaving unrepealed all that belong to the public debt, for interest or in any other manner, also as to most of the trust funds, and some things relating to the internal revenue and to the customs, which, in the opinion of the Secretary of the Treasury, (and the committee agreed with him,) could not well be repealed, and which should

remain as they are upon the statute-books, as there cannot well be an estimate of the amounts needed.

estimate of the amounts needed.

Among the different items which this bill repeals are some connected with the customs. I hold in my hand a statement which shows that in that department alone in the last nine years there were \$104,000,000, in round numbers, drawn from the Treasury without the supervision of Congress in any way. In nine years in the customs department \$104,515,689.56 went out of the Treasury without an annual appropriation by Congress. In the miscellaneous items there were \$56,813,036.63 drawn in the same way during that time. I may as well present a table showing the amounts expended during the last nine years on these accounts: last nine years on these accounts:

Amounts expended under "permanent annual appropriations," in the various Departments, exclusive of the public debt, from 1870 to 1878, both years

Years.	Years, War. Navy. Indian		Indians.	Pensions.	Customs.	Internal revenue.	Interior civil.	Miscellaneous.	Totals.
1870	\$21, 117, 567 50 13, 657, 010 54 4, 990, 684 54 11, 822, 676 67 1, 283, 537 45 1, 916, 801 43 740, 457 32 635, 883 93 433, 400 04	\$256, 825 29 276, 223 97 101, 481 28 402, 465 04 940, 556 93 909, 258 92 480, 409 10 259, 168 56 198, 396 24	\$730, 293 32 1, 191, 492 44 604, 865 27 563, 963 34 1, 287, 488 45 1, 339, 001 53 833, 839 24 1, 008, 479 03 353, 193 97	\$138, 965 53 *6, 175 46 *57 02 7, 326 62 *150 00 217 06	\$9, 374, 095 74 10, 616, 714 76 10, 847, 097 24 12, 983, 150 38 13, 662, 011 98 10, 779, 753 37 12, 828, 636 99 12, 105, 743 75 11, 318, 283 35	\$730, 749 00 1, 117, 527 29 1, 262, 335 36 984, 539 16 561, 929 66 573, 629 63 765, 172 27 381, 536 06 118, 831 45	203, 328 34 439, 120 10 264, 669 24 255, 122 56 250, 788 01 129, 341 95	\$2, 208, 029 40 5, 700, 779 60 4, 739, 019 11 5, 696, 912 08 121, 197, 667 58 1, 614, 514 65 19, 482, 623 30 54, 106, 286 82 2, 067, 204 09	\$35, 660, 067 73 32, 745, 669 20 22, 748, 754 12 32, 900, 153 39 39, 197, 861 29 17, 388, 082 09 25, 382, 006 23 18, 626, 657 16 14, 619, 378 68
Total nine years	56, 598, 049 42	3, 824, 785 33	7, 912, 616 59	140, 126 73	104, 515, 687 56	6, 496, 249 88	2, 968, 077 75	56, 813, 036 63	239, 268, 629 89

*Excess of repay. †Judgments court of Alabama claims, \$6,641,287.26.

† Investment of Geneva award, \$15,500,000. § Judgments court Alabama claims, \$2,353,634.21.

Thus in round numbers in the last nine years there have been about \$240,000,000 (exclusive of the public debt entirely) used from the public Treasury under what are known as permanent and indefinite appropriations. If you included the public debt items, this sum would run into many hundreds of millions, as we all know.

The Committee on Appropriations, after full consultation with the Secretary of the Treasury and his Department, have agreed that nearly all these items should be repealed, as I have stated heretofore, except fourteen relating to the public debt and trust funds. All the rest of the one hundred and fifty are to be repealed by this bill

I think it is not necessary to make any further explanation; but I

will answer any question any Senator may wish to ask.

My friend from Connecticut [Mr. EATON] asks me to give the titles
of the fourteen items. The bill recites them, and, as I have stated,
they relate exclusively to the public debt and to certain custom matters and to a couple of items in the internal revenue which we all

agreed upon.

Mr. MORRILL. I hardly think the Senator from West Virginia should press a bill of so great importance with so thin an attendance in the Senate. It is certainly one of the most important bills that will be before the Senate, and I suggest to him whether he had not better let it lie over until the Senate is fuller than it is at the present

Mr. DAVIS, of West Virginia. The Senator will recollect that I stated in the beginning of my remarks that I regretted that there were not more Senators in their seats; but this bill has been on the Calendar for a long time and it ought to be passed. I will say to my friend from Vermont, whom I have no doubt has the same object in view that I have, that the Secretary of the Treasury and almost all the Treasury officers whom I consulted with agree with almost everything in this bill and believe that it ought to be passed. It ought not to be delayed for this reason: if we intend that it shall take effect next year (it is not proposed to have it go into effect this year) it ought to be passed at once and go to the House, for they have to act upon it yet, and unless we pass it at this session it is well known that the officers of the Treasury cannot make the regular estimates for the next year; and if it is postponed now it will be a delay for a year. Mr. DAVIS, of West Virginia. The Senator will recollect that I

I do not think there is any opposition to the bill; if there is the

Senator can state it.

Senator can state it.

Mr. MORRILL. I only desired to suggest to the Senator that this was a bill which ought to be considered by a full Senate. I agree with the Senator from West Virginia in believing that a large portion of the statutes that require permanent appropriations should be modified or repealed; but I have not given such particular attention to the subject as to be able to say whether there are not some that he has included in this bill which ought to remain in the statute-book as they now are. I hope the Senator therefore will not press the bill this

now are. I hope the Senator therefore will not press the bill this morning, but give notice that he will call it up to-morrow or next week.

Mr. DAVIS, of West Virginia. Such a request under ordinary circumstances would, of course, be granted. This is an important bill, and I have given notice, I think, three or four times in the Senate that we would call it up on the first opportunity. It has been on the Calendar, as my friend from Virginia [Mr. WITHERS] reminds me, probably for two months; certainly for a long time. It has been considered as fully in committee as any bill possibly could be; and, as I

stated, I believe it has the concurrence of the Secretary of the Treasury, for I have talked with him several times myself about it. I will say further that we ought not to let this bill go over, because the Geneva award bill, as is known, is to go on and be considered, and there are several other important bills. We ought not to delay this.

Mr. MORRILL. If the Senator will allow it to go over until tomorrow, I will make no further objection after to-day; but I should like until to-morrow to have time to examine it myself. I have not given it any particular attention, as I ought to have done, probably. I think it is asking a little too much to take up so important a bill as this is with so thin a Senate. I had supposed the Geneva award bill was to go on to-day; and if that measure is not to go on, there are other measures that are of importance.

was to go on to-day; and if that measure is not to go on, there are other measures that are of importance.

Mr. BURNSIDE. I can only say for this side of the Chamber that a great many of us, though it may be our own fault, know nothing about this bill, and I for one feel that I want it to go over. I know nothing about it, and I know no one here who does. I have not heard any notice that it was to be taken up. It may be our own fault that we do not know about it, but if the Senator from West Virginia will allow it to go over until to-morrow those Senators who desire can post themselves on the matter and give an intelligent vote. I think it would be an improper thing to pass so important a bill with desire can post themselves on the matter and give an intelligent vote. I think it would be an improper thing to pass so important a bill with so thin a Senate as this. Though it may be the unanimous report of the committee, I think it would be a very unwise thing to take action with so thin a Senate on a bill so important as this. I am inclined to think some of these appropriations ought to remain. At any rate, I should like to have the opportunity of looking at it. I have had the opportunity but I have not availed myself of it.

Mr. DAVIS, of West Virginia. It is rather a strange thing that a Senator should not have heard the notice, for I have given it several

Mr. BURNSIDE. It may be strange, but I have not heard it.
Mr. EATON. I will say to my friend from West Virginia that if
he gives notice to-day there will be very few Senators who hear him.
I hope he will let the bill go over; but really the matter has been so
thoroughly considered by the Secretary of the Treasury and by the
Committee on Appropriations that the bill ought to pass.
Mr. BURNSIDE. I am not contending that the bill is not a wise
one. I am only contending that it would not be wise to legislate on
it under present circumstances. I think we ought to have a fuller
Senate than we have now, and that we ought to have one more day
to look into it.

to look into it.

Mr. DAVIS, of West Virginia. I shall yield to the request of the

Mr. DAVIS, of West Virginia. I shall yield to the request of the several Senators who ask that the bill go over until to-morrow. The probabilities are that the Geneva award bill will be before the Senate to-morrow; but I hope that as soon as that bill shall be disposed of this bill will follow. I hope that will be the general consent of the Senate, and with that understanding I shall let the bill go over.

Now, this bill being considered as passed over until the Geneva award bill is finished or until to-morrow, as the case may be, I want to say to the Senate that there are three measures on the Calendar from the Appropriations Committee, one of which I attempted to call up yesterday, House joint resolution No. 116. It was then said that the Senate ought to be notified of it, and it ought not to be taken up until the Senate had notice of it. I gave notice yesterday; but for reasons that operated on me yesterday, that the Senator from Kentucky [Mr. Beck] was out of his seat, I will not call up that resolu-

tion at present, but I want the Senate now to take notice that I propose to call it up soon, and not to say when it is called up again that they ought to have had notice of it.

Mr. President, there is also Senate bill No. 1458, from the Appro-Mr. President, there is also Senate bill No. 1458, from the Appropriations Committee, empowering the officers of the Treasury to settle what are known as "unavailables" in the Treasury, including \$28,000,000 deposited with the States. I shall ask the Senate, just as soon as the Geneva award bill is disposed of or when it is not before the Senate, to take up these three bills, and I hope the Senate will take notice now that I shall ask to have them disposed of. I would ask them now to take up the bill empowering the Treasury to settle the unavailable balances, but that some Senator would say: "I have not had notice of it, and therefore let that go over." I hope to hear nothing more of wanting notice.

The PRESIDING OFFICER. The Geneva award bill resumes it

PUBLIC BUILDING AT JACKSONVILLE.

Mr. JONES, of Florida. I wish to ask leave to call up Senate bill

No. 232.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the Geneva award bill for the purpose of considering the bill indicated by the Senator from Florida?

Mr. COCKRELL. Let it be reported for information.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill (8. No. 232) to provide for the purchase of a suitable site, and the erection thereon of a public building, in the city of Jacksonville, Florida; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, at private sale or by condemnation, in pursuance of the statute of the State of Florida, a suitable lot of ground in the city of Jacksonville, Florida, and to cause to be erected thereon a suitable brick or stone building, with a fire-proof vault extending to each story, for the use and accommodation of the United States district and circuit courts, post-office, and other Government offices in that city, at a cost not exceeding \$100,000, including cost of site, which site shall be such as to afford an open space between the building hereby authorized and any other building of not less than forty feet, and the sum of \$75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned: Provided, That no money shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building shall be vested in the United States. the United States.

The amendment was agreed to.

Mr. CONKLING. Has this been reported from the Committee on Public Buildings and Grounds?

Public Buildings and Grounds?

Mr. JONES, of Florida. Yes, sir.

Mr. CONKLING. May I inquire of the Senator from Florida how many people are there in Jacksonville, Florida?

Mr. JONES, of Florida. Some fifteen thousand people; and I will state to the Senator from New York that it is the chief city of the State of Florida, on the Saint John's River, and it does a very large business. The Senator from Wisconsin [Mr. CARPENTER] has been

Mr. CONKLING. The Senator from Florida assigns a very conclusive reason for this building, which is that the Senator from Wisconsin [Mr. CARPENTER] has been there. In the presence of that fact, I do not feel at liberty to object; without that I should think it very questionable; but if the Senator from Wisconsin has been there

very questionable; but if the Schator from wisconsin has been there personally, it is useless for me to say anything.

Mr. JONES, of Florida. I made that observation because the Senator from Wisconsin happened to state it to me just then.

Mr. CARPENTER. I concur in the remarks of the Senator from Florida, that they need, a building in Jacksonville very much. I move, in line 5, to strike out the words "in pursuance of the statute of the State of Florida."

The senator to the state of the statute of the state of the statute of the state of Florida."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a public building at Jacksonville, Florida."

BARK GRAPESHOT.

Mr. ALLISON. I ask unanimous consent to take up House bill No. 2802. It will give rise to no discussion. The Senator from New York [Mr. Kernan] is interested in the matter.

The bill (H. R. No. 2802) for the relief of the owner of the bark

Grapeshot was read as follows:

Beit enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to George Law, of the city and State of New York, the sum of \$15,861.50, the same properly belonging to the said Law, and being a deposit in the Treasury of the United States to the credit of the registry of the United States district our for the eastern district of Louisiana as the avails of the sale under a libel brought to said court of the bark Grapeshot, owned by said Law, and of certain freight earned by said Law, and he by order of the circuit court of the fifth circuit of the United States, before which said cause was pending, having been legally subrogated to all the rights of the libelants in the premises.

The bill was reported from the Committee on Finance with an

amendment, in line 6, before the word "cents," to strike out "fifty" and insert "five;" so as to read: "the sum of \$15,861.05."

Mr. CONKLING. We do not want to change this bill for forty-five

cents and send it back to the House. I have offered to the Senator

from Iowa to pay it myself rather than have that happen.

Mr. KERNAN. The money has lain in the Treasury for years and there is no interest allowed.

Mr. COCKRELL. I should like to hear the report in the case read.

Mr. ALLISON. I will say with reference to this amendment that
the computation was a mistake of forty-five cents in the House bill; but both the Senators from New York agree to pay the amount of the difference

Mr. BLAINE. Is it a difference against the Government or against

the claims

Mr. ALLISON. Forty-five cents against the Government. The bill provides for a certain number of dollars "and fifty cents." The real sum should be that amount of dollars "and five cents."

Mr. COCKRELL. I ask for the reading of the report.
The PRESIDING OFFICER. The report will be read.
Mr. CONKLING. Is not this bill before the Senate?
The PRESIDING OFFICER. Not yet. The Senator from Missouri

asks to have the report read.

The bill was read for information.

Mr. ALLISON. The report is somewhat long. I do not think there is any doubt about the facts in the case. Unless there is some spe-

is any doubt about the facts in the case. Unless there is some special reason why the Senator from Missouri desires to have the report read, I do not think it is worth while to take up time.

Mr. COCKRELL. We are in the habit of having reports read in these cases, that we may understand them. I read this report myself several days ago; I thought I had it on my desk. I have sent for it; I will have it in a few minutes. I think it is a case of a character which the Senator and it should be constructed and it should be constructed. which the Senate and the country should understand, and it should be read.

be read.

Mr. ALLISON. Very well.

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The Senator from Alabama insists on the regular order, which is the Geneva award bill.

Mr. CONKLING. I think I shall venture to appeal to the Senator from Alabama, not more in behalf of the proposed bill than of any other bill, not to insist now on the regular order, and when he hears may reason I think he will regard it.

The Senator from Ohio, who has charge of the bill which is the regular order is temporarily absent from the Chamber for a special reason and would like to be here if it can so conveniently occur, and I think will be here in the course of ten or fifteen minutes. I suggest to the

Senator to allow some other business to go on meanwhile.

Mr. HOAR. The Senator from Ohio spoke to me last night when he left the Chamber, knowing that I had moved the pending amendment, and I understood him to say that he was entirely willing that debate should proceed, but he wanted that there should be no vote, or that it should not proceed so far that he would not be at liberty to address the Saneta. I think he would be entirely contented to to address the Senate. I think he would be entirely contented to have the Senator from Alabama proceed.

The PRESIDING OFFICER. Does the Senator from Alabama in-

The PRESIDING OFFICER. Does the Senator from Alabama insist on his demand for the regular order?

Mr. MORGAN. No; I waive it.

The PRESIDING OFFICER. The question in regard to House bill No. 2802 resumes its place. The report will be read.

The Secretary read the following report, submitted by Mr. Allison March 17, 1880:

The Committee on Finance, to whom was referred the bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot, have had the same under consideration, and submit the following report:

After a full examination of all the papers and documents on file relating to this claim, the committee find that the facts are substantially set forth in the report made to the House of Representatives by the Committee on Ways and Means on the 12th of December, 1879, to accompany said bill, which report is herein fully set forth, and has been substantially adopted by this committee as containing the material facts in the case.

"[House Report No. 10, Forty-sixth Congress, second session.]

"The Committee on Ways and Means, to whom was referred the bill (H. R. No. 103) for the relief of the owner of the bark Grapeshot, have had the same under consideration, and submit the following report:

"Before and on the 15th day of July, 1858, George Law, of the city and State of New York, was the sole owner of the bark Grapeshot. On that day Wallerstein, Massett & Co., of Rio Janeiro, Brazil, to enforce payment of a bottomry bond previously given them by the master of said bark, to secure the payment of a loan of 89,769.44, and a premium thereon of 194 per cent, for the pending voyage, filed a libel against said bark in the district court of the United States for the eastern district of Louisiana.

"Such proceedings were had in the cause that under said libel the said bark in the

district of Louisiana.

"Such proceedings were had in the cause that under said libel the said bark was sold, and the net proceeds of the sale, amounting to \$13,805.85, and also \$2,055.20, the net proceeds of the freight earned by said bark on said voyage, amounting in the aggregate to \$15,861.05, in gold, were, by order of said court, deposited in the registry thereof, subject to the order of the libelants.

"The cause was appealed from the district to the circuit court for the fifth circuit of the United States, and, before final adjudication by said circuit court, the late civil war was commenced and the cause taken before a provisional judge of the Confederate States, and by him decided in favor of the libelants. It was subsequently returned to the circuit court of the United States and by appeal taken to the Supreme Court of the United States, by which it was remanded to the circuit court under an order for a commission to examine and report the amount justly due; and on the 29th day of March, 1875, a final decree was passed in favor of the libelants for \$4,392.25, together with 19½ per cent. maritime premium and 5 per cent. interest on said sum from July 3, 1858, until paid.

"On the 27th day of May, 1876, the libelants received from George Law, the former

owner of said bark, \$9,175.89, being the full amount of the judgment, including interest and costs, to which the libelants were entitled. Whereupon, and by virtue of such payment, on proper motion to and order of said circuit court, the said George Law was declared subrogated to all the rights of the libelants and to be entitled, in his own right, to all and singular the proceeds of said sale of said bark and to said freight, and to the said money deposited, as before stated, in the regis-

and to said freight, and to the said money deposited, as before stated, in the legistry of said court.

"The said sum of \$15,861.05 so deposited was placed in the Bank of Louisiana, in the city of New Orleans, to the credit of the treasury of the Confederate States. On the 17th day of June, 1862, Major-General Benjamin F. Butler, then commanding the Department of the Gulf, ordered and compelled the same to be transferred, for safe-keeping, to the Treasury of the United States, where it has ever since remained as a technical deposit by the Government through its aforesaid military authority, but justly belonging to the said George Law, and payable to him in gold.

gold.
"The committee therefore recommend the passage of the accompanying substitute for the bill referred to them."
The committee, however, think it wise to add to said report a copy of the record of the proceedings with reference to the bark Grapeshot had and held in the circuit court of the United States, fifth circuit and district of Louisiana, and therefore append hereto a copy of said record:

"United States circuit court, district of Louisiana.

"United Sussett & Co. No. 3301.

The libelants' exceptions to the commissioner's report came on to be heard

"The libelants' exceptions to the commissioner's report came on to be heard, and were argued by counsel.

"On consideration whereof, and for reasons assigned in writing, it is ordered and decreed by the court that all the exceptions be overruled, the report be confirmed, and that libelants do recover from the proceeds of the bark Grapeshot the sum of \$4,392.25, together with 19½ per cent. maritime premium on said sum and 5 per cent. per annum interest on said sum of \$4,392.25 from 3d July, 1858, until paid, and costs of suit.

"It is further ordered that same be paid by the clerk of this court out of said proceeds in the registry now on deposit in the United States Treasury at Washington City.

"W. B. WOODS, Judge.

(Indorsed on the back:) 3301. U. S. cir. court. Decree entered and filed March 29th, 1875.

"United States circuit court, fifth circuit and district of Louisiana.

"WALLERSTEIN, MASSETT & Co. No. 3301. "BARK GRAPESHOT.

"Bark Grafeshot."

"The rule for a new trial taken by claimant on 31st March, 1875, was called up.
"I. McConnel for plaintiff in rule, Horner & Benedict for defendants in rule.
"When, after hearing counsel, it is ordered and adjudged that the decree entered on 29th March, 1875, be amended by charging against the amount to be paid the libelants the costs of appeal to the Supreme Court of the United States, amounting to \$475.26, as appears from the mandate.
"It is further adjudged and decreed that after deducting the amount accruing to the libelants under the decree in this cause, and all legal costs and charges, the balance of the proceeds arising from the sale of the said bark Grapeshot and the freight, which were deposited in the registry of the court, but are now deposited in the United States Treasury, and which deposit amounted to \$15,861.05, be paid over to George Law, the claimant herein, or his proctor, and that a new trial be refused.
"April 17, 1875.

"W. B. WOODS, Judge.

"W. B. WOODS, Judge.

"Motion of subrogation and order.-Entered and filed May 27, 1876.

"In the circuit court of the Co. WALLERSTEIN, MASSETT & Co. No. 3301. "In the circuit court of the United States, fifth circuit, and district of Louisiana.

"BARK GRAPESHOT."

"No. 3301.

"On motion of Horner & Benedict, proctors for Wallerstein, Massett & Co., libelants in the above entitled and numbered suit, and on suggesting that they have this day received from George Law, the claimant herein, the sum of \$9,175.89, being the full amount of the judgment herein rendered in favor of said libelants, with interest thereon to this date, and costs herein, less the costs in the Supreme Court of the United States:

"It is now ordered by the court that George Law, the said claimant herein, be and is now subrogated to all and singular the right, title, and interest of the said libelants, Wallerstein, Massett & Co., in, to, and under the judgment herein rendered in their favor, amended and signed on the 17th day of April, 1875, by Hon. William B. Woods, judge.

"And it is further ordered that the said George Law, in virtue of this payment and subrogation to the rights of said libelants, Wallerstein, Massett & Co., herein as aforesaid, and also in his own right as having judgment for the residuum of the proceeds in the registry herein, is now recognized and declared to have the full and sole right, title, and interest to all and singular the funds and property realized herein, of every nature and description, whether from the proceeds of the sale of the said bark Grapeshot or from the freight thereof or otherwise, and more especially to any and all proceeds thereof, and funds formerly in the registry of the court herein, and were deposited by order of court herein for safe-keeping in the Treasury of the United States, as expressed in the said judgment herein rendered as aforesaid.

"HORNER & BENEDICT,

"HORNER & BENEDICT, "Proctors for Libelant.

"United States of America, circuit court of the United States, fifth circuit and district of Louisiana.

"CLERK'S OFFICE:
"I, Francis A. Woolfiey, clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, do hereby certify that the foregoing five pages contain true and correct copies from the original of record in this office in the case of Wallerstein, Massett & Co. vs. Bark Grapeshot, No. 3301 of the docket of "Witness my hand and the seal of said court, at the city of New Orleans, this [SEAL.]

"I, William B. Woods, United States judge for the fifth judicial circuit and district of Louisiana, do certify that Francis A. Woolfiey, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, was at the time of signing said certificate, and is now, the clerk of said court; that certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk. "Given under my hand at the city of New Orleans, in said district, this 1st day of June, 'A. D. 1876.

"W. B. WOODS, "United States Judge."

Your committee made inquiry at the Treasury Department, with a view of ascertaining whether any objections were to be found there to the passage of the bill, and the Secretary of the Treasury referred your committee to a letter from Hon. B. H. Bristow, then Secretary of the Treasury, to Hon. George F. Edmunds, chairman of the Committee on the Judiciary, dated May 12, 1876; which letter is as follows:

bill, and the Secretary of the Treasury referred your committee to a letter from Hon. B. H. Bristow, then Secretary of the Treasury, to Hon. GRORGE F. EDMUNDS, chairman of the Committee on the Judiciary, dated May 12, 1876; which letter is as follows:

"TREASURY DEPLATMENT."

"Washington, D. C., May 12, 1876.

"Sill: In compliance with the request of Thomas J. Durant, eq., that this Department would send to the Judiciary Committees of the Senate shall information as may be in its possession relating to the subject-matter of Senate bill No. 274.

"For the relief of the register of the circuit court for the fifth judicial circuit and district of Louisiana,' I inclose herewith copies of certain letters and papers now on file in this Department.

"1. Letter from the cashier of the Bank of Louisiana to Major-General B. F. Butler facted June 17, 1882.

"2. Letter from General B. F. Butler to the Secretary of the Treasury, dated June 17, 1882.

"3. Letter from General B. F. Butler out signed) to the Secretary of the Treasury, classed with No. 3.

"4. Letter of John J. Cisco, assistant treasurer, to the Secretary of the Treasury, dated June 12, 1862, acknowledging receipt of draft for 23,000, &c.

"5. Letter from John J. Cisco, assistant treasurer, to the Secretary of the Treasury, dated June 28, 1862, acknowledging receipt of draft for 23,000, &c.

"5. Letter from John J. Cisco, assistant reasurer, to the Secretary of the Treasury, dated August 2, 1862, acknowledging receipt of draft for 23,000, &c.

"5. Letter from John J. Cisco, assistant reasurer, to the Secretary of the Treasury, dated August 2, 1862, stating net proceeds of the above draft, &c. With reference to the question whether or not the draft of 23,000 exacted from the bank by General Butler represented the moneys which were derived from the sale of the Grapeshot, and were deposited in the bank by the clerk of the court, it is payment of the balance of 815,483,73, which sum was drawn from the bank by the clerk of the circuit court of the Confederate States

"Hon. George F. Edmunds,
"Chairman of Committee on the Judiciary, United States Senate."

"Chairman of Committee on the Judiciary, United States Senate."

This letter explains how the money arising from the sale of the Grapeshot and from its net earnings of freight came into the Treasury, and impliedly raises the question whether or not other applicants may not appear for a portion of the said fund; but your committee, after a full investigation, are of opinion that no such claim can arise in the case, as it seems to be assumed in the several decrees and orders entered in the circuit court that the money arising from the sale, and also from freights, was deposited in the Treasury; and the decree of Judge Woods seems to be based upon this state of facts.

This case was in the United States district and circuit courts of Louisiana and in the Supreme Court of the United States from 1858 to 1876; and during the period from 1862 to 1876 it seems to have been assumed that the proceeds of the sale were in the Treasury of the United States, being placed there under the order of General Butler.

in the Treasury of the United States, being placed there under the order of General Butler.

The leading facts in the case are found in 9 Wall., p. 129.

Your committee find that George Law was the owner of the bark Grapeshot; that he paid the full amount of the decree in favor of Wallerstein, Massett & Co., and that by order of the court was subrogated to all their rights; and that the sum of \$15,861.05 was realized from the net proceeds of the sale and the net proceeds of the voyage from Rio de Janeiro to New Orleans; and the committee recommend the passage of the bill, with an amendment striking out "fifty" and inserting "five," in line 6.

Mr. COCKRELL. I should like to ask the Committee on Finance Mr. COCKRELL. I should like to ask the Committee on Finance how this bill and its subject-matter have anything under the shining heavens to do with the revenues of the country? The bill relates to the proceeds of the sale of a vessel in 1858. The proceeds were deposited in the United States sub-treasury, captured by the rebel authorities, and recaptured by the Union forces, and now it is a question of finance as to who shall get those things.

Mr. ALLISON. I should like some one to answer the question propounded by the Senator from Missouri as to how the Finance Committee came to have jurisdiction of this case. All I know is that it was referred to the committee, being a House bill, and the committee

very carefully and considerately examined it. The Senator overlooks the fact that George Law paid into the circuit court in Louisiana over \$9,000 of this fund within the last few years in order to make his title

Mr. COCKRELL. I beg pardon, not of this fund.
Mr. ALLISON. He paid it in order to entitle him to the avails of the proceeds

Mr. COCKRELL. George Law paid the judgment of condemna-tion, which went into the Treasury. This fund never had anything to do with the Treasury.

Mr. ALLISON. The amount paid by him went to the parties who libeled the vessel. I think it is a perfectly plain case, and the reading of the report ought to be satisfactory to every one.

Mr. COCKRELL. I should like to ask the Senator one question. I ask him whether the Committee on Finance considered that the rights of individuals were affected by the fact that the confederate government, the rebel government, had taken possession of this property and it had passed out of the control of the owners, and then it was subse-

and passed out of the control of the owners, and then it was sussequently captured by the Union forces. I ask whether that affected the title to the ownership of the original party or not.

This is an important question and will be to the Treasury, as there are some few millions of dollars involved in that point directly in cases now pending before other committees. I know there is now over \$500,000 of this very identical class of moneys, captured by General Butler in New Orleans, which had been placed in the banks there by the Confederate States treasurer and by the confederate receivers of the confiscation court. The money was placed there and sent to the Treasury. There are now pending before committees of the Senate bills for the appropriation of that money, and the right of these parties to recover from the Government that which it legitimately captured from the enemy will involve directly the question whether there had been any change or not.

I have read the report, but that does not cover the question. The Committee on Finance has not considered the question. This vessel was sold in 1858 by a decree of the court. The money was deposited in the hands of the receiver of the court. It was there when the war began in Louisiana. The confederate authorities took possession of began in Louisiana. The confederate authorities took possession of it. It passed from the control of the United States court. General Butler, representing the United States authorities, came to New Orleans and captured it from the confederate authorities. It is claimed that he transmitted it to the United States Treasury. It is probable that he did, and at the same time that he transmitted from \$500,000 to \$1,000,000 of other funds.

Now, will the Senate take this bill up and distribute this one isolated amount, or will it pass upon the whole question? Is the Senate ready to-day to say that every particle of property captured by the United States authorities from the rebel authorities reverts back to the original owner of it? That is what the committee says by this report—nothing less and nothing more.

I desire simply that this question shall be brought before the Senate, that the Senate may know what it is doing. I say that that is

the question, and the committee has not acted upon it.

Mr. CONKLING. I do not understand that the Senator from Missouri means to take issue upon the merits of this bill or this report. I infer that from what he said to me before and from what he says

Mr. COCKRELL. I take issue as to the merits of it; that is the wery point. I make no captious objection to its consideration, but I do make a point as to whether the Senate ought to pass the bill. That is the very point of my objection, not to its consideration. I have no objection to its being considered.

Mr. CONKLING. Then very likely I misunderstood the honorable Senator, for a while ago I considered his point of observation to be that this matter had some to the Committee on Finance.

that this matter had gone to the Committee on Finance.

Mr. COCKRELL. I stated that I should like to know how in the world the Committee on Finance came to consider a question of this kind. It has been before the Committee on the Judiciary. The Senator from Vermont [Mr. EDMUNDS] considered it there. That was the question I asked.

Mr. CONKLING. If the honorable Senator does not make the whole of my speech, I will make part of it myself. This matter came to the Committee on Finance because being a House bill it was taken up by the President of the Senate and referred to that committee. Therefore it is not open at all to the objection, sometimes properly made here, where a Senator makes some eccentric motion and a vote of the Senate gives effect to that motion. The reference is made in the course of routine business. The bill has been before the Committee on Commerce at previous times, (perhaps that was an eccentric reference,) and it has also been before the Committee on the Judiciary, and I may say without impropriety that neither of those committees and I may say without impropriety that hertier of those committees ever found formidable the point now suggested by the Senator from Missouri, if I understand his point. The question requiring investigation was different; it was one of the identity of funds or the inclusion of these funds in a larger sum seized on a certain occasion. That was the issue to which the other committees deemed it important the address the context of the series of the tant to address themselves, and they did not find formidable at all such an objection as the Senator from Missouri now makes. That possibly may account for the fact that the report, and very likely the previous reports did not and do not deal with that question.

Having investigated this case twice as a member of a committee,

and having known about it for several years, I think but one possible doubt can exist in regard to it, and that doubt I believe must be resolved in its favor. That is, as I have suggested, the question whether the funds paid in were those taken out or included in those taken out. I do not think there is any fair ground on which to affirm that they are not; and unless that can be affirmed, I say to the Senator from Missouri that I know of no answer whatever to this claim.

I do not go into the particulars about it, because the report does that, and so could I, but I think that every committee which has examined it, and certainly there are three, have come to a favorable con-

amined it, and certainly there are three, have come to a ravorable conclusion in regard to it, and no other committee ever came to an adverse opinion in either House.

Mr. COCKRELL. I should like the Senator from New York to decide the question which I propounded. What effect did it have upon the ownership of private property when it was captured by the rebel authorities, taken possession of, in their exclusive control and possession and the recently of the Union forces and taken possession. session, and then recaptured by the Union forces and taken possession of by them and covered into the Treasury? What effect does that

have in law upon the ownership of the original claim?

Mr. CONKLING. My versatile friend from Missouri is very good at putting conundrums and he puts to me now rather a compound conundrum. I do not know how it might be in such a case as he states; I should want to consider it and study it. One reason would be that it would be an entirely new case, having, as I submit to that Senator, a resemblance to this too remote to be an analogy in any sense whatever. Here was a bid made at a judicial sale; here was money paid into court, deposited in a bank, and transmitted finally to the Treasury of the United States. I should like to know how the Senator likens that to the capture of private property by the confed-

Mr. COCKRELL. I ask the Senator from New York to be frank as he usually is. I ask him if the report does not state explicitly that the money went into the possession of the confederate authorities, and whether the report does not raise the question I suggested.

I will read from the report on page 4:

It does not directly appear from the correspondence with General Butler that the five certificates of deposit in the confederate treasury—

The rebel treasury-

represents the same moneys which had previously been deposited in the bank, and which, as the cashier states, were afterward "drawn from the bank by the clerk of the circuit court of the Confederate States." That the moneys deposited in the treasury were intended to represent those returned to the clerk by the bank may be inferred from the circumstance that the amount stated to have been paid over by the cashier to the clerk equals the aggregate of certificates numbers 1, 2, and 3, with an excess of twenty cents only.

I read, then, a little further down on the same page:

The conclusion implied in the bill that the draft of £3,000 represented the moneys which had been deposited in the registry of the court may perhaps be doubted, since it appears that those moneys were withdrawn from the bank by the confederate clerk, and were afterward deposited with the Confederate States treasury, whence they were never recovered.

Mr. ALLISON. That is from the letter of the Secretary of the

Mr. ALLISON. It at is from the letter of the constant of the Treasury?

Mr. COCKRELL. Yes.

Mr. ALLISON. If the Senator will allow me just one moment the circuit judge, Judge Woods, in the city of New Orleans, in the State of Louisiana, having legitimately this case before him, decided in open court that this was the identical money, and ordered a judgment open court that this was the identical money, and ordered a judgment and decree in favor of the complainant here, George Law. That is absolutely conclusive upon us. There is a decree, which is cited in the report, showing that this was the identical money, and that it was in the possession of the United States.

Mr. COCKRELL. I say there is nothing in the judgment of Judge Woods to show any such thing. I ask the Senator to read the clause which shows it.

which shows it.

Mr. ALLISON. It has nothing whatever to do with the question of the confederate captures or the captures by the United States Government afterward. This case was in court from 1858 to 1876.

Mr. COCKRELL. When was the sale?

Mr. ALLISON. The sale was in 1858.

Mr. COCKRELL. Where did the money go?

Mr. ALLISON. The money was in the custody of the court.

Mr. COCKRELL. What became of that court when the confederate authorities took possession in New Orleans, I would ask the Senator?

Mr. ALLISON. The money was in the custody of the court. When the confederates took possession of Louisiana, I suppose there was some change in the court, but the moment General Butler came in possession of New Orleans he organized a court there. The case in 9 Wallace shows that this money was still in the custody of the court, and it remained in the custody of the court. Although it was nominally on deposit in the bank it remained in the custody of the

nominally on deposit in the bank it remained in the custody of the court all the time, and General Butler merely transferred that money from the bank to the Treasury of the United States.

Mr. CONKLING. The Senator from Missouri admonished me to be frank. If I am frank, I hope he will take no offense. The honorable Senator, pursuing a theory of his own, has stumbled over the facts which gave rise to the only question in the case, as I told him, namely, a question of the identity of the money; that is all; and picking up facts investigated merely for the solution of that question, the Senator uses them to support some theory that he has about captured or

abandoned property, which I understand has nothing in the world to do with the merits of this case.

do with the merits of this case.

Here was a bid made at a judicial sale; the money was paid into the court; it was deposited in a bank, and as a matter of fact, as found by this report, it has found its way into the Treasury of the United States. Now, the question is whether the man who paid it is to receive it back, and that without interest, after all these years. The honorable Senator from Missouri puts to me the question, what I think the case would be if review to receive had been controled by The honorable Senator from Missouri puts to me the question, what I think the case would be if private property had been captured by the confederates? I do not know but that he ventured to call them rebels, with a temerity which I should not be guilty of, but the honorable Senator has some privileges in that regard which it would not do for me to assume. He wants to know, if the rebels should capture private property of a private individual, and then something else should happen to it, what I think the law would be. It would be hard enough for me to find out what the law would be in such a case when the case arose; but that is not this case. It is only beclouded and darkened by talking about it in that regard.

There was a fair question whether the money that George Law paid found its way into the Treasury of the United States. That question on three or four different occasions was investigated with care, now

on three or four different occasions was investigated with care, now by one committee, then by another, and at last by the Committee on Finance, and as far as I know they have always found that such was the fact. That I submit to the honorable Senator exhausts the in-

quiry in that regard.

Mr. COCKRELL. I ask the Senator from New York, who has been a member of the Judiciary Committee, did the Committee on the Judi-

a member of the Judiciary Committee, did the Committee on the Judiciary of the Senate ever make any report on this case?

Mr. CONKLING. I have inquired of another member of the committee in that respect, and I speak on a recollection which I will take no offense if the Senator challenges when I say that I think they did make a formal report. I am quite confident that the case was investigated, and I am quite confident, as far as I may refer to the doings that the construction of the committee of the committee. of a committee, that the conclusion and judgment of the committee was that this claimant was entitled to the money. I should be greatly astonished if it should turn out that they did not in fact report back the bill; but if the committee failed to do so it was an omission and an accident.

The Committee on Commerce coming into possession of it, I do not know how—I presume by some similar hasty reference by the presiding officer of the body—also investigated the case, and came to the same conclusion on another occasion, there being, I cannot well repeat too often, because I fear the Senator has not attended to it so far, never in the estimation of any committee such a question as he starts but

in the estimation of any committee such a question as he starts but only a simple question of fact whether the money paid by Mr. Law had been covered into the Treasury of the United States or inured to its benefit, it being conceded all around that if it had been, manifestly it was his money and not the money of the United States.

My honorable friend from Missouri likes nothing so well as to do a good-natured thing; and inasmuch as the Senator from Ohio has come in, who has charge of the Geneva award bill, and will be up here presently demanding that something should be done with that, I hope the Senator from Missouri will have the good nature to allow a vote to be

entity demanding that something should be done with that, I hope the Senator from Missouri will have the good nature to allow a vote to be taken on this bill, which has been hung up and postponed from year to year until if it keeps on eternity will grow gray and hobble on the crutches of time before the claimant will get his money.

Mr. COCKRELL. I think it is peculiar in that position.

Mr. EDMUNDS. Mr. President, this case was once before the Committee on the Judiciary, but I cannot remember at this moment whether we pursued it to a final decision or not; that can be looked up. The thing that strikes me at the present moment treating it as up. The thing that strikes me at the present moment, treating it as res nova, is that I see by the decision of the Supreme Court of the United States referred to in the report of the Committee on Finance who seem to have considered this bill irregularly under some order of who seem to have considered this oil irregularly under some order of the Senate passed as a matter of course, because it is properly a judi-cial question, that in the year 1869 the Supreme Court passed a de-cree in favor of the libelant. The libelant was the man who had loaned the money, one Clark, I think, but no matter what his name

Mr. ALLISON. Massett & Co.
Mr. EDMUNDS. The libelant at any rate was the person who had lent money on a bottomry bond while the vessel was in the port of Rio, Brazil; and the vessel having arrived at New Orleans she was libeled to compel the payment of this bottomry bond. The vessel was sold, as is stated by the Senator from New York, under an order of the court and \$15,000, in round numbers, was realized and paid into the registry. The \$15,000 therefore took the place of the property. The Supreme Court having decreed in favor of the libelant, out of that \$15,000 the people who lent the money of course are clearly first entitled; they must be paid; and then whatever balance should be left would be paid to the person who had become the owner of the vessel. George Law, it appears in the statement of the case in the Supreme Court, appeared and filed a claim as representing the vessel, either as owner or in some other way—I have forgotten how—and supreme Court, appeared and filed a claim as representing the vessel, either as owner or in some other way—I have forgotten how—and resisted the suit on the bottomry bond, on the ground that the loan was a fraudulent one, collusive. The Supreme Court of the United States, after considering all that, decided as they say in 9 Wallace that there should be a decree for the libelant; that is for the parties who lent the money. Now, the thing that puzzles me at the present moment without hearing it more clearly stated, is why we are pay-

ing the whole amount of these proceeds, \$15,000, to George Law, the claimant, when the decree against the money was in favor of the libelant, that would use up nine or ten or twelve thousand dollars

of the fund.

Mr. ALLISON. If the Senator will allow me, I will explain. The libelants were not lenders of money. They furnished repairs to this vessel in Rio, and George Law, the owner of the vessel in 1858, claimed vessel in Rio, and George Law, the owner of the vessel in 1858, claimed that there was a collusion between these people who furnished the repairs and the master of the vessel; and he resisted their claim, first, because it was excessive in that they charged excessive sums; and secondly, because of collusion with the master of the vessel. That litigation went on for a long time, and was finally appealed to the Supreme Court of the United States on the ground that he, as the owner of the vessel, was not liable, and that the vessel itself was not liable because of this collusion, and that he ought to have the whole of the money; but the Supreme Court decided that these libelants were entitled for these repairs to a certain sum, and they directed that the question he referred to a master in New Orleans to ascertain the the question be referred to a master in New Orleans to ascertain the amount, and that whatever that amount should prove to be upon an investigation by a master or by the circuit court, it should be paid over to the libelants.

The case went back to the circuit court of Louisiana, and going back there Judge Woods found the sum of \$9,000 due these libelants, citizens of Rio. They were not citizens of the United States. This 39,000 included the amount for repairs, with 191 per cent. of bottomry \$9,000 included the amount for repairs, with 19½ per cent. or bottomry bond and 5 per cent. interest, rendering a judgment against the fund in favor of these libelants for \$9,000. George Law stepped up to the court and paid over in 1875 this \$9,000; and if the Senator will examine the report a little further he will see that Judge Woods decreed on the payment of that sum by him that he should be subrogated to the rights of the libelants, and should be entitled to receive the whole of this fund. That is all there is of the case. He not only was the original owner of the vessel, but he has paid on account of these people in Rio the sum of \$9,000 out of his pocket in 1875, and the court has adjudged and decreed that he is entitled to this whole fund, and that the fund is in the Treasury of the United States. Now, I do not

Mr. EDMUNDS. Mr. President—

Mr. KERNAN. If the Senator from Vermont will allow me, I will just read Judge Woods's decree, which I think answers his question, made on the 27th of May, 1876, after the case had gone back and after the case had bed the investigation. they had had the investigation.

Mr. EDMUNDS. I see that. My eye has just fallen on it. I have

t before me

Mr. KERNAN. He was subrogated to the rights of the libelants

on paying what he did pay.

Mr. EDMUNDS. That would explain that part of it. Then we come to another thing which seems a little curious in the hasty reading. On the 29th March, 1875, Judge Woods, this case having gone back from the Supreme Court, entered this order:

On consideration whereof, and for reasons assigned in writing, it is ordered and decreed by the court that all the exceptions be overruled, the report be confirmed, and that libelants do recover from the proceeds of the bark Grapeshot the sum of \$4,392.25—

Instead of \$9,000— Mr. ALLISON. That was the original sum. That was the amount that the master found due for these repairs in 1858.

Mr. EDMUNDS. It goes on-

together with 19½ per cent. maritime premium on said sum and 5 per cent. per annum interest on said sum of \$4,392.25 from 3d July, 1858, until paid, and costs of suit.

Now, I understand the Senator from Iowa to say that that has amounted in the whole to this sum of \$9,000.

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. And that was paid?

Mr. ALLISON. The repairs having been made in 1858 the contest

Mr. ALLISON. The repairs having been made in 1898 the contest was really between the owner of the vessel and the master.

Mr. EDMUNDS. That I can readily see. That was the contest all the time. That brings us to the question presented by the Senator from Iowa and the Senator from New York on the subject of whether this money, the proceeds of the sale of this vessel, has been received into the Treasury of the United States; and the proof of that is said by the Senator from Iowa to be a recital or statement in the order of India. Judge Woods in which he declares that these payments spoken of are to be made out "of the proceeds in the registry, now on deposit in the United States Treasury at Washington City." If there were any doubt about the fact, I must be excused for one from recognizing any doubt about the fact, I must be excused for one from recognizing the right of the court, in a point not before it, to decide as against the United States or anybody else, where the funds were, except (as might fairly be implied from this) that Judge Woods had himself ordered the money which was in the possession of his court to be deposited in the Treasury, but evidently it does not mean that; it refers to the old affair probably. Therefore I should not want to take the opinion of Judge Woods, who had not any issue before him to try under evidence in the case against the Grapeshot, as to what had become of the money as evidence as to where it went, but then we become of the money as evidence as to where it went, but then we go back to the statement in the report of the House committee that-

The said sum of \$15,861.05 so deposited was placed in the Bank of Louisiana, in the city of New Orleans, to the credit of the treasury of the Confederate States.

That was after the rebels got possession, I suppose as a matter of

fact. Then without stating exactly when that was, it proceeds to

On the 17th day of June, 1862, Major-General Benjamin F. Butler, then commanding the Department of the Gulf, ordered and compelled the same to be transferred, for safe-keeping, to the Treasury of the United States, where it has ever since remained as a technical deposit.

Then the Secretary of the Treasury comes in and sends to the Committee on the Judiciary when it had the matter under consideration in 1876, a statement of all that was known at the Treasury on the subject of the identity of this money, and that I must say does not leave it quite so clear as Judge Woods thinks it is that this is the money, the proceeds of this bark.

Mr. ALLISON. The Senator will allow me a word just at that

Mr. ALLISON. The Senator will allow me a word just at that point. He will see that from 1862 to the present moment, notwithstanding this case was pending constantly in Louisiana, no other party has appeared either at the Treasury or in the courts in Louisiana having charge of this subject-matter to claim this money or any part of it. Therefore the committee thought it was under all the circumstances quite clear that this identical fund which had been than the clear that the senator to the Bank of Louisiana and transmitted by the clerk of the court to the Bank of Louisiana, and which by them was placed to the credit of the Confederate States and then taken by General Butler, was the fund in the court, being the proceeds of the sale of this bark. I think there can be no reasonable doubt about that from all the circumstances, and so the com-

mittee thought.
Mr. EDMUNDS. That may be so. If this is the identical money or the substitute for it, then it would seem clear enough on the statement of this case, irrespective of the question that the Senator from Missouri has made, that these claimants or the person that represents them ought to have the money. But that it did go into the possession of the Confederate States as a mass and that General Butler made some kind of reprisal either for this or something else, appears made some kind of reprisal either for this or something else, appears probably plain enough; and he sent here some money that he got from this bank. But the fact that nobody else appeared to claim it, would not show a great deal, because of course no other individual person except the people interested in that ship would think of making a claim. It was a levy by General Butler by force of his military power for some reason or without some reason, the money having been gone—

Mr. ALLISON Lembrit to the Senter form Vernant here.

Mr. ALLISON. I submit to the Senator from Vermont that George Law, the owner of this vessel, would rather hesitate to pay out of his own pocket \$9,000 unless there was a pretty clear case that if he paid out the \$9,000 he would have a fair claim on this fund for it, because he was really paying out \$9,000 with a chance of getting \$6,000 more.

Mr. EDMUNDS. I should not want to act as a Senator on the

Mr. ALLISON. Nor should I. I am merely stating that as a circumstance to show that there was a fair reason to suppose that this

was the identical fund.

Mr. EDMUNDS. I do not think that circumstance would furnish any evidence at all. It does appear to be a fact that this bank had this money from the court while it was in the possession of the United this money from the court while it was in the possession of the United States as a deposit, and it does appear to be a fact that that deposit was turned over to the credit of the Confederate States treasury, so called. It does appear to be a fact that when General Butler got military possession he compelled this same bank to give him £3,000 sterling, amounting to fifteen thousand and odd dollars, for some purpose, that he remitted to Washington. If there was no other deposit in the bank that belonged to the judicial department of the United States, the inference certainly would arise, in the absence of any other evidence, that this was the same money, and that the levy was intended as a means of compelling the bank to make restitution. If the committee are satisfied that that is the truth, then it is evidently right that this gentleman should have it; but I cannot remember what view the Committee on the Judiciary took of it if it was ever able to reach the consideration of the question.

Mr. COCKRELL. Will the Senator from Vermont yield to a question?

tion?

Mr. EDMUNDS. I am through.

Mr. COCKRELL. I desire to ask him a question in connection with this point. This money was the proceeds of the sale of this vessel, and in 1858 it was in the hands of the register of the court. vessel, and in 1858 it was in the hands of the register of the court. The confederate authorities, or rebel authorities, as my friend from New York [Mr. CONKLING] would be pleased to speak of them when at the called session he was discussing certain questions, took possession of New Orleans, and they took from this register this fund, \$13,000 as it was then, that was paid over into the Confederate States treasury, and nothing was taken out of it in this transaction or in any other. General Butler restores the jurisdiction of the Federal Government in New Orleans, and he says to this bank, out of which this register, being the same person who had first deposited the money, had afterward taken it and put it to the credit of the confederate register, being the same person who had first deposited the money, had afterward taken it and put it to the credit of the confederate treasury, "You must pay that amount to me; you had no right to let this man have it," and that amount, £3,000—not the money that was originally put there, but simply a reprisal made by General Butler—was sent by him to the Treasury here. It was not the only fund that was sent, but a part of nearly a million dollars taken by General Butler from parties there. There was a receiver who had large sums deposited in these banks, and General Butler took the money in the banks in the name of that Confederate States receiver. Where did

that money belong? It belonged to the northern creditors of certain parties in New Orleans, and a confederate confiscation court condemned those credits to be paid into the confederate treasury instead of being paid to the northern creditors. That fund was transmitted here. Now, those northern creditors are here to-day asking that that more the paid to them. money be paid to them.

The point I want to ask the Senator from Vermont about is, do these facts have anything to do with the original ownership of this property? Does it remain just the same as if it had never been captured or taken possession of by the confederate authorities and had never been captured from the confederate authorities by the Federal authorities? Does the ownership still remain the same? Has this party the right to come now and demand that this money shall be paid to him? Have these northern creditors the right to come and demand that the money shall be paid to them? Has any man whose property was captured or taken possession of by the confederate or rebel authorities, and which was afterward recaptured and taken possession of by the Federal authorities and the proceeds covered into the Treasury, a right to come and demand it? And if this bill is passed, shall we understand that that is to be our rule of action in the future?

Mr. EDMUNDS. I will state as far as I am concerned, in reply to my friend from Missouri, that he undoubtedly with respect to the property captured states a perfectly sound principle. If in a time of war the public enemy capture the property of a private citizen and maintain a firm possession of it—I believe that is the phrase—for a very short period of time, sometimes only twenty-four hours, the right of the private citizen is entirely gone and he has no claim on his own government, whether the property is ever recaptured or is not. It becomes the property of the belligerent that has captured it, and just as much the property of that belligerent as any other property that it gets by purchase or in any other way; and if the United States in such a case captures it afterward it gains a title that is entirely separated, beyond all question, in point of law, from the original title of the owner, which is gone.

But I am not by any means clear that that would apply to a case circumstanced exactly as this is. Suppose there had been a war between two independent nations, and in the course of the administration of justice, in the exertion of the judicial power, there was in the possession of a court a certain fund that belonged to one or two personal claimants. New Orleans is captured by the enemy. The enemy is a civilized enemy. It proceeds to substitute a court of its own of exactly the same jurisdiction and functions as the court of the government that is displaced; and this court—it appears in this report that the confederates had a provisional maritime court of some kind that took the place of the United States district court for the

kind that took the place of the United States district court for the time being—succeeds to all the rights and duties of the old court and it takes possession of these funds rightfully to administer by judicial processes in exactly the same way as between private claimants.

Then, to be sure, a question would arise whether the private claimants for the time being were on opposite sides of the war, which might interfere with their rights for the time being. That is true enough; they might not be able to prosecute their suit; but I have yet to learn that in the maritime courts the principle of parties not suing in a time of war where one is on one side of the line and the other on the other. that in the maritime courts the principle of parties not suing in a time of war, where one is on one side of the line and the other on the other, applies. They are international courts; they proceed upon principles of public law; they are administering justice for everybody on the common highway of nations, the high seas. So apparently, according to the effect of the confederate capture, it would have been the duty of the confederate court that took the place of the district court of the United States, to administer this cause as a maritime cause in rem and proceed to make proper decree. Before it did that, the money was taken out of the bank and put into the confederate treasury; but not as a confiscation, as I understand it, because that would have been deciding against the claimant at Rio, who was a neutral—that would not do—but merely as a means of keeping it, just as we often now not do—but merely as a means of keeping it, just as we often now require all the judicial moneys to be kept in the Treasury or with some designated depository. Then the United States resumes possession of the government at that place and its court revives without any new act of Congress of course; and there it was. Where was the money The money was still the proceeds in rem of a maritime cause; it had been taken by the Confederate States to be administered in the same way; it had not been administered; perhaps they had spent it, but expected to be responsible, as they would have been if they had continued in power. The court cower hash, the Amy of the United expected to be responsible, as they would have been if they had continued in power. The court comes back; the Army of the United States, or properly speaking in a legal sense, the Government of the United States compels this depositary, where the register of the court had deposited it, to turn over that money. I now assume that it is not the identical dollars, but is a sum intended to represent them and take their place. It says now "we do not recognize your taking this out of this bank and paying it to the confederate government at all; you must make it good;" and he does make it good. Suppose General Butler had paid it into the registry of the court, instead of sending it to the Treasury? It does seem to me, (recognizing entirely what my friend from Missouri has said about the public law as it respects captures,) that in a maritime cause of this kind, where the fund was under administration in the maritime court, where one of the parties to it was a neutral and not a belligerent, it cannot be said to have been subject to the law of capture at all. So I do not think this makes a precedent for the class of cases the Senator from Missouri speaks of. Mr. THURMAN. Mr. President, I understand from the chairman of the committee from which this bill was reported that it involves the sum of about \$4,000.

Mr. COCKRELL. Sixteen thousand dollars.

Mr. THURMAN. I am told between \$3,000 and \$4,000.

Mr. EDMUNDS. Fifteen thousand dollars.
Mr. THURMAN. Well, say \$15,000. If a vote can be taken upon it, I hope it will be taken. If not I shall feel it my duty to call for the regular order.

The PRESIDING OFFICER. The bill is before the Senate as in

Committee of the Whole.

Mr. COCKRELL. Mr. President, I desire to put a question to the Senator from Vermont who has met some of the points and objections that I made in this case, and which the Senator from New York and the Senator from Iowa had not done.

Mr. BLAINE. I submit—

Mr. BLAINE. I submit—
Mr. COCKRELL. I am not going to consume more than a moment;
but I do not propose that this question—
Mr. BLAINE. But the Senator from Missouri will see that in a
moment he can ask a question that it would take the Senator from
Vermont an hour to answer. There is the trouble.
Mr. COCKRELL. No, it will not take him that long. It is a very
simple question that I propose to ask. This money was in the hands
of the bank. General Butler, without any authority save that of simally a commanding general demanded that the money should be taken of the bank. General Butler, without any authority save that of simply a commanding general, demanded that the money should be taken out of the bank, that is that an amount equivalent to this should be paid. They once had £3,000. He says, "You parted with it improperly; you must give me £3,000 in lieu of it." Now, is the right of that bank barred and estopped from asserting a claim to that fund? I understand that bank and others are here to-day demanding that this money shall be returned to them. The Secretary of the Treasury

The draft was apparently exacted from the bank by General Butler to replace those moneys which he assumed to have been improperly paid over to the clerk of the confederate court, the same person who had previously deposited them as the clerk of the United States court. Whether or not this exaction was warranted in law and in justice, and whether or not Congress may hereafter be called upon to repay the money so exacted, are questions important for the consideration of the

The committee have not touched upon those questions at all. Now, has not that bank the right to assert its claim and title?

Mr. EDMUNDS. That undoubtedly is one of the very questions involved in the decision upon this bill, because a vote for this bill is in effect a denial of any right on the part of the bank to reclaim this money, for the basis of the bill is that this is the money that in point of admiralty equity and of admiralty identity is the proceeds of the money, for the basis of the bill is that this is the money to it in point of admiralty equity and of admiralty identity is the proceeds of the ship that was duly sold in a time of peace; and to pass this bill, therefore, is to deny, by the judgment of the Senate and of the House of Representatives and the President, the right of the bank to reclaim the money. That is a question which may be argued on both sides very likely, but this will decide it; and as far as I am advised, I think I should be quite as willing to decide it; for a process of the average of the same of the sa Very likely, but this will decide it; and as far as fain accised, relimble 1 should be quite as willing to decide it in favor of the owner of the vessel as in favor of the bank under the circumstances, although it might appear in a certain case that a levy of this kind made to replace moneys deposited was an unjust exaction not warranted by the principles. moneys deposited was an unjust exaction not warranted by the principles of military law or military justice. But in a general way, as far as this case has been stated, I should rather incline to think that we were doing the right thing to hold that Butler took this money properly and to turn it over to the party who otherwise would still be entitled to it; but as the Senator says we must do it with our eyes open because it implies a decision.

Mr. GARLAND. I wish to ask the Senator who reported the bill and has it in charge if in referring to the Grapeshot decision in 9 Wallace he relies on that decision as the law of the case, or if he simply refers to that for the facts?

simply refers to that for the facts?

Mr. KERNAN. Simply to show that we took back the money, and then the court administered it according to that decision.

Mr. GARLAND. Simply for the ascertainment of the facts?

Mr. ALLISON. The facts are detailed very fully in 9 Wallace.

Mr. GARLAND. The Senator does not really consider that decision

Mr. GARLAND. The Senator does not really consider that decision as the law controlling this matter?

Mr. ALLISON. No.

Mr. EDMUNDS. It is relied on to show what the party is entitled to.

Mr. ALLISON. Undoubtedly. The decision does not settle the case we have at this moment in hand. It does settle the fact that the libelant, being a citizen of Rio, was entitled to the proceeds of

this vessel to the extent of his lien.

Mr. GARLAND. That is a matter of fact. I suggest that if the decision in 9 Wallace is relied on as the law, we have more than we can get rid of at this time, and I enter my protest. If the committee merely refer to that as ascertaining the facts out of which this claim

merely refer to that as ascertaining the facts out of which this claim arises, and by which it must be disposed of, very well.

Mr. ALLISON. That is all.

Mr. THURMAN. I hope the Senate will dispose of this bill.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Finance to strike out "fifty cents" and insert

The amendment was rejected.

The bill was reported to the Senate without amendment.

The PRESIDING OFFICER. Shall the bill be read a third time?

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 48, nays 3; as follows: YEAS-48.

Allison, Bayard, Blaine, Jonas, Jones of Florida, Jones of Nevada, Kernan, McPherson, Davis of W. Va., Eaton, Ferry, Garland, Gordon, Ransom, Rollins, Saunders, Saulsbury, Maxey, Morgan, Morrill, Paddock, Slater, Thurman, Vest, Walker, Butler, Hamlin. Call, Cameron of Pa., Carpenter, Conkling, Coke, Davis of Illinois, Hampton, Harris, Hill of Georgia, Hoar, Ingalls, Johnston, Platt, Plumb, Wallace, Windom. Pryor, Withers.

NAVS-3. Cameron of Wis., Cockrell. Teller.

ABSENT-25.

Kellogg, Lamar, Logan, McDonald, McMillan, Pendleton, Sharen, Anthony, Edmunds. Bailey, Baldwin, Farley, Groome, Grover, Hereford, Hill of Colorado, Kirkwood, Beck. Bruce, Burnside,

So the bill was ordered to a third reading. The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1291) creating Yakima land district in Washing-

A bill (H. R. No. 1291) creating Yakima land district in Washington Territory;
A bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers, under the provisions of the homestead law;
A bill (H. R. No. 591) for the relief of Eliza K. Ashby;
A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes;
A bill (H. R. No. 3534) to authorize and equip an expedition to the

A bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes.

The message also announced that the House had passed the bill (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande

A bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Penn-

salts to Post No. 50, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes;

A bill (S. No. 837) to donate twelve condemned bronze cannon to the Blair Monument Association, of Saint Louis, Missouri;

A bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn; and

A bill (H. R. No. 253) to increase the pension of Captain Samuel

C. Schoyer.

GENEVA AWARD FUND.

Mr. THURMAN. I call for the regular order. The PRESIDING OFFICER, (Mr. FERRY.) The Geneva award

resumes its place.

Mr. THURMAN. I wish to say to the Senate that if the Senate shall sit on Saturday I will ask it on Saturday to sit the Geneva award bill out. If it shall adjourn over to Monday, I shall ask it to sit the bill out on Monday

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. Hoar] to the fourth

proposed by the Senator from Massachusetts [Mr. HOAR] to the fourth section of the bill.

Mr. THURMAN. I hope some Senator who is disposed to speak on this bill will take the floor now and address the Senate upon it.

Mr. BLAINE. If no one does, why not ask a vote?

Mr. THURMAN. Because I do not want to have a vote on that amendment until I am heard on the question.

Mr. BLAINE. The ordinary mode of treating a bill before the Senate is, if there is nobody to speak on it and there is a pending question, to vote on it.

Mr. THURMAN. But everybody knows that upon that amendment depends the vote on this bill so far as a large number of Senators are concerned, and that is really the main question, or one of the main questions, that we are to pass upon. I do not wish to speak to-day; I am not prepared to speak to-day. I am told other Senators desire to speak. Let them proceed. There is no necessity for voting on an amendment that is really decisive of the fate of the bill.

Mr. EATON. If my friend will permit me I desire to offer an amendment in the nature of a substitute for the bill now before the Senate, and I ask that it be read and printed.

The PRESIDING OFFICER. The Senator from Connecticut submits a substitute, which will be read.

The Chief Clerk read the proposed substitute, as follows:

The Chief Clerk read the proposed substitute, as follows:

Whereas, under existing statutes enacted for the purpose of distributing the sum of money paid by the government of Great Britain to the Government of the United States upon the award made by commissioners at Geneva, full payment has been made of the demands of all persons upon said fund who suffered direct losses from the depredations of the inculpated confederate steamers; and

Whereas, after the payment of such direct losses, there remains a balance of said sum of money which it is the duty of Congress to apply justly and equitably for the benefit of those who sustained indirect loss and damage by reason of such depredations; and

Whereas the public war debt was increased by reason of such depredations in a sum far in excess of said balance of said fund and remains a heavy burden upon the people of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the balance of the sum of money in the Treasury of the United States that was paid by the government of Great Britain to the Government of the United States under the award of the commissioners made at Geneva shall, with its accumulations, be applied to and made a part of the sinking fund provided by law for the reduction and payment of the bonded debt of the United States, and to no other purpose.

Mr. EATON. I ask that that be printed.

Mr. EATON. I ask that that be printed.

The PRESIDING OFFICER. The order to print will be entered.

The question is on the amendment proposed by the Senator from

Massachusetts [Mr. HOAR] to the bill

Mr. THURMAN. Mr. President, I do not know that I have ever Mr. THURMAN. Mr. President, I do not know that I have ever witnessed quite such a proceeding as we have now before us. The great contest from the very first bill that was introduced on this subject has been whether the insurance companies should be paid. They had claims according to as well-settled law as ever existed in the world. Their right to present those claims, their right to stand in the shoes of those who lost the property captured, was expressly admitted by the attorney-general of Great Britain before the Geneva tribunal. No denial of their right to present those claims was ever made, either by the Government of the United States or by the government of Great Britain. On the contrary, the Government of the United States, when presenting the claims, the government of Great Britain speaking through its attorney-general, admitted that the insurance companies had the right to present those claims. It admitted in the most distinct and clear language, both by its attorney-general in the most distinct and clear language, both by its attorney-general and by the judgment of its arbitrators at Geneva, that the insurance

companies were subrogated to the rights of the insured.

The question from the first has been, Shall these insurance companies be allowed to prove their claims before any tribunal that we may establish to hear claims upon this fund? In 1874 the Congress of the United States excluded them from a hearing virtually, and the question ever since has been whether or not they should be entitled to a hearing. A majority of the Senate once voted, upon the yeas and nays, that they should be heard. In the absence of six or more Senators who had voted that the insurance companies should be heard the question was taken up again in the Senate, and with a thin Senate that vote was reversed and the bill was passed against the will and the opinions of a majority of this body. How that was done those who were here at the time will well recollect.

Now, the Senator from Massachusetts [Mr. Hoar] moves to strike out these insurance companies, to exclude them from any consideration, to exclude them from even the right to make their claim and leave it to the court which we are to establish to decide. He proposes to absolutely shut the door in their faces and give them no day in court whatever; and upon this amendment, which goes to the very substance of the bill, we are to be told that we must have a vote now, without any regard to the parliamentary usage and that courtesy which has always prevailed in the Senate, and which gives to the organ of a committee that reports a bill the right to be heard in the close of the debate.

Mr. HOAR. The Senator from Ohio does not understand me to have

Mr. HOAR. The Senator from Ohio does not understand me to have made any such suggestion about the amendment?

Mr. THURMAN. The Senator from Massachusetts did not make it. He moved the amendment, as he had a perfect right to do; but here are Senators, to the knowledge of us all, who are opposed to this bill, are opposed to allowing the insurance companies a day in court, will not permit them to be heard, and who are ready to address the Senate as we are told, and yet they keep silent here. They will not speak; they want a vote to be taken on this amendment instead of speaking now and allowing the debate to proceed and the vote to be taken on the bill which involves this amendment or to be taken on this amendment when it shall give at the close of the debate. this amendment when it shall arise at the close of the debate.

Mr. BLAINE. The honorable Senator from Ohio will permit me to

say that the Senate yesterday, and to-day also, expected to hear from the Senator from Wisconsin, [Mr. CARPENTER,] a member of the Judiciary Committee, on the same side of this question with the Senator from Ohio. To whom is the Senator now directing his criticism?

Mr. THURMAN. I am directing my criticism, I think, to those who are opposed to the bill and who want to speak, but will not now.

Mr. BLAINE. Then the Senator, as I understand him, if he will

permit me to interrupt him, is a little angry because Senators will not speak against his views. He is criticising us because we do not get up and oppose his views. Why does he not criticise those who are ready to speak on his side and who keep silent? If those who are opposed to his views are ready to vote, in Heaven's name, should they be subjected to the sharp criticism of the chairman of the Judiciary Committee because they do not get up here and argue against him ?

I said to the honorable Senator that for one I am ready to vote. do not control a solitary vote in the Senate except my own. ator now says it is a most extraordinary circumstance that those who are opposed to this provision, which he says is the leading and salient

one of the whole bill, do not speak against it. He criticises us because we do not get up and fire away at the position which he holds.

Mr. THURMAN. There is another example of the mode of the Senator from Maine. Without asking my leave he springs to his feet and interjects a speech of his right in the midst of my remarks. It may be right, but it is not the usage of the Senate, and never was before the Senator came into this body.

The PRESIDING OFFICER, (Mr. Burnside in the chair.) The Senator from Ohio is entitled to the floor, and must not be inter-

rupted without his leave.

Mr. THURMAN. Mr. President, I say that those who support this amendment and who intend to speak in favor of it ought to speak now. Suppose the amendment be adopted in Committee of the Whole, how. Suppose the amendment be adopted in Committee of the Whole, those who are opposed to the bill will still speak in favor of the amendment, because it has to pass the ordeal of a vote in the Senate. They will still speak; we know perfectly well they will speak. Why do they not speak now? That is the question which I wish to ask in view of parliamentary usage and the courtesies of debate. Why do they not speak now? I am perfectly willing that anybody who is either for or against the amendment shall speak; but I do protest against pushing this amendment to a vote before the amendment has against pushing this amendment to a vote before the amendment has against pushing this amendment to a vote before the amendment has been discussed, as it ought to be thoroughly discussed. In the opinion of Senators whether it is necessary to discuss it or not is not exactly the abstract question to be decided. The question is whether Senators believe that it ought further to be discussed; that is the question, and until Senators are willing to say that the discussion ought not further to proceed I say that the discussion ought to go on, and Senators who intend to speak ought to speak, and not let this bill be put off again and again, especially when scarcely a day passes that reflections are not made upon the Judiciary Committee and upon the organ of that committee who has the bill in charge by order of the committee, about the delay of the bill. Some time I may take those reflections up for consideration, and with the record of the Senthose reflections up for consideration, and with the record of the Senate before me may show how much justice there is in them, but I do not wish to interfere with the business of the Senate or the consideration of this bill by doing that now.

I simply ask that there be observed what has been the usage of

the Senate, what has been the courtesy of the Senate, what has been the practice of the Senate, the most pleasant legislative body in the world in which to hold a seat because of the high sense of honor and

world in which to hold a seat because of the high sense of honor and courtesy that has always prevailed. I ask that that may still prevail, and that we may have debate before the vote is taken upon so important a part of the bill as the proposition of the Senator from Massachusetts brings before the Senate.

Mr. HOAR. I desire to remind the honorable Senator from Ohio that the last speech made in this debate was the very able speech of the Senator from Florida [Mr. Call.] in support of the amendment. It seems to me that conceding to the Senator from Ohio, whether rightfully or not, his claim that the amendment involves so much the essence of the bill, that it is fair that he should have his close of debate before a vote on the amendment is taken, he, on the other hand, will not on reflection insist that it is reasonable to require that every will not on reflection insist that it is reasonable to require that every speech which is to be made in support of the amendment should be made before anybody except himself who is to speak against it speaks. It seems to me the proper thing is for some gentleman on the other side of the question now to take the floor and address the Senate, some gentleman other than the Senator from Ohio, and if there be nobody except the Senator from Ohio who desires to address the Senate in opposition to the amendment, then I think the Senator from Ohio will have no difficulty in having the friends of the amendment

agree that he may proceed to address the Senate.

Mr. HAMLIN. Mr. President, upon this as upon most other questions which come before this body I have been a silent member. I have obtruded no single word of debate upon this subject. I must confess that the remarks which have fallen from the Senator from Ohio have astonished me, or they would astonish me if I had not arrived at that age where I am not astonished at anything.

This subject has arrived almost to the maturity of manhood. It has been discussed in both branches of Congress for long years; several bills have been sent to us from the other House; and I assume that Senators in this body to day are pretty well acquainted with the main features that are presented. The question has two aspects, one strictly of a legal character, another of an equitable kind, and the strictly of a legal character, another of an equitable kind, and the views are presented upon the one side or the other of this question from the one or the other of those stand-points. It has "dragged its slow length along" in this body, and after these years of discussion and after this long protracted debate in this body, that the Senator from Ohio, my worthy friend, should make a labored speech inviting Senators to speak is past comprehension. "Clifford, why don't you speak?" We have arrived at that period when it becomes necessary to demand that men shall speak! I should think a fair inference to be drawn would be that Senators are ready to vote when they do not want to speak without being invited and urged to speak. want to speak without being invited and urged to speak

It is in accordance with the parliamentary law—and I know there is no Senator upon this floor who would violate that law—that the honorable Senator who reported this bill shall be permitted to close the debate. It was equally his duty to explain the bill in all its provisions, which I am told he has already done; though I had not the pleasure of listening to him, as I certainly should have done had I

known he designed so to do.

If the Senator to-day says that he is not ready to speak and desires to postpone his speech until to-morrow, I do not believe that there is a man on this floor who will not join with me in saying, extend to the Senator the courtesy. But this soliciting debate here when we have been worn out by speech after speech and debate after debate, year in and year out, and not allowing us to vote is a remarkable spectacle to be presented in the Senate. I think it would have been wiser and better if the honorable Senator had said, "Let us vote;" wiser and better if the honorable Senator had said, "Let us vote;" or if he desired to say that he wanted the opportunity of presenting his views upon this bill, and that, from health or anything else, for his own personal private convenience he preferred to do it on another day, I certainly should join with what I believe would be the unanimous sense of this body to give him the opportunity to do so. I think we have had talking enough. I think it is the bane and the curse of this body that we have so much talk. We had a debate here this morning, a hearty criticism upon a bill which to me was somewhat remarkable, I confess; but it was debated, and finally passed. I could see no good resulting from that debate; for a plain statement of the case had been made.

I do not believe there is any utility in prolonging this debate or any

of the case had been made.

I do not believe there is any utility in prolonging this debate or any public good that will be promoted by extending it. I wish to vote, and I stand here asking the Senate to let us have a vote at the earliest possible period of time. Let me say to the Senator from Ohio that I rejoiced when I heard him say that if we had a session on Saturday he would ask that it should be to terminate this question, or if we did not have it on Saturday we should terminate it on Monday. I would have been very much more gratified if the Senator had said to us, "Let us meet to-morrow and finish this bill." If there are Senators who wish to speak I will sit here and listen to them with all pleasure, but I do want to see this debate terminated.

but I do want to see this debate terminated.

Mr. CONKLING. Mr. President, if the honorable Senator from Ohio [Mr. Thurman] on this occasion or any other has failed fully to state himself, he is abundantly able to supply any omission; and I make this remark rather by way of apology than explanation for my venturing to say a word in answer to the senior Senator from Maine, [Mr. Hamlin.] Unless I totally misunderstood the Senator from Ohio, the Senator from Maine, unintentionally of course, has vivon a west unfair construction to what the Senator from Ohio said given a most unfair construction to what the Senator from Ohio said. It is very easy to intimate, it is jocose and facetious to intimate, that the Senator from Ohio rises here to coax somebody to attack his bill. Had he done so, I think it would have been fairly the occasion for

criticism.

If I offend anybody, it will not be the honorable Senator from Maine by being candid. Therefore let us come to the facts, as we all know them to be. Here is a very important measure. One of the features of the bill as reported is to recognize a class of claimants whose unfortunate attribute and whose real objection, in my belief, lies in the fact that they are corporations. To defeat that feature of the bill, it seems to be supposed is to advance a long distance at least in establishing the claims of somebody else. Thus the amendment aimed at the insurance companies is of the very essence and gravamen of the measure; I might say it goes to the root of the whole matter; and yet by an exercise of parliamentary right, and not an accidental or impromptu exercise of that right I imagine, a Senator has made a motion which puts in the forefront the question to which I have alluded, which is the radical and ultimate question of the bill.

has made a motion which puts in the foreiront the question to which I have alluded, which is the radical and ultimate question of the bill. If, as the Senator from Maine suggests, the Senate generally was ready to vote upon this question, thereby meaning the whole question, the topic covered by the bill, it would be very odd for the Senator having it in charge to attempt to provoke or encourage or invite debate in opposition; but it is perfectly well understood by Senators all around me and around the Senator from Ohio that one, two, three, four a servicious la number of Senators intend to debate the bill and four, a considerable number of Senators intend to debate the bill and intend to make arguments leveled against its chief features as it came from the Committee on the Judiciary. But the pending amendment as I have said, which is the first question in order, these same Senators, it seems, propose to have voted upon before the debate shall occur, which will really illuminate it. There is some reason for that. It is a good reason, no doubt. There is some motive for it. It is a laudable motive, no doubt. But the honorable Senator from Ohio has fallen into the strange error of supposing that a discussion in the Senate ought rather to precede a vote than to follow it. He has fallen into the error of supposing that the arguments had better be made before the judgment is rendered, and that the Senate had better not imitate that justice of the peace who when counsel apologized for being prolix said, "Oh no, I entered judgment an hour ago in this case, and I am perfectly willing to hear you." That is as I understand the honorable Senator from Ohio; that is as I think in fact my astute friend from Maine understood, but with somewhat of facctiousness he chooses to present the case as if the Senator from Ohio was really crying out for more time to prepare himself to close four, a considerable number of Senators intend to debate the bill and Ohio was really crying out for more time to prepare himself to close the debate ultimately on the bill, or else as if the Senator from Ohio was so doubtful lest anybody would attack his bill that he was carrying about a parliamentary chip on his shoulder daring somebody to knock it off.

Mr. President, I am not going, especially at this time, to indulge

myself, should I do so at any time, in observations touching the Geneva award. I have some views, mistaken or otherwise, and it is possible that at some time I may do the Senate so great an injury as possible that at some time I may do the Senate so great an injury as to ask it to listen while I say something briefly about it. I only say now that the subject is a grave, and as the contrariety of views shows, a somewhat difficult one; and before we vote on amendments radical and substantial in their character, I fully agree with the Senator from Ohio that any discussion heard here, unless it be a discussion intended to resound in the galleries and beyond, any discussion waged here for the enlightenment of the Senate, should take place before the yeas and nays are called and we are summoned to record

The honorable Senator from Connecticut [Mr. EATON] has offered an amendment, or given notice of one, not even in order now, so encumbered is the record with amendments, and if we were to have a vote at once on an amendment without further debate, I should be glad to have it upon that amendment, logical as I believe it to be, unanswerable as far as I know if tried by one of the theories advanced here. If indeed the residuum of this fund be not a trust fund, if it be not fettered or encumbered by the judgment and the juris-diction of the court which awarded it, if it be a national fund sub-ject absolutely to the jus disponendi of the political department of this Government, I say conclusively logical in my opinion is an amend-ment which affirms that it is the fund of the State, of the realm, that it belongs properly in the national coffers and that appropriately it may go to nourish and secure a sinking fund the object of which is to uphold the credit and the financial honor and obligation of the country. But that amendment is so far behind that it is not even in country. But that amendment is so far behind that it is not even in order at this time. Very likely the honorable Senator by whom it will be advanced will have something to say in regard to it; and should be have something to say, I should be greatly surprised if a veteran legislator and parliamentarian as he is should seek by any mode of managing the proceedings to get the Senate to record itself upon it on a particular day or at a particular time, proposing afterward that discussion should go on.

But, Mr. President, I have been led to say much more than I intended. As the humblest member of the Judiciary Committee, from which this measure came, I have ventured to point out to the Senate and to the honorable Senator on my right [Mr. Hamlin] that the distinguished chairman of that committee did not come here to-day either to ask time for himself to prepare a close of the discussion or

distinguished chairman of that committee did not come here to-day either to ask time for himself to prepare a close of the discussion or to insist that somebody should attack his bill when nobody wished to attack it, but only, as I understood him, to insist that that debate which we all know is impending, which Senators are prepared and decided to have, shall proceed for the enlightenment of us all before, and not be withheld until after, we are called upon to vote.

Mr. BLAINE. Mr. President, when the honorable chairman of the

Judiciary Committee last occupied the floor, the day before yester-Judiciary Committee last occupied the hoor, the day before yesterday, he closed his remarks with a proposition which he deemed unanswerable, and put it in language that seemed to defy the possibility of a successful reply. Like "official utterances" in England, it was held to be unanswerable. I desire to have it read at the Clerk's desk. It is marked on the RECORD.

The Chief Clerk read as follows:

As I am up I will say one word more. Suppose there had been but one American ship destroyed by confederate cruisers, and Great Britain, by the award of the Geneva tribunal or without it, had paid to the United States a million dollars in respect of the loss of that ship, is there a man in the Senate who would say that that money ought not to be paid to the owner of that ship? If it were one single case of the loss of a ship, and for the loss of that ship Great Britain paid us \$1,000,000, paid it to the United States, because no citizen of the United States can present his claim otherwise than through his government, is there a Senator here who would say that that money ought not to go to the man who lost his ship? I do not think there is. If that is true of one ship it is true of the whole one hundred and thirty-five ships that were destroyed by these cruisers.

Mr. BLAINE. I understand by the "owner of the ship" there that the Senator from Ohio means the insurance company that paid the

Mr. THURMAN. I did not mean the insurance company. It would be the same thing though if the ship had been abandoned to them and they had paid the loss.

Mr. BLAINE. I respectfully submit if the Senator did not mean the insurance company, then the statement has no meaning at all with reference to this discussion.

Mr. THURMAN. I submit that it has meaning with reference to this discussion. I am willing it may be put that way.

Mr. BLAINE. If the honorable Senator merely rose here to say that if one single vessel was lost on which there was no insurance and the owner should be entitled to be indemnified, he is asserting a truism which he can get nobody to contradict, but he said it in connection with proving the rights of the insurance companies, and with

nection with proving the rights of the insurance companies, and with the fact that they by subrogation had become the owner. I submit to the honorable Senator that his remark has no meaning at all if he did not refer to the insurance company.

Mr. THURMAN. May I interrupt the Senator?

Mr. BLAINE. With pleasure.

Mr. THURMAN. The Senator is entirely mistaken. The question before the Senate is not simply the question whether the insurance companies shall have a day in court. That is not the sole question before the Senate. There is a question before the Senate whether the war-premium men shall be paid. I put that by way of illustration,

to show that the war-premium men ought not to be paid and would not be paid if there had been a single ship lost and paid for.

Mr. BLAINE. And paid for by the insurance companies?

Mr. THURMAN. No matter; paid for by Great Britain. Suppose there had been but a single ship and Great Britain had paid for her, and suppose she were not insured at all, yet here would come the Senator from Maine and others who think with him, and say: "Do not give this money to the owner of that ship, but give a portion of it at least to the men who have paid the war premium."

I submit to the honorable Senator that neither the Mr. BLAINE. Senator from Maine nor any other Senator at any time within the six years that this discussion has gone on in the Senate ever took that

ground at all.

Mr. THURMAN. Will the Senator allow me to interrupt him again?

Mr. THURMAN. Will the Senator and while to interrupt Mr. BLAINE. Of course.

Mr. THURMAN. The Senator's predecessor in this body not only took that ground, but when the bill of 1874 was before the Senate he moved to include the war premiums.

Mr. BLAINE. Of course, but the honorable Senator says that the

war premiums were to be paid to the exclusion of the men who, uninsured, actually lost their vessels. No man ever took that ground. I want to ask the honorable Senator if he meant that in case there was a single vessel lost and the insurance had been paid by an insurance company and the million dollars had been recovered from Great

Britain, whether he means to take the ground that that million dollars equitably and properly should go to the insurance company?

Mr. THURMAN. Certainly.

Mr. BLAINE. Very well, now I have got the Senator just where I want him. That is just where I want the honorable Senator to stand. That is the unanswerable case he submitted. I submit also that the case he supposes might very well happen. It might very well have occurred with the watchfulness of the naval forces and the careful sailing of the merchant marine that but a single vessel was lost, and that might very well have occurred all the time these extravagant

war premiums were being paid for protection.

Now, let us take the actual case. Here were \$6,000,000 of war premiums paid into the insurance companies, and to make the thing a little more easy of demonstration we will just suppose that it is one company and one ship. The \$6,000,000 were paid in, and in the course of their business they were called upon to pay one million out for loss, leaving \$5,000,000 of net profit on the transaction. The honorable Senator says that if in negotiations with England but a single million was recovered it should all go to the corporation that had already taken five million of net profit. If that is the position the honorable Senator wants to take he is welcome to it. It tramples every consideration of equity, every consideration of justice, every consideration of fair dealing under foot, and gives only to the corporation that was enormously enriched, and deprives every other person that might have been depleted and destroyed of the slightest prospect of relief whatever.

And it is the actual case, Mr. President. There is no need of resorting to illustrations when the actual case itself is as strong as any you can use to illustrate it. The case the honorable Senator states is precisely the case before the Senate. Not one ship, but many ships were but while many ships were lost there were tenfold and twentyfold more that were paying these insurance companies for the privilege of sailing free from risk, and the gains of those companies enor-

mously outran their losses.

I will submit to the honorable Senator that in point of equity, while the act of 1874 utterly ignores the principle of paying anybody except actual losers, while it paid every person who came within its jurisdiction who proved a loss and showed that the loss had been jurisdiction who proved a loss and showed that the loss had been suffered, I will submit here that on every ground of equity the man who had already insured his ship and got his insurance had more right to come in and claim his share of the Geneva award fund than the insurance companies had to claim anything. What was it? Suppose a man in New York, who was about to sail a ship when war premiums were 30 per cent., had said to another, I will bet you one against three that my ship will get through safely. She went down, and he won his bet, and the bet covered the total amount of his loss; would you have debarred him from being a claimant? That is practically all the insurance companies did. It was nothing in the world but a bet between the insurance companies and the owners of the ship, in which like all gambling games that are well managed, whether ship, in which like all gambling games that are well managed, whether at Baden-Baden or Hamburg or across the tables of an insurance company where the doctrine of chances is calculated, it was a bet in which the insurance companies were sure to win and did win, and did win enormously.

Mr. President, there were forty-nine insurance companies engaged in that business. I think I am correct. It may be that I err in the figures a trifle; no matter. A large proportion of those were fire and marine. Twenty-two of them I believe have gone out of existence since the war closed. In the case of one, the Boylston Insurance Company, of the city of Boston, which had \$98,890 of claims, not including interest, against this fund, if the insurance companies are included, they sold that claim at public auction after due advertisement, and that claim is now reckoned at 4 per cent. interest, and may possibly be reckoned at 6; and, if so, it would amount to nearly \$200,000. That claim, I say, was sold at public auction in Boston for \$1,000; and I have no doubt the holder of it is industriously in the lobby to-day

in the interest of the insurance companies. It was sold at public auction after due advertisement, I repeat, for \$1,000. I have a paper here on the other side in regard to a very respectable insurance company of the city of Philadelphia, and it is a matter of some interest. Here is a letter which I think has some bearing on the question. It is written by a gentleman who is now the agent of the Staffordshire Fire Insurance Company of England. He was formerly the agent of the insurance company of the city of Philadelphia to which I shall refer. He addresses a ship-owner, under the date of March 22, 1880, and his letter is as follows: and his letter is as follows:

STAFFORDSHIRE FIRE INSURANCE COMPANY—LIMITED—OF ENGLAND, CORCORAN BUILDING, CORNER OF PENNSYLVANIA AVENUE AND FIFTEENTH STREET, Washington, March 22, 1880.

Dear Sie: Referring to our conversation on Saturday last regarding the "Geneva award," a little incident has been recalled to my memory, which may perhaps interest you, as tending to show that the desire for reimbursement by the Insurance Companies for losses paid through the depredations of the confederate cruisers is, to say the least, not entirely universal.

In an interview a few years ago with Mr. Charles Platt, the president of the Insurance Company of North America, of Philadelphia, the oldest and largest stock insurance company in this country, that genteman stated to me that his company received in war premiums during the rebellion the sum of (in round numbers) \$400,000. Of this amount \$100,000 was paid for losses, leaving a clean profit of \$300,000. "Now," he added, "do you suppose I have got the presumption to ask Congress to refund my company, out of the moneys of the Geneva award, the \$100,000 so paid." "No," he continued, "and if it were even finally decided that the insurance companies should be entitled to participate in the distribution, I should be ashamed to apply for what might be considered our portion."

This, to be sure, is merely an incident; but I have no doubt that, were the truth known, there are other marine underwriters who would be actuated by the same honorable principle.

honorable principle. Yours, very truly,

CHARLES S. PENNELL, Esq.

CHAS. H. COLE.

That letter was put in my hand with the liberty of using it publicly. You may go through the whole of the companies, and either they have become extinct and these claims have been auctioned off at a very small figure, or as to the strong solvent companies which made large profits during the war, it will be found that there is a great reluctance on the part of the best of them to come here and appear. I have a petition somewhere among my papers-I cannot

appear. I have a pection somewhere among my papers—I cambe put my hand on it now—in which a large company in New York is among the petitioners for the payment of the war premiums.

Why, Mr. President, who paid these losses? The insurance companies are talked of by the honorable Senator from Ohio and others as though when a disaster occurred to an American vessel these gentlemen generously put their hands in their pockets and made it good. This war-premium fund was furnished, every dollar of it, every dollar of it was paid, by the ship-owners and ship-masters. The insurance companies never put an original dollar in, and in the case of the three or four that paid for a loss on that ground the other bill completely covered them; and in the case of mutual insurance companies, I submit, on any fair process of logic at all, when you grant it to mutual insurance companies you grant it to war-premium men. And now that we are to be debarred by the Judiciary Committee's strict construction from coming in here and making a plea for the war-premium men on the ground that they were excluded at Geneva, I think it comes high up in the catalogue of amusing narratives when we come comes high up in the catalogue of amusing narratives when we come to read the bill of the Judiciary Committee and find therein provision made for another class of claims that were excluded at Geneva. The Senator from Delaware [Mr. BAYARD] elaborately argued, that not one penny should be given to the war-premium men because they had been excluded at Geneva; but both those honorable Senators are upholding and enforcing a bill before the Senate which proposes to pay the losses at the hands of the exculpated cruisers, which were themselves just as distinctly excluded at Geneva.

If the Judiciary Committee expect us to follow them upon any logical basis, if they call to the Senate not to grant anything to the war premium men because they were excluded by the tribunal at Geneva, the very next moment they call out, "but we pray you grant it to the exculpated cruisers, although they were in fact also excluded at Geneva." I shall certainly yield the floor to the honorable Senator from Delaware gladly if he will tell the Senate on what ground of consistency he argues against paying the war premiums because they were excluded at Geneva, and proposes to pay the losses at the hands of the exculpated cruisers which were also excluded at Geneva. I shall be glad to yield the floor to the honorable Senator from Delaware or to the honorable Senator from Ohio on that point.

The truth is that the very arguments which those who have spoken for the Judiciary Committee bill have used are utterly illogical and utterly contradictory. The bill cannot be defended at all on that ground. And while we have been twitted a little by the Senator from Ohio for not being willing to plunge into this debate, here is the honorable Senator from Massachusetts on my left [Mr. HoAr] who has spoken elaborately, and the Senator who sits behind me from Massachusetts [Mr. DAWES] spoke elaborately, and the Senator from Florida [Mr. Call] spoke elaborately against these features of the bill, and those speeches have not been answered by the Judiciary Committee; and yet we are commanded here to go on and argue our-selves out on this question before the supporters of this bill will deign to enlighten the Senate with their objections to the positions taken by its opponents; and we are somewhat lectured by the honorable

chairman of the Judiciary Committee on the ground of courtesy, and he says the committee has been twitted, or has been criticised, be-cause of the delay in this bill.

I do not remember a single discourteous word that has been said by anybody about this bill. I did intimate, and if necessary I will by anybody about this bill. I did intimate, and if necessary I will assert, that the bill has languished in the most extraordinary manner. We all remember the old historic story when Queen Elizabeth asked the speaker of the House of Commons, "What have my faithful Commons passed?" he replied, "Ten weeks, Your Majesty." It is just ten weeks to-day, I believe, since the Geneva award bill was reported to the Senate, and I ask the honorable chairman of the Judiciary Committee what has the Senate passed meanwhile? "Ten weeks Vorn Meisett." weeks, Your Majesty.

weeks, Your Majesty."

And I think as each Congress makes a certain reputation for itself, individualizing and characterizing itself by some peculiar feature, this Congress will be entitled to be termed the lazy Congress, the donothing Congress, the Congress that comes together and sits and looks at each other and adjourns and comes together the next day and goes through the same pleasing process. If that is a reflection on the Committee on the Judiciary it is the same upon every other committee of the Senate and the same on all the Senate. But I sub-

mit that in the history of the present generation there has not been known as do-nothing and as idle a Congress as the present one.

The honorable Senator from Illinois, [Mr. Davis,] whose presence I I am always so glad to welcome in the Senate, whose absence I always regret to observe when I have to refer to him—the honorable Senator from Illinois, [Mr. Davis here entered the Senate Chamber,] I am very glad to see he is present—in his careful and elaborate and able speech a few days since referred as authority to the opinion of Sir Alexander Cockburn. I had to answer from memory and I followed him by suggesting that I thought that was entirely a dissenting opinion, and that it was a very extraordinary thing to quote it as the authoritative exposition of the Geneva tribunal. Since then I have looked over the documents, and I find that Mr. Fish, the Secretary of State, writes thus on the 22d of October, 1872, about that opinion:

thus on the 22d of October, 1872, about that opinion:

I find on reference to the protocol No. 32, accompanying your report, and containing a record of the proceedings of the tribunal of arbitration on the 14th of September, that after the signature of the decision and award of the tribunal by the four assenting arbitrators, and after the same had been delivered to the agents of the two governments, Sir Alexander Cockburn, the arbitrator named on the part of Great Britain, having declined to assent to that decision, made a statement of his own, which the tribunal ordered to be recorded as an annex to the protocol.

It does not appear by the protocol that the document which was thus ordered to be annexed was read at the time. Indeed, your report on the subject shows that that paper was presented at the last moment of the final sitting of the tribunal, and that the contents thereof were not made known to the other members of the tribunal or to the agent or counsel of the United States.

I cannot doubt that if you had had the opportunity to become acquainted with the contents of this extraordinary document you would have felt it your right and duty to object to the reception and filing of a paper which would probably not have been officially received by the tribunal had an opportunity been afforded to invite their attention to some of its reflections on this Government, its agent, and counsel.

And that is the opinion which the honorable Senator from Illinois brings into the Senate of the United States to quote and approve as the authoritative construction to be placed upon the Geneva award! That is the way Mr. Fish characterized it; and then Mr. Caleb Cushing, in his history of the treaty of Washington—that is, I presume it was written by Caleb Cushing, if the honorable Senator from Wisconsin [Mr. Carpenter] will permit it to be so considered—Mr.

Cushing says:

The British arbitrator, who, so frequently in the course of the conferences, acted as a party agent rather than a judge, had been occupying himself in the preparation of a long argument on the side of Great Britain, in which he throws off the mask, and projessedly speaks as the representative of the British government. He withheld this argument from the knowledge of the tribunal at the proper time for its presentation as the "reasons" of an arbitrator. At the last moment—without its being read to the tribunal, or printed for the information of agents and counsel, as a resolution of the tribunal, adopted on his own motion, required—he presents this argument as his "Reasons * * * for dissenting from the Decision of the Tribunal of Arbitration." The title of the document is a false pretense, as we shall conclusively show in due time; the act was a dishonorable imposition on the tribunal, and on both governments, Great Britain as much as the United States.

And that is why I expressed my surprise that any word or reasons.

And that is why I expressed my surprise that any word or passage from a document thus characterized by an American Secretary of State, thus characterized by one of the most eminent of the American counsel at Geneva, characterized also quite as sharply by the letter of the American agent, Mr. Bancroft Davis, should have been introduced by the honorable Senator from Illinois as worthy to be quoted in the Senate of the United States for its guidance in any of its deliberations.

Mr. DAVIS, of Illinois. Sir Alexander Cockburn undoubtedly disagreed with the findings of the tribunal. The British government never yielded to the position we had taken on that subject. I quoted portions of his opinion to show what was really decided there. Sir Alexander Cockburn is quoted as authority for the position assumed on the other side, that this is a national matter, in the case of Rust-omjee vs. The Queen, that the Senator from Vermont commented upon so tenderly three or four years ago, and which I think the Senator

from Massachusetts commented on.

Mr. BLAINE. But the honorable Senator from Illinois uses the words of Sir Alexander Cockburn now to prove that this was merely a matter between the citizens of the United States and Great Britain.

Mr. DAVIS, of Illinois. What was decided at Geneva was that the citizens of the United States whose vessels were destroyed by these

cruisers had received injuries which were to be compensated for; and the extent of them could be ascertained as well by the tribunal as by a board of assessors

Mr. BLAINE. Then why does the honorable Senator support a bill which proposes to give indemnity to those who sustained loss at the which proposes to give indemnity to those who sustained loss at the hands of other cruisers? Why does the honorable Senator go for a bill which goes outside of the doctrine decided?

Mr. DAVIS, of Illinois. I hold nobody is entitled to do that.

Mr. BLAINE. Does not the honorable Senator support the bill of the Judiciary Committee?

Mr. DAVIS, of Illinois. I support the bill.

Mr. BLAINE. The bill of the Judiciary Committee distinctly gives

part of the money to those whose losses were occasioned by the ex-

part of the money to those whose losses were occasioned by the exculpated cruisers.

Mr. DAVIS, of Illinois. Only if there is a surplus.

Mr. BLAINE. A surplus! Why it is part of the award that only specific injuries were provided for, we are told. Where does the honorable Scuator get his right to take a surplus?

Mr. DAVIS, of Illinois. If I had my own way about this, I would return to Great Britain every cent of the money that was not used in extinctions the along required to the large of the content.

satisfying the claims provided for by the award

Mr. BLAINE. But not having his own way, the honorable Senator proposes to give it to the very parties who, according to his own speeches in the Senate, have no shadow of right to it under the Geneva award and its proper construction.

Mr. DAVIS, of Illinois. I do not think they have any right to it

Mr. BLAINE. But you propose to give it to them.
Mr. DAVIS, of Illinois. If we are to have a surplus.
Mr. BLAINE. Of course. This Judiciary Committee proclaims to all the world-

Mr. DAVIS, of Illinois. I give it to them instead of the payers of

war premiums. That is all. Mr. BLAINE. Precisely; Mr. BLAINE. Precisely; but the honorable Senator then and the Judiciary Committee with him abandon their whole ground. They come in here with elaborate arguments to prove to us that the three cruisers that were denominated the inculpated cruisers were the only ones for whose acts of destruction the government of Great Britain was held liable, and that those who cannot prove loss at the hands of these cruisers have no right to be considered. If that is not the theory of the bill which the honorable Senator from Illinois is supmr. THURMAN. Will the Senator allow me to tell him?

Mr. BLAINE. Gladly.

Mr. THURMAN. It is about time I think somebody should say a

word.

word.

Mr. BLAINE. I shall be glad to yield to the Senator.

Mr. THURMAN. I do not interrupt without leave. If the Senator does not want to yield I shall not interrupt him.

Mr. BLAINE. I yield gladly. I shall be happy to hear the Senator.

Mr. THURMAN. There is no inconsistency in this bill at all. The first section of the bill provides for paying the men in respect of whose losses the money was awarded, and declares that they shall be the first class. They are to be paid before anybody else receives a cent. Then should there he a surplus the question erises what shall cent. Then should there be a surplus the question arises, what shall be done with that surplus? After these men, in respect of whose claims the money was awarded, shall have received payment, what shall be done with that surplus? Shall it be returned to Great Britain; or shall it go into the Treasury of the United States for general purposes; or shall we make some disposition of it toward alleviating the losses of those who were not compensated by the award of the Geneva tribunal? That is the question to be decided.

For reasons which I shall give at the proper time I am perfectly satisfied that we ought not to return it to Great Britain. I may say almost in a single sentence—if I take too much of the Senator's time I will give way

Mr. BLAINE. Not at all. Go on.
Mr. THURMAN. I may say in almost a single sentence what seems
to me quite sufficient, and that is, that it was not within the contemplation of the parties to the treaty of Washington that there should be any return made to Great Britain of any portion of the award that might be made by the Geneva tribunal, in case the amount awarded should prove more than sufficient to extinguish the claims upon which the award was made. On the other hand there was no expectation on the part of the United States and of Great Britain that in case the amount awarded by the Geneva tribunal should not be sufficient to pay the claims allowed by that tribunal, Great Britain should make up the difference. Suppose, for instance, the Geneva tribunal, after having decided that Great Britain was liable for certain injuries, had awarded a sum that should prove to be insufficient to compensate the losers, there is nothing in the treaty nor was there anything in the expectation of the parties that would entitle us to say to Great Britain "Make up the deficiency;" and so, on the other hand—

Mr. BLAINE. Did the honorable Senator ever hear anybody take

that ground?

Mr. THURMAN. Will the Senator let me get through? If net, I will take my seat. He asked me for an explanation.

On the other hand, if the award should prove to be more than sufficient to satisfy the claims allowed by the tribunal, it was not within the contemplation of the parties to the treaty that the surplus

should be returned to Great Britain. Therefore, Mr. President, after we have paid those whom it rests upon us to pay, after we have paid those in respect to whose claims the award was made and thus discharged the moral duty of this Government, if there shall be a surthat belongs to the Government, and it is for the Government to say what shall be done with it. The Judiciary Committee saw fit to say and report to the Senate and recommend to the Senate; that should there be such a surplus it should be paid to those who had lost by reason of the acts of what are called the exculpated cruisers.

Why did it not report in favor of paying it to the war-premium men? Let me tell the Senator one sufficient reason for it, and that is, if my memory is not at fault, that on the direct question in 1874 before the Senate whether the war-premium men should be allowed to receive a portion of this fund, the proposition received but nine votes in the Senate. We could have no better instruction to the Judiciary Committee not to report in favor of them.

Then, I understand the honorable Senator from Ohio to maintain, instead of the ground which we have heretofore had preached to us by the members of the Judiciary Committee, and instead of the high and lofty ground which the honorable Senator from Delaware took the other day that he would have his right arm cut off or make some other great sacrifice rather than that one dollar should be diverted-

Mr. BAYARD. I never said anything of the kind.
Mr. BLAINE. Did not the honorable Senator say that he would

have it all go back to the treasury of Great Britain?

Mr. BAYARD. But I mean I did not say anything about cutting

off my arm.

Mr. BLAINE. The Senator made use of some very strong form of asseveration on that particular point—the exact language I will not asseveration that it. repeat now-he made some very strong form of asseveration that it was an obligation of honor and conscience to send that money back to Great Britain if there was a surplus. Am I not right in that?

Mr. BAYARD rose

Mr. BLAINE. If the Senator please, I will yield to him presently.

Mr. BAYARD. Very well.

Mr. BLAINE. The doctrine that has been maintained here first and last by the gentlemen of the Judiciary Committee was that we were bound down by the decree, and that we who rose here to speak in behalf of the men who were the real losers and sufferers were violating the obligations of national honor. The honorable Senator from Illinois, who carries with him with such dignity the grace, manner, weight, and function of the judiciary, delivered two lengthy opinions enforcing upon the Senate that view, and advising all of us that we were violating national honor if we did not stick closely to the award and adhere to the very letter of it. Now, the honorable Senator from Ohio and the honorable Senator from Illinois entirely desert that ground, and say if there are a few millions left over they will take into consideration who are the most meritorious, and will give it to the sufferers by the exculpated cruisers, or to the American board of commissioners for foreign missions, or to Sunday schools, or to what-ever in their judgment is meritorious. They might have said just with the same logic that they are going to apply the discretion of Congress to the part that is left. We have then the clear admission of those two Senators, and they see the point of my question, that in so far as keeping this bill within what they have defined to be the obligations of the award at Geneva, they have absolutely abandoned that entire ground. I shall be glad now to hear the honorable Senter of Telegram. ator from Delaware.

Mr. BAYARD. Mr. President, I consider our dealing with this large sum of money a question too grave to be discussed in anything like mere declamation or mere talk for talk's sake. I endeavored in discussing this question to lay down principles by which we should effectuate the object of the treaty into which the United States entered with Great Britain and the award of the arbitrators to which we submitted by that treaty; and I was unable and I am to-day unable to find any other guide for my vote in regard to the money which was paid by Great Britain into the Treasury of the United States than the treaty and the award under the treaty, the decision of the arbi-

trators.

I said a few days ago at some length, and I do not propose to repeat it or do more than state the substance of what I then held, that we were bound by the decision of the arbitration to which we had submitted ourselves in advance under the terms of the treaty; that where they directed us to pay money we should pay it; where the award was in favor of certain parties it should be paid; where they had objected to other classes it should be withheld, and that when we had fulfilled, so far as we could discover, the directions of the treaty, the stipulations to which we had consented, the award of the arbitrators, if any money should then be left over, it would belong, not to the American people as a nation, but to the nation who had paid it to us under what was evidently an error which we could not correct.

I began by the statement that there was no such thing as a national claim in this case. All that the United States as a government asked for and obtained under the treaty was the acknowledgment of regret on the part of the Queen of Great Britain that these losses had occurred through the negligence of her officials. That was accepted as the plaster for national wounds, and there was no money belonging to the Government of the United States as a government included in the sum that was received by us, but what we did receive was received

for a purpose. For what purpose? To distribute it. And what was to guide us in the distribution? The award made by those to whom we had submitted the question. And what was that award? Simply that certain classes of losses should be paid, for which Great Britain was held to be liable by reason of her negligence in enforcing her neutrality obligations or these new rules which were incorporated into the treaty of Washington for the first time and which she declared (and so far the United States assented to the proposition) were not international law prior to that time.

Three vessels were inculpated, together with their tenders; the rest were exculpated. I held that where the property, whether vessel property or merchandise laden upon vessels, belonged to American citizens and was destroyed by the inculpated cruisers, whether the claim was presented in behalf of the original owner or the underwriter who had lawfully insured it each was to be paid according to the terms of the award. I said that you were penalizing and stigmatizing the contract of insurance when you declared that a man who had fairly underwritten the loss of another was not subrogated to claim the rights of that other as if it had been a loss uninsured. could see no difference. I can see none now. I hold it to be a certain legal proposition in my mind that the right of the insurer to recover a loss he has fairly paid is just as lawful and protected by this treaty and our proceedings under it as the original loss to the owner of goods

Now, one step further. I never agreed that there should be payment for damages inflicted by the exculpated cruisers. This bill has not yet been discussed throughout. We are to-day upon an amendment pending upon a prior portion of the bill to that to which the honorable Senator has referred. Section 4 has been moved to be amended by the Senator from Massachusetts in one particular, which is to strike out the entire rights of the underwriters. That is the provision, that is the section, that is the class of facts to which my remarks the other day were addressed. I have no objection, however, to go further and consider a portion of the bill which the Senator has drawn attention to which was not under discussion, which was not reached, and that is the construction of the rest of this section from line 17 down to line 27.

I held (and I found that was the construction of some of my colleagues on the committee) that the losses here provided for within the lines which I have stated were not losses inflicted by exculpated cruisers, but they were losses inflicted by inculpated cruisers where the actual fact of the loss occurred within less than three miles or one marine league of the shore. There had been one or two cases in which the inculpated cruisers had cut out with their boats vessels too near the shore for them to approach and attack otherwise; and our own American court of commissioners of Alabama claims in considering those cases had for reasons of their own excluded claims for loss where the vessel had been destroyed by a boat, the destroyed vessel being within a marine league of the shore.

Mr. BLAINE. Why does the Senator exercise his discretion even in that case to which he attempts to whittle it down, and go behind

Mr. BAYARD. I will tell you why I go behind it if you can so style it. My information and intention in voting for this part of the bill was to prevent the exclusion from the consideration of our own commission and from payment, of the losses caused by an inculpated cruiser under the circumstances of the vessel destroyed being within three miles of the shore.

Mr. BLAINE. But still, if the honorable Senator will permit me,

under circumstances which the Geneva tribunal rejected.

Mr. BAYARD. Not at all. The Geneva tribunal did nothing of the kind.

Mr. BLAINE. Then the honorable Senator understands this— Mr. BAYARD. If the honorable Senator asks me a question, he must let me answer it.

Mr. BLAINE. I will be very liberal to the Senator I will give

him an hour if he wants.

Mr. BAYARD. If this debate shall not be conducted with courtesy will end it. The Senator called me into this debate just now and is compelling me against my will to repeat or restate the positions to the Senate did me the honor to listen a few days ago. is not a question of talking for triumph; it is talking for right; it is to deal justly with this fund in a manner consistent with the honor and reputation of this Government. That is the only object I have.

As to these insurers they are unknown to me. No one man of my

acquaintance, I believe, is to receive one farthing of this moneya bit of it. If I happen to know them, I am ignorant of the fact. On the bill that came up in 1873, I took the position I do to-day and

I think I am sustained in it.

I think I am sustained in it.

Now what I mean to say is this. The meaning and the effect of these lines from 17 to 27 on page 3, concluding the fourth section of the bill, and which as I say we have not yet approached the consideration of, is, in my apprehension, to relieve those parties who suffered from the inculpated cruisers where the loss occurred near shore; and my information is that in one or two cases ships lying close to the land were destroyed by boat expeditions from these confederate cruisers; but because the losses had not occurred strictly on what the Alabama commission—I am speaking now of the American commission—held to be the high seas, they proposed to exclude these parties from participation in this fund. The Geneva tribunal, according to

my construction of their award, did not intend to exclude parties who suffered in any way by the action of the three inculpated cruisers, whether the losses occurred near the shore or far at sea; but the Alabama commission have undertaken to discriminate and to say that the loss near shore should not be paid; it must have occurred on the high seas in order to be paid. I do not think that to be the construction of the award of the arbitrators at Geneva.

I hold that they provided that for any marine loss inflicted by the I hold that they provided that for any marine loss inflicted by the three named vessels, or the two named vessels for all the time of their sea service and the Shenandoah after she left the port of Melbourne and was refitted there, together with their tenders, Great Britain should be responsible; for the acts of the other cruisers she should not; and I have endeavored to shape my vote, and propose to shape it, from the beginning to the end, according to that doctrine. I propose to execute the award of the arbitrators according to the treaty and the plain meaning of the words they use; and if I can find no American citizens included in their award who in my judgment are entitled to receive that money for the purposes for which it was paid to us, I for one will vote to pay it back to Great Britain, for I do not think we can honestly and honorably hold it, belonging as it does to certain classes of our people; and if we cannot find those classes under the award, then I hold we have no right to the money.

Mr. BLAINE. Then, if I understand the honorable Senator, he supports the bill as it is reported from the Judiciary Committee but does not understand that it includes anything excent losses resulting it, from the beginning to the end, according to that doctrine. I pro-

does not understand that it includes anything except losses resulting

from the three inculpated cruisers.

Mr. BAYARD. Well, Mr. President, I have told the honorable Senator; we are discussing this bill seriatim in its provisions—

Mr. BLAINE. No, we are not discussing it by sections at all. We are discussing the whole subject embraced in it.

Mr. BAYARD. Well, Mr. President, the speech that I made a few days ago and for which I was arraigned in a loud tone by the honorable Senator from Maine as to the positions I took, was expressly upon the amendment of the Senator from Massachusetts, [Mr. HOAR,] to strike out the insurance companies.

Mr. BLAINE. The honorable Senator has taken quite a long time, and I understand him. Certainly I have no disposition to misrepresent him, and, therefore, I only ask him in order that I may not state him incorrectly—I understand him to support the bill of the Judiciary Committee, but that he does it with the interpretation that it gives no losses except those resulting from the three inculpated cruisces. Is that it? ers. Is that it?

Mr. BAYARD. I propose to vote for the payment of no money except to the classes pointed out by the Geneva tribunal as entitled

Mr. BLAINE. But still the honorable Senator supports this bill.
Mr. BAYARD. Oh, well, if it is any triumph to the honorable Senator to state my case, as I think unjustly, that is a different thing.
Mr. BLAINE. I certainly want no triumph about it. I am speak-

ing not for victory, as the Senator says; I am speaking for a cause which I have deeply at heart, for the commercial part of the United The honorable Senator made no exception to this bill, and when I asked him to state his position he goes through a quite lengthy argument to show what the bill itself directly contradicts, as the Senator from Ohio and the Senator from Illinois have conceded.

Mr. BAYARD. But the Senator from Delaware speaks for himself.

He has his own opinions and generally is very apt to follow them.

Mr. BLAINE. Yes; but the honorable Senator from Delaware appeared in a lengthy debate in support of this bill. It is not for me to peared in a lengthy debate in support of this bill. It is not for me to inquire, I have no right to inquire whether the honorable Senator voted in the Judiciary Committee to report it. I have no right to make that inquiry; but the honorable Senator from Delaware has appeared upon the floor of the Senate in an able, exhaustive, and lengthy argument supporting this bill; and when I have pointed out that the very ground on which he made his argument is contradicted point-blank in the letter of the bill—

Mr. BAYARD. May I interrupt the Senator as to a question of fact?
Mr. BAYARD. The only speech I have made on this bill and the only point of this bill to which my argument of two days ago was addressed was contained in the amendment offered by the Senator

sed was contained in the amendment offered by the Senator from Massachusetts which does not touch the language of the bill which the honorable Senator from Maine is now discussing. I will not say that in the principle of that argument the language which we have now under discussion was not to be affected. When we come to vote on this, then it will be time to see whether the principle which I have laid down is answered by this language or not. If it be not, I shall probably move to amend it to make it meet my views. I do not undertake to give the reasons of the honorable Senator from Illinois or the honorable Senator from Ohio; they are amply able to give their own. I should differ with them with a great deal of self-distrust; but I propose to follow my own mind and judgment in this case and I have tried to tell the Senator from Maine why I do it.

Mr. BLAINE. Very well, Mr. President, it comes back to this, that the Judiciary Committee have stood before this body and before the country as the strict upholders of the doctrine that the Congress of the United States has no right whatever to go behind the Geneva award. The columns of the old Globe, which, I believe, was in existence during the first discussion, and of the Congressional Record, are laden with the able arguments of the Senator from Ohio to prove vote on this, then it will be time to see whether the principle which

that very point. The honorable Senator from Illinois has made two able arguments this session to prove the same; the honorable Senator from Delaware the other day made a lengthy and able argument to prove it also. I do not know what other members of the Judiciary Committee are intending to speak on that side; but thus far the three members of the Judiciary Committee whom I have named, and the fourth I forgot, the very able argument of the honorable Senator from Arkansas, [Mr. GARLAND.]

Mr. BAYARD. And the Senator from Indiana [Mr. McDonald]

made an argument the other way.

Mr. BLAINE. Exactly; he moved a substitute. The honorable Senator from Indiana differed toto cælo from the whole doctrine. He was of the minority in that committee. But the four Senators who have spoken for that committee, the four Senators on that side of the Chamber who have spoken for it (if I can count the honorable Senator from Illinois as on that side of the Chamber) have all taken the ground I have named without making any exception whatever, and then, presto, change! when we come to read the bill it contradicts the ground on which those Senators champion it.

Mr. THURMAN. Where is the contradiction?
Mr. BLAINE. The contradiction is that, while you have maintained in such able and exhaustive arguments that we had no right to give one dollar of this fund, except as it was awarded at Geneva,

you can stand here arguing that it shall be given to a class of losses which was expressly excluded at Geneva.

Mr. THURMAN. Will the Senator allow me to say again—I thought I had stated it as clearly as it possibly could be stated before—that this bill does not propose to take from those men whose claims were allowed at Geneva one single senator and the stated in the senator and allowed at Geneva one single penny and give it to anybody else. It does not propose to divert from them one single dollar of this money. It proposes that they shall be paid first. And when they shall have been paid, if there is a surplus, then comes the question what shall be done with that.

Mr. BLAINE. And then with that we can do just as we please.
Mr. THURMAN. We can do with that just as we please undoubtedly, according to our own discretion; and what we do is in no wise inconsistent with the argument that the insurance companies, and not only the insurance companies, but those who were not insured and who lost by reason of the inculpated cruisers, are to be first paid.

There is no inconsistency in the bill at all, not the slightest.

Mr. BLAINE. I am willing to leave it just there.

Mr. THURMAN. So am I.

Mr. BLAINE. One other word and I have done. The ground on which the honorable Senator from Illinois quoted the remarkable language of Sir Alexander Cockburn was in aid of the argument that these were claims of citizens and not the claims of a nation, and when I read the letter which Caleb Cushing cited in his opinion, the letter of Mr. Fish, I was asked I think by the honorable Senator from Delaware whether that had ever been communicated to the tribunal, or whether they had ever made any mention of it. In answer to the honorable Senator from Delaware and all others who take that ground and who can quote as the honorable Senator from Illinois does the dissenting opinion of an angry representative of Great Britain, and whistle down the wind the mature deliberations of the American Secretary of State, to all those and to those who take like ground and especially to the honorable Senator from Delaware, I beg to read this quotation, and I say it with the more pleasure because of this much discussed and hackneyed and worn-out and threadbare discussion which has gone on ad nauseam for years. I do not remember to have heard or to have seen it quoted, but possibly I am in error. The argument of the American counsel says:

It has been assumed by many persons who were but partially acquainted with the history of the negotiations—

That language cannot have referred to any Senator of the United States of course, because it would have been discourteous to do so.

It has been assumed by many persons, who were but partially acquainted with the history of the negotiations, that the United States are contending before this tribunal to be indemnified for several independent series of injuries.

That is the ground of the Judiciary Committee to-day-the exact ground-

Where

Say the American counsel-

Whereas they do, in fact, ask reparation but for one series of injuries, namely, those which they, as a nation—

Will the honorable Senator from Delaware observe-

either directly or through their citizens, and the persons enjoying the protection of their flag, have suffered, by reason of the acts committed by the several vessels referred to in their case, which are generically known as the Alabama claims.

Mr. THURMAN. Will the Senator give me the page?
Mr. BLAINE. It is news to the honorable Senator.
Mr. THURMAN. No, not much. I have read it several times before; but I would like to have a reference to the page of the book.

fore; but I would like to have a reference to the page of the book.

Mr. BLAINE. If it is so familiar the Senator would not need direction. It is on page 159, volume 3, and it knocks entirely in the head the theory of the Judiciary Committee that we were dealing with several independent series of injuries.

Mr. THURMAN. From what page does the Senator read?

Mr. BLAINE. Page 189, volume 3, of the "Papers relating to the treaty of Washington." I do not want to add to that, I will leave that over night to the honorable Committee on the Judiciary to wrestle.

with. It is signed by "Morrison R. Waite, William M. Evarts, and Caleb Cushing," although I do not think that the latter's signature has an affidavit attached to it. [Laughter.]

Mr. JONES, of Florida. Mr. President—

Mr. CARPENTER rose

The PRESIDING OFFICER, (Mr. Burnside in the chair.) Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. CARPENTER. I ask the Senator to yield to a motion to go

into executive session.

Mr. JONES, of Florida. Certainly. Mr. CARPENTER. I move that the Senate proceed to the consideration of executive busines

eration of executive business.

The PRESIDING OFFICER. Before that is done—
Several SENATORS. Let us adjourn.

Mr. CARPENTER. I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. I suggest to the Senator to allow the Chair to lay the papers on his table before the Senate.

Mr. CARPENTER. Very well.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 1291) creating Yakima land district in Washington Territory—to the Committee on Public Lands.

A bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws—to the Committee on Military Affairs.

A bill (H. R. No. 591) for the relief of Eliza K. Ashby—to the Committee on Pensions

mittee on Pensions.

A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes—to the Committee on Indian Affairs.

A bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic Seas—to the Committee on Naval Affairs.

A bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes—to the Committee on Naval Affairs. and for other purposes—to the Committee on Naval Affairs.

The PRESIDING OFFICER. The Senator from Wisconsin moves

that the Senate adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 15, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

EVENING SESSION FOR FOREIGN AFFAIRS COMMITTEE.

Mr. COX. I ask, Mr. Speaker, by unanimous consent, that the House will give to the Foreign Affairs Committee an evening for the consideration of business coming from that committee are veining to the consideration of business coming from that committee, say next Friday evening week. We have been up with nearly all our business, having been diligent, and the House might therefore indulge us, as the Committee on Naval Affairs was indulged with an evening ses-

Mr. GARFIELD. What class of bills does the gentleman propose

Mr. GARFIELD. What class of bills does the gentleman propose to bring up?

Mr. COX. I propose to bring up the immigration bill. Immigration is coming in with unexampled force and numbers, at the rate of a thousand a day and more; and if the famine keeps on in Ireland, as it will, typhus will follow, and follow with immigration, as in 1847, into all parts of our own country. The hospitals at Hart's Island and the protective guards and aids at Castle Garden will be broken up, unless some action of Congress be taken. The decision of the Supreme Court demands Federal action. Unless it be had we will be at the mercy of all diseases coming from abroad, which follow famine, without protection at the gate-way of our immigration and commerce.

The SPEAKER pro tempore, (Mr. CARLISLE in the chair.) What is

the gentleman's request ?

Mr. COX. I ask to take up foreign affairs business on the Calendar Friday evening week, and that a session be set apart for the consideration of that business.

Mr. HUNTON. Friday evening week is already taken up for the business of the District of Columbia Committee.

Mr. COX. Say then Thursday evening week, that the House, at four o'clock and thirty minutes p. m., Thursday evening week, take a recess until seven o'clock and thirty minutes p. m., the evening session to be devoted to the consideration of matters reported from the Comto be devoted to the consideration of matters represent the mittee on Foreign Affairs.

Mr. CONGER. That is general; it includes all business of the Committee on Foreign Affairs.

The SPEAKER pro tempore. So the Chair understands the gentle-

man from New York

Mr. CONGER. The Committee on Foreign Affairs have taken | tion.

charge of a subject which always heretofore in Congress has been under the control of the Committee on Commerce.

Mr. COX. I will not bring up the Irish appropriation, then, if that

Mr. COX. I will not bring up the Irish appropriation, then, if that is the apprehension.

Mr. CONGER. The Committee on Foreign Affairs has taken charge of a subject which has always been committed to the Committee on Commerce—the subject of immigration. I do not know how they got possession of it. I think it had better come up in regular order.

Mr. COX. It was referred to the Committee on Foreign Affairs by vote of the House and by consent of the Committee on Commerce.

Mr. CONGER. I do not know how it got there.

Mr. CONGER. I do not know how it got there.

Mr. COX. Because of the peculiar exigency. Most of the provisions of the bill refer to foreign affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. CONGER. Let it come up in its regular order. More than one-quarter of it comes into Port Huron, where I live.

Mr. COX. My bill provides as well for that port and its portion of immigration.

The SPEAKER pro tempore. Does the gentleman object?

Mr. CONGER. Well, let it go.
The SPEAKER pro tempore. There is no objection, and it is so ordered.

Mr. GARFIELD. It is to be limited to that bill.
Mr. COX. Yes, if the gentleman so pleases.
The SPEAKER pro tempore. The order made is limited to that bill. COURTS IN COLORADO.

Mr. BELFORD. I move, Mr. Speaker, by unanimous consent that the bill (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado be taken from the Speaker's table and put on its passage at this time.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c. That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Deuver, on the first Tuesday in May and the first Tuesday in October in each year; at Pueblo, on the first Tuesday in March in each year; at Del Norte, on the first Tuesday in September in each year.

SEC. 2. Whenever the terms of the said circuit and district courts shall be held at the same time and place, grand and petit jurors summoned to attend in either of said courts may serve in the other of said courts, and but one grand or petit jury shall be summoned to attend on said courts at one and the same time: but this provision shall not prevent either of said courts from procuring the attendance of several panels of jurors successively, as the business of the courts may require.

SEC. 3. The records of the district court in the several divisions of the district of Colorado, as declared by the act approved February 15, 1579, entitled "An act to provide for holding terms of the circuit and district courts in the district of Colorado," shall be kept and retained in the clerk's office of the district court of Colorado; and the district court sitting at the places mentioned in this act, respectively, shall have jurisdiction of actions, civil and criminal, heretofore brought and now pending at any such place. Actions, suits, and proceedings pending and undetermined in the district court for the southern and western divisions, as declared by said act, of which a circuit court sitting at the same place for further proceedings therein and for final hearing or trial thereof.

SEC. 4. The act mentioned in the last section is repealed, but such repeal shall not affect the power of the courts to proceed according to the terms thereof in any action, suit, or proceeding now pending therein and undetermined, or according to the terms of this act.

Mr. YOUNG, of Tennessee. That is an important bill, and shoul

Mr. YOUNG, of Tennessee. That is an important bill, and should go to the Judiciary Committee.

Mr. SPRINGER. I hope the gentleman from Tennessee will not object. It relates only to terms of court in Colorado, and has been agreed to unanimously by the Committee on the Judiciary. It has been the universal custom in reference to such bills to allow them to been the universal custom in reference to such bills to allow them to be controlled by the local representation. If this goes to the Committee on the Judiciary and be compelled to wait the regular order for action the term of the court affected by the bill will be reached. Hence to accommodate the bar and court in that State this bill has been agreed upon by all the persons interested. I hope my friend from Tennessee will withdraw his objection.

Mr. YOUNG, of Tennessee. I do not see the chairman of the Ju-

diciary Committee present, but I am assured by the gentleman from Colorado that he has consulted that committee and the bill is approved by it. If that be so, of course I am satisfied.

Mr. HARRIS, of Virginia. In the absence of the chairman of the Committee on the Judiciary I have conferred with various members of the committee in the House, and all agree to the passage of the bill and its importance at this time. I hope my friend from Tennes-

see will withdraw his objection.

The SPEAKER pro tempore. The gentleman from Tennessee the Chair does not understand as objecting, but only suggesting that the matter go to the Committee on the Judiciary.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third

time, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

ABSENTEE SHAWNEE LANDS.

Mr. HASKELL. I ask unanimous consent to take from the House Calendar the bill No. 1197, with amendment, for present consideraMr. CONVERSE. I would like to know if this bill has been reported

Mr. CONVERSE. I would like to know if this bill has been reported by any committee.

Mr. HASKELL. It has been before the Committee on Indian Affairs and is the unanimous report of that committee. I have a letter from the Secretary of the Interior, and also from the Commissioner of Indian Affairs, asking for its early consideration. It only affects three settlers upon these lands. A similar bill was passed by the House in the Forty-fifth Congress, but failed from want of time in the Senate. The SPEAKER pro tempore. The bill will be read.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes.

Be it enacted, &c., That the provisions of the joint resolution approved April 7, 1869, for the relief of the settlers upon the absentee Shawnee lands in Kansas, be, and they hereby are, extended so as to allow any bona fide settler now occupying said lands, and having made improvements thereon, or the heirs-at-law of such, who is a citizen of the United States, or who has declared his intention to become such according to the naturalization laws, to purchase for cash the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at not less than \$2.50 per acre, at any time within one year after the passage of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and that any lands not claimed by such settlers at the expiration of that period shall be offered at public sale at the minimum rate of \$2.50 per acre, notice of such sale to be given by public advertisement of not less than thirty days; and, further, that any tracts not then sold shall be thereafter subject to private entry at the same minimum.

The SPEAKER pro tempore. The amendment will be read

The SPEAKER pro tempore. The amendment will be read. The Clerk read as follows:

It is proposed to amend by adding the following provise:

Provided, however, That the proceeds of lands sold shall be applied in accordance with the provisions of the treaty between the United States and the said Shawnee Indians, proclaimed November 2, 1854.

The SPEAKER pro tempore. The question is on the amendments reported from the committee.

The amendments were concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

fable.

The latter motion was agreed to.

CONSTRUCTION FUND FOR THE NAVY.

I now demand the regular order.

The SPEAKER pro tempore. The regular order is the unfinished business coming over from the session of last evening. Under the twenty-fourth rule ordinarily the morning hour would be the regular order; but the main question having been ordered on these bills they take precedence of the morning hour. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. No. 3983) to provide a permanent construction fund for the Navy and for other purpos

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the

bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER pro tempore. Unless there be a motion to amend the title it will be considered as agreed to.

Mr. WHITTHORNE. I move to strike out in the title of the bill the word "permanent," so it will read: "A bill to provide a construction fund for the Navy," &c.

The title, as amended, was agreed to.

Mr. WHITTHORNE moved to reconsider the vote by which the

title of the bill was amended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPEDITION TO THE ARCTIC SEAS.

The SPEAKER pro tempore. The Clerk will report the title of the next bill on which the main question has been ordered.

The Clerk read as follows:

A bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESOLUTIONS IN RELATION TO PRINTING.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to take from the Speaker's table some House resolutions with Senate amendments, and some concurrent resolutions relative to printing, and have them referred to the Committee on Printing. I hope the gentleman from Missouri will withdraw his demand for the regular order for a few moments to allow these references to be read.

Mr. WELLS. I will yield for that purpose

Mr. WELLS. I will yield for that purpose.

The SPEAKER pro tempore. The Clerk will read the resolutions to which the gentleman from Mississippi refers.

The Clerk read as follows:

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

[Senate joint resolution No. 100.]

[Senate joint resolution No. 100.]

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer under the direction of the Joint Committee on Public Printing, and 2,500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.

EULOGIES ON THE LATE SENATOR HOUSTON.

(Senate joint resolution No. 91.1

That 12,000 copies of the proceedings connected with the funeral of and eulogies delivered in the Senate and in the House of Representatives upon the late George S. Houston be printed, 8,000 for the use of the House of Representatives, and 4,000 for the use of the Senate; and that the sum of \$500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the expense of procuring a portrait of the late Mr. Houston, under the direction of the Secretary of the Treasury.

SMITHSONIAN REPORT.

Resolved by the Senate, (the House of Representatives concurring,) That 10.500 copies of the Report of the Smithsonian Institution for the year 1879 be printed, 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 copies for the use of the Smithsonian Institu-

AGRICULTURAL REPORT FOR 1879.

AGRICULTURAL REPORT FOR 1879.

Besolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for 1879; 220,000 copies for the use of members of the House, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The Senate amendments are as follows:
In line 5, strike out "220" and insert "194."
In line 7, strike out "50" and insert "76."

REPORT ON BEET SUGAR.

REPORT ON BEET SUGAR.

Resolved, That there be printed 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. William G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture February —, in pursuance of a resolution of the House of Representatives; of this number, 15,200 copies shall be for the use of the House of Representatives, 3,800 for the Senate, and 1,000 for the Department of Agriculture.

The Senate amendments are as follows:
In line 9, strike out "15" and insert "14."

In line 10, strike out "3" and insert "4."

The SPEAKER pro tempore. If there be no objection the several resolutions read by the Clerk will be referred to the Joint Committee

There was no objection, and it was ordered accordingly.

Mr. SINGLETON, of Mississippi. I think there is another resolution, No. 56, authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army, which I would like also to have referred.

The SPEAKER pro tempore. The Chair is informed that the resolution to which the gentleman refers is not among the papers on the

Speaker's table.

LEAVE TO PRINT.

Mr. McCOID. I ask leave to insert certain sections of the Revised Statutes in my remarks of last Saturday, not incorporated at the time.

There was no objection. [The speech referred to will be found in

the Appendix.]

ENROLLED BILLS SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:
An act (H. R. No. 253) to increase the pension of Captain Samuel
C. Schoyer.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878.

ORDER OF BUSINESS

Mr. WELLS. I now demand the regular order. The SPEAKER pro tempore. The regular order will be the morn-

ing hour.

Mr. WELLS. I move to dispense with the morning hour to go on with the consideration of the Indian appropriation bill.

The question being taken, the motion was agreed to, (two-thirds-voting in favor thereof,) and the morning hour was dispensed with.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WHITTHORNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of resuming the consideration of the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes. When the committee was last in session an amendment offered by the gentleman from Kansas [Mr. HASKELL] was being considered.—The Clerk will report it.

The Clerk read the pending paragraph, as follows:

Cheyennes and Arapahoes:
For thirteenth of thirty installments provided to be expended under the tenth article of treaty of October 28, 1867, \$20,000.
For purchase of clothing, as per same article, \$14,000.

To which Mr. HASKELL had moved the following amendment:

In the latter clause strike out "14,000" and insert "19,000;" so that it will read: "For purchase of clothing, as per same article, \$19,000."

Mr. BAYNE. Does not the point of order lie against that amend-

The CHAIRMAN. It is too late to make the point of order, the amendment having been discussed for some time.

The question being taken, there were ayes 20, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following

For settlement, support, and civilization of Kickapoo Indians in the Indian Territory, lately removed from Mexico, and such as may remove, \$4,500; in all, \$9,179.05,

Mr. BAKER. I offer the following amendment:

In lines 425 and 426 strike out "\$4,500" and insert "\$6,000."

During the last few years for those three hundred and ninety Indians Congress has found it necessary to appropriate the sum of \$8,000. For some reason that I am not able to comprehend that sum of \$8,000 has been reduced in this bill to \$4,500.

I am informed by the Department, and I think it will be evident to the House, that the sum of \$10 for the support and maintenance to the House, that the sum of \$10 for the support and maintenance of each of these Indians is entirely inadequate. I am satisfied that the least sum with which the Department will be able to get along, and supply in any fashion at all the wants of these Indians, will be \$6,000, and then it will be \$2,000 less than that appropriated for the current year, and \$2,000 less than for the preceding year.

I desire to say further that the estimate as originally sent by the Department to the House and the Committee on Appropriations called for \$8,000. I do not see, Mr. Chairman, how the Department can furnish any reasonable amount of subsistence supplies to these four hun-

for \$8,000. I do not see, Mr. Chairman, now the Department can turnish any reasonable amount of subsistence supplies to these four hundred Indians with the sum of \$4,500. In the interest of the service I trust that this increase of \$1,500 may be made.

Mr. WELLS. I will state that the Book of Estimates asks an appropriation of \$8,000 for this purpose. After consultation with the Department the sub-committee who have charge of this bill concluded that \$4,500 would be sufficient. There are very few Indians provided for by this item, and they have annuities or interest on trust funds amounting to about the same sum of money. After full consultation by the sub-committee with the Department, the amount of \$4,500 was agreed upon and placed in the bill. I hope the amend-

ment will not be adopted.

Mr. HUBBELL. I think the gentleman from Missouri is, perhaps, Mr. HUBBELL. I think the gentleman from Missouri is, pernaps, mistaken. I did not so understand the Department with regard to this item. The Department, so far as I know, have claimed all the time that the sum allowed by the sub-committee was not sufficient, and furnished me some time since with a statement showing the reasons why it was not sufficient, and I did not understand that for a moment the Department was satisfied with the sum named in this bill. I have attempted on several occasions to get it up to what the Department desired and what I thought was necessary for that service.

Mr. BLOUNT. I move to strike out the last word.

I trust there will be no change at all in this appropriation. The sum of money appropriated here for this purpose is the same in amount that it has been for several years. This is not a treaty obligation at all.

at all.

Mr. BAKER. Will the gentleman yield to me a moment?

Mr. BLOUNT. I cannot yield to the gentleman.

Mr. BAKER. The gentleman is making a statement of fact—

Mr. BLOUNT. I hope the gentleman, if he desires to contradict my statement, will do so in his own time, and allow me to proceed.

I have taken occasion to examine this point, and find it is not under treaty stipulation that this sum of money is paid. The appropriation in the preceding paragraph is in accordance with treaty and in full compliance with treaty, but the second appropriation is not; and it is the amount appropriated for several years. I am in favor of not augmenting our expenditures on Indians beyond what our contracts are, and I trust that the House will see fit to stand by what has been done in past years, at least, and not multiply these contributions to done in past years, at least, and not multiply these contributions to

Mr. BAKER. I cannot permit the statement of fact made by the gentleman from Georgia to go uncontradicted. The gentleman states, as I understood him, that the amount appropriated for this purpose in this bill is the same as it has been for several years. I read now from the bill of last year which I hold in my hand:

For settlement, support, and civilization of Kickapoo Indians in the Indian Territory, lately removed from Mexico, and such as may remove hereafter, \$8,000; in all, \$12,679.25.

Instead of \$9,179.05. That is the appropriation that has been made in past years. These Kickapoos are a portion of that tribe that many years ago went into Mexico. They have removed from Mexico into this country. They are in a poor and necessitous condition. If we want to preserve peace with these Indians, we must at least give them supplies enough that they will not go with hungry bellies. An Indian with a hungry belly has very little idea of keeping the peace.

Mr. PAGE. Strike out "belly" and put in "stomach." [Laughter.]
Mr. BAKER. Very well, if the gentleman desires it. Then another
thing: it appears from the report which I hold in my hand that the crops of these Indians failed last year, and that makes this amend-

erops of these Indians failed last year, and that makes this amendment the more necessary.

[Here the hammer fell.]

Mr. BLOUNT. I withdraw my formal amendment, and move to strike out the last two words, for the purpose of saying that my friend from Indiana, [Mr. BAKER,] in endeavoring to demonstrate that there was a treaty stipulation as to this last amount, argues that because on a former occasion these two sums of money were together in one item, therefore the treaty stipulates for the appropriation of this sum. The estimates before the House disclose the fact that one item sum. The estimates before the House disclose the fact that the term is called for by treaty stipulation, and the other, the item now under consideration, is called for because of a precedent in a former appropriation bill. I now withdraw my formal amendment.

The question was taken upon the amendment moved by Mr. Baker;

and upon a division there were—ayes 70, noes 73.

Mr. BAKER. The vote is so close that I think we had better have

Tellers were ordered; and Mr. BAKER and Mr. WELLS were appointed.

The committee again divided; and the tellers reported that there were—ayes 75, noes 85.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following:

For interest on \$69,120, at 5 per cent. per annum, being value of fifty-four sections of land set apart by treaty of June 2, 1525, for educational purposes, per Senate resolution of January 9, 1836, \$3,456;

For interest on \$300,000, at 5 per cent. per annum, to be paid semi-annually, in money or such articles as the Secretary of the Interior may direct, as per first article of treaty of September 29, 1865, \$15,000; in all, \$18,456.

The following amendment was reported from the Committee on Appropriations, to be inserted after the paragraph last read:

For this amount, to be expended for the Osage Indians, in accordance with section 12 of the act approved July 15, 1870, being interest at 5 per cent. from March 1, 1880, to March 1, 1881, as provided for by section 2 of the act approved May 9, 1872, on \$1,594,479.24, being the net avail of Osage trust and diminished-reserve lands sold by the United States prior to March 1, 1880, \$79,723.96. And the second provision of the second section of the act of May 9, 1872, an act entitled "An act for the relief of settlers on the Osage lands in the State of Kansas," is hereby so amended as to read "July 1" instead of "March 1," as the day of each year after which interest upon sales shall be calculated.

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following:

Sioux of different tribes, including Santee Sioux of Nebraska:

For eleventh of thirty installments, to purchase clothing for males over fourteen years of age, for flannel, hose, and calico, and domestics for females over twelve years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, \$130,000.

Mr. BAKER. I move to amend the last paragraph read by striking out "\$130,000" and inserting "\$150,000." I desire to say that \$130,000 was appropriated last year for this purpose, and it is found to be insufficient.

The treaty stipulation under which this appropriation is required is the tenth article of the treaty of 1868, continued in force by the supplemental treaty of 1877. That article requires that we shall furnish each male of these Indians with a suit of clothes, consisting of a coat, pantaloons, flannel shirt, hat, and a pair of home-made

Now, to show the inconsistency with which this bill is prepared, let me call the attention of the Committee of the Whole to the provision made on page 16 of this bill for the Crows, giving \$8,000 to supply clothing for six hundred Crows, or the sum of \$12.50 each. Now, here are 21,611 Sioux who are to be furnished with clothing. At the same rate adopted by this committee for the Crows under a treaty provision identically the same, that is \$12.50 a head, thereshould be appropriated in this item the sum of \$250,000 instead of \$130,000. Now, why is it that for these warlike Sioux we appropriate the paltry sum of \$5.50 each for clothing, when every man in his with knows

Now, why is it that for these warrise slots we appropriate the partry sum of \$5.50 each for clothing, when every man in his wits knows that it is utterly impossible to purchase such a suit of clothes as each one is entitled to receive under the treaty stipulation for any such sum of money as that? I would like to have some explanation of how it happens that under a treaty stipulation identically the same as this it is proposed to appropriate \$12.50 each for the peaceable Crows and less than half that sum is appropriated for the warlike and savage Sioux whom we ought to endeavor to keep quiet and peaceable. There ought to be some consistency in this bill.

But apart from that, it has been found by experience during the last twelve months that the sum of \$130,000 is not sufficient to supply these Indians with the amount of clothing to which they are

ply these Indians with the amount of clothing to which they are entitled under the treaty. And the Department has assured me that the amount estimated for, \$150,000, is the least for which they can supply these Indians with the necessary clothing.

Mr. WELLS. The amount appropriated by this bill for this purpose is the same amount which was appropriated last year, and I believe that it is fully sufficient. The gentleman from Indiana, [Mr. Baker,] as well as other gentlemen on this floor who have given this matter any attention whatever, knows that the wild Indians of the Sioux Nation will not wear this clothing if you give it to them. They will tear up their pantaloons and use them for leggings or sell them

for rum. The other Indians referred to by the gentleman as receiving a larger appropriation for clothing are more civilized and will wear their clothing when given to them. Most of these Sioux are wild Indians and prefer blankets. In my opinion the sum here proposed is sufficient for the purpose. We have had no estimate from the Departments of a deficiency last year on account of the appropriation being only \$130,000, and the Committee on Appropriations believe that under the circumstances that sum is sufficient.

Mr. HUBBELL. Mr. Chairman— Mr. WELLS. I believe the gentleman from Michigan [Mr. HUB-BELL] now on his feet agreed with me on the sub-committee in regard to this item.

Mr. HUBBELL. I had forgotten that I had agreed with the gentleman as he states, for I gave notice in committee that I would move the amendment; and the reason I did not take charge of this matter was that my voice troubled me so that I was not able to do it.

The argument which the gentleman uses seems to me preposterous. He says there are treaty stipulations requiring that we shall give these Indians certain articles—a suit of clothes for instance. They are a warlike tribe of Indians and we are attempting to civilize them. If any member of the committee will take the reports of the agents of these tribes and read them carefully, as I have done, he will see that we have made rapid advances toward civilizing these warlike Sioux. Now, we have by treaty agreed to furnish them with certain articles; and the reason given by the gentleman from Missouri [Mr. Wells] why these articles ought not to be furnished is that if we furnish them good articles the Indians will trade them for rum. How

does that affect the question? Does it affect our obligation in any way whatever? We are attempting to civilize these Indians, and unless we keep faith with them we must fight them.

The additional amount asked for here is \$20,000. Why is it asked? If the price of cotton goods and other articles had not advanced, we could with \$130,000 have fulfilled our treaty stipulations; but the advance in the price of goods has made it necessary that the Depart. advance in the price of goods has made it necessary that the Department should have \$20,000 more if we propose to do what we have agreed to do. For my part I can see no reason why this amendment

should not be adopted.

Mr. BLOUNT. As the gentleman from Missouri has already stated, the fact that some of these Indians are not so thoroughly civilized as others accounts for the difference in the estimates for the different tribes. This inconsistency the gentleman from Indiana [Mr. Baker] seems to think outrageous and inexplicable. Yet last year the gentleman himself, concurring with a unanimous sub-committee, reported the Indian appropriation bill; and that bill embraced this identical inconsistency.

In my judgment, as regards these Indians and their treaty stipulations there is not the slightest cause of complaint against us. Since the treaty of 1863 there has been an agreement under which we were to furnish them a large sum of money for purposes of civilization. In 1877 we gave them \$1,000,000; in 1878, \$1,125,000; in 1879, \$1,125,000; and for this year, \$1,025,000; on condition that these Indians were to resort to labor and to the methods of self-support adopted by civil-

ized people.

We have from year to year been voting hundreds of thousands of dollars to these Indians, when we might very well have said, "You endollars to these indians, when we might very well have said, "rou entered into a treaty obligation with us that you would go upon your reservations and labor; and you are standing in open defiance of those treaties." They are to-day and have been for years yiolating their treaty obligations; yet we, in careful regard for our obligations, have been continuing to vote these sums of money from year to year. There is not the slightest wrong or injustice done to them.

As to this item of clothing, what evidence have we that these estimates are correct? We have a simple statement that more money is wanted on account of the increase in the price of goods, nothing more than this bare statement, upon which we are asked to vote thousands of dollars additional for this item. This estimate does not even come here in a regular way. The estimates upon which we are thousands of dollars additional for this item. This estimate does not even come here in a regular way. The estimates upon which we act come from the Treasury Department; they are official documents. Then afterward supplemental estimates, without details, without any statement as to the number of Indians, the cost of clothing, or anything of that sort, come in. I trust the Committee of the Whole do not intend to make increases in this way, especially when we are giving to these Indians hundreds of thousands of dollars which we might

withhold without any violation of treaty obligations.

Mr. HISCOCK. Will the gentleman point out a single treaty provision that these Indians have violated? I do not want any general declaration, but I wish him to call the attention of the committee to a single article in any treaty, either the first or a supplemental treaty, which these Indians have violated.

Mr. BLOUNT. If the gentleman will turn to the Statutes at Large, volume 19, page 256, he will find there—
Mr. HISCOCK. That is too indefinite; I cannot read through that

volume

Mr. BLOUNT. Nor can I in five minutes' debate.
Mr. HISCOCK. When the gentleman charges that these Indians have violated a treaty provision which justifies Congress in withhold-

Mr. BLOUNT. I do not charge that this volume of the statutes shows a violation of the treaty; but the treaty as here given provides that a certain sum of money shall be given to these Indians on condi-

tion that they shall enter into agricultural pursuits; and the report of the Commissioner of Indian Affairs shows that but few of them have

Mr. HASKELL. There is one point which I desire to make clear upon this question of estimates. It has been intimated here time and again that the amendments moved by the gentleman from Indiana [Mr. Baker] are not authorized by the Department. Now, I want to say that the supplemental estimate on which all these amendments say that the supplemental estimate on which all these amendments have been based was sent to the Committee on Appropriations by the Secretary of the Interior, the first estimate on the 16th of March; the second, a full supplemental official estimate, reached the committee on the 25th of March; and the Secretary of the Interior holds the official receipt of the clerk of the committee. Those estimates are there; the figures are there; they have been officially stated to this House; and I do not care to have it said again that gentlemen on this side of the House, who are asking the treaty stipulations with these Indians shall be carried out, come in here without any backing, without any official authority. figures, without any official authority.

Moreover, Mr. Chairman, this matter concerns the two best agen-

cies, showing the best improvement, the highest degree of civiliza-tion in the time which has elapsed since they were put under civilizino in the time which has elapsed since they were put under civilizing influences, of any tribe in the United States. Spotted Tail and Red Cloud have kept their men to every line and letter of that treaty, every hour since it was entered into. Every dollar's worth of supplies going into those agencies are carted there by the Indians, those who nearly three years since were upon the war-path with blanket and knife. They are at work; they are engaged in agricultural pursuits, advancing just as fast if not more rapidly than any other tribe which has ever engaged in them. The Sioux tribe stands to-day as a living monument attesting the success of that administration of

Indian affairs.

Indian affairs.

If in other localities, if with other tribes, there have been failures, there has been a grand success here. They are there under treaty stipulations requiring so many articles of clothing, so many pounds of meat, so many pounds of sugar, so much provisions under treaty stipulations, and yet this committee refuses to give the money to enforce the fulfillment of the law.

I do not care much, personally, whether this amendment fails or not, but I want the record made, for in the years which are to come, if this policy is pursued, when an Indian war is taking from the Treasury millions of dollars, when the blood of slaughtered settlers upon the frontier is demanding the avenging and protecting hand of the ary millions of dollars, when the blood of slaughtered settlers upon the frontier is demanding the avenging and protecting hand of the Government, then I want to be able to turn over to the pages of this record here in this House of Representatives, and be able to say as I will, that upon the head of this committee, upon the heads of the members of this House, rest down with all its great responsibilities the cause of that outbreak. Your committee have had under consideration the Ute question; and we learn that there the failure of the House to pass the appropriation bill two years since, and in consequence the failure of the Indians to get their supplies in time, was one of the leading causes of the Ute war. All I want is the record. I leave the settlement of this question to the vote of the House.

Here the hammer fell.

The question recurred on Mr. Baker's amendment.
The committee divided; and there were—ayes 66, noes 57.
Mr. BLOUNT demanded tellers.

Tellers were ordered; and Mr. BAKER and Mr. Wells were appointed. The committee again divided; and the tellers reported-ayes 74, noes 70.

So the amendment was agreed to.

The Clerk read as follows:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, including the cost of transporting supplies for the Red Cloud and Spotted Tail Sioux Indians from the Missouri River, and Sidney, Nebraska, or Cheyenne, Wyoming, \$1,000,000.

Mr. BAKER. I move to add \$95,000 in line 855, so the item will

Air. BAKER. I move to add \$55,000 in the creat, \$1,095,000.

Mr. Chairman, the sum of \$1,095,000 was appropriated for the current fiscal year in order to carry out the treaty stipulations we have entered into with these Indians. There are 21,711 of these Sioux Indians, and by the fifth article of the supplemental agreement with them they are entitled to a ration for each one substantially the same that we furnish to our Army. I have not the time or I would read the article for the purpose of showing that.

Mr. BLOUNT. What article does the gentleman refer to.

Mr. BAKER. I refer to article 5 of the supplemental agreement

with these Sioux Indians. Now, sir, for the purchase of these rations in the Army bill, we have allowed the sum of twenty cents per ration. in the Army bill, we have allowed the sum of twenty cents per ration. If we allow the same amount of money to purchase rations for the Indians that we do for our soldiers (and we are bound by treaty to do it) it would cost \$1,584,000. We fail to appropriate enough to purchase the rations for these Indians stipulated for by this supplemental treaty. I confess, Mr. Chairman, I do not apprehend what a legislative body is thinking about when they undertake a solemn treaty obligation providing for supplying certain rations to these savage Indians, the amount specific in kind and quantity, when it is a matter of pure figures to ascertain how much these rations will come to—I say I cannot understand what a legislative body is about when it will undertake to say it will appropriate twenty cents a ration in order to feed white men, and for the same ration to go to the

red man it will appropriate only one cent more than one-half of that amount. I do not know what other people may call it, but I confess ti seems to me an open invitation to these red men to go upon the war-path, an open notification that the highest legislative body of this country solemnly resolves it will violate the treaty stipulations which touch the very subsistence of these Indians.

I do not care, Mr. Chairman, personally very much whether this

amendment is agreed to or not. If the majority in this House feel they can assume the responsibility of saying that they will appropriate only a cent more than one-half of what is required to purchase a ration such as would be needed for white men, they can do it.

[Here the hammer fell.]
Mr. BLOUNT. Mr. Chairman, I protest against the idea that the gentleman from Indiana should be the only apostle here on the subject of good faith with the Indians or with anybody else. He assumes that this House or some part of it is willing to violate solemn faith with the Indian tribes, and takes this item in the appropriation bill as an instance of it. Now, sir, if the gentleman will quit his sermonizing and address himself to the statute, the House, I think, would likely derive more information from him. I read now from the very statute which the gentleman claims we are violating. Article 5 of this treaty provides:

Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those who labor, (the aged, sick, and infirm excepted.)

We are informed by the Commissioner of Indian Affairs that these Indians are located upon arable lands. Large numbers of them are not at work. The gentleman from Indiana says, take the food from them and keep them off the war-path! We entered into a solemn treaty with them to aid them in their advance toward civilization; but that was based upon a recognized agreement that they should labor to support themselves, but when they refused to labor we had the right to withhold supplies from them. It is not claimed that they are at work. The proposition of the Committee on Appropriations is, that as a great body of the Indians are not at work—some of them are, but a large majority are not—and being officially informed that they are on arable lands-I say the proposition of the committee is, that, in view of these facts, the full amount of the supplies they would be entitled to under other conditions shall not be given to them. They have not complied with their obligations, and, for one, I propose to stand by this treaty to compel them to go to work, and not let them stand before the country with a continued threat of the tomahawk. We compel our own citizens to a strict obedience to the law, and I propose to give it force there as well as elsewhere, and that we shall not continue from time to time to vote money, until they do comply with the requirements of the law.

We have given, Mr. Chairman, already more than could be legitimately claimed under the contract. We have given \$1,000,000 when we might have halved it, and I trust, sir, this House is not prepared to vote away these sums of money under the threat of the tomahawk or this clamor in the House about this alleged violation of treaty ob-

ligations. I hope, sir, the amendment will not be adopted.

Mr. HISCOCK. Mr. Chairman, while I concede in this matter that some discretion should be exercised as to the amount to be voted for the rations of these Indians and the number of rations to be issued under the treaty, I ask the gentleman from Georgia to furnish this House with any information which he has or which the Committee on Appropriations has which justifies the reduction in the number of these rations to the extent made by the committee. I ask them to show me any warrant for this reduction. On the contrary the Department has furnished to them an estimate which is covered by the amendment of the gentleman from Indiana.

And I insist, so far as this case is concerned, this reduction is made arbitrarily; that there is no warrant for it in the estimate of the Department or in the facts of the case. It is founded upon no arithmetical calculation. I ask the gentleman having charge of this bill what evidence he has to justify it; what evidence has been furnished to him by the Department that this reduction can be or ought to be made? And unless it is upon some evidence that it can be made with propriety, then we are willfully and arbitrarily violating this provision of the treaty we solemnly entered into with these savage tribes.

Mr. ATKINS. I would like to ask the gentleman if there was a

deficiency last year?

Mr. HISCOCK. I am not able to say; I do not know whether there was or not; but there was \$95,000 appropriated last year more than the amount contained in the present appropriation. I say that this appropriation bill cuts down the appropriations that much and cuts down the estimates made by the Department for this year. As has been suggested by gentlemen around me here, I understand that there has been an advance in the price of provisions and that these rations are to cost more now than they did last year. I also understand that there was no surplus of the appropriation for last year left over and covered into the Treasury.

Now, there were concessions made by the savages when they parted

with the lands they were in possession of and agreed to go upon certain reservations. There were concessions on both sides; but these Indians are the wards of the nation and are dependent upon the fulfillment of the treaty stipulations for their support. They are dependent upon the bounty we are bound to give them. Gentlemen

come in here without rhyme or reason and refuse to carry out these obligations. They refuse arbitrarily to comply with these treaty stipulations. I hold that this failure to comply with the treaty is an open, willful violation, which to some extent justifies these men in going

on the war-path.

Mr. VALENTINE. I move to strike out the last word. I hope the amendment of the gentleman from Indiana will prevail. It is but just and right that it should be adopted.

The Committee on Appropriations say there is a discretion as to the amount to be appropriated for this purpose. But that discretion is not vested in this House or in this Congress, but should be left with the authorities and with the Indian Department.

These Indians are now doing quite well. They are rapidly improv-

ing in civilization. These agencies are immediately north of my own State, and it is the great interest of the people of Nebraska that the Government on its part should maintain the treaty that they have made with these Indians. As I have said, they are to-day, and have been since they have been moved to the new agencies, doing very well.

The gentleman from Georgia says they have information that a large

number of the Indians are not at work. When they were first moved there but few if any of them worked; but they are gradually being taught the art of agriculture, and with each month more and more of

them become laborers.

Mr. ATKINS. Will the gentleman allow me to ask him a question?
Mr. VALENTINE. Yes, sir.
Mr. ATKINS. If these Indians are doing so well on the appropria-

tion for this year, why will not the same appropriation do for next

Mr. VALENTINE. I am informed the amount proposed to be appropriated for next year is \$95,000 less than was appropriated for the current year. Now, supposing these Indians are only a part of them at work and a thousand more of them become laborers and Congress has refused an appropriation, they will have to work a year without rations. Let us give to the Indian Department a sufficient sum to carry out the treaty as made with them for each and every one of them. And if they do not perform their part of the treaty it will then be the duty of the Commissioner of Indian Affairs to withhold from them this amount and it will be covered back into the Treasury.

The gentleman from Tennessee [Mr. ATKINS] has asked why, if

they have done well the present year on the appropriation Congress made for them, the same appropriation should not be continued? Why, sir, that is all that is asked. This amendment only proposes to give what the Book of Estimates asked for, and nothing more.

The War Department asked Congress for \$50,000 to erect a post, and

that post is now being built between the white settlements and these Indians. You see, therefore, the War Department feels it necessary to be ready at all times to protect the settlers from these Indians. If Congress will do its duty toward them I believe we will have no trouble with them at all, and I sincerely trust this House will vote every dollar the Department asks for. It is right, and it should be

Mr. WELLS. We are appropriating for those Indians \$1,382,000, over one-fourth of the whole amount appropriated for the Indian service. What governed the committee, as I understand, in reducing this appropriation \$95,000 was this: We are advised that these Indians are on the reservations and largely engaged in cultivating the soil, and that this year they will plant a large number of acres with cereals as well as vegetables, which certainly will go far to support them and maintain them during the coming year. Further than that, the Government has provided them largely with cattle and sheep.

It is time Congress should take some steps in the direction of reducing the amount of appropriation for feeding the different tribes of Indians where we provide them all the agricultural implements necessary to cultivate the soil, together with farmers and laborers to assist in educating them in that labor. If we go on from year to year appropriating the same amount there is no inducement to them to be self-sustaining and to cultivate the soil which they have in abundance around them. I believe it to be the duty of the Department

and of Congress to make their agents educate these Indians to be more self-sustaining than they have been in the past.

I believe \$1,000,000 for the purpose here indicated will be sufficient during the coming year. If found not to be sufficient, it will be very easy to pass a deficiency bill in due season. I hope the Committee of the Whole will stand by the bill as reported. The amount, if my memory serves me, was unanimously fixed at \$1,000,000 in committee.

Mr. BAKER. My colleague on the committee from Missouri will pardon me. I trust I am not revealing any secrets when I say the gentleman from Missouri himself and his colleague on the sub-committee agreed to the sum of \$1,095,000 and reported that amount to the full committee.

Mr. WELLS. Yes, sir; but when it went to the full committee, after full discussion there, the amount was placed at \$1,000,000. I voted for that, and according to my recollection my colleague on the sub-committee also voted in the same way.

Mr. GARFIELD. I renew the formal amendment.

I sympathize in almost every effort to cut down an Indian bill as a rule; but there is one class of items in an Indian bill which it is always unsafe and extremely unwise to cut down; that is, the items to fulfill treaty stimulations.

to fulfill treaty stipulations.

Now, gentlemen on the other side-there should be no side on a

question of this nature, I mean the gentlemen who take the side opposite to that of the gentleman from Indiana [Mr. Baker] who moves posite to that of the gentleman from Indiana [Mr. Baker] who moves this amendment—say they think this is enough. I put this question to them: Is Congress the proper judge of how to execute a treaty made by Executive authority? That is the whole question. The treaty-making power of this country made a treaty, that is only three years old, by which twenty thousand wild Sioux that were fighting our pioneers were placated and settled; the terms being adjusted on the basis of estimates by the officers of the Army, and finally the officers of the Executive Department.

And we are now told all around that these wild fighting Indians And we are now told all around that these wild fighting Indians are becoming more quiet, more civilized, and more peaceable. Yet it is proposed, right in the midst of this, when we have pursued this policy for only two years, that we shall cut down the sum that was all used up last year; there was no deficiency, but there was no surplus. And now it is proposed that Congress, against the recommendations of the Executive Department, shall cut down the appropriation by the sum of \$95,000. Goods are higher now than they were last year, transportation is higher now, and the prices of everything are higher. Yet by a mere arbitrary guess the Committee on Appropriations proposes to cut down this appropriation by the sum of \$95,000, an appropriation made for that very perilous tribe of Indians who have in the past made us so much trouble, and who are liable to make us so much trouble in the future.

make us so much trouble in the future.

If we do this, gentlemen, then the Administration cannot be held responsible for the consequences, and we have no right to ask them to be responsible. If a war breaks out in consequence of this it will be our fault, if we violate the treaty; and if our pioneers are scalped and murdered, those who are left after the trouble is over can point to our interference with the Executive in carrying out these treaties, as the cause of all the trouble. I hope that gentlemen on the other side will not let this serious interference with the execution of a treaty go into this bill. I hope the amendment of my friend from Indiana [Mr. Baker] will be adopted.

Mr. BLOUNT. The persuasive power with which the gentleman from Ohio [Mr. Garfield] states that we are seeking to violate trea-

ties, to assume to ourselves the right to construe treaties, and that this is only a question of the construction of a treaty, is marvelous in view of the facts. What are the facts? The gentleman says that the estimates are the evidences of treaty obligations; that the Executive Department, in their estimates which they send to this House for the Indian service, construe the obligations of our treaty. That is the proposition. Yet the gentleman must know that there are money items in this bill to the extent of \$2,000,000 that do not depend upon

What is the status of this appropriation and what is the amendment? It is proposed by the amendment to vote, under article 5 of the treaty of 1877, an additional sum of \$95,000. The Committee on Appropriations declined to recommend any such thing-not that the treaty was not agreed to, not that there was any question at all as to the construction of the treaty. But the Department referred us to the statutes on which the estimates are based. Here is the act of 1877, in which there is a provision to give to each one of these Indians a certain ration; but that is coupled with the condition that when they are placed upon arable lands they shall go to work, and when they do work they are not to be fed by the Government. That is all there is of it. Yet the gentleman from Ohio would have this House believe that we are refusing to give to each one of these Indians a ration, when the treaty absolutely and unconditionally requires that they should have it.

Mr. VALENTINE. Suppose that they all go to work?
Mr. BLOUNT. I do not want the gentleman to interrupt me. If I had the time I would give it to him. The matter stands in just this way: For several years we have voted money year after year, and the Department has given it to these Indians and they have not gone to work. It is about time that we should require some evidence of their disposition to go to work.

[Here the hammer fell.]

Mr. FORT. We are all in favor of faithfully observing our treaty obligations, and more especially our treaty obligations with those who are not powerful enough to compel us to observe them. Now, while that is so, and while we are all careful to keep strictly the engagements into which we have entered with the Indian tribes, it is still our duty, representing those who sent us here, to see whether we really owe this money to the Sioux or not. Gentlemen say that we have agreed to give a ration to each one of these Sioux, man, woman, and child, so long, however, as they are not settled upon arable lands, by the cultivation of which they may produce rations for themselves. Is it possible that the treaty-making power of this Government ever intended or ever did make a treaty with any people that for all time and under all circumstances it would provide each one of those Indians with a daily ration for subsistence?

That indeed would be a very strange liberality, if we could believe that the Anglo-Saxon race, those who provide the means for carrying on this Government, should agree themselves to labor in order to give another race of men the means of subsistence. Of course that could not have been the intention and it never was the purpose of the Government to agree to give a ration to any tribe of Indians with-out any reason for it and without any power to cut it off.

What is the inducement for this course? Of course, the first induce-

ment was that these Indians should cease their warlike habits and engage in peaceful pursuits. As soon as they had engaged in peaceful pursuits under a fair interpretation of the treaty and had become self-sustaining, then we are no longer under any obligation to furnish them with rations

A million of dollars is a considerable sum of money; it is \$3,300 to the people of my friend's district and to the people of every congressional district in the United States. It will saddle upon every district of the United States more than \$3,000 for the purpose of supporting these Sioux. Now, we are willing to support the Sioux so long as it is necessary; but just so soon as it ceases to be necessary, then we are not willing to pay for each congressional district in the United States the sum of \$3,000 to keep them longer in idleness.

Mr. VALENTINE. Then you had better put them in Illinois.

Mr. WELLS. Allow me to say that we appropriate in this bill nearly \$1,400,000 for the support of the Sioux.

Mr. FORT. We pay them, then, \$1,400,000, which makes my argument all the stronger—\$1,400,000 to support the Sioux! All right, so long as it is necessary; but why should we tax each congressional district in this country four or five thousand dollars in order to support the Sioux when they can support themselves? In my judgment, so long as you feed them in idleness you may continue to do so. The longer you do it the more idle and vagrant they will become. But if you can bring them to understand that they must depend upon their own right arms for support as you do upon yours they will become industrious and far less troublesome.

[Here the hammer fell.]

Mr. BENNETT. Mr. Chairman, I am no more in favor of voting

money uselessly for this purpose than any other gentleman on this floor. But I wish to say that the Indians are not ignorant of their rights under these treaties. They are perfectly conscious of all they are entitled to by treaty stipulations. They know when good faith is kept with them by this Government as well as white men do. There is nothing that will so soon drive them into hostility and war against the Government as a violation on our part of the treaties we have made with them.

Now, it is insisted that the amount of money named in the bill is sufficient for these two tribes for the next fiscal year. I will ask gentlemen who make this assertion whether they know how long these Indians have been on their present reservation. Do not the gentleman from Illinois [Mr. Fort] and the gentleman from Georgia [Mr. Blount] know that scarcely one year has elapsed since these Sioux were placed on their present reservation; that they have not had

were placed on their present reservation; that they have not not time or opportunity to develop their present farming grounds, to make improvements, and put the land in a state of cultivation so as to make for themselves a livelihood.

These Indians are not like white men. You might put white men on that reservation and in the course of a year or two, with such assistance as the Government has given these Indians, they might work out their own living. But you must bear in mind that with the donation of public land to these Indians must be coupled the means for learning how to cultivate the soil and make it yield a livelihood. These Indians are not agricultural in their habits; they have not been educated to the business of farming. You must educate them before they can make their living out of the soil, and in the name of reason do you expect that this is to be accomplished in the period of one year? Certainly not.

the appropriation made for the present fiscal year was barely sufficient for the purposes for which it was made, why not continue it for the present year? These Indians occupy the same land, under the same circumstances. Why not give them the same appropriation for another year? Why not give them the same encouragement, the same protection, that you have extended for the last year, so that they may know this Government is attempting to lift them up into the sunlight of civilization and to aid them in their efforts to develop the resources of the country to which they have been assigned?

[Here the hammer fell.]
Mr. WRIGHT. Mr. Chairman—
The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. GARFIELD. I withdraw the proforma amendment.
Mr. WRIGHT. I renew it. Mr. Chairman, so far as regards the treaty stipulations between this Government and the Indian tribes, I would conform to them with the utmost fidelity; I would not violate them in any particular. Wherever we have made a contract with the Indian tribes, let that contract be fulfilled. But what I object to, what I think is wrong, is our teaching these people the idea that we are to grant them gifts and subsidies, and thereby support them out of the National Treasury. It is a bad lesson to teach the red man or the white man that he is to live on public charity and by direct support from the Government.

In looking over this bill I see that it appropriates a large amount f money—only a fraction less than \$5,000,000; and on examining the items I find \$100,000 is appropriated for the payment of agents. A large amount also is appropriated for the payment of agents. A large amount also is appropriated for the payment of interpreters; and there are other appropriations, which I do not stop to enumerate, which convince me that in the carrying out of our Indian policy there is a degree of extravagance which this House and the Senate ought not to countenance.

Let us come down to the question of what we owe the Indians under the treaties, but let them not be the objects of our charity. Why,

sir, here are \$5,000,000 appropriated out of the National Treasury. There are poor white men in this land who are quite as well deserving our care and protection as are the red men. Let us have a fair ing our care and protection as are the red men. Let us have a fair disposition upon this question. If gentlemen feel inclined to grant subsidies to the Indian tribes of this country, let them in a corresponding spirit come up to the assistance of the white men who are in poverty.

in poverty.

It is the misfortune of the Indians—a misfortune for themselves, perhaps not for the country—that they are submitting to the progress of the times. They are obliged to move on; they must yield to the progress of the age in which we live. There is no appropriation of money that will change their condition, their habits, their mode of life. It is not a pleasant picture to dwell upon, but still it is a part of the destiny of this country that the Indians must give place to the Caucasian race. They must occupy for agricultural use the land that they now roam over with no other purpose than hunting game. My heart is with these people. I do not want to do anything to wrong them. I do not want to take from them a single right. They have voluntarily made their treaties with the Government. Let us pay them the money we have agreed to pay them. But when it comes to them the money we have agreed to pay them. But when it comes to charity, let us take care of the white man as well as the red man.

[Here the hammer fell.]

Mr. MAGINNIS. Mr. Chairman, the fact that the appropriation for these two bands of Sioux amount to about one-fourth of this whole bill is a proper commentary on the history of our dealings with the Sioux tribe of Indians, which is one of the most disgraceful in the long story of our dealings with and treatment of the Indians in the long story of our dealings with and treatment of the Indians in this country. In 1868 a commission composed of intelligent, high-minded, and philanthropic gentlemen was sent out to the plains. They had no earthly knowledge of the Indian country or of the Indian question, but were filled with Christian zeal and philanthropy. They gave to these Sioux Indians lands which never belonged to the Dakota tribes. They removed the Poncas from lands which did belong to them. They also entered into the treaty with the Ute Indians to the Ute Indians to the Indians to the Ute Indians to the Indians to dians and gave them the vast reservation which has caused the Government so much trouble. Under that treaty they gave to the Sioux Indians a large portion of the Crow reservation and settled the Crows upon lands that were occupied by the whites; consequently, Mr. Chairman, with the very best intentions in the world, through the ignorance of the country and the questions, they have managed to bring more complications into our dealings with the Indians than any and all other Indian commissions which have brought trouble

and difficulty time out of mind.

Under that treaty we abandoned a line of road from Cheyenne to Montana, and we abandoned it after the massacre of Fort Fetterman, when these Indians, without warning, surprised and slaughtered a great number of our soldiers. We abandoned that country, we gave up our forts, we tore down our flags, and the Sioux followed our retreating army and scouted at it in contempt as it marched away. That surrender led to all the Indian complications we have had there since. It led to the Indian war in which Custer was killed. To be sure, there was only a portion of these Indians engaged in that battle, those under Crazy Horse, the rest of the hostile Indians having gone north of the line, are still hostile, and still making incursions upon

But, Mr. Chairman, we did buy this peace with these Indians. Our Government was stampeded, and we agreed to pay the Sioux this tribute just as the old Roman Empire in the time of its decadence paid tribute to the horde of barbarians which ravaged its border. We purchased this peace, and I presume the best thing to do now is for the Government to pay the purchase-money. I never believed in the policy of purchasing peace in that way and do not believe in it now. But having bought this peace let us pay the tribute.

At the same time I do not think, as some gentlemen have said, that the price of rations or subsistence has increased in the country.

the price of rations or subsistence has increased in that country. Beef and flour certainly ought to be cheaper, notwithstanding the general revival of business in the East. More flour and beef is pro-

duced in the neighborhood of these tribes.

But, Mr. Chairman, we of the West want such provision made as will prevent complications. We do not want Indian wars. It has often been said here upon this floor, and it is flippantly asserted in the newspapers, that the people on the frontier want Indian wars, because they make money out of them. Gentlemen who talk that way do not know what an Indian war means. And not only do they fail to realize the terrors of an Indian war, but they do not know even what however follow in the train of even, the very real Indian. even what horrors follow in the train of even the rumor of an Indian war. It means homes deserted, crops left rotting in the fields, stock abandoned in the pastures. And war itself means murder, rapine, and destruction everywhere. It means emigration checked and the whole tide of development rolled back. It means everything ruin-

whole tide of development rolled back. It means everything ruinous and destructive to the opening prospects of new settlement. It means years of distrust, fear, nights of horror to children and women and of dread and apprehension to their natural defenders.

Why, sir, when I have heard gentlemen flippantly say your people on the frontier want an Indian war, I have felt like turning to them and replying that when the people of Chicago, for instance, shall burn down their magnificent commercial palaces and the princely residences which line their avenues in order to get the charitable contributions of the world, or when the people of the South shall invite into their midst the yellow pestilence which during the past year has

turned their homes into hospitals, and their religious shrines into char-nel-houses, and their cities into cemeteries of the dead—when they shall themselves introduce this dread disease in order to obtain the gifts of the charitable people of the North, then, and not till then, will the people out upon the frontier be in favor of an Indian war in order that Washington contractors may make a few blood-stained dollars out of the miseries of the settlers upon the border.

Here the hammer fell.

Mr. WRIGHT, by unanimous consent, withdrew his formal amend-

Mr. VALENTINE. I renew the amendment, Mr. Chairman, for the purpose of calling attention to an extract from the report of the Commissioner of Indian Affairs in 1879, which I ask the Clerk to read.

The Clerk read as follows:

This report is but general, and lack of conciseness in detail must be excused when it is remembered that this is the largest Indian agency under the Government and is but just emerging from a state of chaos, in which it has existed for

when it is remembered that this is the largest Indian agency under the Government and is but just emerging from a state of chose, in which it has existed for several years past.

The annual reports and imperfect record of the Ogallalla Sioux agency for the past fifteen years form but a continued history of removals and creation of new agencies. Since 1863, when Fort Laramie, Wyoming, was the abiding place of these people, they have up to the present moved eight or ten times, sometimes a distance of three or four hundred miles. The responsibility for these repeated removals cannot be charged to the Indians. Locality and the love of home is as strongly marked, if not more so, in the American savage as in the white man. The return of the Cheyennes and Poncas, during the past year, from a forced transfer to a southern home in the Indian Territory, back to their northern hunting-grounds, across a broad stretch of partly settled country, and in spite of military and civil authority, is but a reminder of this. Investigation might show that the real responsibility can be traced to bribery, fraud, and corruption on the part of some of the former representatives of the Government, in the way of contractors, agents, &c. Is it to be wondered at that these people have been at times rebellious, and that they are not as yet self-supporting? The old maxim that "a rolling stone gathers no moss" was never more applicable. It is not at all remarkable that the "untutored savage," who originally "knew no guile," has become distrustful, and at the present day he at first looks with distrust on all efforts of our Government to assist him, his experience with the white man in the past being a sad teacher.

OUTSIDE INDIANS.

OUTSIDE INDIANS.

Another cause of the unsettled condition of these Indians in former years has been the turning of the agency into an asylum, or rendezvous, for the dissatisfied and renegade members of other agencies and tribes, such as Cheyennes, Arapahoes, and Northern Sioux from Sitting Bull's hostiles. The influence of turbulent outsiders coming to an agency is always bad, and the taking in of any more people of that class is to be protested against. This agency is already large enough, containing, as it does, about seventy-three hundred people.

If the large bands of northern hostiles are to be taken back by the Great Father, which circumstances will certainly force us to do inside of one or two years, I would suggest that they be given an agency by themselves. The Ogalialias do not wish for them. The experiment of locating the Crazy Horse band, of fifteen hundred persons, after the Custer massacre of 1876, at this agency, and the subsequent jeal-ousies and troubles, finally resulting in the death of that chief and the departure of his people back north again, should be a sufficient test of the soundness of his policy.

Mr. VALENTINE. I yield the remaining portion of my time to the gentleman from New York.

Mr. HISCOCK. Mr. Chairman, a single word further on this ques-Mr. Hiscock. Mr. Chairman, a single word further on this question. It is not a question, as has been suggested by the gentleman from Illinois, whether we are to give these people these rations. On that question argument could be made on both sides. But here is a treaty made by the Government with these Indians, and so long as that treaty is in force there is but one thing for the United States to do, and that is to vote the money necessary to carry out faithfully the stipulations which we have entered into with these Indians.

I have called upon gentlemen who represent this bill upon the floor to furnish this committee with the evidence which makes against this language in the report just read. I have asked it from either side of the House, from the members of the Appropriations Committee; but no such information has been furnished. Then the committee stand here confronting this proposition, whether without rhyme or reason they will arbitrarily reduce the amount which the Department

reason they will arbitrarily reduce the amount which the Department deems necessary for it to carry out in good faith this treaty entered into with the Indians. That is the position in which they are placed.

Mr. RYAN, of Kansas. Mr. Chairman, it seems to me the only question for us to consider is what are our obligations under the treaty with these Sioux Indians? About that question we can have but little difficulty. We have stipulated that we will provide certain supplies for them. It is then a simple question of mathematical demonstrates the statement of mathematical demonstrates are not considered. tle difficulty. We have stipulated that we will provide certain supplies for them. It is, then, a simple question of mathematical demonstration or arithmetical calculation as to the amount of the supplies. The House of Representatives, the people of this country, can ill afford to disregard our treaty obligations with any of these Indian tribes. This discussion has proceeded upon the theory that these Indians should now be self-supporting. This whole doctrine to every intelligent man is absurd when it is remembered that but a short time ago this was a warlike tribe in a savage condition—in a condition of barbarism. We cannot expect them to leap from that condition into a condition of thrift, economy, industry, or civilization in the short space of one year.

I am surprised also at the view which has been taken of our treaty stipulations by the members of the Committee on Appropriations, and stipulations by the members of the Committee on Appropriations, and with the view expressed by the gentleman from Georgia particularly. If his opinion be correct, we have been very adroit in our treaty arrangements with these Indians. We have simply agreed in that treaty, according to his version of it, that we will give these supplies to the Indians only on these conditions: If they work they shall not have them, because they will not need them; if they do not work they shall not have them, because they violated their treaty obligations. That is the whole argument the gentleman makes against it.

Now, I hope every man who votes here will vote with regard to the good faith of the Government involved in this question, because if there is anything that we ought to deprecate it is a violation of our honor with regard to a community incapable of resisting us.

Something has been said regarding the consequences, the results, that will follow a violation of our treaty obligations. It is but a short time ago, within my own knowledge, that a tribe of Indians went through the western portion of my own State committing murders and atrocities that shock mankind, simply because we refused or neglected to comply with our treaty obligations to supply them with the medicine they were in need of, and for the want of which they were dying in the Indian Territory. This is one of the consequences that flowed from the violation of that treaty.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. SCALES. Mr. Chairman, I regret that an absence of one week
from the House has prevented me from posting myself as thoroughly
as I should like to be upon this bill. But having heard this discussion in part, I have made up my mind on it, and am disposed to give
my views for what they are worth to the House. I understand the
question before the House to be this: an estimate has been made by
the Department of \$1,095,000 for the benefit of Sioux Indians; that estimate is sent in to the Committee on Appropriations; that committee, for good reason no doubt, refused to appropriate so much, and reduced it to \$1,000,000.

My friend from Ohio said just now that we ought to be governed in all cases by these estimates as made by the Department. Mr. Chairman, if that were so what is the object of having a committee at all? If that were so, then we would never have so largely reduced the expenses of this Government, but would to-day be staggering under the load of taxation which the democrats found upon the country when they came into power without even a prospect of relief. The reduction was made by the committee, just as this is to be done, upon such information as came to them in spite of the Department

and their estimates

and their estimates.

I understand that we have an estimate from the Department for twenty-one thousand of these Sioux, and this estimate was based upon the assumption that twenty-one thousand of them would go to work, cultivate the soil, and that they would thus soon be able to provide for themselves, and yet the fact, as reported by the Department, shows that to-day only fourteen hundred of them are engaged in any agricultural employment whatever. The Department estimate for twenty-one thousand thus engaged and the committee for fourteen hundred, hence the discrepancy. The amount promised is conditional upon their going to work, and they should be paid according to agreement and not otherwise. My judgment is that if the facts were known there are not even fourteen hundred of them so engaged. I believe there is good reason to doubt whether so many as a thousand can be there is good reason to doubt whether so many as a thousand can be found who cultivate the soil or are engaged in either pastoral or agricultural pursuits.

The treaty which has been made with these people wisely provided that they should go to work and help themselves and then the Government would help them. But this amendment requires us to help them and let them work afterward. There are gentlemen on the other side of the House and on this side who believe, and I know that this opinion is largely shared by good men through the country and is getting more and more prevalent, because it is founded on good sense and reason, that the time is at hand when this Government should say to these Indian tribes, "If you will undertake to take care of yourselves and show that you are in earnest, then the Government will aid you, and not before."

Must we carry out this estimate of the Department for twenty-one thousand Indians when only fourteen hundred, according to their own report, are at work? If so, we feed them in idleness and encour-

age them to remain so.

I hope the House will do no such thing, but will show by their vote on this question, and on every other proposition to increase these amounts, that they must work and that they can expect nothing from the Government until they do. As has been said by a gentleman who preceded me, feed them in idleness and you will have to feed their children in the same way. You have pursued this policy for the last fifty years; go on and you will have to do it for the next fifty years; go on and there will be no civilization; and you may as well strike down every effort set on foot for that purpose. That great law of nature that man must live by the sweat of his brow must be taught these savage tribes. This Government can teach them, but can only do it through their necessities. Work, and law for their protection when right and for their punishment when wrong, will solve the question of civilization. Let us try it.

Here the hammer fell. Mr. REED. I have noticed in this debate that the gentlemen who are desirous of carrying out the treaty stipulations and giving the Indians what they are entitled to are western men, and mostly those living on the frontier, while those who take a different view are men who live at a safe distance. I suppose that arises from the fact that while a man from North Carolina or South Carolina may safely object to the sum of money being expended which is necessary to carry out the treaty stipulations it is really the frontiersman who gets scalped if the money be not paid. I think some consideration is due to those who are nearest the scene of danger.

Mr. COBB. Gentlemen on the other side talk of treaty stipula-

Now I submit the appropriation provided for here is in strict tions. compliance, so far as I have been able to understand the facts, with treaty stipulations. Gentlemen do not seem to put the construction treaty stipulations. Gentlemen do not seem to put the construction on this treaty which its language imports. I will read the exact words, and then we shall be able to see whether gentlemen on this side of the House are opposed to carrying it out in strict conformity with its actual requirements:

Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

The gentlemen on the other side who favor this amendment rely upon that as the treaty stipulation. But that is not all. The treaty further provides that-

Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of six and fourteen years, (the sick and infirm excepted,) unless such children shall regularly attend school.

We have established schools for those Indians; we have also erected mills for them, as the report of the Commissioner of Indian Affairs shows. But that is not all. The treaty provides that—

Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor, (the aged, sick, and infirm excepted,) and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life.

Mr. BAKER. Will the gentleman allow me one moment?
The CHAIRMAN. Does the gentleman from Indiana [Mr. Cobb]

The CHAIRMAN. Does the gentleman from Indiana [Mr. Cobb] yield to his colleague?

Mr. COBB. No, sir, I do not yield. I have but five minutes, and the gentleman will have an opportunity of speaking hereafter.

I submit there is no gentleman on that side of the House who will pretend to say that these Indians or a portion of them, say the least, are not located on lands susceptible of cultivation. If they are located on lands susceptible of cultivation, then unless they work they are not entitled under the treaty to one dollar of compensation in the way of provisions or anything else. That is a clear proposition under this treaty. And yet gentlemen say because we do not provide more way of provisions or anything else. That is a clear proposition under this treaty. And yet gentlemen say because we do not provide more money than is provided in this bill we violate treaty stipulations. Do they pretend to say these lands on which these Indians are located are not susceptible of cultivation; or do they insist that all the children between the ages of six and fourteen years go to school who have the opportunity of doing so? Yet the fair construction of this treaty is that appropriations should not be made for their benefit unless they do.

The report of the Indian Commissioner shows that these Indians produce, I may say, large quantities of cereals which are consumed by them and tend largely to diminish the demands upon the Government. And the object of this treaty is to induce or rather compel these Indians to work and till the soil, and produce for themselves the wants of civilized life, and if they refuse to do this the Government is not required by this treaty to appropriate money to support them. Nor are we morally bound as a Government to do so. Yet gentlemen want to give to them that which they do not need. They want to appropriate money which is not necessary.

There are twenty-one thousand of these Indians, I admit, but this

bill gives to them nearly one-half of the entire appropriation provided in this bill for this part of the Indian service. And yet gentlemen say that we are violating treaty stipulations because we are not appropriating enough money. The facts do not sustain these assertions. There is no foundation for the alarm which gentlemen on the other side seem to possess. I feel greater alarm for the Treasury than I do for treaty stipulations, especially if these gentlemen are to control the appropriations.

Mr. RYAN, of Kansas. I Mr. BAKER. I renew it. I withdraw the formal amendment.

I rise more especially to call the attention of the committee to the fact that we comply with our treaty obligations in reference to educating these Indians in just about the same manner we do in other particulars. My colleague on the Committee on Appropriations, the gentleman who has just addressed the committee, says that if the Indians fail to send their children to school their children shall not be

entitled to rations; and then he says we have furnished them schools. By the seventh article of the treaty of 1868, which I hold in my hand and which has been in force for twelve years, we are under obligations to furnish these Indians with one school for every thirty children between the ages of six and sixteen years. The statistics show that there are between six thousand and seven thousand children of those ages; and in order to supply them with the means of education according to the treaty stipulations there should be between thirty and forty schools. We have furnished them the magnificent number of three schools.

Mr. WELLS. Five.

Mr. WELLS. Five.
Mr. BAKER. Five, is it? I stand corrected. We have furnished them with the magnificent number of five schools. That is the way we have kept faith with the Indians, when we ought to have furnished them forty schools and school-buildings, have gathered these children in and educated them in the habits of industry. Yet my colleague [Mr. COBB] gets up here and gravely congratulates himself and the country that we have complied with our treaty stipulations.
Mr. COBB. Do you not know that all the Indians who will attend school are provided for to-day?

Mr. BAKER. I say they are not.
Mr. COBB. I say they are.
Mr. BAKER. I beg leave to say that that is not the fact. If the gentleman will take the trouble to read the report—

mr. Baker. The greater to say that that is not not accepted many will take the trouble to read the report—

Mr. COBB. I have done it.

Mr. Baker. He will find that they need far more schools than they now have. In addition to that, the obligation of the treaty is such that we have the right, and it is our duty, to enforce the attendance of these children at school. We never will civilize these Indians until we enforce the treaty obligations, take possession of the children, make them attend school, teach them habits of industry, and give them some knowledge of the English branches of learning.

I am not insisting or expecting that we will get this Congress to appropriate money in exact accordance with treaty obligations. I am not asking for that, I am not pleading for that. But I am asking and I am pleading that, in face of the fact that there are twenty-two thousand people there, six thousand or seven thousand of them armsbearing warriors, we shall not undertake to starve them, especially when the Department that has them in charge insist that it cannot be done without peril to the peace of the country.

Mr. WELLS. Let us have a vote.

Mr. BAKER. I withdraw my pro forma amendment.

The question was taken upon the amendment of Mr. BAKER; and upon a division there were—ayes 54, noes 67.

upon a division there were—ayes 54, noes 67.

Mr. HUMPHREY and Mr. VALENTINE called for tellers.

Tellers were ordered; and Mr. Baker and Mr. Wells were appointed.

The committee again divided; and the tellers reported that there were-aves 69, noes 82.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following: Sioux of different tribes, including Santee Sioux of Nebraska:

Pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, \$2,000; in all, \$1,382,300.

Mr. BAKER. I desire to suggest to the gentleman in charge of this

bill that it will be necessary to change the total in this item, in consequence of an increase of \$20,000 in one of the preceding items, so as to make this total \$1,402,300. I move that amendment.

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following:

Sioux, Yankton tribe:
For second of ten installments, third series, to be paid to them or expended for their benefit, per fourth article of treaty of April 19, 1858, \$25,000;
For subsistence and civilization of two thousand Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," \$45,000; in all, \$70,000.

Mr. BAKER. I move to strike out of the last paragraph read the sum of "\$45,000" and to insert in lieu thereof the sum of "\$60,000." All I desire to say is that \$60,000 has been found necessary for the last two years, and the Department has estimated for a like amount this year. Not only that, but the Department has assured us that they will be unable to provide for the subsistence of these two thousand Indians unless the amount here named is increased by \$15,000.

Mr. WELLS. The appropriation of \$25,000 in the first item is according to treaty stipulation. We do not interfere with that amount, but appropriate the amount estimated for by the Department.

The sixty-thousand-dollar item heretofore contained in this bill was under a treaty which has expired. The committee believe that \$45,000

is amply sufficient for this purpose, being \$22.50 a head for these Indians. We are informed that these Indians are cultivating the soil dians. We are informed that these Indians are cultivating the soil and selling a large number of horses, and consequently we believe that they can stand a reduction of \$15,000. We have therefore recommended an appropriation of \$45,000 instead of \$60,000.

The amendment of Mr. Baker was not agreed to.

The Clerk resumed the reading of the bill and read the following: Collecting and subsisting Apaches and other Indians of Arizona and New Mexico: For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, \$320,000.

Mr. BAKER. I move to amend the paragraph just read by striking out "\$320,000" and inserting "\$350,000." I shall feel that I have discharged my duty when I state distinctly that this appropriation discharged my duty when I state distinctly that this appropriation is for a large number of Indians, ninety-nine hundred and thirteen Indians. We appropriated last year for their subsistence the sum of \$320,000. This year the Department estimates that \$350,000 will be necessary for this purpose, and it says it does not believe it can get

along with a less amount.

The country is pretty well advised of the fact that short rations last year have compelled a portion of our troops to carry on hostilities against the Victoria band of these Indians. I apprehend that we do not want any like occurrence in the future. I am advised that we do not want any like occurrence in the future. I am advised that the gentleman having this bill in charge has received supplementary estimates since the one put in originally for \$350,000, showing that it is necessary to appropriate \$450,000 for this purpose. I do not ask that that amount shall be given, but I do ask that this slight increase of \$30,000 shall be made. The Department says that \$420,000 is needed, \$120,000 more than is proposed to be appropriated by this bill. It does seem to me that the small increase of \$30,000 which I have asked for, and which is in accordance with the first estimate, should be granted. should be granted.

Mr. WELLS. Three hundred and twenty thousand dollars is the

amount which was appropriated last year. In the case of these Indians the same reasons apply as in regard to the Sioux. We have provided agricultural implements, farmers, &c.; and we believe the Indians ought to be more self-sustaining this year than last year. Hence we believe \$320,000 ought to be sufficient. If we were to give the amount estimated, of course we could never cut down the approximate at all priations at all.

Mr. HASKELL. I have no further interest in debating this matter than just to be on record upon this item as on the preceding one. because Congress failed to appropriate money enough to feed these same Apache Indians last year, Victoria's band of Apaches are on the war-path to-day. Simply because you did not appropriate money enough to fulfill your treaty obligations, you have a war on your hands. Yet to-day you propose to repeat the same policy of starvation—to keep this band on the war-path and to induce others to join them. That is the logic of the situation

them. That is the logic of the situation.

If this Committee of the Whole would devise an amendment by which some of the honorable gentlemen on this floor should go out to the plains and explain to the Indians, as a pettifogger might do in a justice's court, that a technical construction of treaties and laws permits these small appropriations-if gentlemen on this floor would go out and undertake to satisfy the Indians in that way, I should be content. But, unfortunately, I do not see any process of that sort provided for. I do see Indians on the war-path; your Army is employed in subjugating them. The very same cause that put the Indians on the war-path is operating now; and when Congress is asked by the Department to give money enough to take these Indians off the war-path—to provide for them and stop this war—you deliberately refuse.

I have no personal feeling in this matter at all. All I want is a distinct vote of this House and a placing of the responsibility where it belongs, so that hereafter no gentleman shall rise on this floor and charge that the Indian Commissioner and the Secretary of the Interior and those terrible western men have incited another Indian outbreak. I want the responsibility for these Indian outbreaks to be located where for the last twenty years it ought to have been located. cause of them is right here on this floor.

I want to say here again, and again, and again, that your treaty stipulations with the Indians are broken. I want you to understand that you are compelling Indian wars now. I do not want anybody on either side of the House to come in and charge that Mr. Smith,

on either side of the House to come in and charge that Mr. Smith, Indian agent, has been swindling the Indians, and therefore they have gone on the war-path. I want the cause to be specifically assigned and known to the whole country, that you are starving these Indians to death, that you are forcing them upon the war-path.

Here is a case in point. These Indians are on the war-path to-day. You are driving them upon the war-path year by year. You will have another Indian outbreak in the Northwest. The Crow Indians now in the city are asking of Congress that they shall be fairly dealt with under the law. Send them home, starve them, let them go on the war-path and devastate our frontier if you choose, but accept the responsibility for your act.

responsibility for your act.
Mr. FINLEY. Mr. Chairman, I understand the gentleman from

Mr. FINLEY. Mr. Chairman, I understand the gentleman from Kansas [Mr. Haskell] to say that it is not for us to charge that the Indian agents have defrauded the Indians, and he speaks of the Crow Indians. Now I have a little history in regard to the Crow Indians here in my hand—a history which is very apropos to this question, and to which I shall call the gentleman's attention.

An officer of the Army, Captain Ball, was sent out to investigate the affairs of the Crow Indians and to inspect supplies. He made a report directly to the Secretary of War. His superior officer, Major Brisbin, who returned the report, said that he could not make it to the Indian Department for the reason that it would be pigeon-holed and no notice taken of it. That report made in 1876 disclosed a most damnable record of fraud and corruption in which the Indian agent, the contractor, and all about the agency were involved. Yet the Com-

and no notice taken of it. That report made in 1876 disclosed a most damnable record of fraud and corruption in which the Indian agent, the contractor, and all about the agency were involved. Yet the Commissioner of Indian Affairs has taken no notice of it. The report has never appeared in print. I learned of it through an officer of the Army, and had the good fortune to obtain a certified copy of it, which I wish to make a part of my remarks.

What were the facts in this case? The Indian agent of these Crow Indians, Mr. Dexter E. Clapp, and Mr. Nelson Story, the contractor, conspired together to defraud not only the Indians but the Government. When Captain Ball arrived on the ground they offered him \$1,000 if he would pass the pork there at four hundred and fifty pounds to the barrel instead of two hundred and thirty pounds, the actual amount. There should have been two thousand and some hundred barrels of pork on hand. Captain Ball found there was a little more than eight hundred. They offered him a bribe if he would certify that there was an amount which was not there. They proposed to make money on the rise of the pork, and to sell it away from the Indians and divide the steal among themselves. Among whom? Among Captain Ball, "what is the poor Indian to do if you steal his pork and his flour and divide it among yourselves?" "Oh," said the agent, "there are plenty of buffaloes, and buffalo meat is good enough for the Indians." What was the next thing?

Mr. HUBBELL. Will the gentleman allow me—

Mr. FINLEY. I do not yield. The next thing Captain Ball undertook to inspect the flour.

dertook to inspect the flour.

Mr. HUBBELL. I want to know whether the fact that an Indian agent is dishonest renders it unnecessary to make appropriations for

Mr. FINLEY. Mr. Chairman, I have said that I do not yield. If the gentleman persists in talking he does so without any permission

from me or from the House.

I was asking how the flour was inspected. The Indian agent and Twas asking now the nour was inspected. The indian agent and the contractor got all the flour double-sacked; each bag of flour had two sacks on it. The inspector would run in his test, take out some flour and examine it, and find it all good. He put his brand on the outside sack, and when his back was turned they stripped off the outside sack, and in that way were furnished with a complete set of extra sacks of flour to be again inspected. That is the way the flour of the Indians has been furnished and paid for by the Government; and where in fact they had but one thousand sacks of flour these contractors managed to get credit for two thousand sacks; and where there should have been four hundred and fifty pounds of pork to the barrel there really were only two hundred and thirty pounds. Now, sir, this was all reported to the Secretary of War—

The CHAIRMAN. The gentleman's time has expired.

Mr. HATCH. I will take the floor and yield my time to the gentleman from Obio.

Mr. HATCH. I will take the floor and yield my time to the gentleman from Ohio.

Mr. FINLEY. I thank the gentleman from Missouri for his courtesy.

This, Mr. Chairman, as I was proceeding to state, was reported directly to the War Department, because Major Brisbin said they would pigeon-hole this matter and no notice would be taken of it. The Indian Department got on its ear about this matter and wrote an insulting letter to the War Department. It wanted to know why such reflections were made on that Department. It was sent to Lieutenant-General Philip Sheridan, and he wrote back that Captain Ball was an honest, upright man, who had served thirty years in the Army, and that he believed every word he said was true. General Sheridan

an onest, upright man, who had served thirty years in the Army, and that he believed every word he said was true. General Sheridan therefore declined to have the matter investigated.

I come now to the pith of the whole matter. This Commissioner of Indian Affairs, in his letter to the Secretary of War, protesting that he had been insulted by this report, undertook to say and did say that he would cause an investigation to be made into this whole subthat he would cause an investigation to be made into this whole subject, and if he found it to be true as alleged, he would deal in a proper way with these dishonest scoundrels. I have looked in vain for any investigation on his part. I have gone through all the reports of the Commissioner of Indian Affairs. Not a word is there said about his man Story or his agent Clapp; but I find in the report made in 1877 on the Crow Indians, that Mr. Clapp signs himself as agent, and talks about Christianity and what good Christian Indians they were, winding up his report by asking the Commissioner of Indian Affairs that the contractor may be allowed personally to deal out the sugar to Indians. He thought it would have a moralizing influence. [Great laughter.] This man Clapp was going to sugar the Indians in order it might have a moralizing influence on those whose pork and flour he had stolen. [Laughter and applause.]

I have this report in my hand. It is good reading; it is rich and racy. [Cries of "Read!"] If I have time I will ask the Clerk to read it; otherwise, I will ask, by unanimous consent, that it may be printed as a part of my remarks.

printed as a part of my remarks.

The CHAIRMAN. The Chair thinks from the size of the document that the gentleman has not time in which to have it read. The Chair hears no objection, however, and the gentleman can print the document as a part of his remarks.

The document is as follows:

Headquarters Military Division of the Missouri, Chicago, Illinois, February 26, 1880.

Sir: In compliance with your telegraphic request of the 25th instant, I have the honor to transmit herewith copy of Captain Ball's report of an inspection made by him on February 8, 9, 10, and 11, 1876, of supplies delivered at Crow Indian agency, Montana, and copy of a letter from the Interior Department of April 22, 1876, with the indorsement thereon of Lieutenant-General Sheridan.

Very respectfully, your obedient servant,

WM. D. WHIPPLE, Assistant Adjutant-General.

Adjutant-General United States Army, Washington, D. C.

FORT ELLIS, M. T., February 18, 1876.

FORT ELLIS, M. T., February 18, 1876.

SIR: I have the honor to report for the information of the Department that I was at the Crow Indian agency, on the 8th, 9th, 10th, and 11th instants, making an inspection of flour, bacon, and pork delivered there on contract for the Crow Indians, and that Nelson Story, of Bozeman, Montana Territory, contractor for pork and bacon for the Crow agency, was present and presented for inspection fifty-seven barrels of pork. Fifty of these barrels were of the ordinary whisky barrels and seven of the ordinary pork barrels, all packed with fresh pork in the town of Bozeman, Montana Territory, during the months of December, 1875, and Jannary, 1876. I opened three of these barrels, the large-sized whisky barrels, and weighed the contents of each, one weighing two hundred and seventy-nine pounds; one, two hundred and two pounds, and one, two hundred and thrity-one and one-fourth pounds to the barrel. This pork consisted of the entire hog, ham and feet excluded, and could not come under the head of mess-pork as required by the terms of the contract, and I rejected the fifty-seven barrels. I would here state that that portion of, the pork belonging to mess-pork was of a good quality and would have passed the inspection had it been packed separately; but the entire head, shoulders, back-bone, and tail, with all the trimmings from the ham, were also packed with it, which, in my judgment, was good cause for rejecting the entire lot. The contractor did not care to have me examine any more barrels than those I had examined, he knowing full well that they were all alike, and that I knewit, I having visited the butcher's establishment frequently during the packing of this pork.

I would further state that on the 9th instant, while at the agency, and previous

to my inspection of this pork, Mr. Nelson Story, contractor, made two propositions to me to defrand the Government and cheat the Indians out of their supplies, and in each of these propositions it was evident to me that the agent, Mr. Dexter E. Clapp, was a party to the proposed fraud. The first proposition was this: that I should pass the pork for him at four hundred and fifty pounds to the barrel, and that he would give me \$1,000. The second was: that there was due on the contract for flour which he was putting in on the Kiskadden contract about three hundred thousand pounds, and that he was expecting an advance on the price, which, together with freights, would bring the flour up to \$6 per hundred pounds, and that this amount, or a portion of it at least, should be certified to as having been received, and that we would make a good thing out of it; otherwise there was still \$75,000 nexpended of the appropriation for the Crow Indians, which he was very anxious to have expended before the end of the fiscal year; and he intimated to me that with my assistance the money could be expended so as to make it profitable to us, meaning, as I suppose, the agent, myself, and himself. To this I replied that the agent might not submit to such transactions. He said, "Yes, he will; that is all right with the agent."

I then asked Mr. Story what the poor Indian would have to subsist on should such a transaction as he proposed take place. He replied that there were plenty of buffaloes and they could live on buffalo meat, as it was good enough for them. At this juncture I informed Mr. Story that I had served in the Army over thirty-one years; that I had never received a dollar in that way and that I never should; that I would inspect his supplies and if they came up to the requirements of the contracts they would pass, if not they would be rejected. You have seen the result of the inspection of the pork, now I will give you the result of the inspection of flour.

Mr. Story was putting in flour on the Kiskadden contract, and in

that I would inspect his supplies and if they came up to the requirements of the contracts they would pass, if not they would be rejected. You have seen the result of the inspection of the pork, now I will give you the result of the inspection of flour.

Mr. Story was putting in flour on the Kiskadden contract, and informed me before I commenced the inspection that he had in store at the agency two thousand eachs of flour for inspection. This flour was ranked up in the agent solor-housetogother with flour that had been inspected counted with it. I separated the flour inspected and branded the sacks. The flour was of an excellent quality but fell short of the number of sacks the contractor reported to have had, there being only eleven hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks instead of two thousand. This difference of eight hundred and ninety-seven sacks in seven the already inspected flour, first, by counting, if possible, some of the old flour in rank with the new flour, and, secondly, by researching some of the already inspected flour. My reasons for supposing the latter are these: Mr. Story had a large lot of flour made at Mr. McAdam's mills and gave Mr. McAdam particular instructions about the sacking of it. That was, that the flour should be double-sacked in flour sacks, inside and outside sack; and great hunusual way of putting up flour Mr. Story agreed to pay Mr. McAdam for any extra expense he might incur.

It must seem evident to all business men who might consider this matter and manner of double-sacking flour, that it shows at first sight an intent at fraud, and from the fact that Mr. Story has attempted to bribe

To the Commissioner of Indian Affairs, Washington City, D. C.

(Through Headquarters Department of Dakota.)

FORT ELLIS, M. T., February 20, 1876.

Respectfully forwarded through Headquarters Department Dakota. The within report is a damning record of the utter rascality now practiced by the thieves of the Indian ring. The coolness with which these scoundrels offer to bribe an honorable and honest officer of the Government is perfectly astounding. Captain Ball is an old and experienced officer of the Army, and of course everything he states is perfectly correct. If Nelson Story and Dexter Clapp were arrested and shot to death by musketry, it would be no more than such men deserved.

This paper is sent forward by Captain Ball through the military channels, lest if forwarded direct to the Indian Department it might be pigeon-holed, and no notice taken of the irregularities reported within.

JAS. S. BRISBIN,

JAS. S. BRISBIN,
Major Second Cavalry, Commanding Post.

[Second indorsement.]

Headquarters Department of Dakota, Saint Paul, Minnesota, March 4, 1876. Respectfully forwarded to Headquarters Military Division of the Missouri.

ALFRED H. TERRY, Brigadier-General Commanding.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI, Chicago, March 9, 1876.

Respectfully forwarded to the Adjutant-General of the Army, through Head-quarters of the Army.

P. H. SHERIDAN, Lieutenant-General Commanding-

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, D. C., April 22, 1876.

Department of the Interior, Office of Indian Affairs,

Washington, D. C., April 22, 1876.

Sin: By Department reference of the 10th instant I have the honor to be in receipt of a communication from the honorable Secretary of War, of date the 7th instant, covering copy of a report from Captain Edward Ball, Second Cavalry, of his action in the inspection and rejection of certain supplies offered for the Crow agency by Nelson Story under his contract, and of an attempt by Mr. Story to bribe him in the discharge of his official duties. Captain Ball charges Agent Clapp of guilty connection with these proposed frauds, and whenever the services of an inspector can be procured, the management of affairs at this agency shall have thorough investigation.

In this connection, however, I cannot refrain from commenting on the action of Captain Ball in not making report of these alleged transactions direct to this office. He submitted a report dated February 17, and received here on the 2d ultimo, of his rejection of the pork presented by Mr. Story, and stated his intention of forwarding, through military channels, the detailed statement of Mr. Story's attempt to bribe him, which is now the subject of comment.

Captain Ball acts under the instructions of this office in the inspection of Indian goods, and should, in my judgment, make all his reports direct. Indeed, I do not see how the reports of his inspection of Indian supplies can gain any additional weight by their transmission to this office through the routine prescribed for purely military correspondence. They certainly lose in promptness.

It is matter of congratulation that Captain Ball and Major Brisbin write in such commendable zeal for the punishment of knavery and corruption, but their zeal has betrayed them into what I cannot but regard as gross discourtesy to this office. I know of nothing in my official conduct which furnishes Captain Ball with any ground for his fear, so frankly expressed in Major Brisbin's indorsement, that these direct charges of corruption

J. Q. SMITH, Commissio

The Honorable THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, April 22, 1876.

Sir: I have the honor to transmit herewith a communication of this date from the Commissioner of Indian Affairs, in relation to the report of Captain Edward Ball, Second Cavalry, in the matter of his inspection and rejection of certain supplies for the Crow agency in Montana, and preferring charges against the agent and certain contractors at that agency, received from the honorable the Secretary of War, of date the 7th instant.

War, of date the 7th instant.

In transmitting this communication, I beg to call your attention to the indorsement of Major James S. Brisbin, transmitting Captain Ball's report, and to the gross imputation upon the Indian Department which it contains, knowing that it is but necessary for you to be aware of such discourteous conduct on the part of Major Brisbin and Captain Ball to insure the Indian Department immunity from its repetition.

I fully indorse the request of the Commissioner that these officers be required to state the grounds, if any exist, for their reflection upon him.

Very respectfully, your obedient servant,

CHAS. F. GORHAM.

CHAS. F. GORHAM, Acting Secretary.

The honorable the SECRETARY OF WAR.

[First indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 3, 1876.
Respectfully referred to General Sheridan, commanding the Division of the Missouri, who will cause the matter to be further investigated by an experienced officer, one wholly disinterested and uncommitted, with orders to report, and the report, with these papers, to be returned to these headquarters.

W. T. SHERMAN

W. T. SHERMAN,

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF MISSOURI, Chicago, May 18, 1876.

Respectfully returned to the General of the Army, asking a reconsideration of this case so far as sending an officer to Montana to investigate it. Captain Ball is an honest, faithful officer, whose statements as to the quality of the goods and the offer of a bribe by the contractor are very positive, and, so far as I can judge, are not disputed by the Indian Bureau. I do not think that Captain Ball for a moment thought of reflecting on the honorable Commissioner of Indian Affairs in his report, but that he by force of habit or from not reflecting sent his report through military channels instead of direct to the Commissioner. It is very common, if not always the case, that while one report is sent to the Commissioner a duplicate is sent to the War Department through military channels. The indorsement of Major Brisbin was uncalled for and unnecessary, and its faults are so apparent that they can be seen and condemned by the General of the Army without further investigation.

Looking at this case in the foregoing light, I do not see the necessity of incurring the expense of sending an officer so far for so little. Besides, Captain Ball and Major Brisbin are now out on an Indian expedition, and may not be in until late in the summer. If, however, after further consideration the General of the Army desires the investigation to take place, it shall be done by a good officer, and I hope the General will pardon me for asking this reconsideration.

P. H. SHERIDAN,

P. H. SHERIDAN, Lieutenant General Communding.

Official copy:

E. D. TOWNSEND, Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, March 3, 1880.

Mr. FINLEY. I withdraw my formal amendment.

Mr. HOOKER. I renew it for the purpose of asking the gentleman from Missouri [Mr. Wells] having charge of this bill a question in reference to the amendment and similar amendments which may be

offered, and it is this: Whether, under the heading under which we are now proceeding, "removal, settlement, subsistence, and support of Indians," the various tribes mentioned in this article have not been formerly specifically appropriated for, and why there is any necessity for appropriation for "removal, settlement, subsistence, and support of Indians;" whether that "removal, settlement, subsistence, and support of Indians; "refers to expenses already incurred by the Department, or the probable expenses which are likely to occur in the future?

Mr. WELLS. I will say a portion of these Indians are on the reservations in New Mexico and Arizona. The same amount appropriated by this bill was appropriated last year; we have appropriated here \$320,000, the same as was appropriated last year.

Mr. HOOKER. Is it done only because it was done last year? If it were done last year and expended for that purpose, what is the necessity of renewing it now?

Mr. WELLS. The law reads as follows:

This amount, to subsist and properly care for Apaches and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona.

This is not an act confined to one locality, but takes in the two Territories of New Mexico and Arizona.

Mr. HOOKER, by unanimous consent, withdrew his formal amend-

Mr. BLOUNT. I renew it. As the gentleman from Missouri has stated, the sum of money contained in this item is identically the same voted last year. The House is aware we have recommended, under the importunity of the Department, deficiencies where we had not provided money enough; but in this instance there is none, and for the reason there was an ample sum appropriated. The Committee en Appropriations have therefore thought fit to recommend the same amount of money for the same purpose for the next year, 1881, not having had any reason given why there should be any increase.

The gentleman from Kansas has announced on this very proposi

tion that we have failed to supply these Indians with rations and they are now on the war-path. There is not the slightest intimation, sir, from the Department; and this is the loose way in which gentle-

sir, from the Department; and this is the loose way in which gentlemen see fit to arraign reports of committees. These Indians are on the war-path; they are troublesome; and you may feed them and fatten them and they will still be upon the war-path.

For one, I think it is time for us to consider whether some other remedy than simply furnishing these Indians with meat and bread to eat in idleness out of which vice is born and murder and rapine—I say it is time for us to inquire whether we cannot devise some other method, and apply something of force where kindness has not proved availing. We are not under obligations to them by treaty stipulations. They are supplied with rations to-day without having any claim on us; and some of them are now on the war-path. This is no instance where it is proper for us to increase appropriations to these lawless men. I think it would be better to withhold them altogether and use some other method of dealing with them where, as I have

said, kindness has proved unavailing.

Mr. HOOKER. I desire to say in reference to the question I propounded to the gentleman from Missouri, or to any other gentleman on the Committee on Appropriations, that I have not as yet received what I accord as a strict feature of the control of the

on the Committee on Appropriations, that I have not as yet received what I regard as a satisfactory answer. It was a simple business inquiry and I hoped to receive a business answer. But so far—

Mr. BLOUNT. Will the gentleman from Mississippi allow me to answer his question now?

Mr. HOOKER. Yes, sir; I desire an answer to it.

Mr. BLOUNT. I beg the gentleman's pardon for not having given him my views upon the question before. These views, I may say, are the same as those entertained by the gentleman from Missouri, [Mr. Wells,] and perhaps I may be able to state them a little more fully. At this time we are seeking to grat certain Indians back on the reser-At this time we are seeking to get certain Indians back on the reserat this time we are seeking to get certain Indians back on the reservations. They may or they may not get back. It has been a part of the policy of the Indian Bureau for several years, and for that purpose a part of the fund appropriated has been used. In that way this language is used in the present appropriation bill, and the gentleman from Mississippi will see that the appropriation does not cover the absolute wants of these Indians. It is simply an amount appropriated which will be used for the purposes indicated in the languages. ated which will be used for the purposes indicated in the language of this appropriation bill. It is in pursuance of the same policy that has been used heretofore. I think last year a few Indians were gotten on these reservations, and that is the reason that the same language is employed in the present bill. To cover the point and permit this work of collecting the Indians on reservations to go on, this same form of words is used, and I do not see, unless my friend the gentle-man from Mississippi shall take the position here that we cannot give a dollar for this purpose under any treaty stipulation, how we can improve the matter now.

Mr. PAGE. Will the gentleman from Georgia permit me to ask

Mr. PAGE. Will the gentleman from Georgia permit me to ask him a question?
Mr. BLOUNT. Yes, sir.
Mr. PAGE. I understand the gentleman to say that we are appropriating money now for Indians who are already on the war-path?
Mr. BLOUNT. I say that we are appropriating money to collect

these Indians on reservations. Some of these Indians are on the war-path; but no money is appropriated for those who are on the war-

Mr. HOOKER. Mr. Chairman, neither the gentleman from Georgia nor the gentleman from Missouri nor any other gentleman on the Committee on Appropriations has answered to my mind satisfactorily the simple question as to the necessity for this appropriation. I am aware of the fact that for a series of years past it has been customary to make a similar appropriation, and it was under such an appropriation as this that the Poncas were removed-a subject which is now being investigated in the other legislative branch of this Government,

at the other end of the Capitol.

It was in consequence of the fact that because the House and the Senate made an appropriation in this general way, using the terms for removal, settlement, subsistence, and support of the Indians, the Poncas were removed against their consent and in open violation of

Why, Mr. Chairman? Simply because you had made an appropriation and some contractor wanted to get the benefit of it. The only way in which you will ever cut down appropriations for the support of the Indians, is to cut down that portion of the appropriation bill which enables the vast army of cormorants to feed upon the Government and the Indians. The only way to protect the Government against this horde is to omit from the appropriation bills all such items as the one now under consideration. Every line and every letter of your laws in reference to treaties with the Indians ought to letter of your laws in reference to treaties with the Indians ought to be observed and the Government ought to pay every dollar which is due to them for any purpose under these treaties; but you ought not to so frame your bills as to permit either from the funds which belong to the Indians or the Government and appropriated by Congress for their support, maintenance, and settlement any part to be taken for the benefit of the contractors. I have only a word further to add, Mr. Chairman, in reference to this general appropriation which has not a specific object. I was proceeding to say, sir, that I think it the duty of the Government to pay to these Indians every dollar due to them under the treaty stipulations, and we ought to do it, not only in justice to them but in justice to ourselves. But when you go to make appropriations which are intended to support this vast army of hangers-on around the Indian Bureau, and who are in the service of the Indian Department, then I am opposed to appropriating a single

[Here the hammer fell.]
Mr. HUNTON obtained the floor and yielded his time to Mr. HOOKER

Mr. HOOKER. I thank the gentleman from Virginia for his cour-

I want to say further upon this subject, that while I do not agree with some of the sentiments that have been uttered in discussing with some of the sentiments that have been uttered in discussing this bill neither do I concur in the view that you are to provide for these Indians in another way, as urged by the able, intelligent, and experienced Secretary of the Interior, Mr. Schurz. I am glad to have the opportunity of saying upon this floor that I accord to him the possession of the highest intelligence coupled in my judgment with the highest integrity in the administration of his Department. But I believe he has been sadly mistaken as to what constitutes the proper elements for solution of the Indian problem. It high he has entirely I believe he has been sadly mistaken as to what constitutes the proper elements for a solution of the Indian problem. I think he has entirely mistaken the question and has recommended a system which will not remedy the existing evils. He thinks it is to be found in the division of the lands into severalty. Yet the intelligent Secretary of the Interior, in the bill which he proposed to submit to the Committee on Indian Affairs of this House, did not dare to provide an application of this principle to the five civilized tribes living in the Indian Territory. And why? Because, sir, they had intelligent representatives here who understood exactly what it was that constituted their interest; because he would not attempt to apply to intelligent citizens of the United States the principle, that, holding lands in common, there was any power in the Government to compel them to hold them in severalty when they did not desire it.

My own judgment is that if his theory is to be carried out, namely, that of dividing the lands in severalty and of destroying their tribal

My own judgment is that if his theory is to be carried out, namely, that of dividing the lands in severalty and of destroying their tribal relations, there are probably only a few years remaining during which the Indians will have any existence at all.

While I am in favor of carrying out the treaty and paying the Indians every dollar they are entitled to, I am opposed to paying in your appropriation bill the vast army of cormorants who feed upon the money of the Indians and not upon the money of the Government. When you comply with the treaty stipulations and pay what you owe them you are performing a duty which you owe under the you owe them you comply with the treaty stipulations and pay what you owe them you are performing a duty which you owe under the compact you have made, and which no government ought to be disposed to violate because that contract is made with a weak party on the other side.

compact you have made, and which no government ought to be disposed to violate because that contract is made with a weak party on the other side.

The only way you will ever economize in the administration of your Indian affairs, is to cut down the number of useless agents. And I would begin by decapitating the misnamed Commissioner of Indian Affairs, the head of the bureau. I would destroy it all and place the management of Indian affairs in the charge of the War Department, with a right to designate some honorable man from the Army to act for the general welfare of the Indians at every agency where an agent is necessary; some man who would be liable to be brought up with quick and rapid dispatch whenever he violates the law, to be tried by his peers before a commission who, after hearing the evidence, would say, "You have been guilty of misapplication of the funds of the Government, you have robbed the Indians of what is theirs," and would

try him by that short, sharp, summary method which belongs to the procedure of the War Department. As I understand it there has been in the whole history of the Government but one conviction of a civil agent of the Government under the laws of the United States.

[Here the hammer fell.]
The question being taken on Mr. Baker's amendment, it was not agreed to.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 254) granting an increase of pension to James M. Boreland; and

A bill (H. R. No. 2303) granting a pension to Abram F. Farrar. The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested,

A bill (H. R. No. 255) granting a pension to Melissa Wagner;
A bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30,

1881, and for other purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was re-

anested:

A bill (S. No. 148) granting an increase of pension to J. J. Purman; A bill (S. No. 232) to provide for the erection of a public building at Jacksonville, Florida;

t Jacksonville, Florida;
A bill (S. No. 545) granting a pension to Elizabeth H. Pierce;
A bill (S. No. 602) for the relief of Thomas W. McAffrey;
A bill (S. No. 748) granting a pension to Thomas E. Brawner;
A bill (S. No. 873) granting a pension to George W. Wickwire;
A bill (S. No. 898) granting a pension to Mary A. Davis;
A bill (S. No. 963) granting a pension to Theodore Rauthe;
A bill (S. No. 1070) granting a pension to Jacob H. Eppler;
A bill (S. No. 1113) granting a pension to Peter K. Morgan, private

A bill (S. No. 1113) granting a pension to Feter R. Mary Allison;
A bill (S. No. 1143) granting a pension to Mrs. Mary Allison;
A bill (S. No. 1305) granting a pension to Emma Schell;
A bill (S. No. 1360) granting a pension to Aaron Hatcher;
A bill (S. No. 1384) granting a pension to Reese Lammey;
A bill (S. No. 1564) granting a pension to Mrs. Cornelia F. White;

A bill (S. No. 1576) for the relief of Benedict J. O. Driscoll.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk continued the reading of the bill and read as follows: For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, who have been collected upon the reservations set apart for their use and occupation, \$305,000.

Mr. HUBBELL. I offer the amendment which I send to the desk. The Clerk read as follows:

In the paragraph just read, strike out \$305,000 and insert \$350,000.

Mr. HUBBELL. The reasons for this amendment can be briefly stated. We appropriated last year for the subsistence and civiliza-tion of these Indians \$290,000. The year had not nearly expired when the question of short rations came up, and the Department was confronted with this dilemma: they must either create a deficiency or these Indians must go on the war-path; and the Department decided to create and did create a deficiency of \$80,000; so that for the fiscal year, instead of \$290,000, there was incurred an indebtedness of \$370,000.

The Department says, as the committee know, and there is no need

The Department says, as the committee know, and there is no need perhaps of my repeating it here, that they cannot take care of these Indians and keep them from going on the war-path unless they have an adequate appropriation to subsist them. We have, therefore, this alternative staring us in the face again: whether we will take care of these Indians or whether we will fight them.

The precise sum named in this item is not adequate, and it means, just as it did last year, another deficiency. Now, I think the members of this Committee of the Whole ought to consider this matter. Where it has been tried and ascertained that it requires so much to take care of a band of Indians—for there are nearly ten thousand of these Indians, ninety-nine hundred of them—where it has been found to be impossible to subsist them any cheaper than has been heretofore

it becomes necessary for the same reason as last year we can pass an

appropriation for a deficiency.

I hope the Committee of the Whole will stand by this bill and vote the amount recommended by the Committee on Appropriations, as we believe that will be found ample and sufficient.

Mr. BLOUNT. If the gentleman from Michigan [Mr. Hubbell]

Mr. BLOUNT. If the gentleman from Micl will withdraw his amendment I will renew it.

Mr. HUBBELL. I withdraw the amendment.
Mr. BLOUNT. I renew the amendment for the purpose of saying that this appropriation has no obligation upon us except simply our willingness to give a gratuity to these Indians for the purpose of keeping them from the war-path. Last year we voted for this purpose \$290,000. The Department came in here and asked for a defikeeping them from the war-path. Last year we voted for a defipose \$290,000. The Department came in here and asked for a deficiency of \$80,000, giving as a special reason for it that there had been
poor crops for these Indians last year. The Committee on Appropriations not being able to gainsay it yielded under the circumstances.
We appropriated for the present fiscal year for this purpose the
sum of \$290,000. We appropriated for the last fiscal year \$240,000,
and for the preceding fiscal year the sum of \$240,000. We now propose

to increase the appropriation for the coming fiscal year to \$305,000.

Let me say to members of this House that the Department can spend \$1,000,000 on these Indians if you will give it to them. During the Forty-fourth Congress we gave them \$240,000 a year; and they worked through with that until last year, when we appropriated \$290,000; and then they came in here for a deficiency for a very large sum. We now propose to give them for the next fiscal year \$305,000, \$65,000 more than was appropriated by the Forty-fourth Congress. and which they got along with. Yet we are told it is not enough.

Gentlemen tell us that they are afraid of a war with these Indians;

and tomahawks are brandished here in this House all the time in order to frighten money out of us. Now, if you give the Department to understand that this much may be spent by them and no more—when the Department understands that that is the sincere announcement of those who vote the money of the people—ther ciencies will cease and this talk of Indian wars will stop. -then these defi-

I trust that this House will see fit not to increase this appropriation one dollar. For myself, I should prefer to see it reduced, but by no means increased by a dollar. We have tried them with less sums, and they have got along.

The question was then taken upon the amendment of Mr. Hubbell,

and it was not agreed to.

The Clerk resumed the reading of the bill and read the following: For subsistence and civilization of the Flatheads and other confederated tribes including pay of employés, \$6,500.

Mr. MAGINNIS. I offer as a substitute for the paragraph just read that which I send to the Clerk's desk.

Mr. BLOUNT. I desire to reserve all points of order upon the amendment until it has been read.

The CHAIRMAN. The Clerk will read the proposed amendment. The Clerk read as follows:

For the support of an agricultural and industrial school, keeping in repair the buildings, and providing suitable furniture, books, and stationery, per fifth article of treaty of July 16, 1855, \$300.

For providing suitable instructors therefor, per same article of same treaty,

\$1,800.

For keeping in repair blacksmith, carpenter, and wagon and plow maker shops, and providing necessary tools therefor, per same article and treaty, \$300.

For the employment of two farmers, two millers, one blacksmith, one carpenter, and one wagon and plow maker, per same article and treaty, \$7,400.

For keeping in repair saw and flouring mills, and for furnishing the necessary tools and intures therefor, per same article and treaty, \$500.

For keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per same article and treaty, \$300.

For pay of a physician, per same article and treaty, \$1,200.

For keeping in repair the buildings required for the various employés, and furnishing the necessary furniture therefor, per same article and treaty, \$300.

For the pay of the head chiefs of the Flathead, Kootenay, and Upper Pend d'Oreille tribes, per same article and treaty, \$1,500.

Mr. MAGINNIS. This amendment contains simply a repetition of last year's appropriation, which it will be seen was then said to be the last of twenty installments for these Indians. This amendment, as compared with the provision I propose to strike out, makes a difference of about \$7,500. The Government claims that treaty with these confederated tribes expired last year, and I suppose that in a certain sense it has. The Indians claim that it ought to run two years more. Their country is very remote; and they did not receive the first annuities under the treaty. They probably received nothing until three or four years after Congress began to appropriate for them; and very little then.

I do not threaten the House with any war if this amendment should not be adopted. These Indians will submit as they have submitted. But I want to relate something of the history of this tribe, and the claims they have upon the Government. The Selish tribe, miscalled Flatheads, are the Indians that harbored Lewis and Clarke in their exploring expedition through the Rocky Mountains. The grateful tribute of those dauntless explorers is warm with affection for this kind and hospitable tribe of Indians who fed, clothed, and sheltered their party which had passed through so many hostile and dangerous people and so many dread adventures. Ever since they have maintained their friendship for the whites, and have never broken the peace with their neighbors. They justly complain that a hostile course of action would have been more profitable to them, as only

those Indians who defy and harass the Government seem to receive

any favors at its hands.

Their peaceful and quiet conduct has largely been due to the efforts of the Jesuit missionaries. Father de Smet here raised one of his most successful missions. Years ago, when glass and nails had to be transported a thousand miles or more on pack-animals, the fathers and the Indians raised a church, which is even yet the largest and finest in the Territory. In this remote solitude, in a valley as beautiful as that in which the author of Rasselas placed his Abyssinian prince and surrounded by mountains as rugged and lofty as those which imprisoned that resiless spirit, the Sisters of Charity opened an industrial school for these poor people, which must be closed should this appropriation cease. Besides the school the agency has a small mill appropriation cease. Besides the school the agency has a small mill and a blacksmith shop, where the Indian tools are repaired and where the produce of their little farms are ground into flour. This tribe has between one and two hundred small inclosures on which they are engaged in raising grain and vegetables for their own support. The agency mill and these schools are the only mills or schools in that region. These Indians were related to the Nez Percés, but when that tribe revolted the Flatheads declined to join them and took lots with the whites and kept our people out of a great deal of misery and saved to the Government an amount of money which this House cannot repay. They claim that their treaty has not expired. They will have a grievance if you so declare. Two years ago the late Commissioner of Indian Affairs agreed to send out an inspector to settle this question. He was unable to do so. A year afterward the Commissioner agreed to go himself and settle the question, and he failed to do so. Now, I think that under the circumstances, there being a dispute as to whether the treaty has expired and the additional amount which the amendment proposes to expend being only a few thousand, we can afford to keep this mill and blacksmith-shop and these school-houses open one year longer until the questions at issue between these Indians and the Government to which they have been so loyal shall have been settled and some provision is made for them.

Mr. WELLS arose.

Mr. MAGINNIS. I admit that the Department claims that the treaty has expired; I admit probably all the gentleman will say on the question. I simply appeal to the equity of the committee. The Department has asked for this appropriation until pending questions with these Indians have been settled. The Indians are making good progress now, but in years past have been outrageously robbed and yet remained loyal through it all. This bill contains many large appropriations avowedly made to appease our bitter enemies. Surely if we pursue such a policy and yet turn a deaf ear to the well-founded complaints of our faithful friends we will find in some dread emergence.

gency that we have no allies when we need them most.

Mr. WELLS. As the gentleman from Montana [Mr. Maginnis] has stated, the treaty stipulation for these appropriations expired last year. The Department submitted an estimate of \$13,000 for this purpose. The Committee on Appropriations under the circumstances recommend an appropriation of \$6,500, making a difference of \$6,100 between the amount which the gentleman asks for and the amount appropriated by the bill. I know nothing in regard to any understanding that there may have been between this tribe and the Indian

Department.

The question being taken on the amendment of Mr. MAGINNIS, it was not agreed to, there being—ayes 10, noes 20. The Clerk read as follows:

Settlement, subsistence, and support of Shoshones and Bannacks and other bands, in Idaho and Southeastern Oregon: For this amount, to be expended by the direction of the President, in assisting the roving bands of Indians in Southeastern Idaho to move and locate on the Fort Hall reservation in Idaho Territory, and to assist them in educational and agricultural pursuits on said reservation, \$20,000.

Mr. BAKER. I move to amend the paragraph just read by making an appropriation \$25,000 instead of \$20,000. This small increase is the appropriation \$25,000 instead of \$20,000. This small increase is really needed by the Department to enable it to remove these Indians and locate them upon the reservation. It is within the recollection of all that only two years ago a portion of these Indians were at war with the Government. They have never been gathered in; they are still scattered; and the Department feels that it is impossible to accomplish the work desired unless an addition of \$5,000 be made to this appropriation. The amount is so small and the object so important that I do hope the amendment may be allowed to go through.

The amendment was not agreed to.

The Clerk read as follows

Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles, for the various tribes of Indians provided for by this act, \$225,000.

Mr. RYAN, of Kansas. I move to amend by adding to the paragraph just read the following:

Provided, That all bids for supplies of wheat, corn, flour, feed, oats, beef, bacon, pork, and other provisions for the Indians, and all bids for transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley.

Mr. BLOUNT. I reserve a point of order on this amendment until

Mr. Blockly. Teserve a point of order of this amendment until the gentleman has made his remarks.

Mr. RYAN, of Kansas. Mr. Chairman, the present practice of the Department is to receive and open bids for all these supplies and make the award of contracts thereon in the city of New York, some fourteen hundred or fifteen hundred miles away from the field of sup-

ply, and from fourteen hundred to three thousand miles away from the Indians who are to be supplied. It is an expensive and unprofit-able system, and I trust the Committee on Appropriations will accept

I want to call attention to the system of advertising. The Department advertises in some of the principal papers of the country that it will on a certain day receive in the city of New York bids for supplies of different kinds for the Indians, and for further particulars parties are directed to apply to the Department, from which they can obtain a schedule of items showing what supplies are wanted for different agencies. This advertisement is put out about three weeks before the letting of the contracts. When it reaches the notice of anybody in the extreme western portion of the country who may desire to bid, it is almost always too late to obtain the specifications and make a bid upon them. The result is that there is a monopoly of bidders for these supplies; the competition is confined to professional contractors. By examination of the reports it will be found that in the case of the very largest contracts, where there have been as high as seven million pounds of beef contracted for in one contract, there have been only about seven bidders in all. I call attention to the last report of the Department which contains "An abstract of proposals received and contracts awarded in New York City under advertisement of March 26, 1879, for furnishing supplies for the Indian service." ment of March 26, 1879, for furnishing supplies for the Indian service."
"Bacon:" Now, there were 225,000 pounds let, and there were only two bidders; and those supplies were to be delivered at Kansas City. This is the fault of letting the contract so remote from the field of supply. The same criticism will apply all the way through.

supply. The same criticism will apply all the way through.

Mr. WELLS. I will accept that amendment.

Mr. BLOUNT. I do not withdraw my point of order.

Mr. RYAN, of Kansas. I hope the gentleman will accept it as it is in the line of economy.

Mr. BLOUNT. I do not know whether it is in the line of economy or not. It is simply announced to this House without recommendation. I do not know it has the recommendation of any committee.

Mr. RYAN, of Kansas. I hope this will not be taken out of my time.

Mr. RYAN, of Kansas. I hope this will not be taken out of my time.
Mr. BLOUNT. Of course it will not.
Mr. FINLEY. Does the gentleman from Georgia say he reserved
the point of order?

the point of order?

Mr. BLOUNT. I did.
Mr. FINLEY. I was watching for that, but did not hear it.
Mr. BLOUNT. I am sorry the gentleman is getting old.
Mr. FINLEY. Let us look at the RECORD and see whether the gentleman reserved the point of order.

Mr. BLOUNT. The Chair has decided that I did.
Mr. RYAN, of Kansas. I wish to say if my friend will examine the reports he will see there are but seven bidders for the entire amount of the contracts awarded in New York City. This was to supply Indians in the extreme West, in the Indian Territory, and on the borders of Kansas, where there are over fifty thousand head of cattle. The field of supply is in the Missouri and Mississippi Valleys, and I undertake to say if these contracts were let at a location convenient to the field of supply, my State alone, for a contract of that sort, would furtake to say if these contracts were let at a location convenient to the field of supply, my State alone, for a contract of that sort, would furnish from twenty-five to fifty bidders. This system results in monopoly; and bidding is confined to professional bidders, who have their agents here at Washington with passes in their pockets, and who can go to New York and attend lettings. It is all wrong; and I hope the gentleman will accept the amendment.

The CHAIRMAN. Does the gentleman from Georgia insist on his scient of carlor?

point of order?
Mr. BLOUNT.

I do; I have no official information on the subject. Mr. RYAN, of Kansas. You know these contracts are all let in New

But they are not New York men. RMAN. What is the point of order raised by the gentle-The CHAIRMAN.

man from Georgia?

Mr. BLOUNT. This proposition does not come from any committee. It does not retrench expenditures. I do not know what merit there is in it. It is a proposition to change existing law.

Mr. HASKELL. Not a particle.

Mr. BLOUNT. It is a proposition to change existing law, not pro-

posed by any committee, and does not carry with it any retrenchment of expenditure, and, therefore, it is not in order on this bill.

This is an important matter. Here is the Committee on Indian Affairs and if that committee had recommended it I would not open

my mouth on the subject. There is nothing from the Department and I do not think there should be a change of the law in this way. I will say to my friend from Kansas, however, that, before the bill is disposed of, if he will obtain a recommendation from the Department or the Indian Committee, I will not renew the point of order.

Mr. RYAN, of Kansas. I think you should withdraw the point of order, as this is in the line of economy.

Mr. WELLS. There is no law now requiring all bids to be opened in New York. It is simply a regulation of the Department.

Mr. DUNNELL. I insist, Mr. Chairman, that if this amendment yield the existing law it is not approach for any graph on the Committee of the control of the committee of the control of the c

violates existing law, it is not enough for any gentleman on the Committee on Appropriations to rise and say so, but he is called upon to cite the law. I insist now there is no law anywhere in the country saying these bids shall be opened and proclaimed in the city of New

Mr. VALENTINE. It is only the custom.

Mr. DUNNELL. They have been only opened there because it has een the custom. I am firm in the belief we could do no greater service to the Indian Bureau than break up that custom.

A gentleman said the other day the Indian peace commissioners were all from the East. I do not wonder at it. They are from the East, and the men who get these contracts are from the East; they own the Department. I was once told by a gentleman who was connected

Mr. BLOUNT. Does the gentleman say they own the Department?
Mr. DUNNELL. I undertake to say these men who furnish these supplies have a hold on the Indian Bureau, and have had it for many

Mr. BLOUNT. What sort of control does the gentleman refer to and Mr. DUNNELL. I mean to say the control, as the gentleman from Kansas has pointed out as a monopoly. They have a hold that cannot be broken until we break up the custom which permits these bids to be opened in the city of New York. Now, there is no reason why the bids should be opened there; no reason at all. There is nothing to be said in support of it. Everything is against it. All the supplies that are needed for the Indians come from the States of Iowa, Minthat are needed for the Indians come from the States of Iowa, Minnesota, Kansas, Nebraska, Missouri, Illinois, and other States bordering on or adjacent to the Indian Territory. Why not let the contractors in these Western States have an opportunity to make bids, by inserting the advertisements for the supplies in all the papers of the Mississippi and Missouri Valley? Let the men who can furnish the supplies have an opportunity to make bids and a fair chance. But, as the gentleman says, there is a ring of professional bidders—a monopoly. The contracts are all advertised here. The agent is in New York. He knows when the advertisement takes place, and can post his principal; but the men in Kansas who can really furnish the supplies do not know anything about it, and cannot know anything about it, because they have no means of ascertaining. The bids are about it, because they have no means of ascertaining. The bids are to be opened in New York. The men who might bid are a thousand miles off. They cannot afford to go to New York, and they do not understand and they have no opportunity of knowing when the contracts are to be awarded.

Mr. HOOKER. Is it not true that if these bids were opened in Saint Louis or Cincinnati it would be greatly to the advantage of the Government by enabling an increased competition with reference to

Mr. RYAN, of Kansas. Certainly it would. There would be ten

Mr. DUNNELL. We would not only have a larger number of bidders and more competition, but we would be enabled to obtain these supplies, in my judgment, at largely reduced rates by saving transportation. There are contracts which have been let in the Indian Department for oats at upward of a dollar a bushel to be delivered in bulk the contract entered into in the city of New York. The conin bulk, the contract entered into in the city of New York. The contractor goes to Kansas, buys his oats at fifty cents a bushel, transports them fifty or sixty miles by wagon, fulfills the terms of his contract, and makes an immense sum of money out of the Department which the Government ought to save, and can save.

For my own part, I cannot understand why the same principle that prevails in the War Department for making these advertisements should not be applied in the Indian Bureau as well. If the War Department wants provisions or supplies to be delivered in Dakota or elsewhere the bids are published in Minnesota, Iowa, and other States proximate to the points where the supplies are to be used, and the men who actually have the supplies on hand have an opportunity of

[Here the hammer fell.]

Mr. PRICE. Is the question of order pending?

The CHAIRMAN. It is. The question of order is before the com-

Mr. PRICE. In what I may say on this question I shall endeavor to speak to the question of order. The point of order that is made against this amendment is that it does, inferentially or in some other way, change existing law. Now, that point of order is made upon the supposition that there is a law on the statute-books which is to be changed by this proposed amendment. When a man wants to furnish a pound of pork to the Indians two thousand miles off he has not to be constituted in the sixty of the statute of the sixty got to go to the city of New York to make his bid to do it. This is the law that gentlemen say this amendment changes. Now, I doubt very much whether there is any such absurd law on the statute-books. If there is I shall be very much surprised. It ought not to be there.

Mr. HASKELL. There is no such law.

Mr. PRICE. Then, if there is no such law the point of order upon

that is badly taken.

that is badly taken.

Coming now to the common-sense view of this matter, I wish to say a few words upon that. The Indians are away out yonder toward sundown; the contractor comes to the city of New York and makes a bid to supply them with flour, oats, bacon, and pork.

Mr. HASKELL. And corn.

Mr. PRICE. Yes, and corn. Now, they do not raise any corn, or bacon, or pork, or oats, or anything else that the Indian needs in the city of New York; and you go there and bid for a thing that does not exist, unless it is carried there from the very doors of the Indians. You have to go fifteen hundred miles in the first place to buy the pork and corn and oats and take it to New York, and then go to New York and get a bid for it for the use of the Indians and carry it back

over the same road fifteen hundred miles again to where it is needed. Now, I say that is the common-sense view of this question. That is what it amounts to.

Mr. ATKINS. I rise to a point of order. Mr. PRICE. I say, Mr. Chairman, that is the common-sense view of it; that is, common sense hanged up by the neck for people to laugh at.

Mr. ATKINS. I insist upon the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ATKINS. I insist that the gentleman must confine himself to the point of order. This discussion as to the merits of the proposition itself is out of order.

The CHAIRMAN. The gentleman will confine himself to the point

of order.

Mr. PRICE. I am endeavoring to meet the arguments that have been made upon the point of order. I am following in the same line as my predecessors. If I am to knock down their arguments, I must go where their arguments lead me. I know of no other way of reaching them.

[Here the hammer fell.]

Mr. COX. A few words, Mr. Chairman, upon the point of order as connected with the question of retrenchment.

It seems to me to be considered as settled by some gentlemen that all the rascality connected with the Indian service centers in New

all the rascality connected with the Indian service centers in New York. Very likely that is true as to rascality. It is not true as to morality. I know something of this Indian service myself, and of the contract system. I know that a great many of the lowest bidders in New York have turned out to be the highest. Why, look at some of your old contracts about hatchets, blankets, &c. You will find by the testimony of agents, contractors, and others that the lowest bidders became the highest before they got done. This system is not peculiar to New York. It runs all through our Indian service. I believe that the amendment proposed by my friend from Kansas is in the line of retrenchment. Why should we have the bids opened at New York merely? There is no law for it. Let there be fair, full competition everywhere. If Saint Louis or Kansas wants to do a little cheating let them do it. Do not limit it to New York. New York has not the monopoly of rascality in this country. all the rascality connected with the Indian service centers in New has not the monopoly of rascality in this country.

Mr. McKENZIE. It has a large part of it.

Mr. McKenzle. It has a large part of it.
Mr. COX. I wish to say to the gentleman who has charge of this bill, the gentleman from Georgia—

A Member. The gentleman from Missouri.
Mr. COX. I wish to say to the gentleman from Missouri, who has charge of the bill, and to the gentleman from Georgia also, who seems to have a partial charge of it, that it is possible to give the largest advertising, the largest publicity, to these bids for calico, for blankets, for hatchets, for everything the Indian wants, and it should be done. There has been more reproach brought upon our Governbe done. There has been more reproach brought upon our Government by this matter of Indian contracts than by anything else.

Mr. BLOUNT. I desire to ask the gentleman a question.

Mr. COX. Very well.

Mr. BLOUNT. Does the gentleman not think it would be much better for the Indian Committee to consider this question than for the

Committee on Appropriations?

Mr. COX. That is not exactly pertinent to the point of order.

Mr. BLOUNT. There is a good deal of the gentleman's speech that has not been pertinent to the point of order.

Mr. COX. I will not discuss the point of order further than to say

I believe this lies in the line of retrenchment, and I do not think it needs to be referred to any committee.

Mr. ATKINS. I propose to address myself to the point of order. The merits of the question are all upon one side, as I suggested a moment ago and as the gentleman from New York [Mr. Cox] has

just suggested.

On the question of order I wish to say simply this: I believe it is conceded there is no law regulating the manner in which these publications shall be made. The law does not require anything specific lications shall be made. The law does not require anything specine in regard to it. It is a matter of mere regulation on the part of the Department. Now, the question is, is the regulation of the Department law? Does any gentleman claim that a regulation of the Department is law? I think not. If, then, there is no law, no statutory enactment about this matter, and if the regulations of the Department are not law, how can this point of order be sustained? That is the point I wish to make. I conceive that we are making a law by this amendment, but I cannot see that under Rule XXI we are changing avisting law. ing existing law.

Mr. SIMONTON. Will my colleague from Tennessee allow me to

Mr. SIMONTON. Will my colleague from Tennessee allow me to ask him a question?

Mr. ATKÎNS. I hope the gentleman will allow me to finish my remark, and then I will be ready to hear his question. We are making a law. But the rule does not say we shall not make a law. It says we shall not change existing law. Now, I repeat, the regulation of the Department is not a law, and therefore this amendment does not come within the point of order. I say this with all respect to my friend from Georgia, with whom I dislike to differ on this bill.

Mr. SIMONTON. I wish to ask the gentleman this question: if there is not now any law by authority of which the proper officer made these contracts?

made these contracts?

Mr. ATKINS. It is done by a mere departmental regulation.
Mr. SIMONTON. Is there no authority of law for it? There must
be authority of law for it.

Mr. ATKINS. Then show it.

Mr. SIMONTON. And if there is authority of law for it, the proper officer can now in compliance with the law make contracts in New York. After this he cannot do it; and therefore this must be a change of law

Mr. SPARKS. I think I can set my friend right on that point. There is authority of law for making these purchases. The mode, manner, place of advertising—all that is a regulation of the Department as I understand. So much money is appropriated for a particular purpose. That is the warrant to the Department for their expending the money. The manner in which it is done, the place and the mode of opening bids—all that is done by departmental regulation.

Mr. FINLEY. I agree with my friend from Tennessee [Mr. Arkins] that there is but one side to the merits of this question and I shall

that there is but one side to the merits of this question, and I shall devote the few remarks I have to make to the point of order.

The gentleman from Georgia says the amendment will change existing law. If that is true, the point of order is well taken. But the gentleman falls to show us the law it will change. He fails to show us that law by reference to book and page. I assert there is no such law. The gentleman from Tennessee [Mr. Atkins] has asserted, and I suppose he understands what he talks about, that it is a mere departmental rule.

If, then, the amendment does not change existing law, it is certainly germane, and the point that it does not come from a committee does

not attach.

not attach.

Now, if there be nothing more than a departmental rule upon this subject the argument of the gentleman from Tennessee is a valid one. We can make law. There is no rule which prevents us making a law; and we could not make a better law, one more for the interest not only of the Government but of the Indian, than by the enactment of this very amendment to this appropriation bill.

Mr. SCALES. Will the gentleman allow me to ask him a question?

Mr. FINLEY. Certainly.

Mr. SCALES. I understand my friend to say that there is no law on the subject now, but merely a departmental regulation.

Mr. FINLEY. Yes.

Mr. SCALES. And I understand it is now proposed to make a law.

Mr. SCALES. And I understand it is now proposed to make a law. Mr. FINLEY. Well.

Mr. SCALES. If this makes a law, then it is changing a law, beanse there is no law whatever now.

Mr. FINLEY. That is the most remarkable argument I ever heard in my life. The gentleman says that if you make a law you thereby change existing law, although there is no law in existence; yet, if you make a law perferce you change the existing law.

you make a law, perforce you change the existing law.

Mr. SCALES. One moment. I understand the gentleman to say

that here is a law which gives authority to the Department to make these contracts. It is now proposed to make the law specific. If that is not changing existing law, I should like to know what is.

Mr. FINLEY. I did not say that. I say that there is no law on the subject, only a simple departmental rule, which is worse than no

[Here the hammer fell.] The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON, of Iowa. The point of order I understand to be that this proposed amendment, if adopted, will change existing law. I understand that it is admitted on all hands that if a law does exist providing that these bids should be opened in a particular place, this amendment would not be in order. But if the law does not specify any such thing, and the practice of the Department rests solely on the custom heretofore followed by the proper officer, which custom can be changed at his will and pleasure, it seems to me that this amendment would be in order. I ask the Clerk to read sections 2083 and 2084 of the Revised Statutes.

The Clerk read as follows:

The Clerk read as follows:

The Clerk read as follows:

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians and all payments to them of money or goods shall be made by such person as the President shall designate for that purpose.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

Mr. THOMPSON, of Iowa. I will not detain the committee any further by calling attention to this matter, because all will see that the law leaves it to the discretion of the Commissioner himself where these bids shall be opened. He may direct that they shall be opened in the city of New York, in the city of Saint Louis, or in any other place he may designate. But it is fairly contemplated that certain notice must be given. Now, this amendment cannot change any existing law for the reason that the law does not now specify any place where these bids shall be either received or opened.

Mr. BLOUNT. I desire to say, Mr. Chairman—

Mr. MILLS. I would suggest to the gentleman in charge of this bill that as we are to have a night session to-night the committee should now rise.

should now rise.

Mr. BLOUNT. I will yield for that purpose. Mr. MILLS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Carlisle having taken the chair as Speaker pro tempore, Mr. Whitthorne reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House now adjourn.

Mr. ATKINS. I move that the House now adjourn.
Mr. WHITTHORNE. I ask my colleague to withdraw that motion, for the House has ordered a session for this evening.
Mr. ATKINS. I withdraw the motion.
Mr. WHITTHORNE. I move that the House now take a recess

until half past seven o'clock.

PENSION BILLS REFERRED.

Mr. HATCH. I ask consent that two pension bills upon the Speaker's table be now taken up and referred to the Committee on Invalid Pensions.

There being no objection, the following bills were taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions:

A bill (S. No. 748) granting a pension to Thomas E. Brawner; and A bill (S. No. 1360) granting a pension to Aaron Hatcher.

ORDER OF BUSINESS.

Mr. SPARKS. I call for the regular order.

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Tennessee [Mr. Whitthere] that the House now take a recess until half past seven o'clock this evening.

The question was taken; and upon a division there were-

Mr. NICHOLLS. No quorum has voted.

The SPEAKER pro tempore. No quorum having voted the Chair will order tellers.

will order tellers.

Mr. PAGE. Is it in order now to move that the House adjourn?

The SPEAKER pro tempore. It is.

Mr. NICHOLLS. I withdraw the point that no quorum has voted.

The SPEAKER pro tempore. The point of order having been withdrawn that no quorum voted, if no further count is called for the motion for a recess will be considered as agreed to.

No further count being called for, the motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., Mr. CAR-LISLE in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The session of this evening is exclusively for the consideration of reports from the Committee on Naval The Clerk will read the order.

The Clerk read as follows:

Tuesday, April 6, 1880, on motion of Mr. WHITTHORNE, by unanimous consent, Ordered. That there be sessions of the House on Wednesday and Thursday evenings next, April 14 and 15, for the consideration of business reported, or to be reported, from the Committee on Naval Affairs.

Mr. WHITTHORNE. As indicated last night, I propose under the general instructions of the Naval Committee to take up the reports from our committee in their order and according to their dignity. As there are three or four of our bills remaining on the Calendar of the Committee of the Whole, I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. STEVENSON in the chair.

JUDGE-ADVOCATE-GENERAL OF THE NAVY

The first bill on the Calendar reported from the Committee on Naval Affairs was the bill (H. R. No. 2788) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, dc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, from the officers of the Navy or the Marine Corps, a judge-advocate-general of the Navy, with the rank, pay, and allowances of a captain in the Navy or a colonel in the Marine Corps, as the case may be. And the office of the said judge-advocate-general shall be in the Navy Department, where he shall, under the direction of the Secretary of the Navy, receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service, and perform such other duties as have heretofore been performed by the solicitor and naval judge-advocate-general.

Mr. GOODE. I ask that the report of the committee may be read. The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2788) "to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, and to fix the rank and pay of such officer," beg leave to report the same back to the House with a favorable recommendation.

The bill proposes to authorize the President to appoint, by and with the advice and consent of the Senate, from the officers of the Navy or the Marine Corps, a judge-advocate-general of the Navy, with the rank, pay, and allowances of a captain in the Navy or a colonel in the Marine Corps, as the case may be. It provides that the office of the judge-advocate-general shall be in the Navy Department, and that it shall be his duty, under the direction of the Secretary of the Navy, to receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service. He shall also perform such other duties as have heretofore been performed by the solicitor and naval judge advocate-general. The committee believe it to be important and necessary to the best interests of the naval service that the legislation proposed by this bill should be adopted by Congress, for the following reasons:

1. The duties required to be performed under this bill are among the most important branches of the public business which have been confided to the Navy De-

the legislation proposed by this bill should be adopted by Congress, for the following reasons:

Ingressons:

The distribution of the public business which have been confided to the Navy Department.

2. The business which it is proposed to assign to this office consists of the records of all courts-martial, courts of inquiry, boards for the examination of officers for retirement and promotion, the preparation of charges and specifications for courts-martial, the organization of courts and boards, the various claims filed for investigation, numerous questions of law, regulation, and other matters. The records of proceedings of the various courts and examining boards, many of them being voluminous, require careful reading and examination preliminary to action thereon by the Secretary. The claims filed for investigation, and the questions of law and regulation arising in the Department, necessitate a thorough examination and consideration of the statutes, regulations, and established customs of the service relating thereto; and the business generally of the office being so extensive, it is impossible for the Secretary, in the midst of the other varied and important duties required of him, to give to this branch of the public business the attention and consideration that its importance demands.

3. Owing to the peculiar nature of the duties pertaining to the office of judge-advocate-general in the Navy Department, it seems to be absolutely necessary that the officer appointed to said office should be familiar with the law, forms, and practice of courts-martial, the rules, regulations, and established customs of the Navy that the should have practical experience in the naval service and an acquaints of the various classes of officers and enlisted men in the rank, grade that he should passess proper legal attainments to enable him to discharge satisfactorily the duties of that office.

4. The necessity of having any officer of the service possessing these qualifications to perform the duties tof judge-advocate-genera

Mr. GOODE. I presume no further explanation of this bill is necessary. I move, therefore, that it be laid aside, to be reported favorably to the House.

The motion was agreed to.

DOCKAGE OF PRIVATE VESSELS AT NAVY-YARDS.

The next bill on the Calendar reported from the Committee on Naval Affairs was the bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage of private vessels at the everal navy-yards of the United States.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act section numbered 3617 of the Revised Statutes of the United States be, and the same is hereby, amended so as to permit the Bureau of Yards and Docks, Navy Department, to use and apply the proceeds from dockage of private vessels at navy-yards in making the necessary repairs to said docks.

Mr. GOODE. I ask that the report be read.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill H. R. No. 4787, beg leave to submit the following report:

It frequently occurs that private docks in the vicinity of navy-yards are in use or incapacitated, and the owners of vessels in cases of emergency are obliged to resort to Government docks.

resort to Government docks.

Before the use of the Government dock is granted, however, certificates are required from private dock companies in the vicinity, of their inability to dock the vessel in question. The custom has been to charge the owner or agent of the vessel only the actual cost of docking, and no charge of wear and tear of the dock; the material used being returned in kind.

The entire proceeds received for docking vessels must necessarily be turned into the Treasury under the head of "Miscellaneous receipts," as provided by sections 3617 and 3618 of the Revised Statutes.

Under these circumstances the appropriations which are required for the maintenance of repairs of navy-yards are largely absorbed for docking private vessels,

and the fund so expended entirely lost to the Bureau of Yards and Docks, since the gross amount received for docking must be covered into the Treasury.

It often occurs in docking large steamers that the dock suffers injury from one cause or another, requiring large outlays for repairs. The California dock is a case in point; the authorities of that yard having submitted an estimate of \$45,000 to put the dock in good working order.

The committee are of the opinion that section 3617 of the Revised Statutes should be so modified that the proceeds received for docking vessels at United States navy-yards may be retained by the Navy Department as a dock fund, the same to be expended in keeping the docks in repair and working order. This modification is recommended by the Secretary of the Navy, and would enable the Bureau of Yards and Docks to have the full benefit of its small appropriations for legitimate needs, and at the same time keep its docks in order from the funds received for docking private vessels. They therefore recommend the passage of the accompanying bill.

Mr. GOODE. This bill is very strongly recommended by the Secretary of the Navy and has the unanimous approval of the Naval Committee. I move that it be laid aside to be reported favorably to the House

The motion was agreed to.

EXPERIMENTS IN MOVABLE TORPEDOES.

The next bill on the Calendar reported from the Committee on Naval Affairs was the bill (H. R. No. 5046) to provide for experiments in movable torpedoes

Mr. WHITTHORNE. Under the instructions of the Committee on Naval Affairs, I ask that this bill be passed over. As a reason for this action I will state that the Committee on Appropriations, we understand, will report a somewhat liberal appropriation for experiments in torpedoes; we do not wish any action on the pending bill until the experiments authorized by the regular appropriation bill shall have been made by the Secretary of the Navy. We deem it to the interest of the Government, for the present at least, that the bill be passed

The CHAIRMAN. If there be no objection, the bill will be passed ever, as suggested by the gentleman from Tennessee.

There was no objection.

PROFESSORSHIPS AT NAVAL ACADEMY.

The next bill on the Calendar reported by the Committee on Naval Affairs was the bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy.

The bill was read, as follows:

Be it enacted, &c., That the head of the department of modern languages and the head of the department of drawing at the United States Naval Academy shall be commissioned in the Navy as professor of modern languages and professor of drawing, respectively, at said Academy, under the same provisions as to pay and retirement as professors at the United States Military Academy.

The amendment reported by the Committee on Naval Affairs was read, as follows:

Strike out at the end of the bill the words "professors at the United States Military Academy" and insert the following:

Professors of mathematics in the Navy: Provided, That in estimating their length of service credit shall be given them from the date of their appointments as head of the department of modern languages and of drawing, respectively.

Mr. DUNNELL. Let me ask one question.
Mr. BREWER. The report sets forth briefly the reasons for the bill. I ask that it be read, as I presume it may answer the gentleman's inquiry.

The report was read, as follows:

man's inquiry.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and drawing at the United States Naval Academy, respectfully report:

They have had the same under consideration, and find that section 1399 of the Revised Statutes provides that there shall be appointed not to exceed twelve professors of mathematics in the Navy. These professors are subject to the orders of the Secretary of the Navy, and are usually assigned to fill positions at the Naval Academy and at the Observatory. Their pay is \$2,400 for the first five years of their service, \$2,700 for the second five years, \$3,000 for the third five years, and \$3,500 per annum after fifteen years of service. The professors of mathematics assigned to the Naval Academy are placed at the head of some particular department, and are members of the academic board. For some years past the professorship of modern languages and the professorship of drawing have been filled by persons from private life; yet they have been full professors, and at the head of their respective departments, and, like the professors of mathematics, they have been members of the academic board. They have differed from the professors of mathematics in this: While the professors of mathematics have held rank in the Navy, the professors of drawing and modern languages have not. Appropriations have been made annually to pay these two last-named professors at the rate of \$2,500 each. The bill in question is to place them upon an equal footing with the professors of mathematics as regards rank and pay. The passage of the bill is recommended by the present superintendent of the Naval Academy and by the entire academic board and by the following former superintendents of the Academy: Admiral Porter, Rear-Admiral Worden, and was recommended by the present superintendent of the Academy used this language in their report:

"The board recommend that the heads of

Mr. BREWER. This bill is recommended by the unanimous voice and wish of the committee, by the Secretary of the Navy, and by the superintendent of the Naval Academy, as stated in the report. I ask, therefore, that the amendment reported by the committee be agreed to, and that the bill be laid aside, to be reported favorably to the House.

Mr. VAN VOORHIS. How many professors of modern languages are

here at Annapolis?

Mr. BREWER. Only one is provided for in this bill; the other proessorship is that of drawing. Each of these professors is at the head

of a department.

Mr. BEALE. What is the present pay of a professor of mathematics, and what increase does this bill provide?

Mr. BREWER. For the first five years of service there will be a decrease of pay. These two professors are now getting \$2,500 a year each; but under this bill they will receive for the first five years only \$2,400 a year; after that there will be an increase based upon length of service.

The amendment reported by the Committee on Naval Affairs was agreed to; and the bill as amended was laid aside, to be favorably reported to the House.

MACHINISTS IN THE NAVY.

The next business on the Calendar was the bill (H. R. No. 5628) relating to machinists in the Navy. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That all men now serving in the Navy who may be discharged as machinists, with continuous-service certificates entitling them to honorable discharge, and those discharged in the said rating with such certificates since the 20th day of November, 1879, shall receive one-third of one year's pay as a machinist for each good-conduct badge they have received, or may receive, not exceeding three in number under the said certificates, the said gratuity to be received in lieu of re-enlistiment as a machinist under such certificate, and to be in full and in lieu of all claims against the United States in connection therewith, for extra pay for re-enlisting, or for continuous service, or for enlistment as a petty-officer; and the amount necessary to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. GOODE. I ask that the report be read.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 3821) providing for the permanence of machinists in the Navy after certain re-enlistments, beg leave to report:

That they have had the same under consideration, and recommend the adoption of the accompanying substitute. The committee call attention to the letter of the Secretary of the Navy as embodying their views upon the subject-matter referred to in said bill:

"Navy Department"

"NAVY DEPARTMENT, "Washington, February 19, 1880.

"SR: I have examined bill H. R. No. 3821, presented by you to the Department for its views thereon, providing for the permanence of machinists in the United States Navy after certain enlistments.

"The enlistment of machinists to do the duty of assistant engineers was determined on ten or twelve years ago. There was no statute establishing such a rate in the Navy or fixing the pay thereof. Under authority given the President by law to fix the pay of petty-officers and seamen in the Navy, he fixed the pay of machinists at \$75 a month.

"The system of enlisting machinists for the purpose above stated was rather an experimental one, and in its operation does not appear to have given satisfaction. The engineers in charge of machinery on board vessels in commission and where machinists have been placed in the responsible position of standing on engine-room watch have generally condemned the system, and many of the injuries to engines, boilers, and their dependencies have been attributed and traced to the inefficiency, inexperience, and want of knowledge on the part of the machinists. The heads of the Bureau of Steam Engineering have all reported against the system.

tem.

"The duty which has been assigned to machinists can be carried on more efficiently by responsible and educated engineer officers of the Navy, and it is better for the service that our cadet engineers and assistant engineers should discharge this duty altogether. They can then be held directly responsible for any disasters which may occur or any injuries which may be sustained in the steam department, and not be able to shift the responsibility to machinists under them, as may now be the care.

which may occur or any injuries which may be sustained in the steam department, and not be able to shift the responsibility to machinists under them, as may now be the case.

"A class of cadet-engineers is annually graduated from the Academy and sent at once to sea for service in the engine-room of vessels, and, after a two years' cruise, are appointed assistant engineers. From this source, and the occasional appointment of qualified candidates from civil life, the Navy will secure all the engineer officers required for the service. There will be no actual necessity for machinists, as was the case, to some extent, when the system of enlisting them was introduced. Such subordinate assistance as may be needed in the engineer's department of vessels and stations can be performed by first-class firemen, and thus save \$522 a year for each machinist that is in the service at the present time. The pay of a machinist is \$900 a year, and that of a first-class fireman, \$378.

"On the 20th of November last an order was given to suspend the enlistment or re-enlistment of machinists, and, by reason of the expiration of the terms of enlistment of those now in the service, this class of employés will, at no very distant day, be removed from the Navy.

"In view of all the facts in the case and the unsatisfactory experience with the system of enlisting and employing machinists, I cannot recommend the passage of this bill, which proposes to ingraft upon the Navy a permanent corps of this class. "There are among the machinists in the service many good and faithful men, who have performed their duties with zeal and with all the ability and educational advantages they possessed. It would, therefore, seem to be a harsh measure to throw them out of employment without some substantial recognition of their past services, and I would therefore recommend suitable legislation to provide such recognition.

"Those who have received three honorable discharges and three good-conduct badges, having served three consecutive enlistments, might r

sent to you.
"Very respectfully,

"R. W. THOMPSON, "Secretary of the Navy.

"Hon. JOHN GOODE,
"Committee on Naval Affairs, House of Representatives."

Mr. GOODE. I will state to the committee, Mr. Chairman, that the bill as originally introduced provided for a permanent establishment of machinists in the Navy, but inasmuch as the law provides for cadet engineers and experience has shown there is no necessity both for enrineers and machinists in the engine-room, the head of the Bureau of Steam Engineering and the Secretary of the Navy have agreed in the opinion that for the future these machinists ought to be dispensed with. But inasmuch as when these machinists enlisted the prospect was held out to them for good behavior they would be entitled to re-enlistment the Department thought it a hardship (and in that the committee agreed) to send them adrift without making some provision for them, and the object of this bill is to bestow on them this small gratuity.

Mr. VAN VOORHIS. How many of them are there?

Mr. GOODE. One hundred and six only.
Mr. DAVIS, of North Carolina. What is the amount to be taken by this bill?

Mr. GOODE. The amount will be from fifty to sixty thousand dol-

Mr. CONGER. I wish to inquire whether under the bill referred to all further employment of civilian or enlisted machinists is to be

prohibited?

Mr. GOODE. They are dispensed with by order of the Navy Department issued on the 20th of last November, stating that from and after that date no further enlistment of machinists is to be had, for the reason that the law already provides for cadet engineers, and experience has shown there is no necessity for both engineers and experience has shown there is no necessity for both engineers and machinists in the engine-room, as they are really in each other's way. The Department felt called upon to dispense in the future with these machinists, in the interest of economy. You will see by the report there is a considerable saving to the Government by this legislation. We would save in each case \$522 a year. But we thought it a hard case, inamuch as these men had enlisted with the prospect of re-enlisted with the prosp listment on good behavior, they should be turned adrift without some

small gratuity like this.

Mr. BREWER. I wish to ask my colleague on the committee a question, and it is this: whether the substitute reported to the House does not meet with the full approbation of the Navy Department?

Mr. GOODE. The bill was prepared there. I sent the original

draught to the Navy Department, and the Secretary, for reasons given in his letter, said he could not recommend that bill, but in lieu of it prepared and recommended the passage of the bill which is now before the House.

before the House.

Mr. CONGER. I do not know, Mr. Chairman, but it may be all right that all employment in the Navy should come through one channel, the cadets and the educated boys of the Navy. I thought in the ordinary business of machinists it might possibly be advantageous for the Government to secure the services of practical, scientific, and skillful machinists, and I am not myself in favor of discharging these old machinists with a little extra pay and sending them adriftmen who have spent their lives in the faithful discharge of their duty to the Government. to the Government.

Mr. BREWER. They are only to be discharged as their terms of

enlistment expire.

Mr. CONGER. They enlisted and entered the service of the United States just as much as an officer did with the understanding if they could maintain their position as good machinists they should hold it so long as they were capable of serving. They are, under this law, to be dismissed from the service in which they have labored long in under to make your for young advected boys who come through the order to make way for young educated boys who come through the

regular channels.

Now, I desire to say that within the last few days my idea of these close corporations, the Naval Academy at Annapolis and the Military Academy at West Point, has changed somewhat materially from what it heretofore has been. I have begun to think that it is barely possible some of the remarks of my democratic friends heretofore made

sible some of the remarks of my democratic friends heretofore made may turn out to be true.

Mr. RICHMOND. Good. [Laughter.]
Mr. CONGER. Yes; it may seem somewhat incredible. [Laughter.]
It may be true that we are educating a class of men in this country at the expense of the Government, who feel themselves so much above Senators and so much above Representatives in this House, that they consider it unworthy of them to associate with their fellows who may differ from them in color or religion or previous condition of servitude. [Laughter.] I make these remarks now because this system of letting in a few favored ones under a system of education in the United States who shall hold all the offices and all the places of employment in the Navy or in the Army, under civil service places of employment in the Navy or in the Army, under civil service rules, seems or begins to seem to me as perhaps not the best way

after all.

And this is striking at the right of all citizen machinists and citizen mechanics to be employed in the service of the country for these purposes in the Navy. I do not want to say much about this at present or enlarge upon it now so much as to prevent me from taking back what I have referred to in regard to the management of another institution. If the facts are developed to the country as to the ability of the Government to control unruly educated gentlemen at West Point, if they are able to control them, perhaps we can manage machinists in the Navy. I will wait the result.

Mr. HARRIS, of Massachusetts. Mr. Chairman, I desire to say but

a word upon this matter. The object, I think, of the Secretary of the Navy in discharging these men was for the purpose of causing these gentlemen engineers, educated at the public expense, to take off their kid gloves and soil their fingers by doing a little honest work. The committee did not believe that it was proper that the Government

committee did not believe that it was proper that the Government should continue longer to pay machinists for doing the work of these gentlemen who would thus be required to do nothing but hang around and superintend. Such is not the purpose of the bill.

Mr. TALBOTT. I desire to call attention to one fact which seems to have escaped the observation of gentlemen, and that is that this bill does not compel the Secretary of the Navy to dispense with the services of any of the machinists employed from civil life. He can employ them if he sees fit or if it be necessary; but if he, in the exercise of his duties as Secretary of the Navy, thinks and feels it proper in the interest of economy and good management of his Department to discharge machinists taken from civil life, he has the right to do so. That is a regulation already existing. But there is not one single word contained in this bill or in the substitute of the Committee on Naval Affairs that compels the Secretary of the Navy to discharge any Naval Affairs that compels the Secretary of the Navy to discharge any man now employed from civil life as a machinist or to prevent him from employing them hereafter if necessary. It only recompenses these people who are discharged from the Navy and who were entitled by good behavior to re-enlistment. Not being re-enlisted, this simply allows them some compensation for the disappointment.

Mr. GOODE. I move that the bill be laid aside to be reported favor-

ably to the House.

Mr. SAMFORD. I desire to ask the gentleman from Virginia a question. I wish to know how many of these machinists have these

Mr. GOODE. There are different kinds of badges.
Mr. SAMFORD. I mean these continuous-service badges referred.

Mr. GOODE. There are one hundred and six, I think, of them. Mr. SAMFORD. What peculiar privileges do these badges confer upon them?

Mr. GOODE. The continuous-service badge is equivalent to a promise on the part of the Government that the holder shall be entitled to re-enlistment.
Mr. SAMFORD. Is that the law?

Mr. GOODE. No; that is a matter of regulation of the Depart-

ment.
Mr. SAMFORD. The law provides for the cadet engineers?

Mr. GOODE. Yes, sir.
Mr. SAMFORD. But it does not provide, as I understand you, for the enlistment of the machinists from civil life?

Mr. GOODE. No; that is a matter of regulation.

Mr. SAMFORD. Now, I would like to ask whether or not these machinists employed from civil life have not been paid from the time of their enlistment?

Mr. GOODE. They have been, but the idea was held out to them that they would have the right to re-enlist under these good-conduct badges but the Deposit was been that they would have the right to re-enlist under these good-conduct

badges, but the Department revoked that regulation, and these men-

are thrown ont

Mr. WHITTHORNE. I desire to state to my friend from Alabama a fact that probably some other gentlemen of the committee may not be aware of, that there is no law or statutory enactment that fixes the pay of seamen, masters, sailors, and ordinary seamen, &c. All of that is a matter of regulation under the law by the Secretary of the Navy himself. He goes along from time to time a various interior into these mathimself. He goes along from time to time examining into these mat ters and fixing the pay of landsmen, seamen, ordinary seamen, sailors, yeomen, &c. Now under the regulations of the Secretary of the Navy, after the introduction of steam into the Navy, and in this case subsequent to the war, the Secretary of the Navy made a regulation providing for the employment and pay of these machinists in the

subsequent to the war, the Secretary of the Navy made a regulation providing for the employment and pay of these machinists in the Navy.

Mr. SAMFORD. Under the law?

Mr. WHITTHORNE. Yes, sir, under the law; because the law authorizes the regulation of the pay, and by the President, I think. Now, the regulations provided, in the employment of these machinists, that they should have so much pay for the first three years. Then if the service was satisfactorily performed the party was entitled to what is called a good-conduct badge, and upon re-enlistment that badge entitled him to so much additional pay.

Mr. SAMFORD. Then they have received that additional pay for the badge, have they not?

Mr. WHITTHORNE. These gentlemen, or a part of them, for I do not agree with the gentleman from Virginia as to the number.

Mr. SAMFORD. It takes three years to get a badge.

Mr. WHITTHORNE. Yes, sir.

Mr. SAMFORD. I understand when the machinist has received his badge at the end of the three years he may be re-enlisted at a higher rate of pay?

Mr. WHITTHORNE. Yes, sir.

Mr. SAMFORD. Now, my question is if that be the case, is it not true that these parties who have been re-enlisted have been already recompensed for the possession of that badge?

Mr. WHITTHORNE. No, sir; because it is a part of the compensation promised him—that having served three years he shall be entitled to promotion, as it were, and to additional pay. Now, how-ever, in the interest of the service and under the operation of this

order from the Secretary of the Navy, by which a large part of these men are dismissed from the service, they lose what they were entitled to under the good-conduct badge. In addition to that I wish to say that there will be a much larger saving than that proposed to be paid to these parties under this bill.

There will be a saving in the expense in the employment of these machinists from civil life. It is in the interest of economy that the Secretary of the Navy discharges these machinists because there are now officers in the Navy to perform those duties, the cadet engineers. We find one hundred and six machinists upon the one hand, and there are cadet engineers who are commissioned officers provided by law and who receive salaries under the law, which is fixed. These cadet engineers we cannot dismiss because they are fixed officers under the law. But these machinists exist only by regulation of the Department, and we can discharge them. Therefore the keeping of that body of men in pay is an unnecessary tax upon the people while

there are officers already provided to perform the duty.

Mr. SAMFORD. If the gentleman from Tennessee will pardon me
I understand him to state when the machinist serves three years he

is entitled to one of these good-service badges.

Mr. WHITTHORNE. Yes, sir.

Mr. SAMFORD. And he is entitled to be re-enlisted at a higher

rate of pay?

Mr. WHITTHORNE. Yes, sir.

Mr. SAMFORD. And at the end of three more years entitled to another badge

Mr. WHITTHORNE. Yes.

Mr. SAMFORD. Now your bill provides that whoever is in possession of three of these badges shall have a full year's pay?
Mr. WHITTHORNE. Yes.

Mr. SAMFORD. Notwithstanding he has had the benefit of the badges that he has won heretofore in being allowed to re-enlist at a higher rate—he gets it in addition to that. Now, here is a man who has been in the Navy perhaps three years, and has but one of these You give him no gratuity; you give him nothing; and yet

he enlisted on the same implied agreement with the Government.

Mr. WHITTHORNE. The spirit of this bill is that of the ordinary equities of life. That is to say, if I employ a man and ask him to abandon his home, to abandon his surroundings or ordinary pursuits, and enter into my employment, holding out the promise to him that I will keep him in my service for such and such pay for such a length of time, and he comes in good faith and performs all the conditions on his part, but I find it to my interest to discharge him sooner, the equities in the ordinary relations of life require that I should give him some compensation.

Mr. SAMFORD. Does not that apply in the case of an engineer who has served but three years and has but one badge? I am ask-

ing for information.
Mr. WHITTHORNE. I think I understand the gentleman now The gentleman will find that under the practical operation of the order of the Secretary of the Navy, referred to, these men who are under enlistment now may be retained, I do not know how long.

Mr. SAMFORD. I understand that; but I say a man who has been there but three years and has but one of these badges is entitled to

be re-enlisted, as well as the man with three. I ask the question why do you not compensate that man as well as the others? I am not in favor of the bill, I am not in favor of granting gratuities; but the logic is the same for the man who enlisted and served but three years, and has but one badge, as for the man who has three badges.

Mr. CONGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

Provided, That nothing herein contained shall be so construed as to prevent the re-enlistment of machinists in the Navy.

Mr. MORSE. I think there can be no objection to that.
Mr. BREWER. I think there is objection to it. What is the use of passing the bill if you accept that amendment? It takes away the whole force of your bill.
Mr. MORSE. It simply provides that a man may re-enlist if he

wants to.

Mr. BREWER. Let the amendment be read again.

The amendment was again read.

Mr. GOODE. I see no objection to that amendment. I am not authorized by the committee to accept it but it seems to me that this being a matter of regulation in the Department altogether, there can

be no objection to incorporating that provise in the bill.

Mr. CONGER. The object of the amendment is to prevent the Navy Department from assuming that this bill sanctions the discharge of all machinists from the Navy because provision is made for those

who are discharged.

Mr. THOMPSON, of Iowa. I wish to ask the gentleman from Michigan this question: Whether this bill in his estimation prevents the re-eplistment of machinists in the Navy if the Secretary shall so conclude

Mr. CONGER. I understand the regulations prevent that; and this bill providing for those who are dismissed may be presumed to sanction those regulations, which I think are very hard upon the

Mr. THOMPSON, of Iowa. I understand the bill as giving the right to re-enlist.

Mr. McMILLIN. I would ask the gentleman from Michigan if the amendment proposed is not inconsistent with the portion of the bill beginning at the tenth line?

The said gratuity to be received in lieu of re-enlistment as a machinist, under such certificate.

Mr. CONGER. If received at all it would of course be received in lieu of re-enlistment. But my amendment leaves it optional with the machinist himself to receive the gratuity or re-enlist.

Mr. McMILLIN. Then I submit if the bill be adopted with the

amendment, it amounts simply to a gratuity of one-third of a year's pay or two-thirds of a year's pay, or the pay of an entire year's service to the party accepting it. It is nothing more nor less than that.

Mr. CONGER. Not if he re-enlists.

Mr. BRIGGS. He cannot re-enlist unless the Secretary of the Navy

wants him to re-enlist.

Mr. TALBOTT. And he does not get the gratuity if he re-enlists.
Mr. McMILLIN. I desire to understand what effect this will have
on the revenue. What amount will this draw from the Treasury?
Mr. VAN VOORHIS. Thirty thousand dollars; \$300 each to one
hundred and six men.

Mr. McMILLIN. While I am up, I desire further to ask my colleague from Tennessee why this bill is made retroactive. It provides for the payment of this gratuity to all who may have been discharged since the 20th November, 1879. Why not make it operate from the date of the passage of the bill, or some day in the future?

Mr. WHITTHORNE. Mr. Chairman, I do not desire to trespass upon the courtesy of the Committee of the Whole; but prior to an-

upon the courtesy of the Committee of the Whole; but prior to answering the question of my colleague from Tennessee I desire to answer my friend from Alabama, [Mr. SAMFORD.]

Mr. SAMFORD. Mr. Chairman, interrupting my friend from Tennessee, I will say that a more careful reading of the bill satisfies me that my construction was erroneous. I see that the gratuity is extended to the machinist who holds only one badge, as well as to the one who holds three. And as it seems that under the law they are entitled to re-enlistment, it may be cheaper to get rid of them in this

entitled to re-enlistment, it may be cheaper to get rid of them in this way. And in that view, it may be advisable to pass it.

Mr. WHITTHORNE. Then I will say nothing about that. I will now answer my colleague [Mr. McMillin] and other gentlemen, who assume that under this bill \$30,000 must be paid out of the Treasury. Let us look at the other side of the account. Some gentlemen here seem to be disposed to hold these machinists in the Navy; not to let them me out at all. Now they will find that to keen these men in the them go out at all. Now, they will find that to keep these men in the Navy will require a tax upon the Treasury of between \$100,000 and \$150,000 per annum. And in order to save \$150,000 per annum the Committee on Naval Affairs have thought it best and equitable to try and get rid of this continuous annual charge by paying this

I do not understand very well the amendment of my friend from Michigan, [Mr. CONGER;] but giving it a liberal construction, if one of these machinists re-enlists he will not then be entitled to demand or receive from the Treasury the amount provided for in this bill.

Mr. McMILLIN. If you propose to get rid of him, why leave him with the right to re-enlist? Mr. WHITTHORNE. That proposition comes from another gentleman, not from me.

tleman, not from me.

Mr. McMILLIN. It is inconsistent with this bill.

Mr. WHITTHORNE. Now, in regard to the other question, why we should give this bonus to any of these men who have been discharged; why make this bill retroactive? Members on the Committee on Naval Affairs, and other gentlemen who are familiar with the legislation of the country, know that these men Belonging to the military branches of the service set up the claim that they have a vested right, that they were in office, that they were in possession, and that the Secretary of the Navy had no right at all to discharge them; that under the terms of their enlistment, although it was at first for three years only, they had the right to re-enlist, of which right they that there the terms of their enistment, although it was at first for three years only, they had the right to re-enlist, of which right they could not be deprived by the order of the Secretary of the Navy.

Mr. VAN VOORHIS. Whether they are wanted or not?

Mr. WHITTHORNE. Whether they are wanted or not? Pardon

me there again. I have not the order of Secretary Robeson, or who-ever was Secretary of the Navy at the time that these good-conduct badges, so called, were established. But under the law of the land the Secretary of the Navy has the right to fix the pay of the men of the Navy. Assuming that under the law he had that right, the Secretary of the Navy proceeded to provide for enlistments not only for three years, but also looking forward to continuous re-enlistment. Now these parties come up here and say that under the law and under the regulation of the Secretary of the Navy, and in good faith, they enlisted for three years; but at the time of their enlistment, when they cut loose from their families and their hearth-stones, they looked forward not only to three years' service, but to nine years' service, under the promise of re-enlistment.

Mr. McMILLIN. Does my colleague understand the law to authorize one of these enlisted men to thrust his services upon the Govern-

ment for nine years, whether the Government wants him or not?

Mr. WHITTHORNE. Pardon me again. My colleague, if he knows me at all, ought to know that I have been trained in a school which teaches one not to believe in vested rights anywhere and in any man. When my colleague asks me that question he certainly does not know

the gentleman whom he addresses as his colleague. I do not believe in anything of the kind.

But unfortunately neither his opinion nor mine controls this House or the world. Men come along and say that there are such things as vested rights, that they have equities and all that sort of thing. Now, with the view of disposing of all such things and of saving money to the Treasury, we have reported this bill.

Mr. McMILLIN. Which recognizes vested rights.

Mr. WHITTHORNE. Not at all.

Mr. DAVIS, of North Carolina. I would be glad to know, if the gentleman can inform me, when the law was passed assigning cadet

engineers to this duty.

Mr. WHITTHORNE. When the gentleman speaks about "assigning them to this duty" he takes me back to the introduction of steam ing them to this duty" he takes me back to the introduction of steam into the Navy of the United States. The "engineer" officer was originally created for the purpose of performing this duty, and it has grown up since about the year 1847. Since the war there has been established the grade of cadet engineer, and he being the junior officer in the Engineer Corps is now made to perform the duty which originally was performed by the machinist.

Mr. DAVIS, of North Carolina. Then, this regulation has been made since the law was passed assigning this duty to the cadet engineer, if I understand the gentleman?

Mr. WHITTHORNE. It has grown up hand in hand with it. If my friend will allow me to give him an outside explanation, I will

my friend will allow me to give him an outside explanation, I will say that, as my friend from Massachusetts [Mr. HARRIS] has intimated, there has been a disposition on the part of the cadet engineer to get some "other fellow" to do this duty for him; and the Secretary

to get some "other fellow" to do this duty for him; and the Secretary of the Navy now proposes to have the cadet engineer do the work which has been done by the "other fellow."

Mr. VAN VOORHIS. I should be willing to vote for this bill if it was to pay men for labor which they had performed, and for which they had not received adequate compensation. But I am not willing to vote for it upon any theory that any set of men have a mortgage on this Government by which they can remain in its employment all the time, whether they are wanted or not, or whether there is any work for them to do or not. If that is the principle more which this work for them to do or not. If that is the principle upon which this

bill is based, I shall not vote for it.

Mr. MORSE. This bill is based upon the same principle as the bill passed a few years ago retiring a certain number of lieutenants from

the Army

Mr. McMILLIN. The principle of getting rid of them to make new

Mr. VAN VOORHIS. Here are a hundred men whom the Government does not want. Their term of enlistment has expired or is about to expire. The Secretary of the Navy has ordered that they shall not be re-enlisted. If they have earned more money than they have received, let us pay them whatever is due. But if it is the theory that they have a legal right to be re-enlisted, and that we must buy

them off in order not to put the Government in the position of repudiating a contract, I cannot vote for the bill on any such theory.

Mr. HARRIS, of Massachusetts. Several times during the last two or three years there has been a proposition before the Naval Committee to offer inducements to some of our naval officers to retire from the service. I think it would be an excellent plan to offer to pay certain officers of the Navy, if thereby we could induce them to retire.

Mr. VAN VOORHIS. I would agree to retire all these officers at

West Point.

Mr. HARRIS, of Massachusetts. I do not want to touch West Point ow. This bill does no more than say to these gentlemen, "You cannot be turned out; but the Government offers you so much money to go out." In my opinion, if we could get rid of the whole retired list of the Navy by paying the officers on that list something considerable, it would be economy for the Government; and I should not call it a gratuity.

The amendment of Mr. Conger was agreed to.

The bill, as amended, was ordered to be laid aside, to be reported

favorably to the House.

NAVAL WHARF AT KEY WEST, FLORIDA.

The next bill on the Calendar reported from the Committee on Naval Affairs was the bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State of Florida.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Navy, for the erection of a naval wharf at Key West, in the State of Florida.

The report was read, as follows:

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred bill H. R. No. 1023, having had the same under consideration, respectfully submit the following report:

The naval station at Key West is one of very great importance as a depot for coal and stores, and it affords a very convenient place for the repair of the machinery of vessels belonging to the Atlantic squadron.

The present wharf is an old wooden structure in a runous condition, requiring frequent repairs, and is wholly unfit for the necessities of the station. The Secretary of the Navy, in a communication to the Naval Committee in relation to the construction of a new wharf at this place, uses the following language:

"The Department regard this wharf as an improvement of the utmost importance and as absolutely necessary for the accommodation of the naval force employed at the West India station, and strongly recommend the passage of the bill, as the present old wharf cannot stand much longer."

The committee report said bill to the House, and unanimously recommend its passage.

Mr. BRIGGS. I move that this bill be laid aside, to be reported

favorably to the House.

Mr. DAVIDSON. The report from the committee which has been read will itself be sufficient, I hope, to insure the favorable consideration of this bill. But as the appropriation asked for will, if granted, be expended in my district I beg the indulgence of the committee for

This bill provides for an appropriation of \$30,000 for the erection of a naval wharf at Key West. The importance of this work, the absolute necessity for this appropriation, is clearly and distinctly shown by a letter of the Secretary of the Navy addressed to a member of the Naval Committee. Though extracts from that letter have been read, I will ask the Clerk to read the letter in full.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, March 2, 1880.

NAVY DEPARTMENT, Washington, March 2, 1880.

SIR: A copy of the bill presented by you in the House of Representatives making appropriation for the erection of a naval wharf at Key West, Florida, has been referred to the Department for an opinion as to the merits of the bill.

The Department respectfully begs leave to state that there is but one landing-wharf at the naval station at Key West. The station is an important one as a depot for coal, stores, and for repairs to the machinery of vessels attached to the North Atlantic squadron.

This wharf has been built many years, and is the only means of access to the public property except through private premises, and without it the Government would experience great inconvenience and loss.

The climate and the marine worms are very destructive to such wooden structures, and they require constant care and repairs.

The Department regards this wharf as an improvement of the utmost importance, and as absolutely necessary for the accommodation of the naval force employed on the West India station, and strongly recommends the passage of the bill, as the present old wharf cannot stand much longer.

I have the honor to be, very respectfully, your obedient servant,

R. W. THOMPSON,

R. W. THOMPSON Secretary of the Navy.

Hon. R. H. M. DAVIDSON, House of Representatives, Washington, D. C.

Mr. DAVIDSON. From this letter it will be seen that the Navy Department regards this work as one of vast importance and an absolute necessity. The statement of the Secretary is that the present wharf is an old one which cannot last much longer, and that unless a new wharf be erected the Government must experience great inconvenience and loss.

Key West is a place of far more importance than it is probably thought to be by many members of this House. I recollect the aston-ishment expressed to me by a member of the Forty-fifth Congress who visited that island in company with the Postmaster-General and other officials about two years since. He said that he expected to find there a village of a thousand or twelve hundred inhabitants, but to his great surprise he found, instead of a village, a thriving town or city of nearly fifteen thousand people.

The place is important as a naval station. As this letter states, it furnishes coal and stores for the vessels of the South Atlantic squadron. Its commerce is large for a place of its size, and is rapidly increasing. It is a fact which may surprise many gentlemen that the internal revenue annually collected there is about \$300,000, an amount larger than that collected at all other Florida ports, together with Savannah and Mobile.

The Secretary of the Navy recommends strongly the passage of this bill. It is known that he is honest, judicious, and utterly opposed to the useless expenditure of the people's money; and it seems to me that no stronger evidence than his recommendation need be adduced

to prove that the bill is meritorious.

Moreover, Mr. Chairman, the State from which I come has had but little share of the paternal care which has been so liberally bestowed upon other sections of the country, other States of the Union, in the way of appropriations. I appeal therefore to gentlemen on this committee that this moderate request of the State which I have the honor in part to represent, this request so strongly indorsed by the head of the Navy Department, may be granted by this House so far

as this House has power to grant it.

Mr. CONGER. Will the gentleman give us some idea of the additional amount of internal revenue that would be derived from the

building of this wharf?

Mr. DAVIDSON. I merely mentioned the amount of internal revenue paid to this Government by way of showing the importance of the place as a commercial point.

The bill was laid aside, to be reported favorably to the House.

Mr. WHITTHORNE. As this finishes the bills from the Naval Committee on the Calendar in the Committee of the Whole House on the state of the Union, I move the committee rise and report the bills, which

have been laid aside favorably, to the House. The motion was agreed to; and the Speaker pro tempore (Mr. Carlisle) having resumed the chair, Mr. Stevenson reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration bills reported from the Committee on Naval Affairs, and had directed him to report to the

House sundry bills, some with and some without amendment.

The SPEAKER pro tempore. The bills reported from the Committee of the Whole without amendments will first be disposed of.

NAVAL SOLICITOR.

The SPEAKER pro tempore. The first question is on the bill (H. R. No. 2788) to authorize the President to detail an officer of the Navy

or Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOODE. I move to strike out in the title of the bill the word "detail," and in lieu thereof to insert "appoint," so as to make it

"detail," and in lieu thereof to insert "appoint," so as to make it correspond with the body of the bill.

The amendment to the title was agreed to.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DOCKAGE OF PRIVATE VESSELS.

The next bill reported from the Committee of the Whole House on the state of the Union was a bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds of dockage of private vessels at the several navy-yards of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL WHARF AT KEY WEST.

The next bill reported from the Committee of the Whole House on the state of the Union was a bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

the table.

The latter motion was agreed to.

PROFESSORSHIPS AT NAVAL ACADEMY.

The SPEAKER pro tempore. The bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy, is reported from the Committee of the Whole House on the state of the Union with an amendment; which the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

In lines 8 and 9 strike out "professors at United States Military Academy," and in lieu thereof insert:

Professors of mathematics in the Navy: Provided, That in estimating their length of service credit shall be given them from the date of their appointments as head of the department of modern languages and of drawing, respectively.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BREWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

MACHINISTS IN THE NAVY.

The SPEAKER pro tempore. The bill (H. R. No. 5628) relating to machinists in the Navy is reported from the Committee of the Whole House on the state of the Union with an amendment; which the Clerk

The Clerk read as follows:

Add to the bill the following proviso:

Provided, That nothing herein contained shall be so construed as to prevent the re-enlistment of machinists in the Navy.

Mr. VAN VOORHIS. Mr. Speaker, that bill to my mind is of so doubtful a character I do not think we should pass it to-night. If we pass it at all it should be when a quorum is present, and upon a call of the yeas and nays. If it is pressed to-night, I shall feel it to be my duty to raise the point there is no quorum present. I will agree, however, it shall be put in such shape that the yeas and nays may be called upon it when there is a quorum present.

The SPEAKER pro tempore. The first question is on concurring in the amendment.

the amendment.

Mr. McMILLIN. I think as it is to go over the amendment should

go with it.

The SPEAKER pro tempore. It will be impossible to order the main question upon the passage of the bill until the amendment has been

Mr. McMILLIN. If the bill is to go through at all, I do not think the amendment should go through with it.

Mr. VAN VOORHIS. I do not object to the amendment.

Mr. McMILLIN. The amendment makes the bill of such a character that it is simply a gratuity, and can be considered nothing else. Furthermore, if I may be indulged for one moment, the amendment in an indirect way gives according to the idea they have a vested. in an indirect way gives acceptance to the idea they have a vested right to thrust themselves on the Government again. I do not think we ought to allow any such idea to get ingrafted by amendment, innuendo, or otherwise. We have a right to say who shall serve us, and I think we should exercise that right.

Mr. VAN VOORHIS. The amendment is right.

Mr. BREWER. I sincerely hope the gentlemen will withdraw their objection to the passage of this bill. They have put themselves upon the record, and they can do no more if they have the yeas and nays to-morrow. It seems to me there is no opposition I know of except on the part of these two gentlemen, and as they have made their speeches against it, I hope they will now allow the bill to pass.

Mr. WHITTHORNE. I have a proposition to make, and it is this: that unanimous consent be given that this shall go over as unfinished business.

Mr. REED. Is it not possible by ordering the previous question on the bill as it stands now to carry it over until to-morrow morning when the question will be on concurring in the amendment, then ordering the bill as amended to be engrossed and read a third time?

Mr. GOODE. I suggest we have a vote on the amendment.

Mr. REED. Will not the main question be ordered on the bill and

amendment as it stands, and then take a vote first on the amendment and afterward on the bill as amended?

The SPEAKER pro tempore. The Chair thinks that can be done if gentlemen on the floor do not now make a question as to the absence of a quorum.

Mr. REED. Then I hope that some gentleman on the committee will move the previous question upon this bill, so that it will come up as unfinished business.

The SPEAKER pro tempore. By unanimous consent the main question can be considered as ordered upon this bill. That will bring it up as unfinished business in the morning.

Mr. WHITTHORNE. Very well; I hope the House will act upon

that

There being no objection, the previous question was seconded and the main question ordered.

ORDER OF BUSINESS.

Mr. WHITTHORNE. Mr. Speaker, the Committee on Naval Affairs has three small bills on the House Calendar, and I hope that unanimous consent will be given to take them up now and consider them. I think there will be but little difficulty in getting through with them, as they will not be likely to lead to any discussion. I therefore move to proceed with the consideration of the business on the House Calendar.

The SPEAKER pro tempore. That will require no motion, the session of to-night being ordered for the purpose of considering bills upon the Calendar from the Committee on Naval Affairs.

Mr. DUNNELL. Would the action of the House calling this session sustain the consideration of private matters from that committee?

The SPEAKER pro tempore. The Chair thinks that it would cover all business reported from the Naval Committee and on the several calendars

Mr. WHITTHORNE. These bills to which I refer are upon the Pub-

lic Calendar—the House Calendar.

The SPEAKER pro tempore. The Clerk will report the first business on the House Calendar from the Committee on Naval Affairs.

PROFESSORS OF MATHEMATICS IN THE NAVY.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy.

Be it enacted, &c., That hereafter no person shall be appointed a professor of mathematics in the Navy until he shall have passed a physical examination before a board of naval surgeons, and a professional examination before a board of professors of mathematics in the Navy, to be convened for that purpose by the Sccretary of the Navy, and received a favorable report from said boards; and no person shall be appointed a professor of mathematics in the Navy who is more than thirty-five years of age, unless he shall have been continuously engaged in scientific duty under the Navy Department or in the duty of instruction at the Naval Academy from and after attaining the age of thirty years until the date of his appointment.

The report was read as follows:

The report was read, as follows:

The report was read, as follows:

The law provides for the appointment of not exceeding twelve professors of mathematics in the Navy. These professors shall perform such duties as may be assigned them by the Secretary of the Navy at the Naval Academy, the Naval Observatory, and on board of ships of war in instructing the midshipmen of the Navy or otherwise. These professors have relative rank in the Navy as follows: Three, that of captain; four, that of commander; five, that of lieutenant-commander or lieutenant. These professors are, or should be, appointed by reason of their scientific attainments. They are appointed by the President and by and with the consent of the Senate, and generally taken from private life. Under present laws late yare not compelled to submit to any examination as to their fitness for such professorship, but may be appointed by the favoritism or caprice of the President without regard to fitness. These professors may be appointed under present laws late in life when they are unfitted for the position; and they can soon be retired with rank and pay. The bill as amended provides for a suitable board to examine applicants for appointment, so that neither political nor personal feelings will control their selection; but, on the contrary, they will be appointed for their special fitness for the position. The bill also fixes the age at which an individual becomes ineligible for appointment. The committee report said bill with amendments in form of a substitute, and recommend that such amendments be concurred in, and that when so amended the bill do pass. The bill as amended fully meets the views of the Secretary of the Navy.

Mr. CONGER. I would like to know whether the Committee on

Mr. CONGER. I would like to know whether the Committee on Naval Affairs has undertaken to change the constitutional provision vesting the power of appointments of officers in the President in a little bill like this—a small, unpretentious, little bird? [Laughter.] The Constitution says the President shall appoint. The law is in the following words:

Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate.—
Section 1400 of the Revised Statutes, page 249.

Now, this Committee on Naval Affairs probably sit in a room where there is no copy of the Constitution of the United States. Of course I cannot presume that they would intentionally and with malice prepense violate the Constitution of the United States or ask this House to do so. Whether they relied so much upon the disposition to ignore the Constitution, of which we have heard so much lately in this House, or thought the question would not be raised at all, I am, of course, unable to say; but this committee has recommended to this House to pass a bill that some board shall appoint or prevent the appoint-

ment of professors of mathematics.

Mr. HUMPHREY. I would like to say to the gentleman from Michigan that, as the Constitution recognizes the law of nations, it has jurisdiction only three marine leagues from the shore.

Mr. CONGER. Well, that is a question that must be settled by

Now, notwithstanding the constitutional provision which says that these officers shall be appointed by the President, all the officers for the various departments, for the courts, and so on, the Committee on Naval Affairs have got so far beyond their soundings [laughter] that they ask this House to pass a law that the President hereafter shall they ask this House to pass a law that the President hereafter shall not appoint the professor of mathematics in the Navy until he shall receive a favorable report from a board of professors of mathematics in the Navy authorizing him to do this constitutional act.

Now, to most minds the mere statement of this proposition, the mere calling attention to this fact as it exists in this bill, would make most any sallor jibe ship and go back into port and give up the voyage.

I would like to hear from the chairman of the Committee on Naval Affairs on this subject. Or perhaps it would be more proper for me to ask the gentleman from Virginia, [Mr. GOODE,] who is the strict constructionist of the Constitution par excellence, (especially when it suits his views,) to explain why this bill from the Naval Committee should undertake to take away from our beloved President the power to appoint these officers. [Laughter.] What has he done lately [laughter] that he should induce this Committee on Naval Affairs to make this attack upon the prerogatives? [Laughter.] I call with an anxiety I have not words to express for an explanation. [Great laughter.] I would like to hear from the chairman of the Committee on Naval [Great laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BREWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

RANK OF ENGINEER OFFICERS IN THE NAVY.

The SPEAKER pro tempore. The clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy.

Be it enacted, &c., That section 1486 of the Revised Statutes of the United States be amended by inserting after the word "service," in lines 5 and 6, the words: "Provided, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of, or a higher relative rank than that of, another staff officer in the same grade and corps and whose commission in such grade and corps antedates that of such officer."

The report was read, as follows:

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred bill H. R. No. 1439, beg leave to report the same back with a substitute therefor. They recommend the adoption of the substitute.

The original bill has apparent merit, in that it seeks to re-enact what was omitted by the revisers of the statutes in their codification of the laws of the United States, yet it seems to the committee in their review of the statutes that the revisers substantially adopted the intent and purpose of the law-makers.

In fixing the grade and rank of officers of the Navy, the question of the relative rank of the staff presented some very sensitive questions, in part arising from the fact that staff officers, being appointed from civil life, could not, without authority of law, be credited with the period of pupilage, as in case of the line officers graduating at Annapolis; hence, with the purpose of securing harmony and doing justice in fixing questions of precedence, &c., as it seemed to the then legislators, it was provided by law that the staff officer should be credited or allowed "six years" as of service, when it was provided by law that engineer cadets should be appointed to the Naval Academy, and should have and receive the same period of instruction as cadet midshipmen; and an effort was made by act of June, 1873, to preserve the harmony intended by the act of March, 1871. This purpose is manifest. Yet, if the "word" is followed, the "spirit" thereof is killed, as is apparent; since, if the original bill is allowed to pass, it will, in the opinion of your committee, evade the true intent and meaning of the act of 1871 for the benefit of a few engineer officers appointed in 1866, and at the expense of a larger number of equally meritorious officers.

The operation of this bill upon the service, and the reasons which induce your committee to recommend the adoption and passage of the accompanying substitute, are to be found in the letter of the honorable Secretary of the Navy, herewith submitted

"NAVY DEPARTMENT,
"Washington, February 21, 1880.

"Sin: I have the honor to acknowledge the receipt of your letter inclosing bill H. R. No. 1439, 'to amend section 1434 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers graduates of the Naval Academy,' and making certain inquiries of me in connection therewith.

"The law regulating the precedence of staff officers in their several grades and corps, and with officers of the line of the Navy, is embraced in sections 1484, 1485, and 1486 of the Revised Statutes.

"By the statute of March 3, 1871, (section 1486, Revised Statutes,) it was provided that in estimating the length of service for the purpose of determining precedence, the several officers of the ine of the Navy with whom they hold relative rank who have been in the naval service six years longer than such staff officers have been in said service. In enacting this provision, which gave the benefit of six years of constructive service in determining the question of precedence among officers, it seems to have been the intention of Congress to equalize the rank of the officers of the staff with those of the line, by giving them a period which would be supposed to answer to the time which was expended by the line officers during the course of stady at the Naval Academy, four years, and in the grade of midshipman about two years, before reaching the grade of ensign, which is the relative rank of staff officers upon their original appointment from civil life to the lowest grades in the staff corps.

"Under the provisions of section 1485 of the Revised Statutes the precedence of staff officers, in their several grades and corps and with officers of the line of the same relative grade, is determined by length of service in the Navy.

"By the construction then given to the regulations of the Navy, six years was expended by the line officers in their education at the Naval Academy and service in the grade of midshipman before attaining the rank of ensign, and which period was counted as service in the Navy. It was undoubtedly deemed proper to fix this (six years) as the time which should be given to the staff officers in order to equalize their rank with that of the line officers of the same relative grade.

"At this time certain engineer officers were educated at the Naval Academy, and, in determining the question of rank, should such engineer officers graduates of the Naval Academy be allowed the constructive service, and, in addition to that, they would have what has been termed the fictions or constructive term of se

ice allowed to the officers of the staff corps appointed from civil life. The act of March 3, 1873, (section 1848, Rev. Stats.,) therefore provided that engineer officers graduated at the Naval Academy should take precedence with all other officers with whom they had relative rank according to actual length of service in the Navy.

"While, therefore, in the Revised Statutes, section 1484 precedes section 1486, it is in fact a limitation or exception to section 1486, and when thus read together it will be seen that all staff officers are entitled to the benefit of the six years' term of constructive service, with the exception of those engineer officers who graduate at the Naval Academy, and whose term of service, like that of line officers, begins at the commencement of the period of their education, and not, as with other staff officers, at the time when they actually enter upon their staff duties.

"This bill (H. R. No. 1439) proposes to allow to the engineer officers graduated at the Naval Academy, who entered the academy prior to March 3, 1873, in addition to the time expended by them in their education at the academy, six years' constructive service in estimating their length of service in the Navy, for the purpose of establishing their precedence and relative rank with other officers of the same relative grade. The effect of the legislation proposed by this bill would be to give to about twenty-two engineer officers graduates of the Naval Academy six years' before such engineer officers were appointed. This would be an exception to the general rule prescribed by sections 1484 and 1486 of the Revised Statutes, which establishes precedence and rank in grades, and, in the opinion of the Department, no reason exists why this advantage should be accorded to those officers; and, as they already have precedence and rank in grades, and, in the opinion of the Department, no reason exists why this advantage should be accorded to those officers; and they are accorded to the same allowed to the same provision of sect

of that year.

"Mr. Lawrence, therefore, who entered the Navy about four years after Mr. Leitch was appointed to the Naval Academy and fourteen months after he (Leitch) was commissioned assistant engineer, is a grade higher in relative rank than Mr.

Leitch.

"Thus it will be seen that officers of the engineer corps graduated at the Naval Academy, and whose commissions in their grades antedate those of officers subsequently appointed from civil life in the same grade and corps, are, in some instances, a grade lower in relative rank, as determined by the provisions of the sections of the Revised Statutes referred to. In consequence of this, claims have been made by assistant engineers appointed from civil life to be advanced in their grade over graduates of the Naval Academy whose commissions in that grade are of a prior date, and such claims are advocated by them on the ground that they are entitled by law to a higher relative rank than such graduates.

"It is not thought that it was the intention of Congress, by the acts of March 3, 1871, and March 3, 1873, to advance the staff officers in their grades and corps, but, on the contrary, that the object of those acts was to equalize the rank of line and staff officers.

"It is important and necessary to the harmony and efficiency of the service that the operation of the sections of the Revised Statutes referred to which is inconsistent with military usage should be corrected by legislation directed to that end.

I take the liberty, therefore, of offering as a substitute for bill H. R. No. 1439 the

"A bill to amend section 1486 of the Revised Statutes of the United State

"A bill to amend section 1486 of the Revised Statutes of the United States of Merica in Congress assembled, That section 1486 of the Revised Statutes of the United States of America in Congress assembled, That section 1486 of the Revised Statutes of the United States be amended by inserting after the word 'service,' in lines 5 and 6, the words, 'Provided, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of or a higher relative rank than that of another staff officer in the same grade and corps and whose commission in such grade and corps antedates that of such officer."

"The bill and accompanying papers are herewith returned.

"Very respectfully,

"R. W. THOMPSON,

"R. W. THOMPSON, "Secretary of the Navy.

"Hon. W. C. WHITTHORNE,
"Chairman of Committee on Naval Affairs,
"House of Representatives."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITTHORNE. I move that the title of the bill be amended
by inserting "section 1486" instead of "section 1484."

The motion was agreed to.

PURCHASE OF TOBACCO FOR THE NAVY.

The next bill reported by the Committee on Naval Affairs on the House Calendar was the bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy, reported with amend-

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Navy be, and he is hereby, directed to cause all purchases of tobacco for the use of the Navy to be made in the city of Washington, and as follows:

Washington, and as follows:

In the months of February and March of each year the Secretary of the Navy shall cause proposals for bids for supplying the Navy with tobacco during the next year to be advertised thirty days in one daily newspaper in each of the cities of New York, Baltimore, Richmond, Lynchburgh, Petersburgh, Danville, Saint Louis, Louisville, and Chicago; said tobacco to be manufactured during the months of June, July, August, and September; the bids to be accompanied by samples of the tobacco which each bidder may propose to furnish; the samples to be carefully examined by three experts in tobacco appointed by the Secretary of the Navy, and upon a comparison of the reports of these inspectors with the corresponding proposals the tobacco for the ensuing year shall be selected and purchased.

The appendments were read as follows:

The amendments were read, as follows:

In line 6 of the bill strike out the word " and," after the word "February," and

nsert the word "or."

In the fifteenth line, strike out all after the word "furnish" and insert the following:
"The lowest bid for furnishing tobacco equal to the United States Navy standard now in use shall be accepted."

Mr. CONGER. This bill affects the manufacturers of tobacco all over the United States, providing a particular point at which the to-bacco shall be brought and delivered, if I understand it correctly. I ask the chairman of the Committee on Naval Affairs to permit this bill to be passed over.

Mr. BROWNE. The bill, as I understand, simply provides that the

bids shall be opened and the contracts made at the city of Washington. It does not confine the bidding to any particular locality.

Mr. GOODE. That is all. The contracts are made here, but the proposals must be advertised.

Mr. REED. Will the gentleman from Virginia explain the present

Mr. GOODE. Under the present system the Paymaster-General purchases without advertising, and he may select a single manufactory. The object of this bill is to open the field to fair competition, and give all manufacturers an equal chance. That is the whole object of the bill.

Mr. BROWNE. I speak of this because in the Committee on Military Affairs we have a similar question as to the purchase of tobacco for the use of the Army. I understand that now under the present The present system the purchases are nearly all made in the city of New York. The present system gives absolutely a monopoly to the tobacco manufacturers of the city of New York. The object of this bill, as I understand, is to provide that the bids shall be received and opened at Washington, where I believe there are no tobacco manufacturers; but that the advertisements shall be at all the prominent points at which tobacco is manufactured, so that there shall be absolute freedom

which tobacco is maintactured, so that there shall be absolute freedom and fair competition among the tobacco manufacturers.

Mr. GOODE. The gentleman is correct.

Mr. BROWNE. I would like to inquire of the gentleman from Virginia why it is the bill requires purchases of tobacco that are manufactured in four particular months. I would like to know the reason

Mr. GOODE. That is for the purpose of securing tobacco of a good quality. In certain months the manufacture can be carried on more easily and a better article made than in certain other months. This is the suggestion of the tobacco manufacturers. They find as a matter

of experience that the best tobacco is manufactured in those months.

Mr. BROWNE. This is a question which arose not long since in another committee, and we were not sufficiently advised on that point to know why purchases should be confined to tobacco manu-

factured in particular months.

Mr. GOODE. The tobacco manufacturers assigned as the reason for their suggestion that there is a difference in the quality according

The SPEAKER pro tempore. The question is on concurring in the

amendments proposed by the committee.

Mr. THOMPSON, of Iowa. I wish to ask the gentleman from Virginia a question. Suppose as good a quality of tobacco could be raised in Iowa or Illinois, or any State north of Virginia, but that it could not be cured or placed in the market before October, would

not this bill entirely exclude the growers of such tobacco?

Mr. HUMPHREY. The bill speaks of tobacco "manufactured," not "cured," in the months named.

Mr. GOODE. The gentleman from Iowa has referred to the growth; the bill refers to the manufacture.

Mr. THOMPSON, of Iowa. You cannot manufacture it before you grow and cure it.

Mr. HUMPHREY. You must cure it before you manufacture it.
Mr. VAN VOORHIS. I ask the gentleman who reports this bill,
the gentleman from Virginia, if he will inform the House what amount

of tobacco the Government buys yearly

Mr. GOODE. I have not the information the gentleman asks for. Mr. VAN VOORHIS. Would an amendment be in order, or a substitute prohibiting the use of tobacco in the Navy? I ask that as a

parliamentary inquiry.

The SPEAKER pro tempore. As soon as these amendments reported by the committee are disposed of it will be in order to offer others.

The amendments reported by the committee were then agreed to.
Mr. GOODE. There is one other amendment which should be made, to correspond with the first amendment just adopted. The word "months" should be "month;" so that it will read:

In the month of February or March.

I offer that amendment.

The amendment was agreed to. Mr. McMILLIN. I desire, with the consent of the gentleman re-porting the bill, to insert after the word "Louisville" the word "Nash-ville." The city of Nashville is in one of the principal tobacco regions of the country.

The amendment was agreed to.
Mr. MORSE. I move to amend by inserting "Hartford, Connecti-

The amendment was agreed to.
Mr. CONGER. I move to insert "Detroit." It is one of the princi-

alf. CONGER. I move to insert "Detroit." It is one of the principal tobacco-manufacturing cities in the United States.

Mr. BROWNE. I think the bill is being loaded down by these suggestions. Suppose it be amended by adding the words "and at such other points as the Secretary of the Navy shall think best."

The SPEAKER pro tempore. The first question is on the amendment of the gentleman from Michigan to insert "Detroit."

The amendment was agreed to.

Mr. THOMAS. I move to insert after the word "Detroit." "Colore."

Mr. THOMAS. I move to insert, after the word "Detroit," "Cairo," which is one of the largest tobacco markets in the country.

The amendment was agreed to.
The SPEAKER pro tempore. The gentleman from Indiana [Mr. [Browne] will send up his amendment.
Mr. BROWNE. I am content if the amendments stop here, but I

do not wish the bill to be loaded down.

Mr. VAN VOORHIS. I move to amend by adding "Rochester, New York." I offer this amendment in good faith, because some of the very heaviest tobacco manufacturers in the United States are located there-at least two of them.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ALDRICH, of Illinois. I move that the House now adjourn. The question was taken; and the motion was not agreed to, upon

Tennessee [Mr. Whitthorne] how many more bills there are which have been reported from the Committee on Naval Affairs?

Mr. WHITTHORNE. According to my recollection there are some ten or twelve bills on the Private Calendar. We have disposed of the bills on the other two calendars, and I now propose to move that the House resolve itself into Committee of the Whole on the Private

Calendar.

Mr. DUNNELL. I think the Committee on Naval Affairs has been handsomely treated to-night, and it seems to me that this would be rather overdoing the thing.

Mr. WHITTHORNE. I will say to the gentleman from Minnesota [Mr. DUNNELL] and to the House that I but express the heartfelt sentiments of my committee when I return their thanks to the House for the courtesy already shown the committee. It is only in the interest of the public service and of the claimants here that I make the motion to go into Committee of the Whole on the Private Calendar. So far as the members of the Committee on Naval Affairs are concerned, they are grateful to the House and to the members who are here for the courtesy extended to them. here for the courtesy extended to them.

Mr. HATCH. I ask that the resolution of the House setting apart

Sanisbury.

the session of to-night for the business of the Committee on Naval Affairs be read. I do not think the resolution contemplates action on any bill on the Private Calendar.

The SPEAKER pro tempore. The Clerk will read the resolution.
The Clerk read as follows:

Ordered, That there be sessions of the House on Wednesday and Thursday evenings next, April 14 and 15, for the consideration of business reported, or to be reported, from the Committee on Naval Affairs.

The SPEAKER pro tempore. The Chair thinks the order of the House makes no distinction between the business on the different

calendars

Mr. WHITTHORNE. I will state to gentlemen here that I will not ask them to proceed now to the consideration of business on the Private Calendar, as they have treated my committee so generously and kindly last night and to-night. In view of the fact that before this session closes I may find it necessary to ask for another night session, I wish to show that we fully appreciate the kindness of the House, and I will myself make the motion that the House now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and thirty-eight minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BARBER: The petition of Laparle & Elick and others, of Chicago, Illinois, for the passage of the Carlisle bill amending the revenue laws—to the Committee on Ways and Means.

Also, the petition of Grommes & Ullrich and others, of Chicago, Illinois, of similar import—to the same committee.

By Mr. BERRY: The petitions of 953 citizens and of 475 citizens of California against the passage of the bill (H. R. No. 4927) to con-

By Mr. BERRY: The petitions of 953 citizens and of 475 citizens of California, against the passage of the bill (H. R. No. 4927) to confirm the patents heretofore issued to the Western Pacific Railroad Company for certain lands within the boundaries of the rejected Moquelemos grant—to the Committee on the Public Lands.

By Mr. BLAND: The petition of Sanders Luttrell, James Flood, N. Martin, and others, of Company F, Second Battalion Fourteenth Regiment Cavalry, Missouri State Militia, for bounty and pension—to the Committee on Invalid Pensions.

By Mr. CHALMERS: Memorial of citizens of Vicksburgh, Mississippi, for the improvement of the harbor at that place, accompanied by a map and report from James B. Eads—to the Committee on Commerce.

merce

By Mr. HORACE DAVIS: The petition of citizens of Vallejo, California, for an increased appropriation to construct a dry-dock at Mare Island navy-yard—to the Committee on Appropriations.

By Mr. DEERING: The petition of soldiers and sailors of Howard County, Iowa, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. GILLETTE: The petition of D. W. Church and 19 others, it is the control of the Woodney o

citizens of Adair County, Iowa, against the passage of the Wood refunding bill, and for the passage of the bill (H. R. No. 4910) providing for the payment of the public debt—to the Committee on Ways and Means

By Mr. MORTON: The petition of Dorothea Bothner, for a pension—to the Committee on Invalid Pensions.

By Mr. O'CONNOR: The petition of F. W. Wagener & Co., and other merchants of Charleston, South Carolina, against the adoption

of certain sections and provisions of the sugar-tariff bill—to the Committee on Ways and Means.

By Mr. PHISTER: The petition of Joseph H. Snapp and 71 others, citizens of Nicholas County, Kentucky, for legislation against monopolies and fluctuations and unjust discriminations in transporta-

tion charges—to the Committee on Commerce.

By Mr. REAGAN: Memorial of General Daniel Ruggles, on the subjects of a system of reservoirs, levees, and irrigation-to the same committee

committee.

By Mr. ROTHWELL: A paper relating to the pension claim of George Zeifle—to the Committee on Invalid Pensions.

By Mr. WARNER: The petition of J. M. McElhinney and 49 others, of Washington County, Ohio, soldiers in the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WHITEAKER: The petition of Dr. J. Falkman, publisher of the Oregon Staats-Zeitung, for the abolition of the duty on type—to the Committee on Ways and Means.

IN SENATE.

FRIDAY, April 16, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting, in response to a resolution of the Senate of February 27, 1880, a report of the Secretary of State, concerning the investigation of certain cases in which awards were made by the late United States and Mexican commission; which

was referred to the Committee on Foreign Relations, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. BUTLER. I move that when the Senate adjourn to-day it be

to meet on Monday next.

Mr. MORRILL. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. MORRILL. I know it is not, but I think the Senator from South Carolina should wait until the Senate is fuller before such a motion is offered.

The VICE-PRESIDENT. The question is on the motion of the Sen-

ator from South Carolina.

Mr. COCKRELL. I should like to have the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. I believe that we shall do a proper thing to adjourn until Monday. My friends know very well that I am usually in my seat, and do not often ask for adjournments. I know there is a great deal of committee work that is absolutely necessary to be done to-morrow. It will take several committees that I know of all day to-morrow to get up their work. Therefore I think the Senate ought to adjourn over.

Mr. MORRILL. When the Senator from Connecticut speaks, I know he speaks in behalf of the democratic party, and I withdraw my op-

position to the motion.

Mr. EATON. I did not speak in behalf of any party. I spoke in behalf of a democratic Senator that is anxious to do the work of the session and get home; and I think we can do it better by adjourning over until Monday than by coming here to-morrow.

The question being taken by yeas and nays, resulted—yeas 27, nays

17; as follows:

Anthony.

	YEAS-27.		
Cameron o	of Pa.,	Johnston,	

Bailey, Baldwin, Bayard, Blair, Burnside, Butler,	Cameron of Wis., Davis of W. Va., Eaton, Ferry, Garland, Hill of Colorado,	Kernan, McMillan, Morgan, Morrill, Pryor, Ransom,	Vance, Walker, Wallace, Windom, Withers.
THE REAL PROPERTY.	NA	YS-17.	
Cockrell, Coke, Groome, Hamlin, Hampton,	Hereford, Ingalls, Jonas, Kirkwood, Maxey,	Paddock, Plumb, Rollins, Saunders, Slater,	Teller, Vest.
	ABS	ENT-32.	
Allison, Beck, Blaine, Booth, Bruce, Call, Carpenter, Conkling,	Davis of Illinois, Dawes, Edmunds, Farley, Gordon, Grover, Harris, Hill of Georgia,	Hoar, Jones of Florida, Jones of Nevada, Kellogg, Lamar, Logan, McDonald, McPherson,	Pendleton, Platt, Randolph, Sharon, Thurman, Voorhees, Whyte, Williams.

So the motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the petition of Allen H. Crosby, Hamilton Lee Smith, George F. Wilson, Jesse Boynton, José Manuel Glas, H. Billini, H. J. Boardman, Richard N. Young, L. L. Brown, and others, praying for the incorporation of a company to be styled the Dominican and United States Navigation Company. The purpose of this association of business men and capitalists is to develop our trailerith Dominica from which government they have an important railerith Dominica from which government they have an important railerith. with Dominica, from which government they have an important rail-road concession connecting with the interior. I move that the peti-tion be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BUTLER presented the petition of E. A. Searles, J. P. Blackwell, and 198 other citizens, residing in the valley of the Savannah River, State of South Carolina, praying Congress to make an appropriation to improve the navigation of that river; which was referred to the Committee on Commerce.

Mr. VOORHEES presented a petition of ex-soldiers of Indiana praying for the passage of what is known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. GROOME. I present a joint resolution of the Legislature of Maryland, and ask that it be read.

The resolution was read, as follows:

The resolution was read, as follows:

Joint resolution requesting our Senators and Representatives in the Congress of the United States to procure an appropriation for the location and preparation of the Choptank and Delaware Ship-Canal line, and for the survey and location of the Chesapeake Bay and Potomac River Tide-Water Canal line.

Whereas application is made to the Legislature at its present session to pass an act of incorporation for the construction of the Choptank and Delaware Ship-Canal; from Ferry Creek, on the Choptank, to Lewes, at the Delaware breakwater, connecting the water of the Chesapeake and Delaware Bays, and opening a direct route to sea for vessels trading at the ports of Baltimore, District of Columbia, and along the coasts of the Chesapeake Bay, thereby shortening the distance from Baltimore to European ports, and New York and New England seaboard cities two hundred miles, and avoiding the dangerous and tedious route doubling Cape Charles; and Whereas this General Assembly approves of the construction and speedy opening of the Choptank and Delaware Ship-Canal as of paramount importance to the growing commerce of Baltimore, the coal trade of Maryland, Virginia, and Pennsylvania, and the great agricultural sections of the Southwest, the West, and the Northwest, which find their market and natural outlet at Baltimore City; and Whereas the said canal would afford the cheapest and most effectual means of defending the cities of Washington, Baltimore, and Annapolis, on the south side, and Wilmington, Philadelphia, and New York, on the north side, in case of war,

by enabling the naval forces of the United States freely and speedily to pass from bay to bay, and on interior lines to pass up the Atlantic coast for the defense of threatened points, and would also enable merchant shipping to retreat from one bay to the other in case of danger from a hostile fleet; and

Whereas the Federal Government is charged with the public defense, and it is its duty to adopt the most complete modes of rendering the capital of the United States and the great seaboard cities impregnable, and the interests heretofore mentioned are national, and the construction of said canal of international importance:

Now therefore.

tioned are national, and the construction of said canal of international importance: Now, therefore,

Be it resolved by the General Assembly of Maryland, That the Representatives and
Senators from Maryland in the Congress of the United States are hereby requested
to urge upon the Congress of the United States to appropriate \$30,000 for the location and preparation of the Choptank and Delaware Ship-Canal line as laid down
in their charter, that is to say, starting from Frederick Creek, on the Choptank
River, to Walnut Landing, on the Nanticoke, and via the Nanticoke and Broadkill
Creek to Lewes, on the Delaware Bay; and to solicit an appropriation of \$5,000 for
the survey and location of the Chesapeake Bay and Potomac River Tide-Water
Canal, as laid down in the charter, starting from Beaver Dam Creek, on the eastern
branch of the Potomac River, via Beaver Dam Creek, western branch of the Patuxent, Patuxent River, Lyon's Creek, and across to Herring Bay on the Chesapeake
Bay.

Bay.

And be it resolved, That the governor of Maryland be, and is hereby, requested without delay to transmit a copy of these resolutions to each of the said Representatives and Senators from Maryland.

The VICE-PRESIDENT. The resolution will be printed and laid on the table.

REPORTS OF COMMITTEES.

Mr. COCKRELL. The Committee on Claims, to which was referred the bill (S. No. 347) for the relief of John B. Nix, find that it is a matter affecting wholly public lands, and have directed me to report it back and to ask to be discharged from its further consideration and that it be referred to the Committee on Public Lands.

The report was agreed to.

Mr. EDMUNDS. I am directed by the Committee on Private Land Claims, to which was referred the bill (S. No. 795) to abrogate the power of the executive officers of the United States in allowing indemnity locations or scrip for confirmed, unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858, (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81,) and to vest that power in the courts of the United States, to report the same back with a recommendation that the bill be indefinitely postponed. The committee have heard counsel interested in land claims, and received the opinion of the Commissioner of the General Land Office, which is rather in favor of passing a bill upon the subject; but our investigation and consideration of the matter has led us to the opinion that it is not desirable to make any change in the law at present upon that subject. We therefore recommend that the

bill be indefinitely postponed.

The report was agreed to.

Mr. KIRKWOOD. The Committee on Pensions, to whom was referred the petition of Samuel B. Brightman, praying for an increase of pension from the date of his discharge from the service, have instructed me to report it back. The petition discloses that he was granted a pension in 1879; it does not appear whether by special or by general law. If the pension was granted to him under the general law, his application for arrears should be made to the Pension Office; if by special act, the committee are of opinion that arrears of pension under special acts should be provided for by a general law, and not in individual cases. The committee ask to be discharged from the further consideration of the petition.

The report was agreed to.

Mr. KIRKWOOD. I am also instructed by the same committee, to whom was referred the petition of Elizabeth Vernon Henry, praying that a pension be granted to her, to report it back and ask to be discharged from its further consideration. She is the widow of a deceased naval officer, but does not come within the pension law.

The report was agreed to.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 1465) granting a pension to William H. H. Anderson, reported it with an amendment, and submitted a report

thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2857) granting a pension to Joseph Showman, reported it with an amendment, and submitted a report thereon; which was or-

dered to be printed.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 1593) to authorize the Richmond and Southwestern Railway Company to build bridges across the Pamunky and Mattaponi Rivers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 938) authorizing the Astoria and Winnemucca Railroad Company to construct bridges across Young's Bay or River and Lewis and Clark's River, in the State of Oregon, submitted an adverse report thereon; which was ordered to be printed, and the bill was

port thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 740) granting a pension to Martha J. Robinson, reported it without amendment, and submitted a report thereon; which was ordered to be printed. ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1460) granting an increase of pension to James P. Sayer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1363) granting a pension to Eli Coopridee, reported it without amendment, and submitted a report thereon; which was ordered to

be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1411) granting a pension to James Morgan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Thomas Burroughs, praying for the passage of an act granting him arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from

was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1307) granting a pension to L. C. French, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1248) for the relief of Rebecca T. Scott, widow of the late Major John B. Scott, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

ordered to be printed, and the bill was postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2855) granting a pension to Rachael J. Reber, reported it with an amendment, and submitted a report thereon; hich was ordered to be printed.

which was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2041) granting a pension to James Aaron, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 1201) granting a pension to Henry Williams, reported it with an amendment, and submitted a report thereon; which

was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Horace S. Spear, Company I, Fifth Regiment Vermont Volunteers, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1638) granting a pension to Horace S.

The bill was read twice by its title, and the report was ordered to be printed.

PAPERS WITHDRAWN.

Mr. WITHERS. In regard to the bill (S. No. 923) granting a pension to Brevet Major Morven M. Jones and the petition of said Jones accompanying the bill, I ask permission to withdraw the petition and accompanying the bill, I ask permission to withdraw the petition and papers from the files of the committee, at the request of the petitioner; in order they may be presented to the Pension Bureau, where application never has been made.

The VICE-PRESIDENT. The Chair hears no objection. The committee will be discharged from the further consideration of the bill and leave will be granted to the petitioner to withdraw his papers.

BILLS INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1639) for the relief of Henry T. Johns; which was read twice by its title, and referred to the Committee on Claims.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1640) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1641) for the relief of certain purchasers of the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1642) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Key West, in the State of Florida; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

CANAL IMPROVEMENTS IN WASHINGTON.

Mr. BUTLER submitted the following resolution, which was read: Resolved by the Senate of the United States, That the commissioners of the District of Columbia be requested to furnish the Senate with an estimate of the probable cost of completing the filling up of the old canal, the amount of ground that will be reclaimed thereby; also the probable cost of placing James Creek Canal in good sanitary condition.

Mr. BUTLER. I ask the reference of that resolution to the Committee on the District of Columbia.

Mr. EDMUNDS. I suggest to the Senator from South Carolina to modify the word "requested" and turn it into "directed" where the resolution says that the commissioners are "requested" to do this. It is a constant practice as exercising a right on the part of the Senate to demand that.

Mr. BUTLER. I have no objection to that modification.
The VICE-PRESIDENT. The resolution will be so modified, and referred to the Committee on the District of Columbia.

NEBRASKA BOUNDARY LINE.

Mr. ALLISON. A few days ago I entered an objection to the consideration of the bill (S. No. 550) to extend the northern boundary of the State of Nebraska, when the Senator from Nebraska [Mr. Saun-DERS] asked unanimous consent to consider it. The Senators from that State are anxious to have the bill considered, and I withdraw my objection.

Mr. EDMUNDS. We must have the regular order, Mr. President.
The VICE-PRESIDENT. The regular order is demanded, which is
the call of the Calendar of General Orders.

Mr. SAUNDERS. Inasmuch as the objection is now withdrawn by Mr. SAUNDERS. Inasmuch as the objection is now withdrawn by the Senator from Iowa, I should be glad to have the Senate take the bill up. The amendments that have been proposed are acceptable, and therefore I presume there will be no question or debate upon the subject. It is a subject that I should like to have acted upon now. The bill was put over for the purpose of allowing the Senator from Iowa to examine some points. He has examined them and now with draws his objection.

The VICE-PRESIDENT. Is the call for the regular order with-

drawn?

Mr. EDMUNDS. No sir; there are matters on the Calendar that affect pensioners and other people which ought to be taken up in their order. I think this bill ought to take its regular place. It is a proposition to increase the already small area of the State of Nebraska by a handsome little corner, that can wait for a few days I think. It may be perfectly right; I am not questioning the merits.

Mr. SAUNDERS. The object of the bill is merely to straighten the boundary line of the State.

The VICE-PRESIDENT. The regular order is demanded.

Mr. MORRILL. I ask the Senate to take up the bill for making an addition to the present City Hall in Washington.

Mr. WITHERS and others. The regular order.

Mr. COCKRELL. Let us have the regular order, and that can be taken up after we get through.

JESSE F. PHARES.

The VICE-PRESIDENT. The Secretary will call the Calendar of General Orders, commencing at the point reached when last under

The bill (S. No. 1185) granting a pension to Jesse F. Phares was announced as being first in order upon the Calendar.

The VICE-PRESIDENT. The pending question is on the motion of the Senator from Missouri [Mr. COCKRELL] that the bill be indefi-

nitely postponed.

Mr. EDMUNDS. I listened with some attention the other day to the interesting discussion of this man's case, and I shall vote against the indefinite postponement of the bill. I think his case falls within the spirit, and only that it is said the Pension Office decides otherthe spirit, and only that it is said the Pension Office decides otherwise I should say within the letter, of that provision of law which provides for paying a pension to anybody who volunteers for the time being to assist in an engagement, as I understand in substance this man did, and was put at the front, and in getting back to his command, although he was contracted with as a scout, was wounded. That comes, as it appears to me, within the spirit of the provision of law that was read by the Senator from Iowa, [Mr. Kirkwood;] and it does not at all fall, as it appears to me, within the spirit of his engagement as a scout and the supposed enhanced price that he gets for the risks that he runs in that particular character. Take the case

engagement as a scout and the supposed enhanced price that he gets for the risks that he runs in that particular character. Take the case of a teamster. If a teamster in an engagement gets shot, I am quite sure the practice was, when I used to be the chairman of the Committee on Pensions, to give him a pension if he was drawing up ammunition and was hurt in that way; but if in the mere performance of his duty as a teamster on account of a rut he fell from his wagon and was your by a borree or whetever it might be the risks agon

munition and was hurt in that way; but if in the mere performance of his duty as a teamster on account of a rut he fell from his wagon and was run over by a horse, or whatever it might be, then it was his civil employment, it was a civil accident, and it did not come within the provisions of the pension law.

Take the case of officers' servants who have been entitled to pensions although they are not enlisted men. They have an allowance, they hire themselves, and all that. I think there have been a great many cases in the earlier times, in 1867, 1868, 1869, and 1870, when I was connected with the Committee on Pensions, where an officer's servant being shot in attending him or wounded in doing his duty as that officer's servant, fell within the theory, as it was thought, perhaps erroneously, of the pension laws, and had a pension.

Because this particular man was not obliged by his contract to expose himself to the infinite peril of acting actually as a sentry or a vidette in the front of our lines at the place where this matter occurred, and being cut off by the forces of the enemy, in making a brave dash in getting back to our lines again was wounded, I confess I cannot see upon what principle of justice a distinction is made between him and an enlisted man who might properly have been sent out then and there on that very spot to have done the same duty.

Consequently I shall vote with satisfaction against the indefinite postponement of the bill.

Mr. WITHERS. I have only one word to say in reply. This man, being a non-enlisted man, although he may have received an injury from a gunshot wound, does not belong to a class which is pension-able under the existing law. The effect of granting a pension to this man will be accepted by the Committee on Pensions as an indication of the views of the Senate that it is right and proper to extend the

benefits of the pension laws to a class of men who under existing law are not pensionable, and consequently that the remaining cases and cases of similar character which are now pending before the committee, of men belonging to the civil employés of the Government, will be reported favorably. There are several such cases on the Calendar and there are several others before the committee.

Mr. EDMUNDS. I am quite willing to accept the logic of my friend from Virginia. I am not in favor of this claim because it happens to be for this particular man; I never heard of his case until I saw it in this report; but I am in favor of providing a little consolation, sustenance, aid, to any man, whether he was enlisted or not enlisted, who was wounded or received an injury in performing a strictly military service.

tary service.

The fact that this man was generally performing the business of a scout does not prove that he was not on the occasion when he was wounded performing strictly military service. He was in the very position, as I remember the report, where very properly a regularly enlisted mounted vidette might have been and ought to have been, to know whether the enemy was approaching. The enemy, it seems, learning that this man was lying out to keep watch of them, ambuscaded him, or rather made a flank movement, as the saying is, got between him and his supports; a collision came on, and he dashed back and was shot. If that is not doing military service I confess I do not understand what is.

Mr. WITHERS. The facts of the case are not precisely as the Senator from Vermont understands them. This man had not been sent out for a special purpose as a vidette. He was employed generally as a scout, and in pursuance of his avocation, going around getting information, there is no doubt that he was intercepted on his return to the camp, not by an ambuscade, but simply on the approach of a

to the camp, not by an ambuscade, but simply on the approach of a force of the confederates who desired to surprise the post, at which there was a force of Union soldiers. They threw out an advance there was a force of Union soldiers. They threw out an advance grard for the purpose of intercepting persons on the roads leading to this point in order to prevent information being conveyed. Among those intercepted was this scout, and upon being challenged and ordered to halt, instead of doing so he attempted to escape by dashing through the force which was opposing him. In doing so they fired upon and wounded him. The fact that he thus received his wound it are admitted fact, there is no question about that the three courses. upon and wounded him. The fact that he thus received his wound is an admitted fact; there is no question about that; but the cause of the adverse report from the Pension Committee was that they did not conceive that it was proper to select one or two cases from a class of cases embodying thousands, and give them the benefit of the pension laws and exclude all other persons of the same class from those benefits. The Pension Committee have no feeling whatever upon the subject. They are perfectly willing to accept the views of the Senate and to carry them out in their action hereafter. If their construction of the law is erroneous in the opinion of the Senate, they will conform their future action to what the Senate may decide to be the proper construction of these laws. I only wanted the Senate to vote understandingly with a full knowledge of the facts in the question.

tion.

Mr. VOORHEES. For myself, having been a member of the Pension Committee, I know that there is no subject more difficult than a case like this. The Pension Committee is confronted with a rule which is necessary and proper; that is, the rule of pensioning only those who were enlisted in the Army or Navy; and yet there are cases when something more than that ought to be done.

I have not advised myself carefully as to the facts in this case. I am under the impression, however, that it is one of that sort which in support of the view that I take of this matter I recall, and which I will state. During a season of great excitement and pressure upon the armies in the Southwest all the steamboats of the Ohio River were seized and impressed. Among the rest was one above on the Ohio seized and impressed. Among the rest was one above on the Ohio River, on which there was an engineer, with his son as his assistant. It was seized by military authority, came down the Ohio River, and was loaded at Cincinnati with supplies. The engineers were not allowed to go ashore for fear they might not come back. The vessel was taken under these circumstances down the Ohio River and up the Tennessee, close to the enemy's country. Meantime the son took sick, and the father stood at that engine, my impression is some five sick, and the lather stood at that engine, my impression is some five days and nights, without relief and without assistance except such as came to him by the laws of nature and exhaustion. When the vessel returned to Cincinnati he was carried ashore and died. His daughter came here and raised the question whether her father had not lost his life in the service of his country. I thought he had, and took that ground in the committee; yet I have no complaint to make of the committee in adhering to the rule that he was not an enlisted man, but I brought that unction before the Seneta and the killern

man; but I brought that question before the Senate, and the children of that man now draw a pension, and rightfully and properly.

I think that it is proper for the Senate now and then to make exceptions in regard to persons who were thus situated, and who were not regularly enlisted in the military service, and I think at the same time it is proper for the Committee on Pensions to adhere to their rule and let the Senate make the exceptions. That can always be

done, and I believe it is the safer course to pursue.

I think I shall vote in this case to give this man some support and subsistence, because he was injured in doing his duty and defending the country, as in the case of the engineer who lost his life, as much so as if he had charged in battle.

Mr. DAVIS, of West Virginia. This is a peculiar case and one in

which there is great merit. I doubt whether a similar case has made its appearance before the Committee on Pensions. The facts are that this man Phares is completely incapable of doing anything and is dependent upon charity for a living, as I understand, in consequence

of his wound.

Now, what did he do? He entered the service as a scont with the first appearance of General McClellan in West Virginia, and served there until he was shot in 1863. The Union and the confederate officers in this case both agree that he saved the Union forces that were at Beverly at the time. How did he do it? He was outside of the town when the confederates were approaching. They intended to surprise the Union forces. This man being outside and hearing of it attempted to get to the Union forces in the town, so as to give them notice. In doing so he passed the pickets of the confederates, and they demanded him to halt; but he proceeded, and as he did he and they demanded him to hait; but he proceeded, and as he did he was shot and, as I understand, shot badly, so much so that he could not sit at all upon his horse, but he lay down upon it, resting himself as best he could, and went into where the Federal forces were and notified them of the approach of the confederates, and thereby saved the Union forces, for the confederate forces were much larger and intended to surprise them. If this man has not done a service to his country, and one that few men would have done, I do not know who has. He was in a safe position; he could have remained at his home and nothing would have occurred to him; but he chose to take his life in his own hands, and pass the confederate forces to get to the Union forces as best he could and notify them of the coming of the confederates, which he did; and Colonel Latham, who has recently been confirmed by the Senate as supervisor of the

who has recently been commend by the Senate as supervisor of the census in our State, certifies that but for that information he would have been surprised and perhaps his whole force captured.

What else? This man was in tolerably fair circumstances, as the report shows, and from the fact that he did give this notice to the Federal forces, and because of his action as a scout, his entire property was taken and destroyed by the confederates, and from being in a fair way of making a living he is now, as I said, living on the charity of his neighbors. I believe this is such a case that there is not another one like it before the committee, and probably will not be another. I agree with the chairman of the committee that we cannot be too careful, and I will aid him in that respect. I believe we have been entirely too liberal in granting pensions. As was said by the Senator from Kansas [Mr. INGALLS] the other day, we are paying more for our pension list now than all the rest of the world. All the rest of the world to-day are not paying as much in pensions as the United States is paying to its pensioners. I think we must call a halt somewhere; but certainly it ought not to be on this bill.

Mr. VOORHEES. I inquire of the Senator from West Virginia

what this Government has money for, or what better purpose can it apply it to than to pay it to those who have made this Government

apply it to than to pay it to those who have made this Government what it is? I confess there ought to be a proper economy; but this talk about the waste of public money upon such of our own citizens as have enabled this Government to exist, I do not sympathize with. Mr. McMILLAN. Mr. President, I think I appreciate the condition in which the Committee on Pensions are placed here; but I am unable to see why they should hesitate about making an exception in regard to cases of this character, when they do make exceptions in other instances. The Committee on Pensions have in many instances recommended a pension much greater in amount in individual cases than the law permitted them to do. Why? Because there were particular circumstances in the case which called for and justified the committee in allowing a greater amount of pension than the law provided. On what principle can that be justified? Only on the principle. ple that the particular case should be made an exception, and ought not to be brought within the general rule. Where there were particularly brave or gallant services, or where the survivors of an officer were more completely dependent than in other cases, the committee has allowed a greater amount of pension than the law provided; and it was only because they reported the case and a special law was passed Congress that that additional amount was allowed.

What is the case here? Here are meritorious services, gallant services, performed by this man whose case is before the Senate; but it is claimed by the committee that he is not within any class of pensioners known to the law. They do not claim that the services are not such as to call for a pension; they do not deny that the services were meritorious and gallant, that they were military services strictly; but by reason of the fact that this man was not technically in the military services of the Arms the law of the committee of the Arms the law of the committee of the Arms the law of the A

itary service of the Army the law does not authorize them to grant a pension. Can we not pass a special law for this case? Cannot the committee recognize the fact that here are military services which have been performed, gallant and brave, and that this man has suffered wounds and been so disabled that he cannot sustain his family, and that by the result of the very approach of the confederate army

at this time property to a large amount, belonging to him, was destroyed, and he was reduced to poverty? Cannot the committee recognize that as a special case in which they can say that this man

ought to be allowed a pension?

I am unable to see the distinction in principle between allowing an officer a greater amount of pension than he is entitled to by the general law, although he was connected with the Army of the United States, and making a special law granting a pension to a man who did perform military service although not technically in the Army,

and therefore not within the letter of the pension law. We can bring this case within the pension law by passing the bill proposed here and refusing to indefinitely postpone it. This case is one which calls for the exercise of this action on the part of the Senate, and I think we should not hesitate to pass the bill.

Mr. KIRKWOOD. Mr. President, I have but a few words more to say in addition to what I said when this matter was under consider-

ation the other day; and when I have said them, I shall leave the

matter to the Senate.

My belief is strong, my opinion is clear that this man is within the law. Let me read now the third subdivision of section 4693 of the Revised Statutes. That section defines what classes of persons shall be entitled to pensions. The third paragraph itself includes three classes. I shall only read the operative words that I think apply to

Any person, not an enlisted soldier in the Army * * * who volunteered for the time being to serve with any regularly organized military or naval force of the

is entitled to a pension. How does that apply to this man? "Any person not an enlisted soldier in the Army,"—he was not an enlisted soldier in the Army—"who volunteered?"—what is meant by that? What is meant by the term "volunteered?" A man goes of his own A man goes of his own motion, willingly, not drafted, not compelled to go. This man undoubtedly went of his own motion. He was not drafted; he was not compelled to go. He went of his own free will. "For the time being." That means temporarily. An enlisted man has agreed to serve for a definite time; he cannot leave before the expiration of that time; but that is not required in this class of cases. A man who "volunteers for the time being" may have a pension. He may ter-

minate the service when he pleases, and so might this man.
"Who volunteered for the time being" to do what? "To serve with any regularly organized military or naval force of the United States." any regularly organized military or naval force of the United States." There is no question that he was with a regularly organized military force of the United States; and the only inquiry is what is meant by the words "to serve." He was a non-enlisted man, volunteered for the time being to do something with a regularly organized military force; but what he volunteered to do to entitle him to a pension must be "to serve" with them. What is meant by that phrase? It was argued some days ago that it meant to perform military duty, and it seemed to be considered by some that it meant the carrying of a gun or a sword, and that nothing else than that was service. I had occasion the other day to show that that ground was not tenable by referring to another section of the statute, showing that teamsters.

referring to another section of the statute, showing that teamsters, wagoners, artificers, hospital stewards, and farriers, if enlisted men, are held to be serving with a regularly enlisted force.

Mr. CAMERON, of Wisconsin. Will the Senator from Iowa allow

me to ask him a question in that connection?

Mr. KIRKWOOD. Certainly.

Mr. CAMERON, of Wisconsin. Can this man be said to have vol-

unteered when he was acting under a contract?

Mr. KIRKWOOD. I think so.

Mr. CAMERON, of Wisconsin. His compensation was fixed by contract?

Mr. KIRKWOOD. Certainly.

Mr. CAMERON, of Wisconsin. The compensation that is paid to soldier is not fixed by contract, but is fixed by law. I want to call

he stention of the Senator to that distinction.

Mr. KIRKWOOD. Very well. I say, Mr. President, that every volunteer soldier of the United States was serving under contract. The law being itself an offer of the Government to pay certain sums of money and give certain privileges for certain services, became a contract with a man who consented to serve and render the service upon the terms proposed to him; and the amount of money he received for his services was paid to him under a contract just as much as in the case of a special contract made with a man occupying the position this man did.

Mr. CAMERON, of Wisconsin. When the soldier agreed to serve

the law fixed his compensation.

Mr. KIRKWOOD. Yes.
Mr. CAMERON, of Wisconsin. When this man entered into the contract the law did not fix his compensation, but the compensation

was fixed by the terms of the contract.

Mr. KIRKWOOD. Certainly it was.

Mr. CAMERON, of Wisconsin. The Senate will recognize the distinction between the two cases.

Mr. KIRKWOOD. It strikes me that it is a distinction without a

Mr. CAMERON, of Wisconsin. I think not. Mr. KIRKWOOD. The volunteer soldier agreed that he would serve the United States for three years for, say \$16 a month; he entered into a contract with the United States to do that thing. In good faith he could not be required to take any less than that during the time for which he contracted to serve at that. All the services rendered in our Army and in our Navy is by a contract between the Government and the soldier or the sailor to render certain service for covernment and the soldier of the sailor to render certain service was the meaning of the words "to serve." He volunteered for the time being to do something. Was the thing that he volunteered to do a voluntary agreement "to serve" within the meaning of the law?

Mr. CAMERON, of Wisconsin. He agreed to do something. He

did not, I think, in the terms of the act, volunteer to do anything. He agreed according to the terms of his contract to do something.

Mr. KIRKWOOD. He agreed voluntarily.

Mr. CAMERON, of Wisconsin. Certainly he agreed voluntarily. I presume he did, at least.

Mr. KIRKWOOD. The distinction between doing a thing voluntarily and agreeing to do it I cannot understand.

Mr. CAMERON, of Wisconsin. I can see a very clear distinction.

Mr. KIRKWOOD. Very well.

Mr. INGALLS. I wish the Senator would allow me to ask another question on that point before he leaves it. He is speaking about the contract made by the soldier and by the scout. He alludes to the fact that the soldier agrees to perform certain service for the Government for a stipulated consideration during a specified period of time. If the soldier violates that contract before the expiration of his period of service he is liable to be arrested as a deserter and shot at a drumhead court-martial. The scout, having a vastly increased compensation, can terminate his contract any time he sees fit without incurring any penalty whatever. He can ride off on horseback in the midst of an engagement. He can terminate his contract whenever he pleases. Now, does the Senator from Iowa pretend to say that he sees no distinction between the contract made by a private soldier with the Government and that made by a scout with the military commander of a district?

Mr. KIRKWOOD. Oh. no: the Senator must not understand me

Mr. KIRKWOOD. Oh, no; the Senator must not understand me in that way at all. I say there is a wide distinction between them, but they are both contracts notwithstanding. We may make differ-

ent contracts, and yet both are contracts.

Mr. DAVIS, of West Virginia. Will my friend from Iowa allow me to answer the Senator from Kansas?

me to answer the Senator from Kansas?

Mr. KIRKWOOD. I am afraid my whole speech will get so mixed up that nobody will understand it unless I can get it somewhat consecutively together.

Now, it is shown clearly that the service of a teamster, that the service of a farrier, that the service of a farrier, that the service as entitles the man, if an enlisted man, to a pension for wounds or disability.

Mr. INGALLS. There is exactly the distinction, "if he is an enlisted man."

listed man.'

Mr. KIRKWOOD. Exactly so; but I am speaking of what is meant by the words "to serve." If to shoe horses is to serve, why is not scouting to serve as well? If to drive a wagon is to serve, why is not scouting service as well?

Mr. INGALLS. The Senator entirely avoids the operative words

Mr. INGALLS. The Senator entirely avoids the operative words in the statute.

Mr. KIRKWOOD. What are they?

Mr. INGALLS. "If an enlisted man." That is what fixes the question of what may be called pensionability under existing statutes. These men to whom the Senator refers in that section from which he has quoted are enlisted men, and who therefore by that fact alone are entitled to pensions, not in consequence of the services

fact alone are entitled to pensions, not in consequence of the services they rendered, but in consequence of the fact that they were enlisted. Mr. KIRKWOOD. Enlisted as wagoners, enlisted as farriers, enlisted as hospital stewards, all of which tends to show that something else besides carrying a musket is service within the meaning of the law. Mr. INGALLS. Nobody disputes that.

Mr. KIRKWOOD. Very well, then; this man "volunteered for the time being to serve," if the service of a scout is as much service in the military sense as the service of a wagoner or a teamster.

Mr. INGALLS. I hope the Senator will pardon one more interruption. He must be aware that the word "volunteer" in that connection has a specific definite, well-ascertained, and, if I may say so

nection has a specific, definite, well-ascertained, and, if I may say so,

nection has a specific, definite, well-ascertained, and, if I may say so, a technical meaning.

Mr. KIRKWOOD. What is that?

Mr. INGALLS. It is a man who volunteers to render military service in opposition to a man who is in the regular service; as, for instance, in the case of a sudden foray of Indians, in the case of a sudden incursion of rebel forces, there is a demand made for service by volunteers for a specific purpose; and that is the definition that should be employed in connection with that portion of the section of the statute to which the Senator has referred. It ought not to be said that one volunteering means a man who performs voluntary service. That is trifling with terms. The word "volunteer" when taken in connection with military service has a distinct and well-ascertained and defined significance. It will not do to play with terms and make puns by saying that it has reference to the fact of its being voluntary.

and defined significance. It will not do to play with terms and make puns by saying that it has reference to the fact of its being voluntary.

Mr. KIRKWOOD. That is what I supposed "volunteer" meant.

"Volunteer" service is service rendered voluntarily, willingly, of the man's own motion, not because he is compelled to do it; and for that reason every soldier that we sent into the war, except those in the regular Army, was called a volunteer during the war. Those men went there of their own will; they volunteered to go. The difference between them and this man was that they volunteered to go for a definite time, and this man volunteered to go temporarily. That is the difference between them. They both went of their own will, they both went of their own accord. The drafted man was not a volunteer,

Mr. INGALLS. That is a pun.
Mr. KIRKWOOD. That is the Senator's opinion upon the matter,
but he is liable to err about that as well as about other things.

I have endeavored to show, Mr. President, that this man not being an enlisted soldier did volunteer for the time being to serve with a an enisted soldier dad volunteer for the time being to serve with a regularly organized military force, and that the duty he performed was such as comes within the meaning of "service" as applied to military men. But it was argued, I argued or tried to argue that even if it were not so, we should still pension this man because he had rendered such service to the country as required us in good faith

had rendered such service to the country as required us in good faith and decency to give him a pension.

What have we done, Mr. President? At the last session of Congress we passed a bill giving to General Shields's widow and children \$100 a month during her life-time and the lives of her children until they reached a certain age. Why? Did they come within the terms of the pension law, I should be glad to know? No man claimed that they came within the terms of the pension law. No man on this floor a year ago, who voted that pension to them, claimed that they came within the terms of the pension law.

The very same bill that gave that pension to his widow and children gave to the widow of Colonel Fletcher Webster a pension to which she was not entitled under the law. Why? For no other reason that tever I heard, for no other reason that I ever imagined than that she was the widow of the son of Daniel Webster. That was all, nothing more and nothing less than that. And yet here is a man living

ing more and nothing less than that. And yet here is a man living in a State that went into rebellion, possessed of a comfortable competence when the rebellion broke out, who did not go with his State as so many men unfortunately did, and remained true to the Union

Mr. CAMERON, of Wisconsin. I wish to say to the Senator from Iowa that I think this is a meritorious case, and I will with great pleasure vote for the bill, but I do not think that this man Phares is

within the statute as the Senator is trying to prove.

Mr. KIRKWOOD. I am so happy to get the Senator's vote on the right side that I am indifferent as to the reasons that constrain him to give that vote.

Mr. CAMERON, of Wisconsin. I never had any intention of voting otherwise; but I think that the Senator from Iowa is wasting his own time in attempting to prove that this case is within the statute.

own time in attempting to prove that this case is within the statute. I think it is an exceptional case, and that being exceptional and being a meritorious case Congress ought to enact this bill for his benefit.

Mr. KIRKWOOD. I am very glad to hear it; and with a very few words more I will leave the matter, Mr. President.

We have been doing continuously things not nearly as proper to be done as what we are asked to do in the passage of this bill. This man has lost all his property just because he remained a Union man when his State went into rebellion. He is crippled for life; he is unable to earn anything to support his family about him, wounded by a rebel bullet. What was he doing? What was he doing at the time? Let a rebel officer tell. There may be some men not as fully convinced as my friend from Wisconsin, and for their benefit I will read this. Lieutenant-Colonel Hutton, a rebel officer, says of this man:

His knowledge of the country was thorough; he was *smart*, daring, and vigilant, and capable of great endurance. In consequence of the knowledge we possessed of this fact, every possible exertion was made on our part to capture him, but without success until the 23d day of April, 1863, when General Imboden advanced upon the Federal forces then stationed at Beverly, commanded by Colonel George R. Latham.

Now look at him. A rebel force was advancing to attack a Union force. This man had been sent out to ascertain what was the condition of affairs so that our force might be prepared, if about to be attacked, to meet that attack. The rebel officer continues:

In order to cut off all scouts that might be outside the Federal pickets-

So as to make their attack effective-

we sent by night a party of men through the woods to gain the road near the out-side Federal picketpost before daylight on the morning of April 23, 1863. About day-light said Phares, who was thus cut off, approached said party of men on horseback and was ordered to halt, but dashed forward and past the men, when he was fired upon by them, one ball taking effect, passing through his body—through he lungs— from the effects of which he is now almost wholly disabled. He retained his seat, however, until he reached the Federal picket and gave information of our advance.

from the effects of which he is now almost wholly disabled. He retained his sekt, however, until he reached the Federal picket and gave information of our advance. And probably saved from capture the Union forces; and now we are hesitating here, some of us, whether or not we shall grant the man a pension under these circumstances, his property all gone, his ability to support his family gone for the reason that I have read to you from a rebel source. Another word or two and I am done.

It was argued the other day that pensions were matters of contract between the Government and the soldier, that when a soldier entered the service he entered with the understanding by law that he was to have a pension. Is that really so? The law read by the Senator from Missouri [Mr. Cockrell] the other day is dated in July, 1861, the law promising pensions to soldiers who might be wounded in the service and to the families of those who might die. How many men had we in the field before that law was passed? The first seventy-five thousand men called out by President Lincoln were called out long before that law was passed, and many of them had died before that law was passed; and yet their families are entitled to pensions although there was no contract, express or implied, at the time of their enlistment that they should have pensions. "That won't do," if I may be allowed to use the language of the Senator from Ohio, [Mr. Thurman.] The pension is granted for meritorious services, whether it has been promised or whether it has not been promised. Something was said the other day that our pension list is large. Very well, Mr. President, it is large. It was a large war that we were

engaged in—a very large war—and the consequence is that our pension list is very large. I wish the war had been much less, and consequently our pension list much less; but we have to take these things

sequently our pension list much less; but we have to take these things as they are and not as we would wish to have them.

Now, let us look at it a little. The burden of the war upon us to-day arises from two sources largely. The interest on our public debt is one of them; and the pension list the other. We are raising by a tax upon tobacco and whisky and beer about enough of money to pay the interest on the public debt. What good reason exists why the men who use these three articles should pay the interest on the public debt, perhaps might be difficult to discover; but they do it, and do not complain, so far as I know, in regard to it. Now, if the and do not complain, so far as I know, in regard to it. Now, if the putting upon the pension list of a few men—and there cannot be the thousands of them that gentlemen speak of—who as scouts or in some other capacity served their country well and are disabled in consequence of it; if putting them on the pension list will increase the pension list largely, can we not increase a little by an amendment of our revenue law the amount of our income so as to cover that amount? The Senator from Wisconsin [Mr. CARPENTER] is not here with his constitutional objections to almost everything; and I will suggest, suppose that to offset the tax upon tobacco we put a tax upon clawsuppose that to offset the tax upon tobacco we put a tax upon claw-hammer coats—swallow-tails, I believe they are called. That will

raise something.

Mr. CAMERON, of Wisconsin. They are tax enough on the men who wear them. [Laughter.]

Mr. KIRKWOOD. Suppose in addition to that we tax every man who wears a stove-pipe hat, or rather a tax on every stove-pipe hat manufactured. I do not see why in the interest of art it should not be done. Something certainly ought to be done, it seems to me, to discourage the use of those monstrosities.

Mr. HAMLIN. Why not tax frock-coats and reach the Senator from

Mr. KIRKWOOD. No; I say tax claw-hammer coats and stove-pipe hats; and then if you would only tax the trains of ladies' dresses by the foot or yard, I am sure you would raise the amount of money required, if we add the few men who come within the scope of this bill to the pension list. I do not see why that would not be precisely as fair as to tax the man who smokes cigars, chews tobacco, or drinks beer occasionally.

beer occasionally.

It will not do for us to make this complaint; it will not do for us to say that we cannot afford to pay a man who has earned a pension as this man has earned it. Believing that, and comforted by the assurance of my friend from Wiseonsin [Mr. CAMERON] that he intends to vote for the bill, I will say nothing further upon it.

Mr. PLATT. Mr. President, the fact that this question has been so much discussed must be my excuse for asking the Senate to listen

once more to some suggestions from me.

I do not think, in view of the colloquy which has just occurred between the Senator from Wisconsin and the Senator from Iowa, that it is worth while to discuss the question whether this is a case which is now pensionable by law. It seems to be conceded that it is not. Then if I understand the situation it is this: The Senate is asked to grant a pension to a man, there being no law for granting that pension, because it is said that he has earned a pension by some merito-

rious service. I want to look at that for a moment.

I deny that there is any merit in this case which entitles the man to a pension. That he did a gallant deed I do not deny. I may illustrate the way in which it strikes my mind thus: The Senator from West Virginia described what he had done. He was out on a scout. He knew that the force of the enemy was approaching, and he rode into camp through that force, receiving a ball in his body, for the purpose of communicating that information to the Army. Does that

purpose of communicating that information to the Army. Does that entitle him to a pension?

Suppose it had been a sutler who had been there, and suppose the sutler had obtained information that the confederate army was advancing, and suppose he had ridden to camp, and suppose he had been shot on the road, would the Senator from West Virginia or anybody else say that a sutler was a man who was deserving a pension?

Now, let us go a little further. This man's property was destroyed; why not pay him for it? Would the Senator from West Virginia stand upshere and advocate a bill to pay this man for his property? It is said that under the law he cannot get pay for his property. Why

It is said that under the law he cannot get pay for his property. Why not? Why not make a special act? My friend from Wisconsin, who is going to vote for this bill because he thinks it is a meritorious case, is upon the Committee on Claims. I apprehend that if this case had come before the Committee on Claims, he would be the first one to stand up and say, "there is no law under which we can pay this man for the destruction of his property." It is a great deal easier to pension a man than it is to pay his claim when he presents one; it is so exceedingly easy. The Senator behind me says we do not wait for a law to do these things. That is just what I insist the Senate ought

to do.

Mr. CAMERON, of Wisconsin. Make a law.

Mr. PLATT. Congress ought to wait for it, and if there is no such law they ought to make it before they grant a pension.

Now, let us see just what the situation is. Here my friend, the Senator from Minnesota, [Mr. McMillan,] has got a scout case; my friend, the Senator from West Virginia, [Mr. Hereford,] has another; I believe my friend, the Senator from Iowa, [Mr. Kirkwood,] has another or is interested in some case of an Indian scout, or some-

thing of that sort. So they all combine here to tell us that each of their cases is the most meritorious kind of a case, when there are hundreds and hundreds of scouts (if we could learn the facts and circumstances) who are just as much entitled to the consideration of Congress as these men who have come here and excited the sympathies of gentlemen.

Mr. McMILLAN. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. McMILLAN. Do I understand the Senator from Connecticut that if he had a scout case he would support this bill?

Mr. PLATT. I confess that I do not think I would be here pressing a scout case with my views of the law. I think that if a scout ing a scout case with my views of the law. I think that if a scout came to me and asked me to present a bill here to obtain a pension for him and to get it through, to do all I could to obtain a pension for him, I would say to him, "My dear friend, I will try to get a law passed to pension scouts, if that is right; but there being no law, I think I must be excused from presenting your case to Congress."

It is said that we have granted a pension to the widow of Colonel Fletcher Webster. I think I might well put the question to the Senator from Iowa whether he thought that was right?

Mr. INGALLS. But her husband fell in battle.

Mr. PLATT. I know it. It was a larger pension than she would have been entitled to on that account, however.

Mr. CAMERON, of Wisconsin. We pensioned the widow of General Custer.

Mr. INGALLS. She was pensionable, and the only thing the Senate did was to increase the amount to which she would have been entitled under the general law. That act of Congress did not create a pensionable class

Mr. McMILLAN. Will the Senater from Kansas allow me to ask him how different in principle that is from the case before the Sen-

Mr. PLATT. I think that there are a variety of cases which can be made here which will appeal to the sympathy of the Senate. I read in the newspapers a few days ago of a marshal of the United States endeavoring to execute the laws of the United States shot through the body. Will the Senate pension that marshal's wife and children when they come here asking for a pension? Why not? It is said we have pensioned an engineer of a steamboat who was not in the service; we have pensioned a teamster who was not in the service; but would Congress pension the wife and children of a marshal of the United States shot dead in trying to execute the laws of the United States? I apprehend not. Why not? Because they do not come within that class of persons who are recognized as pensionable. That is the distinction.

This man makes a contract to serve-not to serve with the Army, not to serve as a soldier, but to get information for the Army just as a civilian might get supplies for the Army. If there was but one case here, or if that one case had not such eloquent advocates to enlist the sympathies of Senators, it seems to me they would all agree that we had better be governed by the law as it is until we make a

new law.

Will the Senate pass a law, if reported by the Committee on Pensions, to pension all scouts disabled, and their widows and children where they were killed? Will they pass a law to pension all engineers and employes on steamboats disabled, or their widows and children if they were killed? Will they pass a law to pension those cases? If not, are we to sit here and adjudge on each particular case whether it has a shadow more of merit than another case which we may not have heard of? It seems to me that we had better be governed by some well-known, definite rule of action.

Mr. CALL. Mr. President—

The VICE-PRESIDENT. The morning hour has expired.

Mr. HEREFORD. This case has been before this body now for the fourth day, I believe, and certainly I think it can be disposed of in

Mr. HEREFORD. This case has been before this body now for the fourth day, I believe, and certainly I think it can be disposed of in ten or fifteen minutes, and I should like very much if the Senate would by unanimous consent let us proceed with it for a short time. I am ready to take the vote now, so far as I am concerned. Let it be proceeded with informally; and if the Senator from Florida, [Mr. Jones,] who is entitled to the floor on the Geneva award bill, shall call for the regular order at any moment it can be taken up.

The VICE-PRESIENT. Is there objection?

Mr. INGALLS. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded, which is the unfinished business, being the Geneva award bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING,

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy;

A bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State of Florida;

A bill (H. R. No. 2788) to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and independence general and so forth and to fix the rank and itor and judge-advocate-general, and so forth, and to fix the rank and

pay of such officer; A bill (H. R. No. 4227) for the relief of settlers on public lands;

A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;

A bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage of private vessels at the several navy-yards of the United States:

A bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy;
A bill (H. R. No. 5502) granting to the Territory of Dakota section 36, in township No. 56 north, of range No. 94 west, in the county of Yankton, in said Territory, for the purposes of an asylum for the insane and granting to said Territory one section of land in lieu of said thirtysixth section for school purposes; and A bill (H. R. No. 5627) to amend section 1486 of the Revised Stat-

utes, in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, gradu-

ates of the Naval Academy.

The message also announced that the Speaker of the House had appointed Mr. J. G. Carlisle of Kentucky, Mr. R. L. Gibson of Louisiana, and Mr. J. A. Garfield of Ohio, members of the joint committee on the part of the House to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties.

The message further announced that the House had agreed to the

A bill (H. R. No. 225) granting a pension to Melissa Wagner; and A bill (H. R. No. 1597) granting a pension to Patsy Davenport.

The message further announced that the House had passed the fol-

A bill (S. No. 1489) to remove the political disabilities of Roger A.

Pryor, of New York; and
A joint resolution (S. R. No. 102) authorizing the Secretary of War to loan certain tents, flags, and camp equippage for the use of the soldiers' reunion to be held at Milwaukee, in the State of Wisconsin, in June, 1880.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878; A bill (S. No. 885) to amend an act entitled "An act to provide for

taking the tenth and subsequent censuses," approved March 3, 1879;
A bill (S. No. 1027) to provide for the establishing of terms of courts

in the district of Colorado; A bill (H. R. No. 254) granting an increase of pension to James M.

Boreland; and A bill (H. R. No. 2303) granting a pension to Abram F. Farrar.

AMENDMENT TO A BILL.

Mr. BURNSIDE submitted an amendment intended to be proposed by him to the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on

A bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy;

A bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State of Florida;

A bill (H. R. No. 2788) to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicities and index advector general and as forth, and it of the peak

itor and judge-advocate-general, and so forth, and to fix the rank and pay of such officer;

A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco

for the United States Navy;
A bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage on private vessels at the several navy-yards of the United States:

A bill (H. R. No. 5047) relating to the appointment of professors of

mathematics in the Navy; and A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers, gradu-

ates of the Naval Academy.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pub-

A bill (H. R. No. 4227) for the relief of settlers on public lands; and

A bill (H. R. No. 5502) granting to the Territory of Dakota section A bill (H. R. No. 502) granting to the Territory of Dakota section 36, in township No. 56 north, of range No. 94 west, in the county of Yankton, in said Territory, for the purposes of an asylum for the insane, and granting the said Territory one section of land in lieu of said thirty-sixth section for school purposes.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment of Mr. HOAR to the fourth section of the bill.

Mr. KIRKWOOD. I wish to submit an amendment to the bill now pending, and I offer it now so that it may be entertained at the proper

The VICE-PRESIDENT. This is an amendment proposed to be offered hereafter

Mr. KIRKWOOD. Proposed to be offered when in order. Let it

be read now for information.

The CHEF CLERK. In section 5 it is proposed to strike out, in line 5, after "Washington," the words "and the interest accruing therefrom;" so as to make the section read:

That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury, out of the money paid to the United States pursuant to article 7 of the treaty of Washington, not expended in payment of claims heretofore proved and allowed under the provisions of said original act, and the act extending the time for the filing of claims thereunder, and of expenses under this act.

The VICE-PRESIDENT. The proposed amendment will be printed and laid on the table. The pending question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. JONES, of Florida. Mr. President, when this matter was under consideration last evening, I was struck somewhat with an observa-tion or two which fell from the senior Senator from Ohio who has this measure in charge [Mr. THURMAN] in reference to the pending bill. One would infer from what the Senator stated that all that was intended to be submitted by this bill to the court proposed to be revived or continued was a mere hearing of the claims of insurance companies, the question as to whether they had any status or not. For fear I should do the honorable Senator the least injustice, I propose to read his own language:

The question from the first has been, Shall these insurance companies be allowed to prove their claims before any tribunal that we may establish to hear claims upon this fund! In 1874 the Congress of the United States excluded them from a hearing virtually, and the question ever since has been whether or not they should be entitled to a hearing.

The Senator also said:

I do not know that I have ever witnessed quite such a proceeding as we have now before us. The great contest from the very first bill that was introduced on this subject has been whether the insurance companies should be paid. They had claims according to as well-settled law as ever existed in the world. Their right to present those claims, their right to stand in the shoes of those who lost the property captured, was expressly admitted by the attorney-general of Great Britain before the Geneva tribunal.

Mr. President, I have not thought it necessary to go over the vast record which we have before us in reference to what took place at Geneva touching these claims, but I have turned to the argument of the attorney-general of Great Britain, as he is called, Sir Roundell Palmer, who did allude to these claims, and what did he say? I attach, for one, but very little importance to what any British authority said on this subject; but when an argument of this kind is brought forward in behalf of these corporations to sustain this bill, I think it is eminently proper for those of us who do not concur with the Judiciary Committee to reply to it in the usual way by showing that it is not entitled to any weight. Sir Roundell Palmer before the Geneva tribunal used this language in his argument:

With respect to the insurance companies, it must be remembered that, as against the losses which they paid, they received the benefit of the enormous war premiums which ruled at that time; and that these were the risks against which they indemnified themselves (and, it cannot be doubted, so as to make their business profitable upon the whole) by those extraordinary premiums. Would it be equitable now to reimburse them, not only the amount of all these losses, but interest thereon, without taking into account any part of the profits which they so received?

16. These remarks would hold good if an exact valuation of the claims were possible; but, before this tribunal, neither an exact valuation of any part of these claims, nor any approximation to such a valuation, is possible. This consideration alone ought to be decisive against the demand of interest, as an element of damages, in any gross sum to be awarded by the tribunal.

That was the language used by the distinguished counsel who reput

That was the language used by the distinguished counsel who represented the case of Great Britain before the Geneva board, and I am greatly at a loss to discover anything in that language which can be greatly at a loss to discover anything in that language which can be tortured into an admission upon his part that these underwriters had any claim there that that tribunal was bound to recognize.

Mr. CONKLING. If the Senator will allow me, does he refer now to that so-called opinion of Mr. Cushing?

Mr. JONES, of Florida. Not at all. I quote from the language of the distinguished counsel that represented Great Britain, to which an ellusion was made lost evening by the Senator from Ohio.

allusion was made last evening by the Senator from Ohio.

Mr. President, it is not to be denied that this controversy is an old one, and that it would require a person of greater ingenuity and power one, and that it would require a person of greater ingenuity and power than myself to be able to put anything forward in the shape of a new argument upon this threadbare subject; but finding as I do so many able and distinguished legal minds in this body supporting with all the vigor and all the power of their great intellects the claims of the underwriters to this fund, and differing as I do with them most sincerely with respect to their conclusions, I cannot east the vote which I propose to do without assigning the reasons which shall actuate me

I think that this case is clearly susceptible of determination by the

express words of the treaty, and that it is not necessary for us to go into that great labyrinth of matter upheaved at Geneva by the two contestants to spell our way to a reasonable conclusion in this case. For my part I do not intend to do it. I rely upon the terms of this treaty, this international compact or contract entered into between treaty, this international compact or contract entered into between the two great powers; and I say that according to the terms of this contract this problem must be solved. The very first thing that meets the eye in the paper that I have before me is the preamble of the proclamation of the President of the United States, which announced to the civilized world that this angry controversy was about to be terminated in a rational way. President Grant issued this proclamation after the treaty was concluded, and what did he say?

Whereas a treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concerning the settlement of all causes of difference between the two countries, was concluded and signed at Washington by the high commissioners and plenipotentiaries of the respective governments on the 8th day of May last; which treaty is, word for word, as follows.

Leaving that and coming down to the first article of the treaty, it tells us what the character of the controversy was:

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims;"

And whereas Her Britannic Majesty has authorized her high commissioners and plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels.

sels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama claims," shall be referred to a tribunal of arbitration, to be composed of five arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

Then provision is made for a vacancy. Then coming down to the

ixth article of the traty it is provided:

In deciding the matters submitted to the arbitrators they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case.

The rules have been often referred to, and I need not say to the Senate that they concern the duties of government. This, therefore, was an international court, if ever there was one, created to determine a purely international question according to international law, and it was empowered to do so in accordance with these three rules and the laws of nations not inconsistent with them.

In the argument which has been stated to the Senate hitherto upon

this subject, it has been gravely insisted that the rights of individuthis subject, it has been gravely insisted that the rights of individuals and of corporations were passed upon before the tribunal, and that we are bound in distributing the fund now in the public Treasury to pay regard to what was done at Geneva by that exalted tribunal which averted the calamity of war by its great international decision. Mr. President, I venture to assert that no lawyer who takes the pains to examine the eleven articles of the treaty bearing upon this important question can find in it a single syllable going to show that the rights of individuals or of corporations were regarded for one

"A neutral government is bound," says the first rule, to do what?
"To use due diligence to prevent the fitting-out, arming, or equipping" of hostile ships. Does it say that a corporation is bound? Does it say that an individual is bound? It says "a neutral government is bound" to do these things; and then the sixth article of the treaty goes on to provide that in the event that this great tribunal finds that the defendant in the case had not kept herself within these rules or within the principles of international law consistent with them, it was authorized to award against that defendant a sum in gross to compensate for the violation of international law. compensate for the violation of international law.

It was required on the part of the tribunal to examine into the case of each ship; I admit it; but for what purpose? Was that stipulation in the treaty put there for the purpose of governing the distribution of the fund that might be finally awarded? Or, was it not put there for the purpose of protecting, as far as it was possible to protect, the rights of one of the high contracting parties? It was put there at the instance of Great Britain for the purpose of securing her interest and to limit to the lowest sum possible the amount of the award. When the tribunal was required to take into consideration the case of each ship and to examine into all the circumstances at the case of each ship and to examine into all the circumstances attending her capture, that was not a provision for the purpose of regulating or governing in any way the final distribution of the money that might be given to the United States for the infraction of these three rules or of international law. It was done for the protection of one of the contracting parties, and for that alone; and still learned lawyers here undertake to give an interpretation to this provision which goes to the extent of saying that it must control this sovereign power years after the determination of the duty of the commission, and that we have no power to look beyond the losses occasioned by the inculpated cruisers in dealing out justice to the large class of the inculpated cruisers in dealing out justice to the large class of claimants who have suffered under these proceedings. I say it was

put there in order to guard against an excessive award, to guard the rights of one of the contracting parties, to prevent inaccuracy, to prevent excessive damages. They were required to come down to that specific and particular examination with respect to each vessel which would enable the tribunal to deal with it in detail, and not to consider

would enable the tribunal to deal with it in detail, and not to consider the whole testimony in a lump.

Mr. CONKLING. Will it be disagreeable to the Senator if I make an inquiry of him?

Mr. JONES, of Florida. I will hear the Senator.

Mr. CONKLING. I am trying to understand the Senator from Florida, and I have tried to understand every Senator who has taken such a distinction. If anybody can make it plain, the Senator from Floridan.

Therefore I have to inquire of him what was the ebject in deal-Therefore I beg to inquire of him what was the object in dealing in detail, as he says, with vessel after vessel, unless the value of ing in detail, as he says, with vessel after vessel, unless the value of each vessel and its cargo was to be an item in the award of damages, and if it was, the sum total was to be made up of such items? Does not the honorable Senator give up the whole argument when he so admits because can it be that the value of a vessel and its cargo was to be the rule of recovery, and that the total of those items was to be the sum total of the award, and yet that the recovery did not take place in substance for the destruction of those vessels and the loss inflicted upon their owners? If the Senator will take the trouble to explain that distinction, I will listen with great respect, and indeed will listen with gratitude, because I have been seeking for days to ascertain what that distinction is and where it resides.

Mr. JONES, of Florida. I think in this case that the treaty is its own best expounder and I cannot find anything clearer than the language of the sixth article.

guage of the sixth article.

In deciding the matters submitted to the arbitrators they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the arbitrators shall determine to have been applicable to the case.

Then in article VII:

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators

who may assent to it.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules—

Mr. CONKLING. Those were rebel cruisers, not the destroyed

Mr. JONES, of Florida. I understand-

or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

What does that mean? It prescribes for that tribunal the rules of its decision; it sets them out, and it says it shall enter upon the inquiry with respect to each confederate cruiser whether or not Great Britain violated these three rules or either of them on the interna-tional code; and if, mark you, it finds that any of these international rules were violated, then it was authorized by the seventh article of the treaty to award a sum in gross to the United States on account of such violation.

For what? For mere wounded honor? Mr. CONKLING.

Mr. CONKLING. For what? For mere wounded nonor?
Mr. JONES, of Florida. It does not say, and the honorable Senator
from New York must know the great mystery up to this time, after
all the investigation that has taken place, which hangs over the measure of damage adopted by this international tribunal. Their duty was plain certainly in inquiring into the case of each ship. The Government of the United States was the plaintiff; the crown of Great Britain was the defendant. Three august powers represented in the persons of imperial characters, so to speak, sat there as judges, and the little neutral ground of Geneva was selected as the proper place to hold this important proceeding. Once the tribunal found that Great Britain was in fault, the arbitrators had it in their power to assess any sum in gross that they thought proper against the defend-ant, and everything that was brought before them in the shape of private claims or private interests was nothing more than evidence to sustain the international claim of the American Government which was set up against the opposing nationality.

The United States set forth in their case their right to recovery for

that class of claims, it does not matter how you denominate them, whether private or national; but this Government set forth its title on the record and claimed from Great Britain compensation in damon the record and claimed from Great Britain compensation in damages for the violation of these three rules, and a sum of money was awarded to it on account of such breach. It brought forward, it is true, evidence of ownership with respect to this property; it filed schedules going to show that ships bearing the American flag had been captured and destroyed; it did all that, and it said in effect, "This is my property for the purposes of this adjudication." It said, "This is not a contest between corporation and corporation, between Great Britain and insurance companies, or between A, B, or C, but it is a controversy between the national power, known as the United States, on the one side, and the nationality of Britain on the other, and I come forth here with evidence to sustain my case, first, to show

that the rules were violated, and second, to claim that I am entitled to compensation for that violation." Was it not awarded on that principle? If it was not, on what principle was it awarded?

It has been said here that it was in effect a decision in favor of the underwriters. I read from the argument of the attorney-general of Great Britian, to show that the claims of underwriters never were considered—the claim of no individual. The property which was determed it was insisted was American property and with was destroyed, it was insisted, was American property; and with respect to the intervening rights of mortgagees and mortgageors, underwriters and insured, and all the various equities growing out of that property, that international tribunal had nothing to do with them. They did not meet there to adjudicate upon private rights. They met there to

that international tribunal had nothing to do with them. They did not meet there to adjudicate upon private rights. They met there to settle a great international controversy which was about to bring this nation into the very jaws of war, and they made an award which is consistent with the treaty, and awarded to the United States \$15,500,000 in satisfaction of the demand presented.

Was it recovered for the benefit of any particular class of individuals? I am not one of those who pretend to say that this fund ought to go into the public Treasury. In that respect I do not concur with my honorable friend from Connecticut [Mr. EATON] in saying that we are under no obligation whatever to deal with this fund except to pay it into the public Treasury. I say, sir, that it did come into our hands coupled with a most sacred trust, not a trust in behalf of any of the insurance companies, not a trust in behalf of any distinct or special set of men. No, Mr. President, it came into our hands coupled with a special trust, to be paid to actual sufferers, a moral trust in contradistinction to a legal one, for I contend that the ordinary rules of law which have been set forth here as governing this case have no more application to it than the laws of the Medes and Persians; and I entertain this opinion honestly in opposition to the views of the distinguished Senators who have reported this bill.

Mr. THURMAN. May I interrupt my friend from Florida to ask a question for information?

Mr. THURMAN. May I interrupt my friend from Florida to ask a

question for information?

question for information?

Mr. JONES, of Florida. If the Senator will wait a little I will answer any question. No, Mr. President, there is not one word in this treaty from beginning to end that does not go to show that this was a great international lawsuit. And here I would put a practical question. Who ever heard of evidence introduced in a court of justice to sustain the title and the right of a plaintiff in equity or at law to govern his action in the distribution of the money that might be awarded to him under the judgment? Mr. Cushing, himself an active participator in the proceedings at Geneva, speaks of it as a lawsuit. He says in his book:

In effect the United States were the plaintiffs and Great Britain the defendant in a suit at law to be tried, it is true, before a special tribunal and determined by conventional rules, but not the less a suit at law for the recovery of damages in reparation of alleged injuries.

reparation of alleged injuries.

The United States was the plaintiff; the Crown of Great Britain was the defendant. The cause was heard before five representatives of sovereign states, sitting as I said awhile ago in a spot peculiarly adapted for their sittings, the little weak power of Switzerland which lies on the threshold of the great military state of Europe, and from whose presence nothing could be dreaded, but where everything breathed the spirit of liberty such as we are accustomed to breath in this land. The circumstances, the character of the judges, the character of the parties, the character of the counsel, the character of the cause, the consequences likely to flow from it, all go to show that this was not the little petty controversy which we have been taught to believe it was over the rights of a few greedy corporations.

No, Mr. President, the destinies of millions were involved in that controversy; and had that scheme of settlement been broken up midway in

troversy; and had that scheme of settlement been broken up midway in consequence of the attitude of Great Britain growing out of the bringing forth of indirect claims on the part of the United States, no man now living could have foreseen the direful effects and consequences of such a rupture. It was to prevent that that this tribunal sat. It was not to pass—and I say it with all respect to the learned Senators who reported this bill—upon private rights, but it was to pass upon the right of the United States to recover from Great Britain for a breach of international duty, no matter what the sum awarded in damages might be. Had it been but \$10, the consequence would have been the same. It was not a question of money, as is clearly shown by the proceedings before the tribunal. We know very well as a matter of history that the indirect claims, as they were called, were put forth for the express purpose of having them ignored. Mr. Fish admitted that pecuniary compensation was not desired, and, said he, it is more important to the interests of this great neutral nation to have them rejected than affirmed, even at the price of a large sum of money. troversy; and had that scheme of settlement been broken up midway in them rejected than affirmed, even at the price of a large sum of money. They were put aside, and that principle of international law was affirmed in accordance with the ideas and the judgment of the states-

men of this country.

When it came to other matters, all coming under the same title, I respectfully submit, a money award was made to the United States of \$15,500,000, which came into our hands uncoupled with any but a of \$15,500,000, which came into our hands uncoupled with any but a general trust to give it to those who in our judgment are most deserving of it under the principles of justice and equity and according to their sufferings in the particulars complained of. But the tribunal at Geneva only inculpated three cruisers instead of ten or more; and having taken jurisdiction and gone into an examination of the evidence, they found that Great Britain had only violated her international duties with respect to three cruisers. That was part of the

evidence in the case; the paramount title to recover lay behind it; but this was the evidence brought forth by the United States to sustain her cause, and instead of inculpating ten or fifteen vessels the tribunal only inculpated three, and awarded damages on account of that inculpation. But this was no part of the case, except what you find in the daily trial of a cause where a man brings forth a vast volind in the daily trial of a cause where a man brings forth a vast vol-ume of testimony to sustain his case, and he recovers upon a part. I need not appeal to the lawyers who are within the sound of my voice to ask them how disappointed have they been in their profes-sional lives in respect to testimony which their clients instructed them to bring forward to sustain their case, how often it has happened that instead of finding every witness swearing up to the full standard of expectation he has gone back on them, and in the end they were driven to the necessity of relying on a very partial testimony to re-cover when they had the expectation of being able to present a fuller quantity.

Here the recovery was had upon proof relating to three inculpated cruisers and the others were excluded; but the effect of the award was just the same as if all the cruisers had been inculpated instead of three. The power of the Government to deal with the fund is just the same unless you adopt the absurd notion that the testimony given in a cause brought forth by the plaintiff to sustain his case and presented to the jury is after its verdict is rendered to control the final disposition of the fund which the plaintiff receives.

That is just the case. The United States sued Great Britain in an international court before international judges. She presented her testimony; she presented the case, as I think, of thirteen or fifteen cruisers, and the court only found that her case was good with respect to three; but under the provision of the treaty authorizing the tribunal to give a sum in gross, a gross sum was given, and the title of the United States to that fund and to distribute it at her discretion stands upon the very same ground that it would stand on if every

stands upon the very same ground that it would stand on if every single exculpated cruiser had been inculpated.

My friend from Delaware [Mr. Bayard] the other day, in discussing this question, called our attention to the tenth article, which provides for a board of assessors. The argument has been made very frequently that because that article provides in one alternative for a frequently that because that article provides in one alternative for a board of assessors, which never came into life, that concludes the question; that if that board of assessors had been created under the provision of the tenth article of the treaty there could be no question as to those cruisers; that the underwriters in that case would have their claims established and they would have received their money. There is no authority whatever for that. Had that board of assessors been brought into life they would have had power under the treaty to have disregarded every claim of every underwriter. There is not one word in the treaty, from beginning to end, which provides for any class of individual rights to be protected under it. It authorizes, it is true, the examination of claims, but what claims? It does not say, "such claims as may be presented to it by the Government of the United States." Under the treaty the Government of the United States had it in its power to put aside the claims of the underwriters altogether and never to have submitted one of them to underwriters altogether and never to have submitted one of them to that hoard

Mr. KERNAN. But did not the United States submit the claims of the underwriters to the board?

Mr. JONES, of Florida. There was no board ever brought into

existence.

Mr. KERNAN. No; to the tribunal.

Mr. JONES, of Florida. Yes; everybody went. As is usually the case, everybody went; but, as Mr. Cushing says, all were not acted upon. All this talk that we have heard about the tribunal ignoring the claims of the war-premium men in my judgment is not well made. We have been told here that the claims of the war-premium men were put aside at Geneva. I deny it. I say that no individual's claim was put aside or recognized at Geneva. I say that the tribunal held that the claims for enhanced insurance set forth by the Government ought not to be received. But why? Because there were already claims there for the very property to which the insurance claims related. If Great Britain could have been called upon to give value for the ships and cargoes, and also for the cost of enhanced insurance, any man in his senses must see that she would have been liable to a any man in his senses must see that she would have been liable to a double claim. It was to guard against double claims, and not to decide against individual war-premium men, that the action was taken respecting enhanced insurance. They said: "Here are a hundred ships and their cargoes that have been confessedly destroyed by confederate cruisers. What is the value of that property? Beyond that we have nothing to de. we have nothing to do. We do not intend to submit to your getting the value of the property and also the claim for enhanced insurance on the part of the owner side by side with it." The logic of the tribunal was: "We will not submit to that, but we will give you the value of the ship and the cargo; take it for what it is worth; and then you must go to your domestic forum and settle the private equities but most your domestic forum and settle the private equities but most your domestic forum and settle the private equities between your own citizens in your own way, whether they relate to mortgages, to conditional bills of sale, to war premiums, to under-

writers, or to anything else."

Mr. THURMAN. The Senator, as I understand him, says that the Geneva tribunal decided against war premiums for the purpose of preventing double claims.

Mr. JONES, of Florida. I think that was the logic of their action antivole.

Mr. THURMAN. They expressly said the contrary, that they did

mr. Interest she were said the contacty, that they do not exclude them upon that ground.

Mr. JONES, of Florida. That they were indirect?

Mr. THURMAN. Yes, that they were not a subject of recognition.

Mr. CONKLING. It said in so many words that they were not embraced within the treaty.

Mr. KERNAN. I will read that exact language from the record

Mr. JONES, of Florida. I should rather the Senator would wait

until I get through.

Mr. CONKLING. Let us hear that now.

Mr. KERNAN. I will not interrupt the Senator from Florida.

Mr. JONES, of Florida. The Senator from New York will have

plenty of time.

Mr. CONKLING. The Senator from Florida is not talking merely to make a speech, but talking to make people understand the question. Let us hear it read for common instruction.

Mr. JONES, of Florida. I have no objection. [To Mr. KERNAN.] Go on and read it.

Mr. KERNAN. In the proceedings of the 19th of June, 1872— Mr. JONES, of Florida. What does the Senator read from? Mr. KERNAN. I read from volume 4 of Message and Documents,

Department of State, part 2, 1872-773:

Record of the proceedings of the tribunal of arbitration at the fifth conference held at Geneva, in Switzerland, on the 19th of June, 1872.

Count Sclopis then, on behalf of all the arbitrators, made the following state-

The arbitrators wish it to be understood that in the observations which they are about to make they have in view solely the application of the agent of Her Britannie Majesty's government, which is now before them, for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, namely, the difference of opinion which exists between Her Britannic Majesty's government and the Government of the United States as to the competency of the tribunal, under the treaty of Washington, to deal with the claims advanced in the case of the United States in respect of losses under the several heads of: First, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payments of insurance; and, third, the prolongation of the war.

This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.

That excluded them entirely, under international law, as not com-

That excluded them entirely, under international law, as not competent to be taken into consideration or computed.

Mr. JONES, of Florida. Whatever may have been their reasons for their action, I have not now the book at hand, but that is one of the questions open to controversy. Those claims were excluded, I suppose, because they were remote and not falling on that account within the terms of the treaty, although they retained another class of claims for damages for the pursuit of the confederate cruisers, which was not settled at that particular time, but afterward when they came to render their judgment. But, however that may be, the claims before the tribunal were for property actually destroyed. If I understand one thing better than another as resulting from the entire proceedings of that great council, it is that they never attempted to pass upon individual rights; they treated the one hundred and thirty-five ships destroyed just as if the title to them had been vested in this nation. I am not without authority in that, because when one nation deals with another in an international way everything that is put forward is grounded upon the right of the nation. What does Vattel say upon this subject?

Even the property of individuals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be considered as the property of midwiduals is, in the aggregate, to be con

Even the property of individuals is, in the aggregate, to be considered as the property of nations with respect to other states. It, in some sort, really belongs to her, from the right she has over the property of her citizens, because it constitutes a part of the sum total of her riches and augments her power. She is interested in that property by her obligation to protect all her members. In short, it cannot be otherwise, since nations act and treat together as bodies in their quality of political societies, and are considered as so many moral persons. All those who form a society, a nation being considered by foreign nations as constituting only one whole, one single person—all their wealth together can only be considered as the wealth of that same person.

That is the law of nations as other when the United States went

That is the law of nations; so that when the United States went before this tribunal with these private claims, as they are called, she had a right to elevate them to the full standard of nationality, and say: "This property was my property, and it is before this tribunal for the purpose of decision, and I ask a verdict for it. If there is anything to be done with respect to the rights of my attitude that we for the purpose of decision, and I ask a verdict for it. If there is anything to be done with respect to the rights of my citizens, that you have nothing to do with; I deal with you so far as we are concerned. This is my property and I want recompense for its destruction. You have nothing to do with the corporations or the individual citizens of the United States. When this fund comes into my hands as their sovereign I will deal with them in my own way, because they are subject to my jurisdiction, and you cannot be permitted to treat with them at all."

Mr. CONKLING. Does the Senator understand that anybody has made an argument contrary to that?

Mr. JONES, of Florida. I think I have heard it.

Mr. JONES, of Florida. I think I have, I think I have heard it thin?

reiterated time and again that the decision rendered at Geneva by the international board ought to be observed in the distribution of the money that is now in the public Treasury. Unless I am greatly mistaken I have heard that reiterated time and again, and I say that that principle cannot be upheld before this tribunal at least.

In dealing with questions of law I bring to them as much profes-In dealing with questions of law I bring to them as much professional pride as any of my brethren of the profession who from time to time are called upon to debate the nice questions of jurisprudence which are constantly agitating this high body; but, sir, I cannot but confess that the discussion thus far with respect to this great question has been entirely too technical for me. I do not think that we sit here to administer the common law. I do not think that the Senate of the United States ever was brought into life to act the part of a nisi prius court. There are some things that a court of justice organized to enforce legal principles must do. It is bound down by the shackles of its own narrow life and existence, beyond which it cannot move, and it must take notice of legal niceties. Sometimes a court of equity is equally bound to take notice of equitable principles. But

we are bound by neither.

Mr. CARPENTER. By neither law nor equity?

Mr. JONES, of Florida. I refer now to equity in the technical sense. I say we are bound by principles of eternal and undefined justice, and that we have got no narrow legal standard to measure what we may do in dealing with a question of this kind. I have no doubt there are a great many Senators within the sound of my voice who have been interested in the discussion of the doctrine of subrogation, and a great many of the representatives of the people, no doubt, who were sent here to represent their great interests, never heard of subrogation until they heard it in connection with this question. I do not think I am exaggerating when I say that. Still, we have had learned arguments from the distinguished jurist who usually sits before me [Mr. Davis, of Illinois] that would puzzle the mind of the

ricest lawyer on the continent to comprehend.

I do not complain of this at all, but I say, lawyer as I am, and recognizing my duty to the profession, that I think when I am called upon in the Senate to deal with a great question like this, I am under no special obligation to apply to it the doctrines or the principles that are applicable in a court of law. I think I have authority here, sitting under this great Constitution of cours to take a breader with the are applicable in a court of law. I think I have authority here, sitting under this great Constitution of ours, to take a broader vision than even the Supreme Court would be permitted to take if the case was before it. I do not think that the oath which I have taken requires that I should get down on my knees to the little, narrow, legal doctrines which prevail in every little court in the land, but that in dealing with a question of this kind we must go to its justice, to its right, to its inherent court, and administer institute which a my front.

ing with a question of this kind we must go to its justice, to its right, to its inherent equity, and administer justice, which, as my friend from Wisconsin [Mr. CARPENTER] knows, is not always law.

The whole claim of the underwriters has been predicated upon the doctrine of subrogation. If we take away from them that doctrine and bring the case down to an ordinary legal standard, and convert ourselves into a regular court for the purpose of administering the law, there is not a lawyer in the Senate who can say that there can be any foundation to it often that doctring is taken away.

be any foundation to it after that doctrine is taken away.

Mr. THURMAN. The Senator will allow me to correct him as to a matter of fact. At least ninety-nine out of one hundred of these claims that the insurance companies paid as for a total loss were assigned by the insured to the insurance companies.

Mr. CARPENTER. But the assignment is as immoral as subroga-

Mr. CARPENTER. But the assignment is as immoral as subrogations, according to this argument!

Mr. THURMAN. Subrogation was enough, but in addition to that a party perfectly competent to contract made a formal and regular assignment in at least ninety-nine out of every one hundred cases.

Mr. JONES, of Florida. In consideration of what?

Mr. THURMAN. It does not matter; it was a sufficient consideration, between parties able to contract.

Mr. JONES, of Florida. I disagree with the Senator about that. I do not regard those assignments as any more effectual than an assignment that would take place by operation of law.

Mr. THURMAN. Then, will the Senator allow me to ask him one question? Does he propose to pay those ship-owners who were paid by the insurance companies? If these assignments were void and there was no subrogation, why does he not pay the original owners?

Mr. JONES, of Florida. I do not propose to pay anybody who has already made pocketfulls of money out of this business, I do not care whether they are war-premium men or underwriters or anybody else. If I vote intelligently I shall not vote to recompense any man If I vote intelligently I shall not vote to recompense any man

who has made profits.

Mr. THURMAN. Will my friend allow me to interrupt him right there, because I want to correct his mistake? Would he pay a warpremium man who upon his business in which he paid war premiums made lots of money? That is the point.

Mr. JONES, of Florida. I will support the McDonald amendment on that point. That is my answer to the Senator, and I think that covers if

covers it.

Mr. THURMAN. But that amendment does not put any such test at all; it only applies it to insurance companies. I will ask my friend another question. A ship was captured and destroyed by one of the exculpated cruisers. The owner of that ship by running her made far more than the value of the ship, far more than what he lost, in the course of business during the war. Would the Senator exclude Mr. JONES, of Florida. No, I would not; I would pay him.
Mr. THURMAN. Then the Senator's rule will not apply at all.
Mr. JONES, of Florida. I think the Senator is getting too remote;
that is an indirect case. I think he is getting off too far.
Mr. BLAINE. If the Senator from Florida will permit me a moment to interrupt him I wish to state that the Senator from Ohio has

asked a question which has no basis in fact whatever in any point

involved here.

Mr. JONES, of Florida. It is abstract.
Mr. BLAINE. It is not abstract even. He has stated a case that does not exist in the heavens above, or the earth beneath, or the waters under the earth.

Mr. THURMAN. That is a question upon which there is a differ-nce of opinion. Will the Senator leave that to the tribunal which ence of opinion.

ence of opinion. Will the Senator leave that to the tribunal which we are to establish?

Mr. BLAINE. Entirely.

Mr. THURMAN. The Senator is willing to do that?

Mr. BLAINE. Entirely. I do not want to interrupt the Senator from Florida by taking his time, but I can demonstrate that the Senator from Ohio is on a tack which has not any existence at all, as a matter of fact, not the slightest; and I shall demonstrate it when I have the right to the floor.

have the right to the floor.

Mr. JONES, of Florida. The answer of the Senator from Ohio that there was a written assignment here of the rights of the assured under these policies, in my judgment, amounts to very little, because the parties at law had that right without it. I am not here to dispute the legal principle that when an underwriter pays for the value of the property insured, he becomes subrogated to the rights of the of the property insured, he becomes subrogated to the rights of the owner with respect to everything growing out of that property, but I did say a while ago that in my humble judgment the doctrine of subrogation, as it is called, is not applicable to this case. Will anybody pretend that an underwriter cannot waive his right of subrogation? May he not enhance his premium in special cases and abandon all right to the thing? From the very nature of the case there could be no subrogation. These were all special contracts growing out of a special class of cases. The ordinary commercial policy, as we know, carries with it the implication that if there is a partial loss the owner may abandon and the assured take what is left of the property, if the damage amounts to more than one-half, paying for a total erty, if the damage amounts to more than one-half, paying for a total loss and becoming subrogated to the rights of that party

loss and becoming subrogated to the rights of that party.

I say that is implied in every ordinary commercial policy of insurance. Where a man goes to insure his ship and cargo he says to the underwriter, "I want an insurance against the perils of the sea; I pay you so much money for a policy; if my loss amounts to more than one-half you shall have a right to what is left; I shall abandon and claim for a total loss, and you can take the rest." I say that implication is as strongly embodied in every contract of ordinary marine insurance as if it was written upon the face of the contract itself, and that the possibility of partial loss arises out of every contract of that kind and goes to diminish proportionately the amount of the premium. But in these cases what was the contract? In every case it was a policy taken out against absolute destruction, out of which there could have been no subrogation, and the premium was charged accordingly. have been no subrogation, and the premium was charged accordingly. The insurer became his own insurer by the amount of premium that

Mr. THURMAN. May I interrupt my friend one moment? I wish to get his argument exactly right. Do I understand him to assert that there is no subrogation where the property has been utterly de-

Mr. JONES, of Florida. I say that when there is nothing in fact

to attach subrogation to, it cannot exist.

Mr. THURMAN. Does the Senator say that the right of subrogation does not extend to all remedies that the owner of the property would have in his own right against any tort-feasor or person guilty of negligence?

of negligence?

Mr. JONES, of Florida. Is the Senator through?

Mr. THURMAN. Yes. The Supreme Court has so decided.

Mr. JONES, of Florida. I know what the Supreme Court has decided about that. I will answer the Senator. Yes, he has all the rights of action that may grow out of the destruction of the thing. The Senator from Ohio has asked me the old question, have not the

The Senator from Ohio has asked me the old question, have not the underwriters a right to go to those who have been instrumental in destroying the property by tort or by illegal action of any kind.

Mr. THURMAN. Or by negligence.

Mr. JONES, of Florida. Any shape of a tort. Let me say to the Senator that when the underwriters issued their policies they warranted the vessel insured against destruction by a belligerent power exercising all the authority of war, and that they charged proportionately. It was not a case of a collision on the high seas; it was not a case of barratry: it was not a case of the application of the not a case of barratry; it was not a case of the application of the torts by the master in fraud of the underwriter; it was not a fraudulent stranding or anything of that kind, but on the face of their policy they insured against capture by a belligerent power. Let me ask, in all seriousness, what claim did the owner have against the bel-

Mr. THURMAN. Great Britain was not a belligerent power?

Mr. JONES, of Florida. I know that Great Britain was not. What did the underwriters become subrogated to under the doctrine of the honorable Senator from Ohio? They had no more claim in my opinion than the man whose property was destroyed by a land force of

the confederacy with arms imported through the blockade from the Kingdom of Great Britain. There was no award ever made in their favor. There is where I and the Senator differ. No record shows any such award. No individual right was recognized by Great Britain. No subrogation could possibly exist. It was a public capture out of which the property was destroyed before even a treaty was in embryo. At the time the high commission sat in Washington every vestige of this property had been swept away by the hand of belligerent war. What right survived? The underwriter had pocketed his millions growing out of his enhanced premiums against the shipowner. The ship-owner suffered as all citizens suffer who happen to have their fates identified with a country at war. The Government have their fates identified with a country at war. The Government have their fates identified with a country at war. The Government stood behind both with a residuary power of reclamation which was only capable of being enforced by "the dogs of war." There was no tribunal to which the property-owner could appeal. There was no authority to which the ship-owner could go. Everything was swept away, not by a tort-feasor, not by barratry, not by any of those acts which are distinctly mentioned in every decision which was read by the honorable Senator from Illinois [Mr. Davis] and the honorable Senator from Arkansas, [Mr. GARLAND.]

This is an exceptional case. There is nothing like it. I have yet

This is an exceptional case. There is nothing like it. I have yet to hear of a case or to hear it read which will meet it as a question of law; that is, when the property of the assured is destroyed by public war, upon the high seas or upon land, whether the owner of such property under any system of jurisprudence can come forth and make claim for it against any government or any power. If the property is destroyed by an illegal capture; if as in the case in I Peters, when the country is at peace the cruiser of a neutral power intrudes upon the rights of your citizen, then the action becomes illegal, absolutely so, and the right of reclamation ensues. But I need not tell the Senate, certainly not the lawyers in it, that from the very inception nearly of our great civil struggle both parties to the terrible contest through which we have passed recognized the principles of public law and public war as governing that contest. It is a credit to the American name that it was so; and I rejoice when I read of the humanity that emanated and sprung from that terrible civil struggle.

The captured vessels were destroyed on the high seas, not by tort, but as Judge Story said in one of his elaborate judgments in a prize case, the right to destroy goes hand in hand with the right to condemn. If by reason of blockade or otherwise the capturing power did not make his prize available and in an extreme case destruction

did not make his prize available and in an extreme case destruction was resorted to, it grew out of the same hostile nature of belligerent right. Where can we find a case on record, I ask, where property was destroyed by a belligerent party in war that the owner thereof was heard before any tribunal asserting legal rights for compensation?

Independent of that question are the rights of the nation to which the citizen belongs. Behind this, therefore, as I said a while ago, rested the residuary power of reclamation on the part of the nation against Great Britain, and she exerted it in an international court. The Government got her award; she holds that money to-day by as good a title as any other that is in the Treasury. I say that it stands there coupled with a high moral trust, not a legal trust such as is set up here in behalf of the underwriters, growing out of subrogation, but a high moral trust to dispense it among actual sufferers, if they can be found. If they cannot be found, I have no hesitation in saying that the Government would be perfectly justifiable in covering every dollar of it into the Treasury and holding it, for under no circumstances can I ever be brought to believe that Great Britain would be lawfully entitled to a dollar of it again. lawfully entitled to a dollar of it again.

But we are asked here to enforce a special trust. We are asked here to confine ourselves to a certain class of claims and a certain class of losses. That argument will not do. The Government never intended to turn its back upon any of its own citizens. It never submitted to the tribunal at Geneva the question whether any of its citizens had a demand upon their own sovereignty. The question submitted was the right of this Government to reclamation from Great Britain, leaving all ulterior questions growing out of rights of property between this Government and its own people, and so intelligent are the British public that they realized that distinction.

Mr. CARPENTER. Will the Senator allow me to ask him a ques-

tion at that point?
Mr. JONES, of Florida. Yes. Mr. JONES, of Florida. Yes.

Mr. CARPENTER. If it can be shown from the proceedings of
the arbitrators at Geneva that the money which was paid to the
United States was paid on account of a certain class of claimants and
that the rights of other claimants were rejected and excluded by that
court, would the Senator maintain that we should pay the money
which we received on account of the claims allowed to those claimnots or should take it from them and new it to completely whose claimants or should take it from them and pay it to somebody whose claim

ants or should take it from them and pay it to somebody whose claim was rejected, provided that can be shown from the record?

Mr. JONES, of Florida. Is that all?

Mr. CARPENTER. That is enough I guess for the present.

Mr. JONES, of Florida. I have no hesitation in answering that question. I say most emphatically that nothing that happened at Geneva previous to the rendition of the award, nothing in the way of production of evidence, no consideration of any particular class of claims, no interlocutory judgment of the tribunal, in my view, can affect in the least the power of this Government to deal absolutely with this fund. with this fund.

Mr. KERNAN. How as to the moral right, suppose we have the power, to put it into the Treasury?

Mr. JONES, of Florida. When you come to moral right, that is a pretty hard thing to define. The human mind is so fearfully made that the moral standard of men is not the same, and I suppose it varies

with governments.

Mr. CONKLING. I know the Senator will let me supplement the Senator from Wisconsin in his question. Suppose, as the treaty expressly provided it might, the tribunal had referred it to a board of pressly provided it might, the tribunal had referred it to a board of assessment to assess damages, and that board had gone on and counted up, one by one, these ships, so much each, and made a total, and on that made a report, would that restrain the Senator at all in doing what he pleased with this money?

Mr. JONES, of Florida. It would not.

Mr. CONKLING. The Senator is logical; he is frank.

Mr. JONES, of Florida. I stand on broad ground in regard to this

Mr. CONKLING. The Senator is logical; he is Irank.

Mr. JONES, of Florida. I stand on broad ground in regard to this fund. I said when I set out in my argument, that in no case within my knowledge was evidence adduced in a cause ever permitted after the judgment to control the disposition of the fund realized. I said that this was a great lawsuit beween two nations in which \$15,500,000 was recovered by the United States; and that it has the power to deal with that fund at its own pleasure.

Mr. President, this proposed legislation is very remarkable. The bill undertakes to do what I do not remember ever knowing or hearing of having been done before. It may have happened, but my experience is very limited. The law of 1874, as I understand, expired by its own limitations. It is now dead for all legal purposes. It is as if it had never existed. The bill of the Judiciary Committee proposes to revive that law for the purpose of repealing one of its most essential provisions. I think it is well enough to let a dead lion alone. In 1874 the Congress of the United States in the exercise of its wisdom passed a statute, now upon the statute-book, regulating and controlling and defining the principle of distribution applicable to at least a part of this fund. That law was carried out honestly, faithfully, and I believe to the satisfaction of everybody so far as it went. Why should it be revived in order to be killed? If it was the purpose of the Judiciary Committee to establish a new principle of distribution when the statute is a revived and distribution when the statute is a revived and distribution applicable to at the state of the Judiciary Committee to establish a new principle of distribution when the statute is a revived and distribution when the statute is a revived and distribution when the statute is a revived and the states are the statute is a revived and the states are the statute is a revived and the states are the statute is a revived and the states are the statute is a revived and the states are the statute went. Why should it be revived in order to be killed? If it was the purpose of the Judiciary Committee to establish a new principle of distribution, why not do it? But here the statute is revived and made to live for a moment just for the privilege of killing it. "The twelfth section of the act of 1874," says this bill, "is hereby revived;" and the moment it comes into life the bill then says, "it is hereby repealed." Why is that? What is the logical and legal purpose of that proceeding? It might raise a very nice question for a court to pass upon, that this dead statute which put aside the claims of the underwriters in 1874 is suddenly revived with that principle of distribution limited, and when the Senate gets it up here, it knocks it in the head as if it were in the power of impotent man to annihilate the the head as if it were in the power of impotent man to annihilate the past. That is beyond the power of the Almighty. Why not leave the record as it is? The tribunal which decided on these claims no doubt will want in after ages to see the authority for their enactments. They do not want to see that the statute under which these underwriters were excluded was repealed by a subsequent Congress after all the judgments had been rendered and their duties fully completed. Mr. President, it does seem to me a most extraordinary proceeding, to be serious about it, that this learned committee should revive an old statute, or at least a section of an old statute, for noth-

ing in the world but to turn around and repeal it the instant that it is brought into being.

Last evening's discussion was a little instructive; and when the Senator from Maine reminded the Senators from Ohio and Delaware that in one part at least of this bill they were departing from their own principle of distribution, I do not think he went far enough. I do not think he stated that that very provision of the act which was intended to bring in losses occasioned by exculpated cruisers was in effect a provision essentially intended, as I think, to give the whole fund to the underwriters.

Mr. BLAINE. That is very plain on the face of the bill. I concur with my friend from Florida that it is \$2 to the insurance company

and one possible dollar to the ship-owner.

Mr. JONES, of Florida. After providing for the first time that this fund shall go, at least \$8,000,000 of it according to the lowest calculation, into the coffers of the underwriters on account of losses for which compensation was refused under the act of 1874, it then proceeds to give them a right to get \$2,000,000 or more additional out of losses sustained by the exculpated cruisers, so that in effect the bill would give the whole of this fund to these corporations, notwithstanding a little equity might be supposed to be intended to come from the last provision in behalf of the poor fellows who suffered by the exculpated cruisers and who had no insurance.

Mr. THURMAN. The Senator misunderstands the bill, if he will

Mr. THURMAN. The Senator misunderstands the bill, if he will allow me to correct him, when he supposes that in regard to vessels destroyed by the exculpated cruisers the bill gives the insurance companies any preference whatever.

Mr. JONES, of Florida. It gives them no preference; I did not say "preference;" but it gives them a standing, after giving a preference to them to the amount of \$8,000,000 in the first class, for they come in and get nearly the whole there. Then in regard to this little pool that is left, they are permitted to come in then, side by side with the poor, uninsured, exculpated losers—I do not know how else to call them.

Mr. ALLISON. How much would be left?
Mr. JONES, of Florida. Two or three million dollars. I think the first provision of the bill, or that part which recognizes the underwriters as the first class, would give them \$8,000,000; and then I suppose \$3,000,000 would be left, and they would get \$2,000,000 of that, leaving \$1,000,000 for the fellows on the outside. I supposed from the debate which occurred here yesterday evening that this residuary fund was intended to go altogether to the exculpated losers; but in that I was mistaken. but in that I was mistaken.

but in that I was mistaken.

Mr. President, I do not look for absolute consistency in anything in this life. I am one of the men who take a practical view of everything; and when so much is said about the terrible charges that have been paid in war premiums, I ask in all seriousness if these very underwriters have not received payment for war premiums under the act of 1874? They were permitted to come in under the act of 1874 and show that their losses exceeded their receipts from all sources. If they could show that their losses, even by the exculpated cruisers, exceeded their war premiums, they had a right to go before the commission and prove up the difference. They did go, many of them, but there are very few that could make the showing. I have got the record of one case here which they proved up under the act of 1874. The Commercial Mutual Insurance Company got a judgment for \$45,247.12, the difference between the amount of their losses, including captures by all the cruisers, and the amount of the receipts on \$40,247.12, the difference between the amount of their losses, including captures by all the cruisers, and the amount of the receipts on war premiums. The balance in their favor was \$45,247.12. In this item they recovered \$30,599.83 for war premiums on reinsurance. Of course lawyers all know what that means. After having taken risks on vessels subject to capture by confederate cruisers, they then went and reinsured their own risks, dividing them up, upon which they paid war premiums, and they included those premiums in their demands under the act of 1874, and got them paid out of this Geneva fund.

Mr. CONKLING. Will the Senator let us understand him there?

Does he mean anything more than that in making up a balance-sheet
of profit and loss they took into the account those payments?

Mr. JONES, of Florida. That is enough for the purpose of my ar-

Mr. CONKLING. I submit to the honorable Senator that it was of course a necessity for them to do that unless they meant to make up a false account, on the single issue of whether they made profits or not, and if so how much. How could they make a trial balance with-

out putting in the honest increment of cost and elements of profit?

Mr. JONES, of Florida. That may all be true. I was arguing to show that the Government had dealt fairly with them in permitting

them to do that.

Mr. CONKLING. I understood the Senator to say that they made

a claim and recovered for that.

Mr. JONES, of Florida. It was included in their bill of losses. In

Mr. JONES, of Florida. It was included in their bill of losses. In making up their bill of losses they said, "we paid \$30,000 or more for war premiums on reinsurance, and we want it back;" and they got it back. That is the whole of it.

Mr. THURMAN. What company was that?

Mr. JONES, of Florida. The Commercial Mutual Insurance Company. There were several of them that did the same thing.

Mr. THURMAN. Some of them that lost money.

Mr. JONES, of Florida. There were a few that lost money. I think there were \$111,000 altogether paid out to the forty-five insurance companies engaged in this business. There were two or three that lost, and they were permitted to come in and show their losses and get the difference. I think that after this they ought not to be permitted to come in again. I think that if we recognize any law here, we ought to recognize the principle of res adjudicata, and that those claimants to recognize the principle of res adjudicata, and that those claimants who accepted the provisions of the law of 1874, proved up under it, received their balances, and gave their receipts in full, ought not now to be permitted to have a new law passed for their benefit and to set on foot a set of distinct claims against this fund to the exclusion of

other parties.

Mr. President, this question, so far as it respects the duties and the powers of the Government over the fund, narrows itself down to a question of comparative equity between the claimants. I have no hesitation in saying that in my opinion there is no equity, there is no law, under which the underwriter can maintain a claim to this fund. On the other hand, I do think that so far as the citizens who suffered losses by the exculpated cruisers are concerned, those who have not made money during the war, and those who have paid large war premiums, they are entitled to consideration. In dealing out this fund, which I think it is the duty of the Government to do, I would recognize the rights of those men who had no insurance upon their ships which were captured by confederate vessels of war and destroyed, and if there was enough left after that I would give it to that class of citizens who were compelled, as has been well said, to maintain themselves in competition with the commercial powers of the world at an enormous sacrifice in the way of war premiums.

I have some private papers in my possession now which I will not detain the Senate by reading, which go to show that during that period the ship-owner was not only required to pay heavy war premiums upon the shipper's goods, that he could not do his business in competition with Great Britain, with France, with any power on earth that had a commercial marine not subject to capture, unless he paid a high suffered losses by the exculpated cruisers are concerned, those who

war premium upon his vessel, and in addition to that paid the insurance premium upon the goods that he carried, and then performed the service at a less rate. I say that a man who did that is entitled to consideration; he is an actual loser; he has an equity which the insurance companies have not; and I understand that they have made no concealment of their vast gains from this special business of ma-

The insurance during the war.

It has been intimated time and again that these poor ship-owners reaped a golden harvest. How was it possible for them to have done it? Seven-eighths of the commerce of the world was against them; it? Seven-eighths of the commerce of the world was against them; there was a bare one-eighth under the American flag; and is it possible that one-eighth of the commerce of the world could control seven-eighths of it under foreign flags and could dictate terms and make vast sums of money? That is the argument, that if they had not made money they could not have kept their ships afloat. I do not think there is much in that; and that class of claims from every view that I have given to this subject are entitled to equitable consideration before Congress; and where the family ship, as she has been called, built in coparenary by the sons and the father and the san in law and named after the family, was kept afloat at the sacson-in-law, and named after the family, was kept affoat at the sac-rifice of high premiums at a time like that, no matter how much we may have differed in the past about the war or the causes of the war, may have differed in the past about the war or the causes of the war, when it comes to equity and justice, the man who kept that ship afloat under his flag on the high seas by the payment of exorbitant premiums into the coffers of the insurance companies, out of which they grew rich—I say in competition with other claims that claim has a superior equity on this fund, and so far as I am concerned, so far as my vote goes, I will endeavor in the passage of any bill looking to an equitable disposition of this fund to carry relief home only to those quarters where actual suffering and actual loss occurred.

Mr. CARPENTER. Mr. President, the speech of the learned Senator from Florida, [Mr. Jones,] who has just taken his seat, is a fortunate contribution to this debate. He is a good lawyer, he is a good logician, and his speech is a frank confession that upon every principle of common honesty heretofore known and recognized among men, upon every

mon honesty heretofore known and recognized among men, upon every principle of law and equity, as administered in the courts of all civilized countries, these insurance companies are entitled to the money this Government received on their claims. To escape that conclusion, which he has determined to do at all events, he is driven to say that the Senate of the United States in distributing this fund is bound neither by law nor equity. This reminds me of a letter I received during the war from Colonel Saunders, of the Nineteenth Wisconsin Regiment, who had been appointed a judge of some military court created by General Butler at Norfolk, in which he wrote me that he was the judge of a court with undefined jurisdiction and unlimited

was the judge of a court with underned jurisdiction and unlimited power; that he rendered his judgments in the morning and his corporal and his guard enforced them in the afternoon.

This is substantially the jurisdiction the Senator from Florida deliberately and calmly declares the Senate should exercise in disposing of this fund.

The speech of the honorable Senator from Illinois, [Mr. Davis,]

The speech of the honorable Senator from Himois, [Mr. DAVIS,] more like the opinion of a judicial tribunal than a campaign speech, (for it lacked all the clap-trap which the latter must always contain,) seems to have carried conviction to the Senator from Florida as a lawyer, that these insurance companies were entitled to the money which the Government had received on their account. He was therefore driven, in order to justify a vote against their right, to deny that we, in distributing this fund, are bound to consider whose money it is, or for whom we received it.

, without going over the same ground covered by the Senator Now, without going over the same ground covered by the Senator from Illinois, let me say that his speech upon the right of the insurance companies to be paid the money which we received for them, or, at all events, on their claims, I indorse fully; indeed it seems to me to be unanswerable. I am confirmed in this opinion from the fact

that nobody has attempted to answer it.

The Senator from Massachusetts, [Mr. Hoar,] in two very able, ingenious, and scholarly speeches, has contested the right of insurance companies upon the ground, as I understand him, that the award was made to the United States as a nation, and that the claims of the insurance companies, and indeed all individual claims, were presented to the arbitrators in aggravation of damages, or as a measure of damage suffered by the United States as a nation at the hands of Great Britain during our late civil war. The Senator from Vermont, [Mr. EDMUNDS,] who always speaks like a lawyer, contests the right of the insurance companies to any part of this fund upon the ground, as I understand him, that Great Britain was a belligerent of the United States in regard of the inculpated cruisers, and consequently the award was made as indemnity to us in our national character, and not for or on behalf of private claimants. It will thus be seen that the real difference between the Senator from Illinois and these Senators is one of fact, the Senator from Illinois contending that the award was made upon individual claims; while they contend for

I shall endeavor to show that the theory of the Senator from Illinois is the correct one, and if this can be shown no lawyer will contend against the conclusions at which the Senator from Illinois arrived. I submit to the Senate that the speech of the Senator from Illinois was not only correct as to the facts of the case but is sound in law, as it certainly is perfect in style. This question ought not to

be disposed of by main strength. We have the power—drawing the proper distinction between power and right—to do what we please with all the money in the Treasury. We may give it to a foreign nation, we may give it to the poor, we may pay it to pensioners, we may do anything we please with it so far as the mere question of power is concerned; but when we come to consider the principles of equity applicable to this case and the moral obligation that rests upon us in every act we perform, different questions are presented; and the speech of the Senator from Illinois was an appeal to the reason and the conscience of the Senate. It was not addressed to the galleries. I do not remember that it elicited any of that applause which so constantly attends the legal arguments of some Senators upon this question; but it did find a lodgment in the mind of every man who

question; but it did find a lodgment in the mind of every man who thinks that the Senate ought to consider this question and dispose of it according to the recognized principles of common honesty.

Now, Mr. President, at the risk of being somewhat tedious I intend to show that the \$15,500,000 awarded by the Geneva tribunal and paid by Great Britain to us was for and on account of the private and individual claims of citizens of the United States, and for nothing also, that these claims were specifically stated, were recognized. ing else; that these claims were specifically stated, were presented to the tribunal, and formed the basis of the award. The money was paid to us, and a large part of the money is now in our possession, on account of the claims of individual claimants.

In the first place, what was our claim against Great Britain? we making a claim against her as a belligerent power, and did she submit to that claim and go to arbitration, and pay us fifteen and a-half millions of dollars in her character as a belligerent, as a fine imposed by the court upon her in her belligerent character? Was Great Brit-ain a belligerent? Her minister was at our capital, our minister was ain a belligerent? Her minister was at our capital, our minister was at her court. The commerce between the two nations was uninterrupted. We were constantly appealing to her for redress upon the ground that we were at peace with her. When did Great Britain ever, in her character as a belligerent, submit to a fine imposed upon her without a fight? Great Britain, as a belligerent nation, coming to her knees without the loss of a man, or a blood spot upon the deek of her ships, will not be believed. Can anybody in his senses maintain that we were dealing with Great Britain as a belligerent? It would be hardly more disgraceful to her than it would be to us to assume that we dealt with her as a belligerent upon such principles and in such a manner. Why did we not sue the rebels of the South during those years, and ask them to appoint arbitrators to hear the issue between us, and determine how much they should pay? That was not the way we dealt with them. We recognized them as belligerents and went for them; we found them, and conquered them. ligerents and went for them; we found them, and conquered them. So we would have treated England if we had regarded her as a belligerent.

But passing from the general aspect of the question, which is sufficiently conclusive, let us look at the record of this case; and here I must apologize to the Senate for pursuing, perhaps, somewhat the methods of a lawyer. I know it is an offense to be a lawyer in the opinion of some Senators; and my friend from Maine [Mr. Blaine] opinion of some Senators; and my friend from Maine [Mr. Blaine] always has his opponent at a disadvantage when he can charge him with being a lawyer. He knows nobody can retaliate that charge upon him. He has two or three times in this debate singled me out for ridicule for being a lawyer. Mr. President, what is the law? What are the principles of law and equity as administered in the courts? And what are lawyers? The law and the principles of equity recognized among all civilized nations are the result of central control of the courts. turies of human experience in the earnest endeavor to arrive at those turies of human experience in the earnest endeavor to arrive at those principles which are indispensable to the enforcement of common honesty among men. The most upright and learned men of all civilized nations, especially of England and America, have long been devoting their best efforts to this subject, and the law is the result of their labors. And what is a lawyer? I do not speak of a pettifogger, a shyster, or a rogue, but of one who may point to his past record, and without blush or shame say, "I am a lawyer." What is he? He is one who has devoted his best abilities, whatever they are, to the investigation of those principles which will insure honesty in the dealings of men, the best methods of ascertaining the truth in regard to a particular transaction, and the application of the general rules of law to the facts when ascertained. of law to the facts when ascertained.

Now, is not that what we want to do here? Do we not wish to ascertain what are the facts of this case? Do we not want to know what common honesty requires us to do? If we do not propose to fold our arms like the Senator from Florida and say that by main strength, without regard to justice or equity, we will do what we please, then the method which I propose to pursue will not be condemned by the Senator. the Senate.

Turning now to the record in this case, how does it stand? Here let me refer to a letter of December 30, 1862, from Mr. Adams, our minister to England, to Earl Russell, found in volume 3 of the Claims of the United States, at pages 94 and 95:

Having, for particular reasons, forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

To explain this letter I should have stated in advance that Mr.

Adams bases our claim upon the principles declared by Great Britain in regard to depredations upon her commerce from our shores in 1794:

in regard to depredations upon her commerce from our shores in 1794:

From these words the deduction appears to be inevitable that the principle of compensation in the case derived its only force from the omission by the United States to prevent a wrong done to the commerce of a nation with which they were at peace. So, likewise, may be it reasonably urged in the present case, that the omission of Her Majesty's government, upon full and seasonable notice, to carry into effect the provisions of its own law designed to prevent its subjects from inflicting injuries upon the commerce of nations with which it is at peace, renders it justly liable to make compensation to them for the damage that may ensue.

That the British government of that day did consider itself equitably entitled to full indemnity, not simply for the hostile acts of Frenchmen in American ports, but for the loss and damage suffered on the high seas by reason of assistance rendered to them by citizens of the United States, will clearly appear by reference to the fourth article of the project of a treaty proposed by Lord Grenville to Mr. Jay, on the 30th of August, 1794. The words are these:

"And it is further agreed, that if it shall appear that, in the course of the war, loss and damage has been sustained by His Majesty's subjects by reason of the capture of their vessels and merchandise, such capture having been made either within the limits of the jurisdiction of the said States, or by vessels commanded or owned by the citizens of the said States, the United States will make full satisfaction for such loss or damage, the same being to be ascertained by commissioners in the manner already mentioned in this article."

If, by the preceding representation, I have succeeded in making myself clearly understood by warm lordwhat the present in the proceding representation.

being to be ascertained by commissioners in the manner already mentioned in this article."

If, by the preceding representation, I have succeeded in making myself clearly understood by your lordship, then will it, I flatter myself, be made to appear that in both these cases, that in 1794 as well as that in 1862, the claim made rests on one and the same basis, to wit, the reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect to prevent the cause of it originating among its own citizens in its own ports.

The high character of Lord Grenville is a sufficient guarantee to all posterity that he never could have presented a proposition like that already quoted, except under a full conviction that it was founded on the best recognized principles of international law. Indeed, it is most apparent, in the face of the preamble, that even the statute law of both nations on this subject is but an attempt to give extraordinary efficacy to the performance of mutual obligations between States which rest on a higher and more durable basis of justice and of right. It was on this ground, and on this alone, that Lord Grenville obtained the concessions then made of compensation for damage done to her commerce on the high seas by belligerent cruisers fitted out in the ports of the United States. I shall never permit myself to believe that Her Majesty's government will be the more disposed to question the validity of the principle thus formally laid down, merely from the fact that in some cases it may happen to operate against itself.

So, Mr. President, it will be seen that in this letter from Mr. Adams, our

So, Mr. President, it will be seen that in this letter from Mr. Adams, our minister in England, to Earl Russell, the very ground upon which we based our claim against Great Britain was, not that she was a belligerent, but that she was a neutral power, and had not performed her duties as a neutral power, and we enforced our argument by showing that in the time of the French revolution England made preing that in the time of the French revolution England made precisely the same claim upon us, and we yielded to that claim and indemnified England for the damage to her commerce committed by ships that were fitted out on our shores. Regarding the letter of Mr. Adams to Earl Russell, Mr. Seward wrote to Mr. Adams, in the same volume, page 113, fully indorsing the doctrine which Mr. Adams laid down in the letter to Earl Russell.

You have properly replied to Earl Russell's note, and cleared up the argument of the case by a paper which seems to the President as convincing as it is calm and truthful.

The next thing entitled to consideration in the record of this case is the treaty itself. The treaty contains three principles which the parties stipulated should be taken to be the rules upon which Great Britain should stand or fall in the controversy before the arbitrators. Great Britain claimed that it was not an exact statement of the law of nations as previously recognized, but she agreed to be bound by those rules in this case.

These rules were:

These rules were:

A neutral government is bound—
First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

These were the principles which the treaty itself eater blicked for

These were the principles which the treaty itself established for the government of the tribunal, and they all relate to the duties of a neutral nation. We were proceeding in that arbitration against Great Britain as a neutral nation, not as a belligerent, and for that

reason all the argument based upon belligerency goes for nothing.

Again, it should be remembered that if we had been treating Great
Britain and proceeding against her as a belligerent at that arbitration, the claims which were finally decided to be indirect claims, that
is the enhanced war premiums, the cost of carrying on the war, the
cost of destroying these cruisers, &c., would have been the direct
claims. We have an illustration of this in the late war between Gerclaims. We have an illustration of this in the late war between Germany and France. Germany having got the advantage of France made her demand for the expenses of the war. She decided the question as a belligerent, against France as a belligerent, and enforced it with gunpowder, not by argument. She did not call for an arbitration; she declared how much would compensate her for the cost of the war and demanded it of France, and with her guns trained on Paris the treaty was concluded and the money was subsequently paid.

Before the Alabama treaty was made, immediately after the termi-

nation of our civil war, the State Department issued a circular to all claimants for injuries committed by foreign nations; and as it is an important document, I will ask the Clerk to read it

The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, September 2, 1865.

Department of State,

Washington, September 2, 1865.

Citizens of the United States having claims against foreign governments, not founded on contract, which may have originated since the 5th of February, 1853, will, without any delay which can be avoided, forward to this Department statements of the same, under outh, accompanied by the proper proof.

The following rules, which are substantially those which have been adopted by commissions organized under conventions between the United States and foreign governments for the adjustment of claims, are published for the information of citizens of the United States having claims against foreign governments, of the character indicated in the above notification; and they are advised to conform as nearly as possible to these rules in preparing and forwarding their papers to the Department of State.

Each claimant should file a memorial, setting forth minutely and particularly the facts and circumstances from which the right to prefer such claims is denied by the claimant; and it should be verified by his or her oath or affirmation.

The memorial and all the accompanying papers should be written upon foolscap paper, with a margin, of at least one inch in width on each side of the page, as in this circular, so as to admit of their being bound in volumes for preservation and convenient reference; and the pages should succeed each other like those of a book, and be readable without inverting them.

When any of the papers mentioned in Rule II are known to have been already furnished to the Department by other claimants, it will be unnecessary to repeat them in a subsequent memorial. Nor is it necessary, where several vessels have been captured by the same cruiser, to repeat in each memorial the circumstances in respect to the equipment, arming, manning, flag, dc., of such cruiser, which are relied upon as the evidence of the responsibility of a foreign government for her tortious acts. A simple reference to and adoption of one memorial in which such facts have been fully s

RULES.

gradity of the claim. Claims of citizens of the United States against this Giovernment, of the Court of Ulaims, or are the subjects for an appeal to Congress.

In every such memorial should be set forth—

1. The amount of the claim; the time when and place where it arose; the kind or kinds and amount of property lost or injured; the facts and circumstances attending the loss or injury out of which the claim airses; the principles and causes which lie at the foundation of the claim.

2. For and in behalf of shown the claim is preferred, giving Christian and surname of each in full.

3. Whether the claimant is now a citizen of the United States, and, if so, whether he is a native or naturalized citizen, and where is now his domicile; and if he claims in his own right, then whether he was a citizen when the claim had its origin, and where was then his domicile; and if he claims in the right of another, then whether he was a citizen when the claim had its origin, and where was then his domicile; and if he claims in the right of another, then whether have a subject of the government of such country, or had taken any oath of allegiance thereto.

4. Whether the entire amount of the claim does now, and did at the time when it had its origin, belong solely and absolutely to the claimant; and if any other person, and what is or was the nature and extent of his interest; and how, when, and by what means, and for what considerations the transfer of rights or interest, if any such was made, took place between the parties.

5. Whether the claimant, or any other who may at any time have been entitled the loss or injury upon which the claim is founded; and, if so, when and from whom the same was received.

6. All testimony should be in writing, and upon eath or affirmation, duly administered according to the laws of the place where the same is taken, by a magistrate complete by such laws, to take depositions, having no interest, and not being the agent or attorney of any person having an interest in the claim to which the test

and all other papers and documents required by the laws of the United States which she possessed on her last voyage from the United States, when the same are in the possession of the claimant, or can be obtained by him; and when not, certified copies of the same should be produced, together with his oath or affirmation that the originals are not in his possession and cannot be obtained by him.

12. In all cases where property of any description for the seizure or loss of which a claim has been presented, was insured at the time of such seizure or loss, the original policy of insurance, or a certified copy thereof, should be produced.

13. If the claimant be a naturalized citizen of the United States, a copy of the record of his naturalization, duly certified, should be produced.

14. Documentary proof should be authenticated by proper certificates or by the oath of a witness.

15. If the claimant shall have employed counsel, the name of such counsel should, with his address, be signed to the memorial and entered upon the record, so that all necessary notices may be served upon such counsel or agent respecting the case.

Mr. CARPENTER. Immediately after the treaty was concluded.

Mr. CARPENTER. Immediately after the treaty was concluded the Department issued another circular, which I ask the Secretary to read.

The Chief Clerk read as follows:

Department of State,
Washington, September —, 1871.

Sir: I have to acknowledge the receipt of your letter of the — instant and its

Signary of the second of the s

Mr. CARPENTER. The object of issuing these circulars was to inform claimants of the steps they must take to secure the intervention of our Government on their behalf. The proof was to be taken by the claimants at their own expense and furnished to the Department that the complement was the second control of the complement of the compl ment. Is it not a cruel sarcasm upon these claimants now to declare that this expense was to be borne by them, not for their benefit but for the benefit of the nation at large? Is not this adding insult by us to the injury they have suffered from foreign nations? The laws of Congress authorize our citizens to enter into negotiations with for-eign nations for indemnity against injury suffered at their hands. (Revised Statutes, section 5335.) It is certain that no individual claim-ant would hereafter be listened to by Great Britain in regard to a claim presented by our Government, adjudicated by the tribunal at Geneva, and paid by Great Britain. And yet it is claimed that, although they are estopped by the award and its payment, still they are not entitled to the money awarded and paid to our Government in full satisfaction of their claims, and that our Government is under no obligation to pay them. A more flagrant scheme for confiscation could not be suggested.

Suggested.

After these circulars were issued and the claimants had presented their claims and proof to the Department our Government made up and submitted to the arbitrators a statement of our case against Great Britain. That case embodied—and I read from the condensation made by the Senator from Illinois in his speech, which will not be disputed by anybody—the following claims:

First. Claims on behalf of the Government of the United States itself, to wit: A. Claims for the destruction of vessels and property belonging to the Govern-

ment.

B. The national expenditures in the pursuit of the cruisers.

C. The loss in the transfer of the American commercial marine to the British

fiag.

D. The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion.

Second. Claims on behalf of individuals, namely:

A. Claims for the destruction of vessels and property belonging to individuals.

B. Claims for damages or injuries to persons growing out of the destructions of

C. The enhanced payments of insurance, or war premiums.

The claims on behalf of the Government and the claims on behalf of individuals were separately presented to that arbitration. In volume 7 of the appendix to the case of the Geneva arbitration, on page 117, is a detailed statement of the claims on behalf of the United States as a nation, which were submitted as part of our case to that tribunal. Then on page 149 is another detailed statement of the claims of individual citizens of the United States presented to the tribunal, and this statement is prefaced from the State Department with the following note:

In presenting the following list of claims, interest has not been calculated or stated. The United States will ask the tribunal to award them interest on all claims which may be allowed, to be calculated from the date of damage done to each claimant to the date of final payment.

When a paper is herein referred to as a protest, invoice, bill of lading, assignment, &c., the original paper so referred to is on file in the Department of State at Washington. When a paper is referred to as a sworn memorial or affidavit the original is on file in the Department, with a notarial certificate or other proper proof

that the person signing the same has made oath that the same is true; and where the words "certified copy" are used, they imply that a copy of the original is on file in the Department, duly certified before a notary public, or other public officer qualified to give such certificate under his hand and seal.

DEPARTMENT OF STATE.

Washington, October 4, 1871.

The claims presented in the name of the United States as a nation amounted to \$3,400,887, as will be found in volume 7 of this appendix, at page 147. The claims of the citizens of the United States presented in a separate list amounted to \$19,021,428.61, as will be found at page 247 of the same volume. Great Britain objected to the indirect claims and asked for an adjournment before the arbitration for the purpose of attempting by negotiation to obtain a modification of the treaty. This negotiation was begun before the third meeting of the abitrators at Geneva, and while progressing Mr. Fish wrote Mr. Schenck as follows, and this letter may be found in volume 2 of papers, pages 475, 476:

APRIL 23, 1872.

Neither the Government of the United States, nor, so far as I can judge, any considerable number of the American people have attached much importance to the so-called "indirect claims," or have ever expected or desired any award of damages on their account.

The United States now desire no pecuniary award on their account. You will not fail to have noticed that through the whole of my correspondence we ask no damages on their account; we only desire a judgment which will remove them for all future time as a cause of difference between the two governments. In our opinion they have not been disposed of, and unless disposed of in some way they will remain to be brought up at some future time to the disturbance of the harmony of the two governments.

of the two governments.

The United States are sincere in desiring a "tabula rasa" on this Alabama question, and therefore they desire a judgment upon them by the Geneva tribunal.

This letter was written while negotiations were pending between Great Britain and this Government for a modification of the treaty so as to exclude them. Mr. Fish here distinctly declared that neither our Government nor any considerable portion of our people make any claim on that account. That is the Government demands nothing on the indirect claims, but wishes to have them disposed of by the judgment of the arbitrators, so as to remove them as a disturbing element in the relations between the two nations. The arbitrators on the 19th of June, 1872, made their decision excluding these claims; and now Lock the Search representations or not a 19th of June, 1872, made their decision excluding these claims; and now I ask the Secretary to read, commencing on page 19, the decision made by the arbitrators upon these indirect claims which our Government said we were simply anxious to have disposed of so that they would be no longer a bone of contention between the two na-

The Chief Clerk read as follows:

The application of the agent of Her Britannic Majesty's government being now before the arbitrators, the president of the tribunal (Count Sclopis) proposes to make the following communication on the part of the arbitrators to the parties in-

before the arbitrators, the president of the tribunal (Count Solopis) proposes to make the following communication on the part of the arbitrators to the parties interested:

The arbitrators wish it to be understood that in the observations which they are about to make they have in view solely the application of the agent of Her Britannic Majesty's government, which is now before them, for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, namely, the difference of opinion which exists between Her Britannic Majesty's government and the Government of the United States as to the competency of the tribunal, under the treaty of Washington, to deal with the claims advanced in the case of the United States in respect of losses under the several heads of, first, "the losses in the transfer of the American commercial marine to the British flag;" second, "the enhanced payments of insurance;" and third, "the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion;" and the hope which Her Britannic Majesty's government does not abandon, that if sufficient time were given for that purpose, a solution of the difficulty which has thus arisen, by the negotiation of a supplementary convention between the two governments, might be found practicable. The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty; but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments and provide of

to decide thereon.

With a view to the settlement of the other claims to the consideration of which by the tribunal no exception has been taken on the part of Her Britannic Majesty's government, the arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that after this declaration by the tribunal it may be considered by the Government of the United States whether any course can be adopted respecting the first-mentioned claims which would relieve the tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's government. Count Sclopis added that it was the intention of the tribunal that this statement should be considered for the present to be confidential.

Mr. CARPENTER. Bear in mind that Mr. Fish writes to Mr. Schenck that we do not expect any damages for these indirect claims, but we merely want them disposed of; then the solemn decision of the arbitrators themselves that they were not claims that could be considered, but must be rejected by them; then that the United States submit to that as a definite and final determination of all those

claims, including the enhanced war premiums. Now read what Mr. Bancroft Davis said to the arbitrators on page 21.

The Chief Clerk read as follows:

The Chief Clerk Fead as follows:

The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal for: first, "the losses in the transfer of the American commercial marine to the British flag;" second, "the enhanced payments of insurance;" and third, "the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion," is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.

The agent of the United States is authorized to say that, consequently, the abovementioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.

Mr. CARPENTER. Now the Senate will see distinctly the decis-Mr. CARPENTER. Now the Senate will see distinctly the decision of the arbitrators that these enhanced war premiums were not a proper claim against Great Britain and must be excluded; then the statement made by our Government through its agent, Mr. Davis, that they would not further be pressed upon the arbitrators, that the President accepted the decision as a final determination of our right to make claim on their account. All Senators will see that that ended all laking for indirect decrease including the claim for rephanced war are claim for indirect damages including the claim for enhanced war premiums, and eliminated them from the case before the arbitrators. So if nothing else had occurred it would be perfectly clear that the award which was made was not intended to include war premiums. They were excluded; and whatever doubts there may be as to what was included in the award, there can be no doubt that war premiums were expressly excluded and that our Government made no further claim on their account.

At the next meeting of the arbitrators-and this is found in volume

4 on page 22-

Count Sclopis, on behalf of all the arbitrators, then declared that the said several claims for indirect losses mentioned in the statement made by the agent of the United States on the 25th instant and referred to in the statement just made by the agent of Her Britannic Majesty, are, and from henceforth shall be, wholly excluded from the consideration of the tribunal and directed the Secretary to embody this declaration in the protocol of this day's proceedings.

That certainly ends with intelligent and honest men all pretense that these enhanced war premiums entered into that award. They were expressly excluded by the preliminary decision of the arbitrators, then expressly waived by our Government, and then again authoritatively declared by the arbitrators to be no longer before them. So, as I said, whatever difference of opinion there may be about what is included, there can be no difference of opinion as to what was excluded, and this war-premium business was excluded from the con-

sideration of the arbitrators, and forms no part of or basis for the award. That much is too plain for controversy.

Quotations have sometimes been made from the argument made on behalf of the United States before the arbitrators to show that we did claim payment for these indirect damages. That argument was and claim payment for these indirect damages. That argument was submitted to the arbitrators on the 15th of June and after they had considered it for five days they made their decision on the 19th of June saying they had carefully considered everything that had been urged on behalf of the United States and then proceeded to decide that the indirect claims were invalid. After that we withdrew the claims, and subsequently the arbitrators themselves formally declared that those claims were no longer before them. So that whatever may be said upon the question of our right to pursue Great Britain for these indirect claims, the answer to it all is that the argument was made, was considered by the tribunal to whom we had given juris-diction to settle it, was decided against us, we submitted to the decis-ion, withdrew the claims, and the arbitrators thereupon declared that those claims were no longer before them, expressly including in their rejection these enhanced war premiums. Nothing can be more certain than that the war premiums were no longer before the board of arbitrators and form no part of the award of fifteen and a half millions which was subsequently made.

The decision of the 19th of June, as the Senate will see, rejected

First, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payments of insurance; and third, the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

On the 19th of August, 1872, the arbitrators having suggested that the United States should present a statement of figures relating to the claims which were still before them, such statement was presented. The entry in the protocol is as follows:

In compliance with a request of the tribunal, Mr. J. C. Bancroft Davis, as agent of the United States, and Lord Tenterden, as agent of Her Britannic Majesty, respectively, presented to the tribunal tables of figures relating to the losses for which compensation is claimed by the United States, with explanatory statements and observations.—Papers, vol. 4, p. 35.

This statement will be found in what is called the third volume of Papers at page 579, and I will ask the Secretary to read the introductory remarks made by our counsel in the statement itself, which was submitted to the tribunal at their request.

submitted to the tribunal at their request.

The Chief Clerk read as follows:

In accordance with the instructions of the tribunal, the agent and counsel of the United States have caused tables to be prepared, showing the differences which exist between the statements of claims and losses submitted to the tribunal on the part of the United States, for the estimates based on these statements which have been presented on the part of Great Britain.

The claims presented by the United States are supported by sworn statements presented by those who possess the necessary information, and they exhibit in de-

tail the items which go to form the sum total, and the names of all who have made reclamation, whatever may be the sum which the tribunal may see fit to award. The claims on the part of private individuals thus computed, verified, and submitted are supported by all the guarantees of their good faith and their validity, as well for their general amount as for the other facts concerning them which governments are in the habit of requiring, in such cases, from their own citizens. It thus appears that these computations show the entire extent of all private losses which the result of the adjudications of this tribunal ought to enable the United States to make compensation for.

Mr. CARPENTER. It should be stated in this connection that this a single reference to anything but individual claims, including the claims of these insurance companies. That statement was objected to by Lord Tenterden on the part of Great Britain. Mr. Davis, in reply to the objection, in the fourth volume of the Papers, page 39, spoke in French, and I have had a Frenchman translate it, and I will

(a) The treaty comprehends all the claims of the United States which are designated under the generic title of "Alabama claims."
(b) The tribunal by its preliminary opinion, has limited the generality of the expression, in striking out certain claims for national losses made by the United States.

But, according to that opinion, the tribunal retains jurisdiction of the question of all the claims made by the United States in the interest of individual losers, and comprised under the generic title of "Alabama claims."

The losses of the officers, and in general of the crews, of captured ships are no less valid than those of the owners and insurers. Doubt is impossible in that re-

Again, on page 40 of the same volume, he says; I read the transla-

The United States make claim for all the individual shares of ships, whether the owner of the share, however small, makes claim or not, because the United States will be obliged to indemnify all the owners—

Mark the language-

Because the United States will be obliged to indemnify all the owners in case the tri-bunal shall award a gross sum to the United States. If this were not done there would be an evident injustice. The object of the treaty is to indemnify the United States for all losses suffered by their citizens, and not to impose a part of that in-demnification upon the United States themselves.

Our statement of the amount due our citizens, the individual claims, was \$14,437,000, as is found in the fourth volume of Papers, so called, page 44. The English statement, criticising this, claimed that the amount to be allowed upon that statement for individual losses should be \$7,074,000. That was the issue finally made up between Great Britain and the United States, and related solely to the amount which ought to be allowed on the statement of individual losses which Mr.

Britain and the United States, and related solely to the amount which ought to be allowed on the statement of individual losses which Mr. Davis had presented to the arbitrators, at their request; Great Britain claiming that it should be reduced to seven million and over, and we insisting upon the fourteen and a half million. Thereupon these statements were taken into consideration by the arbitrators, and constituted the only remaining subject for their determination.

I will not criticise the language of some Senators in regard to what subsequently took place. Here were these arbitrators, men of distinction and character from different nations sitting under a treaty which was intended to be the harbinger of peace to all nations and the prediction of better times to come to all the world, acting on their honor and their conscience. The Senator from Maine says that they did not know anything about it. They took the two statements of the claims, varying seven millions in amount, they went up into a mountain and chalked on a barn-door, and split the difference, and brought in an award of fifteen and a half millions against Great Britain. Why, Mr. President, if this was done, the arbitrators ought to be impeached, if they were the subjects of impeachment. They are disgraced and condemned in the opinion and by the voice of all honest men, if that is a fair statement of what they did. They were perpetrating a gross fraud. They were pretending to two independent nations that they were acting carefully and conscientiously in arriving at the precise amount that should be allowed for these individual claims presented by the United States against Great Britain and after ing at the precise amount that should be allowed for these individual claims presented by the United States against Great Britain, and after three months' examination of the claims, aided by experts, they fixed on the sum of fifteen and a half million dollars as the proper allow-But it is said this amount was arrived at not by careful consideration of the case, but by blundering, guessing, chalking on a barn-door, and splitting the difference.

The best opinion I can form from the statements furnished and the award is that the arbitrators allowed 6 per cent. interest. We pay but 4 per cent. either under the act of 1874 or as proposed in this bill. The difference between the 4 and the 6 per cent, will reduce the surplus probably to \$100,000, showing with what accuracy the arbitrators made their calculation, and scanned the exact merits of the

claim which we presented against Great Britain.

In this connection let me refer to the remarks of Mr. Pierce in the House of Representatives, made on the 29th of June, 1876. It is a short paragraph, and I will read it. Mr. Pierce was a member of the other House from Boston, a man whose integrity will cheerfully be vouched for by every Massachusetts Senator. He said, speaking of this capitation. this subject:

And in this connection I may be permitted to state that I have the word of one of the arbitrators at Geneva that the claims of the underwriters formed the basis of the award paid to this Government by Great Britain, and that the records of the court clearly show that fact.

Then as far as I have gone, Mr. President, I claim to have shown that the claim for enhanced war premiums was first declared by Mr. Fish to be of no consequence, and that it was pressed before the arbi-

trators only for the purpose of having it removed as a bone of contention between the two nations, and that we never expected any damages in consequence of it; then that the arbitrators themselves solemnly decided it to be invalid; next that Mr. Davis before the arbitrators withdrew them, or at all events submitted to the decision and said they would not be further insisted upon; then the public announcement of the arbitrators themselves that these claims would no longer be considered; and then, on the authority of Mr. Pierce, the declaration of Mr. Adams—I have no doubt he referred to Mr. Adams—that the claim of the underwriters formed the basis of the award and that the records of the court would show it.

Mr. BUTLER. If the Senator from Wisconsin will yield, I wish to

move for an executive session.

Mr. CARPENTER. I give way.

Mr. BUTLER. I move that the Senate proceed to the consideration

of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-seven minutes spent in executive session the doors were reopened, and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 16, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

SOLDIERS' REUNION AT MILWAUKEE.

Mr. BOUCK. I ask unanimous consent to take from the Speaker's table for consideration at this time the Senate joint resolution No. 102 authorizing the Secretary of War to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion at Milwaukee, in the State of Wisconsin, in June, 1880.

There being no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. BOUCK moved to reconsider the vote by which the joint reso

Mr. BOUCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSANE ASYLUM IN DAKOTA TERRITORY.

Mr. BENNETT. I ask unanimous consent to report from the Com-Mr. BENNETT. I ask unanimous consent to report from the Committee on the Public Lands for consideration at this time the bill (H. R. No. 5502) granting to the Territory of Dakota section 36, in township No. 56 north, of range No. 94 west, in the county of Yankton, in said Territory; for the purposes of an asylum for the insane, and granting to said Territory one section of land, in lieu of said thirty-sixth section, for school purposes. This is a bill of great local interest and importance to my Territory just now.

The SPEAKER. The bill will be read, after which objections will be in order.

be in order.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That section 36 in township No. 56 north, of range No. 94 west, in the county of Yankton, Territory of Dakots, be, and the same is hereby, granted to said Territory for the purposes of an asylum for the insane; and that there be, and is hereby, granted to said Territory one section of land, in lieu of said thirty-sixth section, for school purposes; said section to be selected by the governor of said Territory from any of the public lands subject to private sale or entry. Such selection, when so made, shall be certified by the said governor to the surveyor-general of said Territory and to the officers of the local land office of the district in which such land may be sitnated; and from the filing of such certificate said land shall be withdrawn from private sale or entry, and shall be held as a portion of the lands granted to said Territory for school purposes.

There being no objection, the bill was received, ordered to be engrossed and read a third time; and it was accordingly read the third

time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROGER A. PRYOR.

Mr. HERBERT. I ask consent to take from the Speaker's table for action at this time Senate bill No. 1489, to remove the political disabilities of Roger A. Pryor, of New York.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The SPEAKER. The accompanying petition will be read.

The Clerk read as follows:

To the honorable Senate and House of Representatives of the United States of America:

of the United States of America:
Your petitioner, Roger A. Pryor, a citizen of the State of New York, respectfully represents that by reason of the provisions of section 3, article 14, of the amendments to the Constitution of the United States he is under political disabilities: that he is and has been since the close of the war of the robellion a peaceable and quiet citizen of the United States; that he submits to and obeys the Constitution of the United States and the laws of Congress in all respects. Therefore, your petitioner prays that his said disabilities incurred by reason of his participation in the said war may be removed.

And as in duty bound, he will ever pray, &c.

ROGER A. PRYOR.

NEW YORK, March 8, 1880.

ROGER A. PRYOR.

The bill was ordered to a third reading, read the third time, and passed; two-thirds voting in favor thereof.

KIMBERLY BROTHERS.

Mr. GOODE. I ask unanimous consent to have taken from the Private Calendar for present consideration the bill (H. R. No. 3290) for the relief of Kimberly Brothers.

The bill was read, as follows:

The bill was read, as follows:

Whereas Kimberly Brothers, of Norfolk, Virginia, made a contract with the Secretary of the Navy for supplying the Marine Corps with rations for eight stations, to wit: Portsmouth, New Hampshire; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Annapolis, Maryland; Washington, District of Columbia; Norfolk, Virginia, and Mare Island, California, said contract bearing date the 11th day of June, 1879, and being for the fiscal year commencing July 1, 1879; and

Whereas since making the said contract there has been an advance of the price of all articles entering into the rations thus to be supplied of about 50 per cent, so that the said Kimberly Brothers are now filling the said contract at a loss to them of about \$50 per day: Therefore,

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to examine the accounts and vouchers of said Kimberly Brothers, and to make an allowance to the said contractors, above the contract price, as he may, under the circumstances, deem just and equitable.

Mr. BREWER. I desire to reserve a point of order on this bill.

The SPEAKER. The gentleman from Michigan [Mr. Brewer] objects.

Mr. GARFIELD. When this bill was up before I asked for its reference to the Calendar simply because I then wanted to get to public business. I know something about the merits of this bill, and I think we ought to consider it. I withdraw any objection I made at that

The SPEAKER. This bill is in the Committee of the Whole on the Private Calendar. Hence the point of order of the gentleman from Michigan would be equivalent to an objection.

Mr. GOODE. I hope the gentleman will withdraw his objection. There is immediate necessity for action by the House, if we intend to act at all on this bill. These parties are now suffering a loss of \$50

a day.

Mr. BREWER. I have not examined this matter at all; but it

Mr. BREWER. I have not examined this matter at all; but it seems to me it ought to be considered in Committee of the Whole. I

shall object for the present.

CONDEMNED CANNON FOR MARION ARTILLERY, SOUTH CAROLINA.

Mr. DIBRELL. I ask unanimous consent to have taken from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. No. 5041) to authorize the Secretary of War to turn over to the governor of South Carolina four pieces of condemned cannon for the use of the Marion Artillery. This bill is in the exact language dictated by the General of the Army. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, ic., That the Secretary of War be, and he is hereby, directed to deliver to the governor of the State of South Carolina four Napoleon guns, or other condemned cannon now in said State, for the use of the Marion Artillery Company in said State: Provided, That before said delivery shall be made the Secretary of War will take such obligation from the governor as will insure the return of said guns to the United States whenever they may be demanded.

Mr. ALDRICH, of Illinois. I object.

Subsequently the objection was withdrawn, when the bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

assed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SETTLERS ON PUBLIC LANDS.

Mr. VALENTINE. I ask unanimous consent that the Committee Mr. VALENTINE. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4227) for the relief of settlers on public lands, that it may be taken up for consideration.

Mr. ATKINS. Let us hear it read.

The SPEAKER. The right of objection will be reserved.

The bill was read, as follows:

Be it enacted, de., That when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

SEC. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: Provided, That said register shall be entitled to a fee of \$1 for the giving of such notice, to be paid by the contestant.

The amendment reported by the Committee on the Public Lands

The amendment reported by the Committee on the Public Lands was read, as follows:

At the end of the bill add the words, "and not to be reported."

Mr. ATKINS. Does this bill come from the Committee on the Public

Mr. VALENTINE. Yes, sir; it is a unanimous report from that committee.

Mr. DUNNELL. It is a very important bill.
Mr. PAGE. Let the report be read.
The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on the Public Lands, to whom was referred bill H. R. No. 4227, make the following report thereon, recommending certain amendments to be adopted, and that the bill do then pass:

Under the law and rulings of the General Land Office now in force, if a claimant

holding an entry under the pre-emption, homestead, or timber-culture act relinquishes his claim to said entry, in writing, to the Government, it must be first submitted to the local land office in which the land is situated, and by the register transmitted to the General Land Office, where such relinquishment is noted on the records of said office, and the entry of said tract is then canceled, and the register and receiver of the local land office notified of such cancellation, and the first legal applicant is entitled to enter the same. The first section of this bill proposes to make the land covered by said relinquishment immediately subject to entry upon the filing of such relinquishment at the local land office. In almost every instance where a claimant relinquishmes his claim it is for the reason that he has disposed of his improvements to some person who desires to re-enter the same. It now takes from three to six months to procure the cancellation of a voluntary relinquishment. This bill proposes to make it immediate. Under the present system, in very many instances, a party after buying the improvements and paying several hundred dollars therefor, is unable to enter the land by reason of the fact that some other party desiring to enter same procures the assistance of an attorney in Washington City, who telegraphs him information when cancellation is made. The passage of this bill will save great trouble and be of great practical benefit, both to the claimant and the Government, and in no case can work an injury to either. Under the present system a party who desires to contest and procure the cancellation of an entry is compelled to pay all expenses for same, made by himself or the claimant, and after doing so is often defeated in securing the land by reason of not being the first legal applicant. This bill proposes to secure to such contestant a reasonable time in which to make such entry.

The committee propose to amend this bill will require additional work upon the part of registers without addition

Mr. TOWNSHEND, of Illinois. I would like to hear some explanation of the effect of this bill.

Mr. VALENTINE. I would be very glad to explain it, if the House

The SPEAKER. The report has been read. If the gentleman from Illinois desires further explanation, the Chair will submit to the House the question of consideration.

Mr. ATKINS. I do not want to object to the bill; but it is very evident that the House must take it entirely on faith. If other memevident that the House must take it entirely on faith. If other members of the House do not know anything more about it than I do, they

know nothing about it.

Mr. SAPP. The bill has been very carefully considered by the Committee on the Public Lands. Certainly it is a very judicious and im-

portant bill. The SPEAKER. Is there objection to the consideration of the bill

at this time?

There being no objection, the House proceeded to the consideration

Mr. TOWNSHEND, of Illinois. I ask for an explanation of the bill.

Mr. VALENTINE. Under the present law and the practice of the Land Office, when a party who has entered land under the pre-emp-tion, homestead, or timber-culture act desires to relinquish his claim the relinquishment must be submitted in the first instance to the register of the land office, by whom it is transmitted to the Commissioner of the General Land Office. It takes three, six, or nine months to get a cancellation and to have the news of that cancellation sent back to the local land office. In a majority of cases where there is a voluntary relinquishment by a party holding a homestead or preemption entry it is by reason of the fact that he has sold out the imemption entry it is by reason or the fact that he has sold out the improvements on his land to some person coming in from the East, often getting as high as \$500 or \$1,000 for those improvements. Now, under the present system, while these papers are in Washington undergoing this long and tedious process of cancellation, some party near the land, finding that it has been relinquished, employs an attorney in the city of Washington, who visits the Land Office daily, who enters his name there as an attorney in the case. He receives notice when his name there as an attorney in the case. He receives notice when the entry is canceled, and immediately telegraphs to his man in the Western State or Territory, who watches the land office at its open-ing day after day; and in my own personal experience while regis-ter of a land office, I have known one man to be there thirty consecter of a land office, I have known one man to be there thirty consecutive days when the office was opened. This person, being the first legal applicant, makes entry and defeats the title of the man who has paid for the improvements on the land. Thus these attorneys or "land sharks" in this city have made hundreds and thousands of dollars out of the poor homestead settlers throughout the West.

I say to this House now some of those gentlemen have been to me and asked that I should not push the bill. It is a bill simply for the protection of settlers on the public lands, and every gentleman who has multic lands in his State or Territory will indorse it.

has public lands in his State or Territory will indorse it.

Mr. SPARKS. Let us pass it, then.

Mr. TOWNSHEND, of Illinois. Do the Committee on the Public Lands recommend it?

Mr. VALENTINE. Unanimously.
Mr. DUNNELL. A more beneficent bill was never presented to

Mr. SPARKS. Then let us pass it; and do not talk about it

The amendment of the committee was adopted; and the bill, as amended, was ordered to be engrossed and read a third time; and being engressed, it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEROCEANIC CANAL.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported, as a substitute for House resolution No. 251 and

House resolution No. 252, a joint resolution (H. R. No. 281) requesting the President to call an international convention of representatives of this Government and the republics of South America to take into consideration the policy or expediency of an interoceanic canal; which

was read a first and second time.

Mr. COX. The committee have taken no definitive action on this subject, and I only introduce the bill in order that it may be printed and recommitted, not to come back on a motion to reconsider.

The joint resolution was recommitted to the Committee on Foreign Affairs, and ordered to be printed.

MANAGERS OF NATIONAL MILITARY HOME.

Mr. SPARKS, by unanimous consent, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 282) appointing managers of the National Military Homes for Disabled Volunteer Soldiers; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

MELISSA WAGNER.

On motion of Mr. SHALLENBERGER, by unanimous consent, the bill (H. R. No. 225) granting a pension to Melissa Wagner, returned from the Senate with an amendment, was taken from the Speaker's table and the amendment of the Senate concurred in, as follows:

After the word "duty," in line 9, strike out "said pension to take effect from the date of the death of her said husband."

Mr. SHALLENBERGER moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RANK OF ENGINEER OFFICERS IN THE NAVY.

The SPEAKER. The Chair's attention has been called to a mistake in the body of a bill (H. R. No. 5627) to amend section 1486 of take in the body of a bill (H. R. Ro. 3027) to amend section 1430 of the Revised Statutes in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy, which was passed last even-ing. In the title it reads to amend section 1486, but in the body of the bill it reads "that sections 14 and 86 of the Revised Statutes of

the bill it reads "that sections 14 and 86 of the Revised Statutes of the United States be amended," &c.

Mr. WHITTHORNE. The word hundred was omitted by mistake.

The SPEAKER. If there be no objection, the engrossing clerk will be instructed to correct the mistake in the body of the bill, so that it will read "that section 1486 of the Revised Statutes of the United States be amended," &c.

There was no objection, and it was ordered accordingly.

PATSY DAVENPORT.

On motion of Mr. TAYLOR, by unanimous consent, the bill (H. R. No. 1597) granting a pension to Patsy Davenport, returned from the Senate with an amendment, was taken from the Speaker's table and the amendment of the Senate concurred in, as follows:

In lines 8 and 9 strike out the words "to begin at the date of the death of said William Henry Davenport" and in lieu thereof insert "from and after the passage of this act."

The amendment was concurred in.
Mr. TAYLOR moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JONAS P. LEVY.

Mr. WILSON, by unanimous consent, from the Committee on Foreign Affairs, reported back adversely the memorial of Jonas P. Levy; which was laid on the table, and the accompanying report ordered to be printed.

CHINESE INDEMNITY FUND.

Mr. WILSON also, by unanimous consent, from the same committee, reported back the joint resolution (H. R. No. 222) for the disposition of the fund under the control of the Secretary of State known as the "Chinese indemnity fund," with amendments; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PRESERVATION OF PICTURE OF LA FAYETTE.

The SPEAKER. The gentleman from Ohio is recognized to ask unanimous consent for the introduction of a resolution looking to the preservation of the picture of La Fayette to the left of the Speaker's

Mr. GARFIELD. Mr. Speaker, if the House will listen to me a single moment I think there will be no objection. The venerable single moment I think there will be no objection. The venerable gentleman who was formerly Speaker of this House, and who was in the Hall but a few minutes ago, [Hon. Robert C. Winthrop,] called my attention to what I had not previously observed, that the picture of La Fayette which hangs on the walls of this House is in imminent danger of being destroyed. Gentlemen will notice it is blistering all over its surface. He tells me it is the only picture in the world of La Fayette by Ary Scheffer, painted from life at the time General La Fayette visited this country in 1824. It is the precious memorial by that great artist of that great subject, and is in the ownership and possession of this Government; whether owned by the House I do not know; but in a short time at the present rate of deterioration it will be ruined. I have therefore, Mr. Speaker, introduced a resolu-

tion directing the Joint Committee on the Library to report what steps are necessary to be taken in order to preserve it and the amount it will cost to put it in repair. I hope there will be no objection to the adoption of the resolution.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Joint Committee on the Library be directed to inquire what steps are necessary to cause the portrait of General La Fayette, now in the Hall of the House, to be renovated and protected from injury, and report what sum may be necessary for that purpos

Mr. CONGER. In reference to this portrait, Mr. Speaker, I understand that when General Cass was minister to France he procured this picture of General La Fayette and a duplicate of it. One of these is in possession of the Government here, and another was given by is in possession of the Government here, and another was given by General Cass to the State of Michigan, and now hangs in the hall of the house of representatives of that State. Whether the picture which is now here was a gift to the Government, or how it came into its possession, I do not know. That I understand to be the history of these two pictures, and the only two in the United States. I hope the action of the Committee may be such as to restore this painting to a perfectly good condition. to a perfectly good condition.

The resolution was agreed to.

COMMITTEE ON EXCISE REVENUE.

The SPEAKER. The Chair desires to lay before the House a communication from the Senate in reference to the appointment of a committee in regard to alleged losses of revenue.

The Clerk read as follows:

In the Senate of the United States, April 13, 1880.

The President pro tempore appointed Mr. Voorhees and Mr. Kernan members of the joint committee on the part of the Senate to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tay on cigars and other articles subject to excise duties.

The SPEAKER. On the part of the House the Chair announces the following appointments on said committee: Mr. Carlisle, Mr. Gibson, and Mr. Garfield.

AMENDMENT OF PATENT LAWS.

Mr. PAGE. I ask unanimous consent that the following petition of citizens of San Luis Obispo County, California, for amendment of patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement, be printed in the RECORD, and that the same be referred to the Committee on Patents.

There being no objection, it was ordered accordingly.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

of the United States of America in Congress assembled:

Whereas innocent users of patented articles are frequently threatened with prosecution as infringers; and

Whereas the existing patent laws are ineffectual in protecting such parties from the threats of the patentees, or owners of patents, or from the speculations of imposters: Therefore,

We, the citizens of San Luis Obispo County, State of California, do respectfully petition your honorable bodies so to amend these patent laws as to make the manufacturer or vendor of all such articles alone responsible for the infringement, and further so to amend them as to protect from penalty any person manufacturing for his own use any article previously patented; provided such manufacturer was not cognizant of the existence of the letters-patent.

And your petitioners would ever pray.

INTERSTATE COMMERCE.

Mr. PAGE. I ask also that the petition of citizens of San Luis Obispo County, California, for the enactment of such laws as will alleviate the oppressions of transportation monopolies now controlling the interstate commerce of our country be printed in the RECORD, and that the same be referred to the Committee on Commerce.

There being no objection it was ordered accordingly. The petition is as follows:

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

We, the citizens of San Luis Obispo County, State of California, do most earnestly and persistently insist that the Congress of the United States enact such laws as will alleviate the oppressions imposed upon us by the transportation monopolies that now control the interstate commerce of our country. Railroads, or railways, as they are severally styled, exact fluctuating and excessive rates of transportation both for freights and passengers, and in all such arbitrary exactions are a law unto themselves, being beyond the reach of State legislation, and heretofore unrestrained by congressional enactments.

While general prosperity pervades the land, agriculture, the corner-stone of our national progress, is depressed. The surplus of our farms is wrenched from us to enrich these giant monopolies. A buoyant market instantly enhances the freight rates of transportation, robbing the producer of well-earned profits, and levying upon the consumer unjust taxation. A depressed market maintains the previously enhanced freight rates, and in neither case do these common carriers attempt to promote the public weal.

The patience of an industrious, law-abiding people is sorely tried, and with anxiety they look for relief to your honorable bodies, from whom alone relief can come. That it will come in the near future we have every reason to hope. To hasten its coming, we respectfully urge upon your bodies the enactment of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges.

And your petitioners would ever pray.

MACHINISTS IN THE NAVY.

Mr. WELLS. I demand the regular order.

The SPEAKER. The regular order is the bill coming over from last evening's session, on which the previous question is prevailing. The Clerk will read the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. No. 5528) relating to machinists in the Navy.

Be it enacted, &c., That all men now serving in the Navy who may be discharged as machinists, with continuous-service certificates entitling them to honorable discharge, and those discharged in the said rating with such certificates since the 20th day of November, 1579, shall receive one-third of one year's pay as a machinist for each good-conduct badge they have received, or may receive, not exceeding three in number under the said certificates, the said gratuity to be received in lieu of re-enlistment as a machinist under such certificate, and to be in full and in lieu of all claims against the United States in connection therewith, for extra pay for re-enlisting or for continuous service, or for enlistment as a petty-officer; and the amount necessary to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment is as follows:

The amendment is as follows:

Add to the bill the following proviso:

Provided, That nothing herein contained shall be so construed as to prevent the centistment of machinists in the Navy.

The SPEAKER. The question is on the amendment. The House divided; and there were—ayes 71, noes 31. Mr. McMILLIN demanded tellers.

Tellers were ordered; and Mr. McMillin and Mr. Whitthorne were

appointed.

Mr. REAGAN. I ask for the reading of the amendment.

The SPEAKER. It seems idle to cause the amendment to be again read, as there is so much confusion in the House. The Chair hopes there will be order while the amendment is being read.

Mr. McMILLIN. I am satisfied, Mr. Speaker, that the House does

not understand this bill.

Mr. BREWER. I object to debate.

The SPEAKER. Debate is not in order. The House is dividing. The Clerk will report the amendment.

The amendment was again read.

The House divided; and the tellers reported—ayes 82, noes 51.

Mr. McMILLIN. There ought to be a quorum to pass such an amendment, but I will not make the point of order now upon it.

The SPEAKER. The gentleman waives the point of order. The

amendment is agreed to.

The question recurred on the engrossment and third reading of the bill

Mr. VAN VOORHIS. Mr. Speaker, I ask that the chairman of the committee be permitted to state to the House exactly the nature of this bill. I do not think the House is sufficiently posted in reference to it as to be able to vote understandingly on it.

The SPEAKER. The bill was considered and fully debated last

evening.

The question is now on the engrossment and third reading, and debate is not in order. Mr. McMILLIN. Upon that, if it is not subject to debate, I want the yeas and nays. Thirty thousand dollars is to be taken out of the

the yeas and nays. Thirty thousand dollars is to be taken out of the Treasury as a gratuity.

Mr. BLACKBURN. I hope the gentleman will not call the yeas and nays on the engrossment and third reading.

Mr. McMILLIN. No, sir; I will demand the yeas and nays on the final passage of the bill.

The bill was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. McMILLIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 158, nays 51, not voting 83; as follows:

	YEA	S-158.	
Aiken, Aldrich, N. W.	Davis, George R. Davis, Joseph J.	House, Hull,	Richardson, J. S. Ryan, Thomas
Aldrich, William	Davis, Horace	Humphrey,	Sapp,
Andersen,	Davis, Lowndes H.	Hunton,	Shallenberger,
Bailey,	Deering.	Jones,	Shelley,
Baker,	De La Matyr,	Keifer,	Sherwin,
Ballou,	Dickey,	Kelley,	Simonton,
Barber,	Dunn,	Ketcham,	Singleton, O. R.
Bayne,	Dunnell,	Klotz,	Smith, A. Herr
Belford,	Dwight,	Lapham,	Smith, William E.
Beltzhoover,	Einstein,	Lindsey,	Stevenson,
Bicknell,	Ellis,	Manning,	Talbott.
Blake,	Errett,	Marsh,	Taylor,
Bland,	Evins,	Martin, Edward L.	Thomas,
Bliss,	Farr,	Martin, Joseph J.	Thompson, P. B.
Blount,	Field,	McCoid,	Thompson, W. G.
Boyd,	Finley,	McKenzie,	Tillman,
Brewer,	Ford,	McLane,	Tucker,
Briggs,	Forsythe,	Miles,	Tyler.
Brigham,	Fort,	Mills,	Updegraff, J. T.
Browne,	Frye,	Money,	Updegraff, Thomas
Buckner,	Geddes,	Monroe,	Upson,
Burrows,	Gillette,	Morse,	Urner,
Butterworth,	Godshalk,	Morton,	Van Aernam,
Calkins,	Goode,	Muldrow,	Waddill,
Camp,	Gunter,	Muller,	Wait,
Cannon,	Hall,	Murch,	Ward,
Carpenter,	Hammond, N. J.	Myers,	Weaver,
Caswell,	Harris, John T.	New.	Wells,
Chalmers,	Hawk,	Newberry,	Whitthorne,
Claflin,	Hawley,	O'Connor,	Wilber,
Clark, John B.	Hayes,	O'Neill,	Williams, C. G.
Coffroth,	Hazelton,	Orth,	Willits,
Conger,	Heilman,	Osmer,	Wood, Fernando,
Cook,	Henkle,	Pacheco,	Wood, Walter A.
Cowgill,	Henry,	Page,	Wright,
Crapo,	Herbert,	Pierce,	Yocum,
Cravens,	Hiscock,	Price,	Young, Casey.
Daggett,	Hooker,	Reed,	
Davidson.	Horr.	Richardson, D. P.	

N			

Atherton, Atkins, Beale, Blackburn, Bouck, Cabell, Caldwell, Cobb, Colerick, Converse, Culberson, Deuster, Dibrell,	Felton, Forney, Hatch, Herndon, Hostetler, Hutchins, Johnston, Kitchin, Lowe, Martin, Benj. F. McMillin, Morrison, Nicholls,	Persons, Phelps, Philips, Reagan, Richmond, Rothwell, Ryon, John W. Sawyer, Scales, Slemons, Smith, Hezekiah B. Sparks, Speer,	Springer, Steele, Townshend, R. W. Turner, Oscar Turner, Thomas Vance, Van Voorhis, Warner, Whiteaker, Williams, Thomas Willis, Wise.
---	--	--	---

NOT VOTING-83.

Fisher	Ladd.	Rice.
	Le Fevre	Robertson,
		Robeson,
		Robinson,
		Ross,
		Russell, Daniel L.
Harris Rani W		Russell, William A.
		Samford,
		Singleton, J. W.
		Starin,
		Stephens,
		Stone,
		Townsend, Amos
		Valentine.
		Voorhis,
		Washburn,
		Wellborn,
Killinger		White,
Kimmel		Wilson,
		Young, Thomas L.
		TOTAL STREET,
	Fisher, Frost, Garfield, Gibson, Hammond, John Harmer, Harris, Benj. W. Haskell, Henderson, Hill, Houk, Hubbell, Hurd, James, Jorgensen, Joyce, Kenna, Killinger, Kimmel, King, Knott	Frost, Garfield, Gibson, Hammond, John Harmer, Harris, Benj. W. Haskell, Henderson, Hill, Houk, Hubbell, Hurd, James, Jorgensen, Joyce, Kenna, Killinger, Killinger, King, Pound, Lewis, Lewis, Loring, Mason, McCook, McGowan, McGowan, McKinley, Miller, Miller, Mitchell, Neal, Norcross, O'Brien, O'Brien, O'Brien, Poehler, King, Pound,

So the bill was passed.

The following pairs were announced:
Mr. Armfield with Mr. Russell, of North Carolina, on political questions, from Wednesday to Saturday of this week; but not to pre-

went voting to make a quorum,
Mr. Harmer with Mr. O'Reilly.
Mr. Robertson with Mr. Prescott.
Mr. Clardy with Mr. Russell, of Massachusetts.
Mr. Robeson with Mr. Carlisle.

Mr. CONVERSE with Mr. SAPP.

Mr. Knott with Mr. Robinson.
Mr. Bachman with Mr. Bingham.
Mr. Clark, of New Jersey, with Mr. McGowan.
Mr. Acklen with Mr. Killinger.
Mr. Muller with Mr. White. Mr. MILLER with Mr. SAMFORD. Mr. KING with Mr. NEAL.

Mr. Houk with Mr. Lounsbery.
Mr. Houk with Mr. Lounsbery.
Mr. Washburn with Mr. Poehler.
Mr. Dick with Mr. O'Brien.
Mr. Overton with Mr. Phister.
Mr. Hammon, of New York, with Mr. Taylor.
Mr. Kimmel with Mr. Mason.
Mr. Fisher with Mr. Ellis.
Mr. Hause of Massechusetts with Mr. Lewis

Mr. HARRIS, of Massachusetts, with Mr. Lewis.
Mr. LADD with Mr. JOYCE.
The result of the vote was then announced as above recorded.
Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Clardy, for two weeks, on account of sickness in his family;

To Mr. King, for two days;
To Mr. Phister, for two weeks, on account of important business;
To Mr. Harris, of Massachusetts, for one week from to-morrow, on account of important business;

To Mr. O'REILLY, for ten days, on account of important business; To Mr. Mason, for ten days from Monday next, on account of important business; and

To Mr. Forsythe, for fifteen days from Monday.

H. W. SPURMAN.

On motion of Mr. KILLINGER, by unanimous consent, leave was given to withdraw from the files of the House papers in the claim of H. W. Spurman.

SAMUEL A. LOWE.

On motion of Mr. CLARDY, by unanimous consent, the order for the withdrawal of papers in the case of Samuel A. Lowe made on Tuesday last was annulled, having been asked for under a misapprehension of the facts.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. I move that the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, with Senate amendments, be taken from the Speaker's table and referred to the Committee on Appropriations, and that the bill and amendments of the Senate be printed.

The motion was agreed to

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
An act (H. R. No. 254) granting an increase of pension to James M.

Boreland; and
An act (H. R. No. 2303) granting a pension to Abram F. Farrar.
Mr. WARD, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles;

when the Speaker signed the same:
An act (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879;

An act (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado.

WILLIAM S. GRANT.

On motion of Mr. DUNNELL, by unanimous consent, the papers in the case of William S. Grant were ordered to be taken from the Committee on War Claims and referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. WELLS. I now demand the regular order.
The SPEAKER. The regular order will be the morning hour.
Mr. WELLS. I move to dispense with the morning hour to go on with the consideration of the Indian appropriation bill.

The question being taken, the motion was agreed to, (two-thirds voting in favor thereof,) and the morning hour was dispensed with.

Mr. WELLS. I move that the consideration of private business to-day be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Whitthorne in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of proceeding with the consideration of the Indian appropriation bill. The gentleman from Kansas [Mr. RYAN] has notified the Chair that he desires to modify the amendment which he offered vesterday.

fied the Chair that he desires to modify the amendment which he offered yesterday.

Mr. RYAN, of Kansas. I wish to modify the amendment by adding these words: "but this shall only apply to the regular annual lettings." I do that so as not to interfere with any special lettings that may be necessary. There may be an exigency requiring a special letting, and I do not wish this provision to interfere with it.

The CHAIRMAN. The gentleman has a right to modify his amendment. The Clerk will now read the amendment as modified.

The Clerk read as follows:

The Clerk read as follows:

After line 1077 of the bill insert:

Provided, That all bids for supplies of wheat, corn flour, feed, cats, beef, bacon, pork, and other provisions for the Indians, and all bids for transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley, but this shall only apply to the regular annual lettings.

Mr. BLOUNT. I desire to call the attention of the Chair to two or three sections of the Revised Statutes. Section 3709 provides that

Mr. DUNNELL. Let the Clerk read the sections, so that all can

Mr. SCALES. I would inquire if the gentleman from Georgia pro-

Mr. SCALES. I would inquire it the gentleman from Georgia proposes to discuss the point, of order?

Mr. BLOUNT. I do propose to discuss it.

The CHAIRMAN. The question of order is the question now before the committee, and is the one to which the gentleman from Georgia [Mr. BLOUNT] is or should be addressing himself.

Mr. SCALES. I understood the gentleman to be discussing the marks of the amountment.

merits of the amendment.

Mr. BLOUNT. Not at all. I have not discussed anything yet. I desire to have the Clerk read some sections of the Revised Statutes bearing upon the point of order.

The Clerk read as follows:

The Clerk read as follows:

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the oustody, use, and preservation of the records, papers, and property appertaining to it.

Mr. BLOUNT. It is evident from the first section read by the Clerk that there is legislation now on the statute-books looking toward the purchase of supplies under certain general requirements, such as advertising, &c. Then section 161, which has been read, gives the heads of Departments authority to make regulations for the execution of the duties of their Departments, not only in relation to purchases, but such other duties as may devolve upon them under operation of law.

Now, the proposition of the gentleman from Kansas [Mr. RYAN] is that in regard to the opening of bids for supplies of different kinds is that in regard to the opening of bids for supplies of different sinds the Department shall open those bids either in the Missouri River Valley or in the Mississippi Valley. It is to be made a matter of law that he shall open the bids and award the contracts either in the Missouri Valley or the Mississippi Valley. As the law now stands there is no restriction upon his discretion; he may, as he does, open the bids in New York City, in the Mississippi Valley, or in the Missouri Valley, or wherever in his judgment the good of the service

Mr. DUNNELL. Will the gentleman allow me to ask him one

question?

Mr. BLOUNT. Certainly.
Mr. DUNNELL. Admitting the argument of the gentleman that
the Secretary has the discretion now, I would ask him whether, when
the star-route service bill was before the House, he did not claim that it was the duty of Congress to limit the exercise of the discretion of

the Second Assistant Postmaster-General.

Mr. BLOUNT. I did, for the reason that there were outrages and abuses which were well calculated to alarm this House. There were violations of law and misappropriations of the public money, which made it right and proper in that instance that we should regulate the discretion of that Department.

But in the present instance I undertake to say that these very requirements.

But in the present instance I undertake to say that these very regulations of the Departments, so far from being objectionable, are a matter of benefit to the Government, of economy and of advantage in any respect in which they can be considered. Therefore the observation of the gentleman has no application.

Now upon the question of economy. If I may be allowed the same latitude that has been allowed to others I will send two letters to the desk to be read upon the question of retrenchment. The first relates to a statement made by my friend from Kansas [Mr. Ryan] that these supplies are furnished by eastern men under the present regulations.

Mr. RYAN, of Kansas. I do not want the gentleman to misrepresent me. I never stated that these contractors were eastern men; I never stated anything of the kind. My criticism upon the present system is that the contracts are awarded far from the fields of supplies, and therefore competition is prevented. Admit if you please that the contractors are western men; that is of no consequence in the consideration of this matter.

Mr. BLOUNT. Does the five-minute rule obtain upon discussions

Mr. ATKINS. It is not usual to enforce the five-minute rule upon

points of order.

Mr. BLOUNT. As I understand the rule, all debate upon points of order is within the discretion of the Chair. Mr. BLOUNT.

The CHAIRMAN. The present occupant of the chair, since he has been in the chair, has prescribed as a law to himself the five-minute rule upon points of order. The question being raised, the present chairman would say that he believes it to be a bad practice for any occupant of the chair to allow debate upon points of order. The Chair ought to decide points of order promptly and for himself, and only seek light from members of the House when he feels that he

The Chair will further remark that under a strict construction of parliamentary law he does not believe that it is in order to discuss a point of order at all. And if the committee will permit the present occupant of the chair arbitrarily to take the matter in hand now, he will say that he is himself satisfied with the discussion that has been had, and has obtained all the information that he is likely to get.

Mr. BLOUNT. With deference to the Chair, I would like to make a single statement—not in regard to the point of order. I stated yesterday that if the Committee on Indian Affairs or the Indian Department would recommend this legislation, I would withdraw the point of order. The honorable chairman of the Committee on Indian Affairs [Mr. Scales] concurs entirely in the impropriety of this proposed legislation, and the committee refuses to recommend it.

Mr. RYAN, of Kansas. We were aware of that yesterday by the attitude which the gentleman from North Carolina [Mr. Scales] took. It was not necessary for the gentleman from Georgia to inform us on

the point.

Mr. SCALES. The gentleman is mistaken. Yesterday I was for the amendment. It was not until after consideration that I deter-

mined this morning to oppose it.

Mr. DUNNELL. I desire to say just one word in reply to the gentleman from Georgia, [Mr. BLOUNT,] unless the Chair decides not to hear me.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DUNNELL. The gentleman from Georgia, it seems to me, is wholly at fault in his idea that it is not competent for the House to regulate the manner in which an appropriation shall be disposed of or bids entertained and opened. Congress may have committed to the Secretary of the Interior and the Commissioner of Indian Affairs the power to make certain regulations, but it is at all times competent for Congress to modify those regulations or to declare that any particular regulation is not in the interest of the Government. The gentleman does not undertake to answer the main facts that are presented in connection with this proposition. The advantages to the Government have been demonstrated, and they have not been denied.

Mr. BLOUNT. The gentleman says that I have declined to reply. I remind him that I have not had an opportunity to do so. I was seeking to do so at the time I was cut off.

Mr. DUNNELL. I will not, then, answer the argument which the gentleman has not been allowed to make. But, as I said yesterday, I am unable to see why Congress may not direct the Commissioner of Indian Affairs to follow, in reference to advertising for bids and the letting of contracts, the same course that is pursued by the War Department. I am clear in the belief that a great many of the frauds which have arisen heretofore in the Indian Department have grown out of the fact that these contracts are in the grasp of a few; that they are not open to the entire people of the country. I think this amendment is so eminently proper that the Chair might justly give a liberal construction in order to entertain it.

The CHAIRMAN. Responding to the last remark of the gentleman, the Chair will say that he would like to be liberal, because he sympathizes with the object of the amendment; but in his view of the rule he is inhibited from entertaining it, and therefore sustains

the point of order.

The Clerk read as follows:

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

Incidental expenses of Indian service in Arizona: For general incidental expenses of the Indian service, support and civilization of Indians at the Colorado River, Pima and Maricopa, and Moquis Pueblo agencies, \$20,000, and pay of employés at same agencies, \$16,000; in all, \$36,000.

Mr. HOOKER. I desire to ask the gentleman from Missouri [Mr. Wells] who has charge of this bill a question as to the necessity of wells] who has charge of this bill a question as to the necessity of making appropriations in this way for the "general incidental expenses of the Indian service." The same objection applies here as in the case already brought to the attention of the Committee of the Whole. This appropriation is general in its character; and I think that the discretion of the officers of this Department—

The CHAIRMAN. The Chair would suggest to the gentleman the

The CHAIRMAN. The Chair would suggest to the gentleman the propriety of offering an amendment.

Mr. HOOKER. I move to amend by striking out the paragraph, because I cannot see why we should make so indefinite an appropriation as this for "general incidental expenses." I see several succeeding paragraphs are in the same language. In my view these appropriations ought to be specific. I am very well aware that there is a necessity for giving considerable discretion to the Secretary of the Interior and the Commissioner of Indian Affairs. But to appropriate these large same of money, amounting under the former head to some these large sums of money, amounting under the former head to some \$300,000 or \$400,000, and probably to the same amount under this, is giving to these officers a discretion in the expenditure of this money

for which I do not see any necessity.

I think it ought to be specifically stated what these "incidental expenses" are, for what agencies they are to be paid out and how they are to be paid. The authority given to the Secretary of the Interior and the Commissioner of Indian Affairs under this provision is unlimited the secretary of the Interior and the Commissioner of Indian Affairs under this provision is unlimited. ited. I cannot see any necessity for such vast discretion in the mode of expenditures. If money is necessary for the support and civiliza-tion of Indians at the Colorado River, Pima and Maricopa, and Moquis Pueblo agencies, let it be specified what amount is required for each; but do not make this indefinite appropriation for incidental expenses. The expenditures necessary for the support and maintenance of these particular agencies ought long since to have been ascertained with at least approximate accuracy. The Department instead of furnishing to the Appropriations Committee an estimate in bulk, should specify as far as possible what is required for each agency.

The amendment of Mr. Hooker was not agreed to.

The Clerk read as follows:

Telegraphing and purchase of Indian supplies: To contract for the Indian service, advertising at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, \$25,000.

Mr. HUBBELL. I move to amend by striking out \$25,000 and inserting \$35,000 as the amount of this appropriation. I will briefly state why I offer the amendment, leaving the committee to vote upon it as it may deem best. Last year \$25,000 was appropriated for this it as it may deem best. Last year \$25,000 was appropriated for this item, and there was a deficiency, subsequently provided for, of \$15,000. This money is to be expended in telegraphing, advertising for bids, and other expenses connected with procuring supplies. The Indian Bureau tells the committee that as much will be needed during the coming year as was required for this year. Certainly the bureau cannot get along with less than \$35,000. I hope the amendment will

Mr. WELLS. Last year the regular appropriation for this purpose was \$25,000. The Department asked for a deficiency appropriation, but the committee considered that \$25,000 ought to have been sufficient. If, however, my colleague on the committee will modify his amendment so as to propose an expenditure of only \$30,000, I will not

object.

Mr. BAKER. While that is not enough, and there will be a defi-ciency, still there will be a less deficiency than under the appropri-

ation provided for in the bill.

Mr. HUBBELL. I am just as anxious as the gentleman from Misouri to carry on the Department cheaply, and I will accept the amend-

The CHAIRMAN. The agreement is to strike out "twenty-five" and insert "thirty."

The amendment was agreed to.

The Clerk read as follows:

Expenses of Indian commissioners: For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$7,500.

Mr. HOOKER. I move to strike that out. Now, Mr. Chairman, these Indian commissioners were created originally by the act of April 10, 1869; and, by the very terms of that act, evidently it was contemplated they should not exist longer than the amount of money lasted, appropriated in that act, the expenditure of which they were to supervise. I send to the Clerk's desk, for the purpose of being read, the fourth clause of the act of April 10, 1869.

The Clerk read as follows:

The Clerk read as follows:

Suc. 4. And be it further enacted. That there be appropriated the further sum of \$2,000,000, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next; and for the purpose of enabling the President to execute the powers conferred by this act he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate: and to pay the necessary expenses of transportation, subsistence, and clerk-hir of said commissioners while actually engaged in said service, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary.

Mr. HOOKER. It will be observed by the reading of that section of the act of 1869 that the appropriation made under it was \$2,000,000,

of the act of 1869 that the appropriation made under it was \$2,000,000, for the purpose of being expended in the maintenance of peace on the Indian border. I believe that the specific commission which is intrusted with this expenditure had for its head General Sherman, the General of the Army. These ten persons were provided for by this act, and if the committee will notice it is all the time contemplated their sole function, as defined by the act creating them, is to over-look the expenditure of this \$2,000,000, which long since has been ex-hausted. They are, then, by the terms of that act, functus officio, and they would have had no further duties to perform after that fund was expended but for the fact that by the act of 1874, section 2, an appropriation act, by the by, they were continued in existence long after they had performed all the duties imposed upon them by the act of April 10, 1869. That section reads as follows:

SEC. 2. That the sum of \$15,000, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869.—

It is the act I have just caused to be read-

is hereby appropriated; and said board of Indian commissioners is hereby continued with all the powers and duties conferred and imposed by existing laws. But nothing herein provided shall be construed to supersede or interfere with the duty heretofore imposed upon said board of commissioners to visit Indian agencies and inspect the vouchers, books, and papers thereof.

It will be seen by looking at the original act that the sole function to be performed by this board of Indian commissioners was the proper expenditure of \$2,000,000 appropriated by the act of 1869. That mission has been continued ever since. In the appropriation bill of last year and the appropriation bills for the last four years, the Committee on Appropriations, following along in the line of precedents, have appropriated each year \$15,000 for defraying the expenses of that commission. I say, sir, that commission is a character of government in reference to Indian affairs which ought not to be recognized. Not that they may not be the best, and probably are among the best citizens of the country, but I am opposed to having anybody exercising control over this Indian Department who is not a bonded and salaried officer of the Government, and responsible to the Government for the manner in which he discharges his duties.

This, sir, is a tribunal created originally by the act of 1869 for a spe-

cific purpose, and which has been continued ever since, vested with full authority to visit every Indian agency, to prosecute every Indian agent, and only a few months ago they sat in this city and held an investigation in reference to the Commissioner of Indian Affairs at

The CHAIRMAN. The gentleman's time has expired. Mr. FINLEY. I will take the floor, Mr. Chairman, and yield my five

minutes to the gentleman from Mississippi to conclude his remarks.

Mr. HOOKER. I thank the gentleman. I say therefore, sir, there is no necessity for this commission. There might have been and probably was a reason for its creation originally, because by the act of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the contract of the 10th of April, 1869, the Government made a very large appropriate that the 10th of April, 1869, the 1869 priation for a specific purpose, an appropriation of \$2,000,000, and they wanted to be sure the expenditure of that appropriation was made judiciously. They were appointed for the purpose of carrying out the act of 1869. It is evident from the terms of that act as read from the Clerk's desk that this commission never was desgined or

intended to have any other existence than that of supervising that specific expenditure. When that duty was performed, they ceased to exist, and but for the fact that by the act of 1874 they were continued by an appropriation of \$15,000, they would not be in existence

And further, Mr. Chairman, if it required \$15,000 for the support of that commission last year, why does it not require \$15,000 now?

The Appropriations Committee itself must have been impressed

with the conviction that they had made expenditures in former appropriations which were unauthorized and unjustifiable, because by their own action in this bill they have voluntarily cut down the amount to \$7,500. I say, Mr. Chairman, the great difficulty in the management of this business is that we have too many men controlling matters. There are too many agents, too many people, too much of an army connected with the service who have a voice whenever there is a question in reference to the expending of the money appropriated by Congress.

If I possess the power to do so, sir, and if I can get the attention of the committee and of the Committee on Appropriations, I will propose at some stage of this proceeding an amendment by which we will dispense with all of these supernumerary officers, Indian commissioners, and this vast army who are living at the expense of the Government and of the Indians. There is no necessity for this commission specified in the section now under consideration. If there is a necessity for it let it be sanctioned by law, created by law, its duties defined by law, and let each one be a salaried officer of the Government, appointed under the law and required to give bond as is required of the most insignificant Indian agent. There was no more necessity for the existence of this board of commissioners than for that other wrong and mistaken policy or operation of law which enabled these Indian tribes to be told off and parceled out to some one or other of the different to be told off and parceled out to some one or other of the different denominations of Christians in order that they may be Christianized and brought to a civilized condition. And while I have nothing to say as to the question of advancing their moral condition, I hold that before we undertake to improve the head and heart, we had better carry out in good faith and discharge toward them the duties of the Government

Government.

I hold, sir, it is our duty to pay the Indians what we owe them under treaties, and put them under the control of honest agents; and when you accomplish this you will have performed the duty of the Government to them. That is our first duty, to perform the obligations which we owe to them. We find even in that prayer of the Great Master of the universe, the words: "Give us this day our daily bread;" thus showing that poor, weak, frail humanity demanded first that the sustenance of life should be honestly given. Do that before you talk of improving their mental and their moral condition. I say, therefore, that I would do away with every supernumerary office. I say, therefore, that I would do away with every supernumerary offi-cer connected with this vast army of Indian agents and in the In-dian Department. Sweep them all out of existence and if there is a dian Department. Sweep them all out of existence and if there is a necessity for them let them be salaried officers of the Government, created by the law, their duties defined by law, bonded, and who can be made responsible for the discharge of their duties under the law.

[Here the hammer fell.]

Mr. POEHLER. Mr. Chairman, I desire to say a few words upon this proposition, and I do so because I think there are too many divisions in his Department, too many divisions and sphediciples. In

ions in this Department—too many divisions and sub-divisions. In the first place we have the Secretary of the Interior, who has general charge of this business. Then we have a Commissioner of Indian Affairs, who has special charge of all the Indians in this country. Next we have an agent at every agency to take charge of the different tribes and individuals. Then we have three inspectors, whose duty it is to inspect the agents and the agencies. Then we have two special agents, who are to assist somebody in doing their duty.

A MEMBER. And the preachers.

Mr. POEHLER. Yes, Mr. Chairman, then we have all the religious

sects in this country, who recommend the agents and traders, and control their appointments, and between these various religious denominations the religious and spiritual welfare of these poor heathens is divided. They must go to heaven as may have been agreed upon for them by somebody, I do not know who, but not by themselves.

[Laughter.] Mr. ELAM.

Mr. ELAM. They do not want to go there.
Mr. POEHLER. Well, we send them to the happy hunting-grounds.
[Laughter.] And last, but not least, as claimed by some, we have a commission of ten citizens to superintend and inspect and advise

everybody. [Laughter.]

Now, if this does not make a good government for these Indians, all we should do is to appoint a military commission to look after them all. [Laughter.] That seems to be the only thing that is wanting to complete it. Mr. Chairman, it seems to me that we have complicated this matter so much that it is hard to find who runs the machine and who is responsible for its running; and I think we had better leave it to some one whom we may look to to do the business and who is responsible. As has been said by the gentleman from Mississippi, who just preceded me, this commission in the first place was appointed for a special purpose, and I think when that purpose was ended their usefulness ended with it to a large extent. I trust, therefore, the

amendment will prevail.
Mr. FINLEY. I move

Mr. FINLEY. I move to strike out the last word.

I want to add a word to what the gentleman from Minnesota [Mr. POEHLER] has said on this subject; and that is as to the expense attending the care, nurture, and protection afforded by this great and beneficent Government of ours to the savage. It is a costly piece of business, Mr. Chairman. I have just been looking over the Blue Book. I find there is a board of commissioners, with a secretary, assistant secretary, clerks, and messengers, to begin with. Then we come to the office of Indian Affairs. We have there a Commissioner with a salary of \$3,000 a year; a chief clerk at \$2,000 a year; 36 clerks at \$1,000 to \$1,800; 21 copyists at \$600 to \$900; 2 messengers at \$720; 2 laborers at \$600; 3 inspectors at \$3,000; 2 special agents at \$2,000; 1 special agent at \$1,800; 1 warehouse superintendent at \$200 per month, and 1 clerk at \$125 per month. That is the office of Indian Affairs.

Then we have seventy-one agencies, and at every one of those seventy-one agencies there is an agent at a salary of from \$1,000 to \$2,200 a year. And I find in looking over this Blue Book that the paid employes at the various agencies range from thirty to sixty at each agency. There are washwomen, blacksmiths, assistant blacksmiths; agency. There are washwomen, blacksmiths, assistant blacksmiths, nurses for the papooses. There are millers and assistant-millers, and

apprentices to millers.

Take just one agency that I happen to have before me and look at the expense. I am in favor of the amendment that will be offered by the gentleman from Mississippi [Mr. HOOKER] to transfer the Indian Bureau to the War Department; and one reason why I am in favor of it is because I think I can satisfy this House that we can by so doing reduce the expense of taking care of the Indian tribes at least \$1,000,000 a year. Let us take this agency, the Rosebud or Spotted-Tail agency. There are eighty employés there, at salaries ranging from \$2,200 per annum, the highest, down to \$20 and \$25 a month. Let us see who they are. An agent; a physician; a watchman; a chief herder; a storekeeper; two laborers; a special interpreter; six more laborers; a trainmaster; a clerk; an assistant butcher; two watchmen; an engineer; a carpenter; another butcher; a team-ster; a farmer; an assistant farmer; a painter; three laborers; a fore-man; a carpenter; a wagon-maker; a harness-maker; four more car-penters; a laborer; a night-herder; five ox-teamsters; a blacksmith; six more carpenters; a master laborer; a helper; another helper; a laborer; and then another laborer; and then another laborer; three ox-teamsters; eight herders; then a night-herder; a chief of police and a sergeant of police and ten private policemen; all paid out of the Federal Treasury.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I have about got my own consent so far as I am concerned to support this amendment. As I understand, it is

as desirable to have somebody chargeable with the administration of as desirable to have somebody chargeable with the administration of Indian affairs as it is to have some one chargeable with the administration of any other bureau or Department of the Government. Now, sir, the Secretary of the Interior is chargeable, or was chargeable at one time, with the conducting of the Indian Department. These commissioners, however, under the law creating the board, appointed to serve without compensation, not exceeding ten in number, men eminent for their intelligence and philanthropy, are not responsible to the Secretary of the Interior, as I understand it, but divide the responsibility with him. In other words they have the power and as much power as the Secretary of the Interior has to make contracts; and as the service has grown up under this board of commissioners I understand they do exercise as much power and authority as the Secretary of the Interior. Here you have a division of responsibility.

I am not going to abuse the board of commissioners for any action I am not going to abuse the board of commissioners for any action they may have taken or for anything they may have done. I am not sufficiently well acquainted with what their action has been to be warranted in making an attack upon the board. But I do say where you divide responsibility in this way you give a premium for maladministration. And you have had good Indian commissioners and a very good Secretary of the Interior if there has not been maladministration in this cardinal divided account of the second the second control of the second co

a very good Secretary of the Interior if there has not been malad-ministration in this condition of divided responsibility, and the shift-ing of responsibility back and forth from the shoulders of the Secre-tary of the Interior to the board of Indian commissioners.

If the Secretary of the Interior, executing the law and disbursing this fund upon his own motion, desires to consult anybody and take anybody's opinion he should have the right to do it and has the right anybody's opinion he should have the right to do it and has the right to do it although you may adopt this amendment. But all the time I would keep that officer of the Government or some other directly responsible for every action that is taken in the Department, and not place it in his power or the power of any other person or persons to divide the responsibility so that you cannot fix it.

Now, one word about the civilization and the improvement of the

Now, one word about the civilization and the improvement of the Indians generally. I want them civilized. I want them educated. I will go as far as anybody else in that direction. But as the years have rolled around and I have seen these appropriations made year after year, I have become somewhat skeptical as to whether or no you will ever very materially improve the condition of the Indians. The necessity rests upon them that by the sweat of their faces they must earn bread if they are to be improved. The condition of the white man is not imthey are to be improved. The condition of the white man is not improved except under those circumstances and conditions. We all understand in our different neighborhoods the son of a wealthy man in nine cases out of ten grows up worthless while the boy who has to work for his bread makes his way under the spur of necessity. This is the case with white people, with yellow people, and I apprehend it is the case with the red men and will always so continue. I

will vote for this amendment.

Mr. BLOUNT. Mr. Chairman—

The CHAIRMAN. Debate upon the pending amendment is ex-

Mr. BLOUNT. I ask the gentleman from Ohio [Mr. FINLEY] to withdraw it, and I will renew it.
Mr. FINLEY. I will withdraw it for that purpose.
Mr. BLOUNT. I will renew it.

Mr. SIMONTON. I would like to have the amendment reported. We are unable to obtain copies of this bill, and labor under a great deal of difficulty to understand what the amendment is.

The CHAIRMAN. The amendment is to strike out certain lines of

Mr. SIMONTON. Let those lines be read.

The CHAIRMAN. The Clerk will read the portion of the bill proposed to be stricken out.

The Clerk read as follows:

Expenses of Indian commissioners: For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

Mr. BLOUNT. The gentleman from Mississippi [Mr. Hooker] has taken occasion to charge that the continued existence of this commission has been owing to the errors of the Committee on Appropriations in preparing appropriation bills. Now I must dissent from that; such was not the view entertained by the Committee on Appropriations. That commission exists by virtue of certain provisions of the Revised Statutes describing their duties, &c., and without any limitation as to time. So far as the propriety of continuing this commission is concerned, I shall be guided in my vote by what I understand to be the views of the majority of the Committee on Indian Affairs after considering the same. As stated, the amount proposed is less than has heretofore been appropriated for this purpose. The Committee on Appropriations felt that the commission was expending more money than should be expended and was enlarging its sphere. And with a view of retarding that we reduced the amount of the appropriation. So far as I know the Committee on Appropriations have no objection to this amendment; certainly the majority of that committee have not. such was not the view entertained by the Committee on Appropriamittee have not.

Mr. HAYES. I do not want to make a speech; but I want to call the attention of the Chair to the many vacant seats here at this time, and to ask him if it is not possible to send out some officer of the House and call in the absentees and compel them to listen to the talk of certain gentlemen who so delight in hearing themselves talk on

of certain gentlemen who so delight in hearing themselves talk on this floor, although members generally do not seem to care to listen to them. It is time we had some voting done and stopped talking. We ought to get through with this bill to-day.

Mr. HASKELL. I think we will have a little more talk. I desire to say that as regards the Indian Committee, the injunction of secreey was removed this morning; and this amendment which has been reported from the committee was directed to be so reported by a majority of one, seven members of the committee being present. One vote of that majority was cast by a man who said that he would give the the sanction which the Indian Committee has given to the amendment

which has been brought in here.

Now, this Indian commission—I am not very particular whether it is retained or not—is charged with the duty of inspecting goods purchased under these contracts. As a republican, representing perhaps in a political way this side of the House, I do not suppose there would be a particle of political objection to removing this commission, because they exercise a sort of surveillance over all the supplies purchased by the Government for the use of the Indians. But I shall expect hereafter that the honorable gentlemen on my left, who come here day after day whenever the Indian bill is under consideration, and talk about the swindled Indians, and fraudulent contracts, and wormy meal, and bad cloth, and trades and dickers and transactions that meal, and bad cloth, and trades and dickers and transactions that existed ten, fifteen, or twenty years ago—I shall expect these gentlemen to keep still, if by their act they remove a board which is charged with the duty of examining into the details of this matter.

The Secretary of the Interior is charged with a multiplicity of duties. He must be in his seat in his office all the time. And any man familiar with the history of this Indian business knows that until

within a few years that office has been besieged by contractors and manufacturers and dealers in every sort of Indian goods on earth. Heretofore every patent-medicine man has besieged the Department of the Interior to buy his patent medicines for the Indians. And the corridors of that Department have swarmed with men who wanted by some means or other to obtain a share in the contracts to be let.

This commission of ten men, selected from the best men that could This commission of ten men, selected from the best men that could be found, serving without pay, exercise with the Secretary of the Interior a joint power over these contracts, examining into their details, questioning as to whether they are needed or not, and inquiring whether the supplies are of the right quality, and whether the prices charged and specified are just and right. They exercise a healthy surveillance over that portion of the Indian business, and they serve without part and with the court of the Convention. without pay and without cost to the Government.

without pay and without cost to the Government.

Now, I do not believe that it is wise to dispense with their services because of the item of \$7,500 needed for their expenses. There has been no complaint of the quality of Indian supplies that I know of since this board has been in existence, and while they have been charged with the responsibility of examining into this matter.

Mr. FINLEY. How long has the board been in existence?

Mr. HASKELL. Since 1869.

Mr. FINLEY. Did not the report which I referred to last night show that some of these goods were defective?

Mr. HASKELL. Nothing that this commission inspected.

Mr. ATKINS. I do not desire to debate this question at all. I simply want to ask the chairman of the Committee on Indian Affairs [Mr. SCALES] his views and the views of his committee on this point.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. BLOUNT. I withdraw the amendment.

Mr. ATKINS. I renew it, and yield to the gentleman from North

Mr. ATKINS. I renew it, and yield to the gentleman from North Carolina, [Mr. Scales.]
Mr. Scales. Mr. Chairman, twelve months ago, as the record of this House will show, I attempted for the first time to strike down this commission. The motion was met with a great deal of opposition and was defeated. I felt certain that, the attention of the House and the country having thus been called to the question, the time would come, and come very speedily, when the work would be accomplished. I believed it because after having been on this Committee on Indian Affairs for the last five years I thought there was no necessity what. Affairs for the last five years I thought there was no necessity what-Affairs for the last five years I thought there was no necessity whatever for this commission; that it did not serve any useful purpose. I did not believe the agents were made any better, or that better goods were supplied to the Indians, and I did not believe there was in any respect more faithfulness in the service. For this reason I thought the Government ought not to throw away \$15,000 to pay the expenses of gentlemen who, though honorable and worthy in every respect, gave no bond for the faithful discharge of duty, and were in no way responsible to any one for its non-performance, and who served to divide the jurisdiction and responsibility with the Secretary of the Interior.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. SCALES. Certainly.
Mr. BLOUNT. The pending amendment proposes simply to strike out the appropriation for this commission. Now the Revised Statutes provide for the existence of the commission and the performance of its duties. Does not the gentleman think it would be much better to provide for the repeal of those provisions instead of merely striking out this appropriation?

Mr. SCALES. It is suggested to me we cannot on this bill repeal

the law on the subject; but by striking out the appropriation we can, I know, strike down the commission. I would prefer a repeal, how-

ever, of the entire law.

Mr. BLOUNT. As I understand, the proposition to abolish this commission and thereby reduce expenditures would be entirely in order under the rules.

Mr. SCALES. Then I hope my friend from Mississippi [Mr. HOOKER] will add to the amendment a provision abolishing the commission. The gentleman, I understand, accepts my suggestion and modifies his amendment so as to repeal the provisions of law to which the gentleman from Georgia refers. I greatly prefer the amendment in that

The CHAIRMAN. The gentleman from Mississippi had better reduce his amendment to writing.

Mr. SCALES. Mr. Chairman, I have been absent on leave for several days, and in my absence the Committee on Indian Affairs took up this matter, and, as I understand, decided that this commission was unnecessary, and authorized the acting chairman to report to the House a proposition to strike out this appropriation. In their action I fully concur.

Mr. HOOKER. The gentleman will allow me one word. I think that if we strike out the appropriations provided for in this bill we virtually dispose of this commission. By refusing to make this appropriation, I think the Committee of the Whole will do all that is

Mr. ATKINS. I believe the commission has only been provided for

heretofore in an appropriation bill.

Mr. HOOKER. That is the way I understand it.

Mr. SCALES. Mr. Chairman, I do not think there can be any objection to adding to the amendment these words, "and the commission is hereby abolished." I hope the gentleman from Mississippi will accept that.

Mr. HASKELL. I raise a point of order on that amendment.
The CHAIRMAN. The gentleman from North Carolina [Mr. SCALES]
is now occupying the floor in making a speech.
Mr. HASKELL. I reserve all points of order on the amendment.
Mr. STEELE. Has the time of my colleague [Mr. SCALES] expired?
The CHAIRMAN. He has one minute remaining.
Mr. STEELE. I was about violating to bim my time.

Mr. STEELE. I was about yielding to him my time.
Mr. SCALES. I thank my colleague for his courtesy.
Mr. Chairman, this commission, as I understand, was created for the purpose of supervising and purifying the service. The corruption in the Indian service had grown so great that it became absolutely necessary to do something to check it. In 1868 this commission, composed so far as I know of good men, was established and entered upon their work. As I have said, they divided jurisdiction with the Sec-

their work. As I have said, they divided jurisdiction with the Secretary of the Interior, and under the law were the advisers in the purchase of all goods, and to that extent relieved him of the proper responsibilities that should have attached to him.

They are empowered to supervise the expenditure of money, to investigate contracts, and are authorized to travel all over the Indian country in palace cars to visit the agencies free of expense. They are honorable gentlemen, are always in their places in Washington, and no doubt feel an interest in this question. But, Mr. Chairman, they are useless, and so far as I am informed have neither reformed the service or suggested an improvement in the service. In order to still service or suggested an improvement in the service. In order to still further purify the service the appointment of Indian agents was given to the different religious denominations of the country. It was thought that if we could have these good men to co-operate with

the Secretary of the Interior and to advise with the Commissioner of Indian Affairs, and if the religious denominations would give us faithful, pious agents, selected by themselves and from among themselves, much good would be accomplished in the way of reformation.

The service would be purified. What has been the result? Need I stop to tell the House what the result has been? From 1868 down to 1874 the service has been more corrupt than ever before, I believe, in the history of this question.

Mr. BELFORD. I should like to ask the gentleman from North

Carolina a question.

Mr. SCALES. I will yield for a question.

Mr. BELFORD. I wish to call the gentleman's attention to the fact that during the last three months this board of Indian commissioners rendered an incalculable service to the country by getting rid of the

late Commissioner of Indian Affairs.

Mr. SCALES. I will not go into a discussion of that question now; but I will say in behalf of the late Commissioner of Indian Affairs that while he may have been properly condemned and certainly should have, if guilty as charged, been driven from his office, nevertheless in his disgrace it is proper that I should say that while in that office he was ever a prompt, active, and zealous co-operator with the Indian Committee in striking down frauds and defeating unjust and fraudulent claims. This much I can say for him, and this much is due him. I regret his fall, and I give the commission credit for the part they acted in it; but, Mr. Chairman, it would have been found out. Without its action charges had come to the committee, and had been reported to the Secretary before the commission had completed their

action.

I will say further, Mr. Chairman, that I have never known an instance except that single one in which this commission has been instrumental in bringing to light any fraud or any unfaithfulness. Much of it existed, but they did not take the time necessary for this work. I am also prepared to show upon any proper occasion that the reports furnished by this board are not reliable, not that they meant to do wrong or make a wrong statement but they copied reports of agents without investigation and these reports were often false. agents without investigation and these reports were often false, nearly always highly colored. Had the facts as embodied in their report been presented as they really existed and a comparison instituted with prior years as to the advancement of the Indians in agriculture and the arts of civilization it would be found that the Indians were retrograding rather than advancing in civilization.

Mr. WELLS. Mr. Chairman, I will occupy the attention of the

House only a moment for the purpose of having read a communication which I have received from one of these commissioners, who is also acting as secretary of the board.

The CHAIRMAN. Before the gentleman from Missouri proceeds the Chair would like to know from the gentleman from Mississippi whether he has modified his original motion; and, if so, in what

Mr. HOOKER. Yes, sir. I move to strike out and in lieu of the paragraph to insert the following.

The Clerk read as follows:

All laws and parts of laws creating and authorizing said commission be, and the same are hereby, repealed.

Mr. HASKELL. I wish to reserve the point of order on that amend-

The CHAIRMAN. The Chair will hear the point of order after the gentleman from Missouri, who has the floor, has concluded what he

Mr. WELLS. The committee which prepared this bill was governed by precedent in legislation for the last ten years. They found appropriation had been made for this commission ranging from \$15,000 appropriation had been made for this commission tanging from \$15,000 to \$25,000 annually. The commission was created by the law of 1869 which has been read to-day at the Clerk's desk. The committee felt it was not in their province to recommend a repeal of the law. We believed, under a judicious management of Indian affairs the Government could dispense with the further service of this commission and thereby save expense. We called on the secretary of the board for a list of the expenditures. That list I hold in my hand. We found the secretary, who is a member of the board, received a salary of \$3,000 a year, and that there is a clerk at \$2,000, and a messenger at \$1,200 a year, making in all \$6,200 for clerical services for that commission. Their duties, as I understand, are simply to supervise the opening of bids advertised for by the Department and occasionally to visit the different tribes which are accessible by railroad. I believe the time has come when we can dispense with the further service of this commission. I ask to have read, as a part of my remarks, this communication.

The Clerk read as follows:

BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., March 9, 1880.

Sir: In compliance with your request to be furnished with the items of expenditure by this board during the fiscal year ending June 30, 1879, I have the honor to submit the following:

The appropriation is \$15,000. During the period above named we have disbursed for—

In addition to this sum, there have been charges against our appropriation for traveling expenses on subsidized railroads not reported, estimated at \$500. I hand you herewith a copy of our last annual report, which will inform you more particularly of the duties imposed on us by law, and the manner in which they have been performed. We would be pleased to have a visit from you that you might by personal inspection form a correct judgment of the labor performed by this board, and its methods of work.

Very respectfully,

WM. STICKNEY, Secretary.

Hon. ERASTUS WELLS.

Mr. HOOKER. It appears from the statement of the secretary of the board of Indian commissioners that the function of the commission to visit the respective agencies was performed by its secretary, who was paid \$3,000 per annum. It occurs to me it would be just as cheap to employ the clerk in place of the commission. However, I hope the entire services of this commission will be dispensed with, as these duties are already performed by inspectors, who are salaried and bonded officers of the Government.

The CHAIRMAN. Does the gentleman from Kansas insist on his

point of order ?
Mr. HASKELL. No; I withdraw it.
Mr. HOOKER'S amendment was adopted.

The Clerk read as follows:

Pay of Indian police: For the services of not exceeding eight hundred privates at \$5 per month each, and not exceeding one hundred officers at \$8 per month each, of Indian police, and for equipments, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, \$60,000: Provided, That teachers and Indians employed at agencies in any capacity shall not be construed as part of agency employes named in section 5 of the act making appropriations for the Indian service for the fiscal year ending June 30, 1876, approved March 3, 1875.

Mr. SCALES. I move to strike out the whole of that paragraph down to the word "provided." I hope, Mr. Chairman, I will not be misunderstood by the House in this action. As is known, I was in favor of transferring the Indian Bureau to the War Department; but having failed in that I have to the utmost of my ability endeav-ored to sustain the policy of the administration, in order it might as

far as possible be perfected so as to give it a fair trial.

But, sir, this proposition is to me so monstrous, so out of precedent, so contrary to all law, that I feel bound to oppose it. Twelve months ago the Committee on Appropriations brought this proposition here in the words and figures in which it is now presented. It had been adopted but one year before, and when adopted it provided for only four hundred men. At the instance of the Department it was increased in the next appropriation bill to eight hundred. I made the point of order—which was sustained—that it did not retrench expenditures, and it passed with only four hundred men. It then went to the Senate, but by some means unknown to me the eight hundred men were restored, and the bill thus amended became the law.

Now, sir, who has control of these men? What restriction is there on their power? None whatever. This clause says that they must keep order and prevent the liquor traffic. But how is this to be done? Who appoints the officers, and to whom do they report? What law defines their duties? Who issues their orders, and who is responsible for their conduct? They are to do what is necessary to preserve order, but what is necessary and who is the judge? They control the citizen and Indian alike, and there is no appeal from their action and no law to protect from their oppression. In all these matters of so much importance to the citizen as well as the Indian this provision is absolutely silent. At present, the Indian in his relation to Indians on the reservation are At present, the Indian in his relation to Indians on the reservation are without law. This provision turns him over, bound hand and foot, to the agents. These men had authority before almost without restriction, except as they are restricted by the want of physical force. Now we give them eight hundred men armed and equipped, and thus the fullest authority is allowed with fearful power to execute, not known laws, but the will of the agent. This force need no warrant or other precept. They can arrest men at pleasure, treat them as they will, and for any and all imaginable (not defined) offenses. Who will stay their hands? Who will protect the rights of persons and property? The law is silent, and no one can.

Ay, sir, that is not all. Under this simple provision agents in your own land, where murder under the law is punished with death, have authorized and commanded these men to shoot down Indians escaping

own land, where murder thee law is punished with death, have authorized and commanded these men to shoot down Indians escaping from the reservation. By what law? Where is the authority? None under Heaven, save the irresponsible power this House has given to the Indian agent by giving him the control of a hundred officers and eight hundred armed men, equipped and ready to do his bidding. Let me read what the Commissioner of Indian Affairs has said here:

At the Pine Ridge agency, on the 5th of September last, a runner was dispatched from the camp of Young-Man-Afraid-of-his-Horses to notify the agent of the escape during the night of eleven Cheyennes, who had taken with them twenty-two head of horses and ponies belonging to the Sioux. Police Captain Sword, with nine of his men, was sent in pursuit, and the next day overtook the Cheyennes, who had twelve hours the start of the police, on Osage Creek, west of the Black Hills, about one hundred and twenty-five miles distant from the agency. Sword and his party immediately surrounded the fugitives and demanded their surrender.

Now, sir, they were surrounded, hunted down like wild beasts, by men without authority of law. They warned them to surrender:

Spotted Wolf, the leader of the runaways, refused, and threw off his blanket, which among Indians signifies a challenge to mortal combat.

[Here the hammer fell.]

Mr. WADDILL obtained the floor and yielded to the gentleman from North Carolina, [Mr. Scales.]

Mr. SCALES. I thank my friend for his kindness. What then did the police do?

The police immediately opened fire on the party, killing Spotted Wolf.

This man was murdered and was the first victim of this power which you put into the hands of an irresponsible and lawless mob without the shadow of law. Where did such a system come from? What precedent can be found for it? None whatever? It was copied from the Canada law. They have a mounted police force there. But in that country, sir, where there is respect yet left for the rights and liberties of the citizen and not only of the citizen but of the red man as well—in that country they have this police force with all the laws which are necessary to render it effective and efficient, but it is used to enforce law and is responsible to the law. They have magistrates appointed to issue precepts. They have a commissioner of police and he is an officer of such dignity as to command a salary of \$3,000. They have constables and other necessary officers provided for by law. All the powers of the magistrate and commissioner and all the duties of the constable are clearly defined. A regular code of laws is provided filling many pages of their statutes. It is in fact a government of law and every step is taken in accordance with law, and the police force are but the servants of the law and are never above or beyond it. How different is the police force of this bill! Without law and without restraint, responsible to no one save the agent, and not necessarily even to him.

There they have all the officers necessary to good and effective government; but here, sir, we have no government and no law, save such as the agent, the officers, and the police will afford, and this rests and rests alone in their own heart. I do hope, sir, that a question of this importance will attract the attention of this House and the country, and that it will receive that consideration which its importance demands. I do hope, sir, that it will be carefully looked into in every particular and in all of its details; and that this House will passe long before it energies of great an injurity. This has been will pause long before it enacts so great an iniquity. This has been in operation years. Grant that it has done some good. It will do a great deal of harm. It has cost one life already and I know not how many others contrary to the laws of God and man, and I appeal to the

Hause to stop it here and now.

Mr. BAKER. Mr. Chairman, I hope the amendment of the gentleman from North Carolina will not obtain. The provision that is continued in the present law for a police force among the Indians was first enacted about two years ago. The Commissioner of Indian Affairs in speaking on that general subject sums up the evidence in its favor in the words which I will now read:

favor in the words which I will now read:

It is about two years since the general establishment of an Indian police force, which has proved to be exceedingly beneficial to the service. The policemen have shown the utmost fidelity to the Government, and, when necessary, have arrested even friends and relatives with absolute impartiality. At the Pine Ridge agency, on the 8th of September last, a runner was dispatched from the camp of Young-Man-Afraid-of-liis-Horses to notify the agent of the escape during the night of eleven Cheyennes, who had taken with them twenty-two head of horses and ponies belonging to the Sioux. Police Captain Sword, with nine of his men, was sent in pursuit, and the next day overtook the Cheyennes—who had twelve hours the start of the police—on Osage Creek west of the Black Hills, about one hundred and twenty-five miles distant from the agency. Sword and his party immediately surrounded the fugitives and demanded their surrender. Spotted Wolf, the leader of the runaways, refused, and threw off his blanket, which among Indians signifies a challenge to mortal combat. The police immediately opened fire on the party, killing Spotted Wolf. The remainder then surrendered, and after a two days's march were brought back to the agency. Many other equally noteworthy instances of fidelity have occurred, and as a whole, where agents have entered into the spirit of the system, the results have been of the best possible character.

Mr. Chairman, there are about 200,000 Indians in the West, and

Mr. Chairman, there are about 200,000 Indians in the West, and among those, for the arrest and detention of the criminal classes, the law provides for the organization of a police force of eight hundred The Indian Department believes a much larger force could be

used to advantage.

They believe it is an instrumentality, and I concur in that belief, that is largely used in the interest of peace and security among the Indians themselves. It saves, Mr. Chairman, the service of soldiers in many instances, and as a means of restraint is of incalculable value. At each of the agencies there are men who are employed as policemen, under the law, sworn in, dressed as our policemen are, invested with the insignia of power, and their services in preserving peace and good order is really as essential as is the presence and agency of policemen in any large city in preserving peace and good order. The idea that it is possible among two hundred thousand of these savages to get along without a police force, having full power to preserve the peace, is absurd. If you do not employ in this service the Indians, you must employ white men, and I insist, Mr. Chairman, that it is far better to employ these men, who belong to the same race, who are of the same blood, and who have proven faithful and honest in the execution of their duties, than it would be to employ white men to perform the same duties. I fear, sir, we should do a great and irreparain many instances, and as a means of restraint is of incalculable value. form the same duties. I fear, sir, we should do a great and irreparable injury to the cause of peace, good order, and security among the Indians if we were to take a backward step in this direction; and I hope on the mere suggestion, with the experience of this Department, and the importance of this police force recognized by the Secretary of the Interior and the head of the Indian Bureau, that the members of this House will not wholly disregard it. I have said all I desire to say upon the point.

of this House will not wholly disregard it. I have to say upon the point.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, I move to amend by striking out the last line. In my judgment this section, which the gentleman from North Carolina has moved to strike out, and which

provides a police regulation and "a police force to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations," is the most important and valuable provision in this Indian appropriation bill. The need of sufficient police force to arrest and keep under control disturbers of the peace and violators of the law in the Indian agencies has been one of the great sources of difficulty. The illegal traffic in liquor, too, has constantly proved one of the most prolific causes not only of disturbance and violence but of outrage and war. This is abundantly attested in the reports of the Commissioner as well as of the agents. Allusion has reports of the Commissioner as well as of the agents. Allusion has been frequently made during this discussion to the outbreak of the Utes at the White River agency. I desire to have read in this connection the testimony of the lamented Meeker himself, in a letter to the Department only six weeks before his death. He foresaw the coming outbreak, and attributes its causes to the fact that he had no force sufficient to punish the violation of law and to prevent the unlawful selling of ammunition and liquor by the traders surrounding the agency. I ask the Clerk to read so much as I have marked from his letter bearing date of August 11, 1879. The Clerk read as follows:

The Clerk read as follows:

Another trouble lies in the stores on Snake and Bear Rivers, or even nearer by, which sell ammunition for goods, playing-cards being in large supply. Let me ask you what is the use of my warning these traders when they know I have no power to back me? It is only a farce. I once wrote to the governor of this State about the violation of the law, and he told me if I could apply to the deputy United States marshal for the district he would move. I did not apply to him, because said deputy kept an Indian store himself.

The things to be done are three: Have the military break up the selling of ammunition and liquor, and the buying of annuity goods at these stores. Then, as the Indians could not hunt they would work to get money, perhaps trap some, and a store would be established here. Of course the military must keep them on their reservation, and white men off. When these things shall be done the Indians will begin to consider the question of sending their children to school, and they will open farms. Now they will not. Already they are making their plans for going north, after they get their annuity goods, to hunt buffalo. If anything can be done I would like to bave a hand in it.

Respectfully,

N. C. MEEKER, Indian Agent.

By our treaty with these as well as other Indians we have bound ourselves to enforce the law against the introduction of intoxicating liquors into the Indian reservations. The constant failure to fully comply with our obligations in this regard has cost us millions of dollars by outbreaks and Indian wars. The law on our statute-book is clear and full, but is constantly violated.

Section 2139 of our Revised Statutes provides that—

No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than \$300. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

I regret that even the War Department has no authority to introduce

it into the reservations under any circumstance

Mr. Chairman, from these causes and from violated treaties on our part has arisen in the main the outrages, the wars, and the frightful massacres of which we have heard so much for the last three days. Ninety years ago General Washington declared that in that day the causes of Indian wars and the violation of treaties was almost wholly by the whites. It is not different now. General Crook says in his report of last year:

During the twenty-seven years of my experience with the Indian question I have never known a band of Indians to make peace with our Government and then break it or leave their reservation without some ground of complaint; but until their complaints are examined and adjusted they will constantly give annoyance and trouble.

Secretary Stanton said:

This Government is guilty of gross crimes in its dealings with the Indians. The United States never redresses any wrong till the *people* demand it; and when you reach the hearts of the people these wrongs will end.

In his last report the Commissioner says:

Intruders have been equally troublesome on other Indian lands. In fact, there is hardly an Indian reservation within the limits of the United States which has not been subject to their encroachments.

Yes, Mr. Chairman, as my eloquent friend from Kansas said yesterday, much of the wrong lies in this very House. We have been day after day whittling down the appropriations for the Indian Departarter day whitting down the appropriations for the indian Department, until they will be, as they have often been before, starved into the war-path. It is the history of our wars with this people that it costs \$1,000,000 to kill each Indian who has been killed in war. It is not only more humane and Christian, but it is cheaper to fulfill our treaty obligations by educating them and supplying their necessities. [Here the hammer fell.]

Mr. BUTTERWORTH was recognized, and yielded his time to Mr. Uppersure of Objections.

Mr. BUTTERWORTH was recognized, and yielded his time to Mr. UPDEGRAFF, of Ohio.
Mr. UPDEGRAFF, of Ohio. Mr. Chairman, I am under obligations for the courtesy of my colleague. Yes, Mr. Chairman, fearful barbarities have been committed by these savages. Have our own measures and examples been guided always by the laws of civilization, not to speak of Christian justice? There have been passages of this debate that seemed more a war-whoop than the deliberations of statesmen. Hate and revenge are dangerous and blinding elements in legislation or polity.

In 1864 the massacre of nearly five hundred men, women, and children of the Cheyennes and Arapahoes, when under the pledge of protection, brought on an Indian war which lasted through 1865, and cost the Government \$30,000,000. It would cost less to keep them all even in the best Washington hotels.

even in the best Washington hotels.

In 1868 an "Indian peace commission" was organized. It was composed of such eminent men as N. G. Taylor, General Sherman, General Harney, General Terry, and General Augur. They gave the whole question wise and careful investigation. They heard all sides. They met in council with the Indians. They bear testimony that treaty-breaking and unredressed wrongs are the prolific source of our Indian wars. They say:

Here civilization made its contract and guaranteed the rights of the weaker party. It did not stand by the guarantee. The treaty was broken, but not by the savage. If the savage resist, civilization, with the Ten Commandments in one hand and the sword in the other, demands his immediate extermination.

Again, with fearful directness and force, they say:

Is it to be wondered at that Indians are no better than we? Let us go into our best cities, where churches and school houses adorn every square; yet unfortunately we keep a policeman on every corner, and scarcely a night passes, but in spite of refinement, religion, and law, crime is committed. How often, too, is it found impossible to discover the criminal! If, in consequence of these things, war should be waged against these cities, they, too, would have to share the fate of Indian villages.

Again, we have not kept our treaty as to furnishing them with schools. It was said to-day by a gentleman who is a member of the Committee on Appropriations that we had furnished ample facilities for education. This statement is not attested by the facts as given to us by the official reports.

There are outside of the Indian Territory 33,000 Indian children of school age according to our treaties. Of these we have, by the report of last year, furnished school facilities for 7,671 in all. Where they have had opportunities for education a large part of them have proved

have had opportunities for education a large part of them have proved to be neither incapable nor unwilling to be educated. The appropriation for this branch of the Department, as well as others, has been reduced far below the necessities as well as the economy of the case. The Indians have some qualities not unlike the Anglo-Saxon, and it is cheaper to civilize and educate than to subdue or exterminate them. But our obligations of justice and humanity should make this

wise policy sacredly binding.

The progress already made in this work is full of encouragement.

We have now, of the 250,000 Indians in this country, 59,000 in the Indian Territory who are self-supporting and nearly 14,000 outside, of

the same class

On the eastern side of Dakota there is a small agency of 1,500 Indians. Last season they raised 12,000 bushels of wheat, several thousands of oats and other grain. Ten of these Indian farmers bought

last year and this ten reaping-machines.

For the last three years the Dakota Sioux have done their own transportation of goods and supplies with great success from the Missouri to their distant homes. The Commissioner says that the loss and waste, which was great, by the white contractors, has been entirely saved by the Indian transportation.

My found from Illinia [My Carnoval ages it is only by recession.]

My friend from Illinois [Mr. Cannon] says it is only by necessity-they will advance. Within the past few years the Indians of this country who have had advantages for civilization have made such progress as to amply warrant this work. Much remains to be done. But justice, civilization, and humanity demand a peaceful solution of this long-neglected problem. It will be a new glory to American polity and American statesmanship when these savage foes shall have been algorited by peace and progress into civilization, and Christians. been elevated, by peace and progress, into civilization and Christi-

[Here the hammer fell.]
The formal amendment was withdrawn.

Mr. VALENTINE. I renew the formal amendment.

I rise to oppose the amendment offered by the gentleman from North Carolina. I hope the House will not sustain him in that amendment. There are, under the law as it now stands, but eight hundred Indian police in the United States for about two hundred and fifty. thousand Indians that are upon the different reservations. I know from personal experience, living, as I have done for many years, among and near these agencies, having served there in the Army against the Indians, and now for a number of years living adjoining one of the agencies, that since the establishment of this police we have had better order among the Indians on the reservations; that they have been most efficient.

These Indians from the reservations very frequently find their way These Indians from the reservations very frequently find their way out on the farms, where they steal pigs, chickens, geese, turkeys, and other small things they can lay their hands upon and carry away; that is a matter of frequent occurrence. When they are on one of these marauding expeditions, if the agent is notified of the fact he sends out some of these Indian police, and they invariably capture them and carry them back to the reservation. I know personally that they have been of great value, that they have saved to the people of the West a great deal of property and a great deal of trouble and expense. I think they should be continued.

Mr. WARNER. Will my friend allow me to ask him a question?

Mr. VALENTINE. Certainly.

Mr. WARNER. I desire to know how these Indian police are chosen and under whose orders they act.

Mr. VALENTINE. They are selected on account of their fidelity, are officered by one of their own number, and act under the order of the agent.

Mr. WARNER. Are they mounted?

Mr. VALENTINE. They are mounted on their own ponies, and furnish their own uniforms and their own rations. They arrest no one except one of their own tribe, or Indians with whom they have difficulty. They arrest no white man, they have no orders to arrest white men, and I have never known an instance of their doing so. I would ask the chairman of the Committee on Indian Affairs [Mr. Scales to inform this House, if they do away with these Indian police, how they expect the law to be enforced among the Indians on the reservations? There is no other way to enforce the law

Mr. BAYNE. How are they tried?
Mr. VALENTINE. If it is a crime against the United States law they are sent before a United States commissioner and tried. There is but a small number of these police at each agency, and they are

very valuable indeed.

Mr. SCALES. I did not understand the gentleman's question.

Mr. VALENTINE. I would like the gentleman to inform this House, if these Indian police are done away with, how he expects law and order to be maintained at these agencies among the Indians themselves? There is no law to-day that will permit the trial of an Indian for any crime committed against one of his own tribe.

Mr. SCALES. I would leave these reservations as they have been left from the foundation of the Government down to within two

years. I would leave them so until through the Indian Committee, or some other committee of this House, such a government and code of laws could be prepared as will make the officers who execute them responsible to the law.

Mr. VALENTINE. There is no objection to the gentleman's getting.

up a code.

Mr. SCALES. In order to control the Indians, I would not clothe any man with supreme power over them.
[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman from Nebraska [Mr.

VALENTINE] has expired.

Mr. HASKELL. I do not understand this amendment. I do not understand the animus of it from the chairman of the Indian Committee. The honorable gentleman who stands at the head of that committee has joined with me and every other member of the comcommittee has joined with me and every other member of the committee in a desire to extend law all over these Indian reservations. He has admitted, as I have, and as every man must who has examined this question, that the great need of all these reservations is law; and he comes in here now with an amendment to strike down the only executive power there is to enforce what little law they have on these reservations. I defy the honorable chairman of the Indian Committee to indicate one source of authority or power for the execution of United States law on these reservations if these Indian police are taken away from the Indian agents.

He says he would remand these reservations back to their old condition. What was the old condition of an Indian reservation? It was an asylum for every horse-thief, every murderer, and every robber in that portion of the country; and there was no power to take them from the reservation, because there was no police, no executive

authority anywhere to be used for that purpose.

Under the operation of this law, the Indian agent charged with the enforcement of the United States laws has a force at his command to compel obedience. He has a power in his hands to capture these marauders against the peace of the reservation and the rights of the Indians, and he has a force immediately at hand to use for that pur-

The Army has been reduced. We have been practically unable to secure any portion of it for the protection of our frontier. This Indian police was put there to supplement a weak army, and for no

other purpose.

The gentleman refers to the Cheyennes who were removed from the reservation, and deems the shooting of one of them to have been a great outrage. What are the facts? Those Cheyennes were a remnant of some who had escaped from their reservation, and who ranged the whole State from one side to the other. If we had had at that the whole State from one side to the other. If we had had at that time a sufficient police force at that agency that massacre would never have occurred; as it was, the first information brought to the agency of the escape of these Cheyennes from their reservation was brought by this Indian police. If they had not by hard riding carried information to the nearest military post, the troops would never have been on their trail in time to capture them.

This is simply a scheme to give over the whole frontier to the scalping-knife of the Indian. Is that the intention of the honorable gentleman from North Carolina, [Mr. SCALES?] Will you first starve the Indian and then remove all force to control him?

[Here the hammer fell.]
The CHAIRMAN. Debate on the pending amendment has been

exhausted.

Mr. VALENTINE. I withdraw the amendment.

Mr. WELLS. I renew it for the purpose of occupying the floor for a moment. I will state that when I first looked over the Book of Estimates and came to this item, I felt a great deal as my friend from North Carolina [Mr. Scales] feels, that this appropriation was not

one that was needed at all. But after consulting with the Department and examining the matter most thoroughly, I have become satisfied that no money is appropriated by this bill for a more useful purpose than this \$60,000. These Indian police receive no rations from the Government, but are supported entirely from the \$5 a month which they receive. They are very efficient in every respect. In Nebraska, where there are many of these wild tribes, the people depend entirely upon the police, without any military organization at all. Yet order prevails there. There is no question in my mind, after thorough investigation, that this appropriation, instead of being stricken out, ought if anything to be increased. But the committee stricken out, ought if anything to be increased. But the committee did not feel justified in going beyond the amount appropriated last year—\$60,000. This organization has been in existence only about two years, and has proved very efficient.

I yield the remainder of my time to the gentleman from Montana,

[Mr. MAGINNIS.]

Mr. MAGINNIS. Mr. Chairman, I certainly hope that the argument of the gentleman from Missouri [Mr. Wells] will weigh with the committee. I do not care to dwell on this matter. But as to the reservation of which I have most actual knowledge, I can say that the money which has been expended under this provision has had a most valuable result. Of course the Indians have no government to any great extent, the authority of their chiefs being in many instances merely nominal; and the only possible way to prevent robbery, murder, and smaller crimes is by means of this Indian police.

Mr. SCALES. Mr. Chairman, the gentleman from Kansas asks the animus that prompts me to offer this amendment. He says that I

have united with him in endeavoring to extend law over the Indians. I have done so; and I shall continue to exert all my abilities toward that end. When I have succeeded in giving them a proper code of laws I will join the gentleman in providing a police force properly restricted by law to enforce order and protect rights among the Indians. But never while I have a place on this floor will I vote a solitary man or a solitary dollar to a force of this kind without providing in the bill creating them a law to regulate and govern them. It is said, give the force and make the law afterward, but I say without the law we must not have this force. They should be intended as a posse to sustain and enforce laws which have been enacted by the supreme power in the land and not to execute the law of their own motion. If such a proposition were made for any of the States it would consign the mover to infamy or the lunatic asylum.

I say to the gentleman from Kansas that I am anxious to establish

a code of laws over the Indian country. I have now upon the table a bill to extend our criminal law over all the tribes save the five civilized tribes who have laws of their own. When such a measure has been adopted, and courts and fair trial provided for, and men shall be arrested, tried, and convicted under the law, then we will want this force, and then I shall be too glad to aid in the work; until then I will stand, though I stand alone, opposing with all my power this

monstrous proposition.

My friend says I am opposed to protecting the white man on the frontier. Not at all. I would prevent such crimes as I have called attention to to-day. I would provide that men, savage men, if you please, should not be shot down in cold blood at the mercy of a lawplease, should not be shot down in cold blood at the mercy of a law-less mob. I would hold this mob responsible, with its aiders and abet-tors, and I would have them pay the penalty of their crimes. I would protect both the Indians and the white men alike against such power in such hands, and I wish this House and the country to hear me in their behalf. I pray them to put a limitation upon arbitrary exercise of power and strike out this provision until we can make necessary provisions for governing and controlling it.

Mr. VALENTINE. Was not the gentleman chairman of the Com-mittee on Indian Affairs in the Forty-fifth Congress?

mittee on Indian Affairs in the Forty-fifth Congress?

Mr. SCALES. I was. Mr. VALENTINE. Then why was not the bill to which he refers

introduced long ago?

Mr. SCALES. This proposition was only brought here two years ago. I fought it then. I tried to strike it down. I did succeed in ago. I fought it then. I tried to strike it down. I did succeed in part, but it was afterward restored. I know not how or when. But the gentleman asks me why I did not introduce my bill giving the Indians law in the Forty-fifth Congress. I believed that the first great step was to transfer the Indian Bureau to the War Department, and the Indian Committee made every effort to accomplish this. It passed the House several times but failed in the Senate. When this failed me I then united with the Department in the desire and effort to give them law.

I speak in behalf of the Indians, in behalf of the emigrant, in behalf of the pioneer. I am here to ask you to strike down this irresponsible power. I beg gentlemen to reflect upon what they do. I leave the responsibility of this act with them. May they never have

cause to regret it.
[Here the hammer fell.]

Mr. WELLS. I withdraw the pro forma amendment.

The question being taken on the amendment of Mr. Scales, there were—ayes 47, noes 60; no quorum voting.

Tellers were ordered; and Mr. Wells and Mr. Scales were ap-

ointed.

The committee divided; and the tellers reported ayes 36, noes not

So the amendment was not agreed to.

The Clerk read as follows:

To refund to the appropriation for Sioux of different tribes, including Santee Sioux of Nebraska, the proceeds of the sale of sheep and wool made in June last and covered into the Treasury, being \$2,592.90, are hereby reappropriated, to be expended for the Yankton Sioux.

Mr. VANCE. I move to amend by inserting the following:

For this amount, to pay the following-named persons the sums annexed to their

To J. D. Abbott, of Cherokee County, North Carolina \$175 00
To M. C. King, of Cherokee County, North Carolina 212 03
To M. L. Brittain, of Cherokee County, North Carolina 233 00
To Scroop Enlee, of Jackson County, North Carolina 125 35

Provided, That the amounts due as above set forth be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees; and the proper accounting officer of the Treasury is hereby directed to pay the said sums to the above-named persons.

Mr. BAKER. I reserve a point of order on this amendment.
Mr. VANCE. I desire to explain the amendment briefly. In the
Forty-fourth Congress provision was made for the payment of this Forty-fourth Congress provision was made for the payment of this amount of money to the persons named, but the wording of the statute was not mandatory, and the amount has not been paid. Several committees of the House have reported favorably on the matter, and the Commissioner of Indian Affairs has recommended payment. I hope there will be no objection to including this provision in the pending Indian appropriation bill. There is a fund in the hands of the Secretary of the Interior for the purpose, and the Eastern North Carolina Cherokees have directed in council the payment of these several amounts. The expense occurred on account of a visit of the agent of the Government, Silas Sweatland, in making payment to the Cherokees. The amounts ought to be paid, as they are due, and the Indians are in favor of the payment.

Mr. BAKER. What is the amount?

What is the amount? Mr. BAKER.

Mr. VANCE. Seven hundred and forty-four dollars.

Mr. BAKER. I do not propose to press the point of order. It more properly belongs to the sundry civil bill, as the bill we are now considering is for the current expenses of the Indan service, and this is for a past item. But I will not insist on my point of order.

Mr. Vance's amendment was agreed to.

The Clerk read as follows:

SEC. 3. No purchase of supplies for which appropriations are herein made exceeding in the aggregate \$500 in value at any one time shall be made without advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall state the exigency in his order, he may direct that purchases may be made in open market to an amount not exceeding \$3,000.

Mr. RYAN, of Kansas. I move in the third line, after the word "without," to insert the words "first giving at least six weeks public notice by;" so it will read:

SEC. 3. No purchase of supplies for which appropriations are herein made exceeding in the aggregate \$500 in value at any one time shall be made without first giving at least six weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall state the exigency in his order, he may direct that purchases may be made in open market to an amount not exceeding \$3,000.

Mr. MAGINNIS. Before the gentleman from Kansas insists on that amendment I wish to call his attention to one effect it may have. One cause of a great many of our Indian troubles is that every year when there is a long session of Congress this Indian appropriation bill does not pass in time to get annuities to the remote Indian tribes bill does not pass in time to get annuities to the remote Indian tribes during that year. It is a common occurrence every second year the Indian bill passes so late and the water has become so low in the rivers that the Commissioner cannot buy the supplies so as to ship them in time to the Indian agencies. If you put an iron-clad provision of this kind in here and this Congress does not adjourn until the 1st of July, and the Indian appropriation bill does not pass before then, the result will be that one-half of the Indian agencies will not be able to get their supplies this year.

Mr. RYAN, of Kansas. That is an argument simply in favor of letting these contracts after inadequate notice.

Mr. MAGINNIS. No, sir.

Mr. PYAN of Kansas. The difficulty now is that the western year.

Mr. RYAN, of Kansas. The difficulty now is that the western peo-ple who produce these supplies do not get notice in time to bid. That is one of the great difficulties. Another is one I alluded to yesterday, and which I sought to have corrected by amendment.

Mr. MAGINNIS. It is an argument in favor of passing the Indian

mr. RYAN, of Kansas. Pass it early in the session then, and do not let these important contracts, disposing of such large sums of money, without first giving adequate notice to the public, so there may be proper competition in bidding.

roper competition in bidding.

There is a class of professional contractors who do not require much notice. They have their agents in Washington and are ready at all times. Ten days' notice will do them, and, indeed, no notice at all would answer their purpose; but what we want is adequate notice shall be given so that the producers of the West may have an opportunity to bid for the sale of these supplies to the Government.

As it is now, if you give but three weeks' notice, it does not reach thorough circulation among the western people until two weeks after that time. If it does a week after that time and it comes to the roc

that time. If it does a week after that time, and it comes to the no-Washington for a schedule to know the terms and conditions on which he is to bid, and to know to what agency supplies are to go for which

he may bid. After he gets that return he has to go to some bank designated by the Department to make a deposit, and that takes another week. Then he has to send his bid clear to the Atlantic coast, to the city of New York, and in that way he is shut out entirely. Six weeks'

city of New York, and in that way he is shut out entirely. Six weeks' time is short enough if we want fair play in this matter of bidding.

Mr. HUBBELL. I hope this amendment will fail. Suppose this amendment should carry and it should become necessary to furnish supplies amounting to \$2,000 to some Indian agency—that an exigency should arise whereby they should be furnished at once. Before you could supply that \$2,000 you would have to give six weeks' notice; and in that time the necessity for furnishing the supplies would have gone by. By that time an Indian war may come.

Mr. SIMONTON. Does not the bill provide for an exception in certain contingencies?

certain contingencies?

Mr. HUBBELL. It says in cases of emergency; but the limit is fixed at \$500. Mr. RYAN, of Kansas. There is an exception in cases of emer-

Mr. HUBBELL. Where the amount does not exceed \$500 in value.

But suppose you needed supplies to the amount of \$2,000?

Mr. SIMONTON. The "exigency" would apply to all cases above \$500.

\$500.

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following:

Sec. 4. Thatso much of the appropriations herein made as may be required to pay for goods and supplies, and for transportation of the same, for the year ending June 30, 1881, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1880, and the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding \$50,000 in the aggregate, to supply any subsistence deficiency that may occur: Provided, however. That funds appropriated to fulfill treaty obligations shall not be used: And provided further, That any diversions which shall be made under authority of this section shall be reported in detail, and the reasons therefor, to Congress, at the session of Congress next succeeding such diversion.

Mr. WELLBORN. I am directed by the Committee on Indian Af-

Mr. WELLBORN. I am directed by the Committee on Indian Affairs to propose the amendment which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

Amend section 4 by adding after the word "diversion," in the eighteenth line, on page 51, the following:

And provided further. That all officers and agents of the Army or Indian Bureau are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas on any pretext whatever; and any officer of the Army or agent of the Indian Bureau who shall violate this provision shall be dismissed from the public service; and the Secretary of the Treasury is hereby directed and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State.

Mr. BAKER. I reserve the point of order upon that amendment.

Mr. BAKER. I reserve the point of order upon that amendment.
Mr. WELLBORN. If the gentleman insists upon the point of order
concede that the amendment is obnoxious to it.

I concede that the amendment is obnoxious to it.

Mr. BAKER. I simply stated that I reserve the point of order, and will hear what the gentleman has to say upon the amendment.

Mr. WELLBORN. The subject-matter of this amendment was investigated by the Committee on Indian Affairs several weeks ago. After that investigation the committee unanimously directed me to report a bill substantially embodying, perhaps literally embodying, the provisions of this amendment. The report which accompanied that bill is brief, and will explain, I think, to the entire satisfaction of the committee the reasons and the necessity for the legislation proposed. I send the report to the Clerk's desk and ask to have it read posed. I send the report to the Clerk's desk and ask to have it read.

The Clerk read as follows:

For many years Indians on the reservations have been in the habit of going into the State of Texas, for hunting and other purposes, at times, under permits from the authorities having them in immediate charge, and at other times without per-

the authorities having them in immediate charge, and at other times without permits.

While on these expeditions they have not unfrequently fired upon unoffending citizens, stolen and driven away their horses, killed their eattle, and forced from them supplies of food. In consequence of these injuries and depredations a feeling of uneasiness pervades the minds of all settlers in the localities visited by these roving bands. These settlers are in constant dread, as they know not at what hour they may become victims to the cruelty of these unfriendly maranders, their homes be burned, and their wives and children outraged and murdered.

To protect her citizens against these dangers, not merely threatened but always imminent, the State of Texas, at large expense, has kept for years and now keeps a military force in active service. While this force gives partial security, it is not large enough to afford full protection to the exposed localities, nor can it be made adequate to complete protection so long as these Indians are allowed to go or are not prevented from going into the State.

To remedy the evils above indicated, we believe,
First. That all officers and agents of the Army and Indian Bureau should be prohibited, under severe penalties, from granting written or verbal permission to Indians to go into the State of Texas; and

Second. That the Secretary of the Interior should be directed and required to adopt at once such other reasonable measures as will, in connection with this prohibition, prevent said Indians from entering the State.

The accompanying substitute for bill H. R. No. 3161, which embodies these provisions, is herewith submitted, and its passage recommended.

Mr. BAKER. I will not insist upon the point of order.

Mr. BAKER. I will not insist upon the point of order.
Mr. MILLS. I understand the Committee on Appropriations have
no objection to the amendment.
Mr. WELLS. The committee are willing that the amendment shall

be incorporated in the bill.

The amendment was agreed to.

Mr. HASKELL. I propose the following as section 5 of the bill. The Clerk read as follows:

SEC. 5. That when not required for the purpose for which appropriated, the fund herein provided for the pay of specified employes at any agency may be used by

the Secretary of the Interior for the pay of other employés at such agency; but no deficiency shall be thereby created; and, when necessary, specified employés may be detailed for other services when not required for the duty for which they

Mr. BLOUNT. I would like to know if that amendment comes

from the committee !

Mr. HASKELL. I was directed by the Committee on Indian Affairs to offer the original section of last year's bill, but on consultation with members of the Appropriations Committee, I struck out the provision relating to clerks, and simply allowed an interchange of em-Where, for instance, one blacksmith is needed, and at the end of six months they want to put him at something else, if he was not needed in the original capacity, they might continue him in the service in such other employment. It does not touch the clerical feature. I understand the Committee on Appropriations will not object to it.
Mr. WELLS. There is no objection to it.

The amendment was agreed to.

Mr. WELLS. I now move to amend section 5 in the bill as reported by striking out "5" and inserting "6."
The amendment was agreed to.
The CHAIRMAN. The Clerk will read the next section as amended.

The Clerk resumed the reading of the bill as follows:

The Clerk resulted the reading of the bill as follows:

Sec. 6. That the Secretary of the Interior be, and he is hereby, authorized and directed to invest in the bonds of the United States bearing interest at a rate not to exceed 4 per cent. per annum, the unexpected balance, of the money appropriated to the L'Anse and Vieux de Sert bands of Chippewas of Lake Superior, under the provisions of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes," approved June 22, 1874, the said bonds and interest thereon to be applied as provided in said act.

Mr. DOWNEY. I offer the amendment which I send to the desk. The Clerk read as follows:

Mr. DUWNET. 1 offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following as a new section:
Sec. 7. Whereas the experience of centuries shows the impossibility of civilizing the Indians when free from the restraints of law and uneducated to labor; and Whereas they are and will remain under the present system of management a dangerous class of people within our national boundaries, retarding the advancement of our frontier settlements, causing by their frequent hostilities great loss of life and destruction of property and entailing heavy expenses on the General Government in the military operations against them: Now, therefore,

For the purpose of absorbing the Indians into the population of the United States and advancing them in civilization, as also causing a vast saving in public expenditures, therefore after the 30th of June, A. D. 1881, the Secretary of the Interior is hereby empowered to apportion and locate the different tribes of Indians within the United States, excluding the Territory of Alaska, among the various States and Territories in due proportion to the area of land that each State and Territory bears to the whole area of the United States.

That the title of the Indians to the reservations now occupied by them after the 30th of June, 1891, shall be extinguished, and the lands shall thereafter be subject to the pre-emption, homestead, mining, and other laws relating to the public lands of the United States.

That under the direction of the Secretary of the Interior a proper valuation shall be made of the reservation lands, and the amount thus determined upon shall be placed to the credit of the said Secretary and held by him in trust for the benefit of the different tribes to which the reservations belong, and he may draw on such fund until the same is exhausted for the transportation of the Indians to their designated places of abode, providing them with homes, schools, and such other means of civilization as he may deem necessary to aid toward their becoming

porting.

That after the passage of this act, and the enforcement of the provisions herein contained, the Indians shall be deemed citizens of the United States, and shall be subject to all laws of the State or Territory in which they are severally located, and also to the laws of the United States, in the same manner as citizens of the

United States

Mr. BAKER. I make the point of order on that amendment. Mr. BLOUNT. I would inquire if it comes recommended by a committee?

Mr. BAKER. Even if it is from a committee I do not think it retrenches expenditures

Mr. BLOUNT. I did not understand from whom the amendment

Mr. DOWNEY. I offer the amendment myself. It does not come from a committee.

Mr. BLOUNT. I am told the amendment does not come from a committee; it comes from an individual. It changes existing law, and is not in order under the third clause of the twenty-first rule.

Mr. BAKER. I am willing the gentleman from Wyoming should explain his amendment, the point of order being reserved.

Mr. BLOUNT. I insist on the point of order now. It is important to get this bill through the House without delay so that the Senate

Mr. MAGINNIS. I hope the Chairman will not be too hasty in ruling on the amendment. It certainly has the effect of directly decreasing expenditures by the reduction of salaries, the abolition of the Indian Bureau, and the transfer of the Indians to the Eastern States, where they can be more cheaply maintained.

Mr. BLOUNT. I insist on the point of order.

Mr. BLOUNT. I insist on the point of order.
The CHAIRMAN. The Chair sustains the point of order.

Mr. HOOKER. I offer the amendment which I send to the desk as an additional section.

The Clerk read as follows:

SEC. 7. That the office of the Commissioner of Indian Affairs is hereby aboliahed and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, agents and special agents, interpreters and inspectors, and all other employes of the Indian Bureau, are hereby abolished; and the salary heretofore paid to such officers, respectively, shall cease, and the duties now intrusted to and performed by said officers, of every kind and description, shall be performed by officers, soldiers, and employes of the Army,

under the direction of the Secretaryof War. And they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them other than the pay they may receive as officers and employés of the Army. And the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs, under such regulations as the President may prescribe: Provided, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs, and of matters arising out of Indian relations, is hereby transferred to, and placed under the control of the Secretary of War, who is hereby empowered to and shall exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior. And all laws and parts of laws in conflict with the provisions of this act are hereby repealed: Provided, That said transfer shall take effect at the expiration of the fiscal year ending June 30, 1881.

Mr. HASKELL and Mr. CONGER raised the point of order on the amendment

The CHAIRMAN. The point of order is made by the gentleman from Kansas and the gentleman from Michigan.

Mr. HASKELL. I desire to state on the point of order: first, the amendment is not offered by a committee; second, it is not germane to the bill; third, it does not retrench expenditures; fourth, it con-

tains the substance of two other bills pending before this House.

The CHAIRMAN. The Chair will hear the gentleman from Mississippi five minutes on the point of order.

Mr. HOOKER. I understand the gentleman in charge of the bill wishes the committee to rise at this time and to proceed with the bill

Mr. BLOUNT. I hope we will go on till the point of order is decided.

Mr. HOOKER. This is a very important proposition for the consideration of the committee and the House; and the point of order made by the gentleman from Kansas and by some other gentleman on the other side of the House is a very important one-one on which I desire to be heard, and probably other gentlemen of the committee

desire to be heard on it also.

I think I am prepared to show that the amendment I have offered is germane to the subject-matter of the bill, is in the line of retrenchment, and is not subject to the point of order. I think I can show such has been the ruling in prior Congresses on this same amendment. This is a very important proposition affecting the conduct of Indian affairs for all time to come if the House should act upon it. It will be observed by the committee it is not proposed this shall go into effect immediately. It is only proposed that it shall go into effect after the expiration of the next fiscal year ending June 30, 1881. I suggest to the gentleman having this bill in charge that it being now four o'clock, and there being an evening session for other business, it will be better to let the committee rise and leave this matter to be disposed of to-morrow. I move that the committee rise.

The question being taken on the motion that the committee rise, it

was not agreed to.
The CHAIRMAN. The CHAIRMAN. The Chair invited the gentleman from Mississippi to address the Chair upon the question of order; and in doing so he desires to direct the gentleman's attention to the statement of facts as made by the gentleman from Kansas who raised the point of

Mr. HASKELL. I desire to substantiate the four points I made.

The CHAIRMAN. Prior, then, to hearing the gentleman from Mississippi, the Chair will hear the gentleman from Kansas on the question of fact.

Mr. HASKELL. The first point of order I make is that this amendment is not reported from any committee, but is offered on the motion

of an individual member of this House.

My second point of order is that it is not germane to this bill. The very provision of the amendment which has been offered by the gentleman from Mississippi [Mr. HOOKER] is that it shall not become a part of this bill at all. This bill is one for the current and contingent expenses of the Indian service for the coming fiscal year. amendment provides that the law which the amendment proposes shall not go into operation until after the expiration of the time to

which this bill relates, until a year from the 1st of next July.

Third. I hold in my hand copies of two bills now before the Committee on Indian Affairs, both of which contain the substance of this amendment. They are bills of the House No. 2848 and No. 3849, and both bear the title "A bill to transfer the Office of Indian Affairs from the Interior to the War Department."

Fourth I wake the rount of order that this amendment will not

Fourth. I make the point of order that this amendment will not retrench expenditures, even if it were germane. It provides that in place of every man now employed in the Indian service, there shall be taken an officer of the Army with the rank at least of first lieutenant. A thousand-dollar clerk, or a twelve-hundred-dollar or fifteen-hundred-dollar clerk, such as are provided in this bill, will be displaced by a man who will cost the Government more than \$2,000 per annum for his salary per annum for his salary.

These four points of order are absolute and fatal to the amendment, and are substantiated by the bills to which I have referred, and which

I now send to the Chair.

The CHAIRMAN. The Chair will now hear the gentleman from

Mississippi, [Mr. Hooker.]
Mr. HOOKER. I desire to say in response to the point of order which has been made, that I do not think that the two bills to which the gentleman from Kansas [Mr. HASKELL] has referred contain provisions similar to the amendment which I have here offered. It is very true that an amendment cannot be moved to a pending bill,

whether it be an appropriation bill or any other, which is the same as another bill pending before the House. To be amenable to the point of order the amendment must be precisely the same as a bill pending before the House, in substance if not in totidem verbis.

I will say, therefore, that neither of the bills which the gentleman from Kansas has sent to the Chair are at all identical, either in letter

and language or in substance, with the amendment I have offered.

This amendment is taken from one which was offered in the Forty

fourth Congress, when this question was presented for the first time fourth Congress, when this question was presented for the first time for the consideration of the House, and when the late Mr. Kerr, of Indiana, was Speaker. The question was then presented in precisely the language in which I now present it, and it was proposed to attach the provision to an appropriation bill. It was offered, also, in a subsequent Congress, when the honorable gentleman from Kentucky [Mr. Carlisle] occupied the chair as chairman of the Committee of the Whole, and, as I understand it, the amendment was then held to be in order. Therefore, so far as the points of order are concerned—that is, whether this amendment is germane to the subject-matter of the bill, whether it is in the line of retrenchment, or whether it is in substance the same as another bill now pending before the House—I beg leave to say that neither of those three points taken by the gentleman from Kansas [Mr. HASKELL] are well taken.

This amendment is germane to the subject-matter of the pending bill, because it proposes to transfer the conduct of Indian affairs from one Department of this Government to another. It is in the line of retrenchment, because it proposes to do away with the office of Commissioner of Indian Affairs and offices under him; and it proposes at the expiration of the coming fiscal year to transfer the conduct of Indian affairs to the War Department, with power on the part of the Secretary of War to designate from the Army men who shall constitute the agents for the management and control of Indian affairs from the Commissioner of Indian Affairs down.

Mr. SCALES. And they are to receive no additional compensation.
Mr. HOOKER. And they are to receive, by the very terms of the
amendment which I have offered, no additional compensation. I say, therefore, that neither of the points presented by the gentleman from Kansas is correctly taken. And I will also say that all those points have virtually been overruled in the decisions heretofore made in regard to amendments precisely the same as this, because I have copied this amendment from the one to which I have referred.

The CHAIRMAN. Has the gentleman from Mississippi [Mr. Hooker] the decision of Mr. Speaker Kerr, to which he refers?

Mr. HOOKER. I have.

The CHAIRMAN. Will the gentleman read it?

Mr. HOOKER. The amendment was offered in the Forty-fourth Congress, in June, 1876; and I will ask the Clerk to read it.

Mr. CHALMERS. Will my colleague allow me to ask him a ques-

tion ?

Mr. HOOKER. Certainly.
Mr. CHALMERS. I desire to ask my colleague what answer he makes to the statement of the gentleman from Kansas [Mr. HASKELL] that this amendment does not come from any committee? I would also ask him whether the decision he asks to have read was not made under the old rule, and whether the new rule is not different from that? I ask the gentleman what statement he has to make in reply

Mr. HOOKER. I have this to say: this amendment does not come from a committee. I offer it as an individual member of this Committee of the Whole, and not as coming from the Committee on Indian Affairs. I will say further in reply to the inquiry of my colleague [Mr. CHALMERS] that I do not understand that the new rule takes it out of the power of any individual member on this floor to offer any amendment, provided it is not subject to the objection that it is not germane to the subject-matter of the bill, or is not in the line of re-

I do understand that a change has been made by the new rule to this extent and no further: that whenever a committee has charge of the subject-matter of the bill it may come in here and propose an amendment by authority of that committee, even though the amendment may require an increase of appropriation. But this amendment does not propose any increase; it proposes to diminish expenditures. Numerous instances have occurred while this bill has been under consideration in which individual members have offered amendments.

Many amendments of this description and character have been offered, and they have not been objected to. They could not be objected to, because if no amendment could be offered to the bill except those coming from some committee, then the very object of the House in going into Committee of the Whole would be defeated. It will hardly be contended by any gentleman on this floor that the intent of the rule under which the House resolves itself into Committee of the Whole—to give greater latitude for discussion and amendment—should be defeated by holding that under the new rule no amendment can be enterfeated by holding that under the new rule no amendment can be entertained unless it comes from a committee. On the contrary, every individual member has the right in Committee of the Whole to offer any amendment to the pending bill, unless the amendment be not germane to the subject-matter or not in the line of retrenchment.

Mr. FINLEY. Mr. Chairman, I desire to call the attention of the Chair for one moment to the third paragraph of Rule XXI, which in effect provides that it shall be in order to offer an amendment changing existing law, provided in the first place that the amendment is

germane to the subject-matter, and secondly that it retrenches expenditures by the reduction of the number and salaries of officers of the United States. This applies to amendments offered by individual members. Now, the amendment submitted by the gentleman from Mississippi comes fairly within the requirements of the rule. It proposes to reduce the number and salaries of the officers of the United States by abolishing the office of Indian Commissioner and other offices in the Indian Bureau.

The proviso of the third paragraph of Rule XXI, in regard to amend-The provise of the third paragraph of Kule XXI, in regard to amendments reported from committees, has no application here, because the gentleman offers this amendment in his own right. It is presented under the first part of the rule to which I have alluded. The only inquiry to be made in regard to it is: first, whether it is germane; secondly, whether it reduces the number and salaries of officers of the United States. If it meets both these requirements it is in order.

It seems to me, therefore, that the amendment is certainly in order unless it comes within the prohibition of the fourth clause of the rule, which provides that it shall not be in order to amend any bill "by annexing thereto or incorporating therewith the substance of any bill or resolution pending before the House." Now, the gentleman has stated that this amendment does not contain the substance of any bill pending before the House. I have not examined the bills referred to, but according to my recollection this amendment does

not embody the substance of any such bill.

Before taking my seat I would remind the Chair that in the Fortyfifth Congress this same amendment was offered, when either the fifth Congress this same amendment was offered, when either the gentleman from Kentucky [Mr. Carlisle] or the gentleman from Illinois [Mr. Springer] was in the chair; and the same point of order now presented was then raised under Rule 120, (which was substantially identical with the third clause of our present Rule XXI,) and the Chairman, after full debate, overruled the point of order.

Mr. HOOKER. I send to the desk to be read the decision to which I have adverted—the decision of the chairman of the Committee of the Whole (Mr. Springer) on the 6th of June, 1876, upon a provision identical with that I now offer.

identical with that I now offer.

The Clerk read as follows:

the Whole (Mr. SPRINGER) on the 6th of June, 1876, upon a provision identical with that I now offer.

The Clerk read as follows:

The CHARMAN. At the sitting of the committee for the consideration of this bill on Saturday last a point of order was raised by the honorable gentleman from Iowa (Mr. McCrary) on section 2 of the original bill, which section transfers the management and control of Indian affairs from the Interior to the War Department. The point of order was stated by the gentleman raising it to be this: that the section proposes new legislation, and that it does not appear on the face of the record that it will retrench expenditures. The decision of the Chair upon this question of order was reserved until the committee should again resume the consideration of the bill. The Chair will now submit his decision.

Since the amendment to Rule 130 of this House, which was adopted January 17 of this session, there has been considerable discussion as to its interpretation, and several rulings have been made upon it. In view of the exhaustive arguments which have been made upon it. In view of the exhaustive arguments which have been made upon it is not appropriate that it is earcely relatively and the properties of the control of the bill of the control of the bill of the control of the bill of the control of the cont

tee:
"SEC. 2. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpretendents of the same of agents and special agents.

ters, inspectors, and all other employés of the Indian Bureau are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employés of the Army under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to then, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, which is the pay they may receive as officers and employés of the Army; and the Secretary of War, who was shall assign them their duties in connection with the provision size of the performed to the pay they may receive and the pay they may receive an advantage of the performed to the pay they may be received as an extended to the pay they are provided. That the execution of all laws and parts of laws a policable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to and placed under the control of the Secretary of War, who is hereby transferred to and placed under the control of the Secretary of War, who is hereby the provision of this act are hereby repeated. Centive, and judicial appropriation bill, which section the Speaker ruled out of that bill, the Chair would have but one course to pursue, and his decision would be simply are affirmation of that of the Speaker. But there is a material difference in the sections. The objectionable section of the legislative, executive, and judicial appropriation bill is as follows:

"Sec. 4. That the management of all Indian affairs, and of all matters arising out of Indian relations, be, and the same are hereby, transferred from the Departions." The Secakers of War and Provided further, That the office of Commissioner of Indian Affairs is hereby and the security of the

penditures, in consequence of the large reduction thereof by the second section of the bill.

But it has been argued with much plausibility that the Chair cannot foresee what increased appropriations may be necessary in the future in order to support and pay the Army, on account of the increased duties imposed upon its officers, soldiers, and employés by this section. And that, in consequence of war or other unforeseen emergency, or of the alleged impossibility of the present military force to perform the increased duties imposed upon them, it may be necessary hereafter to make much larger appropriations for the Indian service than are now necessary under the present management. Such arguments may with propriety be addressed to the committee or the House, but the Chair cannot speculate thus upon the uncertainties of human events. He has only to consider whether this section, by its own force, in connection with the other provisions of the bill, in view of existing law, does retrench expenditures, and whether the bill is so perfect and complete in itself as not to depend upon other or further legislation to give it effect.

That the section under consideration is new legislation, changing existing law, is admitted. But the rule as amended at this session expressly provides that such new legislation may be in order, in a general appropriation bill, provided it be germane to the subject-matter of the bill, and shall retrench expenditures. The section under consideration, in the opinion of the Chair, meets both these requirements, and is therefore in order as a part of this bill, so far as the rule is concerned.

Mr. CONGER. I move that the committee rise, so that the House

Mr. CONGER. I move that the committee rise, so that the House may take a recess in accordance with the order already made.

The motion of Mr. Conger was agreed to; there being-ayes 93,

The committee accordingly rose; and Mr. Springer having taken the committee accordingly rose; and Mr. Springer having taken the chair as Speaker pro tempore, Mr. WHITTHORNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes, and had come to no resolution thereon. to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced

that the Senate had passed, without amendment, the bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot.

LEAVES OF ABSENCE.

The Speaker pro tempore laid before the House the following requests

for leave of absence:

Mr. MITCHELL, for a few days;

Mr. THOMAS, for to-morrow;

Mr. BUTTERWORTH, for six days, on account of important business;

Mr. HUMPHREY, for this evening, if an evening session should be

Mr. TALBOTT, until Tuesday next;

Mr. Harris, of Massachusetts, for one week, on account of impor-tant business; and

Mr. Mason, for ten days from Monday next. Mr. BAKER. One of these requests is for leave of absence "for a few days." I submit that the request should not be granted in such

The SPEAKER pro tempore. Objection being made, leave will not be granted in that case. The Chair hears no objection in the other cases, and leave is granted as requested.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 225) granting a pension to Melissa Wagner; and An act (H. R. No. 1597) granting a pension to Patsy Davenport.

ADJOURNMENT OVER, ETC.

Mr. COFFORTH. I move that the House take a recess until half ast seven o'clock this evening.

Mr. FINLEY. I move that when the House adjourn to-day it be to meet on Monday next.

The motion of Mr. FINLEY was not agreed to; there being—ayes 63, noes 69.

Mr. BUCKNER. I move that the House now adjourn.

The question being taken on the motion of Mr. BUCKNER, there ayes 85, noes 66.

Mr. COFFORTH and Mr. TAYLOR called for the yeas and nays. Mr. BAYNE. I want to state that the session ordered for to-night is for the consideration of pension claims.

The yeas and nays were ordered; there being—ayes 31, noes 105;

more than one-fifth voting in the affirmative.

Mr. MILLS. I move to reconsider the vote by which the yeas and

nays were ordered.

Mr. REED. Did the gentleman vote on the right side?

Mr. FINLEY. There has been no record made.

Mr. REED. I make the point of order that the gentleman from Texas who makes the motion to reconsider did not vote on the side that was successful, and therefore cannot move to reconsider, whether a record be made of it or not.

The SPEAKER pro tempore. The Chair has no means of knowing

the record.

Aldrich, N. W. Ballou, Berry, Blake, Blount, Bouck,

Bragg, Brewer, Brigham, Buckner,

Mr. REED. Ask the gentleman from Texas. I never saw a Speaker who could not ascertain that, or anybody else. [Laughter.]
The SPEAKER pro tempore. The Chair is of the opinion that mo-

tions of this kind are always entertained when there is no record of

the vote. Such is the indisputable practice of the House.

Mr. CONGER. The House is dividing, the yeas and nays have been ordered, the call has been proceeded with, and the motion should not be entertained.

Mr. BAYNE. The gentleman from Texas cannot make that motion. Mr. REED. I move that the motion to reconsider be laid on the

The House divided; and there were—ayes 55, noes 67.
So the motion was disagreed to.
The question recurred on the motion to reconsider the vote by which the yeas and nays were ordered.

The House divided; and there were-ayes 84, noes 59.

So the motion was agreed to.

The SPEAKER pro tempore. The question now recurs on ordering the yeas and nays, which can be done by one-fifth of those present.

The House divided; and there were ayes 44.

So (more than one-fifth having voted in the affirmative) the yeas

and nays were ordered.

Mr. ALDRICH, of Illinois. Was not the time fixed for taking a

The SPEAKER pro tempore. No time for taking recess was fixed

in the resolution providing for a session this evening.

The question was taken; and it was decided in the negative—yeas 71, nays 83, not voting 138; as follows:

		YEAS-71.
7.	Burrows,	Felton,
	Cabell,	Field,

Chalmers,
Claffin,
Claffin,
Converse,
Davidson,
Davis, Joseph J.
Davis, Lowndes H.
Elam,
Gunter,
Hammond
Hawley,
Hellman,
Henkle,
Henry, Forney, Forsythe, Gunter, Hammond, N. J. Herndon, Hiscock, Hooker, House, Hubbell, Hull, Humphrey, Hutchins, Jones, Lowe,

Martin. Benj. F. McMillin,	Persons, Pound,	Singleton, O. R. Slemons,	Turner, Thomas Warner,
Miles,	Reagan,	Smith, A. Herr	Wellborn.
Morton,	Ross,	Smith, William E.	Wells,
Muller,	Rothwell,	Sparks,	Whiteaker,
Nicholls,	Scales.	Thompson, W. G.	Williams, Thoma
Norcross.	Shelley,	Tillman,	Wright.
O'Connor,	Simonton,	Turner, Oscar	Wilgut
O Commor,		THE RESIDENCE OF THE PARTY OF T	
		XXS—83	Put.
Aldrich, William	Culberson,	Horr,	Stevenson,
Anderson,	Davis, George R.	Hostetler,	Taylor,
Baker,	Davis, Horace	Hurd,	Thomas,
Barber,	De La Matyr,	Keifer,	Thompson, P. B.
Bayne,	Deering,	Ketcham,	Townshend, R. V
Beltzhoover,	Deuster,	Klotz,	Tucker,
Bicknell,	Dibrell,	Lindsey,	Updegraff, J. T.
Bland,	Dickey,	McKenzie,	Updegraff, Thon
Briggs,	Dunnell,	McKinley,	Upson,
Browne,	Dwight,	McMahon,	Valentine,
Caldwell,	Einstein,	Mills,	Van Aernam,
Calkins,	Ewing,	Murch,	Vance,
Cannon,	Finley,	New,	Waddill,
Carpenter,	Ford,	Osmer,	Weaver,
Cobb,	Frye,	Reed,	Whitthorne,
Coffroth,	Geddes,	Richmond,	Wilber,
Colerick,	Godshalk,	Ryon, John W.	Williams, C. G.
Conger,	Hall,	Sapp,	Willis,
Cook,	Hatch,	Sawyer,	Willits,
Cowgill,	Hawk,	Sherwin,	Wilson.
Cravens,	Henderson,	Springer,	
STANDARD CO.	NOT V	OTING-138.	
Aoltlan	Fordon	Lonnsherv	Richardson D P

Acklen, Aiken, Armfield, Atherton, Atkins, Baehman, Lounsbery Manning, Marsh, Richardson, D. P. Richardson, J. S. Robertson, Robeson, Fisher, Martin, Edward L. Martin, Joseph J. Mason, McCoid, Fort, Frost Robeson,
Robinson,
Russell, Daniel L.
Russell, W. A.
Ryan, Thomas.
Samford,
Shallenberger,
Singleton, J. W.
Smith, Hezekiah B.
Space. Garfield, Gibson, Gillette, Bailey, Barlow, Beale, Belford, Gillette,
Goode,
Hammond, John
Harmer,
Harris, Benj. W.
Harris, John T.
Haskell,
Hayes,
Hazelton, McCook McGowan, McLane, Miller, Mitchell, Bingham, Blackburn, Bliss, Money, Monroe, Morrison, Speer, Starin, Bowman. Starin,
Steele,
Stephens,
Stone,
Talbott,
Townsend, Amos
Tyler,
Urner,
Voorhis,
Van Voorhis,
Wait,
Ward,
Washburn,
White, Boyd, Bright, Butterworth, Morrison, Morse, Muldrow, Myers, Neal, Newberry, O'Brien, O'Neill, O'Reilly, Herbert, Hill, Houk, Hunton, Camp, Carlisle Caswell, Chittenden, Clardy, Clark, Alvah A. Clark, John B. Clymer, Jorgensen. Joyce, Kelley, Orth, Overton, Kenna, Killinger, Covert, Cox, Crapo, Crowley, Pacheco. Kimmel, King, Kitchin, Page, Phelps, Philips, Phister, White, Wise, Wood, Fernando Wood, Walter A. Knott, Ladd, Lapham, Le Fevre, Lewis, Loring, Daggett, Dick Pierce, Poehler, Prescott, Price, Yocum, Young, Casey Young, Thomas L. Dunn. Ellis, Evins,

So the House refused to adjourn.

The SPEAKER pro tempore. The pairs will now be announced.

Mr. McKENZIE. Mr. Speaker, I am paired with Mr. SHALLENBERGER, and, understanding he would vote in the negative, I have voted against the adjournment.

Mr. DWIGHT. My colleague [Mr. Hammond] is detained at his combat illness.

room by illness. Mr. REAGAN. Mr. REAGAN. I ask by unanimous consent, Mr. Speaker, that I may be excused from this evening's session on account of sickness.

There was no objection, and it was ordered accordingly.

The following additional pairs were then read from the Clerk's

desk:

Mr. CABELL with Mr. VALENTINE, for the remainder of the day.

Mr. CABELL WITH Mr. VALENTINE, for the r Mr. HILL with Mr. RICE. Mr. DEUSTER with Mr. HEILMAN. Mr. MORSE with Mr. PACHECO. Mr. CANNON, of Illinois, with Mr. BLOUNT. Mr. BINGHAM with Mr. MULDROW. Mr. BLACKBURN with Mr. STONE. Mr. MYERS with Mr. ORTH, for this day.

Mr. Evins with Mr. Marsh.
Mr. Sapp with Mr. Williams, of Alabama, for the night session.
Mr. Mitchell with Mr. Gunter, until Tuesday next, unless to
make a quorum, when Mr. Gunter reserves the right to vote.

Mr. McKenzie with Mr. Shallenberger, for the remainder of the day's session.

Mr. MARTIN, of Delaware, with Mr. SMITH, of Pennsylvania, until

further notice.

Mr. Talbott, on all political questions, with Mr. Briggs.

Mr. Dibrell, on all votes during the evening's session, with Mr.

Mr. CONGER. Mr. Speaker, I object to these pairs announced for this evening. They are not on this vote at all. Gentlemen cannot prepare themselves by any such scheme as that. [Laughter.]

The SPEAKER pro tempore. The Clerk will proceed with the read-

ing of pairs.

The Clerk read as follows:

Mr. LAPHAM with Mr. TUCKER, for the remainder of the day and

weening session.

Mr. Starin with Mr. Robertson, for the week.

Mr. Ryan, of Kansas, with Mr. Dunn.

The SPEAKER pro tempore. The Chair desires to ask for the gentleman from Connecticut [Mr. Hawley] that he be excused from the evening session on account of an important engagement.

Mr. CONGER. I desire to object if gentlemen ask to be excused from an evening session for any other reason than sickness, when these pension cases are to be considered.

The SPEAKER pro tempore. Does the gentleman insist upon his

Mr. CONGER. No; I will withdraw my objection in the case of the gentleman from Connecticut.

Mr. Sparks, by unanimous consent, was granted leave of absence for one week, on account of important business.

Mr. WARNER. I desire to inquire whether under the order for an evening session the bill, or either of the bills reported from the Committee on Pensions, providing for a pension commission to take into consideration all of these pension cases can be taken up?

Mr. COFFROTH. No; it cannot.

The SPEAKER pro tempore. The evening sessions provided for the Committee on Pensions were for the consideration of pension bills upon the Private Calendar.

Mr. WILSON. I rise to a question of personal privilege. [Cries of "Regular order!"]

The SPEAKER pro tempore. The gentleman from West Virginia

Mr. WILSON. Mr. Morton, of New York, is paired with the gentleman from Alabama, Mr. Herndon. The pair has not been announced by the Clerk, as I understand. These gentlemen, I hope, will be granted leave of absence for this evening on account of im-Mr. WILSON.

ortant business which will detain them from the House. Mr. RICHMOND and others objected.

The result of the vote was then announced as above recorded.

EVENING SESSION FOR PENSION BILLS.

The SPEAKER pro tempore. The question now recurs on the motion to take a recess until half past seven o'clock.

Mr. CTEVENSON. Before that is done I wish to suggest to the gentleman from Pennsylvania and to the House the necessity of set-

gentleman from Pennsylvania and to the House the necessity of setting apart a day for the purpose of considering the bill reported from the Committee on Invalid Pensions for the establishment of a commission for the purpose of hearing all of these claims. If the House will consent to fix one day for this purpose, and this bill is passed, it will relieve us of a great deal of trouble and the necessity during the remainder of this session of having any further night sessions. I suggest that to-morrow be set apart for that purpose.

Several members objected.

Mr. COFFROTH. I hope the House will agree to set apart the two nights next week—Tuesday and Wednesday—for the purpose which

I have stated

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Pennsylvania that Wednesday evening next has already been fixed for the District of Columbia.

Mr. COFFROTH. Then fix it for Tuesday and Thursday.
Mr. WARNER. I suggest to the gentleman that he fix upon one night, Tuesday. If that be done, I think there will be no objection.

Several Members. Say Tuesday evening.

Mr. COFFROTH. I will accept the suggestion of gentlemen, and suggest that the House take a recess at half past four o'clock on Tuesday next until half past seven, and that the evening session be devoted to the consideration of bills upon the Private Calendar reported from the Committee on Invalid Pensions, in lieu of the session already

fixed for to-night.

Mr. STEVENSON. Let me suggest to the gentleman from Penn-

sylvania

Mr. TOWNSHEND, of Illinois. I hope there will be no objection.

The SPEAKER pro tempore. It is proposed by the gentleman from
Pennsylvania that the House take a recess on Tuesday next at half past four o'clock p. m. until half past seven o'clock, and that the evening session of that day be devoted to the consideration of bills upon the Private Calendar reported from the Committee on Pensions. there objection?
Mr. ROTHWELL. Is it to be understood that there will be but one

Mr. ROTHWELL. Is it to be understood that there will be but one evening session next week devoted to the Committee on Pensions? If so, I shall not object to the proposed arrangement.

Mr. COFFROTH. That is my proposition.

The SPEAKER pro tempore. Is there objection to the motion of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

And then, on motion of Mr. FINLEY, (at five o'clock and nineteen minutes p. m.) the House adjourned.

minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz: By Mr. WILLIAM ALDRICH: The petition of George Prince, for an

By Mr. WILLIAM ALDRICH: The petition of George Prince, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. ARMFIELD: The petition of Stephen V. Thompson and others, for the abolition of the internal-revenue system; the repeal of the national banking law; that greenbacks be made a legal tender for all dues, public and private, and to pay off the bonded debt of the country—to the Committee on Ways and Means.

By Mr. ATHERTON: The petition of Benjamin F. Pearson and 100 others, ex-soldiers of the late civil war, that they be paid the difference between the value of the depreciated paper in which they were paid and gold—to the Committee on Military Affairs.

By Mr. BAKER: The petition of Isaac Bennett and 18 others, of Unionville, Iowa, late soldiers in the Union Army, of similar import—to the same committee.

to the same committee.

By Mr. BENNETT: The petition of 151 citizens of Brookings County,
Dakota Territory, for a division of that Territory on the forty-sixth
degree of north latitude—to the Committee on the Territories.

degree of north latitude—to the Committee on the Territories.

By Mr. BLAKE: The petition of Kohler & Son and others, citizens of New Jersey, against the passage of the bill imposing a specific duty on malt—to the Committee on Ways and Means.

By Mr. CALDWELL: The petition of A. P. Taylor, H. J. McElroy, and others, citizens of Kentucky, for legislation regulating charges for freight and passage by railways of the United States—to the Committee on Commerce. mittee on Commerce.

By Mr. CAMPBELL: The petitions of 10 citizens and of 52 citizens of Pima County, Arizona Territory, against the passage of the proposed mining law now before Congress—to the Committee on Mines

and Mining.

By Mr. COX: The petition of B. F. Lyman and 75 others, employés of the United States Government at Jeffersonville, Indiana, for the enforcement of the eight-hour law-to the Committee on Education

and Labor.

By Mr. FORSYTHE: Papers relating to the bill authorizing the issue of a land warrant to the heirs of William Shepherd, deceased, in lieu of one lost—to the Committee on the Public Lands.

By Mr. FROST: The petition of citizens of Missouri, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. GARFIELD: The petition of F. E. Blaich, that his name be restored to the pension-roll—to the Committee on Invalid Pen-

By Mr. GILLETTE: The petition of Berry Street and 12 others, soldiers of the late war, of Wayne County, Iowa, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GUNTER: The petition of citizens of Arkansas, for a dona-tion of the public lands in Boone and other counties in said State, to aid in constructing the Little Rock, Harrison and Northwest Rail-

road—to the Committee on the Public Lands.

By Mr. HASKELL: Papers relating to the Indian depredation claims of Powers & Newman and of D. & B. Powers—to the Committee on Indian Affairs.

By Mr. HOSTETLER: The petition of rectifiers and distillers, for the passage of the bill (H. R. No. 4212) known as the Carlisle revenue bill—to the Committee on Ways and Means.

By Mr. HOUSE: The petition of citizens of Nashville, Tennessee, for the appointment of a commission to frame a bankrupt law—to the

Committee on the Judiciary.

By Mr. KLOTZ: A paper relating to the pension claim of James
W. Kane—to the Committee on Invalid Pensions.

Also, the petition of citizens of Pennsylvania, that a pension be

granted Susannah S. Davis—to the same committee.

By Mr. JOSEPH J. MARTIN: Papersrelating to the claim of Emille
Lepage, surviving partner of the firm of Lepage Brothers, for the
proceeds of cotton seized by United States officials, sold, and the proceeds covered into the United States Treasury—to the Committee on

By Mr. MYERS: The petition of M. P. Roberts and others, citizens of Harrison County, Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. ORTH: The petition of Samuel C. Wait, for pay due him before his muster as an officer in the United States Army—to the same committee.

By Mr. POEHLER: The petition of Chippewa Indians of White Earth, for a donation of land to the Catholic Church for mission and school purposes—to the Committee on Indian Affairs.

By Mr. SAWYER: The petition of Plankinton & Amours and 100 others, merchants and business firms of Kansas City, Missouri, for the removal of all duty on salt—to the Committee on Ways and

By Mr. OTHO R. SINGLETON: The petition of Emmett L. Ross, in reference to a new postage-stamp and the mode of canceling the same—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: The petition of John Y. Fuller, Smith & Hay, and others, citizens of Springfield, Illinois, for the removal of the duty from salt—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of W. K. Dodson and others, citizens of Bloomington, Illinois, for the passage of the Carlisle revenue bill—to the same committee.

bill-to the same committee.

By Mr. OSCAR TURNER: The petitions of Andrew Bodkin and of Richardson & Bodkin, to be refunded fines and deductions alleged to

have been erroneously assessed and collected from them by the Post-Office Department—to the Committee on Claims.

By Mr. WARNER: The petition of John Cowden, against the levee and in favor of the outlet system of improvement of the Mississippi River-to the Committee on Levees and Improvements of the Missis-

sippi River.

By Mr. WELLS: The petition of the city council and of citizens of Little Rock, Arkansas, for increased mail facilities—to the Committee on the Post-Office and Post-Roads.

CHANGE OF REFERENCE.

Change of reference was made, under the rule, of the petition of soldiers of Pennsylvania, for a soldiers' home in said State, from the Committee on Public Buildings and Grounds to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 17, 1880.

The House met at twelve o'clock m., Mr. SPRINGER in the chair as

Speaker pro tempore.

Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The SPEAKER pro tempore. The Clerk will read the following letter received from the Speaker of the House.

The Clerk read as follows:

WASHINGTON, D. C., April 16, 1880.

Sir: I expect to be absent from the House of Representatives during to morrow's (Saturday's) session, and, in consequence, herewith name and appoint you, under power given me by the rules of the House, to act as Speaker in my stead for that day.

Your obedient servant,

SAM. J. RANDALL, Speaker.

Hon. WILLIAM M. SPRINGER, Representative from Illinois.

The Journal of yesterday was read and approved.

LEGISLATURES OF MONTANA, IDAHO AND WYOMING.

Mr. BOUCK. I ask unanimous consent to report from the Committee on the Territories for present consideration the bill (H. R. No. 5203) providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wyoming.

The SPEAKER pro tempore. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the governor, and the speaker of the house of representatives, and the president of the council during the last session of the Legislatures, in the Territories of Montana, Idaho, and Wyoming, be, and they are hereby, authorized and empowered to act as a board of apportionment in their respective Territories; and when assembled at the capitals of their respective Territories, they, or a majority of them, shall reapportion the members of the council and house of representatives in their respective Territories upon the basis of the population as shown by the returns of the census for the year 1830, excluding Indians, and shall make such apportionment strictly in accordance with said census returns, allotting members of each house of the Legislative Assembly to the different sections of their respective Territories, pro rata, as nearly as practicable, according to the population, and to that end may apportion, when necessary, in joint council districts.

Sec. 2. That the reapportionment so made by said boards shall be forthwith certified to by the members, or a majority thereof, making the same, and filed in the office of the secretary of the Territory; and within ten days thereafter the governor shall issue his proclamation for an election of such members of the Legislature so apportioned as aforesaid, specifying in such proclamation the apportionment so made to the different sections, and which election shall be held at the time and places as provided by law, and the returns to be canvassed as provided by the laws of said Territories respectively.

Sec. 3. That the persons elected under such apportionment shall, when assembled at their respective capitals, at the time provided by law, and when duly qualified and organized, constitute the next Legislative Assembly in each of said Territories, and shall be empowered to alter or amend the reapportionment for members of the Legislature so made, and at any time

Mr. BOUCK. This is a unanimous report from the Committee on the Territories. Unless the bill is now passed there cannot be a lawful election of members of the Legislatures in the three Territories named

Mr. TOWNSHEND, of Illinois. I should like the gentleman from

Mr. TOWNSHEAD, of Illinois. I should like the gentieman from Wisconsin to give some further explanation.

Mr. BOUCK. In 1879 Congress reduced the number of members of the Legislatures of the Territories and required that the Legislatures should redistrict their Territories at the next session. Idaho, Montana, and Wyoming failed so to do. Unless this bill is passed there cannot be in those Territories a lawful election next fall or a lawful Legislature. The bill provides that the governor and the speaker of the house of representatives and the president of the council during

the last session of the Legislatures shall constitute a board in these several Territories to redistrict them.

Mr. MAGINNIS. That board represents the Government and the

people.

Mr. BOUCK. The bill meets the approval of the Delegates from

each of these Territories.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the

third time, and passed.

Mr. BOUCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SOLDIERS AND SAILORS' REUNION AT COLUMBUS, OHIO.

Mr. CONVERSE. I ask by unanimous consent to introduce for present consideration the joint resolution which I send to the desk. The joint resolution was read, as follows:

Be it resolved, &c., That the Secretary of War be, and he is hereby, authorized to send from some convenient Government arsenal, to be used at the soldiers and sailors' reunion at Columbus, Ohio, to be held on August 10, 11, 12, 1880, such artillery, tents, muskets, and blank cartridges as can be conveniently spared, such cannon, tents, and muskets to be returned after the reunion in as like good condition as when received.

Mr. MONROE. That is all right.

There being no objection, the joint resolution (H. R. No. 283) authorizing the Secretary of War to furnish for use at the soldiers and sailors' reunion at Columbus, Ohio, to be held in August, 1880, certain artillery, tents, muskets, and blank cartridges, was read three

times, and passed.

Mr. CONVERSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider

be laid on the table.

The latter motion was agreed to.

FIFTEENTH AND SIXTEENTH MISSOURI CAVALRY VOLUNTEERS.

Mr. WADDILL. I ask unanimous consent to move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 952) for the relief of the Fifteenth and Sixteenth Missouri Cavalry Volunteers, and that the same be put upon its passage. The bill is favorably reported by the Committee on Military Affairs; indeed has been twice reported by that committee. If any gentleman desires an explanation I shall be glad to give it give it.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they hereby are, directed to pay bounty to the enlisted men of the Fifteenth and Sixteenth Missouri Cavalry Volunteers who served during the late rebellion, as follows, to wit: To those who served the full period of one year, or more, the sum of \$100; to those who served the full period of six months, but less than one year, the sum of \$66.66; to those who served a less period than six months the sum of

\$33.33.

SEC. 2. That in case of the death of the soldier, who if living would be entitled under the first section of this act, then the said sum or sums that would be due to said soldier if living shall be paid to his widow; and if there be no widow, then to his child or children; and if there be none, then to his mother, if she be a widow. And so much money as may be necessary to carry this law into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the Committee of the Whole was dis-charged from the further consideration of the bill, and it was ordered

to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WADDILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

ILLINOIS SOLDIERS' ORPHANS' HOME.

Mr. STEVENSON. I ask unanimous consent to introduce for present consideration the joint resolution which I send to the desk.

The Clerk read as follows:

Be it resolved, &c., That the Secretary of War be, and he is hereby, authorized to loan two hospital tents to the Soldiers' Orphans' Home of the State of Illinois, for a period of six months from June 1, 1880.

Mr. STEVENSON. The necessity for the adoption of this joint resolution will appear from the following letter I have just received from General Bloomfield, one of the trustees of the institution:

BLOOMINGTON, ILLINOIS, April 14, 1880.

DEAR SIR: We are in very great need of a couple of hospital tents at the Soldiers' Orphans' Home, for the purpose of separating those afflicted with sore eyes from the other children, so as, if possible, to eradicate the disease from the institution. The board met this week, and it was thought best to write you and ask you to get a joint resolution through Congress authorizing the Secretary of War to loan us two hospital tents for the period of six months.

Respectfully,

IRA J. BLOOMFIELD.

Hon. A. E. Stevenson,

House of Representatives.

There being no objection, the joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois was read three times,

Mr. STEVENSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON ZOOLOGY.

Mr. HAYES, from the Committee on Printing, reported back, with a favorable recommendation, the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed at the Government Printing Office, with the necessary illustrations, 5,000 copies of the report on zoology, volume 14 of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden; 2,800 copies of which shall be for the use of the House of Representatives, 1,200 for the use of the Senate, and 1,000 for the Department of the Interior.

The concurrent resolution was adopted.

Mr. HAYES moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'NEILL. I wish to ask the Chair whether it is arranged that an opportunity is to be given to each member to move to discharge the Committee of the Whole from the consideration of some bill and

put it upon its passage?
The SPEAKER pro tempore. There is no such understanding. The Chair has been requested by a number of gentlemen to recognize them for the purpose of asking unanimous consent.

Mr. O'NEILL. Well I hope opportunity will be given to as many as it can conveniently be given to.

STEAMBOAT MINNIE R. CHILD.

Mr. TOWNSEND, of Ohio. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York, and that it be now passed by the House.

The SPEAKER pro tempore. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Treasury be, and hereby is, authorized to change the name of the steamboat Minnie R. Child, of New York, owned by James W. Fellows, of the city of New York, to Saint Nicholas, and to grant said steamboat proper marine papers in that name. This act to take effect imme-

Mr. DUNNELL. Let the report be read.

The report was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 3803) authorizing the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York, to that of Saint Nicholas, submit the following re-

The owner of the Minnie R. Child, Mr. James W. Fellows, makes a sworn statement, which is attached, that he became the owner of the boat in November, 1879, and that it had been condemned on account of unsoundness of her hull. That since he has owned her he has caused her to be rebuilt by J. M. Rutan & Sons, master builders, of Tottenville, New York, That she has been widened four feet; built a new hull and deck, almost entirely of new material; and that she has been made practically a new boat, strong and seaworthy in every respect.

The affidavits of Messrs. Rutan, builders, and the statement of Messrs. Austin Jayne and John Mathews, local inspectors, are also attacked, the latter concluding by saying that "we are satisfied that the boat is as good as new."

The affidavit of the owner also states that for purposes of insurance the steamboat now rates "first class," and that she is free and clear of debt or other incumbrance.

Drance.

Under these circumstances, and relying upon the affidavits and official statements of the local inspectors, your committee recommend the passage of the bill.

Oity and County of New York, ss:

James W. Fellows, being duly sworn, says that he resides in the city of New York; that in the month of November, 1879, he became the owner of the steamboat Minnie R. Child, which had previously been plying as an excursion steamer in the waters about the city of New York, but had been condemned on account of the unsoundness of her hull; that since he has owned her he has caused her to be rebuilt by J. M. Rutan & Sons, master builders, of Tottenville, in this State, who widened her four feet, built a new hull and deck almost entirely of new material, and made her practically a new boat, strong and seaworthy in every particular, as appears from the affidavit of the said J. M. Rutan, hereto annexed, and also from the statement of Messrs. Martin Jayne and John K. Mathews, United States in spectors of steamboats, which statement is hereto annexed.

That for purposes of insurance said steamboat now rates "first class."

That said steamboat is free and clear of all debt or claim, and that deponent is abundantly able pecuniarily to meet any and all demand which can arise upon said boat.

abundantly able pecuniarily to meet any and all demand which can arise upon sate boat.

That said boat is well fitted for an excursion boat, and deponent intends to charter or use her to ply in and about the harbor of New York, but that on account of her previous unsound condition, and of her having been condemned therefor, she has a bad reputation with the traveling public, which she, in her presentsound and seaworthy condition, does not deserve, but which would undoubtedly follow her if she should continue under the name of Minnie R. Child. In order therefore to enable said boat to sustain a character to which her present condition entitles her, and to avoid the injury which her former bad reputation would inflict, deponent makes application to Congress to change her name to the Saint Nicholas.

That deponent has made diligent inquiry and has ascertained that there is no boat of the name of Saint Nicholas belonging in this district, and has been able to learn of none of that name in any place, and he believes that the name is unappropriated by any boat at the present time.

Deponent further says that this application is made in good faith and with no other object than that above set forth.

JAMES W. FELLOWS.

Sworn to before me this 22d day of March, 1880. [SEAL] JOHN C. HICKIE, Notary Public, New York County.

STATE OF NEW YORK, Village of Tottenville, Staten Island, ss:

J. M. Rutan, being duly sworn, says that he is a member of the firm of J. M. Rutan & Son, carrying on the business of master builders at Tottenville, in this

State; that he has been engaged in said business for forty-five years, and thoroughly understands the same.

That his said firm was employed by James W. Fellows, of New York, the owner of the steamboat Minnie R. Child, to alter and rebuild her hull.

That said boat has been widened four feet, her hull entirely rebuilt, a new deckframe constructed, and a new deck laid. That with the exception of her keel, keelsons, stern-post, and five streaks of planking, which are in a perfectly sound condition, she has been constructed entirely of the best of new materials and in a workmanlike manner, and said boat is now substantially a new boat, sound and perfectly seaworthy.

Sworn to before me this 18th day of March, 1880.

RINALDER FISHER, Notary Public, Richmond County.

OFFICE OF THE UNITED STATES LOCAL INSPECTORS OF STEAM-VASSELS, New York, March 12, 1880.

New York, March 12, 1880.

Six: A thorough examination of the hull of steamer Minnie R. Child has been made by G. W. Wilmurt, assistant inspector of hulls, by direction of this board. He stated: "I find the hull is 4 feet 1 inch wider, being 29 feet 7 inches: the old width being 25 feet 6 inches. Has all new frame except floor timbers. Deck frame, guards, and ceiling all new. Stem and dead-wood forward new; outside planking three-fourths new. About all that is left of the original hull is the floor-timbers, keel, keelsons, after dead-wood, and stern-post, all these being in a good state of preservation."

He further states that the material weed is all first the contract of the

preservation."

He further states that the material used is all first-class, and the work done in a proper manner, and we are satisfied that the boat is as good as when new.

Very respectfully,

JOHN K. MATHEWS,

United States Local Inspectors, New York.

J. W. FELLOWS, Esq.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and it was ordered to be engrosed and read a third time; and it was accordingly read the third time, and passed.

Mr. TOWNSHEND, of Ohio, moved to reconsider the vote by which

the bill was passed; and also moved that the motion to reconsider

be laid on the table.

The latter motion was agreed to.

INTERNAL REVENUE.

Mr. CALKINS, by unanimous consent, introduced a bill (H. R. No. 5807) to amend an act entitled "An act to amend the laws relating to internal revenue;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BRIGGS. I insist upon the regular order.

The SPEAKER pro tempore. The Chair desires to state to the House that several members have asked to be recognized for the purpose of

obtaining unanimous consent for propositions which they deem of such importance that they should have immediate consideration.

Mr. O'NEILL. The country can now see how much better it is for us to meet here as a band of brothers in the day-time and pass some of these bills which are so important to individuals; whereas when we meet here in night sessions there is little or nothing done. I hope the House will permit us to pass some few bills on the Private Cal-

endar.

The SPEAKER pro tempore. Is there objection to the Chair recognizing gentlemen whose names he has here on the list for the purpose?

Mr. BLOUNT. I object to any such general leave as that.

Mr. BRIGGS. I have called for the regular order.

The SPEAKER pro tempore. The regular order is the morning hour.

Mr. WELLS. I move to dispense with the morning hour.

Mr. WILSON. I desire to make a privileged report from the Com-

mittee on Printing.

Mr. WELLS. I have no objection, if others do not object.

REPORT OF CHIEF SIGNAL OFFICER OF THE ARMY.

Mr. WILSON. I ask consent to report from the Committee on Printing Senate joint resolution No. 56, authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army.

The SPEAKER pro tempore. The joint resolution will be read. The joint resolution was read, as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 5,000 additional copies of the annual report of the Chief Signal Officer for the year 1879; and the Public Printer is authorized to contract for the illustrations with the person now furnishing the illustrations for the congressional edition.

There being no objection, the joint resolution was received, ordered to a third reading, read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint res-

olution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker pro tempore signed the same:
An act (H. R. No. 2802) for the relief of the owner of the bark

Grapeshot.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The pending question is upon the motion of the gentleman from Missouri [Mr. Wells] that the morning hour for to-day be dispensed with.

Mr. CONGER. I ask the gentleman from Missouri [Mr. Wells] to

yield for the consideration of a bill recommended by the Engineer Department for the control of a harbor of refuge on Lake Huron. It is very necessary that the bill should be passed now to aid the engineers in the construction of that harbor. It is a bill which has been

unanimously reported from the Committee on Commerce.

Mr. WELLS. I would be glad to yield to the gentleman, but I am pressed on all sides to give way, and if I yield to one I will have to

yield to others.

yield to others.

Mr. CONGER. Permit me to say that during the last year there were seven lives lost at this port and probably one hundred and fifty thousand dollars' worth of property destroyed, because there was no person authorized to compel vessels coming into the harbor to come so far in that other vessels coming in out of the storm could get in. The object of this bill is to appoint a harbor-master or a custodian of the harbor while it is being built, who will have authority to compel vessels to anchor so that other vessels can come in from the storm. I desire very much that this bill be passed now. During the last week there has been a storm there, and the safety of vessels and the lives of men were very much endangered from the same cause that existed last fall. existed last fall.

existed last fall.

Mr. WELLS. If there is no objection from any other quarter I will not object to the bill being considered at this time.

Mr. SIMONTON. I object.

Mr. BRIGGS. I insist upon the regular order.

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Missouri [Mr. Wells] that the morning hour of toward with gentleman from Missouri [2017, 177200]
day be dispensed with.

The motion was agreed to; upon a division—ayes 101, noes 6; twothirds voting in the affirmative.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the Indian appropriation bill.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole,

The House accordingly resolved user into Committee of the Whole, Mr. WHITHORNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes. The pending amendment is the one offered by the gentleman from Missiesium; Mr. HOUNDEL sissippi, [Mr. Hooker.]

The amendment was to add to the bill the following:

The amendment was to add to the bill the following:

SEC. 7. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, and inspectors and all other employes of the Indian Burean are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employes of the Army, under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employes of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the President may prescribe: Provided, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs, and of matters arising out of Indian relations, is hereby transferred to and shall exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed: Provided, That said transfer shall take effect at the expiration of the fiscal year ending June 30, 1881.

The CHAIRMAN. When the committee rose vesterday the questions of the secretary of the control of the committee rose vesterday the question of the control of the committee rose vesterday the question of the control of the committee rose vesterday the question of the control of the control of the committee rose vesterday the question of the control of the control

The CHAIRMAN. When the committee rose yesterday the question pending was a point of order raised by the gentleman from Kansas, [Mr. HASKELL,] upon the amendment proposed by the gentleman from Mississippi, [Mr. HOOKER.] The Chair is now ready to decide that point of order.

Mr. HOOKER. I desire to say a single word.

The CHAIRMAN. The Chair will hear a brief statement from the

Mr. HOOKER. Mr. Chairman, one of the reasons urged in favor of the point of order raised against the amendment, was that it could not under the rules come from an individual member of the Committee of the Whole, but could only emanate from the action of a committee authorizing the chairman or some member of the committee mittee authorizing the chairman or some member of the committee to present it. I presume that the Chair, looking at the third clause of Rule XXI, will find no difficulty in determining this point, because while by the proviso of the third clause of Rule XXI it is declared that "it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures," yet it certainly was not the purpose of the Committee on Rules in reporting, or of the House in adopting, this provision to restrict the powers and duties of the Committee of the Whole in the consideration of a bill under the five-minute rule. If the construction insisted upon by the gentleman raising ute rule. If the construction insisted upon by the gentleman raising this point of order should be maintained by the Chair, the function and object of the House in going into Committee of the Whole for the discussion and amendment of a bill would be defeated. While the power is given to a committee having jurisdiction of the subject-matter to offer amendments germane to the bill and in the line of

retrenchment, surely it will not be held that this provision deprives an individual member of the Committee of the Whole of the power to submit amendments when he desires to do so. I pass therefore from the consideration of that point.

In the next place it is urged that under the fourth clause of Rule XXI it is not in order to offer an amendment "the substance of any other bill or resolution pending before the House." But it will be observed that both the bills referred to as sustaining this point contemplate precisely what is not contemplated by my amendment. Those bills propose that the transfer from the Indian Bureau to the War Department shall be made at once; under my amendment the transfer will take effect at the end of the present fiscal year. One of these bills is embraced in very few words; the other is somewhat more extended; but neither of these bills, either in the expressions used, the modus operandi of effecting the transfer, or the period when the transfer is to take effect, corresponds with the amendment either in letter or substance, inasmuch as the amendment is expressed in entirely different language, accomplishes entirely different results, and goes into effect at an entirely different period.

In selecting the terms of this amendment I took into consideration

the decision which was read yesterday at my instance. In that decision it was very properly held by the gentleman at that time occupying the chair in Committee of the Whole that the provision then bying the chair in Committee of the whole the content of the visiting rule (similar in its essential points to the present rule) the amendment was germane to the subject-matter of the bill, and was in the line of retrenchment. In rendering that decision the gentleman occupying the chair referred to the difference between the pro-vision in section 2 of that bill (which is the same as the amendment I have offered) and the fourth section of the legislative appropriation bill which the permanent Speaker of the House at that time, Mr. Kerr, of Indiana, had decided to be out of order—why? Because that fourth section purported to do what these separate and independent bills now cited propose to do. It undertook to accomplish the object by a system of legislation incomplete in itself and looking forward to other and subsequent legislation in order to make the measure to other and subsequent legislation in order to make the measure efficient. Hence it was ruled by Mr. Speaker Kerr that the fourth section of the legislative appropriation bill was out of order; but the amendment I have offered here (which is identical with the second section of the Indian appropriation bill) is entirely different. It is not subject to the point of order on the ground that other bills in substance precisely the same are pending in the House. When you come to construe that portion of the rule which says that an amendment shall not be offered which is in substance the same as any bill pending before the House, you will find that according to the interpretation of the word "substance," as given by Mr. Cushing in his work on parliamentary law, the bill must be to all intents and purposes, in its object and effect, substantially the amendment which is offered. In no respect can it be said that the two bills now pending offered. In no respect can it be said that the two bills now pending

in this House are at all like this amendment.

The ruling which was made in the case to which I have referred in the first session of the Forty-fourth Congress has stood as the recognized ruling of this House from that day to this. It was reaffirmed in the Forty-fifth Congress when the gentleman from Kentucky [Mr. CARLISLE] occupied the chair in Committee of the Whole, and I do not know that it has ever been dissented from at any time. Surely there can be no virtue in the point of order that the amendment is not germane to the bill, inasmuch as it treats of the very same subject-matter as the bill does, and proposes what is regarded by a number of gentlemen on this floor as a judicious administration of Indian affairs by transferring them to the War Department. The amendment is certainly in the line of retrenchment, because it provides that the officers of the Army who are to perform these functions in connection

with Indian affairs shall perform them without any additional pay.

I might go on further, but I am not disposed to weary either the
Chair or the Committee of the Whole. I submit, Mr. Chairman, that
if you are to be governed by the former rulings of this House upon if you are to be governed by the former rulings of this House upon questions precisely similar, you will be bound to say, whatever may be your opinion of the merits of the question, that the amendment, in the form now presented to test the legislative sense of the country upon this transfer, is not subject to the objection which has been made by the gentleman from Kansas.

The CHAIRMAN. On the point of order raised by the gentleman from Kansas the Chair may be mistaken; but he has no difficulty in

coming to a quick conclusion on the merits of the proposition.

The Chair recognizes in the new and amended rules the right of any individual member of the committee to move an amendment which, being germane, retrenches expenditures by the reduction of the number or salaries of officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill. On that point the Chair has no difficulty.

On the second point, that is, whether the proposition is germane, but for the precedents to which the attention of the Chair has been called he would upon this question have no doubt; but in view of those precedents he would, if the question before the House depended on them alone, hold it to be germane.

Nor has the Chair any difficulty on the third point: that is, whether it retrenches expenditures. He would hold that the pending proposition does retrench expenditures, in his opinion. any individual member of the committee to move an amendment

On the remaining point, that is to say, that it is in substance the ame proposition contained in one or more bills pending before the same proposition contained in one or more bills pending before the House, the Chair is of the opinion that this pending proposition is in substance covered by the two bills to which his attention was called yesterday evening, House bill No. 2484 and House bill No. 3439. It will be observed by the gentlemen of the committee, on turning to Rule 48 of the rules of the prior Congress, that it provided only that no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House. The new rules amend that provision, so to speak, by saying that no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House. "The substance of any bill." Now turn to these two bills referred to. What is the substance of either one of them? What is its function? And what is its object? Clearly, manifestly, and without any doubt, the transfer of the control of the Indian service from the Interior Department to the War Department. What is the office, the function, the substance of the pending amendment? It is to transfer the control of the Indian service from the Interior Department to the War Department. ment. Believing this, the Chair thinks the point of order to be well

taken, and therefore rules the amendment out.

Mr. HOOKER. The Chair sustains the point of order, then, on one point only, and that is, that it is in substance the same as bills already pending before the House.

Mr. WELLS moved that the committee rise and report the bill and

amendments to the House.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. WHITTHORNE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. WELLS demanded the previous question on the bill and amend-

The previous question was seconded and the main question ordered. The SPEAKER pro tempore. The amendments of the committee will be read in their order.

Mr. WELLS. I ask, Mr. Speaker, for a separate vote on the amendment on pages 34 and 35.

The SPEAKER pro tempore. The Chair understands the gentleman from Missouri in charge of the bill asks for a separate vote on one of the amendments of the committee, and after that has been disposed of, if there be no objection, the Chair will put the question to the

House on the remaining amendments in gross.

The amendment of the committee was read, as follows:

In line 829, strike out "thirty" and insert "fifty;" so it will read as follows:

"Sioux of different tribes, including Santee Sioux of Nebraska:

"For eleventh of thirty installments, to purchase clothing for males over four-teen years of age, for flannel, hose, and calico, and domestics required for females over twelve years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, \$150,000."

The House divided; and there were—ayes 64, noes 72.

Mr. BAKER. I shall demand the yeas and nays on that amendment. We are entitled to the yeas and nays as no quorum has voted on the proposition.

The SPEAKER pro tempore. Under the custom the gentleman is entitled to tellers, but not to the yeas and nays.

Mr. BAKER. I insist on the demand for the yeas and nays.

The yeas and nays were ordered.

Mr. HASKELL. Let the amendment be again read.

Mr. TOWNSHEND, of Illinois. Everybody understands that it is an increase of \$20,000 on the amount reported by the Committee on Appropriations in the pending bill for this purpose. The amendment has already been read twice, and I object to its further reading.

The question was taken; and it was decided in the persisting reads.

The question was taken; and it was decided in the negative 84, nays 104, not voting 104; as follows:

	2.1	4A0-04.	
Aldrich, N. W. Aldrich, William Anderson, Bailey, Baker, Ballou, Barber, Belford, Blake, Boyd, Brower, Calkins, Cannon, Carpenter, Caswell, Claffin, Colerick, Cowgill,	Davis, Horace Deering, Dunnell, Dunnell, Dwight, Einstein, Errett, Farr, Ferdon, Field, Forsythe, Frye, Garfield, Godshalk, Hall, Haskell, Hawk, Hayea, Hazelton, Heilman, Hooker,	Humphrey, Keifer, Kelley, Lapham, Lindsey, Loring, Martin, Joseph J. McKinley, Miles, Monroe, Morton, Newberry, Norcross, O'Neill, Orth, Osmer, Pacheco, Pierce, Pound, Prescott,	Reed, Ryan, Thomas Sherwin, Singleton, J. W. Speer, Stone, Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Urner, Valentine, Van Aernam, Voorhis, Van Voorhis, Wait, Walt, Williams, C. G. Willits,
Davis, George R.	Horr,	Price,	Wood, Walter A.

	NA	YS-104.	
Acklen, Aiken, Aiken, Atherton, Bayne, Beale, Beltzhoover, Berry, Bicknell, Bland, Blount, Bouck, Cabell, Caldwell, Caldwell, Chalmers, Clark, John B. Cobb, Cofforth, Converse, Cook, Cox, Cravens, Culberson, Davidson, Davidson, Davis, Joseph J. Davis, Lowndes H.	Dibrell, Dickey, Elam, Felton, Felton, Ford, Ford, Fort, Frost, Geddes, Gillette, Goode, Hammond, N. J. Hatch, Henkle, Henry, Herbert, Herndon, Hostetler, House, Hunton, Johnston, Johnston, Jones, Kenna, Kitchin,	Lowe, Manning, Martin, Benj. F. McLane, McMahon, McMillin, Morrison, Morse, Muldrow, Muldrow, Muldrow, Nicholls, O'Connor, Persons, Philips, Reagan, Richmond, Robertson, Ross, Rothwell, Ryon, John W. Sawyer, Scales,	Simonton, Singleton, O.R. Slemons, Smith, Hezekiah B. Smith, William E. Springer, Steele, Stevenson, Taylor, Thompson, P. B. Tillman, Turner, Oscar Turner, Thomas Upson, Vance, Warner, Wellborn, Wells, Whiteaker, Whitthorne, Williams, Thomas Williams, Wilson, Wise, Wood, Fernando Wright.
	NOT V	OTTNG_104	

Armfield,	Dick,	King,	Richardson, D. P.
Atkins,	Dunn,	Klotz,	Richardson, J.S.
Bachman,	Ellis,	Knott,	Robeson,
Barlow,	Evins,	Ladd,	Robinson,
Bingham.	Ewing,	Le Fevre,	Russell, Daniel L.
Blackburn,	Fisher,	Lewis.	Russell, W. A.
Bliss,	Gibson,	Lounsbery,	Samford.
Bowman,	Gunter.	Marsh,	Sapp,
Bragg,	Hammond, John	Martin, Edward L.	Shallenberger,
Briggs,	Harmer,	Mason,	Shelley,
Brigham,	Harris, Benj. W.	McCoid,	Smith, A. Herr
Bright,	Harris, John T.	McCook.	Sparks.
Burrows,	Hawley,	McGowan,	Starin.
Butterworth,	Henderson,	McKenzie,	Stephens,
Camp,	Hill.	Miller,	Talbott,
Carlisle,	Hiscock,	Mills,	Thomas,
Chittenden,	Houk,	Mitchell,	Townshend, R. W.
Clardy,	Hubbell,	Money,	Tucker.
Clark, Alvah A.	Hurd.	Neal,	Waddill,
Clark, Alvan A.	Hutchins,	O'Brien,	Washburn.
Clymer, Covert,	James,	O'Reilly,	Weaver,
Covert,		Overton,	White,
Crapo,	Jorgensen,		Wilber.
Crowley,	Joyce,	Page,	Yocum,
Daggett,	Ketcham,	Phister,	
De La Matyr,	Killinger,	Poehler,	Young, Casey
Deuster,	Kimmel,	Rice,	Young, Thomas L.

So the amendment was disagreed to.

During the roll-call,
On motion of Mr. ELAM, the reading of the names was dispensed with.
Mr. DWIGHT stated that his colleague [Mr. Hammond] was detained at his room by illness.
The following pairs were announced from the Clerk's desk:
Mr. DUNN with Mr. Sape on all political questions during this day.
Mr. CLYMER with Mr. Huppert, on all political questions.

Mr. CLYMER with Mr. HUBBELL on all political questions during the Mr. CLYMER with Mr. HUBBELL on all political questions. Mr. Bragg with Mr. James. Mr. Shelley with Mr. Thomas. Mr. Sparks with Mr. White. Mr. Blackburn with Mr. Burrows. Mr. Martin, of Delaware, with Mr. Smith, of Pennsylvania. Mr. McKenzie with Mr. Shallenberger.

Mr. MITCHELL with Mr. GUNTER.
Mr. MULDROW with Mr. BRIGHAM.
Mr. STARIN with Mr. ROBERTSON.
Mr. ATKINS with Mr. HAWLEY.

Mr. Atkins with Mr. Hawley.
Mr. Harmer with Mr. O'Reilly.
Mr. Clardy with Mr. Russell, of Massachusetts.
Mr. Harris, of Massachusetts, with Mr. Lewis.
Mr. Ladd with Mr. Joyce.
Mr. Robeson with Mr. Carlisle.
Mr. Knott with Mr. Robinson.

Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.

Mr. Townshend, of Illinois, with Mr. Henderson.

Mr. Clark, of New Jersey, with Mr. McGowan. Mr. Kimmel with Mr. Mason. Mr. Phister with Mr. Overton. Mr. Ellis with Mr. Fisher.

Mr. Briggs with Mr. Talbott.
Mr. Samford with Mr. Miller.
Mr. Samford with Mr. Miller.
Mr. Hill with Mr. Rice.
Mr. Ross with Mr. Butterworth.
Mr. Covert with Mr. Young, of Ohio.
Mr. Crapo with Mr. Gibson.
Mr. Evins with Mr. Marsh.

The vote was then announced as above recorded.

Mr. DUNN. I ask for a separate vote on the amendment coming from the Committee of the Whole House on the state of the Union a reference to the peace commissioners.

The SPEAKER pro tempore. The amendment will be read.

The Clerk read as follows:

Strike out the following:

Expenses of Indian commissioners: For the expenses of the commission of citi. Mr. DUNN. I ask for a separate vote on the amendment coming from the Committee of the Whole House on the state of the Union in reference to the peace commissioners.

The SPEAKER pro tempore. The amendment will be read.

The Clerk read as follows:

zens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000."

And in lieu thereof insert the following words:

That all laws and parts of laws creating or authorizing the commission of ten citizens provided in the act of 10th of April, 1869, be, and the same are hereby, re-

The House divided; and there were—ayes 75, noes 44. Mr. DUNNELL demanded the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmativeyeas 113, nays 65, not voting 114; as follows:

77	EA	C	100	19.
I	E42A	2	-1.	TO'S

Acklen, Alken, Alken, Atherton, Baker, Bayne, Beale, Belford, Beltzhoover, Berry, Bicknell, Bland, Blount, Bouck, Buckner, Cabell, Caldwell, Caldwell, Calkins, Cannon, Chalmers, Clark, John B. Cobb, Coffroth, Colerick, Converse, Cook,	Davidson, Davis, Joseph J. Davis, Lowndes H. Dibrell, Diekey, Elam, Errett, Felton, Finley, Ford, Forney, Forsythe, Fort, Gillette, Goode, Hammond, N. J. Hatch, Henkle, Henry, Herndon, Hooker, Hostetler, House, Hull, Hunton,	Lowe, Manning, Martin, Benj. F. Martin, Joseph J. McLane, McMahon, McMillin, Mills, Money, Morrison, Muldrow, Muller, Murch, Myers, Nicholls, O'Connor, Page, Persons, Philips, Prescott, Reagan, Richmond, Robertson, Rothwell,	Singleton, O. R. Slemons, Smith, Hezekiah B. Smith, William E. Speer, Speringer, Steele, Taylor, Thompson, P. B. Tillman, Tucker, Turner, Oscar Turner, Thomas Upson, Valentine, Vance, Van Voorhis, Waddill, Wellborn, Wells, Whitthorne, Williams, Thomas Willis, Wilso, Wood, Fernando
Converse, Cook,	Hull, Hunton,	Robertson, Rothwell,	Wise, Wood, Fernando
Cox, Cravens, Culberson, Daggett,	Hurd, Jones, Kenna, Kitchin,	Ryon, John W. Sawyer, Scales, Simonton,	Wright.

The second second	N	AYS-65.	
Aldrich, N. W. Aldrich, William Anderson, Ballon, Barber, Blake, Boyd, Brewer, Browne, Carpenter, Caswell, Claffin, Conger, Cowgill, Davis, George R. Davis, Horace Dunnell,	Dwight, Einstein, Ferdon, Field, Frye, Garfield, Geddes, Godshalk, Hall, Haskell, Hawk, Hayes, Hazelton, Heilman, Hiscock, Horr, Humphrey,	Keifer, Kelley, Lapham, Lindsey, Loring, McKinley, Monroe, Morse, Morton, Newberry, Norcross, O'Neill, Orth, Pacheco, Pound, Price, Reed,	Ryan, Thomas Sherwin, Stevenson, Stone, Townsend, Amos Updegraff, J. T. Urner, Van Aernam, Voorhis, Wait, Ward, Warner, Williams, C. G. Willits.

NOT VOTING-114.

ı	Armfield,	Ellis,	Ladd,	Russell, Daniel L.
1	Atkins,	Evins,	Le Fevre,	Russell, W. A.
1	Bachman,	Ewing,	Lewis,	Samford,
ı	Bailey,	Farr,	Lounsbery,	Sapp,
1	Barlow,	Fisher,	Marsh,	Shallenberger,
ł	Bingham,	Frost,	Martin, Edward L.	Shelley,
ı	Blackburn,	Gibson,	Mason,	Singleton, J. W.
1	Bliss,	Gunter,	McCoid,	Smith, A. Herr
ı	Bowman,	Hammond, John	McCook.	Sparks,
ı	Bragg,	Harmer,	McGowan,	Starin,
1	Briggs,	Harris, Benj. W.	McKenzie.	Stephens,
١	Brigham,	Harris, John T.	Miles,	Talbott,
Į	Bright,	Hawley,	Miller,	Thomas,
1	Burrows,	Henderson,	Mitchell,	Thompson, W.G.
ı	Butterworth,	Herbert.	Neal,	Townshend, R. W.
1	Camp,	Hill.	O'Brien,	Tyler,
1	Carlisle,	Houk,	O'Reilly,	Updegraff, Thomas
ı	Chittenden,	Hubbell,	Osmer,	Washburn.
1	Clardy,	Hutchins,	Overton,	Weaver.
ı	Clark, Alvah A.	James,	Phelps,	White,
1	Clymer,	Johnston,	Phister,	Whiteaker,
1	Covert.	Jorgensen,	Pierce,	Wilber,
1	Crapo,	Jovce,	Poehler,	Wilson.
1	Crowley,	Ketcham,	Rice,	Wood, Walter A.
1	De La Matyr,	Killinger,	Richardson, D. P.	Youm,
ı	Deering,	Kimmel,	Richardson, J. S.	
1	Deuster,	King,	Robeson,	Young, Casey
١	Dick,	Klotz, •	Robinson.	Young, Thomas L.
1	Dunn,		Ross,	
1	Dunn,	Knott,	Luss,	

So the amendment was agreed to.
On motion of Mr. WELLS, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. BAILEY with Mr. HERBERT.

Mr. WILSON on all political questions to-day with Mr. THOMPSON,

Mr. CALKINS. Cannot that be dispensed with by unanimous consent?

Mr. BLOUNT. Let the rule be read.

The SPEAKER pro tempore. Is there objection? Mr. WRIGHT. Yes; I object.

The question was then taken; and it was decided in the affirmative-yeas 173, nays 6, not voting 113; as follows:

VEAS_173

Acklen.	Dickey,	Ketcham.	Sawyer,
Aiken.	Dunnell,	Lapham,	Scales,
Aldrich, William	Dwight,	Lindsey,	Sherwin,
Anderson,	Elam,	Loring,	Simonton,
Atherton,	Errett,	Manning,	Singleton, J. W.
Baker.	Farr.	Martin, Benj. F.	Singleton, O. R.
Ballou,	Felton.	Martin, Joseph J.	Slemons,
Barber,	Ferdon,	McCoid,	Smith, A. Herr
Beale.	Field,	McKinley,	Smith, Hezekiah B
Beltzhoover.	Finley,	McLane,	
	Emicy,	McMahon,	Smith, William E.
Berry,	Ford,		Speer,
Bicknell,	Forney,	McMillin,	Springer,
Blake,	Forsythe,	Miles,	Stevenson,
Bland,	Fort,	Mills,	Stone,
Blount,	Frost,	Monroe,	Taylor,
Bouck,	Frye,	Morrison,	Thompson, P. B.
Boyd,	Garfield,	Morse,	Thompson, W. G.
Brewer,	Geddes,	Muldrow,	Tillman,
Browne,	Gillette,	Murch,	Townsend, Amos
Buckner.	Godshalk,	Myers,	Tucker, Turner, Thomas
Cabell,	Goode,	New.	Turner, Thomas
Caldwell,	Hall,	Newberry,	Updegraff, Thomas
Calkins,	Hammond, N. J.	Nicholls,	Upson,
Cannon,	Hatch,	Norcross,	Urner,
Carpenter,	Hawk,	O'Connor,	Valentine,
Caswell,	Hayes,	O'Neill,	Van Aernam,
Chalmers,	Hazelton,	Orth,	Vance,
Claffin,	Heilman,	Osmer,	Waddill,
Clark, John B.	Henry,	Pacheco,	Wait,
Cobb.	Herndon,	Page,	Ward,
Coffroth.	Hiscock,	Persons,	Warner,
	Hooker,		Weaver,
Colerick,		Phelps,	
Conger,	Horr,	Philips,	Wellborn,
Converse,	Hostetler,	Pierce,	Wells,
Cowgill,	House,	Pound,	Whiteaker,
Cox,	Hall,	Prescott,	Williams, C. G.
Cravens,	Humphrey,	Price,	Williams, Thomas
Culberson,	Hunton,	Reagan,	Willis,
Davidson,	Hurd,	Richmond,	Willits,
Davis, George R.	Jones,	Robertson,	Wise,
Davis, Horace	Jorgensen,	Rothwell,	Wood, Fernando.
Davis, Lowndes H.	Keifer,	Ryan, Thomas	
Deering,	Kelley,	Ryon, John W.	
Dibrell,	Kenna,	Sapp,	
200000000000000000000000000000000000000	0072000000		

NAVS_6

Aldrich, N. W.	Kitchin,	Turner, Oscar	Wright.
Davis, Joseph J.	Lowe,		

	NOT V	OTING-113.	
Armfield,	Deuster,	Klotz,	Ross,
Atkins,	Dick,	Knott,	Russell, Daniel L.
Bachman,	Dunn,	Ladd,	Russell, W. A.
Bailey,	Einstein,	Le Fevre,	Samford,
Barlow,	Ellis,	Lewis,	Shallenberger,
Bayne,	Evins,	Lounsbery,	Shelley,
Belford.	Ewing,	Marsh,	Sparks,
Bingham,	Fisher,	Martin, Edward L.	Starin,
Blackburn,	Gibson,	Mason,	Steele,
Bliss,	Gunter.	McCook,	Stephens,
Bowman,	Hammond, John	McGowan,	Talbott,
Bragg,	Harmer.	McKenzie,	Thomas,
Briggs,	Harris, Benj. W.	Miller.	Townshend, R. W.
Brigham,	Harris, John T.	Mitchell.	Tyler,
Bright,	Haskell,	Money,	Updegraff, J. T.
Burrows,	Hawley,	Morton,	Van Voorhis,
Butterworth,	Henderson,	Muller,	Voorhis,
Camp,	Henkle.	Neal.	Washburn,
Carlisle.	Herbert.	O'Brien,	White.
Chittenden,	Hill.	O'Reilly,	Whitthorne,
Clardy,	Houk,	Overton,	Wilber,
Clark, Alvah A.	Hubbell,	Phister.	Wilson.
Clymer,	Hutchins,	Poehler,	Wood, Walter A.
Cook,	James,	Reed,	Yocum,
Covert,	Johnston,	Rice,	Young, Casey
Crapo,	Joyce,	Richardson, D. P.	Young, Thomas L
Crowley.	Killinger,	Richardson, J. S.	

Daggett, De La Matyr,

Kimmel, King,

So the bill was passed.

The following additional pair was announced:

Mr. McCook with Mr. Le Fevre.

Mr. THOMPSON, of Iowa. I desire to make a parliamentary inquiry. I am paired on all political questions with the gentleman from West Virginia, [Mr. Wilson.] I ask the Chair if I am entitled to vote on the passage of this bill? I desire to vote if I am entitled to

The SPEAKER pro tempore. From the statement of the gentleman it would appear that he is not paired on this bill.

Mr. THOMPSON, of Iowa. I vote "ay."

The result of the vote was then announced as above recorded.

Mr. WELLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSS BY FIRE OF ARMY CLOTHING.

The SPEAKER pro tempore, by unanimous consent, laid before the | may agree upon.

House a letter from the Secretary of War, relative to the loss by fire of clothing belonging to Company D, Fourth Cavalry; which was referred to the Committee on Military Affairs.

PRIVATE LAND CLAIM IN LOUISIANA.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting report of the Commissioner of the General Land Office on a private land claim in Louisiana; which was referred to the Committee on Private Land Claims.

CAPE HENRY, VIRGINIA, LIGHT STATION.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Treasury, relative to the purchase of additional land needed for the Cape Henry, Virginia, light station; which was referred to the Committee on Commerce.

ETHNOLOGIC RESEARCHES-NORTH AMERICAN INDIANS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Smithsonian Institution, recommending an appropriation of \$50,000 for the purpose of continuing the ethnologic researches among the North American Indians under the direction of the Secretary of the Smithsonian Institution; which was referred to the Committee on Appropriations, and ordered to be printed.

ENOCH DAVIS.

Mr. BROWNE. I ask unanimous consent to take up for present consideration a bill unanimously reported by the Committee on Military Affairs to remove the charge of desertion from a meritorious soldier. It will only take a moment to dispose of it.

The SPEAKER pro tempore. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 5043) to remove the charge of desertion against Enoch Davis. Mr. PRESCOTT. I call for the reading of the report, if there is

Mr. McMAHON. I will be compelled to object if there is to be any discussion. I desire to make a report from the Committee on Appropriations

Mr. BROWNE. I will state the facts in this case in shorter time than it would take to read the report.

The regiment of this man had been sent to Louisville, Kentucky, for the purpose of being mustered out of service at the end of the war. He had a brother residing on the north side of the Ohio River. and went to visit him, being away six or seven days. During his absence the regiment was mustered out of service. He returned to Louisville to be mustered out, but found his regiment was gone. He served gallantly in the war, was twice wounded, and has no blot on his record.

Mr. PRESCOTT. I have a case which is equally meritorious where the committee have refused to report. I object to the present consid-

eration of this bill.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. I report back from the Committee on Appropriations the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the year ending June 30, 1880, and for other purposes, with amendments of the Senate thereto, accompanied by a report in writing, which I send to the desk to be read.

Mr. O'NEILL. I wish to ask whether, after this report is disposed of, the House will not go to the Private Calendar and dispose of some of the meritorious pension cases.

of the meritorious pension cases.

Mr. McMAHON. There has been an evening session assigned for

that purpose.

Mr. O'NEILL. And scarcely anything has been done at the even-

The SPEAKER pro tempore. That is not the question before the House at this time. The regular order is the report from the Committee on Appropriations, which the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the year-ending June 30, 1880, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments numbered 2, 3, 4, 5, 7, 8, 12, 18, 19, 20, 21, 22, 23, and 24.

They recommend non-concurrence in the amendments numbered 6, 9, 10, 11, 13, 14, 15, 16, and 17.

They recommend concurrence in the amendment numbered 1 with an amendment making the sum named \$250,000.

Mr. DUNNELL. Have these amendments been printed?
Mr. McMAHON. They have.
Mr. STONE. I desire to move concurrence in one of these amendments in which the committee recommend non-concurrence.
Mr. MONEY. I rise for information. What is the proposition of the gentleman who has charge of this bill?
Mr. McMAHON. The Committee on Appropriations have directed me to move to concur in certain amendments of the Senate. Upon those of course if the House yoth favorably there will be an end of those, of course, if the House vote favorably, there will be an end of all disagreement between the two Houses. Upon other amendments the committee have directed was to move a committee have directed was to move a committee to the committee have directed was to move a committee to the committee have directed was to move a committee to the commi the committee have directed me to move non-concurrence. sult of that non-concurrence will be a conference between the committees of the two Houses and such a report to each House as they

Mr. CONGER. I make the point that the bill and amendments, with the report of the Committee on Appropriations, should go to the Committee of the Whole on the state of the Union. There are changes of appropriations in these amendments.

Mr. HISCOCK. I ask my colleague on the committee if the intention is, first to take a vote on the concurrence, and then go into Committee of the Whole on the items on which non-concurrence is recom-

Mr. McMAHON. I am willing to take that course.
Mr. HISCOCK. I think we should go into Committee of the Whole for the consideration of all the amendments.

Mr. CONGER. I make the point of order that the amendments of the Senate must have consideration in Committee of the Whole. The SPEAKER pro tempore. The Clerk will read Rule XX.

The Clerk read as follows:

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Mr. McMAHON. It cannot be disputed that these amendments must go to the Committee of the Whole.

The SPEAKER pro tempore. The Chair sustains the point of order, and the bill must of necessity go to the Committee of the Whole on the state of the Union.

Mr. McMAHON. I will move that the House resolve itself into Committee of the Whole; but will first yield to the gentleman from Mississippi [Mr. Manning] who desires to rise to a question of privilege. After that is disposed of I will move that the House go into Committee of the Whole.

Mr. CONGER. I desire to ask the gentleman from Ohio [Mr. Mc-MAHON] not to move this afternoon to go into Committee of the Whole. We opposed yesterday the adjournment over until Monday so that we might finish the consideration of the pending appropriation bill. That bill has been passed, and members should be allowed some little of the time to-day for other purposes.

The SPEAKER pro tempore. That is a question for the House to

determine.

Mr. McMaHON. This is a bill making appropriations for the in-mediate necessities of the Government, and I think it should be passed without delay.

ELECTION CONTEST-CHARGE OF BRIBERY.

The SPEAKER pro tempore. The gentleman from Mississipp

MANNING] rises to a question of privilege, and the gentleman from New York [Mr. Cox] will please take the chair.

Mr. COX took the chair as Speaker pro tempore.

Mr. MANNING. By direction of the Committee on Elections I submit for present consideration and action by this House the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas a certain anonymous letter, dated, House of Representatives, Washington, District of Columbia, March 4, 1880, addressed to Hon. WILLIAM M. Springer, offering a bribe of \$5,000 if he would prevent the unseating of William D. Washburn, was mailed the 8th day of March, 1880, in the post-office of the House of Representatives, and delivered to Hon. WILLIAM M. Springer, then and now the chairman of the Committee on Elections, before which said election case at that time was pending. and was pending; and
Whereas said letter purports to be an attempt to corruptly influence the action
of said Hon. William M. Springer, as a member of said committee and of the

of said Hon. WILLIAM M. SPRINGER, as a member of said committee and of the House of Representatives; and
Whereas another private letter was sent to and received by the said SPRINGER in reference to the said contest, signed by H. H. Finley; and
Whereas the language by the said SPRINGER, published in the CONGRESSIONAL RECORD of the 6th instant, in his speech on the subject before the House, is construed by many members as a charge against said Donnelly of having inspired the writing of said letter; and
Whereas the said Donnelly has requested an investigation of said matter: Now,

Whereas the said Donnelly has requested an investigation or said matter: Aswetherefore,

Resolved, That a committee of seven members of this House be appointed by the Speaker, to inquire and report to this House as to the authorship of said anonymous letter, who sent it, and the purpose for which said letters were sent, and all other matters in connection with the same, and that said committee be authorized to inquire and to report to the House thereon whether, in either or all of the letters in controversy, and written to Hon. William M. Springer, there has been any breach of the privileges of the House, or of any memberthereof, and said committee shall have power to send for persons and papers, to administer oaths, to sit during the sessions of the House, and to report at any time; and that the expenses incurred in said investigation shall be paid out of the contingent fund of the House.

The question was upon adopting the preamble and resolution.

The question was upon adopting the preamble and resolution. Mr. BROWNE. I desire to make an inquiry. Mr. MANNING. Certainly.

Mr. BROWNE. Is it proposed to investigate the conduct of some person not a member of this House by a committee of this House, and at the expense of the people? Is that the purpose of this reso-

Mr. MANNING. The preamble and resolution are quite clear. The language is not ambiguous. The resolution is strictly in accord, in the judgment of the Committee on Elections, (and I would say that

that judgment was expressed with marked unanimity,) with our duty as we conceive it to ourselves, to this House, and to the country.

The resolution proposes an investigation into the authorship of an anonymous letter, which upon its face purports to have been written in the interest of a member of this House. Whether it was written or inspired by contestee or contestant is a matter which this House of course ought to determine. If it was written or inspired by the

contestant who asks a seat here, such dishonorable conduct should be promptly and decisively rebuked by this House, and I take it that no man would feel that he could give his consent for the admission on this floor of such a person, if the proof should show that he wrote or inspired a letter of that sort.

There are a great many things of which I might speak, but which I do not propose now to discuss. I rose merely for the purpose of saying that if this resolution shall be adopted, I do not desire to be the chairman of the committee contemplated therein. I wish now to waive all the right I may be supposed to have by parliamentary

practice in such a matter.

In response to the question of the gentleman from Indiana [Mr. Browne] I will remark that many things might transpire while a contested-election case is pending, so far as the contestant is concerned, that would make every man on this floor set his face firmly against the entrance here as a member of such contestant. Why, sir, it seems to me that it would be plain to an honorable man charged with the investigation of the merits of an election contest, that after he had gotten through with the technicalities of the case, the consideration of the facts and of the law applicable thereto, then if nece sary to address himself to the moral features of the case also; and to say, if you please, in the report, that while he found the contestant had been elected upon the facts and the law that governs the case, he did not believe that the contestant was a fit and proper man to be sworn in here as a member of this House.

Suppose that a man asking admission here, and waging a contest with a sitting member, should commit arson, or theft, or any of the heinous crimes enumerated in the catalogue of crimes; suppose he should cover himself all over with crimes, what man on this floor would say that you could not consider those matters until the man was admitted to a seat here and then, under the Constitution, which refers alone to a sitting member, could turn him out by a two-thirds vote? I take it that the American Congress would get itself into an attitude before the honest and intelligent people of this country and of the world that would be utterly indefensible by any such course

as that.

Now, Mr. Speaker— Mr. New was recognized by the Chair.

Mr. McLane. I rise to a parliamentary inquiry.
Mr. MANNING. Mr. Speaker, I was about to make a further remark; but I have no disposition to go into any argument of this case. I purposely refrain from expressing any judgment upon the merits of the resolution further than I have done. The resolution is broad; it was intended to be so. It is as broad as the merits of the case require. A full, thorough investigation is what I court; and I hope no gentleman on this floor will be found seeking anything less. Nobody here, I presume, will say that he desires any limited investigation

which will shut out any part of the facts.

I move the previous question, unless it is deemed desirable that the

debate shall proceed.

Mr. CONGER. I ask the gentleman whether this resolution is reported from the Committee on Elections?

Mr. MANNING. I have so stated. I endeavored to be as explicit as I could. If the gentleman desires me to go further I will say it has been reported with a unanimity that is most marked.

Mr. CONGER. I did not hear that part of the gentleman's state-

ment.

Mr. MANNING. I demand the previous question.

Mr. SPEER. I would like to say a word.
Mr. MANNING. I yield to the gentleman from Georgia, [Mr. SPEER.] Mr. NEW.

I have been recognized. KER pro tempore. The gentleman from Mississippi has The SPEAKER pro tempore. called the previous question.

Mr. McLane. I rose to a parliamentary inquiry.
Mr. MANNING. I believe the gentleman from Georgia [Mr. Speer]
desires to be heard. I yield to him with pleasure.
Mr. McLane. Before the gentleman from Mississippi demanded
the previous question I rose for the purpose of addressing to the Chair

the previous question i rose for the purpose of databases a parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognized the gentleman from Indiana, [Mr. New,] supposing the gentleman from Mississippi had concluded. But the previous question cuts off both gentlemen. The Chair will, however, hear the parliamentary inquiry of the gentleman from Maryland.

Mr. McLANE. I rose before the demand for the previous question; and I stated to the Chair that I rose to ask a parliamentary inquiry.

Mr. MANNING. I have not yielded the floor.

Mr. McLANE. It is not necessary for the gentleman to yield. It is my right to address to the Chair a parliamentary inquiry; and it is not the privilege of the gentleman from Mississippi to interpose an objection.

Mr. MANNING. No, sir; but I presume no debate is in order pend-

ing the demand for the previous question.

The SPEAKER pro tempore. The gentleman from Maryland will

Mr. McLane. I rose for the purpose of asking the Chair whether the gentleman from Mississippi had taken the floor to reply to the inquiry of the honorable gentleman from Indiana, [Mr. Browne.] But as the Chair did not recognize me and as the gentleman from Mis-

sissippi has proceeded and has asked the previous question, I withhold my inquiry; but the pendency of the demand for the previous question permits me to make the motion I design now to make—to lay this resolution on the table. I do not think it presents a question of privilege at all.

privilege at all.

Mr. MANNING. It is a question of the highest privilege. It involves the integrity of this House.

The SPEAKER pro tempore. The motion to lay on the table is in order, but it is not debatable.

The question being taken on the motion of Mr. McLane to lay the resolution on the table, there were—ayes 41, noes 99.

Mr. McLane. I call for the years and nays.

The yeas and nays were not ordered. So the motion of Mr. McLane was not agreed to.

Mr. MANNING. I have demanded the previous question.

The previous question was seconded; there being—ayes 81, noes 52. The main question was ordered; which was upon the adoption of the resolution.

The question being taken, there were—ayes 106, noes 55.

Mr. BROWNE. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 27, less than one-fifth of the last vote.

Mr. BROWNE. I call for tellers on ordering the yeas and nays. Tellers were not ordered.

So the resolution was adopted.

Mr. MANNING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMAHON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose

of considering the amendments of the Senate to what is known as the "immediate deficiency bill."

Mr. PAGE. I move that the House now adjourn.

Mr. McMAHON. I hope we shall not adjourn now. Let us go into Committee of the Whole, and proceed with this bill till three o'clock

The question being taken on the motion to adjourn, there were-

ayes 87, noes 77.

Mr. McMAHON. I call for tellers. If gentlemen will consent to go into Committee of the Whole, I will move at three o'clock that the committee rise.

Tellers were ordered; and Mr. PAGE and Mr. McMahon were ap-

Mr. PAGE. If there be no objection, I will withdraw my motion upon the assurance of the gentleman from Ohio that he will move the committee rise at three o'clock.

Mr. McMAHON. At three o'clock I will move that the committee

rise, so that the House may adjourn.

IMMEDIATE DEFICIENCY BILL.

The question recurred on Mr. McMahon's motion to go into Committee of the Whole.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WHITTHORNE in the chair.

The CHAIRMAN. The question before the committee is the amendments to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Govern-

ment for the fiscal year ending June 30, 1880, and for other purposes.

Mr. McMAHON. Mr. Chairman, the bill under consideration now is printer's number 3337. It is what is known as the immediate deficiency bill, which was passed about a month ago by the House and sent to the Senate, and by the Senate amended in a considerable degree and sent back to the House. I do not propose to take any time in discussing the provisions of the bill in ordinary general discussion. I have no general discussion to tender to the House. I desire, how-ever, the committee to understand that there is a substantial agreeever, the committee to understand that there is a substantial agreement between the two Houses upon most of the important amendments. The Senate has added in the aggregate \$402,932 to this bill, but they have deducted \$107,000, leaving \$295,932 of an increase; but the deduction of \$100,000 made in regard to the printing burean will be found in another bill we passed; so the actual net increase by the Senate is \$391,932, without counting cents. We have moved to concur in the Senate amendment in regard to the public printing with an amendment reducing the amount to \$250,000 instead of \$300,000, because in the star-route bill we passed \$50,000 for the CONGRESSIONAL RECORD, which therefore leaves the amount of \$250,000 still necessary RECORD, which therefore leaves the amount of \$250,000 still necessary to appropriate.

We have moved to concur in the Senate amendment of \$51,283.10

We have moved to concur in the Senate amendment of \$51,283.10 for dies, paper, and stamps in the Internal Revenue Department, made necessary, as we understand, by the very large increase of the internal-revenue business.

We have moved to concur in \$15,000 for what is known as the Coast and Geodetic Survey. The House declined to put that in the bill originally. We were requested to put in \$15,000 for the eastern division and \$15,000 for the western division. We declined; but representations were made to the Senate and it was put in there. We have finally concluded to let it stand; and perhaps it ought to stand. finally concluded to let it stand; and perhaps it ought to stand.

Mr. BLOUNT. There is no change of amount, but simply as to the

Mr. McMAHON. Yes; the amount is changed. It is reduced one-half what was asked in the House.

Mr. BLOUNT. What I had in my mind was this: that the appropriation, as it was sent to the House, looked to its use for the repair

Mr. McMAHON. Yes; that is continued in the bill, \$10,000 for the repairs and maintenance of the vessels used in the Coast and Geodetic Survey

Mr. BLOUNT. I did not notice that.
Mr. McMAHON. This is new matter, and a compromise has been agreed upon of \$7,500 to each division. My colleague wished to ask a question: What is it?

Mr. GARFIELD. Perhaps my question is now unnecessary. I was going to request of my colleague that when we got out of committee he should move that these amendments of the Senate should be printed in the RECORD. I am told, however, that they have already been printed.

Mr. McMAHON. Yes, sir; I ordered the bill and Senate amend-

ments printed.

Mr. GARFIELD. All right.

Mr. McMAHON. The sixth amendment of the Senate appropriates \$286,500 for continuing the construction of the north wing of the State, War, and Navy Department building. On that the committee recommend non-concurrence, the appropriation for the last fiscal year having been about \$600,000. But this we can discuss when we come under the five-minute rule.

The amendments numbered 7 and 8 are simple transpositions, with

no change in the text, and therefore are eminently proper.

We have moved to non-concur in the ninth amendment appropriatwe have moved to non-concur in the finth amendment appropriat-ing \$3,299.22 to pay for illustrations for the Official Gazette of the Patent Office. I desire to say to the committee we have had no infor-mation on that subject, and whatever may be the final action of the House on this matter will be a direction to the committee. I have no information to give to the committee on this point; no one has seen the committee or the sub-committee that I am aware of, and a motion of non-concurrence is as much for the purpose of having information on the subject as any other.

We move to non-concur in amendments numbered 10 and 11, be-

We move to non-concur in amendments numbered 10 and 11, because we desire conference with the Senate on that subject as to why the limitation was put in "February 1;" why it may not be later or why it should not be earlier.

We have also moved concurrence in \$6,000 for continuation of the surveys of swamp lands. This was an amendment discussed at considerable length at another place when it was put in, and put in on motion of those interested in the subject. I understand a large number of Representatives on the floor of the House are interested in the passage of this matter, and the committee recommend concurrence. passage of this matter, and the committee recommend concurrence in the amendment.

Although we move to non-concur in amendments numbered 13 and 14, the committees of the two Houses will substantially concur. The Senate put in an amendment appointing these parties from the 1st day of April, which is a day long since past. We make the appropriation for these persons from the time this bill passes, and the noncurrence is really with a view to having concurrence in what the two Houses have agreed to substantially.

For the preparation and publication of post-route maps, \$5,000. The committee move to non-concur in that amendment. I will state we have no definite information on that subject except as we derive it from members of the House. Nobody in behalf of the Department has made any special recommendation to us since it was put in by the Senate. That I suppose is open really to a committee of confer-

I desire to state to the gentlemen here, what I think they ought to understand, that concurrence in the Committee of the Whole House will be regarded in the nature of instructions by any committee of conference which is appointed. Therefore the committee ought to be a little guarded in moving to concur or non-concur, because it might result in definite action without full investigation of the sub-

There are some small amendments to which I will not refer. is one in reference to the Smithsonian Institution, recommended by Professor Baird. I expect it would have been put in by the House committee if the committee had been asked to do so. I think at the time we prepared this bill the request was not made, and the urgency and need of it were not understood. The committee unanimously agreed that should be concurred in.

No. 19 is for an employé of the Senate. That we move to concur

in as a matter of course out of comity to the Senate.

in as a matter of course out of comity to the Senate.

Amendments Nos. 20 and 21 were regarded as formal amendments intended to carry out some purpose the House intended to carry out, and therefore we move to concur.

Mr. CONGER. Relating to what?

Mr. McMAHON. The southern claims commission. I think it is a mere change in language. The amendments are numbered 20 and 21.

Amendment numbered 22 is for extra labor on the grounds, putting up seed and printing labels for the Botanic Garden, \$550. This is an important industry, putting up seeds for members of Congress, which it was thought by the Committee on Appropriations could not be

neglected when so many gentlemen were up for re-election, and therefore they thought it only right to put in an appropriation of \$850 to make it pleasant and wholesome in every man's district. [Laughter.]

The twenty-third amendment of the Senate relates to the appointment of special deputy marshals. This amendment in the Senate, as offered by my colleague from the State of Ohio, provided for the appointment of such deputy marshals of elections by judges of the courts. The Constitution of the United States is a little technical on this point and requires the appointment of officers shall be made by the President and heads of Departments or by the courts, and we thought President and heads of Departments or by the courts, and we thought in looking at this amendment by the Senate—indeed we knew it probably before the Senate put it in—it should be adopted, so that the appointment should be by the circuit court of the United States, or, in the absence of the circuit court or circuit judge, by the district court of that district. The committee therefore have moved to concur in this amendment.

Mr. CONGER. Does the gentleman recognize the fact that the House passed an unconstitutional provision?

Mr. McMAHON. The committee is not the law committee of this House; the committee is a Committee on Appropriations. And I want to say to my distinguished colleague that we were all too modest to criticise the work of my distinguished colleague from the State est to criticise the work of my distinguished colleague from the State of Ohio, but have now accepted the criticism of the Senate on that question and of my colleague who now stands on the floor of the House.

Mr. CONGER. We assented to the passage of that clause—
The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. MCMAHON. I do.

Mr. CONGER. We assented to the passage of that clause with that provision in because we were aware on this side it could never be car-

Does the gentleman say he voted for it?

Mr. McMAHON. Does the gentleman say he voted for it?
Mr. CONGER. No, sir.
Mr. McMAHON. Do I understand he voted even for the appropriation bill which had it in ?

Mr. CONGER. I cannot tell what the gentleman understands.
Mr. McMAHON. I ask the question.
Mr. CONGER. I am not sufficiently acquainted with the idiosyn-

cracies of the gentleman from Ohio.

Mr. McMAHON. My recollection of the proceedings in the House is that we had to pass the bill without the vote of gentlemen on the other side

Mr. CONGER. That is true, and will be again unquestionably if

this clause is retained.

Mr. McMAHON. I do not see where the gentleman's consent comes

Mr. CONGER. Assented, I said. The gentleman ought to be familiar with the use of ordinary words. [Laughter.]
Mr. McMAHON. If he sticks on the first syllable, all right. [Re-

mewed laughter.]
Mr. CONGER. The foundation of my remarks is on the gentleman's own side of the question. [Laughter.]
Mr. McMAHON. Has the gentleman any further remarks to ad-

dress to me?

Mr. CONGER. I did address a remark to the gentleman. Yes; I

am not above speaking to the gentleman. [Laughter.]
Mr. McMAHON. I think not. I do not know anybody on this floor the gentleman is above speaking to, not only once, twice, but a dozen times a day. No man on this side of the House can get the floor but the gentleman from Michigan is anxious to be recognized by him and to speak to him.

Mr. CONGER. The gentleman is right about that.

Mr. McMAHON. Does the gentleman desire to ask any further

Mr. CONGER. I do not desire to ask any further question until

the other is answered.

Mr. McMAHON. If the gentleman's wit is not ready just now he can sit down and I will proceed with the explanation.

Mr. CONGER. If the gentleman does not feel disposed to answer the question I will not press it.

Mr. McMAHON. If the gentleman has a question pumped up now,

I am ready to hear it.

Mr. CONGER. I asked the gentleman whether it was understood on that side of the House as on this, that the proposition that the judges should appoint these officers was unconstitutional and there-

judges should appoint these officers was unconstitutional and therefore could not be carried into effect.

Mr. McMAHON. I think not.

Mr. CONGER. The gentleman has declined answering that question.

Mr. McMAHON. I do not think it was understood so on that side, because, if it was, gentlemen on that side were very derelict in sitting there and allowing an unconstitutional law to pass.

Mr. REED, (in his seat.) We voted against it; we did not suffer it to receive the constitutional seat.

it to pas

Mr. McMAHON. Has the gentleman from Maine [Mr. REED] a question? If any gentleman desires to ask me a question I hope he will rise.

Now, Mr. Chairman, I pass to the last amendment of the Senate. It is to add these words:

For repairs to the court-house building in the city of Washington, District of Columbia, \$800, or so much thereof as may be necessary.

In that we move to concur.

I have now made a short statement, which probably was unnecessary; but it may save trouble to members of the House, because the printed bill, when taken in connection with the report of the committee, will show exactly what the committee recommend and do not recommend; and it is for the House to determine what it will do with these recommendations.

I now move, in accordance with the understanding, the hour of

three o'clock having arrived, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. WHITTHORNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, with amendments by the Senate thereto, and had come to no resolution thereon.

MRS. CORNELIA F. WHITE.

On motion of Mr. PAGE, by unanimous consent, the bill (S. No. 1564) granting a pension to Mrs. Cornelia F. White was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

ASSESSMENT OF TERRITORIAL REVENUE.

Mr. BRENTS. I ask unanimous consent to introduce a bill for reference to the Committee on the Territories, in order that it may be printed for the use of the committee before Tuesday morning.

There was no objection.

Mr. BRENTS accordingly introduced a bill (H. R. No. 5808) to annul an act of the last Legislative Assembly of Washington Territory entitled "An act to provide for assessing and collecting the county and territorial revenue;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

HOMESTEAD RIGHTS TO SOLDIERS, ETC.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 5809) to amend section 2309, chapter 5, title 32, Revised Statutes, giving additional homestead rights to soldiers, sailors, and marines of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH DEMPSEY.

Mr. MASON, by unanimous consent, introduced a bill (H. R. No. 5810) granting an increase of pension to Joseph Dempsey, late a captain of Company K, One hundred and forty-seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BLOUNT. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at three o'clock and three minutes p. m.) the House

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BERRY: The petition of soldiers of California, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. BREWER: The petition of R. P. Dayton, Jesse Sherwood, and 80 others, citizens of Ingham County, Michigan, for legislation to protect innocent purchasers and users of patented articles—to the Committee on Patents.

Also the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of R. S. Dayton, F. M. Otis, and 90 others citizens of the petition of the pet

Also, the petition of R. S. Dayton, F. M. Otis, and 90 others, citizens of Ingham County, Michigan, for legislation to protect the people from the oppressions of railroad monopolies—to the Committee on

Commerce. By Mr. ELLIS: The petition of leading business men of New Orleans, Louisiana, for the removal of the duties on salt—to the Committee on Ways and Means.

By Mr. GILLETTE: The petition of A. Huff and 162 others, citizens of Kansas, against the passage of the Wood refunding bill, and for the passage of the bill providing for the payment of the public

debt—to the same committee.

By Mr. HAWK: The petition of H. R. Bain and 32 others, ex-soldiers of Jo Daviess County, Illinois, for the appropriation of a sufficient sum to make their pay while in the Army equal to gold and silver during their term of service—to the Committee on Military Affairs.

By Mr. HENKLE: The petition of certain assistant surgeons of the United States Army, for credit, in computing for longevity pay and retirement, of the period of their service as acting assistant or contract surgeons—to the same committee.

By Mr. HUNTON: The petition of citizens of Collingwood, Virginia,

By Mr. HUNTON: The petition of citizens of Collingwood, Virginia, for an appropriation to improve the approaches of Potomac River to the wharf at Collingwood—to the Committee on Commerce.

By Mr. MASON: The petition of the Board of Trade of Oswego, New York, for an appropriation of \$200,000 for the improvement of Oswego Harbor—to the same committee.

Also, the petition of Joseph Dempsey, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. McCOOK: Papers relating to the claim of Mrs. Mattie S. Whitney for compensation for property taken from her, in 1864, at

Vicksburgh, Mississippi, by order of General W. H. Slocum—to the Committee on War Claims.

By Mr. McMAHON: The petition of Michael Breen, for a pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Memorial of the Philadelphia Board of Trade,

By Mr. O'NEILL: Memorial of the Philadelphia Board of Trade, urging the extension of the United States Mint at Philadelphia—to the Committee on Coinage, Weights, and Measures.

By Mr. OSMER: Resolution of the common council of Erie, Pennsylvania, favoring the passage of the bill (H. R. No. 5093) providing for the establishment of a soldiers' home in Pennsylvania—to the Committee on Military Affairs.

By Mr. PHILIPS: The petition of citizens of Morgan County, Missouri, for the repeal of the third clause of section 4693 of the Revised Statutes—to the Committee on Pensions.

By Mr. POEHLER: The petition of E. Ericson, for the passage of the bill (H. R. No. 4657) providing for a reclassification of the mail service and regulating the salaries of employés in the same—to the Committee on the Post-Office and Post-Roads.

Also, the petition of John Moulton and others, for the relief of Al-

Also, the petition of John Moulton and others, for the relief of Almira C. Harrington, who was wounded severely by Sioux Indians to the Committee on Indian Affairs

By Mr. SAPP: The petition of William Bebout, of Eastport, Iowa, to be refunded revenue tax—to the Committee on Ways and Means.

By Mr. STARIN: The petition of J. A. De Remer and others, business men of Schenectady, New York, in relation to taxation for license fees for steary placements.

fees for steam pleasure vessels or yachts-to the Committee on Com-

By Mr. RICHARD W. TOWNSHEND: The petition of George B.

Whiting, for additional pay as an officer in the United States Navy—to the Committee on Expenditures in the Navy Department.

Also, the petition of William H. Cozet and others, citizens of Richland County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. J. T. UPDEGRAFF: The petition of the New York commit-

tee for the prevention of licensed prostitution, that the powers of the National Board of Health be clearly defined, and that they shall not be employed to promote any scheme of "regulated" prostitution—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. VAN AERNAM: The petition of George Maurer, for the removal of the charge of desertion against him—to the Committee on Military Affairs

IN SENATE.

MONDAY, April 19, 1880.

Prayer by Rev. HENRY C. CAMERON, D. D., Professor of Greek, Col-

lege of New Jersey, Princeton, New Jersey.
The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to erroneous surveys in the former Sioux Indian reservation, west of Big Stone Lake, in Dakota, and submitting an estimate for \$4,000 for a resurvey; which was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented a memorial of the German Society of the city of New York, in favor of the passage of the bill (H. R. No. 2408) to regulate immigration; which was referred to the Committee on Foreign Relations.

Mr. BECK presented the petition of John R. Collett, late of Company B, Seventh Kentucky Volunteers, praying to be placed on the invalid pension-roll under the act of June 4, 1874; which was referred to the Committee on Pensions.

Mr. DAVIS, of Illinois, presented the petition of 37 ex-soldiers of Maine, praying that they be paid the difference in value between gold and greenbacks at the time of their payment as soldiers; which

was referred to the Committee on Finance.

Mr. KIRKWOOD presented the petition of T. M. Sinclair & Co.,
John Weare, John F. Deane, George Greene, and 200 others, citizens
of Iowa, praying that all duty on salt be removed and that it be
placed upon the free list; which was referred to the Committee on

Mr. TELLER presented the memorial of B. F. Wadsworth and others, of Jefferson County, Colorado, and the memorial of W. B. Knowles, of Fort Collins, Laramie County, Colorado, protesting against the change in the United States land laws as proposed by the land commission; which were referred to the Committee on Public Lands.

Mr. CONKLING presented the petition of a large number of business men of the city of Buffalo, New York, praying that salt be put on the free list by the removal of duty; which was referred to the Committee on Finance.

Committee on Finance.

CANAL IMPROVEMENTS IN WASHINGTON.

Mr. HARRIS. I am directed by the Committee on the District of Columbia, to whom was referred a Senate resolution asking for certain information, to report it back without amendment, and ask that it be now considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States, That the commissioners of the District of Columbia be directed to furnish the Senate with an estimate of the probable cost of completing the filling up of the old canal, the amount of ground that will be reclaimed thereby; also the probable cost of placing James Creek Canal in good sanitary condition.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 952) for the relief of the Fifteenth and Sixteenth

A bill (H. R. No. 952) for the reflet of the Fifteenth and Sixteenth Missouri Cavalry Volunteers;
A bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York;
A bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending

June 30, 1881, and for other purposes;
A bill (H. R. No. 5628) relating to machinists in the Navy;
A bill (H. R. No. 5041) to authorize the Secretary of War to turn over to the governor of South Carolina four pieces of condemned cannon for the use of the Marion Artillery;
A bill (H. R. No. 5203) providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wessing.

and Wyoming;

and Wyoming;
A joint resolution (H. R. No. 283) authorizing the Secretary of War to furnish for use at the soldiers and sailors' reunion at Columbus, Ohio, to be held in August, 1880, certain artillery, tents, muskets, and blank cartridges; and
A joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the

State of Illinois.

The message also announced that the House had passed the concurrent resolution of the Senate for the printing, with the necessary illustrations, of 5,000 copies of the report on zoology, volume 14 of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden.

The message further announced that the House had passed the joint resolution (8 P. Ve. 56) and beginning the printing and hind in the first territories.

resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
A bill (H. R. No. 2802) for the relief of the owner of the bark Grape-

A bill (H. R. No. 225) granting a pension to Melissa Wagner; and A bill (H. R. No. 1597) granting a pension to Patsy Davenport.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1611) to incorporate the National American Humane Association, asked to be discharged from its fur-ther consideration, and that it be referred to the Committee on the

Judiciary; which was agreed to.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1618) to amend section 553 of the Revised Statutes, relating to the District of Columbia, reported it with an

amendment.

Mr. WITHERS, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, reported it without amendment.

Mr. ALLISON. I wish to ask the Senator from Virginia when he

Mr. ALLISON. I wish to ask the Senator from virginia when he proposes to call up the bill?

Mr. WITHERS. I propose to call it up to-morrow, if it shall be the pleasure of the Senate to take it up then. Should it not be, my desire is to get it up at as early a day as practicable, so as to get as early action of the Senate upon it as it is willing to take.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (S. No. 1082) for the relief of Smith E. G. Lawson, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

was ordered to be printed.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 676) to amend class 2 of the general incorporation laws of the District of Columbia, reported it without amendment.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (S. No. 633) for the relief of the State National Bank of Louisiana, instruct me to report it adversely, and I ask that it be placed on the Calendar, as the Senator from Louisiana [Mr. Jonas] desires it to go there.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WALLACE. I am directed by the select committee to inquire into alleged frauds in the late elections to make a report on the prevention of the elective franchise by threats of deprivation of employment. I do not report the testimony now. The understanding is that the minority will make a minority report, for which there will be

Some ten days given.

Mr. TELLER. I suppose there is no limit.

Mr. WALLACE. There is no special time fixed; but we want it done as soon as possible.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the subject of selecting jurors in the interest of economy, and have directed me to report an original bill.

The bill (S. No. 1643) to provide that whenever the circuit and district courts of the United States are held at the same time and place

trict courts of the United States are held at the same time and place there shall be but one grand or petit jury summoned to attend on said courts at one and the same time was read the first time by its title.

Mr. DAVIS, of Illinois. There is but one section to the bill and I will state that nobody objects to it. It simply provides that wherever the district and circuit courts of the United States sit at the same time and place there shall be but one panel of grand and petit jurors summoned at the same time, and that they shall be interchangeably used in both courts. That is all there is of the bill, and I would ask its present consideration. its present consideration.

The bill was read the second time at length, as follows:

Be it enacted, &c., That whenever the terms of the circuit and district courts of the United States shall be held at the same time and place, grand and petit jurors summoned to attend in either of said courts may serve in the other of said courts, and but one grand or petit jury shall be summoned to attend on said courts at one and the same time; said jurors to be drawn as is or may be required by law. This provision shall not prevent either of said courts from procuring the attendance of several panels of jurors successively, as the business of either may require.

The VICE-PRESIDENT. Is there objection to the present con-

sideration of this bill?

Mr. INGALLS. It seems to me that there must be many districts in the United States where the business is so important and the cases are so numerous that to make that a peremptory provision of law would be a serious detriment.

would be a serious detriment.

Mr. DAVIS, of Illinois. We have not passed a court bill since I have been in the Senate where we have not inserted such a provision, but it is not general, as it ought to be. There is a provision at the end of this bill that, when the business requires, the courts can summon just as many jurors as they please.

Mr. INGALLS. I shall make no objection to the bill; but it appears

to me very questionable whether it may not result in retarding busi-

Mr. HARRIS. I will inquire of the Senator from Illinois if there is not a provision of law already existing that authorizes the court to order jurors to be summoned whenever there is not sufficient in the regular panel?

Mr. DAVIS, of Illinois. We have incorporated that at the end of

the bill.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISEASES OF DOMESTIC ANIMALS.

Mr. WHYTE. The Committee on Printing, to which was referred the concurrent resolution of the House of Representatives for printing 100,000 copies of Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine, have had the same under consideration and report the same back with a recommendation that it pass, but with that recommendation suggest two amendments, which the Secretary will see marked upon the face of the resolution.

The Senate proceeded to consider the following resolution:

Resolved by the House of Representatives, (the Senate concurring therein.) That there oe printed 100,000 copies of Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine, and infectious and contagious diseases incident to other classes of domesticated animals; of which 65,000 copies shall be printed for the use of members of the House, 20,000 copies for the use of members of the Senate, and 15,000 copies for the use of the Commissioner of Agriculture.

The amendments of the Committee on Printing were, in line 8, to strike out "five," so as to read "60,000 copies shall be printed for the ase of members of the House," and, in line 9, after the word "twenty," to insert "five," so as to read "25,000 copies for the use of members of the Senate."

The amendments were agreed to.

The resolution, as amended, was concurred in.

BILLS INTRODUCED.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1644) to repeal section 13 of the act of Congress approved July 12, 1876; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1645) for the relief of Lieutenant John A. Payne,

Nineteenth Infantry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1646) to extend the provisions of the act entitled "An act to provide compensation for the services of George Morell, in adjusting titles to lands in Michigan;" which was read twice by its title, and, together with the papers on the files relating to the case, referred to the Committee on Claims.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1647) authorizing and empowering the clerks of the district and circuit courts respectively to do certain acts therein mentioned; which was read twice by its title, and referred

acts therein mentioned; which was read twice by its title, and referred

to the Committee on the Revision of the Laws.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1648) in relation to the mixed commission between the United States and Venezuela under the conventiou of April

tween the United States and Venezuela under the convention of April 25, 1866; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1649) for the relief of First Lieutenant George H.Wright, Seventh Infantry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs. Affairs.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1650) authorizing the President to make the necessary arrangements to carry into effect any convention between the United States and Nicaragua for the adjustment of claims which may be duly concluded between the two governments; which was read twice by its title, and referred to the select committee to inquire into the claims of citizens of the United States against the government of Nicaragua

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1651) granting a pension to Rachel Jones; which was read twice by its title, and referred to the Committee on

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1652) granting a pension to the minor children of Lawrence Burgess; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1653) authorizing a survey of the Wacissa and Awcilla Rivers, of Florida; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 103) authorizing Captain Jonathan Young, of the United States Navy, to accept a betel-nut box and a silver medal from the Emperor of Siam; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That Rear-Admiral F. Stanley have leave to withdraw his papers from the files of the Senate.

On motion of Mr. KERNAN, it was

Ordered, That the papers relating to the claim of A. B. and O. S. Latham be taken from the files of the Senate and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (S. No. 120) to permit Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims; which was ordered to lie on the table and be printed.

Mr. COCKRELL submitted amendments intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 952) for the relief of the Fifteenth and Sixteenth Missouri Cavalry Volunteers;
A bill (H. R. No. 5041) to authorize the Secretary of War to turn over to the governor of South Carolina four pieces of condemned cannon for the use of the Marion Artillery

A joint resolution (H. R. No. 283) authorizing the Secretary of War to furnish for use at the soldiers and sailors' reunion at Columbus, Ohio, to be held in August, 1880, certain artillery, tents, muskets, and blank cartridges; and

A joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois

The bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 5628) relating to machinists in the Navy was read twice by its title, and referred to the Committee on Naval Afficient

The bill (H. R. No. 5203) providing for the reapportionment of the members of the Legislatures of the Territories of Montana, Idaho, and Wyoming was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York, was read twice by its title, and referred to the Committee on Commerce.

INTERSTATE-COMMERCE COMMISSION.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to consider at this time the joint resolution (S. R. No. 97) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the States.

Mr. DAVIS, of West Virginia. I think that ought hardly to come

up at this time.

Mr. HEREFORD. I ask for the regular order.

The VICE-PRESIDENT. Objection is made to the request of the

Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I move that the Anthony rule be set aside for the purpose of taking up the joint resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania to postpone the pending order, which is the consideration of the Calendar of General Orders under the Anthony rule be indicating his purpose if that motion is suggested to

thony rule, he indicating his purpose, if that motion is successful, to move to proceed to the consideration of the joint resolution named.

Mr. HEREFORD. There is a bill pending on the Calendar to give a pension to a person which has occupied this body for some four days.

There are a great many reports on the Calendar from the Committee on Claims as well as from the Committee on Pensions. As far as the Committee on Claims is concerned with all those cases on the Calendar not acted upon, you might as well abolish that committee, if we are not going to have this little time allowed to us to consider and pass upon the bills from that committee. There is no use hereafter for that committee to meet at all and to undergo the great labor it does if we are not to have the short time from the conclusion of the morning business after twelve until half past one o'clock to consider bills on the Calendar. The bill granting a pension to Mr. Phares has been before the body some time. If this motion prevails, it lays that bill aside. The joint resolution of the Senator from Pennsylvania can come up very well in its regular order on the Calendar. Ido not know anything in the way of taking it up in its regular turn. I do not think that the business that has been on the Calendar, some of it for two months, should be displaced to take up that measure or anything else.

I am not addressing myself to the merits of the joint resolution at all; but if the Calendar is not to be disposed of in its regular order, we might as well abolish a good many of the committees; it is to the disadvantage of any subject-matter to have it upon the Calendar; you had better not have it on the Calendar, but move in the morning

hour to take it up

The VICE-PRÉSIDENT. The question is on the motion of the Sen-

ator from Pennsylvania.

Mr. DAVIS, of West Virginia. I submit to the Chair whether that

The VICE-PRESIDENT. It is in order.

Mr. DAVIS, of West Virginia. With all respect to the Chair, I
think a few days ago the Chair decided that a resolution was in order in the morning hour, and the Chair submitted the question to the Senate, as I recollect

The VICE-PRESIDENT. That was not a similar question.

Mr. DAVIS, of West Virginia. My recollection is that it was a resolution pending in the Senate.

The VICE-PRESIDENT. The question then was whether the remainder of the morning hour should be devoted to the consideration of concurrent and other resolutions. The pending question is whether the majority of the Senate shall now consider the bills on the Calendar under the Anthony rule. The Chair rules that the motion of the Senator from Pennsylvania is in order.

Mr. DAVIS, of West Virginia. I do not take issue with the Chair; I think the Chair is right; but my impression is that the Senate ruled

the other way a few days ago.

The joint resolution which the Senator from Pennsylvania proposes to take up is a very important one, and one that I think ought to be well considered by the Senate before we act upon it. It ought not to be taken up here within a day or two after it has been reported from the committee. It proposes to create a commission, as I understand it, to be composed of three Senators, three members of the House, and three civilians to be appointed by the President, who are to consider all questions relating to railroad transportation, and during the summer to sit where they please, as much as they please, and as they please. It is a question that requires more consideration than it can have if taken up in the morning hour, and when there are other bills pending that I think are entitled to consideration.

I am not speaking now as to the merits of the joint resolution, but I would say to my friend from Pennsylvania that I have not had time to consider it. It was reported last Thursday morning. I think it more than probable that with an opportunity to examine it, some of the objections at least that I have now to it may be removed. I submit to the Senator whether it had not better lie over a morning or two, so as to give Senators who have not examined it an opportunity to look at it.

Mr. CAMERON, of Pennsylvania. It has not been my habit to ask much of the time of the Senate; nor do I desire to do so to-day; but I think this is a very important subject, and one that requires immediate attention. If the commission is to be appointed, as I hope it may be, all the time between now and the meeting of the next session of Congress will be required to take into consideration the subjects to be brought before them. The resolution has been examined by the Committee on Commerce to whom it was referred, and was rearriguedly received back to the Scanter. unanimously reported back to the Senate. I understand from quite a number of Senators that they are anxious it should pass for the reasons I have stated.

The Senator from West Virginia [Mr. DAVIS] a few days ago in the remarks which he made in objecting to the consideration of this joint resolution, stated that we had forty-five regular committees, and that we had two committees either of which might take this matter One of those committees, the Committee on Commerce, in charge. One of those committees, the Committee on Commerce, did have it before them, and if they had felt that they had time to examine the subject and to report a bill such as the joint resolution contemplates, they certainly would have done so. The Committee on Transportation Routes to the Seaboard, of which I am a member, is composed of members of this body whose time is entirely taken up on other committees; so that I think if this subject is to be investigated at all, it must be done in the manner proposed by the joint resolution, and believing it to be important, I ask the Senate now to

take it up and consider it.

Mr. DAVIS, of West Virginia. The Senator, among other things, said that the joint resolution ought to be passed because the commission proposed ought to go to work at once. It is well known that no Senators or members of the House can leave here on such a duty

while Congress is in session.

Mr. CAMERON, of Pennsylvania. If the Senator will permit me to interrupt him I will state that it is not necessary that the commission should leave here while Congress is in session; but it can meet in Washington. It can bring persons and papers before it here if necessary; and the investigation could go on even while Congress is in session. After that if it wishes to go to another place, it can do so. It is not the intention of the mover of the joint resolution that this

It is not the intention of the mover of the joint resolution that this should be a commission to roam all over the country. It can be stationary. They can get all the information they want anywhere—here, in New York, in West Virginia, or in any place they choose to go.

Mr. DAVIS, of West Virginia. The joint resolution, in my judgment, is a very important one; and it ought to have thorough consideration whenever it is taken up. The Senator has referred to the number of committees that we have. I stated the other day not quite as the Senator puts it, not that we had forty-five standing committees, but forty-five committees in all: or at least it was my intenmittees, but forty-five committees in all; or at least it was my inten-

Mr. CAMERON, of Pennsylvania. That is immaterial.
Mr. DAVIS, of West Virginia. We have forty-five standing and select committees in all, and certainly those forty-five committees ought to be able to consider all questions before us. But that point I do not to be able to consider all questions before us. But that point I do not care about pressing now. I notice that the joint resolution, among other things, provides for two stenographers. Two are hardly necessary for one committee. If the Senate wishes to take up the joint resolution, it involves, I think, important questions which will be discussed for some time, and I doubt very much whether it ought to be taken up in the morning hour.

M. FATON. Law inclined to the opinion that the joint resolution.

Mr. EATON. I am inclined to the opinion that the joint resolution will lead to very considerable discussion, and, if so, I hardly think that my friend from Pennsylvania will care to bring it up in the morning hour. I am inclined to favor the proposition, but I suggest to my friend that there is no hurry about the appointment of the commission as it is constituted by the joint resolution. You will hardly get within a few days or weeks three Senators and three Representatives to attend to the business of this commission. Therefore it may as well be delayed and let some matters come up that demand immediate action. I hardly think the joint resolution ought to come up to-day.

Mr. CAMERON, of Pennsylvania. In reply to the Senator from Connecticut, I will state that the joint resolution must pass the House

of Representatives before it can go into effect, and there will be considerable delay, I take it, before it gets through that body, and there may be some delay before it is signed by the President. Even if it passes the Senate to-day I do not suppose that any action can be taken under it for a month to come. Therefore I am anxious, if the Senate will agree to the resolution and think it is right and proper, to see it passed at as early a day as possible.

The VICE-PRESIDENT. The question is on the motion of the Sen-

ator from Pennsylvania to postpone the Calendar of General Orders.

The question being put, there were on a division—ayes 21, noes 14;

no quorum voting.

Mr. WITHERS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 21; as follows:

	1.13		
Allison, Baldwin, Blair, Burnside, Call, Cameron of Pa., Cameron of Wis.,	Carpenter, Conkling, Davis of Illinois, Dawes, Ferry, Garland, Hamlin,	Hill of Georgia, McMillan, Morrill, Platt, Plumb, Pryor, Ransom,	Rollins, *Teller, Vance, Voorhees Wallace, Whyte, Windom.

NAVS-21.

Davis of W. Va., Eaton, Farley, Harris, Hereford, Johnston, Jonas, Kirkwood, Maxey, Morgan, Saulsbury, Slater, Bailey, Bayard, Beck, Booth, Cockrell, Coke,

Walker, Williams, Withers.

ABSENT-27.

Anthony, Blaine, Bruce, Butler Gordon,

Kellogg, Kernan, Lamar, Logan, McDonald, McPherson, Paddock, Grover, Hampton, Hill of Colorado, Hoar, Ingalls, Jones of Florida, Jones of Nevada,

Pendleton Randolph, Saunders, Sharon. Thurman, Vest.

So the motion was agreed to.

The VICE-PRESIDENT. The next motion of the Senator from Pennsylvania is that the Senate now proceed to the consideration of the joint resolution indicated by him

The motion was agreed to; and the joint resolution (S. R. No. 97) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the States was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Commerce

with amendments.

The first amendment was, in line 23, after the word "commissioner," to insert "shall be paid his actual reasonable expenses, and each commissioner."

The amendment was agreed to.
The next amendment was, in line 24, after the word "shall," to insert "in addition thereto."

The amendment was agreed to.

The next amendment was, in line 25, to fill the blank before the word "dollars," with the word "ten."

The amendment was agreed to.

The next amendment was in line 26, after the word "duties," to strike out "and his actual reasonable expenses."

The amendment was agreed to.

Mr. WITHERS. I ask for the reading of the joint resolution as it stands by the adoption of the amendments. I do not understand what the effect of the amendments is.

The Chief Clerk read the joint resolution, as amended, as follows:

The Chief Clerk read the joint resolution, as amended, as follows: Resolved, &c., That a commission is hereby constituted, to consist of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, and three commissioners, to be appointed by the President, who shall sit during the recess and inquire generally into the conditions that will most favorably affect the transportation of the commerce among the States carried by land and water routes, securing thereby to the people the required facilities at the lowest charges with the greatest certainty and economy in time, and that will avoid and prevent any unjust discrimination, unnecessary burdens, or impediments in its transportation, in order to ascertain whether these conditions can be secured by legislation by Congress, and, if so, in what particulars and by what measures, and report their recommendations to Congress at its next session. That said commission shall have power to send for persons and papers, to administer oaths, and examine witnesses; shall have power to appoint and employ one clerk and two stenographers, to be paid such usual compensation as shall be fixed by the Secretary of the Treasury; and each commissioner shall be paid his actual reasonable expenses, and each commissioner appointed by the President shall, in addition thereto, receive a compensation of \$10 per diem while engaged in the performance of his duties; and the sum necessary therefor is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HEREFORD. Mr. President, I move to amend, in line 4, by striking out "appointed by the President of" and inserting "selected by," and also, in line 6, to strike out "appointed by the Speaker," and insert "selected by the same;" so as to read:

That a commission is hereby constituted, to consist of three Senators, to be selected by the Senate, and three members of the House of Representatives, to be selected by the same, &c.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia, [Mr. HEREFORD.]

The amendment was agreed to.

Mr. DAVIS, of West Virginia. In line 6, the resolution reads now,
"and three commissioners to be appointed by the President." I move
to amend so as to read, "three commissioners, one to be selected by
the Senate, one by the House, and one by the President."

Mr. KIRKWOOD. Does the Senator mean by that to have this new

man to be appointed by the Senate selected from among Senators or

from outsiders

Mr. DAVIS, of West Virginia. Upon the suggestion of Senators, I move simply to strike out "three," in line 6, and insert "one."

Mr. CONKLING. One what?

Mr. DAVIS, of West Virginia. One commissioner appointed by the President, so as to make the whole number seven instead of nine.

Mr. KIRKWOOD. I hope that will not be done.

Mr. CAMERON, of Pennsylvania. I hope that amendment will not

Mr. CAMERON, of Pennsylvania. Thope that amendment will hole be adopted.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia, [Mr. Davis.]

Mr. SAULSBURY. Personally I see no necessity for the appointment of a commissioner by the President. It strikes me that the members of the two Houses on the committee are fully competent without the aid of an appointee of the President of the United States. I think the whole thing is unnecessary; but if we are to have an investigation into this subject, I do not see why members of the Senate

and members of the House, who are paid for the services, may not perform all the duties which a commission composed of Senators, members of the House, and commissioners appointed by the President, may perform. The commissioners appointed by the President dent, may perform. The commissioners appointed by the President are to be paid \$10 a day. I do not know how long their service will continue. I am aware that that is not a very great amount to pay in the expenditure of public money either by the Senate or the House. We go on as if we had all the money at command that was desired, and we take very little interest in those who pay the money into the Treasury, but we expend it according to our own pleasure, whether it is to result in good to the country or not.

I believe the proposed investigation entirely unnecessary. I see no good that can come from it. I have not heard the Senator who introduced the resolution explain any necessity for it. I do not know what it proposes; I do not know what evils are to be remedied by this investigation; and whatever we may do, people will inquire why we appoint this commission and what is to result from it.

We very frequently hear of investigations instituted that are wholly Much criticism is indulged on the action of the Senate and House in appointing committees and commissions to investigate at very great expense various matters; but if we are to have an investigation, I do not see why members of the Senate and members of the House are not fully competent to make all the investigation that the subject requires. Therefore I am opposed to any commissioners appointed by the President or by anybody else. If we are to have commissioners why should we have them selected by the avecutive commissioners, why should we have them selected by the executive department?

Mr. CONKLING. Mr. President, having concurred as a member of the Committee on Commerce in reporting this joint resolution—indeed the report was the unanimous work of the committee—I think I am able to answer the suggestions or questions of the Senator from Dela-

ware.

The object of this inquiry was stated somewhat at large by the honorable Senator from Pennsylvania, [Mr. Cameron,] who originally moved the resolution. In some extended remarks the other day he commented, as I thought very clearly and instructively, upon the urgent importance of this general theme. The purpose of the investigation is twofold; first, to acquire information, and were that its only purpose the Senator from Delaware might have warrant its only purpose the two Hoyees would be found quitte along the two Hoyees would be found out to the saying that members of the two Houses would be found quite adequate to conduct it; but the other purpose is to invoke from this commission recommendations, advice, suggestions, a projet of legislation if they shall think legislation would be useful in securing the very important objects in view. When you come to that, you must see the object of going beyond the members of the two Houses. It is that the President, if he selects wisely as the presumption must be he will, will select experts, if I may so say, will select for one of these commissioners a man specially taught or instructed in regard to the subject. For example although I do not know that he ever will be thought of, Mr. Henry V. Poor who has devoted so many years to railway investigations, to writing on the subject, would be in respect of many of the incidents falling within the scope of this investigation a very proper selection. So I might mention other men whose lives and pursuits have trained them to do that which I may say without offense to the honorable Senator from Delaware he could not do quate to conduct it; but the other purpose is to invoke from this comout offense to the honorable Senator from Delaware he could not do for lack of the practical training, which certainly I could not do, and which it would be very difficult to find any member of either House who could do as well. Therefore that we might employ and utilize the special faculties and the special fund of information pertaining to those who in particular are instructed in this regard, it was thought wise by the committee to authorize in the mode proposed the selection of three of these nine persons to bring in such fund of instruction and aid as they could.

tion and aid as they could.

Now, if \$10 a day be an inordinate compensation, it would be true of one as well as of three; but, then, I submit that any Senator who so thinks should make his amendment a reduction of the compensation. "Ten dollars" was put in by the committee, the resolution having a blank, the committee thinking that that, upon the whole, was as near as we could well come to what would be a fair compensation to a man who did not go into this for mercenary motives, and who at the same time could not be expected to give his time and labor without any compensation at all. So it was that the committee came to the conclusion that it would be wise to have at least three persons, one-third of the commission, drawn from the country at large persons, one-third of the commission, drawn from the country at large and drawn from those walks and avocations in life which a private individual would naturally resort to if he wanted to find a person whose judgment and whose services would be valuable in this regard.

Now, one other word and I have done. My honorable friend from Connecticut [Mr. EATON] said that this might provoke a good deal of discussion; some other Senator said it ought to be considered at large; and another Senator that it was a very important matter. All that may be true; and yet this is a mere preliminary inquiry; merely private the provided that the provided t may be true; and yet this is a mere preliminary inquiry; merely using a hand to gather up facts and recommendations to be in the future submitted to Congress. It certainly can do no great harm beyond the expenditure of the money, and considering how much has been said and how much remains to be said, how enormously the country would be advantaged if the strifes and hardships growing out of the want of adjustment of railway and other freights could be brought to an end, it seems to me that this is not an unwise or extravagant expenditure of money. Indeed I would be willing to vote for the

extreme amount if I thought the chances were nine to one that it would fail for the remaining one chance of success in the attempt to acquire this information to enlighten us all to the end that hereafter we may profit by it. I would vote for what must be (unless this shall fall into improper hands, as I cannot suppose,) a very limited expend-

iture at most to enable such a commission to acquire this information.

Mr. GORDON. Mr. President, as the Senator from New York has said, this resolution was reported from the Committee on Commerce by the unanimous vote of all who were present at rather an unusually full meeting, and after a very full consideration of the subject. The records of the Senate will show that upon this question probably more than any other has the Congress of the United States been me morialized, I think from every State almost in the Union. in the Committee on Commerce are absolutely burdened with petitions from every section of the country upon the subject of interstate commerce and the regulation of railroads, and the committee thought that in dealing with such a vast subject, embracing so many conflict-ing interests, railroads built necessarily at such different costs, railroads running necessarily at such different rates of expense, varying roads running necessarily at such different rates of expense, varying according to the topography of the country and the amount of freight, it would be impossible for gentlemen sitting here at a central point like Washington to determine what was due on the one hand to the great mass of shippers and on the other hand to the railroads, and they thought, therefore, that as little as Congress could do to meet the wishes of the great mass of the people of this country was to make some investigation into this subject, and the question was how should

It will be difficult to frame a bill, as every Senator can see at once, to meet the wants of the country; and the very first element of success in doing that would be to get information upon this subject, and at the same time to get suggestions from men who are eminently practical and qualified to give opinions on the subject.

I was led myself very largely, indeed almost entirely, to vote for this resolution by the consideration that it had been already tested in my own State. Georgia has recently appointed a commission upon this very important subject to determine railroad freights through that State, and I believe I may say that the report of that commission, recently made, has given almost universal satisfaction to the people and to the railroads. There was great clamor from different sections of our State, one section complaining that there was discrimination against it another section complaining that there was discrimination against it another sections of policy of the section o ination against it, another section complaining that through freights were destroying the business of that particular locality. Our Legislature was burdened, as Congress is, with petitions to do something which would relieve the country and give satisfaction to the people. The Legislature, after mature consideration, decided that it was best The Legislature, after mature consideration, decided that it was best to have a commission appointed to make report, to get up facts, and to suggest legislation, and, as I said a while ago, that commission has acted; it has produced quiet and peace and satisfaction, I think, to almost everybody in that State. As the Senator from New York has suggested, the bare possibility of accomplishing that much for the United States certainly justifies some expenditure of the public money.

These were the motives that influenced the committee. great desire myself on this subject except that as chairman of the Committee on Commerce I am anxious that these memorialists from different sections of the country shall have some assurance from Congress that we mean to take action upon that subject. What is wisest to be done, I think can best be determined after we get at the facts, and the best way to get at the facts is by investigation by men com-

petent to obtain them.

Mr. BECK. Mr. President, I am opposed to this resolution, for

reasons which I will briefly state.

I believe that the Congress of the United States ought to control any commission it may appoint, therefore it should be made up of its own members. It ought to be composed of men who can explain on the floor of the respective Houses the information that may be obtained by the investigation. Stenographers are provided for in this resolution, they can take down whatever testimony men belonging to both Houses shall elicit, so that all the views of the experts can

There is no design, as I understand the proposition, to select men who will give us only their individual views; but these men are to take the testimony brought before them from all parts of the country, and then lay it before the Senate and before the House and tell both Houses what manner of men they were that came before them, what influenced their action, under what influences they were brought to appear before the committee, and all other facts necessary for us to know. I think the members of the commission who make the investigating committee should be men who on the floors of their respective Houses can tell all they saw and heard, and give us advice

according to the facts.

All the eminent men in the country are not to be selected, I presume on the commission to give their personal views. Each man, I do not care how eminent he may be, who desires to give his views or is interested in the great questions to be inquired into, can come before the comested in the great questions to be inquired into, can come before the commission and have his testimony taken down and reported to us; I desire to say frankly that I wish the Senate and the House to hold the control of this commission, and if anybody is to be appointed by the President, I would let him appoint only one man, and he should be appointed by the advice and consent of the Senate. I would hold the power in the body of the Senate and the House, that are responsible for the

legislation looked to under the resolution. Three to be appointed by the President of the Senate and three by the President of the United States is not according to my views of what is best for us to do. If, however, they are to be appointed by the respective Houses, as I think they all ought to be, we might as well appoint a committee representing all shades of opinion and of all parties, and let the Senate and House consult as to what is best. I am opposed to the President interfering at all in this matter; but if he does I would surely not allow him to appoint three or even one without at least submitting to the Senate who he is, so that the bodies responsible for the legislation Senate who he is, so that the bodies responsible for the legislation

shall have the control of the investigation.

Mr. CAMERON, of Pennsylvania. In reply to the Senator from Kentucky I will state that I have not any objection whatever to the Senate having control of the three men to be appointed by the President; but I do think there ought to be three competent men, experts, if there can be such a thing as an expert in this question, joined with if there can be such a thing as an expert in this question, joined with a committee of the two Houses, three men who have paid some attention to the subject to be considered by this commission. If the Senator wants to move an amendment that they shall be confirmed

by the Senate, I have not any objection.

Mr. BLAIR. Mr. President, the statements of the chairman of the Committee on Commerce, [Mr. GORDON,] of the Senator from New York, [Mr. CONKLING,] and of the Senator from Pennsylvania [Mr. CAMERON] seem to show very clearly the necessity of some action on this subject-matter, and as the original resolution was sent to the Committee on Commerce for its consideration, it would seem of course to be the sense of the Senate that that committee should primarily consider the question. The only reason, so far as I gather from the debate, why that committee does not consider it fully and finally and make its recommendation to the Senate and to the country is the press of other matters. It seems to be conceded that there is no more important matter connected with the internal commerce of the country than this, and if the committee on Commerce was obliged to neglect

any, it should not be this, but some other of the pressing or perhaps not as pressing subjects which are referred to it.

But if that were so, the Senate will observe that the duties originally referred to the Committee on Commerce have been divided, and the Senate has one select committee already, that on Transportation Routes to the Seaboard, which, so far as I can understand the matter, has nothing whatever to do unless it is when the Committee on Commerce is unable to consider a question like this to take charge of it. I observe the honorable Senator from Kentucky, [Mr. Beck.] the chairman of the committee, who has just spoken, and I should like to inquire of him if there has been a single meeting of that committee called during the present or the past session. Has that committee had a single bill referred to it for its consideration? If not, I would nad a single off referred to it for its consideration? If not, I would inquire of him and of the Senate, if any one can conceive of a subject proper to be considered by the Committee on Transportation Routes to the Seaboard, if this is not that subject-matter? A few of the committees of the Senate seem to be overworked; there are other committees that if they have anything whatever to do, my limited observation of this Chamber has failed to discover what it is.

Now, upon the general question whether it is necessary to have into have the general question whether it is necessary to have incorporated with members of the two Houses of Congress to consider this matter persons outside of Congress, I wish to offer a suggestion or two. It must certainly be considered that whatever legislation is to be taken must be taken by the two Houses of Congress; and to incorporate with these investigating committees of Congress men outside, men who are to testify or are to act as experts, is, it seems to me, entirely unnecessary, because they cannot legislate, they can only recommend; and to incorporate them with the legislative power of the Government is to give to men who are not a portion of the Legislature of the Government an undue influence, an influence beyond that which should properly be given to the opinion of the citizen. It eems to me it is entirely a wrong practice, perhaps objectionable on

seems to me it is entirely a wrong practice, perhaps objectionable on higher grounds than the matter of propriety.

I hardly see how such an act can itself be a constitutional act, for it must certainly be delegating to those outside of the legislative branch of the Government a certain degree of influence beyond that of a mere opinion which they otherwise would possess. This branch of the Government can avail itself of all the knowledge which any was related to the control of the man whatever in the land may have upon this subject. He can be summoned. The most intelligent gentlemen, knowing the most upon this general matter, can be summoned to testify as witnesses, and thus the committee can avail themselves of all the knowledge that there is upon the subject; and it is improper to give any one outside of the House or of the Senate any influence beyond that which he would

exert simply as a private citizen.

I am aware, and I think any one can perceive, that by incorporating in a commission of this kind, prominent and influential men coning in a commission of this kind, prominent and influential men connected with the transportation interests of the country—and nobody knows who will be appointed—we may give to these men and to certain influences in the country an undue power in fashioning the legislation which may be the result. If this commission is simply to gather knowledge, to obtain information to be laid before the Senate and before the House, what real occasion is there to do more than simply appoint a committee of members in the ordinary way, and endow them with the power of summoning persons and obtaining papers in the usual way and for the purpose for which information is sought by the committees of Congress. the committees of Congre

It may be said that a regular committee of the Senate is too numerous and too cumbersome for the purpose; but it is the common practice to make investigations through the agency of sub-committees. if from the Committee on Commerce of the Senate there can be no three gentlemen selected, can there not be from this other committee that I have referred to or from the Senate at large? Is it not possible to find three intelligent gentlemen in the Senate, if they are not connected with the Committee on Commerce, who possibly might be able to give their time and attention to the investigation of this matter? And then there is the special committee, of which the honorable Senator from Kentucky is chairman, with nothing in the world to do as a committee. It does seem to me that if the chairman is too busy there could be two men taken from the majority of that committee; and the honorable Senator from Pennsylvania, who introduced this resolution, is also a member of the minority of that com-

The occasion for the constitution of this commission or this new committee seems to me to be altogether imaginary. I do not see what good it will do, how it can throw any light on the subject that we cannot obtain otherwise; and it does seem to me that it is but a

continuation and aggravation of the old bad practice.

Mr. BECK. I desire only to say on the part of the committee of which I have the honor to be chairman that it has had very little to do, and it is composed of members (leaving myself out of view) who are perfectly competent to attend to this matter. The Senator from Pennsylvania [Mr. CAMERON] is a member of it; the Senator from Minnesota [Mr. WINDOM] is a member of it; the Senator from Indiana, [Mr. VOORHEES,] and others. That committee, in my judgment, can take all the evidence; can make a report; can hear all the experts that can be brought, and will do it, and do it perfectly, and gather all the information that any outside committee can gather, and then give their reasons before the Senate for the action they shall propose to take and the recommendation they may make at the next session of Congress, just as well as any set of men that can be selected. It is because I believe that that I am opposed to this resolution.

We have had to do with many as important things, and two years ago the whole subject was investigated by that committee and two large volumes printed, the Senator from Minnesota then being chairman of it. We have had before us all the matters connected with the navigation of the Mississippi, the Eads jetties, and so on; and we have now. We have delayed action in regard to a very important subject, connection between the Chesapeake and the Delaware by a shipcanal, because the House is considering it, and we did not think it important to press it before us now as the House committee was acting.

If this question has to be looked into by any committee was acting.

If this question has to be looked into by any committee, I have no hesitation in saying, I do not care how much labor it involves or what time it takes, that committee can do it and will do it, and will make a report that will embody all the views that any gentleman who may see fit to come before the committee shall give.

Mr. BLAIR. Mr. President, I only wish to add that I am informed that the select committee of which I spoke has been made by recent order of the Searte one of the standing committee.

order of the Senate one of the standing committees.

Mr. BECK. It was at the last session of this Congress.

Mr. MAXEY. Is an amendment in order ?

The VICE-PRESIDENT. There is one amendment pending.

Mr. MAXEY. I move to amend the amendment offered by the Senator from West Virginia by striking out in lines 6 and 7 of the resolution the words:

And three commissioners, to be appointed by the President.

And, as a necessary corollary of that, I move in lines 24 and 25 to strike out the words:

And each commissioner appointed by the President shall, in addition thereto, receive a compensation of \$10 per diem.

The importance of interstate commerce is thoroughly appreciated, not only in Congress, but by the whole country. It has received a very large share of attention by appropriate committees in both Houses of Congress; not only in this Congress, but in past Congresses. I can see no reason why Congress should go outside of its own bodies for the purpose of getting persons to aid them in the discharge of this duty, for they have the power to summon witnesses, send for books and papers, and receive all the light that can possibly be thrown upon this great subject from any source whatever.

The members of the Senate and of the House are responsible to their

constituents and the whole country for the important duties which they perform here. They are supposed to have the intelligence to discharge any duty whatever incumbent upon them in the way of legislation. Therefore I cannot see for the life of me why we should go outside of these bodies for the purpose of selecting three persons, to be named by the President, as the joint resolution has it, to aid Con-

gress in doing its duty.

If the amendment which I have had the honor to offer is not car-West Virginia further, by providing that one commissioner, selected by the President, shall be appointed by and with the advice and consent of the Senate.

But still behind all that, I have never yet seen the good flowing

from these special roving commissions sent about through the country to Saratoga Springs and the White Sulphur to test the qualities of those two springs and the cuisine of the Fifth Avenue Hotel

and other places of that kind; and that is about all I have ever known to result from these commissions. Let Congress do its own duty, do it through its appropriate committees, and I have no fear

duty, do it through its appropriate committees, and I have no fear whatever that a bill will not be presented such as, after receiving the due consideration of the two Houses, will meet the approbation of the people and the needs of the case.

Mr. DAVIS, of West Virginia. It was said by the Senator from Kentucky that there is a transportation committee, and that that committee is willing to take this work. It will be recoilected that three or four years ago, in 1875 I believe, the Senate appointed a committee on this very question, and that committee went over almost the entire territory of the United States, and perhaps into Canada. There are two large volumes now in the document-room containing their report and testimony. That committee was composed, among There are two large volumes now in the document-room containing their report and testimony. That committee was composed, among others, of the Senator from New York, [Mr. CONKLING,] and had the benefit of his information and advice. The present Secretary of the Treasury, I recollect, was on it. The Senator from Minnesota [Mr. WINDOM] was the chairman. They went fully into the very subject that it is now proposed this special commission shall take charge of. The Committee on Transportation grew out of that, and it has grown into a standing committee upon this very question and no other question—commerce among the States, commerce with the seaboard. That special committee was organized for that nursoes and as I said it went special committee was organized for that purpose, and, as I said, it went over the whole territory of the country, and made a report which is now in the document-room.

In addition to that, we know that the House of Representatives at this session has heard almost every eminent railroad man in the countries. try and has had his views taken down in writing. Those views are now in evidence before the House. I do not know of an eminent railroad man in the country who has not been summoned before the House. The information is there, and there is no necessity for this resolution in order to get a committee. If there is any particular man wanted by any committee, he can be summoned and brought here. Mr. CAMERON, of Pennsylvania. Will the Senator permit me to

interrupt him a moment?

Mr. DAVIS, of West Virginia. Yes, sir.
Mr. CAMERON, of Pennsylvania. The Senator is arguing against the appointment of a special committee.
Mr. DAVIS, of West Virginia. The Senator is arguing that in part. He has many objections to the resolution. That is one.
Mr. CAMERON, of Pennsylvania. On that part I should like to call his attention to a special committee of which I think he is chairman that has been in session now for three years, during which time the Senator took a trip to Europe and returned, and I should like to

know what is going to be the result of that special committee.

Mr. DAVIS, of West Virginia. The Senator will find out in a very few days now, and I think he will not be as well satisfied as he is now on that.

Mr. CAMERON, of Pennsylvania. I will be satisfied with anything that comes from that committee or the Senator from West Virginia.

Mr. DAVIS, of West Virginia. The Senator will hear from that committee in due time, and it will not be very long either. But if the forming of that committee has anything to do with this commit-tee I fail to see it, and if the Senator thinks he can push his scheme forward, if it is a scheme, or push his committee because there was a committee appointed two years ago or more, that is a question that does not enter into this.

Mr. CAMERON, of Pennsylvania. This is not my committee, and

Mr. CAMERON, of Pennsylvania. This is not my committee, and I do not expect to be a part of the committee; therefore I have not any scheme to push forward of a personal character.

Mr. DAVIS, of West Virginia. I correct that. I do not believe the Senator has a scheme. I think it was a wrong word and I corrected it immediately; but still the Senator had as well let the question alone about another committee. I think that has nothing to do with this matter. There are, as is well known, among the four great trunk this matter. There are, as is well known, among the four great trunk lines of this country two that are entirely in one State; there are two others that pass into and through different States. We all know that the question of whether or not Congress can control the railroads in either case is a doubtful one, but certainly there are very few persons who claim that Congress can in any way legislate for or control a road that is entirely in one State. The Pennsylvania Central Railroad and the New York Central Railroad, I believe, each starts and ends in the season State while the Fair and the Paltingers and Ohio and in the same State, while the Erie, and the Baltimore and Ohio, and the Chesapeake and Ohio go into two States or more, and so they are in a very different position as to the legislation of Congress, as is thought by a great many people. A very different state of things exists as to

It may be possible that some legislation may be presented that would affect a part of these lines and not affect the others, for there are very few persons in the country who claim that when a road starts and ends in the same State Congress has anything to do with it. That is the case with two of the great railroads of this country to-day. I think it best to allow the States and the railroads to control their

own affairs, and Congress ought to have very little to do with them. If this is merely for inquiry, to find out what can or what ought to be done in the way of transportation, then we have the information, for as I have just said a House committee has been sitting this entire session probably, or a large portion of it, the Committee on Commerce, which has been examining into this very question. It has taken a very large amount of testimony, and almost every eminent railroad man in the country has been before it. In addition to that, whatever the Senate could get by the committee it raised a few years

Mr. President, if we are to have a commission, why not let it be a Senate commission? What do you want to go outside of the Senate for? Why do you want to leave Washington? What do you want power to go elsewhere for, and have appropriations made to the committee to pay for its movements over the country? It appears to me altogether unnecessary. It ought to be confined to the Senate if it is to be created at all.

Again, three commissioners are to be appointed by the President, and the Senate has not anything to say about them. Congress has not anything to say about them. If they are to be appointed, they certainly ought to be confirmed by the Senate.

Mr. CAMERON, of Pennsylvania. There is no objection to that.
Mr. DAVIS, of West Virginia. I understand; but I do not think
we ought to have them at all. I shall move at the proper time that
they shall be confirmed by the Senate, if we are to have them; but
I do not think we ought to have the commission in the first place.
The question is one of considerable doubt whether it ought to exist

Again, this question of interference with railroads is one that we ought to go very slowly about. I think the States ought to have control of the roads, and not the Federal Government. My friend from Delaware asks me to give way for him a minute, to which I have no

objection.

Mr. SAULSBURY. I desire to offer an amendment to the resolution—after the word "measures," in line 17, to insert:

And also to inquire and report to Congress the effect of the consolidation of great railroad lines and their management and control by a few persons upon the general interests of commerce, upon fares and freights charged for the transportation of persons and property, and generally what advantages or disadvantages have or are likely to result from such consolidation, and whether any and what power Congress possesses to prevent further consolidation of railroad companies.

The VICE-PRESIDENT. The morning hour has expired.

Mr. GARLAND. I submit an amendment which I intend to offer to the joint resolution. I ask that it be printed.

The VICE-PRESIDENT. That order will be made.

Mr. SAULSBURY. I ask that the amendment I offered to the joint

resolution be printed.

The VICE-PRESIDENT. That order will be made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 16th instant, approved and signed the following acts and joint

An act (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande

An act (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes;

An act (S. No. 837) to donate twelve condemned bronze cannon, to the Blair Monument Association, of Saint Louis, Missouri; An act (S. No. 1475) to change the name of the steamer J. H. Kelly

to John Thorn; and

A joint resolution (S. R. No. 99) providing for payment of wages to employés in the Government Printing Office for legal holidays.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment of Mr. Hoar to the fourth section of the bill.

Mr. CARPENTER. Mr. President, in the course of remarks submitted to the Senate on Friday last I endeavored to establish the fol-

lowing propositions:

First. That the indirect claims so called, i. e., the claims of the First. That the indirect claims so called, i. e., the claims of the United States as a nation against Great Britain, including what is called the claim for enhanced war premiums, were never relied upon by our Government as a ground for damages before the arbitrators at Geneva, and were only presented to have them by adjudication removed as a cause of contention between the two nations thereafter. This was shown by the letter of Mr. Fish to Mr. Schenck, which I read

Second. That these indirect claims, including enhanced war premiums, were decided by the arbitrators to be invalid before them.

Third. That they were subsequently withdrawn from further consideration by Mr. Davis, our agent, before the arbitrators.

Fourth. That the arbitrators subsequently declared that these claims were no longer before them for consideration.

Fifth. That thereupon the United States prepared at the request of the arbitrators and presented a statement or bill of particulars of the individual claims, so called, that is the claims of our citizens for actual losses resulting from the acts of rebel cruisers, and thereupon the case before the arbitrators proceeded upon those claims alone and the award of \$15,500,000 was made upon and for such individual claims, and for no others.

And sixth. That by the proceedings before the arbitrators and the acceptance of the money awarded our Government has forever

estopped all individual claimants of the United States from presenting claims against the government of Great Britain on account of the claims thus allowed by the award.

The only remaining question is, whether those claims were presented by our Government, allowed by the tribunal, included in the award, and who are concluded and estopped by our having accepted the money awarded on their claims, are entitled to the money we received for them, and by the receipt of which they are estopped from making

any further claim against Great Britain. This question suggests its proper answer so plainly that it is very difficult indeed to argue it. The ablest mathematician in the world would find it impossible to make an argument to prove that two and two make four. When any proposition is universally conceded, it passes out of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish in the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and beyond the reach of argument to establish the control of the domain and the control of the lish it. If an attorney presents the claim of his client in a court, recovers a judgment upon it, and makes the money upon the judgment, the law says he shall pay the money over to his client, and why does the law say this? Because it is in accordance with the universal sentiment of all honest men that an agent should pay over to his principal what he has received on that principal's account. It is true that in the case of an attorney an action at law can be maintained to enforce obedience to that precept of law. It is equally true that no action can be maintained against the United States in this case to compel it to pay over this money to the persons upon whose account and upon the allowance of whose claims it was paid by Great Britain and received by us. But can it be maintained, will the Senate decide, that because there is no means, no remedy to enforce that obligation, the obligation does not exist? Will it be contended here by any honest man that the Government of the United States, because expect from compulsory process to do right is therefore under no obligation.

empt from compulsory process to do right, is therefore under no obligation to do right and justice to its own citizens?

The United States, by the circulars I have read, solicited the control of these claims. It has received the money upon them; and although it cannot be compelled to pay that money over, still I maintain that the moral obligation to do so rests as completely and as clearly upon us as though we were answerable to an action at law to compelits performance. Do we as Senators recognize no higher right than that of might? And because the Government cannot be compelled to do justice, is any man willing to say it ought not to do

justice?

The act of June 23, 1874, has been referred to in this debate as being in the way of passing a bill now to do justice to insurance companies. It is said this was a final decision by the Senate against the right of the insurance companies to receive any part of this fund if upon their whole business during the war they were gainers and not losers, and that those Senators who supported that bill are now inconsistent in supporting a bill to authorize payment to these companies which were not losers on the whole during the war. This, however, is

In the first place, it will be remembered that there was at that time great difference of opinion among Senators and a difference of opinion between the two Houses as to the proper disposition of this fund. There were certain claimants conceded by everybody to be entitled to payment. There was difference of opinion, however, in regard to the claims of the insurance companies and some other claims, and the bill which was passed, although it followed the award as far as it went, was regarded by those who supported it and by those who opposed it as leaving the question which is now before the Senate entirely undisposed of. In the discussion which took place in the two Honses upon the report of the conference committee upon that bill, this matter is made perfectly plain. In the RECORD of June 22, 1874, at page 5377, in the House, Mr. E. R. Hoar said:

It was my hope that this Congress would be able to pass a bill at this session making a final disposition of the Geneva award. I think that our position before the civilized world required it if possible. It is not proved to be possible or practicable to reconcile conflicting views. When that was ascertained in the committee of conference I went to those gentlemen and begged them for the honor of the country, for the honor of this Congress at least, to report a measure that would provide for the payment of the undisputed claimants upon the fund, so that this Congress should not go by and leave them unpaid, and leave the rest to be considered in the next Congress without prejudice to the rights of any man.

The bill itself provided in section 15 as follows:

The bill itself provided in section 15,as follows:

And after the payment of the said judgment-

That is the judgments that should be rendered by the commissioners appointed under the act-

and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon.

The true meaning of this provision became the subject of debate in the Senate between the champion of the bill, the then chairman of in the Senate between the champion of the bill, the then chairman of the Committee on the Judiciary, [Mr. Edmunds,] and the Senator from Ohio, [Mr. Thurman,] who was insisting upon an amendment which would protect the rights of the insurance companies. This debate may be found in the Record of June 22, 1874, at page 5359. The Senator from Ohio [Mr. Thurman] had read to the Senate this provision of the bill and stated that in his opinion it would be claimed at the then next session of Congress that this provision in the bill was a final disposition of the rights of insurance companies. Now I read from page 5359: read from page 5359:

Mr. EDMUNDS, I should like to ask a question. I will not now put the question I desired to put when the Senator declined to yield, because he has gone beyond

that part of the subject. On this part he says it will be claimed next winter that the words he has read will be construed to mean other claims than those of the insurance companies. Does the Senator think that is the true and fair meaning of the language as it reads ? Or is it the fair and true meaning, as it reads, that claims other than those allowed or adjudicated upon by the tribunal are open for the further adjudication of Congress, and inasmuch as we only authorize the adjudication of a certain class of insurance claims—

That was of course the claim of the companies above their profits-

and not those in respect of which the companies made a profit, is not the fair meaning, let me ask the Senator, that there will be open for consideration next winter the claims of insurance companies to the full extent that they have demanded, except so far as we have already provided for them by the cases which we have allowed?

Mr. Thurman. What is far more important to those who I think are entitled to justice in this case, is that I should know what the Senator from Vermont thinks of this bill

of this bill.

t this bill.

Mr. EDMUNDS. Does the Senator decline to answer the question I put to him?

Mr. THURMAN. No, sir; but I would prefer greatly to have the Senator's answ

first.

Mr. EDMUNDS. I think I will have the Senator's answer first, because I put the question first, and then I will answer him when it is my turn.

Mr. Thurman. I will only say that if I had to decide it I should put upon those words this construction: that "other claims" would include the claims of insurance companies to that which they had not received under this bill but which they claim they are entitled to receive.

Mr. Edmunds. Then the Senator thinks they would be entitled under this act to come in for a further claim.

Mr. EDMUNDS. Then the Senator thinks they would be entitled under this act to come in for a further claim.

Mr. THURIANA. I say if I had the decision, that would be my decision.

Mr. EDMUNDS. And if the Senator had the decision he would decide according to his honest judgment?

Mr. THURIANA. Certainly I should.

Mr. EDMUNDS. I should decide in exactly the same way, and that answers the Senator's question.

Mr. Frelinghuysen then interposed and pursued the subject in the same vein, holding that the provisions of the bill would not exclude insurance companies from those claims which were not provided for by the bill and which were to be allowed by the commissioners under

the bill.

So the bill was regarded both by its friends and its opponents as deciding nothing upon the question now before the Senate, but merely providing for the payment of those whose right to payment was conceded by everybody. There were, as Senators will remember, at that time around us a great many men who were claiming that they were nearly ruined financially by the attitude of the case as to them, and that to keep them out of their money further when it was conceded on all hands they were entitled to it, simply because there were other claimants whose rights to the money was contested, was great injustice to them; and so I think a majority of both Houses concluded to pass a bill to provide for claimants whose right was undisputed, reserving the question now before the Senate for future adjudication.

serving the question now before the Senate for future adjudication.

The Senator from Ohio moved an amendment to strike out that clause of the bill which imposed the restriction upon the claim of insurance companies; but it was manifest that if that amendment should prevail the bill would not pass at that session of Congress. Consequently those who were in favor of paying the undisputed claimants voted against that amendment. I voted against it myself and voted for the passage of the bill; but I did not understand at that time, nor do I now understand, that the passage of that bill at all precluded the question now before the Senate, and I have shown by reading from the remarks of Mr. Hoar in the House, and from Mr. THURMAN and Mr. EDMUNDS in the Senate that they all under-Mr. THURMAN and Mr. EDMUNDS in the Senate, that they all understood that the object of that bill was simply to provide payment to

the second that the object of that our was simply to provide payment to those whose right was not disputed by any one.

The Senator from Massachusetts, [Mr. Hoar,] in the former discussion of this subject, referred to the eleventh section of this act as showing that in the then opinion of Congress the adjudication was to proceed independently of the award. He referred to the eleventh

section of this act which provides:

That it shall be the duty of said court to receive and examine all claims admissible under this act that may be presented to it, directly resulting from damage caused by the so-called insurgent cruisers Alabama, Florida, and their tenders, and also all claims admissible under this act directly resulting from damage caused by the so-called insurgent cruiser Shenandoah after her departure from Melbourne on the 18th day of February, 1865, and to decide upon the amount and validity of such claims in conformity with the provisions hereinafter contained, and according to the principles of law and the merits of the several cases.

It will be seen that after the arbitrators had made their award in gross of fifteen and a half million dollars for all these claimants, without determining how much A was entitled to, or how much B was entitled to, it became necessary in order to settle that question between the claimants themselves that the tribunal created by that act should pass upon that question, and that is all that section provides for; and it will also be noticed that it exactly follows the award in so far as it provided for a distribution of the fund. The claims to be allowed are to be for direct damages committed by the inculpated cruisers, the two named and the Shenandoah after leaving Melbourne, leaving no discretion whatever to the tribunal to allow anything except to those claims which were the direct losses committed by the inculpated cruisers. So that part of the argument of the Senator from Massachusetts certainly amounts to nothing upon the question now before the Senate. It settled nothing, and, as I have already shown, was understood by both its friends and those who opposed it as settling nothing, and not as precluding the question now before the Senate.

I wish to be as brief as possible this morning, but before yielding the floor I will examine some of the arguments that have been offered against the claim of the insurance companies. I read now from the

RECORD of April 21, 1880, page 14, from the speech made by the Senator from Maine, [Mr. BLAINE.] He says:

There is not from the beginning to the end of all the proceedings of the tribunal, (and I do not want to detain the honorable Senator from Ohio from taking the floor,) not one word that recognizes the individual claim of any solitary man in the United States. There is not anything in the award there that recognizes the claims of an insurance company or of insurance companies or of anything else or anybody else whatever. As I said this afternoon, the idea of nuterly degrading that international conference and tribunal into a mere arbitration before which the United States employed counsel to represent the losses of marine insurance companies in the city of New York is the most extraordinary conclusion, it seems to me, that logic or false logic ever can lead a man to maintain.

On the question of fact I have already shown by reading from the records of the tribunal, first, that we presented our case, including both the claims of the Government, the nation, as such, and the claims of individual sufferers, or what are called individual claims. Those were all presented by us and urged at first upon the tribunal, but the tribunal itself in its first solemn determination excluded in express words all the claims that we had made before the tribunal except what we called the individual claims. Second, that the Government of the United States through its agent assented to that decision as a final determination of our right further to insist upon the national claims; and that the tribunal were informed that they would be no further insisted upon. And third, that on the following day the tri-bunal itself announced that all these claims, the national claims, the indirect claims as we called them, were no longer before them for their consideration.

Mr. THURMAN. And entered it on their record.

Mr. CARPENTER. They entered it in the record. The protocol that day shows the announcement of the arbitrators themselves. Then what was left for the arbitrators to do? Manifestly we could not go on except by a false pretense to recover money for claims which that tribunal had said were not fairly allowable against Great Britain. If it be said that we did proceed, pretending to represent claims, but really attempting to get money for the losses which the nation had sustained in the enhanced war premiums for the expenses of putting down the war and all that sort of thing, that is a confession, or rather it is not a confession, for no man has any authority to make it, but it is a charge against the good faith of our Government in the subse-quent proceedings before that arbitration.

When a party goes before a court, for instance, presenting his claim, containing a great many items, against a defendant, and the court makes a final determination that all but one head of those claims, all but one class of items, are rejected, and he subsequently proceeds upon the unrejected items set out in his case, would it not be charging him with fraud, with false pretense, and infamy generally, to say that he was lying to that tribunal, and that although he pretended to proceed upon the particular items, he was really pursuing the items which had been rejected. This is simply charging dishonesty on this Government in that prosecution which would disgrace any suitor in a common pleas court to which we have heard so many ref-

erences in this discussion.

But the Senator seems to think there is something unworthy of this Government in becoming a claim agent, as he would style it, to prosecute and collect the claims of our citizens for the wrongs committed against them by foreign nations. He says, and let me quote his language again:

As I said this afternoon, the idea of utterly degrading that international conference and tribunal into a mere arbitration, before which the United States employed counsel to represent the losses of marine insurance companies in the city of New York, is the most extraordinary conclusion, it seems to me, that logic or false logic ever can lead a man to maintain.

The Senator forgets the Government of which he is a member. He forgets that it is the proud boast of our nation that we are "a Government of the people, by the people, and for the people," to quote the beautiful language of Mr. Lincoln, yet if he represented the most arbitrary government upon earth, if he were a counselor or any officer whatever of the Czar of Russia or the Sultan of Turkey, his doctrine could not be maintained for a moment or his idea find the slightest acceptance that there is anything degrading on the part of

one nation in protecting its citizens against foreign nations.

There is not a writer on government who does not define allegiance to be the duty of obedience on the part of the subject to the sover-eign, in consideration of which the sovereign is bound to protect him against wrongs committed by other members of the community and the wrongs committed by foreign nations and their subjects. One is made the condition of the other; one is the consideration of the other; and it has been so understood among all the nations of the earth, the most arbitrary as well as the most liberal. The whole doctrine of issuing letters of marque and reprisal rests upon no other basis. It is well settled now by the law of nations, although it is seldom resorted to of late, and if the method of arbitration shall find such favor with the world as to supersede it it will supersede many of the inconveniences and disasters of war, as well as of this particular species of it—but it is well settled by the law of nations that when the private citizens of one nation have suffered injury at the hands of another nation the government may issue letters of reprisal, or, as the French call it, letters of marque, authorizing the injured citizens to seize the property belonging to the citizens of the offending government, wherever it may be found on the face of the globe, until they have received full recompense for the wrongs suffered by them. What is this but making the Government a claim agent? What is this but performing the duty that rests upon every government to

protect its own citizens?

Look at the dealings of France and England with Mexico, and we Look at the dealings of France and England with Mexico, and we may look around among the nations of the earth to see what is going on every day. For years the custom-houses of Mexico were held in the interests of these two governments for the payment of bonds of Mexico, which were owned by the private subjects of Great Britain and France. What is going on now in Egypt? France and England, representing their constituents, who hold large amounts of bonds issued by the Viceroy of Egypt, very politely, through the pressure of negotiation, but in substance and effect, have gone into Egypt and established a receivership, and one English subject and one French citizen are to-day ministers of the viceroy, as they are called, but substantially agents of these two governments for the purpose of collecting the revenues of Egypt, and applying them in part to the

collecting the revenues of Egypt, and applying them in part to the satisfaction of the bonds held by Englishmen and by Frenchmen.

If there be one jewel in the crown of England which is never dimmed, if there be one characteristic of that nation which is entitled to universal applause and approval, it is her steady, constant, and effectual protection of her citizens against the injustice of foreign nations or the wrongs inflicted upon them by the subjects of foreign nations. Armies march and navies sail to vindicate the rights of Englishmen all over the globe. England has never regarded it as any stain upon her escutcheon that she collects the claims for her subjects

against foreign nations.

But our nation is as deep in the mire as Great Britain in this claim agency business. In the convention between the United States and France on the 4th of July, 1831, each government paid the other a sum in gross in satisfaction of individual claims, and I regard this as so pertinent to the matter now before us that I will ask the Secretary to read articles 1, 2, 3, and 4 of that convention. The Chief Clerk read as follows:

ARTICLE I.

The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

ARTICLE II.

The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris in six annual installments of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

to receive it.

The first installment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said installments shall be added interest at 4 per cent. thereupon, as upon the other installments then remaining unpaid, the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ARTICLE III.

The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens or of the royal treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand frames.

ARTICLE IV.

The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual installments, of two hundred and fifty thousand francs; and the payment of each of the said installments shall be effected by a reservation of so much out of the annual sums which the French government is bound, by the second article above, to pay to the Government of the United

States.

To the amount of each of these installments shall be added interest at 4 per cent. upon the installment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

Mr. CARPENTER. Thus you will see, Mr. President, that the Government of the United States entered into a convention with France for the very purpose of collecting the claims of our citizens against France, and France pays us the sum of 25,000,000 francs, which we received from her and distributed to the claimants.

It is not a month since the Senate ratified a treaty with France, which is purely a private-claims treaty. It provides for the appointment of commissioners, each government to appoint its own, the expenses to be equally paid by the two governments, to adjust individual claims. This very Alabama treaty, under which we received this fund, after passing the national claims and grievances, is itself a treaty for the collection of private claims. I will ask the Secretary to read the twelfth article of that treaty.

The Chief Clerk read as follows:

ARTICLE XII.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in article 1 of this treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either gov-

ernment for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in article 14 of this treaty, shall be referred to three commissioners, to be appointed in the following manner, that is to say.

Mr. CARPENTER. Everybody will see that that article relates to the private claims of the citizens of each government. Read, now, the fifteenth article, which shows that the money which was to be paid upon those private claims was to be paid by Great Britain to the Government of the United States.

The Chief Clerk read as follows:

ARTICLE XV.

All sums of money which may be awarded by the commissioners on account of any claim shall be paid by the one government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this treaty.

Mr. CARPENTER. So that with regard to those claims, in which everybody will concede we were claim agents, we were prosecuting the claims of individuals and nothing else under that article; and yet the provision is that the amount which should be ascertained against Great Britain in favor of our citizens shall be paid to the Government of the United States. This matter is perfectly familiar to every man who has studied at all the method of dealing between two governments. When a government comes to deal with a foreign nation on behalf of its citizens it speaks as a nation; and so we stood before the arbitrators. We stood there as a nation presenting two claims, first, one that was ours, one that we made as a nation, and it would have if recovered resulted to the benefit of the people at large and gone into the Treasury; and the other was a claim made on behalf of our citizens.

I have shown these treaties, and many more might be cited in which I have shown these treaties, and many more might be cited in which the sole purpose is to collect claims of private individuals, but in the Alabama treaty both were incorporated in the same treaty. Our national claims I have shown by the letter of Mr. Fish we never expected anymoney for. We did not expect Great Britain to soothe our wounded honor with coin. In the treaty itself, although those claims were not expressly disposed of, the apology which England made to us was accepted by us so far as that was concerned, and we did not want any money out of Great Britain; we did not want to dirty our fingers with shillings as a compensation to our wounded honor and dignity; but in order to remove that bone of contention between the two governments Mr. Fish said, "Let us have it adjudicated upon by these arbitrators," and so it was adjudicated upon, and excluded, and then the Government proceeded and made its case on behalf of its citizens, founded solely and entirely upon the claims made by those citizens for

the wrongs they had suffered at the hands of the inculpated cruisers.

To show a little further how this was understood at the time, and that England did not regard it as dishonorable for the United States to be urging the claims of its citizens, England has done that everywhere; she will do it always; and it is the proudest claim she can make to the admiration of the world that an Englishman anywhere make to the admiration of the world that an Engishman anywhere under God's shining sun can find and can realize the protecting shield of English nationality; be it in Europe or Asia or Africa, no matter where, if a British subject is wronged Great Britain rushes to his rescue. It may be in the form of war; if that be not necessary it may be accomplished by diplomatic correspondence; it may be accomplished as it was in this case by an arbitration setting a great example to the world of the peaceful settlements of disputes between nations in a peaceful manner, where argument and not force prevails.

In a peaceful manner, where argument and not force prevails.

But in one case as much as in the other it is the government protecting its citizens, and protecting its citizens at its own expense. That is the consideration it pays for your obedience and for mine to its laws and sovereignty. We must obey. But we owe this obedience in consideration of being protected; protected at home against the wrongs of other members of the community, which is done by the enactment of laws which are applied to particular cases by the judicial department of the Government and executed by the executive, and accomplished in case of foreign pations through diplomacy or and accomplished in case of foreign nations through diplomacy or war as the case may require; but in either case it is the protection the Government is awarding to its citizen as the compensation to him for his obedience and allegiance to the sovereignty of his own government.

I cannot take the time to read forty or fifty pages here of the claims of these insurance companies presented in the statement which was made in the case of our claims against Great Britain after the national claims had been excluded. The Senator from Maine will not question that it is here. If he does he can take the book and read it. When we had presented those claims, when we had specified the insurance companies as claimants, and stated the amount they had paid upon their risks and put them forth as claims entitled to be paid, upon their risks and put them forth as claims entitled to be paid, what did the British government say about them? Did the British government say, Is it possible you Yankees have become so sordid that you have so far lost all self-respect and regard for national dignity that you come here trying to enforce the claims of an insurance company in the city of New York? Great Britain would not have looked very well saying this in the light of her receivership over Egypt to collect the bonds issued by the viceroy and held by the citizens of Great Britain. She would not have looked very well saying this after her proceedings against Mexico, nor would she in the light of the pretension which she makes against all nations that Englishmen are to be respected, protected, and paid. be respected, protected, and paid.

Now let me read not a mere accidental statement, not a hasty

remark of counsel in what an Irishman would call "the hate of debate," but recorded in the case presented by Great Britain:

bate," but recorded in the case presented by Great Britain:

On the fourth head it is observed:

"The American insurance companies, who have paid the owners as for a total loss, are, in our opinion, entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance. This principle was explained and acted on in the well-known English cases of Randall vs. Cochran, 1 Ves. Sen., 98, and the Quebee Fire-Insurance Company vs. Saint Louis, 7 Moore, P. C., 286, and is well recognized by the courts of America. On the other hand, it is equally clear that the underwriters cannot be entitled to anything more than the assured themselves; for the claim of the former is founded on nothing else than their title to be subrogated to the rights which the latter possessed, and which, therefore, cannot possibly be more extensive than the claim which the latter would be entitled to maintain. From these considerations two consequences follow: In the first place, where the claimant is the insurance company and not the owner, compensation cannot be due for any sum exceeding the amount of the actual loss sustained by the owner, however much that sum may fall short of the amount paid by the company by reason of the property having been overinsured. In the second place, wherever the owner puts forward a claim for his loss at the same time that the insurance company also claims the money paid by them in respect of the same loss, such a double claim must at once be absolutely rejected, since to allow it would be in effect to sanction the payment of the loss twice over."

Mr. CONKLING. Whose language is that?

Mr. CONKLING. Whose language is that?
Mr. CARPENTER. This is the language of Palmer, representing England in the case; not an argument orally made, but in the formal case presented by Great Britain in reply to the case made by the United States.

Mr. DAVIS, of Illinois. Sir Roundell Palmer?

Mr. CARPENTER. Yes, sir.
Mr. WHYTE. It is printed.
Mr. CARPENTER. It is in the printed case submitted to England.
Mr. THURMAN. The official reply.
Mr. CARPENTER. The official case; what is known as the counter-

Now, what will be thought of the statement of the Senator from Maine that in this record from beginning to end there is not one word that recognizes any individual claim? A plaintiff goes into court suing on an account made up of various items; the defendant ancourt suing on an account made up of various items; the defendant answers that as to certain items he concedes the plaintiff's right to recover. Other items he contests. The court finally hears and excludes the contested items, and then renders a judgment in favor of the plaintiff large enough to pay the items which the defendant concedes ought to be paid. Yet top of all this we are told there is not a word in the case that even recognizes the admitted items.

Mr. President, a lawyer in a court of justice who, with a printed record before him, should thus mistake the case would be thrown over the bar as being a disgrace to his profession; but, sir, we are not lawyers; we are not debating with lawyers; we are statesmen. The

lawyers; we are not debating with lawyers; we are statesmen. The Senator from Florida, [Mr. JONES,] emancipating himself from law and justice, joins hands with the Senator from Maine, who has emancipated himself from the recorded statement of facts; and the two Senators are soaring in the blue ether of statesmanship, no shackles senators are soaring in the blue ether of statesmansine, no snackles of law upon them, no restraints of conscience, no scruples, nothing but their individual will and high sovereign pleasure. But subrogation, which was laughed out of court by the Senator from Maine, made contemptible by the illustration of a rich uncle coming in to help out his poor nephew, is re-established, finds footing again, in the solemnly prepared counter-case of Great Britain before the highest tribunal that ever sat upon earth.

As a part of the arguments of the Senator from Maine to show that these individual claims should not be paid, in the RECORD of the 14th of April, at page 20, the following is found, and I ask the Secretary

to read the printed extract from the RECORD.

The Chief Clerk read as follows:

Mr. Blane. It is a very easy way of arguing. The Senator from Delaware will observe there is no mode of arguing a case so easily to get at a conclusion as to throw out all the facts that make against the case we are presenting. There is nothing so easy as to draw your conclusions if you can eliminate all the testimony that-makes against you. But this letter of Mr. Fish cannot be read too often, and I want the honorable Senator from Delaware to observe that it was written six months after the indirect claims had been thrown out. It was written after they had stripped off everything which he says brought it down to the basis which leaves us no discretion.

Mr. Bayard. The letter might have been of great use if read to the Geneva tribunal.

Mr. Blaine. It was addressed to the counsel, but the Geneva tribunal in their award do not say one solitary thing in conflict with this letter. I want the honorable Senator to remember, and I want the Senato to remember, that full six months after all the claims which the Senator from Delaware says were excluded—

after all the claims which the Senator for member, that runsix months after all the claims which the Senator from Delaware says were exciteded—
Mr. BLAINE. Six months after they were thrown out, and when the honorable Senator says the whole case was stripped right down to the individual parties who were entitled to this award, leaving to the Senator of the United States nothing to do but sit as a board of assessors, leaving us here no function in the world but what three assessors could perform—
Mr. BAYARD. Mere distributors.

Mr. BLAINE. Mere distributors. I say that six months after that the Government of the United States, speaking through its recognized channel of communication upon foreign affairs, on the 8th day of December, 1871, the tribunal then being in session, said:

"In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered in the event of the appointment of the board of assessors, mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered.

ered will be made by this Government without committal as to the mode of dis-

It was not in the name of the insurance companies, the honorable Senator will lease observe; it was not in behalf of individuals.

Mr. Bayard. Each claim was separately considered.

Mr. Bayard. Each claim was separately considered.
Mr. Bayard. By whom?
Mr. Bayard. By the arbitrators.
Mr. Blaine. There is nothing in the evidence under heaven to show that; there is not a thing in the whole record at Geneva that will vindicate and justify that statement of the Senator from Delaware.
Mr. Bayard. Why, the case maintains it.
Mr. Blaine. No, sir; it is just as I stated a few days ago in regard to this elaborate figuring that was made to get at the amount. I stated—and I was not aware at the moment that I was so thoroughly well backed in my statement—that it was a merc ease of general average on which they made up by what they call in the country chalking on the barn-door for the average, a mere splitting of the difference, and I want the honorable Senator's attention to that.
Mr. CARPENTER. The pay of a Senator is not magnificent. The real compensation that a Senator gets for his services in this Chamber

real compensation that a Senator gets for his services in this Chamber is what he can learn. The general rules of debate is a subject interesting to all lawyers; and when a master of that subject, like the Senator from Maine, takes the floor to give instructions upon it, it is well for every anxious learner to pay very strict attention. He lays down here a rule which undoubtedly will be assented to by all professional men. He says to the Senator from Delaware:

The Senator from Delaware will observe there is no mode of arguing a case so easily to get at a conclusion as to throw out all the facts that make against the case we are presenting. There is nothing so easy as to draw your conclusions if you can eliminate all the testimony that makes against you.

And then the Senator from Maine, scorning to teach by precept merely and intending to throw in the weight of an example as a brilliant illustration of what may be done by misstating the facts in an argument, proceeds as follows:

But this letter of Mr. Fish cannot be read too often, and I want the honorable Senator from Delaware to observe that it was written six months after the indirect claims had been thrown out. It was written after they had stripped off everything which he says brought it down to the basis which leaves us no discretion.

That the Senator from Maine regarded as a very important point. I must confess I did not see the importance of it then, and I do not see it now; but the Senator from Maine thought it was very important, and in the course of his remarks reported here, and which I have read, he twice or thrice repeats it, that the letter was written six months after the indirect claims had been rejected by the arbitrators, and that he wants to have the Senator from Delaware particularly mark, and wants the Senate especially to notice. If there be any mystic and mysterious importance in that point let me end it by stating the facts. Instead of having been written six months after the adjudication excluding the indirect claims, this letter was written seven days before the arbitration first met. It is dated December 8, 1871, and found in the second volume of Papers, page 414, and shows that it was written before the arbitrators met by its language and whole tenor. It is the letter which that forged by its language and whole tenor. It is the letter which that forged paper which is called the opinion of Caleb Cushing pretends not to extract but to publish in full, but gives only a part. Bear these dates in mind. For the purpose of aiding the Senator from Maine in his argument, that point being in his opinion so material, although I do not see the materiality of it for any purpose whatever, remember that the letter was dated December 8, 1871. The arbitration first met December 15, 1871; and the decision excluding the indirect claims was made on the 19th of June, 1872, six months after the letter was written. What an illustration this is of the valuable remark of the Senator from Maine, that it is easy to overcome an opponent in an argument by assuming the facts. The great fact then in the mind of the Senator which overrode everything was that Fish's letter was written six months after the decision of the arbitrators excluding the indirect claims when it was in fact written seven days before the first indirect claims when it was in fact written seven days before the first meeting of the arbitrators and six months before the decision was made excluding the indirect claims.

Again, as a contribution to this legal debate, the Senator from Maine read a letter, which is found in the RECORD of April 16, 1880, page 19, from one Charles H. Cole, in which Mr. Cole pretends to set forth a conversation that he had with the president of the North American Insurance Company of Philadelphia, in which that president to the conversation that he had with the president of the North American Insurance Company of Philadelphia, in which that president to the conversation that the conversati American Insurance Company of Philadelphia, in which that president asserted that his company had lost \$100,000, but had made \$300,000 and that he would scorn to accept anything out of the Geneva award. Precisely how the inclination of that one man should affect the question of what we ought to do I do not see; but still if the Senator from Maine does think it important then it is well to examine into the truth of it. Turning to the record here, to the seventh volume of Appendix, Papers, it will be ascertained that this insurance company that is made to say that it paid in losses \$100,000 paid but four losses. On page 101 is set out one case to D. S. Stetson & Co., \$600; on page 150 is another case to C. H. Cummings, \$3,069; on page 190 to Thos. S. Hathaway, \$7,500; on page 221 to Thos. B. Wattson & Sons, \$16,050; making in all paid by that company as shown by the papers in this case \$27,219 instead of \$100,000 that this president of the insurance company in the magnificence of his genpresident of the insurance company in the magnificence of his generosity was represented as willing to give away because he was too proud to take it under a law of Congress. His loss would not have been as great by about \$70,000 as the Senator from Maine thought it was. They only paid \$27,000 instead of \$100,000; and it turns out that the fact, without regard to the amount, is entirely mistaken. The president of this company, whose conversation is set out in this letter of Cole, telegraphs to the chairman of the Judiciary Commit-

tee denying the statement in toto, and I will ask the Secretary to read his telegram. If this legal question is to be determined upon such statements, let us have them on both sides.

The Chief Clerk read as follows:

PHILADELPHIA, PA., April 16, 1880-11.40 a. m.

Senator A. G. THURMAN, Washington, D. C.:

The only marine insurance companies in Philadelphia which paid losses on account of the depredations of confederate cruisers were North America, State of Pennsylvania, Union, and Delaware Mutual. We emphatically deny that any of those companies disclaim or ever have disclaimed any right to participate in the Geneva award. On the contrary, we unqualifiedly claim our respective proportions by right of subrogation.

CHAS. PLATT. President.
HENRY D. SHERRERD, President.
RICHARD S. SMITH,
President Delaware Mutual S. Insurance Company.
HENRY BALL, Assistant Secretary.

Mr. CARPENTER. Those are the officers of the insurance companies in Philadelphia who paid war losses. There is another one from Platt, a little more to the point, which I ask to have read. The Chief Clerk read as follows:

PHILADELPHIA, Pa., April 16, 1880-11.26 a. m.

To Senator A. G. THURMAN, Washington, D. C.:

I have not seen Charles H. Cole for years. What I may have said in private conversation years or more since, which may have been twisted by him, I cannot recall, but this thing I most emphatically state, that I have always been a firm believer in the right of subrogation under the Geneva award, and think the insurance companies fully entitled to their share of the fund.

CHAS. PLATT.

Mr. CARPENTER. The Senator from Maine also in his argument upon this subject attempted to call the Hon. Caleb Cushing from his grave as a witness. Doubting the authenticity of the document which he presented in the Senate, and asking him in good nature for information, as one gentleman would ask another, the following took place, as shown in the RECORD of April 14, page 23:

Mr. Carpenter. I simply wish to ask the Senator from Maine for information how he knows that this is the production of Caleb Cushing? Here is one of the little pamphlets, of which I have five or six hundred in my office, that I have received at different times on this subject. I see the name "C. Cushing" printed at the end of it, but it is not a letter from Mr. Cushing.

Mr. Blaine. If the Senator will permit me to interrupt him, see how exactly he is treating this question according to the smallest kind of practice in the county court of a State. He wants me to get an affidavit from Mr. Cushing's executor that Cushing wrote that letter. I cannot do it. [Laughter.]

[Laughter.]
As soon as I saw that document I believed that Caleb Cushing never As soon as I saw that document I believed that Cateo Cushing never did see it. I was as thoroughly convinced of it as I ever was of any fact in the world. In the first place, to show how utterly inconsistent it is with what Mr. Cushing claims before the arbitrators, let me read a paragraph from the argument submitted by our counsel, signed by Cushing, Evarts, and Waite, and found in the third volume of Papers at page 570. The English argument upon this is found in volume 3, Papers, 557, 558. The English argument was this:

With respect to the insurance companies, it must be remembered that, as against the losses which they paid, they received the benefit of the enormous war premiums which ruled at that time; and that these were the risks against which they indemnified themselves (and, it cannot be doubted, so as to make their business profitable upon the whole) by those extraordinary premiums. Would it be equitable now to reimburse them, not only the amount of all these losses, but interest thereon, without taking into account any part of the profits which they so received?

This was the argument made by the counsel of Great Britain before a arbitrators. To that our counsel, Mr. Cushing signing first, then Mr. Evarts, and then Mr. Waite, reply as follows

(b) We may also lay aside the suggestions prejudicial to the allowance of interest on the claims which by subrogation or assignment have been presented by the insurers who have indemnified the original sufferers.

How clear it is that not a word ever was uttered by anybody in that whole case recognizing an individual claim. The argument proceeds:

Whole case recognizing an individual claim. The argument proceeds:

So far as Great Britain and this tribunal are concerned, who the private sufferers, and who represent them, and whether they were insured or not, and have been paid their insurance, are questions of no importance. But it is worth while to look this argument in the face for a moment. Some of the sufferers by the depredations of the Alabama, the Florida, and the Shenandoah were insured by American underwriters. These sufferers have collected their indemnity from the underwriters, and have assigned to them their claims.

The enhanced premiums of insurance on general American commerce have, presumptively, enriched the insurance companies. Great Britain should have the benefits of these profits, and the underwriters at least should lose interest on their claims.

That was stating the British argument. Now, what did our counsel proceed to say

It is difficult to say whether the private or the public considerations which enter into this syllogism are most illogical. Certainly we did not expect that "the enhanced payments of insurance," which Great Britain could not tolerate, and the tribunal has excluded as too indirect consequences of the acts of the cruisers to be entertained when presented by the merchants who had paid them, were to be brought into play by Great Britain itself as direct enough in the general business of underwriting, to reduce the indemnity on insured losses, which, if uninsured, they would have been entitled to.

That was the argument of our counsel, Mr. Cushing signing the paper first. After that it is next to impossible to suppose that Mr. Cushing could have come home and claimed that these insurance companies were not entitled to recover anything. But that was not all, and here in passing let me notice the argument made for the warpremium men against the insurance companies. They say these insurance companies insured these losses and were paid for it; if they

lost a ship, therefore, they got just what they contracted for. See how such an argument can stand. Here are two insurance companies in Philadelphia, for instance. One insures ten vessels and receives the enhanced premium, and does not lose a vessel. The other insures in Philadelphia, for instance. One insures ten vessels and receives the enhanced premium, and does not lose a vessel. The other insures ten other vessels at precisely the same rates, receives precisely the same profits, but she does lose a vessel, and presents her claim for that loss. Now what becomes of the argument that these men have suffered no loss on a particular ship because they made profits on other ventures. Then how would the argument apply to other cases? Here is a bank, Messrs. Riggs & Co., for whom I entertain great respect, for they pay my checks when I cannot pay them myself. [Laughter.] They are in the business of discounting notes. It is their business; that is what they are paid for. I get them, for instance, to discount a small note for me, to show the extent of confidence that even a banker may be cajoled into. When the note matures it is not convenient for me to pay it and it goes to protest. They bring suit against me, declaring that on such a day they discounted my note and I promised to pay them so and so; but I plead in bar, "You, sir, are a banker; your business is discounting notes; what you have made on the whole in your business is a great deal more than the amount of my note; now what right have you to follow me into the little corners of my life on a promissory note when you have got rich discounting notes?" That is precisely the argument here; first-rate as statesmanship, ridiculous from a lawyer.

After Mr. Cushing returned from Europe and before Mr. Evarts had returned there was published what purported to be a letter of the discounting in the Journal of Commerce November 12 1872. It is detail.

After Mr. Cushing returned from Europe and before Mr. Evarts had returned there was published what purported to be a letter from Mr. Cushing in the Journal of Commerce, November 12, 1872. It is dated October 17, 1872, is signed "C. Cushing," and was published in the Journal of Commerce, which of course vouches for its authenticity, was commented upon by the press and never repudiated by Mr. Cushing. Let that letter be read by the Secretary.

ing. Let that letter be read as follows:

was commented upon by the press and never repudiated by Mr. Cushing. Let that letter be read by the Secretary.

The Chief Clerk read as follows:

New York, October 17, 1872.

Dear Sir: I think it well to state in writing the substance of what I said to you yesterday respecting the present state of the so-called "Alabama claims."

1. To begin, it is misspprehension to suppose that there is any similitude between these cases and those of the so-called "French spoliation claims."

In the latter case the Government of the United States relinquished to France all claim against that Government on account of alleged illegal captures of American merchantmen, theretofore made by France, in consideration of the relinquishment by France for certain national claims against the United States.

In view of these mutual relinquishments, the aggrieved owners of the merchantmen captured by France contend—and, as I think, with great reason and truth—that the Government of the United States is bound in equity to indemnify them for their losses in consideration of the benefit thus accruing to the United States. But the United States did not receive any money from France in the premises. It is a question of equitable indemnity, not a question of the payment of money in the hands of the Government.

In the case of the "Alabama claims," however, the United States will have in their hands a definite sum of money, awarded against England by the tribunal of arbitration, and paid over by England to the United States for distribution among the parties interested, according to the award of the tribunal.

2. In the matter of the "Alabama claims," however, the United States for distribution among the parties interested, according to the award of the tribunal.

2. In the matter of the "Alabama alaims," however, the United States for distribution among the parties interested according to the award of the tribunal.

2. In the matter of the "Alabama alaims," however, the United States presented to the tribunal detailed schedules and estimates of

ship.

4. In view of the foregoing considerations I carnestly advise you and other parties interested:

First. Not to sacrifice any of your claims by sale, that is, not to sell under any circumstances or at any other rate than in the case of other assured rights of prop-

eircumstances or as any cases stand better appearing in their own right.

All claimants in such cases stand better appearing in their own right.

Secondly. Not to sacrifice your claims by transactions in the nature of contingent agency compensation.

You will need attorneys or counsel before the board of assessors, who should be compensated with liberal and honorable fees as such; but your claims are not of that aleatory and precarious character which requires them to be placed in the category of some foreign claims, such as those before the Mexican commission, or of some domestic claims demanding long-continued and peculiar service before the executive departments or before Congress.

I remain, very truly yours,

C. CUSHING.

Mr. CARPENTER. From the fact that this letter was published in the New York papers soon after the return of Mr. Cushing to this country, commented upon by the press of the whole country, and never repudiated by Mr. Cushing, vouched for by the Journal of Commerce as a genuine letter, it is safe, I think, to assert that this letter was a genuine letter of Mr. Cushing. Besides that it has internal evidence of being a genuine production of Caleb Cushing; it has his style; it has his language; it has his manner and method of treating a subject. Here in this letter he speaks of this fund in our hands as a trust fund. Here in this letter he speaks of this fund in our hands as a trust fund. He says the Government presented the claims of these insurance companies in detail, collected them, have the money to pay them, hold it in trust to pay them, and they may be as certain of being paid their claims as they might be of being paid if they held the bonds of the United States. Now, then, to believe that after that Mr. Cushing did say what it is pretended by this forged document he has said is to dishonor Mr. Cushing's memory beyond the power of redemption.

honor Mr. Cushing's memory beyond the power of redemption.

But having some little share in the reputation of Caleb Cushing as a lawyer, I do not wish to leave this subject until I satisfy everybody that he never wrote this letter. In the first place, the internal evidences are very strong. It bears no date of time or place; it is addressed to no one; he does not state why it is written; it does not say that any question has been submitted to him for his opinion; it does not say what his opinion is on any question; it has not the form of a professional opinion; it certainly is not a brief, because it is entitled in no court or tribunal. It is therefore a document which a lawyer, on inspection, would believe to be spurious.

At the risk of incurring the everlasting contempt of the Senator

At the risk of incurring the everlasting contempt of the Senator from Maine, who hates affidavits worse than Falstaff hated talk by from Maine, who hates affidavits worse than Falstaff hated talk by his tailor about security, I have an affidavit upon this subject. The Senator complained; he thought I seemed to demand that he should bring affidavits here on this question. I did not demand that. I simply asked him a civil question as to how he knew it was written by Mr. Cushing. I had not seen it at the time. I did not know but he had procured it from Mr. Cushing himself; I did not know but he had the original signed by Caleb Cushing, so he could answer the question at once. I send to the desk to be read an affidavit, to which is attached this document, and which speaks of it as ampered. I sale is attached this document, and which speaks of it as annexed. I ask that the affidavit be read.

The Chief Clerk read as follows:

UNITED STATES OF AMERICA,

District of Columbia, ss:

District of Columbia, ss:

J. Langdon Ward, being duly sworn, deposes and says that he resides in the city of New York, and is an attorney and counselor at law; that from about the year 1867 and up to the time of the death of Caleb Cushing deponent was well acquainted with him and had business relations with him of considerable extent; that during the period of General Cushing's absence in Spain, as minister to that country, the printed paper hereto annexed was brought to deponent's notice; that afterward, and very shortly after General Cushing returned to this country, deponent called on him at Wormley's Hotel, in this city, and in conversation referred to the opinion purporting to be contained in said paper; that General Cushing expressed surprise thereat and disclaimed having given such opinion; that thereafter, and, as deponent now remembers, on the next day, deponent showed the paper hereto annexed to General Cushing, who, after perusing the same, emphatically denied the authorship thereof, saying that he did not write it, and never saw or heard of it until deponent brought it to his attention.

J. LANGDON WARD.

J. LANGDON WARD.

Sworn and subscribed to before me this 14th day of April, A. D. 1880, [SEAL.]

Mr. CARPENTER. I know nothing of J. Langdon Ward except that I understand he is a member of the New York bar in good standing. Mr. BLAINE.

Mr. BLAINE. I dislike to interrupt the honorable Senator-Mr. CARPENTER. Then you had better not. Mr. BLAINE. Shall I have the privilege? Mr. CARPENTER. Not if you dislike it

Mr. BLAINE. If the Senator does not dislike it— Mr. CARPENTER. I do not dislike it.

Mr. BLAINE. I merely want, just in this connection, so that it may be embodied—

Mr. CARPENTER. That had better be held for reply; that is the

better way.

Mr. BLAINE. I should like to have it alongside of that

The Senator always wants a reply Mr. CARPENTER. The Senator always wants a reply to every

paragraph.

Mr. BLAINE. I have not interrupted the Senator, and he has been

three hours on the floor.

Mr. CARPENTER. The Senator from Maine can have three days after I get through, which will be very soon. In other words, let me after I get through, which will be very soon. In other words, let me state here—for I would not be discourteous to anybody, and I interrupt Senators oftener perhaps than anybody else—the office of an interruption is well understood among lawyers. It is to suggest a question which will bring to the speaker's mind something he has omitted, some fact he has forgotten or misstated; but to put in an answer to what has been said is never the office of an interruption. While I would be quite willing to submit to an interruption now to set me right on any statement I have made, I do not wish to be replied to until I shall have concluded. I understand the Senator in-

Mr. CARPENTER. There is another thing in this letter which is internal evidence of its not being genuine that I should not overlook, and which I forgot to state. It says:

The counsel of the United States were specially instructed by the Government to avoid committing the United States to any theory of distribution as regards

either claims or claimants, and especially not to commit the United States in the matter of the claims of insurers, in the words following:

DEPARTMENT OF STATE, Washington, December 8, 1871.

Gentlemen: In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded or what may be recovered in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured and destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.

It is expected that all such committal be avoided in the argument of counsel. I have the honor to be, gentlemen, your obedient servant,

HAMILTON FISH.

Hon. CALEB CUSHING, WILLIAM M. EVARTS, and M. R. WAITE.

In other words, this purports to state the entire letter, no stars, no marks to indicate but that the entire letter is given. The entire letter may be found in the third volume of Papers, page 414, and covers two pages. If it had been quoted in full here the Senator would not have fallen into the blunder of supposing that the letter of Mr. Fish was written after the arbitrators excluded the indirect claims, because the letter itself shows that it was written before the arbitrators had met. Mr. Cushing never would have done this; no lawyer would; it is not like a lawyer. Mr. Cushing would have said that a letter was received at such a time from which the following extract might be made, or he would have stated it in some other way; but to set it out as the whole of that letter when it is only a paragraph out of the letter, which covers nearly two printed pages, I know Mr. Cushing never would have done. Another thing, this says:

The doctrine of subrogation, as between assurer and assured, does not control the action of the United States in the allowance of claims or distribution of indemni-

To the contrary of this is the well-considered judgment of Congress, as proved by the following letter.

And then here comes a letter in quotation signed by W. B. Washburn. That Mr. Cushing would have set forth such a letter from one member of the House as the deliberate judgment of Congress is simply absurd.

Mr. CONKLING. Do not forget that the letter states nothing except what was done in one committee of the House; it does not say anything about what Congress has done.

Mr. CARPENTER. I will read the letter:

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, January 24, 1873.

Dear Sir: While I was on the Committee of Claims for six years several cases of insurance companies were presented where property had been lost or destroyed on which they had paid the insurance. The committee always dismissed the claim, on the ground that they were paid for the risk and could not ask the Government to hold them harmless.

Yours truly,

W. B. WASHBURN.

To GEO. O. SHATTUCK, Esq.

The letter does not pretend to state anything except the action of one committee of the House, and yet Mr. Cushing is supposed to have exaggerated that letter of Mr. Washburn into the well-considered and deliberate judgment of Congress. Mr. Cushing never did any such thing, and I am as thoroughly convinced that the document is a forgery as I am that the Senator from Maine is not aware of the

Passing from the details of the record in this case, here are fifteen and a half million of dollars to be distributed by Congress to somebody or to be held in the Treasury of the United States as the private money of this Government. I shall discuss no further the question money of this Government. I shall discuss no further the question that those men whose private property was destroyed, the destruction of which formed a part of the claim presented by our Government to the arbitrators, allowed by them, included in the award, and paid to us by Great Britain, have the highest equitable lien upon that fund. They have what lawyers would say—and I beg pardon for alluding to lawyers again; I know it is out of place and in bad taste, but it is on a level with my comprehension, and I am therefore more at home there than I would be if soaring into statesmanship—as every lawyer would say those men have an equitable lien on that particular fund. Their property made it; their property has been turned into that money just as completely as when a court of admiralty sells a ship and deposits the money in the registry of the court; the money represents the ship for all future proceedings. Now, then, why should not the men who owned the property have the money. That is the only question. I can see no reason why they should not; but if you deny their right, then the money is the general money of the United States; we have a right to do what we please with it; it is like any other money collected as internal revenue or as duties on foreign importations. We can pay pensioners with it, we can build railroads with it, we can pay the expenses of Congress, or do anything else with it.

It is proposed by one section of the bill that if a surplus shall remain after the judgments rendered for the direct losses according to the award shall have been paid, then the tribunal shall allow claims for the damages directly resulting from the exculpated steamers. So much of the bill I do not support. If any man moves to strike it out I shall vote with him; and if he does not I think I shall move to strike it out myself. It is, as the Senator from Maine said, illogical; or at all events it is not supported by the logic which sustains the

other part of the bill.

The right of these insurance companies rests upon the fact that The right of these insurance companies rests upon the fact that they can trace their ships, irectly into those dollars. They can start with the building and own ership of the ship, then show their sailing on their voyages, their insurance by the companies, their destruction by the rebel cruisers, the making of their claims, the presentation of them to the arbitrators, the award made upon them, and the payment of the money, and follow that into the Treasury, and thus tell cruetly where their ship is and they have a right to demand it. exactly where their ship is, and they have a right to demand it. When you deny the theory of a special lien upon this fund those who when you deny the theory or a special lien upon this find those who suffered from the exculpated steamers have no special right to this money unless they have stronger claims to our charity than others, for they can only ask for this money upon that ground. If there is no especial lien upon this fund, then it is, while we retain it, like all other moneys of the United States, subject to be appropriated for any purpose in the power and discretion of Congress. Many of these while owners are wealthy men. If it comes to a question of charity. any purpose in the power and discretion of Congress. Many of these ship-owners are wealthy men. If it comes to a question of charity—if we are to distribute this money as charity—we ought to distribute it to those who need it most.

The poor woman who stands on the corner of the street without money to buy her dinner or to find a lodging for her children to-night has a higher claim for charity, if we have any money to dispense in charity, than the ship-owner worth his millions, although he lost a

charity, than the sup-owner works as ship.

If we find after examining all the claims for which this money was paid, and satisfying them in full, and deducting our expenses in the matter, there is still money left, I would vote to return it with our compliments to Great Britain. I understand that the Senator from Delaware took this position and was roundly rebuked for it by the Senator from Maine. I shall come in for the same rebuke, but I admit I have some respect for legal maxims as a safe guide to practical honesty. If I go up to a counter and buy some goods and give the merchant a hundred-dollar bill and he is to take out \$25 and give me the change, and he passes me over the change and I put it in my pocket chant a hundred-dollar bill and he is to take out \$25 and give me the change, and he passes me over the change and I put it in my pocket and leave supposing that I have \$75 and he supposing that he has paid me \$75, but if I go to my office and ascertain that he has paid me \$20 too much, what is my duty in the matter? What would an honest man do about it? Would he say, "Well, now, here is \$20 clean made; I never expected it. It has come to me like a windfall. Heaven is kind; here is \$20. If I want a good thing for myself I will buy it; if I do not I will give it in charity; I will give it to some ship-owner who lost his ship, but is still worth a half million dollars, or I will give it to a poor woman starving on the corner of the street." But would that be quite honest? The merchant supposed he had paid me \$75; I supposed so; but I subsequently find out that he has made a would that be quite honest? The merchant supposed he had paid me \$75; I supposed so; but I subsequently find out that he has made a mistake and given me \$20 too much. There is not a man in this Chamber who would hesitate one moment to say that if under such circumstances I did not go back and return the \$20 I was a rascal.

Now, what was our case against Great Britain? We made claim against them for a great many things that were disallowed. We made claim against them for one thing that was allowed. That one was for the injuries directly inflicted upon private property by the inculpated cruisers, and that sum was estimated, as well as they could estimate it, by the arbitrators, at fifteen and one-half million dollars, which

it, by the arbitrators, at fifteen and one-half million dollars, which was paid to us, as Mr. Cushing says in his letter in the Journal of Commerce, as a trust fund to pay those who had so suffered. received the money; but on more accurate examination of these claims than could be made by the arbitrators at Geneva, we find, for instance, that after paying all claims and expenses we have got two, three, or five million dollars left. What are we to do with it? The Senator from Maine says pay it to the men whose claims were rejected. Senator from Maine says pay it to the men whose claims were rejected. Upon every legal principle a man who did not present his claim is better off than the man who presented it and had it excluded. The man who did not present his claim has not got an adjudication against him. The man who presented it and had it excluded has an adjudication that he is not entitled to it. In the case I suppose, the poor woman on the corner, who was not a claimant before that tribunal, is not precluded by the judgment. The war-premium men are; they were heard. They have, therefore, not only no adjudicated right, but there is an adjudication against their claim.

there is an adjudication against their claim.

But it may be said, and I understand it will be, by those who support all the provisions of this bill, there was an honest difference between us and Great Britain as to the amount we were entitled to, after it had been determined what losses Great Britain should pay for. We contested that question before the arbitrators, and got a decision from the tribunal that Great Britain should pay us fifteen decision from the tribunal that Great Britain should pay us fitteen and a half million dollars; and that we are justified in saying if it turns out that there was a mistake in the calculation of the amount we were entitled to, we may put the excess in the Treasury or dispose of it in charity or otherwise as we please. A distinguished Senator said to me, "St. Peter might object to this, but that in sublunary affairs it would not be very bad."

But the older I grow the more I am inclined to consider the probable exactions of St. Peter than the opinions of a bustling, sordid, selfish are. And the question is, whether it would be honest for us to re-

age. And the question is, whether it would be honest for us to retain and appropriate to our own use money paid to us by Great Brit-ain upon an adjudication made by the arbitrators under a mistake of fact as to the amount we were entitled to recover upon the principles

determined by them. Of course Great Britain could make no demand upon us to return such surplus. But the question is whether we could honestly retain the benefit of an adjudication in our favor based upon a mistaken state of facts? I confess I should greatly prefer to see our Government returning to England a surplus we had no better title to than that which rests upon an adjudication made under a mistake of

I will illustrate my meaning by an incident I have heard in the life of Mr. Lincoln. As the facts have been reported to me, he had per-formed professional services for a railroad company and rendered his formed professional services for a railroad company and rendered his bill at \$500. This the company refused to pay and he was compelled to bring suit, in which he recovered \$5,000, and the money was paid. Thereupon Mr. Lincoln deducted his original bill as rendered, \$500, and all expenses in the litigation, which left a balance of some \$3,000 in favor of the company, which with his compliments he re-turned. In such ways he acquired the affectionate appellation of "Honest Old Abe;" and it is impossible to say how much such reputation contributed to his election as President of the United States. I would be glad to see this Government take an equally honorable course in regard to any surplus of this fund above what we are equitably entitled to retain.

But, Mr. President, there is another consideration that I wish to refer to before yielding the floor, and will do so as briefly as I can.

This arbitration was a conspicuous event in the history of the world. It remains to be seen whether it shall stand as an example to be followed by other nations, or whether it shall be dishonored and brought into contempt among the nations. It is our duty to deal with this fund in such a way as to encourage arbitration. In other words, if foreign nations see that when a nation has submitted to arbitration with a such a way as to encourage arbitration. with us and paid over money claimed for our private citizens, we, like thieves and robbers, put the money in our pocket and refuse to pay it over to those for whom it was paid, they will not be likely to enter into arbitrations to settle national difficulties. Nor will our people (as the Senator from Ohio [Mr. Thurman] suggests to me) agree to any more arbitrations.

We can do nothing more potent in the right direction than honestly and faithfully to execute the award by paying the money to those for whom it was received. In this connection, and showing how this arbitration was regarded and how anxiously it was pursued by the greatest military chieftain of this age, I will ask the Secretary to read a passage from the annual message of the President, which was read in the Senate December 5, 1870.

The Chief Clerk read as follows:

The relations of the United States with foreign powers continue to be friendly. The year has been an eventful one in witnessing two great nations, speaking one language and having one lineage, settling by peaceful arbitration disputes of long standing, and liable at any time to bring those nations into bloody and costly conflict. An example has thus been set which, if successful in its final issue, may be followed by other civilized nations, and finally be the means of returning to productive industry millions of men now maintained to settle the disputes of nations by the bayonet and the broadside.

I transmit herewith a copy of the treaty alluded to, which has been concluded since the adjournment of Congress with Her Britannic Majesty, and a copy of the protocols of the conferences of the commissioners by whom it was negotiated. This treaty provides methods for adjusting the questions pending between the two nations.

Various questions are to be adjusted by arbitration. I recommend Congress, at an early day, to make the necessary provision for the tribunal at Geneva and for the several commissions on the part of the United States called for by the treaty. Mr. CARPENTER. Mr. President-

Mr. JONES, of Florida. Will the Senator permit me to ask him a question in that connection?

Mr. CARPENTER. I think the Senator had better let me get through and then I will submit to cross-examination. Mr. JONES, of Florida. The Senator sometimes exercises the priv-

ilege of interruption.

Mr. CARPENTER. Certainly, I cannot refuse it to the Senator.

Mr. JONES, of Florida. I wish to know if all these claims had been purchased, as was recommended by the President, and his recommendation would have included losses growing out of the exculpated cruisers; suppose they had all been purchased as recommended by the President and after the commissioners had met it was held that only a portion of those claims could be allowed, does the Senator think the citizens would have been compelled to refund the money to the Government

Mr. CARPENTER. If I ever am called on to look at any question of that kind I will examine it and give an opinion. That is so far from the matter we are examining that it does not come within the same lines, and therefore I will not decide that case.

Now I ask the Secretary to read the passage marked from the message of 1871.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's government was guilty of any negligence or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amounts and the ownership of these several claims on netice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims as well as the responsible control of all the demands against Great Britain.

It cannot be necessary to add that whenever Her Majesty's government shall

entertain a desire for a full and friendly adjustment of these claims the United States will enter upon their consideration, with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

Mr. CARPENTER. It will thus be seen that the President proposed in the first place that the United States should buy up these claims and own them itself so as not to be embarrassed in future negotiations with Great Britain upon any of these questions. The private claims of course were only one element of difference between us and Great Britain. It was policy for us to hold the whole case back, and have it settled altogether either by arbitration if it could be, or by war if it must be; and therefore the President thought it wise for the United States to become the owner of these claims, to pay these men, these insurance companies, what they had paid, and hold the claims for future adjustment with Great Britain.

Now, the Senator from Florida asks me whether in such case if a claim had been purchased by us, and had not been allowed by the arbitrators, we could have recovered the money back from the claimant. That would be one of those questions arising under "undefined equity," which can only be passed on by the Senator from Florida. I should not know anything about it as a question of right because there would be no principle of law to attach it to at all; it would be

"undefined equity," which I pass over to the Senator from Florida.

After this award had been made, the President of the United States, on the 2d December, 1872, sent a message to Congress, from which I wish the Secretary to read the passage marked.

The Chief Clerk read as follows:

wish the Secretary to read the passage marked.

The Chief Clerk read as follows:

When Congress adjourned in June last, a question had been raised by Great Britain and was then pending, which for a time seriously imperiled the settlement by friendly arbitration of the grave differences between this Government and that of Her Britannic Majesty, which by the treaty of Washington had been referred to the tribunal of arbitration which had met at Geneva, in Switzerland.

The arbitrators, however, disposed of the question, which had jeoparded the whole of the treaty and threatened to involve the two nations in most unhappy relations toward each other, in a manner entirely satisfactory to this Government and in accordance with the views and the policy which it had maintained.

The tribunal which had convened at Geneva in December concluded its laborious session on the 14th day of September last, on which day, having availed itself of the discretionary power given to it by the treaty to award a sum in gross, it made its decision, whereby it awarded the sum of \$15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to its consideration.

This decision happily disposes of a long-standing difference between the two governments and, in connection with another award made by the German emperor under a reference to him by the same treaty, leaves these two governments without a shadow upon the friendly relations which it is my sincere hope may forever remain equally unclouded.

The report of the agent of the United States appointed to attend the Geneva tribunal, accompanied by the protocols of the proceedings of the arbitrators, the arguments of the counsel of both governments, the award of the tribunal, and the opinions given by the several arbitrators, is transmitted herewith.

I have caused to be communicated to the heads of the three friendly powers who complied with the joint request made to them under the treaty, the thanks of this Government f

It is due to the agent of the United States before the tribunal to record my high appreciation of the marked ability, unwearied patience, and the prudence and discretion with which he has conducted the very responsible and delicate duties committed to him, as it is also due to the learned and eminent counsel who attended the tribunal on the part of this Government to express my sense of the talent and wisdom which they brought to bear in the attainment of the result so happily received.

reached.

It will be the province of Congress to provide for the distribution among those who may be entitled to it of their respective shares of the money to be paid.

Although the sum awarded is not payable until a year from the date of the award, it is deemed advisable that no time be lost in making a proper examination of the several cases in which indemnification may be due. I consequently recommend the creation of a board of commissioners for the purpose.

Mr. CARPENTER. It will thus be seen that the President of the United States earnestly pursued this scheme of arbitration as a peace-able mode of settling the differences between us and Great Britain, that he succeeded in the negotiation of a treaty which finally resulted in this arbitration. It will also be noticed that that great chieftain and magistrate from first to last had steadily in his mind the common vulgar doctrine of honesty, that when the claims were paid to us the money was to be distributed and paid to those claimants who were money was to be distributed and paid to those claimants who were entitled to it, and that he congratulated Congress on the great achievement the world might rejoice in; and that he, in the same breath, recommends us to take steps for the immediate distribution of that fund. He speaks, too, of the arbitrators themselves. He speaks of the manner in which that arbitration was conducted, the arduous duty imposed on the arbitrators and the faithful and patient manner in which they had performed it. In the name of the nation he thanks the nations which had appointed arbitrators to be assumed. the nations which had appointed arbitrators to be members of the tribunal, and thanked the arbitrators themselves, and Great Britain thanked Mr. Adams for his patient and laborious performance of duty.

Mr. President, I am too great a lover of truth and justice, I am too proud an admirer of my country, I am too anxious for the fame and dignity of the Senate, to bring the language of the Senator from Maine in regard to this tribunal and the manner it performed its duties into pitiful contrast with the eloquent and appreciative utterances of a man who has become a lover of peace from witnessing the horrors of war, who is ready to award the meed of praise to the faithful

discharge of official duties, having always discharged his own uprightly, the man who to-day and of this generation is "first in war, first in peace, and first in the hearts of his countrymen" and of all

mankind. [Applause in the galleries.]

Mr. BLAINE. Mr. President, I do not feel it necessary to reply to or scarcely refer to the remarks which the honorable Senator from Wisconsin [Mr. CARPENTER] has made in regard to lawyers, my dislike of lawyers, my contempt for lawyers. Among the facetize of debate in this Chamber, pursued as I have sometimes thought beyond the point of good wit or good manners by the honorable Senator from Wisconsin and some others whom I need not name, I have been often reminded that I was not myself a lawyer—wit that it seemed to me would have been brighter and the thrust a little keener if I had ever professed to be a lawyer. For the satisfaction of the honorable Senator from Wisconsin and of those who may have this killing taunt still ator from Wisconsin and of those who may have this killing taunt still in reserve, I beg to say that I am not a lawyer. I never was in court as an attorney, nor as a plaintiff, nor as a defendant, nor as a jaror, nor as a witness. In that vast sea of adventure I am an exculpated cruiser. [Laughter.] I have nothing to answer for and have incurred no responsibility. But I spent two honest years of a young life under the tuition of a lawyer who was too great to taunt any man, and I have had association personal and intimate with three men who served in this Chambeau and wheee learning in the law was of such a charter of the contraction.

in this Chamber and whose learning in the law was of such a character that even the Senator from Wisconsin was never worthy to unloose the latchets of their shoes.

The Senator has lectured us upon the common honesty, the universal demand that these insurance companies upon every principle of law should be recognized as entitled to compensation. an old adage that "liars should have good memories." That adage might be well extended by suggesting that Senators would sometimes be improved by having good memories. In the little reading of the law which in my young life I accomplished I remember that one of its maxims was "Idem ratio idem jus;" and yet the honorable Senator from Wisconsin, who occupied a seat on this floor for two years of the first discussions on this question, voted on the yeas and years of the first discussions on this question, voted on the yeas and nays six distinct times against giving the insurance companies the slightest recognition. He endeavors to pass it off—I say endeavors to pass it off—by saying that he gave that vote (and he spoke of that rather sotto voce) at a time when there was pressure to pass some bill, and that they were compelled to throw the insurance companies overboard or postpone them until a more convenient season, in order that some other claims might be settled. This is rather late in the day for the excuse, and there are two or three inconsistencies about it; and I regret that the honorable Senator is not in the Chamber to

hear what I may say in that connection.

In the first place, the Senator's excuse is entirely inconsistent with the idea that the insurance companies had as good a claim as anybody else. If they had as good a claim as anybody else, as the Senator now maintains, upon what possible justification did he throw ator now maintains, upon what possible justification did not throw them overboard to facilitate the passage of a bill for other interests. But as a matter of fact that is not the history of the case at all. The honorable Senator from Wisconsin, on the 10th day of February, 1873, the question being on Senator Thurman's motion to strike out from the original bill the provision in precisely the same words which the present committee's bill repeals, voted against striking it out—at the very initial step of the whole question. The original bill was a Sentence of the strike of the whole question. very initial step of the whole question. The original bill was a Senate bill. There had been no controversy between the Houses, the subject had not yet been mentioned in the other House. On the very threshold, on its first appearance, and I believe seven months before the money was paid into the Treasury of the United States, on that bill which was proposed to be passed the honorable Senator voted

against giving a penny to the insurance companies.

Then on the same day he voted against Senator BAYARD's amendment in favor of insurance companies, and then he voted for a bill almost identical with the law of 1874, which contained the precise words that the Judiciary Committee's bill now proposes to repeal. That was in 1873. On May 13, 1874, the previous bill having failed and the honorable Senator having had fourteen months to reflect upon the imperious justice which demanded the payment of these insurance companies, after fourteen months' reflection, on May 13, 1874, the Senator from Wisconsin voted in Committee of the Whole against striking out from the bill which became the law of 1874 the words which he now asks to have repealed; but in spite of his vote the words were stricken out in Committee of the Whole, and when the bill was reported to the Senate this amendment was not concurred in, the Senator from Wisconsin again voting against it. On the final passage of the law of 1874 Senator Thurman announced to the Chamber that Senator Carpenter, of Wisconsin, was paired in favor of the bill and against the insurance companies.

That is the record of the honorable Senator from Wisconsin. It is not for me to impugn his right to change; but the Senator should not rise here and preach to us in a dogmatic strain about our duty to follow his lead to-day when on five, or possibly six, distinct calls of the yeas and nays, running over the period of fourteen months when he was in the Senate for his first term, he voted every time in the teeth and the face of the declarations which he lays down to-day as

his views of national duty. I said, Mr. President—and the Senator gave us a very admirable illustration, better than I could have possibly hoped for—that there was nothing in the world so easy in argument as simply to ignore the facts. The letter of Hon. Caleb Cushing was such a tough nut to crack—it had in it so many positions utterly irreconcilable with anything the Senator from Wisconsin had said that nothing was left him but to go out in the lobby and get an affidavit from the attorney of the insurance companies that Mr. Cushing never wrote the letter. That is what he did; and he brings it in here to convince the Senate that Caleb Cushing never said that and never wrote what has been read here. I repeat that the affidavit which he flourished with such greece and practice is the affidavit of the attorney of the insurance read here. I repeat that the affidavit which he flourished with such grace and unction is the affidavit of the attorney of the insurance companies. Mr. President, if there be a living man on this earth qualified and entitled to represent Caleb Cushing, by long personal association, by study of law in his office, by intimate relations with him at the bar, by being his clerk when he was Attorney-General of the United States, it is Richard S. Spofford, of Newburyport, Massachusetts. I hold in my hand a letter from Mr. Spofford dated April 14, 1880, addressed to myself. Mr. Spofford says:

I observe that in yesterday's debate in the Senate the authenticity of the document purporting to contain the opinion of Hon. Caleb Cushing, as the rightful distribution of the Geneva fund, was challenged by Hon. Mr. CARPENTER, of Wiscon-

tribution of the Geneva fund, was challenged by Hon. Mr. Carpenter, of Wisconsin.

I beg to say to you that this opinion was given partly at my instance, and partly on request of several leading merchants of the city of Boston, for submission to the Committee on the Judiciary of the House of Representatives, in the spring of 1873, when the question of the Geneva fund first came up for consideration.

From time to time it has been reprinted by the friends and attorneys of the warpremium interest, in the form in which it now appears, for circulation in the two Houses of Congress.

In a subsequent year, on invitation of the Judiciary Committee of the House, Mr. Cushing appeared before them personally, and gave his views in full, entering into the details of the Geneva arbitration in its whole length and breadth, reiterating on that occasion the same views as to the rights of the war-premium claimants contained in the printed brief, extracts from which were read by you in the presence of the Senate.

of the Senate.

It will thus be seen that there is no doubt whatever of the authenticity of the paper in question, or of the attitude which Mr. Cushing held toward the issue now pending respecting the relative rights of the insurance companies and of the war-

premium payers.

I have the honor to be, very respectfully, yours,

R. S. SPOFFORD.

This document has been known here for years, quoted in the other branch of Congress, and printed in the CONGRESSIONAL RECORD five years ago, and the only way the honorable Senator from Wisconsin has to meet its unanswerable argument is to get the attorney of the person against whose interest this opinion wages war to come in here and say that Mr. Cushing never wrote it. I do not know the gentleman who makes the affidavit. I have certainly no disposition to speak harshly of him; but I do say that it is a most extraordinary circumstance that the honorable Senator from Wisconsin should have the hardihood and the temerity and the insolence to speak of Mr. Cushing's letter as a forged document. That was all that was left him to do. I think now, with this fresh, authentic character given to the letter, and the Senate having had their attention called to it so pointedly by this extraordinary accusation of the Senator from Wisconsin, that in the hearing of the Senate even to detain them beyond what I should have originally laid out for my remarks I will yond what I should have originally laid out for my remarks I will read it. Mr. Spofford said to me in conversation which I repeat, for I claim to have known Mr. Cushing well if not intimately myself for many years, Mr. Spofford said to me that there was not any man who had ever seen the slightest production from Mr. Cushing's pen who would not see his style all over that document, crisp, close, clear, pungent, forcible in its statements, undeniable in its conclusions. And now I ask the Senate's attention afresh to this invaluable letter of Mr. Cushing. Here is what he says:

1. The Alabama claims, by explicit provision of the treaty of Washington, are claims made in the sole name of the Government: "Claims of the United States." (Article I.)

(Article 1.)

Compare Article XII, which refers other claims "on the part of corporations, companies, or private individuals, citizens of the United States."

Turn over to article 12 of the treaty of Washington. The honorable Senator went through two hours' quite useless parade to inform me that England always protected her citizens and that we ought to do the same; and that I had said that the United States was above protecting its citizens. What I said was that it was utterly belittling that great tribunal that met at Geneva to speak of it as adjusting private claims. We had a tribunal of that kind at Washington running for two or three years, and it did not attract much more potice. private claims. We had a trounal of that kind at washington relication for two or three years, and it did not attract much more notice than the police court; did not attract half the notice that the ordinary sessions of the supreme court of the District of Columbia do. That was under article 12. That was for claims of corporations, companies, or private individuals, as Mr. Cushing well defines and explains. plains.

The difference between the two tribunals, the one at Geneva and the one at Washington, is thus clearly stated by Mr. Cushing at the outset. I resume the reading of Mr. Cushing's letter:

2. The award was expressly to the United States, in these words

Did anybody ever hear of the tribunal that was sitting at Washington awarding anything to the United States? They were sitting on the little petty claims of John Doe and Richard Roe. The United States was not there at all, except as a protector of its individual ckizens. I resume the reading:

2. The award was expressly to the United States, in these words:
"The tribunal * * * awards to the United States the sum of \$15,500,000, in gold, as the indemnity to be paid by Great Britain to the United States."

3. The award is not confined to any particular claims, either vesses or persons,

but is "for the satisfaction of all the claims referred to the consideration of the tribunal."

4. The counsel of the United States were specially instructed by the Government to avoid committing the United States to any theory of distribution as regards either claims or claimant, and especially not to commit the United States in the matter of the claims of insurers, in the words following:

And then he quote's Mr. Fish's letter. This was a paragraph out of a letter of instructions which covered several pages, but this was the particular paragraph that applied to the argument Mr. Cushing was making, and the honorable Senator from Wisconsin, an astute lawyer, (for he says he is himself,) says it was not like Mr. Cushing to quote that which related exactly to the subject, but he ought to have recited the whole letter. Mr. Cushing's way was to do it crisply and sharply. Mr. Cushing then proceeds:

5. The counsel of the United States obeyed the instructions given them, and did not commit the United States to any theory of distribution whatever, either by way of inclusion or of exclusion, but left that question to be determined by the wisdom and discretion of Congress.

These are weighty words. They were not written by an ordinary man. County clerks and scriveners do not write the law that way. The Senator from Wisconsin does not write the law that way. I read further from the letter:

The United States at Geneva laid before the tribunal all the claims of citizens of the United States which had been presented to the Government, without vouching for the validity of any of them; but insisted that the United States were not bound by the printed schedules, but only by the description of the treaty—"all the said claims, growing out of acts committed by the aforesaid vessels, and generally known as the Alabama claims." (Protocol XXVI.)

6. The tribunal, in making up their award, expressly excluded the idea of definite assessment and allowed a sum in gross, incompatible with assessment, by taking the American estimate of supposed damages of \$14,437,000, and the English estimate of supposed damages of \$70,74,000, and splitting the difference, so as to arrive at the arbitrary sum of \$10,905,000, as the capital which, with interest added, makes the \$15,500,000 of the award. (Protocol XXIX.)

I stop at that point of Mr. Cushing's opinion for a moment. The honorable Senator from Wisconsin called down every conceivable honorable Senator from Wisconsin called down every conceivable malediction which his facile tongue could apply to the Geneva tribunal if they had done as I alleged they had, using the phrase well known in the country, "chalking on the barn-door," for splitting the difference. He says that they ought to be impeached, that they ought to be denounced, they would be infamous in history, and he says that a quotation from Caleb Cushing to that effect proves that the letter is a forgery. Now, I hold in my hand Mr. Cushing's book on the Treaty of Washington, and I think I can vouch for its being his production. It is a copy which he did me the honor to present to me, putting his name and my name on the same page, and I feel honored by the association. Perhaps the Senator from Wisconsin would dispute the handwriting, but still I will vouch that it is Mr. Cushing's. Now, what does Mr. Cushing say in this weighty, deliberate book, in regard to the very point on which the honorable Senator has expended his maledictions declaring that the tribunal ought to have been impeached if they had attempted this splitting of the difference? Let peached if they had attempted this splitting of the difference? Let me now read, not from Mr. Cushing's letter, but from Mr. Cushing's

Some discussions on the same subject afterward occurred between Mr. Staempfli and Sir Alexander Cockburn, which conclusively prove that the result reached did not accept as binding either the tables presented by the United States or the deductions therefrom claimed by Great Britain. The estimate of Mr. Staempfli seems to have been the basis of conclusion; and that estimate is founded—

I beg the honorable Senator from Wisconsin to listen-

and that estimate is founded on dividing the difference between the American estimate of \$14,437,000 and the British estimate of \$7,074,000, the mean of which is \$10,905,000; which mean does not in any sort represent the actual claims of the United States.

I brought in a "forged" opinion of Caleb Cushing which says that they "split the difference." I bring in now the book of Mr. Cushing, stereotyped, gone into history, on the shelves of libraries, in which he says they "divided the difference." Probably it was the inelegancy of the phrase splitting the difference that offended the sensitive ear of the Senator from Wisconsin, but to the unlettered and untutored people whom I represent splitting the difference and dividing the difference represent the same idea precisely; to men who are not lawyers as my honored colleague, who is a lawyer, suggests. [Laughter.] Mr. Cushing says in his letter:

7. The doctrine of subrogation, as between assurer and assured, does not control the action of the United States in the allowance of claims or distribution of

The Senator says he never could have said that. No lawyer, he says, like Mr. Cushing could ever have attempted to say that.
Mr. CARPENTER. It is of no consequence particularly, perhaps;

Mr. CARPENTER. It is of no consequence particularly, perhaps; but I did not say that.

Mr. BLAINE. I am glad to be interrupted by the honorable Senator, for I like to show him a little courtesy. I should like to instruct him as to what might constitute courtesy, when he next has the floor, touching some other Senator. Now, the honorable Senator says he could not have put that.

Mr. CARPENTER. I did not say that.

Mr. BLAINE. I undertake to say that with all the knowledge of the law the honorable Senator has, he cannot show a case in which the United States ever permitted itself to be subrogated—never.

Mr. CARPENTER. Who ever said they did?

Mr. BLAINE. I thought this doctrine was so wide as to include every one. Has the Senator ever attempted to enforce the doctrine himself as an attorney that the United States ought to be subro-

gated? I will yield him the floor if he says he has. Has the honorable Senator ever taken before any Government tribunal the doc-trine that the Government of the United States ought like other parties to permit itself to be subrogated, or has he not?

I have here the digest of the opinions of the Second Comptroller, whose decisions settle the ownership of more money than all the Supreme Court decisions of the country. I will read from it for the instruction of the honorable Senator, and I mean literally for his instruction, for with all the large learning of the honorable Senator he has skimmed over the mere superficial facts of this case, and I say to him that as a good lawyer, one of the first requisites is to get at the facts, and the Senator does not understand the facts; and in regard to them I will venture to say to him as Mr. Webster said in this body on a memorable occasion, that on this question I am to be inquired of by the honorable Senator and not informed. Let me read the de-

Certain steamboats, while impressed into the military service of the United States, were destroyed by fire, without any fault or negligence of the owners. The risks taken by the underwriters were liquidated and paid for; and claim by them, as subrogated to all the rights of the assured, made under the act of March 3, 1849, for the amount thus paid; but it was held that the principle of equitable subrogation applied only in favor of the Government, the underwriters as for the owners, having, by their policies of insurances, pro tanto, agreed to incur the risk.

And in the case of the steamer Robert Campbell, a rather noted case at the Treasury Department; she was impressed into the service of the United States at Memphis, insured in a Saint Louis company for \$25,000, and burned while in the service of the United States. And while in the service of the United States the act of March 3, 1849, made the Government liable to the owner, and the steamer being appraised at \$57,000, the Government paid the other \$32,000, and then appraised at \$57,000, the Government paid the other \$32,000, and then the insurance company claimed that it was subrogated to the right to the remainder; but the decision was against it. While that pettifogger in the law, Salmon P. Chase, was at the head of the Department an attempt was made to reverse this ruling, and it failed. And then Mr. Chase was succeeded by another pettifogger, William Pitt Fessenden, and they tried it before him again, and they have tried it ever since and they never could get that reversed.

Fessenden, and they tried it before him again, and they have tried it ever since, and they never could get that reversed.

Mr. EDMUNDS. They might have gone into the Court of Claims.

Mr. BLAINE. And the honorable Senator from Vermont—I thank him for the suggestion—reminds me that they might have gone into the Court of Claims; but they have not been heard of there. They tried to rush it through some bureau or other, but up to this time, under Secretaries Chase, Fessenden, McCulloch, Boutwell, Richardson, Bristow, Morrill, and Sherman, I believe they have tried it under every one of these secretaries, and uniformly failed.

Mr. THURMAN. Will the Senator give me the citation of the book and page 1

and page?

Mr. BLAINE. It is not possible that the honorable Senator from Ohio, who has indulged himself often in the little wit of reminding me that I am not a lawyer, asks me where a great case is to be found.

[Laughter. Mr. THURMAN. I do not think I ever reminded the Senator of

Mr. BLAINE. Oh yes, the RECORD will show it.
Mr. THURMAN. And I do not think it was necessary that I should,
[laughter;] and furthermore I do not admit that there is any such great case, nor do I pretend to be acquainted with every book that is printed as the report of the decisions of some subordinate officer of the Government. If the Senator does not want to give me the cita-

the Government. It the senator does not want to give me the cleation, he can let it alone.

Mr. BLAINE. Now I will give it to the honorable Senator. It is in the Digest of the Decisions of the Second Comptroller, on page 133, referring to volume 29, page 630. The assumption has been all through that when a layman attempts to argue this case, there are no lawyers on the same side. Why, in the House of Representatives I was sustained by as respectable and highly esteemed lawyers as Mr. Lapham, of New York; Mr. Scott Lord, of New York; General Butler, of whom the honorable Senator has heard; Mr. FRYE, my colleague, who is a lawyer of note at home; Judge Peters, who is one of the most distinguished members of our supreme bench; Hon. Lot M. Morrill, well known in this body, long an eminent member of our Maine bar, and offered a circuit judgeship of the United States by President Grant; Mr. Frelinghuysen, eminent and distinguished for his service here, and many other lawyers of equal fame that I might readily mention. The honorable Senator from Wisconsin, eminent as I know him to be, "for he himself hath said it," [laughter,] eminent as I concede him to be, will admit that there is a little respectability of character in the au-

will admit that there is a little respectability of character in the authorities that I have quoted, and that layman as I am I have the authority of a vast cloud of witnesses behind me, the choicest and best of the American bar on my side.

After this digression I proceed with Mr. Cushing's opinion. The Senator ridiculed the idea that Mr. Cushing should have quoted the opinion of a distinguished citizen of Massachusetts, formerly a member of this body, long a member of the other branch of Congress, and at the time he wrote it the governor of Massachusetts. It is certainly very extraordinary that the governor of Massachusetts. It is certainly very extraordinary that the honorable Senator will suppose that a paper of that kind could be a forgery circulating around here for years and years with W. B. Washburn's letter, written in the executive chamber of Massachusetts. The Senator will damage his reputation as a great criminal lawyer if he weigh evidence in that way.

Mr. Washburn, occupying these high stations, remarkable for his

solid common sense, of the highest personal character, known to half the persons within the sound of my voice, writes to an attorney, in interest, to be sure, but still gives his valuable testimony. Here it

Commonwealth of Massachusetts, Executive Department, Boston, January 24, 1873.

Dean Sir: While I was on the Committee of Claims for six years several cases of insurance companies were presented where property had been lost or destroyed on which they had paid the insurance. The committee always dismissed the claim, on the ground that they were paid for the risk, and could not ask the Government to hold them harmless.

Yours, truly,

W. B. WASHBURN.

To GEORGE O. SHATTUCK, Esq.

That reads very well for a forged document. The fellow who got this up is an immense fool to go around forging as good documents as this for other men to get the benefit of. He ought to write them himself and take the benefit of them. Mr. Cushing resumes:

s. The award is to the United States in conformity with the letter of the treaty, which has for its well-defined object to remove and adjust complaints and claims on the part of the United States.

The history of the treaty and of the arbitration, however, tends to show that it was the intention of the Government to exercise its own discretion, according to its own sense of justice and equity, in the distribution of indemnity among citizens of the United States, whether owners, mariners, insurers, or payers of premiums, who are actual losers by the acts or neglects of the British government.

The forgery gets mountain high just then on the honorable Senator. Now, let me take up Mr. Cushing's book again, this other forgery, and see what Mr. Cushing says here. I quote from the book:

The history of the treaty and of the arbitration shows that the United States recover, not for the benefit of the American Government as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government.

Another forgery! Identically the same opinion, almost in the same language. There is not one idea in this condensed and terse opinion of Mr. Cushing that is not likewise contained at one point or another in his book. I proceed with the opinion:

But like examination of the acts of the Government tends to show that it was the intention of the Government not to recognize—

Here the forgery gets very high again:

not to recognize any right of subrogation on the part of insurance companies, but to consider them only in so far as they were actual losses, on the whole, by the cruisers of the confederates, and, as such, claimants against the United States.

Mr. Carpenter and Mr. Thurman were engaged in conversation at the seat of the former.]

I am very anxious that the two honorable Senators should know just what Mr. Cushing said and just how little I know about this case. [Laughter.] I again quote Mr. Cushing:

9. Enhanced payments of insurance were disallowed by the tribunal, as national claims of the United States against Great Britain. But the Government has not the less the right, in the equitable distribution of the fund, and in the adjustment of losses, as respects premium-payers and premium-receivers, to indemnify those who have actually lost in paying premiums, instead of adding to the gains of those who have profited by the receipt of premiums.

That was the blind idea which Mr. Cushing had, that the persons who had actually lost had as much claim on this fund as those who had actually profited. Lastly Mr. Cushing says:

10. Great Britain has no concern whatever with the manner in which the fund is disposed of by the United States.

Mr. Gladstone said the same in the British Parliament. He stated that there were no individual claims presented before the tribunal at Geneva. Mr: Cushing concludes:

If the fund be insufficient, we have no recourse on Great Britain; if there be a surplus, she has no recourse on us.

Mr. President, I wish now to recur to the discussion we had on Thursday last in the Senate in regard to the clause in this bill which brings in all who suffered by confederate cruisers. The curiosity will be, in the records of the Senate to find out how that provision got in the bill. The Senator from Delaware [Mr. BAYARD] has disavowed it; the Senator from Wisconsin [Mr. CARPENTER] has disavowed it; the Senator from Illinois [Mr. DAVIS] has disavowed it; and how it got in the bill is a question. The Senator from Vermont [Mr. EDgot in the bill is a question. The Senator from Vermont [Mr. ED-MUNDS,] did not put it in; but the Senator from Delaware states—and I was not aware of it when I spoke the other day—states that he voted to report this bill and in his argument takes the ground that we have no right to go one inch beyond the requirements and the limitations of the award. I undertake to say that there never was as broad a proposition made touching the distribution of the Geneva aread as this. I want the Sacretary to read from him 17 to line award as this is. I want the Secretary to read from line 17 to line 27 on page 3, and I shall be glad to have the Senate listen.

The Chief Clerk read as follows:

And such court shall also consider and allow all claims properly proved, and not included in the first class directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked and taken on the high seas, or pursued by them therefrom, although the loss or damage occurred within three miles of the shore, and whether such claims be made by the original property-owner or by an underwriter who paid for such loss or damage, which claims shall be considered as claims of the second class.

Mr. BLAINE. This proposes to give a part of the Geneva award to losers at the hands of the cruisers for which England was not responsible at all. It is the "confederate cruisers" without any liminever were in English waters, had never dropped an anchor in an En-

glish port, and for which England was no more responsible than Rus sia or Algiers. That is the strict limitation which the honorable chairman of the Judiciary Committee puts on this award, and then he strangely forgets, for the Senator from Obio stated to us the other day when offsetting the relative merits of war premiums and excul-pated cruisers, that the Judiciary Committee did not report anything for war premiums because the first time that proposition was before the Senate it only got nine votes, and that was an instruction against it. The honorable Senator is entirely mistaken. The first time that war premiums were before the Senate they received twenty votes; and there were twenty-eight against it, and then the honorable Sen-ator himself tried the sense of the Senate on the exculpated cruisers and that only got nine votes, and therefore the instruction which he says was ample for him to keep out the war premiums, was precisely the vote that attached to the thing that he put in. I beg the honorable Senator's attention.

Mr. THURMAN. If the Senator will give me his references, I will

look at them.

Mr. BLAINE. I shall be glad to give it to him in a way that will not need any reference, I think. Mr. Morrill, of Maine, moved to include war premiums; the yeas and nays were called on his motion, and it was defeated by yeas 20, nays 28. (Congressional Record, May

Afterward the honorable Senator from Ohio [Mr. Thurman] moved to include with Mr. Morrill's war premiums the exculpated cruisers and take the two together; and then there were 9 votes in favor of the proposition. Which was it that weighed the other down? Standing alone the war-premium men came within 8 of a majority. A change of 5 votes would have carried it in the Senate. Then the honorable Senator from Ohio moved to include:

And all claims for all losses of vessels destroyed by the Shenandoah before her departure from Melbourne.

Mr. Morrill accepted it so as to join—I will use a legal phrase for the benefit of the Senator from Wisconsir—"jine drives," as the lum-bermen say; and when they attempted to "jine drives" the motion of the honorable Senator from Ohio weighted the whole to such a degree that it went down and got only 9 votes; and now he stands before the Senate and tells us that the reason the committee did not put in war premiums was that it only got 9 votes when they were first put before the Senate. It was the amendment which the honorable Sen-Mr. THURMAN. The Senator is entirely mistaken.
Mr. BLAINE. Well, I will read:

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Maine, [Mr. Morrill.]

Mr. MORELL, of Maine. I ask for the yeas and nays.

The veas and nays were ordered; and the Secretary proceeded to call the roll.

The roll-call being concluded, the result was announced—yeas 20, nays 28; as

follows:

"YEAS—Messrs, Anthony, Buckingham, Chandler, Clayton, Hager, Hamilton of Texas, Hitchcock, Logan, McCreery, Mitchell, Morrill of Maine, Pease, Pratt, Ramsey, Sargent, Sprague, Stewart, Wadleigh, West, and Windom—20.

"NAYS—Messrs, Allision, Bayard, Bogy, Boutwell, Carpenter, Conkling, Conever, Cooper, Davis, Dennis, Edmunds, Fenton, Ferry of Mchigan Howe, Ingalis, Kelly, Merrimon, Morrill of Vermont, Oglesby, Robertson, Schurz, Scott, Sherman, Stockton, Thurman, Tipton, Washburn, and Wright—23.

"ABSENT—Messrs, Alcorn, Boreman, Brownlow, Cameron, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilin, Harvey, Johnston, Jones, Lewis, Morton, Norwood, Patterson, Ransom, Saulsbury, Spencer, and Stevenson—25."

So the amendment was rejected.

War premiums got 30 votes the honorship, Sanaton for Chicagon, Inc.

War premiums got 20 votes the honorable Senator from Ohio will observe, and only 28 in the negative.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments made as in the Committee of the Whole?

Mr. EDMUNDS. I wish to reserve the amendment proposed by the Senator from Ohio [Mr. Thurman] striking out the limitation against insurance companies, and also the amendment proposed by the other Senator from Ohio [Mr. Sherman] respecting the gold computation, and the amendment offered by the Senator from Nevada [Mr. Stewart] about the expenses of the original tribunal.

The PRESIDING OFFICER. With these exceptions the question will be on concurring in the other amendments.

Mr. BAYARD. An amendment was offered by the Senator from Nevada and adopted in committee.

Mr. Edmunds. That is reserved.
Mr. Edmunds. That is reserved.
Mr. Bayard. Very well.
The amendments were concurred in.

The amendments were concurred in.
The Persiding Officer. The Secretary will report the first reserved amendment.
The CHIEFCLEEK. The first reserved amendment is, in section 11, after the words
"shall be," in line 13, to insert "stated and adjudged upon the basis of United
States gold coin at the time of the loss."
The PRESIDING OFFICER. The question is on concurring in this amendment.
The amendment was concurred in—ayes 29, noes not counted.
The PRESIDING OFFICER. The next reserved amendment will be reported.

Then followed the insurance amendment. On that amendment the Senator from Vermont [Mr. Edmunds] asked for the yeas and nays, and the yeas and nays were taken, and the result was that it was beaten by 21 to 29, by just the same majority that war premiums were beaten. It was at this point that the Senator from Ohio was requested to state by the Senator from Wisconsin that he was against the insurance companies. He declared that six times.

Mr. Morrill then restated his amendment including war premiums. I quote from the Record.

I quote from the RECORD:

Mr. Thurman. I move to add after the word "premium" in the amendment of the Senator from Maine these words: "And all claims for losses of vessels destroyed by the Shenandoah before her de-parture from Melbourne."

Now, I do not want to fatigue my voice with merely reading but as the Senator from Ohio disputes this, and as it is a point of some im-

Mr. THURMAN. I do not dispute that. I did move that and it was

Mr. IHURMAN. Tub not dispute that a data and a data accepted by Mr. Morrill.

Mr. BLAINE. And then the two stood together.

Mr. THURMAN. Yes.

Mr. BLAINE. Now, what was the vote on it? When the vote came the proposition got nine votes. Does the honorable Senator dispute that i

Mr. THURMAN. No.

Mr. BLAINE. Then why does the honorable Senator state that the war premiums when presented to the Senate got only nine votes?

Mr. THURMAN. Because Mr. Morrill who was the great representative of war premiums, and on the suggestion of his colleague, who is still a member of this body, and without an objection from a single war-premium man, accepted the amendment and said that it strengthened his amendment.

Mr. BLAINE. But his amendment had already had one trial in court standing by itself.

Mr. THURMAN. We shall see about that.

Mr. BLAINE. I guess we had better see about it! The honorable Senator from Ohio had better look to the record. [Laughter and applause.] I repeat

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Senator will suspend a moment. There is too much disorder in the galleries. If the Senate will set the example, the Chair will enforce order in the galleries. The Senator from Maine will proceed.

Mr. BLAINE. I do not want to proceed until this point is settled. I want the honorable Senator from Ohio to make good his assertion

Mr. THURMAN. The Senator can go on; I will answer him.
Mr. BLAINE. Then I will repeat that when war premiums were
first introduced the vote stood 20 to 28; when they were laden down
by combination with the amendment which the Senator from Ohio put into the bill they only got 9 votes; and yet the honorable Sencommittee felt instructed not to include war premiums because they had only received 9 votes; whereas the amendment that did actually receive only 9 votes he has put into this bill. That is the point I wish the honorable Senator to digest.

Now, Mr. President, there is another point of some importance, and I beg the attention of gentlemen of the Senate who consider themselves lawyers, for I am arguing this on law points. This is as to the war premiums before the Alabama claims court that sat for several years in this city for the decision of Alabama claims. I wish to state that under the twelfth section of the bill, which constituted that court for the adjudication of Alabama claims, the insurance companies, in every case where they could show a loss, were paid the war premiums which they had themselves paid. Let me explain. Here is an insurance company, for instance, that has a war risk of \$50,000 on a vessel. She is not heard from. They begin to be anxthe \$50,000 on a vessel. She is not heard from. They begin to be anxious about her. That company goes and reinsures that vessel for half the \$50,000 in another company, divides the load, and pays the other company an extra war risk for it because of the suspected peril of the situation. Now, I ask the honorable Senator from Ohio if in the court that sat in this city for four years the insurance companies were not allowed to prove those claims and get the benefit of them? In other words, whenever an insurance company itself took a war risk, it was allowed to be put on the account by the court of Alabama claims under the twelfth section of the act which gave them the privilege of filing their accounts and offsets. I think this is a most important point in this case. To refuse to vote for war premiums, for individual losses, while the insurance companies were paid them, is merely say ing that a corporation has a better right to have this allowance made for it than a private citizen. There are plenty of claimants for the repayment of war premiums. The honorable Senator from Wisconsin was pleased to refer to the ship-owners as millionaires. I venture to say that the great body of the men-there may be rich men among them-but the great body of the men who are applicants for war premiums are poor men, or men in very moderate circumstances. Ships are owned in eighths, in sixteenths, in thirty-seconds; I have known them to be owned in sixty-fourths by the men who sail them. These are the men who paid these war premiums, and after they had paid them, if the insurance company, to make itself doubly sure, proceeded to reinsure outside in order to divide the risk, it was uniformly allowed that premium in offsetting or balancing its account of profit and loss.

Moreover, the honorable Senator from Delaware moved a very important amendment for which the honorable Senator from Ohio voted which is I think strangely at war with the position of both these Senators to-day, and that was that when an insurance company came to prove its losses it should allow and deduct the premiums that had been paid it.

Mr. BAYARD. In the identical case.

Mr. BLAINE. In the identical case; and the Senator illustrated that here was a ten-thousand-dollar loss, and a thousand dollars was paid for premium, and they would have to allow for that. Now I should like the honorable Senator from Delaware to tell us what becomes of that premium of \$1,000? For whose benefit was it withheld?

Mr. BAYARD. My idea about that was a very simple one. On the theory of compensation, when the contract of insurance was made the insured paid as the Senator says a thousand dollars, and insured

Mr. BLAINE. I used the exact figures of the honorable Senator in

debate.

Mr. BAYARD. It is a mere supposititious case, and will answer to illustrate what I meant. A ship-owner paid a thousand dollars premium to be insured to the amount of \$10,000. Of course that put a thousand dollars in the pocket of the insurer. Then when the loss occurred the insured was paid \$10,000, and I proposed when the claim was made that the insurer having already received by the way of premium a thousand dollars should receive \$9,000 more in order to make

Mr. BLAINE. But on the Senator's theory we received from England \$10,000 for that loss; now you are only going to pay \$9,000 out of it to the insurer; what becomes of the other thousand?

Mr. BAYARD. I do not see that you did receive \$10,000 from Eng-

land, because I do not know whether the amount received from England was sufficient to pay this loss in full or not. What I do mean is, that when the compensation has been made, and each man has been made whole who was awarded damage by the Geneva tribunal, if there has not been enough the parties entitled are to be paid prorata, and if there has been too much the surplus is to be honestly paid back to the nation that gave it.

Mr. BLAINE. But there is apparently a surplus now. want to get at—and I say it with perfect good faith—is this: the honorable Senator says that in the case of the individual ship the thousand dollars paid for premium shall be deducted when you come

to settle with the insurance company.

Mr. BAYARD. I did not say "war premium," but any premium.

Mr. BLAINE. When you come to settle with the insurance company you say that the thousand dollars should be deducted. Now, I want to know, as there is plenty of money in the Geneva fund, to whom that thousand dollars is to go?

Mr. BAYARD. The insurance company having already been paid the one thousand and its whole loss being \$10,000—

Mr. BLAINE. They were paid by John Doe, the insurer.

Mr. BAYARD. Paid by the person with whom they made the con-Mr. BAYARD. Paid by the person with whom they made the contract. There is a property insured for \$10,000. Upon that a premium has been given of \$1,000. Then if the insurer having received that premium of \$1,000, is paid out of the award \$9,000 more, that makes \$10,000; and that is the amount he paid the assured. So that he is completely compensated.

Mr. BLAINE. Then, in case they had as much premium as the loss, you would not give the insurance company anything. Is not that the

Mr. BAYARD. If you will argue upon absurdities, that would be so.
Mr. BLAINE. Not at all, because if a man was paying 30 per cent.
a year, three years would bring it up to 90 per cent., and a little more
than three years would bring it up to a hundred, which is the whole value of the ship, and the war lasted long enough to do that. the honorable Senator if his theory does not come to this, that if the war premiums were equal to the amount insured there would not be

anything due to the companies.

Mr. BAYARD. Now if the Senator will stand before this countryis he willing to stand before this country-supposing that a man put

100 per cent. insurance upon his risk-

Mr. BLAINE. I mean to say this, that they did pay 30 per cent. in a single year. The honorable Senator from Delaware in advancing the doctrine of his amendment of 1873 abandons the whole theory on which he is standing now, because he proposes to make distinct allowance for the war premium and deduct it from the insurance company, and I ask him what he is going to do with that after he deducts it. Where is the claimant for it? By what right? The theory of the Senator is that you have recovered this for specific losses. Now you have just proceeded far enough to take it from the insurance company but you have lodged it nowhere. The old adage of robbing Peter pany but you have lodged it nowhere. The old adage of robbing Peter to pay Paul always has a little justification in the fact that if Peter was robbed Paul was paid; but this proposition of the honorable Senator from Delaware just goes to the extent of robbing Peter. Now I want him to point out Paul that is to be paid. That is all.

Mr. BAYARD. Now, let us take one fact. The Senator knows more about robbing Peter than I do. [Laughter.] What I mean is that no one shall be robbed. I propose that an American citizen who lost his money, whether as an insurer on other people's property or as an owner of property pulsayed, and for which as award was made by this arbi-

of property uninsured, and for which an award was made by this arbitration at Geneva, should be paid the exact amount he lost, provided

enough money has been given by the tribunal to meet it. That is all.

Mr. BLAINE. The honorable Senator is just in this attitude. The very ground on which those with whom I am acting stand is that insurance companies as a whole—and if any one is an exception by proving a loss the law gives it to him—that the insurance companies proving a loss the law gives it to him—that the insurance companies as a whole should offset what they have paid by what they have received. "Oh, no," says the honorable Senator, "do not do business by wholesale; but I will go with you if you make it a retail business and take it on each vesse. That is, the honorable Senator proposes to apply in detail this principle which snould be made so general as to take in all the vessels. He proposes, and the honorable Senator from Ohio voted with him, to offset it in the case of each individual

vessel. If the result is not to take out the entire ground on which they stand in point of law, I am unable to distinguish between A and If you may do it in one case, why not in two?

Mr. THURMAN. Will the honorable Senator give me the reference

to that vote?

Mr. BLAINE. The Senator from Ohio gave that vote.
Mr. THURMAN. I want to see when the vote was taken.

Mr. BLAINE. I will read the proposition now. The honorable Senator from Delaware moved this amendment:

Such claimant shall show, to the satisfaction of said court, that its or his loss in each respective case in question exceeded the sum of its or his premiums or other gains upon or in respect to such risk.

We say that should be done generally.
Mr. THURMAN. What I want is the book.
Mr. BLAINE. The book is the Congressional Globe, February 10, 1873, page 1229, and the honorable Senator voted for it, and in this modified form it was going to give the insurance companies much less than the other proposition, whittling down in the individual case whatever the war premium might be. The honorable Senator from Wisconsin could not be induced to join in the vote. He would not vote the insurance companies a penny. He voted against this proposition. There was not anybody in the Senate that stood for fourteen months against the insurance companies as stubbornly and as tena-ciously on every call of the roll, first and last, day and night, sum-mer and winter, heat and cold, as the honorable Senator from Wis-consin. But now, where is he? Undoubtedly the honorable Senator can make it consistent to himself, but not to us.

The whole amendment of the honorable Senator from Delaware after it was joined on to the context to which it was adapted read

Unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such risk; and in case of any such allowance the same shall not be greater than such ex-

Mr. BAYARD. O, no. Mr. BLAINE. Yes. Let me read:

Mr. Bayard. I think if the honorable Senator from Ohio would read the clause that follows the amendment proposed by me he would find that the object of my amendment is answered. Let me read it now in full.

Mr. BAYARD. You are mistaken there.
Mr. BLAINE. No, sir, I am not mistaken.
Mr. BAYARD. Yes, sir, you are.
Mr. BLAINE. I will pass the book to the honorable Senator tocorrect me if I am.

Mr. BAYARD. It is not necessary for me to take the book; but I will state this fact, that I never offered any amendment or cast any vote in favor of bringing the business of these insurance companies before the court that they might balance their profit and loss during the whole war. I am very sure no such amendment as that can be found offered by me, because that was the provision which caused me to vote against the bill of 1874.

Mr. BLAINE. I want a little rest just now, and I will have the Clerk read what I have marked from the Congressional Globe of February 10, 1873. I beg the honorable Senator from Delaware to pay atten-tion to his own words.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Mr. Bayard. I move now to amend section 12 by striking out the word "during," on the seventeenth line, and also the entire eighteenth line, and the words, "or his war risks," on the nineteenth line, and to insert in lien thereof the words, "its or his loss in each respective case in question;" and also, on the twentieth line, to strike out the word, "war," and the letter "s" at the end of "risks," so that the amendment as proposed by me would leave the section as follows:

"Such claimant shall show, to the satisfaction of said court, that its or his loss in each respective case in question exceeded the sum of its or his premiums or other gains upon or in respect to such risk."

Mr. BAYARD. In each special case.

Mr. BAYARD. In each special case.
Mr. BLAINE. That is all I read.
Mr. BAYARD. I misapprehended the Senator and misapprehended his reading of it. I thought the amendment which he ascribed to me professed to bring in the whole business of the insurance companies during the war, and did not apply to each special case. I explained to the Senate what the object of my amendment was which I should

be very glad to have ingrafted on the present bill.

Mr. BLAINE. But the war-premium men have only contended that in this question there should be an offset between what the insurance companies received and what they paid out, and if there was an exception where any one paid out more than he received he should be compensated. But no, said the honorable Senator from Delaware, that is the wholesale business; let us do that by whittling it away and bring each one in to show his account. Now, I have asked and asked in vain, if this fund be enough and you have saved out of it what would be the whole amount of the insurance by deducting that allowance of the war premiums, what do you propose to do with the

war premium thus reserved?

Mr. BAYARD. Pay it back.

Mr. BLAINE. To Great Britain? Then your doctrine of subrogation does not go to giving the amount when the vessel is handed over-The doctrine of subrogation is not that the premium must all be paid. back which the insurance company received. Is that the way the honorable Senator as a lawyer interprets it, that before the right of subrogation can be enjoyed, all that was paid to the insurance company. must be paid back? Does the honorable Senator from Wisconsin take that ground? Does any lawyer take that ground? It is perfectly unheard of. You would have to get a forged opinion indeed of Caleb Cushing before you could get that view sustained. [Laughter.]

Mr. President, the whole truth about the insurance companies is omprehended in a letter so brief that it occupies, in a coarse hand, but one side of a sheet of paper. It is written by an insurance agent, the president of a company in the city of Bangor, where my colleague resides, by a man known to myself and still more to my colleague as one of the ablest of insurance men and as a man of the highest standing, and I want to read in the hearing of the Senate this letter, written on the 4th day of the current month and addressed

BANGOR, April 2, 1880.

BANGOR, April 2, 1880.

DEAR SIR: Pardon me for mentioning a matter relative to the "Geneva award" which possibly (though I think not) may have escaped your notice. No reference has been made to it in the discussions as reported.

The underwriters charged on all their war risks premiums based on the idea and belief that there could be no salvage. Insurance companies and ship-owners alike knew that if the rebel cruisers captured a ship she was in all cases to burn. Nothing but total losses were expected, and the war premiums were made on that expectation. I have been a director in our Bangor marine office from the beginning of the war to this time, and this was the rule under which we made 100 per cent. on war risks.

Respectfully yours,

S. D. THURSTON.

Hon. J. G. BLAINE.

That is an honest insurance man. They gave up all hope of salvage. They knew that it was not like an ordinary marine risk that on some distant shore the hulk would be found to which subrogation would The spes recuperandi was utterly abandoned. such thing thought of in the matter. They knew there was no hope of recovery whatever, and they adjusted their rates of insurance to that fact. Here is an honest man who says "we made 100 per cent. on it." Probably the Senator from Wisconsin will telegraph down to Bangor to get this contradicted. He may have a copy of it if he wants to.

When Mr. Frelinghuysen was discussing this subject in the Senate he made an able presentation of the doctrine, utterly disproving that he made an able presentation of the doctrine, utterly disproving that subrogation attached in this case. It was too uncertain a doctrine, hesaid, to apply under such circumstances. Chancellor Kent described it as a doctrine of "mere equity and benevolence." He says, "it rests on the basis of mere equity and benevolence." The latest authentic work on equity (Mr. Bispham) says that, "being an equitable right, it is consequently subject to the general qualification by which all equities are affected, namely, that it must not be enforced to the detriment of equal or superior equities existing in other parties." If written for this exact case he could not have a stronger or more apposite statement.

ment.

The honorable Senator from Wisconsin wasted a great deal of time in arguing that England was not a belligerent, and he wasted a great deal of time in stating what everybody knew, that these cases of indirect claims were thrown out. But what was the actual case now, stating it in home phrase? Setting aside technicality, if it will not offend the honorable Senator, what was this exact case? Here were a large number of claims. We sent agents and counsel abroad under that recent to wake the best field for the work that was the send he wade and that treaty to make the best fight for them that could be made; and that treaty to make the best fight for them that could be made; and at the very threshold of negotiations, with the privity of this Government, I will not say connivance, that is an unpleasant word, but with the privity and intent of this Government these war premiums and these exculpated cruisers were thrown aside. What for? For a vastly larger consideration than we got for any other claims. The United States never got so much for any one of the claims as for these claims. They said, "We are to be a neutral nation in the midst of great wars of the world; and we want the largest possible liberty given to us." These claims were sacrificed in exchange for rules and construction of rules that may be worth five hundred millions to the United States within the life of the honorable Senator from Wisconsin. We got constructions of these three rules of inestimable advan-tage, and I believe it is not saying anything improper if I state the general understanding or belief that Mr. Adams more than any other commissioner at Geneva obtained the construction that exculpated the Shenandoah before Melbourne. It is of great advantage to us to have that construction of neutral rights established.

But when we had these claims on which the United States had

equally pledged their faith, and we went to Europe with the whole of them, and we exchanged these for constructions more valuable to us than money, why do you put these poor luckless owners in the gap and make them sole losers? Why should they not have some con-sideration; and why, if a great national advantage is gained, should they be made to perform simply the sacrificial part in the transaction? That is the theory and it is the fact. It is the theory and the

fact on which that award was made.

I want to make another statement in regard to this point, and I make it for the attention of the chairman of the Judiciary Committee. I have stated that the insurance companies were allowed the war premiums they had paid. I have stated that he voted on the motion of the Senator from Delaware to deduct the war premiums in

each individual case.

Mr. THURMAN. Why does not the Senator state the whole fact?

Mr. THURMAN. Why does not the Senator state the whole fact? Mr. THURMAN. Why does not the Senator state the whole fact : Mr. BLAINE. That I leave to the honorable Senator; he will have plenty of time.

Mr. THURMAN. I will do it now; it will only take a minute.
Mr. BLAINE. I never refuse the honorable Senator the floor.
Mr. THURMAN. When a bill first came up on the subject of this award in February, 1873, it contained the exclusion of the insurance companies, which was afterward contained in the bill passed in 1874. Then, as afterward in 1874, I moved to strike that exclusion out. I moved to strike out these words:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

That is the same provision which the year afterward was put in the bill which became a law. My amendment striking it out was voted down. Then the bill was in a shape that was very unsatisfactory to me. In that condition of affairs, when I could not vote for the bill, the Senator from Delaware moved an amendment which, if adopted, would have allowed the insurance companies to come in for all of their losses after deducting their premium, not giving them what I considered their full right, but giving them all after deducting their premiums.

Mr. BAYARD. In each case?

Mr. THURMAN. Taking each case by itself. Upon that I said:

Mr. THURMAN. I merely rise to say that although I do not think there ought to be this deduction of the premium as proposed by the Senator from Delaware, because I think that its is simply changing the legal and vested right of these companies settled by law, and just as well settled as any law can possibly be, yet I think that is better than the bill as it now stands.

The bill as it then stood did not give the insurance companies any-

As I cannot get what I want, I shall try to get the next best thing. Therefore I shall vote for the amendment.

I shall vote for the amendment.

Mr. BLAINE. Then the honorable Senator from Delaware did it apparently with gladness, and the honorable Senator from Ohio did it reluctantly, but still they both voted for it, and both gave away the entire principle for which they have been contending.

Mr. THURMAN. Not at all.

Mr. BLAINE. The only thing remaining on that point that I desire to say by way of emphasis is that in all the settlements that were made before the court of Alabama claims with the insurance companies they was an alloware for all war premiums naid by them. So

nies there was an allowance for all war premiums paid by them. So likewise in all the individual cases there was an allowance made for the premium of insurance. Let me explain it. Suppose the value of a ship was \$100,000; insurance received \$50,000; less war premium paid \$5,000. Then they took the \$45,000 out and allowed the man \$55,000; and in all those partial settlements before the Alabama trinal in this city the war premiums were paid. There thus are two principal cases in which war premiums were distinctly allowed by the court of Alabama elains. the court of Alabama claims.

But the hour is getting late and I will not detain the Senate further than to say that of all the propositions that have been made the worst is the proposition of the honorable Senator from Connecticut, [Mr. EATON.] He is the last Senator to whom I would impute anything that he did not himself think honorable, and especially he will not consider that I am characterizing anything personal to himself when I say that that proposition would absolutely dishonor and disgrace the Government of the United States. We have suffered incalculably in the public opinion of the world already, because it has been whispered everywhere that having obtained fifteen and a half million dollars from Great Britain we could not find any sufferers entitled to re-Not only have we lost morally in public reputation, but we ceive it. ceive it. Not only have we lost morally in public reputation, but we have lost largely in money, for I will venture to say, criticised as I may be for saying it, that the Halifax fishery commission would never have muleted the United States in the large sum of \$5,500,000 if they had not got into their heads, under peculiar influences, that it was a chance for an offset; that we had obtained millions from Great Britain under what practically amounts to false pretenses; that we had obtained under false pretenses millions of dollars for which we can find no owners; and here we have permitted eight years to go by since that decree was made, and there are ten millions of money in the Treasury. Ten million dollars is a vast sum, but it is not to be reckoned as a penny as against the honor of this Government; and reckoned as a penny as against the honor of this Government; and the honor of this Government would be fatally and permanently compromised by our acknowledging, in the chief legislative body of the Republic, that after eight years' search we are unable to agree upon any claimant or find any claim for the money; and that we will turn it into the Treasury of the United States, in the language of the amendment of the honorable Senator from Connecticut, to help pay the national debt. Pass the hat around in Europe in honest beggary, if we must; ask alms if you will, honestly, but for Heaven's sake do not send the United States into a great international conference with the largest suit at law that ever was prosecuted before a legal tribunal, and after obtaining your judgment acknowledge before the nations of and after obtaining your judgment acknowledge before a legal tributian, and after obtaining your judgment acknowledge before the nations of the world that you have got it on false pretenses; that the losers you avowed were losers who did not exist; that the men who had suffered could not be found, and that accepting this fund as a nation, for the citizens who had suffered hardship and calamity, after eight years' search we gave it up and said, we will pour it as a small contribution into the Treasury of the United States and help pay the national

debt. Oh, my honorable friend from Connecticut, when he sleeps over that proposition, will never insist upon it. I shall be entirely willing to trust his sense of honor anywhere, but I do maintain that of all the propositions that have ever been made that is the most dis-

to the legislative department of the Government of the United States.

Mr. CARPENTER. Mr. President, I understood the Senator from
Maine to say that he studied law but two years. The Senator did not state to the Senate why it was that he abandoned that pursuit, but it is fair to assame, in view of his well-acknowledged smartness that he discovered he had mistaken his calling, and that consequently he abandoned the law and turned into politics. The inconvenience of being a law student but two years has shown itself in his argument in the Senate to-day. In two years a student could not do much more than to read the decisions of the courts below. He would not have time to follow them into the higher tribunals and see how they were decided there, whether affirmed or reversed. Consequently, the Senator reads here to-day what he calls a decision made by the Comptroller from the Digest of Decisions of the Second Comptroller, 1869, in regard to the case of the Robert Campbell, jr. He reads the decision of the Comptroller as sustaining his doctrine that the insurance companies are not entitled to any part of this fund, forgetting or omitting to state that that case was carried from the Comptroller to the Attorney-General and was—
Mr. BLAINE. One moment. It was taken to the Attorney-Gen-

Mr. CARPENTER. Hold on, let me state it first, and then if I misstate the fact you may correct me. It was carried before the Attorney-General, Mr. Hoar, who, in an opinion of January 12, 1870, found in volume 13-

Mr. BLAINE. I have it here in my desk.
Mr. CARPENTER. That is all the worse for the Senator; he ought to have read it. Mr. Hoar reversed that decision, and it seems that although the Senator knew the fact he did not state it.

Mr. BLAINE. The Secretary of the Treasury, Mr. Boutwell, over-ruled him and would not pay the money.

Mr. BLAINE. He did not pay them.
Mr. CARPENTER. The Senator produces no authority upon that subject, nor any decision.
Mr. BLAINE. I had the authority taken off me.

taken off my desk.

Mr. CARPENTER. The opinion of the Attorney-General repudiates the idea of the Comptroller; it is exactly the reverse; he holds that the insurance companies are entitled to the money. This is his decision:

Insurance companies are entitled to the money. This is his decision:

The contract of insurance was not made at the request of, or on behalf of, the
United States, nor did they pay the premium. The owners insured the steamer
for their own benefit and paid the premium out of their own money. I am unable
to see how contracts of insurance, which are essentially contracts of indemnity
made by the owners of property with the third person, can affect the liability of
the United States to pay the full value of it, if the property be of the kind and be
employed and lost in the manner set forth in said second section. The principles
on which the following cases were decided by the Supreme Court establish, I think,
the right of the insurance companies to receive from the United States, in the place
of the owners who were insured, whatever amount of money less than the value
of the steamer, and now remaining unpaid, these companies have paid the owners
under their policies, and which the owners otherwise would be entitled to receive.
(Comegys et al. vs. Vasse, 1 Peters, 193; Carpenter vs. Providence Washington
Insurance Company, 16 Peters, 495; Gallison et al. vs. The Memphis Insurance
Company, 19 Howard, 312)

Very respectfully, your obedient servant,

Hon. GEORGE S. BOUTWELL, Secretary of the Treasury.

Note.—In addition to the authorities cited in the foregoing opinion, see Hall and Long vs. Railroad Companies, 13 Wall., 367, as regards the doctrine of subrogation prevailing in cases of insurance.

So on the question of authority, unless it can be made out to the sat isfaction of the Senate that a decision by a Comptroller is of higher authority than the opinion of the Attorney-General, based upon four decisions of the Supreme Court of the United States, the Senator from

Maine has failed to establish his point.

But the Senator from Maine has substantially told us that the Government of the United States has been nearly ruined; it has lost greatly in money, it has lost in the good opinion of the world by what is believed to be our dishonesty in this transaction, that we have pretended claims that did not exist, we have obtained money under false pretenses, and he deplores the effect that has produced upon the reputation and honor of this country. How does he propose to supplement that? How does he propose to redress the grievance and rescue our reputation? Simply by taking this fund away from the per sons to whom it was adjudged or on whose claims it was based and paying it over to persons whose claims were expressly rejected and were never paid at all.

Mr. BLAINE. I have the rescript here of the whole of that case.

Secretary Boutwell, upon the request of the insurance companies, referred the question of liability under the statute to the Attorney-General for his opinion.

The Attorney-General gave an opinion, in which he decided that the Government was liable to the insurance companies for their losses as claimed by them. But Secretary Boutwell refused to accept this construction of the law.

Secretary Bristow was appealed to, and Secretary Sherman was appealed to. I have the whole history here.

Mr. CARPENTER. What does the Senator read from?

Mr. BLAINE. I read from a document giving the history of it. Mr. CARPENTER. A document from the Department?

Mr. BLAINE. I am not bound to state where it is from: I give you the facts

Mr. CARPENTER. I only want to know if you are reading from

a document or something else?

Mr. BLAINE. I will vouch for the facts.

Mr. CARPENTER. The Senator from Maine vouches for all the facts and has settled the law, and I think the debate is over.

Mr. BLAINE. As long as the honorable Senator wishes to prolong the debate, I desire here to read a paragraph in his hearing. some things to say about him which he was not gracious enough to wait to hear when I rose. He has never found occasion yet to explain them; I hope he will take occasion to explain just why in 1873 and 1874 he cast six votes against his speech to-day.

Mr. CARPENTER. If the honorable Senator wants an explanation,

which has once been given, I will give it again. We are discussing a question of great national moment. We are trying to arrive at what honesty requires us to do. Whether a Senator has been entirely consistent in his past life, or whether he has not, is a matter entirely unworthy the attention of the Senate. This question will remain and our reputation as a nation acquired by disposing of it one way or the other will remain long to this country after both he and I are

or the other will remain long to this country after both he and I are in the grave, and without any purpose to fasten any inconsistency upon any individual Senator, let me state again, as I stated before to-day, what was the fact in regard to that bill.

We were surrounded by men here who came urging us to pass a bill that should pay them, men whose claims nobody disputed. I recollect one gentleman in particular who with tears in his eyes appealed to me to appropriate hill that would not these whose claims are related. to me to support a bill that would pay those whose claims every body conceded ought to be paid, and not keep him waiting to settle all the questions which might be disputed and discussed in the final disposition of the fund. I thought that ought to be done; I thought it was just and honest; and when the bill which has been referred to, and which I voted for, and against every amendment to which I voted, was up, it was then perfectly certain to my mind, as I believed, that the amendment proposed by the Senator from Ohio would defeat the bill. Whether it was right or wrong I had not at that time very fully examined. The Senate will recollect at that time, in the winter of 1874, I was in the chair. I did not meet with the Judiciary Committee to consider that bill, and had no chance to examine it, because I was enough otherwise busy. I did not have it under particular examination, but I voted for the bill, and I voted against the amendments to the bill, believing as the Senator from Vermont who championed the bill, and as the Senator from Ohio who opposed the bill, and as Mr. HOAR, in the other House, and other good lawyers thought, it did not touch this question of the right of the insurance companies. I cannot say, if I had been pressed to vote at that time finally upon the question, how I should have voted, although it is very likely I might have followed the lead of the Senator from Vermont and voted as he did, because I had given the subject no examination, and had great confidence in his legal opinion. All that was accomplished by the passage of that bill was to pay the men everybody conceded should be paid, and reserve the other questions for future determina-

I have not the slightest desire to fasten an inconsistency on the honorable Senator, but he assumed a very dictatorial air—and I am stating it mildly when I merely say dictatorial—in which he held it up as a want of common honesty and public decency, and did not allow any possible variation from that standard of high public conscience which he was preaching to us; and here are facts precisely the same. The question has not changed. The same sky is above us, the same circumstances surround us. If it was a perfect question in law then, as the Senator says, it is a perfect question in question in law then, as the Senator says, it is a perfect question in law now. If it was without any doubt and beyond all doubt an obligation to pay those insurance companies, all I can say is that the honorable Senator who on six calls of the yeas and nays, running over a period of fourteen months, voted steadily against it, might have a little charity, or at least a little courtesy, which would best befit him, in conceding to other gentlemen somewhat of the same view to-day which he so tenaciously held at that time.

Mr. CARPENTER. In the matter of courtesy I do not admit that I am surpassed by any Senator upon this floor. My experience at the bar has taught me never to encourage and never to decline a row, never to make any personal assault upon any one. I have also learned that when one is made upon me to repel it as well as I can. When a man treats me insolently I reply in the same vein, or as near as I can.

man treats me insolently I reply in the same vein, or as near as I can.

Mr. BLAINE. I have not said an insolent word to the Senator. Mr. CARPENTER. The Senator from Maine commenced this little dance between himself and me without my referring to him at all. Rising here on a question of order to reply to the Senator from Vermont in regard to the duty of the Chair to decide conundrums as to whether a thing was in order under a particular clause of the rule or not, or whether the Chair might simply rule on the point of order without giving his reasons, and making no allusion to the Senator from Maine, being for the moment as unconscious of his existence as I was of that of any other great man that I was not in the presence of, he saw fit to turn upon me, to ridicule me as a lawyer, to say that I was making a common-pleas argument, &c.; and in that very dis-cussion on those rules and afterward when we came to speak of the letter of Mr. Cushing, or the pretended letter of Mr. Cushing, then I was ridiculed again for taking a common-pleas view of this case; and so inexpressibly funny did the Senator from Maine think it was that I should draw a distinction between a genuine document and a forged one, or that I should have the curiosity to know whether that letter of Mr. Cushing, to which the Senator expected us to bow in the state of the curiosity of the senator of the curiosity submission, was ever written by Cushing or by some other man without Cushing's knowledge or his ever having seen it—so remarkable and so absurd did that strike the Senator from Maine as being, that, and so absurd did that strike the Senator from Maine as being, that, twice the next day, when I had not had the floor at all nor alluded to the subject in any way whatever, he took occasion to go out of his way to ridicule me on the ground of being a lawyer who wanted an affidavit to sustain a forged document. Now, the Senator from Maine can continue this dance just as far as he pleases or stop it when he pleases. He began it. I shall follow it as long as he pursues it. He will never be able to say to me in the Senate, in the country, or anywhere else, that he has piped to me and I have not danced.

Mr. RIAINE. Lam not so delighted at seeing the steps of the hon-

where else, that he has piped to me and I have not danced.

Mr. BLAINE. I am not so delighted at seeing the steps of the honorable Senator that I would pipe long to call him out.

Mr. CARPENTER. Then hold up your harness.

Mr. BLAINE. The Senator is making a mountain out of a molehill altogether, and showing, if he will permit me to say it, a remarkably thin skin for a lawyer who has had so many conflicts at the bar.

The heavestless Senator was not in when I gave the incentrovertible The honorable Senator was not in when I gave the incontrovertible evidence

Mr. CARPENTER. Allow me to relieve the mind of the Senator. I was only there [pointing to the cloak-room] where I could enjoy the luxury of smoking, which my throat required after speaking.

Mr. BLAINE. Then does the honorable Senator, after the evidence I gave, refer to the letter of Mr. Cushing as a forged letter?

Mr. CARPENTER. I still think it is a forgery. That is my honest

belief.

Mr. BLAINE. After the statement in the letter from Mr. Spofford,

Mr. BLANKS. Attention of the statement o Mr. Ward is a lawyer for these insurance companies, and to disprove him he reads a letter which I understand to be from a gentleman in the interest of the war-premium men. Is that so?

Mr. BLAINE nodded assent.
Mr. CARPENTER. That is so. Then we have one interested man against another on the question of fact, and that leaves me to form my judgment from an examination of that letter, and I have no hesitation in saying that it is my belief that Cushing never wrote a

Mr. BLAINE. The attorney of the insurance companies having been heard, and the attorney of the war-premium men having been heard, my colleague, who I am sorry is not here now, had a letter from a gentleman who represents the exculpated cruisers and who is very well known to almost every Senator, Mr. Metcalf, who wrote a letter to-day stating that he had himself conversed with Mr. Cushing in regard to the matter; and the letter stands in 1873 and 1874 on the records of Congress as being used in the House, and was a matter of public notoriety, and has been in the book from which I quoted it for five years. I repeat again that the honorable Senator must only confess himself very hard pressed in the argument when he attempts still to question that as being an authentic letter.

Mr. CARPENTER. The great difference between the Senator from

Maine and myself could not be more clearly shown than when he thinks it is a part of the argument of this case to dispute the question of fact whether Mr. Cushing wrote that letter or not. The argument of this case does not depend upon that. We have an impartial opinion of Mr. Cushing which was published immediately after his return from Europe and before he was retained for the war-premium men expressing his opinion upon the subject. A subsequent brief made by him for his clients, after he was retained for them, would not be any authority against his previous, impartial opinion.

Mr. BLAINE. That is sufficient; I do not care about carrying it

any further.
Mr. CARPENTER. All right, if the Senator is through.

Mr. BLAINE. When the Senator was closing his speech with a very deserved and eloquent eulogium upon President Grant, who was President at the time this negotiation was initiated and who also communicated it to Congress, he failed to show anything at all in either of the communications of General Grant at one time or the other that gave the slightest expression of his opinion as to what were the proper claims to be paid. I hold in my hand a copy of a letter on file in the State Department, written to Hon. Hamilton Fish, Secretary in the State Department, written to Hon. Hamilton Fish, Secretary of State, by the president of the Great Western Insurance Company, in New York, Mr. John A. Parker. I did not get it for the point I am going to read now, but I got it to show that what the honorable Senator claimed in his speech of Friday last, that every citizen of this country was able to plead his own case at the bar of the British government, was not in fact guaranteed under that statute, and that when an attempt was made of this kind it was inhibited by the express orders of the State Department. When this was protested against by the president of the Great Western Insurance Company and others, and his letter being sent to me for a wholly different purpose and his letter being sent to me for a wholly different purpose Mr. CARPENTER. Whose letter?

Mr. BLAINE. It is a letter written by John A. Parker, president and trustee of the Great Western Insurance Company, of New York, in August, 1870.

Mr. CARPENTER. Then you will read it to disprove what Grant did not say anything about?

Mr. BLAINE. No; if the Senator will not be so fast he will see what I read it to disprove. My law of evidence is different, and will lead me to wait until it is given. Here is what the man says:

The opinion expressed to me by President Grant that insurance companies who had charged a premium for the war risks could have no claim, and that claims of that character belonged only to the Government, which opinion you stated to me was largely entertained in Washington, would seem to indicate the necessity for making a case before the Supreme Court.

It rather seems from that, in a correspondence between Mr. Parker and the Secretary of State, that General Grant was not on the Senator's side of this question, so far as that little side-light comes in from a letter on file in the State Department. The gentleman wanted, in order to bring this case to judicial arbitrament, to have a case made up for the Supreme Court, and this letter was written for that pur-

Mr. CARPENTER. Has not this debate come to be pretty shadowy,

when the great Senator—
Mr. BLAINE. I thought that when the Senator last spoke.

Mr. CARPENTER. When the great Senator drops the whole question in difference between us, the great point to be settled by our action, and goes fishing among shades and shadows, reading a letter that some insurance man wrote from New York to the State Department, and has got a certified copy of it, as to what General Grant's opinion was upon the subject? I have the greatest possible admiration for General Grant, I cannot yield to the Senator from Maine in that respect, and yet on a question of this kind which I have carefully examined I should follow my own convictions and judgment so far as my vote went.

as my vote went.

Mr. BLAINE. The honorable Senator is losing both his memory and his courtesy. He introduced General Grant here, as I said, with a highly deserved eulogium, and was parading him as an effective and conclusive witness on his side.

Mr. CARPENTER. To what point?

Mr. BLAINE. In order to convince Congress that it had a high-cape of public honor.

Mr. CARPENTER. Nothing—

Mr. CARPENTER. Nothing—

Mr. BLAINE. This little thing happening to occur in this little side-show, this little side light coming in to expose to the world just what General Grant's views were, then the honorable Senator turns around and says "Well, I do not care any more about General Grant's around and says "Well, I do not care any more about General Grant's views in that case than the views of any other respectable man." That is the way he sticks to General Grant. I go a great deal further. I think General Grant was perfectly right on that. I followed General Grant through almost every measure of his policy. I was a steady supporter of his administration; and I am very glad to find, by a sidelight thrown in by mere accident, as it were, his levelheadedness, his common sense of justice, his accurate knowledge of what was fair between man and man is proved clearly here by a brief letter that comes from the State Department. comes from the State Department.

Mr. CARPENTER. You will ruin Grant if you praise him. [Laughter.] Just one word and I am done. A man who has practiced law in the judicial courts for twenty-five years has lost the benefit of his experience if he has not learned one thing, and that is to hold to the point in issue, and not be led off by the balderdash of pettifoggers. read from the messages of General Grant to show his estimate of the high character of the arbitrators and the faithful manner in which they had discharged their duty. I read it in contrast with descriptions made of the same thing by the Senator from Maine that they had hustled through the bushes, up into the mountains, gone into a cave, chalked on a barn door and finally given fifteen and one-half million dollars. I read it to show that General Grant had quite a different opinion of those proceedings. It was not on the question of what we ought to do with the fund, further than this, that with a fund which we had received under such circumstances we ought to deal honestly. I did not read it as the opinion of General Grant as to the class of claimants who were entitled to the money. He said nothing about that in his message. I simply read it to place his estimate of the arbitration in contrast with the estimate upon the same subject made by the Senator from Maine and nothing else. the high character of the arbitrators and the faithful manner in which

Mr. BLAINE. But I am sure that no Senator ever spoke in higher terms of that great international arbitration. Every Senator who has ever spoken of it recalls it as one of the grandest events in history, honorable to two great nations speaking the same tongue and descendants of the same blood, memorable forever in the history of both, to be celebrated as one of the great incidents in the history of each. If the honorable Senator merely read General Grant's messages to show that he, in common with the other English-speaking people of the whole world, held the same views, he was merely wasting his words and his time.

Mr. CARPENTER. Was not the Senator in the Chamber when I read it? Did he not hear what I said I read it for? Does he not know I read it for the purpose of showing his estimate of that arbitration? Does he not know that I concluded by saying that I had too much

respect for the Senate to put in contrast with it the rough language of the Senator from Maine on the same subject?

Mr. THURMAN. Mr. President, the two Senators having set themselves right on the third-term question—

[Great laughter and dem-

Mr. THURMAN. Mr. President, the two Senators having set themselves right on the third-term question— [Great laughter and demonstrations of applause in the galleries.]

The PRESIDING OFFICER. There must be order in the galleries. Business will be suspended until order is restored.

Mr. THURMAN. I will not take up two minutes.

Mr. EDMUNDS. I rise to a question of order. I should be glad to know if the Chair and the Sergeant-at-Arms are not capable of enforcing the rules of the Senate and its decorum by requiring the people in the galleries to observe its order when they are admitted.

The PRESIDING OFFICER. The Chair states that the disorder has been shared by the Senate and the galleries. He has endeavored to enforce the rules.

has been shared by the Senate and the galleries. He has endeavored to enforce the rules.

Mr. EDMUNDS. He has had very poor success. Will the Senator from Ohio yield for an executive session?

Mr. THURMAN. I only want two minutes now. The Senator from Maine read a decision of the Second Comptroller. It was a very high judicial authority, I think he said. That officer may have been a very good lawyer for aught I know, and I will not say a word against him, because there are plenty of good lawyers who are not in high stations as well as good lawyers who are in high stations; but the Senator from Wisconsin called his attention to the fact that on the opinion of that Comptroller being referred to the Attorney-General of the United States, the Attorney-General delivered a distinctly opposite opinion, fortifying it by reference to four decisions of the eral of the United States, the Attorney-General delivered a distinctly opposite opinion, fortifying it by reference to four decisions of the Supreme Court of the United States. Then the Senator from Maine with somewhat of a grand flourish said that Mr. Boutwell stood by the Comptroller and Mr. Sherman stood by the Comptroller, and he seemed to think that the opinion of those two Secretaries of the Treasury quite outweighed the opinion of the Attorney-General and four solemn decisions of the Supreme Court of the United States.

Now, I want to call his attention to the fact that upon the question whether these insurance companies should be paid or not, both Mr. whether these insurance companies should be paid or not, both Mr. Boutwell and Mr. Sherman again and again recorded their votes in favor of paying them, voting with me, voting with my friend from New York, voting with my friend from Delaware, voting every time both in committee and in the Senate to pay these insurance companies and to make them the first class, too. Not only that, the then Senator from Massachusetts [Mr. Boutwell] delivered an argument in behalf of paying the insurance companies which was according to

nies and to make them the first class, too. Not only that, the then Senator from Massachusetts [Mr. Boutwell] delivered an argument in behalf of paying the insurance companies which was one of the strongest and most conclusive delivered in the debate on the bill of 1874; so that if the Senator quotes them as authority upon the question of subrogation he has their votes which show that the decision of the Second Comptroller which he says (although there is no evidence of it here) that they affirmed against the opinion of the Attorney-General, was not in their opinion applicable to this case at all.

Mr. President, I may show when I come to speak what is the ground of the decision of the Second Comptroller. I have not read it yet; I have not had the opportunity to read it; but I fancy it will be found to be a ground taken by the Government long ago where there was no question of subrogation at all, but where the question was whether the Government would pay the assignee of a claim, where the Government said, "We have nothing to do with the question between him to whom we are primarily liable and some one deducing title from that person; that is a matter between themselves; the Government will only pay the person to whom the Government is primarily liable, and will let anybody claiming from him and under him to litigate it with him in the courts." And hence it has been the custom down to this day and nothing is more common than to see a man go into the court of the District of Columbia and by an injunction seek to restrain a person from receiving money due from the Treasury of the United States unless he will nay over to this man as his assignee. to restrain a person from receiving money due from the Treasury of the United States unless he will pay over to this man as his assignee the amount that is coming to him. It is simply a matter of conven-ience and safety for the Government, and has no more to do with the question of subrogation than it has to do with squaring the circle.

But I beg pardon of my friend from Connecticut, who wishes to submit some remarks to the Senate, for having occupied so much

time.

Mr. EATON. Mr. President, I wish to say but a few words. My friend from Maine carries a free lance; he attacks everybody. He did not even wait for the amendment or substitute, which I had the honor to introduce, to be before the Senate before he commenced a very severe and violent attack upon it. I hope he will possess his soul in patience. When the proper time arrives I will undertake to show that the proposition which I had the honor to submit is thoroughly logical, thoroughly reasonable, thoroughly just. I have no doubt about it, and I only desire to say that my honorable friend from Maine is not the only man on this floor that has in love and charge the honor of the nation. There are other Senators here that no sconer the honor of the nation. There are other Senators here that no sooner the nonor of the nation. There are other Senators here that no sooner than he would be guilty of any act that would bring dishonor upon the name of the United States; and I hope to be able to show that toward paying the debt of the people of the United States forty years hence this fund which I would put into the sinking fund would amount to forty or fifty million dollars. I undertake to say it is quite as logical and quite as proper to do that as to give it to a class of men that were utterly kicked out of the tribunal. I hope to be able to

Mr. EDMUNDS. I do not suppose the Senate wishes to stay much

longer. I merely wish to say before I move to proceed to the considerlonger. I merely wish to say before I move to proceed to the consideration of executive business, that with great respect to my friend from Wisconsin and my friend from Maine I do not think there is any danger in respect of our attitude before the eyes of the people of other nations, that we are at all likely to dishonor ourselves. Any other nation would justly resent and have a right to justly resent any criticism upon their conduct in a similar case. This money has been paid to the United States to be disposed of by Congress, as everybody agrees, according to its own sense of what its duty to its own citizens requires. Any fear, then, as expressed by the Senator from Maine and I believe the Senator from Wisconsin that we are not going to stand well in the eyes of the world because we decide between ourselves and our own citizens one way or another. I think is entirely selves and our own citizens one way or another, I think is entirely misplaced.

But I do not care to go on with this matter at this present time, and I move that the Senate proceed to the consideration of executive

Mr. CONKLING and others. Let us adjourn.

Mr. EDMUNDS. I will change the motion to an adjournment if the Senate does not wish an executive session. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 19, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday the first business in order is the call of States and Territories for the introduction of bills and joint resolutions, for reference to their appropriate committees. Under this call, memorials and joint resolutions from State and territorial Legislatures, and also resolutions calling upon the Executive Departments for information, are in order for reference.

COUNTING ELECTORAL VOTES.

Mr. HERBERT introduced a bill (H. R. No. 5811) providing that the President of the Senate shall submit to the Senate and House, when assembled to count the votes for President and Vice-President, all packages purporting to contain electoral votes; which was read a first and second time, referred to the Committee on the state of the law respecting ascertainment and declaration of result of election of President and Vice-President, and ordered to be printed.

COLLEGES FOR GIRLS.

Mr. SAMFORD introduced a bill (H. R. No. 5812) donating public lands to the several States and Territories which may provide colleges for the education of girls; which was read a first and second time.

Mr. SAMFORD. I move that that bill be referred to the Committee on Education and Labor.

Mr. CONVERSE. I think it should go to the Committee on the Public Lands.

ublic Lands.

The SPEAKER. That is a question for the House to determine. Mr. DUNNELL. Let the bill be read.

The bill was read.

Mr. SAMFORD. After consultation with the gentleman from Ohio

Mr. CONVERSE] I have no objection to the bill taking the direction he has indicated.

The bill was accordingly referred to the Committee on the Public Lands, and ordered to be printed.

AUGUST LESCHINSKY.

Mr. BERRY introduced a bill (H. R. No. 5813) for the relief of August Leschinsky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VENEZUELAN MIXED COMMISSION.

Mr. SPRINGER introduced a bill (H. R. No. 5814) in relation to the mixed commission between the United States and Venezuela under the convention of April 25, 1866; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LOUISA FITZSIMMONS.

Mr. SPRINGER also introduced a bill (H. R. No. 5815) granting a pension to Louisa Fitzsimmons, widow of John Fitzsimmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SHEPPERD.

Mr. HAYES (by request) introduced a bill (H. R. No. 5816) authorizing the issue of a land warrant to the heirs of William Shepperd, deceased, in lieu of one lost; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be

GEORGE H. THOMAS POST, GRAND ARMY OF THE REPUBLIC.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 5817) authorizing the Secretary of War to deliver two condemned mountain howitzers to George H. Thomas Post, Grand Army of the Republic, at Chicago, Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FANNIE E. RANSDELL.

Mr. STEVENSON introduced a bill (H. R. No. 5818) granting a pension to Fannie E. Ransdell, the widow of Presley Ransdell, late a private of Company A, Fourth Regiment Illinois Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY B. DRAKE.

Mr. STEVENSON also introduced a bill (H. R. No. 5819) granting a pension to Henry B. Drake, late private Company G, Tenth Regiment Cavalry Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STOPLIN.

Mr. SHERWIN introduced a bill (H. R. No. 5820) granting a pension to George W. Stoplin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MASTERS IN CHANCERY.

Mr. HEILMAN introduced a bill (H. R. No. 5821) to authorize deputy clerks of the circuit and district courts, who perform their duties in branch offices where there are no principals, and where the fees of their offices respectively do not exceed \$1,500, to hold the office and discharge the duties of masters in chancery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY C. MURRAY.

Mr. BAKER introduced a bill (H. R. No. 5822) granting a pension to Mary C. Murray, dependent sister of the late John Murray, captain of Company B, Forty-fourth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP LANDS IN IOWA.

Mr. SAPP presented a joint resolution of the Legislature of Iowa, relative to locating land by the several counties of that State; which was referred to the Committee on the Public Lands.

NISHNABATONA RIVER

Mr. SAPP also presented a joint resolution of the Legislature of Iowa, in relation to the removal of obstructions from the channel of the Nishnabatona River; which was referred to the Committee on

SALE OF PATENTED ARTICLES.

Mr. SAPP also presented a joint resolution of the Legislature of Iowa, asking such modification of the patent laws as will relieve innocent parties from prosecution for the use of patented devices; which was referred to the Committee on Patents.

RAILROAD LAND GRANT, IOWA.

Mr. SAPP also presented a joint resolution of the Legislature of Iowa, relative to securing to that State patents for certain lands granted in aid of the construction of a certain railroad; which was referred to the Committee on the Poblic Lands referred to the Committee on the Public Lands.

IMMIGRATION.

Mr. PRICE. I have a memorial from a society formed about one hundred years ago, in reference to immigration. I desire the reference of this memorial to the Committee on Foreign Affairs. Can it the introduced under this call?

The SPEAKER. It cannot. It can come in through the box.

Mr. PRICE. I am aware of that.

The SPEAKER. The gentleman can present it by consent after

this call is concluded.

INTEREST ON THE PUBLIC DEBT.

Mr. WEAVER submitted the following resolution, and asked its reference to the Committee on Expenditures in the Treasury Depart-

Resolved. That the Secretary of the Treasury is hereby respectfully directed to report to the House of Representatives, at as early a day as possible, whether or not the Treasury Department has at any time anticipated the payment of interest on the public debt, or any part thereof, as provided by joint resolution approved March 17, 1864; and, if so, for what period, to whom said interest was paid, in what amount, and whether with or without rebate.

Mr. SPRINGER. As I understand, this resolution should go to the Committee on Ways and Means.

The SPEAKER, (after examining the resolution.) The resolution relates to the bonded debt of the United States, and will be referred to the Committee on Ways and Means.

Subsequently, Mr. WEAVER said: The resolution offered by myself a few mo-ments ago I desired to have referred to the Committee on Expenditures in the Treasury Department. I cannot see any objection to that reference.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] raised the question of order that the resolution belonged under the rules to the Committee on Ways and Means. The Chair read the resolution before indicating the reference to that committee, but will

olution before indicating the reference to that committee, but will read it again.

Mr. WEAVER. I do not think it belongs to that committee.

The SPEAKER. The rule provides that all proposed legislation relating to "the revenue and the bonded debt of the United States" shall go to the Committee on Ways and Means. This resolution relates to the payment of interest on the bonded debt.

Mr. WEAVER. Certainly, but to its payment under existing law. I hope the gentleman from Illinois will withdraw his point of order. Certainly there can be no objection to the reference I have proposed. The resolution relates to an expenditure in the Treasury Department, and it is proper it should go to the committee I have designated.

Mr. SPRINGER. I have no objection; I care nothing about the matter.

The SPEAKER. The question of reference is for the House to decide. The resolution will be again read.

The Clerk again read the resolution.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] has introduced this resolution and asked its reference to the Committee of the Committe introduced this resolution and asked its reference to the Committee on Expenditures in the Treasury Department. The gentleman from Illinois [Mr. Springer] raised the point of order that it should go, under the rules, to the Committee on Ways and Means. That gentleman now indicates his purpose to withdraw the point of order.

Mr. TOWNSHEND, of Illinois. How can this resolution go to any other committee than the Committee on Ways and Means without violating the "dignity" and "integrity" of this House?

The SPEAKER. The Chair has ruled that it belongs to the Committee on Ways and Means; but the question is subject to the decision of the House.

ion of the House.

Mr. TOWNSHEND, of Illinois. I admit that it is subject to the decision of the House; but—

Mr. WEAVER. There certainly can be no objection to the refer-

Mr. WEAVER. There certainly can be no objection to the relegence I propose.

Mr. TOWNSHEND, of Illinois. It would be a violation of the "dignity" of the House to send the resolution to any other committee
than the Committee on Ways and Means.

Mr. WEAVER. I do not think it would be any violation of the
dignity of the House or of the rule either.

The SPEAKER. Under the rule either of these committees would
be obliged to report the resolution back within one week.

Mr. WEAVER. I make no further opposition to the reference to
the Committee on Ways and Means.

The resolution was referred to the Committee on Ways and Means.

The resolution was referred to the Committee on Ways and Means.

SARAH M'DONALD.

Mr. HASKELL introduced a bill (H. R. No. 5823) for the relief of Sarah McDonald; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MRS. F. G. EDWARDS.

Mr. WILLIS introduced a bill (H. R. No. 5824) for the relief of Mrs. F. G. Edwards, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEN OF MATERIAL-MEN ON VESSELS.

Mr. ELLIS introduced a bill (H. R. No. 5825) to create a lien in favor of material-men and others for supplies furnished and materials and repairs furnished and made to vessels in their home ports, and to make the laws upon said subject uniform throughout the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. KING introduced a bill (H. R. No. 5826) providing for the appropriation of lands needed in the improvement of the Mississippi River; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORT OF NEW ORLEANS.

Mr. GIBSON introduced a bill (H.R. No. 5827) to extend the limits of the port of New Orleans, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANNEL OF CORSICA CREEK, QUEEN ANNE COUNTY, MARYLAND.

Mr. URNER presented a joint resolution of the Legislature of the State of Maryland, urging the necessity of an appropriation by Con-gress to deepen the channel of Corsica Creek at Centreville Harbor, in the county of Queen Anne, Maryland; which was referred to the Committee on Commerce.

C. E. H. HOLMES.

Mr. URNER also introduced a bill (H. R. No. 5823) for the relief of C. E. H. Holmes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. T. PICKETT.

Mr. McLANE introduced a bill (H. R. No. 5829) for the relief of J. T. Pickett, formerly United States consul at Vera Cruz, Mexico;

which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHOPTANK AND DELAWARE SHIP-CANAL, ETC.

Mr. McLANE also presented a joint resolution of the Legislature of the State of Maryland, requesting the Senators and Representatives from that State to procure appropriations for the location and survey of the Choptank and Delaware Ship-Canal line, and also of the Chesapeake Bay and Tide-water Canal line; which was referred to the Committee on Railways and Canals.

GEORGE EDWARD DIXON.

Mr. HENKLE introduced a bill (H.R.No.5830) granting a pension to George Edward Dixon, of Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HENKLE also introduced a joint resolution (H. R. No. 285) in relation to purchasing lot No. 2, in square 690, with improvements; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH C. ARNOLD.

Mr. BURROWS introduced a bill (H. R. No. 5831) granting a pension to Joseph C. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

DAVID W. BELL.

Mr. BREWER introduced a bill (H. R. No. 5832) for the relief of David W. Bell, of Oxford, Michigan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SETTLERS ON PUBLIC LANDS, MISSISSIPPL

Mr. HOOKER introduced a bill (H. R. No. 5833) for the relief of settlers on the public lands along the line of the Vicksburgh and Meridian Railroad, in the State of Mississippi; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ROBERT L. HOTTEL.

Mr. WADDILL introduced a bill (H. R. No. 5834) for the relief of Robert L. Hottel, late sergeant Company C, Fifteenth Regiment Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENT TO GENERAL JAMES SHIELDS.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 5835) authorizing a donation of twelve condemned bronze cannon to aid in the erection of a monument to the memory of General James Shields; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. THOMAS HENDRICKSON.

Mr. FROST introduced a bill (H. R. No. 5836) granting a pension to Mrs. Thomas Hendrickson, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY M'CORMICK.

Mr. SAWYER introduced a bill (H. R. No. 5837) for the relief of Timothy McCormick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONFIRMATION OF LAND ENTRIES.

Mr. VALENTINE introduced a bill (H. R. No. 5838) for the confirmation of certain entries of public land irregularly allowed under the laws to encourage the growth of timber on the western prairies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HANNAH D. CHASE.

Mr. BRIGGS introduced a bill (H. R. No. 5839) for the relief of Hannah D. Chase; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CLAIM AGENTS, PENSION CASES.

Mr. FARR introduced a bill (H. R. No. 5840) to repeal an act approved June 20, 1878, relating to claim agents and attorneys in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY H. LYFORD.

Mr. BRIGHAM introduced a bill (H. R. No. 5841) granting arrears of pension to Emily H. Lyford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE QUARREL.

Mr. MORTON introduced a bill (H. R. No. 5842) to grant a pension to George Quarrel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT NUTT.

Mr. WILBER introduced a bill (H. R. No. 5843) granting a pension to Robert Nutt, Company F, One hundred and forty-fourth Regiment

New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. WILBER also introduced a bill (H. R. No. 5844) granting a pension to Sarah E. Miller, widow of Alonzo F. Miller, late of the One hundred and first Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIGADIER-GENERAL ALEXANDER S. WEBB.

Mr. COX introduced a bill (H. R. No. 5845) for the relief of Brigadier-General Alexander S. Webb, late of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICIAL RECORDS, WAR OF REBELLION.

Mr. McCOOK introduced a joint resolution (H. R. No. 286) to print 8,000 copies of the official records of the war of the rebellion, compiled for the years 1861 and 1862 from Union and confederate sources; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

VIOLATION OF INTERNAL-REVENUE LAWS.

Mr. HUTCHINS introduced a bill (H. R. No. 5846) to limit the time within which suits or prosecutions for violation of the internal-revenue laws shall be brought; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORT AND HARBOR OF NEW YORK.

Mr. HUTCHINS also introduced a bill (H. R. No. 5847) in relation to the port and harbor of New York and the waters near the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CREDITORS, ETC., NORMAN WIARD.

Mr. HUTCHINS (by request) also introduced a bill (H. R. No. 5848) for the relief of creditors and assigns of Norman Wiard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MONUMENT, BEMUS HEIGHTS, NEW YORK.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 5849) authorizing the erection of a monument at Bemus Heights, in the State of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BARGE MILAN, ALBANY, NEW YORK

Mr. WALTER A. WOOD also introduced a bill (H. R. No. 5850) changing the name of the barge Milan, of Albany, New York, to Horace Ingersoll; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPTAIN JOSEPH G. M'NUTT.

Mr. WALTER A. WOOD also introduced a bill (H. R. No. 5851) for the relief of Joseph G. McNutt, late captain of the One hundred and fifty-ninth Regiment New York State Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES D. HIGLEY.

Mr. WALTER A. WOOD also introduced a bill (H. R. No. 5852) granting a pension to Charles D. Higley, father of Albert E. Higley, Company G, Tenth Regiment New York Heavy Artillery; which was read a first and second time, referred, with the accompanying papers, to the Committee on Invalid Pensions, and ordered to be printed.

WALTER JORDAN.

Mr. FERDON (by request) introduced a bill (H. R. No. 5853) granting a pension to Walter Jordan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPENSES OF DELEGATES, ETC., TO CHEROKEE INDIANS.

Mr. VANCE submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, requested toreport, as early as practicable, to this House touching the amount of money appropriated by Congress in 1873-'74 to defray the expenses of delegates and interpreters of the eastern band of Cherokee Indians; and how much of said appropriation
was paid out to the parties named in the appropriation, if any, and how much remains subject to the call of said persons; and, if none, what use was made of said
money.

DUTY ON STEEL RAILS.

Mr. FINLEY introduced a bill (H. R. No. 5854) to reduce the duty on steel rails; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed. RELATIONS BETWEEN TREASURY AND NEW YORK CLEARING-HOUSE.

Mr. WARNER presented a joint resolution (H. R. No. 287) declaring that the option of tender in the payment of moneys from the Treasury belongs to the Government alone and cannot be waived by the Executive Department, and requiring the Secretary to determine the relation between the Treasury and the New York clearing-house, unless said clearing-house rescinds its rule against silver.

Mr. WEAVER. I ask that the resolution be read.

The resolution was read at length.

Mr. CONGER. What is that called?
The SPEAKER. It is a joint resolution.
Mr. CONGER. It seems to be a mere concurrent resolution, simply expressing an opinion. If enacted, I hardly think it would have the force of law.

The SPEAKER. The Chair thinks it is a joint resolution from its

Mr. WARNER. And is in effect a joint resolution. It proposes to interpret the law as it now exists.

Mr. CONGER. If it were not for the name it would not be possible

to determine what it is from the reading of it.

Mr. PRICE. What committee is it proposed to refer it to?
Mr. WARNER. The Committee on Coinage, Weights, and Meas-

Mr. PRICE. I think it would be more proper to refer it to the Committee on Banking and Currency.

Mr. WARNER. It relates to the interpretation of existing law,

and has reference to coin alone. It has no reference whatever to cur-

The SPEAKER. The Chair thinks it refers to a system which has been in operation in New York whereby some arrangement has been entered into which enables the New York clearing-house to refuse silver coins as a legal tender.

Mr. WARNER. I ask its reference to the Committee on Coinage,

Weights, and Measures.

The joint resolution was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DAVID W. CROUSE.

Mr. CONVERSE introduced a bill (H. R. No. 5855) for the relief of the legal representatives of David W. Crouse, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET HASTINGS.

Mr. CONVERSE also introduced a bill (H. R. No. 5856) granting a pension to Margaret Hastings, mother of William K. Hastings, private of Company H, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS H. BUCKLEY.

Mr. CONVERSE also introduced a bill (H. R. No. 5857) granting a pension to Silas H. Buckley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID MITCHELL.

Mr. CONVERSE also introduced a bill (H. R. No. 5858) granting a pension to David Mitchell, war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JONAS B. HOPPES.

Mr. WRIGHT introduced a bill (H. R. No. 5859) granting a pension to Jonas B. Hoppes, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. WARD (by request) introduced a bill (H. R. No. 5860) for the relief of James W. Schaumburg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES W. KANE.

Mr. KLOTZ introduced a bill (H. R. No. 5861) granting a pension to James W. Kane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSANNAH S. DAVIS.

Mr. KLOTZ also introduced a bill (H. R. No. 5862) granting a pension to Susannah S. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed. PUBLIC BUILDING AT PITTSBURGH.

Mr. SHALLENBERGER introduced a bill (H. R. No. 5863) to appro-

priate \$150,000 for commencing work on a public building at Pitts-burgh, Pennsylvania, on site purchased by authority of act of Con-gress of March 3, 1873; which was read a first and second time, re-ferred to the Committee on Appropriations, and ordered to be printed.

MARIAH BETTS.

Mr. COFFROTH introduced a bill (H. R. No. 5864) granting a pension to Mariah Betts, widow of George W. Betts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. O'CONNOR introduced a joint resolution (H. R. No. 288) to repeal so much of the act approved June 20, 1874, as authorized the appointment of a commission to take charge of the Freedman's Savings and Trust Company, and to abolish said commission; which was read a first time by its title.

Mr. O'CONNOR. I ask that the joint resolution be read in full.

The joint resolution was read the second time in full, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM P. CHAMBLISS.

Mr. WHITTHORNE introduced a bill (H. R. No. 5865) for the relief of William P. Chambliss, late major in United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY DEPARTMENT OF THE ARMY.

Mr. DIBRELL (by request) introduced a bill (H. R. No. 5866) to reduce and promote the efficiency of the Pay Department of the United States Army, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN P. GIBBS.

Mr. SIMONTON introduced a bill (H. R. No. 5867) for the relief of John P. Gibbs, of Weakley County, Tennessee, late first lieutenant Sixth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

PURCHASE OF SITE OF FORT CLARK.

Mr. UPSON introduced a bill (H. R. No. 5868) to authorize the purchase of the site of Fort Clark, in the State of Texas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL-BANKING SYSTEM.

Mr. CULBERSON introduced a joint resolution (H. R. No. 289) providing for the discontinuance of the system of national banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LEWIS B. COOK.

Mr. JOYCE introduced a bill (H. R. No. 5869) granting a pension to Lewis B. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT REFORM SCHOOL

Mr. HUNTON introduced a bill (H. R. No. 5870) authorizing the Trustees of the Reform School of the District of Columbia to expend the money received from trustees of Jay Cooke & Co. in the purchase of certain lands for the use of said school, and erection of necessary buildings; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AND GRANT TO ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 5871) to declare forfeited certain public lands conditionally granted to the Atlantic and Pacific Railroad Company, and to restore the same to the public domain; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

GEORGE W. GRAHAM.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 5872) to refund to George W. Graham \$24; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EDWARD TATTERSALL.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 5873) for the relief of Edward Tattersall, late of Company F, Fifth Regiment United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to

LEONARD WEBER.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 5874) granting a pension to Leonard Weber, late a private in the Thirtieth New York Independent Battery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROPERTY DESTROYED BY UTE INDIANS.

Mr. BRAGG introduced a bill (H. R. No. 5875) for the relief of certain officers and enlisted men in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID P. NOBLE.

Mr. POUND introduced a bill (H. R. No. 5876) granting a pension to David P. Noble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT BENTON MILITARY RESERVATION.

Mr. MAGINNIS introduced a bill (H. R. No. 5877) to restore the Fort Benton military reservation to the public domain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JASPER A. VIALL.

Mr. MAGINNIS also introduced a bill (H. R. No. 5878) for the relief of Jasper A. Viall, late superintendent Indian affairs in Montana; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded, the Chair will now recognize gentlemen who were not in their seats when their States were called.

CAPTAIN THOMAS W. LUND.

Mr. HULL introduced a bill (H. R. No. 5879) for the relief of Captain Thomas W. Lund, of Florida; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE PRINCE

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 5880) granting a pension to George Prince; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD L. ZACHER.

Mr. BARBER introduced a bill (H. R. No. 5881) granting a pension to Edward L. Zacher, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WHITEHEAD.

Mr. TAYLOR introduced a bill (H. R. No. 5882) for the relief of Thomas Whitehead; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MILLER.

Mr. TAYLOR also introduced a bill (H. R. No. 5883) for the relief of James Miller; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE P. HARTMAN.

Mr. TAYLOR also introduced a bill (H. R. No. 5884) for the relief of Jesse P. Hartman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

s. D. BROOKS.

Mr. TAYLOR also introduced a bill (H. R. No. 5885) for the relief of S. D. Brooks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STATUES IN WASHINGTON.

Mr. GIBSON introduced a bill (H. R. No. 5886) to erect statues of the great statesmen of the United States on the public squares and grounds in the city of Washington, and making appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHALES G. BERRY.

Mr. COBB introduced a bill (H. R. No. 5887) for the relief of Charles G. Berry, of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STAMPED LABELS OR WRAPPERS.

Mr. JOHNSTON introduced a bill (H. R. No. 5888) authorizing the use of stamped labels or wrappers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RUSSELL LAMPHERE.

Mr. WAIT introduced a bill (H. R. No. 5889) for the relief of Russell Lamphere, for property taken from him for the use of the United States Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDRICK BALTZINGER.

Mr. OSMER introduced a bill (H. R. No. 5890) for the relief of Fredrick Baltzinger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. W. THOMPSON AND OTHERS.

Mr. OSMER also introduced a bill (H. R. No. 5891) for the relief of G. W. Thompson and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be

CHANGE OF A STEAMBOAT'S NAME.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 5892) to change the name of the steamboat George Baker; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS S. COGLEY.

Mr. CALKINS introduced a bill (H. R. No. 5893) granting an increase of pension to Thomas S. Cogley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, his Private Secretary, who also announced that the President had approved joint resolutions

and bills of the following titles:

Joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago;

Joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska;
An act (H. R. No. 5622) to provide for the construction of a public building at the city of Paducah, in the State of Kentucky; and
An act (H. R. No. 5048) relating to justices of the peace in the Ter-

PACIFIC RAILROAD SINKING FUND.

The SPEAKER. The call of States for the introduction of bills and resolutions being now concluded, the next business in order is the consideration of motions to suspend the rules; and this being the third Monday of the month, preference is given to-day to motions coming from committees.

Mr. McLANE. I desire to call up the unfinished business under this

order.

The SPEAKER. The gentleman from Maryland claims that the unfinished business under this order coming over from a former date, the 15th of March, is his motion to suspend the rules so as to enable him to report from the Committee on Pacific Railroads and the House to consider the bill (H. R. No. 3790) to alter and amend the sinking-fund act approved May 7, 1878. The Chair will cause to be read a statement of the exact situation of this motion, with the action upon it heretofore.

The Clerk read as follows:

March 1, Mr. McLane moved to suspend the rules, so as to enable him to report from the Committee on Pacific Railroads and the House to consider H. R. No. 3790, to alter and amend the sinking-fund act approved May 7, 1878;

Pending which,
Mr. McLane, by unanimous consent, was allowed to make a statement in regard to said bill;

Pending which,
The Horise adjourned.
The motion went over to Monday, March 15,
When,

When, By unanimous consent, the said motion was postponed to Monday, April 19, as unfinished business. The question now is, Shall the rules be suspended in manner as proposed by the gentleman from Mary-

The SPEAKER. The Chair desires only to add that on the 15th of March the gentleman from Maryland, being indisposed, was not in his seat, and in consequence of that fact the request for postponement

ms seat, and in consequence of that fact the request for postponement was made, to which the House agreed.

Mr. COX. I raise the point of order that the gentleman has lost his place, and cannot bring up this business to-day.

The SPEAKER. How can he have lost his place when the House by unanimous consent agreed that this motion should come up on the 19th of April as unfinished business? It comes up now by the action of the House of the House.

Wr COX. Will this lead to debate?

Mr. COX. Will this lead to debate?

The SPEAKER. The rule allows upon a motion to suspend the rules fifteen minutes' debate on each side.

Mr. COX. I think this bill ought not to interfere with the business peculiarly assigned to to-day.

The SPEAKER. This is a motion to suspend the rules, and is in order to-day. It is a motion coming from the Committee on Pacific Railroads.

Mr. CONGER. Then the Chair decides that this is unfinished busi-

Mr. CONGER. Then the Chair decides that this is unfinished business under the present order?

The SPEAKER. The House decided that question by its unanimous consent fixing to-day for the consideration of this motion as unfinished business. In any event it would in the opinion of the Chair have come over under the rules, but the House by its action has precluded the necessity for any ruling by the Chair on this point. A Member. What is the bill?

The SPEAKER. The bill will be read.

Mr. CONGER. Has the motion to suspend the rules been seconded?

The SPEAKER. There has not been a second; but the Chair thinks the bill ought to be read so that the House may understand the questions.

the bill ought to be read so that the House may understand the ques-

the bill olight to be read so that the House may understand the question upon which it is to vote.

Mr. BUCKNER. Has not this question been debated?

The SPEAKER. By unanimous consent there was more than an hour's debate on this question when presented on the 1st of March.

Mr. COX. Then the debate has ceased.

The SPEAKER. That was allowed by unanimous consent, and was

at a date before the new rules went into effect.

Mr. COX. Then there can be no more debate?

The SPEAKER. The Chair thinks that there can be fifteen minutes' debate on each side under the rule which has since been adopted. Mr. REAGAN. I ask that the bill be now read, as indicated by the Chair. The SPEAKER. The Clerk will now read the bill and the proposed

amendment. The Clerk read as follows:

Be it enacted, &c., That section 3 of the act of Congress entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," approved May 7, 1878, be amended to read as follows:

"That there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States or in the first-mortgage bonds of said companies respectively, as the Secretary may prefer, and the semi-annual income thereof shall be in like

manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him and publicly disposed of pursuant to this act."

SEC. 2. That section 4 of the aforesaid act be altered and amended to read as follows:

pursuant to this act."

SEC. 2. That section 4 of the aforesaid act be altered and amended to read as follows:

"That there shall be carried to the credit of the said fund, from time to time as settlements are made by the accounting officers of the Treasury, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on the 1st day of April and October in each year, pay into the Treasury, to the credit of said sinking fund, the sum of \$600,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 25 per cent. of the whole net earnings of said railroad company ascertained and defined as hereinbefore provided, for the half year ending on the last day of December and June, respectively, next preceding.

"That there shall be carried to the credit of the said fund, from time to time as settlements are made by the accounting officers of the Treasury, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on the 1st day of April and October in each year, pay into the Treasury, to the credit of said sinking fund, the sum of \$425,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 25 per cent. of the Whole net earnings of said railroad

Mr. McLANE. Now read the proposed amendment as modified. The Clerk read as follows:

The Clerk read as follows:

Add the following as an additional section:

"SEC. 4. That this act, and the act of which this is amendatory, shall be held, and shall be, applicable to any and all persons or corporations into whose possession either or both of said Union Pacific and Central Pacific Railroads may lawfully come, or into whose possession the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company may lawfully come, by purchase, consolidation, or otherwise, as well as to the original companies; and the provisions of this act, and the provisions of the act of which this act is amendatory, shall apply and take effect on the 1st day of July next as to the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company; and the additional sum to be paid into the Treasury on the 1st day of April and October, in each year, to the credit of said sinking fund, shall be as follows, namely, \$150,000 by the Kansas Pacific Railway Company, \$30,000 by the Sioux City and Pacific Railroad Company, or so much thereof respectively as shall be necessary to make the 5 per cent. of the net earnings of their respectively as shall be necessary to make the 5 per cent. of the net earnings of their respectively as payable to the United States under said act of 1862, and the whole sum earned by them respectively as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 25 per cent. of the whole net earnings of said companies respectively, ascertained and defined as hereinbefore provided, for the half year ending on the last day of December and June respectively next preceding."

Mr. McLANE. I hope the House will take that up now by a two-

Mr. McLANE. I hope the House will take that up now by a two-

The SPEAKER. Is there a second?

The motion for a suspension of the rules was then seconded.

Mr. McLANE. Before calling the previous question I will yield to my colleague on the committee from Texas to move to strike out the terms of investment in the first-mortgage bonds of the company, and then I shall demand the previous question.

The SPEAKER. The motion is to suspend the rules and pass the

Mr. DUNNELL. Can there be any debate on this proposition?

The SPEAKER. The Clerk will read the third clause of Rule XXVIII.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. The Chair desires to correct the statement he made just now. The proposition of the gentleman from Maryland is to suspend the rules to enable him to report the bill and amendment from the Committee on the Pacific Railroad, and for the House to consider them; if the rules are suspended, then the gentleman would have the right to hold the floor to demand the previous question on the bill and amendment. Under the motion to suspend the rules there should be fifteen minutes of debate on each side to be rules there should be fifteen minutes of debate on each side, to be taken after the second by tellers and before the vote is taken to suspend.

Mr. McLANE. I accept that ruling of the Chair.

Mr. COX. Has there not been fifteen minutes of debate already?

The SPEAKER. There has been debate of an hour, but not under the rules as they now exist. That debate was allowed by unanimous consent on a former day, to wit, the 1st of March.

Mr. McLANE. Let me appeal to the gentleman from New York to

let us have a vote and get this out of the way of other business. I yield to the gentleman from Texas to move an amendment.

Mr. WILBER. I move to amend by striking out all after the word

"States," in line 15, page 2, down to and including the word "prefer," in line 17, on the same page, and insert in lieu thereof the following: "of such kind as may be deemed by him most profitable to said

The SPEAKER. This amendment will be in order after the rules

have been suspended to consider the proposition.

Mr. REAGAN. I ask the part to be stricken out also be read.

The Clerk read as follows:

The words proposed to be stricken out are as follows: Or in the first-mortgage bonds of said companies respectively, as the Secretary

Mr. McLANE. The rule provides for debate of fifteen minutes on

each side.

The SPEAKER. The pending question is on the motion to suspend for the purpose already stated by the Chair. The rule permits fifteen minutes of debate on each side on the motion to suspend the rules. The Chair thinks now is the time upon which that rule must have

Mr. ATKINS. After the bill is taken up, will it be in order to de-

bate further

The SPEAKER. If two-thirds should vote to consider, then the bill would be open to amendment and debate; but the gentleman from Maryland has indicated his intention to demand the previous question in case the bill comes before the House for consideration. From that intimation, the Chair supposes he means to cut off debate.

Mr. McLANE. Mr. Speaker, the rules of the House allow fifteen minutes' debate on this question of suspension. A full explanation was made of this question on the 1st of March last, and for that reason I do not care to detain the House at this time with more than a very brief review of what was said on that occasion. I will then yield the remainder of my time to the gentleman from Texas, [Mr. Wellborn.]

I would not take any of the time of the House at present only that I apprehend the propositions advanced when this bill was first pre-

I apprehend the propositions advanced when this bill was first presented have passed from the minds of the members of the House, and therefore I ask the attention of the House for a very short time.

This bill is divided into four sections. The first section of the bill authorizes the Secretary of the Treasury to invest the moneys due to the sinking fund in any bonds of the United States or in the first-mortgage bonds of the railroad companies. Heretofore he has been required to invest in the 5 per cent. bonds of the United States, and no other, without an explanation to Congress. Now, he comes to Congress and makes an explanation that the 5 per cent. Government bonds are about to expire, and he asks permission of Congress to invest this fund in other bonds, including the first-mortgage bonds of vest this fund in other bonds, including the first-mortgage bonds of the railroad companies, and explaining further that the first-mortgage bonds of the railroads are by act of Congress a prior lien on the roads and must be paid before the original subsidy of the United States is paid. He sets forth that it is in the interest of the United States, as well as of the railroads, that the first-mortgage bonds should go into well as of the railroads, that the first-mortgage bonds should go into the sinking fund, for the reason that, yielding 6 per cent. interest, at any price short of 1.20, they are a better investment than United States bonds at the current prices. His recommendation, therefore, is that while they are a better investment than the United States bonds he should be permitted to invest the sinking-fund money in these bonds at his discretion.

Mr. McMAHON. At what rate? Mr. McMAHON. At what rate if Mr. McLANE. At the current rate. And the only objection taken to this authority was that it gave to the Secretary of the Treasury an undue discretion, and that by investing in the first-mortgage bonds in preference to the United States bonds he thereby enhanced the value of the mortgage bonds, and thus, in the exercise of his discretion, he could unfavorably affect the stock market of the country for these

Now, in response to that objection there is no criticism that I can offer. There must necessarily be this discretion vested somewhere or in somebody; but I will state to the House that the sum invested will be generally about \$40,000 a month, and I do not suppose that even if the Secretary of the Treasury should exercise his discretion with partiality it could have any very great influence upon the stock market. I believe that is about the amount of the proposed investment. And Learner conseive of any means of avaiding it as this discretion must I cannot conceive of any means of avoiding it, as this discretion must

rest somewhere.

Mr. McMILLIN. Will the gentleman from Maryland permit me to interrupt him by asking a question? What is the present market value of those bonds?

Mr. McLANE. They are now quoted at 112.
Mr. HOUSE. Who holds these bonds †
Mr. McLANE. I have no knowledge of tha Mr. McLANE. I have no knowledge of that. The first-mortgage bonds amount, I believe, to about \$55,000,000, and the lien of the United States has been waived upon these bonds. And in considering this question I insist that the first-mortgage bonds must be paid be-fore any debt of the roads to the United States is paid.

Now, my friend from Texas has seemed to assume that in some way

this would enable the stockholders or the directors to defraud the United States. I tried to make it plain at the time that it could not

Mr. REAGAN. One point, if the gentleman from Maryland will permit me to interrupt him here, that I desired to make in that connection was that the present indebtedness to the Government, outside of the amount of these first-mortgage bonds, is \$65,000,000. But when the time came to make payment, at the end of thirty years, the company, in view of this indebtedness to the United States and to the bondholders, would go into liquidation, forfeit the road either to the Government or to the bondholders, and buy it in, discharging the in-debtedness, and if that was done, discharge the very indebtedness to the Government represented by these first-mortgage bonds.

Mr. McLANE. I so understood the gentleman on the 1st of March, when this question was before the House, and the answer to that is that the Government has no lien until these bonds are paid; in other words, as these first-mortgage bonds are a prior lien to the liens of the Government, that the Government or anybody else would have to pay these bonds before they could take possession of the road. And inasmuch as the first-mortgage bond is a better investment than the United States bond, it is to the interest of the United States as well as to the interest of the road to invest in these bonds, yielding the largest interest; and further, that to the extent of the amount of these bonds in the sinking fund the Government would have less to pay to protect itself.

Gentlemen know that the sinking fund is constituted out of the fund taken from the earnings of the road, and has to be invested in the bonds of the United States or in the first-mortgage bonds of the road, and the interest derived therefrom has to be reinvested at certain stated times. Therefore the Government of the United States has precisely the same interest that the road has in receiving the largest interest that it can on these bonds.

Mr. HUNTON. Is the interest on these bonds paid promptly now ?
Mr. McLANE. Yes, sir; it is paid promptly.
Mr. McMILLIN. Will the gentleman from Maryland permit me to

interrupt him again?

Mr. McLANE. Certainly, sir.
Mr. McMILLIN. Will not the Government of the United States upon the maturity of these bonds be permitted to pay them off at their face value?

Mr. McLANE. The first-mortgage bonds?

Mr. McMILLIN. Yes; the first-mortgage bonds. Is it not a fact that the Government will have the privilege of paying them off at

Mr. McLANE. Yes, sir, if there should be a foreclosure and the

Government bought the road to protect itself.

Mr. McMILLIN. Then, if that be so, why should we to-day authorize the Secretary of the Treasury to buy them at the rate of 112 or anywhere up to 120 ?

Mr. McLANE. There is only one sense in which the Government has the right to pay off the first-mortgage bonds at their par value, and that is if a foreclosure occurs. This is the bonded debt of the company, and the bonded debt which the company has to pay before company, and the bonded debt which the company has to pay before it can pay the debt of the United States. If things go to their term the railroads pay these first-mortgage bonds, and having paid these first-mortgage bonds, then they pay the Government debt; and if they can pay both, then the Government has nothing more to do with the roads. The roads then belong to the stockholders. The only case in which the Government can have an interest in the first-mortgage bonds is where the Government in the contingency stated by the gentleman from Texas [Mr. Reagan] comes in to protect its own debt; and before it can protect its own debt it must satisfy the mortgage debt. If that contingency accounted the Government would gage debt. If that contingency occurred the Government would have to pay it dollar for dollar, because the road would be sold to satisfy it; and if the Government pay dollar for dollar on the mort-

gage bonds it would own the road.

Mr. CANNON, of Illinois. Will the gentleman allow me a question?

Mr. McLANE. My time has almost expired. I cannot yield for

further questions.

The next feature in the bill is in regard to the moneys now in the Treasury which have been kept there by the act of 1873—that which authorized the lawsuits, which allowed the Government to be sued and those legal questions to be determined, and which shut up all the money in the Treasury. Now the lawsuits have been determined; the rights of the Government have been vindicated; but the law of 1873 remains in full force.

1873 remains in full force.

The SPEAKER. The gentleman from Maryland indicated his intention to yield five minutes to the gentleman from Texas, [Mr. Wellborn.] He has now occupied ten minutes.

Mr. McLANE. I have no desire to speak at length on the bill, and I shall conclude what I have to say in another minute.

That is the second feature in the bill to allow these securities locked in the Traceart to the circles a final.

up in the Treasury to go to the sinking fund.

The remaining feature is to extend the Thurman act to all the subsidized roads. By the original Thurman act only the Union Pacific and Central Pacific roads were included. This extends the bill to the other subsidized roads. That is all there is in the bill. The conthe other subsidized roads. That is all there is in the bill. The confusion which seems to embarrass gentlemen results from a misapprehension of the sinking fund. That fund is constituted of the money of the railroad companies, and the one-half of compensation for troops and mails belonging by law to the railroads prior to the passage of the Thurman act, which required it to be paid into the sinking fund. The law of 1862 withheld the entire compensation due to the

railroads for transportation of troops and mails; the act of 1864 conceded to the railroads one half of it, reserving the other half to the credit of the interest paid by the United States on the original subsidy bonds, and the Thurman act required the half conceded to the railroads by the act of 1864 to be paid into the sinking fund, together with a loan of money sufficient, when added to the 5 per cent. of net earnings and one half the compensation fund, to amount to 25 per earnings and one hair the compensation fund, to amount to 25 per cent. of the net earnings, and it is this sinking fund which must pay the first-mortgage bonds before one cent is paid to redeem the United States bonds. The other half of compensation for troops goes to the United States debt and does not go to the sinking fund, and this view of the case is fully affirmed and clearly stated by the Supreme Court of the United States in the case of the United States vs. The Union Pacific Railroad Company and others, October term, 1878.

Mr. WELLBORN. The only point raised by the amendment which has just been read from the Clerk's desk is this: Shall the Secretary of the Treasury be authorized to invest the sinking fund raised by the Thurman act in the first-mortgage bonds of the companies as well as in Government securities? The original bill as reported by the as in Government securities? The original offi as reported by the distinguished gentleman from Maryland [Mr. McLane] authorizes the Secretary of the Treasury to exercise his discretion in investing either in Government securities or in first-mortgage bonds. The amendment which I propose limits the investment to Government bonds and withholds the authority to make the investment in first-

mortgage bonds.

As this Thurman sinking fund is a matter in which the whole country feels a deep interest, I trust the House will not consider it an idle consumption of time if I explain, and I shall do so very briefly, the reasons which have moved me to the offering of this amendment. The expediency of making the investment of this sinking fund in the first-mortgage bonds depends upon one other question, and that question is this: Whether or not these first-mortgage bonds are a prior and paramount lien upon this sinking fund; or whether or not that fund is designed solely or in part as an indemnity or a security for the Government.

If this fund, if the first-mortgage bonds constitute a prior and paramount lien upon this sinking fund, then there is no danger; there can be no peril from investing the funds in the bonds, for the obvious reason that the fund is being, as it were, presently applied, presently appropriated exactly where it must ultimately go. But, sir, if this sinking fund be an indemnity or a security for the Government, then I say to gentlemen upon this floor that there may be danger, there may be possibly peril, in making the investment in the first-mortgage

bonds.

As was suggested by my colleague from Texas [Mr. Reagan] on the morning when this bill was first taken up, there is in the popular mind an idea, or perhaps, to speak with more accuracy, there is an apprehension in the public mind, and I shall not stop now to inquire apprehension in the public mind, and I shall not stop now to inquire into its reasonableness; but there is an apprehension in the public mind of this country that these Pacific railroads, before the maturity of their bonds, will determine it to be for their interest not to attempt the payment of their indebtedness, but to suffer the roads to be seized and sold for the satisfaction of their creditors. Now, if this should be the case, if these facts should transpire, then another fact would also be found to be true, and that is, that these companies, before their bonds mature, will find it to their interest to expend in keeping their roads in repair the smallest amount of money consistent with their actual operation; and, therefore, when the bonds mature, when their actual operation; and, therefore, when the bonds mature, when the day of payment arrives, the roads will be found to be dilapidated, the cars, engines, and equipments of the roads worn out and comparatively valueless. These facts being true, the first-mortgage bonds of course will decline, will inevitably decline, in proportion to the depreciation in the value of the security on which they rest; and in this view of the case, therefore—I am now assuming this sinking fund is an indemnity fund solely for the Government—when the time of payment arrives, and when the Government lays its hands upon the sinking fund, it will be found the sinking fund has been invested in bonds, in securities that are of far less value than when they were first purchased.

Now I come to address myself to the question, and here I am com-pelled to join issue with the gentleman from Maryland [Mr. McLane] whether or not this sinking fund is designed as a security for the Government, or whether the first-mortgage bonds constitute a prior and paramount lien. The eighth section of the Thurman act of 1878 simparamount lien. The eighth section of the Thurman act of 1878 simply provides that the sinking fund which it establishes shall be held and ultimately appropriated for the benefit of the debts, bonded and otherwise, lawfully chargeable upon the fund, in accordance with their respective priorities. But the Thurman bill does not undertake to determine and does not define what debts are lawfully chargeable upon the fund; nor does it undertake to distinguish between their respective priorities.

In order, therefore, to determine this question we must gather from the Thurman act the sources of revenue that constitute the sinking fund, and then go behind the act to ascertain what debts are chargeable upon these revenues. By reference to the sinking-fund act of 1878 it will be seen that this sinking fund is composed of two sources of revenue; two elements constitute it. The first is one-half of the compensation which may become due from the Government to these companies for the transmission of dispatches and the transportation of mails, troops, Government supplies, &c.; that is the first element.

The second element of the sinking fund is 5 per cent. of the net earn-

ings of these companies.

Now, sir, I assert, and will prove to the satisfaction of this House that as to the first element of this sinking fund—and I am informed it constitutes by far the largest portion of it—that is, the compensa-tion that may become due from the Government to the companies for transportation of mails, troops, supplies, &c.—this first element is designed solely and exclusively as an indemnity and a security for the

These first-mortgage bonds have no priority of lien upon that portion of the sinking fund, and it is so expressly declared in the act of 1864. I send to the Clerk's desk and ask to have read section 10 of that act, which will be found on page 110 of the report of the Auditor of Railroad Accounts, made to the Secretary of the Interior November 1, 1879. That is the act of 1864, which authorized the issuance of these first-mortgage bonds, and which subordinated the lien of the Government to the lien of the first-mortgage bonds. I ask the Clerk to read section 6 of that act.

The Clerk read as follows:

The Clerk read as follows:

SEC. 6. And be it further enacted. That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid, (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service;) and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof.

Mr. WELLBORN. It will be seen from that section of the act of

Mr. WELLBORN. It will be seen from that section of the act of 1864 that the lien of the Government upon the most important element of this sinking fund has not been subordinated to the lien of these first-mortgage bonds.

With reference to the other element of the sinking fund, I confess

that it is a matter of doubt whether the first-mortgage bonds are a paramount lien upon it or not. I shall not now stop to discuss that question. But before I proceed further I will ask the Clerk to read a paragraph which I have marked on page 180 of the same report. From that it will be seen that the Supreme Court of the United States seemed to adopt the idea-it is a mere obiter dictum, however-that the entire sinking fund is an indemnity for the Government.

The Clerk read as follows:

The Government made its contract and bargained for its security. It had a first lien on the road by the original act of incorporation, which would have made its loan safe in any event. But in its anxiety to secure the construction of the road, an end more important to the Government than to any one else, and still more important to the people whom it represented, it postponed this lien to another mortgage, that the means might be raised to complete it. The Government has the second lien, however, and it has the right to appropriate one-half of the price it pays for the use of the road—a very large sum—annually, and 5 per cent. of the net earnings of the road, which may become much larger, to the extinction of this debt. It is not wholly unreasonable to suggest that the amount which the company may be compelled to pay annually, under these two provisions, will be sufficient as a sinking fund to pay the entire debt, principal and interest, before it falls due.

Mr. WELLBORN. A word more and I am done. From what has already been stated, it appears beyond all question that one element of this sinking fund is designed and intended solely as an indemnity and security for the Government of the United States. With refer ence to the other element of the sinking fund, it is a matter involved in doubt, to say the least of it.

I repeat, therefore, the proposition with which I commenced; that is, that this sinking fund was designed by its author as an indemnity and as a security for the Government, and that fund should be invested only in those securities about which there clings neither pres-

ent nor future suspicion.

To compress into a single sentence this whole argument, which to my mind is unanswerable in favor of the amendment, I say that there is no necessity for investing this fund in these first-mortgage bonds, because Government securities are accessible. There is, to say the because Government securities are accessible. There is, to say the least, a doubt in reference to the propriety and expediency of investing in the first-mortgage bonds, and it seems to me that in matters of this kind, where there is a doubt as to which of two courses legislation ought to take, the doubt should be resolved in favor of that course which will surely and beyond all question protect and secure the interests of the Government. This sinking fund, so wisely conceived, so securely fixed by its distinguished author, is a matter of profound interest to the people of this whole country. We should see to it that unless under the pressure of imperative necessity no action is taken which tends, or can in the least tend, to its injury or imperis taken which tends, or can in the least tend, to its injury or imper-

Here the hammer fell.]
Mr. McLANE. I understand that debate is limited to fifteen min-

utes on each side. The SPEAKER.

The SPEAKER. It is. The gentleman from Maryland yielded five minutes to the gentleman from Texas. The Chair, understanding that the gentleman from Texas spoke against the proposition of the gentleman from Maryland, allowed him to continue for fifteen minutes, the full time permitted in opposition. There yet remain five minutes for

debate before taking the question on the motion to suspend the rules in favor of the motion to suspend.

Mr. CONGER. But there may be some gentlemen who wish to oppose the bill. The SPEAKER.

The Chair understood the gentleman from Texas as opposed to the bill.

Mr. CONGER. Ah; but the time was given by the gentleman from Maryland.

The SPEAKER. Five minutes of it—to be in opposition.

Mr. CONGER. But it was given out of the fifteen minutes in favor of the bill.

The SPEAKER. The gentleman from Maryland occupied ten min-utes. He then yielded to the gentleman from Texas, who, as the Chair understood (because he so stated in distinct language) took issue with the gentleman from Maryland. The Chair therefore regarded the gentleman from Texas as speaking against the proposition.

Mr. CONGER. Then there is no opportunity for those who think the money of the Government should be invested in Government

bonds, and not scattered about in other securities, to say a word on

that subject.

The SPEAKER. The gentleman from Texas occupied the floor fif-

teen minutes principally on that point.

Mr. McMILLIN. And his amendment looks to that.

The SPEAKER. So that the criticism of the gentleman from Mich-

igan [Mr. CONGER] is not a valid one.

Mr. CONGER. The gentleman from Texas desired to remove the provision of law confining investments to first-mortgage bonds so that they could be distributed over every kind of security, in the dis-

cretion of the Secretary.

Several Members. Oh, no.

The SPEAKER. If the gentleman from Michigan is correct, the Chair misunderstood the gentleman from Texas. The Chair understood that gentleman to speak directly to the point that all moneys intended for the sinking fund under the Thurman act should be invested in Government securities.

Mr. CONGER. I understood that by the amendment sent up it was

in the discretion of the Secretary to make investments in any se-

curity.

The SPEAKER. The amendment will be again read.

Mr. CONGER. I think that is the reading of it.
Mr. McLANE. I wish to avail myself of the five minutes

Mr. COX. Is it in order to read the amendment now f
The SPEAKER. This whole proceeding is preliminary to the consideration of the bill. The amendment, the Chair thinks, ought to be read for the information of the House if there is any misunderstand-

ing about it. The Clerk read as follows:

Amend by striking out all after the word "States," in line 15, page 2, down to and including the word "prefer," in line 17 of the same page, being as follows: "or in the first-mortgage bonds of said companies respectively, as the Secretary may prefer;" and insert in lieu thereof "of such kind as may be deemed by him most profitable to said fund."

Mr. CONGER. So that the investments might be made in securities of such kind as might be deemed by the Secretary "most profit-

able." The SPEAKER. Such kinds of United States indebtedness, how-

Mr. CONGER. By the amendment the investments might be in mortgages on real estate, or anything else.

Mr. COX. I rise to a point of order. The only opposition which the gentleman from Texas makes at this stage of the proceeding is against the bill of the gentleman from Maryland. No amendment is now in order. The House has not yet by a two-thirds vote resolved to consider this bill at all. I think that at this stage the reading of the amendment is out of order.

The SPEAKER. The Chair has allowed the amendment to be read

as part of the debate.

Mr. COX. Part of whose debate? The gentleman from Texas occupied fifteen minutes.

The SPEAKER. The Chair stated that the amendment could not be offered until the rules had been suspended to consider the bill.

Mr. COX. Certainly not.

The SPEAKER. That the Chair has already said.

Mr. NEWBERRY. Perhaps I am a little mystified by the remarks of the gentleman from Texas and by those made on the other side of the House. The gentleman from Texas, as I understand, approves the bill provided his amendment be adopted. I ask him whether that is not the fact?

not the fact?

Mr. WELLBORN. Yes, sir.

The SPEAKER. The gentleman from Texas certainly took issue with the gentleman from Maryland on the bill.

Mr. NEWBERRY. I think that was a misunderstanding.

The SPEAKER. The gentleman from Texas stated in distinct words that he took issue with the gentleman from Maryland.

Mr. NEWBERRY. Mr. Speaker, there is evidently a misunderstanding or mystification. Adding the amendment proposed by the gentleman from Texas, he will approve the bill. The principle of the bill meets his approbation; the gentleman from Texas will, I am sure, admit this.

sure, admit this.
Mr. WELLBORN. That is correct.

Mr. NEWBERRY. Now, Mr. Speaker, if you will allow me a moment, this sinking fund is money earned by the railroad companies, money belonging to them. The act of Congress compels them to pay so much money into the sinking fund from their earnings. It is the money of the companies to begin with. Now, the question at issue between the gentleman from Texas and the gentleman from Maryland is, as I understand, simply as to the investment of that money. His amendment provides for investing the sinking fund in Government bonds, while the text of the bill provides for said investment in Government bonds or first-mortgage bonds of the railroads. The principle of the bill is satisfactory to the Government, to the Secretary of the Treasury, and to the railroads, and should, I think, be to this House and the people. There is no objection anywhere to the principle of the principle of

ciple.

As to the investment I have simply to say this. The sinking fund is established to pay first the first-mortgage bonds of that railroad. The gentleman from Texas thinks only part of the sinking fund is so appropriated. If that point is worthy of consideration—and I thought it was settled that the money in the sinking fund can only be first appropriated to the payment of the first-mortage bonds of that Pacific Railroad Company; if that is so, then it is most just the money should be invested in them and those bonds placed in the hands of the Secretary of the Treasury.

Now, in answer to the gentleman from West Virginia, let me say those bonds run for thirty years from the date of their issue. They were issued in 1864, if I remember dates aright, and mature in 1894. They bear 6 per cent. interest in gold. They have fourteen years yet

were issued in 1804, if 1 remember dates aright, and mature in 1894. They bear 6 per cent. interest in gold. They have fourteen years yet to run. It is now easy to see that paying 20 per cent. premium for them to-day, the Government will get 6 per cent. additional interest on those bonds. They have fourteen years yet to run and bear interest 2 per cent. in excess of Government bonds. Twice fourteen is 28 per cent.; those bonds, therefore, will receive 28 per cent. in the fourteen years more interest while those bonds if so purchased are fourteen years more interest while those bonds if so purchased are in the hands of the Treasury than if the sinking fund is appropriated to buy the Government four percents. Therefore it is left by that bill to the discretion of the Secretary of the Treasury to decide which shall be the most economical and return the most money to the sinking fund, whether he shall invest in the four percents, or in the 6 percent. first-mortgage bonds, for which the Government is bound to provide by the sinking fund.

Mr. CONGER. Does the law establishing the sinking fund provide that first-mortgage bonds shall be paid out of the sinking fund?

that first-mortgage bonds shall be paid out of the sinking fund?

Mr. NEWBERRY. That is what the sinking fund is established to

pay, and nothing else.

Mr. CONGER. I supposed it was to secure the Government for its

indebtednes

Mr. NEWBERRY. It is not; the Government subordinated its firstmortgage bonds to the first-mortgage bonds of the railroad company

by act of 1864.

Mr. McLANE. If I had time to reply to the gentleman from Texas, I could show him that he entirely misapprehends the nature of this sinking fund. I have already explained that only one half of the compensation for troops or mails goes into that fund. The other half of the revenues from those sources is reserved to the credit of the United States for these bonds and interest; and the Supreme Court of the United States has recognized the right of the United States to that half, and the other half belongs to the company. The sinking fund is thus created, every dollar of which is due to the first-mortgage bonds before it can pay the United States bonds, as I have

fully explained already.

Mr. COX. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. COX. The time has expired provided by the rule for debate on

either side.

Mr. TOWNSHEND, of Illinois. I hope the gentleman will answer a question I wish to ask him.

Mr. McLANE. I thought I had five minutes longer. The time

taken up by points of order I hope has been deducted.

The SPEAKER. The time for debate allowed under the rule has

The SPEAKER. The time for debate allowed under the rule has expired.

Mr. FERNANDO WOOD. I desire to ask the Chair whether, after the rules have been suspended, we will not be called upon to vote on the amendment of the gentleman from Texas?

The SPEAKER. If the rules should be suspended, to consider, then, unless the gentleman from Maryland having charge of the bill should demand the previous question and it should be sustained, the Chair will recognize the gentleman from Texas to move his amendment. The Chair is advised, however, that the gentleman from Maryland proposes to allow the amendment of the gentleman from Texas to be offered. to be offered.

Mr. SCALES. Do I understand the gentleman to say he will de-

Mr. SCALES. Do I understand the gentleman to say he will demand the previous question?

Mr. McLane. No; I am going to allow the amendment to come in, and then shall demand the previous question.

Mr. SCALES. I do not see why the rules should be suspended if we are not to have debate. If time for debate be allowed I will vote to suspend the rules; otherwise I shall not.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 76, noes 75.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

NEW YORK INTERNATIONAL EXHIBITION.

Mr. COX. Mr. Speaker, I am authorized by the Committee on Foreign Affairs to move to suspend the rules for the purpose of reporting from that committee and passing with two amendments a bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine in the city of New York, in the State of New York, in the year 1883.

The bill was read, and then the Clerk read the following proposed

amendments of the Committee on Foreign Affairs:

In section 2 add to list of commissioners as follows: "Charles L. Tiffany, John A. Stewart, Abram S. Hewitt, Daniel F. Appleton, David Daws, Orestes Cleveland, Horace Porter, Henry M. Alexander, Fletcher Harper, Charles G. Francklyn, Thomas C. Acton, Rich M. Hoe, Jackson S. Schultz, Edward Clark, Norvin Green, William B. Dinsmore, Dennis C. Wilcox, Benjamin B. Sherman, Samuel B. H. Vance, Samuel D. Babcock, Henry Hilton, Andrew H. Green, Robert Gordon, Allen Campbell, Samuel B. Parsons, Francis A. Stout, J. Peabody Wetmore, John R. Voorhies, Leighton Williams, George G. Haven, Stephen O'Brien, Charles Solomons, Henry Draper, Philip Collins."

Add the following to section 20:

Provided, That nothing in this act contained shall be construed to require the governor of any State to appoint the commissioners provided for in section 2, nor shall said commissioners nor any of them incur any liability for their failure or refusal to accept such position or perform the duties thereof.

Mr. CONGER. May I inquire if all of these gentlemen are in the

Mr. CONGER. May I inquire if all of these gentlemen are in the city of New York?

Mr. COX. Yes, sir.

Mr. CONGER. Every one of them?

Mr. COX. Yes, sir.

Mr. CONGER. I was a little fearful that they may have wandered outside, for some of these international members of that committee—

Mr. COX. It was the intention of the gentlemen who started this project to confine the names to those men who took a specific interproject to confine the names to those men who took a specific interproject to confine the names to those men who took a specific interest in it. But there was a rivalry between two organizations, and the Committee on Foreign Affairs wisely took gentlemen from both of these organizations and named them in the bill.

Mr. BLOUNT. I rise to a parliamentary inquiry.

Mr. CONGER. I wish to inquire how many—

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER pro tempore, (Mr. SHALLENBERGER in the chair.)

The gentleman from Georgia will state his point of order.

Mr. BLOUNT. I wish to know what is to be the rule in reference

Mr. BLOUNT. I wish to know what is to be the rule in reference to debate on this bill. It seems to me to be a very important measure. The SPEAKER pro tempore. The rule is, as the Chair understands it, that debate may extend for one-half hour, to be equally divided between the friends and opponents of the measure, on the motion to

suspend the rules.

Mr. COX. The gentleman from Michigan can take his quarter of an hour if he desires it, or longer, as I shall not consume any of the time myself. I merely wish to state to the House that there is no appropriation in this bill. There is no responsibility on the part of the United States connected with this bill, and there is no provision for a future appropriation to come out of the Treasury under this bill. Mr. BLOUNT. I insist upon enforcing the rule in reference to de-

The SPEAKER pro tempore. The question under the rule will then Mr. O'NEILL. I hope there will be permission given to interrogate the gentleman having this bill in charge as was applied in the case of the preceding bill reported by the gentleman from Maryland.

Mr. BLOUNT. I insist upon the point of order.

The SPEAKER pro tempore. The question will be upon seconding the metion to generate the rules.

the motion to suspend the rules.

Mr. CAMP. The vote on that is to be taken by tellers. I ask that there be appointed tellers on the motion.

The SPEAKER pro tempore. The rule requires the vote shall be taken by tellers, if demanded.

The SPEAKER pro tempore appointed Mr. Cox and Mr. Conger as

Mr. COX. The House evidently does not understand the question

Mr. COX. The House evidently does not understand the quantum on which it is to vote.

Mr. CONGER. I have made no objection to the suspension of the rules, and do not see why I should be appointed.

Mr. COX. This bill does not take a dollar out of the Treasury—

Mr. BLOUNT. I object to debate, and demand the regular order. The SPEAKER pro tempore. The regular order is on seconding the motion to suspend the rules.

The House divided; and the tellers reported—ayes 112, noes 17.

Mr. BLOUNT. No quorum has voted.

The House again divided; and the tellers reported-

So the motion to suspend the rules was seconded.

The SPEAKER pro tempore. The question now recurs on the motion to suspend the rules, on which debate for fifteen minutes is allowed on each side.

Mr. COX. For myself, Mr. Speaker, I do not care about debating this question. I yield to my colleague from New York, [Mr. COVERT.]

The SPEAKER. The Clerk will report the proposed amendments

The Clerk read as follows:

It is moved to amend by inserting in the title of the bill the following words: "or on Long Island," so that if amended, the title will read: "In the city of New York or on Long Island." Also insert in the eighth line of the first section, after the words "city of New York," the words "or on Long Island."

Mr. COVERT. I will not ask the further reading of the proposed amendments. The object of the amendments is to allow an alternative as to the place of location.

Mr. Speaker, I do not desire to retard or in any manner embarrass the prompt passage of this bill, or rather of a measure of this general character. I simply desire to call the attention of my colleague [Mr. Cox] and of the House to a suggestion which it seems to me ought to be considered at this time.

Mr. McMILLAN. Will the gentleman from New York permit me to ask him a question?

Mr. COVERT. Not now, for my time is limited. I shall be glad to answer when I have finished my suggestion.

At this early day none of us can tell with any degree of certainty the proportions and the magnitude which this proposed exposition. may assume. The time for its occurrence is fixed three years hence. It will be the aim of its projectors undoubtedly to make it in every

respect worthy of the time and in every regard worthy of the people by whom and among whom the exhibition shall be held.

In this view of the matter the question of proper ground room for the accommodation of those in attendance and for the proper arrangement of articles for exhibition, becomes a question of vital importance. The city of New York is a city great and grand in everything except in the matter of its area. Its teeming population is compressed within narrow limits, and there is within the city lines but small verge and scope, it seems to me, for the proper carrying out of an exposition such as is proposed by this bill, and such an exhibition as is hoped for by its promoters. Apart from the Central Park, I know of no appropriate place within the whole limits of the city where space enough can be secured for the purposes contemplated here. And even the park, spacious and complete as it is for its legitimate purposes, would be insufficient, with its appliances of shade-trees and ornamental walks, for the real objects and purposes of the commission. But just across the East River, connected with the city by a score of avenues of travel, lies Long Island, with an area large enough for every possible requirement of this character. Lying on the opposite bank of the East River are Brooklyn and Long Island City; beyond are numerous villages and outlying localities, at any one of which this exhibition might be held.

A little further removed, but very accessible, is Stewart's Garden City, lying in the midst of a level plain, and most admirably adapted for the purposes of the proposed exposition. To meet these conditions, I have prepared an amendment to the pending bill, and I ask ment of articles for exhibition, becomes a question of vital impor-

for the purposes of the proposed exposition. To meet these conditions, I have prepared an amendment to the pending bill, and I ask the consent of my colleague, [Mr. Cox.] having this measure in charge, to the consideration of this amendment at this time. It is not compulsory in its character. It will be noticed that the bill limits the place of holding the exposition within the boundaries of New York City. My amendment simply gives elasticity to this restriction. It permits the holding of the exhibition on Long Island. It is in the alternative simply and is intended to give the commission the power to hold the exhibition there if they shall find that they would be "cribbed, cabined, and confined" by holding it in New York City. It is proposed to give them this power without driving them to the possible, and it seems to me probable, necessity of coming again to Congress for a supplemental bill to give them this power. I sincerely hope, sir, that the rule may be relaxed and that the proposed amendment may be considered at this time.

Mr. WARNER. I would like to ask the gentleman from New York in charge of this bill how much money this is going to call for in future?

future?

Mr. COX. I have already stated that there is no appropriation in this bill of any money out of the Treasury. There is no responsibility on the part of the United States for a dollar if the bill is passed.

on the part of the United States for a dollar if the bill is passed.

Mr. ATKINS. Are you never going to ask any for it?

Mr. COX. No, sir; the bill expressly denies it. We will never ask for any money from the Treasury.

A Member. What! never?

The SPEAKER. There are certain amendments reported by the committee to this bill. The motion, therefore, will be to suspend the rules and pass the bill, as recommended by the committee.

Mr. O'NEILL. I desire to make a suggestion here. I am in favor of this bill. I am in favor of anything which adds to the progress and greatness of our country. The gentleman who has just taken his seat [Mr. COVERT] spoke of New York being great in every respect, spoke of its metropolis as being a great city and a city of great ideas. Now, that city and that State, as represented upon this floor a few years ago, showed its distinguished greatness and generous ideas by opposing the centennial exposition, the appropriations for carrying it out, and all Government aid to it because it was to be held in Philadelphia and not in New York. I want to ask my friend from Illinois—I see Mr. Springer looking at me—I wish to ask him whether he has looked through this bill with that care that he usually gives to such matters; whether he has listened to the reading of it, and Mr. O'NEILL. I desire to make a suggestion here. I am in favor

whether he noticed if there is to be any appropriation made under it? Had he not better at this early day in the consideration of the present proposition move to insert positively and absolutely that no money shall ever be appropriated by the United States Government to pay expenses hereafter which may be incurred in its progress?

I went to say in all friendship and in all kindness to patriotic men throughout the country, that the State of New Jersey, the State of Penns; Ivania, and the State of Delaware—

Mr. IAWLEY. And Connecticut.

Mr. IfAWLEY. And Connecticut.
Mr. O'NEILL. Yes; and Connecticut.
Mr. O'NEILL. Yes; and New Hampshire.
Mr. O'NEILL. Yes; and New Hampshire; that those five States of this Union alone contributed, as States, to the great exhibition which celebrated the centennial of the birth of the nation in Philadelphia-five States only, the State of New York not being among them.

Mr. MORSE. Massachusetts did.

Mr. O'NEILL. Not as a State directly. I want to warn those who may embark in this enterprise, who may take the stock liberally, that some day they may come here and ask to be helped. I acknowledge the greatness of New York as a commercial center; I acknowledge the readiness of personal effort and the greatness of individual ability in that city in trying to accomplish anything for the personal benent of individuals who take part in enterprises; but, sir, Philadelphia worked for six years, not for the benefit of the individual, but for the glory of the country, to accomplish what she completed on the 10th day of May, 1876, and invited the whole people of the nation there; and the people of the whole earth came to see what her individual enterprise and the liberality of the State and city had accomplished, with the aid of subscriptions from but five other States. New York was wanting there. Now, to-day Pennsylvania is not wanting in giving her support to the passage of the bill creating and organizing this commission.

Before I take my seat I will ask the gentleman from New York another question. Of course in listening to the reading of a long bill, such as this is, it is impossible not to miss something. I ask him if this bill is framed to any extent upon the bill passed for creating a

this bill is framed to any extent upon the bill passed for creating a commission for the centennial exposition?

Mr. COX. Many of the provisions we copied from that bill; but not the nineteenth section, which denies all possible responsibility now or hereafter for any debt or obligation possible to be incurred on the part of the United States. It denies that hereafter there shall be any appropriation; so that the bill comes here with clean hands.

Mr. O'NEILL. Just as our bill came here with the cleanest of clean hands; and just as that enterprise was started by Philadelphia and Pennsylvania and was carried successfully through and ended with the cleanest of clean hands. Nothing in America, nothing in the whole world in the line of these expositions, ever showed a cleaner record than was shown when the affairs of the centennial exhibition were wound up.

record than was shown when the analys of the centennial exhibition were wound up.

Mr. COVERT. Let me make a suggestion to the gentleman from Pennsylvania. I call the attention of my friend from Pennsylvania and the House to a precedent adopted only a short time ago in this House. I had the honor to report from my committee a bill authorizing the holding of an international sheep and wool exhibition in he city of Philadelphia, to be held in 1880. The bill gave the sanction of the Government to that enterprise, the same as this bill does to the exhibition in New York.

exhibition in New York.

Mr. O'NEILL. I wish the gentleman from New York [Mr. Covert] to understand that I am not opposing this bill. I could not in view of the past oppose the idea of having expositions of American industry anywhere. I want to make a suggestion to the gentleman from New York, and to the gentlemen named in the bill. Let them as they proceed with this movement consult with those who were foremost in carrying on the centennial exhibition in Philadelphia. Let them go and take advice from them, and they will find them a set of pure-minded gentlemen who had nothing at heart but the interests of the country and the showing its great development in one hundred years.

Mr. COVERT. When we do go to consult some of the distinguished citizens of Penyslvenia, they are not these.

citizens of Pennsylvania, they are not there.

Mr. O'NEILL. They are always there. I am for the bill of course.

Mr. FIELD. I ask the gentleman in charge of this bill to accept an amendment which I will indicate. I propose to strike out these words, which I find on page 5, line 9, of the printed bill:

And it shall be lawful for any municipal or other corporate body existing by or under the laws of the United States or of any State to subscribe and pay for shares of said capital stock and.

Now, it is not competent for Congress to authorize a municipal corporation of a State to subscribe for such stock, and it is not fit that Congress should undertake to do it. I doubt too whether it is competent for Congress to authorize a body incorporated under the law of a State against its act of corporation to subscribe for such stock. of a State against its act of corporation to subscribe for such stock. There are then left the municipal and other corporations existing under the laws of the United States. There are in this District, I do not know what corporations, but some insurance companies, some savings-banks or trust companies perhaps; and some existing elsewhere. I doubt whether it is good policy to authorize all these corporations or the city of Washington to subscribe for this stock. I suggest the words which I have read be stricken from the bill, and I send to the desk an amendment proposing to strike them out.

Mr. COX. I have no objection to that amendment.
Mr. BAYNE. Do not strike out those words. Let them remain.
Mr. COX. I do not think they can do any harm.

Mr. HAWLEY. It does no harm to leave in those words. simply a permission for the international commission to accept such subscriptions. Whether the corporations shall subscribe or not is a matter for themselves to determine under the laws which incorporate them

Mr. GARFIELD. This does not empower a corporation to do anything. It simply allows the commission to accept anything which

thing. It simply allows the commission to accept anything which may be offered by any corporate body.

Mr. FIELD. It allows every corporation incorporated by laws of the United States to subscribe for shares of this stock.

Mr. HAWLEY. That does not amount to anything.

Mr. FIELD. It may amount to considerable.

Mr. HAWLEY. It is surplusage; nothing else.

Mr. BAYNE. Better leave it in.

Mr. COX. Although that may be found in the printed bill which the gentleman has in his hand, it was stricken out by the Senate.

Mr. FIELD. I did not know that.

Mr. COX. It is already out of the bill.

Mr. BLOUNT. Let the section be read.

Mr. FIELD. It is very plain that section 9 in the printed bill is not in the bill as sent to us by the Senate. If the gentleman from New York [Mr. COX] says that the bill sent us by the Senate does not contain the provision I have alluded to—

Mr. COX. I have already said so.

not contain the provision I have alluded to—
Mr. COX. I have already said so.
Mr. FIELD. Then I withdraw my amendment.
The SPEAKER. The question then is on the motion to suspend the rules and pass the bill with the amendments recommended by a committee of the House.
Mr. CARLISLE. I desire to call the attention of my friend from New York to the question of the power of Congress to incorporate a purely local company in the State of New York. I dislike very much to make an argument against this bill and will not attempt to do so, because I am not unfriendly to the object sought to be promoted by it; but it does seem to me that we ought to hesitate before we enter upon a course of legislation which recognizes the constitutional power upon a course of legislation which recognizes the constitutional power of the Congress of the United States to incorporate a company in a State, that company having no connection whatever with the opera-tions of the Government in any form. I do not understand that it has ever been contended that the power existed in Congress to create corporations except in cases where the corporation itself was to become an instrument in the hands of the Government for the execution

of some one of its delegated or implied powers. I have never understood anybody to go beyond that.

Certainly Mr. Webster, whose opinions upon constitutional law were supposed at one time to have some value in this country, always conceded that an attempt on the part of Congress to create a corporation having no connection whatever with the execution of any of the powers of the Government would be unconstitutional and void.

of the powers of the Government would be unconstitutional and void. The Supreme Court of the United States, in an opinion delivered by Chief-Justice Marshall, who certainly was not disposed to restrict the powers of Congress or of any department of the General Government, expressly held that Congress had the power to create the United States Bank, solely because that institution, when created, was one of the instruments by and through which the fiscal operations of the Government were to be conducted; in other words, that Congress had no power to create a corporation merely as an end, but as a means toward the execution of some other power which had been conferred upon it by the Constitution. been conferred upon it by the Constitution.

been conferred upon it by the Constitution.

I have before me the argument of Mr. Webster in that case, and the decision of the court, which I will not now take time to have read; but I desire to call the attention of the House, and especially of my democratic friend from the city of New York, [Mr. Cox.] to this proposition, and to ask him to explain to this House upon what principle it is that Congress can create a corporation in the State of New York for the purpose of transacting business in that State and having no connection whatever with the Government or with the meraticus of any of its departments.

operations of any of its departments.

Mr. HISCOCK. I would ask the gentleman upon what principle he would discriminate between this bill and the general banking law, as

to the power of Congress?

Mr. CARLISLE. The national banks are depositories of the Government funds.

ernment funds.

Mr. HISCOCK. Not all of them.

Mr. CARLISLE. But by the very law which created them the Secretary of the Treasury is authorized to designate certain national banks as depositories of the public funds, and may designate all of them.

Mr. HISCOCK. Does the gentleman contend that the constitutionality of the general banking law depends upon that fact?

Mr. CARLISLE. I do not. The Supreme Court of the United States has apparently decided that Congress has the power to create national banks for the purpose of giving a currency to the people, because Congress has a right to furnish a currency to the country. The gentleman will find it so decided in 8 Wallace, I think.

But here is a proposition to create a corporation having no connection, directly or indirectly, with the powers of the General Government; no more connection with those powers than has a turnpike company, or a plank-road company, or a trading company, in the State of New

York, or the State of Nebraska, or any other State. I submit to the House, without entering at length upon an argument, that if Congress can pass this bill, it may also pass bills creating all other kinds of corporations throughout the length and breadth of the country.

Mr. PRICE. Will the gentleman allow me to call his attention to

one fact ?

Mr. CARLISLE. Certainly. Mr. PRICE. As a matter of course I do not enter into a contro-Mr. PRICE. As a matter of course I do not enter into a controversy about constitutional law with my friend from Kentucky, [Mr. Carlisle.] But I would say with reference to the national banks that the law authorizes the establishment of national banks without any circulation, and without being public depositories. Neither of these things enter into the constitution of a national bank unless the bank itself shall so elect.

Mr. CARLISLE. Now, in the case of these—
Mr. COX. I claim the floor. My friend from Kentucky asked me

a question.

Mr. CARLISLE. Let me answer the gentleman from Iowa, [Mr.

Mr. CARLISLE. Let me answer the gentleman from Iowa, [Mr. PRICE.]

Mr. COX. I propose to respond to the question which was put to me. I do not propose to wander off into a discussion of the banking system; for there would be no end to a debate on that subject.

Mr. CARLISLE. I would like to know by what right the gentleman from New York takes me off the floor.

The SPEAKER. Nobody has yet spoken against the bill. Fifteen minutes must be allowed in opposition to the bill.

Mr. COX. Nobody has spoken for the bill at all, as I understand, except for about one minute.

The SPEAKER. The Chair thinks that nobody has spoken against it except the gentleman from Kentucky. The gentleman from Pennsylvania [Mr. O'NEILL] spoke in favor of it.

Mr. McMILLIN. Also the gentleman from New York [Mr. Covert] to whom his colleague [Mr. Cox] in charge of the bill yielded.

The SPEAKER. Members opposing the bill surely have the right to fifteen minutes.

Mr. COX. I will not restrict debate while it proceeds according to the rules. I want to have the rules followed.

the rules. I want to have the rules followed.

The SPEAKER. The rules are being enforced.

Mr. CARLISLE. If the gentleman from Iowa will examine the case of Veazie Bank vs. Fenno, 8 Wallace, decided by the Supreme Court of the United States, he will find it was there held that the power to create national banks, or rather to authorize the creation of national banks, (because the act of Congress does not incorporate any bank but simply authorizes individuals to associate themselves together in a certain manner and when so associated to have corporate powers,) results from the power of Congress to coin money, emit bills of credit,

and give to the country a currency.

Mr. PRICE. But my friend from Kentucky must remember that the national-bank law, while it authorizes persons to associate themselves together for the establishment of banking institutions, provides also that there is no obligation upon any banking association to take out circulation or to become a Government depository. A national bank cannot become a Government depository, even if it be so commanded by the Secretary of the Treasury, unless it deposits an

additional amount of bonds.

Mr. CARLISLE. Very well; I do not propose now to discuss the constitutionality of the national-banking law.

Mr. PRICE. But I suggest whether that is not a parallel case to

Mr. PRICE. But I suggest whether that is not a parameter the establishment of a corporation in the city of New York.

Mr. CARLISLE. I will read from the celebrated United States
Bank case a single sentence of the argument of Mr. Webster in support of the power, from which it will be seen that he expressly admits that if the corporation had no connection with the execution of the powers of the Government, it would be unconstitutional for Congress to attempt to create it. After having spoken on that clause of the Constitution which gives to Congress authority to pass all laws that may be necessary and proper to carry into execution the powers conferred upon it by the Constitution, Mr. Webster said:

Among other means it has established a bank; and before the act establishing it can be pronounced unconstitutional and void, it must be shown that a bank has no fair connection with the execution of any power or duty of the National Government, and that its creation therefor is a manifest usurpation.

Now, the question which I want to propound to my friend from New York [Mr. Cox] is, what connection the corporation which this bill proposes to create has with the execution of any of the powers or functions of Congress or with the execution of any of the powers of the Federal Government. I say with Mr. Webster, that unless you can show this you are bound to admit that an attempt upon the part of Congress to create such a corporation is unconstitutional and a

of Congress to create such a corporation is unconstitutional and a manifest usurpation.

Mr. HAWLEY. Mr. Speaker—

Mr. COX. The gentleman from Kentucky propounded a question to me; and before the gentleman from Connecticut takes the floor I will answer it. I believe that the power of Congress to regulate commerce, to regulate customs duties, and to do various other acts necessary in conducting this exposition, bring this bill within the purview of our constitutional authority. Although the gentleman may not have known of corporations being heretofore constituted by Congress, I can refer him to the case of the Bolivian Company, incorporated by act of Congress for the purpose of opening to us certain porated by act of Congress for the purpose of opening to us certain

countries of South America. That company was incorporated by act of Congress because a State charter would not have answered the purpose. So, in this case, we must have an act of incorporation from this Federal center for the purpose of extending invitations to foreign nations, and in other ways conducting this enterprise in a manner comporting with the dignity of the country.

Mr. BLOUNT. I make the point of order that the time for debate

has been exhausted.

The SPEAKER. The time for debate in favor of the bill has been exhausted.

Mr. COX. I believe I spoke on that side. I yield to my friend from

Connecticut, [Mr. HAWLEY.]
The SPEAKER. There are, the Chair thinks, about six minutes remaining of the fifteen minutes allowed to the opposition under the

Mr. HAWLEY. I would like to occupy three minutes. The SPEAKER. The gentleman from Connecticut asks to occupy

three minutes.

Mr. HAWLEY. Mr. Speaker, the States have nothing in the world to do with foreign intercourse. They cannot touch it.

Mr. CARLISLE. Is this a company to carry on foreign commerce?
Mr. HAWLEY. The States have nothing to do with foreign intercourse. They cannot make a national exhibition. They cannot invite the participation of foreign nations in any such exhibition. They cannot send a letter of invitation to any foreign government to take part in it. If we are to do anything of that sort as other nations, it must be done by a national charter and national invitation. The whole matter of foreign intercourse is in the hands of the General Government, and quoad hoc, as the lawyers say, this is an absolute, perfect government, with entire charge of all that pertains to foreign intercourse and foreign commerce. That which we cannot do across the river, beyond the boundary lines of this District, we have abundant right to do as a nation. We cannot charter a Virginia State fair, and we have no right to contribute anything to the poor of Virginia or Massachusetts, while we have a right to give half a million to Ireland, if we choose to do it. As to international intercourse all outside of our boundaries, all that relates to other countries, we are a complete and perfect nation. We do not assume to say what they can do in New York, what they can do with their lands there. If this corporation should get from the State of New York legislation ratifying it and confirming it and assisting it, that would put it perfectly

I beg gentlemen not to stand in the way of this bill. I say, sir, these international exhibitions are worth a thousand dollars for every cent they cost the country or individuals; worth it in promotion of international intercourse and friendship; worth it in promotion of trade. There is not a branch of industry in this country, there is not an art which has not been promoted by the great international exhibition of 1876.

bition of 1876.

[Here the hammer fell.] Mr. BLOUNT. How much time is left? The SPEAKER. Three minutes.

Mr. BLOUNT. Mr. Chairman, I can say but little in that time. I Mr. BLOUNT. Mr. Chairman, I can say but little in that time. I remember quite well some time ago, under the leadership of the gentleman from New York, when we complained of just such legislation as this which is now proposed to be enacted, we then had the assurance which the gentleman now gives us, that Congress would not be called upon for any aid in behalf of this international exhibition. The gentleman from New York himself was then suspicious about it, and he fought it. Time passed along, sir, and aid was given by the Government. It is true, as has been stated already in this debate, that the money was refunded but every single session of Congress since the money was refunded, but every single session of Congress since then Philadelphia is back here insisting and reinsisting that that money shall be paid back to her.

Mr. KELLEY. Philadelphia?

Mr. BLOUNT. Yes.

Philadelphia? No; nor Pennsylvania either. Mr. KELLEY.

Mr. BLOUNT. I object to interruption.

Mr. KELLEY. There is no demand for the return of the money from

Mr. RELLET. There is no detailed.

Mr. BLOUNT. The gentleman does not keep up with the times. I have seen gentlemen from Philadelphia, in the room of the Committee on Appropriations, urging that very matter this winter.

Mr. KELLEY. You are mistaken; a gentleman came here from New Jersey, but the delegation from Philadelphia drove him out of town.

[Laughter.]

Mr. BLOUNT. What assurance is there we are not to have a repetition of this same thing in reference to this New York national exhibition ?

You have the bill.

Mr. BLOUNT. The gentleman says it is in the bill. What does that amount to? Who can prevent gentlemen coming back here in twelve months with another bill? I predict now, just as the gentleman did in the other case, that hereafter, if this is now done, it will be used as the foundation in the future as an argument in favor of

an appropriation from Congress.

Mr. HOOKER. Can you not then vote against it?

Mr. BLOUNT. Yes, I can vote against it; but I know how these matters come in. I know the system which is usually resorted to in reference to projects of this sort. It was then said we were not

bound by a recognition on the part of the Government to make any

bound by a recognition on the part of the Government to make any appropriation.

Mr. NICHOLLS. Will my colleague allow me to ask him a question?

Mr. BLOUNT. Not now. The gentleman from Pennsylvania, [Mr. Kelley,] the father of this House, he and others, were back here urging that proposition as a reason why we were bound to vote an appropriation to carry out the exhibition in Philadelphia.

The SPEAKER. The time allowed for debate has expired.

Mr. HUTCHINS. If I understand the gentleman's argument—

Mr. BLOUNT. I demand the regular order.

Mr. GARFIELD. Does the gentleman wish to shut off debate?

Mr. COX. I do not.

Mr. BLOUNT. I do; because you come here with a motion to suspend the rules and pass a bill of this character cutting off all general debate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced the passage of an act (S. No. 1643) to provide that whenever the circuit and district courts of the United States are held at the same time and place there shall be but one grand or petit jury summoned to attend on said courts at one and the same time; in which concur-

rence was requested.

It further announced concurrence in House resolution to print 100,000 copies of the Special Report No. 22, of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate the diseases of swine, &c., with amendments, in which

concurrence was requested.

DISEASES OF SWINE, ETC.

Mr. SINGLETON, of Mississippi. I move, Mr. Speaker, by unanimous consent that the amendments of the Senate to House resolution in reference to printing the report on the diseases of swine be taken up and referred to the Committee on Printing.

There was no objection, and it was ordered accordingly.

NEW YORK INTERNATIONAL EXHIBITION.

The SPEAKER. The question now is on suspending the rules and passing the bill, as amended, from the Committee on Foreign Affairs.

Mr. BUCKNER. On that I demand the yeas and nays.

The yeas and nays were ordered.

Armfield, Atherton, Atkins, Blackburn,

Bragg,
Buckner,
Cabell,
Caldwell,
Carlisle,
Chalmers,
Clark, John B.

Acklen, Aldrich, N. W. Bachman, Barlow, Beale,

Bland, Blount,

Cobb,

The question was taken; and it was decided in the affirmativeyeas 143, nays 56, not voting 93; as follows:

YEAS-143.

Aiken.	Dwight,	Lapham,	Shallenberger,
Aldrich, William	Einstein,	Lindsey,	Shelley,
Anderson,	Errett,	Loring,	Sherwin,
Bailey,	Farr,	Lowe,	Slemons,
Baker,	Ferdon,	Martin, Benj. F.	Smith, A. Herr
Ballou,	Field,	Martin, Joseph J.	Smith, Hezekiah B.
Barber.	Ford,	McCoid,	Springer,
Bayne,	Forney,	McCook,	Starin.
Bicknell,	Fort,	Miles,	Stevenson,
Bingham,	Frye,	Money,	Stone,
Blake,	Garfield,	Monroe,	Thomas,
Bowman,	Geddes.	Morse,	Tillman,
Boyd,	Godshalk,	Morton,	Townsend, Amos
Brewer,	Goode,	Muldrow,	Updegraff, J. T.
Brigham,	Hall.	Muller.	Updegraff, Thomas
Browne,	Hawk,	Myers,	Upson,
Calkins,	Hawley,	New,	Urner,
Camp.	Hayes,	Newberry,	Valentine,
Cannon,	Heilman,	Nicholls,	Van Aernam,
Carpenter.	Henkle,	Norcross,	Van Voorhis,
Chittenden,	Henry,	O'Connor,	Voorhis,
Coffroth,	Hiscock,	O'Neill,	Waddill.
Colerick,	Hooker,	Orth,	Wait,
Conger,	Horr,	Osmer,	Ward,
Converse,	Houk,	Page,	Warner,
Covert.	Hubbell,	Phelps,	Wells,
Cowgill,	Hull,	Pierce,	Whiteaker,
Cox,	Humphrey,	Prescott.	Wilber,
Crapo,	Hutchins,	Price,	Williams, Thomas
Cravens,	Jones,	Reed,	Willits,
Davis, George R.	Keifer,	Richardson, D. P.	Wilson,
Davis, Horace	Kelley,	Richardson, J. S.	Wise,
Davis, Joseph J.	Ketcham,	Russell, Daniel L.	Wood, Fernando
De La Matyr,	Killinger,	Ryon, John W.	Wright,
Deering,	Kimmel,	Sapp,	Young, Thomas L.
Dunnell,	Klotz,	Sawyer,	

NAYS-56.

Cook,	House,	Singleton, O. R.
Culberson,	Hunton,	Smith, William E
Davidson,	Johnston,	Speer,
Davis, Lowndes H.	Kenna,	Steele.
Dibrell,	McKenzie,	Taylor,
Elam,	McMillin.	Thompson, P. B.
Felton,	Mills,	Thompson, W. G
Frost,	Murch,	Townshend, R. W.
Gillette,	Philips,	Tucker,
Gunter,	Reagan,	Turner, Oscar
Hammond, N. J.	Richmond,	Turner, Thomas
Hatch,	Rothwell,	Weaver,
Herndon,	Scales,	Wellborn,
Hostetler,	Simonton,	Whitthorne.

NOT VOTING-93.

Belford,	Briggs,
Beltzhoover,	Bright,
Berry,	Burrows,
Bliss,	Butterworth,
Bouck,	Caswell,

Claffin Clardy, Clark, Alvah A. Clymer, Crowley,

Daggett,	Herbert,	McLane,	Russell, W. A.
Deuster,	Hill,	McMahon,	Ryan, Thomas
Dick,	Hurd,	Miller,	Samford,
Dickey,	James,	Mitchell,	Singleton, J. W.
Dunn,	Jorgensen,	Morrison,	Sparks,
Ellis.	Joyce,	Neal,	Stephens,
Evins,	King,	O'Brien,	Talbott,
Ewing,	Kitchin,	O'Reilly,	Tyler,
Finley.	Knott,	Overton,	Vance,
Fisher,	Ladd,	Pacheco,	Washburn,
Forsythe,	LeFevre,	Persons,	White,
Gibson.	Lewis,	Phister,	Williams, C. G.
Hammond, John	Lounsbery,	Poehler,	Willis,
Harmer.	Manning,	Pound,	Wood, Walter A.
Harris, Benj. W.	Marsh,	Rice,	Yocum,
Harris, John T.	Martin, Edward L.	Robertson,	Young, Casey.
Haskell.	Mason,	Robeson,	
Hazelton.	McGowan,	Robinson,	
Henderson,	McKinley,	Ross,	

So (two-thirds voting in favor thereof) the bill was passed. The following pairs were announced from the Clerk's desk: Mr. Berry with Mr. Ryan, of Kansas.
Mr. MITCHELL with Mr. GUNTER.

Mr. HARMER with Mr. O'REILLY.

Mr. Harris, of Massachusetts, with Mr. Lewis. Mr. Martin, of Delaware, with Mr. Smith, of Pennsylvania. Mr. Sparks with Mr. White.

Mr. Ladd with Mr. Joyce. Mr. Clymer with Mr. Hubbell on all political questions. Mr. Phister with Mr. Overton.

Mr. KNOTT with Mr. ROBINSON.

Mr. O'BRIEN with Mr. JAMES on all political questions.
Mr. DEUSTER with Mr. POUND on all political questions.

Mr. DEUSTER WITH Mr. POUND ON AN POSITION QUE
Mr. WILLIS WITH Mr. FISHER.
Mr. SAMFORD WITH Mr. MILLER.
Mr. STEPHENS WITH Mr. HAMMOND, of New York.
Mr. CLARK, of New Jersey, with Mr. McGowan.
Mr. LOUNSBERY WITH Mr. FORSYTHE.

Mr. LE FEVRE with Mr. CROWLEY.

Mr. MANNING with Mr. KEIFER on all political questions.

Mr. BLISS with Mr. HERBERT.

Mr. Ross with Mr. Butterworth. Mr. Young, of Tennessee, with Mr. Henderson. Mr. Talbott with Mr. Briggs.

Mr. McKinley with Mr. Bouck. Mr. Poehler with Mr. Washburn.

Mr. Beale on all political questions with Mr. Jorgensen.
Mr. Evins with Mr. Marsh.
Mr. COFFROTH. My colleague, Mr. Bachman, has been called home on account of important business, and also by reason of indisposition. I desire to announce that he was prevented from securing a pair, and is absent from the House for the reason stated.

The result of the vote was then announced as above recorded

PUBLIC BUILDING, PITTSBURGH, PENNSYLVANIA.

Mr. SHALLENBERGER. Mr. Speaker, I desire at this time, by direction of the Committee on Public Buildings and Grounds, to call up the bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania, which I ask to be put upon its passage. The SPEAKER. The bill will be read.

A bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building at Pittsburgh, Pennsylvania, for the accommodation of the circuit and district courts of the United States, the customs officers, internal-revenue officers, the post-office, and any other offices of the General Government in said city, at a cost not exceeding \$750,000.

Mr. DUNNELL. I desire to ask the gentleman in charge of this bill whether a site has been secured for the erection of this building?

Mr. SHALLENBERGER. It has been secured by act of Congress.
The SPEAKER. The Calendar bill in possession of the Clerk has certain words stricken out which have been reinserted in the bill sent up to the desk by the gentleman. The Chair desires to call the attention of the gentleman from Pennsylvania to the fact, and to say that the question should be on the Calendar bill and not on the bill

just sent up.

Mr. SHALLENBERGER. In respect to that, Mr. Speaker, the Committee on Public Buildings and Grounds have several bills upon the Calendar, including this one, all of which, by instruction of a majority of the committee, were amended so as to strike out the limitation as to ultimate cost, after the committee had agreed upon that limit. Since that time the estion of the House and Senate clearly. limit. Since that time the action of the House and Senate clearly favors the retention of the clause limiting cost. In deference to that sentiment the committee will now recommend that this bill pass with the limitation, as it once unanimously passed the committee, restored in the words I have indicated.

Mr. SPRINGER. I suggest to the gentleman from Pennsylvania that he change his motion so as to fix a day upon which all bills of this character may be considered.

Mr. SHALLENBERGER. In reply to the gentleman from Illinois

I will state it is the purpose of the committee to ask that a day or

I will state it is the purpose of the committee to ask that a day or evening be set apart quite early for that purpose.

Mr. BLOUNT. Is debate in order?

The SPEAKER. Debate is not in order until after the motion to suspend the rules is seconded.

Mr. BLOUNT. Then I object to debate now.

The SPEAKER. The question is on seconding the motion to suspend the rules. The Chair appoints as tellers the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

SHALLENBERGER.]

The House divided; and the tellers reported—ayes 90, noes 3.

Mr. BLOUNT. I do not call for further count.

Mr. MILLS. I make the point that a quorum has not voted.

The SPEAKER. The point being made that a quorum has not voted, the tellers will resume the count.

The count was resumed; and the tellers reported—ayes 117, noes 3. Mr. MILLS. I withdraw the point as to a quorum.
Mr. LOWE. I renew it.

Mr. LOWE. I renew it.

Mr. McMahon. I move that the House do now adjourn.

Mr. Shallenberger. Oh no, I hope not. This is the most meritorious bill on the Calendar. There is on the files a letter from the Secretary of the Treasury in favor of this bill, and calling special attention to the needs of the public service, the strongest he has written in favor of any public building now upon our Calendar.

Mr. SPRINGER. I ask the House to give unanimous consent to fix some evening when we will consider all bills of this kind.

Mr. BLOUNT. I hope not. I shall object.

Mr. TOWNSHEND, of Illinois. Let my colleague name a day.

Mr. SPRINGER. I will say Tuesday evening of next week.

Mr. BLOUNT. I object to any day being fixed. We have passed \$900,000 already for public buildings. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion to adjourn.

Mr. McMahon. I withdraw the motion to adjourn.

Mr. CAMP. I renew it.

Mr. CAMP. I renew it.

The question being taken on the motion to adjourn, it was not

The question being taken of the agreed to.

The SPEAKER. The question is on seconding the motion of the gentleman from Pennsylvania [Mr. SHALLENBERGER] to suspend the rules, on which a quorum has not voted. The tellers will resume their places. If gentlemen who have not voted will vote it will save the time that might be occupied in a call of the House.

The tellers resumed the count, and reported—ayes 137, noes 11.

The tellers resumed the count, and reported—ayes 137, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Pennsylvania [Mr. Shallen-Berger] will now indicate his exact motion as to suspension of the rules. This bill is in Committee of the Whole on the state of the Union, and the motion should be, the Chair thinks, to discharge the Committee of the Whole on the state of the Union from the consideration of the whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of the Union from the consideration of the Whole on the state of th eration of the bill and bring it before the House. Thus the Calendar

bill could be amended in manner as desired.

Mr. SHALLENBERGER. I make that motion. The words I desire to add simply restore the bill to the form now recommended by the committee

The SPEAKER. The bill on the Calendar does not contain the

The SPEAKER. The bill on the Calendar does not contain the words which the gentleman from Pennsylvania desires to have added.

Mr. SHALLENBERGER. I do not suppose any debate can be desired on the bill. The papers in this case are conclusive. The written report has been upon the desks of members for weeks, and the necessity of the building recognized by a former Congress in the purchase of a site for the purposes named in this bill.

Mr. BLOUNT. I notify the gentleman from Pennsylvania I shall object to this bill going through without debate. I propose to have some debate upon it.

some debate upon it.

The SPEAKER. That is the gentleman's right.

Mr. SHALLENBERGER. I do not object to debate. I only say that the friends of the bill do not ask it. How much time does the gentleman from Georgia desire?

The SPEAKER. He has the right, under the rule, to fifteen min-

Mr. BLOUNT. Am I recognized?

The SPEAKER. The Chair recognizes the gentleman from Georgia.

Mr. BLOUNT. I trust this House will not pass this bill; not so much because of objections to this particular bill, as because it launches us into a policy in the matter of appropriations against which we have been struggling here for years. In the Forty-fourth Congress we appropriated for public buildings \$1,993,000 during the first session; at the second session of that Congress we appropriated \$2,172,000. In the Forty-fifth Congress, when the democratic majority was smaller, the House at its first session appropriated the sum of \$3,000,000; but at its second session it reduced the amount again to the sum of \$2,155,000.

Mr. VAN VOORHIS. How many buildings did that include?
Mr. BLOUNT. I hope the gentleman will be satisfied by having a private conversation with me after my time is out. The estimates from the Treasury Department, without reference to a single bill reported to this House, amount to \$2,887,000. I have never known since I have been a member of the House but one single bill passed as we have been passing these bills this session. The uniform practice has been to introduce the bills and then when estimates had been made by the Department they came into what was known as the sundry civil bill. Year after year the House has rigidly excluded this method of legislation as to public bills. How is it now? Why, sir, before you have taken up the subject, before you have had your civil sundry bill reported, this House has passed \$900,000 already; eivil sundry bill reported, this House has passed \$900,000 already; more than one-half the amount which you appropriated in the sundry civil bill for the first session of the Forty-fourth Congress and during the last session of the last Congress. About one-half of that amount has already passed through this House before you have even touched your sundry civil bill. What now? My friend from Pennsylvania tells me that the Committee on Public Buildings have reported in favor of a series of public buildings. He brings before us one that will cost \$750,000 and notifies us this is just the beginning. Mr. McKENZIE. I wish to ask the gentleman from Georgia whether

he has not a bill before that committee?

Mr. BLOUNT. I have a bill before that committee. But that bill has nothing to do with the policy of this House. If the gentleman from Kentucky thinks that bill has no merits in it, let him meet me

and join issue with me on the merits of my bill.

I am not here for the purpose of asking Congress to appropriate money for this thing. Just because I may have seen fit to ask for a public building, I do not therefore ask Congress to abandon its past policy and vote millions of dollars where heretofore it has been voting hundreds of thousands, nor do I represent a constituency that makes any demand of that sort.

Mr. ATKINS. May I ask the gentleman a single question?
Mr. BLOUNT. Certainly.
Mr. ATKINS. I desire to know whether this bill makes an appropriation or not?

Mr. COOK. Not a dollar.

Mr. BLOUNT. I understand that it does not. Originally the bill contained an appropriation. There has been recommended the appropriation of \$2,000,000, not for the completion of buildings, but for work upon new buildings to be commenced during the next fiscal year, and to be added to the estimates contained in this book. That would double the amount of appropriations which we have heretofore been making.

It has been argued with reference to the buildings already commenced that they ought to be completed, that true economy required that before you inaugurate the policy of commencing new buildings you should vote the money to finish the buildings already begun. That was the argument at one time.

Then there came a complaint about inequality and injustice toward Then there came a complaint about inequality and injustice toward some sections of the country, and propositions are brought forward for the erection of new buildings. You are told that there is no appropriation made in this bill, not a dollar. But who does not know that this is simply the initiatory step? If you grant the authority for constructing this building, then when the sundry civil bill comes in those advocating this building, as well as every other new building authorized by Congress, will come before this body asking for appropriations. priations.

The Forty-fourth and Forty-fifth Congresses, taking note of the practice of this House in reference to public buildings, refused all such applications. They said that the obligations already incurred in that regard were enough for the time being. We have therefore held back from year to year, endeavoring to complete the buildings

already commenced.

Now all of a sudden we have here a great rush of propositions for constructing new public buildings, propositions calling for \$4,000,000. Now if this bill, involving an expenditure of \$750,000, shall pass this House, as a forerunner of other bills involving three or four millions of dollars, then before this session closes we will have appropriated twice, and in all probability three times what we have been in the habit of voting for public buildings. Every one that this House authorizes begets another. And unless members of this House shall see fit to restrain this expenditure at the threshold, if they shall yield to personal preferences and pressure from localities, then the expenditures made by this Congress for public buildings will surpass that of any Congress we have yet had.

For one I protest against it. I do not know what may be the pleasure of this House. It may blindly and heedlessly rush forward and vote away millions of dollars for the construction of public build-

ings.

Some gentleman says "what of it?" What of it! Why, sir, it means nothing else than a continuation of taxation; it means nothing else than keeping your revenue laws fastened upon the people; it means nothing else than continuing your tariff laws for years longer as a burden upon the people. This is what it means, and gentlemen cannot escape it.

There is but one method by which we can reduce taxation, and There is but one method by which we can reduce taxation, and that is by reducing our expenditures. If we are to have relief from taxation we must have an abatement of expenditures. That gentleman but trifles with himself and with his constituency who smiles when these vast sums of money are being appropriated, and asks the question, "What of it?" "What difference does it make?"

Year by year we have seen the growth of the river and harbor appropriations for that purpose gradually increasing. Bureau after bureau in our Departments is building itself up and magnifying itself, and all that we can do is simply to retard it in a measure.

that we can do is simply to retard it in a measure.

Increase of expenditure is something which I would fain stay. But

I am well assured from what I have seen here that there is no hope for it. I trust we may make some abatement when we have gone on and made the appropriations for the coming year which the Secretary of the Treasury says is necessary for work on buildings now commenced. The amount he estimates for is \$2,800,000, and that will not complete them. This House has already voted \$900,000 for new buildings, making with the estimates of the Secretary of the Treasury \$3,700,000; more than has been voted in any one year since the democratic party has had possession of this House. If you do not pass another bill of this kind you will have reached the point to which you have heretofore been in the habit of going.

I simply want to call attention to this question. Whatever the for it. I trust we may make some abatement when we have gone on

I simply want to call attention to this question. Whatever the House may see fit to do, I shall accept with that deference which is due to the body of which I am a member; but, being aware of these facts, I must raise my protest against this expenditure.

Mr. SHALLENBERGER. I now yield to the gentleman from Geogia, [Mr. COOK,] chairman of the Committee on Public Buildings and Grounds.

Mr. COOK. Mr. Speaker, the Government is now paying more than a million dollars annually for rent of buildings for the public offices and public records of this country. From \$130,000 to \$150,000, probably, is being paid in this city to-day for this purpose. The question presented is whether this Government should erect court-houses, postoffices, &c., for the transaction of the public business, or whether it offices, &c., for the transaction of the public business, or whether it should go on paying rent from year to year. This rent amounts to more than the interest on the money which would be required to erect the necessary public buildings. According to the estimate of the Secretary of the Treasury, \$5,000,000 would meet the expenditures now required for these purposes; \$3,000,000 would probably complete the buildings now being constructed, leaving about \$2,000,000 to be appropriated for new buildings. The Committee on Public Buildings and Grounds, when they had the right to recommend bills making appropriations, proposed to keep themselves within this limit. When the House took that matter from our committee, we recommended quite a number of these public buildings which we deemed to be necessary in order to save the vast amount which the Government is now paying as rent. now paying as rent.

But I want to show that this great expenditure upon public buildings has come, not from the Committee on Public Buildings and Grounds, but from the Committee on Appropriations. I have here a report to which I refer in support of my position. In the case of the United States post-office and sub-treasury at Boston, the cost was originally limited to \$1,500,000. That limitation originated with the Committee on Public Buildings and Grounds. Since that limitation was fixed there has been spent upon that building \$4,850,000.

Mr. ATKINS. That is not the fault of the Committee on Appro-

Mr. COOK. Yes, sir; the appropriations have been made in your

bills year after year.

Mr. ATKINS. The Secretary of the Treasury made the estimates; and the Committee on Appropriations only reported appropriations in accordance with the estimates, or below them. Congress is responsible,

not the Committee on Appropriations.

Mr. COOK. The amount was estimated for and put into your appropriation bills. Now, I want to call attention to some facts in regard to the public building at Hartford, Connecticut. The cost of that building was limited originally to \$100,000. Afterward, in 1874, the limit of cost was extended to \$400,000. There has been spent in all upon this building, through the agency of the Appropriations Committee recommending these appropriations, \$675,000; and the Secretary of the Treasury recommends that committee to-day to appro-

tary of the Treasury recommends that committee to-day to appropriate \$125,000 more to complete the building.

What is the cause of this extravagance in the construction of these public buildings? The Committee on Public Buildings and Grounds have endeavored in every case to set a limit upon the cost of the building, but the Committee on Appropriations, with a liberality remarkable in them, have exceeded those limits by millions of dollars. The gentlemen who had charge of this public building at Hartford seem to have understood thoroughly how the thing was to be done. Commencing with a limitation of \$100,000 the appropriations have been swelled to \$675,000, and the sum of \$125,000 is still asked to complete the building. This is only equaled in the history of this country by the building. This is only equaled in the history of this country by the difference between the original bids of some of the star-route bidders and the amounts subsequently obtained by them for the carriage of the mails. In justice to the Committee on Public Buildings and Grounds, I ask to have read the resolution adopted by a subcommittee of that committee.

The Clerk read as follows:

The sub-committee from the Committee on Public Buildings and Grounds, at a meeting held on Wednesday, the 10th day of December, 1879, adopted the following resolution:

Resolved. That this sub-committee, in considering all bills for the erection of public buildings or for the extension of the same, will require of the member introducing the bill a statement in writing showing the amount of revenue received from all sources whatever; the post-office statistics, business of the United States courts, &c., at the city or town where said public building is proposed to be erected. And further, that the sub-committee will address a letter of inquiry to the Secretary of the Treasury in each case, as to whether the needs of the public service require the construction or extension of said public building, and if so, what amount in his judgment should be appropriated; and also for a statement of the amount of rent paid annually by the Government for the use of public buildings at such place.

Mr. SHALLENBERGER. I will say but a word and then yield to the gentleman from Mississippi, [Mr. HOOKER.] This building has already been by law declared a public necessity. We are not asking entirely new legislation. Congress in 1873 decided that there should be a new public building at Pittsburgh. On March 3 of that year an act of Congress was passed providing for the purchase of a square of ground for that distinct purpose. Under the provisions of that act a handsome square of ground was purchased in 1874. The citizens of Pittsburgh contributed over \$46,000 of the purchase-money. This bill simply proposes to perfect that act by specifically directing the construction of the building and limiting its ultimate cost.

The officials of the Treasury Department in charge of repairs upon the old building report the urgent necessity of a new building. The Secretary of the Treasury, transmitting that report, declares the Pittsburgh building first in point of necessity of all proposed buildings, and recommends the limit fixed by this bill. The immense increase and recommends the limit fixed by this bill. The immense increase of public business at Pittsburgh demands prompt action. Economy demands that public funds invested in a site should no longer be unproductive. If I understand the gentleman from Georgia, [Mr. BLOUNT,] he does not make his argument against this specific proposition, but rather against public buildings in general. As the House has on several occasions within the past few months put itself on record in favor of judicious expenditure of the public money in respect to the construction of public buildings, I do not see any necessity of now answering that argument.

I yield for three minutes to the gentleman from Mississippi.

Mr. HOOKER. Mr. Speaker, I wish to say a single word in response
to the statement that the sundry civil appropriation bill has not yet
been reported from the Committee on Appropriations. It matters not this House is concerned on the pending proposition; because the vote just taken fairly indicates the desire of the House to take up and pass this bill. whether that bill has been reported or not, so far as the judgment of

I remember very well in the Forty-fourth Congress, when the policy of this question was first inaugurated in regard to the construction of public buildings, that a then member of this body, now no more, Hon. Mr. Schleicher, insisted that true economy on the part of the Government always was to construct and own its own public buildings whenever the amount paid out by the Government for rental of public buildings would lead to a greater expense than would be the interest on the capital expended in the construction of such public building. I think that is the true policy for us to pursue; and wherever it can be demonstrated that the expense in the way of rental is greater than would be the interest on the money invested it ought to be adopted in our legislation in this House

I imagine, from the population and extent of business of the city of Pittsburgh, in the State of Pennsylvania, that a state of facts exists there which would indicate the necessity of adopting that policy; and if it would, I then say that the argument of my friend from Georgia falls to the ground on the score of economy and on the score of retrenchment of expenditure. And, sir, so far as the fact that the sundry civil appropriation bill has not yet been reported, and is not here embracing this provision, if it is the judgment of the House that this bill should pass, it is immaterial whether it is embraced in that

The SPEAKER. The geutleman's time has expired. [Cries of

Mr. BLOUNT. I believe I have two minutes of my time left.

The SPEAKER. There are two minutes left on one side and three on the other

Mr. SHALLENBERGER. I hope we will have a vote now on the

Mr. Shallenberger. I nope we will have a vote now on the motion to suspend the rules.

Mr. BLOUNT. I wish to take my two minutes. I have heard it said in this House several times, Mr. Speaker, that the Committee on Appropriations had been violating the law as to public buildings. I was surprised to hear it from my colleague, who is chairman of the Committee on Public Buildings and Grounds, and has been connected. with that committee for so long a time. It ought to have been known to him that the difficulty did not come from the Committee on Appropriations, but that when the original limit was fixed the architect, in designing the structure, made false estimates, made them far below what it was possible to construct the building for. When the buildings were in process of construction it was not then possible for the Committee on Appropriations to take the position in this House we would allow them to remain unfinished and as they stood. question has never been raised in our committee, nor has that committee ever assumed the right to go beyond the limit. Whenever it has been raised we have uniformly adhered to the limit.

Now, my colleague says that it is much cheaper for the Government to construct its own public buildings. I take the proposition as he

to construct its own public buildings. I take the proposition as he states it and say it is true; and I can go further and say I can name public buildings in this country which, by an expenditure here and there, will compel us to vote \$30,000,000 this year, \$30,000,000 next, and so on until they are completed. Unless we are prepared to do that, unless we are to take the burden of generations to follow us on our own shoulders, then the argument amounts to nothing.

I trust, sir, the House will not be deluded by this proposition. We did not think so before the war. These expenditures are subsequent. They are but in keeping with others; they have grown out of them, and I do think, sir, the time has come when we ought to get our an-

nual appropriations down to a point in our own life-time where we may be able to legislate in favor of reduction of taxation.

Mr. COOK. I should like to have a minute.

Mr. COOK. I should like to have a minute.

The SPEAKER. The gentleman has three minutes.

Mr. COOK. The law requires, when an appropriation is made for a public building, that the contract, specifications, and limit shall be made by the Architect of the Treasury, approved by the Secretary of the Treasury and the Postmaster-General, and that the expenditure shall be within the limit of the appropriation. That is before the committee. The amount of the limit has been expended. It has been exceeded in Hartford half a dozen times and in half a dozen other places. When they come before the Committee on Appropriations asking you for an appropriation beyond the limit, it is your business, as in the post-office matter, to look into the contract and see who violated it, who is responsible for going beyond the law—it is your duty to make them come before the Committee on Appropria-

tions and make defense as you did in the other matter. Mr. BLOUNT. My colleague cannot say that during the Forty-fourth or Forty-fifth Congress there was anything else done than just

what he has suggested.

Mr. COOK. Never, so far as I know, have they come in here with any such proposition. The Committee on Public Buildings and Grounds has nothing to do with appropriations. The matter passes absolutely from their hands when they report a proposition and limit the amount to be appropriated for the construction of the building. The architect says the reason why these buildings cost more than the original limit is because the Committee on Appropriations has appropriated more than the limit.

Mr. BLOUNT. The present Supervising Architect of the Treasury has told us, on the contrary, that the reason for it was that the former Supervising Architect of the Treasury Department made false and

fraudulent estimates in the first place.

The SPEAKER. The question is on suspending the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of this bill, and to pass the same with an amendment.

Mr. SHALLENBERGER. The amendment is to restore the limita-

tion which has been stricken out. The amount is \$750,000.

The House divided; and there were—ayes 114, noes 10.

So (two-thirds voting in favor thereof) the bill was passed.

MEXICAN WAR PENSIONS.

Mr. COFFROTH. I am authorized by the Committee on Invalid Pensions to offer the following resolution and ask for its adoption.

The Clerk read as follows:

Resolved. That the rules of the House be suspended and the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 3257, granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes, and that the said bill be now considered by the House.

Mr. SAPP. I move that the House do now adjourn.

The House divided; and there were—ayes 41, noes 103.
So the House refused to adjourn.
The SPEAKER. The question now recurs on the motion to suspend the rules

Mr. COFFROTH. I demand a second on the motion. The SPEAKER. The bill will be read.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. No. 3257) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes.

Be it enacted, de., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including militia and volunteers of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 with Mexico; who served thirty days in the Creek war of 1835 and 1836, or in the Florida war with the Seminoles from 1835 to 1842, or the Black Hawk war of 1832, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and who shall subscribe an oath to support the Constitution of the United States, and the surviving widows of such officers and enlisted men: Provided, That such widows have not remarried.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the

and the surviving widows of such officers and enlisted men: Provided, That such widows have not remarried.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of \$8 or more per month, nor to any person receiving a pension for less than \$8 per month, except for the difference between the pension now received and \$8 per month. Pensions under this act shall be at the rate of \$8 per month, except as herein provided as to persons now receiving a pension for less than \$8 per month. Pensions under this act shall be paid from and after the passage of this act for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of an honorable discharge may be deemed sufficient; and that when any person has been granted a land warrant under any act of Congress for and on account of service in the said wars, such grant shall be prima facie evidence of his service and honorable discharge, but such evidence shall not be conclusive, and may be rebutted by evidence that such land warrant was fraudulently granted or obtained.

SEC. 4. That the provisions of sections 4745, 4746, 4747, 4748, and 4766 of the Revised Statutes of the United States are hereby made a part of this act so far as the same are appl

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment of the Constitution of the United States.

The SPEAKER. The gentleman from Pennsylvania demanding a second, the Chair will appoint tellers in accordance with the provisions of the rule.

Mr. COFFROTH and Mr. CONGER were appointed as tellers.

The House divided; and the tellers reported 114 in the affirmative

and 1 in the negative.

Mr. CONGER. I make the point of order that no quorum has

Mr. TOWNSHEND, of Illinois. If the opposite side intend to filibuster against this pension bill, I wish to give notice that I for one will be willing to sit here until to-morrow morning to pass it.

Mr. HAYES. In response to the gentleman from Illinois I will say

that I for one am opposed to pensioning Jefferson Davis, and I am opposed to striking down section 4716 of the Revised Statutes, as is proposed here to be done.

Mr. TOWNSHEND, of Illinois. Yes. I understand you are against all of the Mexican soldiers having their pensions, as well as the soldiers having their pensions, as well as the soldiers having their pensions.

diers of the Black Hawk war.

Mr. HOUSE. This bill excludes Jeff. Davis.
Several Members. No quorum has voted.
Mr. TOWNSHEND, of Illinois. I move that there be a call of the

Mr. COFFROTH and other members addressed the Chair.
The SPEAKER. Debate is not in order until after a second.
Mr. STEVENSON. I call for the regular order.
The SPEAKER. The regular order is being proceeded with, and entlemen are requested to vote so that there may be a quorum. In mr. GODSHALK. I move that the House adjourn.

Mr. TOWNSHEND, of Illinois. Twenty-five States in this Union

structed every member to vote for this bill. Illinois has instructed every member to vote for it.

A MEMBER. And Massachusetts has done the same thing.

The SPEAKER. Debate is not in order. [Cries of "Regular order!"]

Mr. SPRINGER. There is evidently a quorum here, and I think if gentlemen have their attention called to the fact we will probably be able to prevent a call of the House and the attendant delay.

The SPEAKER. The Chair will cause the tellers to resume their

The count.

The tellers reported—ayes 116, noes 2.

Mr. CONGER made the point of order that no quorum had voted.

Mr. COFFROTH. I desire to say to the House that if the rule be suspended to consider the bill we can then agree to fix a day when it shall be discussed and considered in the House until disposed of.

Several Members. That is right.

Mr. CONGER. We had better agree to that first.

Mr. COFFROTH. There will be no difficulty in arranging that, I am satisfied.

Mr. CONGER. I desire to say for myself and others that we have come here several nights to consider these pension cases, and frequently we are unable to do anything because members will not attend, and somebody raises the point that there is no quorum. Objection is made every night. Gentlemen who are so urgent about pensioning soldiers should be willing to attend these night sessions to prevent this trouble that I allude to.

Mr. ATKINS. I wish to save the continuous that the continuous th

Mr. ATKINS. I wish to say to the gentleman that those objections never came from any man living in the South.

Mr. COFFROTH. Nor can the gentleman charge that I have not

Mr. COFFROTH. Nor can the gentleman charge that I have not stood up here for these pensions to soldiers, and that I have not done everything to secure their pensions. [Cries of "Regular order!"]

The SPEAKER. The House will come to order. [After a pause, during which order was restored.] The gentleman from Pennsylvania [Mr. COFFROTH.] desires to make a proposition.

Mr. COFFROTH. I desire to make this proposition: that the House hall for a day for the consideration of this full.

shall fix a day for the consideration of this bill—

Mr. KEIFER. Name the day.

Mr. COFFROTH. And that it shall be a continuing order from day to day until disposed of. I will say on Tuesday, a week from to-

The SPEAKER. If the rules are suspended and this bill comes before the House for consideration it would then be subject to a mo-

before the House for consideration it would then be subject to a motion to postpone to a day certain.

Mr. CONGER. We understand that, Mr. Speaker. The majority have introduced a proposition here to which I think we cannot possibly assent. If we consent to its coming up in this way, we simply put it in their power to pass that bill against our will, and with provisions to which we cannot assent. We must take some steps to discuss and to amend this bill and to remove from it its objectionable provisions before we can assent to its passage. And we say it is more important that we act upon the bills for pensioning a thousand soldiers now before the House who were wounded in the war to save this Government, than it is to depart from the old rule and pension all who have ever been engaged in any war, the Black Hawk war, the Seminole war, the Creek war, &c. Let us first pension the sol-

diers who fought to save the Union, and then we can consider the pensioning of the men who were engaged in those Indian wars.

Mr. FINLEY. The gentleman from Michigan has spoken of the question of a quorum being raised at the evening sessions for pension bills. That is not so. There never has been a time when the question of a quorum was raised in this House this session while the House was considering the pensioning of Union soldiers.

Mr. CONGER. If the gentleman had been here, as I have been, he would have known there was.

Mr. FINLEY. I have been here. What I say is that the question of a quorum was not raised on the democratic side of the House.

Mr. TOWNSHEND, of Illinois. There has been less opposition to the pensioning of soldiers of the late war from this side than there has been from the opposite side of the House.

Mr. COFFROTH. The gentleman from Michigan knows I have been here every night; that I have sustained the Union soldiers, have advocated their pensions, and have reported bills to give them their bills. That is not so. There never has been a time when the

advocated their pensions, and have sustained the Union soldiers, have advocated their pensions, and have reported bills to give them their pensions. I will continue to stand by them, but I desire now to do justice to the veterans who fought in previous wars.

Mr. CONGER. The gentleman knows very well that the pension bills first reported and placed upon the Calendar were from Pennsylvania, and of course he ought to be here.

Mr. HATCH. Does the gentleman from Michigan say that Pennsylvania, and of course he ought to be here.

wania, and of course he ought to be here.

Mr. HATCH. Does the gentleman from Michigan say that Pennsylvania soldiers should not have pensions? Does he object to pensioning a soldier who lives in Pennsylvania?

Mr. CONGER. Of course not.

Mr. HATCH. Then, why should the gentleman throw that up to the chairman of the Committee on Invalid Pensions every chance he

Mr. CONGER. That is between the chairman of the committee and myself. When we invite the gentleman from Missouri, [Mr.

HATCH,] then he can come in.

Mr. HATCH. I will come in whenever I see a fitting opportunity.

Mr. COFFROTH. The gentleman from Michigan seems to be a little envious because Pennsylvania has more soldiers to pension than

the envious because Pennsylvania has more soldiers to pension than any other State.

Mr. BRAGG. Is debate in order?

The SPEAKER. It is not, if objected to, but has been allowed heretofore by unanimous consent.

Mr. SPRINGER. A proposition has been made to assign this bill for consideration on Tuesday a week from to-morrow, and from day to day thereafter until disposed of.

Mr. CONGER. Our business to-day is to dispose of motions to suspend the rules upon reports from committees. Nothing else is in order

Mr. SPRINGER. This is a request for unanimous consent, and does not affect the order of business.

Mr. CONGER. Reports from committees of motions to suspend the rules are in order to-day, and nothing else.

The SPEAKER. It is not unusual when a controversy arises between the two sides of the House or between one portion of the members and another portion of the members that an arrangement is reached by unanimous consent; and the Chair was listening to that intent, that there might be some adjustment of the question in controversy so as to save the time of the House and also to secure the

vote of a quorum.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary

inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Does the gentleman from Pennsylvania contemplate an opportunity for debate and amendment to the

Mr. COFFROTH. Certainly. Mr. TOWNSHEND, of Illinois. That is what I want to be understood.

The SPEAKER. The motion is to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill and to bring it before the House for consideration.

Mr. WILBER. If we have not a quorum, how can we act upon the

bill?

The SPEAKER. A quorum did not vote, but the Chair thinks there is a quorum present. In the absence of a quorum the only motions in order are the motion to adjourn and the motion for a call of the House.

Mr. ALDRICH, of Illinois. I move that the House do now adjourn. Mr. SCALES. If we should now adjourn, what is the condition of this bill ?

The SPEAKER. It will be the unfinished business for the third

Monday of next month.

Mr. COX. Five minutes of good sense would settle this.

The SPEAKER. The Chair thinks five minutes of good feeling might settle it.

Mr. COFFROTH. I wish to ask gentlemen on the other side when it will suit them to consider this bill?

Mr. LOWE. I move that there be a call of the House.

The SPEAKER. The question will be first on the motion of the gentleman from Illinois [Mr. Aldrich] that the House do now ad-

The question being taken, there were—ayes 67, noes 113. So the motion to adjourn was not agreed to.

The SPEAKER. The question now is upon the motion of the gentleman from Alabama [Mr. Lowe] that there be a call of the House.

Mr. SPRINGER. As the last vote showed the presence of a quorum

here, I ask the gentleman from Alabama to withdraw that motion.

Mr. LOWE. I will withdraw the motion for a call of the House. The SPEAKER. The question then recurs upon seconding the mo-

tion to suspend the rules, and the tellers will resume their places.

Mr. ATKINS. I think my proposition should be accepted by the chairman of the Committee on Invalid Pensions [Mr. Coffronth] and by gentlemen on the other side to fix some time when this subject can

be considered and debated. Mr. CONGER. If this bill could be introduced, as we think it should be, without this repeal of existing laws and without permitting those to receive pensions who for years have been prevented by the law from doing so, then it could be passed by the unanimous vote of the House

Mr. ATKINS. Is not the gentleman willing that a majority vote should settle the question?

Mr. CONGER. Hardly. Mr. ATKINS. Then the gentleman is not a democrat. [Laugh-

Mr. CONGER. No; I believe it is generally understood that I am

ot. [Laughter.]
Mr. FRYE. When the vote was taken some time ago upon seconding the motion to suspend the rules, a large number of gentlemen on this side of the House were absent, and in their absence I believe that the filibustering, as you may call it, to the extent of refraining from voting so as to break up a quorum, was entirely justifiable. Since then many members have come into the Hall. Now, I do not propose to vote for this bill in its present shape; but it seems to me that, with the House as full as it is at the present moment, it is only fair to test the question, and if the bill can be passed by a two-thirds vote, then let it pass.

it pass.

Mr. SPRINGER. We do not want to pass it by a two-thirds vote.

We want to bring the bill up for consideration and pass it by a majority vote.

So far as I am concerned, I prefer to have it acted upon by two-thirds. I am not willing to have it taken out of its place on the Calendar, unless two-thirds want to do so.

Mr. CCNGER. With that view of the case, and recognizing the fact that many members who were absent on the former vote have now returned to the Chamber, I will withdraw my point of order that no quorum voted on seconding the motion to suspend the rules.

The SPEAKER. It will be understood that the motion to suspend the rules is seconded. The question is upon the motion to suspend the rules and discharge the Committee of the Whole from the further consideration of this bill so as to bring it before the House for con-

sideration. Mr. CONGER. We are ready to vote if other gentlemen are.

The SPEAKER. The gentleman from Minnesota [Mr. DUNNELL]
has notified the Chair that he desires to speak five minutes upon the

proposition to suspend the rules.

Mr. DUNNELL. I had supposed that the gentleman from Pennsylvania [Mr. Coffroth] was to occupy some time in support of his proposition.

Mr. COFFROTH. I propose to take about ten minutes. Mr. DUNNELL. I do not desire to speak.

Mr. CANNON, of Illinois. I desire some little time

Mr. KEIFER. Now? Mr. CANNON, of Illinois. Yes. The SPEAKER. It is the gentleman's right to speak now as there

has been a second.

Mr. CANNON, of Illinois. I want to speak before the rules are suspended, because I desire to understand the position this bill will be in should the rules be suspended. I will ask the Speaker whether, in the event the rules are suspended, this bill will be before the House for consideration the same as any other bill?

The SPEAKER. It would be.

Mr. TOWNSHEND, of Illinois. For consideration and amendment.

The SPEAKER. Certainly.

Mr. CANNON, of Illinois. Will it be subject to a point of order sending it to the Committee of the Whole for consideration under

the five-minute rule?

The SPEAKER. The proposition is to suspend all the rules, including the one which requires it to be first considered in Committee of the Whole, and to bring it before the House for consideration.

Mr. TOWNSHEND, of Illinois. For debate and amendment?

The SPEAKER. Yes.

Mr. CANNON, of Illinois. I now gather from what the Chair says,

that, in the event the rules are suspended, this bill will be taken from the Calendar of the Committee of the Whole, to the detriment of all other bills before it upon the Calendar, whether they be pension bills or otherwise, and brought at once before the House for consideration.

Mr. CONGER. Not to be considered in Committee of the Whole at all ?

Mr. CANNON, of Illinois. Not to be considered in Committee of the Whole at all. It will then be within the power of the majority of this House, under the lead of the gentleman from Pennsylvania, [Mr. Coffront,] if Le desires to move the previous question and cut

off all debate and amendment, to pass this bill in its present shape, without any amendment and without debate.

The SPEAKER. The Chair desires to state that bringing this bill from the Committee of the Whole House on the state of the Union

into the House does not interfere with any private pension bill, because the private pension bills are on the Private Calendar.

Mr. TOWNSHEND, of Illinois. There is no pension bill ahead of this on the Calendar. It is ahead of every other pension bill, whether

private or any other kind.

Mr. CANNON, of Illinois. My remark on that point was only inci-

Mr. BLACKBURN. I rise to a parliamentary inquiry. Does this bill stand upon the same Calendar with any other pension bill before the House

The SPEAKER. The Chair is advised that this is the first pension bill of a general character in Committee of the Whole House on the state of the Union. It does not interfere, of course, with any private bill on the Private Calendar.

Mr. BLACKBURN. That is all.
Mr. CANNON, of Illinois. If the effect of the proposition is to take
this bill from the Calendar of the Committee of the Whole, where under the general rules of the House all bills appropriating money go, upon a point of order, for discussion and amendment under the five-minute rule-if the proposition has the effect to bring the bill into the House and put it within the power of the gentleman from Pennsylvania and a majority of the House to cut off all discussion and all amendment, for one I will not vote to discharge the Committee of the Whole.

The SPEAKER. Legislation is generally controlled by a majority of the House when before the House for consideration.

Mr. SIMONTON. Is the gentleman from Illinois willing to set day when this bill shall be considered in Committee of the Whole?

Mr. CANNON, of Illinois. I will say to the gentleman from Tennessee [Mr. Simonton] that this bill is now before the Committee of the Whole under the rules of this House for consideration, just as hundreds of bills to pension soldiers of the late war or to give other relief to citizens of the United States are under the rules; and I am here ready and willing to go into Committee of the Whole to consider this bill there under the five-minute rule, just as I would consider a bill to pension a private soldier of the late war. But I am not ready to vote to consider this bill in any other way.

Mr. SIMONTON. Is the gentleman willing to set a time for the con-

sideration of the bill ?

Mr. CANNON, of Illinois. The majority could have gone into Committee of the Whole for the purpose of considering the bill at any time since it was reported on the 7th day of January last, and then the right of the minority or of any member to offer amendments can-

not be cut off, and I am willing to go into Committee of the Whole for its consideration at any time.

Mr. TOWNSHEND, of Illinois. Then, let us do so now.

Mr. FRYE. Mr. Speaker, I have stated that I shall vote against this bill, and I desire to give my reasons for doing so. It is not the reason which is given by many gentlemen. It is not because this bill may grant a pension to somebody who has been engaged in rebellion against the Government. That is not my reason at all. My reason is this: while we have a pension-roll costing us \$30,000,000 or \$40,000,000 a year for soldiers of the last war, while we grant pensions only to those who have been disabled by their service in that war, you are by this bill undertaking to put upon another pension-roll able bodied men, some of them less than sixty years of age—ay, some of them less than fifty—some of them men of wealth, of high position, abundantly able to take care of themselves; you are proposing to put such men upon a pension-roll, while here are poor, broken-down soldiers of the last war appealing to us, and appealing in vain.

Mr. SIMONTON. We want to challenge those statements and we

ask you to discuss the question with us.

Mr. FRYE. I was stating that there are broken-down soldiers of the last war appealing to us and appealing in vain. Now I am not complaining that gentlemen on the other side of the House do not do their duty in the matter of pensions; I believe they do. I say for my-self that I cannot help admiring the spirit of gentlemen on the other side who vote for our pension bills, who give their time and attention to this matter of pensions, who vote to appropriate for these pensioners something like \$40,000,000 a year. I accord my admiration to the gentleman from Pennsylvania, [Mr. Coffroth,] chairman of the Committee on Invalid Pensions. I have nothing to say against the gentlemen who have been in rebellion. They come up like men and vote for pensions for our soldiers. I put my opposition to this bill upon one single ground—that we are asked to pension men who have no need of pensions. If the gentlemen in charge of this bill will so amend it that only those who are needy, or sick, or infirm, shall draw pensions, I will vote for this pension bill whether it pensions men who have recently been in rebellion or not.

Mr. TOWNSHEND, of Illinois. We will allow you to propose an

amendment to that effect, and have a vote upon it.

Mr. COFFROTH, (to Mr. FRYE.) You can amend the bill.

Mr. FRYE. It is very kind on the part of gentlemen to allow an amendment of that kind; but will the majority on that side vote for

That is the important question. Mr. TOWNSHEND, of Illinois. A number of gentlemen here will probably vote for such an amendment; and perhaps it will prevail. I do not say that I will vote for it; but quite a number of gentlemen

Mr. CONGER. In the moment that is left for debate on this side of the question I wish to say that we demand the right to discuss this bill in Committee of the Whole, where it now is. We do not feel willing to put ourselves in a position where a majority may cut off amendments or may prevent us from discussing, under the fiveminute rule, whatever amendments we propose to offer. That is the reason we shall vote against this proposition.

Mr. COFFROTH. I desire to say to gentlemen on the other side of the House who are continually asserting that we on this side will cut off all debate if the proposition is allowed to come up for consideration, by demanding the previous question, that we do not propose to do any such thing. I propose now to fix a time for the consideration of this bill, that it may be considered in the House the same as in the Convention of the Whole House on the state of the Union. If the in the Committee of the Whole House on the state of the Union. If the rules are suspended I will not call the previous question until a full hearing has been had, until all amendments gentlemen desire to pre-

nearing has been had, until all amendments gentlemen desire to present have been offered and acted on.

Mr. WARNER, That is right; let that be done.

The SPEAKER. The gentleman from Pennsylvania states that if the motion to suspend the rules should prevail it is his purpose to allow debate and amendment both.

Mr. SPRINGER. It is understood it is open to amendment and

discussion

The SPEAKER. That is the understanding.

Mr. SPRINGER. Now let gentlemen on the other side come forward and help us to pass it.

The question recurred on the motion to suspend the rules. The House divided; and there were—ayes 113, noes 60.

Mr. GOODE demanded the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the negative-yeas 119, nays 70, not voting 103; as follows:

VEAS-119.

Aiken, Armfield, Armfield, Atherton, Atkins, Beale, Bicknell, Blackburn, Boyd, Buckner, Cabell, Caldwell, Carlisle, Chalmers, Clark, John B. Cobb, Coffroth, Colerick, Cooverse, Coox, Cravens, Culberson, Davidson, Davis, Joseph J. Davis, Lowndes H. Dibrell, Dunn.	Felton, Finley, Ford, Ford, Forney, Fort, Frost, Geddes, Gillette, Goode, Hammond, N. J. Hatch, Henkle, Henry, Herbert, Herndon, Hooker, Hostetler, Houk, House, Hull, Hunton, Hurd, Hutchins, Johnston, Jones, Kenna, Kimmel	Martin, Benj. F. McKenzie, McLane, McMahon, McMahon, Momey, Muldrow, Muller, Murch, Myers, New, Nicholls, O'Connor, Persons, Phelps, Philips, Philips, Philips, Phister, Reagan, Richardson, J. S. Richmond, Robertson, Rothwell, Russell, Daniel L. Ryon, John W. Samford, Sawyer, Scales	Slemons, Smith, Hezekiah B. Smith, William E. Speer, Steele, Stevenson, Taylor, Thompson, P. B. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas Upson, Vance, Voorhis, Waddill, Weaver, Wellborn, Wells, Whiteaker, Whitthorne, Williams, Thomas Wilson, Wise, Wright.
Dunn, Elam, Errett, Evins,	Kimmel, Kitchin, Klotz, Lowe,	Scales, Shelley, Simonton, Singleton, O. R.	Wright, Young, Thomas L.

NAYS-70.

Aldrich, Nelson W. Aldrich, William Anderson, Baker, Ballou, Barber, Bayne, Bingham, Blake, Bragg, Brewer, Brigham, Browne, Burrows, Camp, Camnon, Carpenter,	Crapo, Davis, George R. Davis, Horace Deering, Dunnell, Dwight, Einstein, Farr, Field, Frye, Garfield, Godshalk, Hall, Hawk, Hawley, Hayes,	Heilman, Hiscock, Horr, Humphrey, Killinger, Lapham, Lindsey, McCoid, Miles, Monroe, Morton, Newberry, Norcross, O'Neill, Osmer, Page, Pierce,	Reed, Richardson, D. P. Sapp, Sherwin, Starin, Stone, Thomas, Thompson, W. G. Updegraff, J. T. Updegraff, Thoma Urner, Valentine, Van Voorhis, Ward, Wilber, Williams, C. G.
Conger,	Hazelton,	Prescott,	

	NOT V	OTING-103.	
Acklen, Bachman, Bailey, Barlow, Belford, Beltzhoover, Berry, Biand, Bliss, Blount, Bonck,	Bright, Butterworth, Calkins, Caswell, Chittenden, Clafdin, Clardy, Clark, Alvah A. Clymer, Covert, Crowley,	Deuster, Dick, Dickey, Ellis, Ewing, Ferdon, Fisher, Gibson, Gunter, Hammond, John	Harris, John T. Haskell, Henderson, Hill, Hubbell, James, Jorgensen, Joyce, Keifer, Kelley, Ketcham,
Bowman, Briggs,	Daggett, De La Matvr.	Harris, Beni, W.	King, Knott.

Ladd.	Miller.	Price.	Townsend, Amos
Le Fevre.	Mills.	Rice.	Tyler.
Lewis,	Mitchell.	Robeson,	Van Aernam,
Loring.	Morrison,		Wait,
Lounsbery,	Morse,	Ross.	Warner,
Manning,	Neal.	Russell, William A.	Washburn.
Marsh,	O'Brien,	Ryan, Thomas	White,
Martin, Edward L.	O'Reilly,	Shallenberger,	Willis,
Martin, Joseph J.	Orth.	Singleton, J. W.	Willits.
Mason,	Overton.	Smith, A. Herr	Wood, Fernando
McCook,	Pacheco,	Sparks,	Wood, Walter A.
McGowan.	Poehler,	Stephens.	Young, Casey.
McKinley.	Pound.	Talbott.	

So (two-thirds not having voted in favor thereof) the rules were

The following pairs were announced from the Clerk's desk:
MR. BLOUNT with Mr. WILLITS on the present bill for to-day.
Mr. RUSSELL, of Massachusetts, on both votes taken this day, with
Mr. CLARDY, of Missouri.

Mr. COVERT with Mr. MILLER. Mr NEAL with Mr. KING.

Mr. BELFORD with Mr. WARNER. Mr. LE FEVRE with Mr. McCook. Mr. Robeson with Mr. Bliss.

The vote was then announced as above recorded.

Mr. COFFROTH. Mr. Speaker, I wish to give notice that to-morrow, after the morning hour, I shall move the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of passing over all other bills on the Calendar and taking up and considering this pension bill.

METROPOLITAN POLICE.

Mr. HUNTON. I move to suspend the rules for the purpose of discharging the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 4567) to provide for the increase of the Metropolitan police force of the District of Columbia, and putting it on its passage.

Mr. CONGER. Not to consider it to-night?

Mr. HUNTON. It will not require much consideration, I trust. Mr. CONGER. Does the gentleman wish to consider it, or only to get it before the House ?

Mr. HUNTON. I wish to suspend the rules for the purpose of pass-

ing the bill.

Mr. TOWNSHEND, of Illinois. There is an immediate necessity

Mr. HUNTON. Yes; there is an immediate necessity for the passage of the bill. Mr. CONGER.

Mr. CONGER. I have no objection to that.
Mr. HUNTON. I move, then, that the rules be suspended and the bill brought before the House and passed.

The bill was read, as follows:

The bill was read, as follows:

That the commissioners of the District of Columbia are hereby authorized and empowered to appoint one additional inspector of police at a salary not exceeding \$150 per month, one clerk at a salary not exceeding \$100 per month, and as many additional privates or patrolimen, not exceeding \$100 per month, and as many additional privates or patrolimen, to exceeding \$60 per month each, as may be necessary from time to time to preserve the peace and good order of the District; and in the appointment of privates or patrolimen hereafter the said commissioners shall not be required to appoint only persons who have served in the Army and Navy of the United States and have received an honorable discharge therefrom.

Sec. 2. This act shall take effect from and after its passage.

Mr. CONGER. That should not pass. It provides for changing the law for the appointment of Union soldiers as patrolmen on Metropoli-

aw for the appointment of Union soldiers as patrolmen on Metropolitan police force. I move that the House adjourn.

Mr. FORT. This is apparently intended to exclude Union soldiers from the force altogether. [Cries of "Regular order!"]

Mr. HUNTON. If the gentleman will permit me—

Mr. CONGER. This strikes at the appointment of Union soldiers.

Every bill from that side has some such attack upon them.

Mr. HUNTON. In answer to the gentleman from Michigan I claim

Mr. HONON. In answer to the gentleman from Menigar Ferain the right to explain.

Mr. CONGER. I insist on my motion that the House adjourn.

Mr. HUNTON. I trust the gentleman will withdraw his motion a moment and permit me to say a word upon this bill.

Mr. CONGER. I have heard the bill read, and that is enough for

I do not think that the gentleman can explain satisfactorily

that provision of it which removes these men.

Mr. TOWNSHEND, of Illinois. The gentleman from Virginia certainly should have an opportunity of replying. This bill is no attack upon the Union soldiers.

Mr. FORT. That appears to be about the purpose of the bill. [Cries of "Regular order!"

Mr. HUNTON. I believe I have the floor and mean to occupy it.
Mr. FORT. There is a motion to adjourn. I presume the regular order will be that.

The SPEAKER. The Chair thinks there is no occasion for any feeling on this subject. Two gentlemen have spoken against the bill rather out of order, and the gentleman from Virginia simply asks a

moment to reply.

Mr. FORT. The gentleman from Virginia comes in here with a bill which he endeavors to pass under a suspension of the rules, and which is an entire change in the law for the employment of soldiers and sailors on that force.

Mr. HUNTON. I only want two minutes to reply to the gentleman. I do not mean to agree that the remarks made by the gentleman from Michigan shall go abroad to the country through the RECORD of this House without a reply and an explicit denial. He has stated here, sir, that this bill is an attack on the Union soldiers, and that every bill from this side of the House contains an attack on these soldiers. bill from this side of the House contains an attack on these soldiers. No Union soldier now on this police force is displaced by the provisions of this bill. I take it for granted that there is no other gentleman on that side of the House, or in this House, who believes me capable of making an attack upon the Union soldiers. And I wish to say further that this side of the House is incapable of doing so; for we stand here year after year and vote \$40,000,000 pension to these Union soldiers of the United States.

Mr. TOWNSHEND, of Illinois. Over \$60,000,000 last year.
Mr. HUNTON. And there was not the remotest conception on the part of any member of the committee that reported this bill that it would be construed into an attack upon any soldier. I want to state

would be construed into an attack upon any soldier. I want to state further that, in my opinion, there was no republican or Union soldier on that committee that objected to this provision in the bill. I believe I am stating it correctly.

Mr. CONGER. I would like to know why not?

Mr. HUNTON. I will give you the reason. The commissioners of the District of Columbia, one of whom was a gallant Union soldier being the first would be a soldier. himself, informed the committee that this provision of the law which this bill proposes to remedy put men upon Metropolitan police of this District who were too old to do satisfactory and efficient duty, and for that reason the committee agreed to report the bill as it is. It has been nearly twenty years now since the war, and to put men on duty who served in the war, and those only, might, it can readily be seen, work to the injury of the police force of the District by putting upon it men who are too old and are thus physically unable to perform the service. That, I repeat, was the only reason that the provision was adopted.

Mr. CONGER. I insist upon my motion to adjourn.

Mr. DUNNELL. Let me make a remark in correction of what the gentleman from Virginia has said. He has followed the example of the gentleman from Maine to-day and fixed the amount of pensions at \$40,000,000 instead of \$30,000,000.

Mr. TOWNSHEND, of Illinois. The amount paid out in pensions

is \$63,000,000.

Mr. DUNNELL. Up to this date the amount has never reached quite \$30,000,000.

Mr. ATKINS. Forty millions.
Mr. DUNNELL. It has never been forty millions. It never exceeded thirty millions. I speak of the regular pension appropriation

Mr. TOWNSHEND, of Illinois. I repeat, it is sixty-three millions. The motion of Mr. Conger was then agreed to; and the House (at five o'clock and forty-four minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of citizens of Haywood County, Tennessee, for the passage of the bill regulating interstate commerce—to the Committee on Commerce.

By Mr. BALLOU: Memorial of the German Society of New York, asking for the passage of the bill regulating immigration, reported from the Committee on Foreign Affairs—to the Committee on Foreign Affairs

By Mr. BELFORD: The petition of the Veteran Soldiers' Association of Leadville, Colorado, that certain land be assigned said association for hospital and burial purposes—to the Committee on the Public

By Mr. BICKNELL: Memorial of the German Society of New York, asking for legislation for the protection of immigrants—to the Com-

asking for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

By Mr. BREWER: Papers relating to the claim of David W. Bell, for reimbursement of loss sustained by him while postmaster at Oxford, Michigan—to the Committee on the Post-Office and Post-Roads.

By Mr. GEORGE Q. CANNON: The petition of citizens of the Eleventh ward of Salt Lake City, Utah, for an appropriation to reimburse them for damage resulting from the diverting of their irrigating water to supply Fort Douglas military reservation—to the Committee on the Public Lands.

By Mr. CONVERSE: Memorial of the German Society of New York City, asking for legislation to protect immigrants to the United States—to the Committee on Foreign Affairs.

By Mr. GEORGE R. DAVIS: The petition of the same parties, of

By Mr. GEORGE R. DAVIS: The petition of the same parties, of

By Mr. GEORGE R. DAVIS: The petition of the same parties, of similar import—to the same committee.

By Mr. DEUSTER: The petition of Henry Fink, United States marshal, and all United States officers at Milwaukee, Wisconsin, for the construction of an elevator in the Government building at Milwaukee—to the Committee on Public Buildings and Grounds.

By Mr. DIBRELL: The petition of 75 merchants and business men of Chattanooga, Tennessee, that salt may be admitted free of duty—to the Committee on Ways and Means.

By Mr. FINLEY: Memorial of the German Society of New York

City, asking for legislation for the protection of immigrants arriving in the United States—to the Committee on Foreign Affairs.

By Mr. HAYES: The petition of the same parties, of similar im-

ort—to the same committee.

By Mr. HENKLE: The petition of George Edward Dixon, for a penon—to the Committee on Invalid Pensions. Also, papers relating to the claim of Almira H. Thompson, for compensation for services and expenses as hospital nurse during the late war—to the Committee on War Claims.

By Mr. HOOKER: Memorial of the German Society of New York City, asking for legislation to protect immigrants to the United States—to the Committee on Foreign Affairs.

By Mr. HUTCHINS: The petition of soldiers of New York, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. JOYCE: Papers relating to the pension claim of Lewis B. Cook—to the Committee on Invalid Pensions.

By Mr. KLOTZ: The petition of citizens of Columbia County, Penn-

sylvania, for the amendment of the patent laws so as to make the manufacturer of patented articles alone responsible for infringements—to the Committee on Patents.

ments—to the Committee on Patents.

By Mr. LAPHAM: The petition of the German Society of New York City, asking for legislation for the protection of immigrants to the United States—to the Committee on Foreign Affairs.

By Mr. McLANE: Resolutions of the city council of Baltimore, Maryland, on the necessity of providing for the completion of the harbor defenses of Baltimore—to the Committee on Military Affairs.

By Mr. O'CONNOR: Memorial of the German Society of New York

City, praying the enactment of the bill regulating immigration, reported to the House from the Committee on Foreign Affairs—to the

Committee on Foreign Affairs.

By Mr. PRESCOTT: Memorial of the same parties, of similar import—to the same committee.

Also, the petition of James Radigan, for a pension-to the Com-

mittee on Invalid Pensions.

By Mr. PRICE: Memorial of the German Society of New York City, asking for legislation for the protection of immigrants-to the Committee on Foreign Affairs.

By Mr. A. HERR SMITH: Memorial of the German Society of New

York City, of similar import—to the same committee.

By Mr. STARIN: The petition of the same parties, of similar import—to the same committee.

Also, the petition of 12 citizens and ex-soldiers of Schenectady County, New York, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

Also, the petition of 80 merchants and citizens of New York City, for the removal of the duty on salt—to the Committee on Ways and

Means.

Also, the petition of 71 merchants and citizens of New York, of similar import—to the same committee.

By Mr. STONE: The petition of James S. Quick and 40 others, citi-

By Mr. STONE: The petition of James S. Quick and 40 others, citizens of Allegan County, Michigan, late Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. RICHARD W. TOWNSHEND: The petition of F. M. Wyatt and others, ex-soldiers of Franklin County; of J. M. Heinson and others, citizens of Benton and Franklin Counties; of James Biggs and others, of Frankfort; of John Manis, William C. Loftin, and others; of C. O'Kelley and other citizens, of Franklin County; of Joseph H. Baxter and 78 soldiers, of Franklin County; and of Andrew J. Elam and 24 others, citizens of Franklin County, Illinois, for the passage of the Weaver soldier bill—to the same committee.

By Mr. WARNER: The petition of Frederick Koerner and 9 others, soldiers of the late war, for the equalization of bounties—to the same

soldiers of the late war, for the equalization of bounties-to the same

committee.

By Mr. WELLS: The petition of the Merchants' Exchange of Saint Louis, Missouri, for the appointment of a standing committee on the Mississippi River improvement in each House of Congress—to the Committee on Commerce.

Also, seven petitions of citizens of Saint Louis, for the passage of the bill (H. R. No. 4812) amending the internal revenue laws—to the Committee on Ways and Means.

Also, the petition of the German Society of New York City, asking for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

By Mr. WILBER: The petition of the same parties, of similar im-

port-to the same committee.

Also, the petition of 29 Union soldiers against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Otsego County, New York, to have the proceedings of Congress printed and sent free each week of the year to every family in the United States—to the Committee on Print-

By Mr. WALTER A. WOOD: The petition of citizens of New York, for an appropriation for the purpose of erecting a monument on the battle-field of Bemus Heights—to the Committee on Military Af-

By Mr. THOMAS L. YOUNG: Memorial of the German Society of New York City, asking for legislation to protect immigrants to the United States—to the Committee on Foreign Affairs.

IN SENATE.

TUESDAY, April 20, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 2850) to provide a building for the use of the United State circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania; in which it requested the concurrence of the

burgh, Pennsylvania; in which it requested the concurrence of the

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of William Ryan & Son, Al Mr. ALLISON presented the petition of William Ryan & Son, Albert Jordan, F. Hinel, and others, citizens of Iowa, praying that all duty on salt be removed, and that the same be placed upon the free list; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Dubuque, Iowa, in favor of the re-enactment of a judicious bankrupt law; which was referred to the Committee on the Judiciary.

Mr. JONAS presented the petition of the New Orleans Cotton Ex-

change, praying for speedy and favorable action on the recommendations contained in the report of the Mississippi River commission; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

sissippi River and its Tributaries.

Mr. BOOTH presented the petition of William S. Dodge, of California, praying to be compensated for property taken for public use in Alaska; which was referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens

Mr. CAMERON, or Pennsylvania, presented a petition of citizens of Columbia County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of Roaring Creek Township, Columbia County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture

tee on Agriculture.

He also presented a petition of citizens of Columbia County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

was referred to the Committee on Commerce.

He also presented the petition of Mrs. Elizabeth S. M. Finley, widow of the late Clement A. Finley, late Surgeon-General United States Army, praying for the passage of an act granting her a pension of \$50 a month; which was referred to the Committee on Pensions.

Mr. GROOME presented a joint resolution of the Legislature of Maryland; which was read, as follows:

Whereas it has been represented to this General Assembly that the channel of Corsica Creek, at Centreville Harbor, in the county of Queen Anne, is obstructed by shoals that are a hinderance to navigation, and seriously interfere with commerce: Therefore,

Be itresolved by the General Assembly of Maryland. That our Senators in Congress are instructed and our Representatives be requested to use their influence in urging the necessity of an appropriation by the General Government for the purpose of deepening the said channel in Corsica Creek.

HIRAM MCCULLOUGH

HIRAM McCULLOUGH, Speaker of the House of Delegates. HERMAN STUMP, JR., President of the Senate.

The VICE-PRESIDENT. The resolution being addressed to the Senators and Representatives of the State will lie on the table.

Mr. SAUNDERS presented a resolution of the Merchants' Exchange

Mr. Saunt Louis, Missouri, in favor of deepening the channel of the Mississippi River; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. BAILEY presented the petition of Hall, Hooper & Mitchell, and other citizens of Nashville, Tennessee, urging the appointment of

and other composed in part, at least, of representative business men, to prepare for the consideration of Congress, at its next session, a form of bankrupt law that will work justly toward both creditor and debtor and give to the country a uniform and permanent national bankrupt system; which was referred to the Committee on the Judi-

Mr. VOORHEES presented the petition of M. W. Galt, Bro. & Co., and other citizens of the District of Columbia, praying for an amendment to the bill now before the Senate to amend the statutes in relation to immediate transportation of dutiable goods by inserting after the word "Maryland," in line 6, "Georgetown, in the District of Colum-bia;" which was referred to the Committee on Finance. Mr. WILLIAMS presented a memorial of the German Society of the city of New York, in favor of the passage of the bill (H. R. No. 2408)

to regulate immigration; which was referred to the Committee on Foreign Relations.

Mr. WALLACE presented a petition of citizens of Philadelphia, praying for an amendment to section 2983 of the Revised Statutes; which was referred to the Committee on Finance.

He also presented a petition of citizens of Jeffersonville, Indiana, in favor of the enforcement of the eight-hour law; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3264) granting a pension to Abner Hoopes, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1806) granting a pension to Michael Lingenfelter, reported it with an amendment, and submitted a report thereon; which was

ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1452) granting a pension to Agnes Fairly, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4759) granting increase of pension to Richardson K. Baird, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Pensions, to whom was referred the petition of R. P. Lytle and others praying for an increase of pension for William Young, submitted an adverse report thereon, which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the bill (S. No. 1149) to increase the pensions of wounded soldiers of the war of 1812, reported adversely thereon, and the bill was postponed indefinitely.

postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1174) in relation to the compensation and expenses of pension agents, reported adversely thereon, and the bill was postponed in-

Mr. WALLACE. The bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs was reported back by me on the 30th of March, by direction of the Finance Committee, adversely, and postponed indefinitely. Subsequently there was a motion made to reconsider the indefinite postponment, which was agreed to, and the bill was recommitted to the Committee on Finance. I am now directed by that committee to report the same bill affirm time. rected by that committee to report the same bill affirmatively and

recommend its passage.

Mr. BAYARD. Let it be considered now.

Mr. COCKRELL. I object to its present consideration.

Mr. BAYARD. It has been before the Senate heretofore.

Mr. COCKRELL. I cannot help it if it has been before the Senate

thousand times.
Mr. WITHERS. It was before the Senate on an adverse report,

The VICE-PRESIDENT. Objection being made to its consideration, the bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 5053) granting relief to William Turman, guardian of William W. Brewer, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1592) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax, reported adversely thereon.

Mr. BECK. I ask that the bill be placed on the Calendar. The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 308) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil, reported it with amendments.

PUBLIC BUILDING AT CLEVELAND.

Mr. VEST. The Committee on Public Buildings and Grounds have had under consideration the bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio, and have instructed me to report it with an amendment.

Mr. THURMAN. I ask unanimous consent for the present consideration of that bill. It provides for an enlargement of the public building at Cleveland recommended by the Secretary of the Treasury; and every one acquainted with the building, as I am, and with the business of that port and the business of the United States trans-

acted at Cleveland, knows that this enlargement is necessary and that it cannot be too speedily made. I hope there will be no objection to the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to repair and extend, for the use of the Government offices at Cleveland, Ohio, in accordance with plans and specifications submitted by the Supervising Architect of the Treasury, the Government building at Cleveland, Ohio, the cost not to exceed \$150,000.

The approximant reported from the Committee or Public Buildings

The amendment reported from the Committee on Public Buildings

and Grounds was to add to the bill:

And this sum, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1654) granting an increase of pension to Thomas S. Cogley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1655) to authorize the sale of certain property in the city of New York; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 104) authorizing the Secretary

of War to lend certain tents, flags, and camp equipage to the Governor of the State of New Hampshire for the use of the militia of that State at their general muster to be held the present year; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 105) for the erection of a monument over the grave of Zachary Taylor, near Louisville, Kentucky; which was read twice by its title, and referred to the Com-

mittee on the Library.

POST-ROUTE BILL.

Mr. TELLER submitted amendments intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered

to be printed.
Mr. MAXEY. Mr. MAXEY. I desire to give notice that on Friday during the morning hour, or immediately after that, if possible, I shall call up the bill (H. R. No. 5524) to establish post-routes, and I shall ask unanimous consent to have it put on its passage at that time. It contains no legislation whatever. The amendments have all been in print, and I call the attention of Senators to it now that they may examine the bill, and if there are any additional expendments that about 1 the bill, and if there are any additional amendments they should be placed in my possession before that time. I am anxious to have the bill returned to the House as soon as possible, so as to have the amendments of the Senate acted upon in time there.

INTERNATIONAL EXHIBITION OF 1883.

Mr. BAYARD. Senate bill No. 1160 was returned from the House of Representatives this morning with amendments, and I ask that

they be now considered.

they be now considered.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine in the city of New York, in the State of New York, in the year 1883.

The amendments of the House of Representatives were on page 2, line 12, after the word "Whittemore," to insert:

Charles L. Tiffany, John A. Stewart, Abram S. Hewitt, Daniel F. Appleton, David Dows, Orestes Cleveland, Horace Porter, Henry M. Alexander, Fletcher Harper, Charles G. Francklyn, Thomas C. Acton, Richard M. Hoe, Jackson S. Schultz, Edward Clark, Norvin Green, William B. Dinsmore, Dennis C. Wilcox, Benjamin B. Sherman, Samuel B. H. Vance, Samuel D. Babcock, Henry Hilton, Andrew H. Green, Robert Gordon, Allen Campbell, Samuel B. Parsons, Francis A. Stout, J. Peabody Wetmore, John R. Voorhies, Leighton Williams, George G. Haven, Stephen O'Brien, Charles Solomons, Henry Draper, Philip Collins.

Page 10, line 19, at the end of section 20, to insert:

Provided. That nothing in this act contained shall be construed to require the governor of any State to appoint the commissioners provided for in section 2, nor shall said commissioners nor any of them incur any liability for their failure or refusal to accept such position or perform the duties thereof.

Mr. BAYARD. I move the Senate's concurrence in those amendments; they really improve the measure.

Mr. CONKLING. I think they improve the bill.

The amendments were concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

IMPROVEMENT OF CITY HALL.

Mr. MORRILL. We have passed already several bills for public buildings in various parts of the country. I now ask that the Senate take up the bill for the City Hall accommodations of the courts and records of the District of Columbia reported unanimously from the Committee on Public Buildings and Grounds.

Mr. COCKRELL. I call for the regular order.

Mr. MORRILL. I trust the Senator from Missouri will allow this

Mr. MCKRILL. I trust the Senator from Missouri will allow this bill to come up, as it has been postponed for a long time.

Mr. COCKRELL. If I allow this, I shall have to allow others, and there is constant complaint. If the Senate desire the bill to come up in preference to the Calendar, they can do it by motion.

Mr. MORRILL. The bill is so important that I shall move the postponement of all prior orders in order to have it taken up. Since it was reported, a fire has occurred in the rooms of the City Hall by which the records were placed in very great peril. It is notorious to any and to all who have visited the City Hall that the accommodations and to all who have visited the City Hall that the accommodations there are not by any means sufficient for the requirements of the courts. The bill has been reported unanimously, and has been postponed for a long time. I think it is quite as important as the consideration of bills for any other portion of the country. I therefore move to postpone all prior orders in order to take up this bill.

The VICE-PRESIDENT. The Senator from Vermont moves to postpone the product of the produ

pone the pending and all prior orders, the pending order being the consideration of the Calendar of General Orders under the Anthony

Mr. HARRIS. I ask that the bill be read.

The Chief Clerk read the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to postpone the present order, indicating his purpose, if that motion be successful, to move to proceed to the consideration of the bill just read.

The motion was agreed to.
The VICE-PRESIDENT. The question now is on proceeding to the

The VICE-PRESIDENT. The question now is on proceeding to the consideration of the bill just read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia. It appropriates \$117,000, to be expended under the direction of the Secretary of the Interior, in enlarging the City Hall so as to afford additional accommodations for the courts of the District and for fire-proof rooms for the safe-keeping of the records of the courts and of the District of Columbia, according to the general plan furnished by the Architect of the Capitol Extension, and under the supervision of that officer.

Mr. DAVIS, of West Virginia. I ask the Senator from Vermont how he gets the amount which is named in the bill?

Mr. MORRILL. The estimate has been made by the Architect of

the Capitol, under whose supervision the building will be constructed if the bill should pass.

Mr. DAVIS, of West Virginia. Is there a report accompanying it?
Mr. MORRILL. There is no written report. I have the documents

Mr. DAVIS, of West Virginia. I believe that something ought to be done, but it appears to me that the amount named ought to erect an entire new building and not patch up an old one. I would rather a good deal vote a sufficient sum to erect a new building, if this is not for a new building, than to patch up the old one that is there now,

for I believe that building ought to come away. It is an eye-sore to the whole place around there, and I am told it is a very unsafe building. Mr. MORRILL. I will say to the Senator that this will be an improvement upon the north side of the building, covering the unsightly portion of the present building, and will furnish additional accommodations of two large court-rooms and some five or six other rooms for jury-rooms and fire-proof rooms to hold the documents of the courts and the records of the District of Columbia. When it is completed the building will be much more sightly than it is now—that is the building will be carried out.

Mr. INGALLS. Who owns the building now?

Mr. MORRILL. It is owned by the United States. The United

States and the District of Columbia originally built the building to-gether, each owning one-half, but the United States have purchased the entire interest of the District of Columbia and now own the whole of it, having paid \$75,000 for the one-half they bought from the Dis-

trict of Columbia.

Mr. DAVIS, of West Virginia. With a friendly disposition toward the bill, for I believe an improvement ought to take place there, yet should like to have further information in connection with it. Would it not be better, I ask the Senator from Vermont having charge of the bill, to dispose of the building entirely, to let it come away from there and put a new one in its place if that is a proper site for such a building? I believe the amount appropriated is about sufficient to erect a proper building and it success to me to retain up the cient to erect a proper building, and it appears to me to patch up the present building in its unsafe condition and with its liability to take fire at any time and burn down is unwise. It would be better to double the amount of money if necessary, in my judgment, and have a building worthy of the city and worthy of the Government when it is put up, and not patch up the old building that we now have.

Mr. MORRILL. The Senator from West Virginia was not quite as

particular when we were passing a bill for West Virginia. This subject has been fully investigated by the Committee on Public Buildings and Grounds. We had the judges of the courts before us; we have had an estimate, a careful estimate, prepared by the Architect of the Capitol; and we have reached the conclusion unanimously that this ought to be done.

Mr. DAVIS, of West Virginia. I think the Senator's remark about the building in West Virginia does not apply here. He says I was

not so particular in that case.

Mr. ALLISON. Where was that building?

Mr. DAVIS, of West Virginia. Never mind, that building is not before the Senate. The bill has passed, and is a law, I suppose, by this time; the Senator ought to have made his inquiry at the time if he wanted to make it. But here is a building that is to be put up in the District of Columbia, and is supposed to stand as long as buildings ordinarily do. It appears to me that we ought to have a new building constructed entirely and not patch up the old one. I do not know what the plans are; I do not know what the intention of the committee is. I suppose they have examined the subject properly and I make no objection to the bill, but I do express my opinion, and I believe I am correct, that we ought to have a building worthy of the believe I am correct, that we ought to have a building worthy of the city put there instead of patching up the old one that is there now. I hope that the Committee on Public Buildings and Grounds will take that thought into consideration and see now whether it is not better, if necessary, to appropriate double the amount in order to have a creditable and a proper building for this purpose.

Mr. DAWES. I should like very much to co-operate with the Senator from West Virginia in producing upon that spot a very elegant and suitable city hall for the purposes for which that building was designed, if the Senator had some plan, if the Senator had some idea that could be developed into a bill, so that I could support it. My difficulty is that the Senator does not bring forward anything that I can support.

can support.

The Committee on Public Buildings and Grounds, as well as it knew how, looked the matter all over and thought that this would be not only the most convenient and suitable thing but the most economical at the same time. I regret exceedingly that the Senator does not put his views into the form of a bill rather than content himself with put his views into the form of a bill rather than content himself with stating the faults of this measure. The faults of this measure are very apparent to everybody, but by pointing them out and leaving us unfortunately in that position without the benefit of the constructive talent of the Senator from West Virginia, we do not make any progress in this matter. So far as the Committee on Public Buildings and Grounds have been able to put the matter together in a form that would be practicable, this seemed to them to be the best thing. My friend from West Virginia, whose intense and persistent desire for economy I so like to follow and so much admire, should have addressed himself for a moment to the idea of making a much have addressed himself for a moment to the idea of making a much nave addressed himself for a moment to the idea of making a much more magnificent and commodious building here at a less price. Those two purposes seem to be uppermost in the mind of the Senator from West Virginia and most desirable to be attained. They are the two great things pertaining to every public building, to get the largest possible, the most elegant, structure at the least possible cost. That is the problem, and I invoke the genius (that is the word) of my friend from West Virginia to that. The Committee on Public Buildings of Grand has given as fare at their grains will in this line. ings and Grounds have gone as far as their genius will in this line,

and they bring this measure before the Senate for its approbation.

Mr. INGALLS. I regret to see any more money expended on the present City Hall for any purpose. It is an unsightly deformity. It is wrongly located. The object of Congress hitherto seems to have been to clear that square as far as possible of incumbrances and devote it either to purposes of recreation and pleasure or for the conthat formerly stood in the northeast corner has been taken away. I believe those best competent to judge think that the City Hall, instead of being improved in its present condition, should be removed. The Senator from Massachusetts speaks about some substitute. It

has always occurred to me that eventually the Baltimore and Potomac Railroad would be removed from its present location and that Congress would be called upon to purchase the present depot structure. I believe that with very little alteration that building could be adapted to the purposes of the city for holding courts and for the custody and preservation of its records. I do not know how far the Committee on Public Buildings and Grounds have considered this matter; but unless there is some immediate, urgent, and pressing necessity for the expenditure of this money, I should regret to see the bill adopted. I trust that unless there is that necessity its consideration may be postponed until such time as the subject may be considered in the light of the suggestions I have made.

Mr. HARRIS. I beg to state to my friend from Kansas that there is an immediate, pressing, and present necessity for additional courtrooms here. Two months ago there was a memorial addressed to Congress by the chief-justice and associate justices of the supreme court
of the District of Columbia, which was sent to me and by me presented to the Senate, in which the fact of the absolute and present necessity for additional court-rooms of greater security is most distinctly stated. That memorial was referred to the commissioners of the District of Columbia, who quite concur in every fact stated by the judges and urge the immediate construction of wings on the north of the City Hall. I take for granted that the Committee on Public

Buildings and Grounds have given that investigation to the question that it deserves and have arrived at correct conclusions. In view of the absolute and present necessity for these additional court-rooms, I hope that the bill reported by that committee may be adopted by the Senate and become a law in order that the building may be immediately proceeded with.

Mr. CONKLING. Mr. President, it has been a habit of the Senate,

ertainly of late, to follow the recommendations of the Committee on Public Buildings and Grounds. Without any independent judgment of my own in this particular case, I should feel it safer for me to continue to follow that committee. I rose, however, more particularly to make a remark upon another subject.

The other day I asked the honorable Senator from Vermont how much money is involved in uncompleted public buildings in the country, buildings which have been ordered and which have not been completed. On a subsequent day the Senator from Vermont stated to the Senate that a sum of money which he named was the sum which up to that time had been appropriated at this session of Congress.

Mr. MORRILL: Not appropriated, but reported favorably by the Committee on Public Buildings and Grounds.

Mr. CONKLING. So I meant to say; the sum which the Committee on Public Buildings and Grounds had recommended to be appropriated, and upon which I supposed the Senate had acted or was to act

when the reports were reached.

Now, I have the impression that if the Senator from Vermont or any other Senator would totalize the amount of money which has been appropriated and the appropriation of which is recommended in bills pending before the two Houses, the result would be something I might almost say astounding. These bills come along here one after another; I think for a good while they have averaged more than one a week; and when you come to add what we have done at this session to what has been done heretofore in the instance of buildings not yet completed, the result would be very serious. We had this morning a bill relating to the city of Cleveland, where \$150,000 was appropriated to repair and extend a public building, illustrating how long is the continuance in some of these cases of the need of appropriations. If we were to put these all together, I repeat that I believe the Senate would be amazed at the result.

Without aiming my remark at any particular instance, either that of West Virginia which has been spoken of or this City Hall which much more nearly and appropriately than buildings a distance off we ought to attend to no doubt,—without aiming my remark at any bill in particular, I venture to ask the attention of the Senate to the extent to which this species of appropriation is going. I believe that, if I felt at liberty to be or to seem invidious, I could mention not one case merely but several cases, and recent cases too, where but for the mere pro forma acquiescence of the Senate in the suggestion of the committee, had a scrutiny been made of the facts, the Senate never would have been able to assent to the proposed bill except by a wide and glaring departure from the considerations and reasons which used to control in this regard. The matter of public buildings is getting to be somewhat like river and harbor improvements; it is rather an occasion of competition among the representatives of different sections and localities, and it is rather matter of grievance and disparagement if each particular locality does not receive its quota of paragement if each particular locality does not receive its quota or national compliment and national attention. I see my honorable friend from Florida [Mr. Jones] smiles at this view of the subject, and that makes it a good time to leave it.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I desire to ask the Senator from Vermont if this bill contemplates that the whole expenditure shall be paid by the

Mr. MORRILL. It is a building that is now owned by the United States. The site is owned by the United States.

Mr. COCKRELL. For what business is it used? Is it not used for the purposes of the District?

Mr. MORRILL. For the United States courts, and for the District

courts, and for the records. Mr. COCKRELL. Then why should the Government support it

entirely?

Mr. JONES, of Florida. These are United States courts, Federal courts.

Mr. COCKRELL. They are District courts. I understand the Senator from Vermont to say that they are courts of the District of Co-

Mr. INGALLS. And for the custody of the local records.
Mr. COCKRELL. And the custody of the local records of the District of Columbia.

Mr. MORRILL. Certainly all the records of the courts and of the entire District.

Mr. COCKRELL. I understand the Senator from Florida to say it

Mr. COCKRELL. I understand the Senator From Florida to say it is not for the purposes of the District of Columbia at all.

Mr. JONES, of Florida. I regard the courts of the United States that are held within this District as resting upon the same footing as the courts of the United States that are held in the States, and the grisdiction the very same. They enforce the laws of the United States; they are presided over by judges appointed by the authority of the United States. It is true they administer justice to this people, but suits are instituted by citizens of the States against citizens of the District, and they are in reality courts of the United States.

Mr. COCKRELL. I ask the Senator from Florida if they are not in reality the same to the District of Columbia that the courts of the

respective States are to those States?
Mr. JONES, of Florida. Well, not entirely, Mr. President. They are national courts. I need not remind the Senator that this District of Columbia is within the jurisdiction of the United States.

Mr. COCKRELL. Yes, I have no doubt of that fact.

Mr. JONES, of Florida. Within this District these courts admin-

ister the laws of the United States, I repeat, the same as the circuit and district courts administer those laws in the States, and thus far

they are national.

they are national.

Mr. COCKRELL. The point I make is simply this: while everybody knows that Congress has complete jurisdiction in regard to the
management and government of the District of Columbia, yet the
local government is for the benefit of the people living in the District, and the people of the District should bear their proportion of
the expenses of it. Here we have a criminal court, a police court, and
all these other courts purely for local self-government, held in this
building, and it is right and proper that the people who receive protaction from them should contribute to the extent of erection the tection from them should contribute to the extent of erecting the building. I regret exceedingly that the Senator from Vermont undertakes to make the tax-payers of this country responsible for the administration of justice in the District of Columbia for furnishing the house, quarters, room, and everything of that kind. I think he would have just precisely the same right to make the tax-payers of the United States responsible for the administration of justice in the State of Vermont.

Mr. ALLISON. The judges of these courts are paid out of the

United States Treasury.

Mr. COCKRELL. I desire to record my vote against the bill with-

out consuming time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD FREIGHT DISCRIMINATIONS.

Mr. EDMUNDS. I ask leave out of order to present a report from the Committee on the Judiciary.

The Committee on the Judiciary which was instructed by a resolution of the Senate passed on the 10th of June, 1879, to inquire into certain supposed discriminations by the Pacific railroad companies as they are called as to freights against the United States, has instructed me to make a report which I submit and desire to have printed and the committee ask to be discharged from the further execution of the order.

If the Senate cares anything about it, the report ought to be read for that reason, because the order instructed us to do a variety of things which we think under the present state of the law it is unnecessary that we should do. I do not know therefore if any Senator cares anything about it, but that the report ought to be read in order that the Senate may see what we ask to be discharged from

doing.

The VICE-PRESIDENT. The Senator from Vermont, from the Committee on the Judiciary, submits a report under an order of the Senate which will be read.

The Chief Clerk read the following resolution adopted by the Senate June 10, 1879:

Resolved. That the letter of the Secretary of War in answer to the Senate resolution of April 7, 1879, in relation to discriminations by the Union Pacific Railroad Company in the rates of freight to private shippers as against the United States, be referred to the Committee on the Judiciary, with instructions that the Committee on the Judiciary inquire, ascertain, and report which railroads are discriminating against the United States in favor of private shippers, how long such discriminations have been made by each company, the extent of such discriminations, and report what further legislation, if any, is necessary to protect the United States in reference to the same; and that said Committee on the Judiciary have power to send for persons and papers.

The VICE-PRESIDENT. Upon this resolution the Committee on the Judiciary make a report, which will be read. The Chief Clerk read as follows:

The Chief Clerk read as follows:

The Committee on the Judiciary, which was instructed by a resolution of the Senate passed on the 10th June, 1879, to "inquire, ascertain, and report which of the Pacific railroads are discriminating against the United States in favor of private shippers; how long such discriminations have been made by each company; the extent of such discriminations; and what further legislation, if any, is necessary to protect the United States in reference to the same;" respectfully reports:

That in obedience to said resolution it has considered the subject and found, in general, that the supposed discriminations have consisted, usually, in the company requiring the United States to pay for its transportation the rates provided by its general tariff applicable to all shippers, as a rule; but that it has carried similar freights for particular shippers under special contracts, providing that the particular shipper, under the special contract, should give to the railroad company all its business between the points proposed. In such a case the company claims that it makes no unjust or unequal discrimination.

The provisions of the charters and laws applicable to the railway companies which have received aid from the United States are quite various, but have a general similarity. It is sufficient for the purposes of this report to cite the two principal ones.

eral similarity. It is sufficient for the purposes of this report to cite the two principal ones.

That applying to the Union Pacific, Central Pacific, Kansas Pacific, Central Branch Union Pacific, Sioux City and Pacific, and Denver Pacific is as follows:

"That * * said company shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies and public stores upon said railroad for the Government, when required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid, (at fair and reasonable rates of compensation not to exceed the amounts paid by private parties for the same kind off-service.") (12 Stat., p. 493, sec. 6.)

The provision applying to the Southern Pacific, Northern Pacific, Atlantic and Pacific, Saint Louis and San Francisco roads is as follows:

"That the said company shall not charge the Government higher rates than they do individuals for like transportation and telegraph service.

"That said ** railroad or any part thereof shall be a post-route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation." (14 Stat., p. 295, sec. 5, and p. 297, sec. 11.)

The provisions relating to most if not all the other roads will be found brought together in the report of the Auditor of the Railroad Accounts for the year 1879, pages 212, 213.

It will be seen from the provisions above quoted that the rights of the United

together in the report of the Auditor of the Railroad Accounts for the year 1879, pages 212, 213.

It will be seen from the provisions above quoted that the rights of the United States and the duties of the companies are fixed by definite provisions of law, which are, in substance, that transportation is to be furnished to the United States at reasonable rates, and not exceeding the amounts paid by private parties for the same kind of service. These provisions are, in the opinion of the committee, substantially what the common law is in relation to all common carriers. If, as it appears from some of the papers attached to this report, some persons have on some of these roads obtained freights at less rates than the United States and general shippers, the question whether that entitles the United States to have its freights between the same points at the same special rates, is, in the opinion of the committee, principally a judicial one, which, in case of dispute, can readily be determined according to the circumstances of each particular case, by resort to the judicial tribunals. The law seems to be adequate to the protection of all the just rights of the United States. The only difficulty in a given case is the ordinary business and judicial one of applying the law to the particular circumstances. The committee is not aware that any legislation is necessary to accomplish this end. If the executive department of the Government is of opinion that unwarranted discriminations are, for any cause, made against the United States, it is its duty, through the proper channels, in the adjustment of the accounts of the companies for transportation, to insist upon the proper reduction, and a correction of the wrong; and if, in such a case, any railroad company thinks the claim of the United States unwarranted, it has only to commence a suit in the Court of Claims for the recovery of such sums as may have been thus disallowed. In such case it will be the duty of that court or of the Supreme Court, on appeal, to determine ea

merits.

It will thus be seen that if any wrong of the kind mentioned in the resolution of the Senate has been or shall be committed against the interests of the United States, complete means of redress are already in possession of the executive department of the Government.

If any serious case should occur, such as is mentioned in the papers hereto attached, of a refusal by any company to transport freight for any reason not legally justifiable, the ordinary remedy of private persons in such a case, by suit at law, is open to the United States through the action of the executive department; and also, in a suitable case, more stringent and decisive proceedings for a forfeiture of all rights derived by such company from the United States, including its charter, if it have one, on the ground of a disregard of its charter obligations.

The committee is of opinion that under the circumstances no legislative step is at present advisable touching the matter mentioned in the resolution. It therefore asks to be discharged from a further execution of the order of the Senate.

The VICE-PRESIDENT. The report will be printed under the rule. The committee ask to be discharged from the further consideration of the order of the Senate. The Chair hears no objection, and it is so ordered.

COMMITTEE ON EXCISE REVENUE.

Mr. VOORHEES. Some days ago I was appointed a member of the joint committee on the part of the Senate to investigate certain matters connected with the loss of revenue growing out of evasions of the tax on manufactured cigars and tobacco. I desire to decline the posi-tion, and that the Chair appoint another member of the Finance Committee in pursuance of the resolution.

The VICE-PRESIDENT. Is there objection to the request of the

Senator from Indiana?

Mr. EDMUNDS. I do not intend to object; but it gives me the opportunity to say what I should have said if I had been present when the order was adopted, that I think it is a mistake on the part of the Senate ever to agree to the appointment of a joint committee, in the strict sense of that word, composed of unequal numbers of the members of the two Houses. I saw in the RECORD, I think afterward, that this joint committee is composed of three members of the House of Representatives and two members of this body. That I think is a very wide departure from the precedents in such cases; and as ever body can see, if you thus make a strictly joint committee, as I think this is, it puts one of two equal branches of the Government in a very extraordinary attitude of having reported to it and proposed for its consideration measures, or on the other side a refusal to report measures. ures for its consideration, by a body controlled entirely by our co-ordinate branch of the Government. I only take this occasion to put in a

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Indiana, and the vacancy will be filled by the appointment of the Senator from Iowa, [Mr. Allison.]

PUBLIC BUILDING AT DENVER.

Mr. HILL, of Colorado. I ask unanimous consent for the present consideration of Senate bill No. 1269.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. HILL, of Colorado. Then I make a motion that the pending

and all prior orders be postponed.

Mr. INGALLS. What is the bill?

Mr. HILL, of Colorado. It is a bill for the erection of a public building at Denver, Colorado.

The VICE-PRESIDENT. The Senator from Colorado moves to postpone the pending order for the purpose of considering the bill indicated by him.

The motion was ageed to.
The VICE-PRESIDENT. The Senator from Colorado now moves to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1269) for the erection of a public building at Denver, Colorado, the pending question being on the amendment proposed by Mr. HILL, of Colorado.

Mr. HILL, of Colorado. Idesire to withdraw the amendment which

was offered by myself, and I ask for the adoption of the amendment

proposed by my colleague.

Mr. COCKRELL. Is there a printed report?

The VICE-PRESIDENT. There is none. The amendment pro-

posed by the Senator from Colorado will be reported.

The CHEFF CLERK. After the word "States," in line 18, it is proposed to strike out the remainder of the bill, and in lieu thereof to

Nor until the Legislature of the State of Colorado shall duly consent to the purchase by the United States of the proposed site.

Mr. HILL, of Colorado. That amendment is withdrawn; and I now suggest that the amendment proposed by my colleague be adopted.
The VICE-PRESIDENT. The amendment is withdrawn. The ques-

tion will now be on the amendment proposed by the other Senator from Colorado, [Mr. Teller,] which will be read.

The Chief Clerk read the amendment, which was in line 18 to strike out the word "nor" and insert "and no expenditure of money shall be made on the building proposed to be erected on the said site;" so

Provided, That no money shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building shall be vested in the United States; and no expenditure of money shall be made on the building proposed to be erected on the said site until the State of Colorado shall duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

The VICE-PRESIDENT. The question is on this amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MONTGOMERY.

Mr. MORGAN. I ask unanimous consent of the Senate to take up Senate bill No. 464.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The Senator from Missouri demands the

regular order.

Mr. MORGAN. Then I move that the pending and all previous orders be laid aside for the purpose of considering the bill that I have

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

The question being put, a division was called for.

Mr. CONKLING. The Senate cannot understand that this is a bill for a public building or it would come up as a matter of course.

Mr. MORGAN. It is for a public building.

Mr. CONKLING. Certainly the Senate will vote for that!

The motion was agreed to, the ayes being 25 and the noes not counted.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 464) for the erection of a public building at Montgomery, Alabama.

The bill was reported from the Committee on Public Buildings and

Grounds, with amendments.

The first amendment was, in line 12 to strike out "fifty" and insert "twenty-five;" so as to read:

Shall not exceed the cost of \$125,000.

Shall not exceed the cost or \$125,000.

The amendment was agreed to.
Mr. COCKRELL. I ask for the reading of the report.
Mr. JONES, of Florida. I will say there is no written report.
Mr. COCKRELL. It is put down on the Calendar as having a printed report, and I ask for the reading of it.
Mr. JONES, of Florida. The Senator is right; I beg pardon.
The Chief Clerk read the following report, submitted by Mr. JONES, of Florida, February 27, 1880:

The Committee on Public Buildings and Grounds, to whom was referred for consideration Senate bill No. 464, for the erection of a public building at Montgomery, Alabama, beg leave to report as follows:

Montgomery is the capital of Alabama, situated near the head of navigation on the Alabama River, which is navigable for large-sized boats thence to Mobile Bay. It is in the midst of the rich cotton-growing region of the State, has railroads running into it from five different directions, and another recently projected railroad will probably soon be built leading from it directly south. Its trade and its population, now estimated at about eighteen or twenty thousand, are rapidly increasing. During the past cotton year it received 134,000 bales of cotton. Its receipts from September 1, 1879, to December 12, 1879, were 86,000 bales; and it is estimated that during the current year the receipts will reach 145,000 bales, which, at present prices, would yield about \$7,500,000.

The United States courts for the middle district of Alabama are held there, and sit for more than four months in each year.

The post-office is also in a rented building. The receipts at said post-office for the last fiscal year were about \$18,000. During the first quarter of the present fiscal year were about \$18,000. During the first quarter of the present fiscal year such receipts increased about 20 per cent. over the corresponding quarter of the preceding year, showing that the receipts will probably reach more than \$20,000 for the current year.

The United States Lund offices for the register and receiver are in a wooden shingled-roof building, with other small buildings near by; and it affords but little security for the valuable and extensive records.

The rents now paid by the Government for these offices are:
 Court-rooms
 \$1,500

 Post-office
 1,000

 Internal-revenue office
 350

 Land offices
 480

 Signal Corps
 216

These rents expire shortly; and rents have advanced in the city of Montgomery since the present contracts were made 25 or 30 per cent., and with the expected rapid increase in the trade and population of the city will probably further ad-

It also appears from the evidence submitted to us that the present court-rooms and offices, though they are the best that can be had in Montgomery, are unsuitable for the purposes.

The committee therefore recommend the passage of the accompanying bill as amended.

The next amendment reported from the Committee on Public Buildings and Grounds was, in line 20, after the word "therein," to insert:

And provided further. That the lot of land so purchased for a site shall be such as to afford an open space between the building hereby authorized, and any other building, of not less than forty feet.

The amendment was agreed to.

The next amendment was, in line 1, section 2, after the word "of," to strike out "seventy-five" and insert "forty:" so as to make the section read:

SEC. 2. That the sum of \$40,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and toward the construction of said building.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARINE HOSPITAL AT MEMPHIS.

Mr. COCKRELL. I call for the regular order, Mr. President.
Mr. HARRIS. I ask unanimous consent—
The VICE-PRESIDENT. The Senator from Missouri demands the

mr. HARRIS. Then I move to postpone the pending and all previous orders with a view to moving afterward that the Senate proceed to the consideration of the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee.

Mr. CONKLING. That is a public building. The appeal is irresistible and unanswerable.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

The motion was agreed to.

The motion was agreed to.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee.

The bill was reported from the Committee on Commerce with an amendment, at the end of section 2 to insert "and the cost of the site and the erection of the building shall in no event exceed the sum hereby appropriated."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

YORKTOWN CENTENNIAL CELEBRATION.

Mr. WITHERS. I move that the Senate proceed to the consideration of House bill No. 3966.

Mr. COCKRELL. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. WITHERS. I move that pending orders be laid aside.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3966) to carry into effect the resolution of Congress, adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes.

for other purposes.

Mr. HEREFORD. I do not desire to object to this bill, but I want to say that I hope the Senate will take up the pension bill for Mr. Phares as soon as this is disposed of. It is the first bill on the Calendar, and I have given way morning after morning for gentlemen to bring up their various bills. I do not desire to interpose any objec-tion to this, but I shall after this bill is disposed of insist on going on with business regularly.

The VICE-PRESIDENT. The Committee on Military Affairs re-

ported the bill with an amendment.

Mr. COCKRELL. Let the report be read.
Mr. MORRILL. I wish to offer an amendment.
The VICE-PRESIDENT. The report will first be read, and then the committee's amendment will be acted on, after which the amendment of the Senator from Vermont will be received.

The Chief Clerk read the following report submitted by Mr. BURN-SIDE March 16, 1880:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3966) to carry into effect the resolution of Congress, adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other

purposes, have had the same under consideration and beg leave to submit the following report:

The following copies of resolutions are the only ones passed by the Continental Congress or by the Congress of the United States touching revolutionary monuments:

[Journals of Congress from 1774 to 1788, inclusive.]

"Monuments to revolutionary soldiers, &c.

"Montgomery, General Richard.

"January \$2, 1776.—Committee of three appointed to consider a proper method for paying a just tribute of gratitude to the memory of. (Volume 1, page 244.)

"January \$2, 1776.—Report of committee with resolution that & monument be procured from Paris, or any other part of France, &c. And that the Continental treasurers be directed to advance a sum not exceeding £300, sterling, to Dr. Benjamin Franklin (who is desired to see this resolution properly executed) for defraying the expense thereof. (Volume 1, page 347.)

"June 1, 1784.—Preamble and resolution requesting that the monument which was procured and sent to care of Mr. Joseph Hewes, in North Carolina, now deceased, be delivered, by the executors or other persons having charge of same, to the superintendent of finance, to be transported to New York and crected in such part of said State as the Legislature thereof may judge proper, and that the expense thereon be paid by the United States, &c. (Volume 4, page 431)

and that the expense thereon be paid by the United States, &c. (Volume 4, page 431)

"Warren, General Joseph; Mercer, General Hugh.

"January 31, 1777.—Committee of four appointed to consider what honors are due to the memory of. (Volume 2, page 28.)

"April 8, 1877.—Committee make a report that monuments be erected to each—that of General Warren in Boston, and that of General Mercer at Fredericksburgh, Virginia—with suitable inscription; also that the eldest son of General Warren and the youngest son of General Mercer be educated from this time at the expense of the United States. Report read, and agreed to. (Volume 2, pages 82, 83.)

cral Warren and the youngest son of General Mercer be educated from this time at the expense of the United States. Report read, and agreed to. (Volume 2, pages 82, 83.)

"April 12, 1717.—Resolution appropriating \$500 for each of the above monuments, and executive powers of Massachusetts Bay and Virginia directed to see the above resolutions properly executed. (Volume 2, page 89.)

"Wooster, General David.

"May 19, 1777.—Resolution that a committee of three be appointed to consider what honors are due to the memory of. (Volume 2, page 133.)

"June 17, 1777.—Committee brought in a report, which was considered and Resolved, That a monument be erected to the memory of General Wooster, with the following inscription, &c., and that \$500 be allowed for that purpose. (Volume 2, page 168.)

"Herkimer, General.

"October 4, 1777.—Resolved, That the governor and council of New York be desired to erect a monument, at Continental expense, of the value of \$500, to the memory of the late Brigadier Herkimer, who commanded the militia of Tryon County, in the State of New York, and was killed fighting gallantly in defense of the liberty of these States. (Volume 2, page 276.)

"Nash, Brigadier-General Francis.

"November 4, 1777.—Resolved, That his excellency Governor Caswell, of North Carolina, be requested to erect a monument of the value of \$500, at the expense of the United States, in honor of the memory of Brigadier-General Francis Nash, who fell in the battle of Germantown, on the 4th day of October, 1777, bravely contending for the independence of his country. (Volume 2, page 312.)

"DeKalb, Major-General, the Baron.

"October 14, 1780.—Resolved, That a monument be erected in the city of Annapolis, in the State of Maryland, to, with the following inscription, &c. (Volume 3, page 336.)

"Davidson, Brigadier-General.

olis, in the State of Maryland, to, with the following inscription, &c. (Volume 3, page 538.)

"Davidson, Brigadier-General.

"September 20, 1781.—On motion of Mr. Sharpe, Resolved, That the governor and council of the State of North Carolina be desired to erect a monument, at the expense of the United States, not exceeding the value of \$500, to the memory of, &c. (Volume 3, page 669.)

"Scriven, Brigadier-General.

"September 20, 1781.—On motion of Mr. Walton, seconded by Mr. Telfair, Resolved, That the Legislature of the State of Georgia be desired to erect a monument, at Sunsbury, in the said State, at the expense of the United States, not exceeding \$500, to the memory of the late Brigadier-General Scriven, who fell, covered with wounds, fighting for the liberties of the United States. (Volume 3, page 669.)

"Greene, Nathaniel.

"August 8, 1786.—On a report of a committee, consisting of Mr. Lee, Mr. Pettit, and Mr. Carrington, Resolved, That a monument be erected to the memory of Nathaniel Greene, esq., at the seat of the Federal Government, with the following inscription:

ing inscription:

Nathaniel Greene, esq., at the seat of the Federal Government, with the following inscription:

"Sacred to the memory of Nathaniel Greene, esq., a native of the State of Rhode Island, who died on the 19th of June, 1786, late major-general in the service of the United States, and commander of their Army in the southern department.

"The United States in Congress assembled, in honor of his patriotism, valor, and ability, have erected this monument."

"Resolved, That the board of treasury take order for the due execution of the foregoing resolution. (Volume 4, pages 679-680.)

"Surrender of Lord Cornwallis at Yorktown, Virginia.

"October 24, 1781.—Proceedings of Congress respecting letter from General Washington of 19th instant, giving information of, and Ordered, That letter with inclosed papers be referred to the committee of intelligence, &c., and Resolved, That it be an instruction to said committee to report what, in their opinion, will be the most proper mode of communicating the thanks of the United States in Congress assembled to General Washington, Count de Rochambeau, and Count de Grasse for their effectual exertions in accomplishing this illustrious work, &c., &c., and Ordered, That the secretary of foreign affairs communicate this intelligence to the honorable the minister plenipotentiary of France." (Journals of Congress, volume 3, page 679.)

The following is the report of the committee raised by the resolution to take into consideration the proper mode of communicating the thanks of the United States to General Washington, Count de Rochambeau, and Count de Grasse, for their work:

"The convenitue raised by the resolution to take into consideration the proper mode of communicating the thanks of the United States to General Washington, Count de Rochambeau, and Count de Grasse, for their work:

"The convenitue raised by the resolution to their work:

work:

"The committee, to whom were referred the letters of the 16th and 19th instants, with their inclosures from General Washington, report the following resolutions:

"Resolved, That the thanks of the United States in Congress assembled be presented to General Washington, for the expedition with which he led the allied forces of America and France against the British army under the command of the Earl of Cornwallis, for his arrangements, vigor, personal attention, and military ability in the course of his operations, and for the prudence and wisdom of the capitulation.

ability in the course of ms operations, and for the princence and wisdom of the capitulation.

""Resolved, That the thanks of the United States in Congress assembled be presented to his excellency the Count de Rochambeau, for the cordiality, zeal, judgment, and fortitude with which he seconded and advanced the progress of the allied army against the British garrison in York.

"Resolved, That the thanks of the United States in Congress assembled be presented to his excellency the Count de Grasse, for his display of bravery in attacking and defeating the British fleet off the bay of Chesapeake, and for his zeal and alacrity in rendering, with the fleet under his command, the most effectual and distinguished aid and support to the operations of the allied army in Virginia.

"'Resolved, That the thanks of the United States in Congress assembled be presented to the commanding and other officers of the corps of artillery and engineers of the allied army, who sustained extraordinary fatigue and danger in their animated and gal'ant approaches to the lines of the enemy.

"'Resolved, That General Washington be directed to communicate to the other officers and the soldiers under his command the thanks of the United States in Congress assembled, for their conduct and valor on this occasion.

"'Resolved, That the Board of War be directed to present to Lieutenant-Colonel Tilghman, in the name of the United States in Congress assembled, a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.

"Resolved. That the United States in Congress assembled will cause to be

erly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.

"Resolved, That the United States in Congress assembled will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and His Most Christian Majesty, and inscribed with a succinct narrative of the surrender of the Earl of Cornwallis to his excellency General Washington, Commander-in-Chief of the combined forces of America and France, his excellency the Count de Rochambeau, commanding the auxiliary troops of His Most Christian Majesty in America, and his excellency the Count de Grasse, commanding in chief the naval army of France in the Chesapeake.

"Resolved, That two stands of the colors taken from the British army under the capitulation of York be presented to his excellency General Washington, in the name of the United Stases in Congress assembled.

"Resolved, That two pieces of the field ordnance taken from the British army under the capitulation of York be presented by the Commander-in-Chief of the American Army to Count de Rochambeau; and that there be engraved thereon a short memorandum, that Congress was induced to present them from considerations of the illustrious part which he bore in effectuating a surrender.

"Resolved, That the Secretary of Foreign Affairs be directed to request the minister plenipotentiary of His Most Christian Majesty to inform His Majesty that it is the wish of Congress that Count de Grasse may be permitted to accept a testimony of their approbation, similar to that to be presented to Gount de Rochambeau."

"Indursed: Report of committee on General Washinston's letters of 16th and "Hindursed: Report of committee on General Washinston's letters of 16th and "Hindursed: Report of committee on General Washinston's letters of 16th and "Hindursed: Report of committee on General Washinston's letters of 16th and

"[Indorsed:] Report of committee on General Washington's letters of 16th and 19th October, 1781. Passed October 29, 1781.
"MARBLE COLUMN AT YORKTOWN, VIRGINIA.

"On motion of Mr. Randolph, seconded by Mr. Boudinot,
"Resolved, That the Secretary for Foreign Affairs be directed to prepare a sketch
of emblems of the alliance between His Most Christian Majesty and the United
States, proper to be inscribed on the marble column to be erected in the town of
York, under the resolution of the 29th of October last.

""(Journals of Congress, November 7, 17t1, vol. 3, p. 686.)"
Your committee are of the opinion that it would be unwise to adopt a precedent
which would lead to the erection by the National Government of monuments commemorative of revolutionary events, and believe that, as a rule, such monuments
should be erected by the States, counties, cities, towns, or communities; but they
find no difficulty in making this case an exception.
The surrender at Yorktown was the crowning success of the Revolution, and its
event should be commemorated by national authority. The Congress of the United
States passed resolutions directing that it should be commemorated in a specific
way, and there is no better time than the present, in the opinion of your committee, to carry out that resolve by the necessary appropriation.
Much could be said in support of this view, but surely nothing can be said which
is not suggested by the patriotic feeling of all Senators.
Your committee recommend the passage of the bill.

The amendment reported from the Committee on Military Affairs was, at the end of the bill, to add:

Provided, That no money appropriated by this act shall be expended or drawn from the Treasury until the United States shall have received free of expense a legal title to the site chosen for said monument, and the State of Virginia shall have relinquished jurisdiction over the same.

Mr. WITHERS. I desire to say that I should like that amendment not to be adopted, inasmuch as it interposes a difficulty to effectuating the prime object of the bill in order to make it available at the ensuing anniversary of the surrender. It will be impracticable to comply with the condition prescribed by the amendment in time; comply with the condition prescribed by the amendment in time; but really there will be no practical difficulty in securing all the objects designed to be attained by it. A simple provision directing that the provisions of the statute in regard to the erection of public buildings shall apply, would cover the ground amply which is designed to be met by the amendment proposed.

I should like, if it meets the views of the Senate, that the amendment proposed is the senate of th

ment reported by the committee be not agreed to, or that a clause

extending the provision of the statute to this case be substituted for it. October of next year is the anniversary of the surrender. The Legislature of Virginia is not in session, and it will be impracticable, their sessions being biennial, to await their action in order to have the title required to be conveyed by the amendment in time to meet the centennial celebration of 1881; and as nothing really practical grows out of it, as there will be no difficulty whatever in securing grows out of it, as there will be no difficulty whatever in securing the full title to the property whenever the opportunity offers, and the rights of the Government will be amply protected by requiring the provisions of the section of the statute to which I have referred to be carried out, I hope the Senate will not agree to the amendment.

Mr. INGALLS. Mr. President—

The VICE-PRESIDENT. The morning hour has expired.

Mr. WITHERS. I think this bill will take but a short time. I ask unanimous consent for the further consideration of the bill.

The VICE-PRESIDENT. Is there objection to the further consid-

mr. EDMUNDS. If it will only take four or five minutes, I shall not object; but I think we ought to go on with the regular order

Mr. WITHERS. I do not desire myself to debate the bill at all. It is a subject that will readily commend itself to the judgment of every

Senator and I am perfectly willing to have a vote upon it at once, and I hope it will be disposed of.

Mr. INGALLS. I wanted to call the attention of the Senate and of the Senator from Virginia to what seems to me to be rather a remarkable omission. This is a national anniversary of very great significance and profound interest. We are called upon to vote \$100,000. nificance and profound interest. We are called upon to vote \$100,000

for a monument and \$20,000 for making the necessary preparations for a celebration. The executive department of the Government has the selection of the monument and the site, and a committee of thirteen appointed by the Speaker of the House of Representatives are to have control of the exercises, and the Senate is entirely unrepresented. It seems to me that is rather remarkable.

Mr. EDMUNDS. It does not say even "the Speaker of the House of Representatives." It merely says "the Speaker."

Mr. INGALLS. Further than that, the Senator from Vermont has called my attention to what I had observed before in the bill, that the committee to which reference is made in the third section is one to be selected by "the Speaker." That is rather an indefinite term. If it means the Speaker of the House of Representatives, it would

If it means the Speaker of the House of Representatives, it would be better, I suppose, to employ that designation.

Mr. WITHERS. Of course, there will be no objection to that nor to any amendment looking to the representation of the Senate as suggested by the Senator from Kansas, and I think it would be very appropriate. This is a House bill, and I presume it was reported by the committee without their attention being directed to that point.

My own attention had not been directed to the omission, but it will be very easy to provide a suitable provision for the representation of

the Senate.

Mr. INGALLS. I think there should be one.

Mr. WITHERS. I concur in the suggestion made by the Senator from Kansa

The VICE-PRESIDENT. The question is first on the amendment of the Committee on Military Affairs.

Mr. CONKLING. I ask to hear section 4 read, if that be the sec-

Mr. MORRILL. Section 2.

Mr. CONKLING. The section that provides for exercises and appropriates \$20,000.

The Chief Clerk read sections 2 and 3, as follows:

The Chief Clerk read sections 2 and 3, as follows:

SEC. 2. That a commission of three persons shall be appointed by the Secretary of War, whose duty it shall be to recommend a suitable design for said monument, to prepare a sketch of emblems of the alliance between His Most Christian Majesty and the United States, and a succinct narrative of the surrender of Earl Cornwallis, to be inscribed on the same, subject to the approval and adoption of the select committee of thirteen, appointed by the Speaker on the 19th of December, 1879, to inquire into the expediency of appropriating a suitable sum to be expended in erecting, at Yorktown, in Virginia, the monument referred to.

SEC 3. That it shall be the duty of said committee to select the site for the location of said monument, to obtain the cession of the same from the State of Virginia, and to make all necessary arrangements for such a celebration by the American people of the centennial anniversary of the battle of Yorktown, on the 19th of October, 1881, as shall befit the historical significance of that event, and the present greatness of the nation.

Mr. CONKLING. Where is the appropriation of \$20,000?

Mr. CONKLING. Where is the appropriation of \$20,000?
Mr. ALLISON. In the fourth section.
Mr. CONKLING. So I thought.

The Chief Clerk read section 4, as follows:

Sec. 4. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses incurred in the said centennial celebration, and to be disbursed under the direction of the said committee.

Mr. CONKLING. It will be seen that the committee has already been appointed as I understand. It is not a committee to be ap-

Mr. WITHERS. It is a committee which was appointed last Decem-

ber by the Speaker of the House.

Mr. CONKLING. Now the question which addresses itself to my mind is somewhat different from the one that has been propounded; it is whether any committee or any body ought to do this thing.

Mr. EDMUNDS. That is the fundamental question.

Mr. CONKLING. This is an excursion; it is to be a large-sized picture.

Mr. CONKLING. This is an excursion; it is to be a large-sized picnic, a celebration; and for Congress to appropriate money first to build a monument on ground which does not belong to the nation and which cannot be ceded to it in time the Senator from Virginia says, and then to appropriate \$20,000 to be taken charge of by a committee, I care not of which House or whether of both, to have a grand celebration and picnic—if this were not the Senate I should say a blow-out, for that is what it is sometimes called in the region in which I live. that is what it is sometimes called in the region in which I live seems to me very extraordinary. I should suppose if a monument as seems to me very extraordinary. I should suppose if a monument as expensive as this is to be constructed in the State of Virginia to commemorate either the little beginning or the great end of the American Revolution, that the exercises, the celebration, the occasion at least might be provided by the State or by the locality, and I think I shall not be challenged if I say that this is the first time that it was ever proposed in any bill to appropriate money from the Treasury to pay the expenses of a celebration in any State commemorative of any event. I know we have chartered corporations commissioned to the event. I know we have chartered corporations commissioned to the work of raising money to celebrate centennials; and I know that in the case of the Philadelphia exposition we put into it as we did in a bill which passed last this morning a provision that the Government never should be liable for anything, and afterward by supplemental legislation recalled that provision and enacted the contrary. I do not mean to include such bills in my remark; but to appropriate monotoner medically to defray the expenses of people georgeograph to defray specifically to defray the expenses of people congregated together on a certain day to hear addresses, to listen to music, and participate in observances, which are to inaugurate a monument or any other work in a State, is something which I have not heard of in any case heretofore unless I have forgotten it. I do not believe that that part of this bill at all events commends itself to the Senate.

Mr. EDMUNDS. Mr. President, I think as this opens a variety of questions that are quite distinct,—the monument is one thing and the celebration is another,—we can hardly take the time this morning to dispose of it, and therefore I feel obliged, as we ought to finish the Geneva award business, to ask for the regular order.

The VICE-PRESIDENT. The regular order is the unfinished business.

ness, being the Geneva award bill.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment of Mr. HOAR to the fourth section of the

Mr. EDMUNDS. Mr. President, I said yesterday just as we were about to adjourn that I was not able to agree with the Senator from Maine, [Mr. Blaine,] and I believed also with the Senator from Wisconsin, [Mr. Carpenter,] in respect of the sensitiveness that was expressed as to the public opinion of the world touching our political conduct in regard to the money obtained from Great Britain under the treaty of Washington. It appears to me, I repeat, that it is perfectly clear according to the sense of all civilized nations that the disposition between a government and its own citizens of moneys received from another government for wrongs committed against those citizens, is a matter entirely of domestic concern, in respect of which no other government has either a moral or a legal right to make any criticism whatever; and every civilized government would resent justly any comment upon its conduct in such a case, for that rests were the received principles of law and continued to a legal right. upon the recognized principles of law and comity and good neighborhood between nations in allowing each nation to regulate its own

borhood between nations in allowing each nation to regulate its own domestic affairs, the relations between the Government and its own citizens, in its own way without the right on the part of anybody outside of that country to make any criticism or comment whatever.

I should like to add to that a statement, which I believe to be true, that there is no pretense or suggestion anywhere that anything was stated or proved before the tribunal at Geneva in respect of the destruction of vessels that was not true. There is not a single suggestion in this debate or anywhere else, and I do not suppose there is a single fact that would fortify such a suggestion if it were made, that the United States presented to the tribunal at Geneva a declaration of the destruction of a single ship that was not a true declaration. of the destruction of a single ship that was not a true declaration. If it did, it of course was a mistake that ought to be rectified, but I have never heard of a suggestion of that kind.

These acts of destruction were public acts known to all the world. Of course there was a possibility of error; but the facts that the tribunal at Geneva dealt with, and the series of facts that the treaty of Washington spoke of were all of them beyond all question. Whether, therefore, the sum that the Geneva tribunal awarded in gross to the United States for these acts of confederate hostility that the governunited States for these acts of confederate hostility that the government of Great Britain was found to have contributed to, was too much or too little, would depend upon a careful analysis and valuation of each ship, its cargo, the property of its officers and men, and so forth, because that was all that the tribunal at Geneva undertook to require Great Britain to pay for.

The tribunal at Geneva, after hearing both parties, determined that

it would not provide for a minute and individual examination into each instance of destruction to find out exactly what the vessel was worth, exactly what the tackling and apparel were worth, exactly what the property, the sextants and chronometers and clothing, &c., of the officers and sailors were worth, but it said to Great Britain, "You have contributed to the destruction of certain vessels"—and by certain I do not mean particular ones named, but a class of vessels "through certain ships of the confederate navy; and we do not "through certain ships of the confederate navy; and we do not choose under the circumstances of this case, where your negligence or want of neutrality or whatever you call it was general and was not designed to effect the destruction of a particular vessel, to go into an arithmetical examination and computation upon specific testimony of exactly how much each ship was worth and all that belonged to it and its officers and crew, but on the whole you ought to make amends to the Government of the United States to the extent of fifteen and a half million dollars."

That is what the tribunal at Geneva did. They declined, although

That is what the tribunal at Geneva did. They declined, although the treaty had provided that they might do otherwise, to have each particular case examined by assessors. They chose after hearing all that was laid before them both of fact and of argument, to say to Great Britain, "We will generalize this question, and we will require you to pay a certain gross sum."

So then in every aspect of the case, I think we may dismiss from our minds any influence that has been attempted to be brought to bear on this subject as to what the people of Great Britain or of France or of any other civilized country are going to think about what

becomes of this money.

And then beyond that, Mr. President, if we were to go into a strict accounting, it would be found that the difference of exchange by which the United States profited in the payment of this fifteen and a half millions, the accumulating interest in the way the accounts are kept, and all that form a very large and important element in what is now said to be the fact that the gross sum stands on the books of the Treas-ury or wherever it is kept, at a certain large amount beyond what the insurance companies claim or the war-premium people claim, and so

Mr. THURMAN. Not difference in exchange. The money was paid

at Washington.

Mr. EDMUNDS. My learned and honorable friend from Ohio who has made me unhappy through all this business in the fact that he disagrees with me, says "not difference in exchange." I must repeat with great respect to him, again "difference in exchange," for I have good reason to believe that a very large sum of money, in the way the business was done in transmitting the award to Washington although it was to be paid at Washington, was got out of the difference of exchange. It is only information, but it is information that came in the time of it, six years ago, from people who ought to have known what they were talking about and who I think did; but perhaps they were mistaken.

they were mistaken.

Mr. THURMAN. You may be right, but I never heard of it before.

Mr. EDMUNDS. Perhaps I am mistaken in my recollection of
what was stated to me; but all this is apart from the real question
that we are called upon to decide. That is whether the Government
of the United States owes a duty (whether you call it legal duty or political duty, I do not care for this present purpose,) to the insurance companies first, and to the war-premium people second, or to anybody else. If it does, it does not require any argument on the part of anybody to convince me, and I presume not to convince any other Senator, that we ought to perform that duty. But the first question and the only question is whether such a duty exists. Now let us see what it is that we agreed upon with Great Britain, and what was the nature of this treaty as it respects the insurance companies and their rights. The treaty provided first by recital—

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims."

Then after stating the regret of Her Majesty's government about

the business, it proceeds:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree that all the said claims growing out of acts committed by the aforesaid vessels and generically known as the "Alabama claims" shall be referred to a tribunal.

There you will perceive that nothing is spoken of except first a difference between the two governments and complaints on the part of the United States as a government against the government of Her Majesty as a government, and next claims on the part of the United States against Her Majesty's government for the acts of the confederate cruisers, on the ground that she had aided in the commission of these acts of public hostility, as everybody must admit in this age of the world that they were. Then when you go on a little way to the twelfth article of the treaty you find the definite distinction between the case of a complaint by one government against another in its governmental character and the case of the interposition of one government against another for the redress of private grievances; the twelfth article provides in this same treaty that—

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in article 1 of this treaty, and all claims, with the like exception, on the part of—

Citizens of the United States shall be referred to a different tribunal and a different commission to decide. In the first case the claim, as it appears to me, and always has so appeared since I have examined it, was a national claim—not a national claim as representing private losses of property that the private losers had a right to indemnify for, but the claim of one government against the other for a national injury that the other had committed upon it in the only way (with a small exception that I need not refer to) that one government can commit a wrong against another, and that is by destroying its commerce or the property or the lives of its citizens or subjects. A government is nothing but a corporation. It is composed of an association of persons who have property, who have liberty, who have rights, and in a case of regular public war, as for these purposes this war of the rebellion was, the injury that one government commits upon another is the foreible injury of destroying the lives and the property of their respective citizens and subjects. It is nothing else, never has been and never can be in the nature of things anything else; and every such destruction, it appears to me everybody would It is nothing else, agree is in the legal and in the equitable and in the moral private agree is in the legal and in the equitable and in the moral private sense a perfectly lawful destruction, which gives to the person who is deprived of his life, his liberty, or his property, no just ground of complaint whatever against those who destroyed it. Will my learned friend from Ohio maintain when he comes to terminate this discussion—I am sure he will not—that any of the confederate officers or soldiers who in this brave contest of the Anglo-Saxon race for supremacy, as I think it was-nothing else-destroyed the lives of thousands and I do not know but hundreds of thousands of people who adhered to the United States and were on our side, were guilty of the crime of murder? If it was not a lawful destruction of life, it was certainly murder or manslaughter. Does my honorable friend hold that an indictment would lie, in the sense I am now speaking of it as a matter of public law, against any confederate officer or any confederate sol-

dier who had slain a soldier of the Union? Nobody would pretend such a thing for a moment in the aspect I am now speaking of it. It is true that the Supreme Court of the United States has held, and I think rightly, that this civil war (as it is sometimes called, and in a legal and public sense undoubtedly correctly called) had two natures; one was its public and belligerent nature, and that the laws of war applied to; captures made by the Union Armies were public captures; captures made by the Union fleets were public captures that were subcaptures made by the Union neets were public captures that were subject to the laws of war as prizes, and to be tried as prizes and condemned and distributed in the prize courts. That was the public aspect of it; and it has a great many others. The court has also held that the fact that it had that public aspect and might be so treated by the Government, as it was in a great many respects, did not exclude the fact that this civil war was a rebellion, and that every person engaged in it was guilty of treason, and was subject to the municipal law notwithstanding the fact that in many of its aspects the Government had treated it correctly as a case of public war.

But that does not help this case any for the reason that every one of these acts of destruction that became the subject of discussion between Her Majesty's government and ours and the subject of this award was a public act of destruction, and in the municipal sense the government of Great Britain had nothing whatever to do with it. She was no party to the question as to whether the officers in com-mand of these confederate cruisers that had been fitted out in her ports were guilty of treason against the laws of the United States or not. She was not amenable for that; that was none of her business. She may have aided treason-to call it by that name and that is not so offensive as some people suppose it to be for our forefathers were guilty of treason undoubtedly in the municipal sense in achieving our liberties, only they succeeded and there was not any convenient way of punishing them—but she had nothing to do with the matter of treason, with the matter of our municipal laws. Her responsibility of treason, with the matter of our municipal laws. Her responsibility was the public responsibility arising from a state of public war between two belligerent powers, and in no other sense could she be called upon. She could not be an accessory to an act of private treason. That is plain enough. So I think Senators will see on all sides, if they will take the pains to reflect upon it a little, that in respect to this matter between the government of Her Majesty, the Queen of Great Britain, and the United States, this was purely a question standing exactly as it would have stood if the belligerent opposed to us had been the government of France instead of the temporary government of the so-called confederate States. That was her porary government of the so-called confederate States. That was her

responsibility. It was the whole of it from beginning to end.

Now, what did the two governments do, to come back to this treaty?

You will see, sir, from what I have read, what they did. The complaint that was made against Great Britain in respect of these acts referred to of the confederate cruisers was a complaint on the part of the Government of the United States and in its own behalf. There were other complaints also of other national wrongs, as they are sometimes named, and by a confusion of terms it seems to have been implied, because some of the so-called national wrongs were not thought by the tribunal to be within the competence of its jurisdiction, that everything else must have been a private wrong, which is a non sequitur undoubtedly. When, in the same treaty, you come to those points where private wrongs are to be redressed, acts of illegal capture and illegal seizure you find the usual and ordinary provision of a claims treaty, providing for compensation for claims that are justly established on the part of private citizens and corporations. They are provided for by a distinct and separate provision in order, as it appears to me clearly, to separate them from the public complaint that the Government of the United States made against Great Britain for injury to the United States inflicted through the persons and property of its citizens by these public acts of recognized belligerent cruisers. If I am right about that (and it seems to me that few people can read these two branches of this treaty and not fail to see it,) there would seem to be an end of the question that any private right was being established by any decision of the tribunal at Geneva.

The next question would be how it happened that this distinction

The next question would be how it happened that this distinction should have been made. It is obvious enough to my mind. If the United States had pressed what are called the Alabama claims and had got Great Britain to agree to their being submitted as claims on the part of or in behalf of private citizens of the United States for the destruction of their ships by these public acts of war and they had been sent to the tribunal at Geneva what would it have been obliged to decide? It would have been obliged to decide as it appears to me and as I think it clearly appeared to the wise and able men who negotiated this treaty, that there was not any claim at all: that a negotiated this treaty, that there was not any claim at all; that a claim on the part of a private citizen, the owner of a ship destroyed by the Alabama for instance, was a claim that could not be proved to exist at all in point of law; no injury had been done to him whatever; he had no claim; he never had any claim, any more than the Union soldier had, or the Union man the owner of a house had in Southern Pennsylvania when General Lee invaded the State and the sweep of war destroyed his property. Therefore, if all the claims called the Alabama claims had been put in under article 12 that I have read as claims on the part of private citizens and corporations, the result, in my belief, and I think that is the key to this double provision in this treaty, would have been inevitable that the Geneva tribunal would have been obliged to decide upon the principles of public law that no allowance could be made at all, for it had no juris-

diction to allow them for the simple reason that there had not been in the legal and in the public sense or in the equitable sense any private injury whatever, and why? For the simple reason I have stated before, that in a case of a public war the belligerent destruction of the property or of the person, even life within certain limits, that I will not waste the time of the Senate to exactly define—it is enough for this purpose that the destruction of property or of life is a perfectly lawful destruction, and that it creates no responsibility on the part of the destroyer to the person whose life or whose property is destroyed or his representatives. It was a justifiable and lawful thing, just as much so as if the confederacy had succeeded in establishing its separate independence; there would have been no ground for a citizen of the Confederate States of America to sue any citizen of the United States, be he officer or man, for destroying his property in the course of war during that time.

I am almost ashamed, Mr. President, to take any time of the Senate in stating principles which seem to me so perfectly recognized by ate in stating principles which seem to me so perfectly recognized by everybody, by all countries, and by all courts, that to my mind it is clear that the separation of these two classes of complaints in this treaty itself was an industrious and intelligent separation, and that in the case of the Alabama claims under which this bill is pushed, the complaint, as the treaty states it, is a complaint on the part of the Government of the United States for the public acts of certain confederate cruisers, and for which we held that Great Britain was responsible on account of her national negligence and conduct in contributing, so far as she went, as an ally and accessory aiding this belligerent destruction of the property of our citizens. When they came to the next part of the fact which stood outside of this public and belligerent conduct on the part of Great Britain and on the part of the confederates that she was supposed to have been aiding either by action or omission, then the ordinary phrases of the claims treaties that had existed from the foundation of this Government and in all other civilized governments was adopted almost word for word. The men who framed this treaty could not have been ignorant of the distinction I have been stating. They had in their minds undoubtedly the historic course of public treaties for public indemnity and pri-

the historic course of public treaties for public indemnity and private treaties for claims, of which the statute-books and the collection of treaties from the beginning down were full.

I took pains in the year 1873, when this matter first came before the Senate, to point out to the Senate a number of instances of this kind, showing the distinction always observed by this Government itself in these two classes of treaties, beginning with the treaty with

Great Britain of 1794.

Mr. THURMAN. What do you read from ?
Mr. EDMUNDS. I am referring now to my remarks in the Congressional Globe, delivered on the 7th of February, 1873.

Mr. ALLISON. State the page.
Mr. EDMUNDS. Page 1175 of the Globe, Forty-second Congress,
third session. I first referred to the treaty of 1794 between the United States and Great Britain, in which the contracting powers undertook to make provision for private losses of the citizens and subjects of the two countries in the course of the war for national independence. The treaty recited the difficulties of the situation and then proceeded:

It is agreed that in all such cas

Speaking of the claims of British creditors against citizens of the United States, which of course were matters of pure private right that had been disturbed by the war-

It is agreed that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors.

There is an instance where the right of subrogation that is spoken of, which of course must depend upon the right to which it is subrogated (first you must get a right to exist before you can have any subrogation, everybody would agree) is provided for, just as in the twelfth article of this treaty of Washington similar rights are provided for.

Then the next treaty to which I referred was that with France in 1803, which provided for the debts due by France to the citizens of the United States.

Mr. THURMAN. The first treaty you referred to was Jay's? Mr. EDMUNDS. Yes, the treaty of 1794 was the Jay treaty. Now I come to the treaty with France in 1803:

The debts due by France to citizens of the United States contracted-

Before a certain time-

Shall be paid according to the following regulations, with interest, &c.

Then it provides, just in substance as the twelfth article of this treaty provides, for a commission to ascertain each particular debt, how it arose and whether it was valid, and was extended sometimes to trespasses, illegal seizures, &c. Then the next one referred to was the treaty with the Dey of Algiers in 1815:

A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-third article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the 5th of September, 1795.

Then we come to the treaty with Spain in 1819 which provided that-

The United States, exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely canceled, undertake to make satisfaction for the same to an amount not exceeding \$5,000,000.

Then it provided for commissions to hear and try each individual claim and allow to the claimant the sum that should be proved to be

due to him, if anything was due, not exceeding that amount.

It is a curious thing, Mr. President, that the celebrated decision of the Supreme Court of the United States in Comegys vs. Vasse in 1 Peters, that has been so often referred to, arose under this very treaty of 1819 with Spain, with whom we had not been at war. The injuries to our citizens had arisen from the fact that in the European wars in which Spain was concerned, and in respect of which we were neutral, illegal captures contrary to the principles of public law and municipal law had been made, sometimes by French cruisers, sometimes by Spanish cruisers or privateers and carried into French ports and condemned, we being neutrals and having no part in the war at all, and not aiding either belligerent. There was a case, of course, in which the destruction of the property of an American citizen was an illegal destruction that was not warranted by the principles either of public or municipal law, and in respect of which the private citizen of the United States had a clear right to follow his property by a suit for damages against the commanding officer and the people on the ship that took it, if he could catch them. Spain was called upon to respond, not because she had been helping somebody to make war upon us but because she being in a state of disturbance with somebody else and we being her friend, she had allowed her forces to do against our citizens an act that the laws of public war did not allow that the deal of the court of the course of the course of the course of the court of the course of t her to do at all, and that she did not pretend they allowed her to do.

Accordingly, under this treaty, which provided in express terms that Spain should furnish us on one consideration or another with \$5,000,000, we undertook expressly to make satisfaction to these particular citizens whose property had been unlawfully destroyed. In this particular case referred to so often as being an authority in support of the claims of these insurance companies, Vasse was an insurance man. He had insured a vessel that we they illegally exical ance man. He had insured a vessel that was thus illegally seized and taken into a Spanish port and confiscated or condemned. Spain agreed to make reparation to him through us for it in explicit terms, and we had solemnly undertaken by a treaty with Spain in express language that we would make satisfaction to the owner of that ship or whoever might be entitled to stand in his shoes, for it. We appointed the commissioners who allowed for the destruction of this

vessel the sum of eight or nine thousand dollars, whatever it was.

In a case of that kind the Supreme Court of the United States did and said with perfect justice in my opinion, and according to correct principles of law, that the insurer, the vessel having been abandoned to him, was entitled to this money. It seems to me to be perfectly clear that it was right; but how my learned friend from Ohio and other gentlemen who take that view of it can press that case upon our consideration as proving that in a case of a belligerent destruction between two hostile nations, as they may be called for this purpose, a sum of money awarded not to that individual but awarded to the United States, for a claim on the part of the United States, to use the exact language of the treaty, becomes in any sense his property either in morals or in law, is amazing to me. It may be so. I have the greatest respect for the opinion of my learned friend from Ohio, and for those of my friend from Illinois and the other gentle-Only, and for those of my friend from fillnois and the other gentlemen who differ with me; but I am quite unable to see how they suddenly jump the barrier, the difference, between the case of an illegal destruction of a person's property, which always gives him a right against somebody, and the case of a lawful destruction of his property, which gives him a right against nobody. It seems to me that there is a very wide difference between two such cases.

I repeat, it is a difference that the treaty of Washington studiously, industriously, and in terms recognized when it provided for the Alabama claims as claims on the part of the United States, and provided for the private claims in the twelfth article of the treaty as claims on the part of citizens of the United States.

It appears clear to me that it is not of any great consequence to us what was the individual or official opinion of the President of the United States or of the Secretary of State in his instruction to our agents and counsel at Geneva, or what statements they made to that tribunal or what individual or official opinions the tribunal itself may have had upon the subject. I do not agree with my learned friends on the other side as to the interpretation of these views. I think that they all tended exactly in the direction that I am speaking; they think otherwise; but I submit that it is of no possible importance to us except as they should have given good reasons for their opinion. Why? The treaty itself, which we now must interpret for ourselves, was the guide of that tribunal. It had no jurisdiction that the treaty did not confer. It could hear nothing and pronounce nothing that the treaty did not allow; and in its award it does not undertake to do either. The President of the United States and the Secretary of State and the counsel derived their only and sole authority from the treaty. If they followed it, it was well. If they stated opinions which were in contravention of the principles of the

treaty, nobody was bound by them; they did not affect the United States in the slightest respect. I do not think they did, but gentlemen on the other side think they did.

Now, let me read what the high court of appeal of Great Britain since this Geneva tribunal, in the China case, said upon that very subject as to what authority the officers of Her Majesty's government and have in making a treaty a making a proprise of companyation. could have in making a treaty, in making promises of compensation, even if made in the clearest terms. If the President of the United

States and the Secretary of State, Mr. Fish, in this instance had said to the insurance companies or to the owners of these ships, which for the purposes that I am now speaking of I will treat as exactly the same, "Grant your right of substitution if there is a right to be subsame, Grain your right of substitution it there is a figure to satisficated," then for the time being you change the sovereign control and rights of a government. Lord Chief-Justice Coleridge, in pronouncing the final opinion of the court on an appeal from Lord Chief-Justice Cockburn, who had been one of these very arbitrators and who decided the same way too, said this:

Secondly, upon these higher and wider considerations-

And now he is speaking of the national considerations that I have been speaking of-

as to which, in a case of this kind, we ought not to abstain from expressing an

I ought to state before I go on with that, for the information of Senators who may not have read the case, simply what this Chinese case was. British subjects residing in China entered into contracts with certain Chinese merchants, it being a case of regular and lawful private contract. By the laws of China a certain Chinese corporation, as they are accustomed to have corporations to regulate their commercial affairs, became responsible for this debt of the Chinamen to the subject of Her Majesty's government. That debt among a great many others was unpaid when Great Britain by what was called a war with China (it hardly ought to be dignified by that name) compelled China to pay the sum of £3,000,000, or whatever it was, to the government of Great Britain on account—I believe that is the very language of the treaty—of these debts. It was a case of restitution for a civil wrong, widely different from this, if I am right in what I have said, but a clear case in that respect of a claims treaty. The government of Great Britain asked China, and China agreed to do it, to pay over to the government of Great Britain a large sum of money on account of these debts that were due from Chinese subjects to the subjects of Her Majesty. It was paid over. Then a subject of the government of Great Britain appealed to her court, analogous to our Court of Claims, by what is called a petition of right, to get his share, according to his debt, of this sum of money that confessedly was paid over to Her Majesty's government for that very purpose. That being the case, where beyond all question it would be right that he should have his share, and this court do not dispute it at all, what do they say? They say:

Secondly, upon these higher and wider considerations, as to which, in a case of this kind, we ought not to abstain from expressing an opinion, we think he fails also. We assent, upon full consideration, to the reasoning of the judges in the court below. The making of peace and the making of war, as they are the undoubted, so they are, perhaps, the highest, acts of the prerogative of the Crown. The terms on which peace is made are in the absolute discretion of the sovereign. If Cantain Elliot. If Captain Elliot-

Now he comes to the point I am speaking of about supposed representations in calling upon these insurance companies and the owners of ships to send in their claims and agreeing, to put the strongest construction upon it, to prosecute them and get the pay.

If Captain Elliot did (to use the words of the petition) promise that the Queen would compel the Chinese government to pay these claims when terms of peace were arranged; if Sir Henry Pottinger—

did promise that these claims should be insisted on, and should be paid, they both exceeded their authority, and promised what they had no power to perform, or to pledge the Queen to perform. The Queen might or not, as she thought fit, have made peace at all. He was the embassador who negotiated the treaty, I believe-

Just as the Government of the United States might or might not, as it thought fit, have charged the government of Great Britain with being an accessory and an aider and abettor in these acts of belligerency against the United States carried on by the confederate government while it existed.

ment while it existed.

She might or not, as she thought fit, have insisted on this money being paid her. She acted throughout the making of the treaty and in relation to each and every of its stipulations in her sovereign character, and by her own inherent authority; and, as in making the treaty, so in performing the treaty, she is beyond the control of municipal law, and her acts are not to be examined in her own courts. It is a treaty between herself as sovereign and the Emperor of China as sovereign, and though he might complain of the infraction, if infraction there were, of its provisions, her subjects cannot. We do not say that under no circumstances can the Crown be a trustee; we do not even say that under no circumstances can the Crown be an agent; but it seems cleart ous that in all that relates to the making and performance of a treaty with another sovereign the Crown is not, and cannot be, either a trustee or an agent for any subject whatever.

We do not, indeed, doubt that on the payment of the money by the Emperor of China there was a duty on the part of the English sovereign to administer the money so received according to the stipulations of the treaty. But it was a duty to do justice to her subjects according to the advice of her responsible ministers; not the duty of an agent to a principal, or of a trustee to a cestui que trust. If there has been a failure to perform that duty, which we only suggest for the sake of argument, it is one which Parliament can and will correct, not one with which the courts of law can deal. It is indeed in the highest degree unlikely that there has been, or ever will be, such a failure. In this country five-and-thirty years would not have run their course without the attention of Parliament being called to the unjust withholding of money by the English government from an English subject entitled to it. But whether this is so or not it is to Parliament alone that the suppliant can have recourse.—2 Queen's Beach Reports, 73, 74.

This was delivered as the deliberate judgment of the highest judicial tribunal in Great Britain, pronounced only four years after the making of this award by the tribunal at Geneva, and pronounced three years after the public debates in the Congress of the United States had drawn the attention of every civilized and intelligent law-administrating country to the questions that making country and law-administering country to the questions that

would arise under such treaties. I repeat that the treaty on which this court was commenting was in terms a treaty by which the gov this court was commenting was in terms a treaty by which the government of China undertook to pay over to Great Britain, and did pay over to Great Britain, debts due from subjects of China to subjects of Her Majesty; and yet in that case of a purely claims provision without any other element in it whatever, Her Majesty's court said, and said rightly, that there was neither trust nor agency, and that it depended upon the sense of political justice of the Parliament of Great Britain, the political power of that country, whether even in such a case the subject should be entitled to receive any share in it. But just think how far that is from this case. it. But just think how far that is from this case.

Again I repeat, because, as it seems to me, it is the key and the answer to the whole subject, every ship that was destroyed by a confederate cruiser was destroyed in strict pursuance of law, and it left when destroyed no private right or equity of any description on the part of the owner of that ship, and so of course none on the part of anybody who stood in his place, as we all agree, against anybody, any more than it would have been if a convulsion of nature, a tempest, had carried the ship to the bottom instead of the guns of a bel-

ligerent power.

If this is good law, as everybody, I believe, who is acquainted with the administration of laws believes it is, that I have read, in the case of a claims treaty, how far away does it put this claim of the insurance companies standing upon their subrogated rights, as they call them! How far away does it put the claim of the owner of the ship, whether insured or not, to any part of this money because the money has been obtained or because he has any right in it of any character whatever! He has exactly the right, as it appears to me, and that was the principle upon which the act that we did pass proceeded—he has exactly the right and no other that he would have had if we never had received a dollar of money from Great Britain for these injuries committed upon us through the persons of our citizens; and the claim that he would have had in that case, as it seems to me, would have been a claim upon the sense of justice of the Congress of the United States in respect of its duty in protecting its citizens against the acts of the enemies of the United States. That is a duty, but it is only a duty of degree. It is only the duty of any political community to do the best it can.

Whether in a given case special compensation or aid should be given to a particular citizen or class of citizens growing out of a state of war, depends upon all the circumstances of the case. If it appears that in such a case of war special and unequal hardships and burdens and distresses have been borne by particular citizens or particular sections of a country, then a just and wise government usually en-deavors to make some compensation to them. The whole body of the deavors to make some compensation to them. The whole body of the State contributes to these special and individual hardships in order to make the equality of a just government more complete; just as we give, as was stated the other day, pensions to the soldiers of the United States, not because they had either a legal or equitable right to them in the sense of succession and security against the United States, but because in the course of the performance of a public duty in a public emergency the misfortunes that all such calamities bring upon the whole body of the community fell with special hardship upon them. The duty of political justice therefore prompts us to make these provisions, just as in the case of the New Madrid earthquake on the Mississippi in the early history of this country, that everybody is familiar with, where the homes of a great mass of settlers located in a particular section of the country were destroyed by an earthquake, a calamity that, I take it, even my friend from Ohio would not claim to give a right to subrogation or anything else against the Government of the United States, it was thought wise, and I believe by the unanimous vote of Congress, to make provision for a special hardship and to give new lands that had not been shaken by the forces of nature to all the settlers of that region-just as in dozens of instances in respect of refugees during the war of 1812, in respect of refugees from Nova Scotia during the war of the Revolution driven out by the Tories there, who came to this country, we made provision for them; they adhered to our side—just as in a thousand instances that occur from Congress to Congress where some special calamity or hardship has fallen upon some special citizen or class of citizens of our commonwealth, the justice of Congress in its political character and in its political sense gives them out of the contributions of all something to make it good.

It was upon that principle, and upon that only, as I understand it, that we passed the act of 1874 providing for the payments that it did make and those that we would pay to every sufferer whose vessel was destroyed by the cruisers named in the treaty enough money to make the sufferer whole and no more. If he had got that money from an insurance company upon a war risk, as he must have got it if he got it at all, he got it from a corporation that was enabled to take war risks and make money or lose money upon them from the simple fact that war existed. If there had been no war there would have been no war risks, there would have been no risks to be taken by insurance companies and no profits or losses to be made. Therefore, acting upon the principle that I have tried to state, and have stated so imperfectly, but still which I think can be understood, we endeavored to say to him, "just to the extent that your hardship as a citizen of the united States has been special and peculiar growing out of this war, and no further, we will make it good to you. Whatever you have and no further, we will make it good to you. Whatever you have lost by the destruction of your property on the high seas by the belligerent cruisers we will pay for, if you have not got it back from somebody who traded in the event of war and got an indemnity from him." We said at the same time and upon the same principle that those even who traded and were enabled to trade alone upon the fact that the war did exist—and that was going a great ways—should have compensation made to them if on account of it they had been special sufferers by making losses instead of gains out of this great national calamity, and they were paid.

The people who now come to be paid upon the principle of subrogation to a right which I have endeavored to show never existed at all, are those who were enabled out of the very business that they suffered this particular loss in, in a given case, and without which they could not have made any money at all on that kind of risks, to make more money than they lost. Yet it is said that here is a right to this money, an equity of some kind or other, I do not care by what name you call it, that they shall take this money; and it is put upon the ground apparently that we have got the money from Great Britain, and if we got it did we not get it for somebody? We did get it for somebody, Mr. President. We got it just as the treaty states that we claimed it, on the part of the Government of the United States, for public acts committed against the Government of the United States by Great Britain in aiding our enemies to inflict injury upon us in our character as a nation. That is how we got it; and we got it in no other way. In ascertaining the extent of these injuries against us in our character as a nation, it was, of course, necessary to make a summation of individual instances of how much of the property of citizens of the United States was destroyed and under what circumstances? That makes up the sum, and it is finally got

If I am right in supposing, or if I have succeeded in proving to the satisfaction of the Senate, that these belligerent destructions of American ships were destructions that left no right on the part of the ship-owner to complain of anybody, to seek redress against any government, then it necessarily follows that there is no right on the part of somebody who was subrogated to him as an insurer or otherwise to make any claim, because if the right did not exist there was nothing to subrogate. I take it, my friend from Illinois would agree to that. You must first establish the right before you are able to assign it. That, as it seems to me, is exactly this case; and it does not appear to me that there can be any question upon it. Suppose some of the owners of these vessels had applied directly to the English government, as on the principles of public law they always may for a private wrong, and as according to the act of 1790, if that was the date of it, against carrying on intercourse with foreign governments, &c., might be done, for while it punishes any citizen of the United States for engaging in negotiations or communications with the representatives of foreign governments touching matters pending between the governments of international concern, it adds the usual and necessary and proper proviso, according with public law, that that act shall not be construed to prevent any citizens of the United States from appealing to any foreign government to redress a private right of his.

Then suppose that a ship-owner (I will say nothing of an insurance company, because it, gentlemen say, stands on his rights) had applied to the government of Great Britain; he had sued the Lairds who helped to fit out some of these ships, is there anybody who hears me now who would say that he had any right to recover whatever? Suppose he had appealed to the government of Great Britain in its sovereign capacity for general redress, what would have been the answer? The government of Great Britain would have replied, "If we have done anything at all which is worthy of reproach, we have not done it to you; we have done it in aid of a belligerent enterprise being carried on against your Government; if we had done it directly in our own names and not through the confederate government that we were aiding, you would have had no cause of complaint against us in our character as a sovereign; you have no relations with us; we have done you no injury."

That is the same answer that, as I said a little while ago, would be made in any court of justice, not upon principles of technical law but upon principles of the broadest consideration resting in the very fundamental conditions of the existence of government at all, that no action could have been maintained against Semmes who commanded the Alabama by the owner of the ship that it destroyed. I am now speaking of it in the sense of public law. Whether a municipal action in our own country, treating the rebellion as an unaccomplished fact, could be maintained or not is another question; but that is entirely immaterial to what I am now speaking of. I do not by any means say it could, but I only say it is not necessary to go into that to settle this question.

Then it appears to me that if these gentlemen had appealed to the government of Great Britain they would have been met with this conclusive answer: "We have no relations with you, no officer of ours has." If the loss had been the direct act of a British cruiser, a belligerent act and not a private and illegal act, the answer would have been as to you and as to us, "it is the same as if the lightning or the tempest had sent your ship down; we are under no responsibility, either in law or in morals; our responsibility whatever it may be is to that great political community of which you form a part and not to you at all, and whether that great political community of which you form a part is bound to indemnify you or aid you on account of

the destruction of your ship depends upon its own considerations of justice and expediency, and has not the slightest relation to the question of whether it can get anything out of us or not."

Since I have studied this subject, and with great deference to the opinions of gentlemen who are perhaps better able than I am to settle

Since I have studied this subject, and with great deference to the opinions of gentlemen who are perhaps better able than I am to settle a question of this kind and who disagree with me, it has always appeared to me, from the very provisions of the treaty itself, recognizing the broad distinction that I have endeavored to state between what are called the Alabama claims on the part of the Government for public destructions that no citizen could have complained of either against the confederates or the British government, and the claim for private and personal rights and injuries provided for in the twelfth article, that the only duty of the United States in respect of the disposition of this money or any other money, (because to my mind it does not make any difference) is the duty that I have endeavored to describe of relieving the special hardships of particular classes of its citizens, growing out of a state of war. Those special hardships were recognized in the act of 1874 to the extent that we then recognized them by making good to the owners of ships destroyed by particular vessels all that they had actually lost themselves, and by going a step farther and making good to the insurance companies all that they had lost growing out of their business based upon a state of war; that is, where they had lost in their war-premium business we made it up; where they had not lost we said, "you have no claim upon the political justice of this Government, and you have no other at all; there is no special hardships that you have suffered out of the existence of this state of war, which has enabled you to make profits out of the calamities of your country rather than to make losses;" and when I say "make profits out of calamities" I do not say it as a reproach upon the insurance companies. It is a perfectly legitimate, proper, useful, and sometimes a necessary business. I only speak of the simple fact that the war risk only exists from the circumstance that there is a war, and when the political justice of the people is

Now let me say a word or two about the war-premium claimants. They stand in a little further degree on this question, but not much, from the insurance companies. A state of war has always been found, and I am afraid it always will be found, to produce a disturbance in the ordinary avocations of men. It is not a convenient thing to have for the prosperity of a community in any true sense of the term. Prices rise and fall. Particular commodities become in great demand; other commodities fail to be demanded at all. Avenues of trade in cases of invasion are cut up and cut off by contending armies. The highway of the nations, the sea, becomes insecure and dangerous; and the whole body of the people, according to their various callings and pursuits, suffer or gain more or less. I think that this is the first time in the history of a civilized or uncivilized government in which there has been a demand or a claim on the part of citizens of such a government engaged in a war for compensation or redress or whatever else you call it based upon these incidental disturbances and distresses that arise out of it except those special and peculiar hardships of destruction of property as distinguished from not being able to make so much or being obliged to pay more as this case is. I think I am safe in saying that this is the first instance that can be found in history of a claim of that kind. I am bound to say, therefore, that I think the tribunal at Geneva, although I admit that does not decide the question with us if I am right in what I stated before, were right in saying that the war-premium claims were not within the competence of adjustment and adjudication; they were too remote.

A man is engaged in business. A war has not exactly broken out but there is a state of irritation between the Government of the United States and Great Britain, for illustration, and it is expected by everybody and according to the newspapers that a war is to break out immediately. An American ship is to sail from New York to Singapore, if you please. The owner of the ship and the shipper of the freight expect that war will break out in two weeks, and it will take a hundred days for the sailing-vessel to go to Singapore. They want to make a war risk. They make one, and they pay \$10,000 upon a value of a million, and the vessel gets there, but the \$10,000 is gone. That is one of the fortunes of trade; that is all there is to it. Suppose war does break out. Not a belligerent ship is on the sea at that time, but with peaceful gales and sunshine all the way the vessel gets there. The insurer has found that he has paid for a risk that is no risk at all in that particular case. Is that one of the things that you can summate in such a way as to show that a particular man has suffered that special hardship that it is the political duty of a government to redress? Suppose you reverse the case. The ship is coming from Singapore or from Hong-Kong with fifty thousand pounds of tea, and there is the war risk and the war is on. The tea reaches the market. Who pays for that war risk on that tea, because you will observe that this war-premium claim is not merely for vessels that were destroyed, where there was a loss, but for all war premiums paid? The tea man, if he is wise, as New England people generally are, is not going to keep up the importation of tea for the sake of supplying his fellow-countrymen, as fond as our revolutionary fathers

were of tea, at a loss to himself. He figures up the price of his fifty thousand pounds of tea, how much it stands him in when it is in the warehouse in Boston or New York; and as an element of that, the warehouse in Boston or New York; and as an element of that, the price he has paid for the war risk on insurance he puts in. He sells his tea accordingly, and you and I, and all of us who drink it, pay that war premium. It is we and all the other people of the United States who drink tea who pay that war premium. He advanced it, and he charged it just as an intermediate railroad does in carrying a freight over to the other road. He advanced it and he charged it to the cargo, he charged it to each chest, he charged it to the country merchant, and the country merchant charged it to us, and we paid for it as best we could. I think that is a perfectly fair and just statement.

Mr. BLAINE. Will the honorable Senator make that statement

Mr. EDMUNDS. No, Mr. President, I cannot make it again. I will tell you what I mean in a minute. Several of these war-premium gentlemen are among the most intimate and kindly of my personal friends; I have talked with them about the subject at the fireside; and a very distinguished importer, a man of great property and wealth, and, I will add, of great kindliness and generosity of heart and public spirit, some years ago, when this matter was up before and public spirit, some years ago, when this matter was up before, mentioned this question of war premiums to me, although that was at a time when there were very few people in the United States who had very much faith that the war premiums would ever cut much of a figure in this business, as they do now, and I asked him about the nature of his business during the war. He was a very heavy importer of teas and such things. I asked him if he had ever had a more nature of his business during the war. He was a very heavy importer of teas and such things. I asked him if he had ever had a more successful four years in his business career, that had been a long one, most profitable as well as honorable to himself, if he had ever had a more prosperous four years than during this war period. He said it was true he never had. He made a great deal more money in that time than he ever had before. I asked him then how it was that he thought he ought to have these premiums, amounting in his case I think to more than \$100,000 that he had paid. Well he said—and that is the whole strength of the argument—"if I could have imported the tea in the same way and sold it for the same price and not had to pay the war premiums, although prices went up enormously. had to pay the war premiums, although prices went up enormously, I should have made \$100,000 more." That was true. If you could have had a state of war in which the importers ran no risk and the people suffered the calamities of a state of war by the rise of prices people suffered the calamities of a state of war by the rise of prices, then the importers, the war-risk men, could have carried on their business without taking the risk, which everybody else did in the country, and they would have made more money. That is apparently as to importers the real ground on which this thing stands.

Of course you may say in a given case as it is always in matters of commerce, that you will find some importers who paid war premiums and who were actual losers, who failed and who were ruined, not be-

cause they paid war premiums but because just as in time of peace men are sometimes ruined from the misfortune of trade and from want of good management, and so on. When you come to the owner of a ship, there the argument can be made in favor of the claim in a different way and apparently for the moment with more plausibility, for the rise in the price of freight probably (although I am not quite the rise in the price of freight probably (atthough I am not quite advised about that) was not as great in proportion as the rise in the price of commodities, and the foreign ships not being obliged to pay the war premium could make the rate—as I believe the railroad phrase is—could fix the rate of freights between foreign ports and the United States at any price to suit them. Of course they would be glad to fix it as high a price as they could, but still there being competition they could make the risk and the American owner of a bottom could not carry freight at the same rate that the foreign owner of a ship could, unless he made the war risk, because everybody would naturally prefer to ship in a neutral bottom and not run any risk at all and not be obliged to pay a war premium himself upon the goods that he shipped. That is plain enough; but there is a countervailing consideration to that, aside from what I have stated about this whole matter, eration to that, aside from what I have stated about this whole matter, the business being one of those general things that a state of public disturbance and calamity affects everybody without giving anybody a particular right to redress, and that is that there was a countervailing consideration. Our currency was greatly disturbed, as I have heard a good many statesmen say within not many years, during the state of war and was vastly depreciated, and the premium upon gold and the difference of exchange became enormous comparatively, growing out of the simple fact that there was a state of war. Now I have been told on what seemed to me to be good authority, and it looks very reasonable, that the ship-owner, as distinguished from the man who owned goods although he participated in that benefit as well, but the shipowner in making his freights, taking his outward and inward cargoes together, made up his expenses for war premiums and frequently a good many times over, on account of the premium on gold and the great many times over, on account of the premium on gold and the great many times over, on account of the premium on gold and the great disturbance in the rate of exchange. So if you struck an average of a man's general business he would be obliged to say that he never made so much money in any four years of his life as he did then, although there are a great many individual exceptions, and not growing out of the single circumstance of war premiums. That is what I believe to be the state of the case.

Mr. BLAINE. Will the honorable Senator let me interrupt him with a question?

Mr. EDMUNDS. Yes, sir.

Mr. BLAINE. If that be the condition of things, as the Senator states, I should like him to explain why it was that during those four years the general disaster was so great to the shipping interest of America that it met with practical destruction. As the honorable Senator states it, it was rather a time of jolly prosperity. The actual fact was that it received a staggering blow under which it has been

senator states it, it was rather a time of jony prosperity. The actual fact was that it received a staggering blow under which it has been staggering ever since.

Mr. EDMUNDS. I do not observe the question so much as I—Mr. BLAINE. How do you account for it?

Mr. EDMUNDS. We cannot both talk at once. I was trying to reply to what the Senator called a question, and found that I was not able at the moment; that is all. The commentary of my honorable friend from Maine, for whose zeal and fidelity in this business I have a perfectly sincere admiration, because I know he means exactly what he has stated, I think is answered by this: in a state of war or public calamity of this kind, timidity plays a great part in respect of business transactions. I am not speaking of personal timidity in respect of being a soldier and so on, I am speaking of what is known as the proverbial timidity of capital and business. How far American commerce was driven from the seas, as the phrase is, by this state of war compared to the tendency of things if there had not been a state of war, I am not able to say; but I am able to say that I believe that has been vastly overestimated, for if it had depended solely or chiefly upon this four years' state of war the fifteen years since should have restored it over and over again, because the cause ceasing the effect should cease at once. effect should cease at once.

The trouble with American shipping I think is not chiefly owing to the rebellion, as injurious as that was to it for the time being, I agree; it is owing to other causes that this would not be the time or the place to go into, but I think that would be reasonably obvious to any reflecting person. The business of shipping, like every other business in a free world, as this is among civilized nations, is, as it re-spects private contracts, an effort of common carriers to get business and is the effort of people who have business to be done by common carriers to get it done in the cheapest way they can, just as we get our horse shod at the blacksmith's who can do it best and cheapest, carriers to get it done in the cheapest way they can, just as we get our horse shod at the blacksmith's who can do it best and cheapest, or buy our clothes at the tailor's who makes them best and cheapest. As long as foreign builders of ships can build them for less money, and so can run them at lower freights than American builders of ships can, they will get the greater part of the business naturally. That is a law that I do not think any act of Congress can very easily overcome. How it happens that a foreign ship can be built for less money and so can be run for less cost, is a question apart from this; it is one that I think we might address ourselves to with some effect to a certain degree. But I certainly shall not weary the patience of the Senate by going into that now. It is enough for my present purpose, in reply to the very proper question of my friend from Maine, to say that I think he overestimates the point that he refers to, and yet which is entitled to considerable weight in opposition to what I have stated. Now let me go on a little further because I had only intended to state very briefly the various suggestions I have to make. I am not able to see why the United States owes any duty to the war-premium men that it does not owe to the owner of a ship that was not destroyed and who did not insure at all. You and I, Mr. President, are respectively owners of two ships sailing from the port of New York to Hong-

and who did not insure at all. You and I, Mr. President, are respectively owners of two ships sailing from the port of New York to Hong-Kong if you please, which is half way around the world. Here is this state of war. The Alabama, the Shenandoah, the Georgia, &c., are afloat, and there is a certain amount of risk. You think it wise and prudent in the management of your business to take a war risk on the voyage of your ship from New York to Hong-Kong, and it costs you \$10,000. I think that I will insure myself, and that I will not take any war risk at all. I take the ordinary risk of the seas. We are laden with the same freight; our vessels cost the same money; they are manned by the same number of crew; they set forth. Our freight money to be paid to us when our vessels get to Hong-Kong. They both sail the same day and arrive the same day. Neither of them has been disturbed. You are \$10,000 out of pocket to what I am, and I have not run any different risk from what you ran or that the man that insured you ran. You only got somebody else. My learned friend from Ohio you ran. You only got somebody else. My learned friend from Ohio is an underwriter, and you give him your \$10,000. He takes it and says to you, "Mr. Chairman, I will run your war risk for you for that sum of money." Now we three have got to Hong-Kong with our ships on exactly the same terms, only that you are minus \$10,000 of ships on exactly the same terms, only that you are minus \$10,000 of the profits you would have made on that voyage and I am not, and our friend from Ohio is plus on his business that \$10,000, and the three things equalize each other. I should be glad to have somebody tell me how it is that the Congress of the United States ought to pay you or ought to pay my friend from Ohio that \$10,000 any more than they ought to pay it to me? I took the risk on my ship; he took it on yours; but between us three we all ran exactly the same risk. Does this bill provide, do my war-premium friends propose to provide that this bill provide, do my war-premium friends propose to provide that we shall pay a sum equal to what the war premiums would have been upon the uninsured vessels of the American citizens during this time? Of course not. I am afraid some enthusiastic Senator might say in the heat of debate that it was preposterous; certainly it would be untenable; and yet one case with the other stands upon precisely the same principle and precisely the same equity, if you call it equity, but I say there is neither principle nor equity in either.

But I have spent too much time, Mr. President, with what I had

proposed to say, as I had not intended to mix in this matter, but it is so old a question with me that I thought it right to state as briefly as I could these few suggestions that have occurred to me. The subject is not by any means exhausted on the points that might be suggested; is not by any means exhausted on the points that might be suggested; but I think I have said enough to explain to the Senate the substance of the ground on which I think there is nothing due either in legal equity, in political justice, which Congress is bound to administer, or in morals, to the insurance companies, that has not already by the act that has gone into effect been paid to them, and that nothing is due to the war-premium people for the reasons that I have stated and many others that could be suggested.

Mr. CONKLING. Before the Senator sits down, will he indulge me in an inquiry? I understand the Senator to assign reasons why the underwriters are not entitled, and also reasons why those who paid enhanced marine insurance are not entitled to this money. May I ask the Senator who, in his construction and understanding of the case, is entitled to receive it?

entitled to receive it?

Mr. EDMUNDS. Certainly, that is exactly what I was about to conclude with. I believe that the party who is entitled to receive it has received it—the Government of the United States. I believe that out of it the Government of the United States has so far paid what, upon of it the Government of the United States has so far paid what, upon precisely the same principles and considerations, we ought to have paid to the people who have received the money already, even if we had not got a dollar, and that is through the sense of political justice, equality, and the redress of special hardships growing out of public calamities. When the sense of political justice is appealed to, we might have made—I do not know that we would—precisely the same provision for the uninsured owners of the vessels destroyed and same provision for the uninsured owners of the vessels destroyed and the insurers who stood in their place so far as they were losers in their business, that we have made already out of what is called this Alabama fund. I think the word "fund" is a misnomer. It is not a fund. It was money claimed on the part of the Government of the United States for injuries that no private person had any title to redress for at all and injuries that, aside from the special instances that we have already provided for, distributed themselves as nearly as anything can be distributed over the whole body of the people of the United States; and it is no answer either in morals or good taste, or in fact. States; and it is no answer either in morals or good taste, or in fact,

states; and it is no answer either in morals or good taste, or in fact, to say that we have got more money than we have distributed.

As I said in the beginning, I believe there is no dispute that this money was awarded for the destruction of vessels that were actually destroyed, and it was of no consequence to the government of Great Britain or to the confederates if we had levied it upon them, for it would have been exactly the same thing, if they had succeeded or if they had not—if we had levied it by a confiscation or taken it out of they had not—if we had levied it by a confiscation or taken it out of their public property if they had any—that those vessels had belonged to private persons. It is no answer whatever to say, "Why do you not give this to somebody?" That is no affair of theirs. When we take it in the sense of interior morals as to our own duty to our own citizens, that I say must be governed by the special circumstances of each case, and where there is a hardship we redress it; but the public is a hardship we redress it. lic injury that Great Britain committed upon the people of the United States, and for which we demanded redress on the part of all the people of the United States, that public injury committed upon the property of particular citizens has been atoned for, and not excessively—rather the reverse. Whether those particular citizens have been reimbursed and redressed by the course of events, or whether they are entitled to any redress, depends upon the considerations that I have already stated as to whether theirs is really a case of special and extraordinary calamity and hardship. For those cases we have already provided, and provided fully.

There is one class of cases, sufferers by what are called the exculpated cruisers, although I had great doubt about it before, that I should be inclined to make provision for, not upon the principle that they have any right, because I deny that the other people that we have paid had any right, but on the principle that they fall within probably the class of peculiar hardships that we would make some provision for whether we had got this money or not.

Mr. THURMAN. Mr. President, if there be any Senator who desires to address the Senate I will resume my seat. I do not wish to take the floor if there is any other Senator who wishes to proceed now. If there is not, I will proceed with the remarks I desire to submit. lic injury that Great Britain committed upon the people of the United

If there is not, I will proceed with the remarks I desire to submit.

Mr. EATON. I think the argument of the Senator from Vermont is

entirely conclusive on the proposition I have submitted; but I may desire to be heard hereafter on the substitute which I have offered. I do not desire at this time on the question before the Senate to submit any remarks whatever.

Mr. THURMAN. I shall have no objection whatever to the Senator

proceeding upon his amendment when he offers it, or at any other time that suits his convenience.

Mr. EATON. I may not desire to be heard at all. The argument has been very full and very thorough.

Mr. WITHERS. I would submit to the Senator having charge of the bill whether it would not suit his convenience to lay it aside informally for the purpose of taking up the Army appropriation bill for consideration.

Mr. THURMAN. No, sir; that would be very disagreeable to me.
Mr. WITHERS. Then I will not make the proposition, hoping that

we may arrive at a vote soon.

Mr. THURMAN. I hope so too, and I shall be very glad if we can arrive at a vote to-day, at least on the amendment which is pending.

I propose to ask for a vote on the amendment, and if it be possible, on the whole bill.

Mr. WITHERS. That is right.

Mr. THURMAN. Mr. President, I do not remember ever to have risen to address the Senate with more reluctance than I do to-day, and this for several reasons.

and this for several reasons.

In the first place I have argued the question now before the Senate, again and again, in years gone by, and far more elaborately than I am accustomed to speak. It is therefore a subject that has no charm of novelty to me; on the contrary, the performance of that duty which I think rests upon me is the performance of a task.

Then, again, I speak with reluctance; because I am fully aware—no one could be more so—that I cannot present one single argument or one single fact to the Senate in support of this bill that has not in substance been already presented to it by those who have preceded

Med. And, again, Mr. President, I am reluctant to speak for a reason that, however, has existed whenever this bill has been before the Senate or any similar bill, if we except some days when a sensation was impending. Sir, when the first bill on this subject came before the Senate, and when the amount to be distributed was more than \$17,000,000, there was not at any one time during the whole of that debate one-half of the Senators present upon whose votes depended whether that money should be given to the lawful owners of it, whether the national honor should be maintained, or whether it should be given to somebody else and the honor of the United States be brought into disgrace. And when the bill came up the following year we saw precisely the same thing. Senator after Senator addressed this body for and against the bill; and never until the vote was taken was there for and against the bill; and never until the vote was taken was there a quorum of the Senate present, although upon the votes of the absent Senators depended the distribution of seventeen millions of money. Now, sir, when there are ten millions of this money to be distributed, half of the seats in this Chamber are vacant, and have been during the whole of this discussion, no matter who was speaking, except, as I said, when a sensation was impending. The expectation of wit, of repartee, of thrust and parry, things that had nothing in the world to do with the merits of this question, will fill these seats and fill the galleries; but when it comes to listening to the arguments which to do with the merits of this question, will fill these seats and fill the galleries; but when it comes to listening to the arguments which ought to govern the mind of every honest man in the distribution of this fund, half the seats in the Senate are vacant; and they would be if you were to discuss it for a week more. At the end Senators will come in one after another; and one will inquire, "How did Tom vote?" and another, "How did Bob vote?" And according as Dick or Tom or Bob voted, they will vote, and thus dispose of \$10,000,000 which they are bound as judges to dispose of according to law and according to justice and according to common honesty.

It is rather discouraging to speak under such circumstances; but I have nothing to do but to discharge my duty, and if some people can by intuition discover exactly that which others take long study can by intuition discover exactly that which others take long study to ascertain, so be it. I congratulate them on that faculty. I do not possess it. What little I know has been acquired by hard study. I do not pretend to have any familiar genius to tell me exactly what is the right, to inspire me with thought. No benevolent sage presided over my birth to tell me, without labor or without study, exactly what I ought to do and to guide me in my action and in my course.

Now, Mr. President, I say it is my duty to speak on this subject. First as the organ of the committee that reported the bill, it is a duty due to that committee. Again it is, I may be permitted to say, notwithstanding the able arguments which have been made in support of the bill, a duty that I owe to the Senate itself. Why, Mr. President, how many Senators of this body heard the arguments on the bill of 1874, the last time this subject was discussed in this body, not quite six years ago? It is a melancholy fact—perhaps it is not "melancholy" either in some sense, but it is a remarkable fact that although but six years have elapsed since that debate, there are only sixteen Senators now occupying seats in this body who were members of the Senate at that time. Sixty new members occupy seats on this floor who heard not one word of that discussion and who therefore have not made up not one word or that discussion and who therefore have not made up their minds after hearing the argument of the case, but new men come to hear for the first time the discussion of this bill. Hence manifestly it is the duty of those who support the bill as well as of those who oppose it to ask of Senators a patient and careful hearing of what they have to say for or against it.

Mr. President, let me first ask what were the claims in respect of which the General was reade. About this question there are

which the Geneva award was made. About this question there cannot be, it seems to me, any difference of opinion. I will show presently that the supposed differences of opinion are nothing but a difference in nomenclature; it is calling the same thing by one name or by another name. In the first place, was that award made in respect to what are called the indirect damages? Was it made on account of loss to the United States by the prolongation of the war? The record of the tribunal says "no." Was it in respect of the pursuit of the confederate cruisers? The record of the tribunal answers "no." the confederate cruisers? The record of the tribunal answers "ho," and these questions are answered in express terms, remember. Was it in respect to the transfer of American commerce to the British marine? Again the record in express terms says "no." Was it in respect of war premiums? Again the record in express terms says "no." And when these negative answers have been given to these questions, you have nothing but the direct losses occasioned by the acts of the confederate cruisers; and when you come to them and ask was the award in respect of the injuries committed by certain confederate cruisers, the record again says "no." In respect of them Great Britain was exculpated; hence we call them for convenience the excul-

When you have thus eliminated all these claims which we at first made, we find ourselves narrowed down to the direct losses occasioned by three vessels and their tenders, the Alabama, the Florida, and the Shenandoah after she left Melbourne. After this elimination had taken place, and when the reconstructed tables of damages were made by the counsel and agent of the United States at the instance of the tribunal itself, not one single element of computation of damages remained before the tribunal but the direct losses occasioned by these three confederate cruisers and their tenders—not one single thing else under heaven. For the one hundred and thirty-five ships destroyed by them, and belonging to private individuals, for the car-goes on those ships captured or destroyed by them, for the private property of the officers and sailors of those ships, for some an allowance of wages for the common sailors—for all those there was a computation and there was an award; and in addition to that the United States herself had to come in on the footing of a private citizen, and claim \$200,000 for the loss of a revenue cutter or two. There is the basis of the award. No man can deny it.

basis of the award. No man can deny it.

I know that you may call these private claims by some other name. That does not alter the fact. The ship Brilliant was lost, for instance. Does it alter the fact? Was it an element of subordinate attitude that you called the claim for the ship Brilliant a national claim instead of a private claim? Does it alter the morality of this case? Does it alter the duty that we ought to perform that you thus give a nickname or a new baptism to a thing that was already baptized and had a legal name? Not the least in the world. It was then simply on the foundation of these private claims and of the then simply on the foundation of these private claims and of the claim the United States themselves presented as if it had been a private claim for the loss of one or two revenue cutters captured by these confederate cruisers that that award of \$15,500,000 was made.

Mr. President, the protocol of the tribunal makes this just as manifest as ever the record of any court made its judgment and proceedings; and not only that, but the amount of damages proves the fact equally well. In our case first laid before the Geneva tribunal we claimed \$26,000,000 damages, but that included all the losses by the exculpated cruisers; that included some other items; that included some cases where there were double claims; it included divers other matters that were excluded by the tribunal; so that when we came to state, at the request of the tribunal itself, our revised bill of particulars, so to speak, our claims were reduced to \$14,000,000 in round

numbers on our own statement.

The committee of the English Board of Trade employed by the British government to sift and revise these claims of ours, insisted that they did not in fairness and fair valuation amount to more than \$7,500,000, to which they afterward made an addition, I forget of how much, but I think about \$800,000. It has been said that the Geneva tribunal split the difference. What if they did? Does that disprove that these claims were elements upon which the award was made, the that these claims were elements upon which the award was made, the elements of the computation of damage? Undoubtedly they did something like splitting the difference. How was that? Because they esteemed the American valuation too high and the British valuation of the property too low. It was not by eliminating the elements that went into the computation of damages; it was not by striking out this ship or that ship, or this cargo or that cargo; but as our estimate of the value of the ships was proved by ex parte testimony, ex parte affidavits, and as the estimate made by the committee of the British Board of Trade was too low according to the opinion of the tribunalas that would reduce the valuation made by our people to too low a sum, the tribunal, if you please to say so, I do not care for the term, split the difference. But now let us see how wisely they acted and how carefully they scrutinized. Split the difference and then compute interest upon it as they computed interest upon it, as the British arbitrator said at 6 per cent. and as our own arbitrator said at 6 per cent., and it makes fifteen million four hundred and odd thousand dollars, within less than \$100,000 of the amount of the award.

My friend from Indiana [Mr. McDonald] talked about their giv ing punitive damages. Not a cent, sir, of punitive damages. We never claimed punitive damages. We should have made a poor showing claiming punitive damages for a mere omission, a mere non-feasance. As my friend from Delaware [Mr. BAYARD] said, that doctrine has no application in such a case. There were no punitive damages has no application in such a case. All you have to do is to take the figures, compute the interest upon them, and you have within a fraction of, less than \$100,000, the amount of the award. Oh, that was no marking on a barn-door; that was no guessing. That man of business and long-headed man, Mr. Stæmpfli, who went back to his home and took these estimates with him and spent days upon days, and I do not know but more than two weeks, in revising them and going over them, did not mark figures on a barn-door. The only wonder after all is that they came as near the actual damages as they did. Of course they intended to give damages sufficient to cover these claims. Our counsel urged them to do it. When they were urging them to make the award in gross instead of providing for a board of assessors, they said: "You ought to make it in gross, and you ought to be sure that it will be sufficient to cover all the losses for which you award damages."

Why? "Because," said our counsel to them, "the United States will be bound to these losers to pay the amount of their losses, and if you do not make it sufficient to pay them, then the United States will have to make up the deficiency, and instead of receiving a full indemnity the United States will be out of pocket." There it is to be found, and if any one wishes to hear it I will turn to the book. It is right before me. That was the statement, that was the argument that our counsel made. Mark it, Mr. President; they said here are these claims which the United States has presented to you in reare these claims which the United States has presented to you in respect to which you are asked to make an award; we ask you to make it in gross; but now take care, if you make it too small, the United States will have to make up the difference. Whether that was good law or not I am not here to say; but that is what our counsel said in their arguments before the tribunal in favor of an award in gross. And yet with that staring us in the face, we are told that individual claims were not considered at all, and that nobody understood that the United States would be under any moral obligation to give this money to the sufferers whose claims were allowed by the Geneva tribunal ?

If there is any Senator who is in any doubt about this subject, all he has to do is to refer to the elaborate speeches that have been made he has to do is to refer to the elaborate speeches that have been made by the Senator from Illinois, [Mr. DAVIS,] the Senator from Ar-kansas, [Mr. GARLAND,] the Senator from New York on my left, [Mr. KERNAN,] the Senator from Wisconsin, [Mr. CARPENTER,] and the Senator from Delaware, [Mr. BAYARD.] They laid the whole matter before the Senate so that no man can have any excuse for not under-

standing it.

But, Mr. President, that is not all. The process of elimination of which I have spoken, which left nothing in the world but private claims, part of which was the claims of these insurance companies, and which were presented as belonging to the insurance companies presented by us as belonging to the insurance companies and the British counsel Sir Roundell Palmer, the attorney-general of England, admitting that the insurance companies were subrogated to the rights of the insured, and Sir Alexander Cockburn, the British arbitator dis-tinctly stated the same thing—this process of elimination leaves these claims the sole element of the computation of damages.

But it has been said here with great vehemence sometimes that there is not an individual named in the decision of the Geneva tribunal. I have seen, and so have you, Mr. President, many and many a time in our courts of justice where a court of equity marshaling assets and decreeing their payment or providing for the distribution of an insolvent's estate, has again and again laid down in general terms that such and such classes were to be paid and such and such classes were to be rejected; and who ever heard that there was any difficulty in identifying the persons? Here the Geneva tribunal has said such and such classes shall be rejected, nothing shall be allowed on their claims, and such a class shall be paid; in respect of this class there shall be an award of damages, and there was a bill of particulars be-fore them down to the very sailor who was before the mast, showing in every instance how the claim was made, how much of it was made by an insurance company, how much was made by the owner of the vessel if she were not fully insured and had not been paid for as for a total loss, so much for the man who had freight on board of her, so much for the officers and for their property, ay, even to the clothing of the sailors, and a reasonable allowance to them for their expenses in getting home, their wages during the time it would take them to get home—a bill of particulars in each case accompanied by the proof going into the details of every individual. The name of perhaps every sailor, the humblest sailor who was on board of one of these destroyed vessels, is in the proofs which we submitted to the Geneva tribunal.

Mr. President, it is idle therefore to talk about there being no individuals mentioned. "That is certain which can be rendered certain," and those proofs which were laid before that tribunal, those proofs upon which we claimed damages, those proofs upon which the damages were awarded, gave the name of every corporation or human being who suffered by these acts down to the lowest sailor upon any

of the vessels destroyed.

But Congress itself recognized that these were the persons to be paid by the act of 1874. I know my friend from Vermont, [Mr. EDMUNDS,] who has argued this morning with that ability which marks every argument he ever makes, attempted to show that that bill did not proceed upon any such ground, but proceeded upon a mere be-nevolence—for that is what it comes to—or charity of the Govern-ment. His argument when analyzed is that these were all national claims and the money when recovered was national money, charged with no trust, imposing no moral duty—I think I use his very words—upon the Government in relation to its distribution, and that the Government in distributing that money was actuated simply and alone by a feeling of compassion for those who had suffered most. Why, Mr. President, is that so? Was that the thin and shadowy ground on which the act of 1874 was passed? No, sir; not at all. What claims did it provide for? To what claims did it give preference over all other claims that were allowed in that bill? Did it provide for war-premium men? No; it rejected them. Did it provide for No; it rejected them. the sufferers by the exculpated cruisers? whom did it provide ? For not one single human being except those in respect to whose claims the Geneva tribunal awarded the money. No man whose claim was rejected by that tribunal could under the

act of 1874 present his claim before the Alabama commissioners' court

Mr. JONES, of Florida. How as to the insurance companies?

Mr. THURMAN. They could come in; and were not they direct losers? Were not they provided for by the award of the tribunal? Was it not upon their claims that the award was in part founded? To be sure they were allowed to come in. The only difficulty was in regard to them that the act made an unjust discrimination against them in respect to the foundation of the amount that should be recovered. They were allowed to come in, but they were allowed to come in on conditions that made a marked distinction between them and all other people who were allowed to come in. I will speak about

all other people who were allowed to come in. I will speak about that distinction presently.

The truth remains that that bill did not provide for the payment of one single being or one single claim that had been rejected by the Geneva tribunal. It followed the award; it recognized the award. It recognized it as fixing the principles upon which this money ought to be distributed by the Congress of the United States. It recognized at least the moral obligation which was spoken of in the case cited by the Senator from Vermont, Rustomjee's case, the moral obligation

by the Senator from Vermont, Rustomjee's case, the moral obligation resting upon the Government to give the money to the persons whose claims produced the money and without whose claims there would have been no award at all. That is what the act of 1874 did.

Mr. President, this being the case, what answer is made to these claims? We have had two principal answers, the one by the Senator from Vermont, the other by the Senator from Massachusetts, the junior Senator from Massachusetts, [Mr. Hoar,] junior in service, I do not pretend to say that he is junior in years. I propose now briefly to allude to these answers.

The first is a theory of the Senator from Vermont upon which he dwelt to-day, but which he elaborated much more fully in his celebrated—I may call it celebrated—and certainly very able speech in 1874. That theory is, first, that belligerence existed between the United States and the Confederate States, a fact which no one denies; secondly, and a corollary from this, that the loser of a ship, being a citizen of the United States, by the act of a confederate cruiser could get no right of action whatever, no claim whatever, against the Confederate States—another proposition that no one denies. But so far he has not touched Great Britain. We did not get this money from the Confederate States. So far his argument does not touch Great Britain. He must bring Great Britain into this net and apply the same law to her that he does to the Confederate States or his proposition lacks a leg to stand upon; and hence in his speech in 1874 he very strenuously asserted, and he has said the same thing to-day but in somewhat milder terms, that Great Britain was an accessory to the confederacy; that she was aiding the confederacy as an accessory, and therefore was herself a belligerent; that there was belligerency not only between our Government and the confederate government but between us and Great Britain. And then as belligerent captures give no cause for reclamation except to the Government in its character as a government, the nation in its character as a nation give no private rights for reclamation, he says there could be no reclamation against Great Britain by any individual; these were captures made in effect by Great Britain as a belligerent, as an accessory of the con-

That has been answered again and again, and surely it does not require much effort to answer it. Was there a state of belligerency between Great Britain and the United States from 1861 to 1865 or during any part of that time? If there was, then every contract made between a British subject and an American citizen during that whole time was absolutely null and void; then every venture of trade between the citizens and subjects of the two powers was a penal offense, subjecting the parties to criminal punishment. Did any such thing occur to any one? Was trade interrupted between the two powers

during that time?

Again: here in our capital during all that time was the representa-tive of Her Britannic Majesty. At the court of St. James was the representative of the United States. So far from their being belliger-

representative of the United States. So far from their being beingerency, all the pursuits of peace between the two countries were followed just as if no war existed on the face of the globe.

But, Mr. President, there is another answer that I will give presently that ought to silence forever this argument if anything more
were needed, but I will give that in connection with the argument
of the Senator from Massachusetts to which I have not yet alluded. The Senator from Massachusetts does not rest upon the same ground with the Senator from Vermont. The Senator from Massachusetts does not claim that Great Britain was a belligerent or an accessory or aider. Upon no such ground does he rest his opposition to the bill. He says truly, just as the Senator from Vermont says, that no claim against the confederate government in favor of a citizen of the United States could arise out of these captures because the confederate government was a belligerent and we recognized it as such. But the Senator from Massachusetts does not venture to affirm, he is very Senator from Massachusetts does not venture to affirm, he is very careful not to affirm, that Great Britain was a belligerent or an aider, abettor, or accessory; but he puts his objection to the bill upon the ground that the omission of duty of which Great Britain was guilty was the omission of a public duty, and he affirms boldly that in no case whatsoever can the omission to perform a public duty give a cause of action to a private citizen either against his own government or against the government of a foreign country.

Mr. President, I deny that that is the law. I deny that that is either international or municipal law. In the Senator's own State the people of a town are liable, if they neglect to perform the public duty of repairing the roads, to any citizen who is injured by their failure to perform that public duty. That is a specimen of municipal law. Again and again has a neutral nation which has permitted its ports to be used by a belligerent to destroy the property of another belligerent, within its jurisdiction, been held accountable for that loss, been held accountable to those whose property was thus destroyed, although it was simply the omission to perform the duty of

stroyed, although it was simply the omission to perform the duty of a neutral in preserving the neutrality of its own territory.

But, sir, what is the use of talking about what is international or municipal law on this subject? The treaty is the all-sufficient answer to both the argument of the Senator from Vermont and the Senator from Massachusetts. The treaty answers those questions. We claimed from Massachusetts. The treaty answers those questions. We claimed damages of Great Britain upon the ground that she was a neutral, and for her omission to perform the duties that are incumbent upon such a nation. Upon that ground, and upon no other ground under heaven, did we make that claim, and it is embodied in unmistakable language

in the treaty itself.

Nay more, sir, in order to obtain an award of damages, in order to relieve the case from any controversy as to what was the law of nations, there were inserted in the treaty the well-known three rules, every one of which is declaratory of the duty of a neutral power, and which were made for the express purpose of making the treaty retrospective, so as to cover the whole period when these losses were sus-

tained by our citizens.

But that is not all. We presented the most elaborate arguments before the Geneva tribunal, beginning with what is called the American case, a voluminous document of five hundred or six hundred pages, followed afterward by the arguments of learned and able counsel. Upon what ground did they place our right to an award? Upon the ground that Great Britain was an accessory; was a belligerent? Not one of them ever intimated such a thing; not one of them ever hinted such a thing, but the whole argument from first to last, from the first page of the American case to the last words of the American counsel, was devoted to proving that Great Britain as a neutral power had been guilty of omission of duty, and therefore under the three rules was liable to us. Upon no other ground whatever did we claim damages, and when the tribunal came to decide, and every one of the arbitrators delivered an opinion, when they delivered them seriatim, the four abitrators who concurred in awarding us damages, every the four abitrators who concurred in awarding us damages, every one of them, put the award upon the ground that Great Britain was a neutral power and that she had been guilty of a want of due diligence in preventing the fitting out of these cruisers and by the omission of that duty had rendered herself liable.

It does not rest in their opinions alone. In the solemnly recorded judgment of the tribunal, which fixed her liability, the same thing is reported, and she is held in that judgment itself to be liable because of this omission to use due diligence to prevent the escape of the cruisers from her ports. There it is. The treaty, the arguments on both sides before the Geneva tribunal, the statement of the case on both sides, the opinions of the arbitrators, and the solemnly recorded judgment of the court, all say that these damages are claimed and these damages are awarded because Great Britain was not a belligerent but a neutral power, and because not that she aided the confederates, but she omitted to use due diligence, such as a neutral power is bound to

use, to prevent the escape of these cruisers of the confederates.

Now, what becomes of all this talk about a government not being liable for an omission to perform a public duty? If that were municipal law, which I deny, it would have no application; if it were international law, it would have no application, for this treaty made a law unto itself for this case, and by the law thus made the case was tried and the case was decided and judgment rendered. No, Mr. President, it will not do to go rambling around in vague declarations of what might be the case under a wholly different state of circumstances. You are absolutely going away from the very fountain head, this treaty, when you have to look to something else to find what

were the principles upon which the award was made.

The Senator from Maine [Mr. Blaine] when he last addressed the Senate suggested two other theories. One was, if I took down his point aright, that there is no subrogation in the case of claims against the Government, citing a decision of the Second Comptroller of the Treasury. I stated then that I would not say the Second Comptroller was not a good lawyer, because there were plenty of good lawyers who were not in high positions as well as there are those occupying high positions, and I said, or if I did not say it then I say it now, that I had never heard his decisions quoted before outside of the Department. I did not know then who was the Second Comptroller of the Treasury who rendered this marvelous decision. Looking at the the Treasury who rendered this marvelous decision. Looking at the decision and getting its date, I found out who he was; and I will not retract what I said the other day, because de mortuis nil nisi bonum is a charity; otherwise I might be tempted to say that if ever he had any stature as a lawyer nobody that ever I heard of knew the fact. But there was a very marvelous thing about citing that decision of the Second Comptroller of the Treasury that was expressly overruled by the Attorney-General of the United States, and it was not only expressly overruled but it is in direct conflict, if the application could be made of it which the Senator undertook to make, with no

could be made of it which the Senator undertook to make, with no less than four solemn decisions of the Supreme Court of the United

States. I undertake to say that a more erroneous decision never was pronounced by any lawyer, high or low, than was that decision of the Second Comptroller of the Treasury, and it absolutely shocks one's sense of justice so much that one is scarce able to speak of it with toleration unless it is put upon the ground that I suggested the other

day.
What was that case of the steamer Robert Campbell? She was a steamer that during the war was impressed by the Government and therefore I beg leave to remind my friend from Vermont that his sug-gestion to the Senator from Maine the other day that the insurance companies could have gone into the Court of Claims to recover for

her there has no application.

Mr. EDMUNDS. I wish to suggest to my friend from Ohio, if he allows me to make the suggestion, because I would not interrupt him without his consent-

Mr. THURMAN. Certainly; go on.
Mr. EDMUNDS. The case of the Robert Campbell did go into
the Court of Claims and will be found in 3 Otto's Reports or 93 U.S. Reports, where the Supreme Court held that it was not a case of imssment, but under the circumstances an ordinary charter-party and therefore that the claimant had no ground of claim against the United States for the destruction of the vessel which was an accidental destruction by a fire and not a belligerent destruction. The court, however, did say, I ought to state to the Senator, to the effect that if the owner had a right against the United States in that case, the insurance company would have been substituted to his rights to the extent of the insurance.

Mr. BLAINE. One moment just there, so that the case may be fully understood, if the Senator will permit me.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Ohio yield to the Senator from Maine?

Mr. THILDMAN. Corrections.

Mr. THURMAN. Certainly.
Mr. BLAINE. The Senator from Vermont does not state what is an essential feature of the case, that the actual settlement of the Treasury was that the owners of the Robert Campbell got their insurance and the Government paid them the difference. The Comptroller ruled as of course was consequent upon that, that had there been no insurance the Government would have paid the whole value

Mr. EDMUNDS. If the Senator from Ohio will pardon me, that was the ruling of the Comptroller. Undoubtedly he ruled that way and made an allowance which according to the decision of the Supreme Court afterward he ought not to have made at all, because

the owner himself had no claim.

Mr. BLAINE. The owner had no claim?

Mr. EDMUNDS. Yes, the Supreme Court held that the owner had no claim.

Mr. THURMAN. I am very much obliged to my friend from Vermont; the decision of the Supreme Court had escaped my attention. I said that the decision upon the ground upon which it was placed by the Second Comptroller of the Treasury (and who now I have learned for the first time instead of being a lawyer was a doctor, not a doctor of law, but an M.D.) would make it the most outrageous decision that I almost ever saw. He held that if there had been no insurance the ship was lost under such circumstances that the Government would be liable to the owner, and hence the ship being valued at \$57,000 and the insurance being \$25,000, he paid the owner \$32,000 and would not pay the owner any more; and then when the insurance companies came he said, "You cannot be subrogated to the owner's right against the Government, and therefore we will not pay you anything at all, and the Government will take the \$25,000," which ought to be paid to somebody certainly. I will not pay any attention further to that point. The Senator from Vermont has stated that case clearly enough.

The next point made by the Senator from Maine relates to war remiums. I may as well notice it here, because I shall dispose of it very briefly. The next point he makes is that this Government sur-rendered claims for the war premiums and for the losses by the ex-culpated cruisers for a great public consideration. What was that great public consideration for which the Government surrendered these claims? It was that henceforth and forever it should be held that these three rules applied to the case of a neutral power, and that as we expected to be a neutral nation many more years than we expected to be at war, and had such an immense coast, it was of great interest that we should get these three rules established as a part of the international law of the world, and that for the purpose of getting them established we agreed to surrender the claims of war-premium men and of the sufferers by the exculpated cruisers.

Mr. President, the Senator is entirely mistaken. We presented the claims of the war-premium men; we presented the claims of the war-premium men; we presented the claims of the sufferers by the exculpated cruisers; and they would have been considered by the Geneva tribunal and passed upon by it, but that Great Britain said sternly, "If you insist upon them there is an end of this tribunal; we will have nothing to do with it." That is what the British government said. They we set shout the ward of the said. tribunal; we will have nothing to do with it." That is what the British government said. Then we set about the work of excusing ourselves for backing out of these claims. Then Mr. Fish wrote that remarkable letter to General Schenck, in which he says, (I am speaking now from memory alone and may not quote his words exactly, but it is too fatiguing to read it although I have it right here before me,) "neither the United States nor any considerable number of our

people eyer expected an award of damages upon these claims." In his letter of April 18, 1872, my recollection is, he said that neither the United States nor any considerable body of our people eyer expected an award in damages upon those claims; what we want is a decision of the tribunal that a neutral government is not liable for such claims; if we can get that decision of the tribunal, that is all we ask, and you need not further press those claims, and then they will be considered as out of the case. It is a curious little piece of Instory—if I had time I would go into it for the amusement of those who have not looked at it—to see how much diplomacy there was by the counsel, to see exactly how they could get that thing done. It was all fixed up, and the arbitrators came in, and without having heard the arguments upon the question at all, and said they had looked at it, and they individually and collectively, irrespective of the question what the true interpretation of the treaty was, were of the opinion that neither upon the three rules nor according to the principles of international law was Great Britain liable for these things. Then with great gravity Mr. Bancroft Davis asked for an adjournment of two days to consult his Government. He sent a cable dispatch to Washington and got an answer. Of course he knew what the answer would be just as well before he sent the dispatch. He got his answer, and said he was instructed to say that the President regarded it as a definitive determination against those claims, and that they would not be further pressed. Then Lord Tenterden asked that he might have a day to consult his government, and he sent a telegraphic dispatch and got an answer, and when the tribunal met again he came in and said that the statement made by the agent of the United States was entirely satisfactory to his government, and that he would request that it might be entered in the docket of that day's proceedings that these claims were excluded, and it was so entered, and thus we got what we wanted to cover the retreat that we made; we got what purports to be the decision of the tribunal that these things were not allowed. Was that a matter of treaty between Great Britain and us in respect to which and for the considerations contained in which we abandoued the war-premium claims and the claims of sufferers by the exculpated cruisers? Not a bit of it. There was no such treaty. There was an attempt to get up such a treaty, as every Senator who was here at the time and who attended the secret sessions of the Senate knows, but that came to naught, and this legal jugglery was resorted to in order to get out of the difficulty, and to save the tribunal; that is all.

Now, I want to call the attention of the Senate and of the Senator

from Maine himself to what kind of a predicament he puts himself in by his argument. He says it was of such great importance to us to establish that a neutral is not responsible for these claims, among which were the claims for war premiums, that we surrendered all these claims in order to get the principle established as a part of international law, that a neutral nation is not responsible for war premiums under the circumstances of this case or in a like case; and yet that great principle which he says we sought thus to establish is the very principle that he wishes to utterly disregard in the distribution of this money. What kind of a showing should we make in the face of this money. What kind of a showing should we make in the face of the world if these three rules were universal international law, and we should recover for that which international law gives us the right we should recover to that which international law give us the recover, direct losses by the destruction of our property, and when we have got the money and come to distribute it should say to the nations of the world, "We laugh at your international law, and we give this money to war-premium men for whose losses a neutral nation was in no sense responsible?" Yet that is precisely the situation of

But, Mr. President, I must hurry on, for I do not want to speak too long, and I find it fatiguing to me to speak at all. This case is in a nutshell. Much has been said about it, and I have come to the conclusion, after a long practice at the bar and some experience in public life, that the plainer a question is the more speaking it gives rise to. I am pretty well satisfied of that. When I heard my learned friends deny absolutely that there was any such thing as law on the subject, when I heard them deny that subrogation applied at all in a case where there was a total loss or a total destruction of property, when I heard such propositions as these advanced, and when I heard my learned friend from Indiana say that this award was in part punitive damages, then I came to the conclusion that there is nothing that an ardent man may not be drawn in to assert and equally ready to deny. I do not know, if I live much longer, but that I shall hear somebody deny that there is a sun in the heavens. There is a very distinguished man who is going about denying his Creator, and I do not know but that very soon the sun itself will be said to be a mere hallucination of the imagination.

I say again that this whole case is in a nutshell. What is it? It is simply this: The Government of the United States upon the foundation of certain claims of its citizens and a two-hundred-thousand-dollar claim of its own, for the loss of a revenue-cutter or two, has by the judgment of the Geneva tribunal received from Great Britain \$15,500,000, and the plainest principles of common honesty require it to distribute the money upon the claims which thus produced it until they be satisfied. It is wholly immaterial by what name we designate these claims, whether we call them national or individual claims; and it is equally immaterial whether Great Britain was a belligerent or not in fact, or whether a nation is or is not liable for an omission to perform a mere public duty, or whether the doctrine of subrogation applies to the case. All these are in point of fact immaterial.

The all-sufficient answer to all these points is that we presented these claims to the Geneva tribunal as valid claims; that we asked for damages commensurate with their amount and for nothing more; that Great Britain acknowledged them to be the proper elements in a computation of damages if she were liable; and that the tribunal founded its award upon them and upon nothing else. Having thus recovered and received the money upon this foundation, it does not lie in our mouth to repudiate it. That is what any unbiased, unprejudiced man, any man who represented no constituency having claims adverse to a clear and correct decision of this case, would inevitably say if you should state the case fairly to him. He could not say otherwise. How could he say otherwise? What brought that money into your Treasury? Was it not the claims of these insurance companies and the claims of others who suffered direct loss from the inculpated cruisers? There was nothing else under heaven that brought the money, and having produced the money—

Mr. SAULSBURY. Will the Senator from Ohio allow me to trespass on him a moment in order to ask a question?

Mr. THURMAN. Yes, sir.
Mr. SAULSBURY. I understood the Senator to say, in the course of his argument, that as these claims entered into the basis of the calculation of the award to be paid by Great Britain to the United States we are precluded, when we come to distribute this money, from examining the equitable character of the claims that were presented. I want to know if I understood the Senator correctly to say that we are precluded by that award, upon the supposition that it was made upon the basis, as he alleges, of these direct claims, from examining the question for ourselves as to the equitable character of

Mr. THURMAN. I do say that it was these claims that brought the money into the Treasury, and nothing else brought it in. I do say that after having presented these claims to the tribunal, after having argued in their favor, after having convinced the tribunal of their justice, after having procured an award upon them, and after their justice, after having procured an award upon them, and after having received the money upon that award, it does not lie in our mouth to say that they were not equitable claims, or that they were sham or were false. What would be thought in my State if a suit were brought on a marshal's bond in the name of the State, as it would have to be under the old law, and as in most of the States it would have to be now, because the bond is given to the State, to recover for money of a private suitor embezzled by the marshal, and when the State had recovered the money upon the bond and it was in her treasury she should turn around and say to the beneficiary of the bond "You have no equitable case at all?" What would be said of a lawyer who should collect money for a client, and when he had it in his pocket, and his client came to get it, should say, "My dear fellow, it is true that I convinced the jury that you had a good case; it is true that I got the judgment of the court upon their verdict; but between me and you, you are a very great rascal; there is no foundation at all for your case, and, therefore, I will keep the money, or I will give it to somebody else; I shall not give it to you?" What would we say in cases of that kind? Sir, they are not one particle more plain than this case.

I say, then, the fact that we got this money upon these claims, and upon nothing else, that these claims produced the money, require us to employ that money in satisfying the claims that produced it until they shall be satisfied. Then, if there is a surplus, that we can dispose of according to our best discretion.

But, Mr. President, there is another reason why this provision in the act of 1874 should be repealed, if that act is to be revived, and that it is applied by the same terms of the same contents.

made during their service on the ocean.

that is it applies alone to insurance companies and it applies to nobody else. It makes one rule as to them and a wholly different rule as to Let us take the case of a ship that was not insured and was captured by one of the inculpated cruisers. What do you give in the way of damages under the act of 1874? The whole value of the ship, of her cargo, of the personal property of the owner, of the clothing of the sailors if it was lost, and four months' wages, or someclothing of the sailors if it was lost, and four months' wages, or something like that, to the sailors to take them home. That is what you give. You pay the entire loss. You do not go into a calculation to find whether that man, by sailing his ship, in the business of that ship during the war, made or lost. The other day when I put a supposititious case that the ship may have made more than she was worth before she was lost the Senator from Maine said that it was an impossible case. I do not think it was; but suppose she did not make more than she was worth, suppose she made only half that she was

more than she was worth, suppose she made only half that she was worth, or 30 per cent. of what she was worth by voyages during the war, do you deduct that 30 per cent.?

Mr. JONES, of Florida. As the Senator addressed that question to me when I had the floor, I should like to ask him why it was that in the act of 1874, the statute which he and other members of the Judiciary Committee reported, no provision was made to take into account the earnings of those vessels that were paid for? A large sum of money has already been paid out, over \$9,000,000, from this fund for direct losses, losses which are not questioned by the honorable Senator or anybody who takes the same view of this subject, losses that were occasioned by inculpated cruisers, and in no case was it ever pretended either here or before the commission that one of them should be called to account for any of the earnings that they of them should be called to account for any of the earnings that they

Mr. THURMAN. That is precisely what I said. That is precisely wherein the act of 1874 makes a distinction between them and the insurance companies. In respect to the uninsured vessels which were lost the act of 1874 took the right ground, that we had nothing to do with the business of an owner, whether he made money by his commerce or did not make money by it. We had no hing to do with that. It was sufficient that his property was lost, and his loss is precisely the same whether he had made money in his business or whether he had lost money in his business. What was his ship worth when she was destroyed? Does that depend on whether he had made money or lost money? Not in the least degree in the world. It is the value of the ship or of her cargo or of both at that time which the man has a right to claim and for which he was allowed by the act of 1874. We could not go into his business to find whether it had been profitable or not. But when it comes to the insurance companies a wholly different rule is applied. Take the case of a merchant who freighted the ship. We allowed him to recover the value of his merchandise which was captured or destroyed. We did not ask him to present a balance-sheet to show whether upon all his ventures during the civil war he had made or had lost money. No, sir, we went upon the ground that we had nothing to do with his business, whether it was profitable or not. It was sufficient that these goods and chattels were his, that they were worth so much money on the day they were de-stroyed. That was his loss, and just as much his loss if he had made millions by his commerce as if he had lost millions. That is the rule in that case; but when it comes to the insurance companies then a wholly different rule is applied. Then we say to them, "Unless you have lost money in your business you shall recover nothing, and if you have lost money it is only in respect to the amount of your loss that you shall be paid."

But, Mr. President, the act does not stop there in its injustice and in its wrong. It said the insurance companies must exhibit a balance-sheet and prove their loss. That they lost what? That they lost more sheet and prove their loss. That they lost what? That they lost more money by insuring a specific vessel which was lost and for which they paid than they had made. Not a bit of it. The ship Brilliant was lost; she was insured. If the company insuring her had come into the court of Alabama claims, could they have presented a balance-sheet and said, "We have insured the ship Brilliant for so many dollars, and received so much war premium upon her, and now we have paid so much for her loss, and we have come for the balance ?" Not paid so fruch for her loss, and we have come for the balance! Act a bit of it. They would have been immediately asked, "Did you not insure some other ship?" The company would have to say, "Yes." "Did you not insure a ship that was not taken by an inculpated cruiser at all, but was taken by one of the exculpated cruisers?" "Yes." "Did you not insure ten bits that was destroyed by available or givers and for whose less no one of the exchipated cruisers?" Yes." Did you not insure ten ships that were destroyed by exculpated cruisers, and for whose loss no money was awarded at all?" "Yes." "Put the whole of them down in the balance-sheet, and come to us for the balance of loss, and we will see if you sustained any loss." That is the way the act of 1874 was. It was not even limited to losses occasioned by the act of 1874 was. It was not even limited to losses occasioned by the inculpated cruisers. It required the whole business of the insurance company, the premiums it had received on ships that were never destroyed at all, the premiums it had received on ships that were destroyed by the exculpated cruisers to be put in the same boat, and required a bal-

ance-sheet of all.

Mr. BLAINE. Will the honorable Senator permit a question?
Mr. THURMAN. Yes, sir.
Mr. BLAINE. Rather I want to get an understanding. I understand the Senator admits, then, that the insurance companies got the benefit of the war premiums they paid and also of all the losses they met at the hands of the exculpated cruisers? Is not that the fact? Mr. THURMAN. The insurance companies got no benefit of any

ar premium at all.

Mr. BLAINE. What they paid to reinsure?

Mr. THURMAN. Oh, what they paid to reinsure. Will the Senator never be contented with an answer? I am quite sure he was answered enough upon that both by the Senator from New York and by the Senator from Wisconsin. I am not able-

To gild refined gold, to paint the lily.

Mr. BLAINE. I did not hear the Senator from Wisconsin even

refer to the subject.

Mr. THURMAN. I am sure he did. If he did not I want to say once more that if there was an insurance company that came in under that act because it had sustained losses in its business, it was perfectly right for it to charge in the balance-sheet what it had paid for reinsurance; and on the other hand, it would have to credit itself with what it received from the reinsured. The one would offset the

other, and there would be nothing gained one way or the other.

Mr. BLAINE. If the Senator will permit me; then I understand him to say that it was perfectly right to give the insurance companies the benefit of the war premiums they paid, and it was further perthe benefit of the war premiums they paid, and it was further perfectly right to give the insurance companies the benefit of the losses they paid for captures at the hands of the exculpated cruisers in making up their general accounts for what they were entitled to under an award of which he says the whole scope and limit was confined to the inculpated cruisers. No individual can have the benefit of a war premium, but the insurance companies have it; no individual has been paid for loss at the hands of the exculpated cruisers, but the insurance companies have received consideration for every loss they not at their hands. met at their hands.

Mr. THURMAN. I have tried several times and I believe I shall give up in despair, of having the idea enter into the head of my friend.

Mr. BLAINE. The Senator does not dispute it, does he?

Mr. THURMAN. The insurance companies, what few of them made any claims, and there were very few I believe before the tribunal created by the act of 1874, were required to exhibit a balance-sheet, showing what they received for war premiums, and what were their losses. If they reinsured any part at all they would necessarily have to state in the balance-sheet what they received from the reinsurer, and certainly they would have a right to show what they paid out. If that will help the war-premium men any, which for the life of me I cannot see, although I do claim to be some little of a book-keeper, let it go for what it is worth. It is altogether too small a matter upon let it go for what it is worth. It is altogether too small a matter upon which to distribute ten millions of money.

I have shown what an unjust discrimination the act of 1874 makes,

I have shown what an unjust discrimination the act of 1874 makes, and how it would make an equally unjust discrimination if these war premiums were to be allowed. Here is a merchant who carried on commerce; he freighted twenty ships, perhaps, and on his whole business he made an immense fortune. He lost the last cargo of goods. He comes in for the whole claim, according to these gentlemen. They do not propose to apply to him the principle they apply to the insurance companies and make him exhibit a balance-sheet of his business on which he paid war premiums, and if on the whole of that business he made money, then exclude him from the court altogether. They do not propose any such thing as that. They propose to pay him all his war premiums without respect to whether he made money or lost money by the commerce he carried on; directly the contrary principle to that which they apply to the insurance companies.

But all the insurance companies, said the Senator from Maine the other day, if I understood him, were a mere set of gamblers betting with the owner whether a ship would be lost or not. That is, the insurance companies undertook to bet three to one that a ship would not be lost and they were nothing but a set of gamblers, and therefore these gamblers, these men who were giving the long odds in this kind of way, have no right to appeal to the moral sense of the Senate.

Mr. BLAINE. The Senator does not pretend to be quoting anything Levid sense.

thing I said, surely.

Mr. THURMAN. I do not pretend to quote the words, but certainly

that was the sentiment.

Mr. BLAINE. Not anything whatever of the sentiment, and I said nothing justifying it or resembling it.

Mr. THURMAN. Did not the Senator say that it was a bet by the insurance company with the owner as to whether the ship would be

Mr. BLAINE. Yes; but I never said that they were gamblers and had no moral right. If the Senator will permit me, I said that like all men who took hazards on chance they calculated the chances and they calculated them just as a man who runs roulette or deals rouge et noir; but I did not state that from the fact they took their chances and calculated the chances of loss or gain they did not have

rights under the law. I never said so at all.

Mr. THURMAN. I would not misrepresent the Senator for anything in the world. I am perfectly willing to take his last statement. If they bet, they were gamblers; if it was nothing but a bet, if they were parallel cases to a game of roulette or a game of rouge et noir, then they were gamblers, and no disavowel of the Senator can make

then they were gamblers, and no disavowel of the Senator can make them anything else but gamblers, and very mean gamblers at that.

Mr. President, I have not been accustomed to think that the insurance companies were a mere set of gamblers. I have been accustomed to think that it was a lawful occupation. I certainly have thought that a mutual insurance company, where ten merchants or more agree to make up the loss of any one of them who may incur loss and thus enable a man comparatively poor to carry on commerce when he could not carry it on at all if he had to run the risk of losing his all either by shipwreck, or by capture, or by fire, was a lawful business and a not carry it on at all if he had to run the risk of losing his all either by shipwreck, or by capture, or by fire, was a lawful business, and a meritorious business in my humble estimation. It has existed many, many centuries. It has been cherished by every civilized government on the face of the earth. Among the shareholders and officers of such companies are some of the most intelligent and worthy men of the country. I have never supposed that they were a set of low gamblers to be likened to players of roulette and keepers of a rouge et noir bank; but I shall not say more on that subject; I should be offending the sense of the Senate, its own sense of intelligence and respect for a lawful calling, if I should notice it further.

Mr. President, let me call attention to a letter, a copy of which the Senator from Maine produced yesterday, a letter written by the presi-

Senator from Maine produced yesterday, a letter written by the president of an insurance company to Mr. Fish, Secretary of State in 1870. August 6, 1870, it was received at the Department. The Senator from Vermont called our attention to the fact that the act of 1790, if my Vermont called our attention to the fact that the act of 1790, if my memory is correct as to the date, did not prevent a private citizen from asking from a foreign government payment for a private loss. But what does this letter show? It shows that the president of this company applied to Mr. Fish to have the sanction of the Government that not only he but all others who had claims against Great Britain growing out of the captures by the confederate cruisers might be permitted to negotiate individually with the British government; and what was Mr. Fish's answer? It was said, "Without the sanction of the Government we never can proceed; Great Britain will not negotiate with us at all without the sanction of the Government; Great

Britain will not negotiate in respect to these claims with us unless she shall know that the American Government will hold itself concluded by whatever may be done between us and the British government. Without, therefore, the aid and sanction of our own Government we cannot take one single step toward negotiating individually with Great Britain," and that was as true as anything could possibly be; but so far from assenting to that request our Government put its foot down on it flatly and told these men "You are to do no such thing." Instead of permitting them to take this course, while it did not deny that they had private claims, it said "No, you must leave this matter with the Government," and it issued a circular to all claimants in the United States to send their claims to the Department of State to be prosecuted by the Government. But Mr. Fish went further than that. This letter says, recurring to interview between the writer and Mr. Fish:

You were pleased to say to me in Washington that the United States Government would eventually assume these "Alabama claims."

And we very soon saw that the Government did want to assume nem. We very soon saw a recommendation of the President of the United States to Congress to authorize him to pay them off, take an assignment of them so that they might be no longer mere private claims, but might become national claims belonging to the Government of the United States. There was no talking then about "We say these claims have no validity." There was no hint then that if Great Britain should be condemned in damages or should agree by negotiation to pay us a sum of money in respect to these claims we would hold on to the money. No; so far from that, the Secretary of State tells this man that the United States will assume the claims, without placing any limitation whatever upon the statement.

There are some very excellent remarks made in this letter in support of the request made to be allowed to present these claims to England; but it is unnecessary to be attending to these small matters, for the decision of this case does not depend on what was the ters, for the decision of this case does not depend on what was the opinion of Mr. Cushing, or what was the opinion of Mr. Fish, or what was the opinion of President Grant. As so much prominence has been given to the opinion of Mr. Cushing, which is entitled to no more consideration than that of any other lawyer equally well informed on the subject, let me say—and I assume, in saying it, that the paper produced by the Senator from Maine, which bears no date, does not show where it is written, is addressed to nobody, is a genuine paper; and what is the case so far as Mr. Cushing is concerned? His first opinion, published immediately after his return from Geneva. His first opinion, published immediately after his return from Geneva in the Journal of Commerce, and unmistakably authentic, and the paper read by the Senator from Maine, are in as direct conflict as any two opinions could well be. Did Mr. Cushing know anything more about what was done or about the principles that governed the tribunal in awarding this money when he wrote this paper and handed it to the accordance of the principles and the principles that governed the tribunal in awarding this money when he wrote this paper and handed bunal in awarding this money when he wrote this paper and handed it to the agent of the war-premium people—Mr. Spofford, I think his name was—than when in the city of New York he wrote what was published in the Journal of Commerce, in which he advised all these claimants—for his words embraced everybody, insurance companies and all—not to sell their claims at a discount, not to pay exorbitant lawyers' fees, because the claims were so plain that they did not require the payment of exorbitant fees to secure their allowance. Mr. Cushing may have given two opinions, one one side at one time, and the scales having fallen from his eyes by some miraculous interposition he may have given one on the other. Again I say de mortuis nil nisi bonum. If he were alive, I might have something to say in regard to these opinions of his.

Mr. President, I believe I have said all that I need say now, and

with this brief statement of the case I leave it.

with this brief statement of the case I leave it.

Mr. BLAINE. Mr. President, I wish to make a personal explanation, not for myself at all but for others, and I regret that I do not see the honorable Senator from Wisconsin [Mr. Carpenter] in his seat. I am compelled in his absence to refer to the extraordinary attempt made and not quite abandoned even in the last remarks of the Senator from Ohio [Mr. Thurman] to throw discredit upon the authentic character of the opinion of Mr. Cushing which I read in this debate. I presume that the evening papers in Boston may have contained something of the discussion in the Senate yesterday; and last night I received two dispatches dated Boston, Monday evening, addressed to myself. One is:

BOSTON, April 19.

BOSTON, April 19.

Hon. Jas. G. Blaine, United States Senate, Washington D. C.:

Caleb Cushing's letter quoted in the debate on Geneva award was written by him at the request of George O. Shattuck and myself. GEO. M. BARNARD.

George M. Barnard, who sends the telegram, is a well-known, very prominent, and highly respected merchant in Boston. At the same time I received the following dispatch; evidently written in conjunction with Mr. Barnard's:

MATTAPOISSETT, MASSACHUSETTS, April 19.

Hon. James G. Blaine, Senate Chamber, Washington, D. C.:

Caleb Cushing's letter in favor of war premiums was written at the request of George M. Barnard and myself. I discussed it fully with Mr. Cushing and know it to be genuine. GEO, O. SHATTUCK.

Probably George O. Shattuck may not be known to all the Senate,

but he is reputed at the Boston bar as among the very first lawyers of Massachusetts. I think I am correct in stating that.

Mr. DAWES nodded assent.

Mr. BLAINE. This morning, after the more elaborate debate was published, and this most extraordinary affidavit was read yesterday by the Senator from Wisconsin—this morning I received the following from Boston:

BOSTON, April 20.

Hon, James G. Blaine, United States Senate, Washington, District of Columbia:

I have read this morning the telegraphic reports of Senator Carpenter's statement relative to Caleb Cushing. After Mr. Cushing had stated to me his opinion at the suggestion of my counsel, Mr. Shattuck and myself, he prepared it in writing to be printed for, as he proposed, the information especially of the Senate. Excepting his absence in Spain, I was thenceforth in constant communication with him until his death. After his return from Spain, he emphatically repeated and confirmed to me his opinion in favor of the war premium claimants, from which I do not believe he ever swerved during my whole intercourse with him.

GEORGE. M. BARNARD.

I have also the following letter that I want to read, sent to me last evening, a letter that I ought to have read yesterday:

WASHINGTON, April 19, 1880.

Hon. Senator BLAINE:

Dear Sir: During the long session of the Forty-fifth Congress I was present when Hon. Caleb Cushing made a statement before the House of Representatives Judiciary Committee relating to the action of the American counsel and the tribunal at Geneva. This statement was in accord with his declarations in the pamphlet entitled "Opinion of Hon. Caleb Cushing," copies of which had been given to the members of the committee.

Afterward an attorney for insurance companies called attention of the committee to the published letter of Mr. Cushing, which Mr. Carpenter has had read, and claimed that the letter was inconsistent with Mr. Cushing's statement and "opinion."

Just as the Senator from Ohio has now said:

I procured a copy of the letter and "opinion" and took both to Mr. Cushing's room in Gray's Hotel, and told Mr. Cushing of the claim that this letter was inconsistent with his statement and "opinion." After reading he replied in effect that there was no inconsistency whatever; that the letter was written to an uninsured owner of a ship destroyed by an inculpated cruiser; that his advice to him was good and not inconsistent with his statement or opinion.

I will add that early in 1874 I received a copy of "Opinion of Hon. Caleb Cushing." I was so pleased with its admirable statement of the case that I had 800 copies of it reprinted; and from that time to this have frequently brought it to the attention of members of Congress.

Very respectfully,

Very respectfully

E. W. METCALF.

I find Mr. Cushing's letter quoted by Mr. Mead, of New York, in the House five years ago; I find it quoted at length a little earlier than that by Hon. George W. McCrary, since Secretary of War and now a circuit judge of the United States. And in the presence of all these facts, with not a suspicion, with nothing in the world to ground it upon, it has been bandied on this floor and affidavits brought in here to prove that the letter was not genuine; and the affidavit brought in from Mr. J. Langdon Ward states that he took this exbrought in from Mr. J. Langdon Ward states that he took this extraordinary opinion, as it is termed, to Mr. Cushing at his hotel, and Mr. Cushing declared to him that he had never seen it. Although it had been circulating four or five years around both Houses of Congress, in the public press, and in the records of both Senate and House, Mr. Ward says that Mr. Cushing declared to him that he had never seen it and was not responsible for it. If Mr. Cushing was jealous of anything, it was his fame as a lawyer; and the idea that he would of anything, it was his fame as a lawyer; and the idea that he would permit an opinion of that kind to be circulating in the national capital for a period of six years and never make the slightest attempt to contradict it if it did not correctly represent his sentiments, is something which I leave Mr. J. Langdon Ward and the honorable Senator from Wisconsin to justify as best they may.

There is sent to me this morning the account of the printer, Mr. McGill, with Mr. Cushing, in which Mr. Cushing was charged for having had this opinion printed at his own expense and paid for.

I hope I have put in accumulative evidence in regard to the authentical contradiction.

I hope I have put in accumulative evidence in regard to the authentic character of the letter, a question which in a society of gentlemen, as the Senate of the United States is esteemed to be, never should have been raised.

If the honorable Senator from Wisconsin thinks it proper that he should leave the matter where it now is, I do not object or ask any expression from him. His course in the premises must depend wholly on his own sense of propriety. I do not desire to say anything more about it, except that I felt insulted at the suggestion that I could by any possibility bring into the Senate a paper whose genuine character was doubtful. I have known of this paper certainly myself for six years. I had talked with Mr. Cushing very frequently in regard to the subject; had heard from his own lies resolution regard to the subject; had heard from his own lips precisely the same sentiments advocated over and over again in conversation; and I was as certain of the authenticity of the document as I would be of my own

signature written five minutes ago.

I do not want to detain the Senate for I have had more than my share of this debate; but I desire to trespass on its indulgence for a

few minutes.

The honorable Senator from Ohio attempted I might almost say to ridicule my statement in regard to the mode in which the Government of the United States dealt with the indirect claims. I desire to say that I only in effect reproduced, and reproduced in a poor manner probably, a terse and concise statement of the whole position contained in a report of the House Judiciary Committee of the Fortythird Congress—as good a statement of this case as has been made anywhere. That committee say:

Having, for its own interest, withdrawn from the arbitration the "cause and only cause of the evil," thus leaving the tribunal without evidence of that liability of England which the United States had over and over again, in every diplomatic form, insisted upon, is not the United States estopped from denying reparation to its citizens based upon the finding of a tribunal to which, for its own purposes, it would not submit the evidence? Indeed, by so doing, did not our Government assume this class of losses of its citizens?

I desire to make no further statement on that point. I am willing

to leave it there.

The honorable Senator from Vermont made some very extraordinary statements this morning in regard to navigation, statements so entirely at war with not only the experience of the country but with everything of proper theory on that subject, that I cannot but comment briefly upon his remarks. If any person in looking in the Congressional Record a hundred years hence should happen to come upon the speech of the Senator from Vermont—and of course come upon the speech of the Senator from Vermont—and of course his speech would be among the first looked at, from his eminence in this body—he would wonder what in the world could possibly have given rise to any suggestion that the commerce of the United States had suffered during the war of the rebellion. It was in a most prosperous condition, the Senator says; some friend of his made a hundred thousand dollars; everything went on swimmingly. He says all war premiums were charged in and paid by the consumer. He takes up and reproduces the extraordinary statement of the honorable Senator from Ohio on that point to show how; it was charged in able Senator from Ohio on that point to show how it was charged in. I hold in my hand (and I might have bushels of them if I chose to get them) two charter-parties for American ships to take guano from the Chincha Islands to Europe, and in the body of the charter-party these words are inserted:

The ship is to furnish a policy of insurance as agreed before commencing to load, covering the cargo against war risk at the rate of \$60 per ton in gold. Premium paid by ship.

Here was an American vessel loading with guano on one side of the bank and a British vessel on the other, and of course the two vessels were going to receive the same rate of freightage to carry their cargoes to the same port in Europe or America, and in order that the American vessel might have any chance at all she had in the first American vessel might have any chance at all she had in the first place to insure the cargo and take the cost of that directly out of everything she received. Thus it is evident that whatever these ship-owners paid for war premiums they lost entirely, and by a singular perversity of fortune just precisely what they lost went to the enrichment of the very power that was responsible for the evil upon the sea at that moment. Every penny and every shilling and every pound that was taken from the American marine was paid into the British marine, and the British vessel loaded at the same rate, getting possibly even a better rate after the insurance was paid, but supposing it got the same, before the American vessel could put a spadeful of guano under her decks he had in advance of loading to pay insur-

ance on the cargo at the rate of \$60 per ton.

And more than that, if the honorable Senator from Vermont will permit me to make a suggestion. The very fact that these insurances had to be taken out by American ship-owners drove them down to coarse freights, drove them down to those freights which had bulk and small value. They could carry coal from the United States or England, they could carry guano from the Chincha Islands, because those freights had small value in proportion to bulk; but they could not afford to take rich freights because the policy of insurance upon it would absolutely outrun the entire amount of the tonnage. I hope I am understood. The entire freight on the tonnage, if she had loaded with a freight for instance of dry goods, if she had loaded with a freight made up of silks or cottons or cloths or of hardware or cutlery or any of the thousand and one articles that we import from European marts and had been compelled to pay insurance on that across the marts and had been compelled to pay insurance on that cargo, the American ship could not have stood it at all, and they were compelled American ship could not have stood it at all, and they were compelled to abandon all cargoes of this kind, and were consequently driven off the ocean. They could not take those freights at all; and by the third year of the war the American ships did not have any chance at all except in the coarse freights which I have already named.

Mr. Cobden understood this perfectly. I read his words before, but I do not think I succeeded in getting the attention of the Senate to what he said. Mr. Cobden did not have the advantage of being a leavest which he was a comparation may be vide knowledge. He was

lawyer, but he was a commercial man of wide knowledge. He was an eminent man. Mr. Cobden in the British Parliament stated the whole cas

Mr. EDMUNDS. What was the date of that?

Mr. BLAINE. In 1864 Mr. Cobden said, referring to the United

We have rendered the rest of her vast mercantile property for the present val-

The honorable Senator from Vermont tells us in the American Senate that it was in a highly prosperous condition; Hon. Mr. Cobden, in the British Parliament, telling Great Britain what her future accountability might be, said:

We have rendered the rest of her vast mercantile property for the present valueless. Under the system of free trade, by which the commerce of the world is now so largely carried on, if you raise the rate of insurance on the flag of any maritime power you throw the trade into the hands of its competitors, because it is no longer profitable for merchants or manufacturers to employ ships to carry freight when those vessels become liable to war risks.

That was the opinion of a candid and eminent Englishman, just in his conceptions of international duty, and distinguished for his impartial friendship toward this country. That is the way he viewed the question in 1864, and I commend the honorable Senator from Ver-

mont to the study of all that Mr. Cobden said on that subject.

Mr. President, one word further and I will not detain the Senate longer. You may discuss it as you may; you may surround it with as many quibbles and technicalities and evasions as ingenuity can suggest; but in the end it will be found and conceded that there were but two great classes of losers in consequence of the Alabama deprebut two great classes or losers in consequence of the Alabama depredation, namely, the men whose ships were burnt and went down, and the men who paid the war premiums, for what the insurance companies paid out they had before received from the premium payers, so that generically when you get down to the bottom of the question and strike what in our homely phrase we call the hard-pan of the whole subject, I repeat without fear of contradiction there were but two great classes of losers, and if this award was got for actual suf-

two great classes of losers, and if this award was got for actual sufferers, fair dealing requires that we give it to them.

A word, now, in reply to the Senator from Ohio, who impatiently brushed off a question which I submitted to him. I say to the honorable Senator, and he admits it fully, that the insurance companies that claimed a loss and all that attempted to show a loss and failed were allowed in the computation which they submitted to the court of Alabama claims to put in the losses they had paid at the hands of vessels destroyed by the exculpated cruisers.

Mr. THURMAN. How many claimed?

Mr. BLAINE. I do not know, but one would establish it as well

Mr. BLAINE. I do not know, but one would establish it as wen as many.

Mr. THURMAN. One would not establish it.

Mr. BLAINE. Why?

Mr. THURMAN. It would not establish it at all. It would not be binding on those who did not claim.

Mr. BLAINE. The principle was established and the Senator contends for it. I understood him to say that it was perfectly fair, that it was perfectly just. I repeat in making up their accounts the insurance companies were allowed credit for all the war premiums they had paid out. The insurance companies wherever they could show a loss at the hands of an exculpated cruiser on anything that they had insured were allowed to put that in the account; and therefore that was credited to the insurance company which was denied to the individual. dividual.

The honorable Senator from Ohio, he will pardon me for saying, in a manner which does not become his usual style of discussion—for if that honorable Senator is distinguished for anything it is for squareness and candor in debate—endeavored to get, if he will permit me to say it, a very unfair advantage in misconstruing and quibbling at some words in which I said that the whole system of insurance was based on the doctrine of chance, and that in that respect it resembled a gambling operation. If insurance is not rested and founded on chance, if the tabulations are not made through the experience of centuries, if the whole complicated machinery does not have its origin and has not had its growth out of those calculations of chance which long trial has produced, then I have entirely misapprehended the whole theory.

Mr. EATON. Even on the life of man.
Mr. BLAINE. Even on the life of man, as my friend from Con-States. You insure a man's life because there are so many men who die, out of so many thousand, in a given time. You insure a house for such a rate because out of so many thousands the chances show for such a rate because out of so many thousands the chances show that just so large a percentage will burn. You insure a ship at such a rate because all the tables have shown that, trusting to the sands and the winds and the storms and the rocks, the chances show that in a series of years, by that doctrine of certainty which is evolved out of chance, there will one year with another happen just about the same result. That was what I said about the insurance companies and the horselfs Senator transfer to state that I have libeled nies, and the honorable Senator attempts to state that I have libeled them as gamblers. I have taken their dividends and owned their

Mr. EDMUNDS. Is that true as to war risks the same?

Mr. BLAINE. The honorable Senator asks if it is true as to war risks. The doctrine of chances presents extraordinary results, and I do not know but that it might be true even in regard to war risks. The Dead Letter Office shows some strange evolutions of the doctrine of chance. The same amount of lost photographs of girls, sent to their engaged lovers, turn up month in and month out, the same amount of photographs of old men sent to their grandchildren, of dead husbands sent forward to their wives. You may take any one of the various things that the Dead Letter Office evolves and I have been told by those who have dived into its mysteries and dug through all its sta tistics, that there is in the whole of that, which seems to be as fortui-tous as the shooting of the meteor to the human eye, a law regulating it as immutable as the fate which directs the star and overhangs us all. Mr. THURMAN. Mr. President, I think the Senator from Maine

can settle the matter of that so-called Cushing opinion with the Senator from Wisconsin. I have said nothing about the genuineness of the paper purporting to be by Mr. Cushing, and on which the Senator

Mr. BLAINE. No; but the Senator gave a hypothetical supposition of its genuinenes; he did that much honorably.

Mr. THURMAN. Undoubtedly so. I have not examined it : I am

Mr. THURMAN. Undoubtedly so. I have not examined it; I am not going to swear that it is genuine.

Mr. BLAINE. You are not called upon to do so.

Mr. THURMAN. I do not know; I am not called upon to form an opinion as to whether it is genuine or not, but this I will say about it, that if the Senator had been bent on destroying the reputation of Caleb Cushing as a lawyer giving opinions, he could not have very well had done more to destroy it than by producing the letter of Mr. Metcalf, which he has just read to the Senate, for what does Mr. Metcalf say? calf say?

calf say?

In the first place I call attention to the fact that Mr. Metcalf shows conclusively that the letter which was published in the Journal of Commerce in November, 1872, and signed by Mr. Cushing was a genuine letter, for Mr. Metcalf says that he took that letter and also the paper produced by the Senator from Maine and laid them before Mr. Cushing, and Mr. Metcalf says that he and some other persons thought there were inconsistencies between these two papers, but Mr. Cushing said there was no inconsistency at all. Now all I have to do is to ask any Senator on this floor to lay them side by side and read one and then the other and say for himself whether they are inconsistent or not. I want Senators to just take the two letters and lay them side not. I want Senators to just take the two letters and lay them side by side and read them and then say what kind of a mind must the by side and read them and then say what kind of a mind must the man have had, what must have been the pressure on his intellect if he could write those two letters and then read them and say there was no inconsistency between them! If the Senator from Maine is bent on proving that Mr. Cushing was, according to PROCTOR KNOTT'S story, outside of his mind, he could not very well have done it better than by producing this testimony.

Mr. President, I might have something to say in reply to the speech the Senator from Maine has just made if it were only to exercise the usual privilege which is allowed to the person who has a bill in charge of closing the debate; but as I am very certain that if I were to make another speech the Senator from Maine would close on me, I shall forbear.

Mr. BLAINE. Before the Senator sits down, though, while he occupies the floor—I will not take it of my own right—I wish to make a suggestion. The honorable Senator has made broad assertions in regard to the utter incompatibility of these two letters. If that is so palpable, the honorable Senator ought to be able to state a point in which they are contradictory. I have read them both carefully this morning; I have read them with as much attention as I could give,

morning; I have read them with as much attention as I could give, and I maintain that every position in the one is entirely logical and reconcilable with every position in the other.

Mr. THURMAN. Then I am obliged to include the Senator from Maine in the remark I made about Mr. Cushing.

Mr. President, some Senators have asked me to agree to an executive session and let the vote be taken on this bill at half past one o'clock to-morrow. My own impression would be in favor of going and taking the vote.

on and taking the vote now.

Mr. BLAIR. I should like to ask the courtesy of the Senator from Ohio for one moment. I desire to have the opportunity of reading two brief letters which I have received from constituents, bearing upon the subject-matter of this debate, and which I wish to read for the purpose of their appearing in the RECORD. They bear upon one of the important points in the debate, as it seems to me, and not proposing to participate in the discussion myself, I should still like that my constituents might be heard in their own words, which will not

Mr. THURMAN. I have no objection to their being read. If they give rise to discussion, though, I may interpose, but if they are only the usual kind of letters that people having claims write, I have no

objection.

Mr. BLAIR. I will not occupy more than five minutes of the time of the Senate. The impression has seemed to be conveyed in the course of the debate that most of those who have claims for the payment of war premiums were importers, men of wealth, men able to bear the losses which they suffered during the progress of the war. Now, in my own State there was a large number of men engaged in the carrying trade, none of them men of wealth, but owners of vessels, many of whom, themselves and their families, have been reduced to penury in consequence of the progress of the war and the destruction of our commerce, and I have recently received a letter from the representative of one of them, as follows:

PORTSMOUTH, N. H., February 8, 1880. PORTSMOUTH, N. H., February 8, 1880.

DEAR SIR: This is to call your attention to the Geneva award bill soon to come before Congress on the ground of a simple act of justice. I know of parties here, one a widow of eighty years, and another a widow with a family of children. In both of these cases the amount due would do them much good should they get it. I hope you will use your influence to pass a bill to give the money to those who paid war premiums. I think that would be simply right.

Yours truly,

CHARLES H. MINDUM.

HOB. H. W. BLAIR. There is one other point which was alluded to by the honorable Senator from Vermont that the payers of these war premiums recompensed themselves from the purchasers of the country. I wish to read another letter, which is dated March 5, 1880, and addressed to myself:

PORTSMOUTH, N. H., March 5, 1880. Sir: The statement has been made in Congress by those opposed to the payment of the claims on the Geneva fund, known as the war premiums of insurance claims, that the owners of cargoes and ships were reimbursed for such payments by the consequent enhanced prices of goods and freights. This is a very great error. Goods are sold without much reference to cost, as every one knows, supply and demand fixing the price, and as regards freights, doubtless there are multitudes of cases where ship-owners were obliged to pay (or agreed to pay) for war policies on cargoes, of which they were merely the carriers, before they could effect charters or get business at the current rates obtained by neutrals; for instance, the owners of the ship Rockingham of this city (burned by the Alabama) chartered that ship to Grierson, Cole & Co., of London, England, to take a cargo of guano from the Chincha Islands to Great Britain, one condition of the charterparty being that the owners of the ship should pay to the owners of the cargo (Grierson, Cole & Co.) the premium for a war-risk policy on the value of the cargo. The amount of that premium was \$1,240.38, and it was paid to Thayer & Peabody, of Boston, agents of Grierson, Cole & Co., February 17, 1863.

The captain of that ship also paid \$88.50 premium for a war-risk policy on his primage, (his pay.) which was so much out of his year's carnings.

I repeat, there must have been large sums paid out in this way for which no compensation in any shape has been received. If this point has been made by any one in Congress in the discussion of the subject it has escaped my notice, and representing large interests in the war-premium claims I have felt compelled to draw your attention to it.

Trusting you will excuse it, I am, very respectfully, yours, &c.,

MARK H. WENTWORTH,

Administrator of estate of William P. Jones.

Hon. HENRY W. BLAIR, United States Senate, Washington.

It should be borne in mind that the payers of these war premiums did business not in competition with their own countrymen but with neutrals, and that the great mass of the carrying trade was in the hands of neutrals who were enabled to bring goods to this country and to afford them to very much greater advantage as to price than the American citizens who were engaged in the same business.

the American citizens who were engaged in the same business.

It is upon that point showing at what disadvantage the American carriers conveyed goods that I think this letter is very pertinent.

Mr. THURMAN. I gave notice that I should ask the Senate to sit this bill out yesterday; but the Senator from Vermont [Mr. Edmunds] wished to speak, and he was entitled to be heard. That made the bill go over until to-day. This day has been occupied to so late an hour that I am appealed to all around not to ask the Senting of the state of the ate to sit the bill out to-day. I hope to-morrow the Senate will dispose of the bill. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-one min-

utes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 20, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

REPRINT OF A BILL

The SPEAKER. The Committee on the Militia makes a request through the Chair that there be a reprint of the bill H. R. No. 5638. There was no objection, and it was so ordered.

SALE OF FORT LOGAN.

Mr. MAGINNIS. I am unanimously directed by the Committee on Military Affairs to report a bill to authorize the sale of Fort Logan, Montana, and to establish a new post on the frontier, and to ask for its immediate passage, in view of the public exigency set forth in the report

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., Section 1. That the Secretary of War be, and he is hereby, authorized and empowered to establish a new military post at or near the Mussel Shell River, in the Territory of Montana, as he may deem best for the protection of the frontier from Indian incursions: Provided, The total cost of the same shall not exceed the sum of \$50,000.

SEC. 2. The Secretary of War is hereby authorized and directed, after due notice, to sell at public auction or otherwise dispose of, as he may deem most advantageous to the Government, the site, reservation, and buildings of Fort Logan, Montana Territory, and reinvest the proceeds of such sale in the erection of the post authorized by the first section of this act: Provided, That such portion of said buildings or of the materials thereof as can be profitably removed to said new post may be reserved from sale and so removed.

Mr. MACINNIS. Let the report of the committee now he read

Mr. MAGINNIS. Let the report of the committee now be read.
The SPEAKER. Is there objection to the present consideration of
this bill? [After a pause.] The Chair hears none.
The bill (H. R. No. 5894) was accordingly received and read a first

and second time.

The report was read, as follows:

The report was read, as follows:

The Committee on Military Affairs beg leave to report that Fort Logan when established was on the frontier, but that the settlements have outgrown it and the post needs to be moved out about a hundred miles on the present frontier, which is now the scene of continued Indian raids and conflicts.

It is thought that sufficent money can be obtained by the sale of the old post to establish the new one.

The troops now have to be sent continually to the front and their transportation back and forth is expensive, and their service is much more unsatisfatory than if stationed where needed. The military authorities have repeatedly urged this change and present exigencies make it immediately necessary. The accompanying letter of the Secretary of War, and the indorsements of General Terry and General Sherman, having been referred to the Committee on Military Affairs, that committee have prepared this bill. In view of the pressing necessity of the case, on account of recent and threatened conflicts and the approach of the season when war parties of Indians can make their raids with the greatest impunity, the committee unanimously recommend that the rules be suspended and the bill passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

VOTE ON THE CURRENCY RESOLUTION.

Mr. HOUK. In the RECORD of April 6, on the resolution of the gentleman from Iowa [Mr. Weaver] known as the currency resolution or the greenback resolution, I am recorded as voting "no." Mr. WEAVER. What resolution did the gentleman say?

Mr. WEAVER. What resolution did the gentleman say?
Mr. HOUK. Your resolution; the currency resolution or greenback resolution. I did vote "no;" but I am reminded by the gentleman from Pennsylvania [Mr. Wise] that I was paired with him. I
therefore desire to state that I voted inadvertently.
Mr. WISE. Let the gentleman ask that the record be corrected.
Mr. HOUK. I make that request.

The SPEAKER. The Journal has been approved and cannot be corrected. The statement of the gentleman will go into the RECORD

and will serve as a correction.

Mr. GARFIELD. It is perfectly proper that this statement of the gentleman from Tennessee should go into the RECORD as his correction, which it is just to the gentleman with whom he is paired should be made. But it is not proper that we should go back two weeks and strike off one of the votes on the roll, because in that case we might change the result of a vote; although it would not change the result in this case

The SPEAKER. It would not, of course, change the result in this case; but the Chair has not allowed it to be done even in this case, for the reason that the RECORD is in print and the Journal has been approved, and no change of either can now be made. But the statement the gentleman has made will accomplish all that he desires.

FORT RIDGELY MILITARY RESERVATION.

Mr. POEHLER. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large, with an amendment reported by the Committee on the Public Lands.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That chapter 198, volume 16, of the Statutes at Large, being an act for the disposal of the lands within the Fort Ridgely military reservation, Minnesota, be amended by adding thereto a new section:

"Sec. 4. All lands within the limits of the said reservation shall be open to homestead settlement and timber-culture entry as other public lands in Minnesota from and after the passage of this act: Provided, That all persons now residing on any of said lands, or who have filed on any of the lands of said reservation as bona fide settlers, shall have sixty days from and after the passage of this act to refile on the same tract as homestead or tree-culture entry, and shall have a preference over all other persons as to the tracts so settled on by them. And all persons who were allowed to pre-empt any of said lands, and who have paid for the same at the rate of \$1.25 per acre, shall be entitled to a patent for the same."

The amendment was read, as follows: In line 8, after the word "reservation," insert the words "and not embracing any Government improvements;" so that it will read:

All lands within the limits of the said reservation, and not embracing any Gov-ernment improvements, shall be open to homestead settlement and timber-culture

The SPEAKER. Is there objection to the consideration of the bill at this time?

There was no objection.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engressed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POEHLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LAND DISTRICT IN KANSAS.

Mr. ANDERSON. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. No. 2481) to create an additional land district in the State of Kansas.

The SPEAKER. Is their objection? The Chair hears none.

The bill was read, as follows:

Be it enacted, &c., That all that portion of the northwestern land district in the State of Kansas lying and being situated west of the third guide meridian west of the sixth principal meridian be, and hereby is, constituted a new land district, to be called the northern land district.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said district, who shall discharge like and similar duties, and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said

Mr. ANDERSON. Mr. Speaker, the bill under consideration is general in its character, and is one which materially affects the interests of many thousands of intelligent and hard-working farmers in the northwestern portion of Kansas. It provides for the creation of a new land district by the division of what is known as the northwestern or "Kirwin" land district into two equal parts.

That there can be no reasonable objection to the passage of the bill is apparent from the extraordinary size of the existing district and from the amount of business transacted in the Kirwin office. This

district embraces fourteen large counties and is over two hundred miles in length, the land office being located near its eastern boundary. Only ten years ago this territory was almost wholly in possession of Indians and buffaloes, and so long as the advancing line of settlement was confined to the central portion of the Solomon Valley no especial inconvenience was felt by the pioneers on account of the magnitude of the land district. But ten years in Kansas are equal to magnitude of the land district. But ten years in Kansas are equal to fifty years in the Eastern States, as the waving grains and smiling gardens of the Solomon Valley gladly testify. County after county has been organized and filled; the fertility of the soil, the geographical relations of the region, and the market facilities furnished by existing and rapidly extending railways have attracted a population which has already swept one hundred and fifty miles west of the eastern boundary of the district and is rapidly filling the counties on the Colorado line.

This fact is signally illustrated by the amount of business transacted at the Kirwin office during the past year, as stated by the Commissioner of the General Land Office. He says:

There were 12,929 entries of all kinds made within the limits of the Kirwin district as at present constituted, and of these 4,732 entries, or more than one-third of the entire number, were made within the limits of the proposed new district. The business of the entire district represents an amount of \$45,500 received by the officers as fees and commissions. A maximum office is one where the fees and commissions are equal to the salaries received by the local officers, which is \$3,000 each.

each.

It thus appears that the present Kirwin district is doing a business equal to seven maximum offices, and as the fees and commissions are paid by the settlers and others making entries of the public domain, it is but just that their convenience be served as far as practicable by the creation of new offices when needed.

In other words, the wise policy devised and observed by the Land Department would justify the establishment of seven land districts within the limits of the present Kirwin district; so that the division of this Territory into two districts is clearly justifiable and imperatively required. Accordingly the Commissioner of the General Land Office and the honorable Secretary of the Interior have approved the bill, and the Committee on the Public Lands have unanimously recommended its presents by the Henrich and observed by the Henrich and the committee on the Public Lands have unanimously recommended its presents by the Henrich and the committee of the committee

ommended its passage by the House.

While it thus appears that there are no objections to the measure so far as the general interests of the Government are concerned, it is certainly apparent that the people who now reside and those who soon will find homes in this valley will be largely benefited by the enactment of this law. The immigrant, after examining a particular "quarter," must then travel a hundred or one hundred and fifty miles to the lad office when he way find that some one has already filed. to the land office, when he may find that some one has already filed upon the quarter selected by him, when the same process is again to be gone over. In other words, he must travel a distance equal to that from Washington to Philadelphia, requiring both time and money which he can illy afford to spare, and which there is no possimoney which he can flly afford to spare, and which there is no possible reason why he should be required to expend. And I submit that while in one sense, and a just sense, this measure is local in its effects, yet in another sense it appeals directly to the general interests and sympathies of the National Government, because the tens of thousands of settlers who are occupying this valley are a part of "the people" for whose benefit this Government was created and is maintained.

They are turning wild land into mellow fields, are erecting houses, stocking farms, building school-houses and churches, and securing to themselves and for those who shall come after them the highest privileges of American citizenship. They are but repeating the process which fifty and seventy years ago converted the wild territory of Indiana and Ohio into great and prosperous States. I hope the bill will need.

There being no objection, the bill was taken from the House Calendar and was ordered to be engrossed and read a third time; and be-

ing engrossed, it was accordingly read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GULF AND SHIP ISLAND RAILROAD, MISSISSIPPI.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 5895) granting public lands to the State in aid of the construction of the Gulf and Ship Island Railroad, in the State of Mississippi; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NIGHT SESSION FOR POST-OFFICE COMMITTEE REPORTS.

Mr. MONEY. I ask consent that there be a session of the House held on Wednesday night of next week, commencing at half past seven o'clock, for the consideration of business reported or to be reported from the Committee on the Post-Office and Post-Roads.

Mr. HUNTON. Allow me to suggest that that evening has already

been set apart for another committee.

The SPEAKER. The gentleman asks that Wednesday evening of next week, not this week, be set apart for the purpose he has indicated.

Mr. HUNTON. I beg leave to remind the Chair that the order of the House setting apart Wednesday and Friday evenings for the consideration of the bill to provide a code for the District of Columbia includes next week as well as this week.

Mr. REAGAN. The gentleman had better ask that a day be set apart for the consideration of the business to which he refers.

Mr. MONEY. I was informed by the Clerk that Wednesday evening of next week had not been set apart for any special purpose.

Mr. HUNTON. I am certain I am right in my statement.

Mr. REAGAN. I suggest to the gentleman from Mississippi to ask

for a day session.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] objects unless a day session be asked for.

HOUR OF DAILY MEETING.

Mr. BUCKNER. I ask unanimous consent to submit for considera-tion at this time the resolution which I send to the Clerk's desk. The Clerk read as follows:

Resolved, That on and after Wednesday next, until otherwise ordered, the hour of daily meeting of the House be eleven o'clock a. m.

of daily meeting of the House be eleven o'clock a.m.

Mr. FERNANDO WOOD. I object.

Mr. GARFIELD. Is not that a privileged question?

The SPEAKER. It is not a privileged question for consideration at this time. It may be a question of privilege to introduce such a resolution, but if introduced the Chair thinks there is no place for it except perhaps the Speaker's table.

Mr. GARFELD. I hope the gentleman will introduce it and let it go to the Speaker's table, where we may be able to reach it some time. If we are to get through before the dog-days we must begin our daily sessions before twelve o'clock.

sessions before twelve o'clock.

The SPEAKER. Upon reflection the Chair recollects that there is a resolution of this nature already on the Speaker's table, introduced by the gentleman from Virginia, [Mr. Harris.]

IDAHO TERRITORIAL PRISON.

Mr. MARTIN, of West Virginia. I ask consent of the House to take from the House Calendar for consideration at this time the bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the United States marshal of the Territory of Idaho, and he is hereby authorized and required, to employ at hard labor all United States and territorial prisoners convicted and sentenced to hard labor in the territorial prison of said Territory; such labor to be performed, either within the prison building or upon the land set apart for prison purposes, in such occupations as may be deemed expedient and proper, under the direction of the Department of Justice: Provided, That no expense shall be incurred thereby chargeable to the United States or to said Territory of Idaho.

SEC. 2. That the proceeds arising from such labor shall be applied as follows: In the case of United States prisoners the net proceeds of such labor or moneys accruing therefrom shall be held subject to the order of the Attorney-General of the United States, to be by him appropriated toward defraying the expenses of said prison and the subsistence of United States prisoners confined therein; and in the case of territorial prisoners the net proceeds derived from their labor shall, by said marshal, be paid quarterly to the territorial treasurer of Idaho Territory, to be placed by him in the prison fund of said Territory, and appropriated toward defraying the current expenses of subsistence of said territorial prisoners.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. BLOUNT. I desire to reserve the right to object to this bill

Mr. BLOUNT. I desire to reserve the right to object to this bill

mr. BLOOKI. I desire to reserve the right to object to this bill until I can hear some explanation of it.

Mr. MARTIN, of West Virginia. I will state that there is no law in the Territory of Idaho authorizing the employment of convicts at hard labor. This bill simply provides for that without any expense to the Government; and it is supposed that it will be better for the prisoners themselves.

There being no objection, the bill was taken up and ordered to be engrossed and read a third time; and it was accordingly read the

third time, and passed.

Mr. MARTIN, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON THE JUDICIARY.

Mr. HARRIS, of Virginia. I am instructed by the Committee on the Judiciary to report for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be authorized to have printed for the use of said committee any matter they may deem proper relative to the right of the Senate to originate appropriation bills.

There being no objection, the resolution was adopted.

HARBOR OF REFUGE AT SAND BEACH, LAKE HURON.

Mr. CONGER. I ask consent of the House that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 2695) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan, and that it be considered and passed at this time.

The SPEAKER. The bill will be read, after which the Chair will

ask for objections.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act, and until the completion of the work of construction, the Secretary of War is directed to assume full control over the harbor of refuge on Lake Huron, at Sand Beach, Michigan, now in course of construction by the United States Government, and of the piers, breakwaters, docks, wharves, buildings, and other improvements made by the United States appertaining to said harbor of refuge, and to facilitate the use thereof, including the channels of, and approaches to, said harbor of refuge, so far as may be necessary to the protection and use of said harbor and the improvements aforesaid; and said Secretary of War, for the purpose aforesaid, and for the preservation of said harbor in the interests of commerce, shall prescribe such regulations not inconsistent with the laws of the United States respecting the use of said har-

bor and its channels, and the approaches thereto, and respecting the use of the piers, breakwaters, docks, wharves, buildings, and other improvements of said barbor, made by the United States, as he shall deem needful to fully protect and preserve the said harbor and its several channels and approaches, and the said piers, breakwaters, docks, wharves, buildings, and other improvements. Such regulations shall be promulgated by publication thereof for ten days consecutively in one daily newspaper published in each of the cities of Detroit, Port Huron, Buffalo, Cleveland, and Chicago, and said regulations may be changed in like manner from time to time. He shall also cause four copies of such regulations to be kept posted in conspicuous places on said piers and breakwaters.

SEC. 2. The Secretary of War shall appoint, upon a protect the same under the regulations made at a foresaid by the Secretary of War, and to enforce the observance of said regulations, and to guard and preserve and protect the same under the regulations made at aforesaid by the Secretary of War, and to enforce the observance of said regulations, and to guard and preserve the property of the United States at said harbor of rofuge. Said custodian shall also have power to direct and regulate the stationing and anchoring of steam-vessels and water-craft in said harbor, and the mooring thereof at the piers, breakwaters, docks, and wharves of said harbor, and the laying out and discharging of cargoes and ballast in said harbor piers, breakwaters, and docks; and it shall be the duty of said custodian to report to the United States district attorney for the eastern district of Michigan all violations of this act and of the said regulations prescribed by the Secretary of War; and said custodian shall receive such compensation, not exceeding \$150 per month, as the Secretary of War may allow.

Sec. 3. It shall be the duty of all persons using or navigating said harbor, its chamels or approaches, or using any of the piers, breakwaters, docks, wharves, or

Mr. BLOUNT. I object to the consideration of that bill at this time.

Mr. DUNNELL. Is that bill on the Calendar?
The SPEAKER. It is.

Mr. DUNNELL. Reported from the Committee on Commerce

Mr. CONGER. It was reported unanimously from the Committee on Commerce, so I am informed. The report is a short one, and if gentlemen desire it I will ask that it be read.

Mr. FINLEY. Does it require unanimous consent to consider that bill at this time?

The SPEAKER. It does.

Mr. FINLEY. Then I object.
Mr. REAGAN. I think there must be some mistake about this be-

ing the unanimous report from the Committee on Commerce.

Mr. CONGER. The gentleman from Ohio [Mr. TOWNSEND] reported the bill, and I understood from him that it was reported without objection.

Mr. TOWNSEND, of Ohio. It was reported from the Committee

Mr. CONGER. I desire to say to the gentleman from Ohio [Mr. FINLEY] that this is a bill prepared by General Wright, the Chief

FINLEY] that this is a bill prepared by General Wright, the Chief Engineer of the War Department.

Mr. McMAHON. I call for the regular order.

Mr. CONGER. I am merely appealing to the gentleman from Ohio to permit this bill to pass.

Mr. McMAHON. I call for the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. McMAHON. I move to dispense with the morning hour for the purpose of going into Committee of the Whole to consider the immediate deficiency bill.

Mr. CONGER. I desire to say to the gentleman from Ohio that his people are more interested a great deal in this bill than the people of

Mr. McMAHON. I am not the person who objected to your bill. Mr. CONGER. And I am not addressing that "gentleman from

Ohio! Mr. McMAHON. My people generally are not represented by the gentleman from Michigan.

Mr. CONGER. I am speaking to the gentleman from Ohio, Mr. FIN-

Mr. McMAHON. I beg the gentleman's pardon.
Mr. CONGER. The gentleman's exceeding sensitiveness sometimes carries him further than the necessities of the case would seem to require.

IMMEDIATE DEFICIENCY BILL.

The SPEAKER. The question recurs on the motion of the gentleman from Ohio [Mr. McMahon] that the morning hour of to-day be dispersed with.

The question being taken, there were—ayes 118, noes 40.
So (two-thirds voting in favor thereof) the motion was agreed to.
Mr. McMAHON. I now move that the House resolve itself into
Committee of the Whole on the state of the Union for the purpose of
considering the immediate deficiency bill. Pending that motion I
move, by direction of the Committee on Appropriations, that all general debate on this bill in Committee of the Whole be limited to five inutes. [Cries of "Good!"]
Mr. HISCOCK. I move to amend so as to make the time for gen-

The question being taken on the motion of Mr. Hiscock, there were—ayes 44, noes 98; no quorum voting.

Tellers were ordered; and Mr. Page and Mr. McMahon were ap-

Mr. CONGER. It was stated on Saturday that the general debate should not be cut off. To-day we are met with the proposition to cut

The House divided; and the tellers reported—ayes 57, noes 111. So the motion of Mr. HISCOCK was not agreed to.

The SPEAKER. The question recurs on the motion of the gentle-

man from Ohio to limit general debate to five minutes.

man from Onto to limit general debate to five minutes.

Mr. GARFIELD. I hope my colleague will not press that motion, but will allow at least one hour and a half for general debate. I know that there are some gentlemen on this side who particularly want to speak on one of the amendments to this bill, and have made special preparation. I think it will hasten the general result if a reasonable time be allowed for debate. The proposition for two hours has been voted down; probably an hour and a half would satisfy everybody. I hope the gentlemen will consent the an expediment has been voted down; probably an hour and a half would satisfy everybody. I hope the gentleman will consent to an amendment to that effect. I would like myself to occupy a few minutes; but I do not urge the proposition on that ground, for I would willingly forego all opportunity to speak if everybody else were willing to do so. As I have said, however, some gentlemen here have made special preparation, and it was supposed the understanding was there should be brief general debate. These gentlemen would feel very much disappointed if all general debate should be cut off. Perhaps there will be more delay by not acceding to this proposition than there would be more delay by not acceding to this proposition than there would be in agreeing to it. I move that one hour and a half be allowed for general debate.

Mr. McMAHON. Before the gentleman makes any motion I desire to say a word. When this bill was before the House originally it was under discussion for five full days. It then went to the Senate; it has come back, and is now here. It is not an ordinary appropriation has come back, and is now here. It is not an ordinary appropriation bill for the next fiscal year; it makes appropriations for the present fiscal year. Among the appropriations which it contains is one of six or seven thousand dollars to prepare a revenue-cutter to go to the relief of about seventy-five whalers imprisoned in the Arctic Ocean, and who, if still alive, are waiting for the ice to open. Now I think gentlemen who come to me and ask for time to engage in political discussion, under a threat of filibustering if the request is not granted, do not come to me in a good case. This Congress will continue in session at least another month. The opportunities for talk will be very great. Indeed, they are always very large in this House. The rine participal complaint the people make of us is that we talk too much. The opportunities for talk upon this subject will be ample. I think that this House ought to-day to act on these amendments of the Senate and send them to a committee of conference, so that the bill may be agreed to to-morrow by both Houses, and signed by the President the next day

Mr. GARFIELD. That ought to be done. I agree with the gen-

Mr. McMAHON. Now I am instructed by the committee to press my motion; and I will insist upon the limitation of five minutes unless the House votes me down.

Mr. CONGER. Mr. Speaker, I repeat it was stated on Saturday that there was no intention to cut off general debate on this bill. The RECORD shows that to have been the understanding. There are genthemen on this side who have prepared their remarks on this bill. They desire to offer those remarks, and we desire they shall. If the gentleman from Ohio and his committee are so sensitive about the whalers on the ice, let him withdraw his political rider from this bill and we can pass it in ten minutes and relieve the excessive sympathy

and we can pass it in ten minutes and relieve the excessive sympathy of the gentleman from Ohio.

Mr. McMAHON. The gentleman asks a great deal of me to withdraw an amendment which has been already agreed to by the House and adopted with a modification by the Senate.

Mr. SPRINGER. Let me ask the gentleman from Ohio what particular features of the bill are now in dispute?

Mr. McMAHON. All of them.

Mr. SPRINGER. I understand the Senate has passed the bill with certain amendments, and the Committee on Appropriations have moved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments and non-commoved to concur in certain of the Senate amendments. moved to concur in certain of the Senate amendments and non-concurin others; so it seems the issue is particularly narrow as to whether we will concur with the Senate in certain amendments or not. I do not see the necessity, therefore, for a long political debate on those questions when we have had the bill under general discussion on other features of it.

Mr. McMAHON. I insist on my motion.

The SPEAKER. The gentleman from Ohio in charge of this appropriation bill moves that the general debate be limited to five

Mr. CONGER. And we ask on this side an hour and a half for general debate.

The SPEAKER. There has been no motion made to that effect.

Mr. CONGER. I will move, then, that an hour and a half be given for general debate.

Mr. CONGER'S motion was disagreed to. The question recurred on Mr. McMahon's motion.

The House divided; and there were ayes 92, noes none.
The SPEAKER. There being no quorum, the Chair will appoint as tellers Mr. McMahon and Mr. Conger.
The House again divided; and the tellers reported ayes 95, noes

The SPEAKER. Is there a further count insisted upon?
Mr. CONGER. A further count is insisted on.
The SPEAKER. No quorum has voted; and the only business in order is a motion to adjourn, or that there be a call of the House.
Mr. CHALMERS. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Acklen.	Dick.	Knott,	Rice,
Armfield.	Dickey.	Le Fevre,	Robeson,
Bachman,	Forsythe,	Lewis.	Robinson,
Barlow,	Frost,	Lounsbery,	Russell, Daniel L.
Bliss.	Gillette,	Manning,	Sparks,
Bowman,	Hammond, John	Mason,	Stephens,
Brewer,	Harris, Benj. W.	McGowan,	Tyler.
Bright.	Haskell,	McLane,	Valentine,
Butterworth,	Hill.	Miller,	Voorhis,
Claffin.	Hooker.	Mitchell,	Washburn,
Clardy,	Houk,	Myers,	White,
Clark, Alvah A.	Hubbell.	Neal,	Wilber,
Clymer,	Hurd.	Newberry,	Wilson,
Coffroth,	James,	O'Brien,	Wood, Walter A.
Crowley.	Jorgensen,	O'Reilly,	Young, Casey
De La Mater	King	Osmer	Vonng Thomas L.

Mr. DWIGHT. My colleague, Mr. HAMMOND, is detained at his

The SPEAKER. The roll-call develops the presence of 228 members, which is more than a quorum of the House.

Mr. CHALMERS moved to dispense with all further proceedings

under the call.

Acklen, Aldrich, N. W. Aldrich, William

Bailey, Baker,

The motion was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio [Mr. McMahon] that general debate be limited

gentleman from Onio [Mr. MCMAHON] that general debate be limited to five minutes.

Mr. CHALMERS. I demand the yeas and nays on that motion, so we may see who it is that will not vote.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 8, not voting 163; as follows:

A STATE OF THE PARTY OF THE PAR	YE	AS-121.	
Aiken, Armfield, Atherton, Atkins, Beltzhoover, Berry, Blackburn, Bland, Biliss, Bouck, Bragg, Buckner, Cabell, Carlisle, Chalmers, Clark, John B. Cobb, Cook, Covert, Cox, Cravens, Culberson, Davidson, Davis, Joseph J. Davis, Joseph J. Davis, Jowndes H. Deuster, Dibrell, Elam, Ellis.	Evins, Ewing, Felton, Finley, Forney, Geddes, Goode, Gunter, Harmer, Harris, John T. Hatch, Hayes, Hazelton, Henkle, Henry, Herbert, Herndon, Henkle, Henrdon, Hooker, House, Hull, Hunton, Hurd, Johnston, Jones, Kimmel,	McKenzie, McMahon, McMillin, Mills, Money, Morrison, Morse, Muldrow, Muller, Murch, Myers, Niew, Nicholls, O'Comnor, Persons, Phelps, Phister, Poehler, Reagan, Richardson, J. S. Richmond, Robertson, Rothwell, Russell, Daniel L. Ryon, John W. Sawyer, Scales, Shelley,	Singleton, J. W. Singleton, O. R. Slemons, Smith, William E. Speer, Springer, Steele, Talbott, Taylor, Thompson, P. B. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas Vance, Waddill, Warner, Weaver, Wellborn, Wells, Whiteaker, Whitthorne, Williams, Thomas Wilson, Wise, Wood, Fernando Wright.
anii o		YS—8.	
Anderson,	Browne,	Joyce,	Norcross,
Bicknell,	Field.	Killinger.	Stevenson.

NOT VOTING-163.

Ballou,

Barber Barlow, Bayne, Beale, Belford,

Dulgman,	Errett,	Lapnam,	1088,
Blake,	Farr,	Le Fevre,	Russell, W. A.
Blount,	Ferdon,	Lewis,	Ryan, Thomas
Bowman,	Fisher.	Lindsey,	Samford,
Boyd,	Ford.	Loring,	Sapp,
Brewer.	Forsythe,	Lounsbery,	Shallenberger,
Briggs,	Fort,	Manning,	Sherwin,
Brigham,	Frost,	Marsh.	Smith, A. Herr
Bright,	Frye,	Martin, Joseph J.	Smith, Hezekiah B.
Burrows,	Garfield,	Mason.	Sparks,
Butterworth,	Gibson,	McCoid,	Starin.
Calkins.	Gillette,	McCook.	Stephens,
Camp,	Godshalk.	McGowan,	Stone,
Cannon,	Hall,	McKinley,	Thomas,
Carpenter,	Hammond, John	Miles.	Thompson, W. G.
Caswell.	Hammond, N.J.	Miller,	Townsend, Amos
Chittenden,	Harris, Benj. W.	Mitchell,	Tyler,
Claffin,	Haskell,	Monroe,	Updegraff, J. T.
Clardy,	Hawk.	Morton,	Updegraff, Thomas
Clark, Alvah A.	Hawley,	Neal,	
Clymer,	Heilman,		Upson, Urner,
Coffroth,	Henderson,	Newberry, O'Brien,	
Conger,	Hill,	O'Neill.	Valentine,
Conger,		O'Nelli,	Van Aernam,
Converse,	Hiscock,	O'Reilly,	Van Voorhis,
Cowgill,	Horr,	Orth,	Voorhis,
Crapo,	Houk,	Osmer,	Wait,
Crowley,	Hubbell,	Overton,	Ward,
Daggett,	Humphrey,	Pacheco,	Washburn,
Davis, George R.	Hutchins,	Page,	White,
Davis, Horace	James,	Pierce,	Wilber,
De La Matyr,	Jorgensen,	Pound,	Williams, C. G.
Deering,	Keifer,	Prescott,	Willis,
Dick,	Kelley,	Price,	Willits.
Dickey,	Kenna,	Reed,	Wood, Walter A.
Dunn,	Ketcham,	Rice,	Yocum,
Dunnell,	King,	Richardson, D. P.	Young, Casey
Dwight,	Knott,	Robeson,	Young, Thomas L.
Einstein,	Ladd,	Robinson,	No. of the last of

Pending the roll-call the following announcements of pairs were made from the Clerk's desk:

Mr. Samford with Mr. MILLER.

Mr. Beale on all political questions with Mr. Jorgensen. Mr. Hammon, of Georgia, with Mr. Horr on this vote. Mr. Blount with Mr. Cannon, of Illinois. Mr. Willis with Mr. Claflin for this day.

Mr. BUTTERWORTH on this question with Mr. CONVERSE.

Mr. NEAL with Mr. KING.

Mr. MANNING with Mr. KEIFER on all political questions.

Mr. Robinson with Mr. Knott.

Mr. CLYMER with Mr. HUBBELL on all political questions.
Mr. WHITE with Mr. SPARKS.
Mr. LE FEVRE with Mr. McCook.

Mr. MARTIN, of Delaware, with Mr. Smith, of Pennsylvania. Mr. Harris, of Massachusetts, with Mr. Lewis. Mr. James with Mr. O'Brien.

Mr. RUSSELL, of Massachusetts, with Mr. CLARDY.

Mr. FISHER with Mr. COFFROTH. Mr. Tyler with Mr. O'REILLY. Mr. Hill with Mr. Rice.

Mr. Stephens with Mr. Forsythe.

Mr. Bliss with Mr. Robeson.

Mr. Young, of Tennessee, with Mr. Henderson for to-day.

The SPEAKER pro tempore, (Mr. Townshend, of Illinois, in the chair.) No quorum has voted. The yeas are 121, nays 8.

Mr. CONGER. I make the point of order that no quorum has voted.

The SPEAKER pro tempore. The point of order having been made that no quorum has voted, the only business in order will be a motion to adjourn or for a call of the House.

Mr. HISCOCK. I suggest to gentlemen on the other side whether they will not agree to yield to us on this side one hour for debate on they will not agree to yield to us on this side one nour for debase on this bill, and to take such time as they may see fit for discussion on that side of the House. We are content here if we can have but one hour. We have now consumed fully an hour in this filibustering, and I think we have exhibited sufficiently to the House our intention of remaining here and continuing it until we have a chance to de-bate this bill as asked for. It will facilitate the disposition of this matter if contlarger will consent to allow the time asked for

matter if gentlemen will consent to allow the time asked for.

Mr. McMAHON. Do I understand the gentleman to say that there has been filibustering in the House?

Mr. HISCOCK. You can call it that if you please.

Mr. McMAHON. Filibustering on that side of the House the gen-

Mr. McMAHON. I find stering on that side of the House the gentleman of course means.

Mr. HISCOCK. The gentleman may understand that if he pleases. I do not withdraw anything that I have said in reference to it. We intend to have time to discuss this matter, and I wish to give the gentleman notice that we will resort to every parliamentary device and expedient known under the rules in order to permit us to secure what

we believe to be our rights.

Mr. McMAHON. And I want it to be distinctly understood the gentleman admits that the filibustering has been on that side of the

Mr. HISCOCK. There need be no misunderstanding about that.
Mr. SINGLETON, of Mississippi. Mr. Speaker, it is evident from
the proceedings in which gentlemen on the other side of the House
are engaged that it will be impossible to get on with the public business to-day. I therefore move that the House do now adjourn, as

gentlemen on the other side are determined to sit in their seats and hamper the public business

The House divided; and there were—ayes 28, noes 65.

So the motion to adjourn was not agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB. Mr. Speaker, I desire to submit a report from the Committee on Appropriations, which I ask to have printed and recommitted to the committee.

The SPEAKER pro tempore. That will require unanimous consent

Mr. CONGER. I object to any other business than that now before the House. We want to proceed with the debate on this bill.

Mr. COBB. This is a bill making appropriations for the support of the government of the District of Columbia for the year ending June 30, 1881, and I ask simply that it be printed and recommitted. I hope there will be no objection to the request.

Mr. BAKER. I desire to give notice that I reserve all points of order on the bill.

Mr. COBB. I wish to give notice also that I shall move to take up this bill immediately after the naval appropriation bill is disposed of.

The SPEAKER pro tempore. Is there objection to the request of

the gentleman from Indiana?

the gentleman from Indiana?

Mr. CONGER. I have objected.

Mr. CONGER. I hope the gentleman will permit me to proceed for a moment. I think he will not object when I state what this matter is.

The SPEAKER pro tempore. The gentleman cannot proceed except by unanimous consent. The Chair will, however, state the request of the gentleman from Indiana, after which he will ask for objection. The gentleman requests that the bill reported from the Committee on Appropriations, the title of which will be read by the Clerk, shall be printed and recommitted to the Committee on Appropriations.

Mr. CONGER. Not to come back by a motion to reconsider.

The SPEAKER pro tempore. Under the rules it cannot come back by a motion to reconsider.

by a motion to reconsider.

Mr. CONGER. I do not object to the introduction of the bill for

the purpose named.

The SPEAKER pro tempore. The Clerk will report the title of the

The Clerk read as follows:

A bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881.

The SPEAKER pro tempore. This bill will be considered as having been read a first and second time, and, without objection, will be printed and recommitted to the Committee on Appropriations.

There was no objection.

Mr. COBB. I wish to give notice that I shall ask to take up this bill for consideration as soon as the naval appropriation bill is dis-

posed of.

Mr. BAKER. I reserve all points of order.

The SPEAKER pro tempore. The Chair will take notice of the gentleman's reservation.

Mr. ATKINS. I would like to ask the gentleman from Indiana what time that will be disposed of?

Mr. COBB. That I am unable to say. The gentleman can probably answer that question himself.

ORDER OF BUSINESS.

Mr. HISCOCK. It can be done very soon if we are allowed an hour to discuss the pending deficiency bill.

Mr. BLOUNT. I rise to a point of order. I would like to ask what

is before the House?

The SPEAKER pro tempore. There is no motion now before the

Mr. HISCOCK. We only ask one hour on this side of the House

Mr. REAGAN. This bill has already been discussed, I believe almost exclusively on the other side of the House, for four or five days. most exclusively on the other side of the House, for four or five days. It has been considered by the House and the Senate. It is simply a deficiency bill, and ample time has been allowed for the consideration of it. I want to say that at any time when the minority of this House see proper to obstruct legislation it seems to be only necessary for some member on that side to rise in his place and object, and all the minority follow his lead. Are we to be controlled by a minority who seek to obstruct the public business? I sincerely hope not. For my own part I would sit here for two weeks before I would submit to being dictated to in this way by the minority of this House when they resort to such methods as this to obstruct the consideration of the public business. [Cries of "Regular order!"]

Mr. CONGER. Mr. Speaker, I rise to inquire if it is in order for the gentleman from Texas to make opprobrious and improper remarks about this side of the House? [Cries of "Regular order!"]

The SPEAKER pro tempore. There is no motion before the House. The only motions which can now be made are for a call of the House, or to adjourn.

or to adjourn.

Mr. REED. I think after what the gentleman from Texas has said about the discussion on this bill it is proper for me to state that the provision which I desire to discuss has never been discussed at all. [Cries of "Regular order!"]

Mr. SAMFORD. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Acklen,	Fisher.	McGowan,	Robinson.
Aldrich, William			
	Forsythe,	Miller,	Russell, W. A.
Bachman,	Gillette,	Mills,	Ryan, Thomas
Barlow,	Hammond, John	Mitchell,	Slemons,
Beltzhoover.	Harris, Benj. W.	Money,	Sparks,
Bowman,	Haskell.	Morrison,	Stephens,
Bright,	Hawley.	Muller.	Talbott.
Butterworth,	Hill.	Murch.	Thomas,
Chittenden.	James.	Neal.	Tyler,
Claffin,		Newberry,	
Clanin,	Jorgensen,	Newberry,	Warner,
Clardy,	Kimmel,	O'Brien,	Washburn,
Clark, Alvah A.	King,	O'Reilly,	White,
Clymer,	Knott,	Osmer,	Wilber,
Cox,	Le Fevre,	Page,	Wise,
Crowley.	Lewis.	Persons,	Wood, Fernando
De La Matyr,	Lounsbery,	Phelps,	Young, Casey
Diek.	Manning,	Robertson,	Young, Thomas L.
Dickey,	Mason.	Robeson,	Toung, Thomas L.
DICKCY,	ALREOUI,	LODESOII,	

The SPEAKER pro tempore. The call of the roll shows the presence

of a quorum, 222 gentlemen having answered.

Mr. REAGAN. I move that the Sergeant-at-Arms be directed to bring in the absentees.

Mr. MULDROW. I move that further proceedings under the call be dispensed with.

The question being taken on Mr. MULDROW's motion, there were-

ayes 52, noes 46.

Mr. FINLEY. I call for tellers. A quorum not having voted, I ask the Chair to appoint tellers.

A quorum is not necessary on this

The SPEAKER pro tempore. A quorum is not necessary on this

The question being put on ordering tellers, there were—ayes 5; not one-fifth of a quorum.

So tellers were not ordered, and the motion to dispense with further

proceedings under the call was agreed to.

The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Ohio [Mr. McMahon] that general debate on the

pending bill be limited to five minutes.

Mr. McKENZIE. Does the Chair decide that it does not require a

The SPEAKER pro tempore. The Chair that decision of the Chair.

Mr. McKENZIE. Is the Chair right in that decision of

The SPEAKER pro tempore. The Chair thinks he is right.

The question being taken on the motion to limit debate, there

were—ayes 73, no 1.

The SPEAKER pro tempore. The Chair will order tellers, and appoints the gentleman from Michigan [Mr. Conger] and the gentleman from Ohio, [Mr. McMahon.] The Chair hopes that gentlemen will vote to make a quorum.

Mr. CONGER. I hope the Chair will not be disappointed.

The House again divided; and the tellers reported ayes 54, none

in the negative.

Mr. CAMP. A quorum has not voted.

The SPEAKER pro tempore. A quorum not having voted, the only motions in order are the motion to adjourn and the motion for a call

Mr. SINGLETON, of Illinois. As it appears we can do no business, I move that the House adjourn.

The question being taken on the motion to adjourn, there wereayes 41, noes 59.

So the motion was not agreed to.

The SPEAKER pro tempore. The only question now in order is a motion for a call of the House.

Mr. HAYES. Could we not have the yeas and nays on the motion of the gentleman from Ohio, [Mr. McMahon?]
Mr. KLOTZ. I move that there be a call of the House.
The question being taken on the motion of Mr. KLOTZ, it was not agreed to.

Mr. WEAVER. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there wereayes 38, noes 53.

So the motion was not agreed to.

Mr. CALKINS. I move to amend the motion of the gentleman

from Ohio so as to limit general debate to an hour and a half.

The SPEAKER pro tempore. The motion is not in order unless the

The SPEAKER pro tempore. The motion is not in order unless the point as to the absence of a quorum is withdrawn.

Mr. CALKINS. That point of order has been substantially determined by the vote of the House dispensing with the call.

Mr. McMahon. A considerable time ago I offered to concede an hour to the other side, if out of that hour they would give my colleague from Ohio [Mr. Garfield] twenty minutes.

Mr. CALKINS. We have wasted already an hour and a half. I suggest to the gentleman from Ohio [Mr. McMahon] that he agree to what is asked on this side.

Mr. KLOTZ. I would rather remain here all night than agree to the demand of the other side.

Mr. McMahon. I have heard no response as yet from the other side to the proposition I made at least half an hour ago. I offered as far as I could control the matter to give an hour to the other side if they would give out of that hour twenty minutes to the gentleman from Ohio, [Mr. Garfield.]

Mr. CALKINS. We do not know whether he wants it.

Mr. CONGER. Give us an hour and twenty minutes and we will be satisfied.

Mr. EINSTEIN. I would suggest to the gentleman from Ohio [Mr. McMahon] that twenty minutes, which is all the difference between us now, is very little time for the great democratic party to give to this side of the House.

this side of the House.

Mr. McMAHON. The question is whether the republican party will give twenty minutes to its leader. That is the question.

Mr. CALKINS. Are we to understand that the gentleman from Ohio [Mr. McMAHON] is the leader on that side of the House?

Mr. HUMPHREY. I suggest that we let Ohio fix this matter.

Mr. HISCOCK. I understand, then, the arrangement to be, as proposed on the other side, that we are to have an hour for debate on this side of the House. side of the House

Mr. McMAHON. And that twenty minutes of that time shall be

Mr. McMAHON. And that twenty minutes of that time shall be occupied by my colleague, [Mr. GARFIELD.]

Mr. HISCOCK. I presume the gentleman from Ohio [Mr. GARFIELD] will have an opportunity to speak if he desires to do so.

Mr. McMAHON. Do I understand the gentleman from New York to say that the gentleman from Ohio declines to speak?

Mr. GARFIELD. I have not stated I declined to speak. If it will be a second many that the gentleman from Ohio declines to speak.

dispose of this matter to count me out I am quite willing; but I would be glad to have twenty minutes to speak on this subject. I do not, however, desire to delay the business of the House on that account.

Mr. McMAHON. If the republican side are willing to give the

gentleman from Ohio twenty minutes we are willing to concede them

an hour for debate.

Mr. REAGAN. This is a bargain we are not all agreeing to. The SPEAKER pro tempore. Does the gentleman from Texas ob-

ject to the proposition?

Mr. McMAHON. I want to understand if the gentlemen on that side of the House refuse to give the gentleman from Ohio [Mr. Gar-

FIELD] twenty minutes?

Mr. CONGER. I wish the gentleman from Ohio [Mr. McMahon] to understand the republican party can take care of itself without his supervision. We do not need him to take charge of this side, and have not invited him to do so.

Mr. WEAVER. If the leader of the republican party desires to state his willingness to take the "bloody shirt" out of politics he ought to have the opportunity to do so, and if necessary I am willing

ought to have the opportunity to do so, and it necessary I am whiling to remain here a month to help to give him that opportunity.

The SPEAKER pro tempore. The question is upon the motion limiting debate to an hour and twenty minutes.

Mr. McMaHON. I have not made any motion of that sort.

The SPEAKER pro tempore. Is there any motion made?

Mr. CONGER. I make the motion that there be an hour and

twenty minutes for general debate for this side of this House, as gentlemen on the other side do not seem to desire any time for debate.

Mr. REAGAN. Is that motion debatable?

The SPEAKER pro tempore. It is not,
Mr. REAGAN. I only desire to say that the gentleman from Michigan, [Mr. Conger,] perhaps in mercy to this side of the House, proposes to take off the strain upon its courage, it having stood now for a half an hour, and that is too much for it to stand.

The SPEAKER pro tempore. Is there objection to the proposition to limit general debate to an hour and twenty minutes?

Mr. McKENZIE. I object.

The SPEAKER pro tempore. Objection is made.

Mr. GARFIELD. A single objection does not avail against that motion; the House must determine it.

Mr. REAGAN. I rise to a point of order.

motion; the House must determine it.

Mr. REAGAN. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. REAGAN. The point of order was made that there was no quorum voting, and that point of order has not been withdrawn. I object to any proceedings when we have been arrested in our regular proceedings by the point of order that no quorum voted.

The SPEAKER pro tempore. The gentleman from Texas [Mr. REAGAN] is correct. The point of order having been made that no quorum has voted, until that point is withdrawn nothing is in order except a motion to adjourn or a motion for a call of the House.

Mr. CALKINS. The House dispensed with further proceedings under the call which was ordered after the point of order was made; and that puts the House back into its original position.

and that puts the House back into its original position.

The SPEAKER pro tempore. The tellers must resume their places in order to determine whether a quorum is present or not, upon the

motion to limit debate to five minutes.

Mr. CALKINS. And pending that a motion to amend is in order.
The SPEAKER pro tempore. The Chair has already decided that
the point of order having been raised that no quorum voted, no mo-

we may see whether there is a quorum present or not.

The motion of Mr. Conger was agreed to.

Mr. SPRINGER. I ask unanimous consent that all further pro-

ceedings under the call be dispensed with, and that the amendment of the gentleman from Michigan [Mr. CONGER] be entertained, and that we proceed immediately to vote upon it.

Mr. REAGAN. I suggest that cannot be done pending the point of order that no quorum has voted.

Mr. SPRINGER. A call of the House having been ordered, if we I fact that when the division or attempted division took place the fact-

now dispense with all further proceedings under that call, the House is restored to its former position.

Mr. PAGE. On the last roll-call the presence of a quorum was dis-

closed.

The SPEAKER pro tempore. And subsequently the House found

The SPEAKER pro tempore. And subsequently the House found itself without a quorum voting, and that point of order was made.

Mr. PAGE. There was a quorum, as the record will show.

The SPEAKER pro tempore. On what vote?

Mr. PAGE. On the call of the House.

The SPEAKER pro tempore. But not since the point of order was made. A call of the House having been ordered, the Clerk will proceed to all the roll.

ceed to call the roll.

The Clerk began the call of the roll, and
Mr. MULDROW said: Is a motion now in order to dispense with
all further proceedings under the call?
The SPEAKER pro tempore. That motion is not now in order, the
call of the roll having been commenced.

The Clerk resumed and concluded the call of the roll, and the following members failed to answer to their names:

Lewis, Loring, Loring, Lounsbery, Lowe, Manning, Ellis, Fisher Acklen. Rice, Robeson, Robinson, Ross, Russell, W. A. Bachman. Forsythe, Frost, Gibson, Bailey, Barlow, Barlow,
Bingham,
Bright,
Butterworth,
Claffin,
Clardy,
Clark, Alvah A.
Clymer,
Cox,
Crapo,
Crowley,
De La Matyr,
Dick,
Dickey,
Dunn,
The SDE AE Mason, McGowan, McKinley, McLane, Gillette Hammond, John Harris, Benj. W. Haskell, Sparks, Stephens, Tyler, Urner, Washburn, White, Wilber, Hill, Horr, Hurd, Miller, Mills, Mitchell, James Morse, Williams, Thomas Willis, Wright, Jorgenser Kimmel, Knott, Morton. Neal, Newberry, O'Brien, O'Reilly, Lapham, Le Fevre, Young, Casey Young, Thomas L.

The SPEAKER pro tempore. The call of the roll shows the presence

of 220 members—more than a quorum.

Mr. CONGER. Now, if it be in order, I move that all further proceedings under this call be dispensed with.

Mr. FINLEY. How many members were present?

The SPEAKER pro tempore. Two hundred and twenty responded. to their names

Mr. FINLEY. I do not see the sense of having these continuous roll-calls.

The SPEAKER pro tempore. The motion to dispense with further

proceedings is not debatable.

Mr. FINLEY. I am not going to debate it. I was simply remarking that I did not see any sense in this continuous call of the roll. If we are going to fight it out we may as well do it.

The question was taken on the motion of Mr. Conger to dispense with all further proceedings under the call; and upon a division there

were—ayes 63, noes 36.

Before the result of the vote was announced,

Mr. FINLEY said: I call for tellers.

Tellers were not ordered.

So the motion to dispense with further proceedings under the call

was agreed to.

Mr. CONGER. I now move to amend the motion of the gentleman from Ohio [Mr. McMahon] so as to limit general debate to one hour and twenty minutes, to be given to this side. This will include the twenty minutes to be occupied by the gentleman from Ohio, [Mr.

The SPEAKER pro tempore. The Chair thinks that the motion of the gentleman is not in order in the shape in which he presents it.

Mr. FORT. The meaning is simply that this much time be given to our side; the other side can have as much time as they want.

Mr. REAGAN. Four or five days have already been spent in general

debate on this bill.

The SPEAKER pro tempore. The motion of the gentleman from Michigan is unknown to the rules in the form in which he presents it, and cannot be entertained by the Chair.

Mr. CONGER. If gentlemen on the other side desire equal time, I move that general debate be limited to two hours and forty minutes an hour and twenty minutes upon each side.

an hour and twenty minutes upon each side.

Mr. SIMONTON. I make the point of order that the motion of the gentleman from Michigan is not in order.

The SPEAKER pro tempore. The gentleman will state the reason.

Mr. SIMONTON. I submit that the question now necessarily recurs upon the motion pending before the House some time ago, upon which the vote was taken by tellers, when it was discovered there was no quorum present. The House is, in fact, dividing upon that motion, and therefore no other motion is in order. It seems to me that the only thing in order is for the tellers to resume their places.

motion, and therefore no other motion is in order. It seems to methat the only thing in order is for the tellers to resume their places.

The SPEAKER pro tempore. The Chair inclines to the opinion that the gentleman from Tennessee [Mr. SIMONTON] is correct in the present posture of the question. As the House is dividing upon the original proposition of the gentleman from Ohio, the motion to amend would not be now in order.

Mr. SIMONTON. And the tellers must resume their places.

Mr. SPRINGER. I desire to call the attention of the Chair to the fact that when the division or attempted division took place the fact.

* as disclosed that there was no quorum. That vote, then, amounted to nothing; there was no division at all; and the question stands just as it did before. It is the duty of the Chair to put it to the House again, and being again stated, it is in order for any gentleman to move to amend the motion. I submit that the motion to amend is now in order. [Cries of "Regular order!"]

The SPEAKER pro tempore. The regular order is that the tellers shall resume their places and renew the count upon the motion of the gentleman from Ohio, that all general debate in Committee of the Whole be limited to five minutes. The gentleman from Michigan [Mr. CONGEE] and the gentleman from Ohio [Mr. McMahon] will please resume their places as tellers.

Mr. PAGE. Is not the motion of the gentleman from Ohio subject to amendment?

The SPEAKER pro tempore. Not now.

The SPEAKER pro tempore. Not now.
Mr. GARFIELD. Let the gentleman withdraw it.
The House divided; and the tellers reported ayes 49.
Mr. BROWNE. I would like to inquire of the gentleman from
Ohio whether forty-nine is the strength of his motion on the democratic side

Mr. McMAHON. I respond by asking whether none is the strength of the gentlemen on the other side.

Mr. BROWNE. On this question it seems to be.

The tellers then reported, noes 2.

Mr. CONGER. No quorum!
Mr. ATKINS. I object to the tellers leaving their places. [Laugh-

ter.]
The SPEAKER pro tempore. The tellers will resume their places; and the Chair trusts that gentlemen will now vote in order to make a quorum.

The tellers (additional votes having been given) reported—ayes

56, noes 7.
Mr. CONGER. No quorum!
The SPEAKER pro tempore. The point of order is made that no quorum has voted.

Several MEMBERS. Further count!

The SPEAKER pro tempore. The tellers will resume their places; and the Chair trusts that those who have not voted will pass between

the tellers.

Mr. McMAHON. I call for the yeas and nays on my motion to limit debate to five minutes.

The yeas and nays were ordered.
The question was taken; and there were—yeas 120, nays 15, not voting 157; as follows:

Beltzhoover, Felton, Martin, Edward L. Singleton	on, on, J. W. on, O. R. h Hezekiah B.
Bliss, Frost, McMahon, Smith, V Blount, Geddes, McMillin, Speer, Gibson, Mills, Springer Bragg, Goode, Morrison, Steele, Muldrow, Talbott, Caldwell, Harris, John T. Muller, Taylor, Caldwell, Harris, John T. Murch, Thompse Clark, John B. Henry, Persons Tucker, Cobb, Herbert, Phelps, Turner, Coffroth, Herndon, Philips, Turner, Cook, House, Peehler, Vance, Covert, Hull, Reagan, Cravens, Hunton, Richardson, J. S. Wellbor Culberson, Hurd, Pavis, Joseph J. Johnston, Ross, Whitteal Pavis, Joseph J. Johnston, Ross, Whitteal Pavis, Joseph J. Whitteal Pavis, Joseph J. Whitteal Pavis, Joseph J. Johnston, Ross, Whitteal Pavis, Joseph J. Johnston, Ross, Whitteal Pavis, Joseph J. Waller, McMillin, Spering Pavis, Johnston, McMillin, Spering Pavis, Joseph J. Waller, McMillin, Spering Pavis, Johnston, McMillin, M	r, oon, P. B. ,, ,, Oscar Thomas I, ,, ker, orne,
Davis, Joseph J. Johnston, Ross, Whitthe Davis, Lowndes H. Jones, Rothwell, William	orne, is, Thomas
Deuster, Kenna, Russell, Daniel L. Wilson, Dibrell, Killinger, Ryon, John W. Wise, Dunn, Kimmel, Sawyer, Wright.	

	NAIS-13.		
cknell,	Chittenden,	Gillette,	
ewer,	Field,	Harmer,	
iggs,	Ford,	Hayes,	
owne,	Fort,	Joyce,	

		77.01		
NOT	VOTE	VG	_	57.

	NOT VO	TING-157.	110000
Acklen, Aldrich, N. W. Aldrich, William Anderson, Bachman, Bailey, Baker, Ballou, Barber, Barlow, Bayne, Beale, Belford, Bingham, Blake, Bland, Bowman,	Brigham, Bright, Bright, Burrows, Butterworth, Calkins, Camp, Campn, Carpenter, Caswell, Clardy, Clark, Alvah A. Clark, Conger, Conger, Cowgill, Cox, Crapo,	Crowley, Daggett, Davis, George R. Davis, Horace De La Matyr, Deering, Dick, Dickey, Dunnell, Dwight, Einstein, Errett, Farr, Ferdon, Fisher, Forsythe, Frye, Garfield.	Godshalk, Hall, Hammond, Jo Harris, Benj. Haskell, Hawk, Hawley, Hazelton, Hellman, Henderson, Hill, Hiscock, Hooker, Hoor, Houk, Hubbell, Humphrey, James,
Boyu,	Crapo,	Garnetu,	o amos,

Jorgensen,	Miller,	Reed,	Valentine,
Keifer,	Mitchell,	Rice,	Van Aernam,
Kelley,	Money,	Richardson, D. P.	Van Voorhis,
Ketcham,	Monroe,	Robeson,	Voorhis.
King,	Morse,	Robinson.	Wait.
King, Knott,	Morton,	Russell, W. A.	Ward,
Lapham,	Myers,	Ryan, Thomas	Warner,
Le Fevre.	Neal.	Samford,	Washburn,
Lewis,	Newberry	Sapp,	Weaver,
Lindsev.	O'Brien.	Shallenberger,	White.
Loring,	O'Connor,	Sherwin,	Wilber,
Lounsbery,	O'Neill,	Sparks,	Williams, C. G.
Lowe,	O'Reilly,	Starin,	Willis.
Manning,	Orth,	Stephens,	Willits,
Marsh.	Osmer,	Stone,	Wood, Fernando
Martin, Joseph J.	Overton,	Thomas,	Wood, Walter A.
Mason.	Pacheco,	Thompson, W. G.	Yocum,
McCoid.	Page,	Townsend, Amos	
McCook.	Pierre	Townsend, Amos	Young, Casey,
	Pierce,	Tyler,	Young, Thomas L.
McGowan,	Pound,	Updegraff, J. T.	
McKinley,	Prescott,	Updegraff, Thomas	
Miles,	Price,	Urner,	

During the roll-call,
On motion of Mr. STEVENSON, by unanimous consent, the reading of the names was dispensed with.
The following additional pairs were announced from the Clerk's

Mr. Hooker with Mr. Waite for this vote.
Mr. Converse with Mr. Butterworth on this question.
Mr. Belford with Mr. O'Connor.
Mr. Gibson with Mr. Crapo for the balance of the day.
Mr. Orth with Mr. Lowe on political questions, but not on the deficiency bill.

The SPEAKER pro tempore. There are 121 in the affirmative and

15 in the negative.
Mr. CONGER. No quorum has voted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced concurrence in the amendments of the House to the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine in the city of New York, in the State of New York, in the year 1883.

It further announced the passage of the following bills, with amend-

ments in which concurrence was requested:

A bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee; and

A bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio.

It further announced the passage of the following bills; in which

concurrence was requested:

A bill (S. No. 464) for the erection of a public building at Montgomery, Alabama;

A bill (S. No. 1269) for the erection of a public building at Den-

ver, Colorado; and
A bill (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia.

ORDER OF BUSINESS

The SPEAKER pro tempore. As the point has been made there is of the House or to adjourn.

Mr. REAGAN. I move that there be a call of the House.

Mr. VAN VOORHIS. I move that the House do now adjourn.

Mr. DAVIS, of Illinois. Does not the resolution which was adopted

some time ago provide for a session this evening to consider pension cases? If the House now adjourns will that do away with that even-

ing session? The SPEAKER pro tempore. If this motion prevails there will be

Norcross, Smith, A. Herr

no evening session.

Mr. STEVENSON. But there has been an order of the House providing for an evening session to consider pension cases.

The SPEAKER pro tempore. Debate is not in order. The pending

question is on the motion to adjourn.

The House divided; and there were—ayes 68, noes 43.

Mr. KLOTZ. Let us have the yeas and nays on the motion to adjourn. We have fooled away the whole day and now let us see who wants to adjourn to prevent an evening session for the consideration

of pension cases.

Mr. VAN VOORHIS. I withdraw the motion to adjourn.

The SPEAKER pro tempore. The question recurs, then, on the motion that there be a call of the House.

Mr. COFFROTH. I rise to a parliamentary inquiry. If the House should adjourn now, under the resolution passed the other day, would there be a session to-night, the terms of the resolution having been that this day at half past four p. m. a recess shall be taken until half past seven p. m.

past seven p. m.

The SPEAKER pro tempore. If the House adjourns now it will adjourn to twelve o'clock to-morrow, and vacate the order for an even-

ing session.

Mr. MULDROW. I move to take a recess until 7.30 o'clock this evening.

The SPEAKER pro tempore. It requires a quorum to take a recess, and the point of order has been made by the gentleman from Michi-

and the point of order has been made by the gentleman from Michigan that no quorum is present.

Mr. MULDROW. Then I move the House adjourn.

The House divided, and there were—ayes 100, noes 53.

Mr. KLOTZ demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 103, nays 108, not voting 81; as follows:

Armfield, Atherton, Beale, Berry, Blackburn, Bouck, Bowman, Boyd, Bragg, Brigham,	Dunn, Ellis, Errett, Felton, Field, Finley, Forney, Fort, Frost, Gibson.	Killinger, Kitchin, Ladd, Lapham, Martin, Edward L. Martin, Joseph J. McKenzie, McLane, McMillin,	Ross, Rothwell, Scales, Shelley, Sherwin, Simonton, Singleton, J. W. Singleton, O. R. Slemons, Smith. A. Herr
Buckner,	Goode,	Miles,	Speer.
Cabell.	Gunter,	Mills,	Starin,
Carlisle,	Hammond, N. J.	Money,	Steele,
Chalmers,	Harris, John T.	Morrison,	Talbott,
Chittenden,	Hawley,	Morse,	Tillman,
Clark, John B.	Henkle,	Muldrow,	Tucker,
Cobb,	Henry,	Muller,	Turner, Oscar
Converse,	Herbert,	Myers,	Turner, Thomas
Cook,	Hooker,	Nicholls,	Upson,
Covert,	House,	Norcross,	Vance, Wait,
Cravens, Culberson,	Humphrey,	Orth, Pacheco,	Wellborn,
	Hunton, Hutchins,	Persons.	Wells,
Daggett, Davidson,	Johnston,	Philips,	Williams, Thomas
Davis, Joseph J.	Jones,	Reagan,	Wise.
Dibrell,	Joyce,	Richardson, J. S.	11 200

NAYS-108.

Aiken.	Davis, Lowndes H.	Marsh,	Springer,
Aldrich, N. W.	Deering,	Martin, Benj. F.	Stevenson,
Aldrich, William	Dunnell.	McCoid.	Stone,
Anderson,	Dwight,	McKinley,	Taylor,
Atkins,	Einstein,	McMahon,	Thomas,
Bailey,	Ewing,	Monroe,	Thompson, P. B.
Baker,	Farr,	Morton,	Thompson, W. G.
			Townsend, Amos
Ballou,	Ford,	Murch,	Townsenu, Amos
Barber,	Frye,	New,	Townshend, R. W.
Bayne,	Geddes,	O'Neill,	Updegraff, J. T.
Bicknell,	Gillette,	Page,	Updegraff, Thomas
Bingham,	Godshalk,	Phelps,	Urner,
Blake,	Hall,	Phister,	Valentine,
Brewer,	Harmer,	Pierce,	Van Aernam,
Briggs,	Hatch,	Poehler,	Van Voorhis,
Browne,	Hawk,	Prescott,	Voorhis,
Burrows,	Hayes,	Price,	Waddill.
Caldwell,	Heilman,	Reed,	Ward.
Camp,	Herndon,	Richardson, D. P.	·Weaver,
Cannon,	Horr,	Richmond,	Whiteaker,
Carpenter,	Hostetler,	Robertson,	Whitthorne.
Coffroth,	Houk,	Ryan, Thomas	Wilber,
Colerick,		Ryon, John W.	Willits.
	Kenna,		Wilson.
Conger,	Ketcham,	Sapp,	
Cowgill,	Klotz,	Sawyer,	Wood, Walter A.
Davis, George R.	Lindsey,	Shallenberger,	Wright,
Davis, Horace	Lowe.	Smith. Hezekiah B.	Yocum.

NOT VOTING-81.

Acklen.	Dick,	Kelley,	Rice.
Bachman.	Dickey,	King.	Robeson,
Barlow.	Elam.	Knott.	Robinson.
Belford,	Evins.	Le Fevre,	Russell, Daniel L.
Beltzhoover,	Ferdon.	Lewis.	Russell, W. A.
Bland.	Fisher.	Loring.	Samford.
		Louisbery,	Smith, William E.
Bliss,	Forsythe,		
Blount,	Garfield,	Manning,	Sparks,
Bright,	Hammond, John	Mason,	Stephens,
Butterworth,	Harris, Benj. W.	McCook,	Tyler,
Calkins,	Haskell,	McGowan,	Warner,
Caswell,	Hazelton,	Miller,	Washburn,
Claffin,	Henderson,	Mitchell,	White,
Clardy,	Hill,	Neal,	Williams, C. G.
Clark, Alvah A.	Hiscock.	Newberry.	Willis,
Clymer,	Hubbell,	O'Brien,	Wood, Fernando
Cox,	Hull.	O'Connor,	Young, Casey
Crapo,	Hurd,	O'Reilly,	Young, Thomas L.
Crowley.	James,	Osmer.	
De La Matyr.	Jorgensen,	Overton,	

Mr. BRIGHT. Mr. Speaker, I desire to call attention to the fact that the Clerk has not called my name in reading over the list of

those voting on this proposition.

The SPEAKER pro tempore. Does the gentleman from Tennessee state that he voted?

Deuster,

Mr. BRIGHT. I did. The circumstances, perhaps I should state, were as follows: the Clerk may possibly have called a name immediately after mine before my attention was called to the fact that my name had been called. I then responded. I find now, however, that my name is not recorded.

Keifer,

Mr. COFFROTH. I move the gentleman be allowed to vote.

Mr. BROWNE. Let him vote.

The SPEAKER pro tempore. The rules forbid the Chair to entertain a motion that a gentleman shall vote after the second roll has been called and be has failed to respond.

Mr. SPRINGER. The gentleman from Tennessee [Mr. Whit-

THORNE] states that he heard distinctly his colleague respond to his

Mr. BRIGHT. I did vote as stated, but my name has not been recorded.

The SPEAKER pro tempore. Did the gentleman vote on the first roll-call or on the second?

Mr. BRIGHT. I voted on the second roll-call.

The SPEAKER pro tempore. Did the gentleman vote before the next name on the roll had been called?

Mr. BRIGHT. As I have stated, I think it probable that the Clerk may have called the next name on the roll before I responded to my

The SPEAKER pro tempore. Under the standing rule and order of the House, unless the gentleman states that he voted at the time his name was called, the Chair cannot entertain a motion to permit him now to do so

Mr. COFFROTH. I appeal from the decision of the Chair. Mr. KENNA. The gentleman from Tennessee states that he was present and answered to his name.

The SPEAKER pro tempore. The Chair will cause the first clause of the fifteenth rule to be read.

The Clerk read as follows:

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. KENNA. With all due respect I submit to the Chair that that rule applies simply where a member fails to answer to his name on either the first or second roll-call, but can have no application where a member did answer to his name but has not been recorded as in this

The SPEAKER pro tempore. The gentleman states that he did not answer to his name, or that he did not vote until after the next name was called. The name of the gentleman not appearing on the roll,

was called. The name of the gentleman not appearing on the roll, the Chair has no option but to take that as the correct record.

Mr. HULL. I desire to ask, Mr. Speaker, to record my vote. I did not hear my name called by the Clerk at all. I listened attentively, and believe that my name was passed over by him.

The SPEAKER pro tempore. The Chair is bound to assume that the Clerk discharges his duty in calling the roll, and if the gentleman did not appear to his name the Chair is usually to extend the roll.

not answer to his name the Chair is unable to entertain a motion that

he shall be permitted to vote after the roll is called.

Mr. BAYNE. Suppose in the confusion that a gentleman failed to hear his name called, but answered to his name at the earliest moment after he had discovered his omission to do so when the name was called. That, as I understand, was the case of the gentleman from Tennessee.

[Cries of "Regular order!"]

The Clerk announced the following additional pairs:

Mr. Beltzhoover with Mr. Tyler.

Mr. FISHER with Mr. O'REILLY for the remainder of this day. The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House now take a recess until seven and a half o'clock this evening.

Mr. BAYNE. Is the gentleman in order to make that motion under the prior order of the House providing for a recess from half past

The SPEAKER pro tempore. The Chair thinks as the hour fixed for a recess has not yet arrived that the motion is in order.

The motion was agreed to.
The SPEAKER pro tempore. Pending the announcement of the vote on the motion for a recess, the Chair desires to lay before the House certain executive communications and requests for the withdrawal of papers.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Killinger to withdraw from the files the papers referring to the petition of C. C. Mullin asking an increase of pension; and

To Mr. FERNANDO WOOD to withdraw the papers in the case of

Francis Watt; no adverse report.

MACHINE FOR TESTING IRON AND STEEL.

The SPEAKER pro tempore, by unanimous consent, laid before the House the following message from the President, which, with the accompanying papers was, on motion of Mr. Norcross, referred to the Committee on Claims, and ordered to be printed.

To the House of Representatives:

The board for testing iron, steel, and other metals, appointed under the authority of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," contracted with Mr. A. H. Emery, of New York, for a testing machine, to be paid out of the appropriation made for the purpose. That machine has been completed and accepted, and is now in position at the Watertown arsenal, Massachusetts. It is spoken of by the members composing the late board as the most perfect and reliable machine in the world, embodying new mechanical principles and combinations not heretofore used in any other constructions.

In designing, perfecting, and making this machine the contractor has expended large sums of money over and above the contract price, besides giving years of labor for which he has received no compensation. He now appeals to Congress for relief.

and the papers herewith exhibit a case that calls for congressional action. It is respectfully submitted to the House of Representatives recommending speedy and favorable consideration.

R. B. HAVES.

EXECUTIVE MANSION, Washington, D. C., April 16, 1880.

RATE OF DUTY ON IMPORTATIONS.

The SPEAKER pro tempore, by unanimous consent, laid before the The SPEARER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House of the 6th instant, calling for information as to the rate of duty upon importations into the United States for the last five years which would in the judgment of the Secretary of the Treasury upon each article have yielded a maximum revenue to the Treasury, &c.; which was referred to the Committee on Ways and

SIOUX RESERVATION, DAKOTA.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation for the resurvey of the former Sioux Indian reservation west of Big Stone Lake, in Dakota; which was referred to the Committee on Appropriations.

OBSTRUCTIONS TO NAVIGATION.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the removal of wrecks, &c., lying in the course of commerce and obstructing navigation; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. OSMER, for three days, on account of important business; To Mr. FERNANDO WOOD, from night sessions during this month;

To Mr. BRIGHT, for six days.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolu-tions and a bill of the following titles; when the Speaker signed the

Joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the

Joint resolution (S. R. No. 102) authorizing the Secretary of War to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion to be held at Milwaukee, in the State of Wisconsin, in June,

An act (S. No. 1489) to remove the political disabilities of Roger A. Pryor, of New York.

The result of the vote on the motion to take a recess was then an-

nounced.

And accordingly (at four o'clock and twenty-four minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m. ORDER OF BUSINESS.

The SPEAKER. The Chair will cause to be read the order under which the session of this evening is held.

The Clerk read as follows:

April 16, on motion of Mr. Coffroth, by unanimous consent, Ordered, That on Tuesday next, April 20, at 4.30 p. m., the House take a recess until 7.30 p. m.; said evening session to be for consideration of bills on the Private Calendar reported from the Committee on Invalid Pensions.

Mr. HATCH. I ask unanimous consent to report sundry bills from the Committee on Invalid Pensions.

The SPEAKER. The order of the House is for the consideration

of bills on the Private Calendar. It does not include reports.

Mr. HATCH. I ask unanimous consent.

Mr. BRIGGS. I object.

The SPEAKER. The Chair thinks the business should not vary

from the order under which the House meets this evening. The gentleman from Missouri can present his reports at another time.

Mr. RYON, of Pennsylvania. I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar reported by the Committee on Invalid Pensions.

Mr. COFFROTH. Pending that motion I move that all debate on the bill pending in Committee of the Whole terminate in five min-

Mr. BRAGG. I call for a division.

The question being put on the motion to limit debate, there wereayes 22, noes 5.

Mr. BRAGG. A quorum has not voted.

The SPEAKER. The gentleman from Wisconsin makes the point that a quorum has not voted.

Mr. COFFROTH. Then I withdraw the proposition.

Mr. BRAGG. I do not know that any discussion may be desired on some of these bills. On some others there may be.

The SPEAKER. The motion to limit debate is with reference to a particular bill.

Mr. BRAGG. Which bill?

Mr. COFFROTH. The bill granting a pension to Caroline Boll.
Mr. BRAGG. I have no objection to limiting debate on that bill.
The motion to limit debate was then agreed to.
The motion that the House resolve itself into Committee of the

Whole House was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. Stevenson in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar reported by the Committee on Invalid Pensions. The Clerk will report the pending bill.

CAROLINE BOLL. The Clerk read as follows:

A bill (H. R. No. 3099) granting a pension to Caroline Boll.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Boll, mother of Louis Boll, deceased, late a private of Company H, Eleventh Regiment Pennsylvania Volunteers, at the rate of \$5 per month, commencing on the 13th day of August, 1862, the date of the son's death.

The CHAIRMAN. A substitute has been offered and is now pending which the Clerk will report.

The Clerk read as follows

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, including the arrears-of-pensions act, the name of Caroline Boll, mother of Louis Boll, deceased, late a private of Company H, Eleventh Regiment Pennsylvania Volunteers.

Mr. DUNNELL. I move to strike out the words "including arrears-of-pensions act."

The motion to strike out was agreed to.

Mr. BRAGG. I understand this is a bill under the act which authorizes a pension to be given to the mother, or father, or other relative where the proof shows that the person making the application for a pension was at the decease of the soldier dependent upon the soldier, either in whole or in part. I have before me a record of the Pension Office in this case, which shows that the soldier died in the service August 30, 1862; and that the declaration was filed January 26, 1873. To entitle to a pension it should be shown in evidence that the applicant was actually dependent on her son at the time of his death in 1862, and that her husband, who is still living, did not and could not, on account of physical disability, procure for her a proper support. The report of the committee makes no reference to the absence of testimony during the period immediately following the soldier's death, which was the reason of the rejection of the claim in the Pension Office.

Before this party would be entitled to a pension it must be shown that the dependency existed at the time of the death of the soldier and immediately following. But I understand from the report and the evidence in this case that there is no testimony showing that a state of dependency existed upon which the right to a pension would

rest. That is the reason of my objection to this bill.

Mr. COFFROTH. I think there will be found in the report accompanying this bill evidence showing that this claim was rejected by the Commissioner of Pensions because of a certain letter written by the postmistress of the town, alleging that this party was not dependent upon her son for support. I think the evidence is clear that she was so dependent, and that fact is certified to by a large number of the citizens of the town. If there was a single doubt, this claim being presented here as an equitable claim, the amplicant would be being presented here as an equitable claim, the applicant would be entitled to a pension, because if the case had been made out clearly to the satisfaction of the Commissioner of Pensions, it would have been granted there, and there would have been no necessity for com-

been granted there, and there would have been no necessity for coming to Congress.

Mr. BRAGG. I would like to have the report read.

Mr. BURROWS. I would like to inquire of the gentleman from Pennsylvania [Mr. COFFROTH] whereabout in this report there is any statement that either the father or the mother of this soldier was dependent upon him for support at the time of the soldier's death?

Mr. COFFROTH. Read the report.

Mr. BURROWS. The report does not disclose that fact. I desire to call the attention of this committee to the fact that this claim was

to call the attention of this committee to the fact that this claim was not filed until eleven years after the soldier's death. The applicant did not wake up to the fact of the dependency until eleven years after the soldier died.

Mr. COFFROTH. There was a long contest about this case before

the party came to Congress.

Mr. RYON, of Pennsylvania. This claim elicited very considerable discussion at our last session for the consideration of pension claims; discussion at our last session for the consideration of pension claims; but one point was not brought particularly to the attention of the House. Although I have no personal interest in this matter whatever, although I am not acquainted with the party who makes this application, I am acquainted with the gentleman who represents the district adjoining mine, and who has charge of this claim; but he is not present this evening. According to my recollection of the case, it is true that this woman, Mrs. Boll, made her application to the Pension Department for a pension on account of the loss of her son, who was killed while in the military service of the United States.

After consideration, the claim was rejected upon the ground that the mother was not dependent upon her son for support while he was

Mr. HUBBELL. Will the gentleman allow me to ask him a ques-

Mr. RYON, of Pennsylvania. Certainly.
Mr. HUBBELL. Was there any attempt made by the applicant to supply that evidence before the Pension Bureau?
Mr. RYON, of Pennsylvania. I will answer that question to the satisfaction of my friend in one moment. The applicant furnished evidence which was referred to the Pension Department, showing that evidence which was referred to the Pension Department, showing that in point of fact her husband was an invalid in consequence of the varicose enlargement of the veins of the leg, and that since that time he had become totally disabled. She furnished evidence and laid it before the Pension Department that the son gave to his mother a very considerable portion of his earnings, not only before he went into the service of the United States, but while he was in that service.

The Government made inquiry through the postmistress at Mauch Chunk and received a letter from her, in which she wrote that this family were not dependent upon the earnings of this boy. And upon that letter alone the Department rejected this application for a pension, notwithstanding the sworn testimony of the attending physician

sion, notwithstanding the sworn testimony of the attending physician of the father of this young man and the corroborative evidence of neighbors living in the community where this family resided, which I believe was the town of Packerville.

Mr. BRAGG. I do not understand the gentleman from Pennsylvania [Mr. Ryon] to state that this mother was dependent for her support upon this son. He only says that the son gave the mother a portion of his earnings. portion of his earnings.

Mr. RYON, of Pennsylvania. I have stated the fact that the father was an invalid and that his difficulties had so increased that long before this application was made to Congress he had become totally

unable to render any assistance to the support of his family.

Mr. BRAGG. That is not the point. The point is whether the inability existed at the time of the death of the soldier.

Mr. RYON, of Pennsylvania. Not to the same extent as now; but nevertheless it existed as a fact at the time the application was made to the Pension Office.

Mr. BRAGG. Did it exist at the time of the death of the soldier?
Mr. RYON, of Pennsylvania. It existed then and at the time the application was made. The testimony proves that it existed at the time of the death of the son, and anterior to that time.

Mr. COFFROTH. Has not the time allowed for debate been ex-

The CHAIRMAN. It has.

Mr. FARR. I ask that the report in this case be read.

The report was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Caroline Boll, mother of Louis Boll, deceased, praying for a pension, report:

That Louis Boll, the son of claimant, was enrolled on the 12th day of November, 1861, in Company H. Eleventh Regiment Pennsylvania Volunteers, to serve three years, and was regularly mustered into the service of the United States, as a private, on the 27th day of November, 1861, at Annapolis, Maryland, in Company H. Eleventh Regiment Pennsylvania Volunteers, to serve for three years, or during the war, and was killed in action at Bull Run, Virginia, on the 30th day of August, 1860

The claim was originally filed at the Pension Office on the 25th day of January, 1873, and was, after a full compliance with all the requirements of that office, rejected upon a final hearing—cause, non-dependence. An appeal was taken to the Secretary of the Interior, who, however, sustained the decision of the Commissioner of Pensions.

Secretary of the Interior, who, however, sustained the decision of the Commissioner of Pensions.

Your committee consider, after a careful investigation of all the evidence in the case, that the decision of the Pension Bureau was erroneous, in that it was based entirely upon a letter from the postmistress at Mauch Chunk, Pennsylvania, Mrs. Jane Righter, whose statement was not made under oath, ignoring thereby the sworn statements (testimony) of sixteen unimpeachable and disinterested citizens of Manch Chunk, who testify to claimant's dependency on account of old age and physical disability of husband. This postmistress, in her reply to Department letter of June 14, 1873, requesting her to forward an opinion relative to husband's ability to support his family by manual labor, and whether the son ever rendered the claimant any material aid, says:

"Upon inquiry have learned from a reliable source that Joseph Boll, the father of the said Louis Boll, has worked at Packerton, about two miles from this place, for the past ten or twelve years. Has supported his family without the assistance of the son, and is therefore not entitled to a pension. Mrs. Caroline Boll is the wife of Joseph Boll."

The affidavits of Dr. Ludwig Elentje, (three in number.) family physician, clearly and unmistakably establish the physical disability of husband, as does, also, the certificate of N. B. Reber, M. D., medical examiner for Pension Bureau, who, in his report to the Pension Office, dated Lehighton, Carbon County, Pennsylvania, July 2, 1873, says:

"The said Joseph Boll, husband of Caroline Boll, who claims a pension as dependent mother of Louis Boll, is and has been physically incapacitated for the support of himself and family. Have had no acquaintance with Mr. Boll until at this examination. I find him suffering with salt-rheum on left leg with varicose veins. The limb is very much atrophied. Apparently his limb may have been affected some eight or ten years. He is now totally disabled, hardly able to walk, and that but a very sh

able."

It is further shown in evidence that previous to deceased's entry into the service of the United States he contributed the entire proceeds of his earnings to the support of his parents, being then not quite seventeen years of age; and that while in the service it is shown by the affidavit of his captain, E. H. Rauch, that he, the deceased, on three or four occasions sent the greater part of his pay to his parents for their support. This fact is also corroborated by the sworn statements, submitted in evidence, by some of his comrades in the company of which he was a member. A letter from the deceased to his parents, inclosing funds for their sole use, is also in evidence.

Now, in view of the foregoing, and in addition thereto the affidavits of father and mother in answer to the interrogatories of the Pension Office, setting forth

their dependence on their son and the manner in which he contributed to their support, all of which show conclusively their dependence upon and aid from that source, we are of the opinion that the mother is entitled to a pension at the rate of \$8 per month from the 30th day of August, 1862, the date of the death of her only son and support, and accordingly report a bill for that purpose and recommend its

The CHAIRMAN. The question is upon agreeing to the amendment as amended.

The amendment, as amended, was agreed to.

The bill, as amended, was then ordered to be laid aside, to be reported favorably to the House.

JACOB GINDER.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3098) granting a pension to Jacob Ginder; introduced by Mr. KLOTZ, and reported from the Committee on Invalid Pensions by Mr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jacob Ginder, father of David H. Ginder, deceased, late a captain Company I. Eighty-first Regiment Pennsylvania Volunteers, commencing on the 5th day of February, 1876.

The report was read, as follows:

The report was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. No. 263) granting a pension to Jacob Ginder, father of David H. Ginder, deceased, late captain of Company I, Eighty-first Regiment Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

David H. Ginder, son of claimant, was enrolled on the 4th day of September, 1861, in Company I, Eighty-first Regiment Pennsylvania Volunteers, and was regularly mustered into the service of the United States as a sergeant in Company I, Eighty-first Regiment Pennsylvania Volunteers, and was regularly mustered into the service of the United States as a sergeant in Company I, Eighty-first Regiment Pennsylvania Volunteers, on the 15th day of October, 1861; was promoted to the second lieutenancy of said company February, 1863; to the first lieutenancy, May 1, 1863; to the captaincy, April 3, 1864; and was killed in action at Petersburgh, Virginia, June 17, 1864.

This claim was originally filed in the Pension Office on the 5th day of February, 1876, and was rejected, upon a final hearing, on the 26th day of December, 1876; cause, non-dependence at time of soldier's death, in that the claimant was physically able to and did support his family by the proceeds of his manual labor. It is shown in evidence that the deceased was never married; that the claimant is the father of the soldier, born in lawful wedlock; and that the mother died July 2, 1874. It is further shown that the deceased, previous to entering the service, contributed the greater part of his earnings to the support of his parents, the father drawing his wages; and that while a soldier he sent home for their sole use \$325, in various amounts and at various times, as shown in five very interesting and affectionate letters to his parents. A petition to Congress, signed by forty-five of the most prominent citizens of Mauch Chunk, Pennsylvania, the home of claimant, sets forth: That he is now sixty-five years of age,

ability; that the claim is mentorious, and, it anowed, would be a rices that him in his old days, as he is unable to earn a subsistence or make a living by manual labor, &c.

The affidavit of Dr. R. Leonard, family physician, sets forth that in 1864 claimant was one-third, and in 1865 one-half, disabled by rheumatism. The certificate of N. B. Reber, M. D., examining surgeon of Pension Bureau, dated July 3, 1876, sets forth: That claimant had then been ailing for about one year, and was failing very fast; that his disability consists of rheumatism, palpitation of the heart, and pain and weakness of the bowels and stomach, and that he believes him totally disabled. Your committee, after a careful investigation of all the evidence in the case, find that though the deceased in a great measure contributed to the support of his parents before and after his entry into the service of the United States, the claimant, the said Jacob Ginder, in the year 1864, time of son's death, was not, in the meaning of the law, altogether dependent on deceased's earnings. But in view of the fact that he, the claimant, has since become totally physically disabled, and therefore unable to support himself by manual labor, and being found in great want of the necessaries of life, as would appear by the prayers of the forty-live morialists previously referred to, and bereft of his son, who, by reason of his past kind acts toward him, we believe would gladly support and comfort his aged and helpless father were he alive, we are of the opinion that the claimant, Jacob Ginder, is entitled to a pension at the rate of \$8 per month, commencing on the 5th day, of February, 1876, the date of his application for a pension at the Pension Bureau, and accordingly report a bill for that purpose, and recommend its passage.

Mr. PRESCOTT. I offer as a substitute what I send to the desk.

Mr. PRESCOTT. I offer as a substitute what I send to the desk. The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Ginder, father of David L. Ginder, deceased, late a captain Company I, Eighty-first Regiment Pennsylvania Volunteers.

Mr. BRAGG. I trust that gentlemen of the committee, in considering this case, will remember that we are not here for the purpose of disbursing charity. There must be something more presented to us in support of a bill of this kind than the fact that the claimant is us in support of a bill of this kind than the fact that the claimant is now destitute and had a relative who may have died from wounds received or disease contracted in the Army. Our pension-rolls are now enormous. They are increasing every day. There are upon this Pension Calendar enough bills to add over half a million dollars to our expenditure in this direction. We are increasing the burden of the people in this regard at a rate which it is certain they cannot submit to without very great hardship. The money which we thus give away must be earned by somebody; and we must be a little chary of our gifts, granting pensions in those cases only where by contemplation of law the party has some claim.

Now, in this last case the report shows—what? The affidavits of the soldier's comrades in the Army that he sent home money upon which his family relied for their dependence. How do these men know that fact? They do not know any more about it than you do. Then, again, as evidence that the father relied upon this soldier for dependence there is produced a kindly and affectionate letter of the son inclos-

ence there is produced a kindly and affectionate letter of the son inclosing money to the father. Now, what are the facts? The record in

this case shows that this man was killed in 1864. This dependent father never made any application for pension nor did his destitution appear until 1876, twelve years after the death of his son. To entitle him to a pension this state of dependence must have existed at the time of the death of the soldier on account of whose services the pension is included. sion is claimed.

I desire to call attention to the report in the Pension Office. There seems to be a general disposition to attack the Pension Office as the seems to be a general disposition to attack the Pension Office as the cause of all the evils connected with pensions. Gentlemen do not remember, apparently, that in the case of an application for pension it is the duty of the Commissioner of Pensions or of the Secretary of the Interior, upon appeal made to him, to decide upon the law as we have placed it upon the statute-book. In what condition would we be if an officer, having under his control so much money as is under the control of the Secretary of the Interior, could in the exercise of his disregard the provisions of our statutes ignore all the his discretion disregard the provisions of our statutes, ignore all the safeguards we have thrown around this fund, and grant pensions

according to his own will or pleasure?

As I have said, the statute requires this state of dependence to exist at the time of the soldier's death. What are the facts as shown in the Pension Office? The deceased was killed at the first assault on Petersburgh, June 17, 1864. During the year 1864 Jacob Ginder, the dependent father, worked as a molder two hundred and seventy-six and one-fourth days at \$2.25 per day, and received therefor \$690.56. This was about the time of the death of the son, when the state of dependence upon the son for support must have existed. The evidence in the Pension Office shows that the father was a molder and in 1864 was not so disabled but that he could work two hundred and seventy-six and one-fourth days at \$2.25 per day, receiving \$690.56. In 1865, the following year, the father was employed one hundred and seventy-six and one-fourth days at \$2.25 per day, receiving \$440.56. Thus it will be seen that during two years immediately following the death of the son the father received an income larger than four-fifths, or I might say nine-tenths, of the laboring-men in America earn. As I have said, the statute requires this state of dependence to exist the death of the son the father received an income larger than four-fifths, or I might say nine-tenths, of the laboring-men in America earn. In 1876 the father wakes up to the condition of things and informs this House that in 1864 he was dependent on his son and was in destitute circumstances. Now, it seems to me that if we are to grant a pension in this case, we must grant a pension in all cases where the applicant, from sickness, disease, misfortune or what not may have become destitute although the verson on account of what become destitute, although the person on account of whose services the pension is claimed may have died five, ten, fifteen, twenty, or

twenty-five years preceding.

Mr. RYON, of Pennsylvania. Mr. Chairman, I have attended regularly by night or by day every session of this House devoted to the special purpose of considering pension cases on the Private Calendar. I have never taken any part in the discussion of a single case, and I have never taken any part in the discussion of a single case, and for the reason more especially that I felt anxious to dispose of this large and increasing Calendar. Listening from time to time to the debates which have been had in this House upon this subject, I have come to learn that there are certain practical difficulties in the way of passing these bills; and my object now in detaining the House for a few moments is to make, if possible, some practical suggestions by which we may avoid waste of time in debating every single bill that

Some gentlemen oppose the granting of these pensions upon the ground that we ought to enact some general law which would cover all these particular cases. But so long as it is the policy of the Government to pension only those who are injured while in the service of their country, you can never enact a general law which will do entire justice to all claimants. You may possibly diminish to a certain extent the number of cases which will come before us for relief, but you can never drive from the Halls of Congress a meritorious, equitable class of claimants upon the bounty of their country by reason of services which they rendered during the rebellion. Therefore that mode of getting rid of this large number of cases which we are called upon from day to day to consider will be found in any event a most

inadequate remedy.

Again, I find that some of the bills which are reported by the committee pension from the date of the act; others pension from the date when the supposed disability accrued. Other bills fix the rate

date when the supposed disability accrued. Other bills fix the rate of pension; others simply put the claimant upon the list as entitled to a pension, leaving the Pension Bureau to rate his disability.

I desire to say that this system of reporting pension claims and granting relief to pensioners will inevitably produce inequality; and I have taken this occasion especially to call the attention of the House for the purpose of suggesting some mode by which we may do entire justice to the pensioner and avoid the delay which debate necessarily occasions. By fixing the rate of pension by a special bill we tend to do injustice to the great mass of pensioners who are now receiving pensions.

we tend to do injustice to the great mass of pensioners who are now receiving pensions.

Mr. DE LA MATYR. I rise to a question of order. What is the gentleman discussing? If he has a special bill before the House to meet this matter, we are ready to hear discussion when that bill is before the House. We have heard discussion about supposable bills several successive evenings and the debate upon them has taken up all of the time which was intended to be devoted to these special pension cases. If the gentleman will get the House to take up his bill, then it will be proper to discuss it; but I now suggest as a point of order that the gentleman is not discussing the bill before the House.

Mr. RYON, of Pennsylvania. The gentleman will be patient for a

moment. My voice has not been heard a tenth part of the time that his has in discussion upon this floor.

Mr. DE LA MATYR. Then it has been heard but little.

Mr. RYON, of Pennsylvania. I am vindicating the rights of the pensioner as a creditor of this Government. I propose if he receives his pension to pay him off in good, sound, solid money. [Laughter.] If the gentleman desires to know my purpose in discussing this question, it is that we may come to some agreement by which we may sup-

tion, it is that we may come to some agreement by which we may support the principles—

The CHAIRMAN. The Chair will suggest to the gentleman from Pennsylvania that the gentleman from Indiana makes the point of order that discussion should be confined to the bill now pending.

Mr. RYON, of Pennsylvania. If the gentleman from Indiana had listened to the amendment which was offered he would have seen I am discussing the question before the House for consideration. The am discussing the question before the House for consideration. The amendment proposes to put this claimant on the pension-roll with out fixing the rate of pension and without giving him any back pay; and the suggestion I was making to the House was in the direction of the support of that amendment for the purpose of agreeing, if possible, on some plan by which we may get rid of the risk of inequality which is apparent in these several reports.

Mr. GODSHALK. Mr. Chairman, I understood the debate was

limited to five minutes.

limited to five minutes.

The CHAIRMAN. That limitation of debate applied only to the bill then pending, which has been disposed of. It has no reference to the bill now pending. There is no limit to debate on the other cases coming up for consideration.

Mr. RYON, of Pennsylvania. I repeat, sir, we have before us now a case which strikes at arrears as well as the rate of disability. My plan, therefore, of suggestion to this House is simply this: that in all bills we should agree to put the pensioner on the pension-roll and leave the Department to fix the rate of disability, and if it be desirable at all to relieve these pensioners or in other words to cover a able at all to relieve these pensioners, or, in other words, to cover a period of time of disability which would not otherwise be covered, do that by a general law, as you paid arrears of pension to the regular pensioners of this Government. You will do justice, then, to this class of pensioners and put them on an equality with those already pensioned under existing laws. But wherever we attempt to fix the rate of disability in one case and omit it in another, we produce inerate of disability in one case and omit it in another, we produce inequality. There is no standard by which you can judge of the disability as well as those engaged in the business and appointed by law for the express purpose. Therefore we will avoid delay if the House can agree to a proposition of this kind. If an amendment like that which has been offered to this bill shall be made in all cases where the rate of pension is fixed by the act, we can proceed to business then without this delay.

I trust there is no man in this House who is not a friend of the soldier and disposed to give relief wherever he furnishes equitable

ground for relief.

ground for relief.

And in reply to my friend from Wisconsin, [Mr. Bragg,] who has treated this question as though we were before the Pension Bureau to establish a rate of pension under existing laws, let me say if that were our standard there would be no occasion for anybody to come to Congress for relief. We are here to relieve those who furnish equitable grounds for relief, who appeal to our judgment, who appeal to the equities of the case, because the law does not relieve the class which we are striving to relieve by granting independent pensions.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is that the gentleman is out of order in discussing a bill that is not before the committee. I wish to say further in this connection that those who are the best friends of the soldier on this floor will manifest their friendship by making brief speeches, because there are a great many of these pension bills to be considered.

The CHAIRMAN. The gentleman has yielded the floor, as the Chair understands.

understands.

Mr. DE LA MATYR. Before the gentleman sits down, I should like to ask him a single question. He referred to "good, solid money." I would like to ask him what he means by that. Does he refer to greenbacks? If he means that-

Mr. BRAGG. I rise to a point of order.
Mr. DE LA MATYR. I say if the gentleman means that greenbacks are not good, solid money, it is a well-known fact that this Government has been paying off its soldiers in that dishonest money, and I want to know if the gentleman favors that.

Mr. BRAGG. I rise to a point of order.
Mr. RYON, of Pennsylvania. I think that the silver dollar of 412½
grains is pretty solid money.
The CHAIRMAN. The Chair thinks all this discussion is out of

Mr. KLOTZ. Mr. Chairman, I wish to say a very few words in reference to this bill. I simply want to state that this is a gentleman of my own town. I know him and his family very well. I have no objection to limiting the granting of the pension so that it shall begin from the time of the passage of the bill, and if that is the rule of the House in these cases I shall be content, but I do wish to say in response to remarks that have been made upon this floor that this man is worthy and deserving and very much in need of the money which is due to himself by the Government. There is testimony to

show that this young man sent his money over and over again to his parents, and five letters have been produced before the committee to show that fact. The party, the recipient of this pension as I have already said, is old and deserving, and I know him to be worthy, and I hope the pension will be granted.

Mr. HUBBELL. I desire to ask the chairman of the Committee on Pensions, in charge of this bill, a question. It appears from the statement of the gentleman from Wisconsin [Mr. Bragg] that the evidence on file in the Pension Office shows the father who asks relief in this case received for his labor for two years immediately suclief in this case received for his labor for two years immediately succeeding his son's death the sum of about \$1,000 in money. I wish to ask the gentleman if that fact was in evidence before the committee when this bill was framed?

Mr. COFFROTH. There was no evidence before the committee at that time in support of that fact.

Mr. HUBBELL. I wish to ask another question. Is it the custom of the sub-committees making up these reports to apply to the Commissioner of Pensions for such information as he may have on file touching the case?

Mr. COFFROTH. The custom is always to go to the Pension Office

and obtain all the papers on file in the case.

Mr. HUBBELL. How, then, does it happen, if all the papers in the case were before the committee, that the gentleman from Wisconsin represents this man as having received nearly \$1,000 for the two years' labor, which evidence he obtained from the Pension Office, and which appears not to have come into the possession of the Committee on

Pensions 7

Mr. COFFROTH. The reason is this, that sometimes the Pension Department has the evidence of detectives who have been sent out Department has the evidence of detectives who have been sent out to look into the case, and those papers are not sent to the committee. For instance, if a detective had been sent out to investigate this case, in all probability that testimony would not be sent to the Committee on Invalid Pensions, because it would show the names of the parties who gave the intelligence on which the Department acted. The policy of the Department has been of course to keep the names of such parties secret for the public interest.

Mr. HUBBELL. Then another question. I wish to ask if the gentleman had had that testimony before him at the time this bill was reported, would he have favorably reported the bill for this relief?

Mr. RYON, of Pennsylvania. Let me say to the gentleman from Michigan—

Mr. COFFROTH. I desire to answer the question of the gentle-man myself. I state this, if the gentleman will hear me: that in this ase the father of this man, the recipient of the pension, is very poor. At the time his son was killed there was some difficulty or dispute about his dependence. That he is dependent now, there is no question. If I now remember the evidence correctly, he had been disabled from work some time after his son's death. Therefore we come down to that period, and under the well-settled principles of law in Pennsylvain that we is heard to set the period of the pennsylvaint that we have the well-settled principles of law in Pennsylvaint that we have the period of the pennsylvaint that the pennsylvaint that the period of the pennsylvaint that sylvania, that a son is bound to support his parents if living, and the sylvania, that a son is bound to support his parents it living, and the son having given his life to his country, and the only son he had who, if he had lived, would have given support to his parents—I say under that principle of the law of Pennsylvania, I reported this bill in favor of his pension.

Mr. BRAGG. Does the gentleman from Pennsylvania claim that the Government should support him now?

Mr. CONFROUTH. Containly, for the reason I have stated.

Mr. COFFROTH. Certainly, for the reason I have stated.
Mr. BRAGG. I understand the gentleman to say that under the laws of Pennsylvania this man—
Mr. COFFROTH. If the gentleman is going to make objection to this bill simply on the ground that this man is a Pennsylvanian, I wish to state that that is the kind of balderdash that he generally

was in opposition to pension cases.

Mr. BRAGG. The gentleman has entirely misunderstood me. I was proceeding to ask him if the Committee on Invalid Pensions claim that because of the law of Pennsylvania which he cites, that the son is required to support the parents, the Government should

Mr. COFFROTH. I do say so; because the son's life was given for his country and in the service of his country, and on account of that—his parents being without that support which they would have been entitled to under the laws of the State of Pennsylvania—therefore I hold that the Government should recompense them for that

Mr. HUBBELL. I desire to ask the gentleman from Pennsylvania another question. I want to get at the theory upon which this bill was favorably reported. Now, I understand that the pension is recommended because the son served in the Army and was killed, and after a while the father became destitute, and hence he has a claim upon the Government?

Mr. COFFROTH. And because while he was in the Army he sent his money home to support his parents and did help to support them; and after they lost this support his father was compelled to go to work and by labor to support himself and keep the family from starv-

Mr. WILSON. I do not intend to delay the Committee of the Whole by any discussion. But I desire to submit a proposition which I think would solve some of the trouble and difficulty we have head to the construction. heretofore. I understand there has been a doubt as to the construction of the language used in this bill. I understand that the author-

ity given by this House in any bill we may pass to the Commissioner of Pensions to grant the arrearages of pension enables him to do so in any meritorious case. I therefore propose after the words "pensionin the substitute of the gentleman from New York, [Mr. PRES-COTT,] to insert these words:

With right to arrears of pension.

Then if it be a case that deserves arrears the Commissioner can give

Mr. STONE. The Commissioner of Pensions has distinctly decided, since the last evening which we devoted to pension bills, that even if the words "including the arrears of pension act" should be added he would not grant the arrears until the general act passed.

Mr. COFFROTH. I think the gentleman is mistaken.

Mr. STONE. That is what the Commissioner stated to me, and he told me his letter to the chairman of the Committee on Invalid Pensions.

sions would take that position.

Mr. COFFROTH. If the law which we pass contains any words which would enable the Commissioner of Pensions to grant arrears,

he will do so.

Mr. BAYNE. The gentleman who has this bill in charge, who has Mr. BAYNE. The gentleman who has this bill in charge, who has a direct, immediate interest in it, whose constituent this man is, is willing to accept the substitute proposed by the gentleman from New York, [Mr. Prescott.] Now I think, that being the case, it is a work of supererogation and a gratuitous kindness on the part of the gentlemen to try to do more for that man than the Representative who introduced the bill desires to do for his own constituent. To make such attempts only delays matters and does not secure the pension.

Mr. BROWNE. I have a proposition to make, and that is, that we

Mr. WILSON. I offer this amendment not with reference to this case particularly, but to cover that large class of cases where arrears are due. But if the gentleman who offers this bill is content with

the substitute, I am satisfied.

Mr. VAN AERNAM. I wish to call the attention of the committee Mr. VAN AERNAM. I wish to call the attention of the committee to this fact, that if the amendment just proposed by my colleague from New York be passed it would carry a pension of \$20 a month; whereas the bill that has been introduced by the gentleman from Pennsylvania carries \$8 per month on its face. The committee will understand this, that soldiers are paid according to rank and pensions are paid in the same way. The pension of a captain or of one dependent on a captain is \$20 a month. In the case of enlisted men the amount of pension is \$8 per month. That is the amount fixed by this bill, and the substitute of the gentleman from New York carries \$20 a month with it.

a month with it.

Mr. BAYNE. That is an improvement.

Mr. BRAGG. It appears to me that the Pension Committee themselves must have considered this a very dubious case; because if this man be entitled to a pension at all, he is entitled to a captain's pension of \$20 a month on account of his son who was killed in the servsion of \$20 a month on account of his son who was killed in the service. I think if there is any right to a pension we should grant the pension the party would be entitled to. There must have been some doubt in the minds of the committee or they would not leave the pension in this case at \$8 a month.

Mr. COFFROTH. The committee fixed the pension at \$8 because we give it as a gratuity to this party. If the gentleman from Wisconsin knew the law he would not make that objection.

Mr. BRAGG. The law which governs the Pensions Committee is like the law of necessity.

The CHAIRMAN. The question is on the amendment of the gentleman from West Virginia. [Mr. WILSON.]

tleman from West Virginia, [Mr. Wilson.]

Mr. WILSON. I withdraw that amendment because the substitute of the gentleman from New York is said to be satisfactory to the gentleman who has introduced the bill.

The question being taken on Mr. PRESCOTT's substitute, it was

adopted. The CHAIRMAN. The question is on laying aside the bill as

amended, to be reported favorably to the House.

Mr. BRAGG. Upon that question I call for a vote.

The committee divided; and there were—ayes 46, noes 11. So (further count not being called for) the bill, as amended, was laid aside, to be reported favorably to the House.

HARRY E. WILLIAMS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3262) granting a pension to Harry E. Williams; reported by Mr. COFFROTH.

The bill was read, as follows:

The bill was read, as Ioliows:

Bett enacted, dc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harry E. Williams, late hospital-steward of the One hundred and thirty-sixth Regiment Pennsylvania Volunteers, and pay him a pension from the 26th day of January, A. D. 1863, the date of his discharge, at the rate allowed by existing laws to disabled private soldiers of the late war of the rebellion, for injuries sustained and disability incurred by the said Harry E. Williams while in the service of the United States, and in the line of his duty in the said war of the rebellion.

The recent was read as follows:

The report was read, as follows:

It is in evidence that the claimant was mustered into the service of the United States on or about the 13th day of September, 1862, as a hospital steward in the One hundred and thirty-sixth Regiment of Pennsylvania Volunteers in the war of 1861, and was honorably discharged at Washington, District of Columbia, on or about the 26th day of January, 1863, and that while in the line of his duty in the service aforesaid he was ruptured, to wit, on the 13th day of December, 1862, while assisting to erect hospital tents on the flats opposite Fredericksburgh, Virginia.

It is also in evidence that he filed an application in the office of the Commissioner of Pensions for an invalid pension on account of said injuries, and that the same was rejected on the ground that the evidence was not sufficient under the act to establish the fact that the injuries were contracted while in the service of the United States.

United States.

In support of his application for relief, the claimant submits the following testimony, to wit: First, a transcript from records of the Surgeon-General's Office, War Department, duly authenticated, as follows:

"It appears, from the records filed in this office, that Harry E. Williams, hospital-steward, One hundred and thirty-sixth Regiment Pennsylvania Volunteers, was admitted to Carver Government hospital, Washington, District of Columbia, December 21, 1862, with hernia, and discharged from service January 28, 1863."

Also the certificate of W. H. Mussey, medical inspector, United States Army, see follows:

Also the certificate of the Also the carefully examined the said Harry E. Williams, and find him incapable of performing the duties of a soldier, because of double inguinal hernia, said to have been caused in the service of the United States."

Also the certificate of Examining Surgeon T. S. Morrison, dated June 3, 1877, to

hernia, said to have been caused in the service of the United States."

Also the certificate of Examining Surgeon T. S. Morrison, dated June 3, 1877, to wit:

"In my opinion the said Harry E. Williams is incapacitated for obtaining his subsistence by manual labor, from double hernia.

"Judging from his present condition, and from the evidence before me, it is my belief that the said disability did first originate in the service aforesaid in the line of duty. The disability is permanent. The hernia is of the inguinal variety, quite large on the left side, very slight on the right side."

"The following is the testimony of E. Cornell Esten, M. D., late assistant surgeon One hundred and thirty-sixth Pennsylvania Volunteers, in the form of affidavit: The witness swears that he was—

"Personally acquainted with Harry E. Williams, late hospital-steward of One hundred and thirty-sixth Regiment Pennsylvania Volunteers, previous to and at the time of his enlistment, and that to all appearances he was a sound and healthy man and free from hernia, and that if hernia had existed he would have known of it; that the said hernia was contracted by the said Harry E. Williams by heavy lifting while assisting to put up tents for the sick, on or about the 12th day of December, 1862, opposite Frederick sburgh, in the State of Virginia, and that he was incapacitated from further duty."

The following testimony in support of the claimant's application for relief is in the form of an affidavit before Charles E. Pancoast, a justice of the peace, Philadelphia, State of Pennsylvania, of J. Emerson Kent, M. D., a civil surgeon and physician, to wit:

"December and says that he attended and prescribed for said Harry E. Williams

delphia, State of Pennsylvania, of J. Emerson Kent, M. D., a civil surgeon and physician, to wit:

"Deposes and says that he attended and prescribed for said Harry E. Williams as follows for the following disability: Rupture in the left groin, (inguinal hernia,) productive of much suffering and unfitting him for manual labor; nor is he at this time capable of taking long walks or engaging in any laborious pursuit. There was also a slight rupture on the right side, which led me to order the use of a double truss. The deponent further states under oath that he was the family physician of the said Harry E. Williams, and had known him from boyhood, and that prior to his enlistment in the military service of the United States, on or about the 13th day of September, 1862, the claimant's general health was good, having had no sickness of any kind subsequent to the diseases incident to childhood. At the time of his entry into the military service of the Government he was in good health and free from rupture and all other physical weaknesses or defects."

In the opinion of the committee the foregoing evidence is sufficient to entitle the claimant to relief, and the application for a pension before the Pension Office should not have been rejected on the evidence furnished by the claimant. The committee, therefore, return the bill to the House, and recommend the passage of the same.

Mr. PRESCOTT. I offer the substitute which I send to the desk.

Mr. PRESCOTT. I offer the substitute which I send to the desk. The Clerk read as follows:

Strike out all after the enacting clause and insert the following:
That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harry E. Williams, late hospital-steward of the One hundred and thirty-sixth Regiment Pennsylvania Volunteers.

Mr. BRAGG. I notice that the evidence in this case, as stated by the report, like the evidence in all the cases, is very cumulative and strong on the immaterial points and wondrously weak on the material

There is an immense pile of evidence upon the point that the man had hernia; that is clear; there is no dispute about it. But every man who has hernia is not entitled to a pension. It must be necessarily shown, and by competent evidence, that the hernia was contracted while the man was in the service and in the line of his duty.

while the man was in the service and in the line of his duty.

Now, it is within the knowledge of every man who was ever in the service of the United States, or who ever saw men in the military service and became familiar with them, that in the cases of a large number of enlisted men hernia developed in a very few weeks, and in cases that no one had ever suspected had hernia before they reached the field. While they were in camp at home, and were very patriotic, living on soft bread and the fat of the land, being kissed by the girls and called heroes by everybody, they did not have hernia. But when they crossed the river, if they came this way, and went out on picket duty in sleet and snow and mud up to their knees, and went without anything to eat for perhaps twenty-four hours, and was shot at every five minutes, they were very liable to discover that they had hernia. They disclosed what they had not disclosed before, that they were disabled because of hernia, and then they were sent to the hospital, inspected, and discharged. inspected, and discharged.

Now, this man enlisted as a hospital steward. His hernia is alleged to have been caused by his exertions in putting up a tent at Fredericksburgh, Virginia, on the 12th of December, 1862, if I recollect rightly. The man furnishes evidence to show that it was there that he rightly. The man furnishes evidence to show that it was there that he suffered from this rupture, the evidence of the surgeon of his regiment. Now, that would be good evidence prima facie; and upon the record it looks as if it was wondrously good evidence. But when you turn to the military record of that regiment you find that the surgeon was not there at that time. How good is his evidence, then? The military record shows that Dr. E. C. Esten—he is the one who certifies in this case, and whose testimony is corroborative of the averment of the claimant as to the origin of hernia; though the testimony of this surgeon is unsatisfactory—the monthly return of the field and staff of that regiment for December, 1862, states that the assistant surgeon,

Esten, is absent without leave. He was absent from his post during the very month when he certifies that from his personal knowledge this man received the rupture in putting up the hospital tent.

What further? The record shows that this surgeon, who was absent without leave, was discharged from the service December 13, 1862, which was the next day after this rupture occurred; that is, the man was discharged the very day after he certifies his knowledge of the happening of this thing. Now, who are entitled to certify in a case like this? The field and the staff are kept upon a separate roll, and that roll is kept by the adjutant, not by the doctor.

Mr. BAYNE. Will the gentleman from Wisconsin [Mr. BRAGG]

Mr. BAYNE. Will the gentleman from Wisconsin [Mr. Bragg] allow me to ask him a question?
Mr. BRAGG. Certainly.
Mr. BAYNE. Does the record show that Dr. Esten was absent?
Mr. BRAGG. Absent without leave during the month of Decem-

ber, and he was discharged December 13, 1862.

Mr. BAYNE. I did not know that any such case as this was here at all. But my recollection is very greatly at fault if this surgeon was absent during that month. I commanded that regiment myself. I did not know that such an application as this was here in behalf of

I did not know that such an application as this was here in behalf of anybody. But my impression is very strong that Dr. Esten was with the regiment during the month of December, 1862.

Mr. BRAGG. Well, I have given what appears upon the records in the Pension Office.

Mr. McMILLIN. I would ask the gentleman from Pennsylvania [Mr. BAYNE] if he would put his impression against the record evidence in the Pension Office?

Mr. BAYNE. I have no very great faith in record evidence.
Mr. McMILLIN. It is generally considered as the best evidence.
Mr. BAYNE. And especially about the 13th day of December,
1862, when the Army of the Potomac, including the One hundred and thirty-sixth Pennsylvania Regiment and every other regiment, was

in a demoralized condition.

Mr. BRAGG. I would inquire of Colonel BAYNE if he would not take the report of his adjutant as to who was absent? The history of the regiment shows that the doctor was absent without leave.

Mr. BAYNE. Well, the adjutant of that regiment was a very reli-

Mr. WARD. It was my duty as well as my pleasure to introduce this bill and to take some pains to ascertain the facts in regard to it. The difficulty about the matter is not that the claimant was not a meritorious soldier and did not serve faithfully, but that by reason of the apparent cloud upon the record in regard to this surgeon, the claimant was prevented from making out the strict technical proof required by the Department. That is the difficulty the man met with in the Department, and that is the reason that his claim for a pension did not get through.

Mr. BRAGG. Will the gentleman permit me to make a suggestion

which I overlooked ?

Mr. WARD. Certainly.
Mr. BRAGG. The return of the field and staff of the regiment also

showed that this same hospital-steward was absent without leave.

Mr. WARD. That is also a difficulty which arose in the case, and is explained by the statement of my colleague [Mr. BAYNE] that at the time when these alleged absences took place the regiment, and indeed the whole corps, were in a state which prevented a correct record of the movement and location of the troops from being kept. The difficulty at the Pension Office was that the surgical evidence required to make out this claim of disability could not be received because Surgeon Esten was reported on the records as being absent without leave. Now this physician makes affidavit, stating specifically how the injury occurred, and that the man was a healthy man previously. The applicant also makes affidavit. There have also been submitted to the committee and read here from the Clerk's desk affidavits showing the condition of this man before he went into the Army and immediately after he left it, corroborating his own evidence and that of the

Now I submit that even admitting the surgeon was absent without leave, that simple fact should not deprive this man, otherwise worthy, of the pension to which he is entitled, nor should he be required to accomplish what is impossible by furnishing the particular form of evidence required by the Department. [Cries of "Vote!" "Vote!" The substitute of Mr. Prescott was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

JAMES T. CHRISTIAN.

Mr. THOMAS. I desire unanimous consent of the House to have taken up House bill No. 1655, granting a pension to James T. Christian. [Cries of "No!" "No!"] When I have made a statement I am sure that gentlemen will not object. Every case thus far reached on this Calendar, except two, has come from Pennsylvania. We find no fault with that; but here is a man who is now lying on his bed, having been confined there for the last six months. He was pensioned ing been confined there for the last six months. He was pensioned by reason of disability incurred during the Mexican war, and drew a pension up to the beginning of the last war. Then he threw aside his pension certificate and entered the service from the State of lowa.

Mr. COFFROTH. I rise to a point of order. There is nothing be-

fore the House.

Mr. THOMAS. I am simply making an explanation; and I think the gentleman-

Mr. COFFROTH. Well, there is no use in taking up time.
The CHAIRMAN. Does the gentleman from Pennsylvania raise a point of order?

Mr. COFFROTH. Yes, sir. Until the case is taken up the gentle-

man has no right to discuss it.

Mr. THOMAS. I am simply making an explanation.

Mr. COFFROTH. I object to any debate until the case is taken up.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. COFFROTH. If it is the wish of the House that cases shall

be taken up upon the motion of particular gentlemen, alternating one from the other side of the House with one from this, I shall have no

Mr. THOMAS. Inasmuch as every case thus far passed is from the Mr. THOMAS. Inasmuch as every case thus far passed is from the State of Pennsylvania, except two—one from Kentucky and one from Indiana—we will see that the next bill is passed by the vote of a

quorum.

Mr. COFFROTH. The gentleman is in error when he says that all the cases thus far are from Pennsylvania.

Mr. THOMAS. I say that so far as I recollect, with the exception of two cases, every bill passed comes from Pennsylvania.

Mr. COFFROTH. There have been cases from Maryland and West Virginia, as well as Pennsylvania; and the very next two cases are from Maryland. [Cries of "Regular order!"]

MARGARET E. WEST.

The next bill on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 3263) granting a pension to Margaret E. West.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margaret E. West, widow of Robert M. West, late colonel of the Fifth Regiment of Pennsylvania Cavalry, and pay her a pension for herself and her two children under sixteen years of age from and after the date of the death of the said Robert M. West, at the rate of pensions for widows of deceased captains in the Army who were killed while in the service of the United States and in the line of duty in the late war of the rehellion.

The report was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3263) granting a pension to Margaret E. West, widow of Robert M. West, late colonel of the Fifth Pennsylvania Cavalry, have had the same under consideration and beg leave to submit the following report:

A bill similar to the present one was passed by the House of Representatives in the Forty-fourth Congress, on February 4, 1876.

A reference to the petition of the claimant, supported by affidavits, and to the certificates and testimonials thereto appended, (Mis. Doc. No. 44, first session Forty-fourth Congress,) discloses the fact that Colonel West's record for military service during the late rebellion was conspicuous for marked attention to his duty in camp and on the field, earning frequent promotions and honorable mention in many reports from commanding generals.

In 1868, in a campaign on the frontier against the Indians, he was subjected to hardships and exposures of the most extreme character. These undermined a naturally iron constitution, and with his earlier experience in the malarial swamps of the Peninsula during the rebellion were the ultimate cause of his death, and this conclusion seems to be fully borne out by the records. Colonel West's death occurred at the house of a private citizen near Fort Arbuckle, and entirely away from a surgeon or other medical attendance.

For these reasons the proper technical medical evidence cannot be obtained to bring the case within the strict requirements of the rules of the Pension Department.

In view of the facts above stated, the committee recommend the passage of the

In view of the facts above stated, the committee recommend the passage of the accompanying bill.

Mr. BRAGG. I desire to inquire of the gentleman from Pennsylvania, the chairman of the Committee on Invalid Pensions, what are the records before the committee which, in the language of the report, seem to bear out the report?

Mr. COFFROTH. If the gentleman had been in the committee

and seen the records there-

Mr. BRAGG. I supposed the chairman of the Committee on Invalid Pensions would be able to answer a simple question.

Mr. COFFROTH. Well, the records bear out the report.

all I have to say.

Mr. BRAGG. Then I propose to say, Mr. Chairman, if I can get no better answer, that there are no such records in this case; and I will state why

Mr. COFFROTH, (exhibiting papers.) Here is the proof.
Mr. BRAGG. The claimant in this case has never applied at the
Pension Office for a pension. There are no records in this case at the
Pension Office. The claimant has come to Congress and applied to the chairman of the Committee on Invalid Pensions instead of going to the Commissioner of Pensions. There has been no application at the Pension Office, and there are no proofs.

Mr. COFFROTH. Here are the proofs.

Mr. BRAGG. I have here a certificate of the Pension Office show-

ing that no claim has ever been filed.

Mr. COFFROTH. It may be that no claim was filed there; but here is the proof from the War Department, proof which was before the committee

the committee.

Mr. WARNER. I desire to ask whether we are called upon to grant a pension in a case which has never been before the Pension Office.

Mr. COFFROTH. Yes; when a party comesto the conclusion that he cannot come within the strict rule as laid down by the Pension Office, the Committee on Invalid Pensions has acted upon the application; but wherever the party has applied at the Pension Office, we require that the case shall be disposed of there before considering it in our committee.

Mr. PRESCOTT. I wish to offer a substitute for the pending bill. and will call attention to the fact that by the substitute the rate of pension is that of a colonel, while the bill as introduced provides only for that of a captain. I do not wish the House to think I am taking advantage of them by introducing a substitute in that regard without making this statement.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:
That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. West, widow of Robert M. West, late colonel of the Fifth Regiment Pennsylvania Cavalry.

Mr. DUNNELL. I certainly hope the committee will seriously consider the fact which has been just disclosed, that we are asked to pass upon a pension case that has never been in the Pension Office.

to pass upon a pension case that has never been in the Pension Office.

That is, again, something new in our legislation this winter.

Mr. COFFROTH. I will state it passed at the last Congress.

Mr. DUNNELL. I say the thing never occurred before.

Mr. TAYLOR. Yes; this same bill passed during the last Congress.

Mr. DUNNELL. It passed then without that fact being disclosed.

Now, you will at once see, Mr. Chairman, where it will land us. If office, we shall be flooded with applications; and Congress will be imposed upon in a thousand different ways. I have had men write to me asking whether I would introduce a bill into Congress in their behalf. I have never thought of any other reply than this: Have you applied for a pension in the Pension Office; and, if you have, has your case been rejected?

Mr. TAYLOR. Will the gentleman from Minnesota allow me to

interrupt him?

Mr. DUNNELL. I understand in the Senate they have an inflexible rule not to consider a case which has not been in the Pension Office.

Mr. TAYLOR. We have adopted that rule in the Committee on Invalid Pensions; but it was adopted since this bill was considered in

that committee and reported favorably.

Mr. DUNNELL. I have said but a very few words in all these discussions, although I have been here during all the sessions for the pur-

pose of considering these pension cases.

Mr. COFFROTH. Let me say to the gentleman from Minnesota that when the Committee on Invalid Pensions commenced its work that when the Committee on Invalid Pensions commenced its work we found that certain bills had passed during the Forty-fifth Congress, and no rule was established then in that committee that applications should be first determined in the Pension Department. We accepted the precedent set by the Forty-fourth Congress, and in cases where bills had passed the House we just barely looked at the proof, read the report, and, if proper, adopted the report of a previous Congress, because it had been once before indorsed and reported favorably by the Invalid Pensions Committee. That accounts for the presence

of this case on the Calendar.

Mr. VAN VOORHIS. As I understand it, this is the case of a widow seeking to get a pension which her deceased husband had in his life-

time.

Mr. WARD. No, that is not it.
Mr. VAN VOORHIS. Whether or not that is true, as I understand it, it is a case where, as a matter of law, she would not get a pension at the Pension Office; and so there was not the slightest use of her going there, because if she did the Pension Office would inform her she could not under the law receive a pension even if the facts were as she claimed them to be.

Mr. WARD. Mr. Chairman, this claim was not made to the Pension Office simply because there would be no earthly use in making it there. The widow could not have made out any case which would have received favorable consideration from that office. It devolves now upon Congress—the only place to which she can make her appeal for herself and her children—to say whether or not it will grant this pension. There never was a pensioner in the service of this country who deserves more for his gallantry and his faithfulness than this man. The House in the Forty-fourth Congress passed this bill and the Pension Committee in the Forty-fifth Congress made a favorable report, but it failed for want of action in the Senate.

The circumstances of the case as set out in the report are these: This Lieutenant West, after having served faithfully in the campaigns of the late war and after having incurred a disease in the swamps of the Peninsula, was transferred, when the war closed, to the Indian frontier; and there, as the documents show, engaged in war against the Indians. In the rebellion he distinguished himself by signal gallantry, receiving frequent promotions, receiving honorable mention in Bates's History of the War, and on every field, in every battle, wherever duty called him, either in the camp or in the field, he discharged his duty in a manner to call forth the highest encomiums of his officers. When the late war closed, he went to the Indian frontier, as I have already stated, and during the hardships of service the disease which he had contracted in the swamps of the Peninsula was accelerated and he was taken down, forced to leave the service, and there on the frontier, within three months after he left it, in the house of a private citizen, beyond the reach of any one to gather evidence, beyond the reach of any doctor to certify to his condition and the circumstances of his death, he died alone in the wilderness, away from his wife and his children and away from every avenue of evidence such as the Pension Office would require, even if the claim could be brought in the first instance, so as to entitle him to consideration.

be brought in the first instance, so as to entitle him to consideration. The commanding officer at the neighboring fort, as soon as the information was conveyed there of his death, by a general order, published in the fort, recognized his eminent service and expressed regret because of his death. And now, Mr. Chairman, I submit to this House, after that history, which is borne out here by the testimony, showing that this gentleman had served in two wars for his country with fidelity, and incurred the disease that brought on his death, whether his widow and children shall be driven from this door, the whether his widow and children shall be driven from this door, the only door that is open to them from which to obtain the small pit-

tance of bounty which the pension laws allow them to obtain?

The CHAIRMAN. The question will first be taken upon the sub-

stitute.

The substitute was adopted.

The bill was then laid aside, to be reported to the House.

MRS. MARY B. DALLAS.

The next bill on the Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 271) granting an increase of pension to Mrs. Mary B. Dallas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary B. Dallas, widow of Commodore Alexander James Dallas, late of the United States Navy, deceased, and restore her pension to the amount orginally granted, namely, \$50 per month.

The report was read, as follows:

The report was read, as follows:

The applicant is the widow of the late Commodore Alexander J. Dallas, of the United States Navy, who died in active service in the year 1844, in the command of the Pacific squadron. He entered the naval service in the year 1805, and during the thirty-nine years of his brilliant service he received but nine months leave of absence, making an almost continuous service of over thirty-eight years. He was in several engagements during the war of 1812, firing the first belligerent gun in that contest in the action with the Little Belt. He was a commanding officer under Decatur in the Algerine war, and subsequently was employed in the service against the pirates infesting the southern coast. As commanding officer of the West India squadron he was prominent in affording aid to the Army in the protracted Indian war with the Seminoles in Florida, receiving the thanks of General Winfield Scott for his services. By his tact and judgment he did much in composing the rising difficulties between the United States and the Republic of Mexico in the year 1836, which averted the war that subsequently occurred. Commodore Dallas was the son of the late Hon. Alexander J. Dallas, Secretary of the Treasury under President Madison, and the elder brother of the late Vice-President of the United States, Hon. George M. Dallas.

Mrs. Dallas represents on the pension-roll of the United States the only one bearing the name of this distinguished husband in 1844, at the rate of \$50 a month, until 1879, when her pension, by law, was reduced to \$30 a month. The bill proposes to restore her pension to \$50 a month, the sum the Government originally granted her. She informs your honorable body in her petition that she is advanced in years, and her pension is her only means of support; that she has no property. In consideration, therefore, of the distinguished services rendered to the country by her late husband, your committee recommend the passage of the bill.

The bill was laid aside, to be favorably reported to the House.

SALLY M. BUCHANAN.

The next bill on the Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally M. Buchanan, widow of the late Robert C. Buchanan, colonel and brevet major-general in the United States Army, her pension to be \$50 per month and to date from the time of the death of the said General Buchanan, it being November 28, 1878.

The report was read, as follows:

The report was read, as follows:

That the memorialist in her petition filed in this case substantially sets forth the military history of the said Robert C. Buchanan, and the same will be briefly mentioned in this report to show the grounds upon which the favorable action of this committee is based: The said Robert C. Buchanan entered the Army of the United States, as brevet second lieutenant, on the 1st day of July, 1830, being attached to the Fourth Infantry, ordered to Fort Crawford, Prairie Du Chien, and served with it in and until the close of the "Black Hawk war;" was in command of the gunboats on the Wisconsin River on the night of the capture of Black Hawk; was present at the making of the treaty of General Scott with Keokuk, by which large portions of what is now Wisconsin, Iowa, and Minnesota were ceded to the United States; that he accompanied his regiment as its adjutant to Florida, and in 1838 to Fort Cass, in Tennessee, to assist in removing the Cherokees to Fort Gibson, Arkansas; and, in command of his company as its captain, again served in Florida, and until the close of the war; that in 1844 he was ordered to Louisiana, where his regiment, with the Third Infantry and the Second Dragoons, formed the "army of observation;" that in July, 1845, he proceeded with his regiment to Corpus Christi, Texas, where they formed the "army of occupation;" that he served with the troops under General Taylor until after the capture of the city of Monterey, when, at the request of the officers of the Maryland and District of Columbia Volunteers, he was assigned to the command of those troops, and commanded them until they were discharged at Tampico, Mexico, in May, 1847; that he then rejoined his regiment, and was assigned its junior major, and served in that capacity until after the capture of the City of Mexico; that in January, 1848, that he then rejoined his regiment, and was assigned to the command of those troops, and commanded them until they were discharged at Tampico, Mexico, in May, 1847; that he then

signed to duty as assistant provost-marshal-general of the State of New Jersey, until the fall of 1864, when he was ordered to New Orleans to command his regiment in the department of the Gulf; in the following year he was placed on duty at Washington, under the immediate command of the then Secretary of War, E. M. Stanton; and in the latter part of 1867 was ordered to New Orleans to command the district of Louisiana, with his brevet rank of brigadier-general; and in March, 1868, succeeded General Hancock in the command of the fifth reconstruction district, with his brevet rank of major-general, until after the State of Louisiana was admitted into the Union; he then organized the department of Louisiana, which he commanded, after the death of General Rousseau, until April, 1869, when he was ordered with his command to Fort Wayne; and on the 31st day of December, 1870, at his own request, after a service of more than forty years, he was placed upon the retired list, with the rank of colonel, brevet major-general. Your committee, in view of the above-recited honorable and distinguished services rendered by the said Robert C. Buchanan, unanimously recommend the passage of the bill which they now report.

Mr. PRESCOTT. I move to amend by striking out all after the word "Army" in line 8.

Mr. TALBOTT. I hope the gentleman from New York will not insist upon his amendment.

Mr. COFFROTH. This same clause is contained in all bills of this

character reported from the committee.

Mr. BRAGG. In addition to what has been said by the historian of the Committee on Pensions in that report in reference to the military services of General Buchanan, I wish to say that he was a distinguished and able soldier and for many years stood high in the Army of the United States both in the regular service and in the volunteer army in the late war. If any single person of all those mentioned in these reports of the Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension, certainly the ridew of Committee on Pensions is entitled to a pension. tainly the widow of General Buchanan ought to be; but I desire to suggest to the committee, so that we may proceed with our eyes wide open, that we will in the passage of this bill establish a precedent about which we ought to be very careful. We have already established a precedent that a woman who gets killed while baking bread is entitled to a pension. We have also established the precedent, in a bill pessed to a pincht that if a man get a second his careful. a bill passed to night, that if a man gets poor and his son was killed in the service, he is entitled to receive a pension. If the man has the hernia he is entitled to a pension. We have opened the door to a great many classes, but now it is proposed to open it to a class that will be ever present with us. We are asked to establish the precedent here by which the wives of officers on the retired list who draw 75 per cent. of their full pay during their entire lives are upon death of their husbands to be entitled to receive a pension independently of the question whether these widows or children are dependent or otherwise.

I wish to state, Mr. Chairman, that I have no special objection to this bill, but I simply desire in what I say to point out and have the House to know what we are doing and what we are asked to do. There has never been a case, so far as I am aware, where these families of officers upon the retired list claimed to be entitled to a pen-

sion, and if we are going to establish the precedent now, let us do it knowingly and make the law so that all may get the benefit of it.

Mr. TALBOTT. Mr. Chairman, this bill for the relief of this lady was introduced by my colleague, [Mr. McLane,] who was unable to be present to-night, and requested me to take charge of it if there was any trouble in reference to the passage of it—which I am sure he did not apprehend. After reading this report I myself believed that there could be no trouble. This officer served his country faithfully for forty years and six months. He had gone through, in the interest of his country and for the protection of its honor, five or six different wars, in which he served gallantly. He died in 1878, after having been on the retired list only for about eight years; and now his widow sake this relief of Congress merely as an ext of instinct to herealf and asks this relief of Congress, merely as an act of justice to herself and to the memory of this gallant officer and soldier. He served with honor in the Florida war, in the Indian wars, in the war with Mexico, and in the war for the preservation of the Union. The report sets forth all of these facts fully and clearly. His military record was without a blemish.

I therefore hope, Mr. Chairman, that in justice to this woman, who is poor, the widow of this officer, that the bill will pass as reported from the Committee on Pensions; and I hope the House will vote down the substitute offered by the gentleman from New York. If the bill passes as reported from the Committee on Pensions, she will get only two years arrearages, as General Buchanan died in 1878. She is entitled to it, and her country ought to give it to her. She is very old, as you may know from the reading of the report.

Mr. VAN VOORHIS. What is her age?

Mr. TALBOTT. I cannot give her age exactly; but I understand she is quite aged, and must be, as her husband served for forty years in the Army, and I think she was his only wife.

Mr. THOMAS. When a citizen enters the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the Government of the United States of the service of the grant of the States of the service of the grant of the service of the service of the grant of the service of the grant of the service of t

Mr. THOMAS. When a citizen enters the service of the Government of the United States as an officer of the regular Army, or in the volunteer service, he does so of his own volition. He selects that as the business of his life; and the Government, always liberal to its defenders, pays him amply for his service. This officer, it seems, rendered distinguished service for many years to this country. The record, I apprehend, shows that he has been liberally paid for that service. The record discloses the fact that after a long and eventful service he was retired and remained on the retired list till he was gathered to his fathers. gathered to his fathers.

It is not pretended that there is any legal ground upon which this pension can be granted to his widow. It cannot be claimed that there are any equitable grounds upon which this pension can be granted.

If granted, it is as a gratuity, a free gift by the Government to the widow of a man who served his country and was liberally paid for his

While this country owes the debt it does to honest creditors it seems to me that we ought to hesitate before we go recklessly into the Treasury of the United States and make free gifts of the people's money in this way. I hope, sir, that we will have some regard to the rights of the people as well as to the widow of this distinguished soldier, and that we will guard the Treasury as we should do, and grant pensions only to such parties as are entitled to them either at law or under some rule of equity.

The question being taken on Mr. PRESCOTT's substitute, there were

ayes 48, noes 6.
So (further count not being called for) the substitute was adopted. The CHAIRMAN. The question is on laying aside the bill, as amended to be reported favorably to the House.

The question being taken, there were—ayes 45, noes 13.
Mr. THOMAS. A quorum has not voted.
Mr. HUMPHREY. I hope the gentleman will not make that point.
Mr. TOWNSHEND, of Illinois. I desire to know who makes the point of order that a quorum has not voted.

Mr. THOMAS. I made the point of order.

The CHAIRMAN. The point being made that a quorum has not voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. THOMAS, and the gentleman from Pennsylvania, Mr. Cof-FROTH.

Mr. RANDALL, (the Speaker.) I suggest to the gentleman from Illinois [Mr. Thomas] that this bill be allowed to go over to be voted on to-morrow when there is a quorum; so that if there is a dispute as to the propriety of its passage it may be voted on in a full House. If that shall be agreed to it will not interrupt the bills that are behind it.

Mr. THOMAS. I think the suggestion of the distinguished gentleman from Pennsylvania a good one, and, so far as I am concerned, I accede to it for the reason that I do not wish to stand in the way

of meritorious pension cases.

Mr. RANDALL, (the Speaker.) I am quite aware of that.

The CHAIRMAN. The bill will be laid aside, to be reported to the House upon the understanding which has just been stated.

MARY MEIGHAN.

The next pension bill upon the Private Calendar was the bill (H. R. No. 2643) granting a pension to Mary Meighan; reported by Mr. Davis,

The bill was read, as follows:

Be it enacted, do., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Meighan, widow of Peter Meighan, late a private in Company F, Twenty-fourth Regiment of United States Infantry.

The report was read, as follows:

The report was read, as follows:

That it appears that Peter Meighan enlisted in the United States Infantry September 22, 1851, and contracted rheumatism at Fort Columbus, New York, in line of duty, in March, 1853, and was discharged for disability and pensioned; that when the late war broke out he gave up his pension and enlisted as a private in the Sixteenth United States Infantry, August 11, 1861; that at the expiration of his term of service he re-enlisted, and again re-enlisted in February, 1867, and was discharged for disability in March, 1869; and he obtained a pension which was increased \$50 per month.

He died of rheumatism, August 29, 1876.

It further appears that from the time of his first enlistment at the outbreak of the civil war to his discharge on account of disability, he served with his regiment in various battles, and was regarded by his officers as an unusually brave and efficient soldier, and commended to favorable consideration of the Government.

The committee believe that his widow has a most meritorious claim, and report back said bill and recommend its passage.

This bill was laid aside, to be reported favorably to the House.

The bill was laid aside, to be reported favorably to the House.

THOMAS RILEY.

The next pension bill on the Private Calendar was the bill (H. R. No. 2474) to increase the pension of Thomas Riley; reported by Mr. DAVIS, of Illinois.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Thomas Riley, late a private in Company L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$72 per month from and after the 17th day of June, A. D. 1878, deducting therefrom any and all amounts received by him on account of pensions since said date; this pension to be in lieu of the pension now received by said Riley.

The report was read, as follows:

That the said Thomas Riley, referred to in this bill, is shown to be in receipt of \$50 per month from the Government of the United States on account of disability. That the act of Congress approved June 17, 1878, provides for the payment of an increased pension, as follows:

"That on and after the passage of this act all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of \$72 per month."

That it is in evidence that the said Riley, believing himself entitled under this law to the sum of \$72 per month, applied for an increase of pension; that the same was rejected from the fact that—

"In the view of the department the claim does not properly come within the provisions of the act of June 17, 1878, for the reason that the applicant has not lost both hands. He has lost a large portion of both hands, and the parts which remain are of but little use to him, but there is no provision in the act of June 17, 1878, for the allowance of a pension of \$72 per month to any other persons than such as have

absolutely lost both hands or both feet or the sight of both eyes."—Extract from letter from Commissioner Bentley to Thomas Riley, November 28, 1878."

It also appears in evidence that all the fingers of both hands were amputated, with the exception of the right thumb; that the amputation included the heads of the metacarpal bones; that practically both hands have been amputated, excepting the thumb of the right hand, in which there is but slight motion, and which is of little or no use.

It further appears from the evidence and from examination that the said Riley is as helpless, is as utterly unable to attend to his bodily wants, and requires the personal ald and attendance of another person, as he would had he absolutely lost both hands; that he cannot prepare his food, and cannot feed or dress himself. Your committee, believing that the said Riley is equally helpless, and that he requires the same attendance that he would were both hands amputated at the wrist, report back said bill with recommendation that it do pass.

Mr. WARNER. I desire to inquire of the chairman of the Com-

Mr. WARNER. I desire to inquire of the chairman of the Committee on Invalid Pensions whether or not this case is an exceptional

Mr. COFFROTH. It is the gentleman from Illinois [Mr. Davis]

who reports the case.

Mr. WARNER. Then I address my inquiry to the gentleman from

Illinois.

I do not propose to discuss the question whether the pension in this case, or in this class of cases, if there be such a class, should be increased or not. I will admit, if you please, that the pension should be increased. But I make the point, if it should be increased in this be increased. But I make the point, if it should be increased in this case it should be for all who belong to that class. And for one I am opposed to increasing a pension for a single individual when there is a whole class of a hundred, five hundred, or a thousand perhaps, equally meritorious behind whose pensions are not increased. The inquiry therefore which I wish to make is whether on the pensionrolls there are others situated like this pensioner, or is the case so exceptional that it stands alone?

Mr. DAVIS, of Illinois. I will say, Mr. Chairman, in reply to the gentleman from Ohio that I regard this as an exceptional case. The amputation of both hands, as shown in the report included the heads of the metacarpal bones; nearly to the wrist of the left hand; the of the metacarpal bones; nearly to the wrist of the left hand; the right hand is taken off, including the head of the metacarpal bone, and merely the thumb is left on the right hand. As stated by the Commissioner in his letter, this thumb is of little use, and has little motion. It is simply a prolongation seemingly of the stump, which is of no earthly use. This pensioner, believing that the law passed June 17, 1878, providing that those who had lost both hands, both feet, or the sight of both eyes should have \$72 a month, made application for an increase, being equally helpless with those who have absolutely lost both hands.

If gentlemen will notice the letter of the Commissioner they will perceive that he states that this case does not come within the provision of the general law, because of the fact that the claimant has not absolutely lost both hands, although he has lost his hands except one thumb. As stated in the report, the claimant requires personal assistance at all times. I believe and the committee believe that this man is entitled to this increase of pension the same as are those who

have absolutely lost their ten fingers instead of but nine.

Mr. WARNER. I will make no objection to this case, if it stands as an exception and ought to go into this class, and there are no others

like it.

Mr. DWIGHT. It seems to me that this case is covered by a general bill which has already passed the Senate and has been reported to this House. As I understand, there are some two hundred and sixty cases that are known to exist where pensioners have lost the use of their limbs, by paralysis for instance, and are therefore as utterly helpless as, and in some cases more so than, those who have had their limbs amputated but have sound, healthy stubs. A bill passed the Senate early this session making provision for all such cases. As I understand from the chairman of the Committee on Invalid Pensions [Mr. Cor-FROTH] that bill has been favorably reported from that committee. It seems to me that this special bill should not pass, but that we should pass that general bill which will cover all these cases.

Mr. BAYNE. It will do no harm to pass this bill.

Mr. COFFROTH. This bill was reported from the committee be-

fore the other bill passed the Senate.

Mr. DWIGHT. I know that. But why pass this bill separately?

Why not include all the cases in a general bill?

Mr. HAWK. This case has been favorably reported, why not pass

Mr. DWIGHT. I know that; but the other bill has passed the Senate and has been reported to this House and should be passed here to-night. The chairman of the Committee on Invalid Pensions [Mr. COFFROTH] understands very well about that bill. I know very well that for three years past bills have been introduced here to cover such cases. I have introduced one myself; the gentleman from Manne Mr. Formal here the serveral covered one was a large to the serveral was a large to t [Mr. FRYE] has introduced one; several members from Massachusetts have introduced such bills. And during the last Congress the chairman of the Committee on Invalid Pensions was authorized by the unanimous vote of his committee to report such bills to the House, but the committee was never called and the report was not made.

It has been ascertained, as I have said, that there are some two hundred and sixty-one cases similar to the one for which the pending bill is reported. I know of one such case, an intelligent man, who was in the service. If you were to see him sitting in his chair, you would think that he was as capable of managing himself as any one in this House; but it takes all the time one assistant to attend to him, and some of the time two assistants are required. He has lost

by paralysis the use of his lower limbs, and requires the constant attention of one assistant, and a portion of the time two assistants. There has been an effort made to pass a general bill to cover such cases. This case came here, as other cases have come, in separate bills. It has been thought best to pass a general bill. As I have stated, Senator INGALLS introduced such a bill into the Senate, and it passed that body early in the session. It came over here, and the Committee on Invalid Pensions has considered it and reported it. Now, do not let us pass this bill, but let us pass the general bill, which will include this and similar cases

Mr. DAVIS, of Illinois. If this is a meritorious case, if this man is entitled to this increase of pension, either in law or in equity, why not pass this bill to-night for his benefit? Why wait until we can pass a bill for the benefit of some one else?

Mr. DWIGHT. The reason is that we should not lumber up the statutes with special bills, when a general bill will cover all these

Mr. DAVIS, of Illinois. This bill has been upon the Calendar since the 9th day of January last. This man is entitled to this increase of pension.

Mr. DWIGHT. Let me ask the Committee on Invalid Pensions to report that general bill in lieu of this and all other special bills of

Mr. DWIGHT. Why not, if you consent to it? No man will ob-

Mr. DAVIS, of Illinois. We have a special order of business for

Mr. DWIGHT. I know that; but you can pass that general bill

to-night if no one objects to it.

Mr. HENDERSON. I do not want to oppose the passage of this bill, for I think it is a meritorious bill and one that should be passed without any hesitation. But I desire to say in this connection that without any nesitation. But I desire to say in this connection that I think the general law referred to by the gentleman from New York [Mr. Dwight] ought to be presented to this House and urged to its passage as soon as possible. I know a number of cases that are equally as meritorious as this one; and for two years I have been trying to get some of them passed by this House, but have failed to do so. I

know of a case of a man who is perfectly helpless, entirely helpless. Mr. RYON, of Pennsylvania. Will the gentleman permit me to ask

him a question?
Mr. HENDERSON. I will.

Mr. RYON, of Pennsylvania. Suppose that we lay aside this bill, and then by some accident or other that general bill should not pass; would not that be doing injustice to this meritorious claimant?

Mr. DWIGHT. Is it in order to move as a substitute for this bill Senate bill No. 815?

The CHAIRMAN. The Chair thinks not.

Mr. WARNER. The gentleman from Illinois puts this bill on the ground— [Cries of "Vote!" "Vote!"] Well, Mr. Chairman, if I knew only one-tenth as much as some of these gentlemen who want to vote think they do, I might be ready to vote on any and all questions that

Mr. REED. That is so.
Mr. WARNER. But my difficulty is to know how to vote, and I would like to instruct the gentleman from Maine a little.
Mr. REED (in his seat) made a remark inaudible to the reporter.
Mr. WARNER. If I could get any new ideas into his head, and he would not let them die of solitary confinement but would add to them himself, he might be able to improve even his knowledge. "Vote!" "Vote!"]

"Vote!" "Vote!"]

The gentleman from Illinois says this is a meritorious case. Now suppose it were agreed that the pay of men who have served five or ten years in the Army should be increased by a general law, and there might be justice in that. But suppose that instead of passing a law to increase the pay of all of them alike a bill should be introduced to increase the pay of one man by the addition of \$5 a month to his pay, leaving all the rest at their old rate of pay, that might be a meritorious bill of itself, but it would be manifest injustice.

Mr. DAVIS, of Illinois. That is not an analogous case.

Mr. WARNER. It is the very essence of injustice to give to one

Mr. WARNER. It is the very essence of injustice to give to one what is denied to others in similar circumstances.

Several Members. That is not analogous.

Mr. WARNER. It is perfectly analogous. Suppose it were proposed to reduce pensions, would it be right to bring in a bill reducing one particular pensioner without affecting the pensions of others?

Mr. DAVIS, of Illinois. This man is asking nothing more than what the general law—

Mr. WARNER. I make no objection to acting upon a particular case when it stands out as distinguished in some way from all others. But if there is a whole class in precisely the same situation, it is injustice to give to one member of that class what is denied to others.

Mr. BRAGG. Mr. Chairman, it seems to be conceded by many gentlemen of the committee that this bill is a proper one to be passed. In my view it is a bill that never ought to be passed. The law which gives \$72 a month to the men who now receive it ought never to have been passed. This man now receives from this Government a pension of \$600 a year—a greater pension than was ever given by any sion of \$600 a year—a greater pension than was ever given by any nation in the world to a soldier of his standing. We have been grant-

ing these pensions in an hour of "gush." We raised the pension to \$72 a month because there were but few who would receive it. At that time we could almost count them on our fingers. Now in this class there are, I think, about two hundred. Another class, drawing pensions at the rate of \$50 a month, have discovered that they are equally disabled; and 270 of them ask to have their pensions increased to \$72 a month. Associations are being formed all over the country by those who draw \$37 a month to have their pensions raised to \$50 a month. Those who draw \$24 a month want to be raised to the next higher notch; and those in the next grade below want to be raised in the same way.

This system is going on all over the country. We are paying as pensions to these men twice or three times as much as they could have earned if they had remained hale and hearty. We pay to this man \$600 a year. It will support him in competency. It will provide him a servant to take care of him. It will give him such comfort as probably he never dreamed of having when he was obliged to earn his own subsistence; for \$600 is a very liberal income to men of earn his own subsistence; for \$600 is a very liberal income to men of that class. It is a greater income than a large portion of the workingmen of this country live upon. We ought to stop before making our pensions so high that they will be a source of wealth, instead of a means of subsistence. You all remember the old fable about killing the goose that laid the golden egg. We are very likely to do that. We have already more than two hundred thousand men on our pension-roll. Two hundred and fifty thousand more are applying to get on; and we propose to establish the precedent that when their applications are rejected at the Pension Office they can file their claims here. I tell you the animal cannot live and lay eggs enough to suphere. I tell you the animal cannot live and lay eggs enough to support that kind of a family.

Mr. NEW. This bill is one of great merit and ought to be passed.

Mr. N.E.W. This bill is one of great merit and ought to be passed. I wish to say further, in view of what has been remarked by the gentleman from New York about the bill, that there can be no practical difficulty whatever if this bill should be passed by the House, for if the Senate bill, to which the gentleman has referred, should pass the House before the bill now under consideration shall have been acted on by the Senate, of coarse that fact would be taken into consideration the Senate of the bill passed here would be taken into consideration. tion by the Senate, and the bill passed here would not be passed by that body if the Senate bill embraced a case of the character described and provided for by the bill which we are now considering.

The bill was laid aside, to be reported to the House, with the rec-

ommendation that it do pass.

GEORGE W. WOODWARD.

The next business on the Calendar was a bill (H. R. No. 863) grant-

The next busidess on the Calendar was a bill (H. R. No. cos) granting a pension to George W. Woodward.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Woodward, late chaplain of the Forty-fifth Regiment Illinois Volunteers, to take effect from the date of his discharge from the service of the United

The report of the committee was read, as follows:

The report of the committee was read, as follows:

It is in evidence that said Woodward was mustered into the service as chaplain of the Forty-fifth Regiment Illinois Volunteer Infantry January 1, 1862, and was honorably discharged on account of disability January 23, 1863.

It is shown that said Woodward was in sound, robust, and vigorous health at the date of his muster into service; that he rendered good and efficient service while in the Army; that he became debilitated and emaciated by camp diarrhea and bronchitis; that his disability was so great that he became thoroughly broken down and utterly disabled, and upon the recommendation of his surgeon he sent in his resignation on certificate of disability; that the disease contracted in the service continued for more than a year after he had finally left the Army, and produced the greatest prostration and emaciation; and that this was followed by a general disease of the mucous membrane throughout the system, producing granular ophthalmia, catarrhal infiammation of the eyes, which subsequently developed a series of absecsess of the eyelids which discharged profusely; that these symptoms finally subsiding, his general health became better, but that simultaneously with their disappearance evidences of cataracts occurred and gradually developed into practical total blindness.

It is further shown that said Woodward applied to the Pension Bureau for a pension and that his application was rejected.

There is abundant evidence to show that the said Woodward was in good health when he entered the service; that he was diseased and disabled while in the service and in the line of duty, and that he has been emaciated, debilitated, and his constitution almost a total wreck ever since. The examining surgeon, who made an examination in 1872 for the Pension Office, reported on the degree of disability as total of first grade, incapacitated for obtaining his subsistence by manual labor on account of disease of the eyes.

The evidence appears conclusive relative to his disa

Mr. BRAGG. Mr. Chairman, I do not profess to be a doctor, and am not much of a chaplain, [laughter;] but it is a wondrous suspicious circumstance when a chaplain who only serves about a year in the service closes out with sore eyes so bad that he is not able to go on with his duty. [Laughter.] It looks as if he had taken something in his scope which is ordinarily supposed to be outside of the duties of a chaplain, and had been unfortunate in his investment. [Laughter.]

Now, let us see what this case is, and see when this chaplain contracted his disease of the eyes. I read from the record evidence in the Pension Office, abstracted from his own evidence filed in support of his claim. He claims a pension on account of disease of the eyes which resulted from diarrhea, cough, and debility contracted in the service. That is the claim upon which he files his pension. Yes, I have no doubt a man could be so run out with diarrhea that it would affect his eyes by drawing them inward [laughter] if the draught was

sufficiently great. [Renewed laughter.]

Now, when we come to examine the evidence which is filed in support of this claim, the Commissioner certifies that it appears in evidence filed by the claimant that he had disease of the eyes prior to his enlistment, stated to be congenital myopia. Some one of these doctors who passed upon this case in committee will undoubtedly tell what that is. [Laughter.] I wish to know.

Mr. DAVIS, of Illinois. Let me ask the gentleman a question right

As soon as I finish the evidence.

Mr. DAVIS, of Illinois. I wish to speak about the evidence. Mr. BRAGG. As soon as I finish the statement of what the evi-

dence filed in support of his claim is.

Mr. DAVIS, of Illinois. The point I wish to make to the gentleman from Wisconsin is this: I have examined the evidence myself, and in all the evidence submitted to me by the Pension Office there is nothing of the kind, not a single paper of it.

Mr. BRAGG. Just wait and see.
Mr. DAVIS, of Illinois. I examined that evidence myself.
Mr. BRAGG. The claimant was rejected on medical grounds. It
was a medical question and decided by a medical board. Did you

Mr. DAVIS, of Illinois. I did; and I wish to say to the gentle-

Mr. BRAGG. The board said that the cataract was not from any disease as alleged. That is what the medical board testified. The House medical doctors certified it was the result of diarrhea. [Laughter.]

Mr. DAVIS, of Illinois. Mr. Chairman, I am sorry myself that any remarks of this kind should have been made by the gentleman from Wisconsin. The applicant in this case was at the time he went into the service one of our most eminent, most honest, and most eloquent preachers in the State of Illinois. He was located at Geneva, and many of the gentlemen from Illinois here are probably acquainted with him. This gentleman served only about a year. He joined his regiment in Chicago, went to Cairo, was in the fight at Belmont, went through Pittsburgh Landing, was at Donelson, went through Shiloh, all those terrific assaults of 1862. And I say to the gentleman from Wisconsin, there is no man on this floor who knows better than he does that time is no element in the destruction of a man's constitution in the Army.

As to his sickness and his disease, let me say this gentleman was

taken ill in the service, was discharged from the service on account of that illness, and has been a total wreck ever since. He is to-day

as blind as a man can be.

What is the medical evidence referred to by the gentleman from Wisconsin? The medical referee in this case states that if this man could have shown a sound constitution at the time he entered the service it might have been passed, might have been accepted, but that he showed he had an ordinary and moderate shortsightedness; that is all; a moderate and ordinary shortsightedness. What does this scientific referee say? He says that in all cases of shortsightedness there is an antecedent probability of some disease of the eye in the future, and on that he sent this case back, and on that, and that alone, he rejected it. It is a mere theory.

What is the position of this in these papers? Dr. Kittoe, surgeon of the regiment, acquainted with this gentleman five years before he joined the regiment, and who has known him ever since, testifies

that he received the man in vigorous health.

Dr. Hempstead, one of the most eminent physicians in Illinois, certifies as to his condition before he went into the service. Dr. Le Barron, another eminent physician and the family physician of this gentleman while he was pastor of the church at Geneva, knowing all of the circumstances in connection with the case, certifies that the man's constitution and health were good before he entered the service with the exception of this moderate or ordinary shortsightedness. In all other respects his constitution was perfect.

Mr. BRAGG. Let me inquire of the gentleman from Illinois if all of this mass of evidence was submitted to the Pension Office?

Mr. DAVIS, of Illinois. Every bit of it. It was all before the office,

and I examined it myself.

Mr. BRAGG. And the Pension Office referees, who are medical men, examined all of this testimony, and after that examination these gen-

tlemen certified that the cataract was not the result of it.

Mr. DAVIS, of Illinois. Yes, sir; but I desire to state that Dr. Hempstead and these other distinguished physicians whom I have mentioned certified that while the cataract is not the result of any direct cause of injury received in the service, yet it is true that it comes from an impaired constitution or an impaired state of health and an emaciated body resulting from the service, and that this was probably the cause of the cataract. Those men have examined this case fully, and the evidence of these four or five physicians is all to the same effect. What does this gentleman say for himself? He says that ten or fifteen years before entering the service he was taken sick with a fever. Eight or ten years before that he had some other illness, and that was all. That was all the illness that he ever had prior to entering the service, and there is no evidence to show that he was not otherwise than a strong, healthy, and vigorous man when he did enter the service, while all the evidence points the other way.

Mr. THOMPSON, of Iowa. Will the gentleman permit me to ask

him a question?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. THOMPSON, of Iowa. Had the Committee on Pensions any
Mr. THOMPSON, of Iowa. additional evidence other than that presented and on file in the Pension Office 9

Mr. DAVIS, of Illinois. Not a particle; and they did not want any more. I examined that testimony and I say that it was an outrage

when they refused to grant that pension.

Mr. THOMPSON, of Iowa. But is it not a fact that the board of physicians who examined this case are likely to know more about it than those who are entirely ignorant of the science of medicine?

Mr. DAVIS, of Illinois. I presume they would know more about it. But I have stated that this case was rejected by the medical referee on the ground and on that alone that in all cases of ordinary or moderate shortsightedness there was an antecedent probability of some disease of the eye in the future.

Mr. THOMPSON, of Iowa. Is not that a theory as well as the evi-

Mr. DAVIS, of Illinois. The evidence in regard to this man's constitution and health from the time he entered the service is perfect, complete, and conclusive, and cannot be questioned. He was residing at Geneva, and was the pastor of the church there. The young men of his regiment endeavored to secure a chaplain from their own home in preference, and they selected Mr. Woodward. He was nearly fortyfive years of age, and was as gallant and faithful as any man in the world. He attended faithfully to his duty. There is no complaint that he did not. He served until he was absolutely incapable of serving any longer, and on a certificate of permanent disability he sent in his resignation. He made an application for a pension in 1865 or 1867, his resignation. He made an application for a pension in 1895 of 1897, and has spent all of this time in endeavoring to show to these scientific gentlemen that he was entitled to a pension. The man is perfectly blind. He is a man of culture, of high education, with an expensive family, and is living to-day a miserable existence in midnight darkness. And I wish to say to the gentleman from Wisconsin [Mr. Proceed a word that I am sorry to have heard from him any remarks. BRAGG] a word, that I am sorry to have heard from him any remarks

of an unkindly character in reference to so good a man as this.

Mr. BRAGG. And I regret exceedingly that so good a man as the gentleman has represented him should be afflicted with sore eyes after

very short a term of service.

Mr. DAVIS, of Illinois. I am unwilling that the remarks in reference to this gentleman's character should go abroad to the country without explicit denial from me and a statement of his true character. acter. I know this gentleman very well. I know the character he bears in the community in which he resides. I know that he is in every respect worthy of all that I have said in his behalf, and I hope that this bill will pass

Mr. PRESCOTT. I move to strike out all after the word "volunteers" in line 7.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

It is proposed to strike out after the word "volunteers" the following words: To take effect from and after his discharge from the service of the United States.

Mr. DAVIS, of Illinois. Upon that amendment I desire to say a word. I am not contentious as a general thing in reference to retaining these arrearages of pensions in these bills; but in this case I desire to call attention to the fact that this gentleman has been knocking at the door for a pension for years, and if any man under the general law is entitled to a pension and to arrearages of pensions, this man undoubtedly is. The evidence in this case, as I have stated, is conclusive. It is certainly conclusive to my mind, and I think to the minds of other gentlemen upon the Committee on Pensions; and I believe that under the general law granting pensions when the Pension Office rejected this case and refused the relief sought, they were guilty of, I may say, almost a crime.

Mr. BRIGGS. I would like to ask the gentleman a question. In

all of the bills thus far passed for placing private soldiers upon the pension-rolls, we have not gone back and given arrearages of pensions. Now, why treat this chaplain any better than private soldiers are

treated?

Mr. DAVIS, of Illinois. In reply to the question of the gentleman, I have stated already all that I wish to say in reference to this case. I think I have said enough to show that he is undoubtedly entitled to the relief sought.

Mr. PRESCOTT. My object in offering this amendment is nothing

personal.

The CHAIRMAN. The gentleman from Iowa [Mr. Thompson] was recognized before the gentleman from New York [Mr. Prescott] rose.
Mr. THOMPSON, of Iowa. In the few questions I asked a moment since, I do not wish it understood I am antagonizing this bill, because since, I do not wish it understood I am antagonizing this bill, because I shall vote for every bill I believe has merit. From the commencement of these sittings devoted to pension bills, I have urged every time quietly and modestly that the Committee on Invalid Pensions are just as competent to say what the rate of disability was as any board that might hereafter be appointed by Congress. You have absolutely refused to do that, and you put the pensioner whom you place on the pension-roll to extra expense to produce testimony to show, not that he is entitled to a pension, but to show at what rate and what shall be its amount; and that is to be decided simply upon

theory, and not upon facts.

I say, after the Committee on Invalid Pensions have heard all the testimony and know the condition of the soldier, know what the disability is and the cost of it, and have the honesty to come into the House and report the facts, we should act upon those facts, and not again send back the pensioner to incur the expense and delay that we have seen these men subjected to so often during the last fifteen

years.

And, I would ask, why should this man be put in a better condition than the private soldier who shouldered his musket and marched to the front? The question of the gentleman from New Hampshire is a pertinent one. We should see where we are, and not decide to give special favors to one and deny them to the others. The Committee on Invalid Pensions have had the facts before them and heard the testimony; and we must go upon the supposition that they will report the facts they have ascertained honestly, frankly, and fairly to us. And when they have had all the facts before them, why not let them say when the pension will take effect and how much a month it shall be, instead of leaving it to be decided by others who are not cognizant of the facts, and subjecting the soldier to extra delay and expense in the future?

The question being taken on Mr. Prescort's amendment, it was

adopted

The bill, as amended, was laid aside, to be reported favorably to the House.

Mr. COVERT. I move that the committee do now rise.

The motion was not agreed to.

JUDITH BROWN.

Mr. RICHMOND. As I see the committee is about to rise, I ask Mr. RICHMOND. As I see the committee is about to rise, I ask that a bill be taken up which authorizes the payment of the small sum of \$66.09 to the child of a revolutionary soldier. The amount was due her thirty-five years ago. The bill simply grants authority to the Secretary of the Treasury to pay this money to the person to whom it properly belongs.

Mr. TOWNSHEND, of Illinois. I shall not object to this bill being taken out of its order, but I shall object to any other special case

Mr. RICHMOND. The bill is on the Private Calendar. It is the bill (H. R. No. 4264) to authorize the payment of \$66.09 to Judith Brown, one-seventh of the pension to Margaret Duncan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Judith Brown, out of any money in the Treasury not otherwise appropriated, the sum of \$66.09, being the amount due her as one of the children of Margaret Duncan, widow of Charles Duncan, a revolutionary soldier, under the act of July 7th, 1838, and subsequent acts; which said sum has not been paid to her or any one for her.

Mr. SAMFORD. I call for the reading of the report.

The Clerk read as follows:

The Committee on Pensions, to whom was referred bill H. R. No. 4264, having had the same under consideration, respectfully beg leave to report:

From a report upon this case, made by the Commissioner of Pensions at the request of this committee, it appears that Judith Brown is clearly entitled to the sum of \$66.09, but that legislative action, as proposed by this bill, is rendered necessary by sections 4719 and 4718, Revised Statutes. The letter of the Commissioner of Pensions is made a part of this report, and, in accordance with the reasons therein stated, your committee return the bill to the House with the recommendation that it be passed.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,

Washington, D. O., February 3, 1880.

Sir: In the case of Margaret Duncan, widow of Charles, who was a revolutionary soldier, I have the honor to state that she was allowed a pension of \$80 per annum under the act of July 7, 1838, from October 24, 1838, to March 4, 1841, at which latter date all pensions under that act terminated; but, as the act of March 3, 1843, renewed them for one year, and that of June 17, 1844, continued them for four years longer, her pension was renewed, to commence March 4, 1843, and terminated August 29, 1846, the date of her decease. From March 4, 1841, to March 4, 1843, no pensions under the above acts have been allowed or paid. The pension to Mrs. Duncan was authorized to be paid to her seven children, but as the whereabouts of the child, Judith Brown, was unknown, she did not apply with the other children for her share, nor has it since been paid to her. The proportion of one-seventh, amounting to \$66.09, was withheld, and it cannot be paid (see section 4719 and 4718, Revised Statutes) without special legislation of Congress authorizing the same with an appropriation for the amount.

Very respectfully, your obedient servant,

J. A. BENTLEY,

Hon. J. B. RICHMOND, House of Representatives.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. VAN VOORHIS. I move that bill H. R. No. 192 be taken up. Mr. MARTIN, of Delaware. I object. Let the bills be taken in their order on the Calendar.

The CHAIRMAN. The next bill on the Calendar will be reported.

MRS. FRANCES M. WILKINSON.

The next pension bill on the Private Calendar was the bill (H. R. No. 864) granting an increase of pension to Mrs. Frances M. Wilkinson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and lim-

itations of the pension laws, the name of Mrs. Frances M. Wilkinson, widow of the late Lorenzo D. Wilkinson, corporal of Company A, One hundred and thirteenth Regiment Illinois Volunteers, allowing payment of pension at the rate of \$25 per month, in lieu of that which she is now receiving, to take effect from and after the passage of this act.

Mr. DUNNELL. I move that the committee rise. The question being taken, there were—ayes 23, noes 33.

So the motion was not agreed to. The report was read, as follows:

The report was read, as follows:

The evidence on file in this case shows that Lorenzo D. Wilkinson enlisted as a private soldier in Company A, One hundred and thirteenth Regiment Illinois Volunteer Infantry, August 30, 1862; was in service with the Fifteenth Army Corps with his regiment in Tennessee, Mississippi, and Louisiana; that while in service before Vicksburgh, Mississippi, he was stricken with chronic diarrhea, went into the hospital, was pronounced incurable, and was honorably discharged in March, 1863. He returned to Chicago, and died the following July, (July 10, 1863,) never having

He returned to Chicago, and died the following July, (July 10, 1863,) never having recovered.

It is also shown that the widow is now receiving a pension of \$8 per month, granted her as the widow of Lorenzo D. Wilkinson.

Evidence is also submitted setting forth that said Wilkinson was a successful law practitioner when he enlisted; was a man of talent, and capable of earning a large income from his profession; that he was capable of filling a position as an officer, and, in fact, declined a commission when he enlisted, wishing to earn such distinction by courage and merit alone.

It is further submitted in evidence that a son, William Wilkinson, enlisted in the regular Army June 12, 1871, for five years, and served out his term of enlistment and was honorably discharged; that while in said service in the State of Texas he contracted malarial fever, of which disease he is now ill, and has been unable to perform manual labor for a year or more; and this son has thus become dependent upon his mother for support and likely to so remain for years.

The family physician testifies that Mrs. Wilkinson is disabled by varicose veins and a severe rupture, and is unfit in a measure for manual labor by reason of these physical infirmities, from which there is no prospect of any but temporary relief; and that she has no means of support except the pension of \$8 per month, above referred to.

This case appears from the evidence to be a peculiarly distressing one. The husband and father was a brilliant lawyer, eminently competent to provide liberally for his family; refusing position to which his abilities would naturally call him, that such rank as he might subsequently hold should be earned upon the field of battle; he is stricken down in the prime of life, leaving a helpless family. The son enlisting in the service, and though contracting disease, he is honorably discharged at the expiration of his term of enlistment in comparatively good health, thus cutting off his claim for pension. He subsequently became dependent upon

service.

This additional allowance is strongly recommended by parties who were associates at the bar with Mr. Wilkinson, and by those who have been cognizant of the circumstances, in a petition to this House; among whom are the Hon. J. L. Beveridge, ex-governor of the State; Hon. J. F. Farnsworth, ex-member of Congress; Hon. C. H. Harrison, ex-member of Congress and mayor of Chicago; Hon. Marvin Heath, ex-mayor of Chicago; Hon. J. M. Wilson, late chief-justice supreme court, Chicago; Hon. S. K. Dow, ex-State senator; and Captain George R. Clarke, the commanding officer of the company in which Mr. Wilkinson served, and others.

Your committee, believing that the evidence abundantly shows this to be a meritorious case and to warrant this increase, report back said bill and recommend its

Mr. DAVIS, of Illinois. I wish to state in regard to this bill that this is simply a gratuity. This lady is now drawing a pension at the rate of \$8 a month. It is for the judgment of this House to vote her this increase or not.

A MEMBER. How much is the increase ?

Mr. DAVIS, of Illinois. The increase is to \$25 a month. It is recommended by the chief citizens of my city. The husband of this lady went into the service, was stricken with an incurable disease while in the service, was honorably discharged in March, 1863, and died in the following July. He was one of the most brilliant lawyers of our bar. A son who was in the regular Army is now dependent on his

Mr. McMILLIN. Will the gentleman allow me to ask him a ques-

Mr. DAVIS, of Illinois. Certainly.
Mr. McMILLIN. Would the gentleman grant an increase of pension because distinguished citizens of the community in which the

sion because distinguished citizens of the community in which the deceased lived petitioned for it?

Mr. DAVIS, of Illinois. Not for that alone.

Mr. McMILLIN. Well; would you grant an increase of pension because the deceased party was a distinguished lawyer?

Mr. DAVIS, of Illinois. That would not be an objection.

Mr. McMILLIN. Well, would you grant it on that account?

Mr. DAVIS, of Illinois. Not on that account alone. But here was a gallant man who went into the service at a time when by his professional services he could have provided his family a magnificent. fessional services he could have provided his family a magnificent income for his whole life-time. His son also went into the service. Now here is a destitute family.

Mr. BRAGG. Suppose he had not gone into the service, but had become sick and died within a few weeks.

Mr. DAVIS, of Illinois. It is clearly shown that the disease from which he died was contracted in the service, from the fact that this

lady has received a pension on that account.

Mr. BRAGG. I desire once more to call the attention of the House to this question; if the wives of private soldiers draw \$8 a month pension, as does the wife of every soldier who died in the service of the United States; and if we are to select one man because it is certified by the distinguished neighbors and friends of a member of Congress that he was a very distinguished man, and make an exception in his case, are we not establishing a rule by which \$25 a month is to be the measure of pension to be given to the widows of private soldiers? There are one hundred thousand pensions drawn for private soldiers, which pensions are limited to \$8 a month. Now, are we ready, as we have moved from \$50 a month up to \$72, from \$24 a month up to \$37 in certain cases, are we ready now to move from \$8 a month up to \$25 a month in all these cases \dagger

a month up to \$25 a month in all these cases?

It is said as an answer that this son contracted disease in the service of the United States in the regular Army since the war, and is now at home utterly helpless. If that be true, that son is entitled to draw a pension of \$24 a month. That, with the \$8 a month to this widow, will give her \$32 a month to subsist upon, instead of the \$25 which it is proposed to give by this bill.

Mr. DAVIS, of Illinois. I wish to say to the House that I have not been careless in my examination of these cases. I think there are some twenty-five cases on this large Private Calendar which I have reported, and in preparing those cases I have tried to exercise great care. I think that, considering that this widow has lost her husband, that her son contracted disease in the service so that he is now dependent upon the mother, and the mother herself is an invalid and destitute, the Government cannot err much in giving her the pension asked.

Mr. SAMFORD. Was the father a lawyer?

Mr. DAVIS, of Illinois. He was.

Mr. DAVIS, of Illinois. He was.
Mr. SAMFORD. Did he go into the Army?
Mr. DAVIS, of Illinois. He did.
Mr. SAMFORD. Did he fight?
Mr. DAVIS, of Illinois. He did.
Mr. SAMFORD. Did he do his fighting in a Pickwickian sense?
Mr. DAVIS, of Illinois. No; he fought gallantly, bearing a musket, and practically died in the service, for he died shortly after he returned home. [Cries of "Vote!" "Vote!"]
Mr. McMILLIN. I wish to say only one word concerning this case. I do not think that it is either democracy or republicanism, or that it is right in any sense to pass a pension bill here founded upon the idea either that the party claiming it was a member of a particular profession, or is recommended by those who are distinguished citizens of the place where he lived. place where he lived.

If there is any region in the world where things of that kindshould have no weight it is where men, forgetting all these distinctions, shouldered their muskets and fought side by side with each other and died while so fighting in the service of their country. I think this pension should not be granted on that ground, and I hope it will

The CHAIRMAN. The question is upon laying this bill aside to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 18,

noes 20. The CHAIRMAN. The noes have it, and the bill will be reported

unfavorably to the House.

Mr. STONE. I move that the committee now rise.

MRS. SALLIE M. BUCHANAN.

Mr. TALBOTT. The gentleman from Illinois, [Mr. THOMAS,] who some time ago made the point of order that there was no quorum vot-

some time ago made the point of order that there was no quorum voting upon the bill (H. R. No. 3292) granting a pension to Sallie M. Buchanan, widow of General Robert C. Buchanan—

Mr. WARNER. I call for the regular order.

Mr. STONE. I have made the motion that the committee now rise.

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. TALBOTT] because he was notified that the gentleman desired to make a statement in reference to a bill more which the resired. sired to make a statement in reference to a bill upon which the point

of order had been made, and the point of order is now withdrawn.

Mr. TALBOTT. The gentleman from Illinois [Mr. THOMAS] withdraws his point of order that no quorum voted upon the bill I have indicated; and I ask now that it may be laid aside to be reported favorably to the House with the other bills which have been favora-

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. Stone] moves that the committee now rise. The Chair will submit that motion.

The question was taken; and upon a division there were—ayes 23,

So the motion that the committee rise was not agreed to.

ANNA E. HALLOWELL

The next bill on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 746) for the relief of Anna E. Hallowell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Hallowell, widow of Eli Hallowell, late of the Mississpipi Marine Brigade, and to pay her a pension from and after the passage of this act during her widowhood.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 746) for the relief of Anna E. Hallowell, have had the same under consideration, and respectfully report:

That Anna E. Hallowell is the widow of Eli Hallowell, late of New Albany, Indiana; that it appears by the certificate of James Brooks, captain and assistant quartermaster, and chief quartermaster of the Mississippi Marine Brigade, that said Eli Hallowell was sworn into the United States service as carpenter on the United States ram T. D. Hornor, of the Mississippi Marine Brigade, and continued in the service of that boat and on the United States steamer E. H. Fairchild,

of the same marine brigade, until he was mustered out of the service in the month of Angust, 1864.

The evidence shows that he was sworn into said service on December 23, 1862, and that while in the line of his duty in said service he contracted an inflammation of the bowels, and died of that disease shortly after his discharge from said service, in the year 1884.

and that while in the line of his duty in said service he contracted an immandation of the bowels, and died of that disease shortly after his discharge from said service, in the year 1864.

By the laws of the United States, pensions are allowed to "any master serving on a gun-boat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gun-boator war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty, for procuring his subsistence by manual labor." (Revised Statutes United States, section 4693.) It is further provided that upon the death of any such person by reason of any wound, injury, or disease which would have entitled him to a pension if disabled, his widow shall be entitled to the same pension he would have been entitled to if totally disabled. (Revised Statutes United States, section 4702.)

The widow's application for a pension in this case has been rejected by the Commissioner of Pensions because he says the boats and vessels of the Mississippi Marine Brigade were not technically "war vessels of the United States."

But these vessels were employed by the United States, their officers and men were paid by the United States, they were actively engaged in the prosecution of the war, they gave their lives for the restoration of the Union. Therefore, in the opinion of your committee, the vessels of the Mississippi Marine Brigade were in fact "war vessels of the United States," whether technically so considered or not. Your committee, therefore, recommend that the accompanying bill (H. R. No. 746) be passed, and they refer to the following precedents, to wit, the case of Elizabeth Ravenscroft (Stat at Large, vol. 16, p. 692) and the case of Mrs. Sullivan, (Ibid., p. 687.) in both of which pensions were granted by Congress to widows of men who served in the Mississippi Marine Brigade.

Mr. SAMFORD. I would like to hear that report read again.

Mr. SAMFORD. I would like to hear that report read again. The CHAIRMAN. Is there objection ?

Several members objected.

Mr. BRAGG. I desire to call attention to the report in this case for the purpose of making a correction. The committee state that the Commissioner of Pensions rejected this claim on the ground that the vessels of the Mississippi Marine Brigade were not technically war vessels of the United States. Now, it is disagreeable to take issue with so distinguished a committee upon a question of fact; but the

fact is that this claim was rejected because it was barred by the statute of limitations, section 4718 of the Revised Statutes.

There is another fact in this connection. According to the statement of the report, this vessel was a war vessel of the United States, ment of the report, this vessel was a war vessel of the United States, and consequently the men serving upon her are entitled to pensions under the pension laws regulating pensions to persons wounded while serving upon war vessels of the United States. The Mississippi Marine Brigade was, however, a part of the military arm of the service; it belonged to the Army, not to the Navy. But in fact this claim was rejected, as reported by the Commissioner, under the provision of the Revised Statutes to which I have referred. That provision was repealed January 25, 1879; but since the repeal of the provision under which her claim was rejected this claimant has not filed in the Pension Office any additional evidence, although she had the right to do sion Office any additional evidence, although she had the right to do so. This appears upon the report of the Commissioner. I will add that the testimony in the Pension Office leaves a very serious question of doubt as to her widowhood, and consequently as to the legitimacy of her claim

Mr. BICKNELL. As I introduced this bill and know something about it, I wish to reply to the gentleman from Wisconsin, [Mr. Bragg.] He contradicts the statement that this case was rejected at the Pension Office on the ground that these boats were not war vessels of the United States. I made application in person at the Pension Office for information, and was told by the man having charge of the matter, who took the papers and showed them to me, that this claim was rejected with several others in the same condition on the ground that

these vessels were not war vessels of the United States.

It is true, as the gentleman from Wisconsin says, that this marine brigade was organized under orders of the War Department. A large fleet of boats were chartered and men were enlisted and mustered into the service by the quartermasters. But they were paid by the United States; they fought for the preservation of the Union. Each of these boats was armed with one Parrott gun and two twelve-pounders. Their object was to keep open the navigation of the Mississippi River. They were engaged in frequent conflicts with the batteries of the confederates on shore, often landing their troops to drive away bodies of confederates.

In every respect the services which these men rendered were the services of men fighting for the Union. These vessels were substantially war vessels of the United States, because they were vessels carrying on the war for the United States and the men upon them were paid by the United States. Congress has already granted pensions to the widows of men engaged in this service. As to what is said by the gentleman from Wisconsin—

Mr. BRAGG. I think the gentleman misunderstood what I said. I said that this Mississippi Marine Brigade was a part of the military arm of the United States, and, being so, the men engaged in it were

arm of the United States, and, being so, the men engaged in it were entitled to the benefits of the pension laws. I did not intend to state

otherwise than that they were mustered into the Army of the United States—belonged to the Army properly.

Mr. BICKNELL. Being in the service of the United States and paid by the United States, these men were entitled to pensions for

one word as to what the gentleman said in reference to the widow-hood of this woman. She lives in my town. I know her. Everybody knows her there as the widow of this man. She is a respectable woman; and this is no place to make such aspersions as the gentleman has made.

Mr. BRAGG. I wish to say to the gentleman from Indiana that I have made no aspersions. I speak of the report from the Pension Office. I know nothing personally of the woman, whether she lives in the gentleman's district or in mine. I know only what the record of the Pension Office certifies to me. I called for this record, and it shows that the claim was rejected because it was barred by the stat-I know that the statute has since been repealed, and I know that no application has been made at the Pension Office for a pension since such repeal. I state this from the evidence furnished me at my request from the Department.

Mr. BICKNELL. Evidence probably founded upon the report of some of these detectives employed by the Pension Office.

Mr. HOSTETLER. I wish to make a single statement. When the Committee on Invalid Pensions call upon the Pension Office for papers it is expected that they receive all the papers in the case. If the gentleman from Wisconsin has means which the committee has not, of obtaining information from the Pension Office, of course the committee is not responsible. It looks a good deal as if the Pension Office was furnishing evidence to some parties here for the purpose of setting up a defense against claims which the papers before our committee show to be just. Now, if the Pension Office, when called on by us for information in regard to these claims, gives us only a part of the evidence, and then employs some person to come upon this floor with additional evidence which that office has refused or neglected to give to us, then that office has attorneys here to whom is given a part of the evidence relating to cases coming before us, for the purpose of prejudicing claims upon which we act. Now, sir, I undertake to say the evidence in this case is as we have reported it, and if the gentleman has any other evidence than that which appears in the papers presented to the Committee on Invalid Pensions, then it is evidence which the Commissioner refused to furnish us.

Mr. BRAGG. In reply to the gentleman from Indiana, I am an attorney; I represent the fifth congressional district of Wisconsin, and I am their attorney to see that the doors of the Treasury are closed against special cases, which pay out money which ought not to be paid under any law existing on our statute-books. I receive what I receive from the Pension Office by calling on that office for a history of the case, in order I might be apprised whether or not the Pension Committee were acting on law or were granting pensions simply to their own constituents with the view to the result which might ensue

hereafter.

Let me say to the gentlemen from Indiana, both of them, that neither one of the gentlemen has answered the proposition I have stated, that the claim was barred by the statute. The statute is plain. I will refer you to a section, and you may read it. That statute has been repealed; and where, then, does it leave the case? It leaves it open for prosecution before the proper department of the Government. But it seems that a congressional election being about presently to take place, it becomes convenient not to send these men through the ordipage, it becomes convenient not to send these men introduction of the nary avenues and channels to get their pensions, but to bring them before a court in which their Representative is a member that they may get their decision more speedily.

Mr. TAYLOR. I have this to say in reply to the gentleman from

Wisconsin: that so much of his remarks as refer to me is as far from

the truth as hell is from heaven.

Mr. BRAGG. One moment. I desire to say to the eloquent gentleman from Tennessee that that sort of bluster is of no sort of account with me. I have made no allusion to you, sir, whatever, but have referred to the evidence in the case.

Mr. TAYLOR. I have the floor.

The CHAIRMAN. The gentleman will proceed.

Mr. TAYLOR. The whole course of the gentleman from Wisconsin,
for the last two or three meetings, has been to cast infamous reflections on the Invalid Pensions Committee. It seems he is in collusion

with this Pension Office.

I will tell you the truth about this whole matter. The facts which he proposes to present to the House are obtained from the reports of special agents who are sent out into the country as spies, and who depend upon the number of claims they kill to hold their places in the Pension Office. And, sir, I have examined quite a number of pension cases, quite a number of reports of special agents of this Pension Office and I have never found in a sixele report of a precision Office and I have never found in a sixele report of a precision of the sent of t sion Office, and I have never found in a single report of a special agent a single word of proof in favor of the claimant for a pension; but, on the contrary, every single word of it is against him, all exparte, and it happens it is all taken from the enemies of the party.

Mr. WILSON. And very often not sworn to.
Mr. RANDALL, (the Speaker.) Will the gentleman from Tennes-

see let me ask him a question?

Mr. TAYLOR. Yes, sir.
Mr. RANDALL, (the Speaker.) It is whether this detective evidence is not open to the committee as well as it should be open to

every member of the House?

Mr. TAYLOR. I will reply to the gentleman. In some cases this detective evidence is furnished to the committee. In other cases, and especially a good many which have been mentioned by the gentleman from Wisconsin, it is not furnished to the committee, but is furnished to the gentleman from Wisconsin so as to come here and defend the

Mr. BRAGG. Let me say to the gentleman from Tennessee that I have not read anything which purports to be detective evidence;

but, so far as the cases you speak of are concerned, I inquire whether you have not proceeded on detective evidence?

Mr. TAYLOR. We have proceeded upon sworn testimony.

Mr. BRAGG. But ex parte. Let me say I have made no reflection on any report the gentleman has made, but when we come to the reports made by the gentleman from Tennessee, I propose to show by those reports also-

Mr. TAYLOR. The gentleman from Tennessee is ready to defend

every report he makes.

Mr. BRAGG. I have no doubt about it.
Mr. TAYLOR. And challenges the gentleman on them.
Mr. BRAGG. I have no doubt of it; but when we come to those cases I can show there is a bill to grant some arrearages to a man who was never in the service and not upon any roll.

Mr. TAYLOR. Not reported by the gentleman from Tennessee?
Mr. BRAGG. Yes; by the gentleman from Tennessee?
Mr. TAYLOR. What case?
Mr. BRAGG. It is a bill to pay arrearages to a scout not under any

Mr. BRAGG. It is a bill to pay arrearages to a scout not under any pension law of the United States.

Mr. TAYLOR. Why did you not come out and tell what it was? That has been discussed in the Senate. And on that subject, Mr. Chairman, I say that a scout who served his country in that capacity is as much entitled to a pension as a soldier who fought in the front. He fought for the country, and if the gentleman from Wisconsin can afford to get up and on every occasion delay the passage of these honest pension bills, and his people will support him, it is all right, may be; but I could not face my people again and tell them I had been fighting honest pension claims. [Applause on the floor and in the galleries.] galleries.

If the gentleman from Wisconsin would only give his attention to the great appropriations which pass through Congress every year, appropriations for the benefit of giant corporations and great monop-olies in this country, by which thousands and millions of dollars are taken out of the Treasury and paid into the pockets of rings, he would show himself a truer and a better friend of the soldier than by fightshow himself a truer and a better friend of the soldier than by fighting these cases where poor soldiers, wounded, hobbling about on crutches, torn to pieces by Minie balls, with their frames emaciated and destroyed by the ravages of disease. I say that if he will leave these cases alone and let these men have their pensions as they deserve, and give his attention to those big steals, the country will think more of him and he will do his duty better. [Applause.]

Mr. BRAGG. The gentleman says that a scout is entitled to a pension.

Mr. HAWLEY. I rise to a question of order.
Mr. BRAGG. Then I want to state to the gentleman—
The CHAIRMAN. The gentleman from Wisconsin will suspend.
The gentleman from Connecticut will state his point of order.

The gentleman from Connecticut will state his point of order.

Mr. HAWLEY. My point of order is that these galleries have no right to participate in this debate.

Mr. BRAGG. I want to reply to the gentleman from Tennessee.

The CHAIRMAN. The gentleman will suspend until the point of order raised by the gentleman from Connecticut is decided.

Mr. HAWLEY. I repeat, my point of order is that this House of Representatives in considering the public business ought not to be applauded or condemned by the galleries.

Mr. PAGE. It was the House applauding, not the galleries.

Mr. HAWLEY. I distinctly observed that there was applause in the galleries.

the galleries

The CHAIRMAN. The point made by the gentleman from Con-

mr. BRAGG. Now, I ask the gentleman where he finds that law?
Mr. BRAGG. Now, I ask the gentleman where he finds that law?
Mr. RYON, of Pennsylvania. I rise to a point of order. This delate is entirely ent of order.

bate is entirely out of order.

Mr. TAYLOR. Allow me to answer the question of the gentleman from Wisconsin. I did not say that there was any law to pension the scouts; but I say that this Congress has the right to make a law for that purpose, and that these men who performed faithful service as scouts are entitled to a pension if in the service they became dis-

as scould abled.

Mr. BRAGG. Sir, the gentleman stated explicitly that they were just as much entitled to pensions as the soldiers.

Mr. TAYLOR. In equity.

Mr. BRAGG. That these men are as much entitled to a pension as the soldier who went to the front and fought. Now, I want to know where there is any law or authority for granting a pension in such

Mr. TAYLOR. I reply to the gentleman that justice and equity entitle them to it.

Mr. BAYNE. I rise to a point of order, that this debate is out of

Mr. BRAGG. I desire to say further, Mr. Chairman— The CHAIRMAN. The gentleman will suspend. The Chair sus-

tains the point of order.

Mr. BRAGG. I wish to say further in reference to this bill that the buncombe which can be created here about wounded, disabled, crippled soldiers whose constitutions are destroyed, who have lost their limbs, their legs, their heads-I say that this class of soldiers do not come to the Pension Committee to get through their claims; they get them from the Pension Office. This talk in reference to them is all buncombe. These men who come to the Pension Committee for relief are the gentlemen who have "ruptures," who died in hospitals from "chronic diarrhea" ten or fifteen years after the service, and

after a service of fifteen or twenty days or three months. [Laughter.]
Mr. Chairman, the true soldiers of this country do not need that
gentlemen shall come in here and make humbug speeches to raise a cheap enthusiasm here in order to get their pensions through. These speeches are made by gentlemen who desire to get a little piece of the pork because they have some lame ducks that they want to get

through here. [Laughter.]

The bill was laid aside, to be favorably reported to the House.

Mr. WARNER. I move that the committee now rise.

The committee divided; and there were-ayes 23, noes 25.

So the committee refused to rise.

REBECCA S. ALLEN.

The next bill on the Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 748) granting a pension to Rebecca S. Allen.

The bill was read, as follows:

Be it enacted, dc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca S. Allen, widow of Captain James Allen, late of the Mississippi Marine Brigade, and to pay her a pension from and after the passage of this act during her widowhood.

Mr. HOSTETLER. This case is precisely like the other, and unless it be demanded we might dispense with the reading of the report.

Mr. VAN VOORHIS. I move to dispense with the reading of the

report.

Mr. WARNER. I call for the reading of the report; I want to see the ground on which this claim is allowed.

The Clerk proceeded to read the report.

Mr. DE LA MATYR. If I was receiving a pension of \$5,000 a year I think I would resign the pension and let these other meritorious bills pass, and not obstruct them.

Mr. WARNER. In response to the gentleman from Indiana I wish to say that I do not know why it is not as possible for one who never preached at all to know something of his duty as for one who has

preached at all to know something of his duty as for one who has preached all his life to know nothing about anything.

Mr. VAN VOORHIS. I rise to a point of order. I made the motion that the reading of the report be dispensed with. My point of order is that the House has the right to dispense with the reading by a ma-

jority vote.

The CHAIRMAN. That can only be done by unanimous consent, and objection has been made.

The Clerk resumed and concluded the reading of the report, as follows:

That James T. Allen, the husband of the said Rebecca S. Allen, was master of the hospital steamer Woodford, one of the vessels of the Mississippi Marine Brig-

That James T. Allen, the husband of the said Redecca S. Allen, was master or the hospital steamer Woodford, one of the vessels of the Mississippi Marine Brigade.

That he was regularly employed as such by Captain James Brooks, assistant quartermaster, and was duly sworn into the service of the United States on the 1st day of February, 1864, and served as master of said steamer Woodford until she was sunk in Red River, at the time of General Banks's expedition. That while engaged in such service and in the line of his duty he contracted a disease called diarrhea, and by reason thereof was sent home to New Albany, Indiana, where he died of said disease on the 3d day of June, 1864.

That after his death his wages up to June 3, 1864, were paid by the United States, and the only reason assigned by the Pension Office for rejecting his widow's claim for a pension is that the vessels of the Mississippi Marine Brigade, having been employed by the Quartermaster's Department, were not technically "war vessels of the United States," within the meaning of sections 4633 and 4702 of the Revised Statutes of the United States. But in the opinion of your committee these vessels were really "war vessels of the United States; whether technically so considered or not. They were employed by the United States; their officers and men were enlisted and paid by the United States; they were actively engaged in the prosecution of the war, and when they died in the line of their duty they gave their lives for the restoration of the Union. Congress has heretofore granted pensions to widows of officers and men who served in the Mississippi Marine Brigade, as in the case of Mrs. Ravenscroft (Statutes at Large, volume 16, page 692) and in the case of Mrs. Ravenscroft (Statutes at Large, volume 16, page 692) and in the case of Mrs. Ravenscroft (Statutes at Large, volume 16, page 692) and in the case of Mrs. BrAGG. I regret, Mr. Chairman, to be obliged to oppose an-

Mr. BRAGG. I regret, Mr. Chairman, to be obliged to oppose another bill of a soldier nearly shot to death by the diarrhea. [Laughter.] My purpose, however, is to show how wide of the mark this pension committee are. This man was not enlisted into the service of the United States at all. He was a citizen employé in the Quartermaster's Department on the hospital boat. He was a civilian employé. So all that talk about war vessels, about bleeding and dying for our glorious country and all that sort of thing, did not have anything to do with this case. Neither do the precedents amount to anything. This man, as I have said, was simply a civilian employé of the Government on the hospital steamer Woodford. Employés of the Quartermaster's Department who are not enlisted men do not come in under any law pensioning any one, unless you include all of the well pass a general law to pension all the employés, all the women who may be employed in the Departments at Washington and who may be suffering from diarrhea contracted while serving in defense may be sunering from diarrica contracted while serving in defense of our glorious country in those Departments. [Laughter.] I make this statement simply to correct the erroneous statements contained in that report, that it may go on the record.

Mr. BICKNELL. This James T. Allen was the master of the steamer Woodford, one of the vessels of the Mississippi Marine Brigade. As master of that vessel he occupied the same position as the others be-

longing to that brigade. There was a fleet of boats all enlisted in the same way. This steamer was engaged in carrying hospital stores, and the wounded were placed on it. He was in the same position as

the others exactly.

Mr. BRAGG. I think the gentleman is not correct in his statement.

This man was hired by the Quartermaster's Department and received his pay from the Quartermaster's Department. The Mississippi Marine Brigade did not occupy that position.

Mr. BICKNELL. He was enlisted by the quartermaster and was regularly sworn into the service. That is the truth about it. The quartermaster of that brigade was a citizen of our town, and I know all about it.

Mr. BRAGG. Let me call attention to another fact. steamers and barges were in the service of the United States, but their officers and men were not enlisted as soldiers. They were employed by the transportation department as common carriers to transport freight from one point to another. The men were hired by the quartermaster and had no regular enlistment. They were not soldiers in any sense.

Mr. BICKNELL. The master of this hospital steamer was enlisted by the same person who enlisted everybody else who served in the Mississippi Marine Brigade.

Mississippi Marine Brigade.

Mr. BRAGG. The gentleman is mistaken in that.

Mr. BICKNELL. I think not.

Mr. BRAGG. I could show the gentleman a number of soldiers who were transferred to the Mississippi Brigade.

Mr. HAWLEY. I am very liberal about these pensions, but in this case I must enter my protest. The committee should consider what it is doing. If a pension is granted to one who, as in this case, was employed merely as a civilian, there are hundreds of thousands of men, perhaps half a million of men, who will come here as applicants for pensions. That will be the result if you go outside the list of regularly enlisted soldiers. The gentleman from Wisconsin [Mr. BRAGG] is right about this.

If you can confine this to men who were really in the Army I think the law is right. But if Congress makes up its mind to go to this extent in granting pensions let it do so understandingly. Let it know that it opens the pension-roll to I do not know how many thousands of people who have had anything to do in the running of these trans-port vessels, or doing any part of the civilian work that was necessarily connected with the movements of our Army.

Undoubtedly some of the civilians employed in this service lost their lives and others got wounded. When the captain of a transport was ordered to go up a river to carry provisions, with a commissary on board to distribute them, he sometimes got fired on; sometimes from a fort on the bank, sometimes by guerrillas. I knew such a man, a most worthy man and of an excellent family, who was shot in that way while standing in the wheel-house.

But if you are to pass this bill make up your minds to grant pen sions to others of the same class, and the result will be that you will

add ten millions to your present pension appropriation bill.

Mr. BICKNELL. The same authority that enlisted the other officers. and men of the Mississippi Marine Brigade enlisted this man and his boat. It was necessary for the fleet that they should have a hospitalsteamer, and the same authority that employed the other boats and

men employed this man.

Mr. HAWLEY. If he was truly enlisted, the law is open for his widow to secure a pension now. If he was simply hired and put on the quartermaster's roll as a civilian employé, he is not entitled to a pension. In that case this applicant cannot get a pension unless you establish a new rule.

Mr. WARNER. And if we establish a new rule, let it be established

The question being taken on laying aside the bill, to be reported favorably to the House, there were—ayes 25, noes 18.

Mr. MARTIN, of Delaware. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order

tellers, and appoints the gentleman from Indiana [Mr. BICKNELL] and the gentleman from Connecticut, [Mr. HAWLEY.

Mr. BAYNE. I hope gentlemen will withdraw the point that a quorum has not voted and allow the bill to be reported for action by a

Mr. MARTIN, of Delaware. I insist on the count by tellers. The committee again divided; and the tellers reported-ayes 31, noes 15.

Mr. SHELLEY.

Mr. SHELLEY. I make the point that a quorum has not voted.
Mr. DE LA MATYR. I move that the committee rise.
The motion that the committee rise was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. Stevenson reported that the Committee of the Whole House, having had under consideration sundry pension bills on the Private Calendar, had directed him to report certain bills favorably, some with and some without amendments, and to report unfavorably the bill (H. R. No. 864) granting an increase of pension to Mrs. Frances M. Wilkinson.

ORDER OF BUSINESS.

Mr. CONGER. I ask unanimous consent that the previous question may be considered as ordered and pending upon the bills which have been reported from the Committee of the Whole on the Private Calendar, and then they will go over until to-morrow morning and be acted upon at that time. It is now quite late.

The SPEAKER. The Chair thinks there will be no difficulty in passing all these bills to-night, if gentlemen will remain here fifteen or twenty minutes longer. The first bills upon which the House will be called to act are three bills which at a former session were acted. upon favorably by the Committee of the Whole, but not reported to the House until to-night.

DANIEL D. LONG.

The first bill reported favorably from the Committee of the Whole was the bill (H. R. No. 2467) granting a pension to Daniel D. Long.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENRY H. FISHER.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. No. 2468) granting a

pension to Henry H. Fisher.

The SPEAKER. If there be no objection, this bill will be considered as ordered to be engrossed, and will be passed.

Mr. BRAGG. I object to the passage of that bill, and move that

the House do now adjourn.

The motion to adjourn was not agreed to.

The motion to adjourn was not agreed to.

The question was then taken upon the passage of the bill; and upon a division there were ayes 39, noes none.

Mr. BRAGG. No quorum has voted.

Mr. TOWNSHEND, of Illinois. If the gentleman from Wisconsin [Mr. BRAGG] insists upon his point of order that no quorum has voted, and intends to persist in that point in regard to all these bills which have been acted upon favorably by the Committee of the Whole, I will move that there be a call of the House.

Mr. BRAGG. I will state to the gentleman from Illinois [Mr. Townshend] that when I make a motion or point of order I generally insist upon it.

ally insist upon it.
Mr. TOWNSHEND, of Illinois. Then I move that there be a call of the House. The motion was agreed to, more than fifteen members voting in

favor thereof.

The Clerk proceeded to call the roll; but before the list of absentees had been called,

Mr. RYON, of Pennsylvania, said: I ask unanimous consent that all further proceedings under the call be dispensed with, and that it be agreed that these bills reported from the Committee of the Whole the roll is the talk and the result of the Whole the roll is the talk and the result of the Whole the roll is the talk and the result of the Whole talk and the roll is the roll is the roll in the roll is the roll in the roll. to-night be taken up to-morrow morning immediately after the reading of the Journal, to the exclusion of other business, and then acted

bers failed to answer to their names:

mr. BRAGG and Mr. VAN VOORHIS objected.
Mr. CONGER. I ask unanimous consent that the previous question may be considered as ordered upon all these bills.
Mr. BRAGG. To that I object.
The SPEAKER. The Clerk will now proceed to call the list of absentees, or those who did not respond upon the first call of the roll.
The Clerk concluded the call of the roll, and the following members feiled to answer to their names:

Acklen,	Crowley,	Herbert,	Mitchell,
Aiken,	Culberson,	Herndon,	Money,
Aldrich, N. W.	Daggett,	Hill,	Monroe,
Aldrich, William	Davidson,	Hiscoek,	Morrison,
Anderson,	Davis, Horace	Hooker,	Morse,
Armfield,	Davis, Joseph J.	Horr,	Morton,
Atherton,	Davis, Lowndes H.		Muldrow,
Atkins,	Deering,	House,	Muller.
Atkins,		Hubbell,	Murch,
Bachman,	Deuster,		
Bailey,	Dibrell,	Hull,	Myers,
Baker,	Dick,	Humphrey,	Neal,
Ballou,	Dickey,	Hunton,	Newberry,
Barlow,	Dunn,	Hurd,	Nicholls,
Beale,	Dunnell,	Hutchins,	Norcross,
Belford,	Dwight,	James,	O'Brien.
Beltzhoover,	Einstein,	Johnston.	O'Connor,
Berry,	Elam,	Jones,	O'Neill,
Bingham,	Ellis,	Jorgensen,	O'Reilly,
Blackburn,	Errett,	Joyce,	Orth.
Blake,	Evins,	Keifer,	Osmer,
	Ewing,	Kelley,	Overton,
Bland,	Ewing,		
Bliss,	Felton,	Ketcham,	Pacheco,
Blount,	Ferdon,	Killinger,	Page,
Bowman,	Field,	Kimmel,	Persons,
Boyd,	Finley,	King,	Phelps,
Brewer,	Fisher,	Kitchin,	Philips,
Brigham,	Forsythe,	Knott,	Phister,
Bright,	Fort,	Ladd,	Pierce,
Buckner,	Frost,	Lapham,	Pound,
Burrows,	Frye,	Le Fevre,	Prescott,
Butterworth,	Garfield,	Lewis,	Price,
Cabell,	Geddes,	Lindsey,	Reagan,
Calkins,	Gibson,	Loring,	Reed,
Carkins,	Gibson,		
Camp,	Gillette,	Lounsbery,	Rice,
Cannon,	Godshalk,	Lowe,	Richardson, D. P.
Carlisle,	Goode,	Manning,	Richardson, J. S.
Caswell,	Gunter,	Marsh,	Robertson,
Chalmers,	Hall,	Martin, Benj. F.	Robeson,
Chittenden,	Hammond, John	Martin, Joseph J.	Robinson,
Claflin,	Hammond, N. J.	Mason,	Ross,
Clardy,	Harmer,	McCoid,	Rothwell,
Clark, Alvah A.	Harris, Benj. W.	McCook,	Russell, Daniel L.
Clark, John B.	Harris, John T.	McGowan,	Russell, W. A.
Clymer,	Haskell,	McKenzie,	Ryan, Thomas
Cobb,	Hawk,	McKinley,	Sawyer,
Cook,	Hayes,	McLane,	Scales,
Cowgill,	Hazelton,	McMahon,	Shelley,
Cox,	Heilman,	Miles,	Sherwin.
Crapo,	Henderson,	Miller,	Simonton,
Cravens,	Henkle,	Mills,	Singleton, J. W.
Ozavens,	LIGHTEIO,	minis,	bingtown, o. W.

Singleton, O. R.	Townsend, Amos	Washburn,	Willits.
Slemons,	Tucker.	Weaver,	Wise.
Smith, A. Herr	Turner, Thomas	Wellborn.	Wood, Fernando
Smith, Hezekiah B.		Wells.	Wood, Walter A.
Smith, William E.	Urner.	White.	Wright,
Sparks.	Valentine.	Whiteaker,	
		Whiteaker,	Yocum,
Speer,	Vance,	Whitthorne,	Young, Casey
Starin,	Voorhis,	Wilber,	Young, Thomas L.
Steele,	Waddill,	Williams, C. G.	
Stephens.	Wait	Williams Thomas	

The SPEAKER. Upon the call of the roll fifty-four members anwered to their names. The doors of the Hall will now be closed.

Mr. TOWNSHEND, of Illinois. I move that the Sergeant-at-Arms

be directed to take into custody and bring to the bar of the House such of its members as are absent without leave of the House.

Mr. MARTIN, of Delaware. Is a motion to adjourn now in order? The SPEAKER. It is.

Mr. MARTIN, of Delaware. I make that motion.

The motion was agreed to; and accordingly (at eleven o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Andrew C. Craig & Co., William Brice & Co., and P. J. Murphy, of Philadelphia, Pennsylvania; the Newcomb-Buchanan Company, Chamber & Brown, John Caliaghan, and other firms of Louisville, Kentucky, for the passage of the bill (H. R. No. 4812) amending the internal-revenue laws, known as the Carlisle bill—to the Committee on Ways and Means.

By Mr. ATHERTON: The petitions of C. J. Oshe, Graham, Bailey & Co., H. J. Sumers, Stranathan & Co., and J. W. Pinkerton & Co., of Zanesville, Ohio, of similar import—to the same committee.

Also, the petition of the Merchants' Exchange of Saint Louis, Missouri, for the appointment of a standing committee on the Missis-

Also, the petition of the Merchants' Exchange of Saint Louis, Missouri, for the appointment of a standing committee on the Mississippi River Improvement—to the Committee on Rules.

By Mr. BLACKBURN: The petition of Mary Callan, for the removal of the charge of desertion from the record of her son, James Callan, deceased—to the Committee on Military Affairs.

By Mr. BLISS: Memorial of the German Society of the city of New

York, for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

Also, a paper in relation to the pension claim of John Hogan—to the Committee on Invalid Pensions.

By Mr. BREWER: Papers relating to the claim of David W. Bell for reimbursement of moneys stolen from him, belonging to the Government, while he was a postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. BRIGHAM; The petition of H. H. Zane, for additional

bounty—to the Committee on Claims.

By Mr. HORACE DAVIS: Resolutions of the Legislature of California, for the erection of a first-order light and a steam fog-signal station at Point Saint George, on the coast of California—to the Committee on Commerce.

Also, resolutions of the Legislature of California, for the enforcement of the eight-hour law—to the Committee on Education and

Also, the petition of citizens and soldiers of California, regarding pensions for those who have lost limbs—to the Committee on Invalid Pensions

pensions for those who have lost limbs—to the Committee on Invalid Pensions.

By Mr. DEERING: The petition of the German Society of New York City, for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

By Mr. ERRETT: Papers relating to the claim of Captain Charles Gearing for pay for property seized by United States officials during the late war—to the Committee on War Claims.

By Mr. FINLEY: The petition of 54 soldiers of Seneca County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FROST: A paper relating to the pension claim of Elizabeth A. McKinney—to the Committee on Invalid Pensions.

By Mr. GIBSON: The petition of J. H. Overton, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. HARMER: The petition of the German Society of New York City for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

By Mr. JOHN T. HARRIS: Papers relating to the claim of S. H. Sonner for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. MAGINNIS: The petition of the stock-growers of the Upper Ruby Valley, Montana, in relation to proposed changes in the public land laws—to the Committee on the Public Lands.

By Mr. MORSE: The petition of Nash Spaulding & Co. and others, for the passage of an act amending section 2983 of the Revised Statutes, relating to the duty on sugar—to the Committee on Ways and Means.

By Mr. MULLER: The petition of the German Society of New York City, for the passage of a bill to regulate immigration—to the

By Mr. MULLER: The petition of the German Society of New York City, for the passage of a bill to regulate immigration—to the Committee on Foreign Affairs.

By Mr. PAGE: Resolution of the Legislature of California, relative to the procuring of a quarantine depot in the bay of San Francisco, California—to the Committee on Commerce.

Also, resolution of the Legislature of California, favoring the en-

forcement of the eight-hour law-to the Committee on Education and

Also, resolution of the Legislature of California, for a first-order light and steam fog-signal at Point Saint George, on the coast of California—to the Committee on Appropriations.

By Mr. POEHLER: The petition of P. N. Grefe and 101 others, citi-

By Mr. POEHLER: The petition of P. N. Grefe and 101 others, citizens of New Ulm, Minnesota, to have salt placed on the free list—to the Committee on Ways and Means.

By Mr. REAGAN: Papers relating to the claim of E. P. Clandon for pay for advertising for the Government—to the Committee on Claims.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Against 1981. tary Affairs.

Also, the petition of Union soldiers of Kansas, against the passage of the sixty-surgeon bill—to the same committee.

Also, the petition of Union soldiers of Kansas, for the equalization

of bounties-to the same committee.

Also the petitions of the members of the bar of Kingman County

Also the petitions of the members of the bar of Kingman County and of Rush County, Kansas, to establish a United States court at Newton instead of Wichita—to the Committee on the Judiciary.

Also, a paper relating to the claim of Philip & Reimer for reimbursement of purchase-money paid for Government land—to the Committee on the Public Lands.

By Mr. SAPP: Two petitions of citizens of Iowa, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. A. HERR SMITH: The petition of Mrs. Charlotte Andrews, for a pension—to the Committee on Invalid Pensions.

By Mr. P. B. THOMPSON, Jr.: The petition of Tabitha Ball, for a pension—to the same committee.

By Mr. YOCUM: The petition of James Penfield and others, against

By Mr. FOCUM: The petition of James Penneid and others, against the passage of the sixty-surgeon bill—to the same committee.

Also, the petition of James Penneid and others, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of E. Clark, Thomas McNarney, and J. W. Eyster, for an increase of the pay of route agents—to the Committee on the Post-Office and Post-Roads.

IN SENATE.

WEDNESDAY, April 21, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers covering a report of Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, upon a survey of the entrance to Cumberland Sound, Florida, made in compliance with the requirements of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WHYTE presented the petition of Thomas S. Iglehart, John W. Williams, J. Henry Sellman, and others, citizens of Anne Arundel County, Maryland, praying for the passage of a law or laws preventing fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

He also presented the petition of Thomas Welsh, Thomas S. Beard, William Gaither, and other citizens of Anne Arundel County, Maryland, praying for such an amendment of the patent laws as will pro-

land, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which was referred to the Committee on Patents.

He also presented a joint resolution of the General Assembly of Maryland, in favor of the passage of a bill making an appropriation for deepening the channel of Corsica Creek, in Queen Anne County, in that State; which was referred to the Committee on Commerce.

Mr. WINDOM. I present a petition of the German Society of the city of New York, asking Congress for such national legislation as will protect emigrants arriving in this country, stating the reasons why such protection should be given, the urgent necessity for it, and closing as follows: as follows:

as follows:

The undersigned directors of a society called into existence in 1784 for the express purpose of protecting and assisting the emigrant upon his arrival here, cannot afford to have the times repeated when those emigrants were robbed and plundered when they set their feet upon American soil, and after that were left to shift for themselves.

And your petitioners will ever pray, &c.

CHARLES HANSELT, President.

WILLY WALLACH,

First Vice-President.

JACOB WINDMULLER,

Second Vice-President.

WILLIAM A. SCHMITTHEIMER,

First Secretary.

E. STEIGER, Second Secretary.

E. STEIGER, Second Secretary.
GUSTAV H. SCHWAB, Treasurer.
JULIUS W. BRUNN.
JOHN T. HANEMANN.
SIGISMUND KAUFMAN.
FRIEDRICH KRUTINA.
PAUL LICHTENSTEIN.
CARL L. RECKNAGEL.
CARL ROSE.
FRIEDRICH SCHACK.

I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PENDLETON presented a petition of 53 ex-soldiers and ex-Mr. PENDLETON presented a petition of 53 ex-soldiers and ex-sailors of Seneca County, Ohio, praying to be paid the difference in value between greenbacks and gold at the time of their payment as soldiers; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the States of Ohio and Kentucky, praying for the passage of the bill (H. R. No. 4812) to amend the revenue laws; which was referred to the Commit-

tee on Finance.

REPORTS OF COMMITTEES.

Mr. PRYOR. I am directed by the Committee on Claims, to whom was referred the bill (S. No. 1203) for the relief of Margaret B. Franks, sole heir at law of Thomas L. Franks, of Green Bay, Wisconsin, deceased, to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PRYOR, from the Committee on Claims, to whom was referred Mr. PRYOR, from the Committee on Claims, to whom was referred the petition of John Pattee, praying for pay as lieutenant-colonel of cavalry for certain periods, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy, reported it with amendments.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1023) making an appropriation for the erection of a naval wharf at Key West, in the State of Florida, reported it without amendment.

Mr. WINDOM, from the Committee on Railroads, to whom was re-

Mr. WINDOM, from the Committee on Railroads, to whom was re-ferred the bill (S. No. 82) extending the time for the completion of

ferred the bill (S. No. 82) extending the time for the completion of the Northern Pacific Railroad, reported it with amendments.

Mr. JONAS. In reference to the bill (S. No. 82) extending the time for the completion of the Northern Pacific Railroad, I wish to give notice that I shall at a subsequent time present the views of the minority of the committee upon it.

Mr. FERRY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 867) for the relief of Joseph G. Ayers, a surgeon in the United States Navy, to submit an adverse report thereon. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee; which will be printed.

Mr. McMILLAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 757) for the relief of Gallus Kerchner, submitted an adverse report thereon; which was ordered to be printed, mitted an adverse report thereon; which was ordered to be printed,

and the bill was postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom was referred the petition of Henrietta Wilson, widow of the late Colonel Henry Wilson, praying for an increase of her pension, submitted an adverse report thereon; which was ordered to be printed, and the com-

mittee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill
(S. No. 1249) to amend an act entitled "An act granting a pension to
Sophia Brooke Taylor, widow of the late Major Francis Taylor," reported it with an amendment, and submitted a report thereon; which

was ordered to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 1476) for the relief of the heirs of William Selden, late United States marshal for the District of Columbia, reported it with an amendment, and submitted a report thereon; which was ordered

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a bill (S. No. 1659) to provide for the purchase and preservation of works of art for the Capitol; which was read twice by its title.

REPORT ON CATTLE DISEASES.

Mr. JOHNSTON. The Commissioner of Agriculture sent a communication to the Committee on Agriculture concerning contagious pleuro-pneumonia or lung-plague of cattle. I understand the report which he sends is to be embodied in a volume that will not be ready for some time, and as there is a necessity for the information I am instructed by the committee to ask that the communication be printed for the use of the committee.

The VICE-PRESIDENT. The Chair hears no objection, and that

order will be made.

BILLS INTRODUCED.

Mr. WITHERS. I ask leave to introduce a bill. I will state that a bill for a similar purpose has been adversely reported, but the objectionable features have been eliminated in the bill which I now present.

By unanimous consent, leave was granted to introduce a bill (S. No. 1656) to incorporate the Washington and Georgetown Junction Steam Railway Company, of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1657) for the relief of Marcus A. Reno; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1658) for the relief of William Anthony Shaw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

AMENDMENTS TO BILLS.

Mr. BAILEY, Mr. BECK, Mr. BUTLER, and Mr. WITHERS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5524) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year end-

ing June 30, 1881, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COKE, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAWES, it was

Ordered, That the petitioners for aid to the National Monument at Plymouth, lassachusetts, have leave to withdraw their papers from the files of the Senate.

On motion of Mr. PLATT, it was

Ordered. That the papers in the claim of George T. Marshall be withdrawn from the files of the Senate and referred to the Committee on Finance.

JESSE F. PHARES.

Mr. BAYARD. I ask the Senate to take up the bill (H. R. No. 2508) to regulate the compensation of night-inspectors of customs. It is a matter which will lead to no debate.

Mr. COCKRELL. I ask for the regular order. The VICE-PRESIDENT. The regular order is demanded, which is the call of the Calendar under the order of the day, commencing at the point reached when it was last under consideration, which is the bill (8. No. 1185) granting a pension to Jesse F. Phares, and the question is on the motion of the Senator from Missouri [Mr. Cockrell] that the further consideration of the bill be indefinitely postponed. Is the Senate ready for the question?

Mr. COCKRELL called for the yeas and nays, and they wer

ordered.

Mr. MAXEY. I desire to add one word to what has already been MALEI. I desire to add one word to what has already been said before the vote is taken. I have listened with great care to the statements made on both sides and to the report of the committee. This man, Jesse F. Phares, according to the testimony in the case, was a scout in the employment of the Union Army, and his services were paid for out of the secret-service fund placed at the disposal of the commander for the purpose of employing scouts. He was in the military service of the United States and in no other service. In the very nature of things he could not be borne upon the rolls, for the object of the secret service is secrecy, and the placing of a man upon the rolls at all would have divulged the purpose of his employment. Hence in no army in the world, I apprehend, was a scout or spy-and they mean the same thing—ever placed upon any rolls which could be brought to the attention of the public. The enrollment of a man upon the company rolls necessarily brings the fact of his employment into notice. The object of his employment was that it should be secret. To the question whether he was in the military service, the answer is yes. Was he at the time he was wounded in the discharge

of his military duties? The answer of the committee is yes.

It is said that his pay was much larger than that of enlisted men.

Why? Because every one knows that if a spy be caught he is simply shot or hung. That is all there is in it. His hand is against every man and every man's hand is against him. He is not treated as a prisoner of war, and hence the pay is necessarily much larger. This man was wounded in conveying information to the Army by which he was employed of important movements of those opposed to them. In that condition he was wounded and carried into the Union lines where he did impart this information. In my judgment if there was ever a case where a man was entitled to a pension this is one. I desired to state that because I want the record to show why I shall

vote as I do, for I shall vote for the bill.

Mr. WITHERS. The statement made by the Senator I regard as a remarkable one, coming from the source it does. It seems to me the Senator must know that this scout was not in a condition to be hung as a spy if captured; he was not in the military service of the Govas a spy it captured; he was not in the military service of the Government, and consequently, if caught within our lines, could not have been executed as a spy. But that statement having been made I wish simply to say a few words in reference to the principles involved in this bill and the precedent to be established by it.

Mr. MAXEY. Allow me to correct the Senator as to my statement.

My understanding of this case when the Senator reported the bill was that Phares was in the employ and pay of the Federal Government as a scout, as it is termed in the bill

as it is termed in the bill.

Mr. HEREFORD. So the report shows.
Mr. MAXEY. So the report shows, and I made my statement from that. If the Senator will look at the dictionary he will find that the

word "scout" comes from the French word escout, which means a spy. The words "scout" and "spy" are employed indiscriminately. Therefore I think my statement is sustained by the report of the commit-

Mr. WITHERS. I think not. Whatever may be the derivation of the word "scout," the practical understanding of the term and the practice among armies is that scouts as such are not subject to execution when made prisoners. I have myself known many of them captured on both sides, and I never knew one to be executed as a spy. They go out to procure information it is true, but they are not spy. They go out to procure information to is true, see enlisted men, and consequently do not come under the distinctive definition of "spy," subject to such pains and penalties as are prescribed for spies.

Mr. MAXEY. Will the Senator permit-

Mr. WITHERS. I do not question the correctness of the defini-

Mr. MAXEY. As the Senator said my statement was remarkable, I desire the fact to be placed on record that "scout" is defined in Worcester's Dictionary, which is good authority, to be from the old French term escout, or present French écout; écouter, to listen, to hear, and this from the Latin ausculto, to hear—"a person employed to observe the movements and gain intelligence of the numbers of an enemy; a spy." That is the definition of the word.

Mr. WITHERS. I have never questioned the correctness of the Senator's derivation, but I do deny the correctness of his conclusions.

I reassert that scouts were not treated as spies by either army during the late war, nor in any other war of which I have any knowledge.

So much for that point.

This man was not an enlisted man. He belonged to a class who are not pensionable. The Senator from Vermont [Mr. EDMUNDS] the other day accepted all the consequences of the passage of this bill, in view of the declaration made by the Pension Committee, that it would be regarded as a precedent and as an expression of a desire on the part of the Senate to extend the benefits of the pension acts to a class not now included in them. I want, in view of that fact, to impress upon the Senate the consequences of such action. It would extend the benefits of the pension acts to a class of men of whom no record exists in the Adjutant-General's Office or the Surgeon-General's Office, certainly not in the Adjutant-General's Office, and it would be impossible for the Committee on Pensions or for the Senate to ascertain whether or not the claim for a pension was a valid claim. No record exists in the Adjutant-General's Office of these employed men. We cannot tell whether the injury received was received in the line of duty or not. We cannot tell whether it was received when they were in service, for they were not technically in the service at all.

Now, if the Committee on Pensions are to be instructed to report pensions to all persons belonging to the civil employés connected with the Army, you see at once the difficulty with which we shall be con-fronted. We cannot obtain from the official records of the War Department anything relating to such a man to know whether he is

entitled to what he claims.

In addition to that we are already overslaughed by thousands of applications for the passage of special acts for persons who are entitled to pensions; and if we open the door to a class who are not entitled under the pension laws what will be the consequence? Not a single one of these cases can be adjudicated at the Pension Office, because the existing laws make no provision for them. Consequently every one of them will come before Congress; and we are destitute of all official information as to the status of the parties. If the Senate are willing to pass this bill in view of this representation of the facts of the case and the consequences which will inevitably result from the passage of this bill, I say the Senate Committee on Pensions are perfectly willing to carry out the instructions embodied in the

Mr. HEREFORD. Mr. President, I am very anxious to get a vote on this bill if I can to-day. I do not desire to ask any Senator to desist from speaking either for or against it, but I am very anxious to get a vote upon it. But I deem it my duty to say a word or two. It seems that every time the bill is called up a good many Senators

have forgotten what it is.

As I said when this case was first presented, it is one of the most remarkable cases that have ever been or ever will be presented to this body. The facts are few and simple. In 1861 this man was a Union man, living at Beverly, in Randolph County, Virginia; a man of family; a man in very easy circumstances, as the testimony shows, worth several thousand dollars. As he had a right to do, he took sides in the contest, and it required a good deal for him to take the side that he did; but he had a right to do it and he did it. He entered or enlisted as a scout under General McClellan in 1861, and remained in that service until 1863, when the circumstances because of which we are asking this pension took place. On that morning in 1863, when are asking this pension took place. On that morning in 1863, when the army of the confederates, commanded by General Imboden, was approaching the little town of Beverly, where he lived, where he had his all, where his wife, his children, and his property were, he did not remain in his own house; he did not remain there and demand of the Union officer in command that he should stay and fight and thereby defend his property and his family. If he had done that, the result might have been very different, but upon that morning, at the break of day, he left his wife, he left his property, he left his family in that little town, and went miles in advance of the Union Army and there saw the confederate army approaching under General Imboden.

Upon knowing that fact he attempted to return to the Union Army, to which he was attached, to inform them, so that they might retire and leave himself and his family and his property undefended, knowing that they could not cope with the superior force of the confederate army. He attempted then to go back and inform the officer in command of the Union forces of the approach of the confederate forces, and when he thus attempted to return he was commanded by the confederate officers to halt, just as my friend from Virginia to-day, the chairman of the Committee on Pensions, calls upon the Sen-ate to halt; but I believe the Senate will do as Phares did upon that occasion, that it will not halt, but that it will proceed to do what it believes to be its duty to a brave and a distinguished man. Phares on that occasion did not heed the order; he did not halt; but he put spurs to his horse to inform the officer in command of the Union forces, then he was fired upon by some one in the confederate ranks and when he was fred upon by some one in the confederate rains and that bullet entered his body, passing through his lungs. Most of us when cold lead or cold steel pierces any of us, although not much hurt, would stop; we generally call a halt. Not so with this remarkable man; although the bullet had passed through his body and through his lungs and his life-blood was spurting out, yet he put spurs to his horse to inform the Union forces of the approach of the superior force of the confederates. He did inform them, and as the report of the committee shows, he did it in time to enable them to retreat, thereby saving perhaps the whole Army, perhaps the lives of hundreds. Yet we are called upon and asked to halt and not give this man a pension for fear that it will set an example. I would be willing to give this man the little pension that is asked for him on this occasion in order to have another example of such heroic bravery in defense of his country in what he believed to be right. He was a remarkable man, but he is now lying dying, as the evidence shows us, with a large family upon his hands; dying gradually, dying daily, his property all gone, as the confederate officer testifies to us that the confederate army on that occasion destroyed all of his property, several thousand dollars' worth of it.

I was glad to see the blue and the grey mingled together in this petition asking to give this man a pension. Colonel Hutton, who was one of the colonels in the confederate service; and who took charge of him after he was wounded and administered to his wants, came here at his own expense and made his affidavit and made an appeal to the Senate to pension the man, and in some way to compensate him for the loss of health and for the loss of all of this world's goods that

I hope, Mr. President, that the Senate will not halt. This man was, as I said, a remarkable man. He performed a remarkable service upon this occasion. The ordinary soldier could remain safely in his retreat in the little town of Beverly, but this man went ahead. He was to the Union Army upon that occasion what the petrel is to the mariner on the approach of a storm. For this I ask the Senate that it will place him upon the pension-roll, and I hope, Mr. President, that we can get a vote to-day.

Mr. BLAINE. I have listened to this discussion and have been much struck by the strong presentation of the honorable chairman of the Pension Committee. His ground is the danger of the precedent. The only danger I see in the precedent is that other men equally meritorious with this man may also receive pensions. Each case must be decided upon the evidence submitted in connection with it. For one I feel bound to say that I am quite ready to accept the precedent. I am quite ready that the Congress of the United States, out-side of the regular provision made in its law of pensions, shall consider all cases of the same kind of which this may be the precedent. I shall vote against the indefinite postponement and in favor of giving

the man a pension.

Mr. BAYARD. Mr. President, independent of the importance of this bill to the individual mentioned in it, we are told by the honorable Senator from Virginia that he will consider it an instruction upon the Committee on Pensions obligatory hereafter and as an alteration

of the present general system of pensions.

Mr. WITHERS. Will the Senator permit me to add a word in this connection?

Mr. BAYARD. Certainly.

Mr. BAYARD. Certainly.

Mr. WITHERS. That is not a statement made by me individually, but it has been the deliberate action of the Committee on Pensions who have selected this as probably the strongest case belonging to the class in order to test the views of the Senator upon the propriety or impropriety of extending the pension laws to all that class of

Mr. BAYARD. I did not doubt that my friend from Virginia was the organ of his committee in making this communication to the Senate. His present statement only makes more authoritative the statement before referred to. But it seems to me that this is not a proposition to alter the principles of the general pension laws. This is manifestly and expressly an exception not provided for by the general pension laws, and which it is not intended to classify hereafter eral pension laws, and which it is not intended to classify hereafter under a general pension law. I take it that after this case has been passed upon by the Senate the pension laws will remain the same in their terms, in their scope, in their provisions, in their principles as they will be whether we pass this bill or not. I therefore do protest against my vote, which as at present informed is to be in favor of the allowance of this pension, being considered as a vote in favor of amending the principle of the present pension laws.

The principle of the pension is that it is a reward given by the Government to those who have been disabled in its military service and in its defense. The United States have arranged certain rules and in its defense. The United States have arranged certain raies on that subject directly connecting the death or disability of an individual with his service and allowing a pension proportionately according to the proper scale. Here is a case in which military service, strictly military in its nature, of a highly dangerous and meritorious character, was performed by a man who at the time of performing it did not happen to be enrolled in the military ranks strictly speaking. Can there be danger in it when we know that military service as a class is performed by men who are enlisted, enrolled, paid, and regulated for that service? And when an extraordinary service can be performed by a man under military suggestion or military authority, may he not come forward without being enrolled and stand in the same rank with those who have been enrolled? And when both are in the same engagement, shall we not return thanks and pay and honor to the one when we give them to the other? I take it there is no danger in the selection of cases of this kind. Where as in the present case a man not enrolled did perform a highly meritorious and valuable military service, can it be that it is dangerous to take that case with its surrounding circumstances, and testing it by the general pension law and finding that the general pension law does not provide for it, can it be that we are inflicting a wound upon the pension system when we shall allow the special reward of the special case by a special act made necessary because it does not come within

the broad rule and distinction of our general pension law?

I confess, sir, if this were to establish a new rule of pensions, I should feel myself very much embarrassed; but I apprehend that this case will leave the pension laws just where we find them. This is a special case; it is for special service; it needs a special act; the general pension laws cannot reach it; and believing that this man has performed for his Government a highly dangerous and meritorious service from a pension for which he is excluded by the present pension law, I am willing to vote for a special act which shall reward

Mr. FARLEY. Will the Senator allow me to ask him a question?

Mr. BAYARD.

Certainly.

The difference between this case and that of a reg-Mr. FARLEY. ular soldier is this; this gentleman was in the employ of the Government as I understand at \$60 a month; the regular soldier goes into the service under a contract at a much less rate. The committee considered that as this man was employed at a compensation far above that of any of the soldiers in the service, and as he was at liberty to withdraw whenever he saw proper and go where he pleased as he was under no military control, as he was not like the regular enlisted soldier but received \$60 or \$70 a month, while the regular soldier received \$13 a month, this man got extra pay for his service, and the conclusion the committee came to was that he was not in the same line under the law as the enlisted soldiers of the country for whom pensions have been provided.

Mr. BAYARD. There is no kind of doubt that this man's services were extraordinary. There is no doubt that the pay which he received was beyond the pay of a common soldier. So was the pay of a lieutenant, so was the pay of a captain. We cannot regulate the merit of men or their right to recognition by the mere matter of their rank or the amount of their pay. If his pay was greater, so was his

risk greater.

But that is not the question. It is simply because as my friend from California remarked that this man was not an enlisted soldier and therefore could not be brought within the line of the general pension laws, that in view of the extraordinary circumstances which surround his case I am willing to vote for a special act for his relief. I do not care whether it takes the shape of a sum in gross awarded to him under the circumstances or takes the shape of an annuity pay-

able monthly or otherwise.

Mr. MAXEY. Mr. President, I only rise for the purpose of replying to what the Senator from Virginia was pleased to term a remarkable statement made by me in connection with this matter. I stated the fact that scouts if apprehended were liable to be shot. I repeat that statement. It was stated that this man was not borne upon the rolls. Now I happen to know that scouts are not borne upon any public Now I happen to know that scouts are not borne upon any public rolls; they are not paid out of a public fund; and I call the attention of the Senator from Rhode Island [Mr. Burnside] who has had experience in matters of that kind as well as myself, to the fact that a fund called a secret-service fund is placed in the hands of the general commanding an army, and out of that fund he pays the scouts just what he believes is right. They are placed under nobody's orders, and in the secret service of the secret secret service of the secret secret service of the secret secret service of the secret secret secret secret secret secret secre in the nature of things cannot be placed under anybody's orders. Their names are not borne on any public archives kept in the Adjutant-General's office, or the commanding general's office, but if kept are in a secret and confidential paper, and are paid by the commanding general without saying anything to anybody about it, out of the secret-service fund, the very purpose being to conceal from the whole world their employment, and in the nature of things he cannot be under anybody's orders except the general who employs him. That is all I

wish to say on that point.

Mr. WITHERS. With regard to the fact of the liability to being shot, the best answer to the argument is the experience in this case. This man was made a prisoner, and was not shot. Therefore he was not regarded or treated as a spy.

Now, in response to the argument of my friend from Delaware, I ask him whether it concurs with his ideas of justice to select this particular individual from a class precisely similar in every other respect as to service, as to danger, as to pay, and make him the recipient of a pension when hundreds and perhaps thousands of the same class are denied it? In the view of the Senator who urges it this case is exceptional in its character? My friend from West Virginia last year proposed to pay a pension to a wagoner. My friend over yonder has a case now on the Calendar where another man was shot above the elbow who is not in a pensionable class. He thinks it a remarkable case where a pension ought to be granted. I have in my desk an application in the case of another scout who is alleged to have been wounded in the head, producing insanity and subsequent death. I am holding it back. Thousands of these applicants have no friends in the Senate to come here and make eloquent appeals to our sympathies. There are many equally meritorious, some possibly more so. ticular individual from a class precisely similar in every other respect in the Senate to come here and make eloquent appeals to our sympathies. There are many equally meritorious, some possibly more so, who are denied a pension because the provisions of the general laws do not entitle them to it. Why, because a man has friends on the floor of the Senate should we erect him into an exceptional case and refuse to all others who are equally meritorious the benefit of the pension laws? The Committee on Pensions are of opinion that this is a wrong principle on which to adjudicate these cases; that if the provisions of the pension law are extended they ought to be extended to the whole class, and therefore they have selected this case, as I stated when up before, to test the question. The Senator who reported this bill presented every fact pertinent to the case bearing upon it so as to make the most favorable showing possible. The committee have selected this case in order to test the view of the Senate as to the propriety or impropriety of extending the benefits of the pension law to a class of impropriety of extending the benefits of the pension law to a class of persons who are not now entitled to it. That is all I wish to say.

Mr. CALL. Mr. President, I have some views on this question
which I expressed before the committee on this bill, which I think it
proper that I should state to the Senate.

I think, sir, there is no kind of doubt that this case is clearly within not one but a dozen provisions of the laws regulating pensions, and I have been surprised at the course of the argument here in contest-I have been surprised at the course of the argument here in contesting a bill of this description. Why, sir, the very object and spirit of the pension laws is to encourage acts of gallantry and bravery. They do not discriminate against any; and to my mind it is a great solecism to say that those laws are intended to encourage enlistment. If a man enlists and does not fight, if he exhibits no valor and no courage, of what value is the enlistment? The pension system is intended and in every just government must be intended to encourage bravery, daring, courage, enterprise, and character in the military service and it is no part of our laws, the idea is inconsistent with the whole spirit of our legislation upon the subject, that the pension system is intended as a contract, a compensation for a man's surrender of his life or his health. The requisitions for the military service of a man in no government depend on the idea of compensation. It is an exaction of duty from the citizen to his government.

Now, sir, look at these laws. The Senator from Iowa [Mr. Kirkwood] was perfectly right the other day, and I ask the consideration

of the Senate to the laws for the purpose of showing that there is no doubt whatever that this case is clearly within the direct letter and spirit of the laws. What does the statute say? It says:

Any person not an enlisted soldier in the Army-

Showing clearly that the idea of enlistment cannot be a discrimination against this man-

serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service.

Whoever shall undertake to say that the term "volunteered" is to be limited because a compensation is paid to the party, speaks without reason and against the spirit of the law. What further? Turn to section 4710 of the statutes:

If applying on account of an enlisted soldier who was not mustered, or a non enlisted man in temporary service—

What does that mean? "A non-enlisted man in temporary service." What does that mean? "A non-emisted man in temporary service." It is plain from another provision of the pension laws. It is not necessary to read the whole section. I am saying that there is no discrimination in the law, and the Committee on Pensions had no right to assume that a man could be excluded from a pension because he was not an enlisted man, and not in the regular service. I mean to say that the terms, words, and discriminations upon which the honorable chairman of the committee and other members of it rely, are of no force and effect as discriminating against the reason, the spirit, and the purpose of the law.

Again, it is said in section 4722:

The provisions of this title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty.

So throughout the whole system of the line of duty.

So throughout the whole system of the law. The idea that a pension is prohibited to men rendering temporary service, prohibited to men in the militia, prohibited to any other than regularly enlisted men for regular terms of service, has no warrant either in the letter or in the spirit and object of the law.

Again, I am surprised at the idea suggested here that he who more than fulfills the law, he who renders conspicuous and daring service of a military character, he who exposes his life and who does it willingly

and cheerfully and is wounded or disabled, is not within the terms and spirit of the law, because he does not do it by virtue of an engagement and contract, because he was not compelled to do it. In the view of some it seems that the end of the law being attained is of no

importance and of no consequence unless the man was compelled and constrained by obligation to do the thing he did.

I answer decidedly and earnestly in favor of granting this pension to this man, because he was a gallant soldier, he rendered military service, he incurred risk, he lost his health cheerfully and willingly, and from a high and conscientious sense of duty. Upon that subject there can be no doubt; and I, like the Senator from Maine, would be glad to see every other man standing in the like case in the received. glad to see every other man standing in the like case in the receipt

of a pension from the Government.

The VICE-PRESIDENT. The question is on the motion for indefi-

The VICE-PRESIDENT. The question is on the motion for indefinite postponement, upon which the yeas and nays have been ordered. The Secretary proceeded to call the roll.

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Maine, [Mr. Hamlin.]

The roll-call was concluded.

Mr. EDMUNDS. I wish to announce that the Senator from Rhode Island [Mr. Anthony] is necessarily absent. He is not paired upon this bill, which evidently does not divide parties politically, but he is not political questions with the Senator from Tays. [Mr. is paired on all political questions with the Senator from Texas, [Mr. Coke.] The Senator from Mississippi [Mr. Bruce] is also necessarily absent. He is paired on political questions, but not on this bill, with the Senator from Indiana, [Mr. VOORHEES.]

The result was announced—yeas 15, nays 40; as follows:

	YE	AS-15.	
Bailey, Beck, Cockrell, Eaton,	Farley, Groome, Hampton, Johnston,	McPherson, Platt, Saulsbury, Slater,	Vest, Walker, Withers.
	NA	YS-40.	
Allison, Baldwin, Bayard, Blaine, Blaine, Booth, Burnside, Butler, Call, Cameron of Wis.,	Coke, Davis of Illinois, Davis of W. Va., Dawes, Edmunds, Garland, Harris, Hereford, Hill of Colorado, Jonas,	Jones of Nevada, Kirkwood, McMillan, Maxey, Morgan, Morrill, Pendleton, Plumb, Pryor, Randolph,	Ransom, Rollins, Saunders, Teller, Vance, Voorhees, Wallace, Whyte, Williams, Windom.
Manufacture of the section of the se		ENT-21.	0.0000000000000000000000000000000000000
Anthony, Bruce, Cameron of Pa., Carpenter, Conkling, Ferry,	Gordon, Grover, Hamlin, Hill of Georgia, Hoar, Ingalls,	Jones of Florida, Kellogg, Kernan, Lamar, Logan, McDonald,	Paddock, Sharon, Thurman.

So the motion was not agreed to.

The bill was reported to the Senate without amendment and ordered to be engrossed for a third reading.

Mr. INGALLS. I ask that the third reading be in full, to see if the

orn of the bill is correct.

The bill was read the third time at length.

Mr. INGALLS. What rate of pension will he be entitled to under the pension laws to which the bill refers?

Mr. WITHERS. There is no law authorizing it. I call the attention of the Senate to the fact that there is a necessity for fixing the rate of pension in the bill itself, because there is no provision of the pension law governing it.

pension law governing it.

Mr. EDMUNDS. There is no place where he can be classed. The bill ought to be amended to put him in.

Mr. HEREFORD. The bill comes from the Pension Committee in this form. I suppose, therefore, there must be some law which will govern it

Mr. INGALLS. I move that the bill be amended by allowing him \$50 a month.

The VICE-PRESIDENT. The vote by which the bill was ordered to a third reading will be regarded as reconsidered for that purpose. The Senator from Kansas moves an amendment that this man be pensioned at the rate of \$50 a month.

Mr. ALLISON. I move to amend by providing that he be paid as though enlisted as a private soldier.

The VICE-PRESIDENT. The Senator from Iowa proposes to

amend the amendment of the Senator from Kansas by providing that

he be pensioned as an enlisted man.

Mr. GROOME. Is another amendment in order?

The VICE-PRESIDENT. It is not. Two amendments are already

pending.

Mr. WITHERS. Before the vote is taken I wish to state that as this gentleman's services have been so exceptional as to justify the

Senate by a vote of 3 to 1 in granting him a pension, it certainly ought to entitle him to a pension of at least \$50.

Mr. HEREFORD. I accept the amendment for \$50.

Mr. GROOME. I wish to make one remark. I think the rate of pension ought to be as high, if he is pensioned at all, as the rate of his monthly pay in the service; and that being the case, I propose to move \$100 a month if the opportunity is afforded.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from Laws to the amendment of the Senator from Kan-

of the Senator from Iowa to the amendment of the Senator from Kan-

sas, that this claimant be pensioned as an enlisted man.

The amendment to the amendment was agreed to.
The VICE-PRESIDENT. The question is now on the amendment as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

Mr. WITHERS. I ask to take from the Calendar Senate bill—

Mr. HEREFORD. I should like to know exactly the condition of the bill just passed.

The VICE-PRESIDENT. The bill will be read as amended.

The Chief Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, as an enlisted private, the name of Jesse F. Phares, late a scont under General McClellan.

Mr. INGALLS. That is not correct. The bill should be amended

at the close by saying "and pay him a pension at the rate allowed to an enlisted private."

Mr. HEREFORD. The Senator from Kansas moved an amendment to this bill, to allow him \$50 a month, and the chairman of the Pension Committee, in view of the meritorious services of the party and the expression of sentiment on the part of the Senate that he should receive a pension, agreed that he should have \$50 a month. I hope he will have at least that. So I trust the amendment of the Senator from Kansas will prevail, and that \$50 a month will be fixed

The VICE-PRESIDENT. That will not be in order unless the vote

passing the bill be reconsidered.

Mr. HEREFORD. I move a reconsideration with a view to having the amendment of the Senator from Kansas, which I thought and other Senators around me thought was incorporated in the bill, in-

The VICE-PRESIDENT. The Senator from West Virginia moves that the vote by which this bill was passed be reconsidered.

Mr. ALLISON. I desire to call the attention of the Senator from

West Virginia to the fact that private soldiers are rated according to their disability. They may receive \$4, \$8, \$12, \$24, \$50, or \$72 a month; so that if this man is so disabled as to place him in one of those higher classes, I think he will be so placed without reference to this amend-

Mr. WITHERS. There is no doubt of the correctness of the position taken by the Senator from Iowa; but the phraseology now would cover the case exactly, because the board of medical examiners would have to atate the degree of disability which existed and fix this rate of pension. But that does not meet the point made by the Senator from West Virginia, which is, that he is entitled to \$50, not because of the degree of his disability, but of the very exceptional character

of the services rendered.

Mr. HEREFORD. Not only that, Mr. President, but the testimony in this case shows that there were several thousand dollars' worth of property taken from this man at the time by the confederates, and under the law there is no way in which he can be paid at all except in this way. The confederate officer and the Union officer both testify that afterward, at the time the confederate forces entered Beverly; where this man lived, they destroyed several thousand dollars' worth of his property. I hope that the bill will be reconsidered, and that \$50 a month will be fixed in the bill as the rate of this pension.

Mr. BLAIR. I should like to make one suggestion to the Senators. By the existing law as it is construed at the Department, no special legislative cases like this is entitled to draw pension prior to the date of the enactment conferring the pension. In this case, as in all other cases, it seems to me justice requires that the pension should commence from the date of disability, as well when the pension is conferred by special act of Congress as when it is granted under the general law, and the House has passed a general bill of that kind already. In this particular case, if the bill is to be reconsidered and there is to be any amendment, I would suggest to the Senator from West Virginia, as there may be some indisposition to fix this rate of pension at a higher degree than that of the ordinary enlisted man, that he so at a higher degree than that of the ordinary enlisted man, that he so amend the bill that the pension shall commence with the date of the disability. That would give him ten or twelve hundred dollars, which might be in some sense part compensation for the loss of his property, and would place him where he ought to be, perhaps, with the average of enlisted men for the future.

Mr. COCKRELL. Will the Senator permit me to ask him one

Mr. BLAIR. Certainly.

Mr. COCKRELL. Do I understand the Senator as advocating the duty and the right of this Government to make compensation for property destroyed by confederate or rebel soldiers? Is that a ground why this amount should be paid to this man? And are we to understand by voting for this that the Senate of the United States is established the mediant that the Construction of the United States is established. lishing the precedent that the Government of the United States is liable for the depredations committed by the confederates or, as my friends would say, the rebels?

Mr. BLAIR. I should be extremely sorry if the Senator understood

me in any such way. I will take specific care to see that he shall not so understand me. I merely made my suggestion in connection with that of the Senator from West Virginia, who alluded to the loss of property as a reason, in connection with the unusually meritorious

services of this man, why he should be pensioned at a higher rate than the ordinary one. I made the suggestion that he draw a pension from the date of disability because justice requires that in every such case it should commence from the time when the disability commenced, and such is the law with reference to those who have been placed upon the pension-roll under the ordinary provisions relating to the granting of pensions, and the House, as I have said, has already, as I understand, passed such a general bill applicable to those pensions conferred by special act. If there is any reason why the pension should be given at all by special act, why should it not be given from the date when the disability commenced?

2591

This man was a scout. Everybody knows that in active operations the fate of an army is as often in the hands of its scouts as in the hands of its generals. The high compensation this man was paid was paid undoubtedly for the reason that his services were of an unusually valuable character; and the qualities which enable a man to render that class of service are unusually rare, and are indispensable to an army, and therefore higher compensation had to be given for them than for the services of the ordinary enlisted soldier. But if he is placed on the pension-roll he seems likely to go there as an ordinary enlisted man; and I only suggested to the Senator from West Virginia, who seems to have this case specially in charge, that if the bill is to be reconsidered for the purpose of amendment he should make his amendment cover the whole intervening period from the convenement of the disability. That is simply natural justice and commencement of the disability. That is simply natural justice, and it has nothing whatever to do with compensation for property de-

stroyed under the ordinary usages of war.

Mr. PLUMB. I voted for the bill and I am in favor of its general principles, and I shall vote for the reconsideration so far as it may be necessary to fix some reasonable rate of pension; but I want to say now that I do not care to discriminate against private soldiers in favor of this class of people. I do not believe that any more meritorious class of persons ever served the Government in the Army than the private soldiers. I think the law has gone much too far already in discriminating in favor of the officer as against the soldier. When the Union Army was dissolved into its original elements and men went back to their homes, the actual necessities, social and otherwise, of the private soldier who served his country, whether he was disabled or otherwise, and went back among his associates, were just as great as those of the officer. The law heretofore has discriminated in favor of the officer and against the soldier. I know within my own limited acquaintance that the men who served in the ranks were entitled to just as much social consideration, and received it, lived upon just as great a scale of expenditure so far as their means enabled them to live, as the officers did, and we have perpetuated the distinc-

tions of the war without reason in the granting of pensions.

While I will vote for a private soldier's pension to this man, I certainly will not vote to give him a greater rate of pension than is given

to many officers who suffered equal disabilities.

On the other hand, it seems to me that it is not now proper to make the language of this bill an exception to all cases where pensions are granted by private acts, and to make this pension date from the date of disability, when the fact is that among the many hundreds and even thousands of cases where pensions have been granted by special act they date only from the passage of the act. If it shall seem proper, as it may and probably will in due time, to put those people who have been granted pensions by special act of Congress upon a footing with those whom we recognized last year in what is called the arrears of pension act, then let all go together; but do not single out this man, who whatever his merit may be, never could have been more meritorious, even if he was as meritorious, as a man who accepted \$13 or \$16 a month and served in the ranks as a private soldier.

Mr. COCKRELL. Mr. President, I must confess my astonishment

at the imputation thrown out first by the Senator from West Virginia [Mr. Hereford] and corroborated by the Senator from New Hamp-shire, [Mr. Blair.] The suggestion of the Senator from New Hamp-shire was that this bill should be so amended as to include arrears of pension pay, that is, to pay him a pension from the date of his disability. Why? To make compensation for losses sustained by this man on account of the rebel soldiers taking his personal property. It was distinctly stated by the Senator from West Virginia as a reason and an inducement why a large amount should be fixed as the pension that this scout lost a large amount of personal property by the depredations of the rebels; that there being no law under which he could be paid this was an incidental way of paying him, and the Senator from New Hampshire suggested the question of arrears of pension, and brought in connection with that the fact of his having

lost property. For what reason?

Mr. BLAIR. If the Senator will allow me, I will answer him as I have already once answered him very distinctly and fully. The Senator from West Virginia spoke of the large sacrifices of property of this man. I said to him in substance that I thought if this man was to be pensioned as an enlisted man, it would be strictly just (as under the general law was already the case, and as it was already clear in the judgment of the House should be the case) that he should be pensioned from the date of disability. I said in substance that I thought the sentiment of the Senate would be against any increased compensation in the nature of a return for the property destroyed, but this would be a perfectly just and right thing to do, that he should draw a pension from the commencement of his disability as in

all other cases where services have been rendered of a dangerous and all other cases where services have been rendered of a dangerous and disabling nature. The effort of the Senator from Missouri to give the impression that I am in favor of paying for property destroyed by war is not justified by anything I said. I never intimated that I was in favor of giving compensation for property destroyed according to the usual laws of war. I simply said to the Senator from West Virginia that while the thought which he had in his mind could not be accepted as I thought by the Senate, nevertheless justice to a still greater degree could be done in accordance with all the rules that are applicable to the granting of pensions by allowing this pension to commence at the date of the disability. That is what I said, and that is what I desired to be understood as saying—nothing more whatever.

Mr. COCKRELL. I simply desire to call attention to the fact that the Senator from West Virginia and the Senator from New Hampshire connected the point they were making that this scout was entitled to a large amount with the fact of his loss of property by the depredations of the rebel soldiers, and to enter my most solemn and earnest protest against the Senate of the United States committing itself to any such doctrine.

Mr. HEREFORD. Will the Senator yield to me for a moment?

Mr. COCKRELL. Certainly.
Mr. HEREFORD. I withdraw my motion for reconsideration. The VICE-PRESIDENT. The Senator can withdraw the motion by

unanimous consent. Is there unanimous consent?

Mr. BLAIR. Let me say to the Senator from Missouri that the Senate and the country decided against the claims he speaks of long before the Senator from Missouri thought it proper to take his position.

The VICE-PRESIDENT. Is consent given to the withdrawal of

the motion to reconsider?

Several Senators objected.

Mr. DAVIS, of West Virginia. I ask the Senate to vote it down.

The VICE-PRESIDENT. The Senator from West Virginia [Mr.

HEREFORD] moves to reconsider the vote by which this bill was

The motion was not agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879;

An act (S. No. 1927) to provide for the establishing of terms of court in the district of Colorado.

INTERNATIONAL LITERARY CONGRESS.

Mr. VOORHEES. I have received a very interesting paper from the Secretary of State, and I will ask that it, with the accompanying inclosure, which is brief, may be read for the information of the

Senate.

The VICE-PRESIDENT. The communication sent up by the Senator from Indiana will be read. The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 17, 1880.

Washington, April 17, 1880.

Six: I have the honor to transmit herewith, for the information and consideration of your committee, a copy of a dispatch, No. 318, of the 17th ultimo (and also of its inclosure) from Mr. Noyes, minister of the United States at Paris, conveying to this Government an invitation from the president of the International Literary Association to participate in the proceedings of the association by appointing a delegate to represent the United States officially at the Lisbon congress, to be held on the 1st of June next, on the three hundredth anniversary of the death of the root Campeon.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. Daniel W. Voorhees, Chairman of the Joint Committee on the Library, Senate. [Inclosure.-Mr. Noyes to Mr. Evarts, dated March 17,1880, with an inclosure-copy.]

Mr. Noyes to Mr. Evarts.

LEGATION OF THE UNITED STATES, Paris, March 17, 1880.

Sir: I have the honor to forward herewith a letter addressed to yourself from the officers of the International Literary Association, which has been sent to me by those gentlemen for transmittal.

I have the honor to be, your obedient servant,

EDWARD F. NOYES.

Hon. WILLIAM M. EVARTS Secretary of State.

International Literary Association, founded in pursuance of a resolution of the congress of Paris, (1878,) and of London, (1879,) 51 Rue Vivienne, Paris: honorary president, Mr. Victor Hugo.

PARIS, March 15, 1880.

PARIS, March 15, 1880.

Mr. MINISTER: The International Literary Congress, which met at Paris in the month of June, 1878, under the presidency of Mr. Victor Hugo, resolved to create a literary association, whose object it should be to secure the triumph of the great principle of intellectual property and the indefeasible rights of authors.

This association performed its functions regularly during the year 1878-'79, and its labors were submitted to the congress which met at London in June, 1879. During that second session, in which the most eminent literary men of all nations took part, the by-laws of the association were approved, and important questions were examined, the realization of which still belongs to the future. Before its dissolution, however, the London congress designated the city of Lisbon as the place for holding its third session.

The sessions of that new congress will be inaugurated under the presidency of His Majesty the King of Portugal, on the 1st of June next, which time will coincide

with the celebration of the three hundredth anniversary of the death of the poet

Camoëns.

Several governments have already been pleased to designate a delegate to represent them officially at the Lisbon congress.

Your enlightened and progressive Government will perhaps think proper to participate in this civilizing movement by appointing a representative. All the members of the association would gratefully hail such an act, and the most respectful as well as the most fraternal welcome would be extended to the delegate of your

as well as the most tratefinate who described to accept, Mr. Minister, the assurance of our very high consideration.

The Presidents of the International Literary Association,

J. DAS. MENDES LEAL.

J. M. TORRES CAICEDO.

PIERRE ZACCONE.

The Secretary General, JULES LÉRMINO. The communications were referred to the Committee on the Library. and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2467) granting a pension to Daniel D. Long; A bill (H. R. No. 2481) to create an additional land district in the

State of Kansas;
A bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory;
A bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large; and
A bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montrea Territory, and to establish a new post on the frontier.

tana Territory, and to establish a new post on the frontier.

The message also announced that the House had passed the concurrent resolution of the Senate for the printing of 10,500 copies of the Report of the Smithsonian Institution for the year 1879, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. R. No. 100) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint

resolution (S. R. No. 91) to print the eulogies delivered in the Senate and House of Representatives upon the late George S. Houston, a Senator from the State of Alabama.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. No. 1489) to remove the political disabilities of Roger A. Pryor, of New York;

A joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of

the Army; and

A joint resolution (S. R. No. 102) authorizing the Secretary of War to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion to be held at Milwaukee, in the State of Wisconsin, in June, 1880.

GENEVA AWARD FUND.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the un-

appropriated moneys of the Geneva award.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from Massachusetts [Mr. Hoar] to the fourth section of the bill, which will be read.

The CHIEF CLERK. It is proposed to strike out all of section 4 down to and including line 11, in the following words:

That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured, as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. The Senate understands that this is the amendment that if it prevails excludes the insurance companies from any

participation.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. Anthony's name was called.) On this question my colleague [Mr. Anthony'] is paired with the Senator from Illinois, [Mr. Logan.] If my colleague were here he would vote

"yea."

Mr. DAVIS, of Illinois. My colleague [Mr. Logan] if here would vote "nay."

Mr. CAMERON, of Wisconsin, (when his name was called.) I am

paired upon this bill with the Senator from New York, [Mr. KERNAN.] If he were here he would vote "nay" on this amendment, and I should vote "yea."

Butler,

Mr. DAWES, (when Mr. Hoar's name was called.) My colleague [Mr. Hoar] is necessarily absent, and is paired, I understand, with the Senator from Delaware, [Mr. BAYARD.]

Mr. BAYARD. If I had been in the Senate at the moment my name was called I should have announced the pair. I am paired with the Senator from Massachusetts, [Mr. Hoar.] If not paired, I should

Mr. DAWES. My colleague would vote "yea," if he were here.
Mr. BECK, (when the name of Mr. Jones, of Florida, was called.)
The Senator from Florida [Mr. Jones] left the city this morning. I am paired with him. If present, he would vote "yea" and I should

wote "nay."

Mr. CAMERON, of Pennsylvania, (when Mr. Logan's name was called.) On this question the Senator from Illinois [Mr. Logan] is paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. THURMAN, (when Mr. McDonald's name was called.) The Senator from Indiana [Mr. McDonald's name was called.) The from Wisconsin, [Mr. Carpenter.]

The roll-call having been concluded, the result was announced—yeas 38, nays 19; as follows:

VEAS—38

YEAS-38.

Allison, Bailey, Baldwin, Blaine, Blaire, Booth, Burnside, Call, Cameron of Pa., Cockrell,	Coke, Dawes, Eaton, Edmunds, Ferry, Hamlin, Harris, Hereford, Hill of Colorado, Hill of Georgia,	Jonas, Kirkwood, McMillan, McPherson, Maxey, Morrill, Paddock, Platt, Plumb, Rollins,	Saunders, Teller, Vance, Vest, Voorhees, Williams, Windom, Withers.
	NA	YS-19.	

Morgan,

Davis of Illinois, Davis of W. Va., Garland,	Johnston, Kellogg, Lamar,	Ransom, Saulsbury, Slater,	Wallace, Whyte.
	A	BSENT-19.	
Anthony, Bayard, Beck, Bruce, Cameron of Wis.,	Carpenter, Farley, Gordon, Grover, Hoar,	Ingalls, Jones of Florida, Jones of Nevada, Kernan, Logan,	McDonald, Pendleton, Randolph, Sharon.

Groome,

So the amendment was agreed to.
The VICE-PRESIDENT. The next question is on the amendment

Mr. EDMUNDS. Before the substitute of the Senator from Indiana

The VICE-PRESIDENT. There is another amendment to the text pending, offered by the Senator from Iowa, [Mr. Kirkwood.]
Mr. EDMUNDS. I beg pardon.
The VICE-PRESIDENT. The amendment of the Senator from

The VICE-PRESIDENT. The amendment of the Senator From Iowa will be reported.

The CHIEF CLERK. The amendment is in section 5, line 5, to strike out the words "and the interest accruing therefrom."

Mr. THURMAN. I only rise to say what I announced before to the Senate several times, that if the amendment just voted on prevailed, it would not be right for me to continue in charge of this bill. vailed, it would not be right for me to continue in charge of this bill. In the shape the bill has now assumed by so decided a vote, I cannot vote for the bill, I cannot support it at all in any way, and it is not right that it should be in my charge when a majority of the Senate are so diametrically opposed to the views which I entertain. I therefore leave it to those who are obviously in the majority to take charge of this bill. I would suggest that the Senator from Vermont, [Mr. EDMUNDS,] who is a member of the Judiciary Committee and was in the minority in the committee on this measure, should take charge of the bill; but after what he said yesterday in opposition to war premiums I do not know but that he will pretty soon have to abandon charge of the bill for the same reason that I do. He may find himself in the minority; there is no telling how that will be, and therefore I have no suggestion to make, but I leave it to the Senators

who entertain opinions so diametrically opposite to mine to say who shall have this bill in charge.

Mr. EDMUNDS. Mr. President, I am not at present inclined to receive any legislative legacies from my deceased friend from Ohio [laughter;] but I wish to remind him in all seriousness, leaving the joke apart, that in the bill reported by the Committee on the Judiciary is still left a provision that the Committee on the Judiciary thought under the circumstances was wise and right, making provision for the destructions by what are called the exculpated cruisers; and I suggest to my friend from Ohio therefore that he ought not to abandon that part of the bill that he, with myself in that respect, (though I was in a minority in the committee on the bill in general) agreed to, until some vote of the Senate shall have proved that although the Senate is not willing to go to the whole extent that he was desirous to go, it is willing to go with him for aught we yet know upon what both he and I agreed in the committee that we would provide for—the exculpated cruisers' destructions.

Mr. THURMAN. A very brief answer will satisfy the Senator from

Vermont that that suggestion has no foundation sufficient to support it. The bill as it did stand provided for two classes: those upon whose claims the award was made at Geneva—they were made the first class—

and the sufferers by the exculpated cruisers were made a second class. The Senate by a decided vote has said it does not care what the tri-The Senate by a decided vote has said it does not care what the tri-bunal at Geneva decided, that although this money was obtained for these claims it shall be given to somebody else. The Senate having stricken out the first class from the bill, the Senator will see that I cannot take charge of a bill which will make the second class the first, for that would be the effect of passing the second class in the bill now after the first class is stricken out.

Mr. WHYTE. I should like to understand exactly the question

pending.
The VICE-PRESIDENT. The amendment of the Senator from

Iowa will be reported.

The CHIEF CLERK. The amendment of Mr. KIRKWOOD is to strike ont, in section 5 of the bill, in line 5, the words "and the interest accruing therefrom."

Mr. KIRKWOOD. I supposed that the amendment offered by the Senator from Connecticut [Mr. EATON] would be first in order.
Mr. EDMUNDS. No, that is a substitute.
Mr. KIRKWOOD. How does the amendment offered by me come

before the Senate now

The VICE-PRESIDENT. It is an amendment to the text of the ill. The Chair understood the amendment proposed by the Senator

from Connecticut to be a substitute.

Mr. KIRKWOOD. I understand the situation to be this: The Senator from Connecticut presented an amendment which he proposed to offer, but it could not be offered at that time in order. After he had done that, I did the same thing in regard to another matter; I submitted an amendment that I proposed to offer when it should become in order; but I have not yet offered it and I am at a loss to know how it comes before the Senate.

The VICE-PRESIDENT. It is an amendment to the text of the bill, and the only amendment to the text of the bill pending.

Mr. KIRKWOOD. Very well.

Mr. BLAINE. I thought I heard from the Chair the intimation that the next amendment in order was the amendment of the Senator from Connecticut in the nature of a substitute.

The VICE-PRESIDENT. The amendment of the Senator from Massachusetts, [Mr. Hoar,] in the nature of a substitute, is next.

Mr. BLAINE. That is the way I understood the case, and I must have misunderstood the Chair.

Mr. THURMAN. Has the amendment offered by the Senator from Vermont [Mr. EDMUNDS,] been acted on?
Mr. EDMUNDS. I have not offered any yet.
Mr. THURMAN. I thought the Senator from Vermont was on the

floor to offer an amendment.

Mr. EDMUNDS. I rose to offer an amendment to the text to carry out the spirit of the vote already taken by the Senate, but was told by the Chair that there was a preceding amendment to another part of the text, and therefore I could not make any proposition at the

time Mr. THURMAN. Has the Senator an amendment to the text of the bill ?

Mr. EDMUNDS. Mr. THURMAN. Yes, sir.

It is in order.

But the amendment of the Senator from Iowa is Mr. EDMUNDS. to the text of the bill, and therefore that amendment being pending had no status to offer mine at the time.

I had no status to offer mine at the time.

Mr. THURMAN. I ask that the amendment of the Senator from Iowa be reported. I have not heard it.

The VICE-PRESIDENT. The amendment will be again reported. The CHIEF CLERK. The amendment is, in section 5, line 5, to strike out "and the interest accruing therefrom."

The VICE-PRESIDENT. This is the only amendment pending to the text of the bill.

the text of the bill.

Mr. KIRKWOOD. When that matter is under the consideration of the Senate I shall desire to say a very few words in regard to it. I am not prepared to do so at this time, at least as intelligently as I should like to do; and if it be in order, I will for the moment withdraw the amendment

The VICE-PRESIDENT. It is in order, no action having been had under it, and the amendment is withdrawn.

Mr. EDMUNDS. I move, to perfect the text of the bill before we vote on any substitute, to strike out in section 4, lines 12 to 17 all inclusively, from the word "that" in line 12 to the word "class" in line 17. That portion of the section should have been properly included in the amendment that the Senate has already voted upon, as the chief client in the amendment that the Senate has already voted upon, as it merely follows upon the first part.

The VICE-PRESIDENT. The Senator from Vermont proposes to strike out the words which will be read.

The CHIEF CLERK. It is proposed to strike out the following words,

from line 12 to line 17 of section 4:

That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this act as he could have had after the passage of the said act if not so excluded; and such claims shall be considered as claims of the first class.

Mr. BLAINE. That is merely conforming to the previous action of the Senate.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. Now in order to perfect the text in the same section that as it now stands provides only for the sufferers by the exculpated cruisers, and in order to make the language clear, I move to amend in this way: In line 17 of section 4 strike out the words "and such" and insert "said;" so as to read:

Said court shall consider, &c.

The amendment was agreed to.
Mr. EDMUNDS. Then in line 18 of the same section I move to strike out the word "also" and insert in lieu thereof the words "subject to the provisions of said act;" so as to read:

Said court shall, subject to the provisions of said act, consider and allow all claims properly proved, &c.

The amendment was agreed to.

Mr. BLAINE. What is the exact meaning of those words?

Mr. EDMUNDS. The exact meaning of those words is to provide that the sufferers by the exculpated cruisers shall be subject to exactly the same limitation about gross freights and unearned profits, &c., that those who have been paid before were subject to.

Mr. BLAINE. All right.

Mr. EDMUNDS. Now I move in section 4, lines 18 and 19 to strike out the words "and not included in the first class." Those words

need to be stricken out because we have stricken out the first class.

The amendment was agreed to.

Mr. EDMUNDS. Then in line 21 of section 4, I move to strike out
the word "including," and to insert "to," so as to read in that connection:

Resulting from damage done on the high seas by confederate cruisers during the late rebellion to vessels and cargoes, &c.

The amendment was agreed to.
Mr. EDMUNDS. After the word "cargoes," in order to make it conform to the provisions of the original act as to vessels destroyed, I move to insert the words "of citizens of the United States adhering thereto during the late rebellion;" so as to read:

Resulting from damage done on the high seas by confederate cruisers, during the late rebellion, to vessels and cargoes of citizens of the United States adhering thereto during the late rebellion.

The amendment was agreed to.

The amendment was agreed to.

Mr. EDMUNDS. Now, I move to strike out in line 22 the words
"on the high seas" and to insert the words "by such cruisers or their
tenders," so as to bring it into the same line as the original act.

The amendment was agreed to.

Mr. EDMUNDS. Then in line 22 after the word "seas" as it stands
in the print, I move to strike out the whole of the rest of that section,

being five lines in these words:

Or pursued by them therefrom, although the loss or damage occurred within three miles of the shore, and whether such claims be made by the original property-owner or by an underwriter who paid for such loss or damage, which claims shall be considered as claims of the second class.

That is to make it conform exactly to the original provision about

destroyed vessels.

Mr. HAMLIN. I wish to ask the Senator from Vermont if by striking out the words last named he would not exclude a vessel that was attacked outside of maritime jurisdiction but finally captured inside?

Mr. EDMUNDS. No, Mr. President, because I have stricken out the words "on the high seas" and have left it just as the original act

was about the destructions we have paid for, which had no such lim-

Mr. HAMLIN. Neither as to the point of attack, nor the point where

Mr. EDMUNDS. There is no such provision in the original act.
The object is to put the destructions by the exculpated cruisers upon the same ground as the destruction by the inculpated cruisers.

The VICE-PRESIDENT. The question is on the amendment of

the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I move to insert in lieu of what is stricken out so as to read as part of that section these words:

But no claim shall be presented to said court that was within the jurisdiction of the same as originally constituted by said act.

Mr. BLAINE. Will the Senator explain the effect of that?
Mr. EDMUNDS. I will if you give me a chance to do it.
The object of the amendment is to exclude from a new trial every

man that was beaten and whose claim was disallowed under the original act. I do not propose, for one, on any account to open up new trials of matters that the court had jurisdiction of before. That is

the object and effect, and the sole object and effect, of the amendment.

Mr. HAMLIN. I want to ask the Senator from Vermont if it will not exclude three or four small claims that were never presented on account of the parties being abroad, I think amounting to but a few hundred dollars? I think some of them were sums due to sailors who were out of the country in other vessels. I have no objection to the amendment if in its scope it extends not beyond what the Senator has stated; but if it excludes those parties who never had a hearing, (and there are some little cases like the ones I name of sailors who were

abroad,) I would certainly think it very wrong.

Mr. BLAINE. The language of the amendment goes a great deal further than the statement of the Senator from Vermont. I think it very proper that the court should not be harried and worried with an | will be reported.

infinite number of applications for new trials of what may have been rejected after fair hearing. But the Senator's amendment reads:

But no claim shall be presented to said court that was within the jurisdiction of the same as originally constituted.

A man might have been off in the farthest quarter of the globe, not had an opportunity to present his case, or by some even fault of his own he may never have had a hearing. Why should you exclude him from it?

Mr. EDMUNDS. I should exclude him from it for the same rea-Mr. EDMUNDS. I should exclude him from it for the same reasons of public propriety and making an end of things that we exclude everybody by statutes of limitation and other similar provisions. The particular point to which my friend from Maine on my left [Mr. Hamlin] has referred is not new with the Committee on the Judiciary. Soon after the passage of the original act and after the time for the presentation of claims, which I think was six months or some short time, had elapsed, we were pressed in the Judiciary Committee by people who professed and perhaps truly in some instances to represent small claims of persons who were said to be far away, and so resent small claims of persons who were said to be far away, and so forth, for allowance and who wished to have the Committee on the Judiciary in some extension act that we did pass extending the powers of the court longer than they had been originally continued, to put in a provision for claims that had not been presented within the time. We heard the arguments and statements in support of these applications and took time to consider; and while we took time to applications and took time to consider; and while we took time to consider as we were wishing to do justice and right, we became satisfied, I think all of us, that to open that door—and if you open it at all you must open it entirely for claims that had not been presented before; you cannot specify—will result in ninety in one hundred of every one of these claims thus presented being fictitious. Some people on a certain coast of the United States that it would be invidious to mention, attorneys and claim agents and so forth, professed to represent hundreds of sailors and people who on looking over shipping lists, &c., they had found to have departed in these ships and never come back, and so they said "this sailor must have had so much clothing and so on." We got a little suspicious, a good deal suspicious, that in the majority of such cases the claims so far as they would appear before the tribunal would be merely trumped up, presented by persons who did not truly represent anybody, or in the names of sailors who were dead and gone and who never thought of making any claim, and the claim itself would be perfectly trivial, to get a lot of money in the way such things are always fixed. The committee, therefore, declined, and I think wisely, to take any step in that direction, and said at that time to people who professed to represent these tion, and said at that time to people who professed to represent these parties, "If you bring to us a particular case of A B and show us that you are authorized to represent him, and that he did suffer, we will consider whether we will not present a special bill to pay him out of the Treasury; we will not bother this court with it." So we did not do what was asked, and we passed a bill making the extension without any provision of this character.

Now, I think it is essential to the safety and good order of the Government that we should put into this bill a specific provision that nothing shall come before this revived court that it had jurisdiction of before that has come to an end. The object of this bill is to provide for the sufferers by the exculpated cruisers, and also if the Senate shall so think for the war-premium people.

Mr. HAMLIN. I think the amendment is too narrow in its scope as explained by the Senator from Vermont. It is within my knowledge that there are possibly a half dozen cases of seamen who were

as explained by the Senator from Vermont. It is within my knowledge that there are possibly a half dozen cases of seamen who were on board the various vessels that were destroyed, who were out of the country when the court of 1874 was organized, and were not able to present their claims. It is true, as the Senator from Vermont has said, that the amount of these claims is small in the aggregate, but they are important to the parties; and I think that while it might not have been wise to have extended the original commission for the sole purpose of considering so small an amount of small claims, when you reconstitute the commission it is wise that you should give the parties who never had a hearing a chance to be heard in the court as reconstituted. I will therefore move to amend this amendment, which reads "but no claim shall be presented to the said court that was within the jurisdiction of the same as originally constituted by said act," by inserting the words, "heretofore presented" after "claim."

That I think will meet it.

The VICE-PRESIDENT. The Senator from Maine proposes to amend the amendment of the Senator from Vermont. The question is on the amendment to the amendment.

Mr. HAMLIN. I think if the attention of the Senate is drawn to it, it is so palpably just, that they will adopt my amendment. Mr. EDMUNDS. I think it is palpably unjust.

The question being put, there were on a division-ayes 13, noes 8; no quorum voting.
Mr. EDMUNDS. Let us have the yeas and nays.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. It is suggested that we can get on further without the yeas and nays by taking another division, and by unanimous consent I will withdraw the call, if I can; and then I will ask the Chair to have reported again the amendment of the Senator from Maine.

The VICE-PRESIDENT. The Chair hears no objection to the withdrawal of the call for the yeas and pays. The amendment of the

drawal of the call for the yeas and nays. The amendment of the Senator from Maine to the amendment of the Senator from Vermont

The Chief Clerk read the amendment to the amendment.

Mr. EDMUNDS. The objection to that, as a substitute for my amendment to consider this court closed for all that it had a right to have before it heretofore, is just what I stated in part before. The committee years ago on one of the extension bills had this whole matter and this plea for the sailors before them, and we found I repeat, that there was good reason to believe that while we might do justice to half a dozen sailors, as my friend speaks of in that way, we should do injustice to the people of the United States in providing for an enormous and unlimited number of claims that were practically fictitious.

The end that my friend from Maine has in view to provide for special cases that he knows of, is I think to be attained, as the Justice of the special cases that he knows of the special cases that he special cases that he knows of the special cases that he spe

diciary Committee, or some of its members stated to those who pro-fessed to represent somebody before us on the other occasion, that if there is any sailor who has come home to the United States, or has not come home, and thinks he has got a claim, let him send his petition to Congress, and without the expense and fuss of all this court business the Committee on Claims or on Naval Affairs or on the Judiciary or some other can determine whether he has lost \$100 in clothing upon one of those ships which were destroyed or not, and pay it without any expense to him and without opening this wide door

it without any expense to him and without opening this wide door that you must open if you legislate in this way, if you open it at all, to claim agents hunting up all the shipping lists, and taking the name of every man who has never appeared and pretending to represent him, and proving by some comrade or somebody else that he must have had something that he ought to have pay for and then draw it out as his attorney. That is a very dangerous thing to do.

Mr. HAMLIN. In my judgment the difficulty with the Senator from Vermont is in his imagination, and does not exist at all. That is my belief. There is no more fear of improper or fictitious claims being presented than there was originally, nor is there any difficulty in identifying the precise individual who was on the vessel captured and who may be entitled to a small sum for the losses which he actually incurred. It seems to me that the argument is against any tually incurred. It seems to me that the argument is against any commission for anything because it might be subject to abuses. My amendment is only to meet a very few cases; they are very small, it is true, but they are important to the men to whom they belong. I think the amendment to the amendment ought to be adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maine [Mr. HAMLIN] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The question being put, there were on a division—ayes 12, noes 16; no querum voting.

no quorum voting.

Mr. EDMUNDS. We shall have to have the yeas and nays to get

Mr. EDMUNDS. We shall have to have the yeas and hays to get a quorum.

The yeas and nays were ordered.

Mr. WHYTE. Before a vote is taken on the proposition I should like to make a statement. I have an amendment here which I was going to offer to the bill at the proper time, which would be in conflict with the amendment now proposed by the Senator from Vermont. It is to authorize this court, now continued, to readjudicate upon the claim of James Hooper & Sons, which was one of the very first claims presented to the court, and which was on all fours with the case of the Greenland, subsequently presented to the court, but in which two the Greenland, subsequently presented to the court, but in which two cases exactly diverse opinions were rendered. In the first case the court, just beginning its work, seemed hardly to apprehend the principles that lay behind the decision, and it decided in part against the claim of the Messrs. Hooper. Afterward, when the case of the Greenland came up, on all fours with that case, the court decided in favor of the Greenland came up, on all fours with that case, the court decided in favor of the owners of the Greenland in full, and overruled, in fact, their previous decision in the case of James Hooper & Sons.

The reason why I trespass upon the time of the Senate and ask its indulgence for a few moments is that if the amendment of the Senator from Vermont is adopted it will cut out the amendment which I had intended to propose at a later period. Consequently I should like to modify if possible this amendment, and before doing so would be glad to state to my honorable friend from Vermont who has proposed it the particular and exceptional case which I was about to present to the Senate. Hooper & Sons chartered to the United States Government the vessel known as the General Berry in 1864. On its way South transporting supplies for the Army it was captured at some distance out from Cape May; I do not know how near the shore; it is immaterial, because it was recognized as a capture by the Florida. When the settlement for freight, &c., came to be adjusted between the Government and Mr. Hooper, he not having insured his vessel asked the Government of the United States through its proper officers to allow him some indemnity for the loss of his vessel. At that time it was not at all in contemplation that there would be any redress obtained from Great Britain for its negligence in allowing the cruisers to escape. Nothing was done because of course the naval officers of the Government had no power at that time to do anything. Congress, however, subsequently allowed him \$16,000 as indemnity for the loss of his vessel, which was I believe not quite half its value. Afterward when the Government invited claimants to make their claims for losses he obtained the proof of the actual value of his vessel and made his claim for the full amount of the vessel, crediting the \$16,000 to the Government, not crediting it on the account as made against Great Britain but recognizing rather that he had received

The full value of that vessel was included among the claims made

against Great Britain at Geneva. After the treaty had been settled and the court created by the act of Congress was in operation, he went before the court to obtain his money, that is to say, the amount lost by him less the \$16,000 paid by the United States. There were other claims for loss of clothing and various other things. He was allowed everything except for the value of the vessel. Although the United States apparently received some thirty odd thousand dollars for this vessel, having paid only \$16,000, the court refused to allow him the difference between the real value of the vessel and the amount which he had received as indemnity from the United States. When the Greenland case came up the court did exactly the opposite thing. It allowed the claimants in that case the whole value of the vessel, deducting the indemnity which the United States had paid. deducting the indemnity which the United States had paid.

It seems to me to be a clear case where the court ought at least to have the privilege of examining the facts; and if they discover that their first decision in the Hooper case was erroneous, and that the Greenland case was in fact an overruling of the previous decision in the case of the General Berry, the court ought to have the power to allow to these claimants the difference which was refused them on

allow to these claimants the difference which was refused them on their first claim.

That is the difficulty I find in voting for the amendment of the Senator from Vermont. If this exceptional case could be allowed by an amendment to get in, it seems to me it would be only doing exact justice to the party.

Mr. EDMUNDS. That question does not arise at all on the amendment of the Senator from Maine which is the reading question. The

Mr. EDMUNDS. That question does not arise at all on the amendment of the Senator from Maine, which is the pending question. The effect of the amendment of the Senator from Maine is to open this new revived court to every case that was not presented before, good or bad; and that I think is a very dangerous thing for the reasons I have stated. When we come to the proper time if the Senator from Maryland should move an amendment, which might be moved if the amendment of the Senator from Maine should be rejected or adopted, no matter which, as an addition, for this special case, then it would be our duty to consider it. Although my recollection is vague, I remember the general circumstance to which the Senator from Maryland has referred. As I remember it, the court of commissioners, who I think proved themselves to be able and intelligent and upright men, did not place their decision in the Greenland case as in opposition to and as overruling the case of the General Berry, but distinguished them. If we are going by a system of new trials into a matter of this kind, If we are going by a system of new trials into a matter of this kind, there are undoubtedly a good many other people whose claims were rejected who would say "the court erred; they either did something inconsistent with the rejection of the particular claim that is again pressed, or they did not properly distinguish between the two cases, and therefore that ought to be retried."

If the case of the General Berry is precisely as my friend from Maryland thinks it is, of course there is very strong force on the merits of the thing in what he says as to the propriety of paying the owners of the General Berry out of the Treasury this difference; but I submit to him that it is far wiser in a matter of this kind, instead of opening a general jurisdiction to retry everything, (and I do not see

opening a general jurisdiction to retry everything, (and I do not see how you could do otherwise because it would be very strange to limit it to one case for somebody would at once come and say here is another,) for the party to apply to Congress, and if the Committee on Claims on a careful inspection of the evidence found that it was just such a case as my friend thinks it was and that the re was nothing that intervened to countervail those considerations, to pay him the money. I submit to Senators that it is a very dangerous step in legislation to reopen this court to everything that was not presented or to new trials in cases of alleged hardship of matters that were presented. However I do not want to waste the time of the Senate about it.

Mr. THURMAN. I want to make a single suggestion to the Senator from Maryland, and that is that in order to get the case of the General Berry before this new tribunal which is to be established it may be necessary not only to vote down the amendment of the Senator from Vermont, but to provide that this new tribunal to be constituted shall have the power to grant new trials upon cases that have already been heard. I very much doubt indeed whether it would have any such power without being expressly authorized. I do not have any such power without being expressly authorized. I do not know that the power to grant a new trial which is inherent in courts of justice would apply to a special court of this kind, especially when it is revived as this bill proposes to revive it.

However, the question now is upon the amendment of the Senator

However, the question now is upon the amendment of the Senator from Vermont, and as I quite agree that there are cases—whether this General Berry case is one or not I do not know—in which it may be right to have a rehearing, I shall vote against the amendment.

The VICE-PRESIDENT. The Secretary will call the roll upon the amendment of the Senator from Maine [Mr. HAMLIN] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The Secretary proceeded to call the roll.

Mr. CARPENTER, (when his name was called.) Upon this bill and all votes upon it, I am paired with the Senator from Indiana, [Mr. McDonald.]

McDonald.]
The roll-call was concluded.

The roll-call was concluded.

Mr. MORGAN, (after having voted in the negative.) I desire to withdraw my vote. I paired with the Senator from Nebraska [Mr. SAUNDERS] and voted not knowing that he was absent at this time.

Mr. CAMERON, of Wisconsin. I am paired with the Senator from New York, [Mr. KERNAN.] I do not know how he would vote on this amendment and I will therefore withhold my vote.

Mr. BECK. I am paired upon all these questions with the Senator from Florida, [Mr. JONES.]

The result was announced-yeas 19, nays 28; as follows:

	XE	AS-19.	
Bailey, Blaine, Blair, Burnside, Cameron of Pa.,	Dawes, Eaton, Hamlin, Johnston, McPherson,	Paddock, Platt, Plumb, Rollins, Slater,	Teller, Vance, Williams, Windom.
	NA	YS-28.	
Allison, Booth, Butler, Call, Cockrell, Coke, Davis of Illinois,	Davis of W. Va., Edmunds, Farley, Garland, Groome, Hampton, Harris,	Hereford, Jonas, Kirkwood, Lamar, McMillan, Maxey, Pendleton,	Pryor, Saulsbury, Thurman, Vest, Voorhees, Whyte, Withers.
	ABS	ENT-29.	
Anthony, Baldwin, Bayard, Beek, Bruce, Cameron of Wis., Carpenter, Conkling,	Ferry, Gordon, Grover, Hill of Colorado, Hill of Georgia, Hoar, Ingalls, Jones of Florida,	Jones of Nevada, Kellogg, Kernan, Logan, McDonald, Morgan, Morrill, Randolph,	Ransom, Saunders, Sharon, Walker, Wallace.

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to.

Mr. EDMUNDS. In order to make the text of the bill conform to the amendments already made I move to strike out section 6, which

provides for paying judgments in the first class.

Mr. CONKLING. Before we leave the section on which we have been at work, I should like to have it reported as it stands.

The VICE-PRESIDENT. It will be reported as it has been amended

in Committee of the Whole.

The Chief Clerk read as follows:

SEC. 4. That said court shall, subject to the provisions of said act, consider and allow all claims properly proved, directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, to vessels and cargoes of citizens of the United States adhering thereto during the late rebellion, attacked and taken by such cruisers or their tenders; but no claim shall be presented to said court that was within the jurisdiction of the same as originally constituted by said act.

Mr. EDMUNDS. "Attacked or taken" it should read. The Clerk read "attacked and taken." I now move to strike out the sixth sec-

Mr. HAMLIN. The fourth section provides for damages done to vessels captured on the high seas. I want to ask the Senator from Vermont, in the construction which the court may give to that clause as it now reads, will "the high seas" be regarded as including what is within maritime jurisdiction? Will they not so construe the law as to exclude any vessels that were attacked outside the maritime jurisdiction but were actually captured within it?

Mr. BLAINE. Or the reverse?

Mr. HAMLIN. Or the reverse? I think the clause as it originally

Mr. HAMLIN. Or the reverse? I think the chause as it originally stood was much better. That is my judgment.

Mr. EDMUNDS. The clause as it originally stood is so loose—
Mr. HAMLIN. I mean when they were attacked upon the high seas and captured within three miles of the land, the loss or damage having occurred within three miles of the shore. I wish to know what construction is to be placed upon the term "high seas?"

Mr. FIMMINDS. The reint I wanted to get at in the amendment I

Mr. EDMUNDS. The point I wanted to get at in the amendment I have moved was to put the court in the possession of the same jurisdiction and no other as to the sufferers from the exculpated cruisers that we had given them as to the inculpated cruisers. That was my point. Now I will look at the law and see just how the other provision was. That was found just and satisfactory in respect of the

vision was. That was found just and satisfactory in respect of the inculpated cruisers.

Mr. HAMLIN. Then, do I understand the Senator, if the case shall exist that a vessel was attacked outside the maritime jurisdiction, but captured within it, such a vessel would not be included?

Mr. EDMUNDS. No, I have not said anything upon that point. I was saying that my point, without having my attention called to that particular instance at the moment, was to put this on the footing of the original act. We can look at it and see if it is not and we can then consider it: but my motion to strike out section 6 does not touch then consider it; but my motion to strike out section 6 does not touch this point at all.

Mr. FARLEY. Will the Shim a question?

Mr. EDMUNDS. Yes, sir.

Will the Senator from Vermont allow me to ask

Mr. FARLEY. I want to inquire if the amendment offered by the Senator from Vermont, and which has been agreed to, will have the effect to exclude persons who were unable to present their claims before the court of Alabama claims originally and who are entitled to

Mr. HAMLIN. Certainly; that is what I struggled to prevent and

you voted for it. Mr. FARLEY.

I did not understand it in that way.

Mr. EDMUNDS. I intended it to be, and think it is, undoubtedly effective to do what the Senator from California says. I repeat that I moved it for the reason that when the thing was fresh before us, on a proposition to extend the time of the original act, this same question was brought before the Judiciary Committee and it was evident to us that the amount of fictitious claims which certain people, lawyers who are sometimes called shysters, &c., were getting up by hunting over the shipping lists and professing to represent men who never appeared at all, made the thing altogether too dangerous, and that if in a particular case where the sailor does appear or somebody, because all the ship-owners did appear, where a particular case turns up that a sailor who was on one of these ships that had not been provided for had a claim, Congress could provide specially for him without the necessity of a trial and proofs that would cost him a great deal. That is the answer to it if it be an answer.

The question now is on striking out the sixth section, and when that is stricken out I will reply to my friend from Maine about the term

"high seas."

Mr. DAWES. Does the Senator object to an amendment to that section now, or does he prefer to go through with his amendments?

Mr. EDMUNDS. Let us get section 6 out, the insurance section.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to strike out section 6 of the bill.

Mr. THURMAN. Let it be reported.

The Chief Clerk read as follows:

SEC. 6. Judgments rendered in the first class shall be first paid. If the sum of money remaining after provision for expenses and the judgments in cases of the first class so unappropriated shall be insufficient to pay the claims of the second class in full, they shall be paid pro rata.

Mr. EDMUNDS. That is merely to carry out the exclusion of the insurance companies.

The amendment was agreed to.

Mr. EDMUNDS. I now wish to call the attention of the Senate to a correction I made, thinking it had been adopted, in the reading of the Clerk by striking out the word "and" in line 21 of section 4, and inserting "or." I asked him to read it that way supposing it had been agreed to; but he informs me it had not been, and I think it my duty to call the attention of the Senate to it.

The VICE-PRESIDENT. That modification will be made if there he no objection.

The VICE-PRESIDENT. That modification will be made if there be no objection.

Mr. EDMUNDS. On looking at the act of 1874 in the eleventh section, which defines the claims which may be presented, I find that the term "high seas" does not occur. Therefore I think it right, in view of what I have already stated, to strike out in line 20, of page 3, section 4, the words "on the high seas," so as to make it read just like the original act, "directly resulting from damage done by confederate cruisers," leaving it to stand precisely where the original act did without reference to whether the capture was within three miles of shore or not. miles of shore or not.

Mr. HARRIS. You want to strike out the words "on the" as well

as "high seas."

Mr. EDMUNDS. Yes, strike out the words "on the high seas," so as to to read, "damage done by confederate cruisers."

The amendment was agreed to.
Mr. DAWES. I desire to offer an amendment. I move to add at the end of section 4:

And under the head of such damages shall be included any compensation justly due for and rendered to any vessel so attacked and taken on the high seas, or to the crews thereof; and when such compensation has not been included in the damages claimed by the owners or crews of such vessels the parties rendering such aid are hereby authorized to make claim for such compensation in their own names.

I think the amendment had better be modified, at the suggestion of a Senator, by striking out the words "on the high seas," to conform to the rest of the bill.

to the rest of the bill.

The VICE-PRESIDENT. The amendment will be so modified. The question is on agreeing to it as modified.

Mr. DAWES. The object of the amendment is to meet a case of this kind: During the cruising of the Shenandoah she went up into the Arctic seas and there captured five whaling-vessels with all on board, destroyed four of them, and put the officers and crews of those four upon the fifth and let them go, sent them home. They fell into a very distressed condition, and were in an alarming state of insubordination and trouble when they encountered another whaling-vessel. ordination and trouble when they encountered another whaling-vessel just entering those seas, which had made no catch and had done no business upon the waters. They applied to that vessel for assistance. That vessel was compelled to do one of two things, abandon its whole

That vessel was compelled to do one of two things, abandon its whole voyage and its whole purpose, after having spent six months and a whole outfit, or leave these parties in distress. The vessel took the former course and took on board these officers and crews, relieving that disabled vessel and abandoning the whole voyage and all that could be made of it, and returned to the United States with them.

When the owners of the vessels destroyed and the vessel taken which was not destroyed made their application under the old law, they might have included what would have been a fair compensation to these parties for their relief, but they did not. I understand under the advice of counsel there was an application made to that court separately by the vessel which rendered this aid at this cost. The court decided that they had no jurisdiction of any case where a vessel had not been captured; if a vessel had been captured all the loss and proper expenses incurred thereby might have been included. I have the opinion of the court here, in which they say that no so meritorious a case had come before the court as this, but, that inasmuch as the statute did not permit them to award damages to anybody whose ship was not actually taken, this ship which brought off the whose ship was not actually taken, this ship which brought off the

crews, abandoned its voyage, and lost all its year or nearly a year that it had spent in reaching the seas, and all the results anticipated by reaching the seas, could have no claim.

It is to meet this claim, which would have been paid if it had been included in the claims of the vessels actually lost, that this amendment is offered. The seamen on board of the vessels that were taken off by this ship had, of course, some pay, perhaps a year's pay, allowed them for their time in getting home, but not for any expense that they would be obliged to pay to get home; because that expense if they had not been captured they would not have had to pay at all; they would have been taken by their own vessel to the seas and carried back without expense to them. So the allowing them in their application a compensation for their time does not allow them anyapplication a compensation for their time does not allow them anything for what they would have been obliged to pay if they had paid it to this vessel; but no one paid anything to this vessel. This vessel voluntarily gave up as a question of charity and humanity everything involved in expenditure and in earnings to relieve those five vessels.

It is simply to cover that case which met the commendation of the

court, although the law was not broad enough to meet it, that this

court, although the law was not broad enough to meet it, that this amendment is proposed.

Mr. EDMUNDS. That particular topic was not unfamiliar to the Committee on the Judiciary in old time when the former bill was passed, but we found and thought, and Congress thought, on the passage of the former bill, that the only line that could be drawn was the line of absolute destruction, excluding gross freights, unearned profits, and all such things, but providing for wages of officers and seamen for a whole year. That we allowed the court to grant, and I believe as a fact they did grant it.

This particular case is one where inconsequence of the war certain

and I believe as a fact they did grant it.

This particular case is one where inconsequence of the war certain people whose ships were destroyed had to get home. They were on a vessel where as the Senator from Massachusetts undoubtedly correctly says there was great discomfort and loss and trouble, there were so many of them, and another ship came along and took them off from the ship they were on and brought them to a port. It is said that that ship might, if she had gone on with her voyage, have caught a great many whales and have realized a good profit. It may be that she would not. So the committee and the two Houses on the former occasion, speaking of the people who fell within the authority that we gave to make payment, particularly provided that nothing should be allowed in respect of unearned profits, gross freights, and prospective profits, which is exactly this case.

This ship expected to make a profit, but was prevented by at-

This ship expected to make a profit, but was prevented by attempting this act of humanity from trying to make the profits she expected to make by going on and making the voyage. It is the ordinary case of a vessel at sea finding a large number of people in a destitute condition and humanely taking them ashore. But we prodestitute condition and humanely taking them ashore. But we provided for the officers and crews that were taken ashore a year's wages to pay for exactly that sort of thing. This ship which took them ashore might have been paid, and should have been paid probably, a proper compensation for doing it. How much the ship might have made on that voyage in catching whales is entirely an uncertain amount. She might have made nothing, and she might have made

a great deal.

To adopt the amendment is to depart from the original principle

that has actuated Congress so far in giving relief at all.

Mr. DAWES. There are two parts to this claim. The last one, in reference to the profit upon the prospective catch, is precisely upon the ground of the old law, which provided for such a case, and provided for estimating it. That is one feature, and that is a matter about which I do not speak very much. But whatever was allowed under the old law, and not more than was allowed under the old law, it is precised by this amendment to give the research. it is proposed by this amendment to give this vessel. If the old law did not provide for a prospective catch, as the Senator seems to inti-mate to me, and he is more familiar with it than myself, this amendment will not.

Mr. EDMUNDS. I will read the original act, if my friend will allow

Mr. DAWES. I do not dispute it. The amendment proposes to Mr. DAWES. I do not dispute it. The amendment proposes to put this vessel upon the same ground as other vessels that have been actually taken, that is all. It provides that, so far as this vessel suffered a loss according to the terms of the law, it shall stand in the court just as if it had suffered that loss by having been captured. That is the design of the amendment, and that, it seems to me, the Senator from Vermont should not object to. It suffered a loss under the construction of existing law, and a loss which the court would have allowed had it been within the technical phrase of a captured vessel. It was not within that phrase, and therefore could not come under the jurisdiction of the court. Whatever loss it suffered that could have been accorded to other vessels should be accorded to this vessel, which was not captured, but suffered in the cause, suffered in vessel, which was not captured, but suffered in the cause, suffered in relieving those that had been captured. I do not quite see why we should technically exclude that loss from compensation. It rests

should technically exclude that loss from compensation. It rests simply upon that technicality.

If a vessel had encountered one of these cruisers in an engagement and had suffered materially, essentially, in the engagement, and yet was not captured, it could not under the old law have received any compensation at all; but upon what ground, I should like to know, of justice and equity could such a distinction be made? I do not so understand my amendment; if I did so understand it I would instantly have it conform to the objection of the Senator from Vermont so far

as prospective catch or profit is concerned, for whatever were the as prospective catch or profit is concerned, for whatever were the terms of the old law respecting that point should not be enlarged as to this at all, but simply relieved from that technical phrase in the old law, "captured vessel;" this vessel in all other respects must conform precisely to the condition of a captured vessel before the tribunal. That is all I mean by my amendment. If the Senator finds in this amendment, which I did not prepare myself, phraseology that carries it beyond the jurisdiction of the old law, in that respect it shall certainly conform to it.

tainly conform to it.

Mr. THURMAN. Let the amendment be read.

The Chief Clerk read the amendment as modified.

Mr. DAWES. If the Senate will indulge me a moment, there were ases in which such a claim as this was included in the application for compensation by the owners of vessels actually destroyed; but this case under some mistake was not so included, but was presented as a separate claim by a vessel that incurred the loss in the way I

have suggested.

Mr. EDMUNDS. The language of the amendment goes a great deal, I think, beyond what the Senator from Massachusetts seems to think about it. He talks about the crews of the vessel, &c., when the statnte provides for paying the crews, as I said before, a whole year's wages. It comes right back to a case that happened on sea and land everywhere, and always will in time of war. When a person has his house burned down by an army, the neighbors help him, and when a man has his ship destroyed the neighboring ships help him. If you are going to open to an adjudication and payment all these remote consequences, remote in a greater or less degree, instead of confining yourself to the actual value of the property damaged or destroyed, then you are entirely at sea. I have never before, I confess, heard anybody claim in the Senate that we ought to go to that extent. The extent to which we ought to go was provided in the eleventh section and in the twelfth section of the original act. This goes entirely beyond that, and where it leads us no man can tell.

Mr. DAWES. I will not detain the Senate; but if it was the policy

of this Government to compensate a man who had suffered in the war by the destruction of his house, certainly it would not be going too far if somebody else should come and partly restore that house for him to be compensated for that part of the destruction which he had restored. But it is not the policy of the Government to make restitu-tion or recompense to a man who has suffered on the land in open Here is a fund which we propose to distribute in this way, and even the old law covered this kind of loss. The old law covered this loss exactly, only those in whose name it might have been prosecuted under the old law did not prosecute it.

Mr. EATON. I see that my friend from Massachusetts has fallen

into the same error under which I suffered for several days, and that is that this was a fund. I see the draughtsman of this bill fell into the same error in speaking of the Geneva award fund. There is no such fund. I offered an amendment the other day in the nature of a substitute for the bill, supposing in my innocence and ignorance that here was a fund that was accumulating interest. There is no fund. More than two years ago, nearly three, this fund was placed precisely where my amendment designs that it shall be placed, in the Treasury of the United States, was covered into it. The bond is destroyed. No interest has accrued since June, 1877. Anything that we do now is an appropriation of money, not from any fund, but from money in the Treasury of the United States, as we would appropriate it for any purpose whatever. There is no fund set apart for the purpose spoken of by the Senator from Massachusetts.

of by the Senator from Massachusetts.

There was great merit, though I failed to see it to its full extent, in the claim of the insurance companies. That claim has been buried; the funeral ceremonies are over. I fail to see myself any merit in the claim which will be presently, if it has not been already, pressed upon us for the payment of war premiums out of the money in the Treasury and not out of any fund.

Mr. President, in order to test the sense of the Senate, I move the indefinite postponement of the bill.

The PRESIDING OFFICER, (Mr. COCKRELE in the chair.) The question is on the motion of the Senator from Connecticut, that the bill be indefinitely postponed.

bill be indefinitely postponed.

Mr. DAWES and Mr. ROLLINS called for the yeas and nays; and

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. Anthony's name was called.) My colleague [Mr. Anthony] is paired with the Senator from Illinois, [Mr.

league [Mr. ANTHONY] is paired with the Senator from Illinois, [Mr. Logan.] If my colleague were here, he would vote "nay."

Mr. DAVIS, of Illinois. If my colleague [Mr. Logan] were here, he would vote "yea."

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from New York, [Mr. KERNAN.] If I were at liberty to vote, I should vote "nay."

Mr. CARPENTER, (when his name was called.) I am paired with the Senator from Indiana, [Mr. McDonald.] If he were here I should vote "yea."

the Senator from Indiana, [Mr. McDonald.] If he were here I should vote "yea."

The roll-call was concluded.

Mr. DAWES. I desire to announce that my colleague [Mr. Hoar] is paired upon this and upon all questions in reference to the bill with the Senator from Delaware, [Mr. Bayard.] My colleague would vote "nay," if he were here.

Mr. BECK. I desire to say once for all that I am paired on all

these questions with the Senator from Florida, [Mr. Jones.] I should vote with the committee "yea" on this question, and he would vote "nay."

Butler

Cockrell, Coke, Conkling, Davis of Illinois, Davis of W. Va.,

Mr. BAYARD. I think the Senator from Massachusetts announced that I am paired with his colleague, [Mr. HOAR.] I am prepared to vote generally with the Judiciary Committee. The Senator from Massachusetts would vote against the indefinite postponement of the

The result was announced-yeas 31, nays 28; as follows:

Y	EAS-31.	
Enton, Garland, Groome, Hampton, Harris, Hereford, Hill of Georgia.	Jones of Nevada, Lamar, Maxey, Morgan, Pryor, Ransom, Saulsbury,	Thurman, Vance, Vest, Walker, Whyte, Williams, Withers.
Johnston	Slater	Tr Atmond.

Saulsbury, Slater,

	11.2	LID-WO.	
Allison,	Dawes,	Jonas,	Plumb,
Baldwin,	Edmunds,	Kirkwood,	Rollins,
Blair.	Farley,	McMillan.	Saunders,
Booth,	Ferry,	McPherson,	Teller,
Burnside,	Hamlin	Morrill.	Voorhees,
Call,	Hill of Colorado,	Paddock,	Wallace,
Cameron of Pa	Ingalls.	Platt.	Windom.

ABSENT-17.

Anthony,	Carpenter,	Kellogg,	Randolph,
Bayard.	Gordon.	Kernan.	Sharon.
Beck,	Grover,	Logan,	Buaron
Bruce,	Hoar,	McDonald,	
Cameron of Wis.,	Jones of Florida,	Pendleton.	

So the motion was agreed to.

Johnston

Mr. MAXEY and others addressed the Chair.
Mr. BLAINE. I merely—
The PRESIDING OFFICER. The Senator from Texas.

Mr. WITHERS. I ask that the Army appropriation bill be taken up. Mr. BLAINE. I rise to a privileged question just for a single mo-

The PRESIDING OFFICER. Does the Senator from Texas yield

to the Senator from Maine?

Mr. MAXEY. Yes, sir.

Mr. BLAINE. Mr. President, I did not happen to be in my seat when the motion was made to indefinitely postpone the bill, but I voted "yea," and I now move to reconsider the vote. I wish to simply state that the effect of the motion of course is to do what the honorstate that the effect of the motion of course is to do what the honorable Senator from Connecticut proposed to do with this money, to place it and leave it in the Treasury of the United States, and I observe that his motion was supported by all the Senators who maintain that the duty of the United States, strictly and closely prescribed in the award, was to give it to those for whom the award devoted it.

Mr. THURMAN. I rise to a question of order. What is the pend-

ing question?
Mr. BLAINE.

I have moved a reconsideration of the vote by which

the bill was indefinitely postponed.

Mr. THURMAN. How did the Senator vote?

The PRESIDING OFFICER. The Senator from Maine voted in the affirmative, and has a right to make the motion.

Mr. EATON. He changed his vote after voting "nay."

Mr. BLAINE. I was about to remark that of all the objects that were universally agreed on both sides of the ocean and by all peoples to have been the one that the United States could not risk was to take that money on her own account. Mr. Sumner, if he was ever capable of bringing ridicule upon his own great name, did it when he put in his bill of \$500,000,000 because of the damage done to the United States by the prolongation of the war, but there was something majestic in the sum. There was something defiant and brave in the idea of demanding from England \$500,000,000 by a nation that might in a conflict be capable of enforcing it. But after denouncing and decrying that as unjust to every other claimant and dishonorable to the effect of the vote interest of the vote interest. and detrying that as thijust to every other chalmant and dishonorable to the nation, the effect of the vote just taken is to put into the Treasury the pitiful sum of \$10,000,000, as a contribution to pay the debt of the United States, from a nation that would treat us with sneers and point at us with scorn as having obtained it on false pretenses. There will not an American in this generation nor in the future one land on the English shore who will not feel his face mantle with bluebes at the dishonorable was of a fined given for a specific with blushes at the dishonorable use of a fund given for a specific

The PRESIDING OFFICER. The Senator from Maine enters a motion that the action of the Senate indefinitely postponing the bill

be reconsidered.

Mr. BLAINE. I have not the slightest desire to prolong the controversy, and I shall let the motion go without calling for a division; but I was not in my seat when it was made, and I merely moved a reconsideration that I might place my words on record, brief as they have been. I am long enough in parliamentary bodies not to continue a controversy when the majority is against me. I merely wanted to say that much and let it rest there.

Mr. THURMAN. I move to lay the motion to reconsider on the

The PRESIDING OFFICER. The Senator from Ohio moves to lay the motion to reconsider on the table.

Mr. BURNSIDE called for the yeas and nays; and they were or-

Mr. VOORHEES. Is the motion debatable?
The PRESIDING OFFICER. It is not.
Mr. EDMUNDS. I wish the Senator from Ohio would withdraw the motion for a minute.

Mr. THURMAN. I will do so.

The PRESIDING OFFICER. No objection being made, the motion

The PRESIDING OFFICER. No objection being made, the motion may be withdrawn. It is withdrawn.

Mr. EDMUNDS. I merely wish to say that after consideration I had come to the conclusion that it was right and just to pay for the destruction of the vessels of citizens of the United States by what are called the exculpated cruisers, and, therefore, I have been endeavoring to frame the bill to make provision for that class of sufferers and as everybody knows for nobody else. But a majority of the Senate having apparently by this vote on the motion indefinitely to postpone expressed its opinion against that class of claims, I do not see any object in trying to press them any further, and, therefore, I shall vote on the yeas and nays now to lay the motion to reconsider on the table and let it go.

and let it go.

Mr. BLAINE. That was the honorable Senator's position, I submit, from beginning to end, only it required the end to fully disclose it.

Mr. EDMUNDS. Mr. President—

Mr. VOORHEES. I desire to say a word.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. EDMUNDS. I was about to reply to the very kind remarks of the Senator from Maine, but I think I will not on the whole.

Mr. VOORHEES. Mr. President, I desire to say a single word as the yeas and nays are to be taken on this question.

With my very great and unfeigned respect for the Senator from Connecticut [Mr. EATON] I had not supposed that his proposition was a serious one. I had not supposed that it was possible for this Governnecticut [Mr. EATON] I had not supposed that his proposition was a serious one. I had not supposed that it was possible for this Government to present claims, with an ultimate possibility of war, in behalf of actual losers and sufferers and obtain payment, and then cover that money into the Treasury of the United States. I did not suppose that was a possibility. Sir, if it had been said at the time of the negotiation which resulted in the high joint commission and the final arbitration at Geneva, that it would end in our obtaining a given sum of money in the name of actual sufferers and that then we would cover it into the Treasury of the United States, not one single step would have been taken to accomplish that result.

I have said nothing in the course of this debate, and did not desire

Will my friend allow me a word?

Mr. VOORHEES. Yes.

Mr. VOORHEES. Yes.

Mr. EATON. The money has been for two years and a half covered into the Treasury of the United States.

Mr. VOORHEES. Then I would simply not use the word "covered" as that has been done, but "kept" in the Treasury of the United States. It was not paid for the purpose of being kept in the Treasury of the United States. Our claim was that certain of our citizens had suffered losses by the omission of the duty of England as a neutral power, and these citizens of ours having no power to approach England to enforce their demands have through their government. England to enforce their demands, have through their government obtained this fund to be distributed to them; and here we stand in the attitude of proclaiming to the world that after obtaining this money we are unable to find out who it belongs to; and whenever we reach that point, I say to Senators I will vote to return it to England. I will not vote to keep it in the Treasury of the United States, where nobody contemplated it should remain. I think, sir, (and I where notody contemplated it should remain. I think, sir, (and I speak it with my heart full, not merely of ordinary respect, but personal affection for the Senator from Connecticut,) that we should stand dishonored before the nations of the earth if we did that thing. It is the last thing we can afford to do. We can afford to spend—and not very well afford to do that—but we can better far afford to spend months and years in discussion here as to where it shall go; but one thing that we cannot afford is before the world to keep this money in the Treasury of the United States and to apply it to our ordinary expenses.

It was an event in the history of the world when this took place, one unknown before and one not likely to happen again, and we would so belittle it that I should be ashamed to land on the shores of Great Britain, I should be ashamed to be seen by Englishmen, if we had obtained this money in the name of sufferers and had kept it in the

Treasury of the United States.

I have not voted to give it to the insurance companies; I do not know that I would vote to give it to the war-premium people. I want to find actual sufferers; I want to find people who have lost money by the war, and not people who have made money; and, if I cannot find such, I will vote to return this money with the utmost

cannot find such, I will vote to return this money with the utmost pleasure to Great Britain, and no pronder act in our history could take place than to return to England that portion of this money which we can find no actual losers to pay it to.

Spare me, Mr. President, from ever being brought to vote that having obtained this money in one way and for one purpose we keep it for another. I am utterly amazed at the vote that this subject shall pass from our consideration indefinitely. There are actual losers outside of the insurance companies, outside of the war-premium claimants. In fact, I have never thought the insurance companies suffered In fact I have never thought the insurance companies suffered at all. I have thought their complaint was that the war came to a

conclusion too soon. I have thought that they ought to be authorized to sue the Government of the United States for damages because of the premature conclusion of hostilities. I have thought of an inciof the premature conclusion of nostilities. I have thought of an incident during the Thirty-eighth Congress, when a gentleman, perhaps engaged in insurance—I do not know—then a member of the House, when the venerable Frank Blair, the old man, went down to Richmond on a noted occasion, and asking a gentleman why this mission was undertaken, and getting no satisfactory answer, he broke out, saying, "I hope there is no serious danger of peace." The war was their harvest; its conclusion was what destroyed their business.

I am not as clear upon the question of the war-premium claimants, but I am clear that there were men who had their all afloat upon the seas, who had their money invested in merchandise which was destroyed by what are called the exculpated cruisers. What difference did it make to the losers whether the cruisers that searched their ships and burned them are called exculpated or inculpated cruisers? They

I am not about to discuss any legal question arising as to the direction given to this fund by the tribunal at Geneva. I am perfectly aware that has been done by men who have given the subject more study than I have been able to do; but if it was a broad question of common justice, of common equity, I know the American people, who when they made this demand upon Great Britain made it in such a way that if it had been resisted, in order to protect our dignity and our honor we should have had to go to war, did not expect to pay the money to those who had been enriched by the war; nor did they expect us to keep it in the Treasury of the United States and pay it out on our own account or on account of the war debt or anything of that kind.

Let us not shrink from this occasion; let us not shrink from the issue that is before us; let us not shrink from the plain duty to do something that is becoming upon this question. It will not do to say we will indefinitely postpone this question and thereby hide our-selves from it. We shall not be protected from the censure of the

selves from it. We shall not be protected from the censure of the world by such a proceeding as this.

These views, Mr. President, will govern my vote.

Mr. THURMAN. Mr. President, I beg leave to say with entire respect to my friend from Indiana [Mr. Voornees] that his argument proceeds on an utterly false assumption. The indefinite postponement of this bill does not mean that the United States will keep this money in the Treasury or use it for its own purposes and make no provision for any sufferer by the confederate cruisers. It means nothing of the sort. It means simply that this measure is not in its present form a correct measure and it means that time is necessary to many the state of the sort. form a correct measure, and it means that time is necessary to mature a bill which shall meet the approbation of Congress. That is all that it means. No such bill can be matured in open Senate. It is an utter impossibility.

There are various theories. Here are Senators on this floor who have

entreated me to move a substitute for this bill referring all these claims to the Court of Claims, with an appeal to the Supreme Court, and let every man bring in his case who sees fit to make a claim and have it decided by a judicial determination. That is an idea that is

worthy of consideration.

There are other modes than those provided by this bill as it now stands in which this fund can be distributed. I should feel as strongly as the Senator from Indiana that we were doing a flagrant wrong to take this money and keep it in the Treasury of the United States without indemnifying those whose claims produced the money. Senator from Indiana did not quite entertain that opinion, for he

voted to exclude the men whose claims produced the money.

Now, Mr. President, the bill is in a form which it would seem from
the last vote taken is not satisfactory to the Senate. It is of no use,
in my judgment, to attempt to perfect this bill in open Senate. It may as well be abandoned and some other measure brought in, and

there is time enough to bring it in. I therefore renew my motion to lay the motion to reconsider on the table.

Mr. BLAINE. Will the honorable Senator pardon me a moment?

Mr. THURMAN. Yes, sir.

Mr. BLAINE. Or will be withhold his motion until I speak two

Mr. THURMAN. I withdraw my motion.
Mr. BLAINE. Then I suggest to the honorable Senator that he was unfortunate in the statement that this vote did not mean what was attributed to it by the honorable Senator from Indiana. He was fortunate in that the motion was made by the Senator from Connecticut, who has an amendment pending with an express design. He was unfortunate also in suggesting that this motion merely meant time to mature another bill, when the merest tyro in parliamentary expe-rience knows that recommittal was the mode of reaching that. No, sir, this meant death forever, and it meant it with the precise meaning of the pending amendment of the honorable Senator from Connecticut, who is a frank and square man, and does not deny that that is what is meant and intended and what he thinks he has accomplished. But I am glad that the honorable Senator from Ohio, as chairman of the Judiciary Committee, in a moment only of reflection, has come to see by a little reaction that the essence of that vote, the intendment and interpretation given to it, will send across this continent and to distant continents a blot of dishonor upon the national name of this country.

Mr. WITHERS. As I was one of those who voted for this proposi-

tion to indefinitely postpone, and I have not said anything in the discussion, I wish to state briefly my reasons.

I have either read or heard most of the arguments that have been

made upon this bill, and to my comprehension it has been established in the debate, certainly to the satisfaction of those who have participated in it, that none of the classes of men who are claiming this award are entitled to it. It was shown that neither the insurance men were entitled to it, nor the war-premium men, nor the sufferers by the exculpated cruisers. In such a condition of things as that what are we to do? I say indefinitely postpone the bill until a bill shall be brought here which shall ascertain more clearly the rights

of parties entitled, and we shall support it. Until that is done we prefer that it shall lie on the table.

Mr. WHYTE. Mr. President, I do not intend to rest under the imputation that I voted for the indefinite postponement of this bill with a view to keeping this money in the Treasury. I voted for it in the hope that at some future day reason would resume its sway, and that fidelity to the claimants whose claims were presented at Geneva would be kept to them by the Government of the United States. After the Senate had stricken from this bill the clause which enabled the insurers to go before the court, I felt that a gross injustice—I speak it respectfully—had been done to these people. I felt that the Government of the United States had asked, had solicited insurers and other claimants throughout the United States to furnish to the Government the material upon which it could demand of Great Britain indemnity for the acts committed by cruisers through her neglect. I certainly did not forget that the Government had publicly invited the insurance companies to file their claims with the State Department. I did not forget that it had furnished them with the memorial, the form which they were directed to follow in presenting their claim at Washington. I did not forget all that had senting their claim at washington. I did not lorget all that had taken place at the time of the making of the Johnson-Clarendon treaty when these claims were recognized as of the first importance to the Government in obtaining that treaty. I did not forget that afterward the Government again, in 1871, invited these people to file their claims, sent them answers in the nature of receipts, and subsequently, without request, voluntarily furnished to the insurance companies revised lists of the claims upon which the United States was to stand before the tribunal at Geneva.

That is not all. As a preface to that revised list it promised these claimants that it would not only demand redress for the injuries done to them by the acts of the confederate cruisers, but that it would demand interest from the Government of Great Britain on each claim from the time of the damage committed to the party claimant

I did not therefore forget that the Government of the United States held these claims, held them to use them not as witnesses to enable the Government to recover from Great Britain in some action of trespass, but as claims in the hands of the United States to be collected from Great Britain for the benefit of the citizens of the United States who had furnished these claims against that government.

More than that, Mr. President, I did not forget that from the be-

ginning of this transaction down to this hour, although Mr. Fish instructed our agent at Geneva not to allow the Government to be bound or committed as to its mode of distribution, nowhere and under no circumstances has the Government of the United States informed these people that it meant to collect their money and either put it in the Government's own pocket or distribute it to persons upon whose claims not one dollar was recovered at Geneva. Whatever the Govclaims not one dollar was recovered at Geneva. Whatever the Government did abroad in refusing to be committed as to its distribution of the fund, it nowhere at home has told the insurance companies that the money collected on these claims should be diverted from the honest purpose of reimbursing them for their losses. Therefore, Mr. Presi-

Mr. CONKLING. Will the Senator pardon me one moment?

Mr. WHYTE. Certainly.

Mr. CONKLING. I wish to remind him that he does unintentionally injustice to the history and to those who made it, by the remark which has just fallen from him. The letter of Mr. Fish, from which an extract appears in a document we have seen as if it was the whole letter, was written, I remind the Senator, before the question even arose whether indirect damages, as they were called, were admissible or not. Now if the honorable Senator will bear this in mind, and read the language of Mr. Fish by the light which will fall upon it, he will see that it would be monstrous to distort the import of that letter so as to apply it to the state of case which came to be, so as to make Mr. Fish write that the Government would not be committed upon the question whether the owners of the vessels or their assignees who paid for those vessels were to receive the money or not. I beg the honorable Senator to bear in mind this distinction, concurring with him as I do most fully in all that he is saying, expressing as he does very much of the feeling which I have myself. The letter at the date it bears was a wholly different thing from the same letter as it would have been had it been written after the tribunal had eliminated from its consideration everything except the list of destroyed vessels

and the claim for two revenue-cutters.

Mr. WHYTE. Mr. President, I am obliged to my friend the Senator from New York for calling my attention to what I probably did not express as clearly as I desired. I agree with him entirely. I meant to say that, taking it in its broadest sense, accepting it as the Senators on the other side have argued it to mean, whatever was done

by this Government in regard to the action at Geneva, it never has told its people at home that it gathered this bundle of claims to make up a case against Great Britain to get the money and then to divide it as a charity fund. That is all I meant to say.

Mr. DAWES. I wish the Senator would argue it also in the light

of the fact that the same gentleman who wrote that letter also stated that he never from the beginning intended to prosecute the indirect claims, and that nobody ever expected he would; so that when he wrote the letter he had just the same thing in his mind that he did have after the action of the tribunal upon the indirect claims.

Mr. WHYTE. Very well. Mr. President, that does not make it a

bit better.

Mr. CONKLING. But it is an error in fact. The honorable Senator from Massachusetts does not mean to say that the Secretary of State at this time or in this letter said, even of indirect claims at large,

what he has now ascribed to him?

Mr. DAWES. Certainly; but I did not state any such thing if the Senator from New York will recollect. I stated that the same gentleman who wrote that letter to which the Senator from New York has called the attention of the Senator from Maryland, also said that always, from the beginning, he did not intend to press the indirect claims, nor did he suppose that the people of the United States did. So the Senator from Maryland must argue the force of that letter precisely in the same light as if it had been written after the action of the tribunal, for the action of the tribunal did not put the author of that letter in any different condition from what he always had been.

I will not interrupt the Senator from Maryland further.

Mr. WHYTE. I am not going to discuss the question as to what the Secretary of State's intentions were, or what his views were. I do not attach the same importance to that declaration of Mr. Secretary Fish as other gentlemen do. It was not an uncommon thing to do in the making of treaties. There are ten or twelve treaties made by the United States in which the same reservation is made, not allowing a foreign government to dictate the mode and manner in which the money recovered by this Government shall be distributed among

its citizens. There are plenty of cases of that sort.

But, Mr. President, I did not rise to make a speech. I have too much respect for the Senate to inflict upon them a speech now, after the elaborate, exhaustive, able arguments that have been made—I say it respectfully—by both sides and upon each side of this case. I am not going to take up the time of the Senate, but I am not going to remain under the imputation that my vote to postpone this bill was cast for the purpose of holding this money in the Treasury. It was cast because when I saw a majority of the Senate strike down the claims of the increase. I felt that it was unjust. I felt that at some future of the insurers, I felt that it was unjust. I felt that at some future period upon fuller argument, upon more mature reflection, upon a clearer insight into the question, the Senate would reverse that judgment and a majority would see the justice of this claim.

Why, Mr. President, who can doubt the right of the insurance com-

panies, not on any questions of law but on the facts of this case, if he will look carefully at it? I am not going to quote the opinions of lawyers because they have been cited here before. Mr. Cushing's opinion has been cited on both sides of this question. That is not remarkable. Mr. Cushing has been more than once cited upon both remarkable. Mr. Cushing has been more than once cited upon obth sides of the same question, more than once cited with approval by people standing upon opposite sides of a question. He was reported to have given an opinion that Mason and Slidell ought to be held by this Government when they were taken off the Trent, and on the records of the court of his own county it is entered in a memorial of the bar association that he actually gave the opinion that they should be held and contributed largely to the dispatch sent by Mr. Seward to the British government. On the other hand, in an address delivered the British government. On the other hand, in an address delivered commemorative of his virtues and his intelligence and his legal acumen by General B. F. Butler, it is stated as a fact that at the request of the Secretary of State General Cushing gave the opinion that Mason and Slidell should be delivered back to the British government, and that he wrote the opinion and filed it in the State Department at Washington. I have it in an address sent to me by the gentleman to whom I have just referred. Therefore I am not going to cite opinions of lawyers; but Mr. Pierce, of Massachusetts, in the House of Representatives, stated distinctly that in a conversation he had with one of the arbitrators, Mr. Adams, Mr. Adams spoke with indignation of the idea of refusing to pay insurers the money which they lost when those losses formed part of the very basis for the award which had been made at Geneva; and such have been his feelings at the action of the Government of the United States that in a letter written by him within the last three years he uses the language which I will read. There having been some misapprehension as to what he said in another letter, he uses this language in the letter before

What I did mean was a regret that upon the first experiment of practical arbitration between two nations, when with great care and deliberation the four arbiters laid down in clear terms the reasons why they joined in one conclusion, they should have been compelled to see their judgment reversed and money withheld from the parties intended, which, if so withheld for good reason, should at once have been restored to the party from which it had been taken. As the matter now stands, the arbiters appear responsible for cheating the British government out of a large sum which the American Government declares was not properly claimed, and yet which it declines to return to the rightful owner.

Mr. DAWES. Does the Senator understand him to allude there to the conversation he had with Mr. Pierce?

Mr. WHYTE. No, sir; to a letter he had written stating his views

before, and this was explanatory of that previous letter.

Mr. DAWES. Does the Senator find anything in that letter that he has read to the Senate that indicates that Mr. Adams thought this fund ought to be paid to those who had already made money out of

Mr. WHYTE. No, sir; because Mr. Adams never allowed such a false consideration to enter his brain. Mr. Adams knew, for he was a component part of the tribunal at Geneva, what claims had been recognized as lawfully payable and chargeable against Great Britain under the rules which made the three inculpated steamers and the tenders of two of them responsible because of the negligence of Great Britain in allowing them to escape from its ports or to be supplied from its ports. Mr. Adams knew perfectly well that war premiums had been excluded; he knew well that not a dollar was allowed in that award for captures by the exculpated cruisers. Mr. Adams knew perfectly well that owners of vessels and insurers who stood in the shoes of the owners were the parties lawfully entitled to receive this money from the Government of the United States. He knew, what the papers showed him, that apart from the doctrine of subrogation, about which we have heard so much, there was, outside of any legal quibble, outside of any doctrine of law, the fact that in most of the cases there were regular transfers by assignment of the rights and interests of the owners in favor of the insurance companies.

He knew all this, and therefore Mr. Adams knew in behalf of whom this money had been recovered, and he knew to whom it rightfully and equitably belonged; and he knew, whether it was covered by a constructive trust or not, that the United States was honest, that its people were correct, that money recovered in the name of certain men people were correct, that money recovered in the name or certain men and belonging to certain men would not by right-thinking legislators or courts be diverted from the proper persons to whom it rightfully belonged. He knew all this, and he expressed in language stronger than I would use (out of respect to the Senators who have voted in accordance with their judgment but in contravention of mine) the sentiment which I entertain, that it would be unwise, unjust, I will be a sentiment which I entertain, that it would be unwise, unjust, I will be a sentiment which I entertain. not say dishonest, for us to pass a bill such as this bill in its mutilated state now is or was a moment ago. It would be better far to postpone by an indefinite postponement all action upon it, and leave it to the great hereafter to decide whether or not justice shall be done to these people, or whether their money in the Treasury of the United States shall be paid over to others who have no claim to it of the slightest, the flimsiest character, or whether we shall pass a bill to-day, or tomorrow, or next year, it matters not when it may pass, I am confident that when at last it does pass that character for honesty, that character for right-dealing which the United States has ever held before the nations of the world, will not be tarnished, its luster will not be dimmed, but our people will honor us for doing right under all the circumstances; and therefore, Mr. President, I want this question post-

poned for another and I trust a better day.

Mr. HILL, of Georgia. Mr. President, I have no intention of going into this discussion at this late day. It has been a discussion of a character which I confess has on several occasions tempted me very much to participate in it; but in consequence of some remarks by the Senator from Indiana and the announcement made-

Mr. MAXEY. Will the Senator from Georgia indulge me a moment? I had the floor and yielded it as a matter of courtesy to the Senator from Maine to make a motion. Now, I desire it understood that I have not lost the floor by this intervening discussion. It belongs to me, and I simply gave it to the Senator from Maine to make his motion to reconsider.

Mr. HILL, of Georgia. I submit, with all deference to my friend from Texas, that he has lost the floor, and I hope he will not regain

it for a little while.

Mr. MAXEY. I did not wish to interrupt the Senator, but simply to remind the Chair that I had the floor fairly and it was taken from

Mr. HILL, of Georgia. I was going on to say that in view of the remarks made by the Senator from Indiana, [Mr. VOORHEES,] and some remarks made to me a moment ago by a gentleman privately, I think I ought to utter a few words simply explanatory of the view I take of this matter, and really the view I take is a very simple one. A great many questions that I think are simple in their character are magnified to great importance very unnecessarily, and I think there is nothing to justify excitement whatever in this case, and nothing on earth to justify any charge of dishonor on the United States or anybody else, and it seems to me that all this excitement grows out of a very strange misapprehension of the real character of the case.

Now I say frankly that at the bottom the difficulty with me lies in one sentence. Whenever that difficulty can be removed, my way is clear; and the difficulty, I think, with the argument of my distinguished friend from Wisconsin and the other gentlemen on this subject is, that they have assumed that to be true which I think is exactly not true. If I am wrong in that, the other gentlemen are right.

What is that ?

In my view of this case, neither the owners of these lost vessels nor the insurers nor anybody else being citizens of the United States, have any legal claim or legal right of action in the matter whatever. The Geneva tribunal did exactly right. I say that the individual citizens of the United States have no legal right in this matter whatever. Now, if you assume that they have legal rights, I do not wonder at the excitement of my friend from Maryland, or at the excitement of other gentlemen; but if the citizens of the United States who are alleged to be entitled to this money had no legal right against anybody in connection with the destruction of these vessels, pray tell me where is the foundation for all this charge of injustice by the United States for not paying them?

Mr. CONKLING. Will the Senator state what he means by "legal

rights?"
Mr. HILL, of Georgia. I will tell the Senator if he will wait a moment. I say, then, that whether you base the claim for damages in this case upon the destruction of vessels destroyed by the inculpated cruisers or upon the breach of neutrality by Great Britain, in neither case have you a right of action in the citizen as against Great Britain or against the inculpated cruisers. This money comes from Great Britain.

Mr. THURMAN. Will the Senator allow me?

Mr. HILL, of Georgia. If the Senator will allow me to go on I will answer the points presented; but I will hear the Senator with great

Mr. THURMAN. Does the Senator deny that it was on the founda-tion of these claims that the award was made, that they were the

tion of these claims that the award was made, that they were the elements upon which the tribunal acted?

Mr. HILL, of Georgia. If Senators will give me their attention for a moment I will get through very briefly, and I think will answer that question. If I do not I will submit to being interrogated with a great deal of pleasure.

As I say, a citizen of the United States could not have sued Great Britain for the destruction of his vessel, because Great Britain did not destroy the vessel. Now take the case as a lawyer would take it; take the owner in the strongest sense; take the uninsured owner of one of these destroyed vessels. He hings an action against the of one of these destroyed vessels. He brings an action against the inculpated cruisers, if you please. He could not recover against the inculpated cruiser, because it was lawful war, and the act of a belligerent, and therefore the citizen was entitled to no damages against a belligerent, for a loss in actual war. He therefore could not main-

a belligerent, for a loss in actual war. He therefore could not maintain an action against the inculpated cruiser.

Well suppose he brings his action against Great Britain for the destruction of his vessel. Great Britain would reply: "We did not destroy your vessel," and the proof would show that the vessel was destroyed by an inculpated cruiser and not by Great Britain, and the variance between what the lawyers call the allegata and the probata would work a necessary nonsuit.

Then, suppose he alleges the breach on which he claimed his damages to be a breach of neutrality by Great Britain? The reply is patent. Great Britain would say, "I committed no breach against you; my breach of neutrality was against your Government, was against the nation, if there was any at all." If there was a breach of neutrality it was against the Government of the United States; it was not against the owner of the vessel or any individual citizen of the United States. Therefore the action would fail.

I say, then, to my friend from New York that, going upon the prin-

I say, then, to my friend from New York that, going upon the principles of municipal law, as I think the Judiciary Committee have unfortunately placed this case, the uninsured owner of a destroyed vessel could maintain an action against nobody; therefore he has no legal right of action, even assuming Great Britain to be suable, waiving the point of sovereignty, and taking Great Britain to be in the place of an individual and suable; Great Britain did not destroy the vessel; Great Britain did not destroy the vessel; Great Britain committed no breach against the citizen, and the only breach she did commit was a breach of neutrality, which was against the Government. Therefore the citizen could maintain no action against Great Britain, nor, as I said, could he maintain it against an inculpated cruiser.

So then if he cannot maintain an action upon the principles of law, he has no right of action. He cannot maintain his action because he has no right of action. Now then, if he has no right of action against Great Britain, pray what legal claim has he upon the money paid by Great Britain? None whatever. There is my difficulty.

Mr. CONKLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. HILL, of Georgia. Yes, sir.

Mr. CONKLING. The statutes of New York and I presume those of Georgia denounce a bet or wager as an unlawful transaction. Let me ask the Senator a question. Suppose I were to make a bet or wager and win it. Clearly I should have no legal right, no action in any of the forms or sentences he has dealt with; but I say to him merely as an acquaintance—and I suppose a great government ought to be as honest and as decent as an individual man—"will you not

to be as honest and as decent as an individual man—"will you not call upon the person who has lost this bet or wager to me, and get it, and if necessary negotiate with him and induce him to pay it? I cannot recover at law because the statute of New York says I shall not; but you go and manage the affair, and get this money;" and the Senator does it and receives the money.

The case up to this point I think is on all fours with the case as he states it. Could he look himself in the face and turn around and say to me "Why you had no remedy at law; you could not bring an action of assumpsit or trespass or case or anything else by municipal law or any law, and therefore how can you have any claim to call upon me?" My answer would be "This is money had and received by you for my use and at my instance and request." Would not such

a course of conduct stain with turpitude the act of the man who would avail himself of such a plea, no matter if in case I had not employed him as my agent or acquaintance I could or could not by a suit at

law or in some other way have possessed myself of this money?

If I am right in this little illustration which I respectfully present to the honorable Senator, I ask him to state what becomes of his argument. If he could establish that we ought not to have maintained at Geneva claims based upon individual losses, even if he could establish it by the doubt which he has expressed, what becomes of the argument when, despite all this, borrowing the phrase of the Senator from Ohio, these individual claims became the elements out of which was constructed that lump sum which we recovered-what becomes of the argument that recurring back to the question which he states an excuse arises for the Government of the United States should it refuse to render an account to those whose claims produced the recovery ?

Mr. HILL, of Georgia. Mr. President, the difficulty with the argument of the distinguished Senator from New York, I say to him with all due deference, is that it does not touch the point I have made in the slightest degree. I cannot argue more than one point it at time. The case my friend has supposed is one where there are moral obligations, no doubt about that. That is the case of a bet. There the absence of a right of action is based solely upon the illegality of the

act of betting.

Mr. CONKLING. It is void as against public policy, and penal.

Mr. HILL, of Georgia. Of course men who bet must be honest, I concede all that.

Mr. CONKLING. Why should they?

Mr. HILL, of Georgia. Let me go on. I was simply arguing, first—
and I can only consider one point at a time—that there was no legal right or legal claim in the citizen upon Great Britain or upon the inculpated cruisers for damages. The Senator concedes that by the

wery supposition he makes.

Mr. CONKLING. For the sake of the argument.

Mr. HILL, of Georgia. That is my first point, that there is no legal claim in the citizen; he has no right of action against Great Britain, no right of action against the inculpated cruiser, no right of action against anybody, and he cannot claim damages against anybody; and

if he cannot bring an action against Great Britain—
Mr. THURMAN. Does the Senator mean to say that a person could not have a valid claim, or have a right of action upon that claim, against Great Britain? Cannot a man have a valid claim against the

United States although he cannot sue the United States

Mr. HILL, of Georgia. I have said before that I was making this argument assuming that Great Britain was suable.

Mr. THURMAN. Nobody ever said Great Britain was suable.

Mr. HILL, of Georgia. I know that: but suppose she was, the act which Great Britain did is an act which if done by an individual is not a suable act. That is what I say, and I put the plain proposition. I say Great Britain would not be responsible if she was an individual and her courts were open; she is not responsible to a citizen of the United States for the destruction of his vessel because Great Britain did not States for the destruction of his vessel because Great Britain did not destroy the vessel. It was destroyed by an inculpated cruiser floating the confederate flag. He cannot recover then for the destruction of the vessel. That was all his loss. There is no other breach against the citizen. The other breach is a breach of neutrality, which is not against the citizen but against the government of the citizen, and the citizen cannot maintain an action for that. Pray tell me where do you get the idea of a right to a particular in this case in the actions.

do you get the idea of a right to an action in this case in the citizen?

Mr. WHYTE. May I ask the Senator from Georgia whether he means to say that a citizen of one government has no right to pro-

means to say that a citizen of one government has no right to protection from his own government as against another government?

Mr. HILL, of Georgia. Not at all.

Mr. WHYTE. Not by international law?

Mr. HILL, of Georgia. I said no such thing. I did not mean to say any such thing. I understand that matter perfectly. It is not only the right of a citizen to claim protection of his government, but it is the duty of the government to grant it.

I have stated the difficulty with this case. I am following the argument of the Judiciary Committee. They commence to apply their doctrine of subrogation. They assume that the owner of a vessel had a right of action which is by subrogation, and therefore by operation of law, assigned to the insurer. If he had, I recognize the doctrine of subrogation perfectly. It is a good doctrine. It has come down to us from the old civil law; it has been the doctrine in all the books; but you cannot assign by subrogation a right that does not exist. There is the trouble about this whole case.

Then the United States called Great Britain to account for a breach

Then the United States called Great Britain to account for a breach of neutrality. That was the gravamen, if I may be allowed to use a lawyer's term, of the suit. It was by the United States against Great Britain. It could not have been by a citizen. It was by the United States against Great Britain for a breach of neutrality. Very rell; States against Great Britain for a breach of neutrality. Very 'rell; the Geneva tribunal decided that in the case of three inculpated cruisers and the tenders of two, Great Britain was guilty of a breach of neutrality to the Government of the United States. Then the only remaining question was, what is the damage? Here I wish to say that I think gentlemen have made a great mistake again. They have argued all along as though the Geneva tribunal was recognizing the claims of certain individuals and basing its award upon the claims of individuals. Mr. President, the Geneva tribunal had nothing in the world to do with ascertaining the losers by the destruction of

They never inquired into that. They ascertained the losses. Now, if you think a moment there is a vast difference between the losses and the losers. The Geneva tribunal ascertained the losses, leaving to the United States Government the duty of ascertaining the losers.

Mr. THURMAN. The losers of what?

Mr. HILL, of Georgia. The losers by the destruction of these ves-

Mr. THURMAN. Very well.

Mr. HILL, of Georgia. Certainly there is no difficulty about that.
Mr. BECK. Will the Senator from Georgia allow me a word? I
am a little befogged about international law; but do I understand
the Senator from Georgia to say that citizens of the United States
could not sue Great Britain; it was the duty of the Government of the United States to require its citizens to prepare each his own claim, prove his loss, pay the expenses of the proof, send it to the Government, and have the Government collect the money for him, and then international law requires the United States to keep the money they have collected

Mr. HILL, of Georgia. No, I do not say that. Mr. BECK. I so understand the Senator.

Mr. HILL, of Georgia. With all deference to my friend, he is very

Mr. HILL, of Georgia. With all deference to my friend, he is very sharp but not at all wise.

Mr. BECK. I thought the position was a very foolish one.

Mr. HILL, of Georgia. Then I was very dull in stating my position, because I know the Senator from Kentucky is never dull. The stupidity must have been in me altogether. The difficulty is this, with all due respect: gentlemen confound private claims which are settled by ordinary claims treaties with great international questions. Where a government has done a wrong to a citizen, that is an illegal act. Where the act is illegal, where the wrong is individual, there a right of action accrues, and as the British government is not suable it is the duty of the Government of the citizen to present his claim, and when she recovers it it is the duty of the Government to pay it to the citizen. But where there is no right of action in the citizen and the Government recovers the money, not because of the wrong done to the citizen, but because of the breach of neutrality or the violation of international right, then as a consequence of that violation there may be losses which the Government may or may not pay over to the citizen. It is not a question of legal right. Therefore the doctrine of subrogation has nothing to do with it. It is a doctrine of political right and must be left to the Government to judge of according to its discretion.

What I want to do is to eliminate from this case the question of legal right, of municipal law, and the principles of municipal law. The principles of municipal law have no application in this case whatever. There is nothing in the world but political law in this case. When the Government of the United States called Great Britain to account for the breach of neutrality—that was the ground of the suit—the question arose, after finding that she was guilty of a breach, what is the measure of damages? Of course the measure of damages is the wrong done by the vessels which are inculpated. That is necessarily the measure of damages.

Mr. CONKLING rose.

Mr. HILL, of Georgia. Gentlemen are impatient. I cannot argue a dozen points at once, and I should have been through long ago but for these questions which gentlemen think they see a mile ahead of

the man who is arguing.

I say, then, the loss of these vessels being the measure of damages, it is proper that the Government should ascertain their loss and ascertain the value of the vessels lost and the value of the cargoes. That fixes the amount of loss; that is the amount of loss. That is

what the Geneva award ascertained.

Now, remember, the right of the citizen in this case is political, and not legal. The citizen has rights; I do not deny it. The Govand not legal. The citizen has rights; I do not deny it. The Government collects the losses. Losses by what? Losses by the breach of neutrality; losses by this international act of bad faith, if you please to call it so, of Great Britain. The losses were upon the citizen in consequence of the international breach; and therefore the citizen has a political right, and it is proper that the Government

should do him political justice.

Then you ascertain the losers. What losers? Necessarily the consequence is you must ascertain the actual losers. Gentlemen say you What losers? Necessarily the conmust pay the insurance companies. Were they actual losers? In the state of war they all took the chances of war. You must now come to deal with the whole. Here was a state of war. Here were ship-pers and freighters and importing merchants and insurance companies. Men wanted to send their vessels across the seas; and the insurer comes forward with the knowledge of the fact that there is a state of war and proposes to insure them upon war risks, and receives war premiums. Upon what principle does he take them? Underwriters make their calculations, as the Senator from Maine very justly said yesterday, upon the law of chances; and they say according to the law of chances so many vessels may pass safely over and so many may be captured and destroyed. Then they put on just such a rate of war premium as will enable them to be not losers in any event, with probably favorable chances of being gainers. Then they are not losers; clearly not losers; and there being no legal right, they can-not come in upon any ground of political right. They cannot come

and say to the Government here, "We were all engaged in a common war; and I would have made so much more than I did make out of war; and I would have made so much more than I did make out of that war if this vessel had not been destroyed." That proposition is no political justice; for the man did make by the war more than he lost by the loss of the vessel. Then he has no right to complain that that war in which the breach of neutrality occurred made him an actual loser on the whole. On the contrary, he was an actual gainer; and therefore there is no political justice in paying him.

Mr. WHYTE. May I ask the Senator a question in regard to the mutual insurance companies, where a number of merchants contributed so much for the nursoes of insuring their own vessels?

mutual insurance companies, where a number of merchants contributed so much for the purpose of insuring their own vessels?

Mr. HILL, of Georgia. My friend from Maryland must excuse me from going into the question of the difference between insurance companies. I lay down the broad proposition that wherever there was an actual loser—I am not going to stop to ascertain who is an actual loser; that is none of my business—there is political justice in activate that its respective property is closer than its less in the contribution. paying that loss; wherever there is a loser there is a loss, especially

by this kind of transaction in the war.

Now, take the class of cases represented by the Senator from Maine, the gentlemen who paid war premiums. If he will show that the gentlemen who paid war premiums were by the general result actual losers, they ought to be paid; I do not care if their claims were thrown losers, they ought to be paid; I do not care if their claims were thrown out at Geneva. The question is one of actual loss, not of legal right; the question is one of actual loss and therefore of political justice and, I repeat, not of legal right. There is no legal right in the citizen in the case, and the Senator from Maine, in my judgment, was right, therefore, when he denied the application of the doctrine of subrogation to the case; but he was not right when he claimed that another class of claimants are entitled to pay without showing that they are actual losers. I presume—I do not know that it is so, but I presume—that gentlemen who paid the war premiums taxed the amount they naid for war premiums in the price of their goods, and, if so, they colpaid for war premiums in the price of their goods, and, if so, they col-

Mr. BLAIR. Will the Senator allow me to suggest that that is right where the difficulty is in the case. The payer of a war premium did business, not in competition with American citizens in genbusiness, not in competition with American citzens in general, all being under the jurisdiction of a state of war, but he did business in competition with the foreigner; he paid the war premiums; he sold his goods in the same market to which the foreigner carried his, and, consequently, he paid the war premium and could not re-collect it of the consumer; and there is the justice in these

claims.

Mr. HILL, of Georgia. I realize the force of that argument. Mr. BLAIR. The man who carried the goods paid the war pre-

Mr. BLAINE. But even the merchant to whom the goods were consigned, and by whom they were bought, did not pay the war premium on the cargo. The whole of it was paid by the ship-owner, and he is entirely distinct from the merchant. That is where the Senator from Vermont got himself into trouble yesterday.

Mr. WHYTE. Did he not charge it in the freight, I ask the Senator from Maine?

Mr. BLAINE. What has that to do with the goods of the merchant?

chant'

Mr. HILL, of Georgia. Mr. President, I am not settling these par-ticular cases now. I am only stating the general principles by which I have been guided.

I have been guided.

Now, I say that the fact stated by the Senator from New Hampshire, and stated so forcibly before by the Senator from Maine that these shippers came in competition with foreign shippers is a material fact to be taken into consideration in ascertaining whether they were or were not actual losers. I do not know how that is.

This is a case of political justice, if you may call it so—I think it ought more properly to be called political liberality by the Government, political generosity. The Government says: "Here, Great Britain violated her neutrality with us during the war by which your vessel was destroyed; we called her to account for that and we collected the loss occurring to your vessel as the measure of damages; now show that you are an actual loser and we will pay you, ages; now show that you are an actual loser and we will pay you, not because we are bound to do it, for you had no right of action; you had no legal claim; it was nothing in the world but a political claim that was preferred by your Government, and your Government in distributing that political claim must act according to its own sense of justice to all its citizens and not a portion of its citizens," for whenever you come to a question of political justice you must consider all the people composing that political community. Hence as to the uninsured vessels that were destroyed, while they had no legal claim, no legal right, that is no right under the principles of municipal law, still as their owners were actual losers and were not indemnified by any other feature of the war, were clear actual losers by the destruction of their vessels for which the Government recovered the money, there is a political ages; now show that you are an actual loser and we will pay you,

by the destruction of their vessels for which the Government recovered the money, there is a political propriety, there is a political justice in the Government paying those actual losers.

Mr. CONKLING. By the permission of the Senator I seek light on this point if he will allow me. According to the political justice, whatever that may be, which he thinks prevails, would it be important in his apprehension to ascertain whether the rates of marine insurance were enhanced by what the particular three inculpated cruisers did?

Mr. HILL, of Georgia. I should not think it was very material.

Mr. CONKLING. So that, if I may be allowed to advance a ster further, according to this somewhat nebulous rule of right to which the Senator refers in the form of political justice, if the outbreak of the war, if the announcement in the public journals that letters of marque and reprisal were to be issued by the confederate authorities, if the putting out in the estuaries of the sea all along of vessels not even included in the one hundred and thirty-five vessels which were counted up as those upon which depredations had been committed by the eighteen so-called confederate cruisers—if in consequence of all that the rates of marine insurance went up, went up very largely before the Alabama sailed, before the Florida sailed, before the Shenandoah sailed;—if it should turn out upon inquiry that war risks appreciated greatly before these things occurred at all, the honorable Senator from Georgia, if I understand him, would not consider that an element at all of the equity of the case, and he would not consider it important to ascertain whether all the exculpated cruisers, I think fifteen in number, for which it was held Great Britain was not liable at all, by their scourging the sea, also raised the rate of marine insurance. He would not deem it necessary to find, of course it would be impossible in fact to find, what part of these enhanced rates was due to the three inculpated cruisers; but taking the whole thing at large, the effect produced by the war, by rebellion, by the whole upheaval and earthquake which existed in this land, he would think under this rule of political justice that all that should be attributed to this fund in order to be paid to a class of men who were expressly denied

and excluded by the tribunal.

If the honorable Senator from Georgia does really mean all that, I beg of him, and I do it sincerely, to state to me some principle however nebulous, gelatinous, or flocculent it may be, whether of political or international law, on which such an idea can rest.

Mr. HULL, of Georgia, As I have stated no such principle as that

Mr. HILL, of Georgia. As I have stated no such principle as that which the Senator states in such grandiloquent and such gelatinous style also I will add, I will not undertake to answer his question. It is exceedingly nebulous as applied to anything I have said, altogether so. I have asserted no such thing. I have meant simply to lay down the principle upon which I would act in this case. I would not call these war-premium men into account for their losses and profits on every feature of the war but only in the particular business in which they were engaged connected with the losses in question and the acts they were engaged connected with the losses in question and the acts in question. So of insurance companies; I would not confine them to the inculpated cruisers. They were paying war risks I suppose before the inculpated cruisers escaped. They went into it as a business. They went into the business of taking war risks. Now this breach of neutrality by Great Britain was only one act of the war and one feature of the war. Therefore in ascertaining whether they were losers or not, I would not confine the investigation to their loss upon vessels insured that were destroyed by the inculpated cruisers. I would ascertain their gains and losses on the business of taking I would ascertain their gains and losses on the business of taking

Mr. CONKLING. Surely the Senator does not understand me. Per-

haps he is not willing to.

Mr. HILL, of Georgia. No, I am not answering the Senator's question. Really I said, with all due deference to the Senator, that I did not affirm any such principle as he seemed to think I did or to ask me

if I did; and therefore I was not answering his question at all.

Mr. CONKLING. I do not wish to engage with the Senator and certainly not to be uncivil to him, but if he permits me to put a plain matter of fact to him, I think I can do it so that he will not say he does not understand me.

Mr. HILL, of Georgia. Very well.
Mr. CONKLING. The Senator from Georgia did answer me that he would not stop to inquire whether the rates of insurance were enhanced by the three inculpated cruisers. That he said. Then I proceeded another step and asked him whether he meant that he would charge this fund with such enhanced rates as were produced by all the exculpated cruisers as well. That he did not answer, but it was inferable from what he said before. Then I asked him whether he would attempt to define the amount of increased rates which the warpremium men paid growing out of the mere fact that these cruisers sailed, as separable from the general enhancement of war rates produced by the war at large. Now the honorable Senator from Georgia is too astute not to understand that. He knows that his theory, logically pursued, would seek to find out how much of these war premiums were due to the three inculpated cruisers, and that his argument cannot by possibility apply to rates which were enhanced by other causes. And when the Senator brushes off the question because of some jocose remark that I made about this political justice being rather an undefined and immeasurable sort of thing, I submit to him that it is not quite the way to deal with this proposition. What he is seeking at this point to maintain is that the men who paid war premiums have some sort of equity upon this fund; and when I ask him whether that equity is to be measured by the effect produced by the three inculpated cruisers alone he says no; and then when I ask him how he is going to distinguish as to the enhanced rates between the effect produced upon the one hundred and thirtyfive vessels by the whole eighteen cruisers or by the war itself, or the general apprehension, the Senator says "Well, on the whole that is nebulous," and he thinks the question is nebulous and he does not want to answer it.

Before I sit down I beg to return my thanks to the honorable Sen-

ator for the very definite answer that he gave to the other question which he permitted me to put and for the equally luminous remark

which he makes upon this.

Mr. HILL, of Georgia. The Senator from New York, I will say, Mr. HILL, of Georgia. The Senator from New York, I will say, always puts his questions so pointedly, taking about fifteen minutes to state each separate question, that really I forget the beginning before he gets to the end. That is the trouble. I have no disposition to treat the Senator with discourtesy at all; on the contrary I have every desire to do otherwise; but I announced when I got up that I did not intend to go into the details of this question. If I said that I conceded that the war-premium men had any equities in this case, I did not mean to say it. I was simply arguing upon the assumption that they had, and showing wherein the equity must come if it comes that they had, and showing wherein the equity must come if it comes at all. Really, speaking legally, there are no equities in the case. There is no judicial equity, no legal equity, no judicial right of any sort, equitable or otherwise. Therefore it is a misapplication of terms. But Senators on different sides of me have continued to put questions to me with a view of drawing me into a discussion of details, which I have sought to avoid.

I say, then, upon the assumption that the men who paid war premiums are entitled to anything at all, upon the theory that I am advancing it can only be that as the result of their business in taking war risks during the war they were losers and not gainers. That is all I mean to say. I do not say whether they ought to have it; but the Senate will understand me as saying that I do not confine the calculation to the inculpated cruisers or to the enhancement of war rates because of the scilior of the invalence arrisers when I say if was because of the sailing of the inculpated cruisers or to the ennancement of war rates because of the sailing of the inculpated cruisers when I say if warpremium men are entitled to anything at all it is when they are losers upon a general accounting of their whole business of taking war risks, because the breach of neutrality upon which this money has been calculated is only one feature of a general war. I shall not undertake to say whether they are entitled or not. I have not intended to decide that exections but more than the theory that I are retained as I under cide that question; but upon the theory that I am stating, as I understand, the act of 1874 was passed for the purpose of paying those who were admitted on all hands to be actual losers. They have been paid. They were not paid because they had a legal right to the payment; they had no more legal right to this fund than they had a legal right of action against Great Britain, or any other power, assuming that Great Britain was suable, or any more than they had a legal right of action against the confederate cruisers.

A man cannot have a legal right to a fund as the result of a suit when he has no right to bring the suit itself; I do not mean no remedy for the suit, but no right. That is what I say. I do not say because he could not sue Great Britain as a matter of fact, because he had no remedy against Great Britain, she being a government, but I say upon the assumption that Great Britain is suable, if upon the principles of municipal law he had no right to bring and maintain an action against her, then he can have no right to the fund which that government may voluntarily pay, unless that fund is paid upon a breach against the citizen himself, and not upon a breach against the Government. That is the distinction I draw.

As I said before, this fund being in the hands of the Government thus derived by virtue of a breach of international law, not of individual right, the Government has a right to take the fund which she collects and distribute it among the losers, among those who lost by virtue of that breach of neutrality, actual losers only; and she ought to do it, not from a sense of legal justice but purely from a sense of political justice by the Government to her citizens. That is all I say.

political justice by the Government to her citizens. That is all I say.

Then, if you cannot find that the insurance companies are actual losers any further, I think you ought not to pay them. If you cannot find that anybody else as a class is an actual loser, you ought not to pay him. But if this loss finally falls upon the citizens of the country at large, upon the consumers, you cannot pay it because you cannot identify the losers; you cannot collect them; and the best way is to put it into the Treasury to pay the common debt.

I think if gentlemen had not disturbed me with questions seeking to draw me where I did not intend to go into a discussion of details

to draw me where I did not intend to go, into a discussion of details of these various propositions, I should not have taken five minutes, I am sure not over ten; but I want to say now to the gentlemen of the Judiciary Committee that—and I confess there is where my whole trouble lies—I do not see that these citizens have any legal claim to this money because they had no right of action against anybody for the destruction of the vessels, and failing to have their right of action because the destruction of the vessels was a legal act and not an illegal act, there is no right of action growing out of a legal act. That is the point. If the destruction of a vessel was a legal act, where is their right of action for damages? If it was a legal act, pray tell me how does the doctrine of subrogation come in? That is the point with me. If you collected this money from the parties who destroyed the vessels you might modify or change the question, but you did not do that. This money was not collected from them, it was collected from Great Britain from Great Britain.

I think, therefore, the disposition of this case is right. But I would vote for the indefinite postponement for another reason. As stated by the Senator from Maryland, the bill has got into that shape now where I do not think the Senate is in a condition to dispose of it. If hereafter it should turn out that there are actual losers who ought to have this fund under any legal right or any political right, if you choose to call it so, abstract justice, put it in that form if you wish, as a matter of abstract justice, we can give it to them hereafter, but

I think in the condition the bill is now we ought to postpone it in-

definitely

Mr. THURMAN. Mr. President, I shall not argue a question which I have argued sufficiently before and upon which I was defeated by a vote of two to one, and that is the question whether the insurance companies ought to be paid. I only rise to say once more that I voted and shall vote for the indefinite postponement of the bill, not upon the vague, shadowy idea of putting this money into the Treasury of the United States for the indemnity of all the people of the United States, because all the people were losers by the act of Great Britain, every one of them; there was not a man in the whole country who was not a loser by the act of Great Britain. I shall not put it upon that, but I put my vote distinctly upon the ground I stated before. You cannot mature a bill upon such a subject as this, where there is such diversity of opinion, in the open Senate. Therefore the bill had better be postponed, and leave to time and further reflection and further consultation among Senators and Representatives to produce some bill which can pass both Houses, and which will do the best justice that we are able to arrive at.

I renew my motion to lay the motion to reconsider on the table.

Mr. BLAINE. That motion being agreed to, is it to be understood by the Senate and the country, and by the honorable chairman of the Judiciary Committee, that his committee will take no action at all?

Mr. THURMAN. I do not answer for the committee at all. I re-

new my motion.

The PRESIDING OFFICER, (Mr. Garland in the chair.) The Senator from Ohio renews his motion to lay on the table the motion of the Senator from Maine to reconsider the vote by which the bill was postponed indefinitely

Mr. BURNSIDE. Will the Senator from Ohio allow me to say a

word?

Mr. THURMAN. I must decline.

Mr. BURNSIDE. I will not exceed two minutes. I have not said one word on this bill.

Mr. THURMAN. I know my friend has not, but—

Mr. BURNSIDE. I have listened to everybody, and now I desire to

say just one word.

Mr. THURMAN. But if I give way to the Senator I shall have to

give way to a dozen others.

The PRESIDING OFFICER. The Senator from Ohio declines to

yield to the Senator from Rhode Island.

Mr. BURNSIDE. I appeal to the Senator from Ohio to allow me to say a single word, not to exceed two minutes. My constituents are interested in this measure, and I have not said one word upon it. I have listened to every Senator who has spoken upon the measure, and now I wish to say a single word. I promise not to speak over two

Mr. THURMAN. I dislike very much to refuse any request made by the Senator from Rhode Island. Mr. BURNSIDE. Then I shall take occasion at some other time to express the views that I have upon the measure and upon the action of the Senate to-day.

Mr. EDMUNDS. I hope the Senator from Ohio will allow the Sen-

mr. THURMAN. I will give way to the Senator from Rhode Island

if he will renew the motion.

The PRESIDING OFFICER. The Senator from Ohio withdraws

the motion for the present.

Mr. THURMAN. If the Senator will renew the motion to lay on the table.

Mr. BURNSIDE. Mr. President, we have before us a bill-Mr. THURMAN. Do I understand the Senator to say that he will

renew the motion?
Mr. BURNSIDE.
Mr. THURMAN.

Mr. BURNSIDE. I will yield to the Senator from Ohio to renew it.
Mr. THURMAN. But somebody else may take the floor.
Mr. BURNSIDE. I will hold the floor and yield directly to the Senator from Ohio to renew the motion, or if not I will renew the motion myself.

Mr. THURMAN. Very well.
Mr. BURNSIDE. Mr. President, we have before us a bill reported Mr. BURNSIDE. Mr. President, we have before us a bill reported by the Judiciary Committee for the relief of certain classes who suf-fered from the depredations of cruisers during the late war. That committee evidently felt that all these different classes were sufferers and should be remunerated for their losses or they would not have reported the bill. After the discussion of the bill which has been very elaborate and exhaustive, and to which we have all paid attention, a vote was taken by which one class of alleged sufferers was tion, a vote was taken by which one class of alleged sufferers was excluded from the bill by a vote of two to one, a very emphatic vote, and a vote which, in my opinion, corresponds with the principles of justice and the sentiment of the whole country. It is not likely that any Senate in this Chamber will ever reverse that vote. It is in accordance with the opinion of the whole country and was so distinctly and intelligently given that no man can mistake its meaning.

Now the members of the Judiciary Committee who brought the bill before us and who recommended that all these different classes should have relief simply because that one class has been excluded and

have relief, simply because that one class has been excluded, and before any other class of sufferers to whom they might object had been put in this bill, (for no amendment has been acted upon touching war premiums,) are willing to abandon the other classes in the bill and say, "Because we cannot get money for these insurance

companies we will not allow you to get money for anybody, and we will join the Senators who are indisposed to pass any bill at all in causing an indefinite postponement."

They are placing themselves very much in the condition that I would be in if I had brought a bill before the Senate to pension all the officers and soldiers of the Mexican war, and because the Senate by a vote of two to one struck out the word "officers" I abandoned all the privates, and joined the opponents of the bill to say that the privates should not have pensions because the officers could not have them. That is the position the Judiciary Committee puts itself in, in my opinion, and I say this with the greatest possible deference to that committee.

I have watched this legal discussion from beginning to end, and I say that in my belief the vote of the Senate of two to one against the insurance companies was in accordance with the sentiment of this country, and I do not believe any body of Senators will ever come into this Chamber who will reverse that vote.

In my opinion it puts the Judiciary Committee in rather a bad position. If it was their intention to have this bill fail unless this insurance clause could be maintained why did they not name the bill "A bill for the relief of a few insurance companies." If they had determined to abandon this measure the very moment the clause that touches the insurance companies was stricken out, and to leave all the ship-owners and other sufferers from the depredations of the exculpated cruisers in the lurch, I say it would have been more appropriate to have named the bill "A bill for the relief of a few marine insurance com-

named the bill "A bill for the relief of a few marine insurance companies."

Mr. THURMAN. It is sufficient that those who reported this bill from the Judiciary Committee are not willing to support the bill now, when if it were to pass in its present shape it would put men who are in a second class in the bill in the first class and prefer them to everybody else. But I shall not debate that. I renew my motion to lay the motion to reconsider on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to lay on the table the motion of the Senator from Maine to reconsider the vote by which the Geneva award bill was indefinitely postnoned.

indefinitely postponed.

Mr. FERRY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to

call the roll.

call the roll.

Mr. BURNSIDE, (when Mr. Anthony's name was called.) My colleague [Mr. Anthony] is paired with the Senator from Illinois, [Mr. Logan.] If my colleague were here, he would vote "nay," and the Senator from Illinois, I suppose, would vote "yea."

Mr. DAVIS, of Illinois. Yes, sir; he would vote "yea."

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired on this bill with the Senator from New York, [Mr. Kernan.] If he were present, I should vote "nay."

Mr. DAWES, (when Mr. Hoar's name was called.) I repeat the announcement I have made that my colleague [Mr. Hoar] is paired with the Senator from Delaware, [Mr. Bayard.] My colleague would vote "nay," if here.

The roll-call was concluded.

Mr. BECK. I desire to announce again that I am paired with the Senator from Florida, [Mr. Jones.] I should vote "yea" if he were present.

Mr. VOORHEES. My colleague [Mr. McDonald] is paired with the Senator from Wisconsin, [Mr. Carpenter.] If my colleague were here, he would vote "nay."

The result was announced—yeas 32, nays 29; as follows:

	YE	AS-32.	
Bailey, Butler, Cockrell, Coke, Conkling, Davis of Illinois, Davis of W. Va., Eaton,	Edmunds, Garland, Gordon, Groome, Hampton, Harris, Hereford, Hill of Georgia,	Johnston, Jones of Nevada, Maxey, Morgan, Pendleton, Pryor, Ransom, Saulsbury,	Slater, Thurman, Vance, Vest, Walker, Whyte, Williams, Withers.
	NA	YS-29.	
Allison, Baldwin, Blaine, Blaine, Blair, Booth, Burnside, Call, Cameron of Pa.,	Dawes, Farley, Ferry, Hamlin, Hill of Colorado, Ingalls, Jonas, Kellogg,	Kirkwood, McMillan, McPherson, Morrill, Paddock, Platt, Plumb, Rollins,	Saunders, Teller, Voorhees, Wallace, Windom.
	ABS	ENT-15.	J. 3
Anthony, Bayard, Beck, Bruce	Cameron of Wis., Carpenter, Grover, Hoar	Jones of Florida, Kernan, Lamar, Logan.	McDonald, Randolph, Sharon.

So the motion to lay the motion to reconsider on the table was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883.

SOUTHERN RAILWAY COMPANIES.

Mr. MAXEY. I move to set aside all previous orders and take up the bill (S. No. 98) to provide for the settlement of accounts with certain railway companies. I will state that when the Geneva award bill was called up I had made a similar motion before, but learning during the discussion that the notice to call up the Geneva award bill was understood to be in order after the Hot Springs bill, in charge of the Senator now occupying the chair, was disposed of, I yielded to that as a matter of right, giving notice that I should call this bill up at the conclusion of the Geneva award bill. It is a very important bill, and was partially discussed on a former day by the Senator from Vermont [Mr. EDMUNDS] and myself. It has been in the hands of the Committee on Military Affairs for a great while, and I desire to have it disposed of. I think it will not take more than a day or two to discuss it, and it ought to be disposed of as soon as possible. I move to set aside all previous orders and take up Mr. WITHERS. I feel compelled to antagonize the motion of the

Senator from Texas by proposing to take up for consideration House bill No. 5523, making appropriations for the support of the Army. Reports from the Committee on Appropriations of regular appropri-ation bills have usually been accorded in the Senate the preference

in receiving consideration over other bills.

Mr. MAXEY. I have only to say in reply to the Senator from Virginia that I have no desire, as the word nowadays is, to antagonize—
I should prefer "oppose"—the Army appropriation bill, but I desire
to have the bill I have moved before the Senate, and if it be brought
before the Senate I am willing to lay it aside and take up the Army

appropriation bill. Mr. EDMUNDS. Mr. EDMUNDS. That cannot be done. I shall not agree to lay aside anything informally for the present, for I think it injurious to getting along with the business of the Senate, and particularly this bill, perhaps because I am so much opposed to it.

Mr. MAXEY. Then I insist on my motion. Let it be disposed of

Mr. PLUMB. I should like to make an inquiry of the Senator from Texas. Does his motion include the laying aside of the Calendar?

Mr. MAXEY. Oh, no! The Calendar would be taken up to-morrow as usual. The consideration of this bill will have nothing to do with

Mr. WITHERS. I wish to state that it is now late in April, and only one general appropriation bill has passed Congress. There is an appropriation bill now pending on the Calendar of the Senate which it is desirable to take up and act upon before some other general appropriation bills are passed upon, and it is the desire of the Appropriations Committee as soon as the Army bill shall have been disposed of to take up the bill reported from the same committee proposing to repeal indefinite permanent annual appropriations. I think, with all due deference, that the Senate should consider appropriation bills of this character which are absolutely important, and some of them indispensable to be passed, rather than take up other bills. That is all

Mr. EDMUNDS. I believe it has been the universal practice in this body, as it ought to be, when the Committee on Appropriations is ready, after it has reported a bill and it has been on the table a day or two so that we may see it, to take up the appropriation bill, to take it up against everything else except in some very extreme emergency. Therefore, without regard to the merit of the bill of my friend from Texas, I certainly think we ought to refuse to take that up, but should take up the bill proposed by the Senator from Virginia.

Mr MAXEY I extract to give way to the Genera award bill with

Mr. MAXEY. I agreed to give way to the Geneva award bill with the distinct understanding, as Senators will remember, that I would have the bill I have now moved taken up at the conclusion of the Geneva award bill. That was assented to by Senators. As a matter of course I am satisfied that the Senator from Vermont is not only or course I am satisfied that the Senator from Vermont Is not only willing to lay aside this bill for the present but for all time to come, and hence will feel very well if the Senate does not consider it; but I believe that the proposition which I make is fair and just. The appropriation bill referred to by the Senator from Virginia is not suffering. The bill I move has been in the hands of the committee during several Congresses, has been continually reported one way, and it ought to be now taken up by the Senate and disposed of, and the committee relieved from further duty in the wester.

committee relieved from further duty in the matter.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to proceed to the consideration of the bill indi-

cated by him.

Mr. WITHERS. I move to amend that by substituting House bill

No. 5523.

Mr. EDMUNDS. That is not in order.
The PRESIDING OFFICER. The Chair holds that that is not in

order.

Mr. DAVIS, of West Virginia. I hope the motion of the Senator from Texas to take up the railroad-grant bill, as it is known, will not prevail. As was well said by the Senator from Virginia, the Appropriation Committee has now ready for action what is known as the Army appropriation bill. I believe it has been universally the rule of the Senate to take up appropriation bills when they are ready for action. In addition to that, it is well known that a few days ago the bill to repeal permanent indefinite annual appropriations was before the Senate for consideration and we proceeded to a certain extent. the Senate for consideration and we proceeded to a certain extent with it, when the Senator from Vermont [Mr. Morrill] and several other Senators requested that it should go over for a day or two, or

until the Geneva award bill was disposed of, as some of them wanted to examine it. It is well recollected by Senators that I assented to to examine it. It is well recollected by Senators that I assented to that arrangement, if it was one, or at least I gave way to the wishes of Senators. I now give way in that particular to a regular appropriation bill, which I think it is my duty to do, although the other bill is also from the Appropriation Committee and ought to be considered, so as to get it over to the House as early as possible.

The PRESIDING OFFICER. Will the Senate proceed to the consideration of the bill indicated by the Senator from Texas?

The motion was not agreed to; there being on a division—ayes 17, noes 28.

ARCTIC EXPEDITION.

Mr. McPHERSON. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic Seas, to report it without amendment and submit a report thereon, which I ask to have printed.

The PRESIDING OFFICER. The report will be printed under the

Mr. McPHERSON. This is an important matter, one that should be considered very early if at all, and I shall ask for the consideration of the bill on Monday morning next in the morning hour.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. EDMUNDS. I wish to give notice that I shall ask the Senate, Mr. EDMUNDS. I wish to give notice that I shall ask the Senate, on behalf of the Committee on Private Land Claims, as early as I possibly can, to take up the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories, which is a very important bill for settling private land claims generally, in New Mexico and those Territories where we have not had land commissions before. I should not have thought of giving the notice, only it seems that a notice is regarded as a kind of caveat that gives somebody a preference, though the rules do not provide for it.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2481) to create an additional land district in the State of Kansas was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory was read twice by its title, and referred to the Committee on Territories.

Committee on Territories.

The bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 2467) granting a pension to Daniel D. Long was read twice by its title, and referred to the Committee on Pensions.

ARMY APPROPRIATION BILL.

Mr. WITHERS. I now move to take up House bill No. 5523, making appropriations for the support of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June

30, 1881, and for other purposes.

Mr. EDMUNDS. I presume the Senator from Virginia does not desire to press his bill to-night?

Mr. WITHERS. No, sir.

Mr. EDMUNDS. Therefore, I move that the Senate proceed to the

consideration of executive business

The PRESIDING OFFICER. The Army appropriation bill being before the Senate, as in Committee of the Whole, the Senator from Vermont moves that the Senate proceed to the consideration of execntive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 21, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

UNITED STATES COURTS IN INDIANA.

Mr. NEW. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill No. 2384, amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States

at Fort Wayne, Indiana," approved June 18, 1878, (which bill has been reported unanimously from the Judiciary Committee,) and that it be taken up now for consideration.

Mr. CONGER. Yesterday, when I made a request for unanimous consent for the consideration of a very important measure, which would have taken but a moment, objection was made. It was not the gentleman from Indiana [Mr. New] who objected, but I think it

best that we should follow the regular order as the quickest way possible for disposing of our business. It is very necessary that we should reach the bill which I asked the House yesterday to consider. Several MEMBERS. "Regular order!"

PRINTING OF SMITHSONIAN REPORT.

Mr. WILSON. I rise to make a privileged report from the Comittee on Printing. That committee has directed me to report back, mittee on Printing. That committee has directed me to report back, with a recommendation that the House concur, a resolution of the Senate for printing copies of the report of the Smithsonian Institu-

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That 10,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 for the use of the Smithsonian Institution.

Mr. DUNNELL. I wish the gentleman from West Virginia [Mr. WILSON] would consent to an amendment. I would like to amend this resolution by striking out the word "ten," and inserting "fifteen," so as to provide for printing 15,500 copies of this report.

Mr. WILSON. The resolution proposes the number which has been

printed every year for a long series of years, and which I believe has been found to be sufficient.

Mr. DUNNELL. This Smithsonian report is a very valuable document. Members of the House are in the habit of getting seven or perhaps nine copies each. There are more than that number of public libraries in every congressional district in the country. This is a report which we may well print in larger number than is here proposed. port which we may well print in larger number than is here proposed. I have already very many calls for it. After the document has been printed and stereotyped the expense of a few thousand additional copies is very trifling indeed. It costs more to print the reports which are sent around to members, only to fill up their rooms, than it would to print 5,000, yes, 10,000, additional copies of the Smithsonian report. I move to amend by striking out "10" and inserting "15," so as to

provide for printing 15,500 copies; and then the distribution can be arranged so as to give to the House and the Senate this additional 5,000—3,500 to the House and 1,500 to the Senate.

Mr. WILSON. I do not feel authorized to accept the amendment

for the reason

Mr. DUNNELL. Well, I understand that it is my right to move

The SPEAKER. It is, if the gentleman from West Virginia yields

The SPEAKER. It is, if the gentleman from West Virginia yields for that purpose before demanding the previous question.

Mr. WILSON. I have not yielded except to hear the suggestion.

Mr. NEW. I rise to a question of order. I wish to inquire whether this matter is or is not now before the House in contravention of the call for the regular order made by the gentleman from Michigan.

The SPEAKER. Under the rules, the Committee on Printing has the right to report at any time touching matter—

Mr. NEW. I do not care to hear the rule read.

The SPEAKER. The gentleman from West Virginia has the right.

Mr. NEW. I do not care to hear the rule read.

The SPEAKER. The gentleman from West Virginia has the right to report from the Committee on Printing under the rules; and because of that right he has been recognized.

Mr. DUNNELL. I presume that my motion is in order.

The SPEAKER. The gentleman from West Virginia is on the floor,

and states that he does not yield for the amendment.

Mr. DUNNELL. I did not ask him to yield. I addressed the Chair and made my motion to amend. The previous question has not been called.

The SPEAKER. Until an adverse vote by the House, the resolu-tion is under the control of the gentleman from West Virginia who reports it.
Mr. DUNNELL. Does the Chair undertake to say that a resolution

reported here is not open to amendment?

The SPEAKER. The Chair states that the gentleman reporting a measure has the right to test the sense of the House as to cutting off amendments by calling the previous question.

Mr. DUNNELL. The gentleman has not demanded the previous

The SPEAKER. The gentleman is still on the floor and declines to yield for an amendment.

Mr. DUNNELL. I was recognized to make a motion to amend; I have made such a motion, and I was heard upon that motion.

The SPEAKER. The gentleman from West Virginia states that he yielded for a suggestion, not for an amendment. The Chair uniformly recognizes the right of a member reporting a measure to retain its control until an adverse vote by the House.

Mr. DUNNELL. I cannot understand why the gentleman from West Virginia should object to allowing an amendment.

The SPEAKER. That is another question—a question with which the Chair has nothing to do.

Mr. DUNNELL. The gentleman is not under instructions of the committee not to allow an amendment to be offered.

Mr. WILSON. I cannot yield further. This subject has undergone investigation by the Committee on Printing in the Senate. The Senate passed it without objection. It has come to the House and grape to the Committee on Printing. gone to the Committee on Printing.

Mr. DUNNELL. Because it passed the Senate without objection is no reason why we should pass it without objection.

Mr. WILSON. I beg to say this amount has been recommended by

the Department, and it is all that is asked. I demand the previous question

Mr. DUNNELL. We are not legislating for the Smithsonian Institution, but we are legislating for the country at large. The Smithsonian gets two-thirds of what we vote here. I hope the previous question will be voted down, so we may test this question in behalf

The demand for the previous question was not seconded.
Mr. DUNNELL. I move to strike out "10,500" and insert "15,500," and to provide that 5,000 copies be for the use of the Smithsonian Institution, 8,000 for the House, and 2,500 for the Senate.

The SPEAKER. The resolution, if amended, will read as follows:
The Clerk read as follows:

Resalved by the Senate, (the House of Representatives concurring therein.) That 15.500 copies of thereport of the Smithsonian Institution for the year 1879 be printed; 2,500 copies of which shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 5,000 for the use of the Smithsonian Institution.

Mr. TOWNSHEND, of Illinois. What will be the additional cost?
Mr. DUNNELL. I am unable to say.
Mr. TOWNSHEND, of Illinois. Would it not be small?
Mr. DUNNELL. Very small; as the expense will only be for printing and paper, the plates being stereotyped.
Mr. REAGAN. What is the use of 5,000 for the Smithsonian Institution?

tution ?

Mr. DUNNELL. Five thousand is enough for the use of the Smithsonian Institution. I demand the previous question on the concurrent resolution and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. DUNNELL's amendment was agreed to; and the resolution, as amended, was concurred in.

Mr. DUNNELL moved to reconsider the vote by which the resolu-

tion was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. WILSON. I am also instructed by the Committee on Printing to report back joint resolution (S. R. No. 100) to print extra copies of the report on fish and fisheries for the year 1879, with an amendment.

The amendment reported from the Committee on Printing was, after the word "printing," to strike out:

And 2,500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.

So as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1579, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

Mr. WILSON. I demand the previous question on the joint reso-

lution and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to. The joint resolution, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint reso-

lution was passed; and also moved that the motion to reconsider be

laid on the table.

The latter motion was agreed to.

EULOGIES ON SENATOR HOUSTON.

Mr. WILSON. I am also instructed by the Committee on Printing to report back favorably joint resolution (S. R. No. 91) relating to the memorial addresses delivered on the occasion of the passage of resolutions in the Senate and House of Representatives commemorative of Hon. George S. Houston, late a Senator of the United States.

The joint resolution was read, as follows:

That 12,000 copies of the proceedings connected with the funeral of and eulogies delivered in the Senate and in the House of Representatives upon the late George S. Honston be printed, 8,000 for the use of the House of Representatives, and 4,000 for the use of the Senate; and that the sum of \$500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the expense of procuring a portrait of the late Mr. Houston, under the direction of the Secretary of the Treasury.

The joint resolution was ordered to a third reading; and it was

accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, FORT WAYNE, INDIANA.

The SPEAKER. The Chair understands the gentleman from Michigan [Mr. Conger] withdraws his objection to the motion of the gentleman from Indiana, [Mr. New,] to take from the House Calendar and put on its passage at this time a bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878, reported from the Committee on the Judiciary with amendments.

Mr. ATKINS. If that bill is going to excite discussion, I must ob-

Mr. NEW. My colleague [Mr. Browne] wishes to be heard briefly in opposition to the bill, and I will yield to him for five minutes.

Mr. BROWNE. I desire eight minutes.

Mr. NEW. Very well, then, I will yield to my colleague for eight

Mr. ATKINS. I dislike to object—
Mr. CAMP. Is discussion to go to the extent of eight minutes? I thought five minutes was the limit on the other side. [Laughter.] Mr. BRIGGS. I object.

PENSION COURT.

Mr. GEDDES. Mr. Speaker, I desire to present a matter to which I think there will be no objection and need no discussion at this time. I move that Saturday of this week be assigned for the consideration of the bill for the organization of a pension court. I think we appreciate and understand it will be a great saving of time and prevent frequent night sessions which we are now compelled to hold.

Mr. ATKINS. I object.

Mr. NEW. I understood the gentleman from Michigan to withdraw his objection to my request.

The SPEAKER. The contlement from New Hampshire records.

The SPEAKER. The gentleman from New Hampshire renewed

Mr. GEDDES. I will say, then, Thursday night of this week instead of Saturday, and I hope the gentleman from Tennessee will not ob-

The SPEAKER. That night has already been set apart for reports

The SPEAKER. That night has already been set apart for reports from the Committee on Foreign Affairs, as the Chair is informed.

Mr. BLOUNT. Take the following week.

Mr. GEDDES. Then fix Thursday night of the next week.

Mr. ATKINS. These meetings here at night have turned out to be perfect farces, and I shall object to them.

Mr. GEDDES. That is the very evil I propose to correct. It is evident that but little good can be accomplished by night sessions on pension bills. The passage of the bill referred to will obviate that difficulty and accomplish the object that gentlemen have in view in these night sessions. There are gentlemen enough here who attend these evening sessions to understand the force of what I say, that we are misspending our time—worse than misspending our time I may say—for we are criminally spending the money of the Government here in attempting to conduct the public business under the difficulties that now exist. All of this can be obviated by the adoption of the bill which I now ask to be considered. If the House will consent to fixing Thursday night of next week at seven and a half o'clock, the House to take a recess from four and a half o'clock until that hour, we can obviate the necessity for these night sessions.

Mr. ATKINS. I have no objection to that.

Mr. HARRIS, of Virginia. Is it in order now to move to go to business on the Speaker's table in order to take up the resolution introduced some time ago by myself fixing the daily hour of meeting at eleven o'clock? That will obviate the necessity for these night sessions.

Mr. GEDDES. Those the gentleman from Virginia will not object.

sessions

Mr. GEDDES. I hope the gentleman from Virginia will not object to this.

Mr. COFFROTH. This is a very important bill, and ought to be considered as soon as possible.

Mr. BLAND. I demand the regular order.
Mr. WARNER. I hope there will be no objection to the proposition made by the gentleman from Ohio to fix Thursday night of next week for the consideration of this bill.

Mr. STEVENSON. I desire to ask the attention of the House for

The SPEAKER. The gentleman from Missouri having demanded the regular order, the Chair must recognize that demand.

Mr. GEDDES. I hope the gentleman from Missouri will withdraw that demand for a moment. I know if he reflects for a moment he

will not object to my proposition.

Mr. BLAND. I withdraw the demand for the regular order.

The SPEAKER. The Chair will state the proposition of the gentleman from Ohio. He now asks that Thursday evening of next week at half past seven o'clock be set apart for the consideration of a bill reported from the Special Committee on Invalid Pensions, the title of which the Clerk will now report.

Mr. GEDDES. And the House to take a recess from half past four o'clock that day until the hour fixed for the evening session.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to establish a court of pensions.

from Ohio?

Mr. CASWELL. I ask the gentleman to include the consideration

of the substitute.

Mr. COFFROTH. That will be included.

The SPEAKER. Is there objection to the motion of the gentleman

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BLAND. I now demand the regular order.

The SPEAKER. The morning hour begins at twenty minutes to

one o'clock.

Mr. McMAHON. I move to dispense with the morning hour for the purpose of considering the immediate deficiency bill.

Mr. PAGE. That will require two-thirds.
Mr. GUNTER. I ask to introduce two bills for reference at this time.

The SPEAKER. That can only be done by unanimous consent. Mr. McMAHON. I insist upon my motion.

The House divided; and there were-ayes 115, noes 45.

Mr. CONGER demanded tellers. Tellers were ordered.

The Chair appointed Mr. CAMP and Mr. McMahon tellers.

The House again divided; and the tellers reported—ayes 118, noes

So (two-thirds voting in favor thereof) the motion to dispense with

Mr. McMAHON. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the immediate deficiency bill; and pending that I move that when the House does so resolve itself into Committee of the Whole all general debate be limited to five minutes?

Mr. CONGER. I move to amend by making the time two hours, one hour on each side; and if the other side does not wish to make any reply, then that the time be fixed at one hour and twenty min-

The SPEAKER. The Chair desires to submit the motion to the House and hopes the gentleman from Michigan will fix the time.

Mr. CONGER. Then I move to amend by making the time two

Mr. PAGE. To be equally divided? The House divided; and there were—ayes 75, noes 85. Mr. CONGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, noes 114, not voting 72; as follows:

Aldrich, N. W. Aldrich, William Anderson, Bailey, Bailon, Barber, Bayne, Befford, Blake, Boyd, Brewer, Briggs, Brigham, Browne, Burrows, Calkins, Camp, Cannon, Carpenter, Caswell, Chittenden, Conger, Cowgill, Crapo, Culberson, Daggett,	Davis, Horace Deering, Dunn, Dunnell, Dwight, Einstein, Errett, Farr, Felton, Ferdon, Field, Ford, Fort, Frye, Garfield, Gillette, Godshalk, Hall, Hammond, John Harmer, Haskell, Hawley, Heilman, Hiscock, Horr, Houk,	Joyce, Ketcham, Killinger, Lapham, Lindsey, Loring, Lowe, Marsh, Martin, Joseph J. McKinley, Miles, Mills, Mills, Monroe, Myers, Neal, Norcross, O'Neill, Orth, Overton, Pacheco, Page, Pierce, Pound, Prescott, Price,	Richardson, D. P. Ryan, Thomas Sapp, Shallenberger, Sherwin, Smith, A. Herr Starin, Stone, Thomas, Thompson, W. G. Townsend, Amos Updegraff, J. T. Updegraff, Thomas Urner, Valentine, Van Voorhis, Wait, Ward, Weaver, Williams, Williams, Williams, Willits, Yocum.
Davis, George R.	Jones,	Reed,	

	NAY	7S—114.	
Aiken, Armfield, Atherion, Athins, Seltzhoover, Sicknell, Slackburn, Bland, Bliss, Blount, Souck, Buckner, Jabell, Jarlisle, Chalmers, Llark, John B. Jobb, Joffroth, Jolerick, Jowett, Jox, Javidson, Javidson, Joavis, Joseph J. Joavis, Joseph J. Joavis, Joseph J. Joavis, Joseph J. Joavis, Lowndes H. Jo Le Matyr, Jibrell.	Elam, Ellis, Evins, Finley, Forney, Frost, Geddes, Gubson, Goode, Gunter, Hammond, N. J. Harris, John T. Hatch, Henkle, Henry, Herbert, Herndon, Hooker, Hostetler, House, Hull, Hunton, Hutchins, Johnston, Kenna, Kimmel, King, Kitchin, Klotz,	Ladd, Martin, Edward L. Martin, Edward L. McKenzie, McLane, McMillin, Money, Morrison, Muldrow, Muller, Murch, New, Nicholls, Persons, Philips, Philips, Philips, Philips, Philoter, Reagan, Richardson, J. S. Richmond, Robertson, Ross, Rothwell, Ryon, John W. Sawyer, Scales, Shelley,	Simonton, Singleton, J. W. Singleton, J. W. Singleton, O. R. Slemons, Smith, Hezekiah B. Smith, William E. Speer, Springer, Steele, Talbott, Taylor, Thompson, P. B. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas Upson, Vance, Waddill, Warner, Wellborn, Wells, Whiteaker, Whiteaker, Whitthorne, Wise, Wise, Wise,

Humphrey, Hurd,

Hurd,
James,
Jorgensen,
Keifer,
Kelley,
Knott,
Le Fevre,
Lewis,
Lounsbery,

	NOT V	OTING-72.
cklen, cchman, ker, rlow, aale, erry, ngham, owman, aagg, ight.	Butterworth, Claffin, Clardy, Clark, Alvah A. Clymer, Converse, Crowley, Deuster, Dick, Dickey.	Ewing, Fisher, Forsythe, Harris, Benj. W. Hayes, Hayes, Hazelton, Henderson, Hill, Hubbell.

Ad Ba Ba Ba Be Be Bi Bo Br

2000		CONGL	EDDIONAL	TIECOTO-	-HOUBE.		APRIL 21,
Manning,	Newberry,	Russell, Daniel L.	White,		NOT VO	OTING—82.	The stories
Mason, McCoid,	O'Brien, O'Connor,	Russell, W. A. Samford,	White, Williams, C. G. Willis,	Acklen,	Dickey.	Martin, Edward L	. Sherwin,
McCook,	O'Reilly,	Sparks,	Wilson,	Aldrich, N. W. Bachman,	Ewing, Fisher,	Mason, McCook,	Smith, Hezekiah B. Sparks,
McGowan, Miller,	Osmer, Rice,	Stephens, Stevenson,	Wood, Fernando Wood, Walter A.	Barlow, Beale,	Forsythe, Harris, Benj. W.	McGowan,	Starin,
Morse, Morton,	Robeson, Robinson,	Tyler, Washburn,	Young, Casey Young, Thomas L.	Belford.	Hawk,	McKinley, Miller,	Stephens, Stevenson,
		AND	Toung, Thomas II.	Berry, Bingham,	Hayes, Henderson,	Money, Morton,	Stone, Townsend, Amos
	lment was not ag g pairs were anno			Bragg,	Hill,	Newberry.	Tyler, i Washburn,
	with Mr. HUBBE			Brewer, Bright,	Hubbell, Hurd,	O'Brien, O'Neill,	Washburn, Wells,
	with Mr. STARIN			Butterworth,	Hutchins,	O'Reilly,	White,
	RE with Mr. McCo			Claffin, Clardy,	James, Jorgensen,	Prescott, Rice,	Williams, Thomas Willis,
	with Mr. WHITE.	1.		Clark, Alvah A. Clymer,	Keifer, Kimmel,	Robeson, Robinson,	Willita
Mr. HARRIS.	of Massachusetts	, with Mr. LEWIS.		Converse,	Knott,	Ross.	Wilson, Wood, Walter A.
Mr. CLARK, o	f New Jersey, wit	h Mr. BUTTERWO	RTH.	Crowley, Davidson,	Le Fevre, Lewis,	Russell, Daniel L. Russell, W. A.	Young, Casey Young, Thomas L.
	th Mr. O'REILLY.			Deuster, Dick,	Lounsbery,	Samford,	7
Mr. HILL wit					Manning,	Sapp,	
Mr. Bragg w	rith Mr. James.				lment was not ag g additional pair		
	with Mr. CLAFLIN					ith Mr. Sapp duri	ng this day.
	with Mr. OSMER. RY with Mr. FOR	SYTHE.		The SPEAKI	ER pro tempore.	The question recu	rs on the motion of
	with Mr. MORTON			five minutes.	from Ohio [Mr. M	[CMAHON] to limit	t general debate to
Mr. RUSSELL	, of Massachusetts	s, with Mr. CLARD			R. I move to am	end that motion	by inserting "one
		Mr. HENDERSON.		hour and forty	minutes" in place	e of "five minutes	;" and upon that I
Mr. MANNING	ith Mr. STEVENSO	R on all political	questions.	call for the year	s and nays. We	may as well have	them.
Mr. BEALE W	ith Mr. Jorgensi	EN on all political	questions.		nays were ordere		s 97, navs 99, not
The result of	the vote was the	n announced as a	bove recorded.	voting 96; as fe		thore were—year	s эт, пауs ээ, цос
ion recurs on th	he motion of the g	entleman from Oh	chair.) The ques-		YE	AS-97.	Land of the Control o
hat all general	debate on the bil	l pending in Com	io [Mr. McMahon] nittee of the Whole	Aldrich, William Anderson,	Davis, Horace Deering.	Joyce, Kelley,	Ryan, Thomas Shallenberger,
be limited to fir	ve minutes.			Bailey, Baker,	Deering, Dunnell,	Ketcham.	Sherwin,
	one hour and fif		out "five minutes"	Ballou,	Dwight, Einstein,	Killinger, Lapham,	Smith, A. Herr Starin,
			amendment, there	Barber,	Errett, Farr,	Lapham, Lindsey,	Stone,
were—ayes 69,				Bayne, Blake,	Felton,	Loring, Lowe,	Thomas, Thompson, W. G.
	L. I call for the		40	Boyd, Brewer,	Ferdon, Field,	Marsh, Martin, Joseph J.	Townsend, Amos Updegraff, J. T.
			there were ayes 46. the last vote) the	Briggs, Brigham,	Ford,	McCoid,	Updegraff, Thomas
yeas and navs v	were ordered.		The same of the same of the same	Browne,	Fort, Frye,	McKinley, Miles,	Urner, Valentine,
		there were—year	s 102, nays 108, not	Burrows, Calkins,	Frye, Gillette, Godshalk,	Monroe, Neal,	Van Aernam, Van Voorhis,
voting 82; as fo		AC 100		Camp,	Hall,	Norcross,	Wait,
Aldrich, William	Davis, Horace	AS—102. Houk,	Page	Cannon, Carpenter,	Hammond, John Haskell,	O'Neill, Orth,	Ward, Weaver,
Anderson,	Deering,	Humphrey,	Page, Pierce,	Caswell, Chittenden,	Hawley, Hazelton,	Overton, Pierce,	Wilber, Williams, C. G.
Bailey, Baker,	Dunn, Dunnell,	Jones, Joyce,	Pound, Price,	Conger,	Heilman,	Prescott,	Willits,
Ballou, Barber,	Dwight, Einstein,	Kelley, Ketcham,	Reed, Richardson, D.P.	Cowgill, Culberson,	Hiscock, Horr,	Price, Reed,	Yocum.
Bayne,	Errett,	Killinger,	Ryan, Thomas	Daggett,	Houk,	Richardson, D. P.	
Blake, Bowman,	Farr, Felton,	Lapham, Lindsey	Shallenberger, Smith, A. Herr	Davis, George R.	Humphrey,	Russell, Daniel L.	
Boyd, Briggs,	Ferdon, Field,	Loring, Lowe,	Thomas.	Aiken,	Dibrell,	XYS—99. Klotz,	Shelley,
srigham,	Ford,	Marsh,	Thompson, W. G. Updegraff, J. T. Updegraff, Thomas	Armfield,	Elam,	Ladd,	Simonton.
Browne, Burrows,	Fort,	Martin, Joseph J. McCoid,	Updegraff, Thomas Urner,	Atherton,	Evins, Finley,	McKenzie, McMahon	Singleton, J. W.
Calkins,	Garfield,	Miles.	Valentine	Atkins, Bicknell,	HOPPION	McMillin,	Singleton, O. R. Smith, Hezekiah B. Smith, William E.
Camp, Cannon,	Garfield, Gillette, Godshalk,	Mills, Mitchell,	Van Aernam, Van Voorhis, Voorhis,	Blackburn, Bland,	Frost, Geddes, Gibson, Goode,	McMahon, McMillin, Money, Morrison, Muller,	Speer, William E.
arpenter, aswell,	Hall, Hammond, John	Monroe, Morse,	Voorhis, Wait,	Bliss, Blount,	Gibson, Goode	Muller, Murch,	Speer, Springer, Steele
hittenden,	Harmer,	Myers,	Ward,	Bouck,	Hammond, N.J.	Myers.	Steele, Taylor,
longer, lowgill,	Haskell, Hawley,	Neal, Norcross,	Weaver, Wilber,	Buckner, Cabell,	Harris, John T. Hatch.	New, Nicholls,	Thompson, P. B. Tillman,
rapo, ulberson,	Hazelton, Heilman,	Orth, Osmer,	Williams, C. G. Yocum.	Caldwell, Chalmers,	Henry, Herbert,	O'Connor, Persons,	Townshend, R. W. Turner, Oscar
aggett.	Hiscock,	Overton,	2004	Clark, John B.	Herndon,	Phelps,	Turner, Thomas
Davis, George R.	Horr,	Pacheco,		Cobb, Colerick,	Hooker, Hostetler,	Philips, Phister.	Upson, Vance,
Dean		YS-108.	Sheller	Cook,	House,	Reagan,	Waddill, Warner,
liken, rmfield,	Dibrell, Elam,	Klotz, Ladd, •	Shelley, Simonton,	Covert, Cravens,	Hull, Hunton,	Richardson, J. S. Richmond,	Wellborn,
therton,	Ellis, Evins,	Martin, Benj. F. McKenzie,	Singleton, Jas. W. Singleton, Otho R.	Davidson, Davis, Joseph J.	Hutchins, Johnston,	Ross, Rothwell,	Whiteaker, Whitthorne,
Beltzhoover,	Finley,	McLane,	Slemons,	Davis, Lowndes H	. Kenna,	Ryon, John W.	Wise,
Bicknell, Blackburn,	Forney, Frost,	McMahon, McMillin,	Smith, William E. Speer,	De La Matyr, Deuster,	King, Kitchin,	Sawyer, Scales,	Wright.
Bland,	Geddes,	Morrison, Muldrow,	Springer, Steele,			OTING-96.	
Bliss, Blount,	Gibson, Goode,	Muller,	Talbott,	Acklen,	Coffroth,	Henderson,	McCook,
Bouck, Buckner,	Gunter, Hammond, N. J.	Murch, New.	Taylor, Thompson, P. B.	Aldrich, N. W. Bachman,	Converse, Cox,	Henkle, Hill.	McGowan, McLane,
Cabell,	Harris, John T.	New, Nicholls,	Tillman.	Barlow,	Crapo,	Hubbell,	Miller,
aldwell, arlisle,	Hatch, Henkle,	O'Connor, Persons,	Townshend, R. W. Tucker,	Beale, Belford,	Crowley, Dick,	Hurd, James,	Mills, Mitchell,
halmers, lark, John B.	Henry, Herbert,	Phelps, Philips,	Tucker, Turner, Oscar Turner, Thomas	Beltzhoover.	Dickey, Dunn,	Jones, Jorgensen,	Morse, Morton,
Cobb.	Herndon.	Phister, Poehler,	Upson.	Berry, Bingham,	Ellis,	Keifer.	Muldrow,
Coffroth, Colerick,	Hooker, Hostetler,	Reagan.	Vance, Waddill,	Bowman,	Ewing, Fisher,	Kimmel, Knott,	Newberry, O'Brien,
Cook, Covert,	House, Hull,	Richardson, J. S. Richmond,	Warner, Wellborn,	Bragg, Bright, Butterworth,	Forsythe, Garfield.	Le Fevre, Lewis,	O'Reilly, Osmer,
lox,	Hunton,	Robertson,	Whiteaker,	Carlisle,	Gunter,	Lonnsbery.	Pacheco,
Cravens, Davis, Joseph J	Johnston, Kenna,	Rothwell, Ryon, John W.	Whitthorne, Wise,	Claffin, Clardy,	Harmer, Harris, Benj. W.	Manning, Martin, Benj. F.	Page, Poehler,
Davis, Lowndes H. De La Matyr,	King,	Sawyer, Scales,	Wood, Fernando Wright.	Clark, Alvah A. Clymer,	Hawk,	Martin, Edward L. Mason,	
o La Matyr,	zatemii,	Scares,	Wilgut.	l Olymer,	Hayes,	mason, municipality	2100,

Robertson, Robeson, Robinson, Russell, W. A. Samford, Sapp. Tyler, Voorhis, Washburn, Wells, White, Williams, Thomas Slemons Willis Slemons, Sparks, Stephens, Stevenson, Talbott, Tucker, Willis, Wilson, Wood, Fernando Wood, Walter A. Young, Casey Young, Thomas L. Sapp,

So the motion of Mr. CONGER was not agreed to.

So the motion of Mr. Conger was not agreed to.
The following additional pairs were announced:
Mr. Washburn with Mr. Poehler for to-day, on all political questions, but not to break a quorum.
Mr. McLane with Mr. Tyler until Saturday next.
Mr. Harmer with Mr. Ellis.
Mr. CONGER. Mr. Speaker—
The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Ohio [Mr. McMahon] to limit debate to five minutes

Mr. McMAHON. The sense of the House, I think, has been sufficiently tested to warrant me in demanding, as I now do, the previous question on my motion in regard to limiting debate.

Mr. CONGER. I call the attention of the Chair—

Mr. McMAHON. I decline to yield the floor, but demand the pre-

vious question on my resolution.

Mr. CONGER. I addressed the Chair before the gentleman from Ohio did.

The SPEAKER pro tempore. The Chair recognized the gentleman from Ohio, he having charge of the bill to which his motion relates.

Mr. McMAHON. I insist upon my motion.

The SPEAKER pro tempore. The gentleman will state it again.

Mr. McMAHON. I demand the previous question on my pending
motion that all debate upon the immediate deficiency bill in Committee of the Whole be limited to five minutes. I refuse to yield for amendments to that motion, or for any other purpose, and insist upon the House coming now to a direct vote on the proposition.

The question was taken upon seconding the demand for the previous

question; and upon a division there were—ayes 79, noes 4.

Mr. CONGER. No quorum has voted..

Tellers were ordered; and Mr. CAMP and Mr. McMahon were appointed.

The House again divided; and the tellers reported ayes 93, noes

Mr. CONGER. No quorum has voted.

The SPEAKER pro tempore. The point of order having been made that no quorum has voted, the only motions now in order are a motion to adjourn and for a call of the House.

Mr. LOWE. If in order I move to refer this matter to a commit-

tee on common sense with instructions to report immediately. [Laugh-

Mr. REED. That would be a partisan committee-all from this

side. [Laughter.] Mr. EINSTEIN.

Mr. EINSTEIN. I would ask the other side of the House not to follow the lead of their brethren at Syracuse yesterday; but to accept the olive branch which has been held out to them.

Mr. McMAHON. I offered the olive branch yesterday, but gentle-men on the other side would not accept it on account of it excluding their leader.

Mr. EINSTEIN. We will take care of our leader ourselves.
Mr. HUMPHREY. What is the proposition now?
Mr. McMAHON. I have no proposition.
Mr. CONGER. I sincerely hope the gentleman from Ohio [Mr. McMahon] having charge of this bill will not forget our friends on the ice in the Arctic region. [Laughter.] Yesterday they were suffering very much, and our sympathies were excited beyond all calcula-

The SPEAKER pro tempore. Discussion is not now in order.

Mr. McMAHON. Gentlemen upon the other side have refused to
vote or to allow business to proceed. If they are willing to take that responsibility they can do so.

Mr. HISCOCK. And our friends on the other side rather than allow

an hour for debate have wasted two days of the time of the House.

Mr. EINSTEIN. Is there anything so wrong in this bill that we cannot be allowed to debate it for one hour?

The SPEAKER pro tempore. That is not a question for the Chair

to determine.

Mr. CHITTENDEN. I would like to inquire if the motion of the

gentleman from Alabama [Mr. Lowe] is debatable?

The SPEAKER pro tempore. The motion of the gentleman from Alabama is not in order.

Mr. CHITTENDEN. I understood him to move that this matter

Mr. CHITTENDEN. I understood him to move that this matter be referred to a committee on common sense. Is that debatable? The SPEAKER pro tempore. That motion is not in order. Mr. CONGER. As the previous question has not been seconded, I move that the time for debate be made one hour and thirty minutes. Mr. McMAHON. I raise a point of order on that motion. The SPEAKER pro tempore. That motion is not in order pending the point of order that no quorum voted on seconding the demand for the prayions question.

the point of order that no quotain voted on seconding the for the previous question.

Mr. CONGER. Was that demand seconded?

The SPEAKER pro tempore. It was not.

Mr. CONGER. Therefore, it not being seconded, it is in order for me to make my motion, and I now move that there be an hour and thirty minutes for debate.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONGER] made the point of order that no quorum voted; and no motion is now in order except a motion to adjourn or a motion for a call of the House.

Mr. CONGER. I asked the Chair if the previous question was seconded, and the Chair said it was not. If not, then my motion is

The SPEAKER pro tempore. Does the gentleman withdraw his point of order that there was no quorum voting?

Mr. CONGER. Not at all.

The SPEAKER pro tempore. Then no motion is in order except for a call of the House or to adjourn.

Mr. CONGER. Do I understand the Chair to say that the previous question is seconded?

The SPEAKER pro tempore. Certainly not.

Mr. CONGER. Then I move to make the time for debate an hour and thirty minutes.

Mr. HÜTCHINS. Is debate in order?

Mr. HUTCHINS. Is debate in order?
The SPEAKER pro tempore. It is not.
Mr. HUTCHINS. Then I call the gentleman from Michigan to order.
Mr. CONGER. I suppose that seats me without any action of the
House. [Laughter.]
Mr. HUTCHINS. I call the gentleman from Michigan to order.
Mr. CONGER. That seats me without any action of the House.
Mr. HUTCHINS. Order. [Laughter.]
The SPEAKER. The gentleman from Michigan [Mr. CONGER]
made the point of order himself that no quorum voted.
Mr. CONGER. Yes, sir; and the then occupant of the chair stated that the previous question was not seconded.
The SPEAKER. And the occupant of the chair stated correctly, that it was not seconded, because a quorum had not voted.
Mr. CONGER. There was no qualification in the statement of the then occupant of the chair, and I was proceeding strictly on parliamentary grounds.

mentary grounds.

The SPEAKER. The pending question is on seconding the motion for the previous question. Does the gentleman from Michigan still insist upon the point of order that no quorum has voted?

Mr. CONGER. Yes, sir. Mr. REAGAN. I move a call of the House.

A call of the House was ordered, fifteen members voting in favor

The roll was called, when the following members failed to answer:

Acklen,	Dickey,	Lounsbery,	Samford,
Bachman,	Ellis.	Manning,	Sapp,
Barlow.	Fisher,	Mason,	Sparks.
Bingham,	Forsythe,	McGowan,	Starin,
Brewer,	Gibson.	McLane,	Stephens,
Bright.	Gillette.	Miller.	Tucker,
Butterworth,	Harris, Benj. W.	Mills.	Tyler,
Calkins,	Hawk,	Mitchell,	Upson,
Carlisle.	Haves,	Money.	Voorhis,
Claffin.	Hill,	Morton,	Washburn,
Clardy.	Hubbell.	Murch.	Wellborn,
Clark, Alvah A.	Hurd,	Newberry.	White,
Clymer,	James,	O'Brien.	Wood, Walter A.
Coffroth,	Jorgensen,	O'Reilly,	Young, Casey
Crapo,	Keifer,	Osmer,	Young, Thomas L.
Crowley,	Knott,	Pacheco,	
Deuster,	Le Fevre,	Rice,	
Dick.	Lewis.	Robeson.	

The SPEAKER. On this call 224 members have answered to their

Mr. HERBERT. In explanation of the absence of my colleague, [Mr. Lewis,] I desire to state that he is confined to his room by sick-

Mr. McMAHON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The question recurs on seconding the demand for the previous question.

The question being taken, there were ayes 71, noes none. Mr. CONGER. No quorum!

Tellers were ordered; and Mr. McMahon and Mr. Camp were appointed.

The House divided; and the tellers reported 65 in the affirmative, in the negative.

Mr. CONGER. I make the point of order that no quorum, has

Mr. PAGE. I ask unanimous consent that the gentleman from

Maine may now proceed to make his remarks on this subject.

Mr. McMAHON. We prefer to wait for a quorum, so that the gentleman may have a full House.

Mr. WILBER. If we cannot proceed with other business, we may

as well hear him.

ENROLLED BILLS SIGNED.

Mr. KENNA, by unanimous consent, reported that the Committee on Enrolled Bills had examined and found truly enrolled a bill of the

An act (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883.

NAVAL APPROPRIATION BILL.

Mr. ATKINS, by unanimous consent, reported back, from the Committee on Appropriations, the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, and moved that the same be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARFIELD. I reserve all points of order on the bill.

The motion of Mr. ATKINS was agreed to.

SUBSIDIARY COIN IN THE MAILS.

Mr. WARNER. I ask unanimous consent to report from the Committee on Coinage, Weights, and Measures a joint resolution (H. R. No. 275) authorizing the Secretary of the Treasury to transmit subsidiary coin through the mails—
Mr. CONGER. I call for the regular order.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. As gentlemen on the other side are unwilling to proceed with the public business—
Mr. CONGER. I call the gentleman to order. His language is

insulting and untrue.

Mr. McMAHON. It may be insulting, but it is very true.

The SPEAKER. The Chair wants to state that this character of

The SPEARER. The Chair wants to state that this character of language must henceforth cease.

Mr. CONGER. Yes, sir; I thank the Chair for rebuking it.

Mr. McMAHON. I think the rebuke is over there. I desire to repeat what I said. As gentlemen on the other side are not disposed to vote and do not vote—[cries of "Order!"]—my language is in order and I do not propose to be corrected upon it—and are obstructing the while beginning the vote of the heaving given them. public business by declining to vote, after having given them two

days—
Mr. WILBER. I call the gentleman to order.
Mr. McMAHON. Let my words be taken down if they are out of order. That is the way to test it.

The SPEAKER. The gentleman will proceed. Mr. CONGER. I submit that debate is not in order.

The SPEAKER. The Chair understood that the gentleman from

Ohio was trying to reach an arrangement of some sort.

Mr. WILBER. But he has no right to state that we are obstructing public business when he brings forward bills which he dare not

Mr. McMAHON. Allow me to finish my sentence. I will begin it over again, as it pertains to the business of the House. As gentlemen on the other side have declined uniformly to vote when the public business would be accelerated and helped, I withdraw both the motions I have made.

The SPEAKER. The gentleman from Ohio withdraws his motion. Mr. McMAHON. If there is anything out of order in that, take it down and try it.

SPEAKER'S TABLE.

Mr. SPRINGER. I move the House go to the Speaker's table for the purpose of referring certain bills there.

Mr. BLOUNT. Cannot we take up an election case and try that

awhile?

Mr. SPRINGER. We will after awhile. I now move to go to the business upon the Speaker's table.

Mr. BLOUNT. I am ready to vote with you now on an election

Mr. CONGER. I make the point of order that the motion is not in order until after the morning hour.

The SPEAKER. The morning hour to-day has been dispensed with.

Mr. CONGER. Then there is no morning hour to-day, and the motion is not in order to go to the business on the Speaker's table until after the morning hour. The Chair has ruled that so many times—

The SPEAKER. Will the gentleman point out when he ever so

Mr. CONGER.

Mr. CONGER. Has the Chair forgotten?

The SPEAKER. The gentleman has no right to make statements unless he can substantiate them.

Mr. CONGER. That is my understanding of the ruling of the

The SPEAKER. The Chair recollects no such ruling. The gentleman from Michigan will be kind enough to refer to it if he knows

of any such ruling, or else not make the statement.

Mr. SPRINGER. If that point of order were well taken there could be no other business done, because all other business must come up after the morning hour, and when you dispense with the morning hour, according to the gentleman's idea, that dispenses with all other

Mr. HARRIS, of Virginia. I give notice that if we go to the business on the Speaker's table I shall call up for action my resolution providing for the daily hour of meeting of the House at eleven o'clock a. m. instead of twelve m.

The SPEAKER. That resolution is upon the Speaker's table.

Mr. HARRIS, of Virginia. So I understand.

The SPEAKER. The Clerk will read clauses 3 and 4 of Rule XXIV, controlling the disposal of business upon the Speaker's table.

The Clerk read as follows:

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

4. After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

Mr. Springer's motion was agreed to.

LIBRARY BUILDING, FORT MONROE, VIRGINIA.

The first business on the Speaker's table was a letter from the Secretary of War, transmitting plans, &c., for library building at Fort Monroe, Virginia; which was referred to the Committee on Appropriations.

ADDITIONAL COPIES OF BILLS AND DOCUMENTS.

The next business on the Speaker's table was the joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and other public documents, returned from the Senate with amendments; which, on motion of Mr. Springer, was referred to the Committee on Printing.

CHARLES OLIVIER DUCLOZEL.

The next business on the Speaker's table was the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, returned from the Senate with amendments; which, on motion of Mr. Springer, was referred to the Committee on Private Land Claims.

HOT SPRINGS, ARKANSAS.

The next business on the Speaker's table was the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes,

returned from the Senate with a substitute.

Mr. CRAVENS. I move that the Senate substitute be concurred in.

Mr. CONGER. Let it be read.

The Clerk read as follows:

Mr. CRAVENS. I move that the Senate substitute be concurred in. Mr. CONGER. Let it be read.

The Clerk read as follows:

Sec. 1. That any person, his heirs or legal representatives, in whose favor the commissioners appointed under the acts of Congress of 1877 and 1878 relative to the Hot Springs of Arkansas have adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged him entitled to purchase, within twelve months next after the expiration of the notice required by the tenth section of the act of Congress of March 3, 1877, to be given by paying to the receiver of public moneys at the land office in Little Rock, Arkansas, 50 percent, of the assessed value of said lands, as placed thereon by said commissioners; and that such assessments be reduced to that extent; and that in any cases where any church or church association has been adjudged entitled to purchase land it may do so by paying \$5 per lot.

SEC. 2. That the certificates issued for condemned buildings by said commissioners be made receivable for the amounts named therein as so many dollars lawful money of the United States in the entry and purchase of the lands that may be sold in the Hot Springs reservation; and that such certificates be assignable, and when assigned in the presence of two subscribing witnesses, or the execution of the assignment thereof shall have been acknowledged before a court of record or clerk thereof, the land offices in like manner shall receive them from the assigned in the presence of two subscribing witnesses, or the execution of the assignment of land purchased for himself or others; and in case the amount of the certificate presented and received at such land office shall exceed that necessary to make the purchase and entry desired, there shall be executed by the register and receiver, and delivered to the person from whom the same is received, a certificate in the certificate that is such districts, not divided by streets on the map made by the commissioners as Nor

be, and the same are hereby, ceded to the corporation of the town of Hot Springs for public use.

SEC. 7. That that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, to be made from time to time, at the discretion and under the direction of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands; and the money arising from said sales, as well as any money paid in under section 1 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

The SPEAKER. The sections upon which the point of order is raised by the gentleman from Michigan will be read.

The bill was again read.

The SPEAKER. The Chair thinks if this is an amendment of the

Senate to the House bill, separate and distinct in its character from

anything that was adopted by the House, Rule XX would apply to it. The Chair will cause the rule to be read. it. The Chair will cause.
The Clerk read as follows:

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

The SPEAKER. The Chair will now cause to be read the third clause of the twenty-third rule.

The Clerk read as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. CRAVENS. If the Speaker will allow me, I wish to state, as I understand, the rules of the House which have just been read do not apply to this bill; in other words, that it is not subject to the point of order raised by the gentleman from Michigan.

The SPEAKER. The Chair will ask the gentleman from Arkansas in the chair will be the second of the House of the Hou

The SPEAKER. The Chair will ask the gentleman from Arkansas if this bill proposes to part with any property of the United States? Mr. CRAVENS. Yes, sir; but the original bill also, which was considered in the Committee of the Whole here and passed by the House, provided the same thing, and the effect of the Senate bill will only be to bring more money into the Treasury than would have been received into it under the House bill. For that reason I do not think it is subject to the point of order. For instance, the original bill provided that the lots which were awarded to the residents of the town of Hot Springs might be entered and valid titles obtained therefor on payment of a fee amounting to \$10 on each lot. These lots are valued at \$1,500, and this Senate bill provides that they shall be entered at one-half of their value; that is \$750 instead of \$10, as was provided in the House bill. in the House bill.

The SPEAKER. The Chair understands the gentleman to state that this bill was considered in Committee of the Whole House on the state of the Union.

Mr. CRAVENS. Yes, sir.
The SPEAKER. And when it was so considered in the House a provision was inserted parting with certain property of the United States, and the Senate amendment added thereto is simply changing the general feature of the bill in that respect; but leaving that provision, namely, parting with the property of the United States, as it was in the House bill?

Mr. CRAVENS. Yes, sir.

Mr. CONGER. But the House bill did not give away the property of the United States for church purposes of for school purposes. This

Mr. CONGER. But the House bill did not give away the property of the United States for church purposes or for school purposes. This bill, of course, originated in the House, and was considered in the Committee of the Whole; but these propositions were not contained in the House bill, as I understand.

Mr. CHALMERS. The amendment of the Senate adds to the amount to be paid into the public Treasury instead of taking away courtbing from it.

anything from it.

Mr. WARNER. It will add about \$100,000 more to the Treasury than the House bill.

Mr. CHALMERS. It adds very largely to the amount to be derived

from this property.

Mr. CONGER. The question is not as to the amount to be derived from the property but whether it disposes of any property of the

The SPEAKER. The Senate amendment seems to have stricken out everything in the House bill after the enacting clause, and the gentleman from Michigan states that the amended bill proposes to

gentleman from Michigan states that the amended bill proposes to part with certain property of the United States for church or school purposes, which provision was not contained in the original bill.

Mr. CRAVENS. But it does not change the House bill.

Mr. CHALMERS. I understand that it is not the fact that this Senate bill parts with the property of the United States.

The SPEAKER. The gentleman from Michigan has so stated.

Mr. CONGER. This Senate bill proposes to part with certain property for church and school purposes. Now, according to my understanding, there was no such provision in the House bill which was considered in the Committee of the Whole. I do not of course mean to be understood as making objection to giving the property for such purposes, but I make the point of order simply that this disposes with property of the United States—this substitute for the House bill—and therefore that it should have its first consideration in the Committee of the Whole.

Committee of the Whole. The SPEAKER. If this was a new bill it would be subject of course to the point of order, that is to say if such bill had originated course to the point of order, that is to say if such bill had originated in the House. The Chair thinks under the combined provisions of the two rules which have been read, and if it is true that this is a substitute for the House bill containing propositions different in reference to the disposition of this property from those contained in the House bill, that it would be subject to the point of order.

Mr. CRAVENS. The provisions of the bill are nearly identical with the original bill in the House. I may say that they are identical in all the particulars excepting as to how these parties to whom

the lots were awarded and the amount they should pay into the

Treasury for them.

The House bill provided that they should pay, as I have already stated, \$10 a lot, while this bill provides they shall pay half of the valuation of the property, and the only difference is that in the House bill the amount received into the Treasury from this source would not have exceeded \$20,000, while under this provision of the Senate

bill \$120,000 will be received.

Mr. CONGER. But that is to be paid for in some kind of scrip issued by the commissioners, and will not be paid in the money of the United States.

United States.

Mr. CRAVENS. That is only partly true, because there will be money to a greater or less extent received for that property.

Mr. CONGER. But the Government will receive the scrip certificates instead of the money.

The SPEAKER. The gentleman from Arkansas explains that the general provisions of the bill are identical with the House bill. The difference is as to the amount of money to be paid for these lots in

the town of Hot Springs.

Mr. CRAVENS. That is it.

Mr. CONGER. Does the gentleman from Arkansas [Mr. CRAVENS] state there was a provision in the House bill for giving lots to different institutions?

Mr. CRAVENS. Yes, sir.
Mr. CONGER. To the churches and to the schools?
Mr. CRAVENS. I understand the gentleman's point now. There is only this difference in that respect. In this bill there is provision made that the Secretary of the Interior may designate the lot for a

Mr. CONGER. Was that in the House bill?

Mr. CRAVENS. No, sir; but with that exception it is identical.

Mr. CONGER. That is the point of my inquiry. That, of course, carries it to the Committee of the Whole.

Mr. CRAVENS. I hope the gentleman from Michigan will with-

Mr. CRAVENS. I nope the gentleman from Michigan will withdraw his point of order.

Mr. CONGER. I desire to see this bill in print and to have an opportunity of examining it. There is a great deal of diversity of opinion as to what should be in the bill; and it seems to me this House in disposing of a large portion of the public property or remitting one-half or nine-tenths of the amount required by the present law to be paid for it should know what the bill is. I may have no objection to passing the Senate bill when I understand it, but I desire to see what it is

Mr. SPRINGER. I desire to say one word on the point of order. If the House will examine the Senate amendment it will be found to be introduced as follows:

Resolved, That the bill of the House of Representatives (H. R. No. 4244) entitled "An act for the establishment of titles in Hot Springs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert, &c.

The SPEAKER. Is the title changed?

Mr. CRAVENS. No, sir.

Mr. SPRINGER. Now, this under all parliamentary rules is a new bill. There may be many of the provisions incorporated in this bill that passed the House, but this bill cannot be considered as having ever been considered in the House, because it is now presented to the House in this shape for the first time; in the shape, namely, of striking out all of our bill and inserting this bill. What is in this bill I do not know. But I do know under the rules of the House, which ought to be observed, this bill is subject to the point of order, and we ought not to make the precedent here of going to examine the terms of these bills in the House to see whether some of them may be the same as those of another bill or not.

When the Senate send us an entirely new bill and ask us to concur with them in their amendment, we have the right and ought to apply the rule to it, if the point of order is made, that that bill shall take the course which the rule indicates, and go to the Committee of the Whole on the state of the Union; because in the parliamentary sense,

and our rules speak in a parliamentary sense, this bill has never been passed or considered by the House in this shape.

I have no objection to the measure, so far as that is concerned; but I do insist this rule should not be violated at this early stage of its operation, because it was made for a wholesome purpose, and if de-

operation, because it was made for a wholesome purpose, and if departed from now it will be simply a nullity hereafter.

Mr. CRAVENS. I do not profess to be a parliamentarian, but I do not think the position of the gentleman from Illinois is correct. I would like to see the authority on which he relies.

Mr. SPRINGER. In a parliamentary sense we have never considered one line of that bill. It is all new matter, and we are asked to proceed the process of the process o enact it in that shape.

Mr. CRAVENS. In so many words, it is represented to be an amendment. It is an amendment, and only an amendment, in the particulars I have mentioned, of the bill which passed the House.

Mr. SPRINGER. I hope the gentleman from Michigan will withdraw the point of order. But the point of order having been made, to rule otherwise would be to annul one of the new rules of the

House which I think is a very good one.

Mr. CRAVENS. I wish to state in addition that the land office is now open for the entry of these lands. This bill has been carefully considered by the Senate, and every objection which was heard in

this House when it was here for consideration is cured by this amend-

Mr. CONGER. We cannot discuss the merits of the bill now. But there were very strong objections to the House bill, and the friends of the House bill asserted it was as perfect as it could be made acor the House bill asserted it was as perfect as it could be made according to their views. Now it has gone to the Senate, and I can see a very different bill has been passed there. If this meets the views of the gentlemen who desired the passage of the other bill it is possible it may still be improved in one direction or another. I do not know how that may be; but I think the House ought to look into the bill carefully. There is a large amount of property and there are large individual rights involved in the decision of this question. Congress went to the expense of appointing a commission whose action it was expected would be final and satisfactory.

Mr. BUCKNER. Is debate in order?

The SPEAKER. It is in order on the point of order, not on the

merits of the bill.

Mr. CONGER. A bill is brought here to change entirely the report of the commission and the law as it was. Let it go to the Committee of the Whole on the state of the Union, and if on examination it is

or the whole on the state of the Union, and if on examination it is found to be right, then let it pass.

The SPEAKER. The Chair is of opinion that in a parliamentary sense this is not a new bill. It has the same title and the same number that it had when it passed the House.

Mr. CONGER. I did not make the point that it was a new bill.

The SPEAKER. The gentleman from Illinois [Mr. SPEINGER] made the point that it was a new bill.

Mr. SPRINGER. I meant that the subject-matter of the bill was

The SPEAKER. The amendment of the Senate relates generally to the subject-matter of the bill as passed by the House. The point of order is made, however, that the amendment of the Senate in one of its provisions proposes to part with the property of the United States for an entirely different object from that proposed by the bill as it passed the House. It may be that that amendment is subject to that point of order.

Mr. DUNN. I do not know what different disposition the amendment of the Senate makes of the property from that made by the House bill, except as to the price charged.

The SPEAKER. The Chair understood the gentleman from Michigan [Mr. CONGER] to state, and the gentleman from Arkansas in charge of the bill [Mr. CRAVENS] admitted the statement to be correct, that by the Senate amendment property of the United States is

rect, that by the Senate amendment property of the United States is given for a different purpose from any purpose in the House bill.

Mr. CRAVENS. I will state for the information of gentlemen that the Senate amendment does propose to give some land to a church.

Mr. REAGAN. I understand that property is not given away, but reserved from public sale.

Mr. DUNN. By the original bill land in the statement to be corrected to the control of the statement of of th

Mr. DUNN. By the original bill land is given for school purposes.
Mr. CONVERSE. In order to cut this matter short I would suggest that the bill remain upon the Speaker's table and be printed.

The SPEAKER. In that way it would lose none of its advantages.
Mr. SPRINGER. We cannot tell whether the amendment of the

Senate comes within the new rule until we can compare it with the original bill.

Mr. CONGER. I would have no objection to its being referred to

the Committee on the Public Lands.

The SPEAKER. The Chair understands that the gentleman from Arkansas [Mr. Cravens] would prefer to have it remain on the Speaker's table to being referred to the Committee on the Public

Mr. CONGER. Very well; I have no objection to that. Mr. CRAVENS. I will ask that it be allowed to remain upon the Speaker's table and be printed

There was no objection, and it was so ordered.

HEALTH ORDINANCES OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the joint resolution of the House No. 189, legalizing the health ordinances and regulations for the District of Columbia, returned from the Senate with an amendment

Mr. SPRINGER. I move that that resolution and amendment be

referred to the Committee on the District of Columbia.

Mr. NEAL. I will say that it is the desire of the Committee on the District of Columbia that the amendment of the Senate be concarred in.

Mr. SPRINGER. Very well, I will withdraw my motion then.

The SPEAKER. The amendment of the Senate will be read.

The amendment was to strike out all after the resolving clause and

to insert in lieu thereof the following:

to insert in lieu thereof the following:

That the ordinances of the late board of health of the District of Columbia, as revised, amended, and adopted, November 19, 1875, entitled "An ordinance to revise, consolidate, and amend the ordinances of the board of health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof," as printed in the report of said late board of health made to the first session of the Forty-fourth Congress, being Executive Document No. 1, part 8, be, and the same are hereby, legalized; and the respective penalties therein prescribed for violations thereof may be imposed and enforced for the respective offenses therein described, excepting the sections of said ordinance following, namely, sections 7, 9, and 14, which said sections are not hereby legalized.

SEC. 2. That the ordinances, rules, and regulations of said late board of health contained in the report mentioned in the preceding section, and printed in the said executive document therein mentioned, namely:

First. "An ordinance to amend an ordinance to prevent domestic animals from

running at large within the cities of Washington and Georgetows; passed by the board of health May 19, 1871;"

Second. "An ordinance to prevent the sale of anwholesome food in the cities of Washington and Georgetown;"

Third. "An ordinance to provide for the inspection of streets, food, live stock, fish and other marine products, in the cities of Washington and Georgetown; and to define the duties of inspectors and other officers of the board of health;"

Fourth. "An ordinance to amend section 10 of the code, so as to read;"

Fifth. "An ordinance to amend an ordinance passed May 13, 1873, to read as follows:"

Fifth. "An ordinance to amend an ordinance passes in section and several lows;"

Sixth. "An ordinance to prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown;" Seventh. "Rules and regulations in regard to small pox;"

Eighth. "Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia;" be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof, may be imposed and enforced for the violations of the same respectively, as provided by section 27 of the ordinance passed November 21, 1875.

The amendment of the Senate was concurred in.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

DAILY HOUR OF MEETING.

Mr. HARRIS, of Virginia. At this point I desire to raise a question of order in regard to the position of a resolution offered by myself last week in regard to the daily hour of meeting. In the RECORD of yesterday's proceedings I find the following:

Mr. Buckner. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That on and after Wednesday next, until otherwise ordered, the hour of daily meeting of the House be eleven o'cleck a. m.

Mr. Fernando Wood I object.

Mr. Garfield. Is not that a privileged question?

The Speaker. It is not a privileged question for consideration at this time. It may be a question of privilege to introduce such a resolution, but if introduced the Chair thinks there is no place for it except perhaps the Speaker's table.

Mr. Garfield. I hopethe gentleman will introduce it and let it go to the Speaker's table, where we may be able to reach it some time. If we are to get through before the dog-days we must begin our daily assessions before twelve o'clock.

The Speaker. Upon reflection the Chair recollects that there is a resolution of this nature already on the Speaker's table, introduced by the gentleman from Virginia, [Mr. Hareis.]

The SPEAKER. Was that the Speaker or the Speaker pro tempore?
Mr. HARRIS, of Wirginia. It is my recollection that it was the Speaker who then occupied the chair.

The SPEAKER. The Chair thinks that Mr. CARLISLS, of Kentucky, while acting as Speaker made a ruling on the same subject in harmony with the ruling of the present occupant of the chair.

Mr. HARRIS, of Wirginia. The gentleman from Kentucky ruled that the resolution which I offered was not a privileged resolution for consideration, but that it was priwileged for introduction. The present occupant of the chair went farther and said that the resolution went to the Speaker's table. lution went to the Speaker's table.

The SPEAKER. In the opinion of the Chair it could go nowhere

else. It could not go to the table of the House, for that is the place for bills, &c., which have been reported adversely and go there as rejected bills and propositions.

Mr. HARRIS, of Virginia. Then the question I now propound is, ought not that resolution to take precedence over other matters which

The SPEAKER. The rule is silent as to such propositions; but

the Chair will recognize the gentleman to state his proposition.

Mr. REAGAN. I trust it will not be assumed that a proposition not reported by a committee but introduced by an individual member and placed on the Speaker's table ought to take rank along with res-

and placed on the Speaker's table ought to take rank along with resolutions or bills reported by committees and regularly on the table.

The SPEAKER. If the rule is insisted on, the order of the rule as to disposing of business on the Speaker's table must be adhered to, and this resolution as to the hour of meeting will come up after.

Mr. REAGAN. I shall insist on anything that will prevent the adoption of this proposition at the present time. A number of committees have work before them which requires their whole time. Some of them are obliged to meet both mornings and evenings. It is too early yet to adopt this proposition.

The SPEAKER. Yet the House, in the opinion of the Chair, ought to have some way to say at what hour it will meet.

Mr. HARRIS, of Virginia. At what time does my friend's committee meet in the morning?

Mr. REAGAN. At half past nine o'clock.

Mr. REAGAN. At half past nine o'clock. Mr. HARRIS, of Virginia. That is a good hour. Mr. REAGAN. Sometimes at nine o'clock, and often in the even-

Mr. REAGAN. Sometimes at time o clock, and of the House ings.

Mr. HARRIS, of Virginia. I desire to test the sense of the House on this proposition; and I think that a question touching the hour of meeting ought to be a question of the highest privilege, whether it is or not. If the House desires to meet at a certain hour it ought to have the privilege of saying so.

Mr. FINLEY. If this proposition requires unanimous consent, I object. I concur with the gentleman from Texas, [Mr. REAGAN.]

Mr. HARRIS, of Virginia. I ask for a vote on the proposition I have submitted.

Mr. REAGAN. I submit that any proposition covering this question ought to come from the Committee on Rules.

Mr. CONGER. The twenty-eighth rule provides the manner of changing any standing rule of the House. It is now a standing rule that we meet at twelve o'clock.

Mr. FINLEY. Is not this proposition subject to the point of order that it can only be adopted by a two-thirds vote?

The SPEAKER. The Chair, when this proposition was introduced, entertained it as in the nature of a notice. Now the proposition itself must go somewhere. It could not go to either of the calendars; it could not go upon the table of the House. It naturally could go to no other place than the Speaker's table.

go to no other place than the Speaker's table.

Mr. CONGER. Would it not naturally go to the Committee on Rules?

The SPEAKER. That would be by motion. It did not go there.

It could, of course, have been sent by a vote of the House. But the Committee on Rules could not bring it back except when called.

Mr. HARRIS, of Virginia. When this proposition was introduced by me the Chair decided that it might be introduced as one day's notice to change a rule of the House, as required under the rules. I

notice to change a rule of the House, as required under the rules. I gave that notice. It should be held as a notice to change the existing rule as to the hour of meeting. Hence that part of the rules has been complied with,

The SPEAKER. The part of the rule which relates to notice has clearly been complied with; and the Chair is of opinion that the House in some way should have the right to fix the time of the daily

meeting.

Mr. MILLS. Is not this resolution in the same condition as the resolution which I offered some time ago, providing for regular night sessions, which the Chair certainly ruled was not in order?

The SPEAKER. The Chair has not said that this was in order, to be introduced and acted upon immediately upon introduction. The Chair has heretofore said that a proposition of this kind should go to the Speaker's table; and the gentleman from Virginia raises the point of order that the House being engaged on business upon the Speaker's of order that the House being engaged on business upon the Speaker's table, it has the right under the former ruling to take up and consider this resolution, and that it should have precedence.

Mr. FINLEY. Allow me to inquire whether the rule of the House

prescribing the manner in which a standing rule must be changed

would not apply in this case as in any other?

The SPEAKER. This is an order of the House as to its hour of

meeting.

Mr. FINLEY. But it occurs to me it is necessary to change it by the same process that is applicable in the case of any other rule.

Mr. REAGAN. It seems to me that technically this resolution ought not to go on the Speaker's table, because—

The SPEAKER. Where would it go?

Mr. HOOKER. To the Committee on Rules.

Mr. BEAGAN. It sught to be referred I think: and if the Chair.

Mr. REAGAN. It ought to be referred I think; and if the Chair will entertain the motion now, I will move to refer it to the Committee on Ways and Means.

The SPEAKER. That motion is in order if the order is taken from the Speaker's table for consideration.

Mr. CHALMERS. My point of order is this: under Rule XXVIII this is a motion to change a standing rule.

The SPEAKER. The gentleman means a standing order.

Mr. CHALMERS. The rule is:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month.

This is a motion to change the rules.

The SPEAKER. The Chair thinks this is what is termed an order of the Honse

Mr. CHALMERS. And it requires two-thirds to pass it. I make

the point it cannot be entertained except on Monday.

The SPEAKER. The Chair thinks this is an order of the House, and not a rule. The latter part of the rule read applies to a suspension of the rules by a two-thirds vote, but that part of the rule is not applicable as against an order in manner as provided for in first

not applicable as against an order in manner as provided for in line clause of the rule read.

Mr. CHALMERS: It says "no standing rule or order of the House shall be rescinded." It uses the words "or order."

The SPEAKER. Yes; but that is the first clause. "No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor." This clause has been complied with, and one day's notice has been given; but the second part which follows immediately thereafter provides: "Nor shall the Speaker entertain a motion to suspend the rules except on the first and third tertain a motion to suspend the rules except on the first and third Monday of each month." This clause does not apply to a suspension of an order of the House as referred to in the prior clause.

Mr. CONVERSE. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. CONVERSE. The order of the business on the Speaker's table is: first, executive communications undisposed of; second, Senate bills with House amendments thereto; third, House bills with amendments of the Senate thereto. There is where we are now, and though this resolution may be properly upon the Speaker's table, now is not the time to engider it. the time to consider it.

Mr. REAGAN. I move it be referred to the Committee on Ways

and Means.

Mr. CONVERSE. It is not before the House. The SPEAKER. The Chair thinks the intelligent disposition of this proposition would be to allow it to be referred to a committee of the House with authority to report immediately.

Mr. REAGAN. I would not embrace that in my motion. Mr. HARRIS, of Virginia. With instructions to report immedi-

Mr. REAGAN. I am frank to say, Mr. Speaker, the adoption of this rule now would absolutely interfere with the transaction of public business, unless members retire from the House to attend to committee business. Some committees are engaged in important business,

occupying their time every morning.

The SPEAKER. The gentleman from Ohio makes the point we are proceeding with the consideration of the business upon the Speaker's table under the rule to which he referred, and that in that order this resolution has not yet been reached, and will not be until the order of business mentioned in the rule has been concluded. The Chair

thinks the point is well taken.

Mr. ATKINS. I think the remarks of the gentleman from Texas are very proper. I do not think we will facilitate the expedition of business. The gentleman has been on the floor for half an hour.

Mr. HARRIS, of Virginia. I want to hear what the gentleman has

to say; but the Chair decides that the resolution is not now before

Mr. WILSON. I understood the gentleman from Texas to move

the resolution be referred to the Committee on Ways and Means.

The SPEAKER. The Chair ruled in favor of the point of order raised by the gentleman from Ohio; and the resolution, therefore, is not before the House, not having yet been reached on the Speaker's

The ruling of the Chair is, in the first place, that there is no other place for this resolution fixing the daily hour of meeting than the Speaker's table; secondly, that the one day's notice required of the change of a standing order has been given and the rule in that respect complied with; but, in the third place, under the point of order raised by the gentleman from Ohio that the disposal of business upon the Speaker's table should preced in the order set down in the rule. the Speaker's table should proceed in the order set down in the rule, that the resolution is not now before the House, not yet having been

reached on the Speaker's table.

Mr. BUCKNER. This is under the heading of "unfinished business" on the Calendar, placed there by the Clerk, with a note that it is "laid over one day under the rule."

MARINE HOSPITAL, MEMPHIS, TENNESSEE.

The next business on the Speaker's table was the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, which was returned from the Senate with an amendment

Mr. DIBRELL. My colleague [Mr. Young] from the Memphis district is absent, and, not knowing his wish in the matter, I ask by unanimous consent this be passed over for the present.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING AT CLEVELAND OHIO.

The next business on the Speaker's table was the bill (H. R. Not-5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio, returned from the Senate with an amendment.

Mr. GARFIELD. I hope the House will concur in the Senate amendment. It was passed by unanimous recommendation of the Committee on Public Buildings here. It passed unanimously through the Senate, and the amendment of the Senate only makes appropriation for the recair. ation for the repair.

The amendment was read, as follows:

At the end of the bill add the following:
And this sum, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GARFIELD. I wish to make this remark in connection with this matter: The post-office authorities at Cleveland have requested the Post-Office Department to authorize them to rent additional building room, and the question as to whether they shall incur that expense or not depends upon the passage of this bill. If this is passed that can be provided for without rental, and this expense avoided. It will be an actual saving to the Government. I hope, therefore, it will be passed.

The Senate amendment was concurred in.

Mr. GARFIELD moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY AND DISPOSITION OF THE PUBLIC LAND.

The next business on the Speaker's table was a Senate concurrent resolution.

The SPEAKER. The Clerk will read the resolution.

The SPEAKER. THE CARRY THE CLERK read as follows:

IN THE SENATE OF THE UNITED STATES,

June 12, 1879. Resolved by the Senate of the United States, (the House of Representatives concurring therein.) That the Committee on Public Lands of the Senate and Committee on the Public Lands of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission, authorized under the "act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected," with power to sit in vacation. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively, upon the certificate of the chairmen of said committees.

Mr. DUNNELL. Let that be referred to a committee.
The SPEAKER. What committee will the gentleman suggest?
Mr. DUNNELL. Is it desired to bring it before the House for action at this time?

Mr. BERRY. I move that it be referred to the Committee on the Public Lands.

The motion was agreed to.

SURVEY AND DISPOSITION OF MINERAL LANDS.

The next business on the Speaker's table was a Senate concurrent

resolution.

The Clerk proceeded to read the resolution.

Mr. STEVENSON. That resolution will not be concurred in and it is hardly necessary to take up the time in reading it. I ask, therefore, that it be referred to the Committee on Mines and Mining with-

The motion was agreed to.

ADVANCEMENT OF AGRICULTURAL INTERESTS.

The next business on the Speaker's table was the following Senate concurrent resolution with preamble:

Whereas agriculture is the foundation of nearly all our wealth, and it is mainly through the exportation of its products that we are paying off our large indebtedness, foreign and domestic, and have the present large balance of trade in our favor; and

Whereas, although about one-half of the people of this country are engaged in agricultural pursuits, and all other interests are dependent upon this our leading and most important interest, commercial and otherwise, yet but little has been done by the General Government to promote agriculture, while other less general and important interests have been largely aided: Therefore,

Resolved by the Senate, (the House of Representatives concurring.) That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

Mr. DIBRELL. I hope that will be agreed to.
Mr. COVERT. I move the adoption of the Senate resolution.
Mr. DUNNELL. Let it go to the Committee on Agriculture. It
has never been considered by the committee, and I move its reference to that committee

Mr. TOWNSHEND, of Illinois. That is a very important resolution, and I trust it will be adopted.

Mr. DUNNELL. It has never been considered, as I understand it, by the House Committee on Agriculture.

Mr. DIBRELL. We have considered everything in connection with it very fully in the House, and the subject is pretty well understood here. I am in favor of passing it now. I think we understand what is needed in that connection.

Mr. TOWNSHEND, of Illinois. It should be passed without delay. The SPEAKER. The question will first be taken on the reference of the resolution.

Mr. BERRY. I would like to know what the proposition before the House is.

The SPEAKER. The proposition is to refer this to the Committee on Agriculture.

Mr. BERRY. I hope it will not be referred, but considered at the present time.

The motion to refer was not agreed to.

Mr. COVERT. I move the adoption of the resolution.

Mr. DUNNELL. Let it be again read.

Mr. REAGAN. I would like to offer an amendment, if it be in order. I should like to insert a provision that it shall be considered in connection with how far the agricultural interests of this country can be advanced by adopting a revenue instead of a protective tariff, and by revising the laws in relation to internal-revenue taxation.

That is a matter of vital importance, in my opinion.

Mr. COVERT. I am willing to accept the amendment of the gentleman from Texas if I can do so.

Mr. GARFIELD. I make the point of order that the resolution in its terms interferes with the rights and the privileges of the House. The Senate has no right whatever to order one of our committees to report by bill or otherwise. We have no right to order any committee of the Senate to report by bill or otherwise. If the House will observe the language of that resolution—I ask that it be read again, as a part of my remarks.

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

Mr. GARFIELD. Now, I am as much in favor of having these committees examine and report on those subjects as anybody; and I am willing to vote to direct our Committee on Agriculture to consider this subject and report to the House.

The SPEAKER. Does the gentleman think that it is not within the consideration of any particular subject.

Mr. GARFIELD. Oh, no; I say we have.

The SPEAKER. Undoubtedly they have. If the two Houses should have the right to create respective committees, they surely should

the power of the two Houses to instruct by concurrent resolution their respective committees to consider particular subjects and report to

the two Houses respectively?

Mr. GARFIELD. I think they may by a joint or concurrent resolution instruct a joint committee, raised under the joint order of the two Houses. But how can I or all of us together properly vote to order the Senate Committee on Agriculture to consider a certain subject and report a bill? Or how can the Senate send us an order which has no binding power upon one of our committees? That is the mean-

has no binding power upon one of our committees? That is the meaning of it all.

I do not think I have ever known a proposition of this kind before, and I raise the question to get the ruling of the Chair upon it. If I am wrong, of course I will be very glad to know this sort of thing can be done. If I have it in my power by introducing a resolution here to compel some Senate committee to make a certain investigation and report, I have a power which I never knew I possessed as a member of the House. And on the other hand, if the Senate has that power over our committees, let us know it.

The SPEAKER. The effect of this concurrent resolution might be to create, for the object specified in the resolution, as it were, a special committee. And the Senate indicates and the House indicates, if it

committee. And the Senate indicates and the House indicates, if it agrees to pass the resolution, that the members of the respective Committees on Agriculture of the two Houses shall form a special committee for the consideration of the particular subject embraced in the resolution

resolution.

Mr. GARFIELD. If that is the view of the Speaker, then the Senate goes a step further and appoints certain specific members of the House, and we by passing this appoint certain specific Senators.

The SPEAKER. The joint committees of the two Houses are appointed by the respective Houses.

Mr. GARFIELD. If the Senate appoints a committee to consider and report upon a particular subject and to act in conjunction with such committee as the House may appoint on the same subject, that I grant the Senate has the right to do. That leaves it to the Speaker to designate the committee on the part of the House. But if we adont this resolution the Speaker has no power of designation. adopt this resolution the Speaker has no power of designation.

The SPEAKER. The two committees have already been designation.

The SPEARER. The two committees have already been designated by the respective Houses.

Mr. GARFIELD. It is to me a new thought altogether.

The SPEAKER. It is an unusual proceeding, it is true, but the Chair thinks such a resolution was passed by the Senate at the last session, but failed to pass the House

session, but falled to pass the House.

Mr. MILLS. I wish to make this inquiry: If this resolution be adopted by this body, will it not be adopted in pursuance of the provision of the Constitution that every resolution to which the concurrence of the Senate and House of Representatives may be necessary shall be the supreme law when signed by the President of the United States? Now, what is there in the position of a committee of this House to prevent its being subjected to the high authority of the laws of the land? of the land? A law passed by the Senate and by this House and signed by the President of the United States operates upon every citizen of the Government.

The SPEAKER. The Chair will state to the gentleman from Texas the difference is that this is not signed by the President.

Mr. MILLS. But it is a concurrent resolution. It comes within the

terms of the constitutional provision; and when the House concurs in this resolution I suppose its committee is bound to give effect to it.

Mr. BARBER. I desire to make an inquiry. Under the construction of the rule given by the Speaker, will the report made be a joint report, or will separate reports be made by the respective committees?

The SPEAKER. Any report the committees might agree to would

be made to the respective Houses in manner as joint committees report.

Mr. TOWNSHEND, of Illinois. I think the action of the House might be regarded somewhat in this light: that this is the expression of the sentiments of the House upon a question in which one-half of the people of this country are directly interested. It is an expression of the sentiment of the two Houses upon the claims of the agricultural interest.

The SPEAKER. The Chair entertains the proposition of the Sen-

ate as in order. Mr. REAGAN.

Now I desire to offer my amendment.

Mr. REAGAN. Now I desire to offer my amendment.

Mr. GARFIELD. May I be permitted for a moment to pursue the question I was submitting to the Chair?

The SPEAKER. The Chair will listen with pleasure.

Mr. GARFIELD. Suppose we pass this and suppose that next week we would like to annul our part of the arrangement. Suppose we should say we do not want our Committee on Agriculture to do this thing. We cannot get out of it because we are bound by a concurrent action of the two bodies. Now, I think the House of Representatives has not any right to place itself in that position. By concurring in this resolution we put ourselves in the power of the Senate.

Mr. REAGAN. I understand the Speaker has ruled upon the point as raised by the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio would hardly state that the two Houses have not a right to create a joint committee for the consideration of any particular subject.

have the right combined to instruct by a concurrent resolution the respective committees of the two Houses in reference to a particular subject. And if the House subsequently wanted to withdraw from the House committee its jurisdiction of such a subject, then the House would find a way under its rules no doubt to take the consideration of that subject away from that committee.

Mr. GARFIELD. Could the House do that without the concur-

rence of the Senate after having passed this resolution? That is the

point I make.

Mr. SPRINGER. Would it not be the best way to refer this to the Committee on Agriculture?
The SPEAKER. The Chair entertains the resolution.

Mr. MILLS. Let the amendment be read.

The amendment was read, which was to add the following:

That the committee also inquire as to the effect on the agricultural interests of the country of the adoption of a revenue tariff instead of the present protective tariff, and a proper revision of the laws relating to internal revenue taxation, and report on those subjects.

Mr. REAGAN. One word in relation to that.

Mr. GARFIELD. I make the point of order that this amendment is not germane to the resolution.

Mr. REAGAN. The gentleman can make that after I am through.

Mr. REAGAN. The gentleman can make that after I am enforga. This amendment is drawn in the haste of the moment, and perhaps imperfectly drawn, but simply with the view of calling attention to the subject. The purpose of the resolution which has been read is to be made the manner of herefiting the agricultural interests of the inquire into the means of benefiting the agricultural interests of the country. It recites very properly the great importance of that branch of industry and the great office it fills in providing the means of paying our public debt and carrying on the Government. If we do not mean to treat this vast interest with mere general complimentary platitudes; if we mean to do something which will lift the burden from the shoulders of those engaged in agriculture and distribute it over the various interests of the country at large, then this amendment is directly within the scope of the resolution coming from the Senate, in order that we may ascertain what can be done to ameliorate and benefit and promote the agricultural interests of the country. When we look at the fact that we have a tariff constructed with especial view to securing protection, in which revenue is simply an incident, as is evidenced by exempting from taxation coffee and tea and other important articles of import that are not produced in this country, with a corresponding increase of taxation on everything that is made or produced in this country, we see a confirmation of the statement that our tariff is especially a protection as contradistin-

guished from a revenue tariff.

Mr. TOWNSHEND, of Illinois. In some respects prohibitory.

Mr. REAGAN. And as my friend from Illinois [Mr. TOWNSHEND]
suggests, in some respects prohibitory. I believe I have before presented to this House on some occasions the fact that taking the best estimates that our ablest statisticians have been able to make of the amount of articles manufactured and brought into market in this amount of articles maintractured and oblight his articles maintractured and oblight his articles maintractured and oblight his articles are the amount of revenue that comes from the present tariff duties, we impose upon the people of this country a burden of not less than \$1,600,000,000 a year, which amount does not go into the Treasury, but is transferred from one class of our people to another class of people by the operation of law and without consideration.

When we remember that these agriculturists that are spoken of so blandly in the resolution are engaged in an industry that is deprived of this vast amount of money for the benefit of other people, it seems to me entirely pertinent and appropriate that we should point out in the resolution some specific means of transferring this vast burden from them and distributing it among the different interests of our

As was very forcibly presented by my colleague [Mr. Mills] a few weeks ago, our internal-revenue laws are so arranged as to tax the consumers of the country and to exempt the capital, the wealth, and the property of the country from bearing its part of the burdens of the Government. If this resolution is not intended to be a barren platitude, it opens a field of investigation that might well command the attention and the general consideration of any committee of this House. That Congress which shall meet the wishes of the people of this country, conform to their interests, and make systems of revenue that will bear alike upon all, extending special privileges to none, but securing alike the interests of all, will be entitled to the profound gratitude of the people of this country, and will receive the expression of its grateful consideration for so doing. But it will never accomplish that by barren platitudes eulogizing agriculture. We can never accomplish it except by ascertaining what burdens press down to impoverishment the agricultural interests while it is building up fortunes in the hands of the few.

I do not know but that I have ever stated it before; but about

forty years ago, when Stephen Girard by a long life of earnest industry and fortunate speculations succeeded in accumulating a for-

tune of \$3,000,000, it was considered one of the worlds of the world.

Mr. GARFIELD. I have made a point of order on the amendment.

The SPEAKER. The Chair understood the gentleman from Ohio [Mr. GARFIELD] simply to ask that his point of order be reserved, but not to express a wish to take the gentleman from Texas [Mr. Reagan] from the floor.

Mr. REAGAN. I am not going to occupy much more time. As I

was saying, when forty years ago Stephen Girard succeeded in accumulating a fortune of \$3,000,000 it was a matter of astonishment to the people of this country. At that time the wealth of the country was more equally distributed among the people, and the enjoyment of the fruits of wealth was more universal in this country than in

of the fruits of wealth was more universal in this country than any other country beneath the sun.

Our people live under equal and just laws, conferring no exclusive privileges upon any, giving no special benefits to any, but extending equal protection to all parts of the country and to every class of industry. What is now the case? Within the last fifteen years we see dustry. What is now the case? Within the last niteen years we see colossal fortunes of from five to one hundred million dollars piled up in a few years—such as no man can possibly by any successful speculation or commercial adventure expect without Government aid to obtain through a life-time if it were extended to eighty years. you come to inquire why it is that colossal fortunes are being piled oup at the expense of the industry of the country, you must answer that question by reference to the laws on our statute-books—laws which through bounties conferred on particular interests, through protective tariffs, through discriminating internal-revenue laws, through monopolies secured in particular classes of business, have opened the way under the operation of law and by the help of the law for piling these vast fortunes which come from the earnings of the toiling millions. Hence the few are becoming richer and richer day by day, while the many make no advance, and in most parts of the country white the many make no advance, and in most parts of the country retrograde in fortune year by year.

Mr. BAYNE Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. BAYNE. Has not the national wealth increased more during

the last eighteen years than it did in any forty years of the previous history of the country; and is not this due to the protective policy inaugurated about eighteen or nineteen years ago? [Cries of "No!"

Mr. REAGAN. I suppose that is the opinion of the gentleman from Pennsylvania. But while the aggregate of wealth in this country has increased, the universal enjoyment of wealth and its equal distribution all over the country are disappearing. If you should go to one of the imperial capitals of Europe, such as Paris or Vienna, as those great capitals increase in dimensions, in population, in wealth, and splendor, they might possibly be pointed to as evidence of the prosperity and growth of those countries; but while that imperial splendor is being piled up for the enjoyment of the few, the toiling millions, without the means of sufficient education, without the proper comforts of life, are bearing the burdens out of which are drawn the millions that create those splendid edifices. Such is the effect and must always be the effect of any system of legislation which robs one portion of the people for the benefit of another portion.

If we are to preserve popular liberty in this country, if we are to

maintain republican government, we must do it by a system of legislation which shall command the respect and confidence of the peo-ple and enable them in hearty, cheerful patriotism to support the Government—the common government alike of all classes of the people, which shall in the exercise of its functions impose undue burdens upon none, give undue benefits to none. Just so long as we do this we may expect republican institutions and popular government to stand. When we depart from this policy, as we have now departed in order to adopt a system which has piled up great fortunes in the hands of a few at the expense of the many, we are on the road to a moneyed aristocracy which, when sufficiently established, will, in my judgment, inevitably subvert the liberties of our people and

change the character of our Government.

If I had supposed this question was to arise, it is exactly upon this theme I would have liked to address the House for a few moments. But I leave that topic. My friend from Pennsylvania [Mr. BAYNE] asks me whether it is not protection that has increased the wealth of asks me whether it is not protection that has increased the weather it is not protection that has increased the weather it is not proved in this country. Sir, our country's wealth has grown in spite of vicious and false legislation. It has grown as the result of the inherent energies and vast resources of the American people, which unjust legislation has thus far been unable to fetter in chains tight enough to

deprive us wholly of the means of prosperity.

But, sir, aside from this, recognizing the necessity of collecting revenue for the support of the Government and the payment of the public debt, give us a revenue tariff. Place it, if you will, at an averpublic debt, give us a revenue tariff. Place it, if you will, at an average of 20 per cent. higher than any revenue tariff from the foundation of the Government until now. By enlarging the foreign trade of the country, by giving activity to internal industry, by increasing imports and exports, you will obtain as much revenue as you now do; and at the same time you will save not less than \$500,000,000 a year to the classes who consume, to the very agricultural class sought to be flattered by the vague terms of the resolution just read. The proposition may be well enough if it is meant to speak a voice that the people will understand and can ratify; but if gentlemen suppose that such platitudes as these can advance the interest or satisfy the demands of this country, they misapprehend the intelligence of the

American people.

Not knowing this question was to come up, I have spoken upon it hurriedly and without premeditation. Ifeel, however, that the amendment is proper to come in with the original resolution, so that some real tangible matter can be before this committee to be investigated and reported upon with a view to the amelioration and advancement of the agricultural interests of the country.

Mr. KELLEY obtained the floor.

Mr. COVERT. I call the previous question.
Mr. KELLEY. I have been recognized by the Chair.
The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] who reserved the point of order yielded to allow the gentleman from Texas [Mr. Reagan] to make his remarks. The gentleman from Pennsylvania [Mr. Kelley] has applied to the Chair to be heard in reply; and the Chair has recognized him.

Mr. SPRINGER. Before the gentleman proceeds will he allow me

to offer a substitute

Mr. KELLEY. I desire to discuss the question moved by the gen-tleman from Texas, [Mr. REAGAN,] and the House will take a recess in about fifteen minutes.

Mr. SPRINGER. The gentleman can speak on my substitute.
Mr. KELLEY. I propose, with the permission of the gentleman from Illinois, to speak in reply to the gentleman from Texas.
Mr. SPRINGER. The gentleman from Texas yielded to me, as I understood, to offer this substitute.
Mr. KELLEY. The gentleman from Texas surrendered the floor; and I was recognized. This I submit to the decision of the Speaker. I desire to speak now, and am willing the gentleman shall have that right when I am done.

right when I am done.

I desire, Mr. Speaker, to say that many of the generalities uttered by the gentleman from Texas [Mr. Reagan] command my most cordial approval. But he has evinced a confusion as to facts and as to cause and effect that astonishes me. He holds up Girard and Vanderbilt, Gould, and other millionaires as illustrations of the great fortunes manufacturers make. Girard was a merchant, and I doubt whether Vanderbilt, Gould, or any one of their class ever owned a dollar of manufacturing stock in his life; and all the world knows that the only manufacturing done by the Vanderbilt family was the sailing of small vessels first and managing larger steamboats afterward, and only manufacturing done by the Vanderbilt family was the sailing of small vessels first and managing larger steamboats afterward, and after that the manufacture of watered railroad stock. They, or men of their class, never consumed by manufacturing it into fabrics a pound of the wool or cotton of the farmer or planter. None of the wool of the two and a half millions of sheep which fatten on the ranges of Texas, the owners of which come to the Committee on Ways and Means whenever the tariff is under discussion, asking that the protection to wool-growers accorded by the present tariff shall be maintained, sell any of their wool to that class of men whom the gentleman from Texas selected as types of the great manufacturers of tleman from Texas selected as types of the great manufacturers of the country. The millionaires to whom he referred are the specula-tor, the dealer in stocks and money, the men who grew suddenly wealthy by the contraction of the volume of our money and the consequent increase in the value of the unit of payment by which debtors

sequent increase in the value of the unit of payment by which debtors were ruined and creditors enriched.

The gentleman says that by establishing a revenue tariff we would increase commerce and quicken industry. On these points he has read the history of his country all awry. The story of our country furnishes not one confirmation of his theory, but thousands of demonstrations of its falsity. Robert J. Walker, in 1847, gave the gentleman the remarks he has just uttered on these points. A change from the protective tariff of 1842 to a revenue tariff would, Mr. Walker as serted, make New York the money center of the world, and the United States a great commercial nation, the sails of whose ships should whiten every sea. It would enlarge the revenues of the Government while reducing exactions upon the resources of the people. That was in 1847, when, under the protective tariff of 1842, we were enjoying while reducing exactions upon the resources of the people. That was in 1847, when, under the protective tariff of 1842, we were enjoying unprecedented prosperity. It was just before we discovered the gold of California, of which in a few years we mined \$1,000,000,000. During the decade that followed Mr. Walker's report, they had the potatorot in Ireland which soon spread throughout Great Britain and to the Continent. The starving people looked to us for food, and we exported in 1847 more than 100 per cent. more of farm products than ever before. Hon. Thomas Corwin, Secretary of the Treasury, in his report of 1850, called attention to the fact that our agricultural exports, owing to the failure of cross shread had in that was reached the or 1850, called attention to the fact that our agricultural exports, owing to the failure of crops abroad, had in that year reached the hitherto unimagined sum of over \$68,700,000. Nor did he fail to call the attention of Congress to the fact that under Mr. Walker's revenue tariff our export of grain had fallen in 1850 to \$26,050,000.

Let us look at the general result of the decade 1847 to 1857. As the gentleman said we imported more largely, he could not say we also manufactured more largely, but might have said that in the latter years of the decade was imported all the manufactured goods we

ter years of the decade we imported all the manufactured goods we consumed. What was the result? In 1857 every banking institution in the country suspended specie payment. A commercial crisis of unparalleled severity and co-extensive with our country occurred. There was none of the thousand million of dollars of gold we had mined in circulation in this country. They had all been exported to

pay for foreign manufactures.

Mr. HUTCHINS. Will the gentleman yield to me to ask him a

question ?

Mr. KELLEY. No, sir. With this vast amount of gold our silver coin down to the last five-cent piece had also left the country. The grain with which we had fed starving Europe brought us no sterling exchange. The fires in our forges and furnaces had gone out under a revenue tariff. The looms and spindles in our manufactories stood still under a revenue tariff. And when a railroad company advertised for two hundred and fifty men to construct a street railroad in Philadelia a thousand offered thought the wages promised were but sixty. delphia a thousand offered, though the wages promised were but sixty cents a day. Among the eager applicants were skilled artists, jewel-

ers, watch-makers, and others brought up to trades of the highest skill and greatest delicacy. So scarce had a revenue tariff made em-ployment that men of every grade rushed to avail themselves of the privilege of earning sixty cents a day at the hard labor of constructing a street railroad. These are the blessings the gentleman's revenue tariff then brought and would bring again.

He says our present tariff imposes a tax of \$80,000,000 upon the people. Where? When? How? By what philosophy has he arrived at that conclusion? Does he accept the mad assumption proclaimed by the dogmatic free-traders of England that the home manufacturer superadds the duty named in the tariff law to the price of his productions? Does he make no allowance for the effect of home nis productions? Does he make no allowance for the effect of home competition upon prices? Has he closed his eyes and mind to the fact that in adequately protected industries in this country of ours, in which raw materials are so accessible, and in such variety and abundance, home competition invariably cheapens commodities while improving their quality?

On the paper question—
Mr. REAGAN rose.

Mr. REAGAN rose.

Mr. KEAGAN rose.

Mr. KELLEY. I decline to be interrupted. The time rapidly approaches when the recess will have to be taken.

I was about to refer to the duty on paper. In the course of the investigation by that much abused body, the Committee on Ways and Means, which has patiently and carefully sought instruction from all who could impart information, we examined the paper question and found that in the whole list of ingredients entering into that writed the only once that were absence on the control of the college of the c and found that in the whole list of ingredients entering into that article the only ones that were cheaper now than at any preceding period were the only ones the manufacturers of which were protected by an adequate duty, namely, paper pulp and alum. Why? Why, in view of such facts, will the gentleman assume that duties are added to the cost of domestic productions? It is never true, and we were selling in the time of the depression steel rails as low as they could be bought in England. We sold steel rails during the time of the depression as low as they could have been bought in England.

Mr. TUCKER. I understand the gentleman to say that steel rails were sold as low as they could be bought in England.

Mr. KELLEY. Yes, sir.

Mr. TUCKER. What time was that?

Mr. KELLEY. At the period of greatest depression.

Mr. KELLEY.

Mr. TUCKER.

At the period of greatest depression. Fix the date; when was it? Well, I will say the date of the extremest depres-Mr. KELLEY. sion, when the importation of foreign and the production of American rails had both ceased.

Mr. TUCKER. That was the time when no iron was sent into this country, and the fires in every furnace had died out under your high

Mr. KELLEY. The fires of the furnaces of England had died out under free trade. [Applause.] Under free trade, sir, not only had the fires gone out in British forge and furnace, but spiders wove their webs about the looms and spindles of Lancashire. We have sent a Government ship to feed people who live under free trade, and who were brought to starvation, not so much by the failure of crops as by the

brought to starvation, not so much by the failure of crops as by the depression of British trade. Sixpence pays a laborer's passage from Ireland to England, but because there was no work for able-bodied men, skilled or unskilled, in free-trade England or Scotland, a short crop brought famine upon the Irish people.

Where will the gentleman look for a market for the productions of his State under a revenue tariff? Would he ship all the wool of Texas to foreign countries? Would he prefer having but one market in which to sell, that of London, to having two, that of London and that of the broad United States? The competitive markets our magnificent system of woolen and worsted manufactures creates for the wool of Texas keeps up its price and is enriching the people of every part of the Lone Star State. They know and recognize the fact, if the gentleman does not, that protection is beneficial to them in giving them the best market the world has ever furnished for such wool as Texas grows on her greatly improved stock of sheep.

the best market the world has ever furnished for such wool as Texas grows on her greatly improved stock of sheep.

Mr. Speaker, does the gentleman know that under the protective system one city in this country produces in manufactured commodities, year by year, more of commercial values than are imported into all the ports of the United States from every country on the face of the globe? Philadelphia alone produces more manufactured goods than arrive in any year through all the custom-houses of our country. What does the gentleman want to do with the market for grain and wool that is found in this busy hive of industry? Does he wish to wool that is found in this busy hive of industry? Does he wish to suspend the multifarious and prosperous workshops of that city in order to increase the importation of cheap and nasty British goods? Does he wish to quicken the wheels of industry in England and in Belgium by stopping those of the United States? Is he willing to see thousands of the mothers, wives, and daughters of America working in force in force in fact and also works not as skilled working in mine, in forge, in furnace, in glass-works, not as skilled work peo-ple, but as laborious attendants upon the artisans in such establish-ments, at twenty cents a day, as I saw women doing last summer in the industrial centers of Belgium?

Mr. HUNTON rose.

Mr. HUNTON. Fose.
Mr. KELLEY. I hope the gentleman will permit me to conclude; a few minutes more and I shall be done.
Mr. HUNTON. Will five minutes suffice the gentleman?
Mr. KELLEY. I presume so. I shall not occupy as much time as the gentleman from Texas did.
Mr. HUNTON. I was going to move that the House take a recess

until half past seven o'clock, and that the gentleman could continue his remarks when this subject came up again.

Mr. TOWNSHEND, of Illinois. The gentleman might do that by unanimous consent if he will yield now for the motion to take a

The SPEAKER. The Chair will state that this question will not come up as unfinished business until business on the Speaker's table

come up as unfinished business until business on the Speaker's table is again gone into.

Mr. KELLEY. I do not yield for the motion to take a recess.

Mr. Speaker, agriculture depends for its prosperity upon the maintenance of the workshop and the factory, and the gentleman from Texas, who so eloquently professes to champion it on this floor, would strike it a harder blow than its enemies, if any there be, could propose. I say, and I challenge statistics to disprove it, that year by year, from the foundation of the Government to 1880, under a revenue tariff imports, instead of increasing, have, except immediately after the change from the protective policy, declined in amount and dutypaying power. Under our heaviest tariff we have annually imported the most in value, for the simple reason that a prosperous people the most in value, for the simple reason that a prosperous people gratify their desires and are able to pay for that which will gratify them, but a ruined and distressed people do not and cannot gratify their desires. They cannot supply their wants, and imports and revenues fall off apace whenever the industries of the farmer, the mechanic, and the manufacturer are prostrated by such plausible pretexts as the gentleman has presented to us to-day. Theoretically, free trade makes grand promises; practically, it serves every nation as it served us in the decade between 1847 and 1857, and as it is now serving England, who under its influence must soon cease to even hope to be, as she was for a century, the workshop of the world and the mistress

Mr. McMILLIN. I desire to ask the Chair when this business will

again come up if the House should now take a recess?

The SPEAKER. When the House next goes to the consideration of business on the Speaker's table.

Mr. REAGAN. I desire to modify my amendment.

Mr. TOWNSHEND, of Illinois. Let the amendment be read, as

modified.

The Clerk read as follows:

Resolved, That the resolution be referred to the Committee on Ways and Means with instructions to report the same back within three weeks with provisions securing a revenue tariff in place of the present protective system, and a proper revision of the laws relating to internal-revenue taxation.

Mr. CONGER. I make the point of order that the amendment is

not germane.

The SPEAKER. There is one point of order already pending.

Mr. CONGER. I do not understand how this can come in while

the other amendment is pending.

The SPEAKER. The Chair supposes this to be a modification of the amendment of the gentleman from Texas.

ORDER OF BUSINESS.

Mr. HUNTON. I move that the House, in pursuance of the order heretofore made, take a recess until half past seven o'clock this even-

ing.
Mr. DUNNELL. I move that the House do now adjourn.
The SPEAKER. The Chair will state that a session of the House of the gentleman from Virginia, [Mr. HUNTON.] The order of the House will be read.

The Clerk read as follows:

Mr. Hunton, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

"Resolved, That there shall be evening sessions of this House on Wednesday and Friday of each week, commencing on Wednesday, the 21st of April, 1880; which sessions shall be devoted exclusively to the consideration in the Committee of the Whole on the state of the Union of House bill No. 5541, to establish a municipal code for the District of Columbia, and shall continue till the consideration of said bill is concluded."

The motion to adjourn was not agreed to-ayes 31, noes not counted.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Field, one week, on account of important business; and To Mr. McLane, until Tuesday next. The question being put on Mr. Hunton's motion for a recess, it was

agreed to.

The SPEAKER. The Chair will be occupied this evening by the gentleman from Tennessee, Mr. SIMONTON, as Speaker pro tempore.

The House accordingly (at four o'clock and thirty-seven minutes p. m.) took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m., Mr. SIMONTON in the chair as Speaker pro

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

Mr. Hunton, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

"Resolved, That there shall be evening sessions of this House on Wednesday and most important amendments could be mentioned now.

Friday of each week, commencing on Wednesday, April 21, 1880, which sessions shall be devoted exclusively to the consideration in the Committee of the Whole House on the state of the Union of House bill No. 5541, to establish a municipal code for the District of Columbia, and shall continue till the consideration of said bill is concluded."

Mr. HUNTON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House bill No. 5541; and, pending that motion, I move that all general debate upon the bill be terminated in thirty minutes.

The motion to limit general debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Burrows in the chair.

DISTRICT MUNICIPAL CODE.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union; and by order of the House the business of this evening is confined to the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia. Upon this bill all general debate by order of the House has been limited to

Mr. HUNTON. I ask that by unanimous consent the first and formal reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HUNTON. Mr. Chairman, I did not propose to discuss this bill in general debate at all. But there were one or two members of the committee who desired to make some remarks in general debate; and I accordingly moved that there should be thirty minutes allowed. I do not see those gentlemen in their places, and it will probably be right I should say a few words in explanation of the bill under consideration

At the last session of this Congress a bill to revise, consolidate, and amend certain acts which provided for a municipal code for the District of Columbia was referred to the Committee on the District of Columbia, from which emanates the bill under consideration. The title of the bill which was referred to the committee will give the best idea of the character of the bill which we have reported to the House. It was entitled-

A bill to revise, consolidate, and amend certain acts of the late corporations of Washington and Georgetown, of the levy court of the county of Washington, and of the Legislative Assembly, the ordinances of the late board of health of the District of Columbia, certain regulations of the commissioners of the District of Columbia, made in pursuance of the provisions of the act of Congress approved June 11, 1878, and certain acts of Congress having relation to the municipal affairs in the District of Columbia.

The reading of that caption of the bill will show to the committee the absolute, indispensable necessity for a revision and codification of the municipal laws of the District of Columbia. As the case stands now, as gentlemen will understand from the caption of the bill which have just read, a person, to ascertain what were the municipal laws of the District of Columbia, had to refer to the acts of the late corporation of Washington and the corporation of Georgetown, and of the levy court of the county of Washington, and of the Legislative Assembly, the ordinances of the late board of health of the District of Columbia, certain regulations of the commissioners of the District of Columbia, made in pursuance of the provisions of law, and certain rete of Congress acts of Congress

Persons had to go through these acts of the various governing bodies of the District of Columbia to ascertain and determine what were really the municipal laws of the District.

Congress at its last session referred this matter to the District com-missioners for codification, and when the Committee on the District of Columbia met during the recess, under the order of the House at its last session, they found before them the bill to which I have re-ferred and which was prepared by counsel employed by the District commissioners to codify all these laws so as to bring them before the

committee in one body.

Mr. BLOUNT. Allow me to ask the gentleman from Virginia [Mr. HUNTON] if any amendments of the laws were proposed by that

codification?

codification?

Mr. HUNTON. Very few amendments were proposed by the revisers in that codification. The committee acted upon that bill so prepared, taking it as a frame-work, upon which they have put very many amendments. Those amendments will be found in the printed bill now before the Committee of the Whole for consideration, and which has been reported by the Committee on the District of Columbia as a substitute for the other bill.

Mr. SPRINGER. Can the gentleman point out the changes in the existing laws for the District?

Mr. HUNTON. Legald not do it in general debate for there are

Mr. HUNTON. I could not do it in general debate, for there are Mr. HUNTON. I could not do it in general debate, for there are too many of them; and it would take perhaps an hour to do so. The necessity for the adoption of a code for the government of the District must therefore be apparent to everybody.

Mr. ATKINS. Could not the gentleman indicate some of the most important changes that are proposed?

Mr. HUNTON. I will endeavor to do so.

Mr. BLOUNT. You can do so at all events when the bill is read by paragraphs.

Mr. HUNTON. So far as the mere municipal regulations of the District are concerned, throwing out of consideration the tax question, which was the most important matter that came before the committee, we were governed very much by the recommendations of the commissioners and their subordinates. For instance, when we came to consider the ordinances in regard to health we had before us the health officers of the District, and by aid of information from them we were enabled to draft a code of laws for the government of the health department of this District. I will say here that there are health department of this District. I will say here that there are very few changes, none of any magnitude, in regard to the health ordinances which have been in force in this District for some time past. We have just passed to-day a bill to make valid those very ordinances which have been incorporated in this bill.

Mr. BLOUNT. And you do not change them?

Mr. HUNTON. We make very few changes, scarcely any I think; if any, they are unimportant. On the subject of taxation the committee were not entirely harmonious. They adopted a law on the subject of taxation resembling in principle the present law under which taxes are levied and collected in the District.

One main defect in the present tax law relates to the collection of the taxes. The great trouble in this District has been that persons would not pay their taxes, and according to the provisions of the ex-

would not pay their taxes, and according to the provisions of the existing law you could not force them to do so. And I will tell you isting law you could not force them to do so. And I will tell you why. All you could do under existing law was to offer for sale the real property which was delinquent for taxes. In the beginning, when such property was put up for sale, persons would buy it; but when they went into court to enforce their rights as purchasers of that property, they were met invariably by decision of the court invalidating all tax titles. It very soon came to pass that private persons would not purchase property at tax sales, and the District itself had to buy in all the property that was sold for taxes.

The result has been that any one who did not choose to pay taxes

The result has been that any one who did not choose to pay taxes on real estate could not be forced to pay them. We all know that was a great defect in the law. The provisions of this bill upon that subject cures that evil. Some think we have provided too harsh a remedy. That is for this Committee of the Whole to determine. But if this bill is adopted a man must pay his taxes on his real estate But if this bill is adopted a man must pay his taxes on his real estate or else he will have it sold and possession of it given to the purchaser, with the utmost liberality in the way of the right of redemption. If the person fails to redeem, his land is sold, and the purchaser has the right to come in and exercise all the rights of a landlord and get possession of the property, and his tax title is conclusive evidence of the regularity of the proceedings at the tax sale.

Mr. PRICE. While upon that point let me ask the gentleman if provision is made to require that all personal property shall be exhausted before the real estate is sold?

Mr. HUNTON. I was coming to that. In addition to that provision, as the law now stands a man may have a million dollars' worth

ion, as the law now stands a man may have a million dollars' worth of personal property and ten thousand dollars' worth of real estate, but you must make the tax on the real estate out of the real property, although he has a million dollars' worth of personal property, because under existing laws you must look to the realty for taxes on

Now, this code provides—and we have passed a similar law here this session—that personal property is to be held responsible for all taxes due by any tax-payer for his real or personal property. Therefore, when this provision shall be adopted there will be no difficulty in collecting the taxes assessed in the District of Columbia where the persons are able to pay the taxes.

There are differences among the members of the Committee on the District of Columbia in regard to the mode of levying the taxes. The majority of the committee decided to tax all property, whether visible or invisible; that is, to tax all bonds and all personal property. The minority of the committee were in favor of yielding to the desire of citizens of the District to release the tax upon the invisible property and make it up on the visible property, mostly in the shape of licenses. That view of the question did not prevail before the committee, and the bill now before the Committee of the Whole is similar in principle to the law in force to-day by which all property, except cortain ple to the law in force to-day by which all property, except certain exempted property, is liable to be taxed.

There was a great deal of discussion in the committee on the sub-

There was a great deal of discussion in the committee on the subject of exemption; what property should be exempted from taxation and what should not be. Of course all public property belonging either to the Federal or to the District government is exempted from taxation. Then came the question as to what should be exempted of property belonging to religious and eleemosynary institutions. The committee finally decided that they would recommend the exemption of church property used for church purposes and the exemption of church property used for church purposes. emption of church property used for church purposes, and property used for the endowment and support of free schools, and the property of purely charitable institutions, and exempt none other. That would leave all church property not used for purposes of actual worship, and the property of schools of a private character, schools taught for pay, to be taxed; and the property of Odd Fellows, and Masonic institutions, and institutions of that class, to be taxed like the property of individuals. The committee thought it was right that that should be done

It is proposed to tax colleges for this reason: if a person comes here to the city of Washington and starts a school, in the opinion of the majority of the committee there is no more reason why he should be exempted from taxation than for a person who comes here and starts

a merchandising business; for the one may be a profitable business as well as the other, and one is equally liable with the other not to

Mr. BLOUNT. You spoke of taxing colleges; I suppose you mean

Mr. BLOUNT. I would inquire what school property heretofore exempted from taxation will become liable to taxation under this

Mr. HUNTON. None that I know of. Well, let me see; I am not prepared to say that I am exactly advised on that subject. I have been informed that the colleges in this District have not heretofore been taxed—Georgetown College and the Columbian College.

Mr. BLOUNT. Are those the only two? I ask simply for informa-

Mr. HUNTON. I do not recollect any others.
Mr. BLOUNT. I know that Georgetown College buildings have

Mr. BLOUNT. I know that Georgetown College buildings have heretofore been exempt from taxation.

Mr. HUNTON. The idea was that those colleges ought to be exempt because they are institutions of learning. But they are not free institutions; any one going there has to pay fees. I do not see any more reason for exempting the property of those institutions from taxation than the property of any person who may come here and that the property of th start a private school on his own account in the District of Columbia;

and there are very many such.

Mr. BARBER. Do I understand the gentleman to say that a majority of the committee was in favor of a tax on knowledge?

Mr. HUNTON. I do not think the gentleman could have so understood me

Mr. BLOUNT. A tax on college property.

Mr. HUNTON. When a man comes here and starts a school, no matter upon what scale, and charges tuition to the pupils, there is no pretense that he should be exempt from taxation. Now, it seems to me that he and a college stand upon the same footing if they both charge tuition alike.

Mr. BLOUNT. I would inquire whether or not under this bill How-

ard University would be liable to taxation?

Mr. HUNTON. I think it would be, unless the property belonged

Mr. BLOUNT. The Government gave it to the institution.
Mr. HUNTON. If it is not the property of the Government, then I think it would be liable to taxation with the others. Free-school

think it would be liable to taxation with the others. Free-school property, wherever tuition is free, is not touched.

Mr. BLOUNT. Howard University is not a free school.

Mr. DAVIS, of North Carolina. Does this bill make any change in regard to the commissioners of the District of Columbia?

Mr. HUNTON. I would say in answer to my friend from North Carolina [Mr. DAVIS] that this bill proposes to repeal all laws in regard to the municipal government of the District of Columbia, except the organic act, as we call it, which was passed in April, 1878, providing for a special form of government.

Mr. BARBER. What is the limit of taxation which has been adopted?

adopted? Mr. NEAL.

Mr. NEAL. The organic law fixes that.
Mr. HUNTON. I would ask my colleague from Ohio [Mr. NEAL]
to state what that is.

Mr. NEAL. Not exceeding \$1.50 on \$100.

Mr. ATKINS. I would like to ask the gentleman a question.

Mr. HUNTON. Certainly.

Mr. ATKINS. The gentleman spoke a moment ago of the Committee on the District of Columbia not being unanimous on the subject of taxation. I would ask the gentleman if the committee was unanimous on all the other subjects contained in this bill?

Mr. HUNTON. I cannot say unanimous, but practically so. There was very little difference of opinion in the committee except upon this question of taxation and the collection of taxes.

I now yield to the gentleman from Ohio, [Mr. Neal,] my colleague

on the committee.

Mr. NEAL. Mr. Chairman, the Committee on the District of Co-lumbia found itself confronted with House bill No. 5746, introduced into the Forty-sixth Congress by the gentleman from Kentucky [Mr. Blackburn] and reintroduced into the Forty-sixth Congress without amendment and referred to the same committee. At the extra session Congress authorized the sub-committee on the District of Columbia to sit during the vacation and codify this act. That sub-committee, to sit during the vacation and codify this act. That sub-committee, consisting of the chairman, the gentleman from Virginia, [Mr. HUNTON,] the gentleman from Maryland, [Mr. HENKLE,] and myself, met here in November and were engaged in that work every day until after the Christmas holidays. The result was embodied in House bill No. 3991. The amendments made were to change the phraseology of a good many laws and ordinances, making them more explicit and more lawyer-like in terms.

We also omitted some laws absolutely. For instance, there is an

more lawyer-like in terms.

We also omitted some laws absolutely. For instance, there is an act here, which has been in existence for many years, providing for the duties of chimney-sweeps, on which I did not suppose any law existed in the United States anywhere. We left that out entirely, believing the day had gone by for chimney-sweeps.

A great many ordinances had been crudely drawn, were obscure in meaning, and gave rise to lawsuits in the various courts of the District. We changed the phraseology of those acts in such way that

even individuals who might know nothing of law would have no trouble in ascertaining what their rights and duties were and courts

trouble in ascertaining what their rights and duties were and courts no trouble in construing them in cases where individuals failed to put the proper construction upon them. These are the principal changes of what you may call the ordinances of this city.

We found the tax law in a very crude condition. The principle of taxation embodied in the law as it now stands is that property of all sorts shall be taxed at its true valuation in money, whether that property consists of real extra of horses carriages promises of real extra of horses carriages promises of real extra of horses carriages. erty consists of real estate, of horses, carriages, promisory notes, mortgages on bank stock, or stock of corporations. Under that law the supreme court of the District of Columbia has declared that national banks were not entitled to be taxed in any shape whatever; and consequently all the capital invested in national banks has escaped

We found in addition to that the machinery for the collection of taxes was so imperfect in its character that very few persons cared to pay taxes. Here is a book of several hundred pages of advertisements of delinquent taxes, and I doubt whether the whole State of Ohio, in all its counties, has as many tax delinquents as this District. When people are talked to about paying taxes they snap their fingers in the face of the collectors and tell them to collect them if they can. There is no law distraining property in this District for payment of taxes, and such high officials as judges of the courts, who administer the laws and ought to be willing to obey the laws, are delinquent many thousands of dollars.

Mr. BRIGGS. Is there no process here to collect the present tax

assessed upon real estate !

Mr. NEÂL. There is what is called a process, but it is so inefficient in its character that it utterly fails to accomplish the purpose for

which it was intended.

Mr. BRIGGS. On account of its lax execution perhaps rather than any defect in the law.

Mr. NEAL. No; there is a defect in the law, as the machinery provided is not sufficient; and perhaps, too, it may be the officers having this matter in charge have not been as diligent as they might have been, one of the evils of an appointive government being it has

nothing behind it to spur it on to the prompt discharge of its duties.

We found the Baltimore and Ohio Railroad Company had not paid any tax for a good many years and was litigating the matter in the courts. The Baltimore and Potomac Railroad Company, notwithstanding its charter authorizes the taxation of its property as other property is taxed, occupies \$200,000 worth of the property of the United States and pays no tax whatever upon it; nor does it pay any rent for the occupancy of that property.

the occupancy of that property.

Mr. BRIGGS. What corporation is that?

Mr. NEAL. The Baltimore and Potomac Railroad Company. A reasonable valuation of the property it occupies, on which it has paid no tax, and for which it has paid no rent, is \$200,000. It will be seen there was imperative necessity for amendment of the law, so as to put upon the tax-duplicate the property of individuals who were enjoying the protection of the law. The property of the banks, which were also being protected by the authorities here, and the property of railroad companies, we thought should bear a just proportion of the burden of taxation.

Mr. SAMFORD. Will the gentleman allow me?

Mr. NEAL. Yes.
Mr. SAMFORD. By what authority does this railroad company occupy property of the United States to the extent stated?
Mr. NEAL. By the act under which it was incorporated. That act provided its property might be taxed but did not provide for its taxation, and the general tax law made no provision for it, the consequence of which was it has escaped taxation during the whole period of time in which it has occupied the property of the United riod of time in which it has occupied the property of the United States

Mr. WILSON. They have avoided taxation? Mr. NEAL. Escaped it is a better term. Mr. WILSON. The property is not theirs?

Mr. NEAL. It is not, but they have the beneficial use of it. We provide in this act all the railroad companies occupying public grounds, or which have the use of the streets and avenues of the city, shall pay taxes upon those grounds at a fair valuation, and shall be taxed for the use of the streets at whatever it may be considered worth by officers having the enforcement of the law.

Now, as an illustration of the character of this law and the manner in which it has been enforced heretofore, a gentleman told me that the tax-assessor came to his house and stuck a notice of tax under his door, but he never paid any attention to it, and was never called upon to pay any tax. I could show many other illustrations which point to the necessity of some amendment in the law in that re-

Now, this bill is denounced by some persons here in the District, who would be glad to escape taxation, as an inquisitorial measure in its character, or, as some of them call it, a Draconic law. It is innot do their duty as good citizens. Where such a class of people is to be dealt with the laws are and should be Draconic and inquisitorial in their character, because such are the only laws which can deal properly with them. Such laws do not bear harshly upon good citizens. All laws bear harshly upon bad citizens.

I do not often find anything to commend in the State of Louisiana,

but I find recently that a committee introduced a tax bill into the Legislature of that State which contains the following words:

The committee say it is not equal or uniform or just to tax the willing and obedient citizens and allow others to go free. Objections are made to this act "that
it is too stringent and severe, but the worst that can happen to any man is to pay
his taxes, and that he ought to do or ought to be made to do. The citizen who withholds from his government his just share of contributions levied equally upon all
for its support is not entitled to its indulgence. Your committee distinctly announces that the present act is intended to secure the actual collection of taxes
voluntarily from the willing and by compulsion from the unwilling, and no bill having a different intention could receive the approval of its members.

That is precisely the object of this committee. We propose, if it is That is precisely the object of this committee. We propose, if it is possible, to compel the collection of taxes willingly if the parties are disposed to do their duty as good citizens, and by compulsion if they are unwilling to do their duty and if they are endeavoring to shirk or shake off the burden of their responsibilities.

The law as it now stands in regard to the exemption of property I will ask the Clerk to read, and I desire that the members of the House will listen to this in order that they may see the change that we pro-

pose to make in reference to the exemption of property. The Clerk read as follows:

PROPERTY EXEMPT FROM TAXATION.

SEC. 51. The property exempt from taxation shall be the following and no other, namely: First, the Corocran Art Building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity, conducted without charge to inmates, profits, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemetery so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is now exempt from taxation by laws of the United States; fourthly, personal property not in said District and taxed elsewhere, but owned by persons having a residence for any purpose in said District; fifthly, personal property not held for sale and not over the value of \$500.

The CHAIRMAN The time fixed for general debate by order of

The CHAIRMAN. The time fixed for general debate by order of the House having now expired, the Clerk will report the bill by sec-

Mr. HAWLEY. Mr. Chairman, I think this is a very important measure, and we are all anxious to hear some more about it. I hope the time will be extended.

The CHAIRMAN. The Committee of the Whole cannot extend the time for debate after it has been limited by order of the House, even

by unanimous consent.

Mr. HAWLEY. Then if it cannot be done even by unanimous consent, I move that the committee rise.

Mr. HUNTON. Will not unanimous consent accomplish what is

The CHAIRMAN. It will not.
Mr. HAWLEY. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SIMONTON, as Speaker protempore, having taken the chair, the chairman of the Committee of the Whole reported that the committee having had under consideration the bill of the House No. 5541, to establish a municipal code for the District of Columbia, had come to no resolution thereou.

Mr. HAWLEY. I move now that the time for general debate be extended thirty minutes.

extended thirty minutes.

Mr. WARNER. Is not that rather short?

Mr. HAWLEY. I am willing to make it longer if gentlemen de-

Mr. SPRINGER. I should think that thirty minutes was long

Mr. HAWLEY. I understand that thirty minutes will be satisfac-

tory.

The motion to extend the time of debate thirty minutes was agreed

Mr. HAWLEY. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole

on the state of the Union, Mr. Burrows in the chair.

Mr. NEAL. The sub-committee reported in favor of making some considerable changes in reference to the exemption of property in the District. For instance, we cut down the exemption from \$500 to \$200. That exemption of \$500 amounted practically to \$1,000 in its operation. The experience of Ohio, which had fixed the limit at \$200, was so satisfactory that the Legislature, at the succeeding term, reduced the limit to \$50, at which it has remained for the last twenty

years, and has proved to be entirely satisfactory.

The sub-committee favored the following exemptions from taxation, which the committee subsequently modified, as will be seen by

reference to the pending bill:

First. The property of the United States and of the District.

Second. The Corcoran Art Gallery, with the works of art contained therein, and all real estate now owned by the trustees of said institution.

Third. The Soldiers' Home property.

Fourth. All church buildings, held and used exclusively for religious worship, and the books and furniture therein.

We did not exempt the real estate of the various religious denominations, but the buildings, for it is a notorious fact that in this city a large amount of real estate is held by churches more than is necessary

for the full and free enjoyment of the religious exercises of the denominations to which they belong.

Fifth. All chartered institutions of learning, and all buildings and personal property held and used exclusively for the purposes of such institutions, and all lands now owned by such institutions of learning not used with a view to profit: Provided, That all property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

Now, I am free to say that this clause did not meet fully my appro-Now, I am free to say that this clause did not meet fully my approbation, because it did not seem to me right to tax the lady who comes here and opens a school, charging a tuition fee for her services for the learning which she imparts, while an institution which was chartered and which charged higher tuition fees than this lady did was exempt, but the sub-committee thought it best to embody the exemption in the language I have read, and I acquiesced.

Mr. PRICE. I understand the gentleman to say in regard to church property that only the building is exempted. If he does not exempt the ground that the building stands on, in case the ground is sold, what would become of the building?

Mr. NEAL. The bill of the committee as reported to the House, on

Mr. NEAL. The bill of the committee as reported to the House, on page 39, exempts-

All church property keld and used exclusively for religious worship.

And provides that-

All property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

The committee will notice the difference in the report of the subcommittee. We propose to exempt all chartered institutions of learn-

ring, whether education is free or not. The report of the committee exempts only such property as is used for the free education of youth.

Now, Mr. Chairman, I want to say one word in regard to the machinery we have provided. There were two modes of taxation proposed. One was to exempt from taxation what is known as the invisible personal property and to adopt in lieu thereof a license system; in other words, a system which, in the opinion of the majority of the committee, taxed labor and business enterprise and excluded from taxation the property of the wealthy people of the District who live upon the income derived from mortgages, promissory notes, and other evidences of indebtedness. This did not seem to a majority of the sub-committee to be right, and we refused to adopt it. We do, however, maintain the present system of taxation as it is now in vogue in this District and have added to it licenses upon such trades and occupations as require the surveillance of the police; the sale of and occupations as require the surveillance of the police; the sale of intoxicating liquors, hack-stands, theaters, and other occupations and business employments which, as I have said, require to a certain extent the surveillance of the police. And we have left perfectly free all occupations, trades, and business of every character which are legitimate and praiseworthy in their purposes and objects. That is one of the questions upon which the committee and the House may be called upon to pass. I trust that the report of the committee in this respect at any rate will be adopted, as it seems to me the only correct mode of taxation is to tax all property in every shape and form in which you may discover it, whether it be visible or invisible.

Mr. SPRINGER. Will the gentleman allow me to ask him a question !

Mr. NEAL. Yes, sir.

Mr. SPRINGER. I wish to ask the gentleman whether it is not the policy in all the States to exempt college property of every kind from taxation; I mean the real estate of institutions which is used exclusively for educational purposes?

Mr. NEAL. I cannot answer.
Mr. WILSON. I will answer for the gentleman. It is.
Mr. NEAL. I cannot answer whether it is or is not. I know in the State of Ohio that is the policy.
Mr. McMILLIN. I will answer that it is not.

Mr. McMILLIN. I will answer that it is not.
Mr. NEAL. And the report of the sub-committee is substantially the law of the State of Ohio on that subject. There we exempt from taxation all chartered institutions of learning, whether tuition fees

Mr. SPRINGER. I know that is the policy in Illinois. All institutions of learning are exempt from taxation; and as these institutions are not run for profit, but for educational purposes, and the charges are merely to pay the expenses, I do not see why we should subject them to taxation.

Mr. WILSON. That is right.

Mr. SPRINGER. If it was a private enterprise to make money out of, it would be a different thing; but when the charges are only for the purpose of meeting the necessary current expenses of the institution, and they are always, so far as my experience go, in debt and struggling for existence, I think we should exempt them from

The views which the gentleman from Illinois has expressed were the views of the sub-committee as I have read them

for the most part the law of Maryland. It is the modern system of taxation, and it is the honest system of taxation.

In regard to the machinery, we provide that the land shall be appraised once, I believe, in five years—perhaps we changed it to three

years—once in three years or in five years.

The District of Columbia is to be divided into convenient collec-The District of Columbia is to be divided into convenient collection districts. Assessors are to be appointed, who shall appraise all property at its real value in money. We then provide for a board of equalization. This board may increase the valuation, but cannot reduce it in the aggregate. They may take off in one district and put on in another. They may adjust and equalize, but not reduce.

Mr. DAVIS, of North Carolina. The assessment is to be made once

in three years?

Mr. NEAL. Yes, sir.

Mr. DAVIS, of North Carolina. Is there any provision for modifying the assessment in view of the erection or destruction of improve-

ments in the interim? Mr. NEAL. Wherever-houses are built in the interim the assessor of personal property is to value those houses, and wherever there is destruction of property he deducts from the real estate an amount equal to the value of the buildings destroyed.

Mr. HERBERT. In speaking of the board of equalization, did the gentleman mean to say that if property should be assessed by the assessor too low the board may increase the assessment, but if property happens to be assessed too high the board has no power to reduce

the valuation?

Mr. NEAL. The board can take off in one district a certain percentage and put it on in another, but they cannot reduce the grand aggregate of assessment. The reason of that is this: if certain property should be appraised a little too high, and all the other property in the district should be appraised at the same rate, it would reduce the rate of taxation, thereby lessening the burden in that respect perhaps as much as it would be increased by the excessive assess-

Mr. HERBERT. The gentleman is speaking of the rates of taxation, not of the assessment of any particular piece of property.

Mr. NEAL. I am speaking of the general assessment in the aggregate. Then we provide that these taxes shall be paid by a certain time of the year; and in default of payment a penalty is to be added. It is not necessary for me to go into details on this point, because the Committee of the Whole will understand those when the bill is read Committee of the Whole will understand those when the bill is read section by section. Then we provide that if the taxes are not paid within a specified time the property shall be advertised as delinquent and shall be sold as such. If any property should not be sold for enough to pay the taxes, it is to be returned unsold and to be placed upon what is known as the forfeited-land list. Within two years the owner may come in and redeem his property by paying the taxes, penalties, and interest. If this be not done the land is to be sold at a forfeited-land sale, and the party forfeits his property forever.

Mr. SPRINGER. Has the committee had before it the question of providing that no land shall be sold for the non-payment of faves until

providing that no land shall be sold for the non-payment of taxes until a judgment has been obtained in a court of record for the amount of

Mr. NEAL. The committee considered all those questions; but we unanimously repudiated any provision of that kind. The power to collect taxes must be a good deal more summary than any proceeding in court. Ample provision is made for the correction of assessments which may be too high, for the equalizing of assessments. When the time allowed for this has passed, there is no power to change the assessment. The taxes go upon the duplicate for collection. If the party fails to pay them, they become delinquent and the property is sold. He then has two years within which to redeem it. If not redeemed within two years it is again offered at a forfeited-land sale;

deemed within two years it is again offered at a forfeited-land sale; and when it has been thus sold the party forfeits his property forever.

Mr. BARBER. What notice is given to non-residents?

Mr. NEAL. We give no notice to non-residents except the general notice given to everybody.

Mr. BAKER. A delinquent list is published?

Mr. NEAL. It is advertised that a delinquent list is ready for deligrery to envlody who will call for it. Non-residents know that their livery to anybody who will call for it. Non-residents know that their property is subject to taxation. They are bound to know that if they allow it to be sold, then, unless they come within some of the exemptions we have provided, they fare just as residents do—no better and

Mr. SPRINGER. Will the gentleman allow me to make a sugge tion? In the State of Illinois we have provided by constitutional provision that no land shall be sold for the non-payment of taxes provision that no land shall be sold for the non-payment of taxes until a judgment has been obtained against the party in a court of record; and that provision of our constitution, so far from working any detriment to the State government in the collection of taxes, has been shown to be in the interest of justice, while it does not interfere with the prompt and efficient collection of taxes.

Mr. NEAL. I have only a few minutes remaining. The gentleman can discuss those propositions under the five-minute rule.

Then, Mr. Chairman, we have provided that no person shall impeach a tax title unless he makes tender of the taxes which he admits from its report. As I have stated we have adopted the policy of taxing all property in whatever shape it may be found, and that, so far as I have examined, is the law of all the Western States. It is the law also of Georgia, of New Hampshire, and of Virginia, and it is fault of payment of taxes we make the property pay the penalty. In addition to this we have provided exactly what this House by an almost unanimous vote a month ago adopted and, so far as this House is concerned, enacted into law, that personal property may be

distrained for the collection of taxes upon real estate.

Mr. BAKER. Does this code permit the advertisement of real estate for sale until an effort is made to collect the taxes by distraint?

Mr. NEAL. No, there must be effort made to collect taxes by dis-

traint upon personal property.

We provide that all personal property shall be taxed at its true value in money, except that there is an exemption to the amount of \$200.

We provide for the taxation of national banks in the very words of the law by which the national banks were incorporated-the capital stock of the national banks in the hands of the holders thereof.

Mr. SAMFORD. Not the corporation?

Mr. NEAL. Not the corporation, but the stock in the hands of the owners as the national-bank act provides. There will be no trouble in making those institutions pay their full share if officers of the Dis-

trict do their duty.
We provide for the assessment of personal property annually. We provide for the assessment of personal property annually. We provide for the equalization of assessments by a proper board so that no injustice can be done to any individual if he is diligent in watching and caring for his rights.

Mr. COBB. What means do you provide for the ascertainment of

the value of personal property

the value of personal property?

Mr. NEAL. It is to be appraised by sworn assessors. In the first instance the individual himself is required to make out, under oath, a list of his property and put a valuation upon it. If the valuation is honest, that is received by the assessor as true, and no controversy is made about it. If he refuses to assess his property, then it is the duty of the assessor to find out by other means in his power what property the man possesses, and make return for him. In addition the board of equalization has the right to call him before them and put him on eath in regard to his property where he refuses to make assess. him on oath in regard to his property where he refuses to make assessment. It is this provision which is denounced by some wealthy persons in this city as being Draconian, too inquisitorial for gentlemen.

Mr. DAVIS, of North Carolina. What penalty do you provide?

Mr. NEAL. We put a penalty of 50 per cent. where the party refuses to make assessment. In some States it is 200 per cent., but we thought we would be moderate and put it only at 50 per cent.

In addition to that we provide for a tax on collateral successions. Persons who as collateral heirs inherit an estate pay a certain tax, which the committee will discover as the bill is being discussed section by section. We thought this only right that the man who is so fortunate as to be made heir of property could afford to pay a pretty liberal tax for the privilege of inheriting that property.

I think what I have stated gives a clear and succinct idea of the provisions of this act. I trust the committee will give it careful consideration; and I believe the more they consider it the more it will commend itself in its general features to their approval.

I will say this: that if the bill becomes a law and is honestly and fairly enforced, it will enable the commissioners of the District to

reduce in another year the rate of taxation from one dollar and a half

reduce in another year the rate of taxation from one dollar and a half to one dollar and a quarter, and, perhaps, one dollar, and still furnish as much money as is collected under the present tax law.

Mr. DAVIS, of North Carolina. Will the gentleman inform the committee how the license taxes are equalized?

Mr. NEAL. There is no equalization of licenses. As an illustration, we provide that beer saloons shall pay \$100, which is the present license tax.

Mr. DAVIS, of North Carolina. Without reference to the amount

of busines

of business.

Mr. NEAL. Yes; without reference to the amount of business. If they do not make enough to pay the license, they will be frozen out, starved out. We provide that saloons which sell distilled liquors shall pay \$250 license, increasing the tax from \$100, which it is now, to \$250. We did this because we thought it would be a good plan to squeeze out a lot of these small irresponsible concerns and place this business in the hands of men who will have some interest in conducting it with some regard to the decencies and proprieties of public life.

Mr. BRIGGS. Has the committee taken into consideration the prohibition of the selection in the prohibition of the selection in the District instead of licensing it?

hibition of the sale of liquor in the District instead of licensing it? Mr. NEAL. The committee did not take that into consideration.

Speaking for myself and others with whom I have conversed, we concluded the sale of liquors, whether an evil or not, was an absolutely unavoidable thing in the city of Washington.

Mr. PRICE. What! [Great laughter.]

Mr. NEAL. It cannot be suppressed, and the only correct means of deligible with the city of the converse of the liquority of the converse of the converse of the liquority of the liquority of the liquority of the converse of the liquority of the liquority

of dealing with it is for us to put it under the surveillance of police by means of a license tax, so unauthorized concerns can be closed up by the police, and we give them that authority.

Mr. PRICE. It is hardly worth while to discuss that just here.

Mr. NEAL. No.

Mr. PRICE. I only wish to ask the gentleman a question. Can he

Mr. PRICE. I only wish to ask the gentleman a question. Can he tell me any reason why it can be suppressed in one place and not in another. Is it because Congress meets here? [Laughter.]

Mr. NEAL. Congress does not meet in Cincinnati, or New York, or in your own town.

Mr. PRICE. I can point, in my State, to towns where you cannot buy a glass of lager.

Mr. NEAL. But you can in Burlington.
Mr. PRICE. But I do not live in Burlington. [Laughter,]
Mr. NEAL. You can find little country villages where the sale of liquors is suppressed, but you cannot find any city in the United States or anywhere in the world where it is suppressed. When the State of Massachusetts had a prohibitory law the sale of liquor was about as open and notorious in Boston as it is now in Washington.

Mr. UPDEGRAFF, of Ohio. The authentic statistics of that State

do not confirm the statement.

Mr. NEAL. Here we have provided that the police shall have ample authority to close up unlicensed establishments, and no man ample authority to close up unlicensed establishments, and no man can open a liquor store unless he gets the consent of the property-holders in his vicinity. We have thrown around this traffic such restrictions as we believe will be beneficial and prevent unlicensed establishments from operating.

Mr. ROBINSON. I would like to ask the gentleman from Ohio a question, leaving the liquor question now, in reference to taxation. I see that after the assessor has made an assessment upon property, there is to be a heard of equalization to whom I suppose something

there is to be a board of equalization, to whom I suppose something in the nature of an appeal is to be made from what may be claimed to be excessive assessments. On page 44 of the bill it appears that they have the power to raise or reduce the value put upon property

by the assessors.

Mr. NEAL. They cannot reduce the aggregate.

Mr. ROBINSON. That is what I want to get at. Why should they

Mr. ROBINSON. That is what I want to get at. Why should they not reduce the aggregate if they have the power to reduce the assessments if the aggregate amount is too large?

Mr. NEAL. It cannot be too large practically under the operation of this law, and if you allow them to reduce the aggregate the consequence would be that they would be besieged by every property-holder to reduce the value of his property, and unless they had nerves of iron they could hardly be expected to resist the appeals that would be made to them. Therefore it is not intended that they should have the power to reduce the aggregate.

the power to reduce the aggregate.

Mr. ROBINSON. But I understood the aggregate of valuation of property to be the different sums and values set upon different pieces of property in a certain square, say for instance lots to be valued at five, ten, fifteen, or twenty thousand dollars, &c. The aggregate would represent the total value in that square.

Mr. HUNTON. That would apply to the whole District—
Mr. ROBINSON. Well, if I am asking questions that will illuminate the darkness of my own mind it may perhaps have the effect of removing some doubts in the minds of other gentlemen as to the operation of this proposed law. It seems, as I was about to say, that if this board has the right to revise the assessments, it can necessarily reduce the aggregate, and, if so, that it may reduce a piece of property five, ten, or fifteen thousand dollars, and then levy upon the remainder of it.

mainder of it.

Mr. NEAL. In response to the gentleman from Massachusetts, I would only say that I think when we come to examine this law before the committee, section by section, he will be very well satisfied with it, and I will then be able to explain to him the point that he now objects to. How much time have I left?

The CHAIRMAN. The gentleman has three minutes remaining. Mr. SPRINGER. I hope the gentleman will yield that time to me. Mr. NEAL. I have no objection to doing so.

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to an amendment I shall offer at the proper time, which will be substantially the law of the State of Illinois upon the subject of the sale of real estate for the non-payment of taxes. That proof the sale of real estate for the non-payment of taxes. That provision of the constitution of Illinois was adopted by one of the ablest constitutional conventions that ever assembled in that State. After a full and fair discussion of all the questions entering into the sale of real estate for the non-payment of taxes, the best lawyers of our State determined that under the Constitution of the United States, which provides that no person shall be deprived of life, liberty, or property provides that no person shall be deprived of life, liberty, or property without due process of law, a law depriving or attempting to deprive a citizen of his freehold, unless by due process of law, which all lawyers understand to be a trial in pursuance of the common law in a court of record, was unconstitutional.

Mr. HUNTON. I would like to ask the gentleman from Illinois if this bill provides differently?

Mr. SPRINGER. I understand from the reading of this bill that there is no provision whatever for a judgment of a court of record before the sale.

before the sale.

Mr. HUNTON. I beg pardon, where a person gets a deed for a tax title he has to bring his suit for possession of the property unless the

former owner chooses to give it up.

Mr. SPRINGER. The gentleman evidently does not understand me. I spoke of the sale of an estate for non-payment of taxes. Now, I say that under the proposed law there is no provision for requiring a judgment from a court of record before the property can be sold for delinquent taxes, but as I understand it the collector sells that property when it becomes delinquent and by virtue of that sale divests the owner of his freehold without giving the party an opportunity

of a decision of a court of record.

Mr. ROBINSON. Do I understand the gentleman to say before the delinquent tax can be collected by the law of the State of Illinois there must be a judgment of a court of record to enable the collector

to take possession and sell ?

Mr. SPRINGER. That is the law of Illinois. Mr. ROBINSON. Is that the law of any other State in the Union, that before the property can be sold there must be a judgment of a court of record? Mr. SPRINGER.

Mr. SPRINGER. I do not know that it is, but—
Mr. HORR. Is there any other State than the State of Illinois that
has such a law?

Mr. SPRINGER. I am not able to answer that question, as I have mr. SPRINGER. I am not able to answer that question, as I have not examined, but I have no doubt it exists in other States, and it ought to exist in all of them.

Mr. BAKER. Does it not give rise to endless confusion in attempting to carry it into effect?

Mr. SPRINGER. No, sir.

Mr. BAKER. Are not the Chicago papers annually filled with notices of litigation in reference to these sales for taxes?

Mr. SPRINGER. We have all of our litigation before the preparate

Mr. SPRINGER. We have all of our litigation before the property

Mr. SPRINGER. We have an or our heighton before the property can be sold for taxes, not afterward.

Mr. THOMPSON, of Iowa. I rise to a point of order. There is no question, as I understand it, pending before the committee; and we would like to have an opportunity of discussing the bill now pending.

Mr. SPRINGER.

I only want to give notice that I will introduce the amendment to which I have referred at the proper time.

The CHAIRMAN. The Clerk will now read the bill by sections for

amendment

Mr. HUNTON. I do not suppose that the Committee of the Whole desire to hear the formal parts of this bill, which were adopted unanimously by the Committee on the District of Columbia; and I think it would save time for the committee to rise and the House to authorize the Committee of the Whole to dispense with the reading of such parts of the bill as the committee shall think unnecessary to be read.

Mr. BRIGGS. I think the proper course would be to read all the sections

Mr. HUNTON. Very well; I will not press the motion.

The Clerk proceeded to read the bill by sections for amendment. The third section was read, as follows:

SEC. 3. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate

Mr. HAWLEY. I hope the committee will not think me hypercritical if I suggest that we strike out that section entirely for the purpose simply of shortening the bill. No court in the world could help

All words and phrases shall be construed and understood according to the common and approved usage of the language, &c.

For the same reason I think sections 7, 8, and 9 might also be struck out. They would simply encumber the statute-book. I have a great respect for the work as a whole, but with the view of simplifying it somewhat I move to strike out this third section.

Mr. NEAL. That section does no harm.
Mr. HAWLEY. It cumbers the act.
Mr. PRESCOTT. Does the gentleman from Ohio think it does any good ?

Mr. NEAL. Yes; I think it does good.

Mr. HUNTON. I believe such a canon of construction is usually placed in codes such as this, that words shall be construed according to common usage except where they have a technical meaning.

Mr. HAWLEY. I withdraw the motion to strike out.

The Clerk resumed the reading of the bill and read the sixteenth section, as follows:

SEC. 16. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First. The death of the incumbent;
Second. His resignation;

Second. His resignation;
Third. His removal;
Fourth. His conviction of any infamous crime, or of any offense involving a violation of his official oath;
Fifth. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law;
Sixth. The decision of a competent tribunal declaring void his appointment or election.

Mr. ROBINSON. I wish to ask whether the words "his removal, being the third event specified, are to be construed as meaning his removal from the District by a change of residence, or whether they mean his removal from the office for any cause which would disqualify him.

Mr. HUNTON. The meaning is removal from the District.
Mr. ROBINSON. Would it not be well to insert those words?
Mr. HUNTON. I have no objection.
Mr. ROBINSON. I move, then, to add after the word "removal" Mr. HUNTON.

the words "from the District."

The amendment was agreed to.
The Clerk resumed the reading of the bill and read the following

SEC. 28. Every official bond, executed by any officer pursuant to law, shall be deemed and taken to be in force, and obligatory upon the principal and sureties therein, for any and all breaches of the condition or conditions thereof, committed during the time such officer shall continue to discharge any of the duties, or hold

Mr. HUNTON. It has been suggested to me that in line 5 of this section, after the word "officer," the words "or his deputies" should

be inserted. I think it would be right to insert those words, and I move that amendment.

Mr. BAKER. I suggest that the words proposed to be added should be inserted in line 4, after the word "thereof;" so that it will read:

For any and all breaches of the condition or conditions thereof by such officer or his deputies, committed during the time, &c.

Mr. NEW. I had risen to make the same suggestion.

Mr. HUNTON. I will accept that amendment in lieu of mine.

The question being put on the amendment to insert the words "by such officer or his deputies" after the word "thereof," it was agreed to. The Clerk read as follows:

Sec. 39. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer.

Mr. ROBINSON. I move to strike out the last word, that I may ask the gentleman from Virginia a question. In section 33 it is provided that "whenever the sureties in an official bond, or any one of them, shall remove from this District," &c., the officers shall be required to execute an additional official bond, but I do not discover any provision that the sureties shall in the first instance be residents of the District; and anticipating somewhat the reading of the bill by the Clerk, and turning to the fourteenth page—and I may say I am obliged to make the examination hurriedly because I have not seen the bill till this evening—I notice that the collector of taxes before entering upon his duties is required to execute a bond in the sum of \$100,000, with sufficient surety or sureties. Nothing is said there about those sureties being residents of the District.

Mr. HUNTON. The reason for that not being stated is that as the state is been about the sureties being residents.

sureties have to be approved by the commissioners that is left for

the commissioners to determine.

Mr. ROBINSON. I suggest to the gentleman the question whether it is wise to leave to the commissioners the decision whether the sureties in the first instance should be residents in the District; and whether it is wise in any case to take sureties who reside out of the District. I only offer this as a suggestion. I have no knowledge on

Mr. HENKLE. I would suggest to the gentleman from Massachusetts that if he wishes to make an amendment of that character he should make it general, so that it shall apply to all sureties where officers are required to give bonds.

Mr. ROBINSON. If deemed advisable, such a provision could be inserted in this thirty-ninth section.

Mr. HUNTON. The words can be added at the end of the section, who shall reside in the District of Columbia."
Mr. ROBINSON. I offer the following amendment:

At the end of section 39 add these words : "All sureties upon official bonds shall be residents of the District."

Mr. SIMONTON. I think it would not be improper, before the word "sureties," in the second line of the section, to insert the words "good and sufficient;" so that it will read: "two good and sufficient sure-

Mr. NEAL. The officer approving the bond would see to that.
Mr. HUNTON. I would suggest to the gentleman from Massachusetts to modify his amendment by substituting for the word "all" the word "who."

Mr. ROBINSON. The difficulty with that is that in some instances there may be more than two sureties.

The question being taken upon Mr. Robinson's amendment, it was

The Clerk resumed the reading of the bill and read the following:

The Clerk resumed the reading of the bill and read the following:

Sec. 43. The following offices are created in and for the District of Columbia, and are anthorized by law, subject to the provisions and limitations of the act of June 11, 1878, namely: Collector of taxes; treasurer and assessor; auditor and comptroller; coroner; water registrar; attorney and assistants; surveyor; one or more assistant assessors; superintendent of lamps; market masters; superintendents of public schools; trustees of public schools; three fire commissioners; chief engineer and assistant of the fire department; superintendent of fire-alarm telegraph; inspector of buildings; health officer; an inspector of plumbing on recommendation of health officer; sanitary inspectors and poundmaster; major and superintendent of police, and officers and members of the police force; sealer of weights and measurers; such inspectors of food, flour, and salted provisions, such inspectors and measurers of wood and lumber, such gangers and inspectors of spirituous liquors, and such weighers of hay, straw, and fodder as may be necessary for the exigencies of the services required of them; one harbor master; intendant of the Washington Asylum; physician of the intended in the poor, to be residents respectively of the districts or localities for which they may be appointed; secretary to the commissioners of the District of Columbia; three trustees of the "Corooran Charity," to be appointed from residents of that part of the District of Columbia known as the city of Georgetown.

Mr. BAKER. I move to strike out the last word for the purpose of

Mr. BAKER. I move to strike out the last word for the purpose of asking whether or not this section provides for any officers other than asking whether of hot this section provides for any states that those authorized by existing law.

Mr. HUNTON. I do not think there is one.

Mr. NEAL. Not one.

Mr. HUNTON. I think, if anything, the number of officers is re-

duced.

Mr. BAKER. I withdraw my amendment.

The Clerk read the following:

Sec. 57. The treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for the expend-

itures authorized by law, and only upon warrants of the accounting officers of the District, and issued under the directions of the commissioners of the District, or their successors in office.

Mr. HUNTON. I move to strike out section 57 just read, because there is a provision contained in section 4 of the organic act of June 11, 1878, which covers the same ground, and which I think is better than this. I will read it:

than this. I will read it:

All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said commissioners, or a majority of them; and the accounts of said commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States.

That is a lattern that the contract of the treasury Department of the United States.

That is a better provision than this section 57, and I therefore move

to strike out this section.

Mr. ROBINSON. I want to suggest to the gentleman from Virginia that it seems to me the section which he has read does not cover quite all that is included in this section 57. The section to which he refers relates only to tax moneys, not to license fees, which are included in this section 57.

Mr. NEAL. License fees are regarded as taxes.
Mr. ROBINSON. This section 57 requires the treasurer to pay
"forthwith" all moneys into the Treasury of the United States.
Mr. HUNTON. I think the section in the organic act is intended
to cover all moneys, and the mode of disbursing is better than in this section.

The motion to strike out section 57 was agreed to.

The Clerk read the following:

PHYSICIANS TO THE POOR

SEC. 85. The physicians for the poor, when called upon, shall attend the poor of the respective localities for which they shall have been appointed, and prescribe such medicines as may be necessary for relief, to be compounded at the stores of the apothecaries for the poor; and each of the said physicians shall give the said apothecaries orders for furnishing the medicine, stating the name of the pauper to be relieved, or the head of the family, if intended for any other member thereof, the age, color, and nativity, and that he believes the person to be a pauper, entitled to the relief of the District of Columbia.

Mr. PRICGS. I design to make any inquiry of the gentlemen in

Mr. BRIGGS. I desire to make an inquiry of the gentleman in charge of this bill. This section provides that the poor of the District shall be attended and prescribed for by the physician to the poor, and that prescriptions furnished by this physician shall be delivered by the apothecaries for the poor of the District. I desire to inquire who is to determine whether an individual is a pauper or not? What tributed that? Does the physician determine it?

bunal settles that? Does the physician determine it?

Mr. HUNTON. The physician for the poor, when called upon, de-

termines that.

Mr. BRIGGS. You leave that question to him alone. Do you think he is a safe depositary of that discretion?

Mr. HUNTON. I do not see where we can better put it; that has been the law of the District for many years.

Mr. WARNER. In this connection I would inquire of the chairman of the Committee on the District of Columbia whether there is any thing anywhere making provision for paupers other than for prescrip-

thing any where hasing provision to paspess that the provision for the poor?

Mr. HUNTON. What other provision does the gentleman mean?

Mr. WARNER. I ask simply because I desire to know whether there is any provision for general relief.

Mr. HUNTON. The Washington Asylum is where the very poor

are sent

Mr. WARNER. But I notice that on the streets of this capital of the nation there are more beggars than I have ever seen in any other city of the United States. I think it is a daily disgrace, not only to the city but to the whole nation, to have them here. I was led to ask right here in this connection whether any effort has been made to rid this city of this class of professional beggars, and at the same time provide for those who are really destitute and not otherwise provided

Mr. HUNTON. I will answer the gentleman's question, that there is no city on earth that can rid itself of beggars.

Mr. WARNER. Oh, I beg pardon.

Mr. HUNTON. I do not know of one. There is a general provision made here for the poor, and Congress every year makes appropriations to help the very poor in this city. I know of no means by which you

can stop a man from asking alms.

Mr. WARNER. They can be taken from the streets, as having no visible support but beggary, which should not be a lawful means of support. At the same time provision should be made for such as are really needy and destitute.

Mr. HUNTON. There is such provision.

Mr. WARNER. Do I understand the chairman of the committee to say that you cannot by law take these persons off the streets? Is beggary a lawful calling?

Mr. HUNTON. There is a provision to take persons off the streets

and send them to the Washington Asylum.

Mr. WARNER. That is what I am inquiring about; whether there is any such provision. If there is, then I should hope the officers of the law would enforce it.

The Clerk read as follows:

TITLE III.—TAXATION.

CHAPTER I.

DEFINITIONS AND PROPERTY TO BE TAXED.

SEC. 120. The terms "real property" and "land" shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, but also,

unless otherwise specified, all buildings, structures, and improvements and fixtures of whatever kind thereon, and all rights and privileges belonging or in any wise appertaining thereto. The term "personal property" shall be held to mean and include stock in public funds, including all United States, State, county, district, city, or town stock or bonds, certificates, or other securities not exempt from taxation by the laws of the United States, the capital stock of any incorporated company, the capital of any incorporated banking association or institutions, money on hand, stock in trade of merchants, manufacturers, mechanics, or tradesmen; all tangible property not included in the definition of real estate; all interests, shares, or proportions in all ships or other vessels; all other credits of any corporation or individual, after deducting therefrom the bona fide indebtedness; all wharf structures, and other buildings located on streets, or other real property of the United States.

Mr. HAWLEY I move to every live tribing the property of the content of the content

Mr. HAWLEY. I move to amend by striking out in line 8 of the section just read the words "United States" after the words "including all." There are no United States bonds which are taxable; and I do not wish to convey the implication that there may be. This section speaks of United States bonds or other securities not exempt from taxation by the laws of the United States. Now there may be United States bonds not specifically exempted by any law; but nevertheless by the decisions of the courts and by the generally understood rights of a nation Government bonds are not taxable.

Mr. TOWNSHEND, of Illinois. Does the gentleman mean to deny that Congress has the right to make Government bonds taxable when

they are not by the terms of their issue non-taxable?

Mr. HAWLEY. I suppose we may have the abstract right to do so; but Congress never has been and never will be foolish enough to do so.

Mr. TOWNSHEND, of Illinois. Well, that is the question.

Mr. HAWLEY. I need not discuss this; it has been argued upon every stump. The idea of a government taxing its own bonds is against all common sense. The government that proposes to tax its own bonds 1 per cent. had better make the rate of interest 1 per cent. less before issning the bond. We have always proceeded upon the assumption that the Government did not convey and could not convey to others the right to tax its bonds. No sovereign government can afford to recognize the right to tax its bonds. Taxing income is

a different question.

Mr. HUNTON. There is no question, I suppose, that if the Government of the United States issues bonds without exempting them from taxation, it is competent for the United States to tax those bonds.

Mr. HORR. Has not the Supreme Court decided that even green-

backs cannot be taxed?

Mr. NEAL. Taxation by the States is one thing; but as respects the General Government the question is different.

Mr. HAWLEY. Has the gentleman ever heard of a government that taxed its own bonds?

Mr. HUNTON. My friend will please observe that if the Government does not choose to tax these bonds, they cannot be taxed. This provision only affects such bonds as are not exempt from taxation.

Mr. HAWLEY. If the Government makes no mention of taxation in the law authorizing the issue of the bonds, would the gentleman claim that we could turn round and tax them?

Mr. HUNTON. Certainly Congress has the right to do so. Mr. HAWLEY. Let me ask the gentleman a further question: What is the difference between taxing a 6 per cent. bond 1 per cent. and issuing a 5 per cent. non-taxable bond in the first place?

Mr. HUNTON. That is an entirely different question.

Mr. SPRINGER. I can tell the gentleman the difference. A law

taxing bonds for District purposes would apply only to bonds held in this District; but when you make a deduction from the interest you deduct it in the case of a non-resident who may be in Europe or any

other place.

Mr. CANNON, of Illinois. It is not proposed, as I understand, to tax any Government bonds which by the terms of the act under which they are issued are non-taxable?

Mr. NEAL. No, sir; simply those which are by their terms subject to taxation.

Mr. PRICE. Are there any such?
Mr. NEAL. Suppose there are not; cannot Congress make such.
Mr. BAKER. If Congress should in future provide for the issue of taxable bonds, we can then provide for their taxation.

The question being taken on the amendment of Mr. HAWLEY it

was not agreed to; there being—ayes 13, noes 25.

Mr. ROBINSON. Without offering an amendment just now, I would like to ask a question. The pending section, in defining for the purposes of taxation "real property" and "land," declares that these terms "shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, but also, unless otherwise specified, all buildings, structures, and improvements and fixtures of whatever kind thereon." Now, I would like to know where it is "otherwise specified;" that is to say, in what cases are "buildings, structures, and improvements and fixtures" on land not real estate? When

are they personal property?

Mr. NEAL. We have provided here that wharf structures placed upon lands of the United States shall be considered personal property. At the end of the paragraph the gentleman will see the words "all wharf structures and other buildings located on streets or other real property of the United States."

Mr. ROBINSON. I am very glad the gentleman from Ohio has suggested that, because I was troubled a little with the last part of this paragraph, and was going to inquire whether the words "or other

this paragraph, and was going to inquire whether the words "or other real property of the United States" must be taken in the same grammatical construction as the words "located on streets."

Certainly.

Mr. NEAL. Certainly.
Mr. ROBINSON. Then the language should read "or on other real property of the United States." The word "on" should be inserted.
Mr. NEAL. It is not necessary.
Mr. ROBINSON. That is a question.
Mr. NEAL. I will state to the gentleman that along the Potomac River the property of the United States has been taken possession of and wharves built upon it. We propose to tax that property, as well as all structures located upon the property of the United States overwhere.

Mr. BRIGGS. I wish to ask the gentleman a question. Is there any provision in the bill whereby the surplus of national banks is

taxed

Mr. NEAL. The law of the United States, incorporating national banks, exempts the banks from taxation. It is nothing but the stock which can be taxed in the hands of individual holders, and that must which can be taxed in the hands of individual holders, and that must be appraised at its true value in money. We provide for taxation of all incorporated companies, and the capital of unincorporated companies, which includes surplus and everything.

Mr. BRIGGS. Take for instance a national bank with a capital of \$100,000, the stock divided into shares of \$100 each, the States tax the holders of that stock on a hundred dollars a share.

Mr. NEAL. No.
Mr. BRIGGS. That is its value. Now, here is a national bank which may have in its vault a surplus of three times the amount of the actual value of its stock. Does the gentleman contend that is not

Mr. NEAL. I will tell the gentleman if he will examine the law under which national banks are incorporated he will find the only way by which States and the District of Columbia can tax those

banks is through the holders of that stock.

Mr. BRIGGS. I wish to say to the gentleman that while I have great confidence in his knowledge of the facts and in his legal ability, the State of New Hampshire has taxed that surplus of the banks to the banks themselves, and collected it.

Mr. TOWNSHEND, of Illinois. I think my friend is mistaken on

Mr. NEAL. They cannot under the law.
Mr. TOWNSHEND, of Illinois. I know in the State of Illinois the
only tax is levied on the stockholder on the amount of stock which

he holds without reference to the surplus fund.

Mr. REED. I suggest to the gentlemen that the value of the stock will depend upon the amount of surplus; and if there is a large surplus the stock will have a greater value; and in that way we can get

Mr. TOWNSHEND, of Illinois. The surplus fund is taken into consideration.

Mr. BRIGGS. Suppose, as they do in some States, they tax it at its par value.?

Mr. NEAL. Then they violate the law under which national banks

Mr. NEAL. Then they violate the law under which national banks are incorporated; that is all.

Mr. BRIGGS. That is your construction of it.

Mr. TOWNSHEND, of Illinois. That is the construction of the courts, that all property shall be taxed on one basis or in one ratio. If personal property is taxed only one-third of its value, bank stock is taxed only at one-third of its valuation.

Mr. NEAL. There is no question before the committee.

The CHAIRMAN. The point of order is well taken, and the Clerk will proceed to read the next section.

Mr. ROBINSON. I am just a trifle troubled about the latter part of that section; and I wish to ask the gentleman from Ohio what he understands by "buildings located on streets?" What does the phrase "located on streets" mean? I want to know.

Mr. NEAL. I do not know how it can mean anything else than

Mr. NEAL. I do not know how it can mean anything else than

Mr. NEAL. I do not know now it can mean anything eise than what I have already stated.

Mr. ROBINSON. Do you mean on streets or alongside streets?

Mr. NEAL. Buildings sitting on the streets themselves. You have on the Potomac River wharves located upon the streets—streets occupied by wharves.

Mr. HAWLEY. Then why do you not say "on land belonging to

the United States?"

Mr. WARNER. I desire to offer an amendment to come in at the end of line 12; after the words "money on hand" insert "including

legal-tender notes of the United States.

Now, Mr. Chairman, we tax everywhere in the States gold and silver and national-bank notes. There is no economic reason in the world, and none can be shown by any gentleman here, why green-backs as money should not be subject to taxation precisely the same as gold and silver and national-bank notes; but there are many reasons why they should be, not only in this District but everywhere

without going into a debate on the question of currency I wish simply to say the greenback currency now permits from one to two thousand millions of capital in the form of ready money, bank deposits, &c., to escape taxation. It permits gold and silver and a large part of the money of the United States by nominal conversion into greenbacks to escape taxation, for which certainly there can be no good reason. The plea on which greenbacks have been exempted from taxation no longer exists, and that is that they are debt and debt only. Of course I dispute the proposition that they are a debt only. Grant that they are a debt, that is not all they are; they are money. They

perform all the functions of money precisely the same as gold, silver, and national-bank notes; and there is no reason why they should not be taxed the same as other kinds of money.

[Here the hammer fell.]

Mr. REED. I do not know of any law which exempts greenbacks from taxation; but there is something higher than the law, and that is the Constitution of the United States; and I think we had better have a good many more people here before we undertake to alter the Constitution of the United States and override the decision of the Supreme Court

Mr. SPRINGER. I would like the gentleman from Maine to give me that provision of the Constitution.

Mr. REED. And I am surprised to think that my friend from Ohio has not been able to find that decision of the Supreme Court which covers this question.

Mr. WARNER. I would be very glad if my friend from Maine would point out to me that provision or that clause of the Constitu-

would point out to me that provision or that clause of the Constitution which covers his point.

Mr. REED. The decision of the Supreme Court of the United States, in 12 Wheaton; I think the case of Weston against the city of Charleston is the one that I refer to. The provisions of the Constitution to which I refer are embodied in that decision of the Supreme Court, as the gentleman will find by reference to it. The Supreme Court decided the case on the broad ground that the obligations of the United States were not taxable by any authority, and that decision is not only made as far back as Weston against the city of Charleston, but the decision has been reaffirmed in subsequent cases. Whether McCulloch vs. Maryland is earlier or later, I do not just now remember.

Mr. SPRINGER. Does not that refer to taxation of these notes by

Mr. REED. No, sir.
Mr. WARNER. I believe I have the floor. I have not yielded it.
Mr. SPRINGER. I hope the gentleman will yield to permit me to ask a question. Mr. WARNER.

Mr. WARNER. Very well. Mr. SPRINGER. I ask the gentleman from Maine whether the decision to which he referred was not that these notes were not taxable by States and municipalities, but by the authority of the United

States?

Mr. REED. Without stopping to discuss that point, this is an attempt to permit a municipality to impose a tax upon these notes.

Mr. SPRINGER. Not at all. This District is under the exclusive jurisdiction of the United States.

Mr. REED. This amendment proposes to allow this discretion which would inure to the benefit of the District of Columbia alone, and allows the District a privilege which no State of this Union possesses. It is a very plain case, and I will end by restating one point made by the gentleman from Illinois, [Mr. TOWNSHEND,] that if this be money, as suggested by the gentleman from Ohio, then it is already be money, as suggested by the gentleman from Ohio, then it is already included in the phraseology of this bill, money on hand, and his amendment would not affect it. And if he has any confidence in his assertion that this is money, then I imagine that he will not insist on his amendment.

Mr. WARNER. I would have confidence in it, and have confidence in it, if that provision of the law could be carried into effect.

Mr. HAWLEY. There is no such language in the law.

Mr. REED. I will repeat the gentleman's suggestion to me and ask him to produce the law.

Mr. WARNER. Again, the decision of the Supreme Court referred to by the gentleman from Maine had reference to greenbacks as debt only, and there has been no decision covering them as money. It applied to greenbacks as debt not redeemable on demand; but now that the research against the lattice of the helderical but now that they are redeemable at the option of the holder in coin, I hold

that it has no longer any application whatever to them.

Mr. NEAL. Mr. Chairman, I make the point of order that debate
on this clause is exhausted.

Mr. CANNON, of Illinois. I move to strike out the last word. I do not believe this amendment ought to be adopted for two reasons.

do not believe this amendment ought to be adopted for two reasons. First, it has been held by our Supreme Court that United States Treasury notes, commonly called greenbacks, are not taxable under the law by which they were issued, standing precisely upon the same ground as a bond bearing interest.

Mr. WARNER. We want to change the law in that respect.

Mr. CANNON, of Illinois. Very well. Now that law is a part and parcel of the contract between the holder of the indebtedness of the Government and the Government itself, and if you can change the law as to the indebtedness of the United States not bearing interest, with much greater propriety can you change the contract as to the with much greater propriety can you change the contract as to the debt of the United States bearing interest. Now, the gentleman from Ohio says they have the option to take coin and therefore these notes ought to be taxable. It is true the holder has the option to exchange them for coin, but under the law they are not canceled but are paid out by the Secretary of the Treasury for the current expenses of the Government, and this continues by direct provision of the law as often

as they come into the Treasury.

Now, if the gentleman wants to say that the greenback is redeemed and canceled and paid off, that that contract is at an end, that they lose their legal-tender quality so far as the original law gave it to them under the war power of the Government, let him say so. I will not consent to it. It is true after you cancel the greenbacks you can,

under a law to be passed, issue Treasury notes and make them tax-able, but as I understand the Constitution and the ruling of the courts

able, but as I understand the Constitution and the ruling of the courts you cannot make them a legal tender unless they are issued by legislation had under the war powers of the Government.

Mr. WARNER. Now will the gentleman answer me a question?

Mr. CANNON, of Illinois. If I can.

Mr. WARNER. If the greenbacks are paid out as legal-tenders after such an amendment as this had been enacted or after the law exempting them from taxation had been repealed would the question

of contract come in then? Mr. CANNON, of Illinois. Mr. CANNON, of Illinois. You are supposing a case that if a thing is done then so and so would result. I apprehend it is competent for the United States to authorize the issuing of a Treasury note under a law passed to-day, to-morrow, or next day permitting it to be taxed by the States or to be taxed for Federal purposes. When that time arrives then we will meet the question.

The formal amendment was withdrawn.

Mr. HAWLEY. I renew the pro forma amendment for the purpose of saying that ordinarily I would raise the point of a quorum on a question of this sort; but I will not do it to-night. I wish to say question of this sort; but I will not do it to night. I wish to say very briefly the power to borrow money, giving bonds therefor, the power to issue Treasury notes, is absolutely indispensable, is the arterial life-blood of any nation. To permit anybody to strike out or diminish that power is to aim a deadly blow at the life of the nation. But I do not raise the point of order, because I do not believe there can be a Congress assembled in these United States that will dare to pass that amendment.

pass that amendment.

Mr. WARNER. That does not touch this question at all.

Mr. HUNTON. I make the point of order that debate is exhausted.

Mr. WARNER. I renew the pro forma amendment. If taxed it
would be not as debt, not as a loan at all, but as money. The greenbacks perform all the functions of money, I repeat, precisely the same
as gold and silver, and as money, as capital, they should be taxed, and

Mr. BLOUNT. I would like to ask my friend from Ohio a ques District of Columbia while across the river it is not taxed?

Mr. WARNER. That is a question of policy. If begun here, it should be extended over the whole United States.

Mr. COBB. My understanding of the position of greenbacks in respect to taxation is this: they are exempt by statute from State mr. REED. No, sir; it is more than that.
Mr. COBB. I will read from the Revised Statutes:

SEC. 3701. All stocks, bonds, Treasury notes

These are Treasury notes, are they not? Mr. REED. Yes, sir.
Mr. COBB. I continue to read—

and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority.

Now, if Congress by enactment gives the commissioners of the District of Columbia the right to tax these greenbacks, it can be done. There is no constitutional provision in the way; and there is no legal restriction in the way anywhere. As soon as the enactment is passed it repeals that portion of the law which I have read; and hence you can tax the greenbacks.

The policy of what is here proposed is another thing. Whether it is best to pass a law local in its application, giving to the District of Columbia the right to tax the greenbacks while they are not taxed or allowed to be taxed by any of the States or municipalities outside of the District is a different question.

of the District is a different question.

Mr. WARNER. That is the only good reason why this amendment

should not be passed.

Mr. COBB. I agree with the gentleman that that is the only good reason why the amendment should not be adopted. My opinion is that greenbacks should be taxed as other money is taxed; and if Congress will pass an act repealing the act which I have read they would be taxable.

Mr. REED. On that point I take issue with the gentleman from Indiana. The statute he has read is only a reaffirmance of the constitutional restriction which would exist without it.

Mr. WARNER. I withdraw the amendment for the reason that it

is doubtful policy to tax greenbacks in the District and leave them untaxed everywhere else. But they ought to be taxed everywhere the same as any other money. Nothing but a provision of law now prevents their taxation.

Mr. NEAL. I offer the following amendment:

In line 18, after the word "located," substitute the word "in "for the word "on;" and after the word "or" insert the word "on;" so that it will read:

"And other buildings located in streets or on other real property of the United States."

The amendment was agreed to. The Clerk read as follows:

SEC. 131. The following property shall be exempt from taxation:
First. The property of the United States and of the District.
Second. The Corcoran Art Gallery, with the works of art contained therein, and all real estate now owned by said institution.
Third. The Soldiers' Home property.

Mr. HENKLE. I offer the following amendment:

After the words "the Soldiers' Home property" insert the words "Masonic Temple and Odd Fellows' Hall."

I shall not attempt to argue in favor of the amendment, the propriety of which I think will be evident to every member. The order of Odd Fellows and the order of Masons are humanitarian and charitable, as everybody knows. The chief property that they own in this District is the Masonic Temple and Odd Fellows' Hall. They are exempted from taxation in almost all large cities in the country. The same reasons that apply for their exemption in other cities apply

with equal force to their exemption from taxation here.

Mr. McMILLIN. I would inquire whether these halls are rented

Mr. HENKLE. They are not rented; they belong to these orders.
Mr. McMILLIN. Do the orders rent them for any purpose?
Mr. HENKLE. They occasionally rent these halls for concerts and

other public purposes, but the revenues derived from that rental are

used for charitable purposes.

Mr. HUNTON. I desire to say a word or two in opposition to the amendment offered by my friend from Maryland, [Mr. HENKLE.] The policy of the Committee on the District of Columbia in framing this policy of the Committee on the District of Columbia in framing this bill was to exempt from taxation all property held for purely charitable purposes. Now, if these Odd Fellows and Masons hold property for purely charitable purposes, then they ought to be exempt from taxation; otherwise they ought not to be.

Now, I take issue with my friend when he says that these are purely charitable institutions. I am the last man in the world to say aught against these institutions. But Odd Fellows and Masons, as all

know, are charitable to themselves and to the families of their members, not to the public generally; that is, not as Odd Fellows or as They are mutual insurance companies, not in point of law but in point of fact. When parties enter these lodges of Masons and Odd Fellows they contract that in certain events they will do certain things for sick members and the orphans of former members of those institutions.

In addition to that these halls where these Odd Fellows and Masons are accommodated are connected with stores underneath, almost invariably, and those stores and their halls are rented for public exhibivariably, and those stores and their halls are rented for public exhibitions. Now, why the property of these institutions should be exempt from taxation more than other property I cannot for the life of me see. If A, B, and C own property conjointly they have to pay taxes upon it. But if A, B, and C are Odd Fellows or Masons, and own this property as such, then it is proposed to exempt them from taxation upon it. Now, I do not see the reason or the propriety of any such exemption.

We considered in the Committee on the District of Columbia that

We considered in the Committee on the District of Columbia that we were not authorized to make the proposed exemption list very large, lest the revenues of the District should fall short of the needs of the District government.

Mr. PRICE. I move to amend the amendment by adding to it the words "and the real estate belonging to the Young Men's Christian Association;" that is, Lincoln Hall.

Mr. HENKLE. In reply to what has been said by the chairman of our committee, I want to say that the revenues of these orders, whatever they may be derived from the rental of their halls or other proposed. ever they may be, derived from the rental of their halls or other property, all go into the general treasury of these orders and are devoted to the same charitable and laudable purposes as their general fund.

Now the truth is that these orders are generally poor and in debt, and their funds are inadequate to meet the demands upon them for the charities which they are in the habit of supplying to those who are the beneficiaries of their respective orders. The gentleman from Virginia says that the charity of these orders is exclusive, and limited to the members or families of the members of these several orders. If it is exclusive in that sense, it is generally beneficial, because to the extent that they aid the members and families of their respective the extent that they aid the members and families of their respective orders they benefit the general community by taking that much of the burden of taxation that would otherwise fall upon the general community. I repeat that this exemption from taxation is common in other States and cities, and I hope it will be adopted here.

Mr. CANNON, of Illinois. A single word upon the amendment, as well as upon the section. I am not in favor of the amendment, for the reason that I do not believe that the people who do not indorse these or any other similar organizations should be virtually compelled to assist in their support.

to assist in their support.

I know that these orders have magnificent charities. I have great sympathy with the objects for which they are instituted. I admire them; perhaps I have a stronger feeling than admiration for them. Yet there are people who have not that admiration, and who desire to dispense their charities and do their good through some other organization, perhaps not a secret one.

Mr. BLOUNT. Is this character of property exempt from taxation

Mr. BLOUNT. Is this character of property exempt from taxation in your State?

Mr. CANNON, of Illinois. I think it is not exempt in my State, and I do not think it ought to be exempt in any State. Some people as a matter of conscience are opposed to all organizations of this kind. They have just as much right to be opposed to this way of administering charity as I have the right to be in favor of it. I have no right, and the majority has no right, to impose upon those people who are conscientiously opposed to this way of administering charity the burden of assisting in supporting these institutions.

Now, I would go further and strike out this whole section; not that I do not indorse the work of churches, but all people do not belong to the same church. Some belong to different churches than

others; some churches have more extensive property than others, and some people do not belong to any churches at all.

Mr. PRICE. They ought to.

Mr. CANNON, of Illinois. The gentleman says they ought to. I think they ought, but still they have the right to do just as they

please about it.

I have great sympathy with the churches and have no war to make upon them; but after all, in this country, under our Constitution, I believe that each man everywhere should contribute upon his own free motion to the support of churches and of charities, and should not be compelled to contribute in either a direct or an indirect way for their support.

I submit that the power to exempt certain property from taxation throws the burden which it would bear if taxed upon other property that is taxed, and is equivalent to taxing other property for its

support.
[Here the hammer fell.]
The question being taken on Mr. PRICE's amendment to the amend-

ment, it was not agreed to.

Mr. DE LA MATYR. I move to amend the amendment by striking out the last word. I wish to reply briefly to my friend from Illinois, [Mr. Cannon.] The churches of this land constitute a vast system of education indispensable to our institutions. No man will question of education indispensable to our institutions. No man will question that. This system of education, just as important to our institutions as our common-school system, is sustained solely by the benevolence of a small class of individuals who pay their taxes for the common-school system on all their remunerative property just as fully as other men. They help to bear all the ordinary burdens of the State and at the same time assist in supporting this grand system of education without which our institutions cannot stand. I ask is it just to tax this small class of benevolent persons for this work indispensable to the State 3. I do not believe that the State ought to tax itself to supthe State? I do not believe that the State ought to tax itself to support the church; nor do I believe that it ought to tax the church to

port the church; nor do I believe that it ought to tax the church to support itself.

Mr. HUNTON. I wish to say that if the pending amendment be adopted it will be an enlargement of the list of exemptions. The amendment applies to Odd Fellows' property and Masons' property.

Mr. HENKLE. Two buildings here in Washington.

Mr. HUNTON. Never in the history of this District have Odd Fellows' property and Masons' property been exempt from taxation. If the list of exemptions is to be enlarged by this amendment and other amendments indicated here to-night, and of which we have had notice, the revenues of the District will fall short. For this reason, and for the other reasons which have been presented in opposition to the amendment, I hope it will not be agreed to. amendment, I hope it will not be agreed to.

amendment, I hope it will not be agreed to.

Mr. TALBOTT. Mr. Chairman, in the State of Maryland and, so far as I have able to ascertain, in all the States of the Union, property belonging to the Order of Odd Fellows and to the Masonic fraternity has always been exempt from taxation.

Mr. NEAL. It is not so in Ohio.

Mr. TALBOTT. Then Ohio is an exception to the general rule.

These associations are charitable organizations. It is true that their charities are conferred first on their own membership; but from the information I have been able to gather, all proper objects of charity, whether the persons needing relief are members of the fraternity or not, are recipients of whatever these associations are able to bestow. They are recognized as charitable institutions all over this land, even in the State of Ohio, though their property in that State may not be exempt from taxation. I hope the amendment of my colleague [Mr. HENKLE] will be adopted.

The question being taken on the amendment of Mr. HENKLE, it

was not agreed to, there being—ayes 16, noes 34. The Clerk read as follows:

Fourth. All church property, held and used exclusively for religious worship-All property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

Mr. SPRINGER. I move to amend the paragraph just read by striking out, in line 12 and line 15, the word "free," before the word "education." This paragraph will then provide in effect that the property of all institutions for the education of youth shall be exempt from taxation. In its present form the exemption is confined to institutions for free education.

Mr. WILSON. I suggest that the gentleman also strike out the word "support."
Mr. SPRINGER. That amendment I do not think material, though

Mr. SPRINGER. That amendment I do not think material, though I have no objection to accepting it.

Several educational institutions in this city which under the provision as it stands would be subject to taxation will be exempt if my amendment be adopted. In my view all these institutions for the instruction of youth ought to be regarded as a part of the governmental system of education; and as the instruction of youth is essential to the proper administration of a free government all such institutions should be exempt from taxation. Persons who give their means to the support of these institutions are contributing to the best means to the support of these institutions are contributing to the best interests of the Government itself, and the Government ought not to compel them to pay taxes upon contributions which are in fact an aid to the Government. The education of the people is absolutely essential to the preservation of a Government like ours. We submit

all questions to popular decision, and this decision to be worth anything must be based upon an intelligent understanding of the ques-

These educational institutions to which my amendment will apply are not managed for the profit of any individual. Only such sums are charged as will pay the expense of their support, and persons who contribute to their maintenance should not be taxed upon their contributions

Mr. ROBINSON. Does the gentleman understand the word "insti-

tutions" as applying to incorporated institutions?

Mr. SPRINGER. I understand it to mean and to apply to institutions established for the purposes of education.

A Member. Public or private?

Mr. ROBINSON. It will apply to an individual coming here to teach school.

Mr. HUNTON. Unquestionably it will.

Mr. SPRINGER. I think it would apply to any property used exclusively for educational purposes, and that property should be exempt from taxation.

exempt from taxation.

Mr. ROBINSON. The reason why I asked the question is that the word "institution" would seem to throw that in great doubt.

Mr. SPRINGER. It says all property, real or personal. Education is a good thing and I wish to support it.

Mr. HUNTON. Mr. Chairman, I rise to oppose the amendment, and on the same grounds partially on which I opposed the amendment last offered. I am at a loss to know upon what principles a man who sets up one sort of business in the District of Columbia shall be taxed, and another man who sets up another character of business in the District shall be exempt from taxation. I see no reason for it.

These institutions or these individuals who come to the District of Columbia to open schools do it as a matter of business. It is a moneymaking business to many of them, and very many of them would not

making business to many of them, and very many of them would not pursue it a day if it was demonstrated there was no money in it.

Upon what principle do you tax merchants and exempt school-masters? Mr. SPRINGER. You tax the public to support the schools here.

Mr. HUNTON. My friend from Illinois says education ought to be encouraged and every institution of learning ought to be exempt from taxation because people ought to be educated and because they are the persons who decide all questions at elections. Mr. Chairman Laman advected of education but I person learning ought. man, I am an advocate of education, but I never knew the Governman, I am an advocate of education, but I never knew the Government afforded to the youth of the country opportunities for an academic and collegiate course. We provide free schools and the people are taxed to sustain them, but they are open to all; and there is no money made out of it. But when you come to higher branches of education, such as these institutions afford, I say they ought to pay tax on their property like other people.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

tion?

Mr. HUNTON. Certainly.
Mr. McMILLIN. Is it not a fact that some of these institutions are used as residences for the teachers as well as for the purposes of

Mr. HUNTON. I think it is likely.
Mr. McMILLIN. So, then, it would give to these teachers homes free from taxation?

Mr. HUNTON. That is true, sir; it would give the teachers an exemption from taxation so far as their residences are concerned.

The CHAIRMAN. Debate on the pending amendment is exhausted.
Mr. BLOUNT. I rise, Mr. Chairman, to offer a substitute for the
proposition of my friend from Illinois. I ask the Clerk to read section 147 of the Revised Statutes, which is the present law, and which I move as a substitute for the pending paragraph.

The Clerk read as follows:

SEC. 147. All churches and school-houses, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith in the District, and any cemetery therein, held and owned by a religious society, having a regular and known place of worship, or by any incorporated association, shall be exempt from any and all taxes or assessments, national or municipal.

Mr. BLOUNT. I offer that for this reason—
Mr. SPRINGER. That does not cover the question of education.
Mr. BLOUNT. I submit that it does, for it is under that section every college and school in this city is to-day exempted from taxation. I am sure the matter is satisfactory to parties interested.

My friend from Virginia says there is no reason why the private schools or colleges in this city should be exempt from taxation any schools or colleges in this city should be exempt from taxation any more than an individual, or any more than you would exempt a merchant or physician or attorney. I submit there is every difference. Here is the truth: your private institutions are staggering and almost driven out of your District by your free-school system. In my own city, and other cities, they are stricken down in their business by your free-school system. There is no other person, no physician, no lawyer, who by Government action is stricken down in any such

It stands on an entirely different footing, and when gentlemen come here into this city with their private institutions of learning, and colleges are erected and you set up competition by your free institu-tions and strike down their business, you have gone far enough. I say that we ought not to go any further and tax those very people, those very private schools and institutions, to help build up the competition which is striking them down. I believe, sir, in view of the liberal policy which has been inaugurated in this District, every movement toward education, whether it be your free school or private schools or colleges, whatever they may be, should be treated in

exactly the same manner.

I trust, sir, that we are not going back on the policy that has been obtaining here for the past ten years, a policy that has been eminently productive of good results. Take Howard University as an example. The Government has given large sums of money to that institution for its endowment. It has appropriated year after year for its maintenance, and we voted in the last Congress \$15,000 for its support. I ask are you now going to withdraw the Government aid from it and let it fail \$\frac{1}{2}\$ Or are you going even further and not only withdraw. let it fail? Or are you going even further and not only withdraw your aid but impose a tax upon it, when it is a matter of doubt that it can sustain itself under the most favorable circumstances? For one, sir, with the large appropriations which are made toward free education in this country, I trust that all such institutions in this District will not be crushed out of existence. I am in favor of the utmost liberality where the educational interests of the people are involved.

And now a word upon another point. The plea has been made here that how a word upon another point. The pies has been made here that there are already too many exemptions in the District, and yet there is a complaint of illiberality on our part. Sir, there is no city in this Union favored as Washington is to-day in some respects. The appropriation bill lately reported by my friend from Indiana [Mr. Cobb] covers \$3,000,000 to be paid out of the public Treasury for the

Support of this District.

Mr. McMILLIN. Will not this amendment favor it more?

Mr. BLOUNT. That I am not discussing now. But when you touch the question of liberality toward the District, I say when you are paying one-half of the taxes, it does not lie in her mouth to complain

Mr. SPRINGER. I rise to a point of order, that this discussion applies to a portion of the bill which has not yet been reached.

Mr. BLOUNT. There is a provision in reference to cemeteries that may be stricken out when it is reached, and this proposition of mine is not in the nature of an amendment but a substitute for the whole section.

Mr. SPRINGER. I would like to hear the substitute read.

The substitute was again read.

Mr. WILSON. Mr. Chairman, I rise to support the substitute of the gentleman from Georgia. I agree in all that has been so well said by the gentleman, and fully concur with him in his views upon this subject. I hope the policy that has been adopted and pursued for the last twenty-five years in the wisdom of Congress is not now

to be changed.

It has been flung into the teeth of the democratic party for years that they are the opponents of education. The point has been made and repeated that the republican party has ever been the champion of education, and that the democratic party is opposed to it. I hope the democratic party will not permit that charge to remain unanswered. Its history in the past has shown that it is not true, and I hope the present occasion, when the educational interests of this District that the party is a superposed to the present occasion. trict are involved, will prove no exception to that history. Twenty years ago, sir, this subject entered into the consideration of Congress. A policy was adopted then substantially the same as that now proposed in this substitute of the gentleman from Georgia. When the democratic party came into power the very first legislation was in reference to the exemption from taxation of property used for educational purposes. The following words will be found in the law:

And, third, such property as is now exempt from taxation under the law of the United States.

I read from page 84 of the United States statutes of 1875, volume 19. I will not take the time of the House by reading at length. Gen-

tlemen can see for themselves what was then done.

Two years after that date, when the next Congress came in, a similar provision was passed exempting from taxation all such property exempt under previous laws. These colleges and institutions of learning in this District are not realizing any profit. On the contrary, it is a well-established fact that they are barely able to sustain themselves. That being the condition of affairs it would seem to be a hardship to impose upon them an additional tax at this time.

Mr. Chairman, during the fifteen years that the republican party had undivided sway in both branches of Congress they manifested toward the schools and colleges of the District a liberality that was highly commendable and one which I should not object to see the

democratic party follow to-day.

It is wise and well to continue it. It is humane. It is important to maintain these institutions, and in their behalf I favor the utmost extent of liberality commensurate with public interests. I hope the substitute of the gentleman from Georgia will be adopted.

Mr. NEAL. Mr. Chairman, I move to strike out the last word. Mr. SPRINGER. Would that be in order, as there is an amend-

ment to an amendment pending?

The CHAIRMAN. The Chair understands the gentleman from Georgia offers a substitute for the amendment.

Mr. NEAL. Then I move to strike out the last word of the substi-

Mr. Chairman, the committee do not comprehend the scope of this

provision.
Mr. BARBER. What committee?

Mr. NEAL. The Committee of the Whole House; that is the only committee here.

Mr. BARBER. I thought the gentleman possibly referred to the Committee on the District of Columbia. [Laughter.]
Mr. NEAL. This clause provides that all property, real or personal, the rents or profits from which are used exclusively for the endowment or support of institutions of learning for the free education of youth, shall be exempt from taxation in the District as long as such property, or the rents, profits, &c., shall be used and applied exclusively for the support of free education. Now, that includes not only the buildings, but all property which they may have or rent for the uses prescribed in that section.

Mr. SPRINGER. I would like to ask the gentleman if there is any such institution in the city of Washington; I mean any institution which would come under the provisions of that fourth clause of this

section?

Mr. NEAL. I do not know whether there is or not. We have not drawn this bill with reference to existing institutions, or with reference to what may be in the future.

Mr. SPRINGER. There is no such institution in the District, and

I do not believe there is such a one in the United States.

Mr. NEAL. I will tell the gentleman there is such an institution in the District

Mr. SPRINGER. What is its name? Mr. NEAL. I refer to the Columbian Law College. It has a build-

ing which it rents and the profits go to that institution.

Mr. SPRINGER. They charge for trition.

Mr. NEAL. Certainly they do. And if you strike out the word "free," the property of Columbian Law College will be exempt from taxation.

Mr. SPRINGER. I refer to institutions for the free education of vouth.

You propose to strike out the word "free." Mr. NEAL.

Mr. SPRINGER. The gentleman has misunderstood me. I stated there is no institution in the District for the free education of youth,

or anywhere else that I know of, supported by private individuals.

Mr. NEAL. I know this: there are institutions of learning that are run for purposes of profit to the gentlemen who have charge of them. There are, for example, the Columbian Law College, a medical institute, and some others which might be named. And if you adopt the amendment of the gentleman from Illinois you will exempt from taxation all their property, property which they have rented, and from which they receive an income. There is no reason in the world why the Columbian Law College should not pay taxes upon its

Mr. BLOUNT. I wish to ask my friend from Ohio if those very

rents do not go to support the professors?

Mr. NEAL. I do not know what they go for.

Mr. BARBER. Will the gentleman from Ohio yield to me for a question 9

Mr. NEAL. I have only five minutes, and two minutes of my time have already been taken up by other gentlemen. I will suggest an amendment to the language of this clause, so that it shall distinctly provide that whenever there is property that is rented, and the rents, issues, and profits thereof go for free education, then that property shall be exempted; but if they go for other purposes than free education, then it shall pay taxes, except the buildings of these institutions, the property they occupy exclusively for educational purposes.

Mr. SPRINGER. I rise to oppose the formal amendment.

Mr. CANNON, of Illinois. I had risen for the same purpose.

Mr. SPRINGER. I will leave my colleague two-thirds of my time.

I wish to say to the gentleman from Ohio [Mr. NEAL] that he does not seem to understand me. As this clause now stands it would not apply to any institution in the District of Columbia. Nor do I believe it would apply to any institution in the United States if this law should be extended so far. I know of no private institution for the free education of youth. All free schools are public schools, and supported by the Government; and those of course are exempt from tax-ation, because the property itself belongs to the State or to the Dis-trict. But as the provision here stands, it is utterly worthless. You may strike it out entirely, and it will not change anything, because there is no institution of the kind owned by private individuals for the free education of youth. To make the provision practical, I pro-pose to strike out the word "free." I yield the remainder of my time to my colleague.

to my colleague.

Mr. CANNON, of Illinois. I desire to have my own five minutes, and if the gentleman from Ohio [Mr. Neal] will withdraw the formal amendment I will renew it.

Mr. NEAL. I withdraw the formal amendment.

Mr. CANNON, of Illinois. I renew it.

I am opposed to the amendment of my colleague from Illinois, but

ram opposed to the amendment of my colleague from lithous, but perhaps upon a broader ground than has been spoken of, at least in my hearing. I allow no man to have a greater admiration for general education for all the people than myself. If I had power I would make that education in this Republic of ours compulsory. But I would not educate by compulsory means or at the expense of all the people unless the system applied to all the children of the country; unless at least the option was given to them, and unless they could be under the control in these institutions of the body-politic of teachers selected under general law, paid for by taxation levied by general law upon

property everywhere. This clause, however, as it stands in the bill, provides for exempting from taxation institutions which are used for free education both as regards the real property and the personal. The amendment of my colleague is to strike out the word "free."

Now, let us see where that will lead us to. If you strike out the word "free."—and I am not sure but the whole provision ought to be stricken out—if you strike out the word "free" it allows anybody to endow an institution in this District with ten millions or five millions or one million or one hundred thousand dellars—it makes no ions or one million or one hundred thousand dollars-it makes no difference as to the amount-and there to pursue a certain line of

education if you please.

Mr. SPRINGER. Would you prohibit him from endowing an in-

stitution !

Mr. CANNON, of Illinois. I would prohibit nothing that a man has a right to do in this Republic of ours without violation of law. has a right to do in this Republic of ours without violation of law. I am speaking now of conducting this course of education at the public expense. To illustrate: it pleases me with my views to send my daughter to an Episcopal school where I pay tuition. That is my business; it is my money that pays it. There is a certain kind of moral and religious education, a training, which I pay my money for and which I have a right to pay it for.

But I have no right, directly or indirectly, to tax my Catholic friend or my Methodist friend or my Presbyterian friend to support that school, and thereby help to educate my daughter in that way. So it should

and thereby help to educate my daughter in that way. So it should be in my opinion everywhere. I will go as far as anybody to give a high grade of education to all children in this country; compulsory if you will, permissive if you please, if you are not ready yet for compulsory education. But let all stand alike.

One other thing. This is a pretty broad provision—"all institutions for education." What kind of education? Why, sir, in many well-ordered schools now I believe, at least in many schools of the higher grade, there is a dancing-master. Dancing is a kind of education. You have it in your Military Academy and in your Naval Academy and you have it in almost all your higher schools. Are you going to exempt from taxation Marini's real estate, which is used, or rather the building is, for teaching dancing, singing, and etiquette, and also Sheldon's dancing-academy? They are covered by the terms of this bill.

Now there is no man with less prejudice upon religious matters and other matters than myself. I think I am pretty broad in my views upon all these subjects, having great charity for everybody, those who agree with me and those who do not agree with me. But I am not here to impose a burden upon anybody to help support an institution which they cannot conscientiously indorse.

[Here the hammer fell.]

Mr. HAWLEY. I wish to call attention to a possible construction of this paragraph. It proposes to exempt from taxation institutions that are rich enough to be able to educate children free of charge; that are rich enough to be able to educate children free of charge; but if they are not rich enough for that, and have to charge a little something for tuition, then they are to be taxed. Is not that so? Precisely. If they are well endowed, rich, able to take pupils for nothing, then they shall not be taxed. But if they are like most of the institutions that I know anything about and have to charge tuition, at least to those who can afford to pay it, then they are to be taxed. Now, I say with all due respect that such a proposition is ridicalled.

I would change the paragraph; it would satisfy me to strike out the word "free" where it occurs twice and put in the word "incor-porated" before "institution." That would make it really and sub-stantially the proposition that is now before the House and the old law; and I think it would perhaps be better than the old law with

those two changes

My friend from Illinois [Mr. CANNON] makes the point with some considerable force that some of these institutions are Catholic, some are Episcopalian, some are Presbyterian, &c. I know that. But if there be only a Presbyterian or a Baptist institution, the door is wide open for the Catholics or the Episcopalians to establish their colleges, and they will be exempt also from taxation.

I am happy to say that my State furnishes free education for every child in the State, and has a compulsory law to compel the attendance of those children at school. Then we have colleges there. The Episcopalians established one there some time ago, and besides their college buildings and grounds they have a block of buildings in my town, free of taxation. The Baptists have a large seminary there which is free from taxation, and the Methodists have an institution there and their buildings are free from taxation. If there is any other denomination we will bid it God speed in building up an acadother denomination we will let their property be free from taxation, because there is nothing in the world that we can do for our land better than to encourage education, both moral and mental.

The CHAIRMAN. Debate upon the pending amendment has been

exhausted

Mr. CANNON, of Illinois. I withdraw the amendment which I

Mr. NEAL. I renew it. The proposition of the gentleman from Connecticut [Mr. HAWLEY] resolves itself into just this: if there are some rich people who have got together and become incorporated, and have established a fine seminary or a college for any purpose whatever, whether for medical education or education in law, or education of any kind, then they are to be exempt from taxation. But

if a poor woman comes here into the city and establishes a school with the most benevolent purpose in the world, she must be taxed. I do not myself appreciate that sort of benevolence.

I do not understand the justice or equity of that kind of law. we are going to exempt institutions of learning let us exempt such institutions as Mrs. Archer's school and Mrs. Smith's school.

Mr. HAWLEY. Will the gentleman allow me to make a correction?

In this District we open public schools which are absolutely free;

every child can go there.

Mr. NEAL. I understand all that, but the gentleman said that he would exempt all chartered or incorporated institutions. Yet he would require these poor women who are doing just as good a work as our chartered institutions, and a great deal better than some of them, to pay taxes.

Mr. BAKER. What harm will be done if we continue the law on

Mr. BAKER. What ham will be done it we continue the law on this subject which has been in force for fifteen or twenty years?

Mr. NEAL. I do not know that any harm will be done.

Mr. BAKER. Then, let us do it.

Mr. NEAL. I know that the Columbian Law College, which rents offices in its building to lawyers and others, will be exempt from taxition under this proposition. I am not in favor of that

ation under this proposition. I am not in favor of that.

Mr. RANDALL, (the Speaker.) Will the gentleman allow me to ask a question? He has alluded twice to the Columbian Law School. I would like to know whether that is connected with the Columbian College on Fourteenth street?

Mr. BLOUNT I make the street of the columbian connected with the Columbian connected with the Columbian college on Fourteenth street?

Mr. BLOUNT. I understand it is.
Mr. NEAL. That is my understanding.
Mr. RANDALL, (the Speaker.) Then I wish to say that the Columbian College has had great difficulty in getting along. Within a few years it has been extricated from the most severe embarrasment by the liberality of one of the west embarrasment. by the liberality of one of the most eminent citizens of Washington.

That institution is ill able to bear taxation. I do not want that Baptist association brought in here as an argument in favor of taxing this college. Mr. NEAL.

I would like to know why the people of the District of Columbia should be taxed to educate the gentleman's sons or some

other man's sons in the law

Mr. RANDALL, (the Speaker.) This provision as proposed to be amended by the gentleman from Georgia [Mr. BLOUNT] and as advocated by the gentleman from West Virginia [Mr. WILSON] has been the law for ten years; and I would like to know whether during this whole period any tax-payer has objected to these exemptions? If so, he has never, to my knowledge, come to Congress with his complaint.

Mr. NEAL. I do not know whether tax-payers have objected or not; but I say that there is no sound principle of legislation which will justify the exemption of a building like the Columbian Law

Building from taxation.

Mr. RANDALL, (the Speaker.) I believe the policy of this country and this Government should be to promote education, to encourage moral and religious training in every direction. This being done, we secure the greatest possible good to the greatest number.

Mr. NEAL. Then I understand the gentleman from Pennsylvania

to hold that the public ought to pay for educating young men in the

Mr. RANDALL, (the Speaker.) I believe that a great government like this should see that its citizens are educated in every direction; for education brings contentment and happiness, and it is the purpose of all government to bring to its citizens contentment and happiness.

Mr. SPRINGER. In order that the law which has been in force for

the last ten years may be continued, I withdraw my amendment, so that the amendment of the gentleman from Georgia may be adopted.

The CHAIRMAN. The substitute proposed by the gentleman from Georgia [Mr. BLOUNT] for the fourth paragraph will be read.

The Clerk read as follows:

All churches and school-houses and all buildings, grounds, and property appertaining thereto and used in connection therewith, in the District, and any cemetery therein, held and owned by a religious society having a regular and known place of worship, or by any incorporated institution, shall be exempt from any and all taxes or assessments, national or municipal.

Mr. ALDRICH, of Rhode Island. I suggest that the gentleman

strike out the clause in regard to cemeteries, as that matter is provided for in another part of the bill.

Mr. BLOUNT. I have no objection to the modification suggested by the gentleman if he thinks the committee have agreed on a bet-

ter provision.

Mr. ALDRICH, of Rhode Island. We have, because we provide that cemeteries used for purposes of profit or speculation shall be

Mr. BLOUNT. Very well; I modify my amendment by striking out the words "and any cemetery therein."

Mr. HUNTON. The gentleman from Georgia will allow me to make a suggestion. His substitute concludes with the words "shall be exempt from any and all taxes or assessments, national or municipal." Now, that language is processed in the second of the secon pal." Now, that language is unnecessary, because in this part of the bill we are under the head of exemptions.

Mr. BLOUNT. Very well; let those words be struck out.

The CHAIRMAN. The substitute of the gentleman from Georgia,

as modified, will be read. The Clerk read as follows:

All churches and school-houses, and all buildings, grounds, and property apper-

taining thereto, and used in connection therewith, in the District, held and owned by a religious society having a regular and known place of worship, or by any incorporated institution.

The amendment of Mr. BLOUNT was agreed to.
Mr. ALDRICH, of Illinois. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. Burrows reported that the Committee of the Whole on the state of the Union, having had under consideration the bill to establish a revised code for the District of Columbia, had come to no resolution thereon.

Mr. KLOTZ. I move that the House adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and fifteen minutes p m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the German Society of New York, for legislation for the protection of immigrants arriving in the United States—to the Committee on Foreign Affairs.

By Mr. BALLOU: The petition of pensioners of the late war, against the passage of a bill providing for a traveling court for pensioners—

the passage of a bill providing for a traveling court for pensioners— to the Committee on the Payment of Pensions, Bounties, and Back

By Mr. BERRY: Resolution of the Legislature of California, asking the enforcement of the eight-hour law—to the Committee on Education and Labor.

Also, resolutions of the Legislature of California, relative to the establishment of a first-order light and steam fog-signal station at Point Saint George, California—to the Committee on Commerce.

Also, resolution of the Legislature of California, asking that a quarantine depot be established on one of the islands in the Bay of San

Francisco, California—to the same committee.

By Mr. DAGGETT: A letter from Mrs. E. B. Custer, widow of the late General George A. Custer, protesting against the passage of a bill providing for the erection of a statue of her late husband in the city of Washington, a duplicate of the one of him at West Point—to the Committee on Public Buildings and Grounds.

By Mr. DAYLDSON: The setting of citizens of Celbern County.

By Mr. DAVIDSON: The petition of citizens of Calhoun County,

By Mr. DAVIDSON: The petition of citizens of Cainoun County, Florida, for an appropriation for the improvement of the Chipola River—to the Committee on Commerce.

By Mr. GILLETTE: The petition of C. A. Wool and 78 others, citizens of Manistee, Michigan, against the passage of the Wood refunding bill, and for the passage of the bill providing for the payment of the public debt—to the Committee on Ways and Means.

By Mr. HORR: The petition of citizens of Michigan, that certain upblic lands in that State he ones to entry under the housesteed laws.

public lands in that State be open to entry under the homestead laws or by eash entry—to the Committee on the Public Lands.

By Mr. HULL: The petition of citizens of Jacksonville, Florida, for the removal of the duty on salt, and that the same may be placed on the free list—to the Committee on Ways and Means.

By Mr. KETCHAM: The petition of William Tracy, of Poughkeep-

sie, New York, for the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. KLOTZ: The petition of citizens of Roaring Creek, Columbia County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Columbia County, Pennsylvania, for legislating regulating freight changes on relievade and the regulation of the relievance of the regulation of the relievance of

legislation regulating freight charges on railroads and to prevent un-

just discrimination—to the Committee on Commerce.

By Mr. LORING: The petition of Goodrich & Porter and other firms and business men of Haverhill, Massachusetts, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. MONEY: The petition of Judd & Detweiler, for compensation for the destruction of the Post-Office Gazette by the publication of the Official Post-Office Gazette by the publication of the Office Gazette by the Office Gazette by the publication of the Office Gazette by the Office Gazette by the publication of the Office Gazette by the Office Gazette b

tion of the Official Postal Guide-to the Committee on the Post-Office

and Post-Roads.

By Mr. MORTON: The petition of Cary, Yale & Lambert, Thomas Michel, William Miller & Son, and 27 other firms of New York City, for the passage of the bill (H. R. No. 5600) to amend the Revised Statutes so that the duties on imported sugars shall be assessed upon the quantity delivered from the warehouse-to the Committee on Ways

By Mr. MURCH: The petition of Felix Maire and 26 others, citizens of Allegheny County, Pennsylvania, for the passage of the bill (H. R. No. 1383) for the creation of a national bureau of labor statistics at Washington, District of Columbia—to the Committee on Education and Labor.

By Mr. ORTH: The petition of 264 soldiers of Fountain County, Indiana for the passage of the Weaver soldier bill-to the Com-

mittee on Military Affairs.

By Mr. PHELPS: The petition of E. E. Hubbell & Son and others, of Bridgeport, Connecticut, for the passage of the bill amending section 2983 of the Revised Statutes, relating to the duties on sugar—

to the Committee on Ways and Means.

By Mr. PRICE: The petition of citizens of Iowa, for the passage of a law prohibiting the sale of oleomargarine as butter, and that its manufacture and sale be placed under the supervision of the National Board of Health—to the Committee on Manufactures.

Also, the petition of citizens of Iowa, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. STEVENSON: The petitions of F. Oterkoetter & Co. and of W. K. Dodson, of Bloomington, and of J. & G. Herget, of Pekin, Illinois, for the passage of the Carlisle revenue bill—to the same com-

By Mr. SPRINGER: The petition of Louis Huber and 72 others, citizens of Pleasant Plains, Illinois, against the passage of the Wood refunding bill, and for the passage of Mr. GILLETTE's substitute there-

for—to the same committee.

By Mr. WELLS: Three petitions of citizens of Saint Louis, for the passage of the Carlisle revenue bill—to the same committee.

By Mr. WISE: The petition of J. W. Morrison and about 300 others,

soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

IN SENATE.

THURSDAY, April 22, 1880.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. ENROLLED BILL SIGNED.

The VICE-PRESIDENT signed the enrolled bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, which had previously received the signature of the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of citizens of New Hampshire, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table, the bill having been reported.

He also presented resolutions of the American Numismatic and Archæological. Society of the city of New York, in favor of the admission of classical antiquities free of charge; which was ordered to lie on the table, the bill relative to the subject-matter having been reported.

Mr. HARRIS presented the petition of the German Society of New

Mr. HARRIS presented the petition of the German Society of New York, asking the passage of a bill for the protection of arriving emigrants; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition signed by Henry M. Rice, A.
S. Elfelt, J. H. Stewart, T. M. Newson, David Day, John Farrington, D. A. Robertson, Franklin Steele, John B. Sanborn, Henry F. Masterson, Orlando Simons, and R. R. Nelson, citizens of Minnesota, praying Northup, a citizen of that State, in consideration of long, perilous, and valuable service rendered to the United States; which was referred to the Committee on Military Affairs.

Mr. ROLLINS presented the petition of N. F. Mathes and 70 others, it is a few services of the control of the co

citizens of Portsmouth, New Hampshire, praying the passage of the bill (H. R. No. 3743) to provide for the relief of navy-yard employés who shall become disabled while employed in the line of their duty; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1478) for the relief of Lizzie D. Clarke, administratrix of the estate of Thomas L. Clarke, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5524) to estab-

lish post-routes, which was reported by that committee and recommitted and printed, to report it with certain amendments.

I gave notice on a former day of the session that on to-morrow morning I should ask unanimous consent of the Senate to put this bill on its passage. That request was made on behalf of the committee, and the time given until to-morrow, and I ask that the bill be laid on the table.

The VICE-PRESIDENT. It will be placed on the Calendar.

CYRUS B. INGHAM AND OTHERS.

Mr. PLUMB. I am instructed by the Committee on Public Lands to report back the bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas; and Richard Parker, of Minnesota, with an amendment, and as this is a bill which ought to receive immediate considment, and as this is a bill which ought to receive immediate consideration and only affects some four or five persons named in the bill and the amendment, I ask that it be considered at this time.

The bill was, by unanimous consent, considered as in Committee of the Whole.

Mr. CAMERON, of Wisconsin. Is there a written report.

Mr. PLUMB. There is no written report. I will simply state the facts. These persons for various reasons, having made entries and having taken separate steps for taking out patents, one of them by

reason of having been driven off by the Indians, and the others for different reasons, were not able to perfect their entries. The bill only applies to cases of that kind; and only legislation can relieve them and enable them to make entries in place of those which they were not permitted to make by reason of circumstances which they could not control. It applies to but four or five persons of that sort

The amendment reported from the Committee on Public Lands was read, being, in line 7, after "Minnesota," to insert:

James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas.

The amendment was agreed to.
Mr. COCKRELL. Let the bill be reported now as amended.
The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c.. That the right to homestead, pre-emption, and timber-culture entry upon public lands subject thereto, is hereby restored to Cyrus B. Bingham, of the Territory of Dakota, Harvey Bryant, and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, James H. Pinkerton of Colorado, and Ed. G. Wright, of Kansas, as fully as though they had not heretofore made any one or all of such entries, and had abandoned the same, or for any cause they have been unable to perfect their title thereto: Provided, That this act shall not be so construed as to enable any of said parties to procure title to land, either as a homestead, pre-emption, or timber-culture claim, in excess of what is fixed and provided by law.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Cyrus
B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford
A. Wood, of Kansas; Richard Parker, of Minnesota; James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas."

. BILLS INTRODUCED.

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1660) for the relief of William P. Chambliss, late major Fourth Regiment United States Cav-

alry; which was read twice by its title.

Mr. HARRIS. I desire also to present the memorial of Major W. P. Chambliss, asking the passage of an act authorizing the President to reinstate him on the retired list of the Army with the rank of major, with certain documents, which I move be referred with the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. BALDWIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1661) to authorize the construction of a bridge across the Detroit River; which was read twice by its title, and referred to the Committee on Commerce.

JOHN PATTEE.

Mr. KIRKWOOD. Yesterday morning, at a time when I was not in the Chamber, the Senator from Alabama [Mr. Pryor] reported from the Committee on Claims adversely the petition of John Pattee, praying for pay as lieutenant-colonel of cavalry for certain periods, and asked to be discharged from the further consideration of it. I should like to have the matter in such shape that it can be got upon the Calendar and receive the consideration of the Senate. I am inthe Calendar and receive the consideration of the Senate. I am informed that the only mode in which I can do that is to ask to have the petition referred back to the committee, so that I can prepare a bill and send it to the committee, and then when the report comes back the bill can be put on the Calendar. I ask to have the petition recommitted to the Committee on Claims.

Mr. PRYOR. I have no objection to the recommittal, as suggested

by the Senator from Iowa

The VICE-PRESIDENT. The Chair hears no objection, and the petition will be recommitted to the Committee on Claims.

EXCLUSION OF MATTER FROM RECORD.

Mr. MORRILL submitted the following resolution:

Resolved. That the Committee on Public Printing be instructed to take such measures as will exclude from the CONGRESSIONAL RECORD what purports to be a copyrighted argument of a territorial Delegate, which appears in the RECORD of to-day, but which was not, in fact, delivered in the House of Representatives.

The VICE-PRESIDENT. Is there objection to this resolution? Mr. ALLISON. I should like to hear it read again. The Chief Clerk read the resolution.

The VICE-PRESIDENT. The Chair hears no objection to the reso-Intion, and it is agreed to.

Mr. DAVIS, of Illinois. I do not know whether it is proper for us to do that. I think such action should come from the House.

Mr. MORRILL. I am very sure that for the credit of the American Congress the Senate ought to take some notice of it, because we shall have to bear a part of the reputation, good or bad, for this poetical production. The resolution only proposes that the Committee on Printing shall take such measures as shall exclude the production from the

permanent Record. I suppose the committee will confer with the committee of the House.

Mr. HAMLIN. I wish to say simply that we have had a case like this on another occasion, though not so poetical. The case to which I refer was one of abuse and personal stander, and I think in that case what purported to be a speech or an essent that naver was decase what purported to be a speech or an essay, that never was de-livered in the House, was stricken from the RECORD in its regular edition, and was not printed in permanent form.

Mr. ALLISON. On the application of the Senate?

Mr. HAMLIN. Yes, sir; on the application of the Senate. I think

the case runs on all fours with this.

Mr. SAULSBURY. I understand that the poem to which reference is made was placed in the RECORD by the permission of the House of Representatives. I do not know certainly that that is the fact; but if the House gave the Delegate authority to publish it in the RECORD the House gave the Delegate authority to publish it in the RECORD the question arises as to whether it is competent for us now to have anything to do with it. It is rather a question for the House any way. This gentleman is a member of the House of Representatives, and it seems to me that we ought not to be inquiring in reference to this matter until the House itself takes some action in regard to the conduct of one of its members. Such action on our part would seem to be rather a reflection on the House of Representatives if they have in fact given him permission to publish it, although it was not deliv-

The VICE-PRESIDENT. Is there a motion to reconsider the vote

by which the resolution was agreed to?

Mr. DAVIS, of West Virginia. I enter a motion to reconsider for

the purpose of having it explained.

Mr. President, I understand, only from the reading of the RECORD, that the Delegate referred to asked permission of the House to publish an argument, and it was granted. It appears to me that what the Senator from Delaware has said is in the right line. It is a matter for the House, and not for the Senate.

I should probably not enter the motion to reconsider except that by the resolution the committee is not requested to inquire into the matter or to confer with the House committee or anything of the kind, but instructed to exclude this argument from the permanent RECORD. It appears to me we are stepping in the dark and too fast. We should not think it very kind in the House to pass such a resolution if the Senate had by any means directed a certain matter to go in the RECORD, and I think we had better go slowly.

Mr. MORRILL. I do not think the Senator from West Virginia,

when he fully understands the facts, will have any objection to the resolution. As appears from the RECORD, the gentleman who is the author of this poetical effusion, covering a good many pages of the RECORD, asked permission of the House to present an argument. I think the House was imposed upon. At all events the House cannot authorize the publication of convergeted articles in the RECORD. think the House was imposed upon. At all events the House cannot authorize the publication of copyrighted articles in the RECORD. This purports to be copyrighted by the author; and certainly, so far as we are concerned, I think it is due to the dignity of this body, as a part of Congress, that we should see to it at once that this should be excluded from the permanent RECORD. We cannot get it out of the copy that is printed to-day, but for the credit of Congress I think it should be excluded from the permanent RECORD.

Mr. DAWES. I quite agree with the Senator from Vermont on the question of tasts and promistry. Just I must say I can hardly agree with

question of taste and propriety; but I must say I can hardly agree with him ast o the idea that the Senate shall pass upon the question whether the House has been imposed upon. It seems to me that that is a question for the House; and the notion that the House cannot give consent or order anything to be printed in the RECORD without asking the Senate is also a new idea to me. We direct to be printed in the

RECORD every day documents and papers that are not parts of speeches.

I agree with the Senator from Vermont about the impropriety of this matter going into the RECORD; but then that is a matter for the House to judge of, and not for us. They should pass upon it if they desire to do so; and if they are content with it, we cannot set up that the House shall come here and ask us what they shall put into the RECORD.

Mr. MORRILL. By unanimous consent I hope it will be allowed

that the resolution as passed instead of reading "instructed" shall read "requested." I think there will be no objection to that.

Mr. HAMLIN. Without stopping to inquire specifically what may be the powers or what ought to be the action of the Senate finally upon this question, I think we should pass the resolution in some form. The Senate will recollect that the Committee on Printing is a light to be the action of the senate will recollect that the Committee on Printing is a joint committee, and when the resolution goes to the committee the

House will have a hearing on the subject.

I think there ought to be some method taken to draw the attention of the House not only to this particular case but to a practice that prevails in that body of permitting speeches to be printed that are never delivered. It is wrong in principle in my judgment, and there is a proper method of reaching the House through a committee where the House is represented, and it will bring up the whole of this ques-

I doubt very much if under the law such matter can legally go into the RECORD. When an essay or a speech is allowed to be printed without being delivered it may be abusive in its character; nobody hears it and there is no opportunity of replying to it. We had that occasion, as I said, once before, where a speech was published as if delivered in the House grossly personally abusive of a Senator, and according to my recollection, (but I am willing to admit that my memory is somewhat defective,) that was a case which went upon all fours with this, and that speech was omitted in the regular edition.

Of course we shall do nothing in the matter without the concur-

Of course we shall do nothing in the matter without the concurrence of the House; we should do nothing in any such ease without consulting them, and without their joining in the action; but I think something ought to be done to impress upon the House the gross abuse that has grown up in that body, of permitting the publication of what was never delivered. Oh, a man must want to make a speech

awfully who writes it out for a newspaper. I should have some commiseration for him, I grant, but it has grown into an absolute abuse. Here is this exhibition of I know not what to call it; I suppose the author would call it a poem. To say nothing of its rhythm or rhyme, it certainly contains all the measures and meters known to the muses. I suppose he might say that many are poets, perhaps the best, who never penned their inspiration; but here is inspiration penned in fifteen mortal quarto pages. I hardly think it was proper to allow it to be published in our RECORD.

I would say that such productions as a part of legislative proceedings are disgraceful to the legislative bodies of the country

Mr. DAVIS, of West Virginia. I suggest to the mover of the resolution that it would be well to let the motion to reconsider be pending for a day or two in order to see what the House will do. Let the resolution go over to-day. The House will take action, no doubt.

Mr. MORRILL. Since this discussion has commenced I have learned that the matter is before the House now. I shall be quite willing to have the resolution reconsidered, and I will modify it so as to instruct the committee to invair into the preparature of excluding the preparature.

the committee to inquire into the propriety of excluding the produc-

tion from the permanent RECORD.

Mr. COCKRELL. I find in the proceedings of Congress of the 13th of April the following entry in the RECORD of the 14th of April:

PAINTINGS ON WALLS OF THE NATIONAL CAPITOL.

Mr. Downey. Mr. Speaker, I have prepared an argument in support of a bill (H. R. No. 5795) providing for certain paintings on the walls of the National Capitol, which I desire printed in the Congressional Record.

There was no objection, and leave was granted accordingly.

Mr. WITHERS. I wish to say simply that this is a matter which, in my judgment, concerns the other House entirely. We should regard it as a personal insult on their part if they were to introduce a resolution proposing to exclude from the RECORD anything which the Senate had declared should be printed therein. Whether it be in poetry or in prose, I consider makes no difference. If a gentleman chooses to submit a poetical argument rather than a prosaic one, why may he not do so? I have myself seen a bill in a chancery court, filed in the court and entered, all in poetry. I think this matter is one, as I say, resting entirely with the House, and the Senate has nothing whatever to do with it.

The VICE-PRESIDENT. Shall the vote by which the resolution

was agreed to be reconsidered?

The motion to reconsider was agreed to.

Mr. MORRILL. Now, as I understand the House are taking cognizance of this matter, for the present, if I may be allowed to do so, I will withdraw the resolution.

The VICE-PRESIDENT. The resolution is withdrawn,

AMENDMENT TO POST-ROUTE BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. No. 5524) to establish post-routes; which was ordered to lie on the table.

ELIAS C. BOUDINOT.

Mr. BURNSIDE. I ask unanimous consent to have considered the bill (S. No. 1315) making an appropriation for the erection of a light-house and fog-bell on Old Gay Rock at the entrance of Wickford Har-

bor, Narragansett Bay.

Mr. DAVIS, of West Virginia. I understand that the Senator from Indiana [Mr. Voornees] wishes to submit some remarks this morning. I know my friend from Rhode Island will not interfere with

Mr. VOORHEES. What is the pleasure of the Senator from Rhode Island !

Mr. BURNSIDE. I yield the floor.
Mr. VOORHEES. I desire to call up the bill (S. No. 120) to permit
Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of

Claims, for the purpose of submitting some remarks upon it and then letting it go back upon the Calendar and resume its place there.

The Chief Clerk read the bill by its title.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the bill for the purpose indicated by the Senator from Indiana

Mr. VOORHEES. I ask that the amendment which I send to the

desk be read.

The CLERK. It is proposed to strike out all after the word "treaty," in line 18, page 4, down to the end of line 21, and to insert in lieu thereof the following:

He, the said Elias C. Boudinot, be, and he is hereby, authorized to bring suit in the Court of Claims against the United States Government to recover what may be due to him in justice and equity for the loss inflicted upon him by reason of said seizure, for an alleged violation of the internal-revenue laws, of his property, a to-bacco factory, its detention and damage thereto whilst under seizure, the value of the tobacco, material, and other personal property also seized, and the expenses to which he was subjected thereby.

Mr. VOORHEES. Mr. President, on the 24th day of March, 1879, more than one year ago, I had the honor to introduce into this body the bill now under consideration, it being a bill authorizing Elias C. Boudinot to bring suit in the Court of Claims for the alleged wrongful seizure of his property by the revenue officers of this Government. The Judiciary Committee has reported it back with an amendment in the nature of a substitute restricting the right of recovery in such suit to the amount realized to the Government on the sale of said property. The amendment which I have now offered is to the effect

that if the claimant shows a right to recover at all, he shall be permitted to recover "what may be due to him in justice and equity for the loss inflicted upon him by reason of said seizure."

Sir, we have heard much of late of the Indian question. It appears

in many forms. Generally, however, it arises in connection with the

in many forms. Generally, however, it arises in connection with the mission of the white man to obtain what belongs to the Indian. I think I will show that it so arises in the matter under discussion. Elias C. Boudinot is a Cherokee Indian by birth and citizenskip. In his veins commingle in equal quantities the blood of the red man, his father, and of the white race, his mother's people. His life and his hopes have been with the people of his father. Advancing himself in education and in all the ways of civilization he has labored for a similar advancement for them. It has been my good fertune to have known him long and well. He is a man of high ability, with rare natural gifts and rich acquirements—a gentleman of culture and of broad progressive views.

and of broad, progressive views.

During the war of the rebellion the Cherokee Nation, following the example of its neighboring Commonwealths, was torn by internal dissensions; one party adhering to the Union and the other following the colors of the lost cause. When the war was over both parties appeared here seeking by treaty to place the nation on a favorable footing again with the Government. At the head of the delegation, known as the Southern Cherokees, appeared Colonel Boudinot. I had the honor to introduce him and the entire delegation to the President of the United States and to hear from his line a stream of President of the United States, and to hear from his lips a stream of the most touching eloquence as he addressed the Great Father and invoked for the whole Cherokee people a generous and beneficent policy. He said that he spoke for a people who simply aspired to pursue the arts of peaceful industry and wealth, and to educate their children into a higher plane of civilization. It was largely due to his influence that the treaty of July, 1866, between this Government and the Cherokee Nation was concluded. In fact the more liberal features were all his. He was anxious to induce his people to embark in trade and manufacturing. He also desired to secure for them the advantages of all the markets outside of their own territory for everything they had to sell. This was true statesmanship for his nation. He therefore obtained the insertion of article 10 into the treaty, which reads as follows:

Every Cherokee and freed person resident in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory.

By this clause Colonel Boudinot believed, as he had the clear right to believe, that he had secured to the citizens of the Cherokee Nation the great privilege, among others, of manufacturing for their own use any articles they pleased, and further that he had secured for them free access, without restraint, to the markets outside of their them free access, without restraint, to the markets outside of their nation for all their manufactured goods, subject only to such taxes as this Government levied on similar goods in its own markets. The believers in Indian progress and civilization hailed this provision of the treaty of 1866 as an immense step toward the fulfillment of their hopes and faith. Wise and benevolent people accepted it as a good omen for the future of the Indian and for our own frontier popula-Colonel Boudinot himself acted upon it at once, showing his absolute reliance on the honor of this Government and giving an example of enterprise and industry to his Cherokee countrymen. In 1867, about a year after the treaty went into effect, he erected a tobaccomanufactory in the Cherokee Nation and commenced the manufacture of tobacco. Rumors very soon reached him that he was likely to encounter the hostility of tobacco manufacturers in Saint Louis and eisewhere, who had up to that time enjoyed a monopoly of the to-bacco trade in the Indian Territory, selling tobacco to the Indians for three or four times as much as the Indians would have to pay for it if manufactured, under the treaty, in their own country. He promptly communicated with the Office of Internal Revenue and he received assurances that allayed his fears. The spirit of hostility, however, to Indian enterprise and advancement did not sleep. An act of Congress was procured, which became a law July 20, 1868, containing the following provision: elsewhere, who had up to that time enjoyed a monopoly of the to-

That the internal revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars, shall be held and construed to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection district or not.

If "the exterior boundaries of the United States," the terms used in this act, do embrace, so far as the sovereign title is concerned, all the Indian territories, reservations, and lands set off, or rather spared he Indian territories, reservations, and lands set off, or rather spared the Indians out of what we have step by step taken from them, still I believe it is the first time in our history, or in the history of the world, where one nation has attempted to assess taxes for its own support on the citizens of another nation with which it had peaceful and friendly relations defined by treaty. If in fact, as has been decided by the Supreme Court, this act of Congress operates in the Indian country to levy and collect taxes, then this Government presents the pitiful spectacle of gathering an internal revenue from a small and powerless people, who are not American citizens, have no representation in making the laws by which they are taxed, are denied the ballot as much as if they were citizens of China, and cannot bring suits in our courts to obtain protection. And when this is also done in flain our courts to obtain protection. And when this is also done in fla-grant and confessed violation of a treaty stipulation, kicking it contemptuously out of our way, simply because the other party was too feeble to resent the miserable indignity, the attitude of this Govern-ment, on this phase of the Indian question at least, becomes a matter

of wonder if not of praise.

Soon after the passage of this act of July, 1868, Colonel Boudinot became aware that the white man who, as usual, wanted to trade with the Indian, and in this instance it was the white manufacturer of tobacco wanting a monopoly of the trade in the Indian country, was at work to have the provisions of the act enforced in the Cherokee Nation. The spectacle of an Indian, the first of his race, engaged in manufacturing articles of use in the Indian country for his own people was not to be endured by the patriotic Indian trader on the Indian trader on the Indian trader of the country for his own people was not to be endured by the patriotic Indian trader on the Indian trader on the Indian trader on the Indian trader on the Indian trader of the Indian trader of the Indian trader on the Indian trader of the Indi Was it not a violent innovation upon the Indian trader's immemorial right to cheat and plunder the Indian? That trader thought so in this instance. He moved without delay, and with all his forces, and with all the evil traditions of centuries clinging to him, upon the official quarters of this Government. He had never before failed to find there all the rich and good things his heart desired. It remains to be seen whether he failed in this raid against treaty obligations and common honesty. When the note of alarm reached Boudinot he addressed the nearest revenue officer on the sub-ject. Here is his manly and frank letter to Major James Marr, then supervisor of internal revenue at Saint Louis, Missouri:

CHEROKEE NATION, November 20, 1868.

CHEROKEE NATION, November 20, 1868.

SIR: I am a citizen by birth of the Cherokee Nation of Indians, and am the owner of a tobacco factory in said nation. The tobacco I have sold in the Indian country is exempt by treaty from taxation. Such quantities as I have sold in the United States I have paid the tax upon, and still intend to do so upon every pound disposed of hereafter. It has been my custom to report all tobacco sent within the States, to the nearest assessor; who marks the same, and collects the tax when sold. I respectfully ask that the assessors for ithe southern district of Kansas, and those stationed at Carthage and Kansas City, Missouri, be instructed to permit the continuance of the practice until otherwise directed, with such additional regulations to prevent fraud as you may deem expedient.

Very respectfully, your obedient servant,

E. C. BOUDINOT.

Major James Marr, Supervisor Internal Revenue.

This letter does not sound as if it was written to cover fraud or fraudulent designs. A more upright tone of perfect integrity was never contained in any communication to the authorities of the Government. Major Marr forwarded it to the Commissioner of Internal Revenue in this city, with his indorsement upon it, as follows:

Office Supervisor Internal Revenue,
Saint Louis, December 3, 1868.

Respectfully referred to the Commissioner of Internal Revenue for decision as to how this tax can be collected. I believe Major Boudinot desires to pay the tax on all tobacco sold in the States, and I would recommend that the assessors and collectors and their deputies in the southwestern portion of the State be instructed to assess and collect this tax upon requiring Major Boudinot to report all tobacco to them that he intends offering for sale in this State. I am not exactly aware how this tax is to be collected, but if this is not contrary to the spirit of the law, I think it would be well to afford him this facility. Major Boudinot desires to pay this tax at Carthage and Kansas City, Missouri.

JAMES MARR. Supervisor

JAMES MARR, Supervisor. Here the question was plainly presented whether the act of Congress approved July 20, 1868, made any change in Boudinot's right under the treaty to manufacture and sell tobacco in the Indian Territory exempt from taxation. The question was put direct by Boudinot himself to the proper officers having the subject in charge. following explicit and binding answer was addressed by the Com-missioner of Internal Revenue to Major Marr, the supervisor at Saint Lonis:

Louis:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,

Washington, December 26, 1868.

Sir: I have received the letter of E. C. Boudinot, esq., dated Cherokee Nation,

November, 20, 1868, addressed to you, and by you referred to this office with the

request that instructions be given to the assessor and collector in the southwest
ern portion of the Statel of Kansas to assess and collect the tax on all tobacco

manufactured by Mr. Boudinot in the Cherokee Nation and sent into the State for

sale.

sale.

In reply I have to state that under the law now in force all taxes on tobacco must be paid by affixing stamps of such denominations and value as will cover the amount of tax to which the tobacco in question may be liable when sold or offered for sale in any of the States or Territories of the United States where collection districts are established and officers of internal revenue are appointed to collect the tax and see that the law is strictly administered.

No collection district is established over the Cheroke Nation, and no taxes are authorized to be assessed or collected under the internal revenue law upon goods manufactured and sold in the Cherokee Nation. But tobacco, snuff, and cigars manufactured within the Cherokee Nation and sent into the States for sale will be liable to seizure and forfeiture unless the same shall bear revenue-stamps denoting the payment of the tax.

liable to seizure and forfeiture unless the same shall bear revenue-stamps denoting the payment of the tax.

To secure his tobacco against such liability Mr. Boudinot must purchase and affix the stamps, and there can be no objection, under the circumstances, to the collector or deputy collector nearest to Mr. Boudinot's place of manufacture furnishing him with the amount of stamps he may require upon his paying for the same. Mr. Boudinot can affix to his tobacco labels and he can put upon it his/brands showing where and by whom it is manufactured.

This being done, and the stamps affixed, which the Government regards as the most important point, his tobacco will pass current in any of the States where he may desire to ship it, and will be free from any liability to seizure or detention.

If the collector should have any hesitation in furnishing Mr. Boudinot with stamps, upon application of Mr. Boudinot stating of whom he wishes to purchase stamps, instructions will be given.

I presume, however, that this letter, or a copy of it, sent to the collector, will be all that is needed to enable Mr. Boudinot to purchase stamps.

Yours, respectfully,

THOMAS HARLAND.

THOMAS HARLAND,

Acting Commissioner.

To show that this important ruling of the Commissioner was received and acted on, I submit the reply of Major Marr acknowledging its receipt. It reads as follows:

Office Supervisor Internal Revenue, January 4, 1869.

SIR: Your letter of the 26th of December last in relation to the manner in which tobacco manufactured in the Indian Territory can be sold within the limits of collection districts is received, and copies thereof have been sent to collectors in districts adjacent to the Indian Territory for their information. Under the instructions of the Commissioner all trouble in the premises will be surmounted, and Mr. Boudinot can go on with his business without molestation.

Very respectfully, your obedient servant,

JAMES MAPP.

JAMES MARR, Supervisor.

Hon. E. A. ROLLINS, Commissioner of Internal Revenue, Washington, D. C.

To any ordinary mind this correspondence with the Revenue Office would seem to have clearly and conclusively settled all an Indian manufacturer's rights under the tenth article of the treaty of 1866. This correspondence was placed in Boudinot's possession by Major Marr, and he fondly believed that he had reached an end of all his troubles, and that he could go on with his business unmolested. The resources of the outside manufacturers and traders, however, were not exhausted. They knew that if they could obtain a construction compelling Boudinot or any other Indian manufacturer to pay the tax on manufactured articles at the factory in the Indian Territory the whole business would be broken up, and the right secured by the treaty to ship such articles to market without restraint would become a mockery and a snare. This, therefore, was the next point aimed at. Colonel Boudinot again appealed to the Commissioner of Internal Revenue for a decision.

He again appealed to that Government with which he has always kept honest and scrupulous faith. I can do no better than to lay his

letter before the Senate:

Washington, D. C., February 20, 1869.

To the Commissioner of Internal Revenue:

By the terms of the tenth article of the Cherokee treaty of 1866, a citizen of the Cherokee Nation has a right to send any article manufactured in said nation to market without restraint. No tax is required upon any such article unless it is sold outside of territory of

Mor tax is required upon any such article unless it is sold outside of territory of said nation.

I am engaged in the manufacture of tobacco in said nation, being a citizen thereof. There is but little market for it in the nation, and I wish to avail myself of the treaty stipulations to send it into the market of the country "without restraint." It is plain that this stipulation is defeated if I am required to pay the tax upon my tobacco before I start with it from the place of manufacture, or as soon as it crosses the line of the territory of the nation into the States.

No one manufacturing tobacco in the nation can pay the taxes on the same until he gets it into a market where he can anticipate the proceeds of the sale of the same. To require me or any one else to do so defeats at once the provisions of the treaty. Besides, by the terms of said article of the treaty a tax can only be levied upon what is actually sold outside of said nation. How can a proper tax be levied unless a sale is allowed outside of the boundaries of the nation? A proper construction of this article of the treaty would doubtless require means to be provided by which the amount of actual sales should be kept, and upon it the assessment be made; that is the wording and only correct meaning of the treaty if it was literally fulfilled. But I do not ask that this shall be done. I only desire to send my tobacco manufactured in said nation "to market without restraint." For that purpose I respectfully ask that the collectors and revenue officers of the collection district of Kansas—the third collection district of Arkansas—and the sixth district of Missouri, all of which border on the territory of said nation and are contignous to my place of manufacture, be instructed to receive into their custody such manufactured tobacco as I report to them, and that I have transit without restraint or molestation for the same to Baxter's Spring and Fort Scott, in Kansas; to Fort Smith, Fayetteville, and Bentonville, in Arkansas, and to Kansas City, Carth

In response to the foregoing communication the Commissioner of Internal Revenue, on the 23d of February, 1869, in a letter addressed to Boudinot, made the following decision, again in his favor:

to Boudinot, made the following decision, again in his favor:

In a former correspondence between this office and yourself upon a similar subject attention was directed only to the provisions of section 107 of the act of July 20, 1868, imposing a tax on manufactured tobacco produced anywhere within the exterior boundaries of the United States, whether the same shall be within any collection district or not. It was then held by this office that, notwithstanding the language of said section, the tax could not be collected upon tobacco manufactured in the Indian country so long as it remains in said country; but upon its being brought within any collection district of the United States it would be liable to seizure and forfeiture unless it should be properly stamped, thus indicating that the tax imposed by law had been paid.

At that time attention was not called to the provision of the treaty above referred to. The construction of the statute then adopted seemed to be in conflict with the provisions of the treaty. Inasmuch as the treaty is the paramount law, the statute when in conflict must give way to it.

Although the treaty provides that every Cherokee and free person resident in the Cherokee Nation shall have the right to sell any product of his farm, including any merchandise or manufactured products, and to ship the same to market without restraint by paying any tax thereon which is or may be levied by the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is nevertheless proper and reasonable that the Government of the United States, it is neverthel

Major James Mark, Supervisor, Saint Louis.

of manufacture, the name of the manufacturer, and be shipped to the care of the collector of the district in which the place of destination is situated, the tobacco upon arrival to go into and remain in the custody of the collector of said district until the tax thereon is paid, and provided further that timely notice is given such collector of the shipment of such tobacco, the notice indicating the quantity and description shipped, where shipped, and when its arrival may be expected, and the same must be shipped by the most direct route.

The observance of these provisions will probably save you annoyance, and secure to the Government its rights.

Here at last every question arising out of the treaty of 1866 and the law of 1868 was passed upon and closed by the authority of this Government. For more than two years and a half Boudinot had in the only possible mode sought to know exactly what his rights were. In a patient and respectful tone he had repeated his inquiries from in a patient and respectful tone he had repeated his inquiries from time to time, as new dangers threatened him, until it was finally and fully determined what he might lawfully do in the premises. Will any one say that his conduct could have been better, or that it ought to have been different? Will any one say that this Government had not concluded itself as to his right to manufacture and sell tobacco in the Indian Territory exempt from tax? Was it not also plainly decided that he had the right to ship manufactured tobacco without decided that he had the right to ship manufactured tobacco without restraint to the markets outside of that Territory, and to sell the same, first having paid the Government tax at certain designated points? What more or what else could any man do than to rely on the good faith of this Government under such circumstances? Is there a gentleman on this floor who would not have felt perfectly secure in proceeding with a business thus guaranteed and sheltered under the repeated decisions of the proper Department of his Government? Boudinot, confident that all controversy was over, pushed forward in his enterprise and invested almost everything he had to make it a success. We will see directly what measure of success awaited him.

Sir, the official history of this case was made thus far while Mr. Rollins was Commissioner of Internal Revenue. It is due to that officer to say that he kept his official word with Boudinot and maintained the integrity of his decisions. A change, however, came over this country in March, 1869, and in no branch of the public service was that change more marked than in the administration of the internal-revenue laws. During that month Mr. Rollins was superseded by Columbus Delano, and it soon became apparent that a new era had in fact been inaugurated. Confining myself, however, to the subject immediately under discussion I find that Boudinot was not molested for a period of about five months under the new order of things. During that time he was proceeding with his business strictly in conformity with the rulings and instructions of the Internal Revenue Office, when all of a sudden, on the 13th of August, 1869, and without notice, the following peremptory letter was issued from that office:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE, Washington, August 13 1869.

Washington, August 13 1869.

Sir: I am informed that for the purpose of avoiding the tax imposed upon manufactured tobacco parties have established factories in the Indian territories, in some cases just across the boundary-lines, where tobacco is manufactured on which no tax is paid, and it is further intimated to me that this tobacco is intended to be sold, at least large portions of it, in the States adjoining the Indian territories. It is my purpose, if possible, to break up this illegal manufacture and sale of tobacco, and as a first step toward this you are authorized and instructed to seize every pound of manufactured tobacco found outside of a factory or bonded warehouse in your district that does not bear the evidence of having paid the tax to which it is liable, and take the proper steps for its confiscation.

You will also present to the United States district attorney for prosecution, for violation of section 71, act of July 20, 1868, all persons in your district who sell, offer for sale, or have in their possession, not in a factory or bonded warehouse, any manufactured tobacco on which the tax has not been paid as required by law. In a few days I shall probably write to you further on this subject.

Very respectfully,

J. W. DOUGLASS,

J. W. DOUGLASS, Acting Commissioner.

R. W. WISHARD, Esq., Collector Third District, Dardanelle, Arkansas.

In this remarkable document the treaty right to manufacture tobacco in the Indian Territory is utterly ignored. It is written as if bacco in the Indian Territory is utterly ignored. It is written as if no such treaty existed. The acting Commissioner speaks of parties having established tobacco factories in the Indian country in order to avoid the tax imposed on manufactured tobacco, when in point of fact that is exactly what the treaty provides may be done. He denounces such manufacture as illegal, when by the treaty of 1866 it is expressly legalized. He gravely says that "it is further intimated" to him "that this tobacco is intended to be sold, at least large portions of it, in the States adjoining the Indian Territories." The treaty guaranteed the right to sell such tobacco outside of the Indian Territory in so many words, and the Internal Revenue Office had instructed Bondingt how to proceed under that provision. The acting Commis-Boudinot how to proceed under that provision. The acting Commissioner authorized and instructed the collector of the third Arkansas sioner authorized and instructed the collector of the third Arkansas district to seize and confiscate every pound of manufactured tobacco found in his district outside of a factory or bonded warehouse on which the tax had not already been paid. He did this in the face of the records of his own office, which showed him that within less than six months before he issued this outrageous order Boudinot had received official permission to ship his manufactured tobacco without previous payment of the tax to Baxter Springs and Fort Scott, in Kansas; Fort Smith, Fayetteville, and Bentonville, in Arkansas; and to Kansas City, Carthage, and Nosho, in Missouri. The conditions to Kansas City, Carthage, and Neosho, in Missouri. The conditions on which such shipments were to be made are contained in the decision of the Commissioner of February 23, 1869, already cited. Every pound of tobacco shipped under this license of the Government was

made liable to seizure and confiscation by the order of August 13, 1869, if it was found in the very places where Boudinot was authorized to send it.

And as if to reach a climax of absurdity and outrage, the Commissioner, in closing this order, instructs his collector to see to it that Boudinot is criminally prosecuted for doing precisely what he had the written authority of the Government of the United States to do. Let no one pretend, in defense of this and subsequent proceedings, that Boudinot ever sold, offered for sale, or in any manner tried to dispose of manufactured tobacco outside of the Indian Territory without the payment of the Government tax. No such charge was ever made against him. No such suspicion, or the faintest trace of it, ever attached to him. He paid tax on every ounce he ever offered to sell in the States and his worst appears payer said or intimated otherwise. the States, and his worst enemy never said or intimated otherwise. It has never been pretended in any quarter that he defrauded the Government or that he ever owed it a dollar which he did not pay. This ernment or that he ever owed it a dollar which he did not pay. Thislast blow, therefore, was aimed at him in the mere wanton brutality,
of power, inspired, I have no doubt, by the corrupt influences which
pervaded the revenue service in the States of Missouri, Arkansas, and
Kansas. Of course there was nothing left for the poor Indian in this
instance except to again turn his troubled face toward Washington,
and to again appeal to the Government for justice and security for
himself and his property. Weary of the struggle single-handed and
alone, he at this time employed distinguished counsel to aid him. In
response to their able and conclusive arguments they received the response to their able and conclusive arguments they received the following very important communication:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE, Washington, October 21, 1869.

Washington, October 21, 1869.

Gentlemen: This office does not propose to apply, within the territories of the Cherokee Nation, the revenue laws relating to tobacco and spirits produced there; but holds that section 107 of the act of July 20, 1868, applies to the articles themselves, and will be enforced when those articles are carried into the States or Territories of the United States for sale. The grounds of this determination, and the instructions given to the revenue officers, are more fully explained by the accompanying memorandum of opinion by Judge James, to whom the question was originally referred.

Very respectfully,

C. DELANO, Commissioner.

C. DELANO, Commissioner.

Messrs. Pike & Johnson, Counselors at Law.

The memorandum of opinion referred to in the foregoing letter of Commissioner Delano was in these words:

In the matter of taxes on tobacco produced in the Territory of the Cherokee-

Nation.

Sign: I have examined the argument of Colonel Elias C. Boudinot, a citizen of the Cherokee Nation, against the collection within its territory of taxes upon tobaccomanufactured there, and have the honor to make the following reply:

The question, whether section 107 of the act of 20th July, 1869, intended that the revenue laws relating to tobacco and spirits produced in "the Indian country" should be extended into that country and there enforced, was submitted to me by yourself about the 12th day of August last. I had the honor to advise you, that without any reference to existing treaties, it was apparent on the face of the statute itself that Congress did not intend to apply the revenue laws to the Indian country itself, but to the articles produced there, and that the application could be made only to such part of these manufactures as might be carried thence into the States or Territories of the United States. The action of your office was afterward taken in accordance with this advice, and instructions to that effect were sent, as I was informed, to the revenue officers of Kansas, Missouri, and Texas.

Very respectfully,

Very respectfully,

CHARLES P. JAMES, Counselor at Law.

Hon. Columbus Delano, Commissioner of Internal Revenue.

Sir, it will be seen from this decision that the position of the acting Commissioner of Angust 13, 1869, was abandoned, and the ground taken by Mr. Rollins was affirmed. The right to manufacture and sell tobacco in the Indian Territory, exempt from taxation, is here clearly and expressly recognized. The right to sell such manufactured tobacco outside of the Indian Territory is also recognized, subject simply to the payment of taxes. So well satisfied on this point was Solicitor James that he declares it "apparent on the face of the statute itself (act of July, 1868) that Congress did not intend to apply the revenue laws to the Indian country itself, but to the articles produced there, and that the application could be made only to such part of these manufactures as might be carried thence into the States or Territories of the United States."

It would seem to be trifling with the time and the intelligence of Sir, it will be seen from this decision that the position of the act-

It would seem to be trifling with the time and the intelligence of the Senate to dwell a single moment on the explicit and conclusive character of this language. Boudinot therefore thought himself once more secure and proceeded with his business. He had an unmolested career this time of about sixty days. Sixty days after Commissioner Delano and Solicitor James had joined in the foregoing construction of the statute and the treaty, John McDonald, then a supervisor, and John A. Joyce, then an agent in the internal-revenue service, fell upon Boudinot's entire establishment in the Indian country and upon

all his tobacco wherever it was found.

On the 20th day of December, 1869, in what was then thought a sort of natural outbreak of official rascality, these two revenue officers seized, as if subject to the internal-revenue laws, Boudinot's tobacco seized, as it subject to the internal-revenue laws, Boudinot's totaccomanufactory, and everything pertaining to it. They did not only this but they arrested him as a criminal charged with violating the revenue laws in the Indian country. This being done in the face of the decision of October 21, 1869, on which the ink was hardly dry, Boudinot and his counsel felt sure that the act would be disavowed by Commissioner Delano the moment his attention was called to it. They

reasoned that as an honest man, or even desiring to be thought one, he could not do otherwise. He had said in so many words that he did "not propose to apply within the Territories of the Cherokee Nation the revenue laws relating to tobacco and spirits produced there;" and there never was a suspicion, much less a charge, verbally or in writing, against Boudinot for selling an ounce of tobacco outside of the Indian Territory on which the tax was unpaid. No notice whatever had been given to Boudinot or his counsel of a change in the ruling of the Commissioner. No order had been made embracing the Indian country in a collection district, but the Commissioner had expressly said he would do nothing of that kind. Boudinot's property could not have been seized for the non-payment of taxes, because none had ever been assed against him in the Indian country. He was under arrest for violating the United States internal revenue laws in the Indian country when in fact he had carefully complied with these laws as they had, up to this point, been interpreted to him by the Government which enacted them. No wonder, therefore, that Boudinot's counsel, Messrs. Pike & Johnson, called with confidence on the Commissioner for the release of his person and his property. On December 31, 1869, they addressed that officer upon the subject, citing his former ruling, and asking immediate action. Among other things they said:

and asking immediate action. Among other things they said:

We therefore most respectfully request that you will direct the immediate release of all manufactured and other tobacco and other material seized at the factory of Elias C. Boudinot, in the Cherokee Nation, and the restoration to him of everything seized, and that explicit directions and instructions be sent to Supervisor McDonald, in accordance with the decision communicated to us on the 21st of October. For, as the seizure was in direct contempt of that decision and of your instructions, we respectfully submit that the wrong and injury inflicted by this act of disobedience ought not to be suffered to continue a day longer than is unavoidable, for in such a case to delay justice is almost to deny it.

We have the honor to be, most respectfully, your obedient servants,

Counselors, &c.

To this urgent appeal for justice under the law as construed by the Commissioner himself, no answer was made. January 1, 1870, Messrs. Pike & Johnson addressed another communication to the Commissioner on this subject, to which they received no answer. Finally, January 7, 1870, they wrote him as follows:

Washington, January 7, 1870.

Sir: We are advised by a letter from Mr. E. C. Boudinot, dated at Van Buren, Arkansas, on the 25th of December last, that Supervisor McDonald had caused him to be arrested and held in custody for numerous alleged violations of the internal-revenue laws within the Indian country.

Fully aware of his rights and of the illegality of all the proceedings of the supervisor, Mr. Boudinot will not give bail, and, as a citizen of the Cherokee Nation and not of the United States, appeals to the Executive Department of the Government for protection under the solemn guarantees of repeated treaties, against violence that borrows the forms of law, to abuse them for what he believes sinister purposes.

ment for protection under the solemn guarantees of repeated treaties, against violence that borrows the forms of law, to abuse them for what he believes sinister purposes.

We are quite certain that he cannot have been charged with any violation of the revenue laws outside of the limits of the Indian country. Whether it be so or not, we suppose the supervisor will have informed you.

And, being a Cherokee, Mr. Boudinot is unlawfully and criminally deprived of his liberty, if charged only with violations of those laws within the Indian country. For, first, the Cherokee treaty is the supreme law, in this respect, of the land, which no act of Congress can annul; and under it he cannot have committed any effense against those laws in the Indian country, in which he has the right to sell any tobacco he may manufacture in the Cherokee country without paying any tax or duty upon it to the United States.

And, second, even if the intention of Congress was to extand the revenue laws over the Indian country, Mr. Boudinot can have committed no criminal offense against them, because no regulation of the Treasury Department, or order of the Executive, or decision of the courts, has warned him of the necessity of conforming to those laws within that country; but, on the contrary, your predecessor directed that he should be required to stamp only such quantities of tobacco as he might actually sell within the States and Territories, and when you changed that, you required him to pay the tax only on so much ashe should carry from the Cherokee country into the States and Territories for sale. So that, if he has committed any offense, he has done it by conforming to your own opinion and decision, and relying upon your assurance, implied in law, and as clearly given in fact as if expressed, that he was not required by any law to conform to the requirements of the revenue laws within the Cherokee Nation.

If it is alleged that he has violated your regulations or the law, by doing anything forbidden, or omitting anything required,

Hon. Columbus Delano, Commissioner of Internal Revenue.

A verbal response was at last extorted from the Commissioner to these several earnest communications. He barely said that he had these several earnest communications. He barely said that he had reversed his former decision, and that he sustained McDonald and Joyce in their seizure of Boudinot's property, and their arrest of his person. He did not dare to put such an indescribable outrage in writing, and there is now no record of the reasons which led him to overrule his well-considered interpretation of the law, and thus to inflict total pecuniary ruin on an unoffending, law-abiding man. Not a whisper of intimation was given to Boudinot of the impending change. It was made without a note of warning, and as no explanation was possible, none was ever attempted. Nearly a month after he had indorsed the conduct of McDonald and Joyce, on the 25th of January, 1870, he issued an order extending the internal-revenue laws January, 1870, he issued an order extending the internal-revenue laws

of the United States into the Indian Territory, and provided by certain regulations for the assessment and collection of taxes therein. This was not only the first official notification, but the first notice of any kind that the laws of the United States for the collection of taxes on manufactured goods would be applied and enforced in the Indian country. Sir, we have all heard of ambuscades in war. We have all read of armies destroyed and brave men cut to pieces, misled by treachery. Here, however, was a legal ambuscade, extending over three years in length, into which Boudinot was lured by the solemn assurances of this Government, from time to time made, that there was no danger ahead, that no pitfalls awaited him, and that no en-emy lurked in his path. He followed these assurances as implicitly as the traveler in the wilderness ever followed his trusted guide, as the traveler in the wilderness ever followed his trusted guide, until, at a given point, without so much warning as a rustling leaf, or "the sound of their light-springing footsteps," McDonald, Joyce, and Delano closed in upon him, robbed him of all he had, and left him, as they thought, dead by the wayside. The question now is whether we shall pass him by, following the example of the priests and Levites on a certain notable occasion, or shall we not rather pour some oil into his wounds which remain unhealed even at this late day?

When Boudinot found that Delano sustained the revenue marauders by whom his property had been seized and himself arrested, his next step was to make his appeal directly to the Secretary of the Treasury. As I intend to make a complete record of this most remarkable case for the use of the historian, and as I know of no better material for the columns of the CONGRESSIONAL RECORD than this apeal of a wronged and plundered ward of the nation, I will ask the peal of a wronged and pundered ward of the Clerk to read it entire in the hearing of the Senate.

The Chief Clerk read as follows:

WASHINGTON, D. C., January 26, 1870.

Hon. GEORGE S. BOUTWELL:

Washington, D. C., January 26, 1870.

Hon. George S. Boutwell:

As a citizen of the Cherokee Nation, born a Cherokee, and resident in the Cherokee country, and as personally and gravely interested in the question. I appeal to you from the decision and action of the Commissioner of Internal Revenue in respect to the collection within the Cherokee country of the tax upon tobacco manufactured there by me, and respectfully request your consideration of and judgment upon these questions:

First. Whether under the tenth article of the treaty of 19th July, 1866, a Cherokee Indian manufacturing tobacco within the Cherokee country can, under the pretense that section 107 of the act of 1868, imposing taxes on distilled spirits, tobacco, &c., applies to the Indian country, be compelled to pay any tax to the United States on other or more of the tobacco manufactured by him than he may sell beyond the limits of the Indian Territory?

Second. Whether as to such tobacco so manufactured in the Cherokee country by him a Cherokee Indian is punishable for not observing the provisions of the revenue laws when he takes none at all outside of the Indian Territory or when he pays the taxes required on all that he does carry beyond those limits?

Third. Whether a Cherokee Indian, residing in the Cherokee country, is liable to pay the tax on tobacco manufactured by him, which was grown in a State and purchased by him, when manufactured and sold by him in the Cherokee Nation and not elsewhere, and for use and consumption in the Indian Territory?

A more full statement of the case and its circumstances in which these questions arise, and referring to some charges which may seem to you to deserve to be inquired into, accompanies this letter. I most respectfully invite your attention to it, and have the honor to request that the foregoing questions, being of the utmost gravity and importance, may be submitted to the Attorney-General for his decision, with the arguments herewith presented.

With the utmost respect, your obedient servant,

ELIAS C. BOUDINOT.

SIR: The undersigned, Elias C. Boudiaot, the son of a Cherokee, born a Cherokee Indian, and not by birth or naturalization a citizen of the United States, but a citizen of and resident in the Cherokee Nation, west of Arkansas, respectfully asks your careful consideration of a matter which affects and concerns the good faith and honor of the United States and the rights guaranteed by them by solemn treaty to a domestic nation under their protection.

It has always been a cherished object of the wise and benevolent statesmen of the United States to foster the advancing civilization of the Cherokees and the neighboring tribes that own and inhabit the country lying between Arkansas and New Mexico, and to encourage them to produce and manufacture the articles of common use which their daily needs require. And they have always sought to protect all the Indian tribes against the rapacity of white traders who have in all time plundered them of their substance.

Nor have the United States ever exercised or stipulated for the right of levying taxes or duties of excise in any part of the Indian country, or sent tax gatherers among the Indians. Neither has any statesman or officer of the Government until now imagined that any such power could be exercised rightfully, nor has it ever been even proposed in the Congress of the United States that it should be exercised.

been even proposed in the Congress of the United States that it should be exercised.

In pursuance of which settled, uniform, wise, and just policy, when the United States, on the 19th day of July, 1866, treated with "the Cherokee Nation of Indians" as an independent State and people, reaffirming and declaring in full force the provisions of all former treaties with the same, it was, by article 10 of that treaty, stipulated and solemnly agreed as follows:

"Every Cherokee and freed person resident in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory."

Which provision is, as the Supreme Court of the United States has decided, to be construed against the United States if its meaning be in any manner doubtful or ambiguous. So construed, it certainly gives to the Cherokees the right to manufacture for their own use and consumption of other Indians anywhere in the Indian Territory, not their own products only but any other products wherever produced, in the United States or even abroad, and it does clearly stipulate that no tax shall be levied on any such manufactured products except on so much and such quantities of the same as may be sold beyond the limits of the Indian Territory.

tory.

If products not of the Indian country are imported into it and manufactured there they will of course pay such tax or duty on the raw product, either directly or indirectly, as consumers of the same in the States and Territories do; and as there is no tax or duty levied on raw tobacco in the leaf they have the same right to purchase and manufacture that without paying a duty or tax as they would have to manufacture cotton or wool of the production of the United States.

The honorable Secretary of the Treasury will not fail to bear it in mind that the

tax or duty on manufactured tobacco is, both in theory and effect, an indirect tax, paid by the manufacturer but advanced by him for and ultimately reimbursed by the consumer, being added to the price which he pays for it. So that to compel the Indian people to use these articles manufactured in the States, on which the Government levies a tax or excise duty, levying none on the unmanufactured article, would be to tax the Indians for the support of the Government of the United States, and to take from them every inducement to manufacture for themselves.

The United States speak by article 10 of the treaty of 1866, and if they intended to limit the "merchandise and manufactured products" mentioned in it, to such merchandise and such products only as may be produced in the Cherokee country, and to exclude those produced elsewhere and manufactured there, it was in their power to express themselves more clearly, and in such words that their intention should be unmistakable; wherefore no such limitation can be added by construction in favor of the United States.

It is a vague and unfounded notion that the revenue laws of the United States are defrauded if the Indians are allowed to purchase tobacco in the adjoining States and manufacture it for their own consumption. For the revenue cannot rightfully be increased by levying a direct or indirect tax on the Indians against their will. It would be quite as sound a notion to imagine that the revenue was defrauded by the non-use of stamps in their business transactions.

The undersigned respectfully represents that in consequence of and relying upon the said article of said treaty, he some time since, in partnership with Stand Watie, also a Cherokee Indian, citizen, and resident of the Cherokee Nation, established a manufactory of tobacco in the Cherokee contry, purchasing the raw tobacco brought to him from any quarter and manufactured tobacco that has ever gone from his factory and been sold beyond the limits of the Indian, enabling them to purchase some factured to p

try, under section 107 of the act of 1868 in regard to the taxation of spirits, tobacco, &cc.

Fearing which the undersigned, on the 7th day of October, 1869, addressed to the honorable Commissioner of Internal Revenue an argument against such threatened action, in which he endeavored to show that it would be contrary to article 10 of the treaty of 1866 and without warrant in the legislation of Congress, as well as utterly inconsistent with the treaty relations between the United States and the Cherokees.

A copy of which argument is presented with his petition, and the undersigned respectfully asks for it your consideration. And in addition to what is there said in regard to the said section 107, he invites your attention to this:

That this section extends the internal revenue laws, imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars, to such articles produced anywhere (not such articles manufactured from corn, wheat, rye, nait, and raw tobacco grown or produced anywhere) within the exterior boundaries of the United States. "Such articles" in this law evidently means the manufactured articles, which would be equally taxed although the raw products from which they are manufactured came from Canada and Europe.

But if this section 107 is to be so construed as to levy a tax on such articles, wherever manufactured, then, as it would be in direct violation of article 10 of the treaty to extend it to the Cherokee country, it must be so construed, if possible, as not to do so; and as it is only when sold or removed for consumption and use that tobacco, smuff, &c., are taxable by the act of 1868, it must be held to mean that such articles, manufactured in the Cherokee country, are taxable when sold outside of that country in a State or Territory or removed into such State or Territory for consumption and use.

The nudersigned further represents that on the 21st day of October 1869 in

try in a State or Territory or removed into such State or Territory for consumption and use.

The undersigned further represents that on the 21st day of October, 1869, in response to the said argument the Commissioner of Internal Revenue declared by letter to the attorneys of the undersigned that the Office of Internal Revenue did not propose to apply, within the territories of the Cherokee Nation, the revenue laws relating to tobacco and spirits produced there; but that it held that section 107 aforesaid applied to the articles themselves, and would be enforced when those articles should be carried into the States or Territories of the United States for sale. And he stated that the grounds of this determination and the instructions given to the revenue officers were more fully explained by an accompanying memorandum of opinion by Judge James, to whom the question was originally referred.

In which opinion Judge James said that the question presented by the undersigned had been submitted to him by the Commissioner what without any reference to existing treaties, it was apparent on the face of the statute itself that Congress did not intend to apply the revenue laws to the Indian country itself, but to the articles produced there, and that the application could be made only to such part of these manufactures as might be carried thence into the States or Territories of the United States." And he said that the action of the Office of Internal Revenue was afterward taken in accordance with that advice, and instructions to that effect sent, as he was informed, to the revenue officers of Kansas, Missouri, and Texas.

Copies of which letter and opinion are presented herewith, and the undersigned asks for them your consideration, because what has since occurred gives them peculiar significance.

asks for them your consideration, because what has since occurred gives them peculiar significance.

For, notwithstanding this explicit decision and the instructions, real or pretended, mentioned in the letter of the Commissioner, the supervisor of internal revenne for Arkansas did, on or about the 22d of December, 1869, acting by the counsel and advice of some agent of the said office, enter the Indian country, and in the Cherokee country violently seize the said factory of the undersigned and carry away all the manufactured tobacco found, there into the State of Arkansas, and there cause it to be libeled; and did also immediately thereafter cause the undersigned to be arrested upon a charge of violating the revenue laws and to be committed to custody to answer the same, by the United States commissioner for the western district of Arkansas, not upon any allegation or charge as ground of either seizure or arrest that the undersigned had sold any manufactured tobacco outside of the Indian Territory without paying the tax on it, but upon the charge that he had not complied with the provisions of the law within the Cherokee country upon tobacco there manufactured by him.

And he understands also that the stores in the Cherokee and Creek country have been visited by the same authority and all tobacco over the quantity of ten pounds in each seized and carried away, even when the proprietor of such store and the owner of the tobacco was an Indian.

Information of which seizure being given to the Commissioner, he authorized the release of the tobacco and factory of the undersigned upon condition that he should execute bond, which he has not done.

The adersigned also states that when the said seizure was made he exhibited to the supervisor a copy of the said decision of the Commissioner, thinking that it would be respected; but the said supervisor told him that he saw that when he

was in Washington in October; that it was sent to the attorneys of the undersigned only to quiet their complaints, and that at the same time the Commissioner was urging him to hasten back and make the seizure; which statements were by the attorneys of the undersigned communicated to the Commissioner, and they were afterward informed by him that the letter in regard to these statements had been referred to the supervisor testified, upon the examination of other parties before the commissioner for the western district of Arkansas, he admitted that he made such statements, but said that he had not seen the said decision of Commissioner Delano until it was shown to him by the undersigned, and that his former statement that he had done so was false; but he averred then and avers still that the said seizure was so made in virtue of instructions in writing from the Commissioner of Internal Revenue and from the President.

And the Commissioner now informs the undersigned that he has wholly recalled his said decision, and he has permitted public information to be given that the revenue officers of the adjoining district are to be instructed to enforce the revenue in the Indian country, he being of opinion now that even tobacco produced in the Indian country, or in the Cherokee Nation, cannot be manufactured and sold there without payment of the tax upon it, under the act of 1868.

And the said Commissioner has distinctly informed the undersigned that his purpose is to deprive him of any advantage that he may have over dealers in tobacco in Saint Louis and elsewhere, by compelling him to pay the tax on all the tobacco he may manufacture, which satisfies the undersigned of that which he had reason to be believe before, to wit, that the proceedings taken against him were prompted by the said dealers, and are in their interest, which is thus preferred to the faith of treaties and to the interest and advantage of the Indians, of whom the United States claim to be the guardian.

The undersigned respectfully submits that altho

predecessor.

And it has been still more unusual to assure a party that particular instructions have been given, if in fact they have never been given at all, as the undersigned understands to be the case in regard to the instructions spoken of in the said letter of 21st of October, 1869.

The undersigned will not insult the Secretary of the Treasury by inquiring whether the treaty with the Cherokees is or is not part of the supreme law of the land, or whether, when two laws conflict, that which is supreme must or must not

But he respectfully submits that the treaty and section 107 of the law of 1868, are entirely reconcilable with each other; and that the legal adviser of the Commissioner was in the right when he treated the question as one which admitted of no

doubt.

Nothing is so odious as the oppression of a citizen by his government, contrary to its own laws, except the oppression of an ally or a ward. The action of the Commissioner's subordinates, now fully sanctioned by him, is an invasion of the rights of the Cherokee people, the wanton and inexcusable violation of a trary and of the good faith of the Government, and most oppressive, injurious, and unjust in respect to the undersigned, whose property has been seized and carried away, and his personal liberty violated, and he accused as a public criminal, because he has exercised rights guaranteed to him by the plain and unmistakable language of a treaty.

exercised rights guaranteed to him by the plain and unmistakable language of a treaty.

The Commissioner of Internal Revenue has to-day published an order appointing officers to enforce the revenue laws, as to distilled liquors and tobacco in the Indian country, which will compel the payment of a tax even upon tobacco grown in the Cherokee country and manufactured there, though never taken beyond that country for sale. That is a direct and flagrant violation of the tenth article of the treaty of 1866, by which that article is utterly annihilated, and this upon the naked ground that the language of section 107 of the act of 1866, seems to be broad enough to warrant it.

Neither was it the object of that article to give the Cherokees the right of selling articles of produce or manufacture within their own country, without needing to have it guaranteed by treaty. The United States have no more right to send tax-gatherers into the Cherokee country than into Canada. The Cherokees have the same right to manufacture for their own use any thing that they produce or that they purchase anywhere in the world, as the Canadians have; as much right to buy tobacco and manufacture it for sale in their country as to purchase wool and cotton and manufacture that. Once in their country without violation of any law of the United States, the tobacco, like the wool or cotton, is theirs, and beyond the reach of the revenue laws of the United States, which can no more tax it, when manufactured, in their hands, in their own country, than they could tax the coat or the shirt manufactured by them from the wool or cotton.

The undersigned submits that it is an immense exercise of power on the part of the mere head of a bureau or an office, without even taking the opinion of the chief law officer of the Government, and against the opinion of his own legal adviser, to undertake by a simple order to revolutionize all the relations between the Government for eighty years.

The object of the tenth article of the treaty was to secure to Cheroke

in their own country. For it is well known that when any article of consumption is taxed with an indirect tax, the consumer pays much more than the tax, in addition to the costs. He pays an additional tax or toll to every one through whose hands it passes, and the tax laid by the Government is always the pretext for private extortion.

rate extortion.

The undersigned has ample reason to be satisfied, from the declarations of the Commissioner himself, and otherwise, that the persecution and violent injustice to which he is subjected, and under which he still suffers are for the sole purpose of preventing competition in the Indian country, with those who deal in tobacco outside its limits, and to compel all Indians to pay tax to the Government on all the tobacco they use. How worthy of the Government it will be to become the instrument by which this perpetual extortion upon its wards is to be effected, and to permit its powers to be perverted and abused for the purpose of augmenting the gains of combinations of individuals, the undersigned prays the honorable Secretary of the Treasury to consider.

For all which he appeals from the action and decision of the Commissioner of Internal Revenue; and as he cannot speedily have judicial action and decision, he prays that the opinion of the Attorney-General may be taken upon the questions presented herewith; and that the violation of his rights of property and liberty may be made to cease.

be made to cease.
Respectfully submitted.

ELIAS C. BOUDINOT.

Hon. George S. Boutwell, Secretary of the Treasury of the United States.

Mr. VOORHEES. This powerful and unanswerable appeal was overruled, and the work of confiscation and false imprisonment was left to Boudinot's factory and all his tobacco were libeled in the United States district court for the western district of Arkansas. They were declared forfeited by the court, and everything was sold. Pending these proceedings, however, Boudinot proposed to the Commissioner, as the record shows, that if he was allowed to resume his business he would thereafter comply in the Indian country with all the regulations respecting the collection of taxes on tobacco in the United States; and further, that he would pay the revenue tax on all the untaxed tobacco he had already sold in the Indian country, whenever the courts should decide that such a tax was due. This offer was rejected in the following letter:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE, Washington, February 9, 1870.

Washington, February 9, 1870.

Sir: I have considered the proposition of E. C. Boudinot, presented through you, to compromise his liabilities to the United States for having manufactured and sold tobacco in violation of all the requirements of the act of July 20, 1868, relating thereto, and declined to accept it.

I shall be obliged to you if you will inform Mr. Boudinot of this result of his proposition, or give me his address that I may so advise him.

Very respectfully,

C. DELANO, Commissioner.

Hon. A. McDonald, United States Senator.

When it is remembered, as it always will be, that Boudinot had not manufactured or sold a single pound of tobacco except in strict ac-cordance with Delano's own construction of the law, this letter of the Commissioner simply adds an unprovoked insult to former in-juries. If Boudinot had violated the requirements of the act of July 20, 1868, he had done so by following the express instructions of the Commissioner, and this fact the Commissioner well knew when he wrote the foregoing false and insincere communication.

From the adverse judgment rendered in the district court for the western district of Arkansas, Bondinot prosecuted his writ of error to the Supreme Court of the United States. He thought that a treaty could not be abrogated by an act of Congress, and he thought, moreover, that the act of July 20, 1868, showed on its face that it did not conflict with the treaty of 1866. In these views he was supported, not only by the repeated decisions of the highest revenue afficials. not only by the repeated decisions of the highest revenue officials, but also by many of the foremost legal minds in the country. The Supreme Court, however, reached a different conclusion, and held that the act of Congress of July 20, 1868, extending the internal-revenue laws to the exterior boundaries of the United States, annulled the tenth article of the treaty of July, 1866, with the Cherokee Nation, "as if the treaty were not an element to be considered." I am not about to assail this surprising decision. It is not at all necessary for me to do so. In fact I have no inclination in that direction, for I doubt not it was reached with conscientious deliberation. It may not be improper, however, to point out some circumstances which

Of the nine judges, there being then a full bench, but six took part in the decision of the case. Chief-Justice Chase and Justices Nelson and Field were absent. Of the six judges who heard the argument, four rendered the opinion of the court, while Justices Bradley and Davis joined in a dissenting opinion. It will thus be seen that the decision was in reality made by a minority of the court. These facts all appear from the decision itself, which is found in 11 Wallace, page 116. I am tempted to read from the dissenting oninion to show what I am tempted to read from the dissenting opinion to show what powerful reasons Boudinot had for believing that he was in the right. It was delivered by Justice Bradley, with whom concurred Justice Davis, now the distinguished and very able Senator from Illinois:

In my judgment-

Says Justice Bradley-

it was not the intention of Congress to extend the internal-revenue law to the Indian Territory. That Territory is an exempt jurisdiction. While the United States has not relinquished its power to make such regulations as it may deem necessary in relation to that Territory, and while Congress has occasionally passed laws affecting it, yet by repeated treaties the Government has in effect stipulated that in all ordinary cases the Indian populations shall be autonomies, invested with the power to make and execute all laws for their domestic government. Such being the case, all laws of a general character passed by Congress will be considered as not applying to the Indian Territory, unless expressly mentioned. An express law, creating

certain special rights and privileges, is held never to be repealed by implication by any subsequent law couched in general terms, nor by any express repeal of all laws inconsistent with such general law, unless the language be such as clearly to indicate the intention of the Legislature to effect such repeal.

In the case before the court I hold that there is nothing to indicate such a legislative intent. The language used is nothing but general language, imposing a general system of requirements and penaltics on the whole country. Had it been the intent of Congress to include the Indian Territory, it would have been very easy to say so. Not having said so, I hold that the presumption is that Congress did not intend to include it.

The case before us is, besides, a peculiar one. The exempt jurisdiction here depends on a solemn treaty entered into between the United States Government and the Cherokee Nation, in which the good faith of the Government is involved and not on a mere municipal law. It is conceded that the law in question cannot be extended to the Indian Territory without an implied abrogation of the treaty protanto. And the opinion of the court goes upon the principle that Congress has the power to supersede the provisions of a treaty. In such a case there are peculiar reasons for applying with great strictness the rule that the exempt jurisdiction must be expressly mentioned in order to be effected.

To my mind, sir, this reasoning is overwhelming and conclusive.

To my mind, sir, this reasoning is overwhelming and conclusive. There is a strange and indeed a painful contrast between it and that which sustains the decision of the court. The following strain of argument in the body of the decision on page 621, I confess struck me with amazement. Speaking of the act of Congress of July, 1868, the court says:

As before remarked, it extends the revenue laws over the Indian territories only as to liquors and tobacco. In all other respects the Indians in those territories are exempt. As regards those articles only the same duties are exacted as from our own citizens. The burden must rest somewhere. Revenue is indispensable to meet the public necessities. Is it unreasonable that this small portion of it shall rest upon these Indians?

This is strange language: "The burden must rest somewhere!" That is true, but I think this is the first time in American history where it has been claimed that the burden of taxation should be imposed upon a people without representation, without voice in legislation, denied the ballot, and ostracized from every right of citizenship. The tax-gatherer in the midst of a people who have no right to vote is an emblem of despotism. A free ballot must be given to every people who pay taxes, or they are at once slaves.

But accepting the decision of the Supreme Court as the final law of his case, Boudinot can and does find much even in it to comfort and sustain him. It is not often that the failing party to a suit receives the commendations of the court for his honorable and uprightconduct. It is still less frequent that the court goes out of its way to advise such a party where to seek the relief it feels compelled to deny. In rendering the decision in this case, however, the court

We are glad to know that there is no ground for any imputation upon the integrity or good faith of the claimants who prosecuted this writ of error. In a case not free from doubt and difficulty they acted under a misapprehension of their

And again the court say:

If a wrong has been done, the power of redress is with Congress, not with the judiciary; and that body, upon being applied to, it is to be presumed will promptly give the proper relief.

The fact is, that the absolute good faith and honesty of Boudinot have never been called in question by any respectable person, court, or committee. When this case was under investigation in the Forty-first Congress, with a view to having him relieved from further criminal prosecution, the Judiciary Committee of the House made a unanimous report in his favor. I quote the following extract from that

There is no complaint that Boudinot ever sold, or authorized to be sold, a pound of tobacco outside of the Indian Territory, without the payment of the tax required by law. The judge of the district court which decided his case testifies to his good faith in every respect; the Supreme Court, affirming the judgment of the lower court, takes pleasure in testifying to his good faith.

There is not the slightest doubt that Mr. Boudinot is a Cherokee Indian, and a citizen of the Cherokee Nation; he was one of the recognized representatives or delegates from the Cherokee Nation to the United States Government in 1868, and his name appears as such to the treaty of that year made by this Government with the Cherokee Nation. Though an Indian, he claims no leniency on the ground of ignorance; he has shown throughout a disposition to deal honorably and justly with the Government of the United States in this matter, and pursued just such a course as any gentleman of intelligence and education would have pursued under similar circumstances.

Six this case forms an almost incredible chapter in American his.

Sir, this case forms an almost incredible chapter in American history. On such a state of facts, who could conceive that any man under the protection of American law could be made to lose not only all his worldly possessions, but also be compelled to defend himself against a felon's fate in the penitentiary? Such, however, was exactly Boudinot's experience. Not content with leading him into an ambuscade and plundering him, the revenue pirates of the Southwest under the lead of M.D. west under the lead of McDonald and Joyce, actually secured an indictment against him in the United States district court for the western district of Arkansas and seriously demanded his conviction. I am not sure but what at this juncture in his misfortunes the faith of my Indian friend in the Christian's God became somewhat shaken. When he saw the prison gates ajar to receive him and the odious prison garb awaiting him simply because he had believed the words of Christian statesmen in his dealings with a Christian Government, I am afraid he relapsed, at least for the time being, to paganism. I imagine he must have appealed to the great Manitou, the god of his fathers, and the protector of all just Indians. At any rate it was but a short time until nearly all who were striving to put him in the penitentiary reached there as convicts themselves. A few escaped, which

is to be regretted; for has it not been said, "Let no guilty man escape?" Colonel Boudinot is a most amiable man, with as little of cape?" Colonel Boudinot is a most amiable man, with as little of the spirit of revenge in his nature as any one I ever knew; yet I have heard—I do not vouch for it, and it may be mere fable—but I have heard that sometimes as the express train was passing through Jefferson City, Missouri, a lone Indian might have been seen on the rear platform of the rear car gazing with a peculiar look on the walls of the State prison within which his unprovoked enemies and persecutors were doing the Government some service.

The spectacle to him was the beginning of even-handed justice, and though long delayed I sincerely hope the present Congress will finish the work by passing the bill now before us. Is it possible for a stronger case to be presented calling for personal relief? What element of aggravation has been omitted? I challenge the entire history of this Government for a more wanton, cruel, and deceptive

history of this Government for a more wanton, cruel, and deceptive use of power than this case exhibits. An Indian, Boudinot is a ward, and the Government is his guardian. Under the guise of that sacred relation he has been impoverished, and barely escaped imprisonment, without the slightest fault or short-coming on his part. We made a treaty with him and with his people, and we broke it in just two years without deigning a word to him or his on the subject. We told him over and over again to enter into his stipulated rights under the treaty, and we have ruined him because he did so. We repeatedly construed the treaty and the law of our own making and he has construed the treaty and the law of our own making, and he has been destroyed because he implicitly followed our construction. We have broken faith with him as extensively and as odiously in manner and in form as any government ever did with any human being to whom it owed protection. Let this disgrace be wiped out as speedily as possible by an act of liberal justice. There is not a government on earth strong enough to afford to inflict injustice upon the humblest being subject to its laws.

He merely asks to be allowed to enter one of our own courts and there exhibit his wrongs and plead for redress. He simply stands a humble petitioner at the door of justice asking to be allowed to cross its threshold and approach its altar with the burden of his complaints. Who will shut that door in his face? Who dares to say to him, or to any other being on American soil, that those who are subject to the law shall not have the protection of the law? And who will say in advance how much or how little he shall recover in a will say in advance how much or how little he shall recover in a court of justice? Are we afraid of our own judiciary? Is there danger that the Court of Claims will assess in favor of this claimant more damages than the proof warrants? Not at all, nor can any fair-minded man desire him to recover less. I trust that my amendment will be adopted, and that the bill will speedily become a law.

The VICE-PRESIDENT. The bill will now be returned to its

place on the Calendar.

ORDER OF BUSINESS.

Mr. BURNSIDE. I now ask unanimous consent to take from the Calendar Senate bill No. 1315.

Mr. WITHERS. The hour for the consideration of the regular order has arrived.

The VICE-PRESIDENT. The regular order is demanded.

Mr. BURNSIDE. I hope the Senator from Virginia will allow this
bill to come up. It will not take more than a moment, and it is very
important if the bill is to pass at all this session that it should be

Mr. WITHERS. It is scarcely so important as the Army appropriation bill.

Mr. BURNSIDE. If it causes any discussion, I shall not press it

Mr. INGALLS and others. What is the bill?
Mr. BURNSIDE. It is a bill making an appropriation for the erection of a light-house. Unless the contract is given out very soon the year will be lost.

The VICE-PRESIDENT. Does the Senator from Virginia insist

on the regular order?

Mr. WITHERS. Yes, sir.

Mr. BURNSIDE. I hope the Senator from Virginia will understand that I yielded the floor this morning early, the moment I was asked, in order that the Senator from Indiana might go on with his remarks. I think I ought to be allowed to get this bill through now.

Mr. WITHERS. I am acting under the instructions of the Appropriations Committee.

priations Committee.

Mr. BURNSIDE. The bill is recommended by the Light-House Board and the Committee on Commerce, and if the light-house is to be erected there at all the contract must be given out very soon, and there is no chance of building the light-house this summer unless the bill is passed soon as it has to go to the House. I certainly hope the Senator from Virginia will allow it to be considered. It will not delay the appropriation bill two minutes, I am sure.

Mr. WITHERS. I will simply state to the Senator from Rhode Island that while my inclinations personally are certainly in the direction of granting the privilege he asks, I know that there are many other Senators who have bills in which they are equally interested.

Mr. BURNSIDE. It is the first time I have asked the Senate to step out of the regular order to consider any bill during this whole session. However, I suppose I must yield.

The VICE-PRESIDENT. The regular order is insisted upon, which is the Army appropriation bill. there is no chance of building the light-house this summer unless the

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other

Mr. SAULSBURY. I desire at this time to give notice that immediately on the conclusion of this present bill I shall ask the Senate to take up the question of privilege in reference to the Louisiana

election case

Mr. DAVIS, of West Virginia. I will state to my friend from Delaware that there is a bill pending from the Committee on Appropria-tions which we wish to follow this bill, which is known as a bill

mr. SAULSBURY. The committee of which I am the organ—Mr. McMILLAN. Regular order, Mr. President.
The VICE-PRESIDENT. The regular order is demanded.
Mr. WITHERS. The Senate can decide between these bills when the pending bill shall have been disposed of.

Mr. DAVIS, of West Virginia. Very well.

Mr. WITHERS. I wish, in presenting this bill, to make one or two general statements. The bill is almost identical in its provisions with the Army bill as it passed last year. I propose to call attention in the progress of the bill to the points of difference which exist.

I wish to state also, that while all the provisions of the bill are not in exact accordance with the views of some of the members of the committee, possibly of all, the late period of the session and the fact that we as yet have disposed finally of but one of the general appro-priation bills have prompted the committee to report the House bill without amendment, in order that no further time may be consumed than is absolutely necessary for its consideration.

I now ask that the pro forma reading of the bill may be dispensed

with, and that we may proceed to consider it by paragraphs.

The VICE-PRESIDENT. The Chair hears no objection to that

The Secretary proceeded to read the bill, as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1881, as follows:

For expenses of the commanding general's office, \$2,500.

Mr. WITHERS. That is the same appropriation as was made last year, and is the sum estimated for.

The Secretary resumed the reading of the bill, as follows:

For expenses of recruiting and transportation of recruits from rendezvous to depot, \$75,000.

Mr. WITHERS. That is the same amount of appropriation as was made last year.

The Secretary read as follows:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital-stewards; and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding four hundred and effict.

Mr. WITHERS. That is the provision of last year.

The Secretary read as follows

For contingent expenses of the Adjutant-General's Department at the head-quarters of military divisions and departments, \$3,000.

Mr. WITHERS. That is the same amount as was in the bill of last

The Secretary read as follows:

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field-telegraphs and signal equipments and stores, \$10,500.

Mr. WITHERS. That is also identical with the bill of last year. The Secretary read as follows:

PAY DEPARTMENT.

For pay of the Army:

One General, 1 Lieutenant-General, 3 major-generals, 15 brigadier-generals, 70 colonels, 85 lieutenant-colonels, 243 majors, 312 captains, mounted, 306 captains, not mounted, 34 chaplains, 21 storekeepers, 40 adjutants, 40 regimental quartermasters, 202 first lieutenants, mounted, 360 first lieutenants, not mounted, 146 second lieutenants, mounted, 305 second lieutenants, not mounted; including the additional pay to 35 aids-de-camp, to the adjutant and quartermaster of the Engineer Battalion, to 180 acting assistant commissaries of subsistence, in addition to pay in line, to officers of foot regiments while on duty which requires them to be mounted, to the officer in charge of public buildings and grounds in Washington, and to the examiner of State claims in the office of the Secretary of War; 400 retired officers; enlisted men of all grades not exceeding 25,000 men; 450 enlisted men of the Signal Corps; the allowances for travel, retained pay, and clothing not drawn, payable to enlisted men on discharge; and I retired ordnance sergeant, \$11,548,601.55.

Mr. WITHERS. I wish simply to state that while that paragraph

Mr. WITHERS. I wish simply to state that while that paragraph as just read is different in form, its substance is identical with the bill of last year. We have examined the Army Register and find that the estimates have been made correctly and that the aggregate sums are the amount reported in this bill for the officers of the grades

Mr. BURNSIDE. I submitted an amendment to take the place of this paragraph, which I shall not press now, as it was thrown out by the committee, and I am sure it would only be a loss of time to press it; but I think the clause as it is, although it is not subject to any very serious objection, is objectionable because it is incorrect in statement. There are appropriations made here for fifteen brigadier-generals in the Army, when in point of fact there are not that many in the Army; and if they should be provided for at all, the officers ought to have their proper designation. But, as I said, I submitted an amendment to the committee covering that point, and it was thrown out, and it would only be a loss of time to present it here now. I content myself with making this statement.

Mr. McMILLAN. If there are not fifteen brigadier-generals in the

Army, why appropriate for that number?

Mr. BURNSIDE. There are certain heads of departments who have the rank of brigadier-generals, making up the fifteen, but that is not their proper designation. A person unskilled in matters of this kind would not understand the bill. In other words, it would require some

explanation which is not embraced in the text of the bill.

Mr. WITHERS. The statement of the Senator from Rhode Island is correct, that the Senate Committee on Appropriations had under consideration the amendment which he suggested. Their view was that inasmuch as it was rather a criticism upon the phraseology of the bill and did not affect the real merit of the question we would make no alteration, as there are fifteen persons in the Army who hold the rank and receive the pay of brigadier-general, and consequently in estimating for their pay it has been estimated for on that basis. That is all this bill does. We but deal with the pay and make no distinction as to rank.

The Secretary read the bill from line 53 to line 71, as follows:

The Secretary read the bill from line 53 to line 71, as follows:

For mileage of officers of the Army for travel on duty under orders, \$200,000.

For miscellaneous expenses, to wit: Hire of 125 contract surgeons and 200 hospital matrons; extra-duty pay to enlisted men for service in hospitals; pay of 54 paymasters' clerks and 14 veterinary surgeons; hire of paymasters' messengers, not to exceed \$15,000; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon military courts and commissions; travel expenses of paymasters' clerks; commutation of quarters for officers on duty without troops at places where there are no public quarters; and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1881, in excess of the numbers for each class provided for in this act, \$551,198.45.

Mr. WITHERS. That is in accordance with existing provisions. The Secretary resumed the reading of the bill, as follows:

The Secretary resumed the reading of the bill, as follows:

Subsistence Department:

For subsistence of 25,000 enlisted men, 120 additional half rations for sergeants and corporals of ordnauce, enlisted men of the Signal Service, women to companies, (laundresses,) 1,875 civilian employés, 125 contract surgeons, 200 hospital matrons, 110 military convicts, and 500 prisoners of war, (Indians, in all 10, 753.8-10 rations, at twenty cents each; for difference between cost of rations and commutation thereof for detailed men, and for enlisted men and recruits at recruiting stations, and for cost of hot coffee and cooked rations for troops traveling on cars; for subsistence stores for Indians visiting military posts, and Indians employed without pay as sconts, and guides, \$2,250,000; of which amount \$300,000 shall be available from and after the passage of this act for the purchase of stores necessary to be trassported to distant posts in advance of the 33th of June, 1880: Provided, That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section 1149 of the Revised Statutes, 10 per cent. shall be added to cover wastage, transportation, and other incidental charges, save that subsistence supplies may be sold to companies, detachments, and hospitals, at cost prices, not including cost of transportation, upon the certificate of an officer commanding a company or detachment, or in charge of a hospital, that the supplies are necessary for the exclusive use of such company, detachment, or hospital.

Mr. WITHERS. In reference to that paragraph I will state that

Mr. WITHERS. In reference to that paragraph I will state that the amount appropriated by it for subsistence is \$2,250,000 as against \$2,300,000 appropriated last year. The estimates for subsistence, however, being predicated upon the assumption that the Army consists of twenty-five thousand enlisted men, and the actual fact being that there are in service a little less than twenty-two thousand men, the committee considered that the amount contained in this appropriation would suffice to supply all the subsistence required for the Army.

In addition there is a little new matter in this paragraph. In the seventy-fifth line enlisted men of the Signal Service are introduced for the first time. These men, however, having previously drawn their subsistence from the Department, there will be no change in the practical operation of it; it is simply the introduction of this phraseology. But commencing on the ninety-seventh line and extending to the end of the paragraph, there is other new matter:

Save that subsistence supplies may be sold to companies, detachments, and hospitals at cost prices, not including cost of transpertation, upon the certificate of an officer commanding a company or detachment, or in charge of a hospital, that the supplies are necessary for the exclusive use of such company, detachment, or hospital.

This is new matter, but is recommended by the Secretary of War in his communication to Congress, found in Senate document No. 26, and commended itself to the judgment of the House and of the com-

The Secretary resumed the reading of the bill, as follows:

The Secretary resumed the reading of the bill, as Ioliows:

Quartermaster's Department:

For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, mounted men of the Signal Service, and such companies of infantry and soouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldier's bedding; and of stationery, including blank-books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports, \$3,600,000.

Mr. WITHERS. That is the same as the existing provision. The Secretary resumed the reading of the bill, as follows:

For incidental expenses to wit: For postage and telegrams or dispatches; extra pay to soldiers employed under the direction of the Quartermaster's Department in

the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, including those employed as clerks at division and department headquarters and Signal Service sergeants; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or when traveling on orders, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit: hire of veterinary surgeons, medicine for horses and mules, picket-ropes, and for shoeing the horses and mules; also, generally, the proper and authorized expenses for the movement and operations of the Army not expressly assigned to any other department, \$1,000,000.

Mr. WITHERS. That is the same as the existing provisions of law.

Mr. WITHERS. That is the same as the existing provisions of law. The Secretary resumed the reading of the bill, as follows:

For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, \$200,000.

Mr. WITHERS. That is the same appropriation as last year. The Secretary resumed the reading of the bill, as follows:

The Secretary resumed the reading of the bill, as follows:

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expenses of salling public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, \$4,000,000.

Mr. WITHERS. This amount is \$200,000 less than the bill of last.

Mr. WITHERS. This amount is \$200,000 less than the bill of last year. Being for transportation, however, the committee thought that margin would be perfectly allowable, inasmuch as it is entirely an arbitrary estimate as to what the expenses might be.

Mr. PLUMB. I should like to ask the Senator in charge of the bill

if in stating this amount of \$4,000,000, the committee took into account the fact that what is known as land-grant railroad transpor-

tation is not now paid for at all?

Mr. WITHERS. I will state in connection with this matter that the whole of the estimate of the Department amounted only to \$200,000 more than the amount appropriated, and as that estimate was predicated simply upon an approximate assumption of what would be required, the committee thought that \$4,000,000 would probably suffice to cover the cost of transportation.

Mr. PLUMB. I desire to call the attention of the Senate and the committee to what no doubt the committee were advised of, but I desire to have some public attention called to the fact that a very considerable portion of Army transportation is not now paid for at all. In 1873, I think, the Army appropriation bill contained a pro-hibition as to the payment of transportation to certain land-grant railway companies, but permitting them to go to the Court of Claims with their claims against the Government for such transportation. Subsequently the Court of Claims, and afterward the Supreme Court of the United States also, decided that these railway companies were entitled to transportation subject to a certain deduction for the use of their track. The Quartermaster-General had before that time been paying for such transportation subject to the deduction of .33½ per cent but the Ourtermasters Department held them set it is a likely and the court of the court of the courter of the courter of the centre of the courter of the centre of the courter of the courter of the courter of the courter of the centre of the centre of the centre of the courter of the centre of the ce but the Quartermaster's Department held then as it still holds. that it cannot adjust those claims, but that each claim must be made the subject of a suit.

In pursuance of the policy of the Government before that time the Quartermaster-General now, wherever he can do it, sends the Government supplies over one of those land-grant roads. So it happens, I have no doubt, that a very large portion of the service in the way of transportation is rendered to the Government by roads which do not really receive any benefit from this appropriation. Consequently a large annual deficiency is arising, to be paid only as judgments from time to time are rendered.

I speak of this as one of those things which ought to be taken into account in determining which should be paid. I think myself the bill should provide for the payment of this transportation, or that bill should provide for the payment of this transportation, or that some rule should be established. I have tried on several occasions to get the Senate to adopt such a rule, by a bill which provides for the payment; but if this amount, which I understand aggregates from three to four hundred thousand dollars a year, is not paid, the Senator will see that a deficiency to that amount will be constantly arising to be appropriated for hereafter. I suggest to him whether there should not be either an appropriation here for that transportation or a limitation upon the amount, so that we may know precisely, or as nearly as possible, what we are paying the four millions for.

Mr. DAWES. I wish to inquire what is the necessity of a continuance of the provision of law which requires each one of these roads to go to the Court of Claims and prosecute a suit? I understand very

well why it was necessary for a judicial determination of what portion of the expense of transportation over the land-grant railroads should be credited to the Government for the franchise and what portion for the rolling stock and expense of carrying the freight, under the rule of law that the Government have the right to transport their own freight over the road; but if instead of transporting it themselves they employ the railroad to transport it, some portion of the expense should be apportioned and paid to the railroad. It was necessary to have that judgment of a court to determine what portion that was. That has gone from the Court of Claims to the Supreme Court and a rule has been established there, and still the law requires each one of these roads to go to the Court of Claims, and it may be through to the Supreme Court, before it can get any satisfaction. I would inquire of the Senator whether the committee had their attention called to

Mr. WITHERS. Only the general knowledge of the facts which have been cited by both Senators. In view of the fact that all these circumstances which have been mentioned were within the knowledge of the Quartermaster-General, who has charge of the transportation of the Army, and as the committee found the amount appropriated by the bill to approximate nearly to the amount fixed by the Quarter-master-General in the Book of Estimates, I assume that there will be no deficit of any serious extent in the matter of transportation. The total amount would, all must see, become entirely problematical and uncertain.

The Committee on Appropriations did not deem it proper to make any appropriation specifically for the benefit of the class of roads which has been alluded to by the Senator from Kansas, because they thought that the courts were open for the adjudication of these questions, and in cases where the adjudication had been had the Department would conform to the decision of the court.

Mr. PLUMB. But notwithstanding the theory of the Senator from Virginia, which would seem to be all right, the fact is that the Quartermaster's Department holds that notwithstanding that adjudication it cannot pay any sum of money to these land-grant railroads by reason of the prohibition in the appropriation act of 1873 until they can get a judgment, and then that judgment is paid. The judgment of the Court of Claims is made necessary by that act before the payment can be made. The amount that is deficient according to the estimate of the Quartermaster-General of last year was over a million dollars. It is accumulating now at the rate of three or four hundred thousand dollars a year. The fact is, therefore, that we are appropriating for military transportation without knowing the amount that will be actually needed for that purpose.

I think one of two things ought to be done. Either we ought to provide for applying a portion of this money to that transportation, which is as much a legal charge against the Government as any other, or we should diminish this appropriation to correspond with what are the actual necessities of the Army.

Mr. WITHERS. As I understand it, the bill does conform to what are the actual necessities of the Army.

I would call attention to the fact that if any legislation on the

I would call attention to the fact that if any legislation on the subject is necessary it would not probably come from the Committee on Appropriations, but from the Committee on Railroads or the Military Committee. In addition to that, I will state the fact that the Quartermaster-General himself, as well as the heads of the other departments of the Army, knew that this bill was pending and was under consideration before the Appropriations Committee, and while any suggestions that they might desire to make were requested, no suggestion was made that this appropriation was at all inadequate to serve the purposes designed by it.

Mr. PLUMB. The Quartermaster-General has, from time to time, made recommendations for legislation on this subject. I presume he

Mr. PLUMB. The Quartermaster-General has, from time to time, made recommendations for legislation on this subject. I presume he may have wearied of making them year after year without any attention having been paid to them. I will call the attention of the Senator, however, to the fact that last year, in one of the appropriation bills, we did appropriate the sum of \$300,000 to meet this deficiency, which only shows the existence of the fact, as I have stated, that deficiency is constant. that a deficiency is constantly being created, and that Congress does not know to-day, and no one can tell except by going to the Quarter-master-General's Office, what we are paying for military transportation, notwithstanding the amount we appropriate, because the Quartermaster-General will still continue to send, as he has heretofore done, a large portion, and much the larger portion, of military sup-plies, so far as he can have them transported, over these land-grant

railroads, which get no pay.

I presume the amendment which I design offering is not in order, but I will offer it at all events for the consideration of the Senate and of the committee

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be reported.

The CHIEF CLERK. After the word "water," in line 154, it is proposed to insert:

And including 50 per cent. of the pay of such land-grant railroads, as by the decision of the Supreme Court are entitled to payment for transporting troops and supplies, subject to a reasonable deduction for the use of the track of the same.

Mr. WITHERS. I shall have to interpose —— The VICE-PRESIDENT. The Senator from Virginia will yield while the Chair receives a message from the House of Representatives. MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its clerk, announced that the House had concurred in the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government, at Cleveland, Ohio; and

A joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia.

The message also announced that the House had passed a joint resolution (H. R. No. 290) accepting the gift of the desk used by Thomas Jefferson, in writing the Declaration of Independence; in which it requested the concurrence of the Senate.

ACCEPTANCE OF JEFFERSON'S DESK.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read. The message was read, as follows:

To the Senate and House of Representatives:

I have the honor to inform Congress that Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, of Massachusetts, the heirs of the late Joseph Coolidge, jr., desire to present to the United States the desk on which the Declaration of Independence was written. It bears the following inscription in the handwriting of Thomas Jefferson:

"Thomas Jefferson gives this writing-desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own, by Ben. Randall, cabinet-maker of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independence.

dence.

"Politics as well as religion has its superstitions. These, gaining strength with time, may one day give imaginary value to this relic for its association with the birth of the great charter of our Independence.

"MONTICELLO, November 18, 1825."

November 18, 1825."

"MONTICELLO, November 18, 1885."

The desk was placed in my possession by Hon. Robert C. Winthrop, and is herewith transmitted to Congress, with the letter of Mr. Winthrop, expressing the wish of the donors "to offer it to the United States, that it may hereafter have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776."

I respectfully recommend that such action may be taken by Congress as may be deemed appropriate with reference to a gift to the nation so precious in its history and for the memorable associations which belong to it.

EXECUTIVE MANSION. April 22, 1880.

EXECUTIVE MANSION, April 22, 1880.

"WASHINGTON, D. C., April 14, 1880.

"MY DEAR SIR: I have been privileged to bring with me from Boston, as a present to the United States, a very precious historical relic. It is the little desk on which Mr. Jefferson wrote the original draught of the Declaration of Independ-

which Mr. Jefferson wrote the original draught of the Declaration of Independence.

"This desk was given by Mr. Jefferson himself to my friend the late Joseph Coolidge, of Boston, at the time of his marriage to Jefferson's granddaughter, Miss Randolph; and it bears an autograph inscription, of singular interest, written by the illustrious author of the Declaration in the very last year of his life.

"On the recent death of Mr. Coolidge, whose wife had died a year or two previously, the desk became the property of their children—Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight—who now desire to offer it to the United States, so that it may henceforth have a place in the Department of State, in connection with the immortal instrument which was written upon it in 1776.

"They have done me the honor to make me the medium of this distinguished gift, and I ask permission to place it in the hands of the Chief Magistrate of the nation in their name and at their request.

"Believe me, dear Mr. President, with the highest respect, very faithfully, your obedient servant,"

"ROBERT C. WINTHROP."

"ROBERT C. WINTHROP.

"His Excellency RUTHERFORD B. HAYES,
"President of the United States."

The VICE-PRESIDENT. The Chair lays before the Senate thejoint resolution received from the House of Representatives.

The joint resolution (H. R. No. 290) accepting the gift of the desk
used by Thomas Jefferson in writing the Declaration of Independence was read the first time by its title.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That the thanks of this Congress be presented to J. Randolph Coolidge, Algernon Coolidge, Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, citizens of Massachusetts, for the patriotic gift of the writing-desk presented by Thomas Jefferson to their father, the late Joseph Coolidge, upon which the Declaration of Independence was written; and Be it further resolved, That this preclous relic is hereby accepted in the name of the nation, and that the same be deposited for safe-keeping in the Department of State of the United States; and
Be it further resolved, That a copy of these resolutions, signed by the President of the Senate and Speaker of the House of Representatives, be transmitted to the donors.

The VICE-PRESIDENT. This joint resolution having been read twice, is before the Senate as in Committee of the Whole.

Mr. DAWES. Mr. President, I cannot think that the Senate will object to an interruption of its ordinary business to consider for a brief moment so interesting a subject as that contained in the resolutions which have just come from the House. The message of the President and the resolutions themselves have already communicated to us so much of the history of the subject to which they allude that little worse is present to put us in present of the facts which in little more is necessary to put us in possession of the facts which impart to it an interest and value justifying these proceedings.

This small, plain, unpolished, mahogany writing-desk, was once the property of Thomas Jefferson. Why it has been preserved with scrupulous care, and now arrests the attention of the nation, he himself, after keeping it for half acentury, has told us in an inscription placed upon it by his own hand in the last year of his life, in these words:

Thomas Jefferson gives this writing desk to Joseph Coolidge, ir., as a memorial of his affection. It was made from a drawing of his own by Ben. Randall, cabi-

net-maker, of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and the identical one on which he wrote the Declaration of Independence. Politics as well as religion has its superstitions. These, gaining strength with time, may one day give imaginary value to this relic for its association with the birth of the great charter of our Independence.

November 18, 1825.

Mr. Coolidge was the husband of a granddaughter of Mr. Jefferson. He was a resident of Boston and has recently deceased. His children, Mr. J. Randolph Coolidge, Mr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, through our distinguished fellow-citizen, the Hon. Robert C. Winthrop, now present this most remarkable relic to the United States.

Embellishment or enlargement can add nothing to this simple story. It is, of itself, enough to draw to this plain memorial the homage of mankind, and will be told to listening pilgrims and votaries in all the generations that shall count the years of the Republic and the spread of free institutions in the world. The man, the occasion, and the subject crowd in upon our thoughts and fill us with the admiration and wonder of those who look upon the place where mira-

cles have been wrought.

The youngest and least experienced of all his associates in practical government, none of whom had shared in anything but the affairs of a dependent colony, is called upon to commit to writing, for the judgment of all mankind and for all time, the reasons for the dismemberment of an empire and the creation of a republic among the nations of the earth. And the work thus undertaken was so accomplished, upon this writing-desk, that the test of a century of criticism and trial has only made it more clear that nothing could have been added or excluded. Constitutions based upon it have indeed been altered and amended many times, but it has always been in the endeavor to more and more conform them to the great truths enunciated in this immortal instrument. Mr. Jefferson termed it in the inscription upon this memorial, after fifty years of experience and growth, "the charter of our Independence." It is more. A century of political commotion and upheaval has proven it to be the great title-deed of free institutions throughout the world.

It cannot but be that everything connected with the production of this wonderful instrument will be cherished by the American people with an almost sacred reverence, and by lovers of free institutions everywhere with the regard which draws the devout to a shrine. Let, therefore, this writing-desk, upon which it was written, be gladly accepted by the nation and carefully preserved with the great charter itself in the archives of that mighty Government thus called into being. And there, with the sword of Washington and the staff of

ter itself in the archives of that mighty Government thus cancer may being. And there, with the sword of Washington and the staff of Franklin, which the nation has already accepted with reverent gratitude, let these muniments of our title be preserved evermore.

I should, Mr. President, fail altogether in my duty to the people of Massachusetts if I did not give expression at this time to their great gratification for the large share that Commonwealth has had from the beginning in all that makes this occasion proper or worthy of attention. Massachusetts and Virginia had from the outset of the Revolution conspicuously joined hands in the great struggle, sharing the obloquies and perils with which it opened on their soil. Arthur Lee, of Virginia, had, for many years before, as the agent of Massachusetts, pleaded her cause before the British throne. Samuel Adams and Richard Henry Lee kindled together the fires of the Revolution. It was on motion of John Adams, in a most critical period in the temper was on motion of John Adams, in a most critical period in the temper of the Colonies, that Washington himself was called to the command of the American Armies. Mr. Adams was with Mr. Jefferson upon the committee instructed by the Continental Congress to draft a declaracommittee instructed by the Continental Congress to draft a declaration of independence, and joined in imposing that duty upon one many years his junior, because of his "reputation for a matchless felicity in embodying popular ideas." That matchless felicity of Mr. Jefferson produced the Declaration of Independence, and the peerless eloquence of John Adams carried it through a hesitating Congress. These distinguished patriots having each in turn enjoyed the highest honors of the Republic they had together so conspicuously helped to create, were both permitted by Providence to close their illustrious career on the fiftieth anniversary of the day they had made immortal, and to pass together to their reward amid the shouts of a people application of the providence to the shouts of the providence to the providence

plauding their great work.

And now this precious relic, around which so many memories of the great actors of the Revolution cluster, kept by Virginia for fifty years and then committed by its illustrious owner to the care of Massachusetts for another half century, is to-day donated to the United States by those in whose veins commingles the blood of both these ancient Commonwealths. Thus do Massachusetts and Virginia again stand side by side amid the glories which have come down to us from the

Revolution.

I hope, Mr. President, that the third reading of the resolution will

mr. Johnston. Mr. President, as one of the Senators from the State in which Mr. Jefferson was born, it is a duty most agreeable to me to move concurrence in the resolution under consideration. One of Mr. Jefferson's biographers describes the relic now before us as "a little writing-desk only three inches high," which has upon it this inscription placed there by Mr. Jefferson himself:

Thomas Jefferson gives this writing desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own by Ben. Randall, cabinet-maker, of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independ

ence. Politics, as well as religion, has its superstitions. These, gaining strength with time, may one day give imaginary value to this relie for its association with the birth of the great charter of our Independence.

MONTICELLO, November 18, 1825.

And though he was then nearly eighty-three years old, it is written in the same bold, clear, and strong handwriting in which he penned the Declaration of Independence almost half a century before, when he was a young man, only a little more than thirty. He speaks of the superstitions of politics and of the imaginary value which may one day attach to this relic. But the reverence a free people are ready to accord to the instruments of such events as this little desk He speaks of fearly to accord to the instruments of such events as this little desk chronicles is neither superstition nor an idle and empty imagination; for on that little desk was done a work greater than any battle, loftier than any poem, more enduring than any monument. When the Declaration of Independence was written this earth was

centuries old; many peoples had existed, many battles had been fought, many struggles had been made, and many patriots had lived; revolutions, rebellions, and wars for freedom had been waged, but civil liberty, as we now see, enjoy, and understand it, was still unknown. The struggles of past days had been merely for a change of actual governstruggles of past days had been merely for a change of actual government, and not so much for new and better principles. It was to get rid of the then ruler, but to let the new one put in the place of the old govern on the same platform. When Casar was killed the conspirators had no thought of anything but freeing the country from an overshadowing man. In their conception the only thing to be done was to give the reins into new hands. But at last came the author of the Declaration of Independence. What had been cloudy and obscure and seen dimly by others was a clear vision to him. He saw not only what the rights of a citizen were, but how to defend, guard, and protect them; not only what true civil liberty was, but how to acquire and how to preserve it. And thus our Revolution was therefore not a sumple change of government for the people of the thirteen colonies: simple change of government for the people of the thirteen colonies; it was not the case of a dependent territory breaking away from the mother country and enforcing the separation by arms, and then conmother country and enforcing the separation by arms, and then conducting its affairs upon the same old plan; nor was it only the birth of a new nation, of one government more added to those already existing; but with the establishment of this new nation came new theories, practices, and principles. Bills of right and written constitutions declared and defined the duties, powers, and limitations of the government and the rights of the citizens. For the divine right of the government and the rights of the citizens. the government and the rights of the citizens. For the divine right of kings was substituted the sacred right of the people. In place of the service of the serf to the baron was established a well-regulated militia and the right of the people to keep and bear arms. Instead of privileged classes and orders of nobility all men were declared equal under the law. The sword was the governing power in many countries, but here it was made the servant of the civil law. Instead of subsidies levied by governments and collected by force and spent without responsibilities, no citizen here is taxed who is not represented, and no tax is levied except by the representatives of the peowithout responsibilities, no citizen here is taxed who is not represented, and no tax is levied except by the representatives of the people. Instead of blind obedience, ignorance, and the union of church and state, "Congress can make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of griev-

And without undervaluing the great men who lived and acted with Mr. Jefferson, it is no disparagement to them to say that he was the principal actor in the events of that day. His brain originated, his hand executed. The principles he enunciated, so new then, are already In less than a single century they are taking root all over the world, and written constitutions and representatives of the people are now the rule in civilized nations.

Mr. President, I move the adoption of the resolution.

The joint resolution was ordered to a third reading, and read the third time.

Mr. BECK. I ask that the resolution be read at length.

The VICE-PRESIDENT. The resolution will be again reported.

The Chief Clerk read the resolution.

Mr. BECK. I desired to have it read for the purpose of asking the Senator from Virginia, when the joint resolution is passed "by the Senate and House of Representatives of the United States of America in Congress assembled," and when the Declaration was a Declaration of Independence of the United States of America, and when the Constitution and all our proceedings run in that line, why it is so carestitution and all our proceedings run in that line, why it is so carefully said that this desk is accepted "by the nation" instead of "by the United States," whose representatives we are? Why should that change be made I should like to know.

Mr. JOHNSTON. The resolution comes from the House as it was adopted there. It is just in the form it was adopted there. I suppose

adopted there. It is just in the form it was adopted there. I suppose it is right because it is exactly what the fact is.

Mr. DAWES. Does the Senator from Kentucky object to this desk being accepted?

Mr. BECK. Not at all. I merely asked a question of the Senator from Virginia.

The VICE-PRESIDENT. The resolution having had three several readings, the question is, Shall it pass?

The joint resolution was passed.

REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. No. 100)

to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879.

The amendment of the House was to strike out all after the word "printing," in line 11, namely:

And 2,500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.

Mr. WHYTE. I move that the Senate concur in the amendment. The amendment was concurred in.

Mr. EDMUNDS subsequently moved to reconsider the vote by which the amendment was concurred in; and the motion to reconsider was entered.

SMITHSONIAN REPORT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate to print 10,500 copies of the report of the Smithsonian Institution for the year 1879.

The amendments of the House of Representatives were, in line 2, to strike out "ten" and to insert "fifteen;" in lines 4 and 5, to strike out "one thousand" and insert "2,500;" in line 6, to strike out "three" and insert in lieu thereof "eight," and in lines 7 and 8, to strike out "6,500" and insert "5,000."

Mr. WHYTE. I ask to have the resolution read as it stands

amended.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring therein,) That 15,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 2,500 copies of which shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 5,000 for the use of the Smithsonian Institution.

Mr. WHYTE. The division is not in accordance with the usual rule; but there is such a slight difference that I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers submitting report from Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, of the result of an examination made in compliance with the requirements of the river and harbor act of June 18, 1878, of the peninsula of Florida with a view to the construction of a ship-canal from Saint Mary's River to the Gulf of Mexico; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting letter from the Chief of Engineers covering copies of reports from Captain Charles J. Allen, Corps of Engineers, upon a survey, made in compliance with the requirements of the river and harbor act of March 3, 1879, of Superior Bay, to determine the best and most economical plan for harbor improvement for the head of Lake Superior; which was referred to the Committee on Commerce, and ordered to be printed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, the pending question being on the amendment submitted by Mr. Plumb, in line 154, page 7, after the word "water," to

And including 50 per cent. of the pay of such land-grant railroads as by the decision of the Supreme Court are entitled to payment for transporting troops and supplies, subject to a reasonable deduction for the use of the track of the same.

Mr. WITHERS. That amendment has not been reported from any committee, and I shall have to raise the point of order.

The VICE-PRESIDENT. It is clearly not in order, if objected to. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill at line 178, and con-

tinued to line 183, as follows:

For hire of quarters for troops, of storehouses for the safe-keeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, \$880,000.

Mr. WITHERS. That is the same as the appropriation of last

The Secretary read lines 184 and 185, as follows:

For construction and repair of hospitals, as reported by the Surgeon-General of the Army, \$75,000.

Mr. WITHERS. That is also the same as last year.

The Secretary read from line 186 to line 191, as follows:

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking the stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, \$1,000,000.

Mr. WITHERS. That is \$100,000 greater than the appropriation of

The Secretary read from line 192 to line 195, as follows:

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, \$40,000.

Mr. WITHERS. That is the same as the existing provision.

The Secretary read from line 196 to line 200, as follows:

Medical Department:
For purchase of medical and hospital supplies, medical care and treatment of officers and soldiers on detached duty, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department, \$200,000.

Mr. WITHERS. That is the same as the appropriation in the last

The Secretary read from line 201 to line 203, as follows:

For the Army Medical Museum, and for medical and other works for the library of the Surgeon-General's Office, \$10,000.

Mr. WITHERS. That is also the same.

The Secretary read from line 204 to line 208, as follows:

Engineer Department:
For engineer depot at Willet's Point, New York, namely: For purchase of engineering materials to continue the present course of instruction of the engineer battalion in field engineering, \$1,000.

Mr. WITHERS. That is the same.

The Secretary read from line 209 to line 214, as follows:

For incidental expenses of the depot, remodeling ponton-trains, repairing instruments, purchasing fuel, forage, stationery, chemicals, extra-duty pay to seldiers engaged in special skilled labor, such as wheelwright work, printing, photographing and lithographing engineer documents, and ordinary repairs, \$4,000.

Mr. WITHERS. The only variation in that is the addition in lines 212 and 213 of the words, "such as wheelwright work, printing, photographing and lithographing engineer documents," which are included in the Book of Estimates.

The Secretary read from line 215 to line 225 as follows:

Ordnance Department:

For the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of fuel and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage, and vehicles; incidental expenses of the ordnance service, including compensation of workmen in the armory and museum building connected with the Ordnance Office and those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, \$110,000.

Mr. WITHERS. That is the same as the last bill. The Secretary read lines 226 and 227, as follows:

For manufacture of metallic ammunition for small-arms, \$80,000.

Mr. WITHERS. That is \$5,000 more than was appropriated for the same purpose last year.

The Secretary read lines 228 and 229, as follows:

For overhauling, cleaning, and preserving new ordnance stores on hand at the arsenals, \$20,000.

Mr. WITHERS. That is \$5,000 less than the appropriation last

The Secretary read from line 230 to line 237, as follows:

For mounting and dismounting guns and removing the armament from forts being modified or repaired, including heavy carriages returned to arsenals for alteration and repairs, and other necessary expenses of the same character, and for repairing ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, and for extra-duty pay for enlisted men detailed for ordnance sarvice. \$20,000 service, \$30,000.

Mr. WITHERS. That is in accordance with the existing provis-

The Secretary read from line 238 to line 240, as follows:

For purchase and manufacture of ordnance stores to fill requisitions of troops, \$115,000.

Mr. WITHERS. The same statement applies in regard to that.

The Secretary read from line 241 to line 244, as follows:

For infantry, cavalry, and artillery equipments, consisting of clothing-bags, haversacks, canteens, and great-coat straps, and repairing horse equipments for cavalry troops, \$65,000.

Mr. WITHERS. That is a reduction of \$10,000 on the amount appropriated by the last bill.

The Secretary read from line 245 to line 251, as follows:

For powder depot: For grading grounds, erecting magazines, and other necessary buildings, and all expenses incident thereto, \$50,000: Provided, That the Secretary of War may, in his discretion, expend a sum not exceeding \$18,500 of this amount in the purchase of additional land adjoining the present site.

Mr. WITHERS. That is the same as last year. The Secretary read lines 252 and 253, as follows:

For manufacture of arms at national armories, \$300,000.

Mr. WITHERS. That is \$50,000 more than was appropriated by the last bill.

The Secretary read from line 254 to line 263, as follows:

The Secretary read from line 254 to line 256, as follows.

That upon the application of any college, university, or institution of learning incorporated under the laws of any State within the United States, having capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof; and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.

Mr. WITHERS. That is new matter.

The Secretary read from line 264 to line 267, as follows:

United States testing machine:
For earing for, preserving, using, and operating the United States testing-machine at the Watertown arsenal, \$5,000.
Mr. WITHERS. That also is new matter.
The Secretary read section 2, as follows:
Sec. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: Provided, That nothing in this pro-

vision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof or of the executive when the Legislature cannot be convened.

Mr. BLAINE. I move to amend that section by adding as an additional proviso what I send to the Chair.

The Chief Clerk read as follows:

Provided further. That any person who shall carry a deadly weapon of any kind, openly or concealed, at the polls at an election for Representatives in Congress, shall, upon conviction thereof, be punished with a fine not less than \$500 nor more than \$5,000, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment, at the discretion of the court.

Mr. BLAINE. Upon consideration I will move to strike out the section before offering that amendment, but I give notice that I will offer that amendment either as an amendment to this section if it stays in, or as a separate section, if it be in order, in case this section is rejected from the bill. My first amendment is to strike out the

The VICE-PRESIDENT. The Senator from Maine moves to strike out the second section of the bill.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDMUNDS, (when Mr. ANTHONY'S name was called.) The Senator from Rhode Island [Mr. ANTHONY] who is necessarily absent is paired on all political questions with the Senator from Texas, [Mr. Coke.] I believe this to be a political question. If the Senator from Rhode Island were present he would vote "yea."

Mr. EDMUNDS, (when Mr. BRUCE'S name was called.) The Senator from Ministry [Mr. BRUCE'S name was called.)

ator from Mississippi [Mr. Bruce] who is necessarily absent is paired on all political questions with the Senator from Indiana, [Mr. Voor-HEES.] If the Senator from Mississippi were present, he would vote

HEES.] If the Senator from Mississippi were present, he would vote "yea."

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from New York, [Mr. Kernan.] If he were present, I should vote "yea."

Mr. DAWES, (when his name was called.) Upon this question I am paired with the Senator from Tennessee, [Mr. Bailey.] I should vote "yea" if he were present.

Mr. HARRIS, (when his name was called.) Upon all political questions I am paired with the Senator from Massachusetts, [Mr. Hoar.] I shall therefore decline to vote. I should vote "nay" if the Senator from Massachusetts were present.

Mr. CARPENTER, (when Mr. McDonald's name was called.) I am paired on all political questions with the Senator from Indiana, [Mr. McDonald.] If he were here, I should vote "yea."

Mr. PLUMB, (when Mr. McPherson's name was called.) The Senator from New Jersey [Mr. McPherson's name was called.)

Mr. PADDOCK, (when his name was called.) On all political questions I am paired with the Senator from Florida, [Mr. Jones,] and so

I shall not vote.

I shall not vote.

Mr. PLATT, (when his name was called.) Upon this question I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were present, I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. McPherson.] If he were present, I should vote "yea."

Mr. VANCE, (when his name was called.) My colleague, [Mr. RANSOM.] is paired with the Senator from Connecticut, [Mr. PLATT.] If my colleague were here, he would vote "nay." I myself am paired with the Senator from Illinois, [Mr. Logan.]

The roll-call having been concluded, the result was announced—yeas 20, nays 28; as follows:

YEAS—20.

	YE.	AS-20.	
Allison, Blaine, Blair, Booth, Burnside,	Cameron of Pa., Conkling, Edmunds, Ferry, Hamlin,	Ingalls, Jones of Nevada, Kellogg, Kirkwood, McMillan,	Morrill, Rollins, Saunders, Teller, Windom.
	NA	YS-28.	
Bayard, Beck, Butler, Call, Cockrell, Coke, Davis of Illinois,	Davis of W. Va., Farley, Garland, Gorden, Groome, Hampton, Hill of Georgia,	Johnston, Lamar, Maxey, Morgan, Pendleton, Pryor, Randolph,	Saulsbury, Slater, Vest, Wallace, Whyte, Williams, Withers.
	ABS	ENT-28.	
Anthony, Bailey, Baldwin, Bruce, Cameron of Wis.,	Eaton, Grover, Harris, Hereford, Hill of Colorado,	Jones of Florida, Kernan, Logan, McDonald, McPherson, Paddock	Plumb, Ransom, Sharon, Thurman, Vance,

So the amendment was rejected.

Mr. BLAINE. I now offer the following as an amendment to come in at the end of the second section:

Platt.

Walker.

Provided further, That any person who shall carry a deadly weapon of any kind, openly or concealed, at the polls, (except one acting under the authority of the United States.) at any election for Representatives in Congress, shall, on conviction thereof, be punished with a fine of not less than \$500 nor more than \$5,000, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment, at the discretion of the court.

Mr. WITHERS. I make the point of order on that amendment that it is not reported by any committee or recommended by the head of any of the Departments.

Mr. BLAINE. It is germane to the bill. It does not appropriate anything. It is a germane amendment to the legislation that is in the bill. I do not think there is anything in that point of order; but I will await the decision of the Chair.

The VICE-PRESIDENT. On what ground does the Senator from Virginia put his objection?

Mr. WITHERS. I have not the rules of order by me; but there is a rule of order which prohibits the introduction of amendments, as I remember it, which have not been recommended by a standing committee nor by a head of a Department.

The VICE-PRESIDENT. The Chair does not think the amend-

ment is in order, but not upon the ground stated by the Senator from

Virginia.

Mr. COKE. Will the Senator from Virginia yield to me a moment? The VICE-PRESIDENT. The Chair thinks it is general legislation

Mr. BLAINE. No more general than the legislation in the bill, and it is a germane amendment, and was ruled in order last year on precisely the same section and under precisely the same circumstances, in precisely the same language, and by precisely the same presiding

The VICE-PRESIDENT. Not by the present occupant of the

Chair.

Mr. BLAINE. Before the Chair announces his decision I beg to say

The VICE-PRESIDENT. The Chair will withhold his decision to hear the Senator.

Mr. BLAINE. If it were an independent piece of legislation which I rose as a member of the Senate to propose on an appropriation bill, then the decision of the honorable Vice-President would be strictly in order; but here comes to us in the bill a piece of independent legislation in no wise connected with the appropriations for the Army, a piece of legislation that has no appropriation in it; a general law prescribing what is right and prohibiting what is wrong. Now to that, in exactly the same line, further modifying and enlarging the precise provision which the House has sent to us, I offer the amend-

I beg the attention of the honorable Vice-President to this result of the ruling, if it be the ruling: it will not only take from the Senate the right to move independent legislation, which our rules now forbid, but it will take from the Senate the right to modify in the least de-

out it will take from the Senate the right to modify in the least degree any independent legislation sent us by the House. We shall have to take it just as the House sends it, without condition or limitation or change or subtraction, or not take it at all.

I was for a good many years a member of a board of overseers in a New England college, and it had a board of trustees, and the honorable function which the board of overseers had was to say yea or nay to whatever proposition the trustees sent us; we could not a morad it. to whatever proposition the trustees sent us; we could not amend it; we could not send a substitute; we could simply agree to it or not agree to it; and I submit to the honorable Vice-President that if he rules this amendment out of order it is making the Senate of the United States a board of overseers to the trustees who sit at the other end of the Capitol, and that we shall have the privilege on independent legislation on appropriation bills of simply saying yes or saying no, but we cannot modify it nor in any way adapt it to any exigency which in the judgment of the Senate might well arise. I submit to the

Vice-President that the decision will go a great ways.

The VICE-PRESIDENT. The Chair must administer the rules of the Senate as he finds them. The first paragraph of the twenty-ninth

No amendment which proposes general legislation shall be received to any general appropriation bill.

This amendment prescribes a new offense, a new punishment, and so the Chair rules that it is general legislation.

Mr. BLAINE. One moment. Before the Chair decides, I should

like to have the section read, the section that comes from the House in the words there written.

The Chief Clerk read section 2 of the bill, as follows:

Sec. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: Provided, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof or of the executive when the Legislature cannot be convened.

Mr. BLAINE. That piece of legislation came from the House last Mr. BLAINE. That piece of legislation came from the House last year and is I believe in totidem verbis in the appropriation bill of last year. This amendment was then offered to it. I had the impression—with all respect, and I desire to stand corrected if I was wrong—that the Vice-President presided. I moved—and the amendment when I moved it was the subject of long discussion in the Senate—I moved the precise amendment which is now before the Senate. But I beg to say to the Vice-President with all due respect for his ruling, from which I shall not appeal and of which I shall not complain more than to differ from it, that the attitude in which he leaves the Senate is that whatever the House may send us in the shape of an independent that whatever the House may send us in the shape of an independent proposition must be accepted and swallowed or else refused to be swallowed. We cannot coat it with sugar, we cannot in any degree

alter it, we cannot make it any more palatable, we cannot in any way dull the edge or sharpen it; we must take it just as the House gives it—that is what the honorable Vice-President says to us—or not take it at all.

I have steadily protested that the subject of legislation upon appropriation bills ought to be a matter of joint rule, ought to be a matter of joint and honorable understanding, that the powers of the two Houses should be restricted by precisely the same limitations; otherwise the two Houses are unequal in their power of legislation; but they have never yet been so unequal as the decision of the Vice-President would make them, for it has never yet been ruled that if a piece of legislation came upon an appropriation bill from the House it was not amendable by another piece of legislation, germane and appertaining thereto, in the Senate.

Mr. WITHERS. I dislike to interpose any difficulty in the way of

Mr. COKE. Will the Senator give way a moment that I may make an explanation personal to myself? The VICE-PRESIDENT. The Chair wishes simply to remark that he leaves the Senate in the attitude in which its rules place it in his

judgment.
Mr. COKE. I desire, Mr. President, to withdraw the vote cast by

Mr. COKE. I desire, Mr. President, to withdraw the vote cast by me a few minutes ago. I did not remember, at the time, that I was paired with the Senator from Rhode Island [Mr. ANTHONY] on all political questions. I came in after the roll was called and was asked to vote, and I entered my vote without reflecting.

The VICE-PRESIDENT. The Chair hears no objection to the withdrawal of the vote of the Senator from Texas, he having voted under a misapprehension. The bill is open to amendment.

Mr. EDMUNDS. Mr. President, assuming that the Chair was right (and I think it was) in its present decision, in conformity with it I offer this amendment which is simply restrictive of the present legislation that is in the bill, merely to narrow and prevent a certain construction of the clause that already stands in the bill. It is to strike out the period after the word "convened" at the end of line 10, of section 2, and insert a semicolon and the words— 10, of section 2, and insert a semicolon and the words-

Nor shall this section be held to apply to any case in which the employment of the military power of the United States is authorized by the Constitution and the laws made in pursuance thereof.

This amendment, I feel quite sure no point of order can be made against, as it is simply restrictive of and limiting the legislation that is already in the bill. Instead therefore of being general legislation added to an appropriation bill, it is to diminish the amount of legislation that is already in it.

The VICE-PRESIDENT. The Chair hears no objection to this

amendment.

amendment.

Mr. WITHERS. I object to the amendment.

The VICE-PRESIDENT. Upon what ground?

Mr. WITHERS. I do not object to the consideration of it; I do not raise a point of order.

The VICE-PRESIDENT. The question is on agreeing to the amend-

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDMUNDS, (when Mr. Anthony's name was called.) I will state again, and probably it will not be necessary to repeat it, that the Senator from Rhode Island [Mr. Anthony] is paired on political questions with the Senator from Texas, [Mr. Coke.] If the Senator from Rhode Island were present he would vote in the affirmative.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired on all political questions with the Senator from New York, [Mr. Kernan.] If he were present, I should vote "yea."

Mr. CARPENTER, (when his name was called.) I am paired with

the Senator from Indiana, [Mr. McDonald.] If he were present, I

should vote "yea."

Mr. CONKLING, (when his name was called.) The Senator from Connecticut [Mr. Eaton] was compelled to leave the Chamber a short time ago, and requested me to pair with him, and I suggested to him that nothing which his party would vote for was so bad that he would not vote with them, and that seemed to be his opinion. Therefore I infer that he would vote with his party even upon this. So as I should vote for the amendment, I will not vote at all.

Mr. HARRIS, (when his name was called.) Upon all political questions I am paired with the Senator from Massachusetts, [Mr. Hoar.] If the Senator from Massachusetts were present, I should vote "nay." Mr. PADDOCK, (when his name was called.) On all political questions I am paired with the Senator from Florida, [Mr. Jones.] If he

were present, I should vote "yea."

were present, I should vote "yea."

Mr. PLATT, (when his name was called.) Upon this question I am paired with the Senator from North Carolina, [Mr. Ransom.] If he were present, I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. McPherson.] If he were present, I should vote "yea."

Mr. EDMUNDS, (when Mr. Thurman's name was called.) Through the agency of the colleague of the Senator from Ohio [Mr. Pendleton] I am paired with the Senator from Ohio [Mr. Thurman] on this question. If he were present, he would vote "nay," and I beg to withdraw my vote, I having already voted. I have a general understanding with

the Senator from Ohio, which was out of my mind at the moment, and after consultation with his colleague I withdraw my vote.

The VICE-PRESIDENT. The vote is withdrawn.

Mr. VANCE, (when his name was called.) On all political questions
I am paired with the Senator from Illinois, [Mr. LOGAN.]

I am paired with the Senator from Illinois, [Mr. Logan.]
The roll-call was concluded.
Mr. COKE. I am paired on all political questions with the Senator
from Rhode Island, [Mr. Anthony.] If he were here, he would vote
"yea" and I should vote "nay."
Mr. EDMUNDS. I will announce once more, which will answer for
all the votes on this bill, that the Senator from Mississippi, [Mr.
BRUCE,] who is necessarily absent, is paired on all these political
questions with the Senator from Indiana, [Mr. VOORHEES.] The Senator from Mississippi if here would vote in favor of this amendment.
Mr. DAWES. I wish to state that my colleague [Mr. HOAR] is
paired on all political questions with the Senator from Tennessee,
[Mr. HARRIS.] My colleague, if here, would vote "yea."

[Mr. Harris.] My colleague, if here, would vote "yea."

VEAS_19

The result was announced—yeas 19, nays 27; as follows:

	I.E.	AS-13.	
Allison, Baldwin, Blaine, Blair, Booth,	Burnside, Cameron of Pa., Dawes, Ferry, Hamlin,	Ingalls, Kellogg, Kirkwood, McMillan, Morrill,	Rollins, Saunders, Teller, Windom.
	NA	YS-27.	
Bailey, Bayard, Beck, Butler, Call, Cockrell, Davis of W. Va.,	Farley, Garland, Gordon, Groome, Hampton, Hereford, Hill of Georgia,	Johnston, Lamar, Maxey, Morgan, Pendleton, Pryor, Randolph,	Saulsbury, Slater, Wallace, Whyte, Williams, Withers.
	NOT V	OTING-30.	
Anthony, Bruce, Cameron of Wis., Carpenter, Coke, Conkling, Davis of Illinois, Eaton	Edmunds, Grover, Harris, Hill of Colorado, Hoar, Jones of Florida, Jones of Nevada.	Kernan, Logan, McDonald, McPherson, Paddock, Platt, Plumb, Ransom.	Sharon, Thurman, Vance, Vest, Voorhees, Walker.

So the amendment was rejected.

Mr. CONKLING. I ask permission to withdraw my vote from the previous roll-call. It had entirely escaped my memory that the Senator from Connecticut [Mr Eaton] had asked me to pair with him, and therefore I voted.

The VICE-PRESIDENT. The Chair hears no objection; and the Senator's vote will be withdrawn from the vote on the previous amend-

Mr. KIRKWOOD. I offer the following amendment, to be added to section 2:

And provided further, That nothing in this provision contained shall be so construed as to prevent the use of troops when necessary to enforce the lawful execution of any law of the United States by the Executive thereof, in any State or Territory, against forcible and violent resistance thereto, or to prevent the use of troops when necessary to protect any civil officer of the United States, while engaged in the lawful performance of his official duty, against forcible and violent attack or resistance, although applications for such use of troops shall not be made by the Legislature or executive of the State.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa

Mr. WITHERS. Does not the point of order apply to the amendment? I ask for a ruling upon it.

The VICE-PRESIDENT. Will the Senator state his objection to

the amendment?

Mr. WITHERS. It is in the character of general legislation on an

appropriation bill.

The VICE-PRESIDENT. It is simply explanatory; it is a limitation of the force of section 2. The Chair does not think the point of

order lies against it.

Mr. KIRKWOOD. Mr. President, I beg the indulgence of the Senate for a very few moments upon this subject. I had an opportunity ate for a very few moments upon this subject. I had an opportunity during the last session to express my opinion upon the questions involved herein, and do not propose to afflict the Senate with a repetition of them now. I wish to state, however, as briefly and as clearly as I can, the reasons which have led me to offer this amendment and the purposes I have in view in offering it. I do not know whether it expresses clearly the views of other Senators upon this question or not, but I have intended to express mine by it.

Section 2, as it comes to us from the other House, contains two provisions one that which was attached to the Army hill passed at the

visions, one that which was attached to the Army bill passed at the last session, which reads thus:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polis at any election held within any State.

That, if I am correct, was attached to the Army bill passed at the last session and comes back to us attached to the Army bill at this session.

Mr. WITHERS. That is the existing law.

Mr. KIRKWOOD. At the time the Army appropriation bill passed at the last session differences of opinion prevailed in this body as to what the meaning of that clause was. It was held by some to mean that it merely prevented the President of the United States from converting the troops into police officers, placing them at the polls to

do the ordinary duties of sheriffs, constables, or marshals, making, if I may use the term, thief-catchers of them for the time being. Other Senators claimed that that could not be the meaning of it, because that had never been proposed by anybody, and there must be some other meaning different from that. It was urged upon the Senate that it scarcely became the Senate of the United States to pass a law as to the true meaning of which differences of opinion existed among members of the Senate when by a change in its phraseology its meaning might be made clear. But it passed notwithstanding, and since that time, elsewhere than here, the people of the country have differed as to the meaning of that clause just as we differed here. I has been argued in some sections of the country that it meant just what some of us said it ought to mean, that it merely prevented the Army of the United States from being used as police officers; and others contended that it was intended to cover much more than that.

We have now an opportunity again of saying what is the true intent and meaning of this language, and it seems to me it is due to the dignity of the body that we should improve that opportunity and make clear what certainly is not now clear.

In addition to that there comes from the House the proviso attached to the second section, which reads:

That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the Legislature thereof or of the executive when the Legislature cannot be convened.

We all know that in the Constitution of the United States there is a provision that, among other things, declares that the Legislature of a State may, or when it is not in session the governor of a State may, call upon the President of the United States for troops to premay, call upon the Fresident of the United States for troops to preserve the peace of the State against domestic violence. Everybody is content, I suppose, to have that power exercised upon all proper occasions; but that proviso being attached to this section carries with it the implication, it strikes me, that troops can be used in a State to protect against violence only when called into the State by the request of the Legislature, if the Legislature be in session, or by the request of the executive when the Legislature may not be in session.

Mr. EDMUNDS. That is clearly so.

Mr. KIRKWOOD. I understand the constitutional view held by
the democratic side of this Chamber to be that troops cannot be carried into a State when violence prevails in that State, it makes no
matter what the cause may be, what the effect of the violence may
be, what its purpose may be, the troops of the United States cannot
be called there to put down the violence unless the Legislature or the

be called there to put down the violence unless the Legislature or the governor of the State shall ask that it be done.

Not speaking for any one else than for myself, but speaking very decidedly for myself, I do not believe that to be the meaning of the Constitution; and therefore, in order that the implication that I have suggested may not arise from this proviso, I move the amendment that I have offered, which covers three points, and when I have named them I shall relieve the Senate. My amendment reads:

And provided further, That nothing in this provision contained shall be so construed as to prevent the use of troops when necessary to enforce the lawful execution of any law of the United States by the Executive thereof in any State or Territory against forcible and violent resistance thereto.

That is intended to cover this point: If in any State or Territory of the United States the execution of any law of the United States shall be forcibly and violently resisted, the President of the United States shall not be compelled to wait until the governor of the United States shall not be compelled to wait until the governor of the State chooses to ask, if he at all chooses to ask, for the troops of the United States to put down that violence and see to it that the law be executed. My understanding of the Constitution is that it is the duty, the constitutional duty, the sworn duty, of the President of the United States to see to it that the laws of the United States to see to it that the laws of the United States to see to it that the laws of the United States. fully executed, and that he is commander-in-chief of the Army and Navy of the United States. I deduce from these clauses that when in any State or Territory of the United States violent resistance is made to the execution of a law of the United States, and the civil officers of the United States have not power sufficient to put down omeers of the United States have not power sufficient to put down that resistance, they, and not the governor of the State, the civil officers charged by law with the execution of the law, have the right to call upon the President of the United States for force sufficient to overcome the resistance to the law, and it is his duty to furnish it and see to it that the law is respected throughout every inch of our land.

Again, my amendment provides further that this clause shall not

be so construed as to prevent the use of troops when necessary to protect the property of the United States in any State or Territory. Unfortunately we have had in the history of our country experience enough to show that sometimes the property of the United States has not been safe within the States of the Union, and the governors of States would not call upon the President of the United States to furnish troops to protect that property. I do not wish this clause to be so construed in the future that the President will feel himself bound

so construed in the future that the President will feel himself bound to stand by and see the property of the United States pass into the hands of those who are unfriendly to the United States without offering any resistance to that result.

The amendment provides further that this section shall not be so construed as to prevent the use of the troops when necessary to protect any civil officer of the United States, while engaged in the lawful performance of his official duty, against forcible and violent attack or resistance, although application for such use of troops shall

not be made by the Legislature or executive of the State in either of these cases

Now, what say you, my democratic friends? Shall the execution of the laws of the United States within a State of this Union, when resisted by force and violence, depend upon the will and pleasure of the governor or the Legislature of that State as to whether the laws shall or shall not be executed? When property of the United States is threatened with seizure shall the question whether or not the President of the United States shall use force to preserve it to the United States depend upon the will and pleasure of the governor of the States in which it is located? When a civil officer of the United States, charged with the execution of the laws of the United States, sworn to execute them, is in the lawful performance of that duty resisted and attacked, shall the question whether or not he is to be protected and attacked, shall the question whether or not he is to be protected in the lawful discharge of his duty depend upon the will and pleasure of the governor of the State where the violence and resistance may be? What say you? The people of this country desire to know. The democratic party of this country seeks to get possession of the entire Government, as it has to-day possession of both branches of Congress. In the better days of the democratic party, my friends, the democratic party never was afraid to say what it meant. It ought not to be now. If you mean to-day that the question whether or not the laws of the United States shall be executed in the States shall depend upon the will of the governor when violence resists the execution of the laws, if you mean that the protection of the property of the United States in a State shall depend upon the will of the governor of that State when violence threatens it, and if you mean that ernor of that State when violence threatens it, and if you mean that the safety of officers of the United States in the performance of their lawful duties shall depend upon the will and pleasure of the governor of a State when violence is offered to them, then you ought to have courage to say so; and if you do not mean it you also should have courage enough to say so.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the amendment of the Senator from Iowa.

Mr. KIRKWOOD. I ask for the yeas and nays.

Mr. KIRK WOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. Mr. President, I shall vote for the amendment heartily, and wish that my vote could establish it in the bill. Sympathizing entirely with all said by its mover, I take this occasion to say that I have no sympathy whatever for those who voted for or signed the provision of which this is a repetition. If they fell into signed the provision of which this is a repetition. If they fell into error as to its meaning, it comes very near, I fear, one of the instances of which it is said that "none are so blind as those who will not see." I believe there was no republican member of this body misled as to the meaning of this language when it came here originally. I believe the dust which was cast fell short of the eyes of republican Senators, and that no man here indicated by his vote that he was deceived for one moment by the word "police," or that he supposed that soldiers or officers of the United States, civil or military, could ever be lawfully employed to execute and enforce civil law excent as part of lawfully employed to execute and enforce civil law except as part of the police power of the United States.

A memorandum which my friend from Iowa [Mr. Allison] lays before me informs me that I must be specific in stating that to which my remarks allude. They do not allude to this little addendum or codicil which follows the word "provided" in the pending bill, but they allude to this, in my judgment, most vicious provision which stands now on the statute-book, put there in the first instance by a democratic majority and afterward receiving the sanction of the residue of the law-making power:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

It is that to which I refer when I disclaim all sympathy with any man, lawyer or layman, who was misled or fooled by the word "police." If such deception, if it occurred, could be laid to the blame of any democrat it could not be laid at the door of the honorable Senator from Connecticut, [Mr. EATON,] now in my eye, for I remember that he had the courage and the candor—he usually has to state his convictions—to speak in the Senate with impatience and with derision, I think, of the idea that because the word "police" had been imion, I think, of the idea that because the word "police" had been imported into this section, therefore it was harmless, and therefore it meant that in case of emergency armed men wearing the national uniform might uphold law and order and maintain peace on election day although they could not do it as a police force.

I ventured then to argue, citing many authorities among which there was no conflict whatever, I remember that the Senator from Wisconsin [Mr. CARPENTER] also argued, that the police function, the faculty of government which finds expression in the word "no

the faculty of government which finds expression in the word "police," was and is the only faculty which could be exerted to maintain nee," was and is the only laculty which could be exerted to maintain peace in time of peace by the execution and enforcement of civil law. But, although not here, elsewhere were minds intelligent enough, microscopic enough, gifted with the foresight and inspiration of statesmanship enough to conclude that because the word "police" had been introduced it did not mean that the Army should not be employed on election day to preserve order, but that it meant some harmless thing different and falling short of it.

The benerable Screen from Love [Mr. Kinkwoopel is revised some.

The honorable Senator from Iowa [Mr. Kirkwood] is roused somewhat, very naturally, by an addition of four lines, which, if there was any tattered remnant of disguise too thin to be respectable, has torn

off that disguise and reveals the true meaning at the time of this language to have been and now to be that the Government of the United States cannot interpose at all in any conceivable case unless by reason of invasion or by reason of insurrection, something rising to the dignity of insurrection with which State authority cannot cope, the Legislature of the State, or the Legislature not being in session, then the governor of the State, shall call upon the Executive of the nation by a cry for help. That is the case and the only one. That is the tion by a cry for help. That is the case and the only one. That is the meaning of this postscript which we find here now and which makes that so plain that I suppose it will be difficult for anybody any longer to deny it. That seems to have created some righteous indignation and some enthusiasm and emphasis of speech with my honorable friend from Iowa, and although I cannot utter it myself as emphatically or as well as he did, I wish the Senate would consider that I have uttered what the Senator from Iowa did, feeling about it as near as I know how, as he seemed to feel when he uttered it.

what the Senator from lowa did, feeling about it as hear as I know how, as he seemed to feel when he uttered it.

The occasion of that feeling with the Senator from Iowa, in which I share, is this: Here is a provision based upon the idea, and intended to enforce it, that although on three hundred and sixty-four other days including Sundays, holidays, and sacred days—my friend from Connecticut, who smiles, may not understand the nature of those

latter days—
Mr. EATON. I am giving attention; I want to know.
Mr. CONKLING. The Senator says he hopes he will learn some time or other what they mean, and I hope he will.
Mr. EATON. From you.
Mr. CONKLING. I will teach him with great pleasure whenever I have nothing else to do. Here is a provision based on the idea that although on those days it is lawful for the United States to execute its laws to maintain order for that purpose, to cope with and quell its laws, to maintain order for that purpose, to cope with and quell resistance for that purpose, yet on a national day, on that day when all the people assemble to record themselves in order that fresh illustration may be given of the cardinal principle that the majority shall rule, the occasion may become a prey to riot, disorder, fraud, defiance; and because of a provision written in the statutes by a democratic majority in the two Houses of Congress, the hand of national authority is helpless, parelyzed or tied acquisesence being given to the intended is helpless, paralyzed, or tied, acquiescence being given to the intended meaning of this enactment. That is the reason why the Senator from Iowa does not like it. I dislike it for the same reason. The Senator from Connecticut, if he were not a democrat, would dislike it for the from Connecticut, if he were not a democrat, would dislike it for the same reason. But the thing which we condemn most emphatically when it is adverse to us finds a certain toleration when in our favor. Therefore the honorable Senator from Connecticut sits here as complacently as that distinguished democrat of Rome whose name was Nero is said to have sat on a memorable occasion.

Mr. EATON. I think he was a republican.

Mr. CONKLING. I am not surprised at that. The honorable Senator for Connecticut pays republically confesses that he thought Nero

ator from Connecticut now practically confesses that he thought Nero

was a republican.

Mr. EATON. He acted like one.

Mr. CONKLING. I can understand that a man under the other aberrations and hallucinations touching the political history and the political condition of the world should fall even into that error. I should not be at all surprised if the democrats of Connecticut in general half that their falls. eral held that belief.

Mr. EATON. Nero was certainly for a third term. He was an

imperial man.

imperial man.

Mr. CONKLING. My friend grows more certain as he goes on. I presume he believes that too, whereas the history is that Nero was indefatigably and only a one-term man. But then when the Senator is wrong only three to one, the ratio of error is unusually small for him. If he comes within three, certainly there should be no fault found with his efforts as a guesser.

But, Mr. President, anything the Senator from Iowa can say upon this topic will go into history as one of the ornaments of discourse, as was quaintly said on another occasion, because he cannot by arguing confute the multiplication table; and here sit ten or twelve more than half of the Senate to put this provision into the bill and to keep than half of the Senate to put this provision into the bill and to keep than half of the Senate to put this provision into the bill and to keep it there for what it is good for in the next election, and I do not deny that in connection with some bills now on the Calendar, which will doubtless pass by exactly the same vote and majority, it will be worth a great deal, not in ascertaining truly the judgment and will of a majority of the American people, not in insuring a stainless, truthful election, not in obtaining an honest return from that election, for in my belief it stands in derogation of all these things, but it will be useful in that grapple for the mastery in which the political organization engaged in it is headed by these distinguished men. Therefore, it is to be adopted, and for that reason, as well as because I believe it is wrong and vicious. I shall yote against it, and I shall yote fore, it is to be adopted, and for that reason, as well as because I believe it is wrong and vicious, I shall vote against it, and I shall vote against the bill which contains it, and I should vote against it if in addition to the appropriations for the Army it contained also appropriations for other branches of the public service.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. Kirkwood,] on which the yeas and navs have been ordered.

of the Senator from Iowa, [Mr. Kirkwood,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired on all political questions with the Senator from New York, [Mr. Kernan.] If he were present, I should vote "yea."

Mr. EDMUNDS, (when his name was called.) I am paired with

the Senator from Ohio, [Mr. THURMAN.] Otherwise, I should vote

"yea."
Mr. HARRIS, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were present, I should

Mr. CARPENTER, (when Mr. McDonald's name was called.) The Senator from Indiana [Mr. McDonald] and myself are paired on this

Senator from Indiana [Mr. McDonald] and myself are paired on this question. If he were here, I should vote "yea."

Mr. PADDOCK, (when his name was called.) On all political questions I am paired with the Senator from Florida, [Mr. Jones.] If he were here, I should vote "yea."

Mr. PLATT, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. Ransom.] If he were present, I should vote "yea."

Mr. INGALLS, (when Mr. Plumb's name was called.) My colleague [Mr. Plumb] left the Chamber a few moments ago on business of the Senate, and requested me to say, if a vote were taken in his absence, that he is paired with the Senator from New Jersey, [Mr. McPherson.]

Son.]
Mr. TELLER, (when his name was called.) On this subject I am paired with the Senator from Georgia, [Mr. Gordon.] If he were present, I should vote "yea," and I suppose he would vote "nay."
Mr. VANCE, (when his name was called.) I wish to state, as I have before announced, that I am paired with the Senator from Illinois,

before annual constructions.

[Mr. Logan.]

The roll-call was concluded.

Mr. COKE. I desire to state that I am paired on all political questions with the Senator from Rhode Island, [Mr. Anthony.] If he were here, he would vote "yea" and I should vote "nay."

The result was announced—yeas 18, nays 29; as follows:

VEAS—18.

	YE	LAS-18.	
Allison, Baldwin, Blaine, Blair, Booth,	Burnside, Cameron of Pa., Conkling, Ferry, Hamlin,	Ingalls, Jones of Nevada, Kirkwood, McMillan, Morrill,	Rollins, Saunders, Windom.
	NA	YS-29.	
Bailey, Bayard, Beck, Butler, Call, Cockrell, Davis of W. Va., Eaton,	Farley, Garland, Groome, Hampton, Hereford, Hill of Georgia, Johnston, Jonas,	Lamar, Maxey, Morgan, Pendleton, Pryor, Randolph, Saulsbury, Slater,	Vest, Wallace, Whyte, Williams, Withers.
	ABS	ENT-29.	
Anthony, Bruce, Cameron of Wis., Carpenter, Coke, Davis of Illinois, Dawes, Edmunds	Gordon, Grover, Harris, Hill of Colorado, Hoar, Jones of Florida, Kellogg, Kernan	Logan, McDonald, McPherson, Paddock, Platt, Plumb, Ransom, Sharon	Teller, Thurman, Vance, Voorhees, Walker.

So the amendment was rejected. Mr. EDMUNDS. I move to add after the word "convened" in line 10 of section 2:

Nor shall this section be held to apply to any case in which the military power of the United States may be employed pursuant to sections 1989, 5298, and 5299 of the Revised Statutes of the United States, or either of said sections.

I think the scope of the amendment that I have already offered and which has been voted down, and that offered by the Senator from Iowa and rejected, covers the whole principle of the possible action of the Senate and its evidently determined action to break down the laws of the United States that are intended to secure the rights of people of the United States in elections and in civil pursuits, and in

laws of the United States that are intended to secure the rights of people of the United States in elections and in civil pursuits, and in the judicial administration of justice under the Constitution. At the same time I do not intend, if I can help it, that the Senate of the United States shall escape from that responsibility upon any suggestion, which it is true has not yet been made, that the amendments already offered were too vague or too general, and, therefore, I have offered this amendment. These sections are:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protec

such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

The title is "Title XXIV, of Civil Rights," and a part of that title is directed against violations not only of the private and civil constitutional rights of citizens of the United States, but of their rights to vote for members of Congress, protecting them in those rights which the Constitution in express terms says Congress may regulate and protect, and denouncing punishments for those who violate them.

Section 1989, to which I have referred, provides that it shall be

Section 1989, to which I have referred, provides that it shall be lawful for the President of the United States to exert its military lawful for the Fresident of the United States to exert its military power in aid of the judicial process of the United States for the vio-lation of the elective rights of citizens in voting for members of Con-gress in the way pointed out. The Senate is evidently determined to break that down; and not content with the doubtful phraseology of the practical inhibition of the last Army bill has now added to it what the Senator from New York and the Senator from Iowa have so clearly pointed out, an additional provision that relieves the former provision from whatever difference of opinion might have existed as to its scope. As to what its scope was without this addition, I express no opinion at this time. It is sufficient that the section as it stands, reasonably construed and taken altogether, as we are always stands, reasonably construed and taken altogether, as we are always bound to take such things to get at their meaning, is not merely a section which says that a certain amount of money shall not be paid on a particular occasion, and, which would thus be merely in one sense of the term a failure to appropriate for that occasion, but it is a section which amounts in my judgment in legal effect to an utter destruction of the power of the President of the United States through destruction of the power of the Fresident of the United States through the channels and in the ways already provided by law from exerting the military power of the United States on an election day to enforce the judicial process of the United States anywhere in the neighbor-hood of the election or in respect of any crime, great or small, that is committed in connection with elections. It carefully provides for carrying out the same doctrine that led to what was called secession by one set of people in the United States, and by what is called, if we still have a right to express it in the old-fashioned way, rebellion by another part of the people of the United States, who succeeded in overthrowing it, and that doctrine is that it is the right of the State and of no other power in this country to take possession of all its re-lations with the National Government; and the most vital and inter-esting of those relations is the election of the national House of Representatives as well as of Senators.

resentatives as well as of Senators.

This section, therefore, provides in substance that it shall not be lawful for the President of the United States to exert the military power of the country in executing his duty under the Constitution to take care that the laws shall be faithfully executed, which laws now endeavor to protect the election of members of Congress in the ways provided. That shall be entirely taken away, and the only occasion on which on an election day the President of the United States in executing the laws of the United States under the Constitution can exert the power of the United States to enforce the law in the regular way, as the fathers provided it should be done, shall be when some governor of a State (I leave out the Legislature because it is never in session anywhere, I believe, on election day except for Senators) chooses to call for his interposition. And when the governor of a State calls, if he chooses to do so, for the interposition of the power of the General Government, for what purpose is it to be? I do not know but that our friends on the other side are as little posted in the Constitution as they appear to have been according to the Sen in the Constitution as they appear to have been according to the Senator from New York, in certain other historic questions. But this is

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them— That is the State in its political and separate character-

against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

This clause, you will see, Mr. President, has no reference to the execution of any law of the United States; it only has reference, as its clear language explicitly states, to domestic violence against the authority of the State. Now this act says if, on an election day, there is domestic violence against the authority, which is the law, of the State, the governor may call, but if it be violence against the laws of the United States are Constitution, the President shall be disof the United States or its Constitution the President shall be disarmed. That is what it is, and it is nothing else, and that is what is intended. If it were not these amendments would be gladly adopted.

Now I ask for the yeas and nays on the amendment I have offered.
The yeas and nays were ordered.
Mr. ALLISON. Let the amendment be read again.
The VICE-PRESIDENT. It will be read again.
The CHIEF CLERK. After the word "convened," in line 10 of sec-

tion 2, it is proposed to add:

Nor shall this section be held to apply to any case in which the military power of the United States may be employed pursuant to sections 1989, 5298, and 5299 of the Revised Statutes of the United States, or either of said sections.

The Secretary proceeded to call the roll.

Mr. CARPENTER, (when his name was called.) If I were not paired on this question with the Senator from Indiana [Mr. McDon-ALD] I should vote "yea."

Mr. COKE, (when his name was called.) I am paired on this question with the Senator from Rhode Island, [Mr. ANTHONY.]
Mr. EDMUNDS, (when his name was called.) I should vote "yea" but for the fact that I am paired with the Senator from Ohio, [Mr.

Mr. HARRIS, (when his name was called.) If I were not paired, as I stated before, with the Senator from Massachusetts, [Mr. HOAR,] should vote "nay."

I should vote "nay."

Mr. RANDOLPH, (when Mr. McPherson's name was called.) My colleague, [Mr. McPherson,] as has been announced, is paired with the Senator from Kansas, [Mr. PLUMB.]

Mr. PADDOCK, (when his name was called.) I am paired on all political questions with the Senator from Florida, [Mr. Jones.]

Mr. PLATT, (when his name was called.) I should vote "yea" if I were not paired with the Senator from North Carolina, [Mr. Ran-

The roll-call was concluded.

Mr. BURNSIDE. The Senator from Colorado [Mr. Hill] is paired on all political questions with the Senator from Arkansas, [Mr. Walker.] My colleague [Mr. Anthony] is paired with the Senator from Texas, [Mr. Coke.] If he were here, my colleague would vote "yea" and so would the Senator from Colorado.

Mr. PLUMB. On this question I am paired with the Senator from New Jersey, [Mr. McPherson.] If he were present, I should vote

Mr. DAWES. I desire to state, as I have already stated on another vote, that my colleague [Mr. Hoar] is paired with the Senator from Tennessee, [Mr. Harris.]
Mr. CAMERON, of Pennsylvania, (after having voted in the affirma-

rive.) I desire to withdraw my vote. I voted inadvertently. I am paired with the Senator from Delaware, [Mr. Bayard.]

The VICE-PRESIDENT. The vote will be withdrawn.

Mr. VANCE. I am paired with the honorable Senator from Illi-

nois, [Mr. Logan.]
Mr. SAULSBURY. My colleague [Mr. BAYARD] is paired with the

Mr. SAULSBURY. My colleague [Mr. Bayard] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]
Mr. CAMERON, of Wisconsin. I desire to announce again that I am paired with the Senator from New York, [Mr. KERNAN.]
Mr. KIRKWOOD. The Senator from Colorado [Mr. Teller] has been called out. He informed me that he was paired on this question with the Senator from Georgia, [Mr. GORDON.]
Mr. BURNSIDE. I should have announced previous to the vote on the amendment last acted on that the Senator from Colorado [Mr. Hull is paired on all political questions with the Senator from Ar-

HILL] is paired on all political questions with the Senator from Arkansas, [Mr. Walker.]

The result was announced-yeas 19, nays 27; as follows:

	YE	AS-19.	
Allison, Baldwin, Blaine, Blair, Booth,	Burnside, Conkling, Dawes, Ferry, Hamlin,	Ingalls, Jones of Nevada, Kellogg, Kirkwood, McMillan,	Morrill, Rollins, Saunders, Windom.
	N/	YS-27.	
Bailey, Beck, Butler, Call, Cockrell, Davis of W. Va., Eaton,	Farley, Garland, Groome, Hampton, Hereford, Hill of Georgia, Johnston,	Jonas, Lamar, Maxey, Morgan, Pendleton, Pryor, Randolph,	Saulsbury, Slater, Vest, Whyte, Williams, Withers.
	ABS	ENT-30.	and the same
Anthony, Bayard, Bruce, Cameron of Pa., Cameron of Wis., Carpenter, Coke, Pagis of Illinois	Edmunds, Gordon, Grover, Harris, Hill of Colorado, Hoar, Jones of Florida,	Logan, McDonald, McPherson, Paddock, Platt, Plumb, Ransom, Sharon	Teller, Thurman, Vance, Voorhees, Walker, Wallace.

So the amendment was rejected.

Mr. EDMUNDS. In order to carry out the purpose that I stated of leaving no possible hook for criticism or evasion about this business, I offer this amendment: after the word "convened" in line 10 of section 2 I move to insert:

Nor shall this section be held to apply to any case in which the President of the United States has, under the Constitution and existing laws made in pursuance thereof, the power to employ military force in the faithful execution thereof.

On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARPENTER, (when his name was called.) If I were not paired with the Senator from Indiana [Mr. McDonald] I should vote

"yea" very loud.
Mr. HARRIS, (when his name was called.) I am paired with the
Senator from Massachusetts, [Mr. HOAR.] I should vote "nay" if I

were not paired.

Mr. PLATT, (when his name was called.) If I were not paired with the Senator from North Carolina [Mr. RANSOM] I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. McPherson.] If he were present, I should vote "yea."

Mr. TELLER, (when his name was called.) On this subject I am

paired with the Senator from Georgia, [Mr. GORDON.] If he were here I should vote "yea.

Mr. VANCE. I am paired with the Senator from Illinois, [Mr. Lo-GAN.] If he were present I should vote "nay."

The roll-call was concluded.

Mr. COKE. I am paired on this question with the Senator from Rhode Island, [Mr. Anthony;] otherwise I should vote "nay."

Mr. CAMERON, of Wisconsin. As I have already stated, I am paired with the Senator from New York, [Mr. Kernan.] If he were present I should vote "yea."

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. PADDOCK. I am paired with the Senator from Florida, [Mr.

TRAC 10

The result was announced-yeas 19, nays 29; as follows:

	XE	AS-19.	
Allison, Baldwin, Blaine, Blair, Booth,	Burnside, Conkling, Edmunds, Ferry, Hamlin,	Ingalls, Jones of Nevada, Kellogg, Kirkwood, McMillan,	Morrill, Rollins, Saunders, Windom.
	N	AYS-29.	
Bailey, Beck, Butler, Call, Cockrell, Davis of W. Va., Eaton, Farley,	Garland, Groome, Hampton, Hereford, Hill of Georgia, Johnston, Jonas, Lamar,	Maxey, Morgan, Pendleton, Pryor, Randolph, Saulsbury, Slater, Thurman,	Vest, Wallace, Whyte, Williams, Withers.
	ABS	ENT-28.	
Anthony, Bayard, Bruce, Cameron of Pa., Cameron of Wis., Carpenter, Coke,	Davis of Illinois, Dawes, Gordon, Grover, Harris, Hill of Colorado, Hoar,	Jones of Florida, Kernan, Logan, McDonald, McPherson, Paddock, Platt,	Plumb, Ransom, Sharon, Teller, Vance, Voorhees, Walker.

So the amendment was rejected.

Mr. EDMUNDS. I have one more amendment for the same purpose, and then I shall have offered all that I care to offer, and I think being rejected will leave the matter, when the prisoner is indicted at the bar of public opinion, where no demurrer will allow him

to escape.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. After the word "convened," in line 10, section 2, it is proposed to add:

Nor shall this section be held to apply to any case in which, under the Constitu-tion of the United States, the President may employ the military power of the Gov-ernment in the faithful execution of the laws.

Mr. EDMUNDS. On that I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired, as already stated, with the Senator from New York, [Mr. KERNAN.

Mr. CARPENTER, (when his name was called.) I am paired with the Senator from Indiana, [Mr. McDonald.]

Mr. EDMUNDS, (when his name was called.) I am sorry that my friend from Ohio [Mr. THURMAN] has been obliged to leave the Senate Chamber. I am paired with him on this question. If I were not, I should vote in favor of the amendment.

Mr. PLATT, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. PLUMB, (when his name was called.) I am paired Senator from New Jersey, [Mr. McPherson.]
The result was announced—yeas 20, nays 29; as follows: I am paired with the

	YE.	AS-20.	
Allison, Baldwin, Blaine, Blair, Booth,	Burnside, Conkling, Dawes, Ferry, Hamlin,	Ingalls, Jones of Nevada, Kellogg, Kirkwood, McMillan,	Morrill, Rollins, Saunders, Teller, Windom.
	NA	YS-29.	
Bailey, Beok, Butler, Call, Cockrell, Davis of W. Va., Eaton, Farley,	Garland, Gordon, Groome, Hampton, Hereford, Hill of Georgia, Johnston, Jonas,	Lamar, Maxey, Morgan, Pendleton, Pryor, Randolph, Saulsbury, Slater,	Vest, Wallace, Whyte, Williams, Withers.
	ABS	ENT-27.	
Anthony, Bayard, Bruce, Cameron of Pa., Cameron of Wis., Carpenter, Coke,	Davis of Illinois, Edmunds, Grover, Harris, Hill of Colorado, Hoar, Jones of Florida,	Kernan, Logan, McDonald, McPherson, Paddock, Platt, Plumb,	Ransom, Sharon, Thurman, Vance, Voorhees, Walker.
So the amend	ment was rejecte	d.	

And provided further. That during the existence and operation of the foregoing restrictions upon any United States soldier appearing at the polls to keep the peace, it shall not be lawful for any other person to carry a deadly weapon, open or concealed, at the polls at any election for Representatives in Congress, under penalty of a fine not less than \$500 nor more than \$5,000, or imprisonment for a period not less than six months nor more than five years, or both fine and imprisonment, at the discretion of the court.

Mr. BLAINE. I offer the following amendment:

Mr. WITHERS. I raise the point of order on that as being obnoxious to the same objection as the first amendment of the Senator from Maine was

The VICE-PRESIDENT. The Chair will hear the Senator from

Maine, if he desires to speak on the point of order.

Mr. BLAINE. I have changed the amendment as originally offered, so that, instead of its being general, it runs pari passu with the section to which it is a restriction, a further proviso. It lasts just as long as the section and goes just with it. It is intended to convey as far as I can—if I can get it in under the parliamentary ruling of the honorable Vice-President—the idea that so long as the troops of the United States under the authority of the President can under no circumstances be allowed to be present at the polls to preserve the peace, there shall not be permitted an utterly unlawful arming of men to break the peace; and that while we are warning off the soldiers of the United States, who never in the history of the Republic deprived a legal voter of his suffrage, we shall not throw the door wide open for the entrance of those who trample upon law and who entirely disregard the rights

of those who trample upon law and who entirely disregard the rights of those to whom they are opposed in suffrage.

There is no use, Mr. President, in affecting any disguise about it. The trouble and all the trouble about the whole question of elections in the South comes down to the one point of violence at the polls, of there not being a peaceable, lawful, protected ballot. That is the whole of it. The republican party in its administration has attempted to protect that ballot by the use of the authority of the United States when members of the Congress of the United States were being elected. Now this section of the bill says that the President of the United States shall not do that, and that under no circumstances shall there be any use of Federal authority to preserve order and peace and se-

be any use of Federal authority to preserve order and peace and secure protection when members of Congress are being elected.

I hope the same Congress that makes that declaration will also say that when no United States weapon, carried openly in pursuance of law, under all the restrictions of military discipline, shall be anywhere around when a member of Congress is being elected, mobs shall not be there armed; that they will also say that under no circumstances shall a man with a concealed weapon be present; that they will on that day make it an offense that any citizen of the United States shall go to the polls prepared to intimidate, to threaten, to wound, or to kill any other citizen of the United States who has an equal right with himself. himself.

I think the amendment as it now is worded, running exactly in point of time with the restriction in the section, is not subject to the point of order which was raised before. I think it has no applica-

tion to the amendment in its present form.

The VICE-PRESIDENT. Before ruling upon this point of order, the Chair desires to correct the Senator from Maine in a statement made by him upon the offering of his first amendment. He said that it was offered last year while the present incumbent occupied the chair, and that when it was so offered a point of order was made upon it and it was admitted. Upon an inspection of the Journal, it appears that the Army bill was considered on the 20th of June last. The Chair had been absent from the city almost two months at that time, and the amendment seems to have been admitted without any point of order lang raised.

point of order being raised.

Mr. BLAINE. The honorable Vice-President has not quite exhausted the record. This amendment was first offered by me on the 14th day of April, 1879, as the Vice-President will find by referring to volume 9, part 1 of the RECORD, and the Vice-President being in the chair then said:

Does the Senator from Maine regard his amendment as pending to the sixth section \dagger

The amendment which I offered then was not in exactly the same words, because I subsequently, before the 20th of June, changed it to conform to some objections which were made by Senators on this side of the Chamber, and I will state the difference. My first amendment was

And any military, naval, or civil officer, or any other person, who shall, except for the purposes herein named, appear armed with a deadly weapon of any description, either concealed or displayed, within a mile of any polling place where a general or special election for Representative to Congress is being held, shall, on conviction, be punished with a fine not less than five hundred nor more than five thousand dollars, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment, at the discretion of the court

The only essential difference between the two amendments is that some Senators on this side of the Chamber, for whose legal opinion some Senators on this side of the Chamber, for whose legal opinion. I had respect, thought that it was exceeding the power of Congress to say that a citizen of the United States should not carry a weapon within a mile of the polls, that it might interfere with the guaranteed right of the people to bear arms, and therefore I changed it. But even with that provision in, the honorable Vice-President admitted the amendment without question.

The VICE-PRESIDENT. Was the Army appropriation bill then

under consideration?

Mr. BLAINE. The Army appropriation bill was then under consideration, and this was moved as an amendment. I will give the history of it. That was the first Army bill. Then subsequently, when the Vice-President took his leave of the Senate, and the Senate. tor from Ohio [Mr. Thurman] became the presiding officer, the same amendment was offered by myself, exactly, and the Senator from Ohio, then acting as presiding officer of the Senate, admitted it also. Then in the form in which it was offered to-day—for it was copied

by my secretary this morning before I came to the Senate Chamber from that bill to which the Vice-President has referred—it was offered

to the second Army bill of last summer.

Thus it appears that the amendment was offered in three distinct forms last year and never excepted to. But I have been willing to conform to, and desire not to have any controversy with the presiding officer, and, therefore, I have changed the scope of the amendment, and instead of making it a permanent law I am content to get an order for one year if I cannot get it for all time. And, as my friend from Connecticut, [Mr. Earon,] who smiles approvingly upon this effort of mine, has been instrumental in merely warning off the Army for a year, we will claim quits and call it a fair and square game by ruling off the

others for a year.

Mr. EATON. You might have a great deal of power in regard to what should be done at elections in the State of Maine in future years. You had better go to your own State of Maine for legislation on such

Mr. BLAINE. The State of Maine is a loyal State and it recognizes the right of the Congress of the United States to prescribe the time, place, and manner of holding elections for Representatives in Congress; and that is what my amendment alludes to; and the Supreme Court has recognized this right in the Federal Government. I am quite aware of the extent of the amendment I am offering, I will income my fixed from Congression and I have that his States.

will inform my friend from Connecticut, and I know that his State recognizes the same right, and I know that every loyal State in this Union—and I do not use that term in the old sense; I mean every State that intends to be loyal to the Constitution of the United States is well aware that here in these two bodies rests the right to order the time, and the place, and the manner of holding elections for Representatives in Congress. My amendment prescribes the manner and

restricts any violence or outrage being exercised at the polls.

The VICE-PRESIDENT. The Chair sustains the point of order for the reason stated by him before, that the second section of this bill respects simply the use of the Army of the United States at the polls, and the amendment of the Senator from Maine creates a new offense and a new punishment on the part of citizens. He thinks that is gen-

eral legislation.

Mr. WITHERS. Then I understand the Chair to sustain the point

of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. BLAINE. Then the honorable Vice-President will do me the credit to say that he did not take this view a year ago.

The VICE-PRESIDENT. The Chair, on inspection of the Journal,

has no recollection whatever of the circumstance alluded to by the Senator from Maine. It appears from the Journal before the Chair

Senator from Maine. It appears from the Journal before the Chair that the Army bill came from the House on the 12th day of June.

Mr. BLAINE. That was the second Army bill, after the President had vetoed the one on which the honorable Vice-President ruled in my amendment. I read to him from the RECORD—

The VICE-PRESIDENT. Will the Senator from Maine point the Chair to the RECORD that shows when any point of order was made upon the amendment?

mr. BLAINE. Nor was the point of order made to-day, except by the Chair, on which my proposition was ruled out.

The VICE-PRESIDENT. The point of order was made by the Senator from Virginia, [Mr. WITHERS.]

Mr. BLAINE. No; not at all. I have the Reporter's manuscript here. The Vice-President asked:

On what ground does the Senator from Virginia put his objection? Then:

Mr. Withers. I have not the rules of order by me; but there is a rule of order which prohibits the introduction of amendments, as I remember it, which have not been recommended by a standing committee nor by a head of a Department.

The Vice-President. The Chair does not think the amendment is in order, but not upon the ground stated by the Senator from Virginia.

And then the Chair for himself states the ground. The VICE-PRESIDENT. The Chair holds it to be his duty when a point of order is made to enforce the rules as far as they should be applicable to the point of order, whether the Senator alleges the par-

ticular ground or not.

Mr. BLAINE. There was some dispute the other day when a point was up where I differed from a former occupant of the chair as to the propriety of the Chair suggesting such matters. Evidently the Vice-President sides with me that it was not his duty to suggest the objection last year, as he might have done if he deemed the amendment out of order.

I can only express my regret that on a matter of so great significance, and on a matter involving, as I think, so much that is important in the history of the legislation of the country on this point, the Senate should be deprived of the opportunity of expressing its views by a new ruling of the Vice-President upon a point that has hitherto gone three times into the record as being in order.

Mr. WITHERS. I have this to say: my first objection when I first raised the point of order was, in general terms, that the amendment was out of order, and when called upon by the presiding officer to state what rule of order was violated, I stated that I had not the rules by me, but quoted from memory a rule which in my opinion excluded it.

The VICE-PRESIDENT. That was the fact. Are there further amendments?

The bill was reported to the Senate without amendment, and or-

dered to a third reading.

The VICE-PRESIDENT. The bill having had three readings, the

mr. ALLISON, Mr. CONKLING, and Mr. EDMUNDS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Texas, [Mr. CONE]. If my colleague were here he would yet "nay".

COKE.] If my colleague were here, he would vote "nay."

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from New York, [Mr. KERNAN.] If he were present, I would vote "nay."

Mr. CARPENTER, (when his name was called.) I am paired with the Senator from Indiana, [Mr. McDonald.] If he were present, I

would vote "nay."

Mr. COKE, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. Anthony.] If he were present, I

Senator from Rhode Island, [Mr. Anthony.] If he were present, I would vote "yea."

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. Thurman.] If he were present I should vote "nay." I will state now, to save the time of the Senate, that the Senator from Mississippi [Mr. BRUCE] is paired with the Senator from Indiana, [Mr. VOORHEES.] The Senator from Mississippi would vote against the passage of the bill if he were present. The Senator from Rhode Island [Mr. Anthony] is paired with the Senator from Texas, [Mr. COKE.]

Mr. HARRIS (when his name was called.) Language again that

Mr. HARRIS, (when his name was called.) I announce again that I am paired with the Senator from Massachusetts, [Mr. HOAR.] If

he were present, I should vote "yea."

Mr. BURNSIDE, (when the name of Mr. Hill, of Colorado, was called.) The Senator from Colorado [Mr. Hill] is paired with the Senator from Arkansas, [Mr. Walker.] If they were present, the Senator from Arkansas would vote "yea," and the Senator from Colorado [Mr. Walker.]

orado "nay."

Mr. PADDOCK, (when his name was called.) I am paired with the Senator from Florida, [Mr. Jones.] If he were here, I should vote

Mr. PLATT, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were here, I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. McPherson.] If he were present, I should vote "nay."

Mr. VANCE, (when his name was called.) On all political questions I am paired with the Senator from Illinois, [Mr. Logan.]

The roll-call was concluded.

Mr. ALLISON, (after having voted in the negative.) For the moment I am paired with the Senator from Maryland, [Mr. Whyre.] I therefore desire to withdraw my vote, as he would vote in favor of

The VICE-PRESIDENT. The vote will be withdrawn. The result was announced—yeas 28, nays 17; as follows:

	YE	AS-28.	
Bailey, Beck, Butler, Call, Cockrell, Davis of W. Va., Eaton,	Farley, Garland, Gordon, Groome, Hampton, Hereford, Hill of Georgia,	Johnston, Jonas, Lamar, Maxey, Morgan, Pendleton, Pryor,	Randolph, Saulsbury, Slater, Vest, Wallace, Williams, Withers.
	NA	YS-17.	
Baldwin, Blaine, Blair, Burnside, Conkling,	Dawes, Ferry, Hamlin, Ingalls, Jones of Nevada,	Kirkwood, McMillan, Morrill, Rollins, Saunders,	Teller, Windom.
	ABS	ENT-31.	
Allison, Anthony, Bayard, Booth, Bruce, Cameron of Pa., Cameron of Wis., Carpenter,	Coke, Davis of Illinois, Edmunds, Grover, Harris, Hill of Colorado, Hoar, Jones of Florida,	Kellogg, Kernan, Logan, McDonald, McPherson, Paddock, Platt, Plumb,	Ransom, Sharon, Thurman, Vance, Voorhees, Walker, Whyte.

So the bill was passed.

SENATOR FROM LOUISIANA.

Mr. EDMUNDS. I move that the Senate—
Mr. SAULSBURY. The Senator will allow me to say that I gave
notice that immediately upon the passage of the Army appropriation
bill I should ask the Senate to take up the resolutions reported from

the Committee on Privileges and Elections, that being a privileged question, in reference to the Senatorship from Louisiana.

Mr. EDMUNDS. I had risen to move to proceed to the considera-tion of the bill to settle private land claims, but I admit the propri-ety of disposing of these questions of privilege, and I yield the floor to my friend from Delaware for the purpose of making the motion he

Mr. SAULSBURY. I move that we now take up the resolutions of which I gave notice.

Mr. CAMERON, of Wisconsin. As this is a privileged question I do not suppose that the Senator from Delaware desires to go on with the consideration of it this evening. Therefore I see no necessity for bringing it up to-night in order that it may have the right of way to-morrow morning. Being privileged the motion can be made to-morrow morning, and if the Senate desires to take it up it can do so at that time.

Mr. SAULSBURY Like not desire to detain the Senate desires to the senate desires to the senate desires to the senate desire the senate desires to the senate desire desire desire des

Mr. SAULSBURY. I do not desire to detain the Senate this even-

ing at all. I simply wish to get the resolutions before the Senate so that they may be the unfinished business for to-morrow.

The VICE-PRESIDENT. The resolutions will be reported.

The Chief Clerk read the resolutions reported from the Committee on Privileges and Elections March 22, 1880, as follows:

Resolved, That, according to the evidence now known to the Senate, WILLIAM P. KELLOGG was not chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to

Schale for the term beginning on the same.

2. Resolved, That Henry M. Spofford was chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.

Mr. HARRIS. If the Senator from Delaware will consent, I pro-ose to move that the Senate proceed to the consideration of executive busines

Mr. EDMUNDS. Oh, no, let us take the resolutions up first.
Mr. HARRIS. I thought they were before the Senate.
The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware [Mr. SAULSBURY] to proceed to the consideration of the resolutions just read.

The motion was agreed to.

The VICE-PRESIDENT. The resolutions are before the Senate.

Mr. BAILEY. Mr. President—

Mr. HARRIS. If my colleague will yield to me, I will now make the motion that I suggested a moment since.

Mr. BAILEY. I yield for that purpose, reserving the right to the

floor to-morrow.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened; and (at five o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 22, 1880.

The House met at twelve o'clock m. Prayer by Rev. HENRY LANG-FORD, of Weston, West Virginia.

The Journal of yesterday was read and approved.

POETICAL ADDRESS OF HON. S. W. DOWNEY. Mr. GARFIELD. I rise to a question which I presume should be regarded as a question of privilege. I call the attention of the House to the RECORD of this morning, and I move that it be referred to the Committee on Rules with instructions to report whether the first fifteen pages of to-day's publication shall go into the permanent Congressional Record. I make this motion with the utmost respect GRESIONAL RECORD. I make this motion with the utmost respect for the gentleman [Mr. Downey] who has published in the Record the poem to which my motion refers. I suppose that members of the House are entirely at liberty to speak in verse or in prose, as they may choose; but I raise the question whether a gentleman has the right to file, under the privilege of printing a speech in the RECORD, a copyrighted book, which as appears from the heading here this is. It appears to be a poetical work which has been copyrighted, "all rights reserved;" and whether under the privilege granted by the House to print a speech on any given subject a man may file a manrights reserved;" and whether under the privilege granted by the House to print a speech on any given subject a man may file a manuscript copyrighted book and print it as a part of the permanent records of the House is a question worthy of consideration. Upon this question I doubt somewhat; and I move that the first fifteen pages of the Record of this morning be referred to the Committee on Rules with instructions to report to the House whether the poem there published shell heave a referred to the Committee on the polynomial of the state of the second of

Mr. HOUSE. I have not either. I have not seen anybody who

Mr. REED. Both of the gentlemen ought to read it.
Mr. STEELE. I have read about two-thirds of it.
Mr. DOWNEY. Mr. Speaker, with all due respect to the gentletheir rivals. Let this poem before w ask, sir, that it shall ter and applause.]

man from Ohio, [Mr. GARFIELD,] I will state that what I have done has been done after mature consideration. In relation to the point suggested by the gentleman as to the copyright, I will say that I have consulted the best authority perhaps in this country upon that question—the Librarian of Congress, Mr. Spofford; and he told me there was no question under the law that I had the right to copyright an argument which would appear in the CONGRESSIONAL RECORD.

I will add that I have no objection to the motion made by the gentleman from Ohio. Indeed I would be glad to see this question referred to a committee if there is any doubt whatever on the mind of any of the Representatives who are here to-day and who listen to

What I say.

Mr. GARFIELD. Mr. Speaker, I have not the honor of the acquaintance of the gentleman from Wyoming, [Mr. Downey;] and I want to say to him and the House that I cast no reflection whatever upon him. I do not doubt his good faith in this matter at all. His performance may be, for anything I know, of a very high character of merit. I have not read it. But I think it important for us to know how far the privilege granted a Member or a Delegate to print remarks in the Congressional Record extends. I recollect that some years ago there came very near being printed, under this privilege to print, a British volume on some economical question, which it was proposed to publish entire in the records of this House so as to

it was proposed to publish entire in the records of this House so as to give it circulation. Of course it is possible that the privilege of the House may be abused by persons getting leave to print and publishing volumes which the House might have no desire to see printed.

The SPEAKER. The Chair wishes to state that he was not consulted by the Government Printer as to this publication. The gentleman from Ohio moves to refer to the Committee on Rules the first fifteen pages of to-day's RECORD, with instructions to report as to their admissibility into the permanent RECORD.

Mr. CONGER. I desire to make a remark on the motion of the gentleman from Ohio. Unless it is charged that this is some English book or some other book copied by the Delegate from Wyoming and

gentieman from Onio. Unless it is charged that this is some English book or some other book copied by the Delegate from Wyoming and inserted improperly in the RECORD, it seems to me the motion of the gentleman from Ohio should not be adopted. Although the literary character of the speeches published, pages long, in the RECORD is, as we all know, very high—although the whole of the CONGRESSIONAL RECORD and the Congressional Globe since the speeches of members of either House have been reported must also the conditions of the congression of of either House have been reported must show to the man of literary taste that there has hardly ever been anything thus published except of that high, sublime character which commands the admiration of the world; yet unless there is some charge here that these remarks of the gentleman from Wyoming are unworthy of a place among the class of literature which the rest of us have published in the RECORD class of literature which the rest of us have published in the RECORD heretofore, there is no reason for singling out this publication and sending it to a committee. I had the pleasure of looking over it for five or ten minutes this morning—the little time I had to devote to it; and I saw nothing in it [laughter] that would not compare very favorably with many other speeches published in the RECORD, in its application to the bill which the gentleman from Wyoming has presented. If in this House of poets there is a rivalry—if "wrath can dwell in celestial minds" when a rival exceeds them all in the brilliancy of the poetical effusions which he presents here let those who iancy of the poetical effusions which he presents here, let those who

hancy of the poetical enusions which he presents here, let those who feel aggrieved make the objection; it certainly cannot come from the gentleman from Ohio. [Laughter.]

Why should these remarks be singled out among all the thousand speeches that have been published including poetry and prose—prose of the highest order, and poetry approaching it as closely as poetry can? [Laughter.] And that, too, when this production comes from my young friend from Wyoming, a gentleman who, so far as I know, has never heretofore occupied a page of the Congressional Record

has never heretofore occupied a page of the Congressional Record either in poetry or in prose.

Let us wait, Mr. Speaker, until the press of this country, until the literary minds of the country have given an indication of their appreciation of this effort, before we forestall their judgment and condemn it. Sir, I venture to say (it is wandering a little from the subject) that the Christian people of the United States, when they read the bill introduced by the gentleman requiring us to throw aside the old pagan divinities, the heroes and the myths that occupied the imaginations of people of the olden time, will wonder why in a Christian nation, among a Christian people, there should not be in this Capitol some recognition of the grand Biblical scenes which are fresh in our recollection from the readings of our youth [laughter] even if we have neglected to refer to them in these modern days of political we have neglected to refer to them in these modern days of political warfare in this House. Find me a Scotch Presbyterian in the United States who will not hail with delight this returning sense of justice and of propriety in the minds of a Christian people, suggested by the gentleman's bill, as he introduced it the other day and supported as he has supported it, in the glimpse I have had of his argument, in this beautiful argumentative poem presented to members here in the columns of the RECORD.

Mr. Speaker, let these gentlemen lay aside their envy for a day, [laughter;] let them lay aside their jealousy of this rising poet for an hour, [renewed laughter;] let them give him fair play, which both Englishmen and Americans demand even from their fellows and their rivals. Let this go over for a few days. Let gentlemen read this poem before we are called upon to act in reference to it. I shall ask, sir, that it shall be read to this House. [Long-continued laugh-

I am told that is a threat. Well, if it is a threat and has the tendency to defeat this motion, I make it and shall insist upon it. [Laughter.] I should have had it read before this time; but I know the gentleman from Ohio [Mr. McMahon] demands action on the bill pending in the Committee of the Whole House on the state of the Union to relieve our whalers, who are now floating wildly about in the Arctic Ocean on the ice, chilled by the cool winds from the north, as I know; and from no report which he can have are there any genial, warm breezes melting that ice and relieving those whalers. [Great laughter.] I say I will not make the demand now for the reading of this poem; because I desire the gentleman from Ohio to bring forward his relief bill the first moment it is possible to have it considered

ward his relief bill the first moment it is possible to have it considered and acted on in the committee and in the House.

The question was put on Mr. GARFIELD's motion; and the Speaker declared that by the sound the noes had it.

Mr. GARFIELD. Mr. Speaker, I wish to say a word before the vote is taken. If a gentleman getting the privilege to print on any subject can deliver a poem, I can get up and reply under the privilege to print, and print the whole of the Æneid or the whole of Horace as my view of the pagan side of this question. I can print all the literature of antiquity under the cover of a privilege to print. The question is whether I am entitled, whether the Delegate from Utah is entitled to have the Mormon bible printed whenever he says he wants to defend anything, under a privilege to print—whether anybody and fend anything, under a privilege to print—whether anybody and everybody in this House can fill our RECORD with whatever they choose, copyrighted or not-put a book to print whenever they choose.

choose, copyrighted of the Privilege to print, publish in the Record an entire theological disquisition.

Mr. GARFIELD. I do not think the resolution should be defeated by any pleasantry. I call for a division of the House, and demand by any pleasantry. I call for a division of t the previous question.

Mr. ATKINS. I demand the regular order.

The previous question was seconded and the main question ordered. Mr. BELFORD. I ask for the reading of the matter to which the resolution refers

The SPEAKER. The previous question has been seconded and the main question ordered upon the resolution of the gentleman from Ohio.

main question ordered upon the resolution of the gentleman from Onio.

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. The RECORD shows that some days ago the gentleman from Wyoming introduced a joint resolution with reference to certain pictures to be painted on the walls of the Capitol. In support of that resolution he has made a speech. I want to know if there is any rule of this House which requires a member when he subits an argument on any question to have it in prose instead of poetry? I know of no such rule. I know of no rule which compels a member to put his speech in any particular form. He has a right to submit his argument, under the rules, either in prose or poetry. Who is to say how much poetry and how much prose is to enter into a speech. If you exclude poetry, what is to become of the obituary speeches made in this House? What is the Committee on Rules to do with this exercities? this question? Is that committee expected to establish a scale and declare "here insert poetical quotation of three lines," and then mem-

bers will indulge in twenty lines of prose?

Mr. HUTCHINS. That is not the question.

Mr. BELFORD. There is no charge that the gentleman from Wyoming is not the author of this production.

Mr. DOWNEY. I want to call the attention of gentleman to this

fact before they vote.

The SPEAKER. The regular order has been called. [Cries of "Regular order!"] The gentleman from Wyoming desires to say a

word.

Mr. DOWNEY. It will be found on examination of this work—
Mr. ATKINS. I object.
The SPEAKER. The gentleman from Tennessee objects.
Mr. ATKINS. Yes, sir; I object.
The SPEAKER. Then the question is on the resolution moved by the gentleman from Ohio, [Mr. GARFIELD.]
Mr. STEVENSON. I think the Delegate should be permitted to

be heard.

The SPEAKER. There is objection, and the rule is imperative.

Mr. HARRIS, of Virginia. I think the House is voting under a misapprehension. The opinion prevails this is the work of some other

author.

The SPEAKER. That is in the nature of debate.
Mr. HARRIS, of Virginia. I am told the Delegate from Wyoming is the author of the production.
The question recurred on Mr. Garfield's motion.
The House divided; and there were—ayes 98, noes 81.
Mr. PAGE demanded the yeas and nays.
The yeas and nays were ordered.
The question was taken; and it was decided in the affirmative—yeas 119, nays 105, not voting 68; as follows:

YEAS—119. YEAS-119.

Carlisle, Carpenter, Caswell, Chalmers, Clark, John B. Coffroth, Aldrich, N. W. Armfield, Atkins, Ballou, Blake, Bland, Bragg, Brewer Beale, Blackburn,

Davidson,	Hayes,	McCook,	Singleton, O. R.
Davis, Horace	Henry,	McMahon,	Smith, A. Herr
Davis, Joseph J.	Herbert,	MeMillin,	Smith, Hezekiah B.
Deuster,	Herndon,	Miles,	Starin,
Dunn,	Hiscock,	Money,	Talbott,
Dwight,	Hooker,	Morrison,	Thompson, P. B.
Einstein,	Hostetler,	Morton,	Thompson, W. G.
Elam,	Hubbell,	Muldrow,	Townshend, R. W.
Errett.	Hunton,	Neal,	Tucker,
Evins,	Hutchins,	New,	Turner, Oscar
Farr,	Johnston,	Norcross,	Turner, Thomas
Felton,	Joyce,	Philips,	Updegraff, J. T.
Forney,	Keifer,	Phister,	Waddill,
Frost,	Kenna,	Poehler.	Wait,
Frye,	Ketcham,	Prescott,	Warner,
Garfield.	King,	Reagan,	Whiteaker,
Gibson,	Kitchin.	Richardson, J. S.	Whitthorne,
Goode,	Klotz,	Richmond.	Williams, C. G.
Gunter.	Ladd.	Robinson,	Willis, C. G.
Hall.			
	Lapham,	Ryon, John W.	Willits.
Hammond, John	Loring,	Scales,	Wise,
Hammond, N. J.	Lowe,	Sherwin,	Wood, Fernando
Haskell,	Manning,	Simonton,	Wright.
Hawley,	Martin, Edward L.	Singleton, J. W.	

	NAX	S—105.	
Acklen, Aiken, Aildrich, William Anderson, Bailey, Baker, Barber, Bayne, Belford, Beltzhoover, Berry, Bingham, Blount, Bouck, Boyd, Briggs, Brigham, Burrows, Cabell, Calkins, Caldwell, Calkins, Cannon, Chittenden,	Cowgill, Culberson, Daggett, Davis, George R. Davis, Lowndes H. De La Matyr, Deering, Dibrell, Dunnell, Ellis, Ferdon, Finley, Fisher, Fort, Gillette, Harmer, Harris, John T. Hatch, Hawk; Heilman, Henkle, Houke,	S-105. Knott, Lindsey, Marsh, Martin, Benj. F. McCoid, McKenzie, McKinley, Mitchell. Monroe, Muller, Murch, Myers, Nicholls, O'Connor, O'Neill, Orth, Overton, Pacheco, Page, Pierce, Pound, Price, Reed, Richardson D. P.	Sapp, Sawyer, Shallenberger, Shelley, Steele, Stephens, Stevenson, Stone, Taylor, Thomas, Tillman, Updegraff, Thomas Upson, Urner, Valentine, Van Aernam, Vance, Voorhis, Ward, Wellborn, Wells, Williams, Wilson,
Cobb, Colerick, Conger, Converse,	Hull, Humphrey, Hurd, Jones,	Richardson, D. P. Robertson, Rothwell, Ryan, Thomas	Yocum.

	NOT V	OTING-68.	
Atherton, Bachman, Barlow, Bicknell, Bilss, Bowman, Bright, Butterworth, Camp, Claffin, Clardy, Clardy, Clark, Alvah A. Clymer, Dick, Dickey, Ewing, Field,	Ford, Forsythe, Geddes, Geddes, Godshalk, Harris, Benj. W. Hazeiton, Henderson, Hill, Horr, James, Jorgensen, Kelley, Killinger, Kimmel, Le Fevre, Lewis, Lounsbery,	Martin, Joseph J. Mason, McGowan, McLane, Miller, Mills, Morse, Newberry, O'Brien, O'Reilly, Osmer, Persons, Phelps, Rice, Robeson, Ross, Russell, Daniel L.	Russell, W. A. Samford, Samford, Slemons, Smith, William E. Sparks, Speer, Springer, Townsend, Amos Tyler, Van Voorhis, Washburn, Weaver, White, Wilber, Wood, Walter A. Young, Casey Young, Thomas L.

So the resolution was agreed to. The Clerk announced the following pairs:

Mr. SAWYER with Mr. FIELD on political questions.

Mr. GEDDES with Mr. CAMP.

Mr. CLYMER with Mr. HUBBELL on political questions. Mr. Samford with Mr. MILLER. Mr. McLane with Mr. Tyler.

Mr. James with Mr. O'Brien. Mr. Harris, of Massachusetts, with Mr. Lewis. Mr. Sparks with Mr. White.

Mr. BUTTERWORTH with Mr. CLARK, of New Jersey.

Mr. Kelley with Mr. Mills. Mr. Dick with Mr. Bachman. Mr. Martin, of North Carolina, with Mr. Davis, of North Carolina, on political questions.

Mr. Bright with Mr. Osmer.

Mr. Lounsbery with Mr. Forsythe.

Mr. HILL with Mr. RICE.

Mr. Young, of Tennessee, with Mr. Henderson.

The result of the vote was then announced as above recorded. Mr. GARFIELD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

PRESENTATION OF THOMAS JEFFERSON'S WRITING-DESK.

Mr. CRAPO. I ask unanimous consent of the House that there be taken from the Speaker's table the message of the President of the United States in reference to a memorial of Thomas Jefferson donated to the Government by its present owners, and ask that the same be read.

The message was read, as follows:

To the Senate and House of Representatives:

I have the honor to inform Congress that Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, of Massachusetts, the heirs of the late Joseph Coolidge, jr., desire to present to the United States the desk on which the Declaration of Independence was written.

It bears the following inscription in the handwriting of Thomas Jefferson:

"Thomas Jefferson gives this writing-desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own by Ben. Randall, cabinet-maker, of Philadelphia, with whom he first lodged on his arrival in that city, in May, 1776, and is the identical one on which he wrote the Declaration of Inde-

In may, 110, and 120 pendence.

"Politics as well as religion has its superstitions. These, gaining strength with time, may one day give imaginary value to this relic for its association with the birth of the great charter of our Independence.

"MONTICELLO, November 18, 1825."

"MONTREELIO, Avernuer 15, 1625."

The desk was placed in my possession by Hon. Robert C. Winthrop, and is herewith transmitted to Congress, with the letter of Mr. Winthrop expressing the wish of the donors "to offer it to the United States, that it may hereafter have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776."

I respectfully recommend that such action may be taken by Congress as may be deemed appropriate with reference to a gift to the nation so precious in its history and for the memorable associations which belong to it.

BUTHERFORD B. HAYES.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, April 22, 1880.

Mr. CRAPO. I now ask that the letter of Mr. Winthrop be read. The Clerk read as follows:

WASHINGTON, D. C., April 14, 1880.

WASHINGTON, D. C., April 14, 1880.

MY DEAR SIR: I have been privileged to bring with me from Boston, as a present to the United States, a very precious historical relic. It is the little desk on which Mr. Jefferson wrote the original draught of the Declaration of Independence.

This desk was given by Mr. Jefferson himself to my friend the late Joseph Coolidge, of Boston, at the time of his marriage to Jefferson's granddaughter, Miss Randolph; and it bears an autograph inscription, of singular interest, written by the illustrious author of the Declaration in the very last year of his life.

On the recent death of Mr. Coollidge, whose wife had died a year or two previously, the desk became the property of their children—Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight—who now desire to offer it to the United States, so that it may henceforth have a place in the Department of State, in connection with the immortal instrument which was written upon it in 1776.

In the Department of State, in connection with the immortal instrument which was written upon it in 1776.

They have done me the honor to make me the medium of this distinguished gift, and I ask permission to place it in the hands of the Chief Magistrate of the nation in their name and at their request.

Believe me, dear Mr. President, with the highest respect, very faithfully, your obedient servant,

ROBT. C. WINTHROP.

His Excellency RUTHERFORD B. HAYES,

President of the United States.

Mr. CRAPO. Mr. Speaker, I now offer the following joint resolu-

Joint resolution No. 290.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the thanks of this Congress be presented to J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, citizens of Massachusetts, for the patriotic gift of the writing-desk presented by Thomas Jefferson to their father, the late Joseph Coolidge, upon which the Declaration of Independence was written.

And be it further resolved. That this precious relic is hereby accepted in the name of the nation, and that the same be deposited for safe-keeping in the Department of State of the United States.

And be it further resolved. That a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the donors.

The joint resolution was read a first and second time.

Mr. CRAPO. Mr. Speaker, the message of the President and the letter of Mr. Winthrop, which have just been read, give the historical sketch of the relic, which by the munificent generosity of the family of the late Joseph Coolidge, of Boston, is now presented to Congress. The genuineness of this relic has been authenticated by the autograph inscription upon it by Jefferson himself, which states that this writ-

inscription upon it by Jefferson himself, which states that this writing-desk, from drawings of his own, was made by Ben. Randall, cabinet-maker, of Philadelphia, with whom he lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independence.

The resolutions which I have offered propose that this desk be deposited for safe-keeping in the Department of State. A similar resolution was adopted by Congress in 1843, upon the occasion of the presentation to the United States by a citizen of Virginia of the sword of Washington and the staff of Franklin. There is now confided to the keeping of the nation, with the sword of Washington and the cape of Franklin, the desk of Jefferson.

cane of Franklin, the desk of Jefferson.

What memories crowd upon us with the mention of these names. Washington, the soldier, whose sword was drawn for the independence of his country; Franklin, the philosopher, the benefactor of his ence of his country; Frankin, the philosopher, the beneractor of his race, who with simple maxims pointed out the road to wealth and who disarmed the lightning and the thunderbolt; Jefferson, the accomplished and enthusiastic scholar, whose marvelous genius and masterly pen gave form to that immortal paper which proclaimed liberty to all mankind. These are names never to be forgotten. These men were the founders of the Republic. Their name and fame are secure, and in the centuries which are to follow will be treasured by a grateful and loving people among their choicest possessions.

Mr. Speaker, the nation gladly accepts and will sacredly keep this

invaluable relic. The article itself may be inconsiderable, but with this simple desk we associate a grand achievement. Upon it was written the great charter of civil liberty, the Declaration of American Independence. We pay to the heroic hand who signed that wager of battle the honors which are paid to the heroes of the battle-field. It was not valor alone which secured to us self-government. The leaders in the revolt against the tyranny and the established institutions of the Old World had courage of opinion and were full of mature wisdom and incorruptible patriotism. The men who signed the paper pledging their lives, their fortunes, and their sacred honor in support of the Declaration, and who made their fearless appeal to God and the world in behalf of the rights of mankind, were both lion-hearted and noble-minded.

Upon this desk was written in words as pure and true as the word of inspiration that document which opened up "a new era in the history of the civilized world." Its fit resting place is with the nation's choicest treasures. It is a precious memorial of Jefferson, more eloquent and suggestive than any statue of marble or bronze which may commemorate his deeds. In accepting it in the name of the nation we recognize the elevated private character, the eminent virtue, the profound knowledge, the lofty statesmanship, and the sincere

patriotism of Jefferson, and we honor him as the father of popular government and as the great apostle of liberty.

To the pledge of safe custody with which we accept this gift we join the solemn promise that with still greater fidelity we will guard the inheritance of free institutions which has come to us through the valor of Washington and the wisdom of Jefferson, and that we will faithfully transmit, undimmed and unbroken, their richest legacies

Liberty and the Union. [Great applause.]
Mr. TUCKER. Mr. Speaker, I most cordially second the resolution offered by the honorable gentleman from Massachusetts, [Mr. Crapo.]
It is an interesting fact that citizens of Massachusetts, who are also

descendants of the author of the Declaration of Independence, thus mingling in their veins the blood of the two most ancient Commonwealths of the Union, should present to the United States to-day this precious memento of that great paper which was written by a son of Virginia, and was supported by the powerful and fervid eloquence of an illustrious son of Massachusetts.

How wonderful and curious is the power of the imagination to inthe the immortality of human thought into this unconscious desk that felt the impress of that pen which vindicated the already existent fact of the freedom and independence of the thirteen American States! We have long had the original paper among our archives, and now we have the desk on which it was written. How vividly these recall the head and heart and hand of Jefferson, the writer; of Adams, the advocate; and of each of those other representatives of the original thirteen States whose signatures to the paper have given them an immortal fame!

The office of the true statesman is akin to that of the poet. The statesman must interpret and embody in words or deeds the latent thoughts, interests, purposes, and destiny of his people. In a great crisis, it is his to manifest to them, and to declare to the world, in well digested forms, the causes of present action, and to forecast the future policy of his country. Under the inspiration of such a statesman, a people becomes conscious of its appointed work, and labors intelligently to achieve by the wisest methods the highest objects of

national ambition.

national ambition.

In this sense, there was nothing new in the Declaration of Independence. The rough jewels of a people's thought were gathered, polished, and set in this splendid coronet, placed upon the brow of a virgin continent, by the genius of Jefferson. From the teeming soil of his fertile and comprehensive mind sprang fruit-bearing thoughts for the generations following; and he uttered them in an age and to men of simple tastes and habits, whose heroic natures preferred conflict to indolent submission to wrong, if by a brave struggle freedom and independence could be won. Their appetite for liberty had not been perverted by the taste of luxury, nor their passion for independence corrupted by self-indulgence. War was needed to win liberty and independence. Luxury could have won neither; but let us not forget it may, as it has done, cause the loss of both after they have been gained by patient endurance and heroic courage.

It must be remembered that the English-speaking people of the Col-

been gained by patient endurance and heroic courage.

It must be remembered that the English-speaking people of the Colonies were inheritors of the muniments of Anglo-Saxon liberty, ascertained and established in the thirteenth century by Magna Charta, the written constitution of England, which itself declared everything to be void that was contrary thereto; that the English revolution of the seventeenth century was our own; that in 1623, before James I, the Pedrat King died Virginia dealward by statute what was confirmed. the Pedant King died, Virginia declared by statute what was confirmed as fundamental law by treaty in 1651 with the commonwealth of England that the people of Virginia could not be taxed but by the consent of her own house of burgesses; that Massachusetts in 1636, and other Colonies subsequently, approved the same vital principle; that Samuel Adams in May, 1764, in Faneuil Hall, and Patrick Henry in May, 1765, in the house of burgesses of Virginia, in solemn and defiant tones, denounced taxation by any other means as tyrannical and against law; that a congress of nine Colonies in October, 1765, proclaimed the same doctrine; that on the 14th of October, 1774, the first Congress having met September 5, 1774 weging compressions. Continental Congress, having met September 5, 1774, nemine contra-dicente, declared that the inhabitants of the English Colonies, by the laws of nature, the principles of the English constitution, and their

several charters or compacts were "entitled to the free and exclusive power of legislation" in all cases of "taxation and internal polity" in their "several provincial legislatures," as they were not and could not be properly represented in the British Parliament; that representation and describe most on the state of the state o not be properly represented in the British Parliament; that represent-ation and taxation must go together; that jury trial was their "great and inestimable privilege;" that the keeping a standing army in any Colony in time of peace, without the consent of its legislature, was against law; and that they claimed all of these as "their indubita-ble rights and liberties," and insisted they could not be altered or abridged without their own consent "in their several provincial legislatures.

And it is interesting to state further, that Mr. Jefferson had already written the preamble to the constitution of Virginia, (drawn by the master hand of George Mason, of Gunsten Hall,) which had been adopted on the 29th of June, 1776, in which preamble are recited the charges against the Crown and Parliament of Great Britain, with little difference of phraseology from that used in the great Declaration itself. Nor do I doubt that both were written on this mahogany desk in the city of Philadelphia. It is obvious, therefore, that the ideas embodied in the Declaration had been floating more or less distinctly

embodied in the Declaration had been floating more or less distinctly in the minds of our revolutionary fathers for years before Mr. Jefferson put his hand to that formal statement of a people's thoughts.

Nor must it be forgotten that in 1775 the Colonies in Congress assembled, as well as in their respective legislatures, had taken up arms for the defense of their liberties, while disclaiming any purpose to sever their political relations to Great Britain. Lexington, Concord, and Bunker Hill, Crown Point and Ticonderoga, Great Bridge, Moore's Creek and Fort Moultrie, and other fields were stained with the blood of men fighting for their liberties against the government whose

legitimate authority they still acknowledged.

But the time had come for rebellion against their government to cease and for a revolution of their government to begin. Rebellion had sought to alter the course and policy of administration, and had failed. Revolution was needed to "alter and abolish" the existing governments and to institute new governments, securing the rights and respecting the liberties of the people. Accordingly we find that Massachusetts, New Hampshire, Connecticut, Rhode Island, North and South Carolina early in 1776 took steps to establish new governments for their respective people. In April, 1776, Massachusetts directed all of her writs to issue in the name of "the people and government all of her writs to issue in the name of "the people and government of Massachusetts," and not in the name of the king. On the 15th of May, 1776, the convention of the people of Virginia met in Williamsburgh, and on that day declared for a "total separation from the Crown and government of Great Britain," and on the same day instructed her delegates in Congress to propose to Congress "to declare the united colonies free and independent states, absolved from all allegiance to or dependence upon the Crown or Parliament of Great The convention on the 12th of June, 1776, adopted a declaration of rights, and on the 29th of June, 1776, a constitution, by both of which Virginia declared her complete independence.

We are thus prepared to understand why John Adams, in the debate in Congress on the resolution for a declaration of independence, offered by Richard Henry Lee, of Virginia, on the 7th of June, 1776, argued that "the question was not whether by a declaration of independence we should make ourselves what we are not, but whether we should declare a fact which already exists;" and hence the Declaration itself affirmed that "these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

Let us now endeavor to present a brief summary of the primordial

principles of American polity, formulated by the comprehensive genius of Jefferson, the true impersonation of the new era of free thought,

free conscience, free commerce, free men, and a free continent.

First. Mark its denunciation of standing armies in time of peace without legislative consent, its declaration for the supremacy of the civil over the military power, for an independent judiciary, for impartial jury trial, for the bond indissoluble between representation and taxation, and for free government by and under law.

Second. Mark its clear assertion of the equality of the individual right of every man to life, liberty, and the pursuit of happiness as endowments of the Creator, not an assertion of an equality in the endowments themselves, but in the right of each to that with which his Creator has endowed him, inalienable by himself, because it would be a breach of his duty thus to relinquish the trust reposed in him, and inalienable by all others, because a violation of the right divinely vested in him.

This is the foundation-stone of all individual liberty under all forms

of political institutions.

Third. Note the germ of local self-government as an essential to liberty resulting from the demonstrated impracticability of good government for any people when it is controlled by another people. The power which governs must not be alien to but must be in sympathy with the interests of the Government, or tyranny will be the result. It was not the tea tax or the stamp act which caused the Revolution. They were the occasions of it. They only demonstrated that it was an intolerable evil to any people where there was a want of sympathy between those who laid and those who paid taxes. In the language of Burke, in his speech on American taxation, when speaking of John Hampden and ship mone w"The payment of half twenty

shillings on the principle it was demanded, would have made him a slave." The tax was small; the principle was great.

Rightly to be great
Is not to stir without great argument;
But greatly to find quarrel in a straw
When honor's at the stake!
Submission was slavery!
Resistence was liberty!

Fourth. The declaration of the right of revolution when existing governments wholly fail to be administered for the protection of the rights of the people, the right of every people to mold the form and control the administration of its government according to their will thus basing all government on the consent of the governed; the excellence of popular government of a representative democracy—these were all clearly indicated in this paper. And Mr. Jefferson by his subsequent advocacy of the freedom of the land from the fetters of primogeniture and entails and by his act for religious freedom, as well as by his whole life, vindicated the consistency of his devotion to the liberty of the people, under a government of law, restrained and wilded by themselves.

guided by themselves.

Fifth. But it is impossible not to see that in the minds of Jefferson and his contemporaries there was a larger view, looking to the continental questions of international importance connected with this new era of free thought, free conscience, free commerce, and the new insti-

tutions of democratic republics.

In 1823, Mr. Jefferson wrote a letter to President Monroe upon the promulgation of the doctrine bearing the name of the latter, in which

Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to meddle with our cisat-lantic affairs.

In the debate upon the Declaration of Independence, furnished by Mr. Jefferson to Mr. Madison, and published in the first volume of the Madison Papers, there is a reference to our prospective relations with Europe which shows that the doctrine of continental independence was in the minds and hearts of the men of 1776, and as a corol-

lary from their great Declaration it became a fixed canon of our for-eign policy in 1823.

Such, Mr. Speaker, as I understand them, are some of the most im-portant principles recalled by the presence among us to-day of this unconscious witness of the work of that remarkable man, whose pen embodied the idea and purpose of the people of these States for the security of their liberty and for the independence of the American continent. Upon his tomb he left to be inscribed this, as the chief of his triple claims to the remembrance of mankind—in these words:

Thomas Jefferson, author of the Declaration of American Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia.

Adams and Jefferson; sons of Massachusetts and Virginia; co-workers in the adoption of this grand charter of freedom; twin brothers of the revolution; rival representatives of the two types of political opinion in America; after the strifes of a long political career, they passed together, in friendly reunion, into the land which is concealed from human vision, crowned with the benedictions of the people, to whose liberty, independence, and welfare their lives had been patriotically consecrated.

otherwise the consecution of the pledge of "Lives and fortunes and sacred honor," to the perpetuation of our free institutions and to the promotion of the glory of our common country, by a faithful adherence to that great Constitution, which was ordained and established to secure the blessings of liberty to ourselves and our posterity?

[Prolonged applause.]
The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed by a unanimous vote.

The SPEAKER. The Chair will cause to be conveyed to the Sen-

ate the desk, together with the resolution passed by the House.

STAMPS ON BANK-CHECKS

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 5897) repealing section 3418 of the Revised Statutes, in reference to stamps on bank-checks; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the morning hour be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Hooker in the chair.

The CHAIRMAN. The committee will come to order.

Mr. MILLS. I suggest that the desk, which gentlemen all wish to see, be taken into the room in the rear of the Speaker's chair, that gentlemen may see it without interfering with the public business.

NAVAL APPROPRIATION BILL.

Mr. ATKINS. I move that the Committee of the Whole now proceed to the consideration of the naval appropriation bill.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes.

Mr. ATKINS. I ask that by unanimous consent the first and formal reading of the bill be dispensed with.
Mr. CONGER. Has the bill been printed?
Mr. ATKINS. It has.

There being no objection, the first reading of the bill was dispensed

Mr. ATKINS. I desire to make a brief explanation of this bill, and I promise the Committee of the Whole House to be very concise in the explanation I shall submit as to some of its details. I will not occupy probably more than ten or fifteen minutes. If my colleagues upon the sub-committee should desire to submit any remarks I trust the Committee of the Whole will extend to them the same courtesy that I now ask at its hands. I have not asked in the House to limit the general discussion upon the bill because I deemed it entirely unnecessary, for very little time will be consumed in that manner I am sure. I wish to state to the committee that there are no political riders upon the bill. There are no riders upon it of any kind. It is a plain, simple, business transaction about which we are to proceed.

The CHAIRMAN. The committee will come to order.

Mr. ATKINS. It is very difficult, I know, to preserve order after the interesting proceedings in which we have been engaged this morning. To have listened to such eloquent speeches, reviving such grand historical memories, and then to proceed immediately afterward to the dry details of an appropriation bill, is very like having the dessert beforehand and bacon and cabbage afterward. But I trust as we are voting away the people's money, the gentlemen in the House who do care anything about it will give a little attention while I give an explanation of some of the details of the bill. This appropriation bill admits of no declamation, no flowers, nothing but plain facts and figures; and the only point about them is to be correct and

The estimates, Mr. Chairman, for this bill in the Book of Estimates The estimates, Mr. Chairman, for this bill in the Book of Estimates and in the manuscript estimates together amount to \$14,603,820.45. The total sum recommended by this bill is \$14,385,797.70. The bill is less than the estimates by \$218,022.75. The last appropriation act for the naval service appropriated \$14,029,968.95. This bill exceeds, I advise the House, the last appropriation act by \$355,828.75. The items of increase amount to \$486,844.25; but then there are items of decrease which amount to \$131,015.50; leaving a net increase of

In order that the committee may see that the Committee on Appropriations have in this bill held the service to something like the same standard for several years past which has gauged the naval appropriations, I submit the following table:

Estimates and appropriations on account of the naval service for the fiscal years 1878, 1879, 1880, and 1881.

Years.	Estimates.	Appropriations.
1878	\$19, 430, 012 69 16, 233, 234 40 14, 187, 381 45 14, 603, 819 45	\$13, 541, 024 40 14, 152, 603 70 14, 029, 968 95

The items of increase in this bill consist in the first place of \$106.725 for the pay of the Navy. And I desire to state that the honorable gen-tleman who had charge of this bill, the gentleman from Pennsylvania, Iteman who had charge of this bill, the gentleman from Pennsylvania, [Mr. CLYMER,] not now in his seat, cut down the appropriation in the last appropriation act for the pay of the Navy \$106,725 less than was absolutely required; and there is to-day a deficiency of that amount for the pay of the Navy for this current year. That appropriation, however, the Committee on Appropriations did not consider should go into the naval appropriation bill of this year, but should be put into the general deficiency bill, of which we will hear something hereafter. But as there was an actual deficiency of that amount this year it was necessary that that amount should be put into this bill for this year in order to prevent a like occurrence for the coming year.

Mr. BLOUNT. Will the chairman of the committee yield to me for

a question?

Mr. ATKINS. Yes, sir.

Mr. BLOUNT. I wish to ask my friend, the chairman of the committee, if that deficiency did not arise not from the failure to appromite of the committee.

mittee, it that denotency did not arise not from the failure to appropriate enough during the past year as required for the service of the year, but from deficiencies which had arisen before, and from the fact that the pay of the Navy is a continuing pay, and therefore the money appropriated last year went to pay deficiencies of previous years?

Mr. ATKINS. That is true. It occurred just in that way. But the naked fact I stated is nevertheless true. I desire, however, to avoid going into the questions which the gentleman from Georgia has suggested, because they have been discussed before this House time and time again, and I do not desire to trace the history of that deficiency. time again, and I do not desire to trace the history of that deficiency,

because it is not necessary that I should do so in the conducting of this bill. The gentleman, however, is correct in what he states.

Then, sir, there are \$90,000 additional for the pay of seven hundred and fifty boys who have been received into the Navy by the act of 12th March, 1879. They are upon the training ships of the Navy preparing to make sailors and seamen, coxswains, gunners, &c.

There is also an increase of \$50,000 over the ordinary appropriation for torpedo purposes. The Secretary of the Navy asked this increase, and the Committee on Naval Affairs—and I am glad to see my friend, the chairman of that committee, in his seat—concurred in this item of \$50,000 additional for experiments in torpedoes.

The object of this appropriation is to experiment in aggressive torpedoes. There are several kind of torpedoes. It is not necessary for me to go into any explanation in regard to them, but they are all for aggressive warfare. The object of them is the better to defend our coast and our cities in the event of an attack by any hostile maritime power, until the Government can be better prepared to defend itself by approved heavy ordnance, which we have not now in position and mounted. It is believed by the Secretary of the Navy and by military men that these torpedoes would be a successful expedient in the absence of approved ordnance, which we do not now have in suffi-

absence of approved ordinance, which we do not now have in sumcient quantity upon our coasts.

The next large item of increase is \$175,000 for provisioning the Navy; \$82,000 of which is for the provisioning of these seven hundred and fifty boys, and the balance is on account of estimated increase in the price of provisions. For the present fiscal year only \$1,025,000 was appropriated for the provisioning of the Navy. It is deemed necessary to appropriate \$1,200,000 for the next fiscal year; but as I have already soid readly appropriate \$1,200,000 for the fiscal year; but as I have already said nearly a hundred thousand dollars of that

out as I have already said hearly a nandred thousand donars of that is for the provisioning of seven hundred and fifty boys.

There are a great many other items, and if any gentleman upon the floor desires to have me explain them I will do so. If no gentlemen desires it I will pass them over, because I do not consider it a matter of very great importance that I should enter into these details now. Still, if it is necessary to do so I am prepared to do so year. now. If any gentleman desires to ask me any question in regard to other details of this bill, I will be glad to answer. They relate to hydrographical work, the Naval Observatory, marine stores, &c.

I desire to state that the item of \$100,000 that was appropriated last year for naval stores, and which is a continuing or self-sustain-

ing fund, is not included in this bill, for the simple reason that it is not necessary, it not being exhausted. Therefore, the actual increase in the provisioning of the Navy amounts only to \$75,000, instead of \$175,000; and that is on account of not reappropriating the sum of \$100,000 for naval small stores.

There is one other point to which I wish to call attention. In reading the report of the Secretary of the Navy gentlemen will find upon the fifth page the statement that \$1,418,235.37 was appropriated for the fiscal year 1879-'80 more than was expended for that year. Now, I wish to make a little explanation in regard to that, for I do not think a cursory reading of the report of the Secretary of the Navy would enable one to distinctly understand it.

the Navy would enable one to distinctly understand it.

In fact there was not appropriated for the fiscal year 1879–'80 any more money than was absolutely expended. On the contrary, I am now informed that every dollar has been expended that was appropriated for the present fiscal year. But at the time of writing the report of the Secretary of the Navy the vouchers had not come in from our paymasters on foreign waters, and disbursements had been made which were not settled on the books. As there was actually the amount of \$1,418,317.79 which was not balanced upon the books and not accounted for it appears that there was that much less of and not accounted for, it appears that there was that much less of and not accounted for, it appears that there was that much less or expenditure than of appropriation. But when the Secretary of the Navy had got in all the accounts of the paymasters, &c., it was found that there was not a dollar appropriated for the year 1879–'80 that had not been legitimately expended by the Navy. Therefore there is no surplus of appropriation for this year.

Under the act of 1870 the appropriations for the pay of the Navy are made continuous. That act required all unexpended balances, at

are made continuous. That act required all unexpended balances, at the end of two years, to be paid into the surplus fund; but the pay of the Navy and the pay of the Marine Corps were made exceptions. Hence the pay of the Navy and the pay of the Marine Corps constitute a continuing fund from year to year; and the unexpended balances that exist in the fund for the pay of the Navy and Marine Corps are not required by the act of 1870 to be covered into the Treasury.

Mr. CHALMERS. Will the gentleman allow me to ask him a question?

tion?

Mr. ATKINS. Certainly.
Mr. CHALMERS. It is not, then, true, as stated in the papers, that the Secretary of the Navy has saved a large amount of money?
Mr. ATKINS. Not a word of that is true, as I explained a few moments ago. When the Secretary wrote his report vouchers for \$1,418,317.79 had not come in. Since that time they have come in, and have absorbed the whole appropriation for the present fiscal year.

Mr. MORSE. Such statements have been made.
Mr. ATKINS. I know they have been made; and I am aware that
a very distinguished Senator on the floor of the Senate made that statement; and it has gone to the country. But it is not true, as I have already shown.

I am the last man in the world to do injustice to the present Secretary of the Navy. I have known him personally for nearly twenty-

five years; and I have never known a man in this country who has maintained a fairer reputation or who is more entitled to the confidence of the country than Secretary Thompson. I believe he has administered his office as honestly, as faithfully, and as intelligently as any man could have done, let him be who he may.

Having made that explanation with regard to that little matter, I wish to say one or two words more. I am glad that to-day the American Navy is looking up. I state here in my place on the floor of this House that the representatives of the people and the people themselves are beginning to look to the question of improving our Navy. In the last fifteen years, since 1865, there has been a very large amount In the last fifteen years, since 1865, there has been a very large amount of money expended upon our Navy. It amounts, including the approor money expended upon our Navy. It amounts, including the appropriation for the present fiscal year, to \$339,034,105.79—a very large amount of money. It is not for me to inquire whether that money has been properly expended or not—I do not deal with questions of that kind—but it has been expended. Such is the progress in the armament and construction of ships that I do not know whether it is very material how that money has been expended so far as the future of the Navy is concerned. I wish the lafair. of the Navy is concerned. I wish to be fair. I am no naval man; but I believe the idea prevails now that steel guns and steel ships are to I believe the idea prevails now that steel guns and steel snips are to take the place of all other kinds of guns and all other kinds of ships as men-of-war. If so, even if this large amount of money has been expended improperly, yet in the course of a very few years, with the progress in the construction and armament of ships, the old ships and the old ordnance would be supplanted by new.

The commerce of the United States is yearly expanding and increasing, and its protection is of the first importance to the people; and while I would not favor an increase in our Navy to such an extent as some other maritime powers possess, I nevertheless think that

tent as some other maritime powers possess, I nevertheless think that our Government should see to it that in the future we should be particular to adopt the most approved modern pattern for construction of vessels and to equip them with armaments equal to any that police American commerce and American honor demand that much; and less will not satisfy the people or meet the demands of

The naval expenditures for the years 1873, 1874, 1875, and 1876 were \$78,387,944.20, an average of \$19,596,986.05 for each year. (See table marked D.)

Table D.—Appropriations for the naval service for the fiscal years 1873,

1873	\$18, 296, 733 22, 276, 257 20, 813, 946 17, 001, 006	65 20
Total for the four years	78, 387, 944 19, 596, 986	

The total naval expenditures during 1877, 1878, 1879, and 1880 were only \$54,465,752.45, an average of \$13,616,438.11 for each of those years-quite a difference. (See table marked E.)

-Appropriations for the naval service for the fiscal years 1877.

1878, 1879, and 1880.	
1877	\$12, 742, 155 40
1878	13, 541, 024 40
1879	14, 152, 603 70
1880	14, 029, 968 95
Total for the four years	54, 465, 752 45
Average appropriation per year	13, 616, 438 11

Of ships in commission during the years 1873, 1874, 1875, and 1876 there were 229. During the years 1877, 1878, 1879, and 1880 there have been 228. There are to-day 93 war vessels of all descriptions ready and fit for service, according to the report of the Secretary of the Navy. There are 45 ships in commission to-day, whereas last year there were only 37. I have also a table showing the amount of labor and materials for the different naval bureaus. Perhaps I might as well refer to this a little in detail. For the Bureau of Construcas well refer to this a little in detail. For the Bureau of Construction and Repairs, \$1,200,000 was appropriated for labor alone for the present fiscal year, and \$300,000 for materials, fuel, freight, &c., making \$1,500,000 for this bureau. For the Bureau of Steam-Engineering \$475,000 was appropriated for labor, and \$325,000 for materials, fuel, and freight. For the Bureau of Ordnance, \$150,000 for labor, \$77,970 for materials, fuel, and freight. For the Bureau of Yards and Docks, \$305,156.25 for labor, and \$134,843.75 for materials, fuel, &c., making in round numbers \$440,000 in all. For the Bureau of Equipment and Recruiting, \$350,000 for labor, \$450,000 for materials, fuel, &c. rials, fuel, &c.

ABLE F.—Statement showing manner of expenditure of appropriations for the following bureaus of the Navy Department, as estimated for, for the fiscal year 1881.

Bureaus.	Labor.	Materials, fuel, freights, &c.	Total estimates of appropriations.
Construction and Repair Steam-Engineering Ordnance Yards and Docks Equipment and Recruiting	\$1, 200, 000 00 475, 000 00 150, 022 00 305, 156 25 350, 000 00	\$300,000 00 325,000 00 77,978 00 134,843 75 450,000 00	\$1,500,000 00 800,000 00 9228,000 00 440,000 00 800,000 00
Total	2, 480, 178 25	1, 287, 821 75	3, 768, 000 00

I have also here a table showing appropriations on account of construction and repair and steam-engineering of the Navy for the fiscal years from 1869 to 1880, both inclusive:

Table G.—Appropriations on account of construction and repair and steam-engineering of the Navy for the fiscal years 1869 to 1880, both inclusive.

Years.	Construction and repair.	Steam-engineer- ing.	Totals.
1869 1870 1871 1872 1873 1873 1874 1875 1876 1876 1877 1878 1879 1879	\$39,000 00 2,530,000 00 4,996,700 00 3,501,400 00 3,368,900 00 6,736,900 00 3,305,000 00 1,750,000 00 1,750,000 00 1,500,000 00 1,540,105 75	\$674, 000 00 674, 000 00 1, 040, 400 00 1, 205, 400 00 1, 690, 400 00 2, 340, 400 00 1, 800, 000 00 1, 800, 000 00 942, 500 00 942, 500 00 950, 000 00 850, 000 00	\$713,000 00 3,204,000 00 5,937,100 00 4,796,800 00 5,059,300 00 5,105,000 00 5,105,000 00 2,692,500 00 2,692,000 00 2,300,000 00 2,361,143 75
Totals	34, 333, 005 75	14, 730, 138 00	59, 063, 143 75

It seems from this table that during the years 1869, 1870, 1871, 1872, 1873, 1874, 1875, and 1876, the mere items appropriated for construction and repair amounted to \$27,792,900; whereas for the years 1877, 1878, 1879, and 1880, the amount appropriated for the same objects was only \$6,540,105.75. In other words, the amount appropriated for the Bureaus of Steam-Engineering and Construction and Repair during the first-named years was over 200 per cent. greater than for the last four years. If I desired to pay a compliment I might offer one in this connection to the present Secretary of the Navy. But I am not here to pay compliments or to make criticisms.

Mr. Chairman I promised to be very brief. I know that feets and

not here to pay compliments or to make criticisms.

Mr. Chairman, I promised to be very brief. I know that facts and figures are very unentertaining. If any gentleman desires to ask me any question in regard to the details of this bill, I shall be pleased to answer if I can. If not, I yield the floor to any gentleman who may wish to continue the discussion; otherwise I ask that we proceed with the consideration of the bill under the five-minute rule.

Mr. WHITTHORNE. I desire to say that the Committee on Naval Affairs of this House have had before them the pending appropriation bill. As the result of our examination, I will state that, believing in the first place that the present Secretary of the Navy has administered his Department with very great economy and with marked fidelity to the public interests and trusts committed to his hands; believing that his purpose was first to promote the public service, and, secondly, to do so with strict economy; believing that he is in and, secondly, to do so with strict economy; believing that he is in this respect in accord with the Committee on Appropriations, as well as the Committee on Naval Affairs, the latter committee have determined, while having before them other matters possibly of administrative reform, to lend their aid to the Committee on Appropriations in securing the speedy passage of this bill, not embarrassing it by

proposing any amendments whatever.

Mr. HISCOCK. Mr. Chairman, I have no desire to weary the Committee of the Whole with remarks upon this bill. But in view of the fact that the chairman of the Committee on Appropriations [Mr. ATKINS] seems to have thought it necessary to convince us that no more money was appropriated by the last Congress for the fiscal year of 1880 than was necessary for the support of the Navy Department, I desire to add my testimony on that question to his. The Committee on Appropriations has not, either in this Congress or in the last, given any more than it ought to have given to the support of this Department of the Government. I am inclined to go a little further and say in reference to the economical administration of the Secretary of the S tary of the Navy, if it may be called economical administration, that it is rather due to the Committee on Appropriations and to Congress It is rather due to the Committee on Appropriations and to Congress than to him. In saying this I have as high respect for that gentleman, for his honesty and integrity, as has the chairman of the Committee on Appropriations; but I say this because I believe that more money ought to be appropriated for the support of his Department than has been by the pending bill; that during the four years to which the chairman of the Committee on Appropriations has called attention more money could have been spent by this Department. attention more money could have been spent by this Department properly and for the best interests of the Government than was. And I am much inclined to think—and I am going to pay the chairman of the Committee on Appropriations a compliment before I get through—I am very much inclined to think that all sub-committees of the Committee on Appropriations, which have heretofore had to deal with this question, have run a race with each other to see which one could put the Navy on the shortest possible allowance. The present chairman of the Committee on Appropriations—and here comes in my compli-ment—has been the only one who has dared to raise this appropriation a couple of hundred thousand dollars and provide for the necessities

of the Navy Department.

Take this item of \$106,000, referred to by the gentleman from Tennessee, [Mr. Atkins.] As I understand it, it was a striking down of the estimate of the Department that amount arbitrarily. When it was done, the committee were well aware there must be a deficit, that money sufficient to pay that branch of this Department had not been appropriated, and that a deficiency would have to be provided for;

but the gentleman who had charge of the bill was bound to bring it down to the same figures maintained by his predecessor, and in this race for economy the estimate of the Secretary of the Navy was arbitrarily reduced. This Congress is compelled—and I congratulate the chairman of the committee that he has had the bravery to leadto allow the amount which was asked for the Department, and as Congress at the last session failed to make an ample appropriation, this Congress will be compelled to provide for a deficiency. I say the credit for the small amount of money expended by the Navy Department is due to Congress and due to the Appropriations Commit-

Mr. BLOUNT. Will my friend allow me to ask him a question?
Mr. HISCOCK. With pleasure.
Mr. BLOUNT. Does my friend say the deficiency in the pay of the
Navy grew out of a failure to make sufficient appropriations in the
leat Navy appropriation bill?

Navy grew out of a failure to make sufficient appropriations in the last Navy appropriation bill?

Mr. HISCOCK. What item does that occur in?

Mr. BLOUNT. It occurs in this way, if my friend will allow me—

Mr. HISCOCK. I will yield to the gentleman from Georgia.

Mr. BLOUNT. It occurred in this way: For a long time there came over from the war a large sum of money, and we appropriated \$5,400,000, and sometimes \$5,600,000, and so on, until after awhile that fund became exhausted, when an estimate was carefully made from the registrar showing the pay of officers and men of the Navy, and that amount was appropriated, every dollar of it. Then a deficiency was asked, and that was appropriated. We appropriated for this fiscal year every single dollar which the registrar showed was wanted for that purpose. But these officers are off sometimes one, two, and three years; they do not come in; and out of that fund for the pay of the Navy they are paid.

The appropriation for this year is used for the payment not only of officers of this year's service, but of last year's, and perhaps of the year before. It is not like a deficiency in any other branch of the service. A statement of expenditures for this purpose does not disclose the year in which it has occurred. Therefore it does not follow because there is a deficiency in the pay of the Navy it grows out of insufficient appropriation for the service of this year and from a deficit,

insufficient appropriation for the service of this year and from a deficit, as it may have grown out of failure to pay in another year.

Mr. HISCOCK. Mr. Chairman, the amount of money necessary to pay the men employed in the Navy can be arrived at by a mathematical calculation. Congress has been accustomed for years previous to this fiscal year to arrive at it mathematically, as I understand, and each year to make appropriation of a sufficient amount to pay the

Navy for that year.

Mr. BLOUNT. If my friend will allow me to interrupt him again.

Mr. HISCOCK. Certainly.

Mr. BLOUNT. My friend will see, if he will take up the naval appropriation bills for several years past, say for eight or ten years past even, the appropriation for the pay of the Navy has not been made in the manner stated. For instance, for the years 1874, 1875, 1876, and so on, he will find when we had a larger number of men in 1876, and so on, he will find when we had a larger number of men in the Navy than we have now by one thousand, and so with reference to the number of officers, the appropriation was from \$1,000,000 to \$2,000,000 less, growing out of the fact we then had a large fund to the credit of the pay of the Navy coming over from the war. He will find for a period of eight or ten years the appropriation was far below what we are now making, and that it is only within the last two or three years we have come to the point we must estimate exactly what it does cost, because that old fund of the Navy is exhausted.

My friend will allow me to say further that, in this identical bill and the bill for the previous year, for the first time the method he says has been the method in relation to the pay of the Navy has come into use, and we have appropriated exactly what the Secretary wanted from that list as it came from his office and agreed to as correct by the unanimous opinion of the Committee on Appropriations,

Mr. HISCOCK. Mr. Chairman, I have not had the experience on the Committee on Appropriations of the gentleman from Georgia, the Committee on Appropriations of the gentleman from Georgia, and perhaps I have been wrong in assuming that Congress did what it should have done, and when there was a certain sum of money to be due the Navy for a year's service, that it made the appropriation to pay it. If I am wrong in stating what has been done, no one will challenge the statement as to what Congress should have done. This is sure, that, for the current year in which the deficiency arises, the estimate of the Department was for a given sum to pay in full the officers and men of the Navy; that it was not appropriated upon the supposititions case; that possibly the men in the service of the Government might not present their vouchers and make demands for their money as it grew due, but I am willing Mr. Chairman, to act their money as it grew due, but I am willing, Mr. Chairman, to accept as the reason for this deficiency the fact that Congress failed to make the proper appropriations, trusting the creditors, officers and seamen, would not call for their pay. Yet, sir, I say in all frankness that I have been inclined to believe, and I fancy the gentleman from Tennessee [Mr. ATKINS] has been inclined to believe that the policy which animated the sub-committee in striking down the estimated the sub-committee in striking down the mate for last year was that they might present to the House a more economical bill than had been presented by their predecessors. Certain it is, and it has been demonstrated at the present time, that it is necessary to make the appropriation asked for here to pay the Navy, it was necessary to have made it last year for that purpose; and the

Committee on Appropriations this year have adopted the policy of not trusting to the non-presentation of the vouchers of the officers and men serving in this branch of the Government for their pay, but have made the appropriation to pay them.

Now, I said some little time ago before I was interrupted that I gave full credit for the meager amount of money spent by this Department entirely to Congress, entirely to the Appropriations Committee rather than to the Secretary, and I am one of those who are entirely willing it should rest there and rest there forever, for I do not believe years; neither is there a sufficient amount appropriated in the present bill.

And I desire in this connection very briefly to call the attention of the committee to the items of this appropriation bill. Take the item of "construction and repairs." For that an appropriation has been made in this bill of \$1,500,000, \$300,000 of which amount is to be expended for material. I think the appropriation is the same for the current year, and it is the same amount that was appropriated for that bureau last year.

This item for construction and repairs, is for keeping the property of the Government in order, maintaining it, keeping it from running down, in effect to prevent it from being utterly lost and destroyed

down, in effect to prevent it from being utterly lost and destroyed by its use and natural decay.

Now, Mr. Chairman, one thing is evident, either last year we appropriated too much for this purpose, or this year we do not appropriate enough. The estimates are the same as they were last year. I ask the chairman of the Committee on Appropriations if that is not so?

Mr. ATKINS. Yes, sir; the same.

Mr. HISCOCK. The estimates are the same as they were last year.

Then, that being the case, we appropriated too much last year, or this year we appropriate too little, and for this reason—

Mr. ATKINS. Will my friend permit me to say just here that we have given all that has been estimated for the Bureau of Construc-

tion and Repairs?

Mr. HISCOCK. I admit that.

Mr. ATKINS. Then, would you have us to exceed the estimates?

Mr. HISCOCK. My answer to that, Mr. Chairman, is this: I believe the Secretary of the Navy has accepted the situation. He does not believe that it would be possible at this time, just preceding a presidential election, to induce the majority in this House to vote a larger sum for his Department than has been done in years past. That being the case, he did not ask as much as is believed to be really necessary for the support of this Department, and I am not here going to move to increase the amount. Such is not my purpose; but it is my purpose to give the credit for this stringent economy that will result in the destruction of our News and of the whole was least his house. in the destruction of our Navy and of the whole naval establishment to that branch of the Government to which, I think, it properly belongs, and that is to Congress and to the Committee on Appropria-

Now, Mr. Chairman, I repeat, that either last year we appropriated too much for that bureau or this year we do not give enough. Three hundred thousand dollars will not go as far in the purchase of material this year as it did last; the prices have advanced from 25 to 40 per cent., and from 25 to 40 per cent. of the necessary repairs therefore for the next current year will not be made. I will not dwell further upon this item. I will take that for steam-engineering, which I believe is the same this year as it was last. Three hundred and twenty-five thousand dollars is here provided for the purchase of material, and again I call attention to the advance in price of material.

Take the item of yards and docks. The amount appropriated for

the purchase of material in that bureau is \$134,843.75. The material used in this bureau like that used in the others has advanced in cost, but there has been no corresponding increase in the appropriation

made for it.

I come now to item \$450,000, for the purpose of equipment and recruiting, the equipment of our vessels to send them abroad and furnish the necessary supplies for their voyages. Four hundred and fifty thousand dollars is the amount appropriated for material, and I believe this also is the same amount which was allowed last year no increase in the amount of appropriation to meet the advance in

I believe, Mr. Chairman, that it will be absolutely imperative that a portion of our fleet shall be tied up before the year is ended; that ships must be taken out of the service, or else there will be a deficiency in the appropriations. I believe, sir, that this economy with ciency in the appropriations. I believe, sir, that this economy with reference to the appropriations for repairing docks, yards, and ships, and for steam-engineering, is to depreciate the property of the Government, and instead of its being in the direction of economy it is in the direction of destruction, and in the end it will prove to be the most expensive policy that could be pursued. Sir, for the purpose of making limited appropriations we are starving the Navy Department, allowing the docks, yards, and ships to get out of repair; are not keeping up the establishment, but are suffering it to be destroyed by use and decay; and in the end it will be far more expensive to repair the destruction or rebuild. That must be the inevitable consequence. It will cost far less to keep the Navy in repair than to sequence. It will cost far less to keep the Navy in repair than to

build it up after it is allowed to run down.

Now, sir, I have already occupied the attention of the committee a much longer time than I had intended in this discussion, and I say again, in conclusion, that my whole purpose in this matter has been to

give my honorable friend on the Committee on Appropriations rather than to the Secretary of the Navy the whole credit for economy in the expenditures in the Navy Department. I believe that in the future it will be better for the fame and the reputation of the Secretary of the Navy that the Committee on Appropriations and Congress have the credit for it than that it should be laid at his door.

Mr. ATKINS. If no other gentleman desires to take part in the general debate I will ask that we now proceed with the consideration of the bill under the five-minute rule.

There was no objection, and the Clerk proceeded to read the bill by paragraphs for amendment. The following paragraph was read:

For contingent expenses of the Navy, namely: For rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses fees, and traveling expenses and costs; stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; copying; mail and express wagons and livery and express fees and costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, and information from abroad; and all other emergencies, and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, \$89,000.

Mr. ATKINS. I move to amend by striking out "\$80,000" and inserting "\$100,000."

Formerly the contingent fund for the Navy was \$100,000. During the last few years it has been cut down. But upon investigation of the items of that fund and the necessity for it, we have become satisfied that it has really been scant, and the Committee on Appropriations after investigating the matter and looking into the objects for

tions after investigating the matter and looking into the objects for which the fund is expended, have come to the conclusion that it was necessary to increase the amount to \$100,000.

There are a great many records and journals to-day in the office of the Secretary of the Navy that need indexing. These contain valuable information that members of Congress desire and that the people desire and that the officers of the Navy desire, and which cannot be arrived at without great clerical labor unless these records are indexed. It is necessary, in the judgment of the Committee on Appropriations, to increase the amount to \$100,000 in order that these records may be indexed and that there should not be a deficiency for the objects to which the contingent fund is applied generally. for the objects to which the contingent fund is applied generally.

The amendment was agreed to. The following paragraph was read:

For the completion of the torpedo-boat experiments on the Alarm, \$20,000.

Mr. HAWLEY. With the approval of the chairman of the committee I suggest an amendment to add at the end of line 209 the words:

The same to be immediately available.

So that it will read:

For the completion of the torpedo-boat experiments on the Alarm, \$20,000, the me to be immediately available.

I am informed the contracts for this purpose have been made, and that the torpedo corps are ready to go on with these experiments immediately if they could be allowed to use this money.

Mr. ATKINS. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF PROVISIONS AND CLOTHING.

For provisions for the seamen and marines; commuted rations for officers, seamen, and marines; expenses of the handling and transportation of provisions; of inspections and storehouses; and for purchase of water for ships, and for provisions and commutation of rations for seven hundred and fifty boys, \$1,200,000.

Mr. WHITTHORNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

The Clerk read as 1010Ws:

After the word "dollars," in line 316, insert:

Provided, That the Secretary of the Navy may substitute for the ration of two ounces of desiccated potatoes, six ounces of desiccated tomatoes, if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration, provided the same shall be acceptable to the men. In the event the Secretary of the Navy orders such substitution, he is authorized to have sold at public auction any desiccated potatoes on hand, the proceeds of which sale shall be used in the purchase of desiccated tomatoes for the use of the Navy.

Mr. ATKINS. That amendment makes a change in the rations. Is it offered with the approval of the Secretary of the Navy?
Mr. WHITTHORNE. Yesterday I received from the Secretary of

the Navy a letter requesting this to be done. The Committee on Naval Affairs has not formally been in session; but so many of the Mayal Affairs has not formally been in session; but so many of the members as I have seen approved of the amendment. It simply allows this to be within the discretion of the Secretary of the Navy, not to add anything to the cost of the rations, and provided further it is acceptable to the men. By turning to section 1580 of the Revised Statutes my friend the chairman of the Appropriations Committee will see that two ounces of desiccated potatoes form a part of the Navy ration. And by turning to section 1581 he will see the cases where the Secretary of the Navy has authority to substitute one article for another. In my amendment I have employed the precise language of that section.

cise language of that section.

Mr. ATKINS. The amendment is a change of the law fixing the ration, but I see no objection to it.

Mr. HAWLEY. I did not hear the whole of the statement of the gentleman from Tennessee, [Mr. Whitthorne,] and I wish to ask whether his amendment dispenses with the use of desiccated potatoes as a part of the ration or whether it allows a choice?

Mr. WHITTHORNE. The amendment leaves it to the discretion of the Secretary of the Navy to make a change provided it is acceptable to the men.

able to the men.

I append to my remarks a letter from the Secretary of the Navy.

NAVY DEPARTMENT, Washington, April 17, 1880.

SIR: I have the honor to inclose herewith a communication from Paymaster-General Cutter, and fully indorse his suggestion in regard to the proposed change in the Navy ration. The law, as appears by the inclosed circular, authorizes the issue of desiccated vegetables or dried potatoes, but does not authorize the substitution of towatees.

I think the alteration in the ration would give great satisfaction in the Navy.

Very respectfully,

R. W. THOMPSON, Secretary of the Navy.

Hon. W. C. WHITTHORNE, Chairman Committee on Naval Affairs.

NAVY DEPARTMENT BUREAU OF PROVISIONS AND CLOTHING, Washington, D. C., April 17, 1880.

Washington, D. C., April 17, 1880.

Sin: I would most respectfully suggest that a request be made to the Committee on Naval Affairs of the House of Representatives to introduce a bill to so amend the Navy ration as to substitute six ounces of canned tomatoes, twice each week, in lieu of the two ounces of desiccated potatoes, twice each week, now authorized by law.

There is on hand at the different storehouses a quantity of desiccated potato unfit for use, and even when it was of good quality was not a favorite with the men of the Navy, and was seldom issued. The potato requires soaking before it can be made palatable, and there are no conveniences on board ships for doing this, and from representations made to me, and from my own experience, I am satisfied that the proposed change in the Navy ration would be most satisfactory and beneficial to the crews of our men-of-war.

I would also suggest that the stock of desiccated potato on hand be disposed of at public auction, as opportunity offers, and the amount realized be used in the purchase of tomatoes.

Respectfully,

Respectfully,

GEO. I. CUTTER, Paymaster-General U. S. Navy.

Hon. R. W. THOMPSON, Secretary of the Navy.

The amendment of Mr. WHITTHORNE was agreed to. The last paragraph of the bill was read, as follows:

For contingencies, namely: Freight; ferriage; toll; cartage; per diem for constant labor; burial of deceased marines; stationery; telegraphing; apprehension of deserters; oil, candles, gas; repairs of gas and water fixtures; water rent; barrack furniture; furniture for officers' quarters; bedsacks; packing-boxes, wrapping-paper; oil-cloth; crash; rope; twine; spades; shovels; axes; picks; carpenter's tools; repairs to fire-engines; purchase of fire-extinguishers; purchase and repair of engine-hose; repairs to public carryall; purchase of lumber for benches, mess-tables, bunks; purchase and repair of harness; purchase and repair of hand-carts and wheelbarrows; purchase and repair of galleys, cooking-stoves, ranges, stoves where there are no grates; gravel for parade-grounds; repair of pumps; brushes; brooms; buckets; paving; and for other purposes, \$20,000.

Mr. HAWLEY. I offer a pro forma amendment and move to strike out the last word for the purpose of calling attention to the pleasant unity with which we have gone through this bill and are about to pass it. I am happy to say it contains no general political legislation. It is devoted to the legitimate business of an appropriation bill, making appropriations for the vital interests of the nation in this Depart-

Now, sir, we have had considerable controversy during this week upon an immediate deficiency bill which contains some items of press-ing importance. The chairman of our committee when the bill now under consideration came up did not seek even to limit general debate, but courteously left the floor open to any gentleman who desired to participate in that debate. There was a brief debate, and we have gone through the bill amicably. I think we could do so nearly as well with all the appropriation bills.

I do not propose now to open a general discussion on that subject, but merely to suggest to the gentleman from Tennessee—I took no part in the other controversy except so far as voting is concerned—to suggest to the gentlemen on the other side that if they will allow the hour and a half or two hours' debate asked for on this side, the immediate deficiency will can be considered at each state. mediate deficiency bill can be considered at any time without any

difficulty.

I regret as a citizen—I drop partisanship for the moment and say sincerely that I regret as a citizen—that we should engage in any of these unseemly disputes upon matters of vital interest. I wish the Committee on Appropriations would now call up the immediate deficiency bill and permit a reasonable opportunity for debate on the part of the minority of the House, and thus dispose of an important

Mr. ATKINS. I will say to my friend from Connecticut [Mr. Haw-LEY] that the deficieny bill has no sort of connection with this bill. I hope the House may proceed to its legitimate business and go on

with this bill.

Mr. HAWLEY. I withdraw my amendment. My object is gained by submitting a temperate request that we should go on with other necessary and important business.

Mr. ATKINS. I now move that the committee rise and report this

bill, with the amendments, to the House. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hooker reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. ATKINS. I call the previous question upon the bill and amend-

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee of the Whole were agreed to.

The bill, as amended, was then ordered to be engrossed and read a

third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

The SPEAKER. This being an appropriation bill the rule requires that the yeas and nays shall be taken upon its passage.

Mr. ATKINS. In order to save time, I would suggest that by unanimous consent the vote by yeas and nays be waived.

Mr. HAWLEY and others. Agreed.

Mr. BURROWS. Can that be done under the rule?
Mr. BLOUNT. No.
Mr. ATKINS. Very well; I do not ask it for myself.
The question was taken; and there were—yeas 208, nay 1, not voting 83; as follows:

Acklen,	Davis, Lowndes H.	Keifer,	Samford,
Aiken,	De La Matyr,	Kenna,	Sapp,
Aldrich, N. W.	Deering,	Ketcham,	Sawyer,
Aldrich, William	Deuster,	Kimmel,	Shallenberger,
Anderson,	Dibrell,	King,	Shelley,
Armfield,	Dunn,	Klotz,	Sherwin,
Atkins,	Dunnell,	Knott,	Simonton,
Baker.	Dwight,	Lapham,	Singleton, J. W.
Ballou,	Einstein,	Lindsey,	Singleton, J. W.
			Singleton, O. R.
Barber,	Elam,	Lowe,	Slemons,
Bayne,	Ellis,	Manning,	Smith, A. Herr
Beale,	Evins,	Martin, Benj. F.	Smith, Hezekiah B.
Belford,	Ewing,	Martin, Edward L.	
Beltzhoover,	Farr,	McCoid,	Springer,
Bingham,	Felton,	McKinley,	Starin,
Blackburn,	Ferdon,	McMahon,	Steele,
Blake,	Fisher,	McMillin,	Stevenson,
Bliss,	Ford,	Miles,	Stone,
Blount,	Forney,	Mitchell,	Talbott,
Bowman,	Fort,	Money,	Thomas,
Bragg,	Frost,	Monroe,	Thompson, P. B.
Brewer,	Frye,	Morse.	Thompson, W. G.
Briggs,	Garfield,	Morton,	Tillman.
Brigham,	Gibson,	Muller.	Townsend, Amos
Browne,	Gillette,	Myers,	Townshend, R. W.
Buckner,	Godshalk,	Neal,	Tucker,
Burrows,	Goode,	Nicholls,	
Cabell,			Turner, Oscar
Caldwell,	Gunter, Hammond, John	Norcross,	Turner, Thomas
		O'Connor,	Updegraff, J. T.
Calkins,	Hammond, N. J.	O'Neill,	Updegraff, Thomas
Cannon,	Harmer,	Orth,	Upson,
Carpenter,	Harris, John T.	Overton,	Urner,
Caswell,	Haskell,	Page,	Van Aernam,
Chalmers,	Hatch,	Persons,	Vance,
Chittenden,	Hawk,	Philips,	Voorhis,
Clark, John B.	Hawley,	Phister,	Waddill,
Cobb,	Hayes,	Pierce,	Wait,
Coffroth,	Heilman,	Poehler,	Ward,
Colerick,	Henry,	Pound,	Wellborn,
Conger,	Herbert,	Prescott,	Wells,
Converse,	Hiscock,	Price,	Whiteaker,
Cook,	Hooker,	Reagan,	Whitthorne,
Cowgill,	Horr,	Reed.	Williams, C. G.
Cox,	Hostetler,	Richardson, D. P.	Williams, Thomas
Crapo,	Houk,	Richardson, J. S.	Willis,
Cravens,	House,	Richmond,	Willits,
Culberson,	Hubbell,	Robertson,	Wilson,
Daggett,	Hull,	Robinson,	Wise.
Davidson,	Humphrey,	Ross,	
	Hunton,	Rothwell.	Wood, Fernando
Davis, George R.			Wright,
Davis, Horace	Johnston,	Ryan, Thomas	Yocum,
Davis, Joseph J.	Jones,	Ryon, John W.	Young, Thomas L.

NAY-1. Bouck.

	NOT V	OTING-83.	
Atherton, Bachman, Bailey, Barlow, Berry, Berry, Bicknell, Bland, Boyd, Bright, Butterworth, Camp, Carlisle, Claffin, Clardy, Clark, Alvah A. Clymer, Covert, Crowley, Dickey,	Field, Finley, Forsythe, Geddes, Hall, Harris, Benj. W. Hazelton, Henkle, Herndon, Hill, Hurd, Hutchins, James, Jorgensen, Joyee, Kelley, Killinger, Kitchin, Ladd,	Lewis, Loring, Lounsbery, Marsh, Martin, Joseph J. Mason, McCook, McGowan, McKenzie, McLane, Miller, Miller, Miller, Mills, Morrison, Mudrow, Murch, New, Newberry, O'Brien, O'Reilly, Osmer,	Phelps, Rice, Robeson, Russell, Daniel L. Russell, W. A. Scales, Smith, William E. Sparks, Stephens, Taylor, Tyler, Valentine, Van Voorhis, Warner, Washburn, Weaver, White, Wilber, Wood, Walter A. Young, Casey.
Clark, Alvah A. Clymer, Covert, Crowley, Dick,	Jorgensen, Joyce, Kelley, Killinger, Kitchin,	Murch, New, Newberry, O'Brien, O'Reilly,	Washburn, Weaver, White, Wilber,

So the bill was passed.

The following additional pairs were announced from the Clerk's

Mr. McCook with Mr. Le Fevre.
Mr. Kitchin with Mr. Martin, of North Carolina.
Mr. Covert with Mr. Young, of Ohio, to include Tuesday, April 27.
Mr. McKenzie with Mr. Valentine.

Mr. Phelps with Mr. Miles on all political questions until Mon-

day, May 3.

Mr. Herndon with Mr. Miller.

Mr. Walter A. Wood with Mr. Geddes for this day. The vote was then announced as above recorded.

Mr. ATKINS moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF THE SESSION TO-NIGHT.

Pending the question on the passage of the naval appropriation

bill,
Mr. GARFIELD said: Before the roll-call is commenced, I wish to
withdraw the objection I made the other day to any business being
considered at to-night's session except one bill from the Committee

on Foreign Affairs.

The SPEAKER. The House has made an order upon that subject, and to change the order will require the action of the House.

Mr. GARFIELD. I hope the order will be changed.

Mr. ATKINS. What is the proposition of the gentleman?

Mr. GARFIELD. It is with regard to to-night's session. The other day when the gentleman from New York [Mr. Cox] asked to have a session to night for the consideration of matters reported from the session to-night for the consideration of matters reported from the Committee on Foreign Affairs, I objected to any business being considered to-night except what is known as the immigration bill. I did not then know what the gentleman had in view. So far as I can do so, I desire to withdraw all objection to the consideration to-night

do so, I desire to withdraw all objection to the consideration to-might of other business from the Committee on Foreign Affairs.

Mr. DUNNELL. The chairman of the Committee on Foreign Affairs [Mr. Cox] is not now present. I know he is very anxious to bring forward the immigration bill.

Mr. WHITTHORNE. I call for the regular order.

The SPEAKER. The regular order is the eall of the roll on the passage of the naval appropriation bill.

The roll was called, with the result above stated.

DR. FRANCIS L. GALT, OF VIRGINIA.

Mr. HARRIS, of Virginia. Mr. Speaker, I ask, by unanimous consent, to report from the Committee on the Judiciary a bill to remove the political disabilities of Francis L. Galt.

The SPEAKER. The bill will be read, when the Chair will ask

for objection.

The Clerk read as follows:

 $\overset{*}{B^*}$ it enacted, &c., (two-thirds of each House concurring therein,) That all political disabilities imposed upon Francis L. Galt, of Virginia, by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed.

Mr. CONGER. Let the accompanying petition be read.

The Clerk read as follows:

UPPERVILLE, FAUQUIER COUNTY, VIRGINIA, March 15, 1880.

The honorable the Senate and House of Representatives:

In March, 1861, I resigned my position of passed assistant surgeon in the Navy of the United States, which resignation was accepted by the Government thereof, and afterward received the appointment of surgeon in the navy of the Confederate States, which position I held until the close of the recent war. I now ask for relief from whatever disabilities may attach to the above record, in accordance with the amendment to the Constitution providing for such cases.

I have the honor to be, very respectfully,

FRANCIS L. GALT.

Mr. CONGER. I object to the introduction of that bill. I desire

The SPEAKER. Debate is not in order.

Mr. CONGER. I have a right, I demand—

The SPEAKER. Debate is not in order, as the bill is not before the House.

Mr. CONGER. I do not propose to debate it.

The SPEAKER. The bill is not before the House.

Mr. CONGER. But I have a right to make the statement I de-

The SPEAKER. The gentleman has no right to occupy the time of the House on that question when other gentlemen are seeking the

Mr. CONGER. I have a right to say why I object to that bill. The SPEAKER. That is in the nature of debate. The Chair does

not recognize that right.

Mr. CONGER. It is not in the nature of debate.

The SPEAKER. The gentleman has the right to object.

Mr. CONGER. I have the right to give reason—

The SPEAKER. Debate is not in order.

Mr. CONGER. Does the Chair decide I have not the right?

The SPEAKER. The gentleman has the right to object; and if objection is made the bill is not before the House; and if not before the House it cannot be debated.

Mr. CONGER. The Chair decides it is not the privilege, then, of a member to state why he objects.

member to state why he objects.

Mr. McMAHON. If he could do that he might take a whole hour

to give his reasons.

Mr. HARRIS, of Virginia. I hope the gentleman will withdraw

Mr. CONGER. Most certainly I shall after this exhibition of willingness to hear me.

Mr. HARRIS, of Virginia. I am not responsible for the ruling of

the Chair.

The SPEAKER. The Chair is responsible. He knows the rules of the House and executes them.

Mr. McMAHON. And the Chair is very right about it.

FORTIFICATION BILL.

Mr. BAKER. I am instructed by the Committee on Appropriations to report back the amendments of the Senate to House bill No. 2787, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, with the recommendation that the first amendment be non-concurred in and the second concurred in.

The first amendment was read, as follows:

On page 1, line 1, after the words "one hundred" and before "thousand," insert "and lifty; "so as to make the paragraph read:
"That the sum of \$150,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1881, the same to be expended under the direction of the Secretary of War."

Mr. BAKER. The Committee on Appropriations recommend that amendment be non-concurred in, as we desire to know what is the reason for the increase.

The amendment was non-concurred in.

The amendment was non-concurred in.

The second amendment of the Senate was read, as follows:

Page 1, lines 12 and 13, after the word "rifles," strike out "two hundred and twenty-five" and insert "and the manufacture of four improved breech-loading twelve-inch rifled guns, four hundred;" so as to make the clause read:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, and the manufacture of four improved breech-loading twelve-inch rifled guns, \$400,000.

Mr. BAKER. The Committee on Appropriations recommend concurrence in that amendment.

The amendment was concurred in.

Mr. BAKER moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I call up for consideration the contested-election case of Curtin vs. Yocum from the twentieth district of Pennsylvania. I yield the first hour to the gentleman from Pennsylvania, [Mr. Beltz-

Mr. HARRIS, of Virginia. I raise the question of consideration. The SPEAKER. The gentleman from Virginia raises the question

of consideration.

Mr. HARRIS, of Virginia. I will say to the House—
The SPEAKER. Debate is not in order.
Mr. HARRIS, of Virginia. I want to state the object—
The SPEAKER. Questions as to the order of business are not de-

Mr. HARRIS, of Virginia. I desire the House to go into Committee of the Whole for the purpose of considering the bill (H. R. No. 2272) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. If the House should decide not to consider the election case, I will move to go into Committee of the Whole for the purpose of considering this bill.

The SPEAKER. If the House should decide not to consider the contested-election case, and if the motion of the gentleman from Virginia to go into Committee of the Whole should prevail, the order of business in the Committee of the Whole would be determined by the rules

Mr. HARRIS, of Virginia. I understand that; I simply give notice of my object. I hope the House will decide not to consider this election case and will take up the bill I have named.

tion case and will take up the bill I have named.

The SPEAKER. The question is, will the House proceed to the consideration of the contested-election case which the gentleman from Illinois [Mr. Springer] desires to call up?

The question being taken, there were—ayes 56, noes 90.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were not ordered.

So the House decided not to consider the contested-election case.

Mr. SPRINGER. I give notice that I shall call up this case to-morrow, immediately after the morning hour, and shall endeavor to have its consideration continued from day to day.

Mr. HARRIS, of Virginia. I now move that the House resolve itself into Committee of the Whole, giving notice that my object is to have considered the bill to which I have just referred.

Several Members. What is it?

The SPEAKER. That is a matter for the Committee of the Whole.

Mr. HARRIS, of Virginia. Members are asking information, and I

The SPEAKER. That is a matter for the Committee of the Whole.

Mr. HARRIS, of Virginia. Members are asking information, and I
hope the Chair will allow me to state what the bill is.

Mr. TOWNSHEND, of Illinois. There are several other bills—Mr. HARRIS, of Virginia. But as members are asking me for information I hope the Chair will allow me to give the title of the bill. It is a bill directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. I am aware that when we get into Committee of the Whole the order of proceeding will be governed by the rules of the House.

Mr. TOWNSHEND, of Illinois. I wish to make a statement.

Mr. HARRIS, sof Virginia. Regular order! [Laughter]

Mr. TOWNSHEND, of Illinois. I wish to make a statement.
Mr. HARRIS, of Virginia. Regular order! [Laughter.]
Mr. TOWNSHEND, of Illinois. There are other bills—
The SPEAKER. The bills will be taken up in Committee of the Whole in their order under the rules.
Mr. HARRIS, of Virginia. When we get into Committee of the Whole the gentleman from Illinois [Mr. TOWNSHEND] will have his rights under the rules. rights under the rules.

Mr. TOWNSHEND, of Illinois. The gentleman made his statement, but will not allow me to make mine. I desire the considera-

tion of some other bill.

Mr. COFFROTH. I desire that the House shall take up in Committee of the Whole the bill to pension soldiers of the war with Mexico.

Mr. COX. I rise to a point of order. Is this matter going on by

The SPEAKER. The motion of the gentleman from Virginia is in order.

Mr. COX.

Mr. COX. Is unanimous consent asked for ?
The SPEAKER. Debate can only proceed by unanimous consent, but the motion is in order.

Mr. HAMMOND, of Georgia. I rise to make a parliamentary inquiry. Two bills touching trade-marks were referred to the Judiciary Committee on the 17th of December last, and permission was given to report upon the subject at any time. I, as the organ of the committee, am ready to report whenever the House will hear me. I desire to inquire whether the motion of the gentleman from Virginia to go into Committee of the Whole can be antagonized by a motion to take up the report I have indicated.

to go into Committee of the Whole can be antagonized by a motion to take up the report I have indicated.

The SPEAKER. The object of the gentleman can be accomplished by voting down the motion of the gentleman from Virginia.

Mr. HAMMOND, of Georgia. I hope it will be voted down.

The question being taken on the motion of Mr. HARRIS, of Virginia, that the House resolve itself into Committee of the Whole on the

Mr. HARRIS, of Virginia. I call for tellers.
Tellers were ordered; and Mr. HARRIS, of Virginia, and Mr. Mor-TON were appointed.

The House divided; and the tellers reported—ayes 93, noes 56.

Mr. BREWER. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. Harris, of Virginia, was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. STEVENSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union. The title of the first bill on the Calendar will be read be read.

Mr. CONGER. I demand the consideration of the unfinished business before the committee.

ness before the committee.

The CHAIRMAN. The Clerk will read the first bill by its title.

Mr. CONGER. What bill?

The CHAIRMAN. The first bill on the Calendar.

Mr. CONGER. I ask that the unfinished business under the rules may be disposed of.

The Clerk read as follows:

House bill No. 4924, making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. McMAHON. Mr. Chairman, in a conversation which I had with some gentlemen on the other side to-day I stated that I would not call up the deficiency bill this afternoon after the naval bill, if it was late; and unless it be laid aside informally—

Mr. CONGER. It comes up in the regular order of business.

Mr. McMAHON. I understand that; but unless it be laid aside informally I shall move that the committee rise for the purpose of th

making such arrangements as the House may determine in reference to its consideration

Mr. HARRIS, of Virginia. As I understand, the rules provide that bills are to be taken up and proceeded with in the order in which they appear on the Calendar; and the bill to which I refer is on the Calendar previous to the bill making appropriations to supply deficiencies to which my friend from Ohio refers. Therefore, I apprehend that his motion would not be in order at this time.

The CHAIRMAN. The Clerk will read the fourth clause of Rule

XXIII.

The Clerk read as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall

decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. Is there objection to laying aside this bill in-

formally?

*Mr. BAKER. I object.
Mr. ATKINS. I insist, Mr. Chairman, that we go on with this bill now if gentlemen intend to consider it at all. I shall object to laying it aside, and I hope it will be proceeded with at once if it is in-

mr. WARNER. Let us have a vote upon it.

Mr. KEIFER. It is open to debate now.

Mr. McMAHON. Do I understand the gentleman from Indiana as objecting to the consideration of the bill f

Mr. BAKER. No, sir; my objection was to laying aside the bill

Mr. BAKER. No, sir; my objection was to laying aside the bill informally.

Mr. McMAHON. I misunderstood the gentleman.

Mr. HARRIS, of Virginia. If the gentleman in charge of this bill is willing to state that the committee can come to a vote upon it without consuming any time, I shall not object to its being considered; but if it is to be argued and discussed in the committee, then I shall ask that the rule be proceeded with.

Mr. BLOUNT. The rule to which the gentleman refers gives the appropriation bill preference.

Mr. HUNTON. I understand, Mr. Chairman, that there was an agreement informally it is true, entered into between the manager of this bill

ment, informally it is true, entered into between the manager of this bill on this side of the House and gentlemen upon the other side that the bill should not be taken up in the Committee of the Whole House on the state of the Union to-day. [Cries of "Oh, no!" on the republican

Mr. BAKER. There was no such agreement that I am aware of.
Mr. HUNTON. The gentleman in charge of the bill, as I understand, has so stated to the committee, and therefore I ask that this bill be laid aside informally, in accordance with that agreement.
Mr. HOOKER. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. HOOKER. My point of order is that we have gone into the Committee of the Whole House on the state of the Union for the purpose of considering bills upon the General Calendar, and when we go into the committee for that purpose I insist that you must take up the first bill on the Calendar and subsequent bills in their order, of course giving appropriation bills the preference. The first bill on the Calendar giving appropriation bills the preference. The first bill on the Cal-endar that would come up for consideration at this time is one that I had the honor of reporting myself to the House; and I see no reason why we should take up a bill the gentleman from Virginia may desire to have taken up, or that any other gentleman may want to have considered, when this bill to which I refer has precedence under the rule, except, as I have stated, the appropriation bills.

The CHAIRMAN. The Chair will state that this bill has the pref-

erence, being an appropriation bill and coming up as unfinished bus-iness, and will therefore be first considered unless it is the determina-

tion of the committee to lay it aside.

Mr. CANNON, of Illinois. I desire to be recognized, Mr. Chairman, and suppose that I am now recognized. I now yield the floor to the gentleman from Maine.

Mr. McMAHON. I have charge of this bill and have not yielded

the floor.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio in charge of the bill.

Mr. McMAHON. I desire to know from gentlemen on the other

side how long

Mr. CANNON, of Illinois. I do not yield, Mr. Chairman, to the gentleman from Ohio. Mr. REED. Mr. Chairman, I want to have this matter distinctly understood-

The CHAIRMAN. The gentleman from Ohio has the floor.
Mr. CANNON, of Illinois. I did not yield the floor.
The CHAIRMAN. The gentleman from Ohio in charge of the bill

The CHAIRMAN. The gentleman from Onio in charge of the bill is recognized.

Mr. CANNON, of Illinois. But the Chairman recognized me.

The CHAIRMAN. The Chair recognized the gentleman from Illinois, supposing that he had risen to a question of order, not for the purpose of making a motion in reference to the pending question.

Mr. CANNON, of Illinois. I rose to discuss the bill.

Mr. McMAHON. I have been on the floor ever since the committee was formed, knowing that this would be the unfinished business. was formed, knowing that this would be the uninished business. Now I want to ask gentlemen on the other side whether they will be willing to accept this proposition, that one hour be allowed them for discussion and twenty minutes to this side?

Mr. CONGER. We cannot fix the time in the committee.

Mr. BAKER. I think we will accept the hour on this side.

Mr. MCMAHON. I move, then, that the committee rise for the purpose of making that motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Stevenson, chairman of the Committee of the Whole on the state of the Union, reported that the Committee of the Whole on the state of the Union, having had under consideration the state of the Union generally, and having reached the consideration of the bill (H. R. No. 4924) making appropriations to supply certain defi-

ciencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had agreed to the amendment of the House to Senate concurrent resolution to print 10,500 copies of the report of the Smithsonian Institution.

Also, that the Senate had passed without amendment the joint resolution (H. R. No. 290) accepting the gift of the desk used by Thomas

Jefferson in writing the Declaration of Independence.

Also, that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. No. 100) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879.

The message further announced that the Senate had passed with amendment the bill (H. R. No. 3992) for the relief of Cyrus B. Ingham and others; in which the concurrence of the House was requested.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. I move that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion I move that all general debate be limited to one hour and

twenty minutes.

Mr. BAKER. With the understanding that one hour be allowed to

this side of the House.

Mr. McMAHON. Yes; one hour of the time to be allowed to that side of the House.

The motion to limit debate was agreed to.

Mr. McMAHON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McMAHON. Of course the understanding is there will be no vote this evening.

Mr. REED. I do not agree to that. Let us finish the bill to-night. Mr. BLOUNT. We have an evening session.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Whitthorne in the chair,) and resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, with Senate amendments thereto.

Mr. REED. I understand we rise at half past four. In that case I should not be able to finish at this time the remarks I desire to address to the committee. Under such circumstances I am ready to give way to a motion that the committee rise.

Mr. McMAHON. I hope the committee will not rise. It is not yet

four o'clock.

Mr. PAGE. Is there not an order of the House, made several days ago, that at half past four to-day the House will take a recess?

Mr. REED. I prefer to go on.

Mr. McMAHON. I yield one hour to the gentleman from Maine,

[Mr. REED. Mr. REED. I take the hour in my own right.

Nobody regrets any more than I do the emphasis which has been placed on this situation by the persistent refusal of the other side to allow us a short time for discussion. I do not rise here for the purpose of giving utterance to a set speech. I only desire to put on record certain observations which are pertinent to this bill; and although I wish now to call attention to the scant courtesy which has been allowed two words this public I was now to do it in a manufactured to the scant courtesy which has been allowed two words this public I was now to do it in a manufactured to the scant courtesy which has been allowed to we wonthis which I was now to do it in a manufactured to the scant courtesy which has been allowed to we wonthis which I was now to do it in a manufactured to the scant courtesy which has been allowed to we wonthis which I was now to call attention to the scant courtesy which has been allowed to we wonthis which is the scant courtesy which has been allowed to the scant courtesy wh lowed to us upon this subject I propose to do it in a manner which shows that I have breadth and catholicity of spirit enough to appreciate the situation on the democratic side. And I ask you gentlemen on our side to put yourselves for a moment in the place of the gentlemen on the other side and see what you would have done under the like circumstances.

Suppose that you had begun this Congress with an avowed declaration and determination that you would override and overthrow the legitimate constitutional power of the Executive; and suppose that after one hundred and six days you had gone, beaten out of these halls, had gone, thus baffled and defeated, to the people and had by them been rebuked from all quarters of the compass, do you suppose that you would dare to come here and discuss any question again? Suppose you yourselves had found your opponents upon the other side divided and distracted by internal dissensions, and suppose that by your actions and your words you had left them united all over the land and victorious from one end to the other, do you suppose that you would repeat the operation at the regular session of Congress? Of course you would not. Suppose seven-and-seventy of you had stood up in your places and with solemn countenances, never so much as smiling at each other, declared that while the Constitution said that we could make and alter election laws, nevertheless we could not do either; and suppose that at the very next term the ultimate tribunal, the Supreme Court of the United States, had shown that all you had said was nonsense, and that seven-and-seventy of you had only shown your ears where you thought you were showing your minds, what sort of courage would you be able to bring to the discussion of constitutional principles? And I say that our brethren Suppose you yourselves had found your opponents upon the other

on the democratic side are amply justified in the struggle they have made to prevent utterance of their own sentiments especially, and

of our sentiments too.

So successful have they been in gagging their own side at this session of Congress that they have actually undertaken the business of gagging ours too. [Applause.] Suppose, for another thing, you belonged to a party which was made out of odds and ends, a party that had no principle which ran through it, a party that could not command a score of votes upon any particular principle, would you expose them to discussion and to the utterance of their honest sentiments? Suppose you had a party that had met at Saint Louis and declared themselves in favor of a reformed tariff, and suppose that, day after day, every Pennsylvania democrat, every Connecticut democrat, and almost every New York democrat, had gone up and proclaimed himself in favor of the protection of the best kind, or the worst, just as you please to call it. Certainly you and I would be desirous under such circumstances of suppressing discussion.

And when you come to questions of individuals, suppose you had men on your side who had contributed to that manifestations.

men on your side who had contributed to that magnificent improvement of the African race which has been designated by radical malignity as the massacre and butchery of Fort Pillow; and suppose you knew that at any moment they were liable to get up and pronounce a discourse on the doctrine and duty of conciliation! How would you like to let loose such men as those? Suppose you had anwould you like to let loose such men as those? Suppose you had another man in your ranks who wanted to call in all the silver in America and all in Europe to be coined into silver dollars, would you care to go into a discussion of the financial question under such circumstances? Certainly not. And suppose that very recently you had tried even the silence law and were not quite able to carry that out, but had felt the necessity of taking the benefit of the last hour and putting forward the ablest and at the same time the most experienced man that had been in the last election to make a discourse on the subject. And suppose that that gentleman, after he had got over the fervor of the democratic applause with which his effort was greeted and had examined his own speech carefully, had not been able to get it into shape so as to place it before the public in the RECORD for more than eight days and has not got it there yet. And suppose another gentleman had got up and proclaimed republican wickedness and infamy in regard to the public printing and the paper contracts and suppose when he found that those paper contracts had been under the sole charge, had been approved and ratified by the democratic committee on printing he had been unable to prepare his speech so as to print it up to this time. [Laughter.]

If you had met with all these misfortunes, would you not think that a mouth of that size ought to be closed right straight along? [Laughter.] ject. And suppose that that gentleman, after he had got over the

[Laughter.]

Now I hope I have shown you that I am capable, inasmuch as they have given themselves only twenty minutes and have given us an hour, of doing them justice before I start out in my speech. I wanted to make this as a prelude to the entirely non-partisan speech that I purpose to make here this afternoon.

I have alluded to the asymment of the cartings of the start out in the start

I have alluded to the argument of the gentleman from Ohio, [Mr. Ewing,] and I purpose to say a few words in reply to it; not in the nature of a reply exactly, but simply because it clears my way for the argument, or rather for the suggestions—for perhaps they do not rise to the dignity of an argument—which I wish to offer to this House on this bill.

The gentleman from Ohio, forgetting all about the beautiful and interesting discussion that we had during the one hundred and six days we were here in the extra session, actually brings forward as a statement of our objections to such bills as this, the assertion that these provisions are objected to merely because they are legislation on appropriation bills. On that point I want to set him right. No party has ever made a stand against legislation on appropriation bills as such solely. Individuals have made that objection, but no party.

We take our stand upon a proposition more substantial than that, a proposition which is not gainsaid by our history and is continually gainsaid by their history. It is the proposition that no House of Representatives or Senate has any right to put on appropriation bills legislation which is objectionable to another branch of the Government, for the purpose of coercing that branch of the Government to approve a bill which would not otherwise have its approval, by withholding appropriations for the support of the Government unless such agreement was had. There is the proposition for which we contend, and there is the basis upon which we can stand. Yet the gentleman from Ohio with all his experience has not apparently found that out

Now let me refer to the two examples which he gives. In the first place, he says that we attempted to coerce Andrew Johnson. His sympathy with Andrew Johnson is natural, for both of them used to be with us. Why did we do that? It was because we had the power, in the case he vetoed that bill, to pass it by a two-thirds vote. We therefore did not expect to coerce him, but expected to pass legislation which we believed to be right in a proper, constitutional way. And he did not dare, notwithstanding all the vetoes that he had made, to provoke the fury of a decent people by objecting to such a bill.

Then the gentleman brings up against us a fact which during all the one hundred and six days of the extra session was carefully kept concealed. No gentleman on the other side ever alluded to that other

instance to which he refers; that is, that in 1856 we attempted by this means to coerce the Senate. We did. But it took us just ten days, three hours, and twenty minutes to back out of that foolishness; and it took them one hundred and six days and five hours to do

ness; and it took them one hundred and six days and five hours to do a like thing. And that is just the measure of difference between the sense of the two parties.

That is the only instance where we are really obnoxious to the charge which we make against them. I think the wisdom of our past life and history ought to be allowed to go in mitigation even of that, especially when we consider the extreme provocation which we received at the time. And I have no doubt that the gentleman from

Ohio himself sympathized with us then.

I desire now to address to this House a few observations upon the particular amendment which is presented here for our consideration. I do not purpose to discuss any part of the immediate deficiency bill, except the single clause in relation to the election laws. That clause will be found on pages 11 and 12 of the bill as it is now printed with the Senate amendments. It provides—

the Senate amendments. It provides—

That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose; said special deputies to be appointed in equal numbers from the different political parties. And the persons so appointed shall be persons of good moral character, and shall be well-known residents of the voting precinct in which their duties are to be performed.

The first objection I have to this appointment of special deputy marshals arises from the fact that the appointment is to be made by the courts. I believe such an appointment is contrary to the spirit and intent of the Constitution of the United States. In every republic and in every republican system of government there is a division of powers, which is not a division made by empirics, made by theoretical men; but which is the practical result of the sound sense of mankind ever since the republican form of government was first established. That division of the powers of the government is into legislative, executive, and judicial.

I might stand up here and quote to you by the hour the opinions of wise men and of sages on this subject. But it would be a waste of your time, for I presume there is no man here who is not sufficiently versed in the groundwork of our system of government to be well

versed in the groundwork of our system of government to be well aware of all that I can say on this subject. I desire merely to call your attention to the several clauses of the Constitution in which this doctrine is enunciated for us. In the first section of the first article of the Constitution it is delared that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Then in the very first section of the next article of the Constitution it is declared that

The executive power shall be vested in a President of the United States of

And in the first section of the next article it is declared that-

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and es-

This principle has been thought to be so important that in very many This principle has been thought to be so important that in very many of the constitutions of the various States there is an express declaration that no one of these branches of government shall exercise the powers belonging to another; that the executive shall not exercise judicial or legislative functions, or the judicial legislative or executive functions, and so on. This principle is as completely a part of the spirit and genius of our national Constitution as if that instrument contained a provision similar to that embraced in the constitution of my own. State of Messachusetts of Norw York of Torpresses tion of my own State of Massachusetts, of New York, of Tennessee, and I do not know how many others.

I am aware, however, of another provision of the Constitution, to be

found in the second section of the second article:

Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

I am not sufficiently posted in constitutional law to argue as some gentlemen on the other side did in reference to the provision authorizing Congress to make or alter regulations respecting the times, places, and manner of holding elections for Senators or Representatives. Upon that provision it was argued that because Congress is authorized to do this therefore it cannot do it. I am inclined to admit that Congress has the power, under the Constitution, to provide for the appointment of inferior officers as they shall deem fit; but this discretion is a judicial discretion in a certain sense; it is a discretion which Congress is bound to exercise under and by virtue of the Constitution of the United States and in conformity to its principles. I am sustained in this by the opinion of the court in the case of Exparte Hennen, which will be found in 13 Peters's Reports. It is there declared, (page 258:)

The appointing power here designated-

Referring to what I have been talking about-

in the latter part of the section was no doubt intended to be exercised by the Department of the Government to which the officer to be appointed most appropriately belonged.

While the Supreme Court, in the case of Ex parte Seebold, recently

decided, leave it to be inferred that Congress has the power of determination, nevertheless the rule of constitutional construction requires that Congress shall vest the appointment of inferior officers in that branch of the Government to which the power of appointment fairly belongs. While it may be maintained that the appointment of supervisors, who are somewhat in the nature of judges of elections, may be made by the courts, the appointment of deputy marshals by the courts is violative of sound constitutional principles and ought not to be permitted in this bill. What can belong more plainly to executive power than the action of the marshal on the day of election his business being to see that the laws of the country.

plainly to executive power than the action of the marshal on the day of election, his business being to see that the laws of the country are executed and that peace is kept at the polls? It seems to me there can be no question with regard to this matter and no question as to the duty of Congress in connection with it.

In addition to what I have said, I wish to submit a few considerations arising from the nature of the case, to which I think it is fair that Congress should give heed. It is provided in this bill that the appointment of deputy marshals is to be made from each party—not irrespective of party politics, to which we might perhaps agree; but one man is to be appointed because he belongs to one party, another because he belongs to another party, and a third because he belongs to a third party. Such a state of things, in my judgment, would be destructive of all responsibility, would be ruinous to the authority of the marshals; for it will be understood that the power of appointment by law carries with it the power of removal, so that no authority short of the circuit court could remove one of these deputy marshals, whatever might be his behavior. He would have a right to be there, irrespective of the orders of the man who ought to be the executive officer of the Government, to preserve the peace at the polls.

spective of the orders of the man who ought to be the executive officer of the Government, to preserve the peace at the polls.

Apart from that, I affirm further that the provisions of this bill are such as to neutralize the execution of the law. This measure does not join on to the election law anywhere. There is no provision for application to the court; there is no setting out of methods of procedure. It is utterly impossible to tell what this amendment is going to mean in practice. Then I think there is another "catch" in it; I will not say that this is intentional, but I think it is going to be difficult for courts of law to interpret what is meant by the words:

Should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose.

Why, there is not a State in the Union where there is not a circuit court held. Therefore, it seems to me that it is going to be a nullity. What condition of affairs, then, are we to face? We must face the fact that in half the States of this Union there will not be any circuit court within months of the day of the election; and everybody knows that it is not possible to determine in June whether there is likely to be any necessity for keeping the peace at the polls in September or November. So that the whole tendency and effect of this amendment is to neutralize the election law. We have solemnly determined by a fight lasting over one hundred and six days that so far as we are concerned we will not submit to any amendment of the election law which does not increase its efficiency. If we took that ground upon this subject at the last session of Congress, we are doubly fortified now, because we have not only the support of the judgment of the Executive, but also the support of the judgment of the judicial branch of this Government. Thus we stand not only panoplied in our own opinions on the subject, but fortified by those of both the other branches of the Corporate. branches of the Government. Is this a time for us to yield; is this a time for us to give up laws in which we believe, the efficacy of which has been demonstrated to the satisfaction not only of our own party but all parties in the country?

but all parties in the country?

I have one other objection; and I hesitate somewhat to name it, because it is possible I may differ from gentlemen for whose opinions I have the highest respect. But the only right way for a man to act in a deliberative body when he does talk is to give it the benefit of his real views, wise or unwise. I come to speak at this point of a very taking feature in this amendment—that is the proposition to appoint a regular proportion of these officers from each of the political parties of the country. All this sounds non-partisan; it sounds fair; it sounds reasonable; but unless I am mistaken about the principles upon which republics are formed, there is no such thing as a non-partisan republic, and the moment you get a non-partisan republic that republic is tottering to its fall. Parties are created for some decent and respectable purpose; they grow out of the necessities and needs of mankind; and our system of Government is founded on the idea of ascertaining which party should be uppermost. That is the very

of mankind; and our system of Government is founded on the idea of ascertaining which party should be uppermost. That is the very basis upon which we go through elections, and by virtue of which we exist. It is not our object, as my friend [Mr. Hawley] just now suggests to me, to produce twins. [Laughter.] The object is to have one party dominant, and, accompanying that, one party responsible.

If election matters go wrong, who is to be responsible under this proposed system? Why, nobody in the world.

Mr. HUTCHINS. The electoral commission.

Mr. REED. I will refer to the electoral commission by and by.

When you come to real facts, Mr. Chairman, it will be found that the expedients of non-partisanship have never worked practically in this Government. The best system is to have one party govern and the other party watch; and on general principles I think it would be better for us to govern and for the democrats to watch. [Laughter.] I appeal to the experience of gentlemen on all sides whether

they ever knew any instance of municipal corruption which did not result from a non-partisan government. Tweed could not have perpetrated his robberies if there had not been Hank Smith and that class of fellows in his interest to ward off the fire of republican newsclass of fellows in his interest to ward off the fire of republican newspapers from him. I can conceive of no combination calculated to lead to more wrong than some of this boasted non-partisanship legislation and performance. While I think there is something in the objection suggested by my friend from Ohio [Mr. HURD] in some remarks which got into the newspapers, in which he said that if we were wrongly disposed something might be done with the appointment of democratic deputy marshals, I presume we are too good to indulge in that; but if we are bad enough not to enforce the election laws when we have the responsibility, surely a good deal of temptalaws when we have the responsibility, surely a good deal of temptation is being thrown in our path in the way the gentleman from Ohio has suggested. Mr. Chairman, these suggestions, it seems to me, are worth the while of this House to consider.

Another thing I object to, is the dragging the courts of this country into this kind of business. Courts are established to decide the rights of individuals and only incidentally to decide political questions. Wherever they are dragged into politics, such is the fierce nature of political discussion, such is its scathing, unsparing, merciless nature, that nobody can escape its reproaches and its attacks.

political discussion, such is its scathing, unsparing, merciless nature, that nobody can escape its reproaches and its attacks.

Why, have we not had instances enough? There was the electoral commission, a commission which my friend [Mr. Hutchins] has alluded to, which decided the only rule on which such a matter could have been decided, and which will meet the support of history when its decision comes to be considered by candid men. That body has received the opprobrium of gentlemen on the other side without stint, and probably if it had decided the other way, it might have had a little bit from us. For I recollect in the early stages of our conflict with the democratic party, it was spread all over the land that Chief-Justice Taney had decided that the negro had "no rights which any white man was bound to respect;" and yet, when you come to look at the Dred Scott decision, this chief-justice was only making an historical statement relating to past time alone, and I do not believe anybody on our side has ever taken the pains to correct it to this day. Here are recent instances which you have right before you. The Supreme Court at this very term decided that the election laws were constitutional, and hardly had they so decided when gentlemen bustled up here in their haste to denounce it as a partisan tribunal. In my own State, where the constitution required the supreme court to decide upon political matters, where they could not escape it, where they did their duty, and where the democrat on the supreme bench was as cordial in his agreement with the opinion as the others, and where they put down the most infamous crime that ever was attempted a crime that could only have been here of a union of

and where they put down the most infamous crime that ever was attempted, a crime that could only have been bern of a union of greenbackism and democracy, they meet to-day nothing but opprobrium from the democratic party and from the people who were concerned in that crime.

Now, I say to you gentlemen that if the circuit court is dragged into the political arena, it is going to meet, no matter how just it is, no matter how considerate and righteous it is, it is going to meet the same unsparing, fierce, and merciless attacks. And for my part I do not want anything to be done which can have the effect of setting any portion of our people against the other. I believe it to be unwise. Another example: In the Tweed days in New York people looking on said: "These fellows are not managing these affairs right; now, what shall we do? Why, go to the court; let us use injunctions; let us take the power of the court, and use injunctions and stop the rascality of these men." What did it result in? It resulted in having Cardozo, McCunn, and George Barnard upon the bench. I tell you that you appeal to history in vain—

Mr. LAPHAM. And it resulted last fall in disgracing judicial officers in the city of New York.

Mr. REED. Yes; it resulted there in disgracing judicial officers. I say, Mr. Chairman, that while our system of government requires

Mr. REED. Yes; it resulted there in disgracing judicial officers. I say, Mr. Chairman, that while our system of government requires the courts to consider and decide upon points of constitutional law—that being an essential element in our Government—the exercise of which duty tends to draw down upon the judiciary the sweeping opprobrium of political factions, we should endeavor to restrict and not enlarge the exposure. This would be our course if we cared for our courts and for the high character of our judicial system. I appeal, therefore, to you upon two grounds: First, if this proposed legislation is fairly executed it will cause trouble at elections; and if it be unfairly executed it injurges the election laws and we are all agreed that is fairly executed it will cause trouble at elections; and if it be unfairly executed it injures the election laws, and we are all agreed that the election laws are right and just, and I say they are founded upon a wise statesmanship; they are founded upon statesmanship that will bear examination; they are the reproduction of all that is best and all that is effective to that end, and they have met the approval of the citizens of the various States. Under these circumstances our duty upon this subject is very plain and clear.

Mr. COX. If the gentleman from Maine will permit me to interrupt him now I will move that the committee rise, as the hour has arrived for the House to take a recess.

Mr. REED. With the understanding that I retain the floor I will yield for that purpose.

Mr. COX. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Whitthorne, chairman of the Committee of the Whole

House on the state of the Union, reported that the Committee of the Whole having, according to the order of the House, had under consideration the bill of the House (H. R. No. 4924) known as the immediate deficiency bill, with certain Senate amendments thereto, had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTIONS.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolu-

tion of the following titles; when the Speaker signed the same:

An act (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government

to repair and extend the public building owned by the dovernment at Cleveland, Ohio; and
Joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia.

Mr. KENNA, from the same committee, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 91) to print the eulogies delivered in the Senate and House of Representatives upon the late Georga S. Houston, a Senator from the State of Alabama; when the Speaker signed the same.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Wait, for one week from Friday next, on account of impor-

To Mr. Kelley, till Monday next;
To Mr. Phelps, for ten days from Monday, on account of sickness

in his family;
To Mr. Finley, for four days, on account of important business;
To Mr. MARTIN, of North Carolina, indefinitely, on account of sickness in his family;

To Mr. Hubbell, until Monday;
To Mr. Huscock, for one week;
To Mr. Covert, for five days, on account of important business;
To Mr. Hawley, for three days, on account of important business;

To Mr. HUMPHREY, for this evening.

EDWARD K. WINSHIP.

On motion of Mr. HAWLEY, by unanimous consent, it was ordered that the bill (H. R. No. 91) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy, on the Private Calendar, be passed by on private bill day, during his absence, and retain its place on the Calendar.

ORDER OF BUSINESS AT EVENING SESSION.

Mr. DUNNELL. Mr. Speaker, I desire to withdraw my objection to the proposition of the gentleman from Ohio in reference to the business from the Committee on Foreign Affairs to be considered at the evening session.

The SPEAKER. The business for this evening has been fixed by order of the House.

Mr. COX. I hope there will be no objection to allowing the committee to take up other business. I will state to gentlemen that there is no intention of calling up the Irish relief bill this evening.

Several Members objected.

The SPEAKER. The hour of four o'clock and thirty minutes have the committee of the co

ing arrived, the House will now take a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m.

The SPEAKER. The Clerk will read the order directing this even-

ing's session. The Clerk read as follows:

Thursday, April 15, 1880, on motion of Mr. Cox, by unanimous consent, "Ordered, That at four o'clock and thirty minutes p. m., on Thursday, April 22, the House take a recess until seven o'clock and thirty minutes p. m.; said evening session to be for the consideration of the bill of the House No. 2408, to regulate immigration."

Mr. COX. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 2408) to regulate immigration, reported on the 7th day of January last from the Committee on Foreign Affairs.

The motion was agreed to.

Mr. COX. I move to limit general debate to one hour.

The SPEAKER. The House having practically gone into Committee of the Whole, that motion would not be in order at this time.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SIMONTON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole committee

for the purpose of considering a bill the title of which the Clerk will

read.
The Clerk read as follows:

A bill (H. R. No. 2408) to regulate immigration.

Mr. COX. Mr. Chairman, this measure has increased interest to our country because of the increasing immigration. It is of especial interest because of the absolute necessity of Federal action, growing out of the decision of the Supreme Court. Mr. Justice Miller, deliv-

ering the opinion of the court, says in regard to the legislation of New York State under consideration:

We are of opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters, applicable to all ports and to all vessels, a seriors question, which has long been matter of contest and complaint, may be effectually and satisfactorily settled.

The report which I presented here with the bill on the 9th of December last contains a full statement of the great necessities for this

legislation.

Inasmuch as the head-money cannot any longer be levied by the State and as the duty is laid on the Federal Government to provide for this real emergency, we ask for \$250,000 as the fund out of which the immigration, not to New York only but to the United States,

the immigration, not to New York only but to the United States, shall be cared for and supported.

Look at these photographs of Castle Garden, Ward's Island, and the picturesque group on the dock of Castle Garden! You will see at a glance the splendid arrangements heretofore made and which ought to be continued.

[Mr. COX here displayed some large photographs of the scenes in New York harbor.]

What does this system accomplish? The immigrants are received on arrival by the commissioners; are disembarked under their care; are protected from overcharge and imposition; are supplied with interpreters and information; are put in communication with friends in this country, and afforded facilities for corresponding with their friends at home; are furnished with labor till they can find employment for themselves; are aided to that employment through an employment horsest the statement of themselves. ment for themselves; are aided to that employment through an employment bureau; are forwarded to their destination if going beyond New York, having a choice of routes, and are, so far as practicable, protected and cared for en route; are sent to the hospital if ill, and are generally taken care of there, or for some time afterward, if found in the State, requiring care.

The bill is practical. It has a provision for a labor bureau. In 1870 it recorded for the state, results a provision for a labor bureau.

1879 it provided for the employment of 15,235 persons, 10,124 males, 5,111 females. Of these, 794 had professions and skilled labor, the rest were agricultural. Most of the females were domestics. They brought here, not merely their moneys, but earned from \$9 to \$12 a month, which entered into our wealth.

month, which entered into our wealth.

It matters not what causes bring this mass of humanity to our shores; whether it be our general prosperity and our institutions, our rich soil, our free land tenure, or the big standing armies and despotic rule of foreign governments, they are coming in great strength. The decrease of 1873 is being made up. Three steamships day before yesterday brought fifteen hundred; the aggregate for the week was fifty-four hundred and fifty-six. The cable reports as leaving last week a fleet of thirteen steamships laden with this precious human freight for the port of New York. Shipping offices over the sea are crowded with anxious emigrants. They are mostly made up of the tough Teutonic stock, whose language never syllabled slavery. Since tough Teutonic stock, whose language never syllabled slavery. Since the 1st of January, 1880, to the 20th of this month the immigration foots up 56,404. This exceeds by 38,844 the number last year for the same period. Look at these figures and observe the increasing magnitude of this marvelous movement of mankind.

Months.	1876.	1877.	1878.	1879.	1880.
January . February . March . April 20 .	2, 150 2, 186 4, 682 4, 021	1, 813 1, 947 3, 558 3, 587	1, 609 2, 331 3, 558 4, 724	2, 190 2, 617 6, 051 6, 702	5, 677 7, 904 21, 094 21, 729
Total	13, 439	10,903	12, 222	17, 569	56, 404

Of these new arrivals there come from Germany, 9,884; Ireland, 7,143; England, 4,537; Sweden, 3,003; Norway, 307; Denmark, 481; Netherlands, 565; Belgium, 304; Switzerland, 1,479; France, 508; Italy, 1,770; Greece, 138; Russia, 718; Luxembourg, 161; Bohemia, 300; various other countries, 193.

The year 1854 was a grand year for immigration. This year promises an excess of two hundred thousand over 1854, or the enormous number of half a million. They come in groups, families, tribes—I was about to say nations! Young, healthy, vigorous, and with ambitions and hopes for content, liberty and honors. More than half—60 per cent.—go West and South at once under the admirable and honest system at Castle Garden. The wealth they bring is not altogether in their brawn and brain. It rates \$60 a head in cash. This year they will add \$40,000,000 to our wealth, not counting their labor after being here.

will add \$40,000,000 to our wealth, not counting their labor after being here.

Who would deny to such an army of workers hospitality and relief, too, from sharks, as well as protection, until they find their destination? Since Congress must do this, why object to the provisions of this bill? It is indorsed East, South, and West by boards of health, charities, trade and commerce, and by Legislatures and city councils.

They ask, and properly ask, to guard against the influx of pauperism, crime, idiocy, and the burdensome immigration thrown upon us by designing governments abroad. The bill does this by all adequate

by designing governments abroad. The bill does this by all adequate ways and penalties.

There is nothing of verity in the written history of mankind equal

to the magnetism of this our land. It draws to itself by an attractive force millions of our kind who would seek the betterment of their

condition and the noblest inspirations of liberty.

whether De Quincy wrote fact or fancy in his wonderful and elaberate essay on the "Flight of a Tartar tribe," whether his picture was born of the fumes of opium or from the recondite and fictitious screed of some learned Mongolian, certainly never did literature contain such a weird description of an exodus! No anabasis or expedition, either in profane or sacred history, compares with it. A nation fled over boundless Asiatic steppes, pursued to the borders of paganism by the ferocity of a Christian nation, under the rule of the great irate Greek Czar! Vengeance and privations in every form, of arms, hunger, thirst, and cold, tracked in blood and death footsteps of two hundred thousand Kelmucks with their families and herds, bound in one great thousand Kalmucks with their families and herds, bound in one great thousand Kalmucks with their families and herds, bound in one great league of misery, until foes met in a terrific agony, to lap in common in their maddening thirst the waters of a lake outside the great wall of China, which became incarnadined in a death grapple of mutual frenzy. And there the startling and memorable horror ended!

On the margin of the steppes this national exodus was memorized by a monument of granite and brass. It celebrated the pursuit over thousands of pathless, treeless, waterless miles, until these wandering sheep were gathered into the fold of the shepherd after infinite sorow!

Here is the inscription upon the monument erected to those who departed to the rest of Paradise from the afflictions of the desert:

By the will of God,

Here upon the brink of these deserts,
Which from this point begin and stretch away,
Pathless, treeless, waterless,
For thousands of miles, and along the margins of many mighty nations,
Rested from their labors and from great afflictions
Under the shadow of the Chinese wall,
And by the favor of Kien Lang, God's lieutenant upon earth,
The ancient children of the Wilderness—the Torgate Tartars—
Flying before the wrath of the Grecian Czar,
Wandering sheep who had strayed away from the Celestial
Empire in the year 1616,
But are now mercifully gathered again, after infinite sorrow,
Into the fold of their forgiving Shepherd.
Hallowed be the spot forever,
And
Hallowed be the day—September 8, 1771!
Amen.

What a contrast to this wild and calamitous movement of a nation over the Asiatic desert is this grand exodus of our time from the transatlantic to the cisatlantic shores. No hunger or thirst pursues; no baleful foe hunts and kills; no treeless, pathless, waterless desert adds its agony to the pursuit of a vengeful enemy. They come in thousands, borne hither by the energy of steam; and silently, quietly, and by all friendly offices are welcomed to our fresh continent, under conditions that guarantee wages, support, and honors; life, liberty, and happiness; blessings untold and ineffable; unlike any movement for the hearefaction of our reas since it left its prince any movement. for the benefaction of our race since it left its primeval home in the garden of God.

If indulgence in imagination were allowed upon such a practical theme and scheme, might there not be erected at the gateway of our metropolis, in some island in our imperial harbor, as a companion to the splendid effigy of the Goddess of Liberty of the gifted Frenchman about to be placed there, and upon such a monument more durable than granite and more eternal than brass, this inscription to celebrate the grandeur of our asylum to the peoples of our earth:

By the will of God

Here, upon the brink of the new and fruitful world,
Which from this point begins and stretches away
Innumerable railways of iron and ways of water—
For thousands of miles inland and through the heart of mighty States—
Rested from the wearisome demands of despotism and armies,
Under the shadow of the American Constitution,
And by the favor of a generous American Congress,
The children of the Old World,
Flying to the land of freedom,
Whose brain and muscle, perpetuated in their offspring,
Are mercifully permitted in the centennial years
Of American Independence and peace
To be gathered within the fold of our Union!
Hallowed be the spot forever,
And
Hallowed be the day which under Federal care
Gave to mankind such
Inestimable blessings!
Amen!

Mr. MORTON. Mr. Chairman, the bill now under consideration reported by the chairman, my distinguished colleague on the Committee on Foreign Affairs, was also introduced during the Forty-fifth Congress, approved by the entire New York delegation in the House in that Congress, and by every member of the Board of Commissioners of Emigration of New York. Its features are not new. Similar provisions have been tried for more than thirty years in the State of

Amen!

visions have been tried for more than thirty years in the State of New York and have worked successfully.

This bill provides for a report of the name, place of birth, last legal residence, age, and occupation of every immigrant upon arrival. It also provides for a specific report of all paupers, convicts, lunatics, idiots, and deaf and dumb, blind, maimed, and infirm persons, and of all immigrants who are unable to support themselves. It prohibits the landing of those who have within six months previous to their arrival bean immate of lunatic swilling or poor, house, vious to their arrival been inmates of lunatic asylums or poor-houses,

and provides for their return at the expense of the ship that brought them. It guards against the introduction of persons charged with crime, who shall be pardoned upon condition of their coming to the United States, and to illustrate the necessity for this provision I ask the Clerk to read a few extracts from letters of the Secretary of State and the president of the Board of Commissioners of Emigration of the State of New York.

The Clerk read as follows:

DEPARTMENT OF STATE. Washington, August 7, 1879.

To the Commissioners of Immigration, Castle Garden, New York:

To the Commissioners of Immigration, Castle Garden, New York:

GENTLEMEN: This Department is in receipt of a dispatch from the chargé d'affaires of the United States at Berne, dated 24th July ultimo, stating that he has been informed that the poor-house authorities at Basle contemplated sending to the United States an inmate of that institution, one Daniel Stenn, who is sixty-one years of age, and is described as having passed several years in the house of correction for crime. It is further represented that this man has never earned an honest living and has even refused to perform the duties assigned to him in the poor-house. The information received by Mr. Fish is more than verified by an investigation which he caused to be instituted. The investigation disclosed the fact that the authorities of Basle intended to ship this man by the French steamer Amerique, sailing Angust 2 from Havre. Mr. Fish learned, however, before mailing his dispatch, that the Amerique was announced to sail on the 26th of July and the Pereire on the 2d of August. This conflicting information renders it uncertain which of these two vessels he (Senn) will arrive by.

I am, gentlemen, your obedient servant,

WM. M. EVARTS.

Office of the Commissioners of Emigration of the State of New York, Castle Garden, New York, November 12, 1879.

New York, November 12, 1879.

Sir: I have he honor, on behalf of this board, to transmit to you herewith, for such action as you may think proper, the affidavit of Theodore Meyer, a deformed paper, who having become a public charge was sent to the United States at the expense of the poor authorities of Barschwil, Switzerland. The commissioners also desire to inform you that a number of deformed adults and destitute children are from time to time landed here from Italy, many of whom are brought by "padrones" and subjected to a species of servitude during a specified term, usually four years. The following cases have occurred recently: On the 2d instant Giovanni Ancarola, who had previously resided in the United States, landed at Castle Garden from the steamship Elysia, having with him seven boys, natives of Calvello, Italy, whose names and ages are: Giosine Guerrion, 11 years; Guiseppe Bettele, 13 years; Michete Bettetle, 10 years; Michele Quirino, 12 years; Pietro Querino, 10 years; Luigi Cosigliani, 10 years; and Francisco Lebonato, 10 years.

On the 6th instant a deformed cripple named Vito Muzio, with his alleged wife and two children, were landed here from the steamship Vaderland, from Antwerp. Both of this man's hands were deformed, not a single finger being in a natural condition. One of his lower limbs was paralyzed and one foot much shorter than the other; he could not stand upright and could move only by crawling on his hands and knees. This helpless person acknowledged that with the aid of the oldest child he intended to support himself and family by begging. The commissioners were, however, satisfied that he was brought here by a "padrone," although unable to obtain proof thereof. The Italian authorities do not appear to have granted this man a passport to emigrate, the passport found in his possession, which I inclose, being applicable only to the interior. Vito Muzio and family were yesterday returned to Europe by the same steamer that brought them to New York, but Theodore Meier, heretofore referred to, is still a charge on the commission, as he declines to return to Switzerland. The law as now in force does not give power to compel the return of any pauper, lunatic, or criminal that may be brought to this country, and the commissioners respectfully invite your attention to section 3 of a proposed law contained in their last report, (pages 24 and 19,) a copy of which is sent herewith, and which if enacted would meet this difficulty.

The bill, although presented at the last session of Congress, did not become a law, but it is the intention of the commissioners to again presentit when Congress reassembles, and they respectfully request your valuable co-operation in the matter.

I am, sir, your obedient servant,

matter.

I am, sir, your obedient servant,

GEORGE J. FORREST. President.

Hon. WM. M. EVARTS, Secretary of State, Washington, D. C.

Mr. MORTON. The bill, Mr. Chairman, authorizes the Secretary of the Treasury to resort to institutions and hospitals scattered over the country for the care of the immigrants, and provides the proper penalties for the enforcement of these provisions.

alties for the enforcement of these provisions.

Until 1876 it was confidently assumed that the States possessed the general power of passing all laws necessary and proper for protecting themselves against the introduction of foreign paupers, lunatics, convicts, and others unable to live without being a public burden.

The decision of the Supreme Court of the United States in that year virtually deprived the States of the power which had been assumed, by holding that the only practicable exercise of it conflicts with the rights and powers of the General Government. In this decision the Supreme Court declares that—

We are of opinion that this whole subject has been confided to Congress by the

We are of opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters applicable to all ports and to all vessels, a serious question, which has long been a matter of contest and complaint, may be effectually and satisfactorily settled.

The unprecedented prosperity of the American Republic brilliantly illustrates the advantages to the country of immigration in the past. Its importance in the development of our vast unoccupied domain, in recruiting our industries, and its bearing upon American civilization and American institutions in the future cannot be overestimated.

With the establishment of the Pacific railways and the opening of unoccupied sections in the South, Southwest, and West, the tide of immigration will continue to increase.

The State of Texas alone, six times the size of the State of New York, would, if as thickly populated as Massachusetts, contain a population of fifty millions.

The great benefit of encouraging and protecting immigration inures not to the Atlantic States, not to New York only, but mainly to the Western and Southern States; but, while encouraging immigration,

Western and Southern States; but, while encouraging immigration, we must guard against spoliation upon the immigrant and the landing of paupers, destitutes, and criminals upon our soil.

It is impossible fully to appreciate the value of immigration to this country without recalling to some extent the number of immigrants who have served to swell our population, and the skill, energy, and genius which they have added to the body-politic.

Authorities differ as to the wealth which immigration has brought to our shores. Mr. Edward Young, Chief of the Bureau of Statistics, in his report dated March 17, 1871, estimates the increase from this source for the fifty years preceding, to be more than \$6,243,880,800, and for 1870 at \$285,000,000. But even this is based upon an estimate of the mere physical, uncultivated powers of the immigrant. the mere physical, uncultivated powers of the immigrant.

How shall we determine the measure of value to our country and its institutions of the rare intellects, the skilled artisans, and the creative geniuses who have poured in upon us from foreign lands? In all the walks of public and private life they have appeared and left their impress—in the avenues of commerce, in the workshop, and

in the delicate functions of government.

What estimate can be placed upon the value to the country of that what estimate can be placed upon the value to the country of the skilled artisan and creative genius, Captain John Ericsson, the inventor of the Monitor, the Swedish emigrant who landed in New York in 1839—of the value of that almost invisible object, the creation of his brain, which under the command of that heroic sailor, Captain (now Admiral) Worden, proved on the 9th of March, 1862, such a glorious bulwark to American commerce and American ports?

Mr. Chairman, what estimate can we place upon the value to the country of the millions of Irishmen and Germans to whom we largely owe the existence of the great arteries of commerce extending from the Atlantic to the Pacific, and the results of that industry and skill which have so largely contributed to the wealth and prosperity of the

From 1776 to 1820 about 250,000 immigrants landed in this country From 1820 to 1875 about eight millions arrived, and of these eight millions, six millions entered the country at the port of New York.

The number of immigrants that have arrived during the past eight

years is as follows:

1872 1873 1874 1875	149, 762	1878	79, 801
------------------------------	----------	------	---------

The arrivals in 1879 were nearly sixty thousand in excess of the previous year, and more than any year since 1874.

On the 19th of the present month 2,392 immigrants arrived at Castle Garden, and 2,916 on the 12th.

The arrivals on these two days alone exceed the total population of

Chicago forty years ago.

I hold in my hand a telegram from Henry A. Hurlbut, esq., president of the Board of Commissioners of Emigration, with the surprising announcement of the arrival of 4,200 immigrants at Castle Garden

The number of immigrants landed at Castle Garden, New York, from January 1, 1880, to April 15, 1880, is 49,566 against 12,339 for the same period in 1876, 10,381 in 1877, 11,119 in 1878, and 15,716 in 1879. The nationality of the emigrant passengers landed at New York from January 1, 1880, to March 31, 1880, is as follows:

Germany 9.884	Belgium 304
Ireland 7, 143	Switzerland 1, 479
	France 508
	Italy 1, 770
Austria 558	Greece
Hungary 1, 407	Russia 718
Sweden 3, 003	Luxembourg 161
Norway 307	Bohemia 516
Denmark 481	Various countries 193
Netherlands 565	

The time has now arrived, however, when the magnitude of the subject and the inability of the States longer to establish regulations makes interference by Congress a duty which cannot be evaded. It can no longer be safely left to take care of itself.

The condition of Europe to-day is such as to render it reasonably certain that, with the new era of prosperity upon which this country has entered, the number of immigrants will continue to increase largely. It remains for the National Government to do its part, alike for its own

protection and that of the immigrant.

Immigration has not flourished without attendant evils. At a comparatively early date some of the States passed laws to meet and counteract them. It was soon perceived that on the one hand there were teract them. It was soon perceived that on the one hand there were foisted upon our communities numbers of paupers, lunatics, and criminals, and on the other hand there grew up in our ports of immigration a class of men that preyed upon the poor and ignorant, crippling and oftentimes so completely stripping them as to make them charges upon the public bounty. These evils grew to such an alarming extent and filled the public with such abhorrence, that the Legislature of New York was prevailed upon to investigate the subject and to devise for these evils. for these evils a more comprehensive remedy.

The efforts of philanthropic and public-spirited citizens of New York finally resulted in the establishment of an institution, which, for the motives of those who inspired it, the character of those who

managed it, and the helplessness of those who came within its fostering care, stood among the most benign and efficient in our land. I refer to the "Board of Commissioners of Emigration of New York." Through the exertions of Thurlow Weed, Archbishop Hughes, Moses H. Grinnell, Charles O'Conor, Robert B. Minturn, and other eminent citizens of New York, the passage of a bill to organize this board was secured in 1847.

The personnel of the first board was fixed by the statute itself. The personnel of the first board was fixed by the statute itself. Especial care was taken to select public-spirited citizens of high intelligence and stern integrity, and resulted in the designation of Gulian C. Verplanck, James Boorman, Jacob Harvey, Robert B. Minturn, William F. Havemeyer, and David C. Colden, eminent, philanthropic, and distinguished citizens of New York, together with the mayors of New York and Brooklyn, the president of the Irish Emigrant Society, and the president of the German society, who were made members of the board by virtue of their offices. The board of commissioners is now appointed by the governor, subject to the confirmation of the senate. firmation of the senate.

firmation of the senate.

The operations of this board extend throughout the State, and embrace in the city two great establishments: One at Ward's Island, opposite the city, the site of the State Emigrant Rafuge and Hospital, in the district which I have the honor to represent. The other—Castle Garden—is an extensive inclosure at the foot of the city under the exclusive control of the board of commissioners, where all the immigrants who arrive at the port of New York are landed, and which thus receives three-fourths of all the immigrants that arrive in the United States. It took eight years for this energetic board to so far

thus receives three-fourths of all the immigrants that arrive in the United States. It took eight years for this energetic board to so far overcome the prejudices of the public and the fierce apposition of the organized band of plunderers and thieves as to be able to secure this place, which was done in 1855.

It is enough to say that here the immigrants are protected from the corruption and depredations of panderers, plunderers, and thieves; that they here receive counsel, care, and assistance; that their property is protected, their friends discovered, their purposes ascertained, and the way to their destination pointed out. What a mother is to her child, this board and its servants are to helpless, ignorant strangers, many of whom do not understand the English language.

After nearly thirty years the powers of this board were paralyzed by the decision of the Supreme Court to which I have referred, and the whole subject was by that tribunal recommended to the consideration and control of Congress. The court does not, it is true, declare that the board is unconstitutional or illegal; but it does declare that the exacting of bonds from masters, owners, or consignees of vesthat the exacting of bonds from masters, owners, or consignees of vessels to indemnify the State, as provided by her laws, is unconstitutional.

Mr. Chairman, the duty of Congress in this matter is threefold: To protect the community from foreign paupers, lunatics, and criminals; to shield the worthy immigrants from the rapacity and corruption to which they are exposed, and at the same time to achieve these re-

Now, this bill has all these objects in view, and it contemplates effecting them by the appropriation of a general fund in lieu of the old and unconstitutional "head-money," which really came out of the immigrants, although ostensibly paid by the steamship companies. There is no mode since the Supreme Court decision, except by Federal law, by which to guard immigrants against those who would prey upon them and protect our people from the refuse of foreign

prisons and poor-houses.

The bill, Mr. Chairman, appropriates \$250,000 for the purposes therein mentioned, and I shall propose to amend it as it was reported by the chairman of the Committee on Foreign Affairs so that it will authorize the governors of the States, together with the Secretary of the Treasury, to select the institutions which may take charge of im-migrants requiring their care or maintenance, and will, furthermore, enable the Secretary of the Treasury to inquire into the management of these institutions and the mode and manner of the treatment of immigrants therein.

The necessity of securing the landing of immigrants at Castle Garden, was so apparent that the passage of a special act of the Legislature was secured by the board of commissioners in 1855 authorizing them to compel their landing at Castle Garden, which alone enabled the commissioners to effectually guard and protect the immigrants.

Prior to this, as early as 1847, the Legislature appointed a committee in reference to this very subject.

This is the report they made. I will read such portions as are ma-

Your committee must confess that they had no conception of, nor would they have believed, the extent to which these frauds and outrages have been practiced, until they came to investigate them. As soon as a ship loaded with these emigrants reaches our shores, it is boarded by a class of men called runners either in the employment of boarding-house keepers or forwarding establishments, soliciting customs for their employers. If they cannot succeed in any other way in gotting possession and control over the objects of their prey, they proceed to take charge of their luggage, and take it to some boarding-house for safe-keeping, generally under the assurance that they will charge nothing for carriage hire or storage.

The keepers of these houses induce these people to stay a few days, and when they come to leave usually charge them three or four times as much as they agreed or expected to pay, and exorbitant prices for storing their luggage; and in case of their inability to pay their luggage is detained as security, &c.

Your committee have been shocked to find that a large portion of the frauds

committed upon these innocent and in many cases ignorant foreigners are committed by their own countrymen who have come here before them; for we find the German preying upon the German, the Irish upon the Irish, &c.

In brief, Mr. Chairman, this is the importance of such a place as Castle Garden, as stated by one of the board of commissioners, Mr. Kapp, in his able work on immigration:

This act (authorizing the purchase and occupation of Castle Garden) was as important as the one creating the board of commissioners, for it first gave the power to afford really efficient protection to the emigrant.

In view of these facts, legislation such as this bill provides becomes imperative. It would secure to the Government more exact statistics of immigration and would enable it to invoke the aid of foreign states and the services of its own ministers and consuls in promoting states and the services of its own ministers and consuls in promoting such immigration. But there are other and more urgent ends to be accomplished by the bill. If immigration to these shores is to be encouraged, there must be some legal method of protecting ourselves from the influx of the most degraded and burdensome classes of foreign populations. If, on the other hand, the immigration of those who will advance our prosperity is to continue and increase, there must be such legal provisions as will protect the inexperienced stranger who lands for the first time upon our shores from becoming the prey of every harpy who may choose to take advantage of his ignorance and belylessness

I will repeat, Mr. Chairman, that the protection of the immigrant from the rapacity of extortioners and thieves is demanded as a duty of the Government if it is to continue to foster immigration. It is demanded by a common humanity. The States are virtually denied the power to protect the immigrant, and that power is declared to rest with Congress

Our present national disregard of the interests of those who seek a home in our land, is a discredit to humanity and to the honor of the

Mr. WILSON. I desire to ask my colleague on the Committee on Foreign Affairs if I was correct in understanding him to say that he received a dispatch from New York stating that some four thousand immigrants had arrived there to-day, or whether the dispatch stated that they had arrived during the month?

Mr. MORTON. My statement was that I had received a dispatch that four thousand two hundred immigrants had arrived at Castle Garden this day. And I would like to read another telegram which I have received. I sent a dispatch to-day to the president of the board of commissioners asking the amount which had been appropriated by the State of New York since the decision of the Supreme Court in 1876; and I have this reply:

The amount appropriated by the State of New York for the expenses of the commissioners of emigration and expended for support of emigrants for the year ending May, 1877, \$200,000; for the year ending May, 1879, \$150,000; for the year ending May, 1879, \$150,000; and for the year ending May next, \$170,000; making a total of \$670,000.

Mr. WILSON. Those are very valuable figures, and I am glad the gentleman from New York has given us this information.

Mr. CONGER. Will the gentleman permit me to ask him a ques-

Mr. MORTON. Certainly.

Mr. CONGER. I would like to inquire whether the gentleman is able to state the value of the property that was on hand in possession of the Commissioners of Emigration of New York when the decision of the Supreme Court was made; I mean the value of the property which had been derived and paid for by head-money received from the immigrants?

Mr. MORTON. I do not know that I can state the exact figures. Perhaps my colleague from New York can give the information de-

Mr. COX. It is over a million of dollars. I can get the exact amount by looking at my report, which shows it, but it was over a million of dollars. We propose now to devote that same property to general use

under the provisions of this bill.

Mr. CONGER. Then, I would like to ask another question: whether either of the gentlemen from New York can state the aggregate amount of head-money derived from immigrants from the year 1855 up to the date of the decision of the Supreme Court?

Mr. COX. It is estimated at from five to seven millions of dollars, and the steamship companies have brought suit against the city and State of New York to get it back. I can give the gentleman from Michigan the exact figures.

Mr. CONGER. If the gentleman from New York can furnish me with these statistics I should like to have them.

Mr. COX. I will look them up before we get through. I now yield ten minutes to my colleague on the committee, the gentleman from Massachusetts, [Mr. RICE.]

Mr. RICE. I suppose I have the right as a member of the Committee on Foreign Affairs to speak in my own time.

The CHAIRMAN. Yes; but not until the hour of the gentleman from New York [Mr. COX] has expired.

Mr. COX. How much time have I remaining?

The CHAIRMAN. The gentleman has twenty minutes of his time remaining. Mr. COX. It is estimated at from five to seven millions of dollars,

Mr. COX. If that will satisfy my colleague I will yield those

twenty minutes to him.

Mr. RICE. I do not want to take the time of the gentleman from New York.

Mr. COX. Then I will give it to my colleague from New York, [Mr. CHITTENDEN.]

Mr. RICE. As two gentlemen have spoken in favor of the bill, I

should like to speak against it in my own time.

Mr. COX. I am willing to give the rest of my time to my colleague Mr. COX. I am willing to give the rest of my time to my colleague on the committee, the gentleman from Massachusetts, [Mr. Rice,] if he desires it. I have no objection to having full debate; only I desire that we should pass the bill to-night if we can.

Mr. VAN VOORHIS. I think this difficulty can be easily enough solved. All my colleague from New York [Mr. Cox] has to do is to yield the floor and then the gentleman from Massachusetts can take it.

Mr. COX. In that case he will have an hour.

Mr. COX. In that case he will have an hour.

Mr. RICE. I shall be happy to agree that my colleague on the committee shall reserve his time, to be used hereafter if he thinks proper; but I desire to occupy my own time.

Mr. COX. The gentleman from Massachusetts belongs to the Committee of the co

mittee on Foreign Affairs, and has a right to discuss this matter. But he is opposed to the bill, and after having been absent for two weeks he now comes here and proposes to speak an hour and kill the bill.

Mr. RICE. I have been in my seat during this session as much as the gentleman from New York.

Mr. WILSON. Gentlemen—

Let love through all your actions run, And all your words be mild.

[Laughter.]
Mr. CONGER. I rise to a question of order. The House resolved to-day that poetry shall not go into the RECORD. [Laughter.]
Mr. COX. If the gentleman from Massachusetts does not desire to

Mr. COX. If the gentleman from Massachusetts does not desire to take the remainder of my time I yield it to the gentleman from New York, [Mr. CHITENDEN.]

Mr. WILSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON. I desire to know under what arrangement this debate is now proceeding?

The CHAIRMAN. The gentleman from New York [Mr. Cox] is entitled to one hour; and there yet remains seventeen minutes of his time undisposed of. time undisposed of.

Mr. RANDALL, (the Speaker.) The debate is unlimited thus far. Mr. COX. Yes; there has been no limitation put upon the debate at all. I understand that the gentleman from New York [Mr. CHIT-

TENDEN] is ready to proceed.

Mr. CHITTENDEN. It is due to myself and to the great subject that I say at the outset that I come here entirely without any preparation to speak upon this bill; that I am very sorry to speak prior to the gentleman from Massachusetts, [Mr. RICE;] and that the few words I have to say will have no other authority than attaches to them as having occurred to me at the moment of utterance.

In the first place I will say I happened last October to be in company with some gentlemen who were estimating the extent in the future of the currents of emigration to these American States, and they, to my surprise, concluded that there would be at least a population of a new city of a thousand inhabitants imported into the United States for every day of the year 1880. I understand that during the first three months of the year, January, February, and March, the total number of immigrants arriving was from thirty-five thousand to forty thousand. The gentleman from New York [Mr. Morton] has stated here to-night that four thousand have arrived to-day, and I was told a week ago that a reasonable estimate for May was fifty thousand.

I refer to these figures and to these conversations in order to point one remark which I have to make upon this bill. Prior to that I will one remark which I have to make upon this bill. Prior to that I win say a word about the New York system. It began in 1847; it terminated in 1876. For twenty-nine years it supported itself. That is to say, the per capita tax upon the arrivals supported the system. It permitted the employment of clerks to protect immigrants from robbery on their arrival and of physicians to cure the sick; and it enabled the building of habitations and of hospitals for the feeble; and under it arrangements were need which resulted as all intelligent and under it arrangements were made which resulted, as all intelligent members of Congress and all intelligent men know, in the taking, without cost to the country, of the best possible care of the immigrants. Those that wandered far away and came back weak to New York were protected or cured or sent back to their homes. That system, by the Supreme Court, was destroyed, obliterated, after twenty-nine

years of successful practice, without scandal or any opportunity for scandal, by the Empire State.

Now, then, Mr. Chairman, as I take up this bill here to-night I happen to open it at section 4, which if I understand it—if I do not understand it of course it will be explained—but which, if I understand it, opens the broadest kind of a door for scandals and extravagant expenditure of all kinds. In view of the largeness of the question and in view of the very large number of the immigrants now coming and to come to our country it becomes us to consider the meaning of this. I will take it up in the middle of the bill, as my speech has begun in the middle and may perhaps end there:

SEC. 4. That it shall be the duty of the Secretary of the Treasury, quarter-yearly, commencing the first quarter after the approval of this act, to request the governor of each State of the United States to transmit to him within thirty days a statement of the amount which his State or any local officers or board thereof may have incurred, paid out, or expended, according to law, for the care of the emi-grants on their arrival, and for the support and maintenance of any such of the immigrants as designated above within one year from arrival.

Now, if I understand those words, if the words in that section which I have quoted are plain English according to the dictionary, then I say it is the largest bid for the largest grab upon the United States Treasury that I have ever seen here save one. Thirty-eight governors with quarter-yearly bills at the doors of the Treasury compared with the system of making the commander of immigrant ships give bonds, and to commute those bonds by the payment of \$1.50 and \$2.50 a head—it is the difference between safety and insecurity! In view of the four thousand immigrants who arrived in the city of New York to-day, the two thousand who arrived yesterday, the two thousand who arrived the day before, and the twenty-five hundred a day who will arrive during the next thirty or sixty days, I cannot for my life see why the governor of New York should be intrusted under legal authority with so large a business, and empowered to bring to the Secretary of the Treasury quarter-yearly his bills to be reimbursed for the amount of money expended. It were much better to give New York even \$1 per capita. I say this, although I am myself from New York, and know personally Mr. Hurlbut, whose name is attached to the dispatch which was read by my colleague, as a gentleman to be trusted with millions.

Mr. MORTON. Will my friend allow me to interrupt him a moa head-it is the difference between safety and insecurity!

Mr. MORTON. Will my friend allow me to interrupt him a mo-

Mr. CHITTENDEN. Certainly.

Mr. MORTON. The amendments to which I referred in my remarks I think will meet the objections which my friend has raised.
Mr. CHITTENDEN. Read those amendments, please.
Mr. MORTON. The first amendment is to insert after the word "establishments," in line 28 of section 4, the words, "which have

been duly authorized by the governors respectively aforesaid, with the approval of the Secretary of the Treasury, to take charge of such immigrants." And my second amendment is to insert in line 39 of the same section, after the words "legitimate and reasonable," the words "and to cause at such times as he shall think fit an examination to be made of the institutions or establishments aforesaid, and of the mode and manner of treatment of immigrants therein."

Mr. CHITTENDEN. Well, sir, I am very sorry not to agree on the instant with any amendment suggested by my colleague. But if I am right in regard to the point I have attempted to make, his amendments do not touch it. The Secretary of the Treasury has business enough without looking after the four thousand immigrants arriving in New York daily. They must be taken care of by other authority with more time and care than the Secretary of the Treasury can spare for such a purpose. Moreover, this business has become so vast in fact, as the gentleman himself has proved here to-night to the aston-ishment of us all, and it is so vast in prospect, that I appeal to every member of the House of Representatives not to act hastily in regard

to the matter.

I believe it is of the utmost importance that we do something, and provide money in some way. If I had the power I would press home the urgency of the case to the intelligent conscience of every member of this body. Just consider it a moment. The arrival of a city of four thousand people into our country to-day! What does it mean? We all know that this is the most prosperous country in the world. We are a spectacle to the whole world as a people surpassing all others with our native resources, with our aggressive enterprise, with our intelligence, and with our future power in the world. And here

our intelligence, and with our future power in the world. And here is one of the grand items making up that power.

I have felt for months that this item of immigration from the distressed and overtaxed nations of the earth was to be a new revelation to our people. But I little dreamed when I came here to-night that I would hear it confirmed as it has been. I press that as an argument why gentlemen should not turn away from this subject as one possibly bringing profit to New York. Every immigrant that lands in New York brings profit to the whole country. There must have a center of commerce and there immigration will center. Within be a center of commerce, and there immigration will center. Within a few years eight millions of immigrants from foreign nations have been landed in this country, and six millions of them have been landed in New York.

Undoubtedly while we send two or three steamships each day from Undoubtedly while we send two or three steamsnips each day from the city of New York, and two or three arrive there daily the great majority of immigrants to this country will be landed there. There is no means by which this business can be diverted from New York. But I say let every seaport in the country have equal rights. Let some system be agreed upon that shall be practicable, without opening a door for making indefinite, illegitimate, and improper demands

ing a door for making indefinite, illegitimate, and improper demands for money from the Treasury.

Mr. WILSON. What do you want to do?

Mr. CHITTENDEN. I want the per capita tax system, and not a round sum of money appropriated with thirty-eight open doors. The report suggests the new plan because immigration has diminished. The report is dated December 9, 1879, and is behind the times. I believe that because immigration is now increasing the per capita system is the only sefe one. is the only safe one.

I beg pardon of the House, and especially of the gentleman from Massachusetts, [Mr. RICE,] for having occupied so much time.

Mr. RICE. Mr. Chairman, I regret that the discussion on this bill

comes on during an evening session, because I have noticed that at evening sessions those members who are most interested in the passage of the bill under consideration are more likely to attend than those who are not. I regret also that the bill has not been read from

the desk, so that all gentlemen present might be informed of its provisions, and thus be able to vote more intelligently upon it. I regret still more that the chairman of the committee, having occupied his time in speaking in favor of the bill, should have sought to prevent

still more that the chairman of the committee, having occupied his time in speaking in favor of the bill, should have sought to prevent me from opposing it. I regret that in so doing he should have taunted me with following his example in sometimes being absent from the House. That he can well do when I occupy the floor one hour to his ten; and I will venture to say that although I may have been absent from the House somewhat, I have been present in it more hours when I have not been speaking than has the gentleman from New York when he has not been speaking.

Mr. Chairman, I desire to call the attention of the Committee of the Whole to this bill. I pronounce it unconstitutional; I pronounce it incomplete; I pronounce it a scheme to support State institutions, run by State officials at the expense of the national Treasury. There have been eloquent remarks made by the gentlemen from New York on the one side and on the other side of this House. This is a subject that somewhat inspires eloquence, involving as it does these great movements of oppressed people out of darkness into light. I agree with all that has been said by the gentlemen on either hand in this regard.

This bill is stated in the report which accompanies it to be a bill which encourages immigration. The gentleman from New York says that it is a bill to protect ourselves against the immigration of those who are "criminal, pauper, or imbecile;" to shield the immigrant when he comes here, and to do this without retarding or preventing the progress of immigration. The report accompanying the bill states—and so argues my friend from New York—that this measure is made necessary by a decision of the Supreme Court of the United States preventing the operation of laws of the State of New York under which heretofore immigration has proceeded.

Mr. Chairman, there is not a provision in the bill, with possibly

which heretofore immigration has proceeded.

Mr. Chairman, there is not a provision in the bill, with possibly one single exception, which is not contained in the statutes of the State of New York and which is not constitutional under those statutes. The State of New York may protect its borders against the intrusion of the "criminal, the pauper, or the imbecile." In the decision to which the gentleman refers the Supreme Court of the United States declared the New York statute in a similar country this. States declared the New York statutes in a single respect unconstitutional in this: that those statutes undertook to impose a tax of \$2.50 a head on every immigrant. This provision the Supreme Court of the United States declared unconstitutional in a State law, because it was a tax upon immigration, because it was an attempt to regulate commerce by State legislation. No provision of that kind is in this bill. The only provision of the New York statutes pronounced to be unconstitutional is omitted in the bill. All the other provis-

to be unconstitutional is omitted in the bill. All the other provisions, declared constitutional in a case away back in 1849 and never yet overruled, are left in the statutes of the State of New York as operative and efficient as they have ever been.

This bill provides in the first section that shipmasters shall make reports in regard to those whom they bring into this country, stating whence they came, with their age and other particulars. This is copied from the New York statute. The second section appropriates \$250,000 annually out of the Treasury of the United States for the purposes of this bill; and this, as has been said by the gentleman from New York at my left, [Mr. Chittenden,] is but the beginning of what will be necessary to meet the outlays which are to be made under the bill if it becomes a law.

And that, Mr. Chairman, is the sole reason and incentive of this bill.

And that, Mr. Chairman, is the sole reason and incentive of this bill. Its object is not to protect immigration, to protect the borders of the State against the introduction of vice and pauperism, but to obtain \$250,000 a year to begin with—to be spent how? By United States officials under United States laws? Not at all; by State officials under State laws. To be spent where? In institutions erected by the United States Government and under its care and direction? Not at onited States Government and under its care and direction? Not at all; in institutions erected not even by the State governments, but by private individuals perchance; any institutions whatsoever within a State which may be designated by the governor thereof. There is not an immigrant boarding-house, certainly not one upon a large scale, in the city of New York which, under the provisions of this bill, might not come in to claim a share of this national bounty, if only it could

This, sir, is the nature of the bill; not to provide regulations for the voyage of the immigrant across the Atlantic, as has been done in a bill introduced by the gentleman from Illinois, [Mr. BARBER;] not even to provide for national protection and support of the immigrants after they get here; but to pay the bills incurred by State officials, to meet expenditures in State or private institutions in the city of New York and in other similar places. city of New York and in other similar places

I say in the first place that the State has the authority to do this. It comes under the police power which the States have never surrendered. The State may guard its borders against the incoming of the criminal, the pauper, the imbecile, and thus do all that the bill attempts to do in that respect. The State may prohibit the captain of the vessel from allowing an immigrant of this description to be landed within the State. It may oblige the captain to retain him upon shipboard until he can be returned to the country whence he came. There is nothing in this bill which is not within the reserved power of the State.

I am one who believes in the rights of the States. I am one who believes in retaining within the States the exercise of all the powers which they have reserved; and I believe in refraining in Congress

from the exercise of doubtful powers or those which conflict with the

powers reserved to the States.

Mr. BLOUNT. Will the gentleman allow me to interrupt him by

a question ? Mr. RICE.

Mr. RICE. Yes, sir. Mr. BLOUNT. Before the gentleman gets away from this \$250,000 appropriation in section 2, I want to ask him upon what informa-tion the committee acted in fixing that sum for this expenditure; and further why this appropriation is made not for a single year, but indefinitely, thereby taking from Congress the right to examine from year to year the expenditures with the view of making appropriations, as is done in all other matters?

mriations, as is done in all other matters?

Mr. RICE. I take note of the question made by the gentleman from Georgia. I should be better able to answer it had I been present at the meeting of the committee when this bill was discussed, but by the politeness of the chairman of the committee the House is already aware I was not present at that meeting. I have, however, as nearly as I can calculate in the matter, discovered that the city of New York has made about that amount of money out of the headmoney heretofore exacted from immigrants to protect immigration, which the Supreme Court has decided unconstitutional. That was which the Supreme Court has decided unconstitutional. That was two dollars and a half a head. Last year, as my friend from New York [Mr. MORTON] has said, 138,000 immigrants entered the port of New York. Multiply 138,000 by 2½, and you get fully \$250,000; and I fancy whoever drew this bill wanted to make up about that amount out of the National Transmission of the National Transmission. ont of the National Treasury, which heretofore they got out of the pockets of the immigrants. That is how the sum happened to be fixed.

Mr. BLOUNT. Why should the appropriation of \$250,000 be per-

Mr. WILSON. Congress always has the power to revise it.
Mr. BLOUNT. There is no occasion for this permanent appropria-

It is unusual.

Mr. MORTON. I wish to inform the gentleman from Massachusetts that this bill was prepared by the board of commissioners of immigration, among the most distinguished and respectable gentlemen of New York, a non-partisan board in every respect.

Mr. RICE. I am sure it could be prepared by no gentlemen more eminent and every way worthy of confidence than those my friend

I was stating, Mr. Chairman, all this bill does may be done by the laws of the State, and I should be unwilling, were I representing the State, to ask the National Government to intrude into the sphere of State legislation; and I am equally unwilling, as a member of the state legislation; and I am equally unwilling, as a member of the sphere of the state of the sphere of the sp body, to vote or act in any way by which Congress shall assume to itself authority which I regard of doubtful constitutionality. And I say, in order that my point may be fully understood, that all this bill does may be done under the police powers of the States, and that it is better it should be done by the States than by the nation.

But, Mr. Chairman, there is a point further to which I desire to call the attention of the committee, in which, as it seems to me, there can be no question of the unconstitutionality of this bill; and that is this: It follows these immigrants into the country for a year, and their wants may be supplied out of this fund; that is, for one year after an immigrant comes into this country, wherever he may go, he may apply for aid and support out of this fund drawn from the national Treasury.

The opinion of the court in what are known as the Liquor Cases in

which the Supreme Court decided that a State, in the exercise of its which the Supreme Court decided that a State, in the exercise of its police power under a law prohibiting the sale of intoxicating liquor, could not exclude from its borders liquor imported in the original packages, does not go so far as this bill goes. The imported liquor could only be covered by the national authority while it was in the original packages. After it had gotten into the State and become merged in local property of the State, the national authority could not cover it. But this bill follows the immigrant from New York to Chicago, to Kansas, anywhere, and for one year after he has left the ship and become merged in the population of the country he may draw aid and support from the Treasury of the United States. This, sir, I say is unconstitutional, and I challenge the gentleman from New York or any member of the House to find any authority for it in any decision of the Supreme Court.

If gentlemen of the committee will bear with me a moment longer, I wish to say, Mr. Chairman, this bill prohibits the introduction of criminals, of paupers, and imbeciles into this country. It imposes penalties upon the ship-owners who bring them here. Then it propenalties upon the ship-owners who bring them here.
vides \$250,000 a year to pay their bills after they get in.
Mr. BLOUNT. May be more.

Mr. RICE. And may be more. It is offering a bounty for the vio-lation of law and encouraging the immigration of the very persons against whose introduction it pretends to seek to provide. What else it provides is that unconstitutional provision to which I have referred that for a year after they have come in they may be taken care of out of the Treasury of the United States in whatever section of the coun-

of the freasury of the Chited States. It try they may go.

If the bill were properly drawn, Mr. Chairman, if it were a bill to regulate immigration and nothing else, I might give to it my support, but it is a bill to support the institutions of the city of New York under State or local authority, which have been built up out of the \$15,000,000 of head-money exacted from the immigrants by an uncon-

stitutional law.

And I ask the chairman of the committee whose is the property which has been built in the city of New York by this illegally exacted head-money? Is that to be made over to the United States Government? What assurance have we that the owners of that property will not charge the United States for its use in housing and aiding the immigrants whom we now generously seek to take under our care and protection? Is the city of New York or the corporations who now own this vast property to retain the ownership of it? Are they to receive compensation for the use of it? Nothing in this bill prevents it.

Mr. Chairman, let the gentleman from New York reflect but a mo-ment before he presses this bill further. Whatever authority Conment before he presses this bill further. Whatever authority Congress has to regulate immigration from a foreign port it has to regulate immigration between the States. If it can watch the port of New York and provide for the poor who enter there from abroad, it can also watch the depots of the great lines of railway that cross the boundaries of States, and protect the poor and sick who cross those lines. I am surprised that the gentleman from New York has not included within the bill some provision for the homeless and destitute who pass from one State into another, that they may be protected and provided for as they stand naked and shivering, poor, destitute, and in want upon river banks, at steamboat landings, and at railroad depots on their weary way from the places of their birth into other States to seek freer and happier homes. If the principle of this bill is correct, we may provide for them with equal pertinency, and with equal propriety, as for those whom it is here sought to make provision. But this, it seems to me, is the duty of the State and not of the General Government. It is the State that derives the benefit from immigration, and with the benefit it should assume the respon-

sibilities.

It has been said by my friend from New York [Mr. Morron] that these immigrants pass through the State into other States. So many of them do; but they leave the money they bring with them, or much of it, in the State where they first land. The waters of the Nile do not leave a richer sediment on the plains of Egypt over which they pass on their course from the mountain to the sea than do the waves of immigration in the city of New York on their way from the sea to the interior of the country. Let, then, the State that is receiving the immigrants, and deriving the benefits from them, provide for their wants when they do come. Let the States into which they go, and where they endeavor to make a home, provide for them in their sickness and want until they are able to provide for themselves.

ness and want until they are able to provide for themselves.

I do not believe, sir, that the interior States which are not benefited, as is the State of the gentleman from New York, by this immigration, should be taxed to pay the bills of the State of New York. It is owing to this immigration that the great city of New York stands with its marble palaces fronting the sea, the home of a commerce and trade greater and richer than floated into the harbors of Tyre, Carthage, or Venice. Let the State and the city which reap the benefits of this mighty immigration assume the responsibilities which devolve upon them in receiving that benefit and pay the bills for which provision is here sought to be made, and not seek to draw the money to meet them by an unconstitutional measure from the Treas-

money to meet them by an unconstitutional measure from the Treasury of the United States.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty minutes remaining. Mr. CONGER. I ask the gentleman to yield to me for a short time. Mr. RICE. Mr. Chairman, as I understand ample time for discussion will be given, I shall be happy to divide my time. The gentleman from California [Mr. PAGE] asked me first to yield to him.

Mr. PAGE. I am entitled to recognition in my own right and therefore I yield for the present to allow the gentleman from Massachusetts to give his time to somebody else.

Mr. RICE. Then I yield ten minutes to the gentleman from Michigan [Mr. CONGER] and ten minutes to the gentleman from New York, [Mr. EINSTEIN,] and will retain the remainder for myself.

Mr. VAN VOORHIS. I would like to inquire who has the floor?

The CHAIRMAN. The gentleman from Michigan has the floor for ten minutes.

ten minute

Mr. CONGER. Mr. Chairman, I must be very hurried in my remarks, and I hope they may be made without interruption, as I have only ten minutes allowed to me. I consider this bill in many important particulars defective, improper, and unconstitutional. I cannot of course dwell upon these points at any great length in the short time I have, and I shall not attempt it now, but if another opportunity presents itself I may recur to the subject again.

First, I regret very much that the Committee on Foreign Affairs in

their report have not given any statistics upon which gentlemen here may found an opinion upon the necessity or the propriety for any such bill as this. No statistics for any year or for any series of years are furnished, no statistics of the number of immigrants entering into the different States, no history of the method in New York of acquiring money to take charge of the six or seven millions of immigrants who have come there within the last twenty-five years. I say that nothing of this kind has been furnished, and that we have before us only the resolution of a board interested in some direct or indirect way in expending the money for immigrants.

Now, sir, briefly, I want to say a word or two about this immigration. Since 1854, when head-money was charged upon every immigrant that came to the port of New York, almost three-quarters, not may found an opinion upon the necessity or the propriety for any such

quite, of all the immigration into the United States came by the port of New York, the other quarter into the other ports of the United States; but since that time also a large share of the immigration has come into ports of the United States that are not even on the seaboard. Let me say here that into the city in which I live there has come for the last twelve years an immigration ranking higher in importance than that into any other port in the United States, except New York. The immigration at the port of Port Huron, in Michigan, the first point of arrival for almost the entire immigration by the Saint Lawrence, has averaged for the last ten years between 35,000 and 45,000 a year, in some cases reaching 52,000 immigrants in a year. and 45,000 a year, in some cases reaching 52,000 immigrants in a year. Let me say here that I have seen upon the docks upon the straits of the Saint Clair 1,500 immigrants frequently in one day; as high often as 2,500 even in one day; and 500 or 600 every day, very often in the summer days after I get home in the recess of Congress.

Sir, never was one cent of money appropriated for any purpose in connection with this immigration by the State of Michigan, and there

were no contributions except the voluntary contributions of our peowere no contributions except the voluntary contributions of our people in a city of ten thousand inhabitants for that vast amount of immigration coming in the summer months. There was no head-money, no charge, nothing to meet these people but the kindness of our citizens; and there never was any want of it. They were protected; they were not swindled; they came to our shores, were shipped upon the boats going around the lake to the great Northwestern States, or sent into the interior on the railroads, into our State, or into Illinois, or Indiana, or Wisconsin by rail. We never saw the need of charging two and a half dollars upon the immigrants that we welcomed with outstretched hands and with warm hearts, to whom we gave encouragement and help if they needed it.

But for twenty-five years the city of New York, with a law requir-

But for twenty-five years the city of New York, with a law requiring captains of vessels to give bonds that if they did bring paupers or criminals to the city they would provide for them, charged upon every man, woman, and child, virtuous and impure, great and good, lowly and humble, alike, most of the time \$2.50 a head and the rest of the time \$1.50 a head.

They have received in that city by the Immigration Society or Aid Society, chartered by the State of New York, over fifteen millions of dollars within the time of their organization from the immigrants that came to this land of liberty and of plenty. Fifteen millions of dollars! They have bought Castle Garden and repaired it. They have bought islands in the river and in the straits. They have built palaces on those islands almost equal to this Capitol, that stand there

Mr. EINSTEIN. I ask the gentleman from Michigan to name any

place where they have built a palace.

Mr. CONGER. They have built hospitals and receiving-houses probably worth over \$10,000,000, which the State now owns, out of money wrung from the immigrants that we welcome in our speeches and welcome under our laws to these shores.

Mr. HUTCHINS. Will the gentleman allow me to make one re-

Mr. CONGER. Not in my ten minutes. I will be happy to listen

Now, four years ago the attention of the Supreme Court of the United States was turned to this system of levying taxes upon men, women, and children when they came here under our laws to share with us in the blessings of this land, this home of the free, this home to which we had invited the hundreds of thousands of the relatives to which we had invited the hundreds of thousands of the relatives of our countrymen and fellow-citizens to come and join them from abroad. No sooner did the eye of justice rest upon those laws, upon their extortions, upon their wrong, upon their unconstitutionality, than the sword of justice fell upon that system and it vanished out of sight. But there that city stood with its fifteen millions' worth of property or its ten millions' worth of property or its ten millions' worth of property in its hands.

What does the State do? The State voted as it ought to vote. Having this vast amount of property, the people of the State said: "This ought to belong to the immigrants; if those who have come before have gone off to other States, and their relations are now coming, let these buildings be for the use of the immigrants, and we will appropriate \$150,000 a year to help to carry on the immigration, aid

appropriate \$150,000 a year to help to carry on the immigration, aid which the money of the immigrants has furnished."

Mr. McCOOK. Will the gentleman yield to me for a moment?

Mr. CONGER. Not now. I am so easily embarrassed. I cannot consent to be interrupted. [Laughter.]

Mr. McCOOK. I do not want to embarrass the gentleman. Mr. CONGER. The State of New York, the great State of New York, the Empire State of New York, not the city of New York, taxing all its people all over that great State for the benefit of that greatest of all our ports, the commercial metropolis of New York, the commercial metropolis of the United States, and in its pride hoping to become the commercial metropolis of the world, may tax every

to become the commercial metropolis of the world, may tax every farmer and every citizen in the remotest parts of the State of New York to keep that institution up.

It comes a little hard on the Empire State in its poverty and its depression to pay this \$150,000 a year. The city of New York cannot pay it, and the State does not want to pay it. Now, there is the Treasury of the United States, and the people of New York instruct their Representatives here to reach out the long fingers of that delegation toward the Treasury of the United States and to draw out the gold and the silver and the greenbacks, not to the amount of \$150,000,

the amount which the State had appropriated, but because they permit the General Government to take a part in it, \$100,000 in addition to that, or \$250,000 in all. That is the history of this case.

I desire to call attention to this bill and to ask every man in this House to read that portion of it which provides that any person afflicted with poverty, with blindness, or any of the ills or sicknesses to which humanity is subject, shall not be allowed to land in this country, but shall be sent back. And if they reach the other side of the ocean, and the law prevents them from being landed there, then these poor disabled members of the families of the immigrants, unless they are able to support themselves, will be compelled to float back and forth during their life-time on that ocean [laughter] in that purgatory between the hell of the Old World and the heaven of the New [laughter] with no relief in the world. You will find that in the first section of the bill.

There is a little provision here which provides that if a person is suffering from sickness and can be kept on shore in close custody, so that he cannot escape to any other portion of God's foot-stool, he may be allowed to go ashore for a few days; but at the first opportunity. he must be sent back across the ceean to the place whence he came. [Here the hammer fell.] A more inhuman bill in some of its provisions never was presented for the consideration of men who have

hearts and souls within them.

Mr. EINSTEIN. I came here to-night, Mr. Chairman, entirely unprepared to speak on this bill. But when I hear on all sides the remarks made by gentlemen who seem to know nothing about it, I am not at all astonished at a remark which was made to me when I first entered this Congress; that is that most people here talk about things they know nothing of.

Representing as I do a constituency of the State of New York and of the city of New York, I desire to be heard to-night in support of the main features of this bill. Possibly there may be some things in it which will require amendment; but I think the gentleman who has charge of the bill [Mr. Cox] will be perfectly willing to allow all necessary amendments to be made.

The city and the State of New York have been attacked here to-

night. One man, who I believe says that fifteen or twenty years ago he saw some fifteen hundred immigrants come to Port Huron, has talked here to-night about Castle Garden and the purchase of islands and the building of palaces from the head-money taken from the emigrants who have landed on our shores.

Sir, the State of New York from time immemorial has had landed at

Sir, the State of New York from time immemorial has had landed at its great entrepôt, the great sea-port of the country, seven-eighths of all the immigrants who have arrived in this country; and New York State and New York City have provided the means for forwarding those immigrants all over the country, and the West and the South and the East as well have been enriched by this tide of immigration that has flowed from New York to all parts of the country.

We see here to right adving a very small thing of Country.

We come here to-night asking a very small thing of Congress. Gentlemen should recollect that they are not here for the making of laws alone, but they are here at the same time to do justice. Certainly New York City is not called upon to provide for and feed every immigrant who lands on our shores, and the bulk of whom do not remain within the borders of the city for more than twenty-four hours. I think the statistics will show that where four thousand and five thousand immigrants land daily at Castle Garden seven-eighths of them within twenty-four hours go to other parts of the country by means of the railroads leading from that city.

Now, in all fairness, in all squareness and honesty, we ask whether it is right that New York should undertake to land all these immigrants and provide for them, even if but for twenty-four hours, and then send them all over the land to benefit the farms, and the mines, and every other interest in the country? That is the one broad basis of this bill. In other words, as the State of New York cannot control foreign intercourse and foreign commerce, we must come to the Congress of the United States and ask it to make a law that shall be equitable and just.

Mr. MARTIN, of West Virginia. Will the gentleman allow me to ask him a single question?

Mr. EINSTEIN. I have not much time, but I will yield to the gen-

tleman with pleasure.

Mr. MARTIN, of West Virginia. If these emigrants remain in New York only about twenty-four hours, where is the great expense to the city of New York?

Mr. EINSTEIN. Perhaps if the gentleman should visit New York he would see reason for the great expense of taking care of these emigrants, in the fact that Castle Garden, where they are landed, is situated at one end of a vast commercial center where land and property is very valuable. The expense of clerk-hire and sustenance is very great indeed; and New York State or New York City has to pay this expenditure.

this expenditure.

Mr. RICE. The gentleman will allow me to ask him whether the immigrants by their head-money have not already paid for that land?

Mr. EINSTEIN. I will answer the gentleman's question with very great pleasure. Up to 1876 the immigrants by their head-money did contribute to the expense of maintaining these provisions for their comfort and protection. But in that year the law under which the State had collected this head money was declared by the Supreme Court had collected this head-money was declared by the Supreme Court unconstitutional and void. Although since that time we have been unable to collect any head-money from these immigrants, the Statehas felt bound in charity, I may say, (for there is no obligation rest-ing upon us,) to take care of them during their sojourn in our city, for generally they leave almost within twenty-four hours from the time

they land.

Now, on this question I can speak from intimate acquaintance with the charitable institution of New York, and with the workings of the New York Board of Emigration who have been attacked here tonight. I do not believe the gentleman making the attack ever saw a commissioner of emigration. Now, I will tell him something about these officers. Though they have never received one dollar of pay for their services, yet so far as I know they have done the business to the very best of their ability and have given satisfaction on all sides. The offices are altogether honorary, and are filled by men who have to work very hard to discharge the duties efficiently.

An attack has been made also on New York City, and some very eloquent and poetical language has been indulged in by the gentleman from Michigan, [Mr. CONGER,] whom I am proud to call my friend. He has apostrophized the paupers and idiots who come to this country with their families. He has referred to the poor old man lookcountry with their families. He has referred to the poor old man looking for his idiotic child, or his blind great-grandmother, or something of that kind. [Laughter.] There was some noise in this part of the Chamber, and I did not quite catch the exact language; but that was about the pith of the remark. Now, I can give the gentleman some information on this subject, for I have been connected for a number of years with one of these great "palaces" in New York City that he talks about—one of the largest hospitals in that city. Not that he talks about—one of the largest hospitals in that cisy. Not one cent of the head-money has ever gone to that or any other hospital. There was never a "palace" or a hospital or an institution of any kind within the borders of the State of New York built by the aid of one cent of this head-money. I defy any man on this floor or anywhere else to disprove my statement.

Mr. CONGER. In the State of New York?

Mr. EINSTEIN. Yes, sir, in the State of New York. I defy the

gentleman to name one single instance. I am waiting for his answer. Mr. CONGER. The report shows a number of buildings upon the

Mr. EINSTEIN. I defy the gentleman to name one single charita-ble "palace" that has been built from the head-money—whether it

be hospital, asylum, or anything he pleases.

Mr. CONGER. The report of your own commissioners shows that they have every facility on that island for the care of the sick in

splendid buildings, well arranged—

Mr. EINSTEIN. The gentleman does not usually beg a question. I defy him to name a single instance of any building or institution of any description whatever that has been built by the head-money of any description whatever that has been built by the head-money or immigrants. The gentleman has made an assertion on this floor; now I challenge him to prove it.

Mr. CONGER. I ask the gentleman whether he denies that a great number of valuable buildings have been built with that head-money?

Mr. EINSTEIN. I do, most distinctly and emphatically.

Mr. CONGER. Then I will bring the report to sustain my posi-

Mr. EINSTEIN. I shall be glad to see it; and if the gentleman proves his statement I shall be glad to acknowledge myself in the

Now, as to this cry that has been raised about paupers and idiots I have something to say. It has been the custom for a great many years for the "effete despotisms of Europe," of which our friends here sometimes talk, to send persons of bad character over here; to send paupers and idiots on condition that they will not return to their native land. It has been the endeavor of the commissioners of immigration and of the charitable societies of New York City to prevent this imposition from being successfully practiced. We have tried our very best, and we think we have pretty nearly succeeded. This bill contains a very judicious provision on that subject, and I cannot see how any man on this floor can cavil at it or find fault with it.

Mr. Chairman, I do not wish to occupy the time of the House— The CHAIRMAN. The ten minutes of the gentleman have ex-

Mr. EINSTEIN. Well, I will in a sentence or two conclude. When I find my city and State attacked in the manner they have been tonight on this floor by men who know absolutely nothing of what they are talking about, I feel it my duty to rise here and acquaint this House with the facts. As I before remarked, this Congress is not sent here to make laws only, but to do justice to the whole country. The State of New York and its institutions demand the justice which is due to us under these circumstances. We claim that these immigrants who arrive at our ports do not belong to us, they belong to the whole country. The Supreme Court has upset the previous law as to head-money. We believe we ought not to take care of them, but that its should be left to the country to make a prepare and wind here. it should be left to the country to make a proper and wise law to

over the case.

Mr. RICE. I reserve the remaining ten minutes.

The CHAIRMAN. The gentleman cannot reserve any time. When he yields the floor he yields it entirely.

Mr. RICE. Then, Mr. Chairman, I wish to say a single word in reference to a remark made by my friend from New York, who last occupied the floor. There have been, according to the report of the committee, about six millions of immigrants coming into the United

States since 1847; the head-money was \$2.50 each, making an aggregate of \$15,000,000. That money has been expended by these commissionof \$15,000,000. That money has been expended by these commissioners. They have, according to the report, purchased land and erected buildings—purchased land on Ward's Island and erected buildings there. They have leased from the City of New York and occupied the building on the estate known as Castle Garden. Now, I supposed, and I understood the chairman of the committee to say, that these purchases were made from this money which came into their hands as head money. The grantlemen last years are the reserved as the commission of the commission of the commission of the commission. as head-money. The gentleman last up now says the money has not been used in that way. How, then, has it been used? What have they done with the \$15,000,000, if they have not expended it in the purchase of this land and the erection of these buildings?

Mr. CONGER. Will the gentleman from Massachusetts yield to me to read a clause from the report of the committee on page 2?

Mr. RICE. Certainly; let the gentleman read the extract to which he refers

Mr. CONGER. I desire to say to the gentleman from New York, if he is here

Mr. EINSTEIN. I am here. Mr. CONGER. He questioned the statement I made. I had not time then to make examination. I wish now to read from the report of the committee, and I hope the remark about idiotic reports does not refer to this report of that committee:

Under the influence of this fact, the lands and buildings before mentioned were purchased and erected. The establishment on Ward's Island, where sick and destitute immigrants are cared for until able to proceed to their destination, embraces over one hundred and twenty acres of land, whereon have been erected by the commissioners hospitals and refugee buildings.

Mr. EINSTEIN. There is no gentleman in the House I am more pleased to answer than my distinguished friend from Michigan.
Mr. CONGER. I did not ask for an answer.
Mr. EINSTEIN. I beg pardon.
Mr. CONGER. I want my young friend to know—
Mr. EINSTEIN. That is not my fault that I am young, and it is

my misfortune that I have not so much experience here as the gentleman from Michigan.
Mr. CONGER. Now, repeat somebody's speech about that.
Mr. EINSTEIN. You asked me for an answer.

Mr. EINSTEIN. You asked me for an answer.

Mr. CONGER. No, I wished you to hear a statement that hospitals and refugee buildings were built on Ward's Island with this money. I said buildings, I said hospitals; and fortunately in this meager report the committee have put in enough to sustain that proposition, though denied so emphatically by the gentleman from New York.

Mr. EINSTEIN. If the gentleman will allow me a moment.

Mr. CONGER. If the gentleman from Massachusetts has any time left the gentleman can occupy it.

left the gentleman can occupy it.

The CHAIRMAN. The Chair has recognized the gentleman from

Mr. EINSTEIN. If the gentleman does not wish an answer, very

Mr. PAGE. Mr. Chairman, I rise for the purpose of saying that in the main features of this bill I heartily concur. I disagree with my friend from Michigan, that New York is to be particularly benefited by the passage of this bill. I do not think any city would desire to have the passage of this bill. I do not think any city would desire to have the honor of being the entrepôt of all the foreign immigration coming into this country. A few weeks ago I visited Castle Garden myself, and know the city of New York is engaged in a wise and humane policy toward the immigrants who arrive at that place. It is true when she had the benefit of the capitation or head tax, that money was used, as I firmly believe, for the purpose of feeding the immigrants who arrived there and who were unable to provide for themselves. I know to-day that State is making appropriation out of its treasury for the purpose of feeding the poor immigrants who arrive in New York, and for the purpose of sending them on to their several destinations; I know that to-day a large corps of clerks and officers, appointed under the authority of the State of New York, is engaged in carrying out the wise and humane policy adopted by that State.

Now, sir, the question of foreign immigration is one that I am glad to know has presented itself before this honorable body. The State of California, which I have the honor in part to represent hes bear.

of California, which I have the honor in part to represent, has been knocking at the door of the National Legislature for many years asking that the Congress of the United States should pass some bill to relieve that State and the Pacific coast from the evils of Chinese immigration. I have, therefore, offered as an amendment to this bill a clause which, in addition to paupers and insane persons, deaf and dumb and blind persons, provides that no persons shall come in any greater number than fifteen at any one time on any one vessel who, under the laws of the United States, are denied the right-of natural-

My amendment, Mr. Chairman, looks to the idea that there is a calamity even greater than permitting deaf and dumb and blind and paupers, and even criminals, in the sense referred to in this bill, to come into this country. The State of California has for the past thirty years been suffering from a flood-tide of Mongolian slaves, who have been and are a curse to the prosperity of that great State. I am glad to know that my friend from New York, who I see across the way, [Mr. McCook,] has been in California and seen something of this question, and I had hoped he had sufficient cause to change his views thereon. When the bill relating to Chinese immigrants

was before this House a little over a year ago he gave it a negative

Mr. McCOOK. And he would do that again.

Mr. PAGE. I have no doubt of it. I have no doubt the gentleman will give it a negative vote, and I am glad to know that some of these gentlemen will be put upon the record on this question, and then we will see if they can go and state to their people, as they have stated to me, that "the traditions of this Government were that it was the home of the distressed and the asylum of the oppressed."

Mr. McCOOK. I say so now, and I will be glad—

Mr. PAGE. Let the gentleman talk in his own time.

Mr. McCOOK. I say so now, and I will be glad—
Mr. PAGE. Let the gentleman talk in his own time.
Mr. McCOOK. The gentleman from California has referred to me personally, and I claim the right to make a fitting response.
Mr. PAGE. I wish the gentleman to know that I did not refer to him disrespectfully at all. I say, Mr. Chairman, that if this is the tradition of this Government, that this shall be the home of the down-trodden and oppressed of all countries, then why is my friend in favor of excluding immigrants from this country because they happen to be poor, and who are downtrodden and oppressed?
Mr. McCOOK. What right has the gentleman to assume that I take any such ground as that?
Mr. PAGE. Are you in favor of this bill?
Mr. McCOOK. I have not said a word in regard to this matter.
Mr. PAGE. But I know what the gentleman said to me.

Mr. PAGE. But I know what the gentleman said to me.
Mr. COX. The gentleman from California himself favored this

clause of the bill.

Mr. PAGE. I am not in favor of that clause, wrongly construed

and applied.

Mr. COX. I understood the gentleman from California to say he favored the clause as it stands.

Mr. PAGE. I say, Mr. Chairman, that the whole scope of the bill looks to the attempt to control the immigration of the paupers, insane, deaf and dumb, &c., and from landing at New York Mr. MORSE. Oh, no!

Mr. MORSE. Oh, no!

Mr. PAGE. The main idea of the bill is to prevent such people from landing there, and you bring in a bill asking an annual expenditure of \$250,000, which you say New York has had to pay out of its own pocket, to reimburse you. But when California comes here and says this "home of the downtrodden and oppressed of all nations" is being overrun by the Chinese to whom you deny the right of citizenship and naturalization, and tells you that three of our fairest zenship and naturalization, and tells you that three of our fairest States on the Pacific coast are being flooded from this cesspool of corruption, and asks you to interpose your objection to it, and pass a law to limit the number of immigrants from that country, in the future, to a certain number, you regard it as a crime against our traditions and have no remedy you are willing to apply. If it is a crime to ask for this, how much more criminal for you to prohibit a man from landing at New York or Boston because he happens to be poor.

And I see my friend from Massachusetts before me, who also will not vote for this amendment because this is the "asylum of the downtrodden and the oppressed:" and I have no doubt my friend will

trodden and the oppressed; and I have no doubt my friend will nevertheless give the bill his support, although it is obnoxious to the

objections which I have just specified.

Mr. ROBINSON. You do not want anything from me now, do you?

Mr. PAGE. No, not now. [Laughter.]

To show the class of persons intended to be affected by my amendment and the class the people on the Pacific coast desire to restrict the immigration of in the interest of self-preservation, I send to the Clerk's desk and ask to be read an extract taken from a book written by Bayard Taylor, entitled India, China, and Japan, and published in 1855.

The Clerk read as follows:

The Clerk read as follows:

It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common that they excite no comment among the natives. They constitute the surface level, and below them are deeps and deeps of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing, which are brought almost daily to the notice of every foreign resident, to inspire me with a powerful aversion to the Chinese race. Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demand that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past century.

Mr. PAGE. That is the testimory of an emiscent Arcavison who for

Mr. PAGE. That is the testimony of an eminent American who for many years was in China, and who was minister for this country to Berlin. It is well known that he was a gentleman of ability and intelligence, and able to give intelligent information upon this subject. That information will be borne out by all the facts in the case that can be gathered from the records of my own State, which has been

submitting for years to this curse.

I offer my amendment, Mr. Chairman, for the purpose of giving this House an opportunity to express its opinion as to whether they believe that unrestricted immigration from Asia is to be longer continued, with its offspring, the corruption, vice, and degradation which

In section 3 of the written or printed bill I propose to amend the original bill. Where it is provided that it shall be unlawful for any ship or vessel, or the master, commander, owner, or consignee thereof, to bring into or land at any port or place within the United States, as a passenger, any person not a citizen, &c., is to limit the number of

such passengers who under existing law will not be entitled to naturalization at a future time to a number not exceeding fifteen on any

That is the only amendment I shall offer except to add to line 24 of the first section, after the word "them" the words, "and whether any, and, if so, how many, male passengers are excluded under existing

naturalization laws."

Acting upon the theory that the Government of the United States acting aport the theory that the dovernment of the Chited States in its laws had by express terms excluded the Asiatics from citizenship in this country, believing the reports that have often been made to this House and that stand uncontradicted to-day, believing that the testimony of almost every individual who has visited the Pacific coast and the testimony of the members from the Pacific coast upon

coast and the testimony of the members from the Pacific coast upon-this floor was sufficient to justify an amendment of that kind that would limit in the future the number of Chinese who might land at any port in the United States, I have offered this amendment. If it be wrong, Mr. Chairman, as I said before, for paupers, for criminals, for deaf and dumb persons, to be permitted to come to this country, is it not wrong that California and the other Pacific States should be buried up under a class of immigration that the people of California at their leaf election with the property and the contract of the contract California at their last election, with a unanimity hardly ever before witnessed at any election, decided was an evil, declaring they regarded it as one of the greatest evils of our time. I appeal to members of this House whether they can afford to pass this bill and leave this

amendment out.

Reference has been made to the traditions of this Government, and it has been repeated that this land is the asylum of the downtrodden and the oppressed of all lands. Take that statement in its broadest and best sense, and I heartily concur with it. And I take this occasion to say here and now that I belong to that party which recognizes now and has always recognized the equal rights of men in this country. I belong to and act with that party which believes every man should be entitled to his rights under this Government without distinction of the control distinction of race or color. But while I agree to this I say that the right of every State to protect itself—and self-protection to a State is the same as self-protection to an individual—demands that there shall be some restrictive legislation, so that in future we may put a check on the influx of the Asiatic hordes that are continually com-

ing by every ship to the Pacific coast.

Practically, Mr. Chairman, San Francisco is nearer Hong-Kong or any port in China than it is to Omaha; I say practically, in cost of travel. It will take longer, of course, to come, but Chinese passengers can be landed at San Francisco from any port in China cheaper gets can be tanded at San Francisco from any port in China cheaper than an immigrant passenger can be brought from Omaha in the State of Nebraska to San Francisco. While I agree with the remarks that have been made by the gentlemen from New York who have preceded me in favor of this bill; while I agree that their grievances arising under the immigration laws ought to be remedied; and while I disagree with my other friend from New York [Mr. CHITTENDEN] whom I see in front of me; and while I believe the General Government should appropriate money for the purpose of feeding the starving immigrants that are in New York, that are being taken care of under the hospitable care of that State to-day, I at the same time believe it to be right that some restrictive legislation should be enacted that will prevent any foreign country from sending to this country its paupers prevent any foreign country from sending to this country its paupers or its criminals for the purpose of getting rid of them, and I know they are sent here by the hundreds and landed in New York, and the generous and noble-hearted people of that great city and that great State are compelled to take care of them. And so it is also in other cities and States in the United States. I can look beyond the State lines of my own State and can recognize the rights of other places and other States, but I must say when a State comme as California has other States, but I must say when a State comes as California has come knocking at the door of Congress, with its wishes expressed by a vote of its people; when out of 162,000 votes there were only a little over eight hundred that were not in favor of restrictive legislation upon this question, I do say her will thus expressed is entitled to some attention.

I have been called upon, Mr. Chairman, to vote many times with my friends from New England and my friends of the Middle States on the question of tariff. I have sometimes had to apologize to my people after having voted on these tariff questions; or if not to apologize, at least to explain. I have been appealed to by those who represent the manufacturing industries of New England and the Middle States of this Union to stand by their people and protect the laborers, and to protect American industries and American manufacturers. I have done so; yet my friends from New England will not listen to me when I appeal to them to stand by the laboring classes of the Pacific coast and tell them it is degrading to them to bring one hundred and fifty thousand Monagalays and also the protection of the protect coast and ten them it is degrading to them to bring one mindred and fifty thousand Mongolian slaves and place them in the machineshops, in the shoe-factories, in the watch-factories, in the cigar-factories, alongside the white laborers of the country. As before the war free labor refused to go South and enter into competition with the slave labor of South Carolina, Florida, and Louisiana, so, Mr. Chairman, free white American labor shrinks from the contest when it has to enter into competition with the labor of one hundred and fifty thousand Mongolian slaves.

When I make this appeal I do not ask any munificent legislation for the Pacific coast. I do not ask any appropriations of money. But we say, in God's name, when you are dealing with this question of immigration, protect us now.

It cannot be said that this amendment is in violation of any treaty. You have a treaty with France, and you have treaties with every

You have a treaty with France, and you have treates with every European country.

Mr. MORSE. Will the gentleman allow me to ask him one question?

Mr. PAGE. Certainly.

Mr. MORSE. What would become of these people if you did not employ them?

Mr. PAGE. Well, they are employed by different persons. They will work for a dollar a day, or even fifty cents a day, and board

Mr. MORSE. Who employs them? Mr. PAGE. Different individuals; you do not expect me to name them.

Mr. MORSE. They do not employ themselves?

Mr. PAGE. Men employ them who own the large manufactories; and they do it because they want to get labor at the cheapest price they can possibly obtain it for. And when we vote with you to protect New England manufactures and New England industries at the cheapest we want to protect and discount of the West was do it because we want to protect and discount of the west was a simple of the west to protect and discount of the west was a simple of the west to protect and discount of the west to be a second of the west to be a second of the west to protect and discount of the west to be a second of the west to be a expense of the West, we do it because we want to protect and dignify American labor and develop American industries. That is what we do it for.

Mr. THOMPSON, of Iowa. Will my friend allow me to ask him a

question?

Mr. PAGE. Certainly.
Mr. THOMPSON, of Iowa. Did not the contractors in California and other places employ these men in building the Pacific Railroad,

and in that set an example to other parts of the country?

Mr. PAGE. I do not know that there is anything in the gentleman's question. Employers in California are like employers everywhere else; they seek to obtain the cheapest labor possible. That has always been the history of such transactions and always will be. But we say we do not want to bring them here because they enter the field of labor in competition with our own people and shut them out. The Chinaman has no family, and fifty of them will live in a room ten feet by twelve almost. As I have said, a Chinaman has no family to support; he contributes nothing to the education of children, for the building of churches and school-houses. He has no responsibilities, and he assumes none of the duties of citizenship. You could not rely upon him in case of a war over insurantice and insurantice. rely upon him in case of a war or an insurrection or an invasion. You would not dare to arm him. If the Pacific coast were invaded tomorrow, the 150,000 Mongolian serfs and slaves there would as soon fight against you as for you. They have no respect for our institu-

Mr. EINSTEIN. Will the gentleman allow me to ask him a ques-

tion?

Mr. PAGE. Certainly.
Mr. EINSTEIN. I would like to ask the gentleman from California how he could expect that, in case of an invasion of the shores of California, these Mongolians or Chinamen would rise up to help defend a State where they are allowed to take no interest in its government and none in the Government of the United States; where they are denied all the rights of citizenship? How could he expect

them to aid such a State?

Mr. PAGE. I did not yield for a speech, but I will answer that question right now. I say to the gentleman from New York [Mr. Einstein] that the American Congress passed a law, which was sanctioned by the President of the United States, declaring that these Chinamen should not become citizens of the United States. And the fifth article of the treaty with China denies the right of these Chinese to ever become citizens of the United States. In addition to that let me refer the gentlement to a law of China which declares it to be a felory representation of the death for any Chinamen to represent the selection. a felony punishable by death for any Chinaman to renounce his alle-

a felony punishable by death for any Chinaman to rendunce his anegiance to his own country.

Mr. EINSTEIN. I am not arguing the question, but I am asking
the gentleman how he can expect these Chinamen to risk their lives
in defense of a country that denies them every right.

Mr. PAGE. My answer to the gentleman shall be full and complete.
We do not want that class of people here, and I announce as a principle that this Government cannot afford to invite any people to its cipie that this Government cannot allord to invite any people to its shores in any great numbers to whom they are unwilling to extend the rights of citizenship. Whenever this Government denies to any particular class of people the rights of citizenship it has no right to admit them here, in any great numbers at all events.

Mr. STEVENSON. With the permission of the gentleman, I would like to ask him a question.

Mr. PAGE. Contains

Mr. PAGE. Certainly. Mr. STEVENSON. The gentleman has found fault with his friends from New England for not voting with him upon this Chinese ques-

Mr. PAGE. Oh, no; I am not finding fault at all.
Mr. STEVENSON. The gentleman stated that he had voted with
his New England friends upon the question of the tariff. I suggest to the gentleman that if hereafter his votes on that subject should be given in accordance with the wishes of the people of the great West and the people of his own State, he might perhaps find more assist-ance from them upon this question than he obtains from his friends from New England.

Mr. PAGE. I have a very high regard for the gentleman from Illinois, [Mr. STEVENSON;] but I am not here to-night to make any trades. [Laughter.]

Mr. STEVENSON. Let me say that I am not asking my friend from California to make a "trade." I am with him upon this Chinese question; and I think I represent the people of my own State in regard to it. I hope that hereafter he will represent his State

in regard to it. I hope that hereafter he will represent his State upon the tariff question, as I have no doubt he will.

Mr. ROBINSON. There is a warm place yet for the gentleman from California on Plymouth Rock. [Laughter.]

Mr. PAGE. I have no doubt of that. I hope Plymouth Rock will wake up and come to her senses one of these days in regard to this question of immigration. Let her do justice to the Pacific coast as

question of immigration. Let her do justice to the Pacine coast as we have always done justice to her.

Mr. COX. This bill comprehends every section.

Mr. PAGE. My amendment comprehends what we want for the Pacific coast; and if the gentleman will help us to pass the amendment his bill will go through without any trouble. There is no question about the success of the bill with the amendment attached.

Mr. COX. I do not know about a veto.
Mr. PAGE. Mr. Chairman, it may be urged by those who are to follow me (and I may not have an opportunity to reply) that there has been a commission appointed for the purpose of negotiating new treaties, and that therefore we ought not to legislate at this time. I hold in my hand a letter from the Secretary of State, Hon. William M. Evarts, sent to the House by the President of the United States, M. Evarts, sent to the House by the Fresident of the United States, in response to a resolution offered by my colleague on the Committee on Education and Labor, the gentleman from Kentucky, [Mr. WILLIS.] That resolution called upon the Secretary of State for certain information as to what had been done by the President or the Secretary of State in regard to the question of amending this treaty; and it referred to a resolution passed in February, 1878. The Secretary of State responded by denying that any such resolution had been passed. I read his language:

The committee resolution of the 25th of February, 1878, requesting the President to, open correspondence with China and Great Britain, appears to have been a joint resolution, which was read a first and second time in the House, and then recommitted. No further action was taken either in the House or Senate, and consequently it has never been communicated to the President or referred to this Department. No steps, therefore, have been or could have been taken in formal pursuance of the request of the resolution.

This struck me as singular, because I thought I remembered that this House had taken some action on the subject nearly two years ago. On examining the Congressional Record, I found that Mr. Howe, then a Senator from the State of Wisconsin, reported a concurrent resolution on the 7th of May, 1878, which was placed upon the Calendar. On the 25th of May, 1878, it passed the Senate. I refer to pages 3772-3 of the Congressional Record, second session Forty-fifth Congress. That resolution came to the House, and upon my motion was adopted on the 17th of June, 1878, in the following lan-

Resolved by the Senate, (the House of Representatives concurring,) That the provisions of the existing treaty between the Empire of China and the United States, allowing unrestricted emigration to this country from China, might wisely be modified so as to subserve the best interests of both governments; and the attention of the Executive is respectfully invited to the subject.

My object in calling attention to this matter is to emphasize the fact that, though over two years ago the House and the Senate by concurrent resolution called the attention of the Executive to this subject of immigration, nothing has been dene upon it up to this subject of immigration, nothing has been done upon it up to this time; and the Secretary of State evades the question, declining to give any information other than such as is contained in the pamphlet to which I have referred. I mention this to show that, in my judgment, we cannot expect anything from the Secretary of State upon this subject. If we are to have any relief at all it must come through this House; and I believe that the best judgment of the people of this country to-day will join with that of the people of California, who so unanimously condemned Chinese immigration at the last election. I believe that the sentiment of the country will support Congress in adopting this amendment and placing this restriction on Chinese immigration.

I vield five minutes to the centleman from West Virginia [Mr. Wilson of the country will support the country will su

I yield five minutes to the gentleman from West Virginia, [Mr.WIL-son,] and then the remainder of my time to my colleague, [Mr. DAVIS, of California.]

Mr. WARNER. I rise to a question of order. I ask to have read clause 7 of Rule XIV. I regret to be compelled to make this point of order. I do not make it on my own account, but on behalf of ladies in the gallery, from whom I understand complaint is made of the violation of the rule which prohibits smoking in the Hall.

The Clerk read as follows:

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

Mr. WARNER. That is the clause especially to which I make reference.

The CHAIRMAN. The Chair calls the attention of the Sergeant-

at-Arms to the rule just read, and requests its enforcement.

Mr. PAGE. I have yielded for five minutes to the gentleman from
West Virginia.

Mr. WILSON. Mr. Chairman, it has been the policy of this Government ever since its organization to invite immigration from foreign countries. We did so at the earliest dawn of our Independence,

and that immigration has benefited the country largely, as every man knows. It has aided us in fighting our battles, in felling our forests, in navigating our rivers, in building our railroads, in digging our canals, in aiding the national growth and adding to the general wealth and prosperity.

Now, while, as I have stated, it has been the policy on the part of this Government to invite immigration from civilized countries of

this Government to invite immigration from civilized countries of the world, there is yet a power somewhere lodged in this Government to pretect our people from noxious immigration. It is not to be said the doors are to be thrown wide open and everybody from everywhere has the right to come into our borders, and that we have not the right to protect our people. We do have the right to protect our people. We have the right, sir, to protect them from the introduction into our midst of dangerous, infectious, and contagious diseases. We have the right to protect them by shutting our borders to the entrance of pes-

right to protect them by shitting our forders to the entrance of pestilence and plague from foreign lands.

That power, I say, Mr. Chairman, rests somewhere in this Government to protect ourselves against the introduction of noxious immigration into this country, and I propose to give the syllabus of the decision of the Supreme Court, which, I take it, will let in some light on the subject. In January, 1876, the question of the validity of the statutes of the State of New York was brought before the Supreme Court of the United States and effer argument that was adolered. Court of the United States, and after argument they were declared to be unconstitutional and void. Mr. Justice Miller, delivering the

opinion of the court, says:

We are of opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters, applicable to all ports and to all vessels, a serious question, which has long been matter of contest and complaint, may be effectually and satisfactorily settled.

It is settled beyond all cavil, then, by this decision of the Supreme Court of the United States, settled beyond all doubt, that the national Congress does possess the constitutional power to provide competent legislation on this most important subject.

This bill came to this House in a somewhat crude shape. of large importance, embracing many sections, and it was believed by the Committee on Foreign Affairs, when it was referred to the Committee of the Whole House on the state of the Union, the crudi-ties which it contained would be corrected by amendment and all objectionable features which could be discovered removed. I have in the few moments allowed me simply desired to raise the point which has not been discussed, and to reply by quoting, as I have done, the decision of the Supreme Court of the United States to the remarks of the gentleman from Michigan, [Mr. CONGER,] who, as I understand, has denied to Congress the constitutional power over this subject of

regulating immigration.

When we come to discuss the bill by sections, under the five-minute rule, I think the objections which have been urged will be removed. I know my distinguished friend from Massachusetts, and my colleague on the Committee on Foreign Affairs, has made some point well worthy of consideration and which perhaps should be adopted. He has raised some objections which unless removed are fatal to some sections. I therefore desire at the earliest possible moment to have the House proceed to the consideration of the bill by sections, under the five-minute rule, in order that whatever objectionable feature there may be in the bill may be stricken out and the measure made palatable and acceptable to the whole House. Certainly it is true something should be done in this regard, and now is the time to do it.

Mr. PAGE. I now yield whatever time I have remaining to my

colleague.

Mr. DAVIS, of California, took the floor and yielded to Mr. RICE.

Mr. RICE. I move that the committee rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SIMONTON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. No. 2408) to regulate immigration and had come to no resolution thereon.

Mr. COX. I wish to make a motion, Mr. Speaker, that when we go into committee again on this bill all general debate shall be closed in

Mr. WRIGHT. I hope there will be no limit to the debate, as I wish to say something on this question before the debate closes. Therefore I shall object.

Mr. STEVENSON. I move the House do now adjourn.

Mr. COX. I wish to say that I do not propose to cut off the gentle-man from Pennsylvania from being heard. The SPEAKER. The gentleman from California [Mr. DAVIS] is

entitled to the floor in committee the next time the subject is resumed for consideration.

Mr. COX. I move, then, Mr. Speaker, by unanimous consent that the bill and report be reprinted, as the numbers heretofore printed have been exhausted.

The SPEAKER. The Chair hears no objection, and it is ordered

Mr. VAN VOORHIS. I ask by unanimous consent that an amendment, which I wish to offer, may also be printed with the bill and re-

Mr. MORTON. I make the same request.

Mr. COX. By unanimous consent it can be agreed that amend-ments which gentlemen may send up to the Clerk's desk can be printed with the bill

The SPEAKER. The Chair hears no objection, and it is so ordered. And then, on motion of Mr. STEVENSON, (at ten o'clock and eighteen minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the American Numismatic and Archæological Society, New York, for the passage of the bill (H. R. No. 2524) providing for the admission of classical antiquities free of duty—to the Committee on Ways and Means.

By Mr. CHALMERS: The petition of citizens of Natchez, Mississippi, for an appropriation to save the harbor at that city from destruction—to the Committee on Commerce.

Also, the petition of citizens of Victorburgh, Mississippi, for the

Also, the petition of citizens of Vicksburgh, Mississippi, for the removal of the tariff on salt—to the same committee.

By Mr. JOHN B. CLARK, JR.: The petition of citizens of Calloway County, Missouri, for an appropriation to improve the navigation of the Missouri River near Claysville, Missouri—to the same committee.

By Mr. COWGILL: Papers relating to the bill (H. R. No. 3633) for the relief of Moses Lewis—to the Committee on Military Affairs.

By Mr. COX: The petition of Goodwin & Co. and 165 others, manufacturers of tobacco in New York, Jersey City, and Brooklyn, for the amendment of section 3385, Revised Statutes, so as to authorize such manufacturers to cancel bonds. &c.—to the Committee on Ways and manufacturers to cancel bonds, &c .- to the Committee on Ways and Means.

By Mr. FISHER: The petition of citizens of Huntingdon County, Pennsylvania, for the passage of an act to regulate interstate com-merce—to the Committee on Commerce.

Also, the petition of citizens of Todd Township, Huntingdon County, Pennsylvania, that the Commissioner of Agriculture be made a Cab-

rennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Huntingdon County, Pennsylvania, for the amendment of the patent laws—to the Committee on Patents.

By Mr. FORD: The petition of James C. Magee and others, citizens of Rochester, Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: The petition of certain citizens of Virginia, for the removal of the duty on salt-to the Committee on Ways and

Means

By Mr. McLANE: The petition of dealers and importers of foreign newspapers and periodicals, of Baltimore, Maryland, for the removal of the duty of 25 per cent. ad valorem on such articles—to the same

By Mr. PRICE: The petition of citizens of Sabula, Iowa, of similar

import—to the same committee.

By Mr. SAPP: The petition of Seth Paine, editor and publisher of the Advocate, and of H. P. Albert, editor and publisher of the Sentinel, Audubon, Iowa, for the removal of the duty on paper and type—to the same committee.

by Mr. STEPHENS: A memorial signed by F. A. P. Barnard, LL. D., president of the American Metrological Society, and president of Columbia College, of New York, and all the faculty of that institution, with several other eminent scholars, scientists, professional men, and business men of the city of New York; also, signed by W. H. Foster and many others of Leadville, Colorado; also, by H. Duemling, LL. D., professor of natural science, of Concordia College, Fort Wayne, Indiana, and others of the faculty; also, by Levi Stockbridge and many others, from Amherst, Massachusetts; also, by John Newton and several others, of Mary Esther, Florida; also, by the officers and students of Burrey Institution, of Jamaica Plains, Massachusetts; also, by J. E. Coffin and many others, of Haverford College, Pennsylvania; also, by Alexander Buckhard, O. S. B., and other members of the faculty of the college at Saint Meinrad, Indiana, and many others of that place; also, by Charles P. Marsh and several others, at Woodstock, Vermont; making several hundred petitioners from various sections that place; also, by Charles P. Marsh and several others, at Woodstock, Vermont; making several hundred petitioners from various sections of the country, all praying that the attention of Congress may be early directed to the recommendations of the Committee on Coinage, Weights, and Measures upon the subject of the metric system, and especially the passage of a bill now pending in this House upon the subject—to the Committee on Coinage, Weights, and Measures.

By Mr. WAIT: The petition of Davis & Kinne and others, citizens of Newrich Connecticut for the record of the dave or self-to-the

of Norwich, Connecticut, for the repeal of the duty on salt—to the Committee on Ways and Means.

By Mr. WELLS: The petition of C. A. & J. C. Ghio & Co., of Saint Louis, Missouri, for the passage of the Carlisle revenue bill—to the

same committee.

Also, the petition of Schaeffer Bros. & Powell and Goodwin Manufacturing Company, representing the candle manufacturers of the United States, against the reduction of the duty on crude glycerine—to the same committee.

By Mr. WHITTHORNE: The petition of William P. Chambliss, late major in the United States Army, to be placed on the retired list—to the Committee on Military Affairs.

By Mr. THOMAS L. YOUNG: The petitions of Strass & Co., of Walsh & Kellogg, of E. Kahn & Co., of Hirsch & Lowenstein, of

Helfferich & Sons, and of George C. Buchanan and others, of Kentucky and Ohio, for the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the Committee on Ways and Means.

Also, the petitions of G. Holterhoff, of Schmidlapp & Co., of Amann & Co., of Cincinnati, Ohio, for a revision of the revenue laws relative to the tax on whisky—to the same committee.

Also, the petition of the Iron Molders' Union of Lorain, Ohio, for the same and the Lorain, Chio, for the same and the Lorain, Ohio, for the same and the Lorain of the Lorain, Ohio, for the same and the Lorain of the Lorain

Also, the petition of the Iron Molners Union of Lorain, Ohio, for the passage of House bill 4327—to the Committee on the Judiciary.

Also, the petition of Charles N. Paret and others, for the removal of the duty on foreign newspapers and periodicals—to the Committee on Ways and Means.

Also, the petition of James Morrison & Co. and others, citizens of Ohio, for the removal of the duty on salt—to the same committee.

Also, the petition of Nathaniel Ropes and others, representing the candle manufacturers of the United States, against the reduction of the duty on crude glycerine-to the same committee.

IN SENATE.

FRIDAY, April 23, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

THE JOURNAL.

The VICE-PRESIDENT. The Chair wishes to call attention to that part of the Journal which relates to the first amendment offered by the Senator from Maine [Mr. Blaine] to the Army appropriation bill. It makes the Senator from Virginia [Mr. Withers] to have assigned a reason for his point of order, which was not according to the fact. He stated generally that he raised the point of order. Then the Chair inquired of him upon what ground it was, and he went on to specify some grounds which the Chair thought were not tenable grounds, but the point of order nevertheless was well taken according to the rule. The Journal should state the fact that the Senator from Virginia did not at the outset assign any reason for his point of order. He stated generally "the point of order."

Mr. WITHERS. That is correct.

The VICE-PRESIDENT. The Journal will be corrected in that respect.

respect.

Mr. KIRKWOOD. Yesterday morning the Chair presented to the Senate resolutions of the American Numismatic and Archæological Society of the city of New York, in favor of the admission of classical antiquities free of duty. My recollection is that the memorial was laid on the table, but if I heard the Journal correctly, it is stated than the state of the Committee on Finance. Will the there that it was referred to the Committee on Finance. Will the

Clerk please refer to it?

The VICE-PRESIDENT. It appears by the Journal that the memorial was referred to the Committee on Finance.

Mr. KIRKWOOD. I desire to call that matter up some time dur-

ing the morning hour for a few minutes this morning.

Mr. TELLER. It ought not to have been referred, as the bill has

been reported.

Mr. KIRKWOOD. That is an error. The memorial was ordered to lie upon the table for the reason that the bill to which it relates had been reported from the Committee on Finance and was in possession of the Senate. The Journal should be amended so as to show that it was laid on the table and not referred to the committee.

The VICE-PRESIDENT. The Journal will be so corrected, and as corrected will be approved.

ACCEPTANCE OF JEFFERSON'S DESK.

Mr. BECK. Mr. President, yesterday when the House joint resolution relative to receiving the writing-desk of Mr. Jefferson was before the Senate, I called the attention of the Senator from Virginia [Mr. Johnston] to the fact that a clause of the resolution before the Senate read in these words:

That this precious relie is hereby accepted in the name of the nation, and that the same be deposited for safe-keeping in the Department of State of the United States.

And I inquired if it would not be better to have the relic accepted "in the name of the United States." The answer was:

Mr. JOHNSTON. The resolution comes from the House as it was adopted there. It is just in the form it was adopted there. I suppose it is right because it is exceed whet the forth. actly what the fact is.

I turned to the RECORD this morning accidentally and I found the joint resolution introduced in the House by Mr. Crapo identical in language to the resolution which passed the Senate, except the second section of the resolution, which reads thus:

And be it further resolved, That this precious work is hereby accepted in the name of the United States, and the same be deposited for safe-keeping in the Department of State of the United States.

As the donors are to be advised of the action, if the Record is correct, I do not know which resolution they will be advised in regard to. The joint resolution as passed by the House says we accept it "in the name of the United States," and as it passed the Senate the phrase is "in the name of the nation." I suppose that only one copy will be transmitted to the donors, and I would rather the House resolution should go then that the Senate resolution should go then that the Senate resolution should go then that the Senate resolution should go then the senate resolution should go then the state of the senate resolution should go the sena lution should go than that the Senate resolution should go.

Mr. DAWES. The same joint resolution which passed the House must have passed the Senate. There could not have been two resolutions. That may be a mistake of the RECORD, but it cannot be otherwise than the same resolution. There may have been a mistake in copying. Mr. BECK.

Mr. BECK. I do not know the fact; I have not verified it.
Mr. DAWES. I wish to call the attention of the Senator from Kentucky to a little error in the RECORD as reported. I did not inquire of the Senator, as I am reported there, whether he was opposed to the resolution; I inquired of the Senator if he objected to the word "nation." I am reported as inquiring of the Senator if he was opposed to the resolution, and he said no. I inquired of the Senator if he objected to the word "nation," and the Senator's response is recorded there, but it is applied to a different question from what I put. I was desirous of ascertaining from the Senator whether it was an I was desirous of ascertaining from the Senator whether it was an objection to the resolution that it was a presentation of the desk to the "nation," and I understood the Senator to say that was no objection on his part.

Mr. BECK. I have only to say that the Senator from Massachu-

Mr. BECK. I have only to say that the Senator from Massachusetts asked me if I objected to the resolution as it was. I understood him to ask that. I do not think he said anything about "nation" or "United States," or anything else like that.

Mr. DAWES. My interrogatory to the Senator was whether he objected to the word "nation" in the resolution. The Senator, of course, speaks as he heard me. I had no idea that the Senator would have seed to a wealthing drawn in words that wars seen table to be opposed to a resolution drawn in words that were acceptable to him. My only desire was to ascertain whether the Senator from Kentucky objected to the use of the word "nation."

The VICE-PRESIDENT. The only resolution passed upon the subject-matter was a joint resolution from the House of Represent-

Mr. BECK. It appears from the RECORD that it passed the House in one form and the Senate in another, which would be an improper

SMITHSONIAN REPORT.

Mr. HAMLIN. I wish to enter a motion to reconsider the vote by which the Senate yesterday concurred in the amendment of the House of Representatives to the concurrent resolution of the Senate for the

publication of the Smithsonian Report.

The VICE-PRESIDENT. The motion will be entered.

Mr. HAMLIN. The chairman of the Committee on Printing is out of his seat, and I cannot confer with him; and I enter the motion to save time.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Postmaster-General, communicating, in answer to a resolution of the Senate, information relative to a suit against the postmaster at New York for damages arising for the use of a patented instrument for canceling postage-stamps; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a letter of George W. Bruner, of Montgomery, Missouri, relative to the original bounty of Charles Mahoney, late private Company E, Twenty-fourth Missouri Volunteers; which was referred to the Committee on Military Affairs.

Mr. SLATER presented resolutions of the Chamber of Commerce of Astoria, relative to appropriations for the Willamette and Lower Columbia Rivers and the bar at the mouth of the Columbia River; which were referred to the Committee on Commerce.

He also presented resolutions of the Board of Trade of Portland

which were referred to the Committee on Commerce.

He also presented resolutions of the Board of Trade of Portland, Oregon, respecting appropriations for the Willamette and Lower Columbia Rivers; which were referred to the Committee on Commerce.

He also presented the petition of Johnson, Rees & Winans, M. C. Moore & Co., and 125 others, citizens of Walla Walla, Washington Territory, praying an appropriation of \$250,000 to begin the construction of a breakwater at the mouth of the Columbia River; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Wasco County, Oregon, and a petition of citizens of Clatsop County, Oregon, praying for an appropriation of \$250,000 to begin the construction of a breakwater at the mouth of the Columbia River; which were referred to the Committee on Commerce.

Committee on Commerce.

Mr. VEST presented a resolution of the Chamber of Commerce of the city of Saint Louis, Missouri, in favor of an appropriation by Congress to construct reservoirs on the headwaters of the Mississippi River and its tributaries to increase the depth of water so as to admit the passage of light-draught steamers at all seasons of the year; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. INGALLS presented a memorial of citizens residing in the west-

ern part of Kansas, remonstrating against the passage of the bill

taking certain counties from the western land district in that State; which was referred to the Committee on Public Lands.

Mr. KIRKWOOD presented the petition of M. A. Chamberlain and 53 others, citizens of Buchanan County, Iowa, praying for the repeal of the stamp-tax on cosmetics, perfumery, and medicines; which was referred to the Committee on Finance.

Mr. CAMPRON of Representation presented a position of citizens.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Huntingdon County, Pennsylvania, praying for the establishment

of a department of agriculture; which was referred to the Commit-

tee on Agriculture.

He also presented a petition of citizens of Huntingdon County,
Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in transportation charges;

which was referred to the Committee on Commerce.

He also presented a petition of citizens of Huntingdon County,
Pennsylvania, praying for such amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

Mr. SAUNDERS presented a petition of citizens of Clinton, Iowa,

praying for such action by Congress as will insure a speedy division of the Indian reserves and allow Indians to hold their lands in severalty, as is now done by white citizens; which was referred to the Committee on Indian Affairs.

Mr. WITHERS presented the petition of F. L. Galt, M. D., of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. KIRKWOOD. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 1006) for the relief of Andrew T. McReynolds, to report it adversely, and with a recommendation that it be indefinitely postponed. The Senator from Michigan, [Mr. Ferry,] however, who is not in his seat, takes some interest in the bill, and I think would be glad to have it placed on the Calendar. The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Levi Anderson, late private Company A, Seventh Regiment Kansas Volunteers, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1662) granting an increase of pension to Levi Anderson, late private Company A, Seventh Regiment Kansas Volunteers.

The bill was read twice by its title, and the report was ordered to be printed.

be printed.

Mr. WITHERS. I am also directed by the same committee, to whom was referred the petition of Ann Dennis, a widow, and the mother of James Dennis, to report it back, the same being now pending before

James Dennis, to report it back, the same being now pending before the Pension Bureau.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 851) granting a pension to Martha A. Lachman, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Henry Slaughter, praying to be granted additional pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1663) for the relief of the employes who worked in and the contractors who furnished castings to the United

worked in and the contractors who furnished castings to the United States armory at Harper's Ferry, West Virginia, and were not paid from January 1, 1861, to April 17, 1861, inclusive; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1664) to amend and re-enact sections 3 and 4 of an act entitled "An act authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869 by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia," approved June 14, 1878; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims. Committee on Claims.

Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1665) to refund to George W. Graham a certain amount of money; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. TELLER. Some time since I introduced a bill for the relief of B. F. Rockafellow, which was referred to the Committee on Post-Offices and Post-Roads. I introduced it and had it referred to that committee under the impression that Mr. Rockafellow had not settled his account with the Department. The bill contains some errors at all events. I find now that he has settled his accounts with the Department—had, in fact, when I introduced the bill. I ask leave to introduce another bill and have it referred to the same committee, calling the attention of the chairman of the Committee on Post-Offices and Post-Roads to the fact that, in my judgment, the bill Offices and Post-Roads to the fast that, in my judgment, the bill properly belongs to the Committee on Claims, but inasmuch as the other bill is before his committee I will have this bill referred to it

for the committee to examine.

By unanimous consent, leave was granted to introduce a bill (S. No. 1666) for the relief of B. F. Rockafellow; which was read twice

by its title.

Mr. MAXEY. I ask that the bill be referred to the Committee on Claims. I remember the case. The Government had settled with

Mr. Rockafellow, and it is now a private claim, and as far as the Committee on Post-Offices and Post-Roads is concerned, I think it has nothing to do with the case. I think the bill should properly go to the Committee on Claims.

Mr. TELLER. I will say that I did not ask to have it referred to the Committee on Claims, because I feared the Committee on Post-Offices and Post-Roads might think I was taking some snap on them by that course. If the Committee on Post-Offices and Post-Roads will report back the other bill and have it referred to the Committee on Claims, the committee can dispose of that also.

The VICE-PRESIDENT. The bill will be referred to the Commit-

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1667) to provide for the suppression of infectious and contagious diseases of domesticated animals; which was

read twice by its title, and referred to the Committee on Agriculture.

Mr. BALDWIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1668) supplementary to an act for the relief of Nelson Lyon and Jeremiah S. James, approved April 1, 1880; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENT TO APPROPRIATION BILL.

Mr. ALLISON, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H.R.No. 4212) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1881, and for other purposes; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON FISH AND FISHERIES.

On motion of Mr. RANSOM, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate agreeing to the amendment of the House of Representatives to the joint resolution (S. R. No. 100) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879.

LIGHT-HOUSE AT WICKFORD HARBOR.

Mr. BURNSIDE. I ask unanimous consent to take up Senate bill No. 1315.

No. 1315.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1315) making an appropriation for the erection of a light-house and fog-bell on Old Gay Rock, at the entrance of Wickford Harbor, Narragansett Bay.

Mr. EDMUNDS. Is there a report?

The VICE-PRESIDENT. There is no report.

Mr. EDMUNDS. What committee is the bill reported from?

The VICE-PRESIDENT. The Committee on Commerce.

Mr. BURNSIDE. A report of the Light-House Board accompanies the bill, and also a communication from the Secretary of the Treasury.

Mr. EDMUNDS. I should like to hear the bill explained.

the bill, and also a communication from the Secretary of the Treasury. Mr. EDMUNDS. I should like to hear the bill explained. Mr. BURNSIDE. The present light-house is not only in a very bad condition, but in a bad position. The Light-House Board has recommended, on two or three occasions, that a change be made, and that the light-house provided for by this bill be built. I introduced a bill in accordance with that recommendation. It was sent through the proper channels to the Treasury Department; the Secretary of the Treasury sent it to the Light-House Board; and the Light-House Board sent back the bill with a recommendation, which is among the papers accompanying the bill. It is a very important position on the channel leading on the Narragansett Bay up to Providence, a channel as much frequented by vessels of value as almost any channel in the United States. United States.

Mr. EDMUNDS. How much is appropriated?
Mr. BURNSIDE. Forty-five thousand dollars. It is a very necesmr. BURNSIDE. Forey-nee thousand dollars. It is a very necessary improvement, and unless the bill be passed now and the contract made very soon a whole year will be lost in the construction.

Mr. EDMUNDS. Is it understood that \$45,000 will cover the total cost, or is this merely one of the sweet pleasant steps we begin with

in such cases

Mr. BURNSIDE. It is the total cost. There is no contingency of that sort for an improvement in Rhode Island.

Mr. EDMUNDS. I should like to hear the recommendation of the Light-House Board or something of that kind. I dare say it is all right; it must be if it is in Rhode Island.

The VICE-PRESIDENT. The communication referred to will be

reported.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, February 20, 1880.

TREASURY DEPARTMENT, February 20, 1880.

SIE: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing for the views of this Department Senate bill No. 1315, appropriating \$45,000 for the erection of a light-house and fog-signal bell on Old Gay Rock, at the entrance of Wickford Harbor, Narragansett Bay.

In reply, I have respectfully to transmit herewith a copy of a letter of this date from the engineer secretary of the Light-House Board, in which it is stated that the board is of opinion that a light-house should be erected at Old Gay Rock, and that the sum above named will not be in excess of that required for the purpose.

Very respectfully

Very respectfully,

JOHN SHERMAN, Secretary. Hon. John B. Gordon, Chairman Committee on Commerce, United States Senate.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD, Washington, February 20, 1880.

Washington, February 20, 1880.

Sir: I have the honor to acknowledge the receipt of Department letter (E. W. C.) of the 19th instant, transmitting, for the views of the Light-House Board thereon, Senate bill 1315, for the erection of a light-house and fog-bell on Old Gay Rock, entrance of Wickford Harbor, Narragansett Bay, this bill having been referred to the Department for suggestion by the Committee on Commerce of the Senate.

In reply, I beg to state that the matter of providing additional facilities for entering the harbor of Wickford, Rhode Island, was carefully considered by the Light-House Board at its meeting on June 3, 1878, when the conclusion was reached that the interests of commerce and navigation required that a light-house should be established at Old Gay Rock.

The board is of the opinion that the appropriation proposed to be made by the bill in question, namely, \$45,000, is not in excess of the sum that will be needed for the establishment of a light-house and fog-bell at the locality named, and respectfully recommends that the same be made.

Senate bill No. 1315 is herewith returned, together with the letter of transmittal of the Committee on Commerce.

Very respectfully,

Major of Engineers, Engineer Sceretary.

The honorable the Secretary of the Treasury.

The bill was reported to the Treasury. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Monday next.

The question being put, a division was called for, and the ayes

Mr. EATON and Mr. TELLER called for the yeas and nays, and they were ordered. The question being taken by yeas and nays, resulted—yeas 31, nays

24, as follows:

	YE	AS-31.	
Allison, Bayard, Blair, Booth, Burnside, Butler, Call, Cameron of Pa.,	Cameron of Wis., Coke, Davis of Illinois, Edmunds, Garland, Hamlin, Hill of Colorado, Hill of Georgia,	Johnston, Kellogg, Kirkwood, McMillan, Morgan, Platt, Plumb, Pryor,	Ransom, Thurman, Vance, Voorhees, Walker, Windom, Withers.
	NA	YS-24.	
Bailey, Beck, Cockrell, Davis of W. Va., Dawes, Eaton,	Farley, Groome, Hampton, Harris, Hereford, Ingalls,	Maxey, Morrill, Paddock, Pendleton, Randolph, Rollins,	Saulsbury, Saunders, Slater, Teller, Vest, Williams.
	ABSI	ENT-21.	
Anthony, Baldwin, Blaine, Bruce, Carpenter, Conkling,	Ferry, Gordon, Grover, Hoar, Jonas, Jones of Florida,	Jones of Nevada, Kernan, Lamar, Logan, McDonald, McPherson,	Sharon, Wallace, Whyte.

Jones of Florida, McPherson, So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the first amendment of the Senate and had concurred in the second amendment of the Senate to the bill (H. R. No. 2787) making appro-

amendment of the Senate to the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 5623) to authorize the Secretary of the Treasury

A bill (H. R. No. 3023) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio;
A joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia; and
A joint resolution (S. R. No. 91) to print the eulogies delivered in the Senate and House of Representatives upon the late George S. Houston, a Senator from the State of Alabama.

DUTY ON CLASSICAL ANTIQUITIES.

Mr. KIRKWOOD. I ask to take from the table the memorial of the Numismatic and Archæological Society of the city of New York relative to the bill which provides for the admission of classical antiquities free of duty. I wish to submit a few remarks upon it.

The VICE-PRESIDENT. The Senator from Iowa desires to submit a few remarks upon the memorial named by him, to which the

mtt a few remarks upon the memorial named by him, to which the Chair hears no objection.

Mr. KIRKWOOD. I would have nothing to say in regard to this matter at all were it not for the fact that the gentlemen composing this society, who I have no doubt are very respectable and worthy gentlemen, have seen fit to refer to me by name in the memorial which has been presented; and that makes it, in my judgment, proper that I should say a few words.

These gentlemen allege that House bill No. 2524, which provides for the admission of classical antiquities free of duty, has been so amended by me as to destroy the probability of its becoming a law. Of course, I have no complaint to make at all that these gentlemen or any other gentlemen exercise their undoubted right of presenting memorials to either or both Houses of Congress; but I submit that they should be careful in statements, and particularly where they refer to Senators by name they should state facts accurately.

The bill referred to has not been amended by me at all. I have had printed an amendment which, when the bill is called up, I propose

to offer, and that is the extent of my offending thus far.

While I am up, I will say a word or two in regard to the bill and my proposed amendment. These gentlemen say that this is a bill "in which all educational institutions and art students in the United States" are interested. From that it is to be fairly inferred, I think, that under the existing law educational institutions cannot receive these antiquities without paying duties upon them, and that is another mistake (if that be the intent of this memorial) in a matter of fact. As the law stands to-day it reads thus:

SEC. 2512. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe.

It is also provided in section 2505 of the Revised Statutes:

Works of art: paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions or to any State, or to any municipal corporation—

shall be free of duty. The bill from the House, in addition to that, proposes, as I understand it, to allow the importation of these articles free of duty for sale for the purpose of making money out of them to the persons who sell them or to reduce the price of them to those who choose to indulge their taste by purchasing them if imported free of duty. That is not at all what I gather from the memorial presented to this body is the understanding of the gentlemen who, doubtless in the exercise of their proper privilege, saw fit to present it

Another word or two, Mr. President. In the early part of this week one of the leading journals of the city of New York saw fit to allude to my action in this matter. That journal is as justly celebrated for the accuracy of its knowledge upon all matters of public concernment as it is for the unvarying courtesy with which it alludes on all ment as it is for the unvarying courtesy with which it alludes on all occasions to persons who are so unfortunate as to differ with it upon such matters. It also has fallen, strange as it may seem, into an error. That journal says that the purpose of my amendment is to secure the admission, free of duty, of salt into this country to be used in curing fish. [Laughter.] It is remarkably strange that a journal as intelligent as that could make that mistake. Salt to cure fish is free of duty to-day, and has been since the very distinguished Senator from Vermont [Mr. Morrill.] some years ago prepared and had passed the present tariff law.

Some movement in the country looking toward the repeal of the duty on salt directed my attention to this matter some weeks ago, and duty on salt directed my attention to this matter some weeks ago, and I made some inquiries, as was natural, perhaps, as to how the present tariff affected the people among whom I live, and what would be the effect upon their industries of the repeal of the duty upon salt. I found to my surprise—and I am almost ashamed to confess it—that in the State in which I live foreign salt is used very largely. In the county adjoining that in which I live, during the thirteen months made up of all of the year 1879 and the first month of the current year, one single establishment used two hundred and forty-five car loads of foreign salt in curing meat. And pursuing the same inquire made up of all of the year loss and the mass and an expert one single establishment used two hundred and forty-five car loads of foreign salt in curing meat. And pursuing the same inquiry in other direction in my own State and elsewhere, I found this fact; that a very large proportion, almost all of the meats cured in this country for exportation are cured with foreign salt; and it struck me that it might be in the interest not only of the section of the country in which I live but of the whole country to extend to men engaged in curing meats the same privilege and the same benefit, if it be a benefit, that is enjoyed by those of our citizens who are engaged in curing fish; and therefore I had the temerity, as perhaps it may be deemed, to propose to add to the bill of the House the amendment to which I have alluded, the sole purpose, the sole scope of which is to allow a refunding to the men who export to foreign countries meats cured in this country with foreign salt the amount of duty paid upon cured in this country with foreign salt the amount of duty paid upon

such salt. That is all.

I think I am right, Mr. President, in that, and it is a habit of mine when I think I am right to stick to what I believe to be right.

Now let me state why I proposed this amendment to this bill. We all know perfectly well that all matters affecting the raising of revenue must originate in the other House, and that the Senate can only have the privilege of affecting the revenue laws by amendments to have the privilege of affecting the revenue laws by amendments to bills that come from there here. I happened to notice that this bill was here; and therefore, fearing that I might not have another op-portunity of doing what I propose to endeavor to do, I submitted this amendment.

I do not know that by so doing I antagonize the bill that came from the House. I have already indicated my judgment that its purpose is not to aid institutions that wish to gather these antiquities as matter of public instruction, but to aid men who desire to engage in the sale of them or to aid those who as I before said to gratify their testes wish to workers them so blocks of our and produced larger. tastes wish to purchase them as objects of art and perhaps luxury

without paying anything to support the revenue while doing so. I think it is rather selfish in these gentlemen. They are, I apprehend, mostly men of wealth. The only duty levied upon these articles now is the small duty of 10 per cent., while almost everything that enters

is the small duty of 10 per cent., while almost everything that einers into the daily necessary consumption of the people of the country is taxed much higher than that.

But, as I said, I do not know that I am disposed to antagonize specially the bill that came from the House; but I cannot help believing that it is a matter of much greater importance to the people of this country to take off the duty upon salt used in curing meats for exportation, while it would tend much more to build up the productive interests of this country than it will to take off the duty upon ive interests of this country than it will to take off the duty upon

Having thus said what I desire to say, unless some Senator wishes to say something upon the same subject I will withdraw the motion I made to take this memorial from the table.

The VICE-PRESIDENT. The motion is withdrawn. The memo-

rial lies on the table.

POST-ROUTE BILL.

Mr. MAXEY. Mr. President, I ask unanimous consent of the Senate to take up the bill (H. R. No. 5524) to establish post-routes. It is necessary for it to go back to the House with the amendments.

Mr. PLUMB. I have as much interest as the Senator from Texas in the passage of that bill, and it is proper it should pass at an early day, but I have observed that in one way or another special things occupy that part of the day which has been set apart for the Calendar, so that part of the day which has been set apart for the Calendar, so that we open up the general sea of debate and consideration of things other than the ordinary business of the Senate in the morning hour, without having lately done anything in regard to that part of the work of the Senate which has been reported by the committees or at least without entering upon it under the ordinary rule.

There is a bill on the Calendar which stands at the head of the Calendar which stands are the standard which stands at the head of the Calendar which stands are the standard which stands are the standard which sta

There is a bill on the Calendar which stands at the head of the Calendar and in which the people of my State are very deeply and seriously interested. I do not know that it will lead to any debate, but whether it shall or not, it is a bill which is very proper to be considered soon. I do not care to antagonize the post-route bill which the Senator from Texas has in charge, and if it is likely to pass in a few minutes I shall not interpose, but if it is not, I shall feel disposed to call for the regular order.

Mr. MAXEY. I have charge of the bill at the head of the Calendar to which the Senator refers, and am as much interested in it as anybody; but this is a bill which affects nearly every State in the Union; it is the annual post-route bill; no legislation whatever is contained either in the original bill or in the amendments, save the establishment of post-routes.

tablishment of post-routes.

Mr. PADDOCK. I should like to inquire of the Senator what ob-

jection there will be to taking it up immediately after the expiration

of the morning hour?

Mr. MAXEY. Because the unfinished business will then come up.

If Senators prefer to have the post-route bill killed, I have nothing further to say. The Committee on Privileges and Elections have brought over as unfinished business the matter which came up yesterday evening, and as soon as the morning hour is over that will come up, and I have no possible hope of passing this bill in time to send it back to the Management it is done in the morning hour.

up, and I have no possible hope of passing this bill in time to send it back to the House unless it is done in the morning hour.

Mr. PADDOCK. Certainly no one will object to taking up the bill at the expiration of the morning hour.

Mr. PLUMB. I desire to call the attention of the Senator from Texas to an error which he fell into. The bill that I referred to is not the one which is nominally at the head of the Calendar, but one which by an arrangement made some weeks ago was to stand as at the head of the Calendar—the bill (H. R. No. 2326) for the relief of the settlers morn Osage trust and diminished-reserve lands in Kansas, and for of the Calendar—the bill (H. R. No. 2326) for the relief of the settlers upon Osage trust and diminished-reserve lands in Kansas, and for other purposes. It is a matter of not only great importance, but of great immediate importance, and one that has been a long time before the Senate. It is a House bill passed at the extra session. Of course if I felt that the post-route bill could be passed immediately, I would not insist on the regular order; but I have sat here a week waiting first for one thing and then another to be taken up in the morning hour, and the morning hour has been thus exhausted.

The VICE-PRESIDENT. The Senator from Texas moves that the pending order, being the consideration of the Calendar of General Orders under the Anthony rule, so called, be postponed, indicating his purpose if that motion be successful to move to take up the annual

purpose if that motion be successful to move to take up the annual post-route bill. The question is on the motion of the Senator from Texas.

The motion was agreed to.
The VICE-PRESIDENT. The Senator from Texas now moves to take up the annual post-route bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5524) to establish

post-routes.

Mr. MAXEY. In order to save time, I will state that the bill seeks no legislation whatever, either in the original bill or the amendments, save the establishment of post-routes. I therefore do not see any good result to be attained by simply reading names over; and in order to expedite time I ask unanimous consent that the reading be dispensed with.

dispensed with.

Mr. EDMUNDS. I have not the slightest doubt of the correctness of the statement of my friend from Texas, who knows that I have a

perfect confidence in him, but I believe it to be a wrong thing to allow any bill to pass the Senate without reading.

Mr. MAXEY. Then I withdraw the request.

The VICE-PRESIDENT. If there be no objection the amendments

will be acted on as they are reached in the reading of the bill, dis-

Mr. EDMUNDS. Certainly.

Mr. ALLISON. Is it understood that Senators who have amendments are required to offer them as we go along? I suggest that as we pass a paragraph if any Senator has an amendment he offer it as

we go along.
Mr. MAXEY. I apprehend that every Senator has availed himself of the notice which I gave the other day; but if any Senator wishes an amendment incorporated, I have the authority of the committee to

Mr. ALLISON. I merely made my suggestion as a method of facil-

itating the consideration of the bill.

The VICE-PRESIDENT. That order will be observed, and the bill will be read.

The Secretary proceeded to read the bill until he reached the first amendment of the Committee on Post-Offices and Post-Roads.

amendment of the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. The amendments are all merely the establishment of additional routes. I move that they be agreed to in gross.

The VICE-PRESIDENT. They will be read with the text of the bill and considered as agreed to as read, unless objection be made.

The Secretary read the bill with the amendments proposed by the Committee on Post-Offices and Post-Roads inserted in the text.

Mr. PLUMB. In line 344, the name "Wasse" should be "Waco."

The VICE-PRESIDENT. That correction will be made.

Mr. PLIJMB. At the close of the list of routes for Konsas after line.

Mr. PLUMB. At the close of the list of routes for Kansas after line 383, I move to insert:

From Lamar to Minneapolis.

The amendment was agreed to.

Mr. WILLIAMS. I ask the chairman of the committee if the route proposed from Owensboro' to Pine Bluffs is inserted? Are there any other amendments except those printed?

Mr. MAXEY. If the Senator will make out his amendment and give it to me, I will offer it as soon as the reading is through.

Mr. WILLIAMS. Perhaps my amendment is incorporated by the committee; I will look and see.

Mr. MAXEY. In line 109, on page 5, I move to strike out the name of "Sutton" and insert "Sutter;" under the head of "California."

The amendment was agreed to.

Mr. MAXEY. I offer a number of amendments, to be inserted in

Mr. MAXEY. I offer a number of amendments, to be inserted in

their proper places.

The VICE-PRESIDENT. The amendments will be inserted in their

proper places and considered as agreed to.

Mr. CAMERON, of Wisconsin. I offer the amendment which I gave notice of some days ago. After line 1075 I move to insert in the Wisconsin list:

From West Salem to Mindora.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed. .

SMITHSONIAN REPORT.

Mr. HAMLIN. I submit a motion that a message be sent to the House of Representatives requesting the return to the Senate of the resolution providing for the printing of the report of the Smithsonian Institution, upon which I entered a motion to reconsider this morn-

The VICE-PRESIDENT. The Chair hears no objection, and such a message will be sent to the House of Representatives.

HOUSE BILL REFERRED.

The bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

FORTIFICATION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the Senate amendments to the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1881, and for other purposes, the House having non-concurred in the first and concurred in the second amendment.

Mr. WITHERS. I move that the Senate recede from its amendment which has been non-concurred in by the House. There is only one matter of difference and that is not particularly material to the bill. I move that the Senate recede from its first amendment, which has been non-concurred in by the House.

The motion was agreed to.

SENATOR FROM LOUISIANA.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business, being the resolutions declaring that WILLIAM P. Kellogg was not elected and that Henry M. Spofford was

elected United States Senator from the State of Louisiana for the term beginning March 4, 1877.

The Chief Clerk read the resolutions, as follows:

1. Resolved, That, according to the evidence now known to the Senate, WILLIAM P. KELLOGG was not chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to sit in the same.

2. Resolved. That Henry M. Spofford was chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.

Mr. BAILEY. Mr. President, the credentials of WILLIAM PITT KEL-LOGG as Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1877, and signed by Stephen B. Packard, who claimed to be the governor of the State, were presented to the Senate on the 20th January, 1877. On the 4th of March of the same year Mr. Kellogg applied to be sworn in, but the Senate then refused to admit him. In the month of October the credentials of Henry M. Spofford, claiming the same seat, and signed by P. B. Nich-

olls, then actually governor of the State, were presented.

These credentials were referred by the Senate to its Committee on Privileges and Elections, and on the 26th day of November, 1877, a majority of the committee reported that on the merits of the case Kellogg was entitled to the seat, and the Senate admitted him to it

on the 28th of the same month.

The Legislature of the State of Louisiana solemnly protested against the action of the Senate, as a denial to the State of its right to repre-sentation in this body by a Senator chosen by the Legislature thereof as guaranteed by the Constitution of the United States, and in March, 1879, Mr. Spofford presented the memorial, and complained that upon the former hearing before the committee he had been denied the privilege of introducing important testimony. He further claimed that he had discovered new and material evidence which would establish that when the Legislature was elected in 1876, Kellogg, then the governor, used the power, patronage, and resources of his office to procure the election and return of a general assembly for the purpose of securing his election to the Senate, and afterward by menaces and bribery secured the vote of its members, and that but for such menaces and bribery he could not and would not have obtained the nominal election under which he claims the seat.

This memorial was referred by the Senate to its committee and authority given to it to take testimony, and to send for persons and papers. The committee has reported that Spofford is entitled to the seat, and thus is brought to your attention and before the Senate, and for its judgment, the important question to be discussed.

As one of the committee that made the report, I give to its recommendation my unqualified approbation and support. I do not propose to go into an examination of the facts now for the first time brought to light, which disclose a state of public and private morals among the men who composed what is known as the Kellogg legislature disgraceful beyond all that could have been imagined, nor will I even make an allusion to the acts of bribery and corruption of which the book of testimony is full. I prefer to examine the case from a different point of view.

I believe Mr. Spofford was elected in conformity with the com-mands of the Constitution and laws of the United States, by the only body that could justly claim to be the legislature of the State, and propose, Senators, for a little while to discuss the very interesting

questions that the conclusion presents.

But in the very outset it has been said, and the point has been pressed with great earnestness, both by the counsel for Mr. Kellogg and by the minority of the committee, that all the questions of law and fact involved were presented upon the former reference, were solemnly adjudicated by the Senate, and having been adjudged are not open to inquiry. It is said that the former action of the Senate is covaluative were the parties and the State of I varieties as the parties. is conclusive upon the parties and the State of Louisiana as to every fact and every question that could have been considered, and invoking the aid of the maxim familiar to lawyers, and of frequent use in courts of judicature, that "interest reipublica ut sit finis litium," it is contended that the matter in controversy is "res adjudicata," and all the world is estopped from denying Mr. Kellogg's right to the seat. To afford a foundation for this extraordinary effort to ingraft upon the proceedings and practice of a legislative body maxims and pleas that have been adopted from considerations of convenience by courts instituted for the settlement of questions of private right, it is asserted that the questions raised are legal questions, and that in respect to the matter under consideration the Senate is a judicial tribunal.

I readily, indeed heartily, agree to the first proposition. This controversy does present grave questions of law—of public and constitutional law—questions that should provoke the most thorough discussion in this Chamber and throughout the whole country; they should interest not only you, Senators, but every statesman and jurist and citizen; and I cannot believe that any one here will dare approach their consideration without painstaking research and the

calmest and most conscientious self-examination.

But I dissent and toto calo differ from the gentleman as to the last

proposition.

The Senate is not and from its very constitution cannot be a judicial tribunal. The fundamental law that provides for its creation undertook to parcel out the powers and duties of the different departments of the Government, and separated them into three great divisions: the executive, the legislative, and the judicial. To each of

these was allotted the work it is to perform, and each has its appropriate functions.

All legislative power-

Says the Constitution-

herein granted shall be vested in a Congress which shall consist of a Senate and House of Representatives.

And again it provides:

The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.

By another section one exception is made, if indeed it be an excep-tion, to this grant of judicial power. Great officers of state may be impeached by the House of Representatives for high crimes and misdemeanors, for crimes affecting the public welfare, for crimes connected with the administration of affairs, and, perhaps, for crimes that prove them unworthy to fill great political stations. If thus impeached the Senate has the sole power to try them, and when sitting for that purpose as a court Senators shall be "on oath or affirmation." The punishment is political, and political only. It can extend only to "removal from office and disqualification to hold and enjoy any office of trust or profit under the United States."

With the exception named, the judicial power of the United States, and if the Constitution means anything, its entire judicial power is vested in the supreme and inferior courts. To them is committed the authority as judicial tribunals to construe, to expound, and to ascertain the law, and to enforce its commands in controversies of every kind subject to their jurisdiction. In these tribunals resides the judicial power of the Government, and by them the axiom and rules relied upon have been borrowed from like tribunals of our mother country.

The Senate, however, is a legislative body. Its office and functions are political. It is true that in the ordinary course of its procedure each Senator, and the Senate as a body, may find it necessary to construe laws and pass upon legal questions of the most abstruse kind, but this is only for the purpose of instructing the mind and conscience.

The act is a step in the performance of a political function.

So, where the Senate is called upon to judge as to the election of one of its own members, it may have to settle doubtful questions arising under the Constitution and laws of the United States, or of the State that seeks representation. In such case the Senate is the judge of the election. That is, it must determine and decide upon every fact presented and every question of constitutional or statutory law that may arise. In discharging this duty the Senate is a court, as every jurisdiction, civil, criminal or ecclesiastical, is a court. It is a court in

the sense that the Legislature of Massachusetts is "the general court," or that the general assembly of the Presbyterian church is a court.

Although it judges or decides, and in the sense described is a court, its proceedings are not judicial, nor is it or can be a judicial body. It is a legislative body with inherent as well as constitutional authority to judge or decide who shall be admitted to take part in its deliberations and share its responsibilities. In exercising this function it may be called upon to consider the relations of a State to the Federal Government, to inquire into and decide upon the right of the people of a State to settle their own government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government, or upon the regularity of the acts and proceedings of a State Legislature; but these questions at last concern only the body-politic; they relate to government. ment, to the constitution of the Senate as a legislative body, and to the lawfulness of representation. The duty to be performed, in the broadest as in the strictest sense, is political.

Upon what theory of government or what construction of the Constitution, then, can it be affirmed that in deciding upon a question like the one before us this becomes a judicial body, or the proceeding a judicial proceeding? The Constitution has not so declared. Indeed it has expressly committed to other tribunals all the judicial power of the United States, with the exception of the trial of officers impeached by the House of Representatives. Whence comes, then, the assumption of judicial power, with its concomitants of judicial methods, maxims, and rules? Certainly not from the Constitution. Will any one here undertake to point out the section or clause that

Has the assumption any foundation in reason? Let us not be misled by a confusion of terms. Judicial power and judicial methods are one thing. The duty of every tribunal to decide fairly, justly, honestly every question that may be brought before it is quite a different thing. The Senate rests under the highest obligation to society as do the courts to uphold and maintain in all their purity the Constitution and laws, the rights of the Federal Government and of the States. No Senator can escape the performance of the duty this obligation imposes. It binds his conscience and compels recognition. But does the endeavor to perform this duty change that which is a legislative body into a judicial tribunal and impose upon it the forms and methods, the rules of procedure and maxims of the latter? Is a Senator himself transformed into a judge because he may be called upon to decide a question of law, and attempt to decide it with judidicial impartiality?

No, Mr. President, the claim cannot be maintained. It has no warrant in the Constitution. This is a legislative body, not a judicial tribunal; its functions are political and only political. As a legislative body it may adopt rules of its own to regulate its procedure facilitate the transaction of its business. But such rules are self-imposed; they cannot be imposed by others; they must be of a kind recommended by inherent propriety and a just regard to the object to be reached. They must help, not hinder, the attainment of justice and compliance with every constitutional obligation.

Nor is there any reason why this rule of res adjudicata shall be transplanted from another forum and made to take root here.

Natural justice makes no demand for its adoption. That requir justice to be done even after the delay of repeated litigation. That requires seeks to reach the real merits of every controversy, and with stern resolve redress every wrong. But inasmuch as human reason is imperfect the testimony on which it relies is often misleading, and its methods of investigation are defective, and as in the lapse of time the memory of facts becomes obscured, courts of judicature in the ordinary course of their business for the good of society, as well as their own protection, adopted the maxim quoted and formulated it into an ordinance of administration.

Experience, however, soon demonstrated that injustice and wrong were often the result of the application of the rule, and the courts without abandoning the rule itself were compelled to invent methods of relief, and the Legislature has given them willing assistance. Hence we have in courts of law retrials and writs of error, and in Hence we have in courts of law retrials and writs of error, and in courts of equity rehearings and bills of review supplemented by statutes in proper cases granting appeals, and appeals in the nature of writs of error. All these methods of relief are in daily use to escape the grinding effects of a rule which it is proposed to import into a legislative body acting upon a question purely and simply political. And yet it is not proposed to bring with it the methods by which the harshness of its effect may often be avoided.

harshness of its effect may often be avoided.

If the matter under consideration was one that affected only the rights of Mr. Kellog and Mr. Spofford there would be much force in the argument favoring the adoption of the rule. If this was a controversy as to which of the two gentlemen should enjoy the emoluments and be entitled to the dignity and honor of a seat in the Senate of the United States, the Senate might well say, indeed, having regard to the gravity of its duties and its responsibilities to the public, it should say: "It does not comport with the dignity of this body or with the public interests that the controversy shall be prolonged." The Senate should dismiss the application and proceed to perform other and more important duties. This is not such a controversy; it is one in which the State of Louisiana and the whole people of the United States are interested. It involves grave questions on public and constitutional law and reaches to the very foundations on public and constitutional law and reaches to the very foundations on which our frame of government rests. It involves the relations of the States of this Union to the National Government; the rights of

the States and of the people of all the States.

One of the States appears at the bar of the Senate and demands that her constitutional right to representation shall be respected. She says that by mistake or fraud or a wrong decision one has been admitted here as her representative who in fact is not her representative, and demands redress. She says that she is prepared to demonstrate the fact to the satisfaction of the Senate and the whole country. But to this earnest appeal it is proposed to reply: What you say may be true. The one you have chosen may have been rejected; another person, a stranger and an alien to your confidence may occupy the seat prepared by the Constitution for your own accredited representative; he may have mounted to this great position by fraud, by deceit, by our own mistake, but we cannot revise or reverse our action.

our own mistake, but we cannot revise or reverse our action. We are fettered by a rule borrowed for the occasion from another tribunal, and the whole matter is res adjudicata.

Mr. President, such a reply is a denial to the State of a right guaranteed to her by the Constitution. The right cannot be questioned. No statesman or jurist in this broad land has ever questioned it. No one ever will. Has the former action of the Senate annulled it? Can that action annul it? Has the right been merged in a former independent or hidden out of sight so that it cannot be discovered? Can that action annul it? Has the right been merged in a former judgment, or hidden out of sight so that it cannot be discovered? Not at all. It is a constitutional right, and continues until satisfied. It can be satisfied only by recognition. It continues from day to day, from month to month, from year to year. It speaks to-day in tones as earnest and in voice as exacting as it did two years ago. A wrong judgment of the Senate cannot hush it into silence, nor can the plea of res adjudicata be accepted as its fulfillment.

To give such an effect to the plea places the Senate above the Constitution, and makes it the constituent instead of the Legislature of the State. Such an answer declares that although the former judgment may have been the result of a conspiracy, or fraud, or mistake, now patent to all the world, yet its effect is binding and conclusive. It declares that the State may be robbed of its right, its constitutional right, to representation, not because of any fault or error of its own, but because somebody else has been in fault, or has been

its own, but because somebody else has been in fault, or has been imposed upon. Such a doctrine is monstrous. Its only foundation is the desire to exalt the dignity and value of the judgment of this body and escape the duty to perform a constitutional obligation.

Nor can the failure to perform this obligation be excused on the miserable plea that there is danger in the precedent. If Mr. Kelloge was duly elected by the true and lawful Legislature of Louisiana we should be eager to confirm him in possession of his seat and repel every effort to remove him. On the other hand, if Mr. Spofford has been elected by the true and legal Legislature, we should make haste to admit him to this body. Absolute justice requires this to be done. The Constitution requires it. A wrong decision is always a dangerous one, and may become a bad precedent; but a right decision

always stands as its own justification. Bad men may seek to pervert it to a bad use, but good men will always be found to vindicate the principles upon which it rests and strip away every disguise from the

motives of those who dare profane it.

But have we any precedents to instruct us in our deliberations or guide us in our action? After a good deal of research I have not een able to find one that presents the very case before us, or that in the principles settled can be considered as fairly expressing the opinions of our predecessors upon the questions now to be determined. Only three cases can be found in our legislative annals where the only three cases can be found in our legislative annuals where action of either House of Congress in seating members after examination in solemn form by a committee has been called in question. into the election of Senators and Representatives have been made usually with great care. Every fact has been brought to light through the diligence of the contestants, and every question of law involved has been thoroughly discussed by some of the very able lawyers and statesmen at all times to be found in Congress. The contestants have been satisfied by the judgments pronounced, or else, owing to the temper of party majorities, they have been convinced that further contest would be useless.

The earliest case arose in the House of Representatives in the year 1837. Gholson and Claiborne had been elected to the House from the State of Mississippi, at an election held under an order from the governor of that State, to serve at a special session of Congress, convened by proclamation of President Van Buren. The credentials of these gentlemen were referred to a committee who after an investigation made a report. The House declared them to have been duly elected and entitled to hold their seats for the two years prescribed by the Constitution as the term of office for members of that body. They were admitted and sworn. At the regular session of Congress, beginning the first Monday in December of the same year, Messrs. Prentiss and Ward, who had been elected at the time prescribed by the general law, appeared and claimed the seats. The whole subject the general law, appeared and claimed the seats. The whole subject was again referred to a committee which made a report. It was contended in behalf of Gholson and Claiborne, as is contended here, that the whole question had once been submitted to the House for its judgment, that judgment had been pronounced after a full consideration, and the matter was res adjudicata. But the House refused to recognize the validity of the plea, and held that notwithstanding the former judgment its power again to consider and determine the ques tion was plenary. It rescinded the former judgment and ejected Clai-borne and Gholson from their seats. Prentiss and Ward, however, were not admitted; the people were required to have another elec-

The next case in our legislative history came up in the Senate from the State of Indiana in 1857. Messrs. Bright and Fitch, claiming to have been chosen Senators by the Legislature of that State, presented their credentials, which were referred to a committee. The comtheir credentials, which were referred to a committee. The committee reported that they had been duly elected, and the Senate so declared. Two years thereafter a memorial was presented from the Legislature of the State protesting against the former judgment, asking that it should be reversed and that two other gentlemen chosen by that Legislature should be admitted as Senators. Again the subby that Legislature should be admitted as Senators. Again the subject was referred to a committee, which reported that every fact then presented and every question of law then raised had been presented and raised upon the former hearing, and upon the recommendation of the committee the Senate voted that the case was res adjudicata, that the former judgment was final, and concluded the parties, the State of Indiana, and the whole world.

It appears that there was no question about conflicting government the State of Indiana and Indiana Print Indiana Ind

It appears that there was no question about conflicting governments in the State. The Legislature that elected Bright and Fitch was conceded on all sides to have been the legally organized Legislature of the State. The only matter in controversy related to the regularity and lawfulness of the manner of the election. The vote stood thirty in favor of the report to fifteen against it. But in the minority stood the late Senator Chandler, Mr. Collamer of Vermont, Mr. Douglas of Illinois, Mr. Fessenden of Maine, Mr. Hamlin, now a Senator, Mr. Seward of New York, Mr. Trumbull of Illinois, and Mr. Wilson, afterward Vice-President of the United States. These gentlemen held to the same opinions that I advocate to-day in regard to the validity of the plea interposed. They were persons of the greatest reputation, and their opinions are entitled to great weight. Their arguments furnish much of the reasoning advanced here to-day. Again the question was presented to the Senate in the year 1874 in a

Again the question was presented to the Senate in the year 1874 in a contest between Spencer and Sykes, each of whom claimed to have been chosen by the lawful Legislature of the State of Alabama. In that State, as in Louisiana, two bodies were organized and claimed to be the lawful Legislature. One of these bodies chose Spencer; the other chose Sykes. Both gentlemen appeared here and claimed the seat. Their credentials, according to the rules, were referred to a committee, a majority of which reported in favor of Spencer. The Senate, by a party majority, sustained the report, and Spencer was sworn in. Afterward the Legislature memorialized the Senate, protesting against its former action, and again the question was sent to committee. A majority of the committee reported that the former judgment of the Senate was conclusive, but the Senate never voted or acted upon the report, or the resolution that accompanied it.

It thus appears that the general question as to the force and effect to be given to the judgment of a legislative body in deciding upon

the election of one of its members has once been settled by the Senate and once by the House of Representatives, and that the two decisions are directly antagonistic.

The Senate has affirmed that the judgment is conclusive; the House

has refused to be thus bound.

has refused to be thus bound.

The proposition that such a judgment is to have the same force and effect as the decree of a judicial tribunal settling a question of private right, to my mind, borders upon absurdity. Yet I will agree that if there had been such a line of decisions extending through a course of years, I would not only doubt the correctness of my own opinion but would accept these decisions as part of our parliamentary law. Accept these decisions are part of our parliamentary law. Accept these decisions are part of our parliamentary law. cepting them as parliamentary law, I would uphold and maintain them. But we have no such line of decisions. As we have seen, but two cases have been decided. When we examine into the facts we find that neither of them is like the one under consideration. In the Indiana case the Legislature that elected Bright and Fitch was acknowledged by everybody to have been the only true and lawful Legislature of the State. No other body of men opposed its claim. The question presented was whether that Legislature had proceeded in a regular manner to the election of Senators. The Senate held that the manner of election was proper and that Bright and Fitch had been duly elected, that is conformably to law by the only organized valities legislature. that is conformably to law, by the only organized political society in the State of Indiana. Having once settled a question, relating only "to manner," the Senate declined to reverse its decision. So in the

"to manner," the Senate declined to reverse its decision. So in the Mississippi case the regularity of the election only was involved. The House, however, did "rescind" its former judgment.

The case before us is altogether different. No question as to form or manner is presented. We affirm that the State is denied representation and that the plea, if sustained, will retain in the Senate one who represents no government and was elected by a body that was not a legislature, has never been recognized as a legislature by any authority State or national, and was no better than a mob. If the plea shall be sentained Mr. KELLOGG will one his election to the the plea shall be sustained, Mr. Kellogg will owe his election to the

Senate, and not to the Legislature, as many of his adherents owed their election not to the people, but to returning boards.

If we shall fail to establish the marked differences between this case and the one referred to, if we shall fail to show that the Legislature that elected Mr. Spofford was the true and lawful Legislature of the State, the only body that could—we go further and say the only body that did—exercise legislative power in Louisiana, then unquestionably Mr. Kellogg is entitled to the seat and Spofford should

The issue is plain; it is distinct; everybody can understand it. It is stripped of all maxims and all pleas. It is a question of fact and of constitutional law. The underlying principles involved are easy of comprehension; the dullest mind can understand them. Such an issue is suited to the genius of our people. I invite their candid at-

But I beg not to be misunderstood. I do not assert that the Senate rests under the obligation to reconsider and rehear every case of a contested election that may be brought to its notice. This supreme and final arbiter in the settlement of every question that may arise as to its organization and its constituent parts should exercise a sound discretion and be guided by enlightened conscience. It should

not for light or trivial reasons set aside its deliberate judgment, nor in cases of doubtful right. When the power of reconsideration is invoked for such cases it may well say, "No; the matter has been fully and fairly considered; judgment has been pronounced upon an intelligent view of all the facts and of every question of law. No good reason is shown why there shall be another investigation, another argument, and each the desirious."

and another decision. The case has been adjudged, and there it shall

On the other hand, when it is manifest that a former judgment was made upon a mistake of facts; that the Senate was imposed upon by artifice or fraud or had reached a conclusion clearly and manifestly wrong and in violation of the constitutional rights of one of festly wrong and in violation of the constitutional rights of one of the States of the Union, then there rests upon the Senate a duty which it should hasten to perform; the duty to correct the judgment, to rectify the wrong, and restore to the State rights of which it has been unjustly deprived. Will not all agree to this? Will any person here in this presence deny the obligation? Will any one go before the Amer-ican people and say that a State may be deprived of its just representa-tion by a judgment not in harmony with the Constitution? Will any Senator by making false issues or by appeals to sectional differences endeavor to hide away the true question to be settled? I fear, Mr. President—and the history of the past ten years does not quiet my ap-President-and the history of the past ten years does not quiet my apprehensions, the report of the minority of the committee, sustained by no fact, but dealing in menaces, gives additional ground to fear

Warning has been given that the action of Senators from the States engaged in the rebellion will be subjected to the severest criticism. We have been told in effect that we are expected to maintain the claim of Mr. Kellogg, or else to be considered false to duty, disloyal to the Government, and unworthy of the generous confidence reposed in us by the great body of the people of the North. We recognize the obligation which that confidence imposes. Patriotism, henory, self-interest, every motive that can control the actions of men, unite in constraining us to faithfully keep "our vows," to uphold the Constitution and laws, and do all that men can do to promote the glory and prosperity, the peace and happiness of our common country. We

have no other country. Here we were born; here we expect to live; here to die, and here will be the homes of the children who are to succeed us. The great-hearted people instinctively have seized and recognized these truths. Gifted with a profound insight as to the characteristic description of the characteristic consistent and the characteristic consistency consist acter of our institutions, denied by some mysterious freak of nature to many of their public men, they have welcomed us back to the Union, not to follow blindly the opinions of others, nor to register in this council-chamber their edicts, but to take part in its deliberations and assist in the conduct of affairs. They expect us, and have the right to expect us, to exercise independent thought and to speak what we believe to be truth, being responsible, as are all the servants of the people, to an enlightened public opinion.

Therefore we appeal to the intelligent judgment of our fellow-citivess throughout these States and submit to them the reasons for

Therefore we appear to the intelligent judgment of our fellow dis-izens throughout these States, and submit to them the reasons for our action. If it shall be found that we have been led by party spirit or controlled by unworthy motives to do injustice and violate the sacred obligations under which we rest to uphold in all its purity the Constitution that gathers us here together, then upon us will be

visited, and justly, the severest condemnation.

Let us then inquire whether the State of Louisiana has been deprived of its rightful representation here.

The Constitution, article 1, section 3, declares that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof.

This clause is the very basis of our Federal Union. It is known not only to you, Senators, but also to the whole people, that the adoption of the Constitution hinged upon these few words. States, equal in dignity, equal in authority, equal in the pride of sovereignty, were represented by delegates in the convention at Philadelphia. The desire for a more perfect Union than existed under the confederation prompted them to meet in this great council. Each of them desired not only to retain its autonomy but also its equal voice and equal share in all the deliberations and acts of the Government to be cresnare in all the deliberations and acts of the Government to be created. Earnest and angry debate arose upon this question. The differences came near defeating the whole scheme, but at last the smaller States, yielding the question of representation according to numbers in the House of Representatives, demanded that they should have equal representation in this body—that Delaware, with its single Representative, should here be equal in position, in power, and influence to New York with its thirty-five, and this was agreed upon.

In the one body the people, as such, were to have representation, but here the States. Two Senators were to be chosen from each State by the Legislature thereof. Senators thus chosen, and no others, were to be admitted. They were to represent the people in their organized capacity as a political society, or, in other words, the government of the States. They were to represent a government republican in form, with all the descriptions of the states. with all the departments necessary to the protection "of life, liberty, with all the departments necessary to the protection "of fife, fiberty, and property;" with an executive, a judiciary, and a legislature. Such a State is entitled to representation in the Senate. This right cannot be denied. It is a constitutional right. It is not a right which has existed only in the past, or exists only for this day; it is a continuing right, one that can never be taken away, for with so much jealousy was it regarded, and of such transcendent importance, that it is excepted from the constitutional power of amendment. The State of Louisiana from the day it was admitted into the Union has possessed this right, and will continue to possess it as long as her Fed-

And Senators to represent this organized political society must be chosen by "the Legislature thereof." The Legislature of no other State, nor of all the States, can make the choice. The governor of State, nor or all the States, can make the choice. The governor or Louisiana, the judiciary, and the people cannot; the Senate of the United States cannot; the law-making power, that which is actually and truly the recognized Legislature, and no other, can make the choice. No body pretending to the authority of a legislature can choose a Senator. Whatever may be the forms under which it may have organized, however plausible may be its pretensions, if it be wanting in the one vital quality of being the law-making power of the State, its action in respect to the choice of a Senator cannot be recognized.

Has that choice been made? Has the Legislature, the law-making power of Louisiana, exercised this power conferred upon it by the Constitution? Has it chosen a Senator to take his place here as the guardian of the interests of the State and its people, and, in conjunction with Senators from other States, to make laws for the nation, to shape

its policies, and provide for the general welfare?

It is known that two rival bodies claimed to be the Legislature of the State; each contended that it had been elected according to law; each attempted an organization; each went through the form of choos-

ing a Senator to represent the State in this place. The persons thus chosen are before us to-day. Who is entitled to the seat?

The Constitution of the United States has not created a tribunal, nor has it authorized any department of Government to settle a controversy such as arose in Louisiana. It is true the Constitution makes it the duty of the Government of the United States on the application of the Legislature, or of the executive, (when the Legislature cannot be convened,) to protect each State against domestic violence, and Congress to carry out this provision has authorized the President to employ the land and naval forces of the United States, and if necessary to call out the militia. But this is intended as a protection to the lawful government and people of the State. Where this power is invoked the duty may be cast upon the President in giving directions for the employment of the land and naval forces to decide be-tween conflicting claims of rival governments. His decision may be right or it may be wrong. Congress can interfere and reverse his

But although this power was invoked by Governor Packard, one of the claimants of the office of governor, and also by what is known as the Packard legislature, the President did not interfere, nor did he undertake to settle the dispute. General Grant, and after him President Hayes, taking precautions to prevent any actual outbreak, left the whole controversy to be settled by the State of Louisiana. Congress was then in session, but by neither body was any act done looking to a settlement. Congress left the State to decide which was its lawful government.

So also the Senate of the United States, as an incident to its power and duty to judge of the election, qualifications, and returns of its members, may have jurisdiction to determine, in the absence of any other authoritative decision, which of two bodies claiming legislative power and sending Senators to represent the State here is the true and legal Legislature. But the right to make such a decision is only

and legal Legislature. But the right to make such a decision is only an incident to another right, a necessary step to the performance of a duty, and cannot be exercised contrary to facts or contrary to the decision of that tribunal which is at last the supreme arbiter.

The Senate hesitated to perform this delicate task of deciding between the rival governments, for it appears from its Journal that Mr. Kellog, who had been chosen by the Packard legislature, presented his credentials, and on the 4th March, 1877, offering to take the cather prescribed by low select to be seated. His configuration bore

oaths prescribed by law, asked to be seated. His application, however, was refused, and the credentials were sent to a committee.

We have thus seen that neither the President, nor Congress, nor the Senate decided between these rival bodies. What authority then could settle and settle conclusively which was the legal and true Legislature. islature? I answer, the State herself.

No one will contend that any authority acting under the Constitu-tion did settle the question, nor indeed, except for the purposes and under the conditions that I have named, that the Constitution inter-feres with or pretends to interfere with this just and absolute power of the State.

of the State.

If the State has settled the question, and settled it finally and irrevocably, what power or authority or jurisdiction can reverse or annul its decision? The President cannot do it; Congress cannot do it; the Senate cannot. From its action there is no appeal.

Arguing the Rhode Island case of Luther vs. Borden, Mr. Webster truly said:

The decision of Rhode Island by her Legislature, by her executive, by adjudication of her highest court, has shut up the whole case. Do you propose—I will not put it in that form—but would it be proper for this court to reverse their adjudication? That declares that the people of Rhode Island knew nothing of her "people's constitution." Is it possible for the court to know anything about it! It seems to me that if there were nothing else in the case the proceedings of Rhode Island herself must stop every mouth in the court and out of it. Rhode Island is competent to decide the question herself, and everybody else is bound by her decision.—Works, volume 6, page 239.

And Mr. Morton, of Indiana, expressed in stronger and more elaborate phrase the same opinion in a report upon the contest for a seat in this body between Ray and McMillin, from Louisiana, in the year 1873. His words are:

The Constitution says that the Senate of the United States shall consist of two Senators from each State, chosen by the Legislature thereof for six years. The manner of constituting the Legislature is left absolutely to each State, and the question of its organization must be left to be decided by such tribunals or regulations as are provided by the constitution and laws of the State, and the only question about which the Senate may inquire in determining the admission of Senators is whether they have been chosen by the Legislature of the State, that legislature recognized by the State or whose organization has been recognized by other departments of the State government. Under our complex system of government all questions of State governments under their own laws must be left to the decision of the State governments under their own laws must be left to the decision of the State tribunals created for that purpose and when such decisions have been made they must be accepted by the Government of the United States in their dealings with such States. It is no answer to this to say that in a particular case such tribunals will or have decided wrongfully. The Government of the United States has no right to reverse their decision so long as the State possesses a government republicant its form. republicanin its form.

This is the deliberately recorded opinion of one of the great leaders of the republican party, and a great leader in this Chamber. And who can by logic or reason disturb the solid foundation of this opinwho can by logic or reason disturb the solid foundation of this opinion? It is based upon constitutional and public law. It has its conception in the fundamental truth that these States are and must be self-governing as to all matters and all questions not delegated by the people to the Government of the United States; that they have the right and power at any time to alter, amend, or change their own governments, to administer their own affairs, to provide for every department of State administration, to call an executive, a legislature, a judiciary into being, to determine how all questions of controverted authority shall be settled, and pass upon every conflict between different departments and every conflict between rival claimants to any authority. The methods by which this shall be done cannot be reviewed or reversed by any tribunal. The only inquiry that can be made is, What has the State decided—how has the State decided ?

The decision may have been unwise; it may have been made, to use Mr. Morton's expression, "wrongfully," but, as he has put it—

The Government of the United States has no right to review their decisions so long as the State possesses a government republican in its form.

Now, has this question been presented to the State of Louisiana, and has the State decided it?

In January, 1877, there were two claimants of the office of governor and two rival bodies claiming to be the Legislature of the State. One of these bodies declared that Nicholls had been elected governor by the people, and inducted him into office. The other declared that Packard had been elected, and went through the form of his inauguration. All recognized the same constitution and professed obedience to the same laws

The Packard legislature assembled at the State-heuse. The doors and entrances to the building were barricaded. Armed policemen to the number of hundreds stood ready to prevent the people of the State from crossing the threshold. A detachment of United States troops was stationed close by to protect the inmates. For weeks this body occupied this stronghold, eating, sleeping, and living within its walls. Beyond the lines of their fortification they possessed no authority. Once and once only during their brief existence as a legislative body they attempted to enforce an act of legislation beyond the portals of their prison-house. But their agents were arrested by the strong arm of the law invoked by their rivals, and the endeavor failed. They went through the form of directing warrants to be issued upon the treasury in settlement for their services as legislators, and these remain unpaid to this day. They chose two Senators to represent the State in the Senate of the United States, and their work was ended. One by one they stole away, and those among them who had been truly elected by the people joined the Nicholls legislature. There they renewed their oaths to support the constitution of the State, The Packard legislature assembled at the State-house. The doors they renewed their oaths to support the constitution of the State, acknowledged that their first attempt at organization was a sham and a fraud, and joined with the other body in electing Mr. Spofford to the seat in the Senate which he now claims.

In all our history no more glaring attempt has been made by fraud and deceit to cheat the people of their just rights and impose upon them a government contrary to their choice. In 1872 in the same State the people had elected McEnery to be their governor and a democratic Legislature. Mr. Kellogg had been the republican candidate and claimed the executive office for himself and that a majority of his candidates had been elected to the Legislature. He applied to a drunken judge of one of the courts of the United States to assist him in gaining possession of power. The process of the court was freely issued, and the President of the United States, misled no doubt by the advice of his law officer, lent the great power of this Government and its military arm to the recognition and maintenance of the orders and decrees of the court. The people were defrauded and Mr. Kellogg and his legislature were firmly seated in authority.

Again, in 1874 the people had elected a majority of the legislators in opposition to Governor Kellogg's party. But the minority, with

the help of the military forces of the Government, succeeded in effecting an organization, and the singular spectacle was presented of an officer wearing the uniform of the United States purging a State Legislature and driving from it those who had been elected by the people. Having twice succeeded by force and fraud in defeating the will of the people as expressed at the ballot-box, and wishing to gain a place the people as expressed at the ballot-box, and wishing to gain a place here, Mr. Kellogg made a third attempt to organize by fraud another legislative body, which, as we have seen, maintained a sickly existence and then perished from want of vital force. Public attention had been drawn to the consideration of affairs in Louisiana. An intelligent public opinion expressed, in language fierce with indignation, its sense of the wrongs that had been done to the people of that unhappy State, and the President wisely left it to settle its own affairs. The Packard legislature quietly separated. No act done by it now has, or ever had, any authority in the State, or has been recognized by any department of government, State or national. The man whom it inaugurated as governor went abroad, and there holds an office from the Federal Government. The only place in America where life or vigor has been given to any act of that Legislature is here in this Chamber. Here it is gravely said that that body was the Legislature of the State of Louisiana.

But let us look for a moment at the other body—the Nicholls leg-

But let us look for a moment at the other body—the Nicholls legislature. It assembled at the time required by the constitution and laws; it was duly organized, and inducted into office the person elected as chief executive. Strong in the affections and confidence of the people, it sat with open doors, and to its chambers all were invited. It proceeded with all the gravity of earnest conviction and with the consciousness of lawful authority to the business of legislation. It was recognized by the people, by the courts, and by all the civil officers of the State. It levied and collected taxes; it created courts whose jurisdiction has never been questioned, and which are to-day open to suitors for the enforcement of rights and the redress of wrongs. It enacted laws that are enforced by courts, State and of wrongs. Federal.

Under the authority of the Nicholls government the people of Louisiana have lived in peace and quiet now since January, 1877. Every department of that government is in active being, performing every duty and discharging every proper function. Under laws enacted by its legislature senators and representatives to the State Legislature are elected, and members of the Federal House of Representatives. The lawful successor to the Nicholls legislature chose a Senator to this body whose credentials bore the broad seal of the State of Louisia affixed by Governor Nicholls.

Who can, then, question the acts of the Nicholls legislature? The

President cannot; Congress cannot. Who can question the lawfulness of the Nicholls government? If Packard were to return to Louisiana and incite the people to domestic violence, could the President or Congress refuse to Governor Nicholls or his legislature the assistance guaranteed by the Constitution on the ground that he is not the lawful governor of the State? If such a call had been made two years ago by the legislature that elected Mr. Spofford, could the appeal have been neglected? No Senator is bold enough to answer affirmatively; and why? Because the State of Louisiana has settled all these questions for herself. She has decided that Nicholls was her lawful governor, and that the Nicholls legislature was the lawful Legislature. She enforces laws placed upon the statute-book before either of these claimants was chosen, and thus has settled that the Nicholls legislature was from the beginning the only true legislature. The State having thus settled the question, everybody else is concluded. This, in the words of Mr. Webster, "must stop every mouth." The Senate is concluded like everybody else. Authority to judge of the election of a Senator does not confer authority to decide that to be a legislature which is not a legislature any more than it confers authority to decide that to be law which is not law. The Senate is under the same obligation with the President and Congress to recognize the political organization that the Constitution recognizes as the State—that organization with which the Government has Federal relations and which in virtue of those relations is entitled to representation. The people of that organization have the right to representation in the House of Representatives; and the Legislature which sensition in the House of Representatives, and the Legislature when is part of it, and no other body, can choose two persons to serve the State in the Senate. The decision of the State, to use the words of Mr. Morton, may have been "wrongful," but if the State has made the decision that decision must be accepted as final, and "the Government of the United States has no right to reverse" it as long as the State pos-Upon this ground alone we can safely rest the claim of Mr. Spofford

to the seat, for to this conclusion every impartial mind must come. But we are not content to do so. We are prepared to show, and the documentary evidence within the reach of every Senator will establish that the Kellogg legislature did not derive its authority to assemble as a legislative body from the people. Its only claim to authority rests upon the fraudulent acts of a returning board whose

referred briefly to the canvass in Louisiana in 1876. The people of that State, inspired with the hope of a change of administration at the Federal city, and animated with the expectation of relief from the thralldom in which they had been held for so many years, put forth the most energetic efforts to gain a majority. years, put forth the most energetic efforts to gain a majority. These efforts were met with equal energy by Governor Kellogg and his associated band of adventurers. They were loath to yield the offices of dignity and honor, and the treasury which had fed and strengthened them through a long period of misrule, of license, and plunder. Promptly their forces were organized, unscrupulously they employed every agency that arbitrary power, and cunningly devised machinery placed at their disposal. Confident of success, they laughed at the despairing struggle of a once free but then subjugated people. They boldly proclaimed that they would come off victors, for experience had taught them the value of their methods. But when the election was over it was discovered not only that Packard was beaten for governor, but that a majority of the democratic candidates for senators and representatives had been elected to the State Legislature. This was a cruel disappointment to Governor Kellogg, who was a prospective candidate for a seat in the Senate of the United States. His life in Louisiana had been the life of an office-holder. He had been connected with politics and official station from the time he went there. Success had attended him in every effort, and he had looked with confident expectation to a seat in this great council of the nation. The people now had decided against him, and it became necessary to resort again to the machinery provided by the election laws to enable a minority party to retain possession of power and control the great offices of State. This machinery had been used before, and its use and value were well known to the hordes of bad men who for so long a time had rioted in the luxury of ill-gotten place. It had been denounced by congressional committees, who had published to the world the infamy of its methods, but in the extremity to which they were reduced Governor Kellog and his associates did not hesitate to use it, and, as will be shown, they used it with a boldness that almost concealed their crime. Their purpose was strengthened by the ready counsel of others, for it so happened, and unfortunately for the oppressed people of Louisiana, that its electoral vote would decide the result of a great national contest.

The election laws gave to the governor power to appoint a registrar of voters for each of the fifty-seven parishes of the State and eighteen wards of the city of New Orleans. These registrars appointed three commissioners of election for each of the seven hundred pollthree commissioners of election for each of the seven hundred poli-ing-places, and besides were required to appoint one or more consta-bles to keep the peace at each polling-place. The registrars had the power to admit or reject the name of any voter. The law forbade any court to interfere with the exercise of this power. In every in-stance a republican was appointed to be registrar, and at least two of the three commissioners of election were of the same party, as was true of the constables whose number was not limited.

Mr. KELLOGG. Will the Senator allow me one moment to correct him 1

Mr. BAILEY. I prefer not to be interrupted.
Mr. KELLOGG. The Senator has fallen into so gross an error that should like to correct him.

Mr. BAILEY. If I have fallen into an error the Senator will have ample opportunity to correct it. I cannot stop to take notice of every matter, and if in some unimportant particular there may be a mistake it can be corrected hereafter, and no one will more cheerfully join in which at the terretion they may be making that correction than myself.

Mr. KELLOGG. No doubt of it.

Mr. BAILEY. It will thus be seen that the whole election machinery of the State was under the absolute control of the governor, and including registrars, commissioners of election, and policemen, not less than two thousand eight hundred persons of his own party and his own adherents were connected with it. To this number must be added fourteen hundred supervisors of election appointed by the United States court at New Orleans, two for each poll, and twentythree hundred deputy marshals appointed by the marshal of the district, and upon the advice of the Attorney-General at Washington large detachments of the Army were scattered through the State as bystanders, to serve as a posse comitatus, if the marshal should find use for them.

In addition to this, the republican committee had sent to each reg-In addition to this, the republican committee had sent to each registrar a statement showing the number of colored voters in his parish, urging that he should exert himself to have their names registered, and bring them to the polls to vote the republican ticket, and stating that his claims to recognition for official station would depend upon the fidelity with which he did this partisan work. But, not content with these preparations, within one week of the day of election, either by the instigation of the governor, or his party friends, and he to profit by the act, more than ten thousand warrants were issued out of the circuit court at New Orleans for the arrest of citizens who were of the circuit court at New Orleans for the arrest of citizens who were alleged to have falsely registered as competent voters. In this number were included many of the oldest and most respectable citizens, and among them was a Representative in the Congress of the United States. The affidavits upon which the warrants were issued were made by wholesale and by two policemen. Thirteen hundred of these cases were tried before the day of election and the warrants dismissed, but the remainder for want of time and for other reasons were not heard, the remainder for want of time and for other reasons were not heard, and more than five thousand citizens were excluded from the ballotbox. So palpable was the fraud, that when the commissioner presented his bill for more than \$15,000 for these services, Judge Billings, of the circuit court of the United States, told him, "On the face of these papers there is a gross fraud, and I will not certify a cent."

As an atonement, however, for this successful attempt to rob so many thousands of white men of the ballot, they issued in the city of New Orleans to the blacks, whose total people is now as only fifty seven.

many thousands of white men of the ballot, they issued in the city of New Orleans to the blacks, whose total population was only fifty-seven thousand, more than twenty-three thousand certificates of registration, upon each of which, owing to the shrewdly-contrived election laws, a ballot could be cast. There were cases where the same person held half a dozen of these certificates, and could repeat his vote by going from one polling-place to another.

going from one polling-place to another.

But notwithstanding all this, and the willing aid given by the Attorney-General and Secretary of War, and although an army of more than seven thousand registrars, commissioners, constables, supervisors, and deputy marshals were scattered throughout the State under the pretense of preserving the peace and guarding the purity of the ballot-box, the people of Louisiana decided against Governor KellogG and by a majority exceeding 8,000 in a popular vote of 160,000, the largest ever cast in the State and greater in proportion than almost any other State, elected a democrat to be governor and a majority of democrats to the Legislature.

a majority of democrats to the Legislature.

Profound peace reigned everywhere. The democrats had been deprived of the fruits of victory in 1872 and 1874 under the pretense of violence and intimidation. They had seen the cunningly-devised machinery of the returning board set at work upon more than one occasion to fabricate returns that defeated the expressions of the ballot-box. They exhorted their friends in every ward and parish to use every effort to bring every voter to the polls and to afford no shadow of excuse to charges of intimidation or violence. No such shadow of excuse to charges or intimidation or violence. No such peaceful election had been known in Louisiana since reconstruction was inaugurated. No such peaceful election was seen in any one of the States of the Union. Although by the election laws it was the duty of each of the registrars to report every act of intimidation and violence occurring during the progress of registration, and of every commissioner of election to report similar misconduct on the day of election and to send these reports with the compiled returns to the returning board within forty-eight hours of the close of the election, and although these registrars and in every instance two of the three commissioners of election were republicans, yet such a report was made from only a single parish, and that a report of republican frauds.

The result was astounding; the defeat was crushing. In other communities the verdict of the people would have been accepted by even the most unscrupulous of partisans as a finality. The boldest among them would have shrunk from encountering an indignant and outraged public opinion, and would have stood abashed by traditional reverence for the sacredness of the ballot; but such traditions had been banished from Louisiana for almost a generation. The horde of adventurers who had hastened to that political El Dorado had so often been confronted by adverse ballots and so often by fraud, by the aid of returning boards, of Federal judges, and Federal power had wrested victory from defeat, that they did not despair of success. The returning board was still in reserve. It was brought to the front,

and begun its subtle and destructive work.

By the laws of the State this board was to be composed of five persons chosen from all political parties. At the time its aid was invoked its number was not full; four republicans, and they representing the worst elements in the republican party, were in charge. The democrats, instructed by experience of their methods in the past, and remembering that on other occasions they had not scrupled to exercise power without regard to truth or justice, earnestly insisted that a fifth member should be added, and, as the law required, belonging to the democratic party. But this reasonable and lawful request was refused. It did not suit the purposes of the defeated and disappointed office-holders to have an impartial or unfriendly witness to their pro-

omee-noiders to have an impartial or unfriendly witness to their proceedings. Thus, in defiance of the plain commands of the very law which brought the board into being, they begun the work mapped out for them by their masters.

This power of this board, although semi-judicial in its nature, was limited in extent; they had the power to examine the returns from the different parishes, and it was made their duty to correct and tabulate the votes cast at each poll. To this general and plain rule there

were two exceptions, and two only.

First. When the commissioners of elections at a poll certified that "on the day of the election" there had been "any riot, tumult, acts of violence, intimidation or disturbance, bribery or corrupt influences," "at or near" any poll or voting-place, preventing or tending to prevent a fair, free, peaceable, or full vote.

Second. Where the registrars, whose work was to be completed nine.

days before the election, certified that any of the causes before re-

days before the election, certified that any of the causes before recited, at or near the places of registration or revision of registration, prevented or tended to prevent a fair, free, peaceable, and full registration of all the qualified voters of the parish.

The law required the commissioners of election, where such riot, tumult, &c., prevailed on the day of election, to make, in duplicate and under oath, a clear and full statement of all the facts relating thereto, corroborated under oath by three respectable citizens, qualified voters of the parish. One of these duplicates was to be given to the supervisor of registration, and by him was to be sent with his consolidated return to the returning board.

The supervisor of registration was required to make a like statement of riot, tumult, intimidation, &c., verified in like manner by the

ment of riot, tumuit, intimidation, &c., verified in like manner by the oaths of three respectable citizens and qualified voters of the parish. The law required the commissioners of election within twenty-four hours after the closing of the polls to make out and deliver duplicate returns of the election; one to the supervisor of registration and one to the clerk of the district court of the parish.

The supervisor of registration was required within twenty-four hours the effect of the parish of the return and to return them to the

hours thereafter to consolidate the returns and to return them to the returning board, together with a copy of any statement as to violence, disturbance, &c., or other offenses specified above, all to be securely

The returning board was required to canvass and compile the statement of votes made by the commissioners of election and make returns to the secretary of state. Whenever from any poll or voting place a statement of any supervisor of registration or commissioner of election, made in form and at the time required above, was received, it was made the duty of the board to determine the facts, and if not convinced from the statements filed, before referred to, it was authorized to hear other testimony. If satisfied upon all the testimony that a fair and peaceable election had not been held, it was authorized to cast out the vote at a polling place or of the entire parish, as the facts might warrant.

This brief statement of the duties of the board and the extent of its authority shows that the task it undertook presented extraordinary difficulties. The registrars and commissioners of election had simply counted and tabulated the votes at the polls and of the parishes. They had made no statements or complaints of riot, fraud, intimidation, nade no statements or complaints of riot, fraud, intimidation, violence, or other fact that authorized the board to do more than "canvass and compile" the votes, and they did not make the statements for the very plain reason that the facts did not exist. There was no ground upon which the returning board could base its semi-judicial investigation. The duty of its members was to "canvass and compile" the votes and issue certificates to the successful candidates.

But the veterans who had borne the brunt of the fierce conflicts in 1872 and 1874 were not discouraged by the impediments that stood in the way. Experience had taught them how easily they could be rethe way. Experience had taught them how easily they could be removed, and they announced their readiness to begin the work. Political harlots with their panders flocked in countless numbers to the capital of the State, ready to sell their virtuous oaths for a price. Protests and certificates were manufactured by the score many days after the time when by law they were to be filed. Affidavits were written by hundreds and thousands supporting these false protests and certificates. Jewett, the secretary of the republican committee—the same who gave warning to the registrars that their claims to recognition by the incoming administration depended upon their suc-

cess in registering colored voters and bringing them to the polls—swears that he himself wrote three of these certificates. Other pens were busy and other brains were fertile. A vast pile of such stuff was heaped before the board. Its members worked with gleeful spirit, for the base work was well suited to their tastes and its results promised great rewards-nor have they been disappointed in their reckoning. When their labors were ended it was found they had more than met the expectations of their employers. The verdict of the people was set aside. Packard, who had been beaten eight thousand votes, was declared to be governor-elect. Candidates for the senate and house of representatives who had been rejected by large majorities were announced as successful.

Three senators and ten representatives discarded at the polls were granted certificates. Hamlett and Blunt and Weber were returned as senators. Barringham and Brewster from Ouachita; Sheldon and Blair from Morehouse; Holt, Bird, and Lane, from West Baton Ronge; Johnson from De Soto; and Early and Swazie from West Feliciana, were returned as representatives, although all were beaten. Certificates of election were given them, and on the 1st of January, 1877, when by the constitution the Legislature was to assemble, these men

appeared, claimed, and were admitted to seats.

Thirty-six senators and one hundred and twenty representatives compose the Legislature of the State, and by the constitution a quorum necessary for organization or the transaction of business consists of a majority in each body. In the Packard senate sixteen duly elected senators were present, and fifty-eight duly elected representatives. To those numbers were added the three senators and ten representatives created by the act of the returning board; in each house an organization was effected, and Governor Kellogg was notified of the fact. On the day fixed by the act of Congress they began to vote for Senator to represent the State in the Senate. Two of the State senators had deserted them, but a sufficient number of representatives went into the joint convention to make a majority of the whole number of both bodies. Mr. Kellogg was thus chosen, and this is the foundation of his claim to a seat here.

Mr. President, I have endeavored to state with brevity the facts connected with the canvass in 1876 and its result; the action of the

returning board and the manner of organizing what is known as the Packard legislature. The facts cannot be disputed. They are the Packard legislature. The facts cannot be disputed. They are beyond controversy. I invite Senators who uphold the pretensions of Mr. Kellogg to examine the facts and point out wherein they are

misstated.

misstated.

But, sir, they will not undertake to meet the facts or to discuss this matter upon its merits. They will endeavor to-day, as they have done in the past, to shelter this pretender to a seat in the Senate under the protecting edict of a returning board. They will claim, as was done on another memorable occasion, that nothing "aliunde" the record shall be heard, and ask the benefit of the plea res adjudicata. Argument upon the facts and plain expositions of constitutional law are answered by warnings to Senators from a particular section that they are upon trial before the American people, who will judge of the sincerity of their vows of fidelity to the Constitution by the alacrity with which they yield the right of thought and prove themselves with which they yield the right of thought and prove themselves false to duty, to manhood, and to our common country; for the minority of the Committee on Privileges and Elections, which disdained to state a fact or otherwise to justify its action, has declared—

That the men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people, are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter and will not be likely to be deceived again.

Sir, we want the American people to understand this matter. believe that the people are superior to this sectional clamor, and will

believe that the people are superior to this sectional clamor, and will demand that the constitutional rights of one of the States of this Union shall be vindicated and her wrongs redressed.

Let us come back to the point before us. Upon the facts stated, and they cannot be disputed, is Mr. Kelloge entitled to the great position he claims? As I have said before, the determination of this question involves the inquiry whether the body of men that elected him was the Legislature of the State of Louisiana? If it was not the Legislature, then under the Constitution he has no status here, for it is expressly declared that Senators in Congress shall be chosen by the Legislatures of the States.

Now, if the body that sent him here had been the only body claiming to act as the Legislature of the State; if its authority and power

ing to act as the Legislature of the State; if its authority and power had been recognized by the other departments of the State governnad been recognized by the other departments of the State government, and if it had made laws that were recognized and binding upon all the people of the State, I would not question, but would affirm the validity of the act; for in such case the State through her departments having settled its legislative authority, "everybody else" is thereby concluded. Nor would it be permissible to institute an inquiry into the methods of its organization or the composition of the body. The decisions of the Legislature itself more every matter.

the body. The decisions of the Legislature itself upon every matter of that kind would be conclusive and binding on all the world.

But the case supposed is not presented. The Packard legislature did not have undisputed possession of the field of legislation. What is known as the Nichol's legislature claimed that it was the lawful Legislature. In that body undoubtedly appeared fifteen senators and forty-four representatives certified to have been elected by the returning board. They were joined by other persons who were

in fact elected by the people, but rejected by the returning board. This body, or rather a senate and house of representatives, was organized. After its organization its strength was increased by the voluntary submission of the Packard legislature, all of whose members, duly elected, joined it. And Mr. Spofford was chosen, all the duly elected members of both bodies joining in making the choice. Now, which was the true Legislature of the State?

This question is not of the first impression. It was once before presented to the Senate in the contest between Spencer and Sykes, each of whom claimed to have been chosen to be Senator by the Legislature of Alabama. The question was referred to a committee and that committee made a report, from which it appears that two bodies claimed to be the Legislature of the State. One of them had a quorum of members certified to have been elected by the returning boards. The other body had a quorum composed in part of members certified by the returning boards and in part of persons actually elected by the people, but whose election was denied by the returning board. The case and the question in these particulars were identical with the one now under consideration. The facts and the conclusions of the committee were stated in a report prepared by Mr. CARPENTER, then as now a Senator from Wisconsin, in a manner so clear as not to admit of being misunderstood. I ask the Secretary to read the passage I have marked from that report, beginning on page 6.

The Chief Clerk read as follows:

When we consider that all the forms prescribed by law for canvassing and certifying an election, and for the organization of the two Houses, are designed to secure to the persons actually elected the right to act in the offices to which in fact they have been elected, it would be sacrificing the end to the means were the Senate to adhere to the mere form, and thus defeat the end which the forms were in-

secure to the persons actually elected the right to act in the offices to which in fact they have been elected, it would be secrificing the end to the means were the Senate to adhere to the mere form, and thus defeat the end which the forms were intended to secure.

The persons in the two bodies claiming to be the senate and house of representatives who voted for Spencer constituted a quorum of both houses of the members actually elected; the persons in the State-house legislature who voted for Sykes did not constitute a quorum of the two houses duly elected, but a quorum of persons certified to have been elected to the two houses. Were the Senate to hold Sykes's election to be valid, it would follow that erroneous certificates, delivered to men conceded not to be elected, had enabled persons who in fact ought not to vote for a Senator to elect a Senator to misrepresent the State for six years. On the other hand, if we treat the court-house legislature as the legal Legislature of the State, it is conceded that we give effect to the will of the people as evidenced by the election. So that, to state the proposition in other words, we are called upon to choose between the form and the substance, the fiction and the fact; and, considering the importance of the election of a Senator in the opinion of your committee the Senate would not be justified in overriding the will of the people, as expressed at the ballot-box, out of deference to certificates issued erroneously to persons who were not elected.

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members. But, undoubtedly, the Senate must always inquire whether the body which pretended to elect a Senator was the Legislature of a State or not; because a Senator can only be elected by the Legislature of a State or not; because a Senator can only be elected by the Legislature of a State or not; because a Sen

Mr. BAILEY. The republican majority of the Senate adopted the reasoning and conclusions of the committee, and, rejecting Sykes, who had been chosen by the Legislature assembled and organized under certificates from the returning boards, admitted to the seat Mr. Spencer, who was chosen by the Legislature that the committee claimed was actually elected. Now, in what respect does that case differ from the one under consideration? I affirm, and I make the affirmation with all earnestness and sincerity, challenging contradiction from any part of this Chamber, from Senators of all parties and from every section, that the only difference is that Spencer was a republican, while Spofford is a democrat. publican, while Spofford is a democrat.

The case of Spencer is directly in point. No appeals to passion or prejudice or sectional feeling, no effort to revive the memories of our unhappy divisions, nor the threatened denunciation of those who "are now to give evidence of the sincerity of their vows," can change the facts. The precedent exists. The argument of the committee in the Spencer case, as the argument in this case, is conclusive. Its principles are to be found in the American idea for the committee in the spencer case, as the argument in this case, is conclusive. ples are to be found in the American idea of government; in the recognition of the fact that inspectors and canvassers of ballots, return-

ognition of the fact that inspectors and canvassers of ballots, returning boards, tabulated statements, certificates, and all the machinery of elections are intended to protect the ballot, to uphold and maintain the recorded will of the people. The verdict of the people thus declared is to be respected in every portion of our great country, in Louisiana as in Maine, in Florida as in Oregon.

The law of majorities is the one general and universal law of these American States. It commands obedience from all alike, from the Senate as from the people. Upon its recognition depends not only the purity of elections but the perpetuity of our institutions. With the spread of democratic ideas it is fast becoming the law of all civilized peoples. It will not be confined to any time, to any country or ized peoples. It will not be confined to any time, to any country or

any race. It will reach to the remotest regions where free government shall be found. And men now living may see realized the prophetic aspiration of the Roman orator and sage:

Nec erit alia lex Roma, alia Athenis; alia nunc et alia posthac. Sed et omnes gentes, et omni tempore, una lex, et sempiterna et universalis, pravalebit.

Mr. CONKLING. Would it be agreeable to the Senator from Tennessee before he leaves this subject to indulge me in two inquiries relating to points which he has touched in his address, my object being to except in if Lean his view of the law in those two regards? ing to ascertain, if I can, his view of the law in those two regards? If for any reason he does not wish to respond, I shall not put the in-

Mr. BAILEY. I am somewhat fatigued. I have no objection to the Senator stating his points or seeking for information; but I am too well aware, as is the Senate, that the Senator from New York will never seek for information from the Senator from Tennessee. I shall

listen to him with pleasure, and reply if I think proper.

Mr. CONKLING. Well, Mr. President, after hearing some of the Mr. CONKLING. Well, Mr. President, after hearing some of the propositions which the Senator from Tennessee has laid down, in which I am bound to suppose he believes, I ought not to be surprised that his credulity or his capacity for belief is so great that he really holds the impression he has stated that the Senator from New York would not in good faith or seriousness seek light from him. I will content myself with assuring him that he is quite mistaken, and I will not press upon the Senator any inquiry which he is unwilling to

Mr. KELLOGG. Mr. President, I do not at this time intend to do more than refer to a matter upon which the Senator from Tennessee [Mr. BAILEY] has dwelt with some explicitness. I desire to call [Mr. Bailey] has dwelt with some explicitness. I desire to call specific attention to it, to the end that other Senators who follow the Senator and who share his views may address themselves to the proposition if they see fit. It is a matter of fact that I think will not be disputed that the Nicholls legislature had not at the time it organized in January, 1877, a quorum of members in the lower house who were elected upon the face of the returns, and even by the showing of the democratic party itself, nor during the whole term of sixty days—the constitutional session of the Legislature. By the laws of the State then in force one hundred and twenty members comprised the State then in force one hundred and twenty members comprised the lower house. It was admitted that the republicans had chosen sixty of that number. After the MacVeagh commission went to New Orleans, and when the returning-board members went over to the Nicholls legislature, fifty-seven members of the Packard legislature were admitted; they excluded, however, three republican members chosen from the seventh ward of New Orleans, who were admitted to have been elected by the democratic canvassing committee of the State, and who were elected really upon the face of the returns. The only way the Nicholls legislature got a quorum finally, after the MacVeagh commission went there, was to exclude those three men from the seventh ward, who, as I have said, were long after the election admitted to have been elected.

Moreover, the extra session, the session called after the MacVeagh commission went to New Orleans, I think, at no time had a quorum in their house without counting the three members from the seventh

ward.

The VICE-PRESIDENT. The question is, Will the Senate agree to the resolutions

Mr. JONAS. Mr. President

Mr. JONAS. Mr. President—
Mr. PADDOCK. I hardly think the Senator from Louisiana would like to proceed at this late hour of the day, and if that is the case—
Mr. JONAS. I will say that I had not expected to proceed this evening. I had expected that some Senator on the other side was prepared to go on.
Mr. PADDOCK. If the Senator prefers not to go on, I should like to ask the Senate to take up an important bill, which ought to have been passed some time since, and which I think will occupy but a very few moments. If he prefers to go on now, of course I shall not interpose.

Mr. JONAS. I have no objection to yielding to the Senator from Vebraska

The VICE-PRESIDENT. The Senator from Nebraska asks the Senate to consider at this time a bill-

Mr. SAULSBURY. I understand the Senator from Louisiana [Mr. JONAS] merely yields to the Senator from Nebraska to call up a bill, retaining the floor on the question of privilege.

The VICE-PRESIDENT. The Chair so understands.

Mr. PADDOCK. I ask for the consideration of the bill (H. R. No.

1336) for the establishment of a land office in the Territory of Mon-

Mr. EDMUNDS. What has become of the regular order?
The VICE-PRESIDENT. The Senator from Louisiana yielded for

the purpose of enabling the Senator from Nebraska to move for the onsideration of this bill.

Mr. EDMUNDS. Do I understand that there is unanimous consent to lay aside the regular order for the moment?

The VICE-PRESIDENT. The Chair so understands.

Mr. EDMUNDS. It then resumes its place again.
Mr. PADDOCK. That is the understanding.
Mr. EDMUNDS. All right.

LAND OFFICE IN MONTANA.

The VICE-PRESIDENT. Is there objection to the consideration of the bill indicated by the Senator from Nebraka, [Mr. PADDOCK?]

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1336) for the establishment of a land office in the Territory of Montana.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed a joint resolution (H. R. No. 291) authorizing tents to be loaned to the governor of Missouri for the use of sufferers by the recent tornado in that State; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H.

R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had concurred in the first amendment of the Senate, with an amendment in which it requested the concurrence of the Senate.

TEXAS PACIFIC RAILWAY.

Mr. RANSOM. I beg leave to report from the Committee on Railroads the bill (S. No. 1283) to extend the time for the completion of the Texas and Pacific Railway with an amendment, to go on the Calendar without recommendation.

The VICE-PRESIDENT. The bill will be placed on the Calendar without recommendation.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1669) for the relief of Abbie N. Condron; which was read twice by its title, and referred to the Committee on

Military Affairs.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1670) to authorize the Wyoming, Montana, and Pacific Railroad Company to build its road across the Fort Russell military reservation; which was read twice by its title, and referred to the Committee on Railroads.

HERMAN NETTERFIELD.

Mr. KIRKWOOD. Mr. President, the hour of adjournment has not with Kirk Wood. Mr. Frestdent, the nour of adjournment has not yet been reached, and there is a bill upon the Calendar that I should like to have disposed of, which has been before the Senate and partially considered at one time, and I think will not consume any length of time. It is Senate bill No. 35.

The VICE-PRESIDENT. The Senator from Iowa asks the Senate to consider at this time the bill (S. No. 35) granting a pension to Herman Natural States.

Mr. COCKRELL. The Senator from Virginia, [Mr. WITHERS,] whom I do not see in his seat, is against this bill. This is a contested case, and I think it should be considered when he is here.

Mr. KIRKWOOD. The only contest there ever was about it was

the contest of the principle involved, which was settled in the Phares case. As to the facts, there was no controversy at all; and the same considerations which carried the Phares bill must necessarily carry this unless Senators are dissatisfied with their votes on that case The case has been partially heard, and the bill ought to be disposed

of. I ask that it be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 35) granting a pension to Herman Netterfield.

Mr. INGALLS. Let the report be read.

The Chief Clerk read the report submitted by Mr. Kirkwood, from the Committee on Pensions, January 12, 1880, and heretofore pub-

lished in the RECORD.

Mr. INGALLS. What rate of pension does the bill give? Let the bill be again reported.

The Chief Clerk read the bill.

Mr. WITHERS. I have simply to remark in connection with the bill under consideration that I have no further opposition to offer to it. This case runs on all fours with the one the Senate passed after

a very full discussion a few days ago.

Mr. KIRKWOOD. I move to amend the bill as the bill for Phares was amended. I think the language used was giving him the pension

of an enlisted man.

The VICE-PRESIDENT. That amendment will be made.

Mr. INGALLS. That is not doing this man justice. An enlisted man receives pay at the rate of \$16 a month, and in case of disability he draws a pension of \$8 a month, which is equivalent to one-half his pay. The beneficiary of this bill was employed at \$60 a month, and of course must have rendered more valuable and efficient service, and in case of disability ought to receive an increased rate of pension.

and in case of disability ought to receive an increased rate of pension. The Senate understands of course that I was opposed to the principle recognized by this bill and the bill that passed the other day; but the Senate have a right to do as they please about it, and I recognize what has been accomplished in this direction; but certainly those who favor this class of pensions ought to be logical and give Netterfield and Phares the rate to which they would be entitled in accordance with the service they rendered. It is a burlesque to declare that this man who received \$60 a month shall be put on the pension soll as an enlisted private. He was not an enlisted private, and he did not render any service equivalent to that of an enlisted private. not render any service equivalent to that of an enlisted private. If

his compensation is any guide of the measure of his capacity and of the service he rendered, he did much more for the country than an enlisted private. And when he was disabled, as I have no doubt he was, according to the report in this case, his pension ought to be equivalent to the rank that his compensation would entitle him to in the service. Of course, not having charge of the bill, I am not prepared to offer any amendment; but in accordance with the principles of the pension law he ought not to have less than \$30 a month; and I think the rate should be fixed in the bill, and not make it illogical and absurd by saying that he shall be paid a pension as an enlisted

Mr. McMILLAN. I had the honor of introducing the bill. Although the Senator from Kansas was opposed to allowing this pension, I think I may say to the Senator that the disabled soldier in this case will be content with being enrolled upon the pension-roll as a private soldier. He was not an officer of the United States Army; he was in the ranks; and in a charge upon the enemy, a charge in the night-time, he was disabled; so that I think he may well be enrolled

as a pensioner as a private soldier.

The VICE-PRESIDENT. The question is on agreeing to the amendment to pension this man as an enlisted man.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GAINES.

Mr. COCKRELL. Some time ago the bill (H. R. No. 2902) to place william Gaines, late ordnance-sergeant United States Army, on the retired list, which had been reported favorably by the chairman of the Committee on Military Affairs, was called up. Remembering that there had been a general bill on the subject reported from the Committee on Military Affairs, and supposing that this case would come within the limitations and terms of that bill, I objected to its consideration at that time. On a subsequent examination, I find that the eration at that time. On a subsequent examination I find that the general bill will not provide for this particular case, and I desire simply to withdraw my objection, as I had it postponed; and I ask that the bill be taken up and considered now without committing myself to support it.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 3, after the word "that," to insert "the President of the United States be, and he is hereby, authorized to place," and in line 5, after the word "Army," to strike out "be, and he is hereby, placed;" so as to make the bill read:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to place William Gaines, late ordnance-sergeant United States Army, on the retired list of the Army, with the full pay and allowances of an ordnance sergeant for and during his natural life, he having served faithfully and honorably in the Army of the United States for more than fifty-one years, having been an ordnance-sergeant for over thirty-three consecutive years of said service, and having participated in the siege of Fort Meigs, the defense of Fort Stephenson, and the battle of the Thames in the war of 1812.

The amendment was agreed to.
Mr. EDMUNDS. Has the report been read?
The VICE-PRESIDENT. The report was read on a former occa-

Mr. WITHERS. I merely wish to ask whether that is not a case of putting upon the retired list a non-commissioned officer, and whether there is not a bill on the Calendar to provide by general law the authority for placing all meritorious cases of that class upon the retired list, and in that connection, therefore, whether it would not be better to act on the general bill rather than select a special case? I ask the Senator having the bill in charge the question.

Mr. COCKRELL. The Senator from New Jersey [Mr. RANDOLPH] who is not in his seat reported the bill, and I have called it up stat-

ing the reasons why I had thought it was not embraced in the terms of the bill reported by the Senator from Texas, [Mr. MAXEY.] This man is now in his seventy-ninth or eightieth year, and as he is not in the Army he would not come within the provisions of the general bill, his term of service having already expired. The general bill cannot provide for the cases of those who have passed out of the Army prior

to its passage.

Mr. WITHERS. I ask, however, if it is not by virtue of his service

in the Army that it is proposed to put him upon the retired list?

Mr. COCKRELL. Certainly.

Mr. WITHERS. I do not see upon what other ground you can propose to put a man upon the retired list of the Army except by virtue of military service, and therefore it is essentially a case that comes

among those designed to be provided for by the general bill.

Mr. COCKRELL. It does seem to me that the Senator from Virginia fails to see the whole point.

Mr. WITHERS. Possibly.

Mr. COCKRELL. A man who goes into the Army as an ordnance-Mr. COCKRELL. A man who goes into the Army as an ordinance-sergeant, as a sergeant, or in any other capacity as a non-commis-sioned officer, only enlists for a specific term of five years. Each en-listment of this man was for five years. This man served fifty-one years in the Army. He enlisted ten different times. The term of his last enlistment has expired. The general bill which has been reported from the Committee on Military Affairs only applies to those who are in the Army, and who go out of it hereafter, and cannot apply to this man. He cannot be reached by that bill, and this is simply a special bill placing him where he would be if he were now enlisted in the

Army, and his fifty years of service were about to expire.

Mr. WITHERS. Is there any law on the statute-book which authorizes the placing upon the retired list of non-commissioned officers?

Mr. COCKRELL. Certainly not; there is no question of that in

the world. There is no authority under the statutes now to place a non-commissioned officer or an ordnance-sergeant upon the retired list, or to place any one there except commissioned officers.

Mr. WITHERS. Is there any case which has been acted upon by special enactment the effect of which has been to place on the retired

list non-commissioned officers? Mr. COCKRELL. This is the first one that I have heard of, the first one that I have had any intimation of. The Senator from Virginia must understand that I am not advocating the principle of the bill; that is a question for the Senate to determine; but I objected to its consideration, and had it passed over until I could make an examination, and I thought that in justice to myself I should bring it before the Senate the Senat before the Senate, the report having been read, and have the Senate act upon it. I propose to move an amendment to the bill before it

passes to give this person 75 per cent. of his regular pay, the same percentage as commissioned officers of the Army get.

Mr. WITHERS. I understand that this is establishing a precedent which will pave the way, if not designed to do so—and I presume it is the object to do so—by which provision may be made hereafter for pensioning private soldiers for long service who are not disabled to an extent or in a manner which will authorize the payment of a pension to such soldiers. If the Senate is willing to establish a precedent of that kind, then it ought to pass the general bill which is now on the Calendar, which is to provide by law that this may be done systematically and be made applicable to all persons of equal merit and of earnel service.

and of equal service. Mr. COCKRELL. I desire to offer an amendment of which I gave notice, to insert in line 6, after "with," the words "75 per cent. of;" so as to read:

With 75 per cent. of the full pay and allowances of an ordnance-sergeant for and during his natural life.

All the commissioned officers of the Army who are retired draw 75 per cent. of their regular pay and allowances, and all officers of the Navy and also all officers of the Marine Corps who are placed upon the retired list draw the same rate; and if this list is to be created, I think that it would be only fair that they should have 75 per cent. of the pay.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

Mr. MAXEY. I ask the Senate to proceed to the consideration of the bill (S. No. 1331) to authorize a retired list of non-commissioned

the bill (S. No. 1331) to authorize a retired list of non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward. It is the bill at the head of the list of cases to be considered, and is therefore the regular order on the Calendar.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by Mr. MAXEY, from the Committee on Military Affairs, which was in section 1, line 3, after the word "thirty," to strike out "consecutive," and in section 2, line 2, after the word "thirty-five," to strike out "consecutive; "so as to make the bill read:

Be it exacted the That when a religited man has several as such thirty were in

Be it enacted, &c., That when an enlisted man has served as such thirty years in the United States Army, honorably and faithfully, and the last fifteen years thereof as a non-commissioned officer, he shall, if he makes application therefor to the President, be retired from active service, and placed on the retired list hereby created, with the non-commissioned rank held by him at the date of retirement.

SEC. 2. When an enlisted man has served as such thirty-five years in the United States Army, honorably and faithfully, and the last fifteen years thereof as a non-commissioned officer, he may be retired from active service at the discretion of the President, with the non-commissioned anak held by him at the date of retirement.

SEC. 3. Non-commissioned officers retired from active service shall receive 75 per cent of the pay and allowances of the non-commissioned rank upon which they are retired.

Mr. MAXEY. At a former sitting of the Senate this bill was read and also the report of the committee and the amendments offered by the direction of the Committee on Military Affairs and the letter of the Adjutant-General showing that there were forty-two persons only who would be benefited by the bill as reported to the Senate, and the letter of Colonel Davis, one of the inspectors-general of the Army, giving his opinion as to the merits of the bill. Some discussion was also had upon the bill at the sitting referred to. The argument of the Senator from Delaware [Mr. Saulsbury] which was simply elaborated by the Senator from Kentucky [Mr. Beck] in my judgment does not reach this case. Their argument was in effect in opposition to a retired list at all for either commissioned or non-commissioned officers. The precise argument used by them would apply with full force and effect against a retired list for commissioned officers the same as non-commissioned officers; but it is entirely clear that logically if the retired list for commissioned officers is permitted to remain

upon the statute-book there ought to be according to all principles of equity a corresponding retired list for meritorious non-commissioned officers, who having become worn out in the military service, are incapacitated from want of training in civil pursuits and approaching old age from earning a livlihood.

That is the whole theory of the bill as presented by the Committee

on Military Affairs, giving to the non-commissioned officers, on being retired after long and faithful service, neither more nor less than three-fourths of the pay and allowances they would have received as non-commissioned officers in active service, just as is now the case for commissioned officers. If there is equity in one there is equity in the other. Their argument therefore would have been applicable against the original creation of a retired list for commissioned officers, and would be applicable to a bill to repeal that law. That lawhas been upon the statute-book nineteen years; nobody proposes to repeal it, and therefore to make the principle harmonize all the way through this bill logically follows that enactment.

In support of the arguments which I have heretofore presented, I desire to lay before the Senate and ask the Clerk to read a letter from Major Joseph P. Farley, Ordnance Corps, a very intelligent commissioned officer of the Army of long standing.

The Chief Clerk read as follows:

Philadelphia, Pennsylvania, April 12, 1880. My Dear Sir: My attention has been directed to the letter of Inspect. General Davis, relative to your bill for the retirement of old and worn-out non-commissioned

Permit me to state, in this connection, that the two old soldiers whose Permit me to state, in this connection, that the two old soldiers whose cases are cited by the General, are at present serving under my command, and that their terms of service expire, the one, July 18, 1880, and the other May, 1881, respectively. These very worthy old non-commissioned officers have been pronounced by the post-surgeon entirely unfit for the performance of any military duty, and therefore cannot be re-emlisted, however much may be the desire that they "die in harness." Had there been a provision of law whereby these men could have been retired, even on full pay, within the past ten years, the interests of the Government would have been better and more economically served.

This will be understood by those who know and appreciate the relations between the private soldier and son-commissioned officer, where the motive for the continuation of men in the latter grade is simply that of justice to the individual.

I am, sir, yours very respectfully,

JOSEPH P. FARLEY,

JOSEPH P. FARLEY, Major Ordnance, United States Army.

Hon. S. B. MAXEY, United States Senate.

Mr. MAXEY. Since this bill was reported by the Committee on Military Affairs, one of the forty-two, Sergeant Walker, stationed in Maine, has died, leaving but forty-one who would be benefited by the bill. To show further, and in addition to the testimony adduced, that the deliberate judgment of men who have studied this question favors this bill, I ask that the editorial which I send up, from The United Service, an ably conducted periodical devoted to Army and Navy matters, be read by the Clerk.

The Chief Clerk read as follows, from the May number, present year of The United Service:

year, of The United Service:

year, of The United Service:

It is to be hoped that the bill now before Congress authorizing "a retired list of non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for thirty years or upward" may soon become a law. The importance of this class in the service has never been fully recognized in the laws relating to them, and the bill above referred to is but a tardy acknowledgment of a debt of justice, the payment of which has been too long withheld. It has been repeatedly decided, both at home and abroad, that the discipline and efficiency of an Army depend largely upon its non-commissioned officers. To obtain those of the highest character and ability, it is advisable and necessary to offer every inducement to men possessing such qualities to enter the service, and to remain in it after entering. Liberal pay and proper consideration for their rank should be given to them while in the service, and will do much toward accomplishing the desired end; but an official rank, with an assured pension for their old age, after having given the best years of their life to their country, and when they are unfitted for engaging in ordinary business occupations, will do much more toward reconciling them to remaining in it for life. The wisdom and justice of the proposed measure are too evident to all thinking minds to render discussion of it necessary.

Mr. MAXEY. I have laid the deliberate views of the Committee on Military Affairs before the Senate. I have shown by the letter of the Adjutant-General that there would be but forty-two as the bill the Adjutant-General that there would be but forty-two as the bill was originally introduced benefited, and that one of those forty-two, since the bill was reported, has died, leaving but forty-one; that the amendment passed by the committee to strike out the word "consecutively," will, as I believe, but slightly increase the number; that it is a bill based upon the equitable principle, that if those who have become worn out in the service holding commissions are entitled to be retired upon three-fourths of their pay, in like manner non-commissioned officers who have for thirty years been honorable, faithful, and true in the service of the country and who have in like manner and true in the service of the country and who have in like manner become worn out should in like manner be provided for in their old age. I have shown that this measure is approved by men who are wholly disinterested, who are intelligent in respect to the subject-matter before the Senate, who have by long experience become acquainted with the wants and necessities of the service, who appreciate the fact that this bill would be exactly in the direction of efficiency in the Army, and therefore wise economy. I have taken the best witnesses known to the law, that is to say, witnesses intelligent upon the subject in hand, credible and disinterested, and have given their testimony. Having shown this, I can say no more than I have already said, believing as the committee believe that the bill is wise,

and that it ought to be passed.

Mr. INGALLS. Did I understand the Senator to say that this bill would provide for but forty-one persons?

Mr. MAXEY. That is exactly what I said, and I will refer the Sen-

ator to the letter of the Adjutant-General.

Mr. INGALLS. Does the Senator mean to be understood as saying that if the bill passes only forty-one persons will be added to the retired list?

Mr. MAXEY. I mean to say precisely this: that if the Adjutant-General of the United States Army, E. D. Townsend, is credible—and his letter is now in the sight of the Senator from Kansas—he says precisely that thing in respect to the bill as originally reported.

Mr. INGALLS. The bill is not to be a continuing bill, then, to affect those who reach the period of thirty years' service hereafter?

Mr. MAXEY. Yes; it is designed to be continuing, and this design is clearly shown on the face of the bill.

Mr. INGALLS. Then the statement of the Senator from Towns in

Mr. INGALLS. Then the statement of the Senator from Texas is liable to misconstruction. If this measure were to place upon the retired list only forty men who had become worn-out and helpless in the service of the country it would be one thing; but if this is a provision for permanently adding to the retired list such men as may hereafter at all times reach the period of thirty years' continuous

service it is entirely a different thing.

Mr. MAXEY. I take it that the past is a good criterion for the future; that as there were but forty-two men of this class in the United States Army a few day ago, and but forty-one now, who had served thirty years continuously, and the last fifteen thereof as non-commissioned officers, that death, which has already carried one of those off, will in like manner carry others off, and the list probably will not be increased beyond that number in all time to come at any will not be increased beyond that number in all time to come at any one time. That it is to continue is just as true, and no more so, than of the retired list for commissioned officers. It stands precisely upon the same footing. It is designed to apply to a certain class of non-commissioned officers. Of that class there are now but forty-one, and the same principle which applies to those forty-one will apply to others as time rolls by and the same conditions reach others as to age and service, just as the retired list as to commissioned officers is continuing in operation.

Mr. INGALLS. Can the Senator advise the Senate what the pres-

ent retired list of the Army is, and how much the expense is upon the revenues of the country for that purpose?

Mr. MAXEY. I am not prepared to state the number. The original number was three hundred, which has since been authorized to be increased.

Mr. BURNSIDE. Four hundred.
Mr. INGALLS. I saw in the Army bill that passed a few days ago provision for four hundred retired officers.
Mr. MAXEY. The law as originally passed was for three hundred, but by subsequent amendments the number has been authorized to be increased, the exact extent I did not remember, but the Schalier. from Rhode Island [Mr. BURNSIDE] states it four hundred, which is doubtless correct, and if we can provide for four hundred commissioned officers on large pay, surely we might provide for forty-one non-commissioned officers on far less pay.

Mr. INGALLS. Can the Senator state the amount that is paid for

the retired Army list.

the retired Army list.

Mr. MAXEY. I cannot; but I will say this in regard to the expense: If General Sherman, with a pay of some thirteen or fourteen thousand dollars, were retired, he would get 75 per cent. of that; and so at the same ratio of their pay would other commissioned officers, and the non-commissioned officers are under this bill to get the same percentage. A sergeant-major gets \$23 a month in active service, and so on down, as will be seen by section 1280, Revised Statutes. There is, as you will see by subsequent sections, 1281 to 1284, inclusive, a small amount added for additional service, &c. In like manner you will see by sections 1285 and 1286 that privates who have certificates of merit of distinguished honor get \$2 a month additional; but the highest pay proper of non-commissioned officers is \$23 a month. Sergeants of engineers get larger pay, of course, because they are experts anglest pay proper of non-commissioned omcets is \$25 a month. Sergeants of engineers get larger pay, of course, because they are experts attached to a scientific corps. They get \$36 a month, but the highest of the others get \$23 a month, next \$22, next \$17, and then corporals \$15 a month. That may be increased somewhat as stated by virtue of sections 1281 and 1282, and the pay of enlisted men by virtue of sections 1283 and 1284.

Mr. INGALLS. I think the country will be interested in knowing

Mr. INGALLS. I think the country will be interested in knowing the expenditure at the present time on account of the retired list of the Army and Navy, and I regret that the Senator from Texas is not able to inform the Senate upon that point.

With reference to the bill now before the Senate it is in plain terms a proposition to add to the pension list of the country.

a proposition to add to the pension list of the country. It is that, and nothing else.

Mr. MAXEY. I ask the Senator to allow me to go on.

Mr. INGALLS. I beg pardon. I thought the Senator was done.

Mr. MAXEY. No. I will state that if the law, which neither the Senator from Kansas nor anybody else has proposed to repeal, which keeps the commissioned officers, with their large pay, on the retired list remains on the statute-book in full force, then, in all equity and good conscience, I ask if these poor men who have to work with the musket in their hands and drawing but \$23 a month, the highest of them, ought not to be entitled to retirement? In other words, has it come to this that the Congress of the United States makes a distinction between those who wear the epaulettes and those who wear the more humble garb of the non-commissioned officer or the private the more humble garb of the non-commissioned officer or the private

soldier? If it is right to give retirement to one it is right to give it to the other, and the question of right has nothing to do with the question of what it is going to cost. Strike all out or put them all on a footing. That is the principle. I have not made inquiry, I will say to the Senator from Kansas, as to the cost of the present retired list of commissioned officers. That would be a pertinent inquiry on a bill to repeal the law, but so long as that law remains untouched the cost of that list has nothing to do with this.

The question has been asked whether this ought not to apply to private soldiers as well, so that there should be no distinction. The

The question has been asked whether this ought not to apply to private soldiers as well, so that there should be no distinction. The law at present makes a distinction among privates by reason of special merit. A private soldier who has received from the President a certificate of merit for distinguished services receives additional pay at the rate of \$2 per month, and if granted to a soldier of the Mexican war, he need not have served continuously. If he served in the Mexican war it is not necessary, as I have stated, that his service shall have been continuous. So the law now makes a distinction in favor of those who have proved themselves to be meritarious, and favor of those who have proved themselves to be meritorious, and the theory of this bill is to hold out encouragement to a spirit of emulation and secure the best material for the Army, and thus the best non-commissioned officers that can be had, because everybody who has experience in an army knows that the more efficient your non-commissioned officers are the more efficient your army is, and if that be true it is a measure in the interest of wise economy.

With these views I present the question to the Senate.

Mr. BECK. Mr. President, the other morning when this bill was up I took occasion to make some objections to it. I do not intend to go over them again in extenso; but the meaning of all this is that we are to extend the retired list or the pension list of the United States so as to include every man who sees fit to enter the Army at eighteen and remain till he is forty-eight years of age, no matter how able-bodied he may be, because all can be pensioned for the balance of their days after they are forty-eight years of age, if they enter the Army at the age of eighteen, as most of the young fellows who are picked up for the Army as private soldiers do, under circumstances frequently not very creditable to them. They have the right to retire at the end of every five years if they see war or see trouble ahead. They are not like a commissioned officer, who is bound to remain, because he is pledged to the country to remain in the service, and he cannot retire without dishonor and disgrace. But at the end of each five years any without dishonor and disgrace. But at the end of each five years any one of these men can retire, and if there is a likelihood of war or trouble or disagreeable service, many of them will retire. If they are likely to be stationed at Washington or Fortress Monroe or some nice place, they will re-enlist. Whether wounded or not, whether they have ever heard a gun fired in anger, the moment they have served thirty years and are forty-eight years of age (ten years younger than I am and a few years younger than my friend from Vermont) they can retire with a pension for the rest of their days under this bill

Mr. EDMUNDS. But if my friend from Kentucky, who so kindly brings me into notice in connection with this bill, will remember the proposed bill as it stands requires thirty consecutive years of service. It is true I think that the Senator from Texas, or the committee, proposed to strike out the word "consecutive;" but if the word "consecutive;"

proposed to strike out the word "consecutive;" but if the word "consecutive" were in, then the suggestion of a soldier skipping in time of trouble and again enlisting in time of peace would not apply.

Mr. BECK. I suppose the Senator from Vermont very well understands, as I do, that after the immense military prowess displayed by this country on both sides fifteen years ago, there is very little probability of any American soldier having to fight again on dry land unless it be with a few Indians. The nations of the world are not going to fight us any more, and this is not a bill to provide for those who fought in the Mexican war or the late war or in any one war, but it is to provide for the future and to make provision to encourage men is to provide for the future, and to make provision to encourage men to stay in the Army and to pension them when they get forty-eight years of age; and if it extends to non-commissioned officers of course it will have to go to the private, for the same argument applies all around. Then it has to go to the Navy, and the Navy perhaps may have trouble hereafter with the iron-clads of the great nations of the earth, and we may have to fight them somewhere on the high seas. I concede that there may possibly be trouble there, but on land I do not see any prospect of it.

If this bill passes you will soon have to extend it to all the civil employes, men who have gone through the temptations of the civil

service and have been in custom-houses or worn out in the Departments here as a matter of choice, but could have left at any moment they chose. They have all got to be pensioned. Already the country has extended its pension laws to an extent that it has become a very serious question where the money is to come from. We have certainly exhausted our power of receiving it from whisky, tobacco, banks, proprietary stamps, and other things now subject to internal tax, and there is great indisposition to put it on incomes; but taxation necessarily has to follow appropriations. Now, you are providing a system, a new system, an extended system. The ways and means must be furnished. I have always thought it would be a good idea whenever you begin a new system of appropriations to begin a new system of ways and means. Then attention would be called to it sharply, to how it is to be obtained, to where the money is to come from. ments here as a matter of choice, but could have left at any moment from

It is plausible to say these are meritorious men. They may or may

not be. They may regard a soldier's life—and in future I hope it will be—the laziest, the easiest, and the safest of all the lives that a man can lead. You pension a soldier at forty-eight years of age for doing nothing, simply because he has seen fit to stay there instead of going to other work. This little Army of ours is twenty-five thousand men for fifty million people, and perhaps it will be reduced to fifteen thousand or ten thousand hereafter, after some of these Indian troubles are settled. To provide a pension list for its men after thirty report exercise does not seem to me to be a good thing to do.

thirty years' service does not seem to me to be a good thing to do.

I merely rose to say that I hope the yeas and navs will be called, for I desire to record my vote against this bill and against the sys-

for I desire to record my vote against this bill and against the system. However little it may appear now, it is the beginning of a system that no man can see the end of. That is the objection.

Mr. President, I sympathize with the object of this bill and I sympathize to a degree with the remarks of the Senator from Kentucky, but I am not so sure as he feels about the future necessity for an army. I do not quite agree with him either as to the laziness and easiness of a soldier's life, although I cannot speak from much experience as I only served, I believe for three days, when the Confederate States invaded Vermont from Canada at one time during "the late unpleasantness."

Mr. BECK. What side were you on? [Langhter.]

Mr. BECK. What side were you on? [Laughter.] Mr. EDMUNDS. I was not on the side of the confederates any more than I am now. [Laughter.]
Mr. MORGAN. Was the Senator from Vermont a brigadier-gen-

Mr. EDMUNDS. No, Mr. President, the brigadiers are all on the other side of the Chamber. [Laughter.]
But the life of the soldier has not been easy at any time in the his-

tory of this country. Troubles have arisen, external and internal. The internal ones we have not all forgotten on all sides; they are not exclusively composed of the greatest one of them all; there have been "whisky insurrections" and "Shays's rebellions;" there have been cases of domestic violence in a great number of the States that did not go into the rebellion, where soldiers have been necessary to carry out the provisions of the Constitution, and there they have been exposed to peril. All this is likely to happen in the future until the millennium comes, and then I suppose we can repeal the Army establishment, or at any rate get rid of it by refusing appropriations to support it in case it is not repealed, or in some other constitutional way which our friends on the other side know, or as the Senator from New York says we can repeal all of it except the provision about hav-

New York says we can repeal all of it except the provision about having troops at the polls, and so on.

And then in respect to our foreign affairs, I think the Senator from Kentucky is a little too hopeful. We have powerful neighbors on all of our northern boundary. We have at this very moment difficulties and complications with the great power that controls that territory, and according to the dispatches in to-day's papers it would seem that that government had refused, if the dispatches are true, to do the justice that the United States think they have the right to insist upon. Of course I am not proposing to alarm anybody; but I believe something in the European policy that it is a wise economy in a strong nation to be ready to defend its rights at a moment's notice, and the day may come when it may be necessary to exert the power that we have to defend our rights in that direction. I hope it never will come. The day may come when it will be necessary to defend our national rights and interests in our southern borders and in the islands that occupy the sea there. It may be necessary to do a great many things as long as we are a nation, that require the exertion of force. It will therefore be necessary for a long time to come, certainly long enough to enable us to abolish this provision, to have an Army, and to have an Army that shall be as efficient as the Senator from Texas describes it as it ought to be, as efficient as it is possible for wise legislation to make it—to make the mission of the soldier one of the orderly means of Government, and if he has worn out his life in that mission by consecutive and faithful service, to take care of him when he is through. It seems so to me. Therefore I sympathize with the proposition of the Senator from Texas. I think it ought to include the privates and I rather think at this moment that it ought to be a consecutive service, to guard against the suggestion that the Senator from Kentucky has so forcibly made. I shall vote for an amendment that will include the privates when the matter can be put into a proper shape, but at this present time I doubt if it can be.

Mr. BECK. Will the Senator from Vermont allow me to suggest that the Soldiers' Home makes wonderfully good provision for many

of these men when they are worn out.

Mr. EDMUNDS. So they do, but the Soldiers' Homes only make provision for those who are in special circumstances of disease or wounds received in service and so on, and, therefore, the Soldiers' Homes provisions do not cover the whole length and breadth of the Many an old soldier, a non-commissioned officer or a private, feels naturally a certain sense of dislike to going to a Soldiers' Home, just as in our States

Mr. BUTLER. The Soldiers' Home costs the Government nothing.
Mr. EDMUNDS. Everything that we have to do with costs something. We tax the soldiers to support the Soldiers' Home, and we arrange the pay of the soldier in such a way as to warrant that taxation. So when you come around to it after all the fact is, as it ought to be, that the great body of the people pay for all things of that kind in one way or another, directly or indirectly. But a great many men

naturally feel a disinclination to go to one of these places, like a hospital or an infirmary or a retreat, just as I was saying in all the States there are provisions, wise and humane, for taking care of those who through misfortune and honest poverty are unable to take care of themselves, and yet we know that in every town in every State of the Union there are many people in distress who have a perfectly natural feeling of dislike to going to what is called the poor-house. It is a feeling that ought to be respected to a degree, and is respected in all the States in one way or another. List a with those old selected in all the States in one way or another. Just so with those old soldiers worn out in the service. They might think and say "it looks as if we were paupers if we are to be sent to a special place away from our families and the old homes where we want to go back and smoke in peace and die;" and I do not think the Government is wasting money when it gives a little something to that class of public serv-

ants for such long service.

So, as I say, I shall be glad to go for the theory of this bill, and to include privates, but that would require some amendment, and it is so late to-day that I hope we shall not conclude the bill, for I do not know that an amendment could be prepared in a moment that would

cover the idea in the right way.

Mr. MAXEY. In respect to the suggestion of the Senator from Vermont, [Mr. EDMUNDS,] I beg to call his attention to what the report shows; and if he will do me the honor to read that and what I have said in regard to this bill heretofore, he will readily understand the reasons of the committee for limiting the operations of the bill to the class therein provided for. A point in this bill is to create a spirit of emulation in the Army; to hold out an inducement for the best material to go into the Army and to behave themselves in an orderly and soldierly way so as to secure the position of a non-commissioned officer, and thus be enabled to get the benefit of this bill. That is to say, it creates a spirit of emulation which would not be the case if all, without any special merit, were to be entitled to like benefits. That is the view the committee have on that point.

Mr. EDMUNDS. May I suggest to my honorable friend just there—because I do not wish to take up time—that I think there should always be an emulation among the enlisted men to have the honors of helding the efficiency if I my well it such be a recommissioned off.

holding the office (if I may call it such) of a non-commissioned officer, just as there is an emulation outside in the lower houses of State cet, just as there is an emulation outside in the lower houses of state Legislatures—of course there is none in the lower House of the National Legislature—to get into the senate of the State Legislature and so on. I think that if the case were put merely on the point of stimulating emulation, it would hardly justify the expenditure; but in respect of that justice and gratitude that belongs, I think, to a wise nation in respect to its faithful soldiers who have spent their lives in its service. I think the bill stands over solid ground.

lives in its service, I think the bill stands upon solid ground.

Mr. MAXEY. Of course in the presentation of this bill, I am not presenting my individual views only as to the merits of the bill but those of the committee as well. If the committee is right in thinking that we shall secure for the entire Army better material by holding out this prize that is a point, but not all the point, in its favor,

ing out this prize that is a point, but not all the point, in its favor, and as to providing for these meritorious men, that in view of existing laws for retiring commissioned officers, is a conclusive point in its favor. On that point I agree with the Senator.

Now, in regard to what the Senator from Kentucky says, my observation, not to say experience, in this breathing world of ours is that when there is a necessity to have food for powder, a soldier is a good man, a splendid, brave, gallant man; everybody is in favor of the soldier; he is a glorious man. His praises are sounded everywhere; he is fêted as the defender of his country's honor; but when the time comes that there is no further need for his services, then—well he is an expensive luxury, and the tax-payer cannot afford to provide for the old worn-out decrepit man, no longer fit food for powder. History repeats itself.

After the treaty of Ryswick, when William III brought back from the continent his old battle-scarred veterans, perhaps the best-disciplined army of that day and time, an army that would have reflected credit on any government, that army, one would think by looking at the debates in Parliament, was the most dangerous enemy that England ever had; and the proposition was gravely argued to disband the entire army, leaving England without armed protection. I believe, for I am citing from memory of history, that ten thousand men were finally left. It was a mere accident that it was ten thou-sand, for the design was to reduce it to five thousand; but a certain portion of the army happened to be serving beyond the British Isles, about five thousand, I think, and by ministerial construction it was held the bill was not sufficiently broad to reach them; and thus the army was retained at about ten thousand. It was then said—as the Senator from Kentucky says to-day—that war was over and peace would henceforth bless the land; the lion and the lamb can lie down together, and there will be peace in the land; but I think any one who will follow the history of Great Britain will see that after 1698 there were wars, disastrous wars, that cost England her best blood and involved that country in untold millions of pounds with a national debt mountain-high. It was after that, among many other wars England has fought, our independence from her was won. It was after that England fought Napoleon for so many long years and that our last war with England was fought on land and sea. In the United States we are at peace at this time. I hope and trust in the good Lord that this country will always be in peace. I hope that there will never a time come when there will be need to hear a

hostile gun within our borders. But, sir, when we look back through all history from now back to its earliest dawn we see that war always has been going on somewhere, is now, and always will be. Indeed some philosophers have it that the normal condition of man is war,

and historical facts seem to prove it.

The world has always been at war, and I greatly fear that some part of the world always will be; and the greatest of all men this country has ever had enunciated a doctrine as different from that of the Senator from Kentucky as the zenith from the nadir: "In peace prepare for war." How better can you prepare for war than to tell the men who serve your country and serve it where death-darts fly thickest and swiftest, "If you serve your country faithfully and well, meeting its enemies on the battle-field whenever and wherever commanded to meet him, when your hair is blossoming with the gray your country will provide you and your old wife a home." It seems to me that is wise. Say to them you will not be turned out to die

to me that is wise. Say to them you will not be turned out to die like a dog, for republics are not ungrateful.

But it comes with a strange note from one who voted as I did (and I am in favor of it) to put upon the pension list the veterans of the Mexican war who served their country three months, six months, twelve months, or two years—and then oppose this bill. Both positions are interestinable and in perfect accord. The Senetar from Kon tions are maintainable and in perfect accord. The Senator from Kentions are maintainable and in perfect accord. The Senator from Kentucky voted for the bill to pension our soldiers of the Mexican war, but now opposes this little bill that puts on the retired list forty-one or forty-two men who have served for more than thirty years, some of whom were in the Florida war, in the Mexican war, and in the late war under the flag of the Union. There should be consistency in all things. Of course I know that all Senators vote just as they think is best, most patriotic, wisest, and for the good of the country. These men have no great political influence behind them; they have not even the privilege of a vote; they rely upon the Committee on Military

have no great political influence behind them; they have not even the privilege of a vote; they rely upon the Committee on Military Affairs to present their claims, and the committee has discharged that duty faithfully, and, fortunately for the country, as Americans looking to the good of the country, and not as partisans, for there was not the slightest touch of party in the action of the committee.

Mr. President, after all the fact remains, and the Senator from Kentucky, with all the logic that he has—and I concede that he is very logical, indeed—cannot get rid of it, that the officers, with their salaries running up to, I believe, \$17,000, if they have served the same length of time, can retire with 75 per cent. of their pay; but when a poor enlisted man comes and asks you to place him, with his small pay, on the same footing, neither better nor worse, the same men who make no effort to take that law off the statute-book say, "No,

pay, on the same footing, neither better nor worse, the same men who make no effort to take that law off the statute-book say, "No, the back of my hand is to you." Well, Mr. President, that is not according to my ideas of justice.

It is said that this may in time extend to the private soldier, the enlisted man. I do not think it would be proper at this time to try that. This is an experiment. If it works well, as I hope it will, the time may come when the Congress of the United States may in its wisdom see proper to extend the provision. At present I think that the Senate would do well to go no further in the bill than the committee has gone. Certainly when we make in less than a week forty pensioners for life, and we do it every week, and when the entire Calendar and all the business is set aside when the chairman of the Committee on Pensions says he wants to take up the pension case when you make more than forty pensioners for life every week, it

when you make more than forty pensioners for life every week, it does seem to me upon the same principle, if the object is to provide for the meritorious, these men ought to be provided for.

Why, sir, take a case: A man goes into a battle, he is not wounded; he gets no pension. Is there not as much merit in his fighting bravely under the same flag in the same rank, side by side, with his neighbor who is shot down? That one who is shot down is pensioned because under the wise and liberal theory of the law he has been in a meritorious service, and has thereby become disqualified for making his living. I ask you if in regard to that other man who served by him, and who in the service has become by age disqualified from making a living otherwise, it is not as inst, as fair, and as conitable to make a living otherwise, it is not as just, as fair, and as equitable to make provision for him? The fact remains, and all the arguments made by the Senator from Kentucky cannot get rid of that fact, if he believes that he ought to vote against this bill he ought to introduce a bill for the repeal of the law creating a retired list for commissioned officers, and thus place all on the same dead level. It is absurd to acquiesce in the one and oppose the other.

Mr. ALLISON. I was waiting to hear the Senator from Texas answer the suggestion made by the Senator from Kentucky that under this bill persons of forty-eight years of age in sound health may be placed on the retired list.

placed on the retired list.

Mr. MAXEY. If the Senator will pardon me a moment I answered that the other day by a single argumentum ad hominem, the right way, in my judgment, to answer it. I said to the Senator from Kentucky that the bill which he does not propose to repeal does exactly the same thing. The bill to retire commissioned officers is subject to the like exceptional cases. A cadet enters West Point at seventeen years, he graduates at twenty-one, he is retired after thirty years, and that takes him off at fifty-one. The logic of that argument is that a boy eighteen years old may enlist and be retired at forty-eight, therefore all enlisted men go in at eighteen and may be retired at forty-eight, but as this is far from the fact, the argument falls to the ground; and like all arguments drawn from extreme and exceptional instances and like all arguments drawn from extreme and exceptional instances has no practical merit.

Mr. ALLISON. That is the point to which I wished to call atten-

Mr. MAXEY. If one is bad in that respect, the other is.

Mr. BURNSIDE. Will the Senator allow me to make a remark on that subject?
Mr. ALLISON.

Mr. ALLISON. Certainly.
Mr. BURNSIDE. A soldier who is able-bodied will not retire at forty-eight, because he can stay in the Army and get full pay. If he has served thirty years and is still able-bodied at forty-eight years of age, he will keep on serving until he finds himself unable to keep in the service, because he would rather have full pay than three-fourths pay. When he is absolutely disabled, disqualified for service, then he will retire, it may be after forty years' service.

In the next place it must be understood that no soldier is re-enlisted at the end of five years' service when there is the slightest cause for

not re-enlisting him. It is put upon every discharge paper whether there is any cause why he should not be re-enlisted. Therefore a man at the end of every five years has to present a clean record, and a man who has staid thirty years in the Army, who has given thirty years' continuous service to the Army of the United States, is sure to be found to be a good man. There is hardly such a thing on record as

continuous service to the Army of the United States, is sure to be found to be a good man. There is hardly such a thing on record as a bad man who has served continuously for thirty years.

Mr. ALLISON. The chief argument made by the Senator from Texas in favor of this bill—and I quite sympathize with him in most of what he says—is that these non-commissioned officers should be placed in the same relation to the service as the commissioned officers occupy. I quite agree with that; but when I examine the statute with reference to the position of the commissioned officers I find that they occupy a very different position from that proposed in this bill. In the first place no officer in the Army can be refired until be has In the first place no officer in the Army can be retired until he has been forty years in the service. Mr. MAXEY rose.

Mr. MAXEY rose.

Mr. ALLISON. The Senator will wait a moment; I have the statute right before me. The object of that provision is that an officer shall not be retired below the age of sixty or sixty-two years. On his application the President in his discretion, acting in each particular case presented, may retire an officer when he has served thirty years.

Mr. EDMUNDS. Or on the report of a board.

Mr. ALLISON. Or on the report of a board where he is incapacitated by service. All these provisions are put in for the purpose of protecting this retired list; but here we find this Military Committee, who claim to be the only apprising of the soldiers in this body coming

protecting this retired list; but here we find this Military Committee, who claim to be the only guardians of the soldiers in this body, coming in with a proposition that these soldiers shall be placed on a different position from that now occupied by the officers of the Army. If the Senator from Texas will amend his bill so as to place the non-commissioned officer in precisely the same relation and position now occupied by the commissioned officers I think I should vote for it very cheerfully; but there is in the bill a provision for thirty years of consecutive service that I believe the committee propose to strike out. I think there is a great deal of force in what the Senator from Kentucky said about the provisions of this bill. A large number of soldiers in the future may under it be placed on this retired list at the age of forty-eight years. The suggestion made by the Senator from diers in the future may under it be placed on this retired list at the age of forty-eight years. The suggestion made by the Senator from Rhode Island does not change that, I think. They are placed on the retired list with three-quarters pay when they can engage, at forty-eight years of age, in other business. It is not so with the commissioned officer, because the commissioned officer at the end of thirty years has his eye on promotion; he may become a major, a colonel, or a general it may be

general it may be.

Mr. MAXEY. I want to call the attention of the Senator from Iowa to this fact, which doubtless will attract his attention if he looks at to this fact, which doubtless will attract his attention if he looks at it, that the commissioned officer need not do any act of special merit to entitle him to the privileges of the section in respect to the retired list for officers; a non-commissioned officer must have served as a non-commissioned officer, showing that he must have secured by honest, faithful, soldierly conduct that position and hold that position for thirty years. Nothing of that kind is required of the commissioned officer.

Mr. ALLISON. The Senator does not seem to draw the distinction which I find in the statute, namely, that in particular cases the President, in his discretion, retires an officer. Now by force of law the Senator from Texas proposes to put these soldiers on the retired list at the age of forty-eight.

Mr. MAXEY. An officer may be retired on his own application by direction of the President after thirty years' service.

Mr. ALLISON. After all the suggestions made by the Senator from Texas, and the idea expressed by the Senator from Rhode Island, I think the objection made by the Senator from Kentucky still stands that here is a proposition to allow a great body of men to be placed upon the retired list at the age of forty-eight years, without sufficient inducement to them to continue in the service for the additional greater

pay.

Mr. GARLAND. I move that the Senate do now adjourn.

Mr. COCKRELL. I hope the Senator will withdraw that motion.

There is a very important resolution passed by the House of Representatives lying upon the President's table, and I desire to ask that it be taken up. I know that there will be no objection to it. It is it be taken up. I know that there will be no objection to it. It is
House joint resolution No. 291.
Mr. CONKLING. Taken up for what? For reference, or for action?
Mr. COCKRELL. For action. There will be no objection, I am sure.

Mr. CONKLING. What is the resolution?
Mr. COCKRELL. I ask that it may be read for information.
Mr. MAXEY. I have no objection to accommodating the Senator from Missouri, but I do not want this bill to lose the position it now has. If that resolution is called up, I desire it to be understood that this bill is temporarily laid aside, subject to call at any time.

Mr. COCKRELL. Certainly.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair understands the bill will retain its place at the head of the Calendar.

Mr. COCKRELL. Let the resolution I have referred to be read.
The PRESIDING OFFICER. The Senator from Arkansas has moved that the Senate do now adjourn.
Mr. COCKRELL. He withdraws that, I hope.
Mr. GARLAND. I withdraw that at the request of the Senator from Missouri.

Mr. CONKLING. I should like to know before we go further what has become of the business thus far? Where is the regular order may I inquire?

Mr. MAXEY. That was laid aside informally.
Mr. CONKLING. Then the bill we have just been considering is also informally laid aside.
The PRESIDING OFFICER. The Chair understands that the reoort from the Committee on Privileges and Elections was laid aside informally, to be resumed at any time on the demand of the chairman of the committee as the unfinished business, and that the bill which has recently been under consideration was taken up on motion of the Senator from Texas.

Mr. WITHERS. It is the first bill on the Calendar.

The PRESIDING OFFICER. If its consideration is now suspended it will retain its place on the Calendar as the first bill to be considered

on the call of the Calendar.

Mr. EDMUNDS. The regular order is before the Senate.

The PRESIDING OFFICER. The regular order is before the Senate.

Mr. COCKRELL. I ask now that the Senator from Arkansas has

withdrawn the motion to adjourn—

Mr. SAULSBURY. The Senator from Louisiana [Mr. Jonas] took the floor upon the regular order, and yielded it temporarily to the Senator from Nebraska [Mr. PADDOCK] for the consideration of a bill, with the understanding that he would retain the floor.

The PRESIDING OFFICER. There can be no misunderstanding

whatever.

Mr. GARLAND. There is no difficulty about it at all.
Mr. COCKRELL. I ask that the joint resolution from the House
of Representatives be laid before the Senate.
The PRESIDING OFFICER. The Chair will lay before the Senate
a joint resolution received from the House of Representatives.

TORNADO IN MISSOURI.

The joint resolution (H. R. No. 291) authorizing tents to be loaned to the governor of Missouri for the use of sufferers by the recent tornado in that State was read the first time by its title.

Mr. COCKRELL. I ask the Senate to consider the joint resolution at the present time. I know there can be no objection to it.

Mr. CONKLING and Mr. EDMUNDS. Let it be read.

The joint resolution was read the second time at least the

The joint resolution was read the second time at length.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. SHANNON.

Mr. TELLER. Some time ago the bill (S. No. 33) to ascertain the amount of the claim of Joseph R. Shannon, of Louisiana, was reached on the Calendar and passed over in my absence. I ask unanimous consent that it may be put back on the Calendar immediately following Senate bill No. 1331, which we have been considering to-day.

The PRESIDING OFFICER. Is there objection to the request of

the Senator from Colorado?

Mr. CONKLING. I will not object, but I take this occasion to say that some time ago a bill of much concern to a citizen of the State of New York was taken up and placed somewhere on the Calendar with New York was taken up and placed somewhere on the Calendar with the understanding that whenever the Senator from New Jersey [Mr. McPherson] was here it should be in order on a call. I have been trying in a feeble and respectful way, as one or two other Senators have been, to get the light to strike on that bill ever since, and with very bad success. Now I will not object to the Senator from Colorado putting his bill in front, but I do give notice that I will object, if an objection can avail to giving precedence to other hills of the if an objection can avail, to giving precedence to other bills on the Calendar. It seems to me that these bills which are thus to be left behind ought to have some possibility, some time or other, of being reached. Therefore, although I do not object to this request, I hope no other Senator will ask to advance another bill to the detriment of those already on the Calendar.

Mr. TELLER. I will state that this is a bill which I reported from the Committee on Claims, but when it was reached on the Calendar

I was not here, and it went over.

The PRESIDING OFFICER. The Senator from Colorado asks that the bill indicated by him be placed on the Calendar next to Senate bill No. 1331, which has been lately under consideration. Is there objection? The Chair hears none, and that order will be made.

EXECUTIVE SESSION.

Mr. EDMUNDS. It is necessary to have a short executive session. Mr. GARLAND. I will change my motion from a motion to ad-

journ to a motion for an executive session.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 23, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MAMENDMENTS TO IMMIGRATION BILL.

Mr. McLANE. I ask unanimous consent at this time to present an amendment to the immigration bill, and ask that it be printed to-

gether with other amendments.

Mr. COX. That order was made last evening.

The SPEAKER. The order of last evening allows the gentleman to present his amendment and have it printed.

The amendments were read, as follows:

The amendments were read, as follows:

After the word "State," in section 6, line 4, insert "or if there should be no such commission, board, or officer in a State, then with any duly incorporated society or societies or associations in said State, having in charge the care of immigrants and recognized by the governor of said State."

And after the word "board," in the eleventh line of said section 6, strike out the words "or officers," and insert "officers, society or societies, or other association."

And after the word "appoint," in the fourteenth line of same section, insert the following: "or as shall be appointed by any such society or societies, or associations, as the case may be."

RECIPROCITY TREATY.

RECIPROCITY TREATY.

Mr. COX submitted a report from the Committee on Foreign Affairs as to the basis of a reciprocity treaty between this country and Canada; which was recommitted to the Committee on Foreign Affairs, and ordered to be printed; not to come back by a motion to reconsider.

CLAYTON-BULWER TREATY.

Mr. COX also, from the Committee on Foreign Affairs, reported back joint resolution (H. R. No. 281) requesting the President to abrogate the Clayton-Bulwer treaty; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CHIPPEWA INDIANS, WISCONSIN.

Mr. POUND. Mr. Speaker, I ask unanimous consent at this time, by authority of the Committee on Indian Affairs, to present a substitute for House bill 1139, a bill for the relief of the Lac de Flambeau, Lac Court Oreilles, and Bad River bands of Chippewa Indians, in the State of Wisconsin, and ask that the same be printed. I also desire to give notice that I shall offer this substitute at the proper time.

There was no objection, and it was ordered accordingly.

EXPENSES OF ISSUING CURRENCY.

Mr. DE LA MATYR, by unanimous consent, submitted the following resolution; which was referred to the Committee on Banking and

ing resolution; which was referred to the Committee on Banking and Currency:

*Resolved**, That the Secretary of the Treasury be, and is hereby, respectfully requested to cause to be furnished to this House at his earliest convenience an account showing the following:

First. The amount of United States bonds and the interest they bore, secured by the national banks and held by the Treasury as security for circulation, issued to said banks in each year, from 1863 until 1880, with the aggregate of said interest paid by the Government between said periods.

Second. The amount of United States deposits held by national banks, and the amount of bonds of the United States secured by said banks and held by the Treasury to secure said deposits, with the rate of interest said bonds have borne, and the amount of interest paid thereon in each year, from 1863 until 1880, with the aggregate of said payments.

Third. The amount of money paid by the United States each year, from 1863 until 1880, for salaries of officers, clerks, and employés of all kinds for and connected with national banks, and the aggregate thereof for said term.

Fourth. The amount of money paid by the United States for plates, engraving, paper, printing, signing, and transmitting circulation to national banks each year, from 1863 until 1880, and the aggregate of said payments in said term.

Fifth. Any and all other payments of money made by the United States for or on account of national banks not included in the foregoing specifications, if any there be, each year, from 1863 until 1880, with the aggregate thereof.

Sixth. That all of said payments so made by the United States for, on account of, or connected with national banks, ouring said term, be footed up, that the aggregate of all said payments may appear to the credit of the United States and to the debit of said banks.

That said account also contain the following to the credit of said banks:

First. The amount of all taxes paid by the national banks to the United States upon their circulation e

gate thereof, not including, however, any such tax required to be paid by State banks and private bankers, as well as national banks.

Fourth. That any sum or sums paid by national banks to the United States under requirements of law, not included in the foregoing specifications, be also stated, and due credit thereof be given said banks for each year from 1863 until 1880, and the

due credit therefor be given said banks for each year from 1863 until 1880, and the aggregate thereof.

Fifth. That a balance be struck, showing the amount due the Government for money paid to and for the national banks up to 1880, or the amount due said national banks, as the case may be, and that said account be duly signed by the proper officer of the Government.

Also, that said account state all the expenses incurred by the United States for the issue of legal-tender Treasury notes of the Government called greenbacks, each year from 1862 until 1880, and the aggregate expenses during that time, and that the difference, if any, between the cost of national-bank notes and of legal-tender Treasury notes be made to appear in said account.

NAVAL HISTORY OF THE WAR.

On motion of Mr. FRYE, by unanimous consent, Senate bill No. 888, authorizing the compilation and printing of the naval history of the war, was taken from the Speaker's table, and referred to the Committee on Naval Affairs.

WILLIAM S. BURGESS AND OTHERS.

Mr. DIBRELL. I ask unanimous consent that House bill No. 709, Mr. DIBRELL. I ask unanimous consent that House bill No. 705, for the relief of William S. Burgess and others, be taken from the Private Calendar and put upon its passage. This bill passed in the Forty-fourth Congress, passed in the Forty-fifth Congress, but failed in the Senate, and it is the unanimous report of the Committee on Claims at the present Congress.

Mr. BREWER. I object.

KIMBERLY BROTHERS.

Mr. GOODE. I ask unanimous consent to take from the Private Calendar the bill (H. R. No. 3290) for the relief of Kimberly Brothers, for consideration at this time.

Mr. BRIGGS. I object.

JOHN G. ABERCROMBIE.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 5898) for the relief of John G. Abercrombie, of Arkansas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HEZEKIAH M'GEHEE.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 5899) for the relief of Hezekiah McGehee; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OPERATIONS OF LIFE-SAVING SERVICE.

Mr. CRAPO, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 10,000 copies of the Report of the Operations of the United States Life-Saving Service for the year ending June 30, 1879, without the accompanying takes, for distribution among the officers of our merchant marine, through the collectors of customs, under the direction of the Secretary of the Treasury.

MESSENGERS IN HOUSE POST-OFFICE.

Mr. HENRY. I ask unanimous consent to report from the Committee on Accounts at this time a substitute for House resolution concerning the messengers in the House post-office, and ask for its immediate consideration.

Mr. BRIGGS. I object and demand the regular order.

The SPEAKER. Is the report the gentleman desires to make a privileged report?

Mr. HENRY. No, sir; it does not relate to the contingent fund of the House; but I hope there will be no objections to its consideration.

Objection was made.

BRANNIN, SUMMERS & CO.

Mr. CARLISLE, by unanimous consent, from the Committee on Ways and Means, reported back favorably the bill (H. R. No. 623) for the relief of Brannin, Summers & Co.; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

S. ROSENFELD & CO.

Mr. CARLISLE also, by unanimous consent, from the same committee, reported back favorably the bill (H. R. No. 290) for the relief of S. Rosenfeld & Co.; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

LEGAL DEFINITION OF THE WORD ORPHAN.

Mr. BERRY, by unanimous consent from the Committee on the Public Lands, reported the bill (H. R. No. 4561) to declare the meaning of the word "orphan;" which was referred to the House Calendar, and the accompanying report ordered to be printed.

EDWARD BRADEN AND J. W. ANGUS.

Mr. UPSON. I ask by unanimous consent to take from the Speaker's table the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus, to refer a claim to the Court of Claims, and ask for its present

consideration. Mr. BRIGGS.

Mr. BRIGGS. I object. I have demanded the regular order.
Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent that the
Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 196) and that it may be taken up for present consideration.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from New Hampshire having de-manded the regular order, the Chair has no option but to recognize

The gentleman from Ohio [Mr. McMahon] asks unanimous consent to make a proposition touching the order of business.

There was no objection.

Mr. McMAHON. This is private-bill day, as we all know, and there are a great many bills and reports of a private nature on which gentlemen desire the action of the House. I dislike any further to antagonize private-bill day without giving something in return therefor. I therefore ask unanimous consent that the business of to-day and that of to-morrow shall be transposed, so that to-morrow shall take the place of to-day as private-bill day, and that to-day we proceed to public business so as to finish up the immediate deficiency bill, and that to-morrow be assigned for private business.

Mr. GARFIELD. That is, that to-morrow be treated as if it were

The SPEAKER. The object being to dispose of the immediate

The SPEARER. The object being to dispose of the immediate deficiency bill as soon as possible.

Mr. GARFIELD. I have no objection to the proposition.

Mr. CONGER. I do not object to it, if it be understood that we shall have to-morrow for private business.

Mr. O'CONNOR. I desire to make one inquiry about this. Will it be understood that no motion to adjourn over till Monday can cut off that and of the total of the to

that order if now made by unanimous consent?

The SPEAKER. The House which has voted unanimously to meet for private business to-morrow would hardly indorse a resolution to

adjourn over.

The arrangement proposed by the gentleman from Ohio is that to-day the deficiency appropriation bill be proceeded with, and that to-morrow shall be assigned to private business as if it were Friday. Is

there objection? There was no objection.

Mr. McMAHON. I now move to dispense with the morning hour.
The motion was agreed to; two-thirds voting in favor thereof.
Mr. McMAHON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the immediate deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Whitthorne in the chair, and resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other

the Government for the fiscal year ending June 30, 1880, and for other purposes, with Senate amendments thereto.

The CHAIRMAN. The gentleman from Maine [Mr. Reed] is entitled to the floor and has twenty-eight minutes of his hour remaining. Mr. REED. I am aware, Mr. Chairman, of the difficulty of stating suggestions such as I have been making in this interrupted way, and also of the disadvantage under which I labor of not having the benefit of suggestions which come from previous discussion. I must accept the situation with all its disadvantages, and present the ideas I have in the crude way which circumstances render necessary. But I have a few more suggestions to make with regard to the practical effect of this amendment with regard to its tendencies as affecting the election laws, and I ask the attention of members of this House, because I believe that the suggestions which I am to make are matbecause I believe that the suggestions which I am to make are mat ters of importance and worthy of their attentive consideration. Those suggestions are founded upon the practical working of election laws which will come out of this amendment.

I called attention last night to the somewhat crude character of

this legislation. I purpose now to show in particular where it does not join on to the election laws which we already have. A court is an institution which is to be set in motion from outside. It does an institution which is to be set in hotion from rotatics. It does not proceed upon its own motion, but upon petition and action of other parties; and accordingly in section 2011 of the Revised Statutes distinct means and methods and modes of procedure are presented for the appointment of supervisors and for everything connected with the title in which that section is to be found. Upon petition of two citizens in any city or town having upward of two thousand inhabitants, and upon the petition of ten citizens in other places, the machinery of the court can be set in operation. And further along, in section 2026 there is provision how the court shall receive the information necessary to guide it in making the appointment of supervisors of election. And there is a provision in section 2013 of the Revised Statutes for a session of the court for particular purpose

purposes.

Now, in this amendment there is no provision whatever for setting the court in motion. There is no method of procedure provided whereby the court can be induced to act; and if it acts at all it has got to act upon its own motion; it has got to act without any means of information, and to appoint large numbers, perhaps, of deputy marshals without any means provided as to the inception of proceedings looking to their appointment, or any provisions to give the court information as to the character of the applicants for appointment. This of itself is a complete objection to this bill, arising from its very nature. I am aware that it will be attempted to be said that section 2013 provides that the circuit court shall be in session for a certain length of time to do business under this title in which the section is

to be found. But that business is confined strictly to business under

And in that connection I wish to call the attention of the House to the nature and constitution of circuit courts of the United States. The courts of the United States, except the supreme judicial court, which has certain powers conferred upon it by the Constitution of the United States, are courts of limited and statutory jurisdiction. They have no common-law powers. There is no extension of their powers have no common-law powers. There is no extension of their powers outside of the letter and phraseology of the statutes. And in title 13, chapters 7 and 8, will be found the whole, or nearly the whole, of the law in regard to the jurisdiction of the circuit courts. It will be found there that circuit courts have regular terms, and special terms in some of the States, and that there is considerable difference between the powers of the circuit court at special and regular terms in different States of this Union; and it is only inviting confusion to attempt to bring this amendment within the scope of all of them. There is nothing in the statute law that makes the circuit court which is in session for the purposes of a particular title namely, title 26 in is in session for the purposes of a particular title, namely, title 26, in session for the purposes connected with this amendment. This amendment is not within that title, is not put there in terms, and there is nothing whatever in the amendment to bring it within the reach and

nothing whatever in the amendment to oring it within the reach and scope and sweep of that title.

This view of the case is confirmed by the language of the amendment itself. If section 2013 of its own vigor attaches itself to this amendment why is this language used in the amendment:

Should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts—

Which courts, by the way, district or circuit ?-

for the aforesaid purpos

If section 2013 applies, this language would have no force and be utterly unnecessary

If there was sure to be a session of the circuit court, as there must be under section 2013, it would be the height of absurdity to provide for a failure which could never occur. Evidently the Senate did not contemplate any action by virtue of this amendment under section

Consequently we are remitted to the uncertainty which I have already pointed out, and to the uncertainty which has been commented upon so ably elsewhere that I should feel it to be a work of superer-

ogation for me to go over the ground.

I put the point in this way: there stands in the way of this proposed legislation very many doubts and difficulties connected with its interpretation. What is the nature of the work that this amendment provides shall be done? It is not a matter that admits of dallying. It is a matter that must be done at once. So executive is it lying. It is a matter that must be done at once. So executive is it in its functions that unless it is done within the period of a few days it cannot be done at all.

Suppose that you grant that every one of the difficulties I have suggested may possibly in time be overruled by the courts, and they may discover some method or way of making this amendment consonant with previous legislation. Yet I say to you that until that is done there never can be anything but doubt and hesitation and difficulty in a matter where we need prompt, immediate, speedy, and righteous action. Now will the Congress of the United States, in view of these circumstances, insist upon passing in this objectionable way this objectionable legislation?

I call your attention to another point, and that is that every other law in this land is self-executory, it does not depend upon the whim of the executive power whether the law shall be executed or not. The law commands and he must obey.

When you take the power of keeping the peace out of the hands of the executive department and transfer it to the courts, without making any provision whatever for the method of procedure or for the inception of action on the part of the courts, you leave it to the judgment and discretion of the tribunal whether the law shall be executed or not. It may be safely affirmed that an attempt like this is without a parallel not only in the history of this country but in the history of civilized government the world over.

Now, gentlemen, I have made some remarks with regard to the

Now, gentiemen, I have made some remarks with regard to the nature of this non-partisan amendment. I desire to make one other suggestion, and that is, in brief, the danger to arise at the polls from putting there two sets of people to execute the law, two sets of people who are appointed not irrespective of party but because of their party affiliations. You will have a divided duty, a divided Executive, an irresponsible head, and the result will be that you will have

nothing done.

That is precisely what our friends on the other side mean, and that is all they mean. They do not accept this amendment in good faith. They have no idea of making it a practical affair, but they intend to go before the country pretending to accept it while in reality ignoring it. I venture to say that there is not one of them who will stand up here and say that if he had the power he would put this amend-

ment upon the law even with its broadest scope, with proper restrictions, limitations, and methods of procedure.

I venture to say that I have made suggestions which justify our side in the struggle which we have made for the right of free discussion of this subject before the House, and I venture to say also that I have made some remarks which justify or excuse our friends on the other side in refusing to give it to us. [Laughter.]

Why is it, sir, that year after year, even day after day, the democratic party in this House and in this country are attempting legis-

cratic party in this House and in this country are attempting legislation like this, legislation which, while it may be fair-seeming on its face, is nevertheless insincere and a false pretense? The answer to that question requires the asking of some more.

Why was it, for ten years preceding the war, that the democratic party kept slowly and steadily solidifying itself into a party in favor of human slavery? Why was it, when the war broke out, that the democratic party of the South went into the rebellion, and the democratic party of the North back into the breeching? Why was it that after the war was flagrant these men met together under the lead of a discarded general, and resolved the very year before Appomattox Court-House that the war was a failure? Why was it that when we proposed in legal and proper fashion to make constitutional when we proposed in legal and proper fashion to make constitutional amendments abolishing slavery by virtue of law, long after it had been abolished by virtue of facts, they found themselves arrayed in

solid opposition to it? Why was it that when we came to the question of the honest payment of the debts of the country the democratic party arranged itself solidly in favor of partial or total repudiation of those obligations? Why was it that they came before us discarding their own leaders and adopting men they had received from our party? Why is it, in a single word, that always for the last twenty-five years upon points about which there is no dispute now they have always been wrong? I do not talk now about matters that can be discussed; I talk about

matters done by us which not half a dozen men on the other side would want undone to-day. Why is it that they have always gone wrong upon those subjects and have always taken wrong positions?

I will tell you, my friends. The notion that a party is made up like a subscription to a ladies' magazine, by sending out a declaration of principles, is a mistake of world-wide significance. Men associate together because they are progressive, because they are honest, because they have purposes connected with the furtherance and improvement of government. Other men associate together because they are conservative, because they are opposed to progress, and be-

That is the plan on which parties are formed. They are not formed to meet future issues. The future issues spring up, and parties deal with them according to their constitution and their nature.

The difference between the republican party and the democratic party is founded on this principle. All parties act from a common average. There is a great deal more of the government of the people average. There is a great deal more of the government of the people in this country than is generally admitted even by ourselves. The people express their average intelligence every time they come to the polls, and every party expresses its average intelligence. The reason we have been right and they have been wrong has not been that they had not brilliant leaders; it is because the average of intelligence with us has been higher than the average of intelligence with them. That is the whole secret of it, and it is an "open secret" to any man

That is the whole secret or it, and it is an "open secret" to any man who looks at the history of parties for the past few years.

These are general principles; let us descend a little to particulars. I say that the democratic party for the last thirty years has not had an honest heart-beat north of Mason and Dixon's line. I say that they have continually come forward as a party of false pretenses. Why, look at the acts of this session. Only the other day they came before us and delayed this very bill which we are now discussing by shill presented by the syntlement from Indiana [Mr. Hogymynnen]. why, look at the acts of this session. Only the other day they came before us and delayed this very bill which we are now discussing by a bill presented by the gentleman from Indiana, [Mr. HOSTETLER,] which was to deprive of the rights of citizenship every individual who had a claim against the Government, including, as was so eloquently said by my friend from New York, [Mr. RICHARDSON,] the very soldier who fought for his country. And for a day or two they actually kept up the pretense of pressing that! They were beaten and overthrown; yet just think of it—the democratic party at this moment of all others proclaiming against the use of money in politics! Why, in the very instant of one of their cataleptic spasms of virtue let Samuel J. Tilden but stand visibly before them, pointing his finger to the very least of his "barrels," and straightway there would leap into that old, wizened, decrepit, and paralyzed frame a strength and vigor mightier than "the might of France;" for in that attitude would be the potentiality of swinging the whole democratic party, North and South, by its noblest part, its long, majestic, and prehensile tail! [Laughter.] And yet, with that picture on the canvas visible to a whole continent, they come forward and pretend to talk about suppressing the use of money in politics.

I was greatly struck by an instance of their pretenses in the elaborate speech which was delivered by the gentleman from Tennessee, [Mr. HOUSE.] He resurrected what I never expected to see dug up in this House. The committee for the investigation of frends in the last

orate speech which was delivered by the gentleman from Tennessee, [Mr. House.] He resurrected what I never expected to see dug up in this House—the committee for the investigation of frauds in the last presidential election. Why, there has not been such a resurrection of dead and buried people since Kilpatrick saw the mummies of Peru rise and range themselves on the sea-coast line of South America. Well do I remember the launching of that illustrious committee. Never was there on earth such an awe-inspiring pageant. The air was thick with the coming storm. Across the leaden sky had flamed Anderson, a red-haired portent, who afterward proved to be the loftiest liar of historic Christendom.

Men went about with hushed voices, whispering to each other of dreadful possibilities. The faces of the democracy were radiant with a solemn joy. Now at last the usurper who had done them so much harm should be hurled from his throne; and Tilden, Samuel J., the

wise, the virtuous, the innocent, the reformatory, should stand before the world visibly what he had always been spiritually, "the Lord's anointed." We, for our part, sat here sullenly rounding our backs to meet the coming storm. When the Speaker announced the mem-bers of the committee on the other side, it became perfectly apparent that the supreme hour of battle had come and the household troops had been ordered up. There at the head was a polished and able gennad been ordered up. There at the head was a polished and able gentleman, taken some years ago from our ranks, and who had voted with us often enough since to give the people the idea that he was respectable and to be trusted [laughter]—a gentleman to whose fairness and impartiality in everything except his report I bear cheerful, cordial, and willing witness. Nextcame my friend from Ohio, [Mr. McMahon,] keen and subtle, than whom there is no man in five kingdoms abler to dig a pit, for a witness and sweetly coay him into it. keen and subtle, than whom there is no man in five kingdoms abler to dig a pit for a witness and sweetly coax him into it. And there, to give a tone of chivalry to it, was my friend from the seventh district of Kentucky, [Mr. Blackburn,] then as now undallying and undoubting, and consequently undastardized and undamned. [Laughter.] Time would fail me to give an Homeric catalogue of all the great souls of heroes who went down to dusty death. [Laughter.] It is enough to say that they were the bright, consummate flower, the cream, or, to use a metaphor more suitable to the subject, the combined sweetness and strength, the very "rock and rye" of the democracy [Laughter.]

bined sweetness and strength, the very "rock and rye" of the democracy. [Laughter.]

I saw that expedition set forth with much boom of cannon and much float of flags. Five months afterward I saw it drift into port dismasted and dismantled. In silence and sadness, the sorrowing survivors, on the heel of the session jostled by every job and hustled by ten-dollar claims, disembarked their precious freight in two parcels—a little one containing what they had to say about our alleged frauds, and a big one containing their real ones. What was the reason of all this shipwreck of bright and high endeavor? Why between those days had rolled twenty-seven hundred bages of printed testison of all this sinpwreck of bright and high endeavor? Why between those days had rolled twenty-seven hundred pages of printed testimony. Now I shall not say—yet I am afraid my friend the gentleman from Michigan [Mr. HORR] will never forgive me for not saying—I shall not say that such is the nature of printed matter and of educa-I shall not say that such is the nature of printed matter and of education and of intelligence and of types that it would be impossible to get together twenty-seven hundred pages of printed matter without there being a condemnation of democracy somewhere between its leaves. But I do say that the people day by day examined that testimony; and when they got through, all that vast pretense of fraud vanished into thin air, and the public saw that Rutherford B. Hayes had not played the knave and that Samuel J. Tilden had.

Time would fail me to enumerate all these matters. I bring these up simply as samples showing what they have done. I affirm that they have not throughout all this Congress come forward with a single measure which they believe in. All their noble energies have been spent and exhausted in attempts to catch us in some mouse-trap or other, like the bill of the gentleman from Indiana, [Mr. HOSTETLER.] All this arises from the inherent nature of the collection [laughter]

called democracy. I do not mean to say the difference between their average of intelligence and ours is so very great, but I say that the difference is just enough to make us take right positions on an average and for them to take wrong ones on an average; that is all. [Laughter.]

[Laughter.]
With this picture or panorama thus carefully and considerately drawn, Mr. Chairman, I want to contrast in just one or two words, and then I have done, the action of the republican party of the United States. I belong to it, and have always belonged to it; and I beg to say I am proud of the honor. I believe in it; I believe in its future; I believe in its past; I believe even in its present.
When in 1860 we came into power, sixteen States of this Union were black with the festering curse of African slavery, and over a vast empire beyond the Mississippi the same portentous cloud hung black and lowering; to-day in all this Republic there is not one man who is big enough to buy and sell another.

enough to buy and sell another.

enough to buy and sell another.

We found four millions of men slaves, and we left them all freemen. We found a war just becoming flagrant along a thousand miles of border. That war we have brought to a close ably, decisively, victoriously, mercifully. If the problems of reconstruction have proved too much for anything but time, that universal solvent, nevertheless impartial history will accord to us that we have given to them the best of honest effort and of patriotic endeavor.

The finances of the country, entangled and overwhelmed in the confusion of a great war, we have brought out of chaos up to the shining heights of prosperity.

I need say no more. These and such as these are our arms, won in well-fought fields. These are our monuments; and whether the world be sixty centuries or six thousand old, I say that the sun in all

world be sixty centuries or six thousand old, I say that the sun in all his luminous marches from the east has never lighted up blazonry so honorable or inscriptions truer or more splendidly deserved. [Ap-

honorable or inscriptions truer or more spiendidly deserved. [Applause on the republican side.]

Mr. McMAHON. Mr. Chairman, belonging, as I do, to the party of "inferior intelligence," according to the gentleman who has just taken his seat, I regret that I should have reserved any time for the purpose of answering the extraordinary argument he has made. I have listened patiently for an hour, with my limited intelligence, to hear some invested point and when I remember that our friends on that side important point, and when I remember that our friends on that side sat for two whole days in the persistent obstruction of the public business for this—[laughter]—for this and nothing more, I am lost in amazement. Is this all that can be offered by them in opposition to

this amendment? Is it for this that they spent two days in a solemn struggle? The gentleman from Maine [Mr. FRYE] said something the other day about a mouse, which might not be inapplicable just

I hope that the argument which has been presented satisfies gentlemen on the republican side. It certainly does this side. When I consider, Mr. Chairman, that at the present time we have the delightful English opera in our city, with its soft strains of beautiful music, and next week are to have the French opera, it is cruel and extraordinary that an intelligent body of men should be compelled to sit bere for an hour and be sawed as the gentleman from Maine sawed both sides of this House for one hour. This is too much for human nature! [Laughter and applause on the democratic side.] We may be deficient in intelligence, as the gentleman suggests, but we are not destitute of nerves

A Member. Does he mean sawed or bored ? [Laughter.] Mr. McMAHON. Mr. Chairman, I have reserved twenty minutes Mr. McMAHON. Mr. Chairman, I have reserved twenty minutes in the close for the purpose of stating a few general propositions which I might have desired to state without having heard the gentleman's argument. While the objection made on that side is that the democratic party has been putting political riders on appropriation bills, gentlemen present the queer spectacle of approving a certification of the property of the property of the property and the proving a certification of the property of the proving a certification of the province of the purpose of tain measure as an independent measure, and yet voting against an appropriation bill because this measure is ingrafted on that bill. They say they do it because these measures are political riders. And they are opposed to riders.

What is a political rider? My friend from Maine [Mr. REED] ad-What is a political rider? My friend from Maine [Mr. Reed] admitted yesterday that no party as a party objected to legislation on an appropriation bill. As a matter of fact, the President scarcely ever signs an appropriation bill which does not contain some legislation. The objection, therefore, is not to legislation on appropriation bills but to political legislation, as the gentleman himself has admitted. And he says that we thereby mean to coerce the President. I want to ask gentlemen, in all fairness, this question: If they are against having troops at the polls, and if they are at heart in favor of having non-partisan marshals and of dividing them between the political parties, how does an amendment become a political rider

political parties, how does an amendment become a political rider which ingrafts these ideas on an appropriation bill? It can only become a political rider when gentlemen on the other side take the ground that they are in favor of troops at the polls as a party and that they are opposed as a party to dividing the marshals between the political parties and having them appointed by an impartial tribunal. If they will take this ground, I can understand them. But how does a good proposition, approved by everybody, become a political proposition by being annexed to an appropriation bill? This is a dilemma into which gentlemen are driven by fighting to retain bad laws under a false pretense.

And yet gentlemen upon that side of the House say that as an in-dependent measure they would support the proposition in this bill; that as an independent measure they are against the use of troops at the polls, and are favorable to an equal division of the marshals, and for having them appointed by the courts. They must permit us to doubt their sincerity. The gentleman who last addressed this House in his rambling tirade against our party made much sport out of the supposed attitude of the democratic members of this House upon the tariff as compared with the platform of the democratic party adopted by the Saint Louis convention. I ask the gentleman to keep his eyes a little nearer at home, as the old hunter does, and perhaps he will find a little better game. If the question of consistency is of any consequence, let him look into the present position of his own party. At the extra session we find them supporting an Army bill containing the identical amendment which was in the late Army bill. But we find them turned completely around at this session, and refusing to support the Army bill for the next fiscal year, because it contains this same prohibition of troops at the polls which they approved one year

What is the matter with gentlemen on that side? What change has come over them to induce this revolution in their sentiments? What medicine have they taken? Are troops at the polls a part of the third-term programme? The claim is made that this is political considerion. It is not, unless gentlemen do not speak the truth when legislation. It is not, unless gentlemen do not speak the truth when they say they would support it as an independent measure. And when gentlemen undertake to evade the proper force and effect of their action in voting against an appropriation bill by saying that they are in favor of this as an independent measure but against it on the appropriation bill, they are not uttering the true inwardness of their objection to it. Their objection is founded upon different ground. They are for troops at the polls, but they dare not avow it. They disguise their opposition under the pretext of hostility to riders. And my friend from Connecticut [Mr. Hawley] professed to be in favor of the proposition but not in favor of it in this shape, because we sought to coerce the President.

what do we understand by a rider? Is all legislation on appropriation bills to be designated as riders? I do not so understand the term. And the gentleman from Maine has just admitted that it is not. Legislation on appropriation bills becomes a rider under certain circumstances which are familiar to gentlemen. We had instances in the extra session. Legislation upon an appropriation bill becomes a rider when one party refuses supplies for the support of the Government unless that legislation shall receive the executive

sanction as the condition of the appropriation. We acted upon that principle at the extra session. We put our repeal of the election laws upon an appropriation bill and insisted that the President should sign it as the condition of the supplies granted. Whether we acted in complete wisdom is not the question now to be considered. But whatever intimation may have been given out then as to our course in case of a veto, the situation is very different now. I ask gentlemen if any one upon this side of the House, either privately or publicly, has stated that the bill for the support of the Army or the deficiency bill should fail if the President refused his sanction to either ciency bill should fail if the President refused his sanction to either measure? Has any gentleman whispered any penalty against the President if he fails to sign the bills? Did not both of the appropriation bills come from the Committee on Appropriations without these clauses? And when the amendments were put upon them by the House itself, one was the amendment which the President had already approved, and the other was invited by my colleague from Ohio, [Mr.

I speak for every democratic member, I believe, when I say that, whatever may be their opinion in general of the right of the House to annex conditions to the grant of supplies for the Government, there is no assertion of that right in this instance.

Why, then, are these measures offered at all? They are offered to test your sincerity. They are offered to test the sincerity of the President. I doubt the former. I have much more confidence in the latter. If we were pushing these amendments as political riders on appropriation bills we would express our own views. We would renew the

programme of the extra session.

Instead of that, what do we do? We take the Army bill in the condition in which it met the approval of the President of the United States one year ago, and send it to him in the same shape precisely. The modification does not alter the situation. We present it to him again with full confidence that it will meet his approval; especially since my distinguished colleague from Ohio made so forcible an argument for it at the extra session. When the marshals amendment is looked into carefully it will be seen that we have acted on the same principle. We have proposed a measure that meets the approval of many on the other side of the House, that has been accepted by the country as a fair settlement, and one that will meet the approval of the President himself. We have sought to discover the views of fair-minded men, and we only ask for that which they themselves have offered to us as a fair solution of the difficulty.

I hold in my hand, Mr. Chairman, the message of the President of

the United States, vetoing the Army bill at the extra session, to this House on the 30th day of April, 1879. In that message he uses this

language:

If well-founded objections exist against the present national election laws, all good citizens should unite in their amendment. The laws providing the safeguards of the elections should be impartial, just, and efficient. They should, if possible, be so non-partisan and fair in their operation that the minority, the party out of power, will have no just grounds to complain.

Then, in one of his very last messages, the one vetoing the bill for certain judicial expenses of the Government, he says:

I have in my former message on this subject expressed a willingness to concur in suitable amendments for the improvement of the election laws; but I cannot consent to their absolute and entire repeal, and cannot approve the legislation which seeks to prevent their enforcement.

Now, if we desire to make these laws "non-partisan," if we want to accept the idea that has made a lodgment in the mind of the President, as in that of my colleague, [Mr. Garfield,] that they are unfair and need amendment, if we want to act up to the high standard which the gentleman from Ohio, [Mr. Garfield,] rising above party interests, set up for all honest, fair-minded men in this country, what

we have done to these laws less than we have done?

We have not restricted the number of deputy marshals to be appointed; we have not reduced their term of service; we have not diminished their compensation; we have not touched one of their powers to prevent fraud or preserve peace; we have not altered or repealed one provision of law which protects them in the exercise of their duties. All we have done is the least we could have done, and

repealed one provision of law which protects them in the exercise of their duties. All we have done is the least we could have done, and that is to put the appointment in the courts of law, providing, also, that they shall be taken equally from all political parties.

Mr. SIMONTON. And be men of good character.

Mr. McMAHON. Yes; and be men of good character. What less could we have done? I appeal to gentlemen on the other side, in all fairness, whether less could be asked by the democratic party. We have confined ourselves in this amendment to what the President of the United States has substantially admitted in his message should be done and would be approved by him, and what many gentlemen on the other side have said they would agree to as an independent measure. We mean no coercion. But we do mean to test the sincerity of the gentlemen on the other side and of the President of the United States. We want the republican party to show whether it is for fair States. We want the republican party to show whether it is for fair elections or for elections controlled by partisans.

When you had the power, gentlemen, you passed these election laws. You made them in the worst partisan shape. When we undertook to repeal them you said, "No, you shall not repeal them; but if you will modify and make them non-partisan, we will agree to that." We did not accept your proposition then. The Supreme Court having decided the constitutional question involved, the situation has changed. We now come to you and say, "Make these laws non-partisan; make them just as you would wish to have them if you were

in the minority; make them, as the President suggested, so fair and non-partisan that the minority will have no just grounds to complain." But how are we met? The republican party has professed a reverence for fair and free elections; but the veil is rudely torn from the party by such statements as that of the gentleman from Maine, [Mr. Reed.] How is the hypocrisy of the republican party laid bare to the world when that gentleman talked as he did, denonneing the idea of the President that these laws should be made (from ing the idea of the President that these laws should be made "nonpartisan," and claiming for the party in power all the officers of elec-tions, all the power, with nothing but submission for the minority! The great constitutional argument of the gentleman from Maine

The great constitutional argument of the gentleman from Maine was that we were confounding the executive and judicial duties of this Government in providing that the judge of the court should have the power to appoint deputy marshals instead of the marshal himself. All I have to say about that to the distinguished gentleman is this: let him take the case of Ex parte Siebold, one of the election cases recently decided by the Supreme Court of the United States, and he will find there the total overthrow of everything he has said on this subject. There is not any trouble upon the constitutional question. And there is no trouble in a supposed confusion of powers. on this subject. There is not any trouble upon the constitutional question. And there is no trouble in a supposed confusion of powers. The judge of the circuit court is a most fit person to make the appointment of special deputies. I appeal to every member within the sound of my voice whether in his Statea judge of the court is not made, either by the constitution or by statute, a conservator of the peace. It is so in my State. It is so in Illinois, Alabama, Indiana, Texas, and many others

many otners.

Mr. HOUSE. And it is so in mine.

Mr. McMAHON. It is so in almost every State of the Union. The judge has the right to put down riots and to summon a posse as a conservator of the peace by the very nature of his office. What is more proper, then, than that these deputy marshals, who are only the mushrooms of election times for the preservation of the peace about mushrooms of election times for the preservation of the peace about the polls, should be appointed by those great conservators of the peace, (if there be a peace of the United States,) the judges of our courts. It is eminently proper and right; and the circuit court of the United States is not lowered in its dignity by having the appointment of these persons; nor will it be involved in political quarrels any more than by the appointment of supervisors, which it now exercises; nor does the theory of our Government suffer; nor are the laws impaired in their efficiency. To make laws more just necessarily

laws impaired in their efficiency. To make laws more just necessarily increases their efficiency.

And I would ask the distinguished "average intelligence" statesman from Maine this question: If the circuit courts can appoint supervisors of election, as they do under the present law, and these supervisors of election have the power to preserve the peace and to make arrests, in the absence of deputy marshals, as they have, by express statutory provision, what possible objection can exist to elothing the same judges of the United States courts with power to appoint the auxiliary officers the deputy marshals, whose powers and point the auxiliary officers, the deputy marshals, whose powers and

duties are so similar to their own?

The truth is, if we want non-partisan appointments we are driven to the courts. I do not pretend that this theory is always vindicated. I do not pretend that every time you vest such power in a man you thereby divest him of all the prejudices that belong to him as a man because he is a judge. But the judge of the court is dependent on no one. He has every inducement to be fair; and because we fail in many instances is no reason for us to adopt the low political ethics of the gentleman from Maine, who ridicules in such strong and no doubt sincere language the decent effort that is being made by this side of the House and my colleague from Ohio [Mr. GARFIELD] to lift elections out of the political grasp of any one party. The gentleman from Maine professes to believe that to the party in power belongs everything. His views will change materially when he finds himself in the minority, and he finds an administration seeking to prevent him from returning to Congress to punish the House with his disquisitions on the "inferior intelligence" of the party opposed to him. But the gentleman from the State of Maine has made another discovery. He says this law is not "hitched on" to the other law and the right an emphysion to set the approximant in partial and the judge.

there is no machinery to set the amendment in motion, and the judge of the court will sit back in his chair and do nothing.

Why, sir, I thought the gentleman from the State of Maine was well aware of the law that all statutes passed upon the same subjectmatter are construed together, as constituting but one law. If one statute is passed to-day, and another on the same subject shall be passed ten years from now, those two statutes will be construed to-gether and made to stand together so far as they can, and only the inconsistent portions of the previous statute rejected. Nothing is simpler. All the election laws stand except as modified in this amend-ment; and they stand with this amendment as part of one and the

same law.

The gentleman also says that the courts cannot be set in motion under this amendment. Why, sir, the law provides that any two citizens who want supervisors of elections can at any time demand that the circuit court of the United States shall be opened, and upon that demand the court must be opened ten days before the election and kept open until the day after. Now, if two citizens (and that is all that is required) want marshals appeinted all they have to do is to file an application for the appointment of supervisors. The court is then bound to be open, and it is opened under the whole election-statute title, for operation under that law, from the first to the last

section. And if new duties are east upon the court by an amendment to the election laws in that title, the provisions apply to all

such amendments as well as to the original law.

The trouble with this little amendment which we are now discussing is not that it will not work in the way of having a perfect system of non-partisan men at the polls. The true trouble is that it deprives the marshal of the United States, who of course is the mere creature of the President of the United States, from putting at the polls such persons as he may see fit, the consideration of whose employment usually is the purchase of their votes or influence, and the votes of their immediate friends. It accomplishes what our republican friends do not want. It deprives them of an unfair, partisan advantage. And no better evidence is desired of the propriety of the amendment

And no better evidence is desired of the propriety of the amendment than the slender argument that has been made against it.

One moment more and I will have done. My time is up; but I wish to add a few words. The democratic party has made a long fight for free and honest election laws. It has asked two things that are fundamental to any free and fair election. The great writer, Francis Lieber, in his Paper on Elections, says that elections are of no value unless certain conditions are fulfilled, among which he enumerates

It is especially necessary that the Army be in abeyance, as it were, with reference to all subjects and movements appertaining to the question at issue.

3. All elections must be superintended by election judges and officers independent of the executive or any other organized or unorganized power of government.

Therefore we say, put these appointments in the hands of the courts, the judges of which hold their places for life, and give us free and fair elections. Keep the troops from the polls. And when you give us these we will have accomplished much for our country and for the cause of free government. We have had a long struggle. But public opinion has vindicated our rights; and if we have not carried our views we have conquered to the extent of having at least fair laws for the protection of elections.

[Here the hammer fell.]

The CHAIRMAN. The time allowed by the House for general debate has been exhausted. The Clerk will now report the amendments of the Senate; first, those in which the Committee on Appropriations recommend concurrence; second, those, if any, in which the Committee on Appropriations recommend concurrence with amendments; and third, those in which non-concurrence is recommended.

The following are amendments in which concurrence was recommended by the Committee on Appropriations:

In the clause making appropriations for the public printing, to strike out "\$400,000" and insert "\$300,000."

The amendment was concurred in.

The second amendment was in the clause making appropriations for the salaries and expenses of agents and surveyors, gaugers, store-keepers, &c.; to strike out "\$320,000" and to insert "\$313,000." The amendment was concurred in.

The third amendment was to insert the following:

For dies, paper, and stamps, being a deficiency for the fiscal year ending June 30, 1880, \$51,283.10.

The amendment was concurred in.
The fourth amendment was to insert the following:

For the continuation of the Coast and Geodetic Survey in the eastern division, (or Atlantic and gulf coasts division,) \$7,500.

The amendment was concurred in.

The fifth amendment was to insert the following:

For the continuation of the coast and geodetic survey in the western division, (or the Pacific coast division,) \$7,500.

The amendment was concurred in.

The seventh and eighth amendments were to transpose the clause

"For Navy pensions to invalids, widows, minors, and dependent relatives, \$140,000," from its position in the House bill to come in after the following clause:

INTERIOR DEPARTMENT.

Pensions:
For pensions for Army invalids, widows, minors, and dependent relatives, survivors of the war of 1812, and widows of the war of 1812, \$6,500,000.

The amendments were concurred in.
The twelfth amendment was to insert the following:

For continuing the work of adjusting and settling the claims of the several States under the act of Congress approved September 28, 1850, and the acts supplemental thereto and amendatory thereof, for swamp lands, including all claims for swamp-land indemnity, under the acts of March 2, 1855, and March 3, 1857, and other acts, \$5,000.

Mr. DUNNELL. I would like to have some explanation of this

Mr. McMAHON. As I understand the amendment it is for this purpose: The Government of the United States some years ago gave to the various States the swamp lands embraced within their limits. The question arises, what are the swamp lands? I understand that States are claiming a great deal of land which are not properly swamp lands. These lands must be surveyed and examined; and the Government must have some one to protect its rights. There are persons now in the field making this examination, and the appropriation for the purpose has run out. Unless we make this appropriation I understand that the men will be withdrawn from the field and the work stopped.

Mr. DUNNELL. The explanation of the gentleman is satisfac-

Mr. CALKINS. Does this amendment change the existing law in

any respect?

Mr. McMAHON. It certainly does not.

Mr. CALKINS. It is simply an appropriation to carry on the sur-

weys?

Mr. DUNNELL. For a deficiency in the Land Department,
Mr. McMAHON. Strictly a deficiency for an object already ordered by law.

The amendment of the Senate was concurred in.

The eighteenth amendment was to insert the following:

SMITHSONIAN INSTITUTION.

National Museum: For steam-heating apparatus and fuel for the new National Museum building, \$20,000.

For water and gas fixtures and electrical apparatus for the new National Museum building, \$10,000.

The amendment was concurred in.

The nineteenth amendment was to insert the following:

SENATE.

To pay George A. Clarke for services as messenger in charge of the official reporters' room of the Senate from July 1, 1879, to June 30, 1880, inclusive, \$1,200.

The amendment was concurred in.

The twentieth and twenty-first amendments were in the following

And the sum of \$1,200, or so much thereof as may be necessary, of the unexpended balance of any appropriations heretofore made for the support of the southern claims commission is hereby reappropriated for the payment of a clerk, who may be appointed by the Secretary of the Treasury, at the rate of \$100 per month, to complete the records of the said commission and care for the same under the supervision of the Treasury Department.

The amendments were, to strike out the words "of the unexpended balance of any appropriations heretofore made for the support of the southern claims commission," and also to strike out the word "reappropriated" and to insert in lieu thereof the word "appropriated." The amendments were concurred in.

The twenty-second amendment was to insert the following:

For extra labor on the grounds, putting up seeds, and printing labels for the Botanic Garden, \$850.

The amendment was concurred in.

The amendment was concurred in.

The twenty-third amendment was, after the words "and that all appointments of such special deputy marshals shall be made by the," to strike out the words "judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge" and to insert in lieu thereof these words: "circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their

States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose."

Mr. GARFIELD. Is that the whole amendment of the Senate?

The CHAIRMAN. It is. The committee recommend concurrence. Mr. GARFIELD. I move pro forma to amend the amendment by striking out the last word. I have no time to enter upon a general discussion of this question, as I would be glad to do and as I hoped to do; but I will offer a few reflections before the vote is taken. Nothing is more unfortunate than the persistent determination of a matority of this House to tack "riders" upon appropriation bills, and thus ake again the indefensible position of last session, that they will coerce another branch of the Government to approve of an independent measure in order to save the Government supplies. There is no valid excuse for persisting in this course. There is no good reason for not offering this amendment and passing it through both Houses as an independent bill. The majority have the power to pass it, and if it is made free from ambiguity I have no doubt it would receive many votes on this side. But the majority have adopted a method to reach the result which is universally acknowledged to be bad, and which they know is especially offensive to the minority. On this ground we are unanimous on this side of the House in the opinion that this amendment ought not to be made to this bill.

In short, to put this measure upon this bill is a challenge to an independent department of the Government, the Executive, to declare whether he will consent to be coerced in order to secure the necessary appropriations. It is a revival of the controversy of the last session that ended so disastrously to the majority. Experience ought to have taught them wisdom and led them to offer this measure by itself.

I now ask attention to the merits of the proposition itself. If the

I now ask attention to the merits of the proposition itself. If the point made by the gentleman from Maine [Mr. Reed] be good, that the language of this amendment is such that its provisions cannot be fairly and fully executed, his objection is fatal to the measure. In my judgment, however, the pending clause, by necessary implication is a repeal of a part of one of the sections of the election laws, and hence must be incorporated with that section, and be construed and executed as a part of the whole body of the election laws, and I think any court would be compelled to construe it as a part of these laws. Still, if there is a reasonable doubt on that question it is a good reason why that doubt ought to be removed before the amend-

Now, I call attention to the debate on another point. In all that

has been said about it, I have noticed what appears to me an utter ignoring of one central fact in relation to the special deputy marshals created by the election law. They are a class of officers wholly unknown to the statutes of the United States except as they appear in the election law. Marshals and deputy marshals have been known in our statutes since 1789, and their powers and duties have been carefully defined; but the office of special deputy marshal never existed in this country until it was created and its duties defined in the sections of the election law of 1871.

To show how completely this office has been confounded in the recent debate with that of deputy marshal, or general deputy marshal as it is called by way of distinction in the statutes, I call attention to section 2021 and the sections immediately following. The duty of the special deputy marshal is to attend all places of registration and voting for members of Congress and "to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted." This is the primary and chief duty of special deputy marshals. They are really assistants of the supervisors rather than the marshals; and the fact that they are called special deputy marshals does not change the nature of their office or the character of their duties.

It is true that in the part section (2000) they are as it is called by way of distinction in the statutes, I call attention

It is true that in the next section (2022) these officers are made conservators of the peace; but so are the supervisors of the elections and many other officers. But with this exception the special deputy marshals have none of the general executive powers which the law has confided to marshals and their general deputies. They have no authority by virtue of their appointment as special deputies to make arrests and summon the posse comitatus to put down violence at the election. This they can do only when the marshal under his hand and seal in writing specially empowers them so to act, as provided in section 2024. But the general deputy marshals are required to exercise these powers by virtue of the office they hold as defined by the law. From this review of the statutes it will be seen that the chief duty of the special deputy marshals is to accompany and assist the supervisors of the election in the discharge of their quasi-judicial duties; that is, in scrutinizing and verifying the registration and election and detecting any fraud or attempted fraud.

[Here the hammer fell.]

Mr. KEIFER obtained the floor and yielded his time to Mr. GAR-FIELD. It is true that in the next section (2022) these officers are made

Mr. GARFIELD. I thank my colleague. Let me follow this subject a step further. The supervisor cannot leave his post at the ballot-box to follow John Doe and learn whether he has registered or voted under a false name; and therefore this section of the statute (2021) gives the supervisor an assistant, known as a special deputy marshal, who goes out and verifies John Doe and reports the result of his investigation to the supervisor. As this is their chief function, it is clear that the special deputy marshals, in their essential character, are assistant supervisors, and their duties partake of the judicial character of that of their chief.

Under the law as it now stands the supervisors themselves are appointed by the courts and from the different political parties. Now, can any valid reason be given on the merits of the case why their assistants, whose first and chief duty is to aid them in the discharge of their quasi-judicial duties, should not also be appointed by the court as they themselves are appointed, without regard to political affiliation? The argument that these officers should not be appointed. affiliation? The argument that these officers should not be appointed by the court because they are under the orders of the marshal falls to the ground when the plain fact is known that they serve the supervisors rather than the marshal. But we are told that if the special deputies should be appointed from different political parties there would be no unity of action among them in the execution of the law. I am not willing to confess, for I do not believe it to be true, that this country is so far gone into debasement and anarchy that the fair-minded people in any democratic township or ward can truthfully say, "There is no republican in this precinct who can be trusted to aid in executing the election law," or that they will in any republican community say, "There is no democrat in all the borders of this district whom we can trust to help carry out a fair election law." When I am compelled to believe this I shall say that my country is no longer capable of self-government, is no longer worthy of freedom.

worthy of freedom.

Our laws provide for summoning the posse comitatus as the extreme civil remedy for suppressing disorder and keeping the peace. What is the posse comitatus but the whole body of by-standers—men of all political parties? The theory of our Government is that in the last civil resort we summon all men without distinction of party to act civil resort we summon all men without distinction of party to act as conservators of the peace. If the by-standers, without distinction of party, can be trusted to perform this important duty, surely we can trust such as the court on its high responsibility shall appoint to aid in securing a fair election. It ought constantly to be remembered that no one of these special deputy marshals has any power to put down a riot at the polls, unless the marshal, under his hand and seal, in writing, shall specially empower such special deputy to do that thing. And let it also be remembered that this amendment in no way interferes with the power of the marshal to appoint as many general deputy marshals as may be needed to suppress disorder.

I hope I am not altogether a dreamer, forgetful of practical necessi-

I hope I am not altogether a dreamer, forgetful of practical necessities, but I have never been able to see why this measure cannot be executed fully, thoroughly, and justly, provided its language makes

it a part of the election law. My friend from Maine [Mr. Reed] has raised some doubt on that point, and in so far as that doubt is justified, it is a fair argument against the clause. But we should look beyond the mere word of the amendment to the objects of national good it may be made to accomplish. I care but little for it as a mere settle-

may be made to accomplish. I care but little for it as a mere settlement of a present party controversy.

No thoughtful man can fail to see great danger in a close and bitterly contested national election. In common with my party associates I believe that these election laws are great and beneficent safeguards to the fair and free expression of the national will. Now, if the adoption of a measure like this will harness the two great political parties to these election laws, by the bonds of common consent and wanted to present their advanced in which have been described to the content of the content of the content of the content in the content is the content of the content of the content in the content in the content is the content of the content of the content in the content in the content is the content of the content mutual co-operation for their enforcement, it will be a benefit that will far outweigh any slight advantage that can be gained by retaining wholly within our party the appointment of a few officers to aid the supervisors. I believe this measure will not weaken but will strengthen the authority of the election laws, and will remove from them the only reasonable ground of complaint that the other side have made against them.

I resist the amendment only because it is a rider which should not be a part of the appropriation bill; but as a measure by itself, clearly and plainly drawn, I will cordially support it. I agree that ours is a party Government, and I believe in parties, especially in my own; but when we come to the ballot-box where citizens of all parties meet to enjoy the highest rights of freemen, all parties should unite in enforcing these just and necessary laws designed to secure free, fair, and peaceable national elections throughout the Union.

I now withdraw my formal amendment.

Mr. KEIFER. I renew it; and I have but a word or two, Mr. Chairman. I regard this clause relating to the mode of appointing special deputy marshals as a piece of the proposed legislation which we have had pending along through the entire life-time of this Congress, all of which tends, and was so intended, to hedge about the powers of the Government and to so provide when wrong is threatened or actually exists at the polls on the part of those who are anxious to destroy the purity of the ballot-box, the Government should stand there mute and powerless.

This is a piece of it. It is intended to break down the power of

the Government at the very fountain-head and at the very source of

all our strength.

I do not agree with the remark made by my colleague [Mr. GAR-FIELD] who has just taken his seat, that because this amendment may be by implication a repeal of a portion of the election laws now on the statute-books on the subject of special deputy marshals, that on the statute-books on the subject of special deputy marshals, that it necessarily provides a mode of executing itself. It may be by implication a repeal and a total destruction of that part of our law which I regard wise and necessary, and yet in and of itself not make provision for a peaceful election or the appointment of these special deputy marshals at all. It may be, in other words, a repeal without adding anything or putting anything into the law which can take the place of what is repealed. I think this House already understands my views on this subject of the right and duty and the constitutional power of this Government to events all its laws and especially my views on this stoject of the right and duty and the constitutional power of this Government to execute all its laws and especially election laws. I intended when I rose to make a remark in reply to a reference of the honorable gentleman from Maine [Mr. Reed] which I thought was possibly, by implication at least, a little unkind to my distinguished colleague from Ohio, [Mr. Ewing.] who spoke the other day after the previous question had been ordered. We had the benefit of hearing what he had to say, but not the pleasure yet of reading what he said.

The honorable gentleman from Maine incidentally referred to a recent election in Ohio in which my colleague was prominent, intending, I presume, to refer to the fact that he was recently the standarding, I presume, to refer to the fact that he was recently the standard-bearer of the democratic party in Ohio in the election for governor. Now, in his defense, and I may add he can defend himself, I wish to say he went into that campaign with a high character, not only as a civilian, but as a statesman and a soldier. He went there embodying all that was good, if there be any good, in the democratic party. He had it all with him, and he had clinging to his skirts some of the good things gathered when he trained in the gallant, chivalrous, patriotic, and progressive republican party. He also had embodied in himself everything good that belonged to the national greenback party. With all these things emblazoned on his banner, he went into that campaign under apparently favorable circumstances; but, Mr. Chairman, he and his party were damned at the polls by the patriotic peope of Ohio because of the conduct of the Forty-sixth Congress in the extra session in which the democratic party proclaimed that we peope of Ohio because of the conduct of the Forty-sixth Congress in the extra session in which the democratic party proclaimed that we had a Government of so little value to the people of this country that it should be starved to death, by withholding appropriations unless the President laid his constitutional powers at the feet of the democratic party and allowed it to pass into laws the most vicious things ever proposed by a legislative body in any civilized country.

A continuation of this evil and dangerous course here will cause more men to be led to the sacrifice. Their political blood will be on the heads of their own political friends.

the heads of their own political friends.

We are on the eve of the time when the national political ax will

Here the hammer fell.]

Mr. KEIFER. I withdraw my formal amendment. The Senate amendment was concurred in.

The next amendment of the Senate was read, as follows:

Amendment No. 24, page 7, insert the following:
For repairs to the court-house building in the city of Washington, District of Columbia, \$800, or so much thereof as may be necessary.

The CHAIRMAN. The committee recommend concurrence.

The amendment was concurred in.

The CHAIRMAN. The committee recommend concurrence in the first Senate amendment by striking out \$300,000 and inserting \$250,000; so it will read as follows:

For the public printing and binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving, each one.

The amendment was agreed to; and the Senate amendment, as

amended, was concurred in.

The CHAIRMAN. The Clerk will now read the amendments of the Senate in which non-concurrence is recommended by the Committee on Appropriations.
The Clerk read as follows:

Sixth amendment, page 3, after line 15, insert:
For continuing the construction of the north wing of the State, War, and Navy Departments building, \$286,500.

Mr. HUNTON. I believe it is in order to move an amendment to concur, as a substitute for the report of the Committee on Appropriations ?

The CHAIRMAN. It will be in order.

Mr. HUNTON. I move then to concur in the Senate amendment. Mr. BLOUNT. I hope the motion of the gentleman from Virginia will not prevail. There is no necessity as far as I am able to perceive, or that has been brought to the attention of the Committee on Apor that has been brought to the attention of the Committee on Appropriations, for proceeding with such expedition in completing that building, while there are several excellent reasons why it is improper to attempt to complete it with so much greater rapidity than any other public building in the United States. And I desire to call attention to some few facts in this connection. In the Forty-fourth Congress at the first session there was appropriated for this building \$320,000. The second session appropriated \$400,000. During the Forty-fifth Congress, the first session, we appropriated \$325,000, and then at the regular session we appropriated \$650,000, and at the last session we appropriated the sum of \$515,000. There was, therefore, appropriated by the Forty-fifth Congress \$1,160,000, as compared with \$750,000 appropriated by the preceding Congress.

We have already appropriated, sir, for the current fiscal year a much larger sum than we appropriate a larger sum during the Forty-fourth Congress. We did appropriate a larger sum during the Forty-fifth Congress than during the Forty-fourth with a view to complete the east wing of that building for occupancy. This building like a few others in this city under the charge of the officer who has control of the public buildings has progressed much more rapidly than any other public building in the country. For the buildings under the Treasury Department we appropriate from year to year at a rate of progress far slower than those appropriated for in the District of Columbia, and for the reason that all the buildings here are under the control of officers with whom we come in personal contact, and they are thus pushed forward propriations, for proceeding with such expedition in completing that

control of officers with whom we come in personal contact, and they

are thus pushed forward.

Now, Mr. Chairman, there is no special claim that additional room is needed or that there is a public exigency demanding that this building shall be completed with such expedition, while there is need of additional room for the use of many of the public buildings in other parts of the country outside of the District. There is no pretense made that any economy would result from the hasty construc-tion of the building in the matter of rent. It is well known to gen-tlemen who have gone through it that it is a most extravagant building, and has been carried on at a rate of expenditure the interest of which it is not pretended is less than the rental for buildings suitable for the purposes of the Government would be.

I repeat, sir, that there is no pretense of economy in asking this

appropriation.

Again, sir, the great idea upon which this item is pressed is that this most expensive building shall be completed as rapidly as possible, while the other public buildings are allowed to progress slowly from year to year. This building, as I am told by gentlemen who are familiar with foreign capitals, far surpasses any in the most popular and the popular statements. are faminar with foreign capitals, far surpasses any in the most populous and important European states. I have been informed that it exceeds in style, in the details of its construction, and in its cost anything of the kind in Europe. Why, if this great display is to be had in reference to a public building, should it be pressed forward at a rate of progress far beyond that permissible as to other public buildings in the country † I say, Mr. Chairman, why should this building be pressed forward to completion in preference to other public buildings in the country the country which the country is the standard of the public buildings. ings throughout the country which are urged upon Congress by reasons of economy, by reason of high rents, and necessities for additional room for court-houses, for custom-houses, and for revenue offices? The only reason given for it is that they are anxious to go on and complete it as rapidly as possible. That is no good reason. I trust the House will not adopt a policy of that sort and provide that this building shall be pressed forward in advance of the needs and interests of the Government and adopt a different policy as to the other publics. Government, and adopt a different policy as to the other public buildings throughout the country.

I trust they will not be diverted from it because the gentleman who has it in charge, a man of learning and ability, and who has a pride in the structure, whose fame as an architect is well known, who is in the structure, whose fame as an architect is well known, who is enthusiastic to complete it, presents himself and presses it with all the earnestness of his nature. There ought to be a rule in reference to these public buildings all over the land. The Secretary of the Treasury asks no such thing as is requested here to complete the public buildings now in process of erection at Cincinnati, Chicago, or elsewhere. There is no contemplation of finishing those buildings this year or the next year. The amount recommended is perhaps as much as will be sufficient, or as much as is right and proper, and we go foras will be sumicient, or as much as is right and proper, and we go forward slowly with them. Why, sir, should we deviate from that course here? Why is it necessary that this building shall be ready for occupancy by 1883? Why shall we select that above all the other structures in the United States and urge it forward to completion, and say that building, and that alone, shall be put forward rapidly? There is no reason for it, and I trust if there is any preference to be given in this matter, it will be given at those points of practical importance where there are present and pressing emergencies that do not apply

in this case.

Mr. HUNTON. I am an economist in regard to the administration of the affairs of this Government. I go for the strictest economy in the expenditure of the people's money. But I recognize to the fullest extent that there may be a policy inaugurated that may be characterized as penny-wise and pound-foolish. I imagine, sir, that when this question is sifted a refusal to concur in the amendment of the this question is sifted, a refusal to concur in the amendment of the

Senate may be characterized under the latter head.

It is not the question, Mr. Chairman, whether this is a costly, expensive, or elegant building. The plan of this building, the mode of its construction, all that has been determined upon long ago. The only question here for us to determine is whether this building shall be completed in the shortest practicable time, consistent with economy

in the disbursement of the people's money.

Now, I say, Mr. Chairman, that if this appropriation is withheld it not only delays the construction and finishing of this building, but entails a loss upon the Government of the United States. My friend from Georgia [Mr. BLOUNT] says it does not matter whether this building is completed in one, two, three, or four years. If there is no necessity for its completion in a given time it ought never to have been begun; but being begun, it ought to be pressed forward with reasonable dispatch to a completion. There is a very good reason for it, sir. We know that the archives of this Government and particularly those growing out of the late war are scattered over this city in buildings not fire-proof; and one single fire in this city would destroy papers and archives of this Government that could not be replaced by ten times the amount asked for in this special appropriation for a deficiency. If it be necessary to preserve those valuable papers, we ought to hasten the completion of the fire-proof building now in course of erection that they may be preserved there for the

benefit of future generations.

The Secretary of War, into whose charge this building has been committed by the Congress of the United States, says that a failure to give this sum of money will not only retard the progress and completion of the building but will result in serious loss. I will read a few extracts from the report of Colonel Casey, of the Corps of Engineers, transmitted by the Secretary to Congress as showing the necessity for this appropriation:

At the last session of Congress an appropriation of \$600,000 was asked to continue the work on this building during the fiscal year ending June 30, 1880. This sum of money was carefully estimated to be barely sufficient, at the then current prices of labor and materials, to carry on the work steadily and advantageously during the period named. The appropriation, as passed, however, contained only \$450,000, specially applicable to the north wing.

The work is, therefore, now left, as will be shown below, not only with a fund inadequate for a vigorous prosecution of it until the close of the present fiscal year, but also without the means with which stone and iron work may be procured ahead to obviate an ine vitable delay of some months in the work of construction during the best part of the next working season. Such delay would greatly extend the time necessary for the final completion of this wing, and entail, also, a considerable increase in its total cost, as is always the case with unduly protracted work. Moreover, it is not expected that Congress will pass the next regular appropriation until too late for it to be of service for the accomplishment of the desired end.

If, however, the \$340,000 now needed should not be appropriated immediately, then no work can go on during the months of July, August, and September, 1880; and during the remaining part of the season, namely, October, November, and a part of December, but a small force could be employed. The completion of this wing would also be thereby unavoidably delayed fully one year.

Those are the reasons assigned by the Secretary of War which no gentleman on this floor, I think, will undertake to controvert.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. ELLIS was recognized, and yielded his time to Mr. HUNTON.
Mr. HUNTON. I thank the gentleman for his courtesy.
If the Congress of the United States has committed itself to the building of this handsome and costly structure, in the name of common sense if there be no money in the Treasury for the purpose let us go on and complete this building as fast as we can do it practically, with a due regard to economy. Do not let us delay its construction. Do not let these archives of the Government be longer exposed to fire than can be avoided. I say, Mr. Chairman, a refusal to concur in the Senate amendment giving a deficiency appropriation to go on with the work on that new wing of the building would entail loss on the people of the United States and delay the finishing of this wing of

that grand structure for the period of twelve months. My friend from Georgia [Mr. Blount] read the amounts appropriated every year since the Forty-third Congress to this building. But he did not tell the House that almost all of these appropriations were either to the wing for the State Department or the wing for the Navy Department, which have been completed and occupied by those two Department.

Mr. BLOUNT. I supposed everybody knew that.
Mr. HUNTON. Perhaps not. Everybody does not know as much as the gentleman from Georgia does.
To show there has been no unnecessary money expended upon the

wing of the building that is now in process of construction, the report savs

The total cost of the north wing of the building is not expected to exceed the estimate given in my annual report for the year ending June 30, 1878, namely, \$2,192,-414.40, (unless there should be marked changes in the cost of labor and materials,) a sum less by about \$1,172,000 than the cost of the south wing, of which the north wing is to be essentially a counterpart.

Now, if the Secretary has saved \$1,172,000 in the construction of the north wing over the south wing, it is evident to me there is no unnecessary expenditure of the people's money in prosecuting this work to completion; and I trust, Mr. Chairman, that the committee will concur in the Senate amendment and let the work be finished.

Mr. BLOUNT. I move to strike out the last word.

Mr. BLOUNT. I move to strike out the last word.

My friend from Virginia has been here for the last three Congresses voting to sustain the Committee on Appropriations on their bills in relation to public buildings in the face of the very argument he has been making to the House for this amendment.

I do not know why my friend should have so suddenly found that these reasons have so much force. The gentleman has never shown his appreciation of them before by expressing his views to the House. Perhaps there may be reasons which the gentleman will appreciate. There is nothing more natural than for a man to be careful of his There is nothing more natural than for a man to be careful of his home interests. It may be possible that the gentleman unwittingly and unconsciously may have been influenced by the fact that the great bulk of this stone comes from quarries in his own State.

Mr. HUNTON. The gentleman must not measure my corn in his

mr. BLOUNT. Not at all. Of course my friend is utterly unselfish when he comes to anything that affects the interests of his people; but it is a little singular that he should now for the first time have found these reasons. He talks of statements which have lately come from the officials in favor of this expenditure, and repeats every idea of them before this House without question. For instance, he tells you that the east wing has cost less than the south wing.

Mr. HUNTON. The north wing.

Mr. BLOUNT. The north wing is not yet in progress of construction. The gentleman must mean the south wing.

Mr. HUNTON. I mean the north wing.

Mr. BLOUNT. The north wing has not been constructed yet. The comparative statements made from the Department as to the cost,

comparative statements made from the Department as to the cost, comparative statements made from the Department as to the cost, which the gentleman quotes, must relate to the south and east wing. Now, we all know that when the south wing was in process of construction, the cost of labor, material, and everything else that entered into it was far beyond the cost of such articles when the east wing was constructed. My friend cannot expect the House to take that comparison as any evidence in favor of this appropriation.

The gentleman says that we have finished the wing for the State Department and the wing for the Navy Department. He says that there are important records of the War Department that should be cared for. Now, that is not the reason given in the communication from the War Department. There has been no representation to the Committee on Appropriations that there were any records especially in danger, none at all. It is just an eager desire to go forward and complete this building.

Now, I repeat what I said a year since, that there should be some

Now, I repeat what I said a year since, that there should be some system and method adopted and followed. If we are to go forward and vote every dollar that can be used for the completion of this building, if that is to be the principle upon which we are to act, let us apply it to all the public buildings all over the country. Let us run up our appropriation bills by the millions beyond what the Secretary of the Treasury or any other officer of this Government ever

retary of the Treasury or any other officer of this Government ever contemplated or ever sanctioned. I hope we will not do it.

Now, why should we refuse to concur with the Senate in this amendment? It is only by our recent rule, requiring that we should go into Committee of the Whole for the purpose of considering the additional appropriations made by the Senate, that we are here at all. And now my friend is not even willing that the conference committees of the two Houses shall consult over this matter and give us their opinion of it.

in of it.

Mr. GODSHALK. I did not intend to say a word on this subject, and would not now do so except for some of the arguments which have been made here. I do not think the Government should put itself into the position of a man who has commenced a building which he is not able to complete.

Liver pothing to say in instifaction or in condensation of the

I have nothing to say in justification or in condemnation of the expenditures heretofore made upon this particular building. For my part I do not know whether they have been wise or unwise. But I do say that it would be wise to finish this building at once. I cannot but believe that the building would be damaged by the elements if

it is left in its present unfinished condition, or if the work of completion is unnecessarily delayed. The building is now an unsightly object, and it would be but true economy to go right on and finish it; and the appropriations necessary for that purpose should be made.

Mr. McMILLIN. I rise for the purpose of opposing this amendation of the purpose of the purpo

ment, and wish to state to the members of the House some of the

ment, and wish to state to the members of the House some of the reasons for my opposition.

I oppose this appropriation in part because I am in favor of other sections of this country as well as of this city. It is evident to my mind, as it must be to the mind of every unprejudiced man here, that we cannot complete all of the public buildings that are now in process of construction within the next year. That being so, the question arises upon which of them shall we continue to work and upon which shall we appreciate overstions.

which shall we suspend operations.

I ask gentlemen here who are clamoring to obtain appropriations for public buildings that are needed at home to pause and consider for public buildings that are needed at home to pause and consider the result of their action before they go on and make another lavish appropriation for the completion of this building. When gentlemen go home and are asked why it is that the court-houses, the post-offices, and the custom-houses that are needed all over the country have not yet been built, it would be well for them, if they vote for this appropriation, to acknowledge the truth and say that they preferred to spend money upon public buildings in Washington to making appropriations for public buildings in other parts of the country.

Mr. CONGER. Does the gentleman want this to be a sectional government?

government

Mr. McMILLIN. I do not want it to be a sectional government. I am not one of those whose patriotism is bounded by a river's bank or by my State's line. My admiration and love for the country extend or by my State's line. My admiration and love for the country extend wherever [pointing to the eagle and the flag over the Speaker's desk] that flag floats or that eagle soars. [Cries of "Good!" and applause on both sides.] As gentlemen will bear me witness, I do not come here to throw fire-brands at those who oppose me. I have not therefore followed in the wake of my distinguished friend from Michigan in all respects. Now it crops out that we have already appropriated for the south wing of the building under discussion between three and four million dollars. What the entire building has thus far cost I know not; but altogether it is to cost us between seven and ten million dollars—a building which has on the outside enough banjowork to make a thousand cottages, and on the inside enough beauty to make a hundred palaces, rivaling internally the Taj of the East Indies in beauty and the Alhambra of Spain in magnificence. To continue this extravagant work it is proposed to make another large appropriation, which will necessitate the restriction of appropriations elsewhere. tions elsewhere.

Gentlemen say if we suspend this work there will be loss. How? The building is being constructed of stone; and the material, if it is the sort that should be used in such a work, will not deteriorate with

a few months' delay.

The gentleman asks me whether I am sectional. The very fact that I am not sectional makes me stand here and put in a plea in behalf of these court-houses and custom-houses all over the country which are needing appropriations to continue the work upon them, as against this appropriation.

Mr. CONGER. I asked the gentleman the question because he said

he was in favor of appropriations for other sections.

Mr. McMILLIN. I know that the gentleman has dwelt upon sectional issues and admired sectionalism so long that when you speak of a section he takes it in a contracted, not a patriotic sense. Here the hammer fell.

[Here the hammer fell.]

Mr. BLOUNT. I withdraw the proforma amendment.

Mr. BAILEY. I renew it. Mr. Chairman, I have not very much to say; but I have been "infused" a little with this spirit of the "American flag" and that bird called the "American eagle." [Laughter.] I do not believe with my friend from Tennessee [Mr. McMillin] because an appropriation is asked for a great building in the District of Columbia now in process of construction that for this reason the public buildings throughout the country are going to suffer. I tell my friend who is so patriotic in his thought and so eloquent in his speech that it is not because we are asking a little appropriation here for a building in the District of Columbia that the public buildings throughout the country are suffering. It is because—and I wish to address myself to some of the gentlemen on the Appropriations Committee, more especially to my learned friend [Mr. Blount] who has charge of the public buildings—it is because the Appropriations Committee does not bring forward its bill that we may vote upon it in the House and push forward this necessary work in different sections of the country.

In the great city where I live, and which I have the honor to rep-

In the great city where I live, and which I have the honor to represent, we have a building in process of construction. Three or four hundred thousand dollars have been expended upon it. The Government has made a contract for the stone. That material has come there from Maine and is upon the ground. We are waiting for a little money to put it up; but before this Committee on Appropriations bring in the bill and give us this money the cold of autumn will come, the winds and snow of winter will be upon us, and then we must wait another year. My friend from Tennessee comes from a warm climate, where the bloed runs hot, and he does not imagine that away up in the northern country we can only work four or five months in the year upon our public buildings. Therefore year after year goes around and we do not construct them, because of the delay in appropriating the necessary funds. I say "the delay." Men here are building castles in the air instead of public buildings that the people need. The trouble is not the lack of money. Good God! we

have all the money we want.

Mr. McMILLIN. Then, why do you not erect your building?

Mr. BAILEY. Because we cannot get the money appropriated, [laughter;] because you gentlemen here are bringing up your deficiency bills, are bringing up all sorts of political discussion, and making speeches to be read next fall in your political campaigns. You are making presidential candidates and cabinets and all that sort of this action to the property of the property of the property of the presence of the property of the presence of the property of the presence of thing, so that we cannot get a meritorious, non-partisan measure of

thing, so that we cannot get a meritorious, non-partisan measure of this kind through the House.

I say again, the trouble is not want of money. We have plenty of money. The people are willing to spend all the money that may be necessary in erecting all needful public buildings. In my judgment the man who thinks he can make capital out of "retrenchment" in the proper construction of public buildings necessary in this country when the proper construction of public buildings necessary in this country. makes a mistake. I believe the people are able and willing to be taxed a sufficient amount to erect suitable, and beautiful, and elegant buildings for the use of our public officers and the transaction of publie business throughout the whole country. [Applause.]

[Here the hammer fell.]
Mr. BAYNE. Mr. Chairman, it is an important inquiry at this time whether or not the Government has money enough to erect this great building in Washington City and at the same time to do justice to the various localities throughout the country. I desire to inquire now of the Committee on Appropriations whether they believe we can afford to make the appropriation demanded for this public build-ing in Washington by the amendment of the Senate, and at the same time make adequate appropriations for buildings in various cities of the country whose necessity and urgency are shown by the evidence before the Committee on Public Buildings and Grounds. And if it be the deliberate judgment of the Committee on Appropriations and the judgment of the House that a sufficient sum of money cannot be appropriated to finish this building in Washington and at the same time construct the necessary buildings throughout the country, then I say let us have the buildings throughout the country and let this

I say let us have the buildings throughout the country and let this work for the present be delayed.

Mr. BLOUNT. Will my friend allow me to interrupt him?

Mr. BAYNE. Certainly, sir.

Mr. BLOUNT. The gentleman from Pennsylvania will observe that while all the other public buildings in the country are exactly in the same condition as this, the Secretary of the Treasury has not asked for a dollar for them. This building in charge of the officer controlling the public buildings and grounds of this city by personal importunity has been placed on this bill. It is impossible for us to attempt to construct public buildings throughout the country at the rate this is being constructed in the city of Washington, and the Secretary of the Treasury has never asked for it.

Mr. BAYNE. Then, Mr. Chairman, I say in view of that, and in view of the fact that the accommodations in the city of Washington are adequate to the wants of the Government, let us delay the con-

are adequate to the wants of the Government, let us delay the construction of this work and let us make the necessary improvements needed elsewhere.

I wish to call attention to another fact, and I suppose other gen-tlemen will be able to call attention to similar facts in their own localities, that in the judicial district of Western Pennsylvania, which has paid into the National Treasury \$84,000,000, which has paid into the National Treasury internal taxes at the rate of \$5,000,000 a year, we have no public building adequate to the accommodation of the courts, adequate to the demands of the post-office and the other wants of the Government. And I know whereof I speak when I say that the late judge of the United States district court for the western district of Pennsylvania, a former member of this House, lost his life in consequence of bad accommodations, and the constant din and annovance that beset him and wore away his life in one of the rooms was obliged to occupy as a court-room when the circuit court was sitting. There is but one court-room; there are frequently two courts sitting, and the vast business of one of them at such times has to be done in a side chamber. The lack of accommodations for the post-office, pension, and internal-revenue business is also severely felt. I have not time to explain at length.

When a great crying necessity of that sort exists, appealing to humane as well as business considerations, is it not fair, is it not right, that the million and a half or million and three quarters of inhabitants of Western Pennsylvania who have paid this vast sum of

habitants of Western Pennsylvania who have paid this vast sum of money into the Treasury should receive consideration in preference to the city of Washington, whose necessities are not near so pressing? The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. Just one word in addition. I wish to say, to this very identical building in the city of Washington, Western Pennsylvania has made a large contribution and has paid for many a stone which has entered into it, and I say that, having done so, her claims and her necessities being great should be considered, and if the Committee on Appropriations cannot meet the demands of both, Western Pennsylvania's business center, Pittsburgh, should have the preference over the city of Washington. ence over the city of Washington.

amendments are withdrawn and the question, therefore, recurs on the motion of the gentleman from Virginia [Mr. Hunton] that the amendment be concurred in.

The committee divided; and there were-ayes 51, noes 84.

So the amendment was non-concurred in.

The Clerk read the next amendment of the Senate in which nonconcurrence was recommended, as follows:

Ninth amendment. Insert as follows: Patent Office: To pay for illustrations for the Official Gazette, \$3,299.22.

Mr. VANCE. I move concurrence in that amendment.

Mr. VANCE. I move concurrence in that amendment.

The CHAIRMAN. The Committee on Appropriations recommend non-concurrence in the amendment.

Mr. ATKINS. Will the Chairman of the Committee on Patents give some reason why that amendment should be adopted?

Mr. VANCE. I understand, Mr. Chairman, that it is essential to the illustration of the Gazette owing to the fact that the type in which the flustration of the Gazette owing to the fact that the type in which the Gazette was printed was very small and, as the type has been enlarged, it costs something more than it otherwise would have cost; and that this amount is lacking to finish the work correctly. That is the information which I received in reference to the matter.

Mr. ATKINS. Is it for purchase of material?

Mr. VANCE. I think not.

Mr. ATKINS. How does he expect to improve the type without

additional material?

Mr. VANCE. Larger type was used and more paper, if I understand correctly; but I am sorry I had not opportunity to look further into it. I am informed it is needed to complete the Gazette.

Mr. ATKINS. The Committee on Appropriations has been informed it is needed; but for one I have failed to learn how it is needed. I have made considerable investigation into this Patent Office Gazette, and my opinion is it is an extravagant little luxury. That is my opinion, and unless the chairman of the Committee on Patents can give some good reason why this ought to be allowed, for one I shall vote against it, for I have failed to see any reason why it should be adopted. Mr. VANCE.

Mr. VANCE. I was sorry, Mr. Chairman, I did not have an opportunity to look further into this matter. I should have done so if I had had the time. I understand the reason is such as I have given, that larger type was used in printing the Gazette. It cost more, and consequently there was a deficiency. That is all I am able to say about it, but I have no doubt the facts are as I have stated.

Mr. ATKINS. Until the facts are better known I think we had better non-concur and let the committee of conference take into con-

sideration and decide the question.

Mr. VANCE. This is a very small sum, I think-only \$3,209-and hope it will not fail to pass.

The motion to concur in the Senate amendment was not agreed to. The next amendment in which non-concurrence was recommended

No. 10. On page 4, line 9, to strike out the words "to be used" and insert "and,"

The recommendation of the committee was agreed to.

The next amendment in which non-concurrence was recommended

No. 11. On page 4, at the end of line 11, to insert "provided that such commission shall complete the same and make their final report on or before February 1, 1881."

The recommendation of the committee was agreed to.

The next amendment in which non-concurrence was recommended

No. 13. On page 4, line 15, to strike out "the passage of this act and insert "April 1, 1880."

The recommendation of the committee was agreed to.

The next amendment in which non-concurrence was recommended

No. 14. On page 4, lines 16 and 17, to strike out "a sufficient sum is hereby appropriated" and insert "exclusive, \$2,325."

The recommendation of the committee was agreed to.

The next amendment in which non-concurrence was recommended

No. 15. On page 4 after line 17, to insert, "Office of the Postmaster-General: For the preparation and publication of post-route maps, \$5,000."

Mr. MONEY. I move to concur in the Senate amendments.

When a great crying necessity of that sort exists, appealing to mane as well as business considerations, is it not fair, is it not ght, that the million and a half or million and three quarters of inabitants of Western Pennsylvania who have paid this vast sum of oney into the Treasury should receive consideration in preference the city of Washington, whose necessities are not near so pressing? The CHAIRMAN. The gentleman's time has expired.

Mr. MONEY. I move to concur in the Senate amendments. It was cut down to the amount appropriated for the last fiscal year for this purpose was \$40,000. The Department recommended \$50,000; but N was cut down to the amount which I have stated. But there are some facts connected with the service of that Department which did not come before the Committee on Appropriations; for I am sure that if, they had they would have agreed to the Senate amendment; and I desire now briefly to call attention to them.

In the first place there are twenty-six employes now engaged in the Topographer's Office who are to be paid out of this sum of \$35,000 which was appropriated for this year. Out of this fund the Department recovers that if, they had they would have agreed to the Senate amendments.

In the first place there are twenty-six employes now engaged in the Topographer's Office who are to be paid out of this sum of \$35,000 which was appropriated for this year. Out of this fund the Department recovered that the service of that Department was connected with the service of that Department that if, they had they would have agreed to the Senate amendments.

In the first place there are twenty-six employes now engaged in the Topographer's Office who are to be paid out of this sum of \$35,000 which was appropriated for this year. Out of this fund the Department must pay five draughtsmen, two corresponding clerks, two map mounters and binders, sixteen map-colorers, and a messenger. In addition to this, changes are continually going on which require alterations on these maps. For instance, last yea

the case may be. This necessitates the publication of three or four different editions annually with all the necessary work in their preparation. Intermediately the sheets require to be corrected and added to by hand. The necessity for this work being kept up constantly is well known, because these maps are in constant use by the officers and clerks of the Department in preparing the advertisements and and clerks of the Department in preparing the advertisements and annual lettings, &c., and to enable them to keep up with all the details of the service. When it is considered that, in addition to all this, this sum of \$35,000 must pay all the expense of stone lithographing, mapping, photo-lithographing, engraving, mounting, coloring, and all the other minute details of that service, besides paying the twenty-six employés, it will strike every one that the amount appropriated is entirely inadequate. The work must be done, and done promptly. It must keep up with all the changes in the postal service. These employes are constantly engaged in their work. They have no holidays. In hot weather and at all other times they must be at their work, because these changes must be kept up with and the maps prework, because these changes must be kept up with and the maps prepared. Then the Department must be prepared to meet the demand for these maps from all quarters. For instance, in 1879, 6,933 maps were issued by the Department. Of that number 544 went to officers and clerks of the Department; 823 went to postmasters throughout the country of the second and third class. Special agents of the rail-way mail service received 914 maps; members of Congress 1,185, and for miscellaneous distribution, including the Departments, and many call of members of Congress, 3,467, making the total number of

Now, Mr. Chairman, the amount appropriated last year for this purpose was, as I have stated, \$40,000. The \$5,000 additional here asked for brings up the amount for this year only to what it was last, notwithstanding the increase of work will be about 14 per cent. of last year's work.

Mr. ATKINS. What was the increase of business last year?

Mr. MONEY. Seven per cent.; now it is 14 per cent. over last year.
Mr. ATKINS. I do not know that I am particularly opposed to the
amendment, but I wisk to ask the gentleman this question: As I understand, this is an appropriation made every year; an appropriation
of about \$40,000 made every year?

Mr. MONEY. Not every year; last year's appropriation was the

Mr. ATKINS. Last year it was \$40,000; this year, \$35,000; and you ask \$5,000 more, which would make \$40,000. This is an appropriation every year pretty much for the same business. My question is: Is not each map for any year the groundwork for any additions to it in the succeeding year? In other words, is it necessary to make the map

anew each year?

Mr. MONEY. There are additions more than once a year. The chairman of the Committee on Appropriations will understand these are photo-lithographs upon stone. It takes a new preparation for

Mr. ATKINS. But not a new stone. That is the point I want to get at. It requires additional work upon the same stone, new lines drawn, but a new stone is not required.

The CHAIRMAN. The time of the gentleman from Mississippi has

expired.

Mr. MONEY. I hope, as my time has been taken up by interruptions, I will be permitted to go on a few moments longer.

Mr. ATKINS. I hope so. I did not rise to interrupt the gentleman. was interested in the facts he was stating and desired to understand them exactly. Mr. MONEY.

The cost of the stone is considerable, it is true, but the expense mainly consists in the new tracing and other work required for each map.

Mr. ATKINS. But the point is that the old tracings, the old lines upon the stone, are left there unless the routes have been changed. You only put on the new ones. And why do you want \$40,000 every year for that business?

Mr. MONEY. The whole cost of the lithographing is not \$1,000 a

year.
Mr. ATKINS. What, then, is this appropriation for? Is it for

salaries?

Mr. MONEY. There are twenty-six men in the topographer's office who are to be paid out of this. It includes the cost of lithographing, binding, tracing, engraving, printing, coloring, and a thousand other things necessarily connected with the work. For instance, this year we have for Kansas and Nebraska one map of four sheets. There were upon that map 207 new offices; 89 offices discontinued; 71 offices of which the names were changed; making 367 items to be changed. And I could go on indefinitely and furnish similar examples from the several States. The chairman of the Committee on Appropriations several States. The chairman of the Committee on Appropriations must see this is a constantly increasing business; that it requires a constant attention to every change throughout the United States, and a correspondence involving an amount of labor on the part of this officer that is not exceeded by any other officer in the employ-ment of this Government. He has asked now simply for the amount

ment of this Government. He has asked now simply for the amount given him last year.

Mr. ATKINS. I did not rise to oppose the amendment seriously or at all. I only wanted the gentleman to give some explanation.

Mr. MONEY. That is the explanation.

Mr. ATKINS. And I suppose the gentleman himself is perfectly satisfied the amount ought to be appropriated?

Mr. MONEY. I am perfectly satisfied it ought.
Mr. STONE. I rise to support the motion to concur in the Senate

amendment.

If this side of the House had heard all that was said by the chairman of the Committee on the Post-Office and Post-Roads on the other side of the House in support of the amendment it would be unnecesside of the House in support of the amendment it would be unnecessary for me to say more. There can be no question about the necessity of this appropriation. I have given it an examination within the last few days as a member of the Committee on the Post-Office and Post-Roads, and I will state briefly what are the facts.

The appropriation last year was \$35,000; but in the general deficiency bill \$5,000 more were added. As the chairman of the Committee on the Post-Office and Post-Roads has said, the work has invested 44 per court last result and the post-Office and Post-Roads has said, the work has invested 45 are not cover last result in this expression of \$40,000.

creased 14 per cent. over last year; and this appropriation of \$40,000, as that of last year, is intended to be used to cover the salaries of draughtsmen employed on current and new work, the engraving, lithographing, printing, coloring, and mounting maps, the purchase of copper plates, lithographic stones, map paper, technical books and maps for reference, the payment of all the clerical force, and all the incidental expenses

incidental expenses.

By the term "current work" is to be understood that which forms by far the greater part of the duties of the employés of the office, namely, the keeping up what are called the working maps in daily use for reference by the officers and clerks of the Department, both those resident here and those in the field on duty; that is, the post-

those resident here and those in the field on duty; that is, the postroute officers, agents, and post-office clerks throughout the country.

For use during the preceding year \$35,000 had been allowed in the
usual Post-Office bill; which however was increased \$5,000 in the
general deficiency bill. For the present year the topographer of the
Department recommended to the Postmaster-General \$50,000, which
estimate, however, was reduced by the Postmaster-General so that
the recommendation was only \$35,000. But the experience of the first
half of the present year has shown that the original estimate was more
nearly correct than the estimate sent in by the Department. This
small amount of \$5,000 is asked for to enable the topographer to keep
his present force. his present force.

There are about one hundred new post-offices being established per week throughout the country. The names of these new offices must be placed upon the maps, and the new names of old offices where they have been changed. The mail lettings which take place July 1 will make it necessary to place on these maps new routes. Therefore it is very important that the work should not be cut down for the present fiscal year. If the topographer has to furlough a portion of the force he has now in the office the work will accumulate and the effi-

ciency of that branch of the service will materially suffer.

I hope the amendment will not be agreed to. Mr. BLOUNT. This seems to be quite a small matter, but I do not think there are any especial reasons to justify this growth of expenditure in the matter of maps. For a period of eight or ten years the expenditure was steadily \$20,000, \$25,000, and \$30,000 a year. In the last Congress we appropriated an unusually large amount for the the last Congress we appropriated an unusually large amount for the purpose of making post-route maps; all that the Department asked. Within the last year or two there has been a very large increase of the number of employés in connection with these maps. We give for this year a larger sum than was given for any other year except the one immediately preceding. I regret that there is a deficiency now. The simple changing of the names of post-offices and increasing the number of the post-offices does not arise particularly just at this time; it is a matter incident to every year. The adding of a few more names on a route does not necessarily involve the expenditure of thousands of dellars in the way of maps.

of dollars in the way of maps.

This whole matter is but in keeping with almost every item of expenditure in the Post-Office Department. I could name a dozen items for the last year or two in which the Department has gone far beyond the expenditures of previous years, and in most of the cases deficiencies have been created where I think there was no occasion for them.

It is not alone in the making of maps. It occurs in the expenditures for their contingent fund, in expenditures for route agents, for postal-car clerks, for the service of the Department in almost every matter of detail, wherever the Department may see fit to make the

Now, that is not true of any other Department of the Government.

But it would seem that in the Post-Office Department, wherever they may see fit, they will go beyond the limits of the appropriations and come into this House for a deficiency.

Now, I say I do not care a great deal about this matter of maps, but I do care about this disposition shown by the Department to go beyond the appropriations in every item of expenditure, wherever they may see proper to do so, and then to come in here and ask for a deficiency or the work must stop.

Mr. SHALLENBERGER. I desire to say a word on this motion to

concur in the Senate amendment offered by the gentleman from Misconcur in the Senate amendment offered by the gentleman from Mississippi, [Mr. Money.] I regard this as perhaps the most economical disbursement of money in the Post-Office Department. I have had some experience with these maps; I have one myself and I use it; and I have noticed that these maps are used in the Post-Office Department by almost every clerk there. I regard these maps, carefully corrected by the inserting of new offices, and the erasure of those discontinued every week or so by hand for the use of the Department clerks, Government officials, members of Congress, postal railway clerks all over the country, and postmasters in all the large towns and cities of the country, as perhaps the most economic feature for saving time in the whole Department.

time in the whole Department.

This amount of money which it is proposed by the amendment to add to the appropriations for the current year will not increase the appropriations over those of last year for the same purpose, namely \$40,000, although the unprecedented increase in the number of offices all over the country necessarily demands more work.

The lithographic work spoken of by the gentleman from Tennessee

[Mr. ATKINS] involves the expenditure of a very small portion of the amount here named. The great expenditure arises from the employamount here named. The great expenditure arises from the employment of twenty-six or twenty-seven employés, whose duty it is, whenever new post-offices are created—and gentlemen very well know that an average of one hundred per week may be, and I think have been, established—it is the duty of these clerks to trace in with pen and ink, upon each map in use by the various Departments and bureaus, in the most careful way, the names of these offices, distances from contiguous offices, &c., so that when any clerk in any branch of the service desires to ascertain the location of any office, the route upon which it is located, and its distance from any other office, all be has to do is to refer to these maps and in two minutes' time he will he has to do is to refer to these maps and in two minutes' time he will obtain the information which it would require possibly a half hour for him to obtain in any other way. In that way you save the time of these clerks, the time of postmasters, of members of Congress, and of all who use these maps; you save an hour's time frequently by a few minutes' observation of these maps. For that reason I think it is the most economical disbursement of money in the Department. It is wisdom to increase rather than to restrict the use of these maps. I hope the House will concur in the Senate amendment and thus allow

hope the House will concur in the Senate amendment and thus allow this work to go on. Otherwise it must stop for a couple of months. Mr. CANNON, of Illinois. I move pro forma to amend the amendment by striking out the last word. We appropriated for the fiscal year of 1879 \$35,000 for this work; but we made a deficiency appropriation of \$5,000 more, making \$40,000 for the last fiscal year. For the current fiscal year we appropriate \$35,000; so that if we now appropriate \$5,000 for this deficiency the amount of expenditure for this year will be just what it was last year. I think the increase of the postal service in all its branches has been such that the Department cannot get along and do this work justice with less money than was appropriated last year. Of course if we do not give this \$5,000, the Department can stop the work.

I cannot add anything to what the gentleman from Michigan [Mr. Stone] and the gentleman from Pennsylvania [Mr. Shallenberger] have said about the importance of this work. With our numerous and increasing post-routes, with the additions constantly made in the railway service, with the new post-offices established and the old ones discontinued, it is necessary that all these changes should be delineated upon the maps. This has to be done by hand, and it occupies the exclusive time of a number of clerks. There are some States and Territories which have to be provided with new editions of these maps; and I believe one or two have never had new maps. My immaps; and I believe one of two have never had new maps. My impression is that this appropriation ought to be made. It seems to me the topographer's office is getting along pretty well if it does not require us to spend any more this year than was expended last year, although there has been a great increase in the business. If you now concur in the amendment appropriating the \$5,000 here asked for, the expenditure in this regard for the current fiscal year will be the same

Mr. McMAHON. Mr. Chairman, when the Committee on Appropriations reported in favor of non-concurrence in this amendment of the Senate, the committee had had before it nothing very definite upon the subject. But since that time I have seen nothing and heard nothing which changes my mind as to the propriety of non-concurrence. I think that the whole matter of deficiencies in the different departments of this Government is a great wrong to the House of Representatives. Gentlemen on the other side of the House may not feel it as we do; but if situations were reversed they would feel it and speak about it. Yet there ought to be no division upon a question like this. Whenever the House of Representatives appropriates a certain sum of money for a particular service during a given year there experts the result of the resul a certain sum of money for a particular service during a given year there ought to be very powerful reasons operating upon this body before an increase should be granted. Now, we have increased the appropriations for this fiscal year very largely. The appropriations in this bill amount to over \$6,000,000; but most of them have good reasons behind them. The appropriation for pensions was made absolutely necessary by the action of both Houses of Congress changing the law after the former appropriation was made. The appropriation for the Internal Revenue Department was made absolutely necessary by an unforcessen circumstance—the extraordinary increase of busiby an unforeseen circumstance—the extraordinary increase of busi by an unforeseen circumstance—the extraordinary increase of business. In these respects the increased appropriations have their apology or justification. But so long as this House of Representatives will sit here and take the assurance of the officer having charge of a department that this or that little expense is necessary, that he must have a certain sum or he will be obliged to discharge this or that body of clerks, just so long you will have, as you have now, deficiencies in every department and bureau under your Government, so that the House of Representatives will practically have no control over the amount of money expended.

the amount of money expended.

Now, I do not see why these people cannot wait two months. If this were to be a final shutting down upon all appropriations for post-

route maps, I would say let the appropriation be made. But this appropriation is asked only for the current fiscal year, of which there remain but two months. Can we not do without additional post-route remain but two months. Can we not do without additional post-route maps for the next two months? Cannot the Department wait until the next fiscal year for new post-route maps?

Mr. STONE. These corrections have to be made weekly.

Mr. McMAHON. How many of the maps have to be corrected?

Mr. STONE. All of them.

Mr. McMAHON. What does a mail-route agent or anybody else upon a Pennsylvania route want with a post-route map of Colorado?

Mr. STONE. But he wants the corrections for his own State.

Mr. McMAHON. Only a few can be needed in general and these

Mr. STONE. But he wants the corrections for his own State.
Mr. McMAHON. Only a few can be needed in general, and these
can be traced upon the maps that they have. I think it very probable that the knowledge of the local officials as to post-routes is every
bit as good as, if not better than, the maps we may furnish them. I
think this is a pretext. I do not mean to underrate the intelligence
of the Department or bureau that asks this appropriation, but these deficiencies have grown to be a common thing, and if the House of Representatives does not confine its appropriations for deficiencies to what are absolutely right and necessary we shall have no control over appropriations. It is with this view that so far as my vote is concerned I want somewhere to put down my foot.

Mr. STONE. Let it be borne in mind that there is no deficiency

here at present.

Mr. CANNON, of Illinois. I withdraw the pro forma amendment.

The question being taken on the motion of Mr. Money to concur in the Senate amendment, it was agreed to; there being—ayes 79, noes 41.

The next amendment of the Senate in which the Committee on Appropriations recommended non-concurrence was to strike out "two and insert "four," so as to appropriate \$4,000 for extra clerk hire and copying in the State Department.

The amendment was not concurred in.

The next amendment of the Senate in which the Committee on Appropriations recommended non-concurrence was to strike out "\$2,000" and insert "\$3,000," so as to enable the Secretary of State to purchase the manuscript of the revised consular regulations, prepared by A. B. Wood, chief of the Consular Bureau in the Department of State, and approved by the Secretary of State, for such sum, not exceeding \$3,000, as shall seem to him a fair price for the work.

The amendment was not concurred in.

Mr. McMAHON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed The committee accordingly rose; and the speaker naving resumed the chair, Mr. Whitthorne reported that the Committee of the Whole on the state of the Union had had under consideration the amendments of the Senate to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1830, and for other purposes, and had directed him to report back the same, recommending concurrence in some of the amendments and non-con-

recommending concurrence in some of the amendments and non-concurrence in others.

Mr. McMAHON. As I understand it, we are not compelled to take the yeas and nays on this bill. Therefore, before calling the previous question I will yield to the gentleman from Missouri [Mr. WADDILL] for the purpose of presenting a matter which, I think, will meet with the concurrence of each member of this House. It is a matter of charity, and after it has been disposed of I will then take the floor

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other pur-

poses.

The message further announced that the Senate requested the re-

turn of the following:

A resolution of the Senate agreeing to the amendment of the House to the joint resolution of the Senate No. 100, to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879;

A resolution of the Senate agreeing to the amendment of the House of Representatives to the concurrent resolution of the Senate to print 2,500 copies of the report of the Smithsonian Institution for the year

The message also announced that the Senate had receded from its first amendment, disagreed to by the House, to the bill of the House

first amendment, disagreed to by the House, to the bill of the House of the following title:

A bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes.

The message also announced that the Senate had passed and requested, the concurrence of the House in a bill of the following title:

A bill (S. No. 1315) making an appropriation for the erection of a light-house and fog-bell on Old Gay Rock, at the entrance of Wickford Harbor, Narragansett Bay.

SUFFERERS IN MISSOURI BY TORNADO.

Mr. WADDILL. Mr. Speaker, I ask the attention of this House

for a few minutes in favor of a resolution for relief, to which I think there can be and will be no objection on the part of any member in this House. Recently in the State of Missouri, and notably in the district which I have the honor in part to represent upon this floor, a fearful tornado has swept over certain sections, and people who, only the other day, were in comfortable circumstances, have been left destitute, and are to-day, themselves and families, without homes, with no place to go to, living in box-cars or stables or wherever they can

ind shelter.

Mr. STEVENSON. It is impossible to hear the gentleman.

The SPEAKER pro tempore. The House will come to order, and the gentleman from Missouri will please speak a little louder.

Mr. WADDILL. Mr. Speaker, I was saying, as gentlemen doubtless have seen by telegrams published in the morning papers, a terrible tornado has swept over a portion of the State of Missouri, which I have the house to represent on this floor, causing the greatest dehave the honor to represent on this floor, causing the greatest destruction to life and property. The town of Marshfield, with twelve hundred to two thousand people and from four to five hundred houses, has been reduced to wreck and ruin, not more than fourteen houses has been reduced to wreck and ruin, not more than fourteen nouses being left standing. People there are left houseless, homeless, without shelter, and they have petitioned the governor of the State of Missouri to send them tents, but there is not a tent at his disposal. The Secretary of War is willing to furnish tents for the purpose of affording relief to these desolate and suffering people if Congress will authorize him to do so. I therefore ask, by unanimous consent, to introduce a joint resolution (H. R. No. 291) authorizing tents to be loaned to the governor of Missouri for the use of the sufferers by the recent tornado in that State.

The SPEAKER. Is there objection?

There was no objection, and the joint resolution was read a first

and second time.

The resolution, which was read, authorizes and directs the Secretary of War to loan to the governor of Missouri five hundred tents, or so many thereof as may be required, to be used for the benefit of the sufferers by the recent tornado in that State; said tents to be returned

when no longer required for the purpose herein specified.

Mr. FROST. I ask permission to have read two brief extracts from the Saint Louis Republican in relation to this disaster which fully explain the necessity for the passage of this joint resolution.

The Clerk read as follows:

NO TENTS.

[Special to the Republican.]

JEFFERSON CITY, April 20. Adjutant-General Mitchell received this morning a telegram from the mayor and citizens of Marshfield asking for one hundred tents as a loan for the sufferers from the cyclone. Unfortunately there are no tents here, and the general was unable to comply with the request.

MARSHFIELD, April 20.

To the mayor of Saint Louis: Cyclone destroyed Marshfield. Over seventy dead, hundreds wounded. Not fifteen sound houses left. Springfield and Lebanon people are here with provisions. Will want money for destitute.

R. D. BLANKENSHIP, Mayor. WILLIAM SMITH, Postmaster. J. R. HEEDNELL, Secretary Relief Committee.

Mr. FROST. I think nothing further need be said. [Cries of "Vote!" "Vote!"]

Mr. COX. Everybody is for it.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

Mr. WADDILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON demanded the previous question on the report of the Committee of the Whole on the state of the Union on the Senate amendments to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other

The previous question was seconded and the main question ordered; and under the operation thereof the action of the Committee of the

Whole on the state of the Union was concurred in.

Mr. McMAHON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGISTRATION OF TRADE-MARKS.

Mr. HAMMOND, of Georgia. Mr. Speaker, I rise to a privileged motion which I desired to make yesterday, and that is to call up the bill touching legislation in regard to trade-marks to carry out certain

treaties made between this country and foreign governments.

Mr. CONGER. Is this a privileged question?

Mr. COX. It is. The Committee on the Judiciary was allowed to report at any time. I made the motion, I remember, very distinctly.

Mr. HAMMOND, of Georgia. I ask to call up a bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same, which was reported from the Committee on the Judiciary as a substi-

tute for House bill No. 2573 and House joint resolution No. 125, in order that it may be considered at this time.

The bill was read, as follows:

A bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the

same.

Be it enacted, &c., That cwners of trade-marks used in commerce with foreign nations, or with the Indian tribes, provided such owners shall be domiciled in the United States, or located in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with the following requirements:

First. By causing to be recorded in the Patent Office a statement specifying name, domicile, location, and citizenship of the party applying; the class of merchandise and the particular description of goods comprised in such class to which the particular trade-mark has been appropriated; a description of the trade-mark itself, with fac-similes thereof, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used.

Second. By paying into the Treasury of the United States the sum of \$25, and complying with such regulations as may be prescribed by the Commissioner of

Second. By paying into the Treasury of the United States the sum of \$25, and complying with such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2. That the application prescribed in the foregoing section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by a member of a firm, or by an officer of a corporation applying, to the effect that such party has at the time a right to the use of the trade-mark sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce with foreign nations, or Indian tribes, as above indicated; and that the description and fac-similes presented for registry truly represent the trade-mark sought to be registered.

SEC. 3. That the time of the receipt of any such application shall be noted and recorded. But no alleged trade-mark shall be registered unless the same appear to be lawfully used as such by the applicant in foreign commerce or commerce with Indian tribes as above mentioned, or is within the provision of a treaty, convention, or declaration with a foreign power; nor which is merely the name of the applicant; nor which is identical with a registered or known trade-mark owned by another and appropriate to the same class of merchandise, or which so nearly resembles some other person's lawful trade-mark as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers. In an application for registration the Commissioner of Patents shall decide the presumptical land a previous registrant, or between applicants, he shall-follow, so far as the same may be applicable, the practice of courts of equity of the United States in analogous cases.

SEC. 4. That certificates of registry of trade-marks shall be issued in the name

may be applicable, the practice of courts of equity of the United States in analogous cases.

Sec. 4. That certificates of registry of trade-marks shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the specifications, shall be kept in books for that purpose. Copies of trade-marks and of statements and declarations filed therewith and certificates of registry so signed and sealed shall be evidence in any suit in which such trade-marks shall be brought in controversy.

Sec. 5. That a certificate of registry shall remain in force for thirty years from its date; except in cases where the trade-mark is claimed for and applied to articles not manufactured in this country, and in which it receives protection under the laws of a foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the time that such trade-mark ceases to be exclusive property elsewhere. At any time during the six months prior to the expiration of the term of thirty years such registration may be renewed on the same terms, and for a like period.

Sec. 6. That applicants for registration under this act shall be credited for any fee, or part of a fee, heretofore paid by them into the Treasury of the United States with intent to procure protection for the same trade-mark.

Sec. 7. That registration of a trade-mark shall be prima facie evidence of ownership. Any person who shall reproduce, counterfeit, copy, or colorably imitate any trade-mark registered under this act and affix the same to merchandise of substantially the same descriptive properties as those described in the registration, shall be liable to an action on the case for damages for the wrongful use of said trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful us

aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act; and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

SEC. 8. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in any unlawful business, or upon any article injurious in itself or which mark has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

SEC. 9. That any person who shall procure the registry of a trade-mark, or of himself as the owner of a trade-mark, or an entry respecting a trade-mark, in the office of the Commissioner of Patents, by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered in an action on the case.

SEC. 10. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

SEC. 11. That nothing in this act shall be construed as unfavorably affecting a claim to a trade-mark after the term of registration shall have expired; nor to give cognizance to any court of the United States in an action or suit between citizens of the same State, unless the trade-mark in controversy is used on goods intended to be transported to a foreign country, or in lawful commercial intercourse with an Indian tribe.

SEC. 12. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the right to use trade-marks and for recording such transfers in his office.

SEC. 13. That citizens and residents of this country wishing the protection of trade-marks in any foreign country, the law

fraudulently affixed, any trade-mark registered pursuant to the statutes of the United States, or any colorable imitation thereof, calculated to deceive the public, to any goods of substantially the same descriptive properties as those referred to in said registration, or to the package in which they are put up, knowing the same to be counterfeit, or not the genuine goods referred to in said registration, shall, on conviction thereof, be punished as prescribed in the fourteenth section of this act.

SEC. 16. That every person who fraudulently fills, or causes or procures to be fraudulently filled, any package to which is affixed any trade-mark, registered pursuant to the statutes of the United States, or any colorable imitation thereof, calculated to deceive the public, with any goods of substantially the same descriptive properties as those referred to in said registration, knowing the same to be counterfeit, or not the genuine goods referred to in said registration, shall, on conviction thereof, be punished as prescribed in the fourteenth section of this act.

SEC. 17. That any person or persons who shall, with intent to defraud any person or persons, knowingly and willfully cast, engrave, or manufacture, or have in his, her, or their possession, or buy, sell, offer for sale, or deal in, any die or dies, plate or plates, brand or brands, engraving or engravings, on wood, stone, metal, or other substance, molds, or any false representation, likeness, copy, or colorable imitation of any die, plate, brand, engraving, or mold of any private label, brand, stamp, wrapper, engraving on paper or other substance, or trade-mark, registered pursuant to the statutes of the United States, shall, upon conviction thereof, be punished as prescribed in the fourteenth section of this act.

SEC. 18. That any person or persons who shall, with intent to defraud any person or persons, knowingly and willfully make, forge, or counterfeit, or have in his, her, or their possession, or buy, sell, offer for sale, or deal in, any represe

shall, on conviction thereof, be punished as prescribed in the fourteenth section of this act.

Sec. 20. That if the owner of any trade-mark, registered pursuant to the statutes of the United States, or his agent, make oath, in writing, that he has reason to believe, and does believe, that any counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, or molds of his said registered trade-mark are in the possession of any person, with intent to use the same for the purpose of deception and fraud, or makes such oaths that any counterfeits or colorable imitations of his said trade-mark, tabel, brand, stamp, wrapper, engraving on paper or other substance, or empty box, envelope, wrapper, case, bottle, or other package, to which is affixed said registered trade-mark not so defaced, erased, obliterated, and destroyed as to prevent its fraudulent use, are in the possession of any person, with intent to use the same for the purpose of deception and fraud, then the several judges of the circuit and district courts of the United States and the commissioners of the circuit courts may, within their respective jurisdictions, proceed under the law relating to search-warrants, and may issue a search-warrant authorizing and directing the marshal of the United States for the proper district to search for and seize all said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, molds, and said counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, engravings on paper or other substance, molds, counterfeit trade-marks, colorable imitations thereof, labels, brands, engravings on paper or other substance, metal, or other substance, molds, counterfeit trade-marks, colorable imitations thereof, labels, or other packages, are to be used by the holder or owner for the purposes of deception and fraud, that any of said judges shall have full power to order all said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other s

brands, stamps, wrappers, engravings on paper or other substance, empty boxes, envelopes, wrappers, cases, bottles, or other packages, to be publicly destroyed.

SEC. 21. That any person who shall, with intent to defraud any person or persons, knowingly and willfully aid or abet in the violation of any of the provisions of this act, shall, upon conviction thereof, be punished by a fine not exceeding \$500, or imprisonment not more than one year, or both such fine and imprisonment.

Mr. HAMMOND, of Georgia. The report submitted by the committee carried with it not only the bill known as the Armfield bill, but the resolution introduced by the gentleman from Iowa, [Mr. Mc-Coid,] touching the same subject-matter. The reference covers both, and therefore I made a motion to take up the report and the matter covered thereby, and in the argument I shall make in favor of the bill takel also present the view of the Indicionar Committee in or. bill I shall also present the view of the Judiciary Committee in op-

bill I shall also present the view of the Judiciary Committee in opposition to the resolution.

In 1870 Congress passed the dozen sections of the Revised Statutes of the United States, sections 4937 et seq., relating to trade-marks. They prescribed the terms upon which any person in the United States or "in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States," entitled to a trade-mark, should be protected therein. The remedies thereby prescribed for infringement of one's rights in that regard were injunction and action on the case for damages. In Angust, 1876, Congress passed another act "to punish the counterfeiting of trade-mark goods and the sale of or dealing in of counterfeit trade-mark goods." goods and the sale of or dealing in of counterfeit trade-mark goods." (United States Statutes, volume 19, page 141.) That act made many crimes relating to trade-marks, each punishable "by fine not exceeding \$1,000 or imprisonment not more than two years, or both such fine and imprisonment."

In November, 1879, the Supreme Court held all that legislation to be unconstitutional and void. See Steffins and others vs. The United States, October term Supreme Court, 1879. Congress had never legislated upon the subject before; nor since has there been any such legislation, unless the registration of prints and labels under the copyright act of 1874 (Statutes 18, p. 79) he so alread. It however is on right act of 1874 (Statutes 18, p. 79) be so classed. It, however, is on a different subject, and, when attacked, may fall under the same condemnation. The United States is therefore without any statutory rules for registration and protection of trade-mark rights.

By some this is thought to be a serious want. Those who think it

can be now constitutionally supplied ask Congress to pass the bill

called the Armfield bill, "To authorize the registration and protection of trade-marks." That bill was referred to the Committee on Commerce on the 9th of December last, and on the 17th of that month referred to the Committee on the Judiciary

That bill proposed to put trade-marks under the control of a salaried officer, newly made by the bill, and allow an appeal from his decision omeer, newly made by the bill, and allow an appeal from his decision to the supreme court of the District of Columbia. In all other respects it is substantially, indeed almost literally, the legislation of 1870 with this modification only: it is confined to commerce with foreign nations, with the Indian tribes, and among the several States. Its friends claimed that thus all objections on the score of constitutionality would be removed. It will be perceived from the report which I had the beneric approach that the Indianay Committee did which I had the honor to present that the Judiciary Committee did not agree to that conclusion. So far as I am advised, that committee unanimously believed that so much of that bill as applied to commerce among the several States would be unconstitutional. That I may be understood, let me call attention to the points made in that report.

TRADE-MARKS ON INTERSTATE COMMERCE NOT IN CONGRESSIONAL POWER.

Congress has power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." (Constitution, article 1, section 8.) But is legislation as to trade-marks regulating commerce?

The Supreme Court in the case of Steffins, heretofore cited, avoided any expression of opinion on this point. They said only this, namely:

any expression of opinion on this point. They said only this, namely:

The argument is that the use of a trade-mark—that which alone gives it any value—is to identify a particular class or quality of goods as the manufacture, produce, or property of the person who puts them in the general market for sale. That the sale of the article so distinguished is commerce. The trade-mark is, therefore, a useful and valuable aid or instrument of commerce, and its regulation by virtue of the above provision of the Constitution belongs to Congress, and that the act in question is a lawful exercise of this power.

It is not every species of property which is the subject of commerce, or which is used or even essential in commerce, which is brought by this clause of the Constitution within the control of Congress. The barrels and casks, the bottles and boxes in which alone certain articles of commerce are kept for safety and by which their contents are transferred from the seller to the buyer, do not thereby become subjects of congressional legislation more than other property. (Nathan vs. Louisiana, 8 How., 73.) In the case of Paul vs. Virginia, (8 Wallace, 168.) this court held that a policy of insurance made by a corporation of one State on property situated in another was not an article of commerce, and did not come within the purview of the clause of the Constitution we are considering. "They are not," says the court, "commodities to be shipped or forwarded from one State to another, and then put up for sale." On the other hand, in the case of Almy vs. The State of California, (24 How., 169.) it was held that a stamp duty imposed by the Legislature of California on bills of lading for gold and silver transported from any place in that State to another out of the State was forbidden by the Constitution of the United States, because such instruments were a necessity to the transaction of commerce, and the duty was a tax upon exports.

The question, therefore, whether the trade-mark bears such a relation to commerce in gener

ber term, 1879.

Let us examine the question. A trade-mark is property but is not the subject of commerce. It is not bought or sold. In itself it is worthless. It is only valuable when attached to merchandise which worthless. It is only valuable when attached to merchandise which is to be sold. In the license cases it was argued that diseases, &c., attended commerce, and therefore disease-breeding commerce was beyond State control and within the Federal jurisdiction. But Chief-Justice Taney said no; "they are not things to be regulated and trafficked in." (5 How. U. S. R., 576.) Trade-marks are not essential to commerce. Out of the myriads of things trafficked in by the people of this country, less than eight thousand are under trade-marks. Every manufactured article trafficked needs, for protection and shipping, a barrel or cask, a bottle or box or wrapper; and yet who would have ever supposed them subject to congressional control if the decision in United States vs. Steffins had omitted to say they were not?

A policy of insurance is sold and sent from one State to another, A policy of insurance is sold and sent from one State to another, and may be transferred again and again. But in no fair sense is it an article of merchandise. "They are not commodities to be shipped or forwarded from one State to another and then be put up for sale," said the court in Paul vs. Virginia, and they are "mere contracts of indemnity against loss by fire," said Justice Field in the telegraph case, (96 U. S. R.,) and therefore they were under State jurisdiction, and not Federal control.

When affixed to merchandise to identify its origin or quality or the like, what is a trade-mark but "a contract of indemnity against loss" by fraud or deceit? It is but the owner's guarantee. It is weaker in this regard than the policy of insurance, for the trade-mark is never sold. Possibly it is stronger than the policy, because attached to a thing sold. But I think not. A merchant in Georgia shipping his cotton to New York or Liverpool wishes to guarantee its quantity and quality, and writes such paper to whom it may concern in his office. It is a contract controlled wholly by State laws. Congress cannot legislate to punish any one for counterfeiting that paper, or using that paper to defraud another. Surely the wildest decamer would not call such legislation regulating companies. not call such legislation regulating commerce. Now how is the case changed, if that paper be pasted on the bale of cotton? But when so pasted on it would be just such a contract as a trade-mark attached to an article; no more and no less.

True, the court has held that a State may not tax a bill of lading.

But why? Not because Congress had power to legislate as to them,

but because the States were prohibited from taxing exports, &c., and taxing such contracts was virtually taxing exports. They said:

A bill of lading, or some other instrument of the same import, is necessarily always associated with every shipment of articles of commerce from the ports of one country to another. The necessities of commerce require it. It is hardly less necessary to the existence of such commerce than casks to cover tobacco or bagging to cover cotton, when such articles are exported to a foreign country, for no one would put his property in the hands of a ship-master without taking written evidence of its reception on board the vessel and the purpose for which it was placed in his hands. * * * A bill of lading, or some equivalent instrument of writing, is invariably associated with every cargo of merchandise exported to a foreign country, and consequently a duty upon that is in substance and effect a duty on an article exported.—Almy vs. California, 24 Howard, R. 170.

In United States vs. Steffins you observed the court said that decision was "because such instruments were necessities of commerce." yet in Steffins's case they also said not even such necessity would make congressional control complete. For surely the box or barrel or other receptacle of the thing sold is as necessary to commerce as a bill of lading, and they are not in congressional control. Nor can the opinion of the divided court in Pennsylvania Telegraph Company vs. Western Union Telegraph Company, 96 U.S.R., 9, be used against this view. It rather strengthens it. The court there said the electric telegraph has become "one of the necessities of commerce. It is indispensable as a means of intercommunication, but especially so in commercial transactions." * * * "Goods are sold and money paid upon telegraphic orders; contracts are made by telegraphic correspondence; cargoes secured and the movement of ships directed." But in no fair sense can trade-marks be likened to telegraphic communication. They are not yet in Steffins's case they also said not even such necessity would make trade-marks be likened to telegraphic communication. They are not sent forward to secure contracts and the like. And it took both the commerce clause and the post-office clause to support that opinion. I repeat, trade-marks are but a convenience of commerce. They are no more necessary to commerce than are the photographed or engraved euts of manufactured articles, nor more numerous. And if this legislation would be constitutional, Congress may engage in regulating the picture business.

But valuable as are the opinions of the Supreme Court they should not be the measure of the power we shall exercise in Congress. They pass upon State laws said to conflict with the supreme law, and may give the benefit of doubts in favor of the Federal power or the States as they like. But Congress is co-ordinate with the court and the legas they like. But Congress is co-ordinate with the court and the legislative body of the Government, whose ermine they wear. They must therefore hold Congressional legislation valid unless manifestly and plainly unconstitutional. The only safety, then, is for Congress to solve its doubts against the exercise of power. If it will not, the result is Congress can do all things not plainly forbidden. This is at war with the plan of our fathers. That plan restricted Congress to the exercise of certain delegated powers. One of them was regulating commerce. That power was delegated to the United States that the States might not crimbe commerce. the States might not cripple commerce

The sixth article of confederation declared:

No State shall lay any imposts or duties which may interfere with any stipula-tions in treaties entered into by the United States, &c.

By article 9 the States reserved the power of "imposing such imposts and duties on foreigners as their own people are subjected to" and the power of "prohibiting the exportation or importation of any species of goods or commodities whatsoever." The Constitution gave Congress the power "to regulate commerce with foreign nations, and among the several States and with the Indian tribes" (article 1, section 7) and (by article 2, section 10) put the States under this disability:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Freedom from State constraint was the thing sought and secured. The right to regulate the commerce, thus freed from conflicting State control, was not to grant such control as is here claimed. Grant this demand and who can deny the right of Congress to prescribe the weight and size of a bale of cotton, the form of a package for wheat or tobacco, to be shipped from one State to another?

I know that Congress has undertaken to control the shipment of cattle and nitro-glycerine from one State to another. But if that legislation be constitutional it may rest upon that defensive power inherent in all governments to protect their subjects or citizens from disease and death. On that ground the Supreme Court of the United States, in the License cases, sustained the power of the States to legislate against intoxicating drinks, even though such legislation touched imports, &c. Besides, cattle and nitro-glycerine are things sold while trade-marks are not. Thus the Committee on the Judiciary found itself compelled to strike interstate commerce from the bill.

FOREIGN TRADE-MARKS.

The next question was, can we constitutionally legislate as to for-eign trade-marks? The President of the United States has "power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." (Constitution, article 2, section 2.) Congress has "power to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof." (Article 1, section 8, Constitution.) Congress, though powerless in this regard, under the commerce clause, may so legislate in aid of the treaty-

making power. This idea is fully illustrated and sustained by the Supreme Court in United States vs. Coombs, 12 Peters's Reports, 78. The question was, whether certain obstructions to commerce, not at sea nor within tide-marks, but on land, could be punished by Congress? The court said:

Any offense which thus interferes with or obstructs or prevents such commerce and navigation, though done on land, may be punished by Congress under its general authority to make all laws necessary and proper to execute their delegated constitutional authority.

I do not enter into the extent of the treaty-making power. The contest between that power and the control of all commercial questions by Congress, which began with the treaty with the Creek Indians in 1790 and remains unsettled to this day, is not involved in this issue. Sufficient for present purposes is the decision of Marshall, Chief-Justice, in Foster & Elam vs. Neilson, 2 Peters: "A treaty is to be regarded in courts of justice as equivalent to an act of the Legislature whenever it operates of itself, without aid of any legislative provision," which language was adopted in United States vs. Forty-three Gallons of Whisky, (96 United States Reports, 146.) This being true, all that is desirable in this regard may be done by the treaty-making power alone, or by it and Congress together. The treaty-making power has entered into certain obligations as to trade-marks with various foreign nations. That the exact nature of these obligations may be understood, I quote them even at the expense of being tedious.

TREATIES AS TO TRADE-MARKS.

We had many commercial treaties prior to the trade-mark act of 1870. But in three of them only were trade-marks mentioned or considered, namely, those with Russia and Belgium, made in 1869, and with France, made in 1869. That with Russia was as follows:

with France, made in 1869. That with Russia was as follows:

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise, to show its origin and quality, shall be strictly probabiled and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States in the department of manufactures and inland commerce at St. Petersburg, and the marks of Russian subjects at the Patent Office at Washington.

Subsequently in Marks 1874, the serves position (they in marks of security).

Subsequently in March, 1874, the same parties "having recognized the necessity of defining and rendering more efficacious" said stipu-lations, "agreed upon the following arrangements:"

ARTICLE I.

With regard to marks of goods, or of their packages, and also with regard to marks of manufacture and trade, the citizens of the United States of America shall enjoy in Russia, and Russian subjects shall enjoy in the United States, the same protection as native citizens.—Coddington's Dig. of Trade-Marks, 484, 485, 486.

The treaty of 1868 with Belgium was the same as that with Russia, except that the words "and repressed" after "shall be prohibited" were omitted, Brussels was substituted for St. Petersburg, and this was added: "It is understood that if a trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country." This treaty was renewed in hace verba in 1875. (1b., 488, 489, 490, 491.)
The French treaty was:

ARTICLE I.

Every reproduction in one of the two countries of trade-marks affixed on the other to certain merchandise to prove its origin and quality is forbidden and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff was a subject or citizen of that country.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in France, or of French subjects, in the Territory of the United States cannot exist for a longer period than that fixed by

the laws of the country for its own citizens.

"If the trade-mark has become public property in the country of its origin it shall be equally free to all in the other country." Paris

is origin it shall be equally free to all in the other country." Paris is named as the place for recording trade-marks of our citizens, the Patent Office in Washington for Frenchmen. (1b., 491, 492.)

Those treaties made after the act of 1870 were with Austria, the German Empire, Great Britain, and Brazil. That with Austria, proclaimed in 1872, is exactly like that with France, except that after declaring such reproduction of trade-marks "is forbidden" the language is:

And shall give to the injured party ground for such action or proceedings to prevent such reproduction and to recover damages for the same as may be authorized by the laws of the country in which the counterfeit is proven just as if the plaintiff was a citizen of that country.—Ib., 494.

That with the German Empire, proclaimed on the same day in 1872, simply declared:

With regard to the marks of labels of goods or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.—Ib., 496.

The treaty with England proclaimed in 1878 declared:

The subjects or citizens of each of the contracting parties shall have in the dominions and possessions of the other the same rights as belong to native subjects or citizens, or as are now granted or may hereafter be granted to the subjects and citizens of the most favored nations in everything relating to property in trademarks and trade-labels.

And it obliged the claimant only to "fulfill the formalities required by the law of the respective countries." (20 U. S. Stats., 703.)

The treaty with Brazil proclaimed in 1879 gives "the same rights as belong to native citizens or subjects in everything relating to property in marks of manufacture and trade," and declares that "any person who desires to obtain the aforesaid protection must fulfill the formalities required by the laws of their respective countries." 1879.)

Those treaties undertook to secure to the citizens of those foreign nations with respect to trade-marks all the rights which our own citizens enjoyed; no more, but no less. What those rights were was fully stated by Judge Story in 1844, in Taylor vs. Carpenter:

When the plaintiffs were manufacturers in England of "Taylor's Prussian thread," and the defendant, in America, imitated their names, trade-marks, envelopes, and labels, and placed them on thread of a different manufacture: held that it was a fraudulent infringement by the defendant of the right of the plaintiff, for which equity would grant relief, whether other persons had or had not done the same. In the courts of the United States alien friends are entitled to claim the same protection of their rights as citizens.—3 Story's Reports, 458.

ame protection of their rights as citizens.—3 Story's Reports, 458.

That "aliens have the same rights as citizens in respect to the protection of their trade-marks" was decided as to "Chinese Liniment" in 1849 by Judge McLean. (See Coffeen vs. Brunton, 4 McLean, 516.) And so Davis's "Pain Killer" was protected in Canada in 1867, "L L" whisky in Ireland in 1863, and others which might be cited. And at the date of the treaties with France, Belgium, and Russia, and long before, besides the protection given in the United States courts and all our State courts by injunctions and actions for damages, many of the State courts punished infringement of trade-marks by fine and imprisonment. It was so in Connecticut, Massachusetts, Michigan, Missouri, Nevada, New York, Ohio, Oregon, and Pennsylvania. And many others since then have enacted such penal statutes.

All these rights were acquired by such treaties for the foreign subjects because possessed by our citizens. The treaties proprio vigore gave those rights. Our Patent Office, the place designated in the treaties for depositing those trade-marks, was established already.

treaties for depositing those trade-marks, was established already. Many foreign trade-marks were lodged there before the act of 1870 Foreign manufacturers and traders and our officers re-

garded these treaties as self-executing.

But as the treaty with Russia declared that counterfeiting of trademarks "shall be strictly prohibited and repressed," as that with Belgium said it "shall be prohibited," and as the common law was not in force in Russia, Belgium, or France, the legislation of 1870 was urged upon Congress. It is plain from the debates that it never could have passed had it not been thought important in aid of those treaties.

(See the remarks of Senators Summer and CARPENTER on this point, Congressional Globe, volume 80, page 4821.)

And now petitions from the Board of Trade of Philadelphia, and from some of the largest and most influential manufacturers of New York, ask for such legislation. And they urge no reason therefor but York, ask for such legislation. And they urge no reason therefor but our treaty and commercial relations with foreign nations. No other petitions on the subject have been presented to Congress, so far as the Committee on the Judiciary is advised, except one from Boston in favor of a constitutional amendment hereafter mentioned. The Committee on the Judiciary recognized the importance of maintaining not only every treaty obligation of the United States, but of doing so in such manner as to keep the confidence of the world. They know the benefits of foreign markets for the products of the brain and muscle of our people. They confess to a feeling of pride that we not only minister to the comfort and pleasure of our neighbors, but that they dig their wealth from the bowels of the earth with Yankee picks, and keep it away from thieves with Yankee locks. And, therefore, they directed me to report Mr. Armfirially's bill for passage, striking out only the new office and new salary because we the well they are reported to the product of the salary because we thought them unnecessary, and interstate commerce because it could not be constitutionally retained.

thought them unnecessary, and interstate commerce because it could not be constitutionally retained.

If the foregoing position is true, the whole subject of trade-marks with those in treaty relations to us is eliminated from this discussion. What else may be eliminated? Many articles which bear trade-marks are patented. The patentee must fix thereon or on the package containing the same the word "patented," stating the day and year of the patent. He may put that in any form which will give notice, and sign it by his name. Should any one in any manner "mark upon anything made, used, or sold by him for which he has not obtained a patent the name or any imitation of the name " of the patentee without his consent, or if such person puts "patent," "patentee," or "letters-patent," "or any word of like import with intent to imitate or counterfeit the mark or device of the patentee" without such consent, he shall for each offense suffer a penalty of not less than \$100. (Revised Statutes, section 4900.) If this statute is not now broad enough to protect all such trade-marks as may be affixed to patented articles, it can be made so by an amendment of the patent laws.

The Committee on the Judiciary have omitted to say anything in the bill on this subject. They doubt whether such an incongruous medley as a civil punishment for infringing a patent or the mark thereof as is now provided by law, with a criminal proceeding to punish such infringement of the same mark if registered as a trademark, could do any good. It might do harm, and we are not aware that patentees are asking any further protection than is given by present laws.

present laws.

THE PENAL SECTIONS OF THIS ACT.

Thus far I am in full accord with the Committee on the Judiciary on the bill reported for passage. But here I part from them, and pur-suant to notice given in committee, at the proper time, will move to

strike out all the penal sections. The report of the Committee on the Judiciary shows that they added to the Armfield bill the penal enactments of 1876, (19 Statutes, 141, 142,) being all of the reported bill after section 14. Those sections punish every person who deals in or sells or keeps or offers for sale or procures the sale of goods covered by a colorable imitation of a trade-mark, or puts a trade-mark on goods made to imitate trade-mark goods, or fills a bottle or box, &c., covered by a trade-mark with an imitation of its intended contents, when plates &c. to make false trade-marks, or imitate a trade-marks. overed by a trade-mark with an imitation of its intended contents, or has plates, &c., to make false trade-marks, or imitate a trade-mark, or sells a bottle, &c., having on it a trade-mark which he can erase without destroying it. If he do either with intent to defraud, the punishment is a fine not exceeding \$1,000 or imprisonment not more than two years, or both such fine and imprisonment. It punishes aiders and abettors with one-half of said fine and one-half of the imprisonment.

To those sections I cannot assent. Mark it! No treaty obligation demanded this act of 1876. The bill was introduced into the Senate and demanded this act of 1876. The bill was introduced into the Senate and passed there without discussion. It was so carelessly written that the language covered commerce wholly within the States, as well as without. It was so hastily gotten up that its short title is ungrammatical and the Supreme Court did not know what Congress intended to express by the act. One of its friends sought to pass it in the House without a reference, claiming it was a bill to "protect honest merchants and manufacturers." (17 RECORD, 4493.) It was referred, not to a law committee, but to the Committee on Patents, who had nothing to do with crimes. They reported it back saying for hundred. to a law committee, but to the Committee on Patents, who had nothing to do with crimes. They reported it back saying four hundred manufacturers, merchants, and dealers, in New York, Boston, and Philadelphia, had petitioned for its passage. They gave no other reason therefor, but called the previous question. At the last moment Mr. Hewitt of New York tried to protest for the thousands of small dealers in New York who might be entrapped by its provisions, but it was forced through. It is not strange that a creature of such hasty and violent birth languished, and, languishing, died in less than three years. The eight eminent doctors who tried to save its life said they knew not what was its ailment except that it was stuffed with incongrous food, and that it might have died anyhow even if it had not swallowed the States.

Shall we resurrect the corpse? Shall we give to those owners of

Shall we resurrect the corpse? Shall we give to those owners of trade-marks, protected by treaties which pledged only such protection as our own citizens have for theirs, this high right which our citizens cannot enjoy in this country? It would be at least decent to wait till we could put our own citizens on the same plane with foreigners and Indians. Wait till the McCoid amendment becomes a part of the Constitution—von who are its passage. Do not exact this could of the Constitution—you who urge its passage. Do not enact this and then urge McCoid's amendment because the foreigner and Indian is better protected than our citizen, amend the Constitution to make it fit a statute.

Have gentlemen thought of the severity of this punishment? He who fraudulently imitates a mark or device on a patented article commits no crime. He may be sued for \$100 for each offense. (Revised Statutes, 4900.)

Take another case. On an American vessel in mid-ocean is a young girl returning home. In charge of the master, she has the right to giri returning nome. In charge of the master, she has the right to be secure against even discourtesy. But forgetful of his duty as a man, despising his sacred trust, in the darkness of night he attacks her, alone, friendless, helpless, and with threats seduces and deflowers her. In Georgia we could put one at hard labor for twenty years for such a crime. Death would be too good for the scoundrel. But see that man at the bar of a United States court, convicted of thus violating section 5349 of the Revised Statutes, and hear the judge, havening with virtuous indication propugates on him the extreme thus violating section 5349 of the Revised Statutes, and hear the judge, burning with virtuous indignation, pronounce on him the extreme penalty of the law, a fine of \$1,000 and imprisonment for twelve months. And imagine him adding, "I regret that you are not found guilty of fraudulently putting a false drink in a bottle having on it the trade-mark of LL whisky; for then I could punish you at least double as much as I can for this diabolical crime."

But not only is the punishment too severe, but it is bad policy to increase the criminal jurisdiction of the United States courts, unless it be necessary in order to maintain the power, dignity, or purity of the Government or some of its departments. Before the war it was rare to see a prisoner before such courts. Violations of the postal laws were almost the only crimes then known to its practice. now the business is changed. The criminal dockets occupy the whole time of the courts. The swarm of consequent officers are a burden to the people, and the penalties inflicted are often unjust to the crim-

This punishment means more than like punishment inflicted by State authority. It means pursuit by men who arrest not to vindicate the law, but to be paid for releases. It means a system of spies in every neighborhood. It means arrest by military and not civil officers only. It means indignities to prisoners. It means trial away from home and without convenient counsel and witnesses. It means conviction and banishment to distant prisons, far off from the aid and sympathy of friends and children and wives. Under a forced construction of the statutes by the Attorney-General, all the prisoners of the United States are sent to Albany or Detroit, upon the pretext that they are "convenient" and the State prisons are not "suitable" or "available." (Revised Statutes, section 5546.) It means a life broken by disease or death in a felon's cell. I do not overdraw the picture. Four men, convicted of illicit distillation, left the bar of a United

States court for the penitentiary in Albany simultaneously. One was rescued by a pardon; death relieved the keeper of the custody of the

other three.

It is not mercy nor a desire to reform the prisoners which has caused the United States courts to allow hundreds of men to plead guilty of violating its revenue laws and then to go away without bail and without punishment, save a threat of severity if caught again. This ridiculous farce has been carried on for years under orders from the law head of this Government. Why? Because the punishments are so ill-suited to the crimes that the country staggers when called upon to execute their sentences. Let us not only make no more such severe penal laws, but have the manliness to denounce those already of force

and wipe the disgrace forever from our statute-books.

I am told the laws would not be enforced, but are needed to prevent the crimes. The advocates of the bill would invoke the majesty of the United States to frighten citizens. No such spirit breathes from the Constitution. If you would not have laws despised, pass none which you will not enforce. Make laws to provoke love, not to

excite terror.

I will not weary the House by a critical notice of the twentieth section of the bill. Let me call attention to two things in it. It gives about the same right of search for fraudulent trade-marks and plates, &c., for making them, as the Government uses to protect its currency. It authorizes seizures of private property and its destruction by a judge. The citizen is convicted of fraudulent purposes without trial by jury. The mention of these things will condemn that section. that section.

M'COID'S CONSTITUTIONAL AMENDMENT.

But another important question remains. The report shows that the friends of trade-marks seek to enlarge the powers of Congress that it may legislate thereon. The proposition is to amend as fol-

ARTICLE I.

Section 1. Congress, for promotion of trade and manufactures and to carry into effect international treaties, shall have power to grant, protect, and regulate the exclusive right to adopt and use trade-marks.

It was introduced in the House on the 2d of December, 1879, and referred to the Committee on Manufactures, of which its author is a member, and on the 11th of December, 1879, that committee reported in favor ber, and on the 11th of December, 1879, that committee reported in favor of its adoption. (See Report No. 3, Forty-sixth Congress, second session.) On the 17th of December, 1879, its author sought to pass it in the House, without discussion, under the operation of the previous question. He said there could be no objection to its passage. Mr. Arm-FIELD, thinking it unnecessary, opposed its passage. Finally the House awoke to the awkwardness of amending the Constitution thus hurriedly, and it was proposed to refer the resolution and Mr. ArmFIELD's hill, then before the Committee or Committee to the Committee of t bill, then before the Committee on Commerce, to the Committee on the Judiciary. The chairman of the Committee on Manufactures, Mr. Horr, of Michigan, begged that the only bill which his committee had ever had (as he said) should not be taken away. But the proposition to refer was carried with the quasi pledge that the Judiciary Committee would report early. It has redeemed the pledge as soon as the importance of the Subject justified a report. It is fair to soon as the importance of the subject justined a report. It is fair to assume that the report of the Committee on Manufactures presented all the reasons for this amendment. They were not convincing to the Committee on the Judiciary. Their report touched not the form of the proposed amendment; not because that was unobjectionable, but because they opposed the substance of the change. Nor did their report elaborate the reasons which induced the conclusion. Suffer me, therefore, to present my views in answer to the original report

in its favor.

The first reason therein given is that, under the invalid legislation of 1870 the United States has registered 7,785 trade-marks, taken from their owners therefor \$211,750, gave them in law nothing therefor, as the pretended protection was void, and that that money must be paid back or the trade-marks made good by amending the Constitution and then passing a ratifying law. To say nothing of such awkwas reasons for amending our organic law, let us content ourselves by saying it is cheaper to pay back the money than to have Congress and three-fourths of the States talk over and pass the amendment.

The second reason is that this is necessary, that we may keep our treaty obligations. It appears what those treaties are, and that they required no legislation on the part of the United States, that foreign manufacturers and merchants so understood, and that the act of 1870

manufacturers and merchants so understood, and that the act of 1870 was passed because it was thought best to systematize in statutory form the common law on the subject. Up to this day only three hun-dred and seventeen foreign trade-marks are registered in this coun-

dred and seventeen foreign trade-marks are registered in this country. This number hardly justifies the high-sounding periods used by the trade-mark advocates about keeping treaty faith.

But suppose it was all otherwise, suppose the treaties were not authorized by the Constitution. Is it not an astounding proposition that it is necessary to amend our Constitution to carry out a treaty? Who makes treaties on behalf of the United States? The President, by and with the advice of the Senate, two-thirds of those present concurring. He and all of them are bound by eath to support the Constitution, and a treaty not authorized by the Constitution is no treaty; it is ultra vires and void. Every foreign nation contracting with our Government knows that our President is not our sovereign but our servant; that neither he nor any other constitutional officer of our Government has any authority beyond that granted in the

Constitution, and they all recognize the rule as expressed by Story on

Constitution, and they all recognize the rule as expressed by Story on Agency, section 307a, namely:

In respect to the acts and declarations and representations of public agents, it would seem that the same rule does not prevail which ordinarily governs in relation to mere private agents. As to the latter (as we have seen) the principals are, in many cases, bound, when they have not anthorized declarations and presentations to be made. But in cases of public agents the Government or other public authority is not bound unless it manifestly appears that the agent is acting within the scope of his authority, or he is held out as having authority to do the act, or is employed in his capacity as a public agent to make the declaration or representation for the Government. Indeed this rule seems indispensable in order to guard the public against losses and injuries arising from the fraud or mistake, or rashness and indiscretion of their agents.

If any one has treated with us under a mistaken notion of the power of the President in this regard, all such a one can ask is to be released from the contract made by mistake, and we will, on request,

released from the contract made by mistake, and we will, on request, consent to such release without question. But the doctrine that if the treaty-making power has exceeded its authority we must enlarge the power of attorney or be faithless is monstrous.

There is no necessity for such legislation. Mr. Cleveland, of New Jersey, while discussing this bill in 1870, admitted that the courts of England and this country had "so construed the law (common law) as to protect manufacturers as well as the public." (Globe, 91, page 2857.) When the bill went before the Committee on Patents in the Senate they ordered all this matter stricken out as unnecessary and "a new departure" not fit to be made. Mr. Willy, in reporting the bill, said his committee had "thought that under the common law every man had a right to his own trade-mark and could protect himself." (Globe, 83, page 4821.) Mr. Sumner said the bill had "put into the text of a statute rules and principles which have been matured at the common statute rules and principles which have been matured at the common law and recognized by our courts, but which have new character and value and explicitness by being set forth in the statute." (1b.)

Mr. CARPENTER said:

They are wholly unnecessary at the common law, and so far as the rights of our citizens are concerned in England [and of course here] they are mere surplusage, the common law covering all that would be covered by these sections.—*Ibid.*

It is claimed that the States cannot adequately protect trade-marks. Why not? Their judges are as honest and as learned in the law as those upon the United States benches. The jurors, if different in the two courts, are not better in those of the Federal courts; in some parts of the country they are much below the State standard of intelligence and virtue. States' officers are more numerous, and equally faithful; their courts more numerous and more accessible; justice can be had cheaper and quicker in the State courts.

But it is said the State laws are inharmonious and conflicting. Is that true? Certain States have special industries. The manufactthat true? Certain States have special industries. The manufacturing States protect their wares by patent-rights and State statutes suitable to their condition and peculiar circumstances. How many using trade-marks are also covered by the patent law I know not. The examiner of trade-marks could not inform me. He writes me that "the medicine, tobacco, and whisky trades have registered, perhaps, one-third of the whole number;" and the States noted for these industries may, he thinks, be credited with the larger proportion of the registration, thus far effected. tion thus far effected. Massachusetts specially protects watches. Some of the Western States do the like as to beer, &c. With these exceptions examine the following statement of the statutes. The dates sometimes do not go back far enough, for they come from the codes and not from the original acts:

Punishment in jail or by fine, showing extent of, in each.

Date.	State or Territory.	Number of months and amount of fine.
1872 1875, (1847) 1877 1873	California	6 months or \$500, or both. 6 months or \$100, or both. 12 months or \$300, or both. 6 months or \$200, or both. 13 months (not less.)
1859	Massachusetts Michigan Missouri Nevada New Jersey	6 months or \$500, double on watches. 6 months or \$1,000, or both. 3 to 12 months and \$500 to \$5,000 fine. 5 to 30 days and \$25 to \$500 fine. 6 months or \$100.
1859 1864	New York Ohio Oregon Pennsylvania	12 months or \$5,000. 12 months or \$500, or both. 6 months or \$30. 3 years and \$100.
1876	Utah Nebraska Illinois Illinois* Indiana*	6 months or \$300, or both. 1 to 20 years in penitentiary and \$500. \$300 fine.
1874	Kentucky†	\$5 each.

*Counterfeit beer-kegs, &c. †For cheating by false brand, \$200.

And in many others, doubtless cheating by false marks, &c., may and if many others, doubtless cheating by faise marks, &c., may be reached by the criminal laws against cheating generally. In over half of these the date is since the act of Congress of 1870 was passed. Who will undertake to say why Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Louisiana, Maryland, Minnesota, Mississippi, New Hampshire, Rhode Island, South Carolina, Texas, Tennessee, Virginia, Vermont, Wisconsin, and West Virginia have not passed such statutes? In all probability, but for believing the acts of 1870 and 1876 sufficient, many of them might have made such laws. But they might not have thought the matter very important; for it

appears (by absence of reported cases) that no one has ever sought to protect himself at law as to trade-marks in either of the States just named except Georgia. In the States which have statutes on the subject is a fixed purpose to punish such crimes, and uniformity in the character of punishment and but little variety in its quantum.

And there is no evidence of any hostility to such laws nor indisposi-tion to make such laws in the States which have them not. I know not what States have the most trade-marks. From their affinity to patents and designs it is fair to presume that they are abundant when patents and designs abound. The South has few patents and designs; we are not manufacturers but farmers. Alabama has but 61, being 1 to every 16,344 of her population; Arkansas has but 28, being 1 to every 17,303; Florida has but 9, being 1 to every 20,916; Georgia has but 74, being 1 to every 16,002; Louisiana has but 59, being 1 to every 12,321; Mississippi has but 45, being 1 to every 18,398; South Carolina has but 36, being 1 to every 19,600; Texas has but 142, being 1 to every 5,769; and Virginia has but 107, being 1 to every 11,450.

On the other hand, look at some of the manufacturing States. New York has 2,556, being 1 to every 1,717; Connecticut has 504, being 1 to every 945; and Massachusetts has 1,134, being 1 to every 403. Count out of Massachusetts the women and children and add her proportion of trade-marks, and there will be about one patent or design or trade-mark for every man in her borders. what States have the most trade-marks. From their affinity to patents

Sign or trade-mark for every man in her borders.

But it is not in those States of the South only where there are no such statutes. Neither Colorado, nor Minnesota, nor New Hampshire, nor Rhode Island, nor Wisconsin, nor West Virginia has such laws.

I do not underrate the importance of the trade on non-patentable articles, in medicine, tobacco, or whisky. Nor will I stop to question the value of the trade-marks to their owners. I will not deny their value, to the public; but there is less in that than is claimed. The mass of purchasers trust more to smell and taste in selecting medicine, toof purchasers trust more to smell and taste in selecting medicine, to-bacco, and whisky, or the like, than to trade-marks, so often and so easily imitated that they know not which is genuine. And if they cannot test by their senses because of the goods being covered, &c., they trust to the responsibility of their merchant rather than to the manufacturers' pictures. Certain Turkish merchants "having paid at Lyons for golden fabrics (by order of the Grand Seignior) unwittingly delivered brass to him. He beheaded them." So says Browne in his Law of Trade-Marks (p. 50) and warningly adds: "Thus much for implicit faith in trade-marks."

I admit that an identical law throughout the country would be very convenient for these parties. Uniform modes of conveying and holding property during life and of disposing of it by will might be convenient. Some would like uniform rules for taking testimony uniform actions for debts and injuries, uniform punishment for crimes and the like. But the system of our government is different from

The report by the Committee on Manufactures in favor of this amendment declares:

It is the paramount interest of the Government to protect innocent purchasers of manufactured goods from deceptions, frands, and countless impositions.

That is not true. This Government has naught to do with the protection of purchasers of manufactured goods. It ought not to have; that work properly belongs to the several States.

That report adds:

The interest and safety of all demand that it. [power to protect trade-marks,] along with the power of making war, peace, and treaties; of taxation, regulating commerce, and coining money; of granting patents and copyrights, should be vested in the General Government.

Suffer me to call attention to this effort to give a dignity and importance to trade-marks to which they are not entitled. The proposed amendment is for "the promotion of trade and manufactures," posed amendment is for "the promotion of trade and manufactures," and the report claims that this trade-mark power should stand in the Constitution with patents and copyrights. The Supreme Court in the case first cited said they were entirely distinct, and all recognize the distinction. The author spends a life-time of seclusion and study that he may write a book. He is frequently not rich, but poor; not honored, but despised. A copyright but protects from piracy that which, while it may support him, blesses his race. The scientist or inventor constructs in his brain what no other mind can produce. To perfect his projects costs time and toil. To-day he is buoyant with hope, to-morrow in despair. Capital opposes his innovations; ignorance fights him. He may be driven from home, as was Fourdonier from France, for inventing the paper-making machine, or Jacdonier from France, for inventing the paper-making machine, or Jacquard from Lyons, for improving weaving machinery. It is right that genius should be protected and rewarded. And yet so opposed were our fathers to monopoly that to these benefactors of mankind they gave constitutional protection only for "a limited time," in consid-

gave constitutional protection only for "a limited time," in consideration of public use of their inventions, &c., in all future time.

But what thought or study, what toil or risk, what care or expense to the capitalist was involved in such trade-marks as "the shirt," "exactly twelve yards," "Bismarck," (collars,) "genuine Yankee soap," or "Mrs. Winslow's soothing syrup?" Why should they be protected and forever? However, it may as well be forever, for there is no residuum of good to the public to be abandoned by their authors. Mark! I am discussing the names, not the things. If the things be worth protection they can have it under copyright or patent laws. Nor would I cast a slur upon trade-marks. I recognize their convenience and usefulness. But their friends make them painfully little by contrast when they class them in importance with the power of

taxation by which governments live, with war power by which they defend life, and with the power of making peace by which that life is made useful and ennobled.

I have been thus tediously arguing this proposition, not because of any fear of the passage of this resolution. But so important is stability in our Constitution that I would not have public confidence bility in our Constitution that I would not have public confidence jostled by even a considerable following for this proposed amendment. I trespass on your patience with a few familiar facts. The Constitution was signed in September, 1787, ratified by eleven States by the middle of 1789, and later by North Carolina and Rhode Island. In 1789 twelve amendments were proposed. The two first were rejected—one to limit representatives of the people and the other to propose the proposed of the pr prevent an increase of salaries of members of Congress during their term of office. It is a pity this last one was not ratified. The resolution proposing these amendments declared by preamble the reasons for them in this language:

The conventions of a number of the States having at the time of the adoption of this Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses shall be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution.

And what were those amendments ratified? First, freedom of conscience, freedom of the press and of petition for redress of grievsecond, the right to keep and bear arms; third, no quartering ances; second, the right to keep and bear arms; third, no quartering of soldiers on citizens except by prescribed law; fourth, security of persons, houses, papers, and effects against unreasonable searches and seizures; fifth, sixth, seventh, and eighth, just compensation for property taken for public use, security of life, liberty, and property by jury trial, due process of law, moderate bail, aid of counsel, and speedy and open deliverance; ninth, "the enumeration of certain rights shall not be construed to deny or disparage others retained by the people;" tenth, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." They were ratified by the several States within a year. the several States within a year.

The decision in Chisolm vs. Georgia showed that under the Constitution a sovereign State might be destroyed by the Supreme Court. To prevent such possibility this eleventh amendment placed the States above judicial jurisdiction. It was proposed in 1794 and ratified in 1796. The twelfth amendment fixed the mode of electing our President and Vice-President and of ascertaining the result. It was ratified in 1804. I leave the history of facts which called for these amendments untouched. You know it well. I speak not of their weight

ments untouched. You know it well. I speak not of their weight and dignity. Such speaking would be wasted in this presence.

Remember that no one of these amendments enlarged the powers of the General Government; they were to "prevent misconstruction or abuse of its powers." They were "restrictive clauses" and their purpose was "to extend the ground of public confidence in the Government." And thus the fair column stood, based on States and having for its capital the recovered rights of the States and the states. ernment." And thus the fair column stood, based on states and having for its capital the reserved rights of the States and the people, till after our late war. The thunder of cannon did not shake it; fraternal blood did not stain its polish. There it stands to-day in all respects the same save that the thirteenth, fourteenth, and fifteenth amendments gave to the slave freedom and elective franchise and to the world a pledge of fidelity to our public debt.

The difficulties thrown in the way of its amendment by the Consti-

The difficulties thrown in the way of its amendment by the Constitution itself and the caution heretofore observed in touching its limitations should make us pause. A start in that direction is feared by all who love our dual system. The United States is strong enough. Let us magnify the States by an honest trust and generous confidence. Let us repeat for each: "The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

These are brave words. Do you recognize the quotation? The Constitution which contains them contained every right guaranteed by the ten amendments just mentioned. Those words have stood un-

by the ten amendments just mentioned. Those words have stood unchallenged for a century in the organic law of that grand old Common wealth, whose breast was first bared to British lead at Concord and Lexington, which flashed defiance to British tyranny by the bold signature of John Hancock to the Declaration of Independence, and proudly boasts of that sentiment of her immortal son, "Liberty and Union proposed incorposable proposed for the propo Union, one and inseparable, now and forever."

Let us guard the system of our fathers; the system of sovereign States combined into a Federal Union; the authority of each, absolute in its sphere, working together for the good of the people.

Two such silver currents when they join, Do glorify the banks that bind them in.

I would not detract one iota from the dignity or the power of the United States. In all the attributes of nationality, to it delegated by the Constitution, it is a nation, but with no powers or duties not therein nominated. As such nation, in its orbit, it moves like the sun, grand, majestic, glorious; but out of its orbit, whether by force, legislative or judicial, centripetal or centrifugal, it makes of our system chaos and blazes but to burn.

Mr. McCOID. Mr. Speaker—

Mr. HUNTON. I ask the gentleman from Iowa to yield to me for a motion to take a recess.

a motion to take a reces

Mr. McCOID. I will yield for that purpose, but retain the floor. Mr. HUNTON. Then I move the House take a recess until half past seven o'clock this evening.

ELECTION CONTEST-CHARGE OF BRIBERY.

The SPEAKER pro tempore, (Mr. GOODE in the chair.) The Clerk will read the announcement of a select committee appointed by the

The Clerk read as follows:

Select committee to investigate alleged corruption in reference to the contested-election case of Donnelly against Washburn, under resolution of April 17: Mr. Carlisle, Mr. Bicknell, Mr. Reagan, Mr. Lounsbery, Mr. O'Neill, Mr. Upde-graff, of Iowa, and Mr. Butterworth.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MULLER, for one week, on account of important business; To Mr. BEALE, for three days, on account of the deaths of rela-

To Mr. Phister, indefinitely, on account of important business; To Mr. Chittenden, for to-morrow; To Mr. Ladd, for one week from 25th, on account of important business

To Mr. HEILMAN, until May 1, on account of important business; To Mr. DE LA MATYR, for three weeks, on account of important

To Mr. Davidson, for to-day, on account of sickness in his family; To Mr. Herndon, for this evening's session, on account of indispo-

sition: To Mr. Morton, for a week, on account of important business; To Mr. Dibrell, from this evening's session, on account of indispo-

To Mr. WHITEAKER, for to-night;
To Mr. Davis, of North Carolina, for ten days;
To Mr. Keifer, until the 29th, on account of important business; and
To Mr. Urner, for one day.

The motion of Mr. Hunton was then agreed to; and accordingly (at four o'clock and twenty-two minutes p. m.) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes, Mr. Frost in the chair as Speaker pro tempore. ORDER OF BUSINESS.

Mr. HUNTON. The evening session being fixed for the consideration of business from the District of Columbia Committee, I move the House now resolve itself into the Committee of the Whole on the state of the Union for the purpose of continuing the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. Burrows in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 5541) to establish a municipal code for the District of Columb DISTRICT MUNICIPAL CODE.

Mr. BARBER. I would like to inquire of the gentleman in charge of this bill what his understanding is in regard to section 132—whether those leasehold estates are to be assessed as personal property or real estate?

Mr. NEAL. As real estate. The succeeding chapter, chapter 2, will give the necessary information.

The Clerk read as follows:

SEC. 134. Real property shall be assessed and valued in the year 1882, and every fifth year thereafter, as herein provided.

Mr. HUNTON. Mr. Chairman, there is a misprint in the second line of section 134. The word fifth ought to be third, so as to correspond with the subgroupent section. I move, therefore, to strike out fifth and insert third.

The amendment was agreed to.

The Clerk read as follows:

SEC. 138. Each assessor shall, in all cases, from actual view, and from the best sources of information in his reach, determine, as nearly as practicable, the true value of each separate tract or lot of real property in his district in lawful money, and he shall separately estimate the value of all improvements on any tract or lot, and shall note the same in his plat-book, which shall be carried out as part of the value of such tract or lot, and he shall also return the dimensions to each tract or

Mr. PRICE. I should like to inquire of the gentleman in charge of this bill whether it is the intention to make the assessor value the lot, say at a thousand dollars, and the building on it, say at five hundred dollars, and carry them out separately, or give the sum in the

Mr. HUNTON. The intention of the bill is that they shall be car-

ried out separately.

Mr. NEAL. The object of that is in case that the building should be destroyed the value of the lot could be ascertained from the tax-

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I desire to give notice that when the Clerk shall reach chapter 7 I shall offer as a sub-

stitute the creation of a board of assessors of taxation in the District of Columbia. The reason is that as we are on the chapter now relating to taxation, and which will be superseded if the amendment I propose is adopted, I desire to give this notice in order that we may reshut off from amending it.

Mr. ATKINS. I think if the gentleman intends to amend this section he should be allowed to come back at any time during the

consideration of this portion of the bill.

Mr. HUNTON. I would suggest, in order to facilitate this matter and give the gentleman from Illinois [Mr. Townshend] the fairest opportunity with reference to his amendment, that he may offer this amendment at any part of the tax portion of the bill under consideration, and if the system of taxation which he shall propose as an amendment shall be adopted, then by consent we can go back and make the bill harmonious with the amendment.

The CHAIRMAN. If there be no objection that will be the under-

standing.

There was no objection. The Clerk read as follows:

SEC. 130. Each assessor shall, on or before the first Monday of July, 1880, and every third year thereafter, make out and deliver to the commissioners a return in tabular form, contained in a book to be furnished him by said commissioners, of the ownership, amount, description, and value of the real property subject to be listed for taxation in his district. He shall also enter in a separate list a pertinent description of all property exempt from taxation under the provisions of this title, together with the ownership and use of the same, and shall estimate and return the true value thereof. All real property, the ownership of which is not known, shall be returned, as to ownership, "unknown."

²Mr. NEAL. In the second line of this section the year 1880 should be 1882, in order to harmonize with the other dates in this code. I move to amend by substituting "1882" for "1880." If, after we have finished the code, Congress sees fit to make an amendment fixing an earlier date, that would meet my approbation completely.

The amendment was agreed to. The Clerk read as follows:

SEC. 142. The collector, treasurer, and three judicious freeholders, to be appointed by the commissioners, shall compose a board of equalization of the real property, and they shall convene at air office, to be provided by the commissioners, on the first Monday of September, 1880, and every third year thereafter. They shall each take an oath fairly and impartially to equalize the value of the real property according to law. Amy four of them shall constitute a quorum, and the treasurer shall act as clerk, and keep a full and accurate account of their proceedings and orders. They shall immediately proceed to equalize the valuation made as aforesaid by the assessors, so that each tract shall be entered upon the tax list at its true value in money; and for this purpose they may raise the valuations of such tracts or lots as, in their opinion, may have been returned below their true value, and reduce the valuation of such as they may believe to have been returned above their true value to such sum as, in their opinion, may be the true value thereof; but they shall not reduce the aggregate value of the real property below the aggregate value thereof as made and returned by said assessors.

Mr. HUNTON. In line 6 of the section instread I move to amend

Mr. HUNTON. In line 6 of the section just read I move to amend by striking out "1880" and inserting "1882." The amendment was agreed to. Mr. TALBOTT. I offer the following amendment:

In line 13, after the word "true," insert the word "cash;" so that it will read, "at its true cash value in money." And after the word "money" add "not looking to a forced sale."

Mr. NEAL. That does not add anything to the force of this provision. The true value in money means of course the true cash value

in money.

Mr. TALBOTT. Why, then, not put the word in?

Mr. NEAL. It is not at all necessary. I hope the amendment will not be agreed to. The two terms are synonymous.

Mr. HUNTON. I beg leave to suggest to my friend from Maryland [Mr. TALBOTT] that money is always cash.

Mr. TALBOTT. The gentleman from Virginia will find that that is the language employed in nearly all acts assessing the value of property. It means the cash value of the property at the time of an assessment, not looking to a forced sale. If gentlemen all say that that is the meaning intended, why not let those words go in?

Mr. TOWNSHEND, of Illinois. I think the language here is plain enough to show that the cash value is intended. I do not recollect that in my own State any such phraseology is employed as the gentleman from Maryland desires to insert.

Mr. PRESCOTT. Let the two amendments be presented to the

Mr. PRESCOTT. Let the two amendments be presented to the

ommittee separately.

Mr. TALBOTT. The difference is this: Property will sell for more at a credit sale than its true value. "True cash value" is the proper phraseology; and gentlemen will find when they investigate this matter and examine the different acts in all the States of this Union the term "cash value" is used because it puts a cash value and not a

the term "cash value" is used because it puts a cash value and not a credit value upon the property.

Mr. BREWER. I would suggest to the gentleman from Maryland that if we put in the word "cash" here it will be necessary to go back and put it in all through the chapter, because the term "true value" is used all through in place of "true cash value." If it is desired to define what true value is meant, perhaps that had better be done by a separate section to be inserted hereafter. I think it would not accomplish any good hyperse to not it in here. mot accomplish any good purpose to put it in here.

Mr. ATKINS. My friend from Illinois [Mr. Springer] suggests the term "hard cash." [Laughter.]

Mr. TALBOTT. I withdraw the latter portion of the amendment,

which proposes to insert the words "looking to a forced sale," and only ask for the insertion of the word "cash."

Mr. THOMPSON, of Iowa. Whatever the idea of the gentleman from Maryland may be in proposing to change the word "money" to the word "cash," I would suggest that the word "cash" is simply a term used by common consent as applicable to a certain kind of transaction and a certain article. But when you speak of the legal money of the United States, you never hear used the term "legal cash" of the United States. In speaking of the legal engreency of the country the United States. In speaking of the legal currency of the country the word "money" is that which is always used.

The amendment was not agreed to.

Mr. BROWNE. I have an amendment to propose to this section;

but before offering it I would like to know from the gentlemen who have the bill in charge why it is that in the latter clause of the section they provide that in the equalization the aggregate value of the

property shall not be returned.

Mr. HUNTON. I will answer my friend from Indiana with pleasure. The whole property of the District is assessed at a certain percentage to bring a certain amount of taxation; and when this board of equalization meets, then if some property is assessed too low in proportion to other property, they elevate the one or depress the

Mr. BROWNE. I understand that.
Mr. HUNTON. And it does not matter at all how high the prop-

erty is assessed if there is a proportionate assessment.

If you and I have to raise a hundred dollars in taxes, and you have ten thousand dollars' worth of property and I have five thousand dollars' worth, it does not matter whether yours is put at \$10,000 or \$20,000 in the assessment if mine is also put at \$5,000 or \$10,000, because the percentage will make it all right between us. That is the principle of this bill of assessments.

Mr. RORINSON Laight.

principle of this bill of assessments.

Mr. ROBINSON. I dislike very much to take up any of the time of this committee, because I know gentlemen desire to go forward with this bill as rapidly as possible. But I am troubled about that last clause, the same as is the gentleman from Indiana, [Mr. BROWNE,] and I spoke of it at the last session that we had on this bill.

My friend from Virginia [Mr. HUNTON] says that you first determine upon a certain percentage of tax to be imposed. Then, if you get the valuation assessed too high upon any particular piece of property you may reduce it, but you shall not reduce the aggregate value of the property below the valuation fixed by the assessors. Now, unless I am all wrong about this matter of taxation and assessment, it is done something in this way: there is a certain sum of money to be is done something in this way: there is a certain sum of money to be raised by taxation; we will say that the sum of \$200,000 is to be raised by taxation. There is the property of this District upon which you are to assess that amount of taxation, that sum of \$200,000.

In the first place the assessors will fix a valuation upon my house,

upon your house, upon the houses of my neighbors, upon all the stores, &c.; upon the real estate and then upon the personal property; and in that way they will make up the entire aggregate valuation of the District. And the proportion that the amount to be raised by taxation bears to the whole valuation determines the percentage.

by taxation bears to the whole valuation determines the percentage. That, I suppose, is a very familiar matter of practice.

Now I desire to ask the attention of the gentleman from Virginia [Mr. Hunton] a minute to this. He says that if the assessors rate my house at too high a valuation they may reduce it, provided, however, that they shall not reduce it if by so doing it will tend to reduce the aggregate valuation which they have fixed upon the property of the entire District. Is that it?

Mr. ROBINSON. That is it.

Mr. ROBINSON. That is it.

Mr. NEAL. That is not it.

Mr. ROBINSON. That is it.
Mr. NEAL. That is not it.
Mr. ROBINSON. One gentleman says "that is it," and one says "that it is not it." Now, I want to find out what it is.
Mr. NEAL. I can tell the gentleman.
Mr. ROBINSON. I would be very glad if the gentleman would do so.
Mr. NEAL. The District of Columbia is divided into ten sub-dis-Mr. NEAL. The District of Columbia is divided into ten sub-districts, and each of the sub-districts has an assessor, who is sworn to appraise the property of his district at its true value in money. Now if these assessors should make a mistake and should appraise the property of the gentleman from Massachusetts a little too high and appraise my property a little too low, they will equalize it by taking it off him and putting it on me. If one of the assessors, in the opinion of this board of equalization, should appraise the property in his

ion of this board of equalization, should appraise the property in his district at too low a rate of valuation, they will add to it, and take it off the other sub-districts. In that way they will equalize the valuation of the property all over the District of Columbia.

Mr. VAN VOORHIS. Suppose they do not find anything to add to.

Mr. NEAL. They will find it. They will take the whole property of the District and ascertain from all the information they can obtain what the valuation should be, and level it up and level it down as more becoming the second of the continued.

what the valuation should be, and level it up and level it down as may be required.

Mr. DUNNELL. Keeping the aggregate the same.

Mr. NEAL. If you should allow these gentlemen to reduce the aggregate valuation, the consequence would be that the property-owners all over the District would be appealing to them from day to day to reduce the valuation on their property.

Mr. ROBINSON. There is always a difficulty about taxation. People are unwilling to have taxes put on them, and I suppose the assessors will not have a welcome duty to perform.

Now, throwing out of view entirely any complaints or difficulties that may arise, you want to get at the cash value of the property; that is what you are after. How will you fix it?

There is the market value of the property, the cash value, the value in money of the houses and of the lands in this District. Let the assessors determine that value. If it is found that they have put my property \$5,000 or \$10,000 too high I have a right to have the valuation reduced to the proper amount. I am not to be deprived of that because they have fixed some other valuation in such a way that they cannot reduce mine without reducing the aggregate. That would be an absurdity. They can only tax me what is the true value in money of my property. They have no right to tax me on a valuation of \$10,000 more than I am worth because they have made a blunder somewhere else. blunder somewhere else.

Again, it is said that they must equalize it by putting on the valuation of other property what they take off mine. Not at all. My neighbors Jones and Smith do not want the \$5,000 or \$10,000 taken from my valuation put on theirs. They would complain of that. Nobody wants the extra sum put on his valuation.

Mr. WILBER. Will the gentleman allow me to ask him one ques-

tion?

Mr. ROBINSON. Certainly.
Mr. WILBER. Suppose that in these districts where the assessors assess the valuation of the property—I suppose each one assesses in his own district—suppose that one assesses the property in his district at a much lower rate than the assessor of another district assesses the property in his district. If the one assesses at a much lower rate than the other we want it equalized so that each district will be assessed although the control of the

will be assessed alike.

Mr. NEAL. That is it.

Mr. ROBINSON. I cannot see the least difficulty even with the tendistrict system. If the valuation as made upon the property of any individual is too much or too little, let it be rectified by this board; that is, bring it up or carry it down to the true value. This is the

common sense of the thing.

Mr. WILBER. Furthermore, suppose the assessments are not uniform in the same district, let the board of equalization correct that.

Mr. ROBINSON. Very well; I agree with the gentleman.

Mr. BROWNE. Mr. Chairman, is there any amendment pending?

The CHAIRMAN. There is not.

Mr. BROWNE. In order, then, that we may have a question properly before the committee, I move to amend by striking out all after the word "thereof," in the nineteenth line, to the end of the section. The Clerk read the amendment, as follows:

Amend by striking out at the end of the paragraph the following words:
But they shall not reduce the aggregate value of the real property below the aggregate value thereof as made and returned by said assessors.

Mr. ALDRICH, of Rhode Island. It is very evident that the gentleman from Massachusetts [Mr. Robinson] misapprehends the purpose and effect of this section. In the first place it applies to real estate only. If the assessment of any man's property is too high or too low, it is so only by comparison with the real estate of his neighbor. It makes no difference to a man if his property is assessed at twice It makes no difference to a man if his property is assessed at twice the amount it ought to be, provided every other man's property in the District is assessed in the same proportion.

Mr. ROBINSON. But suppose the personal property is also assessed

Mr. ROBINSON. But suppose the personal property is also assessed too high?

Mr. ALDRICH, of Rhode Island. This has nothing to do with personal property. This question relates solely to real estate; the question of personal property is not involved in any way. If the object of the Government is to raise a certain amount of taxation, say \$1,500,000 upon a valuation of \$100,000,000, it makes no difference to the tax-payer, so long as the assessment is equal, whether the real estate of the District be assessed at \$100,000,000 or \$150,000,000.

Mr. SIMONTON. But suppose the assessment of real estate is so high as to pay, at the rate of taxation fixed upon, the whole amount of taxas required?

of taxes required?

Mr. ALDRICH, of Rhode Island. Then, let the rate of taxation be reduced. But that is not possible, because personal property is taxed also; and that is taken into consideration in making up the assessalso; and that is taken into consideration in making up the assessment. It is supposed that these assessors will come very near the actual value of all this property. They are to be selected for this purpose, sworn to perform their duty; and it is expected they will come very near to the proper value in all cases. But if one man's property should be assessed too high by comparison with the property of his neighbors, or one district should be assessed too high in comparison with other districts, the board of equalization will change the relative position of those persons or districts, leaving the aggregate inst the same

Mr. SAMFORD. Let me ask my colleague on the committee [Mr. Aldrich, of Rhode Island] a question which my other colleague, the gentleman from Ohio, [Mr. Neal.,] did not answer. I understand that under this system it is entirely possible to assess the real estate

of the District far above its true value.

Mr. ALDRICH, of Rhode Island. It is not possible.

Mr. SAMFORD. What, then, is the force of the gentleman's argument when he says it makes no difference (provided the assessment be equalized) whether it is twice the value of the property or one-half

Mr. ALDRICH, of Rhode Island. I say it makes no difference in

its effect upon the tax-payer; but it is not possible under this system, because we suppose that the assessors will use ordinary care and judgment in making their assessments.

Mr. SAMFORD. Yet, by a previous section the assessor is required under oath to return the property at its true value.

Mr. ALDRICH, of Rhode Island. Certainly, that is the duty of the assessor pat of the board of equalization.

Mr. ALDRICH, of Rhode Island. Certainly, that is the duty of the assessor, not of the board of equalization.

Mr. SAMFORD. Then the board of equalization must come along and reduce the assessment where it is too high. Now, the inconsistency of the system is right here: the intention is to require the people of this District to pay one-half of the money necessary to carry on the expenses of the Government. That is the object of the law. Furthermore it is unlawful for the authorities of the District to adopt a higher rate of taxation than 1½ per cent. Now, if the true value of the property in the District does not raise a million and a half of dollars, which is the amount the District authorities must raise to carry on the Government, then according to the gentleman's argument the valuation of the property must be raised so that the tax of 1½ per cent. will bring in a million and a half of dollars.

Mr. ALDRICH, of Rhode Island. I have made no such statement.

Mr. ALDRICH, of Rhode Island. I have made no such statement. The gentleman takes an arbitrary sum which he assumes to be necessary to meet the expenses of the District.

Mr. SAMFORD. Is it not the estimate that the aggregate amount of money to be expended by the District authorities shall be \$3,000,000, of which the General Government shall pay one million and a half, and the people of the District the other million and a half?

Mr. ALDRICH, of Rhode Island. I will agree that the people of the District cannot be assessed at a higher rate than 1½ per cent. upon the valuation of their property. If that rate of taxation does not bring in the requisite sum of a million and a half of dollars, which the gentleman undertakes to say will be required for the expenses of the District, then those expenses must be reduced or—

man undertakes to say will be required for the expenses of the District, then those expenses must be reduced or—

Mr. SAMFORD. Of course I say that.

Mr. ALDRICH, of Rhode Island. The organic act must be changed to allow the rate to be raised.

Mr. SAMFORD. You stated my position correctly at first.

The CHAIRMAN. The time for debate has expired.

Mr. Browne's amendment was rejected.

The Clerk read as follows:

SEC. 143. The three freeholders appointed, as aforesaid, members of said board of equalization, shall receive as compensation for their services the sum of \$5 per day.

Mr. TALBOTT. I wish to offer an amendment to that section. In the act there is no time prescribed when this board of equalization shall finish its duties, and, therefore, I move to add at the end of the section, "and shall complete said equalization within a period of six months from the date of their organization as a board of equalization."

My object in that, Mr. Chairman, is this: this act is silent as to when the labors of this board shall be completed. You create and appoint three officers, at \$5 a day each, and do not say when they shall finish their labors. I do not care whether it is ninety days or six months, but I put in six months, and the House can name any other period it sees proper; but some time should be fixed within which the duties of this board should be completed. As I have said, you can make it ninety days if you choose. In my State we had a reassessment of property, and we had a board of review in our county, and when they could not complete their labors within ninety days the governor had to extend the time, but that was owing to the fact we had different assessors in each election district, having in all thirteen election districts. They came in there, for instance, and one set of assessors on one side of the road would assess property at \$200 an acre, and the others directly opposite would assess if at \$75 an acre; and so it was all over the county, and they could not possibly complete the labor of equalization within ninety days, and therefore the time had to be extended by the governor. My object in that, Mr. Chairman, is this: this act is silent as to when

extended by the governor.

Now, while I do not approve this act, I do not propose to fight it.

If you appoint three competent men of the District of Columbia, who should take into consideration the assessment of all property and go

should take into consideration the assessment of all property and go from one end to the other, and give them a year to do it in, you would have then a most perfect system of taxation, and it would be more nearly equalized than you ever could get it—than to have ten assessors and a board of review afterward. If you are going to have this board of review, it is no more than right and proper you should fix some limit of time when they should complete their duties.

Mr. NEAL. There is not the least probability, Mr. Chairman, this board of equalization will be in session at any one of these triennial periods for a longer time than thirty days. The work which is required of them can be done in that time easily. The committee did not think it worth while to put this limitation upon them, because they are required by the law forthwith to go to work to do it. There are three of them who are each to receive compensation at the rate of \$5 a day, and the other two are to discharge their duties as part of of \$5 a day, and the other two are to discharge their duties as part of of so a day, and the other two are to discharge their duties as part of the duties of the office for which they receive a salary. I have no objection if the committee think it best to put a limitation upon them as to the time, but let it be a great deal shorter time than six months. Sixty days is the longest time which should be allowed, and thirty days is ample for every practical purpose.

Mr. ALDRICH, of Rhode Island. Say not exceeding sixty days.

Mr. NEAL. I move to strike out "six months" and insert "not exceeding sixty days."

Mr. TALBOTT. That is acceptable to me. The only thing I wish to do is to prescribe some limit within which the work is to be done.

Mr. BROWNE. I guarantee, if you put the limit at sixty days, they will sit sixty days and draw pay for the whole time.

Mr. WILBER. Let the gentleman withdraw his amendment and make it thirty days.

Mr. NEAL. I will make it thirty days if that be acceptable to the

ommittee.

Mr. HUNTON. Do not put it below sixty days.

Mr. TALBOTT. I will not accept below sixty days, but I am satisfied they can do it before then.

Mr. NEAL. Very well, then, put it, not exceeding sixty days.

Mr. NEAL's amendment to the amendment was agreed to.

Mr. NEAL's amendment to the amendment was agreed to.
Mr. Talbott's amendment, as amended, was then adopted.
Mr. ATKINS. I do not wish to try to amend the bill, because I am satisfied it has been carefully examined by the committee, but I ask whether they do not think it better to amend, instead of "per day," by inserting the words, "for each day of actual service."
Mr. NEAL. That is all right.
Mr. ATKINS. Then I move, instead of the words "per day," that the words "for each day of actual service" be inserted.
Mr. HUNTON. I have no objection to that amendment.

Mr. HUNTON. I have no objection to that amendment.

The amendment was agreed to.

Mr. ATKINS. I desire to ask the committee again if they do not think it takes quite as valuable and quite as competent a man to be an assessor as it takes to be a freeholder on this board of equalization,

an assessor as it takes to be a freeholder on this board of equalization, and why it is, therefore, that they put the pay of one at \$4 a day and the freeholder at \$5 a day? I do not propose to offer an amendment to that effect; I only ask for information.

Mr. HUNTON. The committee thought, after mature consideration, that this arrangement was proper.

Mr. DUNNELL. I rose when the gentleman from Tennessee did to move an amendment by striking out "five" and inserting "four" in that section, and I have merely to say, what the gentleman from Tennessee [Mr. ATKINS] has said, that the assessor should be as good a man as there is in the city, as good a man as the freeholder, and that he should be paid \$5 if the freeholder is to be paid \$5 who is to sit on this board of equalization. Four dollars a day is the average pay for like services elsewhere, and I think that is sufficient.

Mr. BROWNE. I understand that this board of equalization will meet once in every three years and to be engaged for a period of

Mr. BROWNE. I understand that this board of equalization will meet once in every three years and to be engaged for a period of about thirty days. The gentleman's amendment, therefore, is in the interest of economy, as it will save the District the sum of \$30 a year.

Mr. SPRINGER. Oh, no; more than that.

Mr. HUNTON. It will be \$30.

Mr. BROWNE. It will be \$30 a year, for they only meet once in three years, unless my arithmetic is all wrong. I think if you can get persons competent for this duty at \$5 a day it should be paid, and is low enough.

Mr. ATKINS. I am a great advocate of economy, as is well known.

Mr. ATKINS. I am a great advocate of economy, as is well known, but I did not make the motion in this case to reduce the amount. The gentleman from Minnesota, who made it, may defend his own

amendment

Mr. DUNNELL. In reply to the gentleman from Indiana, I do not undertake to say that a man may not earn his \$5 a day as one of the board of equalization, but I simply insist that there should be harmony and consistency in the bill. Four dollars a day for an assessor and \$5 a day for an equalizer is proposed in this bill. Now, I cannot see why a better man should be required for the one service than the other. The assessors do the work but once in three years; I do not other. The assessors do the work but once in three years; I do not know how long a time it will take, but they make the valuation but once in that period of time. I think, too, that it is a very sad defect in the law that a man building, say, one year immediately after the assessment, his property should run for two years without being assessed at all

Mr. NEAL. The gentleman will allow me to correct him. Provision is made in the bill for the valuation of all new structures every

Mr. DUNNELL. Very well; I accept the statement, and I will confine myself to the amendment. I think the assessor should be paid as much as the equalizer. That is my amendment.

Mr. HENKLE. Mr. Chairman, in reference to this subject—
The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HENKLE. Then I move to strike out the last word.

Mr. HENKLE. Then I move to strike out the last word.

To my mind the reason why these gentlemen who are to supervise, readjust, and equalize the assessments should be paid more than the others is self-evident. The men who make the assessments of the property in the various sub-districts are required and expected to be familiar with the property in this particular district, and with its value and other circumstances connected with it. But those who are to equalize, to review, and readjust the whole system have to review the work in the whole District of Columbia, and they are necessarily required to be men of larger experience and greater executive ability, and their labors are more onerous, and it is evident to me, at least, that they should be paid a higher rate per day for that service.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota to strike out "five" and insert "four."

The amendment was not agreed to.

Mr. VAN VOORHIS. I should like to hear that section read as it has been amended.

The section was again read as amended.

The Clerk read as follows:

SEC. 144. The valuation of the real property made and equalized as aforesaid shall consitute the basis of taxation for the next succeeding period of five years, and until another valuation is made according to law.

Mr. NEAL. Mr. Chairman, there is a misprint in this section. The word "five" in the third line of the section should be "three." I move to amend it by making it "three" instead of "five."

The amendment was agreed to. The Clerk read as follows:

CHAPTER III.

THE LISTING OF PERSONAL PROPERTY.

SEC. 145. Every person of full age and of sound mind shall, when required by the proper officer, list at its true value in money the personal property of which he is the owner, and all moneys in his possession, all moneys invested, loaned, or otherwise controlled by him as agent, attorney, or on account of any other person, company, or corporation whatsoever, and all moneys deposited subject to his order; and all credits, certificates, and other evidences of debt, due or owing from any person, body corporate or politic, whether in or out of the District, all money loaned on pledge or mortgage of real estate, although a deed or other instrument may have been given for the same, if between the parties the same is considered as surety merely. The property of every ward shall be listed by his grandian; of every minor child, idiot, or lunatic having no guardian, by his father, if living; if dead, by the person having the property in charge.

Mr. PRICE I would like to ask some gentlemen from the com-

Mr. PRICE. I would like to ask some gentleman from the committee what is meant by that? I see that that list embraces all the moneys and credits that a man has. Now, suppose he has \$10,000 and

moneys and credits that a man has. Now, suppose he has \$10,000 and he owes \$5,000, is there any provision made for that?

Mr. NEAL. Provision is made in this chapter further on for the deduction of his debts. I wish to say to the gentleman from Iowa and all other persons present that this code is perfect.

Mr. PRICE. Then I may be permitted to say to my friend from Ohio that it is the only perfect thing I have ever been able to find.

Ching that it is the only periest thing I have ever been able to find.

[Laughter.]

Mr. NEAL. I am glad to be able to say to the gentleman then that he has at last been able to find one perfect thing.

Mr. PRICE. Notwithstanding that this is a "perfect" production, mortals like myself might think this provision ought to come in here.

Mr. NEAL. If the gentleman will sit down and wait he will see that it comes in better where it is.

Mr. BRIGGS. I move to amend this section of this "perfect" document by striking out the word "surety" where it occurs in the thirteenth line, and inserting the word "security," so that it will read:

If between the parties the same is considered as security merely.

Mr. McMILLIN. "Security" is the proper word.
Mr. VAN VOORHIS. I think the word "security" is the proper one, and the amendment is correct.

one, and the amendment is correct.

The amendment was not agreed to.

Mr. ROBINSON. I move to strike out the last word merely to say that according to the view suggested by the gentleman from Ohio [Mr. Neal] we skould all hold our peace until we get through the bill, and not avail ourselves of any opportunity of making or offering an amendment. I submit that is not quite fair to us. We might as well go home and let the District Committee sit down and praise themselves for this "perfect" bill. If it is all right let us know it in advance that we may pass it and go home. If this is a perfect volume I do not know how we can offer amendments to it. [Laughter.] I withdraw my amendment.

The Clerk read as follows:

Sec. 146. The commissioners shall, on or before the first Monday of April of the

The Clerk read as follows:

Sec. 146. The commissioners shall, on or before the first Monday of April of the year 1880, and every year thereafter, divide the District into convenient sub-districts for the listing of personal property mentioned in the preceding section, so that the entire District may be assessed in a period of twenty days, and shall appoint a suitable person as assessor for each of said sub-districts. Each appointe shall, within five days after being duly notified of said appointment, give bond, with security to the acceptance of the commissioners, in the sum of \$1,000, that he will well, faithfully, and impartially discharge all the duties devolved upon him by law, and shall moreover take an each of office. If any person so appointed shall fail to give the bond, or take the eath within the time aforesaid, his appointment shall be void, and the commissioners shall, without delay, appoint some other suitable person to assess such sub-district; and the person so appointed shall qualify as aforesaid.

Mr. NEAL. When this code were such sub-district of the second sub-district is an experience of the person so appointed shall without delay, appoint some other suitable person to assess such sub-district; and the person so appointed shall qualify as aforesaid.

Mr. NEAL. When this code was prepared it was supposed we could have it enacted into law before the first Monday of April. It will now be necessary to change the date in the second line of this section. We might either change the month or the year. I suggest that we pass this over informally until we find out what progress we

Mr. TOWNSHEND, of Illinois. I suggest this bill will not become law till the 1st of July anyway, and you might as well change the

Mr. NEAL. Then I move to amend by inserting "1881" in place of "1880."

The amendment was agreed to.

Mr. HUNTON. I move to amend by striking out the latter part of the section, commencing at the beginning of line 13, namely, these words:

If any person so appointed shall fail to give the bond, or take the oath within the time aforesaid, his appointment shall be void, and the commissioners shall, without delay, appoint some other suitable person to assess such sub-district; and the person so appointed shall qualify as aforesaid.

This provides that the appointment shall be void if the party fails to give his bond. We have already, on pages 5 and 6, made a general provision as to all officers, and it is unnecessary to repeat it here.

Mr. TALBOTT. I desire to ask the gentleman who has charge of this bill one question: Why have you two sets of assessors, one set for the assessment of real property and another for the assessment of personal property? Why could not one assessor, when he visits a property, attend to the whole matter of assessment at once?

Mr. BROWNE. I rise to a question of order. I want to know what is before the committee for discussion.

is before the committee for discussion.

The CHAIRMAN. The amendment of the gentleman from Virginia, [Mr. HUNTON,] to strike out the latter portion of the section.

Mr. NEAL. I will answer the question of the gentleman from Maryland [Mr. TALBOTT] briefly. The assessment of real estate is made once in every three years. The assessment of personal property is made every year. These assessors will be appointed each year for the duties which are devolved upon them. One man may be a very competent person to assess real estate and not a competent person to assess real estate and not a competent person to assess real estate and not a competent person to assess personal property; and vice versa. It was thought best, therefore, that the commissioners should have the power if they saw fit not to appoint the same set of men, but to appoint different sets of men for the discharge of these separate and distinct duties. The question being taken on Mr. Hunton's amendment, it was not

The Clerk read as follows:

Sec. 149. Any person who is called upon to list property, and who may claim to have none, either on his own account or for others, subject to taxation, shall be required by the assessor to make oath to the truth of his claim in that behalf. The listing of the property of a corporation shall be made by the president, secretary, or other principal officer thereof. Any person who is called upon to list property, and who may claim that said property is exempt because of its being properly taxed in some State or Territory of the United States, shall, nevertheless, answer all and singular the interrogatories of said inventories, and shall attach to the affidavit the further statement that all of said property is not subject to taxation by reason of being taxed elsewhere, stating specifically the place where taxed.

Mr. BARBER. I offer the following amendment:

In line 3, strike out the word "shall" and insert the word "may;" so that it will

read:
"Any person who is called upon to list property and who may claim to have none, either on his own account or for others, subject to taxation, may be required," &c.

If this amendment is not made, the assessors would be required to put every man in the District on the roll.

Mr. NEAL. Certainly; that is what I want.

The amendment was not agreed to.

Mr. BARBER. I would like to ask the gentleman from Ohio a question. If this bill is so perfect as he represents it to be, why is it a protest against its passage has come in from the citizens of the Distinct purposed to increase the company of the Distinct purposed to the trict numerously signed?

The Clerk read as follows:

SEC. 153. The shares of capital stock of national banks shall be included in the valuation of the personal property of the owner or holder of such shares at their real value in money. When the owner or holder is a non-resident, or is absent from the District, or neglects or refuses to make true return thereof, the cashier, president, secretary, or other principal officer of the national bank in which such stock is held, shall make such return.

Mr. SAMFORD. I move to strike out the last word for the purpose of asking the chairman of the committee, the gentleman from Virginia, a question. I find in the old copy of this bill, the only one I have examined heretofore, the two sections numbered 153 and 154 included in one section which in the old bill is numbered section 153. I have no recollection of that section 153 having been changed to two sections in the committee.

I desire further to ask why upon the shares of capital stock of national banks the individual owners or holders are taxed; whereas in the case of all other corporations, including banks in the District, the tax is not levied against the individual owner. What is the object

of making that change?

Mr. HUNTON. The reason is that the national-bank law requires the bank shall not be taxed and you have to tax the holders of the

capital stock.

Mr. SAMFORD. I withdraw the amendment. The Clerk read the following:

The Clerk read the following:

SEC. 155. Every company, association, or person not incorporated under any law of the United States for banking purposes, who shall keep an office or other place of business, and engage in the business of lending money, receiving money on deposit, buying and selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness, with a view to profit, shall be deemed a bank or banker within the meaning of this chapter; and all such banks and bankers shall annually, on or before the first Monday of May, make out and return to the treasurer, under oath of the owner or principal manager thereof, a statement setting forth—First. The average amount of the notes and bills receivable discounted or purchased in the course of business by such bank or banker, and considered good and collectible.

chased in the course of business by such balls of balls of balls.

Second. The average amount of accounts receivable.

Third. The average amount of cash and cash items in possession or in transit.

Fourth. The average amount of all kinds of stocks, bonds, or other evidences of indebtedness held as an investment, or in any way representing assets.

Fifth. The average amount of real estate at its assessed value, describing the

me. Sixth. The average amount of deposits. Seventh. The average amount of accounts payable, exclusive of current deposit secunts.

accounts.

Eighth. The amount of capital paid in or employed in such banking business, together with the number of shares or proportional interest each shareholder or partner has in such association or partnership.

From the aggregate of the first five items enumerated, the said treasurer shall deduct the aggregate sum of the fifth, sixth, and seventh items, and the remainder thus obtained shall be entered upon the books of the collector in the name of such bank or banker, and shall be subject to taxation the same as is provided for other personal property.

Mr. ROBINSON. Let me call the attention of the committee to the last paragraph of this section, which reads:

From the aggregate of the first five items enumerated, the said treasurer shall deduct the aggregate sum of the fifth, sixth, and seventh items, &c.

Why is the fifth item put in and then taken out?

Why is the fifth item put in and then taken out?

Mr. NEAL. I will state to the gentleman the object is that there may appear in this return a full statement of all the property of the bank or banker. The committee will observe that the fifth item relates to the real estate of the bank or banker. That real estate being included in this return, and being otherwise taxed, must of necessity be taken out of the whole return in order to determine what amount of property the bank or banker has liable to taxation under this section other than the real estate. It is only to make the statement comtion other than the real estate. It is only to make the statement complete and perfect in the first instance, showing all the property of the bank. Then this fifth item is deducted, because it is already taxed in the shape of real estate.

Mr. ROBINSON. Then the gentleman means to say that it would be the same as if it read "from the aggregate of the first four items enumerated, the said treasurer shall deduct the aggregate sum of the

sixth and seventh items?"

Mr. NEAL. Yes.
Mr. HUNTON. The result is the same.
Mr. ROBINSON. Of course the result is the same.

Mr. NEAL. And this does no harm.

The Clerk read the following:

SEC. 157. Every agency of an insurance company duly incorporated, the principal office of which is located beyond the District of Columbia, shall return to the treasurer, in the month of April, annually, the amount of the gross receipts of such agency, less the losses paid in the District during the next preceding year. The remainder shall be entered upon the tax-list and be subject to taxation as other personal property.

Mr. SAMFORD. I move to strike out the last word for the purpose of asking the gentleman from Ohio [Mr. Neal] a question. I understood that in the Committee on the District of Columbia there was an amendment offered and adopted to this section to insert after the word "District," in the second line of the section, the words "and street railroads in said District." I would inquire of the gentleman if those words were not inserted?

Mr. NEAL. The section just read has reference only to insurance commanies

companies.

Mr. SAMFORD. I am reading from section 157 of the old bill.

Mr. NEAL. That is section 158 of this bill, the next section.

Mr. SAMFORD. I withdraw the amendment.

Mr. BAKER. In the first line of this section the word "agency"

should be stricken out and the word "agent" inserted. It is a person and not a thing that is to make the return required by this section.

Mr. HUNTON. I think my friend is mistaken in that.

Mr. BAKER. Oh, no, sir; I can hardly be mistaken. An agency as such cannot make a return; the return is made by the agent who

has charge of the agency.

Mr. HUNTON. The difficulty with the gentleman's amendment is this: if there were a half a dozen agents of one company in this dis-

Mr. BAKER. Why should not every man who has charge of an agency for an insurance company, even if there be a dozen of them in the city of Washington, give an account of his gains? It seems to me that every agent who has control of the business of a company should make a return.

The amendment of Mr. Baker was agreed to.

The amendment of Mr. Baker was agreed to.

Mr. ROBINSON. In line 5 the word "such" before the word "agency" should be changed to "his," since the amendment of the gentleman from Indiana [Mr. Baker] was adopted.

The amendment was agreed to.

Mr. LAPHAM. I would suggest that the amendments which have been made to this section render necessary another amendment. As the section now reads, each agent must make return in the district of the gross receipts of his agency "less the losses paid in the District during the next preceding year." In that way the losses might be deducted many times over. The words "by him" should be inserted after the word "losses," if the amendment of the gentleman from Indiana [Mr. Baker] is to stand. Then the section would read, "less the losses paid by him in the District during the next preceding year."

The amendment of Mr. Lapham was agreed to.

The amendment of Mr. LAPHAM was agreed to. The Clerk read the following:

SEC. 158. Railroad companies whose principal offices are located beyond the District shall be taxed upon their real and personal property situated within the District as other property is taxed; and in the valuation of the real property shall be included public grounds occupied by said railroad companies, together with improvements thereon made by said companies, the tracks which may be laid in any of the avenues, streets, or other highways of the District, together with the value of the use of such streets and highways for the purposes used by said railroads: Provided, Where, by the act of Congress incorporating any such railroad company, a different mode of taxation is prescribed, the provisions of this section shall not apply.

Mr. SAMFORD. I move to insert after the words "located beyond Mr. SAMFORD. I move to insert after the words "located beyond the District" the words "and street railroads in said District." I understand that was the amendment agreed upon in the Committee on the District of Columbia. My copy so shows, though I may be in error. The latter part of this section would seem to imply very clearly that such an amendment was adopted. I do not know that any railroad company has ever been incorporated by act of Congress except street railroad companies; certainly no railroad company whose office

is located beyond the District has ever been incorporated by act of Congress. The latter part of this section reads:

Provided, Where, by the act of Congress incorporating any such railroad company, a different mode of taxation is prescribed, the provisions of this section shall

Now, unless street railroad companies are included in this section, I do not see the application of that proviso, because no other railroads in this District have been incorporated by act of Congress. I understand that railroad companies whose lines run into this District from beyond it are incorporated by State laws.

Mr. NEAL. If the gentleman from Alabama will examine section 154 he will find that the state of the

154 he will find that ample provision is there made for taxing street

railroads. That section is as follows:

The capital stock of all other corporations not exempt by any of the provisions of this chapter shall be returned to the assessor at its true cash value by the cashier, president, secretary, or other principal officer thereof, but from such valuation shall be first deducted the appraised value of any property in the District which may be separately taxed against said corporation, &c.

Mr. SAMFORD. Let me ask the gentleman whether or not it is intended to tax the street-railroad companies for the use of the streets over which they run?

Mr. NEAL. We tax the capital stock of the street-railroad com-

panies, as of all corporations incorporated and doing business in the District. This section 158 applies to only two railroad companies, the Baltimore and Ohio and the Baltimore and Potomac. Now, the charter of the Baltimore and Potomac Railroad Company provides that the taxes assessed against their property shall go for a specific pur-

Mr. SAMFORD. Let me ask the gentleman whether either of these companies is incorporated by act of Congress?

Mr. NEAL. Certainly not; their principal office for doing business is outside of the District.

Mr. SAMFORD. What do you mean, then, by your provise?

Mr. NEAL. The Baltimore and Potomac Railroad is chartered, so far as the District of Columbia is concerned, by act of Congress.

Mr. SAMFORD. That is what I asked.

Mr. NEAL. And the Baltimore and Obio Railroad Company is also

Mr. NEAL. And the Baltimore and Ohio Railroad Company is also chartered by act of Congress. But by the charter of the Baltimore chartered by act of Congress. But by the charter of the Baltimore and Potomac Railroad Company the taxes levied upon their property go to a specific fund, and not to the general fund of the District. Now, it was claimed by the Baltimore and Ohio Railroad Company that they were not subject to the general tax laws of this District, that they must be taxed under the provisions of their charter in the same manner as they are taxed in the State of Maryland. This proviso was put in here to guard against litigation growing out of claims which might be made by the commissioners and resisted by the officers of these companies. cers of these companies.

Mr. SAMFORD. I shall not insist upon my amendment if members of the committee are opposed to it; but my recollection was that it was the intention to levy a tax upon these companies for that

portion of the street used by them as a road-bed, just as is done in the case of steam railroad companies. However, if the committee did not so understand, I will not press the amendment.

Mr. NEAL. The reason of taxing the capital stock of street-railroad companies was because, in the opinion of the sub-committee at any rate, and I think of the majority of the committee, we would thus get a larger valuation as the basis of tax than by taxing their real estate, because it is notorious that real estate is almost always undervalued in a tax assessment.

Mr. BARBER. Allow me to ask the gentleman from Ohio a question. Do the committee propose to include public grounds in the valuation of the real property of a railroad company? If so, are the committee satisfied that we have the constitutional power to do so?

Mr. NEAL. The Baltimore and Potomac Railroad Company has now the use of about two hundred thousand dollars' worth of public property; and the terms of their charter provide that Congress may, if it sees fit, tax this.

Mr. BARBER. Tax our own property?

Mr. NEAL. Tax it because the company is using it, just as we tax

the Washington Market Company on property belonging to the Gov-

the Washington Market Company on property belonging to the Government but used by the company.

Mr. BARBER. Has the committee considered the question of our power to tax a corporation for property which it does not own?

Mr. NEAL. I say that this right is expressly reserved in the act incorporating the company.

Mr. BARBER. (This is certainly a very strange proposition.

Mr. SAMFORD. I am informed by gentlemen of the committee that they think the taxation of the stock of these street-railroad companies is sufficient. I do not desire to set up my judgment against that of the committee. I therefore withdraw the amendment.

Mr. VAN VOORHIS. I move to amend by striking out the proviso of the pending section. This proviso, as I understand, is for the benefit of the Baltimore and Ohio Railroad Company. It seems to be understood that by some supposed act of Congress this company is entitled to a better mode of being taxed than other property-holders of the District. It is claimed, I believe, that the company has a charter from Congress which provides that it shall be taxed in accordance with the laws of Maryland. ance with the laws of Maryland.

Mr. NEAL. I said they claimed that. I do not say that is the fact. Mr. VAN VOORHIS. I am not willing to allow that claim. If the

company has a charter from Congress, Congress has reserved the right

company has a charter from Congress, Congress has reserved the right to alter or amend it at pleasure as to taxation or anything else.

Mr. HUNTON. Let me say to my friend that the Baltimore and Ohio Railroad Company has waived that exemption, and settled its taxes.

Mr. VAN VOORHIS. Very well, my amendment should be adopted.

Mr. NEAL. Because the Baltimore and Ohio Railroad Company has a special provision in its charter.

Mr. VAN VOORHIS. My amendment is to strike out the proviso. If the Baltimore and Ohio Railroad Company have a benefit over and above all other real-estate holders in this District, then it is time Congress took it away from them. They have no right to it, and whether Congress has reserved in their charter or not the right to change it, we have the right, and the Supreme Court has said so.

Congress has reserved in their charter or not the right to change it, we have the right, and the Supreme Court has said so.

Mr. NEAL. Whereabouts?

Mr. VAN VOORHIS. We have the right without regard to anything in the charter, because Congress is the source of franchise, if they hold it at pleasure. Have they a contract with us which for all time exempts them from taxation?

Mr. TOWNSHEND, of Illinois. If by special charter the railroad company has acquired rights under it I should like to know how you can divest it of them?

can divest it of them?

can divest it of them?

Mr. VAN VOORHIS. Have they a right of such a character that it is not within the control of Congress to say how and when and where and how much they shall be taxed?

Mr. NEAL. The tax which the act incorporating the Baltimore and Ohio Railroad Company allows is expressly appropriated for the use of schools in this District, and there is no right reserved to alter, amend, or repeal the charter in that respect. The Supreme Court of the United States have decided over and over again that a charter is contract, and unless such right is reserved it cannot be used. And a contract, and unless such right is reserved it cannot be used. And in the Ohio bank cases, where the supreme court of the State of Ohio undertook to tax the State banks in a manner different from what had been provided for by their charters by the State of Ohio, the Supreme Court of the United States have decided that the law was unconstitutional and that the bank charters were contracts, and the mode of taxation provided in those charters was the only mode under which they could be taxed by any law of the State of Ohio.

Mr. VAN VOORHIS. I do not think the gentleman has read the recent decisions of the Supreme Court in the Pacific Railway cases.

Mr. NEAL. Because there is there an express provision reserving

the right.

Mr. VAN VOORHIS. Where they expressly hold, whether that provision is in the charter or not, Congress has the entire control, and such a provision is not a vested right. And there is no reason, Mr. Chairman, why a railroad company receiving the enormous profits the Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad Companies receive should pay a less rate of taxation than other people owning property in this District.

Mr. HENKLE. I desire to say on this subject there is no exemption from taxation of the property of the Baltimore and Ohio Railroad Company in the District of Columbia. That has not been sought on the part of the railroad company and it does not exist. The Baltimore and Potomac Railroad Company pay taxes now upon their depot and public property on the portion of the square they now occupy and use.

cupy and use.

Mr. HUNTON. Expressly provided for in the charter.

Mr. HENKLE. Yes; expressly provided for in the charter.

Mr. NEAL. And goes to the public schools.

Mr. HENKLE. Yes; and goes for the benefit of the public schools in this District.

Mr. BRIGGS. What is the valuation?
Mr. HENKLE. The same valuation which applies to other property in the District. There is not a public steam railroad which is exempt from taxation in the limits of the District of Columbia toexempt from taxation in the limits of the District of Columbia today. There was a claim for exemption on the part of the Baltimore and Ohio Railroad Company, but they have waived that exemption, and within the past month they paid their taxes. Neither the Baltimore and Ohio Railroad Company nor the Baltimore and Potomac Railroad Company is exempt, never was exempt, and neither claims to be exempt. Both have paid their taxes.

Mr. VAN VOORHIS. Then they do not want this proviso.

Mr. HENKLE. The effect of the proviso is this: that the taxes derived shall go, in obedience to the provision of the charter, to the public schools.

public schools.

Mr. VAN VOORHIS. This provise does not touch it at all. That is what shall be done with the taxes these railroads pay. That is another question which is not affected by this provision in the slightest degree. This only provides how the taxes shall be collected and levied. It does not provide what shall be done with them.

Mr. HENKLE. I wish to say further in relation to the bearing this section may have on street railroads in the District of Columbia, that it was not expected or intended by the committee that the street railroads should be taxed for the use of the streets in the District of Columbia. They are taxed on their capital stock, they are taxed on all their property real and personal, and, more than that, they are required to keep in good condition and repair the pavements between their tracks and two feet beyond on either side.

Mr. McMILLIN. I rise now, Mr. Chairman, for the purpose of asking a question. If these roads are taxed upon their capital stock, suppose that stock is owned outside of the city of Washington, then

have you not the city of Washington contributing to the protection of these railroads from which it derives no benefit in the way of taxation?

Mr. HENKLE. If the stock is owned outside of the District it is taxed at the company's office.

Mr. BAKER. Mr. Chairman, the proviso that it is proposed here to strike out relates to the method of taxation of two railroad corporations. It is suggested by the gentleman from New York that it is within the constitutional competency of Congress to abrogate the provisions contained in the charter of these corporations which have been granted by Congress so as to change the method of taxation prescribed in the charter.

It is true the inhibition in the Constitution of the United States against the passage of any law which impairs the obligation of contracts is limited in its operation and effect to the various States. It is probably true that Congress may, if it sees fit so to do, violate the provisions of the contract which has been entered into by it and a corporation in such manner as a State would not be permitted to do by virtue of that inhibition in the Constitution to which I have alluded. But it strikes me it would be a very strange spectacle for this Congress to set the example of repudiating the obligation heretofore entered into by a preceding Congress after mature consideration and by proper legislation. It would be, in my judgment, a kind of Punic faith that I should regret to see particularly by this Congress.

Whether the subject that it is proposed to inflict a violation of this provision of the Constitution upon be a railroad corporation or a bondholder, or whether it be any other city than Washington or any other corporation, I look at it as possessed of the same vicious principle and trenching on rights that have been granted and sanctioned by oblitracts is limited in its operation and effect to the various States. It is

corporation, I look at it as possessed of the same victous principle and trenching on rights that have been granted and sanctioned by obligations we are bound by every principle of honor and good faith to observe. If there be such a stipulation in the charter of this company, then this provision which it is proposed to strike out in this section is proper. If there be no such stipulation, this provise being allowed to remain does no harm, and as I understand that there is such a stipulation I submit the provise should be retained untouched

and I hope it will be.

Mr. McMILLIN. Mr. Chairman, I think the amendment of the gentleman from New York to strike out the proviso should be adopted. One of the railroads entering into this District it seems has claimed all along that by the act of its incorporation it had certain immunities or exemptions from taxation, namely, the Baltimore and Ohio Rail-

road corporation.

If we enact this proviso, although they have surrendered that right within a few days or recently, if they ever possessed the right at all they will posses it again under this proviso.

Mr. VAN VOORHIS. It will be renewed.

Mr. McMILLIN. Yes, it will be renewed under this proviso, and therefore I think we ought to strike out the proviso. I do not think

one mode of taxation ought to prevail as against a citizen and another as against a corporation. They ought to be put on the same

footing in that respect.

Mr. BROWNE. If the gentleman from Tennessee will permit me, he will observe the proviso does not make a new law but refers to a

law already in existence.

Mr. McMILLIN. I am aware of that, but the gentleman does not

catch my point.

The Baltimore and Ohio Railroad has a claim, and it has never been settled against them judicially, that originally they had certain exemptions from taxation. Now, suppose they were right in that, and by their charter they do have the exemption they claim. Then, if we enact this proviso we renew their rights which it is said they have surrendered, and for the future they will not be bound by any action they have taken in that respect.

Mr. HENKLE. But the asymption of the Politimers and Ohio Political Control of the Political C

Mr. HENKLE. But the exemption of the Baltimore and Ohio Railroad has expired by limitation and cannot be claimed hereafter.

Mr. McMILLIN. Suppose it has. I say that if this proviso is enacted it renews the exemption.

enacted it renews the exemption.

Mr. HENKLE. However, we do not care a sou about the amendment; strike it out if you wish.

The question was taken; and the amendment was not agreed to.
Mr. VAN VOORHIS demanded a division.

The committee divided; and there were—ayes, 18, noes 19.
So the amendment was not agreed to.
Mr. VAN VOORHIS. Mr. Chairman, I raise the point on that section that there is no quorum voting, and I shall make that point unless gentlemen vote who silenced this debate by assenting to the amendment, and now remain in their seats and refuse to vote.

less gentlemen vote who silenced this debate by assenting to the amendment, and now remain in their seats and refuse to vote.

Mr. HUNTON. I ask the gentleman from New York how he expects to get a vote upon this ameudment in the House? We have been voting all the evening upon amendments, and those who have been defeated have acquiesced. Now, the gentleman from New York is defeated for the first time, and he does not acquiesce.

Mr. VAN VOORHIS. I beg the gentleman to understand there is no such point as that about the case. There is a great principle involved here. Are we by this to establish a principle that a railroad is to pay taxes upon a different principle from a private property-holder? And are we going to establish the principle that one railroad shall pay taxes upon a different principle from another?

The CHAIRMAN. Does the gentleman from New York [Mr. Van Voorhis] insist upon his point of order that no quorum voted?

Mr. PRESCOTT. As a compromise might it not be agreed that this

Mr. PRESCOTI. As a compromise might that be agreed that this amendment shall be brought into the House to be voted upon?

Mr. VAN VOORHIS. That is what I was about to propose.

Mr. McMILLIN. It has been ruled that that cannot be done.

Mr. SIMONTON. When an amendment has been voted down in Committee of the Whole it cannot be offered in the House.

Committee of the Whole it cannot be offered in the House.

The CHAIRMAN. The amendment will not be reported to the House, having been defeated in the Committee of the Whole.

Mr. VAN VOORHIS. Then, I insist on my point of order.

Mr. SAMFORD. Could not the chairman of the District Committee agree to allow that amendment to be offered in the House?

Mr. McMILLIN. I will state to my friend from Alabama that question has been decided in the negative within the past ten days.

Mr. CANNON, of Illinois. There has been no decision of that kind.

Mr. HUNTON. If I have the power I will agree that the gentleman from New York can offer that amendment in the House.

The CHAIRMAN. The Chair was about to state that it could be offered as an independent proposition; but the chairman of the Committee of the Whole could not report it.

Mr. McMILLIN. In the case of a bill recently reported to the House from the Committee of the Whole the gentleman who was managing the bill agreed to admit an amendment, and stated there was

managing the bill agreed to admit an amendment, and stated there was an agreement in the Committee that it should be voted upon in the

House. But the point being made it was not allowed.

Mr. CANNON, of Illinois. There is no difficulty about this matter at all. In the case referred to by the gentleman from Tennessee [Mr. McMillin] the amendment was not offered in the House. The previous question was called on the amendments reported by the Committee of the Whole, and did not include the amendment which had been defeated in Committee of the Whole. But the gentleman from Virginia [Mr. HUNTON] when this bill is reported to the House from the Committee of the Whole has it in his power, if he chooses, to admit the amendment of the gentleman from New York, or allow him to offer it, and can then move the previous question on the bill and amendments as reported by the Committee of the Whole and on the

amendment of the gentleman from New York.

Mr. HUNTON. And that I agree to do.

Mr. VAN VOORHIS. Let it also be the understanding that the gentleman from Virginia will allow a statement of ten minutes to be made for the information of the House.

Mr. HUNTON. I will agree that there shall be ten minutes allowed

to each side for a statement of the case.

Mr. VAN VOORHIS. Upon that understanding I withdraw the

demand for tellers.

Mr. CONGER. I ask the gentlemen in charge of this bill upon what principle they allow improvements made upon public grounds belonging to the Government to be taxed?

Mr. NEAL. On the principle that that right is expressly reserved

in the charter.

Mr. CONGER. We have made an arrangement that the people of Mr. CONGER. We have made an arrangement that the people of the District shall pay one-half of all the expenses of the District government, and that the Government of the United States shall pay the other half. The Government owns these grounds. The bill authorizes the Government property on which these railroads are located to be taxed for the District half of the expenses. Why should the Government property, besides paying half of all the expenses, be taxed to pay the District's half of the expenditure?

Mr.NEAL. For this reason: these railroad companies occupy, without any expense to them whatever, the public grounds, the streets, and the avenues of this city.

and the avenues of this city.

and the avenues of this city.

Mr. CONGER. I understand that. But why not provide that the tax derived from the property they occupy shall go to the Government and be applied toward paying its half of the expenses.

Mr. NEAL. Because I think the Government of the United States should pay its half independently of this. I am not disposed, as one of the Representatives of this great American nation, to deal in a niggardly way with the capital of the country. I want to see it made the most magnificent city on the American continent.

Mr. BARBER. I think the gentleman from Michigan [Mr. Conger] has fallen into the same mistake which has already been made in this discussion.

discussion

discussion.

Mr. CONGER. If the gentleman from Illinois thinks I have fallen into the ditch, I am willing to let him help me out.

Mr. KLOTZ. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KLOTZ. What is the question before the committee?

The CHAIRMAN. There is no question pending.

Mr. KLOTZ. Then I object to debate.

Mr. CONGER. I move to strike out the last word. When the Government, for purposes of public policy and for the general interest of ernment, for purposes of public policy and for the general interest of the District, gave the use of public grounds to these railroads, it was not for rent nor for hire. And I venture to say no man will be willing to give our parks or our streets to any company for rent, for the value we can receive from them in that way. They are only given on account of a public necessity to make the means of communication with the capital what it is desirable they should be. It was for that reason that Congress offered the right of way across the public grounds or offered the occupancy of the public grounds in the city to these railroads, the use of the streets, &c., to bring one and then two railroads into this city for the accommodation of the Government and of

the people who come here

That was one of the inducements; the companies accepted it and That was one of the inducements; the companies accepted it and came here, and they are now occupying what Congress said they might occupy, the streets and the public grounds. Here is a provision to tax whatever of the public grounds they occupy belonging to the Government, which grounds are never to be taxed for any other purpose. This provision is that they shall be taxed for the use of the District to assist it in paying one-half of the expenses which the District has to pay. I cannot see any consistency or propriety in our taxing these public grounds used by the railroad companies for the benefit of the District.

Mr. HUNTON. Will the gentleman from Michigan allow me a

moment?

Mr. CONGER. Yes, sir.
Mr. HUNTON. I think the gentleman from Michigan is entirely mistaken. I do not think he will find that the real estate belonging to the Federal Government upon which these railroads are located is in any event taxed except in the case of the Baltimore and Potomac Railroad Company, and that is expressly provided for in the permission given to that company by the Federal Government to occupy those grounds.

Mr. CONGER. I will read the clause of this section and let the gen-

Railroad companies whose principal offices are located beyond the District shall be taxed upon their real and personal property situated within the District as other property is taxed; and in the valuation of the real property shall be included public grounds occupied by said railroad companies, together with improvements thereon made by said companies.

Now all of the public grounds which they occupy is to be taxed as

Mr. NEAL. That is what we want to do.

Mr. CONGER. This provides "in the valuation of the real property" of railroad companies whose principal offices are located beyond the District "shall be included public grounds occupied by said railroad companies, together with improvements thereon made by said

road companies, together with improvements thereon made by saucompanies."

Mr. BARBER. The effect of it is to swell the valuation of the lands owned by the railroad company.

Mr. CONGER. If our object is to tax our own public grounds because the railroads are upon them, to make the railroads pay for the ground which they occupy, although those grounds are owned by the Government, just as if they were owned by the company, then this may be right; otherwise it is wrong.

Mr. BAKER. Why should not the railroad companies be taxed for these grounds, if they occupy grounds owned by the Government? If they owned the grounds in their own right they would be compelled to pay the tax on them.

pelled to pay the tax on them.

Mr. CONGER. I will tell the gentlemen why. It is because this Congress during the war, when it was found that the possession of a single railroad company to this city, so far as the purposes of the Government were concerned, was obstructed, and untold peril overhung this Capitol, because there was but that one railroad, and because it passed through one city—it was because of that that Congress offered an inducement for another railroad to be built here in order that there should be two means of approach to this capital city of the nation. And as every man knows who has read the debates, and as every man who was here and participated in that legislation knows, Congress, with one voice from the North and almost one voice from the South, determined that there should be two means of access to this city. Mr. NEAL.

Through Baltimore.

Mr. NEAL. Through Baltimore.

Mr. CONGER. Through Baltimore and from New York. And we offered every inducement that was considered necessary in order to get another road here. We did not care who built it, but we wanted another road here, even if it came through Baltimore.

And in coming through Baltimore that new road had to burrow its way through the ground in the darkness because Baltimore forbade its coming through that city in the light of day. Now, when every opposition was made to that rival railroad which could be made by the exercise of any constitutional prover.

opposition was made to that rival railroad which could be made by the exercise of any constitutional or even unconstitutional power, Congress was called upon to make concessions and to offer inducements to some company to build another road here.

Mr. SIMONTON. Does the gentleman from Michigan—
Mr. CONGER. Let me finish. I do not mean the gentleman, but my remarks. [Laughter.] Congress had determined to authorize the building of a railroad from Washington to New York, independent of any other railroad, a great national military highway. Then there came offers of corporations to build a road by which the capital of the nation could be reached from the North and the East and the West. A company offered to build it if we would give them means of access to the city.

means of access to the city.

We did give them access through the streets and through the public grounds; on the public grounds, and a part of the public ground right in view of the Capitol, with the full knowledge that depots were to be built there, that cars were to stand there, that they were to run their tracks through the public grounds right in full view of the Capitol. We would have given them the public grounds in front of this Capitol in perpetuity if it had been necessary to induce another

road to come here. That was a part of the contract. And now it is proposed to tax them for that portion of the public grounds which we gave them the privilege to occupy.

Mr. NEAL. Because that right was expressly reserved in the char-

ter.

Mr. SIMONTON. Does the gentleman from Michigan deny that the right to tax the company for the use of this property was reserved in the grant to them of these public grounds?

Mr. CONGER. It may have been; but it was a part of the condition of their coming here that they should go upon these public grounds, even if they disfigured them with cars and with depots and with stations right in view of this Capitol.

Mr. NEAL. And that they should pay taxes on them, too.

Mr. CONGER. No, sir.

Mr. NEAL. Yes, sir.

[Here the hammer fell.]

Mr. ALDRICH, of Rhode Island. I have no disposition to discuss this question. I have no idea that the gentleman from Michigan is serious in the speech he has just made.

The CHAIRMAN. Does the gentleman from Michigan withdraw his formal amendment?

his formal amendment?

Mr. CONGER. Yes, sir; but I still object to the proposition in this bill.

The CHAIRMAN. There is no amendment before the committee. The Clerk will read.

Mr. VAN VOORHIS. Before the Clerk resumes the reading, I ask

unanimous consent to go back to section 145, so as to strike out the unanimous consent to go back to section 140, so as to strike out the word "surety" and insert in lieu of it the word "security." It is now conceded on all hands that "security" is the proper word.

The CHAIRMAN. Is there objection to going back?

Mr. ALDRICH, of Rhode Island. Yes, sir; I object; that change has already been made.

The Clerk read as follows:

The Clerk read as follows:

Sec. 163. When the assessors shall have returned the lists and inventories aforesaid, as above provided, to said treasurer, he shall notify the commissioners, and thereupon the said commissioners shall apoint four discreet persons, residents of the District, who, together with the treasurer, shall constitute a board for the equalization of personal property. Said board shall meet at an office, to be provided therefor by said commissioners, on the Monday succeeding their said appointment, and shall close their session on or before the third Monday thereafter. Said board shall have power to equalize the value of personal property, moneys, and credits; they shall hear complaints; and when any person has refused to list his property, or to swear to such inventory, and they may have reason to believe that the return made by the assessor of such person's property is eason to believe that the return made by the assessor of such person's property is eason to believe that the return made by the assessor of such person's property is eason to believe that the return made by the assessor of such person's property is eason to believe that the return made by the assessor of such person's property is eason to believe that the return made by the assessor of such person's property and where any person has listed his property and verified it, and they have reason to suspect the same is not a true inventory of his property and the value thereof, they may summons such person to appear before them on a day named in the summons, and shall on such day examine him under oath touching his property and the value thereof; and may also summons and examine under oath such other persons as to them may seem advisable, and upon such examination they may make such additions to the property and the valuation thereof as to a majority of the board may seem to be just; but they shall not reduce either the property or the valuations. Said board of equalization shall, before entering upon the discharge of their duties as

Mr. VAN VOORHIS. I move to amend by striking out, in the twentieth and twenty-fourth lines, the word "summons" and inserting "summon." Mr. NEAL.

Mr. NEAL. That is right; there is no objection to it.
The amendment was agreed to.

Mr. LAPHAM. I move to amend by striking out "it," in the eight-eenth line, and inserting in lieu thereof the words, "the inventory thereof." The word "it" does not express the idea.

The amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 165. Any president, cashier, secretary, or other officer of any national bank or other incorporated company, any banker, or any agent of any insurance company whose principal office is beyond the limits of the District, who shall refuse to list and make return of the capital stock of any such national bank or other incorporated company, or of the capital of any unincorporated bank or banker, or of the receipts of any such insurance company, as they are required by the provisions of this chapter, shall be guilty of a misdemeanor, and on conviction thereof before the police court shall be confined in the jail of the District for any period not exceeding thirty days, and be fined in any sum not exceeding \$500.

Mr. WILBER. I move to amend by striking out this section. The effect of it is that the agent of an insurance company doing business in this District may be put in jail if he fails to make return for the purposes of taxation, while a railroad company selling its tickets here and transacting its business every day in the year is not assessed on

Mr. NEAL. But it pays taxes on its property.
Mr. WILBER. So does the insurance company. The railroad conpany is not taxed on the business that it does. Why discriminate? The railroad com-

Mr. NEAL. Because insurance companies generally have no property in the District. Their agents come here, collect money from the people of the District, and send it outside the District to be spent.

Mr. WILBER. Very well; an individual residing outside the District is assessed and pays taxes where he lives.

Mr. ALDRICH, of Rhode Island. He pays taxes here if he does

Mr. WILBER. But a railroad company does not.

Mr. NEAL. Does the gentleman think it wrong to tax the receipts of insurance companies?

Mr. WILBER. The receipts of insurance companies are taxed where

the company has its home office.

Mr. NEAL. Do you think that this District ought not to tax the

receipts of insurance companies?

Mr. WILBER. I think that insurance companies should have the

Mr. Willer. I think that market companies same privileges as railroad companies.

Mr. NEAL. The gentleman begs the question; he does not answer.

Mr. HUNTON. I will say to my friend from New York [Mr. WilBER] that these two sections, the one under consideration and the next following, are intended to provide a penalty for all persons who refuse to make return for the purposes of taxation. As my friend from Ohio [Mr. NEAL] has explained, the object in regard to incorporated companies whose principal offices are outside the district is to make the agent here give a list of the taxable property, or else subject himself to a fine. Then section 166 provides that—

If any person summoned to appear before any assessor or board of equalization to give testimony, as in this title provided for, shall neglect or refuse to appear, or shall refuse to answer any question that may be put to him touching the matter under examination, without good and sufficient excuse therefor, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be confined in the jail of the District for a period not exceeding twenty days, and be liable to a fine not exceeding \$100.

Now, these two sections provide a penalty for refusal to give in a true list of taxable property of incorporated companies and of individuals.

Mr. WILBER. That is all right.

The CHAIRMAN. Does the gentleman from New York withdraw

his amendment?
Mr. WILBER. Yes, sir.
Mr. BARBER. I desire to make an inquiry in regard to section 164.

Mr. ALDRICH, of Rhode Island. We have passed that.
Mr. BARBER. I know that; but I have the right to inquire of the gentleman from Ohio whether there is any way of avoiding the penalty here imposed, where the failure to make the return is the result of accident. Mr. NEAL.

Mr. NEAL. Certainly. If the gentleman will examine the pre-ceding section he will find it provided that where a man by reason of absence or sickness fails to make return he may come in at any time, make an inventory, and swear to it; and thereupon it goes upon the tax-list just as he returns it.

Mr. VAN VOORHIS. I move to strike out, in section 165, line 10, "before the police court."

Mr. NEAL. There is no objection to that amendment.

The amendment was agreed to.

Mr. FARR. I move to strike out the last word for the purpose of asking the gentleman where in this bill insurance companies are

charged a tax on gross receipts f
Mr. NEAL. Section 157.
Mr. FARR. I beg the gentleman's pardon, it does not do any such thing. It taxes agents of insurance companies, but not the insurance companies. They have undertaken in that section to levy a tax on insurance agents for doing business in the District, but they do not

tax the companies at all.

Mr. NEAL. This section 165 does not put any penalty on the company but puts it on the agent.

Mr. WILBER. But suppose that agent should possibly do business without the knowledge of the company?

Mr. HUNTON. I make the point of order that we have passed that

section.

Mr. FARR. I withdraw my formal amendment.

Mr. LAPHAM. I should like to make an inquiry. After providing in section 164-

Mr. HUNTON. We have passed that section.
Mr. LAPHAM. Of course; but I am adverting to that with a view

Mr. LAPHAM. Or course; but I am adverting to that with a view of speaking in reference to section 165.

Mr. HUNTON. All right.

Mr. LAPHAM. After providing in section 164 an addition of 50 per cent. to the amount returned or ascertained, why is it necessary to add the penalty provided in section 165, and have that apply only to a certain class of persons who refuse to make returns?

Mr. NEAL. Section 165 applies to incorporated companies and to

a certain class of persons who refuse to make returns?

Mr. NEAL. Section 165 applies to incorporated companies and to insurance agents, and section 166 to all other parties. If the gentleman will examine section 163 he will find the board of equalization have authority to summon before them any person they may see fit. If these parties refuse to appear there must be some way to punish them. We made provision as for contempt of court.

Mr. ROBINSON. Why do you have penalties of two different kinds?

One is imprisonment and according thirty days and a fire not exceed.

One is imprisonment not exceeding thirty days, and a fine not exceeding \$500; and in the other case imprisonment not exceeding twenty

days, and a fine not exceeding \$100.

Mr. NEAL. We think the contempt is greater in the failure of an agent or officer in not appearing than in individuals. That is the reason why

Mr. ROBINSON. I do not see the distinction, but perhaps there is

one.
Mr. WILBER. The distinction made here is all wrong, every bit of it.

The CHAIRMAN. There is no question before the committee.

Mr. WILBER. I move to strike out the last word. To prevent an insurance agent or any agent coming into this District to do business

here, I do not care who it is, is contrary to the commercial interests of the people here and of the people elsewhere. Traveling agents are coming in here, insurance agents and others, and people are insured. If you keep them out and bring the business under the scope of the few who are here it will compel the people to pay the exorbitant prices they may charge.

I withdraw my formal amendment. The Clerk read as follows:

SEC. 166. If any person summoned to appear before any assessor or board of equalization to give testimony, as in this title provided for, shall neglect or refuse to appear, or shall refuse to answer any question that may be put to him touching the matter under examination, without good and sufficient excuse therefor, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be confined in the jail of the District for a period not exceeding twenty days, and be liable to a fine not exceeding \$100.

Mr. ROBINSON. My friend from Iowa made an inquiry long since, while we were considering section 145, and he was recommended to wait awhile. I think we have passed over the portion in reference to assessments, and I wish the gentleman from Ohio would now point out where the indebtedness that a party is paying interest on is allowed in reduction of the assessment for taxes.

Mr. NEAL. Turn to line 17, on page 38, and the gentleman will

Mr. ROBINSON. That is after section 145.
Mr. NEAL. No, it is before section 145.
Mr. ROBINSON. I have found it. Well, I charge it all to the gentleman from Ohio, because he rebuked the gentleman from Iowa and told him to sit down and wait. [Laughter.]
Mr. LAPHAM. I concede this section 166, which punishes the re-

fusal to appear and testify, as applicable to all persons, is proper enough; but why should section 165 only punish certain officers who neglect to make returns and leave a citizen of the District who refuses to make return entirely exempt from any punishment what-

Mr. WILBER. There is no reason.
Mr. LAPHAM. I can see no reason for it. Section 165 only applies to a certain class of persons who represent corporations. tiable to punishment for refusing to make return, but the citizen of the District who refuses to make return is exempt from all punishment except he is liable to have 50 per cent. added to his tax. I cannot see the reason for it.

Mr. SAMFORD. Section 166 provides for the penalty.
Mr. LAPHAM. Only for refusal to testify; that is all, not for re-

fusal to make return.

Mr. ROBINSON. To answer any question put to him under examination.

Mr. LAPHAM. That is where he is summoned to testify.
Mr. HUNTON. If the gentleman will turn to section 164, he will find, in every case, where a person or corporation shall refuse to

find, in every case, where a person or corporation shall refuse to make return, &c.

Mr. LAPHAM. There only a penalty of 50 per cent. is provided. I have no objection to that; but section 165 undertakes to punish as for a misdemeanor a certain class.

Mr. HUNTON. The reason is, that in the case of a person here you can get at him to make him disclose his property; but in the case of these foreign associations you cannot, and therefore that provision was incorporated in the bill to meet that difficulty.

Mr. LAPHAM. But the agent of the company would be here.

Mr. NEAL. There is, in my opinion, another reason, and that is the offense committed in this regard by the agent is one which is of more magnitude and importance than if by a private individual, because he acts in a fiduciary capacity and it is necessary for the protection of the individual rights that he should be held to a stricter accountability. For that reason we want to bring some pressure to accountability. For that reason we want to bring some pressure to bear against such parties in case of a failure to perform their duty

Mr. LAPHAM. It may be my own inadvertence, but I am unable

Mr. HUNTON. Mr. Chairman, I raise the point of order that there is no amendment pending.

The CHAIRMAN. The point of order is well taken.

The Clerk read as follows:

SEC. 168. Any taxes assessed on any shares of stock, or the value thereof, of any national bank or other incorporated company, shall be and remain a lien upon such shares from the first Monday of May of each year until such taxes are paid, and the president, cashier, or other principal officer of all such corporations shall annually on the 1st day of November pay to the collector the tax imposed upon the shares of capital stock of such corporations for the previous year without reference to the place of residence of the stockholders thereof.

Mr. VAN VOORHIS. I wish to ask a question, if this is intended to operate on any corporations outside of the District of Columbia?

Mr. NEAL. The sections already passed provide for the taxation of the stocks of certain corporations, and those sections as a matter of course apply only to such stocks as under the provisions of the preceding chapter are liable to taxation.

Mr. VAN VOORHIS. But this, as it reads here, seems to apply to the case of taxes assessed against a corporation which may be outside the District of Columbia.

Mr. HUNTON. Is there any question before the committee?

Mr. HUNTON. Is there any question before the committee?
The CHAIRMAN. There is not; debate can only proceed by unanimous consent.

Mr. HUNTON. Then I object.
Mr. VAN VOORHIS. I move to strike out the last word.

I was proceeding to say that this section, without any qualification, as it now stands would apply to corporations outside of the District of Columbia and to their shares of stock in the hands of individuals and citizens. For instance, in the case of rallroad stocks; say that a man owns one hundred shares of stock; this tax is a lien upon that stock and follows it to the corporation and it is there a lien against it as against the owner, and if he sells that stock the tax will be a lien against it and will follow it into the hands of the assignee. Now,

what I wish to get at is that the intent and object of this section— Mr. NEAL. The intention is that the tax shall be paid by some-

Mr. VAN VOORHIS. Exactly; so I presume; but is that intended to apply to the stock in corporations outside of the District of Colum-

There is no provision to attach the stock outside of the

Mr. VAN VOORHIS. Then, what necessity is there for putting

Mr. NEAL. We have already provided in other sections of the bill what stock is to be taxed.

Mr. VAN VOORHIS. But there is a provision to tax stock here which operates as a lien upon the stock and is an attempt to follow which operates as a lien upon the stock and is an attempt to follow it to a corporation wherever it may be. For instance, that stock may be national-bank stock in the city of San Francisco, and you attempt to tax it; or it may be that it is the stock of a silver and gold mining company, and you make the tax on the man who owns the stock; and if you are going to limit it to the District the section should say so, and if not, I do not think your lien amounts to much.

Mr. NEAL. The section as it now stands is sufficiently clear, and I do not see how such to inform on the down the section has contact the section.

I do not see how such an inference can be drawn here as the gentleman seems to draw. Of course we cannot hold a corporation for a tax which is outside of the district.

Mr. VAN VOORHIS. Then, you should not assume that you can

Mr. NEAL. The bill does not assume it. Mr. VAN VOORHIS. The law applies to stock; the stock is here, Mr. VAN VOORHIS. The law applies to stock; the stock is here, but the corporation may be elsewhere. If the intention is to apply such to local corporations it ought to be so stated.

Mr. NEAL. But how is it possible for us to make a law to bind a corporation located say at San Francisco?

Mr. VAN VOORHIS. I agree with you, you cannot do it; but you ought not to try to do it. I withdraw the pro forma amendment.

The Clerk read as follows:

Sec. 169. The taxes assessed upon the capital of any unincorporated bank or banking association shall be and remain a lien thereon and the property thereof from the first Monday of May in each year, and in case of non-payment thereof, at the time required by law, by the owner or shareholder, and after notice thereof by the collector, it shall be unlawful for the manager or other officer of such bank or banking association to transfer, or permit to be transferred, the interest or any portion thereof owned by such defaulting owner or shareholder until all the taxes thereon, together with costs, penalties, and delinquencies, shall be paid in full, and no dividends shall be paid to such owner or shareholder until payment in full is made. Any such bank or banking association shall pay to the collector the taxes that may be assessed upon its capital, if the shareholders thereof fail to make such payment, and may deduct the same from dividends on any such shares, or charge the same to the account current of any such shareholder, without reference to the place of residence of any such shareholder.

Mr. PRICE: I move to awend that section by striking out in the

Mr. PRICE. I move to amend that section by striking out, in the eleventh line, all after the word "full" down to the word "made," in the thirteenth line, the following words:

And no dividemds shall be paid to such owner or shareholder until payment in full is made.

The amount of a share of the stock may be \$100, and the tax on it, say, is \$1.50. On the 1st of June the bank declares a dividend. Now, you propose to prevent the bank from paying this dividend to the shareholder, because John Jones, the owner of one share of stock,

walued at \$100, owes on it a tax of \$1.50.

Mr. NEAL. Are you through? [Laughter.]

Mr. PRICE. I ought to say, in addition to what I said before, that I approach your bill in fear and trembling, because it is the first piece of mechanism I have ever met that was perfect in all its parts, and for that reason I am exceedingly cautious about approaching it.

for that reason I am exceedingly cautious about approaching it.

[Laughter.]

Mr. NEAL. I think before we get through the gentleman from Iowa will agree with me this is a "perfect" bill. If he will look at line 6 of this section he will see that this which he proposes to strike out does not apply until after the collector has given notice to the bank that the shareholder has not paid; and the shareholder is not compelled to pay until the 1st day of November. Consequently this proposition does not apply until after the tax is due; and then it is the duty of the shareholder to pay it, and he ought not to have any dividend until he does pay it.

Mr. PRICE. The tax becomes delinquent according to the terms of the bill on the 1st day of May. In this "perfect" bill it is made a lien upon the stock from that date, and it is provided the bank shall not pay a dividend until that tax is paid.

Mr. NEAL. Oh, no.

Mr. PRICE. There is no "November" mentioned in this section.

Mr. NEAL. The clause to which the gentleman from Iowa objects is to take effect after notice is given by the collector that the tax is due. That is provided in this section, and the tax does not become due until November.

due until November.

Can you make a lien upon a thing that is not due? Certainly you can.

Not much. This is a mortgage upon that property Mr. PRICE.

Mr. NEAL. Mr. PRICE. before the tax becomes due.

Mr. NEAL. Oh, this is all right.

Mr. PRICE. That may be; but the trouble is, there are some people who cannot see that it is all right. The word "November" is not in this section from beginning to end. The first Monday of May is mentioned in terms; and it is said the tax is a lien on the stock from the first Monday of May.

Mr. NEAL. The tax becomes due and payable on the first Monday

of November.

Mr. PRICE. I am talking about this section. There may be some where else in this voluminous book between page 1 and page 327 some section which provides what the gentleman states; but there is

no such provision in this section.

Mr. BAKER. There is a section which fixes when the tax is to be paid; and this section provides that in case of non-payment of the tax at the time required by law notice shall be given and the dividend shall not be paid to the delinquent shareholder.

Mr. NEAL. Section 171 provides when the tax becomes due and

payable.

Mr. PRICE. You mean by this you cannot sell the shareholder's stock at tax sale till the 1st of November.

Mr. NEAL. We mean by this provision that the man cannot sell his stock after the lien attaches

Mr. PRICE. I do not find fault with that. I am perfectly willing you shall prevent his transferring his stock. But you go further than that and prevent the bank from paying a dividend.

Mr. NEAL. Not till after the tax becomes due.

Mr. PRICE. Not at all. That is not the provision here.

Mr. NEAL. In this section there is this language used:

In case of non-payment thereof at the time required by law.

Now, the time required by law is the 1st of November.

Mr. PRICE. And in the same section you say it is a lien from the first Monday in May.

Mr. SAMFORD. Section 168 shows clearly that the tax imposed upon the shares of those corporations is not due till November.

Mr. VAN VOORHIS. The practical effect of that section is that the corporation will pay the tax or see that it is paid out of the dividends. It seems to me that is all right. It is a short and easy way to collect the tax. to collect the tax.

Mr. LAPHAM. Section 169, as I understand, applies only to unin-

Mr. NEAL. That is all.
Mr. LAPHAM. Why then should not the same provision be inserted at the end of section 168, that the amount which the corporation is required to pay should be deducted from the dividends which

Mr. NEAL. Section 168 requires the corporations to pay.
Mr. LAPHAM. Exactly; and why should they not be allowed to
deduct the amount from the dividends?

Mr. NEAL. They will take care of that themselves.
Mr. LAPHAM. They cannot unless authorized by law.
The CHAIRMAN. The question is on the amendment of the gentleman from Iowa, which the Clerk will report.
The amendment was again read.
The question being taken on the amendment, it was not agreed to.
The Clerk read as follows:

SEC. 176. Every person shall be liable to pay tax for land of which he may stand seized for life, by courtesy in dower, or by a husband in right of his wife, or may have care of as a guardian, executor, agent, or attorney, having funds of the principal in his hands. And each person so holding lands shall pay the tax which may be assessed thereon each and every year.

Mr. HUNTON. In section 132 it is provided that-

Lands held under a lease for a term exceeding fourteen years shall be considered, for purposes of taxation, as the property of the lessees, and shall be assessed in their name.

I propose in the section just read to include lessees for a term exceeding fourteen years. The gentleman from Ohio [Mr. NEAL] will see that that is necessary in order to complete this section. I therefore offer this amendment:

After the word "lands," in line 6, insert the words "and lessees for a term exceeding fourteen years."

The amendment was agreed to.

The Clerk read as follows:

SEC. 177. If any person who shall be seized of lands as tenant by courtesy or in dower, or who shall be seized of lands for life, or in right of his wife, shall neglect to pay the taxes thereon so long as such lands shall be sold for the payment of the taxes, and shall not within one year thereafter redeem the same according to law, such person shall forfeit to the person next entitled to said lands in remainder or reversion, all the estate which he, so neglecting as aforesaid, may have in said lands. And the remainder-man or reversioner may redeem the said lands in the same manner that other lands may be redeemed which have been sold for taxes.

Mr. HUNTON. I think a like amendment should be made in this section to the amendment made under the preceding section. I therefore move to insert, after the words "or in right of his wife," the words "and lessees for a term exceeding fourteen years."

The amendment was agreed to.

Mr. ROBINSON. It seems to me that the words "so long as"

should be changed to the word "until" before the words "such lands shall be sold for the payment of the taxes."

The amendment was agreed to.

The Clerk read the following:

SEC. 178. Any person having a lieu upon real property may pay the taxes thereon, in so far as they are a lieu upon such real estate, and the taxes so paid shall operate as a lieu upon such real estate, paramount to all other liens. Any person jointly interested with another in real property which may be assessed for taxation, may pay the taxes which are a lieu thereon, and shall thereby acquire a lieu upon such real property, paramount to all other lieus, and which he may enforce in any manner provided for the enforcement of lieus upon real estate.

Mr. NEW. I move to amend the section just read, by adding to it the following:

Provided, That such lien shall not have priority over liens given in whole or in part by the person so jointly interested and paying the taxes as aforesaid.

It will be observed that the last paragraph of this section provides

Any person jointly interested with another in real property which may be assessed for taxation, may pay the taxes which are a lien thereon, and shall thereby acquire a lien upon such real property, paramount to all other liens, &c.

If A and B are the joint owners of real property, and either or both of them should execute a mortgage to a third person, or otherwise create a lien in favor of such third person, it is not right if one of those joint owners shall pay the taxes upon that property, that he shall have priority with such lien as against his own grantee. I doubt very much whether, even without this amendment, a court would give to such joint owner priority of lien over his own grantee. But to save all question in that regard I think this amendment should be made. It seems to me that unless this amendment is made it would place it in the power of joint owners of selection to the lieuter of selection to the power of joint owners of selection to the lieuter of selection to the lieu

It seems to me that unless this amendment is made it would place it in the power of joint owners of real estate by collusion to pile up liens upon their own property as against liens that they had given in favor of third parties. That ought to be prevented.

Mr. HUNTON. I rise to oppose the amendment. I think that this section as it now stands is just as it should be. We all know that a lien for taxes overrides all other liens, as long as such tax is due the Government. And where there are two joint owners of real estate upon which tax is due, the lien of the Government for the tax overrides every other lien upon that property. And where courts sell real estate for the purpose of discharging liens against it, the first payment is for the tax due. And where two persons owe taxes and one does not pay it and the other steps into his shoes and pays the tax due by both, this section substitutes him for the lien which the Government holds upon the land.

Mr. THOWER. Subsection

Mr. TUCKER. Subrogation.
Mr. HUNTON. It is the doctrine of subrogation enacted into law by this section. I think it is eminently proper where a joint owner, to save his interest as well as the interest of the non-payer, pays all the tax on the property, that his lien should be subrogated to the lien of the Government, and should be prior to all other liens.

Mr. NEW. I would be glad to reply briefly to the gentleman from Virginia, [Mr. Hunton.] Of course the District has a first lien for taxes unpaid, but the doctrine of subrogation has no application. The joint owner who pays all the tax only pays his own debt, for as between the owners and the District each one owes the whole tax. Still, as between the joint owners, the section is just; but unless amended as I have suggested the gressest injustice might result to amended as I have suggested, the grossest injustice might result to third parties.

Now, no principle is better settled than if A executes a deed to B, although he may have an imperfect title at the time of the execution of that deed, if he afterward acquires a better title it inures to the benefit of his grantee. Upon the same principle in equity and justice, if he acquires a lien upon the property which he did not have at the time he executed the deed, or, if you please, he acquires an interest in it which he did not have at the time he executed the mortages he should be extended as he have the property which he can be accorded to the mortages. gage, he should be estopped as between him and his mortgagee from

Mr. SAMFORD. Does the gentleman think that when he pays that tax it should inure to the benefit of his mortgagee?

Mr. NEW. Suppose the tax should not be paid; or, rather, that the one joint owner should, by collusion, not repay or contribute to the

Mr. HUNTON. If he did not pay it the lien would be in favor of

the District government.

Mr. SAMFORD. The lien would be in favor of a party that did

Mr. SAMFORD. The nen would be in favor of a party that did not give the mortgage upon the property.

Mr. NEW. But when the mortgage is foreclosed if the tax paid by one joint owner for the other, so to speak, is not repaid, the mortgagee must in the end pay it himself.

Mr. SAMFORD. Necessarily.

Mr. NEW. Very well; then it places it in the power of one of these joint owners, or both of them, thus to lessen the security of the

Mr. ROBINSON. Would he not be estopped from setting up that

Mr. ROBINSON. Would he not be estopped from setting up that title as against his own mortgagee?

Mr. NEW. I have said that I doubt very much whether, if this amendment should not be adopted, a court would permit him to assert his lien as against his grantee. But to save all question in that regard I think this amendment should be made.

Mr. ROBINSON. I have no doubt that the gentleman from Indiana as a lawyer is inclined to believe he would be estopped.

Mr. NEW. I am very certain he would be if the section were

amended as I propose. If he ought to be estopped, and there is any doubt whether he would be or not, the amendment should be adopted. Several MEMBERS. Let the amendment be read again.

The amendment was again read.

Mr. VAN VOORHIS. That will not do. The claim for taxes always takes priority of every kind of lien, every kind of interest, no matter what. Any joint owner of land assumes all the risk of taking care of the taxes himself, and if he has to pay more than his share he must look to his associate for a distribution. The Government must have it tay from the land and if the wrong man pays it he has his have its tax from the land, and if the wrong man pays it he has his

have its tax from the land, and it the wrong man pays to remedy against the other.

Mr. NEW. A single word further. I think that—

Mr. HUNTON. I make the point that debate is exhausted. My friend from Indiana has already spoken twice. [Cries of "Vote!" "Vote!"]

The amendment was not agreed to.

The Clerk read as follows:

SEC. 179. When any real property is sold upon execution or other order of a court having jurisdiction thereof, or is in any wise disposed of on proceedings in partition, the court may order all taxes and penalties which are liens upon such real estate to be paid out of the proceeds of the sale by the sheriff, trustee, or other officer selling the same.

Mr. NEW. I would suggest whether the word "sheriff" in the last line of this section is the word which should be used.

Mr. NEAL. No; it should be "marshal."
Mr. NEW. I move to amend by striking out "sheriff" and inserting "marshal."
The amendment was agreed to.
The Clerk read as follows:

The Clerk read as follows:

SEC. 181. It shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property upon which the same are levied, in arrears on the 1st day of July, annually, including all taxes due to the late corporations of Washington City, Georgetown, levy court, and the District of Columbia; and he shall, within fifteen days thereafter, publish the same with a notice of sale in a pamphlet of which not less than five thousand copies shall be printed for circulation; and it shall be the duty of said collector of taxes to give notice, by advertising in the regular issue of two daily newspapers published in said District twice a week for three successive weeks, that said pamphlet has been printed and that a copy thereof will be delivered to any tax-payer applying therefor at the office of said tax-collector; and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction at office of said collector in the city of Washington, on the first Tuesday of October following, and each day thereafter until all is sold, at a fixed hour, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said days, to the highest bidder or bidders.

Mr. HUNTON I think that hefore the average of the said of the content of the

Mr. HUNTON. I think that before the word "day," in the twentieth line of this section, the word "secular" should be inserted. I move that amendment. The language will then read "on the first Tuesday of October following, and each secular day thereafter."

The amendment was agreed to.

Mr. SPRINGER. I move to amend by striking out the last word, so that I may inquire of the gentleman having charge of this bill whether it is intended to print in the newspapers the list of delin-

Mr. HUNTON. Oh, no; in pamphlet.
Mr. SPRINGER. Then there is only to be published a notice that
there is such a list to be had in pamphlet form?

Mr. HUNTON. Yes, sir. It avoids publishing the long list of de-

linquent taxes in the newspapers.

Mr. SPRINGER. I desire to say that I had intended to move at this place a provision in regard to obtaining the judgment of a court before any sale of real estate for non-payment of taxes; but as my colleague [Mr. Townshend, of Illinois] has given notice of a substitute for this part of the bill which I incline to support, I prefer to withhold any amendment until that substitute is offered. I withdraw the pro forma amendment.
The Clerk read as follows:

The Clerk read as follows:

SEC. 184. Immediately after the close of the sale, upon payment of the purchasemoncy, he shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner thereof within two years from the day of sale by payment to the collector of said District, for the use of the legal holder of the certificate, of the amount for which it was sold at such sale, and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners or their successors in office to the purchaser at the tax-sale or the assignee of such certificate, which deed shall be admitted and held to be prima facie evidence of a good and perfect title in fee-simple to any property bought at any sale herein authorized; and all proceedings prior to said deed shall be presumed to have been regular until the contrary be proved.

Mr. CONCERP. Leak the graph of the sale of

Mr. CONGER. I ask the gentleman from Ohio [Mr. NEAL] whether there is any special provision in regard to the sale of property belong-ing to minors or other classes who usually have some special provisions for their benefit?

Mr. NEAL. There is a saving in favor of minors and persons under

Mr. NEAL. There is a saving in ravor or minors and persons under legal disabilities.

Mr. VAN VOORHIS. I move to amend this section by striking out, in line 7, the word "fifteen" and inserting "ten." I think 10 per cent. is a large enough penalty. It often happens that persons from necessity let their taxes go unpaid for a time, and such a provision as this would be very onerous when they come to pay them. It is a very severe provision. If a discretion were left with the commissioners to reduce the rate it might not be so objectionable.

Mr. NEAL. This is to apply after property has been sold.

getting the money to redeem the property they should not be required to pay this enormous percentage. It seems to me that 10 per cent. is

The amendment of Mr. VAN VOORHIS was not agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 185. That the purchaser of any real property, at any sale hereafter made for delinquent taxes due to the government of the District of Columbia, for the assignee of said purchaser, or the heirs or grantees of said purchaser or assignee, at any time after a deed for said real property shall have been given by the commissioners of said District, or their successors in office, to said purchaser or assignee, as now provided by law, shall be entitled to proceed to recover possession of the said real property in the same manner as landlords are now entitled to recover possession of lands and tenements in said District from tenants whose estate on the premises has been determined; and all proceedings had in such actions shall be governed by the same rules of practice as are now provided for in such suits by landlords for possession; and no person or corporation against whom suits for possession shall be instituted by the holder of said tax-deed, his heirs or assigns, shall be permitted to offer evidence of any irregularity in any of the proceedings for the assessment, levy, or collection of the tax or taxes for which said sale shall have been made, or in the sale or in any of the proceedings subsequent to the sale, unless said person or corporation shall first pay into court the full amount of said tax or taxes, together with all interest, penalties, and costs which shall have accrued at the time such payment into court shall be made, including the costs of the action.

Mr. SAMFORD. I move to amend by adding after the section just

Mr. SAMFORD. I move to amend by adding after the section just read the following:

Nothing in this title contained shall be held to apply to special assessments heretofore made, or to change or affect existing law in relation to the same.

Mr. Chairman, if I had been present when the general debate upon this bill was proceeding I might, perhaps, have occupied more than five minutes in demonstrating to the House that perhaps there is a great hardship and harshness about to be legislated in this section. Section 186, which follows the section under consideration, embodies the same principle which I propose to combat. I am satisfied that if this House fully understands the scope and intention of these two sections it will hardly sanction them.

Dependent as the people of the District are upon Congress for wise legislation we should be careful to patiently consider laws providing for taxation, and see to it that they are at least justly and fairly dealt If by impatience or inadvertence we impose upon them unequal

and oppressive laws we will not only perpetrate wrong upon them, but do violence to every propriety attaching to ourselves.

In this District we have the un-American exhibition of the power to tax without the right of representation. It is the only spot in this land where the law-maker can impose burdens in the presence of absolute silence from those who are to bear the burdens.

Now, sir, a casual view of the various acts providing taxation, in the light of recent decisions of the Supreme Court, will convince this House that the action proposed by this section will be exceed-

ingly onerous to the tax-payer.

Laws were passed as far back as 1871 authorizing the assessment of special-improvement taxes, under which one-third of the expense of paving the streets was imposed on real property adjacent. of paving the streets was imposed on real property adjacent. During the extravagant era succeeding, these assessments were imposed to the extent almost of confiscation. The citizens contended these assessments were not only excessive but illegal. Notwithstanding this contention, tax-lien certificates were issued and bought by speculators at a comparatively nominal amount. The tax-payers sought by injunction in the courts to protect themselves; but during the progress of these suits Congress passed two acts which the courts held validated the assessments. Congress then by law authorized a revision and correction by the comprisioners which is now being revision and correction by the commissioners, which is now being

Now, this section comes in and provides that the purchaser at any sale hereafter made for taxes shall have a title so sacred that no contest shall be made against it unless the tax-payer pays into court all taxes, fines, and penalties, including costs of court, which sums shall be paid to the purchaser by the court if the defendant succeeds in his contest. He has also the summary remedy which the law affords

I violate no propriety in saying that in committee I made this assertion, and the chairman was candid enough to admit that the section did apply to these special assessments. And though the sale is to be hereafter, yet the assessment, together with interest, cost, &c., have already been made and accruing during the past seven or eight

Now, Mr. Chairman, we are providing a permanent municipal code for the District of Columbia. We are having special acts of legisla-tion in reference to these special-assessment taxes, and we should not

incorporate in this code any provision pertaining to them.

There are two funds of taxation in this District. One is a general There are two funds of taxation in this District. One is a general fund of taxation for carrying on the municipal government and the other is a special-assessment fund, assessed years ago, for the purpose of providing pavements for the streets here. There were about a million and a half or two million dollars, and perhaps more, assessed on these special-assessment taxes. It is contended by the citizens in this District that they are not only excessive but they are onerous, and not only onerous, and that in a large degree, but they are odious; and they have therefore had to resort not only to legislation here in Congress to save them from the confiscation of this special onerous taxation but they have gone into the courts also to save themselves and Mr. NEAL. This is to apply after property has been sold.

Mr. VAN VOORHIS. I understand that; but the property sold is that of persons least able to pay, and when they have succeeded in

In 1875 (and I beg members of the committee to pay attention to this) and in 1878 Congress by act validated these assessments, and the District Legislature did the same thing, which the courts otherwise would have held to be illegal. After that had been done in 1875 and 1878, after the Supreme Court in the case of Mattingly, and lately in the case of Shoemaker, decided that Congress ratified and validated these illegal assessments, you come now and propose a summary rem-edy for the purchaser at these tax sales and keep the tax-payer out of his property without giving him his single day in court to contest

I do not know what has been the decision in other States. We have had the same character of laws declared to be unconstitutional in my own State; and it seems to be in fashion for gentlemen to refer to the various decisions and laws of their own States; and it was declared unconstitutional on the ground that a party could not be deprived of his property without due process of law. I say, no matter how illegal, how irregular, how odious, how onerous a special assessment for improvement may be, the party cannot come into court and defend against it without paying all taxes, all fines, all costs of

The CHAIRMAN. The gentleman's time has expired.

Mr. HUNTON. I rise to oppose the amendment.

Mr. SAMFORD. I should like to ask the chairman of the committee, in view of the fact that I have been bitterly opposing the section all the time, to give me a few minutes longer.

Mr. STEVENSON. Pending that, I think it is time for the com-

mittee to rise.

Mr. SAMFORD. This is too important a subject to act on to-night.
Mr. HUNTON. I will let you in after a while.
Mr. SAMFORD. I will get through in three or four minutes.
Mr. HUNTON. I will let you have three minutes after I am through.
Mr. SAMFORD. I should like to have them now in the connection of my preceding remarks, as they necessarily will be disjointed in the very few minutes which I can have.
Mr. HUNTON. Mr. Chairman, the gentleman from Alabama admits the propriety of this section in all questions of taxation except those for special improvements. I cannot see the distinction between those taxes and any other, to save my life.

He says these special-improvement taxes are onerous, oppressive, and were illegal. Well now, Mr. Chairman, I have only to advert to the fact these special assessments were complained of and Congress

the fact these special assessments were complained of and Congress passed two laws of relief, one of which was to require a reassessment

of the unpaid assessments for special improvements and the other to require a reassessment where the tax had been paid.

He says this action of Congress legalized these assessments which otherwise were illegal. My friend recollects the decision of the court very poorly if he states that to be the fact. The court said in its opinion in that case, after deciding that the tax was legal and if that be not so the two acts of Congress to which I have referred do legal-

Mr. SAMFORD. No; the gentleman will pardon me, the Supreme Court never passed upon the question even as to whether or not the tax was legal in the first instance.

Mr. HUNTON. I beg the gentleman's pardon.

Mr. SAMFORD. I have the decision here.

Mr. HUNTON. I beg the gentleman's pardon, but I have the floor.

We read it in committee the other day. I say, Mr. Chairman, if it be right to adopt this provision as to any species of tax, it is right to adopt at a to all character of taxation.

Now, my friend says it operates as a hardship upon the poor people.

Now, my friend says it operates as a hardship upon the poor people of this District. My experience is that it is the other class more generally rather than the poorer classes who have failed to pay up their special improvement taxes.

Now, in regard to the constitutionality of it. Whatever may be the decision in the courts of Alabama, I guarantee that there is no other State in which a provision of this sort would be decided to be uncon-State in which a provision of this sort would be decided to be unconstitutional, because we know this affects the remedy and not the right. It expressly refers to all sales hereafter made, and although the taxes may have been levied before this law passed, it applies not to past but to future sales and gives the remedy in cases of future sales and not to any other, and I submit if it is right to make this provision in regard to general taxes it is equally right to make it in reference to receive improvement taxes. special improvement taxes.

I now yield the remainder of my time to the gentleman from Ala-

The CHAIRMAN. The gentleman from Virginia has one minute

of his time remaining.

Mr. SAMFORD. The gentleman promised me three minutes.

Mr. VAN VOORHIS. I hope the gentleman from Alabama will be

allowed sufficient time.

Mr. SAMFORD. Now, the gentleman, in referring to this decision of the Supreme Court, is mistaken. The court nowhere passes upon the legality of the tax in the first instance, but says that subsequent acts of the Legislature of the District and of Congress validated it. Prior to that the court did not decide it was valid.

Mr. HUNTON. No, sir.
Mr. ALDRICH, of Rhode Island. Will the gentleman from Alabama permit me to read that portion of the decision of the Supreme

Mr. SAMFORD. Yes, sir; if it does not come out of my time.

Mr. ALDRICH, of Rhode Island. It is as follows:

It is difficult to understand what this legislative act meant if it did not recognize the validity of the assessments made by the board of public works, and consequently the authority by which the work was done and the improvements made.

Mr. SAMFORD. Precisely. The court decides that subsequent acts

Mr. ALDRICH, of Rhode Island. That was the legislative act. Mr. SAMFORD. But it was validated by the legislative act of the District and the two acts of Congress. The court does not decide they were valid before the legislative act. Now, I understand that there are about \$500,000 of these tax-lien certificates for special assessments held by the First National Bank of New York, and also that about a half million dollars more are in the hands of other third parties. And they all bought them with all the circumstances surrounding them. One of these material circumstances was the dispute as to their legality and excessiveness. The purchasers took them cum onere, and were thereby enabled to get them at reduced rates. And this section proposes to legislate them into higher and

indisputable ground.

My friend from Virginia, [Mr. Hunton,] asks me why the same law shall not apply to these special assessments that applies to general taxation. The answer is, that the one has been assessed in the past, on which tax-lien certificates have been issued, issued under existing the beautiful parast and penalties have accrued. As to them, law, on which heavy interest and penalties have accrued. As to them, parties have mutual rights; but if this section becomes law all the rights of one party will be abrogated and the other will be furnished remedies never before enjoyed.

Another reason: these special assessments are now being revised, and though the Senate has recently passed a bill extending the time of revision, the commissioners are proceeding to advertise to sell, without proper revision, and if the sale takes place the tax-payer can never be heard even to say a word against their injustice.

[Here the hammer fell.]

Mr. VAN VOORHIS. I move to strike out the last word of this

Mr. VAN VOORHIS. I move to strike out the last word of this section. It seems to me that there are provisions in that section that cannot stand the test of constitutionality and cannot be allowed to stand, and we may as well dispose of them here as to let the court do it after we pass it into a law. Here is a provision that if you sell a man's property for taxes and the purchaser brings an action to recover his property, he cannot put a witness into the box, he cannot defend his property, he cannot put a witness into the box, he cannot defend or take any steps in the matter, unless he pays the valuation into the court, there to remain until the case is decided. A man pays his tax, it may be \$10,000 that he pays, and takes a receipt for it from the treasurer. The treasurer proves to be a defaulter. His successor finds no evidence upon the books that the tax has been paid, and the collector sells the property and the purchaser commences his action to recover possession. By this section the owner of the property who has paid his tax is prohibited from defending the action and proving the payment of the tax nuless the whole amount is paid into the court the payment of the tax unless the whole amount is paid into the court and the \$10,000 be allowed to remain in the court until the litigation is ended.

Mr. UPSON. I move that the committee rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and Mr. Goode having taken the chair as Speaker pro tempore, Mr. Burrows reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia, and had come to no resolution thereon.

Mr. HUNTON. There are several members of the committee who will be absent next week, and at their instance I ask that it be agreed by unanimous consent to take up this bill at the title of "Public schools" until the return of those gentlemen, passing over meanwhile these tax sections.

these tax sections

The SPEAKER pro tempore. The Chair hears no objection to the proposition of the gentleman from Virginia.

Mr. BURROWS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and forty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of E. Schneider & Co., candle manufacturers, of Chicago, Illinois, against the removal of the duty upon crude glycerine—to the Committee on Ways and Means.

By Mr. BAILEY: The petition of William E. Walsh and others, to reduce the license fees of contains pilots and environment to the C. to

reduce the license-fees of captains, pilots, and engineers—to the Committee on Commerce.

Also, the petition of J. W. Robe and others, to remove the duty on foreign newspapers and periodicals—to the Committee on Ways and

Means.

By Mr. BEALE: The petition of citizens of Onancock, Virginia, for an appropriation for the improvement of Onancock Creek—to the Committee on Commerce.

By Mr. BLACKBURN: The petition of John R. Collett, for an in-

crease of pension—to the Committee on Invalid Pensions.

By Mr. BLAKE: The petition of Marcus Chandler and others, newsdealers, of Newark, New Jersey, for the removal of the duty on newspapers, periodicals, &c.—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of newspaper dealers of Oshkosh,

Wisconsin, of similar import—to the same committee.

By Mr. BRIGGS: The petition of G. A. Curtice, for additional compensation for services rendered as an officer in the United States

pensation for services rendered as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. CRAPO: The petition of Alexander H. Seabury and 175 others, citizens of New Bedford, Massachusetts, for the repeal of the duty on salt, and that it be placed on the free list—to the Committee on Ways and Means.

By Mr. DWIGHT: The petition of E. Keene and 6 others, of Trumbull Corners and Newfield, New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of R. W. Chapman and 5 others, of Trumbull's Corners and Newfield, New York, against the passage of the bill (H. R. No. 496) providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions. claims-to the Committee on Invalid Pensions.

Also, the petition of R. W. Chapman and 4 others, of Newfield, New York, for the passage of the Weaver soldier bill—to the Com-

mittee on Military Affairs.

By Mr. ERRETT: The petition of the news-dealers of Pittsburgh, Pennsylvania, for the repeal of the duty on newspapers, periodicals, &c.—to the Committee on Ways and Means.

TOPP The retition of Nave McCord & Co. and other

By Mr. FORD: The petition of Nave, McCord & Co. and other wholesale merchants of Saint Joseph, Missouri, that salt may be placed on the free list—to the same committee.

By Mr. GILLETTE: The petition of J. H. Windsor & Co. and 48

others, citizens of Des Moines, Iowa, of similar import-to the same committee.

By Mr. GOODE: The petition of citizens of Virginia, of similar

import-to the same committee.

import—to the same committee.

By Mr. HATCH: Memorial of the city council of Hannibal, Missouri, asking for liberal appropriations for the permanent improvement of the Mississippi River, and the adoption of the reservoir system in connection therewith—to the Committee on Commerce.

Also, resolutions of the Merchants' Exchange of Saint Louis, Missouri, for the permanent improvement and deepening the channel of the Mississippi River, and that a standing committee on Mississippi River improvement be raised, having charge of said subjects alone—to the same committee.

Also, resolutions of the Merchants' Exchange of Saint Louis, Missouri, asking for a suitable appropriation to enable the Secretary of War to carry out the permanent improvement of the Mississippi River and the adoption of the reservoir system—to the same com-

By Mr. KETCHAM: The petition of Charles W. Crouk, late chief engineer of the United States monitor Naubuc, for an increase of his

pension to \$12 per month—to the Committee on Invalid Pensions.

By Mr. LADD: Two petitions of citizens of Aroostook County,
Maine, for legislation to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of merchants and importers, of Bangor, Maine, for the change in the boundary of collection districts of Eastern

Maine—to the same committee.

By Mr. McLANE: Memorial of the German Society, of Maryland, for the passage of the bill (H. R. No. 2408) providing for the protection of immigrants to the United States—to the Committee on Foreign

By Mr. MYERS: The petition of John Campbell and 3,000 others, soldiers of Indiana, for the passage of a bill equalizing soldiers' bounties—to the Committee on Military Affairs.

By Mr. NICHOLLS: Memorial of over 1,000 citizens of Tatnall, Liberty, Bryan, and Bullock Counties, Georgia, asking for the passage of the bill to survey the Canoochee River, Georgia—to the Committee

Also, a bill appropriating \$25,000 for the survey of the Savannah River between Savannah and Augusta, Georgia, with a view to the improvement of the navigation of said river—to the same committee. By Mr. O'NEILL: Resolutions of the Philadelphia Board of Trade, for the passage of the bill (H. R. No. 4680) for the suppression of infectious and contagious diseases of domestic animals—to the Committee on Accordance.

mittee on Agriculture.

Also, resolutions of the Philadelphia Board of Trade, against the passage of the bill entitled "An act in relation to the collection of revenue from customs"—to the Committee on Ways and Means.

By Mr. REAGAN: The petition of 72 citizens of Montgomery County, Indiana, for the passage of Mr. Reagan's substitute for the bill (H. R. No. 3547) to regulate interstate commerce—to the Committee on Com-

By Mr. RICHMOND: A paper relating to the claim of A. F. and N. C. St. Johns, for compensation for property taken by the United States Army in October, 1865—to the Committee on Claims.

By Mr. SAMFORD: The petition of citizens of Alabama, for the removal of the duty on salt—to the Committee on Ways and Means.
By Mr. SAPP: The petition of citizens of Iowa, of similar import—

by Mr. SHFLLEY: The petition of citizens of Selma, Alabama, of similar import—to the same committee.

By Mr. SHELLEY: The petition of citizens of Selma, Alabama, of similar import—to the same committee.

By Mr. AMOS TOWNSEND: The petition of Van Epps & Co., and five other business firms of Cleveland, Ohio, for the removal of the duty on newspapers and periodicals—to the same committee.

Also, the petition of the Cleveland (Ohio) Provision Company and 100 others, that salt be placed on the free list—to the same committee. Also, the petition of citizens of Ohio, against the practice of polygamy in the United States—to the Committee on the Judiciary. Also, the petition of citizens of Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs. By Mr. WELLS: The petition of the Merchants' Exchange of Saint Louis, Missouri, for the improvement of the Mississippi River—to the Committee on Commerce.

By Mr. WILLIS: Papers relating to the claim of J. G. and B. F. Mattingly, to be refunded moneys improperly collected from them by United States revenue officials—to the Committee on Ways and Means.

By Mr. THOMAS L. YOUNG: The petition of Karl Reuber and the Trades' Assembly of Pittsburgh, Pennsylvania, for the passage of the bill creating a department of labor, manufactures, and mines—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 24, 1880.

The House met at twelve o'clock m., Mr. Goode in the chair as

Speaker pro tempore.

Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The SPEAKER pro tempore. The Clerk will read the following letter received from the Speaker of the House.

The Clerk read as follows:

WASHINGTON, D. C., April 23, 1880.

WASHINGTON, D. C., April 23, 1880.

Sin: I expect to be absent from the House of Representatives during to-morrow's (Saturday's) session, and, in consequence, herewith name and appoint you, under power given me by the rules of the House, to act as Speaker in my stead for that day.

Your chediant segment

Your obedient servant,

SAM. J. RANDALL, Speaker.

Hon. John Goode, Representative from Virginia.

The Journal of yesterday was read and approved.

SPENCER W. TRYON.

On motion of Mr. HASKELL, by unanimous consent, the bill (S. No. 982) granting a pension to Spencer W. Tryon was taken from the Speaker's table, read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON FISH AND FISHERIES.

The SPEAKER pro tempore. The Chair lays before the House the following communication from the Senate.

The Clerk read as follows:

IN THE SENATE, April 23, 1880.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate agreeing to the amendment of the House of Representatives to the joint resolution (S. R. No. 100) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879.

The SPEAKER pro tempore. Unless objection be made the resolution will be returned to the Senate, as requested. There was no objection.

SMITHSONIAN REPORT.

The SPEAKER pro tempore. The Chair also lays before the House the following communication from the Senate.

The Clerk read as follows:

In the Senate of the United States, April 23, 1880.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate agreeing to the amendment of the House of Representatives to the resolution of the Senate to print 10,500 copies of the report of the Smithsonian Institution for the year 1879.

The SPEAKER pro tempore. If there be no objection, the resolution will be returned to the Senate, as requested.

There was no objection.

ORDER OF BUSINESS.

Mr. HATCH. I call for the regular order.

The SPEAKER pro tempore. The regular order being called for, the morning hour begins at fifteen minutes past twelve o'clock; and this day having been assigned for private business by order of the House, the business of the morning hour is the call of committees for reports of a private nature.

L. A. MORRIS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 963) for the relief of L. A. Morris; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. G. MITCHELL AND E. J. MAHAN.

Mr. RYON, of Pennsylvania, from the Committee on the Judiciary, reported back, with an adverse recommendation, the bill (H. R. No. 2586) for the relief of Sophia G. Mitchell and Eliza Jane Mahan; which was laid upon the table, and the accompanying report ordered to be printed.

CHARLES LOUIS FLEISCHMANN.

Mr. HENRY. I am directed by the Committee on Agriculture to report back the memorial of Charles Louis Fleischmann, a citizen of the United States, on restoring the exhausted soil by means of a natural fertilizer found in inexhaustible quantities within the United States, and move that the committee be discharged from the further consideration of the same, and that the accompanying report be printed. I desire to state that this is not an adverse report, but that the committee simply ask to be discharged from the further consideration of the memorial.

The committee was discharged from the further consideration of the memorial; which was laid upon the table, and the accompanying report ordered to be printed.

SWORDS OF GENERAL D. E. TWIGGS.

Mr. DIBRELL, from the Committee on Military Affairs, reported back the joint resolution (H. R. No. 108) to authorize the President of the United States to return the Twiggs swords to Mrs. Rowena Guedalla, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of the Commit tee on the Judiciary.

The motion was agreed to.

MONUMENT AT SCHUYLERVILLE, NEW YORK.

Mr. McCOOK, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CELEBRATION OF BATTLE ON GROTON HEIGHTS.

Mr. JOHNSTON. I am directed by the Committee on Military Affairs to report back, with a favorable recommendation, the bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights, and for

The SPEAKER pro tempore. This can only come in by unanimous consent. Unless objection be made the bill will be referred to the Public Calendar, and the report printed.

Mr. CONGER. It will save time to refer the bill to the Committee of the Whole on the state of the Union at once.

The SPEAKER pro tempore. That is what is proposed.

The bill was referred to the Committee of the Whole on the state

of the Union, and, with the accompanying report, ordered to be printed.

EQUESTRIAN STATUE TO MAJOR-GENERAL MEADE

Mr. JOHNSTON. I ask consent to report from the Committee on Military Affairs for immediate consideration a bill to which, if gen-tlemen will hear it read, I think there will be no objection.

The SPEAKER pro tempore. That can be done only by unanimous consent

There being no objection, the bill (H. R. No. 2440) to authorize the Secretary of War to transfer to the Fairmount Park Art Association eighty condemned or captured bronze cannon, to be used in the erection of an equestrian statue to the late Major-General George Gordon Meade, with an amendment, was reported from the Committee on Military Affairs

Military Affairs.

The bill directs the Secretary of War to transfer to the Fairmount Park Art Association, a corporation created by the laws of Pennsyl-Park Art Association, a corporation created by the laws of Pennsylvania, eighty condemned or captured bronze cannon, to be used by the said association for the erection of a bronze equestrian statue to the late Major-General George Gordon Meade within the limits of the city of Philadelphia.

The amendment was to strike out "eighty" and to insert "thirty" before the words "condemned or captured bronze cannon."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. JOHNSTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. JOHNSTON moved to amend the title by striking out "eighty" and inserting "thirty."

The amendment was agreed to.

FRANCIS W. MAXWELL.

Mr. SMITH, of Georgia, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3151) for the relief of Francis W. Maxwell; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BYRON ROSECRANS.

Mr. SMITH, of Georgia, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 4753) to correct the military record of Byron Rosecrans; which was referred to the Committee of the Whole on the Private Calendar, and, with the ack, with a favorable recommendation, the bill (H. R. No. 4753) to corect the military record of Byron Rosecrans; which was referred to the Committee of the Whole on the Private Calendar, and, with the ecompanying report, ordered to be printed.

ROBERT G. ARDREY.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, ler of Company I, Fourth Regiment Ohio Volunteer Cavalry. accompanying report, ordered to be printed.

ported a bill (H. R. No. 5900) for the relief of Robert G. Ardrey; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. SCALES. Some days since the bill (H. R. No. 356) to provide for the sale of certain New York Indian lands in Kansas was reported from the Committee on Indian Affairs and placed upon the Calendar. At the time I gave notice that I should file a minority report. I now submit the views of the minority of the committee and ask that they, with the accompanying papers, may be printed. There was no objection, and it was so ordered.

EDGAR HUSON.

Mr. WARD, from the Committee on Patents, reported back, with a favorable recommendation, the bill (H. R. No. 182) for the relief of Edgar Huson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN L. MASON.

Mr. WARD, from the same committee, reported a bill (H. R. No. 5901) authorizing John L. Mason to make application to the Commissioner of Patents for the extension of his patent for a fruit-jar; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report,

ordered to be printed.

Mr. WARD. I am instructed by the Committee on Patents to ask that the members of that committee desiring so to do have leave hereafter to submit and have printed the views of the minority.

There was no objection, and leave was granted accordingly.

PENSION BILLS.

Mr. HATCH, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the following bills; which were referred to the Committee of the Whole on the Private Calen-

were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (S. No. 551) granting a pension to James O'Connor;
The bill (S. No. 1360) granting a pension to Aaron Hatcher;
The bill (S. No. 748) granting a pension to Thomas E. Brawner;
The bill (H. R. No. 22) granting a pension to Major F. Allen;
The bill (H. R. No. 23) granting a pension to James Larro;
The bill (H. R. No. 25) granting a pension to Martha A. Lewis:
The bill (H. R. No. 27) granting a pension to Phylena Sawyer;
The bill (H. R. No. 32) granting a pension to Phylena Sawyer;
The bill (H. R. No. 32) granting a pension to Rhoda L. Barber; and
The bill (H. R. No. 3796) granting a pension to Elvira W. Evarts.
Mr. HATCH also reported, from the same committee, the following bills; which were read a first and second time, referred to the Com-

Mr. HATCH also reported, from the same committee, the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5902) as a substitute for House bill No. 30, restoring to the pension-roll the name of Mary H. French;

A bill (H. R. No. 5903) as a substitute for House bill No. 1704, granting a pension to John W. Delay;

A bill (H. R. No. 5904) as a substitute for House bill No. 1703, granting a pension to William Lett; and

A bill (H. R. No. 5905) granting a pension to Frank S. Marsh.

Mr. CALDWELL, from the same committee, reported back the following bills with a favorable recommendation; and the same were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

the accompanying reports ordered to be printed:

The bill (S. No. 1097) granting a pension to Susan Fox; and
The bill (H. R. No. 1574) granting a pension to Kate Wilharlitz.

Mr. CALDWELL, from the same committee, reported the following bills; which were read a first and second time, referred to the

ing bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed.

A bill (H. R. No. 5906) as a substitute for House bill No. 600, granting a pension to C. A. Dietrich; and

A bill (H. R. No. 5907) for the relief of Eli D. Watkins.

Mr. LEWIS, from the same committee, reported back favorably the bill (H. R. No. 3280) granting a pension to Earl S. Rathbun; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

and, with the accompanying report, ordered to be printed.

Mr. LEWIS, from the same committee, reported a bill (H. R. No. 5908) for the relief of Betsey A. Mower; which was read a first and second time, referred to the Committee of the Whole on the Private

Second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the same committee, reported back favorably bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 4678) granting a pension to Mrs. Caroline Hilge-

Mr. UPDEGRAFF, of Chio, also, from the same committee, reported bills of the following titles; which were respectively read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5909) granting a pension to Wilson Pontious; and A bill (H. R. No. 5910) granting a pension to Isador Rohrer.

Mr. TAYLOR, from the same committee, reported back favorably bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

ports, ordered to be printed:

The bill (S. No. 376) granting a pension to Hiram Johnson; and
The bill (H. R. No. 5341) to restore to the pension-rolls William Will-

He also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the

A bill (H. R. No. 5911) granting a pension to David C. Jackson, (substitute for House bill No. 5192;)

A bill (H. R. No. 5912) restoring the name of David Kitts to the pension-rolls

A bill (H. R. No. 5913) granting a pension to Kate L. Usher, (substitute for House bill No. 3110;) and

A bill (H. R. No. 5914) granting arrears of pension to Ann Peck.

Mr. DAVIS, of Illinois, from the same committee, reported back
favorably bills of the following titles; which were referred to the
Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 124) granting a pension to Thomas Shannon; The bill (H. R. No. 3037) granting a pension to Sarah E. Dunham; The bill (H. R. No. 3512) granting a pension to Matthew McDon-

The bill (H. R. No. 1662) granting a pension to Charles H. Fox; The bill (H. R. No. 3548) granting a pension to Mary A. Land; The bill (H. R. No. 3416) granting a pension to Charlotte T. Clark; The bill (H. R. No. 4935) granting a pension to James M. Akin; and The bill (H. R. No. 1647) granting a pension to Mrs. Mary Whitting-

He also, from the same committee, reported, as a substitute for House bill No. 4743, a bill (H. R. No. 5915) granting a pension to Mrs. Mary Shaw; which was read a first and second time, referred to the

Committee of the Whole on the Private Calendar, and, with the ac-

companying report, ordered to be printed.

He also, from the same committee, reported, as a substitute for House bill No. 4459, a bill (H. R. No. 5916) granting a pension to Seth L. Ford; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also (by request of Mr. MASON, absent on leave) reported back favorably, from the same committee, bills of the following titles; which were referred to the Committee of the Whole on the Private

which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:
The bill (H. R. No. 145) granting a pension to Susanna Kreuder;
The bill (H. R. No. 116) granting a pension to Margaret Kearns;
The bill (H. R. No. 144) granting a pension to Ann McLaughlin;
The bill (H. R. No. 5223) granting a pension to Mary L. Whiteford;
The bill (H. R. No. 134) granting a pension to John Boyle;
The bill (H. R. No. 176) for the relief of William W. Rappleye;
The bill (H. R. No. 4422) granting an increase of pension by way of arrears to Maria A. Rousseau;
The bill (H. R. No. 194) granting a pension to Thomas Shappen.

The bill (H. R. No. 124) granting a pension to Thomas Shannon;
The bill (H. R. No. 5155) granting a pension to Alvin Walker; and
The bill (H. R. No. 5308) granting a pension to Louise Mitchel.
He also, from the same committee, (for Mr. MASON,) reported a bill
(H. R. No. 5917) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered

to be printed.

Mr. HOSTETLER, from the same committee, reported back favorably bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 2964) granting a pension to Laban Connor; and The bill (H. R. No. 4582) granting a pension to Mary E. Dane.

He also, from the same committee, reported back adversely bills of the following titles; which were expected back adversely bills.

of the following titles; which were severally laid on the table, and

the accompanying reports ordered to be printed:

The bill (H. R. No. 3139) granting a pension to Charles Gilbert;

The bill (H. R. No. 755) granting a pension to David D. Divine;

The bill (H. R. No. 750) to restore the name of John F. Lane to the

pension-roll; and

The bill (H. R. No. 741) granting a pension to Valentine Melcher. The bill (H. R. No. 741) granting a pension to Valentine Melcher.

He also, from the same committee reported back adversely the following petitions; which were laid on the table, and the accompanying reports ordered to be printed:

Petition of John C. Blunk, for a pension;

Petition of William N. Clift, of Indiana, praying for a pension; and Petition of Mary Cuppy, asking for a pension.

Mr. FARR, from the same committee, reported back favorably bills of the following titles; which were referred to the Committee of the

Whole on the Private Calendar, and the accompanying reports or-

Whole on the Frivate Calculat, the dered to be printed:

The bill (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson;

The bill (H. R. No. 3726) granting a pension to David Strunk; and The bill (H. R. No. 16) granting an increase of pension to Charles H. Ordway.

He also, from the same committee, reported back adversely bills of the following titles; which were laid on the table, and the accompany-

The bill (H. R. No. 1411) granting a pension to Mrs. Mary Shay, mother of Miles Shay, late private in Company H, Seventh Regiment Connecticut Volunteers; and

The bill (H. R. No. 4376) granting a pension to David F. Russell.

CHANGE OF REFERENCE.

On motion of Mr. FARR, from the same committee, the committee was discharged from the further consideration of the following cases;

and the same were referred to the Committee on Pensions:

The bill (H. R. No. 4767) granting a pension to Sally Hall;

The bill (H. R. No. 3564) granting a pension to Harriet Flagg; and

The bill (H. R. No. 2815) granting a pension to Lydia Nicholls.

MRS. CORNELIA F. WHITE.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back favorably the bill (S. No. 1564) granting a pension to Mrs. Cornelia F. White; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

FAVORABLE REPORTS.

Mr. COFFROTH also, from the same committee, reported back favorably the following bills; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 3183) granting a pension to B. W. Sutherlin;
The bill (H. R. No. 4720) granting a pension to William Barnhard;
The bill (H. R. No. 3247) granting a pension to Emma Johnson, widow of John Johnson;
The bill (H. R. No. 3277) granting a pension to Adam Eppenberger:

The bill (H. R. No. 3277) granting a pension to Adam Eppenberger; The bill (H. R. No. 1168) granting a pension to George W. Hard; The bill (H. R. No. 2192) granting a pension to N. I. Lowthiam; The bill (H. R. No. 1174) granting a pension to Merton Stancliff; The bill (H. R. No. 3694) granting a pension to Charles Spragne;

The bill (H. R. No. 5716) to restore to the pension-roll the name of Martha A. Beerbower.

THOMAS PETTIJOHN.

Mr. COFFROTH also, from the same committee, reported, as a substitute for House bill No. 2730, a bill (H. R. No. 5918) granting a pension to Thomas Pettijohn; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FAVORABLE REPORTS.

Mr. HAZELTON, from the Committee on Invalid Pensions, reported favorably in the following cases; which were severally referred to the Committee of the Whole House on the Private Calendar, and,

with the accompanying reports, ordered to be printed:

The bill (H. R. No. 4852) granting a pension to Elizabeth Davis;

The bill (H. R. No. 1109) granting a pension to Nathaniel W. Cot-

The bill (H. R. No. 3241) granting an increase of pension to W. B.

Howe;
The bill (H. R. No. 5499) granting a pension to David M. Morley;
The bill (H. R. No. 4853) granting a pension to Isaiah Altenburg;
The bill (H. R. No. 5500) granting a pension to Robert Patterson;

The bill (H. R. No. 1116) granting a pension to Merrill H. Cram.
Mr. HAZELTON also, from the same committee, reported the following bills; which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calen-

A bill (H. R. No. 5921) granting a pension to F. C. Cornell; and A bill (H. R. No. 5922) granting a pension to F. C. Cornell; and A bill (H. R. No. 5922) granting a pension to F. C. Cornell; and A bill (H. R. No. 5922) granting a pension to Martin V. Jordan, private Company L, First Iowa Cavalry.

ADVERSE REPORTS.

Mr. HAZELTON also, from the same committee, reported back ad-. versely the following cases; which were laid upon the table, and the

accompanying reports ordered to be printed:

The bill (H. R. No. 3690) granting a pension to Joseph Pigeon;
The bill (H. R. No. 5275) granting a pension to Darius N. Seaman;

and The bill (H. R. No. 5498) granting a pension to Joseph Waldo.

Mr. BLAND, from the Committee on Pensions, reported back favorably the bill (H. R. No. 3656) for the relief of John Hobstadt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HOHSTADT.

ELIZABETH FLENNER.

Mr. RYON, of Pennsylvania, from the Committee on Pensions, reported back favorably the bill (H. R. No. 4782) granting a pension to Elizabeth Flenner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES FLEMING.

Mr. DIBRELL, from the Committee on Pensions, reported back adversely the bill (H. R. No. 3791) for the relief of James Fleming, a wounded soldier of the war of 1812; which was laid on the table and the accompanying report ordered to be printed.

ADJUSTMENT OF ACCOUNTS BETWEEN UNITED STATES AND FLORIDA. Mr. O'CONNOR, from the Committee on Claims, reported, as a substitute for House resolution No. 216, joint resolution (H. R. No. 292) directing the Secretary of the Treasury to adjust and settle the accounts between the United States and the State of Florida; which was read a first and second time, referred to the Committee of the Whole Honse on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK CARLISLE.

Mr. O'CONNOR also, from the same committee, reported back favorably resolution for pay of Frederick Carlisle, for services as an expert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

FAVORABLE REPORTS.

Mr. SAMFORD, from the Committee on Claims, reported back favorably the following cases; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompany-

the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 3672) for the relief of John N. Reed; and
The bill (H. R. No. 610) for the relief of George W. Taylor.

He also, from the same committee, reported the following bills;
which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the

accompanying reports, ordered to be printed:

A bill (H. R. No. 5923) for the relief of George D. Blakey, late collector of internal revenue for the second district of Kentucky; and A bill (H. R. No. 5924) for the relief of Wilson A. Green.

Mr. LINDSEY, from the Committee on Claims, reported back favorably the bill (H. R. No. 989) for the relief of John H. Standish; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH BROWN.

Mr. LINDSEY also, from the same committee, reported a bill (H-R. No. 5925) for the relief of Joseph Brown; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY B. BROWN.

Mr. LINDSEY also, from the same committee, reported a bill (H. R. No. 5926) for the relief of Henry B. Brown; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be

ALBERT WOOD.

On motion of Mr. BRAGG, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 3909) for the relief of Albert Wood; and the same was referred to the Committee on Claims.

AMENDED BILLS.

Mr. BRAGG also, from the same committee, reported back, with amendments, bills of the following titles; which were recommitted to the Committee on Claims, and ordered to be printed:

The bill (H. R. No. 4435) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and the acts amendatory thereof; and The bill (H. R. No. 3291) for the allowance of certain claims reported by the accounting officers of the United States Treasury Depart-

A. T. TERRILL.

Mr. ATHERTON, from the Committee on War Claims, reported a bill (H. R. No. 5927) for the relief of A. T. Terrill, of Henderson County, Tennessee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DR. JOEL C. FRAZIER.

Mr. ATHERTON also, from the same committee, reported, as a substitute for House bill No. 614, a bill (H. R. No. 5928) for the relief of the estate of Dr. Jeel C. Frazier; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ADVERSE REPORTS.

Mr. ATHERTON also, from the same committee, reported adversely bills and petitions of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:
The bill (H. R. No. 1341) for the relief of G. C. Hanper;

The bill (H. R. No. 1530) for the relief of W. W. Welsh;
The bill (H. R. No. 1475) for the relief of Louis Ernde;
The bill (H. R. No. 1342) for the relief of C. G. Gilmer;
The bill (H. R. No. 1339) for the relief of Drury Bynum;
The bill (H. R. No. 976) for the relief of the Christian Church at

Fayetteville, Arkansas;
The bill (H. R. No. 1529) for the relief of A. Karpe;
The petition of Lizzie Rogers, of Saint Mary's Parish, Louisiana;
The petition of Edwin U. Parham, of Knoxville, Tennessee;
The petition of Lizzie Rogers, of Saint Mary's Parish, Louisiana;

The petition of the city of Memphis, Tennessee, for compensation for the use of property by the military authorities during and after the late civil war

The petition of Anna Perry, for property alleged to have been taken

by Union soldiers; and

The petition of William S. Stevens, of New York, claiming payment for twenty-nine thousand haversacks.

Mr. SIMONTON, from the Committee on War Claims, reported adversely petitions of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Reuben B. Bass;
The claim of Andrew C. Meadows, of Russell County, Kentucky;

The claim of Clara E. Bryan, of Memphis, Tennessee

Mr. BRAGG moved to reconsider the action of the Honse in reference to the several bills and petitions reported adversely from the Committee on War Claims as above; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'CONNOR. Mr. Speaker, has the morning hour expired ? The SPEAKER pro tempore. The morning hour has expired.

REAR-ADMIRAL A. H. FOOTE.

Mr. WHITTHORNE, from the Committee on Naval Affairs, by unanimous consent, reported back favorably the bill (H. R. No. 5409) for the relief of the late Rear-Admiral A. H. Foote, United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

STATIONERY FOR REPORTERS' GALLERY.

Mr. TALBOTT, by unanimous consent, introduced the following resolution; which was read, and referred to the Committee on Ac-

Resolved. That the Clerk of the House be, and he is hereby, authorized and directed to furnish for the use of the reporters' gallery such stationery as may be necessary for use therein, subject to the approval of the Committee on Accounts.

REFERENCE OF SENATE PENSION BILLS.

Mr. COFFROTH. I ask unanimous consent that all the Senate bills that are on the Speaker's table relating to invalid pensions be now taken from the Speaker's table and referred to the Committee on Invalid Pensions

Mr. HAZELTON. Before that motion is put, I desire to have excepted from the order the bill (S. No. 526) granting a pension to Esther E. Lieurance. That has been before the committee and re-

Esther E. Lieurance. That has been before the committee and received their approval, and I desire to put it on its passage.

Mr. COFFROTH. I will except that bill.

Mr. DIBRELL. I make the same request with reference to the bill (S. No. 382) granting a pension to Ellen W. P. Carter.

There being no objection, the following Senate bills were taken from the Speaker's table, read a first and second time, and referred to the Committee on Invested Reviews. to the Committee on Invalid Pensions:

The bill (S. No. 341) granting a pension to Peter Getert;
The bill (S. No. 139) granting a pension to Henry A. Armstrong;
The bill (S. No. 342) granting a pension to Charles Reed;
The bill (S. No. 870) granting a pension to Louis Christopher Tiedemann:

The bill (S. No. 1045) granting a pension to Susan Jeffords;
The bill (S. No. 338) granting a pension to Dederick Blanck;
The bill (S. No. 1193) granting a pension to Milton L. Sparr;
The bill (S. No. 370) granting a pension to Phæbe C. Doxsie;
The bill (S. No. 637) granting an increase of pension to Lucien Kil-

bourn The bill (S. No. 1051) granting an increase of pension to Stephen

D. Smith;

The bill (S. No. 1231) granting a pension to Charlotte T. Alderman; The bill (S. No. 1233) granting a pension to Frederick Weller; The bill (S. No. 1072) granting a pension to Arthur W. Irving; The bill (S. No. 985) granting a pension to Mary Leggett; The bill (S. No. 235) granting an increase of pension to Egbert Ol-

The bill (S. No. 148) granting an increase of pension to J. J. Pur-

The bill (S. No. 545) granting a pension to Elizabeth H. Pierce; The bill (S. No. 873) granting a pension to George W. Wickwire; The bill (S. No. 898) granting a pension to Mary A. Davis; The bill (S. No. 963) granting a pension to Theodore Rauthe; The bill (S. No. 1070) granting a pension to Jacob H. Eppler; The bill (S. No. 1143) granting a pension to Mrs. Mary Allison; The bill (S. No. 1305) granting a pension to Mrs. Emma Schell; The bill (S. No. 1384) granting a pension to Reese Lammey;

The bill (S. No. 1185) granting a pension to Jesse F. Phares; The bill (S. No. 1576) for the relief of Benedict J. O. Driscoll; and The bill (S. No. 602) for the relief of Thomas W. McAffrey.

ELLEN W. P. CARTER.

Mr. DIBRELL. I ask unanimous consent that the bill (S. No. 382) Mr. DIBRELL. 1 ask unanimous consent that the bill (S. No. 322) granting a pension to Ellen W. P. Carter be taken from the Speaker's table and put upon its passage at this time. I make this request because a bill precisely the same, the bill H. R. No. 704, has been favorably reported by the House committee and is now upon the Private Calendar, page 33.

The SPEAKER pro tempore. The bill will be read for information, after which objections, if any, will be in order.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen W.P. Carter, of Bradley County,

Mr. DIBRELL. This is a pension to the widow of a lieutenant who was killed before he was mustered in 1862. I hope no one will There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

ESTHER E. LEURANCE.

Mr. HAZELTON. I ask unanimous consent that the bill (S. No. 526) granting a pension to Esther E. Lieurance be taken from the Speaker's table and put upon its passage at this time. This bill passed the Forty-fifth Congress, and has again been reported favorably by the Committee on Invalid Pensions.

the Committee on Invalid Pensions.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Esther E. Lieurance, widow of Stephen Lieurance, late a soldier in Company H, Third Wisconsin Volunteer Infantry.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. HAZELTON moved to reconsider the vote by which the bill

was passed; and also moved to lay the motion to reconsider on the

The latter motion was agreed to.

TRANSPORTATION OF OVERLAND MAILS.

Mr. SINGLETON, of Illinois, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back, with an amendment, the bill (H. R. No. 3405) to authorize the Postmaster-General te compensate the Chicago, Burlington, and Quincy Railroad Company for facilitating the transportation of the overland mails under agreement; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be rejuted. to be printed.

FRANCIS L. GALT.

Mr. HARRIS, of Virginia. I am instructed by the Committee on the Judiciary to report a bill to remove the political disabilities of Francis L. Galt, of Virginia, and I ask unanimous consent that it be now put upon its passage.

The bill was read.

Mr. THOMAS. Let the petition be read.

The petition was read.

The SPEAKER pro tempere. Shall this bill be engrossed and read a third time?

a third time!

I call for the regular order.

Mr. CONGER. I call for the regular order.

The SPEAKER pro tempore. The gentleman from Michigan calls for the regular order, which is in the nature of an objection.

Mr. HARRIS, of Virginia. I make the point of order that the question having been put on the engrossment and third reading of the bill, it is too late to make an objection.

The SPEAKER pro tempore. The gentleman from Virginia requested manimous consent for the consideration of the bill, and it had not reached that point when an objection to its consideration would be

reached that point when an objection to its consideration would be too late

Mr. HARRIS, of Virginia. I understood that unanimous consent

was given for the introduction of the bill.

The SPEAKER pro tempore. The bill was merely read for information. Objection being made, it is not before the House.

R. No. 215) requesting the President to open negotiations with certain foreign governments relative to the importation of tobacco into their dominions; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PERSONAL EXPLANATION.

Mr. WILSON. In the RECORD of the 6th of this month—
Mr. CONGER. I have called for the regular order.
Mr. WILSON. The gentleman cannot take me off the floor by his call for the regular order.

The SPEAKER pro tempore. The Chair understands that the gentleman from West Virginia [Mr. Wilson] rises to a question of per-

sonal privilege.

Mr. WILSON. The gentleman from Michigan could not take me off the floor if he would, and I am sure he would not if he could.

Mr. O'CONNOR. Have I not the right to reclaim the floor on my motion to go into Committee of the Whole on the Private Calendar

The SPEAKER pro tempore. The Chair understands that the gentleman from West Virginia will take but a moment.

Mr. O'CONNOR. Very well; I will yield for the present.

Mr. WILSON. Mr. Speaker, the RECORD of the date of the 6th of this month reports me as having voted in the affirmative on the Weaver currency resolution on the 5th instant, and also reports I was paired on that day with Mr. ORTH, of Indiana. I had been paired with that gentleman for the president was have the residual assistant. with that gentleman for the previous week but the pair had expired. My vote on the resolutions is correctly reported. I had not noticed the report of this pair on that day until my attention was called to it this morning

The SPEAKER pro tempore. No notice of the expiration of the pair was given to the Clerk.

Mr. WILSON. I desired to make this explanation as soon as I became aware of the inconsistency in the report.

ORDER OF BUSINESS.

Mr. O'CONNOR. I now move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. Burnows in the chair.

L. MADISON DAY.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar. The unfinished business coming over from the last session of the Committee on the Private Calendar is the bill (H. R. No. 2798) for the relief of L. Madison Day. The committee at that time rose upon the point of order having been made that no quorum was present. The pending question was, Shall this bill be laid aside to be reported favorably to the House? Upon that question tellers had been ordered, and the gentleman from South Carolina, Mr. O'CONNOR, and the gentleman from Michigan Mr. WILLIES appointed as tellers will take their man from Michigan, Mr. Willis, appointed as tellers, will take their places, and the committee will new proceed to vote.

The committee divided; and the tellers reported that there were—

ayes 73, noes 58.

Mr. BOUCK. I make the point of order that no quorum has voted.

The CHAIRMAN. The tellers will continue their count, and members of the committee are requested to vote on one side or the other, in order to make a quorum.

Mr. SPRINGER. I ask unanimous consent that this bill be laid

aside for the present, in order that we may proceed to the considera-tion of other business on the Private Calendar.

Mr. O'CONNOR, (one of the tellers.) I hope not; I hope this bill will now be disposed of.

The tellers continued and concluded their count, and reported that here were—ayes 85, noes 63. So the bill was laid aside, to be reported favorably to the House.

EDWARD K. WINSHIP.

The next business on the Private Calendar was the bill (H. R. No.

Paymaster Edward K. Winship, United States Navy.

The CHAIRMAN. By order of the House, at the request of the gentleman from Connecticut, [Mr. HAWLEY,] this bill will be passed over for the present, not to lose its place upon the Calendar.

WHITEWOOD FLUME COMPANY.

The next business on the Private Calendar was the bill (H. R. No. 2805) to incorporate the Whitewood Flume Company; reported from the Committee on Mines and Mining by Mr. ACKLEN.

The bill was read, as follows:

GEORGE S. FISHER.

Mr. NICHOLLS, by unanimous consent, from the Committee on Foreign Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 1998) to reimburse George S. Fisher for "waiting instructions" and for "transit to post of duty" to Beirut, Turkey, in 1874, and for losses sustained by the burning up of his library in the consulate building of the United States at Kanagawa, Japan, November 26, 1866; and the same was laid on the table, and the accompanying report ordered to be printed.

IMPORTATION OF TOBACCO INTO FOREIGN COUNTRIES.

Mr. NICHOLLS also, by unanimous censent, from the same committee, reported back, with an amendment, the joint resolution (H.

granted to said company to erect, construct, and keep in repair either a ditch or flume, or both a ditch and flume, as they may determine, between the points and along the line designated in this act, and to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in this act and their tributaries, leaving sufficient water at all times in the channels of said streams and their tributaries to supply all claimants whose rights to use the same attached before the commencement of said ditch or flume: Provided, however. That said flume or ditch shall not be more than twelve feet wide at the bottom.

Mr. ACKLEN. I ask that the reading of the report be dispensed with, as this is a substitute for the original bill on which the report was made. This substitute is unanimously recommended by the Committee on Mines and Mining. It simply authorizes this company to construct its flume or ditch through the public lands, granting to

them the right of way.

Mr. BRAGG. I think it would be well for the committee to understand what this bill proposes. It is a bill which comes from the Committee on Mines and Mining, and by its title purports to be a bill to incorporate the Whitewood Flume Company.

Now, this bill is no such thing. It proposes to grant to certain

Now, this bill is no such thing. It proposes to grant to certain persons, who propose to incorporate themselves in Dakota under the name of the Whitewood Flume Company, the exclusive right to the use of the waters of Whitewood Creek and Deadwood Creek, giving not only the right to the use of the waters and the construction of a canal, but the right of way for ten feet on either side of the canal for twenty years.

In other words, it is granting a franchise to a company not yet in existence, by which they are authorized to go upon the Government lands, and to have the right to take the waters of these streams and divert them from their natural courses, so that when the lands shall have been disposed of by the General Government hereafter, they

nave been disposed of by the General Government hereafter, they will be subject to the easement which this bill proposes to grant to this company that proposes to be incorporated.

In order to meet this objection what does the bill propose? It proposes that they shall leave water enough in these streams—for what? For such persons as may have the right to use the streams before the construction of the canal. But if it so be that the canal shall be constructed over a tract of land where there are no pre-emptions, no entries, no persons now using the streams, this grants absolutely the right to use all the waters of these two creeks, to be taken out of their beds and carried into a canal, so that a monoply of the waterpower arising from these streams, and the use of the waters of the streams, shall be given to persons who propose to incorporate themselves into a company, provided this bill shall pass.

It seems to me that this bill would more properly come from the Committee on the Public Lands than from the Committee on Mines and

Mining under the pretense of its being a bill to incorporate the Whitewood Flume Company.

Mr. ACKLEN. I yield to the gentleman from Iowa, [Mr. PRICE.]

Mr. PRICE. Mr. Chairman, the gentleman from Wisconsin [Mr. Bragg] has a wrong conception of the object and effect of this bill a misconception honestly entertained I doubt not. If the committee a misconception nonestly entertained I doubt not. If the committee will give me their attention for five minutes, I can make this matter as plain as the sun at noonday. The whole matter is simply this; Some young men from Iowa went into the Territory of Dakota and entered some mining claims. They dug a tunnel six hundred and fifty feet long, commencing at the base of a hill down which is the fall of this creek. They drove this tunnel all on their own land; and having extended it six hundred and fifty feet they were seventy feet from the content. the surface. Then being at bed-rock they sunk a shaft to intersect that tunnel. The people living above them, some seventy-three in number if I remember correctly, (the papers are on file with the Committee on Mines and Mining,) asked Congress to allow these men to be incorporated so that they may dig that ditch ten or twelve feet wide from that point through their mining claims down to the bedrock, so that they may have the benefit of draining their land into this

rock, so that they may have the benefit of draining their land into this tunnel. Almost every man, I think every man interested in this matter (because the ditch is only three or four miles long) has signed a petition to Congress to have this thing done.

Now, the reason they come here asking the passage of this bill is that possibly they may run over a strip of land fifty or sixty feet wide—only a small strip, if any—belonging to the Government. They apply here to have the sanction of the Government to take from that strip, ten feet wide, whatever earth and stone may be necessary. That is all there is in the proposition.

The Committee on Mines and Mining in the Forty-fifth Congress—and there was then a practical miner upon the committee—had this

and there was then a practical miner upon the committee-had this matter under consideration. I see here my friend from North Carolina [Mr. Davis] who was a member of the committee at that time and will verify everything I am saying; probably he knows much more about the matter than I do. That committee in the Forty-fifth Congress, after careful investigation, reported unanimously a bill of this kind; but it never received action for want of time. The measure was reintroduced in the Forty-sixth Congress, referred to the Committee on Mines and Mining, and is now reported from that committee, I believe, unanimously. If I am not right in this statement, I hope I may be corrected. This is the way the matter stands; and this is all there is in it. there is in it.

Mr. PAGE. Is there not a general law giving to ditch and canal owners the right of way over the public lands of the United States? I believe such an act was passed in 1866.

Mr. PRICE. I am not aware whether there is such an act or not.

Mr. SPRINGER. I can answer the question of the gentleman from California [Mr. Page] if the gentleman from Iowa [Mr. Price] will allow me. Having the same impression as the gentleman from California, I have consulted the statutes for the purpose of ascertaining the fact. I ask the Clerk to read section 2330 of the Revised Statutes.

The Clerk read as follows:

The Cierk read as icilows:

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Mr. SPRINCERP I desire to sall attention to the foot that this pro-

Mr. SPRINGER. I desire to call attention to the fact that this provision of the statutes secures to parties the right to construct canals and ditches over the public lands to the extent that may be required to connect any mining claim they may have with natural water-courses. It seems to me that if the parties in whose interest this bill is preat seems to me that if the parties in whose interest this bill is presented desire only the right of way over the public lands, they have that right under the general law. If not, I think they ought to have it, but they ought to have it by general law. I am opposed to setting a precedent here which would bring to this Congress innumerable private bills for the incorporation of companies to carry on mining enterprises or to open up canals and ditches in all the Territories of the West. Such a precedent would ingulf this Congress in an amount of west. Such a precedent would inguit this Congress in an amount of private legislation which would absolutely prevent the transaction of public business. If the general laws on this subject are not adequate for the full and complete protection of all persons who may desire what this bill proposes to grant, the right of way over the public lands for ditches and canals, I think the general law ought to be so amended as to give them this right. I believe they have it now under the provisions of the statutes I have caused to be read. If they have not the remedy is in the general law and not in setting a precedure. have not, the remedy is in the general law and not in setting a precedent for the incorporation of an innumerable number of private com-

But this bill does not incorporate a company. Although its title says it is a bill to incorporate the Whitewood Flume Company the body of the bill states that it is a company to be organized under the territorial law of Dakota, and therefore it is in aid of a corporation to be created hereafter, and to grant exclusive privileges for twenty years to a company which may be hereafter organized.

I am opposed to the granting of exclusive privileges to the natural water-course indicated, because that might interfere with the rights of other persons in the immediate vicinity who might wish to use

of other persons in the immediate vicinity who might wish to use

Mr. PRICE. The gentleman from Illinois will observe that the bill protects the rights of all other parties.

Mr. SPRINGER. I do not see how it can protect them if it gives

these parties the exclusive right for twenty years to erect, construct, and keep in repair this ditch or flume mentioned in the bill.

Mr. PRICE. Precisely; it gives the right for twenty years to keep

Mr. PRICE. Precisely; it gives the right for twenty years to keep in repair this ditch or flume, but it is also provided that sufficient water is to be left at all times in the channels of said streams and their tributaries to supply all claimants whose right to use the same attached before the commencement of said ditch or flume.

Mr. SPRINGER. It is to be either a ditch or flume, or both a ditch and flume, as they may determine. I will read the language of the

And the exclusive privilege for the period of twenty years is hereby granted to said company to erect, construct, and keep in repair either a ditch or flume, or both a ditch and flume, as they may determine, between the points and along the line designated in this act, and to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in this act and their tributaries, leaving sufficient water at all times in the channels of said streams.

Mr. PRICE. That is it.

Mr. SPRINGER. "And their tributaries, to supply all claimants whose rights to use the same attached before the commencement of said ditch or flume." Attached before that. Well, what rights have attached before that no one knows. Perhaps nobody's right has attached up to this time, and it prevents any other rights attaching to

attached before that no one knows. Pernaps nobody's right has attached up to this time, and it prevents any other rights attaching to this water after the passage of this bill.

Mr. PRICE. If the gentleman from Illinois will recollect for a moment, he will know that that country is settled up now possibly as much as it will be in the next fifty years. It is the very place where those people are, and the very men who have rights there are the marks have acked for this thirst to be done. They are the very increase. who have asked for this thing to be done. They are the parties asking for the passage of this bill.

Mr. SPRINGER. This ditch is to be three miles long.

Mr. PRICE.

Mr. SPRINGER. And from where it leaves the natural water-

Mr. SPRINGER. And from where it leaves the natural watercourse until it reaches the mining property no one, for twenty years,
who may discover valuable mining property, could dig there without
the permission of this company.

Mr. PRICE. The gentleman from Illinois and other members are
under a misapprehension. This ditch spoken of extends on the line
of these miners above that shaft I have spoken of at the head of that
rapid, and does not affect the channel at all. It is for the purpose
of draining that land so they may get down to the bed-rock. The
flume or ditch they speak of is below that of the land of the men
asking for this. asking for this.

Mr. SPRINGER. We have no map of the topography of the country and no statement of the rights of others surrounding this property, and hence we are going somewhat in the dark. It is for that reason I think it very questionable at least as to whether we should pass a

It think it very questionable at least as to whether we should pass a bill of this kind or not.

Mr. ACKLEN. Mr. Chairman, the section of the Revised Statutes the gentleman from Illinois has called attention to is not pertinent to the peculiar condition of this case at all. It refers to a case where priority of possession or right to use the water for mining, agricultural, manufacturing, or other purposes has vested and accrued. Those who are interested in the passage of this substitute, which is, I desire to explain to the committee, a substitute for the original bill proposing the incorporation of this company, and is not a bill itself to incorporate a company, and therein the gentleman from Illinois is mistaken in stating it as a bill to incorporate the company—those men ask we should grant the right to erect and keep in repair this ditch orfume to these parties; that it is necessary for the purpose of carrying on their mining operations. The petition which was presented to the Committee on Mines and Mining, and which I have had incorporated in the report made by that committee as an appendix incorporated in the report made by that committee as an appendix thereto, requests specifically Congress may grant to this company the right to erect and construct this flume or ditch for the purpose therein mentioned.

There is, I am informed, but a very small portion of the public domain infringed upon in the construction of this ditch or flume, and it is to obtain the consent of Congress to have the right of way over the public domain, and for no other purpose, the substitute has been reported by the committee. It has been unanimously reported by the Committee on Mines and Mining, and is not at all open to the objections which the gentleman from Illinois has raised to it.

Mr. BRAGG. I have now before me the bill, and in all its features

it sustains exactly the position which I took with the bill not before me, except that it is a little worse. This is a bill authorizing the constructing, maintaining, and operating a ditch, flume, or tunnel,

as may be required—

Mr. ACKLEN. What bill is that the gentleman is referring to now?

Mr. BRAGG. I refer now to a bill reported by Mr. ACKLEN, from the Committee on Mines and Mining, as a substitute for the bill No.

Mr. ACKLEN. As a substitute for that bill.
Mr. BRAGG. Very well. To conduct water commencing at or near
Whitewood Falls or Whitewood Creek in the Cape Horn mining dis-Whitewood Falls or Whitewood Creek in the Cape Horn mining district, &c. This is not for drainage simply, but for mining and milling and other purposes, and amounts to this: that it gives an absolute monopoly of all the waters in these creeks, with the right to divert them into a tunnel or channel for mining and milling and other purposes, and shall have the right of way thereof for ten feet on both sides of the said ditch or flume and the free use of stone and timber along the line of the same and its branches, and this to continue for

a period of twenty years.

This is a grant of timber and stone, not to speak of land, but a general grant of timber and stone by the United States to this incorporated company. This bill further grants to them the exclusive use of that water, except to such persons whose rights to use the same may have attached before the commencement of the said ditch or flume. Now, that is a cognovit, an admission that the Government possesses there property which is subject to claimants, subject to entry, subject to be taken up, the title to which is still in the Government; and this bill proposes to take away from the Government the riparian rights which would inure to the owners of that property in case hereafter it should be taken up, and a valuable mine should be developed upon it or any other interest which would require the use of this water which flows through the land. In other words, it grants in advance to the company, before its incorporation, a monopoly of the water of these creeks, which may be of immense importance and

the water of these creeks, which may be of immense importance and value to the mining operations on lands which still belong to the Government; and it grants the use of stone and timber generally, so much as may be necessary—all to go to this corporation.

I see that one of these persons who is to be incorporated under this bill has a name singularly similar to that of the member of Congress from Iowa who spoke on this bill, William H. Price.

Mr. ACKLEN. I would ask the gentleman from Wisconsin if this bill does not in terms provide that sufficient water shall be allowed to remain in those creeks at all times, to supply all claimants whose rights to use the same attached before the commencement of this ditch? ditch ?

Mr. BRAGG. Certainly.
Mr ACKLEN. Therefore, there can be no possible objection—
Mr. BRAGG. I did not yield to the gentleman to put in an argument right here, but to ask a question. My point is that that very condition, that very exception there admits the fact that there is a tract of territory which is yet subject to entry; so that by this bill we are taking from the Government, when it grants to persons entering that land the right to the use of this water, because to use the water at all this land must have been entered and these claims perfected before this ditch was commenced.

But if that has not been done, and subsequently when it is entered and some mine is developed, you deprive the claimants under the Government from any right in the use of that water unless the consent of these parties be obtained.

Mr. ACKLEN. But the gentleman will remember that it is provided expressly in this bill that parties whose rights to use the same attached before the commencement of the said flume are amply protected. These waters are useless where they are, and the riparian owners of this property themselves have signed and petitioned for

Mr. BRAGG. Well, if they are the riparian owners on that stream they may be interested, but without reserving the right of such as may come in hereafter such privileges should not be granted. That provision shows to my mind that this land is not all taken up, and

provision shows to my mind that this land is not all taken up, and therefore that we ought not to pass this bill.

Mr. DAVIS, of North Carolina. Mr. Chairman, as I understand this case, and I gave it some consideration in the Forty-fifth Congress, though I do not know how far the provisions of this bill correspond with the provisions of that which was considered by the Committee on Mines and Mining in that Congress, but as I understand this it is based upon the assumption that it is necessary to get at least congressional aid to perfect the corporation at all—some of stand this it is based upon the assumption that it is necessary to get at least congressional aid to perfect the corporation at all—some of this property being still public property, a portion of it being a part of the public domain. If I remember correctly, in the Forty-fifth Congress the committee had the written request or application of all the individual owners along the line of this flume or ditch, their written request that the application should be granted. Of course they could not request anything more than that.

The right of the Government was not in them, and the territorial government could not condemn anything ascenting their rights.

government could not condemn anything excepting their rights. They concede that it was to their interest and to the public interest

They concede that it was to their interest and to the public interest also, and that being so, as I understand, the only persons who can be injured by this grant are those who now have vested rights. They have these vested rights, but are willing that this shall be done, and surely if it promotes the general good, there ought to be no objection to the Government granting precisely what private individuals granted where they had the control.

The territorial Legislature, as I understand it, cannot give relief; cannot give all that is desired or all that is necessary in the incorporation of this company, because they cannot interfere with the rights of the Government of the United States in the public domain. If they could give perfect relief it would not be necessary, perhaps, to come here, but they cannot. As every individual interested in and along the line of this property has requested, as I am informed, that this charter be granted, I think they may be left to look after their own interests, and my friend from Wisconsin [Mr. Bragg] need not concern himself about the interference with private and vested rights. rights.

Mr. ACKLEN. The section referred to by the gentleman is section

1851 of the Revised Statutes. It states:

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil.

It was owing to this section of the Revised Statutes that the par-

ties here interested felt it necessary to apply to Congress for the right of way over the public domain, which is granted by this substitute. Nothing else is asked for. I ask that the bill be laid aside to be re-

Noting else is asked for. I ask that the bill be laid aside to be reported favorably to the House.

Mr. NEWBERRY. I have heard it stated three or four times since this bill has been before the committee that nothing is asked but the right of way for this company, the Whitewood Flume Company. In looking at the report I find that is all that was asked by the petitioners who wish this action to be taken by the House. I will ask the Clerk to read the petition from which it will be seen that the petitioners who are cited as advocating the passage of this act simply asked Congress to give them a right of way over the public domain.

asked Congress to give them a right of way over the public domain.

Mr. ACKLEN. Will the gentleman allow me to explain?

Mr. NEWBERRY. Certainly.

Mr. ACKLEN. The petition incorporated in this report is the petition upon which was based the original bill for which this is a substitute. If the gentleman will examine the original bill for which this is a substitute. If the gentleman will examine the original bill he will find it provided for the incorporation of a company with the rights and privileges which will be found fully set forth in detail in that bill. This bill recommended by the Committee on Mines and Mining is a substitute for the original bill.

Mr. NEWBERRY. And this is a bill which nobody has petitioned for so for as the report shows. The patition from Deadword City.

for so far as the report shows. The petition from Deadwood City—and the Clerk will read it in a moment—simply asks Congress to give the right of way over a portion of the public domain. It asks nothing

se. Am I correct in that?

Mr. ACKLEN. Yes, sir.

Mr. NEWBERRY. I will ask the Clerk to read the petition.

The Clerk read as follows:

DEADWOOD CITY, March -, 1878.

We, the undersigned, respectfully represent that W. H. Price & Co. are building a flume from the falls of Whitewood Creek, developing and opening the claims above said falls; that their enterprise is attended with great expense; and, therefore, as a protection to them and as action eminently proper in the premises, we, owners of placer claims along the line of said flume, do ask that a charter issue to said W. H. Price & Co., giving them the right of way for said bed-rock flume, in said Whitewood Creek, in the county of Lawrence, Territory of Dakota.

Mr. NEWBERDEY. Now. Mr. Chairwest, the bill in addition to

Mr. NEWBERRY. Now, Mr. Chairman, the bill, in addition to giving the right of way to those individuals and that company, among other things which I will not enumerate, gives that company—

The exclusive privilege for the period of twenty years to erect, construct, and keep in repair either a ditch or flume, or both a ditch and flume, as they may

determine, between the points and along the line designated in this act, and to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in this act and their tributaries.

Those are the Deadwood Creek and the Whitewood Creek and their

tributaries. It permits the turning of all the waters of those streams into that ditch or flume—

Mr. PRICE. The gentleman will excuse me. I am sure he does nor want to do an injustice to the bill and to the parties who seek this legislation. The bill preserves in terms the water for the use of

other parties.

Mr. NEWBERRY. If the gentleman would wait only half a minute and allow me to complete my sentence, he would find I was com-

ing to that.

Mr. PRICE. I will wait a minute and a half, if the gentleman

Mr. NEWBERRY. I was reading the bill-

and to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in this act and their tributaries, leaving—

Now what do they leave ?-

sufficient water at all times in the channels of said streams and their tributaries to supply all claimants whose rights to use the same attached before the commencement of said ditch or flume.

We have no data as to when that ditch or flume was commenced; we do not know whether it was one year or ten years ago. I presume if it was on a mining claim it was in the time of the first proprietors who went upon that stream, the Deadwood Creek. If this bill passes, from the instant they commenced that ditch or flume no one has any right to or interest in the water in that creek unless he was there at that time. Every drop of that water is given to this company, and you compel every one who uses a drop of that water

company, and you compet every one who uses a drop of that water to pay for it.

There is nothing said here specifically to show what is the use of that flume. Is it a public improvement or is it simply a private improvement? It purports to carry that water through Deadwood City to Central City. The distance is not given. The water is to be carried to those two cities; but the purpose of this is not found in this bill or in any report accompanying the bill. I have looked through the report as carefully as I could in the few minutes I have had it in my hands and I have from proteing as to the use of this ditch or my hands, and I have found nothing as to the use of this ditch or flume; nothing as to whether it is of public importance or whether this is simply a private operation to control all the water that runs through that valley for the use of this company for which they may

charge to suit themselves.

Mr. ROBINSON. There are certain things appearing from an inspection of these papers to which the House should give attention. The original bill, No. 1078, was introduced by the gentleman from Iowa, [Mr. PRICE,] and is a bill of twelve sections, creating a corporation and giving that corporation extended powers. Upon that bill the Committee on Mines and Mining prepared a report of twenty-seven printed pages, which we have here; but instead of reporting bill No. 1078 back to the House, they report a substitute, as the com-

bill No. 1078 back to the House, they report a substitute, as the committee say, and a substitute is printed on pages 26 and 27 of the report. But the substitute there printed is not the substitute now before the House. Therefore, so far as the report of the committee shows, we are acting upon a bill which the committee did not recommend. There is no other report before the House that I am aware of. I will give way for a moment so that that matter may be explained, in order that we may not act under any misapprehension.

Mr. ACKLEN. The bill originally introduced will be found quoted by sections in the report. The sub-committee recommended to the full committee the bill which is found on pages 26 and 27 of the report. As the gentleman from Massachusetts [Mr. ROBINSON] will observe, the report was directed to be recommitted to the Committee on Mines and Mining. That committee, upon an examination of the substitute reported by the sub-committee to the full committee, authorized to be reported to the House a substitute for the whole matter, which was reported to the House and placed upon the Calendar, ter, which was reported to the House and placed upon the Calendar, as appears from the records. I think that explanation is sufficiently

satisfactor

satisfactory.

Mr. ROBINSON. Then, to make my statement plain—and I accept what the gentleman from Louisiana [Mr. Acklen] says about it as the fact—upon an inspection of this report we find, as the gentleman from Michigan [Mr. Newberry] has just said, no explanation of the purpose of the bill itself. We have here a long and undoubtedly very able argument on the power of Congress to create a corporation. And the original bill and the substitute as recommended by the sub-committee went to the creation by Congress of a corporation. That is shown by the bill of four sections to be found on pages 26 and 27 of the report.

Now, in what position are we? It is said that Congress is not asked to create a corporation. No; but by this second substitute which we

Now, in what position are we? It is said that Congress is not asked to create a corporation. No; but by this second substitute which we are now considering Congress is asked to adopt a corporation to be created perhaps before 1884 by the Territory of Dakota, and then to give that corporation all the powers they sought to gain under an incorporation by Congress. But with this exception, the committee have kept out of this last substitute the provision for the protection of all private claimants, which they put in the other substitute which they incorporated in their report.

Now if contlemen will examine the substitute bill which was rec-

Now, if gentlemen will examine the substitute bill which was recommended by the sub-committee, and which appears to have been

adopted by the committee, so far as the report shows, there will be found a fourth section, which provides that if persons along the line of this flume or canal shall object to the passage of this ditch through

of this flume or canal shall object to the passage of this ditch through their lands as affecting their claims they shall have the right to be heard in the courts, where the question of damages shall be determined, and they shall have the right of appeal.

Now, when we come to examine the bill before its, what do we find? We find that Congress is asked, not to create a corporation and describe and define its powers and limit its rights, but it is asked to pass a bill providing that these gentlemen may become a corporation in the Territory of Dakota under territorial laws prior to 1834; and if they shall so become a corporation, then they shall have the control they shall so become a corporation, then they shall have the control

of the various streams mentioned in this bill.

Now, it is not alone as my distinguished friend from Iowa [Mr. PRICE says here—and I know he wants to be right about it—it is not alone that they shall have the right of way over some sixty or seventy feet of Government land; not at all. It is that, but it is very much more. It is to have for twenty years the exclusive privilege of controlling these streams, if I understand the bill aright, with this limitation: they shall not take away the water needed for those who have present claims.

Mr. NEWBERRY. Not present claims.

Mr. PRICE. The gentleman from Massachusetts wants to be right, I have no doubt.

Mr. ROBINSON. Undoubtedly.
Mr. PRICE. The gentleman will notice that no fifty or sixty feet is asked for, and nothing of the kind is granted.
Mr. ROBINSON. I took the fifty or sixty feet from the gentleman's

own statement.

I said ten or twelve feet. Mr. PRICE.

Mr. PRICE. I said ten of twelve less.
Mr. ROBINSON. Then it is that much less.
Mr. PRICE. Now let me call the attention of the gentleman from
Massachusetts and of the committee to this one fact.

Mr. ROBINSON. I am not quite through yet.

Mr. PRICE. It will not take me more than a minute and a half.

Mr. PRICE. It will not take me more than a minute and a man.
Mr. ROBINSON. I will be glad to hear the gentleman.
Mr. PRICE. This matter has been pending in Congress for ten
years past, and has been recommended by every man who has any
knowledge of the facts. Not a syllable or a word has come from the
Territory of Dakota against this, but every man who has said anything about it is in favor of it.

This was the unanimous report of the Committee on Public Lands of the Forty-fifth Congress, the then Delegate from the Territory of Dakota being a member of that committee. The present Delegate from that Territory is now present; I have been looking for him all the morning but I have not before seen him. If he has a word to say against this bill, then it may go. I have not said a word to him on the subject. No man who knows anything about this matter out-

on the subject. No man who knows anything about this matter outside of theory is opposed to it.

Mr. ROBINSON. I am speaking of the theory of the bill, and upon the papers as they stand. Now if we are to give this new corporation the same powers, rights, and privileges they were to have if incorporated by Congress, why are not private claimants guarded and protected in their rights and privileges as was intended by the fourth section of the substitute set forth in the report?

As the gentleman from North Carolina has said that according to his recollection all the private claimants joined in the request for this legislation, I wish to draw his attention to the report of the present committee, in which they say:

Your committee have been reliably informed, however, that nearly all of the owners of land and placer claims lying on the route of the proposed flume are desirous that the same should be completed at as early a date as possible, and have united in a petition to that effect.

To insure, however, the completion of this work, some mode of condemning private property is necessarily requisite; otherwise the captiousness or avarioe of private land-owners might indefinitely delay, if not altogether defeat, the results to be accomplished by the corporation. It remains, though, with your committee to see that the mode prescribed shall be such a one as will certainly protect private citizens and insure these private land-owners a fair and just compensation.

This shows to me that in the opinion of the committee all the claimants had not petitioned for this legislation, and also that the committee were satisfied the private land-owners ought to have protection.

Mr. DAVIS, of North Carolina. I have not read the whole of the present report; but my recollection is that in the Forty-fifth Congress the Committee had information from the Delegate from the Territory as well as from persons interested, that the bill not only met with no opposition from persons along the line but was approved by them. That is my recollection. It may possibly be that all the by them. That is my recollection. It may possibly be that all the persons interested did not approve the measure. But if it be necessary, for the purpose of enabling these gentlemen to use their property, to condemn the right of way over other property, it seems to me this power ought to exist somewhere. If it does not exist in the territorial Legislature as to public property, then it seems to me we ought to give that authority. I suppose that in all our States there are laws authorizing the condemnation of private property not only for public uses but in some cases for the use of individuals. For instance, where it is absolutely necessary that one man should have an outlet over the land of another for the purpose of drainage, we have in my State a provision for the purpose; I suppose there is such a provision in all the other States. But there is no provision in this case which would operate as against the Government of the United States. The right to use the stone along the narrow limit contemplated seems to me not to be of so great consequence that we should not grant it if it would be of any public benefit.

Mr. ROBINSON. The gentleman from North Carolina of course

would not say that under any circumstances private property should be taken without compensation?

Mr. DAVIS, of North Carolina. Oh, no, sir.
Mr. ROBINSON. And the gentleman thinks, therefore, that the
bill should afford some protection to those whose property may be

Mr. DAVIS, of North Carolina. I apprehend that the territorial

Mr. DAVIS, or North Caronna. I apprehend that the territorial laws would protect them.

Mr. ROBINSON. Mr. Chairman, I have said now all that I propose to say about this bill. I have said thus much because I could not find the gentleman from Dakota just at the time I wanted to see him to make inquiry about the bill. I may vote for the bill finally; but I wanted information. I do not think we ought to pass bills of this kind without having them clearly understood. kind without having them clearly understood.

Mr. BENNETT rose.

Mr. ROBINSON. I yield to the gentleman from Dakota, [Mr. BEN-

Mr. BENNETT. I wish to ask the gentleman what his particular point against the bill is. I had not the pleasure of hearing his remarks, as I was out of the Hall.

Mr. ROBINSON. My friend from Iowa [Mr. PRICE] says that my point is "everything in general and nothing in particular." I think that is rather damaging to the bill in which he is interested, as it implies there is so much objectionable that it is not necessary to particularized.

Mr. PRICE. I give the benefit of that to the gentleman from Mas-

Mr. ROBINSON. Seriously, I said (I do not wish to repeat my speech but only to state the points) that it seemed to me there was no provision here for the protection of private parties along the line of this improvement, against whom Congress undertakes to say this corporation shall have the exclusive right for twenty years to make and repair this ditch; and, further, that important provisions which seem to have been recommended by the committee for the protection of these parties have been omitted in the bill now under discussion.

Mr. BENNETT. Does the bill in the opinion of the gentleman affect the water rights of parties along the line?

Mr. ROBINSON. It does seem to me to do so. It gives this cor-

poration the exclusive control of various streams (with which, of course, the gentleman is familiar, though I am not) for twenty years. This seems to me a very serious matter. I should like to hear from the gentleman from Dakota.

Mr. ACKLEN. In reply to the gentleman from Massachusetts, I would like to call his attention to the fact that the substitute prowould like to call his attention to the fact that the substitute provides that this company shall have the right of way over the public lands. The territorial laws will protect all the private rights which might be endangered, and which possibly the committee may have thought would be endangered under the original bill which was referred to the Committee on Mines and Mining. The bill originally sent to that committee was referred to a sub-committee, who modified in the committee was referred to a sub-committee, who modified in the committee was referred to a sub-committee, who modified in the committee was referred to a sub-committee, who modified in the committee was referred to a sub-committee. fied it to some extent and reported it back with this report to the full committee, who accepted neither the original bill nor the substitute, but who have recommended unanimously the passage of the bill which I have in my hand—a substitute granting to this company simply the right of way over the public lands, with the right to erect and maintain this ditch or flume. That is all there is in the case.

Mr. CONGER. I ask the gentleman whether the substitute printed in the report is the one to which he refers?

Mr. ACKLEN. The substitute printed in the report is the one reperted by the sub-committee to the full committee, but the full committee did not accept it.

Mr. CONGER. It is the same with the exception of the last sec-

Mr. ACKLEN. The substitute prepared by the sub-committee contains a good many things different from the original bill. It is not so enlarged in its power, but that has nothing to do with the bill

before the House.

Mr. CONGER. I have two or three objections to this bill.

In the first place, the report contains a part of Blackstone, portions of the four gospels, and a verse or two from the epistle of Jude, two pages in regard to the use of seals by the Jews and Romans and among the Normans and Saxons, and besides there are so many different propositions in this report, covering twenty-seven pages, that it seems to me, Mr. Chairman, it must have been intended to confuse the mind and withdraw the attention of Congress from the bill to which it purports to relate. [Laughter.]
And I am now told the bill reported in the report, and the substi-

tute printed in the last part of it to which the whole report is said to be referred, is not the bill before the House. It seems to me, therefore, that no portion of the bill or of these twenty-seven pages with all its law-learning, with all the accumulated wisdom of centuries, that no portion of either relates to this little Whitewood flume bill. [Laughter.]

First, we are confused with the report, with the learning which it contains; and then, sir, we are confused by the substitute bill; and finally we are told that neither the original bill nor the substitute in

the report is the one in any essential particulars of the one reported.

That is one objection.

My other objection is that there is no necessity for the passage of such a bill by Congress, in Dakota or anywhere else. The law of Congress declares that the Territories, including the Territory of Dakota, may pass general laws for the incorporation of all persons desiring to be incorporated for certain purposes, and among them is the very purpose mentioned in this bill and in this petition. There is nothing in the report, there has been nothing stated on this floor, showing an incorporation under the general laws of Dakota may not accomplish all that ought to be accomplished by such an act of incorporation. That

I mat ought to be accomplished by such an act of incorporation. That is my second objection to this bill.

I will not stop to read the law even, as it is quoted in this report, which declares the power of Dakota to pass general laws, which all the inhabitants may avail themselves of; and yet we are asked to pass a special law giving to a few corporators, for twenty years, powers which perhaps the Legislature of Dakota would be unwilling to

give to any incorporation.

My third objection to the bill is it authorizes the turning the water of two streams by name and their branches, I know not how many, away from the streams and conveying some of them where they never return at all to their original streams.

Mr. PRICE. Where?
Mr. CONGER. In the bill; and there is nothing in the bill to show whether the water taken from the Whitewood and the Deadwood Creeks shall flow back into those streams again or into some other streams in some other direction, and so too with the branches of those streams. If there is any intimation at all it is that the water shall finally return to Deadwood Creek; but there is nothing to show whether the water taken from Whitewood Creek or the branches thereof shall return. Whether they are to go back into the original branches or streams is uncertain. In a country where the streams are valuable both to the United States holding the land for settlers and to the settlers who come upon them, for the purposes for which streams are valuable, I object to their being diverted from their channels and taken for the advantage of a private company and turned off into other channels, leaving the intervening place without

its natural flow of water.

The gentleman on the other side, remarking to the gentleman from Pennsylvania, says I am telling the truth as far as I know it.

[Laughter.] Well, I am reading from the bill, from the gentleman's

own report. Mr. PRICE.

Mr. PRICE. Let me ask the gentleman from Michigan—
Mr. CONGER. Wait until I am done. I heard the gentleman say
that to another member. [Laughter.] I should not have said it myself unless I carried out the same policy the gentleman before me a few minutes since inaugurated. Mr. PRICE. If you follow my footsteps you will never go far

Mr. CONGER. Let me see whether I am right. For the purpose of constructing maintaining, and operating a ditch, flume, or tunnel, as may be required, to conduct water, commencing at or near Whitewood Falls, on Whitewood Creek, in the Cape Horn mining district, and including both Deadwood Creek and Whitewood Creek, and extending through Deadwood City to Central City, on Deadwood Creek, in the Territory of Dakota, for mining and milling, and shall and may have perpetual succession.

In this bill in section 3 it says:

And to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in the first section of this act, and their tributaries, leaving sufficient water at all times in the channels of said streams and their tributaries to supply all claimants whose rights to use the same attached before the commencement of said ditch or flume.

Taking away all the Government right to it or the Government right to convey it to those who might buy the land along the tributaries thereof

Mr. ACKLEN. Will the gentleman from Michigan permit me to ask him what he is reading from?

Mr. CONGER. I am reading from the substitute reported by the committee, and the bill read before the House has the same words in it.

Mr. ACKLEN. I beg the gentleman's pardon. He will find that the bill before the House, which is the substitute reported from the Committee on Mines and Mining, contains no such language. The

report is entirely different.

Mr. CONGER. Then, if there is no such report from the committee, this bill has no business here before the House.

Mr. ACKLEN. But there is a report.
Mr. CONGER. Then I should like to know where that report is. I have been reading from page 27 of what purports to be a report containing a copy of the bill incorporating the Whitewood Flume Company, which was given me. When I read from that I am told that it does not refer to the bill before the House.

Mr. ACKLEN. The gentleman is mistaken. The bill which is before the House is a substitute for the bill to which he refers.

Mr. CONGER. Then I will read from the bill which is before the House. Now I read from House bill No. 2805. That is the bill before the House, is it not?

Mr. ACKLEN. Yes, sir.

Mr. CONGER. Then I will read from that bill:

To conduct water, commencing at or near Whitewood Falls, on Whitewood Creek, in the Cape Horn mining district, and including both Deadwood Creek and Whitewood Creek, and extending through Deadwood City to Central City, on Deadwood Creek.

Now, the gentleman says the other which I read from was not the bill. I want to say that the words I read from the other bill are exactly identical; at least I fail to see any difference between them so far. I will read further:

And keep in repair either a ditch or flume, or both a ditch and flume, as they may determine, between the points and along the line designated in this act, and to turn into and through said ditch or flume, and branches thereof, the water of the streams mentioned in this act and their tributaries—

Mr. ACKLEN. Where did the gentleman find that in the bill be-

Mr. ACKLEN. Where the the gentleman and that in the bin before the committee?

Mr. CONGER. "Leaving sufficient water at all times in the channels of said streams and their tributaries to supply all claimants whose rights to use the same attached before the commencement of said ditch or flume," &c.

Now I ask if this is the bill that is before the House? The Chair will be kind except to inform me.

will be kind enough to inform me.

The CHAIRMAN. That is the bill, No. 2805.

Mr. CONGER. Then why should I be interrupted by the gentleman from Louisiana to know where I got the bill if it is here before the committee, or does not the gentleman know what bill is before

Mr. ACKLEN. I interrupted the gentleman because I saw that he

was reading from a report and not from the bill.

Mr. CONGER. I read from page 27 of the report and I have stated that the words which I read were identical with those contained in this bill.

Mr. ACKLEN. The gentlemen is mistaken. They are entirely different.

Mr. CONGER. Now I have read the bill or portions of it and I say that the words are identically the same as those on page 27 of this

Mr. ACKLEN. I must take issue with the gentleman there. He

will find that they are different.

Mr. CONGER. I have already stated my objections to this billMr. PRICE. I want to say something on this bill.

Mr. PRICE. I want to say something on this bill.

Mr. CONGER. Now, the gentleman might be thinking of what he is going to say, while I am talking. [Laughter.]

Mr. PRICE. It is very kind of the gentleman to make such a suggestion to me, but I have not time to think while I am listening to him. [Laughter.]

Mr. CONGER. I shall be glad when the gentleman rises if he will tell me why Congress should incorporate a company in a Territory, when we have already decided to pass general laws providing for the incorporation of such companies, and just such companies as this, by the Legislatures of the Territories? Why should we take the power from them? Why should Congress give to a private corporation for from them? Why should Congress give to a private corporation for this or for any purpose, without reservation as to use, with no re-striction as to the price to be paid for the use of this water by anybody else, the right to turn these streams into a flume or channel and take it away from the natural channels and the inhabitants of that part of the country for the period of twenty years as contemplated in this bill? If I thought the gentleman from Iowa was prepared to answer me

I would stop right now.

Mr. PRICE. Suppose you try it? [Laughter.]

Mr. CONGER. Then I will.

Mr. PRICE. I rise to correct my friend from Michigan in some Mr. PRICE. I rise to correct my friend from Michigan in some particulars. He seemed to be trying, I say seemed, I do not wish to attribute any wrong motive to him, for while his imagination is fertile on most occasions, I do not believe it reached the height of sublimity this would indicate—but he seemed to be impressed with the idea, and attempted to convey it to the committee, that this water by some means or other would run off somewhere after leaving this channel or ditch into the wilds unknown, or up some mountain I don't know where. I do not know whether that was his intention or not; but if he had listened to me with half the attention I listened to him, and if he believed what I said, [laughter,] as I always believe what he says, he would have found this plain, stubborn fact: that an elevation of about seventy feet—or rather that the Whitewood Creek has a fall of somewhere about seventy feet, and I also stated, as I believed plainly, that these young men who went out there from my own town had commenced at the bottom of that hill alongside the creek and dug a tunnel, and when they had got in six hundred and fifty feet they were at the end of the fall, so to speak—that is, they were at a point below the surface of the ground, corresponding with the head of the falls. Then they sunk a shaft, and that was the last thing they did. Now, then, the water to be taken out of this creek is to be turned into that shaft at the head of the falls, and is to run down the shaft into this tunnel, and that is all there is of it. When it gets into the tunnel it runs to the foot of the falls, and runs into Whitewood Creek again.

This ditch that is spoken of here is for the accommodation of other parties. And when I say to this committee that every man in Dakota who knows anything about this or has any interest in it directly or indirectly has signed a petition to have this done, and no live man or any other kind of a man has ever uttered a sentence asking for anything in this matter except what this bill asks for, I think there

should be no hesitation on the part of this House in passing it.

This is not the bill exactly as I introduced it, and I think is not so good a bill for the parties concerned, but they are willing to take this

rather than nothing. And the effect of it will be that the matter which my friend from Michigan was afraid was going to be dispersed

and disseminated and disappear into some unknown region where it would never more be heard of goes just into the same creek again.

My other friend from Michigan on my left [Mr. Newberry] and the gentleman from Wisconsin [Mr. Bragg] also seem to be troubled about this fact that the water is all to be taken out of that creek and that nobody whose rights are subsequent to the passage of this act shall have a right to use it. Now, for the sake of harmony, and to show we do not want anything but what is right, I am willing that they shall strike that portion out if they choose so that the bill will read as I shall read it now:

To turn into and through said ditch or flume, and branches thereof-

Not the branches of the creek but the branches of the flumethe water of the streams mentioned in this act and their tributaries, leaving sufficient water at all times in the channels of said streams and their tributaries,

A MEMBER. What for ?
Mr. PRICE. I propose to stop with those words which I have now read, and to omit the words which follow:

To supply all claimants whose rights to use the same attached before the com-encement of said ditch or flume.

I would leave out those words. It is the simplest thing in the world

for anybody who understands it.

Mr. HAZELTON. I wish to ask the gentleman from Iowa a question. Who is the William H. Price mentioned in this bill?

He is my son, and I am proud of him.

Mr. HAZELTON. I am glad of it.

Mr. PRICE. If that is anything against the bill, vote against it. Mr. HAZELTON. I did not know but it was the gentleman from Iowa himself.

Mr. PRICE. No, sir; I have no middle name.
Mr. CANNON, of Illinois. I wish to know if there is a general law
of the territorial Legislature or whether there can be a special act passed by the territorial Legislature under which these parties can be incorporated?

Mr. PRICE. In reply to the gentleman from Illinois, I will say I was told that could not be done. I have my information not from the men whose names are mentioned in the bill, because they are not presumed to know about it, but from men who live in the Territory and from the Delegate who preceded the present Delegate from that

Territory.

Mr. CANNON, of Illinois. I know nothing about the fact myself, because I have not investigated the point. But if these parties can become incorporated under a general or special territorial act, then I do not think they can come here for an act to incorporate them.

do not think they can come here for an act to incorporate them.

Mr. PAGE. Do I understand the gentleman from Illinois to say
that this act proposes to incorporate this company?

Mr. ACKLEN. It does not.

Mr. HAZELTON. It proposes to give them certain powers.

Mr. PAGE. When they are incorporated.

Mr. CANNON, of Illinois. Then I understand they are to be incorporated. porated by the territorial Legislature if incorporated at all. ask whether or not it is in the power of the territorial Legislature, either by general or by special act, to enable these parties to accomplish what they desire or what they ought to accomplish? If so, the local Legislature ought to give them the necessary power that they require, and that because they are upon the ground and know what privileges it is right to grant. But if the territorial Legislature has not the power to do this, in that case if we can have sufficient information in regard to what ought to be done it may be proper for us to

Mr. PAGE. Mr. Chairman, I desire to say a word.

I am somewhat familiar with the mining laws, and I have had some experience in reference to this matter of the construction of ditches and canals over public lands of the United States and the manner in which the water rights are acquired for the use of the miners. If this bill simply means what the gentleman from Iowa says it is intended to mean, I believe it will simply give these parties the right of way over the public lands of the United States.

The general law which has been read, section 2339 of the Revised

Statutes, gives them that right. It gives the right to construct ditches and canals over the public lands for mining or other purposes and to take timber and rock for the construction of those

ditches.

The only question about this bill, in my judgment, is whether additional rights are granted by it to this company or the parties named in the bill in regard to the water rights. Now, I do not believe Congress desires to grant additional rights to these parties other than they have now under the general law or the local laws of the Territory. If they have acquired a priority of right to any of these waters they can hold that under the local laws, the laws of the Territory. I do not think Congress should grant any additional rights to any of the water-courses of the United States other than those which are now held and enjoyed under existing laws. I do not suppose that is the object of the gentleman who has charge of this bill; and if he will insert a proviso that no additional rights to water-courses of the United States not now held and enjoyed by these parties under existing laws and customs in that locality shall be vested in them by this bill that would meet the objection which attaches to it, in my judgment. The only question about this bill, in my judgment, is whether adIf that is done, I see no reason why the bill should not pass. I believe, however, everything that is desirable in this bill is granted in the general law passed in 1866, granting the right of way to ditch and canal owners over lands of the United States.

Mr. FINLEY. I desire to say, Mr. Chairman—
Mr. HAZELTON. I want to ask the gentleman from California a

Mr. PAGE.

Mr. PAGE. Very well.

Mr. HAZELTON. On your proposition, if you were to confine the gentleman from Iowa [Mr. PRICE] to the powers contained in the general law, why is there any use for this bill at all?

Mr. PAGE. I have not attempted to discuss that. I say that in my

judgment this bill can do no possible harm if the restriction I have suggested be placed on it, that no additional rights, no water rights, shall be granted by this act that are not now held and enjoyed by the parties named in the bill.

Mr. HAZELTON. I desire to ask the gentleman from Iowa [Mr. PRICE] if by this legislation any powers are asked beyond what

would be granted by the general law

Mr. PRICE. I am not prepared to answer.
Mr. HAZELTON. I would like to know. That is a fair question.
Mr. PRICE. I am not prepared to answer that question just now.
Mr. FINLEY. I believe I have the floor.

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] is entitled to the floor.

Mr. PHILIPS. Will the gentleman yield to me for a motion that

the committee rise

Mr. FINLEY. I will yield for that purpose.
Mr. PHILIPS. I move that the committee now rise.
The motion was agreed to, upon a division—ayes 45, noes 20.

The committee accordingly rose; and Mr. GOODE having resumed the chair as Speaker pro tempore, Mr. Burrows reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report to the House the bill (H. R. No. 2798) for the relief of L. Madison Day, with a recommendation that the same be passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 35) granting a pension to Herman Netterfield.

The message also announced that the Senate had passed, without amendment, bill and joint resolution of the following titles:

An act (H. R. No. 1336) for the establishment of a land office in the

Territory of Montana; and
Joint resolution (H. R. No. 291) authorizing tents to be loaned to
the governor of Missouri for the use of sufferers by the recent tornado
in that State.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list.

ORDER OF BUSINESS

The SPEAKER pro tempore. Before proceeding to the consideration of the bill just reported from the Committee of the Whole, the House will first consider sundry pension bills heretofore reported from the Committee of the Whole on the Private Calendar, and not yet dis-

Mr. PHILIPS. I move that the House now adjourn.

LEAVE TO PRINT.

Mr. CANNON, of Illinois. Pending the motion to adjourn, I desire to ask on behalf of my colleague, Mr. Davis, permission to have printed in the RECORD as a portion of the debates of this House some remarks prepared by him upon a resolution introduced on the 8th of March last, relative to the improvement of the Illinois and Michigan Canal; and also upon a bill relating to the improvement of the Chicago Har-

There being no objection, leave was granted accordingly. [See

Appendix.]

Mr. PHILIPS. I insist upon the regular order.

The SPEAKER pro tempore. The regular order is the motion to ad-

The question was taken; and upon a division there were—ayes 70,

So the motion was agreed to; and accordingly (at three o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz: By the SPEAKER. The petition of Alfred C. Gibson, of Philadel-

phia, Pennsylvania, for the passage of the bill (H. R. No. 4812) amend-

ing the internal-revenue laws—to the Committee on Ways and Means.

By Mr. NELSON W. ALDRICH: The petition of Whitford, Aldrich

& Co., and others, of Providence, Rhode Island, for the passage of an
act amending section 2983 of the Revised Statutes—to the same com-

mittee.

By Mr. ATHERTON: The petition of J. J. Hermann and of Baer,

Horkheimer & Co., of Zanesville, Ohio, for the passage of the bill (H. R. 4812) amending the internal-revenue laws—to the same committee.

By Mr. BARBER: The petition of Werden Brothers and others, of Waukegan, Illinois, for the repeal of the duty on salt—to the same

By Mr. BLISS: The petition of Joseph Burger, John Raber, Henry

Keifer, and other brewers, of Brooklyn, New York, against the increase of duty on malt—to the same committee.

By Mr. CAMPBELL: Papers relating to the claim of Charles A. Luke, for compensation for property from which he was ejected by United States authorities—to the Committee on Claims.

By Mr. CARLISLE: The petition of citizens of Titusville, Pennsylvania, for the repeal of the stamp-tax on proprietary medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CLAFLIN: The petition of John Herlihy, Patrick Harrington, and 84 other citizens of the eighth congressional district of Massachusetts, for the enforcement of the eight-hour law—to the Committee on Education and Labor. mittee on Education and Labor.

By Mr. COWGILL: Papers relating to the bill (H. R. No. 5222) for the relief of Mathias Blake—to the Committee on Invalid Pensions. By Mr. EVINS: The petition of Hammond & Briggs and 25 others, of Greenville, South Carolina, for the removal of the duty on salt— to the Committee on Ways and Means.

By Mr. GILLETTE: The petition of Lucius S. Maroin and 61 others. citizensof Benzie County, Michigan, against the passage of Mr. Wood's refunding bill and for the passage of the bill (H. R. No. 4910) providing for the payment of the public debt—to the same committee.

By Mr. MAGINNIS: The petition of citizens of Montana, for a military wagon-road from Fort Missoula to Fort Boisé—to the Committee on Military Affairs.

By Mr. O'CONNOR: Resolutions of the Charleston Chamber of Commerce, urging the importance of a full appropriation for the jetties of Charleston Harbor, for their preservation, and in order that the work may be completed in the shortest possible time—to the Committee on Commerce.

By Mr. OSMER: The petition of John C. Welch and 23 others, that the provisions of any bill looking to the regulation of interstate com-merce be made to include the transportation of oil by means of pipe

lines-to the same committee.

lines—to the same committee.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, for the equalization of bounties—to the Committee on Military Affairs.

Also, papers relating to the claim of Remier & Phillips, to be reimbursed purchase-money paid by them on entry of public lands subsequently canceled—to the Committee on the Public Lands.

By Mr. SPRINGER: The petition of James Coleman and 40 others, citizens of Elgin, Kane County, Illinois, "that section 5507 of the Revised Statutes be so amended as to place white laboring-men on an equality in the United States courts with their now more favored colored fellow-citizens"—to the Committee on the Judiciary.

By Mr. RICHARD W. TOWNSHEND: The petition of Admiral David D. Porter and 143 citizens of the District of Columbia, recommending the purchase of the church at the corner of I and Second streets, northeast, for the temporary use of destitute persons—to the Committee on

for the temporary use of destitute persons—to the Committee on

east, for the temporary use of destitute persons—to the Committee on the District of Columbia.

By Mr. THOMAS L. YOUNG: The petition of Hudepohl & Kotte, of B. Kuhlmann, and of H. Leiser & Co., of Cincinnati, Chio, for the passage of the bill (H. R. No. 4812) amending the revenue laws—to the Committee on Ways and Means.

Also, the petitions of R. C. Philips, D. G. Patton, George Wells, and.

25 others, citizens of Hamilton County, Ohio, for the passage of House bill to create a department of manufactures, mechanics, and mines-to the Committee on the Judiciary.

IN SENATE.

MONDAY, April 26, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and ap-

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report relative to the publie lands, forts, arsenals, &c., in the custody of the War Department; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary

of War, transmitting a letter of the Chief of Engineers, dated the 21st of War, transmitting a letter of the Chief of Engineers, dated the 21st-instant, and an accompanying copy of report from Captain C. J. Allen, Corps of Engineers, upon a survey of the Mississippi River from Saint Paul to the Falls of Saint Anthony, Minnesota, made in compliance with law; which, on motion of Mr. Cockrell, was referred to the Committee on the Improvement of the Mississippi River and its Tributaries, and ordered to be printed.

CANAL IMPROVEMENTS IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate a letter from the commissioners of the District of Columbia, transmitting, in reply to-

a resolution of the Senate of April 19, the estimated cost of improvements on the old canal, and the placing in good sanitary condition of the James Creek Canal; which was referred to the Committee on the District of Columbia, and ordered to be printed.

DEFICIENCIES IN APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was read.

The VICE-PRESIDENT. The Chair calls the attention of the chairman of the Committee on Appropriations to the subject.

Mr. DAVIS, of West Virginia. I ask for the time being that the matter lie on the table, and I will ask to take it up in a few minutes.

The VICE-PRESIDENT. It will lie on the table for the present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2440) to authorize the Secretary of War to transfer to the Fairmount Park Art Association thirty condemned or captured bronze cannon, to be used in the erection of an equestrian statue to the late Major-General George Gordon Meade; in which it requested the concurrence of the Senate.

The message also, agreeably to the request of the Senate, returned the resolution of the Senate agreeing to the amendment of the House to the joint resolution (S. R. No. 100) to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879.

The message likewise returned, in compliance with the request of the Senate, the resolution of the Senate agreeing to the amendments of the House of Representatives to the resolution of the Senate to print 10,500 copies of the Report of the Smithsonian Institution for

the year 1879.

The message further announced that the House had passed the fol-

lowing bills:
 A bill (S. No. 382) granting a pension to Ellen W. P. Carter; and
 A bill (S. No. 526) granting a pension to Esther E. Lieurance.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of commissioned officers of the Army, praying for the enactment of such legislation as will entitle all lieutenants of the Army who have served fourteen years in the

all lieutenants of the Army who have served fourteen years in the grade of lieutenant to the rank and pay of captain; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WHYTE presented the petition of Spence, Montague & Co; Alexander Brown & Sons; Robert Garrett & Sons; William H. Perot; Robert A. Fisher & Co., and other merchants of Baltimore, Maryland, praying for the passage of an act of Congress amendatory of the Revised Statutes so as to provide that the duties on imported sugars deposited in any bonded warehouse established under authority of law shall be assessed upon the quantity delivered from the warehouse instead of the quantity entering into the warehouse: which was reinstead of the quantity entering into the warehouse; which was referred to the Committee on Finance.

He also presented a memorial of the German Society of Maryland, in favor of the passage of the bill now pending in the House of Representatives, to regulate immigration and for the protection of immigrants; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the mayor and city council of Baltimore, Maryland, in favor of the passage of a bill making an appropriation to complete the defenses of the harbor of Baltimore; which was referred to the Committee on Military Affairs.

He also presented a joint resolution of the General Assembly of Maryland, urging upon Congress the passage of a law making an ap-

propriation for the location and preparation of the Choptank and Delaware Ship-Canal, and for the survey and location of the Chesapeake Bay and Potomac River Tide-water Canal line; which was referred to the Committee on Commerce.

Mr. ANTHONY presented the petition of Whitford, Aldrich & Co.; Mr. ANTHONY presented the petition of Whitford, Aldrich & Co.; Waldren, Wightman & Co.; Daniels and Cornell; Whitford, Sanders & Co.; Benjamin G. Chace & Co.; Alexander Brothers; Cornells and Mumford, and E. M. Aldrich & Co., of Providence, Rhode Island, praying for the passage of an act amending section 2983 of the Revised Statutes, so as to provide that the duties on imported sugars deposited in any bonded warehouse established under authority of law shall be assessed upon the quantity delivered from the warelaw shall be assessed upon the quantity delivered from the warehouse, instead of the quantity entering into the warehouse; which was referred to the Committee on Finance.

Mr. BUTLER presented a resolution of the Chamber of Commerce of Charleston, South Carolina, in favor of an appropriation for the completion of the jetties now in course of construction in Charleston Harbor; which was referred to the Committee on Commerce.

He also presented the proceedings of the Columbia Board of Trade, of Columbia, South Carolina, in favor of the passage of the bill to establish a uniform system of bankruptcy throughout the United States as prepared by Hon. John Lowell, United States circuit judge; which were referred to the Committee on the Judiciary.

Mr. BUTLER. I present a letter of Captain C. O. Boutelle, of the Coast and Geodetic Survey, cevering memoranda by Dr. John A. Johnson, of Beaufort, South Carolina, in reference to the destruction

of the Beaufort Library. The memoranda give a history of the library, together with such action as has hitherto been taken upon the subject. I move that the paper be referred to the Committee on the Library, before whom there is now a petition on the same subject.

The motion was agreed to. Mr. CONKLING presented a petition signed by a large number of merchants of the city of New York engaged in the wholesale dry-

merchants of the city of New York engaged in the wholesale drygoods and clothing trade, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present the petition of the Union Iron Company of Buffalo, New York, asking favorable consideration of the bill introduced by the Senator from Connecticut [Mr. EATON] and more lately reported back, touching a revision of the tariff. The bill having been reported, the petition should lie upon the table.

The VICE-PRESIDENT. The petition will lie upon the table.

Mr. COCKRELL presented the petition of Rev. J. D. Reagan, editor of The Country Standard, of Stoutland, Camden County, Missouri.

of The Country Standard, of Stoutland, Camden County, Missouri, praying that wood and straw pulp, soda-asb, and other chemicals used in the manufacture of paper be put upon the free list, and that the duty on printing-paper be removed; which was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented the petition of Saint Clair A. Mulholland, late colonel of the One hundred and sixteenth Regiment Pennsylvania Volunteers, and brevet brigadier and major

Regiment Pennsylvania Volunteers, and brevet origadier and major general of volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CARPENTER presented the petition of Charles May, of Kansas City, Missouri, praying the passage of an act granting him a patent to section 20, in township 10, in Grove County, Kansas; which was referred to the Committee on Public Lands.

He also presented the petition of Stephen Durkee, late a private, Company G, Seventh Regiment Wisconsin Volunteer Infantry, praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of Mil-waukee, Wisconsin, in favor of an appropriation for the further im-provement of Saint Mary's and Detroit Rivers; which was referred to the Committee on Commerce.

He also presented the petition of E. Shopbell, J. D. Rexford, and others, citizens of Janesville, Wisconsin, praying that the plan of improving the navigation of the Mississippi River by means of reservoirs upon its headwaters be extended to Rock River, Wisconsin; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to construct a harbor of refuge at Milwaukee, Wisconsin; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in

favor of an appropriation for the proposed harbor at Kewaunee; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation for the harbor of Manitowoc, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, remonstrating against any action by Congress which shall in any de-gree or manner divert the State's present title to certain grants of land made by Congress to the State to aid in the construction of a railroad from Saint Croix Lake to Bayfield; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to pay the awards for flowage caused by the United States in the construction and maintenance of the Fox River improvement; which was referred to the Committee on Com-

He also presented a joint resolution of the Legislature of Wisconsin, requesting the Senators and members of Congress from Wisconsin to support such legislation as will place interstate commerce under the control of a board of commissioners; which was referred to the Committee on Railroads.

He also presented a memorial of the Legislature of Wisconsin, in favor of a national law to protect the fishing interests in fresh-water lakes and their tributaries; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of the passage of an act to appropriate to the State of Wiscon-sin, in trust for the use of the common schools of that State, section 36 in each township within that State of the unsold public lands, and for such other legislation as will enable the governor to select other public lands in lieu of such as have been sold from section 36; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (H.R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes, reported it with an amendment.

Mr. BUTLER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 2328) to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of

Claims to hear the same, and for other purposes; which was ordered

to lie on the table, and be printed.

Mr. BECK. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes, to report it with amendments.

I desire to say that I am instructed by the committee to advise the Senate that I shall call up the bill at the earliest possible time, tomorrow or next day. I wish to ask whether it should not remain on
the table without going on the Calendar.

The VICE-PRESIDENT. The bill will lie on the table subject to

the call of the Senator.

BILLS INTRODUCED.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1671) for the relief of certain laborers employed on Government works; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1672) to repeal section 4904 of the Revised Statutes, relating to the issuance of patents, and to re-enact the same in amended form; which was read twice by its title, and referred to the Committee on Patents.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1673) granting a pension to Leonhard Weber; which was read twice by its title, and referred to the Committee on

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1674) granting arrears of pension to Edward Lattersall; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1675) for the relief of Charles H. Briggs; which was read twice by its title, and referred to the Committee on Military

Mr. CAMERON, of Pennsylvania asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1676) granting an increase of pension to Saint Clair A. Mulholland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 106) tendering the thanks of Congress to Captain James E. Jouett, of the United States Navy, for eminent and conspicuous services in battle; which was read twice by its title, and referred to the Committee on Naval Affairs.

EDUCATION OF INDIAN CHILDREN.

Mr. TELLER submitted the following resolution; which was read:

Mr. IELLER Submitted the following resolution; which was read:

Whereas it has been reported that the Secretary of the Interior proposes to take
a certain number of children of the Cheyenne Indians without first having obtained
the consent of their parents for the purpose of educating them at Hampton, Virginia, or Carlisle, Pennsylvania: Therefore,

Be it resolved, That the Committee on Indian Affairs is hereby instructed to inquire into the truth of said report, and also inquire whether any Indian children
now at school at a distance from their parents were taken from their parents withouttheir consent and report to the Senate, and the said committee also report whether
any legislation is required to protect the Indians in the possession of their children.

Mr. TELLER. I ask that the resolution be considered at this time

Mr. TELLER. I ask that the resolution be considered at this time. The Senate, by unanimous consent, proceeded to consider the reso-Intion.

Mr. TELLER. I ask that the Clerk read some extracts I have taken from the telegraphic dispatches in the New York Times of last Friday. The Chief Clerk read as follows:

General E. D. TOWNSEND, Washington

The following dispatch from General Pope is forwarded for the information of the General of the Army. I respectfully join with General Pope in asking for the suspension of the order for some time. We are now reaching the period of the year when Indians are the most easily stirred up.

P. H. SHERIDAN, Lieutenant-General.

FORT LEAVENWORTH. April 21.

RENO, INDIAN TERRITORY, April 20. Assistant Adjutant-General Department of the Missouri, Fort Leavenworth, Kansas

Agent Miles received instructions from the Interior Department this morning to take from Little Chief's band of Cheyennes a number of children and put them to school. Clark informs me that Little Chief was promised, while in Washington, that he would not be compelled to pursue this course with the children of his band. I am of the opinion that Little Chief will not comply with Agent Miles's demand for the children. I request that if I Company, Twenty-Third Infantry, can be spared from duty at Caldwell, that it be directed to report to me. If I am compelled to make a round up I shall need the company. The demand for the children will not be made for several days.

RANDALL. Commanding.

RANDALL, Commanding.

As the execution or attempted execution of the order mentioned will be sure to create very serious trouble, if not an open outbreak of the Northern Cheyennes, who are and have been very much discontented; and as its immediate or remote execution does not seem to warrant such dangerous consequences, I respectfully urge that it be recalled or suspended for some time. Its execution now would entail the necessity of increasing the force at Reno, and might make it impossible to send more troops to McKenzie. Please telegraph me as soon as possible, as I must be prepared.

JOHN POPE, Brevet Major General.

The resolution and preamble were agreed to.

COMMERCIAL RELATIONS WITH MEXICO.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the President is hereby requested to communicate to the Senate, if in his judgment not incompatible with the public interests, a copy of dispatch No. 838, of date April 28, 1879, from the United States minister to Mexico upon the subject of commercial relations with that country.

SMITHSONIAN REPORT.

Mr. HAMLIN. On Friday I entered a motion to reconsider the vote by which this body concurred in the House amendment to the resolution ordering the printing of the Smithsonian report. I was very sure there was some misapprehension about it. I have conferred with the Senator from Maryland, [Mr. Whyte,] the chairman of the Committee on Printing, and he concurs with me. I hope therefore that the vote will be reconsidered, and the resolution referred to that committee. I will say action in both Houses was had without a reference

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Maine. The vote will be regarded as reconsidered and the resolution will be referred to the Committee on Printing, with the amendment of the House of Representatives.

REPORT ON FISH AND FISHERIES.

Mr. WHYTE. Two or three days ago a joint resolution of the Senate (S. R. No. 100) for the printing of extra copies of the Report of the Commissioner of Fish and Fisheries was returned from the House with an amendment. As it was read at the desk I presumed that the House had made the remainder of the resolution conform to the amendment passed by the House. It was discovered afterward that that had not been done; and a motion to reconsider the vote by which the amendment of the House was concurred in was made but not acted upon. I ask that the Senate now act upon that motion, so that we may non-concur in the amendment and have a conference to alter the

The VICE-PRESIDENT. To the suggestion of the Senator from Maryland the Chair hears no objection; and it is so ordered.

Mr. WHYTE. I move that the Senate non-concur in the amendment

of the House

The amendment of the House of Representatives was non-concurred

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

The VICE-PRESIDENT. The morning business is concluded; and the Senate proceeds to the consideration of the Calendar of General

Orders under the standing order of the day, commencing at the point reached on the last call of the Calendar.

Mr. SAUNDERS. If the morning business is through, I ask leave of the Senate to have considered the bill (S. No. 1136) to provide for the sale of a portion of the reservation of the Omaha tribe of In-

dians.

Mr. MAXEY. I must object to that. I ask for the regular order.

The VICE-PRESIDENT. Objection is made, the regular order is
demanded, and the Secretary will report the pending bill.

Mr. SAUNDERS. I believe it was once decided that one objection
was sufficient to carry over any bill, and this bill went over under
the idea at the time that the ruling of the Chair would be that one
objection was sufficient, and the bill could not be taken up by a majority vote. As I understand, that is not the decision of the Chair at this time. This bill was passed over under the supposition that one objection would carry it over at that time. I learn that all the objections to the bill are now removed or can readily be removed. It is an important bill and can be passed in a very few minutes if it should be taken up. It fell behind in the way I have stated and if I cannot get the consent of the Senate to take it up or get it up under the new ruling of the Chair it will be passed over for an indefinite period.

Mr. MAXEY. I call for the regular order because I think there is eminent propriety in it. The first bill on the Calendar in regular order has been partially considered, and I think there will be but little more debate upon it. It would be idle to take up the bill by piece-meal and throw it off when it is regularly reached, and it ought to be now

Mr. SAUNDERS. If the bill I have indicated takes up any length of time I shall withdraw it. It is a bill that creates a good deal of anxiety

Mr. MAXEY. Let us go on with the regular order.
Mr. SAUNDERS. Let the bill I indicated be read for informa-

The VICE-PRESIDENT. The Senator from Texas demands the

regular order, and the Chair must recognize the call.

Mr. SAUNDERS. Although I believe I could make a motion to take the bill up by a majority vote, I do not wish to insist on taking up time. The bill should be acted upon. It is an important bill. It provides for the sale of a large tract of land which belongs to the Omaha Indians. The Indians want it sold, and the white people want it sold. It is one of those things that there is no disagreement

The VICE-PRESIDENT. The pending bill on the Calendar is the bill (S. No. 1331) to authorize a retired list of non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward, the consideration of which is resumed as in Committee of the Whole.

The pending question is on the amendment reported by the Senator from Texas [Mr. Maxey] from the Committee on Military Affairs, which will be read.

The CHIEF CLERK. In section 1, line 3, after the word "thirty," it is proposed to strike out "consecutive," and in section 2, line 2, after the word "thirty-five," to strike out "consecutive."

Mr. PLUMB. I ask the Clerk to read the bill as it will be if

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Be it enacted, &c., That when an enlisted man has served as such thirty years in the United States Army, honorably and faithfully, and the last fifteen years thereof as a non-commissioned officer, he shall, if he makes application therefor to the President, he retired from active service, and placed on the retired list hereby created, with the non-commissioned rank held by him at the date of retirement.

SEC. 2. When an enlisted man has served as such thirty-five years in the United States Army, honorably and faithfully, and the last fifteen years thereof as a non-commissioned officer, he may be retired from active service at the discretion of the President, with the non-commissioned rank held by him at the date of retirement.

SEC. 3. Non-commissioned officers retired from active service shall receive 75 per cent. of the pay and allowances of the non-commissioned rank upon which they are retired.

The amendment was agreed to.

Mr. ALLISON. I rise to offer an amendment. I move to add as an additional section the following:

SEC. —. That in addition to the number of cadets at West Point Military Academy now authorized by law, the President shall each year appoint two colored cadets at large.

Mr. MAXEY. I raise the point of order that the amendment is not germane to the bill and has nothing to do with the bill one way or

the other.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be reported at the desk.

The Chief Clerk read the amendment.

Mr. MAXEY. I trust the Senate will not act upon that. The President now has the right to appoint ten cadets at large, and he can select colored or white as he pleases. It is a matter in his discretion entirely. I do not know that Congress would be very wise in saying that the President shall appoint men, either white or colored. He has a right now to appoint either as he sees proper. has a right now to appoint either as he sees proper.

The VICE-PRESIDENT. The Senator from Texas raises the point of order that the amendment is not relevant.

There is certainly a color to that idea. [Laughter.] The VICE-PRESIDENT. Under the spirit of the rule which governs amendments to general appropriation bills, the Chair submits the question to the Senate: Is the amendment just read relevant to

Mr. ALLISON. The rule with reference to general appropriation bills is an exceptional rule, of course. I do not know that under our rules there is any limitation to the right of amendment. I offer this amendment in good faith, as I believe it is an essential thing to the promotion of the efficiency of the military arm of the service, and

I think the amendment is strictly germane.

In reply to the suggestion of the Senator from Texas, I will say that under a law passed last year it is impossible for the President to appoint any cadets at West Point for some three years to come unless

point any cadets at West Point for some three years to come unless this amendment shall pass. I trust there will be no objection to it.

Mr. MAXEY. I desire to say to the Senator from Iowa that his amendment might be proper on the Military Academy appropriation bill—it has nothing in the world to do with the pending bill.

Mr. ALLISON. But the West Point bill has been already passed.

Mr. HAMLIN. Mr. President, I sincerely wish that the Senator from Iowa would withdraw his amendment, first, because I do think it december to the bill. from Iowa would withdraw his amendment, first, because I do think it does not properly belong to the bill under consideration. I say frankly, as I always mean to talk frankly, that I am not disposed to provide just now for the appointment of any additional cadets at West Point; but if we are to appoint them I would do so upon a bill for that purpose unembarrassed by any other subject-matter. I am in favor of the bill reported by the Military Committee, and I would like to vote for it unconnected with any other subject. I will state in a very few words the reasons which lead me to favor the bill.

I am in favor of the bill, first, because I believe it eminently right, just, and proper. I am in favor of the bill because it seeks to do that which we are doing in detail. The honorable chairman of the committee may be able to tell me, I do not remember how many cases, but in several, we have passed special laws retiring sergeants or privates

mittee may be able to tell me, I do not remember how many cases, but in several, we have passed special laws retiring sergeants or privates who have been a long time engaged in the service. This bill, therefore, seeks to do in whole what we have been doing in detail. It is adopting a system of general legislation which will do away with the necessity of meeting the cases as they are presented in detail. It is only doing by a general law what we do by special laws.

When this bill was up the other day, I felt an interest in the bill because I had presented a memorial which went to that committee, and I suppose the facts stated in that memorial may have had their consideration with the committee in reporting this bill. It was the memorial of Luke Walker, who states in it that he was at Fort Knox, in the State of Maine, an enlisted man then, at the date of the memorial, that he enlisted in the United States Army in 1838, was made morial, that he enlisted in the United States Army in 1838, was made corporal ir 1843, sergeant in 1846, and received his appointment as ordnance-sergeant in 1852. He served with credit and distinction throughout both the Mexican and the late civil war, having been in the Army as a private and non-commissioned officer for forty-two con-

secutive years without the intermission of a single day. Since the memorial was presented to this body, under the providence of a higher power he has been called from earth and the provisions of this bill

will not meet his case. He has passed away.

The principal reason upon which I would support this bill I have not heard stated in this body. I would place the non-commissioned officers after the long service named in the bill upon a retired list, because I believe it would promote the best interests of the service, as has been well stated by the Senator from Texas; but I would do as has been well stated by the Senator from Texas; but I would do it for another reason, which, as I have said, I have not heard named. By the law as it now stands, I suppose any person disabled by sickness which occurs in the line of his duty in the military service is entitled to a pension. But take the limitation of thirty years. A man who has served continuously that time is by law entitled to a pension if he has lost his health in consequence of that service. The law gives it to him, but while the law gives it to him in its letter he is whell. it to him; but while the law gives it to him in its letter he is wholly nable to comply with the rules of the Department in furnishing that evidence which entitles him to it. There is from the hard service of long years no earthly doubt that the health of the soldier has become impaired and he is the proper subject of a pension; but it is next to impossible to comply with the rules of the Department and to furnish that medical evidence which traces cause to effect. The gallant soldier to whose memorial I have referred, and he was a gallant soldier to whose memorial I have referred, and he was a gallant soldier undentedly as I heart four the chair in the late. lant soldier undoubtedly, as I learn from the physicians who had him in charge, died in consequence of the severe toil and exposure to which he was subjected in the service; and yet it is difficult to fix the precise time and place or the precise occasion which developed the disease that caused his death. You pension your soldiers who did duty only for fourteen days. Here is a man who has done consecutive service for thirty was said it is investigated. tive service for thirty years, and it is just next to impossible for him to supply that evidence which will entitle him to a pension, and this bill puts him upon a retired list where he will not be driven to the

Pension Office to secure a pension. Pension Office to secure a pension.

Besides that, it is running along pari passu with your existing laws. They apply to commissioned officers. Why should they not apply to the rank and file who have borne the brunt of battle and who have trod their solitary march at midnight amid the darkness of storm and the inclement seasons of all the different portions of our country? I think it is a most wise thing to do; and while my attention was called to it by the particular case which passed under my personal observation, I am still more strongly in the faith that the bill is well-founded in principle and ought to receive the favorable action of this founded in principle and ought to receive the favorable action of this

body.

The VICE-PRESIDENT. Is the amendment offered by the Sena-

tor from Iowa germane to this bill?

Mr. ALLISON. Mr. President, of course I have no objection to having that question submitted to the Senate; but, as I understand the general rules of the Senate, anything is germane to a bill; and the rule with reference to appropriation bills is one of exclusion and in derogation of what are the general powers of the Senate in reference to amendments.

The VICE-PRESIDENT. The general parliamentary law is that the subjects embraced in a bill must be germane and relevant to each

Mr. INGALLS. The question of relevancy, I think, has never been raised before on a bill of a general character. The provision in the rules relative to appropriation bills, by absolutely necessary inference would imply that any amendments of any character were appropriate and could be received to any other bill than an appropriation bill. Of course, the Chair can submit the question to the Senate; but this is certainly an anomaly. I do not want it understood because it is submitted to the Senate that it is a question that can be raised under

Mr. BURNSIDE. It is not at all likely that the committee that had this bill in charge for a moment dreamed of putting such an amendment on the bill as this of the Senator from Iowa or anything analogous to it; therefore if the Senate act on this amendment it will act on a subject that has not been before the committee, and is not at all relevant to the matter the committee considered. I think if a all relevant to the matter the committee considered. I think if a thing of that kind is done by the Senate, it ought to be done on a separate bill or on some other bill of the same nature as the amendment, so that it can be considered by a committee of the Senate.

I have no objection to the amendment of the Senator from Iowa, as I look at the matter now, but I should want to consider it. I should rather have a committee consider it before acting upon it. It certainly has nothing to do with this bill; it is not at all like it in any particular. I sincerely hope that the Senate will not add the amend-

ment to the bill.

Mr. ANTHONY. Mr. President, however this amendment may be disposed of, I hope we shall not sustain the objection on the point of order, because there is no rule that I am aware of which prevents any amendment being offered to any bill, except an appropriation bill.

The VICE-PRESIDENT. The Chair stated that in the outset.

Mr. ANTHONY. Jefferson's Manual says:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order; for were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different

from what it was intended by the movers, so that they vote against it themselves. (2 Hats., 79, 4, 82, 84.) A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," &c. (1 Grey, 190, 192.)

The VICE-PRESIDENT. The Chair calls the attention of the Sen-

ator from Rhode Island to the fact that that is not this case. It is not a question between amendments, but a question between an amendment and the text of the bill, whether the subjects embraced in the text of the bill and in the amendment be cognate.

Mr. ANTHONY. Is there any rule that requires the subjects to be

cognate?
The VICE-PRESIDENT. The Chair is not aware of any but the

ordinary parlimentary rule only.

Mr. ANTHONY. But where there is a provision in the rules which prohibits irrelevant amendments on appropriation bills, the inference is that they are in order upon other bills; and certainly I never have sk that they are in order upon other bils; and certainly I never have known the question of the revelance of amendments raised except upon an appropriation bill. I hope the point of order will be decided correctly, however we may vote upon the amendment itself.

Mr. WHYTE. May I ask the Senator from Rhode Island whether he does not consider that the second clause of the twenty-ninth rule has reference to general bills? The first clause reads:

No amendment which proposes general legislation shall be received to any general appropriation bill;—

There there is a semicolon. The rule then proceeds:

nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto—

Mr. FERRY. That applies to appropriation bills. Mr. WHYTE. It continues:

and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Does not that come under the general clause of amendment?

Mr. ANTHONY. That comes under the clause "amendments to appropriation bills."

Mr. WHYTE. Is it limited to appropriation bills?

Mr. INGALLS. Certainly; and by the heading to Rule 27, the Senator from Maryland will see that the three rules from 27 to 29 inclusive emply to appropriation bills.

inclusive apply to appropriation bills.

Mr. WHYTE. It does not say so,
the twenty-seventh rule, as I read it. That heading only applies to

Mr. INGALLS. The rules from the twenty-seventh to the thirtieth apply to appropriation bills; and then comes in a rule on "private

Mr. WHYTE. It does not so state. It is classed under general amendments; it is only Rule 27 that is headed "general appropria-

Mr. FERRY. I will state to the Senator from Maryland that so far as my observation has extended the question of relevancy has har as my observation has extended the question of relevancy has never applied to any amendment except to an appropriation bill; and the specific provision there, as the Senator from Rhode Island has stated, naturally includes permission to offer any amendment to any bill except to an appropriation bill.

Mr. ANTHONY. These rules, 27, 28, and 29, all apply to appropriation bills. It has been too much the custom of the Senate to decide

questions of order with reference to their bearing upon the subjects on which they are raised. I hope we shall not pronounce this amend-ment out of order, because it would be contrary to all the precedents

of the Senate. Mr. MAXEY.

Mr. MAXEY. I am perfectly willing to withdraw the point of order and let the question come squarely up on the amendment.

The VICE-PRESIDENT. The point of order is withdrawn, and

the question is on the amendment of the Senator from Iowa, [Mr.

ALLISON.]

Mr. PLUMB. There does not remain very much to be said on this proposition after the very thorough consideration it received at the hands of the Senator from Texas [Mr. MAXEY] at the last sitting of the Senate; but I desire to call attention to the statement of the Senator from Kentucky [Mr. Beck] with reference to the difference which, as

from Kentucky [Mr. Beck] with reference to the difference which, as he conceives, exists between privates and officers concerning this question of retirement, which he deems to be material.

It was stated by him that an officer was under an implied obligation to continue in the service of the Government. I think that theory is entirely opposed to the universal practice which has obtained. In fact it may be said that there is now no such theory remaining concerning the tenure of office in the military service. Every officer is, by the universal practice at least, entitled to resign at any time that he pleases. The acceptance of a resignation, I venture to say, has never been refused, and I think the Senate took that view of it some two years ago, perhaps, when on an appropriation bill for the Military service. two years ago, perhaps, when on an appropriation bill for the Military Academy at West Point it offered a premium of \$750 to such

tary Academy at West Point it offered a premium of \$750 to such cadets as having graduated at that Academy would consent to retire from the Army of the United States and go back into the body of the people from which they came—go back into civil life.

The private soldier is held by the tenure of his service for five years, the full term of his enlistment. He must then re-enlist. This bill in its scope must necessarily be very limited from the nature of the case, because when a man has served five years and we will say obtained the rank of a non-commissioned officer, he is required to re-enlist, and may not be able to re-enlist, in the same company or even in the same may not be able to re-enlist in the same company or even in the same regiment. He may be obliged to go to a recruiting station very far

distant. The law prohibits the increase of the Army beyond twentyfive thousand men. If a man is serving in Oregon, the Secretary of War may have issued an order that recruits be not taken in Oregon. In fact he may be waiting for the adjustment of the recruiting that is going on before he will permit any more recruiting to be done at all, and then a man may be obliged to seek a distant recruiting station and there enlist in some other regiment, be assigned to a company, take his chances for promotion in a company in which the full number of non-commissioned officers already exists; and so the chances are multiplied very materially that he will not obtain the rank of a non-commissioned officer again for a number of years.

If I were to express my own feeling about this matter of retirement,

considering what the Government has already done for commissioned officers, I should say that the scope of this bill ought to be very materially enlarged, because from the very necessity of things it can only

apply to a very few persons.

In the next place, very few persons re-eulist for six consecutive terms, and he is examined at each enlistment, while an officer is not subject to these continual examinations as to his fitness to remain in the Army, but remains inevitably unless he determines to go out, which he rarely does. Therefore the number of persons to be benefited by this bill is very limited, and they are certainly a class of persons not inferior in their deservings to that other class for whom we have already provided with a certain degree of munificence. These are the men we most want. Officers we can always get; the privates we sometimes have great difficulty in getting; and as we have already given this privilege of retirement to the commissioned officers of the Army, we ought not to perpetuate the distinction between them and the private soldiers by a legislative inhibition, in fact, that no such relief, no such chance of future support, shall ever attach to a man who is unfortunate enough to be in the ranks and against the man who is fortunate enough to be appointed an officer in the Army.

I think, therefore, that upon all reasons, if we are to consider the

I think, therefore, that upon all reasons, if we are to consider the retired list as any part of the Army establishment, if that is to be a feature of our legislation with reference to the Army, it ought to apply to non-commissioned officers, and I would say also to the private soldier. That is my own belief. If, then, this bill is objectionable at all, in my judgment it is objectionable because it does not embrace enough persons; it ought to embrace more; but the committee thought it was proper to consider this peculiar class of persons, as has been stated by the Senator from Texas, as a class now in sight and peculiarly deserving, and one to which there can be no possible obscible obsc been stated by the Senator from Texas, as a class now in sight and peculiarly deserving, and one to which there can be no possible objection whatever, and in that view this bill has been presented. I think that on reflection no Senator who has voted for the retired list now existing in reference to commissioned officers, or who believes that an essential part of the Army establishment, can consistently vote against this bill.

Mr. TELLER. I do not propose to discuss the bill, but I wish to say a word or two on the amendment of the Senator from Iowa besay a word or two on the amendment of the Senator from lowa because I intend to vote against the amendment. As I mean to vote against it I want to state why I shall do so. I am not opposed to the education of representatives of the colored people of the country at West Point or at any other place, and I am not opposed to their going into the Army and Navy, and anywhere else where white people go. If the Senator from Iowa introduced this amendment for ple go. If the Senator from lowa introduced this amendment for the purpose of giving them a fair and equal show at the public Treasury with white people, he does not provide for enough of them. They should have at least twenty-five or thirty, if we give them a fair representation in proportion to their numbers. But I am like the Senator who made a suggestion a moment ago. I do not think I am prepared to vote to increase the number of men at West Point. I think from the experience we have had with that institution, lately think from the experience we have had with that institution, lately at least, it would be quite as well if we did not have anybody at West Point; and, therefore, because I am not disposed to increase the number of gentlemen who are to be educated at the public expense at West Point, I am opposed to this amendment.

A SENATOR. To be educated?

Mr. TELLER. They seem to be educated and mutilated. I believe the public control of the public of the pub

lieve the institution supported by this Government at West Point is

lieve the institution supported by this Government at West Point is not very valuable to the country. In my judgment, if we should withhold all appropriations from it and send the young men to their families, we should do a very good service to the country, and for that reason I am opposed to sending any more there of any kind or color. Mr. SAULSBURY. Mr. President, I think the proposition of the Senator from Iowa would destroy and break up the West Point Military Academy. The amendment is to authorize and direct the President to appoint colored cadets at West Point. If he offers it for the purpose of breaking up that institution I think it will accomplish that object. A few days ago when a resolution was offered here in reference to the maltreatment of a colored cadet at that place we heard it proclaimed that there was no association there between the heard it proclaimed that there was no association there between the white cadets and the colored cadets. It was stated on the floor of the Senate that white men there did not associate with the colored cadets who had been placed in that institution. That will be the result, however many you may place there. You may place an equal number of colored and of white cadets in that institution, and you will find that the colored cadets will associate together and the white cadets will associate by themselves. It will be so in every department of this Government wherever you attempt to bring the two races together.

The fact is that enforced association is impossible. There may be

a disposition on the part of some white men to associate with colored people, and whenever that disposition prevails the association may take place; but unless there is that disposition, you cannot implant it in the breast of the white men by legislation. If you send colored cadets to West Point in any considerable number the consequence will be that parents will withdraw their sons or the sons themselves will neglect their studies or so conduct themselves that they will not be compelled to remain in the institution.

Now, I have no special love for West Point. I think it would be very well to do without such a military institution in this country; but if we have an institution designed to educate youth for the purpose of entering the Army and promoting the efficiency of the military establishment, then I think we eught to act with reference to it in that way which would make it most efficient.

in that way which would make it most efficient.

You may say that it is a prejudice on the part of the white young men against colored people. It may be prejudice, but it is implanted in their bosoms; it is placed in their being; it is utterly ineradicable, in my opinion. What is the use of our attempting by force of statutes to do that which persons themselves do not desire to do in reference to their associations? Colored cadets may go there and have the benefit of the instruction, but they cannot have congenial association which would make their abode in that institution at all pleasant. In my opinion it does not promote the interest of either race to enforce association. opinion it does not promote the interest of either race to enforce association between the different colors; and I think it was absolutely an act of cruelty to send that young man Whittaker to that institution, knowing as those who placed him there must have known that he would occupy an isolated position in the institution. While I have no doubt the professors of the institution gave him all the facilities that were proper, gave him all the recognition that was right and proper to make his condition as comfortable as possible, yet I believe it an utter impossibility to place a young colored man in association with a large number of white men and compel them to receive him into their company and into their association. I understood the other day from the remarks of a Senator on the other side of the Senate that the colored cadet had no associates. This, then, is not exclusively a feeling opinion it does not promote the interest of either race to enforce asso colored cadet had no associates. This, then, is not exclusively a feeling in the breasts of the white people of the South, but it resides in the hearts of the people of the North just as thoroughly as it does in those of the people of the South. Enforced association in this country between the races, I repeat, is impossible; and I am glad it is so, because the interest of both races requires that there should be distinction between them in their associations.

I do not believe it would promote the interests of the colored man to bring him in social intercourse with the white man. He will receive all the sympathy from the white man that his merits entitle him to, and I should be glad to see his condition improved by aid extended by the white race. I have no antipathy against the colored man; and because I speak my sentiments honestly and frankly, I do not wish it to be understood that I have the least unkind feeling for the colored people. I have lived all my life in a community where they reside. I have always treated them with courtesy and kindness. they reside. I have always treated them with courtesy and kindness; have had them in my employ; and have done many acts of kindness

to them.

Now, Mr. President, as I am on the floor I will make a few remarks on the bill itself. When this bill was introduced, I interposed some objection very briefly to its passage. I desire to say to the Senator from Texas who has charge of the bill that I was not prompted in that opposition by any hostility to the soldiers in any class, whether non-commissioned officers or commissioned officers or privates; but I have been in the Senate long enough to know that there are particular times, and a greater manifestation of it has been made in the present session than I have witnessed heretofore—when there is a strong desire on the part of Senators to increase the pension list and the retired list of this country. I am aware that there are influences strong desire on the part of Senators to increase the pension list and the retired list of this country. I am aware that there are influences which incline us in that direction. In the first place, the sympathies of humanity, which are honorable to our whole race, prompt us to do kindness to others, the soldier especially, because of late years he has been the bean ideal of the American people; but there is another influence—he has a vote. From some cause or other, there has been manifested in the Senator as I think an under anyticty to promote the manifested in the Senate, as I think, as undue anxiety to promote the interests of the soldiers of the country at the expense of the interests of other classes who bear the burdens we impose upon them. This bill adds about forty-two men to the retired list, as it is stated by the Senands about forty-two men to the retired list, as it is stated by the Senator from Texas, doubtless truly, but what will be the total drain on the Treasury? While it may be true that this bill only proposes to add forty two names to the retired list, the debate which has been indulged in on this proposition has revealed the fact that there is a strong inclination existing in the Senate Chamber to extend the benefits of the retired list and the pension list further than they are now extended by the operation of law.

The Senator from Maine [Mr. HAMUN] a few moments are retired.

The Senator from Maine [Mr. Hamlin] a few moments ago gave expression to his views on this subject, and if I understood him correctly he thought that the provisions of this bill ought to be extended to the private soldiers of the Army. The Senator from Kansas [Mr. Plumb] very emphatically raises an objection to this bill because it is not sufficiently comprehensive in its scope. He desires that the beneficence of the country shall be extended much further than this bill proposes to extend it. I believe he did not indicate how far he would go or in what direction he would bestow the bounty of the Government, but he gave emphatic expression of his disinclination to the bill on the ground that it did not extend far enough.

So the Senator from Rhode Island [Mr. ANTHONY] a few days ago, breathing the same spirit, indulging in the same style, wanted the charities of the country extended still further, and introduced into the Senate a bill to place persons in the civil service upon the retired list after a certain number of years. I do not know but what that might be done with equal propriety as to be continually extending the benefits of the bounty system and the pension system to the soldiers of the country. There are men who have been in the civil service for a great length of time, worthy men, who have been faithful in the performance of their duty. I heard the other day of the death in the performance of their duty. I heard the other day of the death of a gentleman in this city who had been consecutively for forty-three years in the civil service of the country, and during all that time had been absent from his post but five days. The father of the same gentleman, I understood, had served in the same capacity, in the same entreman, I understood, had served in the same capacity, in the same office, for a period of over forty years. These gentlemen were doubtless just as worthy as men in the military service, and I do not know but what the provisions of the bill introduced by the Senator from Rhode Island would be just as equitable and just as proper as those of the bill now under consideration proposed by the Senator from Texas

But, Mr. President, I say here and now that I think we have carried this business of pensioning people and placing men on the retired list fully as far as it should go. However worthy they may be—and I have nothing to say against the worthiness of the gentlemen proposed to be placed on the retired list by this bill or by any other measures that have been suggested in debate—I think we ought to be careful not to lay a burden upon the people of this country too heavy to be borne. We have now a pension list of more than two hundred thousand, I believe two hundred and fifty thousand soldiers; we have a naval pension list; we have a retired list of the Navy and of the Army. That is not all. There are other classes in this country whe are now pensioned on the tax-payers of the country. Every stockholder in a national bank drawing his interest on the capital, while he has tendered to him the franchise of banking, is in a certain sense and to a certain extent a pensioner on the bounty of the Government. But, Mr. President, I say here and now that I think we have carhe has tendered to him the franchise of banking, is in a certain sense and to a certain extent a pensioner on the bounty of the Government. Every gentleman engaged in manufactures all over this country that is receiving the benefit of a protective tariff, laid exclusively for protection without regard to the necessary revenue of the country, is to that extent a pensioner upon the bounty of this Government, and his pension is paid directly or indirectly out of the pockets of the people

of this country.

Sir, it is time we had called a halt. It is time we looked on the Sir, it is time we had called a halt. It is time we looked on the other side of this picture and looked to the taxes out of which these pensions are all paid. They are paid by the toiling millions, the farmers, the mechanics, and the laboring men of the country who are placing the money in our Treasury which you donate so liberally, ah, so lavishly to bounties, to pensions, and to retired lists.

While you are voting away the people's money the sons of toil are laboring at the plow-handle and in their work-shops from sun

to sun with scarcely an hour's intermission; compelled to labor and toil in order that they may raise the means necessary to support their families and to pay the exactions which your liberality, which your gratuities exact from them. We had better direct our attention to lessening the burdens of the tax-payers of this country, rather than increasing those burdens. I have some regard for the people who pay the taxes that come into the Treasury. Whenever the people of pay the taxes that come into the Treasury. Whenever the people who pay the taxes that come into the Treasury. Whenever the people of this country shall be unwilling to submit to these exactions, and shall demand of you to repeal these laws, what will become of your bounty list? What will become of your pension list? The people may submit to the yoke tamely for a while, but there will come a time when they will inquire of their public servants, and they do inquire of their public servants, and they do inquire of their public servants. public servants now, by what authority, by what right they place their hands in the public Treasury to take out the money which they

have placed there by taxation on themselves and give it away at will.

I wish, sir, the minds of the people of this country could be properly directed not only to the liberality but I say to the extravagance of the American Congress in voting away the moacy they have placed in the Treasury; and I think if the people could be fully aroused on that subject we chould hear no more of retired lists, and we should hear that there was less lavish expenditure of the revenues of this

I have not made these remarks because I am opposed to doing all that is right and proper for the soldiers. I respect them in their calling just as I respect every other man in his calling, no more, no less. I would do for them equal and exact justice, but I would not do more at the sacrifice of the rights and by doing injustice to others. I would reward them for their services properly, but I would not attempt to create a privileged class in this country who are to be retired after a certain number of years upon the bounty of the Government while more than nine-tenths of the people in this country are compelled to

more than nine-tenths of the people in this country are compelled to labor for their daily bread.

I have said, Mr. President, all I desire to say on this subject. I shall record my vote against this bill and against every measure which proposes to create in this country any additional privileged class. Mr. ALLISON. Mr. President, I offered this amendment in perfect good faith. I believe that it is essential that we should have some congressional declaration with reference to the public policy that we intend shall prevail at the West Point Military Academy. I believe colored youths are admitted to nearly every college in the United States. I see no reason why they should be excluded from West Point.

Mr. HARRIS. Are they excluded?
Mr. ALLISON. I propose to state affirmatively that they shall not be excluded. We have now four colored regiments in the Army of the United States, I believe, two of infantry and two of cavalry. It may be said they are not excluded, as the honorable Senator from Tennessee seeks to suggest to me. It is true they are not excluded by any law of the United States; but they are practically excluded, or at

least have been for many years.

Mr. HEREFORD. Will the Senator from Iowa allow me to ask him a question? He says they are practically excluded. Who practically excludes them? Has not your party had the President all the time? He has had the power to appoint colored cadets and so have time? He has had the power to appoint colored cadets and so have members of the House. Have they ever appointed them? Then, if they are practically excluded, they are practically excluded by the

Senator's party.

Mr. ALLISON. Mr. President, I do not intend to go into any party discussion of this question. I trust that it will be considered above above the constant of the president of t beyond and outside of party considerations. The question is whether or not we shall make a legislative declaration that it is the public policy of the Government of the United States that colored persons shall have the same access to the military school of the United States that the white youths of this country have. That is the question of policy to be considered.

Mr. HEREFORD. That is the law now.
Mr. MAXEY. As the Senator from Iowa has stated that he offered Mr. MAXEY. As the Senator from Iowa has stated that he offered the amendment in entire good faith, allow me to suggest that the Constitution says the President "shall nominate and, by and with the advice and consent of the Senate, appoint" officers. The Constitution further declares there shall be no distinction made "on account of race, color, or previous condition of servitude." I sak the Senator, as a lawyer, if Congress can pass an act in the phraseology of his amendment compelling the President to appoint from either the white or the colored race without making a distinction on account of race, color, or previous condition?

of race, color, or previous condition?

Mr. ALLISON. I do not think there is any constitutional difficulty in the way. I think there is no doubt of the fact that the President, in the way. I think there is no doubt of the fact that the President, if we give him the authority, can appoint two colored cadets at West

Mr. MAXEY. He can do it now.

Mr. ALLISON. This amendment simply proposes to put upon our statute-books a legislative declaration that it is the policy of this Government that the colored citizens of the Republic, who owe it duties, who are compelled in time of war to come to its defense, shall have their share. The Senator from Colorado [Mr. Teller] says that he opposes the amendment because they do not have their proper share. I want simply by this amendment to make a legislative declaration that they shall be recognized in the appointments made at West Point. That is all I propose. The President is now authorized to appoint ten cadets at large. This amendment proposes that instead of ten he may appoint twelve cadets at large, and that two of them shall be from the colored race.

shall be from the colored race.

Mr. KERNAN. I wish to ask the Senator a question. Under the law now cannot the President, cannot every member of Congress, select a colored boy if he likes?

Mr. ALLISON. Undoubtedly.

Mr. KERNAN. Then are not all equal?

Mr. ALLISON. There is no difficulty on that score, but I wish to

put on record a legislative declaration. I will say to my friend from New York that it is part of the public policy of this Government that West Point shall be open to all its citizens and that the President in the exercise of the appointing power, which we give him exclusively, shall out of the twelve appointments to be made select two from the colored race. That is all there is in this amendment.

Mr. BECK. Does the President need coercion on that subject?

Mr. BECK. Does the President need coercion on that subject?

Mr. ALLISON. I do not know whether he does or not. If he does need coercion, I propose to place this provision in the statutes that he may be coerced. The youths sent to West Point are compelled before they can enter that Academy to undergo a most rigid examination physically, mentally, and morally, and with reference to their educational advantages prior to their entrance at West Point. If the President of the presid dent selects two colored youths who can pass that examination, I want to know what objection there is to his doing it; and if he does not do it of his own volition, I want to know what objection there is to placing upon record a statute which will authorize and direct him to do it? That is all there is of this amendment, and I hope it will

Mr. COCKRELL. Mr. President, I am utterly astonished at the position taken by the Senator from Iowa. The country knows how kindly the President of the United States feels toward the colored race. Delegations of colored people have called upon him, and he has expressed his kindness toward them and shown them a circular issued to the heads of the Departments requiring them to recognize the colored element in appointments to offices, and with that before him the Senator from Iowa comes and asks a democratic Congress to take the Executive by the throat, and compel him to recognize the colored people of this country in appointments made by him, asking the democratic party to compel the republican Executive to recognize the colored cadets at West Point!

Why, sir, is it possible that a distinguished republican Senator will rise in his seat and ask such a thing at the hands of a democratic

Senate? Members of Congress have the right to appoint cadets at West Point. Nearly one-half of the members of the House are mem-West Point. Nearly one-half of the members of the House are members of the party in sympathy with the republican Executive. They have the right to appoint colored cadets there; and the Senator from Iowa might just as well ask Congress to put a provise in this bill compelling the Representatives from the different States to appoint one-half of those they are entitled to appoint, from the colored people.

Mr. President, I cannot think that the Senator from Iowa is in earnest. I cannot think that he would so reflect upon his republican

Executive and upon his republican party and the record which they have been making for so many long years. It is an admission to the

have been making for so many long years. It is an admission to the country that they are not recognizing the colored element.

I have seen it stated that the colored element will ask for the Vice-President's position in the coming contest. I suggest that the Senator insert an amendment in this bill compelling the national republican convention, when it meets in Chicago, to nominate a colored man for Vice-President. They constitute nearly one-half the voters of the republican party, and I think that the party ought to recognize them, but it ought not to come to the democratic party for the compulsory

measures to make them do what they otherwise ought to do.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business, being the resolutions declaring that WILLIAM P. KELLOGG was not elected and that Henry M. Spofford was elected United States Senator from the State of Louisiana for the term beginning March 4, 1877.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the following act and joint reselutions:

An act (S. No. 1489) to remove the political disabilities of Roger

A. Pryor, of New York;
A joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the

A joint resolution (S. R. No. 102) authorizing the Secretary of War to loan certain tents, flags, and camp equipage for the use of the soldiers' reunion to be held at Milwaukee, in the State of Wisconsin, in

The message also announced that the President had on the 28d instant approved and signed the act (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an interna-tional exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the

HOUSE BILL REFERRED.

The bill (H. R. No. 2440) to authorize the Secretary of War to transfer to the Fairmount Park Art Association thirty condemned or captured bronze cannon, to be used in the erection of an equestrian statue to the late Major-General George Gordon Meade, was read twice by its title, and referred to the Committee on Military Affairs. SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the resolutions reported by the Committee on Privileges and Elections relative to the seat held by WILLIAM PITT KELLOGG as Senator from the State of Louisiana.

Mr. JONAS Mr. President, the pending contest is brought here not so much by Judge Spofford as by the State of Louisiana, which for three years has been deprived of her constitutional representation on this floor. The Constitution provides that the Senate "shall be composed of two Senators from each State, chosen by the Legislature thereof for six years." The State of Louisiana by her Legislature has at least twice within the past three years called the attention of the Senate to the fact that she has been deprived of her constitutional representation in this body; that the Senator chosen by her Legislature to fill the term beginning March 4, 1877, has been kept from his seat; and that an usurper never chosen by the Legislature of the State has been permitted to misrepresent her.

This, then, is no mere question between individuals as to the posses-

sion of the honors or emoluments of office, but it is the demand of a sov ereign State that she may have in this body that representation which is guaranteed to her by the Constitution. The question not only concerns Louisiana and her people, but those of every other State, who are all interested in the legislation of Congress and the constitution of the Senate, and who are vitally interested in knowing that the Senate is a constitutional body, whose members are elected and qualified in accordance with the requirements of that instrument. was well expressed in a report made to the House of Representatives by a committee which investigated the Louisiana election of 1874, and which bears the distinguished signatures of the honorable Senator from Massachusetts, Mr. Hoar, Mr. Vice-President Wheeler, and Mr. Frye, and from which I beg leave to read, page 24:

It is further said that this is a question which concerns the people of Louisianaalone, and that they should be left to fight out the question among themselves.
But this is an erroneous view, both of the rights and the duties of the people of
the United States under the Constitution. They have an interest in the questions
whether Senators and Representatives for Louisiana, thrust into their seats by
illegal means, shall sit in Congress to make laws for them, and whether electors,
gaining their office in like manner, shall turn the scale in the choice of a President
of the United States. The President and Congress are bound to recognize and, if

need be, to support the true government of Louisiana against all usurpers; and the American people will abandon their rights and flinch from the performance of their duties when they leave these questions to be settled either by the mob or the

The question of the recognition of a State government is also involved, for the two claimants to this seat have presented different credentials, each purporting to be signed by a different governor of credentials, each purporting to be signed by a different governor of Louisiana, each bearing the seal of State, and each certifying the election of a Senator by a different Legislature. As there could be but one governor and one government in Louisiana at the same time, and only one Legislature, it becomes the duty of this Senate, in the investigation of the title to this seat, to ascertain and decide who was the real governor of Louisiana inaugurated in January, 1877, and which of the two bodies which met and held, or pretended to hold, sessions in New Orleans in January, 1877, was the legal Legislature of Louisiana. This duty becomes even more imperative from the fact that the members of the House of Representatives elected to the Forty-fifth Congress from Louisiana bore credentials signed by Francis T. Nicholls as governor, (who also signed the credentials of H. M. Spofford,) and that the House of Representatives recognized those credentials and seated the members thus accredited. Where there are two governments and two Legislatures, each claiming authere are two governments and two Legislatures, each claiming authority, in a State, and the trouble cannot be accommodated and settled by the people of the State themselves, it becomes the duty of Congress to decide which is the legal government within the State. The Supreme Court of the United States, in the case of Luther vs.

Borden, (7 Howard, 42,) says:

Borden, (7 Howard, 42,) says:

Moreover the Constitution of the United States, as far as it has provided for an emergency of this kind, and authorized the General Government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that Department.

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion; and on the application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed as well as its republican character is recognized by the proper constitutional authority, and its decision is binding on every other Department of the Government, and could not be questioned in a judicial tribunal.

Senator Morton in a speech made in December, 1875, reported in

Senator Morton in a speech made in December, 1875, reported in volume 4, part 1, of the RECORD, page 5, said:

I will show before I get through, that before the seating of Mr. Kellogg, the people of Louisiana had settled this question of a disputed government themselves.

In the Committee on Privileges and Elections on the 22d of October, 1877, I find that Mr. Hill introduced the following resolution:

The controversies heretofore existing in the State of Louisiana as to which of two rival bodies was the Legislature of that State, and as to which of two rival claimants was the governor of said State, having been settled by the State itself since the last adjournment of the Senate,

Resolved, That the Senate do recognize and accept said settlement as final.

This resolution was offered fully in the spirit of the doctrine laid down by Governor Morton and the doctrine held by the Supreme Court in the Rhode Island case. On the 25th of October, on motion of Mr. HOAR, the following substitute was adopted by a party vote:

Resolved, That it becomes necessary in determining the validity of an election of Senator held in January, 1877, to inquire who were the lawful Legislature at that time, and that no other authority is competent to determine that question for the

Thus the Committee on Privileges and Elections, who reported in favor of Mr. Kellogg, refused to accept the settlement made by the people of Louisiana themselves, and declared that the Senate alone had people of Louisiana themselves, and declared that the Senate alone had the right to inquire who was the Senator legally elected from Louisiana. To resume, Congress of course includes both the Senate and the House, and if they have not agreed, and until they can agree, the question remains an open one, and undecided, unless in the mean time the people should have decided it for themselves. Senator Morton again, on page 11 of the same RECORD, said:

That power was never given by a statute. If it had been, the President could exercise that power just as he has exercised this; but he has never been author-

ized by an act of Congress to say whether a government was a monarchy in form or a republic in form. Congress could give him that power, but never has. But Congress has given him the power to say, when there are two governments in a State, which one is the lawful government, and his exercise of that power is binding upon us as a separate body. It is binding upon all the courts by the express decision of the Supreme Court of the United States. Congress as a Congress, both Houses, can reverse it, but not otherwise. Suppose it were so. Suppose, if you please, that one House can do it. The Senate might recognize the Kellogg government, the House might recognize the McEnery government, and the President might recognize still a third government. Then we would have anarchy. If the Senate was to admit a Senator certified to by Kellogg, and the House to admit members certified to by McEnery, then we should have anarchy, we should have confusion utterly at war with our system of Government.

It is urged on behalf of the sitting member that the vote of the Senate giving him his seat on the 30th of November, 1877, was final and conclusive on the question involved and that it constitutes resadjudicata, and cannot now be inquired into. This defense is no more a surprise to us, Mr. President, than is the resolution submitted by the committee to the other side.

I find that on the 30th of November, 1877, during the debate which immediately preceded the seating of Mr. Kellogg, the honorable Senator from Alabama [Mr. Morgan] offered the following amendment

to the pending resolution:

Resolved. That nothing in this resolution shall be so construed as to preclude the Senate from its right to demand an investigation of the charges presented in the amendment offered by the Senator from Delaware, and upon which a vote of the Senate has just been taken, as affirming the right of WILLIAM P. KELLOGG to a seat in the Senate.

After some colloquy with the honorable Senator from New York [Mr. Conkling,] Mr. Morgan withdrew his amendment, with the notice that at some future day the claims of Kellogg would be investigated fully, and that then he expected the republican side of the House to contend that the passage of the resolution seating him constituted res adjudicata as to all the questions involved. Mr. MORGAN

said:

Mr. President, I have brought this subject to the attention of the Senate and the country. What the rights of myself or any other Senator may hereafter be must be judged by the Senate when the question is presented. Of course they must be judged under the law and according to the Constitution; but I must say that it is my duty now to inform the Senate that upon some proper occasion, if his resolution shall pass, an opportunity will be demanded to bring the subject of the fraud of Kelloge in obtaining his credentials to the attention of the Senate and the country, and on that occasion I shall be very much gratified—and from the view I take of the subject now I must confess that I shall be much mistaken—if the Senator from New York should not object to the consideration of that resolution upon the ground that it has been included in the final vote of the Senate on this subject. I now beg leave, Mr. President, to withdraw my amendment.

I do not admit, Mr. President, that the plea of res adjudicata has any place or force in the proceedings of legislative bodies, especially where these bodies are the sole judges of the election, returns, and qualifications of their own members, in the last resort, and without appeal. There are no precedents of a similar character to this case for the application of the rule, and the right to inquire into the election of a sitting member when questioned by the State he claims to represent rests in the discretion of the body which, by the Constitu-tion, is alone invested with the jurisdiction to decide it.

But granting, for the sake of argument, that the plea of res adjudi-cata would be a good one if this was a contest between two claimants cata would be a good one it this was a contest between two claimants under the same government and claiming election from the same Legislature, which would simply be a question which of two individuals the acknowledged authority had accredited here, how can it be applied to defeat the right of the State of Louisiana who says that her lawful representative is denied his seat, and that that seat is filled by an usurper who was never chosen by her Legislature and who presented credentials from a government which never existed in

And if doubt might exist as to whether the Legislature which elected Judge Spofford could demand an investigation of this question, its status being involved, there can be no doubt that the Legislature elected in 1878, which sent me here, and the Legislature elected in 1879, both of which had undisputed legality, could call the attention of the Senate to this wrong and ask that it might be investigated and righted, no matter how solemnly decided. But this application was for a rehearing. It was to have the case reopened, retried, to have new evidence introduced, and to have questions investigated which on the former hearing were arbitrarily decided by a partisan majority without investigation, almost without hearing. I ask what provision of the Constitution, what law, written or unwritten, what precedent, deprives this Senate of the right to reopen and grant a rehearing in a case involving the constitutional right of a State to repprecedent, deprives this senate of the right to reopen and grant a rehearing in a case involving the constitutional right of a State to representation and the question as to the legality and recognition of her government? And this, too, when there is no appeal from the judgment rendered, if wrong.

The question to be decided here is a political question; it is not judicial. The Senate is not a court, or, if so, is a law to itself when engaged in the investigation of the title of its own members, and cannot be held to the technicalities of courts of law.

not be held to the technicalities of courts of law.

It may be, and is, to the public interest that the plea of res adjudicata should be applied to put an end to private litigation, but it is not, and never can be, to the public interest that an usurper should retain a seat in Congress to which he was never elected, against the protest of the State which he pretends to represent, when he has been seated through error, fraud, or partisan injustice. It is the State which has the constitutional right to be represented by two Senators of her own choice. It is her right which is to be investigated and not the mere claims of an individual, and when at any time she denies that she is properly represented here it becomes the duty of the Senate to investigate her complaint. And this is a continuing duty which the Senate can never avoid or refuse to perform, and from the performance of which she can be debarred by the claims of no individual. As Senator EDMUNDS said in 1875 when speaking on the resolution to seat Pinchback:

It has been said that the State of Louisiana is entitled to two Senators and that it is a wrong to her that she does not have them. That is true; but it is two Senators that the State of Louisiana is entitled to, and unless this man be her Senator we commit a gross outrage upon her by giving him a place here as her representative; and it appears clear to me that he is not.

Is not the outrage upon the constitutional rights of Louisiana just as great if we keep a man here (already seated) who is not her Senator, and are not the requirements of the Constitution as binding upon us in the one case as in the other? The case of Fitch and Bright, which will be relied on upon the other side, was a case entirely dissimilar from this. In that case only questions of technicality were involved. The facts were undisputed. The State government was not questioned. The Legislature which elected Fitch and Bright was the admitted Legislature of Indiana, and the joint session in which they were elected contained an undisputed quorum of legal members of that Legislature. The protest against their election came from members composing and styling themselves the minority of that Legislature. There was no doubt that Fitch and Bright represented the solemn will of the State of Indiana. The only question raised was a technical one as to whether or not that will had been expressed with proper form. There was no act of Congress at that time regulating elections for Senators, and in the absence of such general law its legality would not at this day be doubted. On page 396 of the Congressional Globe for the special session Thirty-fifth Congress will be found the opinion of Mr. McDonald, (now the distinguished Senator from Indiana,) at that time attorney-general of Indiana, sustaining the validity of the election, and advising the governor to grant credentials to the Senators elected.

dentials to the Senators elected.

Indeed, since the passage of the act of Congress, in the case of Senator Eustis from my own State, (who was elected in the same manner.) this body has sanctioned such an election.

Having been once decided, there was no reason of public policy why this case should have been reopened. It was a simple contest between individuals for the honors and emoluments of office. There was no new evidence, no disputed facts; it was the same dry question of law which had been argued and decided before. The State of Indiana was not here contending that these Senators were mere usurpers and that they were never chosen by her Legislature. They had not been seated upon credentials signed by a stranger to her executive chair and office. No constitutional objection whatever was made to their election, and yet many of the ablest men in the Senate and country argued and yet many of the ablest men in the Senate and country argued and yet many of the ablest men in the Senate and country argued and voted that this case should be reopened and tried again. Among these were Mr. Douglas, John Bell, William H. Seward, HANNIBAL HAMLIN, Zachariah Chandler, Simon Cameron, Ben. Wade, Henry Wilson, Mr. Collamer, and Lyman Trumbull, and the minority report made by the two last-named Senators, and referred to in the report of the committee, is both powerful and convincing. In it they say:

mittee, is both powerful and convincing. In it they say:

The power of the Senate to judge of the election and qualification of its own members is unlimited and abiding. It is not exhausted in any particular case by once adjudicating the same, as the power of re-examination and correction of error and mistake, incident to all judicial tribunals and proceedings, remains with the Senate in this respect, as well to do justice to itself as to the States repsented or to the persons claiming or holding seats. Such an abiding power must exist, to purge the body from intruders, otherwise any one might retain his seat who had once wrongly procured a decision of the Senate in his favor by fraud or falschood, or even by papers forged or fabricated.

In what cases and at whose application a rehearing will at all times be granted it is not now necessary to inquire; but when new parties, with apparently legal claims, apply, and especially when a sovereign State, by its Legislature, makes respectful application to be represented by persons in the Senate legally closen, we consider that the subject should be fully re-examined, and that neither the State, the Legislature, nor the persons now claiming seats can legally or justly be estopped or even prejudiced by any former proceedings of the Senate to which they were not parties.

It is evident on examination of the proceedings in the Bright and Fitch case that the committee did re-examine the case, and found

there was nothing new in it and nothing to change their previous opinion that the State of Indiana already had upon this floor "two Senators chosen by the Legislature thereof."

In the case of Gholson and Claiborne, in the Twenty-fifth Congress, the House of Representatives adopted a course exactly the opposite of that pursued by the Senate in the Fitch and Bright case, and at the second session of the same Congress reconsidered the action by which they had seated Messrs. Gholson and Claiborne, on the merits

of the case, reversed their action, and sent Messrs. Gholson and Claiborne back to the people.

In reference to this question of res adjudicata I should like to read briefly from the remarks of Judge Thurman in May last when the resolution was before the Senate authorizing the committee to take

Sir, it is certain, and very certain, that the Senate would disgrace itself, it is very certain that the Senate would do manifest injustice, were it to hastily, or without the most plain, the most manifest reason, reverse a decision that had been made seating a Senator on this floor. The case must be extremely strong that would justify such a proceeding as that. All that I am free to admit; but to say that the technical rule of res adjudicata that applies in courts of justice applies in this Cham-

ber on a question of this kind, is to confound all distinctions and to disregard all the laws of this body.

Is there anything more fundamental than that, in deciding a question as to the right of a Senator to a seat on this floor, the Senate is a law to itself? Is there a single book, a single authority that anywhere asserts that this Senate would be bound by a decision even of the Supreme Court of the United States upon a question of this kind? Not one, but they all state the reverse. The Senate would not be bound in deciding this, of which it is the sole judge, by even the views of the Supreme Court of the United States upon the Constitution of the United States. This is well-known haw. I could cite a case from my own State in which the supreme court of the State had construed the constitution, and in which upon the question of seating a member of the senate the senate of the State took a different view of the constitution and decided according to their view and not the view of the supreme court of the State. This is excessarily results from the fact that we are the sole judges of the elections, returns, and qualifications of the members of this body, and, therefore, we have our own course of proceeding, we have our own judgment, and no judgment that we can make can be reversed. All this was very fully admitted by my friend whom I see sitting before me [Mr. CARPENTRE] in the very notable case of Abbott; but although he and I differed very much indeed as to what the Senate ought to do in that case, upon this fundamental principle we went arm in arm. That, then, is the first proposition.

Now, how does the rule of res adjudicates as administered in the courts of common law apply to a case of this kind? I si tho fundamental principle we went arm in arm. That, then, is the first proposition.

Now, how does the rule of res adjudicates as administered in the courts of common law apply to a case of this kind? I si though the subject of the pleas of res adjudicates and supplications that any of the proposition of th

the committee.

On page 39 of the original record I find the following colloquy:

On page 39 of the original record I find the following colloquy:
Senator Hoar. As I understand, unless it be true that the returning-board system of declaring the election was unconstitutional and the Packard legislature an unconstitutional Legislature, you rest your claim on the fact that when you were elected there was a Legislature which had been in fact organized by a large majority of the conceded choice of the people?

Mr. SPOFFORD. Yes, sir.
Senator Hoar. And that whether you obtained a strictly legal certificate in the beginning, or whether you were prevented from getting a strictly legal certificate by the transaction, from the fact that the Legislature had not made proper provision for one under the constitution, is entirely immaterial, it being conceded that the Legislature that acted was composed of a majority really chosen?

Mr. SPOFFORD. Yes, sir. I was not elected until the Packard government had entirely disappeared and had given up all pretensions to power.

Senator Hoar. I do not see myself how there can be any doubt of the soundness of your position.

of your position.

I propose to demonstrate from the evidence that there can be no doubt of the soundness of this position, although it was immediately afterward abandoned by the honorable Senator from Massachusetts, who took the lead in the committee in voting down the request of Mr.

Spofford for leave to take further testimony.

In the proceedings of the committee, pages 79 to 96, will be found the discussion of the proposition made and urged by Senator SAULSBURY, by Senator Merrimon and by Senator HILL, on behalf of Judge Spofford, that further time should be given him to take further testimony in order to elucidate this case. The discussion ended by a refusal to take further testimony. I will read but a few words:

take further testimony. I will read but a few words:

Senator Merrimon. I must call attention now specifically to one point on which Mr. Spofford proposes to take testimony, touching which, if I recollect correctly, there is no admission at all. That point I think will be material when we come to consider the merits of the whole case. Mr. Spofford says "that the composition votes for Senator and political proclivities of the Legislature on the 24th April, 1877, when H. M. Spofford was elected Senator, were substantially as set forth in the aforesaid argument," meaning Spofford's argument made before the committee on another occasion. One of the points he makes is this: At the time of Kelloge's election there were two rival bodies, one called the Nicholls legislature and the other the Kellogg legislature. Each of those bodies claimed to be the lawful Legislature of the State. They were then in a state of contest and protest, and there was nothing settled as to the legality of either body. What he wants to prove is that afterward this contest was settled; settled to the satisfaction of both these contesting bodies; settled to the satisfaction of the whole country, outside of the politicians.

Senator Cameron. That you cannot prove.

Senator Cameron. That you cannot prove.

Senator Merrimon. And that the very men who sat in the Packard legislature at the time that it is pretended Kelloge was elected actually went into the Nicholls legislature, and that they voted for Spofford himself. I submit that is a material fact, and a strong circumstance going to show that the persons in the Packard legislature and a strong circumstance going to show that the persons in the Packard legislature and a strong circumstance going to show that the persons in the Packard legislature

ture and composing it at the time that it did this act, did not regard it as a lawful legislature; that they regarded it as a body of men insisting upon a right which was afterward settled, and which became the regular Nicholls legislature, or the regular legislature of Louisiana, which elected Mr. Spofford. Mr. Kelloog does not admit that fact; it is nowhere admitted; and Mr. Spofford now proposes to prove that fact, to wit, that many, very many, of the persons who were in the so-called Packard legislature, and voted for Mr. Kelloog, afterward went into the legislature as ascertained and established, and voted for Mr. Spofford, thereby repudiating the action that had taken place in January in the election of Mr. Kelloog, and thereby giving the strongest declaration they possibly could that they themselves did not at that time understand the Packard legislature as having any real existence or any existence. I insist that the testimony is important, and that Mr. Spofford ought to be allowed to prove it.

And yet the committee refused to allow Mr. Spofford to take this

And yet the committee refused to allow Mr. Spofford to take this And yet the committee refused to allow Mr. Spofford to take this testimony so material to his case, this testimony upon which the whole case in fact really turned, as was insisted in the resolution offered by Mr. Hill. The committee voted finally on the 23d of November. On the very day when they refused to reopen this case for further testimony the chairman stated that there were already some five thousand and odd pages of testimony. On that day the committee were unable to agree as to what was testimony and as to what was not testimony. It was evident that no one knew what was in testimony and no one knew what the testimony was; and yet on the testimony and no one knew what the testimony was; and yet on the 26th of November, three days afterward, they made their report to the Senate, a report pretending to judge the case, and which shows, as was the fact, that the majority of the committee could not have read the testimony, or that they were totally unfamiliar with what was proven.

Mr. President, let us examine the questions suggested by Senator Was the action of the returning board unconstitutional and fraudulent? Was the Packard legislature an unconstitutional legislature, and was the legislature which elected Spofford composed of a majority of those conceded to have been chosen by both sides? This is what is claimed by Judge Spofford, and if true in either respect, the soundness of his claim was conceded by the honorable Senator from Massachusetts.

I shall not fatigue the Senate by reading the election laws of Louisiana as they existed from 1870 to 1876, inclusive. Nor shall I enter into any argument of my own as to the constitutionality of the returning board or the legality of its acts. These questions have been discussed after investigation in this body, in the House, before the electoral commission, in elaborate reports to Congress, in the press, and on the stump, ad nauseam, until the theme is threadbare. I proceed to show by the highest republicant estimony, and by the telegraphic of the statement o ose to show by the highest republican testimony, and by that alone, that the returning board had no right under the constitution and laws of Louisiana to do more than to compile and make return of the votes actually cast at the polls; that they were unauthorized even if the law under which they acted was constitutional to throw out votes actually cast, and thus to change results, except where protests had been filed and affidavits made at the time and place of casting the votes, and only after full investigation had been had, and full proof made of the circumstances justifying such action. And the record shows that they threw out votes and changed results without investi-gation and arbitrarily, and that they pretended to return by this means a Legislature without a legally elected quorum in either house, which pretended Legislature went through the farce of electing Mr. Kellogg a United States Senator.

In regard to the constitutional right of the returning board to thus make the returns I desire to read again from republican testimony. I read first from the speech of the Senator from Vermont [Mr. Ep-Munds] made March 16, 1875, in the Senate, on the admission of Pinch-

What are the returns that they-

The returning board-

are to send to the secretary of state? Can any man stand up and say that it is any other thing than what the language of the law says, a compilation of results from the various sources which the law has provided and which has flowed into their hands. Such returns, it says—not those obtained by extrinsic evidence; not those obtained upon affidavit; not those obtained upon the judgment of any court; not those obtained in any other way than that they come from the separate assemblies of the people, sworn to and certified in the manner prescribed by law, their seals broken in their presence, and the results of those statements are to be proclaimed—and such results, thus proclaimed, are prima facte evidence.

Then he quotes the law of Lowisians

Then he quotes the law of Louisiana.

Then he quotes the law of Louisiana.

Not a list of any persons such as, according to their judgment, ought to have been elected; not a list of such persons as, according to their judgment, or as according to any evidence except that which the constitution and this law speaks of, ought to have been elected or were elected. The question of determining who were elected, the constitution had invested in the house of representatives itself; and this action under the law and the constitution, therefore, is only to ascertain, as the law in terms declares, who in the first instance appeared from the papers to have been elected by the people and who thus, for the time being, make up the composition and the aggregate of the representatives of the people, under the constitution, in the house of representatives and in the senate. That being done, the constitution invests that tribunal with power to determine upon the right of every member who takes a seat in it and of every person who makes a claim to it; and if we were to hold otherwise we should then hold what this lamentable affair has shown would be the natural consequence of such a proceeding, that it is within the competence of the returning board of Louisiana at any time, without regard to what the original papers may show, to select a house of representatives and a senate for itself.

As they did in that instance and as they did in the present accepts.

As they did in that instance and as they did in the present case in the composition of the Legislature—if Legislature it can be called—which sent Mr. Kellogg here:

It may take those who were voted for; it may take those who were not voted for, whatever it chooses to take and chooses to send a list to the secretary of state become the members of the house of representatives and of the senate for the time

being, on the theory of this election of this claimant here; and there is no help for it, while the constitution says that the returns coming from the people shall appear in the house of representatives and be canvassed and counted, having been sent to the secretary of state and by him turned over, and while the law says that this returning board, guided by the explicit letter of its commands, shall certify to the secretary of state the names of the persons who according to the returns, and those only, have been elected by the people as their representatives in the General Assembly. And yet, when you turn to this case, you find upon the undisputed evidence conceded all around that the board which returned the body of men that elected Mr. Pinchback never had any returns, never had any votes, and that they made up their list of the persons who were to compose the house of representatives that elected this gentleman from information which they received from a great variety of sources.

Again he says on page 65.

Again he says on page 65:

Again he says on page 65:

Let us proceed to find what returns it is that the secretary of state is to lay before the Legislature, either by the constitution or by the election law of Louisiana. The constitution says that the returns shall be sent to him. The same constitution says that those returns shall be turned over to the speaker of the house of representatives by the secretary of state. That plainly imposes on the secretary of state the duty of turning over to the Legislature the very papers, unaltered, unchanged, unopened, that he receives. If this word "returns" in this constitution does not apply exclusively to those primary and fundamental evidences of local action which the people are to give in their various parishes, then you have no provision in the constitution for any returns from the people, and you may begin your election at the returning beard, as I do not know but that this one, so far as we can get at any fact about it, began and ended at the same place.

I read again, Mr. President, from the report made by Messrs. Hoar, Wheeler, and Frye, in 1875, (pages 20 and 21.) They say, (this was the report of the minority of the committee, Messrs. Hoar, Wheeler, and Frye:)

WHEELER, and FRYE:)

Wheeler, and Frye:)

Upon this statute we are all clearly of opinion that the returning board had no right to do anything except to canvass and compile the returns which were lawfully made to them by the local officers, except in cases where they were accompanied by the certificates of the supervisor or commissioner provided in the third section. In such cases the last sentence of that section shows that it was expected that they would ordinarily exercise the grave and delicate duty of investigating charges of riot, tumult, bribery, or corruption, on a hearing of the parties interested in the office. It never could have been meant that this board, of its own notion, sitting in New Orleans, at a distance from the place of voting, and without notice, could decide the right of persons claiming to be elected.

The board took a different view of its powers, and proceeded to throw out the votes from many polls where they found intimidation and violence to have existed. The result was to defeat persons whom, on the returns, they should have declared elected, and to elect persons who should not have been declared elected. In regard to four parishes they declared no result whatever, but referred the matter to the Legislature.

The result of this action was to change the political majority of the persons who, by the constitution and laws of Louisiana, are entitled to organize the house of representatives.

The returning board claims that in this proceeding they acted under an honest belief that they were right in their construction of the law, and that they were giving effect to the true will of a majority of the people of Louisiana, and that in their construction they followed the precedent set by the democratic or fusion returning board of 1872. We believe they did follow such a precedent. We have no doubt that they believed they were defending the people of Louisiana against a fraud on their constitutional rights. But there is no more dangerous form of self-delusion than that which induces men in high places of public

The majority of the committee in the report made by Messrs. Foster, Phelps, Potter, and Marshall, in the same volume, say:

Phelps, Potter, and Marshall, in the same volume, say:

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolution reported to the House from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

I shall not read from the reports of democratic committees, the Morrison committee, the Potter committee, the Field committee, the minority of the Howe committee of the Senate, all of whom take the same view that these republican authorities have taken of the power

and action of the returning board.

It became necessary, of course, for the republican party to defend the action of the returning board in 1876, for high game was involved, no less a stake than the Presidency. Therefore all of these fine words were recanted, not a republican voice was raised to condemn the action of the returning board, although it rivaled in atrocity the outrage of 1872, and was far more unjustifiable than the action of the same board in 1874. But the expressions of opinion made in 1873 and 1875 cannot be blotted out, and the conduct of the returning board in 1876 can be most strongly condemned by quoting the language of those who now seek to defend it.

I do not intend to read to the Senate the mass of testimony taken by the Howe committee of the Senate and the Morrison and Field committees of the House in relation to the conduct of the election in Louisiana in 1876. It is all in evidence here, and it fully establishes the legality of that election. It shows that the democrats elected their governor and a majority in both branches of the Legislature, (not to speak of the electors.) It is proven that the election was free from violence and intimidation, and fair, except that the election was free from violence and intimidation, and fair, except that the democratic party were deprived by fraud of a large number of votes in the city of New Orleans. All this was shown by the returns made by the commissioners of election. There were no affidavits of intimidation or violence accompanying these returns, as required by law, but affidavits and protests, made in the city of New Orleans long after the election, were received and considered. The charges in these protests and affidavits were abundantly disproved yet the returning board threw out enough votes to give the republican electors and governor a pretended majority and to give a pretended republican majority and pretended quorum in each branch of the Legislature. All of the outrages successfully perpetrated in 1873 and 1875 were sought to be repeated in

In those years they were enforced under the protection of the military power of the United States. The military power was again expected to intervene. Kellogg, in whose behalf it had successfully interfered in 1873, making him governor over a people who had spurned him at the polls—Kellogg, at whose request it had dispersed the Legislature elected by the people in 1874, was still at the helm, still controlling the same machinery, still organizing conspiracy for his own benefit, and still confident of receiving aid and assistance from the then President.

The avidence hitherto taken and that just taken fully show Mr.

The evidence hitherto taken and that just taken fully show Mr. Kellogg to have been the head of a conspiracy organized to rob the people of Louisiana of their political rights for the third time. His aim and object was to secure the position of Senator for himself. The

little incident of the Presidency was an afterthought, born of necessity, and probably not originally contemplated.

To show the political condition of Louisiana at that time I will read again from a republican report. Whether all the members of the Hoar committee agreed to this report or not I do not know. It

was reported by a sub-committee :
Mr. McMILLAN. Does the Senator cite this to show the condition

of Louisiana in 1876?
Mr. JONAS. Yes, sir, I do; and I cite it for the reason, Mr. President, that this testimony was taken in 1875; that the condition of things remained unchanged; that Kellogg was governor; that all political power was in his hands; that although one branch of the Legislature under the Wheeler compromise was in the hands of the conservatives, yet they were unable to repeal any law upon the statute-book. The election laws, the registration laws, and the administration of all those laws, remained in the republican party and remained in the hands of Mr. Kellogg as its head. This report was submitted by Mr. HOAR as the report of the sub-committee and was adopted by the whole committee and reported to Congress. adopted by the whole committee and reported to Congress. It was made by the distinguished gentleman who recently was elected governor of Ohio, Mr. Foster, a man who, but that on this occasion he preferred to do justice to Louisiana rather than to follow the partisan behests of his own party, might have occupied the position that Mr. Hayes does to-day, provided he had been willing to take office on such doubtful title. Mr. Foster says:

on such doubtful title. Mr. Foster says:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature in abolishing existing courts and judges and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws centralizing in the governor every form of political control, including the suspension of the elections; by tontinuing the returning board with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force maintained at the expense of the city of New Orleans into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults, removing filth, and doing work as wharfingers; by the abolition of courts with election judges and the substitution of other courts with judges appointed by Kelloge in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 to 1872; by laws declaring that no person in arrears for taxes after default published shall bring any swit in any court of the State, or allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have seemed to vest, in the language of Governor (Kellogg'e's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

This was the condition of affairs. Kellogg appointed and controlled the State registrar of elections. He controlled the appointment of supervisors for the parishes, all of whom were republicans and most of whom were sent from the city of New Orleans. His State registrar of elections was Mr. Michael Hahn, a candidate at that time registrar of elections was Mr. Michael Hahn, a candidate at that time for the Legislature and the same man who was installed by General De Trobriand in the speaker's chair of the house of representatives after the legal speaker, Governor Wiltz, had been ejected therefrom. His clerk, Mr. Blanchard, had access at all times to the books of registration for the city of New Orleans. Let me inquire who was Mr. Blanchard? An affidavit made by himself, to be found at page 207, volume 4, of Bartlett's Contested-Election Cases, in the testimony given in the case of Sheridan vs. Pinchback, will tell who Mr. Blanchard was in his own language. Mr. Blanchard was the State registrar of elections under Governor Warmoth in 1872 and 1873, and conducted that election and conducted it fairly, if nonular oninion is to be bethat election and conducted it fairly, if popular opinion is to be believed in Louisiana; but in 1873 or 1874 he came forward and made lieved in Louisiana; but in 1873 or 1874 he came forward and made an affidavit in which he charged himself with perjury, with forgery, with falsifying the record, with making false returns, and with swindling the people of Louisiana out of their votes at the election of 1872. After making this affidavit, after making the affidavit that he did all this against Governor Kellogg and in favor of McEnery, he was received into the loving embrace of Governor Kellogg and made his confidential clerk and intrusted with the management of his elections

This man Blanchard issued orders in the name of the deputy registrar, and had the books of registration removed to the custom-house, where he had full charge and control of them, and the testimony shows that he employed his force of clerks to cancel and erase therefrom the names of democratic voters. This will be found in the testimony of Peter Williams, page 537 of the testimony recently taken. Kellogg received and consulted constantly with Blanchard, and Jewett, the secretary of the committee of registration of the republican party, at his house during the counting of the votes and the action of the returning board, also with Wells and Anderson, members of that board. He received them, not in broad daylight but in bers of that board. He received them, not in broad daylight but in the dark, by the back door, in the silence of night, where they came to him to bring portions of the returns that they were engaged in perfecting, papers connected with the election, connected with the returning board, connected with the office of the supervisors of registration, and they counseled with him as to what changes were necessary to be made in order to secure the election of a republican Legislature. This will be found in the testimous of the process. lature. This will be found in the testimony of Hauser, at pages 505 and 509. Of course the sitting member has endeavored to contradict and 309. Or course the sitting member has endeavored to contradict this testimony, but he has not endeavored to impeach either of these witnesses, Williams and Hauser, both of whom were prominent persons in his own party. Of course he has a corps of witnesses who are brought forward through all this testimony, drilled to contradict everybody, drilled to deny everything, drilled to say that everything was false or that everything was impossible that unimpeached witnesses were received by an existing dense. Levelt is the masses was raise or that everything was impossible that unimpeached witnesses swore was actually and positively done. Jewett is the man who issued the sewing-machine circulars, by which thousands of democrats were deprived of registration and of their votes. He it was who sent out the circular to the supervisors of registration which I shall read. It has appeared in evidence before, but I wish it to appear again, because this was the battle order, the plan of the cam-

Paign:

Headquarters Republican Party of Louisiana,
Rooms Joint Committee on Canvassing and Registration,
Mechanics' Institute, September 25, 1876.

Dear Sir: It is well known to this committee that from examination of the census of 1875 the republican vote in your parish is 2,200 and the republican majority is 900. You are expected to register and vote the full strength of the republican party in your parish.

Your recognition by the next State administration will depend upon your doing your full duty in the premises, and you will not be held to have done your full duty unless the republican registration in your parish reaches 2,200 and the republican vote is at least 2,100.

All local candidates and committees are directed to aid you to the utmost in obtaining the result, and every facility is and will be afforded you, but you must obtain the results called for herein without fail. Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant,

D. J. M. A. JEWETT, Secretary.

Supervisor of Registration, Parish of Assumption, Louisiana.

The supervisors were all the appointees of Kellogg, as I have said. Most of them were from the city of New Orleans. I will read the

Mr. KELLOGG. Will my colleague name four from the city of

Mr. KELLOGG. Will my coneague hame four from the city of New Orleans?
Mr. JONAS. I think I can.
Mr. KELLOGG. Out of sixty-seven?
Mr. JONAS. I have got a list of a few of them. I will read those few. I have not time to go through them all:
Michael Hahn, State registrar, candidate for the Legislature.
H. F. Brennan, assistant supervisor, First ward, corporal of police; and the police, he it remembered, was a military organization under and the police, be it remembered, was a military organization under the direct command of the acting governor of Louisiana. A. J. Brim, assistant supervisor, Second ward, custom-house in-

spector.

P. Creagh, clerk of police court, Third ward, appointed by KEL-

R. C. Howard, assistant supervisor, Fourth ward, custom-house officer

J. G. Puechtler, assistant supervisor, Fifth ward, custom-house officer.

W. J. Moore, assistant supervisor, Seventh ward, custom-house offi-cer, and candidate for Legislature.

Thomas Leon, assistant supervisor, Eighth ward, custom-house

H. C. Bartlett, assistant supervisor, Ninth ward, custom-house offi-cer, and candidate for Legislature. T. H. Rowan, assistant supervisor, Tenth ward, custom-house officer.

L. Backers, assistant supervisor, Eleventh ward, police officer. P. J. Maloney, assistant supervisor, Fourteenth ward, custom-house

W. F. Loan, assistant supervisor, Fifteenth ward, chief of police, the Metropolitan Brigade.

M. J. Grady, supervisor for Ouachita, collector of internal revenue. Philip Joseph, supervisor for Madison, resident of Mobile, Alabama; indicted in New Orleans for burglary and house-breaking, and a fugitive from justice from Alabama.

J. E. Scott, supervisor for Claiborne, clerk in New Orleans postoffice, not a resident of Claiborne.

William Fulford, supervisor for Jackson, not a resident of parish. R. B. Edgeworth, supervisor for Plaquemines, custom house officer; reputation of a thief; resident of New Orleans. B. W. Woodruff, supervisor for Rapides, clerk in New Orleans post-office, and resident of New Orleans.

I have named more than four already, sent to the country who were residents of New Orleans.

J. A. Veazie, supervisor for La Fayette, killed a man in La Fay-

Victor Gerodias, supervisor for Saint Tammany, resident of New Orleans.

D. A. Ward, supervisor for Grant, resident of New Orleans. F. A. Clover, supervisor for East Baton Rouge, resident of New Orleans; not a citizen of the State; formerly a roper-in for a snake show in New Orleans.

A. W. Kempton, commissioner, fugitive from justice from Texas. A. W. Kinchen, supervisor for Livingston, under indictment for murder.

Those are a few of the names culled out as a sample, and an excellent sample of the whole lot.

Mr. KELLOGG. Will my colleague please to tell me his authority?

Mr. JONAS. I read from the argument made by Mr. Burke; but it is all in evidence before the committee.

Mr. KELLOGG. E. A. Burke?

Mr. JONAS. Yes, sir.

Mr. KELLOGG. If my colleague will give it to me I will be much

Mr. JONAS. It is all to be found in the stack of evidence which has been submitted in this case. After the declaration of returns by the returning board, Governor Kellogg fortified the State-house and made of it a military barricade. I was appointed by the caucus of the democratic members of the house of representatives, of which I was a member, chairman of a committee to visit the State-house the Saturday before the assembling of the Legislature, to examine the fortress and to ascertain from the governor whether the membersfortress and to ascertain from the governor whether the memberselect were to be permitted to occupy their seats and organize the
Legislature in the State-house or not. I went down with my committee and we were admitted through a half-closed door in the front
of the house, the other half of the door being nailed up and barricaded. Armed sentinels were standing within the door, and armed
police officers were in charge of the entrance. We examined the whole
building. The main side of the building fronting on Saint Louis
street, which had several large entrances, the whole house in fact
being usually thrown open on that side, was not only closed but heavily barricaded, like a fortress in a state of siege. But one-half of the
door, as I have stated, was open on Royal street, and nobody was
permitted to enter there without giving his name and receiving special permission from the sentinels placed on guard by the acting
governor and commander-in-chief of Louisiana.

We saw Governor Kellogg and we learned from his lips that if our

governor and commander-in-chief of Louisiana.

We saw Governor Kellogg and we learned from his lips that if our names appeared upon the list of members returned to the Legislature by the returning board we would be permitted to enter that house and take our seats, but that if our names were not on that list it would be impossible for him to guarantee that we could enter the State-house. He was afraid, he said, of broils, afraid of troubles, afraid that the Legislature might be improperly organized; afraid, said he, that it might turn out as it did in 1875—that was when the people organized their Legislature in the State-house, and made it necessary for him to call for military aid to eject them. An ounce of prevention he doubtless thought was better than a pound of cure.

On the day of the meeting of the Legislature the democratic mem-The speaker of the house organized and proceeded to the State-house in a body. The speaker of the house, Mr. Bush, and myself were at the head of the column. We were both of us certified to be elected by the returning board. When we arrived at the door there were two people in charge, and beyond them could be seen a host of policemen all

I omitted to say that while in the State-house Saturday preceding we found nearly the whole of the police brigade of the city armed and regularly encamped in that fortress. We found an opening between the State-house and the Orleans Hotel where the United States tween the State-house and the Orleans Hotel where the United States troops were quartered, through which they could obtain immediate ingress into the fortress in case of necessity. I say we presented ourselves at the door of the State-house. We found there an individual whom I know by sight as connected with the governor's staff, but I do not know him by name. We found another individual, whose capacity I did not know until I read his own statement in the evidence recently taken by the committee, a Captain George L. Norton, who at that time held the position of harbor-master for the State governat that time held the position of harbor-master for the State government, and who at this time, like everybody else connected with the Kellogg drama, holds an office under the Federal Government. He stood there in charge, and graciously deigned to inform Mr. Bush and myself that we could enter, but none of those who were with us could do so unless their names were on the certified list returned by the returning board, which list was in the hands of his companion. I see by this testimony now that he was there in the capacity of a staff officer of Governor Kellogg. He says, "I was on your staff and acting on your staff." The testimony will be found at page 1189. As we all could not pass the guard maintained by these staff officers of Governor Kellogg, none of us entered. We retired to Saint Patrick's Hall and organized the Legislature, but at the door of the State-house this protest was read, showing that the legal representatives of the

people of Louisiana had done what was in their power to organize the Legislature within the State-house.

We, the democratic-conservative members of the house of representatives of the State of Louisiana, presenting ourselves at the doors of the State-house for the purpose of repairing to the hall of the house of representatives, found the State-house occupied by a military force, consisting of United States soldiers and Metropolitan police, having full control of said building, under the orders and direction of the executive of this State. The right to enter the State-house is denied to such of the members as have not certificates of election from the secretary of state, although duly elected and returned by the commissioners of election.

(As the Senator from Vermont said, this only was required.)

(As the Senator from Vermont said, this only was required.)

Besides the right of ingress is denied to contestants for seats in this body and to the public generally, and the State-house is barricaded and fortified as in time of war, notwithstanding the patent fact of general peace and tranquillity prevailing in this State and in this community.

We, therefore, protest most solemnly:

1. Against the invasion by the executive of the rights and privileges of the Legislature, a co-ordinate branch of government; and

2. Against the military occupation of the State-house by United States troops and Metropolitan police.

And we decline entering the hall of legislation until it be thrown open to all the members of the Legislature, and to all contestants for seats, and to the public, and until the said military occupation shall have ceased and all these obstructions shall have been removed.

A similar protest was adopted by the senate, and a concurrent resolution was telegraphed to the President giving the state of affairs. The Kellogg legislature organized in the military barracks, shut out from the light of day, the public not admitted, no one admitted unless he received a pass at the door or held the countersign. It orless he received a pass at the door or held the countersign. It organized with nineteen present in the senate. The senate consists of thirty-six members and nineteen was necessary for a quorum. This included Blunt, Hamlet, and Weber, who I will show were never elected, thus leaving only sixteen senators present. The house organized with sixty-eight present, sixty-one being required for a quorum, including ten who were not elected, to wit: Bird, Blair, Brewster, Early, A. R. Holt, Heath J. J. Johnson, Lane, F. Martin, and Swazie. Thus, including the Seventh ward, which for the sake of argument I concede here, although I will not hereafter, only fifty-eight members were present who could claim any pretense of election. The journal of the senate on the first day of their session, from which I beg to read briefly, shows that Mr. Hamlet having disappeared a few moments after the organization of the senate no quorum was present. Senator Twitchell "moved that the president of the senate be authorized to send for absent members and appoint such sergeants-atauthorized to send for absent members and appoint such sergeants-at-arms as he may deem necessary for the purpose." This was adopted.

On motion of Senator Blunt the senate took a recess for thirty minutes. At the expiration of the recess, the roll being called, only fourteen were pres-

No quorum present.

The President ordered the Sergeant-at-Arms to go after absent members

Mr. Garland, senator-elect from the tenth senatorial district, was brought in.

Mr. Garland protested against his being brought before the Senate; and it turning out that he was a new senator who had not taken the

oath, he was discharged on refusing to qualify.

Mr. Steven was also brought in. Mr. Steven was a holding-over senator. He was a member of the senate sitting at Saint Patrick's Hall. Mr. Steven had joined in the protest with the other democratic senators when not permitted to assemble in the State-house, and had contiguously the constant of the senate. participated in that organization of the senate. Mr. Steven, Mr. Garland, and Mr. Boatner, also a new senator, were sent by the senate as a committee to Mr. Kellogg, who was still at that time governor, to notify him that the senate was organized and ready to receive any communication which he might be pleased to make. After being admitted to the presence of Mr. Kellogg, and having delivered their message and having received his answer, these senators were captured, and while Mr. Garland and Mr. Boatner were released, Mr. Steven was held against his will under duress in the Packard senate, and I will read the proceedings which took place by virtue of the quorum which his presence constituted in that body.

The president ordered a call of the senate, resulting as follows: Present, 19, including Steven. A quorum present.

Having obtained this quorum-

Senator Harper moved that the cases of G. Y. Kelso and Percy Baker, contest-ants, be taken up from the table and acted upon, and called the previous question.

Neither Mr. Baker nor Mr. Kelso had been returned by the returning board. Finding that they were defeated, being unable to count them in, they failed to make any return and remitted the question to the senate; but Mr. Hamlet having disappeared, there being a fear of losing their pretended quorum, knowing that they could only hold

losing their pretended quorum, knowing that they could only hold Mr. Steven in compulsory attendance for a brief time, they desired to act upon these cases and to seat Messrs. Baker and Kelso. Therefore without examination of the cases and without report, they proceeded to seat Mr. Kelso and Mr. Baker. Let us see how this was done.

"On call of the yeas and nays resulted as follows:"
Yeas 15, nays 3. "Blank—Steven—1."
This was on a call of the yeas and nays on a motion to seat a senator as required by the constitution of Louisiana. There were 15 who voted "yea," there were 3 who voted "nay," making 18 in all, and the constitution requiring 19 to be a quorum and Mr. Steven counted as voting blank, I will ask how any one can vote blank on a call of the yeas and nays? If that senate had any power over

Steven they could have compelled him to answer or hold him in contempt; but it was absolutely impossible for him to vote blank. Under this proceeding they seated Mr. Baker, and then on a similar motion they seated Mr. Kelso, Mr. Steven reported as voting blank. The statement of Mr. Steven is in evidence and I will beg leave to

On January 1, 1877, I was one of the holding-over senators who formed the senate of the State of Louisiana, convened on that day in Saint Patrick's Hall, in the city of New Orleans.

I was one of the committee of three appointed by the chair to inform Governor Kellogo that the senate was duly organized, and ready to receive any communication he might have to make, &c. The other members of the committee were Mr. Garland, of Saint Landry, and Mr. Boutner, of Catahoula, both of whom were elected in 1876. The committee proceeded to the Saint Louis Hotel, were admitted to Governor Kellogo's office, and delivered to him in person the message with which they were charged. Upon leaving Governor Kellogo's office I was stopped by two or three persons, who stated that they were sergeants-at-arms of the senate, and that I must accompany them to the senate chamber. I stated that the senate of the State had met in Saint Patrick's Hall on that day and had adjourned until the following day; therefore I refused to accompany them, and refused to submit to arrest.

I was thereupon seized by two or more of these parties and pushed and dragged

to arrest.

I was thereupon seized by two or more of these parties and pushed and dragged in the direction of the senate chamber, I resisting at every step. In this manner we reached the outside bar of the senate, where by getting my feet against the railing, I was enabled for a few moments to make a more effectual resistance. I was finally forced to the bar of the senate. I addressed myself to the president, (Lieutenant-Governor Antoine,) who was in the chair, stating the circumstances which led to my arrest, protesting against the arrest, and demanding that I be permitted to withdraw. The president stated that I could only be permitted to withdraw by unanimous consent of the senate, which was refused. At this juncture Governor Kellogg came in through a door immediately in rear of the president's desk. I appealed to him as commander in chief of the forces occupying the building to release me, as I considered my arrest as equivalent to a violation of a flag of truee.

building to release he, as I considered, the senate had me in custody he flag of truce.

He stated that he was very sorry, &c., but as the senate had me in custody he could not interfere. I then made an attempt to go out, but was seized by several persons and forced back. I took a chair and sat down with my back to the president, at the end of the center aisle. The roll was then called, my name repeated probably a dozen or more times; I made no response nor gave recognition in any way, shape, or manner whatever. When the roll was called on the seating of Baker and Kelso I made no answer, nor gave sign or motion of any kind whatever.

WILL STEVEN.

This was the way in which Baker and Kelso were seated, and this is the way in which the Packard senate made their pretended quorum. I desire to call attention just for one moment here to Governor Kel-LOGG's statement to a committee of the Legislature in reference to this matter. A committee of the house went to Governor Kellogg on that same day to ask whether he had any communication to make to the house, and Governor Kellogg made quite a long address, in which, among other things, he said:

The same may be said as to the senate, a legal quorum of senators holding over and senators declared duly elected met in the senate chamber in the State-house, nineteen in number, and later in the day one of the holding over democratic senators appeared also in the senate chamber, making twenty senators present out of thirty-six.

Thus the governor stated to this committee that later in the day one of the democratic senators had appeared in the senate, making twenty present, when at that very time he knew that this senator had been dragged before the senate and held under duress, and had personally appealed to him for his release, and he had answered that he was in the custody of the senate, and that it was out of his power to do anything for him.

Steven, as I have said, was counted to make a quorum, and on a call of the yeas and nays reported as voting blank. Kelso and Baker were not even reported as elected by the returning board. The vote

	emocrat.	Republican.
Rapides	1,649	1,729
Grant	514	405
Vernon		1
Totals	2,812 2,135	2, 135
Texada over Kelso The returning-board count in this district was	677	
	emocrat.	Republican.
Grant	No leg	al election.
Vernon	469	178
Rapides	1,619	1,756
Totals		1,934
Majority	54	
In the Baker district, where Mitchell (democrareal vote was:	t) was	elected, the
D	emocrat.	Republican.
Bossier	880	1,724
Bienville		226
Claiborne		427
Webster	896	858
Totals	4 200	3, 235

1,087

By returning board:		
	Democrat.	Republican.
Bossier	. 603	1,642
Bienville	. 956	227
Claiborne	. 1,392	432
Webster	. 452	670
Totals	3, 403 2, 971	2,971
Democratic majority		

Among the 18 voting, and composing, with Steven's forced presence, the quorum, were Blunt and Weber, returned by fraud and never elected. The senators legally elected, Sandeford and Perkins, were sitting in the Nicholls senate.

In Diane's district the vote stoot.	Democrat.	Republican.
De Soto	. 1, 313	892
Sabine		23
Natchitoches		2, 084 832
Red River	. 413	832
Totals	4, 410 3, 831	3, 831
Democratic majority	. 579	

The returning board, without rhyme or reason, threw out votes as follows: Democrat. Republican.

De SotoNatchitoches		181 7
Totals	1,035	188
	Democrat.	Republican.
East Feliciana	. 1.741	1
West Feliciana	. 1, 246	780
Pointe Coupée		1,987
	4 100	0 700
Totals	2,768	2,768
Democratic majority	1.401	

The returning board threw out all of East Feliciana and returned the two other parishes as follows:

	Democrat.	Republican.
West Feliciana , Pointe Coupée	238	624 1,987
Totals	. 1, 320	2,611

Thus, deducting Steven, Weber, and Blunt, there were only 16 legally elected senators in the Kellogg senate (so called) when Kelso and Baker were admitted.

Hamlet participated in the organization, (claiming to be a senator from the Ouachita district,) but was not present on this occasion. He was returned by the returning board, although badly defeated by Meredith, democrat. Meredith died before taking his seat, and Stubbs, democrat, was elected in his place. The vote in this district was:

D	emocrat.	Republican.
OuachitaCaldwell,		781 282
Totals	2,495 1,063	1,063
Democratic majority	1, 432	

The returning board threw out 1,517 democratic votes in Ouachita and 141 in Caldwell. Thus the republicans had but 16 senators. At the pretended election of Kellogg only 14 of these were present and participated. He received the votes of 17 in the senate, (all who were present,) which included Baker, Kelso, and Blunt, not elected. Demas and Wheeler, legally elected republicans, were absent, as were Weber and Hamlet, not elected, (page 384.)

It is claimed that there were 66 representatives present and voting

for Kellogg. This includes—
Barrington and Brewster, of Ouachita, who were defeated by

Barrington and Brewster, of Ouachita, who were defeated by Breard and Taylor, democrats, by 1,082 majority;
Bird, Holt, and Lane, of East Baton Rouge, who were defeated by Williams, Young, and Dupree, democrats, by 614 majority;
Johnson, of De Soto, defeated by Pitts, democrat, by 406 majority;
Shelton and Blair, of Morehouse, defeated by Hammond and Washburn, democrats, by 590 majority;
Farly and Swarie of West Ediziona, defeated by McGeehee and

Early and Swazie, of West Feliciana, defeated by McGeebee and Ryland, democrats, by 472 majority; Martin, of La Fayette, defeated by Martin, democrat, by 275 ma-

Heath, of Webster, defeated by Carloss, democrat, by 24 majority;

making 12 men not entitled to their seats or to vote, without including Moore, Blackston, and Gardere, from the Seventh ward of Orleans, who were defeated by Tremoulet, Rolle, and Cressy, democrats, but which was disputed. Deduct these 12 from 66 leaves 54.

Thus, giving Kellogg every man who had a pretense of being elected he had—

Senators Members present

Making total.....

A quorum of the Legislature, which consisted of 36 senators and 120 representatives, total 156, was 79. Deducting the 3 from the Seventh ward, he had but 65 legal members present; and he never had even a pretended quorum in the senate to resolve to go into joint session or to transact any business whatever.

Long, republican, who received a larger vote than Johnson, republican, in De Soto, admitted his defeat in a published letter, and refused to take the seat the returning board gave him.

This Packard legislature, which as I have shown had no quorum, either at its organization or afterward, elected Mr. Kellogg, and then remained encamped in that barricade for the next one hundred and edd down transactions no hundred seasons. and odd days, transacting no business, keeping no journal, passing no bills, raising no money, having no power outside of the building and very little within. It remained there a disorderly mob until about the 23d or 24th of April, when it dispersed. Those who were legally elected went in and took their seats in the Nicholls legislature, where their names had always been carried upon the rolls. Those who were not elected went to their homes and admitted the fact that they were defeated. Their pretended governor came here and was appointed to office and went abroad, and the Packard government disappeared from

office and went abroad, and the Packard government disappeared from the face of the land, never having had one hour's authority, never having had one hour's actual power, never having had one hour's actual existence as a government.

The Nicholls legislature organized with a quorum in both branches. It had nineteen senators present, and one (Meredith) sick, who subsequently died. On the twelfth day of their session Mr. Breaux came from the other house and took his seat, and on the thirteenth day of their session Wheeler and Demas from the other house came in and took their seats, so that by the thirteenth day of their session they had twenty-three senators present. They had at the organization sixty-two members present, one more than a quorum, and one Cockerham absent. He took his seat on the fifth day. This included the three members from the Seventh ward, who are shown by abundant testimony to have been legally elected. But whether they were or not, whether the Nicholls house organized with a quorum or not, it had one of undoubted members by the twelfth day of its session, Messrs. Kenneday, Estopinal, and Barrett having taken their seats and withdrawn from the Packard gang. Afterward, when Mr. Barrett returned to the Packard mob, Mr. Barron, of Natchitoches, took his seat, so that after the thirteenth day of the session the Nicholls legislature had a quorum of sixty-three members all the time without counting the three disputed members from the Seventh ward. It is seat, so that after the thirteenth day of the session the Micholis legislature had a quorum of sixty-three members all the time without counting the three disputed members from the Seventh ward. It is immaterial, however, whether the Nicholls legislature organized with a quorum or not; I have shown that the Packard legislature never had one, and never had legal existence or life.

In this place, Mr. President, I will take up the challenge offered by Mr. Kellogg. The other day, after the close of the speech by the Senator from Tennessee, [Mr. Balley,] he said:

It is a matter of fact that I think will not be disputed that the Nicholls legislature had not at the time it organized in January, 1877, a quorum of members in the lower house who were elected upon the face of the returns, and even by the showing of the democratic party itself, nor during the whole term of sixty days—the constitutional session of the legislature.

I will admit that the three members elected from the Seventh ward were not returned on the face of the papers; but I say that after the twelfth day of the session and during the whole balance of the sixty days and during the extra session the Nicholls government had in their legislature a legal quorum of legally elected members until the day of its adjournment.

It was admitted-

He says-

that the republicans had chosen sixty out of that number.

I deny that. It was never admitted. It was admitted that the republicans elected fifty-seven members, and no more. In order to give them sixty it is necessary to count the three members from the Seventh ward, whose election was not only never conceded but the Nicholls legislature actually seated their opponents. He also says:

Moreover, the extra session, the session called after the MacVeagh commission went to New Orleans, I think, at no time had a quorum in their house without counting the three members from the Seventh ward.

Mr. President, the honorable gentleman is laboring under a strange hallucination if he thinks that the extra session was called after the MacVeagh commission went to New Orleans. The regular session expired on the 3d of March, and the extra session commenced on the 4th of March, on the very day that Mr. Hayes was inaugurated; and it probably had been in session from three to six weeks before the MacVeagh commission ever made their appearance in New Orleans; and during all that time, as I have shown, the lower branch in the

Nicholls legislature had an undoubted quorum of legally elected

Judge Spofford was not elected until the 24th day of April, after the Legislature had been in session over a hundred days. It had at that time not only an undisputed quorum, but comprised all of the members legally elected to the Legislature. It was the only Legislature in Louisiana.

On the vote by which Judge Spofford was elected there were 153 votes east of legally elected senators and representatives, three less than the whole number. Thirty-six senators (every one) voted. Spofford received the votes of 20 democrats. He received the votes

Spofford received the votes of 20 democrats. He received the votes of 10 republicans: Allain, Breaux, Bryant, Cage, Demas, Gla, Landry. Stamps, Wheeler, Young; making 30. Five republicans voted blank: Dumont, Harper, Sutton, Twichell, and Wakefield. One (Burch) voted for L. A. Wiltz; making 36.

In the house, Spofford received 110 votes—61 democratic and 49 republican. Seven republicans voted blank. Singleton, democrat, and Seveigne, republican, absent. Cockerham, democrat, was dead. Among the republicans who voted for Spofford were Brooks, Brown of Jefferson, De Lacey, Jones, Magloire, Milon, and Souer; all of whom have been witnesses in this case. Ex-Governors Hahn and Warmoth also voted for Spofford.

also voted for Spofford.

This Legislature passed the acts which I have before me, (acts of 1877 and 1878,) some three hundred in number, which form part of the statute law of Louisiana, and are enforced every day, both in the

State and Federal courts.

The question had been settled quietly and peaceably by the people themselves. The Packard government had disappeared, and the legally elected members who sat in his legislature had given in their adhesion to the lawful government.

Mr. President, what arguments, if any, are to be deduced from this 7 Let me borrow (and use without full indorsement) once more

from eminent republican authority commenting upon what is described as a similar state of facts. In March, 1875, Governor Morton

Now I come to speak of the recognition of Kellogg. I will first speak of the recognition in fact. He has been the governor of Louisiana in point of fact, exercising all the authority belonging to that office. He has made recommendations to the Legislature and it has acted upon them. The Legislatures that have assembled since that time have submitted all their enactments to him. More than two hundred laws have been submitted to him for his approval or rejection—

More than three hundred here bear the signature of Francis T.

Most of them he has approved, but some of them he has vetoed. He has been recognized by all the courts of Louisiana, the supreme as well as the subordinate courts, continuously. The laws enacted by the Legislature electing Pinchback, some hundred in number, have been enforced throughout the State from the time of the meeting of that Legislature up to the present day, and have been recognized by all the courts, high and low. This has been his actual and positive recognition by the different departments of the State government; there has been but one government in Louisiana; there has been but one governor; there has been but one Legislature. What was called the McEnery government existed only on paper; it never had any other existence; McEnery was never governor for a single minute. The Legislature that he assembled never assumed to pass a law, never assumed to act as such except to send a man to this body to ask for admission as United States Senator.

And by the by the weember sent by the Kellogg legislature which

And by the by the member sent by the Kellogg legislature, which had so much power and so much recognition, was never seated here by the party in power.

The actual government in Louisiana has been the Kellogg government, and it must be received as such until both Houses of Congress acting as a Congress, and not separately, shall decide that it is not the lawful government of Louisiana. I said the courts in Louisiana had recognized KeLLogG as governor, had recognized the Legislature that elected Pinchback as the Legislature of Louisiana, and that this government had the sanction of the State tribunals created for the express purpose of deciding all questions, whether in regard to elections or anything else, that might arise under the constitution and laws of Louisiana.

Again, in answer to the Senator from Connecticut, [Mr. Ferry,] Mr. Morton said:

Morton said:

The Senator from Connecticut [Mr. Ferry] the other day made an argument that somewhat surprised me. Why, he said, here was the certificate of McMillen elected by the McEnery legislature, and the certificate of Pinchback elected by the Kellogg legislature, one certified by Kellogg and the other certified by McEnery, and they stood on the same level, that one was a prima face case as much as the other. I was surprised to hear the Senator make that remark. The McEnery government never existed for a moment. It was only on paper. It was never recognized by the courts but repudiated by them all; never exercising power for a single instant. It was a mere government on paper, a humbug, a sham from the very beginning. As well might it have been said when the Senator from Connecticut came here with his last credentials that if somebody else had presented a paper signed by someother Legislature, that would have occupied the same plane with his credentials and should have kept him out until the question was tried. There is no comparison at all. Here is a Legislature, in fact, recognized by all; and you cannot compare that with a mere sham which never had authority and has been a laughing-stock from the beginning.

On page 3197, volume 2, part 4, Forty-third Congress, first session,

On page 3197, volume 2, part 4, Forty-third Congress, first session, Congressional Globe, I find these remarks by Mr. John Sherman, interpolated into the speech of Mr. BAYARD:

Mr. SHERMAN. If my friend will allow me, I desire to present one matter to him. The point upon which he is now speaking, the acquiescence of the people and the McEnery legislature in the present government of Louisiana, is one which has controlled my opinion and will control my action in this matter, and I desire to submit to him some information which I have, upon which I have relied in the course I have pursued and intend to pursue in regard to Louisiana. I have here a statement furnished me from the governor of the State, Governor Kellogg, and I wish to see whether it is contested. This statement certifies to me that eighteen members of the house of representatives of the legislature elected on the McEnery

ticket, acting in the origin of this controversy with the McEnery party, admitted to be elected by both sides, have since the original controversy takez their seats in the present Kellogg legislature and acted with the Kellogg legislature and contributed to the passage of laws, and have by their acts expressed their acquiescence not only as citizens but as representatives duly elected by the people of Louisiana in the Kellogg legislature. The names are given. I have also a list of six who are said to have been thus elected legally and who have refused to acquiesce, and only six. I am informed that there are but six of those admitted to be elected to the house of the McEnery legislature that have not participated in the laws passed last winter by the Kellogg legislature. The names are given to me here with the districts they represent. I have also the names of sensors elected on the McEnery ticket, certified to be elected and returned by the McEnery party, and who have participated in the legislation of the last session, and the names of two or three now contesting for seats in the Kellogg legislature who were elected on the McEnery ticket.

If rankly say to the Senator from Delaware that I believe there has been gross irregularity, gross fraud, gross wrong in Louisiana on bath sides; but I desire to submit to his judgment the legal effect of this acquiescence, not merely by citizens who have the right to do as they please and whose action only affects themselves, but by the chosen representatives of the McEnery party who have participated and shared in the legislation of last winter and have acquiescence not merely by citizens who lave the right to do as they please and whose action only affects themselves, but by the chosen representatives of the McEnery party who have participated and shared in the legislation of last winter and have acquiescence in the legality of the Kellogg government. That with me is a controlling fact. If this statement I have made is disputed, I should like to know the basis upon which

have the proof.

There was, however, a marked dissimilarity between the two cases which seemed so similar. The McEnery government had indeed disappeared, but it had been subverted by Federal bayonets. The peace

appeared, but it had been subverted by rederal bayonets. The peace and order which prevailed in Louisiana was similar to that which reigned "at Warsaw" under the merciless rule of Suwarrow.

But the arguments of these two great republican leaders are strikingly applicable to the Nicholls government, which was recognized and acknowledged by the people of Louisiana throughout the length and breadth of the State, and without interference, force, bloodshed on the everying of arbitrary power.

or the exercise of arbitrary power.

The courts, to whose decisions both Mr. Morton and the honorable Senator from Illinois [General Logan] ascribed so much authority and Judge EDMUNDS so little, (when deciding political questions,) had

also spoken.

I beg to read from the decision in the case of State ex rel. Jumel vs. Johnson, in 29 Louisiana Annual Reports. I will state that this case

Johnson, in 29 Louisiana Annual Reports. I will state that this case was actually decided by the supreme court of the State of Louisiana in May, 1877, six months before the Senate seated Mr. Kellogg. It was an application for a mandamus by the auditor elected on the Nicholls ticket against the former auditor, who was a candidate for reclection on the Packard ticket, calling upon him for the delivery of the books and papers of the office. In this decision the court say:

We shall make the writ peremptory, and in doing so it is obvious that we recognize the relator as the auditor of public accounts of this State. There are persons and facts of which a court takes judicial cognizance. This court takes cognizance of the fact that Francis T. Nicholls is the chief executive of this State, and regards his commission as furnishing a prima facie title to an office. We take judicial cognizance of the persons who hold the principal offices of State—of the attorney-general who represents the State in this proceeding; of the relator as the auditor. Government could not exist, under our form, without thus taking certain things for granted. Government must have a beginning, and it is an elementary and a necessary principle that the courts constituted by and organized under a government must recognize the authority under which they act.

To the same effect was the decision of the same court in the case of

To the same effect was the decision of the same court in the case of State ex rel. Lisso vs. Peck, in 30 Louisiana Annual Reports, page 280. The supreme court which rendered these opinions was recognized, and has been from January, 1877, until April, 1880, when it was superseded under the new constitution as the highest court of appeals in the State of Louisiana. A writ of error was taken from the decision of the supreme court of the State in case of The State ex rel. Jumel vs. Johnson. This case came to the October term of the Supreme Court of the United States in 1879, and on the 5th of April last, 1880, it was decided by the Supreme Court, reaffirming the judgment of the court below. Mr. Chief-Justice Waite pronounced the judgment of the court. The judgment in this case is affirmed. The bearing the court below. Mr. Chief-Justice Waite pronounced the judgment of the court: "The judgment in this case is affirmed. The showing made by the plaintiff in error for a removal of his cause to the circuit court of the United States was not sufficient to oust the State court

of its jurisdiction."

If presidential recognition was necessary, as argued by Governor Morton, (and presidential recognition and arbitrary action maintained Kellogg in his usurpation for four years,) the Nicholls government and the Nicholls legislature received it. The commissioners ernment and the Nicholis legislature received it. The commissioners sent by the President reported in favor of its recognition, and the President in accordance with their recommendation removed the troops. Packard was appointed consulto Liverpool. You gentlemen, over the way, confirmed him. He never resigned the office of governor nor pretended longer to claim it. There is no reminder of that attempted usurpation left except Mr. Kellogo, for whose benefit it was inaugurated. Its olly receivilian was the set of this health is was inaugurated. rated. Its only recognition was the act of this body in seating him, and that act was so inconsistent with law and precedent, and so unjustified by the evidence that the Senate owes it to itself (even if under no obligations to the Constitution, to Louisiana, or to the country) to review its decision, if for consistency's sake alone.

The Senate is inconsistent, because in seating me without objection

it recognized the Nicholls government. I came here with credentials signed by Francis T. Nicholls. If Packard was governor and his legislature a legal body, I was neither elected nor properly certified, and yet no one in Louisiana or the country denies that I was both.

Mr. President, in discussing this question I have almost ignored the

elected was an illegal mob, I care not whether he bribed its members, cajoled them, or in what manner he obtained his pretended election by their votes. He might as well have come accredited from a mass meeting or a mob of negro roustabouts on the Mississippi levee, and it would have been as profitless to inquire by what means he obtained such indorsement. The testimony is principally valuable as showing the character of the instruments through whom the sitting member operated. They are perjurers by their own confession, they are liars, they are scoundrels, they testify unblushingly to their own infamy, but it does not lie in the mouth of Mr. Kellogs to discredit them. They have been his agents, his friends, his legislators, his policemen, his detectives, his subordinates, those through whom under the protection of Federal bayonets he governed Louisiana; and I say again it does not lie in his mouth to discredit them, though, like Acteon's dogs, they should seek to rend and tear their master. They are the class of men who in the early days of reconstruction sent him to the United States Senate. They are the class of men who composed his by their votes. He might as well have come accredited from a mass United States Senate. They are the class of men who composed his fraudulent legislature in 1873, occupying seats, by the grace of President Grant, to which the best men in Louisiana had been elected. They are the class of men who composed his fraudulent legislature in 1875, and who were installed by President Grant and General Description of the president Grant in 1875, and who were installed by President Grant and General De Trobriand at his request. They are the class of men who composed his pretended Legislature in 1877. The perjury of Louisiana political witnesses has become a by-word in the land, but these witnesses are such as I describe, ignorant, debased negroes, or corrupt adventurers, most of whom have been the agents or employées of the sitting member and his associates in his desperate political ventures.

The sitting member and the honorable Senator from Massachusetts

The sitting member and the honorable Senator from Massachusetts [Mr. Hoar] have had much to say in denunciation of witnesses gathered from the slums of great cities. Mr. President, I cannot permit these witnesses to be slandered in the house of their own friends. They were gathered from the New Orleans custom-house and the Louisiana Legislatures of by-gone days, where, with the consent and to the knowledge of the cultured Senator from Massachusetts, they were installed in the seats of the representatives of property and intelliinstalled in the seats of the representatives of property and intelligence, and allowed to run riot so long as they were necessary to the exigencies of party. They came from the slums originally, but it has been the policy of the republican party to place the South under the domination of the slums, and these men, degraded and loathsome, as they confess themselves to be, are the peers of the average republican legislator in the South during the reconstruction régime. I am glad that the glare of public light is at last turned upon them, and to this

end, if no other, the evidence has been valuable.

Where are these witnesses and legislators now? The evidence shows that nearly every one of these legislators, nearly every one of these witnesses, perjured as they are by their own confession, false as they are by their own confession, debased as they are by their own confession, hold offices now under the Federal Government, and are in the public employment, most of them placed there through the influence of the sitting member, namely :

fluence of the sitting member, namely:

Senate.—Blunt, in custom-house. Breoux, in custom-house. Burch, clerk, \$1,400; appointed June 1, 1879. Dumont, deputy collector, \$3,000 per annum; appointed June 1, 1879. Harper, night-watch, \$500; appointed June 1, 1879. Kelso, laborer, twenty-five cents per hour; appointed Angust 1, 1879. Landry, laborer, twenty-five cents per hour; appointed June 1, 1879. Stamps, laborer, \$600; appointed June 1, 1879. Sutton, laborer, twenty-five cents per hour; appointed June 1, 1879. Twitchell, consul in Canada. Wakefield, L., inspector, \$600 per month; appointed June 1, 1879. Young, night inspector, \$75 per month; appointed July 1, 1879. House of Representatives.—Speaker, Hahn. Badger, sergeant-at-arms, collector of port. Randall, William L., minute clerk. United States Treasury. Brown, of Jefferson, in custom-house. Brooks, night inspector, \$75 per month; appointed June 1, 1879. Carville, \$90 and \$75 per month; appointed June 1, 1879. De Lacy, inspector, \$90 per month; appointed June 1, 1879. De Joiée, in custom-house, but omitted from the list. Fobb, night inspector, \$75 per month; appointed June 1, 1879. De Joiée, in custom-house, but omitted from the list. Fobb, night inspector, \$75 per month; appointed June 1, 1879. De Joiée, in custom-house, house, Holt, of West Baton Rouge, Oscar Holt, inspector, appointed June 1, 1879. Holt, of East Baton Rouge, Holt, of West Baton Rouge, Oscar Holt, inspector, \$75 per month; appointed June 1, 1879. Johnson, of De Soto, in custom-house. Jones, in custom-house. Robert Johnson, night inspector, \$75 per month; appointed June 1, 1879. Moore, in custom-house. Raby, night inspector, \$75 per month; appointed June 1, 1879. Sweignes, night inspector, \$75 per month; appointed June 1, 1879. Sweignes, night inspector, \$75 per month; appointed June 1, 1879. Washington, beatman, \$73 per month; appointed June 1, 1879. Walker, night inspector, \$75 per month; appointed June 1, 1879. Walker, night inspector, \$75 per month; appointed June 1, 1879. Walker, nigh

In discussing this case I have been compelled to go back to the elec-

In discussing this case I have been compelled to go back to the election of 1872, and to quote from the debates which arose in reference to the results of that election. I have done this in order to demonstrate that the title of Mr. Kellogg is founded in fraud. His election as governor in 1872 was a fraud. This body never seated the Senator elected by his legislature.

In that way being inconsistent to the last degree with every other action in that case, for according to republican testimony the Kellogg government was a real government; it had existence all the time, it represented the people of Louisiana. The Legislature they claim was a legal Legislature. At least it was a de facto Legislature, which passed laws which I and every other citizen of Louisiana were compelled to obey; it sent a Senator here and this Senate, after four years' debate testimony taken by the present committee, and especially that part of it relating to the means by which the sitting member obtained his seat. Holding as I do that that body by whom he claims to have been myth, which never had existence in Louisiana, and which I have

shown had only such existence, as you ascribed to the McEnery gov-

shown had only such existence, as you ascribed to the McEnery government in 1873.

The republican House, however, seated the Congressman elected on the McEnery ticket from the State at large to the Forty-third Congress, although his vote was the same as McEnery's. As governor, Kellogg controlled the election machinery of 1874, by which that election was subverted by fraud. As governor he again controlled the election machinery in 1876, and sought to change the results of that election by fraud. He failed, except so far as his occupancy of a seat in this body for three years has been a success, and justice requires that this usurpation should be ended.

In his remarks the other day the sitting member said that a com-

In his remarks the other day the sitting member said that a committee of the Legislature of which I was a member had investigated his acts as governor and found nothing against him to complain of. There was such a committee, Mr. President, but it made but partial investigation and no report. I was opposed to it myself. I desired to obtain no evidence upon which to seek the expulsion of Mr. Kel-LOGG, for a motion to expel him would have been a disgraceful admission of his election.

He says that the committee searched his papers and letter-books and found nothing damaging to him. Is Mr. Kellogg, may I ask, the sort of a man to leave any accusing papers behind him, if any such ever existed? The expert of the committee searched among such papers as he found, but the search was about as profitable as such papers as he found, but the search was about as profitable as that generally made by the purchaser of unclaimed express packages in order to find something valuable in his purchase. The expert frequently came upon a trail, grew hot, (as children say,) but there was always a "missing link" which could not be discovered.

Mr. President, it has been charged in dispatches and paragraphs scattered through the press, evidently in the interest of Mr. Kellogg, that some bargain was entered into at the time he was seated, sait to late

some bargain was entered into at the time he was scated, and the late Senator from Florida [Mr. Conover] is quoted as authority for the assertion. Mr. President, the statement is unworthy of belief. It is impossible that members of the United States Senate, who properly represented their people, could have made a seat in the Senate a matter of barter or arrangement. The Senator from South Carolina [Mr. BUTLER] and Mr. KELLOGG were seated at the same time, but on the 25th of February, 1879, fourteen months afterward, an attempt was made to unseat Mr. BUTLER and seat his contestant, and every republican vote cast except three was in favor of the proposition thus lican vote cast except three was in favor of the proposition, thus showing that the republican side of the House did not consider that the South Carolina case was finally settled any more than we to-day consider the Louisiana case to have been finally determined.

But, Mr. President, it is sufficient to say that Mr. Spofford made no

bargain, that the State of Louisiana made none, and that no man living was authorized to barter, trade, or compromise the rights of either. The minority of the committee, in the bitter philippic which they are pleased to call their report, say:

The minority of the committee, in the bitter philippic which they are pleased to call their report, say:

The act which is demanded of this party majority would be, in our judgment, a great public crime. It will be, if consummated, one of the great political crimes in American history, to be classed with the rebellion, with the attempt to take possession by fraud of the State government in Maine, and with the overthrowof State governments in the South, of which it is the fitting sequence. Political parties have too often been led by partisan zeal into measures which a sober judgment might disapprove; but they have ever respected the constitution of the Senate.

I am at a loss, Mr. President, to perceive the connection between this case and the rebellion, but it would be impossible for the author of the minority report to discuss any question in which any portion of the South is interested without reviving the ancient ghost of the rebellion, and awakening memories of the war. If he imagines he can arouse any sympathy from the people by raising his ancient and well-worn war-whoop, I certainly shall not disturb him, but I imagine he will find that the people who put down the "rebellion," the gallant soldiers who fought the war of the Union, and those who honor them and hold their glorious deeds in grateful recollection, will have little sympathy to spare for the camp-followers and political adventurers who staid behind in the conquered country to misgovern and oppress an impoverished people. They will be glad, if I mistake not, to see the last representative of this class driven from his usurped honors to long-merited obscurity.

With the attempt to count in a State government in Maine, which was not elected by the people, I have never had any sympathy. It was too much like the Louisiana case to command my approval. But it was purely a State matter, with which Congress had no concern, and the people settled it themselves. No President interfered on behalf of either side; no general of the United States Army, with

this Senate.

As for the alleged overthrow of governments in Southern States, none have been overthrown in the past save by the republican party and a republican President. None exist there now except those legally chosen by the people themselves and which have been recognized by Congress and a republican president. This recognition of the political equality and freedom of the people of the South may be

a crime, according to the ideas of the Senator from Massachusetts, but I tell him that it meets with the approval of an enormous majority of the American people, as he and his party will discover should they ever seek to make that issue.

The minority of the committee say:

That political parties have too often been lead by partisan zeal into measures which a sober judgment might disapprove; but they have ever respected the constitution of the Senate.

What solemn hypocritical mockery is this, coming as it does from the party which refused Vance, and Thomas, and McMillan their seats, which kept Louisiana with only one Senator for five years, which ousted John P. Stockton from his seat in order to secure the necessary two-thirds to override the veto of an obnoxious President, which endeavored to seat the adventurer Corbin as a Senator from South Carolina, when he had never been elected, and which seated Kellogg as the representative of Louisiana without investigation, without credentials, without a shadow of right, claim, or title, as was well known at the time to nearly every man who voted for him?

The constitution of the Senate will ever be respected when it con-

The constitution of the Senate will ever be respected when it conforms to the requirements of the Federal Constitution, not otherwise.

In these latter days, Mr. President, other men have misrepresented States of the South on this floor. Men who were not elected by Legislatures nor accredited by governments chosen by the free voice Legislatures nor accredited by governments chosen by the free voice of the people. But they at least represented force and power. The Legislatures which sent them here, elected as they were by disfranchisement, and supported by the Federal Army, had authority within the States, and passed laws which we were compelled to obey. They represented the State sovereignty, even if wrested by force or fraud from the people, and, for the time being, there was no conflicting authority. But this is the first case, Mr. President, in which a Senator has been seated, chosen by no Legislature, accredited by no governor, and representing no State government which is known or recognized. ernor, and representing no State government which is known or recog-

mized by any people or authority in the land.

Mr. President, in conclusion I desire to say that for three years the State of Louisiana has been misrepresented on this floor by WILLIAM PITT KELLOGG; that for seven years she has suffered from his usurpation, misgovernment, and misrepresentation; that during most of that time his official tenure has been protected by the republican that time his official tenure has been protected by the republican party, and supported by the military power of the Government; that all of the wrong, all of the trouble, all of the bitterness, which has been visited upon my people during that time, can be laid at his door and to his responsibility. All of the calumny and misrepresentation which has been poured upon Louisiana and her people has been his work, and for the purpose of perpetuating his power.

These charges may fall upon ears, deafened by partisan zeal, on the other side of this Chamber, but I ask the representatives of the democratic party, who compose the majority here, who know the truth whereof I speak, to do justice to Louisiana, and to seat in this body the honorable and distinguished gentleman who has been chosen in a legal and constitutional manner to represent her here.

I ask my republican friends on the other side of the Chamber, (who

a legal and constitutional manner to represent her here.

I ask my republican friends on the other side of the Chamber, (who by the exigencies of this case are compelled to empty the vials of their wrath and to shower denunciation and abuse upon the heads of our devoted people,) when the hour of passion shall have passed away and the voice of partisanship shall have become still, to visit for themselves our beautiful State and make the acquaintance of our people. They will find that their ears have been poisoned by falsehood and deafened by misrepresentation. They will find in Louisiana a generous, kind-hearted, and intelligent people, devoted to liberty, law, and good government, energetic, virtuous, and hospitable. They will find the most amicable relations prevailing between the races, and will find the sounlight of prosperity once more shining upon that beautiful land, and its people, white and black, marching shoulder to shoulder to gather its harvest of wealth, content, and happiness.

Mr. BLAINE and Mr. KELLOGG addressed the Chair.

Mr. WITHERS. Will the Senator from Louisiana give way in order that I may call from the table the deficiency appropriation bill to request a committee of conference?

Mr. KELLOGG. Certainly. I desire to say nothing only to call attention to an extract printed in a volume quoted by my colleague.

The PRESIDING OFFICER, (Mr. Whyte in the chair.) The Senator from Maine [Mr. Blaine] is entitled to the floor.

Mr. BLAINE. Certainly I yield to the Senator from Virginia. I ask my republican friends on the other side of the Chamber, (who

DEFICIENCIES IN APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WITHERS. I move that the Senate non-concur in the House amendment to the first amendment of the Senate, insist on its other

amendments disagreed to by the House, and request a committee of conference on the disagreeing votes upon the bill.

The motion was agreed to; and, by unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. EATON, Mr. BECK, and Mr. BOOTH were appointed.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the resolutions reported

by the Committee on Privileges and Elections relative to the seat held by WILLIAM PITT KELLOGG as a Senator from the State of Lou-

Mr. BLAINE. There was scarcely necessity for my yielding, because I shall not occupy more time than the honorable Senator from Virginia has himself occupied in having the conference appointed. I merely desire to call the attention of the Senate, and through the Imerely desire to call the attention of the Senate, and through the Senate of the country, to the extraordinary proposition now pending before this body and so elaborately advocated by the Senator from Louisiana, [Mr. Jonas.] I think it will go into history, into the political annals of the Senate of the United States, as one of the most astounding propositions which have ever been submitted for the consideration of this body; astounding in violating all the precedents and principles of the organization of this body from the first Senate that exampled under George Weshinster's Precidence. that assembled under George Washington's Presidency; astounding from the evident motive that underlies it; astounding from the fearful, and I was almost about to say shameless, assertion of sectional government in this country which this movement implies and foreshadows.

We hear the republican party accused of sectionalism; and here are

We hear the republican party accused of sectionalism; and here are sixteen States either in the rebellion or in greater or less degree supposed to have sympathized with it, who have to-day on this floor thirty democratic Senators out of a total number of thirty-two. To succeed the thirty-first, my honorable friend from Mississippi, [Mr. BRUCK,] a democrat closely identified with the rebellion against the Government of the United States has already been chosen. For the thirty-second, the honorable Senator from Louisiana, [Mr. Kellogg,] a successor has likewise been elected. It is but a fraction, a figment of a single term of one of thirty-two Senatorships that represent the States that were in rebellion or sympathized with it, and the intolerance of the party which seeks to sway the destines of this Republic States that were in rebellion or sympathized with it, and the intolerance of the party which seeks to sway the destinies of this Republic is so great that they cannot permit an honorable understanding made on the floor of the Senate to be carried out. Such is the demand of the power that wields the destinies of this body to-day, and seeks in the interest of the same political sectional power to wield the interests of the Republic. When I say "an honorable agreement," I do not state it on my own authority; I do not state it on republican authority; I state it on the authority of a leading democratic paper in the South; and there is not a Senator within the hearing of my voice who does not know that the honorable Senator from South Carolina [Mr. BUTLER] could not have been seated in the chair he now occupies except at the same time the honorable Senator from Louisians. pies except at the same time the honorable Senator from Louisiana [Mr. Kellogg] had been seated in the chair he occupies; and the Senator from South Carolina was seated only upon a prima facie claim to the seat, whereas the resolution seating the honorable Senator from Louisiana was upon a special declaration that he was entitled to it upon the merits of the case.

There is not the first symptom of a sign of a further investigation into the case of the honorable Senator from South Carolina. I do not

into the case of the honorable Senator from South Carolina. I do not hear a suggestion that that prima facie case, pronounced so in the resolution which seated him, is even to have the dignity of an investigation; but the Senator, the offensive Senator, the Senator from the South who holds the last possible flag of republicanism over the sixteen States, although seated upon the merits of his case, with a successor elected, with a fraction only of his term fast running out, shall not be allowed to serve to the end. I hope the country will understand it. I hope the country will take note of the intolerant spirit that characterizes this proceeding. I hope the country will observe that of all the transactions from the foundation of the Government to this hour that ever pertained to the seating or unseating of Senators in this body, this is the most extraordinary, and the most indefensible.

fensible.

Mr. KELLOGG. Mr. President, I have nothing to say in regard to what has fallen from the lips of the Senator from Maine [Mr. BLAINE] what has fallen from the lips of the Senator from Maine [Mr. BLAINE] nor indeed have I much to say in reply to what has been said by my colleague, [Mr. Jonas.] I listened to him with great pleasure, for I feel quite sure his speech was intended for home consumption. Still I do not think it was intended for the planting interest, certainly not for the commercial interest of Louisiana, for they take little note, they care very little what is said here in regard to this case, I am sure; but my colleague saw fit to call in question what I said the other day in reply to the Senator from Tennessee, [Mr. BALLEY,] and it is proper for me to set myself right. And as it is a fair illustration of most that has been said by my colleague in regard to matters in connection with this case so far as the record evidence is concerned, as it will serve fairly to illustrate the anthenticity and genuineness. connection with this case so far as the record evidence is concerned, as it will serve fairly to illustrate the authenticity and genuineness of his statements, I will call the attention of the Senate to the fact that my colleague in reply to some remarks made by me on Friday said that it never was admitted by his party friends that the three republican members from the seventh representative district of New Orleans were elected. He admitted, however, I believe, that if my statement was correct as to this matter that then there was really not a quorum in the Nicholls house. I now send to the Secretary's desk and ask the Clerk to read the part that I have marked.

The Clerk read as follows:

statement was correct as to this matter that then there was really not a quorum in the Nicholls house. I now send to the Secretary's desk and ask the Clerk to read the part that I have marked.

The Clerk read as follows:

SEVENTH WARD.—3.

Jerry Blackstone

SEVENTH WARD.—3.

Jerry Blackstone

SINGUARD STATE STA

We, the undersigned, a sub-committee appointed by the democratic-conservative executive committee, to witness the canvassing and compiling of the returns by the returning board of the State of Louisiana of the votes cast at an election held on the 7th day of November, 1876, do hereby certify under oath that the above statement and compilation for members of the house of representatives of the State of Louisiana was made by us from the sworn duplicates and certified copies of the original statements of votes filed in the clerk's offices of the district court and the secretary of state for the parish of Orleans, as required by law.

F. C. ZACHARIE.

E. A. BURKE.

J. R. ALCEË GAUTHREAUX.

H. C. BROWN.

FRANK MCGLOIN.

CHAS. CAVANAC.

Sworn to and subscribed before me this 9th day of December, A. D. 1876.

Sworn to and subscribed before me this 9th day of December, A. D. 1876.
WM. H. HOLMES,
Second Justice of the Peace, Parish of Orleans.

Mr. KELLOGG. It will be observed by this sworn statement or compilation of votes made by Messrs. Zacharie, Burke, and others, representatives of the democratic party of Louisiana, and styling themselves "a sub-committee appointed by the democratic conservative executive committee to witness the canvassing and compiling of the returns" of the Seventh ward, concedes that the three republican representatives, Gardere, Moore, and Blackstone, were in fact elected.
Mr. CAMERON, of Wisconsin. Admitted by the leading democrats

in the State.

Mr. KELLOGG. Oh, yes; promulgated in all their papers.

Mr. CAMERON, of Wisconsin. Not only admitted but sworn to, if that would make it any stronger, about which there may be some

Mr. KELLOGG. I stated further that at the convening of the exra session during which session the MacVeagh commission visited New Orleans, there was not a quorum in the Nicholls house, except as the three defeated members from the seventh representative district and others admitted not to have been chosen upon the face of

the returns were counted.

the returns were counted.

Now, I hold in my hand the journal of the extra session of the Nicholls legislature, so called. On the first day there were present sixty-seven members. If my colleague will take the trouble to examine this journal I think he will see that my statement was correct. Of those sixty-seven members these three persons admitted not to have been elected from the seventh representative district were included, and also one William Ridgley of Concordia, L. Barbin of Avoyelles, J. S. Berry of La Fourché, and H. P. Kernochan of Plaquemines. Here are the three members admitted not to have been elected from the are the three members admitted not to have been elected from the are the three members admitted not to have been elected from the seventh ward, and as an evidence that the others were not elected a few days after the others withdrew and the four republican members took their places in the Nicholls house under the MacVeagh arrangement, and thus were admitted to have been duly elected. Now, Mr. President, have I not made my assertion good? It was traversed by my colleague. I said that the democratic party admitted that the three republican members from the seventh representative district were in fact elected. My colleague denied it. Have I not made my assertion good?

serving good?

Sir, I think this about the most material assertion that my colleague has made in reference to the election of 1876. What he had to say in regard to the election of 1872, and in regard to the election of 1874, I have no disposition to go into, at least at the present time, for I do not regard it as germane to this case. I might, I think, effectively reply to him in reference to Mr. Blanchard and also to other points made by him especially in recent to the number of recent them.

reply to him in reference to Mr. Blanchard and also to other points made by him, especially in regard to the number of men in the custom-house and the majority of supervisors asserted by him as sent to the country parishes, but I forbear for the present.

Mr. BUTLER. Mr. President, I was not in my seat when the honorable Senator from Maine, [Mr. BLAINE,] whose attention I should like to have for one moment, made a statement as to some agreement having heavy made when I was supervisors this hold.

having been made when I was sworn into this body. Do I understand the honorable Senator to say that I made any agreement by which I procured my seat on this floor?

Mr. BLAINE. No, sir; I could not have referred to the honorable Senator because he was not a member of the body. I stated that a leading paper of the South, to be specific I will say a paper in the Senator's own city, in an elaborate editorial which I thought was written with endowed by the Procure ten with candor and great clearness, stated and showed by the RECORD that the honorable Senator never could have been seated except for an agreement made by Senators in the body.

Mr. BUTLER. Ah!

Mr. BLAINE. It could not have referred to the honorable Senator

because he was not a member, but it bound, as the paper representing the Senator's political views in South Carolina states it, honorably bound the democratic side of this Chamber. That is what I stated.

Mr. BUTLER. I do not know anything about it whatever. I remember having seen the editorial, but I know nothing about who wrote it or who inspired it, and therefore am not responsible for what the editors of the contract of th

impression was made on my mind, as the impression was made on the mind of all who sat in the immediate part of the Chamber where I do, either that there had been a violation of good faith or that there do, either that there had been a violation of good faith or that there had been a breach of some engagement. An engagement between whom and made by whom? The Senator from Maine was a Senator at that time, I believe, from the State of Maine. He sat upon this floor. Was he a party to any engagement? Did he make an agreement by which a Senator should be admitted to a seat on this floor, who had not been elected by a proper constituency? Does he know of any of his associates who made any such agreement as that? Was there such an agreement? He says he refers to a newspaper in South Carolina or some paper published in the South. Certainly if an agreement was made somebody here would know something of that agreement, its nature and its terms, what would be its binding effect, and to what extent gentlemen would be in honor bound by the arrangement.

You had the majority at that time. Does not the Senator know the facts full well? Was he present or was he not present? Does he not know that the arrangement made was simply in regard to the voting, or at least that was the impression made here? Was it an agreement that the Senator from Louisiana should be seated, and that he should continue undisturbed in that seat? Was that the agreement? Certainly the statement made by the Senator from Maine produced that impression, or naturally would produce it upon the mind of the

country. I rise, Mr. President, to say for myself, and so far as I am acquainted with Senators upon this side of the Chamber for all of them, that no agreement was made to that effect. Will the Senator say that he ever heard of such an agreement upon his side? There must have been parties to this alleged contract. Who were the parties? What was the contract? What was the agreement? Was it that in consideration that the Senator from South Carolina should be seated, the democratic Senators should forever be silent in regard to the seating of Mr. Kellogg? Was that your understanding of the agreement, and did you submit to it? Did you bind yourselves to it? Are we bound? Are you gentlemen upon that side of the Chamber bound by it? For myself I say that no such agreement was ever made. I do not believe that upon either side of this Chamber, republican or democratic, there can be found men so lost to honor, so lost to a sense of their duty to their constituents and to their country as to have

made such an agreement.

Mr. BAYARD. Mr. President, the charge made by the honorable Senator from Maine is so surprising and unexpected to me that I am disposed to ask, simply on account of the gravity of that charge as affecting each member of the Senate, and peculiarly leveled against those upon this side of the Chamber, that the Reporter may read the remarks of the Senator from Maine in which he avers that there was an agreement—I think he said an honorable agreement—in reference to the seating of these Senators. I ask that the Reporter read that portion of the Senator's remarks in which that charge is contained.

The PRESIDING OFFICER. The Reporter will read the remarks referred to.

The Official Reporter, Mr. D. F. Murphy, read from his short-hand notes of Mr. Blaine's remarks as follows:

notes of Mr. Blaine's remarks as follows:

The intolerance of the party which seeks to sway the destinies of this Republic is so great that they cannot permit an honorable understanding made on the floor of the Senate to be carried out. Such is the demand of the power that wields the destinies of this body to-day and seeks in the interest of the same political sectional power to wield the interests of the Republic. When I say "an honorable agreement" I do not state it on my own authority; I do not state it on republican authority; I state it on the authority of leading democratic papers in the South; and there is not a Senator within the hearing of my voice who does not know that the honorable Senator from South Carolina [Mr. Butler] could not have been seated in the chair he now occupies except at the same time the honorable Senator from Louisiana [Mr. Kellog] had been seated in the chair he occupies; and the Senator from South Carolina was seated only upon a prima facte claim to the seat, whereas the resolution seating the honorable Senator from Louisiana was upon a special declaration that he was entitled to it upon the merits of the case.

Mr. BAYARD. Mr. President if is certainly a years remarked by fact.

Mr. BAYARD. Mr. President, it is certainly a very remarkable fact that so grave and I may say so gross a charge should have been made in this body by a gentleman who was a member of the Senate at the time the transaction referred to must have taken place, and who yet professes no better authority than the anonymous columns of a newspaper not named. I do not think there is enough in such a statement to put members of the Senate upon their vindication; and yet at the same time I do not propose for one that such a statement made in the Chamber by a member of the body should go by without proper answer from me. And now I say that there was to my knowledge no arrangement, no bargain, no understanding upon the part of any member of the Senate, and certainly none on the part of any member of the then minority of the Senate, that the Senator who now occupies the seat from Louisiana [Mr. Kellogg] and who was admitted on the 30th day of November, 1877, ever came to his place by any consent,

direct or indirect, or without the most vigorous protest, the most earnest protest of every member of the then minority of this Chamber.

I do deny, and I deny scornfully, the suggestion that a seat in this Chamber was ever made by the democratic party or by any member of the democratic party the subject of a bargain or an arrangement or an understanding. Talk of it being an "honorable understand-ing!" How can there be an honorable understanding that puts in the scales the right of one State against the right of another State when we are deciding upon their rights separately? The thing can-

not be; and rather than have been a party to it, I would have left this Chamber and never have returned to it. There was no such understanding, no such agreement; there is no respectable authority for it known to me, and none has yet been quoted.

I am amazed that a newspaper article should have been made the basis for such a charge, if not directly aimed, surely directed against the present majority and the then minority in the Chamber, but which must of itself have embraced every member of the Senator's associates and himself as well.

There is in this question before us enough to challenge our deepest enough to bring men gravely to think upon the passage of these resolutions enough to bring men gravely to think upon the passage of these resolutions, and I propose to address my mind to them in a proper spirit; but I do not propose that such insinuations or such charges shall pass by, when I am personally embraced by inference, without my simple but at the same time my most indignant denial and denunciation.

Mr. BLAINE. Mr. President, the article that I referred to contains

so full an account that it is needless for me to look up the CONGRESso fill an account that it is needless for me to look up the CONGRES-SIONAL RECORD. As respects my own participation in it, I was dur-ing the autumn of that year for a long period confined to my home, seven hundred miles distant, and was not in the Senate for two months. I was paired at that time with the Senator from Missis-sippi, [Mr. LAMAR.] I wish to read the authority that I quoted, and it shall go for just what it is worth; but I may make an annotation here and there:

Upon the assembling of the Senate at seven p. m. on the same day-

Which was November 30, 1877, the paper states

the resolution to admit Kellogg, upon the merits of the case, to a seat in the Senate was brought up again. Senators Bayard, Hoar, Wadleigh, and Thurman freely discussed the resolution; and as there seemed to be no likelihood that a satisfactory conclusion would be reached, a motion to adjourn was made. There being but one secular day remaining before the session must end, Mr. Conkling urged the necessity of taking a vote upon the pending resolution. At this juncture Mr. Thurman said—

Now the quotation comes from the RECORD:

"I am very sorry that the Senate should adjourn until one more effort is made to see whether we cannot come to some agreement that shall save us from the necessity of sitting here all night. I think myself that such an agreement can be arrived at if we can keep in session for a little while longer."

The discussion was resumed, and was participated in by Senators Hill, LAMAR, THURMAN, EDMUNDS, and others. Senator HILL then introduced the following resolutions.

The discussion was and others. Senator Hill then introduced the following resolution:

"Resolved, That Henry M. Spofford be admitted as a Senator from the State of Louisiana on a prima facie title, and subject to the right of William Pitt Kelloge to contest his seat."

After another lengthy discussion of this resolution, Mr. Edmunds said:

"I ask unanimous consent be given to an understanding among the Senators:
First, to vote on the Kellogg-Spofford case at or before two o'clock and thirty minutes a. m. to-day, the chairman of the committee or any one allowed by him to have the last hour to sum up if desired. Second, to vote on the Butler-Corbin case at or before the expiration of one hour after the Kellogg-Spofford case is disposed of, the time to be equally divided, the chairman of the committee or some one for him to have the last thirty minutes to close the debate."

Mr. Thurman, upon this proposition being made, said:

"I hope the proposition will be agreed to, and I ask my democratic friends on this floor to agree to it, and to trust to me that it will result in an arrangement perfectly honorable and fair to both parties."

Mr. BAILEY. To vote.
Mr. BLAINE. "An arrangement." There is no use in our ignoring Mr. BAILEY. To vote.

Mr. BLAINE. "An arrangement." There is no use in our ignoring plain facts. The balance of power at that time was held by two Senators not now in these seats—the Senator from Florida [Mr. Conover] and the Senator from South Carolina [Mr. Patterson]—and it is as well known as any fact is known in the past history of this body that those gentlemen would not have voted to seat prima facie the Senator from South Carolina unless at the same time the resolution seating Mr. Kellogg on his merits had been passed. I am reading now what comes from the Charleston News and Courier, a recognized authority in the democratic party. It recites these facts; it gives them pith and point; it shows with clearness all that surrounded it, and while I am not attacking any Senator—and there was no particular need of any extraordinary sensitiveness—I repeat that the honorable Senator from South Carolina [Mr. Butler] never could have been seated on that prima facie resolution, unless at the same time it was understood, and understood fairly and honorably, that the resolution on its merits, seating the Senator from Louisiana, [Mr. Kellogg,] should pass also.

Whether that balance of power was exclusively held by the two Senators who are not in their seats, or what was the arrangement to which the honorable Senator from Ohio [Mr. Thurman] not now in his seat referred, I know nothing. Probably I know less than any other person. I had not been in the Senate for two months, and was not in the Senate for some days after that; but I am perfectly correct in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in quoting the Charleston namer, and in saying that the Converged in the convergen

not in the Senate for some days after that; but I am perfectly correct in quoting the Charleston paper, and in saying that the Congressional Record bears out all that it says; and I fepeat here and now that throwing aside this question, putting it behind, there cannot be found I believe in the history of the Senate of the United States in the well-nigh century that it has existed, one case in which the Senate distinctly had upon a call of the yeas and nays upon the merits of a case after reference to a committee, as it had been for six meris of a case after reference to a committee, as it had been for six or eight or nine months—there cannot be found a precedent in the history of this body for uprooting and overturning a decision as to the right of a Senator to his seat.

That is what I assert; and I repeat what I have said as to the thirty-two Senators from the sixteen States that were allied either

directly or by supposed sympathy with the rebellion in some form

greater or less. No Senator need get up to disclaim that, for I mean only the simple history of the case. The sixteen States, eleven that were in actual rebellion and five other slaveholding States that were were in actual rebellion and two other slaveholding States that were in greater or less degree in sympathy there with, are entitled to thirty-two Senators on this floor. They have thirty fast wedded to the democratic party; they have the thirty-first elected to take his seat on the 4th of next March. There is but this little remnant, seated here as regularly as any Senator called upon to vote is seated—seated you might say more regularly than those of us who have never had our title questioned, for his title, after having been questioned and laborated regression. our title questioned, for his title, after having been questioned and elaborately examined, was affirmed—seated here by all the laws that should govern permanency to a seat. The proposition now by the democratic party, at the request of the Senator from Louisiana [Mr. Jonas] and other southern Senators—I acquit northern Senators of a desire to go into it; I acquit the northern democratic Senators of a desire to go into it; it is a bitter pill southern Senators are giving to their resolvent friends. to their northern friends

Mr. BUTLER. I should like to correct the Senator as he goes Mr. BUILER. I should like to correct the Senator as he goes along. He had just as well be accurate. He says this is the only case. The Senator is entirely mistaken. There is one case within my recollection, a very recent case, and that was my own case.

Mr. BUAINE. What was your case?

Mr. BUTLER. What was my case? After I was seated the case was referred to the Committee on Privileges and Elections and I was hauled before that committee for weeks and weeks and months after I had been costed.

had been seated. Mr. BLAINE.

Mr. BLAINE. But you were only seated on a prima facie case.
Mr. BUTLER. I beg the honorable Senator's pardon. He might
just as well conform his statements to the facts as they exist, as he says was made, my State was hauled up again in the Committee on Privileges and Elections, and a report was made against me by a majority of that committee, but the majority of the Senate refused to take it up.

Mr. BLAINE. Very well. Mr. BUTLER. And therefore I should like the honorable Senator

to state all the facts as he goes along.

Mr. BLAINE. Does the honorable Senator from South Carolina wish to be understood as stating that his original seating on this floor was upon a resolution affirming his right on the merits of the case?

Mr. BUTLER. I say that my original seating upon the merits was just as well established as that of the Senator from Louisiana.

Mr. BLAINE. I do not so understand it. I have not the resolution here on which the honorable Senator was seated; but I leave the hon-

nere on which the honorable Schator was scated; but I leave the honorable Schator from Wisconsin [Mr. Cameron] to settle that.

Mr. BUTLER. The record shows for itself. The difference, as I understand it, was that the word "merits" was used in the resolution scating Mr. Kellogg, but it was omitted in my resolution.

Mr. BLAINE. That is the whole difference and the whole case.

Mr. BUTLER. I beg pardon.

Mr. BLAINE. That is the whole difference; the very difference I have been exterior.

Mr. BUTLER. The honorable Senator is mistaken about that.
Mr. BLAINE. I yield to the Senator from Wisconsin.
Mr. CAMERON, of Wisconsin. The facts of the case of the Sena-

tor from South Carolina are simply these: The credentials were presented and referred to the Committee on Privileges and Elections. Before that committee considered his case at all, a motion was made in this Chamber by a democratic Senator, the Senator from Ohio, [Mr. Thurman,] I think, that the committee be discharged from the further consideration of the case of M. C. Butler. After debate that motion of the Senator from Ohio was agreed to, and thereupon the Committee on Privileges and Elections was discharged from the further consideration of the case of Mr. BUTLER.

Mr. BUTLER. One moment—
Mr. CAMERON, of Wisconsin. Allow me to get through. Before the committee had taken any further action upon the question of the credentials of the Senator from South Carolina, or upon the question of his right to a seat in this body, he was sworn in. So that he was sworn in upon his credentials alone; in other words upon a prima facie case and nothing more. It never has been held, either in this body or in the House of Representatives, that a member seated upon a prima facie case could not afterward have his title questioned.

Mr. BUTLER. Will the Senator from Maine permit me a moment?

Certainly.

The Senator from Wisconsin is entirely correct as
The Senator from Wisconsin is entirely correct as Mr. BUTLER. to his statement of what was done with my credentials. They were referred to the Committee on Privileges and Elections. That Committee neglected—I will not say refused—to make a report. The Senate itself took charge of those credentials by discharging the committee from the further consideration of them and considered the mittee from the further consideration of them and considered the credentials itself upon their merits. For days they were considered in the Senate instead of being considered by the Committee on Privileges and Elections, and were considered upon their merits, were discussed for days, for weeks, and every imaginable and every conceivable pretext that could be urged, even to the extent of personal calumny, was raked up and brought here; and all these things were considered, as the RECORD shows, and upon that discussion on the merits in full I was seated upon this floor under a resolution resulting from that discussion.

Mr. BLAINE. The honorable Senator from South Carolina substantially states the whole case just as I stated it. He never was sworn in upon a declaration of the merits of his case at all. He was worn in upon a simple motion. He was sworn that very day, on the 30th November, of which I have been speaking; he was sworn in when it was in the power of any Senator on either side of this body to have prevented it; he was sworn in when it was in the power of any Senator, I repeat, on either side of this body to have closed that session without permitting a vote on the case.

It was nothing in the world that brought about a vote except the arrangement, whatever that was, that the honorable Senator from Ohio stated on the floor; and when a Senator is simply permitted to take the oath, the Senator from South Carolina must be very forgetful of all the rules of this body and all the principles of parliamentary law to pretend that that is seating him upon the "merits" of the case. That day the agreement, or if that be an offensive word to case. That day the agreement, or it that be an oliensive word to sensitive ears, the transaction was to seat the honorable Senator from South Carolina prima facie and to seat the honorable Senator from Louisiana on the merits. There is the distinction in the two cases. The records of the body show it, the Journal of the Senate shows it, every fact connected with the occurrence shows simply and only that the Senator from South Carolina was permitted to be sworn in subject to future contest and future dispute, whatever that might be, and that the Senator from Louisiana was sworn in after a full examination on a specific declaration of the merits of the case, conclusively and finally. Now why the democratic majority of this body have never seen fit to investigate the case of the honorable Senator from South Carolina, and have been so busy investigating the case of the Senator who was declared to be seated on the merits, I leave to the

senator who was declared to be seated on the merits, I leave to the majority of this body to say. And as to the agreement of which I speak, I refer Senators to the Charleston News of March 24, 1880, and to the RECORD of the Senate's proceedings of November 30, 1877.

Mr. BAILEY. Mr. President, the Senator from Maine refers us to the Charleston News for authority in regard to "the agreement."

What was the nature of that agreement? The Senator is surrounded by gentlemen who were present on the floor of the Senate that eventful night when Mr. Kellogg was admitted to the seat. Will any one among them rise and state the nature of that agreement?

Mr. BLAINE. I wish to ask the honorable Senator from Tennessee

one question.
Mr. BAILEY.
Mr. BLAINE.

I am asking a question; answer mine first. You are not asking me a question. I am asking all your associates and colleagues; I am Mr. BAILEY. asking all the gentlemen who were here upon that occasion to which you refer. You have introduced the authority of a newspaper here upon the floor of this Chamber as to a certain agreement, and intimated, as I understood it, very strongly that there was something in the nature of that agreement which makes the conduct of Senators here to-day dishonorable to them as men, and dishonorable to them as occupying great positions; and I call upon the Senator from Maine instead of relying upon a newspaper report to call upon his associates to answer, upon men who are honored with great positions here, who were present at that time, filling their seats and discharging the duties of their positions. If there was such an agreement they being in the majority certainly must have had some knowledge of it. If there was any agreement binding upon the conscience and upon the conduct of Senators, certainly somebody here in this Chamber knows something about it; and before the Senator asks me to answer a ques

tion, I ask, Mr. President, that my question shall be responded to. Mr. BLAINE. The honorable Senator addresses his question gen-

mr. BLAINE. The hohorate Senator actices in question gor-erally. I will address one, however, to him, if he will give me the liberty to do so, specifically. From my recollection— Mr. BAILEY. I would with great pleasure but for the fact that the Senator chose first to catechise us. We have answered that we know of no such agreement. I choose now to become the catechist, and to ask who knows of any agreement on the floor of this Cham-

Mr. BLAINE. The honorable Senator from Tennessee is quite mistaken when he says I asked anybody if there was such an agreement. Idid not address that inquiry to any other gentleman, and if he chooses to put the epithet "dishonorable," which I did not use, or in some way to distort my language into a personal offense, I beg to say to him that it is a gratuitous use of the word. I never used the phrase at all. But I beg to ask the Senator this specific question: On that night when this vote was taken these two Senators were sworn in, and, if my memory serves me, Mr. Kellogg was sworn in first, and I ask the honorable Senator whether he ever heard that there was an agreement at that time that Mr. Kellogg should not vote on the question of Mr. Butler's admission?

Mr. BAILEY. The Senator asks me a question. I will do what he and his associates will not do or have not done. I will answer that

never heard of such an agreement.

Mr. BLAINE. It is not my purpose to catechise Senators, nor is it

my right. Mr. BAILEY.

Mr. BAILEY. KELLOGG did not vote. Mr. HEREFORD. Will Mr. KELLOGG answer if ever he made such an agreement that as the price of taking his seat he would desist from

woting? He is here.

Mr. BLAINE. The RECORD shows that he did not vote.

Mr. HEREFORD. Does the Senator make the charge?

Mr. BLAINE. The RECORD shows that the Senator from Louisiana

Mr. HEREFORD. He is here to answer the question whether he

made a bargain. Let him answer.

The PRESIDING OFFICER. The Senator from West Virginia should address the Chair.

Mr. BLAINE. I will say to the Senator from West Virginia that the real question cannot be evaded that way, for I give to him in respect to the Senator from Louisiana the precise answer I gave to the honorable Senator from South Carolina with respect to himself when he asked me if I accused him of making a bargain. He was not a member of the Senate, and Mr. Kellogg was not a member of the Senate, at the time there was an arrangement made. Neither of them can be brought to the bar of the Senate and asked; but I ask—no I will not, I will not assume a right to catechise, but I state—that the RECORD according to my memory shows-I have not had time to look at it—that when the roll was called on the admission of the honorable Senator from South Carolina on his prima facie right, the Senator from Louisiana, who had already been sworn in, did not vote.

If I am wrong about it I am ready to be corrected. I see the honorable Senator from Ohio [Mr. PENDLETON] shakes his head.

Mr. PENDLETON. I would say that the Senator from Maine is wrong in saying that the resolution authorizing the Senator from

South Carolina to be sworn in passed after the resolution authorizing the Senator from Louisiana to be sworn in. That is all.

Mr. BLAINE. Was that first?

Several SEMATORS. No.

Mr. BLAINE. I am speaking wholly from memory.

Mr. EDMUNDS rose.

Mr. BLAINE. I yield to the Senator from Vermont.
Mr. EDMUNDS. Mr. President, in order to have this question perfectly understood just as the Journal shows it, I will read from the proceedings of the 30th of November, 1877—the Journal of that session, page 108:

The question recurring on agreeing to the resolution in the following words:

Resolved, That William Pitt Kellogg is, upon the merits of the case, lawfully entitled to a seat in the Senate of the United States from the State of Louisiana for the term of six years, commencing on the 4th day of March, 1877, and that he be admitted thereto upon taking the proper oath.

Resolved, That Henry M. Spofford is not entitled to a seat in the Senate of the United States,

It was determined in the affirmative—yeas 30, nays 28.

So the resolution was agreed to.

The yeas and nays being taken,

On motion by Mr. Thurman, that M. C. Butler be now sworn as a Senator from the State of South Carolina,
It was determined in the affirmative—yeas 29, nays 28.

So the motion was agreed to,

Mr. WILLIAM PITT KELLOGG then appeared, and the oath prescribed by law having been administered to him by the Vice-President he took his seat in the Senate.

Mr. M. C. BUTLER then appeared, and the oath prescribed by law having been administered to him by the Vice-President he took his seat in the Senate.

Mr. BLAINE. Then I was wrong just to this extent, that after Mr. Kellogg was declared entitled to his seat he was not sworn in until Mr. BUTLER was declared entitled to his seat, for if he had then taken the oath and voted, Mr. BUTLER could not have come in. the oath and voted, Mr. BUTLER could not have come in. I will ask the Senate to observe that Mr. Kellogg was admitted and declared to be entitled to his seat by a majority of two. He was on the floor. Immediately after that motion was carried, the Senator from Ohio [Mr. Thurman] rose and moved that M. C. Butler of South Carolina be admitted to his seat, Mr. Kellogg standing here and not having taken the oath; and on the motion in favor of Mr. Butler the yeas were 29, and the nays 28. Ergo I think that with the aid of the whole democratic side of the Senate I might draw an inference. I think if the memory will go back just far enough to call up the votes of the 30th of November, 1877, the historian might evolve the theory that Mr. Kellogg sat back there on some sort of an understanding, and if he had come forward and been sworn in the honorable Senator and if he had come forward and been sworn in the honorable Senator from South Carolina would not have been sworn in, for it would have

been a tie vote, and he would have been rejected.

Mr. BUTLER. How can the honorable Senator know that?

Mr. HILL, of Georgia. Mr. President, as I was in the Senate at the time, and was speaking just before the vote was taken, and offered myself a resolution which has been quoted in the paper read by the Senator from Maine, I ought to say something, I suppose. The Senator from Maine has either made a charge or he has not made one. If he has made a charge, he will find it easier to make than to get rid

of. If he has made no charge, there has been a good deal of sound

or. If he has made no charge, there has been a good deal of sound and fury signifying nothing.

If I understand human language, the Senator has made a charge, a charge which involves the honor of this Senate and of every member of the Senate who was at that time a member. He has charged that there was some honorable agreement, and he has said it would be a dishonorable thing to violate that agreement. I cannot understand human morals if to violate an honorable agreement is not to do a dishonorable thing, and the Senator has charged here that there was something like an honorable agreement. He said distinctly—his language has been read as reduced to writing—that there was an honorable agreement, and it is dishonorable in any man to disregard an honorable agreement.

Now what was the result of the honorable agreement that he charges? He has stated it. It is that but for that honorable agreement the Senator from South Carolina would not have been admitted to his seat on this floor unless the Senator from Louisiana was also admitted. Then there was a bargain, "an honorable agreement," the effect of which was that one Senator from South Carolina should not be admitted to his seat unless the Senator from Louisiana should

also be admitted to his seat.

Mr. President, I have heard rumors in the air before of such a charge. I read the article to which the Senator has called attention. I have everywhere and on all occasions denounced it as an utter cal-umny upon both sides of this Chamber as far as my knowledge, sus-picion, or belief extended. I denounce it now as an utter calumny which it was neither honorable to make nor honorable to submit to. But I will say that if the gentleman or his authority can produce any evidence to me that any member of this Senate, whether he be demoevidence to me that any member of this Senate, whether he be democrat or republican, did enter into any bargain or understanding or agreement, express or implied, which should have the effect of seating a Senator from one State on condition that a Senator from another State should be seated on this floor, show me the man who made that agreement, and I stand before the country pledged to vote for his expulsion instanter, and I think I can give the pledge for every man on this side of the House. If that agreement was made the country ought to know it. An honorable Senator has stated it on this floor. It matters nothing that he has brought in the authority of a newspaper for his charge. He has made it. His language cannot be misunderstood; he cannot evade it. He owes it to the Senate to make his charge specific and say who were the parties to this barmake his charge specific and say who were the parties to this bar-gain, who made it. He intimates that one man agreed to refrain from voting on condition that he was admitted to his seat. That man is on the floor. Let him admit it. If not, let any other gentleman prove it; and whether he be on that side of the House or on this side of the House, I for one stand ready to vote for his expulsion. It certainly has been denied here; we know over here that it is not true; it is utterly untrue. This is too grave a matter to be allowed to pass in this kind of style, and if the Senator knows anything of it, it is his duty to have it investigated. If he does not know anything about

his duty to have it investigated. If he does not know anything about it, he has not treated the Senate with the proper respect due by a member of the body in bringing forward this charge.

The Senator says that the Senator from South Carolina was seated on a prima facie case, and the Senator from Louisiana on the merits. That is a remarkable statement. Turn to the record and what are the facts? The Committee on Privileges and Elections, of which I happened to be a member at the time, had before them three cases: one, that of Senator Eustis from the State of Louisiana; another that of Henry M. Spofford and W. P. Kellogg, from the State of Louisiana; and also at the same time the credentials of M. C. Butler, of South Carolina—

Mr. EDMUNDS. And Corbin.

Mr. EDMUNDS. And Corbin.

Mr. HILL, of Georgia. Yes, Butler and Corbin. Butler and Corbin were contestants; Spofford and Kellogg were contestants; Eustis had no contestant. These were the cases. There was evidently a long contest, involving a grave in estigation into disputed facts in the case of Spofford rs. Kellogg. It was expected that case would take a long time. There were no disputed facts in the case of Eustis. The case of Mr. Eustis involved nothing on earth but a purely legal question which could have been determined at any time in twenty-four hours, but the Committee on Privileges and Elections refused to take it up. They held it for a long period of time; they held it for months and refused to consider it, though there was no investigation to be

Then there was the case of Butler and Corbin. That case was be-Then there was the case of Butler and Corbin. That case was before the committee. Senators say it was not considered. Elaborate briefs were printed and filed before the committee by both contestants. The case was very elaborately argued by written briefs; and that is not all. Mr. Butler submitted a brief; Corbin submitted a brief, and counter-briefs were submitted. The case was thoroughly submitted on printed briefs. Copies of all these briefs were put on the desks of members of the Senate as well as before the committee. On an examination of the arguments submitted by Butler and Corbin it was ascertained that there was no issue of fact between them. The was ascertained that there was no issue of fact between them. The facts of the South Carolina case were agreed on; there was not a single investigation to be had. There was not a witness to be examined. The parties agreed upon the facts. There was nothing to be determined in that case, after thorough examination, but a simple question of law. That was all, and the records will show that abundantly. Mr. BUTLER wanted no witness, for Mr. Corbin agreed to what he pro-

Mr. BUTLER wanted no witness, for Mr. Corbin agreed to what he proposed to prove, the facts stated by Mr. BUTLER. Mr. Corbin wanted no witness, for Mr. BUTLER agreed to the facts that he stated.

And yet notwithstanding there was no issue of fact in the Eustiscase and no issue of fact in the Butler and Corbin case, the Committee on Privileges and Elections determined to keep them both behind, both unreported to the Senate, until they should go through the investigation of the Kellogg-Spofford case, which might take months. That was unjust, and in that state of case there was a motion made in the Senate to discharge the Committee on Privileges and Elections in the Senate to discharge the Committee on Privileges and Elections from the consideration of the Butler case, giving as an express reason that there was no fact for the committee to find; there was no testimony for the committee to take. The case was argued here on that very proposition. Get the CONGRESSIONAL RECORD and examine it and you will see that it was so. It was argued in the Senate on the merits, every feature of the merits. It was elaborately argued here in the Senate on the merits, every fact conceded, with nothing

in issue but a law question.

Do Senators say that that case was not considered on its merits? What do you mean by "merits?" Do you mean that there is no merit in a case unless you put the word "merits" in a resolution? That is exactly the idea the majority of the committee in 1877 seemed to have. As I said to them in committee when they adopted the celebrated resolution in the Kellogg case and reported him entitled on the merits, they found it necessary to put "merits" in the resolution because they knew there were no merits in fact, and if they did not put "merits" in the resolution it would have no merit at all. That was the whole of it, and the word "merits" was put in that resolution as a catch-trap for the very purpose for which it is now being used, to make it a conclusion, to make it a case of res adjudicata, which I will deal with hereafter. I will not go into that now. I shall deal with that very

Mr. HOAR. Mr. President, will the Senator from Georgia permit me to remind him that the order directing the committee to report who was entitled upon the merits was introduced by Hon. Mr. Merrimon, a democratic member of the committee from North Carolina, and the report used verbatim the language of the original directions to the committee, of which Mr. Merrimon was the author. I think I cannot be in error in my recollection of that fact.

Mr. HILL, of Georgia. It is unnecessary to go into that now. The records will show for themselves.

Mr. HOAR. The Senator from Georgia certainly would instantly retract what he has just said if he believed the fact which I state to be true, and therefore I should think he would deem it extremely

important to go into it now.

Mr. HILL, of Georgia. I will say to the Senator from Massachusetts that I cannot retract what I have said as having occurred at the time, which the Senator cannot have forgotten. Whether the charge was correct or incorrect, it was my opinion at the time. It was a mere opinion. Mr. Merrimon did introduce a resolution, I think proposed as a substitute for the resolution offered by the Senator from Massachusetts himself, in which the word "merits" occurred.

Mr. HOAR. Will the Senator from Georgia pardon me? The Senator from North Carolina [Mr. Merrimon] introduced in the Senate the direction to the committee in these words:

Resolved, That the Committee on Privileges and Elections in the contested cases of WILLIAM PITT KELLOGG and Henry M. Spofford, claiming seats as Senators from the State of Louisiana, * * * be authorized to send for persons and papers and administer oaths with a view of enabling said committee to determine and report upon the title, respectively, on the merits of each of said contestants to a seat in the Senate.

That is the authority with which the committee were charged. Then the committee on that authority report that—

 $W_{\rm ILLIAM}\,P_{\rm ITT}\,K_{\rm ELLOGG}$ is, upon the merits of the case, entitled to a seat in the Senate of the United States, &c.

Now the Senator from Georgia—
Mr. HILL, of Georgia. Mr. President, I do not give way longer, for there is no issue of fact between us.
Mr. HOAR. I should not think you would.
Mr. HILL, of Georgia. There is no issue of fact between us. That was the resolution Mr. Merrimon offered, and it was adopted by the Senate, instructing the committee to send for persons and papers and investigate that case, and I stand here to say before this Senate and before the country that the committee distinctly refused to do that before the country that the committee distinctly refused to do that

wery thing, which I charge here—
Mr. McMILLAN. Mr. President—
Mr. HILL, of Georgia. No, sir; I do not give way. You can reply to me.

The PRESIDING OFFICER. The Senator from Georgia declines

to yield.

Mr. HILL, of Georgia. I state here what the gentlemen will not dare to deny, that they did not send for a witness for Mr. Spofford;

As the record will show, Spofford they did not examine a witness. As the record will show, Spofford begged for summonses for witnesses, offering to prove the complicity of Kellogg in the frauds in Louisiana. He asked it under authority of the resolution which the Senator has read, and the committee

refused it.

The honorable Senator from Maine talks about precedents. He says we are about to establish a precedent here unknown in the records of this country and in the records of the Senate since the days of Washington. Who ever before heard that a committee ordered of Washington. Who ever before heard that a committee ordered by the Senate to investigate a case, with the parties before them asking investigation, with one of the contestants begging for summonses for witnesses, refused to summon a witness, refused to examine a witness, closed up the case without investigation, and reported that the other party was entitled on the merits? I did say to the committee at that very time that they put the word "merits" in the resolutions because they knew there were none in the case. That is what I said, and the facts on the record show it to be true, every word of it.

Take that record. We got the parties before us, Spofford and Kellogg, by their counsel. We heard them elaborately on arguments upon certain questions involved. A proposition was made by me, as read by the Senator from Louisiana, [Mr. Jonas,] that we accept the of Washington.

decision made in Louisiana on this question. That was voted down 6 to 3. Then a proposition was made to investigate, and authority was gotten from the Senate to investigate, just as the Senator from Massachusetts has read. Then we commenced pretending to investigate, but for the purpose of narrowing the field of investigation and gate, but for the purpose of narrowing the field of investigation and for the purpose of completing the investigation as soon as we could, it was agreed that the parties should be consulted to see to what extent they could agree upon facts. BUTLER and Corbin had agreed upon facts and saved the country from any investigation at all, and there was no issue of facts, as I have said, in Eustis's case. We desired to see to what extent Spofford and KELLOGG would agree upon facts. We commenced. facts. We commenced. After some bickering among themselves or their counsel they agreed that certain reports taken by congressional committees should be considered in evidence as far as they went or committees should be considered in evidence as far as they went or as far as they were pertinent. Not one of them, at least certainly Judge Spofford, had ever any opportunity of attending to that testimony or examining the witnesses. Then the parties made an agreement, agreeing to certain other facts which the sitting member wanted very much. Then the question came up, how much do you disagree? There were five propositions upon which they still disagreed. They were stated distinctly in writing. The propositions upon which they could not agree were put down in writing and printed, and upon those propositions Spofford asked for witnesses.

Mr. MAXEY. They were material?

Mr. HILL, of Georgia. Very material, for one of them involved the personal complicity of Kellogg himself in the returning-board frauds.

Mr. MAXEY. Issue was joined?

Mr. HILL, of Georgia. Yes, sir, issue was joined; and we challenged them in committee to show a single witness who had been examined on the questions which were particularly pointed out. After the issue

on the questions which were particularly pointed out. After the issue was joined, and when the disputed ground was distinctly ascertained, was joined, and when the disputed ground was distinctly ascertained, when the committee, six to three, refused a single summons, I never will forget Spofford. There he stood, bewildered almost. He was willing to take six witnesses. He would have limited the investigation to six. They would not give him six. Finally he said, "Give me three, I will be content." They would not give him three; they would not give him one. I can point out three witnesses in this record now, as the testimony has since been taken, who show beyond question that Kellogg never had a title to a seat in this body, testimony that never was taken by any committee or in any investigation that that never was taken by any committee or in any investigation that has ever been had until taken by this committee recently. Yet there stood Spofford, saying, "Give me three witnesses," and they would not give him any, we pleading for it. Then, when they refused, the Senator from Massachusetts offered a resolution to the effect—I will not quote the language, the record will show it-that the case had been fully considered and investigated, and they passed it six to three one evening. I do not know whether they slept well that night or not; I do not think they did; but anyhow, they came back the next morning greatly troubled, and moved to amend their own resolution, so as to say that the case had been fully investigated so far as material, and having so amended the resolution they finally passed it in

You talk about fraud and rebellion, and charge men over here with Here was a committee ordered by the Senate to investigate, with a contestant standing before them pleading for the privilege of having six witnesses, five witnesses, four witnesses, three witnesses, and I will be content," and you refused to give him any. You talk about precedents. We might as well have a plain understanding of these matters. I state these facts from the record, and am responsible for

the statement.

I say they never examined a witness, and I say that that case as it stood in 1877, when reported upon from that committee and voted upon by the Senate, does not show one line of testimony, which Spofford had the opportunity of cross-examining, or which was taken by the examination of a single witness before that committee. It shows no evidence in the world, except from reports from other committees ordered by Congress, which were accreated to be considered only so far ordered by Congress, which were agreed to be considered only so far as pertinent, and then certain agreements or certain admissions made by the parties simply for the purpose of narrowing the field of investigation. It was only done for the sake of convenience and to narrow the field of investigation. I say not a witness was subpensed before that committee; and when the committee passed the resolution that they would make no further investigations but would retion that they would make no further investigations, but would report that the sitting member from Louisiana was entitled on the merits lawfully to the seat, Spofford said, "I do not know the customs of the body, but if I have the privilege I desire to enter a protest against that ruling." The chairman said there was no precedent for allowing him to enter a protest that he knew of. You would not give him a summons; you would not give him a witness; you would not give him an investigation, and you would not give him a protest, and in this condition of things the case was reported to this body.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. HILL, of Georgia. Yes.
Mr. CARPENTER. After the matter came from the committee before this body, were the proceedings which the Senator now complains of in the committee reported or made known to the Senate in debate?
Mr. HILL, of Georgia. They were, sir.
Mr. CARPENTER. And were fully in the mind of the Senate when

they passed on the question and decided the case in favor of Mr.

Mr. HILL, of Georgia. That only made the Senate as bad as the committee; that was all.

Mr. CARPENTER. That is what I wanted to find out.

Mr. HILL, of Georgia. The majority of the Senate proved as bad as the committee.

Mr. CARPENTER. In other words, it brings your legal case down to this: You file a bill of review upon the ground that the court was corrupt

Mr. HILL, of Georgia. Oh, no, I do not do any such thing. I bring it down to this, that the Senate did what they had no jurisdiction to do, and passed a void resolution which all parties and all courts everywhere will treat as a nullity. That is what I am going to establish when I come to argue the points in this case. There never has been a judgment pronounced by the Senate that involved the merits of the case that would be regarded as valid in any court of law on earth. It was a void judgment. Yet we have been taunted with doing something the property of the property and they because the property and they because the property and they be the property and they because they are the property and they because they because they are the property and they because they are the property and they because they are the are they ar was a void judgment. Yet we have been taunted with doing something extraordinary, taunted with making bargains and then breaking bargains, and there is some wild talk about sixteen States, eleven in the rebellion and five in sympathy, brought in here in this connection. I have faith that the people of the United States are intelligent. The Senator from Maine says he hopes the people will understand this thing. So do I. The minority of the committee say the people will not be likely to be deceived again. I hope they will not. They have been deceived often enough, the Lord knows.

Why is it that these sectional references are to be made upon a sim-

Why is it that these sectional references are to be made upon a simple question of the records of the Senate as to whether there has been a dishonoring bargain in the Senate or not, as to whether a case has been passed upon on the merits or not? I say that the case of Corbin and Butler was investigated by that committee upon the merits. Printed arguments were filed on both sides. Arguments and replies were all filed and the issue was reduced down to a question of law.

There was not an issue of fact between Corbin and Butler, not one.

In that condition, after that investigation, after the issue was thus reduced to one of law and the committee ascertained that there were reduced to one of law and the committee ascertained that there were no facts in dispute, the case was brought before the Senate, and it was discussed in the Senate upon that legal question and decided on the merits, although the word "merits" was not put in the resolution, I grant. The Senator from Wisconsin [Mr. Cameron] is right about that. My recollection is there was no resolution; I think it was a motion simply.

was a motion simply.

Mr. BAYARD. It was decided in the Senate.

Mr. HILL, of Georgia. Yes, it was decided in the Senate. The motion to discharge the committee was decided distinctly upon the motion to discharge the committee was decided distinctly upon the ground, as stated at the time, that there was no issue of fact for the committee to investigate. Now, could it be possible for a case to be considered more emphatically on the merits? Assume, then, that the bargain alluded to was made. I beg pardon of the Senate for supposing that it was made, but even supposing it was possible that the Senate could ever have been guilty of the enormous crime of degrading itself by agreeing that one man elected to a seat should be admitted on condition that one who was not elected should also be admitted, agreeing that one man covered with bribery might be admitted on the condition that one who was not even charged with bribery should also be admitted, who first violated the bargain? A strange bargain you would have to make that BUTLER should come in prima facie and Kellogg on the merits. There was no mutuality in that facie and RELIGIS on the merits. There was no mutuality in that agreement. We ought to plead failure of consideration, as the lawyers say. But the truth is both cases were considered on the merits, whatever that word is worth, which I hope to be able to show means nothing, absolutely amounts to nothing in law or in fact, but certainly one was as much on the merits as the other; and yet in the very next session of Congress a resolution was introduced upon the memorial of Corbin, by which his case was reopened, and he and BUTLER were both referred back to the committee for another inves-

Mr. EDMUNDS. If the Senator will permit me to correct him, as a mere matter of fact the committee were never discharged from the consideration of Corbin's credentials. The motion of the Senator from Ohio [Mr. Thurman] was to discharge the committee, having both sets of credentials before them for consideration, from the Butter expectations.

both sets of credentials before them for consideration, from the Butler credentials, but did not include the Corbin credentials.

Mr. HILL, of Georgia. That is right.

Mr. EDMUNDS. And the Corbin credentials were left under the
consideration of the committee so far as any action of the Senate went
except in having Mr. Butler sworn in all the time.

Mr. HILL, of Georgia. Literally the Senator is right.

Mr. EDMUNDS. I mean to be literal.

Mr. HILL of Georgia Beth Corbin and Butler in man administration.

Mr. HILL, of Georgia. Both Corbin and BUTLER were claiming one and the same seat, and when the Senate decided that BUTLER was entitled to it I rather think that Corbin was not entitled to it, unless the Senator from Vermont can reverse the well-known law of natural philosophy that two bodies cannot occupy the same space at the same time

Mr. CAMERON, of Wisconsin. In this case the Senate has decided that Kellogg is entitled to the seat, and according to the reasoning of the Senator from Georgia it follows that Spofford is not entitled to

Mr. HILL, of Georgia. We will come to that.

Mr. CAMERON, of Wisconsin. By the same reasoning now applied to the Corbin and Butler case.

Mr. HILL, of Georgia. That is what you decided in 1877 without investigation. That is what you decided in 1877 by concealing the facts. That is what you decided in 1877 by refusing to know the truth. In the Corbin-Butler case there was no issue of fact; there was no concealment of fact; there was no refusal to investigate; there was no closing the door for the entrance of the truth in order that a man might come in who had no right. Nothing of that sort was in the case; but you did come here, as I have explained, and you did bring from the committee a resolution declaring that Kellogg

was entitled and Spofford was not entitled, which resolution you framed and passed after refusing to know the facts.

Talk about honor; talk about an honorable Senate; the question is, is the Senate bound by a judgment confessedly and openly in derogation of the very honor of the Senate, in contravention and disregard of the honor of the Senate, the committee distinctly refusing to make the investigation that the Senate had ordered to be made and that one party was begging a period to the reader to be made

to make the investigation that the Senate had ordered to be made and that one party was begging should be made.

I beg pardon; I did not intend to go into that question now. I only say that both cases were decided on the merits; that is, if either was decided on the merits; neither was prima facie, in other words. But I have said more than I intended to say when I rose. The question as to whether the Senate has authority to refuse to review the decision made in 1877 I propose to consider at another time. I simply got up to set the Senate right upon the question of a bargain.

Mr. HOAR. Mr. President, I do not wish to detain the Senate more than a moment. I have seen in the course of my experience in life instances of persons who have attempted to delude other people. I do not propose to express here any opinion as to which of these two classes the extraordinary statement which has been made by the honorable

the extraordinary statement which has been made by the honorable Senator from Georgia falls in. It is absolutely amazing to any person who knows the actual facts in regard to the transaction which he has undertaken to narrate to the Senate—

Mr. HILL, of Georgia. If the Senator will allow me just one

Mr. HOAR. The Senator refused to allow me to interrupt him.
Mr. HILL, of Georgia. I allowed you once; but very well; go on.
Mr. HOAR. I will make my statement consecutively; and I should
like the attention of the honorable gentlemen on the democratic side
of the Senate to what I propose to say.

Two charges have been made against the action of the committee
in 1877 and the action of a majority of the Senate which followed;
one, that the words "on the merits" in the resolution reported in regard to Mr. Kellogo's case were put in there to entrap or mislead

gard to Mr Kellogg's case were put in there to entrap or mislead somebody, to get an advantage which was not apparent from the vote to the understanding of the persons who passed it; and the other, that the committee refused to take testimony for the contestant as they were instructed and desired by the vote of the Senate. The fact is exactly this: The honorable Senator from North Carolina, Mr. Merrimon, then a democratic Senator and a member of the Committee on Privileges and Elections, introduced the order upon which the committee acted. Whether he consulted with any of his democratic associates in this body or on the committee, of course nobody knows. He introduced this order:

Resolved. That the Committee on Privileges and Elections, in the contested case of William Pitt Kellogg and Henry M. Spofford, claiming seats as Senators from the State of Louisiana, and whose credentials have been referred to such committee, be authorized to send for persons and papers and administer oaths with a view of enabling said committee to determine and report upon the title, respectively, on the merits, of each of said contestants to a seat in the Senate.

Does anybody suppose that Mr. Merrimon designed to entrap or Does anybody suppose that air, informing designed to entrap or mislead or deceive anybody? A more honorable Senator and a more honorable gentleman, so far as I know, never breathed than the democratic Senator who then had a seat on this floor from the State of North Carolina. It was his purpose so to pen that resolution as to finally and forever end, by the final judgment of the Senate, upon the merits of the case, the question of the disputed title to a seat from the State of Louisiana. When the committee reported what they had done in accordance with that resolution they took the phraseology the State of Louisiana. When the committee reported what they had done in accordance with that resolution, they took the phraseology of their instruction, as is the usual and proper course in such cases. What I say appears upon the Journals of the Senate. The Senator from Georgia said he did not know whether this was a vote of the Senate

or of the committee, if I understood him correctly.

Mr. HILL, of Georgia. Which? On Merrimon's resolution?

Mr. HOAR. The vote on the resolution I have just read.

Mr. HILL, of Georgia. I did not say that.

Mr. HOAR. I so understood the Senator.

Mr. HILL, of Georgia. I said the Senate authorized the committee to send for persons and papers. The Senate gave the authority.

Mr. HOAR. If the Senator does not know, it is very strange in the light of what he has said. I think it would be more creditable to that Senator to believe that he did not know than to believe that he

Mr. HILL, of Georgia. The resolution shows on its face that it was adopted by the Senate.

Mr. HOAR. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts

declines to yield.

Mr. HOAR. Now I come to the second charge, and a statement as

brief will dispose of that. It will dispose of that in the minds of the honorable democratic Senators who have attended to it. The committee in pursuance of that instruction sent for the parties and their counsel and inquired of them what facts were in dispute, and whether the hearing could be shortened by an agreement in regard to the undisputed facts. Mr. Spofford's counsel and Mr. Spofford himself, both taking part in the discussion before the committee, and Mr. Kellogg's counsel said, one by one, this fact is agreed to, that fact is agreed to, that other fact is agreed to, disclosing all the facts which appeared upon the records of the Legislature of Louisiana, all the unquestioned facts of the history of the case, and they brought the case to one very simple issue, the question of the validity of the election of that Legislature. A majority of the committee believed that the certificates of the Louisiana returning board were conclusive as to the right of every member who had its certificate to sit and vote; and if that were true, that ended the case. You might as well delege an extra of this Congress invalid which passed by one well declare an act of this Congress invalid which passed by one majority because some Senator who sits here was illegally elected,

he sitting and voting and holding the seat. That ended the case in our judgment and in the judgment of a majority of the Senate.

But further, there were various matters which the counsel desired to discuss and to consider. All the matters which related to the composition of that Legislature and the conduct of that election had been elaborately and fully investigated by committees of the Senate and the House. Two, I think, republican committees of the Senate had taken testimony on one side, and two democratic committees of the House of Representatives had taken it on the other, as everybody knows, and it was agreed by the parties that the evidence taken by the committees of the House on the one side and the committees of the Senate on the other should be received as competent upon the issues raised in that case by the committee and by the Senate, and ten thousand pages of that evidence were put into the case. It was familiar to every old Senator and old Representative, who had gone

over it and debated it and discussed it again and again.

The parties there rested their case, but after the case had so closed, or if not closed after that had been put in without an intimation that anything more was wanted, it is true that Mr. Spofford did ask to be permitted to send to the State of Louisiana and get some more evipermitted to send to the State of Louisiana and get some more evidence. That would have postponed the decision of the case for months, certainly for weeks. The committee were of the opinion that the evidence which Mr. Spofford proposed to offer was wholly cumulative, that all that would be accomplished by granting him that liberty would be to have on some of these points fifty-one witnesses and not fifty, or thirty-one witnesses and not thirty, as the case might be, and that it would make no difference in the final opinion of the committee.

There was a struggle going on also, but I have no right to impute and I do not impute that that was the purpose of Mr. Spofford's application, to get Mr. BUTLER into the Senate first, if he were to be seated, in order that his vote in the even division of the Senate might count in the Kellogg case, and of course it was not the object of the majority of the committee to make a postponement for that purpose.

majority of the committee to make a postponement for that purpose. I do not impute that motive to anybody. The historic facts are known to the men who had seats in this body at that time.

Mr. President, that is the narrative of this transaction. The committee held and the Senate held, for the reason which I have briefly indicated, that this evidence was totally immaterial. Whether rightfully or wrongfully, they passed upon that question of constitutional law. The committee held, and the Senate held also, that whether that evidence were or were not material, it was not the exercise of a sound discretion to delay the decision of the case for weeks or months merely to get in a little cumulative evidence in addition to the 10,000 pages of testimony. That is the state of it.

Mr. HILL, of Georgia. I want to say a word.

The PRESIDING OFFICER. The Senator from Massachusetts has

Mr. HOAR. The Senator from Vermont [Mr. EDMUNDS] calls my attention, turning to the Journal, (I took my statement from the printed pamphlet which I hold in my hand,) that the instruction offered in the Senate was offered by the honorable Senator from Oregon, [Mr. Mitchell,] a republican Senator, but it was offered in the committee by Mr. Merrimon and unanimously agreed to by the com-

Mr. HILL, of Georgia. I want to say a word. Mr. KELLOGG. I ask the Senator from Massachusetts to read the resolution which was unanimously agreed to in committee.

Mr. HOAR. I will read it.

Mr. HILL, of Georgia. I understand it perfectly; there is no question between us on that point.

Mr. HOAR. I am addressing the Senate and not the Senator from Georgia

Mr. HILL, of Georgia. I thought you were through and I was

waiting.
Mr. HOAR. When the Senator from Georgia takes his seat, I will

proceed.
Mr. HILL, of Georgia. I thought the Senator was through, and I simply wanted to say a word.
The PRESIDING OFFICER. The Chair will remind Senators that they must address the Chair. The Senator from Massachusetts is entitled to the floor, and cannot be interrupted without his consent.

Mr. HOAR. I had not intended to yield the floor. I stopped what I had to say, and the Senator from Vermont called my attention to the original record; and I desire to read it exactly as it is. This is the resolution passed by the Senate:

Resolved. That the Committee on Privileges and Elections in the contested cases of William Pitt Kellogg and Henry M. Spofford, claiming seats as Senators from the State of Louisiana, and whose credentials have been referred to such committee, be authorized to send for persons and papers, and administer oaths, with a view of enabling said committee to determine and report upon the title respectively on the merits of each of said contestants to a seat in the Senate.

That was October 25. The committee at its meeting on the same day, on motion of Mr. Merrimon, passed a resolution, and I am not able to state now from memory whether the committee passed it in the morning before the meeting of the Senate, or after the meeting of the Senate. At the meeting of the committee on the same day I proposed this resolution:

Resolved, That it becomes necessary in determining the validity of an election of Senator, held in January, 1877, to inquire who were the lawful Legislature at that time, and that no other authority is competent to determine that question for the Senate.

The resolution was agreed to. Then Mr. Merrimon proposed the following resolution:

Resolved. That the committee proceed to examine and ascertain the substantial merits of the respective claims of Hon. W. P. Kelloge and Hon. H. M. Spofford to a seat in the Senate as a Senator from the State of Louisiana, and to this end to inquire particularly which, or whether either, of the two rival bodies claiming to be the Legislature of said State.

That was unanimously agreed to by the committee, as I understand. Then the committee further resolved—

That the chairman furnish to the contestants (W. P. Kellogg and Henry M.

Spofford) a copy of the resolutions passed this morning—
Which would imply that this resolution was passed by the committee at its morning session before the Senate met-

indicating what course the committee will take in the hearing, and request them to appear before the committee at ten and a half o'clock to-morrow morning, and then state in writing what evidence, if any, they desire to present, and when they desire to be heard.

Mr. HILL, of Georgia. Some Senators and some gentlemen have a very happy faculty of making speeches upon what they choose to assume as imaginary questions when there is really no difference or issue of fact at all. The resolution which the Senator made a noise about as to whether I knew it was passed by the Senate or not, shows on its face that it was passed by the Senate, for it was a resolution by the Senate instructing the committee. Who could instruct the committee to take testimony but the Senate? Everybody in the Senate understood perfectly and knew that that resolution was passed committee to take testimony but the Senate? Everybody in the Senate understood perfectly and knew that that resolution was passed by the Senate; yet the Senator wants to know of me whether I knew it was passed by the Senate. Everybody knew that, even the Senator from Massachusetts. He was discovering a mare's nest with wonderful facility.

Then, as to the other facts, I have made my remarks as to what occurred before that committee, and I say the facts are shown by the

curred before that committee, and I say the facts are shown by the records of the committee. Every fact I stated before is shown by the records of the committee. I shall not revise my remarks; they will appear to-morrow morning in the RECORD as I have spoken them; and I challenge the Senator from Massachusetts or any other Senator to point his finger on a single fact that I have stated that I will not be able to show is taken from the record. I am familiar with the facts of this case, and we shall see who is right and who is wrong in the facts connected with the case.

I say that there never was a witness examined by that committee. I admit that the word "merits" was put in the resolution adopted by the Senate; but the Senate by its previous resolution ordered the committee to send for persons and papers and to administer oaths and to take testimony. Now, I say they did not send for a person; I say they did not administer an oath; I say they took no testimony, except that which the parties except to for the simple average of the says that the says the says that the says the says that the says that the says that the says that the says the says that the says that the says that the says that the says the says that the says the says that the says that the says that the says that the says t they did not administer an eath; I say they took no testimony, except that which the parties agreed to for the simple purpose of narrowing the field of investigation. I say you made no investigation at all. That is what I say, and I say it explicitly, and I stand prepared to make it good. You never administered an eath; you never examined a witness; and I do say that Spofford was standing there begging for permission to send for witnesses, and you would not grant him one. You assumed that the witnesses would prove nothing if they came except what you said was cumulative. That was an assumption. How could you know until the testimony was taken? This is nothing new; let me read from the record some remarks I made in the committee at the time, and no man disputed them. Here they are printed. On one meeting in the afternoon the committee passed a resolution of the Senator from Massachusetts declaring—

That it is the sense of the committee that the matters proposed by Judge Spof-ford have been fully considered by them in their previous action.

When they had not considered them at all. He came in next morning and made a motion to amend his own resolution which had already been adopted, and he moved to reconsider the adoption of that resolution for the purpose of putting in as an amendment the words "as far as material," so that the resolution would read:

That it is the sense of the committee that the matters proposed by Judge Spofford, so far as material, have been fully already considered by them in their previous action, and are fully covered, either by the admissions of Mr. Kellogg or the evidence already before the committee.

There are facts stated by Judge Spofford which Kellogg would not admit, which were not referred to in a single piece of evidence that

was taken; and yet, in spite of that, they passed that resolution. Then I made this remark, to which I call the attention of the Senate to see whether I have been extravagant in my statements or not, to to see whether I have been extravagant in my statements or not, to see whether I am deluding myself or seeking to delude anybody else. I made as strong a remark before that committee as I have made this day upon the character of the proceeding.

Mr. EDMUNDS. What page does the Senator read from?

Mr. HILL, of Georgia. Page 96 of the proceedings of the committee—not testimony. It is all talk; no testimony was taken there at all, except what the parties agreed to.

Mr. EDMUNDS. I think I must have a different document from the Senator.

the Senator.

the Senator.

Mr. HILL, of Georgia. There were two printed, I will say to the Senator from Vermont, and there is a difference between them. This is the first one printed of the proceedings of the committee.

Mr. EDMUNDS. Will the Senator kindly read the title of the document he has so that I can get the same document?

Mr. HILL, of Georgia. "Proceedings of the Committee on Privileges and Elections, United States Senate, on the contested cases of William P. Kellogg and Henry M. Spofford, claiming seats as Senators from the State of Louisiana."

Mr. EDMUNDS. That is enough. I have some other document.

Mr. EDMUNDS. That is enough. I have some other document. Mr. HILL, of Georgia. I read from page 96. The Senator from Massachusetts next morning moved to reconsider his own resolution in order to qualify it by saying, "so far as material."

That was agreed to, and the resolution, as amended, was again adopted. Then I made this remark:

Senator Hill. I think we are acting a little hastily. The resolution states that the matters, as far as material, to which our attention was called by Mr. Spofford this morning, have been previously considered by the committee. I respectfully submit that we have never considered them at all, and the journals and records and proceedings of this committee will not sustain that allegation.

If I was seeking to delude anybody then, I did not delude the ma-

jority of that committee.

We have called upon these gentlemen to appear before us and to state upon what points they desire to take testimony, and we have had their statements from time to time for the purpose of making up the issue. The whole proceedings of this committee—

Mark this language-

The whole proceedings of this committee have been directed heretofore to making up the issue between these contestants. We have never once considered the issue as made up. Our attention has never been called to the fact directly whether these particular points were covered by the testimony already in or not, and no man can point to the testimony that is in that covers them. I think we are acting hastilly. I do not think we have considered these things.

But the committe went on and acted. Then Mr. Spofford was called in, and here is what he said:

Mr. SPOFFORD-

After being informed by the chairman that the committee had

Arter being informed by the chairman that the committee had closed and would take no more testimony—

Mr. INGALLS. What date was that statement of Mr. Spofford?

Mr. HILL, of Georgia. The same day. I think it was about the 23d of November. We had a long meeting. November 22 is the date I see here in the print some pages before this; and I remember that we met that afternoon at two o'clock. So it would seem to have been November 22, 1877. After Mr. Spofford was informed that he could not seem to the print seem bor the seid to be seen to the seem to be seen to the seid to be seen to the seem to be seen to the seem to be seen to the seem to the seem to be seen to the seem to be seen to the seem to be seen to get no witnesses by the chairman, here is what he said:

Mr. Spofford. I would inquire whether the practice before this committee (having had no experience in these matters I ask for information) would justify my entering any protest or exception against this last ruling of the committee with regard to the evidence upon the matters that I read this morning? If there is any justification or precedent for the practice, I should like to have it entered that I protest against the proposition, that it may be put of record.

The CHAIRMAN—

Who was Mr. Wadleigh-

I am not aware of any precedent of that kind.

Did I not state that they refused to take testimony, that Mr. Spofford himself was so shocked that he asked the privilege of entering a protest, and the chairman told him he knew of no precedent for it. He was denied a summons for a witness, denied any witness at all, denied the privilege of a protest, but closed down on, and the case was

reported.

Talk about Corbin's case not being considered on the merits when we voted him \$10,000 here for his contest! We voted him \$10,000 for exwe voted him \$10,000 here for his contest! We voted him \$10,000 for expenses incurred in coming here to contest his seat. I merely mention that as a reminder. I surely want to put myself right. I have great respect for the Committee on Privileges and Elections. I do not mean to reflect on any of them personally. They know the indignation I felt at the time this transaction took place; I did not conceal it from them; I expressed it to them frankly there; and if ever there is a returning sense of justice in the Senate, the wrong will be corrected. Isaid it was an outrage. They may have had good motives for it. I cannot make a mistake in relation to the facts of the case. The resolution of the Senate was just as the Senator from Massachusetts read tion of the Senate was just as the Senator from Massachusetts read it, ordering us to take testimony and determine on the merits who was entitled to the seat. I do not say the word "merits" was put in the resolution to entrap anybody or to deceive anybody, but it was to instruct the committee what to do, to take testimony and to determine the case on the merits. The committee determined the case, as they said, on the merits, without taking the testimony. All in the world of testimony that was taken was that agreed to by the parties for the purpose of narrowing the field of investigation. Here is another remark I made at the same time:

Senator Hill. Judge Spofford has said, and it is his statement this morning to the committee, that the testimony on these points that he desires to take, and to which he called the attention of the committee, has not been covered by any admission of Mr. Kelloge, nor by any of these reports, nor by the testimony taken.

It never appeared at all. The gentleman cannot escape it. I will not impugn his motives or the motives of the committee. I dare say they acted from their stand-point from what they thought was right. They persuaded themselves it was right. It was a distinguished illustration of the truth of the statement made by the Senator from Massachusetts, that some people have a faculty of deluding themselves and imagine that thereby they delude others, when they delude nobody but themselves.

This committee did put the word "merits" in their resolution after having refused to take testimony as ordered by the Senate. Whether they can justify themselves or not is a question for the Senate. I think they cannot. It is said the testimony was immaterial. Here it is now, taken since by the present committee, over twelve hundred pages. Let us go into it and see whether it is material. If it be material, then the resolution to which I have called the attention of

material, then the resolution to which I have called the attention of the Senate was incorrect, and the wrong ought to be corrected.

Mr. BUTLER. Mr. President, I desire one moment. A good deal has been said about the editorial in the Charleston News and Courier of March 24, and from that paper an editorial is read as charging a bargain upon the Senate in regard to the admission of the Senator from Louisiana [Mr. Kellog] and myself. I see nothing in the editorial in this paper to justify any such charge, either directly or impliedly. The editors of the paper, whom I take great pleasure in saying I know very well, are both honorable gentlemen and are incapable of making any reflection upon the honor of this body. pable of making any reflection upon the honor of this body.

After giving a brief history of the discussion when the credentials

of Mr. Kellogg and myself were before the Senate, this editorial refers to an agreement and quotes from the Record and says this:

After another lengthy discussion of this resolution Mr. EDMUNDS said:

Now what did the Senator from Vermont say:

I ask unanimous consent be given to come to an understanding among the Senators : First-

Here is the understanding and that is all there is in it:

First, to vote on the Kellogg-Spofford case at or before two o'clock and thirty minutes a. m. to-day, the chairman of the committee or any one allowed by him to have the last hour to sum up, if desired. Second, to vote on the Butler-Corbin case at or before the expiration of one hour after the Kellogg-Spofford case is disposed of, the time to be equally divided, the chairman of the committee or some one for him to have the last thirty minutes to close the debate.

Mr. Thurman, upon this proposition being made, said:

"I hope the proposition will be agreed to, and I ask my democratic friends on this floor to agree to it, and to trust to me that it will result in an arrangement perfectly honorable and fair to both parties."

Now, here is what the editor says: Now, here is what the editor says:

No objection being made, the vote was taken on Mr. Hill's motion to seat Spofford on a prima face title and subject to the right of Kellogs to contest his seat. This amendment was lost—yeas 27, nays 29. Mr. Merrimon then moved that Spofford be allowed to produce at the bar of the Senate the testimony he offered to produce before the Committee on Privileges and Elections, and that the further consideration of the subject be postponed until such testimony could be taken. Mr. EDMUNDs immediately stated to the Senate that such a course would be "a plain violation of the understanding which had just been had, that the Senate would vote square and straight on the case."

Mr. Merrimon upon being reminded of this agreement stated that he withdrew his motion. The Wadleigh resolution originally submitted by the committee was then voted upon directly and adopted.

The Charleston News and Courier simply makes extracts from the The Charleston News and Courier simply makes extracts from the record of the proceedings of the Senate; it recites what the agreement was; what was said publicly, and what agreement was submitted by the bonorable Senator from Vermont, which I understood to be a simple question of personal convenience to Senators. That was all. They had been at a dead-lock here for several days and nights, and as I understood this understanding was had between the honorable Senator from Vermont and the honorable Senator from Ohio simply to come to a vote at a certain time. That is the agreement to which the News and Courier refers; and it charges no bargain on the Senate, but it recites in detail what the agreement was. I submit that even in the view of the News and Courier there could be no derthat even in the view of the News and Courier there could be no dereliction of duty, and no heinous offense committed by anybody. It simply recites what the Senate itself did, and I submit that whatever simply recites what the Senate itself did, and I submit that whatever has been said in newspapers or in the heat of debate reflecting on the editors of that paper certainly was unwarranted, because they have simply taken the RECORD as they found it and made their comments on it, and do not pretend that any other agreement was made than that set forth in the editorial itself. I think this much is due to the gentlemen who edit that paper.

Mr. BLAINE. Mr. President, I regret that when I first referred to the matter I had not before me the RECORD of Congress, because it is more authentic than newspaper reference. Every Senator who hears my voice knows that there is nothing more common in this body than after a debate has been progressing for some time to come to an understanding as to when the vote shall be taken. It is the Senate's mode of enforcing the previous question by unanimous consent. It is one of the most common occurrences in the body and attaches to every question here that is debated at length. It is a frequent occurrence in the Senate. I think I state that instantiating But now currence in the Senate. I think I state that just as it is. But now the honorable Senator from South Carolina endeavors to make the Senate understand that after the body had been at a dead-lock for

several days, as he states, all that there was and all that occurred here was a simple understanding that we should vote at a certain

Mr. BUTLER. I only state what I myself understood. I do not

know what other people understood.

Mr. BLAINE. I will read the Congressional Record, which I regret I had not read before. And I will not tax the Senate more than a few minutes. I read from the Congressional Record of November 30, 1877, page 796, volume 6, and Appendix. This occurred at the end of what the Senator from South Carolina states had been several days of dead-lock. The Senator from Vermont [Mr. EDMUNDS] made his proposition to vote at a certain time:

Mr. Thurman. That would give him all the time now.
Mr. EDMUNDS. Exactly; but your side has had all the evening on the Kellogg

Mr. EDMUNDS. Exactly; but your side has had an the evening on the Kenoge case.

Mr. EDMUNDS. "Second, to vote on the Butler-Corbin case at or before the expiration of one hour after the Kellogg-Spofford case is disposed of, the time to be equally divided, the chairman of the committee or some one for him to have the last thirty minutes to close the debate."

I ask unanimous consent to come to that understanding, Mr. President.

The Vice-President. Is there objection?

Mr. Garland. Is there nothing, I ask the Senator from Vermont, of the other

Mr. EDMUNDS. I propose nothing. I ask unanimous consent for that I have named, nothing more, nothing less.

Mr. GARLAND. I do not think it is an improper proposition at all.

Mr. THURMAN. Mr. President, I hope the proposition will be agreed to; and I ask my democratic friends on this floor to agree to it and to trust to me that it will result in an arrangement perfectly honorable and fair to both parties.

What meant all this talk of the honorable Senator from Arkansas, [Mr. Garland,] who now occupies the chair, and whose sense of honor I would trust as far as any man, and of the senior Senator on the other side of the Chamber, [Mr. Thurman,] who is recognized as the democratic leader—all this talk by the Senator from Arkansas the democratic leader—all this talk by the Senator from Arkansas about the proposition not being an improper one, and his invocation to his brother democrats on the part of the Senator from Ohio to trust him, to go it blind as it were, "trust to me that it will result in an arrangement perfectly honorable and fair to both parties," and it will come out all right? All this talk, this extraordinary language, had reference simply and solely to fixing an hour at which the Senate would vote on the question, we are told! That is the whole of it! That would be the most extraordinary preface, the most extraordinary prelude to so short and inconsequential a play that the Senate rec-

ords could show anywhere.

I do not desire to push this matter at all. I only desire to say that everything I stated and more than I stated is borne out on the very face of the CONGRESSIONAL RECORD, on the very face of the words face of the Congressional Record, on the very face of the words themselves. Then the voting began, and Mr. Merrimon came into the Senate, and not having heard the honorable Senator from Ohio pledge his democratic associates on the floor that it would all come out right if they would only trust to him, Mr. Merrimon in a rash and unguarded moment plunged in with an amendment, and his coat-tail was gently pulled and it was intimated to him that that was not according to the agreement, and he was sat down upon and then himself sat down, and the whole thing went on and went forward and went through on that arrangement, and the honorable Senator from went through on that arrangement, and the honorable Senator from went through on that arrangement, and the honorable Senator from South Carolina but for that arrangement would not have been seated. That was the last night of that session of Congress. ["No!" "No!" It certainly was the last night of that session, the 30th of November. Mr. BUTLER. The legislative day of the 25th of November continued. We were sworn in actually on the 2d of December. Mr. BLAINE. This was the 30th of November. Mr. INGALLS. Congress adjourned on the 3d of December. Mr. BLAINE. Then I am wrong as to its being the last night of the session.

Mr. ANTHONY. The proceedings were journalized as of one day,

but extended over the next day.

Mr. BLAINE. I was absent myself at that time, and I am probably the only Senator who can avail himself of an alibi so as to prove

ably the only Senator who can avail himself of an alibi so as to prove that he had no part in this transaction at all. [Laughter.] I am again an exculpated cruiser. [Laughter.]

This is journalized as of the 30th of November, just as a dead-lock that runs over several days will bear the impress on the Journal of the Senate and on the Record of the day it began. But I am correct in stating that this was the last night of the session and that it was in the record of the Chamber to a state of the Chamber to was in the power of any Senator on either side of the Chamber to have prevented that arrangement going into effect. It only needed a small proportion of brass and a good pair of lungs to have talked that question clear out, and therefore when the honorable Senator from Arkansas says there is nothing improper in that proposition the honorable Senator from Arkansas rises up to the height of the occahonorable Senator from Arkansas rises up to the height of the occasion, when standing as the representative of a great sovereign State, to assure the Senate that fixing an hour for taking the vote was a proposition that could not have anything "improper" in it, and then the Senator from Ohio clinched the opinion of the Senator from Arkansas that there was no impropriety in it, as if the Senator's remark, as I supposed it had, made a little suspicion, he says: "Trust to me, and the arrangement will be one that shall be honorable and fair to both parties." Now, whether the "both parties" were the Senator from Louisiana and the Senator from South Carolina, or whether they were the political parties that sit on either side of this Chamber, is quite immaterial. I do not know. The language would not be spe-

cific on that point, but it would have the same meaning in either construction, and therefore I maintain that, despite all the sensitiveness we see here and all the disposition to avoid implication, the record itself shows that there was something underneath that settlement of that question that night in which every Senator here was consenting What it was the absent Senator, seven hundred miles away,

But I maintain, Mr. President, on the more serious side of this question, that the proposition now made is a new one in the history of this Government. It is one that unsettles every title to a seat on this this Government. It is one that unsettles every title to a seat on this floor. It is one that absolutely destroys the representation of what that side of the Chamber is so fond of calling the sovereign States. It is trampling upon the certificate of a State. It is saying that when political necessities arise you will decide here who are Senators, and that in that decision you will disregard the previous recorded decision of the Senate when made upon a solemn declaration that it is done and entered upon your Journals as upon the merits of the case

I have heard it ontside-of course I never heard it inside, and I do not intimate that it ever entered into the pure mind of a democratic Senator—I have heard outside that there was a political necessity for casting ahead in this matter; that in political convulsions and revo-lutions it might be necessary to have the solid thirty-two Senators from the South, because out of the forty-four in the free States it was difficult, if not impossible, to get more than seven, and that, if seven only could be had from the North, it would require the solid thirty-

only could be had from the North, it would require the solid thirtytwo from the South to make a governing power in this body.

Next year the honorable Senator from Louisiana may be an obstructive element. He may hold on some important occasion and on
some very important question just as decisive a vote as the late honorable Senator from Florida and the late honorable Senator from
South Carolina held on that night of November 30, 1877. If my honrable friend from Conventiont [Mr. F. evol cheeped he relieved from orable friend from Connecticut [Mr. EATON] should be relieved from orable friend from Connecticut [Mr. EATON] should be relieved from service, it would give me great personal pain, however I might rejoice politically. If other Senators should be relieved by their constituencies in the North by a political revolution that should change democratic into republican Legislatures, I have heard it said that it might be a necessity to the democratic party to have a South so absolutely solid as to be unanimous against all possible intrusion from

might be a necessity to the democratic party to have a South so absolutely solid as to be unanimous against all possible intrusion from any possible republican representative whatever. Of course no vote in this Senate would be influenced by that consideration, but the party that is urging it outside—I may happen not to offend against propriety or rule if I say—are largely inspired with the desire and as they esteem it the necessity of controlling this great co-ordinate branch of the legislative department of the Government.

Mr. KELLOGG. Mr. President, I shall occupy the attention of the Senate but a moment. I cannot forbear saying that I have no part or lot whatever in this controversy, and I wish it distinctly understood that so far as I am concerned there was no bargain or trade connected with my admission that I was a party to. Sir, I bespeak the candid attention of the Senate, especially of the Senators on the other side, for one single moment, while I say that so far as I am concerned I rest my claim, my title to a seat upon this floor, upon the ground that I was seated after a full and fair investigation of the facts involved in the case. And when the Senator from Georgia tells the Senate, as I understood him to tell them a short time since, that in regard to Mr. Spofford's "five points," as they are termed, there was on the original hearing no evidence before the committee regarding these points, he states that which is not correct.

I assert that in regard to all of those five points that so much ado has been made about, the evidence in the record covered every point. This evidence was before the committee under an agreement between Mr. Spofford and myself the committee under an agreement between Mr. Spofford and myself the committee under an agreement between Mr. Spofford and myself the committee under an agreement between

This evidence was before the committee under an agreement between Mr. Spofford and myself made at the instance and in conformity with Mr. Spoilord and myself made at the instance and in conformity with the resolution of the committee appointing the chairman of the committee, Mr. Wadleigh, then Senator from New Hampshire, and a member of the committee, Mr. Merrimon, the then Senator from North Carolina, to confer with Mr. Spofford and myself to see upon what points we could agree. They did confer with us, and we finally agreed that certain evidence taken by different committees of the two Houses of Congress should be considered in order to save the expense and delay of a long and protracted investigation and sending for persons to Louisiana. This was done because it was well known and conceded that the entire matter of the election in Louisiana in November, 1876, that the entire matter of the election in Louisiana in November, 1876, had been considered in detail by these committees, and that evidence full and complete had been taken regarding this election covering many thousands of printed pages. It was also agreed that the journals of both Legislatures should be considered in evidence—other statements of fact were also mutually agreed upon.

Mr. President, the evidence agreed upon covered all the five points, and I secont that the appropriate agreed upon agreed upon agreed upon the secont that the second that

and I assert that the committee were fully justified in resolving as they did that the evidence agreed upon and the admissions made respectively by Mr. Spofford and myself covered the five points upon which evidence was thus suddenly and evidently for delay asked to

e taken.

be taken.

Moreover, Mr. President, I desire to say, that after the Senate had opened its ears to Mr. Spofford upon his five points, after it had given him opportunity to take evidence, the committee took no evidence upon three of these points, and took the evidence I think of only three witnesses upon the other two, and the evidence upon these is cumulative. A portion of it I caused to be read by the Secretary, and it establishes, if there was any doubt before regarding it, that the

three republican representatives from the Seventh ward of New Orleans were in fact elected by the admission of the democratic conservative committee, made under oath. The greater part of the evidence was on the questions of bribery or lack of quorum.

And now, sir, it is asserted that the committee misbehaved, that the Senate misbehaved, because they did not take more evidence than they already had before them, although what they had covered the five points, and when the doors were thrown open then they did not take it!

Mr. CONKLING. Mr. President, I move that the Senate do now

adjourn.
The motion was agreed to; and (at five o'clock and forty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 26, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions, for reference to their appropriate committees. Under this call memorials and joint resolutions from State and territorial Legislatures, and also resolutions calling upon the Executive Departments for information, are in order for reference.

PRIVATE LAND CLAIM IN ARIZONA.

Mr. HERNDON introduced a bill (H. R. No. 5929) to confirm the title of Rancho San Ignacio del Barbacomari, situate in the county of Pima, Territory of Arizona, to the legal representatives or assigns of the original grantees thereof of the Mexican government, Ignacio Elias and Doña Eulalia Elias; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LANDS IN CALIFORNIA FOR SCHOOL PURPOSES.

Mr. PACHECO introduced a bill (H. R. No. 5930) to donate certain military lands and possessions in the county of Inyo, State of California, for school purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PASSENGER ELEVATOR FOR HOUSE WING OF CAPITOL.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 5931) for the construction of a passenger elevator to the House wing of the Capitol; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

JOHN S. SAMMIS.

Mr. HULL introduced a bill (H. R. No. 5932) for the relief of John S. Sammis, of Florida; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SWAMP LANDS IN IOWA. Mr. PRICE presented a joint resolution of the General Assembly of the State of Iowa in reference to lands in lieu of swamp lands in that State; which was referred to the Committee on the Public Lands.

ALLEGED INTERFERENCE WITH AMERICAN FISHERMEN.

Mr. LORING submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States be respectfully requested, if not inconsistent with the public interest, to transmit to this House copies of all correspondence, not now communicated, with the English government relating to the alleged interference with American fishermen in Fortune Bay on the 6th of January, 1878.

LYDIA HARRIS.

Mr. TALBOTT introduced a bill (H. R. No. 5933) granting a pension to Lydia Harris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ERECTION OF PUBLIC BUILDINGS.

Mr. BREWER introduced a bill (H. R. No. 5934) to amend sections 3733 and 3734 of the Revised Statutes, relating to the erection of public buildings, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. DUNNELL introduced a bill (H. R. No. 5935) to amend section 2504 of the Revised Statutes of the United States, relating to duties upon imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. POEHLER introduced a bill (H. R. No. 5936) to amend article 3 of section 4693 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MURPHY.

Mr. HATCH introduced a bill (H. R. No. 5937) for the relief of Thomas Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES CLOSSON.

Mr. FARR introduced a bill (H. R. No. 5938) granting a pension to Charles Closson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM COLBY.

Mr. SMITH, of New Jersey, introduced a bill (H. R. No. 5939) for increase of pension to Abram Colby, Cookstown, Burlington County, New Jersey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT TRAVILLA.

Mr. PRESCOTT introduced a bill (H. R. No. 5940) for the relief of Robert Travilla; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI OAKES.

Mr. WILBER introduced a bill (H. R. No. 5941) granting a pension to Eli Oakes, Company G, One hundred and twenty-first New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EMMA K. CHILDS.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 5942) granting a pension to Mrs. Emma K. Childs, of Mooers, Clinton County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMBOAT E. MORRIS.

Mr. McCOOK introduced a bill (H. R. No. 5943) to authorize the Secretary of the Treasury to change the name of the steamboat E. Morris, of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

Mr. COX introduced a bill (H. R. No. 5944) to authorize the National Academy of Sciences to receive and hold trust-funds for the promotion of science, and for other purposes; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. COX submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be directed to report to this House, if in his power so to do, the number of persons connected with the life-saving service who have been disabled, or who have lost their lives, in rescuing or attempting to rescue life and property on our coasts.

DISTILLATION OF FRUIT.

Mr. VANCE introduced a bill (H. R. No. 5945) to relieve the distillation of fruit from tax now imposed by law; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, NEW BERNE, NORTH CAROLINA.

Mr. KITCHIN introduced a bill (H. R. No. 5946) to provide for the construction of a public building at New Berne, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. MARY FELTS.

Mr. WRIGHT introduced a bill (H. R. No. 5947) granting a pension to Mrs. Mary Felts, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. DEERY.

Mr. KLOTZ introduced a bill (H. R. No. 5948) for the relief of William H. Deery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES GEARING.

Mr. ERRETT introduced a bill (H. R. No. 5949) for the relief of Charles Gearing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD BYRNE.

Mr. HARMER (by request) introduced a bill (H. R. No. 5950) for the relief of Edward Byrne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARMER (by request) also introduced a bill (H. R. No. 5951) for the relief of John Young; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed. HEIRS OF WILLIAM H. AKINS, ETC.

Mr. HARMER (by request) also introduced a bill (H. R. No. 5952) for the relief of the heirs of William H. Akins and Jacob D. Felthousen, their heirs and assigns; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TOUSSIANT MESPLIE.

Mr. HARMER (by request) also introduced a bill (H. R. No. 5953) for the relief of Toussiant Mesplie; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STATUE TO GENERAL CUSTER.

Mr. BAYNE introduced a bill (H. R. No. 5954) to authorize the erection of a statue of the late Brevet Major-General George A. Custer, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID P. BOYD.

Mr. TAYLOR introduced a bill (H. R. No. 5955) granting a pension to David P. Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE R. SMITH.

Mr. WELLBORN introduced a bill (H. R. No. 5956) for the relief of George R. Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Mr. GOODE introduced a bill (H. R. No. 5957) for the relief of the Albemarle and Chesapeake Canal Company; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORT ON EDUCATION FOR 1878.

Mr. GOODE also introduced a joint resolution (H. R. No. 293) providing for the printing of the Report of the Commissioner of Education for the year 1878; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

A. F. AND N. C. ST. JOHN.

Mr. RICHMOND introduced a bill (H. R. No. 5958) for the relief of A. F. and N. C. St. John, of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS M. WELLEN.

Mr. WILSON introduced a bill (H. R. No. 5959) granting a pension to Thomas M. Wellen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUPLICATE LAND SCRIP.

Mr. POUND introduced a bill (H. R. No. 5960) to authorize the issue of duplicate land scrip where the original has been lost or destroyed; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMBER-CULTURE CLAIMS, DAKOTA.

Mr. BENNETT introduced a bill (H. R. No. 5961) for the relief of certain settlers in the Territory of Dakota having taken timber-culture claims; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TAX ON OLEOMARGARINE.

Mr. THOMAS introduced a bill (H. R. No. 5962) to tax the manufacture of oleomargarine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be

LUCAS W. VAN DOREN.

Mr. HAYES introduced a bill (H. R. No. 5963) granting an increase of pension to Lucas W. Van Doren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS, NARCISSA JOHNSON.

Mr. CHALMERS introduced a bill (H. R. No. 5964) for the relief of Mrs. Narcissa Johnson, of Washington County, Mississippi; which was read a first and second time, referrd to the Committee on War Claims, and ordered to be printed.

ELENOR EDWARDS.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 5965) granting a pension to Elenor Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH S. M. FINLEY.

Mr. O'NEILL (by request of Mr. Kelley) introduced a bill (H. R. No. 5966) granting a pension to Mrs. Elizabeth S. M. Finley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR S. GIBBES.

Mr. O'CONNOR introduced a bill (H. R. No. 5967) for the relief of Arthur S. Gibbes, of Beaufort, South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP M'CAFFREY.

Mr. BENNETT introduced a bill (H. R. No. 5968) for the relief of Philip McCaffrey, of the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN N. SMITH.

Mr. ELAM introduced a bill (H. R. No. 5969) for the relief of the legal representatives of John N. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. L. DARRAGH.

Mr. SHALLENBERGER introduced a bill (H. R. No. 5970) for the relief of T. L. Darragh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD DECKER.

Mr. ROSS introduced a bill (H. R. No. 5971) granting a pension to Richard Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. VAN PELT.

Mr. ROSS also introduced a bill (H. R. No. 5972) granting a pension to John W. Van Pelt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARENTON CANAL, LOUISIANA.

Mr. ACKLEN introduced a bill (H. R. No. 5973) making an appropriation for the construction of the Charenton Canal, in the parish of Saint Mary, State of Louisiana; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NELSON LYON AND JEREMIAH S. JAMES.

Mr. WILLETS introduced a bill (H. R. No. 5974) supplementary to "An act for the relief of Nelson Lyon and Jeremiah S. James," approved April 1, 1880; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 2787) making appropriations for the fortifications and other works of defense, and for the armament thereof, for

the fiscal year ending June 30, 1881, and for other purposes;
A bill (H. R. No. 5523) making appropriations for the support of
the Army for the year ending June 30, 1881, and for other purposes; and

A joint resolution (H. R. No. 290) accepting the gift of the desk used by Thomas Jefferson in writing the Declaration of Independ-

AMENDMENTS TO THE RULES.

AMENDMENTS TO THE RULES.

Mr. MILLS submitted the following proposed changes in the rules; which were referred to the Committee on Rules:

*Resolved**, That hereafter the rules shall be so amended that section 4 of Rule XXI is hereby repealed, and section 5 shall be numbered section 5.

*Also resolved**, That the rules of the House be amended as follows:

To come in at the end of section 6, Rule XXIII:

"Provided, That after the Committee of the Whole shall have considered a bill for three days, any member may move that the committee rise and report the bill with a favorable recommendation, which shall have precedence of all other motions, and shall cut off all pending amendments, and shall be determined without debate."

RIGHTS OF CERTAIN SETTLERS IN KANSAS.

Mr. RYAN, of Kansas. I ask unanimous consent and the indulgence of the House for about five minutes to pass a bill, a substitute for House bill No. 2310, to protect the settlers in the extreme western part of my State in the enjoyment of their homes during a temporary and necessary absence therefrom. Unless the bill is passed promptly these settlers, or many of them, will lose their homestead and preemption claims, and I hope there will be no objection to its present consideration.

The bill was read, as follows:

[Substitute for House bill No. 2310.]

A bill for the relief of certain homestead and pre-emption settlers in Kansas.

A bill for the relief of certain homestead and pre-emption settlers in Kansas.

Be it enacted, &c., That it shall be lawful for homestead and pre-emption settlers on the public lands, or pre-emption settlers upon Indian reservations, in the State of Kansas, west of the last line of the counties of Harper, Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell, and Jewell, where there has been a loss or failure of crops from unavoidable cause, in the year of 1870 or 1880, to leave and be absent from said lands until the 1st day of October, 1881, under such rules and regulations as to proof and notice as the Commissioner of the General Land Office may prescribe; and during said absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by such pre-emptors is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act; but in cases where the purchase-money is by law payable in installments, the first unpaid installment shall be held not to be due until one year after the expiration of the leave of absence aforesaid.

Mr. PVAN of Kenses, The bill is an expire and the present defensed.

Mr. RYAN, of Kansas. The bill is unanimously reported favorably by the Committee on the Public Lands.

Mr. BLOUNT. I should like to hear some explanation of the bill

from the gentleman from Kansas.

Mr. RYAN, of Kansas. In the extreme western portion of my State there has been exceptionally dry weather during the last fourteen months. In that section of the State there are many homestead and pre-emption settlers who have sustained a loss of crops in consequence. These settlers are obliged now to go away from their claims temporarily to earn a subsistence for their families. When they leave their homes, unless they are protected by this legislation the first stranger that comes along may take possession of their claims and invest himself with all their rights, including the improvements they have put upon them. This bill is simply to protect them in the enjoyment of their rights, their improvements, in a word, their homes, as fully as if

their rights, their improvements, in a word, their nomes, as fully as it
they remained there.

Mr. TUCKER. During this year?
Mr. RYAN, of Kansas. Till the 1st of October, 1881.
Mr. WEAVER. Is there nothing else in the bill?
Mr. RYAN, of Kansas. Nothing else, except to give these settlers
a corresponding extension of time in which to make final proof and

Mr. STEVENSON. From what committee is the bill reported?
Mr. RYAN, of Kansas. From the Committee on the Public Lands.

Mr. RYAN, of Kansas. From the Committee on the Public Lands.
Mr. TUCKER. Is it a unanimous report?
Mr. RYAN, of Kansas. It is.
Mr. DUNNELL. This bill has had many precedents in our action heretofore in this House.
The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.
The question being put upon the substitute reported by the Committee on the Public Lands, it was agreed to.
The bill (H. R. No. 5975) was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.
Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be

bill was passed; and also moved that the motion to reconsider be laid on the table.

SECTION 4002, REVISED STATUTES.

Mr. SINGLETON, of Illinois, by unanimous consent, introduced a bill (H. R. No. 5976) to amend section 4002 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARCUS A. RENO.

Mr. SINGLETON, of Illinois, also, by unanimous consent, introduced a bill (H. R. No. 5977) for the relief of Marcus A. Reno; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREEMAN AND RICHARDSON.

Mr. BLACKBURN, by unanimous consent, submitted a resolution to refer to the Committee on the Judiciary, for inquiry and report thereon, the memorial of Messrs. Freeman and Richardson.

The resolution was referred to the Committee on the Judiciary.

COTTON CORDAGE IN THE NAVAL SERVICE.

On motion of Mr. ELAM, by unanimous consent, the bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

ADVANCEMENT OF NAVAL OFFICERS.

On motion of Mr. WHITTHORNE, by unanimous consent, the bill (S. No. 593) to repeal the provisions authorizing the advancement of an officer of the Navy or Marine Corps thirty numbers in rank for extraordinary heroism was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

CLAUDE H. MASTEN.

On motion of Mr. HERNDON, the bill (S. No. 1088) for the relief of Clande H. Masten, surviving partner of the firm of Le Vert & Masten, of Mobile, Alabama, and the children of Octavia Le Vert, deceased, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

ELECTION CONTEST-BRIBERY CHARGES.

Mr. O'NEILL. I ask to be excused from service on the select committee appointed in reference to the matters growing out of the Washburn-Donnelly election contest.

There was no objection.

MRS. MARY ALLISON.

Mr. TAYLOR. On Saturday the bill (S. No. 1143) granting a pension to Mrs. Mary Allison was by a mistake taken from the Speaker's table and referred to the Committee on Invalid Pensions. I ask that by unanimous consent it be returned to the Speaker's table.

There was no objection.

WILLIAM J. WYATT.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 5978) granting a pension to William J. Wyatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 5979) granting pensions to certain citizens of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBSIDIARY SILVER COIN.

Mr. WARNER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back, with a favorable recommendation, the joint resolution (H. R. No. 275) authorizing the Secretary of the Treasury to transmit subsidiary silver coin through the mails; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OFFICERS OF THE NAVY.

Mr. MORSE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Resolved. That the Committee on Naval Affairs be, and they are hereby, instructed to inquire whether any officer of the Navy is on the active or retired list thereof, drawing pay without having been legally appointed to such positions; and if so, they will report by bill or otherwise what action should be taken in regard thereto.

STATIONERY FOR REPORTERS' GALLERY.

Mr. HUTCHINS. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to supply the reporters' gallery of the House with necessary articles of stationery until otherwise ordered, subject to the approval of the Committee on Accounts.

The SPEAKER. This resolution under the rules goes to the Com-

mittee on Accounts.

Mr. HUTCHINS. I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. Under the rule all resolutions taking money out of the contingent fund must go to the Committee on Accounts.

Mr. HUTCHINS. Cannot the operation of that rule be waived by

unanimous consent?

The SPEAKER. It can be.
Mr. HUTCHINS. Then I ask unanimous consent.
Mr. BREWER. I think the resolution had better take the usual

Mr. HUTCHINS. It is a matter merely of \$75 to supply stationery

to the reporters' gallery.

The SPEAKER. Objection being made to the present consideration of the resolution it is referred to the Committee on Accounts.

ORDER OF BUSINESS.

Mr. COBB. I move to dispense with the morning hour, and state that my object is to report from the Committee on Appropriations a bill making appropriations for the District of Columbia for the fiscal year ending June 30, 1881, to be referred to the Committee of the Whole on the state of the Union; and then that the House resolve itself into Committee of the Whole for the purpose of considering that bill.

Mr. COFFROTH. I have a privileged report to make. The SPEAKER. The Chair will hear the gentleman.

PENSIONS, BACK PAY, ETC.

Mr. COFFROTH. The Select Committee on the Payment of Pensions, Bounty, and Back Pay have unanimously instructed me to report to the House for adoption at this time the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as 10110ws:

Whereas there is great and just complaint being constantly made by soldiers on account of the long delay, in many instances nearly a year, in the payment of the bounty and back pay settled and allowed to them by the Second Auditor of the Treasury: Therefore,

Bettresolved, That the Secretary of the Treasury be, and he hereby is, respectfully requested and directed to inform the House of Representatives the cause of delay in paying bounty and back pay found to be due to the soldiers and other persons entitled thereto, and why it is that he permits these claims to remain unpaid from six to twelve months before he asks Congress for an appropriation of money to nay the same. to pay the same

The preamble and resolution were adopted.

ORDER OF BUSINESS.

Mr. COBB. I now insist upon my motion to dispense with the morning hour for to-day.

The motion was agreed to, upon a division—ayes 113, noes 25.

So (two-thirds voting in favor thereof) the morning hour for to-day

was dispensed with.

Mr. COBB. I now desire to report back from the Committee on Appropriations the bill making appropriations for the expenses of the District of Columbia.

Mr. McCOID. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McCOID. My point of order is that the morning hour having been dispensed with for to-day, under the rule, the House must proceed to consider the unfinished business coming over from last public-bill day. That business is the bill reported from the Committee on the Judiciary by the gentleman from Georgia, [Mr. HAMMOND,] being the bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same.

The SPEAKER. The gentleman from Jowa [Mr. McCoid] makes. The SPEAKER. The gentleman from Iowa [Mr. McCoid] makes the point of order that the regular business coming over from Friday

and now in order as unfinished business, is what is known as the trade-mark bill.

Mr. COBB. I raise the question of consideration on that bill.

The SPEAKER. The question of consideration being raised, the question is, will the House now proceed to consider the trade-mark

The question was taken; and the House refused to consider the bill. APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA.

Mr. COBB, from the Committee on Appropriations, reported back, with amendments, the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes; which was referred to the Committee of the Whole on the state of

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1336) for the establishment of a land office in the

Territory of Montana; and
A joint resolution (H. R. No. 291) authorizing tents to be loaned to
the governor of Missouri for the use of sufferers by the recent tornado
in that State.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The present occupant of the chair expects to be absent during the next two or three days, and desires, with the consent of the House, to appoint Hon. JOSEPH C. S. BLACKBURN Speaker pro tempore during his absence. The rule requires the approval of the House of the appointment of a Speaker pro tempore for more than one

day.

There was no objection.

Mr. SPRINGER. Is it necessary to inform the Senate of the appointment of Speaker pro tempore?

The SPEAKER. It is, and also to inform the President.

Mr. SPRINGER. Then I submit the resolution which I ask the

Resolved, That the Clerk inform the Senate and the President that Hon. JOSEPH C. S. BLACKBURN, a Representative from the State of Kentucky, has been appointed Speaker of the House pro tempore, in the absence of the Speaker, for three days from this legislative day.

There being no objection, the resolution was adopted.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA. Mr. COBB. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill making appropriations for the District of Columbia. Pending that motion, I move that all general debate on the bill be limited to five minutes, unless gentlemen on the other side desire a longer time

Mr. LAPHAM. I would suggest to the gentleman that as members are not familiar with this bill he had better not limit debate now.

The SPEAKER. Does the gentleman from New York [Mr. Lap-Ham] make the point of order that debate cannot be limited until the Committee of the Whole has commenced the consideration of the bill 1

Mr. LAPHAM. I do not know of any one who desires to discuss the bill; but I think members should hear it read, so as to be aware

of its provisions, before debate is limited upon it.

Mr. BURROWS. I think time will be saved by raising the point that debate cannot be limited on this bill until its consideration has been commenced in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The question recurred upon the motion of Mr. Cobb that the House resolve itself into Committee of the Whole on the state of the Union;

and it was agreed to.

and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Harris, of Virginia, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the price of Columbia for the fiscal year ending June 30, 1881, and for other purposes. If there be no objection, the first and formal reading of the bill will be dispensed with.

There was no objection, and it was so ordered.

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Indiana [Mr. Cobb] in charge of the bill is entitled to the floor.

Mr. COBB. Mr. Chairman, I do not care to take up much of the time of the Committee of the Whole in discussing the provisions of this bill. Its provisions are substantially the same as those contained in the bill of last year which was passed by the House appropriating money to carry on the District government for the present fiscal year. The bill is the unanimous report of the Committee on Appropriations. The amount appropriated by the bill is in all \$3,421,297.35.

In preparing this bill it was the desire of the committee (so far as we were able) to strike off whatever we considered to be appropriate.

we were able) to strike off whatever we conceived to be unnecessary. We have not reduced the amounts required for such purposes as we believed to be necessary. For instance, in regard to the improvement of streets and permanent improvements of the city, we have reported what we conceive to be a liberal appropriation for this purpose. The appropriations for public schools have been necessarily increased in consequence of the increased number of pupils. It is estimated by the trustees and the superintendent of public schools that the attendance for the next fiscal year will be 10 per cent. greater

than for the present year. Last year the appropriation for school purposes was \$475,000, \$75,000 of which was for school-houses, and \$400,000 for what may be termed the ordinary expenses of the school system. The appropriations in this bill for school purposes for the fiscal year ending June 30, 1881, amount to \$504,834.80, as against \$475,000 appropriated for the present fiscal year. In this sum \$504,834.80, as a school purposes the published \$100,000 for the building of the present school between \$504,834.80, as a school purpose the published \$100,000 for the published \$100,000 f we include \$100,000 for the building of three school-houses as against \$75,000 appropriated last year for the same purpose. This increased expenditure for the erection of school buildings was believed by your committee to be necessary. There are now occupied for public school purposes in this city more than one hundred rooms, for which we purposes in this city more than one numered rooms, for which we have been paying rent amounting to \$30,000 or \$35,000 a year. Many of these rooms are totally unfit to be occupied by school children. I have visited some of them myself, and I am very certain that there is not a member of this House, who, if he would take the pains to examine many of these school-rooms as I have done, but who would pronounce them unfit for the purpose of public schools; they are unfit to be occupied by the school children of the District. So far as this branch of the bill is concerned, the real increase is only \$29,834, which shows that the net increase for the ordinary running expenses of the public schools in the District is only \$4,834 in excess of the present fiscal year, the increase being, as I have said, in building of the three school-buildings.

We have attempted to curtail what we conceived to be unnecessary expenses, wherever we could, and I think we have done so without injury to the service. In most cases I believe this has been done with the consent of the school officers; not in all, but after a full considerthe consent of the school officers; not in all, but after a full consideration, as I believe, it was believed that the public schools can be carried for this amount provided for in the bill, thus saving in the ordinary expense of the system the sum of \$20,587 as against the present year. The last bill appropriated \$12,000 for fuel. It was thought by all that \$10,000 would supply the necessary fuel for the next fiscal year; thus saving \$2,000 on this item. Last year there was appropriated for the present fiscal year \$25,000 for repairs of school buildings, ated for the present useal year \$25,000 for repairs of school buildings, most of which belong to private parties, as I am informed, and were simply rented by the District for school purposes. The last bill appropriated \$25,000 for this purpose; this bill only appropriates \$15,000, and it is thought by those who have control of the subject that this sum would be sufficient. This arises in part out of the fact that we will have erected out of the \$75,000 appropriated, made by the last bill, two new school buildings which will be ready for use at the com-

mencement of the next school year.

We have made in other respects reductions which seem to be proper. In illustration of this I may speak of one fact. Heretofore the school trustees had under their control a mechanical janitor as they called him. The board of commissioners took from the control of the school trustees this mechanical janitor and placed him under their own control. The board of trustees together with the superintendent agreed that if this mechanical janitor should be again placed under their control, the expenses could be reduced on that account \$5,000. And upon consultation with the commissioners of the District and with the legislative committee of the board of school trustees, it was agreed that this mechanical janitor should be restored to the trustees and save this \$5,000. The further reduction of \$5,000 on the repair account was thought proper because of the erection of the two new buildings which are now about completed.

are now about completed.

Mr. CLAFLIN. I would like to inquire of the gentleman from Indiana [Mr. COBB] whether these three school buildings are in addition to the two school buildings authorized by the act of last year?

Mr. COBB. Yes, sir. Forty-five thousand dollars of the money appropriated in this bill is to be used in the purchase of a site and the construction of a building in the second division, \$45,000 in the purchase of a site for the erection of one in the sixth division, and \$10,000 for the purchase of a site for the erection of one in the sixth division, and \$10,000 for the purchase of a site for the execution of a school building in the second of a site for the execution of a school building. chase of a site for the erection of one in the sixth division, and \$10,000 for the purchase of a site for the erection of a school building in the county; making \$100,000 for erecting three school-houses—two at \$45,000 each and one at \$10,000.

Mr. CLAFLIN. Is there any provision for putting either of these buildings upon land belonging to the United States?

Mr. COBB. No, sir. The legislative committee of the trustees of the public schools came to the conclusion, upon consultation with the committee that we had better insert in the bill a provision allowing

the public schools came to the conclusion, upon consultation with the committee, that we had better insert in the bill a provision allowing this fund to be used for the purpose of purchasing sites "where necessary" and for the construction of the buildings; hence we have put in such a provision. They say that in their judgment there is no site at the proper place which is owned either by the Government or the District. That is the explanation of that provision. It will be found set forth fully on page 14 of the bill.

Mr. VAN VOORHIS. Will the gentleman permit me to ask him a question?

Mr. CORR. Ves. in

Mr. COBB. Yes, sir. Mr. VAN VOORHIS. Will these three new school-houses provide for all the purils in the District of Columbia that now have to go to these hundred rooms you speak of?

Mr. COBB. No; not near one-half of them.
Mr. VAN VOORHIS. Then why not build new school-houses instead of renting rooms at this enormous rental?
Mr. COBB. For the reason we have not the money.
Mr. VAN VOORHIS. But you pay \$30,000 rent, and that is the interest on \$600,000 at 5 per cent., and \$600,000 will build eighteen school beyong. school-houses.

Mr. COBB. That may all be true.

Mr. VAN VOORHIS. If you build nine school-houses at a cost of only \$15,000 interest annually you save one-half the money you now pay for rent.

Mr. CLAFLIN. Will the gentleman permit me to say a word to the gentleman from New York?

Mr. COBB. Certainly. Let me first answer the gentleman from New York. This is an appropriation bill simply making appropria-tions to carry on the government of the District of Columbia, and the Appropriations Committee has no authority under the rules of this House to put a provision in this bill appropriating that amount of money unless the revenues of the District were sufficient to justify it, which is not the case. We cannot appropriate money in the way suggested by the gentleman from New York. We have appropriated up to about the limit of the revenues which will be produced for the next fiscal year. As the District of Columbia pays one-half of the appropriations made by this bill and the United States the other half, we cannot, of course, go beyond the revenues of the District; and \$100,000, together with the other appropriations provided for in the bill, is as much as we can appropriate for the construction of school

I will, however, say to the gentleman from New York that in my judgment it would be a matter of economy for the District of Columbia and the Government of the United States if Congress would provide a law authorizing a loan of three or four hundred thousand dol-

ride a law authorizing a loan of three or four hundred thousand dollars at a low rate of interest for this purpose; I think it would be good economy to make such a law for the purpose of building a sufficient number of school-houses. We would thereby save the large amount of rent which we are now paying.

But, as I have already stated, this is an appropriation bill and we are bound to follow the law, and, as there is no law for it, the Appropriations Committee did not have the power, under the rules of the House, to put such a provision in this bill and it did not feel it to be the duty of the committee to provide in this bill for such a loan.

Mr. CLAFLIN. I will say to the gentleman from New York that

Mr. CLAFLIN. I will say to the gentleman from New York that we provided for building two school-houses last year and yet they are not done, and one of them is hardly begun. If we appropriate money to build half a dozen more I do not believe they would get them through before another year. I think the three provided for

are sufficient for the present.

Mr. VAN VOORHIS. What is the reason for that?

Mr. CLAFLIN. The three provided for are all the District commissioners will be justified in building this year. I think the committee has been liberal in this matter. I have been trying to see whether two of the school-houses cannot be placed on ground now belonging to the United States or to the District of Columbia.

Mr. COBB. It may be that that may be done. The commissioners of the District have full power to do that if they can find a site which is suitable to be used for that purpose. The gentleman from Massachusetts will remember there are nineteen members of the board of trustees, that seven constitute the legislative committee of that board, and it was with that committee I conferred on this subject. They seemed to be perfectly familiar with each school division of the District, in the city as well as in the county. It was their suggestion that this question should be left open, that they were satisfied there was no site in either one of these divisions owned by the Government which could be properly used for this purpose. I understand, however, there is a piece of ground, not now in condition, which can be used for this purpose; it is called, I believe, the Corcoran Square, and is situated, I understand, somewhere in the northern part of the city; I cannot now tell just exactly where. I understand from the board of trustees that piece of ground is not now, as the law stands, in condition to be used for the site of one of these school buildings. But there is a bill pending or to be reported from the Committee on the District of Columbia for the purpose of bringing that piece of ground into requisition for this purpose.

Mr. HUNTON. What statement is that the gentleman makes? Mr. COBB. I have referred to a bill pending, or to be reported from the Committee on the District of Columbia, setting apart Corcoran Square as the site for the erection of a public school building. When that is done, it may be that the board of commissioners will locate one of these school buildings on that piece of ground, and thereby

save the expense of paying for a site.

Mr. CLAFLIN. I wish to inquire whether the commissioners have

that authority

Mr. COBB. Yes, sir; they have authority under the law to locate these buildings at any suitable place within the school division named

Mr. CLAFLIN. There can be no better place than Corcoran Square

for one of these school buildings at least.

Mr. COBB. As I was saying when my attention was directed to the question propounded by the gentleman from Massachusetts, the appropriation for miscellaneous expenses for the present year is \$21,587.27. We have cut that down in this bill to \$20,000.

We have reduced the amount appropriated by the last bill for the increase of teachers' pay and also the increase in the number of teachers to \$15,000. Now, so far as other matters connected with the bill are concerned I do not know that I need to go into the details, but if any gentleman desires information I shall be very glad to answer any questions that may be asked. I will state, however, that we

have placed restrictions wherever we thought necessary to protect the appropriation and to give proper direction to its use.

I have one provision here which I think important, and that is the

proviso on page 19 of the bill in the following words:

Provided, That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District.

That is to protect the appropriations made by the Government of the United States

Mr. SIMONTON. I find on page 5 of the bill, line 88, this item: For the relief of the poor, \$10,000.

Ishould like to inquire of the gentleman how that is to be expended? Mr. COBB. It is to be expended by the officers in charge of these

various charitable institutions. Mr. SIMONTON. Those enumerated in the preceding portions of the bill?

Mr. COBB.

Mr. COBB. Yes, sir. Mr. CLAFLIN. I would like to inquire how much, if any, is the increase of the Metropolitan police force?

Mr. COBB. None at all, sir; and I will state the reason.

There is no law, as I understand it, for the increase, and there was no demand for the increase made on the committee, and therefore we have waited the action of Congress upon that subject. There is a slight decrease, not in force, however, but in the expenses.

Mr. VAN VOORHIS. I would like to inquire why it is that the

commissioners do not build the school-houses, or why they have not

been built heretofore, if the money was appropriated?

Mr. HUNTON. Will the gentleman from Indiana allow me to ask

a question?

Mr. COBB. As soon as I answer the gentleman from New York, I will with pleasure. I can only state this, for I do not know the reason only as I learned it from others. But I understand the fact to be that the building to which the gentleman from Massachusetts refers was let to a contractor who failed. I think the second contractor also failed, and that was the reason it was not completed, as I learn. They claim that it was not the fault of the District authorities, but was a mistake in selecting a contractor who seemed at the time to be a good man so far as they could judge.

Mr. CLAFLIN. That applies, I believe, to only one building, and the other houses were not built, and for no reason that I can ascer-

tain except that they had other business on hand, and the three commissioners are hardly equal to the great duties imposed upon them. Their construction was, therefore, delayed at a great expense to the District; for if they had been built early in the season the contracts could have been let at a much lower rate than at present.

Mr. HUNTON. I find on page 4 of the bill that there is appropriated for the support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided in sections 4843 and 4844 of the Revised Statutes, \$45,000. This bill-and it underwent examination in the Committee on the

District of Columbia—contains an appropriation of only \$20,000 for that purpose, and it was considered by our committee ample for the support of the indigent insane chargeable to the District. Now, I

ald like to ask the reason for the increase.

Mr. COBB. The reason was this: We did not consider that \$20,000 was a sufficient amount to maintain the persons that have been sent from the District to this asylum. There were in September last, according to the report of the superintendent of that institution, some eight hundred and eighteen inmates in this asylum, three hundred and fifty-two of whom were from the District of Columbia. I had a full conference with Dr. Godding, the superintendent, my attention, of course, having been called to his letter to the Secretary of the Treasury with reference to the amount that should be paid by the District as its portion of the fund for the running expense of the in-stitution, and he claims in that letter that it would take the sum of \$96,480 to pay the expense of the indigent insane placed in this asylum by the District authorities—the number being, if my memory serves me rightly, three hundred and fifty-two—with the presumable

additional increase for the next fiscal year.

Now, when I had come to converse with Dr. Godding I concluded that was too much and that his estimate was too high for the support of District inmates in that institution. In that conference with him I learned that he made his estimate on a basis of \$5 per week for the support of each of these inmates from the District. I told him that I regarded that as excessive, and that the inmates could be supported in any other institution in the country of the kind for a much less sum than that, and that I did not feel like imposing a burden upon the District of Columbia that I thought they could not and should not bear. He admitted, however, that it was too much, and thought he might possibly be able to provide for them and get along at an expense of \$2.50 per head; and thereby the amount was reduced from the estimate made by the Secretary of the Treasury to the sum of \$45,000, as contained in the bill. And I will say to the gentleman from Virginia that the amount named was not altogether a deduction from figures, but was the best thing the committee could do in view of the equities of the case.

Mr. HUNTON. How much was charged the District on this account for the last year?

Mr. COBB. Seventeen thousand dollars.

Mr. HUNTON. And now the amount is \$45,000.

Mr. HUNTON. And now the amount is \$45,000.

Mr. COBB. An increase from \$17,000 to \$45,000. And if you take \$2.50 per week for each patient, counting the increase that Dr. Godding insists will take place, you will find that instead of \$45,000 it will cost \$71,000. We have given the District the benefit of the difference between the \$17,000 and the \$45,000, which we thought was equitable but somewhat in favor of the District.

I may say, while I am upon that point, another thing. There are too many patients in this institution. There is no question about that. The original act with regard to these patients prescribed the qualification for admission. This act provided for the admission of those only who become insane while in the Army, the Navy, and the Marine Corps, and of persons who become insane who are residents Marine Corps, and of persons who become insane who are residents of the District of Columbia, and such other persons as may have been engaged in the departments of the public service to which I have referred, and who may become insane within three years from the time of their discharge from said service. Now there are many inmates of this institution who do not come within the rules prescribed by the law to which I have referred, and in my judgment should be sent to the States to which they belong.

Mr. HUNTON. Will the gentleman permit me to ask him, if these reforms to which he has alluded be carried out, would not the \$20,000

approved by our committee be quite sufficient?

Mr. COBB. I cannot say. I do not know the proportion that would have to be discharged; but I will say to the gentleman from Virginia that the authorities of the District of Columbia are as much to blame as the authorities of the Government of the United States; and I do not know that I need lay the blame at the feet of any one except

Congress itself.

When I examined the law to see who were entitled to admission into this institution I found the provisions to which I have referred. I then called Dr. Godding's attention to it, and said to him that he had too great a number of insane in the institution; Isaid, "You have persons in the asylum who do not properly belong there under the law." He said that was not the case, and he turned me to the law making appropriations for this institution and providing the qualification of the inmates; and he claimed that under these appropriation acts he had the right to admit persons who had ever served in the Army, Navy, or Marine Corps of the United States, and I think his claim was somewhat plausible. I think myself the rule defining the qualification of the inmates of the asylum was somewhat changed by these enactments. Hence it is I have referred in this bill to the original sections of the law defining the qualification of inmates and requiring that they shall be qualified for admission under the provisions of the original act; and I trust that the officers of the District and of the Government will hereafter be governed by it, thus leaving these appropriation acts, which were only annual in their effect, out of the question, and getting back to the old law.

There are patients there from most all the States of the Union. That results perhaps as a matter of course; but there are too many. And the number of patients from the Army, Navy, and Marine Corps (four hundred and fifty or four hundred and sixty) is too great. And three hundred and fifty-two patients from the District of Columbia is too large a number. This Government Hospital for the Insane seems to be a common receptacle for all of the insane of the country. There seems to be a great desire on the part of its officers—and I do not speak disparagingly of them—to build up an immense institution. Dr. Godding, in his report, asks for this institution an appropriation of \$300,000 to build additional buildings; then he asks for the construction of water-works \$25,000: for what may be termed perman There are patients there from most all the States of the Union.

construction of water-works \$25,000; for what may be termed permanent improvements nearly \$400,000. I think there is, as I have said, a disposition on the part of the officers of this institution to make it larger than any other in the country, and hence invalid insane have been admitted who ought not to be there. They are not perhaps to blame for this unless it be that through their influence these disqualified persons have been admitted, and would not have been in the absence of such influence. But one thing is clear to my mind that there are many inmates in the institution, both from the District and elsewhere, who should not be there. That is all, I believe, which I care to say upon that subject. If any other gentleman, however, desires to ask me any question in regard to it I shall be pleased, if in my power, to answer it.

Mr. HAZELTON. Can these inmates to whom the gentleman refers be sent back to the States?

Mr. COBB. They could be.

Mr. HAZELTON. That would be your plan?

Mr. COBB. They could be and ought to be. Mr. MONROE. But are not.

Mr. COBB. But are not.
Mr. HAZELTON. That would be your plan of doing it?
Mr. COBB. Yes, sir.
Mr. CLAFLIN. Is there no law by which these patients belonging to other States can be sent home?

Mr. COBB. There is no law except the one we make by appropriating money for the transportation of those inmates; and that is Mr. CLAFLIN. Would it not be cheaper to appropriate more money for that purpose?

Mr. COBB. It might be; but it is a leap in the dark when it comes

to making appropriations for that purpose, as the report of the officials

does not show us what proportion of these patients comes within or

falls outside of the law on the subject.

I may say another thing while on this point, and it may be well to This institution is a close corporation. I do not charge any fraud, but I do charge that it costs an enormous sum of money, and I do charge that we have not any means of knowing the exact amount of money that it does cost for the specific purposes for which the money is used unless we should go to the books of the institution and take months to examine them. For years, I believe, the reports for this institution have been made without specifying the particular expenditures, giving the expenditures only in gross.

I may say that the Government owns four hundred acres of land out there is the bar content of the particular than the the

there. It is claimed, not through his report but Dr. Godding states to me, that they cultivated last year about sixty acres of land; that they produced about seventeen thousand dollars' worth of cereals; that they now have seventeen hands out there; many cows, he does not know how many; many horses, he does not know how many of them; quite a number of large wagons, and more than two hundred employés, I believe, about the institution. I do not mean employés doing the work of the institution proper, but taking those who do the work of the institution proper and the employes on the farm they number over two hundred, I understand. No one can tell from the reports what the money is expended for or what amount of property is there or how many hands are employed. There is a dairy on the farm. or how many hands are employed. There is a dairy on the farm. They spend the money appropriated but do not report how much is spent for cows, how much for horses, and how much for improving and beautifying the grounds, &c.

There is a provision in this bill, however, placed there for safety in the future, which requires a report to be made in detail of these expenditures, so that we can tell something about how the money is

expenditures, so that we can expended and for what purposes.

Mr. SAPP. Will the gentleman allow me to ask him a question?

Mr. COBB. Certainly.

Mr. SAPP. Does the gentleman say that they do not report the amount of money expended and the purposes for which it is expended?

Mr. COBB. They report the amount, but do not specify the par-

Mr. WEAVER. Then, how can you tell that the money is honestly

expended?

Mr. COBB. We cannot tell. The accounting officers of the Treasury, in their report, show that the money has all been expended, and I suppose that under the law this is a check upon these expenditures. But it seems to me that Congress ought to have a report made by the superintendent, so that we can read it and, to some extent at least,

ascertain how this money has been disposed of in detail.

I have no doubt that we could ascertain that if we were to go to the accounting officers of the Treasury and to the books of the institution and examine them; but we have not time to do that. I could not do it, or, if I did, I would have to neglect everything else. Therefore we have put a provision in the bill, as I have said, which we think will remedy this difficulty in the future, and will save us the trouble of looking after these facts outside of the reports.

Mr. MILLS. I would like to have the gentleman explain what, if any, provision is made in this bill for taking care of the paupers of the District.

Mr. COBB. They are provided for; they go to the Washington asylum. We appropriate a little over \$38,000 for the Washington asylum. That is an institution situated east of the Capitol, I believe; I have not had time to visit it. There are some forty acres of ground owned by the Government, with sundry buildings upon it; and I believe there are some three hundred and forty inmates there. The institution is reported as being very well managed; the commissioners of the District say it is, and the report of the officers says

We appropriate \$10,000 for making permanent improvements for that institution. I will state that it is claimed by those who seem to know about the facts that there is a necessity for a building in which the females can be kept separate from the males; as it is they are all kept together. Congress heretofore made an appropriation out of which the building was commenced. The foundation is laid, and it is estimated that \$10,000 more will complete the building and make it ready for use for the female inmates of the institution

If any other gentleman has any question to ask I will be glad to

answer it

Mr. FORT. I would like to ask the gentleman from Indiana [Mr. Cobb] whether any provision is made for taking up and providing for the little beggar children that seem to swarm in the streets of this city by night as well as by day. For my part I would be glad to see something done to take care of the little children who are begging in the streets of this city. We do not know whether they are really suffering or are employed by others to beg.

Mr. HAZELTON. The bill for the Reform School covers that whole

Mr. FORT. I am glad to know that there is some provision made; but I am sorry also to know that they are still on the streets in great numbers.

Mr. COBB. We appropriate \$10,000 to be used by the commissioners of the District to take care of the poor; that is an appropriation for that purpose. Then there are other charitable institutions here

which have been supposed to provide ample relief. I have not heard it suggested that we should do more than we have done. Mr. FORT. The trouble seems to be that these little beggars are

not taken care of. I do not say that there is not money enough appropriated for the purpose, but there must be some lack somewhere on the part of some official in seeing to it that these little beggar children are provided for; or else they are employed by some mercenary people to beg for profit; we do not know which. That is the trouble. For my part I do not know that I ever saw anywhere any city that so literally swarmed with little beggar children as the city of Washington. I think it is a crying shame that something is not done to correct this evil. Something certainly ought to be done, because the present condition of affairs is not only demoralizing to the city, but it is utterly so to these little children.

Mr. COBB. I agree with the distinguished gentleman from Illinois in the suggestion he has made. The evil to which he refers has come very distinctly under my own observation, although I live in a portion of the city where, instead of meeting paupers and beggars, I not taken care of. I do not say that there is not money enough ap-

very distinctly under my own observation, although I live in a portion of the city where, instead of meeting paupers and beggars, I ought to meet those who would be regarded as in affluent circumstances. I think we have gone as far in this bill in the direction of caring for these unfortunates as we can; and it seems to me that if the funds which we appropriate are properly used there need be no begging upon the streets of Washington City. I call the attention of the gentleman to the fact that in addition to the \$10,000 which we of the gentleman to the fact that in addition to the \$10,000 which we place under the control of the District commissioners to be used in taking care of the poor, we make appropriations for a number of institutions not controlled by the Government. We appropriate, for instance, for the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum, \$15,000; for the Children's Hospital, \$5,000; for Saint Ann's Infant Asylum, \$5,000; for the Industrial Home School, \$10,000; for the National Association for Colored Women and Children, \$6,500; for the Women's Christian Association, \$5,000. These appropriations are in addition to the specific appropriation of \$10,000 to be disbursed by the commissioners, and the appropriations made for institutions controlled directly by the Government. The institutions I have just enumerated are not controlled by the Government, but are charitable institutions managed by private parties in this city with whom I have conversed and for whom I have the highest regard, believing that every dollar of the money we appropriate will be faithfully used in the support of such inmates as they accept into their institutions.

In some instances these appropriations are an increase upon previous appropriations for the same purpose. For instance, for the Industrial Home School we now appropriate \$10,000, while last year the appropriation was only \$5,000. I have visited this institution, and I find that the inmates are a class of poor children picked up upon the streets and elsewhere, who are taken there and cared for. The District authorities have established in connection with this institution a school, conducted under the regulations of the public-school system, and there is an ample number of inmates to make a good school.

Mr. MILLS. Will the gentleman allow me a moment?

Mr. COBB. Yes, sir. place under the control of the District commissioners to be used in

Mr. MILLS. Will the gentleman allow me a moment Mr. COBB. Yes, sir.

Mr. MILLS. I have no doubt that this bill makes sufficient appropriations in this direction, and to that the gentleman seems to be priations in this direction, and to that the gentleman seems to be confining himself. But in my judgment there ought to be some provision by which these beggars may be taken out of the streets and put into these institutions. It was to this very point that I undertook to call the attention of the gentleman awhile ago. I agree with my friend from Illinois, [Mr. FORT.] I never saw so many beggars anywhere as we see in this city. They come to your houses at all hours. Some of them are no doubt in indigent and suffering circumtrates of them are no doubt in indigent and suffering circumstances; others are no doubt in indigent and suffering circumstances; others are no doubt impostors. But it seems to me the law ought to require all these persons to be taken up and put into some institution. Those who cannot work ought to be taken care of by the Government, and those who can ought to be required to work.

Mr. HUNTON. I hope that when we reach an appropriate part of our District bill the gentleman will be kind enough to offer an amend-

our District bilt the gentleman will be kind enough to offer an amendment on this subject, so that we may consider it.

Mr. HAZELTON. This power to take mendicant children off the streets and place them in some public institution is a police power; and I suppose that in an appropriation bill—

Mr. COBB. If the gentleman will wait a moment I will hear him. Such a provision as he indicates would be entirely foreign to an appropriation bill

Mr. HAZELTON. That is precisely what I was going to say.
Mr. COBB. As an Appropriations Committee we have no authority to
insert in a bill of this kind police regulations with regard to the District of Columbia; and we have not done it. We can only report ap-

trict of Columbia; and we have not done it. We can only report appropriations in pursuance of law.

Mr. HAZELTON. Now, Mr. Chairman, the gentleman has simply stated the idea which I started out to express—that this being a police regulation we have no power to control the matter in an appropriation bill. But in order to meet this great public necessity, the Committee on the District of Columbia, whose eyes are turned in every direction to subserve the public interest, have reported to this House a bill to establish a reform school. In that bill power is given to the District commissioners to take up all children who may be begging on the streets and place them in an institution where they will receive care and education. The subject, of course, is not germane at all to this bill. When a law such as I have indicated is established, the

duty of the Committee on Appropriations will be simply to provide an appropriation to carry out the provisions of the reform-school act.

Mr. COBB. Of course that has nothing to do with this bill.

Mr. HAZELTON. Nothing whatever.

Mr. COBB. I understand (though I do not pretend to know with certainty) that the law is now ample if it were executed.

Mr. HAZELTON. All we shall ask is that you appropriate \$25,000 to carry that bill into execution.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

For repairs to concrete pavements, \$75,000; for work on New York avenue intercepting sewer, \$28,000; for Boundary street auxiliary sewer, \$100,000; for lateral sewers, \$15,000; for work on sundry avenues and streets, and replacement of pavements on streets named in Appendix P numbered 10 and 11, annexed to the report of the commissioners of the District for 1879, (being schedules of streets requiring immediate attention,) \$300,000; for materials for permit work, \$20,000; for work on canal to deep water on river front, \$18,600; for repairing and macadamizing Seventh street road, \$15,000; for surveys of the District of Columbia with reference to the future extension of various avenues to the District line, \$5,000; in all \$576,600.

Mr. HUNTON. In the twenty-sixth line I move to strike out "5" and insert "10;" so it will read: "For surveys of the District of Co-

and meert "10;" so it will read: "For surveys of the District of Columbia with reference to the future extension of various avenues to the District line, \$10,000."

The sum of \$10,000 was agreed to in the Committee on the District of Columbia, to which this bill was submitted for its approbation. The work is a very important one, and will be attended at least with the cost of \$10,000 or more.

Mr. COBB. I cannot hear what the gentleman from Virginia is

Mr. COBB.

Mr. HUNTON. The object of the survey here proposed is to prevent villages in the county, outside of the limits of Georgetown and Washington, so building as to interfere with the Washington streets when extended. The time may come when the city of Washington and the city of Georgetown may cover two-thirds or one-half of the county part of the District of Columbia. If that time should come and these streets have to be extended, they will run across these villages in the county part of the property of the county part of the property of the county part of the property of the p lages and across these farms and across the yards of farm-houses in a manner so as to destroy private property, and will cost the Government an immense sum of money to correct unless provision be now made. Now, the object of this survey is to lay out the roads of the county part of the District of Columbia so as to conform as near as may be to the streets in the cities of Washington and Georgetown. We know in the county part of the District there are now springing up considerable villages, and one object of the survey is to so locate the streets there as to correspond with the streets of Washington when extended. In order to do this it takes a survey of great accuracy and considerable labor, and we are assured by the engineer commissioner of the District, Major Twining, that \$10,000 would scarcely do it. And if the committee agrees this work shall be done, as the District Committee decided it ought to be done, then the sum of \$10,000 is not more than enough.

Mr. COBB. I had a full conference with Major Twining, who has charge of this portion of the work of the District of Columbia, and he agreed that \$5,000 was enough for this year. He thought that it would be all that would be necessary. The truth is that the system of surveys they have commenced here, if completed at once, would cost \$100,000, and perhaps more, some estimates being \$200,000 to cover all the expense of surveying lots, making field-notes, and everything

of the kind.

The original amount as sent to us by the District Committee was, I admit, \$10,000. I think it was too much for the extension of streets and roads through the District. I called Major Twining's special attention to it and asked him whether he could not get along this year with one-half that amount. He said he could, and, after all, perhaps it was about as much as ought to be granted. He certainly ought to brow

Mr. HUNTON. I understood Major Twining to say the reverse in the District Committee.

Mr. COBB. I think it is likely he did; but, when he had the ques-

tion put right down to him as I brought it down, he yielded and said nat \$5,000 this year perhaps was enough.

Mr. HUNTON. I think the inclination of his mind in our commit-

tee was that it was not enough.

Mr. COBB. He told us that he would make it do.

Mr. HUNTON. He would make it do by making the work inefficient and incomplete.

Mr. COBB. He cannot complete it for \$10,000 or \$100,000; that is not the question before the committee now, but what is required for the next year.

Mr. HUNTON's amendment was rejected.

Mr. HUNTON's amendment was rejected.

Mr. HENKLE. I move, after the word "avenues," in line 27, to insert the words "and establishing grades;" so it will read: "to the future extension of the various avenues and establishing grades."

Mr. Chairman, there has been a great deal of litigation and inconvenience suffered in the District of Columbia by reason of the change of grades in the streets from time to time; and I submit it is exceedingly important, in making these surveys and extending the streets

and avenues to the District of Columbia line, that at the same time the grades should be established, as well as the location of the lines of the streets and avenues, so that all difficulty hereafter may be obviated and property-holders may know precisely what will be the

grades of the various streets and avenues.

Mr. COBB. That is provided for in another portion of the bill.

The grading comes under a different heading. This has nothing to do with that, as I understand from those who have this matter in

The committee divided; and there were—ayes 15, noes 35. So (no further count being demanded) the amendment was rejected.

The Clerk read as follows:

FOR MAINTAINING INSTITUTIONS OF CHARITY, REFORMATORIES, AND PRISONS.

FOR MAINTAINING INSTITUTIONS OF CHARITY, REFORMATORIES, AND PRISONS.

For Washington Asylum: For one commissioner and intendant, \$1,160; one matron, \$600; one visiting physician, \$1,200; one resident physician, \$480; one overseer, \$800; one clerk, \$480; one baker, \$420; five overseers, at \$600 each; one watchman, \$300; three watchmen, at \$180 each; one driver, \$120; one hostler, \$60; one cook, \$120; two cooks, at \$60 each; five nurses, at \$60 each; and for contingent expenses, including repairs, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and miscellaneous items, \$28,500; in all, \$38,200.

Mr. HUNTON. I move, in the thirty-eighth line, to strike out "one hundred and sixty," so it will read: "For Washington Asylum: for one commissioner and intendant, \$1,000." That was determined upon in the District Committee, and the object was to reduce the pay of this officer to what it was last year.

The amendment was agreed to.

The Clerk read as follows:

For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided in sections 4843 and 4844 of the Revised Statutes, \$45,000. And hereafter the Superintendent of the Government Hospital for the Insane shall make a report to Congress annually at the beginning of each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such

Mr. HUNTON. I move in the sixty-fourth line to strike out "\$45,000" and insert "\$20,000." And I desire to say in support of the amendment that if there are improper persons in the insane asylum, as the gentleman from Indiana has told us, let these persons who ought not to be there be sent home. I do not think it is right to impose a tax upon the people of this District amounting to such a sum as this for the support of the inmates of the asylum under the circumstances alleged.

Mr. COBB. With respect to the amendment of the gentleman from Virginia, I wish to say that it is the fault of the District authorities

Virginia, I wish to say that it is the fault of the District authorities if they have too great a proportion of inmates—

Mr. HUNTON. Then, let us correct the authorities.

Mr. COBB. Very well; but you ought not to correct them by reducing the amount necessary for the running expenses of the institution until you have applied the proper correction if you want to make the amendment practical. The committee in preparing this bill sought to establish an equitable principle in this respect between the people of the District and the Government of the United States in this expenditure. The \$45,000 herein appropriated is lower by \$15,000 than it ought to be so far as the total expenses of running that inthan it ought to be so far as the total expenses of running that in-stitution are concerned as compared with the number of inmates chargeable to the District. The authorities of the District themselves are responsible and are to blame for the increased number of inmates that have been sent from the District, because they control under the law the qualifications necessary for their reception there. A justice of the peace, as I remember, in the first instance under the law is required to proceed to hold an inquisition over the person proposed to be sent there, and I believe finally before admission the District commissioners themselves have to sign a requisition to that effect.

I submit, therefore, that it is neither right nor just to the Government of the United States to compel us to pay for the wrongs, if wrongs have been committed, or if errors have been committed by the District authorities, to any greater extent than we have provided for in the bill, because I say, if we make a fair estimate of the cost of keeping three hundred and fifty-two inmates with the average increase that will come, the amount appropriated is no more than sufficient, and yet the gentlemen ways to strike it down to \$20,000

crease that will come, the amount appropriated is no more than sufficient, and yet the gentleman wants to strike it down to \$20,000.

Mr. BLOUNT. Will the gentleman allow me one question?

Mr. COBB. Yes, sir.

Mr. BLOUNT. I would like to inquire if the Secretary of the Treasury does not estimate it higher than the committee?

Mr. COBB. The commissioners' estimate is \$20,000. Their estimates, under the law, had to go to the Secretary of the Treasury for revision. Under that revision the Secretary of the Treasury fixed the amount the District should pay at \$96,480. Dr. Godding, Superintendent of the Insane Asylum, recommended by a letter to the committee that \$96,000 should be appropriated; but we found that was too much, and we struck it down to \$45,000, which we thought was reasonable and just under all the circumstances. sonable and just under all the circumstances.

Here the hammer fell.]

Mr. HUNTON. I move to strike out the last word, and I only desire to say a word or two in reply to the gentleman from Indiana. If the District authorities or anybody else have been sending persons to this asylum that ought not to be there let the conduct of the District authorities be corrected, and do not give them an additional appropriation to send persons there who ought not to go there. But the commissioners appeared before our committee and stated that \$20.000 was enough. \$20,000 was enough.

Now, the gentleman from Indiana says that \$45,000 is not more than the proportion the District of Columbia ought to pay toward the sup-

port of this people.

Mr. COBB. The District incurs only one-half of the total expense.

Mr. HUNTON. I understand that; but when you come to appropriate from the General Government for this purpose, or any other, if priate from the General Government for this purpose, or any other, it it is too much, I want to join hands with my friend to reduce it. I cannot see the necessity for appropriating for the next fiscal year \$45,000 when \$17,000 was considered ample for the previous year.

Mr. COBB. Seventeen thousand dollars was never enough.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. BLOUNT. If the gentleman from Virginia will withdraw his pro forma amendment, I wish to say a word on the pending amendment.

Mr. HUNTON. I withdraw the amendment.

Mr. BLOUNT. I hope the committee will see fit not to agree to the amendment of my friend from Virginia. He says that the true plan, if the District is having too many persons in this asylum at its

expense—
Mr. HUNTON. No; I did not say that; the gentleman from In-

Mr. BLOUNT. If the gentleman will wait until I conclude—I understood the gentleman from Virginia to say if it was true that too many persons from the District were placed in that asylum, the true method was to correct the District officials, and not to make the peo-

ple of the District suffer for the acts of these officials.

ple of the District suffer for the acts of these officials.

Now, Mr. Chairman, I know of no better way of reaching the people and of building up a healthy public sentiment here than by allowing them to feel something of the weight of taxation. It has a good effect. It begets reflection. Why, I remember very well when I was on this committee in the Forty-fourth Congress. On a certain occasion we visited this asylum, which was understood to be for the benefit of the insane of the Army and the Navy and the Marine Corps. At that time a distinguished gentleman from Virginia was on the committee from the Senate. Here and there as we went through that building the gentleman met and grasped the hands of many constitbuilding the gentleman met and grasped the hands of many constituents from over the line in his own State. They were put in there by the District authorities. We complained of this and endeavored in consequence to cut down the appropriations for the support of the institution. Year by year, instead of recognizing the rebuke we sought to give it at that time, the number of inmates has been greatly en-larged, and is constantly increasing, until at last they have reached larged, and is constantly increasing, until at last they have reached out to such an extent that they claim even to make a new construction of the law in reference to the inmates who shall be received, and now they are going into the States and gathering up every man who has ever been in the Army or Navy at any time past, and putting him into the asylum. All that, Mr. Chairman, is foreign to the object that this institution had in view, and now the question comes, what shall we do with this proposition? The amount appropriated here is \$45,000. My friend from Virginia says we are too high.

Mr. HUNTON. The commissioners say it.

Mr. BLOUNT. The commissioners say we are too high. The Secretary of the Treasury says we are not high enough. This House has been in the habit of gathering this information as to the needs of the

been in the habit of gathering this information as to the needs of the Government from the Treasury Department itself; and we are suffi-ciently justified in holding on to this amount. Like my friend from Indiana, [Mr. Cobb.] I think the appropriation has been too low. If you let them understand that for every inmate who goes in there in violation of law, the District of Columbia shall pay half the expense, then there will be reflection, then there will be a check; but until that is thoroughly understood, that the people of this District are to pay one-half of those expenditures, not only for this asylum, but for every-

thing else, we will have those extravagant demands made upon us.

The question being taken on Mr. Hunton's amendment, there were—ayes 15, noes 54.

So (further count not being called for) the amendment was not

Mr. CLAFLIN. I move to amend by striking out "\$45,000" and inserting "\$30,000." If my amendment is adopted, that will be an

increase of 50 per cent. in this item in one year. We paid \$20,000 last year, and if we put on an increase of 50 per cent., making it \$30,000, it seems to me that should be sufficient.

Mr. HAYES. In view of what the gentleman from Massachusetts [Mr. Clafilm] has stated, I wish to say that the question should not be as to what we appropriated last year, but as to what are the wants of the institution this year. That is what should guide us in making an appropriation of this kind. I wish to know, therefore, from the gentleman from Massachusetts, if there is not a necessity for this appropriation of \$45,000 this year, regardless of what we appropriated last year? Do not the men who have investigated this matter and who know the facts say there is a necessity for \$45,000 this year

Mr. CLAFLIN. The complaint is the institution is too expensive. I say if it is too expensive the expense should be put upon the nation;

and when we come to make an appropriation for the support of the institution, we should not put it on the District of Columbia and allow the whole thing to go in that way as it has done in the past.

Mr. HUNTON. In reply to the question of the gentleman from Illinois I wish to say that the parties who have investigated this thing most carefully, according to my understanding of it, are the District commissioners, and they say this amount is not necessary.

Mr. COBB. I desire to say a single word.

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question being taken on Mr. CLAFLIN's amendment, it was not

Mr. COBB. I offer the following amendment:

In line 63 strike out the word "and," after "4843," and insert after "4844" the words "and 4850;" so that it will read:
"As provided in sections 4843, 4844, and 4850 of the Revised Statutes."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. Orth having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 5524) to establish post-routes.

The message further informed the House that the Senate disagreed to the amendments of the House of Representatives to the joint research.

to the amendments of the House of Representatives to the joint resolution (S. R. No. 100) to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879.

DISTRICT APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

For Reform School: For salaries, fuel, and incidentals, repairs and improvements, and payment by the District of Columbia for support of the boys sent to the school, under act of May 3, 1876, \$25,000.

The Clerk also read the following amendment, reported by the Committee on Appropriations:

Insert after the word "incidentals" the word "and," and strike out after the word "repairs" the words "and improvements;" so that it will read:

"For Reform School: For salaries, fuel, and incidentals and repairs, and payment by the District of Columbia," &c.

The amendment was agreed to.

Mr. HUNTON. I send to the desk an amendment to come in at the end of the clause just read:

The Clerk read as follows:

The trustees of said Reform School are authorized to use of the money due them from the trustees of the Freedman's Bank, or from any other source, the sum of \$8,500, or so much thereof as may be necessary, to purchase the remainder of the Peter farm for the use of said school.

Mr. HUNTON. I desire to say in support of that amendment that there is due to the trustees of this Reform School a sum of money larger than the amount named in the amendment; and it is desired by the trustees that the sum of \$8,500 be appropriated, or so much thereof as may be necessary, to increase the area of the land belonging to the school. I have a letter from the president of the trustees of the school stating to me it is an important matter that this piece of land should be bought and added to the farm of the Reform School. It was originally a part of the same estate and adjoins this; and if it be not purchased by the school it will be sold to strangers, and a road will have to be made through the land now belonging to the school in order to reach it. This is probably the last opportunity the school will have to purchase that land unless this authority be given to them.

Mr. COBB. I understand the fact to be it will require \$50,000 to buy this land. The superintendent of the institution, in his report,

asks that we appropriate \$50,000 for that purpose. I had a conversation with him on the subject and inferred from what he stated that the \$50,000 was to buy the very tract of land which the gentleman from Virginia states can be bought for \$8,500. Now, if it cannot be bought for less than \$50,000 it seems to me futile to make this appro-

Mr. HUNTON. How much land does the gentleman understand to

be embraced in this piece of ground?

Mr. COBB. I understand two hundred acres.

Mr. HUNTON. The quantity is one hundred and sixteen acres, ac-

Mr. COBB. Perhaps the gentleman is right.

Mr. HUNTON. That is my recollection. I have tried to find the letter of the president of the trustees relating to this subject, but have mislaid it.

Mr. COBB. Fifty thousand dollars are asked by the superintendent of the institution for that purpose. In his estimates he claims \$111,000 for running the institution, \$50,000 of which are to buy this

Mr. HUNTON. How much is due the institution from the Freed-

Mr. HUNTON. How much is due the institution from the Freedman's Bank?

Mr. COBB. I do not know. When the gentleman from Virginia mentioned it, it was the first I had heard of it.

Mr. HUNTON. The letter to me was one asking authority of Congress to appropriate their own money to buy this land.

Mr. COBB. If the gentleman will pardon me, I will say that I think it would be better not to appropriate this money now. There is nothing in the report of the officers of this institution indicating that this should be done, and this is the first time I have heard of it. I understand that it will take \$50,000 to buy this farm.

Mr. HAYES. I would like to ask one question of the gentleman from Virginia.

from Virginia.

Mr. HUNTON. Very well.

Mr. HAYES. I would inquire of the gentleman if he is informed of the amount of land which this school already has?

Mr. HUNTON. I think about one hundred acres.

Mr. COBB. Oh, no; only about twenty acres.
Mr. HUNTON. In the farm now?
Mr. COBB. Not exceeding thirty acres; I think it is twenty. I am sure it is not over thirty.

Mr. HUNTON. Then the more necessity for enlarging the grounds. Mr. HAYES. I think so.

The CHAIRMAN. The question is upon the amendment as modi-

fied, which will be read.

The Clerk read as follows:

The trustees of said Reform School are authorized to use of the money due them from the trustees of the Freedman's Bank, or from any other source, the sum of \$8,500, or so much thereof as may be necessary, to purchase the remainder of the Peter farm for the use of the said school.

Mr. BLOUNT. I move to strike out the last word for the purpose

Mr. BLOUNT. I move to strike out the last word for the purpose of asking the gentleman from Virginia what claim the trustees have upon the Freedman's Bank?

Mr. HUNTON. I understand it is for money of theirs which was deposited in the Freedman's Bank.

Mr. BLOUNT. Is it depending upon future settlement?

Mr. HUNTON. It is depending upon dividends already declared or determined to be declared, as I understand.

Mr. BLOUNT. Then I would like to ask the gentleman what "other money" there is. I do not know that I have any objection to the amendment. amendment.

Mr. HUNTON. I am under an impression that there is none other.
Mr. BLOUNT. Then I would ask my friend to strike out the words
"or other money."
Mr. HUNTON. If they have any other money they should be al-

lowed to use it.
Mr. BLOUNT. We ought to understand just exactly what that means, "or other money."

Mr. HUNTON. I suppose it does not matter from what source it

Mr. HUNTON. I suppose it does not matter from what source it comes, if there is any other money.

Mr. BLOUNT. I think it does matter a great deal, if it is to come out of the general fund for that institution; and that may be the construction put upon this amendment if adopted in its present shape. It might be construed to enable them to take the very money which we are appropriating in this bill in order to purchase this land. With a view to avoid anything of that sort I move to strike out the words "for from any other source." or from any other source."

The amendment of Mr. BLOUNT was agreed to.
The amendment of Mr. HUNTON, as amended, was then agreed to.
The Clerk read the following:

For Saint Ann's Infant Asylum, \$5,000.

Mr. SHELLEY. I move to amend the clause just read by striking out "\$5,000" and inserting "\$10,000."

Mr. NEAL. I raise the point of order on that amendment.

Mr. NEAL. I take the point of order on that amendment.

Mr. SHELLEY. Let the point of order be decided by the Chair.

The CHAIRMAN. What is the point of order?

Mr. NEAL. My point of order is that the proposed amendment raises the appropriation in the bill from \$5,000 to \$10,000.

The CHAIRMAN. Is there any law that authorizes this appropri-

The CHAIRMAN. Is there any law that authorizes this appropriation to be made for this purpose?

Mr. TOWNSHEND, of Illinois. There is.

The CHAIRMAN. Then the Chair overrules the point of order.

Mr. SHELLEY. This appropriation is asked for by the managers of that institution, not to carry on the institution generally, but for the purpose of discharging a debt with which its building is encumbered. The probability is that after that debt shall have been discharged they will not see the Carry of the probability of the probability of the probability is that after that debt shall have been discharged they will not see the Carry of the probability in the probability in the probability is that after that debt shall have been discharged they will not see the Carry of the probability in the probability in the probability is that after that debt shall have been discharged they will not see the probability in the probability in the probability is that after that debt shall have been discharged they will not seen the probability in the probability in the probability is the probability in the probability in the probability is the probability in the probability in the probability is the probability in the probability in the probability is the probability in the probability in the probability in the probability is the probability in the probability in the probability in the probability is the probability in the probability in the probability in the probability is the probability in the probability in the probability in the probability in the probability is the probability in th bered. The probability is that after that debt shall have been discharged they will not come to Congress for any additional appropriations. I understand that by increasing the amount of this appropriation to \$10,000 it will enable them to discharge that debt, and then by means of the ordinary charitable contributions and collections the institution will be able to support its inmates.

They have now in that institution from a hundred to one hundred

and fifteen or one hundred and twenty infants all the way from three weeks old to five years of age. After arriving at the age of five years they are transferred to another asylum where they are instructed in

the rudiments of an education. By increasing this amount to \$10,000 we will enable the managers of that institution to get rid of the incumbrance now resting upon their property, and they will no longer be a tax upon the Govern-

The gentleman ought to modify his amendment so as to make it obligatory on the officers of this institution to apply this increased amount to the discharge of the debt.

Mr. SHELLEY. I will accept that amendment.

Mr. HAYES. If we simply give \$10,000 they may use it for any

purpose whatever.

Mr. SHELLEY. The original indebtedness was about \$20,000. We have heretofore appropriated \$10,000, and \$10,000 more is needed to

have heretofore appropriated \$10,000, and \$10,000 more is needed to discharge this debt.

Mr. COBB. I desire to make a suggestion in regard to this amendment. If my memory serves me right, I had a conversation with the lady controlling this institution, and she asked for only \$5,000. I understand \$5,000 will be enough, and certainly we should not spend money in this way unnecessarily. This is all a donation. We have no control over the expenditure of this fund. We give it for the purpose of aiding in charity—to enable these associations of charitable people in this city to do more than they could do otherwise.

Mr. HAYES. I will withhold my amendment till this amendment

Mr. TOWNSHEND, of Illinois. Mr. Chairman, it strikes me, from the statement of the gentleman from Alabama, [Mr. Sheller,] that this amendment should be adopted on the score of economy. If by increasing the appropriation to \$10,000 we can relieve the institution of debt and obviate the necessity of future appropriations it is certainly wise to do so, rather than go on appropriating indefinitely in the future.

Then, on the score of charity, I apprehend that a more charitable institution than this can hardly be conceived. Its inmates are exclusively infants below the age of five years. The institution confines its operations to the care of "waifs" who have neither home nor friends. It does seem to me that no charity on earth can appeal to our sympathies more strongly than this institution. Hence, I submit that this amendment recommends itself to us on the score both of economy and charity.

Mr. NEAL. It is my opinion, founded upon the best information I can obtain, that there is no law authorizing appropriations for any

of these charitable institutions.

The CHAIRMAN. The question is on agreeing to the amendment.
Mr. NEAL. I made the point of order that the amendment was not
in order because it raised the appropriation. It was stated by the
gentleman from Illinois [Mr. Townshend] that the appropriation
was in accordance with existing law, which I understand is not the fact.

The CHAIRMAN. The point of order was overruled, and the gen-

tleman did not take an appeal.

Mr. NEAL. But I suppose that if the Chair was misinformed in regard to the facts he will reverse his ruling, as evidently it was not correct.

The CHAIRMAN. The gentleman ought to have appealed from the decision of the Chair. He did not do so. The amendment hav-ing been entertained and discussed the Chair must submit it to a vote

of the committee.

Mr. TOWNSHEND, of Illinois. It is my understanding that the existing law provides for appropriations to all these charitable institutions; and I so stated. I may be mistaken in my understanding; but if my friend from Ohio [Mr. Neal.] denies my proposition the onus is upon him to show that the proposition is not authorized by existing law. existing

The CHAIRMAN. The Chair will not go back to reopen the question of order, but will submit the amendment to the committee.

Mr. CANNON, of Illinois. I move to amend the amendment by striking out the last word. I wish only to call attention to the statement of the gentleman in charge of this bill [Mr.Cobb] that the par-

Mr. COBB. That is true.

Mr. CANNON, of Illinois. If that is the fact what propriety is there in our adopting an amendment to give them \$10,000 instead of

One further remark. My impression is that all these appropria-tions are subject to a point of order; in other words, there is nothing on the statute-book that provides for the establishment of these institutions or for their support by the Government. I did not make the point of order myself, because I have no doubt that this institu-tion and perhaps all the others are admirable charitable institutions. Nor have I any doubt that there are a great many other admirable charitable institutions in this District, as well as all over the country.

As a general rule I do not believe in making appropriations for

charitable institutions which are not under the control and direction of the Government, for the reason that the Government cannot super-intend the spending of the money which may be appropriated, or ob-tain a report touching its expenditure. For instance, here in this bill is an appropriation of \$5,000 to the Women's Christian Association, an institution designed, I understand, to extend help to destitute females coming into this District—to obtain for them homes and employment. Yet it is the fact that under the law the commissioners have appropriated to them a fund for a like purpose. Now in the one case the expenditure is under the supervision of the law; it is disbursed by officers who are under bond, and who make a report of the In the other case there is nothing of the kind. have no doubt that all these institutions are magnificent charities.

But I do say that if the point of order be not made or sustained upon these appropriations—if it is the sense of the committee (at which I do not grumble) that these appropriations should be made, we at least should not make haste upon our own motion to give any in-

stitution 100 per cent. more than it asks for.

Mr. SHELLEY. Mr. Chairman, in the first session of the Forty-fifth Congress the managers of this institution came here asking for an appropriation of \$20,000 to relieve their establishment from indebtedness incurred in its erection. They could not obtain an appropriation of that amount, the Committee on Appropriations being willing only to give them \$5,000. In the second session of the Forty fifth priation of that amount, the Committee on Appropriations being willing only to give them \$5,000. In the second session of the Forty-fifth Congress they received an additional appropriation of \$5,000. They have been content with appropriations of this amount, knowing that by this process their indebtedness would be paid in the course of time. The object of my amendment is simply to expedite the payment of the debt and relieve the institution from this incubus. The "Sisters" who are appropriate in the handable work of earing fact the sixty of the contract of the contrac who are engaged in the laudable work of caring for these infants feel

the annoyance and anxiety imposed upon the m by this debt, and are anxious to be relieved from it. Congress having appropriated already \$10,000 for that purpose by two separate appropriations, \$5,000 each, I think it is perfectly legitimate and right and equally commendable for Congress to double that appropriation this time to relieve this indebtednes

Mr. CANNON, of Illinois. I withdraw my formal amendment.
Mr. HAYES. I renew it. I wish to say, Mr. Chairman, to an institution of this kind I am willing to vote all the money necessary to carry it on and make it a success, but I want to emphasize the point which was made by my colleague from Illinois, and it ought to be emphasized, because officers of this institution came here and only asked for \$5,000. If that is all they asked for, and they are content with that amount, it seems to me to be all we should vote to them. I did propose to offer an amendment, but I retain it in order that a vote may be had on the amendment offered by the gentleman from Alabama. If that amendment carries, then I want to offer an amendment I have here making provision that \$5,000 of this money shall be appropriated

Mr. SHELLEY. It was intended for that purpose.

Mr. HAYES. I hope the amendment of the gentlemen from Alabama will be voted down. I withdraw my formal amendment.

Mr. SHELLEY's amendment was rejected.

The Clerk read as follows:

For the Industrial Home, \$10,000.

Mr. COBB. The Committee on Appropriations recommend after the word "home" to insert the word "school."

The amendment was agreed to. The Clerk read as follows:

GENERAL EXPENSES.

For salaries and contingent expenses:
For executive office: For two commissioners, at \$5,000 each; one secretary, \$2,160; one clerk, \$1,500; one clerk, \$1,500; one messenger, \$600; one driver, \$480; for contingent expenses, including printing, books, stationery, and miscellaneous items, \$3,000; in all, \$20,040.

Mr. BUCKNER. I move in line 102 to strike out "20" and insert "10;" so it will read \$10,040." I make this motion, sir, for the purpose of indulging in some general observations about the management of the government of the District of Columbia. I know, as a matter of fact, since the organization of the present District government under commissioners there has been a very large pruning and cutting down of salaried officers, and I am very glad that the Committee on Appropriations have adopted this form of a special bill, thereby bringing to the attention of the country how the money appropriated bringing to the attention of the country how the money appropriated here is expended; and a large number, as it seems to me, of needless officials are still kept in employment in this District.

I have gone over the number of officials in the several departments

of the District government employed for the purpose of carrying on the general business of those departments, and I find they number nearly one hundred; more, I undertake to say, than can be found in any city, and I might say, double as many as in any city of the same population in the United States.

Let me ask the Committee on the District of Columbia as well as the Committee on Appropriations why it is necessary we should expend \$13,000 for auditing the accounts of the District of Columbia, employing some six, eight, or ten men for that purpose? Go to the State of Georgia, or the State of Virginia, or the State of Missouri, or any other State in this Union where the same business amounts to millions when this amounts to thousands, and you will not find the same number of officials required.

Let me refer to the bill:

For auditor and comptroller's office: For one auditor and comptroller, \$3,000; one book-keeper, \$1,800; one clerk, \$1,600; three clerks, at \$1,400 each; one clerk, \$1,200; one messenger, \$600; for contingent expenses, including books, stationery, and miscellaneous items, \$600; in all, \$13,000.

For auditing what? For auditing the claims against the District of Columbia, amounting all told to \$3,000,000, everything included. That is the whole of it. Why all these supernumeraries should be kept up at the expense of this District Government, I cannot understand. I do not believe it is necessary at all. I say there are about one hundred of these officers. Take the attorney's office of the District of Columbia. We have one attorney, one assistant attorney, one special assistant attorney, one clerk, one messenger—those are officers in the District attorney's office provided for by this bill.

Now, this large number of one hundred officials does not include

the police force, superintendents of schools, and so on.

Why, you have twenty-one men engaged here in the engineer's de-partment, twenty-one officials paid for by the year in that one depart-

[Here the hammer fell.]
Mr. HUNTON. Mr. Chairman, these officers are recommended, not only by the commissioners but by the Secretary of the Treasury, to be important to the present operations of the District Government. The Committee on the District of Columbia felt, as my friend has expressed himself, there were too many officers to carry on a small city government, and they had the commissioners before them to see if there could not be a reduction of the number of officers and a consequent reduction of expense. We were informed by those commissioners that they had already made very heavy reductions. In one department alone, the water department I think, twenty-eight inspectors have gone off duty, and there are only three or four now where

there were some thirty before. Similar reductions have been made since the form of the District government has been changed.

But I will call the attention of my friend from Missouri to the fact that, in this process of change from one form of government to another, the affairs of the District were found in utter confusion, and the comthe anairs of the District were found in atter confusion, and the committee have assured us and have assured our committee for the next fiscal year, it was next to impossible to get along with fewer officers than are provided for in this bill.

Mr. BLOUNT. I would like to ask my friend from Virginia—and I appreciate all that he says in reference to this change of government, the new relations it will have to the General Government, the same of this behavior of the same of the same

all that-if he does not think this is merely a temporary difficulty, and that we can reduce such organization hereafter?

Mr. HUNTON. Unquestionably. I was coming to that if my friend from Georgia will indulge me for a moment.

Mr. BLOUNT. I beg the gentleman's pardon. I did not see at the time the drift of his remarks.

Mr. HUNTON. Now, in reference to one single item: that is as to the revisal of assessments. This work has imposed upon the District government an immense amount of labor, so great in fact that the officials who have been engaged in it have been at work night after omicials who have been engaged in to have seen at work hight and required an interpretation of the work connected with this revision has been excessive, and required an immense deal of time and attention.

Mr. BUCKNER. That is these special assessments?

Mr. HUNTON. Yes; the revision of the assessments.

Mr. HUNTON. 1es; the revision of the assessments.

Now, it has been communicated to the Committee on the District of Columbia, and I have no doubt the Committee on Appropriations have the same information from the commissioners, that this force now engaged in that work will not be necessary after the next fiscal year, or in other words, that after the next year they can reduce the force from 20 to 25 per cent., and pledge themselves to do it. I trust, therefore, Mr. Chairman, that there will be no interference with the official force of the District for the next fiscal year at all events for

therefore, Mr. Chairman, that there will be no interference with the official force of the District for the next fiscal year at all events, for these persons are all needed to perform the work at present.

Mr. HAYES. Will the gentleman from Virginia permit me to ask him a question?

Mr. HUNTON. Certainly.

Mr. HAYES. I want to vote understandingly on this subject. I perceive on pages 5, 6, 7, 8, 9, and 10, there are very large amounts appropriated. What I want to get at is whether the United States is to pay this whole amount or whether one-half of it comes out of the District? the District?

Mr. HUNTON. Of course the amount that we appropriate is only one-half of the total. The remainder is paid by the District.

I was going to say another thing, and I think the Appropriation Committee have followed the District Committee in that particular, that we have increased scarcely an officer or a salary, if indeed any

increase at all has been made.

Mr. WARNER. That is a question I wanted to ask in this connection as to these officers, provided for in the first place by law, whether the salaries are governed by law?

Mr. HUNTON. There is no increase in the salaries or any of these

Mr. WARNER. But are the salaries fixed by the Appropriation Committee or by the Committee on the District of Columbia?

Mr. ATKINS. I desire to say this—
The CHAIRMAN. Debate on this amendment is exhausted.
Mr. ATKINS. I move to strike out the last word for the purpose of asking if the gentleman from Missouri might not be answered to some extent by stating that the comparison he has made would apply to other branches of the Government as well as this. I confess there to other branches of the Government as well as this. I confess there seems to be some reason for it. I have no doubt there is much truth in the suggestion he made, and that if we could get at the bottom facts as to the necessity for these various officers it would be found that not only in the District of Columbia, but in every other department of this Government, without exception, from alpha to omega, every single one of them has a larger percentage of force employed to-day than is really needed. I believe this to be a fact, and that a large percentage of the force could be cut down without impairing the efficiency of the service. I have no doubt that if section 162 was observed we could cut down 25 per cent. of the force in all the departments. But section 162 is not observed in one single department of this Government and never has been. of this Government and never has been,

Mr. NEAL. And never will be.
Mr. ATKINS. No; it never will be, and it should be repealed or
the department authorities be rigidly held to it in the administra-

tion of the Departments.

Mr. HUNTON. Wait till we get a democratic administration.

Mr. ATKINS. Well, I never talk politics. [Laughter.] What I

Mr. WRIGHT. I would like to know whether I am going to have

a chance to say something about this matter?

Mr. ATKINS. My friend is a young man yet and can afford to wait.

Mr. ATKINS.

[Laughter.]

Mr. WRIGHT. I have been waiting for a long time.

Mr. ATKINS. Then my friend can afford to wait a few moments longer. Some apology given for this particular matter, which the gentleman from Missouri criticises, is this: that the municipal government as well as I may say the territorial relations the District of Co-

lumbia sustains, not only as the city of Washington in its municipal capacity, but in its relation as a territory, or a corporation, or whatever it may be called to the Government—I say in these two relations it requires perhaps more force to run it than it would to run a city belonging to a State governed by State laws and operating under the ordinary circumstances attaching to it as such.

For a city which is under State laws has certain State officers, but this District must provide its own municipal arrangements, and also bear its territorial relations to the Government of the United States

besides.

Mr. BUCKNER. Even under the circumstances that the gentle-man states, I do not see any necessity for these six or seven officers

Mr. ATKINS. I really think that the criticism of the gentleman from Missouri is a good one, and I find no fault with it. The gentleman from Virginia has given some explanation, but I hope that some other explanation more favorable will be derived in future from the action of this bill than has been received up to this time. There has not yet been much to justify it here; but there is no objection at present if it shall come in hereafter.

Mr. WRIGHT. I move to strike out the last word.

Mr. TOWNSHEND, of Illinois. As I understand it there is no "last word," the amendment having been withdrawn.

Mr. WRIGHT. Then I renew the amendment.

Mr. Chairman, there is no use in disguising the fact that this bill is one of monstrosities in the way of appropriations of money. I notice here with reference to the attorney's department it provides for one attorney, \$4,000, one assistant attorney at \$1,900, a special assistant attorney at \$960, and a clerk at \$960, as well as a messenger at \$192, making, with the rent of the office and some contingent expenses, the sum of \$9,000 that they wish to appropriate for the purpose of employing legal counsel. Now, sir, I say it is monstrous to talk about putting such things as that on the Government.

Let me refer to another item. Here is an item for "repairs of

Let me refer to another item. Here is an item for "repairs of pumps." That I suppose refers to those old wooden pumps around the streets. It appropriates for that item the sum of \$3,000. Is not that monstrous? Here is another item: For the removal of garbage, \$10,300. Now, I know there is a great deal of filth, but three thousand dollars ought to be enough for the removal of that filth, or one

thousand in fact.

Mr. Chairman, you may take up this bill from the beginning to the end and there are salaries appropriated and offices created there that are unknown in any other city of the size of Washington in the United

Mr. KITCHIN. Is that any greater monstrosity than your tariff on steel rails? [Laughter.]

teel rails? [Laughter.]
Mr. WRIGHT. That is not a matter that is involved in this discussion. If the design of a question of that sort is to divert attention cussion. If the design of a question of that sort is to divert attention from or for the purpose of covering up a great cheat or a great fraud, then the gentleman from North Carolina [Mr. KITCHIN] may have the benefit of it. What I contend is that where money is appropriated out of the Treasury in making the appropriations we ought to have some reference to economy. I do not charge upon the gentlemen who have this bill in charge that they want to pay for extravagance; but I do say a more extravagant bill than the one presented for consideration have sould not well have been got up or presented to this body. ation here could not well have been got up or presented to this body— \$8,000 for attorneys' fees, \$10,000 for removing garbage, \$3,000 for re-pairing old wooden pumps! I only refer to these as glaring instances. But take the bill—Mr. Chairman, do not let that hammer fall yet— take the bill as it is from beginning to end and I do assure this com-mittee that it is marked not only by extravagance but by extravagance of the very worst kind.

gance of the very worst kind.

[Here the hammer fell.]

Mr. HATCH was recognized and yielded his time to Mr. WRIGHT.

Mr. WRIGHT. Ithank the gentleman from Missouri for his courtesy.

Generally in my votes in this House I have been disposed to be liberal in my views with regard to appropriations. I do not want to be called a parsimonious man. I want to be liberal. I want to give to the people generally, and especially to the people of this city, what they ought to have. But I do not think it is my duty as a Representative to vote for an appropriation so immense in its proportions as that which is contained in this bill. It ought to be cut down.

I do not suppose that this city will ever see the time when it can walk alone; that it will ever get out of its condition of infancy so as to

alone; that it will ever get out of its condition of infancy so as to support itself. But when the Government of the United States comes to its support and offers to pay half of the expenses of the city then they ought to be satisfied and not place upon us the support of men who are out of employment and require us to put them in a position to be fed and clothed out of the Treasury. It is wrong in every respect and we ought not to vote these sums that are presented for our consideration.

Why, sir, in this item of charities which I have footed up there are \$71,000 appropriated in this bill for that purpose. We had better take care of some of our own poor at home instead of putting our hands into the national Treasury to maintain charities for the sup-

port of people here.

Mr. COBB. If the gentleman will pardon me, I wish to say that he knows just as much about the appropriations for charities in this bill as he knows about everything else he has been talking about. There is twice that amount for charities in the bill. But if the gen-

tleman would look at the number of institutions of charity in this city he would think \$71,000 a small sum to be given for their support.

Mr. WRIGHT. I have footed up the items and I know that the

items under the head of charities in this bill that we now have under consideration amount to \$71,000. I am not mistaken about it. I do not include the Reform School and several other institutions of that class. But there are eight or nine items in this bill under the head of charities which foot up \$71,000.

I suppose there is occasion perhaps for pretty liberal legislation upon our part in order to provide help for the necessitous people in this District; men who come here and get office and when they are thrown out of office in consequence of the change of administration, or otherwise, stay here and are a charge for the rest of their lives upon the city authorities or the Government.

[Here the hammer fell.]
Mr. NEAL. As a member of the sub-committee of the Committee on the District of Columbia having in charge this bill I gave it a

the District of Columbia having in charge this bill I gave to a very careful examination and so far as it was possible we reduced the expenditures to the very lowest possible limit.

It should be borne in mind by the committee that we have here a twofold form of government. In the first place there is a government analogous to the State governments and in the second place there is a government analogous to the city governments; and both these forms are provided in this bill.

It seems to me, Mr. Chairman, that the treasurer's office might be dispensed with and should I be a member of the District Committee at the next session of Congress it will certainly be my object to simplify the administration of the government in such a way as to diswith that office.

Mr. HUNTON. But my friend from Ohio will bear in mind, as I know he will, that if that office was abolished it would not diminish the number of offices, because one man is now assessor and treasurer.

Mr. NEAL. It might not diminish the number of offices, but it

would reduce the salaries somewhat.

would reduce the salaries somewhat.

The gentleman from Pennsylvania [Mr. WRIGHT] has called the attention of the committee to the appropriations made for the attorney's office. Why, Mr. Chairman, that is an office as cheaply run as any office in the District of Columbia. There are hundreds of suits brought against the District annually for special assessments, for damages, and for enjoining the collection of taxes, which make the duties of the attorney very onerous in their character. In one suit—I allude to the Strong case—which has been decided in favor of the District within the last two months, if the District had been com-District within the last two months, if the District had been com-

District within the last two months, if the District had been compelled to employ special counsel it would have paid not less than \$10,000 to the attorneys for defending that suit alone. And if special counsel were hired in every suit brought against the District of Columbia the attorneys' fees would not be less than \$50,000.

I say, therefore, to the committee, that while this may seem to be a large and perhaps extravagant appropriation for the ordinary expenses of the government, they must bear in mind the twofold form of government which the District has; and that the Committee on the District of Columbia have resorted to every means to reduce expenditures, and have not been able to do it any lower than has been done in this bill.

Mr. RUCKNER. I am anthorized by the gentleman from Penn-

done in this bill.

Mr. BUCKNER. I am authorized by the gentleman from Pennsylvania [Mr. WRIGHT] to withdraw his amendment.

Mr. RANDALL, (the Speaker.) I move to strike out the last word for the purpose of saying that the District of Columbia occupies a peculiar position in its relations to the Federal Government. It does not have exactly the form of a State government, yet the functions of a State government are lodged, so far as the District is concerned, with the Federal Government. Necessarily everything which relates to the government of the District must find its origin in the two Houses of Congress. There is not a State Legislature which does not appropriate money for the support of its insane, for the support of Houses of Congress. There is not a State Legislature which does not appropriate money for the support of its insane, for the support of its deaf and dumb, for the support of its blind. There is not a State, hardly a county, that has not its poor-house. The charities of this District must depend entirely upon the liberality of Congress. Therefore it is, in my judgment, that when you compare these appropriations with the amount of private charities bestowed by the citizens of this District they will not be found to be excessive.

There is hardly any gentleman here who will not believe that I

There is hardly any gentleman here who will not believe that I have always favored and advocated economical appropriations. Yet, when I occupied the position of chairman of the Committee on Appropriations, I never found it good policy or expedient to cut down the appropriations for charities, or the appropriations in behalf of science. I was ready to cut down appropriations in every other direction. If you wish to reduce the aggregate of appropriations, my judgment is that you ought to do it by reducing the number of needless employés under the Government and within the District of Columbia, and not by reducing your appropriations for charities, but

keep them at what they are.

The truth is, these charitable institutions in this District, unless The truth is, these charitable institutions in this District, unless the Federal Government itself rendered them aid, would fail absolutely of their purpose. The population of this District is not large enough to keep them up by private charity; that is, the population possessing means. The population of this District is made up in a great part of people who are employed by the Government, and who live upon yearly salaries, and cannot in justice to themselves and their families contribute much to charities. I therefore differ entirely

with my friend from Pennsylvania, [Mr. WRIGHT,] if I understood his remarks correctly, as condemning the appropriations for charities contained in this bill. Those appropriations are not larger than they

have heretofore been for that purpose, perhaps not so large; and they are essential to the well-being of the people of this District.

Mr. COX. I would like to ask my friend, the Speaker, if he can tell the rate of taxation in this city as compared with the rate of taxation in Philadelphia, New York, and other cities? It is not one-

Mr. RANDALL, (the Speaker.) The taxation in this District is enormous, and grows out of the extravagant expenditures which were made during the few years of the rule which prevailed here not long since. I do not want to condemn anybody, but the fact is that there was an effort made on the part of the then government of the District, known as the board of public works, to do in one year what ought to have been done in five or six years. That government undertook to cut streets in every direction, and almost confiscated property to pay for improvements. As I have said before, they fastened upon the people of this District a debt which they can ill afford to bear.

I have nothing to say in regard to the municipal government of my own city; it has nothing to do with the question before the House.

Mr. COX. My friend [the Speaker] misapprehends the tenor of my

Mr. COX. My friend [the Speaker] misapprehends the tenor of my question. I hold that the rate of taxation in this city, on the inhabitants thereof, is comparatively low compared with that of Philadel-

phia, New York, and other places.

Mr. RANDALL, (the Speaker.) But the Government pays one-half of the expenses of the District.

Mr. COX. The Government should have to pay only that portion

Mr. COX. The Government should have to pay only that portion indispensable for the transaction of Federal business.

Mr. RANDALL, (the Speaker.) You cannot escape from the law and from the past practice of the Government.

Mr. COX. I know the law, and therefore I am consistent. I think my friend [the Speaker] ought to assist me in reducing that proportion.

Mr. RANDALL, (the Speaker.) I have opposed many laws before they were passed; but when they have become laws I am bound to which but them. abide by them.

Mr. COX. And I would repeal bad laws. [Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I withdraw the amendment.
Mr. BUCKNER. I renew the amendment. The gentleman from
Virginia, [Mr. Hunton,] as a justification for the large number of
officials we are paying for in this District, speaks of the necessity for them in the vast amount of work growing out of these special asse ments. I admit that to some extent he is correct. But there are not only the eight officers provided for in the comptroller's office for the purpose of auditing the accounts of the District of Columbia but there is the "old records division," with two clerks, and the "special-assessments division," with three or four more.

The point I made was, and no gentleman has attempted to answer it, that all these officers are not needed for the purpose of auditing the demands against the District of Columbia, amounting at the outside to about \$3,000,000, and \$1,100,000 of that is interest on the debt; so you may say there are demands against the District to be audited not exceeding \$2,000,000 or \$2,200,000. I say there can be no necessity for the employment of this large force. The peculiar relation of the District to the Government of the United States and to the people can furnish no justification for it. I am not complaining

of anybody because—

Mr. BLOUNT. I hope my friend will indicate what offices may be abolished. I would like to vote with him for an amendment of that kind. I agree with him that there are too many of these officers; but it was not the duty of the Appropriations Committee to reorganize the District government.

Mr. BUCKNER. I do not know how many of these offices can be abolished. The District commissioners, I am informed, say that none can be abolished at present.

Mr. BLOUNT. In the absence of definite information upon the subject, I was willing to wait another year and let the Committee on the District of Columbia suggest reductions in this respect.

Mr. BUCKNER. Allow me to say a word on the subject of taxation in this District. I undertake to say that the rate of taxation paid here is less than in any other city of the same size in the United States. One and a half per cent. upon all the property of the District is the entire amount of tax levied. There is no city of the same size in the United States where the rate does not run up to 2 or 3 per cent. or more. In Chicago and Saint Louis the rate is considerably higher than here; in Philadelphia it is 3 per cent., in New York probably 4. Yet the people of this District are complaining of the burden of taxation. In view of the immense debt—\$23,000,000—resting upon this city, I think it was right for the Government to assume

ing upon this city, I think it was right for the Government to assume a certain proportion of the expenses of the District; but the proportion ought not to have been so much as 50 per cent. We ought to relieve the people by cutting down some of these expenses.

Mr. COBB. It is hardly necessary for us to have any contest over these officers, unless it be in regard to the salaries paid to them. If the gentleman from Missouri [Mr. BUCKNER] will give me his attention, I can explain why these officers are provided for in the bill. It is because they are provided for by existing law. Hence it was the duty of the Committee on Appropriations to report provisions for their payment.

their payment.

Let me add one remark. The gentleman from Missouri, if I remember correctly, was, in the Forty-fourth Congress, the chairman of the Committee on the District of Columbia, whose duty it is, whenever reforms in District affairs may be necessary, to introduce bills here and urge their passage. These offices have not been created here and urge their passage. These offices have not been created since the gentleman from Missouri occupied that position. The Committee on Appropriations have not in this bill created any office. The law provides for all these offices; and there are fewer now than four years ago. Besides, they receive less pay to-day than they did four years ago. These offices being provided for by law, the Committee on Appropriations did not feel justified in going outside of the law and proposing to abolish these positions, a measure which gentlemen here would have objected to. We have reported these appropriations in pursuance of law; and unless the gentleman from Missouri can show that some of these offices are unnecessary and ought to be abolished, it occurs to me that no complaint can be made against this

Mr. BUCKNER. I withdraw the formal amendment. The Clerk read as follows:

For the purchase of sites (when necessary) and the erection and completion of three school buildings, \$100,000, to be apportioned as follows, namely: For the second school division, \$45,000; for the sixth school division, (county.) \$10,000; for the seventh school division, \$45,000; amounting in all, for school purposes, to \$504,834.80.

Mr. CLAFLIN. I move to amend by inserting in the paragraph just read, after the words "one hundred thousand dollars," these words: "provided that they shall be contracted for before the 1st of next September, and finished before the 1st of May, 1881."

It is well known, Mr. Chairman, that we provided last year for the erection of two school-houses. One only was contracted for before the assembling of Congress, the other is hardly under way yet. If we are now to appropriate for the erection of three school-houses, I think we ought to make provision that the attention of the commissioners may be promptly brought to the matter, so that the school-

houses may be promptly brought to the matter, so that the school-houses may be erected during the coming fiscal year.

Mr. HUNTON. If the gentleman will modify his amendment by striking out "May" and inserting "July," so as to provide that the buildings shall be completed within the next fiscal year, his amendment will, I think, be eminently proper.

Mr. CLAFLIN. I modify my amendment as suggested by the gen-

The amendment, as modified, was agreed to.

The Clerk read as follows:

For Metropolitan police:
For 1 major and superintendent, \$2,610; 1 captain, \$1,800; 1 property-clerk, \$1,800; 1 clerk, \$1,500; 3 surgeons, at \$450 each; 6 detectives, at \$1,320 each; 10 lieutenants, at \$1,200 each; 20 sergeants, at \$1,140 each; 7 acting sergeants, at \$1,000 each; 120 privates, class two, at \$1,080 each; 16 station-keepers, at \$516 each; 8 laborers, at \$420 each; 3 telephone operators, at \$780 each; 1 messenger, \$900; 1 messenger, \$360; 1 major and superintendent, mounted, \$360; 1 captain, mounted, \$240; 50 lieutenants, sergeants, and privates, mounted, at \$240 each; 1 inspector of licenses, \$1,095; 2 drivers, at \$300 each; 1 ambulance driver, \$600; rent of police-station houses and police headquarters, \$5,960; for fuel, \$1,500; repairs to station-houses, \$1,500; miscellaneous and contingent expenses, including stationery, books, telegraphing, printing, gas, ice, washing, meals for prisoners, and detection of crime, and repairs to van, \$6,460; in all, \$300,120.

Mr. HUNTON. I move to amend by striking out "seventy-three" and inserting "one hundred and twenty-five," so as to provide for one hundred and twenty-five privates, class 1, of the Metropolitan police,

I desire to inquire whether the police force is in-Mr. FINLEY.

Mr. HUNTON. That is the object of the amendment, as I was about

Mr. McMILLIN. I reserve all points of order on the amendment.
Mr. HUNTON. I hope no point of order will be made upon a proposition like this. No man can read the daily papers of this city without absolute knowledge of the fact that an increase of the Metropol-

The CHAIRMAN. Does the gentleman from Tennessee propose to make a point of order? If so, it ought to be made at once and de-

make a point of order? It so, it ought to be made at once and decided before the debate proceeds.

Mr. McMILLIN. I was willing to hear the gentleman's statement; but if I must make the point of order now, I do so.

The CHAIRMAN. The gentleman will state it, with his reasons.

Mr. McMILLIN. I make the point of order that the amendment changes existing law, and does not retrench expenditures.

The CHAIRMAN. The gentleman from Tennessee will show the contribution of the Materiality of the state of

existing law providing for the number of these Metropolitan police.

Mr. McMILLIN. I make the point more readily because I happen to remember there is a bill pending for the purpose, and when it comes up on its merits it can receive that discussion and consideration which a measure ought to receive appropriating the amount of money this

will require.

The CHAIRMAN. As there is a pending bill on the same subject before the House the point of order is good and the Chair sustains it and rules the amendment out.

Mr. FINLEY. I move, in lines 379 and 380, to add the words "when employed;" so it will read: "two bailiffs, at \$3 per day each, when employed."

Mr. HAYES. We have long since passed that.

The CHAIRMAN. The Chair can only go back by unanimous con-

Mr. NEAL. And I object. The Clerk read as follows:

HEALTH DEPARTMENT.

For 1 health officer, \$3,000; 6 sanitary inspectors, at \$1,200 each; 2 food inspectors, at \$1,200 each; for clerks, \$7,000; 1 messenger, \$480; 1 poundmaster, \$1,000; and for contingent expenses, including books, stationery, fuel, rent, laborers under poundmaster, repairs to pound, and wagon and horse for poundmaster, meat for dogs, disinfectants, and miscellanous items, \$3,860; in all, \$24,940.

Mr. HUNTON. I move, in line 420, where it reads "one pound-master, \$1,000," to strike out "\$1,000" and insert "\$1,200." I remember when this matter was before the District Committee the health officer, Dr. Townshend, a most excellent and efficient officer, came before us and satisfied us this poundmaster ought to have \$1,200 a year, and we so reported to the Appropriations Committee. We thought it proper to give that officer \$1,200 a year, as he has not only to furnish his own services but a horse at his own expense. The duty of a poundmaster here, as explained to us by Dr. Townshend, is quite onerous.

The amendment was agreed to. The Clerk read as follows:

Interest and sinking fund:
For interest and sinking fund on the funded debt, including \$2,400 interest on the Linthicum Institute loan, and \$90 outstanding coupons upon the city of Washington ten-year 6 per cent. loan, under act of Congress approved July 27, 1868, \$1,155,583.55.

Mr. COBB. The Committee on Appropriations recommend an amendment striking out, in line 428, after the word "debt," down to the word "one" in line 433. The words stricken out are:

Including \$2,400 interest on the Linthicum Institute loan, and \$90 outstanding coupons upon the city of Washington ten-year 6 per cent. loan, under act of Congress approved July 27, 1868.

The amendment was agreed to.

Mr. HUNTON. I move, in line 426, to add \$200, made necessary by the amendment adopted in committee increasing the salary of the poundmaster from \$1,000 to \$1,200 a year.

The amendment was agreed to.

Mr. McCOOK. I was about to say, while I do not object to the amendment of the gentleman from Indiana, I think the gentleman having charge of the bill should explain to the committee the reason

The CHAIRMAN. The amendment has been agreed to, and it is too late to go back and discuss an amendment already adopted.

The Clerk read as follows:

For general contingent expenses of the District of Columbia not otherwise suffi-ciently provided for, (including not exceeding \$7,500 for pay of temporary employés,) \$20,000.

Mr. FINLEY. I move to strike out that paragraph in order gentlemen may explain why it is that after having provided in this bill for all possible contingencies, pay of all the employés in the District, schools, health department, interest on the sinking fund, courts, marschools, health department, interest on the sinking fund, courts, markets, and everything else—and that liberally—why it is there should be added this omnibus clause for contingent expenses not otherwise provided for, including \$7,500 for pay of temporary employés. I do not think it is proper in an appropriation bill to put in a general sum in that way. Such bill should provide specifically for every known appropriation. Probably the gentleman in charge of this bill can tell the committee now what it is expected this sum of money may be used for. If there is a reasonable excuse for putting this in, I shall with pleasure, withdraw my amendment.

shall, with pleasure, withdraw my amendment.

Mr. HUNTON. I move a substitute for the amendment of the gentleman from Ohio, and that is to strike out "\$20,000" and, in lieu thereof, insert "\$30,000." Instead of striking out the contingent fund, I want it increased, and I will give my reasons for it.

The District Committee, which had this matter under consideration by the contract of the amendment.

by the courtesy of the Appropriations Committee, recommended a general contingent fund to be appropriated of \$50,000. And why? There are contingencies arising in this District which cannot be provided for by special appropriation. A riot takes place in this city, and it costs money to subdue it, and there is no money in the Treasury out of which it can be paid. The small-pox breaks out in the city, or any other contagious disease, and it takes money to suppress it, and there is no money in the Treasury out of which the expense of suppression can be paid. I will say to the committee, when the small-pox became epidemic last fall, without the assistance of the National Board of Health the health department of this District would have been powerless to have kept that disease within proper bounds. reason for that was they had no contingent fund out of which they could pay the expenses of the necessary appliances to suppress the disease in the District.

There are many cases that might arise when this fund would be There are many cases that might arise when this rund would be absolutely necessary. For instance, one of the bridges that crosses Rock Creek from here to Georgetown might fall in. There is no contingent fund out of which that could be repaired or such an accident provided against if it was threatening. We all know in a recent case in the city the sewer which passes through the botanical grounds fell in, and that there was no contingent fund out of which it could be repaired; and the sole object of this appropriation is to cover just such emergencies as I have related. My friend says that contingent such emergencies as I have related. My friend says that contingent funds have been appropriated for each department of the city government. But those funds which are so provided are to be used for different cases other than are contemplated in this section. The contingencies there are enumerated specifically and confined to the enumerated items in the deficiency which might arise; but here is a general fund at the control and under the disposal of the District commissioners to meet such emergencies as I have specified. I trust that the committee instead of striking out the fund will agree to increase it.

Here the hammer fell.]
Mr. COBB. I move to strike out the last word.
Mr. FINLEY. There is an amendment pending, a substitute for

my amendment, as I understand.

Mr. BAYNE. There can be an amendment pending at the same

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. COBB. Mr. Chairman, so far as this appropriation is concerned I have no special interest in it at all. I will state this, however, that the estimate of the board of commissioners was \$50,000. We struck down \$30,000 of that, leaving \$20,000 to stand as the contingent fund.

Now, they gave as the reasons for this the very reasons assigned by my friend, the gentleman from Virginia. I am inclined to think that my friend, the gentleman from Virginia. I am inclined to think that \$20,000 is very much; and as far as I am individually concerned I should have made it only \$10,000. But after a conference with the commissioners and hearing their views on the subject it occurred to me that there might be just such emergencies as the gentleman has specified; for instance, an epidemic, a riot, the destruction of a bridge, or something that would require immediate attention. But I do not think, Mr. Chairman, that we ought to legislate in advance to meet such emergencies as might arise, and I am perfectly willing if the Committee of the Whole feels so disposed to strike out this amount and insert \$10,000.

Now, so far as the bridges to which the gentleman from Virginia has alluded are concerned, it will be found that we have provided for that in another portion of the bill; for instance, we provided \$6,000 to repair M street bridge, over which we have to cross in going to

Mr. HUNTON. But that provision was only made after the bridge had become unsafe. There was no appropriation to meet that dif-ficulty before it occurred or while it threatened.

Mr. COBB. That is true.

Mr. HUNTON. But when the bridge gave way or threatened to cave in, then the appropriation was made and used.

Mr. McCOOK. I would like to ask the gentleman in charge of this bill if the appropriation last year for contingencies has been exhausted?

Mr. COBB. I presume so. I think it was.

Mr. McCOOK. Is the gentleman from Indiana able to give any of
the large items for which that fund was used, or the general character of the items?

ter of the items?

Mr. COBB. Yes, sir; of course a statement was made showing the items; but if Congress was to appropriate \$10,000, or \$20,000, or any amount, it would be all expended.

Mr. McMILLIN. Does not the gentleman think that if the Government gave \$100,000 it would be all expended?

Mr. COBB. I think it very likely, sir.

Mr. BAYNE. Let us have a vote on the amendment.

Mr. HUNTON. I beg leave, Mr. Chairman, to draw the attention of my friend from Indiana for a moment to the fact that of this \$20,000, \$7,500 of it is for the payment of temporary employés if needed, leaving, therefore, only \$12,500 for the contingent fund.

Mr. COBB. That is true, sir.

Mr. FINLEY. Mr. Chairman, I do not wish to take up the time of the committee, but I wish briefly to call attention to the fact that this bill has made very liberal appropriations for the District of Co-

the committee, but I wish briefly to call attention to the fact that this bill has made very liberal appropriations for the District of Columbia in every one of its departments, and now it proposes at the close to insert an item of \$20,000 to be used for contingent expenses. This is no appropriation for a specific purpose. Nothing is mentioned in it excepting that a small portion of it may be used, if necessary, for the pay of additional employés.

This is simply "pin money," contingent money, that may be used for emergencies or contingencies that are to come hereafter. When I ask gentlemen the reason for it, I am told that the small-pox might break out here and require an extraordingry expenditure of money.

break out here and require an extraordinary expenditure of money that a bridge might break down, or something of that kind, that shall require the use of this fund.

But I call gentlemen's attention, in reply to that argument, to the fact that in every branch of this government for the District this bill contains items for contingent expenses not enumerated specifically in the bill. For instance, in the "health department" there is provided for miscellaneous items the sum of \$3,860. Under the head of "miscellaneous expenses" there is a provision for miscellaneous items, not otherwise provided for, of \$6,798.07. In the item for courts there is a contingent fund appropriated is a contingent fund appropriated—
Mr. HUNTON. Will the gentleman from Ohio allow me to inter-

rupt him for a question ?

Mr. FINLEY. With pleasure.

Mr. HUNTON. The gentleman has referred to the health department. Now, the contingent expenses under the health department are specified as—

Including books, stationery, fuel, rent, laborers under poundmaster, repairs to pound, and wagon and horse for poundmaster, meat for dogs, disinfectants, and miscellaneous items.

Mr. FINLEY. That is it; that is exactly the point I am making—the "miscellaneous items."

Mr. HUNTON. Does the gentleman from Ohio mean to say that the miscellaneous items mean any such expenses as I have enumerated?

Mr. CLAFLIN. Will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman from Ohio yield to the gen-

tleman from Massachusetts?

Mr. FINLEY. Not now. I want to answer the gentleman from Virginia, [Mr. HUNTON.] Suppose a case arises of the kind spoken of by the gentleman from Virginia; suppose small-pox breaks out, will he say that this \$3,800 cannot be used by the health department for

Mr. HUNTON. It is a small amount for those things that are enu-

Mr. HUNTON. It is a small amount for those things that are enumerated, and must be spent for those contingencies.

Mr. FINLEY. I understand that. But as we go through the bill, in addition to the liberal appropriations made everywhere we always find a sum of money for contingent or miscellaneous purposes. And I have my doubts whether there is any necessity for making this appropriation in any way. I yield now to the gentleman from Massachusetts [Mr. CLARUN]

appropriation in any way. I yield now to the gentleman from Massachusetts, [Mr. CLAFLIN.]

Mr. CLAFLIN. I move to strike out the last word.

I think it must be apparent to every member of the House that in a great city like this, expending annually three and a half million dollars, you should have a contingent fund of at least I per cent.; and even if increased as the gentleman from Virginia [Mr. Hunton] has asked, the amount here appropriated for contingencies is not I

You will remember last year there was an execution against the city, which was quite unexpected, amounting to \$10,000. There are things that nobody can provide for in a general bill. You have three commissioners there under bonds, and not only that, but they must go to jail if they violate the law. They cannot take money from any contingent fund and put it to other uses. Cannot you trust these men, appointed by the President and confirmed by the Senate, to use a contingent fund of \$30,000 or \$40,000?

Mr. BLOUNT. I wish to ask the gentleman from Massachusetts whether he proposes to provide for judgments out of the contingent

Mr. CLAFLIN. No; I do not propose to provide for judgments out of the contingent fund; but I propose to provide for damages; and if the damages had been taken care of at the proper time in the case I have referred to, no judgment of \$10,000 would ever have been obtained against the District. I propose to put it in the power of the commissioners to take care of the broken bridges and bad highways

of the city.

Mr. McMILLIN. I hope the gentleman from Ohio [Mr. FINLEY] will stand to his amendment and that the committee will stand by will stand to his amendment and that the committee will stand by him. I think that the theory in regard to the appropriations of money for this government and every department of it should be to appropriate specifically. Corruption and ruin overtake any community that long pursues any other course. To say there have not been contingencies provided for in this bill is to ignore every paragraph over which we have passed. I desire to read two or three lines of the bill for the pursues of the pursues bill for the purpose of showing to members how minute the committee has been in making appropriations for contingent purposes. I read from the paragraph appropriating for the health department:

And for contingent expenses, including books, stationery, fuel, rent, laborers under poundmaster, repairs to pound, and wagon and horse for poundmaster, meat

In all, \$3,800. Men stand upon this floor and in one breath complain that children are starving in this District, and in the next hour make appropriations to feed the dogs. "Meat for dogs!" Whether to be fed to-

Mongrel, puppy, whelp, or hound, Or cur of low degree—

we are not told. But certain it is, that under the head of contingent we are not told. But certain it is, that finder the head of contingent appropriations we make an appropriation for that feeding of the dogs. Then, after going into these minutiæ, after thus going to every department and appropriating contingencies for every purpose, not being able to get enough out of the Treasury, we appropriate as an omnibus measure \$3,800 more for general contingent expenses.

The gentleman from Massachusetts has told us that the magnitude of the city is such as the warrant this appropriation for extinces.

of the city is such as to warrant this appropriation for contingent expenses. I say, Mr. Chairman, the way to make a city great and to keep it great is to make no useless appropriation.

Mr. CLAFLIN. I withdraw the proferma amendment.

Mr. HAYES. I renew it. I want to say just this: that I think we ought to approach a measure of this kind with all the common sense we can bring to hear upon it and cought not to be redical expectation. we can bring to bear upon it, and ought not to be radical on either side. In regard to making an appropriation of this kind I think we ought to make as large an appropriation as is necessary. I do not think it is wise to go as far as the gentleman from Virginia [Mr. HUNTON] suggested. I do not think it is best to get up a lot of imaginary ills. It is true some of the evils the gentleman from Virginia has suggested may hefall this District. may befall this District.

Mr. HUNTON. They have befallen it. Two of them befell it last

Mr. HAYES. Perhaps not more than two of them would befall the District next year; and in my estimation the amount recommended by the Committee on Appropriations of \$20,000 is amply sufficient.

I do not think it the part of wisdom to adopt the amendment offered by the gentleman from Ohio [Mr. Finley] to strike out this clause entirely; nor do I think it would be the part of wisdom to cut the appropriation down to \$10,000. My impression is from what I know of the wants and needs of the District in this regard \$20,000 is about the amount that ought to be appropriated. I hope the section will be allowed to stand as it is. [Cries of "Vote!" "Vote!"]

Mr. HAYES. I withdraw the proforma amendment.

The opestion was then taken upon the amendment of Mr. HUNTON.

The question was then taken upon the amendment of Mr. Hunton to increase the appropriation to \$30,000; and upon a division—ayes 21, noes not counted—it was not agreed to.

The question recurred upon the motion of Mr. Finley to strike out

the paragraph. Mr. FINLEY. I will modify my motion, so as to amend the clause

by reducing the amount to \$10,000.

The amendment of Mr. Finley was not agreed to.

The Clerk resumed and concluded the reading of the bill, as fol-

Sec. 2. That all moneys appropriated by this act shall be deposited to the credit of the District of Columbia in the Treasury of the United States, as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom only on requisition of the commissioners of the District of Columbia, such requisition specifying the appropriation upon which the same is drawn; and in no case shall such appropriation be exceeded either in requisition or expenditure, and the accounts for all disbursements shall be made monthly to the accounting officer of the Treasury by the auditor of the District of Columbia, on vouchers certified by the commissioners of said District, as now required by law: Provided, That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District.

Mr. HUNTON. I notice that this section makes a change in the organic act of the District; and for the purpose of eliciting the object of that change I move to strike out the words "District of Columbia," where they first occur in the section, and to insert in lieu thereof the words "Treasurer of the United States;" so that the section will read:

That all moneys appropriated by this act shall be deposited to the credit of the Treasurer of the United States in the Treasury of the United States, &c.

In the organic act which passed June 11, 1878, I find this provision:

That all moneys appropriated by this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited to the credit of the Treasurer of the United States in the Treasury, &c.

Treasurer of the United States in the Treasury, &c.

Now, this bill requires that "all moneys appropriated by this act shall be deposited to the credit of the District of Columbia in the Treasury of the United States, as required by the provisions of section 4 of an act approved June 11, 1878," &c. The provisions of the act referred to require the money to be deposited to the credit of the Treasurer of the United States.

MacORP. Livenes expectitute which I represents a offer for this see

Mr. COBB. I have a substitute which I propose to offer for this section, which I think will cover the point raised by the gentleman from

Virginia, [Mr. Hunton.]

Mr. HUNTON. I would inquire of the gentleman if it was his purpose in framing this section of the bill to change the organic act?

Mr. COBB. That was my purpose, but upon a more thorough examination of the subject I came to the conclusion that I had made a mistake; I could not see that I had improved it, and perhaps I had injured it. For that reason I now offer a substitute for the entire section, which, I think, will cover the point suggested by the gentle-

The Clerk read the substitute, as follows:

The Clerk read the substitute, as follows:

That all moneys appropriated by this act shall be deposited in the Treasury of the United States as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom only on requisition of the commissioners of the District of Columbia, except that all moneys appropriated for interest and the sinking fund shall be drawn therefrom only on the requisition of the Treasurer of the United States, such requisition specifying the appropriation upon which the same is drawn; and in no case shall such appropriation be exceeded either in requisition or expenditure, and the accounts for all disbursements of the commissioners of the said District shall be made monthly to the accounting officer of the Treasury by the auditor of the District of Columbia, on vonchers certified by the commissioners of said District, as now required by law: Provided, That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District.

Mr. COBB. That I think covers the point suggested by the gen-

Mr. COBB. That I think covers the point suggested by the gentleman from Virginia. I have framed this substitute under the advice

of one of the clerks in the Treasury Department.

Mr. BLOUNT. I desire to say that the present law has been well considered and adopted by Congress.

Mr. COBB. I know that.

Mr. BLOUNT. It occurs to me that it would be much better for

the Committee on Appropriations not to recommend any change in

the existing law.

Mr. COBB. If the gentleman will pardon me, I will suggest that there is a conflict between the District commissioners and the Treasury Department, especially in reference to the sinking fund, in regard to what the law does mean. The Attorney-General has put one construction on the law and the accounting officers of the Treasury Department have put another construction on it; and by that means the Department is embarrassed. I have endeavored to remove that doubt by giving to these officers what I conceived to be the very duties they ought to have in order to protect the fund.

Mr. BLOUNT. So far as that difficulty is concerned, it would be very easy for the Committee on the District of Columbia to bring in

a bill which will correct it. In my judgment it is much better to allow the law to stand as it is until the District Committee shall bring in a bill to correct whatever difficulty there may be. I do not say that the substitute here proposed is not right.

Mr. COBB. I think the last appropriation bill contained what was intended to mean just what the substitute I have proposed means. The law is very indefinite. If you take the last section of the sunday in the law is very indefinite.

dry civil bill which made appropriations for the District of Columbia it will be found to differ from the language of the law. I have endeavored to clear up the difficulty by drawing my substitute in such a form that there can be no doubt of its meaning, either on the part of the commissioners of the District of Columbia or of the Treasury Department; and I think I have succeeded.

Mr. BLOUNT. I do not understand the gentleman to say that this is approved by the committee.

Mr. COBB. I did not say that the committee had seen it. I offered

it myself.

Mr. HUNTON. I desire to call the attention of gentlemen to an omission which may or may not be important. The organic act provides "that all moneys appropriated under this act, together with all revenues of the District from taxation or otherwise," &c. Now, the omission of the words "together with all revenues of the District from taxation or otherwise" may be important. I suggest that those words be inserted in the substitute.

Mr. COBB. My substitute relates to the appropriations made by this bill. The provision contained in the first paragraph of the bill is:

That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

Mr. HUNTON. Still, the appropriation of money may mean that portion of money appropriated by the Federal Government. Hence, it seems to me better to adhere to the original phraseology.

Mr. COBB. But if the gentleman will look at the remainder of my substitute he will see that it provides just how each half shall be

drawn upon when in the Treasury.

Mr. HUNTON. I understand that; but I want to arrive at a proper understanding as to what is to be deposited in the Treasury of the United States Mr. COBB.

Mr. COBB. The revenues arising from District taxation.
Mr. HUNTON. The gentleman does not say so in his substitute.
He says "all moneys appropriated," and stops there.

Mr. COBB. But we appropriate also the revenues of the District.
Mr. HUNTON. I propose to insert the words, "and all other moneys arising from taxes," &c., following the language of the original statute.

Mr. COBB. Very well; I do not object. It would certainly be safe

to put that in.

Mr. HUNTON. Now, in regard to the other matter I will say that
the controversy between the commissioners of the District and the

the controversy between the commissioners of the District and the Treasury Department is how money shall be drawn.

Mr. COBB. That is it.

Mr. HUNTON. That is the very point. This controversy has resulted in bad feeling between the District government and the Treasurer of the United States. It is very desirable that the controversy should be settled; and if the gentleman's substitute will settle it I shall be very glad to have the privilege of voting for it.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. LAPHAM. I move to amend the substitute by striking out the proviso. My object in making this motion is to call attention to the effect of the proviso. I see no necessity whatever for such a restriction because, by the very terms of this bill, one-half the money provided is from the United States Treasury, and the other half from the income of the District. The proviso, therefore, unless it is intended to restrict the current use of money, is of no force whatever; and if that be the object, then it is inconsistent with the general design of the bill.

and if that be the object, then it is inconsistent with the general design of the bill.

The taxes of the District, which are the main sources of its revenue, are to be paid in only at certain periods of the year, and are not at all times available for current purposes. The money in the Treasury, appropriated to the District, is available at all times. Unless the meaning of this proviso is that the money provided from the Treasury of the United States for the expenses of the District shall not be

ury of the United States for the expenses of the District shall not be drawn from the Treasury any faster than the money collected by the District government, the proviso is useless. If that be the object, then it is objectionable; and I trust it will be stricken out.

Mr. COBB. This proviso, I think, is a very important one. It is intended to provide a prohibition against drafts or requisitions being made upon the money we appropriate, in any greater amount than upon the revenues as supplied by the District. I do not think the proviso will admit of the construction put upon it by the learned gentleman from New York, [Mr. LAPHAM.] I have had the construction of officers of the Treasury Department upon this proviso; and they indorse it. Believing it to be a necessary provision, I took their advice upon it this morning.

upon it this morning.

Mr. LAPHAM. Allow me to suggest this question. Suppose that the whole of the share of the United States Government should be drawn by the middle of June of a current year, and then for some reason the revenues of the District should fail or could not be drawn,

what would be the result of the proviso?

Mr. COBB. The revenues of the District can be drawn, because the law provides that they shall be. They are paid in May and Sep-tember, I believe.

Mr. LAPHAM. Suppose there should be a contest about taxes or a deficiency of District revenues from any cause; this proviso would operate as a restriction upon using the Government's contribution to the income of the District. That should not be. Mr. COBB. The commissioners ought not to draw from the fund

provided by the Government more than is drawn from the revenues

paid by the tax-payers of the District.

[Here the hammer fell.]

The CHAIRMAN. The amendment proposed by the gentleman from Virginia [Mr. Hunton] to the substitute of the gentleman from Indiana will be read.

The Clerk read as follows:

After the word "act," in the first line of the substitute, insert, "together with all revenues of the District of Columbia, from taxes or otherwise."

Mr. COBB. I accept that amendment.

The question being taken on the amendment of Mr. Lapham to strike out the proviso in the substitute of Mr. Cobb, it was not agreed

to.

The question recurring on the substitute of Mr. Cobb as modified by the amendment of Mr. Hunton, it was agreed to.

Mr. ATKINS. I move to strike out the last word; and I do so, Mr. Chairman, for the purpose of making a statement to the House in regard to this bill. This House is voting for this bill under the impression that the District of Columbia bears one-half of its territorial and municipal expenditures. I desire to say, sir, that is not true; and I desire to say further that I shall vote for this bill with the understanding that the legislative and sundry civil appropriation bills can be amended so as to require the salaries of the judiciary of this can be amended so as to require the salaries of the judiciary of this District to be borne one-half by the District as well as one-half of the expenditures for courts, jury fees, criminal proceedings, marshals' fees, &c., all of which are now paid by the Government of the United States. If it is admissible to amend the sundry civil bill in that particular I shall move to do that so the District shall bear one-half of the expenses of its judiciary, which it does not now do.

Mr. BLOUNT. Will the chairman of the committee allow me to

Mr. BLOUNI: Will the chairman of the committee allow me to ask him a question.

Mr. ATKINS. Certainly.

Mr. BLOUNT. I understand by law now the Federal Government pays one-half and the District government the other half of the expenditures of this District. I do not mean to say the appropriations show it, but I understand that to be the law fixing the relations of each to the expenses of the District.

Mr. M.M. Link. What is the apprentice?

each to the expenses of the District.

Mr. McMILLIN. What is the practice?

Mr. BLOUNT. My friend must allow me to get through one thing at a time. It occurs to me, therefore, the difficulty he refers to is not so great after all, but there ought to be a provision, and it will be in accordance with and in obedience to law, to require one-half of those items to be paid out of the funds of the District. The chairman will remember this is the first District appropriation bill we have had.

Mr. ATKINS. Not the first.
Mr. BLOUNT. Yes, sir; the first appropriation bill for the District

Mr. BLOUNT. Yes, sir; the first appropriation bill for the District we have ever had.

Mr. ATKINS. But not the first appropriation under the law.

Mr. BLOUNT. Not at all; but the first appropriation bill for the District, and there may be items which ought to have been in relating to the courts which are not. They are not included, but I insist that does not prevent us, when we come to provide for those officers, directing how they shall be paid according to law.

Mr. ATKINS. My impression is the gentleman from Georgia is under a misapprehension, but I hope he is not, and I trust it will be found upon a fair construction of this law that it will be admissible to insert in the sundry civil appropriation bill a clause requiring one. to insert in the sundry civil appropriation bill a clause requiring onehalf of the expense of the courts, including salaries, to be borne by the District, and also to insert a similar clause so far as the salaries of the judiciary in the District are concerned in the legislative bill.

My impression is in the law as it stands the salaries of the judiciary and the expenses of the court were made an exception in the law

which reorganized this District.

Mr. HAYES. When that comes up let us discuss it.

Mr. ATKINS. The gentleman will allow me to take my own course if he pleases. I am making this statement to the House now before this bill is acted on so the House may be advised, for I know the impression prevails that the District of Columbia bears one-half of the expenditures of the District, but it is not true. I withdraw my amend-

Mr. WRIGHT. I move to insert, at the end of the bill, the following: "and which shall have been paid before a like sum shall be

drawn from the Treasury."

I wish the House to understand the nature and force of that proviso. The bill provides that "said commissioners shall not make requisitions upon the appropriations from the Treasury of the United sitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District." Suppose they make a requisition upon the revenues arising from the District and it is not paid. That proviso fixes the question beyond dispute that after the requisition made upon the city shall be paid they can then draw a like amount from the Treasury. Otherwise, a re-

quisition may be made upon the city and, although it may not be paid, they will still continue to draw money from the Treasury.

Mr. HUNTON. Mr. Chairman, in opposition to the amendment offered by my friend from Pennsylvania, I desire to say that his provision that there may be requisitions upon the revenues of the District which may not be paid while the requisitions upon the amount appropriated by the Federal Government may be paid

Mr. WRIGHT. Yes; that is the point.

Mr. HUNTON. Yes; that is the point, and I beg leave to ask my friend how can requisitions on the revenues fail to be paid? It is not a requisition on a tax bill to raise revenue, but it is a requisition on

a requisition on a tax bill to raise revenue, but it is a requisition on revenue which must be in the Treasury of the United States, and therefore it is as certain to be paid as the requisition on the Federal Government.

Mr. WRIGHT. Now let "my friend" put in a word here. The requisition may be made upon the city authorities, but there may be no funds and it will not be paid; but if the requisition is made upon the Treasury of the United States, it will certainly be paid.

Mr. HUNTON. If the requisition is within the law, it will be paid

under any circumstances.

Mr. WRIGHT. Suppose that there are no revenues?

Mr. HUNTON. They are expressly limited in the bill in that respect, and no requisition can be made except on the revenues arising from the District.

The amendment was not agreed to.

Mr. COBB. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. Blackburn having resumed the chair as Speaker pro tempore, Mr. Harris, of Virginia, chairman of the Committee of the Whole on the state of the Union, reported that the Committee of the Whole having had under considreported that the committee of the Whole having had thus consideration, in obedience to the orders of the House, a bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes, had directed him to report the same to the House with sundry amendments thereto.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate insists upon its amendments to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the itseal year ending June 30, 1880, and for other purposes; that the Senate disagrees to the amendment of the House to the first amendment of the Senate and asks a conference thereon; also, that Messrs. Eaton, Beck, and Booth had been appointed as such conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB. I move the previous question on the engrossment and

third reading of the bill and amendments.

The previous question was seconded and the main question ordered.

The SPEAKER pro tempore. The question will be first taken on the amendments reported from the Committee of the Whole on the state of the Union. Unless a separate vote be demanded upon the various amendments adopted by the Committee of the Whole House, the Chair will order the vote to be taken upon the amendments in

No separate vote being demanded, the amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBB. I demand the previous question on the passage of the

The previous question was seconded and the main question ordered.

Mr. ATKINS. I demand the yeas and nays.

The SPEAKER pro tempore. The Chair recognizes that this being a general appropriation bill for the first time, the yeas and nays, under the rule, will be called.

The question was taken; and there were—yeas 117, nays 28, not voting 147; as follows:

	LEG	10-111.	
Aiken, Aldrich, William Atkins.	Cowgill, Cravens, Davis, George R.	Hayes, Henkle, Houk,	Norcross, Overton, Prescott,
Bailey.	Davis, Horace	House,	Price.
Ballou,	Deering,	Hull,	Reed,
Barber,	Deuster,	Humphrey,	Rice,
Belford,	Dibrell,	Hunton,	Richardson, D. P.
Bicknell,	Dickey,	Hutchins,	Richardson, J. S.
Blackburn,	Dunn,	Kenna,	Robinson,
Blake,	Dunnell,	Lewis,	Ross,
Bland,	Dwight,	Lindsey,	Sawyer,
Bliss,	Evins,	Loring,	Shallenberger,
Blount,	Farr,	Marsh,	Sherwin,
Bowman,	Felton,	Martin, Benj. F.	Simonton,
Brigham, Buckner,	Ford,	Martin, Edward L.	Singleton, O. R.
Burrows,	Forney, Fort,	McCook.	Slemons, Smith, Hezekiah B.
Cannon,	Frye,	McLane,	Smith, William E.
Chalmers,	Gibson,	McMahon.	Speer.
Claffin,	Goode,	Mitchell,	Springer,
Clark, John B.	Hall,	Monroe,	Stone,
Cobb,	Hammond, N. J.	Morse,	Taylor,
Colerick,	Harris, John T.	Neal,	Thomas,
longer,	Haskell,	New,	Thompson, W. G.
Cook,	Hawk,	Nicholls,	Tillman,

Tewnsend, Amos Townshend, R. W. Tucker,

Updegraff, J. T. Upson,	Waddill, Washburn,	Williams, Thomas Willits,	
	NA	YS-28.	
Bonck,	Gunter,	Murch,	Stevenson,
Bragg,	Hatch,	Myers,	Turner, Oscar
Cabell,	Herndon,	Philips.	Turner, Thomas
"Culberson,	Hostetler.	Poehler,	Warner,
Davis, Lowndes H.	Lowe,	Reagan,	Weaver.
Elam,	McMillin,	Robertson,	Wellborn,
Gillette,	Muldrow,	Scales,	Wright.
	NOT VO	TING-147.	
Acklen,	Davis, Joseph J.	Kelley,	Pierce,
Aldrich, N. W.	De La Matyr,	Ketcham,	Pound,
Anderson,	Dick,	Killinger,	Richmond,
Armfield,	Einstein,	Kimmel,	Robeson,
Atherton,	Ellis,	King.	Rothwell,
Bachman,	Errett,	Kitchin,	Russell, Daniel L.
Baker,	Ewing,	Klotz,	Russell, W. A.
Barlow,	Ferdon.	Knott,	Ryan, Thomas
Bayne,	Field,	Ladd,	Ryon, John W.
Beale,	Finley,	Lapham,	Samford,
Beltzhoover,	Fisher,	Le Fevre,	Sapp,
Berry,	Forsythe,	Lounsbery,	Shelley,
Bingham,	Frost,	Manning,	Singleton, J. W.
Boyd,	Garfield,	Martin, Joseph J.	Smith, A. Herr
Brewer,	Geddes,	Mason,	Sparks,
Briggs,	Godshalk,	McGowan,	Starin,
Bright,	Hammond, John	McKenzie,	Steele,
Browne,	Harmer,	McKinley,	Stephens,
Butterworth,	Harris, Benj. W.	Miles,	Talbott,
Caldwell,	Hawley,	Miller,	Thompson, P. B.
Calkins.	Hazelton,	Mills,	Tyler,
Camp,	Heilman,	Money,	Updegraff, Thomas
Carlisle,	Henderson,	Morrison,	Urner,
Carpenter,	Henry,	Morton,	Valentine,
Caswell,	Herbert.	Muller,	Vance,
Chittenden,	Hill,	Newberry,	Wait,
Clardy,	Hiscock,	O'Brien,	Ward,
Clark, Alvah A.	Hooker,	O'Connor,	White,
Clymer,	Horr,	O'Neill,	Whitthorne,
Coffroth,	Hubbell,	O'Reilly,	Wilber,
Converse,	Hurd,	Orth,	Willis,
Covert,	James,	Osmer,	Wood, Fernando
Cox,	Johnston,	Pacheco,	Wood, Walter A.
Crapo,	Jones,	Page,	Yocum,
Crowley,	Jorgensen,	Persons,	Young, Casey
Daggett,	Joyce,	Phelps,	Young, Thomas L.
Davidson,	Keifer,	Phister,	
and the state of t	nd roll-call the fe	ollowing pairs we	re announced:

Wells, Whiteaker, Williams, C. G.

Van Aernam, Voorhis, Van Voorhis,

Mr. Ladd with Mr. Joyce om all questions except those pertaining to the tariff, when it is necessary to make a quorum, and in the case of Curtin vs. Yocum; the pair to commence April 24 and to continue till May 3, inclusive.

Mr. BOYD with Mr. POUND.

Mr. Brewer with Mr. Davidson.
Mr. Frost with Mr. Valentine.
Mr. Wait with Mr. Muller.
Mr. Covert with Mr. Young, of Ohio.
Mr. McCook with Mr. Le Fevre.

Mr. FIELD with Mr. SAWYER.

Mr. MARTIN, of North Carolina, with Mr. DAVIS, of North Carolina.

Mr. GEDDES with Mr. CAMP.

Mr. CLYMER with Mr. HUBBELL.
Mr. ERRETT with Mr. HOOKER.
Mr. SPARKS with Mr. WHITE.
Mr. FISHER with Mr. FINLEY.

Mr. Cox with Mr. Mornon.
Mr. Phelps with Mr. Miles.
Mr. Ewing with Mr. Ketcham.
Mr. James with Mr. O'Brien.

Mr. Young, of Tennessee, with Mr. Henderson. Mr. Caldwell with Mr. Heilman.

Mr. Calkins with Mr. Phister. Mr. Butterworth with Mr. Converse.

Mr. Atherton with Mr. Anderson

Mr. Thompson, of Kentucky, with Mr. Carpenter. Mr. Geddes with Mr. Forsythe. Mr. Talbott with Mr. Briggs.

Mr. MILLS with Mr. KELLEY.

Mr. WARD with Mr. VANCE. Mr. McKenzie with Mr. Ryan, of Kansas.

Mr. LAPHAM with Mr. HERBERT.

Mr. Stone with Mr. Shelley. Mr. Samford with Mr. Aldrich, of Rhode Island. Mr. Ellis with Mr. Dick. Mr. Orth with Mr. Randall.

Mr. Coffront with Mr. Overton.
Mr. McGowan with Mr. Wise.
Mr. Einstein with Mr. Klotz.
Mr. Bright with Mr. Baker.

Mr. Browne with Mr. Johnston.

Mr. CALKINS. I am paired on political questions with the gentleman from Kentucky, [Mr. Phister.] Not regarding this as a political question, I voted. On further consideration I withdraw my vote.

Mr. WILSON. I am paired with Mr. Robeson, of New Jersey, on

all political questions. Not regarding this as a political question, I have voted. Mr. Robeson being very unwell thought it necessary to leave the House an hour ago for his home.

On motion of Mr. ATKINS, the reading of the names was dispensed

The SPEAKER pro tempore. The yeas are 117, the nays are 28.

Mr. LOWE. Has a quorum voted?

The SPEAKER pro tempore. A quorum has not voted; there lack

two of being a quorum.

Mr. LOWE. I make the point that a quorum has not voted.

Mr. BLOUNT. I move that the House adjourn.

Mr. ATKINS. I move that there be a call of the House. As The SPEAKER pro tempore. A quorum not having voted on the call of the House.

The SPEAKER pro tempore. A quorum not having voted on the call of the roll there are only two motions in order, the motion for a call of the House and the motion to adjourn.

Mr. BLOUNT. I have made a motion to adjourn and call for the

regular order.

Mr. HUMPHREY. I desire to make a parliamentary inquiry.

Where a member is paired with the condition that he shall have the right to vote to make a quorum, could not a member in that position vote now

The SPEAKER pro tempore. It is not in the power of the Chair nor in the power of the House to change the rule which limits the right of a member to vote to the second roll-call which has been completed. Mr. TUCKER. Could not a member under such circumstances be permitted to vote by unanimous consent?

The SPEAKER pro tempore. Under the peremptory rule of the House it is not in order for the Chair to entertain a request for unanimous consent for a member to vote after the completion of the second roll-call.

Mr. CONGER. As there are evidently enough members present to make a quorum, I move to reconsider the vote by which the main

make a quorum, I move to reconsider the vote by which the main question was ordered.

Mr. BLOUNT. I insist upon my motion, which is the regular order.
Mr. ATKINS. I think we should finish the bill to-night.
The SPEAKER pro tempore. It is evident to the Chair that a quorum of the House is present though a quorum did not vote.
Mr. SPRINGER. I ask that the roll be again called.
Mr. BLOUNT. We have gone beyond the usual time of the sittings of the House and I insist on my motion.
Mr. ATKINS. I hope we will have a vote on this bill to-night.
Mr. PRICE. I desire to make a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. PRICE. If we should have a call of the House and bring in absentees they could not vote.

The SPEAKER pro tempore. Is the gentleman submitting a parliamentary inquiry or making a statement?

Mr. PRICE. I inquire whether absentees if brought in under a call of the House could vote upon the question of the passage of this bill ?

The SPEAKER pro tempore. They could not under the rule.

Mr. SPRINGER. I rise to make a parliamentary inquiry. If it is not in the power of the House under the rule to take another roll-call upon the passage of this bill, then under the rule how can we ever

pass it?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPRINGER] is too good a parliamentarian not to know that it is in the power of the House to reconsider any action it has had. The pending question is on the motion to adjourn.

ELECTION CONTEST-CHARGE OF BRIBERY.

The SPEAKER pro tempore. Before submitting to the House the motion to adjourn, the Chair desires to announce the appointment of Mr. Claflin, of Massachusetts, in place of Mr. O'Neill, of Pennsylvania, excused, as a member of the select committee to investigate alleged corruption in reference to the contested-election case of Donnelly vs. Washburn.

IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. I ask unanimous consent to take from the Speaker's table the message from the Senate announcing that it insists upon its amendments, disagreed to by the House, to the bill of the House (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

There was no objection.

The bill, with the Senate amendments thereto, was accordingly taken from the Speaker's table.

Mr. McMAHON. I move that the House insist upon its disagree-

ment to the amendments of the Senate, and consent to the conference asked by the Senate upon the disagreeing votes of the two Houses.

There being no objection, the motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr.

McMahon, Mr. Cobb, and Mr. Monroe as the conferees on the part of the House.

ORDER OF BUSINESS.

I desire to introduce a bill for reference.

Mr. PHILIPS. I also ask leave to introduce a bill for reference. The SPEAKER pro tempore. The Chair desires to say to the House that there are several gentlemen present who have informed him that they were not in the House this morning when their States were called for the introduction of bills and joint resolutions for reference. They now ask permission to introduce bills for that purpose. Of course a single objection will prevent it.

Mr. BLOUNT. I think it would be better for them to do it to-

morrow morning.

The SPEAKER pro tempore. Is there objection? [After a pause.]

MRS. JULIA H. TOTTEN.

Mr. PHILIPS introduced a bill (H. R. No. 5980) to increase the pension of Mrs. Julia H. Totten, widow of General James Totten, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIE B. AMES.

Mr. FORT introduced a bill (H. R. No. 5981) granting a pension to Willie B. Ames; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS WONDRAK.

Mr. BOWMAN introduced a bill (H. R. No. 5982) granting a pension to Mathias Wondrak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

LINCOLN POST, NO. 140, GRAND ARMY OF THE REPUBLIC.

Mr. KILLINGER introduced a bill (H. R. No. 5983) donating condemned cannon and cannon-balls to Lincoln Post, No. 140, Grand Army of the Republic, located at Shamokin, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF THE NAVY.

Mr. BINGHAM introduced a bill (H. R. No. 5984) to promote the efficiency of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES C. SMITH.

Mr. TAYLOR introduced a bill (H. R. No. 5985) restoring the name of Charles C. Smith to the pension-roll of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA S. E. EPPERSON.

Mr. TAYLOR also introduced a bill (H. R. No. 5986) granting a pension to Rebecca S. E. Epperson's administrator; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. KING.

Mr. TAYLOR also introduced a bill (H. R. No. 5987) granting a pension to John T. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

ANN LYON.

Mr. TAYLOR also introduced a bill (H. R. No. 5988) granting a pension to Ann Lyon's administrator; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVISION OF THE NATURALIZATION LAWS.

Mr. DEUSTER. I ask consent to introduce a resolution providing for the appointment of a special committee for the revision of the naturalization laws.

The SPEAKER pro tempore. The resolution will be read:

The Clerk read as follows:

The Clerk read as follows:

Whereas the laws governing the naturalization of persons of foreign birth are illiberal, defective, inadequate, and incomplete, and their revision is therefore an urgent necessity; and

Whereas no measures have hereofore been proposed the adoption of which would be calculated to remedy these defects: Therefore,

Be it resolved, That the presiding officer be, and he is hereby, anthorized and directed to appoint a committee to consist of seven members, whose duty it shall be to thoroughly investigate the subject, make examinations at such places as it may deem expedient, and to report to this House as early as practicable such measures as shall be considered best calculated to meet these defects, or propose such new legislation as they may deem proper.

Mr. DEUSTER. I move that that resolution be referred to the Committee on Foreign Affairs.

Mr. FRYE. I think the resolution should go to the Committee on the Judiciary rather than to the Committee on Foreign Affairs; the Committee on the Judiciary having heretofore always had charge of that subject.

Mr. DEUSTER. I think it belongs to the Committee on Foreign Affairs; but I have no objection to its going to the Committee on the

Judiciary.

The preamble and resolution were accordingly referred to the Committee on the Judiciary.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Aldrich, of Rhode Island, for ten days, on account of important business;

To Mr. JOHNSTON, until Wednesday next;

To Mr. HENRY, for one week; To Mr. RYON, of Pennsylvania, for one week;

To Mr. Baker, for ten days, on account of important business; To Mr. Samford, for two weeks, on account of important business; and

To Mr. WEAVER, from Tuesday until Friday of this week, on account of important business.

ORDER OF BUSINESS.

Mr. BLOUNT. I insist upon the regular order.

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Georgia [Mr. BLOUNT] that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of B. H. Oldfield, D. J. Cusick, and 135 others, of the first congressional district of Kansas, for the enforcement of the eight-hour law—to the Committee on Education

By Mr. BALLOU: The petition of D. B. Wesson and others, against the passage of the bill (H. R. No. 5130) authorizing a grant of limited patents to George W. Morse for inventions in fire-arms—to the Committee on Patents.

By Mr. BENNETT: The petition of citizens of Dakota, for relief on account of irregular entries under the timber-culture act—to the

Committee on the Public Lands.

By Mr. BOYD: The petition of James S. Herbert, for increase of pension—to the Committee on Invalid Pensions.

By Mr. COLERICK: The petition of Seimon & Brother, Keil & Brother, N. P. Stockbridge, and other dealers at Fort Wayne, Indiana, in foreign newspapers and other periodicals, for the removal of the duty on said articles, and to place the same on the free list—to the Committee on Ways and Means.

By Mr. COX: The petition of B. F. Lyman, of Jeffersonville, Indiana, in relation to the eight-hour law—to the Committee on Education.

By Mr. DAGGETT: The petitions of citizens of Tybo, Tuscarora, Tem-Piute, and Eureka, Nevada, against any change in existing mining laws—to the Committee on Mines and Mining.

By Mr. GARFIELD: The petition of John R. McBride and 32 others, citizens and lawyers of Salt Lake City, Utah, for an increase of salary for the office of chief-justice of Utah—to the Committee on the

By Mr. HERNDON: The petition of citizens of Mobile, Alabama, for the removal of the duty on salt—to the Committee on Ways and

By Mr. HOUK: The petition of ex-Federal soldiers of East Tennessee, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of Lizzie T. Currier, for a pension-to the Com-

mittee on Invalid Pensions.

Also, papers relating to the claim of Thomas B. McElwee, for compensation for cotton tax illegally assessed and collected-to the Com-

mittee on Claims.

By Mr. HULL: Memorial of D. L. Yulee, respecting the fortifications on Cumberland Sound—to the Committee on Military Affairs.

By Mr. HUMPHREY: The petition of Eli Collins and others, against the Committee on Invalid

the passage of the sixty-surgeon bill-to the Committee on Invalid

By Mr. KELLEY: The petition of Mrs. Elizabeth S. M. Finley, for

a pension—to the same committee.

By Mr. KENNA: The petition of citizens of West Virginia, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce

By Mr. KING: The petition of citizens of Louisiana, for the abolition of the duty on salt—to the Committee on Ways and Means.

Also, the petition of citizens of Vidalia, Louisiana, and Natchez, Mississippi, in relation to the prevention of the destruction of the harbors at said cities by the action of the Mississippi River—to the Committee on Commerce.

By Mr. KLOTZ: The petition of William H. Deery, for arrears of pension—to the Committee on Pensions.

By Mr. MANNING: Memorial of the Cherokee delegation, petitioning Congress for the passage of an act for the relief of such citizens of the tribes of the Indian Territory as lost property on account of the rebellion, or as furnished property to and had the same taken by the Federal Army during the war—to the Committee on Indian Af-

By Mr. BENJAMIN F. MARTIN: A bill to improve the navigation

of the Shenandoah River—to the Committee on Commerce.

By Mr. McKENZIE: The petition of citizens of Daviess County, Kentucky, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. McLANE: The petition of citizens of Maryland, of similar

import-to the same committee.

Also, the petition of citizens of Baltimore, Maryland, that duties be levied upon the quantity of sugar delivered from, instead of the quantity entering, any bonded warehouse—to the same committee.

By Mr. MORSE: Memorial of the Citizens' Trade Association of

East Boston, Massachusetts, urging the importance of the adoption of measures for the revival of American shipping interests—to the same committee

By Mr. MURCH: The petition of the Journeymen Protective Union of Pittsburgh, Pennsylvania, for the passage of the bill (H. R. No. 1383) providing for the establishment of a national bureau of labor

statistics—to the Committee on Education and Labor.

By Mr. PERSONS: The petition of citizens of Georgia, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. PRESCOTT: The petition of Richard L. Whitman, for a pension—to the Committee on Invalid Pensions.

Also, a letter from the Secretary of War, relating to the bill for the relief of Robert Travilla—to the Committee on Claims.

By Mr. PRICE: The petition of citizens of Davenport, Iowa, for the removal of the duty on newspapers and magazines—to the Committee on Ways and Means.

By Mr. ROBESON: The petition of citizens of Bridgeton, New Jersey, for an appropriation for the improvement of the navigation of Cohencer River, to the Committee on Commerce.

sey, for an appropriation for the improvement of the navigation of Cohansey River—to the Committee on Commerce.

By Mr. SHALLENBERGER: The petition of Mrs. Elsie A. Parker, for a pension—to the Committee on Invalid Pensions.

By Mr. O. R. SINGLETON: The petition of Susan W. Edwards, for the payment to her of one quarter's pay of pension due her mother at the time of her death in 1873—to the same committee.

By Mr. SPRINGER: The petition of J. R. Clerehan, for compensation for damages sustained by a wrongful imprisonment by United States military authorities during the late war—to the Committee on War Claims.

By Mr. STEPHENS: Memorials of Swante Palm, Swedish and Nor-

By Mr. STEPHENS: Memorials of Swante Palm, Swedish and Norwegian consul, and J. H. Raymon, jr., William Alexander, formerly attorney-general of Texas, and several other prominent citizens of Austin, Texas; also, of George L. Osborn, president, and all the faculty of the State Normal School at Warrensburgh, Missouri; also, of W. H. D. Hatton, ex-president, and Robert N. Dunn, of Jefferson City College, Missouri; also, of J. H. Haywood, assistant United States engineer, with several others, of Orange, Texas; also, of Charles W. Ewing, M. D., assistant physician to the city hospital, and a large number of other prominent citizens of Saint Louis, Missouri; also, of S. T. Emmons, United States geologist, and several other scientists, of Leadville, Colorado; also, of N. W. Wyley, professor of chemistry in the agricultural college, and of Professor E. E. White, in Purdue University, Missouri, with many other men of science of the same State, making in all several hundred memorialists and petitioners, praying the passage of the bill now pending in the House upon the bill reported from the Committee on Coinage, Weights, and Measures, relating to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STONE: The petition of C. A. Abel and 43 others, citizens of Verice of the service of the ser

By Mr. STONE: The petition of C. A. Abel and 43 others, citizens of Kent County, Michigan, for legislation to protect the people from the oppressions imposed by railroad monopolies—to the Committee on

Commerce.
Also, the petition of J. L. Wells and 30 others, citizens of Kent County, Michigan, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents. By Mr. VAN VOORHIS: The petition of booksellers and newsdealers of Rochester, New York, that newspapers, magazines, and other periodicals be placed on the free list—to the Committee on Ways and Means.

R. M. WELLS, W.

By Mr. WELLS: Two petitions of citizens of Saint Louis, Missouri, for the passage of the bill (H. R. No. 4812) amending the revenue laws—to the same committee.

Also, the petition of citizens of Saint Louis, Missouri, that newspapers and periodicals be placed on the free list—to the same com-

mittee.

By Mr. WILLIS: The petitions of the faculty of the medical department of the University of Louisville, and of the faculty of the hospital college of medicine of the same city, for the passage of the bill to increase the efficiency of the marine hospital service—to the Committee on Commerce.

By Mr. WILLITS: The petition of Samuel Day, of Ann Arbor, Michigan, late chaplain of the Eighth Illinois Infantry, for commutation for fuel and quarters, and for mileage, &c., while on detail—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, April 27, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication The VICE-PRESIDENT land before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 6th instant, a copy of the record of the proceedings of a general court-martial convened on board the United States ship Congress, March 13, 1874, in the case of Captain Somerville Nicholson, United States Navy; which, on motion of Mr. Anthony, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Chief of Engineers covering copies of reports from Captain Charles B. Phillips, of the Corps of Engineers, of examinations made in accordance with the requirements of the river and harbor act of March 3, 1879, of Catawba River in North Carolina and South Carolina, and of Wateree and San-

tee Rivers, South Carolina; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, transmitting, at the request of Madame Thiers, the first seven volumes of the speeches of Thiers as a present to the library of the Senate; which was referred to the Committee on the Library, and

ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of Lieutenant-Colonel J. W. Forsyth, commanding the First United States Cavalry, and others, relative to the restoration to the Army of certain officers therein named; which was referred to the Committee on Military Affairs, and ordered

Mr. PLATT presented the petition of the American Diamond Rock Mr. PLATT presented the petition of the American Diamond Rock Boring Company and the Pennsylvania Diamond Drill Company in favor of the extension of the letters-patent granted to Rudolph Leschot; which was referred to the Committee on Patents.

Mr. INGALLS presented a petition of citizens of Leavenworth, Kansas, asking that Dr. A. M. Harrington may be allowed a pension; which was referred to the Committee on Pensions.

Mr. WITHERS presented the petition of John P. Agnew & Co., of Alexandria, Virginia, manufacturers of charcoal blooms, employing fifty hands, in favor of the passage of the Eaton bill, which provides for the appointment of a tariff commission; which was ordered to lie on the table. on the table.

Mr. DAVIS, of West Virginia, presented the petition of the Laughlin Rail Company, of Wheeling, West Virginia, manufacturers of rails, employing two hundred and fifty hands, in favor of the passage of what is called the Eaton bill, which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. HARRIS presented the petition of Benjamin Babb and others, of Membhic Transcrete proving for the appointment of

of Memphis, Tennessee, praying for the refunding of certain taxes illegally assessed and collected at Memphis, Tennessee, by the United States internal-revenue assessor; which was referred to the Com-

mittee on Claims.

Mr. McPHERSON presented a petition of Benjamin Atha & Co., of Newark, New Jersey, manufacturers of cast-steel, employing three hundred hands, in favor of the Eaton bill, which provides for the appointment of a tariff commission; which was ordered to lie on the table.

hundred hands, in favor of the Eaton bill, which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BAYARD presented the petition of the Diamond State Iron Company of Wilmington, Delaware, manufacturers of bar iron, &c., employing three hundred and fifty hands, and the petition of J. R. Bringhurst, of Marshallton, Delaware, manufacturers of sheet-iron, employing forty hands, praying for the passage of the Eaton bill, which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. CAMERON, of Penusylvania, presented the petition of the Rockhill Iron and Coal Company, of Huntingdon County, Pennsylvania, manufacturers of pig-iron, employing two hundred hands; the petition of the Macungie Iron Company, of Macungie, Pennsylvania, manufacturers of pig-iron, employing forty hands; the petition of Marshall Brothers & Co., of Philadelphia, manufacturers of galvanized iron, employing two hundred and fifty hands; the petition of the Cordelia Iron Company, of Reading, Pennsylvania, manufacturers of pig-iron, employing one hundred hands; the petition of Edward S. Buchley, of Philadelphia, Pennsylvania, manufacturer of iron, employing over one hundred hands; the petition of Peacock & Thomas, of Philadelphia, Pennsylvania, manufacturers of pig-iron, employing about one hundred and fifty hands; the petition of T. Wood & Brothers, of Conshohocken, Pennsylvania, manufacturers of sheet and plate iron, employing over three hundred hands; the petition of Henry Disston & Sons, of Philadelphia, Pennsylvania, manufacturers of sheet and plate iron, employing over three hundred hands; the petition of J. B. Moorhead & Co., of Conshohocken, Montgomery County, Pennsylvania, manufacturers of pig-iron, employing seventy-five hands; the petition of J. H. Sternbergh, of Reading, Pennsylvania, manufacturers of sheared skelp iron, employing one hundred and twenty-five hands; the petition of the Central Iron Works, of Harrisburgh, Pennsylvania, manufacturers of

the table Mr. HOAR. I present the petition of Matthew E. Hines and several hundred other persons, workingmen of Massachusetts, praying for the passage of the bill known as the Wright supplement to the homestead bill, or some equivalent constitutional measure. I move that this petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HOAR. I also present the petition of Naylor & Co., proprietors of the Norway Iron and Steel Works, of Boston, Massachusetts, very extensive manufacturers of iron and steel, employing five hundred hands, in favor of the passage of the Eaton bill so called, which provides for the appointment of a tariff commission. As the bill is on the Calendar, I move that the petition lie on the table.

The motion was agreed to. Mr. HOAR. I also present the petition of the New York commit-Mr. HOAR. I also present the petition of the New York committee for the prevention of licensed prostitution, officially signed, asking for certain supplementary legislation to clearly define and restrain the powers of the National Board of Health.

The VICE-PRESIDENT. Shall the petition be referred to the Select Committee on Epidemic Diseases?

Mr. HOAR. I think the petition should go to the Judiciary Committee. Although it relates to the National Board of Health it relates to a subject of general legislation.

The VICE-PRESIDENT. It will be referred to the Committee on the Judiciary

the Judiciary

Mr. FARLEY presented a petition of citizens of California who served in the last war, praying for the passage of a bill in relation to pensions of soldiers who have lost limbs; which was referred to the Committee on Pensions.

Mr. SAUNDERS presented the petition of John Beeson and others, citizens of Nebraska, praying that the protection of the laws of the United States may be extended over all the Indians of the United States; which was referred to the Committee on Indian Affairs.

Mr. CONKLING presented the petition of Morrison, Calwell & Page,

of Troy, New York, manufacturers of bar-iron, employing three hundred and fifty hands, and the petition of the Manhattan Iron-works Company, of Manhattanville, New York City, manufacturers of pigiron, employing eighty hands, praying for the passage of the Eaton bill, which provides for the appointment of a tariff commission; which were ordered to lie on the table.

were ordered to lie on the table.

He also presented the petition of a large number of business men of the city of New York, praying for the passage of an act amending section 2983 of the Revised Statutes, so as to provide that the duties on imported sugars deposited in any bonded warehouse, established under authority of law, shall be assessed upon the quantity delivered from warehouse instead of the quantity entering into warehouse; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier, re-ported it without amendment, and submitted a report thereon; which

was ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1118) for the relief of George S. Tramel, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1189) and the bill was postponed indefinitely.

S. No. 1563) authorizing the appointment of Captain Clarence M.

Bailey as an additional paymaster in the Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3351) for the relief of Rev. Paul E. Gillen, reported it with an amendment, and submitted a report thereon; which was ordered

Mr. COCKRELL. There will be an adverse report in that case by

the minority of the committee.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 1515) to increase the pension of Hiram C. Shouse, reported it with an amendment, and submitted a report there-

on; which was ordered to be printed.

He also, from the same committee, to whom was referred a joint resolution of the Legislature of Minnesota in favor of the passage of a law granting a pension, or other compensation, to D. W. Seeley, for services rendered the United States in the protection of citizens of that State against the attacks of the Sioux Indians in 1862, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1487) to restore the lands included in the Fort Reading military reservation, in the State of California, to the public

domain, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill
(S. No. 758) for the relief of James M. Bacon, reported it with an amendment, and submitted a report thereon; which was ordered to

be printed.

Mr. PLUMB. I am directed by the Committee on Military Affairs, to whom was referred the bill (8. No. 943) to authorize Dr. Curtis E. Price, of the United States Army, to receive the pay allowed by law for discharging the duties of physician to the Hoopa Valley Indian

reservation, to report it with amendments. I am requested to state that the minority of the committee reserve the right to make a report in this case adverse to the bill.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. No. 1608) for the relief of certain settlers within the late Fort Kearney military reservation in Nebraska, re-

ported it without amendment.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 542) for the relief of

Affairs, to whom was referred the bill (S. No. 542) for the relief of Benjamin C. Bampton, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 70) to increase the number of officers of the Army allowed to be detailed as professors of military science at colleges and universities, reported it with an amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 5041) to authorize the Secretary of War to turn over to the governor of South Carolina four pieces of condemned cannon for the use of the Marion Artillery, reported it without amendment. without amendment.

without amendment.

Mr. EATON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, reported it without amendment.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1513) for the relief of Commodore Donald McNeill Fairfax, United States Navy, reported it without amendment.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 149) for the relief of John Gotshall, submitted an adverse report thereon; which was ordered to be printed.

mitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 84) to furnish a bronze statue of General Daniel

Morgan to the Cowpens centennial committee of Spartanburgh, South

Carolina, submitted an adverse report thereon; which was ordered to be printed, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 258) authorizing the Secretary of War to detail an officer of the Army to take command of the expedition fitted out by Messrs, Morrison and Brown, citizens of New York, to search for the records of Sir John Franklin's expedition, and to issue to such efficer Army conjuncts submitted and decades. equipments, submitted an adverse report thereon; which was ordered

to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 96) to authorize the Secretary of War to deliver to A. B. Rhett, T. Pinckney Lowndes, and others, four Napoleon guns, with caissons and harness, now at Greensborough, North Carolina, for the use of the Marion Artillery, Charleston, South Carolina, submitted an adverse report thereon; which was ordered to be printed, and moved the indefinite nestronement of the bill.

the indefinite postponement of the bill.

Mr. BUTLER. I should like to have the bill go upon the Calendar.

Mr. BURNSIDE. I will state to the Senator from South Carolina that a bill has been reported by his colleague [Mr. Hampton] touching the same case. I think he will find that there is no occasion to place this bill on the Calendar. There was some misunderstanding in reference to the bill.

place this ont the Calendar. There was some insufficiently in reference to the bill.

Mr. BUTLER. I will confer with my colleague on the subject.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 529) to provide for the better care and protection of quartermaster supplies, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

SMITHSONIAN REPORT.

Mr. ANTHONY. I am directed by the Committee on Printing, to which were referred the amendments of the House of Representatives to the concurrent resolution of the Senate authorizing the printing of 10,500 copies of the report of the Smithsonian Institution, to report it back and to move that the Senate non-concur in the amendments of the House and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

ILLINOIS SOLDIERS' ORPHANS' HOME.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home, of the State of Illinois, to report it without amendment. The reason will be given by the dispatch which I send to the desk.

Mr. DAVIS, of West Virginia. Let it be read for information.

The Chief Clerk read the joint resolution.

Mr. MAXEY. I ask that the dispatch be read which I have sent to

the table.

The Chief Clerk read as follows:

BLOOMINGTON, ILLINOIS, April 23.

An epidemic of sore eyes is raging at the Soldiers Orphans' Home, at Normal, and the most persistent attention of the physicians of the home seems unable to check it. The hospital is filled, and some of the cases are very severe. Application has been made to the War Department for two hospital tents, the intention being to isolate the afflicted from the bulk of the immates, and thus check the disease. The tents cannot be given without a resolution of Congress, which is expected every day.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL COLLEGE FUNDS.

Mr. BAILEY. I am instructed by the Committee on Education and Labor to report favorably and without amendment the bill (S. No. 940) to amend an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and I ask the Senate to consider the bill at this time and put it upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I should like, while the Senator from Tennessee has the attention or the Senate, to ask him what is his purpose and that of his committee in regard to another bill which he has reported to distribute the proceeds of the architecture. distribute the proceeds of the public lands among the States for edu-

cational purposes.

Mr. BAILEY. I will answer the Senator from Massachusetts that it is the purpose to call up that bill at the earliest practicable period and endeavor to get the sense of the Senate on the passage of the bill.

Mr. HOAR. I should like to inquire of the Senator from Tennessee—he knows I have the strongest friendship for that bill—when he

expects that early practicable period will come?

Mr. BAILEY. I do not know when that period will come. I should like to take it up to-day if it were practicable. I know the Senator from Massachusetts feels the liveliest interest in the success of that measure, as I do, and as many of us do. It was fixed as a special order for a particular day some time ago, but when that day came the Geneva award bill was before the Senate for consideration and that recessed it out and we have reversely an expectation. and that pressed it out, and we have never had an opportunity since to take it up. I should like very much, indeed, to call it up at a very early day; I should like, if possible, to get it up by the first of next week; and I hope the Senator from Massachusetts and other Senators interested in that measure, one which we regard as of vital importance to the country, will assist in taking it up and having it disposed of

Mr. HOAR. I hope the honorable Senator will insist on the right of it to come next after the pending measure. It stands next after the Geneva award bill in right.

Mr. BAILEY. That is my purpose.
Mr. MORRILL. I think the chairman of the committee should state that the only purpose of this bill is to enable the States to invest in United States bonds bearing less than 5 per cent. As bonds at anything higher than 4 per cent. are rapidly being absorbed, this bill is merely to enable the States to invest in bonds at 4 per cent. instead of 5.

Mr. BAILEY. I do not hear the Senator from Vermont distinctly, but I imagine that he has stated what I—

The VICE-PRESIDENT. Will the Senator yield until he can hear?
Mr. KIRKWOOD. I would be glad to inquire, if I am in order—
The VICE-PRESIDENT. The Senator from Tennessee has the

floor.

Mr. BAILEY. I yield.

Mr. KIRKWOOD. I should like to inquire of the Senator from Tennessee what change the bill makes in the existing law?

Mr. BAILEY. The change is this: under existing law the fund arising from the sales of this land scrip must be invested in Government securities bearing 5 per cent. interest. We propose a change in the law so as to leave it optional with the State authorities to invest in securities bearing less than 5 per cent. interest, or in such other securities as the State itself may select provided by existing law.

Mr. KIRKWOOD. If the State, in the exercise of that authority and discretion, should invest in some way by which there would be a loss of the fund, is the State to be responsible?

Mr. BAILEY. That is already the law. This bill simply proposes to change the fourth section of the act of July 2, 1862, so as to make it read as described in the bill that is presented, leaving the existing law in full force, and under the existing law the State is responsible for the fund whatever may be its fate.

for the fund whatever may be its fate.

Mr. KIRKWOOD. This measure does not change that liability?

Mr. BAILEY. Not in the slightest degree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1677) relieving Elisha T. Smith from the payment of revenue tax; which was read twice by its title, and referred to the Committee on Finance.

Mr. DAWES (by request) aske2, and by unanimous consent obtained, leave to introduce a bill (8. No. 1678) for the relief of A. H. Emery; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1679) for the relief of Daniel S. McDougall and Charles S. Wilder; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1680) granting a pension to John C. Hughes, late

a private in Company H, Marine Regiment United States Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1682) directing the Court of Claims to investigate the claims of Benjamin Weil and La Abra Sil-

ver Mining Company; which was read twice by its title.

Mr. MORGAN. Accompanying the bill is a presentation of the "case of Mexico upon the newly discovered evidence of fraud and perjury in the claims of Benjamin Weil and La Abra Silver Mining Company," which I move be referred, with the bill, to the Committee on the

The motion was agreed to.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1683) for the relief of Joseph J. Jones, Anna L. Jordan, and William M. Jordan, of Fairland, Shelby County, Indiana, heirs at law of Richard Jones, deceased, late a private in Company H, Sixteenth Regiment Indiana Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1684) for the relief of the heirs of Scott Campbell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1685) for the relief of G. P. Work; which was read twice by its title, and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that Hon. Joseph C. S. Blackburn, a Representative from the State of Kentucky, has been appointed Speaker of the House of Representatives pro tempore in the absence of the Speaker for three days from the 26th instant.

The message also announced that the House had passed a bill (H. P. No. 5075) for the relief of earlier than the standard of the control of the standard o

R. No. 5975) for the relief of certain homestead and pre-emption settlers in Kansas; in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and insisted upon its amendment to the first amendment of the Senate to the said bill; that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. A. Mc-Mahon of Ohio, Mr. Thomas R. Cobb of Indiana, and Mr. James Monroe of Ohio, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armanent thereof, for the fiscal year ending June 30, 1881, and for other purposes;

A bill (H. R. No. 1336) for the establishment of a land office in the

Territory of Montana;

A bill (S. No. 382) granting a pension to Ellen W. P. Carter; A bill (S. No. 526) granting a pension to Esther E. Lieurance; A bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other pur-

A joint resolution (H. R. No. 290) accepting the gift of the desk used by Thomas Jefferson in writing the Declaration of Independence: and

A joint resolution (H. R. No. 291) authorizing tents to be loaned to the governor of Missouri for the use of sufferers by the recent tornado in that State.

STEPHEN. A. M'CARTY.

Mr. CONKLING. Some time ago, on the motion of the Senator from Pennsylvania, [Mr. CAMERON,] a joint resolution, which is now No. 440 in the order of business, was taken up for consideration. The Senator from Rhode Island nearest me [Mr. Anthony] observed that the Senator from New Jersey, [Mr. McPherson,] the chairman of the Committee on Naval Affairs, from which the joint resolution came, was absent, and expressed the opinion that that Senator would like to be present when the resolution was considered. Upon that state of facts, as the Record will show, the resolution went over upon a particular understanding. That understanding was that at any time when the Senator from New Jersey, the chairman of the Committee on Naval Affairs, was present, it should be in order to call up the joint resolution, and that it was laid aside informally, if I may so say, for that purpose. The Senator from New Jersey is here now, and although I am not at all sure that he cares to participate in the

discussion or take part in the measure, I ask that it be taken up, as the Senator from Rhode Island is also here.

The VICE-PRESIDENT. The Senator from New York asks the Senate to resume the consideration of Senate joint resolution No. 96, which will be reported.

Mr. ANTHONY. I do not see the Senator from New Jersey in his

Mr. CAMERON, of Pennsylvania. He was here a moment ago.
Mr. CONKLING. The Senator from New Jersey was here only a
moment ago, and the Senator himself talked to him, I think.

Mr. ANTHONY. He is not here now.
Mr. CONKLING. I will send for him, as he only stepped out a

moment ago.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 96) authorizing the President of the United States to reappoint Stephen A.

McCarty a lieutenant-commander in the Navy.

Mr. CONKLING. The report has been already read.

The VICE-PRESIDENT. The report was read on the former consideration of the joint resolution.

Mr. EDMUNDS. I should like to hear it read again, because it is all out of our minds.

The Chief Clerk again read the report submitted by Mr. CAMERON, of Pennsylvania, March 23, 1880, which has heretofore been published

in the RECORD.

Mr. COCKRELL. I move to amend the joint resolution to correspond with the recommendation of the Secretary of the Navy by in-serting after the word "authorized," in line 4, " to nominate," &c., and then by striking out "re" in line 5, before "appoint," so as to

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Stephen A. McCarty, &c.

Mr. CONKLING. I see no objection to that.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

Mr. ANTHONY. I rise to oppose this resolution with great rel tance, and the greater because it comes to us with a favorable report from the Committee on Naval Affairs, of which I am an unimportant member; but I owe a duty to the Navy which I cannot avoid if I would.

The case before us is a plain and simple one, and is stated with tolerable fairness, though not, I think with exact fairness, in the report of the committee. This officer was brought before a court-martial of the committee. This officer was brought before a court-martial on a charge of drunkenness and neglect of duty; was found guilty; recommended to mercy, on account of his previous record, which was an excellent one; experienced the executive elemency; was returned to duty; continued in the same habits; was repeatedly guilty of the same offense; was again brought before a court-martial, upon the same charge of drunkenness and neglect of duty; and, pending the proceedings, tendered his resignation. His resignation was accepted, on account of his excellent record, with the exception of the offense of which he had been before convicted and he thus escaped disof which he had been before convicted, and he thus escaped dis-

He claims to have thoroughly reformed and asks to be restored to the Navy. The Secretary mildly recommends his restoration, at the foot of the grade of lieutenant-commanders, in which he was serving when he resigned, and the resolution before us embodies that recommendation. I have a strong sympathy for this officer. He appears to have made a brave and manly effort to emancipate himself from the control of the appetite which had obtained possession of him, but found himself unable to do so in the associations by which he was surrounded. In his letter to the Secretary he claims that his resignation was not wholly on account of his apprehension of the judgment of the court, for he thought that the specific allegation on which he was arraigned could not have been sustained, but he admits that he was liable to could not have been sustained, but he admits that he was liable to other charges of the same character, against which he could not defend himself. He therefore resigned in order to effect a reformation, without the service, which he found impossible within it. He did well; he acted wisely. Shall we do well, shall we act wisely if we return him to those associations that were too strong for him, if we expose him again to those temptations which he was unable to resist? In my judgment the discipline, the efficiency, the usefulness, and the character of the Navy forbid it. In my judgment all these demand that an officer convicted of drunkenness on duty should be dismissed with no hope of restoration. This will be very hard on the offender, for drunkenness is not an infamous crime. Men of the finest

offender, for drunkenness is not an infamous crime. Men of the finest talent, of the most brilliant genius and the purest character, have fallen into its habit. It is a vice which loves to enfold in its deadly embrace men who are endowed with every quality to embellish private and to dignify public life. It is not, therefore, to be punished with extreme severity, when its consequences fall only upon its vic-tim. He suffers enough without the imposition of any judicial sentim. He suffers enough without the imposition of any judicial sentence; but he must not be permitted to transfer those consequences to others, and least of all to the public service. He is not, perhaps, to be punished with severity, but he is not to be trusted, and his dismissal is not altogether in the way of punishment, although it operates as such incidentally with great force, but for the protection of the service. And if it be hard upon the offender to be dismissed without

hope of restoration, is it not hard upon the ships, upon the seamen, upon the flag of the Navy, to incrust them into hands that are trem-

bling with inebriety?

Drunkenness, however pardonable in many places, is one of the ost serious offenses that a naval officer can commit. It involves the most serious offenses that a naval officer can commit. liability to every other offense. There is no crime that a drunken man may not commit; and there is no condition more deplorable than that of a naval vessel in charge of a drunken officer, endowed with all the authority of command without any of its discretion, entitled to the implicit obedience of his subordinates, unable to form a plan or to give an intelligent order.

The younger officers of the Navy should be taught, by severe example, that a man convicted of drunkenness on duty shall never be drunk on duty again, that the service shall not twice be imperiled from this cause, by the same man. It is in the power of Congress to restore this officer to the position which he has forfeited; I suppose it will be done; but if we do it, we shall say to the junior officers just rising to rank and emulous of distinction, that drunkenness on duty is not the heinous crime that it has been sometimes represented; that it is a venial offense to be condoned on professions of repentance, a

is a venial offense to be condoned on professions of repentance, a trifling error to be pardoned upon a show of reform.

There is, I apprehend, one argument in favor of this measure, which has met us in so many previous cases; and I am sorry to say there are abundant precedents for this measure; the active list of the Navy has been largely recruited by officers dismissed for drunkenness, and for more serious although not less dangerous offenses. That argument is that when an officer is put back at the foot of the list in which he was serving, when he was dismissed or resigned, honorably or in discrace, he goes over no one. This is a great mistake. If we or in disgrace, he goes over no one. This is a great mistake. If we put this man at the foot of the list of lieutenant-commanders, he does not go over any lieutenant-commander, but he goes over every officer in the grades below lieutenant-commander, every officer in the grades below is degraded one number and remains one number lower during the whole of his professional service. He goes over 280 lieutenants, 100 masters, 100 ensigns, 45 midshipmen, in all, 525 officers—more than one-half the active list of the Navy. One man will be retired as a commodore who would otherwise be retired as an admiral. One man will be retired as a captain who would otherwise be retired as a commodore. Every one of these officers is kept one degree lower during the whole of his professional life.

Mr. President, I have said that I have a strong sympathy for this officer. I have, I have seen him; and he made a favorable impression on me. It is a case in which sympathy with an officer and his family and friends contends with what I think is due to the discipline and the

and friends contends with what I think is due to the discipline and the usefulness and the dignity of the Navy, and in that contest there is but one side that I can take, however unpleasant the position. I could not agree to this report; I cannot give this resolution my support; but I suppose it will pass. I will not detain the Senate any longer with words of unavailing protest.

Mr. COCKRELL. I should like to ask the Senator from Rhode Island if there is any positive assurance that he has entirely reformed?

Mr. ANTHONY. The report of the committee states his own declaration that he has thoroughly reformed, and certificates from a number of cashiers of banks and counsellors at law and justices of the peace and ministers of churches recommend him as a thoroughly reformed man. formed man

Mr. COCKRELL. They say he has reformed; but they have only known him for two years.

Mr. ANTHONY. I think that his repentance is sincere; I think his reformation is genuine, so long as it has lasted. Whether it will continue or not, time only can determine. I am not willing to subject the Navy to the risk of that uncertainty. I might be willing to intrust interests of my own to him; but am not willing to intrust the interests of the Navy to him. I am not willing to order seamen, under penalty of their lives, to obey the commands of a man who has shown himself, with the best and most honest and persistent efforts, unable to command himself.

I have discharged an unpleasant duty, Mr. President, but I could not say less in justice to my views of the discipline and efficiency of the Navy. I ask for the yeas and nays on the joint resolution.

Mr. KERNAN. Mr. President, I know this young man; I knew his father; I know some of the people who have signed this recommendation; I have received letters from men I know who have watched this case and they all control as a resident that he conduct for two or dation; I have received letters from men I know who have watched this case, and they all concur in saying that his conduct for two or three years evidences to them that he has thoroughly reformed, and therefore I believe and trust that he will be restored. They say his conduct shows that he has reformed. I trust that we shall put him at the foot of the list, and let him climb again, believing he is sincerely a man who will not slip again. I am sure the younger officers will rejoice that a man who served eighteen years gallantly, without a complaint except this slip, will rejoice that he comes in before them at the foot of his own list, believing, as they will, that he has really reformed. reformed.

Mr. EDMUNDS. Mr. President, I should like to ask my friend from New York—I never heard of this case before—what he would think of the propriety of this restoration if this gentleman had never fallen a victim to habits of intemperance but had during his whole career in the Navy conducted himself with the utmost propriety and gallantry. and had resigned not under charges but had resigned of his own volition, as this gentleman did in the actual act, but entirely free from

any cause of complaint or from any ground for dismissal. Would my friend from New York or anybody else vote, after he had been out of the Navy for six years, to put him back again because he wished to again enter the service over the head of anybody, if it was the lowest midshipman ?

Mr. KERNAN. If he had resigned voluntarily, constrained by no circumstances, it would be a different case; but I believe just as this report states that a man feeling that he had sinned, feeling that very likely he could not give evidence of a desire to reform by staying where he was then might resign, and he having resigned and given that evidence I would give him a chance. The Apostle fell three times and he was restored.

Mr. EDMUNDS. But I believe he was not restored over the head of anybody. [Laughter.]
Mr. KERNAN. He was restored and made the head, the Prince of

Mr. EDMUNDS. But he took his place by their election and not by the strength of the appointing power.

Mr. KERNAN. He took it because of his sincere repentance.

Mr. EDMUNDS. Well, Mr. President, I must say that I am a little Mr. EDMUNDS. Well, Mr. President, I must say that I am a little astonished at the statements of my friend from New York, and I should astonished at the statements of my friend from New York, and I should like to ask the attention of other Senators to this view of the case: Is it possible that we can hold deliberately as law-makers or as edict-makers, (for this really is an edict,) that we will extend a privilege of entering the Navy of the United States or any other official employment above the foot of the list, to a person who left it six years ago because he was unfit to stay, that we would not extend to a person who left it six years ago being fit to stay but who voluntarily resigned, with his record perfectly clear and his cup full and brimming over with the correct gratitude of his fellow-citizens. If those citizens afterward appealed to us to put him back where he was before or a little lower, would such a person stand lower in the judgment or a little lower, would such a person stand lower in the judgment of the Senate than one who went out six years ago for a true cause?

of the Senate than one who went out six years ago for a true cause? This is not a question of correcting an error or a mistake. This is a question of by a simple provision of the will of the Senate of the United States and of the House of Representatives and the President, (who concur to make this law,) after having established certain grades, orders of necessary rank and promotion in the Navy, after having provided by law that every person on that list shall be promoted in due order, declaring that we take a person who has been a private citizen of the United States for six years, and for the simple reason that before that time he had held a certain place in the Navy which that before that time he had held a certain place in the Navy which he left of his own free will and accord, because he felt and everybody else felt that he ought not to stay, violate the principle of that law, and allow him to take place above those below him in rank who during those six years have breasted every storm, have lived on unwholesome coasts, have done all the disagreeable things that a regular, some coasts, have done all the disagreeable things that a regular, honest routine in the Navy imposes upon every officer. That is the thing that troubles me. I hope I am not more wanting in sympathy for this gentleman and not less disposed to wish him every good wish than my friend from New York; but there is committed to our keeping not merely his pride or his wishes or his welfare; it is the due order of the regular and equal law that has given rights to every one of these gentlemen below him that they have earned and deserved that he shall not now again go above their heads. That is the way it seems to me. it seems to me

Mr. CONKLING. Mr. President, if there is no difficulty in the way of this joint resolution save that suggested by the Senator from Vermont, there is in my estimation no difficulty at all. With great respect to that honorable Senator, nothing in my opinion could be more fallacious than the test he applies. Suppose this man had fallen ill of a fever and had resigned for that reason, why would the Senator be in favor, if at all, of his restoration? Simply because a misfortune had fallen upon him which distinguished his case from that of others. Suppose by reason of any other casualty he had been led to offer his resignation, why would the Senator vote for excepting his case? For the reason which I have stated already. Apply that reason to this case; and does it not answer the question of the honorable Senator from Vermont?

Had this man supposed that by going to the gold fields of the west

Senator from Vermont?

Had this man supposed that by going to the gold fields of the west coast or by setting forth upon some other venture he could greatly improve his condition, and in that sense voluntarily had flung down his commission and had gone away, would anybody say, even though his venture had failed, that he should be restored and restored with precedence before those who remained? Certainly not. And that is the strength and the whole strength of the argument of the Senator. Now, Mr. President, what is this case as to that bearing of it? It is, I humbly submit, the case which you would find if a man in your employ, an agent of yours, by reason of physical misfortune or by reason of a temptation springing upon him and overcoming him before resistance could begin, had proved unfaithful in your service and had gone from it. When reformation glittered o'er his faults, you would

resistance could begin, had proved unfaithful in your service and had gone from it. When reformation glittered o'er his faults, you would extend the hand to him and say "Come back and try again;" but you could not say that upon the theory of the honorable Senator from Vermont. Why? Because his case would be less meritorious than if voluntarily, willfully, without extenuation, without excuse, without weakness pleading for him, he had turned his back upon his duty and gone the other way. Why, Mr. President, I humbly submit that will not do. You cannot refine upon this so dexterously without misleading the Senate. not do. You ca

This is the case, taken together, not that this man resigned voluntarily excluding everything else, but that having through the long watches of the night and during the loneliness and isolation of shipboard life given way once, twice, three times—not repeatedly as I understand from the report, although the Senator from Rhode Island said so, and if he was mistaken in that it was the only unjust remark he made—but having several times given way to the use of stimulating drinks, having been once brought into judgment for it, and charged the second time, he thought it better for him, for the service, in the presence of all the facts, that he should yield and relinquish in the presence of all the facts, that he should yield and relinquish for the time being in order that, with other surroundings and with helps which he might not find there, he could retrieve and re-establish himself.

That is the case. It is one of misfortune; it is one, as I choose to regard it, and as I beg to present it, of misfortune, ethically and properly, as much as if mere physical disease had fallen upon him. Indeed, Mr. President, I need not have said that this case is like one of physical disease, because drunkenness is a disease. So not only by parallel or analogy, but by simple assertion, I have a right to treat this as an instance of a man who lost his commission in the Navy, and they are the had better resign because physical disability overtook. thought he had better resign because physical disability overtook

Mr. President, I have much appreciation of, and some sympathy with, what was said by the honorable Senator from Rhode Island, and I can conceive of a case and times when I should feel constrained to vote, possibly in a case like this, in accordance with his suggestions; but I submit that at this time, without there being any hazard by reason of the situation and the occasion, I do not think that a broad with in the presence of the testimony that reason of the situation and the occasion, I do not think that a broad risk is run by allowing this man in the presence of the testimony that he has reformed, in the presence of his creditable, I might say his distinguished, record for eighteen years, to be once more weighed in the balance. If he shall be found wanting, I think the danger of calamity to result from that will be very, very slight.

And, Mr. President, although I have had occasion to know something of the will and the hadrons of interpresent although I have

thing of the evils and the horrors of intemperance, although I know that it feeds the gibbets and fills the poor-houses and prisons of the land, I do not believe that an act of drunkenness committed by a sailor or an officer, far away from the distractions, diversions, and comforts of life, is a greater offense than the same act might be if not committed by an officer of the Navy and if not committed far away from the diversions and occupations of civilized life. I am quite as much disposed to forgive it in such an instance as to forgive it in many another which goes quite unchallenged of public or private

reprehension.

So that take it all together, I am willing for one to assume my share of responsibility in allowing this man to go back, not where he was, but to go back at the foot of his class, to see whether it be true that time has so seasoned and strengthened his effort at reformation

that time has so seasoned and strengthened his effort at reformation that he can stand the storms and trials of naval life.

Mr. VOORHEES. Mr. President, the point made by the Senator from Vermont arrested my attention. Upon examination, however, of the Navy Register, I find three commodores now on the active list, Commodore Colhoun, Commodore Baldwin, and Commodore Shufeldt, who were out of the service by resignation, the first eight years and two months, the second, seven years and eight months, and the third, seven years and seven months, as I am informed, attending to their private business interests, some of them doing exactly what the Senprivate business interests, some of them doing exactly what the Senator from New York spoke of, going to the Pacific coast, and who were afterward restored to their places in their grade which they would have occupied had they not resigned. Whether the Senator from Vermont voted for their restoration is a matter that I have not had time to examine; but I think the fact itself is as full and complete an answer to the objection made against the appeal made in favor of this unfortunate young man as could be made by an argument of much greater length.

So far as this case is concerned, Mr. President, I intend to vote for the joint resolution. Nothing gives me more pleasure in life than to give a man who has been unfortunate another chance. It is always an absolute satisfaction where one has fallen by the wayside without evil intent, without crime, but has been overtaken by those infirmi-ties which beset us all—nothing I say gives me greater satisfaction than to lend my humble aid to set him up again and let him start once more. I understand this man has done his Government good service; and the fact that he slipped and fell should not be seized

and the fact that he shpped and fell should not be seized upon with quite so much avidity by those who have passed by.

The complaint now on behalf of those who are above him is to the effect, not that they got above him by fighting or meritorious conduct on their part, but because he tripped and they passed on. They, therefore, have his place, and they do not wish that in the work of restoring him they should stand in the relation to him that they did before. ing him they should stand in the relation to him that they did before. I see no great hardship in making this restoration to restore him to the same relation he would have borne to them if this misfortune had not overtaken him. Certainly I see no injustice in it when I find such illustrious precedents as I have pointed out and handed to the Senator from Vermont.

Mr. EDMUNDS. Mr. President, if it were true that I had been a party to the appointment of the three gentlemen named—
Mr. VOORHEES. I did not say the Senator had been.
Mr. EDMUNDS. I will begin again. If it were true, Mr. President, that I had been a party to the appointment of these three gen-

tlemen over the head of anybody else after they had been out of the Navy, it would not be absolutely conclusive probably in the judgment of the Senate that I did right at that time. Every Senator would be obliged to vote upon his own convictions now, I suppose. Second, I have no recollection of the events to which the Senator from Indiana alludes. Third, I think I can safely state that I have never consciously been a party to any such thing. Nominations and appointments sometimes go through the Senate without Senators paying the amount of attention to them that perhaps they ought to do; and I am probably as guilty in that respect as anybody. That is all I can say about that with the doors open. that with the doors open

In the next place, the Navy Register does not show that these three men were out of the service and reappointed to the same rank and place that they would have held if they had not been out. All that it says is a foot-note as to Mr. Colhoun, Mr. Baldwin, and Mr. Shufeldt "out of the service eight years and two months," "out of the service seven years and eight months," "out of the service seven years and seven months." Whether they were out of the service before the rebellion began and came back at the call of their country, or whether they were out since, I do not know. That might make a difference in the minds of a good many men.

The General-in-Chief of the Army of the United States went out of the service of his country as a military man before the rebellion. He came back into it, not in the grade that he held when he went out, and he is General-in-Chief now; and I am glad of it. If we were to have another such unhappy event, or any other war, I think the same course that put General Sherman and General Grant at the head of the armies of the United States was a wise one if you were sure of

the armies of the United States was a wise one if you were sure of your man as we were in these instances.

That is not quite this case. I do not think these are precedents for this case. This case is simply one where a gentleman who had served well in the Navy as it is said, and I have not the least reason to doubt it, became addicted—I think that is the fair effect of his own letter when he applies to be restored six years afterward—became addicted to habits of intemperance which had subjected him to one condemnation by a court-martial, and the same kindliness that the Senate is now asked to exercise again led the President of the United States to remit the sentence, and let him try again on a reform plan. He did try, and I have no doubt sincerely, and he failed. He was then brought up again, and rather than take another trial with whatever of consequences either of acquittal or of condemnation might follow, he resigned, and he resigned as he says, as reported by the committee in his letter to the Secretary of the Navy, on the 13th of January, 1879.

Fully realizing that the intemperate habits which I frankly and with deep regret confess I had contracted rendered me liable to similar difficulties sooner or later, I believed it to be of paramount importance to my future welfare to reform absolutely, and that I could more effectually and thoroughly accomplish this by leaving the Navy. My sole motive in resigning was to make myself more fit to hold my position, with a view of asking for restoration to the service when the temporary physical and mental disability had been removed.

He states himself, therefore, you will perceive, that his object in leaving the service was first to overcome this habit, and to do it in private life, with the intention of being restored when he should have accomplished that purpose, leaving his comrades to do their duty and his duty during the period of six years that it took him to accomplish it, and then he expected to go back. Why, Mr. President, how many cases are there of men now living who have resigned (as the Senator from New York has referred to it as an illussigned (as the Senator from New York has referred to it as an illustration) from disease which did not depend upon their will at all, but disease contracted in unwholesome climates, the ordinary incidents and perils to life that nature exposes us all to everywhere, and by and by, being out of the hardship of the sea and the hardship of the service, they get better treatment, different exercise, and recover? Are we to adopt a principle that entitles everybody who resigns on account of disease, and who recovers in a few years, to be restored to bis add allows. account of disease, and who recovers in a new years, to be restored to his old place, or to any other place in the Navy, over the head of anybody? To borrow the expression of my learned friend from New York, which he borrows from Ohio, where we get most of our good things, I think "that won't do."

Mr. VOORHEES. The Senator from Vermont will allow me to say that in looking into the Navy Register it will be found from the entry

of the service of these commodores who have been cited that they are at the top of the list of the grade to which they belong at the date when they were restored. They could not have any higher grade if they had been in service continuously.

Mr. EDMUNDS. When were they restored?

Mr. VOORHEES. I will see in a moment.

The VICE-PRESIDENT. The morning hour has expired.

Mr. EDMUNDS. I did not mean to revent a vote. I will ston if

Mr. EDMUNDS. I did not mean to prevent a vote. I will stop if

there can be a vote.

The VICE-PRESIDENT. Is there objection to the further consideration of this resolution at this time? The question is: Shall it be ordered to be engrossed for a third reading; on which the Senator from Rhode Island asks for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 20; as follows:

YEAS-34. Cameron of Pa., Coke, Conkling, Davis of W. Va., Bailey, Baldwin, Bayard, Beck, Garland Hereford

Jones of Nevada, Kellogg, Kernan, McDonald,	Maxey, Morgan, Paddock, Pendleton,	Pryor, Randolph, Saulsbury, Saunders,	Voorhees, Walker.
	NA	YS-20.	NO DESCRIPTION
Allison, Anthony, Burnside, Cameron of Wis., Carpenter,	Cockrell, Edmunds, Groome, Hampton, Harris,	Hill of Colorado, Hoar, Ingalls, Kirkwood, Logan,	McPherson, Morrill, Rollins, Teller, Withers.
	ABS	ENT-22.	
Blaine, Bruce, Davis of Illinois, Dawes, Eaton,	Gordon, Grover, Hamlin, Hill of Georgia, Jones of Florida,	Platt, Ransom, Sharon, Slater, Thurman,	Wallace, Whyte, Williams, Windom.

So the joint resolution was ordered to be engrossed for a third read-

ing.
It was read the third time, and passed.

McMillan

HOUSE BILL REFERRED.

The bill (H. R. No. 5975) for the relief of certain homestead and pre-emption settlers in Kansas was read twice by its title, and referred to the Committee on Public Lands.

PRINTING OF A DOCUMENT.

Mr. BECK. Mr. President, I desire this morning to ask the Senate to set aside all pending orders and put on its passage the Indian appropriation bill.

Mr. HOAR. Will the Senator from Kentucky allow me to offer a resolution for the printing of a document?

Mr. BECK. Certainly.
Mr. HOAR. I offer the following resolution:

Resolved, That the proceedings of the Committee on Privileges and Elections in the contested-election case of Spofford vs. Kellogg in the months of October and November, 1877, be printed for the use of the Senate.

This document was printed only for the use of the committee. It contains about one hundred and eleven pages of matter. It has been referred to very often and there are some differences of opinion about

the facts. I suppose there will be no objection to having it printed.

The VICE-PRESIDENT. The resolution will be referred to the

Committee on Printing.

Mr. HOAR. There is no necessity under the rule for that reference.

The VICE-PRESIDENT. The Chair understood the Senator to ask

Mr. HOAR. No, sir. I ask for its adoption.

The VICE-PRESIDENT. Is there objection to the consideration of the resolution? The Chair hears none, and it is before the Senate. The resolution was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Senator from Kentucky [Mr. Beck] asks the Senate to consider at this time the Indian appropriation bill.

Mr. McPHERSON. I ask the Senator from Kentucky to yield to me a few minutes to take up and pass a bill, which is very important, making provision for an Arctic expedition. If permitted, I should like to state that the ship is now in the harbor waiting for her supplies, and the whole question to be considered is whether the Government of the United States will take part in this expedition, or whether private parties must do it all. The bill has passed the House of Representatives and been reported favorably by the Senate Committee on Naval Affairs. I think it will not take five minutes.

Mr. CONKLING. What is the bill?

Mr. McPHERSON. It is House bill No. 3534 to authorize and equipan expedition to the Arctic seas. I ask the Senate to take up the bill. If it takes longer than ten minutes I will give way.

Mr. BECK. I have no objection with that understanding. I know the matter is somewhat pressing.

Mr. SAULSBURY. I desire to say that the special order is, I suppose, the report of the Committee on Privileges and Elections.

The VICE-PRESIDENT. That is the unfinished business of the Senate. The VICE-PRESIDENT. The Senator from Kentucky [Mr. Beck]

Mr. SAULSBURY. I propose that that be laid aside temporarily,

to be called up at any time. It is my purpose to call it up after the appropriation bill is disposed of.

The VICE-PRESIDENT. Shall it be the understanding of the Senate that the unfinished business be temporarily laid aside, to be called up at the pleasure of the chairman of the Committee on Privileges

and Elections?

Mr. INGALLS. What is the unfinished business?

The VICE-PRESIDENT. The resolutions reported by the Committee on Privileges and Elections in the case of WILLIAM PITT KEL-

Mr. INGALLS. That being a question of privilege, can it not be taken up at any time on the request of the committee?

The VICE-PRESIDENT. A motion for that purpose is a motion of

privilege.

ARCTIC EXPEDITION.

Mr. McPHERSON. I now ask the Senate to take up House bill No.

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

BILL RECOMMITTED.

Mr. BAYARD. I desire to have the bill (S. No. 1504) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07, in gold coin, that being the amount paid on certain imported articles, &c., recommitted to the Committee on Finance. It is on the Calendar now.

The VICE-PRESIDENT. The Chair hears no objection, and the

bill will be recommitted to the Committee on Finance.

DETAILS OF OFFICERS AS PROFESSORS.

Mr. CAMERON, of Pennsylvania. Mr. President— Mr. BECK. For fear some person else may ask leave, I desire to say that after the Senator from Pennsylvania has disposed of his litthe matter I shall decline to yield to any other Senator.

Mr. CAMERON, of Pennsylvania. I ask for the consideration of

Senate joint resolution No. 70.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 70) to increase the number of the officers of the Army allowed to be detailed as professors of military science at colleges and universities, which had been reported by the Committee on Military Affairs with an amendment to strike out all after the resolving clause and insert:

ment to strike out all after the resolving clause and insert:

That for the purpose of promoting knowledge of military science among the young men of the United States, the President may, upon the application of any college, university, or other institution of learning incorporated under the laws of any State within the United States, having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof. Provided, however. Such college, university, or other institution of learning, incorporated as aforesaid, to which such officer shall be so detailed shall pay to him monthly daring the time he is so detailed and serves as such president, superintendent, or professor thereof, a sum of money equal to the difference between the retired monthly pay of such officer and the monthly pay he would receive if upon the active list of the Army in the grade upon which he is retired: Provided, also, That officers of the Army so detailed shall be governed by general rules prescribed from time to time by the President of the United States.

Sec. 2. The Secretary of War is authorized to issue, at his discretion, and under proper regulations to be prescribed by him, out of any small-arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college, university, or other institution of learning aforesaid to which any officer of the Army may be detailed under this act, for which the officer so detailed shall receipt and account in the manner prescribed by Army regulations when like property is issued for proper purposes. And the Secretary of War shall also require from the proper authorities of such institution in each case a bond in double the value of the property for the care and safe-keeping thereof, and for the return of the same when requ

Mr. HEREFORD. This is a subject to which I have given some attention and consideration, and I prefer the original bill to the substitute, at least as far as one feature is concerned. The original bill that was introduced authorized the increase of those who may be detailed from the Army to preside over or act as professors at a certain class of colleges and who may be taken from the active list. They may be taken from the active list now to a certain number, I think thirty. The original bill provides that that number may be increased to fifty. I think that is right. I am in favor of that for the simple reason that, as the Senator from Pennsylvania is aware, and perhaps other Senators are aware, there is a demand for more than thirty to supply the various institutions of learning throughout the country. supply the various institutions of learning throughout the country. Some of these professors have been taken from the institutions where they were employed and sent to supply other institutions in other States. The State University of my own State had one of these professors for some years, and recently he has been taken from that State and given to another, simply for the reason that there are not enough to go all around. There are not enough to supply the various State institutions with these professors from officers of the Army on the active list. Therefore I say that I prefer that feature in the original bill which increases that number to fifty rather than the substitute that which increases that number to fifty, rather than the substitute that is reported from the Committee on Military Affairs. The rest of the bill I am in sympathy with, and I am in favor of it; and if it shall be so amended as to provide for an increase of the number who may be detailed from the active list from thirty to fifty, I shall vote for the substitute in that shape.

Mr. CAMERON, of Pennsylvania. The objection the committee had to increasing the number to be taken from the active list was that it was taking men from the active duty pertaining to their comthat it was taking men from the active duty pertaining to their commands and very much interfering with the efficiency of the Army. There are men who are just as competent to perform this duty at the schools, who are on the retired list, as those on the active list, and taking retired officers does not interfere with the duties of the Army; it does not interfere with the efficiency of the Army in any sense.

Mr. HEREFORD. I will state to the Senator from Pennsylvania, if it is proper to do so, that I have had several conversations with the

Secretary of War on this subject.

Mr. CAMERON, of Pennsylvania. So have I.

Mr. HEREFORD. And he says that about this additional number can be spared from the Regular Army without affecting its efficiency.

at all. I will state further, if it is proper for me to say it, that it was at his suggestion, I believe, that the original bill was drafted, and he has informed me on more than one occasion that about that number, fifteen or twenty in addition to the present number, can be taken from the active list without affecting the efficiency of the Army at all. I know that there is a very great preference expressed by the heads of these institutions for the younger men in the Army who are upon the active list over the retired officers, those who are retired from age, from infirmity. They prefer that they should have as professors in these various colleges and universities the vigorous men who are on the active list, and prefer them to those who are on the retired list. retired list.

Mr. WITHERS. I wish to state that really all that is proposed to be effected by the bill now under consideration is already secured by the last paragraph in the first section of the Army appropriation bill, which has already passed. The only difference between the provision in the Army bill and the proposed legislation is that by the provision now enacted in the Army bill these officers, when detailed, are authorized to receive from these educational institutions the difference between full pay and ratingly now while this bill makes it seems to be the provision of the provision in the difference between full pay and rating how while this bill makes it seems leave and rating how while this bill makes it seems leave. between full pay and retired pay, while this bill makes it compulsory upon the colleges to give them that difference. That is practically the only difference between the two.

Under the provision in the Army bill, as it passed, the Secretary of War has the right to detail as many as may be deemed necessary from the retired list of the Army to meet all the demands of educational institutions requesting the service of officers for this purpose. We had the Secretary of War before us, and the provisions of the law, as embodied in that bill, met his approval, and I really think there is no necessity for any legislation now.

Mr. BECK. I do not suppose the Senator from Pennsylvania desires to press this matter now under the circumstances.

Mr. CAMERON, of Pennsylvania. I should like to have the measure passed. I do not want to talk any more about it. I am ready to take the vote now.

take the vote now.

Mr. COCKRELL. What is the necessity of the bill if it has been already enacted into the law before?

Mr. CAMERON, of Pennsylvania. It has not been.

Mr. WITHERS. I have stated that the only difference I see between the provision in the Army bill and the proposed legislation is that by the Army bill the detailed officers are authorized to receive from colleges the difference between active pay and retired pay, and by this bill it is made compulsory that the colleges shall pay the difference. If they want the service they will pay for it, and if not, not. not

Mr. CAMERON, of Pennsylvania. This provides that the colleges shall pay the difference between the active pay and the retired pay. The judgment of the committee was that when these officers were performing active duty they should receive that pay, but the Government ought not to pay it; and the colleges, if they want the service, can well afford to pay the difference.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The question is on the amendment reported by the Committee on Military

Affairs.

Mr. HEREFORD. I ask whether this proposition is capable of being separated? A part of the substitute that is offered in the shape of an amendment I am in favor of. I am in favor of the whole of it except the first part. The original bill reads in this way:

That the number of officers of the Army authorized to be detailed by the President for duty as president, superintendent, or professor at colleges or universities, under the provisions of section 1225 of the Revised Statutes, be, and the same is hereby, increased from thirty to fifty, subject to the terms and limitations as expressed in said section 1225 of the Revised Statutes of the United States.

That I am in favor of passing just as it is, adding to it the remainder of the substitute, and therefore I ask if we cannot take a separate vote. There are several sections in the amendment. All of the amendment I am in favor of except that feature which compels these institutions to take these detailed officers from the retired list rather than from the active list. The Secretary of War says they can be spared.

Mr. WITHERS. No; the Secretary of War wants them taken from

the retired list.

Mr. HEREFORD. The Secretary of War told me differently. Mr. WITHERS. He was before the Committee on Appropriations on the subject a few days ago.

Mr. HEREFORD. What I desire is to get a separate vote on the different portions of the amendment.

The PRESIDING OFFICER. The Chair so understands.

Mr. CAMERON, of Pennsylvania. There are two objections to the proposition of the Senator from West Virginia. The first is that in my judgment and in the judgment of the committee the efficiency of the Army is destroyed to some extent by having these active officers put to this duty. The second is that under the substitute as it stands the Government will save from \$75,000 to \$100,000 a year; that is, instead of paying gentlemen who are on active duty for this service it will take the officers retired, whom it is compelled to pay at any rate, and put them into active service.

Mr. HEREFORD. I do not think that the argument of the Senator from Pennsylvania is good. I do not see how it saves the Government anything. We are already paying the retired officers. The Government pays them no more if they are placed in these positions.

Mr. CAMERON, of Pennsylvania. It saves by putting these other officers into duties where they render service according to the amount

officers into duties where they render service according to the amount of money they receive.

Mr. HEREFORD. Furthermore, it is not compulsory on the Secretary of War to take fifty. If they cannot be spared they will not be taken. As the law now stands thirty is the number that may be detailed, but it is not compulsory on the Secretary of War or the President to do that. They may do it if the service will allow. That is the same way now. If it is increased to fifty, the active service will not be interfered with, because the Secretary of War will not detail the officers if the active service is to be interfered with. It is all in the officers if the active service is to be interfered with. It is all in the discretion of the Secretary of War. Therefore, as I said before, I desire a separate vote upon the different features of the amendment.

The PRESIDING OFFICER. The Senator from West Virginia can

Mr. WITHERS. Before the motion is submitted I will read the provision of the Army appropriation bill which it seems to me supplies everything that is necessary in this case:

That upon the application of any college, university, or institution of learning incorporated under the laws of any State within the United States, having capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof; and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.

Mr. HEREFORD. That is already the law. Mr. WITHERS. The difference is that that simply authorizes the officer to receive the difference from the institutions and this requires

the institutions to pay it.

Mr. CAMERON, of Pennsylvania. I have stated that there is but one difference between the two laws, and that is that the colleges must pay a proportion of the pay allotted to these officers, and I think it is no more than right that they should. If they want an officer for this service, they will get along very well by paying him one-fifth of the value of his service.

The PRESIDING OFFICER. The question is on the amendment

reported by the committee.

Mr. HEREFORD. I move to amend the amendment— Mr. BECK. Mr. President, I only consented to postpone the consideration of the Indian appropriation bill for a few moments on the assurance that this matter would take no time. It seems now it will take a good deal of time. Perhaps by to-morrow morning these gentake a good dear of time. Ferraps by to-morrow morning these gentlemen can look over the different amendments and agree about the matter and dispose of it very soon. It may take some time now.

Mr. CAMERON, of Pennsylvania. I want it understood than I can

get it up to-morrow morning.

Mr. BECK. I will help you as far as I can to get it up. The PRESIDING OFFICER. The Senator from Kentucky calls

for the regular order.

Mr. BECK. Yes, sir.

The PRESIDING OFFICER. The Chair understand the regular order to be the Indian appropriation bill.

CHANGE OF NAME OF A VESSEL.

Mr. CONKLING. Before that is proceeded with, will the Senator from Kentucky allow me to make a report? The Committee on Commerce to which was referred the bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York, authorize me to report the same back with-out amendment, and if I can have the attention of the Senator from Kentucky for an instant I wish to say that this is a bill authorizing the change of the name of a vessel in the State of New York. Here are the affidavits and the report of the committee showing that it is all regular. I think it will take but a single instant to allow it to pass, and, although I have no interest in it myself, there is a pretty large interest in allowing the boat to be launched if the name may be changed. Therefore if the Senator does not object I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes

Mr. BECK. I move that the formal reading of the bill be dispensed with, and that the bill be open for amendment as read.

The PRESIDING OFFICER. The Chair bears no objection. The Chair understands the order to be to read the bill with the amend-

Mr. BECK. Yes, sir; and the bill to be open to amendment as read. I only wish to dispense with the first formal reading through.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 8, to strike out "sixty-nine" and insert "sixty-eight;" so as to make the clause read:

For pay of sixty-eight agents of Indian affairs at the following-named agencies at the rates respectively indicated, namely.

Mr. INGALLS. Is that to correct an error in computation, or does that omit some agency inserted by the House?

Mr. BECK. There was an agency stricken out at the request of

the Department, there being no longer any duty for it.

Mr. INGALLS. What agency was that?

Mr. BECK. The Papago. The House struck out the agency, but omitted to reduce the number appropriated for.

Mr. McMILLAN. What is the agency that was stricken out?

Mr. BECK. The Papago agency, in Arizona.

The amendment was agreed to.

The Secretary resumed the reading of the bill till he reached line 111, which included among the agents appropriated for one "at the

Union agency, \$2,000."

Mr. INGALLS. I want to ask the Senator from Kentucky what necessity there is for the continuance of an agency for the civilized Indians in the Indian Territory? I understand that is the agency to which reference is made in line 111. We have heard a great deal during the last month about the necessity of some change in the Indian policy, about making the Indians self-supporting, about giving them opportunities of becoming citizens. Here are five tribes or nations that are civilized and self-supporting, that have laws, and courts, and self-supporting them the self-supporting that have laws, and courts, and self-supporting that have laws. schools, and a literature of their own. A larger per cent. of them are in schools under education and instruction to-day than of the people in nine-tenths of the States of this Union. The Government does not pay them one single cent of gratuity. Yet we continue, in violation of the express wishes of those who believe a different Indian policy should be pursued, to go through with the farce of placing those five nations under the charge of an Indian agent who receives a salary of \$2,000 per annum.

I should like, if it would receive favorable consideration, to move that that line be stricken out, for the reason that it is absolutely un-necessary. I have talked with representatives of every one of those nations, and they all assert that the appointment of an agent there is superfluous and absurd. It would be just as advisable and just as sensible, in my opinion, to appoint an agent for the State of Connecticut as to appoint an agent for the five civilized nations in the Indian Territory. They have embassadors who are here continually engaged in representing their affairs. They are civilized men. The great bulk of those people are self-supporting. They are farmers and stock-raisers, and are wealthy beyond the average of Caucasian and Anglo-Saxon communities. I should like to hear from some person competent to advise us what necessity there is of longer continuing the

farce of an Indian agency for the five civilized nations.

Mr. McMILLAN. I should like to inquire whether the present reading of the bill is the formal reading of it, or whether it is read for action as we proceed.

Mr. BECK. It is now being read for amendment and for action.

The formal reading of the bill was dispensed with.

Mr. President, it is very difficult to show in the consideration of an Indian appropriation bill that everything that is in it is exactly the best thing that could be done, or that the policy of having an Indian appropriation bill of this character is the very best thing that could be done, or that the present arrangement under the Interior Department of carrying out the treaties might not be modified in some form improving it. But those things the Committee on Appropriations cannot alter. We have to take existing laws as they are and we have to make appropriations under them as we find them. We have, for

to make appropriations under them as we find them. We have, for example, in the list of agencies that was just being read over, sixty-eight agencies, of which the one in line 111, at the Union agency, at \$2,000, is a part. The aggregate of these Indians is 172,722, scattered at sixty-eight agencies, and the agent referred to here has 55,000 Indians to deal with. True they are comparatively civilized.

Mr. TELLER. What does the Indian agent have to do?

Mr. BECK. This agent, as we are advised by the Department, has to watch the interests of the business connected with the Department and those Indians. Where trespasses are made by white men upon Indian lands he is the only person from whom they can get information. We are advised that constant complaints are being made by the Indians: that there are constant assertions of rights by the white the Indians; that there are constant assertions of rights by the white people there; that there are many payments to be made to the Indians from time to time, and that this agent is the only person that they

have to attend to these things.

This agency was abolished some two or three years ago, as I am advised, and was restored because it was found necessary to have some one there, both to report the truth as to trespasses made, and to make the payments required, as well as to attend to whatever business the Department has with all the Indians there. It is far better and cheaper to have some one there familiar with all the transactions than to send special agents to examine into every cause of complaint that is made. Therefore Congress restored the agency. The Department recommended it; the House agreed to it; we found it in the bill. We were advised by the Department that it was the proper thing to allow it

to remain, and we did not strike it out.

Mr. INGALLS. Unless the Senator has specific information on which he can rely I should be inclined to doubt that the agency had which he can rely I should be inclined to doubt that the agency had ever been abolished. It may be that the Senator is better informed than I am. He said it was once abolished and has since been restored. I have been on the Committee on Indian Affairs for seven years, and my impression is that he must be mistaken, because I know that the representatives of the nations here, who are present

every winter for the purpose of protecting their interests, have uniformly insisted that they did not want an agent, that they were competent to take care of their own affairs, that the designation of an agent to look after them and take care of their business was intrusive agent to look after them and take care of their business was intrusive and superfluous, and that they resented it. When we are insisting that the Indians shall be made self-supporting, that they shall be made citizens, and that they shall be allowed to take care of themselves; when we have here sixty or seventy thousand that are capable of taking care of themselves, that have shown it by the accumulation of property and by the protection of their own interests in every way, we still insist upon going through with the childish farce of appointing annually an agent to look after their affairs.

I hope that the Senate will carry out what has been designated heretofore as the inclination of this body in regard to the Indians, and say that we will give these men the opportunity of managing their own affairs without the intervention of an agent, who is just as useless as anything that can possibly be imagined.

their own affairs without the intervention of an agent, who is just as useless as anything that can possibly be imagined.

Mr. BECK. I desire to say again that I am advised by one of the best informed officials of the Interior Department, who sits by my side, (I sent for him to enable me to answer questions of this sort,) that the agency was abolished and remained abolished from the 1st of July, 1878; to the 30th of June, 1879; that it was restored again on the 1st July, 1879; and during the year that it was abolished there were constant communications, involving labor and expense, constant complaints the truth of which could not be ascertained; and that this constant communications, involving labor and expense, constant complaints, the truth of which could not be ascertained; and that this agent not only saves the Department great trouble and expense, but he reports whatever is wrong between the whites and the Indians there, and attends to the making of the payments, and is regarded by the Department as a man extremely valuable and useful to them in the conduct of their affairs there. As there are fifty-five thousand Indians there, and the white men are trespassing upon them or likely to trespass upon them, it is regarded as important to have some one there who can keep the Department advised of the exact condition of things. Congress restored the agency because the Department found that they could not do without it, and it is there for that reason. That is all I know about it.

The PRESIDING OFFICER. The Secretary will proceed with the

reading of the bill.

Mr. INGALLS. I have moved to strike out line 111.

The PRESIDING OFFICER. The Chair did not understand the Senator to make a motion to amend. The question is on the amend-

ment of the Senator from Kansas.

Mr. McMILLAN. I hope the committee will be sustained in reporting this item in the bill. I think if there is any place where an agent should be kept for the protection both of the Government interests and the interests of the Indians, it is at this place. If for no other reason, the reason stated by the Senator in charge of this bill that trespasses upon the Indian lands require the constant intervention of the Government to protect both the Government and the Indiansis sufficient. This Territory we know is coveted land; there are eyes bent upon it with very great eagerness, and if there is not some person there who will stand as a protection between the Indians and persons who desire to obtain possession or to have the right of way through the Territory, the interests of the Government will soon be seriously interfered with. I trust no change will be made in this item. Mr. TELLER. I should like to ask the Senator from Minnesota, if

he will answer it, in what way the Government will be injured by leaving this out? What interest of the Government does this man look after? The Government has no land there and pays nothing to

these Indians, as I understand.

Mr. McMILLAN. The Government is in charge of the interests of these Indians; it has set aside this Territory for their possession; and the constant effort is and has been to invade the Territory by railroads and for other purposes well known to all the citizens of this country.

Mr. INGALLS. How could the Indian agent prevent anything of

that kind ?

that kind?

Mr. TELLER. If the people of the United States are infringing on this Indian reservation, if it may be so called, though it is not so in fact, I do not think this agent will keep them off. The trouble is the land that the settlers are claiming the right to go on is not where this agent is; it is away beyond that. There is no controversy about the lands that these five tribes are living on; it is the land that they do not occupy, and which is set apart by the Government for the use of other tribes who are to be sent there; and this agent, I think, has nothing in the world to do with that. He is a long distance from the ground in controversy. So far as the Government having the protection and care of these Indians is concerned, there is not any doubt but that if the Government would remove its so-called protecting but that if the Government would remove its so-called protecting care over these semi-civilized Indians they would be a great deal better off. In fact, from my observation, very many of the wild tribes would have been better off if the Government had never undertaken its protection over them. If the Government had left them alone in their native wildness they would have been quite as well off morally, physically, and financially as they are to-day. These Indians do not desire this interference on the part of the Government, and there ought to be a time when they will be independent and can take care of themselves.

The Senator from Kansas says, and he has the means of knowing concerning these Indians, that they do not want this agent there;

they say that they do not need the agent. Now, unless somebody can show that the Government needs him for some other purpose than the purpose mentioned by the Senator from Minnesota, it is a waste of \$2,000 a year to keep him there.

Mr. BECK. Mr. President, one other word. The agent that we keep there, to whom we pay \$2,000 a year, has to disburse \$75,000 a year. He gives a bond for \$50,000. We should have to send an agent there to attend to that alone. That would cost us very likely all that we are paying the regular agent if we should withdraw him. In addition to what I said before, the agent has to gather information about the principal head-men and chiefs the gentlemen talk about, who the principal head-men and chiefs the gentlemen talk about, who come here to Washington and want to run the whole affair themselves. Very often other persons of the tribe deny their right to come and be their representatives, and there are very frequently two parties, one objecting to the other being duly authorized and the other representing themselves as being duly authorized persons to represent them, and we do not know what persons to deal with except by the information and investigation made by this single agent. So, independent of trespasses that are committed, the very fact of having to meet those who are the head-men of these so-called tribes that come here and demand at Washington to be allowed to run the matter to suit themselves requires us to have this agent. The Department have no protection otherwise, the Indians would have none from encroachments, and perhaps none from the very men who are setting themments, and pernaps none from the very men who are setting them-selves up here at Washington as being the men who are to do all their business. The Department would have to employ a man to disburse the payments. They have now payments to make semi-annually amounting to \$75,000 a year. They have this agent who gives a bond of \$50,000 and only receives \$2,000 a year to do all this work. It seems to me that as Congress restored the agency, as the Department demanded it, as the House inserted the provision, and as nobody has shown any better reason except some yarms suspicion that we could shown any better reason except some vague suspicion that we could get along without him, and perhaps there are head-men who think they could get along better without anybody or without any watching either from the Department or any agent—unless some better reason than that can be given, I hope the action of the House and of the Senate committee will be sustained.

Mr. ALLISON. I understand the motion to be to strike out the Union agency in the Indian Territory.

The PRESIDING OFFICER. That is the question.

Mr. ALLISON. We tried that three or four years ago on the recommendation of one of the Commissioners of Indian Affairs, and for one year there was no agent at the Union agency. It turned out that a special agent had to be sent from the Interior Department and various expenditures were incurred, so that the next year it was found necessary to restore that agent. I remember that very well, and the Senator from Kentucky will also remember it. Therefore I think the Senator from Colorado, after a little reflection—
Mr. TELLER. The Senator from Kansas made the motion to

amend.

Mr. ALLISON. Then I am amazed that the Senator from Kansas should make this motion, familiar as he must be with this whole question in the Indian Territory.

Mr. TELLER. That is the reason why I supported it, coming from

Mr. ALLISON. I regret exceedingly to be obliged to differ from the Senator from Kansas, but I am quite sure that this is as important as any other agency.

as any other agency.

Mr. TELLER. I ask the Senator to state what is the object of keeping this agent there? What does he do?

Mr. ALLISON. It is impossible for me to state in detail what the agent does at this agency. I only know that we have very large transactions with these five civilized tribes, and it is necessary for the Government to have full and complete information with reference to what is going on in the Indian Territory. They have a considerable amount of funds that are distributed from year to year. I take it this agency is quite as important, or nearly as important, as any other agency we have in the service.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to strike out line 111.

The amendment was rejected. The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 129, to reduce

the total amount of the appropriation for the pay of agents of Indian affairs from \$101,000 to \$99,200. Mr. TELLER. I should like to inquire of the Senator who has this bill in charge what the agent at the Moquis Pueblo agency does?

The PRESIDING OFFICER. The question is on the amendment

proposed by the committee.

Mr. TELLER. The Senator does not seem to be willing to answer.

Mr. BECK. If I understand the question, it is what the agent has

Mr. TELLER. Yes, sir.

Mr. BECK. I only know that he has seventeen hundred and ninety Indians in his charge, and I suppose he has everything to do that is

necessary to be done to take charge of so many Indians.

Mr. TELLER. That cannot possibly be true.

Mr. BECK. That is the official report from the Department.

Mr. TELLER. It does not make any difference what the report is.

These Moquis Indians are not under the control, properly speaking, of any agents. They are not wild Indians; they are civilized Indians, and have had a state of civilization greater than any other Indians on the continent for three hundred years certainly. They have been agricultural Indians for more than three hundred years, as we know from history. They live in their own towns; they have their own houses, their pueblos. The agent, I am told by those who are familiar with the subject, is an unmitigated nuisance so far as the Indians are concerned in that country. The Government furnishes them are concerned in that country. The Government furnishes them nothing. To most of these Pueblos the Government furnishes nothing at all. There may be an appropriation in this bill; I do not know. They have an agent there who sends highly colored reports, I know, of the efforts he is making toward civilization. These people stand to-day just where they stood when the Spaniards went up there in 1540. More than three hundred and forty years ago they had attained just the same civilization that they have attained to-day. If the Government should see fit to furnish them some means of irrigating their lands or something of that kind, it might be a valuable use of the money; but all the money that is expended in sending an agent to the Moquis or the various Pueblo tribes is money worse than thrown

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read the item "for pay of seventy-six interpreters."

Mr. TELLER. I do not desire to make any motion, because I know that it would be subject to the question of order which would be raised on it, but I do desire to call the attention of the Committee on raised on it, but I do desire to call the attention of the Committee on Appropriations to the fact that they have appropriated too little for Indian interpreters. The interpreters are essential to the successful management of every Indian agency, and yet they have reported just as the bill came from the House, \$300 per annum for interpreters. I think the committee should have raised that amount. It is not possible in that section of the country to hire any person who is qualified to act as an interpreter for that money. The result is that the Government has in its employ as interpreters a lot of the very worst characters that are found on the frontier. Instead of employworst characters that are found on the frontier. Instead of employ ing men who will interpret properly and have a proper influence with the Indians, you get men who ought not to be allowed to come into contact with whites or Indians. The best of interpreters, I say, cannot be had for any such amount. I do not make any motion to amend, for I know it would be out of order.

The PRESIDING OFFICER. The Chair suggests that debate is

out of order without an amendment pending.

Mr. TELLER. I will make a motion. I move to insert "\$500" wherever it is "\$300," with reference to these interpreters.

The PRESIDING OFFICER. In what line of the bill?

Mr. TELLER. It is found in several lines.

Mr. WITHERS. Does the Senator mean to increase the pay of interpreters all through the bill to \$500 ?

Mr. TELLER. That is what I mean to do if I can, but I suppose

it will not be done.

Mr. EDMUNDS. Take the first case.

Mr. TELLER. I will take, for instance, the three tribes in Idaho.

In line 141, I move to strike out "\$300" and insert "\$500;" so as to

Three for the tribes in Idaho, namely, at Nez Percés, Lemhi, and Fort Hall agencies, at \$500 per annum, \$1,500.

Mr. BECK. I raise the point of order that the amendment is increasing an appropriation, is not recommended by a committee or the head of a Department, or submitted in any form required.

The PRESIDING OFFICER. The Chair understands that it is

Mr. TELLER. I knew that the point of order would be raised, and that is the reason why I did not move such an amendment before. I spoke out of order, of course, but I wanted to call attention to the fact.

The PRESIDING OFFICER. The reading of the bill will pro-

Mr. BECK. I desire to say, just in this connection, that \$300 per annum has been the pay for all these men in the last five years; that no complaint, I understand, has been made, either as to not being able to obtain interpreters or that the pay has not been enough.

They have been serving, at least.

Mr. TELLER. If I may be allowed to say without a motion—or I will make one if necessary—I will say that I know that at one agency where they did not have an interpreter who could interpret, they paid him the \$300, whereas they might have got an interpreter for \$600, who offered to interpret, and in my judgment if they had had an interpreter it would have saved the Government of the United States many thousands of dollars. I believe to-day that if they had had the right kind of an interpreter at the White River agency (and an interpreter did offer to go to the White River agency (and an interpreter did offer to go to the White River agency for \$600 a year) there never would have been any outbreak at that agency. If Mr. U. M. Curtis, the old interpreter, had been there I am satisfied that his influence would have prevented that disaster. But in the interest of economy, attempting to save \$300 a year, we got into the trouble which we did, which, I believe, might have been averted by the payment of a fair sum.

Mr. BECK. All I can say is, that from line 189 to line 192, at the close of the appropriations for interpreters, many of whom have to do but very little, there is this provision:

For additional payment of the said interpreters, to be distributed in the discretion of the Secretary of the Interior, \$4,000.

So that wherever there is an important occasion, where it is neces sary to have an interpreter for important matters, there is \$4,000 to be used in that way. The right to distribute it is in the discretion of the Department, so as to get an important interpreter at an important point at the proper time.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 193, before the word "Indian," to strike out "three" and insert "five;" and in line 194 to strike out "nine" and insert "fifteen;" so as to make the clause

For pay of five Indian inspectors, at \$3,000 per annum each, \$15,000.

Mr. BECK. I desire before any vote is taken upon that amendment to read a letter from the Secretary of the Interior upon the subject, which explains the necessity for it better than I can:

Mr. BECk. I desire before any vote is taken upon that amendment to read a letter from the Secretary of the Interior upon the subject, which explains the necessity for it better than I can:

Department of the Interior, Office of Indian Appairs, which explains the necessity for the services of inspectors in the Indian Eureau, I would respectfully say that this bureau disburses about \$7,000,000 of the Government and Indian trust funds. It performs this work through seventy-one agents, located at points distant from the bureau which has charge of them. It seems to me the plainest dictate of correct business principles that there should be frequent and thorough examination and inspection of these agents in all their operations. I know of no better precantionary method against both mistakes and disbonesty on the part of agents than the certainty of these frequent inspections. The law used to provide for semi-annual inspections, which I think none too frequent. But with the number of inspectors provided for in the bill as it came from the House of Representatives this is physically impossible, as I think the committee will agree with me in saying if they will for a moment recollect the remote distances to most or all of these agencies, some of them over three thousand miles off and so inaccessible as to require weeks and sometimes more than a month to reach them, and also recollect that to make the inspection of any value time must be taken to make it thorough. In my opinion far more than double the cost of the service will be saved by adopting and rigidly carrying out this system of frequent and thorough inspection of all the agencies. In partial proof of which I refer to the fact that the Commissioner of Internal Revenue, who has thirty-six inspectors to examine and report upon one hundred and thirty-dive collection districts, points with pride to the fact that he has been able to account for every dollar that has been collected in his department during the past year.

In addition to the above considerations I would

Hon. James B. Beck, Chairman of Sub-committee of Senate Committee on Appropriations.

I desire only to add that the Secretary of the Interior came before us and made a still more full and elaborate statement than is even made in this communication, and impressed the committee so thoroughly with the importance of it that we recommended the increase

of inspectors from three to five.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 196, before the word "thousand," to strike out "four" and insert "five;" so as to read:

For necessary traveling expenses of three Indian inspectors, \$5,000.

Mr. TELLER. The word "three" ought to be stricken out and "five" inserted in line 195; so as to read:

For necessary traveling expenses of five Indian inspectors, \$5,000.

Mr. BECK. That is right.
Mr. TELLER. I move to strike out "three" and insert "five."
The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill, and in the appropriations for the Cheyennes and Arapahoes, line 231, read the following clause:

For pay of carpenter, farmer, blacksmith, miller, and engineer, as per same article, \$4,500; in all, \$40,600.

Mr. PLUMB. I should like to inquire of the Senator having charge of the bill if the Cheyennes and Arapahoes that we appropriate for under this sub-heading are that portion of those tribes located in the Indian Territory †
Mr. BECK. They are those in the Indian Territory.

Mr. PLUMB. Then I desire to ask the Senator as to the provision for the Northern Cheyennes and Arapahoes on page 22, where those Indians are located?

Indians are located?

Mr. BECK. I am advised that the Northern Arapahoes are in Wyoming, and that some of the Cheyennes are moving down into the Indian Territory with the other Cheyennes.

Mr. PLUMB. Then I desire to call the Senator's attention to the fact that the treaty proclaimed on the 25th of August, 1868, provides for the payment to each member of the tribes consenting thereto, wherever they may be located, of the sum of \$10 for each Indian roaming or \$20 for each Indian engaged in agriculture. I inquire why that provision is not inserted as well in this portion of the bill now under consideration as on page 22?

why that provision is not inserted as well in this portion of the blir now under consideration as on page 22?

Mr. BECK. What treaty is the Senator reading from?

Mr. PLUMB. The treaty proclaimed on the 25th day of August, 1863, between the United States and the Northern Cheyennes and the Arapahoes, which provides—

Mr. BECK. Will the Senator permit me to interrupt him a moment? Is he now speaking in reference to the Northern Cheyennes and Arapahoes of the Northern Cheyennes. ment? Is he now speaking in reference to the Northern Cheyennes and Arapahoes, the provision for which is found on page 22 and the treaty referred to there, or is he speaking in regard to the Cheyennes and Arapahoes mentioned on page 10 of the bill? The treaty of 1867 refers to those on page 10, and the treaty of 1868 to the Northern Cheyennes and Arapahoes on page 22. If he asks in regard to them I can answer, because we examined that.

Mr. PLUMB. This treaty which I have here, which was proclaimed on the 25th day of August, 1868, seems to apply to both the tribes of Northern Cheyennes and Arapahoes and provides that they shall be located either at the mouth of Medicine Lodge Creek or at a reservation specified on the Missouri River; but the provision, as I under-

tion specified on the Missouri River; but the provision, as I understand, applies to all the members of both those tribes without refer-

ence to the particular place where they may locate.

The PRESIDING OFFICER. The Secretary will proceed with the

reading of the bill.

Mr. PLUMB. I desire to move an amendment to this provision. If
this is intended to provide solely and only for so many of these Cheyenia to and Arapahoes as are in the Indian Territory, then I desire to call the attention of the committee to what I think is a substantial omission attention of the committee to what I think is a substantial omission here with reference to the treaty rights of these Indians, and which is of considerable importance in view of what occurred a couple of years ago at their outbreak. If, however, the Senator is entirely satisfied that that is intended for some other Indians, I will save my amendment and move it to that portion of the bill found on page 22.

Mr. BECK. I suppose it would come in there better.

Mr. PLUMB. Then, do I understand the Senator to say that the

Cheyennes and Arapahoes there mentioned are not the Indian Terri-

tory Indians mentioned on page 10?

Mr. BECK. The Cheyennes and Arapahoes mentioned on page 10 are the Indian Territory Indians.

Mr. PLUMB. Then I desire to offer an amendment to line 231, which reads, "For pay of carpenter, farmer, blacksmith, miller, and engineer," &c., by striking out the word "engineer" and inserting instead of "farmer" the words "three farmers."

I desire to say, before the Senator raises any point of order upon this, that there are about five thousand Indians at that agency. An inspection of that agency last summer by myself in connection with some other members of this body satisfied me, as the agent had already been satisfied, that one farmer was practically of no use there.

A large majority of the Indians are willing to undertake some form of agricultural pursuit. Many of them are willing to plow and to of agricultural pursuit. Many of them are willing to plow and to plant. A much greater number are willing to undertake the care of stock, cattle, and horses, but especially of cattle. It is exceedingly desirable that they may have an opportunity of doing this, and that they may have instruction to enable them to do it; but I appeal to all those who have special knowledge on that point that the single farmer now provided there is almost absolutely without use. He cannot in any reasonable way subserve the interests of these Indians in the direction for which he is appointed. One farmer is, as I said, practically of no use. Half a dozen men there could take up the question of instruction of these Indians in agriculture and in the care of stock not only to advantage to the Indian, but to advantage to the Government, because in a very short time if this policy were prop-

of stock not only to advantage to the Indian, but to advantage to the Government, because in a very short time if this policy were properly pursued the Indians would become practically self-supporting. If we are to do anything at all for them, I think it should be in the direction of putting them on a self-supporting basis. I think also that the engineer provided by the treaty and by the bill is of no use whatever. I think he is not employed in point of fact, but that the money is practically diverted to something else. For that reason I think there should be no engineer. I desire simply to make the first amendment a motion to strike out the word "engineer," in line 232. No engineer is employed at that agency, and there is no necessity for one.

Mr. BECK. In looking over those treaties I find that the tenth article of the treaty made on the 28th of October, 1867, provides that each person shall have—

A suit of good, substantial, woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

And for that purpose we provide in this bill:

For purchase of clothing, as per same article-

The tenth article of the treaty of October 28, 1867fourteen thousand dollars.

fourteen thousand dellars.

That being about the amount we have been paying them since 1870, when the treaty went into effect. The Secretary has been before the committee, I desire to say in this connection, and since his estimate was made he assumes that clothes have gone up, say, 40 per cent., and he demands an increase to that extent. The committee have disagreed with him in part, but have inserted a provision which I will refer to hereafter, in order to enable him to comply with that article of the treaty. The same treaty requires us to pay the Indians \$20,000 a year. We have done that in this bill.

Mr. TELLER. To what treaty does the Senator refer?

a year. We have done that in this bill.

Mr. TELLER. To what treaty does the Senator refer?

Mr. BECK. The treaty with the Cheyennes and Arapahoes of October 28, 1867, found in volume 15 of the Statutes at Large, page 593.

Mr. TELLER. That was made with the same Indians who made

Mr. TELLER. That was made with the same Indians who made the treaty of 1868?

Mr. BECK. No; the 1868 Indians were those in Wyoming Territory, the Northern Cheyennes and Arapahoes, I understand.

Mr. TELLER. But these are the same. They are all Northern Cheyennes and Arapahoes. There are no Southern Cheyennes and

Mr. BECK. There are Cheyennes and Arapahoes not known as

Mr. BECK. There are Cheyennes and Arapahoes not known as Northern Cheyennes.

Mr. TELLER. There is no such thing as Southern Cheyennes known to the people in the West, who know the Indians as well as anybody down here. They have been known perhaps since they have gone to the Indian Territory as the Southern Cheyennes, but I have some little personal knowledge of the Cheyenne Indians.

Mr. BECK. I have the treaties in my hand, and here is a treaty between the United States and the Cheyenne and Arapahoe tribes of Indians October 28, 1867, from which I was reading. Now, the Senator from Kansas I think has the treaty of 1868, the title of which, I believe—though I have not seen it—reads "with the Northern Cheyennes and Arapahoes." Will the Senator from Kansas tell me whether that is so or not?

whether that is so or not?

Mr. PLUMB. That is true, perhaps.

Mr. BECK. That is the fact. There are two treaties, one with the Cheyennes and Arapahoes, and the other with the Northern Cheyennes and Arapahoes as I understand. I have no doubt, as I have said time and again, that many of the treaties are absolutely ridicsaid time and again, that many of the treaties are absolutely rindulous, but they are treaties that we are obliged to carry out. The motion now is to strike out the word "engineer." This treaty provides that the United States agree to furnish annually to the Indians a physician, teachers, carpenters, a miller, engineer, farmer, blacksmith, and to make appropriations for the support of those people.

Mr. TELLER. Is there not a provision in the treaty that the Gov-

mr. BECK. No, sir; but the Committee on Appropriations, for the very purpose of guarding against that, added as an amendment to the House bill, on page 53, line 8, section 5, this prevision, to which we shall ask the Senate to agree:

And that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The object of that provision is to get clear of many of these provisions with regard to engineers and others, wherever they are useless, as I have no doubt in many instances they are; but being treaty stipas I have no doubt in many instances they are; but being treaty stipulations we had to comply with them, and we made the provision for the benefit of the Indians that the President, with their consent, might make the change and report to Congress what changes he had made. That gets clear of the difficulty. The Senator from Kansas moves to strike out "engineer," that person being provided for in the treaty. If there is no necessity for the engineer, we get clear of it by the provision I have just read allowing the tribe and the President to do it.

Mr. PLUMB. I desire to say to the Senator from Kentucky that over a thousand of these Indians, Northern Cheyennes and Arapahoes which are mentioned in this second treaty, the treaty of 1868, are now located in the Indian Territory at the same agency where the Indians

located in the Indian Territory at the same agency where the Indians are also located that he says are provided for en page 10. If that bethe case, those thousand Indians are just as much entitled to this annual payment of \$10 for Indians roaming and \$20 for Indians engaged in agriculture as they would be if they were located on the Missouri River. This has this practical effect so far as I am specially concerned. I think it was determined, I think there was no difficulty in arriving at the determination on the part of members of the St. in arriving at the determination on the part of members of the Senin arriving at the determination on the part of members of the Senate charged with investigating the subject, that the Indians located in the Indian Territory had not had paid to them and provided for them what their treaty called for, and that the lack of this payment of \$20 and \$10 per head respectively was a portion of the complaint of the Indians. I think also that there was a very serious lack in the amount appropriated for clothing. I think that the sum of \$14,000 does not comply with the treaty requirement upon that subject. At all events it did not comply with it so far as the treaty was concerned with reference to the Northern Chavennes and Aranahoes, a large porwith reference to the Northern Cheyennes and Arapahoes, a large por-tion of whom are now located in the Indian Territory and entitled just as much to their rights per capita under this treaty as though-they were located on the Missouri River.

Mr. BECK. If the Senator will allow me to say a word there, the \$14,000 allowed in lines 226 and 227 for the purchase of clothing is found to be the same amount which has been allowed to these Indians for a number of years, since perhaps 1870; but fearing that it would not be enough we have added on page 49, beginning at line 1193, the following words:

For additional clothing not specifically appropriated for under the treaties with the various tribes, to be distributed by the Secretary of the Interior in cases where necessary, \$60,000; and he shall cause reports to be made to Congress at its next session thereafter of his action under this provision.

It was to enable the Secretary of the Interior to meet the case, and this was one of the cases spoken of perhaps more particularly than any other, that this \$60,000 was given to the Secretary of the Interior to clothe them, because we all agree that it is cheaper to feed and clothe them than it is to fight them. We have endeavored in every form that we could to get along in compliance with treaties of this character, which no man can say ought to be made now in the changed condition of affairs, but they are upon us and we are doing the best we can with them. We are putting in provisions everywhere to en-able the Secretary of the Interior to do with the money what is best for the Indians and at the same time to be as economical as possible. I hope the Senator from Kansas will observe that with each of the treaty stipulations we have endeavored to comply faithfully, and have endeavored by other provisions to get around the hardship or the

want of the use of them by general powers given to the President in the one case and the Secretary of the Interior in the other.

I desire to say furthermore that we called the Secretary of the In-terior before us, the Commissioner of Indian Affairs, and the chief terior before us, the Commissioner of Indian Alfairs, and the chief clerk of the Indian Department, and they assured us this was the best thing to be done. We could not go over every treaty and see every item and say whether it was exactly correct or not, but we had assurance from them that they had examined them with great care. We examined them as well as it was possible for us to do ourselves. They went over them in part with us. We believed that if we complied with the stipulations of the treaties accurately, dropping wherever the treaties are ended and adding such other ways in some the

plied with the stipulations of the treaties accurately, dropping wherever the treaties are ended and adding such other provisions as will prevent them from suffering, it was all that could be done.

Mr. TELLER. I should like to ask the Senator what he is to do with those thousand Northern Cheyennes who are now down there, if the statement made by the Senator from Kansas is correct? What is to be done with them? Are they to receive their \$10 per capita there or not? The provision on page 22 is for those still living in the northern part of the country, in Wyoming.

Mr. BECK. I can only answer to this extent: On page 22 will be found these words:

found these words:

Second of ten installments, to be expended by the Secretary of the Interior for each Indian engaged in agriculture and roaming—

We struck out the number of Indians and added the words "and roaming"-

in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, as per sixth article of treaty of May 10, 1868, \$35,000.

1868, \$35,000.

We are advised by the Department that that \$35,000 under that article of the treaty is expended between the Northern Cheyennes and those in the Indian Territory in proportion to the number which are now at the various points; and also the \$12,000 which is the "twelfth of thirty installments for the purchase of clothing, as per sixth article of the treaty of May 10, 1868." That is also divided so that those who have gone to the Indian Territory obtain their part of it, and those who remain with the Arapahoes in Wyeming obtain their part of it, and the division is equitably made.

Mr. TELLER. But what you call the Southern Cheyennes get nothing.

nothing.

Mr. BECK. I do not call them Southern Cheyennes; I call them the Cheyennes that are now in the Indian Territory. There are there at the Cheyenne and Arapahoe agency, 5,596 people. The number is

very large.

Mr. TELLER. I should like to say a word about the Southern Cheyennes, not as a matter of very great consequence, but as my statement is called in question. All of these Cheyenne Indians are Sioux Indians belonging to that family, as did originally the Comanches, who broke from the Sioux about a hundred years ago and went south. These were called Southern Cheyennes when I went to that country where they roam, and were denizens of Colorado, running south then to about the line of New Mexico and north clear to British Columbia, or as far as they were allowed to go. Some years afterward the Government made a treaty with them. I do not remember when they went south, but it is within my day, since I have been in the West. Since that they are called perhaps Southern Cheyennes, to distinguish them from those who did not go. They are all parts of the same tribe and the same family.

Mr. BECK. I have no doubt of that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. Plumb.]

The amendment was rejected.

Mr. PLUMB. In line 231 I move to strike out the word "farmer"

and insert "three farmers."

The PRESIDING OFFICER. The amendment, in the opinion of

the Chair, is out of order.

Mr. BECK. I make the point of order on it.

The PRESIDING OFFICER. The Chair holds that it is out of order:

Mr. BECK. It is in violation of treaty stipulation as well.
Mr. PLUMB. I then desire to move an amendment, to comply with article 8 of this treaty, which is as follows:

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value \$100; and for each succeeding year he shall continue to farm for a period of three years—more he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value \$25.

The remaining portion of the article provides further that "when-ever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron,

or the soil, a second blacksmith shall be provided, with such fron, steel, and other material as may be needed."

This is a very material part of the treaty as affecting the welfare of these Indians and as affecting their future relations with the United States Government. They cannot farm unless they have the seeds and implements necessary to do it. It is just as much an essential part of the treaty that they shall have these articles as that they shall have any other thing therein provided for. If these Indians are ever to be put in the position of caring for themselves it must be by their acquiring habits of industry and skill which will enable them to cultivate the soil in connection with other things. To accomplish that purpose it seems to me that this portion of the treaty ought to be as strictly regarded as any other, and that some appropriation, I do not care how small to begin with, should be made to enable the Secretary of the Interior to supply seeds and agricultural implements to such of these Indians as shall choose to use them. I know that many of these Indians desire to enter upon the pursuit of farming; many of them have become, measurably at least, satisfied with their lot. They know that they must soon come to a point where they will cast off the support of the Government; and that class of them is year by year growing larger. If properly aided by the United States authorities and by the advice and experience of farmers properly skilled, appointed by the Government for that purpose, they will soon put themselves in a condition where by the tillage of the soil they will become self-supporting. I therefore move to insert, after the word "dollars," in line 233: shall have any other thing therein provided for. If these Indians are word "dollars," in line 233:

For the purchase of seeds and agricultural implements, as provided in article 8 of the treaty with said Indians, \$5,000.

Mr. BECK. I shall make the point of order on that, Mr. President. Mr. PLUMB. That is to carry out a treaty obligation. Mr. BECK. To what treaty does the Senator from Kansas refer f Mr. PLUMB. It is provided for in article 8. Mr. BECK. I ask what treaty is referred to f Mr. PLUMB. The treaty of 1868, page 133 of the volume before

me.
Mr. BECK. There was no such treaty made with these Indians.
Mr. PLUMB. Of the Indians described in this treaty, one thousand and more are now at some place in the Indian Territory, with these other Indians. Wherever they are, as I said before, they are entitled to receive the treaty benefits. Whether they are on the Missouri River or in the Indian Territory, the treaty ought to be regarded as equally obligatory upon the United States Government, and more especially, as I am prompted by the Senator from Massachusetts [Mr. DAWES] to say, since they were taken there against their consent and

Mr. BECK. I have only to say that we are now dealing with the Cheyennes and Arapahoes under the treaty of October 28, 1867. Provisions are made from lines 221 to 233 to carry out that treaty. Now the Senator from Kansas seeks to amend by inserting the provisions of another treaty made with another tribe, because, he says, some of the persons with whom the treaty was made have moved down and are now a part of this tribe who have treaty provisions with us of October 28, 1867.

Mr. TELLER. They are the same tribe.

Mr. DAWES. Will the Senator give the date of the treaty he is

Mr. BECK. The date of the treaty I am speaking of is October

Mr. DAWES. That is the date of the treaty the Senator from

Mr. DAWES. That is the date of the treaty the Schator Roll
Kansas has been reading from.
Mr. BECK. I understand that it is not.
Mr. DAWES. It is so in this book. The title of the treaty is:
"Treaty between the United States of America and the Cheyenneand Arapahoe tribes of Indians. Concluded October 28, 1867. Ratification advised July 25, 1868. Proclaimed August 19, 1868."

Mr. PLUMB. The trouble is that when we have been referring to the same treaty we have referred to it by different dates, the date of

conclusion and ratification with the Indians, respectively.

Mr. TELLER. That explains it. Mr. DAWES. I will show the Senator. That is the one [indicat-

ing] the Senator from Kansas is reading from.

Mr. BECK. That is the one he read from before, [indicating.] I was right. But the Senate can pass upon the amendment. I desire only to add that we have provided here for all that the Department estimated for, all that is in that treaty that they say they required.

The House made a careful examination of it. The House made a careful examination of it.

Mr. DAWES. The Senator from Kentucky is mistaken about the

treaty. The treaty which I showed to the Senator is the one from which the Senator from Kansas read.

Mr. EATON. He did not give the right date; he gave the other

Mr. TELLER. He gave the date of the ratification.
Mr. BECK. The Senator from Kansas gave the date of the treaty
with the Northern Cheyennes and Arapahoes, which I showed to the
Senator from Massachusetts on the following page. That is all I

know about it; but I care nothing about that.

Mr. DAWES. The Senator from Kansas read from the treaty which

the Senator from Kentucky says is the treaty under which the appropriation is being made. The Senator read from that treaty.

Mr. PLUMB. I spoke of this treaty.

Mr. BECK. I will say no more except that we have given all that the Department demanded and that the treaty seemed to require. The clause was satisfactory to the Department, agreed to by the House, clause was satisfactory to the Department, agreed to by the House, not changed by the Senate committee; and independent of the two provisions which I read, one of which gives \$60,000 to the Secretary of the Interior to purchase clothing, if there should not be enough, and another which authorizes the President to change the appropriation for millers, engineers, and farmers and other useful objects, on page 44 in the bill, from line 1064 to 1067, is a provision:

For education and civilization of the Indians within the limits of the late Central superintendency—

That is in the Indian Territory-

including clothing, food, and lodging for the children attending school, \$18,000.

There is another general provision out of which I understand seeds, agricultural implements, and everything in that way that those Indians want and will attempt to use is also furnished, and there is another small fund, arising from the proceeds of the sale of some land, which is also added to purchase agricultural implements. From that in one way and another, and very harmoniously, if you please, they are all provided for.

Mr. DAWES. Does the Senator understand that to apply to these

Mr. BECK. I do; a part of it goes to these Indians. So I am ad-

Mr. TELLER. That is, if the Department sees fit.
Mr. BECK. If the Department see fit, and they are doing it, so

The PRESIDING OFFICER. The Chair understands the Senator

The PRESIDING OFFICER. The Chair understands the Senator from Kentucky to withdraw his point of order.

Mr. BECK. No, I do not. I insist on the point of order.

The PRESIDING OFFICER. The question of order, of course, is not debatable. The Chair is of opinion, however, that an amendment which does carry out the provisions of any treaty is in order on this bill. There is a question of fact whether the amendment be to execute the course of the cour bill. There is a question of fact whether the amendment be to execute any provision of a treaty, and if the Chair and the Senate cannot agree upon it, the Chair will have to ask the Senate to construe it.

Mr. TELLER. I guess there is no issue of fact.

The PRESIDING OFFICER. The Chair thinks an amendment is in order to carry out the provisions of any treaty.

Mr. TELLER. The Senator who has the bill in charge says the

Mr. TELLER. The Senator who has the bill in charge says the committee have given all the Department asked, and therefore we ought to stop. If it is the duty of the Senate and of the Honse to carry out existing treaties, and the Department come here recommending a bill, or furnish estimates and statements of the amounts they want, which do not fully carry out a treaty, it is our duty to put it in. I know a great many instances where the treaties have been violated through the oversight and inattention and inexcusable neglect of the Department of the Interior, not simply now but within the last twenty years. There are a hundred such cases that might be cited. Here is a clear provision of this treaty, a clear and explicit statement as to what these Indians should have. The bill has provided for clothing, it has provided for engineers, it has provided for millers, but the provision for seeds and things of that character the committee have sent it to leave out of the bill. The Senator from Kentucky thinks that it is a perfect answer to an amendment to say that the Department have a perfect answer to an amendment to say that the Department have not asked for it. It seems to me that it is our duty to put the provision in. If we are to attempt to live up to these treaties at all, if we are not to abrogate them absolutely and pay no attention to them, we should follow them not simply in the letter as to a few items but as to all. It is a great deal more important that the Indians should be recorded and accordingly and pay no attention to them, have seeds and agricultural implements than that they should have an engineer to run an engine when there is not one in that vicinity at all, and never will be perhaps, or not for many years.

The PRESIDING OFFICER. The question is on agreeing to the

amendment of the Senator from Kansas, [Mr. Plumb.]
Mr. BECK. Let the amendment be read again.
The PRESIDING OFFICER. The amendment will be read.
The SECRETARY. After the word "dollars," in line 233, it is pro-

For the purchase of seeds and implements, as provided in article 8 of the treaty of 1868 with said Indians, \$5,000.

Mr. EATON. As the Chair has decided that an amendment to provide for any treaty obligation is entirely in order, I shall be glad to have that section of the treaty read under which this amendment is

Mr. DAWES. A read from the treaty which is found in the Book

of Indian Treaties, on page 129, headed "Treaty between the United States of America and the Cheyenne and Arapahoe tribes of Indians; concluded October 28, 1867; ratification advised July 25, 1868; proclaimed August 19, 1868," and on the one hundred and thirty-third page of the book, article 8 of this treaty, I will read:

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agriculture implements for the first year, not exceeding in value \$100; and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value \$25.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Mr. EATON. Now, I apprehend that the Chair will have no hesitation in saying that this amendment is out of order, for the treaty provision certainly does not apply to anything that may be done in the year 1880. It relates to what might transpire from 1867 to 1871, four years. Mr. WITHERS.

And, besides, the amount does not correspond.

Mr. WITHERS. And, besides, the amount does not correspond.
Mr. EATON. Not at all.
Mr. PLUMB. This is a continuing provision plainly. It is not
expected that all these Indians will take their certificates and go to
farming the first year; in point of fact they have not done so; and
it applies as long as there are Indians who shall take up farming that
have not heretofore done it.
Mr. PATON. It does not say that

Mr. EATON. It does not say that.

Mr. PLUMB. It says the Indian shall be furnished with agricultural implements "the first year." What "first year?" The first year he farms, undoubtedly, "and for each succeeding year he shall continue to farm," plainly showing that the first limit of time applies to the act of the Indian in commencing to farm—

For a period of three years more he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value \$25.

Now, so long as there is any Indian of this tribe who has not com-menced to farm, and has not therefore availed himself of this article menced to farm, and has not therefore availed himself of this article of the treaty, he is entitled to receive what this article provides for. The fact is, because these implements and seeds have not been provided, that very few of these Indians have done what the treaty contemplated they should do, to wit, become self-supporting. One of the difficulties the agent has had to labor under has been the fact that he has not had these implements and seeds to offer these inducements to do what this article, as I said before, contemplated they should do, to wit, learn farming.

The PRESIDING OFFICER. The debate is entirely out of order

except to ascertain the question of fact whether this amendment is

to carry out the provisions of the existing treaty.

The eighth article of the treaty reads as follows:

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value \$100; and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value \$25.

Now the Chair cannot say that the amendment is intended to carry out this provision of the treaty unless the amendment is restricted to the terms of it. The Chair is unable to tell whether it is a provision which entitles these Indians to the money or not.

Mr. BECK. There has never been a selection made or a certificate granted to the Indians.

The PRESIDING OFFICER. So the Chair, for the purpose of set-

thing the question, will rule the amendment as offered out of order.

Mr.INGALLS. I suggest to my colleague that the difficulty can be obviated by adding "subject to the provisions and limitations of the treaty." Of course I agree with the Chair in saying that there is a question of fact to be decided before the question of order can be de-

termined. In fact, there are two questions; first, whether the treaty itself provides for an appropriation, and, second, whether the conditions have been reached that render it available. I would suggest to my colleague that he amend his amendment by adding "subject to the provisions and limitations of the treaty," which of course would make it in order.

Mr. PLUMB. I thought I had covered that point by the words "as provided in article 8," but if that is not sufficiently specific—

The PRESIDING OFFICER. The amendment, as offered, is ruled out of order. The Senator from Kansas can propose another amend-

ment.

Mr. PLUMB. Then I move the amendment adding the words "subject to the provisions and limitations of the treaty," and I propose to insert also, after "\$5,000," the words "or so much thereof as may be necessary," in order that this shall not be an absolute appropriation of that amount. Then it is simply adapting itself to the circumstances as they arise under the observation of the Secretary of the Interior or his agent who is charged with the duty of furnishing these articles to these Indians. I offer it in that shape.

The PRESIDING OFFICER. The amendment will be reported as new offered.

now offered.

The SECRETARY. After the word "dollars," in line 233, it is pro-

For the purchase of seeds and implements as provided in article 8 of the treaty of 1868 for the said Indians, subject to the provisions and limitations of the treaty, \$5,000, or so much thereof as may be necessary.

Mr. BECK. I make the point of order against the amendment still.

Mr. BECK. I make the point of order against the amendment still. That modification does not help it at all.

Mr. INGALLS. In order to show that this appropriation ought to be made, that it is in accordance with treaty stipulations, and that it has been in the mind of the Interior Department, I would call attention to the report of the Secretary of the Interior made to the present Congress, in which there is a statement showing the present liabilities of the United States to Indian tribes under treaty stipulations, and on page 296, under the head of "Cheyennes and Arapahoes," is this statement of the number of installments yet due under existing treaty stipulations: treaty stipulations:

Three installments, for the purchase of seeds and of agricultural implements. Two installments, of \$2,500 each, due.

Mr. EDMUNDS. Does that refer to this treaty?
Mr. INGALLS. Certainly it refers to this treaty.
Mr. EDMUNDS. I should like to suggest on this point of order in view of what the Senator from Kansas has just read from an official report made to Congress, that under this treaty there are two installments now called for by this seeds provision that is referred to in article 8; and that being our information, it does appear to me that this proposition, as it now stands, to provide the means for carrying that out in the way the treaty provides, subject to its limitations, must be in order.

must be in order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment as now proposed is in order. The question is on the amendment of the Senator from Kansas, [Mr. Plumb.]

Mr. KIRKWOOD. Mr. President, on the question of fact I happen to have some little information, having been during the past summer at this agency. The agent there is making every effort he can, in good faith I am satisfied, to induce the Indians there to go upon lands and make farms. The number of Indians altogether is about five thousand, and they have what they call farms, from three acres perhaps up to forty acres, to a number approaching, I think, one hundred. There is great difficulty in getting them to go on in that direction and cultivate new lands, growing out of various causes, among which are There is great difficulty in getting them to go on in that direction and cultivate new lands, growing out of various causes, among which are these: There is one man at the agency called a farmer, who has a great many duties to perform, and among others it is his duty to aid any Indians who desire to start a farm; but his time is so taken up that it is utterly impossible for him to perform that duty as it should be performed. He can go out with an Indian to a new piece of land, help him hitch up his wild ponies to a plow, and stay with him long enough to draw two or three furrows across a piece of land, and he is compelled then to go somewhere also and the poor Indian is left to

enough to draw two or three furrows across a piece of land, and he is compelled then to go somewhere else, and the poor Indian is left to wrestle with the problem before him as best he can.

Another trouble is the want of seeds and agricultural implements. I was not aware myself whether they were provided for by the treaty or not; but I was perfectly well convinced in my own mind from my observation there that if it is expected anything shall be done in this direction, it must be done by appropriating money for that purpose. You cannot do it otherwise. The fact exists that it is necessary unless we abandon the idea of getting these people to make farms; and if it is required by treaty, it makes the obligation to do it much stronger than it otherwise would be.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. Plums.]

The question being put, there were on a division—ayes 17, noes 14; no quorum voting.

no quorum voting.

Mr. TELLER. Let us have the yeas and nays.

The PRESIDING OFFICER. The roll will be called as the rules

Mr. BECK. I simply desire to give notice to gentlemen on both sides that this bill of course will take some time, but no item of it

sides that this bill of course will take some time, but no item of it shall pass without a quorum being present.

Mr. HAMLIN. The yeas and nays have been called for, and the fact of a quorum can be ascertained in that way.

The PRESIDING OFFICER. The Chair recollects the rule to be that if it appears from proceedings in the Senate that there is not a quorum present the Secretary shall call the roll.

Mr. EDMUNDS. That is the rule certainly.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll and forty-eight Senators approved to

The Secretary called the roll and forty-eight Senators answered to

The PRESIDING OFFICER. There is a quorum present. The yeas and nays are called for on the adoption of the amendment of the Senator from Kansas.

The yeas and nays were ordered.

Mr. BECK. Let the amendment be again read.

Mr. BECK. Let the amendment be again read.

The Secretary read the amendment of Mr. Plums.

Mr. BECK. I desire to say for the information of gentlemen who were not here when the amendment was offered that the Senate Committee on Appropriations have made no change in the bill as it came from the House in regard to the Cheyennes and Arapahoes, and the House has given, on page 10, lines 221 to 234, every dollar that the Department asked to carry out the treaty now called to our notice. We are now asked to give \$5,000 more for seeds to be supplied to one

tribe. We have made other provisions in the bill for fear there was not enough in these items. We have given them \$18,000 to aid in the education and civilization of the Indians, to be used at the old the education and civilization of the Indians, to be used at the old Central superintendency, a portion of which goes to this tribe, as we are advised by the Department. They furnished seeds and agricultural implements out of that fund. For fear they should not still have enough to buy clothing because of the increased price, we have given the Secretary of the Interior \$60,000 to use as he pleases to aid the Indians. Knowing that they did not have need for a miller, blacksmith, engineer, &c., as provided for by the treaty, we have reported an amendment saying:

And that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

So that wherever they have no use for millers, engineers, &c., and the money is provided by treaty for them, that money may be taken and used to buy agricultural implements and seeds, with their consent. Now the question is, will the Senate go on and add to this bill what the Department does not want, what the Indians are supplied with already, out of money now furnished? Will they ofte this money for seeds which the Indians are only entitled to "when the head of a family or a lodge shall have selected lands and received his certificate as above directed," when there is not one of them that has selected land or received a certificate, and there is no demand for it by the Indians, no communication from any Department, no recommendation from any committee? If the Senate are now going to throw away the money of the Government because somebody wants more for this purpose, let them vote for the amendment. for this purpose, let them vote for the amendment.

Mr. KERNAN. As I understand, the Department do not ask for

this money

Mr. BECK.

this money?
Mr. BECK. They do not.
Mr. KERNAN. And the Indians do not ask for this money?
Mr. BECK. They do not.
Mr. KERNAN. Then I do not see why we should vote it.
Mr. KIRKWOOD. I confess I do not understand precisely the theory upon which the Committee on Appropriations make appropriations. I presumed, until recently, that they were fully informed of the wants and necessities of the different Departments of the Government, and that they made the appropriations in accordance with the information they thus had; but it seems to me the rule now is that the appropriations are made never a penny beyond the estimates submitted by the Departments, but often for less amounts than are submitted by the Departments, and it seems to be a perfect answer

submitted by the Departments, but often for less amounts than are submitted by the Departments, and it seems to be a perfect answer in the estimation of the Committee on Appropriations to any proposition to enlarge the appropriation that the particular Department has not asked for any more than they propose to give.

Well, if that be the true rule, it is a very convenient thing for Congress, because it relieves Congress of all responsibility. If the result of it shall be that any particular portion of the public service suffers, then Congress can throw itself back upon the statement that the Department did not ask for anything more, and we were not presumed to know anything but what the Department told us, and therefore the fault is not with Congress, but with the particular Department. If that is the rule, it is a convenient rule undoubtedly. But if the knowledge was to come to the Committee on Appropriations that by oversight, or mistake, or something else, a particular Department has not estimated for as much as the public wants require, it seems to me, with all deference to that committee, that we ought as a Congress to say that we know something as well as the Department does, that we know a particular want requires a particular appropriation, and that because that is so we make that appropriation. Senators older in service here than I ought to know better than I what should be done in a case of this kind; but this, it appears to me, should be the

done in a case of this kind; but this, it appears to me, should be the rule.

In this case the Senator from Kansas says that a treaty requires that this appropriation shall be made. I do not know whether that is so or not, and therefore do not say anything about it.

Mr. INGALLS. The Secretary of the Interior says so.

Mr. KIRKWOOD. Very well. As is known to some other members of the Senate, I was at the place where this agency is, during the last summer, as one of a special committee raised by the Senate to go there for a particular purpose, to look into the condition of these Indians, among other things. Every year some of these Indians, abandoning their old habits, are going out and making what they call farms—three, five, ten, and twenty acre farms. I have always understood it to be the policy of the Government to encourage them in doing that thing. I understand it to be the policy of the Government now to encourage them in doing that thing. And yet how can they make a farm without a plow? How can they make a farm without a harrow? How can they make a farm without seeds to put in the ground to raise crops from? I do not know how, and yet I know something about farming. If I were turned out upon the prairie without plow or harrow or farming implement or seeds, and told to farm without them, although I profess to have some skill in that business, I should be at a serious loss. And are we not running the risk of asking of these wild Indians what we cannot do ourselves? And if we ask them to do that, are we not asking an unreasonable thing?

The want exists there. Gentlemen tell me the treaty provides that that want should be supplied. I do not say how that is, because I do not know; but the want does exist. If in consequence of a failure to perform a treaty obligation here, there should be an outbreak of Indians, what should we say? There are five thousand of them there, and we are keeping steadily within a mile or a mile and a half of the agency four or five or six companies of troops. Why? Just because we fear an outbreak. Part of your Army is kept there and must be kept there year after year to prevent the possibility of an outbreak. If an outbreak shall come, then the newspapers will be full of the statement that our Government does not discharge its treaty obligations, and we shall hear it here in the Congress of the United States tions, and we shall hear it here in the Congress of the United States

tions, and we shall hear it here in the Congress of the United States that the Government does not discharge its treaty obligations; and when we get down to the point of the matter we shall find that the reason why the Government has not done it is because Congress has not given the money with which to do it.

Mr. ALLISON. Mr. President, I voted on the rising vote against this amendment. I did so because I find no obligation on the part of the Government anywhere to make this appropriation. It is true that the eighth article of this treaty does provide that after the Indians have complied with article 6 of the treaty we shall do certain things for them. There is no evidence that I have been able to find, either in the report of the Commissioner of Indian Affairs or in the report of the agent at this agency, that any such state of things exists. report of the agent at this agency, that any such state of things exists.

Mr. INGALLS. Will the Senator allow me to ask him if he was

present when I read from the report of the Secretary of the Interior a statement showing the present liabilities of the United States to Indian tribes under treaty stipulations?

Mr. ALLISON. I was present and heard that statement read and had the book before me.

Mr. INGALLS. The Secretary of the Interior states that under ar-

Mr. INGALLS. The Secretary of the Interior states that dided atticle 8, to which my colleague has referred, there are now due two installments of \$2,500 each under that express provision

Mr. ALLISON. I read that statement. I have it on my desk before me. I agree with the other Senator from Kansas [Mr. Plumb] fore me. I agree with the other Senator from Kansas [Mr. PLUMB] that this treaty is a continuing treaty; it is not a treaty that is complied with in one, two, or three years; and therefore that tabular statement in the report of the Commissioner of Indian Affairs does great injustice to these Indians. I hold with the Senator from Kansas, the colleague of the Senator who just interrupted me, that when one hundred Indians shall undertake farming we are obliged by this treaty to commence making these appropriations for their use, and that these appropriations shall continue for four years. But how do we know what evidence is there before the Senate that one single we know, what evidence is there before the Senate, that one single one of these Indians has taken land under the sixth article of this

one of these findans has taken land under the sixth article of this treaty for which we are making this appropriation?

Mr. INGALLS. The Senator from Iowa will excuse me; but the statement of the Secretary of the Interior is not an injustice, as he says, to the Indian. It does not go against his theory that this is a continuing obligation; but, on the contrary, it expressly declares that there has been a compliance with the treaty by a sufficient number in the land of the same and the same article of this declaration. of Indians to render two installments already due. That is his dec-

Mr. ALLISON. My colleague said a moment ago, after a visit to these Indians, that he did see there some evidences of farming. I hold in my hand the last report of the Commissioner of Indian Affairs, and in that report I find a detailed statement of the Indian agent at the Cheyenne and Arapahoe agency, and I find there reported of acres of ground cultivated, one thousand and sixty-four; acres of prairie broken by Indians during the last year, sixty-seven. Now it is proposed by the Senator from Kansas [Mr. Plumb] to appropriate \$5,000 for the purchase of seeds at an agency where there are one thousand acres of land broken. The Senator from Kansas may have knowedge that during this year these Indians propose to break farms to the extent of several thousand acres, which would justify an appropriation of \$5,000 for seeds.

Mr. PLUMB. The objection then is to the amount and not to the

appropriation.

Mr. ALLISON. I make no objection to this amendment if the Sen-Mr. ALLISON. I make no objection to this amendment if the Senator from Kansas can fairly show that we owe the Indians anything under this treaty, or that we can advance their progress in agriculture or in the mechanic arts by making this appropriation. I shall in that case be willing to make it and to make it ireely, but by simply making this appropriation we shall not discharge an obligation which we shall owe to them in future when they in fact commence farming. That is my objection to it. If these Indians three years or five years from now shall begin farming at this agency, we shall be obliged, as I understand it, under the treaty to make an appropriation to each I understand it under the treaty, to make an appropriation to each head of a family of \$100, and it will not be a sufficient answer to say

that this year when they were not in fact engaged in agriculture we made this appropriation in advance. That is all I have to say about it.

Mr. DAWES. Mr. President, the Committee on Appropriations seem to think that they have fairly answered this application for an appropriation by two statements; first that the Indians themselves do not ask it, and next that the Indian Bureau does not ask it. Now

look at this treaty and see what is the spirit of it:

If any individual, belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming—

He shall be entitled to the help of the Government by the furnishing to him of plows and seeds. The committee are waiting for an In-

dian to send them word here to Congress that he is desirous to commence farming before they will move toward providing him with the implements for farming and the seeds. They say the Indians have not made application to Congress for any aid in commencing farming, and the Indian Bureau has not made any application for it because the Indian has not. The Indian has made no application to Congress for this aid. The Indian Bureau is not moved to ask Congress to make this appropriation for the reason that the Indian himself has not asked for it.

Here are a thousand Northern Cheyennes taken down to the Indian Here are a thousand Northern Cheyennes taken down to the Indian Territory by force and put upon the soil there, and we are feeding them day by day just precisely as we feed the Army, with daily rations, and cover them with clothing supplied by this Government. They are a thousand out of fourteen hundred; the other four hundred are still up in their homes among the hills of Dakota self-supporting, taking care of themselves, without one dollar of expense to the Government. The experiment of the Government with this tribe is that one thousand out of the fourteen hundred it has taken down to the Indian Territory it is obliged by an appropriation year after year to feed and clothe until such time as an inspiration, unawakened by the Government or by the agents or by the farmers, shall irresist-ibly come over an Indian to insist upon it that he be a farmer! That is the policy of the Government!

Mr. ALLISON. Does not the Senator know that if this appropriation is made not one dollar of it can be applied to the Northern Chev-

ennes of whom he is now speaking?

Mr. TELLER. Why not?

Mr. ALLISON. Because the Northern Cheyennes and Arapahoes are provided for in a different portion of this bill.

Mr. DAWES. I do not know any such thing as the Senator states for the reason that it is proposed to make this appropriation in conformity with the circle, active of the reason that it is proposed. formity with the eighth article of the treaty made with the Chey-

ennes and Arapahoes.

Mr. ALLISON. Not with the Northern Cheyennes and Arapahoes.

Mr. DAWES. This money is expended down at the agency of the Cheyennes and Arapahoes at Reno, and it is for that purpose and in conformity with this treaty that this amendment is offered.

Now, I desire to state to the Senate, and through the Senate to this

committee, just what the Indian agent finds is the difficulty down there. He has enabled the Indians to take and cultivate land to the extent of a thousand acres. It is his opinion that he could induce them to take three or four thousand more acres in a year if he only had the agricultural implements and the seeds and the other means of inducing them to undertake it. But until an Indian signifies his desire the Committee on Appropriations will not move, and until the Indian Bureau is desirous of making an appropriation that is not absolutely necessary down there they will not move; and so we go absolutely necessary down there they will not move; and so we go on year after year with these Indians, and the expense is increasing. The number of these Indians is 5,500 to-day; last August it was 5,004. So it will be before this year is out 6,000, and no more provision is made for any one of them to be self-supporting. It would be better to take these Indians and put them back among their associates in the hills where they would support themselves, with a part of this money, rather than to expend it down there in feeding them this way. The idea of the amendment is to have \$5,000, or so much thereof as may be necessary, to provide these implements and these seeds ready for the Indians, and to have the farmer there to stimulate the Indian, to take hold of the land and show him how to use these seeds and implements. The complaint of the Indian agent is that he is for

The complaint of the Indian agent is that he is not furnished by the Government with the means of working any improvement in the condition of these Indians, and he cannot expect anything if the simple answer to all attempts to furnish him with the means is, "Why, the Indian has not asked this and the Indian Bureau has never asked this." It is a great deal easier for the In-dian Bureau to get along in the way it always has got along. The trouble with the Indian Bureau is that the people desire to change its methods and its policy. The Indian Bureau would be absolutely happy if nobody would suggest a change in its ways and its methods. You will not find the Indian Bureau suggesting any new methods of treatment unless they are forced to it either by public opinion or by Congres

But, according to our committee, Congress is not to be moved to-ward that until the Indians send up here some written application to be read at the Clerk's desk signifying, some Indian by name, that he is desirous of taking up one hundred acres of land, if he can have so many plows and so much seed and other facilities for cultivating it. It is preposterous; it is idle; it is worse than throwing away the money of the Government to continue in this way and keep on in this money of the Government to continue in this way and keep on in this method. Every one who visits the Indian Territory or the Indian tribes who are not in the Indian Territory, and sees the difficulties that surround the agents and those who are anxious to improve their condition, must know that this method of going on here with an indifference that compels the calling of the roll of the Senate to get a quorum in these seats to act upon the Indian bill is only a continuance of an evil that in and of itself grows worse and worse every day, increasing the burden of the Government and aggravating the difficulties that the Government has to contend with, because whenever any effort is made to improve the condition of the Indian looking toward his self-support the answer comes back upon the effort "the toward his self-support the answer comes back upon the effort "the Indian himself does not ask it in legal and proper form, nor does the

Indian Bureau ask it at all," and therefore we go on again this year as we have gone on year after year with the dependent Indians multiplying on our hands, and so fed and so cared for as to make them grow

Worse and worse every day.

I suggest to the Senator from Kentucky, who expects to have charge of the Indian bills here for years to come, that he will relieve himself of a great deal of labor hereafter if he will undertake to see to it that the money he so carefully appropriates for the Indian shall be, some portion of it at least, applied to means which will result in his being a self-supporting Indian rather than in feeding him from hand to mouth as this policy of this bill is so certain to produce.

Mr. WILLIAMS. I should like to inquire of the committee whether

this amendment proposes to increase the sum total of the appropriation or merely directs that \$5,000 of it shall go to the purpose indi-

Mr. BECK. It is an absolute increase of that much, and it is given to this particular tribe beyond what is asked for by the Department. There is no reason why it should not be given to every other tribe. The meaning of it is for Congress to add this sum now without the recommendation of the Department, in spite of the treaty, because the treaty provides only

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value \$100, &c.

Not one of them has selected lands, received a certificate, or applied or this. The Department has given them all the seeds and all the agricultural implements they have asked for, and has instructed the agent to find out what the Indians want, and has the money provided to-day to give it to them; and yet a raid is to be made on the Treas-ury on some idea or other that nobody knows anything about, without a demand from the Indians, against the recommendation of the Department, to take \$5,000 now and give it to this set of Indians, and of course we should give \$5,000 to each other set of Indians on the

same principle.

I have believed, Mr. President, and I believe now, that the system of managing the Indians has not been an economical one. I believe that we ought to endeavor to improve their condition, and every clause in this bill as amended by the Senate committee is looking in that direction. If the Senator from Massachusetts will turn to page 43, lines 1051 to 1053 he will see that the Committee on Appropriations of the Senate have asked an increase from \$65,000 to \$75,000 for the support of industrial schools and for other educational purposes for the Indian tribes—adding \$10,000 for that object. We are endeavoring to break up the tribal relation by authorizing the employendeavoring to break up the tribal relation by authorizing the employ-ment of an Indian police and paying the privates \$5 a month and rations. We raise the item from \$60,000 to \$80,000. The object is to give control to the officers of this Government over the young In-dians instead of allowing them to be under the control of their chiefs. We are in every form seeking under the present system as well as we can to improve them. We are seeking to make them self-sustain-ing; we are doing everything that can be done for them.

But gentlemen come here with not a single fact to sustain them, not an Indian agent demanding it, no communication from any quarter, and ask that \$5,000 should be given for seeds, when the committee aver upon the word of the Department itself that all the seeds and implements asked for by this tribe have been furnished to them, that the Department has asked the agent to ascertain how much more they wanted and it was ready to furnish them because funds are provided for that purpose. Why under these circumstances \$5,000 more should be taken, without some fact to base it upon, is what the committee desire to know. If the Senator from Massachusetts knows that these men are not supplied with seeds, are not supplied with agricultural implements, let him say so. Does he know of any demand of theirs on the Department which has been refused? If so, let him

We have not heard it.

The Senator from Iowa [Mr. Kirkwood] said the committee thought they and the Department knew all, and Senators knew nothing, and therefore he seemed to rebuke the committee because they demanded The committee do not desire to assume any such posiinformation. What do they say? There are Committees on Appropriations of the House and Senate; there is a Department that has charge of the Indians. That Department after thorough examination has told the committees how much it needs to carry on this work. An inves-tigation has been made before the committee of the House and it has agreed with that Department in giving all the Department demands. The bill comes to the Senate, it is referred to our committee, and that committee's sessions are open to every Senator. That committee, desiring all the information possible, did not learn of the necessity of this item from the gentlemen who are pressing it. They saw fit to withhold it, first from the House committee, then from the Senate committee. After all that they come here and ask for an increase of \$5,000 for items that the treaty does not authorize, because the Indians have not sought to comply with the terms on which alone they are entitled to it. We aver that we have given all that is asked; we aver that the Department has money enough to furnish all the Indians need in this regard; and I think we have a right to say that unless some facts are given there must have been some reason why gentle-men who are so urgent for this increase failed to come before the

committee of the House, failed to come before the committee of the Senate, and now seek to add on this much money in addition to all that the Department requires, and we have a right to have all the facts on which they make the demand.

Mr. DAWES. Mr. President, it would seem as if those who were advocating an appropriation to furnish as many seeds as shall be needed for these Indians must be actuated by some selfish motive. It must be so apparent that there must be some selfish motive to prompt a Senator to suggest that as much in seeds and in agricultural implements as may be needed for that purpose, for that is all there is in this amendment which we propose. The Senator from Kentucky, not in his usual frankness and courtesy of debate, says that when Senators take that course there must be some motive behind which he cannot understand. Why, Mr. President, it is of no more interest to me, and I presume to the other Senators who were charged by the Senate with the duty of going down there and visiting these Indians and reporting their condition to the Senate, than to others. I cannot conceive how it can possibly be of more special interest to us than to the Senator from Kentucky. I do not see any reason in the world why anything I should do here would not be of the same interest to the

Senator from Kentucky.

The Senator says that we ask for \$5,000 for this agency, and there is no more reason why we should not ask it for every other agency. We ask for \$5,000, or so much thereof as may be necessary under the treaty, in this case. Now, what does the treaty require? That whenever any Indian shall take up this portion of land, one hundred and sixty acres or less, and undertake to cultivate it, he shall, the treaty says, have seed enough to plant it, and agricultural implements enough to cultivate it, so much as is necessary for that purpose. The Senator from Kentucky is unwilling that the Government shall have means in its possession to furnish as much of seeds and implements as shall

be necessary.

It cannot furnish a dollar of the \$5,000 by the terms of the amendment beyond what is necessary for the purpose of carrying out the treaty, and that is to furnish each individual Indian who fulfills the conditions of the treaty with the means of fulfilling them. It can-not take a dollar beyond that; and yet the Senator from Kentucky stands here as the representative of his committee and says that they shall not have what is necessary. Now suppose that it should be necessary to take five thousand dollars' worth of seeds and implements and use them in the arts of peace at this agency, and suppose that should be necessary at every other agency; count them all up, \$5,000 at each agency expended in teaching the Indian how to support himsalf on the soil, and put that with the soldiers you keep at Fort Reno, with the soldiers in the Ute country, and with the expenses of the Army consequent upon the fact that the Indian is an idle, roaming vagabond, and how many dollars for every one do you spend in that way? As a question of economy if there were no humanity in it, as a question of mere dollars and cents, it cannot be but that every dollar spent in the necessary use of agricultural implements and seeds would be worth fifty dollars expended in the way we are obliged to expend it for the want of this effort.

The committee that went down there, the Senator says, have furnished no facts. I will state in the hearing of the other members of the committee that the agent said if he could have more seed and more agricultural implements and more help in that direction, he could quadruple and more the number of Indians who would go upon the land and till it and make themselves self-supporting. But we cannot do it, it is said, for two reasons: the Indian does not ask for it; the Indian does not know what to ask for; and the Indian Department is content with doing this year what it did last, and getting along without any trouble of change and there it ends as I said before.

I hope the Senator from Kentucky will excuse me and not impute it to any improper motive on my part if I suggest the idea of expending more money in this line and less in some other.

Mr. TELLER. Mr. President, the offense of the Senators who favor this amendment seems to be that they do not follow the Committee on Appropriations, and the Committee on Appropriations tell us that they follow the Secretary of the Interior; so that is the offense of which we are guilty. The honorable Senator from Kentucky says the Department does not ask for this, and the Department has been charged with the Indian business, and the Department ought to know

Mr. President, I am sick of the Department management of Indian affairs. I do not refer to the present officials, but I am sick of the management of the last twenty-five years. I am especially sick of the recent management with reference to the western Indians. I want to change this whole system. I think it is time when we are appropriating and increasing our appropriations every year, when we are appropriating \$5,000,000 and upward I suppose in this bill-I do not know how much, but that is the least amount we appropriate every year-and when you take into consideration that at least seveneighths of the entire Army expenditure is occasioned by reason of our Indian relations and Indian difficulties, we are expending every year not less than twenty-five or thirty million dollars, and what do we get for it? To-day the Indians are in a worse condition than they were twenty years ago; to day there is a condition of affairs all over the country (with the exception of the five civilized tribes) that is an absolute disgrace to the nation and to everybody connected with the Indian Department.

The honorable Senator from Kentucky says no Indian agent asks for this appropriation. Why, Mr. President, there is not 5 per cent. of the men who take Indian agencies, there is not 5 per cent. of the men who have been on the border as Indian agents for twenty years, that want to civilize the Indians. There is not 5 per cent. of the men who have made contracts with them that want to civilize the Indians. who have made contracts with them that want to civilize the Indians. There is not 5 per cent. of the men who manage Indian affairs that want to civilize the Indians. They know that when they have done that their occupation is gone; their opportunities for stealing and plunder are gone; and when you wait for an Indian agent to step up and make an intelligent suggestion with reference to Indian affairs, you will find a rare bird indeed. It will not be done. They do not expect to do it, and if the Department had sat down for the last ten years with the unflinching determination to debase the Indian, to prevent his civilization, they could not have selected and pursued a course that would have accomplished the purpose any more certainly than the one they have followed.

than the one they have followed.

Wars and rumors of war, violation of obligations on the part of the Government and the Indians both, every day and every month and during the whole time, have marked this history. Mr. President, I will not put my faith in a Department which in the face of a statute that you made here providing for the payment to Indians of a gross sum of \$25,000 in Colorado, could not be induced by the influence of her Senators and her Representatives to pay the money that lay in the Treasury unused and unapplied for five years. I do not want to surrender my judgment to that kind of a Department, and I stand here as a Senator owing obligations to these Indians and and I stand here as a Senator owing obligations to these Indians and owing obligations to the country that I am not prepared and not willing to surrender to any person, whether it be the liead of the Interior Department, or whether it be the Committee on Appropria-

Common sense and justice acting together in this matter would

solve this whole problem.

I said before on the Senate floor that when we were prepared to do justice to the Indian and the white man and to have some little busijustice to the Indian and the white man and to have some little business capacity and business intelligence brought to bear upon the subject the problem could be settled. We make treaties with Indians that are impossible of execution; but when we make a treaty that is possible of execution, upon some technicality like that with which we are met to-day we are told that it cannot be carried out. Why, says the honorable Senator from Iowa, these men have not taken land in severalty, and until they do take land in severalty that they do take land in severalty that they do take land in severalty that the Senate and the House of Representatives cannot vote the money that they believe in their judgment will tend to civilize these Indians, unless it is in pursuance either of a treaty or a recommendation of the Interior Department?

Mr. President, when you insist that before you will attempt to teach these men agriculture you will divide up their land and will make them take their land by metes and bounds as you and I take ours, you will never civilize them at all. As the Nez Percés said when they were finding an excuse for the war that they went into in Idaho "they proposed that we should divide up this soil between us, that we should cut up our mother, that we should destroy her on whose bosom we were born and on whose bosom we intend to live," and that was a crime in Indian morals; that was a crime in Indian law greater than murder. And yet you say that unless they will yield their prejudice born of centuries ingrained in them as they never were ingrained in any other people, overcome their pride and their prejudice and submit to the absurd notion that you can divide up their land, they shall have neither seeds nor tools; and yet they must go to farming.

Mr. President, if you expect to make farmers of these men, you must give them seeds, you must give them tools, and you must listen to their prejudices, and you must not attempt by a statute or by the enactment of a law to destroy the prejudices, which are the growth of many years. When you have given them the seed—and they will of many years. of many years. When you have given them the seed—and they will waste some of it; when you have given them the tools—and they will break some of them; and when you have taught them that to use them ever so little, little by little you have started them on the road to civilization. Shall we withhold these aids because the committee charged with the management of appropriations here say that the idea is not in their judgment suitable, because no Indian agent, no Indian contractor, nobody has suggested that these Indians ought to have seeds and implements to till the soil? to have seeds and implements to till the soil?

Mr. President, the Senate at least ought to bring a little common sense to this question and vote this money, what for? Not to be thrown away, but to be given, if needed, to these Indians. It is still under the control of the Interior Department, and it is not to be supposed they will give it away unless it will be made useful to the Indians. The Interior Department cannot start these Indians on the road to civilization by means of agriculture unless they are furnished road to civilization by means of agriculture unless they are furnished with the means to be agriculturists. I say it does not make any difference, in my judgment, whether it is in the treaty or whether it is not, it is the duty of this Senate not only to furnish seeds for these Indians but for all other Indians that will accept them; and if they do not make very good use of them it will be money saved in the end, and in time we may escape this immense drain upon the public Treasury of \$25,000,000 or \$30,000,000 a year. It is not economy for our committee to stand here and say that \$150,000 or \$200,000 expended in seeds and in tools, agricultural implements, is a waste of money,

and it comes with bad grace from the honorable Senator from Kentucky to speak of this as a raid upon the Treasury. It is in the interest of economy; it is in the interest of humanity; it is in the interest of keeping and putting ourselves in a position in which we may escape

of keeping and putting ourselves in a position in which we may escape that which has been properly attributed to us, a lack of interest in educating these men, in civilizing these men.

Mr. President, I should like to vote for \$5,000 for every agency; I should like to vote for \$50,000 for every agency if it could be used, for it would solve and settle this great question and put these people in a position to become civilized and useful members of society.

Mr. GARLAND. I move that the Senate now proceed to the con-

sideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-one minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five mimutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 27, 1880.

The House met at twelve o'clock m., Mr. BLACKBURN in the chair

as Speaker pro tempore.

Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.
The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. McCOOK. I rise to a question of privilege. I am paired on all political questions with the gentleman from Ohio, [Mr. Le Fevre.] Yesterday I voted on the District of Columbia appropriation bill; but I notice that my pair is announced in connection with that vote. I simply wish to make this explanation.

WILLIAM H. THOMPSON.

Mr. SCALES. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 346) for the relief of William H. Thompson and his sureties, and that the bill be taken up now for consideration.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That William H. Thompson, late collector of internal revenue for the fifth collection district of the State of North Carolina, be relieved from the payment to the Government of the United States of the sum of \$2,709.60, which said sum of money came to the hands of said Thompson as taxes due the United States, but was forcibly taken from one of the deputies of the said collector by disguised robbers in the public highway while said deputy was on his way to make return thereof.

Sec. 2. That the said William H. Thompson have credit for the said amount of \$2,709.60 in the payment of a judgment which has been lately rendered against him and the sureties upon his official bond as such collector in the United States district court at Greensborough, North Carolina, which said judgment was rendered upon a final accounting between the Government and the said Thompson as collector of internal revenue for the said district, and in which judgment is included the said sum of \$2,709.60.

sum of \$2,709.69. SEC. 3. That this act shall be in force from and after its ratification.

Mr. BREWER. Is there a report in this case?

Mr. SCALES. Yes, sir. It can be read if gentlemen so desire; but I think I can explain the matter in a moment. In 1866, just after the war, one of the deputies of Mr. Thompson, who is shown to be a man of reliable character and was continued in the employ of the Government for four or five years thereafter, was robbed of public money by disgnised men on the public highway. In 1875 suit was brought against the collector on his bond, and this robbery was pleaded in bar of recovery to that extent. Before the trial amplication was made to against the cohector on his bond, and this robbery was pleaded in bar of recovery to that extent. Before the trial application was made to the Department to allow this as a credit. The Department referred it to the district attorney for that district, and he reported that the credit should be allowed. Afterward, by authority of the Government and by the consent of the defendant, judgment was entered for the whole amount claimed, but it was expressed in said judgment that execution as to this amount should be suspended until after the next Congres

Congress.

Mr. FINLEY. Was any defense made in the action?

Mr. SCALES. Yes, sir, a defense was made; and judgment was rendered subject to the action of Congress. The Government, in accordance with the agreement, has suspended execution from time to time for five years, awaiting the action of Congress.

Mr. BLOUNT. Has this matter ever been examined by a commit-

Mr. SCALES. Yes, sir; a unanimous report in favor of the bill was made by the Committee on Claims in the last Congress. In the present Congress the question was examined by a sub-committee of the ent Congress the question was examined by a sub-committee of the Committee on Ways and Means, consisting of the gentleman from Kentucky, [Mr. Carlisle,] the gentleman from Michigan, [Mr. Conger,] and the gentleman from Texas, [Mr. Mills.] Upon the report of this sub-committee the Committee on Ways and Means reported the bill unanimously.

The claim is supported by abundant evidence, and I hope the bill will pass without objection. If more information be desired, it can be given by the gentleman from Kentucky or the gentleman from Michigan.

Michigan. There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill; which was then ordered to be engrossed for a third reading, was

accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

AMERICAN FISHERMEN IN FORTUNE BAY.

Mr. COX. I rise to a privileged question. The Committee on Foreign Affairs have directed me to report back favorably the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States be respectfully requested, if not inconsistent with the public interest, to transmit to this House copies of all correspondence, not now communicated, with the English government relating to alleged interference with American fishermen in Fortune Bay on the 6th of January, 1878.

The resolution was adopted.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SESSION FOR BUSINESS OF COMMITTEE ON EDUCATION AND LABOR.

Mr. GOODE. I am instructed by the Committee on Education and Mr. GOODE. I am instructed by the Committee on Education and Labor to ask the House to set apart Saturday the 15th of May for the consideration of some bills of public importance reported from that committee. I refer particularly to the bill restricting Chinese immigration, the bill to enforce the eight-hour law, and the bill to apply the proceeds of the sales of public lands to the education of the people. I hope there will be no objection.

Mr. FERNANDO WOOD. I do not object if the gentleman will related to the following appropriation in fever of appropriation bills and the funding

make an exception in favor of appropriation bills and the funding

bill.

Mr. GOODE. Let that be understood. Mr. REAGAN. I do not know that we shall call up the interstate-

The SPEAKER pro tempore. Is there objection to the request?

Mr. TOWNSHEND, of Illinois. I reserve also the right to call up the bill repealing the law in reference to removal of causes from State

The SPEAKER pro tempore. Is there objection?

Mr. TOWNSHEND, of Illinois. On the condition asked I agree to

the request

The SPEAKER pro tempore. The Chair cannot accept conditions. The Chair hears no objection to the request of the gentleman from Virginia; and it is so ordered.

STEAM PLEASURE-YACHT SALMO.

On motion of Mr. HUBBELL, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of a bill (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo; and was brought before the House for consideration.

The bill provides that the name of the steam pleasure-yacht W. J. Gordon, of Marquette, Michigan, be changed to Salmo, by which name said steam pleasure-yacht shall be hereafter documented and known.

Mr. HUBBELL. This bill was reported unanimously from the Committee on Commerce. It is a little six-ton steamer.

mittee on Commerce. It is a little six-ton steamer.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUBBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

KENTUCKY WAR CLAIM.

Mr. THOMPSON, of Kentucky. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 3368, for which House bill No. 4905 was substituted, in order that the bill No. 4905 may be taken up and passed at this time.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 3368) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872.

Be it enacted, &c., That in adjusting the claim of the State of Kentucky the Secretary of the Treasury shall pay to said State, under the head of "equipment," the arming of said forces, as indicated in the title of the act, it being the intention of Congress, in the passage of said act, to settle and adjust said account. SEC. 2. That a sufficient sum of the \$1,000,000 appropriated to pay said accounts is again appropriated to pay such amount as may be allowed under this act.

Mr. THOMPSON, of Kentucky. Now read the substitute on which I desire to have action.

The Clerk read as follows:

The Clerk read as 10110ws:

A bill (H. R. No. 4905) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1572.

Be it enacted, &c., That in adjusting the claim of the State of Kentucky the term "equipment" shall be construed to mean and include the arming of said forces, as an essential part of their equipments, and the word "supplying" shall include

forage and fuel, and the transportation shall be embraced, as indicated in the title of the bill, it being the intention of Congress in the passage of said act to settle and adjust said accounts.

Mr. WILLITS. I object. I think that should be considered fully. Cries of "Regular order!"]

The SPEAKER pro tempore. There will be regular order whenever gentlemen will resume their seats and the House will be in order.

Mr. THOMPSON, of Kentucky. I ask to have Thursday night set apart for the consideration of the bill just read. I have a memorial from the Legislature of the State of Kentucky asking Congress to

Mr. WILLITS. I think that should be considered fully in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. There is an order for Thursday even-

ing.
Mr. THOMPSON, of Kentucky. Then say Friday evening.
Mr. DUNNELL. I object. We have three night sessions already

IMPORTATION OF RAW MATERIALS.

Mr. FRYE, by unanimous consent, from the Committee on Ways and Means, reported, as a substitute for House bill No. 1394, a bill (H. R. No. 5989) regulating the importation of raw materials to be manufactured in the United States and used in the construction and repairs of vessels employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, or built for foreign account; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EASTERN CHEROKEES.

Mr. POEHLER, from the Committee on Indian Affairs, reported back the following resolution; which was adopted:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to report, as early as practicable, to this House touching the amount of money appropriated by Congress in 1873-74 to defray the expenses of delegates and interpreters of the Eastern band of Cherokee Indians; and how much of said appropriation was paid out to the parties named in the appropriation, if any; and how much remains subject to the call of said persons; and if none, what use was made of said

Mr. POEHLER moved to reconsider the vote by which the resolu-tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RUSSELL, of Massachusetts. I am instructed by the Committee on Commerce to report back a House bill, with a substitute for the same, authorizing the Secretary to change the name of a vessel.

Mr. THOMPSON, of Kentucky. I object.

Mr. REAGAN. I hope the gentleman will not object, as it is important this bill chard a reserved.

tant this bill should pass.

Mr. THOMPSON, of Kentucky. I do object.

EXPENSES OF COMMITTEE ON LEVEES.

Mr. DUNN. I ask, by unanimous consent, to submit a resolution merely formal in its character, providing for the expenses of a committee which has been already ordered. The Clerk read as follows:

The Clerk read as follows:

Resolved, That in order to defray the expenses of the Committee on Levees and Improvements of the Mississippi River, in the investigation ordered by resolution of the House of December 18, 1879, the Clerk of the House be, and he is hereby, directed, with the approval of the Committee on Accounts, to pay out of the contingent fund of the House to Hon. R. L. Gibson, a member of said committee, the sum of \$3,000, whose receipt to the Clerk shall be a good and sufficient voucher in the settlement of the accounts of said Clerk. And the said R. L. Gibson shall disburse the money thus paid to him on vouchers approved by the chairman of said committee, or by the chairman of a sub-committee thereof, and he shall as soon thereafter as practicable make report in writing to the House of the manner in which the sum thus paid to him has been expended, accompanied by vouchers in detail; which report and vouchers, when examined and approved by the Committee on Accounts, shall be deemed a sufficient settlement of his accountability therefor. And any unexpended balance remaining in his hands shall be paid by him into the Treasury to the credit of the miscellaneous items of the contingent fund of the House for the fiscal year ending June 30, 1880.

Mr. WILLITS. I object.

Mr. WILLITS. I object.

A. H. EMERY.

Mr. ROBINSON, by unanimous consent, introduced a bill (H. R. No. 5990) for the relief of A. H. Emery; which was read a first and second time, referred to the Committee on Claims, and ordered to be

ORDER OF BUSINESS.

ORDER OF BUSINESS.

Mr. McKenzie. I demand the regular order.
The Speaker pro tempore. The regular order is demanded.
Mr. Townshend, of Illinois. I hope the gentleman from Kentucky will withdraw his demand for the regular order for a moment.
Mr. McKenzie. I withdraw the demand.
Mr. Townshend, of Illinois. Then I ask unanimous consent to make a report from the Committee on the Revision of the Laws on the bill (H. R. No. 5101) in relation to telegraphic communications.
Mr. Dunnell. Has not the regular order been demanded?
The Speaker pro tempore. The demand for the regular order, as the Chair understands, was withdrawn.
Mr. Dunnell. Then I renew the demand for the regular order.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER pro tempore. The regular order being demanded, the first business in order is the unfinished business coming over from the first business in order is the unimisted business coming over from yesterday, which is the vote upon the final passage of the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes, upon which the previous question is operating and on which the year and nays have been ordered.

Mr. FINLEY. I desire to inquire if the action taken yesterday, the amendments from the Committee of the Whole on the state of the

Union, were agreed to.

The SPEAKER pro tempore. The amendments were all agreed to.

Mr. FINLEY. If we had no quorum on the final vote, could the amendments have been passed in the absence of a quorum?

The SPEAKER pro tempore. No question was raised as to the absence of a quorum when the vote was taken upon the amendments. The question now is upon the final passage of the bill, on which the Clerk will call the roll.

The question was taken; and it was decided in the affirmative-yeas 161, nays 42, not voting 89; as follows:

YEAS-161.

Acklen,	Davis, Horace	Lindsey,	Sherwin,
Aiken,	Deering,	Loring, ·	Simonton,
Aldrich, William	Dibrell,	Lounsbery,	Singleton, O. R.
Anderson,	Dick,	Marsh,	Slemons,
Atkins,	Dickey,	Martin, Edward L.	Smith, A. Herr
Bailey,	Dunn,	McCoid,	Smith, Hezekiah B.
Ballou,	Dunnell,	McCook,	Smith, William E.
Barber,	Dwight,	McLane,	Speer,
Bayne,	Elam,	McMahon,	Starin,
Belford,	Ellis,	Miller,	Stephens,
Bicknell,	Evins,	Mitchell,	Talbott,
Bingham,	Farr,	Money,	Taylor,
Blackburn,	Felton,	Monroe,	Thomas,
Blake,	Ferdon.	Morrison,	Thompson, W. G.
Bland,	Ford,	Morse,	Tillman,
Bliss,	Forney,	New,	Townsend, Amos
Blount,	Fort,	Newberry,	Townshend, R. W.
Boyd,	Frye,	Nicholls,	Tucker,
Brewer,	Garfield,	Norcross,	Tyler,
Brigham,	Gibson,	O'Connor,	Updegraff, J. T.
Buckner,	Goode,	O'Reilly,	Updegraff, Thomas
Burrows,	Hall,	Osmer,	Upson,
Cannon,	Hammond, John	Overton.	Urner,
Carlisle,	Hammond, N. J.	Pacheco,	Van Aernam,
Carpenter,	Harmer,	Page,	Vance,
Caswell,	Harris, Benj. W.	Pierce,	Van Voorhis,
Chalmers,	Harris, John T.	Pound,	Voorhis,
Chittenden.	Haskell.	Prescott.	Waddill,
Claffin,	Hawk.	Price.	Ward,
Clark, John B.	Hayes,	Reed.	Washburn,
Cobb.	Hazelton.	Rice,	Wells,
Colerick,	Horr.	Richardson, J. S.	Whiteaker.
Conger,	Houk,	Richmond,	Williams, C. G.
Cook,	House,	Ross,	Willits.
Covert,	Hubbell,	Rothwell.	Wilson,
Cowgill,	Hull,	Russell, W. A.	Wood, Fernando
Crapo,	Jones,	Ryan, Thomas	Wood, Walter A.
Cravens,	Kelley,		Youm.
Crowley,	Ketcham,	Sapp, Sawyer,	T OOMITT
Davidson.	Lapham,	Shallenberger,	
Davis, George R.	Lewis.	Shalley,	N CONTRACTOR OF THE PARTY OF TH
Davis, George It.	Control of the Contro		
	NA	VS_49	

Herbert,	Murch,	Stevenson.
Herndon.	Myers.	Thompson, P. B.
Hostetler.		Turner, Oscar
	Philips.	Turner, Thomas
King.	Poehler.	Warner,
Kitchin.	Reagan.	Wellborn.
Knott.	Scales,	Williams, Thomas
Lowe.	Singleton, J. W.	Willis,
McKenzie.		Wright.
	Hostetler, Killinger, King, Kitchin, Knott, Lowe, McKenzie, McMillin,	Herndon, Myers, Hostetler, Persons, Killinger, Philips, King, Poehler, Kitchin, Reagan, Knott, Scales, Lowe, Singleton, J. W. McKenzie, Sparks,

	NOT	VOTING-89.	
Aldrich, N. W. Bachman, Baker, Barlow, Beale, Beltzhoover, Bouck, Bowman, Briggs, Bright, Browne, Butterworth, Caldwell, Calkins, Camp, Clardy, Clark, Alvah A. Clymer, Coffroth, Converse,	De La Matyr, Einstein, Errett, Ewing, Field, Finley, Fisher, Forsythe, Frost, Geddes, Gunter, Hawley, Heilman, Henderson, Henderson, Henry, Hill, Hiscock, Hooker, Humphrey,	James, Johnston, Jorgensen, Joyce, Keifer, Kenna, Kimmel, Klotz, Ladd, Le Fevre, Manning, Martin, Benj. F. Martin, Joseph J. Mason, McGowan, McKinley, Miles, Muller,	Orth, Phelps, Phister, Richardson, D. P. Robertson, Robeson, Robisson, Russell, Daniel L. Ryon, John W. Samford, Stone, Valentine, Wait, Weaver, White. Whitthorne, Wilber, Wise, Young, Casey Young, Thomas L
Cox.	Hunton.	Neal.	

Hurd, Hutchins, Daggett, Davis, Joseph J.

Mr. McGowan with Mr. Wise.

So the bill was passed. The following pairs were announced: Mr. ORTH with Mr. RANDALL. Mr. Coffroth with Mr. Overton.

- Mr. EINSTEIN with Mr. KLOTZ.
- Mr. BRIGHT with Mr. BAKER.
- Mr. Browne with Mr. Johnston.
- Mr. LADD with Mr. JOYCE. Mr. Walt with Mr. MULLER.

- Mr. Covert with Mr. Young, of Ohio.
 Mr. Young, of Tennessee, with Mr. Henderson.
 Mr. James with Mr. O'Brien.
 Mr. Martin, of North Carolina, with Mr. Davis, of North Carolina.
 Mr. Keifer with Mr. Manning.
 Mr. Geddes with Mr. Camp.
 Mr. Bodynson with Mr. Hypp.
- Mr. Robinson with Mr. Hurd.
- Mr. CLYMER with Mr. HUBBELL.
- Mr. Samford with Mr. Aldrich, of Rhode Island. Mr. Harris, of Massachusetts, with Mr. Lewis. Mr. Caldwell with Mr. Heilman.

- Mr. Calkins with Mr. Phister. Mr. BUTTERWORTH with Mr. CONVERSE.
- Mr. Errett with Mr. Hooker.
- Mr. EWING with Mr. WHITE. Mr. FINLEY with Mr. FISHER.

- Mr. Morton with Mr. Cox.
 Mr. Phelps with Mr. Wiles,
 Mr. Frost with Mr. Valentine.
 Mr. Hill with Mr. Rice,

Mr. McKinley with Mr. Bouck. If Mr. McKinley were present, Mr. Bouck would vote "no."
Mr. Martin, of West Virginia. Mr. Speaker, I ask leave to record my vote, as I failed to answer when my name was called.

The SPEAKER pro tempore. It is not competent under the rules for the Chair to submit such request.

The gentleman's object is probably attained by the appropriate that the competence of the competence

ably attained by the announcement.

The result of the vote was then announced as above recorded. Mr. COBB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker pro tempore signed the same:

An act (S. No. 382) granting a pension to Ellen W. P. Carter; and An act (S. No. 526) granting a pension to Esther E. Lieurance.

RESTORATION OF CERTAIN OFFICERS TO THE ARMY.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting communica-tion relative to the restoration to the Army of certain officers; which was referred to the Committee on Military Affairs.

PUBLIC LANDS, ETC., IN CUSTODY OF WAR DEPARTMENT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, relative to the subject of public lands, reservations, forts, arsenals, &c., in the custody of the War Department; which was referred to the Committee on Appropriations.

JAMES M'MAHON.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting petition of Ordnance-Sergeant James McMahon, to be paid the value of his house destroyed on Sullivan's Island by confederate troops in the late war; which was referred to the Committee on War Claims.

PROMOTION OF LIEUTENANTS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting petition from Army officers for legislation providing that lieutenants who have served as such for fourteen years shall be entitled to the rank and pay of captain; which was referred to the Committee on Military Affairs.

YELLOWSTONE NATIONAL PARK.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, relative to the appropriations required for the Yellowstone National Park; which was referred to the Committee on Appropriations.

SECTION 232, POSTAL LAWS AND REGULATIONS.

The SPEAKER pro tempore also laid before the House a letter from the Postmaster-General, in reply to a resolution of the House of January 9, 1880, relative to section 232, Postal Laws and Regulations; which was referred to the Committee on the Post-Office and Post-

SAMUEL ROSS.

On motion of Mr. HUTCHINS, by unanimous consent, leave was given to withdraw from the files of the House the petition of Samuel

LEAVE TO PRINT.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Simonton] asks leave to have printed as part of the debates some remarks on Senate amendments to the bill H. R. No. 4924, being the immediate deficiency bill. Is there objection?

Mr. CONGER. Is that the bill about which we so frequently heard the assertion that the other side did not wish to debate it?

The SPEAKER pro tempore. The Chair cannot designate the bill any better than it is designated in the request of the gentleman from

Mr. CONGER. It does not state the title of the bill.

The SPEAKER pro tempore. It is stated to be the immediate deficiency bill.

Mr. CONGER. I shall not object if there is a returning desire on the other side to discuss those questions. There being no objection, the request was granted. [See Appendix.]

DEVELOPMENT OF MINING RESOURCES

Mr. FORNEY, by unanimous consent, introduced a bill (H. R. No. 5991) to exclude the State of Alabama from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM GAINES.

Mr. McCOOK. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list, with amendments by the Senate, and to move concurrence in the Senate amendments. I am sure no one will object to this request. The object of the bill

is to place on the retired list an old ordnance-sergeant of the Army,

eighty-eight years of age, who served in the Army fifty-one years.

There being no objection, the bill was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

Line 2, after "that," insert "the President of the United States be, and he is hereby, authorized to place."

Line 2, strike out "be, and he is hereby, placed."

Line 2, after "with," insert "75 per cent. of."

Mr. McCOOK. The effect of the amendments of the Senate is to give three-quarters pay instead of full pay as the House bill did.

Mr. CONGER. I ask the Clerk to read the bill as it will read if

amended in the way proposed by the Senate.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to place William Gaines, late ordnance-sergeant United States Army, on the retired list of the Army, with 75 per cent. of the full pay and allowance of ordnance-sergeant for and during his natural life, be having served faithfully and honorably in the Army of the United States for more than fifty-one years, having been an ordnance-sergeant for over thirty-three consecutive years of said service, and having participated in the siege of Fort Meigs, the defense of Fort Stephenson, and the battle of the Thames, in the war of 1812.

The amendments of the Senate were concurred in.

MESSENGER AND CLERK TO THE SERGEANT-AT-ARMS.

Mr. O'CONNOR, by unanimous consent, submitted (by request) the following resolution; which was referred to the Committee on Ac-

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, until otherwise ordered by the House, in addition to his present force, 1 messenger at \$1,800 per annum, and 1 clerk at \$1,800 per annum; said messenger to assist in preserving order on the floor of the House in the absence of the Sergeant-at-Arms, to serve subpeans, and to perform such other duties as may be assigned to him; and the salaries herein ordered shall be paid monthly out of the contingent fund of the House.

ORTHOGRAPHY OF PUBLIC DOCUMENTS.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 5992) to constitute a commission to report on the amendment of the orthography of public documents; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent to report a bill for consideration at this time.

Mr. FERNANDO WOOD. I desire to inquire of the Chair what is

the regular order?

The SPEAKER pro tempore. The regular order, if called for, would

be the morning hour.

Mr. FERNANDO WOOD. Then I demand the regular order. The SPEAKER pro tempore. The regular order being called for, the morning hour will now begin, at ten minutes past one o'clock. The business during the morning hour is the call of committees for reports.

CHARLES OLIVIER DUCLOZEL.

Mr. GUNTER. I am directed by the Committee on Private Land Claims to report the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, with a Senate amendment thereto, and to recommend that the amendment of the Senate be concurred in. I ask unanimous consent that the amendment of the Senate be now considered; it will take but a short time. time.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. GUNTER] asks consent at this time to report from the Committee on Private Land Claims the bill of which he has given the title, with a Senate amendment thereto, for present consideration. Is there objection? [After a pause.] The Chair hears none. The amendment of the Senate will now be read.

The amendment of the Senate was, to strike out all after the enacting clause and insert in lieu the following:

That a certain tract of land, of ten arpents front by forty arpents in depth, on the west side of Bayou Teche, being section 79, in township 10 south, of range 6 east, in the State of Louisiana, as per plat of the United States consolidated land office, district of Louisiana, be, and the same is hereby, confirmed to and in Charles Olivier Duclozel, his heirs or assigns.

SEC. 2. That the Secretary of the Interior of the United States is hereby authorized, directed, and required to issue a patent for the lands aforesaid, herein described, to said Charles Olivier Duclozel: Provided, That this act and the said patent shall be considered and construed only as a quitclaim on the part of the United States of such title only as the United States have a legal and equitable right to convey, and shall not affect the rights or interests of any other claimants, or affect or proclude any judicial investigation.

The SPEAKER pro tempore. The question is upon concurring in the amendment of the Senate

Mr. CONGER. I would inquire of the Chair how that can be considered at this time under the rules, in the morning hour?

The SPEAKER pro tempore. The Chair stated expressly that it re-

quired unanimous consent.

Mr. CONGER. The Speaker of the House has often decided that during the morning hour for reports from committees he could not entertain a request for unanimous consent.

The SPEAKER pro tempore. The present occupant of the chair cannot find anything in the rules to prevent the consideration by unanimous consent of anything during the morning hour.

Mr. CONGER. The Chair will understand that such requests have

been made repeatedly and have been refused to be entertained by the

The SPEAKER pro tempore. The present occupant of the chair is somewhat familiar with the new revision of the rules. The Chair stated distinctly to the House that the gentleman from Arkansas reporting this bill asked unanimous consent for the consideration at this time of the Senate amendment thereto, and no objection was

Mr. CONGER. No one who has heard the Speaker of the House repeatedly say that a request for unanimous consent could not be entertained during the morning hour supposed that any such thing

tertained during the morning hour supposed that any such thing would be done now, and members were not observing.

The SPEAKER pro tempore. While the present occupant of the chair is not advised of the ruling of the Speaker of the House, he will say he did not fail to state distinctly to the House that the gentleman from Arkansas asks unanimous consent for the consideration at this time of the Senate amendment to the bill which he reported. If the gentleman from Michigan [Mr. CONGER] desires to object, and says that he did not hear the statement made by the Chair, and for that reason did not object, the Chair will entertain the objection now.

Mr. CONGER. I will make the point of order on the bill that it should be first considered in Committee of the Whole.

The SPEAKER pro tempore. This bill has already been considered

The SPEAKER pro tempore. This bill has already been considered in Committee of the Whole. It is a House bill returned from the

in Committee of the Whole. It is a House bill returned from the Senate with an amendment.

Mr. COX. The only reason members did not object was because, knowing the previous rulings of the regular Speaker of the House, they were indifferent to the matter, supposing that all reports made during the morning hour would go to their appropriate calendars.

The SPEAKER pro tempore. The Chair would state to the gentleman from New York [Mr. Cox] that this bill has met the requirements of the rule in that regard. It has been upon the Calendar; it has been considered in Committee of the Whole and passed by the House. It comes back from the Senate with an amendment. The Chair stated distinctly to the House that the gentleman from Arkansas [Mr. Gunter] reporting this bill asked unanimous consent for the consideration at this time by the House of the Senate amendment thereto. If tion at this time by the House of the Senate amendment thereto. If the gentleman from New York [Mr. Cox] or any other member of the House will state that he would have objected had he known the re-quest was made, and failed only because he did not hear it, the Chair

will now entertain the objection.

Mr. COX. It would be invidious for one member to object. Other members may want the same privilege. We have not hitherto en-

members may want the same privilege. We have not hitherto enjoyed the privilege.

The SPEAKER pro tempore. The Chair would be obliged to the gentleman from New York if he will refer the Chair to any provision of any rule which takes away from this House its power by unanimous consent to consider a bill when it is reported.

Mr. COX. The impression of "the gentleman from New York" was derived only from the rulings of the regular Speaker of the House. I myself hope that the rules may be ameliorated in this regard, for the only way to get rid of choking up the calendars is to have something of this kind. of this kind.

The SPEAKER pro tempore. The Chair is simply endeavoring to

comply with the rules.

Mr. BUCKNER. I understand the Speaker of the House to have ruled that business during the morning hour was confined to report-

that districts during the morning nour was commed to reporting bills for their appropriate calendars, nothing more. That has been the decision of the Chair heretofore.

Mr. COX. Overruling all requests for unanimous consent.

The SPEAKER pro tempore. The present occupant of the chair does not desire to express any opinion as to the construction of the rules made by the Speaker. But the Chair does not know of any rule, and would be obliged to any member to refer him to any rule, which denies to the House power by unanimous consent to consider at this time

an amendment of the Senate to a bill of the House which has been upon the Calendar and been considered in Committee of the Whole.

Mr. GUNTER. I will state that this bill was first introduced into the House, went to the Committee on Private Land Claims, was considered by that committee, reported back to the House, and passed. It went to the Senate, was referred to the Committee on Private Land Claims in that body, was reported back and passed with an amendment. Coming back to the House, it went to the Speaker's table, was again referred to the Committee on Private Land Claims, was considered by the committee and reported back with a unanimous recommendation that the amendment of the Senate be con-The action now asked will take but a moment, and I hope no objection will be made.

Mr. COX. I do not object, but I would like to have a ruling upon

this point.

Mr. GARFIELD. For one, I would greatly prefer, for the sake of uniformity of the rule and the ruling, that the gentleman from Arkansas should let this matter wait until the morning hour is over, kansas should let this matter wait until the morning hour is over, when I have no doubt every member will consent to take it up and pass it. Certain it is that it was the intention of the Committee on Rules to make the morning hour a period devoted exclusively to the reception of reports, in order that the business of the House might get into print; and it has been, I know, the uniform ruling of the Speaker that it was not even in order to ask unanimous consent for the consideration of any business during this hour. Hence we have all proceeded upon that supposition, nobody watching for a request for unanimous consent or expecting it would be made. If we once allow the rule to be departed from upon a bill which we all agree is perfectly proper, then the same thing may be done during any morning hour upon the request of anybody. I think that if my friend from Arkansas will withdraw his request, we will all morally bind ourselves to help him get unanimous consent as soon as the morning hour is over, and thus avoid a departure from the rule. Certainly a request of this kind is a surprise to us all. I did not dream that any such request would be made, much less entertained.

The SPEAKER pro tempore. In reply to the gentleman from Ohio [Mr. GARFIELD] the Chair desires to know whether in the view of the gentleman it was the intention of the Committee on Rules to rob the House of its right by unanimous consent to dispose at once of any report that might be made during the morning hour, because if such was the purpose of the Committee on Rules the present occu-

if such was the purpose of the Committee on Rules the present occupant of the chair, a member of that committee, was never advised of it, and certainly never so intended to report the rules.

Mr. GARFIELD. Of course my colleague on the Committee on Rules [Mr. BLACKBURN] knows what was his own understanding; but I know that so far as I was concerned it was my understanding we had distinctly agreed that within this hour there was to be no business whatever but the placing upon the calendars of whatever might be reported from committees, so that it might get into print; that at any time before or after the morning hour unanimous consent that at any time before or after the morning hour unanimous consent might be asked to take anything off the Calendar or out of the hands of a committee and pass it. That is what we have been doing this morning; just before the regular order was called for we had several measures passed by unanimous consent. But the Chair will not find, I think, a single case since the new rules were adopted where any business has been done during the morning hour beyond the reception of

reports and placing them on the calendars.

The SPEAKER pro tempore. The gentleman from Ohio is mistaken, for this very rule was disregarded by unanimous consent on Saturday last upon a bill reported during the morning hour from the Committee on Military Affairs.

Mr. GARFIELD. I was not in the House during the morning hour on that day. But the Chair will notice that the language of the rule in regard to this morning hour excludes anything but the reporting of business for assignment to the calendars.

Mr. COX. Let the rule be read.

Mr. GARFIELD. If the Chair will have the rule read he will see that it confines us to the receiving of reports from committees and their reference to their respective calendars.

The Clerk read as follows:

2. On all days other than Monday as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

The SPEAKER pro tempore. The Chair desires to say that he does

The SPEARER pro tempore. The Chair desires to say that he does not know of anything which makes this rule more sacred than any other standing rule of the House.

Mr. GARFIELD. Before the Chair decides this question, let me read a passage from page 7 of the report of the Committee on Rules, which accompanied the revised rules under which we are now acting. I think this report was drawn by the present occupant of the chair. After speaking of the order of business under the former rule and practice, the report proceeds: and practice, the report proceeds:

In the revision submitted by the committee it is proposed to have a daily call of all the committees, all business reported, save that to which no objection is made to its "present consideration," to go to the Committee of the Whole House, whether

public or private, and to a House calendar composed only of bills not making appropriations of money.

This plan secures two desirable objects, namely:
First. The printing of all bills and accompanying reports, thus giving time for their examination by members before consideration.

As will be seen the point here was that everything presented in As will be seen the point here was that everything presented in this morning hour should be put in print before being acted on; and by a subsequent arrangement it was provided that the printed reports should be sent to members at their dwellings. The object evidently was that the work of the morning hour should be in print and in the hands of members before its consideration—showing the desire of the Committee on Rules to exclude the consideration of business during this hour.

The SPEAKER pro tempore. There is no point of order pending. The Chair is entirely content with the excerpt read from the report of the Committee on Rules by the gentleman from Ohio, which clearly sustains the ruling of the Chair in the statement that this morning hour should be confined to reports from committees, except business to which no objection should be made.

Furthermore, the Chair knows of nothing which makes this rule more sacred than any other standing rule of this House. By unanimous consent every rule of this House, save two, is constantly suspended or disregarded. If the Committee on Rules had intended to put the construction on this rule the gentleman from Ohio places upon it, I take it, it would put, as it did in two other rules of the House, an inhibition upon the Speaker to entertain a motion for its suspendiction. The Chair and a rough inhibition in this rule. sion. The Chair finds no such inhibition in this rule.

Further, the Chair is sustained in its present action in this regard, not by one, but by two cases which have already occurred since the new system of rules went into operation. The one, a bill reported by the Committee on Naval Affairs, relative to the monitors, which was reported in the morning hour, and, by unanimous consent, therein considered; and the other a bill reported by the Committee on Military Affairs, Saturday last, which was reported in the morning hour, and, by unanimous consent, therein considered.

The Chair is fortified in its opinion by the report of the Committee on Rules, and by the construction of the rule, and by the practice

of the House

of the House.

Mr. GARFIELD. Was either of those cases decided by the Speaker?

The SPEAKER pro tempore. The first was decided by the regular
Speaker of the House, as the Chair is informed, and the second by
the gentleman from Virginia, [Mr. Goode,] who was, at that time,
acting as pro tempore Speaker. There is nothing before the House.

Mr. BLOUNT. I demand the regular order.

Mr. COX. I understood the Speaker to say, if there be any apprehension on the part of any member, he would still entertain an objection.

ection.

The SPEAKER pro tempore. The Chair did not so state. The Chair stated if the gentleman from New York or any other member said he did not hear the Chair state the request of the gentleman from Arkansas for unanimous consent to consider the Senate amendments and if he had heard it he would have entered objection to it, the Chair

would recognize that objection.

Mr. COX. I do not speak of the merits of this bill, but I desire to say a word before I make objection. I did not hear the Chair make the statement in regard to the order of business in committee for the reason I did not dream of the reversal of the ordinary decisions

of our Speaker.

The SPEAKER pro tempore. The Chair cited the gentleman from New York to two instances which he does not seem to be apprised of.

Mr. COX. I am apprised of the decision of the Speaker in nearly every case. There may be one or two exceptions which may have crept in as precedents which I did not know of and did not recognize. I wish this rule were correct, but it is unjust to members since the rules were adopted who desired to bring in bills and ask unanimous consent, and never availed themselves of that opportunity because they did not think the rule would allow it. Now at once the rule is open, and they do not have any of the advantage which other members will have.

The SPEAKER pro tempore. The Chair desires to correct the gentleman from New York. The rule is not only open now but has been

open all the time.

Mr. NEW. I should like to make a remark.

The SPEAKER pro tempore. The present occupant of the chair does not recollect any former ruling made by the regular Speaker of the House on this question.

Mr. COX. I do not think there are any exceptions to my statement except the two cases mentioned by the Chair, which are excep-

tional cases.

Mr. NEW. In this connection I should like the opportunity of

making a remark.

The SPEAKER pro tempore. The Chair will state to the gentleman from Indiana that there is nothing before the House.

Mr. NEW. The gentleman from New York has been heard since that statement was made by the Chair.

The SPEAKER pro tempore. The Chair will hear the gentleman

from Indiana if there be no objection.

Mr. NEW. Mr. Speaker, I have no recollection, and I think it cannot be found by examination of the RECORD or Journal, that the Speaker has, at any time since the adoption of the new rules, held, as a distinct ruling on the question, that a bill could not within the

morning hour be considered by unanimous consent. I think the action of the Speaker in that regard has simply amounted on his part—without making a decision on the point—to a discouragement of the consideration of bills by unanimous consent within the morning hour. consideration of bills by unanimous consent within the morning nour.

And, if I am not greatly mistaken, it is placing the Speaker in a false
attitude to say that he has frequently held since the adoption of the
new rules that a bill could not by unanimous consent be considered
in the morning hour. I think it will be found that that question has
not been submitted to the Speaker for his decision.

Mr. FRYE. Mr. Speaker, I desire to say merely a word. I agree
with the gentleman from Ohio in the intention of the committee,

with the gentleman from Ohio in the intention of the committee, which was to exclude everything from the morning hour except reports of committees. But if we had crystallized into the English language that intention, we should have further provided it should not be in order for the Speaker to entertain a request for unanimous consent. But we did not do that, and therefore I have no question at all but the ruling of the present Speaker is correct.

Mr. GUNTER. I ask the regular order.

The SPEAKER pro tempore. The Clerk will proceed to read the Senate amendments.

Senate amendments.

Mr. CONGER. I reserve the right to make the point of order as to the reference of the amendments to the Committee of the Whole, and ask that the Senate amendments be read so as to ascertain whether they be subject to the point of order.
The Clerk read as follows:

House bill No. 2004, to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana.

The Senate amendments were read, as follows:

Strike out all after the enacting clause and insert:
That a certain tract of land, of ten arpents front by forty arpents in depth, on
the west side of Bayou Teche, being section 79, in township 10 south, of range 6
east, in the State of Louisiana, as per plat of the United States consolidated land
office, district of Louisiana, be, and the same is hereby, confirmed to and in Charles
Olivier Duclozel, his heirs or assigns.

Mr. CONGER. Now, Mr. Speaker, I make the point of order that this is in effect a new bill, that it never has been considered in the

The SPEAKER pro tempore. The gentleman from Michigan will permit the Clerk to conclude the reading of the Senate amendments.

Mr. CONGER. The Clerk has read sufficient in that section to indicate to me that this is undoubtedly subject to the point of order

for the reason that I have stated.

The SPEAKER pro tempore. The Chair does not recognize the right of the gentleman from Michigan to interrupt the reading of the

Senate amendments to interpose a point of order.

Mr. CONGER. But I submit to the Chair that enough has been

Mr. CONGER. But I submit to the Chair that enough has been read to show that the Senate amendment makes it practically a new bill and that it is within the rule and subject to the point of order. The SPEAKER pro tempore. The Chair cannot recognize the right of the gentleman to make the point of order at this stage, thereby interrupting the reading of the Senate amendments, in view of the fact that the gentleman is holding the right to object to the amendments as a whole after the reading shall have been concluded.

Mr. CONGER. But an amendment has already been read, which shows that this is a new bill.

The SPEAKER pro tempore. But the Chair will state to the gentleman from Michigan that he cannot know, neither can the Chair know, that this bill in some subsequent section does not contain a provision which will relieve it of the objection urged against it by the gentleman from Michigan. For that reason the Chair cannot permit the reading of the Senate amendments to be interrupted. The Clerk will resume the reading.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior of the United States is hereby authorized, directed, and required to issue a patent for the lands aforesaid, herein described, to said Charles Oliver Duclozel: Provided, That this act and the said patent shall be considered and construed only as a quitelaim on the part of the United States of such title only as the United States have a legal and equitable right to convey, and shall not affect the rights or interests of any other claimants, or affect or preclude any judicial investigation.

Mr. CONGER. Now, I make the point of order on the first clause of this bill that has been read, that this is a substitute for a House bill and therefore in the first instance it is a new bill in the House; and also that it conveys or disposes of the property of the United States, and is subject to the point of order on that ground. The second section that has been read only confirms me in my first impression that this bill, as a whole, has never been considered in the Committee of the Whole on the state of the Union, and I make the point

of order against it on both grounds.

of order against it on both grounds.

Mr. GUNTER. If the gentleman from Michigan will permit me I will state to him that this bill has been considered in Committee of the Whole. It was first considered in the Committee on Private Land Claims and reported back here, and then considered in the Committee of the Whole and passed; and the purport of the bill was to give a certain deed or patent from the Government to these parties claiming this right. After it was considered here it went to the Senate and was there amended, and the Senate bill is not different from the House bill excepting in this: that the original House bill gave a warranty deed to this property, whereas the Senate amendment only gives a quitclaim, and of course the interest of the Government is protected better than by the original bill. better than by the original bill.

This is not, therefore, a new bill, but the original bill with the Senate amendment, and I submit, therefore, that the point of order made by the gentleman from Michigan against it on that ground is not

The SPEAKER pro tempore. Does the gentleman from Michigan desire to be heard further on the point of order?

Mr. CONGER. The point I make is, that this is an amendment of the Senate which embraces entirely new subject-matter. The rule provides that any amendment of the Senate to a House bill shall be Subject to the point of order if such amendment originating in the House would be subject to that point. Now, this bill disposes of the property of the United States, and this amendment of the Senate is in the nature of a substitute and brings forward here a new bill, striking out all of the House bill after the enacting clause and substituting an entirely new bill. It will not be claimed that the Senate amendment is not essentially different from the House bill as originally passed, and therefore Rule XX of this House is applicable to that amendment.

The SPEAKER pro tempore. The Chair will state in reply to the gentleman from Michigan, and believes that the gentleman will agree with the Chair, that while under the provisions of Rule XX any amendment put upon a House bill by the Senate which in the first instance would be subject to the point of order under Rule XX if said amendment originating in the House would be subjected to it, that it will require a very technical construction of the rule to apply it to the bill now under consideration. The bill under consideration, the Chair is informed, has already been considered in the Committee of the Whole on the state of the Union and was there agreed to, and then passed by the House, and it conveyed to the beneficiary of the bill a warranty title to certain lands therein described.

The amendment proposed by the Senate is substantially the same as the original bill passed by the House, and so far as any grant or disposition of the lands of the United States is concerned it is not only substantially the House bill, but it is identical with the House bill in that respect. Therefore, having once been considered in the Committee of the Whole House the Chair is not able to see that any fair construction of the rule would require the Senate amendment, identical intelligence of the Modern and the large of the Modern amendment, (identical in substance as to the disposition of the lands,) under a point of order thus raised, to go back into Committee of the Whole House for consideration; and especially in this instance, where, so far as the grant is concerned, it would be subject not only to the same identical provisions and restrictions with which it has already passed through the House, but has additional restrictions imposed. The gentleman from Arkansas says that the only difference between the bills, so far as the land grant is concerned, is that the House gives a more complete title than the Senate now proposes to give.

Mr. CONGER. In the point of order which I have raised I do not

ropose to discuss what would be or what might be the effect of the

bill, but the rules of the House provide that-

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, this is a new bill. Suppose this amendment had originated in the House? What the rule contemplates is exactly that case. It does not look to what might be the effect.

The SPEAKER pro tempore. If the gentleman from Michigan is correct, then this is a Senate bill instead of a House bill. If this is an amendment to the House bill it is not a new bill.

Mr. CONGER. It is a new bill, for the amendment strikes out all after the enacting clause and inserts a substitute.

The SPEAKER pro tempore. The Chair so understands.

Mr. CONGER. And if this amendment or substitute had not come from the Senate, but had been introduced in the House, it would have been subject to the point of order now made against it. I do not see how the force of the rule can be argued away. Suppose some other bill like this or some other proposition like this were before the Com-mittee of the Whole, that would not exclude this from the operation

The SPEAKER pro tempore. The Chair does not understand that

The SPEARER pro tempore. The Chair does not understand that this rule requires the same identical proposition to be considered a second time in the Committee of the Whole. The Chair therefore overrules the point of order.

Mr. CONGER. If there is any way to have this proposition considered in the House in its proper order, I desire that it shall be so considered. I do not think we should give away this property without considered. out consideration. I thought our rules would have protected us. If they do not, then I object to the consideration of the bill at this

time.

The SPEAKER pro tempore. The objection comes too late. The Chair asked for objections when the proposition was originally submitted, and no objection was made. Subsequently he stated that it is to be compared to the chair would be compared to the chair as the chair as the chair was a second to the chair as the chair was the any gentleman desired even at that time to object the Chair would entertain the objection.

entertain the objection.

Mr. CONGER. The Chair stated that any gentleman who did not hear the Chair asking for objections formerly, and who would have objected if he had done so, might object now.

The SPEAKER pro tempore. The Chair did so; and the gentleman from Michigan refused to object, and made a point of order that the amendment of the Senate should have its consideration in Committee of the Whele. of the Whole.

Mr. CONGER. The Chair restricted the call for objections to those who were in a position to say that they had intended to object. It is often difficult for a man to say what his intentions were at some pre-

The SPEAKER pro tempore. The Chair thinks he could have done nothing more than he has done. The question is on agreeing to the amendment of the Senate.

The question being taken, there were—ayes 57, noes 6.
Mr. CONGER. The vote just taken shows that the number of persons who are interested in this question and understand the bill is very small.

So (further count not being called for) the amendment of the Senate was concurred in.

Mr. GUNTER moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TELEGRAPH COMMUNICATIONS.

Mr. TOWNSHEND, of Illinois. I am instructed by the Committee on Revision of the Laws to report back, with a favorable recommendation, the bill (H. R. No. 5101) in relation to telegraph communica-I ask unanimous consent that the bill may be considered at this time

Mr. CONGER and Mr. AIKEN objected. The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDGMENT LIENS ON REAL ESTATE.

Mr. THOMAS. I am instructed by the Committee on the Revision of the Laws to report a substitute for the bill (H. R. No. 4747) regulating liens on real estate created by judgments of the United States circuit and district courts in the several States and Territories. I ask

for the present consideration of the bill.

Mr. AIKEN. I believe public business will be proceeded with better by having everything referred, under the rules, to the appropriate Calendar. I shall object to the consideration of any bill in the morning hour.

The substitute (H. R. No. 5993) was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DISTRIBUTION OF CONGRESSIONAL RECORDS.

DISTRIBUTION OF CONGRESSIONAL RECORDS.

Mr. WILSON. I am instructed by the Joint Committee on Printing to report back, with amendments, the joint resolution (H. R. No. 213) regarding the printing and distribution of Congressional Records to certain libraries. This is simply to distribute a few books to libraries. I ask unanimous consent for the present consideration of the joint resolution.

Mr. AIKEN. I object.

Mr. WILSON. Is not this a privileged report?

The SPEAKER pro tempore. The gentleman has a right to make reports from the Committee on Printing after the morning hour.

Mr. WILSON. Can I not report now under the rule?

Mr. WILSON. Can I not report now under the rule?

The SPEAKER pro tempore. Not for present consideration.

Mr. WILSON. If that is the ruling of the Chair, and if the gentleman from Michigan [Mr. CONGER] agrees in that ruling, I withdraw the report.

ADDITIONAL COMMITTEE CLERK.

Mr. MYERS. I am instructed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to report the resolution which I send to the desk.

The Clerk read as follows:

Whereas the clerical work of the Select Committee on Pensions, Bounty, and Back Pay, appointed under the resolution of this House of January 12, 1830, has greatly augmented since the organization thereof: Therefore, Resolved by the House of Representatives of the United States of America, That said Committee on Pensions, Bounty, and Back Pay be authorized to employ an additional clerk, until otherwise ordered by the House, whose compensation shall be the same as that paid to other per-diem clerks of committees of this House.

Mr. MYERS. I ask unanimous consent for the present considera-

tion of the resolution.

Mr. AIKEN. I object.

The resolution was referred to the Committee of the Whole House on the state of the Union.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS. I am instructed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to report back, with amendments, the bill (H. R. No. 5599) to equalize bounties of soldiers of the war of the rebellion for reference to the Committee of the Whole on the state of the Union.

on the state of the Umon.

Mr. DIBRELL. I make the point of order that this is a select committee, raised for a specific purpose, and having no authority to originate a bill or have a bill referred to it for action. I make the point that it has no authority to report that bill to the House.

The SPEAKER pro tempore. The Chair cannot decide the point of order until the bill is reported.

The bill and amendments were read.

they have acted upon it. I insist they have no authority to do so. That bill would cost \$150,000,000. It ought properly to have been referred to the Committee on Military Affairs, which is now investigating the question and getting up statistics and facts in regard to it. That is the proper committee, and I move that the bill be referred to the Committee on Military Affairs.

Mr. FINLEY. The same question now raised by the gentleman from Tennessee was raised with reference to the bill in regard to the tariff which was referred to the Committee on the Revision of the Laws on the motion of the Town.

Laws, on the motion of the gentleman from Illinois, [Mr. Townshend.] This committee certainly has jurisdiction, because the House has referred the bill to it. Jurisdiction attached by reason of that reference; and the committee having acquired jurisdiction by virtue of the reference of the bill, has the right, I conceive, to make this report. The argument of the gentleman from Tennessee that a bill of the same character has been referred to some other committee has no validity, because this committee has obtained jurisdiction over the bill by its reference.

Mr. DIBRELL. That committee has not jurisdiction over this bill, having been appointed for a specific purpose.

Mr. BUCKNER. Is this bill reported for consideration at this

time?

time?
The SPEAKER pro tempore. It is not.
Mr. BUCKNER. What is proposed to be done with it?
The SPEAKER pro tempore. The bill is reported from the select committee by the gentleman from Illinois, [Mr. THOMAS,] to take its place on the Calendar.
Mr. DIBRELL. My point of order is, that the committee has no authority to report such a bill.
Mr. McMILLIN. I desire to ask—
Mr. BARBER. I rise to a question of order.
The SPEAKER pro tempore. The gentleman will state it.
Mr. BARBER. Is debate in order?
The SPEAKER pro tempore. Debate is not in order.
Mr. McMILLIN. As a member of the committee to which this bill was referred, I desire to ask the gentleman who reported it—
Mr. BARBER. I call for the regular order, and object to debate.

Mr. BARBER. I call for the regular order, and object to debate. The SPEAKER pro tempore. Debate is not in order, and objection is made to the gentleman from Tennessee [Mr. McMillin] proceed-

ing.

Mr. McMILLIN. I desire to submit a minority report.

The SPEAKER pro tempore. If there is no objection, permission

will be granted.

Mr. THOMAS. There is not the slightest objection.

The SPEAKER pro tempore. No objection is heard.

Mr. DIBRELL. I have made the point of order that this committee has no authority to report this bill.

The SPEAKER pro tempore. The Chair will state to the gentleman from Tennessee [Mr. DIBRELL] that under Rule XI the subject-matter of this bill would have gone, in the judgment of the Chair, to another and standing committee of this House. But the House has acted by referring this bill to the committee that is now reporting, and the Chair has no authority to vacate that order of the House. Chair has no authority to vacate that order of the House

Mr. DIBRELL. My point of order is that the committee had no authority to investigate anything except the matter for which it was

especially appointed.

The SPEAKER pro tempore. It is not the duty of the Chair to pass upon that question. After the House has made order to refer the bill to that committee the Chair cannot question the right of the committee to report it back to the House, however inappropriate such action may have been in the judgment of any member of the House or of the Chair. The bill is now reported with amendments, and under the rule it will go to the Committee of the Whole on the state of the Union. When the bill shall be taken up for consideration it will be in the power of the House, by refusing the previous question upon it;

to commit the bill to any committee which the House may please.

Mr. THOMAS. Before we pass from that subject—

The SPEAKER pro tempore. The Chair will state to the gentleman from Illinois [Mr. THOMAS] that no report is filed with the bill.

Mr. THOMAS. That is the exact point I desire to speak of. I ask

leave to file the report hereafter.

Mr. DIBRELL. I object.

The SPEAKER pro tempore. Objection is made to the filing of the report hereafter.

Mr. DIBRELL. I now move to refer the bill to the Committee on

Military Affairs.

Mr. FINLEY. I make the point of order that that motion is not in

Mr. STEVENSON. I desire to inquire of the Chair if the gentle-

man from Illinois [Mr. Thomas] reporting this bill has not the right to file the report at any time?

The SPEAKER pro tempore. Permission is not granted to the gentleman for that purpose, and the rule imperatively requires that the report shall accompany the bill when reported.

Mr. STEVENSON. Cannot the gentleman file his report during the day?

The bill and amendments were read.

Mr. DIBRELL. This committee was raised for a specific purpose.

It has no authority to consider or report a new bill. It was appointed to investigate the abuses under a law then in existence. This bill, by a mistake or somehow or other, was referred to that committee, and

Mr. McMILLIN. Only by unanimous consent.

The SPEAKER pro tempore. So the Chair understands. If the rule is strictly insisted upon, the gentleman will not have the right to file his report hereafter, and cannot report the bill without complying with the rule which requires the report to accompany the bill.

Mr. THOMAS. Then I withdraw the bill.

The SPEAKER pro tempore. The bill is withdrawn.

REPRINT OF BILL.

Mr. THOMAS. There has been an order of the House fixing the session of Thursday night next for the consideration of what is known as the pension-court bill. The bills reported by the majority and minority of the committee were ordered to be printed, but the number has been exhausted. I ask that those bills be reprinted for the use of the House

The SPEAKER pro tempore. Is there objection to the request of

the gentleman from Illinois?

Mr. DIBRELL. That is not in order under this call.

The SPEAKER pro tempore. The gentleman can make the request after the expiration of the morning hour.

CANCELLATION OF EXPORT BONDS ON TOBACCO, ETC.

Mr. CARLISLE, from the Committee on Ways and Means, reported back, with an amendment, the bill (H. R. No. 4415) to amend section 3385 of the Revised Statutes of the United States, in relation to the cancellation of export bonds on exportation of tobacco, snuff, and cigars; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

WILLIAM A. COURTENAY.

Mr. CARLISLE (for Mr. Tucker) also reported, as a substitute for House bill No. 3036, a bill (H. R. No. 5994) for the relief of William A. Courtenay, agent of the Clyde lines of steamers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. VAN VOORHIS. Inasmuch as reports from committees have been so much interrupted this morning, and it is important that they should all get in, I ask consent that the call of committees for reports be continued at this time until each committee shall have been called.

Mr. BUCKNER. I object.
Mr. KITCHIN. I would inquire when the morning hour will expire?
The SPEAKER pro tempore. At ten minutes past two o'clock; about

one minute from this time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Vice-President had appointed (in place of Mr. Voorhees, excused) Mr. Allison as a member of the joint committee on the part of the Senate to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duty.

The message further announced that the Senate had passed, with-

out amendments, bills and a joint resolution of the House of the fol-

lowing titles:
A bill (R. H. No. 3534) to authorize and equip an expedition to the

Arctic seas:

A bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York;

A joint resolution (H.R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the

State of Illinois.

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill and a joint resolution

of the following titles:

A bill (S. No. 940) to amend an act approved July 2, 1862, entitled "An act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic

arts;" and
A joint resolution (S. R. No. 96) authorizing the President of the
United States to appoint Stephen A. McCarty a lieutenant-commander

in the Navy.

UNITED STATES COURTS IN TENNESSEE.

Mr. HERBERT, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 698) to establish a district and circuit court at Chattanooga, Tennessee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LAND FOR AGRICULTURAL COLLEGES.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 5995) to amend an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

TRADE-MARKS.

Mr. CRAVENS. I move that the House go to business on the Speaker's table.

The SPEAKER pro tempore. The Clerk will report the title of the bill coming over as unfinished business.

The Clerk read as follows:

A bill (H. R. No. 5088) to authorize the registration of trade-marks and protect

The SPEAKER pro tempore. The morning hour having expired, this bill comes up for consideration. The gentleman from Arkansas [Mr. Cravens] can, however, raise the question of consideration if he desires and make the motion to go to business on the Speaker's

Mr. CRAVENS. If my motion is not the regular order, I will not

insist upon it

insist upon it.

The SPEAKER pro tempore. The regular order is the unfinished business, the bill the title of which has been reported by the Clerk.

Mr. CONGER. In the "Order of Business" the consideration of business on the House Calendar comes before unfinished business or business on the Speaker's table.

The SPEAKER pro tempore. The Chair does not concur with the gentleman from Michigan.

Mr. CONGER. It is so stated on our "Order of Business."

The SPEAKER pro tempore. The Clerk will read the rule.

The SPEAKER pro tempore. The Clerk will read the rule.

The Clerk read as follows:

4. After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion, prevailing, the Speaker shall dispose of in the following order.

Mr. CONGER. As I understand the opinion of the Chair, there is no rule by which the House Calendar has a place in the order of daily

The SPEAKER pro tempore. The Chair refers the gentleman to clause 6 of the rule just reported establishing that very order.

Mr. CONGER. I understood that this was unfinished business on

the Speaker's table.

the Speaker's table.

The SPEAKER pro tempore. The gentleman is mistaken. It is not upon the Speaker's table. It is business reported from a committee, and undisposed of by the House.

Mr. BUCKNER. I desire to know whether it is not competent now, upon a question of consideration, to antagonize this business by a motion to go into Committee of the Whole?

The SPEAKER pro tempore. The gentleman can raise the question of consideration if he so desires.

Mr. REAGAN. I wish to call attention to the order of precedence

Mr. REAGAN. I wish to call attention to the order of precedence of business on the Speaker's table. I understand it to have been announced by the Chair that the trade-mark bill was before the House. My understanding is that a resolution of the Senate, which is the unfinished business on the Speaker's table, has precedence, that the trade-mark bill would be subsequent to that, because subsequently acted on by the House and because a Senate resolution has precedence

The SPEAKER pro tempore. The bill which now comes up as unfinished business was reported to this House from the Committee on the Judiciary, which committee by authority of the House had leave to report at any time upon this particular subject. This bill was under consideration when the House took its recess on Friday last. It now comes over as unfinished business under the operation of the special

order.

Mr. REAGAN. Does the right to report at any time give precedence in consideration so as to supersede a matter already before the House? The resolution of the Senate to which I have referred was already before the House as unfinished business before this report was presented.

The SPEAKER pro tempore. The Chair is of opinion that where two matters of unfinished business come over, and one of them has been reported from a committee which by order of the House had been specially charged with the making of a report at any time on the particular subject, this report would take precedence as between two matters of business which would otherwise stand upon an equal footing. The gentleman from Texas can raise the question of consideration.

Mr. REAGAN. I move, then, that we proceed to consider the Senate resolution, being business on the Speaker's table upon which the House was last engaged.

The SPEAKER pro tempore. That motion in the form in which the gentleman presents it is not in order.

Mr. TOWNSHEND, of Illinois. What is the question before the

The SPEAKER pro tempore. There is no question before the House except the consideration of the bill which has come over as unfinished business

Several members called for the regular order.

Mr. REAGAN. I do not profess any profound knowledge of the rules; but we have had before the House, under consideration as unfinished business on the Speaker's table, a Senate resolution. Now a bill which has subsequently come before the House is held to supersede the consideration of a Senate resolution which is the unfinished business on the Speaker's table.

Mr. FERNANDO WOOD. When we take up that order of business

Mr. FERGAND WOOD. When we take up that order of business that resolution will be reached.

Mr. REAGAN. That order is now reached. I insist that the unfinished business which the House was considering has precedence and ought to be considered in preference to another piece of unfinished

business that subsequently came before the House.

The SPEAKER pro tempore. The gentleman from Texas must remember that the resolution to which he makes reference is unfinished business upon the Speaker's table, and is only entitled to be considered when business on the Speaker's table is reached. A much higher right to consideration, in the judgment of the Chair, attaches to the bill reported by the Committee on the Judiciary under an order of the House giving the right to report at any time, this bill having been the House giving the right to report at any time, this bill having been under consideration when the House took its recess on Friday last and not being on the Speaker's table at all.

Mr. REAGAN. I was misled by the announcement from the desk that it was on the Speaker's table, and was arguing upon that ground. The SPEAKER pro tempere. The Chair stated expressly it was not upon the Speaker's table; and the gentleman from Iowa is entitled to the dear.

Mr. TOWNSHEND, of Illinois. Is it not competent, Mr. Speaker, to raise the question of consideration by motion to go to the business upon the Speaker's table?

Mr. ROBINSON. It is too late, as the gentleman from Iowa is upon

The SPEAKER pro tempore. It would have been in order to raise

The SPEARER pro tempore. It would have been in order to raise the question of consideration before the gentleman from Iowa took the floor; but he is upon the floor and has only suspended his remarks, at the request of the Chair, to get order in the House.

Mr. McCOID. Mr. Speaker, in 1870 Congress passed a law creating a uniform and harmonious system of legislation on the subject of trademarks. That law was supposed to be based on the clause of the Constitution giving power to Congress to legislate for the protection of protection of the constitution of the co patentable discoveries of individuals and copyrights of their production. That law existed until 1876, when it was amended by a penal clause making it much more efficient. Since that time it has been executed and trade-marks have been registered, certificates issued, and the business of the country in that regard has been conducted under the law of 1870. I believe nobody complained of the law or was dissatisfied with it, either from the point of its interference with State legislation or any other; and it gave universal satisfaction, except to those pirates and infringers whose unlawful trade was defeated by it.

Last October the Supreme Court decided the laws all unconstitu-

tional, and when we met in December it appeared to me as a plain and practical way of getting over the difficulty in which we found ourselves by that decision of the Supreme Court to amend the Constitution and get the power we thought we had in 1870 and 1876, and up to the decision of that court, and, under that power which we would get by an amendment to the Constitution, legislate as we had

done before.

The matter had been discussed over the country by the lawyers and in the papers a great deal, and when we met, December 2, the resolution to amend the Constitution was introduced, and, as the gentleman from Georgia [Mr. HAMMOND] says, was referred to the Committee on Manufactures, the proper committee under the rules of the House. It was considered by that committee and unanimously reported, favorably recommending the submission of the amendment to the Constitution, and urging it with such reasons in brief as they had at the time. That committee having jurisdiction of the subject in the House, and having reported favorably as to the propriety of the amendment, this House has the unanimous report of the committee to whom they have given jurisdiction on that subject; but when the resolution came up in the House for passage, the bill introduced by the gentleman from North Carolina, [Mr. ARMFIELD,] re-enacting the old law under another clause of the Constitution, was urged as all that was required. The question was raised in that discussion whether or not we had, by virtue of the power to regulate commerce in the Constitution, power now, without an amendment, to pass a similar law to that of 1870 and 1876.

The constitutional question having been raised in the House, it was suggested that the matter be referred to the Committee on the Judiciary, and to that I consented; and it went to the Committee on the Judiciary on the subject, as I understood it and, as I think, the House understood it, of the constitutionality of the Armfield bill; that is, whether or not Congress can now legislate on trade-marks without an amendment under the commerce clause of the Constitution.

The Committee on the Judiciary have finally reported, and in their report they say that Congress has not the power, under any general clause of the Constitution, to legislate on the subject, and I understand the gentleman from Georgia [Mr. Hammond] to say that the Committee on the Judiciary are unanimous in the opinion that Congress has not the power, under the commerce clause, to pass this kind of legislation.

That committee has recommended the bill which is reported and

I think, Mr. Speaker, this bill is not one this House wants to pass, for several reasons. It is entitled "A bill to authorize the registration of trade-marks and to protect the same." The first clause says, "Trade-marks used in commerce with foreign nations and with the Indian tribes." The first objection to the bill is this: The commit-

tee which reports it says we have no power to legislate under the commerce clause, and yet the bill proceeds at once to say "used in commerce." That is in the first section; and in the third section they use the same language, with this additional clause, "Within the provisions of a treaty, convention, or declaration with a foreign power." The idea seems to be in the committee to place the bill itself under the committee to place the bill itself under the commerce clause, while, in their report, they expressly say that Congress has no such power. I only notice that, and leave it, to show the doubt of the Judiciary Committee where this power exists if at

I take it on their own ground. I understand the gentleman from Georgia and the Judiciary Committee to say this, that we have no power to legislate on trade-marks, but that under the treaty power and the provision of the Constitution which says we shall make all needful legislation for the execution of the power given to the President to make treaties, we may pass this bill. Now let us see. The chain of title of constitutional power is this, as I understand it, that the President can make a treaty according to a certain clause with regard to trade-marks, and it is necessary for Congress to legislate to execute the things to which the President has agreed to.

that is the theory of the gentleman from Georgia.

In order, therefore, that this Congress should be enabled to pass a bill on this subject they must first find that the President and the Senate have made a treaty under the Constitution by which they agree to do certain things in reference to these trade-marks, and next that we have the power under the general provisions of the law to execute that treaty and legislate for the things which are agreed upon therein. Now, if that is the position of the Judiciary Committee I want to ask a few questions of some of its members. They say in this bill that they pass it for the execution of treaties with foreign nations and with the Indian tribes. That is the claim set forth by

the gentlemen in advocacy of this bill.

Now, Mr. Speaker, I desire to ask the gentleman from Georgia, or any other gentleman on the Judiciary Committee, what treaty pro-vision has been made with the Indians in which it is necessary for Congress to pass such a bill as this at all? Has the President of the United States made a treaty with the Indian tribes agreeing to protect their trade-marks, or has he made a treaty with the Indians agreeing that they shall protect our trade-marks? Unless that treaty has been made we cannot pass the bill under the very conditions specified in the report from the Judiciary Committee itself, for they say that we must first have a treaty and then Congress may pass laws to execute the same. Now, I claim that there being no treaty with the Indians in reference to such protection of trade-marks, we have not the power to pass such a bill; and I ask the gentleman from Georgia if he cannot legislate as between the States how can he legislate as to trade-marks with the Indians? I would like any gentleman on that committee to state any reason or how we can legislate if there is no treaty with the Indians in this respect, and if the Indian has no trade-mark. As I understand it the trade-mark of the Indian is ordinarily a lifted scalp, and generally it is impressed on the head of the white man; that is at least one in which they have the right of priority of use.

Under that reasoning of the Judiciary Committee to which I have alluded the power to legislate as to the Indians falls to the ground, and may be disposed of without further comment. They therefore admit, so far as this bill is concerned and with reference to the Inand this report shows it-that that portion of the bill is unconstitutional, and of course we cannot pass it if there is no treaty

whatever regarding it.

Now, with reference to treaties with foreign nations, Mr. Speaker, I do not understand that we have any treaty with foreign nations that would justify or make it necessary to pass such a bill as this. In the first place, our treaties with reference to trade-marks never contemplated such a state of affairs as this bill would create. The only treaties with foreign countries in which protection was promised prior to 1870 were the treaties with Russia and with Belgium.

In those treaties we agreed that counterfeiting the trade-marks should be "strictly prohibited." The counterfeiting of trade-marks was prohibited at that time by the common-law provision, and being against the principles of the common law which recognized the right of property in trade-marks the violation of that right would come within the provision of the treaties, and the parties injured would have had remedy in damages. They would have had that remedy under the common law. These two words of treaty obligation are not sufficient to justify an argument for this bill. It is doubtful whether any more was intended by the contracting parties than the guaranty of protection at common law. of property in trade-marks the violation of that right would come

These two treaties are the only ones with reference to trade-marks on which the right to legislate could be claimed that had been made before 1870. In 1870 we did pass a general trade-mark law, and the President and the Senate when they made treaties understood that we had the power to legislate upon trade-marks as a government, and when we agreed to protect foreign trade-marks as a government, and when we agreed to protect foreign trade-marks it was upon the supposition that we had the power to pass a general law. If we did not have at that time constitutional power to do that, that part of the treaty was simply void because we had not the power to make a treaty if we had not the power to legislate for its execution, and what this Government did after that agreeing to protect trade-marks was done under a misapprehension and we are not bound by it.

Foreign governments are presumed to know that this Government is one of limited powers, having only those powers which are conferred on it in the Constitution, and to know and recognize the extent of those powers as well as we, so that in justice and equity we would not be bound to pass any law for the protection of foreign trade-marks only so far as power existed at the time the treaties were made to enact laws for their execution. But if that is true, then we are not morally or in justice bound to any foreign government to pass such legislation, which gives the preference to foreign citizens over our own. But if gentlemen upon the Judiciary Committee base this legislation, as they say they do and are unanimous in that, upon treaties with foreign nations, they must first have a treaty and then legislate to execute it. Now what is the fact? We have now in existence treaties with foreign nations upon this subject, namely, with the Argentine Confederation, with Austria, with Belgium, with Brazil, France, the German Empire, Great Britain, and Russia. With all other foreign actions we have no treaty and treat gentlemen sale upon the second of the second nations we have no treaty, and yet gentlemen ask us to pass a general law which will cover all nations who may through their citizens ask protection of our laws. They do not limit it to those with whom we have treaty obligations on the subject.

We have no such treaties with Bolivia, with Chili, with China, with Colombia, with Denmark, with Mexico, with Japan, with Spain, with Switzerland, and other nations. And yet under the provisions of this law the citizens of all these nations with whom we have no treaties whatever could come here and claim protection of their trade-marks

in our courts.

The Judiciary Committee say we could not pass a law or legislate on the subject as regards these nations with whom we have no treaties, because we have not the power, except where necessary and proper, to execute treaties, and such legislation, therefore, would be void. So that the law is unconstitutional so far as it legislates for foreign nations which have no treaties with us on the subject, as well as being void as to the Indians.

Now, as to Congress getting power to legislate upon the subject at all through the treaty power, I put this question to the Judiciary Committee: Admitting that Congress has no power to legislate upon the subject of trade-marks for our own citizens and internally, can Congress get more power by virtue of a treaty than it now has? Can a treaty with a foreign government grant to Congress a power it has not without the treaty to legislate internally and affecting our own citizens? The Judiciary Committee have expressed no opinion on that subject and do not enter into a discussion of it; but it seems to me the gravest question connected with this bill. Even admitting we had the treaties by which we had agreed to protect foreign trademarks by national legislation, can we get the power to legislate on that subject, affecting the internal relations of our citizens in trade and commerce, the domestic relations, the police and State regulations, and rights and remedies, as the Judiciary Committee say? Can we get that power by virtue of a treaty?

As regards that question I believe this to be a correct principle of law: A treaty does not confer upon Congress a power to legislate as between persons in the State, whether citizens or foreigners, in their internal commerce where that power does not exist, without such treaty, incidental to some general power. But a treaty agreeing to legislate in such cases by controlling the transactions between foreign citizens and the people of the United States is void. I refer the committee and the House to the following brief upon that subject: 5 McLean, 348; 10 Pet., 362; 2 Cranch, 358; 4 Wheat., 316; Story on the Constitution, third edition, sections 1508, 1519; also sections 1243

and 1244:

[Extracts from debates on the sixth article of the Constitution, to be found in Elliott's Debates, volume 3.]

They can by this make no treaty which is repugnant to the spirit of the Constitution or is inconsistent with the delegated powers.—Speech of Governor Nicholas, of Virginia, page 508.

Though the king can make treaties, yet he cannot make a treaty contrary to the constitution of his country.—Speech of Governor Mason, of Virginia, page 514.

The exercise of the power [to make treaties] must be consistent with the object of the delegation.

The object of treaties is the regulation of intercourse with foreign nations, and is external. I do not think it possible to enumerate all the cases in which such external regulations would be necessary. * * * Would it not be considered as a dangerous principle in the British government were the king to have the same power in internal regulations as he has in the external business of treaties? Yet, as among other reasons it is natural to suppose he will prefer the interest of his own to that of another country, it is thought proper to give him this external power of making treaties. This distinction is well worthy of the consideration of gentlemen.—

Speech of Madison.

Suppose we had no general law of the United States, would the President ever have made such treaties?

The act must be for the means requisite and fairly applicable to the attainment of the end of some other express power granted. (Story, section 1245.)

If we had the power to legislate for the registration and protection of trade-marks under any clause of the Constitution, then it would be within the power of the President to make a treaty for a reciprocity in international legislation. And it would be within the discretion of the Legislature to make such laws as should be necessary and proper to carry into execution his treaty.

Especially do I refer gentlemen to the case in tenth Peters, case of New Orleans against the United States. The question was as to the United States having power to control the quays of New Orleans.

Under the King of France before we received that territory the sovereign had that power to make all the regulations. Under the King of Spain it was the same. And when the territory was ceded to us by treaty they ceded to us the same sovereign power over that territory that they had. The question arose in this case whether or not under that treaty the United States Government got the power to control these quays. The decision is in tenth Peters. I read from page 736 of that report. The Supreme Court say that the government of the quays would be a police power; and then they say this:

The Government of the United States as was well observed in the argument-This case was argued by Webster on the part of New Orleans-

is one of limited power. It can exercise authority over no subjects except those which have been delegated to it; and—

Notice this sentence-

Congress cannot by legislation enlarge the Federal jurisdiction; nor can it be en-larged under the treaty-making power.

That is just the point I make, that the power of Congress to legislate upon subjects over which the general clauses of the Constitution do not give them power cannot be increased by a treaty. And the gentleman from Georgia [Mr. HAMMOND] has found no decision, and I presume the Judiciary Committee have been diligent and have searched the reports and have given us all the authority by which they sustain this power, yet they have found no decision but one; and I wish to call the attention of the House to that. The gentleman from Georgia supports this legislation by that reference alone. He says this:

Congress has "power to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof." (Article 1, section 8, Constitution.) Congress, though powerless in this regard, under the commerce clause, may so legislate in aid of the treaty-making power. This idea is fully illustrated and sustained by the Supreme Court in United States vs. Coombs, 12 Peters's Reports, 78.

You observe the gentleman says that the idea that we get this power from the treaty-making power is fully illustrated by the Supreme Court in this case :

The question was, whether certain obstructions to commerce, not at sea nor within tide-marks, but on land, could be punished by Congress? The court said—

And here he quotes the decision of the court-

"Any offense which thus interferes with or obstructs such commerce and naviga-tion, though done on land, may be punished by Congress under its general au-thority"—

And the gentleman italicizes these four words "under its general authority"—

"to make all laws necessary and proper to execute their delegated constitutional authority."

And I would italicize those words. They may make all laws necesand I would italicize those words. They may make all laws necessary and proper under the general authority to execute their delegated constitutional authority. Nothing else. They must have delegated constitutional authority first. Then under this general clause they may execute that appropriately to the end intended.

But the gentleman from Georgia is mistaken when he says the Supreme Court put that decision upon the treaty-making power, and the Committee on the Judiciary, if they place this legislation upon this decision in twelfth Peters, are mistaken as to where the power

rests. I read from that decision, page 78:

But we are of the opinion that under the clause of the Constitution giving power to Congress to regulate commerce with foreign nations and among the several States, Congress possesses the power to punish offenses of the sort which are enumerated in the ninth section of the act of 1823, now under consideration.

It was not the treaty-making power under which they said we had this authority, but it was the power to regulate commerce with for-eign nations. If the gentleman will read this decision carefully he will find that they said we had not the power under the judicial jurisdictional clause, that it was not a maritime offense; but that we had the power under the clause to regulate commerce. They did not place it upon the treaty-making power at all. We do not derive from the treaty-making clause the power to punish for offenses outside of those committed on the high seas and in the tide-waters. I ask gentlemen of the Committee on the Judiciary to show me one sentence in that decision where the court placed this authority under the treaty-making power; or making the case favorable to this principle announced in their report; it is directly against them, for the court sought and cited a general clause of the Constitution under which Congress could

claim the power and did not rely on the treaty.

The expression of the Supreme Court in 10 Peters is not controverted, and I do not find a decision anywhere, and the Committee on the Judiciary have not found any, which states that Congress gains any such power under the treaty-making clause. That is the only decision which the gentlemen of that committee have cited, and they say it fully sustains the power of Congress under the treaty-making

authority. And we see it, in fact, is against them.

I desire to call the attention of the House, and of the committee that made this report, to the following principle laid down in Kent, eleventh edition, page 266:

If the end be legitimate and within the scope of the Constitution, all means which are proper and plainly adapted to this end, and which are not prohibited, are lawful.

This is the extent, and the full extent I claim, to which Congress can go under that power. But the members of the Committee on the Judiciary themselves say that the end herein sought to be attained is

not within the scope of the Constitution, the end being legislation on the subject of trade-marks. That committee has expressly said that the Constitution does not give any power to Congress to do that thing; that no power is given to the General Government by the Constitution to regulate trade-marks; that there is no express power in the execution of which the regulation of trade-marks is expedient, useful, or conducive to the end to be attained in any general power. That control of the subject is left to the States.

They say that it is not contained under the commerce clause, the patent clause, or the copyright clause. They might have placed it finally under the constitutional sovereignty power. They might have said that under the sovereignty of the United States this power might rest in its dealing with other sovereigns; but they put it nowhere in any constitutional power to be found within the scope of the Consti-

Now I ask those gentlemen, and especially the gentleman from Georgia, [Mr. HAMMOND,] whose brilliant peroration on the subject of State rights closed his argument, this question: Should the President and Senate by treaty agree that none but Rhine wines should be sold in the United States, that, in the language of the treaty, "all others should be strictly prohibited," does the gentleman believe that Congress would have the power to legislate to execute that treaty? And if he does not believe that, will he point out to me wherein such a power to legislate would differ from that claimed in the present case, giving preferred rights and remedies to foreigners as between them and American citizens?

If the President and Senate should by treaty agree that the sale of all but foreign steel rails should be "strictly prohibited" in the United States, would the gentleman say that it is our duty to legislate to execute that treaty, and that Congress gained the power to do so because the treaty required it? If he can say so in the present case, he can as well say so in that; because he says that the treaty alone is the grant of power to Congress, that otherwise Congress would

not have the power.
Suppose that the President and Senate should make a treaty providing that the sale of all but Havana cigars should be "strictly pro-hibited" in the United States. Would that confer upon Congress the power to legislate to execute that treaty, and to strictly prohibit the sale of all other cigars? If it would not, would power be conferred upon Congress by a treaty to protect foreign trade-marks and not our own? It seems to me that the Judiciary Committee, although they had this subject under consideration a long time, with instructions to report it as soon as possible, have certainly not reached the bottom of the subject in reporting and recommending a bill of this character.

Passing from the constitutional question, let me examine for a moment the practical question. If treaties are made requiring the Government to legislate in a certain way in harmony with foreign governments, it would still remain a question with the legislative branch in their discretion whether they ought so to legislate. It would remain with them to decide whether they would do this thing which the President has agreed shall be done. We are the legislative branch, on which alone this power is conferred by the Constitution.

within our discretion to determine whether we will pass the legisla-tion which the President has stipulated shall be passed in any treaty. Now, supposing you had the power, I ask whether in the exercise of that discretion you would favor the passage of this kind of a bill? Let us see what it is. Under this bill foreigners are to be protected Let us see what it is. Under this bill foreigners are to be protected by national legislation against infringement of their trade-marks. Under this bill they may go to United States courts for their remedies, both civil and criminal. They may there ask for damages; they may there ask for injunctions; they may there ask for searchwarrants to hunt out and destroy all implements supposed to be in the hands of any person for the purpose of infringing or pirating upon their trade market.

their trade-mark

Under this legislation, if it should pass, you might find in our United States courts two persons standing at the bar for justice. One happens to be a Frenchman, a German, a Russian, or a Turk; the other happens to be an American citizen. The one invokes the power of that court to give him judgment for his damages, and he gets it; the other is refused. One asks for a search-warrant to hunt out and destroy suspected implements by which his trade-mark may be counterfeited. He gets it, while a similar application made by the other is refused. One goes into the United States courts under the criminal laws and prosecutes to punishment by the severest penalties of fine and imprisonment any man attempting to counterfeit his trade-mark; the other stands alone in that court without remedy. One, as against a citizen of the States, may sue in the United States courts; the American cannot. One produces a United States certificate of registration, which is the prima facie evidence, from Maine to Alaska, of his ownership, upon which he readily wins his case; the other cannot, but is left to grope in the long past to prove his prior use of his mark with all the difficulties of finding the evidence which time has swept

When that lone man rises up and asks, "Why am I not here with the same rights that these other men have?" you will see the French-man under his flag, the German under his flag, the Briton under his flag, the Russian or the Turk under his, pointing at him and saying, "You are an American citizen; by that misfortune you have under the legislation of your way." the legislation of your own Congress no rights here; we are preferred to you in every respect."

Mr. Speaker, for these several reasons I say this bill ought not to pass. I hope it will not receive the support of this House nor even the support of the Judiciary Committee. First, it is unconstitutional, because it legislates for trade-marks in commerce with the Indians, with whom there is no treaty providing for such protection. Next, with whom there is no treaty providing for such processon. Ast, it undertakes to give the same protection to foreign nations with whom we have no treaties on the subject; and by the reasoning of the Judiciary Committee itself this legislation falls to the ground with reference to such nations. Next, as to foreign nations with whom we have treaties on this subject, those treaties were made under a misapprehension of our power as a nation, under the supposition that we had the authority to pass such laws as were passed in 1870 and 1876, legislation which we supposed until last October had full force. The treaty-making power in making these treaties acted under a misapprehension; and the immutable principles of justice require that no man or government or society shall be prejudiced by what has been done under a misapprehension of that kind.

But supposing these treaties to be in full force, to have been made with full knowledge of their effect, that would not confer upon Congress any additional power not within the scope of the Constitution. It would be disastrous for us to adopt the principle that any treaty made by the Executive can increase the powers of Congress.

This bill does not refer to external matters. Treaties relate to ex-Ins old does not refer to external matters. Treaties relate to external matters between sovereigns. This bill goes into internal matters between citizen and citizen. Why, sir, you will find in this bill a provision that between citizens of the States this bill applies. When they are citizens of the same State, and the trade-mark in controversy is intended to be used for foreign commerce, this bill gives them all these rights as against every other citizen of the State. It undertakes to go into the State and as between citizens of that State give them rights as above all others, if their trade-mark is intended to be used in foreign commerce or with the Indian tribes. All through, the bill affects citizens of the States. If two men are engaged in ordinary traffic—in the grocery or any other business—in a State, this bill steps in and affects the one without affecting the other, because of the trade-mark which happens to be on some of the goods.

Again, I object to the bill and hope it will not pass because if it vere constitutional, if we had the power to pass it, if we could get were constitutional, if we had the power to pass it, if we coming get this power from a treaty, it would not be a just and righteous law, but would be an anomaly and an outrage upon the American statute-book. The result would be that any American owning a trade-mark would be driven to assign that trade-mark to a foreigner and then come back under a foreign flag to get protection. If I had a trade-mark and wanted to have it protected by the United States courts under the provisions of this bill in the interstate commerce of the country, I would immediately assign it to some German, Frenchman, or some other foreigner, and then come back under the foreign flag and ask for my rights under this bill because I could not get them under my own flag.

This is not the way foreign nations do. We have treaties with Germany and treaties with France, and they do not treat their citi-

zens in this way. In violation of their treaties to-day on the statutebooks, France has this provision: The nineteenth article provides that all foreign products bearing the mark or name of a manufacturer resident in France, or the name or the place of a French factory, shall be excluded from France or seized. That is the way they do there. If an American comes with goods with the stamp of their factory on them they are excluded and cannot come into the ports of that country, and are seized and confiscated. Yet you say, in opposi-tion to that, they may come here and ours shall not compete with

them in the commerce of this country under your legislation.

Take Germany. How does she treat her citizens under the treaty which says our citizens shall have the same rights as her own sub-

jects? Section 13 of her trade-mark law is as follows:

Every native producer or trader who has received protection or authorization for his trade-mark may, in the event of another unlawfully making use of the same or the name of his firm, in virtue of this law enter an action against any person so doing in order to obtain a legal decision that he is not entitled to make use of such trade-mark. The producer or trader may likewise prosecute any person who unlawfully exposes or keeps for sale any goods unlawfully marked with the complainant's trade-mark; that the person so doing may be judicially declared unauthorized to expose or keep for sale any goods so marked.

Mr. HAMMOND, of Georgia. Will the gentleman allow me to ask

him a question? Mr. McCOID. Yes. sir.

Mr. HAMMOND, of Georgia. When the treaty comes in and says the foreigner shall have the same rights as the native, does not that make it practically read native or foreigner?

Mr. McCOID. If the gentleman will examine he will find this is a

law made after the treaty, and not before it.

Mr. HAMMOND, of Georgia. The treaty is that each foreigner shall have in the country of the other the same rights that the citizen has at home. Therefore you legislate for the citizen but you treat for

Mr. McCOID. Not at all. It is necessary for that nation under the treaty to legislate and execute it. They do not get rights which require legislation to create by a treaty; they only get them by leg-islation under the treaty. Does the gentleman say as a legal princi-ple that a treaty is law, where it requires legislation, without that

legislation?
Mr. OSMER. They get recognition by the treaty.

Mr. McCOID. Yes; they get recognition by the treaty and the Government then enacts the law to give them the remedy. But a treaty agreeing to certain rights and remedies does not become a law without the legislation to carry it out. Now, under their legislation after the treaty, they have in Germany enacted what I have read in section 13.

I say I object to this bill because it gives the foreigner preference over our own people, and, for one, I do not want to place our citizens in any such relation. I object to it for its want of reciprocity, for its want of mutuality; I object to it on the ground that we do not have the same rights and cannot give the same rights to American citizens under our laws which we give to them. I know very well we would like to do so. I know gentlemen say we would go to the extent of our power, but we do not do it because we have not the power. I say we had better wait until by grant of power from the States we can make a law which will be uniform, and harmonious, and equitable, and just both to our own citizens and to foreigners.

CAN TRADE-MARKS BE PROTECTED UNDER PATENT LAWS?

Now, Mr. Speaker, there is one other point which is spoken of in the report of the Committee on the Judiciary, and which was referred to by the gentleman from Georgia [Mr. Hammond] in his remarks. It is there said under the patent laws patented goods may be protected. In that I think the committee is entirely mistaken. The Judiciary Committee in saying that trade-marks may be protected under the patent laws must have forgotten that there is no analogy between them whatever. Although the patent laws require the name and date of the patent to be put on goods, there is no trade-mark in it. It has no reference to trade-marks.

On this subject I took the liberty of submitting certain interroga-tories to the Commissioner of Patents, and I ask the Clerk to read those interrogatories and the reply which I received to them from the

Commissioner.
The Clerk read as follows:

Washington, D. C., April 20, 1880.

Washington, D. C., April 20, 1880.

Dear Sir: In the determination of the necessity and practicability of national legislation upon the subject of the protection of trade-marks as between citizens of States, and a constitutional amendment under which such legislation may be had, it becomes important to know whether:

First. Under the power of Congress of securing for limited times * * * to inventors the exclusive right to their respective * * discoveries, (article 1, section 8,) and to give such protection, and under which Congress has forbidden any one to "mark upon anything made, used, or sold by him for which he has not obtained a patent the name or limitation of the name of the patentee, or to put "patent," "patentee," or "letters-patent," or any word of like import with intent to imitate or counterfeit the mark or device of the patentee without his consent and prescribed as penalty for a violation—(Revised Statutes, section 4900)—trademarks are or may by further legislation be sufficiently protected on patented goods?

Second. Whether State legislation is sufficient to protect interstate trade-marks?

goods? Second. Whether State legislation is sufficient to protect interstate trade-marks? Second. Whether State legislation is sufficient to protect interstate trade-marks? Third. The propriety of protecting foreign trade-marks by national legislation, and leaving domestic trade-marks without any such direct legislation? Fourth. Why, if under patent laws trade-marks on patented goods may be sufficiently protected for our citizens, they may not also for foreign citizens? Fifth. What conflicts or confusion would result from State legislation and national legislation as to trade-marks under treaties? I respectfully request you to give your views on these questions, and such facts as in your opinion sustain them. And also the results of national protection under late laws now declared unconstitutional.

Very respectfully, your obedient servant,

M. A. McCOID.

M. A. McCOID.

To the COMMISSIONER OF PATENTS.

Department of the Interior,
UNITED STATES PATENT OFFICE,
Washington, D. C., April 21, 1880.

Sir.: In reply to your informal inquiries, relating to trade-mark legislation, I have the honor to state—
First. That there is no such relation between trade-marks and patents and patentable inventions by which the provisions of the existing laws relating to patents can be applied to the protection of trade-marks.

The United States Supreme Court in the Steffins' case having expressly declared that the clause of the Constitution relating to protection to be given authors and inventors to their respective writings and discoveries cannot be construed to extend to trade-marks, it would necessarily follow that any amendment of the patent laws (which derive their validity from such clause of the Constitution) intended to affect the matter of trade-marks would to that extent be invalid.

Second. Section 4900 Revised Statutes, to which you have called my attention, is mandatory in requiring patentees to mark their articles as patented, together with the day and year the patent was granted, as notice to the public, and as a prerequisite in maintaining any suit for infringement, except on proof that the defendant was otherwise duly notified. But the announcement which that section requires to be made on patented articles can in no way be construed as a trade-mark. The United States Supreme Court, as well as other courts, both in this country and England, have repeatedly held that the mere announcement of a fact upon an article of manufacture, or the use merely of a generic name, consisting of the name of the manufacture, or words to denote quality, or the time and place of manufacture, are not proper subjects for a trade-mark under the common law. And it has also been held that after the expiration of a patent the public generally, in manufacturing the article, are entitled to use the name of the patente to designate or identify such manufacture with the one previously patented.

Third. The number of trade-marks heretofore regis

such as now exist relating to trade-marks, is extremely valuable, and their value is so apparent to every citizen of this country that it is very natural for them to desire the same protection that is thus afforded foreigners. Whatever protection is afforded foreigners under our patent laws is also already extended to citizens, and no further amendment to those laws is needed for that purpose.

Fourth. One great advantage of the legislation by Congress on the subject of trade-marks has been the gradual adoption of a uniform system of adjudication by the United States courts in regard to the rights of the owners of trade-marks and the confidence which has been established with the public in all such matters that have come within the operation of Federal legislation and the adjudication of the Federal courts. Especially has this confidence been promoted by the penal protection afforded by recent legislation.

Notwithstanding the recent decision of the Supreme Court in holding the trademark acts invalid this office is receiving continually applications to the number of forty or fifty a month for registration; and where it is shown that the applicants are aware of the said decision, which fact is required to be made evident in every application, registration is granted subject to the provisions of the law hitherto in force.

I regret that the very short time given me to answer your inquiries has pre-

force.

I regret that the very short time given me to answer your inquiries has prevented a thorough consideration of the subject—a subject which is a much older one than that of patents, and covers a far wider field. Patented articles are the product of inventive genius alone, and their production is confined to comparatively few, while trade-marks, in themselves also assignable personal property, are applicable to all articles of commerce, and may be adopted by any one who wishes to distinguish his goods from those made by another.

Very respectfully, your obedient servant,

W. H. DOOLUTTLE

W. H. DOOLITTLE, Acting Commissioner.

Hon. M. A. McCoid, House of Representatives.

Mr. McCOID. I have a brief on the subject supporting this statement which I will print without reading. After the expiration of a patent it becomes public property, and in that respect would not be patentable as a trade-mark. The words imprinted upon patented patentable as a trade-mark. The words imprinted upon patented articles of manufacture are common property after date of expiration of the patent. (The Locke Manufacturing Company vs. Levi C. Boyington, (October, 1875,) Official Gazette, Patent Office, volume 9, January-June, page 455; Edleston vs. Vick, 23 English Law and Equity Reports, Official Gazette, Patent Office, volume 14, page 270.) The office has hitherto refused to record such names as trade-marks, and office has hitherto refused to record such names as trade-marks, and the courts, both in England and this country, have declined to extend protection to their use. In this case the vice-chancellor held that in the matter of "Taylor's patent pins," the patent having expired, everybody had a right to use that term. If that alone constituted the whole of the label, it was public property.

C. E. Richardson et al., (3 Official Gazette, 120:) The Commissioner refused registration of the words "A. Richardson's Union leather-splitting machine," on the ground that the words presented had become the generic name of the machines by which the public knew them

them.

The Consolidated Fruit Jar Company, (14 Official Gazette, 169:) When by long usage the name of a person in designating a certain class of manufactures has become generic in its character, such a name is at common law not a lawful trade-mark. The Commissioner is prohibited by section 4939 from registering as a trade-mark the name of a person merely. While the owners of a patent have the right by virtue of such patent to stamp goods manufactured thereunder with the name of the patentee, such right succeeds to the public with expiration of the patent, and the exclusive monopoly of such name cannot lawfully be vested in the present or former owners of the patent as a trade-mark. (Canal Company vs. Clark, 13 Wallace, 311.)

Another principle of the old trade-mark law was that the name of

a person cannot be used as a trade-mark or the generic name describing an article cannot be made a trade-mark; and in the bill gentle-men have reported here they have made provision that the name shall not be made a trade-mark, carrying out the decisions to which I have alluded in that respect, also the old law, so that under the patent laws no such protection could be given as the Judiciary Committee seem to indicate. These are all false hopes, forced and unnatural.

I lay down these two propositions:

First. It is a public necessity that we have throughout the United States one universal, uniform, harmonious system of legislation upon

States the universal, uniform, narmonous system of legislation upon the subject of trade-marks.

Second. There is no power granted to Congress in the Constitution to enact such a system, nor has Congress the power in any practical way to legislate upon the subject.

trade-mark is a species of personal property of such intangible and invisible character as to require for convenience and control that it be evidenced to the rightful possessor by the grant of a certificate by Government, and although it belongs as a natural right at common law to the individual who originally adopts and uses it, yet that right should be merged into the statutory grant when made. In the mixed law to the individual who originally adopts and uses it, yet that right should be merged into the statutory grant when made. In the mixed form of our Government it has long since been demonstrated by experience that such subject can alone be controlled harmoniously by the Congress, and it was the purpose of the fathers of the Government, who in convention framed the Constitution, to include in the powers of Congress all such subjects. The evils which led to this practice, under the old confederation, are familiar to all, and I take up no time to enumerate them. These evils were but examples of all that would result to the country if this subject of trade-marks is solved in any way except by giving the entire control of it to Congress. Confusion, conflict in State laws and State decisions and State practice, vexatious law suits, jealousies, and loss of value to all such property and the interest of manufactures and trade would result. and the interest of manufactures and trade would result.

That this subject was not so specifically granted along with others of its analogues in the Constitution is because at that time it was

unknown; but few cases had been reported; it was unmentioned in law-books of the day, and its importance was unfelt. It has grown up since, and to make a grant of that power now is but carrying out the spirit of the founders of the Government. The very nature of the property is such that we cannot cast lots upon it and divide it out to the jurisdiction of thirty-eight governments who are unable to form treaties with each other, and give the General Government what is left under interstate and foreign commerce. The commercial nations of the world have by reciprocal treaties expressed their opinion that reciprocity, uniformity, and harmony in the protection of trade-marks should exist. But there is no way of obtaining reciprocal action among individual States but by transferring the whole subject to Congress. Grants in the Constitution of power to Congress to legislate upon a subject of common interest is in the nature of a treaty of the States, and as all the nations have united in this necessity, so should the States in this amendment, to the end of securing a harmonious system of enactments. The conflicting action and failures on the part of nations to recognize the rights of trade-mark owners fairly exhibit the natural result of State legislation.

If protection is to be limited by State lines, trade-marks will be-

come of little value.

It is laid down in all authorities on this subject that such marks in their very nature are unlimited by time or territory; that they have individuality—a singleness and unity which renders the subject indivisible.

The practical effect of an attempted regulation of these commercial signatures, under the theory that they come within the clause of the Constitution on the subject of commerce, is to give to one portion of our citizens superior protection and leave a large portion, perhaps the largest, out of its pale. It would be very offensive—simply outrageous—if such a law should prove to be valid and give to aliens the monopoly of trade-mark protection, leaving our own countrymen to the cold remedies of common law.

It is far better not to undertake any Quixotic attempts against the Constitution, any mere tentative, temporary statute. Our foreign or interstate interests may as well wait as the larger portion of trade and traffic between citizens of the same State. Up to 1870 all that we had was the common law, and we extended in our courts to treaty-protected aliens equal protection with our own people. We are, not through our fault, thrown back to that status. Aliens only suffer with ourselves the temporary inconvenience of the statutory interregnum. They cannot justly complain or retaliate. This is a government of delegated constitutional powers; and they must wait the constitutional process by which that instrument can be amended and statutes passed. If we in good faith enter upon the path best calculated to secure that protection which they demand, it is all they can reasonably ask.

reasonably ask.

It is not the part of wisdom to allow the swift pressure of their interests to push us to that partial action which the Supreme Court well says "it is quite probable * * * if the matter were now before that body [Congress] it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the right which parties would hold in some instances under the act of Congress and in others under State laws." This is the discordant, partial, and unsatisfactory law now urged as a substitute for the constitutional amendment. The Supreme Court refused to make it by judicial construction and we should refuse to

make it by doubtful constitutional experiment.

NATURE OF TRADE-MARKS.

The origin of this species of property, the rights and remedies, sustain the proposition that it is and should be controlled by a comprehensive national code. First, trade-marks exist as a natural proprietary right, and received recognition and judicial protection prior to any statutory enactments. And they now, in the absence of any legislation on the part of the United States, or of any constitutional power to so legislate, still exist as the property of the person who has first adopted and used a mark on any certain article to distinguish it. Such person has the right of action for damages for the fraudulent such person has the right of action for damages for the transmient use of his mark against any one who applies it to any similar article of other origin or make. He has this proprietary right for an unlimited time and bounded by no State or nation. He has also the equitable right to restrain the unlawful use of his mark.

The right exists. The owners ought to be further protected. The common-law remedies have been felt to be inadequate for many rea-

sons.

First. The issue of whether or not the plaintiff is in the rightful possession of the mark by prior adoption and use, must in each separate case be established. As time wears away this becomes very difficult, if not impossible. There is no court in which this issue may be once presumptively adjudged for all, and a record of such judgment certified and the result remain, once for all, res adjudicata. Second. The remedies are not sufficient to restrain the greed of gain and the bravery of fraud. The gains are so out of proportion to the risk that, in the general stampede of pirates, a trade-mark depreciates as fast as flat money. The public are so deceived they put no faith in even the genuine; and the manufacturer finds that which wholesome legislation would render of great value to himself and the wholesome legislation would render of great value to himself and the purchasing public comparatively worthless—not worth the expense of the endless petty litigation necessary to preserve it.

Third. Beyond the little circle of his own domestic life, his State,

and his friends he is left to the dim sense of natural justice, which lends its cold hand to the alien suitor. He is without remedy.

But I believe as yet no one has seriously announced himself as op-posed to additional statutory protection to trade-mark owners. But

the discussion is between three classes of thinkers.

First, those who believe the local legislation of the States all that is required, and that the subject of trade-marks should, with the earmarks and brands of domestic animals, be governed by domestic statutes of each State.

Second, those who believe that it is a subject that can be practically divided, and partial control left with the Legislatures of States; and the other portion, under the head of commerce among the States,

Congress has constitutional power to regulate.

And third, those who are of the opinion that it is an indivisible subject, entirely national in its vast importance of which the mere commerce between citizens of different States would cover but little if any, and that no clause of the Constitution comprehends it; but that it has grown up and become recognized as requiring protection, in the interests of manufactures and trade since the adoption of the Constitution, and that it is of sufficient importance to be made the subject of a grant of power to Congress, in order that the whole subject may be made the object of one uniform, harmonious, and efficient national statute.

Before entering upon the discussion of these propositions, let us inquire into the nature of the right or property to be protected. A trade-mark is the exclusive privilege of using a mark or symbol to distinguish articles of manufacture so that purchasers may identify them. To perfect a trade-mark as the property of a person requires the manufacturing of a certain article of salable property, the selection of a certain mark or design to identify such property as genuine, the impressing of that mark upon the property. These done, and the

use is complete.

This adoption of the mark and impressing it on the goods is the complete and perfect use of a trade-mark. The manufacture of the goods before or the shipment and sale of the goods after are in no proper sense comprehended in the subject. See Brown on Trade-marks,

section 52, and section 109.

The mark does not exist-except it be as a conception of the mindbut in law or fact it does not exist until it is impressed upon goods, as your signature only exists when written. In fact, the marking as your signature only exists when written. In fact, the marking the goods of a manufacturer with his commercial signature or stamp of genuineness is, if a part of either, a part of the finishing act of the manufacture of the article, rather than belonging to the transportation, sale, or commerce of such goods. The goods are prepared and marked in the manufactory before they are ready for transfer to the sales or shipping room. Of course every separate act of the manufacture, from the purchase of the raw material to the impress of the signet of trade, the seal of ownership, is prompted by and ac-companied with an intent to sell in any and all the markets it is pos-sible to enter. And the goods thus converted are intended to be the sible to enter. And the goods thus completed are intended to be the subjects of intrastate, interstate, and foreign commerce. The entire thing enjoyed is the preference in market for certain goods. In the words of one court:

It is a right which can be said to exist only and can be tested only by its violation. It is the right which any person designating his wares or commodities by a particular trade-mark, as it is called, has to prevent others from selling wares which are not his marked with that trade-mark in order to mislead the public, and so, incidentally, to injure the person who is owner of the trade-mark.

The property which is to be the subject of constitutional and congressional protection is in the combination of the article manufactured and the distinguishing mark, its consummation as the rightful possession of its owner, and its violation consists in stamping the mark on the goods.

Mark on the goods.

As patents and copyrights are already subjects of congressional clauses and of exclusive legislation by Congress, a comparison with them will give a clear idea of the nature of the property in trade-marks. Primarily, trade-marks differ from patents and copyrights. Their origin differs. A mark for use in trade is selected anywhere; the word, the idea, the sign, may be as old as Adam. It may be a mule's ear, a lion, an elephant, or a star. It originates only by adoption and use. Patents spring from original invention; the owner is father to the idea. the idea.

Copyrights also belong to the claimant by reason of originality of production. It is the creature of his intellect, his thoughts, his genius,

and therefore his own.

In this they differ. Patents and copyrights become the owners' property in a different way and for different reasons from trade-marks. But even in this difference there is a latent analogy. Priority of use, the very twin of originality, is the title-bond to a trade-mark. One is the priority of thought, of invention, of discovery; the other the priority of combination. And in that combination there is originalpriority of combination. And in that combination there is originality, thought, invention, and discovery. Many patents are but the result of priority of combination of "plain, simple, old, and well-known" things. Many grand and beautiful productions of the most brilliant stars in the literary world are but masterly conceptions of the combined effect of familiar fancies, the precipitate of old thoughts. In this sense the adopter and user of a trade-mark is both the author and the inventor of the combination of the marked goods. And he has no exclusive property in it except in that original application in which it is impressed upon the article.

But I am not differing from the opinion of the Supreme Court. I only intend to show you that while this subject of trade-marks was not contemplated by our fathers in the writing of the clauses of the Constitution on the subjects of patents and copyrights, (as it was not in the clause on the subject of commerce,) yet the subject, as it has grown into importance since their day, is analogous to them both, even in that in which it differs most, its very origin. But admitting this difference between them here in the literal want of a relation to invention or discovery, or in the want of originality or the fruit of intellectual labor, I venture to assert that this is the only point of difference. This absence of invention and originality excludes it from the contemplation of the clauses of the Constitution in relation to these subjects in the opinion of the Supreme Court. Pass from the birth of the proprietary right and examine the nature of the property. What do you find? The species of property is the same. The character, the nature of some rights is best disclosed by their violation, and this is true of these three proprietary rights, patents, copyrights, and trademarks. Their violation is an infringement. In all these it is identical. American decisions have from the first, and English decisions have at last, placed the protection of trade-marks along with patents and copyrights upon the ground of property. In deciding upon just the nature of this property and its distinctiveness from commerce let me call your attention to all property of this kind. I may omit some, but I believe they are included in these patents, copyrights, trademarks, the good-will of trade, and the property in the name of a magnetic creative continuous literary raphical in magazine or other serial literary publication.

In point of property all these stand upon the same ground. How-

ever that property may be acquired, it is itself the same in all. They are identical, too, in the remedies which the law extends to them. The are identical, too, in the remedies which the law extends to them. The nature of the injury in each in case of piracy or infringement is the same. That injury is felt in cheapening the price of the goods by an inferior competitor and destroying the reputation of goods by the discovery of the inferiority, or, if not inferior, by fraudulently securing the advantages of the character of another in the market. The common-law remedies are the same. The injured party has his action for damages for fraud or the infringement, and his equitable right to restrain by injunction, and ought to have the better remedies of the restrain by injunction, and ought to have the better remedies of the statutes against counterfeiting and pirating.

To sum up, then, the discussion of the nature of the property in trade-marks, I say a trade-mark is a symbol of genuineness impressed upon certain salable goods by the prior appropriator of that mark; that he has a species of property in the exclusive application of the symbol to the specified articles; that his remedies are damages for infringement and injunction, and other more efficient statutory protection; that in the species of property, the injury, and the remedies, it is identical with patents and copyrights.

IS THE POWER TO REGULATE TRADE-MARKS CONTAINED IN THE POWER TO REGULATE COMMERCE?

But the point of serious divergence of opinion, perhaps, is the next, that the subject can be practically divided into that regulation of trade-marks used in interstate commerce by itself, and that part used in State commerce by itself; and that Congress, under the power to regulate commerce among the States, already has all that is needed for her share, leaving to the States the rest. A great many

Is needed for her share, leaving to the States the rest. A great many still hold to this opinion.

I suppose the germ of that opinion and the suggestion of that position which takes form in the bill (H. R. No. 2573) by Mr. ARMFIELD, lies in the remarks of the Supreme Court in the late opinion declaring all present laws unconstitutional; and I want first to carefully examine that opinion upon that point. Of course we all know the danger of sairing upon the running words of a writer of sairing upon the running words of a writer of a position. danger of seizing upon the running words of a writer of an opinion who means no more than to decide the case in point, and dreams not of suggesting legislation, or any other improper obiter dicta. And we know, too, how utterly futile, how useless, and how injurious is the effort to cling to straws like a drowning man when a decision has swept away, as a flood, all the structure of law by taking from under it the formed of the condense of the con it the foundation. No judge would express his opinion upon this subject now. He would not prejudge a case off the bench which he was so careful to leave undecided on the bench.

You will find on page 5 of the report of the Committee on Manufactures, in the opinion of the court, the following language:

factures, in the opinion of the court, the following language:

The question, therefore, whether the trade-mark bears such a relation to commerce in general terms as to bring it within congressional control, when used or applied to the classes of commerce which fall within that control, is one which, in the present case, we propose to leave undecided. We adopt this course because when this court is called on in the course of the administration of the law to consider whether an act of Congress or any other department of the Government is within the constitutional authority of that department, a due respect for a co-ordinate branch of the Government requires that we shall decide that it has transcended its powers only when that is so plain that we cannot avoid the duty.

In such cases it is manifestly the dictate of wisdom and indicial propriety to decide no more than is necessary to the case in hand. That such has been the uniform course of this court in regard to statutes passed by Congress will readily appear to any one who will consider the vast amount of argument presented to us assailing such statutes as unconstitutional, and will count, as he may do on his fingers, the instances in which this court has declared an act of Congress void for want of constitutional power.

Here I suppose are the paragraphs in which is suggested the hope

Here I suppose are the paragraphs in which is suggested the hope

that such constitutional legislation is possible.

The question was: Does the trade-mark bear such a relation to commerce as to be controlled by Congress as an attribute of it? They say, "We propose to leave it undecided." But why? Because

"a due respect * * * requires that we shall decide." Decide what? Decide "that it has transcended its powers." Then that is the disagreeable duty they propose to leave undone now, and to do "only when * * * we cannot avoid the duty." It is as much as "only when * * * we cannot avoid the duty." It is as much as to say Congress has not yet in that way or under that claim or pretense transcended its powers. It has not been so foolish or so grasping or so ill-informed as to even believe it was acting under that clause of the Constitution.

When it is plain that such is the case, when Congress undertakes to enact a law which can only be valid in that clause, and upon the claim that a trade-mark bears such a relation to commerce in general terms as to be a subject of its control, then, and not till then, in a proper case we will add one more to the few instances in which the Supreme Court have declared its acts void for want of constitutional power. Then the court proceeds to show that Congress did not claim such power under the commerce clause. It could not regulate commerce except "among the States," "with foreign nations," and "with the Indians." And as the largest part of commerce is perhaps within the State, the power would not be adequate, not sufficient, not comprehensive enough. It was evident the regulations of trade should and were intended to be "applicable to all trade, to commerce at all points." "Its broad purpose was to establish a universal system of trade-mark registration for the benefit of all who had already used a trade mark, or who wished to adopt one in the future, with regard to the character of the trade to which it was to be applied or the locality

I should rather believe from this language that the reserved judgment of the court, so far as formed, though unexpressed, was that so far as it affected protection of trade-marks in a State or its use in interstate traffic, the act was unconstitutional as a regulation of com-merce. I make these remarks upon that decision with much diffi-

merce. I make these remarks upon that decision with much diffidence, not willing to put words in the mouths of the court or twist
these from their intended meaning.

Now, let us sum up the argument found in the decision of the Supreme Court against the constitutionality of this legislation under
the commerce clause. They assert that it is not every species of
property which is the subject of commerce or which is used or even
essential in commerce which is brought by this clause of the Constitution within control of Congress. They say a due respect requires
that they decide that Congress has transcended its powers only when tution within control of Congress. They say a due respect requires that they decide that Congress has transcended its powers only when they cannot avoid it; and for that reason they leave it undecided. They show that this power of regulation conferred on Congress is limited while trade-marks require unlimited regulation, and that the largest amount of traffic where it affects is beyond the limits of this power. They say it is evident Congress did not believe it was acting under this clause. They show that the broad purpose of congressional egislation was manifestly to establish a universal system for the

benefit of all without regard to trade or locality.

They regard a partial law as so objectionable as not likely to pass Congress. They say it would complicate rights and cause a conflict of law between State and nation. They close by saying the inquiry whether these statutes can be upheld in whole or in part as valid and constitutional must be answered in the negative. That it is not upheld as a property of the statement of the same particles. upheld as a universal system under the patent clause, as a wholenot under the commerce clause so far as affects interstate and foreign commerce, in part. That is a bold mind that can face these state-ments of the decision and say they meant to suggest that such a law could be valid.

But I am the more confident in this, because this view is sustained by the best reasons; and in my judgment, upon the merits of the case, should it ever come before that Court, requiring their decision, they would decide the subject of trade-marks to bear no such relation to commerce as to bring it within congressional control.

It is not a subject of commerce; it is not a vehicle or instrument of

commerce. It does not come within any of the decisions extending the meaning of the term commerce in the Constitution. It will not do to say, because the goods to which a trade-mark is applied are intended to be transported from one State to another, or sold by a citizen of one State to a citizen of another, that the mark becomes so related to commerce as to be the subject of congressional control. The argument proves too much, and would draw within the control of Congress all species of property and all the minutiæ of its manufacture.

If you take the subject out of the field of specialties, such as patents and copyrights, and place it within that of commerce, then you leave it there to be divided into parts and give it an even worse status than if left entirely to the States. It becomes then your duty to carve out of it what is commerce within a State, what is commerce among the States, what is foreign commerce, and what is commerce with the Indians. Where will you draw your lines without confusion? with the Indians. Where will you draw your lines without confusion? How will you frame your statutes with precision? Who is to decide what claimant has the priority? Who is to reconcile conflicting decisions? How are you going to bring about uniformity in the system? When Massachusetts decides with A and South Carolina with B and Texas with C and the United States with E, and each within the limits of that part of the control of the subject committed by you to that particular government exercises his right of ownership to the same mark, who is to bring order out of that confusion?

You draw around your legislation the lines of constitutional limits by repeating the words "used in commerce with foreign nations, or among the several States, or with the Indian tribes," as Richelieu

threw around his protégé with the gesture of his hand the muniments of Rome. Then, christened thus in constitutional phrase, you do the identical things which the Supreme Court have decided you can not do. Are the forms of the Constitution put on and off so lightly and so easily? Does the Constitution change like the colors of a chameleon? On a green branch is it green; on a black, black? This, to my mind, is the simplest folly.

Suppose you say, "Used in commerce among the several States, or with foreign nations, or with the Indian tribes." Trade-marks used in commerce among the several States! How used? What do you mean by "used in commerce among States?" Trade-marks are just marks. In the simplest meaning of that word, can you use a mark in commerce? You may mark something that is going to be shipped; or marks. In the simplest meaning of that word, can you use a mark in commerce? You may mark something that is going to be shipped; or you may ship something that is going to be marked; or you may mark something, and it may some time be shipped. Again, are you going to give the proprietary right of a citizen of a particular State to a trade-mark used within his own State by your act to another to be "used in commerce among the States or with foreign nations?" How are you to tell, in the exercise of your divided jurisdiction, how much conflict you create with the local rights of others? While I enjoy in Iowa the protection of my trade-mark in the local markets of my State, are you to permit others shipping in from other States or any State, are you to permit others shipping in from other States or nations to pour in upon me, under the ægis of your protection and exclusive grant, goods impressed with my trade-mark? Then what do you mean, and where do you draw the line?

Mr. Speaker, do we not see that the subject is indivisible, insepara-Mr. speaker, do we not see that the subject is indivisible, inseparable; that, as Congress wisely attempted to do, had it had the power, what we want to get the power to do and do is to establish a universal system of trade-mark registration for the benefit of all, without regard to the character of the trade to which it is to be applied or the locality of the owner; to have a uniform system, one place of granting certificates, one place of record, one statute of protection, one

ing certificates, one place of record, one statute of protection, one penalty of violations?

We have seen it is like patents and copyrights in nearly every respect. Ought it not, like them, to be made the specific subject of congressional control? Even were it possible to force the terms of the Constitution to meet the case, it would be vastly more harmful than to make a specific grant of the power, as the resolution provides. There is danger in extending the powers of Congress by inference and construction of its present clauses beyond their natural and original meaning. And it is much the safer and better plan to enlarge these powers by additional and express grants as in the prog-

and original meaning. And it is much the safer and better plan to enlarge these powers by additional and express grants as in the progress of time they become necessary.

See the case of Gibbons vs. Ogden, (9 Wheaton R., 198.)

In Veazie vs. Moor (14 Howard, 568) Justice Daniels says:

Taking the term commerce in its broadest acceptation, supposing it to embrace not merely traffic, but the means and vehicles by which it is prosecuted, can it properly be made to include objects and purposes such as those contemplated by the law under review? (A law granting the exclusive right to navigate the upper waters of a river lying wholly within the limits of the State granting it, impassably separated from tidal waters and not forming a part of any continuous track of commerce between States.) Commerce with foreign nations must signify commerce which in some sense is necessarily connected with those nations, transactions which either immediately or at some stage of their progress must be extra-territorial. The phrase can never be applied to transactions wholly internal between citizens of the same community or to a policy and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures, or in the arts, may ultimately become the subjects of foreign commerce, that the centrol of the means or the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase foreign commerce. A pretension as far-reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce equally excludes from the regulation of commerce edit

To whip the devil around the stump and avoid the effect of a constitutional inhibition by the jugglery of a few empty words, were it possible, would be full of danger.

Why quibble around the Constitution and make a lame, indefinite useless law, instead of manfully shouldering the whole question, get the necessary power in the good old way, and then legislate intelli-gently and safely? All that could be secured by any other course would be additional doubt, litigation, conflict, until the law would become a dead letter.

Now, in reference to the amendment here, I ask leave to substitute for the amendment in its language the following, which I will ask the Clerk to read:

The Clerk read as follows:

Section 1. Congress shall have power to provide for the registration and protection of trade-marks.

Mr. McCOID. That brings the constitutional amendment simply down to what we want, and there can be no objection, as I understand the gentleman from Georgia to say there might be, to the wording of the amendment, and I ask this to be made the section instead the one in the resolution, so that there may be no objection to the

Now, Mr. Speaker, in reference to the amendment. Gentlemen here have expressed themselves—and I believe it is the general feeling upon the subject—that they are opposed and unwilling to amend the Constitution except upon a great necessity. I agree fully with the expressions of the gentleman from Georgia as to that venerable and venerated instrument, and I am in full accord with him on that subject that it is dear to use but the expressions of the second ject that it is dear to us by the associations of history in connection with the times in which it was made, and that it is wise in its provisions.

But, Mr. Speaker, it is only the articles of incorporation of this Government and the doctrine that it is unchangeable cannot be maintained for a moment. The American people are not a stolid unprogressive people that require no changes in their organic law. or states, extending new lines of railway, stretching telegraph wires and mountains: we are swarping above and talking he was a serior that the Constitution was designed by its founders not to be changed to fit the conditions of a growing, prosperous nation. The lion's skin may become too short. We are stretching our limbs; we are expanding our lungs; we are extending our territory, increasing the number of our States, extending new lines of railway, stretching telegraph wires across plains and mountains; we are swarping above and talking he across plains and mountains; we are swarming above and talking beneath the seas; we are overcoming new difficulties and contriving new forces and instruments of enterprise, and the giant form which is thus growing to manhood cannot lie within the narrow confines of the cradle of its infancy. And those honored men whose names we revere and whose work has come down to us with the sanctity that attaches to it intended that there should be changes in the organic law and provided that changes should be made. In reference to this necessity, I beg leave to read one or two extracts from the Civil Policy of America, by Draper.

He writes:

He writes:

The first and most important condition for the prosperity of a great nation is stability in its institutions. But stability must be carefully distinguished from immobility. We must bear in mind that the affairs of men are ever changing; successive generations live under essentially different conditions; public necessities are therefore continually varying, and disorder arises as soon as institutions prescribe one course and necessity demands another. To insure stability the political system must therefore admit of change—that change being in accordance with a law of variation which depends on a fixed principle. Unchangeability should belong to the law, not to the institutions issuing from it. In that manner alone can order and progress co-exist, and the demand made by modern statesmanship with so much solicitude be satisfied. It truly affirms that there can be no real order without progress, and no real progress without order.

Institutions well adapted for five millions of people will certainly be very unsuitable for lifty. Institutions intended for a narrow coast line will certainly be inadequate if applied to one of the quarters of the globe. Edifices, though they may be built of iron, will fall to pieces if the architect has not made provision for expansion at one point and contraction at another. Where motion must in the necessities of the case occur, it is essential for safety that there should be a harmony among the moving parts. Inequality of progressive movement implies strain, strain implies fracture. It is therefore the province of statesmanship to determine how change shall be provided for in political institutions, and what is the true nature of the law by which they shall be modified. Above all, it is its province to discover the immutable principles on which that law must rest. It is better for communities to advance through legal forms than by revolutionary impulses, or by attempting to secure stability through incessantly failing experiments. The only safe guide for them to follow i

Now, I have only to say further that changes in our Constitution Now, I have only to say further that changes in our Constitution should be made only for imperative reasons. It is only a question of necessity, so as to place ourselves as a nation and our people upon an equal footing with those of the commercial nations of the world. There is no power in the States to make treaties with each other. That power has been left to the General Government for them. This amendment provides no different rule with reference to this than is applicable to our treaties with England, France, Belgium, and the other nations of the world, stipulating that uniform laws shall govern all alike upon the subject of trade-marks. We have not hesitated to seek that uniformity of mutual protection by treaties with other governments, and why should we decline to unite our thirty-eight States in the same uniformity through constitutional amendment and nain the same uniformity through constitutional amendment and national legislation. We have not feared to change international law, why should we refuse to amend the interstate organic law. The Constitution, Mr. Speaker, is not a mummy of unchangeableness laid away in the pyramid of our reverence for our fathers, but the plastic charter for a living, growing, ever-changing people. Here is a great interest affecting vitally our trade and commerce, and we desire to legislate upon it. We thought we had the constitutional power. We enacted what we intended to be, in the language of the Supreme Court, a uniform system of trade-mark legislation. It worked well and satisfactorily to the whole people.

That legislation was declared void for want of constitutional power.

It is admitted by the opponents of this amendment that it would be a great convenience to the people. The plain, direct, practical way out of the difficulty is first to secure the power, all that we supposed we had by the constitutional amendment, and then legislate as we did before.

The gentleman from Georgia seems to think the subject a trivial one, and not of sufficient importance to justify this action; and in his attempt to belittle it he talks of the protection of "Winslow's Sooth-

ing Syrup" and such things as that. I wish to remind the gentleman, in order to relieve his mind from that attempt to belittle the subject, in order to relieve his mind from that attempt to belittle the subject, that he justifies and eulogizes our fathers for placing the copyright clause in our Constitution; but he might, with a like spirit of unfairness, as well have ridiculed them by referring to these copyrighted works I have before me, [holding them up]—the "Dashington Brothers' Negro Song-Book," the "Pitcher-of-Beer Songster," the "Sullivan and Harrington Sweet Jerusha Jane Songster," "Little Grant's Tired of Single Life Songster," "Mother Goose," "Weston Brothers' Laugh ing Chorus," and "Jenny Jones's Songster."

A MEMBER. Do not forget "Jack, the Giant-Killer."

Mr. MCCOID. I will include "Jack, the Giant Killer" as the gentleman suggests, and I might mention many others. The gentleman from Georgia attempts to belittle the subject; and yet he stands in

from Georgia attempts to belittle the subject; and yet he stands in the presence of the fact that the great sovereignties of Germany and America, the great sovereignties of France and America, the great sovereignties of Russia and America, the great sovereignties of Belgium and America, and all the powers with whom we have treaties have met in solemn convention, and the high contracting powers have considered this subject and made it an important clause in treaties between great nations. Yet the gentleman could not point to anything of the kind with reference to the copyright laws or the patent laws. It is a subject of far more importance to-day to the prosperity of the American people, their trade or their commerce, than I fear the gentleman from Georgia has any idea of.

If that trade-mark law had existed under the penal section in the

acts of Congress protecting trade-marks, we would soon have had thousands and thousands more of them. The trade-marks registered thousands and thousands more of them. The trade-marks registered in the Patent Office to-day do not represent one-tenth of the trade-marks in this country. You will find them in every grocery, in every store, in every manufactory, that are not recorded at all, because the people had not arrived at a knowledge of the efficiency of the protection of the national laws until 1876, when the penal clause was put in. Men will not protect themselves under the common law by suing for decrease for the result is to emplify the expense. But the penal for damages, for the result is too small for the expense. But the penal laws to punish the pirating and counterfeiting of trade-marks would lead every man who had a trade-mark to pay the fees of the Patent Office and receive his registration.

STATE RIGHTS AND STATE LEGISLATION.

I must refer briefly to another question which the gentleman from Georgia discussed, as to whether States may properly protect these rights. We have, the gentleman says, in a great many of the States laws on this subject; that the common law and State legislation afford all the protection American owners of trade-marks need. The gentleman from Georgia says:

It is claimed that the States cannot adequately protect trade-marks. Why not? Their judges are as honest and as learned in the law as those upon the United States benches. The jurors, if different in the two courts, are not better in those of the Federal courts; in some parts of the country they are much below the State standard of intelligence and virtue. States officers are more numerous, and equally faithful; their courts more numerous and more accessible; justice can be had cheaper and quicker in the State courts.

Again he says:

This Government has naught to do with the protection of purchasers of manufactured goods. It ought not to have; that work properly belongs to the several

And then he closes his remarks with a brilliant rhetorical peroration on the subject of State rights and State sovereignty, in which he says, "The United States is strong enough; let us magnify the

It is really pitiable to see how every subject of legislative action, great or small, is poisoned, discolored, and put beyond the pale of just consideration in the minds of some men by the ghost of State rights. They seem to walk in a graveyard of the past, and every stone is a specter to harrow up their souls on this subject. They cannot talk a half an hour upon any subject—the sword of Washington, the staff of Franklin, the dumb desk of Jefferson, or even the simple which to find marks, without entering into learned disconsisting. subject of trade-marks—without entering into learned disquisitions on the subject of State sovereignty. Excavators of the earth, they say, sometimes find stones from which when opened a toad leaps out. So it is with these gentlemen. They bring into this House some carefully prepared argument on the most innocent subject, and as you settle yourself in your seat to do justice in attention to their prepared eloquence you find yourself suddenly surprised and mortified to see leap forth as they open it the toad of State rights.

There is no State rights in this subject; none whatever. You are not asked to relinquish one power the States now have or to diminish

in the least your State's right to control her domestic affairs. The common law will yet remain, the statutes of the States will yet remain, and their efficiency for domestic protection will be just as great. Why, the gentleman gives the States where statutes upon this subject

exist, and says:

It appears (by absence of reported cases) that no one has ever sought to protect imself at law as to trade-marks in either of the States just named except Georgia,

And in Georgia there is no State legislation proper, for its three-enacts the common-law remedies. The United States passed a uniform system of legislation upon this subject in 1870, and added still more efficient amendments in 1876. Whoever heard of any complaint from States? Was the glory of Georgia dimmed or her sovereignty humbled? Did it not give the most perfect and universal satisfaction

except to pirates and infringers? Pshaw, now be reasonable! You say State legislation is enough for American owners of trade-marks. Well, then, why not good enough, ample enough, equally for aliens? Your logic cuts your own throat. Why are you here urging a bill to enact a code of trade-mark laws for foreigners—ay, the very laws which congress did pass for all, and which it is desired to pass again for all as soon as this constitutional amendment is ratified, and which were declared void for want of constitutional power to pass them? Why do you urge these laws under another clause of the Constitution for foreigners only, and yet in the same breath say "there is no necessity for such legislation" for our own citizens? Will not State laws protect foreign citizens also? Are not your judges just as honest, your State jurors just as good, State officers just as numerous and faithful, State courts just as accessible, and justice there as much distriction, State courts just as accessible, and justice there as much quicker and cheaper for citizens of other countries as of other States? By advocating this bill, this anomaly of legislation, you advocate this amendment, by which alone the same additional protection may be given to our people. Your arguments for it are magnified for our people with all the power of the audiphone.

Those laws are conflicting. Take, for instance, California. California gives a trade-mark to the man who first registers it with the protection of state. In Occase I think the sight state is the state of the countries of the state of the s

secretary of state. In Oregon I think the right of a trade-mark is given to a man who first applies and registers his trade-mark with the secretary of state. In Missouri the trade-mark is obtained by a description acknowledged and recorded in the recorder's office of the county. Now, imagine those three laws in operation in the United States and one man claiming under the registry of California, another under that of Oregon, another under the law of Missouri, in virtue of a trade-mark recorded in some remote county. There would be no end to the litigation under such a conflict of laws.

The gentleman from Georgia states in his speech that in all these States, except in one case in Georgia, there has not been an action. Now, how do you account for the fact that in connection with a subject of so much importance as to be made the subject of all the treaties of the world there is not a single case reported in State courts except this case in Georgia? Why, it is because the laws are so futile and weak and unworthy that the people do not apply to them for a remedy. It would cost a man more to hire his attorney than all he would get in the form of petty damages for the infringement of his trede mark. The grant property is the second of the state of the second of the seco he would get in the form of petty damages for the infringement of his trade-mark. The gentleman is mistaken as to many of the States he has cited as having trade-mark laws. In many cases they are only penal clauses as to general brands—merely domestic arrangements, nothing else. But we find State legislation is atterly insufficient, and it will result in conflict. The Supreme Court say in their opinion the Legislature would possibly not pass a law protecting foreign trademarks and leaving the rest to State legislation, which would result in conflict of legislation.

But gentlemen who argue for this bill for foreigners under treaties.

But gentlemen who argue for this bill for foreigners under treaties must find themselves admitting that State legislation is not sufficient,

must find themselves admitting that State legislation is not sufficient, else why do aliens want more? There must be something urgent, important, necessary, which under treaties foreign citizens demand and which common law and State legislation will not give. Your constitutional provision upon which you found your power says it must be "necessary and proper" legislation to execute a treaty.

Well, then, does not the same great occasion exist for our citizens of the United States to urge such legislation for themselves? I say State legislation is not sufficient. The Committee on Manufactures, to which the subject properly belongs, says the amendment and legislation under it is necessary. But the gentleman asks why? Because State laws are limited to State lines. Because some States will be more interested in protecting trade-marks than others, and those who more interested in protecting trade-marks than others, and those who feel no interest will not go to the expense of providing and enforcing adequate laws; just as under the old confederation where the expenses of wars were to be contributed by the States, those States at a distance from the seat of war and secure from its dangers refused to contribute to its expense. Because conflicts will arise in legislation as well as in ownership of marks in different States. Because there will be no common court or office to determine the rights of claimants, keep a record of marks, and grant certificates. Certificates of trade-mark ownership are assignable like patents, and under a system of State certificates there would be no security against duplicates from different States.

State legislation has never been of sufficient advantage to be sought. Because commercial relations with other countries and among the States have become so intimate and great that the world looks to the General Government for a recognition of a subject so importantly connected with it. Because the subject is not local or domestic in its character, but is similar in every respect except its origin to patents and copyrights. There are no trade-mark laws except in the States of California, Connecticut, Kansas, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, and Oregon. Illinois has laws forbidding refilling vessels containing certain liquors. Iowa has a penal section for counterfeiting marks, stamps, or brands. Kentucky punishes the use of a false brand. Georgia gives courts of equity common-law powers by statute. Pennsylvania has some penal statutes. Indiana has a penal section against refilling bottles of certain liquors in certain cases. That is all. Substantially there is no State legislation comprehending the subject of trademarks. connected with it. Because the subject is not local or domestic in its

Now, the gentleman from Georgia thinks there is no conflict, and

State legislation could not result in conflict and confusion. The worst conflict to be feared is in the claim of ownership to a trade-mark. In the few and meager laws now existing in States let us see if there is any such conflict. Take California. Any mechanic, manufacturer, druggist, merchant, or tradesman in that State may secure the exdruggist, merchant, or tradesman in that State may secure the exclusive use of the mark usually fixed by him on his goods by filing with the secretary of state a copy or description of the same and claim of ownership, with his affidavit that he is the exclusive owner or agent of the owner, and paying a fee of \$3.

In Missouri, the mechanic, manufacturer, or other person executes a description of his trade-mark, acknowledges it, and records it in the county in the office of the recorder of deeds, which is notice to

In Nevada, any one registering his trade-mark or name with the secretary of state is protected in that mark.

In Oregon the trade-mark is registered in the office of the secretary of state by the person who first presents the same for record, and gives that person the exclusive right to it. Different States protect trade-marks on different preferred things. One State mineral water,

trade-marks on different preferred things. One State mineral water, one beer, one flour, one watches, one wines, &c. It seems to me that here is chaos of confusion and conflict of laws sufficient even for the gentleman from Georgia. And now the addition of this partial legislation under this bill will but come in to render in its workings "Confusion worse confounded" until, as even its advocates say, we will be driven finally to adopt the proposed amendment.

But why wander in this wilderness of unsatisfactory laws until taught by sad experience our duty. Let us go right over to the inevitable now. I know the pressure from foreign influences, from the State Department, and from attorneys representing the wealth involved in foreign trade-marks, which is brought to bear upon Congress to pass some measure of this character as a present necessity, leaving its constitutionality to the courts and its evils to be developed; and I feel that the bill will pass. But if it does I hope it may not be made an instrument of defeating the submission of the pronot be made an instrument of defeating the submission of the proposed amendment. It proposes no change in the Constitution as made by its framers, only an addition to it, and one in the nature of carrying out the will of its original framers. It is but doing what they did for like subjects. They gave to Congress power to legislate on certain subjects then known to them to be of public concern. Since their day one more of the same species has been added in the growth of the world's intercourse. We execute their unfinished will by adding it.

Let the matter be submitted to the States, and let the people vote upon it. That at least is their right. And it would be a pleasant and satisfactory evidence of common sentiments of attachment to the Union to see thirty or more of the States unite speedily in making a grant of power to the General Government to regulate a subject of such wide interest and concern. I hope sincerely to see such a

proof of patriotism and fraternal unity.

During the delivery of the remarks of Mr. McCom the hammer fell.

The CHAIRMAN. The gentleman's time has expired.

Mr. PRICE. I ask that the time of the gentleman from Iowa be extended

Mr. ROBINSON. I would like to ask how long the gentleman de-

sires to speak?

Mr. McCOID. But a very short time. I shall conclude my remarks

in ten or twelve minutes.

Mr. HAMMOND, of Georgia. We desire a vote this evening, because there will be objection to the consideration of the bill to-morrow.

Mr. McCOID. I will not occupy over ten minutes more.

The SPEAKER pro tempore. Is there objection to the time of the gentleman from Iowa being extended for ten minutes? The Chair

hears no objection.

Mr. McCOID then continued and completed his remarks.

Mr. ROBINSON. I do not intend to occupy the attention of the House very long at this stage of the discussion of this bill and at this hour of the afternoon. I deem it of the utmost importance now that we have a vote on this bill to-day, because it should be disposed of during this afternoon, in order that it may not obstruct business to-morrow. I say then to the House that if they will bear with us a very few minutes longer we can have a final vote and end this question to der tion to-day.

The subject-matter embraced in the Armfield bill and in the con-The subject-matter embraced in the Armheid bill and in the constitutional amendment which my friend from Iowa [Mr. McCond] has discussed to-day were referred together to the Committee on the Judiciary. As my friend from Georgia [Mr. HAMMOND] has said quite at length, that committee gave full, earnest, and patient consideration to this matter. We heard all gentlemen who signified any desire to communicate any facts or make any suggestions to the committee. We were in communication with gentlemen in the large cities represent the various trade may be acceptations and their attorneys have senting the various trade-mark associations, and their attorneys have

senting the various trade-mark associations, and their attorneys have visited us very frequently. Not only did we hear the attorneys and trade-mark people, but we also gave all the opportunity that was desired to the gentleman from Iowa himself.

As the result of our conferences and examination of this matter, the Committee on the Judiciary came unanimously to the conclusion that we should recommend the bill which is now under consideration by the House. The committee, besides relying upon their own judgment, were confirmed in that judgment by the concurrence of the several gentlemen representing the different interests involved. And

unless the Committee on the Judiciary are very much mistaken, they had also the consent of the gentleman from Iowa that other attempts should be abandoned and this bill should be placed on its passage. However, that does not debar any gentleman at this time from op-However, that does not depar any gentleman at this time from opposing the proposed legislation.

Mr. McCOID. Do I understand the gentleman to say that I consent to this bill?

Mr. ROBINSON. Not at all to-day.

Mr. McCOID. But at any time?

Mr. ROBINSON. I said that the committee understood (they may

have been misinformed) at the time this bill was reported to the House that the gentleman from Iowa had waived his preference for a constitutional amendment, and had consented to this bill after consultation with the attorneys representing the various trade-mark associations

Mr. McCOID. That was an entire mistake.
Mr. ROBINSON. If the committee were in error I am ready to be corrected.

Mr. HAMMOND, of Georgia. Will the gentleman allow me to

Mr. HAMMOND, of Georgia. Will the gentleman allow me to make a statement?

Mr. ROBINSON. Certainly.

Mr. HAMMOND, of Georgia. The gentleman from Massachusetts [Mr. ROBINSON] is somewhat in error in what he quotes from me. I stated that the attorneys for the New York petitioners and the gentleman from Iowa [Mr. McCord] had met me and agreed that the constitutional amendment and the bill should travel pari passu. And I reported to the committee that he had abandoned his opposition to the bill. I may have misunderstood him. The conversation occurred I reported to the committee that he had abandoned his opposition to the bill. I may have misunderstood him. The conversation occurred between him, Mr. Cox, and myself at that door, [pointing to one of the doors in the Hall.]

Mr. McCOID. I may have said that if the constitutional amendment was passed I would have no objection to this bill.

Mr. HAMMOND, of Georgia. Did you not agree with Mr. Cox that you would no longer fight the bill?

Mr. McCOID. No, sir; I never would have voted for the bill under any circumstances.

any circumstances.

Mr. HAMMOND, of Georgia. Then I misunderstood you.

Mr. ROBINSON. Passing that over, because it is not very material, we do not find that there is any general demand for the proposed constitutional amendment. We have discovered that in this way: constitutional amendment. We have discovered that in this way: After our hearings, which were protracted and numerous, we held the matter a long time under advisement before we would report the bill to the House. The gentlemen representing the different trade-mark associations were notified by the sub-committee that they should correspond with their clients, the different manufacturers throughout the country, and inform us if they demanded anything further than the bill we had agreed upon. Up to the present time the committee have received no information that this bill fails to give them entire satisfaction, with a single exception coming from the city of Lowell. in

received no information that this oil rails to give them entire satisfaction, with a single exception coming from the city of Lowell, in the State of Massachusetts.

With that exception alone before us, the committee did not deem it expedient to ask the Congress of the United States to enter upon the process of amending the Constitution in order to meet this one petition. They say that if after the passage of this bill, and after it leads to the constitution in petition. They say that it after the passage of this bill, and after it shall have gone into operation as a law, there shall seem to be a need for further legislation, something broader, something that shall reach interstate commerce and transactions between citizens of different States, that want will make itself known at the national capital, and then we can proceed to amend the Constitution, if it shall be deemed expedient. At present there is no demand for it; and that perhaps is a sufficient answer to all the arguments of the gentleman from

Iowa

Upon the subject of the number of trade-marks there may perhaps be some confusion or misconception. The gentleman says that less than eight thousand trade-marks have been registered; and such is the fact; but we do not say, and it is not the fact, that the number eight thousand covers all the trade-marks used throughout the countries that the same says eight thousand covers all the trade-marks used throughout the country. It is, however, a test of the importance of legislation upon this subject. Assume, if you please, that there are five hundred thousand trade-marks used in the United States. Perhaps I have not overestimated the number. We find them, for instance, on the different cigar boxes. There are all sorts of brands. Everybody puts on a box of cigars, if he wishes, his peculiar trade-mark. It is popular for the time; when its popularity wanes it is removed and something else substituted. It is never registered; it never becomes one of the eight thousand. Why? Because its value is not sufficiently great to persuade the party that he wants registration. It needs no protection by law, it takes care of itself. Hence I submit your committee are justified, and the House will be justified, in believing that if only seven or eight thousand of the great number of trade-marks have been registified, and the House will be justified, in believing that if only seven or eight thousand of the great number of trade-marks have been registered there is not a universal demand for general trade-mark legislation; it does not yet appear that that demand is prominent before the business community.

This matter has been in print before the House and within the inspection of the different Departments for weeks; and I desire to call the attention of the House to a communication which I think will carry weight in the minds of members. I allude to a communication from the honorable Secretary of State indossing and recommending

from the honorable Secretary of State indorsing and recommending this bill. The Secretary of State may be supposed to know by actual experience what legislation may be needed under foreign treaties in order to carry them into effect; and certainly he is a gentleman whose judgment upon matters of legislation and the efficiency of statutes no one will question. This letter was addressed to the honorable gentleman from Georgia [Mr. Hammond] on the sub-committee, who had not time to read it to the House. I therefore send it to the Clerk to be read.

The Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 22, 1880.

Washington, April 22, 1880.

Sible: I desire to ask your especial attention to the bill (H. R. No. 5088) recently reported by you in behalf of the Judiciary Committee (Report No. 551) and to request your best efforts to secure its speedy passage.

From the point of view of the obligations of this Government to the various forcign governments with which trade-mark conventions have been concluded prompt action providing for the registration of trade-marks is of the greatest importance. The subject is continually being brought to the attention of this Department by the representatives of foreign governments at this capital, who are naturally solicitous for the interests of our own people in foreign countries would also suffer even more seriously by the removal of the protection which the reciprocal provisions of the various trade-mark conventions now furnish them.

I therefore earnestly request your committee to take such action for the speedy passage of the bill as may appear to you most appropriate, and thereby free our own citizens abroad and the citizens of foreign countries here from the unfortunate state of uncertainty in which they are now placed, as well as provide for the proper fulfillment of the international obligations of the Government.

I am, sir, your obedient servant,

WM. M. EVARTS.

Hon. N. J. Hammond, Chairman of the Sub-committee of the Judiciary Committee, House of Representatives.

Mr. ROBINSON. Thus it will be seen that this bill has the indorsement of the State Department, which I submit is a strong recommendation.

One word in passing in regard to the allusion made to the patent laws. The committee do not say that section 4900, a part of the patent laws, makes provisions for trade-marks. But they do say that under that section the patentee who puts the word "patented," with the day of the month and year upon his invention, with any other sign or device which he may adopt, is protected to some extent under that section.

The letter which the gentleman from Iowa put in, discussing whether under the patent laws trade-mark legislation is included—

Mr. McCOID rose.

Mr. ROBINSON. I do not care to be interrupted. I am simply re marking upon a suggestion which the gentleman from Iowa made quite at length. Mr. McCOID.

Mr. McCOID. I merely want to ask one question.
Mr. ROBINSON. I hope the gentleman will not take my time.
The SPEAKER pro tempore. The gentleman from Massachusetts declines to be interrupted.

Mr. ROBINSON. I will not knowingly make a misstatement, and I hope I shall be allowed my full time, because I want to yield a portion to another member of the committee. The gentleman from Iowa has had full time.

Mr. McCOID. I hope the gentleman will have all the time he

wants

Mr. ROBINSON. I do not care to argue this question at more length. The committee I believe are unanimous in reporting this bill, with the single exception of my honorable friend from Georgia, [Mr. HAMMOND.] As he has stated his objections to the House, I must address a few words to him in the hearing of the House upon his criticisms on the penal sections of the bill. The committee, with the single exception of the gentleman from Georgia, agree that the bill is right. He says he would not have the penal sections of the bill, because we are to give foreigners the benefits of those provisions where we do not give them to our own citizens. I ask his attention to the language of the first section which provides that "owners of trademarks, used in commerce with foreign nations or with the Indian tribes, provided such owners shall be domiciled in the United States or located in any foreign country" that is in treaty with us may obtain registration, &c. Who are the two classes of persons to be benefited by this penal legislation? First, owners of trade-marks resident in the United States; secondly, owners resident in other countries bound to the United States by treaty. That is all I care to say upon that point. I think the gentleman will see at once that our citizens are in this respect placed upon an equality with citizens of foreign countries. Mr. ROBINSON. I do not care to argue this question at more

In the next place, my friend says that the punishment is too severe. Let me follow his reasoning. He instances the case of seduction on the high seas, the punishment for which is provided in section 5349 of the Revised Statutes. He says that the criminal, upon conviction for this offense, is punished by a fine of \$1,000 or by twelve months imprisonment. But what says my friend from Georgia in the next sentence? Death, he says, would be too good for the scoundrel. "If we had him in Georgia," he says, "we would put him in the penitentiary for twenty years." What is the logic of that? That in section 5349 the penalty is not severe enough. The trouble is not that our proposed legislation in this bill is too severe. If the penalty in section 5349 is not severe enough for the case of seduction, I will join him in making it severer. I think he will see the logic of his own remarks. In the next place, my friend says that the punishment is too severe

In the next place his criticism is, while imitations under the pat-

ent laws are punishable only by a penalty of \$100, (and that is the fact,) yet we provide a severer penalty and more stringent measures hereafter to reach imitations. So we do.

But let us compare the two. Under the trade-mark law you have the civil right against the party who pirates or adopts your trademark. But there you are limited except under the penal sections. Then you follow the person who counterfeits or who fraudulently uses your trade-mark. But go to the patent laws. You not only have the right to prosecute the man who infringes by manufacture, by imitation, but you can follow every individual user the country over. And you and I, Mr. Speaker, are liable to the suit of any patentee on the smallest stills remove earning the process if the patents is the second to the suit of the patents of the second to the suit of the patents of the second to the suit of the patents of the patents of the patents of the patents of the second to the suit of the patents of t the smallest article we may carry in the pocket, if we have it con-

Therefore it is not necessary that the patentee should be protected by such stringent legislation in addition to what is now provided, and there is therefore abundant reason why the trade-mark provision should be supplemented by some penal statute.

And it is true that the provisions which are ingrafted in this bill

should be supplemented by some penal statute.

And it is true that the provisions which are ingrafted in this bill as the penal sections bear a strong resemblance to the provisions punishing the counterfeiting of money. And they should, from the very nature of things. The attempt of a party who seeks to pirate my trade-mark is in the direction of an imitation by counterfeiting. You punish somebody for counterfeiting the current money of the United States. Right. You also would punish a man under this provision who would counterfeit my property in the trade-mark. He ought to be punished. It is a form of theft. It is insidious, it is secret, it reaches out into the trade, and not only wrongs me, but is an imposition on other men who purchase the article relying on my commercial signature, otherwise called my trade-mark. Therefore there ought to be some stringent legislation.

My friend's objection, after all, is not sound when he says there should be no penal legislation attached to this bill; and he intimated he would move to strike it out. I beg his attention to this, that every State except three that has given us trade-mark laws has attached to those laws the penalty of imprisonment for their infraction; every one. Why, in Nebraska it is not exceeding twenty years, if I am right about it, and the other States range down. I believe in Kentucky and Indiana there is a money fine only. But if it is right to protect the trade-mark at all, then we should give the owners of trade-marks that protection which will be efficient. Every State which has legislated on it has found it necessary to have penal legislation for the enforcement of the law. Therefore, by abundance of reasoning and by experience, we should, if we have here a trade-mark law, make it efficient by the same class of penalty.

But my friend says, "You are multiplying offenses before the United States courts," and he regrets that prosecutions are multiplied. No man regrets more than I that the courts are troubled anywhere in this

States courts," and he regrets that prosecutions are multiplied. No man regrets more than I that the courts are troubled anywhere in this land, State or national, for the prosecution of anybody for violation of the law. But in the gentleman's State, as well as in my own, there will be found, I presume, for many years to come men who are not sufficiently mindful of the rights of their neighbors, men who will take what does not belong to them; and it has always been the policy of the law to restrain them by the strong arm, if necessary. Therefore, if it is sound we should have this legislation, it is also only logical we should go forward and maintain it by sufficient provis-

I submit to my friend, when he says the States have done right in their legislation, that the State legislation seems to be efficient and sufficient the country over. Mainly it is because that penal legislation has been sustained; and when he and I, therefore, find it necessary to supplement the State legislation by national acts, we shall

also go forward of course to make our congressional legislation efficient as well.

I will not, of course, go into the punishment of these persons and where they are sent, or the presence of United States courts, or the frequency of the visits of the marshals. I want to say that I believe that when the whole people of this country become better acquainted with the United States courts and the evidences of their power and with the United States courts and the evidences of their power and authority they will have a great deal more respect and reverence for them. I hope the time will come when everywhere in this country the power of the United States shall be just as highly respected and just as ardently and fondly cherished as the power of any citizen's own State. It is the State and the Union together; and I know my friend joins with me in that; he has none of that unpleasant distrust for the United States courts. Carry them, if you want, to every man's door so that he sees their salutary operation every day, and I think he will rise in the morning and go to sleep at night proud in the presence of the power of the nation. I would not, therefore, strike out these provisions of the bill because they are necessary to give life and force and strength and success to it, and I would not strike them out again for any narrow reason that we may sometimes, if we should out again for any narrow reason that we may sometimes, if we should offend against this law, be called upon by the national power to respond

for that disobedience.

I have nothing further to say in advocacy of the bill. With the exception specified it meets the unanimous approval of the committee, and I trust it will have the support of the House. I now yield to the gentleman from New York, [Mr. LAPHAM.]

Mr. ARMFIELD. I hope the gentleman will yield to me a portion of his time.

What length of time does the gentleman desire?

Mr. ROBINSON. What length of time does the gentleman desire f Mr. ARMFIELD. Not more than five or ten minutes.

Mr. ROBINSON. I will yield to the gentleman from North Carolina after the gentleman from New York has concluded his remarks.

Mr. LAPHAM. Mr. Speaker, but for the importance of the measure now under consideration I should not feel disposed to occupy the attention of the House for any time. Prior to the act of 1870 three or four treaties had been made between the United States and foreign four treaties had been made between the United States and foreign governments which contained provisions relating to the subject of trade-marks with a view to reciprocity of rights between the owners and users of such trade-marks residing abroad and those transacting business in this country. Now, the trade-mark law of 1870 may be properly said to have been the outgrowth of such treaties; the beginning of a system calculated to secure these greatends to the people of both countries. Subsequent treaties were also made upon the same subject. But the question came before the Supreme Court of the United States in a criminal case under the penal provisions of the law of 1870, where the law is held to its strictest accountability, and that court was compelled to decide that it was an infraction of the Constitution, because it covered in terms the entire subject of the use of trade-marks as well between citizens of the same State as between citizens of the different States and between citizens of this country and citizens of other countries, and between citizens of this country and the Indian

Let me call attention to two passages in the opinion of the Supreme Court which are illustrative of their views on this subject. The court in one part of its opinion said:

The question, therefore, whether the trade-mark bears such a relation to commerce in general terms as to bring it within congressional control when used or applied to the classes of commerce which fall within that control, is one which in the present case we propose to leave undecided.

So that it is fair to assume, if the law of 1870 had been confined to commerce between the States and between citizens and the Indian tribes and to foreign commerce, the court would have upheld the law as a valid exercise of the power of Congress under the Constitution. Such is the power expressly delegated by section 8 of that instrument. The committee in this connection, for the purpose of relieving this bill of any doubt, have decided to leave out the subject of commerce between the States, because there is a present and pressing necessity, as I hope to show before I conclude, for the passage of some measure of this kind at the present time.

In another part of the opinion the court uses this language:

In what we have here said we wish to be understood as leaving the whole question of the treaty-making power of the General Government over trade-marks and the power of Congress to pass laws necessary to carry such treaties into effect untouched by this decision.

So, Mr. Speaker, we have the two subjects of the power of this House and the power of Congress under the clause of the Constitution giving Congress a right to regulate commerce between the States and with the Indian tribes and foreign commerce. We have, I say, that subject left entirely untouched by the decision of the Supreme Court. subject left entirely untouched by the decision of the Supreme Court. We have also left entirely untouched the power of Congress to pass laws for the purpose of carrying into effect any treaties which we may have made or may hereafter make upon this subject. The Constitution confides to the President and the Senate the treaty-making power, and when they have made a treaty it clothes Congress with the power to pass all needful legislation which may be deemed essential for the purpose of carrying that treaty into effect.

If it be a treaty relating to trade-marks, then Congress has the power to legislate to carry it into effect, and this legislation is entirely proper. Now, as I have said, the bill under consideration, and stripping it of all possible objection, confines itself entirely to foreign commerce and commerce with the Indian tribes.

There is perhaps, Mr. Speaker, no portion of the country so espe-

commerce and commerce with the Indian tribes.

There is perhaps, Mr. Speaker, no portion of the country so especially interested in this subject as the great commercial city of the State which I have the honor in part to represent. Gentlemen from that city appeared before us to present their views with regard to the proposed law, and they gave us their opinions as to whether this bill was in accordance with the views expressed by the court in the opinion to which I have referred.

In view of the provisions of this bill and of the provision of the bill and of the provision of the bill and of the provision of this bill and of the provision of the bill and the bill and

In view of the provisions of this bill and of the urgent necessity of having it enacted into a law, I send to the Clerk's desk and ask to have read a communication received from one of those counsel, and a certificate from a committee of the classes of persons interested in the same subject. The House will see from this the importance of the subject and the necessity for prompt and speedy action.

The Clerk read as follows:

New York, March 22, 1820

DEAR SIR: It has occurred to me that you may prefer to be furnished with some evidence of the feeling of the public in respect of the trade-mark bill. I therefore take the liberty of handing you a paper which speaks for a large class and which explains itself.

We accept, with thanks, what the committee proposes, but will hereafter give Congress a better view of facts which, we hope, may lead to different conclusions.

With respect and esteem, your obedient servant,

ROWLAND COX.

Hon. Elbridge G. Lapham, Washington, D. C.

The undersigned, a committee appointed by the United States Trade-Mark Association, of New York, to conduct the advocacy of its interests before Congress, respectfully represent that they earnestly desire that favorable action may be

taken upon the measure reported by the Committee on the Judiciary limiting the registration of trade-marks to owners protected by treaties. They sign this paper to prevent the possibility of it being made to appear that said association is in any sense opposed to the speedy enactment of a measure demanded by every consideration of justice and good faith.

RSNAULD, FRANÇOIS & CO., CHAS, RENAULD. DIXON CRUCIBLE CO., ORESTES CLEVELAND. ORESTES CLEVELAR GLEN COVE STARCH WORRS WRIGHT DURYEA. COLGATE & CO., BOWLES COLGATE. GOODWIN & CO., CHARLES G. EMERY. SAML. E. HISCOX.

Mr. LAPHAM. It will be seen from this communication, as well as from the letter of the Secretary of State, which my colleague upon the committee [Mr. ROBINSON] has had read, and from the letter of the Commissioner of Patents, which the gentleman from Iowa [Mr. McCoid] caused to be read, that there is an urgent necessity at this time for having enacted into the form of law a provision which will guard our rights under the treaties which are now existing. Frauds upon trade-marks, which have been multiplied under the act of 1870, are almost as numerous. Mr. Speaker, as the trade-marks themselves. are almost as numerous, Mr. Speaker, as the trade-marks themselves. I have been furnished with a chart carried by one of the traveling I have been furnished with a chart carried by one of the traveling agents of these pirates upon the rights of the owners of trade-marks of persons who have filed their applications and secured their rights to trade-marks between this country and Great Britain and the Continent of Europe, which I exhibit [holding up the chart] for the purpose of illustrating the extent to which this system is carried on. You here see the devices which a traveling agent for the pirates carries with him, being almost exact imitations of the actual trade-marks registered under the law, with which he goes from man to man and from country to country, and imposes upon honest and unsuspecting purchasers a fraudulent article instead of the genuine article. This shows the necessity of the penal provisions of the bill in question. The imitations are about fifty in number, covering many of the leading manufactures used in commerce. ing manufactures used in commerce.

Thrice is he arm'd that hath his quarrel just.

But the men who carry on this nefarious traffic are more than thrice armed, as you will see from the specimens the agent carries along with

him.

I do not deem it necessary, Mr. Speaker, to dwell at greater length upon the necessity at this time of legislating upon this subject, and of passing the law which has met the approval of the Committee on the Judiciary, and which meets the approval of the counsel who are interested in this question. I cannot close, however, without saying a word or two upon another subject with reference to which my friend from Iowa [Mr. McCod] is so deeply interested. While I concur in this legislation and believe it ought to be adopted as a remedy for present evils, I am yet of the opinion that a law to be ample should not only secure the rights of persons engaged in foreign commerce and with the Indian tribes, but should secure the rights of people engaged in commerce among the different States, and should be carried to the extent of embracing the whole subject of trade-marks, State and national.

trade-marks, State and national.

What is a trade-mark? The analogy between it and a patent is very strong indeed. It is the original discoverer who secures a patentright and only the original discoverer. It is the original finder of an article which a man can physically appropriate to his own use which article which a man can physically appropriate to his own use which gives him a right of property. If a man digs a nugget of gold out of the bowels of the earth, or with a bar or pick cleaves it out of the crevices of the rock, he has the physical power to appropriate it at once to his use and it becomes his property. If it happen to have been a nugget lost by some one who had been a prior owner his discovery gives him no right of property. So in the domain of patents; if a man invents, although he may be an original inventor as to himself, an article which had been previously used by some one else, he acquires no right of property. It is only when he is not only the original but the first inventor that he can exercise and have the right. The same rule applies to trade-marks.

Let me illustrate. Mr. Speaker, by two instances which occur to me.

Let me illustrate, Mr. Speaker, by two instances which occur to me. I remember a case arising in my own State where an action was brought to restrain the owners of the Empire Spring, at Saratoga, from using upon their bottles the label "Congress Empire Spring." The proprietors of the Congress Spring filed the bill to restrain the use of that label upon the ground that it was a trade-mark to which they were entitled. The counsel for the defense, the Empire Spring, arwere entitled. The counsel for the defense, the Empire Spring, argued "You might as well go up on the mountain-tops and bottle and label the air and claim an exclusive right to it as to claim the exclusive right to bottle and label the water as it bubbles from the perpetual springs in obedience to a law imposed upon matter by the hand of the Creator. But the court of last resort in my State said, "that by this use of the term or label 'Congress Spring,' which has been employed by the proprietors of that spring until the virtues of the water are known all over the civilized world, they have acquired a right which cannot be invaded, and the insertion of the word 'Empire' between 'Congress' and 'Spring' is a mere device and does not excuse the persons so using it from the consequences." And they held that the action was well brought.

Take a case in reference to inventions. The late Ross Winans, of Baltimore, was without doubt an original inventor of the idea of the eight-wheel car to be used upon railroads, one of the most beneficial inventions in the whole history of railroads in this and in other countries. It enables a long car to be run with speed and safety upon down grades and short and reverse curves. So far as he was condown grades and short and reverse curves. So far as he was con-cerned the idea was his own. And yet when he came into court to try his title he was beaten. And how beaten? In building the Bos-ton court-house, many years before his invention, the contractors had brought down from the Quincy quarries upon a tram-road with short curves and steep grades, on four-wheel cars or trucks, the blocks of granite that went into the main walls of the building. When the contractor desired to transport the long columns which were to be placed in the front of the court-house, he was put to his "trumps". to use a familiar expression—to know what he should do. He did not know how to obviate the difficulty and danger. A common laborer stepped out of the ranks and said: "I will tell you how to do that;" (it was the idea of the old-fashioned lumber-wagon with a long reach put into it, to carry logs to the saw-mill;) "take two of these trucks and put them as far apart as the length of your column, and put a bar or reach between them, and you will get along without any trouble and run around the curves and on the down grade with safety."
The contractor did so, and the courts held that, although that was all the use ever made of it, it was a complete answer to the claim of Mr. Winans for his invention, and he was defeated in his action.

Mr. Winans for his invention, and he was defeated in his action. Therefore between this subject of patents and the subject of trademarks there is a close analogy. The same reason which would induce me to have patents subject to national regulation would induce me to have trade-marks subject to national legislation and copyrights subject to national legislation also. I am in favor of and believe that there will ultimately be found to be a necessity for a constitutional amendment upon this subject, giving to Congress the unquestioned power and entire control over the whole subject of trade-marks. The conflicting legislation of thirty-eight States will not be ample for protection at home and cannot give it abroad. But for the present, because it takes time to secure the adoption of a constitutional amendment, to protect us for the present under our treaties and to save our reputation with the nations with whom we are in treaty, I am in favor reputation with the nations with whom we are in treaty, I am in favor of passing this bill, which is not obnoxious to any objection, and waiting until the future to secure the better remedy which a consti-

waiting until the future to secure the better remedy which a constitutional provision will furnish us.

I now return to the gentleman from Massachusetts [Mr. Robinson]
the remainder of the time which he so kindly yielded to me.

Mr. ARMFIELD. I do not desire to protract the discussion or postpone the vote on this bill; but as the bill under discussion bears the
name of the Armfield bill I desire to say a word or two in regard to it.

First of all, I desire to disclaim all responsibility for the bill in its

present shape. It has been so altered by the committee that has had it in charge, both by leaving out what I put in and by putting in what I did not have in it and do not approve, that I must disclaim all responsibility for the paternity of the present bill.

My principal object in framing the bill which I introduced was to

afford protection to the trade-marks that are used in interstate commerce. I regard the protection of trade-marks used in foreign com-

merce as merely an incident of my main design.

I had then, and I beg leave to say that I have now, very little doubt of the constitutional power of Congress to legislate upon trade-marks used in the commerce between the States. The Committee on the Judiciary tell us in their report that we have no power under the Constitution to legislate in regard to trade-marks, except under the treaty-making power given by the Constitution. They say in their report that while they think Congress cannot so legislate with regard to trade-marks under the power to regulate commerce with foreign nations and among the several States and with the Indian tribes, yet they think that trade-marks used in the commerce with foreign nations and with the Indian tribes can be protected under the treaty-making

Now, if this be so, if it be a fact that Congress has no power to legislate upon the subject of trade-marks except under the treaty-making power, then it is perfectly clear that the bill now under discussion and reported from that committee is itself unconstitutional, because it has no reference whatever to the treaty-making power.

The very first clause of the bill stating what trade-marks may be registered, says "that owners of trade-marks used in commerce with foreign nations or with the Indian tribes" may register their trademarks. There is no limitation upon the kind of trade-marks that may be registered, except that it shall be a trade-mark used in com-

merce with foreign nations or with the Indian tribes.

There is a limitation as to the residence of the person who may register a trade-mark. The bill says, "provided such owners (of trade-marks) shall be domiciled in the United States, or located in any formarks) shall be domiciled in the United States, or located in any for-eign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States." That is not a restriction upon the kind of trade-mark to be protected. Any trade-mark used in foreign commerce or in commerce with the Indian tribes may be registered and shall be protected, provided the person applying for the registration and protection is domiciled in the United States or in a country that has a treaty with the United States or has a law protecting the trade-marks of citizens of the United States. There-

fore, upon the committee's own showing, upon the ground which they themselves take, their bill is unconstitutional. But as I disagree with

themselves take, their bill is unconstitutional. But as I disagree with the committee in the conclusion to which they have arrived, there is no reason in all this why I should vote against their bill.

I believe that Congress has the power to legislate for the protection of trade-marks. I understand the gentleman from New York [Mr. LAPHAM] to differ from the report of the committee in this: he does not agree with the committee that the only power of legislating over trade-marks arises under the treaty-making clause of the Constitution. He believes with me, and not with the committee in their report, that Congress has this power under that clause of the Constitution which allows Congress to regulate commerce with foreign nations. which allows Congress to regulate commerce with foreign nations, with the Indian tribes, and between the States. He believes that under that clause we have the power to legislate upon the subject of trade-marks. But he says that, in order to remove all objections to the constitutionality of this bill, the committee have seen fit to leave out that part of my bill which protected trade-marks used in commerce between the States.

Now, Mr. Speaker, I am utterly at a loss to see how this can remove any objection to the constitutionality of the bill. The clause of the Constitution which gives Congress power to legislate in regard to commerce between the States is the very same clause that gives it power to legislate in regard to commerce with foreign nations and with the Indian tribes. The eighth section of article 1 of the Constitution provides that Congress shall have power—

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

These different branches of commerce are all included within the same clause. If it be constitutional for Congress to legislate in regard to trade-marks used in commerce with foreign nations and with the Indian tribes, it is equally constitutional for Congress to legislate in reference to trade-marks used in interstate commerce.

Mr. LAPHAM. The gentleman will allow me to say that the difference is this: there can be no treaties made between the States or

between a State and a foreign country.

Mr. ARMFIELD. That point might be good if the gentleman rested the authority upon the treaty-making power, which I understood him not to do.

I regard it as of more importance to protect the trade-marks used in interstate commerce than to protect those used in foreign com-merce. Our first duty is to our own citizens. In any laws of this kind passed to prevent persons from being imposed upon by counterfeiting articles of food, medicine, or anything else, should we not first protect our own people and make the protection of foreigners a second-

ary consideration?

The trade-marks used in commerce between the States are much more valuable and numerous than gentlemen seem to suppose. These trade-marks are new things, which have sprung up within the last few years. They were almost totally unknown to the courts of this country and of Europe until the last decade. As illustrating the value of trade-marks I may mention that there is one trade-mark

used in my own State upon smoking tobacco which, the owners claim, is worth—the property in the trade-mark itself—\$100,000.

But, Mr. Chairman, although the committee have seen fit to strike out the clause relating to articles used in commerce between the States, I am willing to support the bill. It still contains some good States, I am willing to support the bill. It still contains some good features. It protects commerce with foreign nations, and enables us to perform our treaty obligations. For this reason I am willing to support it, provided the severe penalties embraced in it be struck out. The bill which I had the honor to introduce embraced no penal clauses. It did not make the violation of the law a criminal offense. I thought, and still think, that the civil remedies which the courts now give, and would give under this bill if these penal clauses were struck out, would be sufficient to protect the title to trade-marks. I am opposed upon principle to piling up penalties in the legislation of the country. I do not think it necessary, in order to protect trade-marks, that a man who violates the trade-mark law should be subjected to imprisonment for two years and a fine of \$1,000. Nor do I think it necessary, in order to protect trade-marks, that we should allow a man to swear out a search-warrant, enter the house of any citizen, and, if he finds in his possession counterfaited labels to deach him before. swear out a search-warrant, enter the house of any citizen, and, if he finds in his possession counterfeited labels, to drag him before a court, indict him, and punish him criminally, if he can be convicted of having these counterfeited labels in his possession with intent to defraud. The question of intent would be for the jury to determine upon any evidence satisfactory to their minds; and the mere fact that a man had in his possession counterfeited labels might be deemed sufficient to make him liable to imprise named in the positions for transfer the make him liable to imprise named in the positions for transfer the make him liable to imprise named in the positions for transfer the make him liable to imprise named in the positions for transfer the make him liable to imprise named in the positions of the manual positions. make him liable to imprisonment in the penitentiary for two years and a fine of \$1,000.

I shall, therefore, cordially support the motion of the gentleman from Georgia [Mr. Hammond] to strike out these penal clauses. If that motion should prevail, I shall cheerfully vote for the bill, because, although it does not go half so far as I think it ought to go, although it does not do all the good I desire to see done, yet I would take what I can get now, and wait for further legislation in the

Mr. HAMMOND, of Georgia. There are two or three formal amendments which I desire to offer on behalf of the committee, and also two amendments that I submit on my own behalf—one striking out section 20, the section authorizing searches; and the other striking

out all the sections after section 13, being the penal parts of the bill. The remarks which have been made fully explain all these amendments. I send them now to the Clerk's desk, and if there be no objection I desire they shall all be considered as pending, and I call for the previous question on the amendments and the bill.

The Clerk read as follows:

In section 1, insert, after the word "country," the words "or tribes."
In section 6, line 3, strike out the words "by them."
In section 16, lines 3 and 4; in section 17, lines 10 and 11; in section 18, lines 7 and 8; and in section 19, lines 8 and 9, strike out the words "the statutes of the United States" and insert "this act."

Amend by striking out section 20; and
Amend by striking out all of the bill after section 13, being the penal parts of the bill

Mr. ROBINSON. It is understood the first amendments read are by the whole committee, and the other motions to strike out are individual motions of the gentleman from Georgia.

Mr. HAMMOND, of Georgia. I so stated.

Mr. CLAFLIN. I hope the gentleman will not press his demand for the previous question. I would like to inquire of the committee who reported this bill, who is to be benefited by its passage? Are the people of the United States to be benefited by protecting for-

Mr. HAMMOND, of Georgia. Is this debate in order?

The SPEAKER pro tempore. It is not.
Mr. HAMMOND, of Georgia. I insist on my demand for the pre-

The previous question was seconded and the main question ordered.
Mr. HAMMOND, of Georgia, moved to reconsider the vote by which
the main question was ordered; and also moved that the motion to
reconsider be laid on the table.

The latter motion was agreed to.

Mr. WARNER. Are these amendments to be voted on separately

The SPEAKER pro tempore. The Chair will put the question to

the House.

Mr. WARNER. I demand a vote on the first amendment.

The Clerk read the first amendment, as follows:

Amend section 1 by adding, after the sixth line, the words "or tribes;" so it will read: "or located in any foreign country or tribes."

The amendment was agreed to.

The SPEAKER pro tempore. If there be no objection the second and third amendments which come from the committee will be considered as agreed to.

There was no objection, and it was ordered accordingly.
The SPEAKER pro tempore. The amendments moved by the gentleman from Georgia [Mr. Hammond] will now be read.
The Clerk read as follows:

Strike cut section 20, as follows:

The Clerk read as follows:

Strike cut section 20, as follows:

Sec. 20. That if the owner of any trade-mark, registered pursuant to the statutes of the United States, or his agent, make oath in writing that he has reason to believe, and does believe, that any counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, or molds, of his said registered trade-mark, are in the possession of any person, with intent to use the same for the purpose of deception and fraud, or makes such oaths that any counterfeits or colorable imitations of his said trade-mark, label, brand, stamp, wrapper, engraving on paper or other substance, or empty box, envelope, wrapper, case, bottle, or other package, to which is affixed the said registered trade-mark not so defaced, erased, obliterated, and destroyed as to prevent its fraudulent use, are in the possession of any person, with intent to use the same for the purpose of deception and fraud, then the several judges of the circuit and district courts of the United States and the commissioners of the circuit courts may, within their respective jurisdictions, proceed under the law relating to search-warrants, and may issue a search-warrant authorizing and directing the marshal of the United States for the proper district to search for and seize all said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, molds, and said counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, cases, bottles, or other packages that can be found; and upon satisfactory proof being made that said counterfeit dies, plates, brands, engravings on paper or other substance, empty boxes, envelopes, wrappers, cases, bottles, or other packages, are to be used by the holder or owner for the purposes of deception and fraud, that any of said judges shall have full power to order all said counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, engravings on paper or other substance, empty

The House divided; and there were—ayes 51, noes 42. Mr. ROBINSON demanded tellers. Tellers were ordered; and Mr. Hammond, of Georgia, and Mr. Rob-INSON were appointed.

The House again divided; and the tellers reported-ayes 70, noes 51.

So the amendment was agreed to.

The SPEAKER pro tempore. The next amendment of the gentleman from Georgia is to strike out all of the bill after section 13, being the penal parts of the act.

The House divided; and there were—ayes 57, noes 29.

Mr. LAPHAM demanded tellers.

Tellers were ordered; and Mr. HAMMOND, of Georgia, and Mr. LAP-

The House again divided; and the tellers reported—ayes 58, noes 40.
So the motion was agreed to.
The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HAMMOND, of Georgia, demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered. The House divided; and there were—ayes 67, noes 33. So the bill was passed.

Mr. HAMMOND, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McKENZIE. I move that the House take a recess until 7.30 o'clock this evening, the object being to consider bills on the House Calendar providing for the construction of public buildings.

The SPEAKER pro tempore. The Chair will entertain the gentle-

man's motion in one moment.

Mr. BLOUNT. I move the House do now adjourn.
Mr. McCOID. I rise to a point of order.
The SPEAKER pro tempore. The gentleman will state it.
Mr. McCOID. My point of order is that the report of the Committee on the Judiciary includes the joint resolution amending the constitution. That being so, of course the unfinished business is yet before the House undiressed of

the House undisposed of.

The SPEAKER pro tempore. The Chair understood this was a substitute for the matters pending before the Committee on the Judi-

Mr. MARTIN, of Delaware. I move the House adjourn.
Mr. WILSON. I rise to a privileged question.
Mr. McCOID. My understanding is the joint resolution amending

Mr. McCoid. My understanding is the joint resolution amending the Constitution was to come up next.

Mr. HAMMOND, of Georgia. That is my understanding. I do not know what the understanding of the House is.

Mr. McCoid. That was the understanding of the committee. I raise the point of order that the motion now pending is the unfinished business, being the joint resolution to amend the Constitution on the subject of trade wasks. on the subject of trade-marks.

The SPEAKER pro tempore. The Clerk will read from the title of

the bill.

The Clerk read as follows:

Mr. N. J. Hammond, from the Committee on the Judiciary, reported the following bill as a substitute for H. R. No. 2573 and H. Res. No. 125, a bill to authorize the registration of trade-marks and protect the same.

Mr. CARLISLE. That whole matter has already been disposed of

Mr. CARLISLE. That whole matter has already been disposed of by the action of the House.

The SPEAKER pro tempore. The Chair agrees to that.

Mr. McCOID. I would like to read from the remarks of the gentleman who made the report in this connection to show—

The SPEAKER pro tempore. The Chair is quite willing to hear what the gentleman from Iowa may desire to read; but the House having accepted the substitute of the Committee on the Judiciary in light of the resolution the whole matter has been disposed of

lieu of the resolution, the whole matter has been disposed of.

Mr. McCOID. That was not my understanding, and I would like very much to ask the gentleman from Georgia to state his understand-

ing of it.

Mr. HAMMOND, of Georgia. I can only answer the gentleman from
Iowa as I did before. Of course I cannot speak for the House. I did state to the gentleman that I supposed there would be a vote on his

resolution also. I did not oppose that.

Mr. McCOID. The resolution is not inconsistent with the bill at all, and the bill is not properly a substitute for the resolution.

Mr. MILLS. Is there not a motion pending for a recess?

Mr. WILSON. I desire to make a privileged report.

Mr. MARTIN, of Delaware. I insist on my motion that the House

adjourn. Mr. WILSON. Mr. WILSON. Am I not recognized to make a privileged report? The SPEAKER pro tempore. The gentleman from West Virginia was not recognized until after the motion was made to adjourn. That, of course, takes precedence.

Several members demanded the regular order.

The question was taken on the motion to adjourn; and there wereayes 64, noes 57.

RAILWAY POSTAL CARS, ETC.

Pending the announcement of the vote on the motion to adjourn, The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to the establishment of railway postal car service upon the Saint Louis and San Francisco Railroad; which was referred to the Committee on Appropriations.

REPRINT OF PENSION BILLS.

Mr. THOMAS, of Illinois, asked and obtained unanimous consent to have reprinted for the use of the committee certain bills in reference to the establishment of a court of pensions.

J. T. PICKETT.

On motion of Mr. McLANE, by unanimous consent, the Committee on Claims was discharged from the further consideration of a bill (H. R. No. 5829) for the relief of J. T. Pickett; and the same was referred to the Committee on Commerce.

EIGHT-HOUR LAW.

Mr. BARBER, from the Committee on Claims, by unanimous consent, introduced as a substitute for House bill No. 364 a bill (H. R. No. 5996) to secure the enforcement of the act of June 25, 1868, regulating the hours of labor; which was read a first and second time, recommitted to the Committee on Claims, and ordered to be printed.

Mr. SPRINGER. Not to be brought back by a motion to reconsider.

The SPEAKER pro tempore. Under the rules, it cannot come back

by a motion to reconsider.

CHANGE OF REFERENCE.

Mr. DUNNELL. I ask unanimous consent that the letter of the Secretary of War dated March 3, 1880, recommending an appropria-tion for the relief of Captain John C. Bates and Jonathan A. Teckly,

with accompanying papers, be taken from the Committee on Military
Affairs and referred to the Committee on Appropriations.

Mr. BLOUNT and Mr. ATKINS objected.

The result of the vote on the motion to adjourn was then announced as above recorded; and accordingly (atfive o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and others papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAYNE: The petitions of Park, Brother & Co., of the Pittsburgh Bessemer Steel Company; of Miller, Metcalf & Parker; and of Nellis, Shriver & Co., of Pittsburgh, Pennsylvania, manufacturers of steel, for the passage of the Eaton bill, providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BLAKE, The petition of Position of Parish and Committee on Ways and Means.

By Mr. BLAKE: The petition of Benjamin Atha & Co., of Newark,

New Jersey, of similar import—to the same committee.

By Mr. BLAND: The petition of citizens of Gasconade Valley, Missouri, for the improvement of the Gasconade River-to the Committee on Commerce

By Mr. BRIGHAM: The petition of J. R. Thompson & Co., of Jersey City, New Jersey, for the passage of the Eaton bill, providing for the appointment of a tariff commission—to the Committee on Ways

By Mr. CAMPBELL: The petition of 28 citizens of Yavapai County, and of 23 others, citizens of the same county, against the passage of the mining bill now before Congress—to the Committee on Mines and

Mining.

By Mr. CHALMERS: The petition of citizens of Natchez, Mississippi, for the building of a post-office and custom-house in that city—to the Committee on Public Buildings and Grounds.

By Mr. CLYMER: The petition of S. P. Roads and 6 others, citizens of Chicago, Illinois, against the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of the Cordelia Iron Company, and of J. H. Sternbergh, of Reading, Pennsylvania, for the passage of the Eaton bill, providing for the appointment of a tariff commission—to the same

committee.

By Mr. DAGGETT: The petitions of citizens of Moray mining district; of Silver Glance mining district; and of the people of Tybo, Nevada, against any change in the mineral-land laws—to the Committee on Mines and Mining.

By Mr. DICKEY: Papers relating to the claim of Mrs. Sallie A. Palmer for pay for services rendered in the Interior Department—to

raimer for pay for services rendered in the Interior Department—to the Committee on Claims.

By Mr. DUNN: The petition of citizens of Arkansas, for additional mail facilities—to the Committee on Appropriations.

By Mr. ERRETT: The petitions of Wilson, Walker & Co.; of the Pittsburgh Forge and Iron Company; of Jones & Laughlins; of the Pittsburgh Steel Casting Company, and of Chess, Smyth & Co., manufacturers, of Pittsburgh, Pennsylvania, for the passage of the Eaton will providing for the passage of the Eaton will providing for the passage of the Caston Company. bill, providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FORT: The petition of Willie B. Ames, for a pension—to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of James C. Pratt and 30 others,

By Mr. GARFIELD: The petition of James C. Pratt and 30 others, soldiers, of Ohio, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. GODSHALK: The petition of J. Wood & Brothers, of Conshohocken, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HADMED, The action of M.

By Mr. HARMER: The petition of Henry Disston & Sons, of Phil-

adelphia, Pennsylvania, of similar import—to the same committee. By Mr. HAZELTON: The petition of 19 citizens of Wisconsin, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on

Banking and Currency.

Also the petition of Henry B. Havens, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: The petition of N. Gridley & Son, of Wassaic, New York, for the passage of the Eaton bill providing for the ap-

pointment of a tariff commission—to the Committee on Ways and

By Mr. KILLINGER: The petition of Dr. J. R. Shammo, for additional compensation for services rendered the United States Army as a surgeon during the late war—to the Committee on War Claims.

Also the petition of Catharine Bowman, for a pension-to the Com-

mittee on Invalid Pensions.

Also the petition of Charles L. Bailey & Co., of Harrisburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. EDWARD L. MARTIN: The petition of the Diamond State Iron Company, of Wilmington, Delaware, and of J. R. Bringhurst, of Marshallton, Delaware, of similar import—to the same committee.

By Mr. McCOOK: The petition of Le Lancy Kennedy, that the merits of his patent for punching iron and steel be inquired into and

action taken—to the Committee on Naval Affairs.

By Mr. McLANE: The petition of the Abbott Iron Company, of Baltimore, Maryland, for the passage of the Eaton bill providing for the appointment of a tariff commission-to the Committee on Ways and Means.

Also, memorial of vinegar manufacturers and dealers, against the repeal of the law for vaporizing spirits—to the same committee.

By Mr. McMILLIN: The petition of R. M. King, W. B. Pickering, and 52 others, citizens of Smith County, Tennessee, for relief against the hardships of the regie-contract system—to the Committee on

Foreign Affairs.

By Mr. MORSE: The petition of newsdealers, for the removal of duties on newspapers and periodicals—to the Committee on Ways

and Means.

By Mr. MORTON: The petition of Tefft, Griswold & Co., Sullivan, Vail & Co., Corhort, Whitfort & Co., and 40 other dry goods and clothing houses of New York, for the early passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. NEWBERRY: The petition of E. B. Smith & Co. and other dealers in newspapers and periodicals, for the removal of the duties on the same—to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of Edward S. Buckley and of Alan Wood & Co., Philadelphia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. POEHLER: Papers relating to the claim of the Chippewa Indians—to the Committee on Indian Affairs.

By Mr. ROTHWELL: Papers relating to the pension claim of Alex.
W. Walker—to the Committee on Invalid Pensions.

By Mr. THOMAS RYAN: The petition of citizens of Kansas, for a

post-route from Grinnell to Atwood, Kansas-to the Committee on the

post-route from Grinnell to Atwood, Kansas—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES W. SINGLETON: Memorial of the Board of Trade, of Quincy, Illinois, on the subject of the improvement of the navigation of the Mississippi River—to the Committee on Commerce.

By Mr. WILLIAM E. SMITH: The petition of O. D. Scott, president, and other officers and patrons of the South Georgia College, at Thomasville, Georgia, for arms and equipments for two companies of students—to the Committee on Military Affairs.

By Mr. SPARKS: The petition of the German Society of New York City, for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

Also, the petition of distillers of Peoria, Illinois, against the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the Committee on Ways and Means.

to the Committee on Ways and Means.

By Mr. AMOS TOWNSEND: The petition of citizens of Ohio, for the reduction of the duty on newspapers and periodicals-to the same committee

By Mr. TUCKER: Eighteen petitions of citizens of New York City, Jersey City, Brooklyn, Boston, Chicago, Baltimore, Albany, Cincinnati, Detroit, Cleveland, Pittsburgh, Saint Louis, and other cities of the United States, that newspapers and periodicals be placed on the

By Mr. J. T. UPDEGRAFF: The petition of W. W. Holloway, of Bridgeport, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. VOORHIS: The petition of the Passaic Rolling Mill Com-

pany, of Paterson, New Jersey, of similar import-to the same com-

By Mr. WILLIS: The petition of Cornwall & Brother and others, of Louisville, Kentucky, against the repeal of the duty on crude glycerine—to the same committee.

By Mr. FERNANDO WOOD: The petition of the Manhattan Iron Works Company, of Manhattanville, New York, for the passage of the Eaton bill providing for the appointment of a tariff commission to the same committee.

By Mr. WALTER A. WOOD: The petition of Morrison, Calwell & Page, of Troy, New York, of similar import—to the same com-

mittee.

By Mr. THOMAS L. YOUNG: The petition of Charles Beck and 46 others, of Lorain County; of John McDonald and 49 others, of Cuyahoga County, Ohio; and of the Iron-Molders' Union, of Jeffersonville, Indiana, for the passage of the bill (H. R. No. 4327) creating a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, April 28, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

STEPHEN A. M'CARTY.

The VICE-PRESIDENT. The Chair desires to state that yesterday in the matter of the joint resolution (S. R. No. 96) authorizing the President of the United States to reappoint Stephen A. McCarty a lieutenant-commander in the Navy, an omission was made to correct the title to correspond with the body of the joint resolution by changing "reappoint" to "appoint." The Chair directed the engrossing clerk to make that change, and now makes that announcement to the

SMITHSONIAN REPORT.

The VICE-PRESIDENT appointed Mr. Anthony, Mr. Ransom, and Mr. Hamlin as the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolution of the Senate authorizing the printing of 10,500 copies of the report of the Smithsonian Institution.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in obedience to law, a statement of the clerks and others employed in the several bureaus of his Department during the year 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

COMPLETION OF WASHINGTON MONUMENT.

The VICE-PRESIDENT. The Chair lays before the Senate a memorial of the Washington Monument Association, relative to the commorial of the Washington Monument Association, relative to the completion of the monument. The memorialists ask that this memorial, with the accompanying papers, may be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully represent: That at a meeting of the Washington Monument Association, held in this city on the 1st of April, they were appointed a committee "to take charge of the interests of the monument before Congress;"

That, in accordance with this appointment, they have called upon Colonel Casey, the engineer in charge of the work, for a condensed statement of the precise existing condition of the monument, and of the plans and purposes of the commissioners to whom the supervision of its construction has been consigned; and that they now respectfully ask leave to submit the statement of Colonel Casey to the consideration of Congress, and to express their earnest hope that it may lead to such definitive action as will insure the early completion of this long-deferred tribute to the Father of his Country.

Thirty-two years have now nearly expired since the corner-stone of this monument was laid, with solemn rites and imposing ceremonies, in presence of the President of the United States and of the Senators and Representatives of that period. The original certificates given to the thousands of early subscribers to the work bore the names of John Quincy Adams, James K. Polk, Zachary Taylor, Millard Fillmore, Franklin Pierce, George M. Dallas, Albert Gallatin, Henry Clay, and Daniel Webster, all "earnestly recommending the project to the favor of their fellow-countrymen." The names of Chief-Justice Marshall and of James Madison had been previously associated with the enterprise as the successive presidents of our association. Under the influence and encouragement of these great names the work proceeded anspiciously for seven or eight years. Costly stones were presented by not a few towns and cities and States, and associations of every sort throughout the country, to take their place in the interior of the structure, where their inscriptions could be read by all who should ascend the steps intended to lead to its summit. Many similar stones were soon welcomed as offerings from foreign lands. Meant

The financial embarrassments from which the business and people of the country were suffering about that time, and the great national convulsions which soon followed, furnish an ample explanation of the cessation of all efforts to advance this work for many years. But with the happy return of domestic peace and prosperity, and the renewed assurance of the perpetuity of our Federal Union, the desire became general, here and in all parts of our land, that the monument to Washington should no longer remain unfinished, and the measures which have since been adopted to this end are familiar to Congress and the country. They are succinctly, but sufficiently, set forth in the statement of Colonel Casey.

That statement warrants the assertion that all reasonable, or even unreasonable, doubts as to the security of the foundation have now been removed, and there is abundant testimony, from the highest scientific sources, that by a most ingenious and skillful process, which has been carried on by the authority of Congress, the base of the monument has been rendered capable of sustaining as great a weight as it has ever been proposed to place upon it, and that the shaft, when carried up to its contemplated height, will be able to withstand the force of a wind of double the velocity of any which could reasonably be the subject of calculation or conjecture.

The undersigned are not unmindful that strong efforts have been made of late

jecture.

The undersigned are not unmindful that strong efforts have been made of late to throw discredit on the design of the monument, and that various plans have been presented for changing the character of the structure. Nor has the association, which the undersigned have the honor to represent, ever been unwilling that such modifications of the design should be made as should be found necessary for the absolute security of the work. With this view they gave formal expression a year ago to their acquitescence in the general plans of the accomplished American artist, Mr. Story, who had kindly given his attention to the subject. But, now that the strengthening of the foundation has been successfully and triumphantly accomplished by a signal application of skill and science, they cannot forbear from making a respectful but urgent appeal to Congress to give their final sanction to the prosecution and completion of the work without more delay, according to the plans recommended by the commissioners appointed by Congress, with the President of the United States at its head, and by the engineer under their direction. Any other

course, they are convinced, would be likely to postpone the completion of the monment for another generation, to involve the whole subject in continued perplexity, and to necessitate vastly larger appropriations in the end than have now been asked for.

The main element of the original design of this monument was an obelisk. The pantheon proposed for encircling its base was long ago abandoned. The simple obelisk is all that is contemplated.

It has been objected in some quarters that the ancient obelisks were all monoliths—massive single stones, cut whole from the quarry. But our country has been proud to give examples of both political and material structures which owe their strength to union; and this monument to Washington will not be the less significant or stately from embodying the idea of our national motto, "E Pluribus Unum."

It has been objected in some quarters that the ancient obelass were all monolitides—massive single stones, cut whole from the quarry. But our country has been proud to give examples of both political and material structures which owe significant or stately from embodying the idea of our national motio, "E Plaribus Unius."

When the well-known monument on Bunker Hill was originally projected, more than half a century ago, an obelisk of this composite character, constructed of separate blooks of hewn granite, was agreed upon by the most distinguished artists and architects of that day. The late eminent soulptor, Horatio Greenough, furnational properties of the state of the control of the c

At a special meeting of the Washington National Monument Association.

At a special meeting of the Washington National Monument Society on the 26th of April, 1880, Hon. W. W. Corcoran in the chair, the foregoing memorial was unanimously approved, and ordered to be presented to both branches of Congress in behalf of the association.

F. L. HARVEY, JR., Olerk.

WASHINGTON, D. C., April 19, 1880.

DEAR SIR: Agreeably to your request that a succinct account of the project for the completion and the condition of the work upon the Washington National Monument should be given your committee, I have the honor, with the sanction of the joint commission for the completion of the monument, to report as follows:

ADMINISTRATION.

Under the authority of the act of Congress of Angust 2, 1876, and joint resolutions of June 14, 1878, and June 27, 1879, the monument is being constructed under the direction and supervision of a joint commission, consisting of the President of the United States, the Supervising Architect of the Treasury Department, the Architect of the Capitol, the Chief of Engineers of the United States Army, and the first vice-president of the Washington National Monument Society.

The project or design of the work is an obelisk, five hundred and fifty feet in height, faced with white marble and backed with dressed granite rock.

Of this structure one hundred fifty-six feet is already finished. The base of the monument is fifty-five feet square, the top will be thirty-four feet six inches square, and it will be crowned with a pyrimidion or roof fifty feet in height.

The proportions of the parts of this obelisk are in exact accordance with the classic proportions of parts of this style of architecture as determined after careful research by Hon. George P. Marsh, American minister at Rome.

The shaft, as proportioned, both in dimensions and weight, will be entirely stable as against winds that could exert a pressure of one hundred pounds or more per square foot upon any face of the structure.

The project includes the preparation of the foundation so as to enable it to carry this structure. This preparation or strengthening consists in making the existing foundation wider and deeper in order to distribute the weight over a greater area, and in bringing upon each square foot of the earth pressed no greater weight than it is known to be able to sustain.

CONDITION OF THE WORK.

1. Preparation of foundation.—This consisted in placing a mass of Portland cement concrete beneath the existing foundation, extending downward thirteen and a half feet; underneath and within the outer edge of the old foundation, eighteen feet; and without this edge, twenty-three feet; then of taking out the old foundation from beneath the shaft for a sufficient distance back to obtain a good bearing upon the new masonry which is built out upon the slab first mentioned. This work is so far advanced that it will be entirely completed by the 15th of June.

of June.

2. Preparations for the shaft.—The other operations have consisted in the erection of the interior frame-work for the staircases and elevator within the shaft, which frame-work will be used in the construction of the masonry; the collection of granite and marble for continuing the shaft; and the preparation of the machinery for raising the stones to the top of the shaft and setting them in place on the walls.

APPROPRIATIONS.

The only appropriation for this work as yet made by Congress is \$200,000 contained in the act of August 2, 1876, which sum will be exhausted by the end of

August, 1880.

The estimate for completing this work is \$677,000, and the time required will be four working seasons.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY, Lieutenant-Colonel U. S. A., Engineer in Charge.

Hon. ROBERT C. WINTHROP, Chairman of Committee of Washington Monument Society.

United States Senate Chamber, Washington, D. C., March 31, 1879.

Dear Sie: Linclose, as possibly of interest, extracts from a letter I have just received from Hon. George P. Marsh, our minister at Rome. These extracts refer to the Washington Monument question. Mr. Marsh is among the most learned and accomplished of those in any country who have given the subject of architecture and monumental art attention.

Very truly, yours.

Very truly, yours,

GEO. F. EDMUNDS.

General T. L. CASRY, Corps of Engineers.

[Copy of extracts.]

ROME, February 9, 1879.

Corps of Engineers.

[Copy of extracts.]

ROME, February 9, 1879.

Dears Mrs. Edmunds: By a letter from the sculptor Mead to Mrs. Marsh, I understand that the main feature of the Washington Monument is to be an obelisk of great height, surmounted by a colossal statue, and with bas reliefs at a suitable height from the base. I believe I have not only seen but sketched every existing genuine—that is, Egyptian—obelisk, for no other can fairly be said to be genuine. The obelisk is not an arbitrary structure which every one is free to ever with such form and proportions as suit his taste and convenience, but its objects, form, and proportions were fixed by the usage of thousands of years; they satisfy every cultivated eye, and I hold it an esthetical crime to depart from them.

In its objects the obelisk is monumental, its inscriptions having reference to and indicating what or whom it commemorates. I do not think bas reliefs too great a departure from the primitive character of the inscriptions, because we can come no nearer an alphabet answering the purpose.

The most important point is the form and proportions of the structure, as to which the modern builder of obelisks transgresses greatly. The Egyptian obelisks do not, indeed, all conform with mathematical exactness to their own normal proportions, but (probably from defects in the stone) frequently vary somewhat from them. When truly fashioned, however, they are more pleasing to the eye than when devlating from the regular shape.

The obelisk consists: Eirst, of a naked shaft, with or without inscription, the height of which is ten times the width of its base, so that if the base of the shaft is fifty feet square, the height of the shaft must be five hundred feet. For optical reasons (which cannot be considered in the Washington Monument, it being tool late the faces of the shaft are slightly convex. The dimensions of the shaft are reduced as it rises, and in this point the ancient obelisks vary more than any other, the top of the shaft varying from two-thirds

Hon. GEO. F. EDMUNDS.

GEO. P. MARSH.

WASHINGTON, D. C., May 12, 1879.

MY DEAR GENERAL: I have received from Mr. Marsh a letter on the subject of the monument, a copy of which I herewith forward to you, thinking it may interest you.

Yours, truly.

GEORGE F. EDMUNDS.

General T. L. CASEY, Corps of Engineers, Washington, D. C.

[Copy.]

ROME, April 25, 1879.

Dear Mr. Edmunds: I am much obliged to you for yours of April 25, 1879.

Dear Mr. Edmunds: I am much obliged to you for yours of April 2, with General Casey's letter and the two congressional documents. I am agreeably surprised to learn from General Casey's interesting letter that the normal proportions have been so nearly observed hitherto in the construction of the obelisk. In fact, it being difficult to obtain such vast masses of granite rock, even in the quarries of Izene, entirely free from flaws, the Egyptians were very often obliged to depart more or less from the proportions most satisfactory to the eye, and the Washington obelisk conforms so nearly to those proportions, except in two points, that it is hardly subject to criticism. These points are, the batter, which is more rapid than in any obelisk known to me, and the pyramidion. Perhaps the designer adopted the proportions from considerations of stability, as a summit considerably less than the base would give greater security, and when the dimensions are all so great differences of proportion are less appreciable.

As to the form and proportion of the pyramidion, the existing obelisks are more uniform than in the measurements of the shaft, and I think that not merely on the give the pyramidion of the Washington obelisk a height of not less than fifty feet. In any case, if the height of the pyramidion is not greater than the side of its base, the summit will have a truncated shape quite out of harmony with the soaring character of the structure.

Infer from General Casey's drawings accompanying Mr. Corcoran's letter that

the summit will have a truncated shape quite out of harmony with the soaring character of the structure.

I infer from General Casey's drawings, accompanying Mr. Corcoran's letter, that the plan of a sort of temple-like excrescence from the base—a highly objectionable feature—is abandoned. It is curious that we do not know precisely what the Egyptian form of the base was; some authorities state it was a die of larger dimensions than the shaft, and with sides battering at the same rate as the shaft, but I do not find satisfactory evidence that this was by any means universal, though it would certainly be an appropriate and harmonious form. Of course, any desirable base can be constructed around the shaft. There are obelisks the surface of which indicates that they were stuccoed, and this suggests that if the shaft of the Washington obelisk shall, from time or difference of material, be found to be too particolored, surface uniformity of tone may be obtained by the same process.

We have no knowledge of any Egyptian obelisk much exceeding one hundred feet in height, though some ancient writers speak of such monuments of considerably greater dimensions. The extreme difficulty of obtaining monolithe exceeding one hundred feet renders it probable that the measurements of the authorities referred to were wague estimates rather than ascertained dimensions.

Yours, truly,

GEO. P. MARSH.

BROOKLINE, MASS., August 1, 1878,

BROOKLINE, MASS., August 1, 1878.

My Dear Sir.: Your favor of the 20th ultimo reached me yesterday. I that you for sending me the copy of Mr. Story's letter, which I have read with great interest. I am only a second vice-president of the Monument Association, and am not included in the commission for completing the work. I had no part or lot in the original design of the monument. John Quincy Adams had been relied upon to deliver the oration at the laying of the corner-stone. On his death in 1848 I was called on, as Speaker of the House, to take his place, and I have occasionally since then been instrumental in raising funds for the prosecution of the structure. As an original question, I might have desired a different design; and I had no small part in inducing the building committee, many years ago, to omit the pantheon at the base, and to confine the design to a simple obelisk. After that was arranged and when the monument had reached so considerable a height, I was very averse to changing the plan. A whole generation of men, women, and children had contributed, in larger or smaller sums, to this particular monument; and States, cities, and foreign nations had sont stones for its completion. To tear it all down, with a view to improve the design, was abhorrent to me. Story called to see me, when he was in Boston, and I told him that, so far as I was concerned, my first wish was to finish the monument as a simple obelisk, but that, if a change was unavoidable, owing to any insecurity of the foundations, his idea of turning it into an ornamental Lombard tower was the best plan I had seen suggested. His letter increases my appreciation of his design, though I am afraid that if would involve an amount of money and time which would postpone the completion for another generation. As it is, I understand the whole question to be settled, and that the commissioners are now going on to strengthen the foundations and carry up the obelisk to four hundred and fiftieth anniversary of the birthday of Washington in 1882, l

Hon. JUSTIN S. MORRILL, United States Senator.

Mr. ROLLINS. I move that 1,000 copies of the memorial be printed for the use of the Senate.

The VICE-PRESIDENT. That motion should be reduced to writing

and referred as a resolution to the Committee on Printing. Will the Senator reduce his motion to writing?
Mr. ROLLINS. I will do so.

The VICE-PRESIDENT. The Chair directs that it then be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of citizens of New York, who were soldiers in the late war, remonstrating against the passage of the bill providing for a pension court; which was referred to the Committee on Pensions.

Mr. INGALLS presented a memorial of the Cherokee delegation, in favor of the passage of an act for the relief of such citizens of the tribes of the Indian Territory as lost property on account of the rebellion, or as furnished property to and had the same taken by the Federal Army during the war; which was referred to the Committee on Indian Affairs.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Columbia County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of Columbia County, Penn-sylvania, praying for the establishment of a department of agricult-

sylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented the petition of Wilson, Walker & Co., of Pittsburgh, Pennsylvania, manufacturers of iron, employing four hundred and fifty hands; the petition of Chess, Smyth & Co., of Pittsburgh, Pennsylvania, manufacturers of iron, nails, tacks, &c., employing three hundred and fifty hands; the petition of James Hoover & Sons, of Norristown, Pennsylvania, manufacturers of iron, employing two hundred and fifty hands; the petition of A. and P. Roberts & Co., of Philadelphia, Pennsylvania, manufacturers of iron, employing four hundred hands; the petition of the Gautier Steel Company, (limited,) of Johnstown, Pennsylvania, manufacturers of steel and wire, employing one thousand hands; the petition of Wilbur, Metcalf & Larkin, ploying one thousand hands; the petition of wilbur, siectair & Larkin, of Pittsburgh, Pennsylvania, manufacturers of bar-iron and axles, employing five hundred hands; the petition of the Pittsburgh Bessemer Steel Company, (limited,) of Pittsburgh, Pennsylvania, manufacturers of Bessemer steel; the petition of the Catasauqua Manufacturing Company, of Catasauqua, Lehigh County, Pennsylvania, manufacturers of merchant bar and plate iron, employing five hundred hands; the petition of the Temple Iron Company, of Temple, Bucks County, Pennsylvania, manufacturers of pig-iron, employing two hundred hands; the petition of James A. Inness, of Port Clinton, Schuylkill County, Pennsylvania, manufacturers of bar-iron, employing one hundred and forty hands; the petition of the Bethlehem Iron Company, of Bethlehem, Pennsylvania, manufacturers of iron and steel, employing twenty-five hundred hands; the petition of the Logan Iron and Steel Company, of Pennsylvania, manufacturers of bar-iron and pig-iron, employing about four hundred and sixty hands; the petition of the Greenwood Rolling-Mill Company, of Tamaqua, Pennsylvania, manufacturers of bar and hoop iron, employing one hundred and fifty hands; the petition of Wister, Fisher & Fox, of Hamburgh, Pennsylvania, manufacturers of muck bars and bar-iron, employing one hundred hands; the petition of D. Longenecker, jr., of New Ringgold, Pennsylvania, manufacturers of iron, employing three thousand hands; the petition of J. Wister, of Harrisburgh, Pennsylvania, manufacturers of iron, employing three thousand hands; the petition of J. Wister, of Harrisburgh, Pennsylvania, manufacturers of pig-iron, employing one hundred and eighty hands; the petition of William McIlvain & Sons, of Reading, Pennsylvania, manufacturers of boiler-plate and charcoal blooms, employing one hundred and sixty hands; the petition of the Rockland Furnace Company, (limited,) of Douglassville, Pennsylvania, manufacturer of charcoal blooms, employing torty-five hands; the petition of the Pennsylvania, manufactu of Pittsburgh, Pennsylvania, manufacturers of steel, employing four hundred hands; the petition of A. French & Co., of Pittsburgh, Pennthe petition of the Pennsylvania Iron Company, (limited,) of Lancaster, Pennsylvania, manufacturers of bar-iron, employing three hundred and twenty-five hands; the petition of the Lochiel Rolling-Mill Company, of Harrisburgh, Pennsylvania, manufacturers of pig and bar iron, employing three hundred hands; the petition of the Pittsburgh Steel Casting Company, of Pittsburgh, Pennsylvania, manufacturers of steel castings, employing one hundred hands; the petition of Lyman Nulling, of Middletown, Pennsylvania, manufacturer of pig-iron, employing thirty hands; the petition of Adam Johnston & Son, of Reading, Pennsylvania, manufacturers of castings, machinery, and cars, employing one hundred hands; the petition of Mumper & Co., of Valley Forge, Pennsylvania, manufacturers of pig-iron and blooms, employing two hundred hands; the petition of the Chickies Iron Company, of Chickies, Pennsylvania, manufacturers of pig-iron, employing one hundred and sixty-two hands; the petition of John and H. Y. Kaufman, of Auburn, Schuylkill County, Pennsylvania, manufacturers of charcoal pig-iron, employing one hundred and seventy-five hands; the petition of Watts, Twells & Co. (limited,) of Marietta, Pennsylvania, manufacturers of pig-iron, employing one

hundred and fifty hands; and the petition of T. Garretson, of Pottsville, Pennsylvania, manufacturer of pig-iron, employing one hundred and ten hands, in favor of the speedy passage by Congress of the bill introduced into the Senate by Senator EATON, of Connecticut, and recently reported back to the Senate by Senator BAYARD, of Delaware, which provides for the appointment of a tariff commission to pre-

which provides for the appointment of a tariff commission to prepare and submit to Congress a bill revising the duties on imports of foreign products; which were ordered to lie on the table.

Mr. CONKLING presented the petition of the Wheeler, Madden and Clemson Manufacturing Company of Middletown, New York, manufacturers of saws and steel, employing three hundred hands; the petition of C. S. Hurd of New York City, New York, manufacturer of pig-iron, employing one hundred and fifty hands; and the petition of N. Gridley, of Wassaic, Dutchess County, New York, manufacturer of pig-iron, employing one hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. KERNAN presented the petition of J. W. Neighbor and others.

tariff commission; which were ordered to lie on the table.

Mr. KERNAN presented the petition of J. W. Neighbor and others, of New York, praying for the passage of a law equalizing and granting bounty at the rate of \$100 per year for the time served, less Government bounty already received; which was referred to the Committee on Military Affairs.

He also presented the petition of Tuckerman, Mulligan & Co., of Saugerties, New York, manufacturers of iron, employing three hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

the table.

Mr. RANDOLPH presented the petition of Spaulding, Jennings & Co., of West Bergen, New Jersey, manufacturers of cast-steel, employing fifty hands; the petition of the Passaic Rolling-Mill Company, of Paterson, New Jersey, manufacturers of iron, employing six hundred hands; the petition of the Trenton Iron Company, of Trenton, New Jersey, manufacturers of steel and iron, and the petition of James R. Thompson & Co., of Jersey City, New Jersey, manufacturers of steel, employing two hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. MCPHERSON presented the petition of Messrs. Gregory & Co., of the Adirondack Steel Works, of Jersey City, New Jersey, manufacturers of cast-steel, employing ninety-five hands, and the petition of the New Jersey Zinc Company, of Newark, New Jersey, manufacturers of oxide of zinc, spelter, and spiegeleisen, employing two hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. WINDOM presented the petition of Alan Wood & Co., of Phila-

Mr. WINDOM presented the petition of Alan Wood & Co., of Philadelphia, Pennsylvania, manufacturers of sheet and plate iron, employing four hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BAYARD presented the petition of William Sellers, president of the Edgemoor Iron Company, of Wilmington, Delaware, manufacturers of iron-work, employing four hundred and twenty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. A hiessage from the froise of hepresentatives, by Mr. Grokals M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 346) for the relief of William H. Thompson;

A bill (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo; and

A bill (H. R. No. 5596) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal

year ending June 30, 1881, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana; and

A bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list.

The message further announced that the House had passed the bill (S. No. 1143) granting a pension to Mrs. Mary Allison.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 1545) for the relief of J.W. Burbridge & Co. and

ferred the bill (S. No. 1545) for the relief of J. W. Burbridge & Co. and Robert H. Montgomery, submitted an adverse report thereon recommending that the bill be indefinitely postponed and that the claim of the claimants as presented in the bill be not allowed.

The report was agreed to, and the bill postponed indefinitely.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of George E. Payne, of Saint Charles Parish, Louisiana, praying compensation for the seizure, use, and occupation of a sugar plantation by the officers of the Government, submitted a report thereon; which was ordered to be printed for the use of the committee. mittee.

Mr. HAMLIN. The select committee of the Senate appointed to investigate the subject of claims by citizens of this Government

against the Nicaraguan government, to which was referred the bill (8. No. 1650) authorizing the President to make the necessary arrangements to carry into effect any convention between the United States and Nicaragua for the adjustment of claims which may be duly concluded between the two Governments, have directed me to report back the bill with an amendment, and to recommend its passage, accompanied by a written report. It will be understood that the evidence accompanying the report will not be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Sallie E. Pearce, praying the passage of a law authorizing the Commissioners of the District of Columbia to refund certain taxes and penalties alleged to have been erroneously paid by her, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia, which was agreed to

of Columbia: which was agreed to.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval
Affairs, to whom was referred the bill (S. No. 543) for the relief of
Jabez Burchard, reported it without amendment, and submitted a

report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 5628) relating to machinists in the Navy, reported it without amendment, and submitted a report thereon; which was ordered

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 525) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy, reported adversely thereon, and the

United States Naval Academy, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 1535) granting an increase of pension to Rebecca E. Haskin, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1272) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed thereon; which was ordered to be printed, and the bill was postponed

indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1586) to regulate the fees of attorneys in pension cases, submitted an adverse report thereon; which was ordered to be printed,

mitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 283) authorizing the Secretary of War to furnish for use at the soldiers and sailors' reunion at Columbus, Ohio, to be held in August, 1880, certain artillery, tents, muskets, and blank cartridges, reported it with amendments.

Mr. JONAS submitted the views of the minority of the Committee on Railroads on the bill (S. No. 82) extending the time for the completion of the Northern Pacific Railroad; which were ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the joint resolution (S. R. No. 59) repealing part of section 4693 of the Revised Statutes, submitted an adverse report thereon; which was ordered to be printed, and the joint resolution was postponed in-

definitely.

Mr. BUTLER, from the Committee on Territories, to whom was referred the bill (H. R. No. 5203) providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wyoming, reported it without amendment, and submitted a re-port thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1686) for the relief of the heirs of David G. Burnett; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1687) to enforce the observance of the Constitution of the United States in reference to elections of President and Vice-President of the United States; which was read twice by its title, and referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the

the result of the Elections of Freshchib and Viviana United States.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1688) for the relief of the heirs at law of William R. Downing, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1689) for the relief of Edward Byrne; which was read twice by its title, and referred to the Committee on Mili-

was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1690) for the relief of Touissaint Mesplie; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1691) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri; which

was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

REPORT ON SORGHUM SUGAR.

Mr. JOHNSTON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate. (the House of Representatives concurring.) That there be printed 50,000 copies of the letter of the Commissioner of Agriculture to the chairman of the Committee on Agriculture on sorghum sugar, of which 22,000 shall be for the use of the House, 12,000 for the use of the Senate, and 10,000 for the Commissioner of Agriculture.

WITHDRAWAL OF PAPERS.

On motion of Mr. RANDOLPH, it was-

Ordered, That Mrs. Agnes Fairley have leave to withdraw her papers from the

AMERICAN FISHERMEN AT FORTUNE BAY.

Mr. BLAINE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the President of the United States be requested to communicate to the Senate, if not in his judgment incompatible with the public interest, copies of the correspondence with the government of Great Britain in regard to the alleged outrage upon American fishermen at Fortune Bay, in the province of Newfoundland.

SETS OF CONGRESSIONAL GLOBE.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Public Printer be directed to report to the Senate the condition of the stereotyped plates and back numbers of the Congressional Globe purchased of the representatives of Rives & Bailey, their place of custody, their security against injury by fire or otherwise, the estimated cost of reproducing a sufficient number of them to make complete sets of 1,000 of 2,000 of the whole number, and any other fact relating to the same.

TREASURY ACCOUNTS.

Mr. DAVIS, of West Virginia. I ask the attention of my colleague on the Committee on Treasury Accounts, the Senator from Kansas, [Mr. INGALLS,] and inquire whether he is prepared to make his report this morning? I think yesterday it was agreed we should make it to-day

it to-day.

Mr. INGALLS. We are ready, sir.

Mr. DAVIS, of West Virginia. I present the report of the Select
Committee to Investigate the Finance Reports, Books, and Accounts
of the Treasury Department, and with it I propose to submit a few
remarks only. Of course I shall ask that the report and evidence be
printed. I wish that order made now.

The VICE-PRESIDENT. The order to print will be made.

Mr. DAVIS, of West Virginia. Does the Senator from Kansas wish
to present the views of the minority now or will he wait until after
my remarks?

my remarks?
Mr. INGALLS. I understood the Senator from West Virginia to

Mr. INGALLS. I understood the Senator from West Virginia to say that he desired to submit some observations on the report of the majority. When he has concluded, I shall ask leave to submit the views of the minority, with some remarks of my own, which will detain the Senate but a very few moments.

Mr. DAVIS, of West Virginia. Mr. President, I shall detain the Senate but a short time. When the report is printed and laid before the Senate, I shall probably review it more generally.

It will be recollected that when I first called the attention of the Senate to the apparent changes and alterations in the official finance reports, it was said that I was in error, that none existed, &c. Some Senators laughed at the idea. Others thought it was impossible that there could be in the Treasury accounts as officially reported errors or changes of figures. I believe it is now generally admitted that I was right, and the only thing left is an explanation of the facts. Both was right, and the only thing left is an explanation of the facts. Both the majority and the minority reports, as submitted, contain sundry conclusions, and the majority report has a number of recommendations which will be called up hereafter.

Previous to the appointment of the committee I made several speeches in the Senate, in which I stated that the official reports to Congress

relating to the public debt and the receipts and expenditures appeared relating to the public debt and the receipts and expenditures appeared to have been changed, the changes involving many millions of dollars. In November, 1877, the Senate passed a resolution, appointing a committee to examine and report upon the Treasury accounts, books, and finance reports. Our examination was confined almost entirely between the years 1860 and 1871. The result of that examination I now submit to the Senate.

The report and the evidence show that every extrement made in

The report and the evidence show that every statement made in each of my speeches in the Senate to be substantially correct, including the one relating to the public debt in which I said there appeared to be many changes which involved many millions of dollars. Now, if you compare the statement of the Register with that of the other officers of the Treasury, you will find that in some years there were between ninety and one hundred million dollars difference in the

between ninety and one hundred million dollars difference in the figures as stated. Whether or not they really exist is another question, but as stated they certainly exist.

The fiscal year of the Government ends June 30. The Secretary's office originates all warrants. Notice of the number and amount of the last warrant issued in each year is given to all bureaus or divisions in the Treasury Department. The official statement is made up in November, affording ample time to correct all errors, and make a true statement to Congress.

The official finance reports agreed previous to 1869 and agree since 1871; but between 1869 and 1871 many and large changes were made in figures and amounts.

The report and testimony show that in November, 1870, the Secre-

tary of the Treasury notified the Register in writing to change the figures and amounts as previously given to Congress. The changes went back to 1833, and apparently largely increased the public debt, as the following table will show, from 1860:

Public debt, as stated by Secretary and Register, (copied from the Finance Reports for 1870 and 1871.)

Year.	Secretary's statement. (Finance Report, 1870, p. xxv.)	Register's statement. (Finance Report, 1870, p. 276.)	Secretary's compared with Register's.		Register's state- ment. (Finance
			Increase.	Decrease.	Report, 1871, p. 368.)
1861	2, 650, 647, 869 74 2, 773 236, 173 69 2, 678, 126, 103 87	\$90, 867, 828 68 514, 211, 371 92 1, 098, 793, 181 37 1, 740, 690, 459 49 2, 682, 593, 026 53 2, 783, 425, 879 21 2, 692, 199, 215 12 2, 636, 320, 946 67 2, 489, 002, 450 58 2, 386, 358, 599 74	\$9, 965, 040 21 20, 978, 957 26 75, 093, 881 08 99, 449, 733 36 94, 313, 828 07	\$286, 954 96 1, 945, 156 79 10, 189, 705 52 14, 073, 111 25 24, 633, 113 48	\$90, 580, 873 72 524, 176, 412 13 1, 119, 772, 138 63 1, 815, 784, 370 57 2, 680, 647, 860 74 2, 773, 236, 173 66 2, 678, 166, 103 87 2, 611, 687, 851 15 2, 588, 452, 213 94 2, 480, 672, 427 81
Totals	19, 363, 136, 435 29 19, 114, 463, 037 31	19, 114, 463, 037 31	299, 801, 439 98 51, 128, 042 00	51, 128, 042 00	19, 363, 136, 435 29 19, 114, 463, 037 31
Increase in Secretary's as compared with Register's statement, for the years 1861 to 1870, inclusive	248, 673, 397 98		248, 673, 397 98		248, 673, 397-98

In 1862 the debt had been reported to Congress at \$514,000,000 in round numbers by the Register and by the Secretary. In 1870 that amount apparently was changed and to-day it stands \$524,000,000 in round numbers, an increase of \$10,000,000. Again, in 1863 there was a similar change of \$20,000,000 in the public debt. In 1864 there was a change of \$75,000,000 in the public debt. Another fact relating to this matter is that in 1870 both the Register and the Secretary agreed, but as the tables appear in the report of 1870 they disagree largely. The testimony on pages 26 and 37, and to this I call special attention, shows that three items, amounting to \$6,293,827.76, in 1870 were added to the public debt by order of the Secretary of the Treasury, when neither of the amounts was on the Treasury book. In other words, between six and seven million dollars was added to the public debt statement—the witness, Dr. Guilford, says to make them

lic debt statement-the witness, Dr. Guilford, says to make them "harmonize."

The Register is the official book-keeper of the Government; yet he was ordered to add millions to his debt statement, and obeyed the

From the beginning of the Government to 1870 the accounts of the Treasury Department were kept by what are known as "issues and redemptions." In 1870 the new system of keeping them by what are called "receipts and expenditures" was commenced, which caused a difference of \$116,104,831.45; that is, the public debt was one hundred and sixteen millions more than the receipts and expenditures

Up to 1869 what are known as Pacific Railroad bonds were included in the public debt statement, amounting on June 30, 1869, to \$58,638,230. This amount was dropped and not included in the debt statement of 1870, which ought to have reduced the debt that amount; but if you compare the statements of the Secretary and Register, as reported in the official finance report for 1870, the debt is not decreased, but increased between ninety and a hundred millions.

The testimony shows (page 73) that to make a careful examination of the public debt, receipts and expenditures, between 1860 and 1870 would require four or five years, with four or five experienced clerks. Yet the fact is a new clerk in four and a half months made the examination upon which the many and large changes were made, going

back nearly to the beginning of the Government.

The proof is that bonds, bank notes, legal-tender notes, revenue stamps are delivered by the Printing Bureau to the loan division, Comptroller, Treasurer, &c., and no check between the parties named. There should be a check; that is, the Register or some other officer should receive, enter, and deliver bonds, notes, &c. Upon the correctness and integrity of the chief of the loan division depends whether or not the true amount of bonds issued is correctly reported or in circulation. I repeat, upon the integrity of one officer, apparently a very proper and good officer, and upon the integrity of his office, depends whether the country knows to-day the true amount of the bonds issued.

Mr. EDMUNDS. Are they not registered in the Register's office?

Mr. DAVIS, of West Virginia. No. Mr. EDMUNDS. Are not all the bonds registered?

Mr. DAVIS, of West Virginia. Of course all that pass through the Register's office are registered, but I say to the Senator that the loan division can to-morrow issue or could at any time have issued a bond and the Register's office never might have seen it under the system practiced.

Mr. EDMUNDS. May I ask the Senator-not to interfere with

him—only for information—

Mr. DAVIS, of West Virginia. It does not interfere at all.

Mr. EDMUNDS. I ask how any bond that appears good on its face can get out without having the signature or countersign of the Register of the Treasury?

Mr. DAVIS, of West Virginia. I said it depends upon the integrity of one officer. If that officer directs the Register to issue a bond for \$10,000, when only \$1,000 has been paid into the Treasury, I reassert that there is no check upon him, nor has there been.

The erasures, scratches, changes, or alterations on the ledgers of the

Treasury Department amount to thousands and affect many hundred millions of dollars. The erasures and alterations on the day-books or journals are so numerous that we did not undertake to count them. Leaves are cut or taken from the books and no one can account for them; warrants taking from the Treasury millions of money are miss-

g; others are scratched and apparently altered. Official statements and reports from the War, Navy, and Interior Departments differ largely as to the amounts of money received from or charged by the Treasury Department. No officer of the Treasury De-partment has kept or can furnish a statement of accrued interest on bonds sold—the amount collected is supposed to be many millions. The accounts and statements of the different officers of the Treasury Department do not agree between 1860 and 1870 by large amounts as to the cash in the Treasury at the end of the various fiscal years or as

the cash in the Treasury at the end of the various fiscal years or as to the amount of interest paid each year.

The total and net receipts and expenditures for the years between 1860 and 1870, as reported by the Secretary, the Comptroller, and the Register, when compared with the Treasurer's accounts, differ hundreds of millions. Notwithstanding this, we are told these four officers are checks on each other. The Secretary's and the Treasurer's statements as to bonds belonging to special and sinking funds for the year 1870 differ millions. Warrants transferring hundreds of millions of dollars from the Treasury are scratched and apparently altered. Some warrants, said to take large amounts from the Treasury, are missing and cannot be produced. are missing and cannot be produced.

The only witness examined by the committee not employed in the Treasury Department was Mr. Saville, who was chief clerk when the changes referred to in official statements were made. Much information by parties not in the employ of the Government was offered, some stating that they could show frauds, &c. But the committee uniformly responded that their duty was to examine and report as to uniformly responded that their duty was to examine and report as to statements, accounts, and books of the Treasury Department. No evidence was taken by the committee looking to the misuse of money or frauds of any kind. It is certain that between 1869 and 1871 many changes in the public-debt statement and the statement of receipts and expenditures were made, which apparently largely increased the total of the debt and affecting the receipts and expenditures, extending back thirty or forty years, changing the amount as previously ing back thirty or forty years, changing the amount as previously reported, some years many millions.

I shall at an early day ask the Senate to take up the recommendations of the committee, of which there are about eight, looking to

the remedying of a good many of the evils that a majority of the committee think exist in the Treasury Department.

Mr. INGALLS. Mr. President, the efforts of the chairman of this committee have been much more largely directed to the attempt to support and verify the statements made in speeches by the Senator from West Virginia on this floor than to ascertain the truth in regard to the integrity of the accounts of the Treasury Department. The Senator from Massachusetts [Mr. Dawes] and myself are not able to concur with the report and conclusions of the majority of the com-

Two years and a half of continuous labor at a vast expense, with a corps of trained assistants, have failed to disclose one single fact that has not been fully known to Congress and the country since 1871. No one who chose to inspect the public records could fail to observe that the Finance Reports of 1870 and 1871 do not agree with the finance reports prior to that time in their tabulated statements relating to the public debt and the receipts and expenditures; but the majority

of the committee fail to say that all of these differences have been explained and have repeatedly been shown to be corrections, the result of a careful revision and analysis of the books of the Treasury

by competent clerks in the office of the Secretary.

In November, 1871, the chief clerk of the Department, by direction of the Secretary, instructed the Register to make certain changes in his tabulated statements, to conform them to those that had been previously made in the Secretary's office. The Register did make the changes, but not until he had carefully examined the books of his own office by his own clerks, and satisfied himself that the corrections were proper, his only objection being that he did not think it wise to vary from statements that had been published by previous administrations. None of the differences or discrepancies indicate that any change has ever been made in the original books of entry, or that the final result has been changed, or that the accuracy of the books has been affected; but on the contrary the testimony taken bepooks has been anected; but on the contrary the testimony taken before the committee clearly shows that in the process of making the examinations which resulted in the revised tables no book and no record was altered in the minutest particular, and that any competent person to-day can take the records now accessible in the Department, and verify for himself the accuracy and propriety of every variation in the tabulated statements.

The explanation offered by the Secretary of the Treasury, on page 20 of the Finance Report of 1871, as a note to the first publication of the revised tabulated statement of the public debt, is a brief, simple, and accurate statement of the whole cause of difference which will be entirely satisfactory to any intelligent person; and the subsequent examination of the public-debt accounts which has been continued through all the years since that time, and which is now progressing and almost completed, fully sustains the accuracy of that note of

explanation.

It is true, as the chairman of the committee has said, that an examination of the books by the experts of the committee disclosed numerous instances where alterations and erasures, and in some cases numerous instances where alterations and erasures, and in some cases mutilations, had evidently been made; but in no instance were the experts able to discover that any of these alterations or erasures were other than what they purported to be, that is to say alterations made to correct errors and omissions which occurred at the time, and the necessity for which was fully sustained by all the corresponding records and papers in the files of the Department.

When the enormous volume of business done at the Treasury Department is considered, it is only just to say that the books, accounts, and records are well kept and accurate, and the system of book-keeping and accounting now in force is probably as good and as efficient as can be devised. It is possible that a committee of expert accountants might be able to unify and harmonize the varying systems now in use; but no change should be made without very careful examination at the hands of the very best and most practical talent that can

be obtained for the purpose.

Mr. President, the public credit is an indispensable element of the national life. It is inseparably connected with the national honor and the prosperity of every citizen. He who would needlessly assail it or wantonly impair it is a common enemy. Let it be understood that the public accounts have been tampered with and falsified, that the officials are reckless, incompetent, or dishonest; let distrust be aroused and confidence in national integrity be destroyed, and this country would suffer a deeper wound than would be inflicted by pesti-

country would suffer a deeper wound than would be inflicted by pestilence or famine or disastrous war.

We think that the report of the majority of the committee is unjust in its innuendoes, its insinuations, its hints, its partial statements,
its half-truths. It is a protracted suppressio veri, and fails in every
particular when allegations of wrong have been made to report the
innocent and satisfactory explanation. It fails to state what we believe the evidence discloses, that the apparent discrepancies in the
statements of the public debt and receipts and expenditures have been
satisfactorily explained, that they arise from a different assemblage
and presentation of identical accounts from the same reports, which
have never been changed, that there is no evidence of dishonesty or have never been changed, that there is no evidence of dishonesty or fraud on the part of any official, that the erasures and alterations on the books and warrants are innocent and were rendered necessary by

errors and omissions that are incident to all business transactions.

Our views, Mr. President, are presented more at length in the report of the minority which I forward to the desk, and which I ask may lie on the table and be printed.

The VICE-PRESIDENT. That order will be made.

Mr. DAWES. I do not know that it is worth while for me to ask the floor for a moment after the concise, correct, and clear statement made by my colleague on the committee, the Senator from Kansas, [Mr. Ingalls;] but concurring in the views of the minority, which he has submitted, and in the statement which he has made, perhaps I may be permitted to add a word or two. Having devoted my time with him as carefully and as earnestly and honestly as was in our power, following the Senator from West Virginia in his hunt during the last two years and a half for something wrong in the books of the Treasury Department, I have come to the conclusion, and I think every one will who reads not only the report of the majority but the views of the minority, that the great difficulty with the chairman of this committee is his utter inability to understand the difference between the majority that the great difficulty with the chairman of this committee is his utter inability to understand the difference between the majority is the majority of the majority and the majority is the majority of the majority and the majority of the major ence between a change in the mode of stating the public debt and a change of the public debt itself. Throughout two and a half long years

of investigation we have met with that difficulty at every step-that there was no difference in this examination between a change of the mode of stating the public debt and a change of the debt itself.

The evidence from the beginning to the end, without a particle of contradiction or attempt at contradiction, shows that not a figure has ever been changed in any book of the Treasury Department since its entry upon that book; that the statement of the public debt upon the books of the Treasury Department to-day is exactly what it ever has been; that there have been in two bureaus of the Department two methods of keeping the account of the public debt: one by issues and redemptions—that is, with the bond that is issued on one side and what is paid to redeem that bond on the other; and the other method of keeping the public debt was by receipts and expenditures, what is received for a bond on one side and what is paid out in money on the other. A moment's reflection will show that these two accounts cannot agree unless a bond is always negotiated at par and without expense to the Government. The one book keeps the bond on one side as an issue and on the other side the redemption of that bond, without any account of discount in negotiating the loan or the expense of it. The other statement on the other books in the other bureau kept the account not only of the bond, but of what it cost to negotiate the bond and what it cost to redeem it, including discount

and all expenses attending the negotiation.

Here were two statements of the public debt in the Treasury Department published each year, one that of the Register, and the other that of the Secretary, side by side, resulting from two different methods. In 1870 the Secretary deemed it wise to reconcile these two, the one by issues and redemptions never having had accompanying it anything in reference to the expense of loans. It also had upon one anything in reference to the expense of loans. It also had upon one side various items of public debt that had no corresponding entry on the other side. For instance, the debt of the Revolution assumed by the United States and bonds of the United States issued for it had upon the books of issues and redemptions these two items balancing each other; but on the other books there were no receipts to correspond with the bonds issued, and the Secretary went into the elaborate work of going back to the negotiation of the loans of the Revolution and all other items to make out a new tabulated statement that would show an accurate history of each loan, and so that the debt of the United States could be shown upon paper and be put forth as his report of all the debt of the years back; but he did not alter anybody else's statement; he never altered a figure of the past. When he put forth from year to year the actual cost to the Government of each loan on the one side and the receipts from it on the other in his new table from 1871, it did not agree with the figures in the past. All that he explained in his report. That has disturbed the chairman of this he explained in his report. That has disturbed the chairman of this committee; that is perfectly incomprehensible to him; and he insists upon it in his report that the public debt has been changed hundreds of millions of dollars in this way; and that is the trouble that has cost this Government the expenses of this examination for two and a half long years and the patient labor of this committee

Then the Senator has found upon the books of the Treasury Department entries which to the eye appear to have been erased at some time, one figure taken out and a new figure put in the place of it, and he says that these affect millions of dollars. He finds an entry upon a book of the Treasury Department where a figure 2 at some time it is perfectly evident has been erased and another figure put in the place of it. It is an entry of millions of dollars. But he fails to tell the public that that was an entry in three separate books of account kept in the Treasury Department, two of which kept by double entry are compared at the end of each month and a balance-sheet struck, and the third is compared with these two at the end of each quarter, and the erasure was in one and not in the others; and every witness on the stand has testified that never a figure has been altered since these trial balances have shown the three sets of books to agree

Then, sir, the chairman of the committee has thought it his duty to bring forward here, not only in his report, but in the remarks he has just made, that there are warrants missing from the Treasury Department, covering, he says, millions of dollarsmoney into the Treasury or warrants to take it out. He has said, it is fair to remark in his speech now, in parenthesis, (which the spelling-book says is something to be read in a lower tone of voice, and not necessary to make sense,) that it is true there are duplicates and triplicates of these warrants in the Treasury Department, so that, though there be a warrant lost, there is a duplicate and a triplicate of that warrant in the Treasury Department open to reference and examination by anybody. In the transactions of the Treasury, covering hundreds of millions of dollars, there have been found three or four instances where one of the three copies of a covering-in warrant or a warrant authorizing the paying out of money has disappeared. Recorded upon the books of the Treasury Department, in three distinct places, is the same warrant—two distinct places beside this, and two of the originals are left.

Of what profit to the country has it been that a committee has been two years and a half trying to discover such a great truth as this, winding up with the statement that the committee has taken no evidence to show that there has been fraud. It would become the candor of the committee, it seems to me, if they had found no evidence of fraud, to have said that there was no appearance of fraud. But what was the purpose of the committee? It started out with these questions put

to a witness: Have you read the speeches of Hon. Henry G. Davis, delivered in the Senate of the United States on a certain occasion? Have you compared the figures in the speeches with the tables presented here? Are there any discrepancies between the speeches of Hon. HENRY G. DAVIS and these tables? If so, point them out. The "be all" and the "end all" of this committee and its conclusions is that on the whole Hon. HENRY G. DAVIS has accurately stated the fact that from 1871 forward, by a new method of stating the public debt by receipts and expenditures, rather than by issues and redemptions, it results in showing more accurately all the receipts and all the expenditures and the exact liabilities of the Treasury. Not a witness has intimated that a figure in the Treasury Department has ever been altered, since the books at the end of each month and each quarter have been compared with each other and found accurate to a penny—not one.

As to the covering in warrants, one copy of one of which had disappeared, the witnesses were asked to take every item in those warrants and trace them from the time the item came into the Treasury to the time it went out, and see if it was not accurately set forth in the two copies of the covering-in warrants that remained in the Treasury Department, and they declared that they found them perfectly accurate.

I regret, and I think my colleague on the committee [Mr. InGALLS] does, that the committee did not find it within the line of their duty

to give the Treasury Department the advantage of this.

Sir, I ought not to let this matter pass from the consideration of the Senate without applying the Senator's own complaint about scratches in the books of the Treasury Department to the experience of the committee itself. The very witnesses who were employed to take the blotters and ledgers of the Treasury Department and turn them over leaf by leaf and hold them up to the light of the sun, and see if they could not discover that when a wrong figure was written either by accident or by mistake, a figure that ought not to be there, and then another put in its place—the very witnesses in making out their tables found themselves falling into the same mistakes, and the testimony is abundant that upon their own original tables furnished the committee to convict the Treasury Department of some improper alterations of the books made countless erasures of the same character on the very tables they furnished.

Mr. KIRKWOOD. You mean the tables furnished by the experts?

Mr. DAWES. The experts furnished tables, and in making out their own tables when they made a figure that they did not intend to make, they erased it and put another one in its place; and the testimony will show, unfortunately for the position of the Senator from West Virginia, that they were asked to point out on their own tables the scratches and erasures precisely like to those they found upon the books of the Treasury Department. Honest men, experts themselves, books of the Treasury Department. Honest men, experts themselves, endeavoring to do their duty, making out large tables, they could not make out a single column of figures without finding it necessary with an eraser to erase one figure and put another in its place; and they said themselves on the stand that the erasures they found on these books were precisely the erasures found upon the books of any merchant's house that they had ever known.

This is the sum and substance, the result of these two years and a half work that the effort of the Senator from West Virginia has been directed to, arising, as I said in the beginning, entirely from the inability on his part to understand the difference between a change in the statement of the public debt and a change in the public debt itself.

Mr. DAVIS, of West Virginia. Mr. President, the Senator from Massachusetts has labored about as hard as the Senator from West Virginia has for two years, and I think the labor that he has performed now has given him more trouble than the two years of the Senator from West Virginia. But that has little to do with this subject. It will be noticed that each of my colleagues who compose the minority of the committee, has avoided facts. Neither of them has controverted a single figure or a single fact that I have stated, either in their minority report or in what they have now said. They have gone on with general statements, and said this, that, and the other, but I challenge either of them to put his finger on a single fact stated in the committee's report that is not borne out by the witnesses. There is not a single statement there which is not so sustained. I have stated more than twenty facts, and neither of the Senators in their replies has referred to them except in a general way.

Mr. President, I stated that in a short time I would review the report; and when Senators get the printed reports of the majority and minority on their desks, it will then be time to call attention to the figures. Meanwhile let me say as to the credit of the Governthe figures. Meanwhile let me say as to the credit of the Government that I probably am as careful of it as either of the Senators. It should be borne in mind that these alterations took place between 1860 and 1870, and none since that time of which we know anything. My own belief is, though that is incidental, that the accounts now are much more correctly kept than they were between 1860 and 1870; and so far as my knowledge goes there are now no discrepancies.

But the Senator from Massachusetts has referred to discrepancies

in the statements of the cicrks. The Senator knows that in a single instance on a single statement he happened to discover probably half a dozen—I do not think they exceed half a dozen—where figures which the clerks had got wrong in some way were attempted to be corrected. The Senator seeks to apply that in comparison to the great ledgers of this Government! I stated, and restate, that the erasures and scratches in the day-books and the journals are so numerous that

the committee did not undertake to count them; but it is the ledgers that I speak of where they are to be seen by thousands, involving thousands of millions of dollars.

Now, as to the warrants, the Senator well knows that it is the original warrant that is now missing, and instead of one I think the number is twenty or thirty that cannot be found, some of them transferring from the Treasury more than \$100,000,000. What are stated to be duplicates are there, but the originals are not there.

Mr. EDMUNDS. Does the money appear to be accounted for, or is the money gone with the warrants?

Mr. DAVIS, of West Virginia. The Senator from Vermont will have to go to the Treasury and inquire as to that himself. I only say to my friend

Mr. EDMUNDS. The committee has been instructed to do it.
Mr. DAVIS, of West Virginia. I am not going to answer as to the
money. I only say to my friend from Vermont that if you compare
the Treasurer's accounts with those of the other three officers there are hundreds of millions of dollars difference.

Mr. EDMUNDS. That does not answer the question. I want to know the judgment of this committee as to what has become of this money for which the warrants as the Senator says are missing. Is the money missing too, or is it merely the evidence of the fact that is

Mr. DAVIS, of West Virginia. I suppose the money was found by somebody and got by somebody, I do not know who.

Mr. EDMUNDS. Does the Senator mean that it is out of the Treas-

ury or in ?

Mr. DAVIS, of West Virginia. Out; transferred by the warrant.
Mr. EDMUNDS. Not stolen or robbed?
Mr. DAVIS, of West Virginia. The Senator will excuse me for not referring to the last word "stolen." I have not referred to that in any form or manner. From the beginning to the end of my talk in the Senate or in the committee I have not referred to anything as being stolen, or to any fraud. This committee was charged to investigate the Treasury accounts and to see whether or not there were changes or alterations, and whether they agreed, and they have con-

changes or alterations, and whether they agreed, and they fined themselves to that line entirely.

Mr. INGALLS. They were instructed to do much more than that, the Senator from West Virginia will allow me to say. They were instructed to inquire into the nature of them, by whose authority they were made, and such other facts and circumstances as they might

deem necessary to the proper elucidation of the subject.

Mr. DAVIS, of West Virginia. Well, Mr. President, the authority

Mr. DAVIS, of West Virginia. Well, Mr. President, the authority is in writing with the Secretary.
Mr. INGALLS. Let it be read.
Mr. DAVIS, of West Virginia. Whether changes were made by the Secretary of the Treasury or by his authority, was the inquiry. That authority in writing is in the report.
Mr. INGALLS. I should like to have the resolution read.
Mr. DAVIS, of West Virginia. If the Senator from Kansas wants it read, when I am done he can have it read. I have no objection then.
Mr. INGALLS. Thenk you.

Mr. INGALLS. Thank you. Mr. DAVIS, of West Virginia. In the early part of the examina-Mr. DAVIS, or west virginia. In the early part of the examination of witnesses by the committee, when the Senator from Mest Virginia asked some questions that the Senator from Massachusetts thought were outside of the resolution, he very promptly stopped him and had the resolution read, and it was decided then, I believe, that the resolution confined the committee to the Treasury accounts, books, and statements, and they have confined themselves all through the whole examination to those particulars, and in no instance was a witness called outside of the employ of the Department except one, Mr. Saville, who was chief clerk at the time the alterations took place. At a later day I expect to call up the report, and ask that the recommendations of the committee be acted upon.

Mr. INGALLS. Will the Senator allow me to have the resolutions

Mr. DAVIS, of West Virginia. Certainly.
Mr. CONKLING. Before the Senator from West Virginia sits down will he allow me to put a question? What has been the cost in money,

as near as the Senator can tell, of this investigation?

Mr. DAVIS, of West Virginia. I am glad Senators on that side are getting careful about money and committees, and I am glad the Sengetting careful about money and committees, and I am giad the Senator has asked the question. The committee was appointed by a pretty unanimous vote. The committee was instructed by the Senate to employ two clerks—not experts. Two clerks have been employed.

Mr. INGALLS. And one stenographer.

Mr. DAVIS, of West Virginia. I have not spoken of the stenographer yet. Two clerks have been employed from the beginning of

the investigation or soon afterward till the present time, paid at the regular rate of clerks, a per diem of \$6. I believe it amounted to the neighborhood of \$10,000. Then there is the expense of the stenographer. I think the whole will exceed \$10,000 by a few hundred. The entire bill of the stenographer has not yet been presented; but probably between ten and eleven thousand dollars will cover the whole expense of the committee. Not one cent in any form or manner has been expended except for the payment of two clerks at \$6 per diem and the stenographer. In no other way has money been expended.

Mr. EDMUNDS. What is the total expense?

Mr. DAVIS, of West Virginia. Between ten thousand and eleven the present delivers.

thousand dollars.

Mr. INGALLS. I am advised over \$16,000 has already been audited.

Mr. DAVIS, of West Virginia. That is very much like many of the other statements of the Senator. I should like to inquire of the Senator where he gets that information?

Mr. INGALLS. From an expert. [Laughter.]
Mr. DAVIS, of West Virginia. That corresponds, I fear, with many of the other statements of the Senator from Kansas. Now, I ask him who gave him that information, and whether he knows it to be true?
Mr. INGALLS. Does the Senator dispute it?
Mr. DAVIS, of West Virginia. I do. I do not think it is so.

Mr. INGALLS. We can have a resolution calling for the informa-

Mr. DAVIS, of West Virginia. The Senator can get it without that. Mr. CONKLING. It may be owing to a difference in book-keeping. [Laughter.]

Mr. ALLISON. Before the Senator from West Virginia leaves the subject I should like to ask him what legislative act the committee

Mr. DAVIS, of West Virginia. The Senator from Iowa asks a very proper question. The committee make, I think, eight different recommendations. I cannot carry them all in my mind; but one of them is that the heads of the different branches, especially the Secretary, shall examine and report in the light of this report to the next Congress in what manner the apparent evils pointed out by the commit-tee can be remedied. Another one is that there shall be some check upon the issuance of bonds, bank notes, &c., by the Treasury De-

Mr. BUTLER. I submit in reply to the Senator from Iowa that

we can have the report read.

Mr. DAVIS, of West Virginia. It is pretty long.

Mr. BUTLER. If this information is desired, I submit that that would be the shortest way to get it.

Mr. ALLISON. I shall be content with having the proposed bill read if the committee recommend legislative action.

Mr. EDMUNDS. I should like to hear the resolution read which measures the jurisdiction of this committee.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

The Secretary read as follows:

Resolved, That a committee of five be appointed by the Chair to investigate the finance reports books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such differences, discrepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what anthority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers, to take testimony, to employ a stenographor and two clerks, and leave to sit during the session of the Senate; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the committee; and said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

Mr. CONKLING: What is the date of the resolution?

Mr. CONKLING. What is the date of the resolution?
Mr. EDMUNDS. This resolution was passed on the 19th of November, 1877, and I wish to call the particular attention of the Senate, because this is really a very important matter, to what this committee was directed to do, and then I wish the Senate to bear in mind a comparison between that and what, if I correctly understand the honorable chairman, it has reported that it has done and has omitted to do. The committee was commanded-

To investigate the finance reports, books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such differences, discrepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them—

And then to report such further information as may bear on the subject. If that is not a command to inquire not only into the fact, which the eye will generally show where there appear to be discrepancies in the accounts in the different bureaus of the Department,

where there appear to be erasures and alterations, but to report to us the nature of those circumstances and the reasons why they exist, then I am incapable of understanding the English language.

Therefore, Mr. President, it was the duty of this committee not only to tell us what they say is obvious to everybody that the two sets of books in these two bureaus of the Department do not agree in their totals and that in all these sets of books are the set of books. their totals, and that in all these sets of books, more or less, there are alterations and discrepancies, but the nature of those discrepancies, whether mere accidents, errors that have been corrected, or whether fraudulent and dishonest, working or intended to work injury to the Government. It appears that the committee has thought it was not within its jurisdiction to inquire in that regard; at least if I understand the chairman it has not inquired. They have taken the bark from the tree that we sent them to inspect and have not gone to the root of it at all or touched its body. They were commanded if they found a state of things to exist which the Senator says they have, found discrepancies, erasures, &c., to tell us the nature of those oc-

currences.
Mr. SAULSBURY. Will the Senator allow me?

Mr. EDMUNDS. The Senator will pardon me for a moment. If he will wait a moment, I will give way. They were commanded to tell us the nature of those occurrences. Now, the essential and in-trinsic nature that the people of the United States either debtors or creditors, tax-payers or voters, care most about, or ought to care most about, is whether any money that belonged to the people of the United States has been fraudulently misappropriated or taken away, or whether any money belonging to the people of the United States that ought to have been paid into the Treasury and responded for has been kept out of it. And if I understand the chairman of the committee, he says they have not gone into this question of fraud or embezzlement or whatever it may be called.

Now, I will hear the Senator from Delaware.

Mr. SAULSBURY. I wish to suggest to the Senator that my understanding of the remarks of the chairman of the committee was that there were discrepancies existing upon the books which showed a different statement of the public accounts and money, and that no satisfactory explanation could be given by any person connected with the Treasury Department in reference to these discrepancies and the alterations which appear upon the books. I think without hearing the report read it is utterly impossible to understand fully all the committee have done; but if I am right in my understanding of the remarks of the chairman of the committee he did state specifically that there were alterations in the books of which no satisfactory explanation could be given, and that as a result it was found that there were discrepancies in the statements of the public accounts and public debt in various years.

Mr. EDMUNDS. Undoubtedly the Senator has said, I presume, or will now adopt, all that the Senator from Delaware imputes to him; but what does that amount to? It amounts to the fact that was known before and stated before this committee was appointed, that there were these differences in the books of these two bureaus of this Department, and I do not know but erasures and alterations. Anybody who knows anything would suppose that there would be some, perhaps too many. That we all knew before. Now, we come to the question of a satisfactory explanation. It is not a satisfactory explanation to some minds for a clerk to say, "I changed a figure 1 to a figure 2 because I had made a misentry; I should have entered a figure 2;" or if it is at the foot of the column, "I changed the figure 9 to the figure 8 because 8 is the true footing and I footed it wrong first when I put in 9." That is not satisfactory to some people, and in some cases; it is justly unsatisfactory, because in some cases you ought to have a clerk who knew enough to put it right the first time. I do not know but that we ought to insist upon that inasmuch as Senators cannot be appointed clerks and all of us could not escape getting turned out upon that ground. So the answer that this dis-crepancy is not satisfactorily explained is no answer at all unless the committee tell us what they found the fact to be about the causes and reason of this discrepancy or this alteration, and whether the transactions that it now professes in its changed condition to represent to have taken place actually did take place or not.

Well, Mr. President, if this was intended as a campaign performance,

Well, Mr. Fresident, it this was intended as a campaign performance, I can imagine why the committee did not go into finding out what the truth was about the transactions themselves, because it leaves an innuendo that can be made on the stump. Of course no Senator would make it, but some other fellow might take this report and say, "Here it is; evidently there is something pretty bad here; the money is all gone probably; just see these discrepancies," and stop there; whereas if the committee had examined and reported the truth, wherever it fell, as to the nature and cause and reason of these apparent differences and real differences in the books, then the public would have known what the truth was. Perhaps that is not what

was wanted—
The VICE-PRESIDENT. The morning hour has expired. The Senate proceeds to the consideration of its unfinished business.

Mr. DAVIS, of West Virginia. I ask the Senator from Kentucky to allow me to make a statement of figures. This report will be taken up soon and we shall then, of course, discuss it. The Senator taken up soon and we shall then, of course, discuss it. The Senator taken up soon and we shall then, of course, discuss it. The Senator taken up soon and we shall then, of course, discuss it. to allow me to make a statement of ngures. This report will be taken up soon and we shall then, of course, discuss it. The Senator from Kansas said the cost of this investigation was \$16,000. I said between ten and eleven thousand dollars was the expense of the committee. The actual cost, as I have now got the facts, is \$10,428.

Mr. INGALLS. Does that represent the amount paid, or the amount and ited?

Mr. DAVIS, of West Virginia. Just sit down a moment and I will let you know all about it. I was about stating, but the Senator from Vermont and the Senator from Kansas do not like to be tripped up, as they have been, and they jumped up so quickly that I did not get

out all I intended to say.

There is, as the financial clerk reports, a small bill yet due the stenographer. The amount I have named includes all except that small

bill. It may be \$100 for aught I know, or thereabout.

The VICE-PRESIDENT. The regular order is the unfinished busi-

HOUSE BILLS REFERRED.

The bill (H. R. No. 346) for the relief of William H. Thompson was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 4247) to change the name of the steam pleasureyacht W. J. Gordon to Salmo was read twice by its title, and referred to the Committee or Commerce.

The bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes, the pending question being on the amendment of Mr. Plums to insert after line 233:

For the purchase of seeds and implements, as provided in article 8 of the treaty of 1868 with said Indians, subject to the provisions and limitations of said treaty, \$5,000, or so much thereof as may be necessary.

Mr. BECK. I desire now to ask the Senator from Kansas to permit the vote on that question to be postponed until the amendments reported by the Committee on Appropriations can first be acted on, so that we may then have the bill perfected as it comes from the Senate Committee on Appropriations, and then we can return more intelligently, I think, to act on other amendments, and this among them. I hope the Senator will allow that to be done.

Mr. PLUMB. I accede to the request of the Senator from Kentucky very cheerfully, and for the present will postpone the amend-

The VICE-PRESIDENT. This question will be considered post-poned. Does the Senator from Kentucky desire the same rule to be applied to all amendments?

Mr. BECK. All outside those of the Committee on Appropriations

The VICE-PRESIDENT. That order will be observed.

Mr. TELLER. Does the Senator mean that we shall run through the bill, and then offer our amendments after the committee's amendments are acted on?

Mr. BECK. Certainly.

Mr. TELLER. Very well.
The VICE-PRESIDENT. The Secretary will proceed with the read-

ing of the bill.

The Secretary resumed the reading of the bill at line 234. The next amendment of the Committee on Appropriations was, in the appropriations for the Crows, in line 393, after the word "meat," to insert "and such articles as from time to time the condition and necessities of the Indians may require;" so as to make the clause read:

For this amount, or so much thereof as may be necessary, to furnish flour and meat, and such articles as from time to time the condition and necessities of the Indians may require, \$65,000; in all, \$92,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, to increase the appropriation "for settlement, support, and civilization of Kickapoo Indians in the Indian Territory, lately removed from Mexico, and such as may remove," from \$4,500 to \$5,000, in line 425; and in line 426 to increase the total amount of the appropriation for the tribe from \$9,179.05 to

Mr. BECK. The change was made because in that particular item there was a difference between the Department and the House Committee of \$500, and we made the change so as to be able to confer with the House in regard to it.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriation for the Navajoes, line 506, after the word "of" to strike out the word "same;" and in the same line, after the word "treaty," to insert "of June 1, 1868;" so as to make the clause read:

For last of ten installments, for pay of two teachers, per sixth article of treaty of June 1, 1868, \$2,000; in all, \$28,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the appropriations for the Northern Cheyennes and Arapahoes, after the word "agriculture," in line 525, to strike out "(one thousand eight hundred and seventy-five Indians)" and insert "and roaming;" so as to make the clause so as to make the clause

Second of ten installments, to be expended by the Secretary of the Interior for each Indian engaged in agriculture and roaming, in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, as per sixth article of treaty of May 10, 1868, \$35,000.

Mr. BECK. We propose changing the words "and roaming" from where they are now to line 525, so as to read:

The Secretary of the Interior, for each Indian roaming and engaged in agriculture.

The VICE-PRESIDENT. That transposition will be made and the amendment considered as agreed to in that form.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for the Otoes and Missourias, to strike out from line 580 to line 583, in the following words:

For support of industrial schools at the Otoe agency, the amount to be reimbursed from the proceeds of the sales of the lands of said Indians in Nebraska, \$6,000; in all, \$15,000.

Mr. BECK. We were advised by the Department that those Indians from the proceeds of the sales of their lands in Nebraska have now a sufficient fund for that purpose, and it is desired that that clause be stricken out.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for the Sioux of different tribes, including Santee Sioux of Nebraska, in line 852, before the word "persons," to strike out "twenty-one thousand;" so as to make the clause read:

For eleventh of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, for persons roaming, \$185,000.

Mr. BECK. I desire to say to the Senate that the committee struck out "twenty-one thousand" in line 852, and "fourteen hundred and twenty" in line 856, because we were not sure, and neither was the Department, that it was the exact number of persons either roaming or engaged in agriculture. That is all there is of that.

The amendment was agreed to.

The next amendment was, in line 856, before the word "persons," to strike out "fourteen hundred and twenty;" so as to make the clause read:

For eleventh of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, for persons engaged in agriculture, \$28,400.

The amendment was agreed to.

The next amendment was, in line 880, to reduce the total amount of appropriations for the Sioux of different tribes, including Santee Sioux of Nebraska, from \$1,402,300 to \$1,382,300.

Mr. BECK. That is simply a mistake in addition which we corrected; that is all.

The amendment was agreed to.
The reading of the bill was continued. The next amendment of The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the appropriations for the removal, settlement, subsistence, and support of Indians, in line 1052, to increase the item "for the support of industrial schools, and for other educational purposes for the Indian tribes," from \$65,000 to \$75,000.

Mr. BECK. I think it better to read a short letter from the Secretary of the Interior in regard to that increase, so that the Senate and the House, if necessary, may see the reasons why we have made the change. I desire to put it in the RECORD. We give them \$75,000 for the current year. The estimate is \$75,000. The House allowed \$65,000. Our Committee on Appropriations have increased it to \$75,000. Secretary's letter reads thus:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 26, 1880.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 26, 1880.

Sir: In compliance with your verbal request for a statement showing the necessity for the increase of the appropriation for Indian education from \$60,000 to \$75,000 I have to state that an increase even to \$100,000 would still fall far short of providing school accommodations for all the Indian children whose parents are now ready to put them in school. To reduce the amount below \$75,000—the sum allowed last year—would occasion the closing or contracting of schools already established.

During the year 1879 there were in operation (exclusive of those among the five civilized tribes in the Indian Territory) fifty-two boarding and one hundred and seven day schools, attended by seven thousand Indian children; an increase of nearly one thousand over 1878. The increase will undoubtedly be greater for 1880, and ought to be greater still for 1881.

During the current year three-fourths of the educational fund of \$75,000 has been expended in carrying on 12 boarding-schools, with an attendance of 750 pupils, and 21 day-schools, and the remaining fourth has been applied to the enlargement and repair of school-buildings. There have been opened during the year 7 new boarding-schools and 6 day schools. In addition to maintaining those already established, it is of the utmost importance that during the coming year buildings shollshed it is of the utmost importance that during the coming year buildings shollshed for Port Peck agencies, who have necessary of the verbal and advantages whatever, and for the 13,000 Indians at the San Carlos, Colorado River, Western Shoshone, and Fort Peck agencies, who have necessary of the verbal day schools have hitherto been provided. Moreover, from 25 boarding-schools new in operation comes a call for increased freilities to exceed the commodate next year the children who have this year been denied admission for want of room. It is extremely doubtful whether with the recent rise in prices an appropriation of \$7

Hon. James B. Beck, Chairman Sub-committee on Indian Affairs, United States Senate.

The extract from the report referred to, appended to the letter, is:

The extract from the report referred to, appended to the letter, is:

The results, after trial during the few years past of the peace policy imperfectly carried out as it has been, prove beyond a doubt that the eventual civilization of Indians may be reached through the education of their children; and further, that it can be brought about more speedily by that method than by any other. Many adult Indians can, of course, in the mean time be taught to raise their own subsistence from the ground, to herd cattle, or to do mechanical work; but while self-support is one of the cardinal points to be reached, civilization, the ultimate end, can only be accomplished through an education of the head and heart. The Navajoes and the Moquis Pueblos are capable of self-support, but having no schools are still degraded heathen, apparently no nearer civilization than they were half a century ago. Such education can be given only to children removed from the example of their parents and the influence of the camps and kept in bearding schools. Experience shows that Indian children do not differ from white children of similar social status and surroundings in aptitude or capacity for acquiring knowledge;

and opposition or indifference to education on the part of parents decreases yearly, so that the question of Indian education resolves itself mainly into a question of school facilities.

But the figures contained in the tables herewith fall far short of indicating a purpose on the part of the Government to make this question one of speedy solution. At a low estimate, the number of Indian children of school-going age, exclusive of those belonging to the five civilized tribes of the Indian Territory, may be placed at 33,000—an underestimate, several tribes not reported. Of these, not less than 8,000 could, within a short time, be gathered into boarding schools, except for the fact that the teachers are yet to be employed, the school buildings are yet to be erected, and the funds for both, and for feeding and clothing the scholars, are yet to be appropriated.

The whole number of children who can be accommend the simple school of the school o

fact that the teachers are yet to be employed, the school buildings are yet to be erected, and the funds for both, and for feeding and clothing the scholars, are yet to be appropriated.

The whole number of children who can be accommodated in the boarding-schools now provided at the various agencies is only 3,461. To these may be added 5,970 more, who can find room in day schools—those expensive makeshifts for educational appliances among Indians—making a total of only 9,431 Indians who have yet been placed within reach of school facilities. And when it is considered that the 50 youth who spend from one to three years in a boarding-school must step from that into the social atmosphere created by 500 youth and 2,500 other members of the tribe who are still in ignorance, it can readily be seen that the elevation of an Indian tribe is being attempted by a method at least as slow as it is sure, and that what should be the work of a year will be protracted through a decade, and the work of a decade through a generation.

In many cases this policy is not only shortsighted, but in direct contravention of treaty stipulations, as, for example, the treaty of 1868, with the Kiowas and Comanches, which reads as follows:

"And the United States agrees that for every thirty children between said ages [six and sixteen years] who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duty as teacher. The provisions of this article to continue for not less than twenty years."

The one boarding-school at the Kiowa and Comanche agency, which will accommodate one hundred and twenty pupils, is filled and the other three hundred and eighty children are waiting their turn. To comply with treaty stipulations with these two tribes would more than absorb the entire fund appropriated for the civilization and education of all the Indians in the Indian T

Mr. TELLER. I should like to inquire of the Senator what is the purpose of this fund? Is it for schools in Kansas and other places, or is it for the schools among the Indians?

Mr. BECK. For schools among the Indians entirely. So I am ad-

vised.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1076, to increase the appropriation "for the support of Indians at Fort Peck agency" from

\$85,000 to \$125,000.

Mr. BECK. In regard to that increase for the Indians at Fort Peck I will say to the Senate that we were advised it was important to increase the appropriation for the benefit of straggling Indians, who

would otherwise give us trouble.

The amendment was agreed to.

The next amendment was, in line 1097, to increase the appropriation "for the transportation of Indian supplies" from \$225,000 to

\$250,000.

Mr. BECK. Our information was that as \$225,000 have been allowed for the current year and there was a deficiency of \$25,000, and the same for last year and there was the same deficiency, if we do not allow \$250,000 there will be a deficiency again, and we thought it was best to meet it at once.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the miscellaneous appropriations, to strike out from line 1171 to line 1174, in the following words:

That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of 10th April, 1869, be, and the same are hereby, repealed.

And in lieu thereof to insert:

Expenses of Indian commissioners:
For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

Mr. INGALLS. I suggest to the Senator from Kentucky that, as that amendment may give rise to some debate, it be reserved, and that we go on with the other amendments to the bill.

Mr. BECK. There are several amendments left to be acted upon, and if we can come back to this before any other amendments are taken up than those of the committee, I have no objection to the sug-

gestion being carried out.

Mr. INGALLS. That is my proposition. I have sent for a volume that I have not yet received, and I should like to have the amend-

ment passed over until it comes to hand.

Mr. BECK. That is right. Let it be temporarily passed over.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The amendment will be passed over, there being no objection.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in the appropriations "for the pay of Indian police," line 1184, after the word "equipments," to insert "and rations;" and in line 1186, after the word "reservations," to strike out "sixty" and insert "eighty;" so as to make the clause

Pay of Indian police: For the services of not exceeding eight hundred privates at \$5 per month each, and not exceeding one hundred officers at \$8 per month each,

of Indian police, and for equipments and rations, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, \$80,000.

Mr. BECK. I propose to have read, I believe I will read it myself, our Secretary having read so very much that he must be fatigued, a letter from the Secretary of the Interior relative to the necessity for an increase of this Indian police. I desire it to appear in the RECORD for future use, if not for the Senate just now. The Secretary of the Interior says:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 26, 1880.

Sir: In reference to your verbal request of the 24th instant, the following statement of facts and recommendations are submitted for the information and action of your committee concerning the item of appropriation for pay of Indian police for the fiscal year ending June 30, 1881, embraced in the bill making appropriations for the Indian service for the mext fiscal year, now under consideration by the Committee on Appropriations.

The bill referred to contemplates an appropriation for the "pay of not exceeding eight hundred privates, at \$5 per month each, and not exceeding one hundred officers, at \$8 per month each, of Indian police, and for equipments, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, \$60,000."

I find upon an examination of this item that the amount proposed to be appropriated will not be sufficient for the support of the force employed, for the reason that no provision is made for the subsistence of police at agencies where rations are not furnished.

At this date there are forty-two agencies at which police are employed, seven-

that no provision is made for the subsistence of ponce at agencies where rations are not furnished.

At this date there are forty-two agencies at which police are employed, seventeen of which are non-ration agencies. It is an established fact that Indians cannot be employed at these agencies at the salaries specified, unless subsistence is furnished, and as an Indian so employed is compelled to devote his whole time in the discharge of his duties, some provision should be made for the support of himself and family.

At the seventeen agencies referred to, there is employed a force of three hundred and four policeman. Five persons is about the average to a family. To subsist this number of families the daily rations would amount to 1,520, or an aggregate of 554,800 rations per year.

I, therefore, urgently recommend that the item "pay of police" be amended as follows: After the word "equipments," insert the words "and for subsistence of police and their families at non-ration agencies," and that a sum of not less than \$80,000 be inserted as the amount to be appropriated, in lieu of \$60,000, the amount named in the bill.

The Indian police force has proved itself the most effective instrument for the preservation of order, maintenance of peace, and protection of property, not only on reservations, but also in their vicinity, that has yet been found; and its discontinuance at any point would be a most serious injury to the service.

I, therefore, most urgently urge the increase of the appropriation as above recommended.

Very respectfully, your obedient servant.

Very respectfully, your obedient servant,

C. SCHURZ, Secretary,

Hon. James B. Beck, United States Senate.

The committee made the recommendation in accordance with that

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1192, to insert:

For additional clothing not specifically appropriated for under the treaties with the various tribes, to be distributed by the Secretary of the Interior in cases where necessary, \$60,000; and he shall cause report to be made to Congress at its next session thereafter of his action under this provision.

The amendment was agreed to.

The next amendment was to strike out lines 1205 to 1220, in the following words:

For this amount, to pay the following-named persons the sums annexed to their

For this amount, to pay the following names persons at the same serious and same serious serious same serious sam

Mr. BECK. The committee recommend the striking out of those lines because of the information received from the Department of the Interior in regard to the matter, which I will read. These items were passed on by Congress favorably a few years ago, and therefore they seem to have very high recognition, but the Commissioner of Indian Affairs advised the committee that he was not satisfied as to the interior and I desired a passet to be represented stating the facts. their justice, and I desired a paper to be prepared stating the facts, which paper reads thus:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 27, 1880;

Sir: In answer to your verbal inquiry in relation to certain claims in favor of J. D. Abbott, M. C. King, M. L. Brittain, and Scroop Enloe, amounting to \$744.38, for the payment of which an appropriation was made in House bill No. 4212, I have to say that an appropriation for the payment of these claims was inserted in the act making appropriations for the current and contingent expenses of the Interior Department for the fiscal year 1877, approved August 15, 1876, and under instructions from the Department these claims were forwarded to the accounting officers of the Treasury for the settlement under said act, without any recommendation from this office; but no payment was made by the Treasury Department, the claims not being considered proper ones. The act of August 15, 1876, states these claims to be for expenses incurred by Silas H. Sweetland, special agent sent by the Indian Department to make per capita payment to the North Carolina Cherokes in 1879, whereas the accounts show that the claims are for merchandise, &c., furnished a number of Indians in 1868, and have no connection whatever with expenses incurred by Special Agent Sweetland.

This office is also informed that after the refusal of the Treasury Department to pay the claims the parties brought suit in the Court of Claims for the amount claimed by them. In view of that fact, and of the additional one that the claims are not considered proper ones against the United States, I respectfully recom-

mend that the amount appropriated for the payment of the same by House bill. No. 4212 be not concurred in by the Senate.

Very respectfully,

Hon. JAMES B. BECK, United States Senate.

R. E. TROWBRIDGE.

That is all the information we had upon the subject.

Mr. VANCE. Mr. President, I hope the Senate will not concur in the recommendation of the committee to strike out these clauses These claims, constituting altogether \$744, were appropriated for by the act of 1876, in the Indian bill, and because the act was not mandatory upon the officers of the Department they refused to pay them upon some ground I know not what. The items were inserted again by the House, and now at this late moment the Senate committee have stricken out the appropriations to pay these men. I have telegraphed to the Department for some information, but have not been able to obtain it this morning; there has been no response to my telegram as yet; but I am informed upon authority which I deem entirely reliable that however these claims were connected with the acts of this agent, Sweetland, who was sent out there, they were recognized by the council of the band of Cherokees who, in solemn council held in the year 1874 or 1875, directed the Treasurer of the United States to pay these claims out of the reserved fund of the Cherokee band, and that that direction of the council of the Cherokee Nation is now upon file in the Treasury Department.

Whether in the opinion of the Indian Commissioner or not this is a proper claim it seems to me is not a matter for him to decide after the Government of the United States has recognized it as a proper claim to be paid out of the fund from which the money is to come. I hope as these parties had their claim recognized by the Government four years ago and have been compelled to wait so long that they will not be compelled to wait still longer. The fact that they have gone into the Court of Claims and are endeavoring there to get their claims allowed it seems to me constitutes no argument in favor of the Senate allowed it seems to me constitutes no argument in favor of the Senate refusing them here. The amount is very small, and after they pass through the Court of Claims and the lawyers by whom they are handled the amount will be so small that there will be nothing left for the benefit of these claimants. If there is anything due them the Government ought to pay them, and charge it to the fund out of which it is to be paid, and not compel these men to exhaust the little pittance that is due them in endeavoring to get their claim through

the Court of Claims.

the Court of Claims.

Mr. BECK. The committee acted upon the information I have given, first, that the officers of the Treasury Department did not regard these as proper claims, that being the language used; second, because they purport to be for one thing in the bill that passed and for another upon their face; and, third, because they are now before the Court of Claims, where their justice will be fairly tested, and there is a provision of law to pay all judgments so rendered. For those reasons the committee ask that the amendment be agreed to.

Mr. WITHERS. I will say in addition to what has been said by the Senator from Kentucky, that these belong to a class of claims which are usually provided for in the sundry civil bill, and that there are probably several hundred similar claims which are pending before Congress and before the Committee on Indian Affairs. I do not see any reason why these cases should be selected in order that they may be appropriated for in this bill and others refused admittance into the bill. Any evidence of the justice of these claims that may exist can be presented, and the Senator from North Carolina can have ample time to make up his case and present the evidence substantiating these claims, and if found correct he can have them incorpo-

rated in the sundry civil bill, which is the bill in which provision is usually made for individual claims arising out of Indian affairs.

Mr. VANCE. I simply desire to say that the reason why these claims should be paid, although there are outstanding six or seven hundred others, is simply because Congress has once authorized their payment and the will of Congress has been defeated by the subordinate officers of the Treasury Department. I think that fact gives it some preference if archive the subordinate of the congress of the treasury Department. erence if nothing else. . Suppose there are seven or eight hundred claims; suppose there are seven or eight thousand claims; if these are just claims why not pay them? The money does not come out of the United States Government; it comes out of the fund that belongs to

these Indians themselves.

Mr. WITHERS. Which is held in trust, however, by the United States Government. The Senator will understand me; if these are just claims I agree with him that they ought to be paid, but the other bill is the bill in which they ought to be appropriated for, and not this bill.

Mr. VANCE. Will the Senator allow me to ask him when this information was obtained; whether it was before the committee when

the amendment was agreed on ?

Mr. WITHERS. Yes, sir, the information was before the committee, and we requested that it should be furnished in writing, as we

did not wish to have to answer by mere verbal statement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The question being put, there were on a division-ayes 11, noes 21;

no quorum voting.

Mr. ALLISON. Let the roll be called.

The PRESIDING OFFICER. The Chair will order a call of the

The Secretary proceeded to call the roll, and Mr. Allison answered to his name

Mr. EATON. If I may be permitted, I desire to suggest that unless the Chair is satisfied that a quorum is not present the roll need not be called. Evidently there is a quorum here. I should think the yeas and nays on the amendment would arswer.

Mr. TELLER. Let us have the yeas and nays on the amendment.

That will do as well.

The PRESIDING OFFICER. The call of the roll has commenced, but by unanimous consent it can be dispensed with.

Mr. WITHERS. Let us have the yeas and nays, and then if a quorum fails we can have a call of the Senate.

Mr. BECK. There is no objection to the yeas and nays being taken on the amendment. That will develop the fact whether there is a quorum present.

The PRESIDING OFFICER. If there is no objection the year and nays will be considered as ordered upon this amendment. The Chair

hears no objection.

Mr. INGALLS. By reference to the Indian appropriation bill, approved on the 15th of August, 1876, I find that an appropriation was made for J. D. Abbott for \$175; M. C. King, \$212.03; M. L. Brittain, \$232; Scroop Enloe, \$125.35; with a proviso:

That the amounts due J. D. Abbott, M. C. King, M. L. Brittain, and Scroop Enlos be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees.

I understand these are the identical sums for which provision is made in this bill, and that the reason why it is necessary cause in consequence of the unlawful failure of the officers of the Treasury Department to comply with an act of Congress the money was not paid. It seems to me that we ought to pay but little heed to any communication from the Secretary of the Interior or any other officer in view of the fact that Congress has once declared that the money should be paid and the President has signed the bill making the appropriation for the payment of these identical sums. If that failure is due to the fact that certain executive officers have disobeyed the law, I should be very much indisposed to agree to the amendment offered by the Committee on Appropriations. I think the amendment ought not to be agreed to.

Mr. WINDOM. Does the Senator know upon what ground the

claims were not passed by the accounting officers? I do not, and I

ask for information.

Mr. INGALLS. After Congress had said that the claims were just and valid, after they had passed both committees and both Houses of Congress and the bill had been approved by the President, the Secretary of the Interior, or the Commissioner of Indian Affairs, upon some outside report, said that, in their judgment, the claims were improper and ought not to be paid; that is, after the bill had been passed and

Mr. WINDOM. If that be true, I think we ought not to pass them in this appropriation bill. If anybody has discovered a reason why these claims should not be paid, it is proper to refer them to the Committee on Claims, where they can be examined. I, for one, will not consent to a claim going into any appropriation bill about which claim there is a dispute. As the Senator from Kansas has shown that there are questions which have arisen as to whether these claims should be paid or not, I think it is the duty of the Senate to strike them out as the committee has recommended, and let them go where they can be investigated.

Mr. BECK. I desire to say to the Senator from Minnesota, in support of what he has said, that we are advised now by a communica-tion from the Commissioner of Indian Affairs, who made a verbal statement to us on Saturday, that these claims, after having passed Congress, were sent to the accounting officers of the Treasury and not allowed. I read:

These claims were forwarded to the accounting officers of the Treasury for the settlement under said act, without any recommendation from this office, but no payment was made by the Treasury Department, the claims not being considered proper ones. The act of August 15, 1876, states these claims to be for expenses incurred by Silas H. Sweetland, special agent sent by the Indian Department to make per capita payment to the North Carolina Cherokees in 1879, whereas the accounts show that the claims are for merchandise, &c., furnished a number of Indians in 1868, and have no connection whatever with expenses incurred by Special Agent Sweetland.

In addition to that, they are now before the Court of Claims, and the justice of them is being tested there. I desire my colleague on the committee to know of these additional facts to fortify his conclu-

Mr. ANTHONY. I understand that an appropriation bill is not mandatory on the officers of the Treasury to pay such a claim; that the appropriation authorizes it but does not direct it unless it is so stated in express terms.

Mr. ALLISON. Certainly not. The accounting officers must examine each account which is presented. The mere fact that an appropriation was made two years ago does not change the duty of the accounting officers to make an examination of each claim and see whether the account is correct and whether the claim ought to be paid.

Mr. INGALLS. Then it rests wholly with the officers of the accounting department of the Treasury to say that upon an inspection of certain documents and papers, in their judgment both Houses of Congress and both committees and the President have made a mistake in a deliberate legislative act, and interpose a veto to prevent the execution of the will of Congress. I do not believe that is right, and if it is the practice the sooner it is changed the better.

Mr. ALLISON. Will my friend allow me to ask him a question?

Yes, sir. Mr. INGALLS.

Mr. ALLISON. As I understand from this communication, the appropriation was made four years ago on account of the per capital payments to the North Carolina Cherokees, and when the claim appeared at the Treasury Department it was for supplies and clothing furnished in 1868. Would any accounting officer pass such a claim as that and allow it to be paid? It seems to me that no accounting officer would or could.

Mr. ANTHONY. It is doubtless in the power of Congress to make a mandatory appropriation, but I do not understand that this appropriation is mandatory but merely permissory, and depends upon the

examination of the accounts.

Mr. WINDOM. I think this provision of the bill as it came from the House is mandatory, if I have understood it rightly in a hasty reading. The provise adds:

Provided, That the smounts due as above set forth be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees; and the proper accounting officer of the Treasury is hereby directed to pay the said sums to the above-named persons.

I have not found the original act. I fancy that that was not mandatory, but that it is designed to be made so in order to correct the

Mr. VANCE. If the Senator will allow me, I will state that this

provision is exactly the act of 1876 with the mandatory clause added.

Mr. WINDOM. That is what I supposed.

Mr. DAVIS, of West Virginia. I understand that the claims as formerly passed could not be allowed because they were not due for the purpose stated in the law, but that this provision intends to have

mr. VANCE. I beg leave to say in regard to that point that I suppose the reason why it was not made mandatory was because it depended upon the concurrence of the Eastern band of Cherokees, and they having concurred, as I understand, there is nothing more for the officers of the Department to do, it seems to me, but to pay the ac-

Mr. BECK. We have no evidence of their concurrence that I know of.
The PRESIDING OFFICER. The question is on agreeing to the
amendment of the Committee on Appropriations, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays

22; as follows:

YEAS-24. Allison, Anthony, Bailey, Baldwin, Burnside, Cockrell, Davis of W. Va., Hereford, Johnston, Jones of Nevada, Platt, Rollins, Saulsbury, Kernan, McDonald, Saunders Windom, Withers. Eaton. Blair, Morgan, NAYS-22. Maxey Pendleton, Plumb, Garland. Call Cameron of Pa., Carpenter, Coke, Davis of Illinois, Groome, Hampton, Hill of Georgia, Vest, Voorhees. Pryor, Slater, Williams Ingalls, Jonas, Teller, ABSENT-30. Bayard, Blaine, Booth, Farley, Gordon, Grover, Kirkwood, Sharon, amar, Thurman, Walker, Logan, McMillan, Bruce, Butler, Hamlin Hill of Colorado, McPherson, Morrill, Wallace Whyte. Cameron of Wis., Conkling, Edmunds, Hoar, Jones of Florida, Kellogg, Paddock, Randolph,

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 3, line 4, before the word "weeks," to strike out "six" and insert "three," so as to make the

No purchase of supplies for which appropriations are herein made exceeding in the aggregate \$500 in value at any one time shall be made without first giving at least three weeks public notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the contingency, he may direct that purchases may be made in open market in amount not exceeding \$3,000.

Mr. BECK. I desire to be made part of the record a letter from the Secretary of the Interior upon that subject, which I will hand to the Reporter without reading, if I may be allowed to do so.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read sec-

The Committee on Appropriations proposed to amend the section by striking out the following provise from line 18 to line 29:

And provided further, That all officers and agents of the Army and Indian Bureau are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas under any pretext whatever; and any officer or agent of the Army or Indian Bureau who shall violate this provision shall be dismissed from the public service. And the Secretary of the Interior is hereby di-

rected and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State.

Mr. BECK. The committee determined to recommend that that provision be stricken out for want of sufficient information in regard to it. We saw that the Indians were prohibited from going into the State of Texas on any pretext whatever, and we were not aware why there should be such a prohibition in regard to that particular State; and, not having the information, we thought we would leave the question open to discussion with the House when the conferees get together, as they generally do on bills of this magnitude. But I understand from the Senator from Texas, [Mr. Coke,] as well as from his colleague, [Mr. Maxey,] that they can now give very good reasons why this clause should not be stricken out; and if they can, the committee have no feeling about it, but, on the contrary, will unite with them if the Senate should think the reasons are good. I hope the Senator from Texas will be kind enough to state the reasons.

Mr. COKE. Mr. President, this provision was inserted in the bill at the request of the entire Texas delegation in Congress. This request was made in obedience to repeated solicitations of the governor of Texas that such a law be passed. The necessity for such a law arises from the fact that every year Indians from distant reservations have gone down to Texas for hunting and other purposes and have almost invariable deved text upon the people or or fraction. almost invariably depredated upon the people on our frontier. They have stolen a large amount of stock, horses, and killed a great many cattle, and have killed and scalped a great many men, women, and children. It has frequently been the case that these raiding parties, who have destroyed property and life on our frontier, have had in their pockets permits from the Indian agencies where they belong to go down into Texas to hunt. The Government of the United States has not a foot of public land in Texas. There is no hunting-ground there belonging to the Government of the United States; and we believe the Government has no right to grant permission to Indians to go down there and hunt upon territory to which the Government has

There is no game in that country now; it is all gone. A permit to hunt means a permit to go down into Texas, greatly to the alarm of our frontier people and to endanger not only their lives but their property. So well is this fact known, that while I was governor of Texas, I received information from Fort Sill that a number of Indians would leave there at a certain time on a hunt into Texas, and I informed the commander of the frontier troops of the time when the Indians would be in Texas. He went and met them, and when he met them they were in full war paint, fully armed, and within thirty miles of one of the most flourishing settlements upon the frontier, traveling directly toward it, and he fought them there, losing several men and a large number wounded, but drove the Indians out of the State. That was a hunting party; and that hunting party had the permission of the agent at Fort Sill to go down into Texas. A party of Indians going into a region to hunt where there is no game means danger to the people, danger to their property, and alarm to the whole frontier.

The State of Texas has kept for the last ten years a force upon the frontier for no other purpose in the world than to protect the people against Indians, when there is not an Indian reservation in Texas, not an Indian who can lawfully be in Texas, and when the only Indians who go down there at all are Indians that are permitted to roam there from reservations where they are supposed to be under

the charge of Indian agents.

We desire the passage of this clause into a law in order to save the State the expense of keeping troops in the field; we desire the passage of this law in order to give safety to our people and protection to

We hope that this amendment will not be concurred in, and I make the specific point in conclusion that the land in Texas which does not belong to individuals belongs to the State of Texas; that the Government of the United States possesses and has no land in Texas, and that it is not proper that the Indians whom the Government assumes the right to control and keep upon reservations should be permitted to go into that State to trespass upon the lands of others.

Mr. MAXEY. Mr. President, in addition to what my colleague has

said I desire to state very briefly the reasons which have induced the Texas delegation in both the Senate and House of Representatives to unanimously concur in asking Congress to enact the portion of the appropriation bill now proposed to be stricken out by the Committee

on Appropriations in the amendment under consideration.

governor of the State of Texas, Governor Roberts, officially sent to me, as the senior member of the delegation, a complete state ment of the outrages which have been committed upon the frontier people of Texas by Indians coming on our territory. That was an official paper of such grave importance that I called the delegation official paper of such grave importance that I cannot the delegation together. We conferred about it, and as to the proper course to pursue, and it was agreed among ourselves that our colleague in the House, Mr. Wellborn, who belongs to the Committee on Indian Affairs of the House, should present something like what we have now in the House bill before us, and my colleague here, [Mr. Coke,] who is chairman of the Committee on Indian Affairs in the Senate, was charged by the delegation with presenting such a section here. It is a matter to us of grave consequence. The charges made by the governor of Texas were abundantly sustained by proof. We not

only did that, but we called upon both the Interior Department and the War Department in regard to the matter, and laid the subject before them.

The question has been asked why should Texas be singled out and this provision be made applicable to Texas alone. It has been well said by my colleague that the United States owns no public domain within the borders of the State of Texas. All that country there is the property of the State of Texas; the public domain belongs to that State, hence no Indian reservation can be placed within her borders. But what is the fact? Just beyond our borders and in close proximity to our borders is the great reservation at Fort Sill, and across the border, in New Mexico, the Fort Stanton reservation is placed. Some officers at these places are in the habit of granting permits for the Indians to go off the reservation and hunt. They do go down into Texas, and what is the result? The official report that the governor sent to us was that they had been depredating upon the settlements, killing cattle, and interfering with the people.

What is the size of the pan-handle of Texas, as it is called there,

that is the size of the par-handle of Texas, as it is called there, that is to say, that portion of the State lying north of Red River? It is true that Texas is called a State ordinarily, but it is in fact an empire. The territory of Texas north of Red River, and which is called the pan-handle, is about two hundred and twenty-five miles east and west, and about one hundred and forty miles north and south. Five years ago that was almost an unknown land. During the last few years it has become settled up, and there are now, acthe last few years it has become settled up, and there are now, according to the best information I have, about three hundred thousand head of cattle inside of that pan-handle, and settlements are going on everywhere. It was but this morning I received a letter from Clarendon, in the pan-handle of Texas, dated April 22, 1880, from a very intelligent gentleman, James H. Parks, deputy surveyor, and he says of the little village in which he lives:

Two years ago not an inhabitant nor a head of stock for one hundred miles south-east, south, and west. Now we have one hundred and fifty residents, twenty-seven thousand head of sheep, and fifty thousand head of cattle that were not known to the region they now occupy.

That is only in one settlement. I speak of this to show the amazing increase of that pan-handle country in the last two years. Here is a great country—two hundred and twenty-five miles east and west, one hundred and forty miles north and south—rapidly filling up with a splendid population gathered from the Northern and Northwestern a spicified population gathered from the Northern and Northwestern States, settling there in one single neighborhood with fifty thousand head of cattle and twenty-seven thousand head of sheep, and all gathered there in two years. We should be untrue to our duty if we did not ask Congress to protect us and those people who are set-

Now, when you go to one of these Departments, under that dual, miserable, and abominable system of Indian government, a disgrace to any statute-book, you find one Department will say, "the responsibility is not on us;" if we go to the other they tell us the same thing; and thus with all the efforts of the Texas delegation we have not been able to ascertain whether the War Department is responsible or the Interior Department is responsible, but the fact remains that our property is depredated upon. This clause in the bill is to prevent any man, whether he be an agent of the Interior Department or an employé of the War Department, from giving a permit to authorize Indians to go down there to hunt, not game, but to hunt women, children, cattle, horses, and what we have there, and thus break up this infant settlement, which is so important to the State of Texas and the general walfare of the country because this great wealth of them. the general welfare of the country, because this great wealth of thousands of cattle and sheep adds to the general wealth of the country.

It is for these reasons, and not in any spirit of captiousness, but in

the true spirit of a desire to protect our people, that we have asked that this clause should be put on the bill; and if any other State were similarly situated I would not hesitate to say that I should sustain that other State in a similar effort; but I apprehend there is no State in this Union that can say she has a country which two years ago was a terra incognita, and which now is getting settled in the manner which I have just read—a tract two hundred and twenty-five miles east and west and one hundred and forty miles north and south a territory large enough to make a first-class State itself. We want to protect that country, and this we regard as the best possible means that the wisdom of our delegation could devise to secure that object.

These are the reasons, which I have presented as briefly and as

clearly as I could.

Mr. BECK. After consulting as well as I could with the members of the Committee on Appropriations who are present, I think I am authorized to say for them-I know I am for myself-that the committee agree with the Senators from Texas. The only obstacle I found in the way was the Senator from Connecticut [Mr. Eaton] who agreed with them, I believe, except that he was not prepared to leave the words "except in a case specially directed by the President."

Mr. EATON. I am very free to say that I agree with the Senators

from Texas that this amendment ought not to be agreed to. I have no doubt that the clause ought to stand except some of the words.

The proviso reads:

And provided further. That all officers and agents of the Army and Indian Bu-an are prohibited, except in a case specially directed by the President.

I have yet to learn that the President of the United States should have the power to give permission to bands of Indians to roam over

Texas, or Vermont, or Connecticut, or Maine, or Kentucky. I desire

those words to come out.

Mr. MAXEY. We have no objection that the words objected to should be stricken out. I do not know that I have the right to men-tion the fact here, but I understand that that part of the clause was not offered on the part of our delegation in the House; it got on there not by their wish. I have no objection on earth to the motion suggested by the Senator from Connecticut.

Mr. EATON. I desire those words stricken out.
Mr. MAXEY. I refer to that part allowing special permission of the President

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. COKE. I would suggest that it might possibly occur that it might be necessary to use some of these Indians as scouts under some circumstances, and in that event there should be authority reserved, and the words proposed to be stricken out would allow authority to

be exercised for that purpose.

Mr. EATON. Then do I understand the Senator from Texas to say that whenever a general in command of troops, or a colonel of a regiment in command, desires to use an Indian scout, it will be necessary for him to go to the President of the United States in order to

get permission in writing?

Mr. COKE. I simply made the suggestion that it might be necessary for a military purpose that that clause should remain. I gave that as an illustration. I am entirely willing it should be stricken

out, or I am willing that part should remain.

Mr. EDMUNDS. Mr. President, I do not rise to debate this knotty problem, but simply to put in an humble and I know ineffectual word in favor of agreeing to the amendment of the committee, on the ground that the clause proposed to be stricken out is undertaking important legislation on an appropriation bill where it has no place. It belongs to a careful consideration either by the Military Committee or by the Committee on Indian Affairs and ought not to be in this

I do not suppose that suggestion will do any good; but for fear my constituency might be impugned by somebody on one side of the Chamber or the other, and being perfectly sincere in my opposition

to this kind of legislation on appropriation bills, I wanted to say so.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations, to strike out from line 18 to line 29 of section 4.

The amendment was rejected.

The Secretary resumed the reading of the bill and read section 5. The Committee on Appropriations proposed to amend the section by

And that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The amendment was agreed to.
Mr. PLUMB. I desire to offer an amendment to the amendment Just read, and I presume it may as well be offered now.

Mr. BECK. We have only two other amendments, and I hope the

Senator will allow us to get through with them.

Mr. PLUMB. I do not want to waive my right to amend the prop-

osition.

Mr. BECK. No right is waived at all.
Mr. PLUMB. Very well.
The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out section 6, in the following words:

SEC. 6. That the Secretary of the Interior be, and he is hereby, anthorized and directed to invest in the bonds of the United States, bearing interest at a rate not to exceed 4 per cent. per annum, the unexpended balance of the money appropriated to the L'Anse and Vieux de Sert bands of Chippewas of Lake Superior, under the provisions of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes," approved June 22, 1874; the said bonds and interest thereon to be applied as provided in said act.

And in lieu thereof to insert:

And in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, semi-annually, to place to the credit of the L'Anse and Vieux de Sert bands of Chippewas, of Lake Superior, under the provisions of the act entitled "An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment," approved April 1, 1880, interest upon the unexpended balance of money belonging to the said Indians appropriated under the provisions of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes," approved June 22, 1874, and now to their credit on the books of the Treasury, said unexpended balance and interest thereon to be applied as provided in said act.

Mr. BECK. The committee instruct me to move to amend the amendment by inserting, after the words "interest upon," at the end of line 20, the words "twenty thousand dollars being;" so as to read:

Interest upon twenty thousand dollars, being the unexpended balance of money belonging to the said Indians.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. BECK. I desire only to say that this amendment was drawn at the Department, and was believed to be an improvement upon the language used in the section of the House bill.

The amendment, as amended, was agreed to.

Mr. BECK. Now I desire—

Mr. PLUMB. I wish to call the attention of the Senator from Ken-

Mr. Flows. I was to can the attention of the Senator Holm Retrieved to that provision. I see it does not mention any rate of interest. Was that designed to be omitted?

Mr. BECK. The act referred to provides for the rate, 4 per cent. At the request of the Senator from Kansas [Mr. Ingalls] the amendment proposing to strike out lines 1171 to 1174, inclusive, and to continue the Indian commissioners, was passed over. Is the Senator now ready to consider that?

Mr. INGALLS. Yes, sir.
The PRESIDING OFFICER. Is it the desire of the Senator from Kentucky to consider that amendment at the present moment?

Mr. BECK. The Senator from Kentucky is ready to consider it,

and it is the only committee amendment left undetermined.

Mr. INGALLS. I understand the Senator from Colorado desires to

call attention to some other amendment.

Mr. TELLER. I rise with some diffidence because I have to differ with the Committee on Appropriations. They provide, on page 47, \$8,000 for the support and civilization of the Utah Indians at Uintah, and \$3,000 for the employes, and then they add up the items and they say the two sums make \$11,200. I suggest to the Senator that unless they have changed the arithmetic very recently, that needs a little

Mr. BECK. Senators have observed no doubt the vast number of items in this bill and the large number of calculations that had to be made. The House and the Department went over it as carefully as they could, and we have discovered at the top of page 37 one error and perhaps there are more. That is very obviously an error in the calculation, and it shows the importance of reading over the bill so

as to be correct.

Mr. TELLER. It is an error, is it?

Mr. BECK. Yes, sir; evidently.

Mr. TELLER. The "two hundred" before "dollars" ought to be stricken out.

Let it be stricken out.

The PRESIDING OFFICER. If there is no objection the correction will be made by striking out "two hundred" on line 1152.

Mr. BECK. I shall be happy if any other errors are pointed out. The PRESIDING OFFICER. The question is on the amendment to strike out the clause from line 1171 to line 1174 and insert in lieu thereof the words printed in italics as lines 1175 to 1179, relative to

the Indian commissioners.

Mr. INGALLS. Mr. President, in 1869, when there was great apprehension of frontier disturbance and of further Indian difficulties upon the plains, an appropriation of \$2,000,000 was made—

To enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next. And for the purpose of enabling the President to execute the powers conferred by this act—

And for the purpose of assisting him in the expenditure of this specific amount, he was authorized—

To organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act.

The act of April 10, 1869. In pursuance of the authority conferred by that act this board of Indian commissioners was appointed, it will be observed, for a specific purpose; it was not to be a continuing organization; and this is a singular illustration of the uniform tendency of all appointments of this class to become chronic and grow into something permanent and absolutely unavoidable, eventually. It was provided in the first place that these gentlemen should serve entirely without compensation, but they were authorized to employ a clerk. They have continued in service ever since that time, now for about eleven years, having been re-established from year to year in annual appropriation bills, expending on an average \$10,000 or \$15,000 per annum, and they have so far evaded the original purpose and design of the act that instead of employing a clerk they have hired one of their own number as secretary, so that he receives a stated compensation for his services.

I have sent to the Library, to the Secretary of the Interior, to the document-room of the Senate, and to every other public office that I could reach for the purpose of obtaining the annual reports of this board of commissioners since the time they were first organized in 1869; but thus far without effect. I believe they have been published, but

they are not accessible.

Concurring as I do with the opinion of the House of Representa-tives, that if these gentlemen ever had any reasonably just or proper functions they have long since been performed; that they have become an ornamental excrescence upon the Indian service; that it would be just exactly as wise to appoint ten gentlemen, eminent for their philanthropy and for their humanity, to superintend the purahases of the Quartermaster's Department or the expenses of any other branch of the Government, I hope before we are called upon to per-

petuate this anomaly that the chairman of the committee will give us some information as to the necessity why this board should longer continue. I understand that they do nothing; that they have no functions defined by law; that they wander about the country from point to point in Pullman cars, endeavoring as a kind of close corporation, under the guise of superintending the purchases of Indian sup-plies, to secure contracts for themselves or for their friends, and that it is utterly impossible to point out one single good or valuable act that has ever been performed by this board since the time they were

As at present constituted, these ten gentlemen are as follows: Under the language of the statute they are supposed to be eminent for their intelligence and philanthropy. They have received that decoration and that embellishment only by a designation from the President to serve upon this board. The chairman is Mr. A. C. Barstow, of Providence, Rhode Island; the secretary is Mr. William Stickney, of New York avenue, corner Fifteenth street, Washington, District of Columbia, who I understand is a banker in this city, and who, in addition to his emoluments as a banker in this city, and who, in addition to his emoluments as a banker, receives compensation as secretary of this board from the Government. General Clinton B. Fisk, New York City; David H. Jerome, Saginaw, Michigan; E. M. Kingsley, Clinton Place, New York City; W. H. Lyon, New York City; B. Rush Roberts, (who is also the minister plenipotentiary from the Quaker organization to superintend that portion of the aboriginal was that has been confided to that portion of our religious corrections. race that has been confided to that portion of our religious organizations;) Albert K. Smiley, Providence, Rhode Island; General George Stoneman, California; and Charles Hutton, New York City, consti-tute the remainder of the board. Here are four gentlemen from the city of New York, two from the city of Providence, Rhode Island; one from the city of Washington, one from Michigan, one from Maryland, and one from California.

land, and one from California.

Mr. SLATER. No Ohio man?

Mr. INGALLS. No Ohio man. Ohio has been singularly and strangely overlooked. [Laughter.]

Mr. COCKRELL. There has been no vacancy recently.

Mr. INGALLS. Probably not. Now, a mere statement of the location of these gentlemen, a statement of the functions they are called upon to perform, is sufficient to show the absolute folly of continuing this appropriation longer. Why it is that four gentlemen in New York City, two in Rhode Island, and one from Washington, and three from other interior and eastern States, who have no personal connection whatever with Indian affairs, who have no Indian constituencies direct or remote, who live in communities not affected by Indians, should be allowed to co-operate with the Secretary of the Interior should be allowed to co-operate with the Secretary of the Interior without compensation in managing the Indian Department of this Government, is past comprehension; and I am surprised that the Committee on Appropriations of the Senate have disagreed with the de-liberate action of the House in recommending that this board be longer continued.

Mr. BECK. Mr. President, this is the last of the committee's amendments. Of course there will be others offered by Senators, at least I assume there will be. I desire to say in as few words as I can why the committee, as I understand it, refused to consent to the repeal of the provision in the House bill with regard to the Indian peace commission.

A hold in my hand the bill as reported by the Committee on Appropriations of the House. That bill contained a provision for the expenses of the Indian commissioners, allowing them \$7,500. It was stricken out in the House. The Committee on Appropriations of the Senate have recommended precisely in the language of the Committee on Appropriations of the House that the provision should be retained, allowing, however, \$10,000; and perhaps it is a sufficient answer to what was done in the House to say that the committees of both bodies, who are presumed to have looked into this matter and examined it carefully, have concurred in recommending that this commission ought to be continued, so that we are not running counter to what may fairly be assumed to be the intelligent opinion of that portion of

This commission was organized ten years ago, and so far from not baving done any good as is now charged by the Senator from Kansas, [Mr. INGALLS,] I am personally cognizant of the fact, having served on the Committee on Appropriations in the House when it was in operation, that there have been hundreds of thousands of dollars saved by the action of that peace commission as it was called. I remember when Mr. William Welsh, of Philadelphia, was president of it, and when Mr. Lang from Maine was an active member, with others whom I could name, that great irregularities were brought to light by their exertions and when investigations were had which resulted in making great improvements in the Indian service, resulting in the appointment as Commissioner of Indian Affairs of the present Superin-tendent of the Census, General Walker, instead of a man who, howtendent of the Census, General Walker, instead of a man who, however honest he may have been, was shown to be unfit for the place. I know, and there are gentlemen before me who know, that that commission examined carefully into many of the accounts of the Department, superintended the purchases of clothing and supplies, aided in every possible form and in all the efforts that were made for the purpose of aiding the Indians in their advancement toward civilization by education; indeed in a variety of other ways they have done very great service. The fact that they were not in any way connected with the Indian Bureau or its business or its rings, instead of being an objection to them, as it seems to be in the mind of the Senator from Kansas, is the very reason why it is important that a class of men not connected with any of these things should have a right to revise, superintend, examine into, and see what contracts are made and how the business of the Indian Bureau is being carried on.

This fact had great weight with me. The present Secretary of the Interior, in whose personal integrity I have the highest confidence, came before the sub-committee last Saturday and said that he desired very much to have the aid and co-operation of this body of men continued, because in the great ramifications of that Department, with sixty or seventy agents, far removed from his personal supervision, the very fact that these men could look over their acts and the purchase of the supplies for their posts would aid him, in addition to the supervisors he had to send out from time to time, in detecting whatever there was of fraud that might be attempted on the Government or the Indian, and in seeing that purchases were honestly and carefully made. He desires all the aid he can have, and he wants the aid of these gentlemen. Here is a bill appropriating \$4,735,602.72, and this item of \$10,000 merely for traveling and other expenses is an exitem of \$10,000 merely for traveling and other expenses is an extremely small sum to be economizing upon, when the Secretary of the Interior, who in my judgment has more than he can attend to—for, be it remembered, he has the Patent Office, he has the Land Office, he has the Pension Office, he has the Census Office, he has the Indian Office, he has all the various bureaus and divisions that exist under the laws regulating his Department to supervise and watch—surely he needs all the help that he can get in order to see that frauds are not committed. We cannot decently hold him responsible if we fail to allow him the assistance he assures us he so much needs.

I agree that if I had the management of this matter I would require the Commissioner of Indian Affairs to report directly to the President and directly to Congress. I would not continue that office as it has been for years in such a complicated condition that when the Commissioner of Indian Affairs did one thing and the Secretary desired another, or there was entanglement as to whether things had been carried on properly or not. I would fasten responsibility some-where. As the Senator from Texas very well said awhile ago, all is at loose ends now; each can throw the responsibility on the other, and nobody seems to be responsible because nothing can be found out. We have that condition of things to deal with now; it is a complicated condition. The Secretary of the Interior is, nominally at least, the responsible head, and he comes to us and asks that he shall be allowed this assistance. He says that it is valuable.

I have before me the report made the other day by these gentlemen. I do not know the present peace commissioners. I have not served upon any of the Committees on Indian Affairs lately, nor examined npon any of the Committees on Indian Affairs lately, nor examined these bills carefully; and I desire to say now that I am merely attending to this bill by chance because the Senator from Pennsylvania, [Mr. Wallace,] who would have charge of it if present, is obliged to be absent; therefore, I am not perhaps as well advised as I would otherwise be in regard to all the details of it. But in years gone by I have known a great deal about Indian affairs, and I have seen the service rendered by these men.

I see before me the Senator from Massachusetts [Mr. Dawes] who was chairman of the committee on which I served when these men were evanined before us time and again. I know at that time ex-

were examined before us time and again. I know at that time extremely valuable service was rendered by them, and this is the report made the other day, sent to me by the Secretary of the Interior evidently with his approval, when I desired to know why he wished them retained. It is their report of March 9, 1880, the close of which alone I will read:

Subsequent reports show from year to year that the careful supervision of purchases has secured for the Indians better supplies, and for the Government greater

chases has secured for the Indians better supplies, and for the Government greater economy.

The work of the board through its executive committee in examining accounts has been very onerous, requiring constant attention and the employment of clerical belp. Although their decisions are not final, and may be overruled by the Department of the Interior, it is believed that a large aggregate has been saved to the Government by their vigilant scrutiny and their wholesome influence upon a certain class of dealers and contractors. For example, a remote agency was being supplied by private purchase, or private contract, and the bills coming before the committee were rejected on account of exorbitant charges. Flour was charged at \$14 per sack. In the next bills the charge was \$11 per sack; and the same agency was afterward supplied by contract, after public letting, at \$5.90 and \$4.90 per sack.

Besides these efforts to promote economy of administration, the board have exerted a more general and important influence, which is exhibited at length in their published annual reports. They early enlisted the earnest co-operation of religious bodies of all denominations, and have held annual conferences with representatives of those bodies for consultation regarding the interests of education and Christian culture.

culture.

This was deemed appropriate, inasmuch as these societies already sustained missionaries among many of the Indian tribes, and had expended large sums of money for the erection of buildings and the churches and the employment of teachers.

Much time has been spent by members of the board in visiting Indian agencies and holding councils with Indians to encourage them in the pursuits of industry and in the education of their children. They have done much to enlighten and correct the public sentiment of the country respecting the rights of Indians, and have especially labored to secure, through just legislation, for all Indians unquestionable titles to their lands and homesteads.

Mr. INGALLS. What does the Senator read from?

Mr. BECK. From the report of the board of Indian commissioners, dated Washington, March 9, 1880.

Mr. INGALLS. That is their own statement of what they have

done themselves.

Mr. BECK. It is sent to us by the Secretary of the Interior, as I understand, as an addition to his statement of the reasons why he

desired to retain them, and as giving us in as good language I assume as he could give himself his reasons for his desire to retain the aid of these gentlemen. I understand that the Secretary of the Interior adopts and indorses their statements by sending it at my request to the committee for our use. The facts stated are so well expressed that the Secretary could not have expressed them much better, and I could not do so half so well as they. I read, it therefore, as a part of my remarks. They add:

Much time has been spent by members of the board in visiting Indian agencies and holding councils with Indians to encourage them in the pursuits of industry and in the education of their children. They have done much to enlighten and correct the public sentiment of the country respecting the rights of Indians and have especially labored to secure, through just legislation, for all Indians unquestionable titles to their lands and homesteads. To this end bills have been drawn up and laid before Congress, with the convictor. that the bestowment of lands in severalty, as provided in the pending "allotment bill," would give a new impulse to industry, inspire the Indian with a sense of manhood, and aid largely in the adjustment of the Indian question.

I do not know personally that they have done all these things.

I do not know personally that they have done all these things.
Mr. INGALLS. They say they have.
Mr. BECK. They say they have, and I assume they have, if they are as good men as some of the commissioners I knew some years ago; are as good men as some of the commissioners I knew some years ago; I will name Mr. Lang, of Maine, and Mr. Welch, of Pennsylvania. I have no reason to doubt that they are men of the same character. I feel sure that they have repressed much of the thieving that political agents who have been sent to those agencies for political purposes and fraudulent contractors in ring combinations have sought to perpetrate upon the Indians and the Government.

I have always believed and believe now that the whole of the present system of managing the Indians is wrong; that the wild Indians ought to be under the charge of the War Department; that the old Army officers ought to be our agents, and for their services be allowed full pay. They are men who have the respect of the Indians, men who will not steal. I believe that the Commissary-General and the Quartermaster-General of the United States Army should furnish the Indian supplies instead of the contractors who have to be watched by the Secretary, watched by the board of commissioners, and who are generally, with the rings they combine with, too strong for us to secure honesty even by the utmost vigilance of all.

Mr. MAXEY. Will the Senator allow me—
Mr. BECK. In one moment. But we have to deal with things as they are. Having to deal with a bad system, having to deal with bad men who have been trained in the arts of dishonesty, I desire to give the Secretary when he asks it in the interest of honesty, in the interest of economy, in the interest of the Government and the Indians, he held of those men who he says are men of character to supervise. the help of those men who he says are men of character to supervise and investigate those transactions and to keep these frauds down. I will not for the sake of \$10,000 expense in a bill that appropriates \$4,700,000 refuse him that aid. Now I will answer any question the Senator may wish to ask.

Senator may wish to ask.

Mr. MAXEY. I wish simply to say that a residence of nearly a quarter of a century upon the frontier satisfies me that the Senator from Kentucky is exactly right.

Mr. BECK. I am glad to hear that.

Mr. MAXEY. I concur with him that this bureau ought to be given the Wey Department and Utypet that the question will be kent

to the War Department, and I trust that the question will be kept before Congress until that object is accomplished.

Mr. BECK. I have never doubted that it should be there. I desire to say to the Senator from Texas and to the Senate that I was so stubborn about it, aided by the Senator from California (Mr. Sargent) now no longer in the Senate, that we refused in 1870-'71 to make appropriations to carry out those absolutely ridiculous treaties that we are now providing for, and Congress placed \$3,000,000, if I recollect the sum, in the hands of the President of the United States, General Grant to carry it on through the War Department, and for General Grant, to carry it on through the War Department; and for \$3,000,000 that year he carried it on better than it was carried on with six or seven million dollars afterward. It was only when the Senate agreed to make no more Indian treaties and consented to record upon the statute-books that they would not, that the House agreed to pass any appropriations to carry out those treaties or even to recognize

But I cannot help these things. They are upon us and we must make the most of them. The best Commissioner of Indian Affairs that I ever had any business to transact with, indeed, I think the ablest man, and the most honest man that ever was in that office, the present Superintendent of the Census, General Walker, whose salary I was willing to double in order to keep him, took charge of this bureau under General Grant, and if he could have been kept there in three years he would have brought order out of chaos, but he could not be retained. He made a report, a few lines of which I will read to show that he made the best defense for the present system that could be made by anybody. While I admit that many of these things for which we provide are ridiculous, such as the carpenters, and engineers, and millers, and blacksmiths, and educators at tribes where in many instances you could not have caught a young Indian with a lasso, far less take him to school. General Walker said, (I will read from his report:) from his report:)

This want of completeness and consistency in the treatment of the Indian

This was in 1872---

This want of completeness and consistency in the treatment of the Indian tribes by the Government has been made the occasion of much ridicule and partisan abuse,

and it is indeed calculated to provoke criticism and to afford scope for satire; but it is none the less compatible with the highest expediency of the situation. It is, of course, hopelessly illogical that the expenditures of the Government should be proportioned not to the good but to the ill desert of the several tribes; that large bodies of Indlans should be supported in entire Indolence by the bounty of the Government simply because they are andacious and insolent, while well-disposed Indians are only assisted to self-maintenance, since it is known they will not fight. It is hardly less than absurd, on the first view of it, that delegations from tribes which have frequently defied our anthority and fought our troops and have never yielded more than a partial and grudging obedience to the most reasonable requirements of the Government should be entertained at the national capital, feasted and loaded with presents. loaded with presents.

Yet he proceeds to show that is all reasonable, and it almost proved to be so. I remember, and the Senator from Massachusetts remem-bers, when Red Cloud and Spotted Tail were here fresh from the warpath the committee visited them; and they went home after seeing the power of this country, and they have aided us and been our best friends in many regards ever since. Things that appear to be ridiculous sometimes have worked out well, as General Walker shows. He adds:

He adds:

It is not a whit more unreasonable that the Government should do much for hostile Indians and little for friendly Indians, than it is that a private citizen should, to save his life, surrender all the contents of his purse to a highwayman; while on another occasion, to a distressed and deserving applicant for charity, he would measure his contribution by his means and disposition at the time. There is precisely the same justification for the course of the Government in feeding saucy and mischievous Indians to repletion, while permitting more tractable and peaceable tribes to gather a bare subsistence by hard work, or what to an Indian is hard work. It is not, of course, to be understood that the Government of the United States is at the mercy of the Indians; but thousands of its citizens are, even thousands of families.

Then he proceeds to give his reasons and allowed.

Then he proceeds to give his reasons, and closes the paragraph in these words, to which I agree:

It is right that those who criticise the policy of the Government toward the Indians and ridicule it as undignified in its concessions and unstatesmanlike in its temporizing with a recognized evil should fairly face the one alternative which is presented. There is no question of national dignity, be it remembered, involved in the treatment of savages by a civilized power. With wild men as with wild beasts the question whether in a given situation one shall fight, coax, or run is a question merely of what is easiest and safest.

We are dealing with this problem now; we have to go through with; it cannot be placed under the control of the War Department, as

I think it ought to be, or it seems that it cannot.

Mr. TELLER. Why not?

Mr. BECK. Because we cannot get the Senate or the House of Representatives to act upon it, or for some other reason it is not acted upon. Therefore we have to face it, and we have to meet it with all our responsibilities and the Secretary of the Interior has to meet it with all our responsibilities. I repeat, he has to take care of every branch of that great Department—the Land Office, the Patent Office, the Pension Office, the Census Office, the Indian Office, and all—and he comes before the committees of the two Houses—and they agree with him—and says: "I have a body of men who are appointed by the President, reputable men, who ask for nothing but a few thousand dollars to pay their expenses, and \$10,000 is the smallest sum. I want their help in the midst of this incongruous system to help me disburse honestly the \$4,700,000 you are giving. I desire to guard the Indians against frauds of contractors and agents who are put over them by the President and the Senate, many of whom could not be confirmed except that they are the pets of Senators. These agents are not appointed because of their merits, but appointed because of favoritism, and they expect, many of them, as they have in years gone by, to make money out of \$1,500 a year." When the Secretary says I want the help of honest, disinterested men who are recognized as men of integrity all over the country, who are seeking to civilize and Christianize and advance the civilization of these Indians, and to guard against the misconduct of men who may be imposed upon the country and may cheat the Indians placed in their charge, I for one am not going to deprive him of that check and that safeguard when he urges it as earnestly as he does. If the Senate sees fit to vote it down, it can do so.

I have stated perhaps more in detail than I ought (for I have said more than I intended) the reasons that influenced me as a member of the committee, and I believe influenced the committee in complying with the request of the Secretary of the Interior.

Mr. INGALLS. Do I understand the Senator to say that Indian agents are appointed by political influence now?

Mr. BECK. Many of them.

Mr. INGALLS. And that it is through favoritism with Senators

that they secure their confirmation? If that is the Senator's statement, he is profoundly ignorant of what the Committee on Indian Affairs believe to be the policy pursued by the Administration upon Affairs believe to be the poincy pursued by the Administration upon that subject, for the nominations are sent to us without one particle of political influence. They are made on the recommendations of boards of religious control, who are nominated by various organizations of churches in this country. When we apply for information as to their characteristics and qualifications we are met with the statement that these men are sent here by such and such organs of churches, and

that if we do not see fit to confirm them we can do as about it.

Mr. BECK. I merely want to correct myself. I was not endeavoring to make any question about what is done at this time, perhaps it was wrong to allude to appointments at all; yet it may be because they are recommended by other people and because Senators are not authority and the high character of these men, to do a great many consulted about it that the Senator finds so much fault with what is things that it would not dare to do but for that.

going on now. I do not know; I do not care. There never was an Indian agent appointed at my suggestion or on my recommendation, nor any one appointed that I knew, as far as I recollect. All I desire is to give the Secretary the aid he desires, which I think he needs, with the swarm of contractors and agents he has to deal with.

Mr. TELLER. Mr. President, this document, which I have never seen until just now, appears to be a document issued by the board

of Indian commissioners to convince the public that they have been of some service.

Mr. INGALLS. "For he himself hath said it."

Mr. TELLER. It ought to be, I suppose, authority, because who should know more about it than this board of commissioners? I think that if the board had not published this document there would have been a general impression all over the country that they had done comparatively nothing; but of course who can gainsay what the commission say? They say that the price of things since they have been in control has been much less, that the purchases made in 1870 were much higher than in 1873. That is a most astonishing statement on a falling market, with railroads going into the country where these supplies were to be delivered. It is a most remarkable thing that an agency that is two or three hundred miles nearer a railroad than it was two or three years before, should have its sup-

rairoad than it was two or three years before, should have its supplies at less than it had three years previous; and that is the sum total of the horn that they have blown for themselves.

I do not know very many of these commissioners, and such of them as I do know are reputable gentlemen. I do not mean to say anything against them, but I do mean to say that they stand in the way of the administration of public affairs, because they divide the responsibility with the Secretary of the Interior and the Commissioner of Indian Affairs, and nobody can put his finger on the party who is to blame. An instance occurred not long ago, since this Congress has been in session. They let here at the Indian Bureau a contract for cattle to be delivered to some Indian reservation or some Indians, I do not just remember where. They named the kind of cattle that they wanted. They were to be cattle raised either in the State of Missouri wanted. They were to be cattle raised either in the State of Missouri or the State of Kansas, what the western people speak of as domestic cattle, as distinguished from the Texas cattle. I am not very familiar with those things, but I think I can safely say that there are Senators on this floor who know there is a difference of at least four or five dollars in these cattle, and in many instances even more than that. They were to buy about twelve thousand of these cattle. Every man who bid, bid for what we would call domestic cattle, except one. man who bid, old for what we would call domestic cattle, except one. They either bid eo nomine or they bid by saying "we bid for cattle according to your advertisement," which had been for domestic cattle, speaking shortly. One man, however, made a bid within fifteen cents, if I recollect, of the lowest bid for domestic cattle, a bid for Texas cattle, which had not been called for, and they let the contract to him, to the detriment of the Government and the Indians at a certain loss of from fifty to sixty thousand dollars. a certain loss of from fifty to sixty thousand dollars. When it was criticised by a Senator, not myself, who was familiar with these things, it was immediately said by a member of this commission "That Senator is the worst man in the whole Indian ring." I went to a member of this board, in whom I have the utmost confidence, who I believe to be an honest man and a gentleman. I said, "This thing is a disgrace to your board; it is a disgrace to the administration of Indian affairs that you should have allowed such a thing to pass; if it was done purposely it is evidence of fraud; if it was an accident it is an evidence of your neglect. When I said that be said accident it is an evidence of your neglect. When I said that he said, "It cannot be possible." I gave him the facts. Within an hour he went to another member of the board and said "these are the facts." He asked "How do you know?" Said he, "Senator Teller, of Colorado, has given me these facts." He replied, "Why, do you not know that Senator Teller is the worst Indian ring man there is in all the public service to-day?" That has been about the way that this commission have served the country.

A good many things that are not creditable to the Indian adminis-tration have occurred since this board have been placed there. This board, in which the people had so much confidence, have been placed there to overlook and see that no frauds were committed, and to see that the contracts made with the Indians were carried out. I do not suppose that one member of the board out of five knew what the contracts are. To my certain knowledge there were contracts in existence that were being disregarded by the Administration, and these members of the board never protested that they should be fulfilled. There was money due to the Indians that was not paid to them, and no reason for withholding it, and the board took no steps to see that it was paid. The Ponca Indians, as the Senators tell me who have it was paid. The Ponca Indians, as the Senators tell me who have investigated that question, were taken not simply in violation of their treaty but taken from land to which they had a title in fee and removed down to the Indian Territory, and no protest came from this board of Indian commissioners. The Department committed other atrocities upon the Indians, and yet this board has never lifted its hand nor its voice in defense of the Indians.

It is said that they go over to New York and that they there inspect the goods. How often do they go there? How much time do they spend in inspecting the expenditure of this \$5,000,000? It is apparent to everybody that they do not do it. That is a pretense, and it enables the Department, if it sees fit, under color of this high

When this Texas cattle business came to the public attention it was discovered that this board had passed upon it and had approved the contract—a contract that the Department itself had to back out of in a short time, simply because it was afraid of a public investiga-tion of it. Yet the board had passed it and had declared that it was

There is another thing that is not so old that it ought to be forgotten. Charges were make against a public officer connected with the Indian Bureau, the Commissioner—charges of a serious character, implicating his management and his integrity both. A member of the board brought the matter before the board, and it is apparent to everybody that the board intended, if it could be done, to exculpate this man and to save him from disgrace. Some members of the board wrote letters to others and protested that this ought not to be done. They said "It will disgrace the board and it will disgrace the Indian administration." What they were put there for was to see that the administration." What they were put there for was to see that the administration was an honest one, and they were afraid of an investigation that would show that it was not an honest one; and but for an accident, I may say, this man would have still been in public life with the indorsement of that board which they gave him when he came into public life. When he was appointed and came into public life, a man bankrupt financially and morally, these men indorsed him and held him up as an honest man, and congratulated the country that the Government had found so worthy and so lated the country that the Government had found so worthy and so able a man. He went out of office, it is said by some, because he failed to turn over to the Secretary and let him look on the opposite side of some paper that had an indorsement on it. He went out of office because he was morally convicted of an attempt, and a successful attempt, to make one of his subordinates commit perjury before a committee; and then, and then only, were the board willing that he should go out of office. Only when this man said, "I have committed perjury before your committee, but I committed it at the instigation of the Commissioner of Indian Affairs," could this board be found ready and willing to say that they had discovered all the crimes that were being committed, and let him slide out. I say that but for the action of one single member of that committee that man would still have been in office, supported and indorsed by this same would still have been in office, supported and indorsed by this same board of Indian commissioners.

I say they are not simply useless but they are positively injurious, if the Commissioner is an honest man; and I have not any doubt about that with reference to the new Commissioner. I do not mean to say by this that the Secretary of the Interior is not an honest man; I have not intended to reflect upon him in that matter, knowing the Secretary cannot give attention to these details; I understand that; but he must rely upon his officer, and if the Commissioner is an honest man he does not want this board. If he is not an honest man, this board from their past history are not suitable persons to watch a

dishonest man.

They go over to New York, they say, and inspect the supplies. I say again that they do not do that; the supplies cannot be inspected by this board. They may appoint some member or their secretary to do it; and he may be an honest man, or possibly he may not be. They may send one man to do it and he goes there and does it, and it is no more likely that there will be a fair examination of the supplies than if they sent any clerk from the Department. It is no more likely that there will be an intelligent supervision than if they sent any subordinate or picked a man up from any of the public offices here and sent him to New York.

But I notice that they have not rectified any of the evils. I notice that there is as much cheating going on now as there was in 1869. I notice that there is as much cheating by subordinates as there was then. I notice that the Indians have not made quite as much progress as some of them claim. I notice now that all over the country wherever there are wild Indians there is a state of insubordination wherever there are wild Indians there is a state of insubordination amounting almost to rebellion against authority. In New Mexico, Arizona, Colorado, Wyoming, Dakota, everywhere, if the Indians are not on the war-path actually they are preparing to go, and are only restrained by fear of the Army. Since we have been here at this session of Congress, I am told from reliable authorities that there have been more than a hundred people in New Mexico murdered by Indians. I can say that since this session convened there have have been dians. I can say that since this session convened there have been twelve or fifteen citizens of Colorado murdered by Indians. Everywhere the same condition of things exist, and this commission has

not made matters any better than they were before.

I want to leave matters so that the responsibility shall rest upon the Commissioner of Indian Affairs and the Secretary of the Interior. I do not want any divided responsibility. If it were a mere matter of \$10,000 or \$15,000 in the expenditure of so much money, I would not complain if these men were not in fault. It is not that. would not complain if these men were not in fault. It is not that. They stand in the way; they are a public nuisance, if I may use the term, because they are obstructing the public service, not intentionally; they have all get a theory, every one of them, a theory that is impossible usually of execution; they have all get some suggestion to make, and they have not the authority to carry it out. If the Commissioner thinks best to receive it and accept it, he does so; and if he does not think best, he does not receive it. So they are left with a simple supervision to see that the flour is of good quality and that the sugar is of good quality; and out of the ten thousand articles that go out they see now and then a sample, and that is all. They have not broken up the system of letting the contracts in New York

City to furnish beef when they could get it on the Kansas prairies; of purchasing flour in New York that ought to be bought in Kansas or somewhere in the West. The whole thing is managed by a little coterie at New York. They may be honest, they may not. From the condition of things generally it is fair to presume that they are not. As one of them said to me, "If this board ever had any usefulness, we have outlived it long ago." So I say of the board.

Mr. WITHERS. Mr. President, I have listened with great attention to the arguments that have been made by the Senators from Kansas and Colorado. It seems to me that the whole question resolved.

Kansas and Colorado. It seems to me that the whole question resolves itself finally into this, whether the supervision of the Indian agents by a commission of reputable gentlemen, admitted to be reputable by the Senators who have attacked them, is likely to result in bene-

Mr. INGALLS. Will the Senator consent to an interruption there?
Mr. WITHERS. Certainly.
Mr. INGALLS. I should like to ask the Senator under what theory of government a commission of ten intelligent and philanthropic gentlemen is selected without compensation to assist the Secretary of the Interior, and why he alone is thus favored, when he has but sixty or seventy agents employed under him and \$4,000,000 to expend, while the Secretary of War, the Secretary of the Navy, and the Sec-retary of State are left without this invaluable method of co-opera-

Mr. WITHERS. The Senator has propounded a conundrum which, with all due deference to him, I say has nothing to do with the question. The reasons which may have influenced Congress in passing the law which created this commission I presume were such as commended themselves to the body at the time the law was passed. Committee on Appropriations have not endeavored to take any cognizance of that question at all; but they look at it in this light: The Commissioner of Indian Affairs and the Secretary of the Interior, The Commissioner of Indian Affairs and the Secretary of the Interior, who are at the head of this Indian service, testify that the services of the commission as at present constituted are of great value and benefit to them. I do not know whether that is so or not; I have merely their word for it. The objection that these men are not useful men comes from those who attack them. My own conviction is that the testimony of the Secretary of the Interior and the Commissioner of Indian Affairs, who are brought more directly in contact with these men and who are more directly and officially interested in the proper performance of their functions, is better authority than the mere state-

ment of the Senators who oppose the proposition.

Whether a cattle contract has been carried out in good faith or not is not the question here. I do not suppose it would be possible for these commissioners under any circumstances to prevent cheating at the Indian agencies by Indian agents. With the most active vigilance they could exercise they could not entirely prevent it; but they can to some extent certainly exercise such supervision over it as will oper-ate as a safeguard to that extent at least. Whether they inspect supplies or not I cannot say. I think they do, and the Secretary of the Interior says they do, and that in consequence of that the supplies are of better quality than before this commission was created.

If there be as much cheating, if there be as much stealing as be-fore these gentlemen were appointed, all I have to say is that the information laid before the committee is entirely at fault, because precisely the contrary statements were made before us, and by gentlemen who I presume are cognizant of the facts of which they speak.

It is not necessary for the Senate to undertake to revive the old question of whether the present Indian policy of the Government is the best that could possibly be devised, whether it is best to transfer them to the War Department or not. These are not vital issues upon this bill or upon this amendment. The question is, shall this bill, which appropriates millions of dollars according to the provisions of existing law, allow this supervision of the amount avanded take. existing law, allow this supervision of the amount expended; shall these commissioners created by law remain?

Mr. INGALLS. This is not in accordance with any existing provision of law. These ten commissioners were appointed for a temporary, specific purpose, and have been continued from time to time

by annual appropriations.

Mr. WITHERS. Certainly, but they were created by the provisions of a law which is referred to in the bill.

Mr. INGALLS. I have not seen the law.

Mr. WITHERS. It is the law of 1869. I do not wish to detain the Senate if they are ready for a vote, but I want to call attention to the fact that if the views of the Senator from Colorado are to prevail, and if he really desires to hold to strict responsibility the Secretary of the Interior for the management of the Indians, he cannot expect to hold him to that responsibility when that Secretary asks the aid of this commission, and says it is indispensable for the proper management of his Department, and you refuse him the aid he asks. Senator from Kansas is clearly mistaken in his assertion that there was no provision of law for it.

Mr. INGALLS. No. I did not say that. I said they were organized for a temporary and specific purpose in the appropriation bill of 1869 to superintend the appropriation disbursements of that year.

Mr. WITHERS. I understood the Senator from Kansas to challenge the correctness of the statement which I made that this commission was created by existing law, and I merely wish to show that that statement was literally correct; otherwise, whence the necessity of repealing the law to which he refers which created this commission?

But I want to go back to the point I was discussing, and that is the impossibility of holding the Secretary of the Interior responsible for a faithful and honest service in the Indian Department when you a faithful and honest service in the Indian Department when you deny him the services of a class of men that he considers very important, if not indeed indispensable, in securing that sort of administration. This is to be done at an expense of \$10,000; these men receive nothing themselves. When these philanthropists, these gentlemen of high character, these gentlemen who are admitted by those who oppose them to be men of most reputable standing in the community, so serve, I think it is certainly as little as the Senate can do to continue them in the service when they must of necessity operate as a check against the fraud and rascality perpetrated by agents upon the Indians against the fraud and rascality perpetrated by agents upon the Indians and the Government alike.

Mr. INGALLS. The pretense that the members of this board serve without compensation is just as empty as any other claim that is made without compensation is just as empty as any other claim that is made in their favor. There were \$15,000 appropriated for their expenses last year, and in the settlement of their disbursements it appears that they expended for salaries of secretary, clerk, and messenger, \$6,212.30; and to get around the provision of the law declaring that they shall serve without compensation they make members of their own board secretaries, and then pay them a salary. Then, in the next item is "the purchasing committee, including the employment of a special clerk to examine agencies." In order to secure still further compensation they appoint certain of their number a purchasing committee and pay them a salary. So that while they nominally serve from philanthropic motives, they manage by this method of whipping the devil around the stump to secure pretty fair compensation for their services, and the Senator will observe, if he will refer to the statement of their expenses, that the actual traveling and office the statement of their expenses, that the actual traveling and office expenses bear a very small proportion to what is paid for salaries. It is a "penn'orth of bread and an intolerable deal of sack."

Mr. WITHERS. The statement of the Senator has not at all changed

the statement which I made. The law provides no salary for these gentlemen. That they do appoint secretaries and clerks, and other agents, I regard as certainly true.

agents, I regard as certainly true.

Mr. INGALLS. Of their own number.

Mr. WITHERS. It is impossible that the duties with which they are charged can be properly discharged without those officers; but in this day of high salaries I should suppose men occupying the position they do in society could scarcely be employed at the salaries which could be supplied out of this appropriation. But it is useless to discuss that, because the fact remains that they are allowed no salary except the necessary expenses for the working of the commission. When a commission is created which has for its object the prosection of the Indians and the Government alike, against rapacious and thieving agents and contractors, when we have the testimony of the head of the Department, the Secretary of the Interior, and the Commissioner of Indian Affairs that these duties are discharged with efficiency, that they have effected a great reform in the administra-tion of that Department, and when the Secretary says that he desires tion of that Department, and when the Secretary says that he desires they shall be continued and that an appropriation be made for their continuance, I, for one, am unwilling to say that he shall be held responsible for the efficient discharge of the service and deny him the agency of these men upon whom he relies to protect the Government and the Indians alike against depredation and fraud.

Mr. MAXEY. Mr. President, the act which has been referred to was passed on the 10th of April, 1869, doubtless in an appropriation bill, as stated, but it was re-enacted as a part of the Revised Statutes by section 2039:

by section 2039:

There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President, solely from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

So that, whether it was a temporary law originally or not, it is now a part of the law of the land. I object to the whole system. The system is wrong of designating, as this law goes on to do, that:

System is wrong of designating, as this law goes on to do, that:

The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

The board of commissioners mentioned in section 2039 shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

What is that? There are ten commissioners appointed said to be eminent for philanthropy. What is the course pursued? When I asked the question several years ago of the honorable Senator from Iowa [Mr. Allison] when that question was up, who recommended this man as an Indian agent; where did your information come from; he made the same reply which has been made to-day by the Senator from Kansas [Mr. Ingalls] that these agents are appointed, not upon the recommendation of Senators, not upon the recommendation of anybody so far as is known, except through the churches. The point

get the recommendation of that church to be appointed Indian agent. It violates, as I conceive, that principle of the Constitution which

makes no distinction whatever among citizens of the country on account of their religion, but intends that the most honest and reputable and faithful man is the man who should be appointed.

The effect of that, therefore, is where two men are presented, one perfectly satisfactory, perfectly honest, and perfectly proper, such as understands all about the business, if he happens to be an outsider the is ruled out, whereas another man who receives the recommendation of a church is appointed without any regard whatever for his
qualifications but simply because the church indorses him. Sir, the
principle of that is wrong. That the intent of that law was good, I
do not question. I do not know anything about it; it was adopted
before I came here, and ever since I have been here I have opposed
the principle of the thing. I say that the law should never make distinctions among citizens because of their religion; and if a man is an
honest, competent, faithful, and capable man, whether he is in a
church or out of a church has nothing in the world to do with his
appointment as an Indian agent. But this philanthropic board select
these men as the churches dictate; and the appropriation has been
asked for by the committee to carry out the system. As I said on
another branch of this bill, I regard the whole system of Indian control as radically wrong. It ought to be under the War Department,
so far as the wild tribes are concerned. But so long as these laws remain unrepealed, I think it is but just to do what the law says should
be done, and make the appropriation for the traveling expenses.

I have said what I have because I want to place upon record the
fact that I regard the whole system as radically wrong in the control he is ruled out, whereas another man who receives the recommenda-

fact that I regard the whole system as radically wrong in the control

of Indians. Mr. DAWES. Mr. President, this seems to be a question of economy more than anything else. It has been argued that this is an expenditure of \$10,000 in an unwise and unprofitable way. In an appropriation bill that provides for the expenditure of almost \$5,000,000, an item of \$10,000 is comparatively a small part of the bill, and the tenacity with which the opponents of this measure cling to the idea that it is a waste of money brings up the old adage, which everybody has heard, of saving at the spigot and wasting at the bung-hole. Mr. TELLER rose.

Mr. TELLER rose.

Mr. DAWES. I know the Senator from Colorado—if he will allow me to relieve him from the necessity of interrupting me—does not see anything good in existing things touching the Indian administration, whatever they may be called.

Mr. TELLER. I desire to interrupt the Senator long enough to say that he does injustice when he says I put it on the score of economy. I distinctly stated that I made no question on the matter of money, but that it was an obstruction of a proper service and a right service.

Mr. DAWES. The injustice I did the Senator was just this: the Senator himself had a grievance against this board of his own. It is an obstruction, it is a nuisance so far as the Senator's view of the proper administration of the Indian Department is concerned.

Mr. President, it had its origin, as has been stated by the Senator from Kentucky, in a temporary exigency when the Indian service of this country was in a demoralized condition, and when the differences between the two branches of Congress, in reference to the appropriation of money for carrying it on were so wide as to threaten an utter stoppage of all the appropriations for that service. It was a method devised at the commencement of the administration of General Grant, and it was the beginning of a change in the administration of the Indian Bureau; and whether it has been in all respects just what it ought to be or not, it is not necessary to consider in determining the question whether we shall abolish it or not. But compare the administration of the Indian Bureau since that day as a whole, and the condition of the Indians as a whole, the character of the men who have had to do with the Indians, and there are few who would join with the Senator from Colorado in saying that this Indian commission has been a nuisance.

The Indian commission have saved the country, as the statistics show, many hundreds of thousands of dollars. They have relieved the administration of Indian affairs of very much of the reproach which lay at its door before they came into existence. They have gone on helping the Indian Bureau to a better tone and a better administration of the affairs of the Indian Department. It is at best one of the most difficult of all the Departments of the Government, as those Senators who have had to do with making provision for them will not fail to testify. It must be governed by different rules from

those that apply to any other.

The Senator from Kansas wants to know why a board of commissioners should not take hold and aid other bureaus. There is no other bureau that requires the personal cognizance of individual men at once honest and devoted to their work in all parts of the country at a distance from the eye of accountability here at Washington and which I make, and which has caused me always to oppose this entire system, is that there is an indirect attempt to connect church and state together and place the Indian Bureau under the auspices, control, and direction of certain churches, the practical effect of which, in my judgment, is a premium upon hypocrisy and a discount upon honesty, because that class of men who are seeking to get rich in four years on \$1,500 a year by being appointed Indian agents will practice any sort of hypocrisy on earth to get into a church and then

of this board, but rather in pursuance of the plan indicated and developed by the work of this board. They have not done all that was hoped for by those who created the board. They have done a great deal, and they have kept a great deal of harm and scandal out of the Indian Bureau. Whatever good has come from recent investigations, which the Senator from Colorado has criticised, originated in the board itself; those investigations were prosecuted by members of the board and brought to a head by the indomitable perseverence of

the board and brought to a head by the indomitable perseverence of members of the board.

Mr. TELLER. "Member" you should say.

Mr. DAWES. Members of the board, resulting as they have; and whatever friction has within the past year sprung up between the board and the administration of Indian affairs has largely been removed by the perseverance and fidelity of the board itself. Now, here is a Secretary of the Interior charged with a multiplicity of complex and diversified duties, among which is this, enough for one man to devote his whole attention to. He is to be held responsible, and the Senator from Colorado says he desires to hold him personally responsible, without this aid for the administration of the Indian Department. But he has the whole Land Office likewise; he has the But he has the whole Land Office likewise; he has the whole of the Patent Office besides; he has a great variety of duties important and spread all over the country. He is Secretary of the whole Interior of this country, and he cannot be held responsible without being furnished with the necessary aids, and he appeals to Congress not to deprive him of this aid. Now, until there shall be some reorganization of the Indian Bureau and it be put upon a new basis, put upon a different basis, I, for one, am not disposed to strip it of all aid to carry out the law substantially in the method it has been doing for the last ten years. There has been less scandal among Indian agents the last ten years than in any previous ten years I have known of. There have been difficulties in the selection of Indian agents by the churches to which allusion has been made, but that has nothing to do with this board. This board does not recommend the Indian agents. They are appointed on the voluntary recommenda-tion of associations of churches of different denominations, independent of and disconnected with this board. This board is not to be held

ent of and disconnected with this board. This board is not to be held responsible for any mistakes that may have been made in that regard. This board has been faithful in the main; has contributed very largely to the economy and good character of the Indian service. That greater economy should exist there, that there should be less trouble and less friction, every one knows who has had anything to do with providing appropriations for the supply of the wants of the Indians; but as compared with years previous to the existence of this board, those who are familiar with Indian matters I think cannot fail to see that this board has contributed from year to year vastly more than the pitiful little sum of \$10,000 which it has cost.

Mr. ALLISON. I move that the five-minute rule be applied to the debate on this bill.

debate on this bill.

Mr. DAVIS, of West Virginia. I ask the Senator from Iowa if the Mr. DAVIS, of West Virginia.

Senate is not ready for a vote?

Mr. ALLISON. If the Senate is I shall withdraw the motion.

Mr. EDMUNDS. Is there any rule authorizing that?

Mr. ALLISON. I will not press the matter now.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. The Senator from Massachusetts seems to have strangely misunderstood me in reference to what I said about this commission. I did not intimate that I had any personal complaint against the commission. I did state that one member had charged another Senator and myself with being members of the ring. So little impression did that make on my mind that to-day I could not tell his name; I could not pick him out from this commission. I knew where he got his authority. I knew that when I criticised the Commissioner, the Commissioner said, "Pay no attention to these criticisms, because they come from men who are in the ring." I knew that was the whole trouble. I did not mean to intimate that the man was not honest, but I meant to say that the commissioners did not have the capacity to look into and to watch over and take care of these Indians, and nobody will who is not paid. It will take a man's whole time to watch the rascals who are connected with the Indian Bureau, and it will take several men to do it, from my observation.

We do not have in our part of the country any rings. There is not a man in Colorado who has a Government contract for Indian supplies; there are not any in the far West to speak of; the contracts are made with men in the city of New York and in the State of New Jersey principally. There is where they get up the little rings. I do not know but there may be some in Kansas, possibly some in Minnesota, and some in other Western States; but positively I do not believe there has been a man in Colorado for two or three years who has had a contract, or even bid for one. Men bid for these contracts in New York in such a way that a western man has no opportunity of bidding, no opportunity of putting in a proposition to furnish supplies. I have not any complaint on this score and I have not any complaint of a lack of economy in these commissioners; but I do say, the public say, now here are ten men who ought to know, and nobody pays any attention; we do not overlook the thing as we ought, because the board of Indian commissioners are supposed to do it. The Commissioner of Indian Affairs does not overlook it, and when you

complain the Commissioner says, "I am not to blame;" the Secretary of the Interior says, "I am not to blame;" the board of commissioners say, "We are not to blame;" and so nobody is to blame. Some man ought to be at the head of it; he ought to be responsible; and if he has not subordinates enough, he ought to have them. You cannot have a divided authority in a matter of this kind.

Mr. HARRIS. I move that the Senate now proceed to the consideration of executive business.

eration of executive business.

Mr. BECK. Let us have a vote on this one amendment.
Mr. HARRIS. If the Senate are ready to vote on this proposition J. withdraw the motion. Having reached the question of the administration of Indian affairs, so fruitful of rhetoric, I doubt whether we shall, after getting into this vortex, get out of it for the next twentyfour hours.

Mr. EDMUNDS. The true way is to stick.
Mr. HARRIS. I withdraw my motion at the instance of the com-

The PRESIDING OFFICER. The question is on the amendment, upon which the yeas and nays have been ordered.

Mr. EDMUNDS. I will not occupy two minutes of the time of the Senate, for I think we ought to finish this bill to-night. The duties of this board of Indian commissioners are-

To supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States, and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs.

And then comes perhaps the most important of all:

Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office.

My observation of their work in all this business in the last ten years has led me to know that the service they have performed has been of very large benefit to the country, to the Indian, to the Treasury, and to fair dealing; and why any Senators should object, as they do not put it on the ground of this little expense, to having the President of the United States appoint this number of people to watch and inquire and overhaul the accounts and make public anything that is wrong, I confess I do not understand. That is all I wish to say.

Mr. HAMLIN. I want to supplement by a single word what the Senator from Massachusetts and the Senator from Vermont have both of them said better than I could say it, and my brief remark shall be in relation to the general good that has resulted from the appointment of this commission. I shall do it in figures which have been furnished me from the Department I believe they are reliable.

They show that at the commencement of this commission there were

They show that at the commencement of this commission there were 8,646 dwelling-houses among the Indian tribes; to-day there are 23,-060. Of pupils in schools there were then 5,810; of pupils in school to-day, 12,222; acres of land in cultivation, 79,076 in 1868; 373,018 in 1878; corn raised, in bushels, in 1868, 520,079; in 1878, 3,633,943; sheep in 1868, 7,953; in 1878, 594,574; showing the material progress and prosperity of the Indian tribes and their advancement in the arts of civilization. Nothing can be clearer.

It is my good fortune to know some of the gentlemen who compose this commission, and if any word which I could add here as to their high character would be worth anything. I would be glad to add it.

high character would be worth anything, I would be glad to add it. I will say that I know them to be men of the very highest character.

I can see great good that has resulted from their administration. I hope it will be continued.

Mr. MORGAN. Mr. President, I have not very much information about the benefits that have been conferred on the Government of the United States through the agency of this commission. Experienced Senators here say that very large benefits have been realized. The Senator from Vermont says there is no objection to their continuance. I think there are very serious objections to their being

continuade. I think there are very serious objections to the continued in office.

In the first place there is no more reason for appointing a board of commissioners to investigate the expenditures of the officers of this Government in the Department of the Interior than there is in any other Department of the United States Government. The responsibility of this office ought to rest upon its head, and ought to rest also upon Congress and upon the President to furnish to him proper assistants in the conduct of his public duties. Now, the board of commissioners have certain duties specified in the statute, very few in number and very unimportant, so far as I can understand the statute, in their influence upon a faithful and proper administration of Indian affairs. Section 2041 provides that-

The board of commissioners mentioned in section 2039 shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States.

That is one duty which they cannot perform. They do not and cannot in the nature of things supervise the expenditure of the moneys appropriated for Indians within the limits of the United States. If they have the real supervision of these expenditures, then they are put in the place and stead of the Indian Department as to that one of their official duties, and the statute in itself is to be construed in reference to the entire duties of the Interior Department in connection with Indian affairs.

The Senator from Kansas explained this matter. He stated to the Senate, and in a way I suppose that is entirely authentic, that this board of Indian commissioners had its origin in an experiment. When two

millions of money or thereabout were appropriated by the Congress of the United States to be expended under the supervision of the of the United States to be expended under the supervision of the President, this board of ten gentlemen was to be selected by him for the purpose of assisting him in the performance of that duty. It was the inauguration of a new policy, which policy I understand to have been abandoned, because since that time, instead of appropriating money in that way to be used by the President of the United States, we make specific appropriations to carry into effect the treaty obligations that we are under to these Indians.

These commissioners are to-

Inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

It is an obvious fact that there is no such personal inspection by these gentlemen of the goods that are purchased. If there is a personal inspection, then it is equally true that they have not discharged their duty in some parts of the Indian country, because some commit-tees with which I have had connection have had occasion to know that the goods that have been furnished by the United States Government are many of them exceedingly inferior, almost entirely unfit for use, and carried out and distributed among the Indians in such paruse, and carried out and distributed among the Indians in such parcels that sometimes an Indian will get only a yard of calico for the clothing of his family. Testimony of that kind has been in the hands of the committees of the Senate. If these commissioners have been inspecting the distribution of goods among the Indians, they surely have rendered very little service in some parts of this country.

The next and most important part of this statute, as the Senator

from Vermont thinks, is this:

Any member of the board of Indian commissioners is empowered to investigate all contracts expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office.

If the Interior Department really needs the assistance of ten men for the purpose of supervising the thieves that may be in it, and cannot protect itself against their robberies, it is a very lamentable condition of public affairs, and I cannot see why it is not equally necessary to provide such a committee for the superintendence and investigation of all contracts and all expenditures by every department of the United States Government.

That is a false principle in government. It throws the responsi-bility of investigation and expenditure upon ten men who are selected, as we are informed, not with reference to their peculiar knowledge of Indian affairs or Indian people, but who are selected from the eastern country, from the large cities, and from those places where the merchants have a very much greater interest in Indian affairs than any

one else perhaps.

It seems to me that if this commission is to be continued there should be some better distribution of the material of that body of investigators and inspectors. Some of the men who live beyond the Westigators and inspectors. Some of the men who live beyond the Mississippi River, who live out in contact with the Indians, for there are honest men there just as well as there are in other parts of the United States, and intelligent men, too—some of these men enght to be selected with a view of having the opportunity to make these investigations and these inspections on the ground.

But, Mr. President, we are not doing the Interior Department very full gradit. I think for its own obliders and for its contact and its co

full credit, I think, for its own ability, and for its own integrity, and for its own powers of examination into the procedure of its own agents when we undertake to put ten overseers over that Department with a view to look into the accounts, books, and papers of that Department and see what the expenditures are, and that they are honestly made. It may be true that this is necessary. I hope the time will come in this Government when it will be no longer true. I hope that some party will get into power in the United States that can trust the Secretary of the Interior without putting ten overseers there to supervise his officers. It may be, the Senator from Vermont says that it is, necessary to have these men there to make this inspection, but if it be so, it is simply because of the corruption of the power that has exercised its authority over that Department. That is the only excuse that can be made for it. But it surely does not take ten men to keep

one honest man in power, when his oath to discharge his duty under the Constitution should bind him sufficiently.

Mr. EDMUNDS. Mr. President, the reason why I thought they were very useful on the point I have named, was the circumstance that a few years ago having something to do about the matter in some way—I have forgotten how—I had occasion to make a special inquiry and examination into the way they conducted their business, and I found that their method and mission, which had resulted in detecting certain false vouchers in accounts, was to take the vouchers the trial that that the method and mission, which had resulted in detecting certain false vouchers in accounts, was to take the vouchers when they came in from the contractors for payment, and inspect them and compare them with the books of the Indian agencies, so as to know by a system of checks and counter-checks whether the vouchers

know by a system of checks and counter-checks whether the vouchers were absolutely true and correct. In a good many instances it was found that they were not; and they were enabled not only, as I said before, to do good to the Indian but to do good to the Treasury and the good order of the Government of the United States.

It does not follow from this power that they are superior to the Secretary of the Interior. They only have special duties in aid of his general duties of supervision; that is all; and it has happened among a lot of clerks in a Department in old times—of course it is not so now—but it has happened just as they say it has been sometimes in the Post-Office, that by having constant communication with a partic-

ular clerk whose business it is to overlook a particular set of accounts, contractors or others, get him into a state of bias, get him blinded and hoodwinked, so that he does not see for one reason or another what an independent man, intelligent like these men, comes in and is able to see. It operates extremely well according to my observation, as I say, and I have had special occasion to look at it.

I ought to have said before that I should be in favor of the striking
out part of this amendment on the ground that the clause in the bill

undertakes to make a radical change in existing laws in a bill appropriating money, which I am always opposed to. Now then, I move to amend the amendment, in order to make it correct—it is a mere clerical mistake, no doubt—by striking out in line 1177 the word "the," and in lines 1178 and 1179 all the words down to and includ-"the," and in lines 1178 and 1179 all the words to strike out these words: ing "1869;" in other words, to strike out these words:

The fourth section of the act of April 10, 1869.

And to insert-

Section 2039 of the Revised Statutes of the United States.

The reference in the amendment goes back to the old act, while it should apply to the appointing section of the Revised Statutes.

Mr. BECK. Would it not be well to say "sections 2039 to 2042?"

Mr. EDMUNDS. But Senators will see the inserting amendment is—

Expenses of Indian commissioners:

For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

The only provision now in force that provides for the appointment is section 2039 alone. This has nothing to do with their duties; it merely describes the commission.

Mr. BECK. That is right. The committee agree to that amend-

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended, upon which the yeas and nays have been

The Secretary proceeded to call the roll.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Alabama, [Mr. PRYOR.] If he were here, I should vote "yea" and he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 37, nays 21; as follows:

CONTRACTOR OF	YE.	AS-37.	
Allison, Anthony, Baldwin, Bayard, Beck, Blair, Booth, Burnside, Call, Cameron of Pa.,	Cameron of Wis., Conkling, Davis of Ill., Davis of W. Va., Dawes, Eaton, Edmunds, Ferry, Hamlin, Harris,	Hereford, Hill of Colorado, Hoar, Johnston, Kellogg, Kernan, Kirkwood, Logan, McMillan, McPherson,	Morrill, Pendleton, Platt, Randolph, Rollins, Windom, Withers.
artametamanni le	NA.	YS-21.	
Bailey, Butler, Cockrell, Coke, Farley, Garland,	Hampton, Hill of Georgia, Ingalls, Jonas, Jones of Nevada, McDonald,	Maxey, Morgan, Plumb, Saunders, Slater, Teller,	Vance, Vest, Voorhees.
GIROCOUP & TYOU	ABSI	INT-18.	
Blaine, Bruce, Carpenter, Gordon, Groome,	Grover, Jones of Florida, Lamar, Paddock, Pryor,	Ransom, Saulsbury, Sharon, Thurman, Walker,	Wallace, Whyte, Williams,

So the amendment as amended was agreed to.

So the amendment as amended was agreed to.

Mr. ALLISON. On page 42, line 1010, I desire to amend by striking out the word "including" where it occurs and at the end of the line inserting "and of Indian chiefs;" and then by striking out "six" and inserting "thirteen." I do this for the purpose of increasing the appropriation \$7,000. I find in the debate in the House on this question that the Delegate from Montana [Mr. Maginnis] offered an amendment in substance like this and stated that there was a dispute between the Government of the United States and these Indians with reference to the time when the treaty expired, and he stated in the debate, as he has also stated to me, that the Indians understand that

the treaty has still a year or two to run.

I desire to make this amendment in order that the committee may more fully examine into it, and if it is not improper that they shall adopt it. From such an examination of the treaty as I have been able to make I am satisfied this amendment ought to be agreed to.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Iowa.

of the Senator from Iowa.

The amendment was agreed to.

Mr. SAUNDERS. I wish to offer an amendment, on page 36, line 874, after the word "River," to insert "Oakdale," simply to name another point from which the goods may be transported to the Sioux Indians. It is the terminus of a railroad, which is probably the nearest point to their reservation.

Mr. ALLISON. Let us see how it will read then.

The Secretary. The clause if amended as proposed will read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, including the cost of transporting supplies for the Red Cloud and Spotted Tail Sioux Indians from the Missouri River, Oakdale, and Sidney, Nebraska, or Cheyenne, Wyoming, \$1,000,000.

Mr. SAUNDERS. It simply adds another point from which they can ship the goods. It is on the direct line. It is the terminus now of the Sioux City and Pacific Railroad, or rather of a branch of that line. The object is to get the goods as near the Indians as possible, so as to make the transportation as cheap as possible.

The amendment was agreed to.

Mr. PLUMB. I move to amend the amendment of the committee, on page 54, section 5, by inserting, after line 16:

And the President may make a permanent agreement with the Miamies, of Kansas, whereby the appropriation for blacksmith and assistant and for miller for said tribe, provided for by treaties of June 5, 1854, and October 23, 1834, may be paid to members of said tribe direct in such manner as the said agreement may provide.

Mr. BECK. After a casual examination of the amendment suggested by the Senator from Kansas it has occurred to me that it is, perhaps, a good amendment, at least to be conferred about. I do not see how it can do any harm; but I am not sure about it.

Mr. EDMUNDS. It is legislation.

Mr. BECK. I think it is legislation.

Mr. EDMUNDS. It is legislation on an appropriation bill, and

that I am opposed to.

Mr. PLUMB. The amendment to which it is an amendment is in the same direction. It only enlarges the power of the President with reference to that which precedes it in the amendment of the committee, and so I think it is not out of order. But I desire to make a statement of fact which I think will dispose of any objection which

statement of fact which I think will dispose of any objection which may be made by the Senator from Kentucky or by any other Senator. On page 20 of this bill there are three items of appropriation for the Miamies, of Kansas. Two of these are appropriations for blacksmith and assistant and one for a miller. The first appropriation is \$411.43 and the second appropriation is \$262.62. I have been informed by members of that tribe, who until within a short time have been in the city, that for twenty years that tribe have not had either a blacksmith or an assistant or a miller provided for under this treaty. In one way or another, by indirection, the money has been paid to the smith or an assistant or a miller provided for under this treaty. In one way or another, by indirection, the money has been paid to the tribe. This bill now provides that the President may pay to the tribe on their petition this money, but only the money provided for by this appropriation. There are about seventy members of the tribe, some thirteen or fourteen families. They are intelligent people, calculated to take care of themselves, and they desire to have this money paid to them. They were here for the purpose of trying to adjust their relations with the Government in such a way that they should not have to come here every year or be postponed in regard to the payments that were coming to them, and that they should not get them in small sums as they have heretofore done, which has a tendency to continue their dependence on the Government in place of giving them the opportunity they so much desire and have so long asked for, of the opportunity they so much desire and have so long asked for, of becoming self-supporting, of taking their money and using it for the

purpose of buying stock and other purposes of this kind.

We give the President power by the amendment of the committee to do this for this year. I know that the employé of the Interior Department who sits by the side of the Senator from Kentucky, and on whom he relies justly for much information in regard to the details of this bill and the dealings of the Government with the Indians, will bear me out when I say that the process which has to be gone through to enable the Indians to obtain this money, this very small amount, is not only expensive but it is offensive-offensive to the Indians themselves, who are as well able to take care of this money as any other Indians that get their money direct from the Government. To avoid this machinery and the loss and trouble of the Indians, and to avoid the practical throwing away of the money by the process which is now obliged to be gone through with in order to enable them to get it, I desire that the President may make once for all an arrangement with these Indians, which he might as well be all an arrangement with these Indians, which he might as well be authorized to make for all time as for one year, in order that this thing may be entirely settled—that the Indians and the President may come to an agreement whereby the President may in his discretion pay this money to them every year hereafter as long as the Government is under obligation to pay it to them at all.

Mr. EDMUNDS. I make the point of order that the proposed amendment is general legislation upon an appropriation bill, but I do it sorrowfully, because I do not know but that the proposition is right; still I intend to stick to this business as far as I am concerned.

right; still I intend to stick to this business as far as I am concerned of keeping the appropriation bills free. The Indian Committee can report a bill to-morrow if they want to, to accomplish this very pur-

The PRESIDING OFFICER. The Chair sustains the point of order. Mr. PLUMB. I do not propose to discuss the point of order; but certainly it is not out of order unless the amendment of the committee also is out of order. It is only in the same line as the amendment already reported by the committee. It is something which they regarded as essential to make effective the bill which had been referred to them, and this certainly is no more objectionable than their own provision. This is a comparatively trivial matter and will never be made, probably, the subject of a substantive bill at all. It will be passed in some such way as this, or not at all. This only illustrates

how completely routine governs in these matters. For twenty years these people have not had a miller or a blacksmith as provided for in the treaties, and yet year by year the appropriations are made in that way; and in order to enable the Indians to get the money at all they have had to get it by indirection. They have had no miller and no blacksmith in point of fact.

Mr. TELLER. I want to offer an amendment on page 47.

Mr. PLUMB. Has the Chair ruled on my amendment?

The PRESIDING OFFICER. The Chair sustained the point of order.

Mr. PLUMB. I did not understand the Chair as deciding it or I would not have addressed the Chair after the decision.

Mr. TELLER. I want to offer an amendment that I know will be

objectionable if the Senator who has the bill in charge objects, but I trust he will not. I suppose there will be a committee of conference over this bill, and if he finds this is not proper the committee can leave it out. I ask to insert after the word "dollars," in line 1152:

For the purchase of stock for the Uintah band of Ute Indians now on the Uintah reservation, the sum of \$1,000, or so much thereof as the Secretary of the Interior may see fit to expend for that purpose.

And before the Senator from Kentucky objects I want to say why I offer this. The Ute Indians we have been in the habit of appropriating for. Last year and the year before we gave that band of Indians \$12,000; we gave years before much more than that; in 1875 we gave them \$20,000. Last year they had a bad season, their crops partially or quite largely failed. Owing to the troubles in Colorado there was some anxiety about the conduct of this band of Indians; but they remained peaceable and quiet, behaving themselves and but they remained peaceable and quiet, behaving themselves and staying on the reservation; and it seems to me unwise now to cut down the amount that we give them. The agent asks the Govern-ment to give them some stock-cattle. That is the best way to expend the money, and I believe if the committee had had their attention called to it they would have adopted the suggestion.

Mr. BECK. I shall be obliged to make the point of order against

the amendment.

Mr. TELLER. I understand it is amenable to a point of order if the Senator makes it.

Mr. BECK. My instructions are from the committee to make the

The PRESIDING OFFICER. Is the amendment withdrawn?

Mr. TELLER. I do not offer it if the point of order is to be pressed.

Mr. PLUMB. I desire to inquire if the amendment of the committee in line 4, section 3, on page 52, limiting the advertising for supplies to three weeks has been adopted?

Mr. BECK. Yes, sir.

Mr. PLUMB. I move to amend by striking out "three" and inserting "four," and I do that for this reason: a large portion of these supplies are bound to come from remote points in the country, points that cannot be reached by mail in less than one week from this place, and frequently there may be a detention which is very likely to happen that will cause at least two weeks to be required.

It will not be possible for the people in Montana and Idaho, and even in some portions of Colorado and Kansas, to send their bids in even in some portions of Colorado and Kansas, to send their bids in this limited time to any point at which bids are to be opened and the contracts awarded, after having to obtain first from the Department the blank forms for bidding and the specifiations necessary in order to enable persons to bid intelligently. They cannot be sure of doing this and making even a quick connection without any room for get-ting information or anything of that sort. They cannot get around invide of three weeks in many places. The time engit to be at least inside of three weeks in many places. The time ought to be at least four weeks. I think perhaps six weeks as provided in the bill from the House was too long, or longer than was necessary at all events, but four weeks is the very least time that ought to be allowed. My motion is to strike out "three" and insert "four."

Mr. BECK. When this part of the bill was reached before, I sent to the Reporter for insertion in the RECORD a letter from the Department which was not read. I have now sent for it, and it is here. The Secretary of the Interior says that if he is compelled to advertise for four weeks or more he will not be able to get his arrangements made to have his supplies before the fiscal year expires, and that whenever he does have any advertisements to make he telegraphs them at once to all parts of the country, and he believes now at this season of the year it is indispensable to give him the discretion and not compel him to put advertisements in for longer than three weeks. He expresses to us in the letter his very careful determination to see to it that there is absolute justice done and that the telegraph shall carry information to all these people at once, and so they will have ample time to make their bids. The letter is very full, and it would

take some time to read it.

Mr. PLUMB. The specifications that accompany these bids cover two or three printed foolscap pages frequently. They are for every article that enters into the subsistence or use of the Indians at the different agencies. It would cost thousands of dollars, perhaps hundreds of thousands of dollars, to telegraph them to all persons who might apply for them. They ought to be printed. The bids are required to be in precise conformity to the specifications furnished by the Department. The Department prints blanks containing the speci-fications and forms for bidding and instructions for bidders, stating upon what banks the certified checks have to be drawn, and so on. All these things require careful consideration; and it takes a person

with a considerable degree of intelligence and knowledge of the thing to make an intelligent bid even then after he has the facts before him, and sometimes bids are thrown out for informality even then. To attempt to supply them by telegraph would be wholly impossible. Many persons live beyond the reach of the telegraph, and the very moment it is known that these advertisements are out people send to the Department for the specifications and blanks in order that they

The argument is, of-course, that there is not time enough; but this goes now to the question as to whether there shall be actual competition by persons who have these articles to furnish, or whether they shall be bid off at auction, so to speak, in New York City, without an opportunity for the people who are to furnish the supplies practically to bid for them.

Mr. ALLISON. While much of what the Senator from Kansas says is true, it is also true that the supplies which are to be delivered to all the agencies in the northwestern portion of our country must reach the Missouri River as early as the 1st of August, or else they must be subjected to heavy cost of transportation in other directions, because it will not be convenient for boats to carry the supplies up the Missouri River much after the 1st of August. It is for that reason that uniformly in the Army bill we have provided that that portion of the appropriation required to furnish supplies for the Army in that line shall be available immediately.

Mr. EDMUNDS. Is that provision made as to this bill?

Mr. PLUMB. That provision is made as to this, I think.

Mr. ALLISON. Undoubtedly; but if the advertisement is required to be six weeks or four weeks it may reach beyond the time when these supplies can be sent up there. Of course I shall be glad and the committee would be glad, as I have no doubt the Secretary would be, to allow four weeks, if that can be safely done, considering the advanced time of the season.

Mr. BECK. I believe I had better read this letter. I can read it in three minutes. It tells all about the case.

DEPARTMENT OF THE INTERIOR. is true, it is also true that the supplies which are to be delivered to

DEPARTMENT OF THE INTERIOR, Washington, April 26, 1880.

Department of the Interest.

Sir: In compliance with your request for information in regard to the system of this Department in the matter of the annual purchase of supplies, goods, &c., for the use of the Indian service, I have the honor to state that, under the provisions of section 3709 of the Revised Statutes, it has been customary to publish advertisements, inviting proposals to furnish the various articles required, for a period of about four weeks, in some instances for a longer time, and in a few cases for a shorter period; in the latter, however, only when Congress has not taken early action upon the Indian appropriation bill, and, consequently, when the lateness of the season demanded early and prompt shipment of goods in order that the same might arrive at their destination before supplies then on hand had become exhausted, or navigation and wagon transportation to remote and mountainous regions impracticable.

These advertisements are published in the most prominent daily and weekly journals of the country, covering Arizona, New Mexico, Texas, Colorado, Montana, Utah, Wyoming, Kanasas, Missouri, Indian Territory, Dakota, Iowa, and Minnesota, and the principal cities east of the great rivers. The advertisements for publication in journals at remote points, as Arizona, Montana, Texas, and New Mexico, have been telegraphed, so that in effect those journals disseminated the news at as early a date as those in Saint Louis, Kanasa City, Chicago, Sioux City, and Saint Paul. Besides, blanks for use of bidders have been simultaneously mailed to the publishers of such journals for distribution, to which fact attention is always directed in the advertisement.

At the last annual letting of contracts all of the bidders for flour, twenty-two in number, were western men; of those for beef, thirty-three, only one was an eastern dealer; for lucon, twelve bidders, all western. These bidders represent all sections of the West, thus showing that the system of advertising adopted by the Department reaches the most remo

C. SCHURZ, Secretary.

Hon. JAMES B. BECK, United States Senate.

That is the whole case.

That is the whole case.

The PRESIDING OFFICER. In the opinion of the Chair this amendment is not in order. The Senator from Kansas can accomplish his object by moving to amend the amendment of the committee when the bill shall have been reported to the Senate. He can then move to strike out "three" and insert "four."

Mr. PLUMB. The understanding was that when the committee's amendments were through there was to be a chance to go back and offer amendments.

offer amendments.

Mr. BECK. I said that should be done; I do not know in what form, but I agreed to that.

Mr. EDMUNDS. It can be done in the Senate.
The PRESIDING OFFICER. It is not in order now.
Mr. EDMUNDS. When the bill is reported to the Senate it will be

The PRESIDING OFFICER. It can be reached by a motion to re-consider now or by moving to amend the amendment in the Senate. Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, April 28, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MRS. MARY ALLISON.

Mr. TAYLOR. I ask unanimous consent to take from the Speaker's table Senate bill No. 1143, granting a pension to Mrs. Mary Allison, the widow of a soldier of the war of 1812, and ask for its present consideration.

The SPEAKER pro tempore. The bill will be read, after which the Chair will ask for objection to its present consideration.

The bill was read, as follows:

Be it enacted, de., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Allison, widow of Robert Allison, a soldier of the war of 1812.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and,

being read a third time, was passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RICHMOND. I demand the regular order.

Mr. RICHMOND. I demand the regular order.
Mr. SAPP. I ask unanimous consent that the Committee of the
Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1064) to grant to the corporate authorities of Council Bluffs, Iowa, for public uses a certain lake or bayou
situated near said city, and that in accordance with the recommendation of the Committee on the Public Lands the same be taken up for present consideration.

The SPEAKER pro tempore. The regular order being demanded, the Chair has no option but to recognize that demand. The regular

order is the morning hour.

Mr. CARLISLE. I move to dispense with the morning hour to-day, and will state that my purpose is to move, if that motion is agreed to, that the House resolve itself into the Committee of the Whole on the state of the Union to consider the bill (H. R. No. 4812) to amend the internal-revenue laws.

The House divided; and there were—ayes 72, noes 43. So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

CALL OF COMMITTEES FOR REPORTS.

The SPEAKER pro tempore. The morning hour begins at twenty minutes past twelve o'clock, the business of the morning hour being the call of committees for reports. The call rests with the Committee on the Judiciary.

SECTION 915 REVISED STATUTES.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for House bill No. 5022, a bill (H. R. No. 5997) to amend section 915 of the Revised Statutes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE ON BORDEN FLATS.

Mr. RUSSELL, of Massachusetts, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 5134) for the erection of a light-house on Borden Flats, Mount Hope Bay, Massachusetts; and the same was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RUSSELL, of Massachusetts, from the same committee, reported back, with adverse recommendations, the following bills; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1386) to provide for the construction of a lighthouse on Widow's Island, at the eastern entrance of Fox Island Thoroughfare, on the coast of Maine; and

The bill (H. R. No. 1385) to provide for the construction of a lighthouse on Two-Bush Island, near Muscle Ridge Plantation, on the coast of Maine.

JURISDICTION OF LIGHT-HOUSE BOARD.

Mr. BEALE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4714) amending an act approved June 23, 1874, extending the jurisdiction of the Light-House Board; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS PAMUNKEY AND MATTAPONI RIVERS.

Mr. BEALE also, from the same committee, reported, as a substitute for the bill H. R. No. 5251, a bill (H. R. No. 5998) to authorize the Richmond and Southwestern Railway Company to build bridges across the Pamunkey and Mattaponi Rivers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IRONDUQUOIT BAY.

Mr. TOWNSEND, of Ohio, from the same committee, reported back, with amendments, the bill (H. R. No. 4262) to remove the obstructions from the channel leading from Lake Ontario into Ironduquoit Bay; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARENTON CANAL, LOUISIANA.

Mr. ACKLEN, from the same committee, reported back the bill (H. R. No. 1920) making an appropriation for the completion of the Charenton Canal, in the parish of Saint Mary, State of Louisiana, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Railways and Canals.

The motion was agreed to.

RECIPROCITY WITH BRITISH PROVINCES.

Mr. COX. I am instructed by the Committee on Foreign Affairs to report back, with amendments, the joint resolution (H R. No. 149) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces. This is the joint resolution originally introduced by the gentleman from Massachusetts, [Mr. Morse.] I move that the joint resolution and amendments, with the accompanying report, be printed and referred to the House Calendar.

The motion was agreed to.

The motion was agreed to.

Mr. COX. I also ask that the minority be permitted to present their views, and that the same be printed along with the majority report.

There was no objection.

THE FISHERIES.

Mr. RICE. I am instructed by the Committee on Foreign Affairs to present a report in writing on the resolutions of the Legislatures of Maine and Massachusetts relating to the fisheries, accompanied by a resolution, the adoption of which is recommended by the com-

The resolution in relation to the fisheries, with the accompanying report, were referred to the Committee on Foreign Affairs, and the report ordered to be printed.

HERMANN BIGGS.

Mr. BRAGG, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5453) for the relief of Hermann Biggs; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. ATWELL.

Mr. BRAGG also, from the same committee, reported a bill (H. R. No. 5999) authorizing the muster of William P. Atwell as captain of volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR HORSES AND EQUIPMENTS.

Mr. DIBRELL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1213) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BATTLE OF KING'S MOUNTAIN.

Mr. DIBRELL also, from the same committee, reported a joint resolution (H. R. No. 294) appropriating \$5,000 in aid of the centennial celebration of the battle of King's Mountain; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed. printed.

SOMERVILLE NICHOLSON.

Mr. DAVIDSON, from the Committee on Naval Affairs, reported back, with amendments, the bill (H. R. No. 3962) for the relief of Somerville Nicholson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. V. DOVILLIERS.

Mr. DAVIDSON also, from the same committee, reported back, with an adverse recommendation, the petition of L. V. Dovilliers; and the same was laid on the table, and the accompanying report ordered to be printed.

MARINE HOSPITAL AT NEW ORLEANS.

Mr. WHITTHORNE, from the same committee, reported back the bill (H. R. No. 5280) to establish a marine hospital at or near New Orleans, and for other purposes, and moved that the committee be discharged from the further consideration of the same, and that the bill be referred to the Committee on Commerce.

The motion was agreed to.

ADVERSE REPORTS.

Mr. WHITTHORNE also, from the same committee, reported back, with adverse recommendations, the following bill and petition; and the same were laid on the table, and the accompanying reports ordered

The bill (H. R. No. 3818) providing a monthly allowance to the disabled and decrepit seamen and marines in the United States naval

asylums; and
The petition of John A. Barclay and others.

COMMODORE DONALD M'NEILL FAIRFAX.

Mr. WHITTHORNE also, from the Committee on Naval Affairs reported back, with a favorable recommendation, the bill (H. R. No 5336) for the relief of Commodore Donald McNeill Fairfax, United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID 8. BOOTH.

Mr. BREWER, from the same committee, reported, as a substitute for House bill No. 3995, a bill (H. R. No. 6000) for the relief of David S. Booth, M. D., of Sparta, Randolph County, Illinois; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

COTTON CORDAGE FOR THE NAVY.

Mr. ELAM, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. SINGLETON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 4048) to designate, classify, and fix the salaries of persons in the railway mail service; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JURORS AND WITNESSES IN TERRITORIES.

Mr. HUMPHREY. I am directed by the Committee on Territories to report, with amendments, the bill (H. R. No. 5031) to amend the law relative to jurors and witnesses in Territories. I ask consent that the bill may be considered at this time.

Mr. MILLS. I object.

Mr. HUMPHREY. I wish to state the reason for it. It is simply

this

The SPEAKER pro tempore. Objection is made to the consideration of the bill at this time.

Mr. HUMPHREY. It is a very important measure.

The SPEAKER pro tempore. Debate is not in order.

The bill was referred to the House Calendar, and the accompany-

ing report ordered to be printed.

CHARLESTON NECK SHIP-CANAL.

Mr. CABELL, from the Committee on Railways and Canals, reported, as a substitute for House bill No. 4483, a bill (H. R. No. 6001) to authorize the Secretary of War to cause a survey to be made of a ship-canal across Charleston Neck, connecting the waters of Ashley and Cooper Rivers, which empty into Charleston Harbor; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

STATUARY UPON SUB-TREASURY BUILDING, NEW YORK.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back, with a favorable recommendation, the bill (H. R. No. 4989) granting permission for the erection of certain statuary upon the buttresses in front of the sub-treasury building in the city of New York; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

STATUES ON PUBLIC GROUNDS IN WASHINGTON.

Mr. COOK, from the same committee, reported back the bill (H. R. No. 5886) to erect statues of the great statesmen of the United States on the public squares and grounds in the city of Washington and making appropriations therefor, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Library.

The motion was agreed to.

MONUMENT TO COMMEMORATE THE BIRTHPLACE OF WASHINGTON.

Mr. COOK, from the same committee, reported back a petition relating to a monument to commemorate the birthplace of Washington, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Library.
The motion was agreed to.

MONUMENT TO REAR-ADMIRAL DU PONT.

Mr. McKENZIE. I am directed by the Committee on Public Buildmr. MCKENZIE. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (S. No. 841) making an appropriation for the base and pedestal of the monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, and to ask consent for its present consideration.

Mr. CONGER. I object.

The bill was referred to the Committee of the Whole on the state of the United States and with the accompanying report ordered to be printed.

the Union, and, with the accompanying report, ordered to be printed. PUBLIC BUILDINGS.

Mr. JORGENSEN, from the Committee on Public Buildings and Grounds, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered

to be printed:

*A bill (H. R. No. 6002) as a substitute for House bill No. 4366, providing for the erection of a building at Jefferson City, Missouri, for the use and accommodation of United States courts and Govern-

ment offices; and

A bill (H. R. No. 6003) as a substitute for House bill No. 2987, ap-

A bill (H. R. No. 2003) as a substitute for House bill No. 2987, appropriating money for the purchase of a site and erection of a building for the post-office and other Government offices in the city of Sacramento, State of California.

Mr. MURCH, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accommension reports ordered to be writted.

Committee of the whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6004) as a substitute for House bill No. 451, to provide for the erection of a public building at Oxford, Mississippi, for use as a post-office, United States court, and for United States internal-revenue officials and for other Government purposes;

A bill (H. R. No. 6005) as a substitute for House bill No. 1041, to provide for the purchase or construction of a suitable building for a

A bill (H. R. No. 6006) for a public building at Dallas, Texas, as a substitute for House bill No. 1046, to provide for the construction of suitable buildings for court-houses and post-offices in Dallas and Graham, Texas.

Mr. McKENZIE, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the ac-

companying reports, ordered to be printed:

A bill (H. R. No. 6007) as a substitute for House bill No. 413, to provide for the erection of a public building in the city of Augusta, Georgia, for United States court-house and post-office and internal-

A bill (H. R. No. 6008) as a substitute for House bill No. 3741, making appropriations for the erection of a building to be used as a post-office and United States court-room at Greenville, South Carolina; and

A bill (H. R. No. 6009) as a substitute for House bill No. 2691, to provide for a building for the use of the Federal courts, post-offic e, customs, internal-revenue, land, and other civil offices in the city of Marquette, Michigan.

Mr. JORGENSEN, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the

the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6010) as a substitute for House bill No. 1017, to provide for the construction of a public building in the city of Key West, in the State of Florida;

A bill (H. R. No. 6011) as a substitute for House bill No. 4218, providing for the purchase of a site and erecting thereon a post-office and revenue office in the city of Lancaster, Pennsylvania; and

A bill (H. R. No. 6012) as a substitute for House bill No. 3492, to provide for the erection of a public building at Syracuse, New York, for the use of United States courts and accommodation of internal-revenue officials, and for other Government purposes. revenue officials, and for other Government purpose

Mr. MURCH, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole House on the state of the Union, and,

with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6013) as a substitute for House bill No. 1183, to provide for the purchase of a site and for the erection of a public building for the use of the United States district and circuit courts,

post-office, and other Government offices at Leavenworth, Kansas;
A bill (H. R. No. 6014) as a substitute for House bill No. 1719, to
provide for a suitable building for the United States courts, postoffice, and internal-revenue officers in the city of Tyler, State of Texas;
A bill (H. R. No. 6015)

A bill (H. R. No. 6015) as a substitute for House bill No. 2966, to provide for a building for United States custom-house and internal-revenue officers at Galveston, Texas;

A bill (H. R. No. 6016) as a substitute for House bill No. 3459, to erect a post-office building at San Francisco, California; and A bill (H. R. No. 6017) as a substitute for House bill No. 4338, to provide for the erection of a public building in the city of Frankfort, in the State of Kentucky.

EXPENSES OF COMMITTEE ON MISSISSIPPI LEVEES.

Mr. DUNN. I ask unanimous consent to report from the Committee on Levees and Improvements of the Mississippi River a resolution for adoption now. The resolution is merely formal in its character; and the objection made yesterday to its adoption has been withdrawn.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That, in order to defray the expenses of the sub-committee of the Committee on Levees and Improvements of the Mississippi River in the investigation ordered by resolution of the House on December 18, 1879, the Clerk of the House be, and he is hereby, directed to pay to the Sergeant at-Arms of the House, out of the contingent fund of the House, the sum of \$3,000, whose receipt shall be a good and sufficient voucher to the Clerk in the settlements of his accounts. The aforesaid sum of money, or so much thereof as may be necessary, shall be disbursed on vouchers approved by the chairman of said sub-committee; and the Sergeant-at-Arms shall make report to this House, in detail, of the manner in which said sum has been expended, accompanied by vouchers, which report, when examined and approved by the Committee on Accounts, shall be deemed a sufficient settlement of his accountability therefor; and any unexpended balance in his hands shall be paid by him into the Treasury, to the credit of the fund from which it is paid.

There he increases

There being no objection, the resolution was considered and adopted. Mr. DUNN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

HERMAN J. SCHULTIES.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 2722) granting a pension to Herman J. Schulties; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. COVERT (for Mr. SAMFORD) reported back favorably from the Committee on Claims the bill (H. R. No. 5508) for the relief of Mrs. Ann P. Derrick; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY O'CONNOR.

Mr. DICKEY, from the same committee, reported back favorably the bill (H. R. No. 4669) for the relief of Mary O'Connor; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN BABB AND OTHERS.

Mr. DAVIDSON, from the same committee, to which was referred the petition of Benjamin Babb and others, reported a bill (H. R. No. 6018) for the relief of Benjamin Babb and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN B. HUBBARD AND JOSEPH BROWN.

Mr. LINDSEY, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with

accompanying reports, ordered to be printed:

A bill (H. R. No. 6019) for the relief of Ann B. Hubbard, administratrix; and

A bill (H. R. No. 6020) for the relief of Joseph Brown, postmaster of New Castle, Maine.

THOMAS M'BRIDE.

Mr. MULDROW, from the Committee on Private Land Claims, reported a bill (H. R. No. 6021) to perpetuate until a hearing is had the suit of Thomas McBride in the Supreme Court; which was read a first and second time

Mr. MULDROW. I ask unanimous consent that this bill be now

considered.

Mr. DUNNELL. I object.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed. CHARLES DEMARS.

Mr. SMITH, of Pennsylvania, from the Committee on Accounts, reported a joint resolution (H. R. No. 295) granting one month's extra pay to Charles Demars, a disabled soldier; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back, with amendments, the bill (H. R. No. 5599) to equalize bounties of soldiers of the war of the rebellion; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be

Mr. DIBRELL. I reserve all points of order on this bill. The SPEAKER pro tempore. The gentleman has that right.

Mr. McMILLIN. As a member of the committee reporting this bill, I ask leave to submit hereafter a minority report. As a reason for asking this indulgence, I will state that although I made application some days ago for some statistical information necessary to a compression hensive view of this question, I have been unable to get it until this

morning.

The SPEAKER pro tempore. It will be understood that the right to file a minority report hereafter is reserved.

Mr. MILLS, from the Committee on Ways and Means, reported back favorably the bill (H. R. No. 4830) for the relief of R. R. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER pro tempore. Several gentlemen who were not in when their committees were called will now be heard, if there be no

objection.

There was no objection, and it was ordered accordingly.

ASSISTANT ATTORNEY-GENERAL POST-OFFICE DEPARTMENT.

Mr. HOUSE, from the Committee on the Judiciary, reported back the bill (H. R. No. 2425) to further regulate and define the duties and compensation of the Assistant Attorney-General for the Post-Office Department, and for other purposes, with an amendment; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF NAME OF SCHOONER REBECCA D.

Mr. McLANE. I am directed by the Committee on Commerce to report back a bill (H. R. No. 5150) authorizing the changing the name of the schooner Rebecca D, and ask for its present consideration. Objection was made.

Mr. CONGER. Let it go to the Committee of the Whole.

The SPEAKER pro tempore. Objection being made, the bill and report will be referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed. Mr. McLANE. I withdraw the report.

ENTOMOLOGICAL COMMISSION.

Mr. PERSONS, from the Committee on Agriculture, submitted a report accompanied by a resolution recommending the continuance of the United States entomological commission, and moved it be printed

the United States entomological commission, and moved it be printed and referred to the Committee on Appropriations.

Mr. AIKEN, from the same committee, submitted the views of the minority on the same subject, and moved that the majority and minority reports be printed and referred to the Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 44, noes 19.

So (no further count being demanded) Mr. AIKEN's motion was agreed to; and the two reports were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

UNITED PEORIAS AND MIAMIES.

Mr. HASKELL, from the Committee on Indian Affairs, reported, as a substitute for House bill No. 5418, a bill (H. R. No. 6022) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CAPTAIN JOHN H. DONOVAN.

Mr. MAGINNIS, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 3619) for the relief of Captain John H. Donovan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLDIERS' REUNION COMMITTEE OF THE NORTHWEST.

Mr. MARSH, from the same committee, reported back joint resolution (H. R. No. 280) authorizing and empowering the Secretary of War to deliver arms, ammunition, and tents to the soldiers' reunion committee of the Northwest, with an amendment, on which he asked present consideration.

There was no objection, and the joint resolution was read, as fol-

lows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and empowered to deliver, from the most convenient arsenal of the Government, to the soldiers' reunion committee of the Northwest, three thousand stand of arms, twelve pieces of field artillery, and six tents, if not incompatible with the public interests, to be used at a reunion of the soldiers of the Northwest, to be held in the State of Illinois in the summer of 1880, the said Secretary of War first taking a suitable bond for the return of said arms and tents free of cost to the Government, and in as good condition as when delivered; and that the Secretary of War is further empowered and authorized to deliver to said committee such quantities of blank cartridges for use in said guns during said reunion as said committee may require and pay for; the amount to be charged for said blank cartridges to be the actual cost of the same.

The SPEAKER pro tempore. The amendment of the committee is, to insert after the word "arms," in line 6, the words "and accounterments;" so it will read: "three thousand stand of arms and accounterments."

The amendment was agreed to; and the joint resolution, as amended,

was ordered to be engrossed and read a third time; and being en-

Mr. MARSH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MARSH moved to amend the title by inserting the word "acconterments" after the word "arms."

The amendment to the title was agreed to.

HENRY MARCOTTE.

Mr. SMITH, of Georgia, from the Committee on Military Affairs, reported back adversely the petition of Henry Marcotte for relief; which was laid on the table, and the accompanying report ordered to be printed.

COMPLETION OF TERRITORIAL CAPITOL, NEW MEXICO.

On motion of Mr. ALDRICH, of Illinois, from the Committee on the Territories, that committee was discharged from the further consideration of a bill (H. R. No. 4178) making appropriation for the completion of the territorial capitol and jail at Santa F6, New Mexico; and the same was referred to the Committee on Appropriations.

JUDICIAL DISTRICTS, LOUISIANA

Mr. ROBINSON, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TRADE-MARKS.

Mr. CARLISLE. Before moving the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering the internal-revenue bill, I will yield to the gentleman from Georgia. Yesterday afternoon, it appears, there was some misunderstanding in regard to the report from the Committee on the Judiciary in reference to trade-marks. The gentleman from Georgia desires to make a request to withdraw a part of that report for reference to the Committee on the Judiciary. I will yield

for that purpose, providing there is no discussion on it.

Mr. HAMMOND, of Georgia. The gentleman from Iowa, [Mr. McCod,] who introduced the amendment to the Constitution in reference to trade-marks, desired a vote on his proposition, and I said to him that such a vote would come in regular order and I was willing to have it. It appears under the rules of the House it cannot be and order present is constituted. ing to have it. It appears under the rules of the House it cannot be had under present circumstances. In order to correct that mistake as between himself and me, I hope the House will consent that so much of the report as relates to the amendment to the Constitution may be considered to be withdrawn, and that subject recommitted to the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

INTERNAL REVENUE. Mr. CARLISLE moved the House resolve itself into the Committee

of the Whole House on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the

Union, Mr. Thompson, of Kentucky, in the chair.

The CHAIRMAN. The pending question is the bill (H. R. No. 4812) to amend the laws in relation to the internal revenue.

Mr. FERNANDO WOOD. Mr. Chairman, before entering upon the consideration of the bill now presented to the Committee of the Whole I desire to say that there is an unfinished revenue bill that would stand in a higher order before the committee than this with reference to consideration; but as I have no desire to antagonize the gentleman from Kentucky who introduces this bill, I simply give notice that after the disposition of the same I shall call up for further consideration in Committee of the Whole the unfinished business, which is the bill

known as the refunding bill.

Mr. TOWNSHEND, of Illinois. And I desire to give notice that when the gentleman from New York shall call up the refunding bill I shall raise the question of consideration in Committee of the Whole as between that bill and the bill for the removal of causes from the State courts

The CHAIRMAN. The Clerk will read the title of the bill now under consideration.

The Clerk read as follows:

A bill (H. R. No. 4812) to amend the laws in relation to internal revenue.

Mr. CARLISLE. Unless some gentleman desires to have the bill read at length, I shall move to dispense with the formal reading and

read at length, I shall move to dispense with the formal reading and allow the general debate upon its provisions to go on, and afterward take it up for consideration by sections. I presume that the majority of gentlemen present on the floor are already familiar with the general provisions of the bill as reported.

The CHAIRMAN. If there be no objection, the formal reading of the bill will be dispensed with.

There was no objection.

Mr. CARLISLE. Mr. Chairman, it is not my purpose to debate the bill at this stage of the proceedings, but I shall hold myself in readiness during its consideration in Committee of the Whole to answer any questions in reference to its provisions while it is being read by sections. If, however, any other gentleman desires to be heard on

the bill I am ready to yield to him for such length of time as he may

Mr. DUNNELL. I would be glad if the gentleman from Kentucky would state to the House the preparation of this bill, the views of the Commissioner of Internal Revenue, and other facts in connection with

its preparation with which he is familiar.

Mr. CARLISLE. Mr. Chairman, for the information of the committee I will state briefly that this bill was prepared very carefully after a full consultation with the Commissioner of Internal Revenue in relation to its provisions as far as he saw fit to express himself in relation to them. There are some provisions in the bill, which affect to some extent the amount of money to be realized from internal-revenue taxes, about which the Commissioner of Internal Revenue has expressed no opinion, preferring, as he said, to leave those matters solely to the determination of Congress. And I may say that with the exception of two or three provisions which affect the amount to be collected from internal-revenue taxes, there was no difference of opin-ion, I believe, either in the sub-committee which prepared the bill or in the main Committee on Ways and Means. There are, however, two or perhaps three sections of the bill which do affect the revenue and about which there was some difference of opinion in the committee. One of them is a provision which if adopted by the House would exempt the distillers and owners of distilled spirits from the payment of interest at the rate of 5 per cent. per annum on the tax for the spirits which remain in the warehouse or in the public custody for a period exceeding one year.

The whole amount collected from this source during the last fiscal

year was less than \$75,000. The entire amount of revenue from distillers, wholesale dealers, rectifiers, &c., was over \$52,000,000 during the same period, so that the committee will perceive at once that the amount of interest on the tax is comparatively a very insignificant matter. The Commissioner of Internal Revenue estimates that the amount to be collected from this interest during the current fiscal year will be about \$150,000, and that that will probably be about the

average amount in the future.

Those who are engaged in this business do not therefore complain of the amount of the interest on the tax, because, as I have already stated, it is a very insignificant sum, but it is the trouble in reference to the matter arising from the difficulty in adjusting the interest account every time a package or a few packages of spirits shall be withdrawn from the warehouses. It is of that they complain rather than

of the amount of the tax.

There is another section of the bill which proposes to exempt dis tillers, rectifiers, and wholesale dealers from the payment of what is commonly known as ten-cent stamps. These are stamps which are placed upon packages containing the distilled spirits when they are removed from the distillery to the warehouse and when the packages are refilled by the rectifier after rectification, and when the packages are changed by the wholesale dealers. The original bill proposed to are changed by the wholesale dealers. The original bill proposed to exempt also from the payment of these stamps the exporters of distilled spirits and of alcohol. But the committee, having considered that matter, came to the conclusion that inasmuch as the exporters pay no tax to the Government and the Government is at considerable expense for storekeepers, gaugers, &c., it was not unjust to allow the law to remain as it now is with respect to them; and consequently the committee recommend an amendment of the original bill which will leave the law in force so far as those parties are concerned in

that respect.

The Commissioner of Internal Revenue states that the whole expense of printing all the stamps used in the operations of the Internal Revenue Bureau is about \$350,000, and that he thinks \$75,000 is about the amount which it costs the Government annually to print these particular stamps, including those used by exporters. The rev-

these particular stamps, including those used by exporters. The revenue derived from these stamps during the last fiscal year was about \$290,000 or \$292,000, according to my present recollection; so that this section of the bill will to that extent affect the revenue.

The next section, and the only remaining section which affects the revenue, is the seventeenth, which proposes to allow the owners and distillers of spirits deposited in the warehouses certain maximum quantities on account of evaporation and leakage. The Commissioner estimates that this will affect the revenue to the amount of about \$1,750,000. The whole purpose of that section is to place the distillers and owners of distilled spirits in precisely the same situation with reference to the payment of the tax which the manufacturers of fermented liquors, ale, beer, and porter, the manufacturers of tobacco. reference to the payment of the tax which the manufacturers of fermented liquors, ale, beer, and porter, the manufacturers of tobacco, snuff, and cigars, the manufacturers of proprietary medicines, perfumery, cosmetics, playing-cards, and all other articles subject to internal-revenue tax, now occupy under the law; that is, that they shall pay the tax to the Government only on the quantity which is actually sold and goes into consumption or is withdrawn for sale or consumption in this country.

Without extering now into any dispression as to the reservice of

Without entering now into any discussion as to the propriety of that section, I make this general statement as to its purposes and effects. When we come to consider the bill under the five-minute rule for discussion and amendment, I will be ready to explain to any gentleman who desires it the reasons upon which the proposed legis-lation is recommended.

Mr. PAGE. I desire to ask the gentleman from Kentucky one question. Does this bill apply to the manufacture of brandy from grapes and fruit?

Mr. CARLISLE. It does not affect the existing law upon that subject in any way whatever.

Mr. PAGE. Why not include that in the general bill? Could not that be done?

Mr. CARLISLE. It could be done. But the manufacture of brandy from grapes and fruit is regulated by a different code of laws to a great extent from that which relates to the manufacture of distilled

great extent from that which relates to the manufacture of distilled spirits, and it was not touched in this bill. I yield now to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. As has been stated this bill has had very careful consideration in the Committee on Ways and Means, and several changes were made upon consultation with the Commissioner of Internal Revenue. The report upon this subject made to the House, Report No. 1119, contains a statement of the inquiries of the members of the committee to the Commissioner, and his replies to those inquiries. If all the members of the Committee of the Whole had read the report or had their attention called to the opinions of the Commissioner as expressed at that time, I might not have desired to have made any remarks on this bill at all. There are several provisions of the bill as now modified with which I am in accord, and for which I would cheerfully vote. There are other provisions of the bill which, it seems to me, are consistent with our general system of internal revenue and of taxation upon the manufacture of distilled spirits. I desire, in a few brief remarks, to call the attention of the committee now, rather than at the time when I propose to offer some amendments to this bill, to the features of it to which I ob-

The first is, abolishing the charge by the Government of ten cents for the rectifiers', wholesale dealers', and warehouse stamps. Those stamps are furnished by the Government. There is no payment for stamps are furnished by the Government. There is no payment for the stamps in proportion to the amount of spirits represented by them. There is a tax of ten cents on each stamp. The committee propose to abolish the ten-cent stamp in all cases except the ten-cent stamp upon packages exported and allow that to remain. There is a tencent stamp provided by law to be used whenever dealers withdraw from a large package, barrel, or cask spirits into smaller packages. If a barrel be divided into packages of ten gallons each, upon each of those a stamp is required, stating from what package and from what numbered package the quantity is withdrawn, in order that the Government may trace the whisky or the spirits through the hands of the dealer and know that the smaller packages have not been filled from barrels or other packages on which the tax has not been filled from barrels or other packages on which the tax has not been

collected.

The cost of preparing all these stamps for the Government, as they have to be printed and placed in books with stubs, requiring considerable clerical force, and signed by the collectors of internal revenue when they are used, is about \$150,000. The cost of these packages to which I have referred is about \$75,000. It is proposed that the Government shall pay this amount of \$150,000 and provide these books and provide the clerical force necessary to do the writing upon them and make the signatures upon them; which is solely, as I understand it and as I believe it to be, for the benefit of dealers and of rectifiers—solely for their benefit and not at all for the benefit of the Government. It is proposed to do this at the expense of the Government. I think that is wrong.

Mr. DUNNELL. Will not the gentleman admit it is for the inter-

Mr. DUNNELL. Will not the gentleman admit it is for the interest of the Government in that it is a protection?

Mr. CONGER. The law requires the tax now to be paid upon the barrel and not upon lesser packages. It must be sold in that way with the stamp upon it. Dealers desire to sell to their customers and to smaller dealers in smaller packages for their accommodation. And it is because it may enable the Government to prevent fraud among the smaller dealers that it is useful to the Government; not in any other way. It adds nothing to the tax or to the income, but out of the income \$150,000 is paid by the Government for this accommoda-

The Commissioner of Internal Revenue says that he thinks it is not a hardship that this tax should be imposed. As he says, it is simply a question whether the Government is willing to pay out in any way \$150,000 for the accommodation of these dealers, not to charge it to the dealers; whether the Government is willing to forego that amount of revenue, or to pay out that amount of money without any return. When we shall reach that section, I shall move to amend the bill by striking out the provision which changes the law in regard to these ten-cent stamps

There is another point to which I wish to call the attention of the committee, and which I do not agree entirely with the committee that

ported this bill. Mr. CARLISLE. Will the gentleman from Michigan [Mr. Conger] allow me to call his attention to the fact that he has fallen into an error, I think, in stating the amount of revenue derived from wholesale dealers' stamps? It was only \$43,800.

Mr. CONGER. I was speaking of the cost to the Government of preparing these stamps.

Mr. CARLISLE. The whole cost was only about \$75,000.

Mr. CONGER. Mr. Raum says on page 28 of the report: "Last year we collected \$75,000. The law took effect on the 1st of March, 1879." So that was only for part of the fiscal year.

379." So that was only for part of the fiscal year.

Mr. CARLISLE. The gentleman is reading about the interest on

Mr. CONGER. That is so. I will read from pages 26 and 27 of the

report:

Mr. Conger. I understood you to say that the cost of those stamps, as they are used, is about \$350,000.

Mr. RAUM. That is the amount that those stamps cost the trade. That sum comes into the Treasury.

Mr. CONGER. And you think that it is necessary to have these stamps used?

Mr. RAUM. We cannot get along without them.

Mr. CONGER. And the Government makes those stamps and prepares them for the use of the rectifiers?

Mr. RAUM. Yes.

Mr. CONGER. And the Government officials must put them on?

Mr. RAUM. Yes.

Mr. CONGER. And is there not some signature upon them, indicating the approval of the Government?

Mr. RAUM. Yes, the signature of the officer.

Mr. CONGER. So that officers have to take each one of those stamps and certify to them?

Mr. RAUM. Yes, the signature of the officer.
Mr. CONGER. So that officers have to take each one of those stamps and certify to them?
Mr. RAUM. Yes, except in the case of wholesale liquor-dealers' stamps, when they want to break a package. A gauger is not required to put that stamp on. They put it on themselves, but they have to get them from the collector.
Mr. CONGER. That is, every one of those stamps has to be prepared at the expense of the Government, and signed by some officer of the Government before they are used?
Mr. RAUM. Yes.
Mr. CONGER. Now, is a charge of ten cents apiece an unreasonable charge for the expense and trouble of preparing those stamps and furnishing them to the dealers for their accommodation? I take it that it is for their accommodation.
Mr. RAUM. Yes, it is for their accommodation.
Mr. CONGER. Then, is ten cents an unreasonable charge; it is simply a question whether the Government will relieve them from that expense.
Mr. CARLISLE. Do you know what these stamps really cost the Government?
Mr. RAUM. The total appropriation for dies, paper, and stamps for this fiscal year is \$375,000. That comprises all the stamps.
Mr. CARLISLE. Have you any means of ascertaining what this particular class of stamps costs the Government?
Mr. RAUM. I suppose it costs about \$75,000. That is a guess, but I can figure it out, of course.
Mr. CONGER. Does the use of these stamps require any additional service, and does the signing of them require additional time?
Mr. RAUM. Of course they have to be signed, and an application forwarded to the collector. He receives that application, he fills up the stamps?
Mr. RAUM. Of course they have to be signed, and an application forwarded to the collector. He receives that application, he fills up the stamp it as furnishing the stamps?
Mr. RAUM. Of course.

Mr. RAUM. Of course.
Mr. CONGER. Is ten cents an unreasonable charge for the accommodation of those who use this stamp?
Mr. RAUM. No I do not think it is.

Mr. RAUM. No I do not think it is. There are other portions of his statement which I will not read. The substance of his statement is this: these stamps are a necessity to prevent fraud, and they are an accommodation to the dealer. They cost the Government last year, for only a portion of the fiscal year, \$75,000. Now, the question is simply whether the Government will pay out the \$75,000 or \$100,000 or \$150,000 each year, as the case may be, for the accommodation of dealers and rectifiers? In my opinion the Government should not do it; and when the proper time comes I shall move to strike out that section of the bill.

Mr. PAGE. What section is that?

Mr. CONGER. I think it is section 16. The next point is the provision in regard to shrinkage or leakage. It is admitted by the committee, it is said by the Commissioner, and it is stated by the gentleman in charge of this bill, [Mr. CARLISLE,] that under that provision of this bill there will be a loss to the Government of \$1,750,000.

That provision of the bill, which will result in a loss to the Government of \$1,750,000 on the amount of taxes collected at this time, has certainly some argument in its favor. The principal one is that while spirits are held in bond there is a necessary leakage. Even when the transaction is honestly conducted there is not the same amount of spirits in the packages after they have been in bond for one year that there was when the packages were first put into bond. And there is an increased leakage for each month during the time the packages are in bond, amounting, as this bill assumes, to from one to six and a half gallons per barrel. This bill provides that there may be an allowance for leakage not to exceed a certain specified rate for each

month of each year.

Mr. BARBER. For evaporation?

Mr. CONGER. For evaporation. The theory on which this is asked is that the Government should not exact a tax upon more spirits than go into the market, for more than come out of the bonded warehouse and enter into consumption. That is somewhat plausible, it is true. But all high wines, all other kinds of distilled spirits, as I understand it, except that used for drinking purposes, almost invariably pay the tax when the spirits are first distilled and put into packages or barrels. Those who manufacture the drinking whiskies asked this Government to give them one year, then two years, and then three years' time, before paying the tax which the manufactur-ers of alcohol and high wines and all other spirits pay immediately upon their production and before there has been or can be any evaporation whatever.

Now, while granting this privilege to the manufacturers of this kind of whisky by extending the time in which they shall pay the tax, I do not understand why the Government should not eventually receive the tax that would properly be levied upon the spirits at the time it goes into the Government bonded warehouse, as is now the law. There is no reason why after granting that special favor to this class of producers, they should follow it up by asking that all the consequences of delay should inure to the loss of the Government, as certainly will be the case under this bill.

Another clause of this bill proposes the repeal of the present provision of law requiring interest to be paid on the amount of the tax after one year. Thus it would seem that every favor we extend to after one year. this class of producers is followed by a demand for still further favor in releasing them from what it was stated on this floor they were

perfectly willing to pay.

But to confine myself to this question of leakage. I cannot myself approve that portion of the bill. I opposed it in committee; I oppose it here; and I hope it may be modified. I have been in favor of other changes of the law embraced in this bill, because they facilitate the exportation of distilled spirits from the United States to foreign countries—not a very philanthropic motive I admit; but if we could have presented to us a bill which would encourage the absolute and entire transportation of all distilled spirits (except for manufacturing and commercial purposes) from the United States to other countries, letting the evils follow the exportation and land upon the shores of other countries which might be willing to receive the spirits with all their accompanying evils, I would labor for the passage of such a bill.

such a bill.

Those parts of this bill, therefore, which facilitate the exportation of distilled spirits I have favored, and I join with the committee in asking this House to approve them. Those portions of the bill which propose to relieve taxation upon our whiskies and spirits for home consumption, and would result in taking from the Treasury nearly \$2,000,000 a year, and if the interest is also taken off \$150,000 or \$200,000 more—those portions of the bill I oppose, and I think they ought to be stricken out.

I have touched upon three points of this bill that I desire to

I have touched upon three points of this bill that I desire to see modified, and perhaps I shall myself offer amendments with that ob-ject. To the other parts of the bill I see no objection; I think they might be very properly passed. I do not desire to express my own individual views merely on this subject. I think I may safely say, not only for myself but with the concurrence of other gentlemen of the committee, that the Commissioner of Internal Revenue did not express any opinion in favor of the legislation proposed on these three subjects, but said that it was a question for Congress to determine whether it would give away this amount of income—whether the Treasury could stand this reduction of the income derived from dis-

tilled spirits.

Mr. BARBER. The gentleman will allow me to ask him in this connection whether the Committee on Ways and Means investigated as to the amount of revenue derived from distilled spirits?

Mr. CONGER. The total amount of revenue derived from distilled spirits is published from year to year in the reports of the Treasury Department

Mr. CARLISLE. I can state to the gentleman that last year the total amount of revenue collected from distillers, rectifiers, and dealers was something over \$52,000,000; and this year, according to the returns for the first seven months, it will be over \$60,000,000 from that source alone—an increase of about eight and a half million dol-

Mr. CONGER. Now, Mr. Chairman, I believe the representatives of the distillers themselves have never asked Congress to diminish the tax any further than to provide the fairest and most efficient mode of taxation. When the tax was very high it was said that it was evaded, that there was great fraud. When it was very low it did not bring in a sufficient amount of revenue. It is admitted that the present tax of ninety cents on each proof-gallon is perhaps the medium of taxation which the traffic will stand so as to bring in proper returns to the Government. This being so, there is no question that the tax upon spirits should constructively be placed upon the article at the time of the distillation, and not after it has been improved by age after lying two or three years in a warehouse. I have heard no reason advanced in favor of any other rule. There is no reason why these who are promitted to leave their spirits in the headed was son advanced in favor of any other rule. There is no reason why those who are permitted to leave their spirits in the bonded warehouse for three years should not at least after the end of the first year pay 5 per cent. interest on the amount of tax due the Government. The people want that money. "The oppressed, the down-trodden people," whom my friends on the other side picture so graphically, have a right to that money when the spirits are put into the barrel; and the whisky manufactures has no right to wrong the "roor". and the whisky manufacturer has no right to wrong the "poor, tax-oppressed people" by compelling the Government to keep his spirits in bond for three years and then remit all tax upon leakage, or upon perhaps suckage, which I have heard is one principal means of reducing the amount in these barrels. [Laughter.]

I have been surprised sometimes—I will not mention names because the chairman of the Committee of the Whole or the Speaker of the

the chairman of the Committee of the Whole or the Speaker of the the chairman of the Committee of the Whole or the Speaker of the House hardly ever mentions names of members; it is considered dangerous for anybody to come within his eye when such a threat is made; I do not say that it would affect anybody if I should mention names, but I will not mention names—I say I have been surprised to see men on the other side of the House work themselves into the most violent passion at the expenditures of this Government and the throwing away of the money of the people by picturing the poverty and distress of the country, and the way in which taxation rests like a great mildew on the people, and then, sometimes on the same day, almost in the same breath, these gentlemen become marvelously excited at the infliction of tax upon whisky manufacturers and the hardship and ruin this taxation brings upon them. Those who want to know to whom I refer can look back through the Record and see that those who make the most parade of their sympathy for the "poor, oppressed, tax-paying people of the United States" are those whose sympathies are enlisted most earnestly and who become most zealous in their efforts to take the tax off whisky. The sympathy happens to run in that way. I hope that in this committee and in this Congress we shall change the laws as they now exist, so far as may be practicable and proper to do so, without making an allowance for this wonderful leakage while spirits are in bond for the benefit solely of the manufacturers. We cannot afford to do it. There are too many people in the United States who believe that the manufacture of whisky for drinking purposes, and the selling of it, and the keeping of it until it is riper and better and more destructive, are morally wrong. And just in proportion as we relieve distilled spirits in bond wrong. And just in proportion as we relieve distilled spirits in bond from the payment of tax we shall be considered by a large portion of the people of the United States as committing a wrong not only upon their moral sentiment but upon the finances of the Government.

Mr. CARLISLE. I will yield now to the gentleman from Pennsyl-

Mr. CONGER. Now, sir—
Mr. WRIGHT. I thought the gentleman was through.
Mr. CONGER. The gentleman from Pennsylvania is apt to make

Mr. WRIGHT. No; he never makes a mistake. [Laughter.] Before the gentleman sits down I wish to make an inquiry of him.

Mr. CONGER. I have not yet finished my sentence. The probable diminution of the revenue of the Government year by year, with ble diminution of the revenue of the Government year by year, with the increased manufacture, would exceed two and a quarter millions of dollars, as near as I can estimate it if this bill be passed as it is, including the issues of ten-cent stamps, leakage of nearly \$2,000,000, and rebatement of interest year by year on the amount left in store. Now the gentleman from Pennsylvania can interrupt me.

Mr. WRIGHT. Do you give me the floor or to ask a question?

Mr. CONGER. To ask a question will be the safest way.

Mr. WRIGHT. Very well; you have not surrendered the floor. Then I want to know where the gentleman from Michigan derived his information as to the fact that the older whisky got by years the more destructive it became in its quality. [Laughter.] I want to know the source of his information, for my idea always has been that whisky fresh from the still was that which produced the greatest evil.

Mr. CONGER. I will answer my venerable friend, who is now ad-

Mr. CONGER. I will answer my venerable friend, who is now addressing me perhaps from his observation and experience. Although

whisky becomes better by age, the temptation to drink so much more of it makes it all the more dangerous. [Laughter.]

Mr. WRIGHT. Having had the satisfactory answer [laughter] from the gentleman from Michigan in regard to the destructive quality of whisky owing to its different points of age, I will proceed to make a remark or two with regard to that part of the bill which relates to gauging.

Mr. CONGER. Does the gentleman desize to speak in his own right

Mr. WRIGHT. Certainly, I do.
Mr. CONGER. As I obtained the floor from the gentleman from
Kentucky, [Mr. CARLISLE,] I surrender it back to him.
Mr. CARLISLE. And I have yielded to the gentleman from Penn-

Mr. WRIGHT. I have the floor legitimately.
Mr. CONGER. I wanted gracefully to yield it so the gentleman

might have it. Mr. WRIGHT, Mr. WRIGHT. What I lay down as a rule, and it is incontrovertible I believe, with regard to taxation, all excises are edious things. There is no doubt about that; but the article upon which the excise is imposed ought not to be subjected to it until it is offered in market for sale. It is true some of the manufacturers have their whisky in the bonded warehouse for a long period of time, but, as I understand it, for the length of time the article is in the bonded warehouse they pay interest on the value that is assessed upon it up to the time they make sale. Is not that the law

Mr. CARLISLE. That is the law now.
Mr. WRIGHT. So it makes no difference whether it is taken out

Mr. WRIGHT. So it makes no difference whether it is taken out at the end of one year or two or three years, provided the interest imposed on its value is exacted and paid.

Now, we are informed here that the excise upon whisky yielded during the last year \$52,000,000, and that those who have charge of the subject estimate the proceeds this year arising from that imposition will amount to \$60,000,000. That is an immense source of revenue; nobody will question that; but whether it is a source of revenue which ought to be encouraged may admit of a different construction. tion.

But tell me what reason or justice there is in compelling a manufacturer to pay for evaporation? That is the amount of it. It is about enough in this country to assess the real thing, to assess something that has substance to it; but when you come down in the way of excise, in the application of the principle, to tax that which does not exist, which is evaporated and gone, then I say it is wrong. The whisky comes into the bonded warehouse and it is gauged. Before the day of sale, when that whisky is brought out of the warehouse, there has been an evaporation equal perhaps to some 15 per cent. Talk about \$5 taken off of thirty gallons! I suppose, multiplying it

Mr. DUNNELL. I hope the gentleman from Kentucky will call

the attention of the gentleman from Pennsylvania to the provision of the bill in that regard.

Mr. CARLISLE. I am not able, without making calculation, to state the percentage of the quantity this bill proposes to allow as a maximum allowance; but I can state under this bill spirits which have remained in bonded warehouses for three years will be subject to a maximum allowance of seven and a half gallons on a package containing not less than forty gallons. If the package contains sixty gallons, there can be no more than this maximum allowance.

I will say, while my attention is called to the subject, a great many packages containing distilled spirits really contain from sixty to sixtyfive gallons by reason of the fact they are put into the bonded ware-

five gallons by reason of the fact they are put into the bonded ware-

house very largely over proof and the tax is assessed and collected, not on the wine-gallons, but on the proof-gallons.

If, however, the spirits are found upon withdrawal to be below proof the tax is assessed upon the wine-gallons to prevent fraud by mixing with water or otherwise, and no allowance in this bill can be made upon any package of less than twenty gallons. If a package containing forty gallons is withdrawn and is found to be entirely empty, with the desired distilled mixing in the latest and leaves the adventure of the second sec without a drop of distilled spirits in it, still there can be no allowance for any number of gallons exceeding seven and a half gallons, and the owner must pay the tax of ninety cents a gallon on the whole, which is about 600 per cent. upon the cost value of the article contained in

the whole package.

Mr. WRIGHT. Then I apprehend that my estimate of 15 per cent. is not very far out of the way. Now, if there be 15 per cent. of evaporation between the time the whisky comes into the bonded warehouse and the time it is withdrawn for sale, is it right that the man-

house and the time it is withdrawn for sale, is it right that the manufacturer should pay such a tax as this bill proposes to impose upon him when there is nothing to represent the evaporation? I say that there is no justice in that.

Now, sir, I do not stand up here as the advocate of the trade or of the manufacture of this article, but it has become of vast importance in the affairs of our Government and is especially connected with our forces of the trade or of the trade or of the manufacture of this article, but it has become of vast importance in the affairs of our Government and is especially connected with our finances; for the tobacco and the whisky produce immense revenues to the Government; and while we are putting upon these two articles this large burden of a high excise tax, let us put it upon the article when it comes into the market for sale and not at the moment of its manufacture. If the manufacturer puts the article into a bonded warehouse and pays interest from that time until it is sold, that is load enough to impose upon him under any circumstances, and not to impose upon him the additional load of paying a tax upon air, upon evaporation, upon no substance whatever. It is all wrong. Otherwise I give the bill my sanction with regard to its main features, and I only rose to call the attention of the committee to this tax, which I believe to be an unnecessary hardship imposed upon the manufacturer; and I hope it will not be sanctioned by the House.

Mr. CARLISLE. I now yield to the gentleman from Ohio, [Mr.

Mr. GARFIELD. I shall occupy the attention of the committee but a few minutes in the consideration of the pending bill. This bill is a favorable addition in the main to the work of perfecting the in-ternal-revenue laws of this country pertaining to whisky, and I have no doubt the House, when it comes to understand the bill, will recognize the fact that it owes a debt of gratitude to the sub-committee which prepared it, and as I was not a member of that sub-committee

Which prepared it, and as I was not a member of the state two of these points I concur with him, and after saying what I have in hearty praise of the main body of the bill, I will call attention very briefly to the points in which I differ. The first is that amendment which is found here in section 4, on pages 3, 4, 5, and half of the sixth. I do not object to what is in that at all. What is contained in that section is all right, but I do object to something that has been kept out of it, and which essentially changes the revenue laws. Gentlemen will remember how great a trouble the whisky men were in here men will remember how great a trouble the whisky men were in here a year and a half or two years ago about having a large amount of whisky on hand when the price was down very low and the time was coming when they were compelled by law to withdraw it from bond and pay the tax on it. They were here in force representing to us that it would ruin large numbers of the holders and manufacturers if they were compelled at that time to withdraw the spirits from bond

and pay the tax as required by the law.

Therefore, as a matter of kindness toward them and to save them from ruin or from trouble, this House passed and the Senate cona longer period, but on condition, in order to prevent the Government from being a loser, that they should pay an interest on the tax after the time when it was due and up to the time of its payment. In other words, they were permitted to have the privilege of paying the interest upon the tax due instead of paying the tax itself. That we regard as a just thing, a fair help to men who were in distress, as well as a remuneration or equivalent to the United States by getting interest on the tax due, on the ground that the Government was itself paying interest, and if it extended the time when the tax was due it should require interest on the money. That argument was fair and right and cogent then, but it is proposed to change it in this section. That, however, can be rectified by an amendment I understand my

friend from Michigan [Mr. CONGER] has ready, merely to restore to that section the language that is here left out, putting in the language that was in it before.

Mr. KELLEY. Will my friend from Ohio permit me to ask him a question?

question?

Mr. GARFIELD. Certainly.

Mr. KELLEY. I desire to ask the gentleman from Ohio whether the foreign importers at that time were not holding their spirits in the custom-houses, in the custody of the Government, without payment of duty, and without payment of interest on those duties; and whether it is fair and equitable in this Government, when giving three years to our own producers, to charge them interest, while it holds the goods of the foreign producer, competing with them, for a like term of three years and makes no charge for interest? I do not believe in any such discrimination against the productions of my counlieve in any such discrimination against the productions of my countrymen. If we are to discriminate, I say leave the American spirit free from interest and impose it upon the duties that fall due upon

free from interest and impose it upon the duties that rail due upon foreign spirits.

Mr. GARFIELD. The plan of injecting one gentleman's views into another gentleman's speech is not perhaps conducive to a harmonious presentation of what one wishes to present. Still it does not disconcert me at all. I only say on that subject, without any controversy, this House, believing it was doing a generous thing to get the distillers out of trouble, made this arrangement, which they understood was entirely agreeable to the distillers, a little over one year ago. And now, having got from us the concession of benefit, they ask us quietly to drop out the protection of our own interests which accompanied that benefit. All I want is that the House shall understand the two things side by side; and if we are to take off this part of the benefit reserved to the Treasury, whether we ought not also to take off the consideration on which it was based and not allow the whiskies to lie so long in bend.

not also to take off the consideration on which it was based and not allow the whiskies to lie so long in bond.

The other point is as to the question of outage. And here I admit it is by no means a one-sided question. At first I thought it was wholly a one-sided matter, and I saw no ground whatever for the other side to put in the claim that this bill presents. I will try to the constant of the strength of both state in a few words what I understand to be the strength of both sides. Will the gentleman from Kentucky [Mr. CARLISE] inform me what is the per cent. of manufactured Bourbon whiskies? What proportion of all the whiskies is Bourbon?

Mr. CARLISLE. I think about one-third; but I will not pretend to be accurate. I do not mean the Bourbons alone; but I mean what are called the fine whiskies, the rye, Bourbon, wheat, &c., manufactured in Maryland, Kentucky, Pennsylvania, West Virginia, Tennessee, and to some extent in Ohio, Indiana, and Illinois.

Mr. McMILLIN. And the Robertson County whisky. Mr. CARLISLE. Yes.

Mr. GARFIELD. For the purposes of my argument, what my colleague on the committee [Mr. CARLISLE] suggests is sufficient. In league on the committee [Mr. CARLISLE] suggests is sufficient. In order to enable gentlemen who have not paid special attention to this to vote intelligently, they ought to know that there are two kinds of whisky produced. Much the larger part of all the whisky produced in the world is now made and rectified by what is called the process of continuous distillation; that is, after the whisky is manufactured from the first process of distillation it is put through a rectifying process by mechanical means, so that when it is finished and brought and through the process it is not profest at it will averable. That works out from that process it is as perfect as it will ever be. That may called the whisky produced by the process of continuous distillation until it is perfectly rectified. A large majority of all the whisky produced is of that kind—two-thirds at least, possibly three-fourths. When that whisky is manufactured the last step in the process is ended. It is just as good for sale and use as it will ever be.

It is said in the course of the manufacture of that whisky, in the course of its rectification, about 5 per cent. is wasted. That is, in extracting the fusel-oil and other deleterious elements, about 5 per cent. of the actual bulk of distilled whisky is taken away, leaving the fin-

of the actual bulk of distilled whisky is taken away, leaving the finished article for the trade.

There is another class of whisky produced, known by the various names of Bourbon whisky, family whiskies, table whiskies; but by whatever name known it is a whisky that does not pass through this process of special continuous distillation so as to become pure and perfect at the time of its first manufacture. But it is carried up to a certain stage and stops; and at that time it is unfit for use; it needs from two to three years of time to ripen. But by simply lying in casks the natural process of purification brings that whisky up at the end of three years to a very high degree of perfection. It has done for it by time what the other has done for it by mechanical appliances.

Now, that whisky comes under the clause in this bill in relation to

Now, that whisky comes under the clause in this bill in relation to ontage and the other does not. And those in favor of this outage clause say that the other whisky—three-fourths of all the whisky produced—has got this outage in the loss of redistillation of about 5 per cent., and that the man who does thus redistill it and prepare it for the market is only taxed upon the whole quantity after the 5 per cent. of outage has been accounted for in the process of rectification; whereas they say that this man who has to wait three years for time to rectify and purify his whisky ought not to be taxed on the 5 per cent. or 10 per cent. or whatever it is that nature does for him in the way of purifying any more than the other on the 5 per cent. that ma-

chinery does in the way of purifying.

I think I have stated fairly the argument of these gentlemen who

say the outage should not be charged against the distiller, and I should be carried off my feet by that argument and consent to it were it not for one other fact, and that other fact causes me to lean to the other side. That other fact is this: The day that a whisky is produced by a first process, it is just as valuable as it ever will be. It is no more valuable at the end of five years than at the end of one minute after it is manufactured. It is ready for immediate sale and immediate use; whereas the man who manufactures the fine whiskies and has to wait for two or three years to let them ripen before they are at their best, and ready for real use, finds them grow in value on his hands very largely by the very extension of time.

It is true that he does not sell it at the end of one year to be used;

but he does sell it to retail and even to wholesale dealers to be held for its growth and betterment by time. Therefore this Bourbon and other whiskies are really salable all the way along from the day they are first manufactured up to the date when they are drinkable. And the man who is fortunate enough to be able to keep a large stock of such whiskies for three years will find that the outage or shrinkage he loses upon that stock during that time is far more than compensated for by the increase of value of every gallon of it. If one hundred gallons of this whisky shall lose fifteen gallons by outage, the whole one hundred gallons will have gained a percentage in actual value above what it had in the beginning, which will far more than

compensate for the loss by shrinkage or outage.

It seems to me, on the whole, although I do not feel so strongly on this subject as I did when it was first presented to my mind, it does seem to me on the whole that we take the risk of keeping these whisseem to me on the whole that we take the risk of keeping these whiskies for these men in our warehouses, and if the warehouses are burned we never expect to make them pay the tax for the whiskies destroyed while in our charge. We lose all the tax on that amount of whisky, although it is true there is as much more made in consequence of the loss, so that in the long run the Government may get such tax. But because of the fact that we remain out of our tax all the time it lies in our warehouses at our risk, I think we ought to have at least as much advantage as the outage will give us.

And it is no hardship on the manufacturer, for he charges it over on the consumer. This is a tax the whole of which the consumer at last

pays. It is not so with all taxes; there are a great many taxes that cannot be charged over on the consumer. There was the tax on tea and coffee that was talked of as a burden and shackle upon the free breakfast table. The moment we took that tax off coffee and tea, that moment the price of those articles went up all over the import-

ing world that sent them to us.

[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I hope the time of the gentleman will be extended.
Mr. GARFIELD. I want but two or three minutes.
Mr. MILLS. I will take the floor and yield to the gentleman what

time he desires

Mr. GARFIELD. I thank the gentleman for his courtesy; I shall occupy but a few minutes. As I was saying, the moment the tax was taken off of tea and coffee, that moment in Brazil they put an export tax on coffee just about equal to the import tax that we had taken off; so that our people got not one cent, not a quarter of a cent a pound benefit, while the Treasury of the United States lost \$15,000,000 in gold each year, and has lost it every year since. That is a case where the tax does not come upon the consumer.

But the taxes upon whisky, beer, and cigars, and such things are taxes that come upon the consumer alone. It is a curious fact that these are taxes that may be called strictly voluntary taxes. The United States goes, by its officers, all over the country with a contribution box, as it were, and says to every man, woman, and child, We offer you the opportunity of contributing something to the expenses of the Government, on the score of whisky, beer, tobacco, and cigars; but you are not obliged to do so. And on the whole, through-

cigars; but you are not obliged to do so. And on the whole, throughout the United States, the man or woman who declines to contribute anything to the revenues of the Government on the score of these articles stands a little higher, and deservedly so, in the popular estimation than the man who pays liberally of that tax.

It is absolutely a voluntary contribution. All that a man needs to do, if he does not wish to pay any dollar of the \$52,000,000 that comes from the tax on whisky, and the large sum that comes from cigars and tobacco—any man who wishes to take his shoulders from under the load of paying any part of the \$115,000,000 that comes from the taxes on these various articles has only to decline to drink, smoke, or chew, and then he will not pay, directly or indirectly, one cent of the tax. There is no coercion and no compulsion. It is a tax that in its last analysis comes absolutely and only upon the consumer and by last analysis comes absolutely and only upon the consumer and by

the consumer's consent.

Mr. BARBER. Will the gentleman allow me to make an inquiry?

Mr. GARFIELD. Certainly.

Mr. BARBER. How does the gentleman reconcile the inconsistency involved in the levying of the tax on the distilled spirit in its perfected form, and the levying of the tax upon other whiskies in an unperfected form? unperfected form

Mr. GARFIELD. I have tried to say, and I did say a moment ago, that that consideration would settle me in favor of this outage clause altogether and absolutely, if it were not true that the holding of these whiskies greatly increases their value. It seems to me only equita-ble and fair that where we keep a man's property for him untaxed

for two or three years we ought at least to have a share of the profit that comes by that delay. That profit costs him nothing but the in-terest on the amount of his investment, and the United States invest-ment in it in the shape of the tax is much the larger part. It seems to me that it is only fair that the United States should have a portion of the advantage, and collect the tax on the whole amount of the whisky put in bond.

And I make this further point on the same subject: it is the best way to prevent fraud. If you allow outage and there should be a watering of these barrels, if there should be by any sort of trickery or fraud water introduced into these barrels so as to bring their contents up to the full amount, outage is allowed nevertheless, whether there is any actual outage or not. I want no opportunity or inducement to tamper with these barrels while in bond.

I therefore say, on this subject of the interest clause, I think this House should by all means insist upon the payment of interest. I will do all I can to rectify this bill in both particulars. But so important is the bill that I think we ought to do all we can to perfect

Mr. Chairman, I desire to occupy only a few moments in giving my reasons for opposing the leakage clause in this bill. It is insisted that it is wrong to require payment of the tax when the whisky first goes into the bonded warehouse; and that after remaining there a number of years it has undergone a process of evaporation, so that, if the tax is paid upon the full quantity originally deposited in the warehouse, a certain proportion of tax is paid upon that which has no existence. Hence it is plausibly argued that this proportion of the tax is wrong. Let me state what seems to me to be the fallacy in this argument. The taxation is here assumed to be upon a quantity, not upon value. But the basis of all taxation is value. We have various forms of adjusting our taxes; some by measured to be the fall taxation is value. urement, some by weight; but I do not care what the form of taxaurement, some by weight; but I do not eare what the form of taxa-tion, you would not put the same amount of tax upon a pound of gold as upon a pound of iron. Why? Because one is superior in value to to the other. Look all through your tariff laws at all the different kinds of duties which you impose by weight or measurement, and you will find at last that every one of them has been adjusted to value.

Now, when a certain quantity of whisky-say one hundred gallons Now, when a certain quantity of whisky—say one hundred gallons—is made and put into the warehouse, there is a tax imposed upon it. It is not marketable; it will not be so for one, two, or three years. During the first year the whisky evaporates until the one hundred gallons have become about ninety-seven gallons; during the second year the quantity falls to ninety-five gallons; and during the third year to about ninety-two gallons. Of course I am speaking only approximately. But the whisky, when put into the bonded warehouse, is worth about one hundred and eighteen or one hundred and nineteen cents a gallon; after it has been there one year although the teen cents a gallon; after it has been there one year, although the quantity is reduced, it is worth about one hundred and thirty-five cents a gallon. At the end of the second year it is worth one hundred and forty-five or one hundred and fifty cents a gallon; and at the end of the third year one hundred and seventy-five or one hundred and seventy-five and eighty cents a gallon. So that what the whisky loses in quan-

Now, is it just or right that the Government, as an act of accommodation to the distiller, shall release him from paying the tax when it dation to the distiller, shall release him from paying the tax when it is due to the Government, shall furnish a warehouse for the safe custody of his whisky, shall indulge him by waiting for the tax three years while the whisky is maturing, and increasing in value, and then not charge him tax upon the full amount which he deposited in the warehouse, although the one hundred gallons originally deposited may have increased in value from \$1.19 cents a gallon to \$1.35 cents, or \$1.50, or \$1.75 cents? There is where the fallacy lies.

The manufacturer has his capital invested in that whisky, and it is increasing in value. If it were not so, he would place it upon the

increasing in value. If it were not so, he would place it upon the market and sell it. But it is to his advantage to keep the whisky and market and sell it. But it is to his advantage to keep the whisky and allow it to increase in value as it matures in age, just as it is the interest of a man to hold stocks in railroad companies or banks, because they yield a profit to him. The manufacturer does not sell the whisky when first manufactured because it is his interest to keep it. The Government not only indulges him by keeping it for him in the warehouse and waiting three years for the tax, but it issues to a certain extent a policy of insurance on the whisky, because if the whisky is destroyed by fire while in the warehouse the Government loses all its taxes. Six hundred ner cent of the walke of the whisky is the tax; and Six hundred per cent. of the value of the whisky is the tax; and although the Government does not pay the manufacturer for whisky destroyed, yet it loses the tax.

Mr. McMILLIN. How is it an insurance if the Government does

Mr. MILLIN. How is it an insurance if the Government does not pay the loss to the manufacturer?

Mr. MILLS. The Government loses the amount of the tax.

Mr. McMillin. And that is an insurance!

Mr. MILLS. Technically the gentleman may say that it is not; Mr. MILLS. Technically the gentleman may say that it is not; but I say that when the Government having due to it ninety cents per gallon on one hundred gallons of whisky, agrees to credit the manufacturer for three years while his whisky is maturing, and in the mean time the whisky is burned, the Government loses its tax of ninety cents a gallon; and that is where the insurance comes in. The fact is that the Government in undertaking to indulge the distiller incurs a risk; and if the whisky is destroyed it loses its tax. Therefore I say the Government is an insurer to the amount of the tax,

which is 600 per cent. of the value of the whisky. But, it is asked, is it fair to tax this whisky according to its quantity in the raw state, when you only tax the rectifier upon his whisky after it is matured? I think it is fair on this ground: The rectifier invests more capital in the rectification of his whisky. He has to employ labor and incur expenditures in giving marketable value to the whisky in twenty-four hours, instead of waiting for three years while the process of evaporation goes on. The manufacturer of whisky does not invest addinours, instead or waiting for three years while the process of evaporation goes on. The manufacturer of whisky does not invest additional capital, does not bestow additional labor upon the product. The Government supplies in his case that which in the other is supplied by the capital invested by the rectifier.

One other point. Who is to be benefited by this gratuity of the Government? I always look with great favor upon any act of Congress reducing taxes or duties when the benefit of the reduction in

gress reducing taxes or duties when the benefit of the reduction inures to the consumer. I am in faver of low duties and low taxes duties and taxes imposed only for supporting the Government. Now, will the consumer reap the benefit of the reduction here proposed? It would seem from the argument of my friend from Ohio [Mr. GAR-FIELD] that in his opinion the consumer is to be benefited by this reduction. I agree with him that it is not always the consumer who pays the tax imposed on any article; sometimes the producer pays it. There are two extremes in imposing taxation. To illustrate by customs duties, one of these extremes is entire prohibition; the other, absolute free trade. But in imposing taxes you must take into consideration one other factor, and that is the consumption of the article.

Whenever your taxation amounts to prohibition of consumption, then to that extent it falls upon the producer. Whenever it does not abridge consumption, the taxation falls upon the consumer. In this case who will pay this tax? Who would be the beneficiary of this grace on the part of the Government. The distiller alone. Why? Because the market price of the whisky rectified which, we are told, is two-thirds of all whisky in the market, will fix the price of convention and whetever are out of tax was take off that convention and whetever are out of tax was take off that conventions and whetever are conventions. is two-thirds of all whisky in the market, will fix the price of consumption and whatever amount of tax you take off that commodity which is manufactured and matured by bonded-warehouse process will simply be for the benefit of the distiller because he will sell in the market at the same price as the rectifier. The majority of whisky entering into the market will fix the price of the market.

We were told we were legislating for free sugar when we removed the duty on sugar imported from Hawaii. We were told that was in the interest of the consumer, and sugar would be cheaper. I took the ground in opposition to it that it would not affect one particle the price of sugar in the market in California because that market would

price of sugar in the market in California because that market would be fixed by the Cuba market—by the great mass of sugar offered in this country, the Hawaiian not being able to drive out the other sugar. What was the result? Not one farthing of reduction followed. Sugar has been as high, and was the day after the bill passed, as it was before, and has been all the time. So it will be, if this bill passes, with this whisky. The amount you give back to the men who own this whisky will remain with them, and they will go into the market and sell it at the market rate.

Mr. KELLEY. Mr. Chairman, I wish to call attention to a little bit of rash generalization on the part of my friend from Ohio, [Mr. Gar-FIELD.] He said that when we repealed the duty on tea and coffee the nations producing those articles at once imposed corresponding

export duties— Mr. GARFIELD. On coffee.

Mr. KELLEY. He confines his remark to coffee. And that therefore our people pay just the same for the article, and that by reason of the fact that the coffee-growing countries took advantage of our repeal of duty to maintain the then current price in our market. He forgot, sir, that we do not constitute the whole people of the world. He forgot that there were Great Britain, France, Germany, Russia, and other Continental states, and those of South America which are not producers of coffee, none of whom changed their tariff at that time but who were affected by the export duty imposed by Brazil, which added to the ruling price of coffee. Had we been the sole consumers of coffee and the coincidence had happened, the gentleman's argument would have been logical. But unless he can show, which he cannot as to any one of them, that all other nations changed their tariff at the same time his whole premises have gone and his argument is without basis.

Again, he says no man or woman pays any part of the \$50,000,000 of spirit tax who does not pay it voluntarily. Sir, I have tried every means to learn what proportion of the spirits we produce goes into beverage and what into the arts, and the nearest I can come to it is that about 33 per cent. go into beverage and 66 per cent. into the arts.

When you take an ounce of quinine, you swallow about twelve

which you take the control of the control of spirit tax.

Mr. PRICE. In pills, do you do that?

Mr. KELLEY. Take it as you will, it is not in the article; but so much alcohol has been consumed in the preparation. They are not a of quinine has paid about twelve cents of spirit tax. There is not a gentleman here clad in a colored garment that did not pay spirit tax when he bought the garment. There is not one here who has a ring on his finger or gold spectacles upon his nose but when he bought either article paid spirit tax. There is not a lady who has cologne or other perfume in her boudoir or matron who keeps her camphor bottle

that has not paid spirit tax.

You cannot use chloroform or collodion without paying spirit tax, for collodion is pure spirit with a very little, an almost inappreciable

weight of gun-cotton. Chloroform is in bulk 98 per cent. of spirit. And these things in this country are all taxed by the Government, while every other country gives them for use in the arts free of tax. And there, let me say in passing, is the wrong you did to your manufacturers of quinine when you repealed the duty on that article and left a duty of 10 per cent. on much of the bark from which it is produced and a tax of \$1.50 per really nor than the product of the say of the sa left a duty of 10 per cent. on much of the bark from which it is produced and a tax of \$1.80 per gallon on the pure alcohol used in its manufacture. You put those men, your countrymen, under a burden which was practically giving a bonus to the manufacturers of England, France, and Germany. You said they constituted a monopoly; that but five firms were engaged in the business. They were, however, five of the eighteen that exist on the footstool.

Spirit tax! Why, sir, you can scarcely mention a mechanical or scientific production into the cost of which it does not enter. I was walking tific production into the cost of which it does not enter. I was walking through a carpet factory one day, and speaking on this point, and when we reached the counting-room, the proprietor said to his book-keeper—he had suggested nothing as we walked and talked—"Turn to the account and show Mr. Kelley what amount of alcohol we consume annually." I found that every foot of carpet made causes the purchaser to pay a spirit tax. And I repeat that upon the best information I have been able to obtain I have concluded that about 66 per cent. of that \$50,000,000 is involuntarily paid by the men and women of the country, and that consequently if you wish to cheapen your manufactures you will hasten the day when the spirit tax shall be wholly repealed.

Now, as to the question of the "outage" and interest on the tax.

Now, as to the question of the "outage" and interest on the tax. Before the war made a tax on spirits necessary we were exporting our table whiskies in competition with the best brandies of France. our table whiskies in competition with the best brandies of France. American whisky had found its way into the clubs of London and the elegant homes of England, and it seemed to be supplanting brandy in that country. Owing to the ravages of the phylloxera upon the vineyards of France and Italy it has become almost impossible to obtain pure brandy, and the French themselves shrink from drinking the medicated stuffs now furnished by the former manufacturers of pure brandy. We can revive that trade. One object of this bill is to allow whisky to be exported in smaller parcels than the law now permits. I will ask the gentleman from Kentucky to state the number of gallons which under the existing law is the minimum allowed to be exported in a single package.

of gallons which under the existing law is the minimum allowed to be exported in a single package.

Mr. CARLISLE. Not in a single package; but the law provides that a less quantity than one thousand gallons shall not be exported at one time. That is about twenty-five barrels.

Mr. KELLEY. Very well. Under existing law a merchant cannot export less than twenty-five barrels in one invoice. Of course foreign merchants cannot take twenty-five barrels as an experiment. They send their orders for a merchantable quantity as a test; but under the existing law it cannot be sold to them. This bill, therefore, proposes to permit packages containing smaller quantities to be exported. Another point is that time is required to mature and ripen table whisky. Another point is that time is required to mature and ripen table whisky. Shall this Government, in aid of a great export trade—and I meet the moral and physical argument right here—I say shall it, in support of a great export trade, and of the substitution of pure for medicated alcoholic beverages, give some aid to the men who are willing that their capital shall lie for three, five, seven, or ten years in storehouse their capital shall lie for three, five, seven, or ten years in storehouse in order to give a pure liquor in lieu of the medicated stuffs made from diseased grapes and poisonous flavoring matters? Shall we attempt to make an export trade, or, having burdened our manufacturers with heavy burdens in the form of spirit taxes, shall we restrict their operations to the home market? I am as anxious, Mr. Chairman, to see temperance prevail as any gentleman on this floor, but I do not see how you can promote it by giving medicated or drugged beverages an advantage over that which is a pure distillation from grain.

The gentleman from Texas discussed the question, who pays the tax on commodities, the producer or the consumer? There is a very simple solution of that question. He who seeks a market for his productions must pay all taxes, while he whose commodities are sought by eager purchasers imposes them on the purchaser. In other words, the whole question is regulated by the law of supply and demand.

the whole question is regulated by the law of supply and demand. In a crowded market with falling prices the producer pays the tax. In a market but ill supplied, into which many competitors enter, the

purchaser pays the tax.

But I took the floor simply to show that our repeal of the duty on coffee did not regulate the coffee trade of the world, and that the gentleman generalized from a mere coincidence, and that he was equally mistaken as to the extent of probably 66 per cent. when he said that those who paid the spirit tax did it voluntarily. I now yield the floor.

Mr. BARBER. It seems to me, Mr. Chairman, that an interest which renders to the Government a revenue of fifty millions—
Mr. MILLS. Has the gentleman from Pennsylvania yielded the

or sixty millions of dollars per annum in the shape of revenue, and which promises to increase in importance, is entitled to be treated by the legislative authorities of this country with liberality and in no

narrow or petty spirit.

This bill is designed to remove, as I understand it, some of the restrictions upon the export trade of this country. One of the difficulties is the so-called outage or unavoidable evaporation of alcoholic liquors. Liquors stored for any considerable length of time are necessarily subject to evaporation to a greater or less extent. Now, if the tax be levied upon this shortage it necessarily introduces into the system a degree of uncertainty not to be tolerated, because the evaporation varies with the temperature, with the various circum-

stances attending the storage, &c.

If we knew to a certainty the evaporation would be the same under all circumstances, there might not be any force in the argument, der all circumstances, there might not be any force in the argument, nor would there be any force in the appeal for the removal of the difficulty. But such is not the case. We know to a certainty, when we levy the tax upon the perfected product of continuous distillation, precisely what we are doing; we know that we are taxing whisky, and that so much revenue will be derived from that commodity. We know, moreover, that we are levying it upon the producer and leaving into a purchase the continuous distributions. modity. We know, moreover, that we are levying it upon the producer and levying just so much tax; but when we demand from the distiller of perfect whisky by this long-continued process a tax upon the amount he has actually put in store, we do not know what he is to lose by evaporation. In one case it may be subjected to more

evaporation; in another, to less.

Now, what they want in this trade is certainty; and surely for the small sum of \$1,750,000 this Government can afford to adopt the rule which will give to this great branch of trade absolute certainty, which is the first prerequisite to the successful conduct of all great commercial operations; absolute certainty to the party engaged in business, so that he may make his calculations for the future.

Mr. MILLS. I yield five minutes to the gentleman from Tennessee,

Mr. MILLS. I yield five minutes to the gentleman from Tennessee, [Mr. McMILLIN.]

Mr. McMILLIN. The magnitude of the interests involved here shall be my apology for claiming the attention of the committee for a few minutes only. The aggregate net revenues of the Government last year were, I believe, about \$273,000,000. The revenue derived from spirits was \$52,000,000. And it is estimated that there will be derived from the same source this year \$60,000,000. So, speaking in round numbers, we have distilled spirits and beverages paying about one-fifth of the entire revenue that it takes to run this Government, instly called the greatest on the earth. And when I come to speak of justly called the greatest on the earth. And when I come to speak of the revenues from so great an industry I do so not as an advocate of intemperance or an apologist for it, but for the purpose of asking jus-tice, simple justice to those who are allowed by law to manufacture

spirits, and no more.

As our law now stands, when the distiller places his whisky in the bonded warehouse it is gauged. When he takes it therefrom he is required to pay tax on the number of gallons he deposited, although it may have lost by leakage and evaporation one-fourth while in the possession of the Government. He is thus forced to pay a tax upon that which has ceased to exist. Again, if the tax is not paid within the first year the owner is required to pay interest thereon, although the spirits are yet in the custody of the Government. He has also to pay interest on the tax due on that which has leaked or been lost, and hence endures a double hardship. The bill proposes to correct these and many other minor evils which I will not have time to notice.

I have had occasion to examine this question with some care, and find that the English law is even more favorable to the distiller in allowing for leakage than even the provisions of this bill. There, spirits, and no more.

find that the English law is even more favorable to the distiller in allowing for leakage than even the provisions of this bill. There, from the spirit store the spirits may be removed directly to the excise warehouse and remain there for as long a time as the distiller or owner may desire, and upon withdrawal from the warehouse the proper duties "shall be charged and paid upon the quantity of spirits actually found in said cask or package at the time of the delivery thereof by weight, measure, or gauge, as the commissioners of internal revenue may direct, provided that if the quantity of spirits contained in such cask or package shall be found by weight, measure, or gauge to be less than the quantity contained therein when the same was deposited into the said warehouse, and if the said commissioners shall not be satisfied that such deficiency has not been caused in whole or in part by any fraudulent abstraction, then the duty shall be charged and paid upon the whole quantity of spirits contained in such cask or package at the time when the same was deposited in the warehouse according to the account then taken thereof, or upon such portion according to the account then taken thereof, or upon such portion thereof as the commissioners shall think fit." (Section 7, 27 Victoria, chap. 12.)

Mr. BARBER. It seems to me, Mr. Chairman, that an interest which renders to the Government a revenue of fifty millions—Mr. MILLS. Has the gentleman from Pennsylvania yielded the floor?

Mr. KELLEY. I was under the impression I had the floor in my own right.

Mr. MILLS. The gentleman was mistaken. I yielded to him. Mr. KELLEY. Then I beg the gentleman's pardon, for I was undoubtedly mistaken.

Mr. MILLS. Does the gentleman from Illinois want five minutes? If so, I will yield to him for that length of time.

Mr. BARBER. I was about proceeding to state, Mr. Chairman, it seems to me that the interest which renders to this Government fifty

some things by protection, it is certainly wrong not to give him an equal chance with foreigners in all things, which is not done by existing law. The Frenchman, the Englishman, the German can import liquors here and deposit them in our warehouses, keep them there for two years, and pay no interest on whatever may be due as import duties; but when a Kentuckian, a Tennesseean, an Ohioan, or a citizen of Indiana or Illinois has his home products locked up in a Government. ernment warehouse, because the taxes are not paid, at the end of twelve months he has to begin to pay interest on the taxes on what-ever is under bond. Why this favor to foreigners? It is not right, and cannot be justified on any ground. We should require no inter-est from home manufacturers that is not required of foreigners or im-

porters.

The gentleman from Ohio has said that the whisky tax is absolutely a voluntary contribution. For the first time, so far as I have heard, the drinking of whisky and the paying thereby of taxes thereon is indirectly denominated patriotism. Hereafter when a man passes a "sample room," or "The Last Chance," on the Avenue, instead of being invited to go in and take some "cold tea," or a "cocktail," his friend and companion, overflowing with patriotism, will ask him to go in "and make a voluntary contribution to the support of his Government."

his Government."

The gentleman must be forgetful of the many uses to which whisky is necessarily put besides its use as a beverage. In the compounding of medicines which cannot be dispensed with it is an essential ingredient. In a thousand ways it is used, and in many of them, as in medicine, the consumer cannot be said to use them voluntarily, and hence, in such instances, he cannot be called a volunteer tax-payer when he pays the taxes thus collected.

If you do not make a deduction for leakage, or if you impose your

tax on the leakage, you tax that which has no existence.

Gentlemen said we ought to impose the taxes, because the value has been enhanced. But while the value is being enhanced the man lies out of the interest on his money. I trust the bill will pass, and that the amendments suggested by the gentleman from Michigan will set be adopted. not be adopted.

Here the hammer fell.]

Mr. MILLS. I yield five minutes to the gentleman from Missouri,

[Mr. BUCKNER.

Mr. BUCKNER. This discussion has taken a wide range, and I Mr. BUCKNER. This discussion has taken a wide range, and I propose to give it a still wider range, or at least to submit an idea to the consideration of the House that may perhaps be new to some members, and that is that this tax on whisky is a tax on western grain, western corn, and western rye and oats. It is a misnomer. But for the fact that it is called a tax on whisky no man in this House would think of carrying out this system of taxation so annoying and so odious to the people of the country whenever and wherever it has been tried. Who would think it was proper to impose a tax on the manufacture of corn into meal or of wheat into donr? No one. on the manufacture of corn into meal or of wheat into flour? on the manufacture of corn into meal or of wheat into flour? No one. Why, then, unless you violate all principles of political economy, should you tax the production of corn or grain rather than its consumption? There is where the tax should go. It ought to go upon the consumption of whisky and alcohol in all its forms.

We have a question of moral sentiment introduced into this discussion: the idea that this Government is a grand temperance reformer that it means opposition to dynakeness vice and crime by

former, that it means opposition to drunkenness, vice, and crime by taxing whisky. But every man who considers this question properly knows that it has no effect whatever in that way. We should look at it as a question of dollars and cents, as affecting the material interests of the country, and not pander to the idea that it is an effort to instill habits of temperance among the people and keep them from

getting drunk.

getting drunk.

Why, sir, as the gentleman from Pennsylvania says, it is but one-third of the alcohol manufactured in this country that is used as a beverage at all. Two-thirds or 66 per cent. of it, according to his estimate, is used in the arts and sciences; and indirectly you are taxing all these articles of which alcohol is an ingredient.

I do not object to the imposition of a tax on the consumption of

whisky; I could not object, because I personally would not pay any of the tax. But the tax ought to be on the consumption of the article and not on the production of it. What has been the effect of the tax on the manufacturer of spirits in the West, as every man knows? There was a time when the distilleries all over the western country made a market for the corn and grain of the farmer at his very door. Where there is cheap food; where there is cheap labor; where there are all the materials necessary to the manufacture, is the place where the manufacture should be.

Now, what is the case? This manufacture is a monopoly in the hands of a few men. The fifty-six pounds of corn transported from Kansas, Nebraska, or Missouri, to Saint Louis and Cincinnati, is carried there at an enormous cost to the farmer who raises it. If that same corn were manufactured into alcohol at the place where it is raised,

then the transportation would be of fourteen pounds instead of fiftysix, resulting in so much increased profit to the farmer.

What has been the effect upon your foreign trade? If we had no
tax on whisky, if we had free whisky as it is termed, there is not a
nation in the world which we could not drive out of the market in
the manufacture of alcohol. Our grain is now transported abroad,
and there manufactured into alcohol and other spirits. But we can manufacture it so cheaply here that if there were not these taxes and

restrictions upon it no other nation could enter into competition with

us.

Before this tax was imposed on whisky the amount of our exportation of alcohol was nearly as great as now, although that was twenty years ago. But you are now interfering with the interests of the country for the sake of appeasing this miserable clamor about moral sentiment. By keeping this tax on whisky and tobacco you exempt the wealth of the country from its proper proportion of the tax, and imposing it upon the industries and productions of labor. You are impoverishing the people for the benefit of the wealth of the country. Now, you should do as they do in England, impose a tax on incomes and upon the sales of stocks and bonds, which amount to millions upon millions of dollars daily, and in that way obtain something which would relieve the interests of the country that you are now oppressing and relieve the farmers who raise the corn and wheat that

oppressing and relieve the farmers who raise the corn and wheat that converted into whisky. Our present system is wrong, the whole

is converted into whisky. Our present system is wrong, the whole thing should be reformed.

I know that we cannot obtain revenue enough without having some tax upon whisky. The \$100,000,000 now exacted from that manufacture and from the manufacture of tobacco must in whole or in part be obtained from some other source. But you might obtain the half of it by levying a tax upon the consumption of whisky, and there is where the tax should be laid. It would not increase your army of detectives, agents, and collectors; they are now all over the country. By imposing a tax on the consumption of whisky, as is done in the several States, you could obtain revenue enough for your purposes, provided at the same time you impose taxes elsewhere on that which should pay taxes but does not pay any, and thereby aid in relieving productive labor from the burdens under which it is now suffering. I believe I have said all I desire to say.

Mr. MILLS. I now yield five minutes to the gentleman from Maine, [Mr. REED.]

Mr. REED. I have read with considerable care the report pre-

Mr. REED. I have read with considerable care the report presented with this bill. It seems to me that with two exceptions the bill will justify itself to the favor of this House. In two respects I think it should be modified.

I recollect the scene referred to by the gentleman from Ohio, [Mr. GARFIELD,] which occurred in this House a year or more ago, when the distillers of the country presented themselves here and said that owing to the temporary crisis it was necessary that they should have another year to keep their spirits in bond before paying tax. In consideration of that, they offered to pay the Government 5 per cent. interest on the tax during that time. No pretense was then made that there would be appreciate to represent the strength of the strength there would be any effort to permanently extend the time without the manufacturers paying interest on the tax. And I submit that there has been no good reason presented here why it should now be

The claim made that we ought to do it because the importers have longer time to keep their spirits in bond and pay no interest seems to me to be a fallacy. The principle on which we ought to legislate on these matters is this: a tax of this kind is in its nature voluntary, being on what is a luxury, or at least not a necessity; whatever we take off from this we put upon comforts and necessaries. We ought, therefore, to impose the very highest tax which we can collect on articles like this. We ought to get the largest amount of revenue from this taxation which can possibly be obtained. If we have not imposed a sufficiently high tax on foreign imports, that ought to be

imposed a sufficiently high tax on foreign imports, that ought to be remedied by increasing the tax. We ought not to justify ourselves in lessening the internal or excise tax by giving as a reason that the tax on foreign spirits is not large enough.

It seems to me that the same line of argument applies to the question of outage. In reality it amounts to nothing more or less than this: it is taking off 15 per cent. or less from the tax. Such lowering of the tax can be justified only upon the ground that lessening the tax will really increase the revenue. I believe that our experience as a Government has shown us that we can collect the present rate of tax, and that the tax as at present levied will bring us the largest amount of revenue we can obtain from this article. I have not heard the slightest hint of any argument against that proposition, which is based upon principles which are commonly admitted as correct in matters of taxation. Everywhere the aim is to tax liquors to the matters of taxation. Everywhere the aim is to tax liquors to the

matters of taxation. Everywhere the aim is to tax liquors to the highest revenue-producing point.

No man has risen here and said that this tax is too large to be collected; yet it is proposed here and now to take 15 per cent. off the tax on table whisky, a class of whisky that certainly does not enter into the 66 per cent. consumed in the arts, as maintained by the gentleman from Pennsylvania, [Mr. Keller,] but belongs to that other class so well described by the gentleman from Ohio.

Nor do I think that any argument is to be founded on the encouragement of exportation, because the exporter, if his goods are in bond, has to pay no tax until he exports them. The provision in the bill allowing exportation in small packages seems to me to be ample. I am aware that as a citizen of Maine I have no special interest in this business; yet at the same time, while sitting here as a member, this business; yet at the same time, while sitting here as a member, I suppose I ought to contribute whatever suggestions may occur to me on the subject; and it does seem to me that on the principle upon which taxes of this kind are based we are not justified in doing what practically amounts to a reduction of the tax.

Mr. DUNNELL. Does the gentleman concede that if he were not a citizen of Maine he would not have made the speech he has made?

Mr. REED. I do not concede that I would not have made this speech, though perhaps I would not have made the allusion to my State with which I closed.

Mr. CARLISLE. Did I understand the gentleman from Maine to say that the passage of this bill would result in reducing the taxes

on distilled spirits 50 per cent.?

Mr. REED. Fifteen per cent.
Mr. CARLISLE. The tax upon distilled spirits this year will be about sixty million dollars; and the Commissioner of Internal Revenue estimates that this proposed change of the law will make a reduction of only \$1,750,000.

Mr. REED. I was confining myself entirely to that class of spirits

under discussion—whisky kept in bond for a period not exceeding three years; and if there is an outage it will be in the proportion of

15 per cent. for the three years.

Mr. CARLISLE. While on the floor I desire to say in response to the statement of the gentleman from Maine that this bill is not in the interest of exporters of spirits, except that provision authorizing

exportation in small quantities—
Mr. REED. Not at all.
Mr. CARLISLE. I so understood the gentleman.
Mr. REED. I did not make that assertion. I was replying to the argument made by the gentleman from Pennsylvania—
[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman from Maine has ex-

Mr. CARLISLE. I wish to say that persons withdrawing spirits from the warehouse for exportation are compelled to pay the tax upon the quantity of spirits originally put into the warehouse, although there may be an outage of 7, 10, or 15 per cent., and that the only privilege they now have in the matter of exportation is that they are allowed leakage between the warehouse and the port of ship-

Mr. REED. To that extent, then, my remarks are subject to cor-

rection.

Mr. FORT. I will ask the gentleman from Kentucky whether we export liquors which have been in bond, say one, two, or three years?

Mr. CARLISLE. Oh, yes.

Mr. CARLISLE. Oh, yes.

Mr. FORT. We do not, then, export high wines only?

Mr. CARLISLE. We export some of what are called table liquors, the finer qualities of liquors; but as already explained by my friend from Pennsylvania [Mr. Kelley] there has not been so much of these exported as there would have been if the law had not prohibited exportation in less quantities than one thousand gallons at a time, about twenty five burgle. Persons abroad who desire to buy these finer twenty-five barrels. Persons abroad who desire to buy these finer liquors for table use will not usually care to buy so much as twentyfive barrels at one time.

Mr. FORT. What percentage of bonded liquors do we export?
Mr. CARLISLE. I am not able to state that without reference to
the Commissioner's report.
Mr. MILLS. I yield to the gentleman from Kentucky, [Mr. WIL-

Mr. WILLIS. Mr. Chairman, I had not intended to offer any sugmr. Willis. Mr. Chairman, I had not intended to oner any suggestions upon this bill, as the report of my colleague [Mr. Carlisle] accompanying it is so clear, able, and exhaustive that nothing remains to be said upon the subject. As it is evident, however, that some members have not had time to read that report, I may be pardoned for trespassing briefly upon the attention of the committee.

I accept the statement made by the gentleman from Maine, [Mr. Reed.] that we are not here to reform the morals of the country. If,

as claimed by the gentleman from Michigan, [Mr. Conger,] such was

as claimed by the gentleman from Michigan, [Mr. Conger,] such was our duty and mission, and if, as he expressed it, it was desirable to export and thus get rid of all the whisky we manufactured, this bill if passed will be a step in that direction, as it will lessen the cost and increase the amount of production, and thus enable our American whiskies to compete successfully with foreign goods in their home markets. Or if this should fail, and it be desired to use the Government as a moral engine, why not place the tax at \$5 a gallon instead of ninety cents, and thus abolish the manufacture altogether.

But gentlemen who express such views make no such proposition to this House, they would vote for no such proposition. They after all regard it as the gentleman from Maine regards it, as an orange out of which as much juice is to be squeezed as possible; as the goose which lays the golden egg. Whatever devotion they may feel for the cause of temperance, I take it that it is not so great as to strike down by their votes a source of revenue which is so overflowing and increasing as this—a revenue which is fifteen times greater to-day than at first, and which under judicious and fostering legislation will continue to increase. They certainly do not desire to end the life of continue to increase. They certainly do not desire to end the life of a business which pays such immense sums into the public Treasury.

No, Mr. Chairman, such is not their meaning; but the gentleman from Maine has bluntly expressed their desire as he did his own when he declared that he wanted to get the largest possible amount of revenue from whisky. He expresses himself in favor of the "largest tax which can be collected," which I take it is but another form of the same idea. Sir, for the argument's sake, I will agree with this view of the subject. So far as this bill is concerned, I think we can consider it purely from a business or tax-paying stand-point, and find ample reasons for supporting it. I contend that ultimately there will be an increase of revenue if the changes proposed in this bill are made.

The gentleman from Maine refers to the law passed in March, 1878, as a reason for opposing further legislation upon this subject. He says that there was an agreement or understanding then that no future appeal to Congress would be made, and that the distillers agreed to pay this 5 per cent. interest upon whisky in bond, which it is proposed now to abolish.

I have no recollection, Mr. Chairman, of any such agreement, either open or tacit; and as to the interest clause, it was accepted by the distillers as the best they could do under the circumstances, and not as something that was just and right. When that law was passed I remember well the predictions which were made on this floor as to the results. It was claimed that millions of delicer and the results. the results. It was claimed that millions of dollars would be lost to the Government, and that it would become necessary to levy new taxes to supply the deficiency in revenue thus created. How these predictions have been falsified by the facts every one knows. At the time that legislation was asked all of the leading distilleries of the country, unable to sell their goods because of the crisis in monetary affairs and the general depression in business, could not pay to the Government the enormous sums for taxes which were then due. no change in the law taken place bankruptcy and ruin would have been the result.

The appeal which the distillers of the country then made to this House was unheeded by many members then as it is now. The rigid enforcement of the law was demanded, the forfeit of the bond was asked. Fortunately, however, in this crisis wiser counsels prevailed, the law extending the bonded period was passed, and relief from impending ruin was secured. Look at the results. Take one single instance in the district which I have the honor to represent. The house of Newcomb, Buchanan & Co., one of the largest and most reliable in the West, through a gentleman who was then a member of the firm, Major W. H. Thomas, urgently insisted upon the immediate passage of that law. Before it was done the house which he represented, involving in its business many millions of dollars of capital,

was compelled to suspend payment.

The bill passed, and their creditors knowing their high character and commercial standing, promptly came to their relief. They continued their operations, and only a few days ago had the proud satisfaction of announcing to the world that every dollar of their large isfaction of announcing to the world that every dollar of their large indebtedness had been fully paid. In addition to this, they have been enabled to increase their capacity, and will yearly pay a still larger sum into the Federal Treasury. What is true of that house, as to increase of business, holds good throughout the Union. The last report of the Commissioner of Internal Revenue shows an increased production in Bourbon and rye whiskies over the preceding year, 1878, of 5,123,697 gallons, while the net increase of all the different varieties was 15,789,568 gallons. The quantity of spirits produced and deposited in distillery warehouses during the field year ended Inno 30, 1879, was greater than the quantity produced during any other. June 30, 1879, was greater than the quantity produced during any other year. The revenue which has come into the office since the date of the report is 50 per cent. greater than what the Commissioner estimated it would be. This excess over his expectation already amounts to nearly \$8,000,000.

Such, sir, has been the effect of that legislation removing hardships, which surrounded the manufacture of whisky, and which at the time which surrounded the manufacture of whisky, and which at the time the law was discussed it was prophesied would so greatly deplete the Treasury. More capital has been invested in the business, more spirits have been produced, and a larger revenue paid into the Treasury than during any year of our history. The Commissioner in accounting for this great increase says that it comes, first, from the great increase in the number of legally authorized distilleries where before there were illigit distillers; second the building of large and averaging there were illicit distillers; second, the building of large and expensive

distilleries, the increased production of the finer grades of goods, the increased foreign demand, &c.

An examination of the law will show that the amount of revenue An examination of the law will show that the amount of revenue depends not upon the amount of tax per gallon, but rather upon the number of gallons which are produced. Thus when the tax was twenty cents per gallon and the law was just going into operation the amount of gallons per month produced was 4,324,559. This continued for eighteen months. The tax for four months was then put at sixty cents, and the number of gallons per month was 8,315,088. For forty-three months the tax was \$2 per gallon, and during that time the amount produced per month was 853,235. For six months it was \$1.50 per gallon, during which time the number of gallons per time the amount produced per month was \$53,255. For six months it was \$1.50 per gallon, during which time the number of gallons per month was \$08,858. For fifty-two months it has been at ninety cents per gallon, and during this time the number of gallons has increased to 4,240,197 gallons per month.

It will be seen, therefore, at once that high taxes do not produce high revenue. When the tax is low and the laws are favorable other-

high revenue. When the tax is low and the laws are favorable other-wise to production, the number of gallons per month is largely in-creased, with a consequent increase of the revenue; and what has been true in the past will be true in the future. If you deal gener-ously and liberally with this great interest it will repay you with more abundant revenue. If you hamper it with restrictions, if you hedge it in with technicalities, and if you compel it, as you do now, to pay this enormous tax of 600 per cent. upon material which is not in existence, you drive capital from the business, you lessen the num-ber of sources from which your revenue comes and you thus defeat the very purposes which you revenue comes, and you thus defeat the very purposes which you wish to accomplish by legislation. Gentlemen in the discussion of this question have ignored the fact that there are two separate and distinct branches of this business.

There are the rectifiers, whose product, as the gentleman from Ohio [Mr. GARFIELD] has stated, is ready immediately for use and sale, and then we have the manufacturers of these straight whiskies, which he calls "table whiskies," the Bourbon and the rye. These latter require from two to three years before they can be used or sold, but when ready for sale, by evaporation they lose in quantity. Is there any justice in compelling payment of tax upon the number of gallons thus lost by evaporation

The Commissioner of Internal Revenue, General Raum, whose fairness and whose fidelity to the Government no one will question, on the sixth page of his annual report, under the heading of "deficiency taxes," concedes the injustice of such taxation. I quote his statement and commend his conclusion to all gentlemen on this floor who wish to deal fairly and justly with this important interest—an interest which pays over forty-four millions into the public Treasury.

DEFICIENCY TAXES UPON SPIRITS WITHDRAWN FOR EXPORTATION.

est which pays over forty-four millions into the public Treasury.

DEFICIENCY TAXES UPON SPIRITS WITHDRAWN FOR EXPORTATION.

Under the existing law spirits intended for exportation are gauged before their withdrawal from the bonded warehouse, and are again gauged at the port of export when they are about to be laden upon a foreign-bound vessel, and the distiller or exporter is required to pay a tax of ninety cents per gallon upon any deficiency that may be found between the first and second gauges. These taxes are greatly complained of by the distillers and others engaged in the export trade. This law was undoubtedly designed for, and has had the effect of, preventing frauds in connection with the exportation of distilled spirits. It is, however, well known that it is next to impossible to so prepare wooden packages as to prevent a certain amount of evaporation in the course of transportation over a long line, especially in hot weather, and I fully recognize the hardship of requiring the distiller to pay tax upon spirits which have been lost by evaporation in the course of transportation. The intent of the internal revenue laws is to levy a tax of ninety cents a gallon upon spirits which have been lost by evaporation in the course of transportation upon spirits which are manufactured for and actually go into consumption in this country, and the tax in question is evidently not intended for revenue, but as a restrictive measure to prevent fraud.

These taxes have in many instances amounted to a reasonable profit on the sale of the spirits, and have therefore been felt as a great burden by the distillers. Where the spirits are withdrawn in good faith for exportation, and duffigence is exercised in their transportation and losses occur by evaporation or accident in transportation without fraud or negligence on the part of the distiller, owner, or transportation company, or their agents, in my judgment no tax should be levied for any such loss. Such a tax necessarily discourages the exportation of American distille

I submit it to every member on this floor that the case of a distiller who is compelled to keep his goods from two to three years before he can dispose of them, during which time he loses a per cent. by natural causes, is on all fours with the case above stated. The rea-soning which applies to one is of equal force and application to the

Now, it is true that we have the right as legislators to ignore every Now, it is true that we have the right as legislators to ignore every principle of justice and good faith in this matter and compel, as we have done, payment upon the whole amount first manufactured. It is equally true that we might by our legislation here strike down this particular branch of business altogether. But do you intend to do it? Is this your policy? Why should you lessen the probabilities of a successful management of this industry? If you recognize it and are willing to take revenue from it, why not get as much as possible and relieve our people of taxes which press heavily upon them in other directions? Why not hold out inducements to the capitalists of the country to invest their money in this trade? Why should there be any discrimination against the manufacturers of pure whiskies? The rectifier loses 5 per cent. of his product in the process through which it goes, and is required to pay tax, not upon what goes into but what comes out of what remains after he has handled it. Why should this artificial process be more favored than the natural process through which straight whisky is made marketable?

The force of these suggestions, Mr. Chairman, is fully recognized by the rectifiers themselves. They make no resistance to this bill. On the contrary they admit that it is just in all its provisions and urge its passage. I hold in my hand a petition which I find on my desk, and which has doubtless been sent to all the members of this House. This petition is from rectifiers, wholesale liquor dealers as well as distillers, and calls attention to the law and respectfully asks favorable action.

In the list from Kentucky I recognize the names of all the leading. principle of justice and good faith in this matter and compel, as we

favorable action.

In the list from Kentucky I recognize the names of all the leading rectifiers, distillers, and liquor merchants of that State. I see sixteen other States represented upon that petition. If the sharp rivalries of business, nowhere more prompt or active than in this line of business, have been laid aside before the sense of right and all these conflicting interests agree upon this bill, is it not an evidence that there is no just complaint that can be made against it, but that it will fairly and fully protect the rights of all.

Mr. Chairman, the State which I have the honor in part to represent upon this floor during the last seventeen years has paid in internal revenue \$108,000,000. The office located in the city of my residence, Louisville, of the amount I have stated paid \$42,000,000, nearly one-third of the whole. In this next year there will be paid from that district over \$5,000,000, a greater sum than is paid by eighteen

States together.

I am glad to say, however, that the merchants of Boston, New York, and Philadelphia have purchased of my constituents all the whisky they have manufactured up to the present time, except a small per cent. I feel, therefore, that whatever suggestions I have made will not be considered as prompted by the interest solely which

I feel in my constituency. I trust I shall always be ready when the opportunity affords to serve them to the best of my ability, but so far as the operation of the law at present is concerned, it is of far greater importance to the constituents of gentlemen who represent the cities I have named than to my own. I stand here, however, to contend for the bill as just and fraught with prospective liberal returns of taxes to the Federal Treasury, and I look for the same favorable results in this instance as in the law extending the bonded period.

I hope, Mr. Chairman, that the bill with all its provisions will soon

Mr. CARLISLE. To avoid the necessity of having the committee rise I ask by unanimous consent the Clerk read the bill by sections for amendment and discussion under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3260 of the Revised Statutes of the United States be amended by striking out the word "double," in the fourteenth line of said section, and inserting after the word "days," in the fifteenth line of said section, the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall the bond exceed the sum of \$100.000 in the following: "But in no case shall

Mr. BAYNE. I move to strike out the last word for the purpose of making an inquiry and not for the purpose of discussing the bill, because, it seems to me, the bill is a fair one in its general features and, with slight modifications, will answer the purpose for which it was framed.

framed.

I have received, however, from some of my constituents interested in the manufacture of vinegar, a letter calling my attention to a petition in which it is alleged that section 3282 of the Revised Statutes, which was amended by the act of March 1, 1879, and gave to the manufacturers of vinegar some privileges in the way of distilling and rectifying, is impaired by this bill and the rights thus accorded to them taken away. I desire to ask the gentleman in charge of the bill, whether that is the case or not?

Mr. CARLISLE. I will state for the information of the gentleman from Pennsylvania and all others whose constituents are interested.

from Pennsylvania and all others whose constituents are interested in the manufacture of vinegar by what is known as the alcoholicvaporizing process, there is not a single provision in this bill which affects that business in the least.

Mr. FRYE. That the gentleman states after full hearing before the committee touching that interest.

Mr. CARLISLE. We have another bill before us touching that.

Mr. BAYNE. I withdraw my amendment.

The Clerk read the following amendment to come in as a new section, proposed by the Committee on Ways and Means:

Sec. 2. That section 3262 of the Revised Statutes of the United States be amended by adding to the end the words following: "And provided also, That the collector may at any time, at the discretion of the Commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee, in the case of a distillery erected prior to July 20, 1868, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other incumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition."

Mr. CARLISLE. I move to concur in that amendment.

Mr. CARLISLE. I move to concur in that amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 3285 of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following: "No fermenting-tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery often than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four

Mr. CARLISLE. The committee propose an amendment to this section to insert after the word "following," in the fourth line, the

Every fermenting-tub shall be emptied at or before the end of the fermenting period.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 3293 of the Revised Statutes of the United States, as amended by joint resolution approved March 23, 1878, and by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all after the said number and substituting therefor the following:

"The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the first day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"Entry of distilles spirits deposited by ______, in distillery warehouse ______, in the ______ district, State of ______, during the month ending on the ______, and the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gange or wine gallons, proofgallons, and taxable gallons, and the amount of the tax on the spirits contained in them; all of which shall be verified by the oath of the distiller or owner of the same attached to the entry. The said distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid, before removal from said distillery warehouse, and within three years from the date of said entry; and the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits. One of said entries shall be retained

in the office of the collector of the district, one sent to the storekeeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office.

"A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue. And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law.

report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law.

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section 3221 of the Revised Statutes of the United States, as amended, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

"That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry for deposit therein; and warehousing bonds hereafter taken under the provisions of section 3293 of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry before removal from the distillery warehouse, and within three years from the date of said bonds."

Mr. CONGER. I send to the Clerk's desk the following amendment

Mr. CONGER. I send to the Clerk's desk the following amendment to this section, to come in immediately after line 83, at the close of the section.

The Clerk read as follows:

Provided, That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of 5 per cent. per annum from and after the expiration of said year until the tax shall be paid. Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Mr. CONGER. This amendment, Mr. Chairman, restores to the sec-Mr. CONGER. In same and the sure of the bill by the committee. I do not desire to add to what I have already said or to what other gentlemen have said upon this subject, and unless some other gentleman desires to discuss it I shall ask to have a vote upon it. My object is in presenting it to leave the subject of the payment of interest as it is now. This clause is left out in the bill that was reported from the committee, and I ask simply to append it as an amendment, having had an understanding that it should be submitted to the Commit-

the of the Whole, and if necessary to the House, in order to test the sense of the House as to its restoration.

Mr. CARLISLE. Mr. Chairman, I have already stated perhaps all that is necessary in regard to this matter of interest, to which the amendment of the gentleman from Michigan refers. I have already stated to the committee that there is very little, perhaps no complaint as to the amount of this tax. It is a matter of no consequence, or of as to the amount of this tax. It is a matter of his consequence, or of very little consequence, as far as the revenue is concerned, and so far as the amount is concerned it is a matter of very little consequence to distillers and owners of distilled spirits. But there is a ground of complaint, as I have already stated, and that is that there is more or less difficulty in adjusting the matter of interest when the packages of distilled spirits are withdrawn from the warehouses. It is a very small item, but no matter how small the quantity of distilled spirits may be which is withdrawn from the warehouse, there must be an examination by the officers of the Revenue Department with a view to ascertaining the amount of this interest upon the tax after the expiration of one year.

There is also another difficulty encountered by the distiller in regard to the collection of the tax. When he comes to make sale of spirits it is always a matter of controversy between the purchaser and the seller as to who shall pay this interest. Now, in this view, and it being a matter of such very small importance to the revenue, the committee thought it was advisable under all of the circumstances to recommend the repeal of so much of the law as imposed that in-terest, and with this statement I am willing to leave it for the action

of the committee.

Mr. CONGER. While that is true to some extent, yet this is in fact the only place in the whole law where there is any pretended remuneration to the Government for the care, keeping, warehousing, storing, and protecting the whisky during this whole time. That is, from the time it enters the warehouse until the end of the three years

If the loss of the use of the money which should be paid for this tax or the withholding of its payment from the Government is sanctioned by the bill, then there ought to be some recompense to the Government for that loss in the way of interest. Now, the payment of this interest will amount, according to the rate of manufacture for this year, and according to the estimate of the Commissioner of Internal Revenue, to about \$150,000. That goes so far, at all events, toward paying these expenses of the Government.

I submit to the gentleman that the people of this country will be

I submit to the gentleman that the people of this country will be better satisfied with the relief given in other respects if it is not given at the expense of the tax-payers.

Mr. CARLISLE. The gentleman will permit me to say that the Government of the United States is not at a particle more expense in keeping the charge and custody of the warehouse in which spirits remain for three years continuously than it would be in the charge and custody of one in which spirits remain for only a single day, because if the same spirits remain but a day the Government is re quired to keep at that warehouse continuously a storekeeper with compensation at the rate of \$4 a day, and that is all the expense that would be incurred if the liquor remained on storage for four or six

Mr. CONGER. But my point is that the expense would be incurred in the requirement which the Government would have to meet, of a larger building, of additional room for the storage, if it was allowed

to remain a longer time.

Mr. CARLISLE. But the gentleman is certainly not under the impression that the Government furnishes the warehouse for this stor-Every distiller is required by law to furnish at his own cost a warehouse for the storage of spirits. There are warehouses erected by distillers at a cost of seventy-five or eighty thousand dollars; and that property is taken possession of immediately, absolutely, and exclusively by the Government the moment it is erected, and its officer carries the key, so that the owner of the distilled spirits cannot even take a constant in these tables. take a customer in there to show the goods unless in the presence of a Government officer.

Mr. SIMONTON. Mr. Chairman, I rise to support the amendment of the gentleman from Michigan. I am opposed to that feature of the bill which provides for releasing the 5 per cent. interest now collected on the unpaid tax after the specified time, but more especially to the rebate of the tax for evaporation, waste, &c., occurring between the time of manufacture and sale, and I wish to state briefly the reasons that will influence my vote. Sir, I am always desirous of reducing taxes and lightening the burdens of government. I wish that all our commodities and products could be relieved of the load and oppression of taxation. But, sir, the burdens of government must be borne by some one and rest upon some of our commodities or articles of merchandise. And since all may not be relieved, the question arises, are the owners of liquors now in Government warehouses entitled to consideration and relief in preference to all the other of our tax-paying people.

Does the public interest demand that relief should begin and begin alone here; that nobody else but the class contemplated in this bill should have any burdens of government lifted from their shoulders during this session of Congress? Others of our people and other induring this session of Congress? Others of our people and other industries, to say the least of it, are entitled to equal consideration and relief. Yes, and to far more; yet no bill has been reported in their behalf by the Committee on Ways and Means. Reduce the revenues as contemplated in this bill, and their chance of redress is just that much lessened. I do not want to begin to reduce our revenues just here and in this way. Bring in your bill revising our tariff, lift the burden from the people, and then we will, if it can be safely done, extend the relief which you demand shall first be given. I prefer to reduce, and demand that the reduction shall first be made upon the taxes upon hats blankets trace, chains and implements of husbandry. reduce, and demand that the reduction shall risk be made upon the taxes upon hats, blankets, trace-chains, and implements of husbandry, and the other necessaries that the people I here represent must of necessity purchase, those things they cannot do without, and in purchasing which they pay high tariffs.

Who will be benefited by the passage of this bill unamended or by the change of law as contemplated in the bill? The gentleman from Kentucky [Mr. Carlisle] tells us the Commissioner of Internal Rev-

Kentucky [Mr. Carlisle] tells us the Commissioner of Internal Revenue estimates that the rebate for waste, leakage, &c., will be about \$1,700,000 per annum, and from the release of the 5 per cent. about \$75,000; being a saving, or rather a gain, to those who have liquors in the Government warehouses of near \$2,000,000, and a consequent reduction of that much revenue from the Treasury of the Government per annum. The Government plainly loses nearly two million per annum by this transaction. Now, who gains it † Will the consumer purchase his liquor any cheaper ? Not at all. Will the producer of corn and grain receive any higher price from the distiller for his products by reason of the passage of this bill ? None whatever.

This rebate is only upon certain liquors, as has been explained, called table liquor, &c. The gentleman from Pennsylvania [Mr. Kelley] has assured this House that about 66 per cent. of all the alcohol made is used in the arts, and only about 33 per cent. used as a beverage.

is used in the arts, and only about 33 per cent, used as a beverage. It is evident that the liquors upon which this rebate is sought to be made are those used or consumed as a beverage—the table liquors; hence his ingenious argument about the works of art being relieved of taxation does not apply, for the alcohol so used is not affected by this bill. Since the rebate contemplated in the passage of this bill is but a small percentage, perhaps from 5 to 15, of the liquors to which it applies, and which it seems are not more than a third of the amount manufactured in the country, the price to the consumer will not be affected by the passage of the bill. But the owners of liquor in the Government warehouses will realize a fine margin; they scoop in just what the Government loses; it is a fine speculation to them. It is not the first time our revenue laws have been changed in the interest of the speculator. I for one will never aid by my vote what seems to me a project of speculation.

In my judgment, we ought to change the revenue laws as little as possible, and only for the benefit of the people generally; not for the benefit of the manufacturers alone or of those who happen to have

large amounts of spirits in the warehouses. I will join hands with any one to reduce taxes and to take the tariff off those things which the people most use in this country; and if taxes are to be reduced I would rather do so in that field, and afterward reduce the tax upon whisky.

The question being taken on Mr. Conger's amendment, there ere—ayes 52, noes 64.

Mr. CONGER. Before making the point that a quorum has not voted, I desire to inquire of the gentleman who has charge of the bill whether it was understood I should have the right to offer this amendment in the House?

Mr. CARLISLE. There has been nothing said to me on that sub-

Mr. CONGER. I had stated my desire, and I had supposed it was agreed that if the amendment should fail in Committee of the Whole

I should have a vote upon it in the House.

Mr. CARLISLE. Unless such an understanding as the gentleman from Michigan suggests would result in having a large number of other gentlemen asking the same privilege, and permitting perhaps fifteen amendments to be voted upon in the House which had been offered in the committee, I would have no objection.

Mr. CONGER. There are only three, or at most four, amendments upon which gentlemen would desire to have a vote in the House.

Mr. CARLISLE. With the understanding that there are no more than that, I will agree that this amendment shall be voted upon in

Mr. CONGER. With the understanding, then, that I shall have an opportunity to offer this amendment in the House before the previous question is called, I do not insist on the point of order that a quorum has not voted.

So (further count not being called for) the amendment was not

agreed to.

The Clerk read the fifth section, as follows:

Sec. 5. That section 3294 of the Revised Statutes, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by inserting after the word "casks," in the tenth line thereof, the words "or packages," and by inserting after the word "them," in the tribenth line thereof, the words "or packages," and by inserting after the word "them," in the tribenth line thereof, the words "at the time they were deposited in the distillery warehouse; and said entry shall also specify the number of gauge or wine-gallons, and of proofgallons and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof."

The Clerk read the following amendment proposed by the commit-

In line 2, after the word "Statutes," insert the words "of the United States."

The amendment was agreed to.

The Clerk read the sixth section, as follows:

The almendment was agreed to.

The Clerk read the sixth section, as follows:

Sec. 6. That section 3287 of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all after said number and substituting therefor the following:

"All distilled spirits shall be drawn from the receiving-cisterns into casks or packages, each of not less capacity than ten gallons wine measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, by cutting on the cask or package containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks or packages, and by branding or burning on the head of such cask or package in letters of not less than one inch in length; and such brands shall distinctly indicate the particular name of such distilled spirits as known to the trade, that is to say, high wines, alcohol, or spirits, as the case may be; and shall be immediately removed into the distillery warehouse, and the ganger shall, in the presence of the storekeeper of the warehouse, lace upon the head of the cask or package an engraved stamp, which shall be signed by the collector of the district and the storekeeper of the warehouse of the district and the storekeeper and gauger; and shall have written thereon the number of proof-gallons contained therein, the name of the distillery, the date of the receipt in the warehouse, and the serial number of each cask or package, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask or package deposited therein after July 20, 1868, and no two or more casks or packages warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

"

"United States Storekeeper.

"Attest:

"United States Gauger."

The Clerk read the following amendments proposed by the committee:

In lines 10 and 11 strike out the words "by cutting" and insert the words "who shall cut."

In lines 15, 16, and 17 strike out the words:
"By branding or burning on the head of such cask or package in letters of not less than one inch in length; and such brands shall distinctly indicate."

In line 19, after the words "may be," add the following: "shall be marked or branded on the head of such cask or package in letters of not less than one inch in length;" and after the word "and" add the words "the spirits."

The amendments were agreed to.
The Clerk read the seventh section, as follows:

Sec. 7. That section 3310 of the Revised Statutes be amended by striking out the words "every distiller at the hour of twelve meridian on the third day after that on which his bond is approved," occurring on the first and second lines thereof, and by inserting in lieu thereof the words:

"The first fermenting period of every distiller shall be taken to begin on the day the distiller's bond is approved; and every distiller at the hour of twelve meridian on the last day of such first fermenting period, or at the same hour on any previous day of such fermenting period on which spirits are distilled."

The Clerk read the amendments proposed by the Committee on Ways and Means, as follows:

After the word "Statutes" insert the words "of the United States."

The amendment was agreed to.
The Clerk read the eighth section, as follows:

SEC. 8. That section 3318 of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all that was added to said section by said amendatory act.

The Committee on Ways and Means reported an amendment to strike out the eighth section.

The amendment was agreed to.
Mr. HUNTON. In accordance with an informal agreement between the gentleman from Kentucky [Mr. Carlisle] and myself, I move that the committee rise for the purpose of allowing the House to take a recess until half past seven o'clock, an evening session having been appointed for the consideration of the District of Columbia

Mr. FERNANDO WOOD. Let us go on till half past four.
Mr. CARLISLE. I suggest to the gentleman from Virginia that
we may go on a little further.
Mr. HUNTON. I have no objection.

The Clerk read the following:

SEC. 8. That section 6 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by inserting after the word "premises," on the twenty-first line thereof, the following: "And the Commissioner of Internal Revenue, upon the production to him of satisfactory proof of the actual destruction, by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, or of any spirits in process of manufacture or distillation, and before the tax thereon had been paid, shall not assess the amount of internal taxes which might accrue thereon.

The Committee on Ways and Means recommended the following amendments:

After the words "negligence of the" strike out the words "owner thereof of any distilled spirits or," and insert in lieu thereof the word "distiller."

Also strike out the words "and before the tax thereon has been paid "and insert in lieu thereof the words "or before removal to the distillery warehouse."

Also at the end of the section strike out the words "amount of internal taxes which might accrue thereon" and insert in lieu thereof the words "distiller for a deficiency in not producing 80 per cent. of the producing capacity of his distillery as established by law when the deficiency is occasioned by such destruction, nor shall he, in such case, assess the tax on the spirits so destroyed."

Mr. CARLISLE. I desire to state that these amendments were prepared by the Commissioner of Internal Revenue, and by him submitted to the Committee on Ways and Means, who recommended their adoption.

The amendments were agreed to.

The Clerk read the following:

SEC. 9. That section 7 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be repealed.

SEC. 10. That section 3329 of the Revised Statutes of the United States be amended by striking out, after the word "of," in the fifty-sixth line, the word "seventy" and inserting in lieu thereof the word "ninety."

The Committee on Ways and Means recommended the following amendment:

Add to section 10 the following:
"And by striking out the words 'in quantities of not less than one thousand gallons,' in the third line thereof and by inserting the word 'packages,' after the word 'casks,' in the fifth line thereof."

The amendment was agreed to.

Mr. HUNTON. With the consent of the gentleman from Kentucky
[Mr. Carlisle] in charge of this bill I move that the committee now

Mr. CONGER. I hope the gentleman will allow us to go on for fif-

teen minutes longer.

Mr. HUNTON. It is perfectly manifest that this bill cannot be finished this afternoon. A session has been ordered for to-night, and members all around me are clamorous for the committee to rise. I therefore move that the committee rise.

The motion was agreed to upon a division—ayes 70, noes 48.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker pro tempore, Mr. THOMPSON, of Kentucky, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H.R. No. 4812) to amend the laws in relation to internal revenue and had come to no resolution thereon.

FISHERIES REPORT FOR 1879.

Mr. WILSON. I ask unanimous consent that Senate joint resolution No. 100, to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879, returned from the Senate with its disagreement to the amendment of the House thereto, be now taken from the Speaker's table. My object in making the request is to move that the House insist on its amendment and ask a committee of conference.

There was no objection, and the resolution was accordingly taken from the Speaker's table.

Mr. WILSON. I now move that the House insist upon its amendment and ask for a conference.

The motion was agreed to.

RECIPROCITY TREATY WITH CANADA.

Mr. COX. I move that extra copies be printed of the report (No. 1127) of the Committee on Foreign Affairs accompanying the joint resolution (H. R. No. 149) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces.

Mr. BLOUNT. Has that report ever been printed?
Mr. COX. It has been printed, but the first print has been exhausted, and I ask to have it reprinted.
There was no objection, and it was so ordered.

INTERNAL REVENUE.

Mr. CARLISLE. I ask for an order to reprint House bill No. 4812, to amend the laws in relation to internal revenue, the first print having been exhausted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HUNTON. I move that the House now take a recess until half

Mr. WILSON. I would inquire what is the order of business for

the session to-night?

The SPEAKER pro tempore. The Chair is informed that the session of to-night is for the consideration of the bill reported from the Committee on the District of Columbia for a codification of the laws relating to this District.

ENROLLED BILLS SIGNED.

Pending the motion for a recess, Mr. WILBER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolu-tion of the House of the following titles; when the Speaker pro tempore signed the same :

An act (H. R. No. 2004) to confirm the title of Charles Olivier Du-clozel to certain lands in the State of Louisiana;

An act (H. R. No. 3534) to authorize and equip an expedition to

the Arctic seas; and

A joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. VAN AERNAM, for ten days from Friday next.

WITHDRAWAL OF PAPERS.

Mr. JONES asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Hyacinth D. St. Cyr; no adverse report.

Mr. ELLIS asked and obtained unanimous consent that the papers in the claim of Samuel Jamieson be taken from the files of the House and referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HUNTON. I call for the regular order.

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Virginia [Mr. HUNTON] that the House now take a

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., Mr. BLACK-BURN in the chair as Speaker pro tempore.

CODE FOR THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore. The session of to-night is for the consideration of the bill (H. R. No. 5541) to establish a municipal code

for the District of Columbia.

Mr. HUNTON. I move that the House resolve itself into the Committee of the Whole House for the consideration of the bill just named.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. Burrows in the chair,) and resumed the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia

Mr. HUNTON. When the Committee of the Whole, having under consideration this bill, last rose, the House made an order, at the request of several members, that the remaining sections in regard to taxation should be passed over for the time being, and that we should at this evening's session commence at Title IV, "Public schools," on page 86. The Clerk read as follows:

TITLE IV-PUBLIC SCHOOLS.

SEC. 239. Every person in the District of Columbia, having under control any child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of the District in which he shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding \$20, to be recovered before any justice of the peace of the District.

SEC. 240. If, upon the hearing of any case provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, or that the child has been attending any other school for a like period of time, or that the child, by reason of bodily or mental infirmity, was not fit to attend such school, the penalty shall not be enforced.

Mr. HUNTON. I ask unanimum consent to go bear before it see

Mr. HUNTON. I ask unanimous consent to go back, before it es- is printed. [Laughter.]

capes my memory, to page 39, to insert an amendment in the exemption clause. My attention has been called by the Secretary of State to an omission which I wish to correct. The first exemption, in section 131, is "the property of the United States and of the District." I move to amend so as to make that clause read "the property of the United States, of the District, and of foreign governments held for legation purposes." for legation purposes."

Mr. CONGER. Would that include property rented by foreign

legations?
Mr. HUNTON. No, sir; it would apply only to property belonging to foreign governments and used for legation purposes.
Mr. LAPHAM. Why should property owned by foreign governments.

ments be exempted from taxation any more than property rented for

legation purposes?

Mr. HUNTON. I have been informed by the Secretary of State in a letter which I received since this question was before the House that property owned by foreign governments has not been taxed heretofore, and that according to the comity of nations such property when used for legation purposes is exempt from taxation. The reasonable market respectively and exempted is that the owner of the son why rented property is not exempted is that the owner of the

property pays the taxes.

Mr. LAPHAM. I was looking to see whether we could not get back a little of the five millions and a half of dollars that we paid for a few fish. [Laughter.] Mr. HUNTON.

Mr. HUNTON. I reckon we got that in the Geneva award.
Mr. LOUNSBERY. It seems to me that the clause as now proposed to be amended would not express the sense intended. The clause to which the amendment refers now reads, "first, the property of the United States and of the District." The amendment as reported leaves out the word "and" after "the United States," so that possibly it might be construed that property of the District was not included in the exemption.

Mr. HUNTON. It certainly would not. The clause as proposed to

be amended would read:

First, the property of the United States, of the District-

That is, the property of the United States and of the Districtand of foreign governments.

That is, property of foreign governments.

Mr. BARBER. If you leave out the word "and" the construction may be "property of the United States in the District of Columbia."

Mr. HUNTON. With a comma inserted after "United States" and "District," there can be no doubt about the meaning.

Mr. LAPHAM. I suggest that the words "of Columbia" be inserted after "District."

after "District."

Mr. HUNTON. I would have no objection to making that modification, but the gentleman will recollect that near the beginning of this code there is a section which provides that the words "this District" or "the District" shall be construed as equivalent to "the District of Columbia."

Mr. VAN VOORHIS. It is never safe, in my judgment, to allow the construction of an important clause in a statute to depend upon the question whether a comma is or is not in a certain place. While I agree with the gentleman from Virginia that perhaps if the comma be inserted the technical grammatical construction might be as he says, yet it sometimes happens that in printing statutes commas are omitted. We had better make the language plain enough, even if the comma be omitted. I think we had better retain the word "and" after the words "United States." While making the expression em-

Mr. HUNTON. I have no objection.
Mr. VAN VOORHIS. It will then read "property of the United States, and of the District, and of foreign governments."

Mr. HUNTON. I do not think it necessary to retain the word "and,"

and it is hardly grammatical.

Mr. VAN VOORHIS. It is grammatical.

The CHAIRMAN. Does the gentleman from Virginia accept the modification ?

I have no objection.

Mr. MITCHELL. It appears to me that in a bill of this kind we Mr. MITCHELL. It appears to me that in a bit of this kind we ought to observe the same rules of composition which we would follow in writing a letter or anything else. I cannot conceive any reason why the conjunction "and" should be inserted after the words "United States." I do not believe any court ever existed, or ever will be created, or can be imagined to exist, which would construe that phrase, "of the District," as relating to the United States, whether there is any comma there or not. I do not think there can whether there is any comma there of not. I do not think shere can be any question about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia, as modified.

Mr. MITCHELL. I move to strike out "and," if that is part of

Mr. VAN VOORHIS. That word "and" is there now, and the mo-tion was made to strike it out, and I move to keep it in. The CHAIRMAN. The amendment was accepted by the gentle-

man from Virginia.

Mr. MITCHELL's amendment to the amendment was adopted. Mr. VAN VOORHIS. I move that the gentleman from Pennsylvania be a committee to see that that comma is put there when this law

Mr. Hunton's amendment, as amended, was adopted.

Mr. BARBER. I should like to inquire of the gentleman in charge of the bill whether the term "any other school," in line 5 of section 240, is intended to embrace private schools?

Mr. HUNTON. Unquestionably it is. If a parent is sending his child to any school, then of course the penalty of not sending to the public school ought not to be, and is not by this section, enforced, the object of the section being to require education in some school.

Mr. LAPHAM. Is that broad enough? I ask the gentleman from Virginia to include the class of eaces where private teachers are em-

Virginia to include the class of cases where private teachers are employed.

Mr. HUNTON. Unquestionably.

Mr. LAPHAM. I fear not.
Mr. HUNTON. Undoubtedly it is. It was intended to be.
Mr. LAPHAM. I have no doubt of that. But I doubt whether a single child under the instruction of a private teacher would come within the designation of a person attending school.

Mr. HUNTON. What would you propose?

Mr. HUNTON. What would you propose.
Mr. HUNTON. Some apt word.
Mr. HUNTON. What is the apt word?
Mr. VAN VOORHIS. A comma. [Laughter.]
Mr. BARBER. I move, in line 5, after the word "school," to insert

"or private instruction."

"or private instruction."
Mr. HUNTON. Let me make a suggestion. That in lieu of the words you propose to insert, would it not be better to insert after "any other school" the words "public or private?"
Mr. BARBER. That would be all right.
Mr. HUNTON. I have no objection to that.
Mr. LAPHAM. I think that would cover it.

Mr. SINGLETON, of Illinois. I rose when section 131 was under consideration for the purpose of moving an amendment to section

consideration for the purpose of moving an amendment to section 239. I do not understand that section has yet been passed upon.

The CHAIRMAN. Section 239 has been passed; but, if there be no objection, as soon as the pending amendment is disposed of the Chair will hear the gentleman's amendment.

Mr. SINGLETON, of Illinois. I rose to move an amendment.

The CHAIRMAN. The Chair remembers that, and will recognize

the gentleman when the pending amendment has been acted on.

Mr. ROBINSON. Read the pending amendment. Mr. Barber's amendment was read, as follows:

Line 5, section 240, after the word "school," insert the words "public or pri-

Mr. ROBINSON. That would be right provided there are public schools which are not supported by the District, and if there are no public schools apart from the Distict schools, then the word "public" is plainly out of place, because you are here, in this bill, requiring children to attend public schools, and then you say instead of attendance on public schools you will accept attendance elsewhere or an excuse of mental or bodily infirmity. You are providing under what circumstances the child may not be compelled to attend public schools, therefore the word "public" is quite out of place as I look at it, and

I think some apt word or a comma ought to be inserted. [Laughter.]
Mr. BARBER. Section 239 provides that the child shall be sent to some public school in that part of the District in which he shall at the time reside, and this is contradistinguished from that.

Mr. BARBER's amendment was rejected.
Mr. SINGLETON, of Illinois. I move, in section 239, to strike out the following words:

And for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding \$20, to be recovered before any justice of the peace of the District.

The CHAIRMAN. Is there objection to going back to that section and receiving the amendment?

There was no objection.

Mr. SINGLETON, of Illinois. It will be observed by the committee that section 240 relieves the parent from the penalty prescribed in section 239, if the child labors under bodily or mental infirmity. But the parent may be laboring under mental or bodily infirmity and

may require the services of the child.

Now, sir, I am in favor of education, but I want no education but that which society and the necessities of mankind compel. I want no education that the law compels. Let the parent be the judge of whether his child is necessary to take care of him, to minister to his wants in his old age, to nurse him in his infirmity, and not let the law say that because the child is infirm the parent shall be exempt from the penalty attached, when the infirmity of the parent should exempt him when he keeps his child at home from school to care for him in his old age, or want, arising from sickness or otherwise. I think the section is imposing or will impose a very great and unnecessary hardship upon many persons who necessarily keep their children at home to wait upon them in cases of infirmity or sickness, who ought not to be subject to that provision because their infirmity necessitates the attendance of their children perhaps at their bedside. I hope therefore the amendment will be agreed to.

Mr. HUNTON. I will say to my friend from Illinois that if it be the judgment of the committee that the last portion of this section should be stricken out, then the whole section ought to be stricken out, because it is not worth while to declare by statute that the parent should send his children to school if he is not required to send them, or if there is no penalty attaching to it.

Mr. SINGLETON, of Illinois. The statute in that event would be directory; that is a very good thing often.

Mr. HUNTON. But I say there would be no sense in requiring a

Mr. HUNTON. But I say there would be no sense in requiring a thing to be done if there is no forfeit or penalty attached to its violation. If my friend is right in his views all the District ought to do would be to open the school and allow the children to come in or not to come as they pleased, or as their parents pleased. The main point in this matter is as to whether it is proper in a government to say that the parents must, to some extent, educate their children, and I for one, sir, think it is probably right that the Government should require parents to send their children to school for a certain portion of the time at least, for the purpose of educating them, to fit them for the duties of citizenship, and for the purpose of preventing the increase of of citizenship, and for the purpose of preventing the increase of criminals and paupers upon the community.

Mr. ROBINSON. I do not know whether it is necessary to move an amendment or not.

The time for debate on the amendment is not The CHAIRMAN.

yet exhausted.

Mr. ROBINSON. Then, I wish to suggest to the gentleman from Illinois that perhaps he will find relief for the objection which he urges in lines 2, 3, and 4 of the next section of this bill, where it is provided that if it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, &c. Mr. HUNTON.

Mr. HUNTON. That is true.

Mr. ROBINSON. That I say seems to be in the nature of relief in such cases as the gentleman from Illinois has mentioned as probably ones of hardship which might arise under this bill. But coming to the purpose of this section I believe that a community that undertakes to support public schools and to provide free education for the children has the right also, and that it is a duty which that commuchildren has the right also, and that it is a duty which that community is called upon to perform, to see that the children attend the schools and receive the education which is offered to them. One of the best foundations for our free institutions is undoubtedly to be found in the education of the young; and if we open the school-doors and provide every convenience and advantage for the children, we undoubtedly have the right to impose upon the parents and those in charge of the children the duty of sending them at least for a time to the schools. Is it a hardship? Is it that I am taxed to furnish the fund out of which my neighbor's children shall be educated and I have no interest in it? The interest of every one that regards the peace and good order of the community in which he lives, and of society at large, is closely involved in the education of the youth who are to be the coming generation.

I know my friend from Illinois is in full accord with that. section of this bill which provides relief for the objections he urges covers fully the point that he makes and leaves the section complete in its operation as to children where no such objections exist. The State of Massachusetts has had this species of school legislation for a great many years and has to-day classes—if I may use the word in no odious sense—we have all grades of property in our State—but all are compelled for a certain portion of the year to send their children into the public schools or to some school which is approved by the school committees. For instance, the Catholic children, many of them, are educated in strictly Catholic schools, and the school committees approve of them, for it is in accordance with the wish of the parents. I sincerely hope that in this capital of the country we will take no backward steps in this regard. Let us take a forward step if necessary. Surely we cannot go far wrong if we require all the children to go to the schools for the short time, only twelve weeks, prescribed in this bill. That is all that is required. That is not a great hardship upon anybody. Thus all are enabled to derive the covers fully the point that he makes and leaves the section complete great hardship upon anybody. Thus all are enabled to derive the benefit of the public schools, and the effect will be to produce better men and better women and better citizens, and the country will be all the safer twenty five or fifty years beneg

men and better women and better citizens, and the country will be all the safer twenty-five or fifty years hence.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. ROBINSON. Certainly.

Mr. SPRINGER. I wish to ask the gentleman if he has any objection to parents having a private tutor for their children and not send them to school at all? them to school at all?

Mr. ROBINSON. Not at all. That is provided for in the next sec-

tion.

Mr. SPRINGER. Where 7 I would like to hear it.
Mr. ROBINSON. Let the gentleman read the next section. That point has been commented upon already.

Mr. SPRINGER. I find in the next section these words:

Or that the child has been attending any other school.

Mr. ROBINSON. If those words are not broad enough it has been agreed by the chairman of the committee to accept any words broad enough to cover private instruction. If the words are not broad enough let the gentleman from Illinois suggest what will answer the

Mr. HUNTON. An amendment offered for that purpose has been

voted down.

Mr. SINGLETON, of Illinois. I am aware that under the rules I am not permitted to make any further remarks; but if there be no objection I desire to answer my friend from Massachusetts, [Mr. Rob-Inson,] with whom I agree in the main.

I am opposed, Mr. Chairman, to imposing a penalty upon any poor man whose children must necessarily be educated at a public school. Public schools were intended and should be preserved for the purpose of educating the children of those who are unable to educate them themselves, and to impose a penalty upon the parent whose infirmity may require the presence of his child at home is wrong.

firmity may require the presence of his child at home is wrong.

I am opposed to the general doctrine of compulsory education. This is all wrong. It ought not to be tolerated by Congress, even if the States of this Union may all have adopted it. Congress is now legislating for the District of Columbia alone, and what States may do may be improper to be done for the District of Columbia. But even if it were proper and within the sphere of the power of Congress to do this thing, which I shall not discuss or deny, still I say it is wrong to impose upon the people of the District of Columbia the obligation to send their children to the public schools, whether they can or cannot afford to have their children away from their homes and from attending to themselves, the necessity of which we see evidenced every day by the little children running around selling newspapers, &c., to maintain their poor parents.

I have no objection to an amendment which will relieve the parent

I have no objection to an amendment which will relieve the parent in any way from this penalty. My friend from Massachusetts has referred to the provision in section 240:

If upon the hearing of any case provided for in the preceding section it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school.

Not able from any cause. What does that mean? It means if he is not able to furnish him with clothes, with shoes, with stockings and all these things. But suppose he had no ability himself to send the child or ability to take care of himself. The inability I speak of is not in regard to sending the child, but in regard to taking care of himself. Therefore the penalty is all wrong and should be stricken out. [Here the hammer fell.]

Mr. VAN VOORHIS. I move to strike out the last word.

I think the difficulty which the gentleman from Illinois labors under can be very easily disposed of. The only part of the section he objects to is that which imposes a penalty.

Mr. SINGLETON, of Illinois. That is all.

Mr. VAN VOORHIS. We have been informed repeatedly that this is a "perfect" code of law. Now, every perfect code of laws has a general provision imposing a penalty for the breach of such portions of it as have no specific penalty attached to them. Generally it is made a misdemeanor. So that when you get through with this code, if it is not in already, it will be put in, that every offense specified in the code for which no specific penalty is provided shall be a misdemeanor; and if the amendment of the gentleman from Illinois prevails he will find the people in whose interest he speaks, much worse off when they come before the court to answer for a misdemeanor than if they had to never a repeated of the court to answer for a misdemeanor. worse off when they come before the court to answer for a misde-meanor than if they had to pay a penalty of \$20 or under. I with-

draw the amendment.

Mr. LOUNSBERY. I rise to oppose the amendment of the gentleman from New York, [Mr. VAN VOORHIS.]

I understand the gentleman from New York to take the floor in advocacy of penalties. It seems to me that a school law is the very conditional control of the seems to me that a school law is the very good deel of worst place to load up with penal statutes. I have a good deal of sympathy with the position taken by the gentleman from Illinois, [Mr. Singleton.] I know that if we enter upon the discussion of the question of compulsory education we open a very wide field of discussion indeed. I have never been an advocate of compulsory educations of the compulsory education we open a very wide field of discussion indeed. I have never been an advocate of compulsory education we open a very wide field of discussion indeed. tion. The best public men we have had, the most successful men in business, in art, and in science, have been self-made men, men who were not forced into an artificial curriculum of a public school, but

were not forced into an artificial curriculum of a public school, but men who by their own volition, while engaged it may be in work, have laid the foundation for a noble public or private career.

I have always distrusted these statutes, and I would like to ask the gentleman from Virginia [Mr. HUNTON] who has charge of this bill exactly where he picked out this code of compulsory education; whether he took it from the laws of Connecticut, or Massachusetts, or some other of the New England States, or whether he took it from a statute in New York which has not been enforced at all, but stands on the statute-book as the deadest of dead-letter statutes in that States?

State?

Mr. HUNTON. I will tell the gentleman if he will allow me.
Mr. LOUNSBERY. Of course this is not a matter to show any
special feeling about. I am satisfied that among the population of
the District of Columbia a compulsory-education law will be a dead

Mr. HUNTON. Will my friend allow me to answer his question?
Mr. LOUNSBERY. Certainly.
Mr. HUNTON. The gentleman asked me where I picked up this law, whether in Massachusetts or in New York. I will answer my friend that we took it from the laws of the District of Columbia that

friend that we took it from the laws of the District of Columbia that have been in force for sixteen years.

Mr. LOUNSBERY. Enforced?

Mr. HUNTON. In force for sixteen years.

Mr. LOUNSBERY. Not enforced; you are mistaken in that, I think.

Mr. HUNTON. I say in force.

Mr. LOUNSBERY. You mean enacted, not enforced.

Mr. HUNTON. I say the law has been in force for sixteen years in this District, without one single murmur of complaint from the neonle. people.
Mr. LOUNSBERY. Is my time running on?

The CHAIRMAN. The Chair understood the gentleman to yield

to the gentleman from Virginia.

Mr. LOUNSBERY. For a question; not for a speech.

Mr. HUNTON. I am not making a speech; I am giving you an nswer to your question.

Mr. LOUNSBERY. I have not completed my argument against

this compulsory-education provision.

The CHAIRMAN. Does the gentleman decline to yield further?

Mr. LOUNSBERY. Not if I can have other time in which to con-

clude my argument.

Mr. HUNTON. Very well; go on.

Mr. LOUNSBERY. There is a mistaken view in regard to the meaning of education. That is to say, it is a mistake to believe that

meaning of education. That is to say, it is a mistake to believe that education means instruction in the course of learning which is prescribed in any public school. There is a more useful education than that; and that is what I mean by education, and it is the true meaning. I ask gentlemen here to turn their attention to persons educated in art. Look at Switzerland, where the finest watches are made to-day, where the art has been perfected so that the eye is instructed, the fingers are instructed, the mind is instructed in a particular art, which no man can learn except he commences at the very beginning when he is a boy and continues to the time he is an old man.

which no man can tear rexcept he commences at the very regiment, when he is a boy and continues to the time he is an old man.

Now, I ask whether gentlemen here believe it is a wise thing for the Government to compel a boy born of a generation of watch-makers to be drawn out of the direction where nature and hereditary instincts to be drawn out of the direction where nature and hereditary instincts have carried him, and to be forced by a penalty to acquire the kind of learning prescribed by public schools, to which he is disinclined by nature and by his hereditary instincts, and thereby instead of making him one of the most useful men in arts make him a trouble-some, boisterous, and disagreeable man in society, inflamed by an ambition for a place for which he is not fitted, and make him a charge upon instead of a help to the community?

[Here the hammer fell.]

Mr. VAN VOORHIS. Does the gentleman state that the Swiss watch-makers never on to school

watch-makers never go to school.

The CHAIRMAN. Debate upon the pending amendment has been exhausted. Does the gentleman from New York [Mr. Van Voorhis] withdraw his amendment?

Mr. VAN VOORHIS. I withdraw it.

Mr. HUNTON. I renew the amendment. I am not particular about this matter of compulsory education. But when the committee came to codify the laws of the District they found the law under consideration on the statute-books, enacted in 1864, and there was not a murmur of complaint about it before the committee. I will read the

Every person in the District of Columbia, having under control any child be-tween the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of the District in which he shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeitto the use of the school in that portion of the District in which he resides a sum not exceeding \$20, to be recovered before any justice of the peace of the District. is not a word or syllable changed in that law.

There is not a word or syllable changed in that law.

Mr. SHELLEY. I would ask the gentleman from Virginia if he knows of any instance in which this law has been enforced?

Mr. HUNTON. I am not inquiring into that. It is our duty to enact the law; it is the duty of other parties to enforce it.

Mr. SHELLEY. I would inquire of the gentleman whether if this law should be enforced rigidly there are school facilities enough in this District provided by Congress or by the district to accommodate all the children of the District.

Mr. HUNTON. No child has been refused admission to the public schools.

schools

Mr. SHELLEY. My information is different; I have known of Mr. SHELLEY. My information is different; I have known of children being refused.
Mr. HUNTON. That would be a good excuse from the penalty imposed by this section for non-attendance.
The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. SINGLETON.]
Mr. SPARKS. What is that amendment?
The CHAIRMAN. It is to strike out of section 239 the words which

the Clerk will read.

The Clerk read as follows:

And for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding \$20, to be recovered before any justice of the peace of the District.

of the peace of the District.

The question was taken upon the amendment; and upon adivision—ayes 14, noes 27—it was not agreed to.

Mr. LOUNSBERY. I move to amend section 40 by inserting after the words "or that the child has been attending any other school" the words "or is being instructed by a private tutor."

Mr. HUNTON. I have no objection to that amendment.

The amendment was agreed to.

Mr. LOUNSBERY. I move to further amend the section by inserting after the words "or unless the child is earning wages upon which the parent is relying for support."

Mr. HUNTON. Any case of that sort is provided for now in the first part of section 240, which is as follows:

If, upon the hearing of any case provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, &c.

Mr. LOUNSBERY. I would like to say a word in defense of the amendment. I do not find that this proposition is covered by the text of the bill as it stands; and I offer it so that we shall not have the District of Columbia supporting a parent by charity while a child that could earn wages for the support of that parent is prevented from doing so by a law compulsorily requiring attendance at

a public school.

Mr. ROBINSON. The amendment opens the door very wide. If it said "earning wages necessary for the parent's support" it might not be objectionable, though I think it would do no more than the bill already provides for.

The amendment of Mr. Lounsbery was not agreed to, there be-

ing—ayes 13, noes 25.

Mr. SHALLENBERGER. I suggest that in order to make line 7 harmonize with line 5 the words "or receive such private instruction" should be inserted after the word "school" in the seventh line.

Mr. HUNTON. That is right.
The amendment was agreed to. The Clerk read as follows:

SEC. 241. The trustees or school board having charge of public schools in the District may make such arrangements for the purpose of ascertaining whether any children within the ages prescribed by law are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of the two preceding sections.

Mr. SPRINGER. For the sake of asking a question, I move to amend by striking out the last word. I desire to understand whether this section authorizes the trustees of the public schools to make arrangements for ascertaining whether any children between the ages prescribed by law are not attending the public schools? Children are not required absolutely to attend public schools; they may have private tuition or may attend a private school. Why not simply authorize the trustees to ascertain whether the provisions of this act are complied with?

Mr. ROBINSON. The gentleman will find that his objection is

Mr. ROBINSON. The gentleman will find that his objection is met by the two preceding sections.

Mr. SPRINGER. The provision made in the preceding section applies only when a person is being prosecuted before a justice of the peace, when he may plead certain things in justification of keeping his child away from the public schools.

Mr. BROWNE. Let me suggest to the gentleman that if he will move to insert the words "or other" between the word "public" and the word "schools," it will carry out his idea.

Mr. LAPHAM. The two preceding sections meet the whole difficulty.

Mr. SPRINGER. Those sections would not have force until some parent had been prosecuted and brought before a justice of the peace.

The CHAIRMAN. Does the gentleman insist on his amendment?

Mr. SPRINGER. No, sir; I withdraw it.

The Clerk read as follows:

SEC. 242. No child shall be admitted into the public schools who shall not have been duly vaccinated, or otherwise protected against the small-pox.

Mr. BAILEY. I move to amend by striking out the last two words f this section. I wish to inquire of the honorable chairman of the of this section. District Committee whether there is any provision in this bill mak-

In this bill making an appropriation for vaccination?

Mr. HUNTON. Oh, yes, sir.

Mr. BAILEY. I mean specifically for vaccination.

Mr. HUNTON. Yes, sir. The physicians of the poor are required to vaccinate whenever called upon; and during the recent alarm about small-pox thousands of children were vaccinated in this city

without charge.

Mr. SPARKS. A portion of the appropriation in the Indian bill might be taken for this purpose. [Laughter.]

Mr. BAILEY. I was about to say that as this House decided the other day by a very emphatic majority that there should be a specific appropriation for the vaccination of certain kinds of animals in the West, I wanted to be sure that we had an equally specific provis-

ion for our own race here in our midst.

I think there ought to be an amendment to this section. It now reads, "No child shall be admitted into the public schools." I do not know but that an amendment ought to come in right there so as to

make the section read:

No child shall be admitted into the public schools or into the corridors of the Capitol or the galleries of the House of Representatives without being vaccinated. Mr. SPRINGER. The gentleman might provide that no member shall be admitted unless vaccinated.

shall be admitted unless vaccinated.

Mr. BAILEY. I do not want these children to come into contact with members without previous vaccination.

Mr. VAN VOORHIS. They do not come in contact with members by coming into the galleries.

Mr. BAILEY. Well, if my friend mixes with his constituents in the same way as most members of Congress do with theirs just before election time, he knows that a member of Congress comes in pretty close contact with all kinds of people. If members of this House had seen my friend last week, when he was home "fixing up his fences," they would have thought that his constituents were very close to him. Now it is a well known fact within the experience of every man here that you cannot leave this Capitol to-night and walk the length of Pennsylvania avenue without being solicited at almost every corner by mere children for alms—for money, for bread, for the

means of sustaining life. I do not know but there is something in this bill—I have not had time to read it—and I should like to ask the chairman whether there is anything in the bill which prevents this kind of abuse, for I call it abuse; yes, it is an abuse of children.

Mr. HUNTON. I will answer the gentleman from New York. I do not suppose that the District commissioners have the slightest right on the earth to control ingress and egress of this Capitol. It would be a singular anomaly for a little district government to say who should come into the Capitol of the United States and who should not. If the gentleman desires to enter upon such legislation as that, I will say to him such a thing was certainly foreign to the intention of the committee. of the committee.

Mr. BAILEY. I did not ask my friend from Virginia any such question about the Capitol. I asked him whether there was anything in this bill to prevent begging on the public streets in the District of

Columbia.

Mr. HUNTON. I beg the gentleman's pardon. I understood him to ask whether there was anything in this bill to prevent egress or

ingress to this Capitol.

Mr. BAILEY. What I wished to know was whether there was anything here to prevent this general street-begging, which is an abuse.

Mr. HUNTON. There is a vagrant law, the nearest we can get to it

Mr. BAILEY. Is that incorporated in this bill?
Mr. HUNTON. It is.
Mr. BAILEY. I think it will be a great shame to this American nation when such street begging exists in this capital if we should adjourn without enacting some law to prevent such begging on every corner in the national capital. If these people are poor let us make an appropriation for them. If they wish to be vaccinated, why let us vaccinate them. [Laughter.] But do not let us be interrupted and overhauled by these young American citizens on all the corners and overhauled by these young American citizens on all the corners of the streets and upon every broad, wide, avenue of the capital day after day and week after week, with importunity for alms. I appeal now to the chairman of the Committee on the District of Columbia who has a great, big, large heart, and who lives so near this District on the shores of the Potomac, to frame something and to put it into this bill, which will prevent what I call a great abuse.

The CHAIRMAN. The gentleman's time has expired. Does he withdraw his formal amendment.

Mr. BAILEY. I do.

Mr. SINGLETON, of Illinois. I move to strike out section 242.

Now, Mr. Chairman, under section 240 the only excuse which a parent can give to exempt himself from the fine imposed by section 239 is bodily or mental infirmity of the child. Under section 242 no

239 is bodily or mental infirmity of the child. Under section 242 no child shall be admitted into the public schools who shall not be duly vaccinated. Do the commissioners, or does the committee which has reported this bill, mean to say that persons who have not been vaccinated are mentally or bodily infirm? Certainly not. Then the child is not admissible, although he may be of sound body or mind, if he has not been vaccinated.

And the gentleman from New York has well remarked that there And the gentleman from New York has well remarked that there is no reason why the same rule should not be applied to this House. Are we not entitled to protection against contagion as much as the schools of the District? Why should these galleries be occupied by unvaccinated persons, [laughter,] by persons who may convey contagion to this House? Why should not Congress protect itself as well as the schools of this District?

I think the section for these research should be stricken out. It is

I think the section, for these reasons, should be stricken out. It is in the interest of the doctors and not in the interest of health at all. It is in the interest of doctors to give them employment in vaccinaon. [Laughter.]
Mr. HENKLE. It is perhaps my misfortune, Mr. Chairman, to be

a doctor.

Mr. VAN VOORHIS. I wish to ask the gentleman from Illinois whether he has ever been vaccinated? If he has, he is protected against the galleries.

Mr. HENKLE. I should like to say, if the public can stand it, the doctors can stand it. For the more there are of people who are not vaccinated the more business there will be for the medical profession.

It seems to me however very strange that it is necessary to defend

It seems to me, however, very strange that it is necessary to defend a provision so obviously proper as this which is contained in this section. I believe a similar provision exists in every public-school law in every State of the Union; and if it does not it ought to. Smallpox is a highly contagious disease. That you all know. Children come from every part of the city, from every grade and condition of life, to these public schools, where they have frequent and close intercourse, and contagious diseases in that way are spread throughout the community as well now several frequency and contagious diseases. out the community—small-pox, scarlet-fever, measles, every kind and character of contagious disease. The common law of self-protection, common-sense, would seem to indicate to us, it seems to me, that whatever can be done for the protection of the public against the ravages and spread of a deadly, loathsome, contagious disease, should, in God's name, be done.

Some object to the compulsory feature. If not made compulsory the beneficial effects are lost. There is no hardship upon the poor, because vaccination is provided for at the public expense. In some countries where vaccination has been enforced and made compulsory

small-pox has been almost entirely exterminated.

Mr. SINGLETON, of Illinois. I ask my friend, although vaccina-

tion is provided at the public expense, whether doctors do not get

paid at the same time?

Mr. HENKLE. The doctor gets his pay out of the public, not out

Mr. SINGLETON, of Illinois. It does not matter; he gets his pay

Mr. HENKLE. This is not a hardship upon the parent or the scholar who is required to be vaccinated, because, I say, it is paid for at the public expense

Mr. SPARKS. Will the gentleman from Maryland allow me to ask him a question; and that is, whether or not medical men do not differ

him a question; and that is, whether or not medical men do not differ on the subject of vaccination, as to its propriety?

Mr. HENKLE. Yes, sir; there is a difference of opinion.

Mr. SPARKS. If that be so, you compel all persons to be vaccinated. They are compelled according to this bill to be sent to school, and if they do not go to school they are liable to penalties. You compel them if they do go to school, however, to be vaccinated whether they object to it or not. Therefore you make vaccination compulsory. Now, it is a well-known fact that there are objections on the part of many people to the vaccine virus being infused into the systems of their children. Is not that running compulsory education and vaccination children. Is not that running compulsory education and vaccination and all that a little too strong? I do not object to it myself, I merely suggest that other people do object to it.

Mr. LAPHAM. Then, they can apply that other protection that is circuit this section.

is given in this section.

Mr. SPARKS. What is that?

Mr. LAPHAM. The section provides "or otherwise protected"

against small-pox.

Mr. SINGLETON, of Illinois. I would like to inquire of the gentleman from New York how they can be otherwise protected?

[Here the hammer fell.]

Mr. HENKLE. I hope my time will not be cut off, as I yielded to gentlemen to ask questions.

The CHAIRMAN. The time of the gentleman has expired.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 244. The commissioners of the District of Columbia shall maintain public free schools for the education of all the children within said District between the ages of six and seventeen years, and may continue to provide separate schools for white and for colored children, and to cause necessary books and stationery to be furnished free of charge to destitute pupils attending the public schools. They shall divide the trustees of public schools of said District into three classes, one of which shall go out of office on the 30th day of June of each year; and all appointments of trustees hereafter made, except to fill unexpired terms, shall be for the term of three years unless sooner removed.

Mr. SINGLETON, of Illinois. I move to amend by inserting, after the word "years" in line 4 of this section, the following words: "Except such as have not been vaccinated;" so that if amended the

The commissioners of the District of Columbia shall maintain public free schools for the education of all the children within said District between the ages of six and seventeen years, except such as have not been vaccinated, &c.

The amendment was not agreed to.

Mr. LAPHAM. I move to strike out the word "may" in line 4 of this section and insert the word "shall."

Mr. HUNTON. I have no objection to that amendment.

The amendment was not agreed to.

Mr. LAPHAM. Mr. Chairman, I wanted to say a word upon that

before the vote was taken.

Mr. HUNTON. I ask if debate is in order after the vote has been

taken and the amendment has been disagreed to?

The CHAIRMAN. The Chair did not hear the gentleman from New York, and did not suppose he desired to debate the amendment. The Chair thinks he should have the right to do so, as he offered it.

Mr. LAPHAM. I was not off my feet, and it was my intention to have given the reasons for the amendment which I offered.

The CHAIRMAN. The gentleman spoke so low that the Chair did not understand him; but will now hear the gentleman with pleasure.

Mr. LAPHAM. The committee will see by reference to section 263 of this bill that sections 306, 307, and 308 of the Revised Statutes of the United States relating to the District of Columbia are proposed to be repealed. Now, I desire to call attention to these sections. Sections 306 of the statutes for the District is in the following words: tion 306 of the statutes for the District is in the following words:

SEC. 306. It shall be the duty of the proper authorities of the District to set apart each year from the whole fund received from all sources by such authorities applicable to purposes of public education in the cities of Washington and Georgetown such a proportionate part of all moneys received or expended for school or educational purposes in said cities, including the cost of sites, buildings, improvements, furniture, and books, and all other expenditures on account of schools, as the colored children between the ages of six and seventeen years in the respective cities bear to the whole number of children, white and colored, between the same ages, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; and such proportion shall be ascertained by the last reported census of the population of said cities made prior to such appointment, and shall be regulated at all times thereby.

Section 307 provides that the proportion of school money to be set apart for colored schools shall be kept as a fund distinct from the general school fund and shall be paid to the treasurer of the board of trustees of schools for colored children; and section 308 gives the trustees the right to maintain an action of debt in the supreme court of the District against the District for the non-payment of any sum of money arising under the provisions of the preceding section. In

other words, it gives a remedy for enforcing the payment of such

other words, it gives a remedy for enforcing the payment of such sums of money as are therein provided.

Now, the trustee of one of the schools of this District, himself a colored man, has called my attention to the importance of this change which proposes to strike out entirely the existing system of education in this District in that respect, which he says has worked well for a long time and which it is desired by the people, as he understands it, to continue. The proposed section blots out all of that law and leaves it merely optional with the commissioners of the District of Columbia to continue such schools or not, as they may see proper.

Columbia to continue such schools or not, as they may see proper. They may continue them, but it is not compulsory.

I shall also, in line 5, after the word "children," propose to amend by inserting "as now provided by law;" so that when we come to the other section, proposing to strike out these three sections that I have named, I shall ask to exempt them from the operation of this law and leave them in force as at present

leave them in force as at present.

Mr. HUNTON. I trust my friend will not insist upon the last portion of his amendment, because the design of this code is to furnish a full, complete law; and if he puts in the clause "as now provided by law," that would embrace all the law as in existence to day, or by law," that would embrace all the law as in existence to-day, or when this code goes into operation in the future. If there is any amendment to carry out the views of my friend from New York I hope it, will appear in the code, and not refer to laws outside of it. We want it all in the code and have no reference to outside laws.

Mr. VAN VOORHIS. I ask a division of the question.

Mr. CONGER. I dislike to incorporate into the law of this District a provision passed by the Congress of the United States that shall, without any reference to the future or to the choice of the people compel in every school district in the District of Columbia a sen-

ple, compel in every school district in the District of Columbia a separate school. There may be portions of the District where there are

arate school. There may be portions of the District where there are not scholars enough of one or the other of the races to make up the proportion necessary to maintain a separate school.

Mr. SPARKS. I hope the gentleman from Michigan will not look at this side of the House. That amendment did not come from us; the gentleman from New York offered it. [Laughter.]

Mr. CONGER. I know the gentleman from New York offered the amendment, but I look to that side of the House to support it, and therefore my argument is addressed there. Now, it appears to me that my friend from New York may perhaps be in a humorous way to-night and endeavors in this manner to draw fire on the enemy. I trust that is all he intends. [Laughter.] trust that is all he intends. [Laughter.]

Mr. LAPHAM. I will repeat in my own justification that a colored citizen of this District, himself a member of the board of trustees of the public schools, and an active and intelligent member, called my attention to this matter and asked me to bring it to the attention of the House. He says that the system in operation has worked well

and has given entire satisfaction.

Mr. CONGER. I can very well understand how the colored trusmr. CONCER. I can very well understand how the colored trustee, with the present law giving equal advantages to the colored children with the white, would desire that law should not be repealed if it is to be repealed by subsequent sections. But I dislike that the representatives of the people of the United States shall here in the District, solely under the control of Congress, make a compulsory law separating the children on account of their color, making it in some parts of the District impossible to give advantages to colored children where there may be too few of them in the school district or that part

of the District in which they live to keep up a separate school.

The time I believe will come when such distinctions as still linger, arising out of the old feelings and prejudices connected with former institutions in this country, will be entirely done away, and when such a law as this, a compulsory law, making separate schools for the children of the District of different colors, will be looked upon as a thing of old and barbarous times. I will not help, myself, to keep up that distinction any larger.

thing of old and barbarous times. I will not help, myself, to keep up that distinction any longer.

Republicans profess to believe that the great point gained in this country to-day over all the past is the absolute equality of American citizenship for old, for young, for middle-aged, for children. Around that point we rally in all our political movements. Against that proposition the prejudices of the past are rallying and striving to linger in our land. I for one, sir, will not be a party to any legislation whatever that will prevent by statute our reaching the time as speedily as possible when that grandest of all principles asserted in our Constitution and in our laws, the equality of citizenship of all classes, colors, and nationalities that come into our land, shall finally be asserted and acknowledged by all. For that reason I oppose this be asserted and acknowledged by all. For that reason I oppose this proposition to make it compulsory to keep up these separate schools. It is enough that it is left as it is now until the prejudices and the passions of men have passed away and equal justice prevails over the land.

land.

[Here the hammer fell.]

Mr. SPARKS. I was apprehensive, when my friend from New York

[Mr. LAPHAM] offered that amendment, that it was going to stir up
something like a hornet's nest here. He doubtless relied to a certain
extent on this side of the House to aid him in its adoption, and the
gentleman from Michigan [Mr. Conger] is therefore correct in his
assertion that he did so. Now I feel very much disposed to aid him
in securing its adoption, and I think there are very good reasons for
doing so. I presume that it was fated that we had to have this
speech from the gentleman from Michigan, [Mr. Conger,] to which
we have just listened, on the absolute and perfect equality of the

races, and on the rights of the colored man, and all that, in connection with this inoffensive little amendment making it obligatory upon the school trustees of the District to provide separate schools for

white and colored children.

I have not consulted with any of the colored people of this District upon that subject; but the gentleman from New York who offered the amendment has stated that he has done so, and that an intelli-gent colored school trustee has informed him that that system when adopted here has worked admirably and that the colored people specially desired it. Now, in view of this desire on their part, I ask the gentleman from Michigan if he is more friendly to the colored man than the colored man is to himself? If the colored people object to this mixing themselves and desire that there shall be separate schools and mixing themselves and desire that there shall be separate schools and object to sending their children to the same school with the whites, why should my friend from Michigan insist that they shall be compelled to do so? We are told by the gentleman from New York [Mr. LAPHAM] that the colored people of this District desire separate schools, and through their intelligent representative make that desire known here. Then, if they object, is it fair in us to force them to be put on this equality, they themselves protesting against

In other words, if my friend from Michigan has any children to send to school here and the colored children of this District put on airs and object to going to the same school with his children, I do not want to force them to go there with his children or with any other white children. I do not think it fair to do so. If our colored friends will not associate with us in the schools or elsewhere, but refuse to carry out this grand republican idea of equality fairly and of their own choice, I am not for forcing them to do it. I regard it as anti-

own choice, I am not for forcing them to do it. I regard it as antidemocratic to force them.

I believe with the gentleman from New York, and his intelligent
friend who represents the colored people, that it is well to let them,
having equal facilities, march on in the effort and thirst for knowledge
separate and apart if they desire it. I was against the compulsory
education clause in this bill; I was also against the compulsory vaccination clause; and I am equally against forcing colored children to
attend school with white children, especially so if, as on this occasion,
they themselves object, through their intelligent representative, to
doing so. That, I believe, is all that I wish to say at present on this
amendment. amendment

Mr. LAPHAM. I move to strike out the last word. I find this legislation to which I have referred adopted mainly in the year 1866. Mr. SINGLETON, of Illinois. I rise to a question of order. How can the gentleman from New York move to strike out the last word of an amendment when there is but one word in it?

The CHAIRMAN. The Chair will state to the gentleman from Illi-

nois that he is mistaken as to the character of the amendment. are several words in it.

Mr. LAPHAM. My friend from Illinois [Mr. Singleton] appears to be as keen to-night as a blade used for vaccination.

Mr. VAN VOORHIS. I make the point of order that a gentleman having offered one amendment, which is pending, cannot offer another until that is disposed of.

Mr. SPRINGER. To solve this difficulty I move to strike out the last word, and yield my time to the gentleman from New York, [Mr. Labyen]

LAPHAM. The gentleman from New York will proceed.

Mr. LAPHAM. I have no desire to inflict a speech upon the committee if there is any objection to it. I merely want to say one word in reference to the history of this legislation. It seems to have been enacted mainly in 1866, and has been in operation for a period of

nearly fourteen years.

Now, if this were an original question I might take the same view of it, and as a general thing I should take the same view of it, that has been suggested by the gentleman from Michigan, [Mr. CONGER.] But the population of this District is peculiar in this respect: it is differently situated from the generality of other populations in the country, in the different States. I have no feeling or desire with respect to this matter, but I was led to make this suggestion by an officer who has been acquainted with the operation of this law from the time it was enacted and who regrets the effort made in the pending bill to blot it cont ing bill to blot it out.
The CHAIRMAN. The question is on the amendment of the gentleman from New York, [Mr. LAPHAM.]

The amendment was again read.

Mr. SPRINGER. I ask for a division of the amendment.

Mr. ROBINSON. The suggestion that there should be a division of the amendment appears to me to be a very proper one. I think we should look at this matter seriously now, leaving out of view out-

Mr. SPARKS. I was very serious in what I said about it.
Mr. ROBINSON. There is a direct purpose in this thing, and it appears to me we should not have the word "shall," but the word "may," What is the object aimed at? If I understand the gentleman from New York it is that the provisions of sections 306, 307, and 308 of the Revised Statutes, relating to the District of Columbia, shall be in some way enacted in this code. That is to say, a proportionate part of the money shall go for the benefit of the colored children, as well as for the white children. Now, we all agree to that. I do not think there is a gentleman on this floor who would say that we should not

give the colored child proportionately as much schooling as we give

give the colored child proportionately as much schooling as we give a white child. I suppose that is the object of the amendment.

Mr. LAPHAM. Section 263 of this bill proposes to repeal among other sections this section of the present law.

Mr. ROBINSON. That is very true. But I submit to the gentleman from New York [Mr. LAPHAM] that he will not accomplish his object by changing the word "may" into "shall." I do not think anybody wants to say that the trustees shall continue to provide separate schools. The word "may" is enough. The sentiment of the District will continue the present practice. There is no question now but that we should not say peremptorily "shall," but leave it "may;" that will suit the feelings and prejudices of all.

Now, in regard to the second amendment of the gentleman. I wish to say that if the gentleman should withdraw his second amendment some provision should be inserted, providing that so long as separate

some provision should be inserted, providing that so long as separate schools for the white and for the colored children shall be maintained schools for the white and for the colored children shall be maintained the money shall be expended proportionately to the number of children in the form provided by this section. I have not had time to write out the amendment. That will answer the suggestion of the gentleman from Virginia [Mr. Hunton] that we should keep the code entire, using only such language as will secure the proportionate expenditure of the money for this purpose.

Mr. HUNTON. If the trustees have to provide schools equally for the whites and for the blacks—

Mr. ROBINSON That is not if

Mr. ROBINSON. That is not it.
Mr. HUNTON. Yes, it is. If the trustees provide schools equally for the whites and the blacks, provide separate schools as long as that provision is in existence, how can there be a disproportion of the expenditure

Mr. ROBINSON. For myself I do not believe that any board of trustees in this District will ever undertake to run the public schools

so as to discriminate against the colored children.

Mr. HUNTON. No, sir.
Mr. ROBINSON. And if they desired to do so, they would not do it for six months consecutively before they would have a voice in their ears that would bring them to their senses. I do not think there is any necessity for this amendment to avoid the trouble which

there is any necessity for this amendment to avoid the trouble which my friend seems to anticipate for the colored children.

The question was taken upon the amendment of Mr. Lapham to strike out "may" and insert "shall;" and upon a division there were—ayes 21, noes 19.

Before the result of the vote was announced,
Mr. CONGER said: I dislike very much to do it, but if this is the way that a small number of members of this House propose to deal with this subject, then I think we have gone far enough for to-night.

The CHAIRMAN. What point does the gentleman make?

Mr. CONGER. I make the point of order that no quorum has voted.

voted.

Mr. HUNTON. I trust the gentleman will withdraw that point of order. If I can get the attention of the committee I would suggest to the gentleman from Michigan [Mr. Conger] to withdraw his point of order, and then to the gentleman from New York [Mr. LAPHAM] to withdraw his amendment, for I do not think it would make a bit of difference.

Mr. SPARKS. He cannot withdraw it; it has been adopted.
Mr. HUNTON. It cannot be adopted when there is no quorum vot-

ing on it.
Mr. VAN VOORHIS. I call for tellers.

Mr. HUNTON. The amendment could not be adopted when the question of a quorum is raised. I suggest to the gentleman from Michigan [Mr. Conger] to withdraw his point of order, and to the gentleman from New York [Mr. LAPHAM] to withdraw his amend-

Mr. CONGER. I have no desire to stop the progress of the consideration of this bill. But if with this small attendance of members any material change, such as I consider this amendment to be, is to be made so as to become a fixture in this bill, then I think we had better have a full House before we vote upon it.

Mr. HUNTON. Will the gentleman from Michigan agree to my

proposition?

Mr. LAPHAM. Let me say to the gentleman from Michigan [Mr. CONGER] that my amendment simply proposes to keep the law as it now is. It does not propose to create any new distinction. If it did

CONGER; that my amendment simply proposes to keep the law as it now is. It does not propose to create any new distinction. If it did I would not ask it.

Mr. CONGER. My own desire would be to remove such laws as that as far as possible.

Mr. SPRINGER. Let me suggest that if this amendment is regarded as adopted it will be reported to the House, and in the House any member can call for a separate vote upon it, and for the yeas

any member can call for a separate vote upon it, and for the yeas and nays upon it.

Mr. LAPHAM. My object was to call the attention of the committee to this subject, with a view to ascertain what ideas were entained by the proposers of this code. If there is unanimous consent, I will withdraw my amendment.

Mr. SPARKS. I object to the withdrawal of the amendment.

Mr. CONGER. An objection cannot prevent the withdrawal of an amendment before a decision upon it. There has been no vote upon this amendment which the Chair can recognize as a decision of the

this amendment which the Chair can recognize as a decision of the question, because the point of order is made that there was no quorum voting.

The CHAIRMAN. The amendment has been voted upon.

Mr. CONGER. But the rule with regard to the withdrawal of an amendment says that it can be withdrawn "before a decision."

Mr. LAPHAM. I move to reconsider the vote by which the amendment was adopted.

The CHAIRMAN. The motion to reconsider cannot be entertained

in Committee of the Whole.

Mr. VAN VOORHIS. I raise the point of order that tellers having been called for, the true way to settle this matter is to have tellers. The CHAIRMAN. No quorum having voted, and the point of order having been made that no quorum voted, the Chair will appoint as tellers the gentleman from Virginia, Mr. Hunton, and the gentleman from Michigan, Mr. CONGER.

The committee again divided; and the tellers reported that there

The committee again divided; and the tellers reported that there were—ayes 23, noes 25.

Mr. CONGER, (one of the tellers.) If this amendment be regarded as not adopted, I will, at the request of the gentleman from Virginia, [Mr. Hunton,] withdraw the point of order that no quorum has voted.

Mr. SPARKS. I renew the point that no quorum has voted. The CHAIRMAN. The Clerk will call the roll.

Mr. ROBINSON. Is it in order to move that the committee rise? The CHAIRMAN. It is.

Mr. ROBINSON. I make that motion.

Mr. AIKEN. Let the roll be called and absent members put on record.

record.

The motion of Mr. Robinson was not agreed to; there being-ayes 22, noes 26.

Mr. SHELLEY. My colleague, Mr. HERNDON, is sick to-night.

ask that he may be excused.

The CHAIRMAN. It is not in order now to offer excuses. The roll was called, when the following-named members failed to answer:

Kenna, Ketcham, Kimmel, King, Kitchin, Klotz, Knott, Ladd, Le Fevre, Lawis Dickey, Aldrich, N. W. Rice, Richardson, D. P. Richardson, J. S. Richmond, Anderson, Armfield, Atherton, Dunn, Dunnell, Dwight, Einstein, Elam, Atkins. Bachman, Baker, Barlow, Robertson. Elam, Ellis, Ewing, Felton, Ferdon, Field, Finley, Robeson, Rothwell, Russell, Daniel L. Ryan, Thomas Ryon, John W. Samford, Bayne, Belford, Beltzhoover, Lewis, Lindsey, Loring, Berry, Bicknell, Bingham, Blake, Bland, Samford, Sawyer, Sherwin, Singleton, O. R. Smith, A. Herr Smith, William E. Lowe, Manning, Marsh, Martin, Joseph J. Fisher Forsythe, Fort, Frost, Frye, Garfield, Geddes, Gibson, Mason, McCook, McCook, McGowan, Bliss, Bouck Bowman, Stephens, Stevenson, Talbott, Boyd, Bragg, Brewer, Gillette, Godshalk, Goode, McKenzie, McKinley, McLane, McMahon, Talbott,
Thomas,
Thompson, P. B.
Thompson, W. G.
Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Tyler,
Updegraff, Thomas
Upson, Briggs, Brigham, Bright, Buckner, Goode, Gunter, Hammond, John Hammond, N. J. Harmer, Harris, Benj. W. Harris, John T. Haskell, Hawk, Hawley, Haves. Miles, Mills, Money, Butterworth, Monroe, Morrison, Morse, Morton, Muldrow, Cabell, Caldwell, Calkins, Camp, Carlisle Upson, Valentine, Muldrow, Muller, Myers, Neal, New, Nicholls, Norcross, O'Brien, O'Connor, O'Neill, Orth, Osmer. Caswell, Chalmers, Chittenden, Hayes, Hazelton, Heilman, Voorhis, Wait, Henry, Herbert, Herndon, Hill, Warner. Claflin, Warner, Weaver, Wellborn, Wells, White, Whiteaker, Clardy, Clark, Alvah A. Clymer, Coffroth Hiscock. Conrota, Colerick, Covert, Cowgill, Cox, Crapo, Crowley, Hooker, Horr, Houk, Whitthorne, Williams, C. G. Williams, Thomas House, Hubbell, Hull, Humphrey, Osmer, Osmer, Overton, Pacheco, Page, Persons, Phelps, Philips, Phister, Pierce Willis, Wilson, Wise, Wood, Fernando Wood, Walter A. Daggett, Davidson Hurd Davidson,
Davis, George R.
Davis, Horace
Davis, Joseph J.
Davis, Lowndes H.
De La Matyr,
Deering,
Dibrell,
Dick Hutchins, James, Johnston, Wright, Young, Casey Young, Thomas L. Jones, Jorgensen, Joyce, Keifer, Poehler, Prescott, Price,

The committee rose; and the Speaker pro tempore having resumed the Chair, Mr. Burrows reported that the Committee of the Whole, having under consideration the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia, had found itself without a quorum, whereupon the chairman had directed the roll to be called and herewith reported the absentees to the House.

Reagan.

Kelley,

Mr. VAN VOORHIS. I move that the House now adjourn.
Mr. HUNTON. I ask the gentleman to withdraw that motion for a moment, in order that I may make a remark or two.
Mr. VAN VOORHIS. I waive the motion for the present.
Mr. HUNTON. I desire to say, Mr. Speaker, that I trust there will be no effort made here to-night to send for absentees. We are aware

that no quorum can be brought here to-night. I had hoped that this bill would go through without that point of order being raised. If this code for the District of Columbia cannot be considered in Com-mittee of the Whole without a quorum, it amounts to an abandon-ment of the code for this session. It is of the highest importance that this municipal code for the District should be adopted. The Committee on the District of Columbia has spent months of labor upon it; and while doubtless, as prepared by the committee, it contains imperfections, it is so great an improvement upon the present laws of the District that it is very important it shall be adopted. In the two meetings of the House heretofore held upon this bill, we

have gone on with a degree of rapidity and business-like application exceedingly gratifying to me. To-night the House, for some cause or other, seemed to meet in a different temper. This I regret; for if other, seemed to meet in a different temper. This I regret; for it such a temper shall attend the future meetings of the House upon this bill, it must be the end of the bill for this session. I trust, therefore, that when we shall meet hereafter for the consideration of this bill no question of a quorum will be raised, but that any gentleman who feels dissatisfied by the decision of the members present will consent to take a vote in the House after the bill shall have been reported by the Committee of the Whole. ported by the Committee of the Whole. Otherwise we might as well abandon this bill at once.

Mr. VAN VOORHIS. It was in view of the considerations which

the gentleman has mentioned that I made the motion to adjourn.

Mr. HUNTON. I renew the motion.

The motion was agreed to; and accordingly (at nine o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAYNE: The petitions of Lindsay & McCutcheon and of Smith, Sutton & Co., of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

to the Committee on Ways and Means.

By Mr. BLAKE: The petitions of Spaulding, Jennings & Co., of West Bergen, and of the New Jersey Zinc Company, of Newark, New Jersey, of similar import—to the same committee.

By Mr. BREWER: The petition of R. A. Baldwin and 23 other exsoldiers of Bancroft, Michigan, against the passage of the congressional-district pension bill—to the Committee on Invalid Pensions.

By Mr. BRIGHAM: The petition of Gregory & Co., of Jersey City, New Jersey, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BROWNE: The petition of Thomas M. Harbin, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

the Committee on War Claims.

By Mr. CARPENTER: The petition of James E. Boozer & Co. and 206 other firms and individuals of Sioux City, Iowa, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. CLYMER: The petitions of Librand & McDowell, of Moselem; of Temple Iron Company, of Berks County; of William McIlvain & Sons and of Adam Johnston & Son, of Reading; of B. F. Morret and of Rockland Furnace Company, of Douglassville; and of Maidencrup Qunbe, of Blandon, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to Eaton bill providing for the appointment of a tariff commission-to the same committee.

By Mr. COVERT: Memorial of the German Society of the City of New York, for the passage of a law to protect immigrants—to the Committee on Foreign Affairs.

By Mr. COX: The petition of John Forman and 200 soldiers and sailors, for the equalization of bounties-to the Committee on Military Affairs.

Also, the petition of the Diamond Rock Boring Company, for the extension of an improved tool for boring rock—to the Committee on

By Mr. ERRETT: The petitions of Moorhead & Co.; of Painter & Son; of H. Lloyd & Sons; of Hussey, Burnes & Co.; and of Williams, Long & McDowell, of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FERDON: The petition of Wheeler, Madden & Clemsen Manufacturing Company, of Middletown, New York, of similar import—to the same committee.

-to the same committee.

By Mr. FISHER: The petitions of the Rockhill Iron and Coal Company, of Huntingdon County; of Mumper & Co., of Barre Forge; and of J. B. Morehead, of Conshohocken, Pennsylvania, of similar im-

port—to the same committee.

By Mr. GARFIELD: The petition of John A. Coan, for compensation for property taken from him in 1864 by United States Army offi-

cers—to the Committee on War Claims.

Also, the petition of P. H. Standish, of Cuyahoga Falls, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HARMER: The petition of Wister, Fisher & Fox, of Ham-

burgh, Pennsylvania, of similar import—to the same committee. By Mr. HAWK: The petition of O. F. Reynolds and others, citizens

of Mount Carroll, Illinois, for the removal of the duty on salt-to the

By Mr. KELLEY: The petitions of Peacock & Thomas and of Marshall, Bered & Co., of Philadelphia, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission. sion-to the same committee.

By Mr. LOUNSBERY: The petition of Tuckerman, Mulligan & Co., of Saugerties, New York, of similar import—to the same com-

By Mr. EDWARD L. MARTIN: The petition of William Sellers, of Wilmington, Delaware, of similar import—to the same committee. By Mr. McKENZIE: Resolution of the Kentucky Legislature, asking such appropriation as will promote the completion of a navigable water-way from the Ohio Valley to the South Atlantic coast—to the Committee on Commerce.

By Mr. MITCHELL: The petition of the Standard Iron and Nail Company, of Standard, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. MONROE: The petition of P. H. Standish, of Cuyahoga

Falls, Ohio, of similar import—to the same committee.

By Mr. O'NEILL: The petition of the Logan Iron and Steel Com-

By Mr. O'NEILL: The petition of the Logan Iron and Steel Company of Pennsylvania, of similar import—to the same committee.

By Mr. OSMER: The petitions of J. M. Speer and 34 others; of M. Leland and 34 others; and of E. W. Bettes and 52 others, for the passage of the bill providing for a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. PIERCE: The petition of citizens of Buffalo, New York, for the removal of the 25 per cent. duty on newspapers and periodicals—to the Committee on Ways and Means.

By Mr. PRESCOTT: The petition of merchants of Utica, New York, that salt be placed upon the free list—to the same committee.

By Mr. A. HERR SMITH: The petitions of Watts, Twells & Co., of Marietta: of the Pennsylvania Iron Company, of Lancaster, and of

By Mr. A. HERR SMITH: The petitions of Watts, Twells & Co., of Marietta; of the Pennsylvania Iron Company, of Lancaster, and of the Chickies Iron Company, of Chickies, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. STARIN: The petition of Giles V. Wheeler and 87 others, citizens and ex-soldiers of Gloversville, New York, against the passage of the "congressional-district-traveling-pension-courts" bill—

Bage of the "congressional district-traveling-pension-courts" bill—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of citizens of McLean County, Illinois, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. STONE: The petition of Friedrich Brothers, of Grand Rapids, Michigan, and other dealers in foreign newspapers, for the removal of the duty on newspapers and periodicals—to the same com-

By Mr. TAYLOR: A paper relating to the pension claim of Sallie Bunch—to the Committee on Invalid Pensions.

Also, the petition of M. Seal, for an honorable discharge from the

United States Army—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: The petition of the Lake Eric Iron Company, of Cleveland, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

on ways and Means.

By Mr. RICHARD W. TOWNSHEND: The petition of distillers of Peoria and Pekin, Illinois, against the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Junction Iron Com-

pany, of Mingo Junction, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission-to the same com-

By Mr. THOMAS UPDEGRAFF: The petition of Casar Brothers, for the passage of the bill (H. R. No. 4812) amending the internal-rev-

enue laws-to the same committee.

By Mr. WASHBURN: The petition of D. W. Ingersoll & Co. and 12 other business firms of Saint Paul, Minnesota, for the appointment of a commission to prepare for the consideration of Congress a uniform and permanent bankrupt law—to the Committee on the Judi-

ciary.
Also, the petition of Charles E. Cutts and 34 others, citizens of Also, the petition of Charles E. Cutts and 34 others, citizens of Meeker County, Minnesota, for legislation to prevent fluctuations in freights and unjust discriminations by railroads in transportation charges—to the Committee on Commerce.

Also, the petition of J. A. Foulds and 40 others, discharged soldiers of Otter Tail County, Minnesota, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. FERNANDO WOOD: The petition of citizens of Indiana, that salt be placed on the free list—to the Committee on Ways and Means.

Means.

By Mr. YOCUM: The petitions of Valentine & Co., of Bellefonte, and of Bernard Lauth, of Howard, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission-to the same committee.

CHANGE OF REFERENCE.

Change of reference, under the rule, was made of the petition of George B. Whiting, from the Committee on Expenditures in the Navy Department to the Committee on Naval Affairs.

IN SENATE.

THURSDAY, April 29, 1880.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. I desire to give notice at this time that immediately after the morning business has been concluded this morning, I shall move to postpone the consideration of the Calendar of General Orders, under the Anthony rule, and if that motion prevails will then move to take up a bill reported by me from the Committee on Claims on the 9th of February last, being the bill (S. No. 231) for the relief of Ben Holladay.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of the Albany Rensselaer Iron and Steel Company, of Troy, New York, manufacturers of iron and steel, employing twenty-five hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. WITHERS presented the petition of the Low Moor Iron Company, of Alleghany County, Virginia, manufacturers of pig-iron, employing three hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. SAUNDERS presented the petition of the heirs of Augustus Ford,

praying compensation for the use by the United States of a survey and chart of Lake Ontario prepared by said Ford; which was referred to the Committee on Naval Affairs.

Mr. PLATT presented the petition of the Canton Bloomery Company, of Collinsville, Connecticut, manufacturers of iron, employing many hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to like the table. to lie on the table.

Mr. VEST presented the petition of the Saint Louis Stamping Company, of Saint Louis, Missouri, manufacturers of iron and sheet-metal goods, employing six hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BALDWIN presented the petition of the Frankfort Furnace Company, of Frankfort, Michigan, manufacturers of pig-iron, employing one hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. GROOME presented additional papers to accompany the bill (S. No. 1365) for the relief of Thomas P. Wollaston; which were re-

ferred to the Committee on Claims.

ferred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented the petition of William Neal & Sons, of Bloomsburgh, Pennsylvania, manufacturers of pig-iron, and employing two hundred hands; the petition of Atkins Brothers, of Pottsville, Pennsylvania, manufacturers of pig-iron rails, employing six hundred and ninety hands; the petition of the Potts Brothers Iron Company, limited, of Pottstown, Pennsylvania, manufacturers of plate-iron, employing one hundred and sixty hands; the petition of Nevegold, Scheide & Company, of Bristol, Pennsylvania, manufacturers of bar, band, and hoop iron, employing fifty hands; the petition of the Phœnix Iron Company, of Philadelphia, Pennsylvania, manufacturers of iron, employing twenty-two hundred hands; the petition of the Glasgow Iron Company, of Glasgow, Pennsylvania, manufacturers of plate-iron, &c., employing one hundred sylvania, manufacturers of plate-iron, &c., employing one hundred and twenty-five hands; the petition of the Etna Iron Works, limand twenty-nee hands; the petition of the Lina Iron works, limited, of New Castle, Pennsylvania, manufacturers of pig-iron, merchant iron, and nails, employing four hundred hands; the petition of Singer, Nimich & Company, of Pittsburgh, Pennsylvania, manufacturers of steel, employing six hundred hands; the petition of the Hollidaysburgh Iron and Nail Company, of Hollidaysburgh, Pennsylvania, manufacturers of bar-iron and nails, employing one hundred are dightly hands; the petition of C. Barkhart & Company, of sylvania, manufacturers of par-iron and nails, employing one nundred and eighty hands; the petition of C. Burkhart & Company, of Chambersburgh, Pennsylvania, and Hunter & Springer, of Franklin, Pennsylvania, manufacturers of cold-blast charcoal pig-iron, employing two hundred and fifteen hands; the petition of Becker & Reinhold, of Chickies, Pennsylvania, manufacturers of bar-iron, employing sixty hands, and the petition of the Reading Iron Works, at Philedolphia Pennsylvania praying for the passage of what is known.

Philadelphia, Pennsylvania, praying for the passage of what is known as the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. HOAR presented the petition of Handleth, Ellis & Co., of Cambridge, Massachusetts, manufacturers of bar-iron, employing one hundred hands, praying for the passage of the Eaton bill which provides for the excitators of a tariff commission, which was calculated. vides for the appointment of a tariff commission; which was ordered

Mr. HARRIS presented the petition of the Merchant Iron and Nail Works of Chattanooga, Tennessee, manufacturers of bar-iron and nails, employing five hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. LOGAN presented the petition of the Springfield Iron Company, of Springfield, Illinois, manufacturers of railroad iron, employing eight hundred and fifty-three hands, praying for the passage of the

Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. DAVIS, of West Virginia, presented the petition of the Wheeling Iron and Nail Company, of Wheeling, West Virginia, manufacturers of pig-iron, nails, and spikes, employing seven hundred and fifty hands; and the petition of F. Nemigyei, Irondale Furnace, Preston County, West Virginia, manufacturer of pig-iron, employing three hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. CONKLING presented the petition of John Peck, jr., of Haver-Mr. CONKLING presented the petition of John Feck, jr., of naver-straw, New York, manufacturer of sheet-iron, &c., employing seventy-five hands; and the petition of the Rome Merchant Iron Mill, of Rome, New York, manufacturers of iron, employing one hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to

lie on the table.

Mr. PENDLETON presented the petition of the Crescent Iron Works, of Pomeroy, Ohio, manufacturers of bar-iron and nails, employing two hundred and and fifty hands; the petition of the Lawrence Iron two hundred and and fifty hands; the petition of the Lawrence Iron Works Company, of Ironton, Ohio, manufacturers of bar iron, employing four hundred and eighty hands; the petition of the Volcano Furnace Company, of Massillon, Ohio, manufacturers of pig-iron, employing one hundred and fifty hands; the petition of Cartwright, McCurdy & Co., of Youngstown, Ohio, manufacturers of hoop and band iron, employing six hundred hands; the petition of Bolton, Bulley & Co., of Canton, Ohio, manufacturers of bar-steel, employing one hundred and forty hands; the petition of the Huniad Furnace Company, of Youngstown, Ohio, manufacturers of pig-iron, employing one hundred and fifty hands, and the petition of Mitchell, Tranter & Co., of Cincinnati, Ohio, manufacturers of steel and iron, employing four hundred hands, in favor of the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

He also presented the petition of Henry Farrell, of Xenia, Ohio,

He also presented the petition of Henry Farrell, of Xenia, Ohio, praying for the passage of the bill (H. R. No. 4812) to amend the laws relating to internal revenue; which was referred to the Committee on

Finance.

Mr. VOORHEES presented the petition of the Wabash Iron Company, of Terre Haute, Indiana, manufacturers of iron, employing four hundred hands, in favor of the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BOOTH, from the Committee on Patents, to whom was referred the bill (S. No. 960) for the relief of Marietta Mattison, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

CHANGE OF NAME OF PLEASURE-YACHT.

Mr. BALDWIN. The Committee on Commerce, to whom was referred the bill (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo, have instructed me to report it favorably, without amendment. As the bill is a very short one, containing but four or five lines, I ask the unanimous consent of the Senate for its present consideration.

By pranimous consent the Senate as in Committee of the White

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCOUNTS ON ADMIRAL FOOTE.

Mr. ANTHONY. The Committee on Naval Affairs, to which was referred the bill (S. No. 1538) authorizing the closing of the accounts of the late Rear-Admiral A. H. Foote, United States Navy, have instructed me to report back the same without amendment and recommend its passage. As the bill is intended merely to do justice to the memory of a gallant officer who added luster to the American arms, and I am sure there will be no objection to it, I ask for its present considera-As the bill is intended merely to do justice to the memory tion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the proper accounting officers to close the accounts of the late Rear-Admiral A. H. Foote by omeers to close the accounts of the late Kear-Admiral A. H. Foote by crediting him with \$834, being the amount advanced to him while under orders to take command of the South Atlantic squadron, and which he expended in preparing to execute his orders, but was prevented from reaching his post by reason of death caused by wounds and exposure incurred in service and in the line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1692) to refer the claims of the captors of the ram Albemarle to the Court of Claims; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1693) to quiet title to lands patented by the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 1694) to repeal section 1131 of the Revised Statutes, and to reduce and fix the rank and number of officers in the Inspector-General's Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1695) to facilitate the business of the Treasury Department; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1696) extending the operations of the Light-House Board over Lower Red River, in Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

WITHDRAWAL OF PAPERS.

On motion of Mr. JONAS, it was

Ordered, That Samuel Jamison, of Louisiana, be allowed to withdraw his papers on file with the Secretary of the Senate in connection with his claim for the use and occupation of his property by the United States forces in New Orleans, Louisiana

J. W. BURBRIDGE & CO. AND ROBERT H. MONTGOMERY.

Mr. BAILEY. I move to reconsider the vote of the Senate yesterday morning indefinitely postponing the bill (S. No. 1545) for the relief of J. W. Burbridge & Co. and Robert H. Montgomery.

The VICE-PRESIDENT. The motion to reconsider will be entered.

BEN HOLLADAY.

Mr. HARRIS. Mr. President

The VICE-PRESIDENT. If there be no further morning business, the Chair will recognize the Senator from Wisconsin in pursuance of

the notice given by him.

Mr. CAMERON, of Wisconsin. In pursuance of the notice I gave a few moments ago I now move to postpone the consideration of the Calendar of General Orders under the Anthony rule, and if that motion prevail I will move to take up the bill to which I have referred,

that is the bill for the relief of Major Holladay.

The VICE-PRESIDENT. The Senator from Wisconsin moves to postpone the pending order, being the consideration of the Calendar of General Orders under the Anthony rule, indicating his purpose if the motion is successful to follow it with a motion to take up the bill

named by him.

Mr. KERNAN. I hope the bill for the relief of Mr. Holladay will not be taken up now. The bill directs the Secretary of the Treasury to pay to Mr. Holladay the sum of \$526,739 on account of his contracts with the Post-Office Department to carry the United States mail. All I wish to say is that it is accompanied by a long report, and it having been passed over when reached on the Calendar without anything being said, I am quite sure but few of us have looked into this matter. I for one desire to have some reasonable time to examine this report, which is voluminous, before I am called on to vote upon a bill appropriating so large an amount. I suggest to my friend from Wisconsin that he give notice that he will make a motion a few days ahead to take the bill up. Then Senators cannot object on the ground that they have not had an opportunity to look into the measure and he ready to yet on it.

that they have not had an opportunity to look into the measure and be ready to vote on it.

Mr. CAMERON, of Wisconsin. I do not desire to unduly press this matter. I am charged with the conduct of the bill by the Committee on Claims. I have made several ineffectual attempts to get it up. I am satisfied that if it be taken up at all it must be taken up during the morning hour. But I am willing to waive the notice that I have just given, and now give notice that I shall move on Monday next, immediately after the routine business of the morning hour has been completed to take up the bill.

completed, to take up the bill.

INTERNATIONAL SANITARY CONFERENCE.

Mr. HARRIS. I ask the unanimous consent of the Senate to proceed to the consideration of the joint resolution (S. R. No. 73) authorizing the President of the United States to call an international sani-

Mr. EDMUNDS. I should like to inquire, merely as a matter of curiosity, what has become of the order about taking the Calendar in its order. I notice that every morning we pick out bills continually. There are two or three I should be glad to pick out, but I

have not felt at liberty to do so.

The VICE-PRESIDENT. It is done either by unanimous consent, or by suspending the order. The Senator from Tennessee asks unanimous consent that the Senate proceed to the consideration of the

joint resolution he has named.

Mr. HARRIS. I was prompted to ask unanimous consent to consider the joint resolution, because of the fact that it is deemed important that it should pass at once if at all. It simply provides for authorizing the President to call a conference to adopt an internaauthorizing the President to call a conference to adopt an international system of notifications as to the actual sanitary condition of certain tropical ports, from which we are constantly threatened with the importation of yellow fever. I do not think the Senator from Vermont can have any objection to the resolution, and I do not think it will consume five minutes to consider and dispose of it.

Mr. EDMUNDS. Certainly I did not mean to be understood as having any objection to the resolution, but I was trying to put in a plea for what I consider to be fair play to bills reported from committees. The little and unimportant committee of which I happen to be the chairman, through the kindness and grace of the majority of this body, has reported some bills of considerable importance to

the people in the Territories, private land claims and so on, that are on the Calendar and will be reached some day if we can keep on; but if we cannot and proceed in this way then I do not know what we can do. But if the Senator says that this resolution is urgent, certainly I am willing to hear it read for information.

The VICE-PRESIDENT. The joint resolution will be read and

objection called for.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the President of the United States is hereby authorized to call an international sanitary conference to meet at Washington, District of Columbia, to which the several powers having jurisdiction of ports likely to be infected with yellow fever shall be invited to send delegates, properly authorized, for the purpose of securing an international system of notification as to the actual sanitary condition of ports and places under the jurisdiction of such powers and of vessels sailing therefrom.

of vessels sailing therefrom.

The VICE-PRESIDENT. Is there unanimous consent to this resolution being considered at this time? The Chair hears no objection, and it is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I think what is here proposed is a very good thing probably, but I should like to suggest to the Senator from Tennessee whether there is any fund provided for the payment of the necessary incidental expenses of this commission, or the representatives of the United States who will form a part of it?

Mr. HARRIS. There is no appropriation contained in the resolu-

Mr. HARRIS. There is no appropriation contained in the resolu-on. There is a fund under the control of the National Board of Health, but I do not know that it could be properly diverted to any such purpose as this. I beg to inquire of the Senator from Vermont what expenditures would probably be involved? It had not occurred to me that there would be expense.

Mr. EDMUNDS. There will be certainly the incidental expenses

of all such things, and in respect of the commissioners of the United States it might happen, and it ought to happen if they are eminent men and leave their business and professions and come from different parts of the United States here to represent her that their expenses ought to be paid, to say nothing of the incidental expenses of clerks and stationery, and all that sort of thing.

Mr. HARRIS. I certainly should have no objection to providing

now, but I think it will be quite safe to provide for such expenses as

may be incurred at a future day.

Mr. EDMUNDS. But if this is urgent we ought to provide the money. I suggest to the Senator to add a provision appropriating \$5,000, or some small sum, to carry out the objects of the resolution. It is his affair.

Mr. HARRIS. I accept the suggestion of the Senator from Ver-

Mr. SAULSBURY. I should like to inquire of the Senator from Tennessee whether the National Board of Health is not the proper body to provide for this sanitary convention to meet in Washington, and whether it is proper that this matter should be devolved upon the President of the United States? We have now a National Board of Health, and it seems to me that board is the proper organ through which its agency could be extended to the holding of a sanitary convention in this city. I suggest that matter to the Senator from Ten-

Mr. HARRIS. I suppose the President of the United States is the proper person to communicate with foreign nations. I will state to my friend from Delaware, however, that this resolution was prepared by the National Board of Health under the advice of the Public Health Association of America and the Academy of Sciences. I will prepare

an amendment in a moment.

Mr. CONKLING. I beg to make a remark about the proposed amendment. Here comes a resolution from the National Board of Health; the very persons who, if they are fit to be there, know a great deal more about it than we can. They make no suggestion about any money. The resolution as they prepared it is presented here; and on the spur of the moment, on the suggestion of a Senator that it might be well to give them \$5,000, the Senator from Tennessee sits down and prepares such an amendment. I intend to vote against it myself when it is offered; and I venture to call the attention of the Senate to the nature of such a proceeding. These men, deliberately understanding about this matter, prepare the resolution they want; it comes up here; and without any suggestion from a committee, upon a mere suggestion of one Senator, another Senator

sits down to draw an amendment to give them \$5,000.

Mr. HARRIS. If the expenditure shall not be necessary it will not be made, I imagine. I will propose the amendment, and shall be perfectly satisfied for the Senate to dispose of it in either way. I

move to add at the end of the joint resolution:

And that the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the necessary expenses of such conference.

Mr. HAMLIN. I desire to inquire of the Senator from Tennessee what amount under existing laws has already been appropriated for

the support of this board of health?

Mr. HARRIS. There has been, in round numbers, by the various acts, the sum of \$550,000 appropriated. There is a full report made by the National Board.

Mr. HAMLIN. Now let me ask the Senator if he knows how much of that fund is still within the control of the board?

Mr. HARRIS. I cannot, from memory, state accurately, though I have the report upon my table, but I should say that there was at

this time in the hands of the board, in round numbers, somewhere

Mr. HAMLIN. Then this appears to be the condition of the case: I understand the Senator from Tennessee to say that this resolution is prepared by the board of health; it is sent here, considered by a committee, and favorably reported; all very well. That board of health have still an unexpended fund of two or three hundred thousand dollars. They know what are the uses for which that fund will be required; they must necessarily know whether they require a specific appropriate to a supervisor the objects of this resolution. If they of required; they must necessarily know whether they require a specific appropriation to carry out the objects of this resolution. If they had wanted it, would they not have said so? If they required an additional appropriation would not the suggestion have been made to the committee? Most clearly, in my mind. When it is here stated that there is a large fund unexpended, I do not think it is in the line of prudence, I do not think it is in the line of prudence, I do not think it is in the line of necessity, to make an additional expression. additional appropriation.

It is true the amendment offered by the Senator from Tennessee provides that \$5,000, "or so much thereof as may be necessary," shall be used. I do not know, but the Senator may be able to tell me, where an appropriation has been made in all time with that limitation when the last mill of it has not been expended. I never knew such a case, and I doubt if one can be found. All there is in the resolution is that they shall not expend beyond \$5,000. Is it a wise or

olution is that they shall not expend beyond \$5,000. Is it a wise or a proper thing to do, with no suggestion from the board that they ask additional appropriations, and with the information which the honorable Senator from Tennessee gives us that they have got \$300,000 unexpended? It seems to me it is all wrong.

Mr. HARRIS. I can give to my honorable friend from Maine one instance of an appropriation where it was predicted a year ago upon this floor that if the appropriation was made of \$500,000 to the National Board of Health it would be expended within the year, and there is less than \$500,000 expended by some \$300,000. Unless there is a necessity for this expenditure I take for granted it will not be made. Though I have not asked for the appropriation, I thought the suggestion from the honorable Senator from Vermont a very proper one, and was very ready to adopt it; but I shall be perfectly satisfied with whatever action the Senate may see proper to take upon the amendment as it is proposed.

the amendment as it is proposed.

Mr. ALLISON. Let me suggest to the Senator from Tennessee that he modify his amendment so as to authorize the sum of \$5,000 of this reserved fund to be used.

Mr. DAVIS, of West Virginia. Not exceeding \$5,000.

Mr. HARRIS. I have no objection to modifying the amendment so that it shall provide that the sum of \$5,000, or so much thereof as may be necessary, shall be paid out of the fund under the control of the National Board of Health. Let the Secretary modify it in that re-

The VICE-PRESIDENT. The amendment will be so modified.

Mr. GARLAND. I do not think as one member of the committee that the expenses will be \$5,000, yet they may be much more than \$5,000. I suggest that the amendment read something like this: that whatever is necessary to pay these expenses be paid out of this unexpended balance of \$300,000, or whatever it is.

Mr. EDMUNDS. That is too broad.

Mr. DAVIS, of Illinois. I think it is a little broad.

Mr. ALLISON. Say "not exceeding \$5,000."

Mr. GARLAND. The expenditures may be more than that, though I do not think they will be that. Just simply put it on to the already existing unexpended appropriation for the specific purpose herein

Mr. EDMUNDS. I think the objection to that would be that there is a very large balance, I understand from the Senator from Tennes-see two or three hundred thousand dollars, unexpended, and that leaves this thing entirely at sea without any control of Congress. If it turns

this thing entirely at sea without any control of Congress. If it turns out that the \$5,000 is insufficient, (and certainly something is indispensable, it seems to me, if we are to pass the resolution at all,) then there would be a deficiency which can be made up; but this certainly will enable it to run a little while.

Mr. CONKLING. I hope this amendment, objectionable as I think it is in any form, will not take the form of appropriating an indefinite sum, or any sum, out of this unexpended balance. My chief reason is this: The act under which this \$300;000 of unexpended balance exists, gives very large and elastic discretion to the custodians of the money. If in addition to that Congress begins, particularly in this very informal and hasty way, to give particular directions as to what shall be done with parts of it, we shall lose the benefit of all real accountability and responsibility on the part of those to whom this countability and responsibility on the part of those to whom this money is confided. Therefore, it seems to me that the suggestion of my friend from Iowa, he will pardon me for saying, is worse, if it is possible to make a suggestion on this point worse, than the original idea that we are to give money to these gentlemen who do not ask any money, who understand this subject, who have prepared their resolution, who know what their balance is, who know what they are bound to do withit and bound not to do with it; that we are to insist upon offering to them means which they do not ask and in their own. upon offering to them money which they do not ask and in their own estimation do not need. If there is anything on this subject which would seem to me to be more uncalled for than another, it would be to invade this fund, to change without examination, without any op-portunity now to refer to the original act and the amended act and see how that leaves the money, and dabble with it, and direct that so

much shall be expended for this purpose. If it is within the original purpose, no such thing is necessary. If it is beyond the original purpose we ought to divert it only upon careful view.

I hope, then, as was said by the Senator from Maine, that the Senate will conclude that the men whose business it is to understand this, who have prepared this resolution, are enough like other people the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out that the weather there is the real event fixed out the second of the real event fixed out that the weather the real event fixed out the real event f this, who have prepared this resolution, are enough like other people the world over to find out that they want money if really they do, and that they may be trusted on such a question as that; and that we need not suppose that they have fallen into the error of refraining or refusing to ask for it if in truth it was needed. So I hope the amendment in any form will be voted down, and if the resolution is to go, that it will go as originally proposed by the board and the committee.

Mr. HARRIS. I will state to the Senator from New York that my recollection of the act appropriating the fund is, that it would not authorize the expenditure for any other than the purposes for which the bill appropriated. It cannot be diverted to this particular object.

Mr. CONKLING. It cannot be diverted to any other purposes than those of the board; but if the Senator draws his recollection to this point, I think he will concur with me that the original provisions of that bill were very large. They were so large that I remember my-self in the Senate calling his attention to their almost unlimited scope self in the Senate calling his attention to their almost unlimited scope as they seemed to me, and I rather think that if he will recur to the statute he will find that it is quite broad enough to do almost anything with this money which tends to the original purpose. If, however, it is not broad enough for this purpose, then the objection is increased to our dabbling with it now without knowing particularly what we are doing or what the necessities of the fund may be.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was rejected.

The joint resolution was reported to the Senate without amendment.

The joint resolution was reported to the Senate without amendment. Mr. EDMUNDS. I have the National Board of Health act now before me, and the appropriation is only to meet the expenses to be incurred "to carry out the purposes of this act." Therefore it is plain that the money only can be applied to carry out the provisions of the act of 1879. If the provisions of the act of 1879 are adequate to this purpose, there is no occasion for the passage of this resolution. So it turns out, as it seems to me, certainly that no money now appropriated can be lawfully used for the necessary incidental expenses of this convention; but as the Senate does not wish to appropriate, very

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5088) to authorize the registration of trade-marks

and protect the same;
A joint resolution (H. R. No. 280) authorizing and empowering the Secretary of War to deliver arms and accounterments, ammunition, and tents to the soldiers' reunion committee of the Northwest; and
A joint resolution (H. R. No. 296) making appropriation for the continuous fixed of the Secretary

tingent fund of the Senate.

The message also announced that the House insisted upon its amendment to the joint resolution (S. R. No. 100) to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879, disagreed to by the Senate, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN WILSON of West Virginia, Mr. O. R. SINGLETON of Mississippi, and Mr. PHILIP C. HAYES of Illinois, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana;

A bill (H. R. No. 3534) to authorize and equip an expedition to the

Arctic seas; and

A joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois.

GEOLOGICAL SURVEY.

Mr. COCKRELL. The regular order, Mr. President.

Mr. DAVIS, of West Virginia. I ask—
Mr. EDMUNDS. Regular order.
The VICE-PRESIDENT. The regular order is demanded.
Mr. DAVIS, of West Virginia. I ask the Senate to consider House joint resolution No. 116, amending the sundry civil appropriation bill.

Mr. COCKRELL. I ask for the regular order.
The VICE-PRESIDENT. The regular order is demanded.
Mr. DAVIS, of West Virginia. Then I will make a statement. It
will be recollected that a few days ago during the absence of my colleague upon the Committee on Appropriations, the Senator from Kentucky, [Mr. Beck,] this resolution was brought before the Senate,

and at the suggestion of the Senator from California [Mr. BOOTH] and perhaps some others I consented that it should go over until the return of the Senator from Kentucky. He is present now, and I ask the Senate to take up the resolution. I hope it can be disposed of in a few moments. I move to lay aside the pending order for that pur-

The VICE-PRESIDENT. The Senator from West Virginia moves to postpone the pending order, being the consideration of the Calendar under the Anthony rule.

Mr. EDMUNDS. What is the first case on the Calender under the

pending order?

The VICE-PRESIDENT. The bill (S. No. 1331) to authorize a retired list of non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for thirty

have served therein continuously, honorably, and lattifully for thirty years or upward.

Mr. PLUMB. I hope this motion will not be adopted. The joint resolution will lead to long debate. There will be opportunity for it after the morning hour; and we always have the misfortune to consume the morning hour, which ought to be devoted to the Calendar, in other matters. I desire to say for myself personally, in reference to the vote I shall give, that there are many bills here, especially one near the head of the Calendar, which is of the very greatest interest to a very large number of people in my State, and it cannot wait, while the resolution the Senator from West Virginia is speaking of can wait. It has waited, and it can wait.

the resolution the Senator from West Virginia is speaking of can wait.

It has waited, and it can wait.

Mr. DAVIS, of West Virginia. The Senator wishes this laid aside for the purpose of taking up another bill. He does not wish to go on with the Calendar. I leave it with the Senate.

Mr. PLUMB. I do want to go on with the Calendar.

Mr. MAXEY. Considering that the Senate has very carefully considered the bill at the head of the Calendar so far, and I do not believe there is going to be any more discussion on it, or very little, I trust we shall go on with it and dispose of it. We have had it up several mornings. I want to get rid of it, and no doubt the Senate does. We are at it, and I think the Senate had better dispose of it.

Mr. CONKLING. Mr. President, I have no purpose to discuss or interpose time against the bill of the Senator from Texas; yet when the morning hour expired the other day there were two or three Senators, and I think there are now, who intend to discuss that bill. I disclaim being one of them; but my impression is that the Senator will not be able to get an immediate vote. If I understand the Senator from West Virginia he proposes to proceed with House joint resator from West Virginia he proposes to proceed with House joint res-

olution No. 116. Mr. DAVIS, of West Virginia. Yes, sir; House joint resolution No.

Mr. CONKLING. I feel bound for one to vote for that motion. This is a very important matter. It ought to be settled one way or the other. Time after time the suggestion has been made of taking it up in the Senate, but for one reason and again another it has been

postponed. I am glad the Senator from West Virginia has moved to take it up this morning.

Mr. DAVIS, of West Virginia. I will remind my friend from New York that it was before the Senate, but owing to the absence of my colleague on the committee, the Senator from Kentucky, I consented that it has also as a senator from Kentucky.

that it should go over.

Mr. CONKLING. I remember that it did stand over once as a matter of courtesy to an absent Senator; and it has stood over again and again. If what the resolution proposes should not be done, there are reasons why we should say so. If it should be done, there are more manifest reasons why we should say that and say it promptly. I do not think there is a better time to take up the subject than this morning; and although I am very sorry to interfere with my honorable friend from Kansas if this does interfere with him, still this is a matter to which my attention has been brought so often that on an earlier moment I should have said what I have said now, with no intention whatever of interfering with any wish he may have.

whatever of interfering with any wish he may have.

Mr. BECK. I was not aware until this morning that the joint resolution had been up and postponed in consequence of my absence. I opposed it in committee, I expect to oppose it before the Senate; but I shall certainly vote to take it up now as it was postponed because I was absent. I regard it, however, as impossible to pass a measure of this magnitude in a few minutes or during the morning hour. I am not prepared to say that I can discuss it as well as it ought to be discussed this morning, because I did not expect it to be called up now; it is a measure proposing to change the whole system of our surveys to create a new department which I think in less than five

now; it is a measure proposing to change the whole system of our surveys, to create a new department, which I think in less than five years will be the very largest of all.

Mr. DAVIS, of West Virginia. I will say to my friend that I did not discuss the merits of the joint resolution, but simply asked to take it up. After it is taken up we can discuss it.

Mr. BECK. The Senator from West Virginia insists on taking it up now because he says it will only consume a few minutes.

Mr. DAVIS, of West Virginia. I hope so.

Mr. BECK. He hopes so. I assure him that it will be very fully discussed if Senators give it the attention it deserves. I have the right to say that I will reply to him. It cannot be taken up on the assumption that it can be passed in a few minutes or a few hours.

assumption that it can be passed in a few minutes or a few hours.

Mr. ANTHONY. The fairest way to all the bills and to all the Senators is to give the poor Calendar this little remnant of the morning hour, and I hope we shall not lay it aside for anything.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia to postpone the pending order, being the consideration of the Calendar of General Orders.

The motion was not agreed to; there being on a division-ayes 14,

Mr. DAVIS, of West Virginia. I will not ask for the yeas and nays, but I give notice now that at the very first opportunity, as soon as appropriation bills are out of the way, I shall move to take up the joint resolution.

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

The VICE-PRESIDENT. The first bill on the Calendar is the bill (S. No. 1331) to authorize a retired list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward. The Senate, as in Committee of the Whole, resumed the considera-

tion of the bill, the pending question being on the amendment submitted by Mr. Allison to insert as an additional section:

Sec. —. That in addition to the number of cadets at West Point Military Academy now authorized by law, the President shall each year appoint two colored cadets at large.

Mr. HOAR. I do not suppose there is anybody in the Senate more thoroughly in favor of having the President appoint colored cadets at West Point; I think the number ought to be larger than is designated by this amendment; but I cannot for one vote to recognize in the legislation of this country distinction of race, to establish in our laws the principle that the different races stand in this country as persons to be dealing and bargaining with each other, each to have a certain proportion of public office or power, as if they were separate, independent, and distinct persons. In the eye of the law and of the Constitution they are precisely alike, precisely equal, and the President of the United States ought not, unless the person to be appointed be in all other respects the best person under the circumstances, to appoint him over him who is the best person under the circumstance in his independent merally because he helpings to a particular recovery. in his judgment, merely because he belongs to a particular race; and a direction to the President that two cadets shall be appointed from the colored race would seem to carry with it the implication that the others should not be appointed from that race, that that was the proportion which in the judgment of Congress belonged to that race.

I shall therefore vote against the amendment, and I shall for precisely the same reason vote against any legislation which implies a division of public office among political parties, recognizing the principle that in regard to the public service the fact of a man belonging or not belonging to one party is entitled to the confidence of the

appointing power.

Mr. CALL. Mr. President, I desire to say before the vote is taken on this amendment of the Senator from Iowa that a large portion of the people of my State are of the colored race, and I shall vote with great pleasure for any and every measure which looks reasonably toward their material, intellectual, or industrial advancement. I shall oppose with equal earnestness every measure that has a ten-dency to array them in antagonism as against the white people of the country or to create feelings of prejudice or bitterness. fied that any measure to enforce intimate social relations between them and any class of our people is only an injury, and a serious injury, to them in that future which I and those who like me represent that class of people are most earnestly and hopefully endeavoring to bring about for them.

While I agree that they have a right, a full right, under our Consti-tution and laws, to whatever benefits the Government extends to any class of our people, either at West Point or elsewhere, I do not think it is right to endeavor in the legislation of the country to single them out and seek to confer upon them special and peculiar benefits as distinguished from the rest of our people. I am willing and would gladly support whatever measure may be necessary to give to them their full share of the educational advantages of the country; but I think no system of policy could be more disastrous to the colored people, and more inimical to them, than measures of this kind which seek to promote a discrimination between them and the rest of the people and upon the assumed ground of a popular ill-feeling or prejudice

toward them.

I shall vote against the amendment for these reasons.

Mr. ALLISON. I ask for the yeas and nays on the amendment.

reas and nays were ordered.

The yeas and nays were ordered.

Mr. BLAIR. I should like to inquire of the Senator from Iowa for

Mr. BLAIR. I should like to inquire of the Senator from Iowa for information, how many cadets at large the President is now by law authorized to appoint. Is it ten annually, or ten in four years?

Mr. ALLISON. The President, as I understand the law now, is only authorized to appoint ten during the period of four years.

Mr. BLAIR. That would be an average of two and a half a year.

Mr. ALLISON. Yes, sir.

Mr. BLAIR. Then I would suggest—

Mr. HOAR. Will the Senator allow me to call attention to the precise fact. The President was authorized to appoint ten at large; but during and after the war that authority was construed to authorize the appointment of ten at large each year—an erroseous contraction. ize the appointment of ten at large each year—an erroneous construction probably of the original law. About two years ago Congress passed a law prohibiting the existence of more than ten at large in all. The result of that is, not that the President may appoint an average of two and a half each year, but that he cannot appoint any

until the existing classes shall graduate, so as to reduce the number below ten at large. It will be two years before he can make any ap-pointment, I understand.

Mr. BLAIR. Then, the President being authorized and directed to appoint two annually, the result would be that in every four years there would be eight colored cadets appointed, and during the same period of time he could appoint ten white ones. Would not that be rather an unfair discrimination in favor of the colored race? There are, I believe, not far from fifty million people in the country. Perhaps five million of them are colored. The colored population upon a fair division would be entitled to about one-tenth.

Mr. CONKLING. Does the Senator remember when the Academy

Mr. BLAIR. Is it proposed to even up from the foundation of the Academy

Mr. CONKLING. If the Senator asks that question of me, I should propose if I were in his place, in considering the supposed inequality growing out of numbers, to remember that during all these years at that Academy as everywhere else this race has been excluded merely because it was this race.

Mr. BLAIR. I would inquire of the honorable Senator if he thinks that could be done without a discrimination on account of race?

Mr. CONKLING. I am disposed to think it can not only be done

Mr. BLAIR. Can our laws, in other words, be thus made retroactive in their operation?

Mr. CONKLING. I think it not only can be done but it would be done on the Senator's arithmetical statement. He says there are about fifty million people in the country, and he says that few of them comparatively are black people. Now, if they were to have in the course of four years eight cadets at West Point for a while and the residue of the people were to have ten during that same period of four years, when you come to look back at all the decades when the colored people had none, I think you not only could but you would establish for the time being some sort of recompense, something like equality. Whether it would be exact or not, would require quite a

minute calculation to determine.

Mr. BLAIR. I should think that if it was necessary to adjust it on the basis suggested with reference to the past, the matter might well require consideration to a very considerable extent. It does not seem to me that our legislation can have reference to the past, but it must have reference to the existing status and to the future. I do not feel any special aversion to the amendment by any means, but it does seem to me that if it should be adopted it ought to be based upon some different principle than seems to be implied in its present terms.

Mr. ALLISON. Mr. President, we may as well look in the face the facts surrounding this question. It is true that but one colored man has ever graduated at the West Point Military Academy. It is also true that but two or three have ever been appointed to that Academy. We know perfectly well that there is but one colored cadet at the Academy now, and we are told upon what appears to be very good authority that this colored cadet has no associates of his own at that Academy. I read only this morning the testimony of Professor Kendrick, one of the ablest professors of that Academy, that this young man there has been proficient in his studies, faithful, and attentive, and also the testimony of some other officers

It is said by the Senator from Massachusetts that he is not willing to put into our laws a distinction with reference to race; but I want to call his attention to the fact that that discrimination does exist in Although every member of the Congress of the United States is authorized if he chooses to appoint a colored cadet instead of a white cadet, no individual member of Congress in the exercise of that discretion which the law gives him does exercise it in the way that

some think it ought to be exercised.

Mr. CONKLING. And never has been exercised but in five cases.
Mr. McDONALD. Has it ever been by any member of Congress?
Mr. ALLISON. Probably the present colored cadet was recommended by a member of Congress. The President has always been authorized to appoint ten cadets at large. It was construed, as stated by the Senator from Massachusetts, to mean ten cadets for each year for ten or fifteen years until the law was changed. My amendment simply proposes that in addition to those that the President is authorsimply proposes that in addition to those that the President is authorized now by law to appoint, there shall be appointed by him two colored cadets annually, so that this colored race may be represented in each class at West Point by two persons.

Mr. INGALLS. Would it be as logical to enact that a certain number of congressional cadets should be appointed from the proscribed race as well as executive cadets?

Mr. ALLISON It might be well assembled and the latter that a certain cade to the congressional cade to the cade to the congressional cade to the congressional cade to the cong

Mr. ALLISON. It might be well enough to add that; but I do not propose to add it now. The laws prescribe the qualifications as near as they can be prescribed by law, and of course any colored cadet who appears at West Point must undergo, before he can secure entrance there, a most rigid examination with reference to every qualification required. I cannot conceive that we are discriminating against the colored race by making it obligatory upon the appointing power to select at least two of that race for each class at West Point. It may be that it is a discrimination against them, as some seem to think, but I do not so understand it, especially in the face of the fact that only three colored cadets have ever appeared at West Point.

Mr. KIRKWOOD. Will my colleague allow me to ask if we have

not now by law three or four or five regiments composed of colored

Mr. ALLISON. We have four regiments of colored troops, two of cavalry and two of infantry. We have behind those colored troops five hundred thousand colored men who may be called into the military service of the United States when trouble shall come again. And shall it be said that this whole question shall be left open to the caprice from year to year of whoever may be in power, and that we shall have the right to call upon this colored race to the number of five hundred thousand men in times of peril and difficulty, and yet that they shall have no representation in the only military school supported by the Government of the United States which shall train these colored men in the use of arms?

I think I understand perfectly well the objection that is made to this amendment. It is not that we are discriminating in favor of the colored race, but it is because in some way or other they may secure colored race, but it is because in some way or other they may secure that recognition at our Government school, supported with our money and sustained by the Government from year to year, that they have not hitherto had, and that they are not likely to have unless we place upon record a legislative direction that they shall be represented at West Point. I only speak for myself in this matter. I believe that it is a just and fair solution of this question to put this limited number of young men of the colored race at West Point, and therefore I shall yet for it whatever other Separators may do in this regard.

shall vote for it, whatever other Senators may do in this regard.

Mr. HOAR. Mr. President, I desire to accomplish the object which
the Senator from Iowa has at heart, as earnestly as he does, as he well
knows. I do not think that his proposition tends to accomplish the
object. What we wish to accomplish is to remove from the minds of the American people the notion that there is any possible difference in political right, or in claims to social estimation, between men on account of their race or the color of their skin—a state of public sentiment which would no more inquire, in treating a colored man in his social relations, or in regard to his political rights, the color of his skin, than it would whether he was a man with blue eyes or with black eyes or with red hair or brown hair or gray hair. And the difficulty at West Point, in my opinion, is that the persons who have the charge of educating and forming the young men there, instructing them in these matters which tend to form their character in what, to use the military phrase, is "becoming an officer and a gentleman," neither show by example nor enjoin by precept the necessity of treat-

ing colored boys in that spirit.

As I said the other day, I suppose a condition of public sentiment existed two hundred years ago in England and in some of the civilized nations on the Continent, where the son of a man who was engaged in some of the humble occupations in life, if he presented himself at a school devoted to the aristocracy, would be met in something of the spirit in which these young men have been met at West Point.

of the spirit in which these young men have been met at West Point. But that whole thing is gone by.

Do you suppose, Mr. President, that a pupil of Dr. Arnold, at Rugby, would not have found out pretty quick, if he had undertaken to treat with contempt the son of a laborer who was by his side in the class, or to avoid his society, that he himself was not fit for the society of gentlemen if he acted on that principle? And when the distinguished officers who fill these places at West Point teach their pupils that, this thing will go by. This is peculiar, nearly so, to that institution among the other institutions of the North. I know something about this matter. There is a young colored man, in whom I institution among the other institutions of the North. I know something about this matter. There is a young colored man, in whom I take a very deep interest, who entered the junior class at Amherst College two or three years ago. He is an intimate personal friend of mine; he is an honored and welcome guest at my house, and he graduated at Amherst this last year, and now has been called to fill an important position among the scholars of the country. He was the son, I believe, of a North Carolina slave. I went with some of my family to attend his commencement as his friend at Amherst College last July, and I inquired of President Seelye how he was treated there, and the answer was, that he was a universal favorite both with students and with teachers.

when I arrived at the president's house this young gentleman was invited to meet me in his parlor as a guest, and I do not suppose it occurred to a member of the faculty of that distinguished institution of learning, or to a member of the class, in their demeanor toward this young man, to think of anything except what his personal qualities and character were. And the same change of public sentiment which has taken place in our other institutions will very soon, I believe, reach West Point.

But I do not think it is constitutional. I think it is a violation of

But I do not think it is constitutional, I think it is a violation of the Constitution of the United States, to put into our statutes provisions that the belonging to one race shall constitute a title to public office under particular circumstances, and I think to attempt to do it would tend to prolong this infamous condition of public sentiment to which I have referred and not to put an end to it.

Mr. CONKLING. What does the Senator say to the word "white"

in the naturalization laws?

Mr. HOAR. I think the word "white" in the naturalization laws ought to be stricken out.

Mr. CONKLING. And let in the Chinese?

Mr. HOAR. Yes. What is in violation of the Constitution in making citizens and what is in violation of the Constitution in dealing with them, is a question which I do not care about being called upon, because, if I understand the point of the question of the Sen-

ator from New York, he does not wish to involve me merely in an inquiry as to such a distinction as that. It is a violation of the principle which lies at the bottom of the American Constitution, and which is set forth-Mr. CONKLING.

The Senator understands the argument with re-

gard to the naturalization laws.

Mr. HOAR. I prefer to deal with this matter on the question of abstract right. The Declaration of Independence, which is the declaration of the principle on which this Government is founded by the men who created and established it, throws its blazing torchlight over every line, syllable, and letter of the Constitution of the United States, and that Declaration asserts that every human soul is equal in political and personal right to every other human soul, without any regard to the quality of the casket in which it happens to be enshrined; and that principle is to be the cure, and not an attempt to assign between the different recent the different complete the state. assign between the different races, the different complexions, the assign between the different races, the different complexions, the different occupations of this country by legislation their share of public honors. It is not to require the President to remember that there is a distinction between black men and white men when he makes his appointments, or the people to remember it when they elect their officers, but to require them absolutely to forget it, which is to be the cure.

Mr. ALLISON. This is the exact object of this amendment, to enforce the principle which the Senator from Massachusetts seeks to

Mr. HEREFORD. I have a great many objections to this amendment. One is that I seriously doubt whether it is constitutional. When we give power to the President to appoint these officers, I doubt very much if we have the power to place a limitation upon his right to appoint. It is an invasion of the power and prerogative of the Executive for us to do so.

A similar question came up upon the enactment of what is known as the census law. It was suggested there that the President should appoint the enumerators from the two great political parties, but it was gravely urged—and the doubt had its influence on the action that was taken-that it would be unconstitutional thus to limit the power of the President. If you give him the power to fill the office he has the right to fill it with any person that he may please. If you can say that he must appoint so many colored cadets, then you can go a step further and say how much of colored blood they must have in their veins before he can appoint them, whether they must have half negro blood, a quarter, an eighth, or a sixteenth, or full blood. If you can do this, it can run through all the ramifications of our Government.

The President now has ample power to appoint all ten of these cadets from the colored race if he desires. He has never appointed one of that race. I suppose he has had good reasons for his course. President Hayes has been in the Executive Mansion for going on four years and he has never appointed a colored man to West Point. He had good and sufficient reason for his action, no doubt. General Grant was there eight years and he never appointed a colored cadet to West Point. Mr. Lincoln was there the whole of one and part of a second term, and yet he never appointed a colored cadet. Many of the Senators who are upon this floor have been members of the House of Representatives when they had the power to appoint colored men to Meyresentatives when they had the power to appoint colored men to West Point, and yet not one of them ever appointed one of that race. My friend who sits in front of me from Iowa, [Mr. ALLISON,] who offered this amendment, was many years in the House of Representatives; he has colored men in his State and had then. Why did he not appoint one of them? The Senator from Massachusetts [Mr. Hoar] who has just taken his seat was many years in the House of Representatives. Why did he not appoint colored men to the West Point Academy? His colleague [Mr. DAWES] was in the House of Representatives for many years; there are twelve or fifteen Senators. Representatives for many years; there are twelve or fifteen Senators on the other side of the Chamber who were for many years members of the House of Representatives, and all of them had colored men among their constituents, but not one of them ever appointed a colored man to West Point. Whence this new-born zeal, then? When these gentlemen had the power to place colored men at West Point why did they not do it? When they selected candidates for West Point and for the Naval Academy at Annapolis—for they had the power to appoint to both places—why did they invariably select white persons instead of colored persons? They had a good and sufficient reason for it; and if there was a good and sufficient reason governing and controlling their conduct as members of the House of Rep-

resentatives, why do they now seek to coerce the President and compel him to act upon a different ground?

The Senator from Iowa said that they were practically excluded. Who has excluded them? The members of the House of Representatives, of which he was one; the Presidents of the United States who have belonged to his political party for many years, they have excluded them, not the law. The law does not exclude them; but for good and sufficient reasons none of them have yet been appointed by the President. In a few instances members of the House of Repre-sentatives have appointed them.

I think it will work no good to the Military Academy to force the

President to do this. If you can force the President to do this, you can also enact a law saying to the members of the House of Representatives "You shall appoint so many colored men to the West Point Academy and to the Naval Academy." If it is right in principle, go

the whole length of it; and if you are going to divide these positions according to the population of the country, then this does not observe

the proper proportion.

Mr. President, I think this bringing up the question of color all the time in the Halls of Congress bodes no good to the colored man, no good to the white man, no good to any part of our common country.

Legislation cannot arrange this matter. It must be done otherwise.

For these and many other reasons I am opposed to this amendment.

Mr. MORGAN. When the Senator from West Virginia obtained the

floor, I sought it to make a few observations in the same line as that Senator has indulged in. I will not, therefore, undertake to amplify the remarks which he has so very well made. They are very per-

tinent, and, I think, somewhat pungent.

tinent, and, I think, somewhat pungent.

I was about, however, to suggest to the Senator from Iowa a difficulty in his amendment. There is nothing in the laws of the United States or in the Constitution, that I am aware of, which speaks of "the colored race" or "colored people." That term has no signification in our language, so far as I am aware, of a legal character, that gives it any particular certainty. I was about to suggest to him, inasmuch as the term "colored cadet" might include the Indians in the West as well as the negroes, that it would be better for him to modify it by saying "colored cadets of African extraction," and then, as the Senator from West Virginia has well remarked, it would be very proper to say how much of African blood a man should have before he should be entitled to this distinction, and it should be further stated whether he should be a full-blooded man or half-blooded man, or what proportion of African blood he should have.

If the amendment is intended to be voted on with real seriousness, and the republican President of the United States is to be instructed in his duty with reference to the African race, the Senate ought to

in his duty with reference to the African race, the Senate ought to be very careful in its language, and it ought at least to furnish him some indication as to whether the Senator from Iowa or ourselves, if we pass the amendment, mean Indians, Chinese, or negroes. The language of the amendment, as it stands now, is entirely too indefinite to receive the sanction of the Senate. I recommend to the Senator from Iowa that he make some correction in his amendment to that

Mr. CONKLING. Mr. President, I am disposed to vote for this amendment—more disposed to vote for it than when I first heard it read. After listening to all the objections which have been made to it, and listening especially to the non-partisan dissertation of the Senator from West Virginia, [Mr. Hereford,] I see no great objec-

In the Military Academy there must be upward of three hundred pupils. If any Senator knows exactly how many, I should be very pupils. If any Senator knows exactly how many, I should be very glad to be informed. As there is one from each congressional district, and those appointed at large beside, the number must exceed somewhat three hundred. Of all these cadets one single one belongs to a race numbering four million people; a race for whom I will venture to say my sympathy and respect grows stronger every day; a race which I think deserves well of the State. Numbering four million, one cadet in three hundred, and only one, has been summoned from its roals.

the Senator from West Virginia, intending it to bear strictly upon this senatorial discussion, aiming at the very pith of the matter, and seeking to enlighten his brother Senators as to the vote they should give, has devoted some time and some inspiring strains of rhetoric

give, has devoted some time and some inspiring strains of rhetoric to reminding us that the Senator from Iowa, [Mr. Allison,] when he served in the House, did not send colored cadets from his district.

Mr. DAVIS, of Illinois. And the Senator from New York.

Mr. CONKLING. My honorable friend from Illinois seems to take some offense at the Senator from West Virginia, because he did not also mention me. [Laughter.] It is true that in Iowa, where the colored race is practically absent, although individual colored men no doubt can be found in the district which the Senator from Iowa so long represented—it is true that in Iowa, in Massachusetts, and elsewhere, where the condition of things is the same, the cadets have been taken from those who constituted not only the overwhelming majority, but practically the whole population—the only race there. That, I think, is a common-sense answer to what is said by the Senator from West Virginia, because I know he does not make his reator from West Virginia, because I know he does not make his remarks with a view to having anybody in the galleries, or beyond the galleries understand that the Senator from Iowa or anybody else has been guilty of any personal inconsistency. That is entirely beside the purpose of my distinguished friend from West Virginia, for he is seeking to enlighten the Senate!

Be that as it may it so happens that under the recommendation of

Be that as it may it so happens that under the recommendation of members of the House and under the appointment of the Executive the distribution at West Point is as I have stated, two hundred and ninety-nine cadets (if the number were exactly three hundred) of one race and one single one of the other. The Senator from Iowa, finding that the condition, proposes an amendment the effect of which will not be to take from those who now enjoy the all but exclusive advantages of this institution one single cadet, but only to add two cadets annually so that in four years the total will amount to eight; and accordingly if the colored cadet now at West Point escapes being murdered, as he seems not to have escaped being maimed, there would be during the four years he would remain there nine, but as his time will expire before that there will be eight in the course of the next four years. four years.

What is the objection to that? The honorable Senator from Massachusetts [Mr. HOAR] observed one thing which struck me. He said that the effect might be to prevent the President from appointing all colored cadets if you said that two of them should be colored. When I reflected upon what has been done for the last three years, I confess I was a little appalled by that suggestion; and I fear—although I think I shall overcome that fear in my vote—that the present Executive particularly may be deterred from appointing all the cadets at large from colored men by this amendment, that he may feel constrained to subdue his inclination to appoint only these two provided for. As I say that objection struck me as being one worthy of con-

for. As I say that objection struck me as being one worthy of consideration, but I made up my mind, after reflecting upon it—
Mr. HOAR. Will the Senator allow me to remind him that the present Executive has had no power to appoint any for the past two years?
Mr. CONKLING. The Senator from Massachusetts is speaking on my side as I understand.
Mr. HOAR. Except, of course, those that he appoints from con-

gressional districts.

Mr. CONKLING. He does not appoint those at all. They are not only nominated but they are appointed by the Representatives in Congress, and the President has nothing to do with them. The word is "recommend" and not "appoint," it is suggested to me. Certainly if the Senator will look, I think he will find that the President has nothing to do with those; but the Senator says that the present Executive has appointed no cadets at large. Then he strengthens the presumption-

Mr. HOAR. Will it disturb the Senator from New York if I say a

word?

Mr. CONKLING. Certainly not. Mr. HOAR. This is all the legislation on the subject which has been found after a somewhat careful examination:

SEC. 1315. The corps of cadets shall consist of one from each congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large.

Now, I pause to observe that that was construed to mean ten each year till, I think, the first year of President Hayes's administration. After he had made his first ten appointments Congress interposed and required that there should be no more appointed at large until the whole number was reduced to ten.

They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Mr. CONKLING. What is the provision about the member recom-

mending?

Mr. HOAR. There is no such provision; it is a mere growth; it has become an unwritten law; but, as I understand it, the member of Congress from the district has no legal relation to the cadet what-

Mr. CONKLING. The Senator from Massachusetts will observe that this point is quite foreign to the course of the few remarks I intended to make. I will put however my bare recollection, presumptnous as that may seem, against the page of the book from which the Senator reads, and I undertake to assert confidently that the statute did provide and does now provide unless it has been dropped in the revision, that the Representative and he alone should select the cadet. I had occasion myself to look at it several times, and vent-ured to introduce in the district which I had the honor to represent, the method of a competitive examination for the place, recommendthe method of a competitive examination for the place, recommending the person who was selected for his merit, and I should have to obliterate too much of distinct memory to suppose that I am mistaken in saying that the member of Congress, the Representative, and nobody else makes the selection of the cadet, or did make it until some recent changes may have occurred. That, however, is quite unimportant. The Senator from Massachusetts says that the present Executive has a weighted no cadety at large.

Mr. HOAR. Since the first ten.

Mr. CONKLING. Ah, since the first ten. If he had appointed none, I should have the more right to assume that without such a provision as this he would have appointed at least a fair share of provision as this he would have appointed at least a fair share of those whom he has appointed from a race so numerous, so meritorious, and so long-suffering and deserving. Now it appears he has appointed none of this race, although he did appoint ten cadets at large. I remember very well the provision to which the Senator has twice called attention taking away the power to appoint ten cadets each year. I voted for it myself and exerted myself to have it adopted; I thought it was quite important that it should be, believing that the during the four years would do that the during the adopted; I thought it was quite important that it should be, believing that ten during the four years would do, that the academy and the country would get along if there were only ten appointed by the Executive at large during four years, in place of ten each year. I recollect it very well. With that power, no colored cadet has been appointed at large. That is the fact. Now, the Senator from Iowa proposes that two shall be next year. What is the objection to it? In the first place it takes away none who would otherwise be appointed. In the next place, I submit it is not open to the objection suggested by the Senator from New Hampshire. It not only does not create an excess for favoritism, but it falls very far short of what would be just in the present taking into account all the congressional districts, and in the present and the past together taking into account only the appointments at large. only the appointments at large.

The Senator from Massachusetts and the Senator from West Virginia who followed and who cited what somebody said about the census law, insist that it is unconstitutional to declare by law that a youth sent to an ordnance school or a riding school or some other institution shall be of a particular race. Then it would be unconstitutional to provide that Chinese youth should be sent here and there, as they have been; that Chinese youth should be sent here and there, as they have been; it would be unconstitutional to provide a variety of things familiarly done which I might eite; but my impression is it would not be unconstitutional at all by reason of a distinction which I think the Senator from Massachusetts will accept. Whatever may be said about the naturalization laws, which are required to be uniform, whatever may be said about the power to appoint to office lodged in the Constitution cannot be said at all, I submit, in respect of a pupil to be sent to a school. I think the arguments which we heard in reference to jurors, extreme as some of them were never went to the extent of saying that extreme as some of them were, never went to the extent of saying that extreme as some of them were, never went to the extent of saying that you could not by law provide who should ride on a steamboat of which you had jurisdiction, who should go in a public conveyance, who should avail himself of a public convenience, or by parity of reasoning who should be sent as pupils to a public seminary of learning.

Mr. BECK and Mr. HEREFORD rose.

The VICE-PRESIDENT. The Chair reminds Senators that the morning hour has expired, and the debate proceeds by unanimous

consent.

Mr. CONKLING. I beg pardon.

Mr. HEREFORD. I submit that the provision in the case referred to by the Senator from New York does not invade the prerogative of

to by the Senator from New York does not invade the prerogative of the President at all. It is not a parallel case.

Mr. CONKLING. Nor does this invade any prerogative. If the Senator from Kentucky will pardon me one moment longer, I will give way presently. I did not know that I had passed the hour. I want to answer the Senator from West Virginia who evidently has misunderstood what I tried to say. He talks about the prerogative of the President. What does he mean? He finds in the Constitution that the President shall nominate and by and with the advice and consent of the Senate shall amount embassadors and other public consent of the Senate shall appoint embassadors and other public officers. There is what he chooses to call a prerogative of the President. Now come to the case before us. We find that the Constitution being entirely silent in regard to it, by act of Congress we found a school, no matter whether it is a military school, a gymnastic school, a medical school, or any other school. We found a school for youths. What has the President's prerogative to do with it? In the statute we say he may appoint ten codate at large and in the statute we say he may appoint ten codate at large and in the statute. we say he may appoint ten cadets at large and in the statute we say that the Representatives from the respective districts may appoint—although possibly the word is "recommend," and I think both words are employed in the original act—may each appoint a resident of his district or select a resident of his district to go as a pupil to this school. It does not touch the President's prerogative, thereby meaning what the Constitution deposits of power in the President; it has nothing to do with it.

Suppose we were here to charter in this District a ferry company from here to Alexandria, and provide that the officers, the agents of that company, should be partly colored: would the Senator say that we interfered with the prerogative of the President? Certainly not. Why? Because it would be a mere creature of our own, just as this Academy is a creature of our own, unknown to the Constitution, Congress proceeding of course under powers with which it is clothed by the Constitution, but the Constitution itself nominating nowhere a military academy; a thing created by the same power by which we create the office of commissioner of the District of Columbia, by which we charter a corporation in the District of Columbia, or by which we do any other thing the mere creature and subject of stat-

Therefore, I say, that when the Senator from West Virginia talks about the President's prerogative, likening it as he did, to appointments to office governed by the Constitution, or when it is likened to the naturalization laws or to any of the things the criterion of which must be found in the Constitution itself, the argument is misguiding and delusive, and you might just as well say that if the Senate, by a resolution of its own, should provide that some of the boys who sit on our dais here should not be of the race to which they all belong, that interfered with somebody's prerogative.

Mr. BECK. Mr. President

Mr. BECK. Mr. President—
Mr. HOAR. Will the Senator from Kentucky allow me one minute?
Mr. BECK. I am very much pressed; but I will yield.
Mr. HOAR. I only want sixty seconds. I wish merely to say that I hold it to be clear that the cadet at West Point is a public officer, and that the appointment of a cadet is an appointment to a public office, an officer of the United States Army.

Mr. CONKLING. If the Senator is right about that, can there be a doubt that the statute, if such a one existed, depositing that power with the Representative, was unconstitutional?

Mr. HOAR. I do not understand that there ever was such a statute.
Mr. CONKLING. But if there was?
Mr. HOAR. If it was the power of appointment—
Mr. ALLISON. There is an express statute in reference to the naval cadets providing that they shall be appointed from the district on the recommendation of the Representative.

Mr. HOAR. That is a different thing. They are appointed by the President.

Mr. ALLISON. But it restricts the appointing power.

Mr. HOAR. That is not the point. The question is whether this be a public office. The Senator from New York meets the argument by the suggestion that it would be good, if at all, if these were public officers. Now, the cadet is appointed by the President under the constitutional power which may be given to the President alone. He takes an oath of office; he has a rank in the Army; he is bound by the statute to obey the orders of his superior officers in terms; and he is bound to explain the property of the public to the property of the the statute to obey the orders of his superior officers in terms; and he is bound to perform any duty, as other military officers are, to which he may be ordered by the President. I conceive that there is nothing more capable of absolute demonstration than that these young men are military officers, and that it is attempting to enact by statute a distinction of race, which we have been struggling to wipe out in the title to appointment to office in this country.

Now, the Senator's point that they are appointed by the President on the recommendation of somebody does not make it any the less an

appointment by the President.

Mr. ALLISON. Now, Mr. President, one word—

Mr. BECK. I insist on the regular order. I cannot yield. The Senator from Iowa is on my committee, and therefore I can afford to

Mr. ALLISON. I am very glad there will be another day when I shall have an opportunity to be heard.

Mr. MAXEY. I suggest to the Senator from Kentucky that if no other Senator desires to discuss the amendment proposed by the Senator from Iowa to the bill, we take the vote. It will not take much

Mr. BECK. The Senator from Iowa announced that he expected to

be heard to-morrow on it.

Mr. MAXEY. If there is any wish for debate further, very well;
but I would like to have a vote.

The VICE-PRESIDENT. The Indian appropriation bill is the unfinished business. Before proceeding with it, the Chair will lay before the Senate some House bills, for the purpose of reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same, was read twice by its title, and, on motion of Mr.

CONKLING, referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 280) authorizing and empowering the Secretary of War to deliver arms and accounterments, ammunition, and tents to the soldiers' reunion committee of the Northwest, was read twice by its title, and referred to the Committee on Military

The joint resolution (H. R. No. 296) making appropriation for the contingent fund of the Senate was read twice by its title.

Mr. EATON. I ask for the immediate consideration of that resolution, with the consent of the Senator from Kentucky.

The VICE-PRESIDENT. Is there objection? The joint resolution was read at length.

Mr. EDMUNDS. That must go to the proper committee. I should like a report showing what has become of the contingent fund of the Senate already. I am very much obliged to the House of Representatives, as one Senator, for volunteering to supply our empty pockets.

Mr. EATON. I hope my friend will permit the joint resolution to

be taken up now.

Mr. EDMUNDS. No, sir.
Mr. EATON. I think I can explain it to his satisfaction.
Mr. EDMUNDS. I wish to see a report from the proper committee, the Committee on Contingent Expenses, as to what has become of the large sums of money that have already been appropriated.
Mr. EATON. The resolution has been considered by the Committee of the large sums of money that have already been appropriated.

tee on Appropriations and agreed to by them and passed through the House at my request this morning as the organ of the committee.

Mr. EDMUNDS. I am very sorry. The committee ought to have

offered its own appropriation bill.

Mr. EATON. I preferred to do it that way.

Mr. EDMUNDS. Undoubtedly, but I prefer that it shall take the regular course.

The VICE-PRESIDENT. The joint resolution will be referred to

the Committee on Appropriations.

Mr. EATON. I am very sorry my friend wants to see the warrants of the Government hawked about Washington at eighty cents on the

AMENDMENT TO A BILL.

Mr. BURNSIDE submitted an amendment intended to be proposed by him to the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes; which was referred to the Committee on Appropriations.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consider-The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes.

Mr. BECK. I believe there is no amendment now pending to the bill except that offered by the Senator from Kansas, [Mr. Plumb,] and which was nessed over

and which was passed over.

Mr. PLUMB. I desire to offer an amendment to section 3, on page 52. Inasmuch as the Senate was considering at the close of the ses-

sion yesterday that section, I will read the amendment now. After the word "dollars," in line 9, section 3, page 52, I propose to insert:

Provided, That all bids for supplies of wheat, corn, flour, feed, oats, bacon, beef, pork, and other provisions, and also cattle for the Indians, and all bids for transportation of such supplies under this act, shall be received and opened and the contracts awarded at some suitable place in the Mississippi Valley or in the Missouri River Valley, but this shall only apply to the regular annual lettings.

Mr. BECK. I raise the point of order on that. It changes exist-

ing law.

Mr. PLUMB. Before the point is decided—

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The

Chair sustains the point of order.

Mr. PLUMB. I desire to say a word before the point of order is

decided.

decided.

The PRESIDING OFFICER. The Chair will hear the Senator.

Mr. PLUMB. Section 3 which is contained in this appropriation bill is the only provision on the subject, and if this amendment is subject to the point of order, then the section itself is subject to the same point of order. This is only in the same line with the provision in the bill which runs with the appropriation, and with it only. I submit to the Chair that it does not bring up the same point on which the amendment was decided out of order that I offered yesterday to the amendment of the committee on page 53, because that amendment the amendment of the committee contemplated action out. ment to the amendment of the committee contemplated action outside of this appropriation. But this has reference alone to the appropriation made by this bill, and is only an additional regulation to that already provided by the committee, and if that is out of order I think there ought to be some chance of raising the same point of order upon section 3

Mr. BECK. I believe there can be no longer debate on this point

The PRESIDING OFFICER. The Senator from Kansas received the unanimous consent of the Senate to make his statement. The Chair sustains the point of order.

Mr. PADDOCK. On page 36, in line 874, I move to insert before the word "and" the word "Niobrara," which is the western terminal point of a branch of the Milwaukee and Saint Paul Railroad on the Niobrara River, and is the nearest railroad point to the Rose Bud agency. That would make that a competitive point for transportation.

Mr. BECK. Is there a new railroad extending out there?

Mr. BECK. Is there a new railroad extending out there?
Mr. PADDOCK. Yes, sir.
Mr. BECK. I have no objection.
The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. PADDOCK.]

The amendment was agreed to.

Mr. COKE. I am instructed by the Committee on Indian Affairs to offer the following amendment, to be inserted after the word "dollars," in line 1166:

Provided. That the Secretary of the Interior be, and he is hereby, authorized, whenever it can be done advantageously, to purchase for use in the Indian service, from Indian manual and training schools in the manner customary among individuals, such articles as may be manufactured at such schools and which are used in the Indian service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time.

Mr. BECK. The Committee on Appropriations had that subject under consideration, and we referred it to the Indian Committee to see what they had to say about it; therefore I will not make any point of order upon it if that committee recommend it.

The PRESIDING OFFICER. The question is on the amendment

moved by the Senator from Texas, [Mr. Coke.]

The amendment was agreed to.

Mr. BECK. I hope the Senator from Kansas will withdraw his amendment

The PRESIDING OFFICER. If no further amendment be moved, the bill will be reported to the Senate.

Mr. PADDOCK. I desire to reserve the right to move to amend on page 24 when the bill shall reach the Senate.

The PRESIDING OFFICER. The Senator will have that right.

The PRESIDING OFFICER. The Senator will have that right.
Mr. PADDOCK. And also on page 48.
Mr. BECK. Was there not an amendment of the Senator from
Kansas [Mr. Plumb] pending relative to the Cheyennes on which
the yeas and nays were ordered?
Mr. PLUMB. I desire a vote on that.
Mr. INGALLS. I shall ask a vote in the Senate on the provision of
the bill in reference to the board of Indian commissioners.
The PRESIDING OFFICER. Does the Senator from Kansas desire
to have the amendment which he offered some time since, now considered?

Mr. PLUMB.

Mr. PLUMB. I should like to have the amendment reported.
The PRESIDING OFFICER. The amendment will be read.
The SECRETARY. The amendment is to add after line 233, in the appropriations for the Cheyennes and Arapahoes:

For the purchase of seeds and implements, as provided in article 8 of the treaty of 1868 with said Indians, subject to the provisions and limitations of said treaty, \$5,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on this amendment.
Mr. PLUMB. I want to call the attention of the Senate briefly to
the provisions of the treaty under which this amendment is offered.
The provisions of the treaty with the Northern Cheyennes and
Arapahoes and of the treaty with the Southern Cheyennes and Ara-

pahoes, if they are to be distinguished in that way, are precisely the same nearly all the way through, and this provision as has been here-tofore quoted, provides that the Government shall give to each head of a family or lodge who shall have selected a piece of land a certain amount in dollars or the value in seeds and agricultural implements for the first year and a certain other amount for the second year. Then it goes on to provide:

For each male person over fourteen years of age, a suit of good, substantial woolen clothing—

thereinafter more particularly described. Then each female is to have certain articles of clothing, and then the boys and girls shall have certain articles of clothing:

and in addition to the clothing herein named, the sum of \$20,000 shall be annually appropriated for a period of thirty years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper.

All these appropriations are several; that is to say, they are each of them provided for in the treaty and all of them are to be given to the Indians according to the terms of the treaty, no one taking the place of the other. In addition to that, in article 14 it is provided:

It is agreed that the sum of \$500, annually, for three years from date, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Mr. BECK. That has passed away, of course.

Mr. PLUMB. That is true, but I call attention to it for the purpose of showing that the Government has never offered it to the In-

dians and consequently has failed that far to do what the treaty

In the treaty with the Northern Cheyennes and Arapahoes, the most of which are in the Indian Territory, in addition to the provisions which I have quoted, there is this provision:

And, in addition to the clothing herein named, the sum of \$10 shall be annually appropriated for each Indian roaming, and \$20 for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper.

Mr. BECK. On page 22 of the bill, from line 523 to line 530, we have given \$35,000 to the Northern Cheyennes and Arapahoes to cover the allowance "for each Indian roaming and engaged in agriculture."

Mr. PLUMB. I understand that. Now I desire to ask the Senator from Kentucky in that connection whether he can tell me if that appropriation was made last year or the year before.

Mr. BECK. It was made last year. I have the Indian bill of last was before me and I see that the senator in the second second

year before me, and I can turn to it in a moment. I am very sure it was made last year.

Mr. PLUMB. I shall be able to show before I get through that if

it was made, at all events it was not expended.

Mr. BECK. I am not sure how it was expended. There is great difficulty about the expenditure, I think. Mr. PLUMB. When I say "expended" I mean to say that the In-

Mr. PLUMB. When I say "expended" I mean to say that the Indians did not get it.

Mr. BECK. The estimate for fulfilling treaties with the Northern Cheyennes and Arapahoes, "for each Indian engaged in agriculture in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, as per sixth article treaty of May 10, 1868," was \$35,000. That is the amount appropriated for the current year, and we made the same provision for the next year in this bill. the next year in this bill.

Mr. PLUMB. At the close of the article from which I have just

been reading, article 6, it is further provided as follows:

And it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

And then follows in the article the same provision, that there shall

And then follows in the article the same provision, that there shall be \$500 paid annually for three years "to certain Indians" from the date when they may commence to cultivate a farm.

Mr. BECK. If the Senator will allow me again, I think the provision in the bill on page 40 was intended to cover that general class of cases. On page 40 of the bill is the provision to which I called attention the day before yesterday, when this question was up. Between lines 976 and 979 is found the following provision:

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, \$305,000.

There are about ten thousand Indians in all those tribes, the Arapahoes and Cheyennes comprising about fifty-six hundred of the ten thousand, so that from this provision for subsistence and civilization in general they will receive about \$165,000 or \$175,000 in addition to

all the treaty stipulations.

Mr. PLUMB. I am not able to say now what definition might be given by the Department to the word "civilization." I wish to provide for giving the seeds and agricultural implements named in the treaty. It may be that they would be regarded as civilizing appliances, but possibly they would not be so regarded.

Mr. BECK. We have no distinct information. We know that none of them came within the prevision of the triple of the treaty.

of them came within the provision of the eighth article of the treaty, which provides that when they have selected lands and received their certificates then the seeds and other objects the Senator is seeking to provide for may be allowed. We know that nothing of that sort has been done, and therefore we have no right at present to make the

provision that is proposed in the amendment now pending.

Mr. PLUMB. I think the Senator in charge of the bill will hardly say that, after the statement read from the report of the Secretary of the Interior the other day to the effect that there is a considerable amount due these Indians by reason of that fact now.

Mr. BECK. There is an item in the tabulated statement of \$2,500

for two years, but I thought it all wrong, and no attention has been called to it by the Department whatever.

Mr. PLUMB. My position upon the amendment goes to the sufficiency of the appropriation, not merely in detail but in gross. Some reference has been made here to the testimony taken before a committee of this body which visited the Indian Territory last summer. I desire to call attention briefly to some parts of that testimony, only a portion of which I have before me, to show that the appropriations have never been adequate, or at least that they were not adequate last year. The testimony of Agent Miles is as follows:

last year. The testimony of Agent Miles is as follows:

Q. I understood you to say a while ago that during all the time the Indians have been here they have complained that their rations have been insufficient?

A. They have, very frequently.

Q. In making up your estimate for rations to be provided for the Indians, do you estimate for the full fiscal year or for so many months?

A. For the full fiscal year.

Q. For full rations according to law?

A. For the established rations.

Q. Were those rations supplied to you by the Government?

A. No, sir.

Q. Why were they withheld?

A. I have always understood it was on account of the funds being exhausted.

Q. How many months in each year have they been withheld, taking the whole time; about what percentage of rations has been withheld?

A. Take a year, or two or three years, and I could give you just what it was; but it would be mere guess-work to say what per cent.

Q. Would the shortage amount to as much as three months in each year?

A. Yes, sir.

So it appears, according to the testimony of the agent, that there has been a shortage on an average of three months in each year since the Government came into treaty relations with these Indians. When it came to the question as to whether the Indians got the clothing provided for or not, this occurred:

By Mr. MORGAN:

Q. Can you furnish the committee a list of the annuity goods you are authorized to issue—annuity goods, in distinction to implements of agriculture, &c.—so that we can see the amount of goods going to one individual?

A. The annuity goods are provided for by treaty; that is, the treaty provides a certain amount of clothing for each person; but I think the Commissioner of Indian Affairs has used a certain amount of discretion; he used to send blankets and stronding, but that has been changed, and they are not sent as annuity goods any

Q. Are any axes, plows, hoes, implements of agriculture, or cooking implements, knives, or anything of that sort included in the treaty by which your distribution of annuity goods is regulated?

A. I so understand it; they are sent here by the Department as a part of the

annuity.

Q. So when you issue a plow or a hoe

The question was interrupted by the witness at that point-

A. I ought to say, by way of explanation, that there is another fund, called a "beneficiary fund," of \$20,000 a year—

which is the fund provided for in the section under considerationfor the benefit of this agency; I think the knives and smaller hardware are purchased from the annuity fund, though I am not certain just what funds the different purchases are made from; and I have reason to believe that the plows and agricultural implements are bought with the money from that \$20,000 beneficiary fund.

O. In giving out annuity goods you understand what is included and what is not included?

A. Yes, sir.

Q. And you do not, under that list, give out plows, hoes, &c.?

A. We do not; but sometimes, where something of that sort is left over, we issue such things in addition to the annuity goods.

It seems, according to the statement of the agent, that all they have had is from this \$20,000, which was intended by the treaty to be, as it is expressly stated to be, in addition to the agricultural implements provided for by the treaty. In regard to the necessity of this provision for these Indians, on the next page of the testimony, page 68, is the following:

page 65, is the following:

Q. Can you give the committee any definite idea of the number of farms that have been settled upon and placed under cultivation by the Arapahoes and Cheyennes on your agency?

A. Well, there are a good many places that is, patches, as you might say, I hardly know whether you would call them "farms." If an Indian opens up an acre of ground and cultivates that well, I think it is better than to open up a hundred-acre farm under a white man.

That simply shows that the Indians are making use of such appliances as have been furnished them. It is said in another place that there have not been agricultural implements enough. In regard to this annuity matter let me read:

Q. You had for annuity purposes how much money appropriated ? A. For clothing 14,000-

Which is precisely the sum appropriated in this bill-

which is precisely the sum appropriated in this bill—
and for beneficiary purposes \$20,000 dollars; but I do not know how much of that
\$20,000 was expended for annuities; I only know that it could not all have been
expended for that purpose, for some of it I know was used for other purposes.

Q. The \$14,000 and the \$20,000 makes \$34,000; now let me understand—this covers all the appropriations that you had from which to supply these wants?

A. Yes, sir.

Q. Still you make a requisition, because in your best judgement you think it is
needed to supply the wants of the Indians under your charge, of over \$47,000 ?

A. Yes, sir.

That is to say, the Indian agent down there, acting under the provisions of this treaty, governing himself by the treaty with reference to that which the Indians are entitled to receive, made a requisition for supplies amounting to over \$47,000, and the response of the Department and of Congress to it was an appropriation of \$34,000.

Q. Therefore, assuming that you made a requisition for no more than you deemed necessary, there was a deficiency of at least \$13,000?

A. Yes, sir.

Q. How did you get along with that deficiency; how did you manage to make thirty-four thousand dollars' worth of goods supply \$47,000 of necessities; how did you distribute the goods when they arrived; did you give to each Indian as he came along what he asked for, or did you undertake to expend the \$34,000 of \$47,000 of necessities as well as you could?

A. That is just what I did.

O. Then you did not give to each Indian all that you really thought be needed.

A. That is just what I did.
Q. Then you did not give to each Indian all that you really thought he needed, but tried to make thirty-four thousand dollars do the work of forty-seven thousand?
A. Yes, sir.
Q. In your opinion, did this lack of over \$13,000 distress the Indians here?
A. Well, now, I do not think I can recall to mind any particular case of actual distress; of course they went without some things that it would have been very convenient and comfortable for them to have had.

By Mr. PLUMB:

By Mr. Plums:
Q. I wish now to refer you to the treaty between the Government of the United States and the Cheyennes and Arapahoe tribes of Indians, proclaimed August 19, 1868, and to inquire how far the provisions of that treaty have been fulfilled so far as you are concerned. That treaty provides that the United States shall deliver, "on the 15th day of October of each year, for thirty years, the following articles, to wit: for each male person over fourteen years of age a suit of good, substantial clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks." Now I will ask you, Mr. Miles, whether you have delivered to each male person over fourteen years of age among these Indians a suit of good, substantial clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks? socks?

A. I do not believe I have.

Q. Well, have you delivered the equivalent of those goods?

A. I would hardly be able to state positively without looking at my lists; when we get our annuity goods in, we make out a list of what we can give to each person.

Q. Have you given to each male and female Indian, each year, the equivalent of these things mentioned in the treaty?

A. I do not believe I have.

Q. Why have you not issued to these Indians the articles mentioned in this treaty or their equivalent?

A. Simply because they were not sent to me by the Government.

Q. Have these goods mentioned in the treaty, or their equivalent, been issued, each year, to the Southern Cheyennes and Arapahoe Indians?

A. I do not think they have; I know that they have been dissatisfied with our issue, because the Kiowas and Comanches would come up here and say, "We got so much." There are less of them in number, and each one gets more goods.

Q. Have you issued each year to these Northern Cheyenne Indians, "in addition to the clothing previously named, the sum of \$10 to each Indian roaming and \$20 to each Indian engaged in agriculture in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper," and for their own personal benefit?

A. If that has been done, it has been in some way that I have not known. If the funds have been expended in Washington in the purchase of subsistence, or something of that kind, I would not know it. I would have no means of knowing. They might, for aught I can tell, have been used by the Commissioner for the purchase of beef.

Q. But you have not delivered to the Indians any more beef, have you, than the rations called for under the treaty?

A. No, sir.

Q. And nothing is issued to these Indians by any one that does not come through your hands?

A. Not that I know of, sir.

Q. Have you delivered to each Northern Cheyenne Indian who "has removed to this reservation and commenced farming one good cow and one well-broken pair of American oxen," as required by the provisions of the treaty?

A. No, sir.

A. No, sir.

Q. Have you teachers, and a miller, and an engineer, and a blacksmith, and a

Q. Have you teachers, and a miller, and an engineer, and a blacksmith, and a sawyer?

A. We have teachers and a blacksmith; but the miller, engineer, and sawyer are all merged into one; one man fills the three positions.

Q. I will ask you whether or not, when this trouble with the Northern Cheyennes occurred, if you had had it in your power to have offered them a larger amount of annuity goods than they had been getting—for instance, the annuity goods provided for them by the treaty, including \$20 each, if they went to farming, and an American cow and oxen—I will ask you whether or not that would have had a tendency to mitigate their discontent?

A. It might, to some extent; but they were exceedingly dissatisfied with the country and affairs here, and I would not like to venture the statement that it would have mitigated it much.

Q. Would not the delivery of more annuity goods and a full supply of rations tend to make them contented?

A. Yes, sir. If you will furnish me enough food and clothing, I will agree to keep the Indians peaceable and quiet all the time.

Q. Would not the delivery of cows and oxen to Indians engaged in agriculture tend to make them satisfied?

A. Yes, sir.

A. Yes, sir.

Q. Would not the offering of them to others tend to induce them to engage in agriculture?

agriculture?

A. I can scarcely answer yes as to that in the fullest sense.

Q. Well, speaking generally, would not that be the general tendency? If you say to the Indian, "I will give you a cow and a pair of oxen, a plow, and other farming implements, if you will settle down and take a piece of land," would not that be a greater inducement and be more likely to influence them to go to farming than if you had nothing to offer them?

A. Yes, sir; it will hold good among the Indians as well as among the whites that surrounding influences will have their effect.

This inquiry was made because the Senate desired to know what was the cause of the outbreak among the Northern Cheyennes which occasioned the devastation of the entire western frontier of Kansas and the loss of a great many lives and the destruction of a great deal of property, as well as the commission of a great many outrages not here to be named. It appears distinctly from the testimony that the rations, the clothing, and the annuity goods generally which had been provided by the treaty to be given to these Indians, under the solemn sanction and promise of the Government, had not been given to them. As to what the conclusion of the committee may be as to the effect it had on the Indians in the way of occasioning outbreak I have nothing here to say; in fact, I do not know; but the truth is that it was definitely disclosed that during all the time these Indians have been in the Indian Territory under the provisions of this treaty they have not had either the full amount of food to which they were entitled under the treaty; nor have they had the annuity goods to which they were entitled under the treaty; nor have they had the seeds and implements they were entitled to under the treaty; nor have they had the fund which Congress provided for in that treaty to be given to them as an inducement to encourage them in agriculture; nor have they been given the cattle which it provided for. In other words, the Government has stripped them to a degree which would have produced dissatisfaction among any people and with which the Indians themselves would be more likely to have been dissatisfied than any other people could have been. The agent, in speaking about the effect of the failure of the Government to keep its promises to these Indians, said as follows:

Q. In regard to promises made to Indians, are they as particular about having promises fulfilled as white people are?

A. More so, sir; more so.
Q. I will ask you whether the prompt fulfillment of all pledges made to them by the authorities is not essential to keeping them contented and in good spirits?

A. It is absolutely necessary.
Q. And delay in the fulfillment of promises made is held to be an act of bad faith?

faith?

A. Yes, sir; it is commented upon bitterly and widely; made the subject of general discussion in their camp. I would never promise an Indian anything that I was not certain I could comply with. I have sometimes promised things to the Indians, on the strength of promises made me by other people, that I have afterward found myself unable to carry out.

Q. And that would result in dissatisfaction and discontent?

A. Yes, sir; it would make them very discontented; you never can explain away anything of that sort satisfactorily to an Indian. Take Powderface, and some of the Arapahoes that have been with the whites a good deal, and you can explain things so that they will understand; but to the others you can't; with them it is either a lie or a truth.

There is no middle ground.

In the first place, this treaty should be carried out because it has been made and because every single article named in it is really essential for the Indians. The part of it which relates to supplies which have a tendency to encourage habits of agriculture and industry, and a disposition to cultivate the soil and take care of cattle, was essential not merely for their present well-being but for their future prosperity and for the economy of our dealing with them hereafter. It is the opinion of the agent down there, as it has been the opinion of the Army officers who have come in contact with these Indians, that under a proper system of encouragement they can be

made self-supporting within a very short period of time.

While upon that point I may state what General Miles said to this committee the other day. He said of these Northern Cheyennes, the subject of his treaty, about three hundred, I think, are located at Fort Keogh, on the military reservation at that place, under his charge, and during the time they have been located there, now some two years, they have never had one single dollar from the Government, and yet they have opened up farms upon the reservation; they cultivate vegetables and corn, wheat and other things, which are sold about the post and are used by them as food. He says that they have learned to take care of the money which they get in working for the Government, some of them being employed as scouts, guides, &c., as well as the soldiers under his command. He says that the Indians being paid at one time at a point remote from the place where their families were located, sent more money home to their families than did the white soldiers under his command. He says further that the amount of land cultivated by the three or four hundred Indians at amount of land cultivated by the three or four hundred Indians at that post, without any encouragement upon the part of the Government in the way of supplies, is greater than that cultivated by the entire congregation of Sioux now at their agency on the Missouri River, numbering several thousand. They have become emulous in these matters, desirous of being self-supporting; and to the extent that they have facilities afforded them by the Government that feeling will continue. The time will shortly arrive, if we can break through the routine and the habit which has surrounded them long enough to enable us to treat them fairly when they will put them. through the routine and the habit which has surrounded them long enough to enable us to treat them fairly, when they will put themselves in a condition where they will be self-supporting, not only ridding the Government of the necessity of large annual appropriations, but getting rid of all the scandal which necessitates the employment of ten persons annually to watch all the other persons in the Interior Department, and without anybody to watch them.

In addition to the purchases of agricultural implements and seeds out of a fund which was not intended for any such purpose, which has consequently diminished the fund they otherwise would have the benefit of for medicines to be provided, and that is a very essential thing. I desire to call attention to it because the testimony of the Department is conclusive that last year there was not money enough for that purpose. It is in evidence here that there was only one physician provided for over five thousand Indians in the agency; that there were hundreds of these Indians sick; that while the requisition for medical supplies was made upon the Department in May the medicines themselves never arrived at the agency until the January

following; that during that time some two or three score of these Indians died, and that when they broke away from the agency and committed the outbreak, which has been before spoken of, they said in doing so that they might as well die fighting as die from disease. During all the months of time in the malarial season, when these Indians were sick with a disease of which they knew nothing, there was, as I said, only one physician, and he had absolutely no malarial medicine whatever at the post. The doctor testified before the committee that he shut up his office in order not to encounter the sick Indians who came there begging for assistance, which he could not give them by reason of the fact that there was no medicine on When we come to examine the matter and to look at the requisition as made by the doctor and to the supplies after that estimate had been revised, we found that it had been cut down. reply of the Department was that it was cut down not because they did not believe the medicines were needed but because the money

had not been provided to purchase them.

I may remark here, as illustrating to some extent the rather cumbersome and dilatory method which has in some degree characterized the transaction of business in the Department heretofore, that while the contract for medicines for that year was awarded on the 19th day of June, the contract itself was not approved until the 27th day of August following; the medicines under that contract were not delivered until the 28th day of November following; and the supplies were not delivered at the post until the 17th day of January thereafter, more than seven months after they had been applied for, after the sickly season had gone by, after these deaths and this sickness had ensued, after this outbreak had occured by reason of it, after the entire frontier had been devastated, after the Government had spent hundreds of thousands of dollars in pursuing the Indians, and after the lives of forty or fifty innocent settlers upon the frontier

had been lost.

This is not a sentimental question. It is not merely a question of keeping a contract on the part of a great Government. It is a quesreeping a contract on the part of a great Government. It is a question which affects the lives and the property of thousands and hundreds of thousands of people. It is a question of ever-present interest to the entire frontier. Just so long as the Government will, in disregard of its obligations, assume to keep these Indians without furnishing them the supplies to which the treaty entitles them, just so long as they are not only permitted but required to go hungry and unclothed, just so long as they are permitted to live in sickness followed by death because they do not have the medical attendance and the medicines which they ought to have, just so long there will be an ever-present danger to that entire frontier, and just so long will the Government save at the spigot and lose at the bung, because the cost last year and in 1878 in pursuing these Indians by the Army was more than the entire appropriation for their benefit.

I do not speak of these things for the purpose of arraigning any-body. It would do no good to the men who lie in their graves upon that frontier; it would bring nobody back to life; it would restore none of those households devastated by the torch; it would do no

good; but an immense and a fearful responsibility rests somewhere.

For the purpose of enforcing what I have said about the supply of medicine (and it is in the line of my argument to show that the Government has always supplied these Indians in an insufficient manner) I desire to call the attention of the Senate to the testimony of the physician at that agency:

Q. Are you the physician in attendance at this agency?
A. Yes, sir.
Q. How long have you been here in that capacity?
A. Three years.
Q. During that time have you had any assistance?
A. Not until within the past two months.

Here were over five thousand Indians scattered within a radius of from fifteen to thirty miles, all of them under the control of one phy-

Q. For the past two months you have had some one to help you?

Yes, sir.

How much help have you had?

One assistant physician.

With that exception you have done all that has been done in your profession

A. Yes, sir.
Q. During that time, have you had furnished you by the Government all the supplies of medicine you need?
A. I have not.
Q. During what portion of the three years that you have been here has the lack of medicine been the greatest?
A. During the last year.
Q. You mean 1873?
A. Yes, sir.
Q. Do you mean the calendar year or the fiscal year?
A. The fiscal year ending with July 1, 1878?
A. The fiscal year ending with July 1, 1878?
A. No, sir; the greatest scarcity of medicines was at the time between the end of the fiscal year, June 30, 1878, and the 17th of January following, when we received our drugs, which should have been received on the 1st of July.

Six months and a half claused between the time when the medi-

Six months and a half elapsed between the time when the medicines should have been received in order to have been available for the purposes for which they were supposed to be purchased and the time when they were actually received:

Q. Previous to August, 1878, was there any lack of medicines ?

A. Yes, sir. Q. Do you remember the time when the Northern Cheyennes were brought down

A. Yes, sir, I remember the time.
Q. Do you remember when a portion of them broke away?
A. Yes, sir.
Q. Between the time they came here and the time they went away was there any ek of medicines?
A. There was.
Q. Much or little?
A. There was a great body.

A. There was.
Q. Much or little?
A. There was a great lack of medicines.
Q. Was there any particular medicine of where there was an especial lack?
A. Yes, sir; there was a special lack of quinine, a preparation of cinchona, much needed in this country.
Q. Is there more demand for this medicine than for any other kind?
A. There was at that time.
Q. What diseases afflict the Indians most?
A. Malarial diseases of different varieties.
Q. Did you make your lack of medicines known to the proper authorities?
A. I did.
Q. To whom?
A. To the agent here.
Q. You had no authority to make it known elsewhere?
A. No, sir.
Q. Do you know whether the agent communicated the fact to the authorities above him?
A. Yes, sir; I know that he did.
Q. Did you urge upon him the necessity of having more medicine here?
A. I did.
Q. Did you urge upon him the necessity of having more medicine here?
A. I did.

Q. How far were they encamped from here the most of the time?
A. About twelve miles.
Q. How often before their outbreak did you visit their village?
A. I visited them whenever I had anything to give them in the shape of medi-

cines.
Q. How often was that?
A. I should say once a w
Q. How much of the tim Q. How often was that?
A. I should say once a week.
Q. How much of the time after they came here and before the outbreak were you entirely out of the medicines they needed?
A. Well, sir, I was out of it most of the time.
Q. When not entirely out of it, were you short of it?
A. Yes, sir, I borrowed from the post-surgeon all that the military could spare; I also borrowed from the lower agency, but was still short.
Q. Had you need of the same kind of medicines in treating the diseases of the other Indians?
A. I had.

A. I had.

Q. Were you at any time, when called upon by the Northern Cheyennes for aid, compelled to decline to go, for any reason?

A. No, sir; I never declined to go; but I have left the office because I had no medicine to give them.

Q. You left the office to avoid being called upon?

A. I left there because I knew that I had no medicine to give them, and I could not bear to see them suffering for lack of a few doses of quinine.

Q. Was their suffering considerable? Was the absence of quinine a cause of much or little distress to the Indians?

A. It was the cause of very great distress to them; they were dying from sickness, without its being in our power to alleviate their sufferings.

Q. Can you tell how many of them died during that time?

A. I could refer to my monthly sanitary reports and find out how many died under my treatment; but owing to my limited supply of medicines some died whom I did not attend; so my reports would not be a fair criterion to go by.

Q. Has anybody the means of ascertaining the mortality among them during that time?

A. I think not.

Q. The agency has no knowledge regarding the matter besides the personal knowledge of the physician?

A. I think not.

Q. You think that some deaths occurred that did not come under your observation?

A. Yes, sir; just how many I cannot say.

A. Yes, sir; just how many I cannot say.

Q. What effect did it have upon them; did it have a tendency to create discon-

tent among them?

A. I think it did; I know they complained to me about it.

Q. Did they complain that they had more sickness here than they had up north?

tent among them?

A. I think it did; I know they complained to me about it.

Q. Did they complain that they had more sickness here than they had up north?

A. Yes, sir.

Q. What did they say about it?

A. They said there was more sickness among them than ever before. They had come from a non-malarial district into a malarial district; and the result was that, being unacclimated, there was probably, according to their number, more sickness among them than among our own people.

Q. Did they appear to have any acquaintance with these diseases to which they are more liable here?

A. No, sir.

Q. It was a new thing to them?

A. Yes, sir; it was a new thing to them.

Q. Does that include fever and ague?

A. Yes, sir; that was the most common form of malarial disease from which they suffered.

suffered.

Q. Did they seem to have any knowledge of fever and ague?

A. No, sir.

There is abundance of testimony, of which that is a sample, all to

the same purpose.

Mr. KIRKWOOD. Having heard the testimony read by the Senator from Kansas in regard to the supply, or want of supply, of medicines at the Cheyenne and Arapahoe agency, not knowing where he locates the responsibility for the want of medicines there, I wish merely to say that in order to understand where the responsibility should rest other testimony taken by the special committee in this matter must be considered besides that read by the Senator to show where that responsibility properly should rest, whether with the Department of

responsibility properly should rest, whether with the Department of the Interior or with Congress.

Mr. PLUMB. I especially avoided committal on that point. As I said, it would be perhaps useless or worse than useless in this connection to attempt to locate it. The Department says Congress has been niggardly of appropriations, and I think myself that so far as the appropriations of last year are concerned they were so manifestly inadequate that the Department was not responsible unless it might have been for the manner in which it distributed what was given it and for the delay in the Indians receiving the supplies. I do not even say

that the responsibility of the Department lies there; but the point is that money enough has not been appropriated. More than that, the Government not only has not given these Indians enough for their clothing and for their food, but it has scarcely done one single thing of that which it promised to enable these Indians to employ themselves, to become farmers, or to do any useful thing. I notice all the way through it is in this same line. I notice here \$75,000 for industrial schools, and I notice, I believe in regard to the Poneas, that there are \$10,000 for industrial schools, \$7,000 for employés, and \$1,000 for seeds and agricultural implements. If that is not cultivating the head at the expense of the stomach, then I do not know what will accomplish that object. We are attempting to educate these people while at the same time we are doing nothing at all which leads them in the direction of self-support or of industrial labor or of any kind of practical accomplishment. You cannot expect an Indian to be docile that money enough has not been appropriated. More than that, the practical accomplishment. You cannot expect an Indian to be docile and tractable under the lack of food, while hunger is constantly pushing him and crowding him. It excites all the devilish ire of his nature; he avails himself of that as an excuse, for which perhaps he is very ready, to commit an outbreak and to devastate the frontier. When he does that he does not stop to consider that some particular person perhaps is responsible, and not the great body of those he encounters; but every white man is alike to him. It is the race in the concrete at which he strikes, and he kills all who come in his way. concrete at which he strikes, and he kills all who come in his way. The result is that while we make the appropriations, and while various persons enjoy the distinction and emoluments growing out of this service, it is the poor people on the frontier, who have gone there under the invitation of the Government, who not only bear all this burden, who not only have their property destroyed, their homes devastated, their lives taken, but, more than all that, who are held up as the cause and occasion of all this trouble, thus adding insult to injury.

I call the attention of the committee now to the fact that the agent states that last year not one single dollar of the \$10 and the \$20 per capita provided for by the treaty was expended at that agency. It could

provided for by the treaty was expended at that agency. It could not have been contained in the item for clothing, because he says he did not have the clothing called for by the treaty. It could not have been included in the item for food, because he says their food was short, that it has been three months short on the average ever since he has been there. It could not have been the cattle, because he did not give them the cattle. In addition to that, General Miles said that a branch of this same tribe living at Fort Keogh, under his im-mediate command, have not received one dollar from the Government within the last two years. Consequently that must have gone into some other fund, civilization or otherwise. I would take the chance of having a little more flour, a little more beef, and a little more quinine, and some cathartics, against any "civilization" that can be invented by anybody. These Indians in their new relations there

quinine, and some cathartics, against any "civilization" that can be invented by anybody. These Indians in their new relations there want substantials; they want food; they want clothing; they want implements; they want care; they want advice; they want example; they want invitations to go to farming. All the way through this testimony it is stated that the Indians are willing to work if they can have any kind of inducement to work.

You cannot hold out to an Indian something a long time in the future, and say, "work, because if you work you will arrive at this goal by and by." If the Government had said, "here is \$500 to be distributed around among ten of you who make the most progress in farming," it would have been a present inducement held before their eyes, and would have induced them to go to work, and good results would have followed. The Government never authorized the agent to offer it to them. If you go to an Indian and say "if you farm a piece of land you shall have a cow and a pair of oxen and other help of that kind," that would be an inducement; but he wants to see that which he is to get; he wants to realize it. He does not want simply to know that it is put in a treaty, and that the agent will recommend it to the Great Father, and the Great Father will recommend it to Congress and that Congress at its pleasure will do just as it pleases, because he realizes then he will never get it. The lack is of present inducements to put before their eyes those things that they can see and realize in order to enable them to even make a start in the direction we expect them to go. I say the policy pursued is not only a piggardly one, but it is worse than that, it is a violation. in the direction we expect them to go. I say the policy pursued is not only a niggardly one, but it is worse than that, it is a violation of faith; it will result inevitably as it has heretofore, not merely in the loss of life, not merely in idleness, poverty, and vice, but it will result in outbreak and war and murder and rapine and arson, just as it always has done.

We shall never be safe so long as any considerable number of Indians shall be within the reach of white settlements until they have undertaken in some way to live by cultivating the soil or by raising stock, so as to take hold and carry in that direction their ambition and their energy. Until that time comes the frontier will never be and their energy. Until that time comes the frontier will never be safe. No army can make it safe. Here were five or six companies at Fort Reno. They were as nothing; it was a stern chase and a long chase for five or six hundred miles, with the soldiers rarely coming in sight of the Indians, and even when they did they were badly whipped everytime. There were not enough of them. They have on the frontier a double line, a line of settlements on one side of the Rocky Mountains of the state of the state of the state. and a line of settlements on the other, a distance probably of from seven to ten thousand miles; we have got a long line of coast, and for all that we have only twenty-five thousand men, ornamental and useful, put together. There is no way in the world whereby the military establishment of the kind we have can ever have 10 per cent. of the present force in a given place, nor will they likely be at any time where they will be needed for the purpose of suppressing trouble

among the Indians.

among the Indians.

Therefore, as we cannot apply force to them successfully we must apply something else. We must live up to our treaties. We must detach the Indians from their wild habits, we must start them in the direction of doing something useful and becoming self-supporting. Until that time comes we can afford to pay them liberally and fairly what we have provided for them in our treaties; and we can afford to add to that if necessary. We can afford to take them under our charge for some good purpose, and not leave them, as they are now, simply the greatures of speculation and of caprice.

simply the creatures of speculation and of caprice.

Mr. BECK. Mr. President, I have no answer to make to the very able speech of the Senator from Kansas as to the general management of Indian affairs. I have for years admitted that it has been bad, and he indicates that it is worse than I even supposed it had been. But he must not forget that the appropriations that we have been compelled to make to carry out the obligations of treaties are things that have been done years ago; that we are only required to furnish the necessary money to the heads of the Indian Department; and they are responsible themselves for the management of Indian affairs.

If, as the Senator has said, in May last estimates were made for

If, as the Senator has said, in May last estimates were made for what was necessary and the goods were not delivered until the following January, and thereby the Indians suffered, that is not the fault of Congress. If there have been fraudulent agents appointed, they are not agents that those of us at least on this side of the Chamber have had anything to do with the appointment of. We have given all the money that the Department required, all that the treaties required, and it does not lie in the months of gentlemen to say that because it has been misappropriated, because Indian affairs have been mismanged, therefore we are responsible.

cause it has been misappropriated, because Indian affairs have been mismanaged, therefore we are responsible.

The amount of this bill, as I said yesterday, in its total is \$4,735,662.72. The whole estimate of the Department for everything, allowing every margin for contingencies, was \$4,992,000. We have given within \$250,000 of the estimate. We have given more than was given last year. We have provided for everything that the Department has told us it was our duty to provide for. That done, Congress can do no more. It is the duty of the Committee on Indian Affairs, the duty of some of the committees who have charge of these things to propose of some of the committees who have charge of these things, to propose changes of the law if changes are needed. The Committee on Appropriations can only provide according to existing law, and we have provided according to existing law liberally for all the Indian tribes.

Mr. TELLER. I should like to ask the Senator if this appropriations in a specific provided according to existing law liberally for all the Indian tribes.

Mr. TELLER. I should like to ask the Senator if this appropriation bill contains everything the Department has asked for?

Mr. BECK. It contains substantially everything, because as I said a few moments ago it is within less than a quarter of a million dollars of all that the Department asked for in every form.

Mr. TELLER. Then I understand it is a quarter of a million less than they say they want?

Mr. BECK. Not for any of these items. We have given them all they have asked for on the subject now up; every dollar.

Mr. TELLER. I am not speaking of that. I am speaking of the general fact.

general fact.

Mr. BECK. Every dollar on the subject now under consideration and everything that the treaties call for has been provided.

Mr. TELLER. But you have cut down the estimate \$250,000?

Mr. EATON. Not with relation to this subject.

Mr. TELLER. No; but with relation to the Indians.

Mr. BECK. We have cut down in some instances, but none bearing upon the feeding or clothing of the Indians.

Mr. WITHERS. That is the point; nothing required by treaty obligations

Mr. BECK. We have added to the estimates. We added \$60,000 more than was estimated for, because of the supposed increased price of things that would have to be purchased. Not only have we gone up to the estimates for feeding and clothing, but we have added \$60,000 because of the assumed increase of prices since the estimates

Mr. TELLER. I should like to have the Senator tell us wherein this quarter of a million of dollars has been cut down in the bill.

Mr. BECK. I could begin—

Mr. TELLER. I do not mean in detail.

Mr. BECK. I assert here that there is not the deduction of a dollar for the feedbase of the Laking County of the feedbase o

Mr. BECK. I assert here that there is not the deduction of a dollar for the feeding or clothing of the Indians. On the contray, there is \$60,000 appropriated in excess of what the Department demanded, Mr. TELLER. The Senator refuses—

Mr. BECK. There is not a dollar asked for to carry out treaty stipulations that is not provided.

Mr. TELLER. What have you cut down?

Mr. WITHERS. We have reduced the salaries of the Indian agents.

Mr. TELLER. You could not have cut down a quarter of a million of dollars in the salaries of sixty-reight Indian agents.

Mr. TELLER. Tou could not have cut down a quarter of a million of dollars in the salaries of sixty-eight Indian agents.

Mr. WITHERS. That is the amount of the aggregate sum.

Mr. TELLER. That will not do. You could not have cut down a quarter of a million dollars in agents' salaries.

Mr. WITHERS. Whether it will do or not it is true. Here, for example, for the agent at the Warm Spring agency we appropriate \$1,000; the estimate was \$1,200. At the Klamath agency we allow \$1,100; the estimate was \$1,300. And so I could go on reading page after page. Whether the Senator believes it, those are the facts.

Mr. TELLER. Then I may be allowed to say, if the committee have cut down these agents a thousand dollars each, which they do not pretend to have done, they would have only reduced the estinot pretend to have done, they would have only reduced the estimates by \$68,000 out of a quarter of a million dollars. I want to know where the Department said they needed this money and the committee cut down the estimates, whether the Department is responsible? Nobody can do them the injustice to say that they are responsible if they do not have the money that they say they want. If they come here and say they want money for agricultural implements, for seeds, or anything else, and the committee cut down the sum they ask it is or anything else, and the committee cut down the sum they ask it is rank injustice for me or anybody else to hold them responsible. I want them to have all the money they ask. I think it is bad economy, or no economy at all, to cut down these appropriations and then say we have given all the Department want to feed the Indians. That is what I complain of. We simply do feed them instead of putting them on the road to civilization. If the Department say they want money for any purpose connected with the management of the Indians, I think the Department ought to have it. We ought to give

them a trial.

Mr. WITHERS. I will state that in the item of pay of Indian agents the estimates were \$106,200, and the appropriations in the bill are \$104,000. That accounts for \$2,000 in the one item of Indian

agents.

Mr. TELLER. Yes, that is \$2,000 out of a quarter of a million.

Mr. WITHERS. Now, I can go through the bill and give the Senator every one of the items if he wants to have them given.

ator every one of the items if he wants to have them given.

Mr. BECK. I will say in addition to what has been said, looking
over the bill hurriedly, that in the general incidental expenses of the
Indian service the total appropriation we are making is \$101,000, and
the estimates were \$259,000. There is three-fourths of all that is cut
down, with the very item that my colleague is speaking about.

Mr. WITHERS. Here, again, in the pay of interpreters there has
been a reduction in most of them. Nine hundred dollars was esti-

mated at one point, and the appropriation is \$600; in another the appropriation is but \$400.

Mr. BECK. It is impossible to go over a bill of this sort and take item by item in a moment. I desire the Senator from Colorado to turn his finger to a single item where a treaty stipulation has not been provided for, where subsistence has not been given, where clothing has not been furnished as required, or where there has been in such a case a reduction of the estimates. On the contrary, I assert the fact to be true that \$60,000 more than has been asked for has been given for all those things of which he complains. If there has been a cutting down in the salaries of some men who have been doing nothing heretofore, and that the Department still wants to keep there to do nothing except perhaps to run political machinery, the commit-tee had a right to cut them down, and did right in cutting them down; but all those matters in which the Indians themselves are interested

tee had a right to cut them down, and did right in cutting them down; but all those matters in which the Indians themselves are interested have been provided for up to the estimates and beyond them.

Mr. McMILLAN. I have heard the complaint made that suitable men cannot be obtained for the Indian agencies because the salaries were not sufficient. The interests of the Indians are materially affected by the character of the agents they have. Why should the salaries, already said to be too low, be decreased?

Mr. BECK. I desire to say that there are no vacancies growing out of anybody refusing to work for the salaries which are now given. The posts are all full. That perhaps answers that suggestion.

Mr. McMILLAN. Not very fully, I think.

Mr. BECK. When we have given all the Department asked for; when neither the Indians themselves at this agency nor the Department are asking for any more money than we have given; when we have given for the Cheyennes and the Arapahoes, for which \$5,000 more are now asked, \$20,000 in one item, \$14,000 in another; when we have given \$2,100 to pay physicians and teachers; when we have given \$40,000 to carry out treaty stipulations with the Cheyennes and Arapahoes that are now in the Indian Territory; when we have given \$35,000 for the Northern Cheyennes and Arapahoes, for those engaged in agriculture, and roaming according to treaty stipulations, and \$12,000 for the purchase of clothing, also by their treaty; and when, on page 40, from lines 976 to 979, we have made an appropriation for the subsistence and civilization of the Arapahoes. \$12,000 for the purchase of clothing, also by their treaty; and when, on page 40, from lines 976 to 979, we have made an appropriation for the subsistence and civilization of the Arapahoes, the Cheyennes, the Apaches, the Kiowas, the Comanches, and Wichitas, who have been collected upon the reservation set apart for their use and occupation, of \$305,000, of which \$165,000 or \$170,000 go to these two tribes, and have made other provisions also for the Central agency, \$18,000 more, of which they get the larger part—I would desire to know wherein there has been stinginess on the part of Congress or why \$5,000 more should be given for an additional item? One hundred and sixty-five thousand dollars or \$170,000 are given outside of treaty stipulations for subsistence and civilization, any part of which can be applied for the very purpose for which the Senator from Kansas now asks that \$5,000 be appropriated. That sum is given to these two tribes in this \$5,000 be appropriated. That sum is given to these two tribes in this bill in addition to all that is called for by treaty stipulations, and every dollar asked by the Department has been given, and \$60,000 added.

The responsibility is somewhere else than upon Congress if the Indians are not properly cared for. When I turn to the treaties about which so much has been said as to these Indians being entitled to oxen and to seeds, I find that the treaties specifically provide that it is only when the head of a family or lodge shall have selected lands

and received his certificate as above directed that he is to be entitled to certain things in the shape of agricultural implements and seeds. No such act has been performed by any one of these Indians; there has been no allotment in severalty, no right to claim seeds, oxen, agricultural implements, or anything. As we were advised by the Department, and as I said the other day, they are furnishing everybody who applied with all that is necessary for his purposes. We have given them ample means to do it. When we have agreed to do everything that can be done, why should we add \$5,000 to this bill, when there is no complaint being made to us, and no suggestion from any quarter that anybody has any allotment in severalty or is asking to have such a provision made?

That covers the whole case, so far as the committee is concerned. I am as much opposed to the present system as the Senator from Kansas. I believe it has been dishonest from the beginning, and I believe until the Indian Bureau is transferred to the War Department it will continue to be so no matter what party is in power.

tinue to be so, no matter what party is in power.

Mr. McMILLAN. Will the Senator allow me to ask him whether there has not been a very great change for the better within the last

Mr. BECK. There has been and it is improving every day. I have no doubt about that, and I believe it is because the present Secretary of the Interior, and the commissioners who are now aiding him, and the general sentiment of the country are working in that direction, that the improvement is going on. I know it is improving; there is no doubt about it, and we are furnishing the money without stint. Everything the Department say they can use we have given; and when, since the estimates came in, the Secretary told us that he believed the prices would advance for clothing and he could not get as much as he thought he could for the money, we gave him \$60,000 more, so that there may not be any probability of a deficiency. The question was whether the price of provisions would not go up and if we ought not to provide more for that item. Consultation was had in the committee, and I do not think the Secretary seriously differed with us when we came to the conclusion that we could not tell so far in advance whether provisions would rise or not. If we have an abundant crop in this country and they have a scarcity in Europe, as they had last year, the chances are that the price of provisions will go up. If so, when we meet in December we can appropriate all that is needed. It may be, however, that there will be abundant crops in Europe, and with the great acreage sown here provisions will be very low, and therefore there will be no increased price of products, because they may be purchased for the price paid during the current year. These are things that cannot be determined now. We added to the clothing because they have to buy early in the summer; but we could not tell what would be the price of corn, the price of flour, the price of beef, the price of bacon, which may depend upon things not yet developed in the condition of Europe and in the condition of our own country. Many things may determine that question, and there can be no harm done by waiting a little while.

I say here in behalf of the committee that everything every member of the committee thought was best to do has been done. There never has been any politics in the Appropriations Committee since I have been a member of it. We have acted as business men would act with their own affairs, looking to see what was best for the Department, giving all that they thought necessary, but endeavoring to keep the bill down as low as we could, so that there would be no conflict between the two Houses and no charge of extravagance in expenditure. That has been the sole motive of the committee, gentlemen of both political parties concurring, and I hope the committee will be sustained in their action.

Mr. TELLER. I did not mean to say anything more upon this bill, but I am so utterly astonished to learn that the committee have cut down the estimates of the Department a quarter of a million of dollars, after what the Senator from Kentucky has so repeatedly said as to their liberality, that I am inclined to say a word or two further upon the bill.

That there is a fault somewhere everybody admits. You cannot find a man in the United States of ordinary intelligence who does not complain that there is a fault, but it is difficult to locate it. Some have said that it was in the character of the undertaking, which was too great, that we had undertaken too much, and that no class of men could carry out the ideas and progress as rapidly as public sentiment demanded. Others have said that it was inattention and fraud on the part of the public officials. Others have said that it was the fault of Congress; and I have believed a good deal of the time it was the fault of Congress, because we have not liberally appropriated money. But I did understand the committee to say, while this bill has been under discussion, that they had for once given the Secretary of the Interior what he demanded when he came here and said, "I need so much to carry on this work of civilization," for that is what it should be, and not simply a work of sustaining these people and keeping them alive. If we are to do nothing but feed them, we might as well let them die at one time as another, for every man who has looked at this question understands that unless the Indian changes his customs and his habits he is to go to the wall. Everybody knows it. It is not a question of feeding; it is a question now of putting them in a condition to live.

The committee have come here and have cut the estimate of the Department down, they say, \$250,000, and when I inquire where the

deduction was made they say that they have cut down \$2,000 in the salaries of Indian agents and they have cut down a large amount of money on interpreters, which I think was unwise. But if they have cut down \$2,000 on agents, and if they have cut down on interpreters \$200 apiece, which they have not done, they have got about \$15,000 or \$16,000. Now where is the balance of this \$250,000 ?

\$200 apiece, which they have not done, they have got about \$15,000 or \$16,000. Now where is the balance of this \$250,000?

Mr. BECK. We cut down \$150,000 in the pay of employés as set forth on page 48 of the bill. The House gave \$60,000 instead of \$100,000 to employ additional Indian police. That accounts for nearly all of it. Not one dollar was cut down either in clothing, civilization, treaty stipulations, or anything else for the support of the Indians.

Mr. TELLER. By the bill the Department is cut down so that

Mr. TELLER. By the bill the Department is cut down so that they must select the very poorest class of agents. The Department need at an agency more than an ordinary man. They need good men, men who will go there with a desire to do these Indians good. The men who do not go there with that kind of sentiment and feeling will be of no use to the Government. You cannot hire men to go and take charge of Indians who are suitable and the right kind of men, for a thousand dollars a year. Yet I find that is the amount that is fixed in the bill.

The Senator from Kentucky [Mr. Beck] says, "We have fulfilled all the treaty obligations; we furnish all that there is required." That does not appear to be true if the statement of the Senator from Kansas [Mr. Plumb] is correct; but the Senator from Kentucky gets around that by saying that the Department did not ask them to fulfill that portion of the treaty, and therefore it is not needed, and the Indians did not ask for it. We ought to appropriate money enough so that the Department cannot come here at the close of the fiscal year for which we are appropriating and say, "We have done but little in civilizing these Indians, because you did not give us enough money." It is not economy to say that you will give it to them in the way of a deficiency bill. The Department, to do them justice, ought to have the full amount to begin with in the commencement of the year, so that they can lay out their work and proceed in accordance with the policy they start out with.

I have complained of the Indian management, until I have grown sick and tired of it. For twenty years I have seen it; I have come in contact with them; and I know it has been a disgrace and a great burden to the nation. What I have complained of is that we simply take hold of the case for to-day, and if we furnish enough to keep the Indians from absolutely starving, members of Congress seem to think that they have done their whole duty both to the Indians and to the nation. What we ought to do is to do something to make them self-supporting. If the Department had come here and asked for a million dollars to be used in the discretion of the Department, although not having as much faith in the Department as some members of this body, I would have cheerfully voted for it, or even \$2,000,000, if they said that they would use that amount not simply to sustain these Indians and keep them alive but to start them on the road to civilization.

That is why I said the other day that we wanted to furnish seeds, and to furnish implements, and that some discretion ought to be given to the Department. If they say they want a certain class of employés who cannot be hired for a thousand dollars a year, I say it is unjust to the Department to provide that they shall take an inferior class of men whom they may hire at \$1,000. That is what we have attempted to do now for more than two hundred years, to civilize the Indians by bringing them in contact with a class of men who are hardly civilized themselves. We hire the poorest kind of interpreters and the poorest kind of agents, and when we get through at the end of the year, with the Indians half starved, we are astonished that they have not made more progress in civilization.

I am in favor of the amendment of the Senator from Kansas, and I think he said enough on that subject to convince the Senate that his amendment should be adopted. But I have not any idea the Senate will adopt it, and why? Because in a question of the expenditure of money my observation is that the Appropriations Committee are never overruled in this body. Therefore in the Senate we remit to the Committee on Appropriations the whole question of the appropriation of money for Indians, and we wash our hands of any obligation or of any responsibility because the committee have said that in their judgment a certain amount is sufficient. If the committee came here backed by the Department it would be bad enough to pursue such a narrow policy. I know myself personally that some of the items in this bill ought to be increased; I know that in the interest of good government and in the interest of the Indians and of peace on the frontier some of those items ought to be increased. I do not care if the Department were satisfied, with my knowledge of that matter I know that some items ought to be increased and I am prepared to vote to increase them. But when I am told that the committee have cut down the Department a quarter of a million dollars, I shall be ashamed at the end of this fiscal year to complain of the lack of progress which I am sure I shall be able to do if I live to come here next year. I want the Department to have money enough, and I repeat again, it is not economy to stand up in this body saving a little here and a little there and to go on forever clothing and feeding the Indians and keeping a great, expensive army which might be dispensed with practically if it were not for this Indian question.

Mr. BECK. We have cut down no man's pay below what he is

getting now.

Mr. McMILLAN. I should like to ask the Senator what decrease

Mr. McMillan. I should like to ask the Senator what decrease was made in the amount asked for in the pay of the Indian police?

Mr. BECK. We have increased it from \$60,000 to \$30,000 at the request of the Secretary. The House allowed \$60,000. We appropriate \$80,000. The Department asked for \$100,000.

Mr. McMillan. What was the estimate by the Secretary?

Mr. BECK. One hundred thousand dollars. The House allowed

\$60,000 and we added \$20,000 to it. That is one of the large items. The Secretary was entirely content with \$80,000. He said he could get along very well with \$80,000. Though he made a liberal estimate he did that in many other things to cover all contingencies. That is where the difference comes in. We increase it \$20,000. He wanted \$40,000 more than the House allowed, \$100,000, but upon talk-

wanted \$40,000 more than the House allowed, \$100,000, but upon talking it all over he said \$80,000 would be very satisfactory.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on agreeing to the amendment of the Senator from Kansas, [Mr. Plumb,] on which the yeas and nays have been ordered.

Mr. COCKRELL. Let the amendment be reported.

The SECRETARY. It is proposed to add at the end of line 233:

For the purchase of seeds and implements, as provided in article 8 of the treaty of 1868 with said Indians, subject to the provisions and limitations of said treaty, \$5,000, or so much thereof as may be necessary.

The question being taken by yeas and nays, resulted—yeas 29, nays 24; as follows:

	X.Did		
Baldwin, Blair, Burnside, Call, Cameron of Pa., Coke, Conkling, Dawes,	Edmunds, Ferry, Groome, Hamlin, Hill of Colorado, Ingalls, Jones of Nevada, Kellogg,	Kirkwood, McMillan, Maxey, Morgan, Morrill, Paddock, Platt, Plumb,	Rollins, Saunders, Teller, Vance, Vest.
	NA	VS DA	

Allison,	Eaton,	Jonas,	Randolph,
Beck,	Garland,	Kernan,	Slater,
Booth,	Gordon,	Lamar,	Voorhees,
Cameron of Wis.,	Harris,	McDonald,	Williams,
Cockrell,	Hereford,	Pendleton,	Windom,
Davis of Illinois,	Johnston,	Prvor.	Withers.

ABSENT-23. Anthony, Bailey, Bayard, Blaine, Carpenter, Davis of W. Va., Hoar, Jones of Florida, Thurman, Farley, Grover, Hampton Walker. Logan, McPherson, Wallace Ransom, Saulsbury, Hampton, Hill of Georgia, Butler,

So the amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. VANCE. I desire to have a separate vote on the amendment to which I called attention yesterday.

The PRESIDING OFFICER. The Senator from North Carolina will

please indicate the amendment.

Mr. VANCE. The amendment reported by the Committee on Appropriations striking out from line 1205 to line 1220, inclusive, on

The PRESIDING OFFICER. The amendment will be reserved.

Mr. PLUMB. I desire to call the attention of the Senate to the amendment of the committee substituting the word "three" for the word "six," in section 3, line 4, page 52, in relation to the time supplies shall be advertised for.

The PRESIDING OFFICER. Does the Senator desire a separate

vote on that amendment?

Mr. PLUMB. I do.
The PRESIDING OFFICER. It will be reserved.

Mr. INGALLS. I ask a separate vote on the amendment in reference to the board of Indian commissioners.

The PRESIDING OFFICER. That amendment will be reserved. The question will be on concurring in the amendments made as in Committee of the Whole, with the exception of the three which have been reserved for separate votes.

The amendments were concurred in.

The PRESIDING OFFICER. The question will now be taken on the amendments on which a separate vote has been asked. The first will be the amendment indicated by the Senator from Kansas, [Mr. INGALLS,] which will be reported.

The CHIEF CLERK. An amendment made by the Senate, as in Committee of the Whole, was to strike out from line 1171 to 1174, inclusive,

as follows:

That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of 10th April, 1869, be, and the same are hereby, repealed.

And in lieu thereof to insert:

Expenses of Indian commissioners: For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

Mr. MAXEY. I call the attention of the Senator from Kansas and ask that the question be divided, and that the first vote be on the lines stricken out from line 1171 to line 1174.

Mr. EDMUNDS. You cannot divide a motion to strike out and

insert.

The PRESIDING OFFICER. It is not divisible.

Mr. MAXEY. The question is susceptible of a division.

Mr. EDMUNDS. The rule prohibits it.

Mr. FERRY. A motion to strike out and insert cannot be divided. The PRESIDING OFFICER. The rule forbids it.

The PRESIDING OFFICER. The rule forbids it.

Mr. MAXEY. The lines stricken out repeal the law creating this commission. That provision being stricken out, the next part makes provision for the payment of the expenses as the law now stands. The question itself is susceptible of division.

The PRESIDING OFFICER. Not under the rules.

Mr. CONKLING. I suggest to the Senator from Texas that he can accomplish his object in another way. He has a right to move to amend the matter proposed to be inserted, and he can so amend that as to neutralize it. If he wants to vote in effect upon striking out alone, he can amend the part of the motion which is to insert so as to make that ineffectual, and that will give him a vote upon the motion make that ineffectual, and that will give him a vote upon the motion to strike out substantially.

Mr. MAXEY. I am obliged to the Senator from New York. Then I move to amend the amendment by inserting:

That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed.

The PRESIDING OFFICER. Where does the Senator propose to insert those words?

Mr. MAXEY. Right where they stand. They are the words the

committee's amendment has struck out.

Mr. ALLISON. I raise the point of order on that. That amend-

Mr. ALLISON. I raise the point of order on that. That amendment changes existing law.

Mr. CONKLING. That is no objection to it.

Mr. ALLISON. I think it is under our rule.

Mr. CONKLING. If you do not appropriate money?

Mr. EDMUNDS. You cannot change the law by an amendment to an appropriation bill, under the rules of the Senate.

Mr. EATON. I desire to suggest to my friend from Texas that I hardly think it possible that he contemplates that what he proposes can be an amendment to the paragraph. For that would make its two. can be an amendment to the paragraph, for that would make its two parts in direct contradiction to each other. Perhaps I am with the Senator in what he desires; but I do not see that his proposed amendment accomplishes it.

Mr. MAXEY. I do not pretend to understand anything about rules. I do pretend to know, however, that if these lines are stricken out then the subsequent lines making an appropriation would of course be correct; but if these lines are restored, then the subsequent lines

making the appropriation would be incorrect and out of place.

Mr. EDMUNDS. I think the Senator from Texas is laboring under a misapprehension. As the bill came from the House it proposed a certain piece of legislation to repeal an existing establishment. The Committee on Appropriations were of opinion that that change in the law ought not to be made. If not made, it was necessary to we have law ought not to be made. If not made, it was necessary to make a suitable appropriation to execute the existing law. They accordingly amended the bill by striking out the repealing clause and inserting in its place a provision to carry out the law as it would stand if not repealed.

Mr. MAXEY. I understand that is just what we have done now. Cannot the Senate disagree in some way with the action of the com-

mittee !

Mr. EDMUNDS. Certainly, and the only way to do that is to vote down the amendment. If the Senate votes "nay," that leaves the appropriation cut out and leaves the law repealed. There is no difficulty in reaching it. All those who wish to keep the Indian commission now vote "yea," in favor of the amendment recommended by the committee striking out from the bill the repealing clause and appropriating money to carry on the law.

The PRESIDING OFFICER. The Chair is of opinion that the amend-

ment of the Senator from Texas is not in order. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. INGALLS. Does the Chair rule that in this instance the strik-

ing out of the lines from 1171 to 1174, and the insertion of the lines from 1175 to 1179, is one indivisible motion?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. EDMUNDS. Undoubtedly.

Mr. FERRY. The rule is explicit.
Mr. INGALLS. This is not an amendment to strike out and insert, as I understand. There are two independent amendments offered by the committee. It is not one divisible amendment. The committee in the first place propose to amend the bill of the House as it comes from the House by striking out three lines, and that is one motion; and the amendment offered by the committee in addition to that is, if that prevails then certain other words shall be inserted.

Mr. FERRY. I remind the Senator from Kansas that in committee the motion was to strike out and insert.

Mr. WITHERS. To strike out and insert. It was voted upon as one amendment.

Mr. FERRY. That was carried; and the rule is explicit that a motion to strike out and insert is not divisible.

Mr. INGALLS. Nobody denies that a motion to strike out and insert is not divisible. But that is not the question. I contend that here are two separate, independent amendments offered by the committee. We are entitled to a separate vote on each one of those amendments

Mr. WITHERS. The Senator is mistaken. Both propositions were offered as one amendment. The House bill was amended by the committee by a recommendation to strike out and insert. It was considered by the Senate in that light, and voted upon in that light in the Committee of the Whole. Therefore it stands now as one amendment, and the end sought to be attained is simply as the Senator from Vermont says to be accomplished by voting down the amendment which was adopted in Committee of the Whole. That will leave the bill just as it came from the House.

Mr. FERRY. I will add to what has been stated by the Senator from Virginia that, when that was pending, by unanimous consent the Senator from Vermont amended the text by consent of the committee and the Senate. But the question was taken upon the motion to strike out and insert. That was agreed to. The Chair has stated now that in the Senate the motion is to concur in the amendment made in committee which was to strike out and insert. made in committee, which was to strike out and insert.

Mr. WITHERS. If we vote that down, the bill will remain just as it came from the House in this respect.

The PRESIDING OFFICER. Will the Senate concur in the amend-

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. I understand that those who are in favor of abolishing the board of Indian commissioners will vote "nay."

Mr. EDMUNDS. That is it exactly, and those who are in favor of

keeping them will vote "yea."

The question being taken by yeas and nays resulted—yeas 33, nays 23; as follows: YEAS-33.

Anthony, Baldwin, Bayard, Beck, Blair, Burnside, Call, Cameron of Pa., Cameron of Wis.,	Conkling, Davis of W. Va., Dawes, Eaton, Edmunds, Ferry, Gordon, Hamlin, Harris,	Hereford, Hill of Colorado, Hoar, Kernan, Kirkwood, Lamar, McMillan, Morrill, Pendleton,	Platt, Randolph, Ransom, Rollins, Windom, Withers.
1	NA	YS-23.	
Butler, Cockrell, Coke, Garland, Groome, Hampton,	Ingalls, Jonas, Jones of Nevada, Kellogg, McDonald, Maxey,	Morgan, Paddock, Plumb, Pryor, Saunders, Slater,	Teller, Vance, Vest, Voorhees, Williams.
	ABS	ENT-20.	
Allison, Bailey, Blaine, Booth, Bruce,	Carpenter, Davis of Illinois, Farley, Grover, Hill of Georgia,	Johnston, Jones of Florida, Logan, McPherson, Saulsbury,	Sharon, Thurman, Walker, Wallace, Whyte.

So the amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

The SECRETARY. The next reserved amendment is on page 50, to strike out from line 1205 to 1220, as follows:

For this amount, to pay the following-named persons the sums annexed to their

names:
To J. D. Abbott, of Cherokee County, North Carolina, \$175;
To M. C. King, of Cherokee County, North Carolina, \$212.03;
To M. L. Brittain, of Cherokee County, North Carolina, \$232;
To Scroop Enloe, Jackson County, North Carolina, \$232;
to Scroop Enloe, Jackson County, North Carolina, \$123.35; total, \$744.38; Provided, That the amounts due as above set forth be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees; and the proper accounting officer of the Treasury is hereby directed to pay the said sums to the above-named persons.

Mr. BECK. I ask the Secretary to read the letter which I send to the desk upon which the committee acted in that regard. The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 27, 1880.

Sir: In answer to your verbal inquiry in relation to certain claims in favor of J. D. Abbott, M. C. King, M. L. Brittain, and Scroop Enlee, amounting to \$744.88, for the payment of which an appropriation was made in House bill No. 4212, I have to say that an appropriation for the payment of these claims was inserted in the act making appropriations for the current and contingent expenses of the Interior Department for the fiscal year 1877, approved August 15, 1876, and under instructions from the Department these claims were forwarded to the accounting officers of the Treasury for the settlement under said act, without any recommendation from this office; but no payment was made by the Treasury Department, the claims not being considered proper ones. The act of August 15, 1876, states these claims to be for expenses incurred by Silas H. Sweetland, special agent sent by the Indian Department to make per capita payment to the North Carolina Cherokees in 1879, whereas the accounts show that the claims are for merchandise, &c., furnished a number of Indians in 1868, and have no connection whatever with expenses incurred by Special Agent Sweetland.

This office is also informed that after the refusal of the Treasury Department to pay the claims the parties brought suit in the Court of Claims for the amount claimed by them. In view of that fact, and of the additional one that the claims are not considered proper ones against the United States, I respectfully recommend that the canount appropriated for the payment of the same by House bill No. 4212 be not concurred in by the Senate.

Very respectfully,

R. E. TROWBRIDGE, Commissioner.

Hon. JAMES B. BECK, United States Senate.

Mr. BECK. That is all the information we had on the subject.
Mr. VANCE. The reading of that letter a second time in the pres-

ence of the Senate compels me to make a few remarks.

Mr. EATON. The question is brought up the second time, and it is necessary to read the letter the second time.

Mr. BECK. There may be some Senators present who did not hear it before

Mr. EDMUNDS. I did not hear it before.

Mr. VANCE. There may be some Senators present likewise who did not hear me, and I think it very likely. At the time this matter was under discussion in Committee of the Whole yesterday, it will was under discussion in Committee of the whole yesteray, it is be recollected that I announced that I had applied to the Department or certain information which had not been furnished. Since that time it has been furnished in part. There was an armful of papers which I examined this morning brought to me from the Department.

which I examined this morning brought to me from the Department. In the first place I desire to say that the very claims which are now recommended not to be paid by the Commissioner of Indian Affairs were urged to be paid by his chief, the Secretary of the Interior, and I saw his letter on file urging the payment of these very claims. These claims, it will be recollected, were passed by the Congress of the United States and approved by the President of the United States and were approved by the Secretary of the Interior, and were vetoed by the Second Auditor of the Treasury Department, and now the proposition that I make is to pass them over the Auditor's veto if there is any power in Congress to do that. I believe under the Constitution, however, it will only require a majority vote to do that. to do that.

It is stated in this letter that these cases were taken out of the Department and brought before the Court of Claims. That is only true in part. Two of these claims are still pending before the Department, and they are likely to pend there until the Angel Gabriel shall sound the trumpet, provided it is in the power of any subordinate of this Government to thwart the action of the Congress of the United States and the President thereof.

In relation to the charge that these claims were not properly expenses incurred by one Silas H. Sweetland who went out there as a special agent, I have to say that the papers which have been industriously kept behind show the fact that these claims arose in this way: For ten years the Cherokees in North Carolina had been paid way: For ten years the Cherokees in North Carolina had been paid nothing, and soon after the war they were in a starving condition. The agriculture of the country and everything else was in a bad way, and gentlemen, farmers and merchants and others, advanced supplies to them to keep them from starving to death, and took orders upon that special agent who was to go out at a certain time and distribute their pro rata payments among them, and these are the very orders which kept those Indians alive, and which were afterward confirmed by the council of the Cherokee Nation and ordered to be confirmed by the council of the Cherokee Nation and ordered to be paid. But because in the other act it was erroneously stated that they were a part of the expenses of Sweetland, the agent, the Second Auditor of the Treasury Department took it upon himself to refuse payment in the face of the law and in the face of the opinion of the Attorney-General also, as I understand.

With that explanation I believe the Senate can pass upon the mat-

The PRESIDING OFFICER. The question is on concurring in the amendment

Mr. BECK. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. May I inquire on what we are to vote?

The PRESIDING OFFICER. On striking out lines 1205 to 1220,

Mr. CONKLING. So that to vote "yea" on concurring in the amendment of the Committee on the Whole strikes out these lines?

The PRESIDING OFFICER. It does.
Mr. CONKLING. And to vote "nay" reinstates them in the bill?
May I inquire of the Senator from Kentucky how much money does all this involve?

Mr. BECK. Only \$744. Mr. McDONALD. And thirty-eight cents.

Mr. BECK. Here are cases that four years ago were passed by Congress because these men were represented to have been aiding an agent of the United States, and when they came to file their claims the fact was exactly the reverse of what they stated, and it was for merchan-dise they claimed to have furnished the Indians. When the proper accounting officers of the Treasury came to look into them, they found they were not for what they purported to be, and he rejected them because they were not just claims. The Secretary of the Interior sent them there, because he believed the law was mandatory. The accounting officers found it was not, and they sent them back. They are now before the Court of Claims, and all the men who have good claims are willing to go there and trust them before the court.

Why are they now sought to be taken out from the Court of Claims, when we want are straight of the they call inst ? Sim.

Why are they now songut to be taken out from the Court of Claims, where so many are struggling to get the claims they call just? Simply because these men have no faith that they can carry them through before any court in the country, and fear that the Court of Claims will reject them and that the Supreme Court will reject them. Hence they come to Congress and are put in in the House, as many things are, and are sought to be put in in the Senate, on account of the sympathy for individual men. If these men have good claims why do they not stand on their own merits and go before the Committee on Claims? on Claims?

Mr. CONKLING. May I ask the Senator is there any pretense anywhere that anything stands in the way of their being heard on their merits in the Court of Claims?

Mr. BECK. Nothing in the world except that they have no merit

and Congress is expected to give them merit by passing them here. If they have merit they are there, and the court can decide them. Why take them from the court if they have merit? If they have merit these men will be paid; if they have not they will not be paid

Mr. VANCE. The Senator omits to observe the statement which I made that two of these claims are not before the court.

Mr. BECK. I did not know whether any of them were or not; but the Commissioner said this; and I do not know that the Senator from North Carolina spoke from his own knowledge:

This office is also informed that after the refusal of the Treasury Department to pay the claims the parties brought suit in the Court of Claims for the amount claimed by them. In view of that fact, and of the additional one that the claims are not considered proper ones against the United States, I respectfully recommend that the amount appropriated for the payment of the same by House bill No. 4212 be not concurred in by the Senate.

That is the official information that we have. If the Senator from

North Carolina knows that not to be true-

Mr. VANCE. I have the same knowledge that the Senator has. One official of the Government has told him, to wit, the Commissioner of Indian Affairs, that these claims were before the Court of Claims. An officer this morning who visited my room with the papers from the Treasury Department told me that two of them were not before the Court of Claims; but if they were, is it any argument that the claims are not just because they have once been passed by Congress, and a subordinate officer refused to pay them, and the parties then tried to get their money from another tribunal? Is that a sign that Is it not rather a sign that the parties believe in

they are unjust? Is it not rather a sign that the parties believe in the justice of their own claims when they try every tribunal?

Mr. WILLIAMS. I should like to ask my colleague how these claims can go before the Court of Claims? They are against the Indians and not against the United States.

Mr. BECK. The moment a judgment is obtained in the Court of Claims against any trust fund held by the United States a provision

of law requires that it shall be paid out of the Treasury

Mr. WILLIAMS. If I understand the Senator from North Carolina aright, these are claims for subsistence and supplies furnished the Indians. They are claims against the Indians and not against the United States, and they are therefore properly brought before

Mr. BECK. But the Government of the United States holds the money for the Indians and pays it out of the Treasury in accordance

with the judgment of the court.

Mr. WILLIAMS. These are claims against the Indians themselves for supplies and materials furnished to them when they were foundin a state of starvation.

Mr. BECK. The provision of the House bill declares:

Provided, That the amounts due as above set forth be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees; and the proper accounting officer of the Treasury is hereby directed to pay the said sums to the above-named persons.

Mr. WILLIAMS. Still that does not make it a claim against the United States

Mr. BECK. But it is a claim against a fund held by the United

States in trust, and so expressly stated, for these Indians.

Mr. WILLIAMS. But the claim of these parties is not against that fund. The Government has power to use that fund to reimburse itself, but this claim is against the Indians, and not against the Government.

Mr. BECK. It is a claim, as set forth in the bill passed by the House, against a fund held in trust for these Indians, and we are to pay it out of their money, and we are ordering it to be paid if this bill passes and the amendment is voted down.

Mr. BAILEY. I ask if it is not merely against the Indian tribe, and of which, therefore, the Court of Claims has not jurisdiction?

Mr. BECK. If the Senator from North Carolina or the Senator from Tennessee will put it on that ground, that these parties cannot gain their case in the Court of Claims because there is no legal right, then they might come here if they have no legal remedy in the Court of Claims?

Mr. BAILEY. May they not have a right to an equitable remedy, a moral remedy, which the Court of Claims cannot furnish?

Mr. RANSOM. Do I understand the Senator from Kentucky to say

that the Senate ought to vote to pay no claim that can be carried through the Court of Claims? Is that the rule the Senator proposes to lay down for us, that inquiry here is to be made preliminary to any vote whether the case can be carried before the Court of Claims, and if it can be carried before the Court of Claims, then it must be voted

against here? Mr. BECK. I mean to say that when claims have been passed through Congress purporting to be for one thing that are shown upon their face to be for another, and when the accounting officers of the Treasury reject them because they are not proper claims, and when Treasury reject them because they are not proper claims, and when the parties then go to the Court of Claims with their cases, it is a bad sign to see them leave the Court of Claims, where all justice can be done them, and seek to put them through Congress rather than finish their cases in the court, and seek to put them into an Indian appropriation bill, rather than go upon the individual merits of their cases to the Committee on Claims, where they can be examined separately. arately.

Mr. BAILEY. Will the Senator permit me to ask him a question? Mr. BECK. Certainly.
Mr. BAILEY. Is it disputed that these supplies were furnished to

these Indians?

Mr. BECK. Is it averred by anybody that these were supplies?
These claims were put through Congress before upon the ground that they were for expenses incurred by S. H. Sweetland, in making payments to the North Carolina Indians, but when presented they were found not to be for services rendered to Sweetland at all, but pur-ported to be for merchandise furnished to the Indians. Why did they abandon the original case they presented, and put it in in another

Mr. BAILEY. I wish to get information. I understand the Senator from North Carolina to say that this claim is for supplies furnished to the Indians at a time when they were reduced to extreme

poverty.

Mr. VANCE. And supplies necessary for their subsistence.

Mr. BAILEY. The claim may have been presented to Congress as a claim against the Indian agent, or as a claim presented by the Indians; but the question at dian agent for supplies furnished to the Indians; but the question at last is not how the claim may have been presented, but whether it is a claim for supplies furnished to the Indians in their necessities. It may not furnish the foundation for an action in the Court of Claims, whose jurisdiction is limited, as against the Indian trust funds, nor if it were in a court of equity properly so called might it furnish the ground for an action against the fund; but at last Congress is the custodian of the fund, and I wish to know whether Congress itself may not furnish a remedy as well as the court, and whether if Congress itself furnish the remedy it is necessary to resort to the court. After all,

the question is simply what do conscience and good morals require.

Mr. BECK. Mr. President, the answer to the question of the Senator from Tennessee is very plain. The act of August 15, 1876, provides for the payment of these claims in these words:

For payment of the expenses incurred by Silas H. Sweetland, special agent, sent by the Indian Department to make a per capita payment to the North Carolina Cherokees in 1869, to the following-named persons—

Among them those we are now providing for. Congress passed it Among them those we are now providing for. Congress passed it upon the assumption that it was for that purpose. When the claims came to be filed they were not for that purpose at all. They were rejected by the accounting officer. It was not mandatory upon them; it was a matter submitted to the accounting officer to be "charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees." Congress assumed that it had that fund in the Treasury in trust, with power to make proper payments out of it for necessary expenses connected with it. It turns out that when the claims were presented they were not for that purpose at all, but for dealings with individual Indians and for merchandise furnished to

I.r. McDONALD. Now, I should like to ask the Senator from Kentucky if there is any controversy as to the fact that the parties whose names are here embraced furnished these supplies to the Indians to the amount named: J. D. Abbott, \$175; M. C. King, \$212.03; M. L. Brittain, \$232; Seroop Enloe, \$125.35, making a total of \$744.38 \frac{3}{2}\$ Mr. RANSOM. My colleague has twice stated to the Senator from Kentucky that these supplies were furnished by the parties named, as the Senator from Indiana has just read, and that they were for subsistence furnished the Indians when in distress.

Mr. BECK. Mr. President, I do not care about that. The Senator from North Carolina gets up to tell me that his colleague has twice asserted this, that, or the other. If we cannot discuss a legal question without personal issues we are hardly able to discuss them at all. I am only telling what the Commissioner said. I am not making any issue with the Senator from North Carolina.

Mr. RANSOM. And no one has stated that the Senator from Kentucky is making any such issue. I am rather surprised at the Senator

from Kentucky. I see no occasion for the loss of his temper.

Mr. BECK. I am only seeking to show the Senator from North
Carolina that he had better keep his. I think I am in the best humor possible.

Mr. RANSOM. If this is the good humor of the Senator, I am very sorry for his bad humor. [Laughter.]

Mr. BECK. That does not proceed with this case at all. If the Senator from North Carolina has any evidence to show that these are proper claims to be put on this bill let him produce it. The Committee on Approximations had no information produce to them while them tee on Appropriations had no information relative to them while they

were acting on the bill nor have they yet.

Mr. McDONALD. The Senator from Kentucky will allow me to go a little further in what I wanted to say. I have not any doubt from his reading of the act of 1876 that the accounting officers properly rejected these claims under that act, because that was an act to reimburse this agent for his expenses, whereas when the accounts were presented it seems they were accounts for supplies furnished by other parties to the Indians. But if the supplies have been furnished to the Indians, is there anything wrong in our directing the payment now and the deduction of the amount out of the Indian fund? That is the question I want answered.

Mr. BURNSIDE. Will the Senator from Kentucky allow me to ask

him a question?

Mr. BECK. I do not wish to yield the floor.

Mr. BURNSIDE. Only a question. I want to know whether the

Senator from North Carolina has not stated and whether it is not the fact that the Indian council approved all these accounts?

Mr. VANCE. It is. I hold in my hand a copy of one of the orders

of the council, which I propose to read if I can get permission to do

Mr. BECK. There will be no difficulty about the Senator from North Carolina getting all the time he desires. I shall be through in a minute. I am answering questions as fast as I can.

The Committee on Appropriations found that the act upon which these gentlemen relied was an act passed for the purpose of pay-

Expenses incurred by Silas H. Sweetland, special agent, sent by the Indian Department to make a per capita payment to the North Carolina Cherokees in 1869, to the following-named persons.

Among them those here named. We found by a letter sent to us by the Commissioner of Indian Affairs that these gentlemen did not pretend when they filed their claims that they were for any such purpose. Therefore, that act availed them nothing. This is a bill making appropriations for Indians, in which these Cherokees are not mentioned or known—an Indian appropriation bill to carry out the existing laws and the existing treaties. These men took their case to the Court of Claims. They have no more to do with this Indian bill than any other claims of any other men for any other thing, for there is nothing to which it can properly be attached. There is not trust fund mentioned in this bill bearing upon the question. Of course, we could not make a question on what the House did, but it could not be offered here as an original proposition. The provision having been put on this bill, we were advised by the Commissioner of Indian Affairs, in the letter just now read from the Clerk's desk, that the claims had been disapproved by the Treasury, that they were presented for things not in accordance with the act passed in 1876; that they were still pending in the Court of Claims, and therefore we that they were still pending in the Court of Claims, and therefore we reported to strike out the provision. There has been no suggestion made that the Court of Claims cannot render judgment to pay them if the claims shall be found to be good. Neither the Senator from North Carolina, nor any other Senator, has suggested that there is any difficulty there if the claims are just. Then for the double reason that they had been found improper by the accounting officers, having been passed in the act of 1876 for one thing and presented for another, and that they were pending in the Court of Claims where there is no obstacle in their way yet suggested, and also because no fact was laid before us to indicate that there was any difficulty in the way, or that there was any action by an Indian council or that the way, or that there was any action by an Indian council, or that there was any reason why these claims should stand on a different footing from the claims of any other men, and why they should be dragged into a bill that had nothing in it in connection with them or any fund out of which they were to be paid, the committee thought they were not proper claims to be in this bill.

The Senator from North Carolina may have obtained this morning, The Senator from North Carolina may have obtained this morning, as he says, the action of the Indian council and many other things that I know nothing of. I have been endeavoring to give fairly what this committee acted upon, the Commissioner's letter, the law, the difference between the claims presented and the claims provided for by the law of 1876, the fact that they were pending in the Court of Claims with no obstacle in their way, with an act of Congress for the payment of judgments there obtained. That was the reason we struck them out. If subsequent facts have been developed that will make it proper to put them in here to take them away from the Committee it proper to put them in here, to take them away from the Committee on Claims, to make them exceptional to all other cases of this character—if the Senate see fit to do it, I have no sort of desire to prevent the men from getting their money; but as I was intrusted by the committee with the charge of this bill I have had to make the explanation of the grounds on which we acted.

Mr. BURNSIDE. I wish to ask the Senator from Kentucky an-other question for my own information. Does the Senator from Kentucky believe that the Court of Claims has jurisdiction over any case in which trust funds for Indians are involved?

Mr. BECK. I have no doubt that it can take cognizance and has taken cognizance of some of these cases and I hear no complaint about

Mr. McDONALD. Will the Senator from Kentucky read the act of 1876† I should like to hear it again.

Mr. BECK. The act of 1876 is in these words:

Mr. BECK. The act of 1876 is in these words:
For payment of the expenses incurred by Silas H. Sweetland, special agent, sent
by the Indian Department to make a per capita payment to the North Carolina
Cherokees in 1869, to the following-named persons, to wit:
Samuel W. Davidson, \$213.30;
Henry Smith, \$354.66;
Henry Smith, \$354.60;
J. M. J. Smith, \$100;
James W. Terrell, \$60;
A. McCallum, \$100;
John Gray Bynum, \$867.50;
J. D. Abbott, \$175;
M. C. King, \$212.03;
M. L. Brittain, \$232;
Scroop Enloe, \$125.35; Provided, That the amounts due J. D. Abbott, M. C.
King, M. L. Brittain, and Scroop Enloe be charged to the fund held in trust by the
Secretary of the Interior for the North Carolina Cherokees.

That is all there is of it.

That is all there is of it.

Mr. McDONALD. It seems that after that act was passed when the question came before the accounting officers and an examination of these claims was made, it was found that some of them were

claims for supplies furnished to the Indians, and not for expenses incurred by this Indian agent, and therefore the accounting offi-cers rejected them. It seems now that the parties came back, and have presented their case to the House of Representatives, and the House has incorporated in this bill a specific appropriation for this particular purpose, meeting the exact case, and, of course, settling, so far as the House is concerned, that these supplies had been fur-

nished to the Indians, and in that form it comes to us.

I understand now that the Committee on Appropriations have recommended that this be stricken out. There is no evidence offered in support of that motion that these supplies were not furnished. We have certainly very strong inferential testimony offered by the passage of the original bill and by the passage of this present bill through the House of Representatives with this specific appropriation in it, that

there were such supplies furnished.

But it is objected that these parties have undertaken to seek a remedy in the Court of Claims. Well, if their claim presented in the Court of Claims is drawn up in accordance with the items that are contained here, it is very evident that they cannot recover there. They cannot sue the Cherokee tribe of Indians in the Court of Claims, and as they state their case they have no claim against the United States upon any contract, express or implied. So that the only relief they can have, so far as I can see, is by doing now what there was an attempt to do in 1876, but which failed because the appropriation, although designed for them, was to meet a class of expenses that this did not properly belong to. That is all there seems to me to be in it, and with that view I shall certainly vote to sustain the House sec-

Mr. INGALLS. Mr. President, I can see no occasion for the heated opposition of the Senator from Kentucky to the appropriation asked for in the bill as it came from the House. These identical moneys were appropriated for these specific persons in 1876, and the solemn act of Congress was defeated by an understrapper in the Interior Department. Let this bill pass as it came from the House, and make the appropriation over again, and, if it is not satisfactory, secure the service of some hireling understrapper again, and once more defeat the will of Congress. It seems to me that, in view of what has been done already, there ought to be no objection to passing any appropriation because the means of nullifying it are at the disposal of anybody who does not see fit to want to pay it. Under the same theory of government, if some clerk in the Secretary of State's office should think that the ministry to England ought to be abolished, all he would have to do would be to say that in his judgment the appropriation was improvidently made.

Mr. BECK. Will the Senator allow me one word?
Mr. INGALLS. Certainly.
Mr. BECK. I am a good deal astonished to hear the Senator from Kansas speak of the "heated opposition of the Senator from Ken-

Mr. INGALLS. Of course I meant nothing personal; I meant the

Committee on Appropriations.

Mr. BECK. I understand that; but I rose for the purpose of saying that the Senator from North Carolina [Mr. Ransom] said to me that he was astonished at the somewhat rude manner in which I had that he was astonished at the somewhat rude manner in which I had treated him. I assure him and assure the Senate that I have made no heated opposition; and if I have said one word offensive to the Senator from North Carolina, I apologize here before the Senate and the country. I had not the slightest idea of doing any such thing.

Mr. RANSOM. Oh, no, Mr. President; my friend from Kentucky will pardon me. I simply meant to say to him that in his unconscious heat he had permitted himself to say that he would not permit me to make an issuado heat we callege to the roby into the say to make the say to the say to

mit me to make an issue between him and my colleague, thereby inti-

mit me to make an issue between him and my colleague, thereby intimating that I was trying to make such an issue. I simply desired to say that that was not intended by me.

Mr. BECK. I had not the slightest idea of it. I have perhaps a somewhat blunt way of telling things. I was endeavoring to state what the Commissioner had said. If the Senate think these are good claims and can help any poor fellow in North Carolina, I will go as far as anybody else. I only wanted to state the case here as the organ of the committee and present the ground on which we acted. If I have gone outside of my duty in doing that, I have made a mistake; that is all

Mr. ALLISON. I only want to say one word in relation to this mat-ir. The real trouble with these claims is that the accounting officers of the Treasury, I suppose, find no law and no regulation authorizing or justifying this expenditure, and therefore when the cases came before the accounting officers they rejected them.

I take it for granted that the Senators from North Carolina, when

I take it for granted that the Senators from North Carolina, when they state that these supplies were furnished, state what is true. I know that in my State several of the citizens have furnished Indian supplies year after year. I have had one particular instance pending here since 1869. When I was a member of the other House I endeavored to get through a proposition for a constituent of mine, where actual supplies had been furnished to starving Indians, and I was met all the time by the statement, "These accounts have not passed the accounting officers; these supplies have not been estimated for; and it is the business of Congress in this appropriation bill to appropriate money in pursuance of law."

Mr. INGALLS. Did Congress ever authorize them to be paid?

Mr. ALLISON. I find here three, four, or five claims. They may

be perfectly just. I take it for granted they are. We are passing claims here every day, but they come through the Claims Committee We are passing they take their chance with that great range of people who expend

money in an indirect form.

Mr. HOAR. May I ask the Senator from Iowa a question, as I have some little interest if the Claims Committee is to deal with these matters, for I have had some very disagreeable work imposed on me in reference to matters before that committee. Is it not true that the interest on the Indian trust funds is appropriated by the Indian appropriation bill, and if that be true, does it not follow that the same appropriation bill and the same committee must deal with the question of paying out moneys to be charged to those funds and not the Committee on Claims?

Mr. ALLISON. That may be so or may not be so.
Mr. HOAR. That question touches the point which I understood
the Senator to be making.
Mr. ALLISON. It may be so or it may not be so. If the expenditure is regular under the order and direction of the Interior Department or the President, no specific appropriation is necessary the expenditure is irregular, as I have no doubt it was in this case, although perhaps necessary, the accounting officers of the Treasury

do not allow it.

Now what I object to particularly in this provision is that we undertake to direct the accounting officers of the Treasury what they shall or shall not do. We hold these accounting officers of the Treasnry responsible as independent officers of this Government. The First and Second Comptrollers of the Treasury are just as independent of the Secretary of the Treasury even as is the Secretary of the Interior, or any member of this body. Each Comptroller decides upon the law and the facts as they appear before him on the face of claims, and if they are not in pursuance of law he rejects them; but we say now whether or not these accounting officers shall audit and pay these claims; whether they are just or unjust, whether the amount is as claimed in this bill or otherwise, they shall be paid. Suppose it turns out when these claims are examined that instead of \$220 to one of these individuals there only appears to be \$140 due? Yet here is a mandatory provision in the statute saying that the man shall have \$220, and his account shall be audited at \$220.

I am willing to extend the best aid I can wherever I can to the adjustment of these accounts as I am for other accounts, but the Committee on Appropriations believed it was a bad precedent to under-take here in an appropriation bill, where an account is so irregular that the accounting officers will not audit and pay it, to direct them absolutely to pay the money whether it is just or unjust. That is

the objection to this provision.

Mr. BUTLER. Will the Senator yield for a motion to go into executive session?

Mr. BECK. Let us get through with this bill. Mr. BUTLER. If we can have a vote, I will withdraw the motion; if not, I shall insist on the motion to go into executive session.

Mr. VANCE. Let us vote.

Several SENATORS. Vote! Vote! Mr. CONKLING. Mr. President, I am anxious to vote, but yet I beg the Senate to bear with me for a moment for I want to say a word about this amendment. I have seen no special heat here although there has been some earnestness, and if I understand this proposition aright, really I think there should be a little earnestness in regard

One of the standing committees of the Senate has made a report that there ought not be in this bill a mandatory, inflexible command to the officers having the custody of money to this effect—

And the proper accounting officer of the Treasury is hereby directed to pay the said sums to the above-named persons.

From that report of a committee it is proposed that the Senate shall dissent. Now, let us suppose that the proper committee has had charge of this; let us suppose that in the most proper way of form and ceremony the report comes here. That is the most advantageous mode that the friends of paying this money can choose to consider it.

And then how does the case stand? Can it be possible that a majority
of the Senate, with a favorable and not unfavorable report from confessedly the proper committee, would adopt this as legislation if in truth the case is pending in the Court of Claims? Is it possible I say in any case, I care not how clear it may be, where claimants have gone into the Court of Claims and are now in act of litigating there, that the Senate, even on the favorable report of one of its committees, would interpose suddenly, arrest the proceedings in the court, clutch the claim and snatch it away and bring it here and direct in language which denies all discretion to the accounting officers, that absolutely, hit or miss, no matter what the facts might turn out to be, not only should the claim be paid, but paid with a certain prescribed beforehand measure of damages?

Mr. President, during the years it has been my fortune to serve in this body, I have seen a good many things done which would have seemed to me extraordinary had they not been done by the Senate; but unless my memory sadly fail me, I never saw done by the Senate the equivalent of such an act.

But now, take the case where one of years.

But now, take the case where one of your committees comes and re-ports adversely, reports that you ought not to oust the Court of Claims of its jurisdiction; then would a majority of the Senate upon any state of fact override the committee and by main force say neverthe-

less we will take from the Court of Claims its jurisdiction and pro-

ceed to act finally upon it in a moment now

Mr. President, the case as I have stated it is not exactly the case efore us. Why? Because a Senator says he is told that in fact the claim is not pending in the Court of Claims, and the Senator from Kentucky produces official evidence that it is. Now, without knowledge even of how that fact may be, upon a mere challenge of the statement that the Court of Claims has jurisdiction, will the Senate proceed to decide that question which it knows nothing about and to decide it past recall? Formerly the Court of Claims sat in this building, and at the moment I had forgotten that it was removed from here. We might have sent down and learned. Now it holds its sessions and its records are at the other end of the city, and there is no mode of ascertaining certainly how this is, and therefore I have as much right to assume and as much reason to assume that the case is pending in the court as I could have to assume that it is not. In ignorance of how that fact may be, is it possible that we are to proceed to overrule the committee and to adjudge these claims in the

language which I have read?

Mr. President, one other word and I have done. I understand from the Senator from Kentucky, and I have heard nobody deny it—indeed I believe the Senator from Iowa made the same statement-that in a former year, namely, in 1876, these same claimants came into this very forum and made a statement on which their claims were classified as of a nature radically different from that found here, and being denominated as claims of that description they were allowed and put in a bill. When the accounting officer came to pass upon them, in place of doing as I understand what the Senator from Kansas has said, declaring arbitrarily that he would refuse to allow claims which he had been directed to consider, he found that the claims presented by these very claimants were unsupported, unsubstantiated as claims of that nature. Now, for the first time, so far as we have heard, come these same claimants with the same amount of money asked, not presented upon the same grounds or as claims of the same description, but presented as claims of a wholly different description, and they find their way through the House, whether under the previous question or not I have no right to know or no right to say here, and then my honorable friend from Indiana says, and the argument is not en-tirely original with him, that the fact that the House has allowed these claims to find their way into the bill is of itself a strong argument and a strong inducement and inferential evidence on which we ought to do it.

I once heard a distinguished citizen affirm that the fact that the President of the United States nominated a man for office was of itself evidence that he ought to be confirmed, and that when the Senate came to act upon the nomination it ought to rest very largely ate came to act upon the nomination it ought to rest very largely upon the fact that the President had made the nomination. Here is the companion picture of that argument. When the House sends us a piece of legislation, which it is our business to scrutinize and vote negatively upon if we do not believe in it, the Senator from Indiana says the fact that the bill is here being one of the bills which, though not by the Constitution yet by practice always originate in the House, the fact that we find something in that bill is of itself an inference, a presumption, an argument of some kind which it requires pretty strong evidence to overthrow. For one I do not agree to that. I think this stands precisely as it would if the bill had originated in the Senate. When a committee of the Senate has examined it and When a committee of the Senate has examined it and the Senate. has reported that it is unsafe legislation, it seems to me that the pre-sumption is pretty thoroughly rebutted. So I believe this matter ought to stand to take its place, if ever, in some other bill when the Senators who have investigated that can find out certainly whether the Court of Claims has jurisdiction, and whether there be any impediment in the way of that court proceeding.

Mr. VANCE. Mr. President, I only desire to say a word by way of correction of the Senator from New York.

In the first place, it has never been asserted on this floor that all these claims were not before the Court of Claims. I stated, in response to the Senator from Kentucky, that two of them were Court of Claims and two were not before the Court of Claims, and that information was derived precisely from the same source which the Senator from Kentucky had, to wit, the officials of the Departments, of the Treasury Department and the Interior Department.

The other correction I desire to make is that it is not true in fact that these parties attempted to practice a fraud on the Congress of the United States by putting in their claims as being of one class when in fact they were of another. I suppose that originated in a mistake of the draughtsman of the act, because the original claims were accompanied by the orders themselves, which set forth that they were for supplies furnished to the Cherokee Indians, and if any mistake was made it was made by the draughtsman. Every one of these claimants is known to me, and known to be an upright and respectable man.

That is all I have to say.

Mr. WITHERS. Before the vote is taken I wish to state briefly my reasons for sustaining the committee to strike out these claims.

They belong to a class of claims which have always heretofore been investigated and determined by the Committee on Appropriations upon the sundry civil bill, where they take all such claims, examine the evidence upon which they rely to sustain them, and if found correct and the amounts are properly audited, allow them to be paid.

This committee has never on the general Indian appropriation bill undertaken to determine the claims of individuals. A large number of such claims were presented and referred to us. Several cases are

of such claims were presented and referred to us. Several cases are now in my possession, probably aggregating, I will not undertake to say how many, but one hundred and fifty, I should judge. We refused to put any of them in this bill for that reason.

These claims have never been investigated as I understand; they certainly were not by our committee, and whether they were by the House committee or not I cannot say. I presume from the fact that they were incorporated in the bill, not on the recommendation of the Appropriations Committee of the House, but simply by motion, that a similar procedure was had there as is now proposed to be instituted

I want to call attention also to another fact. At the same session, 1876, when the appropriation was made for the payment of these claims, there were eleven claims presented and included in that appropriation bill, of which seven were paid and these four rejected upon the ground which has been set forth.

It seems to me that these reasons suffice to induce us to reject them from the bill.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 21, nays 28: as follows:

Mos to rome			
	YE.	AS-21.	
Allison, Baldwin, Beck, Blaine, Blair, Booth,	Cameron of Wis Conkling, Davis of W. Va., Eaton, Edmunds, Ferry,	Hamlin, Harris, Hereford, Hill of Colorado, Kirkwood, McMillan,	Platt, Windom, Withers.
	N.A	YS-28.	
Bailey, Bayard, Butler, Call, Cameron of Pa., Coke, Davis of Illinois,	Garland, Groome, Hampton, Hill of Georgia, Ingalls, Jonas, McDonald,	McPherson, Maxey, Morgan, Pendleton, Plumb, Pryor, Ransom,	Saunders, Slater, Teller, Vance, Vest, Voorhees, Williams.
	ABSI	ENT-27.	
Anthony, Bruce, Burnside, Carpenter, Cockrell, Dawes, Farley,	Gordon, Grover, Hoar, Johnston, Jones of Florida, Jones of Nevada, Kellogg,	Kernan, Lamar, Logan, Morrill, Paddoek, Randolph, Rollins,	Saulsbury, Sharon, Thurman, Walker, Wallace, Whyte.

to the amendment was non-concurred in.

The PRESIDING OFFICER. There is one other reserved amendment, which will now be read.

The SECRETARY. The next reserved amendment is in section 3, line 4, to strike out "six" before the word "weeks" and insert "three."

Mr. PLUMB. I move to amend the amendment by striking out "three" and inserting "four."

Mr. DAVIS, of West Virginia. The only point is whether the advertisements for supplies shall be published for three weeks or four

weeks. It is a matter of very little consequence.

Mr. WITHERS. The effect of increasing the delay is to prevent obtaining supplies in season.

Mr. INGALLS. It increases competition.

Mr. WITHERS. We are informed that three weeks is the utmost possible limit that can be allowed. The object is to secure the delivery of supplies within the proper time. That is all I have to say about it.

The PRESIDING-OFFICER. The question is on the amendment of the Senator from Kansas to the amendment.

Mr. PLUMB. The amendment which I offered, but which was ruled

out, would have made this amendment unnecessary. Now, I think if the Department would advertise for supplies, to be opened at the points where supplies are to be found, a large portion of the neces-sity for it would disappear; but latterly the policy has grown up of opening all bids in New York, and so the men who furnish beef and flour and the pork and wheat and harley and corn all have to condown flour and the pork and wheat and barley and corn all have to go down there in order to bid. If these bids were opened where these sup-plies which are to be furnished come from, in the West, and whence only they can be furnished, a week less time would answer the pur-

After the vote of the Senate to retain the ten advisory commissioners, a board who persist in doing this business, it seems to me that it will be very easy to open these bids in Chicago, Saint Louis, and Kansas City, having on hand one member of this commission at each place for the purpose. But it is now the theory of this Department that the bids are all to be opened at New York, notwithstauding the source of supply is a thousand or fifteen hundred miles from there in many cases. I think for the purpose of the protection of the Government, for the purpose of giving small dealers a chance to compete for the furnishing of these supplies, there ought to be at least four weeks' time given by advertisement.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to the amendment.

The amendment to the amendment was rejected.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (S.

No. 1100) for the relief of Solomon Morris.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 5524) to establish

post-routes.

The message further announced that the House had passed a bill (H. R. No. 559) to constitute the city of Portsmouth, in the State of Ohio, a port of delivery; in which it requested the concurrence of the

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other

ORDER OF BUSINESS.

Several Senators. Regular order.
Mr. DAVIS, of West Virginia. We have another appropriation bill.
Mr. EDMUNDS. Let us get the regular order first. I call for the regular order, which is the election case, I believe.
The PRESIDING OFFICER. The regular order is the case of the Senator from Louisiana, [Mr. Kellogg.] The question is on the passage of the resolutions reported by the Committee on Privileges and Florting. Elections.

Mr. SAULSBURY. I desire to say that as I do not wish to antagonize the Appropriations Committee, I agreed that the resolutions should be laid aside temporarily so that when the appropriation bills

are through I may call them up.

The PRESIDING OFFICER. The Senator from Delaware moves that the resolutions be temporarily laid aside. Is there objection?

The Chair hears none.

Mr. CONKLING. No, sir. One moment. The Senator from Delaware does not move that, because the rules do not permit him to move that. If the Senator from Connecticut or any Senator will ask unanimous consent that the regular order be laid aside temporarily subject to call I will not object.

Mr. EATON. For my part I am not calling for anything.

Mr. CONKLING. All I mean is that it cannot be done by a motion

to lay aside temporarily.

Mr. EATON. I desire to get up one appropriation bill, which is ready. I also have a report from a committee of conference on another appropriation bill; but of course these can wait the convenience of gentlemen

Mr. ALLISON. I hope unanimous consent will be given to the Senator from Connecticut to present his report.

Mr. CONKLING. Undoubtedly it will, but let us understand ourselves

The PRESIDING OFFICER. The Chair will state the question. The Chair understood that the Senator from Delaware asked consent to lay aside the question of privilege informally in order to take up

an appropriation bill.

Mr. CONKLING. Now I wish to say that I do not object to that if it means that when this appropriation bill is disposed of the Kellogg case is the regular order and subject to call all the time.

The PRESIDING OFFICER. The Chair so understands, if con-

The PRESIDING OFFICER. The Chair so understands, if consent is given.

Mr. SAULSBURY. The other day, when the Indian appropriation bill was called up, I stated that I did not wish the regular order displaced, and the Chair put the question distinctly if there was any objection to laying it aside temporarily subject to call. I should have so stated before if the Senator from Vermont had not himself called up the report of the Committee on Privileges and Elections. He having done that, I thought it necessary, as he had called the question up again, to make the same request which I did the other day when the Indian appropriation bill was taken up, that it should not lose its place but only be laid aside temporarily informally for any appropriation bill. appropriation bill.

That was the only object I had on this occasion, and I should not have made one reference to it had it not been called up by the Sen-

have made one reference to it had it not been called up by the Senator from Vermont, because I had the ruling of the Chair the other day that it would be subject to my call whenever I saw proper to call it up, he having put the question then to the Senate.

Mr. EDMUNDS. I have not called up anything. I have called for the regular order and the Chair has laid what he understands to be the regular order before the Senate.

Mr. SAULSBURY. And it was read.

Mr. EDMUNDS. Andit was read. I have not even read anything. I merely called for the regular order in order to find out what the pending question before the Senate is. Now having found that out, if the Senator from Connecticut has an appropriation bill that he desires to proceed with, I am entirely willing to lay this aside temposires to proceed with, I am entirely willing to lay this aside temporarily to be taken up again as the regular order at the end of his appropriation bill, whether that end comes to-day or to-morrow. I only want it understood that this question of privilege shall be the regular order before the Senate to be called for when we finish the

appropriation bill, whether it happens to be to-day or to-morrow.

Mr. EATON. I so understand, and I want unanimous consent to take up certain matters, not to set aside or lay aside the order. I want to see the end of that business as much as anybody else.

Mr. EDMUNDS. Very well, go ahead then with that understanding.
Mr. EATON. I first have a report of a conference committee to

The PRESIDING OFFICER. The Senator from Connecticut desires to make a report from a committee of conference. The report

Mr. EDMUNDS. I understand that this regular order is laid aside to be called up either to-day or to-morrow when these appropriation

matters are disposed of.

The PRESIDING OFFICER. It is the understanding of the Chair that the Kellogg case will come up as a privileged question whenever this matter is disposed of.

Mr. DAVIS, of West Virginia. I understand the Senate can at any

Mr. DAVIS, of West Virginia. I understand the Senate can at any time take up any order a majority wish.

Mr. EDMUNDS. That is not exactly what I am talking about.

Mr. DAVIS, of West Virginia. I understand what the Senator from Vermont is particularly talking about; but he is very anxious about the Kellogg case, and I wonder why he is so anxious to have it before the Senate. My friend from Delaware I believe has charge of it, but

the Senate. My friend from Delaware 1 believe has charge of it, but the Senator from Vermont is apparently sharing it with him.

Mr. EDMUNDS. I beg pardon of the Senator from West Virginia and the Senator from Delaware both. I had the impression that when matters were before the Senate, it was perfectly lawful unless it was an inquiry into the Treasury, that any Senator even on this side of the Chamber might be allowed to know what the regular order was. I know that when it comes to an inquiry into the scratches on the books of the Treasury, that is a special and patented trade-mark privilege that belongs to my friend from West Virginia; but as to the general run of the business, I suppose that even a Senator in the minority may inquire and call for the regular order. Now, to dismiss that, I understand that this is laid aside informally and that it is a subject of call, whether an adjournment happens or not.

Am I right in that?
The PRESIDING OFFICER. The Chair so understands.
Mr. EDMUNDS. Very well.

DEFICIENCIES IN APPROPRIATIONS.

Mr. EATON submitted the following report:

Mr. EATON submitted the following report:

The committee of conference on the disagreeing votes of the two Honses on the amendments of the Senate to the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 11, and 17, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment as follows:

"In lieu of the sum proposed insert '\$100,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same, with an amendment striking out the word "and," proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same, with an amendment as follows:
"Strike out 'four' and insert 'three.'"
And the Senate agree to the same.

WM. W. EATON,
JAS. B. BECK,
NEWTON BOOTH,
Managers on the part of the Senate.
J. A. McMAHON,
T. R. COBB,
JAMES MONROE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the

Mr. EDMUNDS. We ought to have this explained so that we can understand what the amendments are that have been thus disposed of.

Mr. EATON. I will state, that the Senate may fully understand
the provisions of the bill now as compared with what it was before
it went to the committee of conference, that the total of the bill as
it passed the Senate was \$8,620,087.82; the total of the bill as agreed to in the conference is \$8,382,587.82, making a reduction of \$237,500.

The amount of reduction is, first, on public printing, \$50,000; next, for the State, War, and Navy Department building, \$186,500; next, for extra clerk hire in the State Department, \$1,000, making \$237,500.

The first item where there was a difference of opinion between the Senate and the House was in line 11, page 1, where the bill as it came from the House appropriated for public printing, &c., \$400,000. One hundred thousand dollars the Senate will remember was immediately appropriated in a special bill for that purpose, and therefore we struck

out in the Senate the word "four" and inserted "three." so that it should read \$300,000 instead of \$400,000. Upon examination the House discovered that there had been also \$50,000 appropriated in addition; and therefore the conference committee agreed that the amount shall be \$250,000 instead of \$400,000, as the House first passed the bill, or \$300,000 as the Senate amended it.

The next item was an amendment of the Senate "for continuing

the construction of the north wing of the State, War, and Navy Departments building, \$286,500." I ought to say that the Senate Committee on Appropriations, I believe unanimously—certainly the subcommittee were unanimous, and I was one of that sub-committee—thought that the full amount of \$286,500 ought to be appropriated. That was three or four weeks ago when the matter first came before us. The lapse of time has made the full amount unnecessary to-day.

Mr. MORRILL. May I ask the Senator a question at this point?

I had supposed that the real necessity for this appropriation was in order to enable the purchase of material for going on with the work next season; that unless they made arrangements soon for the material which would be required for the construction of the building next year it would be too late to wait for the regular appropriation

Mr. EATON. It was not entirely that. My judgment was at the time that there should be a full appropriation; and one reason was that we were informed there could not be contracts entered into for iron, for instance, which formed a particular part and a very large part of the material entering into the construction of the building; that such was the condition of the iron interest of the country that unless they had all this long time to make their contracts they could not do it. Things have changed within the last three weeks very

unless they had all this long time to make their contracts they could not do it. Things have changed within the last three weeks very much in that particular.

Mr. MORRILL. But much the most valuable and expensive part is the granite that is required, and unless time is given that cannot be quarried and worked into the proper shape for the building.

Mr. EATON. If my friend from Vermont will hear my explanation of this bill he will find that he and myself, whatever result we may arrive at, do not disagree particularly in regard to the principle of this matter. We came to an agreement in conference. The House were very desirous not to give a dollar. We were very desirous that there should be a large amount given. We have agreed to the sum of \$100,000. I will not say that I am ashamed to make a report of this character; that is going a little further than I like to go; but I this character; that is going a little further than I like to go; but I regret that I have felt myself compelled to make an arrangement of this character. I should have preferred a larger sum, but on the whole, taking everything into consideration, the committee thought, all of us, that we had better accede to the \$100,000 appropriation, and accordingly we have done so. I hope that the Department will be able to go on successfully with that amount at this late day. That is all that the committee have to report in regard to that matter.

The next item was amendment number 9:

To pay for illustrations for the Official Gazette, \$3,299.22.

The House have receded and concur with the Senate in that amendment.

The next is amendments numbered 10 and 11:

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, to be used for the completion of such codification, the sum of \$15,000.

The amendment of the Senate was to strike out the words "to be used" and insert the word "and." We have agreed to strike out both "to be used" and "and;" so that the clause will read:

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, for the completion of such codification, the sum of \$15,000.

The House also recede and concur with our amendment adding this-

Provided, That said commission shall complete the same and make their final report on or before February 1, 1881.

The next is number 13, in regard to the Money-Order Office. The item read:

For seven additional clerks for service in the Money-Order Office, namely, two of class 4, one of class 3, one of class 2, and three at \$500 per annum, from the passage of this act.

The Senate struck out "from the passage of this act" and inserted "from April 1, 1880." We have receded from our amendment and placed back the language of the House bill, so that it will read "from the passage of this act." The House was right in that matter, and we concluded to accept their action.

The next is the sixteenth amendment, "for extra clerk hire and copying, \$2,000," in the Department of State. The amendment was to insert "four" instead of "two." We have compromised on \$3,000; so that it will read:

For extra clerk hire and copying, \$3,000.

The two Houses differed with regard to the amount of payment which should be made to the gentleman who is revising the Consular Regulations. The recommendation of the State Department was \$3,000. The Senate committee unanimously thought that that was a proper sum. The House inserted \$2,000 originally, and we changed it to \$3,000. The House concur with our action in allowing the \$3,000. That is the last of the amendments which were the subject of differ-

The report was concurred in.

Mr. CONKLING. I move that the Senate do now adjourn.

Mr. PENDLETON. I would ask the Senator from New York to withdraw the motion to adjourn in order that we may have an executive session for a moment. There are some nominations that had better be referred. If the Senate does not want to go on with other matters they at least can be referred this evening.

The PRESIDING OFFICER. Does the Senator from New York

withdraw the motion?

Mr. CONKLING. If the Senate is ready to enter after five o'clock upon business, I think we ought to go on with the appropriation bill which the Senator from Connecticut has in charge. At the suggestion of a number of Senators, inasmuch as five o'clock has been reached, I thought it was a convenient time to adjourn. Therefore I have submitted the motion, and I will take the sense of the Senate. If the Senate does not want to adjourn, it will say so.

The PRESIDING OFFICER. The Senator from New York moves

that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 29, 1880.

The House met at twelve o'clock m., Mr. Blackburn in the chair as

Prayer by the Chaplain, Rev. W. P. Harrison, D. D. The Journal of yesterday was read and approved.

FISH AND FISHERIES.

The SPEAKER pro tempore announced the appointment as conferees on the part of the House on the disagreeing votes of the two Houses on Senate joint resolution No. 100, to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879, Mr. WILson, Mr. Singleton of Mississippi, and Mr. HAYES.

APPOINTMENT TO COMMITTEE.

The SPEAKER pro tempore also announced the appointment of Mr. Humphrey to serve as a member of the Committee on Levees and Improvements of the Mississippi River in the place of Mr. Caswell.

CONTINGENT FUND OF THE SENATE. Mr. ATKINS, by unanimous consent, from the Committee on Appropriations, reported joint resolution (H. R. No. 296) making appropriations for the contingent fund of the Senate; which was read a

first and second time.

The joint resolution, which was read, appropriates the sum of \$15,000, out of any money in the Treasury not otherwise appropriated, for contingent expenses of the Senate of the United States for the fiscal year ending June 30, 1880, to be credited to miscellaneous items, exclusive of labor.

Mr. ATKINS. I will remark on it, Mr. Speaker, that the warrants for the attendance of witnesses, &c., are being hawked on the streets of the District at a discount, and rather ruinous discount at that,

and it is necessary to pass this resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ATKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLOMON MORRIS.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table, for the purpose of present consideration, a bill (S. No. 1100) for the relief of Solomon Morris.

The SPEAKER pro tempore. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Solomon Morris, of Company A, Thirty-eighth Illinois Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from the 30th day of July, 1863, to the 7th day of February, A. D. 1865, deducting the pay he received as sergeant of infantry, out of any money in the Treasury not otherwise appropriated.

Mr. ATKINS. Let the bill be again read; we did not hear it.
Mr. STEVENSON. I understand there was a unanimous report in the Senate.

the Senate.

Mr. ATKINS. How much is involved?

Mr. STEVENSON. A small amount. It is really paying him for services actually rendered.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time.

Mr. ATKINS. Mr. Speaker, that bill ought to go to a committee in this Hopes.

this House.

Mr. STEVENSON. Let the report be read.

The report was read, as follows:

The report was read, as follows:

That the bill for the relief of Solomon Morris, late sergeant Company A, Thirty-eighth Illinois Volunteers, for pay and allowances as second lieutenant of said company and regiment, is based upon the facts as follows:

Your committee have carefully considered the evidence and find that the claims of said Solomon Morris, for pay and allowances from July 30, 1863, less the pay of a sergeant already received to the date of his muster out, March, 1865, is based upon equitable grounds, he having performed the duties of second lieutenant to the date of his capture at the battle of Chickamanga, September 20, 1863. He was not permitted to go to a mustering-officer on account of the Army being under orders. The failure to be mustered was not caused by any neglect or omission on his part. He is fairly and legally entitled to the relief sought by the bill, and therefore recommend its passage.

Mr. BLOUNT. I should like to ask whether that bill has been con-

sidered by any committee of this House?

Mr. STEVENSON. It has not; it was taken from the Speaker's table on my motion. It was considered by the Committee on Military Affairs in the Senate, passed that body, and came to this House.

Mr. BLOUNT. I hope we are not going to pass Senate bills in this

way without reference.

Mr. BREWER. Was this man ever commissioned as a second lieutenant?

Mr. STEVENSON. I do not know I am able to state that fact. Mr. BREWER. Many men served as second lieutenants who were not commissioned.

Mr. STEVENSON. I presume from the statement and report that he was commissioned as second lieutenant. He did duty as second

Mr. BREWER. Many men did duty as second lieutenants who were

not commissioned.

Mr. ATKINS. Mr. Speaker, that bill really is liable to the point of order; that making an appropriation it must have its first consideration in the Committee of the Whole House on the Private Calendar.

The SPEAKER pro tempore. The bill was read at length when the

Chair asked for objection, and, there being no objection, the bill was read a third time, and the pending question is on its passage. If the point of order raised by the gentleman from Tennessee had been raised in time it would have been a good one.

Mr. BLOUNT. Is it in order to refer the bill to the Committee on Military Accions

Military Affairs?

The SPEAKER pro tempore. It is not.
Mr. BLOUNT. I move to reconsider the vote by which the bill was read the third time, with a view to moving its reference to the Committee on Military Affairs.

The House divided; and there were—ayes 32, noes 44.
So (no further count being demanded) the motion was disagreed to.

The bill was passed.

Mr. STEVENSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRE-EMPTION SETTLERS IN DAKOTA TERRITORY.

Mr. BENNETT. Mr. Speaker, I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3948) for the relief of certain preemption settlers in Dakota Territory, and that the same be considered at this time.

Mr. ATKINS. I reserve the point of order.

The SPEAKER pro tempore. The Chair will cause the bill to be read, after which he will ask for objection.

The bill was read at length.

Mr. BLOUNT. I must object to its present consideration.

ORDER OF BUSINESS.

Mr. COX. I should like to inquire what the regular order is this morning

The SPEAKER pro tempore. The regular order is the morning

Mr. COX. Then I demand the regular order.
Mr. REAGAN. I hope the gentleman from New York will allow
the gentleman from Massachusetts to make a report this morning
from the conference committee with reference to a bill which is of

importance to pass at this time.

Mr. COX. I will withdraw the demand for that purpose.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from New York that he must alternate in his recognition between the two sides of the House, and if the gentleman withdraws the demand for the regular order, the Chair must understand that the withdrawal is final and not with a view to the recognition of any withdrawal is final, and not with a view to the recognition of any other gentleman.

Mr. COX. Then I withdraw the demand for the regular order.

WASHINGTON MONUMENT.

Mr. MARTIN, of Delaware. Mr. Speaker, I hold in my hand a memorial of the Washington Monument Association, in relation to the completion of the Washington Monument. It was my intention to have asked on yesterday, if I had obtained the floor, that the same should be printed in the RECORD of this morning; but I see that it has been printed in the proceedings of the Senate of yesterday, and I shall therefore merely ask that the memorial be laid on the table, and that

2,000 copies be printed for the use of the House, 1,000 copies having been printed already for the use of the Senate.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Delaware that under the law the number of copies he asks to have printed would require the reference of this memorial to the Committee on Printing.

Mr. MARTIN, of Delaware. I ask unanimous consent of the House for the printing of the number asked for.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Delaware that under the law regulating public printing any matter which costs over \$500 must go to the Committee on Printing. Nineteen hundred copies is the usual number printed, if the gentleman contents himself with that.

Mr. MARTIN, of Delaware. Then I ask that this memorial be referred to the Committee on the District of Columbia and printed.

There was no objection, and it was ordered accordingly.

CHANGE OF NAME OF VESSELS.

Mr. RUSSELL, of Massachusetts. I am instructed by the Committee on Commerce to report a substitute for House bill No. 4768 and ask that the same be taken up for present consideration.

The SPEAKER pro tempore. The substitute will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances.

name of vessels under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury be, and hereby is, authorized to permit the owner or owners of any vessel duly enrolled and found seaworthy and free from debt, to change the name of the same, when, in his opinion, there shall be sufficient cause for so doing.

Sec. 2. That the Secretary of the Treasury shall establish such rules and regulations, and procure such evidence as to the age, condition, when built, and pecuniary liability of the vessel, as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Secretary he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of register. And the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name.

The bill was read a first and second time.

Mr. RUSSELL, of Massachusetts. I ask unanimous consent for the

present consideration of the bill.

Mr. COX. I hope that the bill will be passed without much debate.

It is a general bill, and it will enable us to get rid of all of these particular bills for this purpose.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. RUSSELL, of Massachusetts, moved to reconsider the vote by

which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. I rise to make a conference report on the immediate deficiency bill.

The SPEAKER pro tempore. The Clerk will read the report. The Clerk read as follows:

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 49:4) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 11, and 17, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, striking out the word "and" proposed to be inserted by said amendment; and the Senate agree to the same.

same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same with an amendment, as follows: Strike out "four" and insert "three;" and the Senate agree to the same.

J. A. McMAHON,

J. A. McMAHON,
T. R. COBB,
JAMES MONROE,
Managers on the part of the House.
WM. W. EATON,
JAS. B. BECK,
NEWTON BOOTH,
Managers on the part of the Senate.

The SPEAKER pro tempore. The Clerk will read the accompanying statement.

The Clerk read as follows:

The effect of the foregoing report, if adopted, will be as follows:

1. The appropriation for the Public Printer's office will be \$250,000. With the \$100,000 heretofore appropriated, and the \$50,000 on the star-route deficiency bill, (passed since the introduction of this bill.) the total deficiency allowed will be \$400,000—the amount originally agreed upon by the House in this bill.

2. The sixth amendment of the Senate appropriating money to continue the construction of the north wing of the State, War, and Navy Departments will be reduced from \$286,500 to \$100,000.

3. The ninth amendment of the Senate appropriating \$3,299.22 for the Official Gazette issued by the Patent Office will be agreed to.

4. The money appropriated for the commission on the codification of the land laws will be confined to the completion of such codification; the final report to be made February 1, 1881, as amended in the Senate. (See Senate amendments Nos. 10 and 11.)

5. The Senate receding from amendments 13 and 14, the text of the bill will remain as passed by the House providing for seven additional clerks in the Money-Order Office. There was no substantial disagreement at any time.

6. The appropriation for extra clerk hire and copying in the State Department will be \$3.000. The House allowed \$2.000; the Senate increased it to \$4.000. The Senate amendment is number 16.

7. By the receding of the House from its disagreement to the seventeenth amendment of the Senate, the Secretary of State will be authorized to pay A. B. Wood, Chief of the Consular Bureau, \$3.000 for his Revised Consular Regulations. The House allowed \$2.000; the Senate increased it to \$3.000—the amount originally appropriated for the purpose.

J. A. McMAHON, JAMES MONROE, From Committee on Conference.

Mr. McMAHON. Unless any gentleman desires any further explanation I shall move the previous question on the adoption of the

Mr. HAWLEY. It seems to be all right.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of con-

ference was adopted.

Mr. McMAHON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTSMOUTH, OHIO, A PORT OF DELIVERY.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. No. 559) to constitute the city of Portsmouth, in the State of Ohio, a port of delivery, reported by the Committee on Commerce with an amend-

The SPEAKER pro tempore. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the city of Portsmouth, in the State of Ohio, shall be, and is hereby, constituted a port of delivery within the collection district of New Orleans, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and all the privileges and facilities afforded by the act of Congress of the 2d of March, A. D. 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, to be secured and paid at those places," shall be extended to said port. A surveyor of customs shall be appointed to reside at said port, and perform the duties prescribed by law, who shall receive such compensation now provided, or which may hereafter be provided, by law, for surveyors of the same grade.

The amountment reported by the Committee on Commerce was as

The amendment reported by the Committee on Commerce was as

Add to the bill the following provise:

Provided, That the salary of the collector shall not exceed the net fees collected according to law at said port.

There being no objection, the bill was taken from the House Calendar, and the amendment reported by the Committee on Commerce was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINING DÉBRIS.

Mr. BERRY. I ask that by unanimous consent the bill (H. R. No. 5636) for the appointment of a commission to investigate the $d\delta bris$ question in the State of California be made a special order for Thursday next after the morning hour.

Mr. BLOUNT. I must insist that the appropriation bills shall not be interfered with.

Mr. BERRY. I do not ask that this shall take precedence of appropriation bills.

The SPEAKER pro tempore. The gentleman from California makes the request that this bill be made a special order, subject to the rights of appropriation and revenue bills, for Thursday next, immediately

after the morning hour.

Mr. BROWNE. I do not understand what the bill is.

The SPEAKER pro tempore. The Chair will give the gentleman

The SPEAKER pro tempore. The Chair will give the gentleman from Indiana an opportunity to understand whenever the House shall come to order. Gentlemen will be seated and conversation suspended.

Mr. BERRY. The object of this bill is to provide for the appointment of a commission to investigate what is known in the State of California as the mining débris question. By the washing down of our mountains in the process of gold mining the débris thereof is filling up our rivers and burying our lands. It is proposed that a commission of engineers shall be appointed by the War Department and by the Coast Survey Department to visit that State and see if there by the Coast Survey Department to visit that State and see if there can be any means devised by which that evil can be prevented, so that our navigable waters may be preserved. There has litigation sprung up in California out of this question, and there is an effort being made to enjoin the process of hydraulic mining. Mining is one of the great interests of that State, and this evil is becoming such that our rivers will be destroyed unless some remedy be provided. The bay of San Francisco itself eventually will be destroyed.

Mr. GARFIELD. Has the gentleman in his request reserved the

rights of appropriation and revenue bills?

Mr. BERRY. I have.

Mr. WARNER. This is an important matter, and the gentleman's

Mr. PAGE. I hope there will be no objection to it.
Mr. COX. What day is proposed?
Mr. BERRY. Thursday, one week from to-day.
There being no objection, the bill was made a special order for Thursday next, after the morning hour, subject to the rights of revenue and appropriation bills.

WILLIAM DADDS.

Mr. HENKLE. I ask unanimous consent that the bill (H. R. No. 1895) with the accompanying adverse report by the Committee on War Claims be taken from the table and placed on the Private Calendar. Mr. SIMONTON. What is the title of the bill f Mr. HENKLE. It is a bill for the relief of William Dadds, a citizen of Annapolis, Maryland. The Committee on War Claims made an adverse report. I was not present at the time that report was made. I ask that the bill and adverse report be taken from the table and placed on the Private Calendar. and placed on the Private Calendar.

There was no objection, and it was so ordered.

MARK WALKER.

Mr. O'NEILL. I ask unanimous consent that House bill No. 249 be taken from the Private Calendar for consideration at this time. The SPEAKER pro tempore. The bill will be read, after which the

Chair will ask for objections.

Chair will ask for objections.

The bill was read. It provides that the provisions of law regulating appointments in the Army shall be suspended for the purpose of this act, and only so far as they affect Mark Walker, late first lieutenant United States Infantry; and that the President can, if he shall desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said and, by and with the advice and consent of the Senate, appoint said Mark Walker, late first lieutenant Nineteenth United States Infantry, to the same grade and rank of first lieutenant held by him on May 30, 1878; and that the said Walker shall thereupon be placed upon the retired list of the Army, provided that the same shall be recommended by the retiring board; and provided further, that the acceptance of the provisions of this act shall be a waiver of all rights present and prospective under the pension laws of the United States.

Mr. O'NEILL. There is upon the Speaker's table a Senate bill, No. 2, on the same subject and in the same words. I ask that that bill be taken up for consideration in place of the House bill.

Mr. COX. Is this the regular order?

The SPEAKER pro tempore. It is not. The gentleman from Pennsylvania [Mr. O'NEILL] asks unanimous consent that the House now proceed to consider Senate bill No. 2, for the relief of Mark Walker. Is there objection to the present consideration of this bill?

Mr. SIMONTON. I call for the regular order.

The SPEAKER pro tempore. That is equivalent to an objection.

Mr. O'NEILL. This is entirely an unobjectionable bill, and is unanimously recommended by the Committee on Military Affairs.

The SPEAKER. The regular order is called for, which is the morn-

The SPEAKER. The regular order is called for, which is the morning hour.

ORDER OF BUSINESS.

Mr. CARLISLE. I believe the committees were all called yester-

Mr. CARLISLE. I believe the committees were all called yesterday during the morning hour of that day førreports. I therefore move that the morning hour of to-day be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. CARLISLE. I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the bill pending therein, to amend the laws in relation to internal revenue.

POST-ROUTES.

Mr. MONEY. I ask the gentleman from Kentucky [Mr. CARLISLE] Mr. MONEY. I ask the gentleman from Kentucky [Mr. CARLISLE] to withdraw his motion for the present, in order that I may move to take from the Speaker's table the bill of the House to establish postroutes, returned from the Senate with amendments. It will take but a few moments to dispose of the Senate amendments, and it is necessary that the bill be passed immediately.

Mr. CARLISLE. I withdraw the motion for that purpose.

Mr. MONEY. I now ask consent that House bill No. 5524, to establish not returned from the Senate with supplied to the table.

lish post-routes, returned from the Senate with amendments, be taken from the Speaker's table for consideration at this time. I will state that my object is to move a concurrence in the Senate amendments. They contain no legislation whatever; merely establish additional post-routes.

There was no objection, and the bill, with the Senate amendments, was taken from the Speaker's table.

curred in.

amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

itself into Committee of the Whole on the state of the Union for the purpose of further considering the bill to amend the laws in relation to internal revenue.

6 Internal revenue.
7 The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole,
Mr. THOMPSON, of Kentucky, in the chair.
The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. No. 4812) to amend the laws in relation to internal revenue. The Clerk will proceed with the reading of the bill. ceed with the reading of the bill.

The Clerk read the following:

SEC.11. That section 3330 of the Revised Statutes of the United States be amended by striking out the words "in quantities of not less than one thousand gallons," in the third line, and inserting in lieu thereof the words "or packages." And by striking out after the word "manner," in the twenty-second line thereof, the following: "And for the expense attending the providing and affixing such stamps, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation," and insert in lieu thereof the words "as other stamps."

The Committee on Ways and Means recommended an amendment, to strike out the following:

And by striking out after the word "manner," in the twenty-second line thereof, the following: "And for the expense attending the providing and affixing such stamps, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation," and insert in lieu thereof the words "as other stamps."

The amendment was agreed to. The Clerk read the following:

The Cierk read the following:

Sec. 12. That section 12 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out after the word "liquors," in the sixth line thereof, the words "and no cask or other package, such as is hereinbefore mentioned, in which distilled spirits, wines, or malt liquors have been imported, shall be used to contain domestic distilled spirits, under penalty of the forfeiture of such reused cask or package and the contents thereof."

Sec. 13. That section 13 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out after the word "sale," in the eighth line thereof, the following: "Or shall, for such purpose, manufacture, use, or have in possession any cask or package made in initation of, or intended to be in the similitude of, such imported casks or packages, with any imitation of such marks or bands thereon," and by striking out after the word "sold," in the fifteenth line thereof, the word "manufactured."

Mr. CONGER. There is a typographical error in the section 13 as read. In the clause "with any imitation of such marks or bands thereon" the word "bands" should be "brands."

The amendment was agreed to.
The Clerk read the following:

SEC. 14. That section 20 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all after the number of said section and substituting therefor the following:

"That under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages, from any distillery warehouse, so much distilled spirits as he may require for the said purpose, without the payment of the internal-revenue tax thereon."

SEC. 15. That section 3433 of the Revised Statutes of the United States be amended by striking out the words "except distilled spirits," in the twenty-sixth and twenty-seventh lines thereof.

The Committee on Ways and Means recommended that section 15 be stricken out.

The amendment was agreed to.

The Committee on Ways and Means further recommend that the following be inserted as a new section:

Sec. 15. That where spirits are withdrawn from distillery warehouses for transfer to manufacturing warehouses, under the provisions of this act, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents we employes, occurring during transportation from a distillery warehouse to a manufacturing warehouse.

Mr. CARLISLE. That amendment was prepared and sent to the Committee on Ways and Means by the Secretary of the Treasury from the office of the Commissioner of Internal Revenue.

The amendment was agreed to.
The Clerk read the following:

Mr. CARLISLE. I withdraw the motion for that purpose.

Mr. MONEY. I now ask consent that House bill No. 5524, to establish post-routes, returned from the Senate with amendments, be taken from the Senaker's table for consideration at this time. I will state that my object is to move a concurrence in the Senate amendments. They contain no legislation whatever; merely establish additional post-routes.

There was no objection, and the bill, with the Senate amendments, was taken from the Speaker's table.

Mr. MONEY. I move that the amendments of the Senate be consurred in.

The motion was agreed to.

Mr. MONEY moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CARLISLE. I now renew my motion that the House resolve

Mr. CARLISLE. I now renew my motion that the House resolve

The Committee on Ways and Means recommended an amendment to the section, to add the following:

Provided, That all export stamps issued to collectors shall be charged to then as representing the value of ten cents for each stamp, and they shall collect the amount due for such stamps at the rate of ten cents for each stamp issued in such manner and at such time as the Commissioner of Internal Revenue may prescribe, and the Commissioner may, in his discretion, make assessment therefor

Mr. CONGER. I desire to move to strike out this section. Mr. CARLISLE. Before the gentleman makes that motion, I ask that a vote be taken on the amendment recommended by the Com-

mittee on Ways and Means.

Mr. CONGER. That is right, to perfect the section before the question is taken on the motion to strike out. If the section is to stand, I have no objection to the amendment.

The amendment of the Committee on Ways and Means was agreed

Mr. CONGER. I now move to strike out the section as amended. I do not care to discuss the matter, but I offer the amendment in pursuance of what I said the other day; and if I can be allowed to have a vote on it in the House that is all I desire.

Mr. CARLISLE. I agreed with the gentleman from Michigan [Mr. CONGER] yesterday afternoon, when it was apparent that otherwise

the point of order would be made that there was no quorum in the committee, that he should have an opportunity in the House to move and have votes upon three amendments which he indicated, and this is one of them. If the gentleman is content to have a vote on his amendment in committee to stand as rejecting the amendment, I am willing to allow him an opportunity in the House to offer the amend-

ment and have a vote upon it.

Mr. CONGER. I am willing that my amendment shall be regarded as rejected with the understanding that I may offer the same amend-

ment in the House and have a vote upon it.

Mr. CARLISLE. That is the understanding.

The amendment of Mr. CONGER was not agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 18. Whenever the owner of any distilled spirits shall desire to withdraw the same from the distillery warehouse he may file with the collector a notice giving a description of the packages to be withdrawn, and request that the distilled spirits be reganged; and thereupon the collector shall direct the gauger to regange the same, and mark upon each package so reganged the number of gauge or wine gallons and proof-gallons therein contained. If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in each cask or package at the time of the withdrawal thereof from the distillery warehouse: Provided, Nowever, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed one gallon for two months, or part thereof, one and one-half gallons for there and four months, two gallons for five and six months, two and one-half gallons for seven and eight months, five gallons for nine and ten months, three and one-half gallons for eleven and twelve months, four gallons for thirteen, fourteen, and fifteen months, four and one-half gallons for twenty-five, twenty-we, twenty-three, and twenty-four months, six gallons for twenty-five, twenty-six, and twenty-seven months, six and one-half gallons for twenty-five, twenty-six, and twenty-seven gallons for thirty-one, thirty-two, and thirty-three months, and seven and one-half gallons for thirty-one, thirty-two, and thirty-three months, and seven and one-half gallons for thirty-four thirty-four, thirty-five, and thirty-three months, and seven and one-half gallons for thirty-four continuity. Provided, also, That the foregoing allowance of loss shall apply only to casks or packages of less capacity than forty gallons.

The first amendment reported by the Committee on Ways and Means

The first amendment reported by the Committee on Ways and Means to section 18 was read, as follows:

In line 12 strike out the word "each" and insert the word "such."

The amendment was agreed to.

Mr. FORT. I desire to move to strike out this section.

The CHAIRMAN. The second amendment proposed by the Committee on Ways and Means to the section has not been read. These amendments designed to perfect the bill will be voted upon before the question is taken on striking out the section.

The second amendment proposed by the Committee on Ways and

Means to section 18 was read, as follows.

Add to the section he following:

And provided further. That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than the proof at which said spirits were entered into the warehouse; and in case it shall appear upon such regauging that the proof of such spirits is less than when entered, no allowance or deduction shall be made, but the distiller or owner shall pay the tax upon the original quantity.

Mr. CARLISLE. Before the gentleman submits his motion to strike out the section, I desire that we may be allowed to perfect it. The amendment just read was recommended by the Committee on Ways and Means at my suggestion. Subsequent reflection, however, has satisfied me that it ought not to be adopted, and that in a good many cases, especially as regards high wines and alcohol manufactured in the Western States it would work injustice. The amendment as now pending absolutely excludes the manufacturers of spirits from any participation in the benefits of the proposed allowance, provided the proof of the spirits has been diminished to the least extent in the ware-house. Large quantities of spirits manufactured in the West are put into the warehouses at 65, 70, or 80 per cent. above proof. Now, if such spirits should be stored in a warehouse not entirely dry, my understanding from gentlemen engaged in the business is that there may be a small diminution in the proof when the spirits are withdrawn. Mr. CARLISLE. Before the gentleman submits his motion to strike

Hence, in quite a large number of cases the amendment might work injustice to the owners of that kind of spirits.

I have prepared a substitute for this amendment, which I think will accomplish the whole purpose that was intended by the original amendment, and at the same time will do no injustice to any class of distillers. I ask the Clerk to read the amendment which I propose as a substitute for the amendment reported by the committee to this section.

The Clerk read as follows:

And provided further, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per cent.; and in case it shall appear upon such regauging that the proof of such spirits is less than 100 per cent., the distiller or owner shall pay the tax upon the wine-gallons.

per cent, the distiller or owner shall pay the tax upon the wine-gallons.

Mr. CARLISLE. I think this will accomplish the purpose which the committee had in view and at the same time will, as I have said, avoid doing injustice to the manufacturers of these high wines and alcoholic spirits in the Western States. These spirits when put in a damp warehouse lose a small percentage of proof by reason of the fact that they absorb the moisture from the surrounding atmosphere.

Mr. CONGER. The theory upon which this amendment is offered, I presume, is to prevent the clandestine withdrawal of high-proof spirits and filling the barrels with an inferior proof. But under the amendment the distillers have as a range for fraud, if they desire to resort to it, the difference between 100 and 188, alcohol proof. I think the provision in this form is much worse than the other, which provided that there should be no allowance for reduction below the proof at which the liquor was gauged when put into the warehouse.

provided that there should be no allowance for reduction below the proof at which the liquor was gauged when put into the warehouse. It seems to me that the amendment of the gentleman gives opportunity for fraud which would not exist under the amendment of the committee. I think it is a very dangerous amendment.

Mr. CARLISLE. There is no doubt that the gentleman from Michigan [Mr. CONGER] is correct in supposing that if the distiller or owner of high-proof spirits or alcohols could clandestinely have access to the warehouse, abstract the spirits from the barrel and put in water he might accomplish a fraud much the Government, provided water, he might accomplish a fraud upon the Government, provided water, he might accomplish a traud upon the Government, provided he did not reduce the proof below 100 per cent. But I submit to the gentleman that under the operation of the present bill, if passed, the spirits will be gauged by a Government officer when placed in the bonded warehouse and gauged likewise when withdrawn. Now, if a case such as that suggested by the gentleman from Michigan should actually occur, any Government officer would instantly know that a fraud had been committed on the revenue, because he would know as a matter of absolute fact within his own experience that such a radical change in the composition of the spirits as that suggested by the gentleman could not occur by any natural process, and that there must have been a fraudulent manipulation of the spirits in the bonded warehouse.

Besides, it would be wholly impossible for the owner of the distillery to have access to the bonded warehouse for the purpose of at-tempting to commit this fraud on the revenue, without the actual knowledge and participation both of the Government storekeeper and

the Government gauger.

Mr. CONGER. And if that collusion did exist it would be carried under this law to an unlimited extent.

Mr. CARLISLE. Not to an unlimited extent, because the bill prescribes a maximum allowance under all circumstances. But why may

not frauds be committed under the present law?

Mr. CONGER. Not so much under the present law.

Mr. CARLISLE. Perhaps so much would not be gained under the present law as could be gained under this bill, if we assume that the Government officers are to be in collusion with the distiller or owner

Mr. CONGER. The present law does not allow leakage.
Mr. CARLISLE. No; the present law does not allow fer leakage or evaporation, and that is just what constitutes the temptation to commit fraud under the present law, as I think I could show very clearly, and will perhaps endeavor to show if we have discussion on the main provision of this section.

The points I wish to submit to the committee are these: that, in the first place, a fraud cannot be committed on the spirits in the bonded warehouse without the knowledge and actual participation of the Government officers, who at all times carry the keys to the buildings and absolutely exclude the owner even from examination of his property except in their presence; and, in the second place, that if there should be collusion by which such a process could be conducted, as the gentleman from Michigan supposes, the fraud would be patent on the face of the spirits the moment they were withdrawn from the warehouse, because every man engaged in the business and every Government officer who might see the spirits would certainly know that no such result could have been produced except by artificial I care nothing about the matter so far as the manufacturers of spirits in Kentucky are concerned; it is a matter of no consequence of spirits in Kentucky are concerned; it is a matter of no consequence to them, for they are entirely willing to take the first provision as reported by the committee; but after conversation with gentlemen who represent this interest in other States the impression was made upon my mind that the operation of this amendment might be injurious and unjust to them, and in order to avoid doing injustice to anybody, as far as possible, I prepared that substitute, which I think will provide a remedy against fraud and at the same time injure no one.

Mr. YOUNG, of Tennessee. Mr. Chairman, I shall not say much

about the amendment and perhaps I ought not to speak on this subject at all, as I never made any whisky, never stored any, and never drank any. [Laughter and cries of "That's too thin!"] I cannot therefore claim to be an expert or one having knowledge whereof he speaks. Forming my opinion from frequent declarations of my republican friends, I had concluded, before the commencement of the discussion which has been had upon this bill, that the subject of whisky was peculiarly under the charge of the democratic party, that they alone possessed any information concerning it, that the other they alone possessed any information concerning it, that the other side held it in such abhorrence they could scarcely bring themselves to even mention the unclean thing. But it must be admitted, I think, that republican gentlemen have in the discussion evinced an acquaintance with the subject so thorough and intimate that it could hardly have been acquired otherwise than by the closest relations and most frequent actual contact. [Laughter and applause.] Either this or our American politicians and representatives are the most remarkable to be found in any country in the world, for their marvelous versatility of talent extent, and diversity of information upon all substitute of the country of the country in the world, and it is not all substituted in the country in the world, for their marvelous versatility of talent extent and diversity of information upon all substitutes. satility of talent, extent, and diversity of information upon all subjects and their aptitude for its sudden requirement.

The big-brained and accomplished orator from Ohio [Mr. Gar-

The big-brained and accomplished orator from Onlo [Mr. GAR-FIELD] never discussed a ponderous question of statecraft or measure of party policy with more ease and fluency than he did the tax on whisky, [laughter,] displaying a thorough acquaintance with all the different varieties of the article, the methods of their manufacture different varieties of the article, the methods of their manufacture and means of improvement. [Laughter.] While the veteran statesman from Pennsylvania [Mr. Kelley] never spoke more eloquently and exhaustibly upon his favorite themes of protection and finance than he has upon the matter of whisky distillation and the proper method of subjecting it to Government taxation. [Laughter.] And my good-natured friend, the gentleman from Michigan, [Mr. Conger,] manifested the same erudition and good feeling which he displays in the discussion of all other questions. [Laughter.]

The only fault I find with his treatment of the question is that he does not seem to appreciate the importance of improving whiskies either by age or the mechanical agencies so familiar to the gentleman

does not seem to appreciate the importance of improving whiskies either by age or the mechanical agencies so familiar to the gentleman from Ohio, [Mr. Garfield.] In fact he manifests a total indifference as to whether the whisky is good or bad; but perhaps the quality of the Michigan article may have something to do with this. [Laughter.] Learned as all these gentlemen are upon the subject it is only natural that very wide differences of opinion should exist between them in respect to it, for it would scarcely be possible for so much whisky learning to flow smoothly in the same channel. [Laughter.] I am in favor of this bill and anxious for its passage, because I believe that its provisions are just and fair, both to the Government and every class of dealers. It is an important interest in the city where

every class of dealers. It is an important interest in the city where I live, and many of my most reputable and respectable constituents have invested large capital in the business. I am not surprised, however, that it should meet with opposition from various quarters and upon various grounds, but the blow dealt it by my junior colleague [Mr. Simonton] is the cruelest and unkindest of all. He says he wants the consumers to pay the tax. That certainly is in the main the proper method of apportioning taxation. But does not my friend know if it were done in this case, at his suggestion, he would be imposing a most oppressive burden upon his own people? Does he not know that there is less tax paid and more whisky drank in his district to the square mile than in any other similar-sized territory in the United States? [Laughter.] At least no other locality having these characteristics in an equal degree can be found upon any standard map with which I am acquainted. [Laughter.]

Now, I dislike to tell it, but I believe it is susceptible of proof that

a large majority of my colleague's constituents have not allowed an hour of daylight to pass since they were three years old without testing the quality of some character of exhilarating liquid, [great laughter,] and that they never had a drink of good whisky except when they came to Memphis to be tried for violation of the revenue law or

upon some other business. [Laughter.] I protest, therefore, against this onslaught made by my colleague upon a large and profitable business in which so many of my constituents are engaged, as the only particular interest which his district has in the subject is the amount of whisky which his constituents drink, and the quantity manufactured in a few moonshine distilleries. [Laughter.] I hope, therefore, my colleague will change his mind and support the bill so that we may make good whisky, by keeping it in store for a while, out of the moonshine product of his district.

[Laughter.]

Now, Mr. Chairman, as I have said before, I am in favor of this bill because I believe it is as fair and just a one as can be devised to protect the interest of the Government as well as of that of those who are engaged in whisky manufacture, whisky selling, and whisky drink-

are engaged in whisky manufacture, whisky selling, and whisky drinking. [Laughter.]

Mr. CONGER. Mr. Chairman, I hardly know without giving offense to the democracy—and I am always scrupulously careful about saying anything that will give them offense, as is well known, [laughter]—how to say what I desire to say about the gentleman's charge that I seem to be particularly familiar, without being a democrat, with the subject of whisky. Now, sir, I have but this apology for what knowledge I have, and that is that for a great many years I have been in direct personal contact with the democracy as one of their hand-to-hand opponents their hand-to-hand opponents-[Here the hammer fell.]

Mr. YOUNG, of Tennessee. I yield to the gentleman from Michigan the balance of what time I may have left.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONGER. I move to strike out the last word. I say that being a hand-to-hand opponent of the democracy, I have been in such close connection with them in my opposition that if I have not been able to feel their influence I have certainly smelt their breath. [Laughter.]

Now, sir, another point the gentleman speaks of. I cannot tell whether the whisky of Memphis has made that, above all other places whether the whisky of Memphis has made that, above all other places in the United States, the most dangerous place to live in and the most dangerous place in the world. I say I do not know whether it is the bad whisky of Memphis that has done this, or whether it is the bad whisky of Memphis that compels my friend to come up into the wholesome region of Michigan to spend his summers. If it is, he might be able to take some good advice from the gentleman from Ohio, or from myself, in order that he might better the whisky of Memphis.

Memphis.

But, sir, he says that he is in favor of this bill. The gentlemen who advocate this bill from either side of the House, and this last section especially, ask Congress to pass a law relieving the Treasury of \$1,750,000 a year, according to the last year's estimate; and according to the average of seven months of this year, and the amount of whisky manufactured and stored, relieving the whisky-makers of a tax of \$2,000,000. To take that by one act of Congress out of the Treasury and give it to the whisky-makers and whisky-drinkers of this country is the object of this section of the bill.

I gave notice that I should move to strike out this section from the bill if it had not been amended to remedy this. I have a report from the Commissioner of Internal Revenue in which he says:

I have gone over that subject-

Of this reduction, this leakage-

carefully, and I think that the annual allowance for leakage would be equivalent to \$1,750,000.

You will find that on page 28 of the report reciting the statement of Mr. Raum before the committee on this subject.

I speak now of this general section, as we are under the five-minute rule and as I have the opportunity, because I desire to know whether this committee or the House, in addition to granting all the whether this committee or the House, in addition to granting all the other claims which the manufacturers of spirits have asked for within the last year or two of this Congress and this House—whether they shall now strike out of the Treasury by one short section one million and three-quarters of dollars. Not only what may hereafter be put into the warehouses and all that, but the whole amount which has been leaking in these warehouses for the last three years.

If the democratic party can stand that reduction of the revenue in favor of their natural beverage, [laughter,] I hope they will have an opportunity of recording their names to that effect in a yea-and-nay vote in the House.

[Here the hammer fell.]
Mr. ARMFIELD. I desire to ask if it be in order now to offer an amendment?

The CHAIRMAN. It is not in order at this time.

Mr. ARMFIELD. I desire, if it be proper, to offer an amendment to come in at the close of the section.

The CHAIRMAN. The amendment to the substitute now pending

is as far as the committee can go in the reception of amendments.

Mr. CONGER. I withdraw the pro forma amendment.

Mr. CONGER. I withdraw the pro forma amendment.

Mr. FORT. I renew it.

As this section is now under debate I suppose it might just as well be considered, and whatever is to be said for or against the section might as well be said here and now, as upon a motion to strike it out when it comes hereafter. Therefore, by consent of the gentleman from Kentucky and the House, I wish to state first, that I know but very little about whisky in any form. I know scarcely anything about distilling, but I appear before you as a representative of democrats and republicans alike who are engaged in this manufacture, and who ask that this section should be stricken out. I believe every distiller in the city of Peoria but one, and every distiller in the city of Pekin but one, ask that this section should be stricken out; and within a few moments past I have received a dispatch from Woolner Bros., in a few moments past I have received a dispatch from Woolner Bros., of Peoria, the largest distillers in the world, stating that they represent the entire distillers of that place, and ask the House to strike out this section. Now, why † That is for us to consider. Peoria and Pekin, Illinois, make perhaps more whisky and high wines than any other place in the United States. I know they do, a great deal more, more perhaps than is made everywhere else in the United States. They think that this section is not friendly to their business. Why † Because under it those who are engaged in the manufacture of whisky to drink, sour-mash whisky, if you please, are, under the law as it now exists, entitled to place it in bond and let it lie there three years: and then when it comes out of the warehouse the sour-

three years; and then when it comes out of the warehouse the sourmash makers only pay tax upon what it gauges out; while the high-wine makers are compelled to pay tax on all that it measures. Thus this section gives, as I understand it, an advantage to the sour-mash distillers of all that the whisky will evaporate in three years' time, which is a very considerable item, and amounts to over a million and a half of dollars.

A MEMBER. A million and three quarters.

Mr. FORT. Now, it seems that we have given to the sour-mash makers an advantage of three years within which they are not compelled to pay that tax. They may wait that long.

Mr. HOUSE. I wish to ask the gentleman, are the high wines not readily sold the moment they are made?

Mr. FORT. Certainly. They are sold the moment they are made. They pay tax upon the whisky as it is made. The sour-mash distillers, having three years, ask that they shall have the benefit of evaporation for three years, and pay tax then on what whisky they shall then measure out. then measure out

Mr. MORRISON. Don't they both pay taxes when they sell?

Mr. FORT. Certainly; they pay tax on all they measure out and all they measure in. That is not the point. I want to call the attention of the committee right to the point. This is a discrimination in favor of the sour-mash distillers.

Mr. MORRISON. You state a discrimination that does not exist. Mr. CARLISLE rose.

Mr. FORT. I come here representing a very large interest and I think I should be permitted to occupy my five minutes, which certainly are not long enough for the discussion of such a question as

Mr. CARLISLE. I wish my friend from Illinois [Mr. Fort] to have all the time he desires. I rose because I thought his time was

Mr. FORT. I do not often trouble the House, and think I should

be permitted to proceed.

There is another point to which I desire to advert. We know that There is another point to which I desire to advert. We know that fraudulent manufacturers are all the time watching the Treasury officers, ready to take advantage of everything they can. Under the law as it now is they must pay the tax when they make the whisky. Under this section you allow them to keep the whisky three years longer. It gives fraud three years longer in which to succeed than the high-wine makers have; because they manufacture the whisky today; they measure it to-day; to-morrow they sell it and it is gone.

Mr. WILLIS. Have they not the right to keep it three years if

they desire?

Mr. FORT. Certainly they have; but they are engaged in making high wines. My friend's constituents are engaged in making sourmash whisky to drink.

Mr. WILLIS. All my constituents, rectifiers and all, are in favor of this bill. The petition is signed by some of the largest rectifiers

in the State of Kentucky.

Mr. FORT. Every distiller in my district is opposed to it.

Mr. WILLIS. I think you are mistaken in that.

[Here the hammer fell.]

Mr. ARMFIELD. Is an amendment to the amendment now in

The CHAIRMAN. It is.
Mr. ARMFIELD. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend the amendment as follows:

The tax on spirits distilled from corn, wheat, rye, barley, or other grain, or from any mixture of corn, wheat, rye, barley, or other grain, with other substances, after the 1st day of January, A. D., 1881, shall be fifty cents per gallon; and all laws imposing any tax on spirits distilled exclusively from apples, peaches, pears, grapes, or other fruits, are hereby repealed.

Mr. PRICE. I make the point of order on that amendment that it

changes existing law and is not in the line of retrenchment.

The CHAIRMAN. This is not a general appropriation bill, and the

point of order does not lie.

Mr. PRICE. This is new legislation.

The CHAIRMAN. But it is not a general appropriation bill. The Clerk will read clause 3 of Rule XXI.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill, &c.

The CHAIRMAN. The Chair overrules the point of order.
Mr. ARMFIELD. I desire to say a word in advocacy of the amendment I have offered. I fully recognize the duty of Congress to raise by taxation a sufficient sum of money to pay the public debt, both principal and interest, and run the Government. It is not my design in offering this amendment to cripple the Government in its revenue; but it seems to me that the time has now arrived, when we are paying off the public debt at the rate of nearly ten millions a month, when we may reduce the tax upon whisky.

Mr. PRICE. I rise to a question of order. Has the Chair ruled

upon the point of order?

The CHAIRMAN. The Chair has ruled upon the point of order.

Mr. PRICE. Will the Chair permit me to make another point of order f

The CHAIRMAN. The gentleman from North Carolina is on the

the point of order when my colleague [Mr. ARMFIELD] is proceeding with his remarks.

Mr. PRICE. Is he discussing the point of order?

The CHAIRMAN. The point of order was overruled.

Mr. PRICE. I wish to make another.

Mr. CABELL. The point of order of the gentleman from Iowa was overruled, and it is not competent for him to take the gentleman from North Carolina when speaking to his amendment off the floor by making another point of order.

ing another point of order.

Mr. PRICE. I desire if that point of order has been overruled to make another point of order. It is that the same subject is in an-

make another point of order. It is that the same subject is in another bill being considered now.

The CHAIRMAN. The gentleman from Iowa is too late in making the point of order. The gentleman from North Carolina [Mr. ARM-FIELD] is on the floor, and will proceed.

Mr. ARM-FIELD. In collecting the revenues necessary to run the Government we should be careful not only to collect them in the manner least oppressive but the manner least violative of the views

manner least oppressive but the manner least violative of the views and even of the prejudices of the people. In a country like this, where public opinion is stronger than the law itself, it becomes the legislator to regard even the prejudices of the people.

In a large portion of the country that I represent, the mountains of North Carolina, the people have not the conveniences of railroad transportation or navigable waters, and it is impossible for them to transport their grain to market without the expense of transportation eating up a great portion of the value of the grain. The people are therefore compelled in that country in order to market their

tion eating up a great portion of the value of the grain. The people are, therefore, compelled in that country, in order to market their grain, to first convert it into whisky.

The present high taxes upon the manufacturer of distilled spirits have had the effect of crushing out all the small distilleries and giving the large distilleries the monopoly of the business. I propose to reduce this tax to fifty cents upon the gallon. That will be such a tax as the people will approve of, and it will stop all efforts on their part to evade the revenue law.

In regard to that portion of my amendment proposing to repeal the tax on brandy made from fruit, grapes, &c., I desire to say that I do not believe there is the same reason for imposing a tax upon brandy as there is upon whisky, because the manufacturer of brandy does not in any way interfere with the supply of breadstuffs for the country.

Then, also, in a country like that which I have described, far from railroads and means of transportation to market, the fruit in the orchards is often left to rot on the ground. I have myself seen thousands of bushels of apples rotting in the orchards of the farmers because they could find no market for the apples, and they could not convert them into brandy on account of the oppressive internal-rev-

convert them into brandy on account of the oppressive internal-revenue laws. For this reason I have offered this amendment.

Mr. CARLISLE. Of course it is impossible to discuss the whole subject covered by section 17 of this bill within the short period of five minutes. I desire, however, to say a few words in reply to what was said by the gentleman from Illinois, [Mr. Fort.] That gentleman seemed to be laboring under the impression that the passage of this bill words are incapable to be presented to the manufacturers of high said by the gentleman from linnois, [Afr. FORT.] That gentleman seemed to be laboring under the impression that the passage of this bill would work some inequality between the manufacturers of high wines and the manufacturers of what are known as fine whiskies. The gentleman very correctly stated that as a general thing manufacturers of high wines pay their tax immediately upon the production of the article. That is true, for the reason that, as a general thing, they sell the spirits immediately after they are produced. It is not true that under the present law, or under this bill if it shall become law, the high-wine makers will be required to pay the tax upon a single drop of spirits not manufactured and sold. At present there is a gross inequality in the law between the manufacturers of the finer whiskies and the manufacturers of high wines, for the very reason that high wines are ready for the market the moment they come from the still, and as a general thing are sold immediately after they, come from the still, and the tax is then paid upon it. The manufacturer of high wines pays, therefore, no tax until he actually sells the article, when he immediately gets his tax back from the purchaser. He does not pay the tax upon a single drop of spirits not sold by him.

How is it with the manufacturer of the other grades of spirits? His product when it comes from the still is not ready for the market, but it is immediately drawn into packages, gauged, marked, and branded for tayation. Afterward when it is withdrawn from the weaponse.

it is immediately drawn into packages, gauged, marked, and branded for taxation. Afterward when it is withdrawn from the warehouse and put on the market for sale, although there may be a loss of ten gallons on each package, he is required to pay tax at the rate of ninety cents per gallon upon the whole quantity which went into the warehouse. He is thus compelled to pay tax on a large quantity of spirits which he does not sell, which in fact has no existence, but which has evaporated into the air, while the manufacturer of high wines, as I have already said, does not pay tax upon a drop of spirits that he does

There is still another class of distillers known in the law as continuous distillers; that is, men who not only distill the spirits but who rectify, refine, or purify them before they leave their own establishments. Under the present law these continuous distillers receive an exemption to the extent of about 5 per cent. upon the whole product of their distilleries.

floor.

Mr. PRICE. Is he discussing the point of order?

Mr. SCALES. It is too late for the gentleman from Iowa to make of the gentlemen who appeared before the Committee on Ways and I can show from the official surveyed capacity of his distillery on file in the office of the Commissioner of Internal Revenue that one

Means in opposition to this bill, and who is himself a continuous distiller, receives an allowance, upon which he pays no tax to the Government, amounting to 172,800 gallons of spirits every three years, equivalent to \$155,520 of tax. And if time would permit me I can demonstrate to this committee the process by which this result is reached.

No wonder that this class of distillers should be opposed to this bill, because if passed it would put other manufacturers of distilled spirits upon the same footing with themselves, and allow to them the privilege of paying tax only upon their products which they actually sell in the market, giving to them a reasonable allowance for the evaporation and leakage which take place during the natural process of

The ordinary distiller is required by the law to pay a tax upon the full quantity of spirits which comes from the receiving cistern of the distillery, no matter how much may be lost afterward by evaporation or leakage before the spirits go upon the market. But the continuous distiller is allowed to take the product of the still from the receiving cistern into other tubs and vessels and there subject it to a certain process for refining and rectifying it, and after that process, which fits it for the market, which gives it a higher value, and by which it loses from 4 to 5 per cent. in quantity, the article is for the first time gauged, marked, and branded for taxation. So that the certificate the process is a supplied to the continuous distiller was to worm the refined the particle of the certification. continuous distiller pays tax upon the refined, the purified, the rectified article, ready for market, enhanced in value by the process to which he subjects it; while the other distiller pays the tax upon the crude product as it first comes from the still without any allowance

crude product as it first comes from the still without any anowance whatever for waste, absorption, evaporation, or leakage.

Several members addressed the Chair.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. PRICE. I suggest that there has been but one speech on the amendment of the gentleman from North Carolina, the speech made by himself. The gentleman from Kentucky [Mr. CARLISLE] has an endment of the amendment of the gentleman from Kentucky [Mr. CARLISLE] has spoken upon the amendment offered by the gentleman from Illinois. Now I claim the floor to take the negative side upon the amendment of the gentleman from North Carolina.

The CHAIRMAN. The Chair cannot control the line of remark which may be pursued by gentlemen obtaining the floor.

Mr. PRICE. The Chair is very well aware that what I have said a sweatly served.

is exactly correct

The CHAIRMAN. If the gentleman from Kentucky [Mr. Carlisle] did not speak in opposition to the amendment of the gentleman from North Carolina, the gentleman from Iowa [Mr. PRICE] should have raised the point of order at the time.

Mr. PRICE. I am not raising a point of order. I rise, as is my right, to reply to the remarks of the gentleman from North Carolina. The CHAIRMAN. The gentleman is not in order.

The amendment of Mr. ARMFIELD was again read.

Mr. VAN VOORHIS. I move to amend by striking out the word spirits" wherever it occurs.

The CHAIRMAN. No further amendment is now in order.
Mr. SIMONTON. I rise to a parliamentary inquiry—whether the amendment just reported is an amendment to the pending amendment or an amendment to the section?

The CHAIRMAN. It is an amendment to the proposition of the gentleman from Kentucky, [Mr. Carlisle,] who proposes a substi-tute for the amendment reported by the Committee on Ways and Means.

The question being taken on the amendment of Mr. Armfield, there were—ayes 41, noes 72; no quorum voting.

Tellers were ordered; and Mr. Armfield and Mr. Conger were

The committee divided; and the tellers reported—ayes 37, noes 84.

So the amendment of Mr. Armfield was not agreed to. Mr. LOWE. Is there any chance to get the yeas and nays on this proposition?

The CHAIRMAN. None.

Mr. SCALES. I move as an amendment to the amendment the

That all brandies hereafter made by the owner or lessee on his own farm, from apples, peaches, and grapes which are the products of said farm, be, and are hereby, exempted from taxation.

Those who have heard this amendment will see—
Mr. CONGER. I make the point of order that this amendment is not germane to the subject-matter of the bill. The amendment undertakes to regulate the tax on spirits, while the pending bill does not in any manner attempt to regulate the taxes on any of the subjects

under consideration.

Mr. CARLISLE. The bill before the House does not touch upon

brandies in any way whatever.

Mr. CONGER. It does not attempt to regulate the taxation on spirits at all.

Mr. SCALES. I rise to discuss the point of order. I submit that the bill before the House—

Mr. PRICE. I want to give notice that if the decision of the Chair should be adverse to the pending point of order, I have a point of order to submit; and I will try to make it in time.

The CHAIRMAN. The Chair will hear the point of order of the gentleman from Iowa in due season.

Mr. SCALES.

Mr. SCALES. I understand that this bill (though I am not very

familiar with its provisions) makes a very considerable change in the revenue laws of the country; and by this change, as the gentleman from Michigan [Mr. Conger] himself admits, there will be a reduction of taxation to the amount of one or two million dollars. This amendment is germane to the revenue laws; it is offered as part of the revenue laws. Those laws being under consideration in this bill, they are clearly amendable by the adoption of such a proposition as I submit.

I do not see, Mr. Chairman, that it makes any difference whether the proposed reduction of tax relates to tobacco or whisky or brandy. I propose a reduction of taxation under the revenue laws. The amendment is in order, because the bill to which it is offered is a modifica-tion of the revenue laws. My amendment only proposes a still further modification.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Michigan. This is a bill affecting the revenue laws; and the amendment offered by the gentleman from North Car-

olina has relation to the same subject-matter.

Mr. PRICE. I make the further point of order that the same matter embraced in this amendment is now before the House in a sepa-

Mr. SCALES. What bill, I ask the gentleman?
Mr. PRICE. I have not the bill before me, but my friend will not

dispute the fact.

Mr. SCALES. I do.

The CHAIRMAN. The point of order made by the gentleman from Iowa is that this amendment is in substance the same as a bill which is pending before the House.

is pending before the House.

Mr. PRICE. The same question is exactly in another bill.

The CHAIRMAN. The same in substance?

Mr. SCALES. Allow me a moment on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. SCALES. I suppose the gentleman from Iowa refers to a bill introduced by me early in the extra session, but that is a general bill reducing the tax on brandies made from grapes, apples, and peaches.

This is not a general bill, but is a provision simply to reduce tax on brandy made by small farmers in the country, made by themselves on their own farms, and has no reference to brandy made by anybody else or at any place.

on their own farms, and has no reference to brandy made by any body else or at any place.

Mr. CARLISLE. Will the gentleman from North Carolina allow me to ask him whether there is not a bill now pending before the Ways and Means Committee to effect the same thing this amendment

Mr. SCALES. No, sir; there is a bill which does more than this, but there is no bill, so far as I know, which does this and does no more.

Mr. CARLISLE. I did not hear the reading of the amendment dis-

Mr. CARLISTE. I did not hear the reading of the tinetly.

Mr. SCALES. I will state to the gentleman that my amendment applies distinctly and only to brandy made by farmers from fruit which is the product of their farms, and extends no further.

The amendment to the amendment was again read.

Mr. CABELL. My friend the gentleman from Kentucky asked the question whether there was not a bill of that same character pending before the Ways and Means Committee. Let me say in reply he may before the Ways and Means Committee. Let me say in reply he may have allusion to a bill which I offered, and which is pending before the Ways and Means Committee, and to which I called his attention, if he will recollect, more than once. But it is not the same in substance as this amendment. That bill was to the effect that the reduction of tax on brandy made from fruits should be general, but this amendment offered here to-day by the gentleman from North Carolina confines it to farmers who raise their brandies on their own farms. It is not, therefore, the same bill at all.

Mr. PRICE. The gentleman from North Carolina and the gentleman from Virginia who has just taken his seat both admit there are such bills before the Committee on Ways and Means, in reference to exempting from taxation brandies made from fruit. I will say to the chairman it does not make any difference whether the brandy is made before the Ways and Means Committee. Let me say in reply he may

chairman it does not make any difference whether the brandy is made on the same farm where the fruit is raised or made on some other man's farm, or whether the article is made by a man who lives off the farm or not, it is an exemption of the article from taxation, and that same question is before the Committee on Ways and Means by two

same question is before the Committee on Ways and Means by two bills as admitted by both gentlemen.

Mr. SCALES. Let me ask the gentleman one question on the point of order. Is it the substance of the bill before the committee if the amendment does not accomplish as much? Can it be the substance of the bill before the committee, when the bill applies to all brandies by whomsoever and wheresoever made, and the amendment applies to the substance of the bill before the committee, when the bill applies to all brandies by whomsoever and wheresoever made, and the amendment applies to the substance of the bill before the committee of the bill before the substance of the bill before the subst plies only to brandles made by farmers on their own lands and from their own fruits? The bill includes the amendment, but the amendment cannot contain the bill, and cannot therefore be the substance

Mr. PRICE. I need not tell my friend from North Carolina it is precisely the same thing, as it covers the reduction of tax on precisely

the same article.

Mr. MILLS. I think, Mr. Chairman, it would be a dangerous precedent to establish that because a bill is pending before this House covering a general proposition, you cannot, therefore, introduce an amendment comprehending part of the same subject and attach it to some proposition pending before the House in order. Because, if that

is to be the rule to determine the action of this House, it means simply then a clog of all legislation. Any member can then come into this House and by introducing a bill prevent an amendment being offered in order when the subject is up generally for legislation. In order to comply with the rule, the amendment must be shown to be substantially, from beginning to end, the bill pending before the

Mr. YOUNG, of Tennessee. Was not that the object of these rules,

Mr. MILLS. I suppose not; and they were never claimed to have such effect. This amendment embraces a part of what is in the bill offered by my friend from North Carolina, but it is legitimate as an amendment to be offered to this or any other bill to which it is ger-

amendment to be offered to this or any other bill to which it is germane. It does not come in opposition to that denunciation of the rule which prohibits gentlemen from offering as an amendment the substance in whole of any bill pending before the House.

Mr. PRICE. I do not suppose, Mr. Chairman, it is necessary to argue this question. I wish simply to call attention to one bald fact, and that is, the bills before the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the Committee on Ways and Means introduced by the suppose of the committee on Ways and Means introduced by the suppose of the committee on Ways and Means introduced by the suppose of the committee on Ways and Means introduced by the committee of the committee on Ways and Means introduced by the committee of duced by the gentleman from Virginia and the gentleman from North Carolina propose to reduce the tax on brandy; this amendment pro-poses to reduce the tax on brandy. They are all the same thing pre-

cisely.

Mr. VANCE. I desire to call attention to the fact that the caption of the bill is "A bill to amend the laws in relation to internal revenue," and any subject pertaining to internal revenue as set forth in the Revised Statutes seems to me to be pertinent and germane; and,

the Revised Statutes seems to me to be pertinent and germane; and, therefore, the point of order is not well taken.

The CHAIRMAN. The Chair overrules the point of order. The bill referred to the Committee on Ways and Means not being before the Chair, the gentleman from North Carolina states that in substance it is to reduce the tax on certain articles, while the pending amendment is a total exemption from duty wherever they are raised.

Mr. PRICE. Do I understand the Chair to say that the exemption from two is no reduction?

from tax is no reduction?

The CHAIRMAN. It is a reduction, but this is an exemption from tax entirely

Mr. PRICE. When you take it all off, you have reduced it considerably

The CHAIRMAN. One reduces it fifty cents, and the other takes it off entirely, and in substance they are not the same. Therefore, the Chair overrules the point of order.

Mr. SCALES. Mr. Chairman, we have heard it said here—
Mr. PAGE. I would like to hear the amendment read again.
The amendment was again read.
Mr. WARNER. If it is in order now I desire to offer an amend-

ment.

The CHAIRMAN. It is not in order at this time.

Mr. WARNER. Is this an amendment to an amendment that is

pending?

The CHAIRMAN. It is an amendment to a substitute.

Mr. SCALES. Mr. Chairman, we have heard it said here on all sides that there is returning prosperity to this country. The balance of trade is in our favor again and there is evidence of a revival of business and general prosperity throughout the length and breadth of the land which is encouraging. Now, sir, in this general return of prosperity, as I trust, I am anxious that a class of our citizens who have so long and so patiently borne the burdens and heat of the day in this country shall be relieved. These burdens have been exceedingly heavy and they have borne heavily upon a most deserving if not ingly neavy and they have borne heavily upon a most deserving it not the best class of our people. I refer to the small but honest, humble, toiling farmers, who though anxious to utilize their whole farms, or chards and all, are yet unable to do so because they are not able to advance the money necessary to pay the taxes. They have been crushed out by this system so unequal, so unjust, and so oppressive. The whole business is concentrated in the large cities. Corrupt rings are formed, and formed, too, it is feared, by a combination of

rings are formed, and formed, too, it is feared, by a combination of revenue officials with others to defraud the Government and strike down all competition. The small farmers have fruit, but they must see it rot in their orchards. There is no market for the apples or cider, and they cannot make brandy by reason of the high tax. The country may be prosperous to others, but there is no prosperity to them. The other products of the farm are exhausted in the support of the family. The only alear more view to be desired from the them. The other products of the farm are exhausted in the support of the family; the only clear money is to be derived from their orchards, and with this they could hope to meet the rainy day which must come to all. Once it was not so, and it should not be so now. The necessities of the country do not demand it. Whether it is the result of our legislation or the work of a bountiful Providence, or both combined, I will not stop to inquire; but it is conceded that money is more plenty and business looking up; and under this state of things we are told that we are paying off the public debt at the rate of \$10.000.000 ner month. Last month was noil \$15.000.000.000 ner rate of \$10,000,000 per month. Last month we paid \$15,000,000, and the Secretary gives us reason to hope that we can pay this sum, or larger, monthly during the year. Why, then, continue this unreasonable taxation upon the farmers? They are the bone and sinew of this country, the men who in great emergencies bear the Government upon their shoulders and supply it at all times with the means of life, and whose virtues and patriotism are to give stability and permanency to our institutions.

Ought they not to have some relief? I appeal to Congress to-day

in their name and in their behalf. I appeal, not in the name of speculators, not in the name of manufacturers, but in the name of the toiling masses, in the name of the men who with their own hard hands till the ground day in and day out that they may sustain life and advance the interest of their children. I hope, sir, this appeal will not be in vain. It could not reduce the revenue beyond \$1,000,000. Last year only about \$900,000 was raised from this source. Cut this down and the Government will not feel it, but it will bring courage and

hope to thousands.

Mr. WARNER. I hope the gentleman from North Carolina will incorporate in his amendment the words "for his own use and not for

Mr. SCALES. I am willing, at the instance of gentlemen around me, for fear I may not do better, to accept that amendment.

Some time subsequently, Mr. SCALES said: Mr. Speaker, upon further consideration, I de-cline to modify my amendment, and insist that it be voted upon as

it is.

Burdens should be imposed only when necessary to sustain the credit of the Government, honestly and economically administered, and the representatives of the people should be quick to seize the first and every opportunity to diminish these burdens. Our constituents will not be trifled with, and will hold us to a rigid responsibility. When necessary they have heroically submitted to any privation, and will continue to do so; but every dollar taken from them beyond what is necessary they will and should regard as robbery. It has been said that it is a luxury, and therefore should pay the taxes. Do you tax all luxuries? We see around us every day evidences of wealth and luxury that are not subject to taxation. We see fine carriages and pleasure horses, magnificent jewelry, elegant furniture wealth and luxury that are not subject to taxation. We see fine carriages and pleasure horses, magnificent jewelry, elegant furniture costly apparel, all of which can better afford to pay taxes, and yet pay nothing. We see men who count their incomes by the thousands and millions per annum. They have more than they can ever possibly need, all that heart can wish is at their command, and yet these men pay nothing. Away, then, with the cry of luxury until you put all upon an equality.

It is urged by some that brandy is a great evil and should be prohibited. If this is meant, let it be done in a manly, open way, and pass a law to prohibit its manufacture. Instead of this we actually license it, and so great do the law-makers esteem the privilege that they actually sell it at ninety cents per gallon paid in advance. These good men say we know it is a great evil; that it is hot damnation scattered through the land, and we loathe and abhor it, but if we can get our price for it then all shall have the privilege without regard to the damage done or the sin committed. Is the Government to be to the damage done or the sin committed. Is the Government to be sustained by revenue thus obtained at the expense of life, fortune, and character? Can we expect the favor of Providence upon such action? Surely not. The tax should be abandoned; and let us resort to other means to bear the evil of intemperance. The history of this tax will show that the manufacture of ardent spirits, as well as its consumption, has increased rather than diminished since its existence. No man is deterred by the price from its use, and the tax is so high that corrupt men for profit swindle the Government and kill thousands by the mean of rark poisons with which they adultarete their liquors use of rank poisons with which they adulterate their liquors.

I am a friend of temperance, as I trust, by example and precept, and I will on all proper occasions and in all proper ways do what I can to promote it; indeed I regard it as every man's duty to do this; but then this tax has not and will not have the effect to work out intemperance; nor will any honest man pretend that it was so intended, and brave and good men would meet it in a more manly way by actual prohibition. Then this tax is not intended as a blow at intemperance or a prohibition upon the manufacture of spirits. It is intended for revenue, and revenue only. I think I have shown it is not now needed for this, that it should not be taxed as a luxury while so many men able to pay are exempt; that if it is an evil the Government should not perpetuate the evil and license it for money, and finally, that if it is an evil, the evil has grown and increases with the

Then, sir, let us abolish the tax on brandy, and as we prosper we will take another step until we have abolished all the internal taxes upon all the industries in our land. We will take the temperance question out of the hands of Congress, and commit it to the churches and to good men everywhere; we will take away temptation from our people to violate the law, revive that love and loyalty to the country among them which has been so severely tested by an oppressive and fraudulent execution of an unjust and hard law. I again invoke the aid of this House. If prosperity has indeed come, let the people feel it in a reduction of taxation. The news will be speedily carried to every vale and hamlet throughout our land. The people will rejoice in this unmistakable evidence of prosperity, and join with us in thanks to that Providence which has so materially aided us in bringing it about. Mr. VAN VOORHIS.

Mr. Chairman, I can see how somebody Mr. VAN VOORHIS. Mr. Chairman, I can see how somebody would be benefited by the amendment proposed by the gentleman from North Carolina. The farmer who makes his apple-jack, and who gets forty cents a gallon tax taken off of it, will, of course, be benefited by it. But if that amendment should pass, I am yet at a loss, owing perhaps to my ignorance of this subject of whisky, to determine who is to be benefited by this bill in the end. I shall be alled to yet when the bill undertable in the late of the part I can glad to vote upon the bill understandingly if I can, but before I can

do so I need a little more information about it, and I shall therefore address myself to the distinguished gentleman in charge of the bill, a member of the Committee on Ways and Means, [Mr. CARLISLE,] for that information. I thought when the gentleman from Tennessee took the floor a short time ago, and addressed the committee, that we would be able to learn something of this matter, but I soon found that he was a "know-nothing" upon that subject, and nothing could be got from him. What I want to find out is, where this two or two and a quarter million of dollars which this bill takes off from the revenue of the country, derived from whisky, is to go to? Who is going to get the money? In other words, will the few distillers, wholesale dealers and exporters, or the consumers, be benefited? My question is this: whether if this bill is passed, the cost of the ordinary rations of the rank and file of the democratic party will be reduced? Will not whisky to the consumer cost just as much by the drink, if this bill passes, as if it did not? as if it did not?

Mr. CARLISLE. Has the gentleman from North Carolina accepted the amendment proposed by the gentleman from Ohio, [Mr. War-

NER ?] Mr. SCALES.

Mr. SCALES. No, sir.
Mr. CARLISLE. I would like to ask the gentleman from North
Carolina why, in his opinion, the farmers who produce corn should not be allowed the same privilege that he proposes to give in his

amendment to those who produce fruit?

Mr. SCALES. The answer to the question of the gentleman from Kentucky is a very simple one. Corn is the staff of life and is the product of the sweat of the brow and the toil of these men; but the

product of the sweat of the brow and the toll of these men; but the amendment which I propose here looks to the use of that abundance which Providence, without toil or labor, furnishes everybody.

Mr. CARLISLE. I do not know but that I would support a well-regulated provision upon the subject to which this relates but for the fact that the question to which this amendment relates is now in the Committee on Ways and Means for consideration, though not perhaps in this precise form.

Mr. SCALES. Will the gentleman from Kentucky permit me to ask him a question?

Mr. CARLISLE. Certainly.

Mr. SCALES. My question is, Can we ever expect anything from the Committee on Ways and Means on that point?

Mr. CARLISLE. That of course I am not able to answer.

Mr. SCALES. I think, then, I can answer. We may not expect

anything, judging from the past experiences.

Mr. CARLISLE. It seems to me that this would be making a discrimination.

The CHAIRMAN. Further debate is not now in order. Mr. BAYNE. I ask that the amendment be again read.

I desire to know whether the amendment of the gentleman from Ohio [Mr. WARNER] has been incorporated in the amendment proposed by the gentleman from North Carolina, [Mr. SCALES.]

The amendment was again read.

Mr. PRICE. May I ask the Chairman a parliamentary question?

The CHAIRMAN. Certainly.

Mr. PRICE. If I cannot make a speech, I want to ask a question.

If this amendment should be adopted and the bill should pass as thus amended, would the man who makes whisky out of rye pay ninety cents per gallon, and would the man who makes brandy from apples

and peaches pay nothing?

The CHAIRMAN. That would seem to be the effect of it.

Mr. KITCHIN. Yes, and that would be right.

The question being taken on the amendment, there were—ayes 53, noes 68

Mr. SCALES. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Iowa [Mr. PRICE] and the gentleman from North Carolina, [Mr. SCALES.]
The committee again divided; and the tellers reported—ayes 61,

noes 86.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. WHITTHORNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had disagreed to the amendments of the House of Representatives to the disagreed to the amendments of the House of Representatives to the resolution of the Senate to print 10,500 copies of the Report of the Smithsonian Institution for the year 1879, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Anthony, Mr. Ransom, and Mr. Hamlin to be the conferees on the part of the Senate.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 4247) to change the name of the steam-yacht W. J. Gordon to Salmo.

The message further announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1538) authorizing the closing of the accounts of the late Rear-Admiral A. H. Foote, United States Navy; and

A joint resolution (S. R. No. 73) authorizing the President of the United States to call an international sanitary conference to meet at Washington, District of Columbia.

INTERNAL REVENUE.

The Committee of the Whole resumed its session.

Mr. PERSONS. I offer the amendment which I send to the desk. The Clerk read as follows:

That the tax on all spirits made from apples and peaches be, and is hereby, abolished.

Mr. PRICE. May I run the risk of making another point of order? The CHAIRMAN. The gentleman will state his point of order. Mr. PRICE. I think that has been voted down already. Mr. PERSONS. There has been no amendment like it hitherto

offered.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PERSONS. The reason why spirits made from fruits should be subjected to a less tax than those made from grain is very easily explained. They give us an opportunity of utilizing a large quantity of fruit that is annually lost, and especially in the southern country. The peaches and apples of that country for many years were manufactured into spirits, but by reason of the tax placed upon them lately that manufacture has been almost entirely abandoned. I notice that within the four months of July, August, September, and October of last year, which embraced the fruit period of the South, the revenues derived from this source amounted to \$270,000; and that was for distillation, including grapes, as well as peaches and apples. The net revenue derived from this tax, after defraying expenses of collection, must have been at most very trifling.

And not only has the revenue thus raised been small, but we have had great trouble in that country to prevent moonshiners, as they are called, from carrying on illicit distillation, and thus causing great annoyance to a very considerable section of the State which I have the honor in part to represent.

the honor in part to represent.

The amendment I have offered, if adopted, by enabling the people to manufacture their brandy, will add to the prosperity of that country. If the effect of the present law had been to make the people abandon with their stills the use of spirituous liquors it might be commended; but they still indulge in the use of ardent spirits as

I think that any amendment less sweeping than that which I have offered will illy answer the purpose. It is not merely the tax that has prevented the manufacture of spirits from peaches and apples, but the people who manufacture spirits are remote from the towns, and have to go a considerable distance to find the assessor and collector. This is very troublesome, and for that reason as well as because of the tax they have abandoned this manufacture almost entirely. smallness of the revenue is a proof how little is manufactured.

I desire, therefore, we may be able to permit a product that will add to the national wealth without increasing the drunkenness of the people; for there is no proof that there have been less spirits consumed since the great falling off in the distillation of fruits. The removal of this tax would make perhaps loyal citizens of those who removal of this tax would make perhaps loyal citizens of those who have been greatly complained against. The only complaint made against them is as to their infraction of the revenue laws. They are a class of people who during the war were Union men and since the war I believe were republicans, who are now known as moonshiners in our State. I would be very glad, indeed, that they should be made good citizens, and perhaps if we were to abolish this law which prevents them from indulging in what seems to be a most favorite pastime they might become good citizens.

A MEMBER. And democrats.

Mr. PERSONS. And I trust, as my friend suggests, they might eventually become good democrats. As soon as they got to be lawabiding they would be democrats.

[Here the hammer fell.]

Mr. CONGER. What authority the gentleman from Georgia has for stating that the violators of the law in his country called moonshiners, who are reported to have killed in cold blood thirty or forty officers of the Government while executing the laws, are republicans,

shiners, who are reported to have killed in cold blood thirty or forty officers of the Government while executing the laws, are republicans, I do not know. He has made that statement in regard to that class of men who are the violators of all laws of God and man in his district. Why republicans there should be so different from all other republicans in all the States as to be moonshiners and murderers, and still republicans, I cannot tell. I leave that for him to settle with the people of his district.

Mr. PERSONS. The gentleman labors under a great misapprehension

The CHAIRMAN. The gentleman from Georgia [Mr. Persons] is not in order. The gentleman from Michigan [Mr. CONGER] is on the floor. Does he yield?

Mr. CONGER. No, sir; I will finish my remarks. I say I will leave the charge that these moonshiners in the gentleman's district, or in his State, I care not where, were Union men through the war and are republicans to-day, though violators of the law of God and of man—I say I will leave that gentleman to his proof and to his constituents for an answer.

Now to the amendment. The object of this amendment and of the

Now to the amendment. The object of this amendment and of the former amendment is to leave every man who raises fruit to manufacture, without tax, without restraint, whisky or apple-jack, or any of the alcoholic products of fruit; that whatever restraints there may be in this country under the laws upon the manufacture of such spirits shall be removed; that if it be hard for them to find intoxicating

spirits for use in their families at places in their neighborhood, or at the four corners, the way shall be open to them to make spirits as the savages of Alaska make their "hoochoo," in their own tea-kettles by their own firesides, to be drank in their own families.

I wish there might be, and probably there will be if this amendment is adopted, a vote in the House where the record can go forth show-

ing who are in favor of making the manufacture of brandy and whisky a domestic manufacture, to be used only in the family where manufactured.

[Here the hammer fell.]

The question was taken upon the amendment of Mr. Persons; and it was not agreed to upon a division-ayes 49, noes 79.

Mr. WARNER. I offer the amendment which I send to the Clerk's

The Clerk read as follows:

That all brandy hereafter made by the owner or lessee on his own farm, from apples, peaches, and grapes which are the products of said farm, and for his own family use and not for sale, shall be exempt from taxation.

Mr. WARNER. I would be willing to vote for a reduction generally of the tax on this class of distilled spirits as a matter of principle. But to remove the tax entirely from brandies distilled from fruits and leave it as it is on other distillations does not seem to me

to be the right thing to do.

Again, I can see no reason why they who distill the products of Again, I can see no reason why they who district the products of their own farm for profit should not pay tax as well as those who distill products which they buy of others, if they do it for profit. But when a farmer makes a few gallons of brandy for his own family use, from grapes or peaches or apples, as many do, it seems to me rather a small thing to send a revenue officer into his family to collect a few cents of tax. Such taxes are odious. Where men have planted their orchards or their vines, it should be left to them to say whether they will eat the fruit or will make it into wines, cider, or brandy, when

the product is for their own consumption.

Mr. BROWNE. Just there let me ask the gentleman if he will also consent to include in his amendment corn and rye?

Mr. WARNER. Oh, no, I will not include them.

Mr. BROWNE. I would like to know the reason.

Mr. WARNER. To distill corn or rye requires a much more expension.

sive preparation than to distill a few gallons of spirits from grapes,

apples, or peaches, and they would never be so distilled for private use. Will the gentleman from Indiana [Mr. Browne] vote for my amendment if I accept that? I would not accept it, however.

Mr. BAYNE. It seems to me that these various propositions are simply trifling with a great interest. I am one of those who recognize the men who manufacture whisky as entitled to the protection of the law and accept that the control of the law and accept that the second of the law and accept the law accept the la of the law and as entitled to fair treatment. I think it is very unfair to those who are engaged in a legitimate business, the business of manufacturing spirits out of corn, rye, barley, and other materials that are used for that purpose, to undertake to make a special exemption in favor of spirits manufactured from apples or any other one commodity. The effect in the long run would be a driving out of the emption in layor of spirits manuacture from applications of the commodity. The effect in the long run would be a driving out of the market of those engaged in a legitimate pursuit by those engaged in a pursuit specially exempted from taxation. I think gentlemen can have scarcely studied the consequences upon one of the great industries of the country, if one of the various propositions which have been submitted here should be adopted and should become a part of the law of the land.

I think moreover that these various propositions are hardly treating in good faith and fair dealing this great interest which is represented here and interested in the modifications of the law contained in the bill in charge of the gentleman from Kentucky, [Mr. Car-

LISLE.]

It is also rather a peculiar feature of this case that there should be developed in the State of Georgia and in the district represented by the gentleman who spoke a few moments ago [Mr. Persons] a class of moonshiners who are known there as republicans. When we look at the record and examine the election returns in that gentleman's district, as stated in the Congressional Directory, we find that there were given for Henry Persons, democrat, 13,336 votes, and for H. R. Harris, democrat, 10,101 votes, and not a single republican vote cast in that district.

Mr. PERSONS. There is not a moonshiner in it.

Mr. BAYNE. Now it is a little marvelous that the gentleman representing that district should allege here that there are men in the district who are moonshiners and violators of the law, all republicans, when not a single solitary republican vote was cast in his entire

This is in keeping, however, with the reports that come from gentlemen of the South, or I should say from portions of the South—because I do not by any means intend to include all the gentlemen from the South, for there are many honorable and fair Representatives on this floor—but it is fairly in keeping with this mode of covering up the iniquities of men who violate the law and undertake to shift the responsibility upon the shoulders of other people who do not violate the law.

[Here the hammer fell.]

Mr. VAN VOORHIS. On that subject of moonshiners—

The CHAIRMAN. Debate is exhausted.

The question being taken on the amendment of Mr. WARNER, it was not agreed to, there being—ayes 43, noes 75.

Mr. VANCE. I move to amend by inserting the following:

That section 3247 be amended by adding thereto the following: Provided, That any farmer who distills brandy made exclusively from apples peaches, or grapes of his own production or the production of others, to the amount of eighty gallons or less, shall not be considered a distiller within the meaning of this section: And provided, also, That said eighty gallons or less when so made shall not be subject to any tax.

Mr. Chairman, the Commissioner of Internal Revenue, who is a very intelligent gentleman, informed me in the course of conversa-tion that the objection to relieving the tax on brandy was owing to the fact that there are places where perhaps a single manufacturer would turn out a thousand barrels; but he did not urge the same objection to relieving those who in the interior may desire to distill their fruit to a small amount.

Now, I wish to say that I have been an advocate of temperancefrom my boyhood, but my opinion is that you can never revolutionize the sentiment of the people by a system of taxation. If I had my way to-day I would repeal the internal-revenue system as being op-pressive to the people, and I would resort to other means with a view to promote temperance, sobriety, and happiness in this great land of

What has this nation done by this system of taxing spirits—taxing whisky and brandy? It has given the sanction of the law to the distillation or manufacture of spirits. Although it is regarded as a crime against humanity to make and sell intoxicating beverages, these men have the sanction of law for doing that thing. If I had it in my power to-day (and I wish I had the power) I would abolish the existing system and then I would go before the country with the power of the press and the power of the pulpit; I would persuade men to do better, and I think the effort would have better success than the present system of oppression.

present system of oppression.

People in many sections of the country believe that they ought to be allowed to distill a portion of their fruit. The fruit now rots in the orchards. They ask this boon. We have reduced the public expenditures of the Government, and we have pledged the people to reduce taxation. Now, I ask the temperance men to come up and act with us in taking this step in the right direction. Let us show these people that we do not wish to oppress them by a system of legislation which, as a gentleman on the other side has stated, has cost human life, and I wish he had also stated how many innocent men have been oppressed and put to death by those who have carried out the inter-

nal-revenue system.
[Here the hammer fell.]

[Here the hammer fell.]
Mr. CARLISLE. I wish only to put a question to my friend from
North Carolina [Mr. VANCE] as to the meaning of his amendment,
and then I will yield the floor. The amendment, as I understood the
reading by the Clerk, provides that a person who manufactures fruit
brandy to an amount not exceeding eighty gallons shall be exempt
from taxation. Does the amendment mean eighty gallons per day,
eighty gallons per month, or eighty gallons per year?
Mr. VANCE. It means per year.
Mr. CARLISLE. It does not say so.
The CHAIRMAN. The Clerk will again read the amendment.
The amendment was again read.

The amendment was again read.

Mr. VANCE. I modify the amendment by inserting the words "in any one year" after the words "eighty gallons or less."

Mr. PRICE. Mr. Chairman, I have long since found that a man ought not to be astonished at anything which he meets in his pil-

grimage through this world.

Mr. VANCE. I am sorry that we cannot hear the gentleman.

Mr. PRICE. I will try to make you hear if you keep the speakers on your side quiet. Here is my friend from North Carolina, [Mr. VANCE.] I knew that his State was the land of tar and turpentine; but I did not knew until to-day that it was a land of wine and brandy. I was not astonished to hear some gentlemen on this floor advocate additional facilities under the law for manufacturing and selling intoxicating liquors, for I do not know their antecedents. But when my friend who was last upon the floor takes up the cudgels in favor of eighty gallons of brandy for a private family I cannot help thinking of the story told of an old lady who said that in her family they had used two barrels of whisky in a year; and when a neighbor remonstrated with her and said that was entirely too much, she replied, "Indade I don't think it's too much when you take into account that we have five children in the family and nary cow." [Laughter.] That it should conduce to temperance is the very last temperance speech I ever expected to hear made. Eighty gallons of brandy by every farmer in North Carolina, and as a matter of course every farmer in Iowa, for I do not suppose my friend from North Carolina intends that his State shell have the proposal of all this havinger. intends that his State shall have the monopoly of all this business. Eighty gallons of brandy free from tax so we may promote temper-

If eighty gallons is conducive to temperance would not one hundred and sixty be more conducive to temperance? Or does my friend from North Carolina take the ground that the more wine you drink the more temperate you will be? I know some men have taken that ground and made the argument in good faith. I know we had a man who left Washington City some years ago and went to France and told us that the people of this country who were talking about total abstinence and temperance ought to go to France and take a lesson from the people there, because, as he said, everybody drank wine there

(and that, I suppose, is the line of the remarks of my friend from North Carolina) and nobody got drunk. But in picking up the police report of the city of Paris for that same year I found they had made fiftyfour thousand arrests for drunkenness in that city, not to say anyfour thousand arrests for drunkenness in that city, not to say anything of the number which should have been arrested and was not. If drinking wine in Paris makes men of that character, I want to know of my friend from North Carolina, who makes temperance speeches sometimes, whether he expects that we are to have a sober country if he puts eighty gallons of brandy in every man's house?

Mr. VANCE. May I have the opportunity of answering the gen-

tleman?

The CHAIRMAN. Debate is exhausted.

The question recurred on Mr. Vance's amendment to the amend-

The committee divided; and there were—ayes 50, noes 77. So the amendment to the amendment was rejected.

Mr. KITCHIN. I offer the following amendment to the amendment:

That section 3247 be amended by adding thereto the following:

Provided, The first sixty gallons in any one year manufactured by each distiller shall be exempt from taxation.

Mr. CONGER. I make the point of order that that section is not in this bill and not before the House, and the amendment therefore is not in order. There must be some place where the point of order will lie against amendments proposing to amend laws not referred to at all in this bill.

The CHAIRMAN. The same point of order has substantially been

already made.

Mr. CONGER. Not the same point of order, for the section referred to here is not mentioned in this bill at all, and is, therefore, not before the House in any shape. The other amendments referred to sections in the bill.

The CHAIRMAN. The object of this bill is to amend the internal-

The CHAIRMAN. The object of this bill is to amend the internalrevenue laws, and any amendment of the internal-revenue laws is,
therefore, in order.

Mr. CONGER. That includes stamps on matches, and the Chair
would not go so far as to say that would be in order.

The CHAIRMAN. That amendment is not yet pending.
Mr. CONGER. I only made the point to show the effect. I make
the point in all seriousness.

The CHAIRMAN. The Chair overrules the point of order.
Mr. CONGER. I expected the Chair would. I might apologize for
my ignorance of the rules.

The CHAIRMAN. The Chair has knowledge enough of the rules
to know the amendment is in order.

Mr. KITCHIN. Mr. Chairman, I have this to say in answer to the
gentleman from Iowa, who wished to know whether North Carolina
was a land of whisky and wine, that it is not, that it is a land of
honesty and patriotism. I hope that is satisfactory to the gentleman.
I say to the gentlemen on this floor and on this side of the Cham-

I say to the gentlemen on this floor and on this side of the Chamber, who represent large whisky manufacturers, that I have offered this amendment for the purpose of putting their constituents, these manufacturers of whisky, on an equality with the small farmers and the poor men scattered throughout the North and South. I simply propose by this amendment to exempt the first sixty gallons of whisky

propose by this amendment to exempt the first sixty gallons of whisky or brandy made at any distillery.

I will take occasion to say that I believe it is radically wrong and unjust and in opposition to the fundamental principles upon which our Government is based, to tax the necessities of life, to tax that which a man raises upon his farm for the support and benefit of those who are dependent upon him. Every man ought to have the right to use what he raises upon his farm for the benefit of his family. That is the intention of government. It will do injustice to no section of the country, and to no individual, and whatever revenue the Government may fail to derive from this exemption can be made up by passing a law levying a tax upon incomes, upon the money and by passing a law levying a tax upon incomes, upon the money and the capital of the country. Let us put a burden there and take it off the poor and the needy.

Mr. VAN VOORHIS. I believe the people are honest down in these

States, and I also believe there are exemptions enough. information on the subject which I take from a very influential and reliable paper, published in Washington, The National Republican of yesterday, and I send it to the Clerk's desk to be read as a part of my speech.

The Clerk read as follows:

MOONSHINE VIOLENCE IN NORTHERN GEORGIA.

Since Representative SPEER, of Georgia, received the reply of Commissioner Raum to his inquiry as to the reason of employing force to collect the revenue in his district, a new series of attacks on United States officers have occurred. In four counties of Northern Georgia a reign of terror exists, owing to the fact that the illicit distillers have banded themselves together to maltreat all who harbor United States officers, by giving them food or lodging either for themselves or horses, and all who give the least information. For offenses of this kind one deputy collector had his store, house, and barn burned, and his family fired on and driven out. One citizen had a barn and four farm-houses burned, and when he had some of the marauders arrested and taken before a justice of the peace, the latter ruled out the evidence of all his witnesses on the ground that they were not to be believed under oath, because they had given United States officers information about illicit stills. One citizen was shot because he had been subpœnaed as a witness against distillers. One entire family has been driven from its home for selling revenue officers food. One was shot for reporting a still, and the property of another was burned because he was suspected of having furnished information. In one case of house-burning the band that did it organized at the house of a justice of the peace, and this offi-

cer acted as leader of the band. One distiller, whose still was seized near Clarks-ville, went into that town and swore out a warrant against the officers for carrying concealed weapons, and he was appointed a deputy to help make the arrest of the deputy marshal.

The United States marshal for Northern Georgia has been lax in the discharge of his duty, refusing either to arrest these men or deputize the revenue officers to do it. To-day Attorney-General Devens telegraphed, ordering him to see that arrests in these cases were promptly made.

Commissioner Raum has sent Revenue Agents Whitfield, Kellogg, and Chapman to report to Agent Wagner, now in charge of the district, and a force is to be organized under each of them, and armed for a lively campaign in the northeastern counties of the State.

Mr. COOK. Mr. Chairman, that whole statement has been proved to be absolutely false, and a scandalous and unwarranted attack upon to be absolutely false, and a scandalous and inwarranted attack upon the people of that part of the State. I do not represent that district. I do not live in reach of that people. There is no distillery in my own district, and never has been. I live in a country which has nothing but apples and fruit out of which liquor could be distilled. The people of my district therefore are not concerned in the manufacture, but I know that the statement which has just been read is a false accusation against the people who live in that part of the State. It refers to a district which defeated the regular democratic nominee in the last election, and sent a man here who opposed him. But there are many good people there, and though there may have been and doubtless have been violations of the law in some few instances, yet it is unjust to make a sweeping charge of that kind against the whole community. I will venture the assertion that there is more illicit distillation in one day in the city of Cincinnati or New York, and other large cities of this country, than is carried on in twelve months in the whole State of Georgia.

why, within the last year right here, almost under the very walls of the Capitol and in sight of the Treasury Department, the officers have tracked up a distillery which has a capacity greater than all the mountain recesses combined in the State of Georgia. I say that this statement has been shown to be false. The governor of the State, the attorney-general, and the marshal of the State, who is recognized as an honorable man, and who made his report to the Attorney-General, (and his conduct to this Government was as faithful as any man in its service, investigated this matter and show that this statement in can an sconduct to this Government was as fathful as any man in its service,) investigated this matter, and show that this statement in every important particular was absolutely untrue. It is a political steal, if I may so use the word. It is a base suggestion to abuse in this way and vilify the virtuous and good people of that section who are faithful to their obligations to this Government with the exception of here and there, as is found in every community, of a man who may be engaged in some unlawful pursuit, such as illicit distillation. And it is a contrarge to make the charge in the statement in every limit is a contrarge to make the statement in the sta

it is an outrage to make the charge.

I am surprised, I am astonished—I will not say indignant, because a decent man has no right to be indignant at anything said or done here, [laughter and applause]—but I do say that I am astonished, and I regret to see that a gentleman of character and standing as a member of this House should put forth as a part of his speech the statement that has just been read here.

[Here the hammer fell.]

The amendment was not agreed to.

Mr. CONGER. I move to strike out the last word of the section.

I find, sir, from the report of the Commissioner of Internal Revenue, dated November 25, 1878, that in the State of Georgia there were two hundred and thirty-seven illicit stills seized. In the second Georgia district there were two officers killed and one wounded in that the second Georgia district there were two officers killed and one wounded in the second of the in that year; and in the third Georgia district there were forty-four illicit stills seized and two officers wounded. I ask the Clerk to read from this report what I have marked on the first three pages, and also the table which is appended to the report.

The Clerk read as follows:

The Clerk read as follows:

It is with extreme regret I find it my duty to report the great difficulties that have been and still are encountered in many of the Southern States in the enforcement of the laws. In the mountain regions of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Alabama, and in some portions of Missouri, Arkansas, and Texas, the illicit manufacture of spirits has been carried on for a number of years, and I am satisfied that the annual loss to the Government from this source has been very nearly if not quite equal to the annual appropriation for the collection of the internal-revenue tax throughout the whole country. In the regions of country named there are known to exist about five thousand copper stills, many of which at certain times are lawfully used in the production of brandy from apples and peaches, but I am convinced that a large portion of these stills have been and are used in the illicit manufacture of spirits. Part of the spirits thus produced has been consumed in the immediate neighborhood; the balance has been distributed and sold throughout the adjacent districts. This nefarious business has been carried on, as a rule, by a determined set of men, who in their various neighborhoods league together for defense against the officers of the law, and at a given signal are ready to come together with arms in their hands to drive the officers of internal revenue out of the country.

So formidable has been the resistance to the enforcement of the laws that in the districts of fifth Virginia, sixth North Carolina, South Carolina, second and fifth Tennessee, second West Virginia, Arkansas, and Kentucky, I have found it necessary to supply the collectors with breech-loading carbines.

The illicit distillers have on numerous occasions fired upon our officers. A table in another part of this report shows in detail the loss in killed and wounded that the service has sustained since my last report. I regret to have to record the fact that when the officers of the United States have been shot down from ambuscade, in cold blood, as a rule no efforts have been made on the part of the State officers to arrest the murderers; but in cases where the officers of the United States have been engaged in the enforcement of the laws, and have unfortunately come in conflict with the violators of the law, and homicides have occurred, active steps have been at once taken for the arrest of such officers, and nothing would be left undone by the State authorities to bring them to trial and punishment.

STATISTICS OF OPERATIONS AGAINST ILLICIT DISTILLERS. The following table shows the number of illicit distilleries seized, arrests made, and officers killed or wounded in the execution of their duty.

	Stills seized.			Persons arrested.			guides	guides d.
Districts.	During fiscal year.	Since June 30.	Total.	During fiscal year.	Since June 30.	Total.	Officers and gu	Officers and gu wounded.
Alabama. Arkansas Second Georgia Phird Georgia First Illinois Fourth Illinois Seventh Illinois Seventh Illinois First Indiana. Second Kentucky First Indiana. Second Kentucky Fifth Kentucky Eighth Kentucky Louisiana Third Massachusetts Fourth Maryland Mississippi Nebraska Second Missouri Fifth Missouri Third New York Third Massachusetts Fourth Maryland Mississipi Nebraska Second Missouri Fifth Missouri Fifth Missouri Fifth Missouri Fifth Morey Third New York Thord New York Third New York Third New York Third New York Third New York Treath North Carolina Fifth North Carolina Fifth North Carolina Sixth North Carolina First Ohio Sixth Ohio Eleventh Ohio Eleventh Ohio Eleventh Ohio Eleventh Ohio Eleventh Pennsylvania Twenty-second Pennsylvania Twenty-second Pennsylvania Second Tennessee Fifth Tennessee Fifth Tennessee Fifth Tennessee Third Texas Vermont Third Virginia Fourth Virginia First West Virginia	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	33 32 2 6 6 6 7 2 2 1 1 1 2 2 1 2 2 3 3 3 8 3 1 6 6 1 3 1 3 1 2 2 1 3 2 2 3 3 3 8 1 6 6 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1	83 16 193 44 1 1 2 2 3 3 5 5 1 2 2 3 3 3 1 1 2 2 3 3 3 1 1 2 2 3 3 3 1 1 2 2 3 3 3 3 1 1 1 1 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2	398 166 310 12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	294 155 320 12 4 	692 311 630 24 1 1 1 2 1 1 2 1 4 4 57 65 1 1 1 2 2 3 3 3 1 1 4 4 5 7 7 8 8 8 8 8 8 8 8 8 9 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1	
	-		1	1		1		
Totals	1,020	238	1, 258	1,974	1,016	2,990	5	1

Mr. CONGER. Now I find in the Congressional Directory that the third district of Georgia, in which there were forty-four illicit stills seized, and in which two revenue officers were wounded in the disseized, and in which two revenue officers were wounded in the discharge of their duties, is the district of Georgia which as I understand is represented by the gentleman who says that everything is so quiet and peaceable there, General Cook.

Mr. COOK. I wish to say in response to the gentleman from Michigan that I do not live in the third district; I do not live within two hundred miles of that district.

Mr. CONGER. I only take what I find in the Congressional Di-

rectory.

Mr. COOK. But the gentleman from Michigan will remember that the third congressional district is very different from the third collection district of Georgia to which he refers. [Laughter.]

The CHAIRMAN. Debate on the amendment is exhausted. The question now is on the substitute offered by the gentleman from Ken-

Several members called for the reading of the proposed substitute. The substitute was again read, as follows:

And provided further, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per cent., and in case it shall appear upon such regauging that the proof of such spirits is less than 100 per cent., the distiller or owner shall pay the tax upon the wine-gallons.

The substitute was adopted.

Mr. CONGER. I now renew the motion I made to strike out the section. Of course, however, amendments can be still put in. Mr. DAVIS, of California. I move the following amendment:

In line 3 of section 17, after the word "warehouse," insert the words "or from a special bonded warehouse;" and in line 14 of the same section, after the word "warehouse," insert "or special bonded warehouse."

My object is to place those distillers who come under the provisions of the act of March 3, 1877, which provide for bonded warehouses for grape brandy, on the same level with the other distillers provided for in this bill. This amendment is offered by the consent of the committee.

Mr. CARLISLE. As I understand it this amendment has been sug-

Mr. DAVIS, of California. It is offered at the suggestion of the Commissioner of Internal Revenue.

The amendment was adopted.

Mr. SIMONTON. I move to strike out the last word. I will detain the committee but a moment. My colleague from Tennessee [Mr. Young] took occasion to refer to me this morning and said, after alluding in a humorous manner to the position of other gentlemen, that my opposition to the bill was the unkindest cut of all. I regret that I am unable to reply in the spirit of humor and pleasantry which characterized the remarks of the honorable gentleman when he alluded to myself and others. I can, however, be as courteous. I admire the honorable gentleman, the earnestness, assiduity, and fidelity with which he on all occasions represents those who sent him here. I take it that on this bill he designs to protect their interest, and I offer no criticisms of his position; to his constituents he is amenable; if they are satisfied then I am content. And I beg leave to say that in the position I have taken of opposition to certain provisions of this bill, (not to the whole bill, however,) I am but representing the best interests of the greatest number of my constituents, as I most firmly believe. I dislike to part company with the gentleman and my other colleagues from Tennessee, but when duty points the way I will make the sacrifice and submit my action in the premises to my constituents, to whom I am responsible.

to whom I am responsible.

If my colleague can show me how my constituents, or any considerable number of them, or the public generally, would be benefited by the passage of the bill unamended, I would most cheerfully vote with him. I fail to see, however, how those whom I have the honor to represent here will derive any benefit by retaining those features or provisions of the bill to which I have expressed my opposition. I do so see, however, and I think I have shown, how they will be injured by the operation of those provisions.

The people whom I represent, the people of this country, have upon their shoulders the burdens of government, and they have asked that they might be relieved in some degree by this Congress. And now what relief is this that is extended? When they have asked for fish, you offer a serpent; when they ask for bread, you offer a stone.

they might be relieved in some degree by this Congress. And now what relief is this that is extended? When they have asked for fish, you offer a serpent; when they ask for bread, you offer a stone. They want the tariff taken off the necessaries of life. They want to be able to purchase their hats and blankets cheaper. But the Committee on Ways and Means in effect says "No, but you may have your liquor cheaper." This, however, is a mere delusion. This is not true, and if it were I submit that however desirable it may be esteemed to have cheap whisky, it is far more so to have cheap clothing, cheap

nave cheap whisky, it is far more so to have cheap clothing, cheap implements and necessaries of life generally.

Sir, if you take away these \$2,000,000 which this bill proposes to take from the revenues of the Government, then somebody, some other class of persons, will have to make it up again. This is what I complain of. One class of persons, to wit, those who have liquors in the Government warehouses and distillers, is released to the amount of \$2,000,000 per annum, and that burden is clapped on the shoulders of \$2,000,000 per annum, and that burden is clapped on the shoulders of that class whose Representative I am in part at least on this floor. I represent an agricultural district. Sir, these agriculturists are entitled most of all to the fostering care of Government. It is in their interest that I have ventured to part with my colleague. It is in their behalf I have taken my stand against certain provisions in this bill. I represent no whisky manufacturers, I believe, and but few, if any, wholesale whisky dealers—in all probability not a single man who would be benefited by the rebate of taxes as contemplated in the bill—and I jusist that no person no class of citizons is benefited by the

and I insist that no person, no class of citizens, is benefited by the provisions of this bill except those who have whisky now or will have hereafter in the Government warehouses.

Sir, I ask this question; it has been asked by me before and is un-answered: If this bill is passed unamended, will whisky be any cheaper to the consumer? No gentleman in this debate has ventured to say it would. I do not he sitate to say it will not be one cent cheaper. Will the grain that goes into the making of it, the produce of our farms, bring any better price by the passage of this bill unamended. Not a particle.

[Here the hammer fell.]
Mr. SIMONTON. I withdraw the formal amendment.
Mr. CONGER. I have made a motion to strike out clause 17. Before the question is put upon that motion I desire to make a correction—and I ask the attention of the gentleman from Kentucky [Mr. Carlisle]—I desire to make a correction of a statement made I think by that gentleman in his argument to the House; for I venture to say I am satisfied he would not willingly misstate the law. It was stated that those who import spirits from abroad might allow it to remain in warehouse three years without being chargeable with any

additional duty.

Mr. CARLISLE. Idid not say that. That statement was made by the gentleman from Pennsylvania, [Mr. Kelley.]

Mr. CONGER. I know the statement was made by some gentleman and I wish to correct the misapprehension it may have caused. I call attention to section 2970 of the Revised Statutes, which is as follows:

Sec. 2970. Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of

original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of 10 per cent. of the amount of such duties and charges.

Mr. KELLEY. I stand corrected.
Mr. CONGER. Gentlemen will thus perceive there is an additional duty of 10 per cent. on merchandise which remains over one year in bond and is withdrawn during the next two years. If the statement has caused any misapprehension the reading of the law will re-

Now, sir, I have said what I desire to say in regard to this section. I think it is the worst section in the bill of those which have been commented upon. According to the statement of the Commissioner of Internal Revenue and the admission here by the committee, there are at least \$1,750,000, if not \$2,000,000, taken out of the receipts of the Treasury by the passage of this one section. And if there be an increase in the manufacture and bonding of this kind of spirits proportionate to what the increase has been in the last seven months, the amount stricken out by this bill in the course of the years to come will be over \$2,000,000 a year hereafter. This is a very serious question in my judgment. If this section be allowed to remain, it ought to endanger the passage of the entire bill.

The CHAIRMAN. Does the gentleman from Illinois rise to oppose

the amendment?

Mr. FORT. I desire to sustain the motion to strike out the section.

The CHAIRMAN. The time for debate is exhausted on that side.

Mr. FORT. Then I will oppose it.

Mr. CARLISLE. If the gentleman will allow me to say just a

word, I will then yield him my time.

Mr. FORT. Very well.

Mr. CARLISLE. I desire to say a single word in response to a part of the remarks made by the gentleman from Michigan, [Mr. CONGER.] It is true that the Commissioner of Internal Revenue estimates that the passage of this bill with this section in it will diminish the amount of revenue which otherwise would be received to the extent of \$1,750,000. But in connection with that statement I wish to make this additional statement, which I believe, however, has already been made during the discussion, that during the present fiscal year the amount realized from the internal-revenue tax upon the particular business to which this bill relates will be at least \$8,500,000 more than it was last year.

The Commissioner makes his estimate as to the amount of reduction upon what he supposes to be an accurate calculation of the amount of spirits which would remain in bond for a certain length

amount of spirits which would remain in bold for a certain length of time, based upon past experience, as he says, shown by his reports in reference to the same matter.

I now yield the remainder of my time to the gentleman from Illinois, [Mr. FORT.]

Mr. FORT. We may turn this question over and examine it as much as we please, and we find that there is nothing in the world in

much as we please, and we find that there is nothing in the world in this section but a reduction of nearly two millions of dollars of tax on a certain class of whisky; that is all there is about it.

Now if the tax on sour-mash whisky is too high, then this section is right and should be passed; if it is not too high, then the section ought to be stricken out. The tax on high wines now is exactly the same that it is on sour-mash whisky. Pass this section, and the man-ufacturers of sour-mash whisky will have the advantage of all the evaporation which may take place in one, two, or three years, upon which the manufacturer will not have to pay any tax—

Mr. CARLISLE. Does the high-wine manufacturer pay any tax on that?

Mr. FORT. While the high-wine manufacturer must now pay the tax upon every gallon of high wine that he produces, and in no case is he allowed anything for evaporation or leakage.

Mr. CARLISLE. Does the high-wine manufacturer, under the law to-day, or will he under this bill if it passes, pay any tax upon a single drop of spirits which he does not sell in the market? The

other man does.

Mr. FORT. Oh, my friend from Kentucky [Mr. CARLISLE] is very artful. He asks, will the manufacturer of high wines have to pay any more tax if this law is passed than he does now?

Mr. CARLISLE. That is not my question.

Mr. FORT. That is what it means.

Mr. CARLISLE. My question is this: Does the manufacturer of high wines now pay tax on a single drop of spirits that he does not sell?

He does not.

Mr. FORT. He does not.
Mr. CARLISLE. The manufacturer of the other kind of spirits does pay a tax, as the gentleman admits, on spirits that have evaporated into the air.
Mr. FORT. It is in the interest of every honest man who is engaged in the manufacture of high wines or whisky that every other manufacturer shall pay all the tax that he ought to pay. Now, the manufacturer of sour-mash whisky has to pay the same tax that the high-wine manufacturer has to pay. If you pass this section, the sour-mash manufacturer will not have to pay as much as the high-wine manufacturer does, because the high-wine manufacturer pays a tax on what is measured out hot, while the sour-mash manufacturer

pays tax only upon what is measured out three years hence after evaporation takes place. That is all there is in this section.

Mr. BARBER. Will my colleague allow me to ask him a question?

Mr. FORT. Certainly.

Mr. BARBER. Suppose that one-half of the whisky in bond is destroyed by fire; would you require the payment of the tax on it?

Mr. FORT. Why, no; not at all.

Mr. BARBER. Is it any worse to have it destroyed by fire than to have it are normal?

have it evaporate? Mr. FORT. The gentleman is off the question entirely. I am sorry

that my colleague does not see this thing correctly.

Mr. BARBER. Go ahead, and see if you can convert me.

[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. FORT. I think there is a conspiracy on the part of my friends

Mr. FORT. I think there is a conspiracy of the part of my fine.

Mr. SCALES. I ask consent to have printed in the RECORD, as a portion of the debates of this House, some further remarks upon the amendment which I offered to this bill a short time ago.

There was no objection, and leave was granted accordingly. [See

Appendix.] Mr. BOYD. I move to strike out the last word. I have no disposition to detain the committee with any attempts to make extended remarks upon the merits of this bill.

remarks upon the merits of this bill.

It has been urged here that the passage of this bill is a favor justly due to the distillers of this country. That seems to me to be an open question. While I am not familiar enough with the ins and onts of the internal-revenue system of this country to determine whether it applies favorably or unfavorably to the distilling interests of the land, yet I know this stubborn fact, that in the district which I represent is located the largest distilling interest of this country. At this moment it is paying internal revenue at the rate of \$1,000,000 a month. I know this, also, that the distillers of the city of Peoria in my district, and of the city of Pekin, in the adjoining district, are opposed on masse to the features embraced in this bill. I further vouch for the intelligence of those manufacturers, and I know that they know

the intelligence of those manufacturers, and I know that they know

whereof they speak.

They appeal to this House in a memorial which states in terms plainer and more concise than I can possibly do the grounds of their objections to this mode and manner of legislation. I ask to have objections to this mode and manner of legislation. I ask to have read as a portion of my remarks this memorial of me who to-day represent a producing capacity of ninety thousand gallons of spirits per day, and pay into the Treasury \$81,000 per day taxes. I ask the House to listen while this memorial is being read, and I crave at the hands of this House that the opinions of these intelligent men who are interested in the manufacture of this article shall receive the consideration and credit which they deserve.

The Clerk read as follows:

are interested in the manufacture of this article shall receive the consideration and credit which they deserve.

The Clerk read as follows:

To the honorable members of the House of Representatives and Senate of the United States:

We, the undersigned, distillers of Peoria and Pekin, Illinois, representing a capacity of ninety thousand gallons of spirits per day, the tax upon which is \$81,000, respectfully submit the following for your consideration as reasons why H. R. No. 4812, (as it now is,) entitled "A bill to amend the laws in relation to internal revenue," should not become a law.

Section 4 of said bill does away with the 5 per cent. interest per annum on the additional two years of the bonding period.

Section 18 of said bill fixes an allowance of one to seven and one-half gallons for outage and exempts holders of whiskies in bond from the payment of tax thereon. Should the above two sections become a law the results will be as follows:

First. To reduce the price of whiskies in bond also to depress the market and reduce the price of tax-paid whiskies in the hands of dealers, unsettling values and materially disturbing the present prosperity of the whisky trade.

Second. It discriminates unjustly between the currers of whiskies by age and those who cure by age would pay no tax on the shrinkage or loss while in bond; while those who cure by mechanical processes sustain a loss of the tax of ninety cents per gallon on the amount of whisky lost by evaporation and shrinkage while undergoing rectification or redistillation. The effect of such discrimination would enact serious injury to redistillers and rectifiers, if id not entirely destroy their business and make their property valueless.

Third. It discriminates unjustly against the distiller who pays tax on his product immediately after its manufacture and in favor of the distiller who allows his product or ipen by age, he getting credit from the Government of from one to three years on the tax of ninety cents per gallon, the Government for from one to

[Signed by A. & S. Woolner, Woolner Brothers, and all the other distillers of Peoria and Pekin.]
[Here the hammer fell.]
Mr. WILLIS. I wish to make a remark in reply to what the gen-

tleman who has just taken his seat [Mr. BOYD] and my friend from Illinois [Mr. FORT] have said in regard to the discrimination which it is claimed is made by this proposed legislation against rectifiers of high wines. I desire to call attention to the fact that with the exception of three or four houses at Peoria and one at Pekin-

Mr. FORT. There are a great many houses at Peoria.
Mr. WILLIS. I say with the exception of the houses at Peoria and one at Pekin and two or three at Cincinnati, the whole rectifying interest of the United States is here petitioning this Congress as a matter of justice for the passage of this bill. I say further that at the time this bill was discussed in the Committee on Ways and Means the leading rectifiers of Saint Louis, of Pennsylvania, and of Chicago were present and counseled with the committee in drawing the bill.

I wish to call attention to the fact that the largest portion of the product manufactured by the houses whose petition has just been read is limited to alcohol and finished spirits, of which, as the gentlemen know, two-thirds are exported, paying no duty whatever into the Treasury of the United States. More than this, I ask the gentleman from Illinois [Mr. FORT] whether last winter a bill similar to this section for leakage with reference to these distilleries was not recentled to this House and did not require his reto?

presented to this House and did not receive his vote? Mr. FORT. Let me answer

Mr. WILLIS. Is not that the fact?
Mr. FORT. Last year we passed a bill giving credit for what might leak out between the West and New York upon the cars.

Mr. WILLIS. Exactly. Now, I defy any man on this floor to explain why there should be a distinction in legislation between leakage which occurs by natural evaporation and leakage which occurs while the spirits are being transported. Commissioner Raum has presented this question in its true light in his last report. He is the officer of the Government charged with the supervision of this matter; and I call especial attention to what he says:

The intent of the internal-revenue laws is to levy a tax of ninety cents a gallon-Upon what? Upon what exists at the time the tax is levied? Does he say that? No. What does he say?—

upon spirits which are manufactured for, and actually go into, consumption in this country. The tax in question, therefore, in his judgment should not be levied upon that which does not have an existence. Our statutes now recognize this as the correct and equitable view, because when spirits are consumed in the warehouse by fire the Government relieves it from taxation, extending this same just principle.

All that these men claim is that the whisky which actually remains after the natural process of evaporation has been gone through with shall pay this tax. Where is the difference between the case of these distillers of pure whiskies and the case of those three or four firms who are the only ones in the United States opposing the legislation sought for in this bill? If these latter have now, as they do, a law exempting them from paying tax upon their goods which evaporate in transit, why should they not consent to the same relief provided for here? This view has controlled the judgment and action of all the rectifiers except these half dozen firms. I hold in my hand a list of fifty-two firms in the State of Illinois, twenty-three of whom are rectifiers, just as Woolner & Co., at Peoria, are—

Mr. FORT. The gentleman is mistaken. Woolner is the largest manufacturer of high wines in the world.

Mr. WILLIS. I do not deny that; but he is not the only manu-All that these men claim is that the whisky which actually re-

Mr. WILLIS. I do not deny that; but he is not the only manu-

facturer of high wines.

facturer of high wines.

Mr. CARLISLE. I do deny that Mr. Woolner is the largest manufacturer of high wines in the world. There is a house in the State of Illinois advocating the passage of this bill which has a capacity to mash five thousand bushels a day. I refer to Miller's establishment.

Mr. FORT. Let me make a proposition. Give the high-wine manufacturers the advantage of a like per cent. with that you give to the sour-mash manufacturers; then the bill will be fair and just, and we

will vote for it.

Mr. CARLISLE. We will.
Mr. WILLIS. I say that every rectifier in the State of Illinois, with
the exception of four or five firms, is in favor of this bill. In my own
State of Kentucky the bill meets with general favor; and so all over the country. Here is a petition that has been sent to the House [Here the hammer fell.]
Mr. BOYD. I withdraw the formal amendment.

The question being taken on the amendment of Mr. Conger to strike out the seventeenth section, there were—ayes 51, noes 68.

So the amendment was not agreed to.

Mr. CONGER. I will say about this as I did about the other, the understanding

Mr. CARLISLE. The understanding applies to these three amend-

Mr. CONGER. I will not make the point of order that no quorum has voted; but it is the understanding that this amendment may be renewed in the House.

Mr. CARLISLE. I understood yesterday that there were three amendments to which the understanding applied, this being one.

Mr. CONGER. Yes, sir; this is the third. I hope the Clerk will
make a record of this understanding.

The CHAIRMAN. Without objection, it is the understanding that
there shall be a vote in the House upon this amendment.

Mr. CABELL. Mr. Chairman, I offer the following, to come in as
an independent section.

The Clerk read as follows:

When any person is charged with an offense under this act, or any other law relating to the internal revenue of the United States, he shall not be taken beyond the limits of the county of his residence for preliminary trial or examination if there is a United States commissioner or other officer in said county, authorized to try and examine such person under section 1014 of the Revised Statutes of the United States, competent and willing to act under the same.

Mr. KELLEY. I make the point of order that that is not relevant

or germane to the bill.

Mr. CABELL. I do not think the point of order is well taken. If gentlemen will observe, the amendment I have offered applies to the pending bill as well as to other portions of the internal revenue as it now exists. It is true that it was intended by the amendment to affect as well the existing as the law contemplated by this bill. All good laws should be enforced—it is proposed to enforce rigidly the revenue laws of the country. It is entirely proper, therefore, for the law-making power to afford or provide adequate means for the enforcement of these laws, as also to point out in clear and unmistakable language the mode and manner of their enforcement or execution. The same penalties which are denounced against the violation of existing laws will apply to the provisions of the bill under consideration when passed into law; therefore it is of consequence, since we are endeavoring to change the revenue law in several particulars, that it should be made so plain and so specific as not to be misunder-stood, and besides relieved as far as possible of any and every oppressive feature.

It is a fact well known to this Congress, Mr. Chairman, and to the country that there is no greater deficiency now existing relative to the internal-revenue law than that I endeavor to supply by this amendment. The way the law is enforced now is a crying outrage, and I offer this amendment to obviate the troubles which now and heretofore have prevailed, in order that the law may be justly and properly enforced and the outrages upon citizens cease.

Mr. ROBINSON. Will the gentleman indicate what law he desires

to change?
Mr. CABELL. Certainly.
Mr. KELLEY. I make the point of order that the gentleman is

discussing the merits of the question.

Mr. ROBINSON. I ask it because I recollect in the last internalrevenue law there was a change made, and I call his attention to

that. I have not the date of that law.

Mr. CABELL. If my friend will allow me—

Mr. ROBINSON. My friend will bear with me a moment longer. When investigating this matter before the Committee on the Judiciary our attention was called to this point, and therefore I ask for particular information, and perhaps the gentleman can refer me at once to the section.

Mr. CABELL. If my memory serves me, during the last Congress when the internal-revenue bill was under discussion there was a section enacted in that bill as it went to the Senate which provided that when a party was arrested for violation of the revenue laws he should when a party was arrested for violation of the revenue laws he should be carried before the nearest commissioner for examination. By some means, I know not how, either in the Senate or here, without my knowledge and without attracting the attention of those particularly interested in the matter, that provision was stricken out or greatly modified, and the bill as enacted into law does not contain it in such

shape as to answer the demands of justice.

It is to supply that omission, Mr. Chairman, that I have offered the amendment to the pending bill. If the gentleman from Massachusetts will look at section 1014 he will see a provision of the law directing how and before whom offenders against the law shall be brought, but it does not provide before what particular commissioner or officer a party charged shall be carried with that particularity which the nature of the case demands. The practice has been all over my section of the country, as I will show when we come to the discussion of the merits of this amendment, to take men charged with offenses and carry them to be tried before commissioners or other officers at a great distance from their homes, where they have neither means nor opportunity to defend themselves, and where the Government as well as the parties arrested are subjected to heavy expense. It is to provide a remedy for this uncalled-for proceeding and to prevent a wrong to the citizen as well as to the Government that I submit the pending amendment; and I think, Mr. Chairman, it is one which should commend itself to the discreet judgment of every good man in this House

Mr. KELLEY. Mr. Chairman, I do not desire to discuss the merits of the gentleman's amendment, were it proper I should do so. I rise for the purpose of saying that I witnessed the patient labors of the sub-committee of Ways and Means in charge of this bill; I saw the frequent conferences between them and the Commissioner of Internal Revenue; I believe in the principles and details of the bill and want to support it. I do not want to see it defeated in this House. I do not want to be compelled to vote against it with many of its friends, as

they will if that amendment be insisted upon.

My friend from Massachusetts tells me the provision is already in the law. If that be the case, I see in this proposition to renew the provision an ingenious and insidious method of killing this bill.

Mr. CABELL. Does the gentleman from Pennsylvania undertake to say that I want to kill this bill?

Mr. KELLEY. By no means. What I said was that that would

be the effect; for I myself would resolutely oppose it with that pro-

vision incorporated.

Mr. CABELL. I am very glad that the gentleman from Pennsylvania has withdrawn his assertion, because I do not desire to kill the bill or to respond discourteously to the gentleman. I will do nothing to kill it if I can possibly avoid it; but I want to fill a hiatus, a gap which appears in the law, that ought, for want of other opportunity, to come in here, as it will enable us to have a fair and proper execution not only of this law which we are about to enact, but of every law which to-day exists upon the statute-books of this country in relation to this subject, and which laws are executed now in a manner insulting and oppressive to the citizen, as well as costly and injurious to the Government.

Mr. KELLEY. Opposed as I am to political riders I will use all of my efforts to defeat this bill if a rider like that is placed upon it.

Mr. ROBINSON. Upon reflection I recall the passage of the bill, and recollect that it became a law. I have now found the section to which I referred and which I sale to have read.

which I referred, and which I ask to have read. The Clerk read as follows:

[Sec. 3231a.] Sec. 9. Where any marshal or deputy marshal of the United States within the district for which he shall be appointed shall find any person or persons in the act of operating an illicit distillery, it shall be lawful for such marshal or deputy marshal to arrest such person or persons, and take him or them forthwith before some judicial officer named in section 1014 of the Revised Statates, who may reside in the county of arrest, or if none in that, nearest to the place of arrest, to be dealt with according to the provisions of sections 1014, 1015, and 1016 of the said Revised Statutes.

Mr. ROBINSON. I think that covers the point.
Mr. CABELL. That does not, in my judgment, make the law as explicit as it ought to be; it has not so operated in the past certainly. I desire to have it so plain and explicit that "the wayfaring man, though a fool, need not err" in its construction. I desire to tell gentlemen who have addressed us from the other side of the House, that

tlemen who have addressed us from the other side of the House, that I have no political motive in regard to offering this amendment. I wish only a good law, and that it may be properly enforced.

I do not wish to defeat and would not defeat the bill of the gentleman from Kentucky, but I wish if possible by any method or humble effort of mine to contribute to the work of perfecting a law which shall carry upon its face its own justice as well as provide for its own vindication. And to show the gentleman and those who doubt in regard to this matter that I am not asking an unreasonable thing or making an unreasonable statement, I will send to the Clerk's desk and ask to have read an extract taken from the only republican paper within my district, published within the last few days, which will show the House and to the country the great necessity for the adoption of some law similar to my amendment which will break up the abuses complained of in the future. the abuses complained of in the future.

Mr. HORR. I raise the question of order that there is now pending a point of order, and that it is not in order for the gentleman to

discuss the measure until the point of order is decided.

The CHAIRMAN. The gentleman from Virginia will address himself to the question of order.

Mr. KELLEY. The gentleman from Virginia has sent up an article, which he has asked to have read by the Clerk, to sustain his cle, which he has asked to have read by the Clerk, to sustain his views in offering this amendment.

Mr. CABELL. I will withdraw the article for the present, until the question of order shall have been decided.

The CHAIRMAN. The Chair sustains the point of order as to the amendment of the gentleman from Virginia.

Mr. CABELL. Do I understand the Chair to sustain the point of

order and to rule the amendment out of order?

The CHAIRMAN. Yes, sir; the amendment offered by the gentleman under section 1014 relates to criminal proceedings and not to

Mr. CABELL. Then I ask with all respect to the Chair how that affects the question we have been discussing? It is true that the bill under consideration is a revenue bill, but the amendment I offered relates to the manner in which it is to be executed, and makes provision for the trial of those who violate as well its provisions as the provisions of other revenue laws of the country. Surely this amendment cannot be ruled out upon the ground that it is not germane to the subject-matter of the bill.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. FORT. I desire to offer an amendment, to come in as an additional earlier.

onal section. I presume there will be no objection to it.

Mr. McKENZIE. I desire to offer an amendment, which shall be

considered as pending, as an additional section to this bill.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FORT. Then I offer the following amendment as an additional section.

The Clerk read as follows:

COMMISSIONERS OF INTERNAL REVENUE.

The Commissioner of Internal Revenue is hereby authorized, on application to him made, to abate or refund any such assessment now pending or heretofore paid; and also to abate or refund sent portions of any assessment for deficiency in production made against any distiller operating under the sour-mash system as may have been occasioned by his failure to produce spirits at the end of seventy-two hours after any commencement or resumption of operations: Provided, That no tax paid prior to January 1, 1874, shall be refunded under the provisions of this section.

Mr. DUNNELL. I raise the point of order that that amendment is not in order. It is not germane to the bill.

Mr. FORT. The bill already provides for this—
Mr. BARBER. Then why do you introduce this?
Mr. FORT. This section only provides that the Commissioner of

Internal Revenue may abate or refund any such assessment now

pending or heretofore paid.

The CHAIRMAN. The point of order is made by the gentleman from Minnesota that this amendment is not germane to the bill. Does the gentleman from Illinois propose to address himself to the

Mr. BREWER. I make the further point of order that it changes existing law and that it does not tend to reduce expenditures.
Mr. FORT. Is the point of order pending?
The CHAIRMAN. The point of order is pending. The Chair has

not decided it.

Mr. FORT. The bill under consideration provides that the Commissioner of Internal Revenue may, under certain circumstances, re missioner of Internal Revenue may, under certain circumstances, refund or abate assessments. The section that I propose is an additional one and modifies that to some extent, and adds a proviso—
Mr. DUNNELL. This bill makes no such provision.
The CHAIRMAN. Does the gentleman from Illinois yield?
Mr. FORT. I would prefer to have one five minutes to myself.
This only provides that the Commissioner of Internal Revenue shall

This only provides that the Commissioner of Internal Revenue shall do what is right and nothing more. I presume that if we desire to enforce the law, all will concede that we ought to be just. If the law takes money out of the pockets of the manufacturer which it ought not to take, it is wrong, and induces him to evade the law. To induce the citizen to be just the Government itself should be just. One further provision is that where a distillery is compelled to stop for any reason—and a sour-mash distiller cannot start up and make

whisky in seventy-two hours; they require more time; it takes anwhisky in seventy-two hours; they require more time; it takes another day after they once get under way—they can then produce the high wines. The small distiller cannot produce them in that time. As the law now exists, as it is now enforced, and as the law officers are compelled to enforce it, it discriminates against small distillers. They cannot get under way and make their high wines under a limited time; so that they lose one day. This amendment, if enacted into law, will authorize the Commissioner of Internal Revenue to do exactly what is just, and charge them for all the spirits they make, and nothing more.

mothing more.

Mr. MILLS. Has the gentleman made an estimate how much it will take to pay those arrearages?

Mr. FORT. I suppose ten or eleven thousand dollars. It does not make any difference what it costs. If the Government has the money belonging to a citizen, it ought to return it. That is all there is

The question being taken on Mr. Forr's amendment, it was not

agreed to.

Mr. McKENZIE. I offer the amendment which I send to the desk, The Clerk read as follows:

Add as a new section the following:

That the producers of leaf-tobacco shall be allowed, without the payment of any tax, to sell leaf-tobacco, the product of their own lands or of lands of which they are the tennats or lessees, to other than licensed dealers, manufacturers, or exporters, provided they do not sell exceeding one thousand dollars' worth in any one

Mr. CONGER. I make the point of order on the amendment. Mr. McKENZIE addressed the committee, but before he had con-

The CHAIRMAN said: By the previous order of the House, the committee will now rise, as the time has nearly arrived when a recess is

directed to be taken.

Mr. McKENZIE. I do not want to say more than half a dozen other things, and I greatly prefer to say them now. [Cries of "Go on!" "Go on!"]

The CHAIRMAN. The gentleman must suspend, for the time has

arrived when the House must take a recess.

Mr. COVERT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COVERT. Will the gentleman from Kentucky [Mr. McKenzie] be entitled to the floor when the House reassembles to-morrow?

The CHAIRMAN. He will be.

Mr. McKENZIE. I do not want to occupy the floor when the House

reassembles in the morning. I want to speak now, while the thing is

hot. [Great laughter.]

The CHAIRMAN. The committee will now rise.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker pro tempore, Mr. THOMPSON, of Kentucky, reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. No. 4812) to amend the laws in relation to internal revenue, had come to no resolution

Mr. STEVENSON. I ask unanimous consent that the gentleman from Kentucky [Mr. McKenzie] may conclude his remarks at this

Mr. CONGER. The order of the House is that a recess shall be now taken.

Mr. WARNER. He can conclude his remarks by unanimous consent.

Mr. BREWER. I call for the regular order. The SPEAKER pro tempore. The gentleman from Michigan [Mr. BREWER] demands the regular order. Under that demand the Chair must state

Mr. BRAGG. I move that the House now adjourn.
Mr. McKENZIE. I trust that gentlemen who have objected to me continuing my remarks at this time will not object to my printing in the RECORD such additional remarks as I would have desired to make. There was no objection, and leave was granted accordingly. [See

Appendix.]
The SPEAKER pro tempore. The question is upon the motion to

adjourn.

Mr. McMAHON. Is it not too late for a motion to adjourn?

The SPEAKER pro tempore. The gentleman from Ohio, [Mr. McMahon,] by his parliamentary inquiry, is delaying the action of the House on the motion to adjourn.

Mr. McMAHON. I know that; I do not want the House to ad-

Mr. STEVENSON. I want to call the attention of the Chair-

[Cries of "Regular order!"] The SPEAKER pro tempore. The Chair cannot entertain anything but the motion of the gentleman from Wisconsin, [Mr. Bragg,] that the House now adjourn. And the Chair will recognize no gentleman, and entertain no motion, until gentlemen are seated and the House

Mr. STEVENSON. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The Chair cannot entertain a parliamentary inquiry, for the hour at which a recess was ordered has arrived. The question is upon the motion that the House now adjourn.

rived. The question is upon the motion that the House now adjourn.

Mr. McMAHON. I make the point of order that even if the motion
to adjourn were made in time, and if the hour of half past four o'clock should arrive during the progress of the roll-call, that roll-call must be arrested and the House take a recess.

The SPEAKER pro tempore. The Chair overrules the point of order. The gentleman from Wisconsin made his motion in time. The gentleman from Ohio [Mr. McMahon] is simply delaying action upon it.

Mr. McMAHON. It is too late now to entertain the motion.

The SPEAKER pro tempore. The Chair does entertain it; and it is

before the House,

The question being taken on the motion of Mr. Bragg that the House adjourn, it was not agreed to; there being—ayes 35, noes 63.

The House then, pursuant to previous order, took a recess until half

past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., Mr. Blackburn in the chair as Speaker pro tempore.

COURT OF PENSIONS.

The SPEAKER pro tempore. The Clerk will read the order under which the session of this evening is held.

The Clerk read as follows:

WEDNESDAY, April 21, 1880.

On motion of Mr. Geddes, by unanimous consent, Ordered, That at four o'clock and thirty minutes p. m. on Thursday next, April 29, the House take a recess until seven o'clock and thirty minutes p. m., said evening session to be for the consideration exclusively of the bill (H. R. No. 5394) to organize a court of pensions.

Mr. GEDDES. I move that the House resolve itself into Committee of the Whole for the consideration of House bill No. 5394; pending which, I move that all general discussion be limited to two hours.

ing which, I move that all general discussion be limited to two nours. A Member. Say one hour.

Mr. FINLEY. I think this order cannot be made until there has been debate on the bill in Committee of the Whole.

The SPEAKER pro tempore. Under a strict construction of the rule, the gentleman from Ohio [Mr. FINLEY] is right.

Mr. SPRINGER. I think the rule in that respect applies to the five-

minute debate, not to the general debate.

The SPEAKER pro tempore. The practice of the House, as the gentleman from Illinois will remember, has been not to limit general debate on a measure until it has been considered in Committee of the Whole.

Mr. SPRINGER. I think the practice is the other way.
Mr. FINLEY. I withdraw any objection on my part.
Mr. FARR. I renew the point. I think it much better to let the debate run till we see to what length it may be desirable to extend it.
The committee can rise at any time for the purpose of having the

House make an order on the subject.

The SPEAKER pro tempore. If the motion to go into Committee of the Whole for the consideration of the bill should prevail, it will be at any time in the power of the gentleman having charge of the measure to move that the committee rise for the purpose of having the House close debate.

Mr. BUCKNER. I suggest whether the bill cannot be considered in the House as in Committee of the Whole?

Mr. GEDDES. I see no advantage in that, and for the present I will insist on my motion to go into Committee of the Whole.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Knorr, for to-night, on account of sickness; To Mr. Covert, for to-night, on account of important business; and To Mr. Dibrell, for to-night, on account of indisposition.

COURT OF PENSIONS.

The motion of Mr. GEDDES, that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. No. 5394)

The House accordingly resolved itself into Committee of the Whole (Mr. Stevenson in the chair) and proceeded to the consideration of the bill (H. R. No. 5394) to organize a court of pensions.

Mr. GEDDES. Mr. Chairman, this bill now under consideration, to

organize a court of pensions, was reported to this House by the Select Committee on Pensions, Bounty, and Back Pay, of which I have the honor to be a member. Some diversity of judgment existed in the committee as to the form of remedy provided in this bill, but entire unanimity prevailed as to the necessity and great importance of immediate relief of some description.

It will be observed that the chief object of this measure is to or-It will be observed that the chief object of this measure is to organize a court, simply and solely to create a judicial tribunal, for the adjudication of pension cases. It does not undertake to provide a code of laws to regulate and govern the subject-matter of pensions. The laws now in force and hereafter to be provided must do that work. To warrant the creation of this court, to justify any increase of the number of Federal officers in any Department of the Government, it should be plainly, manifestly, and pressingly necessary. For one I would resist it until it appears indispensable. That emergency, in my judgment, now exists, and a brief statement will make it apparent.

Mr. Chairman, at the threshold of this inquiry, in the consideration of this measure, two questions naturally arise and should be consid-

Mr. Chairman, at the threshold of this inquiry, in the consideration of this measure, two questions naturally arise and should be considered. First, the evils that exist and call for remedy and the facts that demand the relief provided; secondly, the character of the remedy, whether expedient, just, and adequate.

Both of these propositions should be clearly established in order to command the judgment and support of this House. But little need be said to the attentive and thoughtful men of this House in regard to the first proposition. The evils that exist are various and serious. Some of them are so glaring as to be apparent to the most indifferent. All have felt the embarrassments growing out of the condition of things that has induced this particular measure. Frequent evening sessions have been assigned for the exclusive consideration of pensessions have been assigned for the exclusive consideration of pension cases. Most of those sessions were consumed, running into a late hour of the night, in discussing general principles, and without reaching any conclusion in cases.

Under the circumstances this was natural and inevitable.

not believe it was prompted by any hostility to just and equitable claims for pensions. From a personal knowledge of the sentiments and convictions of some members of this House who offered amendments to pension bills and participated in the discussion I know they are as ardent, faithful, and watchful friends of just and proper claimants of pensions as can be found on this floor.

Conflicting sentiments and emotions influenced members of this

House whenever such cases came up for consideration. Each case as it was presented aroused an earnest sympathy, a deep sense of justice, and the warmest patriotism, producing a desire and determination to press forward and through to final action the cases already flooding our Private Calendar.

Now, with this feeling came a clear consciousness and judgment that the method of investigation was exceedingly imperfect and unsafe. All thoughtful men realized and acknowledged the ill adaptation and utter unsuitableness of congressional machinery for judicial duties and investigations. The soldiers and Government were alike

exposed to injustice and wrong.

With all suitable deference for the embodied wisdom of this House when it can be reached and used, it is safe to affirm that it does not and cannot give proper attention to individual pension cases. A few facts will demonstrate this assertion. The amount and character of the work imposed renders it absolutely impracticable. Over three thousand cases have been presented to the committee, and the numbers of the Committee, and the numbers of the Committee and Invalid ber is rapidly increasing. Members of the Committee on Invalid Pensions it must be remembered have other important duties to perform in connection with other committees, with their private correspondence, and the labor during the sessions of the House. It is, then, utterly impracticable to give the time necessary to unite the judgments of the entire committee in any case. The result is they must and do subdivide the work among the members, giving to each one or more States, even then involving the examination by each member of hundreds of cases. Thus the practical result is to present for our consideration cases based upon the judgment of one man necessarily arrived at under the most unfavorable circumstances. To thus review cases which have been disallowed by the Pension Department cannot be satisfactory to reflecting men.

Mr. Chairman, the public interests and the interests of claimants

demand and should have a more careful examination than the Commissioner of Pensions was able to give them or our action will be in the highest degree injurious. Most of these cases are appeals to Congress based upon alleged inconsiderate rejection of them in the Pension Office. To command the public confidence and respect, we must not acquiesce in equal or greater want of consideration, discrimination,

and judgment.

I must not be misunderstood on this point. No injustice is intended to the committee having charge of this important business. They cannot perform impossibilities. It is, therefore, no injustice to say that some of them burdened with these cases are without judicial

experience. They are unaccustomed to legal investigations, sifting testimony, weighing evidence, and applying legal rules for ascertaining facts and reaching a reliable judgment in a case.

Considering, then, the interests involved, the intricate legal questions, the conflict of evidence to be weighed and correctly determined, and all this under the most unfavorable circumstances, the most determined for the soldiers exting also considered the most unfavorable circumstances. devoted friends of the soldiers, acting also as guardians of the public interest, felt that our action in cases was unsafe and dangerous, and

This condition of things obstructed the consideration and disposi-tion of cases and produced one of the evils the most injurious and disheartening to claimants. Delay in determining cases and paying the amount due to pensioners is the cause of serious complaint. may be carried to such an extent as to be equivalent to a prompt de-nial of justice. Procrastination is said to be the thief of time. It nial of justice. Procrastination is said to be the thief of time. It may be used as an instrument to defeat meritorious pension claims and rob men, women, and children of righteous dues and demands. Every principle of justice, humanity, and patriotism demands prompt, rigid, and ceaseless efforts to discharge this highest and most sacred obligation of our Government. We should discountenance and frown upon any and every measure having the least tendency to unnecessarily increase the delays, expense, inconvenience, and burdens imposed upon this class of our people, so poorly able to endure them. Thousands will knock at the door of this great Government for their reward, not as mendicants supplicating favors, not upon bended knee Thousands will knock at the door of this great Government for their reward, not as mendicants supplicating favors, not upon bended knee asking for bread that another by industry and economy earned, but in a bold and manly spirit demanding of the servants in possession of the Government what should have been meted out to them years ago. These appeals cannot be disregarded. The honor of this Government is pledged to respond. It is a responsibility we cannot shirk, and dare not if we could. It is in binding force so great, in sacredness so strong, that efforts to violate it in thought, word; or deed would be unpardonable. Do I overstate or appear to color this obligation

Mr. Chairman, what is the nature of a pension? It is clearly and forcibly stated by an ex-confederate officer in a report to the Fortyfifth Congress, prepared by Hon. G. W. Hewitt. In that report he says:

fifth Congress, prepared by Hon. G. W. Hewitt. In that report he says:

The pensions of soldiers disabled in the line of duty are in no sense a gratuity,
but are supported by contract made by the Government with them at the date of
their enlistment that if disabled they should have a pension. The consideration is
the service and blood of the soldier. The parties were competent to contract. The
subject-matter of the contract was neither in contravention of law nor of public
policy, but was expressly authorized by law and promotive of the public good. It
has every ingredient of a contract as defined by all the law-books. The pension
was predicated on the sole condition of the soldier's disability in the line of duty,
and upon the happening of which condition the engagement of the Government
became a perfect vested right and was the property of the soldier as much as any
bond which he may have held on the Government or other choses in action which
he may have owned.

The general pension laws do not and perhaps cannot provide for every case. Applications constantly occur that do not come within the strict letter of the statute, but do come within the spirit of all the strict letter of the statute, but do come within the spirit of all pension laws, and may be and often are infinitely stronger in equity and good conscience than some that are technically correct. Shall the door of our Government be closed against them? Shall we, Shylock like, insist upon the letter of our bond? That cannot, will not be. That class of cases, then, will continue to flow in upon us, and it will be economical, as well as wise and patriotic, to make immediate

provision for them.

provision for them.

Mr. Chairman, this leads me to make some suggestions as to the remedy proposed and to endeavor to show that it is a suitable, expedient, and adequate remedy. It is a court, and the bill contemplates the appointment of able and experienced judges to fill the position. This will not only secure justice, and an impartial judgment on the facts and law of each case, but will command the confidence and respect of all parties concerned. It is the only form of tribunal competent to sit in judgment as a court or tribunal of last resort and adiudicate rights so sacred and important.

adjudicate rights so sacred and important.

This is demonstrated by the present system that has produced universal complaint. It is not expected that the Commissioner of Pensions will or can give to applicants the benefit of his individual judgsions will or can give to applicants the benefit of his individual judgment in their cases. This duty is assigned to clerks in the Department under rules and regulations governing them. That thousands of cases are erroneously, unjustly, and illegally rejected is one of the admitted facts, and has given rise to the deep-seated discontent that exists, and universally prevailing complaints all over the country. In seeking a remedy this must be kept in view. We should not keep up and multiply the evils now existing. The tribunal to review, reconsider, and readjudicate the cases decided in the Department below should be above and wholly independent of that Department. below should be above and wholly independent of that Department. below should be above and wholly independent or that Department. It should be a court worthy of an independent existence. It should not be "subordinate to and under the direction of the Secretary of the Interior," as provided for in the bill offered by the minority of the committee. It should not be under the direction of any power. To make it so would degrade it in the beginning, and make it a mere clerkship in the Interior Department in connection with the Pension Office. It would simply be a fifth wheel to the pension wagon.

This would be mere mockery. When men ask for bread you should not give them a stone. The remedy must go deeper, or it would be worse than useless.

Mr. Chairman, having settled the character of the court that should be created, the next question is as to its jurisdiction. As already

shown, two classes of cases exist, jurisdiction of which should be con-ferred upon this court. First, all cases coming within the express letter of general laws governing pensions and which have been tried and disallowed for any reason not satisfactory to claimants. Secondly, all cases of an equitable character. As to the first class the decision of the court is to be final, except where the disability for which the pension was granted has been removed in whole or part which the pension was granted has been removed in whole or part and in cases of fraud. In the other class when in the judgment of the court the claimant has an equitable right to relief but his case does not fall within the letter of any law granting pensions, then the court is authorized and empowered to recommend the allowance of the same by Congress, and thereupon such cases, including the exhibits and testimony therein, with the equitable reasons therefor, shall be certified by the court to Congress and only cases so certified shall be passed upon by Congress.

shall be passed upon by Congress.

It was not thought advisable to confer on this tribunal the discretion that exists in the legislative department of the Government. This bill, therefore, reserves the right and power of final decision in all such cases. But this reservation is technical rather than substantial, for it may be safely assumed that when this court considers and recommends a case it will not be reconsidered or rejected by Congress.

This brings me to a question involved in this bill about which an irreconcilable difference of opinion existed in committee. The majority considered it safe and important to make it competent on appeal for the claimant and the Government to take additional testimony in the form and manner now provided by law, for or against any claim pending in said court, to be considered by said court in its adjudication. This question does not necessarily involve the propriety and efficiency, or otherwise, of the present mode of proof by affidavits. efficiency, or otherwise, of the present mode of proof by amdavits. It simply accepts and adopts that mode of proof until it is changed by legislation and another system provided. The vital question is whether on appeal the case shall be decided exclusively on the evidence submitted to the Commissioner of Pensions prior to his decision. This, in my judgment, would lead to rank, palpable, and shocking injustice. Look at the practical working of it. A claimant prepares his case fully and the Government has exhausted its examination and re-exminations in the most minute particulars constituting in fact one of

aminations in the most minute particulars, constituting in fact one of the most rigid cross-examinations possible. Now, the Commissioner of Pensions is authorized to detail from time to time clerks in his office to investigate suspected attempts at fraud on the Government, and such persons have the power to administer oaths and take affidavits in the course of any such investigation. The work of such detectives and spies is concealed from the claimant. The names and character of the persons who complain or testify against the claimant are never disclosed. On this showing the Commissioner of Pensions acts, and from that decision an appeal is taken. Now, it is insisted that such case shall be retried on that same secret ex parte and often infamous testimony. It is shocking to my sense of justice. It seems to me every man's judgment and conscience should rebel against such cruel

Now, mark you, it is no reply to this to say that the bill submitted by the minority provides that in case the decision of the Commissioner of Pensions is affirmed it shall be returned to the Commissioner of Pensions and further proof offered. This would be productive of endless delays. It would then undergo the same round of investigation, closing up with the same, or more, infamous secret affidavits, and then another appeal. This would be intolerable.

This detective system as conducted in pension cases cannot be justified or defended.

Mr. HOUSE. Do I understand that in this bill the committee provide that this court shall receive ex parte testimony?

Mr. GEDDES. We do.
Mr. HOUSE. Upon that point the gentleman will allow me to say that the secret detectives of whom he complains have been rendered necessary by ex parte affidavits which have been filed in support of pension applications, ex parte testimony of witnesses when the Government has no opportunity to cross-examine; and in order to protect itself against evidence of this sort which it would be unsafe to

rely upon, the Government has been obliged to resort to detectives.
Mr. GEDDES. I think we have taken into consideration all that
the gentleman suggests. This bill provides that the testimony shall
be by affidavit, because that is now the mode provided by law for the
taking of testimony in all pension cases. It is the mode which has
been provided by law for ninety years.

I did not wish to embarrass the discussion of this bill with a col-

lateral question such as the gentleman has suggested; but I will say that in the organization of a judicial tribunal of this kind you should never provide the rules governing the taking of testimony or fix the law upon the subject of any matter that is to be presented by or to that court. You create the court as a legal tribunal, and then whether it is to decide cases upon record evidence exclusively or upon affidavits atone or upon depositions with notice, and examination and cross-examination—all this is a proper subject of independent legislation in a practice act, or code of proceeding regulating the taking of testimony and any other subject-matter pertinent to the proceedings of the tribunal. This bill, I will say to the gentleman, in no way seeks to draw into it the question as to the propriety or impropriety, efficiency or inefficiency of the present mode of taking testimony in pension occasion.

It creates a court and provides that the testimony offered in this

court shall be by affidavit, because that is the present mode of taking Mr. HOUSE. There never was a court before for this purpose.
Mr. GEDDES. No, sir; not in this class of cases.
Mr. HOUSE. And this proposes to be governed by ex parte testimony.

Mr. McMAHON. There are, however, a good many questions decided by courts on strictly ex parte testimony, such as applications for

injunction, attachment, motions for a new trial, &c.

Mr. GEDDES. I may say to the committee in connection with this testimony of the detectives that before the special committee of which I am a member—and as its session was not secret, therefore I feel at liberty to disclose what occurred in it-there appeared a claimant from some part of the country who demanded of our committee that he be subpænaed and allowed to testify. How long he had been receiving his pension and why he was dropped from the pension-rolls, how, when, upon whose testimony, and under what circumstances, he did not know, but he was dropped, and he asked an investigation and we subpensed him. Then when we were about to put him on the stand to testify we discovered what justified me in saying that the Commissioner could not be expected to give his individual time to the consideration of these cases. But the Commissioner took the case, the number of the claim, the name of the party, and he came before us at the next meeting of the committee and frankly announced that he had looked carefully into this case and that the man had been improperly dropped, and that he had restored him. Well, we let that poor fellow in, but what becomes of the other five thousand, or ten thousand, or one hundred? They are all at home and cannot pay railroad fare to come to Washington and learn the reason of their being dropped from the rolls, or to be able to learn that there is a committee in session here which will enable them to understand why they have been dropped from the rolls, and, if just, to restore them again.

There it is learned that at the hour of midnight, assassin-like, a bitdropped from the pension-rolls, and that affidavit is filed in the Department. The little clerk drops the pensioner from the roll of honor; and the great wrong is not alone to the soldier but to the man who is at the head of the Pension Department and who is held re-

who is at the head of the Fension Department and sponsible before the country.

Mr. HOUSE. I hope the gentleman from Ohio does not understand me as advocating the detective system?

Mr. GEDDES. By no means. I should be surprised if any gentleman of the country man on this floor would stand up and seek to justify it. I would be amazed to look any man in the face here in this free country and have him to say "I am willing to justify the demand which is made for any such action as this, now or in the future."

Mr. VAN VOORHIS. Will the gentleman from Ohio permit me to ask him a question in this connection?

Mr. GEDDES. In a moment. I want to say a word or two more about these detectives. The Commissioner of Pensions in his report of 1879, in referring to this odious and obnoxious detective force, says:

It is an offensive method of determining the merits of a pension claim, and is liable to be abused, and under the most scrupulous administration great injustice may sometimes be done.

We are asked to conclude a party and turn him out of court upon this offensive method of preparing the case against him, so liable to be abused and by means of which great injustice is often done. Why should the Government adopt and pursue with such unbending strictness and unrelenting severity methods of investigation in pension cases so abhorrent and hateful to all right-minded men? Why should our "Union soldiers" be made the victims of such cruel injustice? Why should the pensioned and pensionable "Union soldier" be compelled to endure the loss of honor and pension dues without an op-portunity to defend himself? Will you consent to a system of investigation that countenances, permits, and encourages spies secretly and tigation that countenances, permits, and encourages spies secretly and often at midnight to hunt up charges against the soldier, and by the statements of these malicious and sometimes vile and infamous men to deprive him of his blood-bought rights without being allowed to know who his accusers are, or any means of confronting them face to face and overwhelming them by proof? Why must this class of men with their rights be made exceptional and subjected to the painful mortification and disgrace of being stricken from the roll of honor—the pension roll of their country—without the opportunity of defense? Nowhere else does the Government seek to apply it in this manner. In no other tribunal, board, or court in this free country, where life, property, interests, or reputation are involved, is it tolerated. Other interests of equal magnitude have been managed by our Government

interests of equal magnitude have been managed by our Government without resorting to this shameful system. For over ninety years past to the present day our Government, in all the questions of landwarrants, homestead entries, pre-emptions, and a great variety of other important interests, has investigated and disposed of them with-

out resorting to this nefarious and despicable practice.

From thirteen States we have spread from ocean to ocean and multiplied into thirty-eight great States, and from three millions of people our population has increased until we now number doubtless fifty millions. This increase of our population, this development of our resources, and this marvelous augmentation of our wealth has not been accomplished without trials, suffering, and sacrifices. The history of our country during this wonderful progress records to the honor and glory of our people acts of heroism, deeds of valor, and

lives of self-sacrificing devotion to our country unequaled in the annals of mankind.

Let us, then, by no act of ours mar this record by any act of ingratitude or injustice to our soldiers. Our resources are ample and abundant, if wisely and judiciously expended, to meet promptly all just and proper cases for pensions. Colossal fortunes have been built up out of the opportunities afforded by our wars and during the time our soldiers were struggling to maintain the Government.

From these fortunes men are enjoying incomes in sums that bewilder plain people. I witnessed recently one member of such a family covered over and bedazzled with diamonds valued at \$800,000. In looking at one person with over one million of trinkets on the person my mind and heart contrasted with it the pinching poverty, wretchedness, and want of the actual necessaries of life all over this country. Our pension list may be great, but fortunes in this country are great, and I would relieve the wants of the one by paying them their dues by a tax upon the immense surplus incomes of the others.

During our late war we had 2,765,691 men in the field. This is shown by the last report from the War Department, June 29, 1879.

So you see, Mr. Chairman, it was a great war. Its magnitude startled So you see, Mr. Chairman, it was a great war. Its magnitude startled the civilized world. It involved great and grave interests. It maintained undivided and made indivisible a great nation. How was this great result accomplished? Consider the loss at Shiloh, Gettysburgh, and the dreadful campaigns against Richmond, and the sieges of Vicksburgh. Recall the fact that regiments one thousand strong were reduced to skeleton companies. Remember the list of prisoners and the necessary suffering resulting from it. Go to the Army hospital records and you will no longer be surprised at the numbers of pensioners and claimants. With the roll of killed and wounded and the disability resulting from the innumerable diseases incident to the disability resulting from the innumerable diseases incident to camp life, exposure, and fatigue, the wonder is that the list is not greater. But, great or small, justice must be done them, and that right early. The substantial merit, the real virtue of a pension in most cases consists in giving it promptly, with the least possible expense and inconvenience to the applicant

Let us imitate the spirit in which the military service was performed by these men. They often on a single day's notice promptly, cheerfully, and even enthusiastically, laid aside all business, gave up the endearments of home, left wife, parents, children, and friends, turned their backs upon the comforts of the family fireside, many leaving dependent parents or wife and children, and thus hazarding life and health and enduring hardships privation and an analysis. and health, and enduring hardships, privation, and suffering unpar-alleled in the history of wars. When the marches, battles, and im-prisonments, with all the suffering incident to them, are over the survivors return to their homes with physical constitutions broken, and many of them leaving on the hillsides and valleys of southern soil a leg or an arm. The value of such sacrifices cannot be estimated, measured either by what they lost or what the country gained. What, then, is our duty? It is plain, clear, and unavoidable. We must do them justice, or the very stones of the earth would cry out

Must do them justice, which against us.

Mr. Chairman, I know there is great difference of opinion as to the propriety, expediency, and even justice, of all our pension laws. The arrears of pension act I have heard criticised and condemned on this floor, but that is not now an open question. Through the liberality, and sense of instice of Congress it became a law, and in magnanimity, and sense of justice of Congress it became a law, and in thousands of cases has been executed. The recipients of these pensions will forever bless God that this Government appreciated and rewarded their services. Now, others equally meritorious must not be repelled, or their applications unnecessarily delayed, or they per-

mitted to go unrewarded.

Let us, then, pass this bill, and thus provide for the country and grant to the soldier protection, and from thousands of humble firesides all over this land there will ascend morning and evening a sincere and earnest prayer that heaven's choicest blessings may forever rest upon this Courses, and shows all mon this country, the blood-bought

earnest prayer that heaven's choicest blessings may forever rest upon this Congress, and above all, upon this country, the blood-bought heritage so dear to every American heart.

Now, Mr. Chairman, in some suggestions that were made it was thought advisable, so far as I had any consultation with gentlemen of the committee, that these gentleman who have charge of the minority bill, which does not antagonize the main and substantial features of this bill, but does present additional machinery in connection with it that would be proper and right for the organization of the court, should have at least a portion of this time, and therefore I am willing so far as I am generated to yield to those gentlemen such willing, so far as I am concerned, to yield to those gentlemen such

willing, so lar as I am concerned, to yield to those gentlemen such time as they may desire.

Mr. HARRIS, of Massachusetts. Will the gentleman from Ohio allow me to ask him a question before he sits down?

Mr. GEDDES. Certainly.

Mr. HARRIS, of Massachusetts. I observe in this bill about the ninth line of the sixth section on the third page it is provided that it shall be competent for the claimant and the Government to take additional testimony by affidavit for or against any claim pending in said court. Now, I understand the purpose of the committee is to

practice as may be necessary. But what I desire specially to call the attention of the gentleman to, bearing on that subject, is this, that it repeals no law now in force regulating the preparation and investigation of pension cases, so that all laws which are now in force would continue so in that respect.

Mr. HARRIS, of Massachusetts. If the soldier could be examined for one minute by the proper authority, his claim might be established. Now, what I want is to leave to the soldier the right to go into the court and submit himself to the court for examination, and leave to the Government the right to call him for that purpose, and that I think the bill the not do. I think the bill does not do.

Mr. McMAHON. He would not be denied that privilege under the

terms of this bill.

Mr. GEDDES. That is certainly not the purpose of the bill.
Mr. HARRIS, of Massachusetts. I do not wish to antagonize the
bill; but it appears to me that it is not sufficiently guarded in that

Mr. FINLEY. I wish to ask the gentleman a question.
Mr. GEDDES. Before we proceed to a promiscuous discussion, I think we should hear from the other side of the House about the de-

think we should hear from the other side of the House about the debate which is to take place upon the bill itself.

Mr. FINLEY. I wish to ask only one question.

The CHAIRMAN. The Chair has recognized the gentleman from Illinois as entitled to the floor.

Mr. MARSH. I wish to ask the gentleman a question.

Mr. GEDDES. I will hear the gentleman.

Mr. MARSH. Is there any provision in this bill which looks to a more speedy adjudication of the thousands of cases now "dragging their slow length along" in the Pension Office. It seemed to me, Mr. Chairman, this Congress ought to devise some mode or means by which cases, thousands and tens of thousands of them that have been hanging in the Pension Department for years, could be more speedily hanging in the Pension Department for years, could be more speedily adjudicated.

Mr. McMAHON. If the gentleman will allow me to say to him— Mr. MARSH. I should like to have an answer from the gentleman in charge of this bill on that subject. Then I will be glad to hear

from the other gentleman from Ohio.

Mr. GEDDES. You shall have an answer.

Mr. McMAHON. I can tell the gentleman from Illinois

Mr. MARSH. I wish an answer from the gentleman in charge of

Mr. McMAHON. I was endeavoring to answer, but if the gentleman is not seeking for information I have nothing further to say.

The CHAIRMAN. The Chair has recognized the gentleman from

Illinois, [Mr. Thomas.]
Mr. BREWER. And I object to this miscellaneous debate.
Mr. FINLEY. Will the gentleman from Illinois yield to me for a

question?

Mr. THOMAS. I will for a mere question.
Mr. VAN VOORHIS. I rise to a point of order. The hour of the gentleman from Ohio has not yet expired.
The CHAIRMAN. It has expired; and the Chair has recognized the gentleman from Illinois, [Mr. THOMAS.]
Mr. THOMAS. I will yield for two minutes to the gentleman from Ohio to answer the question of the gentleman from Illinois, [Mr. Marsh.]
Mr. GEDDES. I stated to the House in the course of my remarks that the main object of this bill is to organize a court of pensions. It was not thought best to encumber this bill with provisions regulating the conduct and the management of the Pension Bureau as it now is, or to provide additional force to facilitate the investigation now is, or to provide additional force to facilitate the investigation

now is, or to provide additional force to facilitate the investigation and preparation of cases there.

Mr. VAN VOORHIS. It is independent of that.

Mr. GEDDES. This is wholly independent of that, by other acts which have passed and may be passed, and are proper to be passed, wholly independent of this bill.

Mr. MARSH. I was in hopes, Mr. Chairman, there was something in this bill which would furnish a more speedy and surer mode of dein this bill which would furnish a more speedy and surer mode of determining these cases which have been hanging for years in the Department. I am sorry there is no such provision in this bill. It seems this provides machinery only for determining those cases which have been rejected by the Department, and provides no means to expedite the consideration and adjudication of the hundred or two hundred thousand cases which are now pending there.

Mr. GEDDES. The gentleman entirely overlooks the three or four thousand cases already pending before this body, and he seems to have entirely overlooked the fact we have spent many night sessions here in the consideration of pension cases. He seems, too, to have overlooked the fact it will take out of this body this class of busi-

ness besides other work it will accomplish.

Mr. FINLEY. I ask the gentleman from Illinois to yield to me.

Mr. THOMAS. I will yield to the gentleman from Wisconsin [Mr.

CASWELL] for twenty minutes.

Mr. O'NEILL. How long does the general debate continue?

The CHAIRMAN. There has been no order closing debate.

Mr. CASWELL. I will yield to the gentleman from Ohio for a

Mr. FINLEY. I find on page 2 of the bill reported by the majority

of the committee the following provision: And when, in the judgment of said court, the claimant has an equitable right to relief, but which the law does not make provision for, said court shall recom-

mend the allowance of the same by Congress, and thereupon such cases, including the exhibits and testimony therein, with the equitable reasons therefor, shall be certified by said court to Congress; and from and after the passage of this act only cases so certified shall be passed upon by Congress.

The point I desire to direct attention to is this: whether the commitee were of the opinion that this Congress could by an act of this kind

tee were of the opinion that this Congress could by an act of this kind limit the powers of any subsequent Congress on any bill or claim that might be brought before it.

Mr. CASWELL. I will say in reply to the gentleman from Ohio, the committee had no such idea whatever. No act of this Congress could bind future Congresses in any respect, and the object of that portion of the bill was only to give to the court power to examine such cases as did not come within the law, with a view to aid Congress the contribute of the factors. such cases as did not come within the law, with a view to aid Congress by certifying a list accompanied by a statement of the facts so Congress, it was supposed, might act with greater facility on such cases. But no step, Mr. Chairman, can be taken by this Congress, in the opinion of that committee, (and I believe there is no disagreement about it,) which would bind any future Congress. It is utterly impossible for us to pass any law here that would strike down these cases and keep them from our doors. Just so long as members of Congress will introduce those bills, just so long they must be before the House.

the House.

Now, Mr. Chairman, I desire for a few minutes to express, so far as I may be able to do it, the views of the minority on these questions. I agree with the gentleman from Ohio [Mr. GEDDES] that the country is much excited on the question of granting pensions. I think this excitement is unnecessarily stimulated. Claimants are led to believe, to a great extent, that they may present their claims or that they should present their claims, and that they should be passed upon and allowed in a very few months. If they understood the situation of the Pension Bureau, and would exercise some reason, which they should do, they would make up their minds that they must wait. should do, they would make up their minds that they must wait.

When we stop and consider that there have been over six hundred thousand original claims presented to the Pension Bureau since the passage of the act in 1862 we see the enormous work that has been laid out for that bureau to act upon. Of these six hundred thousand there have been three hundred and fifty thousand cases adjudicated. There are to-day two hundred and fifty thousand original cases unadjusted pending in the Pension Office. One hundred and seventy-five thousand of these cases have never been acted upon at all. Now it is a great task for that hursen to reason proceed the control of the he thousand of these cases have never been acted upon at all. Now it is a great task for that bureau to pass upon thirty or forty thousand cases in a year. Even if they could examine and dispose of fifty thousand a year it would take five years' constant labor to audit and dispose of the claims now pending in the Pension Bureau.

Then what is the remedy? Why, these bills provide none. These bills do not contemplate any action whatever until after the Pension Bureau has decided the case. It as that the Compiler the Pension

Bureau has decided the case. I see that the Committee on Invalid Pensions in the Senate have reported a bill which proposes to organize in every congressional district a commission consisting of one lawyer and one surgeon to commence the trial of these cases in the locality where the pensioner resides. Now, if that be a good remedy we can see at once that we bring three hundred tribunals at work upon these two hundred and fifty thousand cases, and they might perhaps facilitate the passage of these claims through the bureau. But haps facilitate the passage of these claims through the bureau. But these bills here embody no such remedy. One of them, that presented by the majority, proposes to organize a court of pensions independent of every branch of the Government, to stand upon its own basis, into which these cases after rejection may be taken to be tried there de novo. Now, there have been sixty thousand cases rejected which are lying in the Pension Bureau. All of those are liable to be taken by appeal into that court. It is reasonable to suppose that one-half of them would be, because a large portion of those claims are represented by attorneys who would take them up from the place where they now slumber and put them into that court.

Suppose then, Mr. Chairman, one-half of these rejected cases should be taken there for trial, and trial de novo, with additional evidence, ex parte affidavits, and witnesses sworn in court, or re-examination of record evidence. Why, it would be a large day's work for that court to try ten cases a day. And if that were so it would take ten years' work, three hundred days in a year, to dispose of those thirty thousand cases, and they are to be augmented every day by twenty-five or thirty new cases.

or thirty new cases

or thirty new cases.

Is there a remedy there for the applicant for a pension? Is that a speedy remedy? Let me tell you that if you organize that court you place the entire business in the hands of lawyers who must practice at that bar, because no claimant would think of going to court without an attorney, and it would be expensive, slow, ponderous work. If the applicant secured a hearing in five or six or seven years he would do very well. The delay in the Supreme Court would bear no comparison with it whatever. Besides, if a practitioner was not in harmony with the Pension Office, he could retain his evidence, procure a rejection before the Commissioner, take his evidence, in entirely cure a rejection before the Commissioner, take his evidence in entirely anew, and submit it to the court for the first time. Consequently, you see that this court would not furnish a speedy remedy. It may be seriously questioned whether we should depart from the ordinary channels of auditing claims within the department of the Government. If we are to do so, we should act with great caution. Now, the minority propose by the bill which they submit to organize a board of review, consisting of two lawyers of equal ability to those who shall constitute this court, and one surgeon, also skilled, to sit in review of the record as it may be passed from the Commissioner to that board of review. They are to be independent of the Pension Office, but subjected to the Department of the Interior, to whom they shall make

Mr. GEDDES. Will the gentleman allow me to ask him a question in that connection because I feel it to be important?

in that connection because I feel it to be important?

Mr. CASWELL. Certainly.

Mr. GEDDES. I understand the gentleman from Wisconsin to refer to the court that is provided for by the Senate bill as an argument against the creation of this court.

Mr. CASWELL. Oh,no; the gentleman misunderstands me. I say that has nothing to do with these bills here.

Mr. GEDDES. Then I misunderstood the gentleman.

Mr. CASWELL. The bill before the Senate would facilitate the adjudication of the cases now pending in the bureau, but would have

Mr. CASWELL. The bill before the Senate would facilitate the adjudication of the cases now pending in the bureau, but would have nothing to do with those after an appeal had been taken.

Mr. ROTHWELL. Will the gentleman yield to me for a question?

Mr. CASWELL. Certainly; although the remarks I had intended to submit will be distorted by interruptions.

Mr. ROTHWELL. Is it not a fact that the objections suggested against this court will lie with equal force against the board of review

as suggested by the minority report?

Mr. CASWELL. I thank the gentleman from Missouri for calling my attention to that question. Any one who has practiced in courts knows something of the delays which surround any case that is pend-

It has a docket; it has ponderous weight of machinery. All three of the judges must sit in examining any one case. You cannot well divide the court and place one judge here and one there to commence the hearing of testimony and the argument of cases before the court. But if you have a board of review it will take the record as made up and returned to that board by the Commissioner of Pensions, like a certiorari in court, and each one of the board can take his case and examine it, and if the Commissioner has made an error he can cor-

Mr. GEDDES. Wherein would that be superior to the report of any single member of the Committee on Invalid Pensions of this House?

Mr. CASWELL. If there were three men constituting a board of review, who gave their entire time and attention to the examining of these cases until they became learned in them, with a line of decisions and rulings which would govern their action, they would soon fall into a channel in which they could audit these claims with great rapidity; and their rulings would go to the examiners in the Pension Bureau for their guidance, and errors would be less frequent.

Bureau for their guidance, and errors would be less requent.

Now, this proposed court of pensions would take these cases without form, without any certificate or ceremony, take them up by the bushel, if you please, and examine them and return them without any form or ceremony. This bill provides that if they find the evidence insufficient to pass a claim, if, in other words, they affirm the decision of the Commissioner of Pensions in rejecting the claim, they may return the case to the Pension Bureau, where it is to be opened for further and additional evidence before the Commissioner. I think that every claimant should be compelled to make out his case before the Commissioner, to submit all his evidence there, and give the Commissioner an opportunity to pass upon it.

These are only the essential differences between the two bills pre-

sented by the committee. One proposes to create a court, the other to establish a board of review. Before the one tribunal a new trial may be had; the case would be gone all ever from the beginning; the evidence would be examined from the beginning. In the other case the board of review would be confined to the record as made up before the Commissioner; that record would be examined and the decision of the Commissioner either affirmed or disaffirmed.

Let me say to gentlemen that we do not differ in respect to the de-

sirability of keeping these pension bills out of Congress. Both the bills now presented provide that equitable cases may be certified to

Congress and there passed upon.

We examined the question whether we could vest this court or this board of review with power to pass upon equitable cases and grant relief. A little thought will satisfy gentlemen that that could not be done. To do that would be to vest legislative authority in this tribunal, and they would be allowed to legislate or to decide or to debunal, and they would be allowed to legislate or to decide or to determine what man should have a pension and what man should not have any, without any law to govern them in their decisions. Consequently they cannot be allowed to do more than to recommend to Congress such equitable cases as they may deem proper.

Mr. WILLITS. Will the gentleman allow me to ask him a question?

Mr. WILLITS. I would inquire of the gentleman what he means

by equitable cases?

Mr. CASWELL. I mean such cases as now come to this House. I understand these cases do not come within any general law, or they would not be here, but would be pending in the Pension Bureau instead of being before Congress.

Mr. WILLITS. Is it not true that more than three-fourths of all

the cases that come here are cases which have been rejected by the Commissioner of Pensions for the reason that it is impossible for the claimants to make perfect proof; and if they could make the proof

they would be covered by existing law?

Mr. CASWELL. I am not familiar enough with them to answer the gentleman. I suppose they come here because the claimants cannot make out a case before the Commissioner of Pensions; they fail to establish by proper evidence the fact of disability or the fact that the disability, if it exists, was incurred while in the line of duty, or some other requirement that is necessary to bring the case within the general law. I suppose it is that class of cases that comes

Before I conclude I desire to submit a table which I think gentlemen will be interested in examining. It is a table showing the work men will be interested in examining. It is a table showing the work of the Pension Office during nine months of the present fiscal year, from July 1, 1879, to March 31, 1880, together with the work done in the office for the corresponding nine months of the preceding fiscal year. I submit that table for the purpose of showing that there is a gradual improvement in the working of that office.

Mr. MYERS. Will the gentleman state whether that table was prepared by Mr. Bentley, and prepared by him since the organization of the select committee.

of the select committee?

Mr. CASWELL. Mr. Bentley prepared the table to-day at my request, so that I might have it here this evening for the purpose of showing the amount of labor performed in that office, and the number of cases acted upon. This is the table:

Number of claims settled during the present fiscal year, i. e., from July 1, 1879, to March 31, 1880; also, the proportion of admissions and rejections,

Period.	Claims of all classes settled.										
	Army and Navy.						War of 1812.			1819 land.	er of
	Invalids.		Widows, &c.		Armone	Total Army	Survivors.	Widows,	Bounty land	Total war of 1819 and bounty land.	number es settled.
	Original.	Increase.	Original.	Increase.	Arrears.	and Navy.	Survivors.	&c.	Boun	Total and	Total m
July, 1879	915 663 395 1,037 611 433 675 812 1,408	986 1, 297 1, 263 2, 044 1, 529 1, 099 1, 499 1, 395 2, 262	513 455 337 415 327 458 466 376 665	34 42 35 23 22 26 32 51 72	10, 909 10, 267 14, 287 10, 920 4, 820 3, 715 127 2, 312 2, 242	13, 357 12, 724 16, 617 14, 439 7, 309 5, 731 3, 299 4, 946 6, 649	113 72 42 36 58 30 46 26 54	902 648 488 585 522 502 435 304 248	38 86 74 17 97 35 54 42 43	1, 053 806 604 638 677 567 535 372 335	14, 410 13, 530 16, 921 15, 077 7, 986 6, 298 3, 834 5, 318 6, 984
Total for nine months	6, 949	13, 374	4, 012	337	60, 099	84, 771	477	4, 634	476	5, 587	90, 358
AdmittedRejected	5, 349 1, 600	5, 934 7, 440	3, 137 875	305 32	28, 417 31, 682	43, 142 41, 629	234 243	3, 759 875	77 399	4, 070 1, 517	47, 212 43, 146
Total	6, 949	13, 374	4, 012	337	60, 099	84, 771	477	4, 634	476	5, 587	95, 358
Total claims settled by admiss	rion and rej	ection for t	he correspo	nding mon	hs of the 1	receding fis	cal year, i.	e., July 1,	1878, to	March 31	, 1879.
Admitted	4, 501 5, 379	6, 168 6, 238	2, 274 864	356 27		13, 299 12, 508	2, 245 898	15, 461 1, 718	71 231	17, 777 2, 847	31, 076 15, 355
Total	9, 080	12, 406	3, 138	383		25, 807	3, 143	17, 179	302	20, 624	46, 431

Mr. THOMAS. I yield to my colleague [Mr. Davis, of Illinois]

for ten minutes.

Mr. DAVIS, of Illinois. Mr. Chairman, this committee, this select committee which was appointed by this House for the special purpose of devising some means whereby the mass of claims pending in the Pension Office might be more rapidly adjudicated, it seems to me have not been happy in their results, and this bill which is reported by the majority of the committee as a panacea of all the evils existing does not, in my opinion, give the relief sought and should not pass. It provides for a court of three judges, and requires the concurrence of a majority to give validity to its decisions. Jurisdiction is conferred in all cases appealed to it from the Commissioner of Pensions. The appeal lies in pending cases in which requirements of additional evi-

appeal lies in pending cases in which requirements of additional evidence have been made, as well as in rejected claims.

The bill directs that all claims now before Congress shall be referred to the court for consideration. These number about six thousand in both Houses. The Pension Office has in its files about forty there are that here here formally rejected and all the court for the pension of the pensio sand in both Houses. The Pension Office has in its files about forty thousand claims that have been formally rejected, and which are still contested by the claimants, and in which the adverse action is but seldom reversed. There will be, then, forty-six thousand claims in which we may reasonably expect appeals to this court will be taken. They undoubtedly will be taken in nearly all these cases, as they have everything to gain and nothing to lose by such a course. The pensions denied them by the one tribunal may be granted by the

other.

The judges are to be learned in the law—lawyers. With their professional training, and from the very necessities of the case, they must fully ascertain the facts in each case before them by a careful examination of all the papers. The class of claims in question having been long and strongly contested are the most voluminous in the files of the Pension Office. The judge who will examine and decide in two such cases per diem will fully discharge his duty. The two cases examined any day by one judge must be examined another day by a second member of the court; so that they will not dispose of but six cases per diem; and estimating at that number for three hundred days in the year gives eighteen hundred claims as the number in which we may expect decisions to be given in the period named. which we may expect decisions to be given in the period named. Double it, or quadruple it, and how long are anxious claimants to be made to wait for decision or judgment. Nor is this all; in thousands of claims pending before the Pension Office the claimants have filed all the testimony they can produce, but not sufficient in the judgment of that office to justify the allowance of their pensions, and it insists upon the requirements of additional evidence made by it.

This refusal to allow the pension upon the best evidence the claimant can furnish is equivalent to a formal rejection. In many claims for increase and arrears of pension the rates fixed by the Pension Of-fice are unsatisfactory to the parties in interest. The bill also pro-vides for the consideration by the proposed court of equitable claims— those not within the provisions of the general law and which, as a rule, have never been filed with the Commissioner of Pensions because clearly not within his power to allow. No one may state the number of claims falling within these classes, but they will run far up in the

of claims falling within these classes, but they will run far up in the thousands, quite enough in themselves to give employment to a dozen such courts for years to come. Add to these the current rejections, which numbered 12,780 original claims during the last fiscal year, and the absurdity of the bill is apparent.

I need say no more to show the entire inadequacy of the proposed court to handle the work that will come before it. Instead of the chief clerk and two assistants provided in the bill, they will need, and be compelled to have, not less than thirty clerks to care for and correspond in the thousands of claims that will reach their files. There are serious objections to the measure in other respects. The There are serious objections to the measure in other respects. The members of the court are charged with the exercise of judicial functions, and at the same time are the sole representatives of the interests of the Government. They are called upon to give impartial judgment while at the same time it will become their duty to meet and ment while at the same time it will become their duty to meet and answer, in behalf of the Government, the interested statement of the law and the facts, made by counsel for the claimants. Their decisions, while professing to be upon appeals from the action of the Commissioner of Pensions, may be founded upon testimony never before him. It inhibits any future Congress from passing special acts granting pensions except they shall have been certified by the court to be equitable cases, an inhibition which will amount to nothing more than declaration of progress by the Congress which was ness the bill a declaration of purpose by the Congress which may pass the bill, and cannot bind the conscience nor the acts of any Congress that may

It confers jurisdiction upon the court to hear and determine whether It confers jurisdiction upon the court to hear and determine whether a record of desertion in the War Department should be removed, and if so, "then the claim for pension shall be considered the same as if said record did not exist." It does not authorize the removal of the charge, and if it did or not is immaterial, inasmuch as I understand that claims for pension are now under existing law considered just the "same as if said record did not exist." Desertion is a fact to be considered as other facts in determining if the soldier was or was not in the line of duty when he became disabled, and the fact of desertion must still be weighed in that connection, even though the record of desertion is obliterated.

In my judgment, and in the light of the experience gained in Com-

In my judgment, and in the light of the experience gained in Committee on Invalid Pensions, this bill is radically wrong, in that it is intended to aid the least deserving class of claimants, and makes no

provision to expedite the settlement of meritorious claims. The bill is intended to throw a protecting arm around these claims, and entirely neglects to provide for the meritorious ones which are crowding upon the Pension Office by hundreds of thousands.

Taken all in all, and much more might be said about it, the measure is crude, and manifestly drawn from the heart rather than from the

head.

It is obvious that its framer gave but little study to the subject, and had mainly in view the relief of the grievous burden imposed upon the pension committees of this Congress, and not for the relief of meritorious cases pending in the Pension Office. The substitute offered by the minority of the select committee is better in some of its features but open to the full force of the figures I have given as to the number of claims that have been formally rejected by the Pension Office, and the inadequacy of a court of the character provided to handle the subject. handle the subject.

Mr. THOMAS. I now yield ten minutes to the gentleman from

In the minutes to the gentleman from Iowa, [Mr. Thompson.]

Mr. Thompson.]

Mr. Thompson, of Iowa. I thank my friend from Illinois for the opportunity of placing myself on record in regard to this very important measure. I think it is conceded by every man that so long as the Government grants pensions, whatever relief is given in that direction should be granted as speedily as possible, and in a manner to meet the necessities of the case.

It is a notorious fact that complaints have gone throughout the length and breadth of the land against the Commissioner of Pensions; charges are made that he has been dereliet in the performance of his official duty. Now, while I have no question that there may have been some unnecessary delay in action upon these cases, yet I do think that many of these complaints are altogether unfounded. Parties who have placed their claims in the hands of the Commissioner for adjudication months or years ago have become impatient; comfor adjudication months or years ago have become impatient; complaints of such parties have found their way into the public prints in every State of the Union, until it has become almost a fixed and absolute belief in the minds of a great portion of the community that the fault lies with the Commissioner of Pensions. I have no such idea; for when we come to contemplate the number of pension claims that have been pushed through that office during the last five years and the number pending there to-day, it is utterly unreasonable to expect a speedy adjudication of such claims in that office with a single head

and with the limited amount of clerical force at his disposal.

There is one matter, however, in regard to which I agree emphatically with the gentleman from Ohio, [Mr. Geddes.] I concur with him in his denunciation of the spy system, which has called forth condemnation all over the country. I do not wish to be understood as saying that it is improper for an officer of the Government to emas saying that it is improper for an omicer of the Government to employ detectives for the purpose of ascertaining facts; for it is a truth that unworthy persons have been placed upon the pension-rolls through fraud and perjury. It is perfectly right, therefore, that Government officers having charge of the matter should take such means as may be best calculated, in their belief, to get at the facts in these cases. But I do denounce the system by which testimony brought into the Pension Office is placed under lock and key; and when a member of Congress or an investigating committee seeks access to that testimony in any case even the name of the accuser who has placed that evidence on record is denied. I say that such a system is at war with all our notions of justice and right.

Mr. MARSH. Does the gentleman affirm it to be a fact that the Commissioner of Pensions has refused to permit members of Congress.

to see evidence collected by these detectives or special agents? Several Members. Yes.

Mr. MARSH. I want to say that so far as my experience is concerned I have never been refused access to any evidence of that kind in cases which I desired to investigate.

Mr. THOMPSON, of Iowa. I am very glad to hear it; I have been.
Mr. ATHERTON. The office, if it permits you to see the evidence,
will not let you disclose who the witnesses are; you are not allowed
to see the evidence except upon a pledge of secrecy.
Mr. THOMPSON, of Iowa. It is doubtless the fault of the law
rather than of the Commissioner that he is obliged to resort to this

kind of testimony for the purpose of establishing the facts in pension cases. But it is not right that parties accused in this way are not permitted to be confronted with the witnesses against them, or

not permitted to be confronted with the witnesses against them, or to rebut their testimony in any way whatever.

When we come to look over the records we must be satisfied that there is something wrong which needs to be remedied; and I think the bill reported by the minority of the committee would meet the evil fairly and with justice. By turning to the report of the Commissioner of Pensions we find that on the 20th of June, 1879, there were 242,755 pension applications pending in that office; that during the year there were 31,346 new names added to the list; 908 formerly dropped were restored, and 13,497 were dropped from the pensionrolls. Now, when we take into consideration the fact that there are these 13,497 soldiers across whose names has been drawn a black line of dishonor, upon testimony which is hidden from the eyes of the of dishonor, upon testimony which is hidden from the eyes of the world, and to which, so far as I am aware, no man has been allowed access for a single moment—and in any case the name of the accuser is kept from the party who is thus placed under ban—I say that such a system is at war with all our preconceived notions of justice. and right.

I submit that the bill reported by the minority of the committee brings this matter properly within the jurisdiction of a court. When-ever a demand is made for the testimony which will show the reason why any pensioner has been dropped, that evidence comes into the

why any pensioner has been dropped, that evidence comes into the broad glare of day, and the accused can confront the witness against him and show the falsity of that testimony.

I know there is objection made in the bill simply because this is made subject to the Interior Department. If that is a defect, how easily that objection can be met by striking out "as a subordinate branch of the Interior Department;" so it will read:

That there is hereby established a board of appeals and review, to be composed

Mr. ROBINSON. What is the objection to making it subordinate

to the Interior Department?

Mr. THOMPSON, of Iowa. The objection is, that it keeps it, as it were, in a circumlocution office. But, sir, I believe it ought not to be subordinate to anything except Congress, the power which created it. It should act independently. I know I have heard frequently the argument made on this floor that the objection to bringing these cases into Congress was that we could not give them proper attention; that the Calendar is loaded down with such a number they cannot possibly be reached and disposed of during the term of this Congress, and consequently, however anxious Congress might be to grant relief, it is impossible for it to dispose of all these cases. And from evidence we have here there are over three thousand cases now in the hands of the committee. Out of the whole number we have passed probably

fifty; I think not to exceed that number.

am opposed, Mr. Chairman, to making the decision in the first instance final, as provided for in the bill reported by the gentleman from Ohio. You say you are opposed to making Congress a court of appeal. So am I. But heretofore, Mr. Chairman, when we looked into the fact, there was no other place provided. The moment the law was passed you placed the Commissioner of Pensions in a straightjacket. He was the creature of Congress, and out of that straight-jacket he could not move. When, under the law, cases were rejected, you say do not come to Congress and make it a court of appeal. In the name of Heaven, where was the man whose case was rejected to come for his rights unless the doors of Congress were open to him so come for his rights unless the doors of Congress were open to him so he could come in and at any time appeal to you on the ground that injustice had been done him, not through the fault of the Commissioner of Pensions, but because of the inadequacy of the law, that no human foresight could see or provide for. Congress has been generous. I believe it is willing yet to be generous to the defenders of the old flag and the country, but I say at the same time human wisdom and foresight could not foresee every emergency which could arise, and the Commissioner did right in rejecting these claims. Do not let us throw all the blame upon the Commissioner in the absence of a court of this kind. There should be such a court which should be court of this kind. There should be such a court, which should be made a soldiers' court, so the claimant whose case was rejected might be able to come in and place all his testimony on record and so he might bring forward his witnesses to show why he is entitled to the

might bring forward his witnesses to show why he is entitled to the pension which he claims notwithstanding that under the law the Commissioner could not give it to him.

Mr. THOMAS. Mr. Chairman, the committee in looking over the great field of pensions—for the field is indeed an extended one and the burden is one of no little weight—have attempted to find a means whereby claimants who have come to Congress for relief may have their cases considered and disposed of, and whereby Congress can be relieved from this great and onerous burden. I suppose there is not a member of this House but realizes the utter impossibility of passing all the private pension bills which may be reported by the Committee. a member of this House but realizes the utter impossibility of passing all the private pension bills which may be reported by the Committee on Invalid Pensions, to say nothing of the hundreds and thousands of cases which cannot be considered even by that committee. Realizing that some relief was needed, the committee set to work to find a remedy, and looking to that end of the line which came to the door of Congress we found it was hitched on to cases which had been rejected by the Commissioner of Pensions. We began to follow that line, and following it found a remedy was needed. Hence we have proposed a remedy for that class of cases and not for the cases which

are pending and undetermined in the Pension Office.

The committee in discussing this question, which was brought before it by the distinguished gentleman from Pennsylvania, [Mr. Coffroth,] chairman of the Committee on Invalid Pensions, agreed that some tribunal ought to be organized with authority to investigate

the sixty thousand rejected cases, in most of which the claimants feel aggrieved at the decision of the Commissioner of Pensions and come to Congress for relief by special act.

So far the whole committee were agreed, but the committee were not agreed as to what sort of tribunal should be organized, nor were they agreed as to what jurisdiction should be accorded to it by Congress. The majority, crystallizing their views into the shape of a bill, gress. The majority, crystallizing their views into the shape of a bill, propose to organize a court to be composed of three judges, to have jurisdiction, on appeal, in all cases rejected by the Commissioner of Pensions. In addition to that it is provided that they shall have original jurisdiction to try cases de novo by allowing additional evidence. The bill involves all the complicated and expensive machinery of a court, with three judges, three clerks, and a bailiff, with trials the same as in any other court.

The minority proposes a different plan or system, which is the organization of a board to be called a board of appeals or review, which

shall be composed of two men learned in the law, and one of whom shall be learned in medicine and surgery, which shall have jurisdiction to try and determine all cases adversely decided upon by the Commissioners of Pensions. It shall be, however, strictly a board of review and shall pass upon the question as to whether the Commissioner's decision was constant as the criderocal decision. sioner's decision was correct or incorrect upon the evidence which was submitted to him, and in order that the views of the minority may be understood I shall ask that this bill which is proposed as a substitute be read as a part of my remarks.

Mr. FINLEY. I should like to ask the gentleman from Illinois a

question in this connection.

Mr. THOMAS. I will yield with pleasure.

Mr. FINLEY. The gentleman has referred to the necessity of two members of this board to be learned in the law, and one of whom shall be learned in the science of medicine and surgery. I should be glad if he would state the reason for the requirement of one of this board at least shall be learned in the science of medicine and surgery.

at least shall be learned in the science of medicine and surgery.

Mr. THOMAS. I am glad the gentleman has called my attention to that, and has asked me the question why the minority have provided for the appointment of a member of this board who shall be learned in the science of medicine and surgery. Briefly, I will state the reason. It is this: it has been urged by many persons that the board of surgeons at the Pension Office, when the evidence shows a man is entitled to a pension, grades and cuts down the rate of pension, without regard to the evidence. In order that there may be no grinding down or cutting under, it is provided that a member of this board shall be learned in the science of medicine and surgery, and will be able to determine from the evidence before him what the degree of disability is, and what rate of pension should be granted. degree of disability is, and what rate of pension should be granted to the applicant. Heretofore it has been referred to a board of physicians, as I have stated. This will do away with the necessity of that reference and simplify the matter in that respect.

Now, I ask that the bill proposed by the minority of the committee

be read.

Mr. VAN VOORHIS. I hope the gentleman will not insist upon the reading of the bill. Every member of the committee has a copy of it and the reading of it can hardly be necessary.

Mr. THOMAS. The reading of it will come out of my own time. The Clerk read as follows:

The Clerk read as follows:

A bill to establish a board of appeals to review cases where claims for pension, claims for increase of pension, claims for arrears of pension, and application for restoration to the pension-roll have been or shall hereafter be rejected by the Commissioner of Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, established as a subordinate branch of the Interior Department a board of appeals and review, to be composed of three members, two of whom shall be learned in the law, and one who shall be learned in the sciences of medicine and surgery.

SEC. 2. That the members of said board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their office for the term of three years, or until their successor or successors are appointed and qualified, and shall each receive a salary of \$3,500 per annum, payable quarterly on the first days of July, October, January, and April of each year.

SEC. 3. That before entering upon the duties of their office, the members of said board shall take and subscribe to a solemn oath to support the Constitution of the United States, and to discharge their duties according to law and to the best of their ability.

Sec. 3. That before entering upon the duties of their office, the members of said board shall take and subscribe to a solemn eath to support the Constitution of the United States, and to discharge their duties according to law and to the best of their ability.

Sec. 4. That said board shall be subordinate to and under the direction of the Secretary of the Interior, but independent of, and in no way under the control of, the Commissioner of Pensions.

Sec. 5. That said board shall appoint a clerk, whose duty it shall be to keep a complete record of the proceedings of said board, and who shall receive a salary of \$1,800 per annum, payable quarterly, on the first days of July, October, January, and April, respectively. Before entering upon the duties of his office said clerk shall take and subscribe to a solemn eath to support the Constitution of the United States, and to discharge his duties according to law to the best of his ability.

Sec. 6. That said board shall keep a docket, to be properly prepared under the direction of its members, upon which shall be entered each case which may come before the board for its action.

Sec. 7. That said board is hereby authorized to, and shall, adopt rules of practice regulating proceedings before it, and shall have power to maintain order during its sessions, and punish for contempt.

Sec. 8. That said board shall have jurisdiction on appeal to review and determine all cases where claims for pension, claims for increase of pension, and applications for restoration to the pension-roll have been or shall hereafter be decided adversely to the claimant, either in whole or in part, by the Commissioner of Pensions, including all cases pending and undetermined in Congress, and including also all cases where the name of a pensioner has been, or shall be hereafter, dropped from the pension-roll.

Sec. 9. That upon the organization of said board, or at any time thereafter, the claimant in whose case an adverse decision has been rendered by the Commissioner of Pensions, may make appl

SEC. 14. That any attorney who shall charge, ask, demand, or receive, either directly or indirectly, any greater sum of money, article, or thing, as a compensation or fee for his or her services in prosecuting said claim before said board, shall be guilty of a misdemeanor, shall be forever thereafter disqualified from practicing before said board and, upon conviction thereof by any court of competent jurisdiction, shall be fined in any sum not less than \$100 nor more than \$500.

SEC. 15. That said board shall, in determining such cases as come before it, give the pension laws a liberal construction with a view to do complete justice to claimants.

SEC. 16. That if said board shall find that the claimant is legally entitled to a pension, they shall also find and fix the rate of pension claimant should receive, whereupon the Secretary of the Interior shall cause the name of the claimant, in whose favor decision has been rendered, to be placed upon the pension-rolls, and he shall receive pension at the rate fixed by said board.

SEC. 17. That if said board shall find that the claimant is not entitled to a pension under the strict letter of the law, but is equitably entitled thereto, they shall so decide and shall fix the rate at which claimant should be pensioned, and shall submit a copy of such decision with the reason and grounds upon which it is based, together with a synopsis of the evidence in the case, to the Secretary of the Interior, who shall transmit the same to the Speaker of the House of Representatives for legislative action thereon.

SEC. 18. That if said board shall affirm the decision of the Commissioner of Pensions together with all the papers and evidence on file to the Commissioner of Pensions together with all the papers and evidence on flet the Commissioner of Pensions together with all the papers and evidence on flet to the Commissioner of Pensions together with all the papers and evidence on flet to the Commissioner of Pensions together with all the papers and evidence on flet to the Commiss

Mr. THOMAS. I desire, Mr. Chairman, to make a few further remarks in reference to this matter for the purpose of showing the reason why it is proposed to make this tribunal subordinate to the Interior Department. The majority of the committee propose to organize an independent establishment, to belong neither to the Department of Justice, to the Department of State, nor to the Interior, but to be wholly independent. The minority of the committee believe that this board of review or court of appeals, if a court shall be stablished enother to the later of the section. leve that this board of review of court of appeals, if a court shall be established, ought to be in harmony and accord with one of the several branches of the Government, and inasmuch as pension matters have always been under the jurisdiction of the Interior Department, it was believed by the members constituting the minority that this board or court should remain subordinate to that Department, but wholly independent of, and in no way under the control of, the Commissioner of Pensions. That is the reason for this feature in the bill. Another reason why the minority of the committee have submitted this bill in preference to the majority report is that cases can be rethis bill in preference to the majority report is that cases can be reviewed much more rapidly where the decision depends alone on the written evidence now on file in the Pension Office and War and Navy

Departments.

The bill provides that if the board of review find that the claimant is not entitled to a pension under the strict letter of the law but is equitably entitled thereto, and so find, they submit the grounds upon which they base the decision with a synopsis of the evidence to the Secretary of the Interior, who sends it here for the action of Congress. We were opposed to the establishment of an institution which would have the power to make and enforce the laws. We believed that the law-making power should remain in the hands of Congress and should not be delegated by them to any inferior tribunal. And where parties are not entitled to pension under the strict letter of the law it ought to be granted by the legislative authority of this Government. Hence this report.

Mr. STONE. Will the gentleman allow me to ask him a question?
Mr. STONE. Will the gentleman allow me to ask him a question?
Mr. STONE. I wish to know what is meant by the term "that this board shall be subordinate to the Interior Department." Do you mean by that that the decision of the board shall be subjected to review by

the Secretary of the Interior?

Mr. THOMAS. Not at all. It is not intended to be subjected to his review. It is intended that it shall be simply a part of the Bureau of Pensions, and under the Interior Department.

Mr. STONE. But wholly independent in its rulings?

Mr. THOMAS. Its rulings will be wholly independent. Another

reason for this is that we were opposed to two heads to one bureau of the same Department, and hence we propose to confine this to the one Bureau of Pensions.

Mr. BARBER. What may the Secretary of the Interior have to con-

sider in connection with it ?

Mr. THOMAS. He will cause the name of the successful applicant to be placed on the pension-roll. It is his duty to transmit the result

and finding of the court to the legislative branch of the Government, after they find the man is equitably entitled to a pension.

Mr. UPDEGRAFF, of Ohio. May I ask the gentleman from Illinois what is the objection to this board of appeals being in itself independent of any Department as a court of claims? Under this bill, is it not simply being subordinated to the Interior Department? Is it not, in other words, merely the Interior Department reviewing the Interior Department?

It not, in other words, merely the interior Department reviewing the Interior Department?

Mr. THOMAS. This plan is proposed because this pension business should belong, as now, to the Interior Department, and because, as I have stated, we were opposed to having two heads to the Pension Bureau in the Interior Department.

[Here the hammer fell.]

Mr. McMAHON was recognized.

Mr. URNER. Before the gentleman from Illinois takes his seat, I

desire to ask him a question.

Mr. THOMAS. I ask permission of the committee to answer the question of the gentleman from Maryland.

The CHAIRMAN. Does the gentleman from Ohio [Mr. McMahon]

Mr. McMAHON. Certainly.
Mr. URNER. I understood the gentleman from Illinois to say that the bill of the minority of the committee proposes when this board of review shall have admitted a name to the roll it shall report the same to the Secretary of the Interior, and that in that sense it is subordinate to the Interior Department. Is there any difference between the bill reported by the majority and the bill reported by the tween the bill reported by the majority and the bill reported by the minority in that particular?

Mr. THOMAS. There is. The bill of the majority propose to establish a court independent of the Interior Department and of every other Department of the Government.

Mr. McMAHON. I do not know whether we will be able to get another evening for the consideration of this bill, and it certainly will not get a chance in the ordinary transaction of business on the floor of the House.

Mr. DUNNELL. Does the gentleman from Ohio [Mr. McMahon]

intend now to address the committee?

Mr. McMAHON. I was about to make a proposition to the committee. It is this: If there is any disposition to proceed at once to consider the bill under the five-minute rule—I repeat in the hearing of all the gentlemen around me, so that any one who dissents from of an the gentlemen around me, so that any one who dissents from that idea may express himself now—if there is any disposition to proceed to the discussion of this bill under the five-minute rule I will waive my right to the floor for the purpose of proceeding with the consideration of the bill by sections. I think I never knew any subject of this kind upon which a man could not express all he wanted to say in two or three consecutive five minute speeches to an intelliging to say in two or three consecutive five-minute speeches to an intelligent body of men. But if I yield the floor only for somebody else to occupy it for an hour there would be nothing gained by that.

Mr. THOMAS. Let us have the discussion under the five-minute

Mr. CASWELL. I will say to the gentleman from Ohio that I think those on this side of the House would be willing to have the arrangement made which he suggests.

Mr. GEDDES. To meet the sentiment manifested all around me, I move that the committee rise, with a view to limiting general de-

bate.

Mr. McMAHON. I only made the proposition for the purpose of discovering whether unanimous consent could be had.

Mr. UPDEGRAFF, of Ohio. What is the proposition?

The CHAIRMAN. The Chair will submit the proposition of the gentleman from Ohio. It is that by unanimous consent the general debate on this bill be now closed. Is there objection?

Mr. BRAGG. I object.

Mr. McMAHON. I do not yield the floor, then, because it would not be worth while to rise to limit debate with the limited number of members here to-night.

members here to-night.

The CHAIRMAN. The gentleman from Ohio is entitled to one

Mr. McMAHON. Before yielding the floor, as I propose to do, to some other gentlemen here, I desire to make a few remarks in the opening of my hour, as I may not have an opportunity to make them at any other time.

I live in a district which, in addition to the disabled soldiers who

I live in a district which, in addition to the disabled soldiers who are residents of that district in the ordinary sense, has in it at least four thousand disabled Union soldiers from the different parts of the United States, from the State of Maine to the State of California.

I would not like to state how many cases of applications for pensions I represent upon this floor; something over two hundred. Anybody can see at once if I do justice to those cases I am unfit for the performance of any other duty whatever. It is impossible for a member of Congress to attend to all these cases in a proper way and to attend to his legislative duties as well. And it is impossible for a committee to give that attention to all the cases that are brought here that a committee ought to give in order to insure that confidence in the House which is necessary in order to its taking for granted the result of the committee's investigation.

I have not thoroughly made up my mind as to the two bills, or three

I have not thoroughly made up my mind as to the two bills, or three bills, which are before the House. But I am satisfied of one thing, that the business ought to be expedited through the different Departments of the Government. And not only ought it to be expedited, but it ought to be properly and carefully expedited. I make no complaint against the Commissioner of Pensions when I say that many cases are rejected in his office that ought not to be rejected, because

he does not personally pass upon them and cannot.

he does not personally pass upon them and cannot.

Nor do I make any complaint against him that he does not permit a member of Congress to see the papers. I do not know that I have ever made any request of him which he has refused. I have not made a great many, but I have no recollection of any being refused. But I go beyond the proposition of his allowing a member of Congress the right to see papers filed in his office. I do not believe that the Commissioner of Pensions or any other officer of this Government has a right to treat any claimant who comes before his Department as though he were a convicted man in advance. I do not believe he has got any right to act upon the supposition that a person who is the attorney for a claimant is necessarily engaged in a scheme to defraud the Government. I do not understand why the Commissioner of Pensions should not furnish not only to a member of Congress, but to every

reputable attorney who practices before his Department—and I believe they exclude those who are not reputable—not only the reason in the abstract of his refusal to grant a pension, but the names of the witnesses upon whose testimony he has refused to consider the case

Is the Government of the United States to stand in the position of refusing a fair hearing to a man who comes before it as a disabled soldier? Shall it avail itself of simply the privilege of the power that it has, and say to the soldier: "I have these affidavits in my possession, and I am-going to render judgment upon these affidavits, for they are good enough for me; but you cannot see them?" Now,

that is not right.

I do not care that the Commissioner of Pensions in his zeal for the interests of the Government says that it will not do to allow the attorneys of these claimants to know what the testimony against the claimants is, for he may go to work and get up testimony on the other side. Such a course would be followed in any court, in any trial; and there is no reason why the United States should have one rule in

such matters and there should be a different rule in the courts for private individuals.

In the last Congress I undertook to correct this evil, and I did get something done in the way of an amendment upon an appropriation bill during the extra session in regard to the inspection of testimony and the introduction of proof. What I there succeeded in obtaining was a correction in part of this evil. At first, when I offered my amendment in the last session of the last Congress, I proposed to provide that all the testimony should be open to inspection. I yielded that point at the solicitation of some gentlemen on the floor of the House. But I afterward succeeded in getting in a proviso that the Commissioner of Pensions should have no right to withhold or refuse a pension except upon notice to the pensioner and a hearing upon sworn testimony other than the certificate of the examining surgeon. Of course that applies only to one class of cases; that is, where a man who has already received a pension is about to have it reduced or taken away from him altogether.

But I put my proposition upon a broader basis—that whenever a man applies to this Government for a pension, whatever proof the Government has against his claim ought to be as open to the inspection of the pensioner or of his attorney as gentlemen say it now is to the inspection of members of Congress. Why should I as a representative in Congress have a right to go to the Pension Bureau and inspect the testimony in that bureau in any particular case, and why should not the disabled soldier or his attorney have the same right? should not the disabled soldier or his attorney have the same right? Where do I get any superior right or power as the representative of that disabled soldier to have access to the records of the Pension Bureau that he as an individual against the Government should not have? It is his interest that is in controversy, not mine. He is the person to be wronged, and not me, if any wrong is to be done. But if I am to go there every time it is needed to examine the testimony in his case, it is but an additional burden imposed upon me, and I claim imposed unnecessarily. The whole testimony should be laid before the pensioner himself.

before the pensioner himself.

Mr. DUNNELL. I would ask the gentleman if the custom to which he now refers does not prevail in all the Departments of the Government, of extending to a Representative the courtesy of allowing him

ment, of extending to a Representative the courtesy of allowing him to see all the papers in any case which he desires to examine?

Mr. McMAHON. I suppose that to be true, though I have no recollection of ever having pushed any claim against this Government except a pension claim or a claim for back pay. One reason why I oppose the proposition presented by the minority bill here is that, according to that bill, when these cases shall go to the court or the board which it provides, they are to go there to be tried upon the testimony that has already been filed before the Commissioner of Pensions. I am not willing that the applicant for a pension shall be taken by surprise. I do not want him to be sent to a court, and when he gets there to find that the Government has made up a case against him and has obtained a pile of affidavits which he has never had an opportunity to see, affidavits made by Tom, Dick, and Harry, perhaps by his personal enemies, perhaps men of such personal disrepute that they would not be believed anywhere.

I do not want, when his appeal is taken, and he at last ascertains

I do not want, when his appeal is taken, and he at last ascertains who are the persons who have prevented him from obtaining justice from the Government, that he shall be cut off from filing any other proof in the case for the purpose of obtaining what is his right.

I, therefore, prefer the bill of my friend from Ohio, [Mr. GEDDES,] which proposes to send these cases to a court. But, is it not a strange commentary may the meant are the definition of the proposes.

commentary upon the present method of transacting this business of pensions that the moment such a case gets before this court, composed of three members, the attorney of the pensioner will be able to walk right into the court and to examine all the papers on either side, to see everything that can influence the judgment of that court in granting or in refusing a pension; but so long as the case is in the hands of a mere executive officer of the Government nothing can be seen

the minority bill, which provides that if the application for a pension is decided adversely "the claimant shall have the right, if he or she so elect, to submit to the Commissioner of Pensions other and

further evidence in support of said claim."

Mr. McMAHON. And thereupon you open the case before the Commissioner of Pensions, who makes another call upon the Adjutant-General, and the matter lies there for months; then he makes another call upon the Surgeon-General, and under the red-tape system running through all the different Departments the matter lies there for months; and after a while the applicant dies while the Government is determining the question whether the man was actually disabled in the

Mr. HENDERSON. I would like to ask the gentleman a question. If this court is to be established, I desire to know whether the witnesses are to be produced in court to be examined orally or whether their testimony is to be taken by deposition, or in what manner the applicant for a pension is to get relief from the court? If you compel the poor applicant for a pension to employ a lawyer in order to present his testimony, either by producing witnesses to be orally examined in court or by taking depositions, will you not subject applicants to heavy expenses which a very large number of them will never be able to meet?

Mr. McMAHON. I do not think there is a suggestion in either the Mr. McMAHON. I do not think there is a suggestion in either the minority or the majority bill that the party is to be compelled to attend in person or to take depositions. It would be a very great outrage if such a provision were made, for the reason that the great mass of men who apply for pensions are poor men; many of them never apply until their necessities compel them to do so; and that is the reason why so many of these applications have come in recently. These applications are decided now by the Commissioner of Pensions upon exparte testimony; that is, the applicant furnishes affidavits and the Government probably takes testimony; I do not know whether it does or not, but I suppose it does in certain cases. I do not understand that either of the bills emanating from this committee provides that the applicant shall make a journey to attend this court

not understand that either of the bills emanating from this committee provides that the applicant shall make a journey to attend this court in person or shall be compelled to employ a lawyer for the purpose of taking depositions. To require the applicant to present his testimony in the shape of depositions would be substantially a denial of justice except as to a class of men who would not need pensions. Therefore, the bill of my colleague [Mr. GEDDES] provides that these cases shall be heard upon affidavit; and I stand strictly upon that proposition. Of course, if the pensioner should desire to produce a witness or to present himself in person, as was suggested by the gentleman from Massachusetts, [Mr. HARRIS,] for inspection and examination, the right would be reserved for him to do so. But there cannot be in general any other method of proceeding than by afficannot be in general any other method of proceeding than by affi-

davits.

Mr. ROBINSON. Before the gentleman leaves this question of affidavits, I want to call his attention to a provision in the sixth section that the Government may take additional testimony by affi-

Mr. McMAHON. Does the gentleman refer to this provision?

And it shall be competent for the claimant and the Government to take additional testimony by affidavit for or against any claim pending in said court, which shall be considered by said court in its adjudication.

Mr. ROBINSON. That is the point. I ask the gentleman whether he discovers there a sufficient power given to the Government to take affidavits? Is there any provision for the expense of taking such affidavits or for the examination of witnesses in remote parts of the country? Somebody must attend to this matter in the interest of

the Government.

Mr. McMAHON. I presume the Commissioner of Pensions would be called upon to forward all the papers and to forward also probably a statement of the adjudication of the case. We are in the habit of making appropriations of \$25,000 or \$50,000 to be expended by the Commissioner of Pensions for the investigation or detection of fraud; we give him so many special agents whom he may send all over the country. I presume that this appropriation might cover also the expense of procuring testimony in these cases. The omission can be easily remedied if there is any trouble.

Mr. ROBINSON. It seemed to me that the provision of the bill

was not sufficient.

Mr. McMAHON. Of course, everything the Government does must

be expected to be covered by some appropriation of money to the proper officer to enable him to carry it out.

Mr. ROBINSON. There is one suggestion right there, if the gentleman pleases, whether or not he deems it at all material or important before this court in examination of this case the Government should have any representative; that is to say, whether you will put the judges in the attitude of defenders of the Government, as the Commissioner now undertakes to be, or whether you will have the judicial ing or in refusing a pension; but so long as the case is in the hands of a mere executive officer of the Government nothing can be seen except what that officer may by courtesy choose to show a representative?

Mr. THOMAS. Under the provisions of the minority bill the attorney would have access to the records, would he not, in the same way as under the majority bill?

Mr. McMAHON. Yes, sir.

Mr. THOMAS. I wish also to call attention to the last section of

put in the position it was compelled to submit to a bad one. I do not want to see a man pensioned who is not entitled to a pension; and on the other hand I think it a very solemn duty of this Government to pension every man who is entitled to it. And I concur with the remark made by my colleague from the State of Ohio [Mr. GEDDES] that it is a great deal better that here and there an improper claim should slip in, to be weeded out by subsequent investigation, than that the Government should adopt a policy which would make it so onerous for the most worthy and deserving class of pensioners—and onerous for the most worthy and deserving class of persons—and I speak now of the poorer class of persons—make it so onerous for them they would be unable to bear it. Let me put an instance; let me take a case now where the Government employs counsel and pays him \$5,000 a year—keeps a good lawyer and he has nothing to do but to fight these persons, and he comes into the pension court. Then the ordinary claim agent would have to meet and fight each case. It might have to be tried. The compensation that is now paid to the claim agent would not pay him in that shape for that work. It is for us to consider now whether in protecting the Government, if protection is necessary in this way, we do not lay too heavy a hand on that class of people who heretofore have had to rely on the Commissioner of Pensions as the representative of the Government and their own claim agent.

I will not repeat what has been said by many persons, that there are certain courts which have been organized, and I will not designate them, that have been as much the attorney for the Government as any attorney who ever appeared before it. I expect if no attorney were allowed to appear before that commission for the Government, and there was no provision for one, the natural tendency of the judicial mind would be to side with that party which had no person to

represent him, to fight the claim agent; and whether, in the long run, it will not amount to the same thing whether the Government is represented or not, I do not now undertake to say.

Mr. ROBINSON. That was exactly what I wanted to bring out, whether the gentleman thought, in order to do exact justice to claimants, it is not better to have an entirely independent court, or board, whatever you call it, which is not charged in any way with the duty or responsibility of finding or searching for evidence to meet what they think are not good claims. Here are your judges, who sit back and say, "This looks like a good case, but if we send out a detective into the city, town, or county where this man comes from, we can defeat his claim." I think that is an uncomfortable attitude for the court to be put in and unjust to the claimant. I think it is a point

worthy of consideration.

Mr. McMAHON. I think the court would run into counsel for the

Government.

Mr. ROBINSON. I think it is much like the justice who receives a complaint and hears everything, and has his mind preoccupied by the complaint, and who sits down to try the criminal afterward.

Mr. McMAHON. I do not like one provision in the minority bill, and that is this court should be in the bowels, as it were, of the Interior Department; that it should be there a sort of judicial excrescence or tumor growing between the Commissioner of Pensions and the Secretary of the Interior, on top of the Commissioner of Pensions the Secretary of the Interior, on top of the Commissioner of Pensions and under the Secretary of the Interior. I do not like that. I have no idea of a court that is not independent of everything and everybody except in the regular line of appeal on writ of error. I do not like the idea of a court that is sitting in a department as an adjunct of that department; and this remark becomes eminently proper in view of what the gentleman has said. Being there, as it were subordinate to the Secretary of the Interior, there would not be that judicial independence and there would be that leaning toward the Government a salary of \$3,500 might produce. The salary is not large, and will not command the first-class and best talent.

Mr. DUNNELL. Will not the gentleman from Ohio yield to a motion that the committee now rise? It is evident we cannot get through with this bill to-night.

Mr. McMahon. I will in ten minutes. I wanted to say something in answer to my friend from Illinois, [Mr. Marsh.,] who put a question to the gentleman from Ohio [Mr. Geddes] as to expediting the business which is all ready.

Now, this bill, as my colleague from Ohio has well said, only proadjunct of that department; and this remark becomes eminently

Now, this bill, as my colleague from Ohio has well said, only proposes to do justice in the cases that are pending and that are reached; and in the second place to relieve Congress of the enormous amount of work imposed upon it in the consideration of these claims. If we estimate the cost of these night sessions, and take into consideration the cost of Friday's sessions, when we are considering private business, and compute the cost to the Government which has been imposed by the present Congress; in the consideration of these propries. posed by the present Congress in the consideration of these pension claims alone, I venture to say that I can show you an array of figures that would sustain this court of pensions for three years. And what have we done? We have passed a few pension claims—a very few on our Calendars, without knowing how the few that have been passed are ever to be enabled to go safely through the shoals and breakers to which they will be subjected in the Senate before they

become laws.
Mr. CASWELL. Does the gentleman see any remedy in either of

Mr. CASWELL. Does the gentleman see any tender in the bills for that difficulty?

Mr. McMAHON. I do. I thoroughly appreciate the proposition of the gentleman from Wisconsin that no law that Congress can pass can prevent any claimant from presenting a claim for relief to another

Congress. But I do say this: that when we provide the claimants with an independent, a special court, to which they may present their rejected claims if the Commissioner of Pensions fails to do them justice; and when we place in that court the power to pass upon the equity of the claims when they do not come within the strict letter or the language of the law; when we say to these pensioners that unless this court pass upon the claim as legal and recognize it as equitable we cannot consider it, and that you cannot impress the committee more favorably than you can impress this court, then we will have relieved this House of a pressure of 90 per cents of this private business.

ness.

Mr. CASWELL. But the same defect is in the other bill—the substitute—as well as in the bill presented by the gentleman from Ohio.

Mr. McMAHON. I do not wish the gentleman to understand that I am making any argument against the minority bill.

Mr. CASWELL. The only difference is that one constitutes a court of pensions; the other, a board of review.

Mr. McMAHON. I was not discriminating between the bills, but only answering the point which was nread.

Mr. McMAHON. I was not discriminating between the bills, but only answering the point which was urged.

Now, to come back to the proposition to which I was about to address myself when I was interrupted. We are not only anxious here to do justice to the claimants whose claims are either properly or improperly rejected, but we are anxious to expedite the public business. That is the main object.

Mr. MARSH. Will the gentleman allow me to ask him a question?

Mr. McMAHON. If my friend hears what I have to say perhaps it will suggest a modification of his question. I was about to say that this Congress about a month ago or a little over a month ago passed

this Congress about a month ago or a little over a month ago passed a bill through both Houses, which was approved on the 16th of March, a bilt through both Houses, which was approved on the found match, providing about seventy or may be eighty additional clerks in the Pension Office. We provided for forty additional clerks in the office of the Surgeon-General. We provided thirty additional clerks in the Adjutant-General's Office and twelve in the Second Auditor's Office. Now, in the name of God what more are we to do? A new we never to

Now, in the name of God what more are we to do? Are we never to get along any faster with the public business? Must we detail men by the regiment to take care of the cases of the pensioners on file? Mr. FARR. These were temporary clerks, as I understand. Mr. McMAHON. Yes, provided for the present fiscal year. Mr. MARSH. If the gentleman from Ohio will permit me I will answer his question as to the details of clerks "by the regiment." The object of such detail is to dispose of the two hundred and fifty thousand cases that are now pending before the Commissioner of Pensions and have been there pending for three forms. sions, and have been there pending for three, four, or five yearsof them

Mr. McMAHON. I will give the gentleman a better rule for disposing of them, and that is get rid of the red-tape system. If you inaugurate a reform in the pension system, and transfer the whole machinery to the War Department, then you will not have so much

red tape.

Mr. MARSH. I would like to ask the gentleman if he was in the

Army †

Mr. McMAHON. No, sir.

Mr. MARSH. Then probably the gentleman does not know as much about red tape in the War Department as some other persons.

Mr. McMAHON. There would be no red tape if all this business

was in the same Department. But when the Pension Office comes to consider a pension claim, and has occasion to send to the Adjutant-General's Office for the record of the soldier, it may slumber there three, six, or nine months before it gets back to the Pension Office. Something is needed from the Surgeon-General's Office. This meets the same delay; the application is put on file, and there it may re-main for months before any response is given. If all these were consolidated into one Department, with necessary power to act, then when a pension claim is pending there could be some degree of expedition; we would have a very different state of affairs, and Congress would get rid of a long list of these claims which now involve so large a portion of our time. As it is now you have, in the very nature of things, unnecessary and vexatious delays. You provide men in these Departments who are in each other's way, who are stumbling over each other to do the work.

Mr. CASWELL. Will the gentleman allow me to ask him a ques-

Mr. McMAHON. Yes, sir.
Mr. CASWELL. Does the gentleman realize the fact that we receive now over five thousand original applications a month, and have done so for the last fourteen or fifteen months, while two or three or four years ago we received only about ten thousand per year

Mr. McMAHON. I understand that. But I understand also that in a very short time all that will stop, and that in order to meet this increase of applications we have given all the additional help that narease of applications we have given all the additional help that has been asked. Now, my answer to the gentleman from Illinois is that this House and the Committee on Appropriations or the Committee on Pensions ought not to be expected to do more than is asked by the Department having this matter in charge.

Mr. CASWELL. I am making no complaint. I said some time ago that these applicants must wait and be patient.

Mr. VAN VOORHIS. And after they have waited four or five years their claims are refused because they are old.

Mr. WILBER. Will the gentleman from Ohio yield to me for a question?

question?

state what that is?

Mr. McMAHON. Yes, sir.
Mr. WILBER. How many of these rejected claims are to be acted
on by this court which it is proposed to establish?
Mr. McMAHON. I am told there are from forty thousand to sixty

thousand of these rejected claims.

Mr. WILBER. How many would that court examine in one day

Mr. McMAHON. If you will tell me the size of a piece of chalk I will answer your question, but not otherwise. Some cases would take much longer time than others.

Mr. WILBER. It seems to me it would take as long to get a de-

cision there as in the Pension Bureau.

Mr. McMAHON. The court is not to expedite the work of the Pension Office, but to make it more complete and perfect. The expedition of the work in the Pension Office is to be brought about by the bill we have already passed and by continuing the same policy, which I understand is the intention of the Committee on Appropriations for

the next fiscal year.

Mr. WILBER. Then this court is only to dispose of rejected cases.
Mr. WARNER. And it is not to be supposed that all those sixty thousand cases are to come before this court. A large proportion of the claimants will be satisfied by the decision of the Commissioner.

Mr. McMAHON. I would not like that this committee should do

anything to dishearten the claimants. I have a great many claimants who applied years ago, and they are now as vigorous and full of hope as they were when they first made their applications. It will come all right after a while.

Mr. WILBER. Does not the Pension Office allow any case to be re-

opened when additional testimony is presented which it is thought

should secure a favorable decision?

Mr. McMAHON. I have always sions exceedingly liberal as to that.
Mr. WILBER. And so have I. I have always found the Commissioner of Pen-

Mr. WILBER. And so have I.

Mr. McMAHON. In this connection I desire to refer to the question of having the sealed report of some spy or detective or special agent lie perdu in this Department. What good will it do a man to have his case opened and reopened without his knowing where the disease is to which the knife should be put?

Mr. DAVIS, of Illinois. Will the gentleman yield to me for a ques-

tion?

Mr. McMAHON. Yes, sir.

Mr. DAVIS, of Illinois. I understood the gentleman to say, in making his statement, that if we removed the red tape we could then go forward and have those cases adjusted.

Mr. McMAHON. I think the red tape is only one little element of

the trouble.

Mr. DAVIS, of Illinois. I ask the gentleman from Ohio this question, whether the special committee which has reported this bill was not specially instructed to report a remedy for this evil?

Mr. McMAHON. Yes; and they are now specially at work upon

Mr. DAVIS, of Illinois. But instead of reporting a bill for the adjustment of the meritorious cases in the Pension Office they are paying special attention to bills before this House and those that have

been rejected.

Mr. GEDDES. Perhaps I may be permitted a word of explanation upon that point. That committee has not given special attention to this bill. It is a mere incident. They are giving special attention to the duties assigned them by the resolution creating them, and they are now actively engaged in that work; and in due season they hope to bring forth other measures in addition to this. But this House saw proper to refer to that committee this bill, and we have reported a substitute for it.

Mr. DAVIS, of Illinois. Then I was under a misapprehension. I thought this bill originated with the committee.

Mr. McMAHON. The committee did not neglect either branch of its work. It reported the bill providing additional clerks.

Mr. DAVIS, of Illinois. That came from the Committee on Invalid

Mr. McMAHON. The gentleman from Pennsylvania [Mr. Coffrorh] is chairman of both committees. It does not matter much where that bill came from. If it came from the Committee on Invalid Pensions, it did satisfactorily what had to be done. They have given all the clerical force asked for in the Departments. And now the committee report this bill for the purpose of doing justice to the rejected

Mr. DAVIS, of Illinois. I wish to state on behalf of the Committee on Invalid Pensions that the bill which provided additional employés was reported by that committee, and not by this special committee. I may be laboring under a misapprehension, but my idea is what was wanted in the Pension Office was to clear its dockets of the

what was was relatively claims now pending.

Mr. McMAHON. What more is wanted for that purpose than ad-

Mr. DAVIS, of Illinois. That was provided before this committee

had anything to do with the matter.

Mr. McMAHON. My question is what more is necessary?

Mr. DAVIS, of Illinois. That has been referred especially to this Mr. McMAHON. The gentleman is making an insinuation against consider it inadequate for the purpose for which it was designed; and the select committee was especially charged to ascertain what was required to be done. Mr. THOMAS. If the gentleman from Ohio [Mr. McMahon] will allow me, I will call the attention of my colleague [Mr. Davis] to

the committee of which the gentleman from Ohio [Mr. GEDDES] is a member, stating it has not done something or insinuating that it has not done something it ought to have done. Will the gentleman please

Mr. DAVIS, of Illinois. I wish to say to the gentleman from Ohio

[Mr. McMahon] that I make no insinuations against the select committee. I simply said that I did not believe in this bill, because I

the bill introduced by the gentleman from Pennsylvania, the chairman of the Committee on Invalid Pensions, [Mr. Coffrorth,] which was referred to the select committee, and upon which the bills reported from that select committee were founded.

orted from that select committee were founded.

Mr. McMAHON. I hope my friend from Illinois, [Mr. Davis,] who is a member of the Committee on Invalid Pensions, will not undertake now to detract even by the remotest insinuation from the merits of the select committee. If he, being a member of the Committee on Invalid Pensions, is unable to answer my question and to indicate what is wanting, that ought to be a justification of the select committee; and I accept it as such, and desire it to go on the record as

Mr. VAN VOORHIS. Will the gentleman yield to me for a few

minutes ?

Mr. McMAHON. As it is now pretty late, at the request of many members, (without yielding the floor, as I expect to yield to other gentlemen portions of my time,) I will move that the committee now rise. Before doing so I would inquire of the Chair how much of my time is left ?

The CHAIRMAN. The gentleman has thirty-five minutes remain-

ing.
Mr. CONGER. Before the committee rises, I would inquire if there were two nights set apart this week for the consideration of this bill? The CHAIRMAN. The Chair understands that to-night only was set apart for the consideration of this bill.

Mr. McMAHON. We will have to go into the House and obtain consent for another evening session, with the understanding that the consideration of this bill shall be finished at that session.

Mr. CASWELL. I hope that gentlemen will agree to help us to obtain another evening session next week.

Mr. McMAHON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Blackburn having resumed the chair as Speaker pro tempore, Mr. STEVENSON reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5394) to organize a court of pensions, and had come to no resolution thereon.

Mr. UPDEGRAFF, of Ohio. I move that the House now adjourn. Mr. CONGER. Before the motion to adjourn is submitted to a vote desire to inquire of the Chair if it would be in order at this time to designate some evening next week for the further consideration of

The SPEAKER pro tempore. The session this evening having been assigned for a special purpose, in the judgment of the Chair it is not competent for the House at this session to fix a time for the further consideration of this bill.

The question recurred upon the motion of Mr. UPDEGRAFF, of Ohio,

that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BACHMAN: The petitions of the Macungie Iron Company, of Macungie; of Lehigh Iron Company, of Allentown; of Merchant Bar and Plate Iron Company, of Catasauqua, and of the Bethlehem Iron Company, of Bethlehem, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BAYNE: The petitions of the United States Iron and Tin-Plate Company, of Pittsburgh; of Liggett Spring and Axle Company, of Allegheny City, and of Morehead Brothers & Co., of Pittsburgh, Pennsylvania, of similar import—to the same committee.

By Mr. BICKNELL: The petition of the Ohio Falls Iron Works, of

By Mr. BICKNELL: The petition of the Ohio Falls Iron Works, of New Albany, Indiana, of similar import—to the same committee.

By Mr. BRIGHAM: The petition of the Secaucus Iron Company, of Secaucus, New Jersey, of similar import—to the same committee.

By Mr. BROWNE: The petition of 103 ex-soldiers of the volunteer By Mr. DKOWNE: The petition of 103 ex-soldiers of the volunteer army of the United States, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. CHALMERS: The petition of citizens of Natchez, Mississippi, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. CHITTENDEN: The memorial of the German Society of the city of New York, for legislation to protect immigrants—to the Committee on Foreign Affairs.

By Mr. CLYMER: The petition of the Keystone Iron Works, of Reading, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. CONVERSE: The petition of the Franklin Iron Works Company, of Columbus, Ohio, of similar import—to the same committee.

By Mr. COOK: The petition of citizens of Americus, Georgia, that

By Mr. COOK: The petition of citizens of Americus, Georgia, that the duty on salt be removed—to the same committee.

By Mr. COVERT: The petition of John S. Havens and others, of Suffolk County, New York, for the improvement of the Patchogue River—to the Committee on Commerce.

Also, the petition of Van Schaick and others, for the construction of a channel to connect Lloyd's Harbor with Cold Springs Bay, in the

Also, the petition of van schaick and others, for the construction of a channel to connect Lloyd's Harbor with Cold Springs Bay, in the State of New York—to the same committee.

By Mr. GEORGE R. DAVIS: The petitions of S. P. Rounds and others, type-founders, and of C. J. Burroughs & Co., and 75 others, printers, publishers, and type-founders, of Chicago, Illinois, against the abolition of duty on type—to the Committee on Ways and Means.

By Mr. DEERING: The petition of citizens of Bremer County, Iowa, that salt be placed on the free list—to the same committee.

By Mr. DICK: The petition of Pierce, Kelly & Co., of Mercer County, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

Also, the petitions of P. M. Cutshall and 27 others, of Crawford County; and of W. F. Floecer and 43 others, of Butler County, Pennsylvania, in favor of making the Agricultural Department a Cabinet bureau—to the Committee on Agriculture.

Also, the petition of W. M. Graham and 63 others, of Butler County, Pennsylvania, for the passage of a law to prevent discrimination by railroads—to the Committee on Commerce.

Also, the petition of W. F. Campbell and 13 others, of Butler County, Pennsylvania, for the amendment of the patent laws—to the Com-

Pennsylvania, for the amendment of the patent laws-to the Committee on Patents.

By Mr. ERRETT: The petitions of Anderson & Co. and of Singer, Nimick & Co., of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FISHER: The petitions of G. Buckhart & Co. and Hunter & Springer, of Chambersburgh, Pennsylvania, of similar import—to

the same committee

By Mr. GARFIELD: The petition of Girard Iron Company, of

Girard, Ohio, of similar import-to the same committee

By Mr. GODSHALK: The petitions of Nevegold, Scheide & Co., of Bristol; of James Hoover & Sons, and of J. H. Boone & Co., of Norristown; of Glascow Iron Company, Glascow; and of Potts & Brother Iron Company, of Pottstown, Pennsylvania, of similar import—to the same committee.

By Mr. N. J. HAMMOND: The petition of W. A. Pye and others, citizens of Georgia, for the removal of duty on salt—to the same com-

Also, the petition of J. L. Pope and others, for the establishment of a post-route from Concord, via Williamsville, to Flat Shoals, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWK: The petition of James Bayne and 66 citizens of

Warren, Illinois, for the removal of duty on salt-to the Committee

on Ways and Means

on Ways and Means.

By Mr. KELLEY: The petitions of A. & P. Roberts & Co., of Phœnix Iron Company, and of Reading Iron Works, of Philadelphia, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. KETCHAM: The petition of Henry S. Van de Carr and Elsie M. Reynolds, administrators of the estate of R. Reynolds, deceased,

and Gordon B. Reynolds, for the extension of a patent for improve-

and Gordon B. Reynolds, for the extension of a patent for improvement in brakes for power-looms—to the Committee on Patents.

By Mr. MORSE: The petition of the German Immigrant Aid Society of Boston, Massachusetts, for legislation for the protection of immigrants—to the Committee on Foreign Affairs.

Also, the petition of Hondlette, Ellis & Co., Cambridge, and of A. G. Tompkins & Co., of Boston, Massachusetts, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of Frankfort Furnace Company, of Frankfort, Michigan, of similar import—to the same committee.

By Mr. ORTH: The petition of John S. Brown and others, of Crawfordsville, Indiana, that salt be placed on the free list—to the same committee.

By Mr. OSMER: The petition of D. M. M. Gregg and 510 others, for the passage of the bill providing for a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. PRESCOTT: The petition of Rome Merchant Iron Mill, of Rome, New York, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. POTHWAY, 1988

Means.
By Mr. ROTHWELL: The petition of R. B. Cash, R. P. Boyce, and 22 others, citizens of Grundy County, Missouri, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.
By Mr. THOMAS RYAN: The petition of citizens of Kansas, for a post-route from Le Roy to Eureka, Kansas—to the Committee on the Post-Office and Post-Roads.

By Mr. SHALLENBERGER: The petition of G. H. Wilson and 32 | So the motion was agreed to.

others, citizens of Lawrence County, Pennsylvania, that the Department of Agriculture be made a Cabinet bureau-to the Committee on Agriculture.

Also, the petition of John C. Johnston and 33 others, citizens of Lawrence County, Pennsylvania, for legislation to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of L. P. Houk and 33 others, citizens of Lawrence

Also, the petition of L. P. Houk and 33 others, citizens of Lawrence County, Pennsylvania, for legislation to prevent unjust discrimination in railway transportation charges—to the Committee on Commerce.

Also, the petition of Etna Iron Works, of Newcastle, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. A. HERR SMITH: The petition of Becker & Remhald, of Chickies, Pennsylvania, of similar import—to the same committee.

By Mr. SPRINGER: The petition of the Springfield, Illinois, Iron Company, of similar import—to the same committee.

Company, of similar import—to the same committee.

By Mr. TUCKER: The petition of citizens of New York, for the amendment of the immigration laws—to the Committee on Foreign

By Mr. URNER: The petition of J. B. Kunkel, of Catoctin Furnaces, Maryland, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. WELLS: The petition of citizens of Saint Louis, that news-papers and periodicals be placed upon the free list—to the same committee.

By Mr. CHARLES G. WILLIAMS: Papers relating to the claim of John Whittaker for compensation for property seized and confiscated

by United States revenue officials—to the Committee on Claims.
Also, the petition of Volney Basinger and 47 others, citizens of
Racine, Wisconsin, that salt be placed upon the free list—to the Com-

mittee on Ways and Means.

By Mr. WILSON: The petition of Wheeling Iron and Nail Company of Wheeling, West Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee

By Mr. WISE: The petition of Dunbar Furnace Company, of Dunbar, Pennsylvania, and of H. & R. C. Oliphant, of Oliphant Furnace, of similar import—to the same committee.

By Mr. WALTER A. WOOD: The petition of the Albany and Rens-

selaer Iron and Steel Works, of Troy, New York, of similar import-

to the same committee.

By Mr. YOCUM: The petition of the Glamorgan Iron Company, of Lewiston, Pennsylvania, of similar import—to the same committee.

IN SENATE.

FRIDAY, April 30, 1880.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. HOUSE BILL REFERRED.

The bill (H. R. No. 559) to constitute the city of Portsmouth, in the State of Ohio, a port of delivery was read twice by its title, and referred to the Committee on Commerce.

ADJOURNMENT TO MONDAY.

Mr. BUTLER. I move that when the Senate adjourn to-day, it stand adjourned until Monday next at twelve o'clock.

Mr. KERNAN. I hope not. We have got a large Calendar here and we shall never dispose of it if we do not sit on Saturdays.

The VICE-PRESIDENT. The motion is not a debatable motion. The question is on agreeing to the motion of the Senator from South Carolina.

The question being put, there were on a division—ayes 21, noes 17;

no quorum voting.

Mr. ROLLINS. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 27, nays 19; as follows:

YE	AS-21.	
Cameron of Pa., Cameron of Wis., Garland, Hamlin, Hereford, Hoar, Jonas,	Jones of Nevada, Kellogg, McMillan, Pendleton, Platt, Plumb, Pryor,	Randolph, Vance, Voorhees, Walker, Windom, Withers.
NA	YS-19.	
Hampton, Harris, Hill of Georgia, Ingalls, Johnston,	Kernan, Kirkwood, Maxey, Morrill, Rollins,	Saulsbury, Saunders, Slater, Teller.
ABSI	ENT-30.	
Davis of Illinois, Davis of W. Va., Dawes, Edmunds, Farley, Gordon, Grover, Hill of Colorado,	Jones of Florida, Lamar, Logan, McDonald, McPherson, Morgan, Paddock, Ransom,	Sharon, Thurman, Vest, Wallace, Whyte, Williams.
	Cameron of Pa., Cameron of Wis., Garland, Hamlin, Hereford, Hoar, Jonas, NA Hampton, Harris, Hill of Georgia, Ingalls, Johnston, ABSJ Davis of Illinois, Davis of W. Va., Dawes, Edmunds, Farley, Gordon, Grover,	Cameron of Wis., Garland, Hamlin, Hereford, Hoar, Jonas, Pryor, NAYS—19. Hampton, Harris, Hill of Georgia, Davis of Illinois, Davis of W. Va., Dawes, Edmunds, Edmunds, Gordon, Grover, Hill of Colorado, Rollins, McDonald, Farley, Gordon, Grover, Hill of Colorado, Ramsom, Kellogg, McMillan, Pendleton, Pryor, Maxey, Maxey, Morrill, Rollins, Morrill, Lamar, Lamar, Logan, McDonald, Farley, McDherson, Morgan, Paddock, Ransom,

PETITIONS AND MEMORIALS.

Mr. ANTHONY presented the petition of the Rhode Island Horse-shoe Company, of Providence, Rhode Island, R. W. Comstock, secre-tary, praying for the speedy passage of the bill introduced by Senator EATON providing for the appointment of a tariff commission to pre-pare and submit to Congress a bill revising the duties on imports of foreign products; which was ordered to lie on the table.

Mr. PLUMB presented affidavits of certain persons, citizens of Kansas, concerning the improvement of the Arkansas River; which

Kansas, concerning the improvement of the Arkansas River; which were referred to the Committee on Commerce.

Mr. DAWES. I present the petition of John D. Long, governor of Massachusetts, Sidney Bartlett, E. R. Hoar, and a large number of the leading lawyers of the State of Massachusetts, who represent to the Congress of the United States that by private subscription a large amount of money has been raised for the erection of a monument at Plymouth commemorative of the historical events which cluster around that spot, and that it is in process of erection, to which several of the States, the State of Massachusetts, the State of Connecticut, and others, hear contributed to the number of putting allegarical. and others, have contributed to the purpose of putting allegorical figures at the base of the monument; and they pray that the Congress of the United States will so far contribute to this work as to place on one of the sides at the base of this monument the figure of Justice, and they ask Congress to make provision for placing the figure of Justice upon that monument.

I move that the petition be referred to the Committee on the Ju-

diciary.

Mr. DAWES. Some days ago I introduced a bill for the relief of A. H. Emory. I now present and move to have referred to the Committee on Claims, to accompany that bill, a message from the President of the United States and other documents in reference to the

The motion was agreed to.

The motion was agreed to.

Mr. FERRY presented the petition of S. P. Burt, president of the
Eureka Iron Company, of Detroit, Michigan, manufacturers of bar,
plate, sheet, and pig iron, employing seven hundred hands, praying
for the passage of the Eaton bill which provides for the appointment
of a tariff commission; which was ordered to lie on the table.

Mr. INGALLS presented the petition of Lewis Atkinson, late private

Company I, Thirteenth Regiment Kentucky Infantry Volunteers, pray-

Company 1, Threeenth Regiment Retucky Infantry Volunteers, praying for the passage of an act giving him bounty and arrrears of pay; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition—one of the systematic ones—of the White River Iron Company, of Pitsfield, Vermont, manfacturers of charcoal blooms, employing fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission. I move that it lie upon the table.

The motion was agreed to.

Mr. LOGAN presented the petition of the Chicago Steel Works, of Chicago, Illinois, manufacturers of steel goods, employing seventy hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of 24 citizens of Meeker County, Minnesota, praying for such an amendment of the patent laws as to make the manufacturer or vendor of all such articles alone responsible for infringements of patents and so as to protect from penalty any person manufacturing for his own use any article previously patented, provided such manufacturer was not cognizant of the existence

of the letters-patent; which was referred to the Committee on Patents.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Lawrence County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on

He also presented a petition of citizens of Lawrence County, Pennsylvania, praying for the establishment of a department of agricult-

nre; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Lawrence County, Pennsylvania, praying for such an amendment of the patent laws as will prevent the prosecution of innocent users of patented articles as in-

prevent the prosecution of innocent users of patented articles as infringers; which was referred to the Committee on Patents.

He also presented the petition of the Philadelphia and Reading Coal and Iron Company, of Reading, Pennsylvania, manufacturers of railroad iron and steel, employing three hundred hands; the petition of Hughes & Patterson, of Philadelphia, Pennsylvania, manufacturers of bar-iron, employing one hundred and fifty hands; the petition of the Wrightsville Iron Company, of Wrightsville, Pennsylvania, manufacturers of anthracite pig-iron, employing seventy-five hands; the petition of Huston & Penrose, of Coatesville, Pennsylvania, manufacturers of Huston & Penrose, of Coatesville, Pennsylvania, Pennsylvani five hands; the petition of Huston & Penrose, of Coatesville, Pennsylvania, manufacturers of boiler-plate iron, employing one hundred and thirty hands; the petition of the Lawrence Iron Company, (limited,) of New Castle, Pennsylvania, manufacturers of pig-iron, employing five hundred hands; the petition of Bradley, Reis & Co., of New Castle, Pennsylvania, manufacturers of sheet-iron and plates, employing two hundred and twenty-five hands; the petition of the Mont Alto Iron Company, of Mont Alto, Pennsylvania, manufacturers of pig-iron and blooms, employing five hundred and thirty hands; and the petition of William H. Merlis, of Pottstown, Pennsylvania, manufacturers of big-iron, &c. employing eight hundred hands praymanufacturer of pig-iron, &c., employing eight hundred hands, pray-

ing for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. KERNAN presented the petition of Karl Mook, praying compensation for pay, rations, &c., due the estate of August Kessler, deceased, late private Company C, Fifty-fourth Regiment New York Volunteers; which was referred to the Committee on Claims.

Mr. HARRIS presented the petition of the Lookout Rolling-Mill Company, of Chattanooga, Tennessee, manufacturers of merchant bar-iron, employing one hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

He also presented the petition of William M. Caldwell and a number of other citizens of Washington, District of Columbia, praying for the cancellation of all certificates of indebtedness for special assessment against their property on F street between Seventeenth and Twenty-fourth streets, and for the refunding of taxes that were paid on improper or illegal assessments; which was referred to the Committee on the District of Columbia.

mittee on the District of Columbia.

Mr. DAVIS, of West Virginia presented the petition of the Gladesville Iron Company, of Gladesville, West Virginia, manufacturers of charcoal pig-iron, employing fifty to sixty hands; the petition of the Riverside Iron Works, of Wheeling, West Virginia, manufacturers of iron, employing eight hundred and fifty hands; and the petition of the Whitaker Iron Company, of Wheeling, West Virginia, manufacturers of sheet-iron plate, tank and fire bed, praying for the passage of what is known as the Eaton bill which provides for the appointment of a tariff commission: which were ordered to lie on the table.

of what is known as the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. WITHERS presented the petition of the New York and Virginia Iron and Coal Company, of Buffalo Gap, Augusta County, Virginia, manufacturers of pig-iron, employing about fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. HEREFORD presented the petition of the Ohio Valley Iron Works, of Moundsville, West Virginia, manufacturers of bar and hoop iron, employing one hundred hands, praying for the passage of the

iron, employing one hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. WALLACE presented the petition of A. McAllister, of Boyer, Blair County, Pennsylvania, manufacturer of pig-iron, employing one hundred and thirty hands; the petition of I. King McLanahan, of Holhundred and thirty hands; the petition of I. King McLanahan, of Hollidaysburgh, Pennsylvania, manufacturer of iron, employing four hundred hands; the petition of Pierce, Kelly & Co., of Sharpsville, Pennsylvania, manufacturers of pig-iron, employing fifty hands; the petition of J. H. Boone & Co., of Norristown, Pennsylvania, manufacturers of iron, employing eighty hands; the petition of the Crane Iron Company of Philadelphia and Catasauqua, Pennsylvania, manufacturers of pig-iron, employing five hundred and fifty hands; the petition of Whitehead and Bacon, of Elizabeth Furnace, Hunttingdon County, Pennsylvania, manufacturers of pig-iron, employing five hundred and Bacon, employing the petition of Whitehead and Bacon, of Elizabeth Furnace, Huntting-don County, Pennsylvania, manufacturers of pig-iron, employing don County, Pennsylvania, manufacturers of pig-metal, employing seventy-five hands; the petition of the Liggett Spring and Axle Company, (limited,) of Allegheny City, Pennsylvania, manufacturers of springs and axles, employing one hundred and twenty-five hands; the petition of Moorhead Brother & Co., of Pittsburgh, Pennsylvania, manufacturers of iron and nails, employing three hundred hands; the petition of William L. Bailey, treasurer of the Thorndale Iron Works, of Thorndale, Chester County, Pennsylvania, manufacturers of plateiron, employing eighty hands; the petition of Leibrandt and McDowell, of Mosheim, Pennsylvania, manufacturers of pig-iron, employing one hundred hands; the petition of the Maidencraft Iron Company of Blanden, Pennsylvania, manufacturers of skelp, bar, and hoop iron, employing one hundred and twenty-five hands; the petition of C. W. Ahl & Son, of Carlisle Iron Works, Pennsylvania, manufacturers of iron, employing three hundred hands; the petition of the Dunbar Furnace Company, of Dunbar, Pennsylvania, manufacturers of pig-iron, employing seven hundred hands; the petition of the Blair Iron and Coal Company, of Bennington, Frankstown, Hollidaysburgh, and Philadelphia, Pennsylvania, manufacturers of pig-iron, employing one thousand and twenty-seven hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table. He also presented the memorial of the Board of Trade of Philadel-

phia, remonstrating against the passage of the bill before Congress for the "collection of revenues from customs;" which was referred

to the Committee on Finance.

He also presented the petition of the Board of Trade of Philadelphia, praying for the enactment of a law to suppress infectious diseases in animals; which was referred to the Committee on Agricult-

Mr. PENDLETON presented the petition of the Huron Iron Company, of Jackson, Ohio, manufacturers of pig-iron, employing one hundred and fifty hands, and the petition of Damarin & Co. and L. C. Damarin, of Portsmouth, Ohio, manufacturers of pig-iron, employ-

or Dalmarin, of Portsmouth, Onio, manufacturers of pig-fron, employing three hundred and eighty-five hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. BURNSIDE presented the affidavits of Mary S. Porter, widow of Samuel Stafford, deceased, late of New Orleans, Louisiana, and of Charles L. Stafford, of Providence, Rhode Island, concerning the estate of Samuel Stafford, deceased; which were referred to the Committee on Claims

on Claims.

Mr. VEST presented the petition of the Saint Louis Bolt and Iron Company, of Saint Louis, Missouri, manufacturers of iron, etc., employing two hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BECK presented the petition of the Licking Rolling Mill Company, of Covington, Kentucky, manufacturers of merchant-iron, employing two hundred hands, praying for the passage of the Eaton bill providing for a tariff commission; which was ordered to lie on the

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 49) for the relief of Greenleaf Cilley, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was re-ferred the petition of Ann Fletcher, mother of Edward Fletcher, who was a private in Company B, Fifty-seventh Regiment New York Vol-

was a private in Company B, Fifty-seventh Regiment New York Volunteers, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Charles W. Tibbetts, praying that he be granted a pension or such other relief as may be equitable, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 3077) granting a pension to John L. Williams, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill

He also, from the same committee, to whom was referred the bill (H. R. No. 2853) granting a pension to Elizabeth Aults, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. K. No. 2407) granting a pension to Belinda Curtis, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1557) granting a pension to Dennis Smith, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Wingate Post, No. 9, Grand Army of the Republic, Department of Mandaland army of the Republic, Department of Mandaland army of the research.

ment of Maryland, praying for the passage of an act granting a pension to Sarah A. Alexander, mother of Thomas Dilks, who lost his life in the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1464) granting a pension to George W. Staplin, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1323) granting a pension to Phineas Gano, submitted an adverse report thereon; which was ordered to be printed, and the bill

was postponed indefinitely.

was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Peter Yarnell, late private in Company D, Twelfth Regiment West Virginia Volunteer Infantry, praying that he be granted arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill

(S. No. 1175) granting an increase of pension to Harrietta M. Davis, reported it without amendment, and submitted a report thereon;

which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1432) granting a pension to Angus McAuley, reported it with amendments, and submitted a report thereon; which was ordered to

amendments, and submitted a report thereon; which was ordered to be printed.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (S. No. 1528) granting an increase of pension to Allen Buckner, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Matthew O'Reagan, late of Company E, Third United States Artillery, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1697) granting a pension to Matthew O'Reagan. Matthew O'Regan.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 858) for the relief of certain settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands, reported it without amendment, and submitted a report thereon; which was ordered to

be printed.

Mr. KIRKWOOD. The Committee on Pensions have instructed me to report back the petition of Martin Price, praying for a pension, and the petition of E. O. Jones and others, praying that a pension

be granted to Martin Price, with a recommendation that the committee be discharged from the further consideration of the petitions. I think it proper to say in regard to this matter that the evidence before the committee renders it somewhat probable that the man may be entitled to a pension, but the testimony is so confused and contra-dictory in some respects, and so uncertain, that the committee did not feel at liberty to recommend the granting of a pension in this

The report was agreed to.

Mr. KIRKWOOD. I also report from the Committee on Pensions the bill (S. No. 1046) granting an increase of pension to the widow of Major Thomas T. Thornburgh, late of the United States Army. The bill was once reported from the committee adversely and recommitted, and it is now reported back with the same recommendation that accompanied it before, that the bill be indefinitely postponed.

Mr. SAUNDERS. Mr. President—

Mr. BAILEY. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

dar, with the adverse report of the committee

Mr. SAUNDERS. I was going to ask whether we might not consider the bill at this time. This bill was recommited to the committee, with notice at the time that whenever it was taken up in the Senate I should propose to insert a less amount than is named in the bill. If the Senate will have time to take action upon it, I should be glad to have it considered now. If there is other business of more glad to have it considered now. If there is other business of more importance, then I will follow my friend, the Senator from Tennessee, in asking that the bill go upon the Calendar, and I give notice that as soon as possible I shall call it up, because it is a very meritorious case, and one I understand the committee did not want to set any precedent for the future by a favorable report, and therefore it will bear investigation. I hope the bill will be called up at the earliest opportunity.

The VICE-PRESIDENT. The bill has been placed on the Calen-

Mr. PENDLETON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1254) for the relief of Henry Warren, reported it without amendment, and submitted a report thereon; which as ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the petition of George J. Webb, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1698) granting an increase of pension to George J. Webb.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 21) granting a pension to Louisa Bainbridge Hoff, reported it without amendment, and submitted a report thereon; which

was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William A. Rogers, praying for a pension for services as a soldier in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

SENATE CONTINGENT FUND.

Mr. EATON. The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 296) making appropriation for the contingent fund of the Senate, have directed me to report it without amendment, and I ask unanimous consent for its present consid-

The Chief Clerk read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of this joint resolution?

Mr. EDMUNDS. Before I consent I should like to hear an explana-

tion of how much was appropriated during the last year, and in a general way what has become of the money.

Mr. EATON. I did not quite understand the Senator.

Mr. EDMUNDS. I said I should like an explanation of how it has

Mr. EDMUNDS. I said I should like an explanation of now it has happened that this large deficiency apparently has been created.

Mr. EATON. I will say to my friend from Vermont that I have no information beyond the fact that the contingent fund of the Senate is exhausted and this amount of money is required. Therefore I should be very glad to have immediate action upon the joint resolution by the Senate. I cannot give the reasons why the money has tion by the Senate. I cannot give the reasons why the money has been expended heretofore. I only know that there is now a want of this fund in the Senate.

Mr. EDMUNDS. I should think that we ought to know something more about this than the general fact that the money is gone. think that this would be the very best occasion possible to ascertain think that this would be the very best occasion possible to ascertain how the fund has been administered, and to what uses it has been applied, and how it has come to have run short. I know that used to be the way before the Senate was reformed, in ascertaining about the propriety of further appropriations to the contingent fund and other funds, and I had hoped that it had not gone out of fashion. I think the joint resolution had better lie over and we can look at it.

Mr. EATON. I give notice that I shall call up the joint resolution

on Monday.

BILLS INTRODUCED.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1699) for the relief of Henry S. French, of

Nashville, Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1700) for the relief of John A. Sutter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 107) to authorize the loaning of certain tents and artillery to the Union Veteran Corps, composed of ex-Union soldiers, for the purpose of a reunion to be held at Wichita, Kansas, in the month of October, 1880; which was read twice by its title, and referred to the Committee on Military Affairs.

TOWN SITES ON MINERAL LAND.

Mr. PLUMB, from the Committee on Public Lands, reported the following resolution:

Resolved, That the Secretary of the Interior be directed to inform the Senate if changes of rulings and construction of statutes concerning entries of town sites upon mineral land have recently been made in his Department; whether such changes of ruling and construction have affected the substantial rights of parties who have settled upon the public lands, and, if so, what legislation, if any, is in his judgment necessary to protect the equitable rights of such parties; and the Secretary is requested to suspend action upon causes affected by said rulings until action by Congress.

The resolution was considered by unanimous consent, and agreed to.

DETAILS OF OFFICERS AS PROFESSORS.

Mr. CAMERON, of Pennsylvania. I ask the Senate now to take up the joint resolution (S. R. No. 70) to increase the number of officers of the Army allowed to be detailed as professors of military science at colleges and universities.

Mr. COCKRELL. Let us have the regular order. I insist upon

the Calendar.

The VICE-PRESIDENT. The regular order is demanded.

Mr. CAMERON, of Pennsylvania. I move that the regular order
be laid aside for the purpose of considering this joint resolution. It

was up a few days since and partially considered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania to postpone the pending order, which is the consideration of the Calendar of General Orders, under the Anthony rule.

The motion was not agreed to.

SENATE CONTINGENT FUND.

The VICE-PRESIDENT. The Senate proceeds to the consideration of the Calendar, and the pending bill is the bill—
Mr. EDMUNDS. Resolutions are still in order?

The VICE-PRESIDENT. They will be received.
Mr. EDMUNDS. I wish to offer a resolution which I have not completely prepared; and if there is no objection I will offer it after-

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS. I will state what it is, because any Senator I think after resolutions are called might object, although that is not the practice. I wish to call upon the Secretary of the Senate to report, so that we can have it by Monday, the amount that has been appropriated to the contingent fund, and what has become, in a genappropriated to the contingent land, and what has become, in a general way, under different heads, of the money. I presume there will be no objection to the resolution; but this is the time to offer it, and it is not quite ready. If there be no objection I will offer it later in the day when I get it prepared.

The VICE-PRESIDENT. The Chair hears no objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th instant approved and signed the following acts and joint

An act (S. No. 382) granting a pension to Ellen W. P. Carter;

An act (S. No. 526) granting a pension to Esther E. Lieurance; and A joint resolution (S. R. No. 91) to print the eulogies delivered in the Senate and House of Representatives upon the late George S. Houston, a Senator from the State of Alabama.

RETIRED LIST OF NON-COMMISSIONED OFFICERS.

The VICE-PRESIDENT. The pending bill on the Calendar is the bill (S. No. 1331) to authorize a retired list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward, the consideration of which is resumed as in Committee of the Whole. The pending question is on the amendment of the Senator from Iowa, [Mr. Allison,] on which the yeas and nays have been ordered. The amendment will be read.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. —. That in addition to the number of cadets at West Point Military. Academy now authorized by law, the President shall each year appoint two colored cadets at large.

Mr. BURNSIDE. Mr. President, when the Senator from Iowa introduced the amendment now under consideration providing for the annual appointment at large by the President of two colored cadets, I determined to vote against it, firstly, because I thought the amendment was not germane to the bill; secondly and mainly, because I am opposed to all legislation which recognizes distinction of race,

color, or previous condition of servitude. It will be remembered that I made something of an effort during the last Congress to have the Senate repeal sections 1104 and 1108 of the Revised Statutes authorizing colored regiments. The reasons for the formation of this opinion on my part were so intelligently and elaborately given by the Senator from Massachusetts [Mr. Hoar] yesterday as to render it unnecessary for me to give them in less intelligent language to-day. I am not violating a confidence, I am sure, when I say that this amendment does not meet with the approval of the Senator from Mississippi, [Mr. Bruce,] and I am quite sure that it will not meet with the approval of the leading men of the colored race in the country.

I have given the subject of the amendment much thought since its introduction, and have changed my mind so far as to determine to give it an affirmative vote without in the least degree relinquishing

give it an affirmative vote without in the least degree relinquishing my faith in the principle, or theory, if you please, that, as a rule, such legislation on the part of Congress should not be had.

Recent events at the United States Military Academy have occupied and exercised the public mind in a remarkable degree; and as I am a graduate of that institution, and as its welfare and prosperity are wished for by me heartily and ardently, I have given them much consideration.

This academy is a national institution, and should in all its operations and teachings bear national characteristics. The students there are national beneficiaries, and as a body ought to represent the national sentiment. With the exception of ten, who are appointed at tional sentiment. With the exception of ten, who are appointed at large by the President, they are the representatives, in that school, of all the congressional districts of the nation. They are selected by the members of the popular branch of the National Congress. Now, if in the administration of its affairs any system of scholastic, military, or social teaching has crept in, by which any one or more of these national beneficiaries are deprived of the rights and privileges which are justly their due, that system should be changed at any cost.

We cannot reasonably expect, at so early a day after the emancipation of the colored race, that all the people of this country should absolutely recognize and become reconciled to the changed condition of affairs in this respect; but in a national institution, organized as the West Point Military Academy is, it should be recognized, and it is the duty of Congress to see that it is recognized. Without the authority of Congress the Military Academy has no existence. It was organized by Congress, its students are clad, fed, and educated at the expense of the Republic, and are entirely within its control and justicial in the control and property of the response of the Republic and are entirely within its control and justicial in the control and property of the recognized within its control and justicial in the control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the west control and property of the recognized as the reco risdiction. Congress to-day, by its own action, can put it out of ex-

Now, Mr. President, there seems to be a practical difficulty in the way of sending to West Point, under the present law, anything like a fair representation of the colored people of the country. Members of Congress do not appoint them, and thus far the Executive has not seen fit to appoint them. I recognize the fact that the difficulties in the way of these appointments, except in rare cases, are almost insurmountable. The President in selecting the ten cadets at large whom he has the authority to keep there, as a matter of precedent, appoints the sons of retired or deceased officers and of distinguished citizens who have given so much of their time to public affairs as to deprive them of the opportunities of looking after the education of their children. As I before said, all the other cadets are appointed by mem-

bers of the House of Representatives. The members from the northern districts now appoint to a considerable extent upon competitive examination. It will be understood that the percentage of young men of the colored race of the North is very small, and but very few of them are sufficiently cultivated to present themselves as competitive candidates; but I am quite sure that, in either of the districts of Rhode Island, if a colored youth should present himself for this competition and prove himself the superior of the other competitors, he would receive the appointment; and I am inclined to think that if any favors were shown to any of the competitors, it would be to him, and doubtless this would be the case in almost all the districts wherein the competitive system obtains. In the southern districts, where a large proportion of the colored race of this country are living, there are more reasons than one why members do not nominate colored cadets. The first is that but a small proportion of the colored boys are sufficiently educated to obtain a footing at the academy, even if they were appointed; and in the second place, it is I believe a fact that the Representatives of the South, as a rule, do not think it wise to send colored cadets to West Point. These two reasons operating together, make it next to impossible that, for the present, the colored youths of the South can have a representation at the national school.

Now Mr. President, in view of these facts, I am willing to depart from my general rule of action in like cases, and vote for a law which authorizes the President of the United States to appoint annually a given number of colored cadets. I think this action on the part of Congress will have a good effect in several respects. It will show to the authorities at the Academy that the power which has created it is determined to make it a national institution in all senses of the term; that that power is determined to see that all cadets, no matter of what race, who are sent there by the authority of the Government, shall enjoy equal privileges and equal benefits; that merit alone shall be the rule of gradation, and that social ostracism shall not be encouraged; that certain classes of men, who are the beneficiaries of the Government, shall not slight or oppress other beneficiaries who occupy

the same ground that they do.

Mr. President, I will say that it is my earnest and longing hope that the investigation which is now going on at West Point will demonstrate that that corps of national students, which is organized for the purpose or supplying officers for our Army, is not tainted with a narrow, degrading exclusiveness and prejudice. But, sir, loving that institution, as I do, and as all alumni love their alma mater, I say that it is the duty of Congress to use the most radical measures to make the institution national; and, if it is found impossible to make it so, then to strike it from existence. It is not my belief that the latter extreme measure will be necessary, and I hope that the officers who are in charge of the institution and the cadets that are now there will now set a creditable example which will be followed in

future time by their successors.

Mr. DAWES. Mr. President, I move to amend the amendment by striking out "two colored cadets at large" and inserting "five ca-

dets at large."

When this amendment of the Senator from Iowa was offered, I felt very much inclined to vote for it, knowing the spirit which prompted it, the desire on the part of the mover to correct what seemed to be a necessary evil existing in the administration of affairs at West Point. But further reflection upon the question has satisfied me that the proposed legislation is very far from meeting the evil. It is a question of administration and not a question of legislation. It grows out of the manner in which West Point is administered, and not out of any defect in the law, and it cannot be met by a statute beyond some such amendment as that which I suggest.

On the other hand, I think that a colored cadet sent to West Point On the other hand, I think that a colored cadet sent to West Point by force of an enactment because it cannot be helped, does not help the case at all, but on the other hand makes it worse. The poor fellow who goes there because the law requires that he shall be there, goes there under very much worse circumstances than poor Whittaker is there. He is there as the voluntary appointment of the Government, and the Government ought to multiply such appointments. They are with the Government; they are in point of fact with the President of the United States, although usage almost equivalent to law has made the appointment of the President depend upon the recommendation of members of Congress.

ommendation of members of Congress.

The Senator from West Virginia [Mr. Hereford] made what he thought a very powerful argument against my colleague a day or two ago because members of Congress from Massachusetts had never sent a colored cadet to West Point. I want to say in reply that for the last fifteen years every cadet that has been appointed from the State of Massachusetts has been appointed in a manner which gave to the colored boy precisely the same opportunities as any white boy in that State. The cadets have been selected, so far as I know, from every congressional district in Massachusetts for the last fifteen years upon a competitive examination, and no Representative from Massachusetts would dare to hesitate for a moment to give his recommendation under the statute to that boy who succeeded in winning the dation under the statute to that boy who succeeded in winning the place upon a fair competitive examination by a competent board appointed for the purpose. But it has so resulted in practice that though two or three colored boys have succeeded in Massachusetts in getting a recommendation and presentation at West Point during the last fifteen years, somehow or other they could not get beyond that, and it is very obvious why. The colored boys of Massachusetts and of all the States of the beautiful the States of the beautiful the States of the states. the States, as has been said by the Senator from Rhode Island, [Mr. the States, as has been said by the Senator from Khode Island, [Mr. Burnside,] have not as a rule such education and fitness and training as would give them success in an examination at West Point. It do not speak of the failure of these colored boys now as owing to maladministration at West Point. It results from the fact that they belong to a race that for two hundred years as a race in this country it has been largely made a penal offense to educate, not in Massachusetts, but they belong to a race most of which were in States where until within a few years they could not be educated except in violation of the law.

Now, the law is that the President of the United States cannot appoint any more cadets to West Point for several years except those that come from the several districts. Those are in point of law ap-

that come from the several districts. Those are in point of law appointed by the President, though really by the Representatives.

Mr. COCKRELL. I understand there will be vacancies in the ten at large in 1882, to be filled in 1881.

Mr. DAWES. Possibly. I do not know how that is. But I want to authorize the President to appoint five additional cadets, and trust to the effect of public sentiment upon him, which is more powerful than any attempt to enact by law that he shall disregard the color line in these encictored.

line in these appointments.

Mr. President, if the administration of this Government shall do its Mr. President, if the administration of this Government shall do its duty at West Point there will be no occasion for the Senator from Iowa or any other Senator to seek to do away with the existing state of things by a statute, and you cannot accomplish it in that way. You put the poor fellow who goes there in a worse position if he goes there because you cannot help sending him there, than he would occupy if you merely authorized the President to appoint five additional cadets. Neither the President nor any other person can face the determined public opinion of the United States that there shall be no distinction in the law or in the administration of the law in any of distinction in the law or in the administration of the law in any of its branches or in any of our institutions on account of race or color, but that the colored man, as well as the white man, shall have opened

unto him all the avenues that the Government of the United States opens to the youths of this country for usefulness and distinction and

opens to the youths of this country for usefulness and distinction and honor in the public service.

That should be the purpose of the Government; it should result from the method of administration; and I cannot understand what good will come from attempting to declare by a statute that the colored man shall have justice done him. It will come only by administration. If you put one there by the side of poor Whittaker, there will only be two of them, toward whom that same spirit that now prevails there will be extended and exerted; that malign influence, that teaching the young men in a national institution to hold a dis-tinction of color that the Constitution and laws of the United States do not recognize, will still exist there until those who administer, those who carry on that institution, shall be taught by the power that puts them there that a distinction of race and color shall find no rec-

puts them there that a distinction of race and color shall find no recognition in the administration of the laws of this country.

Therefore, sir, for the very purpose of reaching what the Senator from Iowa so much desires and I so much desire to reach, I am opposed to attempting to do it by an act of Congress, but I desire to give the President of the United States an opportunity to appoint five more cadets, and let them go to that institution as the response of the United States to the late manifestations that have so awakened public indigation toward the officers who have brought about

that condition of things there.

Mr. HAMLIN. Mr. President, I shall vote against this amendment, and as I may do it for reasons which I have not heard stated, I pro-

pose to state them.

I am for the bill precisely as it was reported by the committee. I deem it a wise one. I would not embarrass it with an amendment like this, and I would be opposed to the amendment for that reason;

In all my public life I have been the firm and decided supporter of the school at West Point. I have sustained it on all occasions by my the school at West Point. I have sustained it on all occasions by my vote. It presents a strange condition of things to day, and it is time for me to halt. I am disposed not to create the power to appoint any additional cadet, either white or colored, at present to that school. While I shall be very careful to do no act of injustice to it or injustice to those who have it in charge, I think the condition of things is such that we may well examine into it before we adopt any legislation looking to additional cadets to be sent there.

I think the very first intimation which I have seen that this cadet Whittaker was guilty of the crime of mutilating himself came from a suggestion of the officer who has that school in charge; and the first steps in the progress of the investigation were to examine Whit-

a suggestion of the officer who has that school in charge; and the first steps in the progress of the investigation were to examine Whittaker in pursuance of the suggestion of the principal of the school. As I read the investigation in its progress as published in the papers, I read that one of the instructors there, as testified to by a cadet, stated distinctly that he should have no relations with the colored cadet as it would be injurious to him.

cadet as it would be injurious to him.

If that school is to be thus controlled, and if those are the principles by which it is to be governed and directed, I say it is time for the Senate to halt; and if it shall prove as it appears upon the surface—and I would not prejudge that; I would wait until the thing is through—if what appears to be the condition of things at present shall be corroborated, I think the first step incumbent upon us is to investigate that school and to apply remedies that shall put it under a different direction, under a different control.

While I agree with all that has been said by both the Senators

While I agree with all that has been said by both the Senators from Massachusetts in relation to giving all men a fair chance in life and an equal right and privilege before the law; while I indorse every word they have said in that regard, yet for the reasons I have stated I am unwilling to seek to accomplish on this bill that reform which I am unwilling to seek to accomplish on this bill that reform which may be necessary and will be necessary if what is now foreshadowed shall prove to be correct. The officer in charge at that institution, while the very investigation is going on, has published what I suppose is called a military order commending all his cadets—the language of it I do not recollect; other Senators will recollect it better than I—commending them for their high conduct, which I think is about equivalent to saying "We have got a board to take care of you, and will proclaim your high standing while you are on trial!" If this kind of government of that institution is to be had, I think it will be time enough to appoint new cadets to it when it shall have will be time enough to appoint new cadets to it when it shall have been thoroughly reformed, and when every cadet who is sent there shall have equal and exact protection alike. That will be the reason which will control my vote in this case. I shall therefore vote against the amendment, and for the bill as it was originally reported.

Mr. HEREFORD. Mr. President, the trouble that lies at the bottom of this matter is that this amendment is an attempt to do a thing that can never be done. It is to enforce by legislation social equal-

ity.

Now, what are the facts? One Senator, the other day, on the opposite side of the Chamber—I believe the Senator from Iowa [Mr. ALLISON]—said that his object was to afford to poor Whittaker there a companion or more, somebody to associate with him in that school. The State of Massachusetts has, I believe, eleven Representatives in the lower branch of Congress; consequently she has, or ought to have, eleven cadets there, and the same is true in proportion of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Minnesota, and Michigan. They all have their representatives there who have been appointed by republican Representatives in Congress. To illustrate what I mean: The young men that have been sent there from the State of Massachusetts refused social equality; they refuse to associate with colored persons on terms of equality. Strike at them if you want to remedy the evil; declare by law, if you can do it, that that is an act of insubordination. Do not strike at the head of the school; do not strike at the President for not appointing colored cadets; but if there be blame—and gentlemen say there is blame; they say the young men at West Point refuse to associate with the colored godds who are cent there, were some law, then do with the colored cadets who are sent there—pass some law, then, de-claring that an act of insubordination, if you choose, against which law I should vote. But if there be any trouble there, that is the trouble. The young men from Massachusetts that are sent there re-fuse to be the associates of the colored cadets who are sent there.

The Senator from Iowa, I believe it was, or some other Senator on that side of the Chamber, said that what he desired was to afford companionship to Whittaker. Mr. President, you cannot do that by law. You cannot compel the young men of Massachusetts any more than you can compel the young men from any other State, by law, to socially recognize those of a different color. You may by law give black men all political rights—and that is right, I go with the gentleman there—but you cannot confer by law social equality and social privileges

Why do the young men from Massachusetts, Connecticut, Vermont, and Maine refuse to associate, as has been charged here on this floor, on terms of equality with the colored cadets there? They but speak on terms of equality with the colored cadets there? They but speak the sentiment of the people of their own States; they but speak the sentiments of the parents who reared them. A year or two ago I was in the city of Boston, and going over the Boston Common I saw two parties playing ball or engaged in some other plays in different portions of the common, one of them composed of whites and the other of blacks—no mixture there. I drew the attention of my companion who was walking with me on that occasion to the fact. The panion who was walking with me on that occasion to the fact. The two races did not play together. You cannot force them to do it. You cannot by law force equality, and it is nonsense for the Senators on the other side of the Chamber to say that it can be done. They do not recognize it themselves, and there is not a Senator on that side of the Chamber—we might as well talk plainly about this—who will rise and say that he is willing for his daughter to marry a person of African descent; not one. If there be one I ask him to rise in his seat to-day and announce the fact. Why not? Because of a prejudice that has been implanted, right or wrong: and if he of a prejudice that has been implanted, right or wrong; and if he will not do that, give a reason for it. You have the reason. If all men are born free and equal, as is said by the Senator from Massachusetts, to the extent that he would have us believe, why is he not willing for his daughter to marry a colored man? He would not allow it if he could prevent it, and he has a reason for it, and the same reason that actuates him in that respect actuates the young

same reason that actuates him in that respect actuates the young cadets from Massachusetts when they refuse to dwell on terms of social equality with the colored cadets who are sent to West Point.

Carry it out to its legitimate consequences. If you want to enforce terms of social equality upon the young men who are at West Point, enforce it in your own families, carry it out to its legitimate logical result. There is where the trouble is. You are asking the young men at West Point to do that which you will not do yourselves. Why do you not do it in your various States? You do not do it. Public sentiment will not allow you to do it.

Colored men have a right to sit upon this floor. The law gives it

colored men have a right to sit upon this floor. The law gives it to them. They have the right to sit on the floor of the other House. The law gives it to them. These are great political rights; but when you come to enforce social privileges, social equality by law, you cannot do it; and every time there is a struggle made to do it, it is to the disadvantage of the colored race. As I read in the paper this morning, the marshal of this District said, "I wish they would let us alone, and we will fight the battle of life as the whites do." He said, "Let us alone," and if they will only let the colored men alone, and not be eternally bringing this question up in this Chamber and elsewhere, the conflict between the two races will naturally subside. But not be eternally bringing this question up in this Chamber and elsewhere, the conflict between the two races will naturally subside. But this thing brings up and keeps up the conflict all the time. That is the reason why you cannot enforce these terms of social equality at West Point, nor can you do it anywhere else. Strike at the root of the evil if you desire. The officer in command at West Point is not to blame, nor is anybody else to blame.

There is a reason why the young cadets from Massachusetts and Maine and other States will not associate with colored cadets. They are the appointees of republican Representatives; they are pretty much all, I take it, the sons of republicans. They refuse to recognize social equality there. By this amendment you are trying, as one of the Senators said, to make Whittaker a companion there. What good will one more companion do him? You may send half a dozen more;

will one more companion do him? You may send half a dozen more; it does not compel or force or tend to force the white cadets who are

it does not compel or force or tend to force the white cadets who are there to socially recognize such appointees.

I would not take away from them one of their political rights nor one of their political privileges that they have; but when it comes to terms of social equality, it is a very different thing and you cannot enforce it by law. There are certain things that the law cannot do. It can no more bring about such a state of affairs as gentlemen desire than it can change the spots of the leopard. They are placed there by the great Creator of the universe. These prejudices if prejudices you call them are placed there by the great Creator of us all and we cannot eradicate them by law, however stringent you may make it.

Mr. SAULSBURY. I understand the effect of the amendment of the Senator from Massachusetts [Mr. Dawes] is to strike out the word "colored." Am I right in that?

Mr. EDMUNDS. That is one effect.

Mr. SAULSBURY. So as to leave it to the option of the President

Mr. DAWES. It strikes out "colored" and "two" and inserts

Mr. SAULSBURY. I only wished to understand what the effect

Mr. HARRIS. As I understand the amendment of the Senator from Massachusetts, its effect is to increase the number of cadets that are to be appointed at large; that, instead of ten, as now appointed by law, the President shall have the right to appoint five additional annually

Mr. DAWES. According to the law as it now exists he is author-

zed to appoint ten in four years.

Mr. HARRIS. So I understand.

Mr. DAWES. This amendment authorizes him, in addition to them,

Mr. DAWES. This amendment authorizes him, in addition to them, to appoint five each year.

Mr. HARRIS. It increases the number appointed by the President at large 100 per cent. It is twenty in four years in addition to the ten, which makes thirty in all in four years.

Mr. CONKLING. Two hundred per cent.

Mr. HARRIS. Yes; 200 per cent.

Mr. KERNAN. Are Senators willing that there should be that increase of cadets? I have heard it said that we had too many now and have no place to put them. I understand the President now can have ten there all the time. If we add five a year, the number will have ten there all the time. If we add five a year, the number will multiply very fast. If they are needed I shall vote for them; but my information is that we ought not to have as many cadets as we now

Mr. MAXEY. This subject came up some time ago, and after deliberate consideration by the Senate and investigation of the facts, it was found that there was being graduated at West Point a larger number of young men than there were places for in the Army. The Senate, so far as I now remember, without a dissenting voice, prohibited the construction which had been placed upon the law auhibited the construction which had been placed upon the law authorizing the President to appoint ten at large, and limited it down to ten within four years. Since about 1869 that was construed to allow ten annually, but it was limited by the law a few years ago so that those ten should be appointed within four years, only ten during the four years. The object was to prevent the too rapid increase of officers of the Army, the Army then being, as it now is, top-heavy. The restriction I thought wise, and this addition of five annually, as proposed by the Senator from Massachusetts, it seems to me would be quite unwise. We have more cadets now at West Point than we be quite unwise. We have more cadets now at West Point than we

be quite unwise. We have more cadets now at West Point than we have places for, and so far from increasing the number it would be far better for the service that it should be diminished.

Mr. INGALLS. Can the Senator tell how many unassigned graduates of West Point there are at the present time? I understood that a year or two ago we passed a law to buy them out of the service after they had graduated by giving them \$750 to relinquish whatever right they might have in the Army. I should like to know before voting for any additional number of cadets, and consequently of graduates, how many unassigned graduates there are at present on the list.

Mr. MAXEY. There was a proposed statute which came to us from the House authorizing the amount of \$750 to be paid to those who graduated for whom there were no places to be assigned. I do not think that law was passed, however.

graduated for whom there were no places to be assigned. I do not think that law was passed, however.

Mr. ALLISON. Will the Senator allow me a moment?

Mr. MAXEY. Yes.

Mr. ALLISON. That provision referred to by the Senator from Kansas was in connection with a large reduction of the Army. Of course when the whole scheme for the reduction of the Army failed that failed. that failed. There are no West Point cadets now unassigned, and last year there were some appointments made from civil life because there were not cadets to fill the vacancies in the Army. This year there will be a large number appointed from civil life for the same

Mr. MAXEY. I was about to go on to make that statement if I had not been interrupted. There are, as far as I know now, I will say to the Senator from Kansas, no unassigned graduates; but the theory of the law for several years past has been, and it ought to be, strictly carried out, that there never should be as many graduates for assignment as will fill all the places, for the reason that it is designed to leave places for meritorious non-commissioned officers who may stand an examination and be recommended for promotion. We thus keep a portion of the places as an inducement to the non-commissioned officers to aspire for promotion by meritorious conduct. If there were for example seventy vacancies annually, there ought not to be seventy cadets graduated annually. If you graduate them all, there is no hope for the non-commissioned officers. Although there are no graduates of the Academy now unassigned, and there were really, I believe, about twenty-nine or thirty officers promoted from the Army or appointed from civil life last year, still there ought always to be places left for the benefit especially of meritorious non-commissioned officers. I do not think this amendment is in the interest of the sewice and it is not think this amendment is in the interest of the service, and it is an expense to the country without any corresponding benefit.

Mr. LOGAN. Without discussing this question, I wish to remark,

so far as the matter of unassigned cadets is concerned, that the last class graduated at West Point failed to furnish the number needed to fill up the vacancies in the Army. I think there were twenty or twenty-

one more needed.

Mr. MAXEY. The Senator from Illinois will pardon me for sug-Mr. MAXEY. The Senator from Illinois will pardon me for suggesting that I think there were ninety or ninety-one vacancies and

but sixty or sixty-one graduates.

Mr. LOGAN. And the rest were filled up by competitive examina Mr. LOGAN. And the rest were filled up by competitive examina-tion of sergeants, &c., outside of the graduates of the Military Acad-emy. The case will be so again. Not enough cadets graduate at West Point to fill the vacancies there are in the Army requiring lieu-tenants to be appointed. That is so, has been so, will be so. Mr. TELLER. I should like to ask the Senator from Illinois if he does not think the public service would be improved by pursuing that

course for the future, taking from the Army some men and advancing them. Is not that a good idea?

Mr. LOGAN. I have no opinion to give about it, for I do not know that that is in controversy now; but I myself find that of those persons who were appointed last year after examination, quite a number of them passed as creditable an examination as did the cadets from West Point, and I think will make as efficient officers. They may west Point, and I timik will make as emicient officers. They may not have so much discipline, as a matter of course, but so far as their education was concerned they passed as creditable an examination, at least a great portion of them. I think we might just as well fill up the Army occasionally from civil life, where we get competent persons, as to take only graduates of West Point. But this proposition that has been made now will certainly not interfere with that by producing an excess of cadet graduates. It will not interfere in that particular at all, and that being the only question power involved. that particular at all; and that being the only question now involved that particular at an; and that being the only question now invocation of the care to discuss the other question about appointments outside. I only say this will not produce in any way too many graduates.

Mr. DAWES. The manner of administering the law has been that these ten appointees from the United States at large have been appointed to the care of the laws of

usually selected from the sons of officers of the Army. The law requires that the appointees from the several States shall be actual residents of the district from which they are appointed. There are large numbers of officers of the Army who have no such residence as that and whose families grow up without any such residence as entitles them to appointment from a district. While it is a most natural and proper feeling that an officer of the Army has a desire to educate his son in the profession he follows himself, he has not a fair opportunity to get an appointment through the districts in the several States; and the theory has always been to make the ten appointments at large from the families of officers of the Army. Properly administered that is a very proper theory in my opinion. That would administered that is a very proper theory in my opinion. That would leave five each year to be appointed outside of any such influence or theory as that; and if it should turn out that there should be five colored cadets sent to West Point each year there would be the enormous number of twenty colored cadets there out of three hundred and fifty or thereabout.

or thereabout.

That increase of number is what alarms some Senators. It does not alarm me at all. That would not meet the exigency suggested by the Senator from Illinois and other Senators. That would not prevent a large number of vacancies in the Army being filled, as they ought to be, from civil life or by promotion from the ranks. It would put in training each year five colored cadets. That is the purpose of the amendment. The amendment relies upon a public sentiment to carry it out and to enforce it, and that public sentiment to so operate upon the administration of the government of West Point that you will hear no more cadets testifying that their own instructor gave them the idea that it would be better to avoid a colored cadet. Public sentiment is stronger than the law, and to that for one I would lic sentiment is stronger than the law, and to that for one I would rather appeal than to the puny, impotent enactment that there shall be a colored cadet sent perforce to West Point and left to take care of himself as best he can. The fact that it adds five more to the number does not so alarm me as the idea that there now exists at this day in this Government a spirit in the administration of any of its institutions like that which tolerated the condition of things we have

seen at West Point lately.

The VICE-PRESIDENT. The morning hour has expired. The unfinished business of the Senate is the resolutions reported from the Committee on Privileges and Elections relative to the seat of the

Senator from Louisiana.

Mr. EATON. Mr. President, with the consent of the Senate I shall Mr. EATON. Mr. President, with the consent of the Senate I shall be very glad to have the order of the day laid aside informally for the purpose of taking up the naval appropriation bill. I do not think it will elicit any debate, and it ought to be passed. I move, then, informally to lay aside the order of the day.

The VICE-PRESIDENT. No such motion is known to the rules. The Senator from Connecticut asks that the pending order of business be informally laid aside in order that the naval appropriation bill may be considered. The Chair hears no objection.

NAVAL APPROPRIATION BILL.

Mr. EATON. I now move that the Senate proceed to the consid-

eration of House bill No. 5626.

The motion was agreed to; and the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, was considered as in Committee of the Whole.

Mr. EATON. I will state to the Senate, and I am very happy to state, that this bill is reported without any amendment whatever; and I ought to remark further that after full consultation with the Secretary of the Navy the Committee on Appropriations are authorized to say to the Senate that he is entirely satisfied with the bill, although we give him some \$100,000 less than he desired. He authorizes me to assure the Senate that, very extraordinary circumstances excepted, there shall be no deficiency, and this shall cover the entire expenses of the Department.

While I am up I might as well say that I do not think this bill will elicit any discussion. The total of the bill as passed by the House and reported to the Senate is \$14,405,797.70. The total of the estimates was \$14,509,147.95. The bill as reported is \$103,350.25 less than the estimates. The bill as reported, however, exceeds the act for 1880 for a certain reason which Senators will discover as the bill is read, to the amount of \$375,825.75. As the bill is read Senators by casting their eyes over it will see the items of increase.

The pay of the Navy is increased \$196.725: the contingent expenses

The pay of the Navy is increased \$196,725; the contingent expenses of the Navy, \$13,300; for the Bureau of Navigation, \$23,672.50; for the Bureau of Ordnance, including torpedo service, &c., \$70,000; the Bureau of Equipment and Recruiting, \$5,000; the Bureau of Provision and Clothing, \$76,017.25; the Payal Academy, \$1,250.

These amounts are increases over the bill of last year.

The degreeses are in the Bureau of Steam Frairesing \$2,000 in

The decreases are in the Bureau of Steam Engineering, \$3,000; in the Bureau of Yards and Docks, \$1,500; in the Marine Corps, \$5,636. Leaving the net increase of this bill over the bill of 1880, as I have before stated, \$375,828.75.

If any Senator desires it, I shall ask that the bill be read by sec-

tions, and will give any information I possess as the various items

Mr. KIRKWOOD. With the consent of the Senator from Connecticut, I wish to ask a question. I understand that the bill meets the estimates of the Department with a small exception.

Mr. EATON. There is \$103,000 difference between the estimates

and the bill.

Mr. KIRKWOOD. What is the subject-matter on which the committee decline to give the Secretary what he asked for?

Mr. EATON. As the bill is read I will state the differences, or I

can do it now

Mr. KIRKWOOD. I merely wished to know what it was that had been estimated for and had not been granted.

Mr. EATON. Perhaps my friend from Iowa did not understand me.

I did say to the Senate that we had the Secretary of the Navy before us, and after full and careful examination he said he was satisfied with the bill, and unless there were extraordinary circumstances there

should be no deficiency whatever.

Mr. HOAR. Anything which was out of order otherwise would be in order if it were done by my friend from Connecticut. So I do not wish to raise a point of order; but I hope the practice of citing the statements of the heads of Departments on the floor of the Senate will not grow by so distinguished an example. I understand it to be

contrary to the rules of the Senate.

Mr. EATON. I am not aware, Mr. President, that I was out of order. I am not aware that it is out of order for me to advise the Senate that the Secretary of the Navy has come before the commit-tee and stated that he was entirely satisfied with the action of the

tee and stated that he was entirely satisfied with the action of the committee. I do not give a written report of the action of the Navy Department, but simply the result of an interview between the Secretary of the Navy and the Appropriations Committee.

Mr. HOAR. Mr. President, I will make the point of order if the Senator from Connecticut thinks it is in order. I understand that to cite to the Senate in debate the opinion of the Executive Department of the Government is contrary to the rules of the Senate. Although the point is not of the slightest importance in the present instance, it is very important that it should not grow into a practice.

Mr. EATON. Mr. President, I have no objection to having the point of order made upon me; but after five years' service in the Senate it is the first time I have ever heard that when the report of a committee was made the reporter was not at liberty to say that the

committee was made the reporter was not at liberty to say that the committee was made the reporter was not at nearly to say that the Department were satisfied with the appropriations the committee recommended. I myself have made such reports again and again and again, precisely as I have to-day, and no point of order has been made upon it. It is rather late, too; I have stated the fact.

The VICE-PRESIDENT. The Chair thinks the point of order comes rather late, it being made some time after the Senator from Connecticut has made the allegation. The Secretary will read the bill for amendments.

bill for amendments.

The bill was read. The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senate, as in Committee of the Whole, has the bill pending. Are there any amendments to be proposed, no amendments having been

reported by the Committee on Appropriations?

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

Mr. BECK. Mr. President, I do not know that a separate vote will be taken on the title; but I rise only to say that yesterday and on several days there have been a good many remarks made about the democratic Senate and House cutting down appropriations and not doing what was just to the Departments. Here is a bill, prepared after full consultation with the Secretary of the Navy, passed through

a democratic committee of the House without alteration, passed a democratic committee of the House without alteration, passed through the House without a word, passed the Senate committee without a word, and which has now passed the Senate without dotting an i or crossing a t. I think that is pretty high evidence that we intend to do what is right by the Departments.

Mr. DAVIS, of West Virginia. If the regular order is not called for I ask the Senate to take up the bill (S. No. 1424) to repeal certain laws relating to permanent and indefinite appropriations.

Mr. INGALLS. It was the understanding that the regular order was to be called up before—

was to be called up before—
The PRESIDING OFFICER. The Chair will lay before the Senate

Mr. DAVIS, of West Virginia. I said if the regular order was not called for, then I would ask to take up the bill.

Mr. CONKLING. Mr. President—
The PRESIDING OFFICER. The Chair will lay before the Senate

the regular order.

Mr. CONKLING. On the regular order I want to say a word, if the Senator will allow me.

Mr. DAVIS, of West Virginia. Certainly.
Mr. CONKLING. The regular order being before the Senate, I wish to say one word, especially to the honorable Senator from Kentucky, who is about to darken the Senate by withdrawing from it.
Mr. DAVIS, of West Virginia. He is back.
Mr. BECK. I am here.

Mr. CONKLING. Now that the full radiance of his presence shines Mr. CONKLING. Now that the full radiance of his presence shines again on the body, I avail myself of such a moment to congratulate the honorable Senator from Kentucky, having caught his brief but very eloquent oration a moment ago. I congratulate the Senator from Kentucky and the committee of which he is so distinguished an ornament, that that committee has been able in one instance to let politics and political legislation alone and report an appropriation bill pure and simple, which the whole Senate was able to vote for, bill pure and simple, which the whole Senate was able to vote for, without doing violence to the finances of the country, to the efficiency of the Government, to the Constitution, or to the long-established laws of the Union. I wish to say to that honorable Senator, knowing that it will give him very little encouragement, that so far as the humblest member of the Senate is concerned he will be ready and glad always to vote without asking to dot an i or to cross a t, as the Senator said, for every appropriation bill which, proceeding upon the ancient ways and keeping within the proper scope, shall do what was done by that appropriation bill which the Senator says truly has met with such general acceptance. I wish to commend the Senator, if he will allow me, and his committee, and to hope that they will persevere in this kind of well-doing, and will avoid hereafter those vices of action, those vicious attempts at legislation, which have caused so action, those vicious attempts at legislation, which have caused so much commotion heretofore in the Senate and in the country.

I did not like to let the occasion pass without paying this feeble and passing tribute to the wisdom and patriotism of the committee to which the Senator from Kentucky with so natural and just a pride

has called our attention.

Mr. BECK. It affords me great pleasure to be able to say that in providing for the Army the Senate was able without crossing a t or ART. BLCA. It allores the great pleasure to be able to say that in providing for the Army the Senate was able without crossing a t or dotting an i to pass the bill as recommended, and in providing for the Navy it was able to do the same thing. I was really making a few remarks for the benefit of my friend from Colorado, [Mr. Teller,] who objected a little bit yesterday when the Indian appropriation bill was up that we did not give all that was asked for. We have passed two bills, providing for the defense of the country by the Army and the Navy, as asked by the Departments; and that is a good deal, as the Senator from New York will admit, for a democratic House to do for republican Secretaries who have sometimes been charged with being there somewhat irregularly.

If we have occasionally put riders on appropriation bills, it was because the disease had been so thoroughly, I was going to say inoculated, into Congress that we could not give it up all at once. The Senator will see that we are getting away from the practice as fast as we can, and that we are giving up the bad habits that for fifteen years have prevailed just as fast as ought to be expected of us.

Mr. CONKLING. The honorable Senator from Kentucky loses sight in his facetious remarks of some very broad distinctions. He says there are those who think that there is some irregularity in the way that the republican Secretary of the Treasury occupies his place. He forgets that there are a great many well-meaning people who think that there are very serious irregularities in the methods have high the that the propers in the provided hymbich the that there are very serious irregularities in the methods have high the that there are very serious irregularities in the methods have high the that there are very serious irregularities in the methods have high the that there are very serious irregularities in the methods have high the serious contents.

He forgets that there are a great many well-meaning people who think that there are very serious irregularities in the methods by which the democratic majorities in the two Houses occupy their place. I will not dwell upon that, but remind the honorable Senator from Kentucky that there is a very widespread suspicion in the country that to something more than irregularities merely is the democratic party indebted for the majority which it wields so potently now in this and the other House.

The Senator loses sight of another distinction. He says that the Army bill was passed without dotting an i or crossing a t. Yes, but it was very unlike this bill with which we have just parted in that respect. This bill—and that was the occasion of the felicitation of the Senator—passed the Senate by the according voice of both sides and of all Senators, nobody objecting to it. The Army bill passed not because of its merits but in spite of the flagrant objections there were to it. It passed by main force of numbers. It passed because the democrats, and they only, were in favor of an Army bill so dis-

torted and disfigured as that bill was. That is a very broad distinc-

tion.

The fact on which I ventured to congratulate the honorable Senator from Kentucky was that in the case of the naval bill the committee had seen fit to abstain from those excesses of legislation which the company of the saids to vote against the Army bill, not because of the appropriations which it ought to have contained and did contain, but because of other provisions which it never should have contained, which no bill should have contained, and which markedly that bill should not have contained.

I venture to call the attention of the Senator from Kentucky to this very broad demarkation between the facts to which he refers and those on which I depended in offering my congratulations to him. I think among the most distinguished of his always distinguished services in the Senate is the contribution he made to a naval appropriation bill which could pass without shocking either the sense or the conscience of either side of this Chamber. It is to that that I wish to confine my congratulations, and to repeat them, if he will allow me to do so.

Mr. BECK. I accept them, sir. Mr. TELLER. If the Senator from Kentucky supposes that my criticisms yesterday upon the committee were moved or instigated by a political motive or from a political view he was entirely mistaken, because I found that the whole committee seemed to be a unit upon the subject of refusing to allow any change to be made in the bill then pending. It did not occur to me that the deductions had been made for political effect upon the country, although the remarks in the Senate since would rather lead me to suppose that that was in the mind of some Senators when the reductions were made. At the the mind of some senators when the reductions were made. At the time I did not do the committee that injustice if it was not true; and I did not quite do them the justice to say so if it was true. I spoke in the interest of the public service; I did not even think at the time that as there was a great political contest coming off it might be that in their anxiety to make political capital they proposed to let the public service suffer. I did not suppose at the time that the Committee on Appropriations in their anxiety to convince the second of their second was reasonable. people of their economy were willing to cut down the most important service in the country and expose the frontier people to Indian raids and to the misfortunes that always attend dissatisfaction among the Indians. I am rather inclined to think from the remark made that perhaps they had in view more than the impression that they were pernaps they had in view more than the impression that they were saving money, even though it might be at the expense of the unfortunate people who are living on the border of Indian reservations and in an Indian country; but in my ignorance, having very little acquaintance with public affairs, it did not occur to me. I spoke solely and entirely in the interest of public order.

Mr. SAULSBURY. I call for the regular order.

The PRESIDING OFFICER. The regular order is before the Senter where here even time.

ate, and has been for some time.

Mr. TELLER. That is what we are speaking on. I am through.

SENATOR FROM LOUISIANA.

Mr. SAULSBURY. The regular order being before the Senate, I desire to say that if gentlemen on the other side wish to occupy the floor this afternoon, I shall be glad to have them do so. If not, we shall proceed on this side of the Chamber. I had expected that the Senator from Wisconsin [Mr. CAMERON] would have taken the floor, but he notified me awhile ago that he would not be ready to speak this evening. I desire to give further notice that I shall insist upon the continuation of this discussion until we reach a final vote upon the resolutions now pending before the Senate. I yield the floor now to resolutions now pending before the Senate. I yield the floor now to my friend from North Carolina, [Mr. Vance.]

SENATE CONTINGENT FUND.

Mr. EDMUNDS. Pursuant to the leave the Senate kindly gave me this morning when resolutions were called that I might offer a resolution later in the day, I offer this one calling for a report about the expenditures of the contingent fund, and ask for its present consid-

Resolved. That the Secretary of the Senate report forthwith—
First. The balance standing to the credit of the account of the contingent and
miscellaneous expenses of the Senate on the 4th day of March, 1879;
Second. The amount that has been appropriated for that account since the 4th
day of March, 1879;
Third. The purposes and objects for which said sums have been expended, arranged under the different and appropriate heads, showing separately the expenses
of the respective inquiries ordered or authorized by the Senate.

Mr. DAVIS, of West Virginia. I ask the Senator from Vermont, so as to make

Mr. SAULSBURY. I must insist that this debate shall close and that the regular order be proceeded with.

The PRESIDING OFFICER. Leave was given this morning for

The PRESIDING OFFICER. Leave was given this morning for this matter to be brought up.

Mr. EDMUNDS. I do not intend to disturb the regular order. It will not take two minutes to do this thing.

Mr. DAVIS, of West Virginia. I suggest to the Senator, so as to get a little fuller information, that his resolution go one year back; to March, 1878. The resolution calls for a report from March 4, 1879; for a single year. Let it cover two years, so that we may see how the two years compare. I am in favor of the resolution, but I suggest that amendment.

Mr. EDMUNDS. That is all in the reports of the Secretary, if he

has obeyed the law, as he has.
Mr. DAVIS, of West Virginia. If the Secretary has it, he can put

it in in the same answer, and it will all be together.

Mr. CONKLING. Does the Senator want it printed the second

Mr. DAVIS, of West Virginia. The printing will not be much.
Mr. EDMUNDS. I confess, knowing the economy of my friend from
West Virginia, a little surprise at his suggestion. The standing orders, and the law too, I believe, certainly the standing orders of the Senate, require the Secretary to report every session or every year (I think it is every year, and that is the same thing ordinarily,) the expenditures that he has made out of the contingent fund, and so on. Those reports have been made and are in print down to the close of the last Congress, which terminated on the 4th of March, 1879. There is pending before us a joint resolution originating in the House of

is pending before us a joint resolution originating in the House of Representatives providing an additional appropriation of \$15,000 to the contingent fund, as we call it for short.

Mr. EATON. It did not originate in the House.

Mr. EDMUNDS. It did not? I was present when the person who is represented to be the Clerk of the House appeared here and the presiding officer stopped everybody, and professing to speak for the House of Representatives he said that the House had passed the House oint resolution, which bore that peculiarly blue and heavenly tint that all the House bills do, to provide an additional sum to be put to the credit of the contingent fund of the Senate, which was rather surprising; I think the first time probably in the history of the Government that we ever had quite so good a bill as that. Here it came, and it was a House bill, and it is a House bill now, if I correctly understand it. But that is not the point, because I do not deny the right of the House of Representatives to provide additional means for carrying on the contingent expenses of the Senate, so far as they are concerned; I do not deny the right of the Senate to reciprocate the favor and in-I do not deny the right of the Senate to reciprocate the favor and introduce a bill and pass it providing for adding to the contingent fund of the House. That is not the point I am on at all. The point is to know how it happens that the Treasury is to be drawn upon for \$15,000 additional for contingent expenses of the Senata the present session. I inquired of the honorable Senator, and in many more words than he usually takes to express a clear idea he stated in effect that he did not know about it and did not care anything about it. Then the bill went over; and in order that the Senate may know what has become of the money already appropriated for the expenses of the Senate in this Congress, which produces this deficiency, I have offered this resolution. The Senator from West Virginia wishes to have what is already reported and in the last Congress also brought up, as if I were undertaking to reciprocate his Treasury screed, as it is sometimes called, and had introduced this resolution for political purposes.

Mr. CONKLING. The expenditures for that period were reported

and printed.

Mr. EDMUNDS. Yes, and as my friend from New York says, these Mr. EDMUNDS. Yes, and as my friend from New York says, these previous expenditures and accounts are not only reported but are all in print, itemized. This resolution does not call for items; it is too much labor and expense and would take too long. It only desires a summary under the different heads to know how the money has been expended which has been provided for this Congress, in order to see how it is that this deficiency has occurred and what is the necessity for more. It may be that when we get this report it will appear that \$15,000 are already a balance to the credit of this fund and that there is no need of making this draft upon the Treasury.

I am surprised at the Senator from West Virginia taking this to be one of the fancy movements that sometimes occur on certain sides of

one of the fancy movements that sometimes occur on certain sides of one of the fancy movements that sometimes occur on certain sides of the Chamber to get up something for a stump speech for July, or August, or September. There is nothing of the kind. It is purely a business resolution; and I should have expected that my friend from West Virginia, who is always so careful in looking after the expendi-tures of the Treasury, as he ought to be, would have said "amen" to the resolution at once, in order that we may have the facts plainly before us and see what cought to be done

before us and see what ought to be done.

Mr. DAVIS, of West Virginia. I do say amen to the resolution; and I also move to strike out "1879" and insert "1878" where it occurs, so as to let a report for two years be prepared, so as to make a comparison. The Senator says the report for the former year is in print. I do not doubt that it is, but not in the form the Senator asks for a report for 1879. He does not ask for details which are scattered through a number of documents. I ask if the Senator will not consent that the same report be sent for two years instead of one? I am in favor of the resolution, and think the Senate ought to adopt it; and that is the only amendment I desire to have made to the

The PRESIDING OFFICER. The Senator from West Virginia

proposes an amendment. The Chair is not able to indicate exactly where the amendment would come in.

Mr. DAVIS, of West Virginia. I move to strike out "9" where it occurs in two places and insert "8," so as to read "1878" instead of "1879."

Mr. EDMUNDS. So that we shall be unable to know how much this Congress started with, the way the accounts are kept, on the 4th of March, 1879, and mix the whole thing together.

Mr. DAVIS, of West Virginia. Oh, no; separately. We want the

accounts separately. It will be with the understanding that the years

accounts separately. It will be with the understanding that the years be entirely separate. I believe it is a proper amendment to be made. Mr. EATON. I hope my friend from West Virginia will not insist upon that amendment. I think that matter is all before us now. I did think the resolution of the Senator from Vermont was unnecessary; I think so now; yet I will not refuse to vote for it. What I said to the Senator this morning was not precisely in the language which he imputes to me, that I did not know and did not care, and I do not think the RECORD will show that I used that language; but I said it is a matter of very little consequence when it appears that there is it is a matter of very little consequence when it appears that there is a necessity for more money. There have been various committees at this Congress, more select committees than perhaps we have ever had before. At all events the contingent fund is exhausted, and in my judgment it becomes the United States Senate to pay their witnesses and their committee clerks.

Mr. EDMUNDS. There is no doubt of that.

Mr. EATON. And not have their warrants hawked about Pennsylvania avenue at eighty cents on the dollar. It is a disgrace to the Senate. Therefore it was that I, to avoid any trouble between the House and the Senate, requested my friends in the House of Representatives to pass the joint resolution, to which I had obtained the assent of the proper sub-committee of the Committee on Appropriaassent of the proper sub-committee of the Committee on Appropriations who were present and of many of the leading members of the whole committee, so that it might be passed at once without delay, and I still think I was right in so doing. My friend from Vermont saw fit to force it to a committee again who had already once considered it; and now when it is here he will not permit it to pass today, so that the poor people who desire this money have got to wait until next Monday before the Senate can pass a joint resolution in order to pay a little amount of money to those to whom it is due.

Mr. CONKLING. The honorable Senator from Connecticut has furnished me with a reason not only of curiosity but something more than that for adopting this resolution. The Senator reminds us that more committees than usual have been authorized to incur expense. That has occurred to me. It is by no means impossible that when we

That has occurred to me. It is by no means impossible that when we learn how much these respective committees have cost, it may be the learn how much these respective committees have cost, it may be the pleasure of the Senate to terminate the expenditures which they are incurring. I heard the other day from the Senator from West Virginia that between ten and eleven thousand dollars had been expended in the peregrinations of a committee touching the mode of book-keeping in the Treasury Department, and I hope I shall not seem disrespectful if I say that every member of the Senate knew, for every practical purpose and intent, before that committee began what the fact was and what the result of the inquiry would be; but between ten and eleven thousand dollars of expenses have been incurred in conducting that investigation, and a Senator on my right, [Mr. INGALLS,] not now in his seat, said that it was more than \$16,000. So there are other committees which I might specify which I am told have incurred large expenses and are to proceed to incur additional expenses.

expenses.

When we come to see how much these respective expenses are, it may very well be that the honorable Senator from Connecticut (I know he will if he thinks he is right) would agree with me perhaps, or with somebody else, in thinking that some committees might be dispensed with; that it was just as well not to have committees for partisan purposes or for other purposes expending, I will not say wasting, large sums of money in a quest for information of no practical value, if the Senate should so think. I think for that reason as well as for others, it would be very well that we should know what has become of the contingent fund, and as far as that will indicate, how much more is likely to be necessary if these various exploits and experiments of special committees are to go on.

I had intended to move, if the amendment of the Senator from

I had intended to move, if the amendment of the Senator from West Virginia should prevail, and if it is insisted upon and does prevail I will move as a provise to the resolution, that the Secretary make this report of these years separately, and that he be authorized to send into the Senate the printed document giving all the details touching the year 1878, in order that these poor people, as the Senator says may not be kent waiting while he recomise and retran-Senator says, may not be kept waiting while he recopies and retranscribes all this matter which was regularly laid upon the table at the beginning of this session, or at the end of the last session, (I think it was the beginning of this session,) and ordered to be printed.

Mr. EDMUNDS. It was when Mr. Gorham went out.

Mr. EATON. If my friend from Vermont will permit me, I desire to say to him and to the Senator from West Virginia that I have had to say to him and to the Senator from West Virginia that I have had placed in my hand a letter from the Secretary of the Senate, Mr. Gorham, giving a statement of the receipts and expenditures of the Senate from July 1, 1878, to March 24, 1879, and also a letter from the Secretary of the Senate, Mr. Burch, giving a statement of the receipts and expenditures from March 25, 1879, to June 30, 1879. The Senator's resolution goes back to March 4, 1879.

Mr. EDMUNDS. That can be fixed in a moment.

Mr. CONKLING. The purpose of the amendment which I indicated, if it shall become necessary, will be to enable the Secretary of the Senate to avail himself of one hundred and thirty-four closely printed pages, and not to employ the clerks in his office to recopy them again.

pages, and not to employ the clerks in his office to recopy them again, particularly as it would be more convenient for us to have the information in print than to have it in manuscript; and I think after what has been said by the Senator from Connecticut, the Senator from West Virginia will hardly wish in any form to have printed over again this very convenient document which he can as readily run his eye over now as he can after it has been sent in again by the Secretary of the

Mr. EDMUNDS. If I understood the Senator from Connecticut correctly, he said that the printed accounts bring the matter now down to the 30th of June, 1879.

Mr. EATON. Yes, sir; from March 25, 1879, to June 30, 1879, is the last report, that of Mr. Burch. I ought to say that the report of

Mr. Gorham is to March 24, 1879.

Mr. EDMUNDS. But Mr. Burch's report brings it to the 30th of

June.

Mr. EATON. Yes, sir.
Mr. EDMUNDS. That I had forgotten. I modify my resolution to say instead of "4th of March," "30th of June, 1879," so as to just cover what we have not already obtained.
The PRESIDING OFFICER. The modification suggested by the

Senator from Vermont will be made in his resolution.

Mr. DAVIS, of West Virginia. The resolution of the Senator from Vermont calls for information in quite a different form to that presented in the printed reports; but as it can be tabulated by the Secretary, as he says, in a very short time, I withdraw my amendment, and I am glad the information is coming, for I think the Senate ought to have it.

The PRESIDING OFFICER. The question is on the resolution as

modified.

The resolution, as modified, was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Mrs. Arthur T. Lee have leave to withdraw her papers from the files of the Senate.

SENATOR FROM LOUISIANA.

The PRESIDING OFFICER. The regular order is now before the

Mr. VANCE. Mr. President, I should like to have read from the

Clerk's desk the special order.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. The resolutions reported by the Committee on Privileges and Elections are:

1. Resolved, That, according to the evidence now known to the Senate, WILLIAM P. KELLOGG was not chosen by the Legislature of Louisians to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to sit in the same.

2. Resolved, That Henry M. Spofford was chosen by the Legislature of Louisians to the seat in the Senate for the term beginning on the 4th of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.

Mr. VANCE. Mr. President, the resolutions which have just been reported are the result of the labors of the Committee on Privileges and Elections for a period of time occupying about twelve months, the result of their best deliberation, their anxious desire to do justice

to all parties, and to vindicate the Constitution of the country, which we have all sworn to support.

One of the great misfortunes which attend the discussion of all questions in this country of late years is that scarcely one can be brought before the attention of the American Congress that is treated solely with a view to its merits and to the ascertainment of the truth; but everything, no matter what it is, that is brought before Congress is clouded and tainted, so to speak, by the prejudice and the bitterness which has been excited by an unfortunate war. I was greatly in hopes that this question, involving as it does the Constitution of the United States, could be met upon its merits and could be discussed as such legal questions should be discussed; but it seems that that is

not to be the case.

not to be the case.

A report from the majority of the committee has been made in this case, which has been read and placed upon the records; a report from the minority also has been made, and that minority report, occupying but little over half a page of printed matter, makes the whole issue upon which this case is expected to turn; or, whether this case is made to turn upon the issues presented or not, the issues of something else are expected to turn; in other words, it is an appeal to the prejudices of the country for ulterior purposes. This case is to take the usual course that everything with which the South is connected has taken since the conclusion of the war. This fight is to be conducted by the gentlemen on the other side with the usual banbe conducted by the gentlemen on the other side with the usual banner flying in the breeze, and that banner has emblazoned upon it as its emblem, not the stars and stripes of the United States, not the lilies of France, not the union jack, not the double eagle of Prussia, not the lordly lion rampant, not the deadly leopard conchant, but a bloody shirt flippant, flappant, and floppant; and stamped upon that sanguinary garment are not the words "In hoe signo vinces," not the motto of the earlier princes of Wales, "Ich dien," not our own "E pluribus unum," not "Liberty and union, now and forever, one and inseparable," nor any of those great political epigrammatic catch-words under which men in all acceptants have been invited to ficht and to die. separable," for any of those great pointear epigrammatic catch-words under which men in all ages have been inspired to fight and to die, but those other words, dear to the heart of every man who has committed a deed that he knows cannot be justified on the facts, "res adjudicata." Such is the banner and such are the issues under which this fight is to be made. That is presented very clearly in the minority report. Mr. President, let me read from this document:

The act which is demanded of this party majority would be, in our judgment, a great public crime. It will be, if consummated, one of the great political crimes

in American history, to be classed with the rebellion, with the attempt to take possession by fraud of the State government of Maine, and with the overthrow of the State governments in the South, of which it is the fitting sequence. Political parties have too often been led by partisan zeal into measures which a sober judgment might disapprove, but they have ever respected the constitution of the Senate. What is the great crime? The attempt of the party majority in the Senate to purge this body of members who are not entitled under the Constitution of the country to a seat here. That is the crime. I would have thought in my simplicity that the crime consisted in the violation of the Constitution, and the placing of a man improperly here; but it seems not. The crime consists in attempting to redress the wrong which has been done to the Constitution and to the Amerthe wrong which has been done to the Constitution and to the American people. That is where the crime is, according to the minority

Here is the case, Mr. President: A horse is stolen and carried off, and the owner follows the horse and finds him in the possession of the thief, and takes the thief before the magistrate, and the magistrate refuses to hear the testimony of the owner, and dismisses the case, and remands the horse to the possession of the thief; the owner then goes and secures more testimony and applies for a new trial, for a rehearing of the case, when all at once the thief becomes the persecuted man, and the honest owner of the horse becomes the criminal in his stead; and the sympathies of a Christian community are in-voked in behalf of the persecuted horse-thief! We are called upon to say that the gravest crime which has ever been committed was the owner of that horse trying to recover his property; because, in fact, sir, the minority report of this Committee on Privileges and Elections is simply in effect a demurrer; it amounts to a demurrer in law, and a very special demurrer at that, and as such is almost tantamount to a confession of the facts which are charged by the majority report.

The Constitution of the country, let me say before I go further, in

article 1, section 3, reads as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof, for six years; and each Senator shall have one vote.

Now, if the sitting member upon this floor was chosen by the State Now, it the stiting member upon this noor was chosen by the State of Louisiana, by the Legislature thereof, then it would be a great crime to attempt to violate the Constitution by unseating him; but if he was not chosen by the Legislature thereof, or if, the body choosing being the Legislature, he was not chosen freely, and without corruption, or any improper practices, then it is a crime against the Constitution of the country, and it does violence to the oath of every man who has sworn to support that Constitution if that sitting mem ber is allowed to misrepresent the State which he purports to come

But let us see what character of crime it is with which the majority of the committee is charged-

To be classed with the rebellion, with the attempt to take possession by fraud of the State government in Maine.

Mr. President, it seems to me that that is an unfortunate illustra-The crime of ejecting a Senator who assumes to sit as the representative of the Legislature of the State of Louisiana is classed in resentative of the Legislature of the State of Louisiana is classed in the same category of crimes that the attempt to seize the government of the State of Maine was. Now, what was the fact in the State of Maine? I shall only advert to it, for the purpose of repelling the application of this illustration, for I have no further sympathy with what was done up in Maine; in fact the practice in Maine is that of which we have often complained in the South as having been given to us by the republicant party.

we have otten complained in the South as naving been given to us by the republican party.

But, in the State of Maine, Governor Garcelon with his council, who constituted the State returning board, if I understand it, undertook by putting in force the exact and technical letter of the law to throw out certain returns of the votes in which the law had not been precisely complied with. There was no allegation of fraud that I ever heard of; there was no allegation of violence or of force, or of anything except that the governor and council determined that they would put the law exactly in force and give it its full technical effect; and in that way they organized a Legislature which had an undoubted

majority at one time.

Now, suppose that that Legislature had sent a Senator here; that, during its brief, butterfly existence, that Garcelon legislature in Maine had elected a Senator and he had been commissioned and sent on here, and by the time he got to the city of Washington with his credentials and almost before the ink was dry upon them the body which had thus assumed to send him here as a Senator had dissolved itself into thin air and taken refuge somewhere in the wild woods of the Androscoggin or the Passamaquoddy; what would Senators on the other side have said? And yet that case would be precisely on all-fours with this, except—and I assert it upon my individual respon-sibility—that that man, so coming from the State of Maine from that legislature with such a certificate as a Senator, would have had five times the lawful title to a seat on this floor that the Senator from Louisiana now has.

But here is the pith of the whole minority report:

The men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter, and will not be likely to be deceived again.

There is the gist of the whole matter. Because the majority of the Senate is composed in part of gentlemen from the South they are to be forced into voting against these resolutions or their loyalty is to be impeached. Their loyalty to what, Mr. President? To what is it that they are charged with being disloyal? What does loyalty mean, anyhow, in this country? Is there any king or prince or potentate here—I hear talk of one that is to come very soon—but is there any now that we swear allegiance to? If there is anything that we are required to be loyal to, it is the Constitution of the United States, and our loyalty to this Constitution is to be tested on this floor and in this case by the votes which we give in this case by the votes which we give. If we vote to retain a man here that the facts and all the evidence tend to show never was elected by the Legislature of the State of Louisiana, in open viola-tion of the Constitution, then we are to be held loyal to it; but if we vote to vindicate the Constitution which claims our loyalty, then we

are disloyal! That is the proposition.

The majority of the committee contend, as their report shows, and as I verily believe and shall attempt to demonstrate, that everything connected with that election in the State of Louisiana from the first registration of a voter, preparatory to the election of 1876, down to the close of the taking of the testimony before the committee, was conceived in fraud and corruption of the deepest dye. I cannot see that there is a possibility of mistaking that, if the testimony can be

In the first place as to the registration. The testimony of Stokes was taken with relation to a party by the name of Ward, who was registrar of voters in the parish of Grant—that several days before the election and before the time at which by law he was compelled to close his registration books, he left the parish of Grant, hid the registration books so that they could not be found, and went to New Orleans and made a report that he was unable, by reason of bulldozing and fear, to carry out the registration, all of which Stokes testifies was false; that there was not a particle of danger, that there had been no bulldozing of him, that instead of any interference with him personally or with the exercise of his functions he had been kindly treated everywhere, his expenses had been paid by the inhabitants, so anxious were they to be registered and to prepare for the coming election; and when he got to New Orleans and told this state of things to the sitting member, who was then governor of the State, he In the first place as to the registration. The testimony of Stokes election; and when he got to New Orleans and told this state or things to the sitting member, who was then governor of the State, he very coolly replied, "Very well, if they don't want any election there we will throw the parish out." Mind you, the governor was not a member of the returning board or of the registration board, but assuming control, as I have no doubt he had of the whole of the State government, with all its machinery judicial and otherwise, he said, "We will throw out the parish of Grant if they don't want any election." there." But this testimony of Stokes is forestalled by another sentence in the minority report:

We do not think proper to enter here upon a discussion of the evidence by which the claimant of Mr. Kellogo's seat seeks to establish charges affecting the integrity of that Senator. Such evidence can be found in abundance in the slums of great cities. It is not fit to be trusted in cases affecting the smallest amount of property, much less the honor of an eminent citizen, or the title to an object of so much desire as a seat in the Senate.

much desire as a seat in the Senate.

Therefore, as Mr. Stokes, the witness, comes "from the slums," he is not to be believed. Well, who is to be believed? Who is Mr. Stokes? You would scarcely think after this denunciation of him by his friends in the minority report that Mr. Stokes was parish judge of Grant Parish by the appointment of Kellogg, a life-long and what they call in the South a fire-tried republican; that is to say a republican who was so devoted to the party that all his conduct was utterly without regard to the danger of fire here or hereafter; and he comes "from the slums." Well, let us look a little further, and we shall see more who come from the slums. more who come from the slums.

There was a man by the name of Peter Williams, whose testimony will be found on pages 521, 524, and 537, inclusive, of the testimony as taken by the committee; and Peter Williams says in regard to this registration that in the Seventh ward of New Orleans the superintendent of registration was named Moore, and that he was a candidate at the same time that he was registrar, and that he acted as regdate at the same time that he was registrar, and that he acted as registrar and as the candidate of the republican party for the Legislature, both, the offices not being considered inconsistent, I suppose, though positively forbidden by law. In fact, they were not only not considered inconsistent, but the reverse. Situated as that board was politically, and looking at the needs of the party, they were very consistent the one with the other. He acted as city registrar up to the day before the election, when he resigned. Williams says further that there were over 300 fraudulent votes registered in that parish by the connivance of this man Moore, which was enough to carry the parish, which elected three members, and without those three members there would have been no gnorum in this alleged Packard legislature. would have been no quorum in this alleged Packard legislature.

He says, moreover, that this man Moore acknowledged again and again that he was not elected, and that Kellogg was not elected again that he was not elected, and that Kellogg was not elected Senator. That was while he was out of office though. And this witness, Peter Williams, says again that when the registration returns were made from the different parishes and sent to New Orleans, instead of being sent to the office of the registrar-general of the State, the general superintendent of registration, they were sent by a contrivance, which I shall explain, to the custom-house, wherein were all the employés and appointees of the republican party and none others, and the device by which these returns of registration were sent to the custom-house was this: A clerk of Governor Kellogg, Blanchard by name, came to him frequently and asked him to allow him to use his name as registrar—he, Williams, being city registrar himself—for the purpose of telegraphing over the State and obtain-

ing news from the various counties as to how the registration progressed, &c., and that on this occasion he came to him and made the usual request, and he allowed him to use his name in the usual manner, but instead of using it in that way as he had been accustomed to do, he fraudulently addressed a telegram in the name of Peter Williams to all the registration offices in the different parishes in the State, directing them to send their returns to the custom-house, and instead of going to the registrar-general's office they went to the custom-house, and there the clerks of the custom-house and the clerks of the governor and clerks of nearly every other organization, republican or what not, in the city of New Orleans, were working night and

day to change these returns.

Mr. KELLOGG. Will my friend yield for one moment?

Mr. VANCE. Certainly.

Mr. KELLOGG. I suppose my friend does not intend to misinform the Senate. He evidently has reference to the registration books, not to the returns, when he speaks of telegraphing all over the State and having the returns sent to the custom-house.

Mr. VANCE. I meant the returns of registration, not the returns

of votes, and so said.

Mr. KELLOGG. You mean the registration books before the election ?

Certainly, sir.

Mr. KELLOGG. I suppose my friend will also admit that there is no evidence connecting me in any manner with that order, and that it was really a written order, filed as an appendix to this testimony

from the registrar himself, Governor Hahn.

Mr. VANCE. I do not know whether there is any testimony connecting the honorable sitting member with that maneuver or not, except the fact that the dodge was perpetrated by his private secretary; and if, while I had been governor of the State of North Carolina, my private secretary had executed anything of that kind I should have considered that I was to considered. have considered that I was to some slight extent responsible for it unless I had come out and repudiated it as soon as the fact was known, Qui facit per alium, facit per se, and I would rather not "face" that under any circumstances—

Mr. CAMERON, of Wisconsin. If the Senator will excuse me for

Mr. VANCE. Certainly.

Mr. CAMERON, of Wisconsin. When he makes a statement of a fact he, of course, desires that it shall be a fact and not a fiction. The person who was connected with making the order directing the books to be taken to the custom-house was not the private secretary of Governor Kellogg, never had been the private secretary of Governor Kellogg, and never has since been his private secretary. The books

KELLOGG, and never has since been his private secretary. The books were taken to the custom-house because the room there was convenient. Both parties were represented while the books were there, while they were being examined, and while names that ought not to have been on were being stricken off; both parties were represented. Major Burke was there, the boss democrat in the State; Mr. Zacharie was there, and all the leading democrats who chose to be there were there. There was nothing secret about it.

Mr. VANCE. I think I have yielded sufficiently long to Senators who desire to make a correction. The testimony is doubtless before the Senator from Wisconsin, as it is before me, and I shall have the testimony read at the proper time to see whether I am right or whether he is right. When a Senator requests to be permitted to put a question or to make a correction of a statement, I always yield with great pleasure; but I do not desire to have a speech interjected into my speech. I do not think there would be quite as much consistency in it as in being the candidate of the republican party and registrar at the same time.

the same time.

Now, who is Peter Williams that gives this testimony? Is he from the slums? Yes, sir; he is slummy also because he was the repub-lican city registrar of New Orleans; he was a metropolitan policeman, or had been, and he had been a custom-house officer also; and if that does not constitute his right to hail from the slums of New Orleans, what would? But he gives this testimony, and it is not successfully denied in any portion of the whole evidence taken before the com-

In addition to the testimony taken which I have recited in regard to registration, the testimony of E. A. Burke went also to confirm the fact of the frauds committed in that Seventh ward, and to show clearly by facts and figures that a large number of fraudulent certificates of registration were issued which enabled them to carry that ward, which gave the three members that constituted the quorum of the Packard legislature, as I have said.

On page 524 I find the following in Williams's testimony in relation

to those false certificates:

Q. What did you say about their being elected?
A. Moore told me that they were not elected; that there were some certificates or papers issued from the registrar's office.
Q. How? What kind of papers?
A. They were blanks from 1874; they were surplus registration papers that were not issued in 1874. He brought them back to the office and left them there; and in the election of 1876 Mr. Blanchard, who was connected with Governor Kellogo's office, he came to the office one day and told me to give them to Mr. Moore, and to call his attention to those 1874 certificates, and he carried them off to see if he could use them in the election of that year.
Q. That was in the election of 1876?
A. Yes, sir; they were blank certificates left over from 1874, but could not be used without getting the signature of the supervisor who served in 1874.

Q. Who was he?
A. Mr. Hutton.
Q. Is he the same man who met you at the custom-house?
A. Yes, sir.
Q. What is his full name?
A. N. B. Hutton.
Q. Is he white or colored?
A. He is a white man.
Q. Go on now.
A. When Mr. Moore came I said to him, "There is a lot of certificates from 1874, and it is Mr. Blanchard's wish that you use them if you can," and he said, "Yes, it's a very good idea." I can't remember, though, whether he took the whole batch; but, however, he took them with him, and he stated to me that he was not sure that this man Hutton would sign them; there was a sort of jealousy between them, and he would not like to approach him, but that he would see Mr. Boothby, and he had great influence, and he would get him to intercede with Hutton to sign them; so I furnished him those certificates, and he acknowledged that he used them, and on the strength of them carried the Seventh ward.

That is the testimony of Peter Williams. It is true he comes from

That is the testimony of Peter Williams. It is true he comes from the slums; that is, it is true that he was in full communion with the republican church in the city of New Orleans, but at the same time while some men might make that a charge against the credibility of his testimony, it strikes me that the sitting member cannot do so.

Mr. GARLAND. Mr. President, the Senator from North Carolina yielding the floor, I move that the Senate do now adjourn.

Several SENATORS. Let us have an executive session.

The PRESIDING OFFICER, (Mr. HEREFORD in the chair.) A motion is made that the Senate do now adjourn.

Mr. EATON. I hope my friend will change the motion to one for an executive session. There is a good deal of executive business to be done, and we had better not lose the afternoon.

Mr. CAPIAND. The reason for my making the motion to adjourn

Mr. GARLAND. The reason for my making the motion to adjourn

I will state-

Mr. EATON. I withdraw my suggestion.
Mr. GARLAND. I insist on my motion that the Senate adjourn.
The motion was agreed to; and (at three o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 30, 1880.

The House met at twelve o'clock m. and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. P. Harrison, D. D. The Journal of yesterday was read and approved.

ORTHOGRAPHY OF PUBLIC DOCUMENTS.

Mr. BALLOU, from the Committee on Education and Labor, by manimous consent, reported back, with a favorable recommendation, the bill (H. R. No. 5992) to constitute a commission to report on the amendment of the orthography of public documents; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HATCH. I call for the regular order.

Mr. PAGE. I hope the gentleman will withdraw his call for a few

Mr. WELLS. I desire to introduce a bill for reference. Mr. HATCH. I withdraw the call for the present.

PUBLIC BUILDING AT FORT WAYNE, INDIANA.

Mr. COLERICK, by unanimous consent, introduced a bill (H. R. No. 6024) to provide for the erection of a public building at the city of Fort Wayne, in the State of Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

STATE AGRICULTURAL COLLEGES.

Mr. PAGE. I am directed by the Committee on Education and Labor to ask unanimous consent of the House to take from the Speaker's table Senate bill No. 940 for consideration at this time. It is a bill to amend an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts." It is a very important matter, has been fully considered by the Committee on Education and Labor of this House, and that committee has unanimously instructed me to ask for the consideration of the bill at this

If the House will bear with me for a moment while I read what was said in explanation of this bill when it was under consideration in the Senate

Mr. CONGER. Let the bill be read, the right to object being re-

The SPEAKER. It will be understood that the right of any member to object is reserved; and the bill will be read.

The Clerk read as follows:

Be it enacted, dc., That section 4 of an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby amended to read as follows:
"SEC. 4. That all moneys derived from the selections of large selections."

10110WS:
"SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip as hereinbefore provided for, shall be invested in stocks of the United States, or of the States,

or some other safe stocks, or in such other manner as the laws of the respective States may provide, and that the moneys so invested shall constitute a perpetual fund, the capital of which shall forever remain undiminished, (except so far as may be provided in section 5 of this act,) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the respective States may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Mr. PAGE. Now, if the House will bear with me for a moment, I will explain the bill. Under the act of Congress donating these lands

Mr. HAWLEY. I reserve any point of order.
The SPEAKER. If a point of order is to be made, it had better be made promptly, so as not to occupy time which could be given to

Mr. PAGE. The bill is not subject to a point of order. If gentlemen will let me explain, I will show—

Mr. COVERT. I object for the reason that a bill similar in char-

acter to this is now being considered by the committee of which I have the honor to be chairman.

Mr. PAGE. If gentlemen will allow me a moment to explain the bill, I am sure there will be no objection.

Mr. COVERT. I am constrained to insist on my objection.

ASSAY OFFICE AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 6025) to establish an assay office in the city of Saint Louis; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

EXTENSION OF LETTER-CARRIER SYSTEM.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. No. 6026) to amend section 3865 of the Revised Statutes of the United States so as to extend letter-carriers to cities of ten thousand inhabitants; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. KING. I desire to give notice that I will on Wednesday next call up for consideration the resolutions from the Committee on the Interoceanie Ship-Canal, in connection with similar resolutions from the Committee on Foreign Affairs, in relation to interoceanic commu-nication. The resolutions from the Committee on the Interoceanic Ship-Canal are privileged by order of the House.

KIMBERLY BROTHERS.

Mr. GOODE. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3290) for the relief of Kimberly Brothers, and that the same be now taken up for consideration.

The bill was read, as follows:

The bill was read, as follows:

Whereas Kimberly Brothers, of Norfolk, Virginia, made a contract with the Secretary of the Navy for supplying the Marine Corps with rations for eight stations, to wit: Portsmouth, New Hampshire; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Annapolis, Maryland; Washington, District of Columbia; Norfolk, Virginia, and Mare Island, California, said contract bearing date the 11th day of June, 1879, and being for the supplying of such rations for the fiscal year commencing July 1, 1879; and

Whereas since making the said contract there has been an advance of the prices of all articles entering into the rations thus to be supplied of about 50 per cent., so that the said Kimberly Brothers are now filling the said contract at a loss to them of about \$50 per day: Therefore,

Be it enacted, dec., That the Secretary of the Navy be, and he is hereby, authorized and directed to examine the accounts and vouchers of said Kimberly Brothers, and to make an allowance to the said contractors, above the contract price, as he may, under the circumstances, deem just and equitable.

My. COODE:

If the Hermon will allow meters or more the table price is the said table.

Mr. GOODE. If the House will allow me one moment, I will make a brief explanation. The parties named in this bill made a contract for the fiscal year ending June 30, 1880, to supply eight marine stations with rations. Since this contract was entered into there has been an unprecedented advance in the price of articles entering into the rations. When the contract was made the price was between nine and ten cents; it is now between fifteen and sixteen cents. The result is that these parties, in the execution of their contract, are now feeding the marines of the Government at a loss to themselves of between \$60 and \$70 per day. The Secretary of the Navy, under the peculiar circumstances of this case, has recommended the relief asked for. The bill merely provides that the Secretary, in settling with these parties, may make such allowance on account of this unprecedented advance I hope this relief will be granted.

Mr. POEHLER. I object. I think it is all wrong to change the terms of a contract in this way.

Subsequently,
Mr. PÖEHLER withdrew his objection; when
Mr. NEWBERRY said: I object to this bill, unless the same rule is to be applied to every contractor under the Government.

C. B. INGMAM AND OTHERS.

On motion of Mr. CARPENTER, by unanimous consent, the Senate amendments to the bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A.

Wood, of Kansas; and Richard Parker, of Minnesota, were taken from the Speaker's table and concurred in, as follows:

In line 4, after "Minnesota," insert "James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas."

Amend the title so as to read: "An act for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas; Richard Parker, of Minnesota; James H. Pinkerton, of Colorado; and Ed. G. Wright, of Kansas."

PRINTING OF TESTIMONY.

Mr. CARLISLE. Mr. Speaker, on behalf of the select committee to inquire into the authorship of a certain letter I ask leave that the testimony taken from day to day may be sprinted for the use of its members.

There was no objection, and it was ordered accordingly.

CALL FOR EXECUTIVE INFORMATION.

Mr. ATHERTON. Mr. Speaker, I rise to what I consider a question of privilege. Early in the present session of Congress I introduced a resolution asking for certain information from the Secretary of War. a resolution asking for certain information from the Secretary of War. That resolution was referred to the Committee on Military Affairs, and on the 16th of January was favorably reported to the House and passed. It was promptly certified and transmitted to the Secretary of War, from whom the information was desired. Since that time no response has been received thereto. It seems to me, Mr. Speaker, it raises a question of privilege touching the right of this House. It is a question of privilege under Rule IX.

Mr. CONGER. I desire there may be order so we may hear what the gentleman is saying.

Mr. ATHERTON. Rule IX provides, among other things, "questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." Under that it seems to me this raises a question of privilege. It is one of the privileges of this House to call on the executive officers

ings." Under that it seems to me this raises a question of privilege. It is one of the privileges of this House to call on the executive officers of the Government for information. It would seem by comity they should furnish that information, and if they do not furnish it by comity the House should exercise its right in some way to compel them, or, at all events, to request a second time the furnishing of that information. The tabulated information sought by the resolution could be furnished in a short period of time; and, believing it to be a question of privilege, I have drafted a second resolution calling again for this information, which I desire to present to the House for adoption. for adoption.

Mr. CONGER. I make the point that cannot be considered as a question of privilege. Whatever the remedy may be it must be supplied in some other way.

Mr. ATHERTON. It certainly is a question of privilege under the

The SPEAKER. The original resolution should be read before the Chair is called upon to say whether it embraces a question of privi-

lege or not.

Mr. CONGER. Ah! it seems to me to be important to inquire

Mr. CONGER. Ah! it seems to me to be important to inquire whether there has been any violation of any law or rule.

The SPEAKER. The Chair thinks on that point the House has the right to call for information from the Executive Departments, and that a response should be made thereto within a reasonable time, either furnishing the information or stating that to furnish the information would be incompatible with the public interest.

Mr. CONGER. Let the resolution be read, to see what is its nature. The SPEAKER. That is what the Chair suggests.

Mr. CONGER. Not this resolution, but the one on which the gentleman has raised his question of privilege.

The SPEAKER. The Chair has not ruled the resolution now presented is a question of privilege. The resolution as originally passed, to which reference has been made, will be first read.

Mr. COX. Before that resolution is read I wish to say there is some

Mr. COX. Before that resolution is read I wish to say there is some precedent for this. Certainly this House must know from the De-

partment why the information is not furnished.

The SPEAKER. The Chair suggests to the gentleman from New York that the original resolution be read.

Mr. ATHERTON. The original resolution is contained in the reso-

lution now offered.

Mr. COX. This resolution was offered two months ago, and no reponse of any character has yet come from the Department, as I am informed.

The SPEAKER. The original resolution as adopted by the House will be read.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report to this House the number, rank, names, and annual pay of each officer of the Army of the United States on the retired list of said Army, the total amount which has been paid to each retired officer as aforesaid, and the aggregate amount paid to retired officers since the said retired Army list was created.

Mr. DIBRELL. That information has been furnished, and is now before the Committee on Military Affairs.

Mr. ATHERTON. When was it furnished?

Mr. DIBRELL. Several days ago.

The SPEAKER. That closes the matter.

Mr. ATHERTON. In explanation, and in vindication of myself in proposing to offer this resolution, I have to say that the original resolution was introduced into this House nearly three months ago. Two months and a half ago it passed the House and was certified to the

Secretary of War. I have time and again inquired of the Clerk of the House, and he has as often told me that no response had come to his office. On Tuesday morning last I repeated the inquiry, and was told that the Secretary had wholly failed to respond. I then prepared the second resolution, and have ever since been waiting for a favorable time to obtain recognition. I was told by the Clerk that the information would come in regular course through his office, and I supposed it was entirely unnecessary to look further. But now, finding the information has been furnished, I promptly withdraw the resolution.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. Hammond, of Georgia, for ten days from to-morrow;
To Mr. Houk, for ten days, on account of important business;
To Mr. Claflin, for three days;
To Mr. Hutchins, for three days, on account of important business;
To Mr. Mitchell, until Tuesday next;
To Mr. Smith, of Pennsylvania, for four days, on account of important business; portant business; and

To Mr. HERNDON, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ording June 20, 1880, and for other purposes.

appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

It further announced that the Senate had passed with amendments a bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and to fulfill treaty stipulations with various Indian tribes, for the year ending June 30, 1881, in which amendments the concurrence of the House was requested.

MORNING HOUR FOR REPORTS FROM COMMITTEES.

The SPEAKER. The regular order being demanded, the morning hour for reports from committees of a private nature begins at thirtytwo minutes past twelve o'clock.

HENRY GREBE.

Mr. WILLITS, from the Committee on the Judiciary, reported back favorably the bill (H. R. No. 4732) for the relief of Henry Grebe, with amendments; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES REGULATION FIRE-ARMS COMPANY.

Mr. REED, from the same committee, reported, as a substitute for the bill of the House No. 4772, a bill (H. R. No. 6027) for the relief of the United States Regulation Fire-Arms Company; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

CHANGE OF NAME OF VESSELS.

Mr. WAIT, from the Committee on Commerce, reported back favorably the bill (H. R. No. 4972) to change the name of the steam-propeller T. U. Bradbury; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

Mr. McLane, from the same committee, reported back, with favorable recommendations, the following bills; whichwere severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (H. R. No. 5150) authorizing the changing of the name of the schooner Rebecca D;

The bill (H. R. No. 2528) to change the name of the steam-yacht Kate Sutton, of Buffalo, to that of Loraine, of Oak Orchard;

The bill (H. R. No. 3275) to change the name of the sloop-yacht

The bill (H. R. No. 3275) to change the name of the sloop-yacht Mariah, of Rochester, New York, to that of Tourist; and The bill (H. R. No. 3274) to change the name of the steam-yacht E. R. Bryant, of Rochester, to Summerland.

COAST DEFENSE ASSOCIATION.

Mr. McLANE also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 4993) to incorporate the Coast Defense Association; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE H. PLANT.

Mr. McLANE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1780) for the relief of George H. Plant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. WHITTHORNE, from the Committee on Naval Affairs, re-Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back, with an adverse recommendation, the petition of Stewart Sanderson, asking Congress to authorize the construction of his patent steam-ram, and to make an appropriation therefor; which was laid on the table, and the accompanying report ordered to be printed.

Mr. GOODE, from the same committee, reported back, with an adverse recommendation, the petition of Dr. Henry W. Birkey, to be reinstated as an assistant surgeon in the Navy; which was laid on the table, and the accompanying report ordered to be printed.

CAPTAIN JOHN G. TODD.

Mr. GOODE also, from the same committee, reported, with a favorable recommendation, a bill (H. R. No. 6028) referring the claim of the legal representatives of Captain John G. Todd, of Texas, to the Court of Claims; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN P. GREGSON.

Mr. ELAM, from the same committee, reported back favorably the bill (H. R. No. 2304) for the relief of John P. Gregson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOPHIA PARKER.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H.R. No. 4645) granting a pension to Sophia Parker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES T. MARTIN.

Mr. DAVIDSON, from the Committee on Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1723) for the relief of Charles T. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES W. FOULKE.

Mr. LINDSEY, from the same committee, reported, as a substitute for House bill No. 2598, a bill (H. R. No. 6029) for the relief of Charles W. Foulke; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. D. TITSWORTH.

Mr. LINDSEY also, from the same committee, reported a bill (H. R. No. 6030) for the relief of M. D. Titsworth; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK CARROLL.

Mr. LINDSEY also, from the same committee, reported a bill H. R. No. 6031) for the relief of Patrick Carroll; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. WHITALL.

Mr. LINDSEY also, from the same committee, reported a bill (H. R. No. 6032) for the relief of John A. Whitall; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

ALONZO SNYDER.

Mr. LINDSEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1812) for the relief of Alonzo Snyder; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM JOHNSON AND OTHERS.

Mr. BRAGG, from the Committee on War Claims, reported a bill (H. R. No. 6033) to pay Hiram Johnson and other citizens herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS REPORTED BY TREASURY DEPARTMENT.

Mr. BRAGG also, from the same committee, reported back, with amendments, the bill (H. R. No. 3291) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and the bill and amendments were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS REPORTED BY COMMISSIONERS OF CLAIMS.

Mr. BRAGG also, from the Committee on War Claims, reported back, with amendments, the bill (H. R. No. 4435) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof; and the bill and amendments were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report andered to be privated. ing report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. All the committees have now been called.

Mr. BRIGHT. I rise for the purpose of moving that the House
resolve itself into the Committee of the Whole on the Private Cal-

endar.

Mr. WHITTHORNE. I move that we proceed to the consideration of business on the Speaker's table.

The SPEAKER. This being Friday, if the motion to go to business on the Speaker's table should prevail, it would be for the consideration of private business thereon.

Mr. WHITTHORNE. I understand that.

ENROLLED BILLS SIGNED. Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the

following titles; when the Speaker signed the same:
An act (S. No. 1100) for the relief of Solomon Morris;
An act (S. No. 1143) granting a pension to Mrs. Mary Allison;
An act (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list; and
An act (H. R. No. 3803) to authorize the Secretary of the Treasury

An act (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo; and

An act (H. R. No. 5524) to establish post-routes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. I rise to make a privileged report. I desire to report from the Committee on Appropriations the consular and diplomatic bill, with Senate amendments, and to move concurrence in certain amendments and non-concurrence in others.

The SPEAKER. This being Friday, which is devoted to the consideration of private business, that report can only be made by consideration.

sent. Does the gentleman from Tennessee [Mr. BRIGHT] yield for

that purpose?

Mr. BRIGHT. Yes, sir.

Mr. SINGLETON, of Mississippi. I send to the Clerk's desk a report in writing from the Committee on Appropriations, which I ask the Clerk to read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to

the amendments of the Senate thereto, having considered the senate numbered 4 and 5. They recommend concurrence in the amendments of the Senate numbered 4 and 5. They recommend non-concurrence in the amendments numbered 2 and 3. They recommend concurrence in the amendment numbered 1, with an amendment as follows:

Insert after the same, as a new paragraph, the following:

"For one secretary to the commissioners, \$4,000; for one interpreter, \$1,500; and for additional contingent expenses, \$4,500; in all \$10,000, to be immediately available."

Mr. CONGER. I ask that the amendments be read. The SPEAKER. The first amendment in which the Committee on

Appropriations recommended concurrence will now be read.

The Clerk read the amendment of the Senate numbered 4, as fol-

On page 9, line 9, strike out "\$55,500" and insert "\$56,600," so that as amended the paragraph will read:

"For allowance for clerks at consulates, \$56,600, as follows.

Mr. SINGLETON, of Mississippi. A word of explanation as to that amendment. The bill as it passed the House appropriated \$55,500 for clerks at consulates. The Senate amended that by adding \$1,100 to the amount; and they change somewhat the classification of the consulates at which these clerks should be allowed. The Secretary of State heliayes it would make the service much more efficient and the State believes it would make the service much more efficient, and the committee have yielded to his opinion on the subject. It adds but \$1,100, and increases the number of clerks to the different consulates but reduces the salaries of many of them, the highest from \$3,000 down to \$2,000, and from that down to \$600.

The amendment was concurred in.

The next amendment in which concurrence was recommended, numbered 5, was read as follows:

The next amendment in which concurrence was recommended, numbered 5, was read as follows:

On page 9 strike out the following:

"For the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of \$3,000 for any one year; and to the consuls-general at London, Paris, and Shanghai, each a sum not exceeding the rate of \$2,000 for any one year; to the consuls-general at Berlin, Calcutta, Melbourne, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Beirut, Hong-Kong, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Rio de Janeiro, Nuremberg, Leita, Naples, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding \$1,500 for any one year."

And insert in lieu thereof the following:

For the consul at Liverpool, a sum not exceeding the rate of \$2,500 for any one year; for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of \$2,000 for any one year; for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of \$1,500 for any one year; for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of \$1,500 for any one year; for the consul-general at Montreal, and the consuls at Bardford and Birmingham, each a sum not exceeding the rate of \$1,000 for any one year; for the consuls at Beflat, Barmen, Leith, Dundee, and Matamaras, each a sum not exceeding the rate of \$8,000 for any one year; for the consuls at Beflat, Barmen, Leith, Dundee, and Matamaras, each a sum not exceeding the rate of \$800 for any one year; for the consuls at Beflat, Rannen, Leith, Dundee, and Matamaras, each a sum not exceeding the rate of \$800 for any one year; for the consuls at Beflat, Rannen, Leith, Dundee, and Matamaras, each a sum not exceeding the rate of \$800 for any one year; for the consuls at Beflat, Rannen, Leith, Dunde

Mr. SINGLETON, of Mississippi. The explanation I gave a moment ago with reference to the previous amendment applies to this one. It

simply increases the number of clerks without increasing the amount, except \$1,100, beyond what was provided in the bill originally.

The amendment was concurred in.

In Senate amendment numbered 1 the committee recommended concurrence, with an amendment.

The amendment of the Senate was read, as follows:

For the compensation, at the rate of \$10,000 a year each, and the necessary expenses, of the commissioners appointed to act with the envoy extraordinary and minister plenipotentiary of the United States to China to negotiate and conclude by treaty a settlement of such matters of interest to the two governments, now pending between the same, as may be confided to said envoy and said commissioners, \$24,000, or so much thereof as may be necessary, to be available immediately.

The committee recommended concurrence, with the following amendment as a new paragraph:

For one secretary to the commissioners, \$4,000; for one interpreter, \$1,500; and for contingent expenses, \$4,500; in all \$10,000, to be immediately available.

Mr. SINGLETON, of Mississippi. It will be remembered by members of the House that quite recently the President has nominated to the Senate two commissioners, who have been confirmed by that body, to proceed to China, and in conjunction with our minister plenipotentiary there endeavor to negotiate with that empire a treaty in regard to Chinese immigration and some other important matters. When this bill passed the House and went to the Senate, that body put on an amendment giving to those commissioners \$10,000 a year each, which is \$2,000 less than our minister to China receives, and also providing \$4,000 for contingent expenses.

They had not consulted with the Secretary of State in regard to the needs of the commission in this respect. Since that time, by consultation with him we have ascertained that it is necessary that the commissioners should have a secretary and also an interpreter. Indeed, they wanted a clerk for one of the commissioners, but that the Committee on Appropriations did not think proper to allow. We have, therefore, recommended concurrence in the Senate amendment,

have, therefore, recommended concurrence in the Senate amendment, with the addition of a paragraph providing for a secretary, at a salary of \$4,000 a year, and an interpreter, at a salary of \$1,500 a year. Upon consultation with members of the committee it may be that they may want to amend that clause which gives only \$1,500 salary to the interpreter so as to pay him a larger salary. This is a very important work, and we have deemed it proper to listen to the suggestion of the Secretary of State so far as regards the amount appropriated. And we have agreed to recommend that the commissioners be allowed a secretary and an interpreter, and \$4,500 additional for

contingent expenses.

Mr. McMILLIN. Will the gentleman from Mississippi [Mr. SINGLETON] state why the minister there cannot do this work?

Mr. SINGLETON, of Mississippi. Minister! Perhaps he could do it, but whether he could do it as well alone as with the assistance it, but whether he could do it as well alone as with the assistance of these commissioners, these distinguished gentlemen who have been appointed especially for this important work, is a matter for the Secretary of State and the Senate to determine. I think myself it is altogether proper to make this provision for that purpose. I now yield to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. The Committee on Appropriations cut down the estimates of the State Department for this mission to China by the amount of \$15,000. The Secretary of State asked for \$25,000 in addition to the amount which the Senate had put in the bill and we have

tion to the amount which the Senate had put in the bill, and we have agreed to recommend that he be allowed only \$10,000 of that sum. It is much less than, as one member of the committee, I was disposed to vote for. But I acquiesced yesterday in the reduction which the committee made, and expected to continue to acquiesce in it on the

floor here to-day.

But there is a single point, as the distinguished gentleman from Mississippi [Mr. SINGLETON] has already intimated, in regard to which we will all perhaps agree to make a slight increase in the amount agreed upon by the committee. The Secretary of State asked for \$3,000 a year for an interpreter, on the ground that the work to be done was of great importance, the framing of a new treaty, and that it was necessary to have not merely one of the men on that each who ordinarily pass under the present of interpreter. coast who ordinarily pass under the name of interpreter, but a thoroughly accomplished man, one well versed in the language of both countries, and a man of high character, a man of honor, a man who could be thoroughly trusted with this confidential work between the two governments. The Secretary of State wanted \$3,000 a year for him; we cut it down to \$1,500 a year, and I certainly expected to according that reduction. acquiesce in that reduction.

Yesterday afternoon, however, some facts were brought to the House in regard to the need of a first-class man for this very responsible position, and the difficulty of getting such a man on that coast for less than \$3,000 a year, which convince me that I made a mistake in acquiescing in this reduction. I have, therefore, this morning informally consulted with most of the members of the Committee on Appropriations at least these who were most in favor of this reduction. maily consulted with most of the members of the Committee on Appropriations, at least those who were most in favor of this reduction, and they told me that they would acquiesee in a motion to amend the amounts recommended by the Committee on Appropriations on that single point, by increasing the salary of the interpreter from \$1,500 to \$3,000 a year. I hope by unanimous consent that will be done.

Mr. SINGLETON, of Mississippi. If there is no objection on the part of any member of the Committee on Appropriations, I hope the amendment suggested by the gentleman from Ohio [Mr. Monroe] will be adopted.

The SPEAKER pro tempore. As it would be an amendment in the

third degree, and not strictly in order under the rule, it will require unanimous consent.

Mr. LOWE. I object.

The SPEAKER pro tempore. Objection is made. The question is upon concurring in the amendment of the Senate with an amendment. The recommendation of the Committee on Appropriations was agreed

The Committee on Appropriations also recommend non-concurrence in the amendment of the Senate numbered 2, which was to insert the following:

For clerk-hire for the legation at the United States of Colombia, \$900.

The recommendation of the committee was adopted.

The Committee on Appropriations also recommend non-concurrence in the amendment of the Senate numbered 3, which was to insert the

For a diplomatic agent and consul-general at Bucharest, \$4,000.

The recommendation of the Committee on Appropriations was adopted.

Mr. SINGLETON, of Mississippi, moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

On motion of Mr. WELLS, by unanimous consent, Senate amendments to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1881, and for other purposes, were taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

EVENING SESSION FOR STEAMBOAT BILL.

Mr. KENNA. I desire, under instructions of the Committee on Commerce, to ask unanimous consent that a night session be fixed for the consideration of the "steamboat bill." Let the resolution be

Resolved. That on Thursday, May 6, 1880, this House shall take a recess at four o'clock and thirty minutes p. m. and reassemble at seven o'clock and thirty minutes for the consideration of the bill (H. R. No. 1929) concerning commerce and navigation; no other business to be transacted at said evening session.

Mr. KENNA. This is what is known as the "steamboat bill," the passage of which is strongly urged by all the leading commercial bodies in the country. I hope there will be no objection.

The SPEAKER. By order of the House business has already been

assigned for the evening named in the resolution.

Mr. KENNA. Then I will modify the resolution by fixing the next evening not disposed of.

The SPEAKER. That will be Saturday night of next week.

Mr. KENNA. I presume it would be very hard to get a session on Saturday night, and I will modify the resolution so as to name Tuesday of the week after next.

There being no objection, the resolution as modified was agreed to

There being no objection, the resolution as modified was agreed to.

GEORGE W. HENDERLITE.

Mr. TUCKER, by unanimous consent, from the Committee on Ways and Means, reported, as a substitute for House bill No. 329, a bill (H. R. No. 6034) for the relief of the personal representative of George W. Henderlite, late collector of the eighth collection district of Virginia; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I now insist on my motion to go to business

on the Speaker's table.

The SPEAKER. This being Friday, if the motion of the gentleman from Tennessee [Mr. Whitthorne] should prevail, only private business on the Speaker's table will be considered.

Mr. CARLISLE. Should this motion be negatived, I desire to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of recognize the consideration of the inof the Union for the purpose of resuming the consideration of the in-

of the Union for the purpose of resuming the consideration of the internal-revenue bill now pending in the committee. I desire to take the sense of the House on that question.

The SPEAKER. The Chair will state that, should the motion of the gentleman from Tennessee [Mr. Whittherne] be voted down, he will next recognize the gentleman from Tennessee [Mr. Bright] to move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar. If both these motions should be negatived, the Chair will then recognize the gentleman from Kentucky [Mr. Carlisle] for the purpose he has stated. stated.

Mr. BRIGHT. Pending the motion of my colleague, [Mr. WHITTHORNE,] I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The SPEAKER. This is a question of the priority of business; and the Chair thinks that the rule on the subject had better be read.

The Clerk read as follows:

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion, prevailing, the Speaker shall dispose of in the following

order:
First. Messages from the President and other executive communications, &c.

The SPEAKER. Another rule provides that on Friday private business shall have preference. Hence, if the motion to go to business ness shall have preference. Hence, it the motion to go to business on the Speaker's table should prevail, only private business on the Speaker's table would be considered.

Mr. CONGER. I hope the motion to take up the internal-revenue bill will not be pressed to-day.

Mr. CARLISLE. That is not now the pending motion.

Mr. WHITTHORNE. I have no object in the world in making the motion to go to the Speaker's table except the expedition of the public business.

Mr. HAZELTON. Does it not require a two-thirds vote to set aside private business to-day?

The SPEAKER. It does. But the motion to go to the Speaker's table may be carried by a majority vote; and should it be adopted, private business only would be considered.

The motion of Mr. WHITTHORNE was not agreed to.

Mr. BRIGHT. I now ask a vote on my motion to go into Committee of the Whole for the consideration of the Private Calendar.

Mr. DIBRELL. Pending that motion, I desire to move that all general debate on each bill as reached be limited to five minutes on

The SPEAKER. That order, in the opinion of the Chair, cannot be made except by unanimous consent.

Mr. DIBRELL. I ask unanimous consent.

Mr. ANDERSON. I object.

WHITEWOOD FLUME COMPANY.

Mr. ACKLEN. I am directed by the Committee on Mines and Mining to ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2805) incorporating the Whitewood Flume Company, and that the same be recommitted to the Committee on Mines and Mining.

Mr. STEVENSON. I trust this will be done without objection.

Mr. ACKLEN. It is the first bill on the Calendar.

The SPEAKER. If there be no objection, the bill will be taken from the Private Calendar and recommitted to the Committee on

Mines and Mining, not to come back on a motion to reconsider.

Mr. CONGER. Does this action take with it the report?

The SPEAKER. It does. The report accompanies the bill.

Mr. CONGER. I do not want that report to be lost.

The SPEAKER. The gentleman has the right to object.

Mr. CONGER. I do not object.

There he in a chiestion the order was made.

There being no objection, the order was made.

ORDER OF BUSINESS.

The question recurring on the motion of Mr. BRIGHT, that the House

resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. STEVENSON in the chair,) for the consideration of business on the Private Calendar.

EDWARD K. WINSHIP.

The CHAIRMAN. The House is in Committee of the Whole House on the Private Calendar, and the first business in order is the bill (H. R. No. 91) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy.

Mr. FINLEY. Is not the first question in order the unfinished busi-

ness of last Saturday

The CHAIRMAN. The Chair will state that the bill to which the

The CHAIRMAN. The Chair will state that the bill to which the gentleman from Ohio refers has been disposed of by unanimous consent, by being recommitted to the Committee on Mines and Mining. The bill, which was read, directs the accounting officers of the Treasury of the United States, in settling the accounts of Edward K. Winship, acting assistant paymaster United States Navy, to credit him with all stoppages charged against him, amounting to \$5,098.15.

The report was read, as follows:

Edward K. Winship was appointed in 1862 an acting assistant paymaster in the United States Navy, and served in that capacity continuously until 1864, when he resigned and rendered, his final accounts for settlement. Fourth Auditor Tabor says of Mr. Winship's accounts, under date of June 4, 1878, "Your accounts were always well kept and promptly rendered."

Years after their final rendition these accounts were audited, and when so audited checkages, errors, and discrepancies were found against him amounting to \$5,098, for which amount the United States have proceeded to judgment against Mr. Winship on his bond, and it is to be relieved from this judgment, and to have the accounting officers authorized to settle his accounts, that the bill referred to is before the House.

Your committee find that Mr. Winship, in the two years he served as acting

the accounting officers authorized to settle his accounts, that the bill referred to is before the House.

Your committee find that Mr. Winship, in the two years he served as acting assistant paymaster, was on duty on the supply-ship Massachusetts, and engaged in furnishing all manner of supplies, including large sums of money, to the various vessels of our blockading fleet; that he was compelled to pass over to the paymasters of the various vessels, in the hurried passage of his ship, packages of money amounting to large sums, as well as stores of every kind and description needed by our blockading squadron, and that his accommodations on board ship were inadequate for the duties he was compelled to perform. His disbursements, in money alone amounted to near \$2,000,000, and, quoting the language of Auditor Tabor, in the letter above referred to, "Your expenditures on said ship, in money, clothing, small stores, and provisions, were exceedingly large, and that you were doing duty both as paymaster and as storekeeper."

Your committee are of the opinion that no adequate protection was afforded Mr. Winship against the great risk he was compelled to take, and that the chances are largely that loss was occasioned by money passing from him to some one else in some of his numerous transactions without proper voucher. It is fourteen years since Mr. Winship rendered his accounts, and by reason of such great lapse of time he is whelly unable to produce any memorands to aid him in tracing out such alleged deficiencies; therefore, in the judgment of the committee, the relief asked for ought to be granted.

Your committee are largely induced to the above conclusion from the very high character of the gentleman seeking this relief. He resigned his position in the Navy to accept that of cashier of the Philadelphia United States sub-treasury, where he served considerable time. His accounts and his conduct in that position were faultless. We find from inquiry at the Treasury no suspicion attaches to Mr. Winship, and we believe it is fair to say that this loss, in the opinion of the committee, is without negligence or criminality on his part, and we recommend the passage of the hill

Mr. BREWER moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

REBECCA S. ALLEN.

The next business on the Private Calendar was a bill (H. R. No.

748) granting a pension to Rebecca S. Allen.

The bill, which was read, directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca S. Allen, widow of Captain James Allen, late of the Mississippi Marine Brigade, and to pay her a pension from and after the passage of this act during her widow-

The report was read, as follows:

That James T. Allen, the husband of the said Rebecca S. Allen, was master of the hospital steamer Woodford, one of the vessels of the Mississippi Marine Bri-

That James T. Allen, the husband of the said Reocca S. Allen, was master of the hospital steamer Woodford, one of the vessels of the Mississippi Marine Brigade.

That he was regularly employed as such by Captain James Brooks, assistant quartermaster, and was duly sworn into the service of the United States on the 1st day of February, 1864, and served as master of said steamer Woodford until she was sunk in Red River, at the time of General Banks's expedition. That while engaged in such service and in the line of his duty he contracted a disease called diarrhea, and by reason thereof was sent home to New Albany, Indiana, where he died of said disease on the 3d day of June, 1864.

That after his death his wages up to June 3, 1864, were paid by the United States and the only reason assigned by the Pension Office for rejecting his widow's claim for a pension is that the vessels of the Mississippi Marine Brigade, having been employed by the Quartermaster's Department, were not technically "war vessels of the United States," within the meaning of sections 4693 and 4702 of the Revised Statutes of the United States. But in the opinion of your committee these vessels were really "war vessels of the United States; whether technically so considered or not. They were employed by the United States; their officers and men were enlisted and paid by the United States; they were actively engaged in the prosecution of the war, and when they died in the line of their duty they, gave their lives for the restoration of the Union. Congress has heretofore granted pensions to widows of officers and men who served in the Mississippi Marine Brigade, as in the case of Mrs. Ravenscroft, (Statutes at Large, volume 16, page 692,) and in the case of Mrs. Ravenscroft, (Statutes at Large, volume 16, page 692,) and in the case of Mrs. Sullivan, Ibid, page 687.

Your committee recommend that the accompanying bill, H. R. No. 748, be passed.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HARVEY BURK.

The next business on the Private Calendar was the bill (H. R. No.

751) granting a pension to Harvey Burk.

The bill, which was read, directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harvey Burk, late a private in Company E, of the Sixty-seventh Regiment Indiana Infantry Volunteers, and to pay him a pension at the rate of \$8 per month from the 19th day of September, 1863.

The report was read, as follows:

day of September, 1863.

The report was read, as follows:

Mr. Burk was enlisted on the 22d day of July, 1862, as a private in Company E, of the Sixty-seventh Regiment of Indiana Volunteers, and was discharged at Carrollton, Louisiana, on September 19, 1863, because of a partial loss of use of his hands and feet caused by rheumatism, which had become chronic and rendered him totally unfit for military service.

The evidence shows total disability, and the only reason alleged for the rejection of the claim for a pension in this case was the statement that the disability existed prior to enlistment; but the recruiting officers enlisted him as a sound man; the colonel of his regiment, the captain of his company, and the captain of another company in the same regiment, all swear that Mr. Burk was in good health at and before his enlistment, and became disabled in the service; the first literiant of his company swears that this soldier was disabled in the line of his duty.

The assistant surgeon of the regiment, under date of June 2, 1869, certifies that the disability was the result of rheumatism and neuralgia, caused by exposure while a prisoner; and the examining surgeon of the Pension Office certifies that the disability is total, and that he believes from the evidence it was incurred during the service and in the line of duty. In addition to this all the county officers of Jackson County, Indiana, and a large number of respectable citizens of Brownstown, in said county, where the soldier had his home, certify that they had known him many years, and that when he enlisted he was a sound and healthy man, free from disease; and against all this mass of testimony there is nothing whatever except the statement of the assistant surgeon of the regiment in 1863, which was afterward corrected by the certificate above mentioned of the same surgeon on June 2, 1869, and the statement of a detective employed by the Pension Office that, in his opinion, the disability existed before enlistment, and that a man named Nelson Durl

Mr. BROWNE. In the seventh line, after the word "volunteers," I move to strike out the words "and to pay him a pension at the rate of \$8 per month from the 19th day of September, 1863," and in lieu thereof to insert "subject to the provisions and limitations of the pension laws of the United States."

The amendment was agreed to.

The bill, as amended, was laid aside, to be reported to the House with a recommendation that it do pass.

THOMAS J. JACKSON.

The next business on the Private Calendar was the bill (H. R. No. 753) granting a pension to Thomas J. Jackson.

The bill, which was read, authorizes the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Jackson, late lieutenant-colonel of the Eleventh United States Colored Infantry, and to pay him a pension from the date of his discharge, deducting there-from any amount, if any, that may have been paid him as pension.

Mr. BROWNE. In the seventh line I move to strike out the fol-

lowing words:

And to pay him a pension from the date of his discharge, deducting therefrom any amount, if any, that may have been paid him as pension.

Mr. WARNER. Let the report be read.

The report was read, as follows:

Mr. WARNER. Let the report be read.

The report was read, as follows:

It appears that the claim in this case was rejected by the Commissioner of Pensions for the sole reason that no disability existed. This was on the 18th of October, 1869. The evidence shows that Colonel Jackson was enlisted as a lieutenant in Company B, of the Forty-second Regiment Indiana Infantry, on the 25th of August, 1861, and on the 22d of February, 1864, was appointed lieutenant-colonel of the Eleventh United States Colored Infantry, and that, while engaged with his regiment in a raid in Mississippi, he contracted a fever and chronic diarrhea, and after two temporary leaves, granted by reason of such disability, he was finally discharged from the service, in consequence thereof, on the 8th day of August, 1865. On the 12th day of February, 1867, he made his application for a pension.

He was twice examined by one of the examining surgeons of the Department, first on the 13th of February, 1867, and again on the 27th of February, 1869, and in both cases the surgeon rated his disability at one-fourth.

It appears that his claim for a pension was at first, on the 22d of July, 1869, admitted by the Department at \$7.50 per month, commencing August 9, 1865, and was afterward rejected on the 5th of August, 1869. The claim was admitted on the ground that the claimant was "disabled by hard service;" it seems to have been afterward rejected on the ground that there was no evidence of disability existing at the time of the rejection, except the affidavit of the applicant; the final entry is "no disability at present, October 18, 1869." But the affidavit of Dr. Cooper, a physician of New Albany, of long experience and great distinction in his profession, who was the physician of the claimant, made on the 24th of March, 1879, shows conclusively that the disability has been continuous. His statement is as follows: "I know from my own personal knowledge as the physician of Colonel Jackson, and from my experience as a physician and surgeon during the w

Mr. BURROWS. I desire to have read the following statement from the Pension Office.

The Clerk read as follows:

The Clerk read as follows:

LIEUTENANT-COLONEL THOMAS J. JACKSON, [H. R. NO. 753.]

The question at issue before the Pension Office is simply whether the claimant suffers from any disability which would justify the allowance of a pension.

He was twice examined by pension examining surgeons, in 1867 and 1869. In the latter examination it was stated that there was no evidence of disability in his case. This pension claim was never admitted on account of "disability from hard service" by the Department, as stated in the committee's report, nor did it ever receive the favorable action of the Pension Office, but was rejected for the reason "there was no pensionable disability."

The testimony of Dr. Cooper, referred to in the committee's report, was not presented to the Pension Office for consideration, but was filed, it is presumed, with the committee.

Referring to Dr. Cooper's statement, it will be seen that he certifies from "personal knowledge," based in part on his experience as a physician and surgeon during the war, * * that Colonel Jackson's disability is due to hardships of service, long marches, and exposure.

As Dr. Cooper was not associated with Colonel Jackson in service, it does not appear how he should be able to so testify.

He further says that Colonel Jackson first had break-bone fever; now has pain in the heart; lis stomach continually disordered; has rheumatism, which greatly increases the cardiac troubles; that the derangement of the heart was in part the result of excitement of musketry firing and cannonading.

As there are elements of disease described by Dr. Cooper which have not even been alleged by the claimant, his testimony, without further light in the case, creates some confusion.

There is no evidence that Colonel Jackson has made any effort before the Pensions of the case of the continual of the con

ates some confusion.

There is no evidence that Colonel Jackson has made any effort before the Pension Office to prove his right to pension since the year 1869.

Such evidence as he might file with a view to show that he has continued to suffer from disability since he left the service would receive such consideration as the facts would warrant.

Mr. Browne's amendment was agreed to.

The bill, as amended, was laid aside, to be reported to the House, with the recommendation that it do pass.

EDWARD H. LEIB.

The next business on the Private Calendar was a bill (H. R. No.

The next business on the Frivate Calendar was a bill (H. R. No. 1463) granting a pension to Edward H. Leib.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Edward H. Leib, late brevet lieutenant-colonel United States Army, captain Fifth United States Cavalry, and pay him a pension at the rate of \$50 per month from June 9, 1877, the date he left the service, in lieu of the pension he now receives, deducting therefrom the amounts already paid him. The report was read, as follows:

The report was read, as follows:

It is in evidence that the claimant, on or about the 1st day of April, A. D. 1865, at the battle of Five Forks, in the State of Virginia, while in the military service of the Government and in the line of his duty, received a gunshot wound, which entered the upper right arm and passed through the body, injuring the lungs and producing disability. That on account of said wounds and disability he was granted a pension by the Government at the rate of \$20 per month, commencing on the 10th day of May, 1877. The claimant now appeals to Congress for an increase of pension, at the rate of \$50 per month, in lieu of the pension now paid him.

It is in evidence that the claimant was a brave and distinguished soldier during the late war, and was the recipient of many promotions and honorable testimonials from his commanding officers for his gallant and meritorious conduct in more than fifty battles in which he was engaged.

It is in evidence that the claimant entered the service as a private soldier in the

Washington Artillerists, of Pottsville, Pennsylvania, the first company of troops to reach the seat of government after the President's call for seventy-five thousand men. On April 26, 1861, he was commissioned a second lieutenant in the Second United States Cavalry, (now the Fifth United States Cavalry,) and was a participant in the first battle of Bull Run. He was in command of Company F of his regiment, at the siege of Yorktown, in the battle of Williamsburgh, Hanover Court House, and throughout the Peninsula campaign. For gallantry at "Old Church," Virginia, he received warm commendation from Major-General Emory, his superior commander. He participated in all the "seven days" battles in front of Richmond, and in the engagements of the Maryland campaign which succeeded, including South Mountain, Anticam, &c., closing at Fredericksburgh, December 13, 1862. He accompanied General Stoneman in his raid around Richmond, May, 1863, and served in all the engagements and saber charges against the enemy, and for his goal and served in the Pennsylvania campaign, was present at the historical battle of Gettysburgh, and all of those immediately preceding and succeeding it, and for his good conduct throughout was highly complimented by General Pleasanton. He likewise participated in all campaigns and battles in the Shenandoah Valley under Generals Custer and Sheridan. As stated above, he was severely wounded at the battle of "Five Forks," and received the rank of brevet major for heroic conduct in that action, and subsequently, upon the recommendation of General Sheridan, who complimented him on the field, he was brevetted a lieutenant-colonel for gallant and meritorious services in that engagement.

It is also in evidence that the claimant at various other times during his military service was the recipient of high testimonials for his courage and gallantry in action from Generals George H. Thomas, Sheridan, Stoneman, Pleasanton, Emory, Browne, Lew. Wallace, Gregg, Nagle, and others under whom he served.

It is also in

The nature of his present disability and ineapability of providing for his own subsistence and that of his family by manual labor is established by the report of the board of examining surgeons, transmitted to the Commissioner of Pensions at the time the claimant first made application for a pension, and which is now on file with the committee, as follows, to wit:

"Gunshot wound of right shoulder. Ball entered anterior surface of arm one inch above the insertion of the deltoid muscle, and, passing obliquely backward and inward, emerged just below the spine of the scapula at its inner border, and in its course injuring the lungs and producting hemorrhage. Has cough and purulent expectoration. Motion of shoulder-joint considerably impaired."

Further evidence of the disability of the claimant is shown in the medical certificate of George McC. Miller, assistant surgeon of United States Army, given at Camp Grant, Arizona, previous to his dismissal from the service, recommending his retirement.

tificate of George McC. Miller, assistant surgeon of United States Army, given at Camp Grant, Arizona, previous to his dismissal from the service, recommending his retirement.

The certificate is as follows, to wit:

"I hereby certify that I have carefully examined this officer, and find that he is laboring under 'chronic malarial toxemia,' acquired in 1872 at Old Camp Grant, Arizona Territory, and for which he has been under my professional care for several months past. He labors under attacks of fever, indigestion, loss of appetite, diarrhea, nervous pains, &c. He is a man of sober habits, so far as I can judge, so that chronic alcoholism is not blended with his case. He suffers, also, from an old gunshot wound, for which I have already recommended that he be enabled to present himself before a retiring board. He also labors under some degree of mental irregularity. I am of the opinion that he is unfit for the service, and most probably permanently so."

It is the opinion of the committee that the foregoing testimony of medical character is sufficient to establish the character of his disability as permanent and total, so far as manual labor is concerned. It was sufficient to enable the post-surgeon to recommend his retirement from the Army. Had it not been for the unfortunate occurrence which resulted in his dismissal from the service, which he had adorned by his former great. "gallantry and heroic courage," he would have been finally retired on full pay, with the rank of captain. As it is now, he is out of the service after all his perilous devotion to the cause of the Government, with a pension of but \$20 per month.

It is the opinion of the committee that the evidence is such as to entitle the leaimant to the relief prayed for. A soldier who has periled his life on more than fifty battle-fields, and is finally compelled to leave the service with a broken and shattered constitution from wounds and exposures received while in the discharge of his duty, deserves well of his country, even though his dismissal

Mr. BROWNE. I move to strike out in the eighth, ninth, and tenth lines the words "from June 9, 1877, the date he left the service," and in the tenth and eleventh lines, "deducting therefrom the amounts already paid him." That will leave the bill increasing the pension to the rate of \$50 per month from the time of the passage of this act,

to the rate of \$50 per month from the time of the passage of this act, in lieu of the pension he already receives.

Mr. WARNER. I move to amend the amendment by striking out "fifty" and inserting "at a rate to be fixed at the Pension Office."

Mr. BROWNE. Let me suggest to my friend from Ohio that is where the trouble is. The rate has been already fixed by the Pension Office and there will be no relief afforded by this bill if it goes back simply to be adjusted upon the basis upon which it is now allowed.

Mr. WARNER. I am opposed to this committee or this House fixing the rate of pension on evidence submitted here. As I have before stated, the rating should be done at the Pension Office, where all can be rated on the same principle of equity.

be rated on the same principle of equity.

Mr. RYAN, of Kansas. The remarks of the gentleman from Ohio [Mr. WARNER] may apply to a case where we seek to put the party on the pension-roll, but that is not the case here. The object of this bill is to increase the pension which has already been given to this man under the general law by the Department from \$20 to \$50 per month. I want to say in regard to this case that if there ever was an instance where Congress is justified in increasing a pension by special act this is one. This officer is one of the most gallant who served in the volunteer forces of the United States. I doubt whether served in the volunteer forces of the United States. I doubt whether there is one who has a more brilliant war record than Lieutenant-Colonel Leib.

He served throughout the war of the rebellion, and afterward served through the Indian wars on the frontier, and is now in conse-quence of his service for the Government a total physical wreck, the result of wounds received in action and exposure in that service. For his gallantry on the field he has been promoted all along from a private soldier up to the rank of lieutenant-colonel, and has received on various occasions compliments in general orders from his superior officers for his gallantry on the field of action. This is the record of the applicant in this case, and I believe that under these circumstances we ought to support the bill, possibly with the amendment which has been proposed by the gentleman from Indiana.

Mr. COFFROTH. I rise in this instance to oppose both the amendments which have been offered. This man, Colonel Leib, entered the Army as a private soldier from Pottsville, and was with the first troops who reached the seat of Government after the President's first real! He enlisted in an artillery organization, then I believe under

call. He enlisted in an artillery organization, then, I believe, under the command of the present Doorkeeper of the House of Representthe command of the present Doorkeeper of the House of Representatives. He remained true to the Union, and kept within its lines and was in fifty battles. He went through the entire war with distinguished honor to himself, and for years afterward remained in the service when he could have been mustered out and put upon the retired list at the pay to which he would have been entitled under the rank which he held.

Mr. ATHERTON. Will the gentleman allow me to interrupt him? Do I understand him to say that this officer was enlisted here under the present Doorkeeper of the House of Representatives? Mr. COFFROTH. He was under the command of the present Door-

keeper, as I am informed.

Mr. ATHERTON. I understand that the present Doorkeeper of the
House was on the other side during the war.

Mr. COFFROTH. I know he was afterward, but at this time he

mr. COFFROTH. I know he was afterward, but at this time he was not. At all events Colonel Leib did not go.

Mr. ATHERTON. I only wanted to find out if it was the gentleman's desire to get a confederate soldier on the rolls. [Laughter.]

Mr. COFFROTH. I have stated that Colonel Leib remained true

to the Union throughout the war, but the present Doorkeeper of the House made his choice and took his election on the other side. Now, this man Colonel Leib was in the service for sixteen years. He had this man Colonel Leib was in the service for sixteen years. He had been throughout all the wars, the war of the rebellion as well as the Indian wars, and had been out on the frontiers a great part of the time; and then, about the time that he would have been retired upon the pay of a captain, he got into an unfortunate difficulty with some of the officers and was discharged from the Army.

Now, I say his pension should commence from 1877, because he was retired from the Army at that time, but he has rendered services to the Government which ought to entitle him to the \$50 from that time.

There is no officer in the service who made such a brilliant record up to the time he got into this unfortunate difficulty, or who was in so many battles as he was, and who was so true, and who was so frequently promoted on account of his individual bravery and fearless conduct while in the Army of the United States. I say that all this

conduct while in the Army of the United States. I say that all this should be considered in connection with the case. Therefore, I hope that this House will refuse to adopt any of the amendments, and allow this man at the rate of \$50 a month from the time of his discharge from the Army, deducting that which has already been paid to him.

Mr. WARNER. One word, Mr. Chairman. Are we pensioning pa-

Mr. WAKNER. One word, Mr. Chairman. Are we pensioning patriotism? Are we pensioning loyalty, gallantry, or military service even? We are pensioning neither. Patriotism and valor are virtues to be commended, or they may be duties; but we grant pensions as compensation for disability, for loss, for damage sustained in the military service, and for that only. Now, I do not question the gallantry and bravery of this officer. But a pension is pay—pay for loss or damage to his person or for disability incurred in the military service.

The law fives what the allowance for a specific disability shall be

The law fixes what the allowance for a specific disability shall be. Now, if the law is not right, and it does not give proper pay or sufficient pension for a given disability, then change the law. That is the remedy. But to change it for one man when there may be a thousand of that class I insist is to enact injustice. I say in this case the pension should be rated by the same authority and in the same way, and at the same office, and according to the same principles that the pension of every other officer or private soldier is rated.

Mr. BROWNE. Mr. Chairman, I shall not be at all displeased if the committee should vote down the amendment I have offered to

this bill. I offered it because I think that there ought to be uniformthis bill. I obered it because I think that there ought to be inhormity in the legislation by Congress upon this subject of pensions. I can recall many cases of extreme hardship in consequence of the action of the Pension Office and Congress together in fixing the time at which the pension should begin.

For instance, a person incurring disease in the service of the United

States, and being totally paralyzed for ten years, when Congress passes a bill for his relief they make it to begin at the date when the bill is approved by the President of the United States. These inequalities approved by the Fresident of the United States. These inequalities must necessarily occur when special relief is given by Congress. It is unavoidable, and we, or at least I, desire that this legislation shall be as uniform as possible.

This is a peculiar case. It is an extraordinary case. And while I agree in the general principle stated by my friend from Ohio, [Mr. Warner,] I think this is a case that may be taken out of the rule.

Under the ratings at the Pension Office the rate for this kind of disability cannot exceed ordinarily \$20 a month. In order to entitle to \$50 the disability must not only be total but must be such that the pensioner requires the constant assistance of another person.

But now what is this case? This gallant officer, but for the indiscretion that has been referred to might have been retired in 1877 and put upon the retired rank of lieutenant-colonel, as that I believe was his rank at the time the disability occurred. That would have given him out of the Treasury of the United States about \$200 a month. I speak from memory. He would have received three-fourths of the full pay of lieutenant-colonel; equal at least to \$200 a month. He, however, by reason of his dismissal from the service has not been able to secure that. Now he comes and asks that his pension be increased from \$20 to \$50 a month. The character of the disability is such that I believe he ought to receive that increase.

As a matter of course if the amendment of the gentleman from Ohio prevails he would be rated at the Pension Office at precisely the sum he receives now. I think my amendment ought to prevail for the reason that we should make the legislation in these special cases uniform and in accordance with the principle on which the original nniform and in accordance with the principle on which the original pensions are granted. Those pensions begin from the date of the passage of the bill, and the same rule ought to obtain when an increase is given. The increase ought to begin from the date of the passage of the bill. In that way we get exact uniformity; and if subsequently by any general law of Congress pensioners are entitled to arrears, or if the rates for these kinds of disability are increased, then all that have been granted relief by special legislation will be put upon terms of perfect equality; and you cannot reach this equality in any other

way, in my judgment.

Mr. WARNER. I send to the desk to have read a report from the Pension Office in this case.

The Clerk read as follows:

EDWARD H. LEIB, A CAPTAIN, [H. R. NO. 1463.]

Is now pensioned at \$30 per month, which is the "total" pension of the rank of a captain.

The next highest rate would be \$24 per month in such cases where the disability is such that the pensioner is incapacitated for the performance of any manual.

labor.

Captain Leib is not disabled to this extent.

The fifty-dollar rate, which is recommended by the committee, is that provided for in those cases where the pensioner is totally and permanently helpless, requiring the regular personal aid and attendance of another person.

Mr. WARNER. I believe, Mr. Chairman, there are three thousand to five thousand captains on the pension-roll entitled to an increase

of pension just as much as this officer is.

Mr. RYAN, of Kansas. Then they ought to have it.

Mr. WARNER. Then change the law so as to give it to them, if it is really due them, and not select one out of three thousand, or perhaps four or five thousand, in order to give to one what you deny to

Mr. COFFROTH. I desire to ask the gentleman from Ohio where he got that paper which he said came from the Pension Office.

Mr. WARNER. It was sent to me as coming from the Pension Of-

Mr. COFFROTH. How did the gentleman know it came from the Pension Office? What ear-mark did it bear? I ask this question because if that paper came from the Pension Office it is singular that the Commissioner of Pensions should say, as he did say in the room of the Committee on Invalid Pensions, that if ever there was a man who was in the service entitled to this increase and this amount of pension it was this man Colonel Leib.

The question being taken on Mr. WARNER's amendment to Mr.

BROWNE's amendment, it was not agreed to.

The amendment of Mr. BROWNE was agreed to.

The bill, as amended, was laid aside, to be reported favorably to the

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes.

The Committee of the Whole resumed its session.

WILLIAM BRYANT.

The next business on the Private Calendar was the bill (H. R. No. 3017) granting a pension to William Bryant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Bryant, late a private of Company C, One hundred and thirty-minth Regiment of Pennsylvania Volunteers, and that he be entitled to a pension of \$\mathbf{s}\ \mathbf{p}\ \mathbf{e}\ \mathbf{e}\

Mr. BAYNE. I offer the following amendment:

Insert in the fourth line, after the word "pension-roll," the words "subject to the provisions and limitations of the pension laws;" and strike out after the word "volunteers" the words "and that he be entitled to a pension of \$8 per month;" so that the bill will read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bryant, late a private of Company C, One hundred and thirty-ninth Regiment Pennsylvania Volunteers.

Mr. COFFROTH. I have no objection to that amendment.

The amendment was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

MARTHA NEIL.

The next bill on the Private Calendar was the bill (H. R. No. 2548) granting a pension to Martha Neil.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Martha Neil, mother of James Neil, deceased, late a private of Company E, of the One hundred and fourteenth Regiment of Pennsylvania Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws, the said pension to commence from the death of said James Neil, who was killed at the battle of Gettysburgh, on the 2d day of July, A. D. 1863.

Mr. GODSHALK. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend by striking out all after the words "pension laws," in the eighth line, namely, the following:
"The said pension to commence from the death of said James Neil, who was killed at the battle of Gettysburgh, on the 2d day of July, A. D. 1863."

Mr. COFFROTH. I agree to that amendment.
Mr. BURROWS. Let the report be read.
The report made by Mr. COFFROTH, from the Committee on Invalid Pensions, was read, as follows:

The report made by Mr. COFFROTH, from the Committee on Invalid Pensions, was read, as follows:

It is in evidence that the claimant, on the 8th day of May, 1876, filed at the office of the Commissioner of Pensions a declaration for an original pension of a mother, and that the same was rejected, on the ground that the claimant was not dependent upon the soldier for support at the date of his death.

It is also in evidence that the claimant is the mother of James Neil, who enlisted at Philadelphia on the 30th day of July, 1862, as a private in Company E of the One hundred and fourteenth Regiment of Pennsylvania Volunteers in the war of 1861, and who was killed at the battle of Gettysburgh, July 2, 1863.

It is also in evidence that the claimant is the widow of George Neil, who died at the age of sixty-two years; that she has not since remarried, and that there were surviving at the date of said son's death (who died unmarried) no brothers or sisters who were under sixteen years of age.

The evidence before the committee in support of her declaration of dependency upon said son is an affidavit of the claimant, which sets forth the fact of receipt of money from him three times before his death at the battle of Gettysburgh, and that he sent her all of his earnings that could be spared from his own necessities as a soldier. In proof of which she submits letters from said son indicating the amount of inclosures; also an affidavit of Eliza Burt, who swears that she saw the letters from James Neil to his mother, the claimant, and that they contained the amount of inclosures; also an affidavit of Eliza Burt, who swears that she saw the letters from James Neil to his mother, the claimant, and that they contained the amount of inclosures; also an affidavit of Eliza Burt, who swears that she saw the letters from James Neil to his mother, the claimant, and that they contained the amount of inclosures; also an affidavit, of Eliza Burt, who swears that she saw the letters from James, to the country, although she could have pr

to which she is entitled by its laws.

In addition to the foregoing is a petition signed by twenty-three influential citizens of Conshohocken, Pennsylvania, composed of lawyers, clergymen, physicians, judges, merchants, manufacturers, postmaster, and ex-member of Congress, afirming her dependency upon her son James at the time of his death, and requesting that her claim may be granted.

In view of the foregoing testimony, which in the opinion of the committee sufficient to establish the fact of her dependency and entitle her to the relief prayed for, the committee return the bill to the House and recommend the passage of the

Mr. BURROWS. I desire to make in this case the statement which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

MARTHA NEIL, DEPENDENT MOTHER OF JAMES NIEL, [H. R. NO. 2548.]

Soldier died while in service July 2, 1863. Declaration for pension filed May 9, 1876. The husband of the claimant died December 9, 1875.

To entitle the claimant to a pension under the pension laws the condition of dependence must be shown to have existed at the time of the soldier's death, and as the husband of the claimant was then living, his physical inability to procure a subsistence or support should be shown.

It does not appear in evidence that the husband of this claimant was rendered unable to provide a support for his family until the fall and winter of 1873 and 1874.

Mr. GODSHALK. I wish to say in reference to this case that it was first brought to the attention of Congress during the Forty-fifth Congress, and a bill was introduced by my predecessor, Mr. Evans, on the 1st day of April, 1878, and referred to the Committee on Invalid Pensions. That bill was reported favorably by that committee, but owing to the want of time it was not considered by the House. I again introduced the bill in this Congress, and it was referred with the evidence to the Committee on Invalid Pensions, and that committee by the committee on Invalid Pensions, and that committee has been reported in forceached to the Market Pensions of the tee has now reported it favorably to the House.

It is in evidence that this woman was entirely dependent upon her son for support at the time of his death. As it is the law in Penn-sylvania that the child must support the parent, and as the pension law recognizes the fact that a mother is entitled to support by her child, and entitled to a pension if that child shall be killed while in the service of the United States, I think this is a case where the relief asked for should be granted.

The amendment moved by Mr. GODSHALK was adopted.

The bill, as amended, was then laid aside, to be reported favorably to the House.

JAMES FORSYTH HARRISON.

The next bill on the Private Calendar was the bill (H. R. No. 3487) granting a pension to James Forsyth Harrison; introduced by Mr. URNER and reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Forsyth Harrison, of Cumberland, Maryland, at the rate of \$— per month, to date from the 15th day of September, 1863.

Mr. COFFROTH. I move to amend the bill so that it will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of James Forsyth Harrison, of Cumberland, Maryland, at the rate of \$20 per month.

Does that identify the company and regiment? Mr. COFFROTH. It does not.

Then I think the bill is defective in that respect. Mr. BAYNE.

Mr. COFFROTH. This man did not belong to any regiment; he was sent out on special duty and was acting as a scout.

Mr. BROWNE. Let me inquire of the gentleman from Pennsylvania [Mr. COFFROTH] if this is a bill granting an original pension

or an increase of pension?

Mr. COFFROTH. An original pension.

Mr. BROWNE. If so, then I move to strike out so much of the bill as fixes the rate at which the pension shall be given.

Mr. COFFROTH. I will modify my amendment so as to omit that portion of it. I sent to the Senate and obtained a bill that had passed that body for a similar case, and in it they fixed the pension at the

rate granted to a private soldier.

Mr. HAYES. Let the report be read.

The report was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom were referred the petition of James F. Harrison and the bill (H. R. No. 3487) granting him a pension, having considered the same, make the following report:

It appears from the testimony that the petitioner was a clerk in the quartermaster's department at New Creek, West Virginia, under Captain George W. Harrison, assistant quartermaster, United States Volunteers; that while a clerk, as aforesaid, and acting under order of Brevet Major-General B. F. Kelley, commanding the Department of West Virginia, and in the line of duty, the said Harrison was sent out from New Creek, Virginia, on the 3d day of August, 1863, in command of a detachment of twenty-three men of the Ringgold Cavalry, Pennsylvania Volunteers, to impress teams for the use of General Averill's cavalry command. On the 4th day of August, 1863, at Williamsport, Virginia, said Harrison and his command were taken prisoners of war, and taken to Libby Prison, Richmond, Virginia, On the 15th of September, 1863, he was taken from Libby Prison and placed in hospital at Richmond, Virginia, which is shown by the following communication:

"War Department,"

"WAR DEPARTMENT, "Washington City, January 20, 1879.

"Sir: In response to your request of the 10th instant, for a detailed statement of your capture and exchange during the late war, I beg to inform you that it appears from the records of prisoners of war that J.F. Harrison, clerk Quartermaster's Department, was captured at Williamsport, Maryland, August 4, 1863; admitted to hospital 2l, Richmond, Virginia, September 15, 1863, with "scorbutus;" paroled at Richmond, Virginia, October 28, 1863; and reported at Camp Parole, Maryland, October 29, 1863; exchanged May 7, 1864, under General Orders 191, Adjutant-General's Office, 1864.

"Very respectfully, your obedient servant, "GEO. W. MCCRARY,

"GEO. W. McCRARY, "Secretary of War.

"James F. Harrison, Esq., "Cumberland, Maryland."

October 28, 1863, said Harrison was exchanged at City Point, Virginia, and taken to the hospital at Annapolis, Maryland, and placed in Saint John's College Green Hospital, ward No. 5, and treated by Surgeon G. V. Parker, United States Volunteers, until the 23d day of December, 1863, when he was sent to his home at Cumberland, Maryland, where he has been treated to date for in ano fistula, which is shown by medical testimony from three physicians, who also testify that petitioner has undergone two surgical operations for the same. The committee think it is clearly established that the petitioner is suffering from disability incurred in the United States service and while a prisoner of war, and they therefore report back the said bill, and recommend that it do pass.

The amendment of Mr. COFFROTH, as modified, was then agreed to. The bill, as amended, was laid aside, to be reported favorably to the House.

JOHN FISHER.

The next bill upon the Private Calendar was the bill (H. R. No. 3544) granting a pension to John Fisher, guardian of the infant heirs of William Dakin, deceased; introduced by Mr. WILSON, and reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fisher, of West Virginia, guardian of the infant heirs of William Dakin, deceased, late private of Company G, Sixth Regiment of West Virginia Infantry, and pay him as such guardian the sum allowed by law to minor children of deceased private soldiers, until they, the said children, arrive respectively at the age of sixteen years, commencing from July 13, 1864, that being the date of the death of their said father.

Mr. HAYES. Let the report be read. The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3544) granting a pension to John Fisher, guardian of the minors of William Dakin, late a private in Company G, Sixth Regiment West Virginia Volunteers, having had the same under consideration, respectfully submit the following report:

The records relative to William Dakin's connection with the Army, on file in the War Department, show that the said Dakin was a soldier in Company G, Sixth

Regiment West Virginia Volunteers; that he was stationed with his company at New Creek, West Virginia, and that on the 13th day of July, 1894, while traveling on the cars of the Baltimore and Ohio Railroad Company, he was accidentally killed near Bradie's Mill, a station on the road from New Creek to Cumberland, Maryland, by falling from the cars.

The evidence before the Pension Department proves satisfactorily that the said Dakin left surviving him a widow and two infant children, George W. Dakin, born July 11, 1861, and Fanny B. Dakin, born July 30, 1863; that the widow of the said Dakin subsequently intermarried with John Fisher, and that the said Fisher was duly appointed guardian of the said minors of William Dakin by the county court of Wirt County, West Virginia, and that the said Fisher is at present still acting in the capacity of guardian, and that application was duly made to the Pension Department by said Fisher for a pension for the said minors, and that that application, after having been considered by the Department, was rejected upon the only ground, as stated by the Commissioner, that it did not appear from the records of the War Department that Dakin was absent from his company, at the time of his death, by leave of the commander of the post.

It further appears from the testimony before this committee that the said Dakin had received from Lieutenant P. E. Dils, the commander of the post at New Creek, a pass dated the 7th day of July, 1864, good for ten days, from New Creek to Cumberland and return. The identity of the pass is established by the testimony of the officer on whose requisition it was issued, as also by the testimony of several witnesses who saw the pass and heard Lieutenant Dils say that he had given that very pass to Dakin.

It was while traveling on this pass, without any negligence whatever on the part of Dakin, that he was accidentally, killed. This is conclusively proved by the testimony of Lieutenant Dils, andof several others, eye-witnesses of the accident, who swear that

The bill was laid aside, to be reported favorably to the House. FRANCIS H. BIRD.

The next bill on the Private Calendar was the bill (H. R. No. 1470) granting a pension to Francis H. Bird; introduced by Mr. BAYNE and reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Francis H. Bird, late a private of Company A, Fifty-first Regiment of Ohio Volunteer In-

Mr. BAYNE. I move to amend the bill just read by inserting after the word "pension-roll" the words "subject to the provisions and

limitations of the pension laws."

Mr. COFFROTH. I will accept that amendment; I have no ob-

jection to it.

The amendment was agreed to.
Mr. HAYES. Let the report be read.
The report was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1470) granting a pension to Francis H. Bird, having duly considered the facts, respectfully report:

That Francis H. Bird was a private in Company A, Fifty-first Regiment of Ohio Volunteers, having enlisted September 27, 1864, and been discharged May 19, 1885. While in the line of duty he contracted diarrhea about the 15th of October, 1864, at Pulaski, Tennessee, which became chronic, and when he was discharged he went to his home broken down in health and suffering from this complaint.

Dr. William Stanton testifies that he has known the petitioner for over eighteen years prior to October, 1877, and that from personal knowledge he knows that at the date of his enlistment he was of sound bodily health and free from diarrhea or other similar disease. Dr. Stanton also says that he treated him after his discharge, and although his condition improved so far as to permit him to engage in something requiring but little exertion, he, Dr. Stanton, has found it necessary to give him medicine and instructions against the recurrence of his original attack, and from his, Dr. Stanton's, acquaintance with the petitioner he knows there has been a continuous existence of the disease from the date of his discharge to the present time.

been a continuous existence of the disease from the date or his discharge to the present time.

Two comrades and the petitioner swear that the latter contracted the disease at Pulaski, Tennessee.

The records show that he was in the hospital. The claimant applied for a pension, but his application was rejected because he could not furnish all the evidence required.

The committee consider this case as deserving, though it does not present the most serious aspects. It, therefore, respectfully reports back the bill with an amendment that the rate of pension be fixed at \$4 per month.

The question was upon laying aside the bill as amended, to be reported favorably to the House.

Mr. BRAGG. I had about made up my mind, Mr. Chairman, that my views had been sufficiently stated to this House to render it unnecessary for me to express myself on any one of these bills in order

that my position might be properly understood.

This, however, is a case that I cannot allow to pass without calling to it the attention of the House. I have here from the Pension Office

an abstract of the history of this case and of the reasons of its dis-allowance. It is not based upon any detective evidence, nor is it based upon any evidence other than that which was presented to the

Committee on Invalid Pensions.

Perhaps, in justice to the Commissioner of Pensions, I ought to say here that in regard to every case, the details of which I presented to the Committee of the Whole at a former session, the abstracts were made from evidence that the Committee on Invalid Pensions had before them; because those abstracts were taken at my request from the files of the cases after they had been returned by the committee to the Pension Office. I make that statement to show that the two gentlemen of the Committee on Invalid Pensions did not perhaps intend to state what their statements would insinuate to be the fact, that evidence had been supplied to members of this House to be presented when these claims came up for a hearing, which had been withheld from that committee. And if gentlemen of the committee make that statement relative to these cases they simply lead me to infer what I had suspected before, that some of these cases were never very carefully reviewed by the members of the committee, but only by the clerks of the committee, four of whom I think we have furnished to that committee for the purpose of establishing what I may properly

that committee for the purpose of establishing what I may properly term a pension factory.

Mr. COFFROTH. Only three special clerks.

Mr. BRAGG. This is the case of a soldier who served eight months, and eight months only, most of which time I infer he was in the hospital. The disability which he received in the service was not sufficiently serious to lead him to file or make a claim for a pension until ten years had elapsed after his discharge. And the papers show that the disability for which he made claim ten years after his discharge was diarrhea, contracted eighteen days after his enlistment.

Now it occurs to me and I should think it would occur to the

Now, it occurs to me, and I should think it would occur to the minds of most of the members of this committee, that if the disability was contracted eighteen days after the man's enlistment, especially this peculiar kind of disability, it would have recurred so as to affect him in such manner as to invite his attention to the penas to affect him in such manner as to invite his attention to the pension laws sooner than ten years after his discharge. Now, he was not discharged by reason of disability; the records of the War Department show that he was discharged as a matter of favor to him, not by reason of any disability contracted in the service. As to the medical testimony affecting this case, he has been, as the records of his case show, twice examined by pension examining surgeons, the first examination being made by a single surgeon, the second by a board of two surgeons. In each instance it was certified that the claimant was not disabled from the cause alleged; that his weight as compared with his height, his pulse and his respiration indicated a compared with his height, his pulse, and his respiration, indicated a good physical condition, and that he presented no signs or effects of the disease alleged. The claim was not rejected by the Pension Office because he could not furnish all the evidence required, as stated in the report of the committee, but upon medical evidence that there

in the report of the committee, but upon medical evidence that there was no disability in the case.

Mr. BAYNE. A sufficient reply to the statement of the gentleman from Wisconsin [Mr. BRAGG] is that if the examining board, after the passage of this bill, should find that this man's condition is such as is stated in the paper read, they will report that he is not in any way disabled, and consequently is not entitled to be rated as a pensioner at all, so that the passage of the bill cannot inure to the prejudice of the Government in any respect whatever.

Mr. BROWNE. But it is proposed to provide in the bill that he

Mr. BROWNE. But it is proposed to provide in the bill that he shall receive a pension of \$4 a month.

Mr. BAYNE. No, sir.

Mr. BROWNE. An amendment has been reported, as I understand, providing that the pension shall be at the rate of \$4 a month.

Mr. BAYNE. That is no part of the bill, and any amendment of that sort is to be dropped.

Mr. BRAGG. Let the sear in reply to the continuer from Pennsyl.

Mr. BRAGG. Let me say in reply to the gentleman from Pennsylvania [Mr. BRAYNE] that it seems to me this Congress has plenty of business to do without occupying its time in passing laws which are to be of no effect. From the statement of the record in the Pension Office, it appears that the reason of the rejection of this claim was the existence of no disability whatever. Now, why should we take the time of Congress in passing a law to send the case back to the Commissioner to be passed upon, and if there be no disability, to be rejected, when he has already rejected it because there was no disability? bility ?

Mr. Chairman, the reports of boards of examiners are very unreliable. These boards diagnose a case in probably ten or fifteen minutes. The applicant for a pension in ninety-nine cases out of a hundred is an entire stranger to them; and the conclusion at which the board arrive is often erroneous.

Mr. BRAGG. Let me ask the gentleman whether the case is not subject to be re-opened upon new medical evidence, without the aid of any congressional interference?

of any congressional interference?

Mr. BAYNE. That was the difficulty in this case, as I understand. I do not pretend to be very familiar with the case; but I do say that Dr. William Stanton, who is said to be an eminent physician, testified that this man had incurred in the service a disability which still continued, and that he was not able to engage in manual occupation. This evidence has far more force to my mind than the report of a board of examiners, for the reason that this physician was perfectly familiar with the man's habits of life, had attended him as his physi-

cian for a considerable time, and knew far more about his case, no doubt, than the board of surgeons could know. It was upon the basis of this report that the case was recommended for passage by this com-

I fully concur with the gentleman from Wisconsin, [Mr. Bragg,] the gentleman from Ohio, [Mr. WARNER,] and other gentlemen here who say that the rate of pensions should be fixed by the Commissioner of Pensions upon competent medical and surgical testimony as to the condition of the applicant. I think it is unjust to fix in a bill passed here an arbitrary rate of pension. But I believe that if we rely implicitly upon the reports made by boards of examiners, injustice will very often be done to applicants. We have no means of ascertaining here whether or not injustice is done in this way except by taking the testimony of the family physician, who knows far more about a particular case than a board of examiners can know. I think about a particular case than a board of examiners can know. I think that when a physician of the high character of Dr. Stanton—a physician known to Representatives on this floor from the State of Ohio to be a man of eminence in his profession—testifies that this man was laboring under a disability which he contracted in the service, it is but fair that he should be placed on the pension-roll. If the board of examiners hereafter should see fit to say that the alleged disability does not exist then he will get no pension; but if it does exist as he does not exist, then he will get no pension; but if it does exist as he claims and as his friends claim and as Dr. Stanton testifies, then I say he ought to be put on the roll and receive such pension as he may be entitled to.

Mr. BRAGG. The gentleman from Pennsylvania has not yet answered my question. Is not the case, without the aid of any special act of Congress, subject to be reopened now upon presentation of proper medical evidence showing the existence of the disability?

Mr. BAYNE. Undoubtedly.

Mr. BRAGG. Then why should we legislate?

Mr. BAYNE. The same thing might be said in a great many other

Mr. BRAGG. I take it that the gentlemen from Pennsylvania, although he is a layman so far as the medical profession is concerned, would admit that if a man is stout, has his usual weight, his usual pulse, his usual respiration and shows no signs of physical disability, but shows signs of vigor and health, the evidence of the board stating these facts ought to have some little weight to determine the question whether the man is really disabled, has lost his appetite or has fallen away, particularly when the disability appears to have originated eighteen days after his enlistment, but did not affect him until ten years after his discharge.

mril ten years after his discharge.

Mr. BAYNE. My reply to the question of the gentleman from Wisconsin is that the board of surgeons could only arrive at the conclusion stated by contrasting the condition in which the man was with his previous condition, and the chances are the board knows nothing of the man's previous condition. Consequently you cannot place much

reliance upon testimony of that sort.

reliance upon testimony of that sort.

Mr. BREWER. Mr. Chairman, I am much surprised at my friend from Wisconsin in attempting to question the report of the Committee on Pensions. The report states this man is an invalid, and I do not see why it should be questioned. This information is gathered, as I learned from the report, from two of the companions of this soldier in the service and the statement of the family physician. My friend from Pennsylvania [Mr. BAYNE] thinks the board of medical examiners is not always reliable in its judgment, and probably that is true; but I imagine if we should attempt to overthrow the judgment of that board and take the judgment of the family physician we should be apt oftener to err than by taking the judgment of the examining board.

amining board. amining board.

But, sir, this is to carry out another step in the programme which has been adopted for the extension of our pension list. We have a law on the statute-book which provides where there are parents, mother or father, who were dependent on the support of the son killed in the service they shall be entitled to a pension, but I never understood until to-day the law could be extended so as to pension parents who became dependent years and years after the son was dead. There stood until to-day the law could be extended so as to pension parents who became dependent years and years after the son was dead. There have been two cases reported to-day, and I undertake to say there has been no proof to establish the fact that the parent was dependent upon the son, at the time of his death, for support. One of them stated briefly that the son was a minor when he enlisted, and that he sent home to his mother a certain portion of his earnings. I would like to know whether that is any proof to establish the fact the parent was dependent on that son for support.

Mr. COFFROTH. That bill is not under discussion, and I must object.

object.

Mr. BREWER. I have the floor. It was natural, of course, for the son to send his money to his mother to be retained for him until

This is but a step further in the direction of extending our pen-This is but a step further in the direction of extending our pension-roll. We are pensioning not only those who were wounded, which is perfectly proper, we are not only pensioning those who contracted disease in the service, which is perfectly proper, but we are pensioning those parents who were not dependent on the son for support at the time of his death.

My friend from Pennsylvania here insists we should pension those who are not disabled at all. I say this is but a single step further. I have come to the conclusion that we ought not longer to fritter away our time in this direction, but if we are to pension those not

disabled at all, then let us have a general law and pension all those who served in the war and close it out. That would be the better course, more reasonable, and, in my judgment, the more sensible one. But if we are not to do that, Mr. Chairman, then we ought to confine ourselves here to those cases where the parties are entitled to a pension under the law as it exists. And if there are honest, worthy cases not covered by a general law, as has been stated from time to time, then let us make provision to cover them. In my judgment,

time, then let us make provision to cover them. In my indepent, if there has been a case reported to this House which ought to be rejected on the statement made by the gentleman from Wisconsin, [Mr. Bragg.] then this is the one.

Mr. COFFROTH. I desire to say a word on this case. The gentleman from Wisconsin [Mr. Bragg] in appealing here on various occasions comes with an abstract of evidence, that is to say, some clerk in the Pension Office gives him a single statement in reference to the matter, but does not furnish him with the entire evidence on file in the Pension Office, or before the Committee on Invalid Pensions. the Pension Office, or before the Committee on Invalid Pensions. You could destroy the best case which could be presented from the Department and which had been rejected there on some technical objection, by getting an extract or a single sentence out of the evidence. Probably the best case which ever was tried before a jury could be defeated, if the jury believed a single statement made by one of the witnesses to the exclusion of everything else. Yet that is the manner in which the gentleman from Wisconsin comes here; he extracts a single sentence of evidence without taking into consideration as a whole all that has been presented.

In this case, this man went into the service a sound man. It is proved by evidence which cannot be contradicted that he came out sick, suffering from diarrhea, and that he has suffered up to the time his application was made. It is not necessary, I imagine, for the Committee on Invalid Pensions to encumber their reports with full statements of all the evidence before them.

They came to a conclusion and they report that conclusion briefly to the House. Now, take this case. Take for instance, if it be true as the gentleman says, that the examining surgeon reported this man as not being entitled to a pension. My recollection of the circumstances in reference to that examination by the surgeon—because it was before me at the time—is that he reports that this man was entitled to a pension at the rate of one-fourth from the condition he was then in. Now, this puts it upon the record. He has the affida-vit here of the family physician, a gentleman whose professional ability will not be questioned by anybody on this floor who knows him, a man who is equally as competent as the surgeons who have examined him, and he says that he is disabled and suffering all the time with disease.

Here you have a conflict in the testimony of the surgeons. But that is not an unusual thing. Every gentleman who has examined pension cases will come to the conclusion, after looking into them carefully, that it is not an unusual thing for two boards of surgeons to differ very materially on the same case. I have known cases where one board of surgeons reported no disability whatever; another board reversed that decision. I know of a case, one that I remember well, where one board said no disability existed, or that the disability was so trifling that the soldier was not entitled to a pension, and the very next day he went before another board, and that board reported his next day he went before another board, and that board reported his disability as total. Now, the doctors differ. That is a well-settled fact. This man has asked to be put upon the rolls. It does not regulate his pension to put him there; but the question is as to whether he shall be sent before another board, which may decide that he is entitled to a pension. It does not give him a pension, but says that he has a prima facte right to go on the rolls. He has shown conclusively that he is enforced and the rolls are the pension of the rolls. he has a prima facte right to go on the rolls. He has shown conclusively that he is suffering, not only by the testimony which has been submitted but by letters which have been received from his neighbors and sent to the chairman of the committee, stating that he is suffering and urging that a bill be reported in his favor because he is suffering, and they are aware of the fact that he is suffering all the time and that he is not able to maintain himself by manual labor. I hope there will he appropriate to the presence of the bill will be no objection to the passage of the bill.

I have already accepted the amendment which has been offered.

The House divided; and there were—ayes 38, noes 18.

Mr. BREWER. I ask that we have tellers on that vote. [Cries.]

"Oh, no!"] No quorum has voted, and I shall ask for tellers.
Tellers were ordered; and Mr. Coffroth and Mr. Brewer were

The House again divided; and the tellers reported—ayes 31, noes 16. So (no further count being demanded) the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ANNA M. WEHE.

The next business on the Private Calendar was the bill (H. R. No. 2608) granting a pension to Anna M. Wehe.

The bill was read, as follows:

Be it enacted, dc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name-of Anna M. Wehe, of Newport, Kentucky, mother of the late William Wehe, Company B. Eleventh Ohio Volunteer Infantry, to take effect on and after the 24th day of November, 1864, the date of her said son's death, as appears from evidence on file in the Pension Bureau.

The report was read, as follows:

That the said Anna M. Wehe, who is now over sixty years old, is the mother of William Wehe, who enlisted as a private in Company B, Eleventh Regiment Ohio

Volunteer Infantry, at Piqua, Ohio, on the 20th day of June, 1861, to serve for three show that the soldier William Webe, while in action with his company at the battle of Antietam, on the 17th day of September, 1862, received a gunshot wound in the right breast, by which he was disabled from further service, and was disabled from further service, and was discharged for that reason on the 4th day of March, 1863. The wound was inflicted by a Minie ball which entered the right breast, by assed between the second and third ribs, and ranged obliquely backward through the upper part of the lung, seriously injuring that organ. This was followed by a severe cough, difficult breathing, shrinking of the muscles, and partial paralysis of the shoulder, arm, and hand.

He was granted a pension of \$5 per month, commencing on the 4th day of March, 1863, the examining surgeon having certified that he was, by reason of the wound, "totally incapacitated for obtaining subsistence by manual labor."

The evidence shows that the soldier suffered severely and continuously from the effects of this wound as long as he lived. It never healed; he had a hectic fever and a severe consumptive cough, and, according to the evidence of a physican who attended him, he was in the last stages of consumption when he lost his life as hereafter stated. He was never able to perform any manual labor after receiving the wound, although he was a part of the time, after his discharge from the military service, engaged in a light employment which enabled him to earn small wages. On the 24th day of November, 1864, after a consultation with his physician which satisfied him that he had but a short time to live, he started on a steamboat to go to Ripley, Ohio, about sixty miles from his home, and while on the way fell overboard and was drowned. It appears that he was, after being wounded, subject to frequent and violent fits of coughing, followed by great prostration and dizziness in the head, and the committee feel authorized to conclude from all the circu

Mr. BREWER. I believe all the former bills have been amended to provide that the pension commence from the date of the passage

Mr. WARNER. The report which has been read refers to a substitute for the original bill. I ask for the reading of the substitute.

The CHAIRMAN. The Clerk informs the Chair that the substitute

is not on the table.

Mr. WARNER. Then I ask the chairman of the committee reporting the bill to state the circumstances in connection with it.

Mr. BURROWS. In order to insure the passage of that bill, I de sire to have read the following statement of facts.

The Clerk read as follows:

ANNA M. WEHE, DEPENDENT MOTHER OF WILLIAM WEHE, [H. R. NO. 2608.]

ANXA M. WEHE, DEPENDENT MOTHER OF WILLIAM WEHE, [H. R. NO. 2608.] V
Soldier was a pensioner and died November 24, 1864.

Mother filed declaration for pension March 21, 1877.

It is alleged that the soldier, some eighteen months after he left the service, fell from a steamer and was drowned. There is no evidence showing the circumstances under which he was drowned.

There is no evidence showing dependence of the mother, nor that her husband was then physically unable to provide a support for her. This evidence was not called for, as the claim was rejected upon the ground that the cause of death would not entitle to pension.

Mr. BURROWS. That, I think, will remove any question that may arise as to the propriety of this bill.

Mr. CALDWELL. Mr. Chairman, I desire to inform the gentleman who sent up that paper to be read, and the House, that there is evidence showing the facts stated in that report, and that that evidence was before the committee; and further, that all of the facts in the control of the facts with the case are substantially set forth in the report. in connection with the case are substantially set forth in the report. I apprehend that no gentleman on this floor who knows my past history will accuse me of any special partiality for Federal soldiers. But, sir, I stand here with the determination to do my duty to the fullest extent as I understand it, and to see that the laws of this country are fairly and faithfully executed so far as I have anything to do with their execution. I have examined this case carefully, and I say to this House and through its record to the American people, that if that woman is not entitled to go upon the pension-roll, then there is not one pensioner upon the pension-roll from its beginning to its end who is entitled to the benefaction of the Government.

I do not know anything about the past history of these parties except as developed by the facts which were before the Committee on Invalid Pensions. This bill was offered in the House by my colleague, [Mr. Carlisle;] and in discharge of the duty which devolved upon me as a member of the Committee on Invalid Pensions I went over the testimony carefully; and the state of facts exhibited by the evidence in the Pension Office and by additional evidence before the Invalid Pensions Committee is substantially as set forth in the report. This man was wounded I believe at Antietam and was placed on the pension-roll for the wound he there received. The result of that wound was that his life was slowly oozing out day by day; this gunshot wound resulting I believe in consumption. It was shown, as I now remember, that he was subject to fits of violent coughing and that he was advised that in view of all the circumstances surrounding him he had but a short time to live; and that under those circumstances he got on board a boat and the presumption is, with me at least—if gentlemen choose to presume differently I am satisfied—that

he had one of those violent fits of coughing to which the evidence shows he was subject, and in that condition fell overboard.

The Pension Office rejected the claim because they could not certify that his wound was the immediate cause of his death. This is strict construction with a vengeance. The evidence showed he would not have lived more than two or three weeks, at any rate but a short time, even if he had not been drowned.

I desire to say in addition that the proof shows his mother and father were separated; that his father was a drunkard and made no

father were separated; that his father was a drunkard and made no provision for the support of his family; that his aged mother was dependent exclusively upon the pay received by her son while in the service, and the pension subsequently given him by the Government.

I will say further I do not want any gentleman in this House to suppose that I am acting upon these bills from a feeling of sympathy. I am frank enough to avow I have none further than justice and humanity demands. But I intend to act from a feeling of justice and with a determination to discharge fairly and honorably my duty as a member of the Committee on Invalid Pensions. Why, sir, from the conversations and the discussions which have taken place here time after time, one would infer that a place upon the Committee on the conversations and the discussions which have taken place here time after time, one would infer that a place upon the Committee on Invalid Pensions in this House was greatly to be desired and sought after. Now, I wish to say I did not desire a place on that committee. I was assigned there by the Speaker of this House. He had a right to assign me where he pleased and my determination is when I am assigned to any committee in this House to discharge my duty faithfully and justly. I do not know a single solitary man on whose claim I have been called to act as a member of that committee. But I do say, and I care nothing further about it, that in my judgment this woman ought to go upon the pension-roll: and if the laws of this woman ought to go upon the pension-roll; and if the laws of this country are fairly and justly executed she ought to go upon the pension-roll from the date of the death of her son.

I do not agree with the policy that is being pursued by gentlemen in this House, on both sides of the Chamber, of granting arrears of pension through the Pension Bureau; and when parties come to this House on appeal from the Pension Bureau, denying it to the men who House on appeal from the Pension Bureau, denying it to the men who-the representatives of the people say ought to go upon the pension-roll. Therefore, invariably, in all the bills I have reported, where I believed the party was entitled to a pension under the law and that the Commissioner either violated the spirit of the law or had not duly considered the facts in the case—I have in reporting the bills given the claimants the same benefits under the pension law they would have received if the pensions had been granted by the Commissioner of Pensions. I want it understood that I do not intend in the future to antagonize in any way the will of this House upon the subject of granting arrears of pensions. I want my position clearly and emphatically understood by the members of this House, and through the RECORD by the Federal soldiers of the country. I had a record on the other side of the question on which they fought; but I intend to do justice to them and I do not want my motives impugned upon that subject. But if gentlemen on both sides of this Chamber are willing to stop the pension business entirely, let them take the responsibility of it and there will be no complaint from me. Mr. HAZELTON. This claim now pending before the House is entitled to fair, deliberate, and sober consideration. I can attest that

the gentleman from Kentucky has been a painstaking, straightforward, hard-working member of the Committee on Invalid Pensions. ward, hard-working member of the Committee on Invalid Pensions. The case comes here approved by that entire committee. The report sustains the finding of the committee; and while it is being considered we behold the gentleman from Michigan [Mr. Burrows] marching to the front of this arena and sending up a paper which he holds in his hand as a sort of slur upon this case, and then we see him retreating to the rear. He beats a good retreat. I have not learned where that paper comes from or whose name is attached to it. What credence is to be given to it? I only look upon it now as a little facetious slur of the gentleman from Michigan upon this honest, straightforward claim for a pension. claim for a pension.

This is no time for that kind of work. This kind of legislation does not invite it. If the gentleman is in possession of any facts, either by an investigation of the record or from his own knowledge, that can establish what may be considered a conclusion contrary to what has been found by the committee, let him come forward with what has been found by the committee, let him come forward with those facts from the record or from personal knowledge and present them to this House. We have no class of legislation here of more importance than this class of legislation, which makes up two-thirds at least of the volume of legislation in the American Congress.

And I say that the Committee on Invalid Pensions individually and collectively have labored faithfully and honestly. They have examined all the testimony faithfully and carefully; they have sought in every direction for the real facts and testimony in every case, and

they have made their findings accordingly.

Mr. Chairman, a great many cases referred to us have been reported adversely by the committee; others have been reported favorably, and have gone upon this Calendar. And let me state an important fact in regard to the action of the committee. In nine cases out of ten of these claims for pensions reports have been made partly upon the indorsement and earnest solicitation of the members from whose districts the claims came, and who presented them to this House. I have myself been to the gentleman from Iowa [Mr. PRICE] and others, to members from other States who have presented these bills, and have said to them, "Gentlemen, tell me which of these bills you know to be entirely meritorious, with the circumstances of which you are yourselves well acquainted, and we will advance them on this Calendar." Now, I submit to gentlemen within my hearing whether that has not been the case. And I protest now and I shall protest from now onward against any man putting in here any facetious statement, making any frivolous movement to defeat a just claim presented here for a pension. Unless he can base his opposition upon the record and upon facts within his own knowledge or obtained from authentic sources sufficient to defeat these claims fairly upon the merits, let

him hold his peace.

Mr. BURROWS. There is no facetiousness—
Mr. HAZELTON. I desire to say that I intended nothing personal

Mr. BURROWS. I know that with the genial nature of my friend he could not possibly have intended anything personal to me. I suppose that looking to the future he desired to make this speech for

home consumption.

Mr. HAZELTON. Oh, no! I was compelled to make it.

Mr. BURROWS. I know nothing in a pension case or in any other case pending in this House that will deter me at any time or on any occasion from stating what I understand to be the facts connected with the case.

Now, while I will go as far as he who goes farthest in standing by and advancing the interests of those who fought in defense of our country, I nevertheless am not content to stand by and see a claim

passed which I think ought not to be passed.

Now, for the gratification of the gentleman who has so eloquently delivered himself of his speech, I desire to say that the paper which I sent to the Clerk's desk and had read was sent me from the Pension Office, and it purports to be a truthful statement of the facts in this case, and the gentleman from Kentucky, [Mr. CALDWELL.] who spoke with so much warmth a short time ago, did not pretend to deny one single statement contained in this paper.
Mr. CALDWELL. Will the gentleman allow me to interrupt him

a moment?

Mr. BURROWS. Certainly.
Mr. CALDWELL. That paper may be correct as to what the record in the Pension Office shows. My proposition is that the additional evidence filed before the Committee on Invalid Pensions in connection with this bill shows a state of facts different from that in the Pension Bureau.

Mr. BURROWS. That does not controvert what I stated. I did not undertake to state what was the additional evidence filed before the Committee on Invalid Pensions. I stated that this paper shows that this soldier was a pensioner and died November 24, 1864. Is not

that true?

Mr. CALDWELL. I believe that is true.

Mr. BURROWS. The mother filed a declaration for a pension March 21, 1877, nearly thirteen years afterward. Is there any question about that?

Mr. CALDWELL. I do not now recollect when she filed her appli-

cation.

Mr. BURROWS. It is said that this soldier, eighteen months after he left the service, fell from a steamer and was drowned. I understand the gentleman from Kentucky [Mr. Caldwell] to say that is the fact, and that he is satisfied from an examination of the evidence filed before the committee that the man fell from the steamer while in a coughing spasm. There is no evidence showing the circumstances under which he was drowned. Now, I would like to inquire of the gentleman from Kentucky what circumstances were laid before the committee as to the fact of his drowning, in addition to those before the Pension Office?

Mr. CALDWELL. I will state as nearly as I can now recollect. I do not object to any gentleman interrogating me. But when I have come into this House with a report over my signature, stating that the facts as shown by the proof in the record in a particular case are as they are set forth in the report, I think that ought to satisfy any

gentleman on this floor who is not more than my peer.

Mr. BURROWS. There is no occasion for any feeling about the

matter

Mr. CALDWELL. Not at all. I was only stating what I thought

about this manner of interrogation.

Mr. BURROWS. I understood the gentleman to say that there was additional evidence filed before the Committee on Invalid Pensions. Mr. CALDWELL. Yes, sir.
Mr. BURROWS. Was additional evidence filed before the commit-

tee in regard to the circumstances attending the drowning of this man.

Mr. CALDWELL. I cannot now state definitely. I wish to say in
justice to myself and to other members of the committee that I exjustice to myself and to other members of the committee that I examined during the Christmas holidays, now four months ago, the first cases which were assigned to me and which were reported to this House. In reporting those cases I stated the facts as they then appeared to me. I cannot now possibly go back in my mind, after having investigated a large number of these cases, and state the exact facts in any particular case, but must rely upon the reports as I find them. I would say, however, upon that subject that according to my recollection and the impression made upon me by the entire evidence this man after receiving the wound, was subject to fits of compling and

man, after receiving the wound, was subject to fits of coughing and fainting; that on account of those coughing spells he was advised (I do not remember by whom) that he had but a short time to live.

Mr. CARLISLE. By his physician.
Mr. BURROWS. There is no question about that.
Mr. CALDWELL. My colleague says that he was thus advised by his physician. Under these circumstances, according to my recollec-tion, this man, being subject whenever he had one of these coughing spells to a fainting fit, went on board this boat, and the presumption with me was that in one of these fits of coughing or fainting spells he fell overboard; and I take it for granted that unless he had been wasted by disease he would not have been drowned under such circumstances.

Mr. BURROWS. Now the gentleman from Kentucky has not answered my question, but says that he is unable to state what was the evidence upon that point. Hence I am justified in repeating what the Pension Office discloses, that there is no evidence showing the circumstances under which this man was drowned. Further, there is no evidence showing the dependence of the mother, nor that her

husband was at the time physically unable to provide for her support.

Mr. CARLISLE. The gentleman will allow me to say that the evidence shows the husband to have been an habitual drunkard, who had absolutely deserted his family, and did nothing whatever for their support, while this young man did contribute all the time to the

maintenance of his mother.

Mr. BURROWS. The report does not disclose that fact.
Mr. CARLISLE. Yes; the report states it.
Mr. BURROWS. I have made this statement in the utmost good faith, without any feeling toward this soldier, and without expecting at all to arouse my friend from Wisconsin, [Mr. HAZELTON.] I claim to be as much a friend of the soldier as he is; but I have made this statement because I did not think this claim ought to pass. have nothing to take back from the statement and nothing further to

Mr. CALDWELL. I want to say to the gentleman from Michigan [Mr. Burrows] that I have no earthly objection to the Commissioner of Pensions giving to any gentleman in this House extracts from the records which will enable him to criticise any report that I may make. But as the Commissioner manifestly does thus furnish the view of extractions to record with the view of extracting the same parameters with the view of extracting the information to various gentlemen here with the view of attacking the reports of the committee, I want to say through this RECORD to him, not to my friend, that two months ago I called on the Commissioner, not to my friend, that two months ago I called on the Commissioner, as a member of the committee, to give me some information in reference to a bill pending before the committee now, a bill proposing to strike out a section of the Revised Statutes and place the officers and private soldiers of this country upon an equal footing so far as pensions are concerned. I asked from the Pension Office information as to the number of officers upon the roll, with the amount of money and the number of private and the number of private and the property of the prope paid them, and the number of privates upon the roll, with the amount of money paid them. For two long months I waited for this inforof money paid them. For two long months I waited for this information from that office. Ten days ago I asked for it again and have never received it. Now, will my friend from Michigan, when he is next conferring with the Pension Office, deliver my compliments and ask the Commissioner to send me that information? for I have asked for it myself respectfully twice already without success, and need it for the purpose of doing justice to the private soldiers of the country and giving them equal privileges under the law with their officers.

Mr. CARLISLE. Mr. Chairman, although this bill was introduced by myself. I know nothing whatever personally concerning the par-

by myself, I know nothing whatever personally concerning the par-ties. In fact, I believe that the applicant for this pension resides in the State of Ohio. I know that she did reside there at one time, and my impression is that she still resides there. But at the solicitation of friends and acquaintances of the parties, who reside in my congressional district, I introduced the bill; and having done so, I thought it my duty to examine the testimony produced before the Committee

on Invalid Pensions in regard to it.

I am not able to add anything, I believe, to the statement made by my colleague [Mr. Caldwell] upon this subject, except to say that there was before the committee sworn testimony that the father of this young man, the husband of the claimant, was an habitual drunkard; that he had deserted his family, and contributed nothing what-ever toward their support; that the young man during the time he was in the Army was in the constant habit of making remittances of a portion of his pay to his mother for her maintenance; and that afterward, while he was a pensioner upon the Government, he con-

tributed a part of his pension to her support.

It is true that there was no testimony before the committee to show the exact circumstances under which he lost his life, because, so far as is known, no one actually saw him when he fell overboard from the steamboat. But the evidence shows that the young man was grad-ually dying from the results of his wound, which had affected his lungs; that he was unable from the time of receiving the wound to perform any labor except some very light employment as a sort of clerk or book-keeper about a livery stable at a very small compensation. He was finally advised by his physician, whose testimony is on file among the papers, that he had but a short time to live, and thereupon he started to go from the city of Newport, in the State of Kentucky, to the city of Portsmouth, in the State of Ohio, to be with his friends, and while on that journey he fell from the steamboat and lost his life. While it is true there is no direct testimony as to the precise circumstances under which he lost his life, yet it is known to all the young man's friends he was sober and steady. It was known to all of them he was subject to these occasional attacks of dizziness and coughing and fits, and the inference, it seemed to me, was not an unreasonable

one under the circumstances, that, in one of those fits, in his weak

and enfeebled condition, he fell overboard and was drowned.

If the pension is to be denied to his mother on the ground that his death was not the direct and immediate result of the wound, all right; for I am free to say there is no testimony of death from the direct and immediate result of the wound, and the Commissioner of Pensions was doubtless correct under the law.

Mr. BREWER. Will the gentleman from Kentucky allow me to ask

him a question?

Mr. CARLISLE. Certainly.

Mr. BREWER. From the investigation you gave the case, did you come to the conclusion the young man died from the effect of the wound or disease contracted in the service?

Mr. CARLISLE. I did not come to the conclusion that the wound

was the immediate and direct cause of his death.

Mr. BREWER. Did you come to the conclusion he fell overboard because of the wound or disease contracted in the service?

Mr. CARLISLE. My conclusion was this: that if it had not been for the wound and the enfeebled condition in which it left the young man he would not have lost his life in the manner he did, or at the time he did; and that is all the Committee on Pensions say in this re-

time he did; and that is all the Committee on Pensions say in this report. The inference is a fair and reasonable one.

Mr. BRAGG. Will the gentleman yield to me for a question?

Mr. CARLISLE. Certainly.

Mr. BRAGG. How did you come to the conclusion he would not have been drowned except for the wound, if you did not know the circumstances under which he was drowned?

Mr. CARLISLE. That is a difficult question to answer, Mr. Chairman, and perhaps the gentleman will smile when I give the answer, but it is absolutely certain from the testimony in this case, or at least it is reasonable certain that if it had not been for the wound the young it is reasonably certain that if it had not been for the wound the young man would not have been aboard the boat at all. He was advised by his physician he had but a short time to live, and thereupon, as I said

his physician he had but a short time to live, and thereupon, as I said awhile ago, he started to go to his friends in order, I suppose, that he might have their care and attention during his last days, and while on the boat making this trip that accident occurred.

On another point, if this House has established a rule, about which I profess myself ignorant, that they will not grant arrearages of pension in such a case as this, well and good; let this application share the same fate as the others; but if the House has not established that rule, it seems to me this is a case where arrearages ought to be granted as well as others.

that rule, it seems to me this is a case where arrearages ought to be granted as well as others.

Mr. BURROWS. Let me ask the gentleman a question.

Mr. CARLISLE. Certainly.

Mr. BURROWS. How was this mother provided for from the time of the soldier's death in 1864, until 1877, thirteen years afterward, being the date at which she applied as a dependent mother?

Mr. CARLISLE. I think the testimony, according to my recollection on that subject, is about this: that the old lady is herself a hardworking woman, takes in washing, and does such work as a woman in her station of life would do, and she has two daughters who also work out for wages, and that among them they have contrived in some way to live during this time. some way to live during this time.

Mr. WARNER. In order to make the bill uniform with all the others which have passed, I move to strike out after the word "infantry," in the eighth line, these words:

To take effect on and after the 24th day of November, 1864, the day of her said son's death, as appears from evidence on file in the Pension Bureau.

Mr. CARLISLE. At what rate?
Mr. WARNER. That leaves it subject to the pension laws, which

in case of death provide for \$8 a month.

Mr. WARNER's amendment was adopted; and the bill, as amended, was laid aside, to be reported to the House, with the recommendation that it do pass.

ROBERT S. GOODALL.

The next business on the Private Calendar was a bill (H. R. No. 624)

The next business on the Private Calendar was a bill (H. R. No. 624) granting a pension to Robert S. Goodall; reported from the Committee on Invalid Pensions with an amendment.

The bill, which was read, authorizes and directs the Secretary of the Interior to place the name of Robert S. Goodall, late first-class pilot in the United States Navy, in the Mississippi squadron, on the pension-roll, at the rate of \$- a month during his natural life; said pension to commence at the date of the discharge of said Goodall from the service of the United States.

The approximate of the committee was to fill the blank with 6 for

The amendment of the committee was to fill the blank with "fifteen;" so it will read "\$15 a month."

The report was read, as follows:

The report was read, as follows:

Captain Robert S. Goodall entered the military service of the United States at Louisville, Kentacky, on the 17th of August, 1863, as first-class pilot on the United States gunboat Champion No. 4, and was honorably discharged on the 17th day of May, 1864.

The testimony shows that the military authorities needed the services of first-class pilots who were familiar with the navigation of the western waters.

Captain Z. M. Sherley, of Louisville, Kentucky, who had large experience in such matters, and in whose loyalty and integrity there was full reliance, was requested by the Government to secure suitable men for this service.

Upon Captain Sherley's recommendation the petitioner was enlisted and assigned to duty, by order of Admiral Porter, on the gunboat Champion No. 4, then with the Mississippi squadron.

For several years prior to his enlistment Captain Goodall was in the employ of Captain Sherley, who testifies that at the time he (Goodall) entered the service of the United States, he was a "stout, active man, in good health and physical condition,

and in full possession of his mental and physical powers." Dr. Henry Chenoweth, who had been his family physician for ten years, Dr. Lewis Rogers, and Dr. John Thurston, who had known him for years, all of whom are of the highest personal and professional standing, confirm Captain Sherley's statement, that prior to his enlistment Captain Goodall's "health was unimpaired, and that his haits were uniformly good and temperate."

Captain Goodall's "health was unimpaired, and that his haits were uniformly good and temperate."

Captain Goodall discharged his duty as an officer promptly, faithfully, and efficiently until the 20th day of February, 1864, when he contracted acute pleurisy. His disease was brought on by continued exposure in an iron-casemated pilot-house, without fire or sufficient shelter, and resulted in his permanent disability.

The application of the petitioner failed at the Pension Bureau because of an entry upon the log-book or journal of practice of the Champion, dated February 28, 1864, charging him with intemperance. This entry was made by one Vail, an assistant surgeon on the gumboat, and upon it alone Captain Goodall's application was rejected. Upon appeal Mr. Delano, then Secretary of the Interior, affirmed the Commissioner's decisions in these words: "This "—referring to the above entry—" is record evidence, and while it remains unaltered is fatal to the allowance of the claim."

In the opinion of your committee, this position is untenable, both in law and in morals.

If such a record capnot under any circumstances he attacked the good name.

entry—"is record evidence, and while it remains unaltered is fatal to the allowance of the claim."

In the opinion of your committee, this position is untenable, both in law and in morals.

If such a record cannot, under any circumstances, be attacked, the good name and hard-carned pensions of our soldiers and sailors would be placed absolutely within the power of the surgeon or assistant surgeon in charge. In the exigencies of a great war incompetent and disreputable men often fill such positions. However malicious the motive, however false the fact, however unjust the result, the record of the surgeon, even if corrupt and incompetent, must, under this decision, irrevocably stand, and the slandered and injured object of his malice or ignorance must be left absolutely without redress.

The case under consideration illustrates the hardship and injustice of accepting such entries as conclusive in every instance. The uncontradicted testimony of eight witnesses, four of whom were associate officers on board the gunboat, proves that the entry made by this assistant surgeon was both false and malicious.

Ensign Merwin Allen testifies:

"During Captain Goodall's term of service I was doing duty on the Champion as watch officer, and the greater portion of the time as executive officer. Captain G.'s ill-health and disability were occasioned in the lime of his duty as first-class pilot. I further state I believe Assistant Surgeon Vall made the report of his (Goodall's) sickness through malice and ill-disposition toward Goodall, caused by some private difficulty between them, and that said Vall continued to be inimical to Goodall until the time of his G.'s) departure from the vessel."

Pilot W. S. Henthorn swears:

"I was over two years on the Champion, and know something of the dangers and exposures that it was necessary to undergo while under way. We had to remain six hours within an iron-casemated pilot-bruse, without fire, with scarcely any protection from rain or cold. Captain Goodall was a very efficient pilot, and

Mr. WARNER. I move to strike out the amount fixed in the amendment, namely, \$15 per month, and insert:

At a rate proportionate to his disabilities, to be fixed at the Pension Office.

Mr. CALDWELL. I have no objection to that.

The amendment was agreed to.

The bill, as amended, was laid aside, to be reported favorably to the House

Mr. CALDWELL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Stevenson reported that the Committee of the Whole on the Private Calendar, having had under consideration the Private Calendar, had directed him to report sundry bills with favorable rec-

ommendations, some with and some without amendment.

The SPEAKER. There are several bills remaining on the Calendar as unfinished business since the last sitting of the Committee of

the Whole, which will first be disposed of.

PRIVATE BILLS PASSED.

The following bills without amendment, reported from the Committee of the Whole on the Private Calendar with favorable recommendations, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

The bill (H. R. No. 2468) granting a pension to Henry H. Fisher. Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair would suggest to the gentleman from Pennsylvania that he make the motion to reconsider on all the bills

after they shall have been disposed of.
The bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, Louisiana; The bill (H. R. No. 3021) granting a pension to Eliza M. Frick;

The bill (H. R. No. 271) granting an increase of pension to Mrs. Mary

B. Dallas;
The bill (H. R. No. 2643) granting a pension to Mary Meighan;
The bill (H. R. No. 2474) to increase the pension of Thomas Riley;
The bill (H. R. No. 4264) to authorize the payment of \$66.09 to Judith
Brown, one-seventh of the pension of Margaret Duncan; and
The bill (H. R. No. 746) for the relief of Anna E. Hallowell.
The following bills, with amendments, reported from the Committee of the Whole on the Private Calendar with favorable recommendations, were severally considered the amendments agreed to and the

dations, were severally considered, the amendments agreed to, and the bills, as amended, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

passed:
The bill (H. R. No. 3099) granting a pension to Caroline Boll;
The bill (H. R. No. 3098) granting a pension to Jacob Ginder;
The bill (H. R. No. 3262) granting a pension to Harry E. Williams;
The bill (H. R. No. 3263) granting a pension to Margaret E. West;
The bill (H. R. No. 3292) granting a pension to Sallie M. Buchanan,
widow of General Robert C. Buchanan; and
The bill (H. R. No. 863) granting a pension to George W. Wood-

ADVERSE REPORT.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 864) granting an increase of

pension to Mrs. Frances M. Wilkinson, reported adversely.

Mr. DAVIS, of Illinois. I move that the report of the Committee of the Whole be non-concurred in.

Mr. COFFROTH. I ask my colleague on the committee to allow this bill to be temporarily passed over until we get through with the bills favorably reported.

Mr. DAVIS, of Illinois. Very well, I will consent to that.

L. MADISON DAY.

The next bill reported favorably from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2798) for the relief of L. Madison Day

Mr. O'CONNOR. On that I demand the previous question.
Mr. COFFROTH. I ask the gentleman from South Carolina to
allow that bill to be laid aside for a moment until we get through
with the pension cases in order that I can move to reconsider the
action of the House upon them all.

Mr. O'CONNOR. I prefer that the vote should be taken upon it now, and demand the previous question upon the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHILIPS. I call for the yeas and nays on the passage of the

The yeas and nays were ordered.

The question was taken; and there were-yeas 63, nays 66, not voting 163; as follows:

*	1.12	A5-00.	
Acklen, Aldrich, William Atkins, Ballou, Bayne, Belford, Bingham, Blake, Bright, Browne, Carpenter, Coffroth, Conger, Crapo, Daggett, Davidson,	Davis, George R. Davis, Horace Deering, Dibrell, Dunnell, Elam, Farr, Ford, Godshalk, Goode, Harmer, Haskell, Hawley, Horr, Hubbell,	Humphrey, Jones, Jorgensen, Lowe, Mason, Monroe, Morse, Murch, O'Connor, Overton, Page, Pound, Prescott, Price, Richardson, D. P. Richardson, J. S.	Richmond, Russell, Daniel L. Russell, W. A. Ryan, Thomas Shallenberger, Sherwin, Thompson, P. B. Tillman, Townsend, Amos Upson, Urner, Voorhis, Weaver, Wilber, Wright.

		NAYS-66.	anton a single the
Aiken, Atherton, Beale, Bicknell, Bicknell, Blackburn, Bragg, Brewer, Cabell, Caldwell, Cannon, Carlisle, Clark, John B. Cobb, Colerick.	Deuster, Felton, Forney, Geddes, Gunter, Hatch, Hazelton, Henkle, Herbert, Hossetler, House, Hurd, Keifer, Kenna,	Lewis, Marsh, Martin, Benj. F. Martin, Edward L. McLane, McMillin, Myers, New. Philips, Reagan, Robertson, Robinson, Ross, Sawyer.	Smith, Hezekiah B Sparks, Speer, Stevenson, Turner, Oscar Turner, Thomas Updegraff, J. T. Van Voorhis, Waddill, Warner, Wellborn, Wells, Willits, Wilson.
Covert, Cravens	Knott, Lanham	Scales, Simonton	Wise.

Cravens, Culberson,	Lapham, Le Fevre,	Simonton, Singleton, O. R.	
	NOT	VOTING-163.	
Aldrich, N. W. Anderson, Armfield, Bachman, Bailey, Baker, Barber, Barlow, Beltzhoover, Rerry,	Bland, Bliss, Blount, Bouck, Bowman, Boyd, Briggs, Brigham, Buckner, Burrows	Butterworth, Calkins, Camp, Caswell, Chalmers, Chittenden, Claffin, Clardy, Clark, Alvah A.	Converse, Cook, Cowgill, Cox, Crowley, Davis, Joseph J. Davis, Lowndes H. De La Matyr, Dick, Dick,

Dunn,	Houk,	Morrison,	Springer,
Dwight,	Hull,	Morton,	Starin,
Einstein,	Hunton,	Muldrow,	Steele,
Ellis,	Hutchins,	Muller,	Stephens,
Errett,	James,	Neal,	Stone,
Evias,	Johnston,	Newberry,	Talbott,
Ewing,	Joyce,	Nicholls,	Taylor,
Ferdon,	Kelley,	Norcross,	Thomas,
Field,	Ketcham,	O'Brien,	Thompson, W. G.
Finley,	Killinger,	O'Neill,	Townshend, R. W.
Fisher,	Kimmel,	O'Reilly,	Tucker.
Forsythe,	King,	Orth,	Tyler,
Fort,	Kitchin,	Osmer,	Updegraff, Thomas
Frost,	Klotz,	Pacheco,	Valentine,
Frye,	Ladd,	Persons,	Van Aernam,
Garfield,	Lindsey,	Phelps,	Vance,
Gibson,	Loring,	Phister,	Wait,
Gillette,	Lounsbery,	Pierce,	Ward,
Hall,	Manning,	Poehler,	Washburn,
Hammond, John	Martin, Joseph J.	Reed,	White,
Hammond, N. J.	McCoid,	Rice.	Whiteaker,
Harris, Benj. W.	McCook,	Robeson,	Whitthorne,
Harris, John T.	McGowan,	Rothwell,	Williams, C. G.
Hayes,	McKenzie,	Ryon, John W.	Williams, Thomas
Heilman,	McKinley,	Samford,	Willis,
Henderson,	McMahon,	Sapp,	Wood, Fernando
Henry,	Miles,	Shelley,	Wood, Walter A.
Herndon,	Miller,	Singleton, J. W.	Yocum,
Hill,	Mills,	Slemons,	Young, Casey
Hiscock,	Mitchell,	Smith, A. Herr	Young, Thomas L.
Hooker,	Money,	Smith, William E.	- vimBi - moning th

after the second roll-call the following pairs were announced:

Mr. FRYE with Mr. HAMMOND, of Georgia, on this bill. Mr. ATHERTON with Mr. ANDERSON.

Mr. Willis with Mr. Claflin.
Mr. Loring with Mr. King.
Mr. Shelley with Mr. Thomas, of Illinois, for this day on all subjects except the pension-court bill and when it is necessary to make quorum.

Mr. HUTCHINS with Mr. KETCHAM. Mr. CHALMERS with Mr. FISHER. Mr. MULDROW with Mr. DWIGHT.
Mr. HENRY with Mr. VAN AERNAM.
Mr. HOUK with Mr. DAVIS, of Missouri.
Mr. TALBOTT with Mr. BRIGGS.

Mr. STARIN with Mr. HERNDON.

Mr. Smith, of Pennsylvania, with Mr. Martin, of Delaware, on Mr. SMITH, of Pennsylvania, with Mr. MARTIN, of Delaware, on political questions.

Mr. JAMES with Mr. O'BRIEN.

Mr. MARTIN, of North Carolina, with Mr. DAVIS, of North Carolina.

Mr. EWING with Mr. WHITE.

Mr. COX with Mr. MORTON.

Mr. CALKINS with Mr. PHISTER.

Mr. LADD with Mr. DAVIS

Mr. Calkins with Mr. Phister.
Mr. Ladd with Mr. Joyce.
Mr. Clymer with Mr. Hubbell.
Mr. Sawyer with Mr. Field.
Mr. Caldwell with Mr. Heilman, on political questions.
Mr. Butterworth with Mr. Converse.
Mr. Williams, of Alabama, with Mr. Sapp.
Mr. Brigham with Mr. Taylor.

Mr. McKenzie with Mr. Washburn.
Mr. Lindsey with Mr. Townshend, of Illinois.
Mr. Le Fevre with Mr. McCook.
Mr. Phelps with Mr. Miles.

Mr. Young, of Tennessee, with Mr. Henderson. Mr. Harris, of Massachusetts, with Mr. Lewis. Mr. Wait with Mr. Muller.

Mr. HALL with Mr. VANCE.
Mr. Steele with Mr. Boyd.
Mr. Evans with Mr. Balley.
Mr. Rothwell with Mr. Harris, of Virginia.
Mr. McKinley with Mr. Bouck.

Mr. SAWYER. It has been announced that I am paired with Mr. FIELD. I am paired with that gentleman on political questions. Not regarding this as a political question I have voted.

The SPEAKER. On the question of the passage of the bill the yeas

are 63 and the nays are 66.

Mr. VAN VOORHIS. I make the point that a quorum has not voted. Mr. COFFROTH rose.

Mr. COTROTH rose.
Mr. O'CONNOR. I desire to make a statement to the House, as I have charge of this bill.
Mr. BRAGG. I object.
Mr. O'CONNOR. I desire to make a motion.
The SPEAKER. No motion is in order but the motion to adjourn or the motion for a call of the House.
Mr. VAN VOORHIS. I ask unanimous consent that this bill may

Mr. VAN VOORHIS. I ask unanimous consent that this bill may stand over till we finish the pension bills which have been reported.

stand over till we finish the pension bills which have been reported.

Mr. O'CONNOR. I have no objection to that.

Mr. COFFROTH. That is what I rose to ask.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be laid aside, occupying its present attitude before the House, until the remaining pension bills reported this morning from the Committee of the Whole House shall be acted on.

Mr. BRAGG. I object. This proposition was offered to the gentleman from South Carolina, but he would not accept it, and enforced the vote on his hill.

the vote on his bill.

Mr. HENKLE. I move that the House take a recess until half past seven o'clock, an evening session having been appointed for to-night for the consideration of the District municipal code. The SPEAKER. The motion for a recess in the absence of a quo-

rum is not in order.

Mr. CONGER. Is there not an order of the House for an evening session to-night?

The SPEAKER. That order will be read. It will be seen its phrase-The SPEAKER. That order will be read. It will be seen its phrase-ology is such that the House can adjourn notwithstanding that order. The Clerk read as follows:

Resolved, That there shall be evening sessions of this House on Wednesday and Friday of each week, commencing on Wednesday, April 21, 1880, which sessions shall be devoted exclusively to the consideration in the Committee of the Whole House on the state of the Union of House bill No. 5541, to establish a municipal code for the District of Columbia, and shall continue till the consideration of said bill is concluded.

The SPEAKER. It will be observed there is neither a time fixed The SPEAKER. It will be observed there is neither a time fixed for the taking of the recess nor a time fixed when the evening session shall begin. Hence there is required on each of the days indicated a motion for a recess. But a motion for a recess is hardly in order without a quorum. It might be made by unanimous consent. This bill, if an adjournment takes place, will go over till to-morrow morning, because it has the previous question operating upon it.

Mr. O'CONNOR. I ask the gentleman from Missouri [Mr. Philips] who seems to have taken the lead on the other side with reference to this bill to allow me to make a proposition in the interest of harmony.

this bill to allow me to make a proposition in the interest of harmony. I ask that the bill be laid aside to be taken up to-morrow after the

reading of the Journal.

The SPEAKER. The bill comes up after the reading of the Journal to-morrow under the operation of the rules.

Mr. COFFROTH. I ask unanimous consent to move to reconsider the votes by which the several bills that have been acted upon were passed, and to lay the motion to reconsider on the table.

The SPEAKER. That motion is not in order in the absence of a

quorum. The gentleman can do that to-morrow.

Mr. PAGE. If the House now adjourns will the bill in charge of the gentleman from South Carolina come up as unfinished business The SPEAKER. It will; but there will have to be a new roll-call

Mr. O'CONNOR. I move that the House do now adjourn.
Mr. HENKLE. I hope the gentleman will not press that motion
but will allow a recess to be taken.

PUBLIC BUILDING AT HUNTSVILLE, ALABAMA.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 6035) to provide for the construction of a public building at the city of Huntsville, Alabama; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.
[Cries of "Regular order!"]

ENROLLED BILLS SIGNED.

Pending the motion to adjourn, Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:
An act (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the

An act (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota, Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas;

An act (H. R. No. 4924) making appropriations to supply certain deficiencies in appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

An act (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Talbott, for one day; To Mr. Cabell, for one week from to-morrow, on account of important business;

To Mr. PIERCE, for ten days;

To Mr. Ellis, for two days, on account of important business; To Mr. Shallenberger, for seven days;

To Mr. DAVIS, of Missouri, for ten days, on account of important business: and

To Mr. HUBBELL, until next Monday.

ARIZONA PRIVATE LAND CLAIM.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a protest against the confirmation of the Arizona private land claim of San Rafael del Valle; which was referred to the Committee on Private Land Claims.

LIGHT-HOUSE AND FOG-SIGNAL AT TRINITY SHOALS

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to an appropriation for the continua-tion of the work on the light-house and fog-signal at Trinity Shoals; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Many Members. Regular order!
The SPEAKER. The regular order is on the motion to adjourn.
The motion was agreed to; and accordingly (at four o'clock and fifty-seven minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the Crane Iron Company, of Philadelphia and Catasauqua, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

Also, the petition of type-founders of Philadelphia, against the reduction of the duty on type—to the same committee.

By Mr. ANDERSON: Two petitions of citizens of Leavenworth and Atchison, Kansas, that salt be placed on the free list—to the same committee.

committee.

committee.

By Mr. ATHERTON: The petition of the Baird Iron Company, of Gore, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. BARBER: The petition of North Chicago Rolling-Mill Company, of Chicago, Illinois, of similar import—to the same committee.

By Mr. BREWER: The petition of H. J. Green and 28 others, citizens and ex-soldiers of Elsie, Michigan, against the passage of the congressional-district court pension bill—to the Committee on Invalid

Pensions.

By Mr. BUTTERWORTH: The petition of citizens of Cincinnati, Ohio, that newspapers and periodicals be placed on the free list—to the Committee on Ways and Means.

By Mr. CALDWELL: The petition of Claypool & Ragland and 200 others, citizens of Warren County, Kentucky, that salt be placed on the free list—to the same committee.

By Mr. CAMP: The petition of D. M. Osburn & Co., of Auburn, New York, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

Also, the petition of Sheldon & Co., of Auburn, New York, of similar import—to the same committee.

lar import—to the same committee.

By Mr. CAMPBELL: The petitions of the publishers of the El Fronterizo, Tucson, and of the Territorial Expositor, Phoenix, Arizona Territory, for the abolition of the duty on type—to the same

By Mr. CLYMER: The petition of Philadelphia and Reading Coal and Iron Company, of Reading, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee

By Mr. CROWLEY: The petition of M. M. Drake and others, to release steam pleasure-yachts from certain inspection fees—to the Committee on Commerce.

By Mr. DAGGETT: The petition of citizens of White Pine County, Nevada, against any change in existing mining laws—to the Committee on Mines and Mining.

By Mr. ERRETT: The petition of Kirkpatrick & Co., of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FELTON: The petition of the Savannah Medical College, for the passage of the bill to increase the efficiency of the Marine-Hospital Service—to the Committee on Naval Affairs.

By Mr. FISHER: The petition of the Mont Alto Iron Company, of Mont Alto, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FORD, The petition of the Savannah Medical College,

By Mr. FORD: The petition of Robert Kennedy and others, citizens of East Atchison, Missouri, that salt be placed on the free list—to the same committee

By Mr. FORNEY: The petition of the Tecumseh Iron Company, of Tecumseh, Alabama, for the passage of the Eaton bill providing for

tecumsen, Alabama, for the passage of the Laton bill providing for the appointment of a tariff commission—to the same committee. By Mr. GARFIELD: The petitions of the Wellston Coal and Iron Company, of Wellston; of Falcon Coal and Iron Company, of Niles; of manufacturers of Youngstown, Ohio; of Hughs & Patterson, of Philadelphia, Pennsylvania; of Moss & Marshall, of Newstraitsville; of C. Westlake & Co., of Warren; of Brown, Bonnell & Co., and of Brier Hill Iron and Coal Company, of Youngstown, Ohio, of similar import—to the same committee.

Brier Hill Iron and Coal Company, of Youngstown, Ohio, of similar import—to the same committee.

By Mr. GODSHALK: The petition of manufacturers of iron, of Pottstown, Pennsylvania, of similar import—to the same committee.

By Mr. GOODE: The petition of Mrs. C. P. Hartt, for a pension—to the Committee on Invalid Pensions.

By Mr. JOHN T. HARRIS: The petition of the New York and Virginia Iron and Coal Company, of Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr KING: The petition of E. W. Hall and Cornelia H. Smith, for the transfer to the American Missionary Industrial Association of the control of the building of the Lincoln Mission, corner of Eleventh and R streets, Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. EDWARD L. MARTIN: The petition of William M. Caldwell and others, citizens of Washington, District of Columbia, for compensation for damages to their property, growing out of the change of grade of F street west of the new State, War, and Navy Depart-

ment building—to the same committee.

By Mr. POEHLER: The petition of J. O. Dow and 127 others, citizens of Red Wing, Minnesota, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: The petitions of Lawrence Iron Company and of Bradley, Reis & Co., of Newcastle, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff

commission—to the same committee.

By Mr. STEELE: The petition of Spencer & Allen and 38 other business firms and citizens, of Charlotte, North Carolina, that salt be placed on the free list—to the same committee.

By Mr. STONE: The petition of Asa Estabrook, for the correction

of his military record—to the Committee on Military Affairs.

By Mr. WARNER: The petition of Reuben Mason, of Lowell, Ohio, and 12 others, soldiers of the late war, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

Also, the petition of C. C. Peters and 98 others, citizens of Virginia,

for the abolition of the internal-revenue system, for the unlimited coinage of gold and silver, for the issue of legal-tender Treasury notes to equal demand, for the payment of the public debt according to contract, and against the issue of any more bonds—to the Committee

on Ways and Means.

By Mr. WELLS: The petition of the Saint Louis Bolt and Iron Co., of Saint Louis, Missouri, for the passage of the Eaton bill providing

of Saint Louis, Missouri, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee. By Mr. CHARLES G. WILLIAMS: The petition of H. C. Torrey and 103 others, citizens of Kenosha County, Wisconsin, that salt be placed on the free list—to the same committee.

By Mr. WILSON: The petitions of Laughlin Nail Company; of Whitaker Iron Company; of the Riverside Iron Works, of Wheeling, and of the Ohio Valley Works, Moundsville, West Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

commission—to the same committee.

By Mr. WRIGHT: The petition of M. J. Walsh and 222 others, citizens of the twelfth congressional district of Pennsylvania, for the enforcement of the eight-hour law—to the Committee on Education and

Also, the petition of Thomas H. Jordan and 128 others, citizens of Parsons, Pennsylvania, for the passage of the bill (H.R.No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 1, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

UNIVERSITY OF NOTRE DAME DU LAC OF INDIANA.

Mr. CALKINS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill the Whole be discharged from the further consideration of the bill (H. R. No. 776) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07, that being the amount paid on certain imported articles, &c., and that it be considered and passed by the House at this time.

Mr. FINLEY. Has that bill been considered by any committee?

Mr. CALKINS. It has been twice considered by the Committee on Claims of this House and favorable property.

Claims of this House and favorably reported.

Mr. TOWNSHEND, of Illinois. I hope there will be no objection.

Mr. FINLEY. I do not object. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the sum of \$2,334.07 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, as and for a repayment to the University of Notre Dame du Lao for moneys paid by it as duty on the following articles, namely: For impost duties on twenty-two cases of paintings on glass, per steamer Ville de Paris, of date December 14, 1874, at the rate of 40 per cent. ad valorem, amounting to the sum of \$731.80; also on a church lamp, March 9, 1875, paid as impost duty, the sum of \$731.80; also on twenty-one cases of paintings on glass, received per steamer France, of date April 1, 1876, upon which was paid an impost duty of 40 per cent. ad valorem tax, amounting to the sum of \$552.88, amounting to the total sum of \$2,334.07.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay the said sum of money to the said university upon the execution and delivery to him by the president thereof of proper receipts therefor.

Mr. COX. I would like to inquire of my friend from Indiana [Mr.

Mr. COX. I would like to inquire of my friend from Indiana [Mr. CALKINS] what is the tax on these paintings on glass?

Mr. CALKINS. The tax is 40 per cent. ad valorem.

Mr. COX. Forty per cent.? Bless my soul! I have no objection to this bill, as it is a free-trade bill.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the same was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CALKINS moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

UTE RESERVATION, COLORADO.

Mr. SCALES, by unanimous consent, from the Committee on Indian Affairs, reported back with amendments the bill (S. No. 1509) to accept and ratify an agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

Mr. SCALES. I also ask consent that the testimony taken by the Committee on Indian Affairs in connection with this subject be

printed.

There was no objection, and it was so ordered.

RETURNS OF NATIONAL BANKS.

Mr. PRICE. I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. No. 4572) defining the verification of returns of national banks. The bill is reported with amendments from the Committee on Banking and Currency. It is a very short bill, and there is a very short report accompanying it.

Mr. TOWNSHEND, of Illinois. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the eath or affirmation required by section 5311 of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, shall be a sufficient verification as contemplated by said section 5211.

Mr. DUNNELL. Let the gentleman from Iowa state the present law which this bill proposes to change.

Mr. PRICE. The present law provides simply that these returns shall be verified before an officer, without saying what officer. The question has been raised in one of the United States courts whether resident in the court of the United States courts whether the court of the United States c verification before a notary public is sufficient or not. This bill is designed simply to settle that question.

Mr. DUNNELL. I have no objection to the bill.

Mr. TOWNSHEND, of Illinois. Has it not been the custom of the

banks to have these affidavits verified before notaries?

Mr. PRICE. Always, since the organization of the national banks. The question was never raised until within the last three months.

The SPEAKER. The first question is on the amendments reported

by the committee.

The amendments were read, as follows:

In line 8, after the word "located," insert "or any other officer having an official seal authorized in such State to administer oaths."

Add to the bill the following:

Provided, That the officer administering the oath is not an officer of the bank.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

SUFFERERS BY CYCLONE AT MACON, MISSISSIPPI.

Mr. MONEY, by unanimous consent, introduced a joint resolution (H. R. No. 297) for the relief of sufferers by the cyclone at Macon, Mississippi; which was read a first and second time.

Mr. MONEY. I ask unanimous consent to have this resolution con-

sidered and passed now.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of War is hereby authorized and empowered to send four thousand rations to Macon, Mississippi, for the use of the sufferers made destitute by the cyclone of April 25.

There being no objection, the joint resolution was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

TRAINING-SCHOOL FOR INDIAN YOUTH.

Mr. POUND. I ask unanimous consent that the bill (H. R. No. 1735) to increase educational privileges and establish additional industrial training-schools for the benefit of youth belonging to such nomadic Indian tribes as have educational treaty claims upon the United States be made a special order for May 13, immediately after

ornted States be made a special order for May 13, immediately after the morning hour.

The SPEAKER. The Chair suggests that the order be made subject to the priority of appropriation bills.

Mr. FERNANDO WOOD. And revenue bills.

Mr. POUND. All right.

The SPEAKER. Subject to these reservations, the order will be made if there he re objection. made if there be no objection.

There being no objection, it was ordered accordingly.

EXPENSES OF ISSUING CURRENCY.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back adversely the following resolution; which was laid on the table, and the accompanying report ordered to be printed:

Resolved. That the Secretary of the Treasury be, and is hereby, respectfully requested to cause to be furnished to this House at his earliest convenience an account showing the following:

First. The amount of United States bonds and the interest they bore, secured by the national banks and held by the Treasury as security for circulation, issued to said banks in each year, from 1863 until 1880, with the aggregate of said interest paid by the Government between said periods.

Second. The amount of United States deposits held by national banks, and the amount of bonds of the United States secured by said banks and held by the Treas-

nry to secure said deposits, with the rate of interest said bonds have borne, and the amount of interest paid thereon in each year, from 1863 until 1880, with the aggregate of said payments.

Third. The amount of money paid by the United States each year, from 1863 until 1880, for salaries of officers, clerks, and employés of all kinds for and connected with national banks, and the aggregate thereof for said term.

Fourth. The amount of money paid by the United States for plates, engraving, paper, printing, signing, and transmitting circulation to national banks each year, from 1863 until 1880, and the aggregate of said payments in said term.

Fifth. Any and all other payments of money made by the United States for or on account of national banks not included in the foregoing specifications, if any ere be, each year, from 1863 until 1880, with the aggregate thereof.

Sixth. That all of said payments so made by the United States for, on account of, or connected with national banks, during said term, be footed up, that the aggregate of all said payments may appear to the credit of the United States and to the debit of said banks.

That said account also contain the following to the credit of said banks:

First. The amount of all taxes paid by the national banks to the United States upon their circulation each year from 1863 until 1880, and the aggregate thereof for all the years.

Second. The amount of taxes collected from and paid by national banks upon deposits, and for stamps not required to be paid by State banks and bankers, if any there be, but not including any tax required to be paid by State banks, the same as national banks, each year from 1863 until 1880, with the aggregate of said payments if any were made.

Third. All money paid by national banks upon their capital not invested in United States bonds, to the United States each year from 1863 until 1880, with the aggregate thereof, not including, however, any such tax required to be paid by State banks and private bankers, as well as national banks.

aggregate thereof.

Fifth. That a balance be struck, showing the amount due the Government for money paid to and for the national banks up to 1880, or the amount due said national banks, as the ease may be, and that said account be duly signed by the proper officer of the Government.

cer of the Government.

Also, that said account state all the expenses incurred by the United States for the issue of legal-tender Treasury notes of the Government called greenbacks, each year from 1862 until 1880, and the aggregate expenses during that time, and that the difference, if any, between the cost of national-bank notes and of legal-tender Treasury notes be made to appear in said account.

SUBSIDIARY SILVER COIN IN THE MAILS.

Mr. WARNER. By direction of the Committee on Coinage, Weights, and Measures I ask unanimous consent to have taken from the House Calendar for immediate consideration and passage the joint resolu-tion (H. R. No. 275) authorizing the Secretary of the Treasury to transmit subsidiary silver coin through the mails. This is a resolu-tion of great public importance, and is presented at the suggestion of the Treasurer, with the concurrence of the Secretary of the Treas-

Mr. DUNNELL. Let the resolution be read.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury be, and he is hereby, authorized to cause to be sent from the Treasury, or any sub-treasury of the United States, through the mails, at the risk of the applicant, free of charge, in registered packages, not exceeding in weight the maximum now allowed by law for third-class mail-matter, subsidiary silver coin, in exchange for lawful money.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. GILLETTE. I object.
Mr. WARNER. I hope the gentleman from Iowa [Mr. GILLETTE]
will withdraw his objection and let me make a statement.
The SPEAKER. Objection is made.

PRINTING IN A PATENT CASE.

Mr. VANCE, by unanimous consent, reported from the Committee on Patents the following resolution; which was read, considered, and adopted:

Resolved. That the Committee on Patents be, and are hereby, authorized to print any papers in the case of the Voelter paper-pulp patent, now being examined into by the committee, which the committee may desire to facilitate their inquiries.

MARINE HOSPITAL, MEMPHIS, TENNESSEE.

On motion of Mr. YOUNG, of Tennessee, by unanimous consent, the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, was taken from the Speaker's table, and the amendment of the Senate thereto was read and concurred in, as follows:

Add to the bill the following:
And the cost of the site and the erection of the building shall in no event exceed the sum hereby appropriated.

ORDER OF BUSINESS.

Mr. BENNETT. I ask unanimous consent to have taken from the House Calendar for present consideration House bill No. 3948 Mr. McMAHON. I call for the regular order.

L. MADISON DAY.

The SPEAKER. The regular order is the unfinished business-the bill coming over from yesterday, a bill (H. R. No. 2798) for the relief of L. Madison Day—on which the previous question was prevailing.

Mr. FINLEY. I raise the question whether the previous question had been ordered on the passage of the bill, or whether it had exhausted itself before that question was reached.

The SPEAKER. The impression of the Chair is that the previous question was ordered on the final passage of the bill.

question was ordered on the final passage of the bill.

Mr. FINLEY. It does not so appear from the reading of the minutes

The SPEAKER. That does not matter, however, for it is unfin-

ished business nevertheless, if the previous question prevailed on final

Mr. FINLEY. I make the point of order that the previous question was not pending on the passage of the bill, having been exhausted on the third reading and engrossment of the bill, and not having been demanded on the passage, and, therefore, this cannot come up as unfinished business.

Mr. HOUSE. It was ordered on the passage of the bill.

The SPEAKER. The Chair recollects the gentleman from Missouri [Mr. Philips] demanded the yeas and nays, and the Chair supposed it was on the passage of the bill.

Mr. FINLEY. The yeas and nays were called on the passage of the bill, but the point I make is, that the previous question was not pend-

on the passage of the bill.

The SPEAKER. The Chair thinks it was pending.

Mr. FINLEY. The Journal does not show it.

Mr. CARLISLE. I make this point, that if the main question was not ordered on the passage of the bill, this then is unfinished business. ness when that class of business comes up next Friday, and not this

morning, as it is a private bill.

The SPEAKER. There was an understanding in the House, and the Chair declared that this question, having the previous question prevailing on it, would come over and be considered this morning

immediately after the reading of the Journal.

Mr. O'CONNOR. It was so announced yesterday.

The SPEAKER. It was understood and announced yesterday, and the Chair will cause to be read what was said.

The Clerk read as follows:

Mr. Page. If the House now adjourns will the bill in charge of the gentleman from South Carolina come up as unfinished business to morrow?

The Speaker. It will; but there will have to be a new roll-call of course.

The SPEAKER. The Chair would not have made that statement except it was based upon the belief the previous question had been called and the main question ordered on the passage of the bill. If the previous question had only been seconded and the main question ordered on the third reading and engrossment of the bill, then, as the gentleman from Kentucky suggests, it would go over, not until this morning, but until the next regular day when the same class of busi-

morning, but the local regions and make the ness was up for consideration.

Mr. FINLEY. The only way we can know whether the previous question was pending or not is from the RECORD and Journal.

Mr. O'CONNOR. Here is the motion I made on page 31 of the

 $Mr.\ O'CONNOR.\ \ I$ prefer a vote to be taken on it now, and demand the previous question on the bill.

And when the question came up on the engrossment and third reading of the bill the Chair suggested to the gentleman from Missouri to call for the yeas and nays on the passage, and when that question was put on the passage of the bill the gentleman demanded the yeas and nave

The SPEAKER. The Chair thinks it was the intention of the gentleman to call the previous question on the passage of the bill.

Mr. O'CONNOR. Yes, sir; on the passage of the bill.
Mr. FINLEY. Allow me one moment. I desire now to make this point: that unless the previous question was pending on the passage of the bill it goes over as unfinished business to Friday next.

The SPEAKER. The Chair stated before that such view was correct, if facts are as stated by the gentleman who has just spoken.

rect, if facts are as stated by the gentleman who has just spoken.

Mr. FINLEY. How can we know whether the previous question
was pending on the passage of the bill, unless from the Journal?

The SPEAKER. The Chair thought the previous question was
called by the gentleman on the passage of the bill.

Mr. BAYNE. And seconded.

Mr. FINLEY. The Journal does not show it. We cannot take the
oral statement of gentlemen on the floor of the House. The Journal
is the only means by which we can know that the previous question
was called and seconded. Gentlemen around me say the previous
question was exhausted on ordering the main question, and, unless
the Journal shows the previous question was pending on the passage
of the bill, I insist this does not come as unfinished business this
morning. The gentleman told me he demanded the previous question on ordering the bill to be engrossed and read the third time, and
after that there was nothing said about it. after that there was nothing said about it.

Mr. O'CONNOR. I distinctly rose and said "I demand the previous question on the passage of the bill."

The SPEAKER. The Chair thinks that is correct. There was a

colloquy between the gentleman from Missouri and the gentleman

from South Carolina with that intent.

Mr. PHILIPS. The previous question was called by the gentleman from South Carolina before the engrossment and third reading of the bill. That was a separate demand and it was not demanded on the final passage. My object, it is true, was to have a year-and-nay vote on the passage of this bill. After he had called the previous question the bill went upon its passage.

The SPEAKER. There was general consent it should be voted on this morning. The Chair heard no objection.

Mr. CONGER. Whatever the situation was about the previous question, the Chair stated distinctly, on inquiry, that after the reading of the Journal this question would come up and be voted on this morning. That understanding was acquiesced in.

And it should be voted on.

Mr. CONGER. There was no objection to that statement, and it was acquiesced in.
The SPEAKER. That was the understanding come to by the two

gentlemen interested in the matter.

Mr. FINLEY. I ask to have that much of the Journal read. That

Mr. FINLEY. I ask to have that much of the Journal read. That will settle the matter. The Journal will speak for itself.

The SPEAKER. The Journal will be read.

Mr. FINLEY. That must dispose of the question, for it has been approved this morning by the action of the House.

Mr. O'CONNOR. I submit, and I think the gentleman from Ohio will agree with me, that it was universally understood that this was operating under the previous question; and when the question was raised, after the vote was taken and it was ascertained that no quoraised, after the vote was taken and it was ascertained that no quorum was present, it was expressly stated by the Speaker, and no objection was made on the part of any member of the House, that this would be the first business in order this morning.

Mr. FINLEY. I beg to differ with the gentleman from South Carolina. That was not the universal understanding. I certainly did not so understand it, or I should have objected at the time.

Mr. O'CONNOR. Certainly there was no objection made at the time, and the vote was taken under the impression of source that the pre-

and the vote was taken under the impression, of course, that the pre-

wious question was operating.

The SPEAKER. When the gentleman from Missouri made the demand for the yeas and nays, it was understood to be upon the final passage of the bill, and there was no objection at that time, so far as the Chair understood, to the consideration of the bill as under the

operation of the previous question.

Mr. BRAGG. Are we to be governed by what are said to be the proceedings of yesterday, or by what is recorded in the Journal?

The SPEAKER. If there was a unanimous understanding, the Chair thinks the House should be bound by it.

Mr. BRAGG. That may be; but it does not seem to have been a unanimous understanding, and I ask if the Journal does not control

as to what the proceedings were when there is a question?

The SPEAKER. If there is a dispute, the Journal must settle it.

Mr. FINLEY. The Journal will decide the matter.

The SPEAKER. The Chair will cause the Journal to be read.

The Clerk read as follows:

The House then proceeded to the consideration of the bill of the House (H. R. No. 2798) for the relief of L. Madison Day, heretofore reported from the Committee of the Whole House with a favorable recommendation,
When,
Mr. O'CONNOR demanded the previous question; which was seconded, and the main question ordered; and under the operation thereof the said bill was ordered to be engrossed and read a third time.

The question was then put, Shall the bill pass? when there appeared—yeas 63, nays 66, not voting 163.
No quorum voted.
Mr. VAN VOORHIS moved that the House adjourn.

Mr. FINLEY. I submit, Mr. Speaker, that settles the question.
The SPEAKER. The Journal does not show the understanding.
The Record does show that there was an understanding. The gentleman from Ohio states, however, that there was not an understanding or that he would have objected. The Chair therefore thinks that this bill will go over until Friday next, when it will come up as unfinished business of the class of business considered on Fridays.

ORDER OF BUSINESS

Mr. McMAHON. I demand the regular order.
The SPEAKER. The regular order is the morning hour.
Mr. CARLISLE. I move to dispense with the morning hour in order to proceed to the consideration of the bill (H. R. No. 4812) to amend the laws in relation to internal revenue.

Mr. CONGER. I hope the gentleman from Kentucky will not make that motion now. There are a great many gentlemen absent from the House who would like to be here and who ought to be here when

this bill is to be considered.

Mr. CARLISLE. I should like very much to accommodate the gentleman from Michigan-

The SPEAKER. Debate is not in order.

Mr. CARLISLE. I only wish to answer the request of the gentle-

The gentleman knows that it is impossible for me to compel gentlemen to attend the sessions of the House; and if I have to let this bill go over for that reason it is impossible to see when it can be disposed of.

Mr. CONGER. There are several gentlemen who are anxious to be present when this bill is considered who supposed there would be a morning hour and went down to see an experiment made with some fire-extinguishing apparatus in the neighborhood of the Capitol for a few minutes. I would like them to be present when the bill is considered. They will probably be here by the time the morning hour

has expired.

Mr. CARLISLE. I will say to the gentleman from Michigan that there is perhaps still considerable discussion in the Committee of the Whole on this bill, and perhaps by the time we get into the House the gentlemen will be here. There are gentlemen around me who have bills which it is important should be considered in the Committee of the Whole and who will make the motion to go intercommittee. tee of the Whole and who will make the motion to go into committee on their bills if I withdraw it in this case.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to dispense with the morning hour.

The House divided; and there were—ayes 94, noes 42.

Mr. CONGER. I call for the yeas and nays. [Cries of "Oh, no!"] I have asked that this should go over until after the morning hour until we can get a fuller House; and I think as it is a matter that will take \$2,000,000 out of the Treasury, it has a right to be considered by a full House.

The yeas and pays were ordered.

The yeas and nays were ordered.

Mr. GARFIELD. I suggest that by unanimous consent we take this matter up after the morning hour shall have been disposed of, and by that means do away with the necessity for calling the roll

Mr. CARLISLE. The difficulty seems to be that the gentleman from Michigan is unwilling to go on until the House is full. Now, nobody can compel the attendance of those members who do not choose to be here; but if the gentleman from Michigan says that he will make no objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of this bill after the morning house the objection to the consideration of the objection to the consideration of this bill after the morning house the objection to the consideration of the objection to the consideration of the objection to the consideration of this bill after the morning house the objection of the objection to the consideration of the objection to the consideration of the objection to the objection to the objection to the objection to the objection the objection that the objection that the objection the objection that the objection th

will make no objection to the consideration of this bill after the morning hour, then I am willing that it should go over.

Mr. CONGER. I have already stated to the gentleman that I was willing for that. I do not care to repeat my assertions.

Mr. CARLISLE. I did not understand the gentleman as being willing that this should go on immediately after the morning hour, but rather as asking a further delay on the ground that other members would probably be here after the morning hour. That was my

bers would probably be here after the morning hour. That was my understanding, and not that he would not further object to the consideration of this bill after the morning hour.

Mr. CONGER. I do not think that I have made any statement that would warrant that conclusion of the gentleman. I have made no dilatory motion at all. After the morning hour I shall not object to permit this bill to be considered.

Mr. BUCKNER. What is proposed to be done in the morning hour this morning? We have called the committees over and over again without response.

without response

Mr. CARLISLE. I withdraw the motion to dispense with the morn-

ing hour.

The SPEAKER. By unanimous consent the order for the yeas and nays is vacated and the motion to dispense with the morning hour is withdrawn. The morning hour begins at eight minutes to one o'clock.

LIEUTENANT FRANK P. GROSS.

Mr. SPARKS. I am instructed by the Committee on Military Affairs to report back the bill (H. R. No. 1939) for the relief of Lieutenant Frank P. Gross, and to move that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

Mr. BROWNE. I desire to raise the question of consideration.
The SPEAKER. As to what subject f
Mr. BROWNE. On the proposed reference of this bill to the Committee on Claims.

mittee on Claims.

The SPEAKER. This is a report from a committee.

Mr. BROWNE. I understand the Committee on Military Affairs to report this bill back and ask its reference to the Committee on Claims on the assumption that the Committee on Military Affairs has not jurisdiction of the bill under the rule.

The SPEAKER. That is the action of the Military Affairs Committee, its judgment being that the bill has been referred to that committee over which it has no jurisdiction under the rule.

Mr. BROWNE. That is what I understand. Now, may I not ask the House or the Chair whether the Committee on Military Affairs in that indement is correct?

that judgment is correct?

The SPEAKER. The rule will be read.

Mr. SPARKS. The gentleman from Indiana is a member of the Committee on Military Affairs, and wants to raise the question of consideration whether or not the bill should remain with that com-

The SPEAKER. The majority of the committee have the right,

The SPEAKER. The majority of the committee have the right, the Chair thinks, under the rule, to report the bill back, and to send it where, in their judgment, it belongs.

Mr. BROWNE. Suppose the Committee on Claims should return the bill to the House and say it belongs to the Committee on Military Affairs, what becomes of it then?

The SPEAKER. When the Committee on Claims do that the Chair will express his opinion thereon.

Mr. BROWNE. I ask the Chair to express an opinion now to what committee the bill belongs.

The SPEAKER. The rule will be read.

The Clerk read clauses 10 and 27 of Rule XI, as follows:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, to wit: subjects relating—
To the military establishment and the public defense, other than the appropriations for its support—to the Committee on Military Affairs.
To private and domestic claims and demands, other than war claims against the United States—to the Committee on Claims.

The SPEAKER. The Chair also directs to be read clause 2 of Rule

XIII. The Clerk read as follows:

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without

debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

The SPEAKER. The Chair understands the Committee on Military Affairs decide that they will not consider this bill, and that, in their opinion, it belongs to the Committee on Claims.

Mr. SPARKS. That is the report I have made from the Committee

on Military Affairs.

Mr. BROWNE. That is the opinion of the majority of the com-

mittee I want to state the position of this matter. Mr. SPARKS. Mr. SPARKS. I want to state the position of this matter. There are members of that committee, of whom the gentleman from Indiana is one, who consider that this bill really belongs to the Military Committee. That committee is now overwhelmed with claims like this, and the majority of the committee think it belongs to the Committee on Claims. Hence my report to the House on behalf of the committee that it should go there. But the gentleman from Indiana, a member of the committee ber of the committee, believes it is properly in the Committee on Military Affairs. There is no feeling at all about it. We are in perfect harmony in desiring the sense of the House or of the Chair on this question. The SPEAKER. The bill will be read.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. No. 1939) for the relief of Lieutenant Frank P. Gross.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to First Lieutenant Frank P. Gross, United States Army, out of any moneys in the Treasury not otherwise appropriated, the sum of \$2,000; the same to be in full for all losses sustained by him in the burning of his quarters at Fort Clark, Texas, on or about the 19th of April, A. D. 1869.

Mr. BROWNE. The Chair will understand the question is not at all as to the propriety of allowing the claim. It is purely a question what committee of the House has jurisdiction of the subject.

The SPEAKER. The practice heretofore under the old rules was to send the claims of officers who have suffered loss while on duty to the Committee on Military Affairs.

the Committee on Military Affairs.

Mr. TOWNSHEND, of Illinois. I make the point of order that the Committee on Military Affairs should under the rule send the bill to the Committee on Claims through the petition-box. I understand that is the course prescribed by the new rules when a committee dethat is the course prescribed by the new rules when a committee decides it has not jurisdiction over a bill.

The SPEAKER. That does not apply to bills. The gentleman from Illinois refers to a rule which applies to petitions.

Mr. TOWNSHEND, of Illinois. I thought it applied also to bills. The SPEAKER. The rule will be read.

The Clerk read clause 2 of Rule XXII, as follows:

Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may by direction of the committee having possession of the same, be properly referred in the manner originally presented.

The SPEAKER. The gentleman from Illinois will observe that this rule relates to petitions. The Chair thinks the House had better determine the question to which committee the claim of an Army officer or of a soldier relating to the loss of property when on duty should

cer or of a soldier relating to the loss of property when on duty should go, so as to govern the practice hereafter in that respect.

Mr. BROWNE. I wish to say it is not my purpose to consume the time of the House. But this is an exceedingly important question, and the Committee on Military Affairs, as has been stated by the chairman, have quite a large number of bills of this character. I am as anxious as the chairman and the majority of the committee to get clear of the consideration of these bills if we may do so under the rule. But I am of opinion that they belong under the rule to that rule. But I am of opinion that they belong under the rule to that committee. If I am correct in that view, when these bills are sent to the Committee on Claims they will probably conclude that they have not jurisdiction, and will return them to the House to be sent again to the Committee on Military Affairs. Without arguing the question now for a single moment, it seems clear to me that claims of this class can be considered under the rule only by the Committee on Military

The SPEAKER. The Chair, however, thinks that this is a claim

outside of the pay of an officer.

Mr. BROWNE. Allow me to make a single statement in regard to this bill, in order that the House may understand what it is: I shall be exceedingly brief. An officer of the regular Army is assigned over his protest to certain quarters that are known to be of a dangerous character. By reason of his subordination to his superior he is compelled to occupy those quarters. He did occupy them, and while in that occupation the quarters took fire accidentally—at least there is no circumstance showing that it was from any fault or negligence on his part—and his personal apparel and property were consumed. He applies to Congress for relief. I do not say that under the circumstances he is entitled to it. But the bill is presented here for reference. Now, the question certainly is one to be determined by the precedents that have been established, and by the relations of the soldier to the Army under the military law, to be considered with reference to the military law of the United States. Now, I cannot considered to the soldier to the account of the United States. ceive of any other committee to which it may be properly sent except the Committee on Military Affairs. If it may not be considered by that committee of anot know where it should go. It cannot be considered by the Committee on War Claims, because that committee has no jurisdiction at all of that class of claims. It does not properly belong to the Committee on Claims, because that committee considers simply claims between citizens and the Government.

Now, this is a claim growing out of the military service, a claim of an officer in the military service against the Government because of the negligence or fault of the Government, as he insists, in assigning him quarters that are unsafe and compelling him to occupy those quarters, because as an officer of the Army he is required to obey the command of his superior officer. That is all there is of it.

The SPEAKER. The Chair would call attention to clauses 27 and

The SPEAKER. The Chair would call attention to clauses 27 and 28 of Rule XI, defining the powers and duties of committees:
Clause 27 directs the reference of "subjects relating to private and domestic claims and demands other than war claims against the United States to the Committee on Claims."
Clause 28 directs the reference of "subjects relating to claims arising from any war in which the United States has been engaged to the Committee on War Claims."
The Chair think that all plains and demands against the United

The Chair thinks that all claims and demands against the United States under the rule just read would properly go to the one or the

other of these committee

Mr. BRAGG. I would like to make a suggestion on this question, dislike to differ with the chairman of the Committee on Military Affairs upon this question, but it does seem to me that the Commit tee on Military Affairs is the proper committee to consider this claim;

and I will briefly state why.

There is conferred by the rule upon the Committee on Military Affairs jurisdiction of all matters relating to the organization of the

fairs jurisdiction of all matters relating to the organization of the Army, and consequently of all matters growing out of that organization, all claims which may arise as an incident to that organization. Now, what does this claim involve? It involves the laws governing the Army, whether they be the written law of the Army or the common law which has grown out of the customs and practices of the Army; that is, the law established by precedents.

It is supposed that the Committee on Claims consider that class of

It is supposed that the Committee on Claims consider that class of claims which rests upon contracts expressed or implied, in the nature of demands against the Government. Now, this is a claim, if it be a claim at all, growing out of the military organization. It requires an examination into the relations which the officer bears to the Government and which the Government bears to him; he having undertaken to perform for the Government his duty according to the Army regulations, and the Government having undertaken to perform its duty to him by protecting him under the Army regulations, according to the usages customs and practices of the Army which make ing to the usages, customs, and practices of the Army, which make the common law of the Army.

It therefore seems to me that the committee which has control and jurisdiction of the principal subject-matter should also have the control and jurisdiction of all the incidents growing out of that subject-

matter, and upon which they depend.

My opinion upon the allowance of this class of claims is very clearly defined by precedents in the Forty-fifth Congress. I have always assumed that the Government is not an insurer for the benefit of an Army officer any more than it is an insurer for the benefit of its civilian employés. Still, it seems to me that the Committee on Military Affairs is the proper committee to determine whether the relations between an officer and the Government are such as to create a liability on the part of the Government in this case.

Mr. SPARKS. If my colleague on the Committee on Militay Affairs Mr. SPARKS. If my colleague on the Committee on Militay Affairs [Mr. BragG] is correct in his views on this subject, there certainly would be no need of a Committee on War Claims; for every claim that now properly goes to that committee grows in some way, I apprehend, out of the military service. What are the duties of the Committee on Military Affairs? They are charged with the consideration of all subjects relating to the military establishment, that is the reading of the rule—all things pertaining "to the military establishment."

Now here is a man who asks that he he paid from the Tressury of

Now, here is a man who asks that he be paid from the Treasury of the United States a certain sum of money for certain private losses sustained by him. How? Why his quarters were destroyed by fire and his baggage was burned; that is all there is of this claim. Now, it is maintained that the Military Committee should consider this claim for the reason that it has the power, in fact it is its duty, to consider "the relations of the soldier to the service," &c. This position strikes me as untenable. The Committee on Claims has charge of these claims, and it only, as I take it. When this claim comes before it its first inquiry must necessarily be, "Did this loss occur; has this man sustained this loss; and, if so, how?" Why at a certain place and under certain circumstances a fire occurred and this man's property was destroyed and the man being in the service of the Gov. property was destroyed and the man being in the service of the Government a liability on the part of the Government is incurred to make good his loss. It certainly makes no difference whether the claim grows out of the military or any other service. It is all the same a

claim.

The SPEAKER. Is it not a private demand on the Treasury?

Mr. SPARKS. It is a private demand on the Treasury, purely and solely, beyond all question.

Mr. BOWMAN. Being interested in this question as a member of the Committee on Claims, desirous to avoid all claims that we legitimately can, I wish to make a suggestion. It will be noticed that the business referred to the Military Committee consists of two classes: one relating to "the military establishment," the other to "the public defense." The first question is, does this relate to the "military establishment?" Clearly it does not; it is purely and wholly a private claim.

The SPEAKER. A private and domestic claim.

The SPEAKER. A private and domestic claim.

Mr. BOWMAN. A domestic claim. It happens that the property of an officer was in this building which was burned; but it might have been the property of a private citizen; it might have been that of a Congressman or any other individual, and any one of these would have the right to come here and ask for pay that this officer has. He does not come here as an officer, but simply as a private individual asking for the payment of a claim not authorized by the laws of the military establishment. That is the test: is his claim one that comes under the military laws or under the rules of the War Department? under the military laws or under the rules of the War Department ? Clearly it is not; it is as pure a private claim as any claim that can be imagined, and it is perfectly clear it is not a war claim. The question being taken on the motion of Mr. Sparks to discharge

the Committee on Military Affairs from the further consideration of the bill and refer it to the Committee on Claims, there were—ayes 32,

The SPEAKER. The motion is agreed to, and the bill is referred to the Committee on Claims.

Mr. KEIFER. I understood the Chair to announce the vote as

22, 29.

The SPEAKER. The vote as first counted by the Chair was 31 in the affirmative, 29 in the negative. The gentleman from Georgia [Mr. STEPHENS] then asked to be counted in the affirmative, making

Mr. KEIFER. Mr. SPARKS.

If not too late, I call for tellers. It is too late after the result is announced.

Mr. KEIFER. I misunderstood the announcement of the Chair, or

I would have made the call more promptly.

The SPEAKER. The Chair always entertains such a demand under like circumstances. The gentleman states that he did not understand the announcement of the Chair.

The question being taken on ordering tellers, there were ayes 20; less than one-fifth of a quorum.

The SPEAKER. Not a sufficient number; tellers are not ordered. Mr. KEIFER. The vote in favor of tellers is more than one-fifth

The SPEAKER. The rule requires one-fifth of a quorum to order

Mr. KEIFER. No quorum voted on the question.

The SPEAKER. That point was not made in time, and not having been made, it requires one-fifth of a quorum under the rules to order

Mr. BRAGG. I demand the yeas and nays.

The yeas and nays were ordered, there being ayes 28; more than one-fifth of the last vote.

The question was taken; and there were—yeas 76, nays 99, not voting 117; as follows: VEAS_76

Aiken, Culberson Lewis, Sawyer,	
Ballou, Davidson, Lowe, Scales,	
Beale, Dibrell, Martin, Edward L. Singleton, O.	R.
Blackburn, Elam, Mason, Smith, Willia	
Bland, Farr, McMillin, Sparks,	
Bowman, Felton, Miles, Speer,	
Boyd, Forney, Mills, Springer,	
Bright, Frost, Money, Steele,	
Buckner, Goode, Monroe, Stephens,	
Caldwell, Gunter, Morrison, Thompson, P	R.
Carlisle, Hayes, Murch, Tillman,	
Chalmers, Henderson, Myers, Townshend,	R W
Clark, John B. Henkle, Nicholls, Turner, Osca	r
Cobb. House, O'Connor, Vance,	At I
Coffroth, Hull, Persons, Voorhis,	
Converse, Hunton, Reagan, Wellborn,	
Cook. Jones, Richardson, J. S. Wilson,	
Covert, Kenna, Richmond, Wise,	
Cox, Kimmel, Rothwell, Young, Case	
Cox, Aminio, Montroll, Toung, Case,	•

NA	YS-99.	
Crowley, Daggett, Davis, George R. Davis, Horace Deering, Denster, Dick, Dickey, Dunna, Dunnell, Einstein,	Hostetler, Humphrey, Jorgensen, Keifer, Kelley, King, Kitchin, Klotz, Knott, Lapham, Loring,	Price, Richardson, D. P. Robinson, Russell, Daniel L. Russell, W. A. Ryan, Thomas Sherwin, Simonton, Stone, Thomas, Thomas, Thompson, W. G.
	Lounsbery,	Townsend, Amos
Ford, Garfield,	McCoid, Morse,	Tyler, Updegraff, J. T. Updegraff, Thomas Upson.
Hall,	New,	Valentine,
Harmer, Harris, Benj. W. Harris, John T. Haskell, Hawk, Heilman, Herbert, Horr,	Newberry, Norcross, Orth, Osmer, Overton, Philips, Pound, Prescott,	Weaver, Wells, Whitthorne, Williams, C. G. Willits, Wright, Yocum.
	Crowley, Daggett, Davis, George R. Davis, Horace Deering, Deuster, Dick, Dickey, Dunn, Dunnell, Einstein, Ferdon, Fisher, Ford, Garfield, Gillette, Hall, Harmer, Harris, Benj, W. Harris, John T. Haskell, Hawk, Heilman,	Daggett, Davis, George R. Davis, Horace Deering, Denster, Denster, Dickey, Dunn, Dunnell, Einstein, Ferdon, Ford, Garfield, Garfield, Hall, Harmer, Harris, Benj. W. Harris, John T. Haskell, Hellman, Herbert, Horigen Humphrey, Kelley, Kelley, Kelley, Kitchin, Kotz, Martin, Benj. F. McCoid, Morse, Gillette, New, Newberry, Newberry, Norcross, Orth, Osmer, Overton, Philips, Pound,

. 2	NO.	rv	CO	IN	G-	-11'	Z,

cklen, Idrich, N. W. Ikins, Ichman, Idley,	Baker, Barlow, Berry, Blount, Bouck,	Briggs, Brigham, Cabell, Calkins, Cannon,	Claffin, Clardy, Clark, Alvah Clymer, Colerick,

Davis, Joseph J.	Hooker.	Muldrow,	Starin,
Davis, Lowndes H.		Muller,	Stevenson,
De La Matyr,	Hubbell,	O'Brien,	Talbott.
Dwight,	Hurd.	O'Neill.	Taylor,
Ellis,	Hutchins,	O'Reilly,	Tucker.
Errett,	James,	Pacheco,	Turner, Thomas
Evins,	Johnston,	Page,	Urner,
Ewing,	Joyce,	Phelps,	Van Aernam.
Field,	Ketcham,	Phister,	Van Voorhis,
Finley,	Ketcham,		
Finney,	Killinger,	Pierce,	Waddill,
Forsythe,	Ladd,	Poehler,	Wait,
Fort,	Le Fevre,	Reed,	Ward,
Frye,	Lindsey,	Rice,	Warner,
Geddes,	Manning,	Robertson,	Washburn,
Gibson,	Marsh,	Robeson,	White,
Godshalk,	Martin, Joseph J.	Ross,	Whiteaker,
Hammond, John	McCook,	Ryon, John W.	Wilber,
Hammond, N. J.	McGowan,	Samford,	Williams, Thomas
Hatch,	McKenzie,	Sapp,	Willis.
Hawley,	McKinley,	Shallenberger,	Wood, Fernando
Hazelton,	McLane,	Shelley,	Wood, Walter A.
Henry,	McMahon,	Singleton, J. W.	Young, Thomas L.
Herndon,	Miller.	Slemons,	The state of the s
Hill,	Mitchell.	Smith, A. Herr	
Hiscock,			

So the motion to discharge the committee was lost.

The following pairs were announced from the Clerk's desk: Mr. MYERS with Mr. FORT, until further notice.

Mr. Berry with Mr. Pacheco, on this question.
Mr. Ballou with Mr. Vance, for to-day.
Mr. Walt with Mr. Muller, for to-day.
Mr. Willis with Mr. Claflin.
Mr. Evins with Mr. Balley.

Mr. TALBOTT with Mr. BRIGGS, on political questions for to-day.

Mr. URNER with Mr. McLane.

Mr. Stevenson with Mr. Page, for to-day. Mr. Marsh with Mr. Johnston. Mr. Bouck with Mr. McKinley. Mr. Vance with Mr. Walter A. Wood.

Mr. MITCHELL with Mr. SMITH, of New Jersey, until Tuesday morn-

ing next.
Mr. JOYCE with Mr. LADD.
Mr. KETCHAM with Mr. HUTCHINS, on all political questions until Tuesday next.

Mr. Williams, of Alabama, with Mr. Sapp.
Mr. Taylor with Mr. Brigham, on all political questions.
Mr. McKenzie with Mr. Washburn on all political questions for
Friday and Saturday of this week, except on the revenue bill.
Mr. Chalmers with Mr. Fisher, until Monday morning.
Mr. Muldrow with Mr. Dwight, on all political questions until

Thursday.

Mr. PHISTER with Mr. CALKINS.

Mr. LE FEVRE with Mr. McCook.

Mr. SAWYER with Mr. FIELD, on all political questions.
Mr. MARTIN, of North Carolina, with Mr. DAVIS, of North Carolina,
on all political questions.
Mr. SHALLENBERGER with Mr. CABELL, on all political questions and on the tariff.

Mr. JAMES with Mr. O'BRIEN.

Mr. James with Mr. O'BRIEN.
Mr. Cox with Mr. Morton.
Mr. Phelps with Mr. Miles, on all political questions.
Mr. Davis, of Missouri, with Mr. Houk.
Mr. Frye with Mr. Hammond, of Georgia.
Mr. Smith, of Pennsylvania, with Mr. Martin, of Delaware, on political questions.
Mr. Hanns of Massachusetts with Mr. Assachusetts with Mr.

Mr. HARRIS, of Massachusetts, with Mr. LEWIS.

Mr. Harris, of Massachusetts, with Mr. Lewis.
Mr. Herndon with Mr. Starin.
Mr. Hubbell with Mr. Clymer, on political questions.
Mr. Ewing with Mr. White.
Mr. O'Neill with Mr. Brewer.
Mr. Wilson. Mr. Speaker, I am paired on political questions with Mr. Robeson, who is detained from the House by indisposition; but not regarding this as a political question, I voted.
Mr. TOWNSHEND, of Illineis. For the information of members and to avoid confusion in regard to these pairs I desire to suggest that those who arrange pairs should in all cases report them at once to the Clerk. He cannot now keep a complete list, as those on the opposite side of the House report to the gentleman from Pennsylvania [Mr. Harmer] in some instances, and those on this side at times report to me; but they do not always give us notice when the pairs report to me; but they do not always give us notice when the pairs are to terminate. Pairs, too, are made without the knowledge of either the gentleman from Pennsylvania or myself. In future the gentleman from Pennsylvania agrees to look after the matter for the other side of the House and I shall continue to do the same for this side of the Chamber, if members will report when their pairs terminate as well as when they begin.

The vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, notified the House that he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 253) to increase the pension of Captain Samuel

An act (H. R. No. 225) granting a pension to Melissa Wagner;

An act (H. R. No. 254) granting an increase of pension to James M. Boreland:

An act (H. R. No. 1597) granting a pension to Patsy Davenport; An act (H. R. No. 2303) granting a pension to Abram F. Farrar; An act (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878; An act (H. R. No. 2802) for the relief of the owner of the bark Grape-

An act (H. R. No. 536) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio;

Joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia;
Joint resolution (H. R. No. 290) accepting the gift of the desk used by Thomas Jefferson in writing the Declaration of Independence;
Joint resolution (H. R. No. 291) authorizing tents to be loaned to

the governor of Missouri for the use of sufferers by the recent tornado in that State;
An act (H. R. No. 1336) for the establishment of a land office in the

Territory of Montana;

Joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois; and

An act (H. R. No. 3534) to authorize and equip an expedition to the

Arctic seas.

RIGHT OF WAY THROUGH UNITED STATES CEMETERY LAND.

Mr. JOHNSTON, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company through the United States Cemetery tract of land near Vicksburgh, Mississippi; which was referred to the House Calendar, and the accompanying report ordered to be printed.

GEORGE L. KEY.

Mr. JOHNSTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 5269) for the relief of George L. Key, with amendments; which was referred to the Private Calendar, and the accompanying report and amendments ordered to be printed.

SALARY OF COMMISSIONER OF PENSIONS.

Mr. COFFROTH, from the Committee on Invalid Pension, by unanimous consent, reported back the bill (H. R. No. 2979) to fix the salary of the Commissioner of Pensions, with an amendment; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report and amendment ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITTHORNE. Has the morning hour expired? The SPEAKER pro tempore, (Mr. HARRIS, of Virginia, in the chair.) The morning hour has expired.

POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN, from the Committee on Appropriations, reported a bill (H. R. No. 6036) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1881, and for other purposes; which was read a first and second time, recommitted to the Committee on Appropriations, and, with the accompany-

ing report, ordered to be printed.

Mr. BLACKBURN. I give notice that under instructions from the Committee on Appropriations I will ask the House to take up this bill and proceed with its consideration on Tuesday next.

INTERNAL-REVENUE BILL.

Mr. CARLISLE. I move that the House now resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the internal-revenue bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. THOMPSON, of Kentucky, in the

The CHAIRMAN. The Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. No. 4812) to amend the laws in relation to internal revenue.

The CHAIRMAN. The pending question is on the point of order made by the gentleman from Minnesota upon the amendment offered by the gentleman from Kentucky, discussion upon which was pending at the time the committee rose at its last session.

The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section the following:

"That the producers of leaf-tobacco shall be allowed, without the payment of any tax, to sell leaf-tobacco, the product of their own lands or of lands of which they are the tenants or lessees, to other than licensed dealers, manufacturers, or exporters, provided they do not sell exceeding one thousand dollars' worth in any one

Mr. CONGER. Upon that proposed section I believe there is a point of order pending.

The CHAIRMAN. It is pending.
Mr. CONGER. The point of order is that it is not germane to the bill, and I make the further point that it is in language and substance the purport of ten or fifteen bills now pending before the House.

The CHAIRMAN. The gentleman will send up the bill covering

his point.

Mr. CONGER. The gentleman from Kentucky, Mr. OSCAR TURNER I think, introduced a bill substantially the same as this. I have not a copy of the bill before me.

not a copy of the bill before me.

Mr. McKENZIE. What did the gentleman say?

Mr. CONGER. I say there are several bills which have been introduced.—I do not know the number; I do not remember by whom they were introduced, but a number of them have been introduced—which cover exactly the points proposed to be inserted by this amendment. I have stated that I think the gentleman from Kentucky [Mr. OSCAR TURNER] introduced one to the same effect.

Mr. McKENZIE. There are at least thirty such bills pending before the Committee on Ways and Means.

Mr. CONGER. That is my recollection of it. Almost every gentleman on this floor who has constituents who raise tobacco has got a bill of that kind in there.

a bill of that kind in there.

The CHAIRMAN. Does the gentleman from Kentucky concede that this amendment is substantially the same as those bills pending before the Committee on Ways and Means?

fore the Committee on ways and means:

Mr. McKENZIE. No, sir. I do not concede anything.

The CHAIRMAN. Then the gentleman from Michigan will please send the bill to the Clerk's desk.

Mr. CONGER. Let the Clerk find the bill.

The CHAIRMAN. The gentleman must direct the Clerk.

Mr. CONGER. I say that there are such bills pending, and I have given the name of one gentleman who I think introduced such bill. I have not a copy of the bill, but the Clerk can find it.

Mr. WARNER. The gentleman who makes the point ought to furnish the bill on which he bases his point of order.

The CHAIRMAN. The Chair rules that the gentleman must furnish the bill or the restaution.

nish the bill or the number of it.

Mr. ANDERSON. There is a bill in substance the same as this now pending before the Committee on Agriculture and reported by the gentleman from Missouri [Mr. HATCH] to this House.

Mr. DIBRELL. That is not the same in substance as this. This amends the law, the other is an absolute repeal of the law.

Mr. CARLISLE. In reference to this matter, I will say that the Committee on Ways and Means have instructed the gentleman from Convision.

Georgia [Mr. Felton] to report to the House a bill on this same subject. That bill provides that persons who deal in leaf-tobacco to an ject. That bill provides that persons who deal in leaf-tobacco to an amount not exceeding twenty-five thousand pounds in any one year shall be required to pay a tax of only \$5. That is to be reported as a substitute for the bill introduced by my colleague, [Mr. OSCAR TURNER,] and meets the approbation of Mr. TURNER as well as of the Commissioner of Internal Revenue, and is in effect a compromise bill on the subject. That bill the committee is new ready to report and have acted upon in the House as soon as it can be reached.

Mr. WARNER. That bill is not in the House.

Mr. MCKENZIE. I introduced a bill which is now pending before the Committee on Wavs and Means relating to this matter, which is

the Committee on Ways and Means relating to this matter, which is as follows:

A bill (H. R. No. 594) to permit the growers of tobacco to sell one thousand dollars' worth of their own growth without a license so to do.

Be it enacted, &c., That the growers of tobacco be, and they are hereby, authorized to sell to consumers tobacco of their own growth or raising one thousand dollars' worth annually without having first to obtain a license so to do, as now required by law.

That bill is in substance the same as my amendment, but its phrase-

ology is different. Mr. CARLISLE. Mr. CARLISLE. The rule provides that no bill shall be amended by incorporating therewith the substance of any other bill pending before the House. In that respect it differs from the old rule which prohibited the introduction by way of amendment of matter identical with any other bill that was pending.

Mr. McKENZIE. I understood the point of order raised by the contemporary mechanics.

gentleman from Michigan was that this amendment was not germane

to the bill.

The CHAIRMAN. And also that it is in substance the same as a bill now pending before the Committee on Ways and Means.

Mr. McKENZIE. By whom was the point of order raised?

The CHAIRMAN. By the gentleman from Michigan, [Mr. Con-

Mr. McKENZIE. Then the gentleman from Michigan has two points

of order pending at the same time.

The CHAIRMAN. He has.

Mr. McKENZIE. Which does he rely on? I move to strike out one of his points of order. [Laughter.]

Mr. CONGER. On that motion I call for a division. [Laughter.]

I made the point of order, and under it I named two objections to the amendment. I claim that it is liable to both of these objections.

The CHAIRMAN. The Chair rules the gentleman from Michigan can rely on both points at the same time.

Mr. OSCAR TURNER. As reference has been made by the gentleman from Michigan to a bill or to two bills I have introduced relat-

ing to this subject, I desire to state to the Chair what those bills are:

To enable all persons raising tobacco to sell their tobacco without license or the payment of any tax.

That I introduced in the extra session. The other is,

To permit farmers and planters to sell tobacco of their own production and that raised by their tenants without special tax, and for other purposes.

Neither of those bills are in substance the same as the pending amendment; because the effect of my bills was to permit, without limit, the farmer or planter to sell all the tobacco he raised on his own lands, or the tobacco raised by his tenants, without paying tax, and I understand the amendment of my colleague [Mr. McKenzie] limits the amount to one thousand dollars' worth; hence I do not think the point of order is well taken so far as my bills referred to by the gentleman are concerned. My bills are not the same in substance, for they are broader and enable the planter to sell all he raises free of tax, which I believe to be right and just, and which I hope will be done

which I believe to be right and just, and which I hope will be done before this session ends.

Mr. MILLS. I was about to make the point which has just been made by the gentleman from Kentucky, [Mr. OSCAR TURNER.] The amendment of the gentleman from Kentucky limits the quantity to be sold to \$1,000. There is manifestly, therefore, a difference between the bills pending before the Committee on Ways and Means and this amendment. The bills now pending before the committee propose to cover the whole ground, and this amendment proposes only to cover a part of the ground. If this amendment cannot be admitted because it covers one part of the subject embraced in a bill pending before the Committee on Ways and Means it might be equally argued that nothing could be admitted that contained a single sentence or a single nothing could be admitted that contained a single sentence or a single word of a bill pending before a committee. Here is a bill, that in-troduced by the gentleman from Kentucky, [Mr. OSCAR TURNER,] which covers the whole ground of the duties on tobacco. It provides:

That no farmer or planter shall be required to pay a tax as a dealer in tobacco for selling tobacco of his own raising or tobacco received by him as rent from his tenants who have raised the same.

The amendment proposes to limit the amount and authorizes growers to sell one thousand dollars' worth without tax. The bill I have just read would cover one million dollars' worth. This amendment contains only a part of the subject, and I submit it is not liable to

the point of order.

Mr. McKENZIE. I hope the gentleman from Michigan will withdraw his point of order. This is desired by the raisers of tobacco

Mr. CONGER. I suppose that the gentleman made his amendment merely the foundation of his very eloquent speech, and that having accomplished that purpose he does not care what becomes of his amendment

Mr. McKENZIE. The gentleman is very much mistaken if he thinks I had only that purpose in offering my amendment. I am in earnest to accomplish this result. I do not think the gentleman from

earnest to accomplish this result. I do not think the gentleman from Michigan is really serious in his opposition to this.

Mr. CONGER. If the rule means anything it means we shall not have the same subject-matter running through two or three bills.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Michigan to the amendment of the gentleman from Kentucky on the double ground that the substance of the amendment is pending in other bills before the House, and that it is therefitting the inhibition of clares 4 of Parls VVI which presides. fore within the inhibition of clause 4 of Rule XXI, which provides

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House;

and that it is not germane to the subject-matter of the bill under consideration, which relates entirely and exclusively to the tax upon spirits and the internal-revenue laws relating thereto, and therefore is inhibited by the latter part of clause 7 of Rule XVI, which pro-

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

While the Chair is in sympathy with the gentleman from Kentucky in regard to his amendment and would cheerfully advocate his measure if upon the floor, and will vote for it whenever it is pending before the House, regarding, as he does, the law as it now stands as oppressive and unjust to the raisers of tobacco, and especially the poor and small farmers, still he is bound in ruling on the point of order to sustain it against him on account of the inexorable rules of the House, which he would gladly see modified to meet the demands of this

oppressed class.
Mr. KNOTT. I offer as an additional section the amendment which I send to the desk.

The Clerk read as follows:

That sub-section 2 of section 3244 shall not apply to distillers in registered distilleries who manufacture for their own use wooden stills; but each of said distillers shall give notice to the collector of the district in which his distillery is located of each still manufactured before the still is used.

Mr. KNOTT. The sub-section which I propose to amend reads as

Manufacturers of stills shall each pay \$50, and \$20 for each still or worm for distilling made by him. Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

In order that the amendment I have just proposed may be properly understood, I will trouble the House with a brief remark upon the different methods pursued in distillation. Under one the beer is originally boiled in a copper still, condensed through a copper worm, originally boiled in a copper still, condensed through a copper worm, placed in another still, and redistilled in the same manner. Under another process the beer is originally boiled in a large wooden tank by the agency of steam. The spirituous vapor is condensed in a receiver and redistilled in a copper still. These wooden tanks, I am informed, are usually constructed by the distillers themselves, and may be made by any ordinary cooper in the neighborhood. They have to be renewed about once a year; and until last fall they were not regarded, as I am informed, by the authorities as stills subject to tayation under the section I have inst read taxation under the section I have just read.

Mr. CONGER. I desire to reserve all points of order on this amendment. I have not been able distinctly to hear what has been said.

Mr. KNOTT. Last fall it was held for the first time by some of the collectors that a distiller reconstructing this wooden tank laid himself liable to the payment of the special license tax of \$50 for the privilege of reconstructing the tank, and the additional tax of \$20 on it after it was reconstructed. This places upon each distiller the same burden for the reconstruction of his wooden that is placed upon the large copper still manufacturer, who may manufacture and sell a thousand or ten thousand stills.

Now, it evidently was never the intention of the law as it stands on the statute-book that such a construction should be placed upon It is unequal and unjust, and perhaps if judicially considered the law would not be held by the courts to apply to such vessels. But the cost of a judicial proceeding would probably exceed the tax on the reconstruction of the tank. Under the construction recently put on this clause a distiller who reconstructs his wooden tank is required to pay \$70 in addition to the original cost of construction, which under ordinary circumstances is about \$50.

I think this amendment will commend itself to the sense of justice

not only of the gentleman who has charge of this bill, but also of the House, and I hope it will be passed without objection.

Mr. CONGER. There is nothing in the bill now before the committee that changes the rate of tax in any possible manner upon the manufacture or production of distilled spirits. This amendment proposes to change the rate of tax upon certain manufactured articles, and is certainly not germane to anything contained in the bill. I cannot see how it applies any more to anything contained in this bill than would a proposition to change the tax upon any other article subject to internal tax.

I hope this bill will not be cumbered with any additional subject. If it is, it may be made to embrace the entire list of subjects of internal-revenue tax. I make the point of order that this amendment

is not germane to the bill.

Mr. CARLISLE. This is really a very small matter. So far as I know, or believe, there is but one collector of internal revenue in all the United States who puts the construction upon the law which it is the purpose of this amendment to remove.

I had in my possession a letter upon this subject from the Commissioner of Internal Revenue; but I am not now able to lay my hand upon it. The substance of the letter was that such a provision as is here proposed would affect the revenue to a very small extent; I have forgotten now the exact amount.

The collector of internal revenue for one of the districts in Kentucky has construed this second subdivision of section 3244 to apply to this wooden apparatus; and under that construction he has required persons who make this apparatus at their own distillery to pay this tax of \$50 upon it.

I have been rather inclined to think that the Commissioner of Internal Revenue would perhaps correct this matter if application were application has been made to him and he has declined to act upon it.

I make this statement to show the contribution of the co made to him; but I do not know how that may be. make this statement to show the committee that this involves a very small matter, and, as I understand it, affects the distillers in but one collection district in the United States.

Mr. CONGER. Does the gentleman hold that this amendment is germane to the subject-matter of this bill? Is it not an entirely dif-

ferent subject? In other words, this bill does not propose to change any rate of taxation whatever, or to construe any rate of taxation.

Mr. CARLISLE. That is true, the bill does not. But the question whether or not this is germane to the bill I do not think depends exactly upon that; because the bill itself relates to internal-revenue laws so far as they affect distilled spirits.

This is a matter of such small consequence that I care little about it one way or the other. So far as I am concerned I am willing that

the committee shall vote upon it.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Michigan, [Mr. CONGER,] on the ground that this bill relates to the internal-revenue tax collected on distilled spir-As the amendment affects the internal-revenue tax collected on its. As the amendment affects the internal-revenue tax collected on spirits, the Chair rules that it is in order.

Mr. SINGLETON, of Illinois. I desire to offer an amendment to the last section of the bill.

Mr. CARLISLE. When this bill was last under consideration in the Committee of the Whole, and also this morning, we considered amendments in the form of additional sections. I object now to going

back to the last section and reopening the consideration of that sec-

The CHAIRMAN. The last section has not yet been reached.

Mr. CARLISLE. That is true. The last section relates merely to
the repeal of laws and parts of laws in conflict with this bill. I refer to the last section of the bill which contained any substantial matter of legislation.

The question was taken upon the amendment of Mr. Knott, and it was agreed to upon a division—ayes 46, noes 38.

The Clerk read the last section of the bill, as follows: Sec. 18. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. SINGLETON, of Illinois. I move to amend the section just read by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided. That nothing in this act shall be construed to authorize any interference by the revenue officers of the United States with the exercise of the right of every individual to manufacture and convert the fruit grown upon his, her, or their own land or premises into such form for family use as he, she, or they may desire free from internal-revenue tax.

Mr. PRICE. Mr. Chairman, I may as well embrace this opportunity to occupy five minutes under the rules to say why I cannot support this bill, and I will include in my remarks the amendment just offered. Two years ago a wail went up from the manufacturers of whisky all over this land that they were oppressed. They asked Congress to allow them to keep their whisky in bond for two years longer than the year they were already allowed, making three years, and they agreed that in consideration of this extension of time they would pay 5 per cent. on the tax due. That bill passed this House and became a law. Now they come here and ask us to remit the 5 per cent. interest which they promised to pay on the tax, and it is alleged in addition that they ought to have what is called an "outage," that is, if they put one hundred gallons into the warehouse and when they take it out the quantity is reduced to ninety-two and one-half gallons they ought to be allowed for this difference, and no account is taken of the fact that the ninety-two and one-half gallons remaining at the end of three years are worth twice as much as the one hundred gal-lons put in the warehouse in the first place.

All this is claimed for the whisky interest, because, as is alleged on the other side, by gentlemen who claim to be advocates of correct morals and of temperance, whisky is one of the necessaries of life. If it had been said that it was a necessary of death, the statement would have been much nearer the truth. The fact is, you cannot make the stuff at all unless you kill something; you must kill the grain, and then rot it, before you can get the alcohol out of it; and the product when obtained kills the man who uses it; so that it is death at

the beginning and death at the end.

Mr. McMAHON. I would like to ask the gentleman whether you

Mr. McMarion. I would like to ask the gentleman whether you do not kill the grain when—

Mr. PRICE. I do not yield to the gentleman; I have not the time.

Now the proposition here is that every man shall be allowed to make whisky out of anything he raises—out of potatoes or anything else. Mr. SINGLETON, of Illinois. My amendment does not go to that

Mr. PRICE. The amendment is based on the ground that because a man raises the article himself he ought to be allowed to make it into anything he pleases. Now the first Indian who learned to raise corn in this country, after he had raised his crop under instruc-tions of a white agriculturist, came to the white man and said: "I tions of a white agriculturist, came to the white man and said: "I want to know how to fix this corn so I can eat it out of a bottle like the white man." [Laughter.] This amendment of the gentleman from Illinois is in the same line. Because a man raises as much corn or as many potatoes as he pleases he is to be allowed to make the article into whisky in the interest of humanity and to promote the cause of temperance! It is claimed that because a man raises the crop on his own farm, therefore making whisky out of it will not hurt anybody! Now I never learned that a rattlesmake raised in a man's own carden is any less poisonous than one raised in the mount. man's own garden is any less poisonous than one raised in the mountains of Virginia or Pennsylvania. I have always believed the rep-

It is said that this is not a temperance question, that it is a matter of revenue. I grant that it is a matter of revenue on this floor at this time; and for that very reason I propose that these men who came in and asked this favor of Congress and had it granted to them shall pay, as they agreed to pay, the 5 per cent interest on their tax. Why, sir, have we considered what these taxes in two years would amount to? When we passed the law of which I am speaking, it was claimed that there were five million dollars' worth of whisky in bond which at the end of a year would have to pay a tax of \$250,000. By the operation of that law we lent to these whisky manufacturers \$250,000. for two years. Two hundred and fifty thousand dollars with two years' interest at 5 per cent. would be a considerable sum of money.

This we give to the manufacturers of alcoholic liquors.

Mr. CARLISLE. Will the gentleman allow me to correct him?

Mr. PRICE. Yes, sir.

Mr. CARLISLE. The official report of the Commissioner of Internal
Revenue shows that for the whole of the last fiscal year this interest

amounted to about \$75,800.

Mr. PRICE. The gentleman will remember that it was claimed on this floor that there were five million dollars' worth of whisky in bond at that time. I am only stating what was stated then. But suppose

the interest amounts only to \$75,000 per annum; why are we to give this amount to the whisky interest in this country?

A great deal of sympathy is manifested here—in words—for the agriculturist. But you do not do anything of this kind for the relief of the man who puts his corn into pork. If he puts it into whisky, he must have the benefit of legislation like this.

Mr. CARLISLE. He pays no tax if he puts it into pork.

Mr. CARLISLE. He pays no tax if he puts it into pork.

Mr. PRICE. The gentleman will excuse me. If a man puts his corn into pork he has to pay tax every year to the State and the county; he has to pay tax to the road fund, to the school fund, and every other fund. There is no relief for him. Of two men, one puts his money into whisky and the other into pork. The man who puts his money into pork has to pay tax on it, while the man who puts his money into whisky pays nothing. That is the sum and substance of this hill. this bill.

[Here the hammer fell.]
Mr. McMAHON obtained the floor.
Mr. PRICE. If the gentleman wants to ask me a question—

Mr. McMAHON. No, sir; you declined to answer. Mr. PRICE. I declined only for want of time. I am ready to an-

swer all the questions that the gentleman may put to me.

Mr. McMAHON. I think the gentleman would have to decline for want of time to answer the question I wished to put, for it would

take him the rest of the day.

Mr. PRICE. The gentleman knows very well that it is impossible for any man making a speech under a limit of five minutes to answer

Mr. McMAHON. Mr. Chairman, I have heard a great deal of sentimentalism from gentlemen on that side of the House on the question of the manufacture of whisky. What are you going to do for the \$60,000,000 of revenue which is raised from the consumption of this article? Will my friend take it on his national-bank deposits?

Mr. PRICE. Do you want an answer from me?

Mr. McMAHON. No; I decline to yield, like you did. Does he

want it on incomes?

Mr. PRICE. You will remember I did not ask you a question, and you are asking me a question now, and refuse to permit me to an-

Mr. McMAHON. Five minutes is too short a time in which to yield

to the gentleman.

Mr. PRICE. You ask me a question and refuse an answer. I did not do that to you.

Mr. McMAHON. You can answer after a while. Do you want it on

incomes?

Mr. PRICE. I have no objection.

Mr. McMAHON. Does the gentleman want it as direct tax upon

Mr. PRICE. I have no objection if you want it so.
Mr. McMAHON. Then I hope the gentleman from Iowa will go
into his district, if he is renominated for a third term, and advocate the imposition, as a direct tax on land, the \$60,000,000 now raised on these irresponsible, bad, whisky-drinking democrats who consume sixty million dollars' worth. [Laughter.]

Mr. Chairman, the Commissioner of Internal Revenue, within the

last year or two, has come to a different idea upon this question of revenue that is raised from whisky and distilled spirits and tobacco. He has recognized the fact that the internal-revenue laws produce nearly one-half of the annual expenses of this Government, including the interest on the public debt; and he has adopted, as it were, a new policy, and that policy has brought about in the State of North Car-olina and in the State of Georgia, to which my friend from Michigan alluded so feelingly the other day, a great change, so we have three or four times as many legal distilleries in the State of North Carolina to-day as we had one or two years ago. Why? Because a different system has been adopted, a system of conciliation; because the laws have been so modified or their enforcement has been put in such a shape these men have been regarded as following a legitimate business yielding immense revenue to the Government. And the bill which is now before this House is a bill carrying out this same idea; not the idea of the gentleman from Iowa to kill the goose which lays the golden egg, but to foster the goose which lays the golden egg.

Mr. PRICE. That is a slander on the goose.

Mr. McMAHON. The gentleman from Iowa is not sound on the goose, and I do not take his opinion on that question. [Laughter.]

Mr. PRICE. Not that sort of a goose, I am not.

Mr. PRICE. Not that sort of a goose, I am not.

Mr. McMAHON. When it comes to a bill like this, when you let go a little \$74,000 here and \$100,000 there, in the long run you get a great deal more from the American people who pay your taxes, and good, honest, pious, and respectable people like my friend from the State of Iowa sit still and see the democrats and bad republicans disk the whicher and we it is the five arts while he as I say sits by drink the whisky and use it in the fine arts while he, as I say, sits by and grows rich by paying no tax as he does not use any of it. [Laugh-

ter.]
Mr. PRICE. I have done my best to keep the democrats away from whisky

Mr. McMAHON. If the gentleman keeps his efforts for the party he has influence with and persuades the one-tenth of the republicans who drink whisky to abstain from it he will accomplish one of the greatest reforms known in America. Mr. PRICE. I have done all I could on this side, too.

Mr. McMAHON. I am sorry the gentleman places so low an estimate upon his own influence as to have such little success as I am

sure he has had in the past.

This bill, Mr. Chairman, ought to go through substantially in the shape in which it is recommended by the committee. Let us deal with these people in the right way. It will not do on one side of your face to have a pious look that the manufacture of whisky is an awful crime, that the drinking of whisky is a base crime, that the use of crime, that the drinking of whisky is a base crime, that the use or whisky in any shape is a bad thing, and then, on the other hand, tax it and get \$60,000,000, as you will in this fiscal year, to run your Government. There is no fairness, there is no honesty, there is no decency, there is no politics, there is nothing in it but pandering to a prejudice which ought not to be tolerated in this country.

Mr. SINGLETON, of Illinois. I wish to say a word.

The CHAIRMAN. Debate is exhausted.

Mr. SINGLETON, of Illinois. Then I move to strike out the last word, and that gives me the opportunity of saving something on the

word, and that gives me the opportunity of saying something on the pending question. I did not intend, when I offered the amendment, to have said anything on the subject, as the question had been largely discussed when it was last before the committee. But I am surprised to find gentlemen on this floor who are boasting whenever an opportunity is offered of our free and liberal institutions denying now to

tunity is offered of our free and liberal institutions denying now to the farmers of this country, to the poor men, the right to convert the fruit which they raise into any form convenient for their use.

Now, the gentleman from Iowa I suppose does not use any whisky himself, and that being the case he should exercise a little charity for those who do. He is perhaps one of the "hard-cider" men. There is no objection, I understand, on the part of some gentlemen to making cider out of apples and allowing it to stand until it gets so "hard" that one mug full will make a man drunk for a week. [Laughter.] But when you come to a measure of relief which proposes that the farmers who have fruit too remote from market to be sold, who see that fruit westing under their fruit trees and come here and ask see that fruit wasting under their fruit trees and come here and ask see that fruit wasting under their fruit trees and come here and ask Congress to permit them, free from taxation, to convert that fruit to their own use, gentlemen say, "No; let them go and buy their whisky; let them pay the tax to the Government and pay the tax and the profit to the manufacturer, and pay the price for it that is asked," rather than permit them to convert what they have already on their own farms into an acceptable form for the use of their own families. That is all there is in the amendment.

In my own county I am satisfied that within the last ten years fifty thousand dollars' worth of fruit has been lost by reason of the apprehension of the men who own the farms and the fruit that if they attempted to convert any portion of it into spirits they would be pursued by the Government officers, even though it would cost the Government ten times as much to collect the revenue that would be derived from the distillation upon the spirit if they had been permitted to seek it. to make it. A single example with which I am acquainted, and I am done. Within the last two years a couple of young men, born upon the farm upon which they then resided, gathering their fruit from the orchard their father had planted, making a single barrel of peach or apple brandy in the still their father had erected, were pursued, the brandy taken from them, taken to Quincy and sold, and they were sent to Springfield to answer for this violation of the law, where they were imprisoned; and they were finally broken up by the prosecution by fees, fines, expenses of their attorneys, and all of the incidental expenses necessary in such cases. It is to avoid a recurrence of this, it is to avoid such hardships as this and the infliction of such punishments upon an innocent, deserving class that are entitled to our favor rather than to our censure and condemnation, I have offered this amendment; and the House will not be true to itself, it will not to make it. A single example with which I am acquainted, and I am this amendment; and the House will not be true to itself, it will not be true to the people of this country, if it rejects or denies or refuses this relief and allows this natural right to convert the product of

this relief and allows this natural right to convert the product of their soil and of their own hands into a convenient form for use.

It is right to give them that privilege to so convert it, and it does not become us, boasting of our free institutions and of our constitutional liberty, to refuse them that right and power. I withdraw the pro forma amendment.

Mr. HASKELL. I renew it. Mr. Chairman, this amendment under one form or another has been voted down I think about twenty times in this committee, and I suppose it is hardly necessary for me to discuss the question, and I desire to say only a word. Under the present law every distillery in the country is a marked piece of property. There are a few hundred or perhaps a thousand of them, but every distillery is known to the law and its location recognized. Every one is watched by the officers of the Government. Every one is registered. It is made under the law one of the legitimate, so to speak, enterprises of the country, so far as the law can make it so at least. These amendments which have been offered here are in the interest of the evasion of the law, and their tendency is to increase the num-

These amendments which have been offered here are in the interest of the evasion of the law, and their tendency is to increase the number of distilleries to hundreds of thousands, to make it possible for every farm in the country to contain a "moonshine" distillery.

More than that, Mr. Chairman, reaching out onto the domain of morals, it offers to every farmer a bounty of ninety cents per gallon on every gallon he may make in his home. The rum and whisky with which to drink himself drunk "under his own vine and fig-tree" shall be more than free, or it allows him, when he shall have made his apple-jack or peach brandy, to drink himself into a state of maudlin intoxication free from tax, and then he may turn himself into a whisky colporteur to make drunk the families of his neighbors around

him. You will have distilleries on every farm, I may say in every cellar; you will permit the old woman to fill her wash-tub with whisky, and her milk-pail and tin-cans and tea-pots with apple-jack to nourish the children upon, all under the shade of their own "vine and figtree," and without taxation. That is the object of the various amendments of this kind that have been offered. Simply a specious plan to promote drunkenness and evade the revenue tax on spirits, that is all.

Mr. SINGLETON of Ulinois. As I understand the gentlemen from

Mr. SINGLETON, of Illinois. As I understand, the gentleman from Kansas is in favor of allowing a man to get drunk upon somebody

Alansas is in favor of allowing a man to get drunk upon somebody else's whisky, and objects to their getting drunk upon their own.

Mr. PRICE. I hope the gentleman will yield to me for a minute.

Mr. HASKELL. Is my time out?

The CHAIRMAN. The gentleman's time is not yet exhausted.

Mr. PRICE. I want to say in reference to the argument of my friend from Ohio [Mr. McMahon] for the revenue, that this same argument was raised a great many years ago, and I think the poet Cowper has treated the matter so much better than I could do that I will read a few lines from him: read a few lines from him:

The excise is fattened with the rich result
Of all this riot; and ten thousand casks,
Forever dribbling out their base contents,
Touch'd by the Midas finger of the State,
Bleed gold for ministers to sport away.
Drink, and be mad then; 'tis your country bids!
Gloriously drunk, obey the important call!
Her cause demands the assistance of your throats;
Ye all can swallow, and she asks no more.

Mr. McMAHON. Does the gentleman quote that as an argument

Mr. McMahon. Does the gentleman quote that as an argument for prohibiting the manufacture of whisky?

Mr. PRICE. It is a supplement to the argument of my friend from Ohio. Did the gentleman ask me if I am a friend of prohibiting the manufacture of whisky? I am.

Mr. Barber. Some stress was laid here yesterday on the attitude of distillers at Peoria, Illinois. I would like, with the permission of the committee, to have read the expression of sentiment by a large number of distillers in the city of Chicago, as found in the report of the hearing before the Committee on Ways and Means. It is very brief.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN rose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN rose.

Mr. BARBER. I thought I had the floor in my own right.

The CHAIRMAN. The gentleman was occupying the floor for one minute left of the time of the gentleman from Kansas.

Mr. SPARKS. I am sure the gentleman from Illinois understood he was entitled to five minutes. I think he ought to have it.

The CHAIRMAN. If there be no objection, the gentleman from Illinois [Mr. Barber] will be recognized as offering a formal amendment and speaking in his own time, and the Clerk will read the paper which he has sent to the desk to be read as part of his remarks.

The Clerk read as follows:

CHICAGO, 51 WEST WASHINGTON STREET, April 2, 1880.

Chicago, 51 West Washington Street, April 2, 1880.

To the honorable Ways and Means Committee,
House of Representatives, Washington, D. C.:

We, the undersigned, comprising all the distillers in the first district of Illinois, having seen and carefully considered all the objections raised by some distillers in Cincinnati, Ohio, and Peoria, Illinois, to the passage by Congress of House of Representatives bill No. 4812, or more particularly that part of the bill (section 18) relating to an allowance for natural shrinkage on spirits while in United States bonded warehouse, beg to say that after mature examination and consideration we fully comprehend that the provisions objected to will affect our business and interests precisely as it will affect other distillers, whether in the States of Ohio, Illinois, or elsewhere. We believe the principle to be right, proper, and just, and therefore desirable, and should receive the approval of all; that taxes should be collected only on goods which go on the market and enter into consumption, such loss happening without fraud or negligence, as set forth in the above bill. Believing further that the opposition to the bill becoming a law arises from a want of fairly comprehending its just and beneficial effects to the trade or from unworthy personal or sectional influences, we therefore again carnestly solicit and request favorable action on the part of the Committee of Ways and Means, and Congress, to the end that H. R. bill 4812 may pass and become a law.

Daily spirit-producing capacity.

Gallons.

Daily spirit-producing capacity.	Gallons.
Phonix Distilling Company	- 7,600
Henry H. Stinfeldt & Co	- 12,000
Garden City Distilling and Rectifying Company	. 7,000
Empire Distilling Company	- 4,800 - 4,800
United States Distilling Company	9,000
Chicago Distilling Company	. 5,000

Mr. BARBER. That is the per diem capacity of those distilleries. I wish to say, Mr. Chairman, that this bill as it came from the Committee has been very carefully considered, and I believe has met with the very general approbation of the trade throughout the country. And I regret that an attempt has been made here to give this the aspect of a controversy between the temperance men and the license

aspect of a controversy between the temperance men and the license men or the anti-temperance men, if you please so to call them. There is no such element in it. It is simply a question of business convenience, a question of propriety in the revenue laws.

I can see no reason why we should tax the outage, which would not apply and require us to tax the outage of a bin of wheat which had been run through a fanning mill by the farmer. You might just as well justify the taxing of tailings, because the remainder of the wheat was so much better, as justify the tax of wastage because the residue was of greater or more perfect value.

We are drifting away from this bill as matured by the committee and approved by the trade of the country. I hope it will not be loaded down by these doubtful amendments which will jeopardize the final

passage of the bill. I ask also that a dispatch received this morning from Boston by the gentleman from Massachusetts [Mr. Morse] be read as part of my remarks.

The Clerk read as follows:

To Hon. Leopold Morse,

House of Representatives:

We earnestly request that you will do all in your power to have the Carlisle bill passed in full as reported to the House, shrinkage clause and all.

FELTON & SON.

DANIEL LAWRENCE & SONS.

CHAPIN, TRULL & CO.

JNO. D. & M. WILLIAMS.

FRANK O. DAME & CO.

THOS L. SMITH.

DUNBAR & CO.

J. D. RICHARDS & SONS.

[Here the hammer fell.]

Mr. CONGER. I rise to oppose the amendment. Mr. REAGAN. I move to strike out the last word. Mr. REAGAN.

Mr. CONGER. I have risen to oppose the amendment now pending, and ask to be recognized by the Chair.

The CHAIRMAN. Does the gentleman from Texas desire to oppose

the amendment?

Mr. REAGAN. I move an amendment to the amendment.

The CHAIRMAN. There is an amendment already pending to strike out the last word.

Mr. REAGAN. Then I will oppose that amendment.
Mr. CONGER. I rose for that purpose.
The CHAIRMAN. The gentleman from Texas is recognized to op-

pose the amendment.

Mr. REAGAN. In legislating upon subjects which affect the material interests of the country it seems to me that the true theory of our Government should be to deal with those interests as they exist in the country, and that it is no part of the duty of this Congress to consider sumptuary laws as such or to consider questions of morals or to determine whether this Congress should be a temperance assortion of the country ciation or a collection of the representatives of the people to act upon their general interests. I am induced to say this because of the remarks made by the gentleman from Kansas [Mr. HASKELL] and by the gentleman from Iowa [Mr. PRICE] ridiculing the idea that we should allow the distillation of fruits and the making of brandies from them, and representing such permission to be injurious to the

morals of the country.

The bill before us deals with the manufacture and sale of liquor. Now, if it is right to distill corn and wheat and other grains, I ask if Now, it it is right to distill corn and wheat and other grains, I ask if there is any wrong in distilling apples, peaches, and the other fruits of the orchard? We simply suggest that they all stand upon the same ground, with only the distinction which is called for by the nature of the case. In the large distilleries where grain is used in great quantities it may be that the restrictions are all proper. But the fact asserted by the gentleman from Illinois who offered this amendment is known as I suppose to nearly all the members on this floor, that bendered of the results of fruit peaches and apples that hundreds of thousands of dollars of fruit, peaches, and apples rot upon the ground because they will not bear transportation to a remunerative market. They can only be collected for this purpose in small quantities, owing to their character and the circumstances of the people who generally raise them. They desire the privilege of of the people who generally raise them. They desire the privilege or utilizing and preserving this fruit from waste and loss by being permitted to distill it into brandy. If you permit them to do it they can utilize the fruit of their orchards. They can convert it into valuable material entering into the commerce and consumption of the country. But if you impose on the small stills which alone farmers use for the distillation of fruit the regulations which apply to the large distilleries, they amount to a prohibition of using these fruits and utilizing them in that way for the use and benefit of the owners.

It would take nothing away from the revenues of the country to permit men to distill their own fruits into brandy; and as it would not take away the revenues of the country and would increase the profits of the owners, it seems to me the true policy and the just policy would be to adopt some such amendment as the one offered by the

gentleman from Illinois.

[Here the hammer fell.]
The CHAIRMAN. Debate is exhausted on the pending amendment,

which is to strike out the last word.

Mr. SPARKS. That will be withdrawn, and I will renew it.

Mr. CONGER. I desire to oppose it.

The CHAIRMAN. Debate is exhausted on the amendment, and it has not been withdrawn.

The question was taken upon striking out the last word, and it was

not agreed to.

Mr. SPARKS and Mr. FINLEY. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. Sparks] moves to strike out the last two words.

Mr. CONGER. Then I understand that that side of the House is to be recognized, although we may stand here an hour claiming to

be recognized.

The CHAIRMAN. The gentleman does not understand any such

thing.
Mr. CONGER. That is the fact, whether we understand it or not.
The CHAIRMAN. That is not the fact.

Mr. SPARKS. I think I will satisfy the gentleman from Michigan [Mr. Conger] before I get through that he is mistaken in his assertion that no opposition to this bill comes from this side of the House. I have no earthly sympathy with that sentimentality that brings into the consideration of congressional legislation this discussion of

fanatical sumptuary laws.

Mr. PRICE. What is a sumptuary law? There is none here, and none has been talked about.

Mr. SPARKS. That which attempts to regulate by law what a man shall eat or what he shall drink. I do not think that is the proper province of legislation.

Mr. PRICE. We have not said a word on this side about what a man shall drink or what he shall not drink.

Mr. SPARKS. No matter whether you have or not; I am giving my views about it. I believe in the largest liberty of the citizen on this subject. I believe, therefore, that the amendment offered by my colleague [Mr. SINGLETON] is a proper amendment and should pass; that men who have orchards ought to be permitted, without license or tax, freely for their own use to distill or press or do what they please with the fruits of their orchards. And I think an attempt to tax them for so doing is a great wrong. I believe that all men should be allowed without molestation to eat and drink to suit themselves and judge for themselves of the quality and quantity of what they drink; and further believe that opposition to this is bigoted fanaticism and unworthy of consideration in this House or any other legislative body.

But I now want to direct attention for a moment to this bill now before us. It is for that purpose that I arose. This argument has run into almost everything foreign to the real subject before us. What is this bill? Not long ago, I forget how long, these distillers and overgrown monopolists came to Congress and pleadingly asked to be relieved to a certain extent of certain restrictions and obligato be refleved to a certain extent of certain restrictions and onliga-tions incurred under the law in their business of distilling. What was it they asked? They asked to be permitted to hold their manufact-ured spirits for a certain period, not exceeding three years, before they paid the tax upon it. That was granted to them by Congress upon the condition that they should pay interest at the rate of 5 per cent, at the end of that time upon the amount of the tax due on the

article at the date of manufacture.

They now, emboldened by the liberality then shown them, come to Congress and ask to be relieved from the payment of this interest on the tax, and also that they be further, and, as it seems to me, unreasonably, allowed to deduct for evaporation, wastage, or leakage up to a certain limit. That is, for every barrel of distilled spirits containing forty gallons they shall be allowed wastage or leakage to the extent of seven and a half gallons, for which they shall pay no tax whatever, though this seven and a half gallons were manufactured, and its loss, if there be any, is solely on account of this delay made at the instance and for the benefit of the manufacturers. Now, I think that is a demand on the part of these manufacturers which is unwarranted by any consideration of justice and is an outrage upon the common tax-payers of this country, and I never will vote for any such proposition.

The gentleman from Kentucky [Mr. CARLISLE] who has charge of this bill intimates that this leakage or wastage may not be in the ratio of 7½ to 40, but says that it is not to exceed seven and a half gallons upon a package of forty gallons or more. Now, sir, let me ask the members of this House if they believe, should this bill pass into law, that there ever will be a case in which that package will be over forty gallons and which will not leak the full amount of seven and fav, that there ever will be a case in which that package will be over forty gallons, and which will not leak the full amount of seven and a half gallons? These manufacturers I apprehend will carefully see to this, and will always under this bill be able to get rid of the tax on that seven and a half gallons out of a barrel, which they will be sure to have no larger than forty gallons. They ought not to be allowed to do this; they ought to be compelled to pay tax upon all they manufacture. That only would be fair to all the tax-payers of the country, and you can devise no other plan that will be see the country, and you can devise no other plan that will be so.

the country, and you can devise no other plan that will be so.

[Here the hammer fell.]

Mr. FROST. Will the gentleman allow me to ask him a question?

Mr. SPARKS. I have no more time allowed me under the rules.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, to all the provisions of this bill, designed avowedly to make cheaper and freer alcoholic liquors, I am opposed. To the rebate of \$1,750,000 and the unjust release of \$75,000 of the 5 per cent. interest now due by the liquor manufacturers of the country, I am inflexibly opposed. It is a bonus of \$2,000,000 to that trade. of \$2,000,000 to that trade.

Among all the burdens from which the people ask relief, among all the struggling industries which may justly demand favor in view of the public good, but which it is constantly sought here to hinder and cripple, is the only answer of this Congress to the people to be, "You shall have freer and cheaper whisky. We will take \$2,000,000 off of that traffic, and collect it from less favored industries, and from the comforts and necessaries of life."

But there is a strange confusion of views among the advocates of these measures. Even among distillers there is a conflict of interest, and a part of them favor and some oppose this measure as unequal and unjust.

The gentleman from North Carolina [Mr. VANCE] wants every family to have the right to distill eighty gallons of liquor untaxed for family use in the interest of temperance! He is for free apple-jack and

reform! [Laughter.] I wish my friend much success in his temperance work in the good old North State, if he can get two barrels of untaxed peach brandy and apple-jack in every household for family

The gentleman from Kentucky, [Mr. WILLIS,] with great frankness, and surely with business directness, declares he is in favor of this bonus to the liquor manufacturing interest, in order, as he says, that capital may be invited into that business and its products greatly enlarged. It may be that the majority of the people of this country do not believe the public good requires the stimulation or encouragement of that traffic. Every bushel of grain converted into liquor makes that much less for the food markets of the country.

When the gentleman from Tennessee [Mr. YOUNG] in humorous terms dwelt on the superior whisky of his beloved Memphis it was indeed a ghastly jest. Various causes have been assigned for the peculiar misfortunes of that plague-stricken city. The gentleman has suggested another—it may be the true one—for ho says "many of his most reputable and respectable constituents there have invested large capital in this business." [Laughter.]

But the distinguished gentleman from Missouri [Mr. BUCKNER] goes so far as to declare that this revenue tax "interferes with the

interests of the country for the sake of appeasing this miserable clamor about moral sentiment." Mr. Chairman, hundreds of thousands of the best citizens of this country have frequently and respectfully appealed to Congress to do what legislation may justly do to diminish the fearful cost and crime that comes from intemperance. to diminish the fearful cost and crime that comes from intemperance. No face government can justly or safely disregard the "moral sentiments" of any large class of its best citizens. The present great premier of England, just now so overwhelmingly returned to power, never uttered a truer or grander sentiment than when he declared, in speaking of this very question: "It is the duty of government to make it as hard as possible for a man to go wrong, and as easy as possible for him to go right." This is the highest and ripest wisdom of a free polity and the best safeguard of institutional government. It trust it may be applied to the precisel solution of this question trust it may be applied to the practical solution of this question.

[Here the hammer fell.]

Mr. SPARKS withdrew the pro forma amendment.
Mr. FINLEY. I renew it. Gentlemen on the other side who have opposed this amendment have talked about the loss of revenue to be incurred by the Government if the amendment should go into effect. Now, the revenue derived last year from the tax on all distilled spirits was over \$52,000,000; the revenue from spirits distilled from apples

was over \$52,000,000; the revenue from spirits distilled from apples, peaches, and grapes was only a little over \$900,000—less than a million dollars. So that the question of revenue is a very small matter. But the gentleman from Iowa, [Mr. PRICE,] like the gentleman from Kansas, [Mr. HASKELL,] opposes this proposition in the interest of humanity. Let me say to my friend from Iowa, for whom I have very high regard, although he appears to be a little wild on this subject of temperance, that it would be absolute cruelty to his constituents not to pass this bill. He comes from a great sheep-raising country where they all drink whisky or spirits on sheep-washing days.

Mr. PRICE. Let me say to my friend that I have been preaching to them for thirty years the same doctrine I advocate to-day.

Mr. FINLEY. Now, to say that a farmer may make cider and drink it, but that he must not convert the product of his farm into spiritu-

it, but that he must not convert the product of his farm into spirituous liquors seems to me to partake of nonsense. I believe in giving farmers the right to utilize their apples, their peaches, and their potatoes, if they want to, in the manufacture of peach brandy or apple brandy or anything of that kind to be consumed by their families, and I think it will do them good. I believe it is a great deal better than some of the lectures we hear on temperance.

Mr. PRICE. Will the gentleman allow me to ask him a question?
Mr. FINLEY. With pleasure.
Mr. PRICE. Is the gentleman in favor of fixing up all the corn, the wheat and barley, and potatoes so that it can be "eaten out of a

Mr. FINLEY. Oh, that is a very old joke. I will say to my friend that I do not believe in undertaking to legislate what a man shall eat and drink. I believe that a farmer ought to have the right to manufacture on his own farm for the use of himself and his family whatever he may wish to manufacture without interference by the Government. As to the question of revenue in this case, it is, as I have

said, a very small matter. I hope the amendment will pass.
[Here the hammer fell.]
Mr. DUNNELL. Mr. Chairman, I do not rise specially to speak upon the pending amendments, but to express the hope that there may be no further amendments offered save those upon which it has been

agreed we shall have a vote in the House.

This bill, Mr. Chairman, is the result of a great deal of careful labor.

It is misunderstood, I think, by the Committee of the Whole. The bill is very largely recommended by the Commissioner of Internal Revenue. It is an improvement on the present revenue system of the Revenue. It is an improvement on the present revenue system of the country. The Commissioner of Internal Revenue has recommended very many of the provisions embraced in it. None of them have been condemned by him; he simply, like a conscientious executive officer, declines either to approve or disapprove of the three amendments upon which it has been agreed we are to have a vote in the House. In all other respects the bill meets the approval of the Treasury Demonstrated.

We have had this bill before the Committee of the Whole for an

entire week. We are told that next Tuesday the post-office bill is to come before us; the funding bill is still pending; five or six appropriation bills are yet to be passed. We have spent a week on this bill. We have discussed it all over on this side. We have had a host of amendments to be voted down. There are gentlemen on the other side whose constituents are interested in this bill. They are very deeply interested in it, and they are all fighting their own constituents deeply interested in it, and they are all lighting their own constituents when they tack on amendment after amendment and prolong debate on them. We are approaching the defeat of this bill. Whatever may be the fate of the three pending amendments the bill ought to pass in some shape, and ought not to be defeated.

It is said, Mr. Chairman, that it has been debated as though there were nothing in it of interest but this one question. Those who man-

ufacture spirits pay \$60,000,000 of taxes, and they want this bill even if those three clauses to which amendments have been offered are voted out. They need the bill. This is a pure matter of revenue, and not a matter of temperance, not a matter of liquor drinking, but purely a question of revenue. We collect this vast revenue; now, shall the system under which we collect it be protected or not?

Mr. HARRIS, of Virginia. Mr. Chairman, I have uniformly voted

and struggled for the right of each person to manufacture the fruit grown on his own lands or those under his control without paying any tax. There are hundreds of persons in my district who live too far from market to dispose of their apples and other fruits. The law prohibits them from distilling them, and the result is they rot and become of no use to any one. This is wrong. It is the only means many persons have of making a living, and it is unjust and tyrannical in the Government to deprive them of their principal means of support. I hope this small boon will be granted.

Mr. CARLISLE. There seems to be but one way to get a vote on

this amendment, and that is to have the committee rise and close debate. [Cries of "Vote!"]

Mr. GARFIELD. I hope by unanimous consent we may vote without rising. If we cannot do that, why then let us rise. [Cries of

Mr. Finley's amendment to the amendment was rejected.

The question recurred on the amendment of Mr. SINGLETON, of Illinois

Mr. CONGER. I move to strike out the last word, and do so because I see there is a disposition to cut off all debate, and I take advantage of this opportunity to say a word on the pending question.

I desire to say to the committee—and I desire that it may there are perhaps two hundred firms in the United States who demand these two and a half millions of dollars be given to them. My friend from Chicago has read the names of seven of his constituents ask-ing for this, and other gentlemen have read the names of fifteen or twenty. Are there no temperance men in his district who will inquire of him and of me and every other man who votes on this question whether they will give to the manufacturers of whisky \$2,500,000 to encourage that trade? I make the issue here boldly. With the fifty or a hundred thousand petitioners to this House for a commission to inquire into the use and abuse of intoxicating drinks, this House refuses to pass any law authorizing such a commission of inquiry; it turns a deaf ear to all the demands of thousands and hundreds of thousands. sands of our citizens on that subject. Gentlemen fortify themselves with the request of seven men in a district to give two and a half millions of money out of the Treasury virtually; they fortify them-selves to vote for the amendments and the whole bill. Let the issue come; let it go to the country; let these men who fortify their votes by the seven or eight or two hundred firms meet their temperance constituents if they want to. I court that issue before the people; I court that record we shall have in the House by a yea-and-nay vote. If it be so the temperance people of the United States are in such a fearful minority they are willing that seven or eight whisky-makers in a district shall control our votes here, let it be known and let it be recorded.

Mr. CARLISLE. All this discussion about the seventeenth section and the propriety of striking it out is out of order. This committee and the propriety of striking it out is out of order. This committee has passed from the seventeenth section as long ago as the day before yesterday, and I shall object hereafter to any discussion of the provision of that section. I move the committee rise, with a view of closing debate on this pending amendment.

Mr. McMAHON. Before that is done I wish to ask my friend whether the sub-committee has not reported a bill for the alcoholic sections of the sub-committee has not reported a bill for the alcoholic metals and the sub-committee has not reported as hill for the alcoholic sections.

commission to which the gentleman from Michigan refers, and whether

that bill is not now on the Calendar for consideration?

Mr. CONGER. There have been attempts made to take that up and it has been refused. Gentlemen know it will not be acted on by this House. Gentlemen know the whisky interest controls here.

Mr. McMAHON. I dispute the gentleman's proposition; and I want to know why this bill should have precedence of any other bill on the Calendar. That is a statement that is not authorized at all by any of the circumstances attending the report or by any of the facts concerning the report to this House in reference to that bill; and the gentle-

man has not expressed himself in accordance with the facts.

Mr. CONGER. Very well; we will see when the session closes.

Mr. MCMAHON. Has it not already been reported? Is it not now waiting its proper turn for consideration? I think the gentleman will find that to be a fact if he examines.

Mr. SIMONTON rose.

Mr. CARLISLE. I now renew my motion that the committee rise for the purpose of reporting the bill to the House. I understand that my friend from Tennessee [Mr. Simonton] desires to discuss the seventeenth section of the bill.

Mr. SIMONTON. I prefer to announce to the House myself what

I want to discus

The CHAIRMAN. Does the gentleman from Kentucky yield to the

gentleman from Tennessee?

Mr. CARLISLE. Not at present. I will state, however, to the gentleman and to other gentlemen who desire to discuss this bill that I will have under the rules of the House, I presume, one hour after the bill gets out of the committee, and as I do not desire to use any portion or perhaps very little of the time myself, I shall be willing to yield to any gentleman who desires it for a period not exceeding five or ten minutes. I want to get a vote, however, on the pending amendment, and for that reason I have moved that the committee rise.

Mr. FINLEY. Can we not have a vote by consent, without the committee rising? I hope the Chair will put the question to the

The CHAIRMAN. The Chair will submit the question to the committee. The question is on the amendment offered by the gentleman from Illinois, [Mr. SINGLETON.]

The committee divided; and there were—ayes 43, noes 65.

Mr. SINGLETON, of Illinois. I ask for tellers.

Mr. FINLEY. The gentleman has a right to demand tellers, as no quorum has voted.

Tellers were ordered; and Mr. SINGLETON, of Illinois, and Mr. Con-GER were appointed.

The committee again divided; and the tellers reported-ayes 63, noes 76.

Mr. KITCHIN. I make the point that no quorum has voted. The CHAIRMAN. The Chair will direct the tellers to resume their

The committee again divided; and the tellers reported-ayes 66, noes 84.

So the amendment was not agreed to.

Mr. CARLISLE. I move that the committee now rise and report
the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Thompson, of Kentucky, reported that the Committee of the Whole on the state of the Union, having had under consideration, in obedience to the order of the Honse, the bill (H. R. No. 4812) to amend the laws in relation to internal revenue, had directed him to report the same to the House with sundry amendments thereto.

Mr. CARLISLE. I move the previous question on the adoption of

the amendments and the ordering of the bill to be engrossed and read a third time. There was, however, an understanding in the Committee of the Whole on the state of the Union that there should be a privilege accorded to the gentleman from Michigan [Mr. Congers] to have a separate vote upon three amendments which were rejected in

the committee, and which he will offer at the proper time.

The SPEAKER. The gentleman from Michigan should offer his

amendments before the previous question is demanded.

Mr. GARFIELD. The amendments had better be offered before the

previous question is seconded.

Mr. CONGER. My first amendment is to insert after line 83 the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of 5 per cent. per annum from and after the expiration of said year until the tax shall be paid. Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Mr. CONGER. My second amendment is to strike out section 16, commencing on page 12 of the printed bill, and continue to page 14, line 36, which relates to the question of stamps.

My third amendment is to strike out section 17, on page 14, which provides for releasing the tax upon the evaporation or leakage of spirits in bond.

On these three amendments it was agreed that we should have a

separate vote in the House.

The SPEAKER. On the three amendments offered by the gentleman from Michigan, as well as the several amendments agreed to by the Committee of the Whole, the gentleman from Kentucky now de-mands the previous question up to the engrossment and third read-

ing of the bill.

The previous question was seconded and the main question ordered.

Mr. CARLISLE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no separate vote demanded on the amendments recommended by the Committee of the Whole, the Chair

suggests that the question upon them be taken in gross.

Mr. CARLISLE. Before the vote is taken, I suppose I must claim my hour to close the debate. I do not desire to occupy any time myself, but some gentlemen have asked me to yield to them for a few

I yield now to the gentleman from Tennessee [Mr. Simonton] for

The SPEAKER. The gentleman is proceeding for an hour by unanimous consent and has yielded to the gentleman from Tennessee [Mr.

SIMONTON. I ask the Clerk to read what I now send to the desk, being part of the remarks of my colleague, [Mr. Young, of Tennessee,] which he made when this bill was before the House two days

The Clerk read as follows:

Does he not know that there is less tax paid and more whisky drank in his district to the square mile than in any other similar-sized territory in the United States? [Laughter.] At least no other locality having these characteristics in an equal degree can be found upon any standard map with which I am acquainted.

equal degree can be found upon any standard map with which I am acquainted. [Laughter.]

Now, I dislike to tell it, but I believe it is susceptible of proof that a large majority of my colleague's constituents have not allowed an hour of daylight to pass since they were three years old without testing the quality of some character of exhilarating liquid, [great laughter,] and that they never had a drink of good whisky except when they came to Memphis to be tried for violation of the revenue law or upon some other business. [Laughter,]

I protest, therefore, against this onslaught made by my colleague upon a large and profitable business in which so many of my constituents are engaged, as the only particular interest which his district has in the subject is the amount of whisky which his constituents drink, and the quantity manufactured in a few moonshime distilleries. [Laughter.] I hope, therefore, my colleague will change his mind and support the bill so that we may make good whisky, by keeping it in store for a while, out of the moonshime product of his district. [Laughter.]

Mr. SIMONTON. When I alluded to the remarks of my colleague,

Mr. SIMONTON. When I alluded to the remarks of my colleague, on the day they were made, I was not aware of their full import. Since I have read them in the RECORD, however, they seem to me to reflect upon my constituents to such an extent as to demand some further attention at my hands. I am sure the gentleman intended them as a bit of pleasantry. He certainly did not mean that his words should be taken seriously. But it seems to me that his prancing humor and rollicking wit have run away with him. At any rate his remarks, though couched in the language of pleasantry and wit, contain year bread and uninet insignations against the results of the tain very broad and unjust insinuations against the people of the

ninth congressional district of Tennessee.

The natural import of his language is to impute to my constituents a general dissipation with its attendant poverty and want of thrift, the characteristic of common violators of the revenue laws, &c., and that the trial of my people for such offenses was a notorious thing in the Memphis courts. Nothing is further from the truth. There is not, I believe, a single moonshiner in my district and has not been for years. I venture the assertion that there are as few violators of the revenue laws, and of the good order and laws of the land generally, in my district as anywhere in the whole country. There is among my people as little vagrancy, drunkenness, pauperism, or violations of law, and as much thrift, intelligence, honesty, and patriotism as may be found not only in the gentleman's but in any of the congressional districts in the land. The insinuation against my people natural to the language just read, and which I believe my colleague does not intend, is unjust and wholly untrue. And I believe he will disavow any intention to traduce or degrade the people whom I am very proud to represent here.

Mr. YOUNG, of Tennessee. I ask the gentleman from Kentucky

Mr. CARLISLE to yield to me for a little while.

Mr. CARLISLE. I yield five minutes to the gentleman from Ten-

Mr. YOUNG, of Tennessee. I might perhaps be better able to reply to my colleague if I could incubate my remarks for two or three days, as he has done, and could possibly in that length of time formulate my remarks in language as chaste and eloquent as he has employed in his address; but I shall proceed at once, in order that he may have an opportunity for another reply, if he wishes to make one. I confess that I made a mistake the other day when I made the speech to which my colleague [Mr. Simonton] takes exception; and I find that I have gotten into trouble with other of my colleagues as well as him. I ought not to criticise the foibles of my fellow-men without

frankly admitting my own. The truth about the matter is that I had been dining out the night before I made the speech that has given so much offense to my colleague, [Mr. Simonton,] and while I never drink myself, I do not know but what the fumes of the liquor drank by my associates on that occasion may have disordered my imagination and caused me to that occasion may have disordered my imagination and caused me to say things which were not in precise accordance with facts. [Laughter.] At least I am so advised by my colleague who sits behind me, [Mr. Whitthorne,] for he has just informed me that I did great injustice to his district as well as those of two or three others of my colleagues. [Laughter.] He insists that his own district was better entitled to the distinction which I have given to that of my colleague [Mr. Simonton] than any other in the State. [Laughter.] But I was the institute of the state. must do justice in this matter, and candor compels me to say that I really intended to mention the district so ably represented by my really intended to mention the district so ably represented by my distinguished senior colleague, Judge Bright. [Great laughter and applianse.] So it seems that my geography was at fault, and I located in the wrong place the district to which I allude. [Laughter.] Now I ask the pardon of my distinguished colleague [Mr. Bright] for having attributed to another district that which justly belongs to his, and I humbly apologize to my junior colleague [Mr. Simonton] for my inadvertence. [Laughter.]

It is somewhat surprising that I should have made such a mistake,

(but I am always blundering,) [laughter,] for I knew then as well as now that my friend from the ninth district was elected to Congress upon his well-known temperance record and that he holds when at home temperance mass-meetings in his district, every month, and is

home temperance mass-meetings in his district, every month, and is one of the most distinguished followers of the great temperance apostle, Mr. Murphy. [Laughter.]

Mr. SIMONTON. My colleague had better take care, or he will compel me to rise to another personal explanation. [Laughter.]

Mr. YOUNG, of Tennessee. Very well, I am willing for you to have an opportunity to make every explanation you desire, though I do not think another one will be necessary, for I assure you that but for the supper the night before I never should have made the mistake you complain of. [Laughter.]

Now I want to say in all sincerity that what I said before was only a little piece of harmless humor, and I am quite sure that neither my

a little piece of harmless humor, and I am quite sure that neither my colleague nor any other gentleman can think that I intended the slightest unkind reflection upon either him or his constituents, for many of my best and truest friends are residents of his district, and

many or my best and truest friends are residents of his district, and I know that in point of morality, respectability, and good citizenship they are not surpassed by any people in Tennessee.

I am glad to take this opportunity of saying that my colleague—
[the crying of an infant in the gallery at this point caused great amusement.] The speech of my colleague has created some sympathy for me in the gallery, anyhow, [laughter;] but perhaps to only a coming voter applanding my remarks though it may be that my

a coming voter applauding my remarks, though it may be that my colleague has employed another ally to assail me, like the gentleman from Ohio, [Mr. UPDEGRAFF.] [Laughter.]

As I was about to say when I was interrupted by applause in the gallery, [laughter,] the ninth congressional district of Tennessee never had, in my judgment, a better, more conscientious, upright, and wigilant Representative than it now has in the person of my friend Mr. Simonton, and he is a fitting successor of one of the ablest Representatives Tennessee ever had upon this floor, my friend Mr. William P.Caldwell. If his constituents do justice to him and themselves, they will not fail to return him. In his vote upon this question he has, I have no doubt, acted from an honest conviction of public duty in furtherance of what he believes to be the interest of those he represents. I hope now that my explanation has been satisfactory to my colleague. If it is not, I am willing to meet him at Sanderson's, which I suppose is the best place to settle a whisky quarrel. [Great laughter and applause.]

Mr. CARLISLE. I yield to the gentleman from Ohio, [Mr. But-

Mr. CARLISLE. I yield to the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. BUTTERWORTH. The temperance aspect of this case I do not propose to discuss. It has no place here and ought properly to be discussed in another arena; and my suspicion is that it is introduced here at this time not for the purpose of having any legitimate or proper influence upon the issue joined upon the pending bill, but rather for the purpose of intimidating some brethren who are thoroughly devoted to the temperance cause, and if possible arousing a suspicion in their minds that if they vote to perfect our system of internal-revenue laws they may be charged with having abandoned in a measure their advocacy of the temperance cause.

This bill has for its object the perfecting of the internal-revenue system, and has nothing whatever to do with the temperance cause. That question is not properly before this House, and it occurs to me that these temperance declamations while very good as oratorical ex-

that these temperance declamations while very good as oratorical exercises neither throw any light upon the merits of this bill, nor do they in any wise tend to guide us in reaching a just conclusion in regard to any one of its features.

This bill is the result of the experience of nearly twenty years of

administration of the internal-revenue laws. It was prepared after full and frequent interviews between the members of the Committee on Ways and Means and those who have administered the internal-revenue law for the last eight or ten years, and those who prepared the bill have addressed themselves, not to the favoring of any class, not to building up any particular interest, but simply to perfecting the system. What the Government wants is a fixed and certain revenue collected under a law wisely enacted and justly administered and one which weighs equally and impartially upon every branch of

industry affected by it.

I will stop here to say that I have studied this measure carefully, for in reference to it I have been a little like the lover seated between the black and the blue eyed charmers; I "would have been happier the black and the blue eyed charmers; I "would have been happier with either were the other dear charmer away." Some of the gentlemen in my district oppose the passage of this bill, and I have studied the nature of that opposition and the facts on which it rests; and the gentleman from Kentucky [Mr. Carlisle] will bear me witness that I have labored to secure the fullest and freest investigation of every aspect of this question before the Ways and Means Committee. Representing a district that pays one-fifth of all the internal revenue collected on spirits in the United States, I have felt it to be my duty to examine the questions here involved with great care, because I do not want to be open to censure on the part of any one of the gentlemen I represent who are to be affected by its provisions.

The internal-revenue law is intended in all instances to collect tax upon the manufactured articles and not upon the article which is in

upon the manufactured articles and not upon the article which is in

the process of manufacture.

My honorable friend from Ohio [Mr. Garfield] has said very correctly that there are two ways of producing spirits intended for use.

One is by what is known as the system of redistillation, which gives a finished article in every respect, requiring neither time nor mechanical process to prepare it for the market. Upon that article you have assessed a revenue tax of ninety cents per gallon, and the manufact-

assessed a revenue tax or fillety cents per gallon, and the manufacturers of the article pay that tax.

What else have you done? By a distinct enactment passed by the House and Senate you have relieved them from paying the tax upon the 5 per cent. which they lose in the process of redistillation. Why not tax them on that amount? Why not? There is the same reason for taxing the fusil-oils and foreign substances in one kind of whisky as in another? How is it with the Bourbon distillers? When their product comes from the still it is only in the wreet of manufacture. product comes from the still it is only in the process of manufacture; it is not then completed; it is never used in that condition, and we all know it. It still contains the fusil-oil and other elements which are poisons as deadly as prussic acid. What I insist upon as justice to them is that until their product is completely manufactured the tax should not attach to it. There is not a question about the correctness of that position.

rectness of that position.

What else do you propose? You say to one class of distillers that they shall not be assessed except upon their finished product. Formerly, as our friend from Kentucky [Mr. Carlisle] knows, having had large experience and practice under the internal-revenue law, this redistillation was never allowed in distilleries. Distillers had to turn out their raw product and pay the tax upon that. Now, by the law they were permitted to redistill their product, and they are enabled by the process of redistillation to remove from the spirit the fusel-oil and foreign and hurtful substances which the Bourbon distillers can remove from their spirit only by permitting it to ripen by age, and they—that is those who redistill—pay the tax on the balance, that is, the finished article. that is, the finished article.

Now, how is it with men engaged in the other branch of this industry? When their spirit in process of manufacture first runs from the still it is utterly unfit for use. The poisonous oils and other deleterious elements must be first expelled, and this is done by aging. It contains then all the hurtful oils which must be expelled or separated from it by some process. And the only process by which they can be expelled from this particular article is by ripening, and this requires from two to three years. When the manufacture of this article is completed, then the revenue tax should attach to it, and not until then.

What else? The whole course of your legislation in this country has always been to allow for evaporation and leakage until the present law was passed a few years ago, and against which this entire in-terest in the country protested. Now this bill proposes to place all

branches of this great industry upon the same plane.

Gentlemen say that this business has been prosperous. That is not true in fact. One after another of the largest and wealthiest firms engaged in this business has gone down in the sea of bankruptcy. One of the constituents, I think, of my honorable friend from Pennsylvania, Judge Keller, as he stated before the Committee on Ways and Means has not a million of dellars in this gink hole writing for and Means, has put a million of dollars in this sink-hole, waiting for

this unjust exaction to be removed.

My friend from Michigan, [Mr. Conger,] who is so concerned about the temperance aspect of this question, says that the Bourbon distillers, a year or two ago, asked that they might be relieved for a short period from paying this tax on their products, and stated that they were willing to pay 5 per cent. interest on that tax during that time. So they did, and you in your wisdom granted them that relief, because in the then condition of the country you knew it was but giving exact justice to them. Not that they esteemed it just to be compelled to pay the 5 per cent. interest, but it was better for them to pay that interest than to suffer bankruptcy and ruin.

What does the gentleman now propose? That these manufacturers what does the gentleman now propose? That these manufacturers shall pay 5 per cent. interest on all the product of their stills, and that while the article is in process of manufacture. Now, they ought not to pay this tax until the article is finished, until it is completely manufactured. Every man, whether he makes, deals in, or drinks Bourbon whisky, knows very well that it requires nearly three years to produce a Bourbon whisky which is ready for consumption. It is not till then that it can be in any proper sense regarded as a finished article.

Would you, then, assess a tax of ninety cents a gallon upon the raw material in the course of manufacture and make these men pay 5 per cent. interest on the amount which you ought not to assess or collect until the manufacture of the article is completed? That would be to exact from these men a greater rate of interest on the amount to become due the Government than this Government pays to its creditors—5 per cent. All that is asked is that there shall be no unjust discrimination against this branch of trade; that the measure of jus-

tice shall be the same to all engaged in this industry.

My honorable friend from Michigan [Mr. Conger] suggests that the My honorable friend from Michigan [Mr. Conger] suggests that the passage of this bill will reduce the revenue something like \$2,000,000 a year. That is sheer speculation. The judgment of the best and ablest distillers and business men of this country is that if you place these men upon the same plane with the other distillers whom you have favored, it will increase the revenues much beyond what from present indications it will be reduced. There is no doubt about that. But suppose it will not increase it? Are you to cripple and burden a branch of this industry by withholding from it what is just and equitable? Is that the spirit in which to legislate? My friend says

it will give this two millions to the whisky dealers. It does nothing of the kind. When you take the tariff off sugar it is simply as a matter the kind. When you take the tariff off sugar it is simply as a matter of justice to the men interested in its purchase or manufacture. When you reduce the tax upon whisky, it is a simple matter of justice to those engaged in manufacturing it or dealing in it. Whether we are temperance men or not, this is a matter of even-handed justice.

It will be recollected that one of the leading opponents of this bill, as stated by my friend from Illinois, [Mr. Fort,] has the largest distiller in this country. He does not however my a cent of tax to

tillery in this country. He does not, however, pay a cent of tax to the Government. He exports the entire product of his stills. He was here just before the holiday adjournment—for what? To ask you to do that which in your justice you did—to take off the tax for leakage occurring between his distillery and the port of export. We did that—why? Because we said no man should pay tax upon that which he neither consumed nor sold. That is what we ask now, and that exporting distiller having secured his measure of relief would deny it to the Bourbon distillers, although they are entitled to it on the same ground and for a stronger reason.

Mr. CONGER. The gentleman will remember that the liquor which

goes out of the country does not pay any tax in any way.

Mr. BUTTERWORTH. I understand that; but the gentleman from Michigan will remember-

Mr. CARLISLE. Will the gentleman from Ohio [Mr. BUTTER-WORTH] allow me a moment?

Mr. BUTTERWORTH. Certainly.

Mr. CARLISLE. That which leaks out or evaporates from the

package does not go out of the country.

Mr. CONGER. But all there is of it goes out of the country and

pays no tax at all. Mr. CARLISLE. In this case that which evaporates from the pack-

ages does not go out of the country any more than in the other.

Mr. BUTTERWORTH. I was just going to make the same remark;
that is, in either case it is lost absolutely and ought to pay no tax. We propose to make allowance here for what is a dead loss resulting from manufacturing. You say that men who finish their manufacturing by a mechanical process shall be allowed for leakage and shrinkage—why? We say that is just, and being just, it should apply equally and impartially to all branches of the great industry affected by it. If it is just to one, it is as clearly due to the other. [Here the hammer fell.] I hope the gentleman from Kentucky will

allow me a few minutes more.

Mr. CARLISLE. I yield to the gentleman five minutes more.

Mr. BUTTERWORTH. These men are allowed for leakage and shrinkage. Why? Because the article is not yet manufactured, is not in a condition to be used. Here are two branches of manufacture, adopting different processes. One turns out the article completely manufactured; and in that case there is a remission of tax. In the other case the tax is imposed upon the crude article; and as a

result the law works an injustice, which this bill is intended to correct. result the law works an injustice, which this bill is intended to correct.

Before I conclude let me answer one other point. My friend from Illinois [Mr. Sparks] says that the seven and a half gallons will always be out of the package. Now, it is said upon this side that the value of the spirits naturally and necessarily increases. Let us put these two statements together. Upon this side it is argued that the whisky will be worth \$1.50 per gallon. On the other hand my friend from Illinois argues that in order to save the ninety cents tax the manufacturers will throw away their \$1.50 whisky. The two propositions are the same of the sitions taken together destroy each other.

It is said that this business is profitable. I can demonstrate that

it has not been. I assert that the testimony of distillers all over the country, as taken before the committee, shows that the business has not been profitable. On the contrary, the Bourbon distillers have been freighted down, simply because you have discriminated against them. All I ask is that they be put upon the same plane with others in the same line of business. Having examined this question as fairly as I can from first to last, it seems to me that this is simply evenhanded justice. It does not rob the revenue; it is equal and exact justice between the different branches of this industry.

Mr. CONGER. Now I ask the gentleman from Kentucky [Mr.

Carlisle] to give me five minutes.

Mr. CARLISLE. I had promised to yield to the gentleman from

Ohio, [Mr. GARFIELD.]
Mr. GARFIELD. Let the gentleman from Michigan [Mr. Conger]

go on now.

Mr. CARLISLE. I yield to the gentleman from Michigan.

Mr. CONGER. Mr. Speaker, I desire to consider the proposition made by the gentleman from Ohio, [Mr. BUTTERWORTH.] He says that the distillers who redistill their whisky have a rebate of 5 per cent. on the redistillation; and he asks the same for the sour-mash distillers, whose product is ripened by time. They ask here seven and a half gallons on the package of forty gallons. What is the percentage?

Mr. BUTTERWORTH. The gentleman ought not to misstate the act. That is the maximum for three years.

fact. That is the maximum for three years.

Mr. CONGER. Very well. The proposition is for a rebate of taxation to the extent of seven and a half gallons upon the package of forty gallons, if that proportion should be found to have evaporated or to have been drank, or in any way to have been taken out of the barrel. This is a percentage of 20 per cent. and over.

Mr. BUTTERWORTH. No; not 20 per cent.

Mr. CONGER. If the gentleman will take seven and a half gallons from forty, the remainder will show that I am correct. Now, why should these distillers have this allowance of over 20 per cent.? The

gentleman did not answer that part of the argument.

Mr. BUTTERWORTH. I will, if the gentleman will permit me.

Mr. CONGER. The gentleman says that he wants "equal and exact justice" between these men. He also says that these distillers stated before the committee that they were not doing a good business. Now, the report shows that all the distillers who spoke upon the subject said that they were doing a swimming business now; were making up rapidly for all the losses of the last few years. No one of them makes any complaint on this subject. Even the gentleman who said that he had become bankrupt stated to the committee that his friends had saved his property, so that his profits now would save it to him. That was a Philadelphia gentleman.

Mr. KELLEY. In that case there was new capital of \$900,000 which had been shrinking, and now, as appeared, it was beginning to build up. Mr. CONGER. Now, sir, I say on these three points there is for rebate of interest which was asked here a few years ago, and when, as the record of this House shows, it was asserted by myself and other gentlemen but a short time would elapse before these men would come and ask that also the interest be released, it was said it would not be asked, and yet it is. One hundred and fifty thousand dollars is asked for that interest to be given up in the way of interest. There is \$75,000 asked to be given up in the way of interest. There is \$75,000 asked to be given up for issuing stamps for the benefit of these men alone, which the Government has to pay for and provide and do all the work about. And nearly \$2,000,000 for leakage—and I want to emphasize it—for "suckage" from the barrels.

Mr. CARLISLE. Allow me to ask the gentleman a question. If there is to be any "suckage," as the gentleman calls it, by whom is it to be done?

it to be done?

Mr. CONGER. That is to be done by those interested in collusion

with the officers of the United States.

Mr. CARLISLE. The officers have exclusive control of the spirits.
Mr. CONGER. Two million dollars might possibly, if a man had
his price, find a purchaser. The inducement is bad for crooked whisky, and crooked manufacture, and bad gauging, and bad storehouse keeping. Let us at least try and not unnecessarily place temptation in the way of men intrusted with the carrying out and execution of the

laws of the country.

Now, sir, I do not know the issue can be drawn more strongly than it is now, and when the votes are taken on this proposition I do not know that men can signify to the country and their constituents more positively, more decidedly what their views are on these questions than by such a vote as I hope we shall have of record.

Mr. CARLISLE. I yield now for five minutes to the gentleman

from Ohio, [Mr. GARFIELD.]
Mr. GARFIELD. Mr. Speaker, I have already said all I care to say on the pending amendments to this bill; but I ask the attention of the House and the country to a matter which relates to the work of the Committee on Ways and Means, and especially to myself as a member of that committee. I think it will be interesting to the House to examine one of the methods by which news and public opinion are manufactured.

I hold in my hand a printed slip, about forty copies of which have come to me in the last five or six days from various quarters of the country. I will read the preliminary note and ask the members of

the House to notice its character:

To the Editor

We are requested, by the publishers of several leading New York dailies as well as manufacturers of paper, to inclose to you the paragraph printed below. If you read it our object will have been attained. Your own interests will dictate what further use, if any, you will make of the suggestion it contains. We have no personal interest except to serve our friends, the publishers of newspapers in this and other States.

GEO. P. ROWELL & CO.

NEW YORK, April 21, 1880.

Below this letter on the same slip is a ready-made editorial which will have printed.

A MEMBER. Let it be read.

Mr. GARFIELD. The paper is as follows:

Mr. GARFIELD. The paper is as follows:

Whatever else may be doubtful about the intention of the authors of our tariff laws, they undoubtedly meant to place on the free list all materials used in the manufacture of paper. It happened that pulp of wood, which is by far the most important element in the manufacture of paper used by the daily and weekly press of the country, was not specifically and by name exempted from duty. Under a Treasury decision which lield that this verbal omission was fatal to the free admission of wood-pulp, a few manufacturers of that article have been able to impose an exorbitant tax on the general body of paper-makers, by whom it is of course shifted on the consumers, the newspaper publishers of the great cities—we, consequently, being impoverished so that a handful of monopolists may grow rich. The most powerful champion of these monopolists is Representative Garriers. Were his opposition to the bill withdrawn, the restoration of wood-pulp to the free list, where it belongs, would be accomplished in a few days. While his opposition continues the monopolists are secure. Can Mr. Garriers afford to continue his support of a most odious and oppressive tax which brings in no revenue to the Government, but which interferes very decidedly with the dissemination of knowledge among the people!

I am told that nine or ten thousand copies of this slip have been sent to editors of various newspapers of the United States. The advertising firm that transmits it does not claim to know anything concerning the truth of what is stated in the circular. No names are given of those who have asked the agency to send out this slip; but

it is stated that certain publishers of leading New York dailies and certain paper manufacturers have requested the firm to distribute this slip. So without vouching for its truth-without pretending to know or care anything about it, and without saying who it is that makes these charges, this firm sends to nine thousand newspapers of the United States these charges against the Committee on Ways and Means generally, and closes with the particular charge that I hold the casting vote in that committee, and by my single vote prevent the action of the committee and consequently the action of this House on the which

I give this slip as a specimen of one of the ways in which opinions concerning public men and public measures are manufactured and

circulated.

Probably five hundred newspapers, small and great, have already published this slip as an editorial. Few, if any, of them have printed with it the letter of the advertising firm that sent it; but the slip itself is printed as an editorial statement of the truth of the case to

Now, for myself and for the sake of the truth, I wish the House to

note this method of manufacturing public opinion.

Mr. BAYNE. It shows Rowell & Co. are good advertisers.

Mr. GARFIELD. The Committee on Ways and Means consists of thirteen members. Five of the thirteen are republicans; eight are democrats. Now, this advertising firm and the editors who adopt their irresponsible card would have the American people believe that I hold the casting vote in that committee on this subject, and that during the six or eight weeks since the question of the duty on paper has been before the committee I have held the casting vote and have prevented the committee and the House from acting. I say in reply that every member of that committee, without distinction of party, knows that this statement of the circular is absolutely false and without any shadow of foundation. I say every member of the committee knows it; and yet not a day passes in which forty or fifty newspapers in the land do not contain this charge in almost the identical words of the advertising agency.

I say furthermore for myself, without disclosing any secrets of the

committee, that it is perfectly well known that not only I but several of my associates upon that committee have for weeks expressed our willingness to have this subject brought into the House as a separate measure; but the chief question has been whether it should

be brought in as a separate measure or as a part of a general tariff bill.

Mr. FROST. Will the gentleman permit me to ask him a question?

Mr. GARFIELD. Certainly. Mr. FROST. I wish to ask the gentleman whether he is in favor of or opposed to free paper?

Mr. GARFIELD. I may not state what has taken place in the committee, but I will say for myself, only, that the protected articles in the tariff laws average about 45 per cent. ad valorem. The duty on paper-pulp and printing-paper pay 20 per cent. ad valorem, less than one-half of the average of all protected articles; but because this brings in only a small revenue to the Government, I am willing for one-and have been willing from the beginning of this discussionand I think I may speak for other gentlemen on the committee, to reduce the duty on paper and the materials of its manufacture as low as it can possibly be reduced without destroying or crippling the in-dustries with which it is connected. Beyond that I am not willing to go

on any account, or under any pressure from any quarter. [Applause.]
Mr. CARLISLE. If no other gentleman desires to discuss this matter, I shall now ask a vote upon the various

Mr. BARBER. Will the gentleman yield to me for a few moments?
Mr. CARLISLE. Yes, sir.
Mr. BARBER. I ask the indulgence of the House for a very brief
time. I had read here to-day the names of a number of distillers in
the city of Chicago to show the House that the sentiment among distillers is not as represented by some gentlemen who have spoken upon this subject, or as entertained by the distillers at Peoria. My friend from Michigan [Mr. CONGER] has seen fit to intimate that I had the

Now, sir, it is but fair that the sentiment of the trade in this country should be known. These expressions of sentiment were found in the testimony taken before the Committee on Ways and Means, and I may be permitted to add that but one or two of these establishments belong in my district. They are scattered throughout the three con-

gressional districts represented upon this floor.

I am as much in favor of temperance, good order, and sobriety as any man on this floor. I am as much opposed to pauperism, crime, and disorder, the outgrowth of intemperance, and to all the evils that flow from excessive alcoholic drinking, as any man here. And I am ready to join in any reasonable effort to cure such evils, and did I suppose that any one of these interests was to the remotest extent involved in this bill, I should hesitate in regard to my action thereon; but I do not believe that any one of these interests is involved to

I have the honor, Mr. Speaker, to represent in part on this floor a great commercial emporium, one of the greatest in this country or in the world, and I believe that the people of that city, in keeping with the fundamental principles which underlie real prosperity, are in favor of the utmost liberality to all the great branches of trade and commerce. And I agree fully with the sentiment so well expressed by the gentleman from Cincinnati, that this is a measure affecting

the revenue—not a temperance or anti-temperance measure, but rather an effort to perfect the internal-revenue laws of the country—in their application to an interest or branch of trade which already yields a large amount of revenue and promises increase for the future, and for these reasons I support the bill.

Mr. CARLISLE. Some things have been said in this debate to which I would like to reply; but, inasmuch as it is growing late, I believe it is my duty to call for a vote on the amendments.

The SPEAKER. Unless a separate vote be demanded on the several amendments reported from the Committee of the Whole, the Chair will submit the question on them in gross.

The amendments recommended by the committee were agreed to. The next amendment, being the first amendment of Mr. Conger, on which a separate vote was to be allowed in the House, was read, as follows:

Add to line 83, on page 6, as follows:

Provided, That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of 5 per cent. per annum from and after the expiration of said year until the tax shall be paid. Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The House divided; and there were-ayes 63, noes 66.

Mr. CONGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 58, nays 101, not voting 133; as follows:

YEAS-58. Dunn, Dunnell,

Deering.

Mason, McCoid, Simonton, Singleton, O. R. Berry, Bicknell. Ferdon. Monroe Field. Murch, Neal, New, Orth, Stone, Thomas, Thompson, W. G. Tillman, Field, Garfield, Gillette, Godshalk, Hall, Haskell, Hawk, Hayes, Heilman, Blake, Boyd, Brewer. Orun,
Osmer,
Overton,
Prescott,
Price,
Reed,
Richardson, J. S.
Palinson Tyler, Updegraff, J. T. Voorhis, Burrows. Camp, Carpenter, Conger, Cowgill, Crapo, Cravens, Warner, Henderson, Horr, Humphrey, Robinson, Russell, W. A.

NAYS-101.

Acklen, Aldrich, V Armfield, Atherton, Bachman, Covert, Davis, George R. Davis, Horace Deuster, Dibrell, Sawyer, Scales, Singleton, J. W. Smith, William E. Kenna, Kimmel, William King, Kitchin, Klotz, Knott, Sparks, Speer, Springer, Taylor, Thompson, P. B. Barber. Dick. Einstein, Elam, Errett, Felton, Bayne, Beale, Beltzhoover, Lewis, Lindsey, Lowe. Lowe, Martin, Benj. F. Martin, Edward L. McKenzie, McMillin, Tucker, Turner, Oscar Turner, Thomas Updegraff, Thomas Bingham, Blackburn, Ford, Bland, Forney, Frost, Gibson, Blount. Upson, Waddill, Wellborn, Wells, Whitthorne, Bright, Buckner, Butterworth, Caldwell, Money, Morrison, Goode, Gunter, Harmer, Harris, John T. Hatch, Hostetler, Morton, Nicholls Carlisle, Chittenden, Clark, John B. Willis, Wilson, Persons, Philips, Poehler, Wise, Wright, Young, Casey. House, Cobb, Coffroth, Colerick, Reagan, Richmond, Robertson, Hull. Hunton, Hurd, Rothwell, Russell, Daniel L. Converse, Cook,

Kelley, NOT VOTING-133. Lounsbery, Manning, Marsh, Martin, Joseph J. Ewing, Aldrich, N. W. Samford. Atkins, Bailey, Sapp, Shallenberger, Shelley, Farr, Finley, Fisher, Forsythe, Fort, Frye, Geddes, Baker. Ballou McCook Slemon Barlow, Belford, McGowan, McKinley, McLane, Smith, A. Herr Smith, Hezekiah B. Starin, Bliss, Bouck, Bowman, Geddes, Hammond, John Hammond, N. J. Harris, Benj. W. Hawley, Hazelton, Steele, Stephens, Stevenson, Talbott, McMahon. Miles,
Miller,
Mills,
Mitchell,
Muldrow,
Muller, Bragg, Briggs, Brigham, Browne, Cabell, Townsend, Amos Townshend, R. W. Henkle, Henry, Herbert, Urner, Valentine, Myers, Newberry, Norcross, O'Brien, O'Connor, O'Neill, Calkins Herndon, Hill, Hiscock, Caswell, Chalmers, Claffin, Van Aernam. Van Voorhis, Wait, Ward, Washburn, White, Whiteaker, Clardy, Clark, Alvah A. Clymer, Hooker, Houk, Hubbell, O'Reilly, Clymer,
Cox,
Crowley,
Culberson,
Daggett,
Davidson,
Davis, Joseph J.
Davis, Lowndes H.
De La Matyr,
Dickey,
Dwight,
Ellis. O'Reilly, Pacheco, Page, Phelps, Phister, Pierce, Pound, Rice, Richardson, D. P. Hutchins. James, Johnston, Jorgensen, Witeaker,
Wilber,
Williams, C. G.
Williams, Thomas
Willits,
Wood, Fernando
Wood, Walter A.
Young, Thomas L. Joyce, Keifer, Ketcham,

Robeson, Ross,

Ryan, Thomas Ryon, John W. Loring, So the amendment was not agreed to.

Ellis

Killinger, Ladd, Lapham, Le Fevre,

The following additional pairs were announced:
Mr. Stephens with Mr. Willits, on the internal-revenue bill.
Mr. McMahon with Mr. Ryan, of Kansas, on the internal-revenue

Mr. O'CONNOR with Mr. HAWLEY, for the remainder of this day. Mr. Mills with Mr. Phister, on this bill and all the amendments

thereto. Mr. McGowan with Mr. O'NEILL, on all votes upon this bill and amendments thereto.

mendments thereto.

Mr. Townshend, of Illinois, with Mr. Pacheco, for to-day.
Mr. Valentine with Mr. Finley.
Mr. Bragg with Mr. Browne.
Mr. Ward with Mr. Manning, for to-day.

Mr. Pound with Mr. Whiteaker, on all political and revenue questions till May 12, but not to prevent voting to make a quorum.
Mr. Belford with Mr. Townsend, of Ohio, on this bill.
Mr. Lapham with Mr. Culberson.

Mr. Rice with Mr. Nicholls, on all political questions for the remainder of this day.

Mr. Harris, of Massachusetts, with Mr. Davidson, for this day.
Mr. Newberry with Mr. Ellis, on the bill to amend the revenue
ws. Mr. Ellis would vote "ay" and Mr. Newberry "no."
Mr. Slemons with Mr. Pierce.
Mr. Ladd with Mr. Joyce, on all questions except those pertain-

ing to the tariff, when it is necessary to make a quorum, and in the case of Curtin vs. Yocum.

Mr. NORCROSS with Mr. Steele, for this day. Mr. Blount with Mr. Hubbell, on all tariff questions until Mon-

day next.

Mr. CLYMER with Mr. CLARK, of Missouri, until further notice, on all questions touching the tariff.

Mr. HERBERT with Mr. WILLIAMS, of Wisconsin, on all questions

Mr. NICHOLLS. I have been announced as paired with the gentleman from Massachusetts, Mr. RICE, on all political questions. By agreement I am at liberty to vote on this bill.

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey; but my understanding of the pair was that I was at liberty to vote on this bill.

The result of the vote was then announced as above recorded. The SPEAKER. The next amendment will be read.

Mr. STONE. I move that the House do now adjourn.
Mr. GARFIELD. If the House should now adjourn, I understand,

Mr. GARFIELD. If the House should now adjourn, I understand, this bill will come up as the first business on Monday morning.

The SPEAKER. It will come up on Tuesday morning. The previous question is prevailing, and the bill will come up on Tuesday. Mr. GARFIELD. Is Monday suspension day?

The SPEAKER. It is suspension day after the call of States. The Chair will examine the point, but as at present advised he thinks the bill will come up on Tuesday after the reading of the Journal if the House should now adjourn. House should now adjourn.

ENROLLED BILL SIGNED.

Pending the motion to adjourn,

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:
An act (H. R. No. 2253) to provide for the construction of a marine

hospital in the city of Memphis, Tennessee.

SPEECHES OF M. THIERS.

The SPEAKER laid before the House a letter from the Secretary of State; which was read, as follows:

DEPARTMENT OF STATE, Washington, April 24, 1880.

Sm: I have the honor to transmit herewith a package containing the first seven volumes of the speeches of M. Thiers, which Madame Thiers, the widow of that distinguished French statesman, desires this Department to present to the library of the House of Representatives on her behalf.

I have the honor to be, your obedient servant,

WILLIAM M. EVARTS.

Hon. Samuel J. Randall, Speaker House of Representatives.

The communication was laid on the table.

NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the operations and expenditures of the National Board of Health for the quarter ending March 31, 1880; which was referred to the Committee on Expenditures in the Treasury Department.

ROBERT P. WILSON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of officers of the Fifth Cavalry relative to the restoration to the Army of Robert P. Wilson, late captain Fifth Cavalry; which was referred to the Committee on Military Affairs.

BOUNTY AND BACK-PAY CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling commutation of for information as to the cause of the delay in payment of claims for on War Claims.

bounty and back pay; which was referred to the Committee on Military Affairs.

LIGHT-HOUSE AT POINT CONCEPTION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the necessity for an appropriation to purchase a site for a light-house at Point Conception, California; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. McMahon, for two weeks from Monday, on account of im-portant business;

To Mr. VANCE, for next week;
To Mr. Myers, indefinitely;
To Mr. Pound, for ten days, on account of important business; and

To Mr. NICHOLLS, for two weeks from Wednesday next.

DESK OF THOMAS JEFFERSON.

Mr. WILSON, of West Virginia. A few days ago the desk upon which the immortal Jefferson wrote the Declaration of Independence was presented to the United States. Many members of this House desire that the proceedings of the two Houses of Congress upon that occasion shall be published. At their suggestion, I now ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 10,000 copies of the proceedings of the two Houses of Congress upon the presentation to the United States by J. Randal Coolidge and others of the desk upon which Thomas Jefferson wrote the Declaration of Independence, 7,000 copies to be for the use of the House of Representatives and 3,000 copies for the use of the Senate.

Mr. BREWER. Let that resolution go to the Committee on Print-

ing.

The resolution was accordingly referred to the Committee on Print-

ORDER OF BUSINESS.

Mr. STONE. I now insist upon my motion that the House adjourn. The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of the Union Iron and Steel Company, of Chicago, Illinois, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BACHMAN: The petition of the Sancow Iron Company, of Hullertown, Pennsylvania, of similar import—to the same committee. By Mr. BAYNE: The petition of the National Tube Works and National Rolling Mills, of similar import—to the same committee. By Mr. BEALE: The petition of Edward S. Ruggles, for the removal of his political disabilities—to the Committee on the Judi-

By Mr. BELTZHOOVER: The petitions of C. W. Ahl & Son, of Carlisle Iron Works, and of Wrightsville (Pennsylvania) Iron Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BERRY: Resolution of the Legislature of California, opposing the discontinuance of the letter service of Wells, Fargo & Company—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the California Legislature, for relief for settlers upon Government lands in Tulare County, California—to the Com-

mittee on Pacific Railroads.

By Mr. BLAND: The petition of the Sligo (Missouri) Furnace Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BRENTS: The petition of citizens of the Territories of New Mexico, Utah, Washington, and Wyoming, for an appropriation to pay deficiencies in the legislative expenses of said Territories—to the Com-

mittee on Appropriations.

By Mr. BRIGGS: The petition of the Nashua (New Hampshire)
Iron and Steel Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

Also, the petition of Hannah D. Chase, for the extension of certain patents for improvements in machines for splitting leather—to the Committee on Patents.

By Mr. CASWELL: The petition of A. A. Beckwith and 18 others, citizens of Wisconsin, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. CLYMER: The petition of Ferguson, White & Co., of Robe-

sonia, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. COFFROTH: The petition of the Holidaysburgh and Gap Iron Works, of Blair County, Pennsylvania, of similar import—to the

same committee.

By Mr. COX: Papers relating to the claim of James Gleason, for commutation of rations while a prisoner of war—to the Committee

By Mr. DEERING: The petition of the citizens of Floyd County, Iowa, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. HORACE DAVIS: Memorial of the Chamber of Commerce

of San Francisco, that the size of mail steamships to be subsidized be not prescribed by law—to the Committee on Commerce.

Also, memorial of the Chamber of Commerce of San Francisco, remonstrating against the discontinuance of the letter service of Wells, Fargo & Company's express—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Legislature of California, of similar import-

to the same committee.

Also, resolutions of the Legislature of California, respecting settlers on public lands in Tulare County, California—to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of San Francisco, that the defenses of that harbor may be armed with heavier guns-to the

Committee on Military Affairs.

By Mr. DICK: The petition of Spearman Iron Company, Sharpsville, and of Kimberly, Carner & Co., of Sharon, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FELTON: The petition of James C. Warner & Co., of Rising Fawn, and of Edward Nicholls, of Ridge Valley, Georgia, of similar interest.

ing Fawn, and of Edward Nicholls, of Ridge Valley, Georgia, of similar import—to the same committee.

By Mr. GARFIELD: The petition of the Iron Company, of Niles, Ohio, of similar import—to the same committee.

By Mr. HUNTON: The petition of citizens of Fairfax County, Virginia, for an appropriation to improve the Potomac River at the mouth of Pohick Creek—to the Committee on Commerce.

of Pohick Creek—to the Committee on Commerce.

Also, the petition of John P. Agnew & Co., of Alexandria, Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. JOHNSTON: The petition of Ira F. Jordan & Co., of Victoria Furnace, Virginia, of similar import—to the same committee.

By Mr. EDWARD L. MARTIN: The petition of the McCullough

Iron Company, of Wilmington, Delaware, of similar import-to the

same committee.

By Mr. McMAHON: The petition of William Dean, executor of Alonzo Child, deceased, and others, members of the late firm of Child, Pratt & Fox, of Saint Louis, Missouri, relating to the claim of said firm against the United States for stores furnished for the Army—to

the Committee on Claims.

By Mr. NEAL: The petitions of the Huron Iron Company, of the Globe Iron Company, of the Star Furnace Company, of Jackson; of the Buckeye Furnace Company, of Jackson County; of the Lawrence Iron Works Company, of H. Campbell & Sons, of the New York and Ohio Iron and Steel Company, of Ironton; of the Wellston Coal and Iron Company; of the Portsmouth Iron and Steel Company; and of Damarin & Co. and L. C. Damarin, of Portsmouth, Ohio, for the passes of the Faton bill very district the faton bill very district the state of the sta

sage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. O'CONNOR: Resolution of the State board of health of South Carolina, against the establishment of any quarantine in that State without the previous consent of the governor of South Carolina or the State board of health—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. RICHMOND: The petition of J. J. Culberson, of Radford Furnace, Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

Also, the petition of Graham Robinson, of Graham's Forge, Virginia, of similar import—to the same committee.

ginia, of similar import—to the same committee.

By Mr. STONE: The petition of the Spring Lake Iron Company, of Fruitport, Michigan, of similar import—to the same committee.

By Mr. TUCKER: The petition of Hileman, Cook & Co., and of George T. Wickes, agent of the Low Moor Iron Company, of Alleghany County, Virginia, of similar import—to the same committee.

By Mr. TYLER: The petition of Charles W. Sargent, S. C. Newton, and 100 others, citizens of Windham County, Vermont, for the amendment of the patent laws so as to make manufacturers and vendors of patented articles alone liable for infringements—to the Committee on Patents

By Mr. THOMAS UPDEGRAFF: The petition of Brady, Ellwanger & Co., of Dubuque, Iowa, for the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the Committee on Ways and

Also, the petition of J. R. Snyder and 30 others, citizens of Fayette, Iowa, that salt be placed on the free list—to the same committee.

By Mr. UPSON: The petition of John Mellifont and Ellen Riordan, that their claim for losses caused by depredations committed by United States soldiers at Fort Clark, Texas, since 1867, be referred to the Court of Claims—to the Committee on Claims.

By Mr. VOORHIS: The petition of the Dover (New Jersey) Iron Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. WELLS: The petition of the Harrison Wire Company of

By Mr. WELLS: The petition of the Harrison Wire Company, of

Saint Louis, Missouri, of similar import—to the same committee.

By Mr. WHITTHORNE: A bill to establish certain post-routes in Tennessee-to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, May 3, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and ap-

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a communication from the Chief of Engineers covering a copy of a report of Major F. Harwood, of the Corps of Engineers, upon a resurvey of Sebewaing Harbor, Michor the Corps of Engineers, upon a resurvey of Secewang Harbor, Michigan, made in compliance with the requirements of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary

of War, transmitting a communication from the Chief of Engineers and an accompanying report of Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, upon an examination of Broad River, South Carolina, made in compliance with the requirements of the river and harbor act of March 3, 1879; which was referred to the Committee on

Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, correcting the number of the Senate bill, intending to refer to Senate bill No. 1391, used in the reports of Captain George W. Bailey, of the revenue-marine service, and others, upon the numbers, location, and occupation, and condition of the people in Alaska; which was referred to the Committee on Territories.

He also laid before the Senate a communication from the Secretary of War, transmitting an approximate estimate from the Quartermaster-General of the probable amount of funds required to reimburse the appropriation for clothing and camp and garrison equipage, donated to the use of civil committees by various joint resolutions of Congress already passed and to be passed; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, and its in-closure recommending an amendment of the bill (H. R. No. 5545) for the relief of the heirs of Juan Read; which was referred to the Com-

mittee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting a memorial of Colonel W. Merritt and other officers of the Fifth United States Cavalry, remonstrating against the restoration to the Army of Robert P. Wilson, late a captain of the Fifth Cavalry, and bearing the respective indorsements of Colonel Merritt, General George Crook, commanding the Department of the Platte, and Lieutenant-General P. H. Sheridan, commanding the military division of the Missouri; which was ordered to lie on the table and be printed.

He also presented the petition of the German Society of the State of Pennsylvania, praying for the passage of the bill to regulate immigration; which was referred to the Committee on Foreign Rela-

He also presented resolutions of the Legislature of California, relative to the act of Congress enabling honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States; which were referred to the Committee on Public Lands.

Mr. PADDOCK. I present a memorial signed by W. W. Lowe, P. W. Hitchcock, T. L. Kimball, H. Kountze, C. B. Rustin, E. F. Test, and R. H. Wilbur, a committee appointed by the Board of Trade of the city of Omaha, Nebraska, as to the advantages of Omaha for the location of a branch mint. I ask that the memorial may lie on the table for the present, in order to give me an opportunity to submit some remarks on it.

The VICE-PRESIDENT. The memorial will lie on the table.

Mr. ROLLINS presented the petition of the Nashua Iron and Steel
Company, of Nashua, New Hampshire, manufacturers of iron and steel, employing four hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BALDWIN presented the petition of the Deer Lake Iron and Lumber Company, of Ishpeming, Michigan, manufacturers of pig-iron and lumber, employing two hundred hands, and the petition of the Michigan Central Iron Company of Lawton, Michigan, manufacturers of charcoal pig-iron, employing two hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

He also presented the memorial of A. & S. Woolner & Co. and 11

other firms of Peoria and Pekin, Illinois, remonstrating against the passage of the bill (H. R. No. 4812) to amend the laws in relation to internal revenue; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of the Globe Woolen Company, of Utica, New York, manufacturers of woolen goods, employing four hundred and twenty-five hands; and the petition of the Kirkland Iron Company of Kirkland New York; and of L. A. Williams & Co. of

Company, of Kirkland, New York; and of J. A. Williams & Co., of Utica, New York, manufacturers of pig-iron and locomotive headlights, employing one hundred and twenty-five hands, praying for

the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

He also presented the petition of Michael Pfoertner, late private Company E, Forty-sixth New York Volunteers, praying for the removal

of the charge of desertion and for an honorable discharge; which was referred to the Committee on Military Affairs.

He also presented the petition of John Wilhelm, late private Company E, Eighth Regiment New York Volunteers, praying for the removal of the charge of desertion and for an honorable discharge; which was referred to the Committee on Military Affairs.

which was referred to the Committee on Military Affairs.

He also presented additional evidence in the case of Friedrich Oechsle, for the removal of the charge of desertion, &c.; which was referred to the Committee on Military Affairs.

Mr. WITHERS presented the petition of J. J. Culbertson, of Radford Furnace, Virginia, manufacturer of pig-iron, employing one hundred and fifty hands; the petition of Hilman Cook & Co., of hundred and fifty hands; the petition of Hilman Cook & Co., of Alleghany County, Virginia, manufacturers of pig-iron, employing seventy-five hands; and the petition of the Old Dominion Iron and Nail Works Company, of Richmond, Virginia, manufacturers of bar-iron, nails, &c., employing five hundred and fifty hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. HARRIS presented the petition of S. A. Rodgers and others, citizens of Tennessee, praying for an appropriation for the improvement of the navigation of the Little Tennessee River; which was referred to the Committee on Commerce.

to the Committee on Commerce.

Mr. WALLACE presented the petition of T. B. & A. Laughlin, of Armstrong County, Pennsylvania, manufacturers of pig-iron; the petition of Manuel McShain & Co., of Hempfield, Lancaster County, Pennsylvania, manufacturers of refined bar-iron, employing one hundred hands; and the petition of the Hollidaysburgh and Gap Iron Works, of Hollidaysburgh, Blair County, Pennsylvania, manufacturers of pig-iron, employing two hundred and twenty-five hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. SLATER presented a memorial of 10 citizens of Oregon, re-

Mr. SLATER presented a memorial of 10 citizens of Oregon, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented a petition of 187 citizens of Lane, Douglas, and Coos Counties, Oregon, praying an appropriation for the survey of the Sinselaw Bay, Oregon; which was referred to the Committee on

Mr. CAMERON, of Pennsylvania, presented the petition of Lindsay & McCutcheon, of Pittsburgh, Pennsylvania, manufacturers of iron, employing three hundred and seventy-five hands; the petition of Williams, Long & McDowell, of Pittsburgh, Pennsylvania, manufacturers of iron, employing three hundred and fifty hands; the petition of the Keystone Iron Works Company, of Reading, Pennsylvania, manufacturers of iron, employing three hundred and fifty hands; the petition of the Keystone Iron Works Company, of Reading, Pennsylvania, manufacturers of the Meystone Iron Works Company, of Reading, Pennsylvania, manufacturers of the Meystone Iron Works Company, of Reading, Pennsylvania, manufacturers of the Meystone Iron Works Company, of Reading, Pennsylvania, manufacturers of the Meystone Iron Works Company, of Reading, Pennsylvania, manufacturers of the Meystone Iron Works Company, of Reading, Pennsylvania, manufacturers of Iron, employing three hundred and fifty hands; the petition of the Keystone Iron Works Company, of Reading, Pennsylvania, manufacturers of Iron, employing three hundred and fifty hands; the petition of the Keystone Iron Works Company, of Reading, Pennsylvania, manufacturers of Iron Works Company, of R nia, manufacturers of plate and bar iron, employing ninety hands; the petition of Cambria Iron Company, of Johnstown, Pennsylvania, manufacturers of iron and steel rails, &c., employing five thousand hands; the petition of the Kittanning Iron Company, (limited,) of Kittanning, Pennsylvania, manufacturers of iron, employing four hundred hands; the petition of sundry manufacturers of sheet-iron, hundred hands; the petition of sundry manufacturers of sheet-iron, of Apollo, Pennsylvania, employing two hundred and fifty hands; the petition of the Wheeler Iron Company, of Middlesex, Pennsylvania, manufacturers of pig and bar iron, employing one hundred and twenty hands; the petition of Brown & Co., of Pittsburgh, Pennsylvania, manufacturers of iron and steel, employing four hundred and fifty hands; the petition of the National Tube Works Company and National Rolling-Mills, of McKeesport, Pennsylvania, manufacturers National Rolling-Mills, of McKeesport, Pennsylvania, manufacturers of wrought-iron pipe and other descriptions of iron, employing fifteen hundred hands; the petition of Shoenberger, Blair & Co., of Pittsburgh, Pennsylvania, manufacturers of pig-metal, employing one hundred and twenty-five hands; the petition of the United States Iron and Tin Plate Company, of Pittsburgh, Pennsylvania, manufacturers of refined sheet-iron and tin-plate, employing one hundred and forty hands; the petition of Valentine & Co., of Bellefonte, Pennsylvania, manufacturers of pig, bloom, and bar iron, employing three hundred hands; the petition of the Spearman Iron Company, of Sharpsville, Pennsylvania, manufacturers of pig-iron, employing one hundred hands; the petition of H. Lloyd, Sour & Co., of Pittsburgh, Pennsylvania, manufacturers of iron, employing one hundred and fifty hands; vania, manufacturers of iron, employing one hundred and fifty hands; the petition of Bernard Luath, of Howard, Pennsylvania, manufactthe petition of Bernard Luath, or Howard, Fennsylvania, manufacturer of pig-iron and blooms and manufactured iron, employing one hundred and seventy-five hands; the petition of Smith, Sutton & Co., of Pittsburgh, Pennsylvania, manufacturers of steel, employing three hundred and fifty hands; the petition of the Lehigh Iron Company, of Allentown, Pennsylvania, manufacturers of pig-iron, employing two hundred hands; the petition of Hussey, Burns & Co., of Pittsburgh, Burns & C two hundred hands; the petition of Hussey, Burns & Co., of Pittsburgh, Pennsylvania, manufacturers of shovels, spades, and scoops, employing one hundred and fifty hands; the petition of the Middlesex Furnace Company, of West Middlesex, Pennsylvania, manufacturers of pig-iron, employing seventy-five hands; the petition of Boyce, Rawle & Co., of Sharon, Pennsylvania, employing thirty hands; the petition of Van Alen & Co., of Northumberland, Pennsylvania, manufacturers of nails, &c., employing one hundred and forty hands; the petition of Ferguson, White & Co., of Robesonia, Pennsylvania, manufacturers of pig-iron, employing sixty hands; the petition of Shoen-

berger & Co., of Pittsburgh, Pennsylvania, manufacturers of steel nails, spikes, horse-shoes, &c., employing five hundred hands; the petition of the Midvale Steel Works, of Nicetown, Philadelphia, nails, spikes, horse-shoes, &c., employing five hundred hands; the petition of the Midvale Steel Works, of Nicetown, Philadelphia, Pennsylvania, manufacturers of steel, employing four hundred and fifty hands; the petition of Anderson & Co., of Pittsburgh, Pennsylvania, manufacturers of steel, employing four hundred hands; the petition of H. and R. C. Oliphant, of Oliphant Furnace, Pennsylvania, manufacturers of pig-iron, employing two hundred and fifty hands; the petition of the Glamorgan Iron Company, of Lewistown, Pennsylvania, manufacturers of pig-iron, employing two hundred and eighty hands; the petition of Wesley Wilson & Co., of Mahoning Furnace, Armstrong County, Pennsylvania, manufacturers of pig-iron, employing one hundred and twenty-five hands; the petition of the Gaucon Iron Company, of Hellertown, Pennsylvania, manufacturers of pig-iron, employing three hundred hands; the petition of the Standard Iron and Nail Company, of Standard, Lycoming County, Pennsylvania, manufacturers of pig-iron, employing one hundred and twenty-five hands; the petition of Grove Brothers, of Danville, Pennsylvania, manufacturers of pig-iron, employing one hundred and twenty-five hands; the petition of Moorhead & Co., of Pittsburgh, Pennsylvania, manufacturers of pig-iron, plate, sheet, and galvanized sheet iron, employing seven hundred hands; and the petition of Jacob Painter & Sons, of Pittsburgh, Pennsylvania, manufacturers of merchant-& Sons, of Pittsburgh, Pennsylvania, manufacturers of merchant-iron, employing seven hundred and fifty hands, praying for the pas-sage of the Eaton bill providing for the appointment of a tariff com-mission; which were ordered to lie on the table.

Mr. SAUNDERS presented the petition of James E. Boyd, E. Rosewater, John A. Creighton and 70 others, business men of Omaha, Nebraska, asking for the removal of the duty on salt, so that it may be placed on the free list; which was referred to the Committee on Fi-

Mr. MORRILL presented the petition of Kimberly, Camer & Co., of Sharon, Pennsylvania, manufacturers of iron and nails, employing seven hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. DAWES presented the petition of the United States Bunting Company, of Lowell, Massachusetts, manufacturers of woolen goods, employing three hundred and fifty hands; the petition of the Hartford Carpet Company, J. L. Houston, president, of Hartford, Connecticut, manufacturers of woolen goods, employing seventeen hundred and twelve hands; and the petition of L. Pomeroy & Sons, of Pittsfield, Massachusetts, manufacturers of woolen goods, employing

two hundred and fifty hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. HOAR. I desire to present some petitions on the same subject: one of W. A. Maynard, agent of the Assabet Manufacturing Company, of Maynard, Massachusetts, who employ nine hundred hands; one of the Wareham Cut-Nail Company, of South Wareham, Massachusetts, employing one hundred hands; and one of a very large number of persons engaged in the manufacture of various cotton fabrics. They say that the industries above mentioned consume approximately fifteen hundred bales of cotton annually, and operate ten million spindles, and employ over \$200,000,000 of capital. I move that these petitions lie on the table.

The motion was agreed to.

Mr. BURNSIDE presented the petition of D. Goff & Sons, of Pawtucket, Rhode Island, manufacturers of worsted braids, employing two hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. ALLISON presented a petition of pork-packers and others, citizens of Davenport, Iowa, praying for the removal of the duty on salt; which was referred to the Committee on Finance.

Mr. WALLACE presented a memorial of Government employes at

Jeffersonville, Indiana, in favor of the enforcement of the eight-hour aw; which was referred to the Committee on Education and Labor.

law; which was referred to the Committee on Education and Labor.

Mr. VEST presented the petition of the Midland Blast Furnace
Company, of Midland, Crawford County, Missouri, manufacturers of
pig-iron, employing five hundred hands; the petition of the Sligo
Furnace Company, of Sligo, Dent County, Missouri, manufacturers of
pig-iron, employing three hundred hands, and the petition of the
Harrison Wire Company, of Saint Louis, Missouri, manufacturers of
wire, employing four hundred hands, praying for the passage of the
Eaton bill providing for the appointment of a tariff commission;
which were ordered to lie on the table.

Mr. PRYOR presented the petition of the Eureka Company, of Oxmoor, Alabama, manufacturers of pig-iron, employing two hundred
and fifty hands, praying for the passage of the Eaton bill providing
for the appointment of a tariff commission; which was ordered to lie
on the table.

on the table.

Mr. CARPENTER presented the petition of the Appleton Furnace Company, of Appleton, Wisconsin, manufacturers of pig-iron, employing one hundred and twenty-five hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. JONAS presented a memorial of the president of the New Orleans Chamber of Commerce and other business men of New Orleans, Louisiana, praying that a contract be entered into by the United

States Government with Joseph Aiken, F. A. Blanks, and M. Kenison for the maintenance of a good navigable channel through the mouth of the Red River, Louisiana; which was referred to the Committee on Commerce.

He also presented a petition of watchmen and officers of the Washington Asylum and Work-house, praying that their pay be raised so that their compensation may be more in accordance with the duties

that their compensation may be more in accordance with the duties they perform; which was referred to the Committee on the District of Columbia.

Mr. KIRKWOOD. I present the memorial of Thaddeus S. Stewart and 7 other soldiers, residents in Monroe County, Iowa, remonstrating against the passage of Senate bill No. 496, relating to pensions, and in favor of the House bill creating a court of pensions. As the Senate bill to which this memorial refers has been reported by the Committee on Pensions and is now before the Senate, I suppose the

Committee on Pensions and is now before the Senate, I suppose the memorial should lie upon the table.

The VICE-PRESIDENT. The memorial will lie upon the table.

Mr. JOHNSTON presented the petition of Graham & Robinson, of Graham's Forge, Virginia, manufacturers of pig and bar iron, employing three hundred and fifty to four hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

He also presented the petition of Magdalena Fares de Mora, touching her claim before the Spanish commission; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 383) for the benefit of the public schools in the District of Columbia, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FARLEY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1422) to amend section 1556 of the Revised Statutes, reported it with amendments.

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1701) to provide for the extension of letters-patent for an improvement upon the Eclipse cottongin; which was read twice by its title, and referred to the Committee on Patents.

on Patents.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1702) for the erection of a monument in the city of Washington to the memory of Joseph Henry, late secretary of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1703) authorizing the changing the name of the schemer Patence D. which was read twice by its title and re-

the schooner Rebecca D.; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1704) for the relief of Israel M. Rose as to the extension of a patent; which was read twice by its title, and referred to the Committee on Patents.

the Committee on Patents.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1705) to provide for ocean mail service between the United States and certain foreign ports, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1706) for the relief of Samuel Pollock; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS. I have been requested to introduce a bill to establish a uniform system of bankruptcy throughout the United States. The bill emanates from a respectable source, but I have not examined it and do not wish to be committed to its provisions.

By unanimous consent, leave was granted to introduce a bill (S. No.

By unanimous consent, leave was granted to introduce a bill (S. No. 1707) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1708) to provide for the erection of a public building in the town of East Greenwich, in the State of Rhode

Island; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1709) relating to right of way, &c., across military reservations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a sight resolution (S. R. No. 108) in relation to pay of

to introduce a joint resolution (S. R. No. 108) in relation to pay of folders of the Senate; which was read twice by its title, and referred to the Committee on Appropriations.

NIGHT SESSIONS FOR THE CALENDAR.

Mr. WALLACE submitted the following resolution:

Resolved, That the Senate will hold a session on Wednesday and Thursday nights of each week, commencing at eight and closing at ten and a half o'clock, for the consideration of bills on the Calendar in their order.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I think that had better go over, Mr. President; think we can make a better arrangement than that.

The VICE-PRESIDENT. Objection being made, the resolution goes

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate

A bill (H. R. No. 271) granting an increase of pension to Mrs. Mary

B. Dallas

A bill (H. R. No. 746) for the relief of Anna E. Hallowell; A bill (H. R. No. 776) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of

\$2,334.07, that being the amount paid on certain imported articles, &c.;
A bill (H. R. No. 863) granting a pension to George W. Woodward;
A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans;

leans, late assistant treasurer at New Orleans;

A bill (H. R. No. 2474) to increase the pension of Thomas Riley;
A bill (H. R. No. 2468) granting a pension to Henry H. Fisher;
A bill (H. R. No. 2643) granting a pension to Mary Meighan;
A bill (H. R. No. 3098) granting a pension to Caroline Boll;
A bill (H. R. No. 3098) granting a pension to Jacob Ginder;
A bill (H. R. No. 3021) granting a pension to Eliza M. Frick;
A bill (H. R. No. 3262) granting a pension to Harry E. Williams;
A bill (H. R. No. 3263) granting a pension to Margaret E. West;
A bill (H. R. No. 3292) granting a pension to Sally M. Buchanan,
widow of General Robert C. Buchanan, United States Army;
A bill (H. R. No. 4264) to authorize the payment of \$66.09 to Judith
Brown, one-seventh of the pension of Margaret Duncan;
A bill (H. R. No. 4572) defining the verification of returns of national banks;

tional banks

A bill (H. R. No. 6023) to authorize the Secretary of the Treasury

to change the name of vessels under certain circumstances; and A joint resolution (H. R. No. 297) authorizing the Secretary of War to send rations to the sufferers from the recent cyclone at Macon, Mississippi.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and had agreed to the first amendment of the Senate to the said bill with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota; and

A bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 1100) for the relief of Solomon Morris;

A bill (S. No. 1143) granting a pension to Mrs. Mary Allison;

A bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list;

A bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York;

A bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee;

A bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas; Richard Parker, of Minnesota; James H. Pinkerton, of Colorado, and Richard Parker, of Minnesota; James H. Pinkerton, of Colorado, and

Richard Parker, of Minnesota; James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas;
A bill (H. R. No. 4247) to change the name of the steam pleasureyacht W. J. Gordon to Salmo;
'A bill (H. R. No. 4924) making appropriations to supply certain deficiencies in appropriations for the service of the Government for the
fiscal year ending June 30, 1880, and for other purposes;
A bill (H. R. No. 5524) to establish post-routes; and
A bill (H. R. No. 5626) making appropriations for the naval service
for the fiscal year ending June 30, 1881, and for other purposes.

BELINDA CURTIS.

Mr. KIRKWOOD. On Friday last the Senator from Kansas [Mr. Mr. KIRKWOOD. On Friday last the Senator from Kansas [Mr. Ingalls] reported from the Committee on Pensions adversely a bill (H. R. No. 2407) granting a pension to Belinda Curtis, and it was indefinitely postponed. I was either not in my seat at the time the report was made or did not hear the report, although I was aware it was to be made. I desire to have the bill put upon the Calendar. The VICE-PRESIDENT. If there be no objection, the vote by which the bill was indefinitely postponed will be reconsidered, and the bill will be placed upon the Calendar, with the adverse report of the committee. The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were sever-

ally read twice by their titles, and referred to the Committee on Pen-

A bill (H. R. No. 271) granting an increase of pension to Mrs. Mary

A bill (H. R. No. 271) granting an increase of pension to Mrs. Mary B. Dallas;
A bill (H. R. No. 863) granting a pension to George W. Woodward;
A bill (H. R. No. 2468) granting a pension to Henry H. Fisher;
A bill (H. R. No. 2474) to increase the pension of Thomas Riley;
A bill (H. R. No. 3021) granting a pension to Eliza M. Frick;
A bill (H. R. No. 3021) granting a pension to Mary Meighan;
A bill (H. R. No. 3263) granting a pension to Margaret E. West;
A bill (H. R. No. 3262) granting a pension to Jacob Ginder;
A bill (H. R. No. 3098) granting a pension to Caroline Boll;
A bill (H. R. No. 3092) granting a pension to Caroline Boll;

A bill (H. R. No. 3099) granting a pension to Caroline Boll;
A bill (H. R. No. 3292) granting a pension to Sally M. Buchanan,
widow of General Robert C. Buchanan, United States Army; and
A bill (H. R. No. 4264) to authorize the payment of \$66.09 to Judith
Brown, one-seventh of the pension of Margaret Duncan.
The following bills were severally read twice by their titles, and
referred to the Committee on Finance:

A bill (H. R. No. 776) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07, that being the amount paid on certain imported articles, &c.;
A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans; and

A bill (H. R. No. 4572) defining the verification of returns of national

The bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 746) for the relief of Anna E. Hallowell was read twice by its title, and referred to the Committee on Claims.

CYCLONE IN MISSISSIPPI.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. R. No. 297) authorizing the Secretary of War to send rations to the sufferers from the recent cyclone at Macon, Mississippi, and it was

read twice by its title.

Mr. BRUCE. I ask unanimous consent that that joint resolution be passed at once. The people are in great distress, and I presume there will be no objection to considering it at this time.

By unanimous consent, the Senate proceeded, as in Committee of the Whole, to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30,

1881, and for other purposes.
On motion of Mr. DAVIS, of West Virginia, it was

Resolved. That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice

The VICE-PRESIDENT appointed Mr. EATON, Mr. DAVIS of West Virginia, and Mr. WINDOM.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. Pursuant to the notice given by me on Thursday last, I now ask that the bill (S. No. 231) for the re-

me on Inursay last, I now ask that the bill (S. No. 231) for the relief of Ben Holladay may be taken up.

Mr. EDMUNDS. What is the regular order?

The VICE-PRESIDENT. The regular order is the call of the Calendar of General Orders under the Anthony rule.

Mr. EDMUNDS. I think we ought to go on with the regular order. We shall reach this in a little while.

The VICE-PRESIDENT. The Senator from Vermont insists on the

regular order.

Mr. CAMERON, of Wisconsin. We passed over this bill on the Calendar some time ago. It went over in consequence of one objec-

Calendar some time ago. It went over in consequence of one objection under the Anthony rule.

Mr. EDMUNDS. I did not object.

Mr. CAMERON, of Wisconsin. Some Senator did object.

Mr. CONKLING. And then notice was given that it would be

alled up to-day?

Mr. CAMERON, of Wisconsin. I gave notice that I would call it up to-day. If objection is made, I will move to postpone the consideration of the Calendar.

The VICE-PRESIDENT. The Senator from Wisconsin moves to postpone the pending order, which is the consideration of the Calendar of General Orders under the Anthony rule.

The question being put, there were on a division—ayes 20, noes 25.

Mr. CAMERON, of Wisconsin. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. It is impossible to dispose of this case in the morning hour; it is folly to take it up. We ought to devote the morning hour to the consideration of unobjected cases. I will vote to take

this case up at any time outside of the morning hour, but I cannot

this case up at any time outside of the morning hour, but I cannot vote to take it up in the morning hour. It is injustice to do it.

Mr. CAMERON, of Wisconsin. Some time ago I moved to take it up out of the morning hour, but the Senate was not in favor of that motion. I became satisfied that if it were taken up at all it must be taken up in the morning hour, and consequently I gave notice on Thursday last that to-day in the morning hour, after the routine business of the morning hour had been disposed of, I would move to take

Mr. HOAR. We are in the habit of hearing in the Senate and in the country denunciations of men whose doctrines it is supposed tend to bring the public credit into disrepute. I do not see why the public faith is not quite as much brought into disrepute when the Gov-

lie faith is not quite as much brought into disrepute when the Government refuses to pay an honest obligation which is not expressed in the form of a bond. We do not observe the public faith merely because the country is to make something out of it, but because good faith is something which is to be observed in and of itself.

It seems to me that this keeping, as is the habit of the Senate, honest claims against the Government from being discussed and decided is a reproach to the conduct of public legislation. I heard a very highly respected member of this body observe the other day about this claim that it was probably a bad one, it was so old. That was all the reason he expressed for objecting to its consideration.

These claims come here year after year. The Committee on Claims consider them. Then they never are taken up unless they are absolutely free from any objection. This claim was considered by the

consider them. Then they never are taken up unless they are absolutely free from any objection. This claim was considered by the Committee on Claims very carefully, and the Committee on Claims reported to the Senate a recommendation that it should be referred to the Court of Claims with some very careful and stringent provisions as to its consideration there; and on full debate the Senate said no, it is not a fit case to refer to the Court of Claims, and recommitted it to the Committee on Claims with express direction to examine the

testimony themselves.

Mr. CONKLING. And that was in the last Congress, if the Senator

will allow me.

Mr. HOAR. That was in the last Congress. Thereupon the Committee on Claims appointed a competent sub-committee, who gave a great deal of time, hours and days, to the consideration of the claim, reported it to the full committee, and the full committee considered it.

If the Senate now consider this claim and vote it down on full con-

sideration, that is one thing, and a very proper thing if that is the judgment of the Senate; but I cannot see any distinction in principle between the repudiating of Government bonds and the perpetual and constant refusal to consider the private claims of individuals against

the Government.

Mr. INGALLS. The burning zeal of the Senator from Missouri [Mr. Mr. INGALLS. The burning zeal of the Senator from Missouri [Mr. COCKRELL] for the consideration of unobjected cases on the Calendar finds an interesting commentary in the fact that since we have been under the Anthony rule we have consumed six consecutive days in the consideration of a bill for pensioning a scout, and have already employed all the time during the morning hour for five days in the consideration of the bill relative to the appointing of certain non-commissioned officers upon the retired list in the Army. This rule, as it has been administered at this session of Congress, is a delusion and a snare. Whenever it has suited the convenience of any Senator to object to a bill it has gone over, but the Calendar has remained practically as it was before, the entire time being consumed in the discussion of bills to which there was very serious objection.

In regard to the motion of the Senator from Wisconsin, it is within

In regard to the motion of the Senator from Wisconsin, it is within the memory of many Senators that this case has been under consideration at a previous Congress. It was referred to the Committee on Claims with express instructions to examine and report upon the merits of the case. That report is before the Senate, and unless it is acted upon there will be a practical denial of justice to a worthy man, as I believe, in favor of a sentimental adherence to a rule that is

practically disregarded every day.

Mr. EDMUNDS. I believe the rules of the Senate, which everybody observes, absolutely prohibit discussion on the merits of the question on a motion to postpone in order to take it up, so as not to waste time in taking sundry experimental jumps before we come to the stile. But the Senator from Massachusetts and the Senator from Kansas have opened the merits of this question, about which I know

Mr. HOAR. Will the Senator from Vermont pardon me? I think—
I am quite sure, I have said nothing about the merits of the case. I avoided it as scrupulously as possible.

Mr. EDMUNDS. As scrupulously as my friend could, but nobody could fail to see—that is, I think nobody could—that it was a discussion leading up to, and therefore involving, the merits of this question. Perhaps I am mistaken; if I am I take back all I have said; I do not think I am, however.

The theory of the rule that we are now acting under is that a case that has once been passed over shall not be taken up again unless it

was passed over on account of the absence of some Senator, when it would not have been objected to at all if he had been here, until we have given all the other claims and cases on the Calendar a fair chance. There are one or two cases reported from the committee of chance. There are one or two cases reported from the committee which I am a member, of great importance to a great many persons privately and to public interests as well, that have gone over in this same way; but I have not felt at liberty to move to take them up, on the ground of giving fair play to others still below that have not been objected to. Without this rule I should be very glad to try the

sense of the Senate on one or two cases of that kind.

In respect of cases of this general character of claims upon the good faith of the Government, every man who makes a contract with the Government, either express or implied, that creates any duty on the part of the Government to pay him anything, either by express contract or by implied contract, has a legal means open to him by act of Congress, and that is the Court of Claims, to try his question. All cases that fall inside of that provision should not be here at all. All those that fall outside of it, where there is no contract, express or implied, fall within the range of some sort of general equity or moral sense, governed by no particular rule, and I do not think the public faith is greatly involved in getting on as fast as we can with them all in that we do not take up any particular one. That is all I wish to say, except to hope that we shall stick to this rule as long as it is, for we shall do better by taking every case in its turn and so going

through.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin, to postpone the pending order, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 26, nays

95: as follows:

20, 45 10110 115.	YE	AS-26.		
Allison, Baldwin, Blair, Booth, Bruce, Burnside, Cameron of Pa.,	Cameron of Wis., Carpenter, Conkling, Dawes, Hill of Colorado, Hoar, Ingalls,	Jonas, Jones of Nevada, Kellogg, Kirkwood, McDonald, Paddock, Platt,	Rollins, Saunders, Teller, Williams, Windom.	2
	NA	YS-25.		
Anthony, Bailey, Butler, Cockrell, Coke, Davis of W. Va., Eaton,	Edmunds, Ferry, Garland, Hampton, Harris, Johnston, Kernan,	McPherson, Maxey, Morgan, Morrill, Plumb, Saulsbury, Slater,	Vance, Vest, Wallace, Withers.	
	ABS	ENT-25.		
Bayard, Beck, Blaine, Call, Davis of Illinois, Farley, Gordon.	Groome, Grover, Hamlin, Hereford, Hill of Georgia, Jones of Florida, Lamar.	Logan, McMillan, Pendleton, Pryor, Randolph, Ransom, Sharon,	Thurman, Voorhees, Walker, Whyte.	

So the motion was agreed to.

The VICE-PRESIDENT. The Senator from Wisconsin moves that
the Senate now proceed to the consideration of the bill for the relief

of Ben Holladay.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 231) for the relief of Ben

Whole, proceeded to consider the bill (S. No. 231) for the reflect of Ben Holladay.

Mr. CAMERON, of Wisconsin. The reasons which induced the Committee on Claims to report in favor of favorable action on the bill for the relief of Ben Holladay are set forth in the report.

Mr. EDMUNDS. Let us hear the report read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk proceeded to read the report submitted by Mr. CAMERON, of Wisconsin, February 9, 1880; but before concluding, Mr. SAULSBURY, (at one o'clock and thirty-five minutes p. m.) I call for the regular order.

call for the regular order.

The VICE-PRESIDENT. The morning hour has expired.

Mr. HOAR. I hope the Senate will allow the reading of this report to be completed, and not have it broken into two; it is nearly completed; it will take but a few minutes more to finish reading the

Mr. SAULSBURY. I will allow the reading of the report to be concluded.

The VICE-PRESIDENT. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the following report:

The Committee on Claims, to whom was referred the petition of Ben Holladay, praying compensation for spoliations by Indians on his property while engaged in carrying the mails of the United States under a contract with the United States, and for damages and expenses incurred in consequence of the change of his mailroute in compliance with the military orders, and for property taken and used by the military forces of the United States, has considered the said petition and submits the following report thereon:

On the 26th day of November, 1877, the Senate Committee on Claims, having had this case under consideration, reported a bill (S. No. 346) referring the said claim of Mr. Holladay to the Court of Claims. The bill was accompanied by a report, of which the following is a copy:

"This memorial was presented in the Senate during the Forty-fourth Congress and was referred to the Committee on Claims. It was considered by that committee, and on the 17th day of January, 1877, it was reported back to the Senate, accompanied by a written report. Your committee have gone carefully over all the papers in the case, which are voluminous, and we adopt the report made by the Senate committee on Claims to the Forty-fourth Congress, which is as follows:

"The memorialist avers in his memorial, in brief, that he is a citizen of the United States; that from the year A. D. 1860 until the 13th day of November, A. D. 1866, he was contractor for the transportation of the United States mails on what was then known as the Overland Mail Route, between the Missouri River and Salt Lake City, in the Territory of Utah; that in the performance of his service in the transportation of the United States mails on the transportation of the United States m

afty men; that he was, at great expense, compelled to erect buildings, houses, stables, stations, and shelters for the convenience, shelter, and protection of his men and animals along said mall-route and its tributaries; and also to provide, at great expense of cost and transportation, large supplies of food, forage, and wod.

"It is further alleged that, while so engaged in the discharge of his duties as such contractor, his service was interfered with, impeded, and obstructed by large and numerous bands of Indians, who murdered his agents, servants, and employes, captured and carried away large numbers of his borses and mules, burned his storehouses, station-houses, barns, stables, large quantities of forage, provisions, wag, properly conducting the business of the transportation of the United States over said route, and which he was compelled to replace at great expense and with tedions delays and damage in order to enable him to continue properly to perform such postal service for the United States Government.

"The memorialist further complains that after he had erected his buildings, as hereinbefore stated, and secured his supplies for men and horses, &c., at his several stations along said mall-route, he was compelled, in consequence of the Indian depredations, by military orders, to abandon a large number of his buildings and stations and to op grant order to the such as a secure of the supplies, and to change the line of compelled, on making such changes, to erect new buildings, stations, houses, barns, &c., with constantly increasing expenses and losses.

"The memorialist further avers that while so engaged in the transportation of the Government troops and the Government agents, and by them used for the benefit of the Government to the build day of January of that year his petition for his losses, as stated, that his claims were presented to Congress in A. D. discount to the work of the such as a second of the second his supplies and the such of the second his mall contractor, and did carry the Unit

" 'HEADQUARTERS DISTRICT OF COLORADO, " 'Denver, December 2, 1864.

""J. Sin: I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

""I am, sir, with respect, your obedient servant.
""J. M. CHIVINGTON,
""Colonel, Commanding District.

" BEN HOLLADAY, Esq.,
" Proprietor Overland Stage Line.

"'Your committee find that, in pursuance of this military order, said Ben Holladay removed his stage-line from the route it was then on, from Junction City to sixty miles northwest from Denver City, over and on to an entire new route, many miles—an average of thirty miles—distant from the old route, and for a distance in length of about one hundred and forty miles; that in making his change of route in accordance with said military order said Holladay was put to great cost and expense in removing barns, houses, stations, corrals, stock, provisions, and other property and was necessarily compelled to abandon other houses, stations, barns, and other property of value that could not be moved to the new route.

"'Your committee further find that large quantities of hay, grain, and other supplies, belonging to said memorialist, were taken by the military authorities, underdirection of military commanders of the United States forces, and by them used in the subsistence of Government troops then in service on the plains along the line of said overland mail-route, and for which no compensation was ever made; that the amount and value, respectively, of property lost and abandoned by reason of said military order, and of property so taken and used by the military authorities as a necessity for the use of the Government troops, and the cost and expense of changing said mail-route, do not definitely appear from the evidence in the case.

case.

"'To summarize: Your committee find that the grounds of relief presented by memorial and evidence are of the three following classes:

"'First. For property taken and destroyed by hostile bands of Indians, which property belonged to memorialist, and was, at the time the same was so taken and destroyed, being used by him as a mail contractor in the business of the transportation of the United States mails through an Indian country, and at a time during which the Government of the United States, through its agents, the President and the Postmaster-General, had given assurances of protection against Indian depredations, and against which depredations the Government of the United States attempted, so far as in its power, through its military arm, to protect memorialist;

"Second. For property abandoned and lost necessarily, and the cost and expense of transferring other property, by reason and in pursuance of a military order of the United States Government; and "Third. For the value of property, hay, grain, and other supplies, belonging to memorialist, taken and used by the military authorities of the United States for the use and benefit of the Government of the United States." "As to the liability of the Government of the United States." "As to the liability of the Government in the judgment of your committee, in the judgment of your comment in equity and good conscience on the memorialist for the claims specified in the two classes last designated, there can, in the judgment of your comment in equity and good conscience on the facts presented in the class first specified. And your committee, in determining this question, have carefully considered it, not only no principle and in the light of that well-established relation existing between the Government and its contractors engaged in the transportation of the mails, but also in the light of legislative precedents. The question, while it bears a certain degree of sameness to the liability of the General Government to the individual clizen not engaged in performing Government service, to make compensation for damages resulting from Indian depredations, is not that case, but, on the contary, quite another and different of the contingency be decided in the affirmative, (and upon that question the committee do not pass). A fortion may the question as to the duty of the Government of afford protection to its mail contractors engaged in the business of transportation of the United States mails through an Indian country, and to make just compensation on fallure to give such protection, be decided in the same way. The case under consideration, furthermore, is peculiarly exceptional, from the fact that protection was repeatedly affirmatively guaranteed by the Government, and from other circumstances berein state under the continuent

foundations of empire on the coast-line of the Pacific. Mail communication became a necessity between the East and the extreme West, and the track of that communication lay, of necessity, across a wilderness inhabited by hostile and savage men.

"To establish a mail-route and force the mails over it was an undertaking upon the part of the Government that challenges a parallel in the history of mail transportation, commands admiration, and is highly illustrative and characteristic of the indomitable enterprise and unyielding energy of the American people; for no government in the world ever before established weekly, much less daily, lines of mail service over hundreds and thousands of miles of waste desert and unsettled country even in the absence of dangers incident to a country infested with hostile bands of depredatory Indians. The Government availed itself of the private enterprise of its citizen, the memorialist, to perform this hazardous service, and the obligation, in equity and good conscience, to protect him and his property when Indian hostilities commenced, which was subsequent to the commencement of this service, was at once acknowledged by the Government. That the Government so understood it at the time is plainly evident from the fact that it did attempt to afford such protection by placing a portion of the United States Army along the line of said route, and by changing a portion of said line by military order, to the end that more complete protection might be afforded. If the Government failed in its protection, it was not the fault of him who undertook its business; and if it did fail without any lack of diligence or good faith upon the part of the contractor, and by reason of such failure the contractor suffered in the loss of his property, we are of the opinion that, under the exceptional circumstances of this case the Government should make that loss good. It should be borne in mind, moreover, that during most of the time covered by the depredations complained of there were peculiar and pres

an equitable obligation of the strongest possible character upon the part of the Government to make just compensation for losses sustained by the contractor by reason of a failure to furnish full and adequate protection.

"'While, as has been said, the principle is not involved in this case, it may be said, in passing, that the obligation and duty of protecting citizens of the United States in their passage through Territories infested by hostile tribes of savages, or settling permanently in said Territories infested by hostile tribes of savages, or settling permanently in said Territories, have been frequently conceded by the Government. Congress has, year after year, appropriated public money and kept an army in the field, or ready to take the field for this purpose. Acts of indemnity by the Government for losses by private citizens, and by citizens engaged in the Government service, by depredations of hostile Indians have been very frequent. In the case of Magraw, mail contractor from July, A. D. 1834, to August, 1856, on route from Independence, Missouri, to Salt Lake, (almost this identical route,) the Government gave him, by special enactment, \$17,750, for losses in stock, stations, and supplies, through Indian depredations, during the two years he was engaged in transporting the United States mails on said route. As early as A. D. 1836, Saltmarsh, Avery & Co., mail contractors in Georgia and Alabama, lost their property by the Creek Indians. The Government, by special enactment, paid them for their losses \$9,779 (see Statutes at Large, volume 6, page 882.) In the case of Livingston, Kinkead & Co., merchants of Salt Lake City, one of the firm, not in the Government employ, but traveling on the business of the firm as a passenger merely in one of Magraw's coaches, had in his possession \$10,000 in coin; the Indians attacked the coach and robbed the passengers; among other things they robbed this passenger of the \$10,000. The Government pospecial enactment from a failure to protect him, which is carrying the

Sterling. The Indians stole and carried away a portion of the cattle, and Congress, by a special enactment, indemnified Hogan for the loss. Numerous other precedents might be quoted to show that Congress has frequently recognized the existence of an obligation on the part of the Government, under exceptional and hard dian depredations.

"Your committee therefore, on both principle and precedent, feel constrained, under the peculiar and exceptional circumstances presented by this case, to recognize the existence of an obligation on the part of the Government to Indemnify the memorialist for whatever loss he sustained, through no fault of his own, by reason of Indian depredations, while engaged in transporting said United States and or Indian depredations, while engaged in transporting said United States and or a row to willing that the value and amount of property taken, or the loss suffered by the memorialist, should be determined on exparts affidavits alone; but believing that it is a case wherein the rights of the Government can only be properly protected by an excresise of the privilege of cross-examination and by a thorough investigation in a court of competent jurisdiction, wherein the Government shall investigation in a court of competent jurisdiction, wherein the Government shall investigation in a court of competent jurisdiction, wherein the Government shall investigation; but, for the reasons herein stated, would refer the claims of mediants's witnesses, but also to call witnesses of its own, shall exist, your committee decline to grant the prayer of memorialist, and for such purpose report back the accompanying bill and recommend its passage, with, however, the distinct statement that nothing herein stated shall be regarded as a rule or precedent fixing the liability of the Government to mail contractors in any case wherein the peculiar properties of the contract of the claims of memorialist to the Court of Claims."

"This report is adopted to the Committee on Claims, with instructions in the properti

destroyed by the Indians, (February 2, 1865,) embracing part of Colorado, Nebraska, and a portion of Utah.

"The committee also examined at length Bela M. Hughes, of Denver, Colorado, who for several years, while Holladay was carrying the overland mail, was the attorney and general agent for said Holladay in his said business.

"The committee state that the testimony of the wintesses by it taken, namely, of the said Carlyle, Spotswood, Hooker, Street, Craig, George K. Otis, Mitchell, and Holladay, taken and printed under resolution of the Senate as well as the testimony of Colonel Charles G. Otis, of the United States Volunteers, in behalf of the claimant, taken by the committee under the same resolution.

"The last-mentioned witness was an officer on duty on the said stage line from the summer of 1865 to the month of July, 1866, and had personal knowledge of Indian hostilities, the expense of the erection of buildings, the cost of grain and hay, the price of horses, and the value of the station destroyed at Little Laramie, on the said stage line, during the period of his service in that disturbed region.

"The committee also exhibit to the Senate the affidavits of the witnesses here-tofore filed with the committee on behalf of the claimant, namely, of Pease, Flenus, Murray, Slade, Babecck, Bromley, Reid, Johnson, Eaton, Carlyle, Riddle, Lloyd, Ivins, Jerome, Thomas, Reynolds, Murphy, Hudnut, Quinn, Hughes, Brewer, Stewart, Spotswood, and Trotter, and printed under said resolution of the Senate last mentioned, together with the order of Colonel John M. Chivington, colonel commanding the district of Colorado, ordering in the year 1864 the change of part of the route on which the claimant was then transporting the United States mails.

"The committee state that the evidence submitted tends to show the state of Indian hostilities and depredations along and upon the overland stage line, owned by the claimant, at various periods of time, from the year 1864 to the fall of the year 1866, as well as that, for want of s

which facts are embodied in other evidence taken before the committee.

"The winness states that all he knew of the business or operations of the stage line was in regard to that part thereof which was east of Fort Kearney. He was engaged on the line in 1864, when he was seventeen years of age, and quit at mineteen years of age.

"He gives some evidence in regard to three or four horses which had only strayed away while he was there, and were subsequently recovered, and which seem not to have been claimed as lost.

"He also stated that the stations of the line east of Kearney were principally constructed of logs and covered with earth and poles, but could give no estimate in regard to their value.

"Mr. Foote, called on part of the United States, stated that he was paid \$1,500 for putting up the Pine Grove and Bridger's Pass stations, which were very plain.

"These stations, Mr. Foote states, were destroyed in 1867, after Holladay had sold out (Xovember previous) all his interest in the stage line, and the only damage to either of these stations derived by Holladay is for injury to and depredation of proper has station, May 19, and May 26, 136, of \$2,100, the stations being destroyed after Holladay's ownership ceased.

"In regard to the loss of stock by Holladay Mr. Foote knew nothing, but gave evidence in regard to the price of corn at Fort Laramie in 1862, and at Fort Halleck in 1864, and rates the same at ten to twelve cents per pound at these places and dates. This proof is not applicable, as no claim is made for grain destroyed and taken at various dates on the stage line; and in his behalf the committee on the part of claimant is satisfactory in regard to the value of the grain destroyed and taken at various dates on the stage line; and in his behalf the committee on the house of David Street, the paymaster of the stage line, the widence of David Street, the paymaster of the stage line, and in his behalf the committee on the part of the same form less to the state line of the prices of grain in that regio

that fort.

"This witness also testified in regard to the probable cost of the stations at Pass Creek and Medicine Bow, neither of which was destroyed, and neither involved in this investigation, save the injury to the corral at the latter. He also gave evidence in regard to the value of the property, houses and barns, burnt at Julesburgh, but the evidence of others is opposed to his testimony, and was given by those who had better opportunities to know the value of that property and its costs. He also gave evidence in regard to the probable cost of Little Laramie station, burnt on Spotswood's division in 1865; but the committee has preferred to take the valuation given by Mr. Spotswood, who had means of knowing the cost and value thereof,

whose reputation was so well established by witnesses on both sides of this case, and whose demeanor before the committee left such a favorable impression of the witness. Besides, the witness Murdock was, at the time he was stationed on the stage line, not exceeding twenty-three years of age, a bugler in the service, and could not have acquired much experience in the cost and value of building, and more particularly in a country where the expense of constructing houses and barns—structures of any kind—was very great as compared with the construction in other places, and it does not appear that he had been engaged in any such work, and became thus competent to testify with certainty in the premises. This witness, Murdock, also testified that 'Holladay had a just and valid claim against the Government;' and further stated that 'all he found fault with was that he had claimed too much for property destroyed; but that he might be mistaken about claimed too much for property destroyed; but that he might be mistaken about

"But to conclude this point and confirm the opinion we have arrived at in regard to the loss of the station at Little Laramie, we take the evidence of Colonel Charles G. Otis, of the United States Volunteers, who was stationed on the stage line and was acquainted with that station, and who gives his opinion against that of the witness Murdock, and in his testimony before the committee says that he should think 'the cost of it would be \$3,000 to \$3,500, with its surroundings, stables, and

think 'the cost of it would be \$3,000 to \$3,500, with its surroundings, stables, and corrals generally.'

"The witness Murdock testified that, in his opinion, '\$10,000 would put up all the buildings that were at Julesburgh in 1883, when he saw them last. His evidence is controverted by the evidence of George K. Otis, who was familiar with the property there, and also by the evidence of Colonel Edward F. Hooker, both of whom were men of mature age and experience, and had been a long time conversant with business, and were less likely to err in a matter of computation of value than a young man of twenty-three years of age, who did not show that he had any experience in such matters, the evidence of Messrs. Otis and Hooker being maintained fully by the evidence of David Street, so long in the service of the stage line and familiar with the property of the same.

"Your committee also exhibit to the Senate the testimony taken on the part of the United States, printed under the resolution last mentioned, namely, Robert Foote, T. B. Murdock, and N. F. Frazier, which is elsewhere referred to in this report.

"Your committee also exhibit to the Senate the testimony taken on the part of the United States, printed under the resolution last mentioned, namely, Robert Foote, T. B. Murdock, and N. F. Frazier, which is elsewhere referred to in this report.

"After a careful examination of all the testimony in this case your committee have decided to adhere to the conclusion arrived at in their former report as to the right of the memorialist Holladay, in equity, to compensation on account of the claims made by him; and this opinion has been strengthened and confirmed by the examination of several important witnesses on the part of the claimant, whose exparte affidavits had been filled theretofore in the case, as well as other important witnesses who had not been called to testify previously."

"Your committee find, from the evidence adduced in this case, that in the summer of the year 1862, in consequence of Indian hostilities, about three hundred miles of the mail line of the claimant was so damaged, broken up, and infested by Indians as to compel its abundonment by the claimant, under approval of the Post-Office Department and of the officer in command of the millitary forces assigned to protect the overland mails, and to select a route farther south, involving the establishment of a new line altogether for a distance in length of over five hundred miles, and distant from one hundred to three hundred miles from the old line, thus transferring the transportation of the mails from the North Platte and Sweetwater route to the route known as the route through Laramic Plains, Bridger's Pass, and along Bitter Creek, and your committee find that this removal was an absolute necessity; that, as stated by General James Craig in his evidence before the committee, it was not possible to protect the line against the Indians, and it could only be kept up "with the consent of the Indians themselves," and that the claimant was promised both protection to his conduct of the mails and indemnity for his losses by the President of the Unit

tails.)

"Your committee further report that the evidence tends strongly to show that the damages sustained by the memorialist Holladay, while carrying the mail of the United States, by reason directly of depredations and hostilities of the Indians along his route, was \$369,739; which sum, added to the other sums above found, makes a total of \$526,739 damages sustained by said memorialist in the discharge of his duties in the carrying of the mails. (See Appendix D for details.)

"The mails were, at a critical period, carried with a courage and fidelity which deserve recognition at the hands of the Government. The aggregate of the losses is large, but this surely is not a good reason why they should not be settled or paid. The memorialist has now been pressing his claim upon Congress for twelve years.

years.

"Before concluding this report, your committee would call the attention of the Senate to the action of Congress in like case, cited in the former report of their committee, as well as to its action relieving John R. Beckley, a mail contractor injured by the results of war during the years 1862, 1863, 1864, and 1865, in the State of Kentucky. There are many precedents for such action since the foundation of this Government, dictated by a sound discretion and sense of justice to its citi-

"We would also cite the action of Congress, in the claim of Elbridge Gerry, of Colorado Territory, for losses by Indian hostilities, the report of the Committee on Indian Affairs of the Senate therein made by Mr. Corbett, a Senator from Oregon, (No. 38, second session Forty-second Congress, dated February 12, 1872,) with the accompanying bill, which was passed June 10, 1872, and will be found at page 701 of volume 17 of General Statutes of United States, allowing him \$13,000.

"APPENDIX A.

"APPENDIX A.

"APPENDIX A.

"APPENDIX A.

"The cost of removal from the North Platte and Sweet Water, or South Pass route, to the route through Bridger's Pass, along Laramie Plains and Bitter Creek, sometimes called the Cherokee Trail, or Butes Creek route, and the damages incident to it, is shown by the affidavit of Colonel Isaac E. Eaton (page 12) in the printed copies of evidence. He was superintendent of the Overland Mail Line under Holladay, in 1862, when the Indian raids, detailed in his evidence, were perpetrated. He states that Holladay was compelled to abandon twenty-six stations, worth \$2,000 each, and a large amount of forage and other articles of value, necessary to the running of the line, of the amount of which he could form no true estimate; but Holladay, who had to pay for supplies to replace those lost on the old line, and abandoned under the enforced removal, states (page 63 of printed evidence) that the sum of \$25,000 would not cover these losses.

"Under the circumstances, the line being changed in the face of hostile savages, it must be apparent that no exact computation could be made of the various articles of equipment existing necessarily at each of the twenty-six abandoned stations, as the removal was a retreat in the face of a vigilant and dangerous foe, in the midst of actual hostilities, and under the apprehension of destruction to the lives of the employés. There could have been no time for anything like taking account of the articles left behind. The hostile attitude of the savages is abundantly proven by General Craig, who stated that the line could only have been kept up 'by consent of the Indians; and the removal ordered was a wise measure in all respects." (Page 55 of printed evidence.) David Street, an officer of the line, (page 51 of printed evidence,) testifies to the abandonment of a great deal of valuable property, owing to the hasty manner of the removal; and also that the stations abandoned were of a substantial character, all of them; and has that the stations abandoned

"APPENDIX B.

"APPENDIX B.

"The cost of removal from the Platte River route to the so-called Cut-off route by order of Colonel Chivington, is shown by the evidence (page 56) of George K. Otis, who gave instructions for it, as he was then acting as superintendent of the line.

"He states that he made an estimate of the cost, knowing the number of teams necessary, the distance to haul, as well as an estimate of the loss of grain and hay in removal, and that he is well satisfied that it did cost \$50,000; fully that, if not

more.

"David Street (page 51 of the evidence) sustains 0tis in the statement he makes that the line was subjected to heavy losses in consequence of the removal.

"The evidence of the claimant is to the effect that he objected to removal, stating to the military officer that winter was on him, the stations then supplied, the grain-sacks emptied into bins, and the sacks sent off to be filled again, fuel procured, &c.; and that the stations had to be pulled down, hauled, and put up again; all which he represented to that officer.

"Edward F. Hooker (page 48 of evidence) states that, in his opinion, the loss of hay and grain, and putting up new stations, the labor of removal, &c., would cost not under \$5,000 a station.

"George H. Carlyle (page 35 of evidence) stated that the sum of \$50,000 for removing the station, and the loss of grain and hay and corrals, and wood, &c., was not too great. His evidence is very full on the subject, and minutely describes the process of removing stations, and the distance for removal from twenty-five to sixty miles.

miles.

"William Reynolds, superintendent of the line, (page 20 of the evidence,) also states matter of importance in regard to the damage by removal, showing the nature of the removal, its incidents, and extent of work necessary to accomplish the

"APPENDIX C.

"The damage sustained by the claimant for grain, fuel, hay, &c., used by the military forces in the line of the claimant in the Territory of Colorado, is proven by Carlyle, (page 35 of the evidence.) He states that the military forces took at one time twenty-nine head of oxen from the line at Fort Kearney, worth \$100 a head, and one hundred cords of wood at Julesburgh, worth \$30 a cord; and that from what he knew to have been destroyed and used by the soldiers, he did not consider \$30,000 an overestimate of the damage inflicted by the military on the line

of the claimant, and that when a receipt for anything used was wanted it was refused. He stated that they were in the habit of going to stations and getting whatever was wanted by them, grain or provisions, until to stop the raids a military order was procured, and that this damage was done between October, 1864, and December, 1865.

"David Street (page 51 of the evidence) also gave evidence that the line was subjected to serious losses in consequence of damage done and property taken by the United States soldiers.

"Then, George K. Otis states (page 56 of the evidence) that he made the estimate of the damages done by the military forces to the property of the claimant, and that he made the estimate of \$30,000 after consultation with the division agents and men employed on the stage line; that no record could be kept of the property taken or used, or what was eaten up and consumed; but from the number of troops constantly passing up and down the road he was satisfied that at least \$30,000 would be required to indemnify the claimant.

"William Reynolds, (page 30,) superintendent of the line from October, 1864, to March, 1866, stated that large amounts of grain and hay and wood were consumed by the military forces on the line, the property of claimant, while he was superintendent of the line, and several houses and stables used for fuel and other purposes.

"Appendix D.

"APPENDIX D.

"The Indian depredations on the stage line of the claimant, as established by the evidence, appear as follows:

A. D. 1863. 173 horses and 34 mules, near Fort Halleck, page 4, printed

1	evidence of R. L. Pease, total value	\$41,400 00
	II.	
	Loss at Three-Crossings Station: 22 mules and horses, at \$225 each 10 sets 4-horse harness, at \$110 each 3 head oxen, at \$50 each 9 head mules, at \$200 each 9 sets 4-horse harness, at \$110 each Damage to two coaches.	\$1,950 00 1,100 00 150 00 1,800 00 990 00 500 00
		6, 490 00
	At Plant Station : 5 mules, at \$200 each. 4 horses, at \$225 each. 20 sets 4 horse harness, at \$110 each 2 mules, at \$200 each.	1,000 00 900 00 2,200 00 400 00
		4,500 00
April 23, 1862.	At Ice Spring Station: 10 mules, at \$200 each 5 sets 4-horse harness, at \$110 each 1 cow and ox, at \$50 each	
	THE STATE OF THE S	2, 650 00
May 23, 1862.	At Strawberry Station: 35 sacks barley, 3,500 pounds, at 15 cents per pound At Upper Crossings Sweet Water:	525 00
	18 sacks barley, 1,800 pounds, at 15 cents	270 00
		795 00
	Damage done to stations at Three-Crossings, Sweet Water, Split Rock, and Ice Springs, each \$500	1,500 00
"To establ Flowers, divis	ish the damages above claimed, reference is made to the tion agent, (page 3 of evidence;) R. Murray, employé, (page	evidence of 4 of same.)
	III. Loss at Sweet Water Bridge	

April 18, 1862.	Loss at Sweet Water Bridge: 8 mules and horses, at \$200 each	\$1,600 00
Mar. 23, 1862.	5 horses, at \$175 each. 18 mules, at \$225 each	875 00 4, 050 00
		6, 525 00
	At Red Buttes: 15 mules and horses, at \$125 each. 6 mules and horses, at \$175 each. At Platte Bridge Station:	2, 625 00 1, 050 00
March, 1862.	13 mules, at \$150 each	1,950 00
		5, 625 00
" To prove	the loss above claimed reference is made to the evider	on of T A

Slade,	divisio	n agent, (page 7 of evidence.)		
April,	1862.	IV. Loss at Big Sandy Station: 18 mules, at \$225 each. 4 horses, at \$225 each. 1 4-horse harness.	\$4, 050 900 110	0
. Marie		v.	5, 060	0
April,	1862.	At Green River Station: 100 sacks barley, 100,000 pounds, at 15 cents	\$1,500 750	
1 malas			2, 250	0
"Thi	is is pr	oven by Babcock, (page 8 of evidence.)		F

	Loss at Dry Sandy Station:		
Mar. 15, 1862.	2 mules, at \$200 each	\$400	00
	At Green River Station: 5 horses, at \$200 each	1,000	
	6 sets harness, at \$20 each	600	00
	480 empty sacks, at 60 cents each	288 600	
		2, 608	00

June 7, 1862.	At Big Sandy Station: 4 mules, at \$200 each	\$800 00	At Plum Creek: August, 1864. 15 tons hay, at \$40	\$600 0
	20 sacks oats, at \$5 each. 3 tons hay, at \$30 per ton. Damage to station.	100 00 90 00 500 00	Jan. 7, 1865. 1 mule	100 0
	Jamage woodstout.	1, 490 00	1 Set 4-norse namess.	120 0 820 0
	At Muddy Station:		On the road:	
June 12, 1862.	4 mules, at \$200 each	800 00	Jan. 19 1865. 2 stage-horses and harness	450 0 200 0
	2 horses, at \$100 each. Damage to station at Pacific Springs, Dry Sandy, and	200 00		650 0
	Little Sandy, at \$500 each.	1,500 00	West Control of the C	
		2, 500 00	"For the evidence to establish these losses above mentioned, see Riddle, (pages 13, 14, of printed testimony;) Murphy also, (pages 23, 2	evidence of 4, of same.
	At Little Sandy Station: 30 sacks oats, at \$5 per sack	150 00	XII.	
um		P Press	Loss at Junction Station: July 16, 1864. 5 stage-horses, \$250 each	\$1, 250 0
	sh the losses above, reference is had to the evidence of Jagent, (pages 8 and 9 of the same printed evidence.)	. E. Drom-	At Beaver Creek: 1 horse, at \$250	250 0
	VII.		At Lupton Station : August, 1864. 1 horse	250 0
Mar. 1, 1862.	At Split Rock Station : 10 mules, at \$200 each	\$2,000 00		1,750 0
	12 sets of single harness, at \$20 each	200 00 240 00	At American Ranch:	
Mar. 30, 1862.	12 sets of single harness, at \$20 each	1, 400 00 160 00	At American Ranch: January, 1865. 8 horses, \$250. 2 sets 4-horse harness, \$110 each	2,000 0 220 0
		4,000 00	2 horses, \$250 each	500 0 5, 800 0
	At Rocky Ridge Station:		os noad of oxen, groo cache	8, 520 0
April 18, 1862.	6 mules, at \$200 each	1,200 00		0, 320 0
	this loss, reference is made to the evidence of W. A. Rei	d, division	Aug., 1864, to	
agent, (pages	8 and 9 of evidence.) VIII.		January, 1865. House, barn, and corral burned	5 000 0 1, 250 0
April 20, 1862.	At Wells Station: 2 horses, at \$150 each	\$300 00	125 sacks corn, 14,000 pounds, at 20 cents	2,800 0
The Albanda	COMMENTS II CARE THE PRINT PRINTING HIST THREE IN CO		Control of the Contro	9, 050 0
THIS 1088 1	s established by the evidence of Johnson, (page 9 of evide IX.	nce.)	At Spring Hill: Houses, barns, and furniture destroyed	6,000 0
A 5 A 1004	Loss at Midway Station : Dishes and furniture destroyed,	0700 00	20 tons hay, at \$50	1,000 0 2,217 6
August, 1804.	At Platte Station: 4 horses, at \$350 each	\$500 00		9, 217 6
	250 sacks corn, 28, 000 pounds, at 20 cents	1, 400 00 5, 600 00	A+ Denvison Station .	
	10 tons of hay, at \$40 per ton	400 00	At Dennison Station : Barn and corral burned	2,500 0
		7, 900 00	25 tons hay, at 850	1, 250 0 4, 928 0
	At Plum Creek Station: 250 sacks corn, 28, 000 pounds, at 20 cents per pound	5, 600 00		8, 678 0
	At Craig Station:	5, 600 00	At American Ranch:	
	250 sacks corn, 28,000 pounds, at 20 cents per pound 29 head oxen, at \$100 each	2,900 00	At American Ranch: Barn destroyed; burned	1,500 0 1,500 0
	meso prom Biret, milks and promine systematic	14, 100 00	227 sacks corn, 25,424 pounds, at 22 cents	5, 593 0
"The evide	nce to prove these losses consists of the proof made by	George H.		8, 593 0
Carlyle and S	olomon Riddle, (pages 11, 12, 13, 14, of the printed evidence X.	e reported.)	XI.	
	Losses at Diamond Springs:		August, 1864. Station, furniture, and bedding destroyed	\$2,500 0
August, 1864.	250 sacks corn, 28,000 pounds, at 20 cents	\$5,600 09 600 00	At Thirty-two-mile Creek Station : Furniture, crockery, and stores destroyed	2, 500 0
		6, 200 00		5,000 0
	At Sand Hill Station:		At Little Blue Station:	
	250 sacks corn, 28,000 pounds, at 20 cents	5, 600 00 600 00	Furniture and grain destroyed 2 horses killed on the road, \$200 each	2,000 0 400 0
And the same of		6, 200 00		2, 400 0
	At Alkali Station :		At Pawnee Ranch:	
	250 sacks corn, 28,000 pounds, at 20 cents	5, 600 00 800 00	4 horses, \$200 each At Muddy Station :	800 0
	20 tons may, at \$10	6, 400 00	1,500 pounds corn, at 12 cents	180 0
		0, 400 00	The later parameters a green by the hand and the later.	980 0
	At Elk Horn Station: 65 sacks corn, 7,283 pounds, at 20 cents	1, 456 00	At Lone-Tree Station:	1 900 0
	10 tons hay, at \$40	400 00	Station destroyed 9 horses taken, \$200 each 5 horses killed in escaping from the Indians	1,800 00 1,800 00 1,000 00
		1,856 00	Committee and the control of the con	- 4-3-3-000
	At Cold Spring Station: 40 sacks corn, 4.480 pounds, at 20 cents	896 00	The second of th	4,600 00
	40 sacks corn, 4 480 pounds, at 20 cents	600 00	At Liberty Town: 2 sets double harness, \$110 each	220 0
10 10 10 10 10		1, 496 00	At Summit Station: 200 bushels corn, 11,200 pounds, at 19 cents	1,344 00
	At Gilman's Station: 30 sacks corn, 3,360 pounds, at 20 cents	672 00		1, 564 00
	At Midway Station: 30 sacks corn, 3,360 pounds, at 20 cents	672 00	"The evidence in regard to the above losses will be found at pages	
	15 tons hay, at \$40	600 00	of printed proof given by Lloyd, Ivins, and Jerome.	
		1,944 00	At Murray's Ranch: August, 1865. 15 tons hay Junction Ranch:	\$750 00
=12:1	At Willow Island:	1 100 00	Junction Ranch: 10 tons hay, \$50. Bijou Station:	500 00
	50 sacks corn, 5,600 pounds, at 20 cents	1,120 00 400 00	7 tons hay, \$50	350 00
		1,520 00		1,600 00

Valley Station: 20 tons hay, \$50.	\$1,000 00
75 sacks corn, 8,400 pounds, 22 eents	1,848 00
Murray's Station: 100 sacks corn, 11,200 pounds, 22 cents	2, 464 00
	5, 312 00
Junction Station:	9 464 00
	2, 464 00
48 sacks corn, 5,736 pounds, 22 cents	1, 182 72
20 tons hay, \$50	1,000 00
	4, 646 72
Box Elder Station: 10 tons hav. \$50	500 00
Kiowa ·	750 00
Living Springs:	250 00
Rock Bluff:	350 00
tons nay, co	1,850 00
William Trotter, (page 34.)	ценсе) апц
Tibouty Form .	\$1,200 00
Elkhorn:	3, 500 00
Sand Hill:	2,500 00
	7, 200 00
sses are established by the evidence of Cantain Murphy.	(pages 23,
sees are established by the evidence given before the evidence, and the value by the evidence given before the Carlyle, (page 35 of proof filed.)	ie commit
XIII.	
2 bales clothing	\$1,500 00 200 00
1 mule	110000
	1,700 00
smith shop, destroyed by are	35, 000 00
30 tons hay, \$50	1,500 00 78,400 00
Provisions and stores	2,000 00
- 10100 (1010)	117, 100 0
f in record to this destruction of property will be found	
dile, (page 13;) Thomas, (page 19;) Quinn, (page 26;) Bre (page 35;) Hughes, (page 28.)	ewer, (page
Loss at Bridger's Pass : 5. Flour and a Sharps rifle	\$100 0
At Sage Creek:	1,800 0
5, 5 horses, \$200 each	1,000 0 120 0
Station and barn burnt	2, 500 θ
	5, 520 0
At Bridger's Pass:	20,022,002
5. 9 horses, \$200 each	1,800 0 240 0 100 0
At Pine Grove : 5. Cook-stove and harness, &c., say	200 0
	2, 340 0
At Sulphur Springs:	
5. 34 stage-horses, \$200 each	6,800 0 1,350 0
annual Commence of the comment of th	
	8, 150 0
printed proof on file.)	ision agent
Elk Mountain Station:	\$4, 400 0
4 horses, \$225 each	900 0
	5, 400 0
Calabas Casis - Station	
Sulphur Springs Station: 6 mules, \$200 each	1, 200 0 225 0
Medicine Bow Station:	
5. 2 ponies	100 C 150 C
	1,675 (
HEADY VIEW BLD.	TEMPO I
	1, 675 0 50 0 250 0
	20 tons hay, \$50. Beaver Creek Station: 75 sacks corn, 8,400 pounds, 22 cents. Murray's Station: 100 sacks corn, 11,200 pounds, 22 cents. Junction Station: 100 sacks corn, 11,200 pounds, 22 cents. Junction Station: 48 sacks corn, 5,736 pounds, 22 cents. Bijou Station: 20 tons hay, \$50. Klowa: 10 tons hay, \$50. Kiowa: 15 tons hay, \$50. Living Springs: 5 tons hay, \$50. Rock Bluff: 7 tons hay, \$50. Rock Bluff: 7 tons hay, \$50. Sees are shown by the evidence of Thomas (page 19 of evivilliam Trotter, (page 34.) Liberty Farm: Coach burned up. Elkhorn: Station burned up. Elkhorn: Station burned up. Station burned up. Station burned up. XIII Losses at Julesburgh: 2 bales clothing 1 mule Barns, sheds, honses, warehouse, telegraph office, blacksmith shop, destroyed by fire 30 tons hay, \$50. Loss at Dilesburgh: 1 horse taken f in regard to this destruction of property will be found dile, (page 13;) Thomas, (page 19;) Quinn, (page 36;) Bre (page 35;) Hughes, (page 38) Loss at Bridger's Pass: Flour and a Sharps rifie. At Sulphur Springs: 5 Horses, \$200 each. 1 set 4-horse harness. Station and barn burnt. At Bridger's Pass: 5 horses, \$200 each. 1 set stones harness. Station and barn burnt. At Bridger's Pass: 5 horses, \$200 each. 1 set stones harness. Station and barn burnt. At Sulphur Springs: 5. 34 stage-horses, \$200 each. 1 set stones harness. Station and barn burnt. At Sulphur Springs: 5. 34 stage-horses, \$200 each. 1 set stones harness. Station and barn burnt. At Sulphur Springs: 5. 34 stage-horses, \$200 each. 9 mules, \$150 each. At Sulphur Springs: 5. 24 stage-horses, \$200 each. 9 mules, \$150 each. Living Springs: 5 and Sulphur Sp

	Cooper's Creek:		
July,	1865. 1 pony Corral destroyed, doors and windows destroyed, cooking and box stove destroyed.	\$50 (290 (
		440 (00
August,	Willow Springs Station : 1865. 6 mules, \$200 each. 2 horses, \$225 1 pony Corral destroyed.		00
		6,000 (00
July and gust,	Au- Virginia Dale: 1865. 2 mules, \$200 each	250 (400 (200 (00 00 00
15000		1, 325 (00
August,	Stonewall Station: 1865. 2 yoke of oxen, each \$100	3, 500	
1-175	Station and Corrat designyou		333
I well a		3, 700	00

These losses are shown by the evidence of Spotswood, (pp. 32, 33, 34, 43, 44, 45,

"These losses are shown by the evidence of Spotswood, (pp. 32, 33, 34, 43, 44, 45, 46, 47.)
"The value of horses, oxen, mules, hay, grain, harness, is shown by all the testimony in the case, especially by Street, Carlyle, Spotswood, Hooker, George K. Otis, Colonel Charles G. Otis, and General Mitchell; the value of horses fit for staging being shown to be from \$150 to \$250 on each, and mules for the same purpose even higher in price; the value of harness from \$100 to \$120 a set; oxen as high as \$200 per yoke; hay, from \$30 to \$80 per ton; grain, from 15 to 20 cents per pound; these prices resulting from the state of war, the great demand, and the Indian outrages on the plains. See, also, evidence of B. M. Hughes (pp. 87, 88) in regard to this point, taken by the committee."

Mr. SAUNDERS. I suppose no vote is likely to be reached on that bill this morning. If there was I should certainly give way so far as I am concerned, but I should like to have Senate bill No. 550

far as I am concerned, but I should like to have Senate bill No. 550 taken up.

Mr. VANCE. Regular order.

Mr. CONKLING. I suggest to the Senator from Nebraska that before we take up anything, even the regular order, which I suppose any Senator can demand, there ought to be some arrangement made by which all that we have done this morning is not to be repeated over again in the case from which we have just passed. I suggest to the Senator from Wisconsin, if he will accept the suggestion, that he ask that the Holladay bill—for it will not be the unfinished business falling in the morning hour—stand as the first case on the Calendar, so that we may act on it before we forget all about this report and have to have it read again.

Mr. COCKRELL. I shall object to that if one objection will prevent.

vent

The VICE-PRESIDENT. Objection is made.
Mr. CAMERON, of Wisconsin. Then I will move to-morrow morning, at the completion of the routine business of the morning hour, that this case be taken up.
Mr. CONKLING. That is right.
The VICE-PRESIDENT. The regular order is demanded.

ORDER OF BUSINESS.

Mr. SAUNDERS. I move to lay aside the regular order and take

up Senate bill No. 550.

The VICE-PRESIDENT. The Senator from Nebraska moves to postpone the unfinished business of the Senate for the purpose indi-

cated.

The question being put, there were on a division—ayes 11, noes 15;

no quorum voting.

Mr. SAUNDERS. I will not insist. I see there is a disposition not

to take up the matter.

Mr. VANCE. I am willing to yield to the Senator for ten minutes

provided he thinks he can get through in that time.

Mr. SAUNDERS. I learn that the Senator from North Carolina has not finished a speech he had commenced. I was not aware of that when I made the motion.

The VICE-PRESIDENT. The Senator from North Carolina is en-

The VICE-PRESIDENT. The Senator from North Carolina is entitled to the floor on the unfinished business.

Mr. PADDOCK. I understood the Senator from North Carolina to say that he would yield to my colleague for ten minutes to pass the bill to which he has asked attention.

Mr. VANCE. That point of courtesy I believe is past.

Mr. PADDOCK. I have no doubt the bill can be passed in ten minutes. I am sure there will be no objection to it.

Mr. VANCE. The Senator from Nebraska [Mr. Saunders] declined to make the request, learning that I was in the midst of my remarks.

to make the request, learning that I was in the midst of my remarks that I began at the last session of the Senate.

The VICE-PRESIDENT. The Senator from North Carolina is enti-

tled to the floor.

Mr. PADDOCK. It is very kind in the Senator to yield. SENATE CONTINGENT FUND

The VICE-PRESIDENT laid before the Senate a communication 300 00 from the Secretary of the Senate, in answer to a resolution of the Senate of April 30, showing the balance standing to the account of the contingent and miscellaneous expenses of the Senate on the 30th of June, 1879, the amount that has been appropriated for that account since that time, and the purposes for which said sums have been expended; which was ordered to lie on the table and be printed.

SENATOR FROM LOUISIANA.

The VICE-PRESIDENT. The unfinished business is the consideration of the resolutions declaring that WILLIAM PITT KELLOGG was not and that Henry M. Spofford was elected Senator from the State of Louisiana for the term beginning March 4, 1877.

Mr. VANCE. Mr. President, about the time that I gave way for a motion to adjourn on Friday last I had been corrected in the state-

ment which I had made that one Blanchard was the private secre tary of Governor Kellogg. On looking at the testimony I find that Blanchard was not classed as the private secretary of Governor Kellogg, but as a clerk in the governor's office; and while I submit to the correction so far as the name of the officer is concerned, I submit, in effect, it was the same thing. A clerk in the office of a governor of a State is one who is under the control of the governor and writes of a State is one who is under the control of the governor and writes and works at his dictation; and a private secretary is one who does the same thing. The point was that a dispatch, by the fraudulent use of the name of the registrar-general, had been sent to registrars throughout the different parishes in the State of Louisiana requiring them to send their returns, not to the office of the registrar-general, but to the custom-house, and that they were so sent; and it seems to me that, admitting that he was not the private secretary of the governor but more than the secretary of the governor.

me that, admitting that he was not the private secretary of the governor, but merely a clerk in the office of the governor—
Mr. CAMERON, of Wisconsin. I do not wish to interrupt the Senator from North Carolina unless it is entirely agreeable to him. I know that the Senator does not desire to misstate the facts of this case.
Mr. VANCE. Certainly not.
Mr. CAMERON, of Wisconsin. That being so, I will remind the Senator, and he will recollect it when his attention is called to it,

that the telegram to which he refers was not sent to all the voting places in Louisiana requiring that they should send the returns to the custom-house, but only to the polls in the city of New Orleans. It was not sent outside the city of New Orleans at all.

Mr. VANCE. I do not think the testimony is explicit on that

point.

Mr. CAMERON, of Wisconsin. The Senator used the term "returns." It was not returns, but the registrar's books before the elec-

Mr. CAMERON, of Wisconsin. The Senator used the term "returns." It was not returns, but the registrar's books before the election, not the returns at all. They never went to the custom-house. Mr. VANCE. It is immaterial. The point was this, and that cannot be refined away by any explanation of the testimony, that the name of Williams, the registrar-general for the city, was fraudulently, and without his knowledge and consent, used for the purpose of procuring the registration returns to be sent to the custom-house instead of to his office. That is the point, and that was the fact. Whether this was done by the private secretary of the governor of the State or by a clerk in his office, is entirely immaterial. It is even stronger to suppose that it was done by a clerk; for that a mere clerk should take it upon himself to change the law and to direct of his own volition that the returns should be sent to a place to which it was not provided by law that they should be sent, is preposterous, and the inference is irresistible that he had some higher authority commanding him to do this thing.

and the inference is irresistible that he had some higher authority commanding him to do this thing.

Having adverted to what I consider to be the frauds in the registration in the previous portion of my remarks, I come now to what I consider the frauds in the counting of the returns. A large portion of that fraud is historic testimony. The iniquities which surrounded that transaction renders it unnecessary for me to dwell at any great large the residual of the residual to the residual of the residual to the residual to the residual of the residual to the residual of the residual to length upon it. It is not possible for me to add to or diminish one particle from the chaplet of infamy which has crowned that whole transaction; but so far as the testimony which was taken before this sub-committee of the Committee on Privileges and Elections in November last is concerned, I will briefly advert to it.

The first is the testimony of Mr. Jewett, who was secretary to the

republican committee on registration in 1876 and was clerk to the re-turning board and is now a Federal office-holder in the custom-house

of course, to be found on pages 822, 823, and 824.

His testimony is merely confirmatory of the historic knowledge which we have about the transactions of the returning board, to wit, that a large number of the returns that were sent in from the parish commissioners or the poll-holders in the various parishes of the State, electing certain parties, were set aside and changed by the action of the returning board and other parties declared to be elected. Quite a number, he testifies and admits, were served in this way, which made a difference in the total result of all the elections held at that

made a difference in the total result of all the elections field at that time, and especially in regard to the Legislature.

Mr. Houser was the next witness who testified in regard to that matter, and he was a special watchman at the house of Governor Kellogg and a member of the metropolitan police force, and had been for three years, and therefore it seems to me had established, at least in the estimation of the governor and those who controlled the metropolitan police force, a reputation for honesty and integrity of character or he would not have been intrusted with so important a place as taking care of the governor at such a time and remaining so long in that confidential position as night-watchman. He says that for many nights of many weeks after the election returns had reached New

Orleans this clerk Blanchard, of the governor's office, and this clerk Jewett, of the returning board, visited Governor Kellogo's house with the election returns, as he supposed and as they told him, and worked upon them in the governor's house and among the governor's friends every night for this specified period of time, changing them, as they told him, or at least working upon the returns.

Why that should have been carried on is best known to those who were cognizant of the matter; but how it could have been done consistently with truth and fair dealing is an entirely different matter, and one upon which we are at liberty to speculate as much as we please. It is true that Mr. Houser is included in the general denunciation heaped upon the witnesses by the minority report, of being from the slums of the city of New Orleans; but when we come to consider that he was a favored officer, a trusted and confidential police officer, it would seem that the charge that he was a man of bad character comes with a bad grace from that side of the question.

Again, I refer to Mr. E. A. Burke's testimony on page 547. Mr. Burke deals with the manner in which the returns from the Seventh ward were disposed of by the returning board. He says that in the third polling place or booth of the Seventh ward there was 172 majority cast in favor of the democratic candidates, sufficient to have turned the scale and elected the three members from that ward; but that the poll was not counted and returned by the commissioners within twenty-four hours as the law required; and one reason why it was not so counted was that Mr. Gondolfi, the clerk of Moore, (who had up to the day before the election been the registrar and the candidate of the republican party, and who then resigned and put Gondolfi in his place,) could not be found for twenty-four hours after the election, and that there was a great deal of scratching of the ticket, and it took them a long while to make out the returns; and when they were made and presented to the returning board it was announced that the twenty-four hours' delay would washe no difference but the that the twenty-four hours' delay would make no difference, but the vote would be counted; and yet when the vote was announced those three hundred votes, constituting 172 majority for the democratic candidates in that ward, were thrown out because of the delay of twentyfour hours

Mr. CAMERON, of Wisconsin, rose. Mr. VANCE. I should prefer not to yield. The Senator will ex-

Mr. CAMERON, of Wisconsin. Just this once.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from North Carolina is entitled to the floor.

Mr. VANCE. I suppose the honorable Senator being on the committee will follow me and set all my numerous errors straight.

Mr. CAMERON, of Wisconsin. I think I shall have a big job on the committee will follow that that

y hands if I attempt that.

Mr. VANCE. I prefer not to yield; the Senator will excuse me. Mr. CAMERON, of Wisconsin. The Senator will allow me to say this one thing

The PRESIDING OFFICER. Does the Senator from North Caro-

lina yield?

Mr. VANCE. For one remark, if the Senator desires.

Mr. CAMERON, of Wisconsin. The poll at the third precinct of
the Seventh ward was counted; and if the Senator from North Carolina will examine the testimony he will find that it was counted.

Mr. VANCE. Mr. President, I am sorry to see that my friend, the
Senator from Wisconsin, differs so widely from the testimony. The
testimony, if I can read it, and I will read it at the proper time, makes
the facts to appear just as I have stated them, that these 300 votes
would have given the ward to the democratic candidates. In the
argument of counsel before the committee in this case submitted in argument of counsel before the committee in this case submitted in behalf of the sitting member an allusion is made to these irregulari-ties, these technical defects in returns, and so forth, in the following language:

I think that in regard to the conduct of that returning board there may have been some disregard of some of the shadow that he says may be discarded, some of this tithing of mint and cumin may be left out; some of the shadow may be let go in order to get at what was right and what was true.

That is very liberal; and yet it is in testimony, not in that taken by this committee, however, that out of all the parishes in the State of Louisiana in that election of 1876 there was not a single protest filed upon which the returns were thrown out and the result changed that was filed in the time and in the manner required by law-not a that was filed in the time and in the manner required by law—not a single solitary one except in the parish of Concordia. In this case, where it involved the whole State of Louisiana, and the reversing of the entire verdict of the people in regard to all State officers, and the entire reversing of the verdict of the people of the United States in regard to the election of a President of the United States to preside over the destinies of the Republic for four years, these technical defects were more tithe of mint, and spice, and coming but when it came fects were mere tithe of mint, and anise, and cumin, but when it came down to rejecting three hundred votes that were polled in a democratic ward, the result of which would have placed the Legislature beyond dispute in the hands of the democratic party, then these technical defects become weighty matters of the law, and not a mere tithing of mint and comin.

nical defects become weighty matters of the law, and not a mere training of mint and cumin.

I go further and give another sworn statement of Mr. E. A. Burke. This gentleman does not have the honor to be from the slums; he is not an officer in the custom-house, and I believe he was never accused of perjury or of any other crime that would entitle him to the distinction of an office in the custom-house at New Orleans or entitle

him to that reward at the hands of a grateful country; he is simply a lawyer of high character and standing, and a gentleman who has gone through all this contest and this fierce fight over the Louisiana election without a single spot upon his character. That is Mr. Burke; and from a sworn statement of his which I find upon the records of the proceedings, not before this committee, I find the following

Mr. KELLOGG. Will the Senator give me the page of the evi-

dence

Mr. VANCE. I will, sir. Mr. KELLOGG. There is no such evidence in the record.

Mr. VANCE. I have just stated that it was not taken by this com-

Mr. KELLOGG. I beg pardon; I did not hear that. Mr. VANCE. On page 32 of the "Statement of Facts in Relation to the Election in Louisiana, November, 1876, by E. A. Burke, of counsel for the democratic and conservative party

Mr. KELLOGG. Is that in any congressional document?
Mr. VANCE. It is a document now being read to this branch of the Congress of the United States:

Personally appeared before me, Charles S. Rice, a duly appointed United States commissioner in and for the district of Louisiana, E. A. Burke, to me well known, who, upon being duly sworn according to law, deposes and says that the vote actually east at the late election, held November 7, 1876, in Louisiana, for presidential

And then the result is set out as it came to him from the parish commissioners before it was handled by the returning board; and that result was that over 3,500 votes that were actually cast were never returned and never got to the office of the returning board at all, of which number more than 80 per cent. were democratic votes; that is, they threw out one republican vote for the sake of throwing out five democratic votes; and over 12,000 votes which were actually east were stricken out and refused to be counted, and of that number so stricken out and refused to be counted 80 per cent. were democratic; and that in fact and in truth nearly 1,400 votes were added to the list and counted in behalf of the republican party that were never cast, never upon the face of the earth except in the fertile imagination of the returning board.

That is what they made by this generous method of procedure with regard to the tithing of the mint and cumin; and yet when Governor Garcelon of the State of Maine undertook to tithe the mint and cumin up there and to count in a legislature because the returns were defective according to the technicalities of the law, the minority report says that it was one of the greatest crimes ever perpetrated in this

country and likens it to the rebellion!

Well, let us get on. Take in connection with that the fact that the law of Louisiana—and that is a material fact which has often been inquired into, which I beg pardon for referring to, but it is necessary to make complete the testimony which we have taken—the law of Louisiana required the returning board to be composed of five members of different political parties, and when the returns came in to be composed of five members of different political parties, and when the returns came in to be counted in the fall of 1876 there were only four members of that board, two white republicans and two black republicans, and they absolutely refused to fill that vacancy with a democrat or with anybody else. The board was composed of men all of one party; I said two white republicans and two black republicans; but I do not mean in saying that the cost any discrepant values controlled to the land of the same of the two white republicans and two black republicans; but I do not mean in saying that to cast any disrespect whatsoever upon the black men in that board, and I beg their pardon if anybody supposes I did. They positively refused to fill that vacancy in the board, although they had the authority in the law to fill any vacancy occasioned by death, resignation, or otherwise, in the absence of the Legislature.

Now, sir, how is it possible that men could have had honest intentions if they refused to let one of their political opponents in to see what they did when the law required that it should be done? Is there any other evidence wanting to prove that a frand was intended

there any other evidence wanting to prove that a fraud was intended

there any other evidence wanting to prove that a fraud was intended to be perpetrated, and was in fact perpetrated right there? In the next place, the majority of the committee allege that the pretended Legislature was organized by fraud, that it was kept together by force, and that the election of Senator, which was held or pretended to be held by that Legislature, was secured by corruption. Now, sir, is there any testimony in regard to this? As to bribery and corruption, there were produced before the committee the affidavits of certain witnesses. The first one that I will call attention to is the affidavit of Jeremiah Blackstone, page 1236 of the printed report of the committee: the committee:

STATE OF LOUISIANA Parish of Orleans:

Parish of Orienns:

On this 17th day of April, in the year 1878, before me, a notary public in and for said parish and State, personally appeared Jeremiah Blackstone, who, being duly sworn according to law, deposes and says that he was a member of the Legislature which was convened at the Saint Louis Hotel the first Monday in January, 1877.

That he was elected from the Seventh ward, parish of Orleans, State of Louisiana.

This very ward which we have been discussing.

This very ward which we have been discussing.

That prior to his election, and on or about the latter part of September, 1876, or about the 1st of October, 1876, he had a conversation with William P. Kellogg at the State-house known as the Saint Louis Hotel.

That the conversation was in regard to the approaching election. That WILLIAM P. KELLOGG stated that he would be a candidate for United States Senator; that WILLIAM P. KELLOGG did then and there give unto said deponent the sum of \$1,000, which said money was to be used in promoting the election of the republican candidates from the Seventh, Eighth, and Ninth wards of the parish of Orleans; and it was further understood that if the republican candidates should be elected that they would pledge themselves to vote for William P. Kellogg as United States

Senator. That in accordance with said agreement deponent paid to the following named persons the amounts as follows: Benjamin Franklin, \$150; Pat. Griffin, (president of a club.) \$300; Jim Kelly. \$50; Joe Dray, \$50; James R. Brown, \$100; for music, liquor, cigars, &c., about \$100.

That after the election, and while deponent was a member of the house of representatives, and on or about the 6th day of January, 1877, a message was brought to him by one of the pages of the house to meet Mr. Kellogg in his private office at the Saint Louis Hotel. Upon meeting Mr. Kellogg he stated to deponent that some of the colored members showed a disposition to go back on him and on their pledges to vote for him as United States Senator; that he requested deponent to use his influence among the colored members of the house, and also to bring to bear all of the influence that the ward clubs represented by their presidents or their most influential members might have; that Kellogg stated that it was a matter of life and death to him; that it was a necessity he should be elected to the United States Senate. That William P. Kellogg did then and there give unto deponent the sum of \$1,000, which said money was to be used in securing the election of the said William P. Kellogg to the United States Senate.

That William P. Kellogg also promised deponent all the patronage in his district, and that he always would be cared for.

That deponent, out of the \$1,000 paid him by William P. Kellogg, paid as follows: Jonas Hughes, of Assumption Parish, \$150; George Bird, of East Baton Ronge, \$200; Henry Blair, of Bossier, \$100; J. J. Johnson, of De Soto, \$50; Isham Nichols, of the Ninth ward, (a politician), \$100.

That after the election of William P. Kellogg to the United States Senate, and on or about the — day of January, 1877, deponent was paid by Louis J. Souer the sum of \$200 as an extra compensation for his services, and also for voting for William P. Kellogg as United States Senator.

This affidavit was signed and sworn to on the 17th day of April, 1878, before a notary public in the city of New Orleans. On or about the 1st day of June, 1879, he came on to the city of Washington as a witness summoned by Mr. Spofford, the contestant, who having this affidavit in his possession had the faint hope that he would stand up to it, and would affirm substantially what was set forth there when he reached here a change came over the special standard of the contestant. he got here. But when he reached here a change came over the spirit of his dreams. When he came to the city of Washington and was about to be put upon the stand he approached the agent and attorney about to be put upon the stand he approached the agent and attorney of Mr. Spofford, Mr. Charles Cavanac, and begged not to be put upon the stand, "for," he said, "if I go upon the stand I shall be obliged to deny everything that is in that affidavit; the money is too big." I am corrected by the Senator from Georgia, [Mr. HILL,] who sits near me, by the statement that it was another witness named Milton Jones who said the money was too big; but Blackstone went to Mr. Cavanac and requested him not to put him on the stand for he would be obliged to deny the affidavit. He accordingly was not put upon the stand, but when the sub-committee reached New Orleans he was put upon the stand by Kellogg, whereupon he swore everything the reverse of what he had sworn before. I give this merely as a sample. In addition to the affidavit of Blackstone there was one made by

one De Lacy to the same purport, that he had received bribes and had seen others paid bribes for voting for Kellogg; one made by Seveignes, that he was not present, although his name appeared upon the roll, and did not vote for Kellogg on the day of the election; that he asked to record his vote for KELLOGG on the day or the election; that he asked to record his vote the next day. There was one from Milton Jones, who went back upon his affidavit likewise, alleging to Mr. Cavanac, as I before remarked, that the money was too big, that he could not stand it. There was one from J. J. Johnson, and there was one from E. A. Miller, all members of the Legislature, who made these solemn affidavits, and told to various parties upon the streets of New Orleans what they afterward swore to in the affidavits, and when they came to the city of Washington and appeared before the committee they denied every word of it. One witness, by the name of De Lacy, went so far as to deny that he ever signed the affidavit, and swore the whole thing was a forgery from beginning to end, and tried to show that it was not the way he signed his name, and circumstantially gave reasons to prove that it was all a forgery.

It is said that the affidavits and the declarations of these men are

not original affirmative evidence against the sitting member, as they swore one way when they made the affidavits and swore another way when they appeared before the committee; that one oath destroys the other, and they cannot be considered as affirmative evidence. But, Mr. President, you must recollect, and the Senate must recollect, that these men whose affidavits I have recited were all members of the socalled Packard legislature, and they were all charged with a conspircalled Packard legislature, and they were all charged with a conspir-acy between themselves and the sitting member and others to fraud-ulently procure the election of a United States Senator to be imposed upon the Senate, and their declarations are at least legal evidence against themselves and conclusive of their own guilt if they go no further. It does no good to say that they are from the slums and that they are men of bad character. Of course they are men of bad character. When a man will openly and unblushingly swear one thing to-day and go before a judicial tribunal and swear that it was a lie to-morrow, of course no worse character can be conceived. But a lie to-morrow, of course no worse character can be conceived. But whether they were good men or whether they were bad men, whether they were telling lies or whether they were telling the truth, they were the constituents of the sitting member; they were the men who sent him here to this Chamber. And it may be said of them, "of such is the kingdom of radicalism in Louisiana."

De Lacy—but before I discuss his testimony, I want to remark fur-ther that there is no better evidence to be had in a court of justice of the guilt of a criminal than the fact that he has told two or three different stories about the transaction concerning which he is charged. If he has told inconsistent and contradictory stories, it is always received as good evidence that he is a guilty man. If one of his co-conspirators or any person who is to suffer from the declarations of

these inconsistent stories is found to be active and diligent in trying to suppress his testimony or trying to cover up the declarations that he has made in any way, then there is not a jury in any portion of this country, impanneled in any court that I know of where the English tongue is spoken, that would not consider the telling of these inconsistent stories and the endeavor to suppress this testimony as

nconsistent stories and the endeavor to suppress this testimony as conclusive evidence of guilt.

Now we will take De Lacy. About the time that this case was reopened and there began to be a talk of taking testimony afresh in the case, De Lacy was a mere laborer in the custom-house at New Orleans. He came on here after having given this affidavit, and not only denied before the committee the substance of the affidavit, but denied ever having made it, and denied that his name was signed to it. He admitted that he committed the baldest perjury in doing so, either in one case or the other, and justified the lying and braved it either in one case or the other, and justified the lying and braved it out before the committee in a manner the effrontery of which I have never seen excelled. He returned to New Orleans and immediately rose from the position of a day laborer in the custom-house to that of inspector, at \$75 a month. He was rewarded, in other words, by the Government of the United States by the office and by the money of the people for this perjury. I have known that it was very frequent and very proper in war to brevet a man upon the field of battle for meritorious gallantry, to recognize then and there in the presence of his comrades, while he was still hot from the conflict, how much the country was indebted to him for his service, but I never knew before a brevet conferred upon a scoundrel for perjury, in all the history of this country. He was absolutely brevetted from the rank of a laborer to the rank of inspector, and his pay increased accordingly, for gallantry in the field of lying. I suppose it may well be admitted that a man who could swear to what this man did, with the face which he put on before that committee, might be deemed Napoleonic in his capacity to tell falsehoods. capacity to tell falsehoods.

The whole of the affidavit members of the Legislature who came

here as witnesses went back on their affidavits in precisely the same way; denied them, declared that they were untrue, and that every-thing stated in them was false; and every one of them, I believe, without exception, who had not already been appointed, received ap-pointment in the custom-house at New Orleans as soon as they got

The question might be asked again, suppose that is true, did the sitting member have anything to do with the reward conferred upon perjurers? I desire to say, Mr. President, that in treating this case I only wish to do my duty; that I am not moved by any personal animosity toward the sitting member, and if I say things that are hard it is simply in accordance with what I conceive to be the facts, hard it is simply in accordance with what I conceive to be the facts, and not with any desire to magnify anything or to apply harsh terms. Did he have anything to do with the rewards conferred upon these perjured scoundrels for their perjury by obtaining for them positions in the custom-house? When the sub-committee was in the city of New Orleans they had a subpœna served upon the officers of the telegraph company in that city and after a great deal of trouble they got a portion of the telegrams that had passed between the sitting member and his friends in the custom-house, Souer, Badger, Lewis, and others. Directly after the committee had returned to the city of Washington and renewed its sittings they obtained the remainder of Washington and renewed its sittings they obtained the remainder of the telegrams, at least all the company purported to have; but those telegrams were in some learned language, some foreign tongue inter-mixed with only a slight sprinkling of the vernacular, and were never translated for the benefit of the Senate and the committee. I supposed that when these telegrams were reported the sitting member, as an innocent man, feeling conscious of his innocence, would have risen at once and offered to translate the whole of them before Mr. KELLOGG. Will the Senator yield for a moment?

Mr. KELLOGG. I did state to the committee when those tele-

grams were presented that I would at any time translate any of the telegrams, and I wrote to the chairman of the committee on the 5th day of February last as follows:

day of February last as follows:

Sin: I said to the committee on the 21st ultimo that I was ready to translate any cipher dispatch now in the record, so far as I could, and of which I might have knowledge, if any of the committee desired me to do so. Yesterday, for the first time, I was able to carefully go over the printed proceedings, and I find this statement is not printed in the record. I therefore repeat this statement to the committee, so that, if any member of the committee desires to examine me touching the contents of any such dispatch, opportunity may be had before the testimory is closed and reported to the Senate.

General A. S. Badger, collector of customs at New Orleans, is here in this city, and will no doubt be ready, if desired, to answer any question which the committee may desire to put to him in regard to this case.

Very respectfully.

Signed by myself

Signed by myself.

Mr. SAULSBURY. I desire to say that the statement of the Senator from Louisiana in reference to having written me a letter on the 5th of February is true; I have that letter in my hand now. The committee then had closed the testimony. I desire to state now, and I make the statement distinctly, that it was understood that the Senator from Louisiana could at any time make any statement he desired to make before the committee had closed the testimony. We offered to the Senator from Louisiana to the Senator from Louisiana the privilege of making or the statement. to the Senator from Louisiana the privilege of making any statement before the committee that he might desire. After the adjournment of the committee and the closing of the testimony I did receive from

the Senator from Louisiana the letter to which he refers. The committee of course had no further request to make. Having made the offer by the committee, the committee made no further request of him, and his statement in the letter was based upon a desire that might be entertained by the committee.

Mr. KELLOGG. Just one word. By referring to the close of the testimony—and I am obliged to the Senator from North Carolina for

giving me this opportunity—it will be seen that the close of the testimony on page 1220 is in these words:

At this point the testimony was closed for the present, and the committee adjourned the further consideration of the case to Monday, February 9, 1880.

It was on the 5th that I wrote the letter, and after that it was agreed that the statement in reference to Will. Stevens, a member of the senate, should be considered. My attorney and the attorney of Mr. Spofford agreed upon certain facts as to Will. Stevens's statement, and it was four days before that that I wrote to the chairman and then called personally upon the chairman, knowing there was to be a

meeting of the committee in the Ingalls case, and a meeting to consider generally when the briefs should be filed.

Mr. HOAR. And at a previous day the offer was made.

Mr. KELLOGG. At a previous day. I had called attention to the fact that at a prior day I had made the offer made on this day and before the committee adjourned. Moreover I asked the chairman (and he is present and I thin will explore the transfer of the committee adjourned. he is present and I think will corroborate what I state) if that matter had been laid before the committee, and he said there would be a meet-

ing of the committee, I think, the next day.

Mr. VANCE. Mr. President, I never was very expert in the learned languages, dead or living. I am a little in the position of the Ettrick Shepherd in the Noctes Ambrosianæ, who said he never could read any Greek except a little done into Latin and rendered into English. But there are some things in these cipher dispatches which are yet shrouded in the mystery that envelopes a great deal of these doings in Louisiana that I think I can understand. I will read one:

WASHINGTON, D. C.

Then follow the marks of the telegraph company that I do not understand.

General A. S. Badger,

Collector of Customs, New Orleans:

Please crown ash and Zebra fan permanently. Important. Hat all can while
Pear absent. Hawley little easier. Pear away week.

AMITY.

What does that mean? We translate it thus, and the Senator will perhaps correct me if I do not translate it properly:

Please appoint Ash and Zebra-

That is too much for me; those are proper nouns.

Please appoint Ash and Zebra permanently. Important. Appoint all you can while Sherman is absent. Hawley is a little easier. Sherman away this week. Am I right or not? [Pausing for a reply.]

And he smiled a kind of sickly smile and curled upon the floor, And the subsequent proceedings interested him no more.

"Have all the nominations made you can while Sherman is absent because Hawley is a little easier; we can get more out of him." I presume, of course, it meant to get appointments out of him. Certainly there was not anything the matter with Hawley; he was not sick and this was not an announcement that he was recovering a little, that he was getting a "little easier."

WASHINGTON, D. C., May 5, 12.5 p. m.

General A. S. Badger, Collector of Customs, New Orleans, Louisiana.

Collector of Customs, New Orleans, Louisiana.

Bales Zebra, Ash, received. Violet send others immediately. Better not his handwriting. Gray Hubbard's wants approved. Write about Murrell.

Signed "Amity," which we say means the sitting member from the State of Louisiana. "Bales" we say means affidavits, as you will see when I read a little further along. Now I translate it this way:

The affidavits of Zebra and Ash (whoever they are) received. Tell Violet (that is Souer, who was his confidential friend in the Legislature and his financial agent, and he has a big office in the customhouse now)—tell Souer to send other affidavits immediately, but better not be in his handwriting. Certainly not.

WASHINGTON, D. C. 5, 12,30 p. m. Man 5.

WASHINGTON, D. C., 5, 12.30 p. m., May 5.

General L. J. Souer, Appraiser, Custom-House, New Orleans:

Appraiser, Oustom-House, New Orleans:
Friends say ask Zebra, others bales should also say never did wrong Terrier matter. Can't Violet Rose get corrected fan?
Now who is "Terrier?" "Terrier" means the sitting member. "Terrier" and "Amity" both. He can afford to have two names.
Friends say ask Zebra and others who made the affidavits that they should also say that they never did any wrong in the Kellogg matter. WASHINGTON, May 7.

General A. S. BADGER:

Resolution take testimony passed. Every republican voting or paired against, Terrier made speech. Delighted all friends. Will send. Tell Violet.

General A. S. BADGER, Custom-House, New Orleans:

Think it is important that boat be moon. See to this. Confer with Violet and Oak

Now I shall have to translate again. According to the cipher by which these dispatches have been read by that portion of the com-

mittee who have taken time to devote to them, "boat" means the witness Murray, who was the sergeant-at-arms of the Packard house of representatives, and who told about all this rascality and villany as it went on. "Moon" means all right, and so does "rainbow." Anything that throws a sickly kind of nightshade light over affairs is designated by "moon" or "rainbow."

Think it is important that boat be moon.

Think it is important that boat be moon.

To be sure they were getting up the witnesses then, and this man Murray had likewise made an affidavit that he had seen men bribed to vote for Kellogg, and he was coming on here with the other affidavit witnesses, and was the only one who stood up to his testimony after he got here. "I think it important that Murray be right. See to this. Confer with Violet;" that is, with Souer, he being the financial agent who helped to keep up the Legislature of Kellogg by advances of money, and "Oak," that is Lewis, a negro, who is in high office in the custom-house.

Washington Marie 2 20 c. "

WASHINGTON, May 8, 8.30 a.m.

General A. S. Badger, Collector of Customs, New Orleans: If grapes Pin Amity Moon Perhaps Dish try get Grapes immediately.

"Grapes," according to the cipher key, means members of the Packard legislature. "Pin" means fixed. "Moon" means all right. "Dish" means Spofford, and so on. Now let us see how this reads:

WASHINGTON, D. C., May 8.

General A. S. Badger, Collector of Customs, New Orleans:

If grapes Pin Amity Moon Perhaps Dish Try get Grapes immediately. Watch. If so send cotton or Oak. Wrote yesterday.

I translate that to be this, and of course I will be corrected if I am wrong, because gentlemen on the other side are astute to correct me in all my misstatements of facts:

If the members of the Legislature are fixed, Kellogg will be all right. Perhaps Spofford will try to get grapes (members of Legislature) here immediately. Watch. If so, send cotton (Swazie) or oak, (Lewis.) Wlote yesterday.

If so, send cotton or oak; that is, to send Lewis or Swazie along with the witnesses immediately. And yet both of these men swore positively that they did not come here in the interest of Kellogs. One of them, this fellow Lewis, swore most positively that he came to look at the brigadier-generals in Congress, and that he had no interest in coming to serve Kellogs; that on the route he said nothing est in coming to serve KELLOGG; that on the route he said nothing to the witnesses about the case, and simply came along to see Congress in session. He was asked if he had not seen Congress in session before. He said, yes, very often, but he had never seen it in session when the brigadiers were in such high feather; and he came along just for that. Yet here is the order for him to be sent immediately, and to be sent in company with the witnesses, these members of the Packard legislature who had made affidavits:

WASHINGTON, D. C., May 8th.

General Lewis J. Souer, U. S. Appraiser, N. O. :

Don't think grapes sent for present.

That is, do not think members of the Packard legislature will be sent for at present.

No appropriation.

The Senate had not yet made an appropriation for defraying the expenses of the committee.

Don't think Camelia spot can hurt. No cipher butter. What is it?

There the sitting member when he sent that dispatch struck a chord in tender sympathy with my heart, and with the heart of many men who live at boarding-houses and hotels. "No cipher butter." I think it would be pretty hard to cipher butter, which is involved in all these preparations of oleomargarine, &c. "What is it?" he asks.

WASHINGTON D. C. 5-10

General A. S. BADGER, Collector of Customs, New Orleans:

Friends here expect Ros

That is Marks, another custom-house official-

to Bend every energy making grapes. Pin and Moon feeling strong here in Terrier matter.

That being rendered into the vernacular and diligently translated

and revised from the original tongue, would read as follows:

Friends here expect Marks to bend every energy making the members of the
Legislature sure and all right. Feeling here strong in the KELLOGG matter.

MAY 12.

General A. S. BADGER, Collector of Customs, N. O.:

Murrell approved. Tell Violet-

That is Souer-

to send list figs Grapes. Go ahead with nominations that necessary. Good plan make Smith examiner.

Go ahead with your nominations.

Here is another:

WASHINGTON, D. C., May 12.

Gen. L. J. SOUER,
U.S. Appraiser, N. O.:

Reported Grapes coming if true send Oak Cotton or some others immediately Where Sorghum. If grapes are pin Moon terrier.

That is, if the members are fixed, Kellogg is all right; but the question still stands, where is Sorghum? Ah, Sorghum, beloved of

my soul, where art thou? One blast upon his bugle-horn would have been worth a thousand witnesses just at that time, but "Sorghum" did not come to the scratch.

WASHINGTON, D. C., May 13.

Gen. A. S. BADGER, Collector of Customs, N. O.:

Hat Chapron-

That is, appoint Chapron-

Answer Sherman's letter of the 29th.

As it reads here:

Answer pear letter twenty-ninth. Telegraph Terrier fact. Waldon also some place Camelia Dismissed to-day. Confidential. Tell violet.

Which means, appoint Chapron; answer Sherman's letter of the 29th. "Telegraph Terrier," (that is Kellogg,) "of the fact. Waldon also some place. Camelia dismissed to-day. Confidential." Tell Souer.

WASHINGTON, D. C., May 14.

Gen'l A. S. BADGER, Collector, New Orleans:

Please crown tiger for pear.

That is, appoint "tiger" for "pear"—for Sherman. I do not know who "tiger" is. The key that I have been using cannot reach that, it being a proper name.

Pleased Chapron had butter approved. If Rose request terrier get Cotton back city. Moon here.

"All right here. If Marks request, get Lewis back to the city." That is the translation that I put upon it.

WASHINGTON, D. C., May 19.

Gen'l A. S. Badger,

Collector of Customs, New Orleans:

Wakefield Brown Springer Walden Joubert Fish Chapron Carville Adolph
Seveignes approved. Last lot goes to-day. All nominations received approved.

One of them, mentioned by name, is that man Seveignes, who swore in his affidavit in New Orleans that he was not in the Legislature at all when Kellogg was elected, but came in a day or so afterward and had his name recorded by permission as having voted in favor of Kellogg, and he was needed to assist in making the quorum. You see he was rewarded by an office also.

I read still another, Mr. President. There are a great many here, and it is very interesting reading. It is a mine from which chunks of the biggest kind of wisdom can be dug up:

WASHINGTON, D. C., May 21.

Now, the time was approaching when the witnesses were to come on.

Gen. A. S. BADGER, Collector of C., N. O., La.:

Hope you can get Boat-

That is Murray-

rainbow; [all right] also Sorghum & Sponge show conspiracy. When does Walsh leave?

WASHINGTON, D. C., May 22.

Gen. L. J. Souer,

Appraiser, Custom-House, N. O.:

Terrier Dove and Doing all possible for Bull Dog. Orange not raised finger.

Terrier exerted himself constantly. Some things difficult do.

That is to say, Terrier (KELLOGG) is doing all possible for Bull Dog. Orange has not raised a finger. I do not know who Orange is, and I can only say this, that he ought to be ashamed of himself if he had not raised a finger in helping this thing along. Kellogg exerts himself constantly. Some things are difficult to do.

WASHINGTON, D. C., May 22.

Genl. L. J. SOUER, U. S. Appraiser, Custom-House, N. O.:

Letter from Sorghum Sent Violet Seems right Convince him will get better. Terrier his friend. Hope boat Bottle rainbow.

Sorghum is coming up to the scratch now and redeeming himself for his absence in a former case, but he still hopes that "Boat" (Murray) will be all right.

WASHINGTON, D. C., May 23d.

Gen. L. J. SOUER, U. S. Appraiser, Custom-House, N. O.: Tell Bull Dog leave when ready. Confident got matter shape so continued cases Wont trouble hereafter. Raum gone for two weeks.

Again, May 24:

White Watson Campbell approved yesterday.

Watson is another one of these fellows who made an affidavit. He is a minister of the gospel, so called, and went back on his affidavit, as you will see by reading his testimony, in the most complete and emphatic manner, and justified lying in behalf of the republican party by the Scripture and by the supreme court of Louisiana. He said he could show cases where the supreme court of Louisiana had justified lying and that the Scripture also justified it.

(25.)

WASHINGTON, D. C., 12.50 p. m., May 24.

Genl. A. S. Badger, Collr. of Customs, N. O.:

White Watson Campbell approved yesterday ask Violet Tulip about. Pot tell Violet Jubiter screw sponge short. Though Terrier heard nothing.

20 D. H. M. (233)

I can only read a few; I cannot possibly read them all. I propose

now to read some of the answers to these telegrams to show what connection there was between them:

WASHINGTON, D. C., 7, 9,-

The witnesses had then arrived, but only a portion of them had given testimony-

WASHINGTON, D. C., 7, 9, N. O., 6:10 p. m., June 7.

Genl. A. S. BADGER, Collector of Customs, N. O.:

If Watson made Bales as Boat Canter better stop Jefferson if foundry Leopard Eagle pin Will answer gin Boat or parole.

A. (353)

That I have never been able to get the exact translation of, but I make it out to be this—and, of course, I shall be corrected if I am wrong: "If Watson made affidavit, as Murray swears, better stop summons, for foundry Leopard Eagle pin. Will answer gin boat or parole." That is a little too much for me. I cannot make that out. Now, let us see what answer is made to that:

NEW ORLEANS, June 7, 1879.

To Senator W. P. KELLOGG, Washington, D. C .:

Sent for foundry eagle yesterday. Temper screw doubtful. Adams must buck officer blank Jefferson returnable ninth have extended. A. S. BADGER.

That was a little too much for me; I could not get the whole of that certain. The next is June 7:

NEW ORLEANS, June 7, 1879.

WASHINGTON, D. C., 7-

To Senator W. P. KELLOGG, Washington, D. C.:

Sorghum fir dropped stonewall Monday last enable them disclaim parole. Guichard, Clover, Clipper, Watson, Jefferson to-day last walk conspiracy.

A. S. BADGER.

That is, as far as I have been able to translate it, "Guichard, Clover, Clipper, Watson, were summoned to-day to show the conspiracy. A. S. Badger."

Now I will read another one from the sitting member to General Badger:

There are three of that day-

WASHINGTON, D. C., 7, N. O., 6:15 p. m., June 7.

A. S. BADGER, Coll'r Customs, N. O.:

Officer instructed remain Till Seven witnesses summonsed Let no Vermont made bale fire temper screw absolutely must not toot witness Pin sure.

INDIGO.

Which I understand to mean, according to the cipher which I have applied to it, "the officer," that is the man in New Orleans who was instructed to summon witnesses for the different parties, "the officer is instructed to remain until seven witnesses are summoned; let no Vermont witness (who made affidavit) made bale fire temper screw absolutely." I cannot make that quite out. "Must not toot witness Pin sure," that is to say you must not bring or summon a witness until he is sure.

The answer to that is:

NEW ORLEANS, June 7.

To Senator W. P. KELLOGG, Washington, D. C.:

Do you mean water no dish or no terrier. Vermonts made bales which interest explain foundry gulfport rainbow. A. S. BADGER.

That is to say "do you mean you want no Kellogg or no Spofford witnesses." "Made bales," that is, "who made affidavits;" "which interest, explain foundry gulfport rainbow," all right. "Do you mean you want no Kellogg or no Spofford witnesses who made affidavits, which is it? Explain."

Here is the answer to that:

WASHINGTON, D. C., 7, N. O., 11:55 p., June 7th. Gen. A. S. BADGER, Collector of Customs, NO.:

Mean no terrier grapes made bales water best seven Vermont including foundry Eagle make pin absolute use own judgment Watson.

21 collect $\frac{1}{2}$ H., 89. (464)

That means "I want no members of the Legislature who made affidavits, but the 'best seven witnesses including foundry Eagle make pin absolute, use own judgment Watson," which I understand to mean, "I mean that I want no members of the Packard legislature who made affidavits, but the best seven witnesses including 'foundry Eagle,' who will make sure absolutely. Use your own judgment as to summoning Watson." That is the way I translate that. Then the answer comes from New Orleans, June 8:

NEW ORLEANS, June 8, 1879.

To Senator W. P. Kellogg, Washington, D. C.: Violet-

That is, Souer-

cotton Guichard foundry Clover Watson clipper eagle mercury if not wanted answer quick none made bales favor dish.

That is, none of them made affidavits in favor of Spofford. But it I hat is, none of them made amdavits in favor of Sponord. But it is impossible for me to go through the whole of these cipher dispatches; enough is shown to satisfy any man, it seems to me, that there was a systematic arrangement as soon as any man began to tell the truth upon what occurred in that Packard legislature in New Orleans, to have him appointed right at once to a Federal office and stop his mouth; and in confirmation of that, I beg to remind all who have not read the testimony, and all who have read it too, that there was a man by the name of Brown who appeared before the sub-committee in New Orleans, who testified that he had once held a little position in the

custom-house and had been deprived of it, and that he was very poor, and that a custom-house officer, Marks, of high position in the custom-house (who in these cipher dispatches goes by the name "Rose") was his friend, and that he had applied to Marks, and Marks had promised to reinstate him or get him another little office that would enable him to make his bread, and that he went on three or four occasions and Marks put him off, and finally Marks said to him: "Brown, I can't appoint my friends now, I am compelled to appoint these d—d hounds and curs to keep them from squealing on Kellogg." That is the excuse Marks gives to his friend Brown; and if any evidence is wanted of the truth of that, let me say that Marks was a high officer in the custom-house, and an appointee and friend of Kellogg's, and a republican, as a matter of course, and that he was not only actually in the city of New Orleans but before the committee, only actually in the city of New Orleans but before the committee, and I believe was put upon the stand, and yet the sitting member never offered to contradict, by him, these words. Now, how was that done?

It would be too tedious to go over in detail every one of these witnesses. There was a man by the name of Deslondes, who was the republican secretary of state under Governor Kellogg's administration. He was out of office, and he commenced to drop out hints here and there in regard to the iniquities of this Legislature. He began to intimate that Governor Kellogg was not elected Senator, and that the State Legislature was not republican, and the State was not republican, and that Kellogg was not elected any more than he himself was. While he is indulging himself in these little recreations and amusements, all at once he receives an appointment in the custom-

house, and his squeal is stopped.

Then a man by the name of Moore who had also been a customhouse officer, our same friend, who had been a candidate for the Legislature and register at the same time in ward No. 7, and had managed to carry the election in that ward by the use of fraudulent certificates as I have stated, was out of employment; he was wanting bread, and commenced walking the streets, and he commenced talking as he walked, and intimated that Kellogg was no more elected than he was, that the whole thing was a fraud, and how things were fixed up in his ward, and how these three members carried the quorum of the Legislature, and so on, and so on; and all at once he receives an appointment in the custom-house and his squeal is stopped, and we hear no more from him.

It is the same way with these affidavit-makers; they all commenced making affidavits, and as fast as they did so, or announced their purpose to do so, they received something to stop their squeal. De Lacy told a number of persons on the streets of New Orleans what had taken place about the bribery that he afterward made an affidavit to, and he comes on here to Washington and swears, as I have adverted to, not only to the denial of everything in his affidavit, but that he never signed the affidavit at all, and immediately the custom-house doors of New Orleans rolled back wide upon their hinges like the rates of the maning and indeed him and his caucal interests for gates of the morning and inclosed him, and his squeal is stopped for-

So it is with every one of them; and now that we have seen how the curs were stopped from squealing, so far as the action of the sit-ting member was concerned, let us see if anybody else had anything to do with it, because you must recollect that when proof begins to come home that the sitting member from Louisiana is not a properly qualified member, it begins to come home to higher places, and it begins to show that other people are perhaps not the proper occupants of office if justice should take place, and therefore it seems the Ex-ecutive Government must come to the rescue and stop this squealing that is threatening to disturb the republican party of the United

It will be necessary to advert to another straw, which shows sometimes how the wind blows, as it is said. We all know that even a newspaper report has some foundation for it as a general rule, and we know very well that no reports are sent off by the press association from this city without some substantial foundation to rest upon. About this time, about May 12th, when the thing was getting warm in relation to this contest, we find in the newspapers the following dispatch sent from this city to the press of New Orleans: dispatch sent from this city to the press of New Orleans:

WASHINGTON, May 12, 1879.

In view of the interest the leading republicans and the Administration take in the result of the contest for Kellogo's seat, it is certain that any republican who can be shown to have worked against him at home will stand a slim chance of any recognition from Hayes or the next Administration if it be republican. Kellogo is playing his hand for all it is worth, and don't intend to have any fire in the rear if he can help it.

And again, a few days afterward:

Washington, May 15, 1879.

Everything is not lovely in republican circles in Louisiana; in fact, quite the reverse. There are said to be some people in the party who are not helping Hon. WILLIAM PITT KELLOGG as they ought, and one of them holds a high position in

That is to say these men were beginning to squeal and to make affi-

The party and the President are both rallying to the assistance of Hon. W. P. Kellogg with some solidity—

Nothing extraordinary, but "with some solidity"-

and the republican in Louisiana who refuses to actively aid in this contest may make up his mind to go to the rear if Kellogg wins or the next Administration is republican.

Hon. John Sherman and Attorney-General Devens have signified their willingness to aid Kelloge in this contest all they can, and some of the custom-house rolls are very likely to be revised pretty soon.

For instance, one of the cipher dispatches which I read announced that "Camelia was dismissed to-day," and to "send on all nomina-

tions that are necessary."

Mr. CAMERON, of Wisconsin. I desire to inquire of the Senator when the dispatches which he has just read, if at any time, were introduced in evidence before the committee? I never saw them, I am free to admit, until I saw them in the report of the majority of the

Mr. VANCE. These newspaper dispatches never were introduced in evidence, sir. They are not introduced in evidence now. They

are cited as a matter of public news.

Mr. CAMERON, of Wisconsin. You are reading from the report of the committee, I believe?

Mr. VANCE. Yes, sir; they are submitted in the report.

Mr. CAMERON, of Wisconsin. They are telegrams purporting to be sent from this city to the New Orleans Times, a democratic news-

paper?
Mr. VANCE. Just as a matter of news. I give them for nothing

more.

Mr. CAMERON, of Wisconsin. They were sent by a democratic newspaper.

Mr. CAMERON, of Wisconsin. They were sent by a democratic correspondent to a democratic newspaper.

Mr. VANCE. Perhaps you know more about the dispatches than I suspected you did. [Laughter.] I did not know they were sent by a democratic correspondent.

Mr. CAMERON, of Wisconsin. I know the author of the dispatches.

I have intelligence enough to know who the correspondent of the New Orleans Times at that time was.

Mr. VANCE. Yes, sir.

Mr. CAMERON, of Wisconsin. He was a Colonel Roberts, who is

well known to most of the members of this body on the other side of

the Chamber. Mr. VANCE. Yes, sir. I believe it is not in evidence that they

Mr. VANCE. Yes, sir. I believe it is not in evidence that they were sent by Roberts.

Mr. CAMERON, of Wisconsin. W. H. R. are his initials. I assume that they were sent by him. They are not in evidence anyhow.

Mr. VANCE. Certainly not. I gave them as a matter of public news at the time in regard to the intentions of the Administration in material to the sitting member in this contest. That is all I cite them news at the time in regard to the intentions of the Administration in sustaining the sitting member in this contest. That is all I cite them for; and in support of the truth of these dispatches I have cited the cipher dispatches requesting that nominations be sent on and urging for the appointments to be made, especially while Sherman was absent, because Hawley was a little easier. And now I desire to say further that I find, not in the testimony, but in the brief which was filed by the counsel for the sitting member, a letter from the Assistant Savatow of the Tream Hayley the country have the statement the savatow of the Tream Hayley the country and the savatow of the Tream Hayley the country and the savatow of the Tream Hayley the savatow of the Savatow of the Tream Hayley the savatow of the Tream Hayley the savatow of the Tream Hayley the savatow of the Savatow ant Secretary of the Treasury, Hawley, the man who had got "easier," I am glad to say, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., February 3, 1880.

Sir: In compliance with your verbal request of the 2d instant, I have the honor to inform you that the records of this office do not show that either W. J. De Lacy or Jules Seveignes was employed in the custom-house at New Orleans, Louisiana, during the month of June, 1879.

I am, very respectfully,

JOHN B. HAWLEY, Assistant Secretary.

Hon. W. P. Kellogg, United States Senate.

There is an assertion put forward that the rolls of the custom-house did not show the appointment of either of these men at that time, and yet here is the roll itself produced to the committee and sworn to by the clerk, in which the names appear, De Lacy in June, Seveignes July 1, and both of them swore that they were on the custom-house rolls at the same time in June. I read from the roll:

De Lacy, W. J., inspector from June 1, to June 27, at \$90 per month.

De Lacy, W. J., inspector from June 1, to June 27, at \$90 per month.

I stated it at \$75. His promotion was greater than I thought. And here is the sworn roll now, and here is the gratuitous letter of the Assistant Secretary of the Treasury contradicting the sworn roll in the interest of the sitting member. If that does not look as if the correspondent of that newspaper knew what he was doing when he penned these dispatches, I should like to know what you would call it. Seveignes swears in his testimony that he resigned on the 2d of June, and he was reappointed on the 1st of July as appears by the roll, so that he was on the roll in June, if he is to be believed. And there is another dispatch that will show very clearly why these men resigned. Nearly all of these witnesses who came on here did resign, or at least swore they did, and why?

New Orleans, June 1, 1879.

NEW ORLEANS, June 1, 1879.

To Senator W. P. KELLOGG, Washington, D. C.:

Will Terrier Jefferson Jockey before or after Dish Jockey Canter Mutton wants resign and have hat serve Jefferson. A. S. BADGER.

The meaning of which is that this fellow Canter Mutton—I do not know him; it is a kind of mutton I am not acquainted with; it is down South but it is not Southdown, [laughter]—Canter Mutton wants to resign and wants to have the pay of a Government witness. These fellows who had sounded all the depths and shallows of corruption and the perquisites of Federal office, found out no doubt that

when they were summoned here as office-holders they could get nothing but their mileage, could not get any per diem, but having resigned as Government officers they could get both per diem and mileage and be restored after they got back, which would amount to more than the pay they would lose in the interim; and therefore "Will Terrier Jockey before or after Dish Jockey." That is, as I translate it, "Will Kellogg's witnesses swear before or after Spofford's witnesses swear. Canter Mutton wants resign and have hat (pay to) serve (as witness) Jefferson."

Another dispatch which I am tempted to read, although I have read many of them, and I fear I have fatigued the Senate, the last I will read, was from General Badger; and it is this:

NEW ORLEANS. May 29, 1879.

To Senator W. P. Kellogg, Washington, D. C.:

Getting good gnat. Don't encourage Setter for Salles place. Horse rainbow

Some fellow had been offended-

Salles removed ; besides, too many grapes there.

A. S. BADGER.

That is, "too many members of the Packard legislature in the custom-house; don't put in any more; don't encourage Setter for Salles' place." Which I think very good advice.

Now, although the clerk under the control of General Badger, col-

lector of customs, New Orleans, in charge of the rolls, appeared before the sub-committee with the rolls in his hands and swore to their correctness and exhibited the rolls in proof of their correctness, swore that their names were there upon the list, here is another letter from General Badger, collector of customs:

WASHINGTON, D. C., February 5, 1880.

Hon. W. P. KELLOGG:

SIR: Previous to my leaving New Orleans I examined the custom-house rolls and found that the witnesses De Lacy and Seveignes were not employed in the custom-house during the month of June, 1879.

Very respectfully,

A. S. BADGER, Collector.

Yet the sworn rolls say they both were there; the men came here and swore they were on that roll; but so anxious was the Government, as it seems, to aid in this case, that this letter is volunteered and published in the brief of the sitting member as a contradiction of the sworn testimony of both the witnesses and the rolls in the custody of the Government.

But we are told in excuse for this vast number of members of the Packard legislature who are found in Federal office in New Orleans that there was nowhere else for them to go. The sitting member, on the day on which the report of this committee was read at the desk, got up and told us in substance that these poor men were bulldozed and driven out of their parishes, and that they had nowhere else to lay their heads, and that was one reason why thirty-five or forty of the their heads, and that was one reason why thirty-five or forty of the members of that legislature were now ensconced in the custom-house and feeding at the public expense. Is that so? How did it happen that most of these men got in there just after this case was to be reopened, when the excitement sprang up in regard to the seat of the sitting member? How did that happen? Where did they lay their heads from the month of January, in the year 1877, when they were members of this so-called legislature, and after it dissolved—where did they lay their heads they have their heads they have the statement of the search did they lay their heads up to this time when they commenced to squeal?

De Lacy swore that he went home and staid there a good portion of his time. Milton Jones swore the same thing. When he was before the committee in New Orleans he came from home, in one of the interior parishes, although drawing pay as a custom-house employé. Nearly every one of them had been home who had any home to go

Nearly every one of them had been home who had any home to go
to, or any home worth going to, or anything to do at home. But all
at once, as soon as the committee is appointed and the resolution to
take testimony in the Spofford-Kellogg case is adopted, these homeless and houseless and friendless men began to and places to lay their
persecuted heads, and very good places, too, and their squeals, which
had been begun, were stopped, as I have said.

On the subject of bribery, before I pass from it, let me briefly refer
to the testimony. The bribery of Blackstone, and of De Lacy, and of
Milton Jones, and of J. J. Johnson, and of A. Milson, all members of
the Packard legislature, is proven by their own confessions as contained in their affidavits and in divers declarations to other men.
Souer's testimony, a member of the Legislature, and the intimate
friend of Governor Kellogg and the confidential agent of that gentleman up to this present time, as we see by the telegraphic cipher dispatches—Souer's testimony, from pages 1123 to 1124, shows that the
Legislature, being unable to draw any money from the treasury of
Louisiana, was kept together by advances made by him, and that he
selected the poorest and the most dependent ones to make his advances to; and he admits that he did so for the purpose of keeping vances to; and he admits that he did so for the purpose of keeping them together and promoting the interest of the republican party. If you will read that testimony carefully you will find, in my opinion, sufficient to establish the proof of the bribery of these men by it alone.

As to the bribery of Senator Twitchell, read the testimony of Garrett, page 809, who likewise had a habitation in this very custom-house at one time. Twitchell is now consul in Canada. And Twitchell, as the other members of the committee say, proves his own innocence

by his own oath; that is to say, the man charged with the crime comes into court and purges himself by stating that he is not guilty! Twitchell denies that he was bribed, and that ought to be satisfactory, it is thought by the other side, but Twitchell unfortunately had made admissions to other men, many others; he made admissions to Francis Garrett that he had received this bribe, or rather Garrett saw the bribe passed over to him. Garrett says he was in the room when the money was passed.

As to acknowledgment of the bribery of Milton Jones, read the tes-As to acknowledgment of the bribery of Milton Jones, read the testimony of Cavanac, page 993, and as to the bribery of De Joie and Stamps see the testimony of Flanagan, pages 599 and 600. As to the bribery of Dickerson, see the testimony of Dreifus, page 668, and Cavanac, page 926. As to the bribery of C. F. Brown, see Cavanac's testimony, page 926. As to the bribery of Simmes, McGloire, and Robert Johnson, see Murray's testimony, page 117. As to the bribery of Percy Baker, see Carnoy's testimony, pages 453 and 454. As to the bribery of the Packard legislature generally, see De Lacy's testimony, pages 152, 153, 154, and Watson's affidavit, page 334.

There can be no kind of doubt that there was bribery there, and the only way taken to avoid it is to say these were men of bad character. The very thing that is relied upon to rebut the charge of bribater.

The very thing that is relied upon to rebut the charge of bribery is that which, in my estimation, most confirms it, because the worse the character of the men upon whom the charge of bribery is made the more likely they were to have been bribed. As a matter of course, if they were men of good character they would not have committed the crime of receiving bribes. These very men have admitted their own guilt; but their corruption is otherwise proven. These very men left the Packard legislature, went over to the Nicholls legisla-ture, and took their seats—all of them who were elected beyond dispute—and there they formed a ring, as was sworn to by this man De Lacy—twelve of them—to sell their votes for all they could get, appointed an agent absolutely by the name of Demas to go about, in the language of the witness, and make their trades and contract for their votes.

That was the character of men upon whom bribery is charged in the Packard legislature. Men who are so willing to admit their own corruption it is very fair to suppose were corrupted if anything was offered to them, and the only means by which it can possibly be supposed that they were uncorrupted was because nobody had offered

bosed that they were uncorrepted was decaded noted that they may have them anything in the Packard legislature.

Mr. President, it is said, though, in reply to all this that it has all passed by; it is all res adjudicata, a settled and decided thing, and can never more be inquired into. No matter how much fraud there was in the registration of voters preparatory to the election of 1876; no matter how much fraud there was in counting the returns of the election of 1876; no matter how much bribery there was in the pretended election of Governor Kellogg to the United States Senate in 1877, it cannot be inquired into, for it has once been decided upon, and now it cannot be reopened.

But, Mr. President, it is admitted by gentlemen upon the other side (and I refer to the report made in the Butler-Corbin case) that the principle of res adjudicata is as follows:

But the principle

Say the majority of the committee as it was then constitutedof res adjudicate can only apply where parties to the controversy have been before the court or body having jurisdiction thereof, and have been heard upon the merits of their respective claims, and a decision has been rendered thereon.

Now, if that is so, what are the facts of this case that would bring it within the principle, as admitted by the committee that represented a majority of the Senate at that time? Was this case heard by the Elections Committee and by the Senate upon its merits, and was it decided upon its merits after full, fair, free, and complete investigation, as the sitting member himself averred the other day? That was very far indeed from the case. When these gentlemen, Messrs, Ket-Logg and Spofford, appeared before the committee first, I gather from the report that they were requested to make their statements and to see how far they could agree, and if there was any possibility of ar-riving at a conclusion. They did make their statements, and after their statements were made and the issue as deduced from these statements appeared, then Mr. Spofford demanded the privilege of taking testimony to make his part of the case good; and the committee in the face of that demand decided that the testimony that had been taken before the Field and the Morrison committees and the various committees of Congress which had been down to Louisiana to investigate the affairs of that State, as far as applicable, should be used as testimony in the present case, to which the contesting member, Mr. Spofford, agreed, and then the committee closed down and would let him take no more, though he stood there protesting, "I have more testimony, and I want more witnesses to come before this committee." In the face of that protest a resolution was passed that Kellogg was entitled upon the merits of the case to the seat, and that resolution was reported to the Senate, and the contestant followed here, and through his friends upon this floor protested every inch of the way; and in the face of that protest the Senate adopted the resolution seating the sitting member from the State of Louisiana. And do you call that protest a state of the seat of th that res adjudicata? Do you call that a full, fair, complete investiga-tion of the case which shall close it as to the law and the facts for-ever, when not one single syllable of testimony was taken in the case, and when the contestant was standing there and clamoring for per-mission to produce witnesses, and that was denied him?

Why, Mr. President, no case upon the face of the earth can be found like this. Here are two or three cases upon the docket of a court, numbers 1, 2, and 3, and when numbers 1 and 2 are disposed of numnumbers 1, 2, and 3, and when numbers 1 and 2 are disposed of number 3 is called, and the issues are eliminated from the pleadings, and you prepare to go to the jury. The plaintiff gets up and says, "May it please your honor, I want to introduce witnesses to prove my issues;" and the court says, "No, you cannot have permission to introduce your witnesses. In the two cases, numbers 1 and 2, which went ahead of you, much testimony was taken about a matter very similar in character, and you can take that testimony and make the most of it. You shall not have a single solitary witness to swear in your case." most of it.

That is the case here precisely, except that there was no such case on the docket as this contested election between Spofford and Kel-LOGG; but roving commissions, with a view to ascertain how the presidential election went in the State of Louisiana in the fall of 1876, had been sent down there to summon Dick, Tom, and Harry, and take all the testimony they could in relation to the state of society and the state of the polls and the state of the bulldozing, and every other state that they could think of; and this contestant, who has a personal case, is denied the privilege of taking testimony, but is told he may eliminate as much as possible that is applicable to his case out of this general mass of testimony taken before these congressional committees; and you call that a full, free, and fair investiga-tion, and on such a state of things report to the Senate. And upon the rules of law, by analogizing this Senate to a court, a rule is to be transplanted from those tribunals by which the Senate shall be held to declare that never more shall the Senate look into this case, although the Constitution of the United States requires that each State shall be represented by two Senators chosen by the Legislature thereof. A technical rule of law is to be made here, Mr. President, to supplant your conscience and my conscience and the obligations which we are under to support the Constitution of our country, and to deprive a

State of one of her most inestimable rights.

It may be satisfactory to us, it may appear to us as plain as the shining of the sun in the heavens, that this Packard legislature was not the Legislature of the State of Louisiana; that it never was authornot the Legislature of the State of Louislana; that it never was authorized to speak for that Commonwealth; and that it was as pure a usurpation, supported by the military of the United States, as ever existed; it may be as clear to you and me as the shining of the sun in the heavens that that is the case, and, if so, that the Constitution is violated every moment and every hour and every day that the honorable sitting member from Louisiana sits upon this floor and her proper representative is kept out; but resentative is the order to be the state of the sta representative is kept out; but res adjudicata is stronger than the Constitution of the United States. And we must touch it not!

No, sir; that will not do. That cannot be right.

Mr. President, the honorable gentleman who prepared the brief for the sitting member, a lawyer of eminence, regaled us with a citation from a very eminent legal authority, Dickens's Mutual Friend, in re-buttal of the testimony of one Barney Williams. An accidental citation from such a learned legal authority reminded me that perhaps the importance which is placed upon the plea of res adjudicata in this case might likewise have been derived from the same volume, for there was a character in that book by the name of Rogue Riderhood who had once a case in court and he came to the conclusion that the most precious of all pleas in law was what he called an Alfred David. Said he: "Precious be the obligations of an Alfred David." And so it seems to be in this case, precious is the application of the plea of res adjudicata, if it can be made to override the Constitution of the

It seems to me there is a legal and a logical absurdity in this whole case. Either the Packard legislature was the true one or the Nicholls legislature was the true one. Both could not be, any more than two bodies could occupy the same position in space at the same time. Neither could it be that the Packard legislature could be the legal one to-day and the Nicholls legislature the legal one to-morrow. Certainly on this matter of legality the two legislatures could not wind the property of the same plants. "ride and tie," to use a phrase employed when two men have only one horse between them; certainly they could not divide the empire like the old Roman consuls used to do when the command of the army

was dual, and one of them would command on one day and one on the other. That certainly could not be.

If that Packard legislature was the legal Legislature at the time that it assembled and elected Senator Kellog, it was the legal Legislature until the term of its members expired. If that Spofford legislature was the lawfullegislature at any one time during the whole term for which its members were elected under the constitution of the State of Louisiana, it was the legal Legislature for the whole time, and though it may not have had a quorum to begin with, the noment its ranks were full and its quorum was complete its legality had relation back, and everything that it did was legal. Is there any denying that? Is there any refining that away? Is there any possibility of avoiding that conclusion? Sir, it seems to me not.

But we are told this is a dangerous precedent, a dangerous example to set; and gentlemen on the other side have taunted us "how often are you going to try a question, and whose seat is safe?" I will tell you. Mr. President, what answer I make to that. I am going to try

you, Mr. President, what answer I make to that. I am going to try a Senator every time that it is shown to me that he is on this floor voting and exercising the duties of Senator in defiance of the Constitution of the United States.

Mr. CARPENTER. I wish with the Senator's permission to ask a question for the purpose of ascertaining the precise point maintained by the Senator. The Constitution of the United States declares that by the Senator. The Constitution of the United States declares that each State shall be represented by two Senators on this floor, to be elected by the Legislature. It provides that this body shall be the judge of the elections, returns, and qualifications of its members. Now, do I understand the Senator from North Carolina to maintain that after this Senate has taken up a case, heard it as long as it thinks necessary, and finally disposed of it by a resolution declaring who is entitled to that seat on the merits-do I understand him to maintain that that settles nothing, that the next week it may be taken up and decided the other way, and the third week put back again, and the fourth reversed and so on forever?

Mr. VANCE. No, sir; not so far. I do not hold "so on forever."

Mr. CARPENTER. During the term?

Mr. VANCE. I hold that if the Constitution had nothing to do

with the question, the doctrine of res adjudicata would not apply in such a case as is presented in the Spofford-Kellogg case; that although the resolutions said it had been investigated upon the merits the record of that very committee and the record of the Senate showed that it had not been so investigated; and just as long as injustice is done, just so long as the case is not discharged according to the law of the land, then so long may it be reopened and reheard. That is the opinion I have.

Mr. President, I am willing to see every Senator's seat in this house disturbed and called in question and put in jeopardy whenever it is shown to me that he is here as the choice of an illegal mob in the streets of some city, instead of the choice or representative of the Legislature of a sovereign State. I am perfectly willing to have my own or any other Senator's seat, so far as I am concerned, disturbed,

whenever that state of fact appears.

whenever that state of fact appears.

I will tell you what is a dangerous precedent. It is a dangerous precedent to let a man come here and sit on this floor by the dictate of an ephemeral body of men which assembled and assumed to call themselves the Legislature of a State, that dissolved and acknowledged they never were the Legislature of the State. That is a dangerous precedent. And I will tell you what is another dangerous precedent, Mr. President. It is a dangerous precedent to pass a resolution declaring that a Senator is entitled to his seat upon the merit of the question after a full and fair investigation, when in fact and in truth there has been no full and fair investigation, or any other kind of investigation, when his contestant was not permitted to bring forward his testimony. That is a dangerous precedent, and one that I am not willing to sustain as a member of this body.

The minority report charges that this is the work of partisanship,

The minority report charges that this is the work of partisanship, and attributes it to the anxiety of the majority of the committee to take advantage of their party power in the Senate. I shall not retort that allegation or that insinuation by saying that it perhaps accounts for the fact of the hurried and imperfect manner in which the previous investigation was slurred over and the refusal to allow Judge spofford to take testimony, in order to get a member seated before that party majority should dissolve. But they say that nothing is changed but the party majority in the Senate. Well, sir, to some extent that is true. The events which are in the past, of course, cannot change. That which has been is a thing which always shall remain just as it was. All the facts in the case were then just as they are now and just as they will remain until time has pessed into even are now and just as they will remain until time has passed into eter-But other things have changed. For instance, the amount of light that has been thrown in upon this dark transaction has changed. The amount of proof that has been discovered is now different from what was then known when this investigation was first undertaken. In that respect there has been a material change of other things besides the party majority. As a matter of course there would have been no second investigation, I suppose, if the party majority had not changed, because the previous party majority had refused absolutely to make such investigation, and it was hopeless to apply to it again.

I want to call attention briefly, and then I shall have closed, to the difference between this case and the Corbin-Butler case as I understand. The Corbin-Butler case occurred not so long ago but that it is still fresh in the memory of most of the Senators present. case there had been an investigation by the taking of all the testimony that was desired by any of the parties. Let me read a little from the report, which will put the Senate in possession if they should have forgotten any of the facts of the case:

Mr. Butler filed a printed statement, setting forth the issues of fact and law upon which he claimed the seat.

Mr. Corbin also filed a like statement, setting forth the issues of fact and law upon which he claimed the seat.

Replies to the statements thus made were also filed.

On examination of the issues thus made up, there seemed to be no material issue of fact between the contestants, and the question as to which of them, or whether either, was duly elected by a legal Legislature, was one of law.

I am reading from the minority report.

In considering this petition the facts which have been presented to this committee are precisely the same which were presented on the former consideration of this case. Not a new fact has been presented, nor offered to be presented, and not an old fact has been withdrawn or modified, nor offered to be withdrawn or modified. The arguments now made have been made from the same statements and briefs filed on the former hearing, and not a new question of law has been presented except the issue of res adjudicata. No charge of fraud has been made against the former decision. No allegation that testimony was before excluded which ought

to have been admitted, or that testimony was admitted which ought to have been excluded; no request by either party to produce testimony has been denied, and no pretense that testimony then offered and excluded can now be produced. The jurisdiction is the same; the parties are the same; the subject-matter of contest is the same; the facts are the same, and the questions of law are the same. The petition now before us is a mere, sheer, naked proposition that the Senate at a subsequent session shall revote on the identical questions, facts, and issues on which the Senate voted and decided at a former session.

That case differs from the present one in this: that in this case there never was a complete and fair and full investigation; that in this case the contestant, Judge Spofford, tried to take testimony but was refused permission; that he demanded to be heard and that demand was refused. In this case there are new questions of law, there are new questions of fact arising, and it is not precisely the same question. Therefore it is a better case than that of Butler-Corbin; and yet in Therefore it is a better case than that of Butler-Corbin; and yet in the case of Corbin and Butler, in which, as we have seen from the minority report, and which is not denied by the majority report, the precise state of fact and the precise state of law was the same upon the second petition as it was upon the first, and yet nearly every republican Senator on that side of the House voted to take up that case and to rehear it and try it over again in spite of the plea of res adjudicata. There were 28 republican votes in a closely divided Senate for that position.

So that according to the doctrines announced and adhered to by both the minority and the majority reports in the Butler-Corbin case, if that case was not res adjudicata (and a large portion of the republican gentlemen of the Senate decided that it was not) then this one cannot be, for it is entirely different in that the testimony of the con-

testant, Judge Spofford, was refused upon application.

There is another consideration. The Legislature which sent General BUTLER to the Senate was the Legislature which time estaberal BUTLER to the Senate was the Legislature which time established, which proved to be the true and lawful Legislature of the State of South Carolina. The Legislature which brought the honorable sitting member from Louisiana to the floor of the Senate was a Legislature which eventually proved that it was not the proper and legal one, because it dissolved and gave up the ghost. Now, who on the face of this earth recognizes that Legislature? Not a living soul with authority so to pronounce will now say that that proved to be

with authority so to pronounce will now say that that proved to be the legal Legislature of Louislana.

The Legislature that elected Judge Spofford to the Senate, the Nicholls legislature, was recognized by the executive of that State; it was recognized by the people of that State; it was recognized by the Executive of the United States; it was recognized by the judicial powers of the United States; it was recognized by the Congress of the United States, at least in one branch, and inferentially in other cases by both branches; and it was recognized by the men who held seats in the Packard legislature themselves; and I may add that the universal assent of mankind is that the Nicholls legislature was the right one.

The Packard legislature never did but one recognized act. They never legislated on anything but to elect Governor Kellogg to the Senate; and it never received from any human soul any recognition except from the United States Senate when it seated Governor Kellogg. It only lived long enough to elect a Senator, and the Senate only recognized its existence long enough to take him in and seat him upon this floor, and then it died. This body had such an ephemeral existence, that over its tombstone might be written the same as was written on the grave of a very young child who lived only three

Since I am so soon done for, I wonder what in thunder I was begun for.

You may search the records of mankind, the literature of the English tongue, and you will find no act that legislature ever did perform except the election of a United States Senator, and you will find no recognition of it by any human authority except by the Senate of the United States in taking that Senator in upon this floor, and then immediately it went back upon its own record. Would it not be perfectly the senator in upon this floor, and then immediately it went back upon its own record. mediately it went back upon its own record. Would it not be perfectly and absolutely preposterous to say at this late day that that was the Legislature of the State of Louisiana? If the governor of the State of Louisiana and the Legislature itself and the judiciary and the people of Louisiana, and the President of the United States and the Congress of the United States and the judiciary of the United States and the men who constituted the Packard legislature themselves did not know whether or not this body was a legal legislature, who can know it?

who can know it?

[Laughter.]

Mr. President, it is absolutely and perfectly preposterous. As for me, I am not afraid to take this position. I know the minority report undertakes to put me on trial. They say these men who have been received under pretensions of loyalty to the Constitution are to be tested as to the truth of them. In other words, gentlemen upon this floor from the South are to be tried and not Kellogg and Spofford. I am willing to be tried. The time to do right has come, and I am willing to do it let the consequences be what they may. In my ford. I am willing to be tried. The time to do right has come, and I am willing to do it let the consequences be what they may. In my opinion, a candid opinion, under the Constitution of the United States and the facts which have been proven before this Senate, the sitting member from Louisiana is not entitled to sit here. He sits here in defiance of the Constitution of his country, and if so I shall vote to eject him from that seat and put the properly constituted and authorized representative of the State of Louisiana into the place, let the consequences be what they may. Other gentlemen may entertain

different opinions; I do not know how that may be; I speak entirely

for myself

I have detained the Senate longer than I designed when I began to speak. The facts are so voluminous, there is so much testimony to be looked into, that it is almost impossible to do justice to the subject in less time than I have consumed, and I cannot pretend that I

have done it justice.

Mr. SAUNDERS. It is so late that I suppose further discussion will not be had on these resolutions to-day. I move to lay aside the pending and all prior orders and take up Senate bill No. 550.

Mr. DAVIS, of Illinois. There is a good deal of executive business. I move that the Senate proceed to the consideration of executive

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of Illinois. I withdraw the motion for the Senator from

Nebraska

Mr. SAUNDERS. I hope the Senate will take up Senate bill No.

Mr. SAULSBURY. I hope the special order will not be laid aside.
Mr. SAUNDERS. It will take but a moment.
Mr. SAULSBURY. Let a gentleman take the floor on the question

Mr. SAULSBURY. Let a gentleman take the floor on the question of privilege and then the Senator from Nebraska can ask to have it laid aside informally.

The PRESIDING OFFICER. The Chair understands the Senator from Nebraska to ask the Senate to lay aside the special order informally for the purpose of taking up the bill indicated by him.

Mr. THURMAN. I wish to suggest that a bill cannot be laid aside informally by a vote of the Senate. It requires unanimous consent to do that, so that the regular business may keep its place.

The PRESIDING OFFICER. Will the Senate give unanimous consent?

Mr. SAUNDERS. Does it require unanimous consent?
Mr. SAULSBURY. Will the Senator yield until the floor can be taken on the special order?

Mr. SAUNDERS. Certainly. I withdraw the motion for the time

Mr. VEST. Mr. President, I desire to make some remarks on the regular order, the Kellogg case.

The PRESIDING OFFICER. The question is on the resolutions reported by the Committee on Privileges and Elections, upon which the Senator from Missouri has the floor.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the Speaker of the House had signed an enrolled joint resolution (H. R. No. 297) authorizing the Secretary of War to send rations to the sufferers from the recent cyclone at Macon, Mississippi; and it was thereupon signed by the Vice-President

NEBRASKA BOUNDARY-LINE.

Mr. SAUNDERS. Now, the Senator from Missouri [Mr. VEST] yield-

Mr. SAUNDERS. Now, the Senator from Missouri [Mr. VEST] yielding, I renew my request to take up Senate bill No. 550.

The PRESIDING OFFICER. Is there unanimous consent to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 550) to extend the northern boundary of the State of Nebraska.

The bill was reported from the Committee on Territories with an amendment, to strike out all after the enacting clause and insert:

amendment, to strike out all after the enacting clause and insert:

That the northern boundary of the State of Nebraska shall be, and hereby is, extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude, and east of the Keyapaha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska, and the northern boundary of the State shall be, and hereby is, extended to said forty-third parallel, as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Unior; reserving to the United States the original right of soil in said lands and of disposing of the same: Provided, That this act, so far as jurisdiction is concerned, shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act.

Mr. COCK FELL. Loffer the following amendment.

Mr. COCKRELL. I offer the following amendment— Mr. SAUNDERS. Let me put in one from the committee first. The committee have authorized me to make another amendment,

which I wish to move first.

Mr. COCKRELL. Very well.

Mr. SAUNDERS. I move to strike out the words "and hereby is" where they occur in lines 9 and 10, and where they occur in line 11, so as to read:

The jurisdiction over said lands shall be ceded to the State of Nebraska, and the northern boundary of the State shall be extended to said forty-third parallel.

The amendment to the amendment was agreed to.

Mr. COCKRELL. I desire to insert in line 9, immediately after the word "extinguished," the words "if it shall ever be extinguished;" that is, if the Indian title shall ever be extinguished.

Mr. SAUNDERS. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Missouri to the amendment of the Committee on Territories

Mr. HOAR. The amendment has not yet been reported from the

The CHIEF CLERK. After the word "extinguished," in line 9, it is proposed to insert "if it shall ever be extinguished;" so as to read:

And when the Indian title to the lands thus described shall be extinguished, if it shall ever be extinguished, the jurisdiction over lands shall be ceded to the State of Nebraska.

The amendment to the amendment was agreed to. Mr. COCKRELL. At the close I move to add:

Nor shall this act create any liability or obligation of any kind whatever on the part of the United States to extinguish said Indian title.

Mr. DAWES. I ask the Senator to add "or in any way affect the Indian title thereto."

Mr. COCKRELL. I have no objection to that.
Mr. TELLER. Would that do any good?
Mr. DAWES. I do not know that it would, but I do not think it would do any harm.

Mr. COCKRELL. There can be no objection to that, as a matter

Mr. TELLER. It is well enough for Senators to look after the interests of these Indian reservations, but it does seem to me a remarkable thing that in the Senate we should put words into a bill that everybody admits will have no meaning whatever. Does anybody suppose that because we put this piece of land in the State of Nebraska the Government loses its title to the land or that the Indians lose any title they may have under any stipulation of a treaty? Then

why put in these unmeaning and needless words?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri, as modified, to the amendment of the

committee.

The amendment to the amendment was agreed to.
Mr. INGALLS. I wish to know whether the words "and hereby Mr. INGALLS. I wish to know whether the words "and hereby is," after the amendment offered by the Senator from Nebraska, remain in any portion of the bill. I was not able to learn from the reporting of his amendment at the Clerk's desk.

Mr. COCKRELL. They remain in the fourth line.

Mr. INGALLS. Those words, in my judgment, should also be stricken from that line. After the word "be," in line 4, I move to strike out the words "and hereby is."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the amendment as amended.

The amendment, as amended, was read.

Mr. THURMAN. I have never read this bill, but I have just heard it read at the desk, and it strikes me as something anomalous that requires explanation. Are we going to extend the line of a State to embrace territory within it, and at the same time say the State shall have no jurisdiction over the Indian territory thus acquired?

Mr. SAUNDERS. No jurisdiction until the Indian title shall have

Mr. SAUNDERS. No jurisdiction until the Indian title shall have been extinguished.

Mr. THURMAN. But it is a mere promise to give the lands to the State in future. How can you extend the line of a State so as to include new territory and at the same time say the State shall have no jurisdiction over it. That passes my comprehension.

Mr. SAUNDERS. Probably as good an answer as I could give to the Senator from Ohio would be to say that the very same words were used in the act attaching the Platte district to the State of Missouri. That was done with the same provision exactly used in this bill, that the jurisdiction should not extend over the territory until the Indian title had been extinguished.

Mr. THURMAN. If it meant to say that the act should not take

Mr. THURMAN. If it meant to say that the act should not take Mr. THURMAN. If it meant to say that the act should not take effect until that happened, and the President should make a proclamation to that effect, then I could understand it; but how you can include by words of present significance a territory in a State and at the same time say that the State shall have no jurisdiction at all, is what I cannot understand. While I am up, as I know nothing about it, I wish to inquire of the Senator how much new territory does this embrace?

Mr. SAUNDERS. It will make somewhere probably about eight-een townships. The territory is about sixty miles long, a sort of irregular triangle. It is on an average about eight or nine miles wide and runs a length of sixty miles. It is one mile wide at the west end. The purpose is simply to straighten the line. I have a map of it here if any one wishes to look at it.

Mr. THURMAN. It is eight miles wide at one end and one mile at

the other and sixty miles long?

Mr. SAUNDERS. Yes. There are about eighteen townships of land all told.

Mr. KIRKWOOD. It runs up to the Niobrara River?
Mr. SAUNDERS. As the line of the State of Nebraska now stands it runs up the Missouri River to the mouth of the Niobrara River, and then up that stream until it comes to the mouth of the Keyapaha, then up the Keyapaha until it strikes the forty-third parallel of north latitude, then running west to the western boundary of the State. What we are asking is to extend that line east of the Missouri so as to get on the forty-third parallel as the north line of Nebraska and the south line of Dakota.

Mr. ALLISON. May I ask the Senator from Nebraska what the character of this land is that is to be transferred?

Mr. PADDOCK. About the average character of the whole Sioux reservation. It is a part of that.

Mr. SAUNDERS. There are two or three large streams running

through it, furnishing bottom land.

Mr. ALLISON. Good agricultural or pasture land?
Mr. SAUNDERS. Yes, sir.
Mr. TELLER. Good land?
Mr. SAUNDERS. I should like to read for the information of Senators the act to extend the western boundary of the State of Missouri to the Missouri River, which has been adapted to this case

Be it enacted, &c., That when the Indian title to all the lands lying between the State of Missouri and the Missouri River shall be extinguished, the jurisdiction over said lands shall be hereby ceded to the State of Missouri, and the western boundary of said State shall be then extended to the Missouri River, reserving to the United States the original right of soil in said lands, and of disposing of the same: Provided, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Missouri shall have assented to the provisions of this act.

Approved June 7, 1836.

Approved June 7, 1836.

Mr. THURMAN. That is just as I suggested. The act itself was not to take effect until the Indian title was extinguished and the President should have issued his proclamation; but if I understood this bill aright-perhaps I did not understand it correctly, as I have never seen it—it takes effect in presenti.

Mr. SAUNDERS. It is the same act.

Mr. THURMAN. I do not wish to interfere with the bill at all.

The State of Nebraska is a very small State, and no doubt needs these

two hundred and seventy square miles!

Mr. PADDOCK. I desire to state to the Senator from Ohio that the acquisition of the territory is a matter of very little account to the State of Nebraska; but a part of the boundary is on a dry creek the State of Nebraska; but a part of the boundary is on a dry creek a portion of the year, and it is not a proper boundary. The Keyapaha is a very small, insignificant stream, and a dry creek is a very poor boundary for a State. The desire is that the established parallel, the forty-third parallel, shall be the boundary. That is the object sought to be accomplished, and not the acquisition of the territory, which is

to be accomplished, and not the acquisition of the territory, which is a matter of very small importance.

Mr. WILLIAMS. I want to say just one word. The proposition is merely to include this strip of land within the territorial limits of the State without bringing it under the lawful jurisdiction of the State until the Indian title shall be extinguished. That is the proposition.

Mr. PADDOCK. Of course there will be no jurisdiction on the part of the State until the title is extinguished any way. This is a defined permanent reservation, and of course the State would have no jurisdiction over it, even if it had been originally within its limits.

Mr. WILLIAMS. I am not urging that as an objection to the bill, but as a reason why we should dispose of it.

Mr. DAWES. I should like to inquire of the Senator from Nebraska whether this bill includes within the State of Nebraska the entire old

Mr. DAWES. I should like to inquire of the Senator from Nebraska whether this bill includes within the State of Nebraska the entire old Ponca reservation, so that no part of it is left out?

Mr. PADDOCK. It does not interfere with the Ponca reservation

at all.

Mr. DAWES. It does not cut it in two?

Mr. SAUNDERS. Oh, no.
Mr. PADDOCK. Not at all.
The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment, as amended, was agreed to.
Mr. TELLER. Let the bill be read as amended. The Chief Clerk read the bill as amended.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

Mr. HOAR. I should like to inquire of the Senator from Nebraska, is there not a jurisdiction in the United States, so far as offenses com-

is there not a jurisdiction in the United States, so far as offenses committed by white men are concerned, over the Indian reservation?

Mr. SAUNDERS. If so, it belongs to the Territory of Dakota. We are not interfering at all with the title.

Mr. HOAR. Then the difficulty suggested by the Senator from Ohio is not answered to my mind. I should like to know whether this becomes a part of the State of Nebraska; and if the State of Nebraska at once accepts, so far as jurisdiction is concerned, when the Indian title may not be extinguished for twenty years, under what authority can the United States punish one white man for an offense upon another in a State? If it is a part of the State, the United States cannot deal with this offense merely because it is on an Indian reservation. Indian reservation.

Mr. SAUNDERS. How do they do with the Indians residing in

the State of New York?

Mr. HOAR. The United States does not punish white men who commit offenses one on another on an Indian reservation in the State of New York. I do not understand that it does.

Mr. SAUNDERS. I ask the question for information.

Mr. HOAR. I suggest why not strike out in the sixteenth and seventeenth lines the words "so far as jurisdiction is concerned," the entire act to take effect when the President shall make his proclamation? That answers all the Senator's purpose.

The PRESIDING OFFICER. Does the Senator from Massachu-

setts offer an amendment?

Mr. HOAR. Yes, sir; although I confess I do not understand the subject as well as the Senators in charge.

Mr. SAUNDERS. I think that this subject was thoroughly discussed at the time the Platte purchase was added to the State of Mis-

Then why not employ the same language?

Mr. SAUNDERS. We have.

Mr. BLAINE. The exact language?
Mr. THURMAN. If the Senator will pardon me, he does not follow the language. The words "so far as jurisdiction is concerned" are not in the Missouri act. That is just what makes the distinction.

Mr. SAUNDERS. The Missouri act reads:

Provided, That this act shall not take effect until the President shall by proclamation declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Missouri shall have assented to the provisions of

My amendment makes this bill conform to that act.

Mr. PADDOCK. There can be no objection to the amendment.
Mr. HOAR. The Senator from Nebraska will observe that in his
bill the words are not that the act shall have no effect but only that
it shall not take effect so far as the jurisdiction is concerned. Those words are not in the old Missouri act, not in the statute. Therefore the operation of this bill is to attempt to make the territory a part of a State and to provide that the State shall have no jurisdiction over it. If it be a part of the State, certainly the United States can have no jurisdiction over it except as it has over all State territory.

Mr. SAUNDERS. What is the proposition of the Senator from Mas-

sachusetts!

Mr. HOAR. The proposition is to strike out the words "so far as jurisdiction is concerned" from the bill, which makes it exactly correspond to the act to which the Senator says it does correspond.

Mr. SAUNDERS. I have no objection to that amendment.

Mr. BLAINE. The Senator from Nebraska will observe that the committee undoubtedly, when framing the bill, referred to that act. One of the most elaborately discussed propositions of that day was the Platte purchase. The wording of that act by Colonel Benton was done with great care and to avoid the very points which have come up in this discussion; and as it is a precedent of such great moment it seems to me it would be wise in our legislation to follow it

Mr. SAUNDERS. The bill was intended to follow it.

Mr. PADDOCK. There can be no objection to the amendment of the Senator from Massachusetts.

Mr. SAUNDERS. There is no objection to the amendment. Mr. TELLER. It seems to me that we shall get into trouble with this bill in the shape we are putting it in, at all events. This is well known to be on the southern line of a portion of the Territory of Dakota. From the present indications Dakota will be a State probably in the next two or three years. I have no doubt that Dakota has a population at this time sufficient to entitle her to a Representative in Congress, and I know they will be here at the next Congress asking to be admitted, and undoubtedly will be admitted. When the State of Dakota is admitted the Indian title will remain unextin-State of Dakota is admitted the Indian title will remain unextinguished. The Government will probably admit Dakota when it demands admission, with some provision with reference to the Indian lands and Indian title, and here will be a little strip of land a mile wide at one end and eight miles wide at the other which will be neither in a State nor in a Territory, which will neither be subject to the laws of Dakota nor to the laws of Nebraska. I should like to inquire in what kind of a condition the people who are living there, whether they be white or red, would be placed.

Mr. PADDOCK. I do not think there is a single person living in the district of territory involved in this bill. So far as the intercourse laws are concerned. I should like to inquire of the Senator if

course laws are concerned, I should like to inquire of the Senator if he thinks a change of that district from the Territory to State limita-

he thinks a change of that district from the Territory to State limitations changes the state of the intercourse laws.

Mr. TELLER. That has not anything to do with the question. It will neither be in a State nor in a Territory, but will be between two States subject to the jurisdiction of neither.

Mr. PADDOCK. I think the Senator's conclusion is a wrong one.

Mr. TELLER. It may be that it is wrong.

Mr. PADDOCK. It certainly is wrong, because until the act itself takes effect the State does not obtain jurisdiction; it is not a part of the State until the law takes effect; it is still within the limits of the Territory

Mr. TELLER. If the honorable Senator from Nebraska will wait until I get through he will understand more about it, or less, I do not

Mr. PADDOCK. Less.
Mr. SAUNDERS. I cannot hear what the Senator says.
Mr. TELLER. It is not my fault. I am talking as loud as any

decent man ought to talk.

This piece of ground will not be in Nebraska or Dakota, because we This piece of ground will not be in Nebraska or Dakota, because we put in here a provision that it shall not be in Nebraska until the Indian title is extinguished. That is an indefinite period. It may be for a thousand years. Then it will not come into Dakota, because it would be very unfair when we admit the State of Dakota to include after the passage of this bill this very piece of ground in Dakota; and so where will it be? What government will have jurisdiction of it? Neither of the States. I suppose the General Government will, as a piece of ground that is included in neither State; and it will be

a remarkable condition of affairs for the Government to have a little a remarkable condition of affairs for the Government to have a little strip of ground a mile wide at one end and eight miles wide at the other and sixty miles long, without any government over it at all. The truth is, it ought to be put in the State of Nebraska, with some provision that the Government shall reserve the right to manage the Indians and take care of them as it does now. There is no objection to the Government having an Indian reservation within a State if when the Government puts it in the State the Government reserves the right to have exclusive control of the Indians, and that they have done in some instances in Nebraska, as I recollect in their organic act. organic act.
Mr. PADDOCK. Does the Senator understand that every inch of

this territory is now within the limits of the Sioux reservation

Mr. TELLER. Certainly I do.

Mr. PADDOCK. It is a part of the Sioux reservation. Therefore, of course, the intercourse laws are in force absolutely, and no other laws so far as that tract is concerned, and putting it into the State does not change the state of the law in respect of offenses that may be committed there. It will be in the Territory until this law takes effect

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

Mr. COCKRELL. Now let the bill be read as amended.

The PRESIDING OFFICER. The Secretary will read the bill as amended.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Be it enacted, &c., That the northern boundary of the State of Nebraska shall be extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude, and east of the Keyapaba River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, if it shall ever be extinguished, the jurisdiction over said lands shall be ceded to the State of Nebraska, and the northern boundary of the State shall be extended to said forty-third parallel, as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Union, reserving to the United States the original right of soil in said lands, and of disposing of the same: Provided, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands have assented to the provisions of this act; nor shall this act create any liability or obligation of any kind whatever on the part of the United States to extinguish said Indian title, or in any way affect the Indian title thereof.

Mr. INGALLS. I observe by an inspection of the map that this projected line bisects the Fort Randall military reservation. What I want to know is, this bill taking effect when the Indian title is extinguished, and the jurisdiction of this entire country being then ceded to Nebraska, if by operation of law we shall not then give the reservation to Nebraska without intending to do so.

Mr. EATON. "Reserving to the United States the original right of soil in said lands and of disposing of the same" is the language

Mr. INGALLS. But here is not only an Indian reservation but a Mr. INGALLS. But here is not only an indian reservation but a military reservation that comes down south of this rectified frontier of Nebraska, and we provide that the entire jurisdiction of this territory shall be ceded to Nebraska when the Indian title is extinguished. Now, if we pass the bill in this shape do we not necessarily, without intending to do so, cede the portion of this military reservation that lies south of that line, and thereby perhaps very seriously interfere with the authority of the United States in that reservation? I suppose the intention of the Senator from Nebraska is to except from the operation of this act not only the Indian res-

ervations, but the military reservations.

Mr. SAUNDERS. It was supposed that that was covered by saying that the right to dispose of the soil was reserved to the Govern-

ment of the United States.

Mr. DAVIS, of Illinois. It seems to me this bill is very immature and it ought to go back to the committee. I therefore move its re-committal to the Committee on Territories. They can report it back in a better shape than it is now.

The PRESIDING OFFICER. The Senater from Illinois moves that

the bill be recommitted. The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. WITHERS. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes, with sundry amendments. I give notice that I shall call up the bill to-morrow for action.

CLAIMS AGAINST NICARAGUA.

Mr. HAMLIN. Mr. President, on conferring with the Senator from Missouri [Mr. VEST] I learn that he does not desire to address the Senate to-day, and I ask the unanimous consent of the Senate to take up bill No. 1650, which is to aid the Government to facilitate the action of the Government in negotiating a treaty with Nicaragua for the purpose of settling the conflicting claims of the citizens of the two governments. I shall be absent from my seat in a very few days, and, if anything is done with this bill, it should go early to the House of Representatives for their action.

Mr. KERNAN. Suppose we take it up now. We have time to act

on it to-night.

Mr. HAMLIN. That is what I ask.

The PRESIDING OFFICER. The Chair hears no objection to the suggestion of the Senator from Maine.

Mr. BRUCE. Will the Senator yield a moment that I may give a

Mr. HAMLIN. I cannot give way. This is an important matter. By unanimous consent, the bill (S. No. 1650) authorizing the President to make the necessary arrangements to carry into effect any con-

vention between the United States and Nicaragua for the adjustment of claims which may be duly concluded between the two governments was considered as in Committee of the Whole.

The bill was reported from the select committee to inquire into all claims of citizens of the United States against the government of Nicaragua with an amendment, which was to add to the bill:

SEC. 7. That the appointment of none of the officers named in this act shall be made until after a convention as herein provided for shall have been made and ratified by the Senate.

Mr. EDMUNDS. I should be glad to inquire whether there is any precedent for a bill of this kind. The Constitution provides that treaties of the United States, as well as laws, shall be the supreme law of the land; and treaties between the United States and other governments usually, and I believe invariably claims treaties, provide for the method, by way of commissioners and agents and so on, of determining the respective claims. Now, here is a statute that, so far as I remember, is entirely new. I may be wrong about that; and I assume I must be from the fact that my friend from Maine has reported this hill providing in advance of any treaty for a certain rassime I must be from the fact that my friend from Maine has reported this bill providing, in advance of any treaty, for a certain organization that is to take place when a treaty shall be made, in respect of claims between the United States and Nicaragua. I shall be glad to have my honorable friend from Maine tell me what are the precedents for legislation of this character.

Mr. HAMLIN. Mr. President, perhaps the very brief report which

submitted had better first be read.

Mr. EDMUNDS. Yes, I should like to hear that.

The Chief Clerk read the following report, submitted by Mr. Ham-LIN April 20, 1880.

Mr. EDMUNDS. Yes, I should like to hear that.

The chief Clerk read the following report, submitted by Mr. Ham-Lin April 20, 1880.

The select committee of the Senate to inquire into the claims of citizens of the United States against the government of Nicaragna submit the following report: The resolution under which your committee were appointed, and under which they have acted, is in the following words:

"Resolved, That a select committee of five Senators be appointed by the President of the Senate, who shall sit during the recess of Congress, to inquire into all claims of citizens of the United States against the government of Nicaragna for Indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which have heretofore been filed in the Department of State, and now remain pending and unsatisfied; and shall ascertain and determine what amounts, and to what persons, the government of Nicaragna is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session."

It will be seen that the resolution provides that said committee "shall ascertain and determine what amounts, and to what persons, the government of Nicaragna is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session."

The committee have given their careful consideration to the subjects embraced within the resolution under which they have acted. The claims which have been presented to the committee as filed in the Department of State number one hundred and eight, upon which an aggregate of \$6,092,000 has been claimed as justly due from the Nicaragnan government. Of the number of claims stated there are forty-eight in which no specific sum is claimed. Besides, several other claims not filed in the Department before the passage of the resolution have been submitted to your committee. It is assumed by your committee, from a

and recommend its passage.

Mr. HAMLIN. Mr. President, in answer to the inquiry made by the Senator from Vermont, I can say that there is no precedent, I believe, precisely like this; but there are some precedents where we have passed resolutions suggestive of the negotiating or amending of treaties. I recollect one particularly in relation to China.

The object of this bill is simply, as is stated in its title, to aid our Government, to facilitate in negotiating a treaty. If a treaty shall be negotiated, all terms and conditions will be therein specified, and we shall then have adopted a law to meet a convention so framed and ratified by the Senate. The object of this bill is therefore to aid the Government. It is an expression of the legislative department that such a commission should issue. We express that opinion, and our Government through its Executive may use that with all propriety in saying that these claims of long standing should be settled. It

will tend to induce the negotiation of such a convention as would lead to that result. That is the main object of the bill, and about the only object. There is an amendment providing that no appointment shall be made until the treaty is negotiated.

The PRESIDING OFFICER. The question is on the amendment of the correlation.

Mr. EDMUNDS. This bill involves considerations that I should like to have explained much more fully than the Senator has thought it fit to explain them in the present session of the Senate. Therefore I move that the doors be closed for the consideration of this matter. I can see that it involves considerations which need a much more The PRESIDING OFFICER. The Senator from Vermont moves, under the sixty-fourth rule, that the doors be closed in the consideration of this bill.

The motion was agreed to; and the doors were closed. Without disposing of the bill the Senate proceeded to the consideration of executive business; after which the doors were reopened and (at five o'clock and seventeen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, May 3, 1880.

The House met at twelve o'clock m., and was called to order by Mr.

Carlisle as Speaker pro tempore.

Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of Saturday last was read and approved.

VENEZUELA CLAIMS-PERSONAL EXPLANATION.

Mr. ORTH. I ask permission of the House to make a personal explanation to-morrow, immediately after the reading of the Journal, in regard to my connection with the claims against Venezuela and the congressional investigation thereon of the Forty-fourth Congress.

The SPEAKER pro tempore. If the gentleman has a strictly personal explanation to make it is a matter of privilege under the rules,

and he can make it at any time.

Mr. ORTH. I know that; but I prefer to obtain permission from the House to make it to-morrow morning, immediately after the read-

There was no objection, and leave was granted accordingly.

Mr. ORTH. In this connection I desire to say that I do not now see the member from the Springfield district of Illinois [Mr. Springer] present in his place; and I hope he may be here to-morrow, as I may say something that will be of interest to him during my personal explanation. explanation.

HOMESTEADS FOR WIDOWS AND ORPHANS.

Mr. DAVIS, of California, presented a joint resolution of the Legislature of California, relative to homesteads for widows and orphans of soldiers and sailors; which was referred to the Committee on Pub-

ORDER OF BUSINESS.

The SPEAKER pro tempore. This being Monday the first business in order is the call of States and Territories for the introduction of bills and joint resolutions, for reference to their appropriate commit-tees. Under this call memorials and joint resolutions from State and territorial Legislatures, and also resolutions calling upon the Execu-tive Departments for information, are in order for reference.

LETTER SERVICE OF WELLS, FARGO & COMPANY.

Mr. DAVIS, of California, also presented a joint resolution of the Legislature of California, relative to a discontinuance of the letter service of Wells, Fargo & Company; which was referred to the Committee on the Post-Office and Post-Roads.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 6037) for the relief of William Anderson, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. HASKELL introduced a bill (H. R. No. 6038) for the relief of E. P. Diehl, late of the Fiftieth Missouri Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA ANGELL.

Mr. HASKELL introduced a bill (H. R. No. 6039) granting a pension to Martha Angell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK N. VOWLES.

Mr. KNOTT introduced a bill (H. R. No. 6040) for the relief of Frank N. Vowles, late second lieutenant Company H, Sixth Regiment Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee en War Claims, and ordered to be printed.

WATER-WAY FROM OHIO VALLEY TO SOUTH ATLANTIC COAST.

Mr. WILLIS presented a joint resolution of the Legislature of the State of Kentucky, requesting the members of Congress from that

State to secure such appropriation as will promote the completion of a navigable water-way from the Ohio Valley to the South Atlantic coast; which was referred to the Committee on Commerce.

IMPROVEMENT OF AMITE RIVER, LOUISIANA.

Mr. ACKLEN presented a joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the improvement of Amite River in that State; which, having been read on demand of Mr. Burrows, was referred to the Committee on Commerce.

UNIVERSITY AT BATON ROUGE, LOUISIANA.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, relative to the university at Baton Rouge; which, having been read on demand of Mr. Burrows, was referred to the Committee on Military Affairs.

IMPROVEMENT OF WEST PEARL RIVER, LOUISIANA

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the improvement of the West Pearl River, Louisiana; which, having been read on demand of Mr. Burrows, was referred to the Committee on Commerce.

AMENDMENT OF REVISED STATUTES. Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, asking an amendment of section 14 of the Revised Statutes; which, having been read on demand of Mr. Burrows, was referred to the Committee on the Judiciary.

INTERNAL IMPROVEMENTS IN LOUISIANA.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the improvement of certain rivers in that State; which, having been read on demand of Mr. Burrows, was referred to the Committee on Commerce.

LANDS GRANTED TO RAILROADS.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, relative to lands granted to railroads; which, having been read on demand of Mr. Burrows, was referred to the Committee on the Public Lands.

BAYOU CARLIN, LOUISIANA.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the improvement of Bayou Carlin, in that State; which, having been read on demand of Mr. Burrows, was referred to the Committee on Commerce.

FREEDMAN'S SAVINGS BANK.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, relative to the Freedman's Savings Bank; which, having been read on demand of Mr. Burrows, was referred to the Committee on Ways and Means.

IMPROVEMENT OF RED RIVER, LOUISIANA.

Mr. ACKLEN also presented a joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the improvement of Red River; which, having been read on demand of Mr. Burrows, was referred to the Committee on Commerce.

SAMUEL JAMISON.

Mr. ELLIS introduced a bill (H. R.No. 6041) for the relief of Samuel Jamison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. A. GONZALES & BROTHER.

Mr. ELLIS also introduced a bill (H. R. No. 6042) for the relief of Francis A. Gonzales and F. A. Gonzales & Brother; which was read a first and second time, (the first reading being in full upon the demand of Mr. Burrows,) referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES POSTAL TELEGRAPHIC SYSTEM.

Mr. ELLIS also introduced a bill (H. R. No. 6043) to provide for the establishment of a postal telegraphic system for the United States; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ELLEN M. YZNAGA DEL VALLE.

Mr. KING introduced a bill (H. R. No. 6044) for the relief of Ellen M. Yznaga del Valle; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on War Claims, and ordered to be printed.

EXPULSION OF ISRAELITES FROM RUSSIA.

Mr. KING also introduced a joint resolution (H. R. No. 298) requesting the President for information in regard to the expulsion of Israelites who are citizens of the United States from St. Petersburgh, Russia; which was read a first and second time, (the second reading being in full on demand of Mr. BURROWS,) referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN H. SHINNICK & CO.

Mr. KIMMEL introduced a bill (H. R. No. 6045) for the relief of John H. Shinnick & Co.; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on Claims, and ordered to be printed.

BETSEY WEISENFELD.

Mr. KIMMEL also introduced a bill (H. R. No. 6046) for the relief of Betsey Weisenfeld; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on Claims, and ordered to be printed.

EPHRAIM H. KLINE.

Mr. URNER introduced a bill (H. R. No. 6047) for the relief of Ephraim H. Kline, late private Company B, First Regiment P. H. B. Maryland Volunteers; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. ANDREWS.

Mr. URNER also introduced a bill (H. R. No. 6048) for the relief of James M. Andrews, of Cumberland, Maryland, scout and guide in the war of 1861; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on Claims, and ordered to be printed.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 6049) to reorganize and incorporate anew the Baltimore and Potomac Railroad Company by that or some other name in the event of a sale or sales of the property or franchises of the said company under certain mortgages heretofore made by it; which was read a first and second time, (the second reading being in full on demand of Mr. Burrows,) referred to the Committee on the District of Columbia, and ordered to be printed.

MARSHES, RIVER FRONT, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. HENKLE also introduced a bill (H. R. No. 6050) relating to filling up the marshes on the river front of the city of Washington; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) referred to the Committee on the District of Columbia, and ordered to be printed.

ALEXANDER MAHOOD.

Mr. POEHLER introduced a bill (H. R. No. 6051) for the relief of Alexander Mahood; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) referred to the Committee on Military Affairs, and ordered to be printed.

JOHN ENGLANDER.

Mr. POEHLER also introduced a bill (H. R. No. 6052) for the relief of John Englander; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF H. H. WILDY, DECEASED.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 6053) for the relief of the heirs of H. H. Wildy, deceased, of the county of San Diego, California; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed without amendment House joint resolution No. 297, authorizing the Secretary to send rations to the sufferers by the recent cyclone at Macon, Mississippi.

It further announced that the Senate insists upon its amendments

to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes; that the Senate non-concurs in the House amendments thereto and asks a committee of conference on the disagreeing votes of the two Houses, and that Mr. EATON, Mr. DAVIS of West Virginia, and Mr. WINDOM were appointed conferees on the part of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, for the purpose of moving that the House insist upon its disagreement to the amendments of the Senate thereto, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to. The SPEAKER pro tempore appointed as the conferees on the part of the House Mr. Singleton, of Mississippi, Mr. Wells, and Mr.

MONROE.

REMOVAL OF PAWNEE AND OTHER INDIANS.

Mr. MANNING submitted the following resolution; which was referred to the Committee on Indian Affairs.

Whereas, on the 4th June, 1879, the Committee on Indian Affairs reported through its chairman, and the House adopted, the following resolution:
"Resolved, That the Secretary of the Interior be directed to inform this House, first, at what date the Pawnee, Modoc, Nez Percés, Ponca, and Cheyenne Indians were removed to the Indian Territory; second, what the populations of said Indians were respectively at the time of such removal; and third, how many have died in each tribe since such removal and the cause, so far as known, of such mortality."
And whereas the Secretary of the Interior has not yet furnished the House with the information called for in said resolution: Now, therefore,

Be it resolved by the House of Representatives, That said Secretary be again directed to respond to the inquiries in said resolution contained, or to state why he cannot do so.

BUREAU OF ENGRAVING AND PRINTING.

Mr. MANNING also introduced a bill (H. R. No. 6054) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building of engraving and printing; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) and referred to the Committee on Public Building ings and Grounds.

MARY A. RANDOLPII.

Mr. MANNING also introduced a bill (H. R. No. 6055) granting a pension to Mary A. Randolph, of Panola County, Mississippi; which was read a first and second time, (the second reading of the bill being in full on demand of Mr. CAMP,) referred to the Committee on Pensions, and ordered to be printed.

THOMAS W. MAHAN.

Mr. PHILIPS introduced a bill (H. R. No. 6056) for the relief of Thomas W. Mahan, of Cole County, Missouri; which was read a first and second time, (the second reading being in full on demand of Mr. Camp,) referred to the Committee on Pensions, and ordered to be printed.

REMOVAL OF CHARGE OF DESERTION.

Mr. HATCH introduced a bill (H. R. No. 6057) removing the charge of desertion and for the relief of certain named soldiers of the Twenty-first Missouri Volunteer Infantry; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP.)

Mr. HATCH. I ask that this bill be referred to the Committee on

Invalid Pensions

The SPEAKER pro tempore. Under the rules it would properly go to the Committee on Military Affairs.

Mr. HATCH. I have submitted the bill to the chairman of the Committee on Military Affairs, and he does not object to the reference to the Committee on Invalid Pensions.

to the Committee on Invalid Pensions.

The SPEAKER pro tempore. If there be no objection, the bill will be referred as the gentleman from Missouri proposes.

Mr. BROWNE. What is the object of the bill?

The SPEAKER pro tempore. This is a bill to remove the charge of desertion from certain soldiers. The gentleman from Missouri desires that the bill should go to the Committee on Invalid Pensions.

Mr. HATCH. It is a bill to remove the charge of desertion against certain Federal soldiers of a regiment raised in the district where I live. I prefer to have all the facts laid before the committee of which

live. I prefer to have all the facts laid before the committee of which I am a member.

Mr. BROWNE. Under the rules the bill should go to the Commit-

The SPEAKER pro tempore. The gentleman from Indiana is correct. The bill under the rules would go to the Committee on Military Affairs, unless otherwise ordered by the House.

Mr. BROWNE. I move to amend the motion of reference so that

the bill shall go to the Committee on Military Affairs.

The question being taken, there were—ayes 48, noes 66.

Mr. BROWNE. A quorum has not voted.

The SPEAKER pro tempore. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri, Mr. HATCH, and the gentleman from Indiana, Mr. BROWNE.

The House again divided; and the tellers reported—ayes 52, noes 76.

Mr. BROWNE. A quorum not having voted, I ask for the yeas and

Mr. HATCH. I withdraw the motion to refer the bill to the Committee on Invalid Pensions, and will let it go to the Committee on Military Affairs under the rule.

The SPEAKER pro tempore. The bill will be referred to the Committee on Military Affairs, and will be printed.

Mr. HATCH. I ask that the memorial accompanying the bill be swinted.

Mr. CAMP. If the printing of the memorial is asked for I desire to have it read. The SPEAKER pro tempore. The memorial will go into the peti-

tion-box. Mr. CAMP. I do not object to the printing of the memorial, but

call for its reading.

The SPEAKER pro tempore. It is not in order to present a memorial under this call except from a State or territorial Legislature.

ISAAC COHEN.

Mr. FORD introduced (by request) a bill (H. R. No. 6058) for the relief of Isaac Cohen; which was read a first and second time, (the second reading being in full on demand of Mr. CAMP,) referred to the Committee on the Public Lands, and ordered to be printed.

G. N. WHISTLER.

Mr. BLACKBURN introduced a bill (H. R. No. 6059) for the relief of G. N. Whistler, first lieutenant Fifth Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. DAGGETT introduced a bill to establish a uniform system of bankruptcy; which was read a first time by its title.

Mr. CAMP. I ask that the bill be read in full.

The Clerk proceeded to read the bill the second time in full.

Mr. SPRINGER, (interrupting the reading.) It is evident that the session of this day is to be taken up by the unnecessary reading of

long bills. There is no way of preventing this because every member has the right to introduce a bill and to have it read. The Clerk is now reading a very long bill, and it would take a great deal of time to complete the reading. I move that the House do now adjourn.

ENROLLED JOINT RESOLUTION SIGNED.

Pending the motion to adjourn,
Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills,
reported that the committee had examined and found truly enrolled
a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 297) authorizing the Secretary of War to send rations to the sufferers from the recent cyclone at Macon, Mis-

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Martin, of Delaware, for ten days;
To Mr. Ladd, for one week, on account of ill health; and

To Mr. ATHERTON, for eight days.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House do now

adjourn.

The question being put, there were—ayes 85, noes 33.

Mr. FINLEY. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 25, noes 111.

Mr. LOWE. I call for tellers on the yeas and nays.

The question being put on ordering tellers, there were ayes 22; not one-fifth of a quorum.

So tellers were refused, the yeas and nays were not ordered, and

the motion was agreed to.

And accordingly (at two o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on

the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the Medical Society of South Carolina, against the passage of the quarantine bills now before Congress—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. ANDERSON: The petition of citizens of Kansas, that salt be placed on the free list—to the Committee on Ways and Means. By Mr. ARMFIELD: The petition of S. H. Wiley, of Salisbury,

North Carolina, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. ATHERTON: The petition of W. J. Holmes, of Zanesville, Ohio, for the passage of the bill (H. R. No. 4812) amending the rev-

enue laws-to the same committee.

Also, the petition of the Licking Iron Company, of Shawnee, Ohio, for the passage of the Eaton bill providing for the appointment of a

tariff commission—to the same committee.

By Mr. BAYNE: Resolutions of the Pittsburgh Dental Association, opposing the extension of the Cummings patent for the use of rubber in dentistry—to the Committee on Patents;

Also, the petition of Brown & Co., of Pittsburgh, Pennsylvania,

for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BERRY: Resolutions of the Legislature of California, opposing the discontinuance of the letter service of Wells, Fargo & Co.—to the Committee on the Post-Office and Post-Roads.

By Mr. BLACKBURN: The petition of citizens of Kentucky, for the reduction of the duty on salt—to the Committee on Ways and

By Mr. BLAND: The petition of the Midland (Missouri) Blast Furnace Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. BREWER: Papers relating to the pension claim of Mrs. Mary Vredenburgh—to the Committee on Invalid Pensions.

By Mr. BURROWS: The petition of the Bangor (Michigan) Furnace Company, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. CAMPRELL: The petition of 16 sitions of 15.

By Mr. CAMPBELL: The petition of 16 citizens of Pima County, Arizona, against the passage of the proposed mining law-to the

Committee on Mines and Mining.

By Mr. DIBRELL: The petitions of the Vulcan Iron and Nail Works Company and of the Lookout Rolling Mill Company, of Chattanooga, Tennessee, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways

By Mr. DICK: The petitions of Boyce Rawle & Co., of Sharon; of the Middlesex Furnace Company, of West Middlesex, and of the Wheeler Iron Company, of Sharon, Pennsylvania, of similar import— to the same committee.

By Mr. DICKEY: The petition of Hiram Sweet and 13 others, of Clermont County, Ohio, for the passage of the Geddes court pension bill—to the Committee on Invalid Pensions.

Also, the petition of Mary J. Hannaford, for a pension-to the same committee.

By Mr. ELAM: Resolutions of the Legislature of Louisiana, relating to the rights of settlers on railroad lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Louisiana, relative to the time

Also, resolutions of the Legislature of Louisiana, in relative to the time of electing United States Senators—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Louisiana, in relation to the improvement of Bayou Carlin; also Amite River; also Red River; also West Pearl River, and urging that appropriations be made for this purpose—to the Committee on Commerce.

Also, resolutions of the Legislature of Louisiana, in relation to the bill (H. R. No. 499) to secure from loss the depositors in the Freed-man's Savings and Trust Company—to the Committee on Ways and Means.

By Mr. FINLEY: The petition of John Sayler and 78 others, citizens of Marion County, Ohio, for legislation against transportation

monopolies—to the Committee on Commerce.

By Mr. FORD: The petition of William H. Smith and others, citi-

zens of Missouri, against the adoption of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FORNEY: The petition of S. S. Glidden, president of the Alabama Furnace, of Alabama Furnace, Alabama, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FRYE: The petition of E. W. Gross and others, of Auburn,

Maine, for the removal of the duty on salt—to the same committee.

By Mr. GARFIELD: The petitions of R. D. McMaingal & Co., of
Union Furnace, and of Licking Iron Company, of Shawnee, Ohio, for
the passage of the Eaton bill providing for the appointment of a tariff commission-to the same committee.

Also, the petition of Marion Brown, for a pension-to the Commit-

Also, the petition of 35 soldiers of Trumbull County, Ohio, against the passage of the Senate bill for the adjudication of pensions—to the same committee.

By Mr. GEDDES: The petitions of C. B. Johnson, Jacob Carpenter,

and 52 others, citizens of Ohio; of Thomas J. Jewell and 26 others,

and 52 others, citizens of Ohio; of Thomas J. Jewell and 26 others, citizens of Nebraska; and of Sylvester McDonald and 23 others, citizens of New York, all late members of various regiments of the Union Army, for the passage of the bill introduced by Mr. GEDDES for the organization of a court of pensions—to the same committee.

By Mr. JOHN HAMMOND: The petitions of the Peru Steel and Iron Company, of Clintonville; of Daniel F. Payne, of Wadhams Mills; of Cedar Point Iron Company, of Port Henry; of H. A. Putnam, of Elizabethtown; and of Hon. Andrew Williams, of Plattsburgh. New York, for the passage of the Eaton bill providing for the burgh, New York, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HARMER: The petition of Midvale Steel Works Company, of Philadelphia, Penusylvania, of similar import—to the same committee.

By Mr. HATCH: The petition of the officers of the Twenty-first Regiment Missouri Volunteer Infantry, for the removal of the charge of desertion and for the relief of certain soldiers of that regiment to the Committee on Military Affairs.

By Mr. HAWLEY: The petition of Redfield Durye, late colonel Sixth Connecticut Volunteers, for the difference between his pension as lieutenant and colonel from 1864 to 1873-to the Committee on Invalid Pensions.

Invalid Pensions.

Also, the petitions of the Collins Company, of Collinsville; of the Faust Steel Company, of Bridgeport; and of the Hartford Carpet Company, of Hartford, Connecticut, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HAYES: The petition of the Joliet Steel Company, of Joliet and Chicago, Illinois, of similar import—to the same committee.

By Mr. HILL: The petition of Henry Shufelt and others, citizens of Fulton County, Ohio, for the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of the Den Lake Iron and Lumber.

By Mr. HUBBELL: The petition of the Den Lake Iron and Lumber Company, of Ishpeming, Michigan, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HURD: The petition of May Webster, for pay for property taken by confederate officers during the late war—to the Committee on Claims.

on Claims.

Also, the petition of E. D. Lock and others, of Wood County, Ohio, for an appropriation for improving the Maumee River, Ohio, between Perrysburgh and Toledo—to the Committee on Commerce.

Also, the petition of J. H. Brigham and others, of Fulton County, Ohio, for the passage of the Reagan bill—to the same committee.

Also, the petition of H. C. Ferris, of Wood County, Ohio, for the abolition of the tariff on type—to the Committee on Ways and Means.

By Mr. JOYCE: The petition of Christina Walker, for a pension—te the Committee on Invalid Pensions.

Also, the petition of the White River Iron Company, of Pittsfield.

Also, the petition of the White River Iron Company, of Pittsfield, Vermont, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. KILLINGER: The petitions of the Lochiel Rolling Mill Company; of J. & J. Wistar, of Harrisburgh; of Lyman Nutting, of Middletown; of Van Allen & Co., of Northumberland; and of Grove Brothers, of Danville, Pennsylvania, of similar import—to the same

By Mr. KING: The petition of the Cotton Exchange of New Orleans, Louisiana, for speedy and favorable action on the report recommending the Mississippi River commission—to the Committee on Levees and Improvements of the Mississippi River.

Also, resolutions of the Legislature of Louisiana, favoring appropriations for the improvement of Pearl River; also, of Amite River;

also, of Red River—to the Committee on Commerce.

Also, resolutions of the Legislature of Louisiana for the establishment of nautical chairs in the University of Louisiana, and the Louisiana State University and Agricultural and Mechanical College, and for application to the Secretary of the Navy for the necessary vessels, books, charts, instruments, &c.—to the Committee on Education and

By Mr. McCOID: The petition of William Ewing, for a pension—to the Committee on Invalid Pensions.

By Mr. McLANE: The petition of Walter Sarrell, for pay for services as pilot on board a Government transport—to the Committee on Claims.

Also, the petition of H. William Ellicott, of Baltimore, Maryland,

Also, the petition of H. William Ellicott, or Baltimore, Maryland, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. NEAL: The petitions of R. D. McManigal & Co., of Union Furnace, and of William D. Kelly & Sons, of Ironton, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. O'CONNOR: The petition of leading merchants of Charles-ton, South Carolina, that salt be placed on the free list—to the same

Also, the petition of the South Carolina Medical Society, against clothing the National Board of Health with the enlarged powers provided for in the Harris and Acklen bills—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. ROBINSON: The petition of L. Pomroy's Sons, of Pitts-field, Massachusetts, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. TUCKER: The petition of William Milnes, of Shenandoah Iron Works, Page County, Virginia, of similar import—to the same

By Mr. J. T. UPDEGRAFF: The petition of William B. Lindsey, president, and I. C. Caruthers, secretary, of Steubenville Furnace and Iron Company, of similar import—to the same committee.

By Mr. WASHBURN: The petitions of P. H. Kelly & Co. and 20 others, business men and firms of Saint Paul; and of George R. Newel and 12 others, business men and firms of Minneapolis, Minnesota, that

salt be placed on the free list—to the same committee.

By Mr. WEAVER: The petition of John Graham, of Morris, Illinois, and 68 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of John Morrell & Co., of Ottumwa, Iowa, and 61 others, that salt be placed on the free list—to the Committee on Warrend Morre. Ways and Means.

Ways and Means.

By Mr. WELLS: A paper relating to the establishment of a powder mill by the Government—to the Committee on Appropriations.

By Mr. WILLIS: The petition of Jarvis & Co. and 12 other firms of Louisville, Kentucky, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. THOMAS L. YOUNG: The petition of Michael Tranter & Co., of Cincinnati, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

Also, the petition of John Renner, of Cincinnati, for the passage of the bill (H. R. No. 4812) known as the Carlisle bill, amending the internal-revenue laws—to the same committee.

Also, the petition of Colonel William P. Chambliss, late major of

Also, the petition of Colonel William P. Chambliss, late major of the Fourth Cavalry, United States Army, to be placed on the retired list—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, May 4, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report of Major W. H. H. Benyard, Corps of Engineers, upon a survey and proposed improvement of the mouth of the Red River, Louisiana, and a communication from the Chief of Engineers, submitting a report of the Board of Engineers for fortifications and for river and harbor improvements, in further elucidation of the subject; which was referred to the Committee of Communication and colored to be printed. mittee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of April 1, 1880, letters from the Commissioner of Indian Affairs and Mr. McIntyre in regard to settlers on the Uncompander Park, Colorado; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. McPHERSON presented the petition of the Raritan Woolen Mills, of Raritan, New Jersey, manufacturers of woolen goods, employing seven hundred and fifty hands, and the petition of the Somerset Manufacturing Company, of Raritan, New Jersey, manufacturers of woolen goods, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on

the table.

Mr. CAMERON, of Wisconsin. I present a resolution adopted by the Chamber of Commerce of Milwaukee, addressed to Congress, remonstrating against the passage of the bill, now said to be pending in the House, known as the Hurd bill. The resolution sets forth "that this chamber emphatically protests against the passage by Congress of the bill introduced by Mr. HURD, of Ohio, prohibiting the transportation of any freight from any point in the United States to any other point in the United States through Canada, believing that such legislation would be unwise, uncalled for, and exceedingly detrimental to the commercial interests of the Northwest." I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

The motion was agreed to.

Mr. DAWES presented the petition of James C. Warr, of Wareham, Plymouth County, Massachusetts, manufacturer of merchant-iron, employing one hundred and twenty-five hands, and the petition of fourteen firms of Rockville, Connecticut, manufacturers of woolen goods, employing eighteen hundred and twenty-five hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

tariff commission; which were ordered to lie on the table.

Mr. ROLLINS presented the petition of the Concord Manufacturing Company, of West Concord, New Hampshire, manufacturers of woolen goods, employing ninety hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. McDONALD presented the petition of the Ohio Falls Iron Works, of New Albany, Indiana, manufacturers of iron, employing three hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

viding for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. SLATER. I present a memorial signed by Ladd & Tilton, bankers; the First National Bank, James Steel; the Bank of British Columbia, W. W. Francis; the Oregon and Washington Mortgages Savings Bank, (limited,) W. Reed, managing director; and the Bank of British North America, and about 5,000 others, citizens of Portland, Oregon, praying for an appropriation of \$250,000 to begin the construction of a breakwater at the mouth of the Columbia River, in accordance with the report of Colonel Gillespie, Major of Engineers, made December 17, 1879, to the Chief of Engineers. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

The motion was agreed to.

Mr. SLATER. I present a petition of 5,000 citizens of Oregon, praying Congress to pass an act authorizing the President to invite all the governments of the world having maritime commerce to appoint delegovernments of the world having maritime commerce to appoint delegates to represent such governments in a convention of all such nations, to be held in Philadelphia, for the purpose of maturing and presenting a plan for the construction of a free ship-canal across the Isthmus of Darien, of such dimensions as will admit the passage through it of all ships, small and great; the construction of such canal to be paid for in proportion to the tonnage of each nation uniting in its construction, and to be kept in repair thereafter by each nation paying therefor in proportion to the tonnage of each nation passing through said canal. I move the reference of the petition to the Committee on Foreign Relations. Foreign Relations.

The motion was agreed to.

Mr. TELLER presented a memorial of citizens of Rio Grande County, Colorado, remonstrating against the proposed change recommended by the Public Land Commission in the method of disposing of the pub-

lic lands; which was referred to the Committee on Public Lands.

Mr. WALLACE presented the petition of Spang, Chalfant & Co.,
of Etna, Pennsylvania, manufacturers of iron and wrought-iron tub-

of Etha, Pennsylvania, manufacturers of fron and wrought-fron tubing, employing three hundred and seventy-five hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BUTLER presented an extract from the proceedings at the State board of health of Charleston, South Carolina, touching the powers of the National Board of Health in the matter of State quarters. antine; which was referred to the select committee to investigate and report the best means of preventing the introduction and spread

and report the best means of preventing the introduction and spread of epidemic diseases.

Mr. HILL, of Georgia, presented the petition of the Atlanta Rolling-Mill Company, of Atlanta, Georgia, manufacturers of rails and bar-iron, employing four hundred and ninety-three hands, and the petition of the Ridge Valley Iron Works, of Ridge Valley, Georgia, manufacturers of pig-iron, employing one hundred and fifty hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. HAMLIN presented the petition of S. P. Brown & Co., of Dover, Maine, manufacturers of woolen goods, employing seventy-five hands, praying for the passage of the Eaton bill providing for the appoint-

ment of a tariff commission; which was ordered to lie on the table.

Mr. BAYARD presented the petition of the McCullough Iron Company, of Wilmington, Delaware, manufacturers of sheet-iron, employing three hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

MARIETTA SOLDIERS' MONUMENT.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio, to report it back with an amendment; and by instruction of the committee I request the immediate consideration of the bill. The amendment removes all possible objection to the passage of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on Military Affairs was, in line 6, after the word "of," to insert "cast-iron," so as to make the bill read:

Be it enacted, &c., That the Secretary of War be authorized to furnish to the Soldiers' and Sailors' Monument Association of Washington County, Ohio, from the condemned ordnance of the United States, four pieces of cast-iron cannon for the soldiers' monument recently erected in the public park in the city of Marietta, Washington County, Ohio.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read third time.

The bill was read the third time, and passed.

LOAN OF TENTS, ETC., TO NEW HAMPSHIRE.

Mr. MAXEY. I am further instructed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 104) authorizing the Secretary of War to lend certain tents, flags, &c., to the governor of the State of New Hampshire for the use of the mili-tia of that State at their general muster to be held the present year, to report it with an amendment; and for the reason which was stated to the committee by the Senator from New Hampshire, [Mr. Blair,] that immediate action was necessary, the committee instruct me to ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consid-

Mr. WITHERS. I object until we get through with the morning business. This system of reporting bills and having them immediately considered, it seems to me, is rather taking advantage of those of us who have bills on the Calendar and would like to have them considered.

Mr. MAXEY. I gave the reason, which no doubt the Senator from Virginia did not hear, that unless the joint resolution passes at once it will be useless. They want the articles for an encampment which

is very soon to be held. Mr. WITHERS. When?

Mr. MAXEY. The Senator from New Hampshire can tell you ex-

actly.

Mr. WITHERS. There will be time after the morning business is concluded.

Mr. BLAIR. Mr. President, I can explain—
The VICE-PRESIDENT. Objection is made.
Mr. BLAIR. I understood the Senator from Virginia to withdraw Mr. BLAIR.

his objection.

The VICE-PRESIDENT. He did not.

Mr. BLAIR. If the Senator from Virginia will hear me one moment I think he will do so. I should like the attention of the Senator from Virginia.

Mr. MAXEY. It was at the request of the committee I made the motion. I am not in the habit and I do not think it is customary to object to a personal request of that kind, but it is the privilege of a Senator to do so, if he desires, ef course.

The VICE-PRESIDENT. The joint resolution goes to the Calendar.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 107) to authorize the loaning of certain tents and artillery to the Union Veteran Corps, composed of ex-Union soldiers, for the purposes of a reunion to be held at Wichita, Kansas, in the month of October, 1880, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of William H. Gill, praying the passage of a bill authorizing his restoration to the Army, submitted a report thereon, accompanied by a bill (S. No. 1710) for the relief of William H. Gill.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom

which was ordered to be printed, and the bill was postponed indefi-

nitely.

He also, from the same committee, to whom was referred the bill (S. No. 1288) to authorize the President to restore D. M. Page to his former rank in the Army and place him upon the retired list, submitted an adverse report thereon; which was ordered to be printed,

and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1455) authorizing the President to appoint John W. Hoffman a second lieutenant in the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1128) for the relief of James M. Ruby, reported it with an amendment, and submitted a report thereon; which was ordered to

be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 869) for the relief of Mrs. Julia L. Williams, administratrix of the estate of William P. Williams, deceased, asked to be discharged from its further consideration, and that it be

referred to the Committee on Claims; which was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1512) for the relief of Eli Wright and John B. Meigs, volunteers in the military service of the United States in the Indian wars in Florida, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 986) for the relief of Thomas I. Miller, of Washington Territory,

reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 1719) for the relief of Paulina Jones, widow of Alexander Jones, deceased, Company E, Second North Carolina In-

Alexander Jones, deceased, Company E, Second North Carolina Infantry; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. No. 1409) for the relief of James H. Woodard, reported adversely thereon, and the bill was postponed indefinitely.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 1169) granting a pension to John Harner, submitted an adverse report thereon; which was ordered to be printed.

Mr. WALLACE. I ask that that bill go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. McPHERSON, from the Committee on Pensions, to whom was

Mr. McPHERSON, from the Committee on Pensions, to whom was

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hannah S. Mackey, guardian of Margaret J. Yourison, minor child of John M. Yourison, (alias Sloan,) late private Company G, Fifty-sixth Regiment New York Volunteers, praying for the restoration of pension to said minor child, submitted a report thereon accompanied by a bill (S. No. 1711) granting a pension to Hannah S. Mackey.

The bill was read twice by its title, and the report was ordered to be printed.

be printed.

Mr. McPHERSON. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 2450) granting a pension to Mary Wade, to report it adversely. I am requested by certain members of the committee to have the bill placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 913) granting a pension to Thomas P. Johnson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

hich was ordered to be printed.

Mr. BOOTH, from the Committee on Patents, to whom was referred Mr. BOOTH, from the Committee on Fatents, to whom was referred the petition of Helen Frances Manville, praying the extension of reissued patent No. 6535, for an improvement in machines for attaching uppers to the soles of boots and shoes, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the kill (S. No. 351) to extend the time for filing claims for

referred the bill (S. No. 351) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1123) to amend section 1113 of the Revised Statutes of the

United States, relative to post-traders at the military posts of the Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 169) authorizing the settlement of the accounts of Richard H.

Smith, deceased, reported it without amendment.

WYOMING, MONTANA AND PACIFIC RAILROAD.

Mr. TELLER. I am directed by the Committee on Railroads, to whom was referred the bill (S. No. 1670) to authorize the Wyoming, Montana and Pacific Railroad Company to build its road across the Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1488) to provide for promotions in the Army of the United States, submitted an adverse report thereon; two letters from the Secretary of War, which I ask to have read. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAVIS, of West Virginia. I think we ought to have some explanation of the bill.

Mr. DELLER. There are two letters here from the Secretary of War saying that there is not only no objection, but it is desirable that this action should be had. This railroad company meets Fort David Russell almost when it starts. Within five or six miles it is compelled to enter upon that line. Fort Laramie is one hundred and fifteen case hundred and eighty miles still further away but Fort David fifty or one hundred and sixty miles still further away, but Fort David Russell they want the privilege of passing immediately. A letter from the Department shows that the War Department agree to it, and say it is desirable in fact.

Mr. ALLISON. There is no doubt about it being a desirable thing te do, because it will save freights.

Mr. DAVIS, of West Virginia. Let the bill be read again.

The Secretary read the bill.

Mr. TELLER. I ask to have the amendments read, one of which limits the right of way to one hundred feet.

The VICE-PRESIDENT. The amendment reported from the Committee on Military Affairs will be read.

The SECRETARY. After the word "Russell," in line 6, it is proposed to insert the words "and Fort Laramie," and at the end of line 7 to

Provided, Such right of way shall not exceed one hundred feet in width.

So as to make the bill read:

Be it enacted, &c., That the Wyoming, Montana and Pacific Railroad Company, a corporation organized under the laws of the Territory of Wyoming, is hereby authorized to build its road across the Fort Russell and Fort Laramie military reservations, upon such line as may be approved by the Secretary of war: Provided, Such right of way shall not exceed one hundred feet in width.

Mr. DAVIS, of West Virginia. I see that the Secretary of War has to approve the location, which is proper, but I ask the Senator why he wants a hundred feet through the military reservation? That is

Mr. TELLER. I will say that in all the western country that is the amount we have for all our roads. We have taken one hundred feet. I believe it is the suggestion of the Department that it should be a hundred feet.

Mr. INGALLS. Let us hear the letters read.
Mr. TELLER. Let the letters from the Department be read.
The VICE-PRESIDENT. The letters will be reported.
The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington City, May 3, 1880.

Sir: Referring to Senate bill 1670, introduced by you, authorizing the Wyoming,
Montana and Paoific Railroad Company to build its road across the Fort Russell
military reservation, I have the honor to inform you that the General of the Army
has verbally reported to the Department that there is no military objection to the
passage of this bill, should a provision be inserted therein that the line crossing
the reservation shall not exceed one hundred feet in width.

Very respectfully, your obedient servant,

ALEX. RAMSEY, Secretary of War.

Hon. H. M. TELLER, United States Senate.

WAR DEPARTMENT, Washington City, May 4, 1880.

Washington City, May 4, 1880.

Sir: I am in receipt of your letter dated the 3d instant, requesting to be informed whether any objection exists to allowing the Wyoming, Montana and Pacific Railroad Company to build its road across the Fort Laramie reservation. In reply thereto I have the honor to inform you that the General of the Army reports that "there is not the least possible objection, but the contrary; a railroad to Laramie will be very advantageous."

A provision should be made, however, that the road crossing the reservation should not exceed one hundred feet in width.

Very respectfully, your obedient servant,

ALEX. RAMSEY.

ALEX. RAMSEY, Secretary of War.

Hon. H. M. TELLER, United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Wyoming, Montana and Pacific Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations."

BILLS INTRODUCED.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1712) providing that the President of the Senate shall submit to the Senate and House, when assembled to count the votes for President and Vice-President, all packages purporting to contain electoral votes; which was read twice by its title, and referred to the select committee to take into consideration the state of the law respecting the ascertaining and declaration of the results of the Elections of President and Vice-President of the United States.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1713) granting an increase of pension to Captain John H. Looby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1714) for the relief of Thomas Y. De Normandie; which was read twice by its title, and referred to the Committee on

Finance.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1715) for a public building at Sacramento, California; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAMPTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1716) granting a pension to Thomas J. Mackey, late special provost marshal; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1717) creating Yakima land district in Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to intro-

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1718) to increase the efficiency of the marine-hospital service; which was read twice by its title, and referred to the Committee on Commerce.

STATUE OF GENERAL DANIEL MORGAN.

Mr. HAMPTON. The joint resolution (S. R. No. 84) to furnish a bronze statue of General Daniel Morgan to the Cowpens centennial committee of Spartanburgh, South. Carolina, was reported from the Committee on Military Affairs adversely and postponed indefinitely. I ask to reconsider the vote indefinitely postponing the joint resolution, in order that it may again be referred to the Committee on Military Affairs.

The VICE-PRESIDENT. The Chair hears no objection, and the vote by which the joint resolution was indefinitely postponed will be regarded as reconsidered, and the joint resolution will be referred to

the Committee on Military Affairs.

ARMY LINE OFFICERS.

Mr. FERRY. On the 12th of April I introduced a bill (S. No. 1614) to regulate the promotion and fix the rank of line officers of the Army. I have a tabulated statement of the promotions from first lieutenants to captains in the Army from 1870 to 1879 inclusive. I move that it be printed and referred to the Committee on Military Affairs, to accompany the bill.

The motion was agreed to.

AGRICULTURAL DEPARTMENT.

On motion of Mr. DAVIS, of West Virginia, it was

Ordered, That the bill (S. No. 966) to create an agricultural department be referred to the Committee on Agriculture and printed.

DECISIONS UNDER SENATE RULES.

Mr. DAVIS, of West Virginia. I have a paper here, the title of which I ask the Clerk to read, and then I shall ask to have it printed. There will be no objection to it.

The CHIEF CLERK. "A compilation of the questions of order and the decisions thereon under the rules of the Senate since their adop-

Mr. DAVIS, of West Virginia. At my request Mr. Sympson, who is well known to us all, has prepared the rulings upon the new rules since their adoption two years ago, which I ask to have printed for the use of the Senate.

Mr. HOAR. Before that document is printed I think it had better

be referred to the Committee on Rules.

Mr. DAVIS, of West Virginia. I have no objection at all.
Mr. HOAR. I have no doubt the work is thoroughly done.
Mr. DAVIS, of West Virginia. I have not the least objection to the reference, but I take it the subject has been examined very carefully. I think it had better be printed and referred to the committee; it is short.

Mr. HOAR. They may want to add other matter.
Mr. DAVIS, of West Virginia. I have no objection.
The VICE-PRESIDENT. The document will be received and printed and referred to the Committee on Rules.
Mr. HOAR. My suggestion was that it be referred to the Committee on Rules before printing, as they may desire to have other matter resisted with it. printed with it.

The VICE-PRESIDENT. That shall be the order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House insisted upon its amendment to the first amendment of the Senate to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1881, and for other purposes, disagreed to by the Senate, insisted upon its disagreement to the second and third amendments of the Senate to said bill insisted on by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. O. R. SINGLETON of Mississippi, Mr. Erastus Wells of Missouri, and Mr. James Monroe of Ohio managers at the conference on the part of the House.

LOAN OF TENTS, ETC., TO NEW HAMPSHIRE.

Mr. ROLLINS. I rise to ask the Senate to consider Senate joint resolution No. 104, which was reported from the Committee on Mili-

tary Affairs and to which objection was made a few moments since. The objection having been withdrawn, it will not occupy more than

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 104) authorizing the Secretary of War to lend certain tents, flags, &c., to the governor of the State of New Hampshire for the use of the militia of that State at their general muster to be held the present year.

The joint resolution was reported from the Committee on Military Affairs with an amendment in line 9, after the word "depots," to insert "and can be spared without detriment and without expense to the United States;" so as to make the proviso read:

Provided, That such things are in the reserve supplies of the various quarter-master depots, and can be spared without detriment and without expense to the United States, and that security to the satisfaction of the War Department for their return be furnished by responsible parties, subject only to ordinary wear and

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' REUNION AT WICHITA, KANSAS.

Mr. PLUMB. At the same time the Senator from Texas reported the joint resolution which has just passed, he reported favorably another of the same tenor with reference to a celebration of the Union Veteran Corps at Wichita, Kansas, and I ask that that be considered

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 107) to authorize the loaning of certain tents and artillery to the Union Veteran Corps, composed of ex-Union soldiers, for the purposes of a reunion to be held at Wichita, Kansas, in the month of October, 1880.

The joint resolution was reported from the Committee on Military Affairs with an amendment in line 12, after the word "service," to insert "and without expense to the United States;" so as to make the proviso read:

Provided, Said tents and artillery can be spared without detriment to the public service, and without expense to the United States, and that proper security shall be given for the return of said public stores in proper condition.

The amendment was agreed to.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS OF MILITARY COMMITTEE.

Mr. RANDOLPH. The Committee on Military Affairs instructs me as its chairman to ask the Senate that some day, I will designate as its chairman to ask the Senate that some day, I will designate next Tuesday, the 11th instant, be set aside for the consideration of the bills on the Calendar that have come from that committee. It will be found by examining the Calendar that of three hundred and twenty-five or three hundred and thirty bills now upon it, over sixty-five, sixty-six I think, come from the Military Committee, and according to the progress we have been making with the Calendar, no considerable number of these bills can be reached during the present session. It has been the practice of the Senate since I have been a member of the body to occasionally give to a committee with so much work before it, and with very many reports made to the Senate, this indulgence. I ask, therefore, that some special day or that a part of some day be set aside for the consideration of the cases on the Calendar that have come from the Military Committee.

some day be set aside for the consideration of the cases on the Calendar that have come from the Military Committee.

The VICE-PRESIDENT. Will the Senator indicate a day?

Mr. RANDOLPH. I will indicate next Tuesday, the 11th.

Mr. TELLER. If it requires general consent, I shall object to it.

The VICE-PRESIDENT. Objection is made.

Mr. TELLER. I do not see why the Military Committee should come in ahead any quicker than any other committee.

Mr. RANDOLPH. I should like to answer briefly, simply because that committee, as will be found by examination of the Calendar, has very much more business on the Calendar than the proportion of the committees of the Senate. I have just said that of three hundred and thirty or three hundred and thirty-five bills now on the Calendar sixty-five or sixty-six are from the Military Committee. I think that should give some weight to that committee's claim and request before the Senate.

Mr. FERRY. I desire to ask the Senator from New Jersey if it is his purpose to have the bills considered upon their merits irrespective of

purpose to have the bills considered upon their merits irrespective of

Mr. RANDOLPH. I would not object to having them considered

under the Anthony rule.

mder the Anthony rule.

Mr. FERRY. I would object to that as far as I am concerned. I think as we have the Anthony rule now during the ordinary morning hour, if a day or more be set apart to consider cases upon the Calendar they should be considered upon their merits. Let the cases be disposed of as we reach them. Cases that have merit now are subject to one objection simply because the objector does not understand the case, or has not given it the attention which other Senators have.

The VICE-PRESIDENT. Objection is made to the request of the Senator from New Jersey.

Senator from New Jersey.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. Mr. President—
Mr. COCKRELL. The regular order, Mr. President.
The VICE-PRESIDENT. The regular order is demanded, which is the consideration of the Calendar of General Orders under the Anthony rule, so called.

Mr. CAMERON, of Wisconsin. I gave notice yesterday that after the routine business of the morning hour had been gone through with to-day, I should move to postpone the consideration of the Cal-

endar for the purpose of taking up the Holladay case. I now move to postpone the present and all prior orders for that purpose.

The VICE-PRESIDENT. The Senator from Wisconsin moves to postpone the pending order, being the consideration of the Calendar of General Orders under the Anthony rule. The question is on the various of the Senator from Wisconsin moves. motion of the Senator from Wisconsin.

Mr. COCKRELL called for the yeas and nays, and they were or-

Conkling,

Mr. Courtes and dered.

The Secretary proceeded to call the roll.

Mr. KERNAN, (when his name was called.) I understand this motion is for the purpose of taking up the Holladay bill. On that-bill I am paired with the Senator from Pennsylvania, [Mr. CAM-ERON.] If he were here, I should vote "nay."

Mr. McPHERSON. (when his name was called.) On this question

Mr. McPHERSON, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. Hill.] If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced-yeas 29, nays 27; as follows:

- 2	EAS-40.	
	Jonas,	Teller.
*	Jones of Nevada.	Vance.
	Kirkwood,	Voorhees.
	McDonald.	Williams,
	Doddools	Window

Blaine.	Edmunds,	Kirkwood,	Voorhees,
Blair,	Gordon,	McDonald.	Williams,
Booth,	Hamlin,	Paddock,	Windom.
Bruce,	Hereford,	Platt,	
Burnside,	Hoar,	Rollins,	
Cameron of Wis.,	Ingalls,	Saunders,	
		NAVS 97	

	N.E	LYS-27.	
Bailey, Bayard, Butler, Call, Cockrell, Coke, Davis of W. Va.,	Eaton, Farley, Ferry, Garland, Hampton, Harris, Hill of Georgia,	Johnston, Maxey, Morgan, Morrill, Plumb, Pryor, Randolph,	Saulsbury, Slater, Thurman, Vest, Wallace, Withers.

ABSENT-20.

Anthony, Beck, Cameron of Pa., Carpenter,	Groome, Grover, Hill of Colorado, Jones of Florida,	Kernan, Lamar, Logan, McMillan,	Pendleton, Ransom, Sharon, Walker,
Davis of Illinois,	Kellogg,	McPherson,	Whyte.
Ca the meties	. man a amand to		

So the motion was agreed to.

The VICE-PRESIDENT. The Senator from Wisconsin moves that the Senate now proceed to the consideration of the bill for the relief of Ben Holladay.

The motion was agreed to; and the consideration of the bill (S. No. 231) for the relief of Ben Holladay was resumed as in Committee of the Whole.

An amendment was reported from the Committee on Claims, after the words "United States," in line 8, to strike out:

For spoliations by hostile Indians on his property while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route; for property taken and used by United States troops for the benefit of the United States; and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer.

And in lieu thereof to insert:

On account of his contract with the Post-Office Department to carry the United States mails, and in full payment and satisfaction for all losses sustained by him by reason of his having carried the mail on a route different from the one specified in the contract under the order of the military authority of the United States, and upon the request of the President, during the existence of Indian hostilities on the line of said mail-route; and in full satisfaction for the property taken and used by United States troops for the benefit of the United States.

The amendment was agreed to.

Mr. MORRILL. Mr. President, I have looked at this report in order

Article was which the amount is made up. I fail to find to find some detail upon which the amount is made up. any detail of the amount of damages unless it is found in the appendix to this report, No. 216. I find there that the charges are for horses, \$200 apiece, invariably almost, and the same for mules. This committee cite as a precedent a small bill reported by a former Senator from Oregon, (Mr. Corbett,) where it seems that the same amount was charged by the claimant for horses, but it was reduced in his bill from \$200 to \$50 apiece, and where \$150 was charged it was reduced. to \$37.50.

But, Mr. President, it is a little queer as to the report of the dam-

ages suffered by this party—

Mr. CAMERON, of Wisconsin. If the Senator will allow me, I think I can make an explanation which perhaps may be satisfactory to him. The horses and mules lost by Mr. Holladay were horses and mules used by him as stage horses and mules, and were of a superior quality. The horses referred to by the Senator in the bill introduced by the former Senator from Oregon were not stage horses, but stock. horses on the prairies.

Mr. MORRILL. I read from the report in relation to the horses reported in the Elbridge Gerry case. It states:

It will be borne in mind that Holladay, the claimant, sustained his losses while carrying the transcontixental mails through the same region at a period when their transportation was of highest importance to the whole country.

That is, horses in the same region and at the same period in one case are valued at \$50 each, and in the other at \$200 each.

I do not understand that there is any difference stated in the report of either claimant as to the value of the horses. They both claimed \$200 each. But the report is curious in this; it states:

The testimony tends to show that the damage to the memorialist of this removal of line under the Chivington order, embracing as it did the transfer of houses, barns, hay, grain, and other articles, and rebuilding structures necessary to the line, was in the neighborhood of \$50,000.

Again, it states damages thus: Was in the neighborhood of \$30,000.

Mr. President, I do not understand that we have ever established Mr. Fresident, I do not understand that we have ever established a principle so broad as is laid down here, of guaranteeing mail carriers under contract against all losses. I supposed that they were paid large prices, knowing that it was a hazardous service, and therefore I should like to know if the Senator reporting this bill can give us the amount that was paid to this claimant for the transportation of the mails from 1860 to 1866?

of the mails from 1860 to 1866?

Mr. CAMERON, of Wisconsin. I am not able to give it.

Mr. MORRILL. I think that is a very important consideration. The Senator says he is not able to give it. I should like to see whether the party was under contract and paid the price of hazardous service for carrying these mails. I understand that the sum paid from 1860 to 1866 was very large, and before this bill shall pass I should like to have some account of the amount that was paid to this contractor. But, Mr. President, while I do not wish to do anything that is wrong in relation to this claim—if the party has a just claim I am willing that he should be paid; but I do not think that a committee of this body is the proper tribu nal to take an account of the damages that he had suffered. It ought to go to the Court of Claims, and where they can have some testimony possibly a little different from what has been brought here in behalf of the Government. I ask gentlemen to look at the testimony that is brought in here in behalf of the Government.

Mr. CAMERON, of Wisconsin. Will the Senator allow me a moment?

Mr. MORRILL. Certainly.
Mr. CAMERON, of Wisconsin. During the last Congress the Committee on Claims reported this claim back with a bill recommending that it be sent to the Court of Claims for trial and adjudication.

Mr. MORRILL. I understand that, and I think it was a mistake that Congress did not do it.

Mr. CAMERON, of Wisconsin. It was a mistake that the Senator from Vermont who is now addressing the Senate contributed very largely to, if it was a mistake.

Mr. MORRILL. Mr. President, if you will look over the testimony that is brought here in behalf of the Government, you will find it very meager indeed; and I do not doubt but what the committee properly rejected the most of it as weak and inconsequential. There were but four witnesses, so far as I can find, who were brought here to give any testimony in behalf of the Government of the United States. All the remainder is entirely ex parte. One of these witnesses was a boy from seventeen to nineteen years of age, another was a bugler, and so on. It will be seen that the Government has had no proper showing in this case.

Then, again, the question comes up, and is relied upon as appears by the report of the committee to some extent, that the Government itself has given this party some claim to remuneration because it promised military pretection; and yet it will be seen that a large share, and much the largest share of the damages so far as I can asshare, and much the largest share of the damages so far as I can ascertain, was incurred prior to any promise of giving this military protection. The protection, it appears, was promised in 1864. It will be seen by the Chivington correspondence that he only proposed to grant it in 1864; and yet a large proportion of these details of damages occurred from April 16, 1862, along to 1864, but largely in 1862. On the whole, Mr. President, it does seem to me that this is a very grave question that ought to be settled by some positive law. If we are to allow this claim it will unquestionably establish a precedent for all the damages that ever have been received on the part of contractors since the foundation of the Government. I know of a case in my own State.

in my own State

Mr. HOAR. I wish to call the Senator's attention, if he will permit me, in regard to a fact about which he has fallen into error. The Senator from Vermont seems to understand that the date of the promise of military protection was in 1864. He is in error upon that point. What happened in 1864 was the date of the removal. Colonel Chivington was ordered, and it was his duty, to furnish Mr. Holladay's line complete protection against hostile Indians, but he says, "I cannot do that at all, unless your line is removed from the line of contract to another line"—

Which I can only do by its removal from the Platte to the Cut-off route. As it new runs I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

Mr. MORRILL. And that the Senator will find is dated December

Mr. HOAR. That is the thing that is dated December 2, 1864.
Mr. MORRILL. That is the thing, and the only thing I find of any promise on the part of the Government to furnish military protec-

Mr. CAMERON, of Wisconsin. Chivington had been ordered to furnish military protection prior to that time; but the Government found that it could not protect the route on which Mr. Holladay was

then running his stages, and consequently directed him to remove his route from thirty to fifty miles south of where he was then running.

Mr. MORRILL. Well, Mr. President, I only take it as I find it here in the report. It is a little curious that so many of these mules and horses should have been in such equal and capital order as to be worth exactly \$200 apiece, and that the harnesses were all in fine order and charged at a rate equal to the cost of new harness. "Twelve sets of harness, at \$20 apiece," and so on throughout. "Five sets of four-horse harness, at \$110 each."

There does not seem to be any reduction in the prices of horses.

There does not seem to be any reduction in the prices of horses, mules, or harness on account of wear and tear, and the price of barley and oats was computed at the highest rate, I suppose, without any regard to the testimony, although I see that there is some testimony that it was not valued at so high a rate at that time at some places. But, Mr. President, I merely rose to say that while I shall vote to refer this case to the Court of Claims, I shall vote against this bill.

Mr. KERNAN. Mr. President, I desire that Mr. Holladay shall have whatever he is justly entitled to. My trouble with this bill is that I fear it is impossible for any one, from the evidence which the committee have taken, to determine with any certainty that all this property, at the value put down here, was destroyed under circumstances which should call upon the Government, even in the broadest sense of equity, to indemnify Mr. Holladay.

If you look at the report beginning on page 11, you will find, what strikes me as extraordinary, that on "April 16, 1862," there were "twenty-two mules and horses at \$225 each" taken; "April 17, 1862, nine head mules at \$200 each." I skip a great many other items. "April 18, 1862, five mules at \$200 each;" "April 20, 1862, two mules at \$200 each;" "April 23, 1862, five horses at \$175 each;" "eighteen mules at \$200 each;" "March 23, 1862, five horses at \$175 each;" "March 1862, cipt mules and horses at \$125 each;" "April 21, 1862, six mules and horses at \$175 each;" "March 1862, thirteen mules at \$150 each."

And so going through you will find a great number of horses and mules in the months of March, April, and June, 1862, amounting to between two hundred and three hundred mules and between one hundred and two hundred horses. My difficulty is that a claim of this kind, if the Government is to be liable for it, should be sifted in some

between two hundred and three hundred mules and between one hundred and two hundred horses. My difficulty is that a claim of this kind, if the Government is to be liable for it, should be sifted in some court where you can get at the facts in detail and see that this property was destroyed. Where so much is claimed for destructions in different places on the same day it is difficult to know what was really destroyed by the Indians and what may have been stolen by somebody else, and what may have been lost or destroyed in other ways. My judgment is and always has been that this matter ought to go to a court. It is answered by the gentleman in charge of the bill that when it was up in 1877-78 the committee reported in favor of sending it to the Court of Claims. That is true; and I have the bill they reported in my hand. While I have not looked at the Recorp, I remember for myself that I objected to that bill on the ground that it not only authorized but directed the court, as I thought, to adjudi-

not only authorized but directed the court, as I thought, to adjudicate the claim on the affidavits which were then in the report before us, and some of which I read to show how entirely loose they were and wholly ex parte. I remember this, but I have not looked at the RECORD to see all that occurred in the Senate. I have the bill which was then reported. I criticised it then. I will read it now. I will read the whole bill, for it is very short. It is Senate bill No. 346 of the Forty-fifth Congress, the very one referred to in this report on page 5. I remember how it struck me at the time I objected to it.

Be it enacted, de., That the claim of Benjamin Holladay, now before Congress, for spoliations by hostile Indians on his property, while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route; for property taken and used by United States troops for the benefit of the United States; and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States; and some is hereby, referred to the Court of Claims for adjustment, upon the affidavits and orders now before Congress, and such additional testimony as either party may present, to ascertain the amount of losses of property and expenses sustained by him as aforesaid, and render judgment thereon.

I then looked at some of the affidavits, and did not think they were sufficient to authorize anybody to find that any considerable amount of property had been actually destroyed by Indians. It was to be referred to the Court of Claims by that bill to ascertain upon these affidavits, and it is true "such other evidence," but these affidavits were to go there, and if the Government could not hunt up other evidence. were to go there, and if the Government could not hunting other evidence, would not the court adjudicate on them? Did not that bill make these ex parte affidavits evidence before the court? We objected to it and thought it ought not to go there on ex parte affidavits, particularly such as we called attention to then, if I remember aright. I think justice to Mr. Holladay should be done, but it should be done by having the claim sent to a tribunal before whom he can bring his wifersesse. And let them be green everyinged and let him if he can

his witnesses, and let them be cross-examined, and let him, if he can, satisfy a court that between two and three hundred mules were desatisfy a contribute between two and between one hundred and two hundred horses, and that they were worth this sum—a very high price You can go through this report, which I have no doubt is made up as well as the committee could on exparte affidavits, and you will find that here is a sum of money awarded out of the Treasury, \$526,739, without having it scrutinized by a court. It is done as well as any committee can do it, I concede; but it is on evidence which is very doubtful to my mind. I do not want to vote to do him injustice, and yet I cannot vote for this bill with the evidence I have glanced

through, for it is so uncertain.

Mr. WILLIAMS. I know my friend from New York does not wish to do injustice. If he will examine the RECORD showing the action when the case was considered by the Senate before, he will find that the Senator from Ohio [Mr. Thurman] said it was not a subject proper for the jurisdiction of the Court of Claims; that if the claim was a just one the Senate ought to decide upon it. It was on his motion recommitted to the Committee on Claims with power to take the tesrecommittee to the committee on Claims with power to take the testimony of such witnesses as the claimant or the Government might offer; and that committee did take that testimony. The Senator is mistaken in supposing that this report is based upon exparte affidavits, for here are twenty or thirty depositions taken that cover the entire ground, taken on interrogatories and cross-interrogatories.

Mr. KERNAN. I have stated nothing to the contrary of that. I

said that when the case was here before, the bill then presented proposed to send the case to the Court of Claims on ex parte affidavits, with instructions to find other evidence if they could; and I remember that that was so. If they could have got evidence which satisfied ber that that was so. If they could have got evidence which satisfied me that he lost this large amount of property, worth these very large prices, hay in round numbers at thirty tons—fifty tons—and corn in the same way, I should be willing to let it go; but all I mean to say is, that I cannot find enough to satisfy my own judgment on the evidence reported, ex parte evidence as it is—and most of the same affidavits that were here before I presume were used—that the Government was a reach same as the same affidavits that were here before I presume were used—that the Government was a reach same as the ment owes any such sum as this.

Again, this involves a pretty important principle—
Mr. MORRILL. If the Senator from New York will allow me, I
will give information that I was not in possession of when I took the floor a few moments ago.

Mr. KERNAN. I am very glad to get any information.

Mr. MORRILL. I find that the contract price for the service from July 1, 1861, to June 30, 1864, was \$1,000,000 a year, and we paid the contractor \$3,000,000 for that service. Then from June 30, 1864, to

September 30, 1864, a lesser price was paid, \$840,000 a year.

Mr. HOAR. For the same service?

Mr. MORRILL. For the same service—\$210,000 for that quarter.

If the party having the contract had lost largely from 1862 to 1864, it would hardly seem that he would take a contract for a lesser sum than the service had been contracted for originally. Then from October 1, 1864, the service was let at a still lower rate. The first service was from Saint Jo to Placerville. The last service was from Saint Jo to Salt Lake City, and for that \$365,000 per annum was paid to June 14, 1868, and after that it was reduced to \$347,648.

Mr. PADDOCK. But the distance was reduced correspondingly as the Union Pacific Railroad was extended.

Mr. MORRILL. I suppose it was.
Mr. PADDOCK. At the time the large amount was paid the line
was some twelve hundred or fifteen hundred miles long, and there
were some seventeen hundred head of stock, mules and horses, em-

ployed along the line.

Mr. MORRILL. Let me say one thing more. I see by the report that there is an intimation that this case has been before the House. Let me say one thing more. I see by the report Upon an examination of the record-book showing the claims presented there I do not find in that book any reference to this case by bill, petition, or otherwise. Even if the party having this claim urged it in 1866, it was not presented here until ten years after; and I do not find in the record made by the House that it was presented there at

Mr. KERNAN. I think any gentleman who will look through this statement of items will find in 1865 large amounts of property taken and allowed for, mules, hay, horses, Sharps rifles, and all manner of property. Now, if the Gevernment is liable for all the property that was taken from this man in 1865, I am sure that if gentlemen will examine these papers they will find that there is not evidence here that would authorize us to vote this sum of money or to declare that the property was actually destroyed so as to make us liable on any equitable rule

Mr. Holladay takes this contract at the large price which has been named; he receives his pay; and now we are to pay him for horses stolen from him. Certainly there was no Indian war raging all through down to 1865, and I presume no one supposes the Govern-

ment guaranteed to him——
Mr. TELLER. I should like to call——
Mr. KERNAN. I will assume that there was an Indian war all the time.

Mr. TELLER. And a year longer than that.

Mr. KERNAN. Very well. Where was the contract that said we should pay for all the mules the Indians might steal while this gentleman was carrying the mail there, in peace or in war? He was carrying it for \$1,000,000 a year, I understand; and yet the claim is that the Government must make him good for Sharps rifles, for provender, for furniture—we find all these in the list—and then mules and horses and grain in round quantities all through. I cannot conceive that

we were under obligations to thus protect him in his property, and if we were, I am not satisfied that there is any such amount due from the Government, and therefore on this evidence I cannot vote for the

Mr. HOAR. Mr. President, I have great respect for the legal ability and for the sense of justice and candor of the honorable Senator from New York, [Mr. KERNAN,] and I wish to submit to the Senate and to him some considerations which it seems to me would in his

mind qualify what he has said.

This man made a contract to perform the mail service which formed a commercial link of communication between the Atlantic and Pacific coasts before the construction of the Pacific Railroad. He made it in a time of profound peace so far as the territory over which he was to perform that service was concerned. He made it under circumstances which the committee think and the Government thought, as represented by its agents, bound the Government to afford the necessary military protection if a war broke out with Indian tribes on that route. That was his contract.

Having made that contract and being engaged in the performance of it, there broke out a fierce, bloody, and dangerous Indian war, and the route over which he was to travel with his large number of coaches was so infested and occupied by hostile Indians that it became impossible without certain destruction to keep up that important commercial communication, the only alternative being communication around Cape Horn with our Pacific States; and thereupon the military officer of the United States came to this man and said: "I order you to transfer your stock to another route which you have not contracted to go on, because otherwise if I undertake to protect you on the contract route, as I feel bound to do, I have got to leave the settlers unprotected because I have not troops enough to do both." And thereupon Mr. HOAR. I refer to the order of Colonel Chivington.

Mr. KERNAN. I want to suggest—
Mr. HOAR. Let me state this point consecutively if you please.
Thereupon that man obeyed that order and undertook, over the new route, a dangerous one and requiring military protection, to keep up this link so important to the commerce and business of this country, this mail communication, the only communication with our Pacific coast, and in the course of that service many of his drivers and servants and in the course of that service many of his drivers and servants were slain and a large number of his horses and mules killed and the supplies which he had laid in to support them destroyed by the Indians. Now, does any man in the Senate doubt that under these circumstances it is reasonable to compensate a man who, under the orders of the United States Government, over a new route, under took to keep up this important mail communication? Will the Senator Now York down that respective that it is a strong lain.

took to keep up this important mail communication? Will the Senator from New York deny that proposition that it is a strong claim on the equity and justice of this Government?

In the next place he comes to Congress and he gives date and day and act of what happened in 1866; and the two Houses of Congress, neither of them disputing his right to some compensation, differed as to the mode. Then he came to the Senate again, two or three years ago, and the committee said this matter ought to be sent to the Court of Claims it being a prepar matter for indicate incoming the feats. ago, and the committee said this matter ought to be sent to the Court of Claims, it being a proper matter for judicial inquiry into facts and amounts, but they said that the Court of Claims shall give such weight as they deem proper—and to this I ask the consideration of my friend from New York—the committee said in their bill: Let the Court of Claims give such weight as they deem proper to the man's affidavits, and let all other testimony be taken and cross-examined.

why was that proper? It was because the Court of Claimined.

Why was that proper? It was because the Court of Claimined never had jurisdiction over this matter for ten years, and therefore the man could not have preserved by law depositions; he could not have preserved the evidence of witnesses who had been cross-examined at the time. It was all gone, lost. There was no legal provision by which it could have been saved. Therefore, as his only remedy for ten years had been an application to Congress which always deals with claims against the Government on affidavits, it was reasonable in changing the jurisdiction that the man should at least have the benefit of having considered such evidence as if Congress had dealt with the matter would have been the sole evidence, for by the lapse of time he might have lost all or a portion of the rest of

The PRESIDING OFFICER, (Mr. BRUCE in the chair.) The morn-

ing hour has expired.

Mr. HOAR. I ask leave to finish this statement which will take me five minutes more, if the Senate please.

The PRESIDING OFFICER. The Senator will proceed, if there be

no objection.

Mr. HOAR. That seemed to the committee reasonable; but it seemed otherwise to the Senate, to the Senator from Vermont and the Senator from New York. They did not, however, amend the bill by saying that the affidavits shall not be considered in the Court of Claims. They went further. They said not only that but that the Court of Claims shall not under any circumstances consider the case; it is a matter fit for the consideration of the Senate, and we decide that this bill shall be sent back to the Committee on Claims; that they shall have authority to send for persons and papers; to administer oaths; to have a hearing on both sides, and that on such a hearing this matter shall be decided.

I think that that judgment of the Senate it is bound to stand by,

and that it is not just to this man to say one year when he wants to go into court, "You shall not go there because the Senate ought to decide it," and then when he comes back and the Senate committee have decided it say, "Oh, well, no matter what they have decided, you shall go back to the court again." Vote down the bill for his relief, whatever its provisions are, and however just it is, on the ground simply that somebody else ought to decide, not the particular tribunal he applies to. I submit to my honorable friend from New York that that is unjust and unfair and a position which on reflection he will not himself stand to he will not himself stand to.

Having decided that this case ought to be dealt with by the committee of the Senate, and it having been so decided, the matter comes to this precise question: The honorable Senator from Wisconsin, a gentleman whom I have no doubt this Senate would unanimously confirm for chief-justice of the Court of Claims if he were nominated confirm for chief-justice of the Court of Claims if he were nominated for that office and there were a vacancy, after patiently hearing witnesses on both sides and giving notice to the Government, found out what he thought a mule was worth on the plains in the summer of 1862 in the midst of an Indian war. The Senator from Vermont thinks the Senate should discuss that question and vote him down because his notion of the value of mules at that time and place, he not having heard a witness or considered the question specially, or taken any testimony, differs from the conclusion which the honorable

Senator from Wisconsin corres to.

I submit that the Senate cannot transact business on that theory, and that in doing justice to the hundreds of claimants we shall be bound to trust our committees if we deem them honest and faithful in their conclusions as to the price of mules, and that it is not expedient that that shall be added to the subjects of public interest which are to be debated and discussed at great length here. And

that is the whole case.

The PRESIDING OFFICER. The morning hour having expired, the Senate will proceed to the consideration of its unfinished business.

Mr. CAMERON, of Wisconsin. I desire to give notice that after the routine business of the morning hour has been gone through with to-morrow I shall again move to take up this case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, A message from the House of Representatives, by Mr. I. F. King, one of its clerks, announced that the House had concurred in certain amendments of the Senate to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes, and non-concurred in other amendments of the Senate to the said bill.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the resolutions reported by the Committee on Privileges and Elections relative to the seat held by WILLIAM PITT KELLOGG as a Senator from the State of Lou-

isiana. Mr. VEST. Mr. VEST. Mr. President, in the absence of any argument on the other side of the Chamber and from those who oppose the resolutions reported by the Committee on Privileges and Elections, we are left simply to surmise the grounds of those who advocate the claim of the sitting member from Louisiana to remain in this body. I say that no argument has been made on the opposite side of this Chamber against the resolutions of the committee. A report is before us coming from the minority of the Committee on Privileges and Elections, destitute of argument, destitute of facts, and consisting alone of partisan abuse; I use the words deliberately and advisedly. Sir, there can be no graver question presented to the American Senate than that involved in the issues now before this body. A sovereign State, and the fairest and most unfortunate of all the States of this Union, mangled and torn by the sharp teeth of the wolves that gathered about her, is a suppliant before us, and her sister States can alone give her justice. Leaders of before us, and her sister States can alone give her justice. Leaders of the republican party, eminent statesmen who stand before the coun-try as the dictators of its policy, join in the minority report, in which this extraordinary language, the only salient point in it, is presented to the Senate of the United States:

The men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter, and will not be likely to be deceived again.

It requires no sensitive scrutiny to know the meaning of this insulting and offensive statement. Because the Senators upon this side of the Chamber, or, as the Senator from Maine [Mr. Blaine] elaborated it, "the Senators from sixteen States, lately in rebellion or sympathiz-ing with rebellion," do not construe the law as announced by the minority of the committee, and do not believe that the sitting Senator from Louisiana is entitled to his seat in this Chamber, they are denounced as false to their oaths of allegiance to the Constitution, and unworthy the confidence of an honest people. Sir, I have no language suitable to this presence in which to express my contempt for a charge like this.

I desire in this discussion to say nothing more partisan than the nature of the issues involved necessarily must cause. It is useless to disguise the fact that the American people look with peculiar solicitude upon the decision of this case, because it reminds them of the fact that the Administration now in power in these United States obtained that power from the very abuse which to-day is sought to be

reiterated in the Senate of the United States. Sir, when instead of argument we receive abuse, it is adding insult to injury. What is this declaration of the minority of the Committee on Privileges and Elections upon a question involving the existence of the Constitution itself but an appeal to the partisan passions of the hour? What is it but a declaration to the people of the United States that the republican party propose to merge and whelm all the other issues in the single fact that sovereign States of this Union have dared to trust in the Senate of the United States men who risked life and fortune and all in common with their fellow-citizens in those States, and what is this but an insufferable taunt of the most despicable order?

The crop of cant springs perennial and eternal with the republican party. The cotton crop may fail from the ravages of the caterpillar. Wheat may perish with rust or weevil. Corn may be destroyed by drought or floods, but the crop of cant is more certain with the republican party than "seed-time and harvest." Who does not know that all this virtuous indignation about the Constitution simply means indignation because the description because the description to the constitution simply means indignation because the description because the description because the description because the description of the constitution simply means indignation because the democrats in this Senate do not intend to allow the outrage committed upon a sovereign State by a partisan majority to remain unredressed, or that the republican party shall profit by their unconstitutional and illegal action?

"The men whose professions of returning loyalty to the Constitution. have been trusted by the generous confidence of the American people." We heard this refrain at the extra session, and it promises to be the catch-word of the coming canvass. "The men who struck at the life of the nation must not be trusted to make its laws. The confederate brigadiers are traitors to the Constitution they have sworn to defend." And yet the world knows and the past proves that the test of patriotism and loyalty to the Constitution is simply voting the republican ism and loyalty to the Constitution is simply voting the republican ticket and giving the offices of the country to the republican party. When did Longstreet, or Mosby, or Key express penitence for the part taken by them in the rebellion? Show me one word from either of them indicating regret for having led the charging columns that dashed their tattered grey against the Union lines. No, they have not repented, but they have done what covers every transgression, they have given their adherence to the republican party and supported its ticket.

Today in the leading republican paper in this city, in the Republican Today in the leading republican paper in this city, in the Republican ticket.

To-day, in the leading republican paper in this city, in the Republican, which I have now in my hand, is a declaration from General Mosby, now the accredited minister of the United States to a foreign country, now in full fellowship with the republican party, now a great apostle of the party of God, morality, progress, and reform in regard to his part in the rebellion:

I said this four years ago, and my words are now prophecy fulfilled: "I feel a just pride in their glory, and am as jealous of the military honor of the southern people as any man on their side. A generous foe would not ask to deprive us of it. I know that General Grant would not."

And to-day this gentleman stands the accredited minister of the United States Government abroad, and says that he feels as much pride in his record as a confederate soldier as he did when his flag waved in terror for four long years before the national capital. By what and when and how did Mosby, Longstreet, and Key, the Postmaster-General, obtain the confidence of the republican party? When they voted the republican ticket, and to give the offices of the country to the republican party; when they said, we give the spoils of the National Government, we vote this ticket, this mystic piece of paper that wipes away all sin and hides all transgressions. Why, sir, there is not in all the pharmacopocia, from the days of Hippocrates, any drug with such miraculous effect as that tiny piece of paper on which is written the names of the republican candidates at an election.

Not all the water of the Jordan; not the pool of Siloam itself; not the famed talisman of Saladin presented to the royal Richard ever had the medicinal and healing virtues of a republican ballot! It And to-day this gentleman stands the accredited minister of the

had the medicinal and healing virtues of a republican ballot! It casts oblivion over the blood and carnage of Shiloh and Chancellorsville, hides the serried ranks of Longstreet and the black flag of Mosby which for four long years waved in terror before the national capital; and it even stills the groans of Libby and Andersonville!

There's a drop, said the Peri, that down from the moon, Falls through the withering airs of June, Upon Egypt's land; of so healing a power, So balmy a virtue, that even in the hour That drop descends contagion dies, And health reanimates earth and skies.

But even this mystic drop compares not in efficacy with the drop of a radical ballot into the box of a returning board, although from the bloodiest hand that grasped musket or saber in the army of the confederacy.

Who has not seen the repentant sinner coming forward to the mourner's seat, while the ecstatic melody burst from gladdened hearts:

In my hands no price I bring, Simply to the cross I cling.

In every orthodox creed repentance is current coin; but not so with our republican brethren. There is no welcome from them to an empty-handed sinner, no matter how full he may be of repentance. He must come with the radical ticket in his hand, prepared to vote it early and often.

Mr. President, I assert that there is not a confederate brigadier in this Chamber who would not be appointed to any office within the gift of the Administration, and receive the votes of republican Senators in confirmation, if without one syllable of repentance for the

past he should promise allegiance to the republican party for the future. Ay, sir, even my friend from South Carolina, "the Hamburgh butcher," who has been cartooned in the illustrated republican papers as a leader of the Ku Klux, with a sword ten feet long and spurs weighing ten pounds each, riding until midnight "fetlock deep" in negro gore—even he, by sacrificing honest conviction and real manhood, could be accredited abroad, and grace with his many accomplishments a foreign court.

And now let us examine the nature of this crime against the Con-

Stitution, as it is denounced by the minority report.
On January 20, 1877, WILIAM PITT KELLOGG presented his credentials to the Senate as Senator from the State of Louisiana, for the term of six years from March 4, 1877, said credentials being signed by Stephen B. Packard as governor of Louisiana. In October following Henry M. Spofford presented his credentials for the same office, signed by P. B. Nicholls, the actual governor of Louisiana.

Kellog claimed to be elected by a body styling itself the Legisla-

'are of Louisiana, which assembled in the State-house at New Orleans on January 1, 1877, and remained there for some weeks, guarded day

and night by armed men, and afraid to venture abroad among the people they pretended to represent.

Sir, in all the history of civilized government—and I call the at-Sir, in all the history of civilized government—and I call the attention of the country and of the Senate to it; reiteration does not take away the horrible reality—I call the attention of the country to the fact that these men claiming to be the Legislature of the State of Louisiana and to represent the people of that terribly afflicted and distressed community were afraid to venture beyond the metropolitan police to face their own constituency. The evidence in these twelve hundred pages of perjury and fraud and stupendous lying shows that these men slept under guard with sentinels at the doors. Representatives of the people! Trembling and cowering in an agony of fear lest

The drums should beat at dead of night, Commanding fires of hell to light The darkness of it's scenery.

They were afraid of their own constituents; they were afraid the sovereign people of Louisiana would break down the barriers of the metropolitan police and would wipe from existence this mob which then proposed to inaugurate a system of robbery and plunder in the State.

The evidence in this case, which I have no time to go through, now before the Senate, shows that even when their officers ventured upon the street they were immediately arrested by the lawful authority of the Commonwealth. And yet this rabble claimed to be the Legislature of a sovereign State! While this was the case with the Packard mob, what was the condition of the lawful Legislature of that State The conspirators were in session in the hall of the State-house which they had seized by force—not such force as would have been over-whelming, but because they had over them the flag of the United States, that flag which I assert to-day can go from one end of the South to the other without one word of reproach, much less of con-tumely or insult. Their jurisdiction was confined to the precincts of tumely or insult. Their jurisdiction was confined to the precincts of the building in which they are and slept and legislated, and of all they did or attempted there remains to-day but this election, the misshapen and distorted Caliban of American politics, conceived in fraud

and brought forth in the cavernous recesses of the State-house.

On the other hand, the Legislature which elected Spofford met at the same time in the Odd-Fellows' Hall in New Orleans, and proceeded openly in the usual manner and with the sanction of the whole people of the State to pass laws, collect taxes, and transact all necessary

I do not know that I can better portray the condition of affairs than by quoting from the report of the gentlemen sent to Leuisiana in 1877 by President Hayes, and some of whom are recognized leaders

of the republican party:

of the republican party:

Governor Packard—we shall speak of both gentlemen by the title they claim—was at the State-house with his legislature and friends, and an armed police force. As there was no quorum in the senate upon his own theory of the law his legislature was necessarily inactive.

** Governor Nicholls was occupying Odd-Fellows' Hall as a State-house. His legislature met there and was actively engaged in the business of legislation. All the departments of the government of the city of New Orleans recognized his authority. The supreme court, nominated by him and confirmed by his senate, was holding daily sessions and had heard about two hundred cases.

The time for collecting taxes had not arrived, but a considerable sum of money in the form of taxes had been voluntarily paid into his treasury, out of which he was defraying the ordinary expenses of a State government.

The Nicholls legislature had a quorum in the Senate upon either the Nicholls or Packard theory of the law; a quorum in the house on the Nicholls but not on the Packard theory.

Packard theory.

The Packard legislature had a quorum in the house on its own theory of the law, but, as already stated, not in the senate, and was thus disabled from any legislation that would be valid even in the judgment of its own party.

This report was signed by Charles B. Lawrence, JOSEPH R. HAWLEY, John M. Harlan, John C. Brown, and Wayne MacVeagh, and dated April 21, 1877.

I do not prepose to examine in detail the evidence showing that there was no legal quorum in the Packard legislature and that the election of Kellogg was a sham and pretense. It is enough to say that after a sickly and fevered existence of a few weeks this mockery vanished like a foul mist before the sun, and fifty-one of the men who had been its members went over to the Nicholls legislature, and on the 24th of April, 1877, participated in the election of Mr. Spofford. Stephen B. Packard, the pretended governor, was pacified by the Ad-

ministration with the appointment of consul to Liverpool, confirmed by a republican Senate, and now fills that office. No honest man can believe for a moment that either in law or fact there was but one Legislature, in 1877, in the State of Louisiana.

As a specimen of the proceedings of the conspirators who sought to overthrow the State government of Louisiana and to seat Mr. Kellogg in the United States Senate, I quote the following statement of Mr. Will. Steven, a member of the Nicholls senate. While a prisoner Steven's vote was counted blank, and Baker and Kelso, two pretended contestants for seats in the Packard senate, were admitted while Steven was thus held in custody, although Lowis Transde and while Steven was thus held in custody, although Lewis Tenada and H. C. Mitchell had been elected by the returning board and were then sitting in the Nicholls senate.

STATEMENT OF WILL. STEVEN RELATIVE TO HIS CAPTURE.

On January 1, 1877, I was one of the holding-over senators who formed the senate of the State of Louisiana, convened on that day in Saint Patrick's Hall in the city of New Orleans.

I was one of a committee of three appointed by the chair to inform Governor Kellog that the senate was duly organized and ready to receive any communication he might have to make, &c. The other members of the committee were Mr. Garland, of Saint Landry, and Mr. Boatner, of Catahoula, both of whom were elected in 1876. The committee proceeded to the Saint Louis Hotel, were admitted to Governor Kellogs's office, and delivered to him in person the message with which they were charged. Upon leaving Governor Kellogs's office I was stopped by two or three persons, who stated that they were sergeants at arms of the senate, and that I must accompany them to the senate chamber. I stated that the senate of the State had met in Saint Patrick's Hall on that day and had adjourned until the following day; therefore I refused to accompany them, and refused to submit to arrest.

arrest. I was thereupon seized by two or more of these parties and pushed and dragged in the direction of the senate chamber, I resisting at every step. In this manner we reached the outside bar of the senate, where, by getting my feet against the railing, I was enabled for a few moments to make a more effectual resistance. I was finally forced to the bar of the senate. I addressed myself to the president, (Lieutenant-Governor Antoine,) who was in the chair, stating the circumstances which led to my arrest, protesting against the arrest, and demanding that I be permitted to withdraw.

I quote this as a single specimen of the desperate means adopted by these unscrupulous men to accomplish their purposes.

However much we may differ on other questions of law, I assume that every member of the Senate will concede that the real, vital issue in the case as presented to the Senate of the Forty-fifth Congress was which of the two bodies in Louisiana was the lawful Legislature of the State. There exill certainly be but one each legislature. islature of the State. There could certainly be but one such legislative body. And I further assume that no lawyer will deny that the highest and most conclusive authority upon the question as to which was this body would be the State itself.

In Luther vs. Borden Mr. Webster said:

The decision of Rhode Island by her Legislature, by her executive, by adjudication of her highest court, has shut up the whole case. Do you propose—I will not put it in that form—but would it be proper for this court to reverse their adjudication! That declares that the people of Rhode Island knew nothing of her "people's constitution." Is it possible for the court to know anything about it! It seems to me that if there were nothing else in the case the proceedings of Rhode Island herself must stop every mouth in the court and out of it. Rhode Island is competent to decide the question herself, and everybody else is bound by her decision.

cision.

To prove that there was another constitution of two days' duration would be ridiculous. And I say that the decision of Rhode Island herself, by her Legislature, by her executive, by the adjudication of her highest court of law on the trial of Dorr, has shut up the whole case. * * I appears to me that if here were nothing else in the case the proceedings of Rhode Island herself must close everybody's mouth in the court and out of it. Rhode Island is competent to decide the question herself, and everybody else ought to be bound by her decision. And she has decided it.—Webster's Works, volume 6, page 239.

In 1873 Mr. Morton, of Indiana, declared the same doctrine in his report to this body in the case of Ray and McMillen:

report to this body in the case of Ray and McMillen:

The Constitution says that the Senate of the United States shall consist of two Senators from each State, chosen by the Legislature thereof for six years. The manner of constituting the Legislature is left absolutely to each State, and the question of its organization must be left to be decided by such tribunals or regulations as are provided by the constitution and laws of the State, and the only question about which the Senate may inquire in determining the admission of Senators is whether they have been chosen by the Legislature of the State, that Legislature recognized by the State or whose organization has been recognized by other departments of the State government. Under our complex system of government all questions of State government under their own laws must be left to the decision of the State tribunals created for that purpose, and when such decisions have been made they must be accepted by the Government of the United States in their dealings with such States. It is no answer to this to say that in a particular case such tribunals will or have decided wrongfully. The Government of the United States has no right to reverse their decision so long as the State possesses a government republican in its form.

In May, 1877, six months before Mr. Kellogg was admitted to a

In May, 1877, six months before Mr. Kellogg was admitted to a seat, the supreme court of Louisiana, in the case of The State ex rel. Jumel vs. Johnson, 29 La. Ann., decided that the Nicholls government was the lawful State government, and that the Packard government never had a legal existence; and at the October term, 1879, of the Supreme Court of the United States this judgment was affirmed. Had not the State of Louisiana, then, in every possible manner set-

tled this question before the action of the Senate seating Kellogg? The people had recognized the authority of the Nicholls legislature The people had recognized the authority of the Nicholis legislature and government, the United States had recognized them, the highest judicial tribunal in the State had so declared, fifty-one members of the Packard body had joined the lawful Legislature, and thereby solemnly attested the illegality of the body to which they had first gone, and the pretended governor, Packard, had accepted a fereign appointment and left the country. And yet to-day we are threatened with "wrath against the day of wrath," and denounced as criminals, because we refuse to recognize as legitimate offspring the bastard abortion which is thrust before the American people as a senatorial

In 1877, on the 4th of March, when Mr. Kellogg proposed to take his seat in this body, the issue was a very different one. It was very different then, as is very well known to our distinguished friends on the opposite side of this Chamber. Their great leader then, the Prince Rupert of debate, who leads the assaulting column in every engagement, declared that the issue involved in the Kellogg case was the legitimacy of the title of Mr. Hayes to the Presidency and of Mr. William A. Wheeler to be Vice-President of the United States. It was then declared in this Chamber by the Senator from Maine that the question involved in seating Mr. Kellogg was whether Mr. Hayes and Mr. Wheeler were usurpers or not, and he so declared emphatically and distinctly to the Senate of the United States and to the American people. I will detain the Senate but a few moments to read that statement, made with all the force, with all the emphasis of that distinguished Senator, for whom I have the highest regard, who, when he leads his party, leads it always in an open, bold, and manly way into the thickest of the fight. Said that Senator in the debate reported in the Congressional Record for 1877:

reported in the Congressional Record for 1877:

I understand the Senator from Ohio to admit that the electoral commission did decide that the Louisians returning board was a legal and constitutional body, competent to do what it did do, and that they were unable to review or reverse it; and that same board, competent to declare who were the presidential electors of that State, and electors of that State, declared also who were the Legislature of that State, and the Legislature, performing a mere ministerial duty, declared who was the governor of that State; and I stand here, if I stand alone, to say that the honor and the credit and the faith of the republican party, in so far as the election of Hayes and Wheeler is concerned, are as indissolubly united in maintaining the rightfulness of the return of that body as the illustrious house of Hanover that sits on the throne of England to-day is in maintaining the rightfulness of the revolution of 1688. You discredit Packard and you discredit Hayes. You hold that Packard is not the legal governor of Louisiana and President Hayes has no title, and the honored Vice-President who presides over our deliberations has no title to his chair.

That is a clear and deliberate announcement. Put out Packard.

That is a clear and deliberate announcement. Put out Packard, put out the whole of them. That was the mathematical conclusion then arrived at by the Senator from Maine.

I say, therefore, that on the action of the returning board, which the Senator from Ohio admits was determined by the electoral commission to be a competent, legal, and constitutional body, rests the authority of S. B. Packard to the governorship of that State, and on the authority of that board rests the Legislature of that State, and by the Legislature of that State William Pitt Kellogg was duly elected Senator.

That was the issue then put by the Senator from Maine, but to-day it is changed. Now we hear that it is res adjudicata, that this whole question is settled. The Senator from Maine then spoke of another agreement. The other day he spoke of an agreement that had been made here in the Forty-fifth Congress. That agreement has been emphatically and distinctly denied; but for myself as a Senator I have only to say that I was not a member then of the Senate, and if such an agreement had been made, I plead non est factum to it; I was no party to it, and no Senator or set of Senators, whether in caucus or out of caucus, have a right to estop me from deciding under my oath the validity of the proceedings of a State Legislature and the validity of a title claimed under it. But the Senator from Maine then made another discovery so remarkable that I shall read it, simply to illustrate the history of this transaction: trate the history of this transaction:

I know that there has been a great deal said here and there, in the corridors of the Capitol around and about, in by-places and in high places of late, that some arrangement had been made by which Packard was not recognized and upheld; that he was to be allowed to slide by and Nicholls was to be accepted as governor of Louisiana. I want to know who had the authority to make any such arrangement. I wish to know if any Senator on this floor will state in his place that any person, speaking for the administration that was coming in or the one that was going out, had any right to make any such arrangement. I deny it. I deny it without being authorized to speak for the administration that now exists. But I deny it on the simple, broad ground that it is an impossibility that the administration of President Hayes could do it.

He did not then know the Administration as well as he knows it now. He denied the possibility that Mr. Hayes could do any such

I deny it on the broad ground that President Hayes possesses character, common sense, self-respect, patriotism, all of which he has in high measure and in eminent degree. I deny it on all the grounds that can influence human action, on all the grounds on which men can be held to personal and political and official responsibility. I deny it for him, and I shall find myself grievously disappointed, wounded, and humiliated if my denial is not vindicated in the policy of the Administration. But whether it be vindicated or whether it be not, I care not. It is not the duty of a Senator to inquire what the policy of an administration may be, but what it ought to be.

Mr. President, at that time, as I stated, the validity of Mr. Kellogg's title was put upon the broad ground that the returning board had decided in favor of him and that the electoral commission had decided in favor of the legality and validity of the proceedings of the returning board. I do not know whether that now will be the argument on the other side; I know not whether that will be advanced now in the discussion; but my answer to it is the simple assertion that the electoral commission did not pass upon the validity sertion that the electoral commission did not pass upon the validity of the election of that Legislature or of the governor of Louisiana. The only question they decided, the only question before them, was the validity of the election of the electors for President and Vice-President for the State of Louisiana. The electoral commission did not pass upon the validity of Packard's title as governor or the title of the Legislature which sent Mr. Kellogg to the United States Senate.

Now, sir, what is the doctrine of res adjudicata? I approach the

discussion of this question, I trust, in no partisan spirit and with no disposition to take advantage of technicality. I propose honestly and seriously, as a lawyer, to discuss the question whether res adjudicata applies to this case, whether it can be made a bar, firm and effectual, to further inquiry or examination into the title of the sitting member. Res adjudicata, as every lawyer knows, is a technical rule invoked in the interest of economy and public policy. It is an odious rule, odious in the light that it excludes justice frequently on the ground that there must be an end to litigation, that the courts at some time must be closed, that the expense entailed by litigation without end cannot be closed, that the expense entailed by litigation without end cannot be borne by the State. Interest reipublica ut sit finis litium. It was the old Latin maxim adopted by the common and by the civil law. Is that rule applicable to a case when the Constitution itself enjoins a duty upon a legislative body? Can the Senate of the United States say that it ever is precluded from examining as to the constituent elements of its own membership? The Constitution declares that every State shall be represented upon the floor of the Senate by two Senators elected by her Legislature. Is there any limitation to that duty imposed upon the Senate of the United States? Does it not involve the existence of the Government itself that the highest branch of the legislative assembly of the United States should be composed under the Constitution of two Senators from every sovereign State in this confederacy or Union of States?

Can the Senate ever abdicate its own power? Is it possible that the statute of limitations can ever apply to an assertion of constitutional power in the organic act of the Government which creates the highest branch of the legislative assembly of the whole country, in which rests, and rests alone, the sovereignty of the States? Did our fathers in making the Constitution intend that there should be a limitation, as the Senator from Wisconsin [Mr. Carpenter] asserted in putting his question the other day to the Senator from North Carolina, [Mr. Vance,] when he asked on the floor of the Senate, "Does the Senator mean to say that there is no limitation to the trial of the right of a Senator to a seat on this floor?" I answer him deliberately and earnestly and conscientiously, as a lawyer and as a Senator, that in my judgment that power does never cease to exist. I say tor, that in my judgment that power does never cease to exist. I say that there may be cases, and unquestionably are cases, when good faith, when honest legislation, when economy of time, when public policy may preclude the Senate from going back and reopening a case, just exactly as a court would be prevented from reopening it upon a bill of review. There are cases unquestionably in which the Senate would not go back and reopen a case where all the facts had been investigated, where the law had been fully examined. Then for the Senate of the United States to go back and by partisan action to reopen the case would be in the highest degree improper. But the power still exists. Take away that power and what becomes of the constituency of the Senate of the United States, representing the sovereignty of the States? I put the question to every Senator on this floor. I put it to my brother democrats, some of whom I am frank to state are hesitating in regard to this question. The Senator from state are hesitating in regard to this question. The Senator from Maine said that we were administering a bitter pill to the northern Senators upon this floor. To show that the southern Senators from the States, as he expressed it, lately in rebellion or sympathizing with the rebellion, rise above all party and look to the Constitution alone, I state here that the principal objection to unseating the Senator from Louisiana comes not from the North but from the South. They construe the Constitution differently from myself, and I now appeal to them honestly, faithfully, openly, and I trust courageously, to examine this question under their oaths and to decide as Senators of sovereign States in the highest tribunal of the nation.

Mr. CARPENTER. Will the Senator allow me to ask him a question.

Mr. VEST. Certainly.
Mr. CARPENTER. I know he is too good a debater to be annoyed by a mere interruption, and he knows I do not interrupt him for that by a mere interruption, and he knows I do not interrupt him for that purpose; but I want to call to his mind one point for the purpose of ascertaining his views about it. The Constitution says that each State shall be represented on this floor by two Senators elected by its Legislature. It says the Senate shall be the judge of whether A B or C D was elected by the Legislature of Louisiana, for instance, at a certain time to be a Senator for a certain term. Now, do I understand the Senator to claim that the Senate, which is the only body of men that can determine that question, never can determine it

finally? Mr. VEST. Mr. VEST. Most distinctly in my judgment as a lawyer, having examined this whole case, in answer to the question whether in the term of any Senator the Senate can estop itself from examining into his title, I say that no Senate can preclude me as a Senator of the United States in determining whether a State has two Senators on this floor. I call the attention of the Senator from Wisconsin to the terrible deduction that must come from his position. Suppose a par-tisan majority upon the roll of this Senate, and such a thing is very Gisan majority upon the roll of this Senate, and such a thing is very reasonable, in the madness and fury of party, should determine to obtain possession of the Government by putting one Senator or two Senators or three Senators into this body who were not elected. Suppose that men should come here and put in a paper title, and suppose that a partisan majority, under the advice of an astute lawyer, following the precedents, as they claim, resolve that Mr. Smith, or Mr. Jones, or Mr. Brown, is entitled to a seat on this floor on the merits—magic words, "upon the merits"—and whenever it is done, the Senator from

Wisconsin says "res adjudicata." That is the end of it, the end for all time to come. I deny it. I deny that any partisan majority can estop me from asking whether a sovereign State has two Senators upon this floor. I say that the Constitution is imperative, absolute, not to be contradicted. Every State shall have two Senators, and if that fact does not exist, where is the power outside of the Constitution

that prevents the Senate from inquiring into it?

Mr. CARPENTER. Will the Senator allow me one question more?

Mr. VEST. Certainly; ten, if the Senator chooses.

Mr. CARPENTER. That question must be settled or be forever left unsettled. The question between us at the present is as to the effect of a determination made by the Senate upon the point, who was elected by the Legislature of a State. Does the Senator claim as a lawyer that it makes any difference with the finality of an adjudication by a tribunal from which there is no appeal, that it was

judication by a tribunal from which there is no appear, that it was decided erroneously of even corruptly?

Mr. VEST. Ah, that is another question. The Senator from Wisconsin assumes that this is an ordinary court. I deny it.

Mr. CARPENTER. I did not say "court;" I said "tribunal."

Mr. VEST. The Senator treats this as a common-law or equity court, and he applies the doctrine of equitable jurisdiction to it. I deny it. I say to the Senator from Wisconsin, the Senato of the United States is a creature of the Constitution, and has absolute power, irrespective of all technical rules of proceeding, to determine

its own constituent membership.

Mr. CARPENTER, I had the Senator's permission, I believe, to ask him ten questions, and I shall ask but one more. I want to ask him further if he knows of any reason why the rule of res adjudicata should be applied to litigation in the judicial courts that does not equally apply to a determination of this tribunal when judging upon the election, returns, or qualifications of its own members, and if the rule in the judicial courts has not grown up because the experience of the world has shown that it is necessary to secure the peace of society that there should be an end of strife? If any reasons exist, will not the Senator point them out, why that rule should not be applied to this tribunal in this case as well as to a judicial tribunal? If there be no such distinction and the rule of res adjudicata is an erroneous rule, then we should pass a law, which we can do, abolishing it in the judicial courts and providing that when a plaintiff has sued a defendant and been defeated, he may sue him again, or if he sues a defendant and succeeds the defendant may sue him to reverse the judgment, and so on, forever. There should be either a rule that the strife shall be settled by the determination of the tribunal appointed by the Constitution and laws to determine it, and that should apply to us as well as to every other tribunal, or the rule should be abolished.

Mr. BLAINE. And also, if the Senator will permit me to interrupt him, in criminal cases a man might be put in jeopardy of life and limb just as often as some new piece of evidence was discovered.

Mr. VEST. Mr. President, I will take the last first. The Senator

from Maine, who I believe by common reputation is not a lawyer, says it will apply also to criminal proceedings. It is a provision of the Constitution that no man shall be put twice in jeopardy for the same

Mr. BLAINE. Why not change that?
Mr. VEST. Because it is the Constitution of the land now, and it is the right thing, and in the right place. Will the gentleman point me out where the Constitution of the United States says that the Senate sits as a court in determining the seats of its members? The fallacy, if the Senator from Wisconsin will permit me to say so, in his position is this, that he assumes that the Senate of the United States is now sitting as a tribunal upon the rights of two individuals meum et tuum, as the right to a horse, the right to a piece of land. I say they are sitting upon the Constitution of the Government itself, under the Constitution, hich says that this tribunal shall adjudicate and determine whether there are two Senators from each sovereign State upon this floor. If this body sits now as a court, as the Senator from Wisconsin assumes, for all he says is worth nothing unless that is so, I beg him to answer the question, why is it that in only one place in the Constitution does it say that the Senate of the United States shall be a court? We are it say that the Senate of the United States shall be a court? We are judges, we are each one of us judges under a special oath in cases of impeachment, and the Constitution so provides. Each Senator, if now called upon to sit in impeachment upon a high officer of the Government, would take an oath or affirmation to discharge his duty honestly and conscientiously under the Constitution. If we are judges in cases of contested seats where is the oath, where is this special oath, and I ask gentlemen to answer?

Mr. BLAINE. Does not the Constitution say that we are judges?

Mr. VEST. No, sir.

Mr. BLAINE. "Each House shall be the judge of the elections, returns, and qualifications of its own members."

Mr. VEST. So each House is the judge of every bill that is brought before it. Does not the Senator from Maine judge as to the propriety of all legislation brought before him under his oath of office? If we now are to interpolate a judicial power in the Senate of the United States by an inferential argument from one word, where, I ask, is to be the ending of the liberal and broad and universal construction to be put upon this instrument by the Senate in time yet to come? It is a judge of the qualification of its own members. Does that make it a court?

Mr. CARPENTER. It seems to me it is wholly immaterial whether

we say we are a court or not. That has nothing to do with it. There is no question that it is our duty here to examine the facts and apply the law to those facts, and thereupon ascertain who is entitled to a seat whenever a controversy arises. Now, that is judicial judgment. seat whenever a controversy arises. Now, that is judicial judgment. You may call the proceedings those of a court or you may call them the deliberations of the Senate. When the Senate sits as a court of impeachment it is still the Senate sitting as a court, and so we are still the Senate undoubtedly. It is wholly immaterial whether you call it a legislative proceeding or the proceeding of a court. My point is this: If it is a good thing to put an end to strife, why does not that rule apply as well to the settlement of this question as it does to any other? We know that the office of governor of a State, which is just other? We know that the office of governor of a State, which is just as important as that of a Senator in this body, may be contested in the courts and the questions brought before a jury. That has been done. The title to an office is an individual title, although of course the public have a great interest in having it held by the man who has been elected. It is just so with the Senate. When a Senator has been elected he has a personal right to the seat. Can it be claimed that there is any public interest that overrides his private right if his private right is clearly made out? That cannot be maintained for one moment. We are trying here the right of Mr. Spofford and the right of Mr. Kellogg to occupy the seat, and that is a right to perform its duties and receive its emoluments, and is as much a personal right in that as the right of A B to be governor of a State, or the sheriff of a county, or to hold a farm or a piece of land. Mr. VEST. According to the position of the Senator from Wisconsin the State of Louisiana has nothing to do with it.

Mr. CARPENTER. Not at all.

Mr. VEST. And the other States of this Union have nothing to do

Mr. CARPENTER. Not at all.

Mr. VEST. I have been under the impression that we were proceeding upon the mandatory clause of the Constitution, which says that each House shall judge of the qualifications of its own members, and that the Senate shall be composed of two Senators chosen by the Legislature of each State. That has been my impression. How, then, do the States become eliminated from this discussion? Who has greater interest in this question than the State of Louisiana? Here stands the State under the resolution of its own Legislature asking that Mr. Kellog be put out of this Chamber, and that Spofford be admitted, and yet the Senator from Wisconsin says the State has got nothing to do with it; it is a question simply whether Mr. Spofford or Mr. Kellogs shall draw their salaries for six years as a Senator from Louisiana.

from Louisiana.

The Senator asks me to point out why res adjudicata applies to the ordinary judicial tribunals of the country and not to this body. I have been attempting to answer him from the beginning. I say, as the Senator knows, that the doctrine of res adjudicata applies to the ordinary courts of the country upon grounds of economy, the saving of money, and the preservation of good feeling between the citizens of a State. But do these considerations apply to a duty founded upon a mandatory clause of the Constitution itself as to the existence of the Senate of the United States and the Government itself? This Government is composed of the executive, the legislative, and the judicial branches; and what says the Constitution? It does not say that a court shall go on and determine between Mr. Smith and Mr. Jones; it simply appoints tribunals to be governed by the technical Jones; it simply appoints tribunals to be governed by the technical Jones; it simply appoints tribunals to be governed by the technical rules of the common law and other practice; but there is a provision of the Constitution which says that we shall inquire whether each State of the Union has two Senators upon this floor elected by the Legislature of the State. Is it any question of economy? Is it any question now of public policy? Is it not a question based and grounded upon the Constitution itself and its mandatory clause, congrounded upon the Constitution itself and its mandatory clause, continuing with the Senate as a power of the Senate? As long as our oaths of office last and have efficacy we are bound to make this inquiry and determine it upon our oaths. I ask the Senators on the other side to answer the proposition I put to them. What protection is there for the existence of the Senate of the United States or of the Government itself if their assertions be true? What prevents a partisan majority from shutting out any examination by simply saying and reporting, as this committee has done, that they have examined the case upon the merits, and that Mr. Smith or Mr. Jones is entitled to a seat in this body? That is the whole of it, stripped of all verbiage and all technicality. It comes to this complexion at last.

Mr. CARPENTER. Will the Senator allow me to answer now?

Mr. VEST. Certainly.

Mr. VEST. Certainly.
Mr. CARPENTER. The Constitution provides that no man's proparr. CARPENIER. The Constitution provides that no man's property shall be taken for public use without due compensation. Suppose my land is taken for what is claimed to be a public use. I resist the taking upon the ground that it is not for a public use. I litigate that question with the United States or with the State in the judicial tribunals where it is proper to litigate it, and finally the Supreme Court of the United States decides that that land was taken for a public use. The Separator concedes that that land was taken for a public use. lic use. The Senator concedes that it can never open that question again. Now let me vary the case. Suppose when the case gets up to the Supreme Court its members should all act corruptly and, although every judge knew that I was right, they should decide against me, would that make their judgment any the less conclusive? The Senator asks what is to be done if the Senate will act corruptly? God knows; I do not. What is to be done if the Supreme Court act

corruptly? You have got to grin and bear it. What is to be done when the supreme officer of any government from whose determination there is no appeal decides wrong? The wrong has got to be endured. As a celebrated judge once said, "vested wrongs are as sacred as vested rights."

Mr. VEST. That is a very good illustration; I will take that. I understand that the Senator from Wisconsin puts this upon the ground of any ordinary question as to the right of property, as an ordinary lawsuit, and he says that the Senate is acting as an ordinary judicial tribunal. Now I put this question to the Senator: If we are acting now as we are in ordinary cases, as we are upon claims presented here from day to day for money to be taken out of the Treasury of the United States, I ask the Senator, if the Senate decides this session against one of these claims, cannot the Senate at the next session take it up and pass upon it? Where is the res adjudicial? If the Senator applies that doctrine here he must apply it throughout. throughout.

Mr. BLAINE. One moment, if the Senator will allow me to inter-

rupt him. Mr. VEST. Certainly.

Mr. BLAINE. Suppose they vote the money and pay it out of the Treasury; can the next session vote to take it back from the man

who received it?

Mr. VEST. That is something that I do not propose to investigate. When a man obtains money by rascality I do not propose to say whether he can be caught and the money taken away from him or not. I am not here to discuss any such far-fetched supposition as that; but I put this question to gentlemen now. They say this doctrine of res adjudicata applies to the action of the United States Senate as to other judicial tribunals in ordinary judicial transactions, in a suit as to the title of property, whether it is real estate or personal or mixed; that when a court has decided and has crystallized it into the form of a judgment, then the plea of res adjudicata, the thing is adjudged, is a finality and a fact for all time to come. There is no question about that. Now, if the Senate of the United States is governed by that rule, and to-day we reject Mr. Holladay's claim upon the merits and say we do not think him entitled to a dollar, and the next Congress come in and take that claim up and pass it, why can-Mr. VEST. That is something that I do not propose to investigate. next Congress come in and take that claim up and pass it, why can-

next Congress come in and take that claim up and pass it, why cannot the plea of res adjudicata be raised?

Mr. CARPENTER. Does the Senator think it is a fair answer to the question I put to him as to the rule which ought to apply to us when we are passing judicially upon the ascertainment of facts and the application of law to those facts for the purpose of determining whether A or B has acquired a right to sit in this body? Does he think there is any resemblance between that case and the ordinary legislation by bills?

Mr. VEST. If the doctrine applies in one it must apply in the other.

other.

Mr. CARPENTER. That is the question.

Mr. VEST. Where is the distinction? According to the Senator from Maine we are acting here as a court, because we judge of the qualifications of members of this body. It is a play upon words. If the framers of the Constitution intended us to act as a court can the Senator believe by simply one word they would have interpolated that judicial power in the Constitution? Would they not have said that this bedy as in cases of impeachment shall take a special oath to judge according to the law and the Constitution and the right? Why is it? I put the question and it is unanswerable. I defy the gentlemen who claim that Mr. Kellogg is entitled to a seat on this floor to answer the proposition. Why is it that the Constitution in one single case declares that we shall take a special oath to act as

one single case declares that we shall take a special oath to act as judges, and yet in the case of determining the right to a seat in this body there is no such provision?

I affirm here to-day in the presence of the Senate, that there is but one solitary case known to the Constitution in which we act as judges in the true sense and meaning of that term, and the Constitution itself provides for that by making a special oath and invests us with special judicial functions for that purpose and for that purpose alone. The gentlemen who assume the opposite undertake to interpolate in the Constitution this additional oath. They undertake to say now that because the word "judge" is used therefore the Senate immediately ceases to be legislative and becomes judicial, and eo instanticach one of us is clothed with the ermine and becomes a judge to determine upon the rights of Mr. Spofford and Mr. Kellogg. determine upon the rights of Mr. Spofford and Mr. Kellogg.

But, Mr. President, even if I were to speak as a lawyer and leave the domain of legislative inquiry and to meet the gentlemen upon the the domain or legislative inquiry and to meet the gentlemen upon the narrow ground of the courts, I say that even then this case ought to be reopened. I say upon the hardest and most technical rules of common-law proceedings in England or in this country Mr. Spofford is entitled to have this case reopened and tried de novo before this body. What is the rule of res adjudicata? Does the Senator from Wisconsin, who we all know to be an able and astute lawyer, pretend to say that after final decree it cannot be reopened upon the ground-of fraud practiced upon the court or on newly discovered testimony? Mr. CARPENTER. Fraud on the court, not by the court.

Mr. CARPENTER. Fraud on the court; not by the court.
Mr. VEST. I did not say "by the court;" I said "upon the court."
Suppose witnesses suppress facts, and suppose a fraudulent decree is obtained, for it is nothing else, does the Senator from Wisconsin pretend to say that you cannot open that case in ten, or twenty, or fifty years? Where is the limitation upon it? Where is the limitation in

England or in this country? Where did it ever exist? Take the other case. Suppose the court does error upon the face of the record, patent upon the face of it. The old English practice was to put everything in the decree, because in that country, as the Senator from Wisconsin knows, when the decree was drawn up it found all the facts, and the jurisdiction of the court even was placed upon the face of it. Therefore the old doctrine in England was that upon error upon the face of the record a bill of review could be filed in the court and adjudicated upon. Upon either of these grounds shown to the court, newly discovered evidence or error patent upon the face of the record, a bill of review will lie without limitation. I say in this case Mr. Kellogg having concealed the facts Mr. Spofford is entitled to relief upon a bill

What are these facts shown by the record? In October, 1877, the Committee on Privileges and Elections met. They called these parties before them and asked them to bring testimony, if they had any, showing their respective titles to the seat in this body from the State of Louisiana. They appeared there and were given from the State of Louisiana. They appeared there and were given from day to day to make up the issue between them, and to agree upon certain evidence in order to save time and expense. The whole of it resulted in this, in so many words, that finally Mr. Spofford and Mr. Kelloge agreed to take the reports of certain congressional committees to save time, labor, and expense—the Howe report, the Sherman' report, and time, labor, and expense—the Howe report, the Sherman' report, and two reports from the House of Representatives, the Morrison report and the Field report. They were agreed to be taken for all that they were worth. Mr. Spofford then claimed that they did not cover his case. I assert now, and the record will bear me out, that from that time until this Spofford proclaimed, as I proclaim here to-day, that these reports did not cover his case and his honest and true title to a seat in this body from the State of Louisiana. He said then that there were five points upon which he wished to take testimony. of them implicated Governor Kellogg in a fraudulent conspiracy with the returning board, and he said that he wanted to take evidence upon that subject. He stood then and stands to-day, and I stand here now representing his claim to a seat in this body and say that that case never was adjudicated. The committee heard him and turned him out of court. That is the whole of it. They said, "We turned him out of court. That is the whole of it. They said, "We do not propose to examine witnesses; we do not propose to hear you; we say to you that this thing is closed effectually and for all time to come." Spofford went out protesting. He went out, so far as the evidence shows, with the question, "Shall I have the poor privilege of making a protest on the record in this case?" and they even denied him that. They said you have no right to protest; we do not want to hear your witnesses. The Senator from Massachusetts, [Mr. Hoar,] heading the minority report of the Committee on Privileges and Elections, says that Spofford's action was for delay simply, in order that a democratic majority might come in with this Congress, and then Mr. Spofford thought that he could claim successfully a right to a seat in the Senate. I say that the points upon which Mr. Spofford claimed to be heard were never heard and were never adjudicated upon. He to be heard were never heard and were never adjudicated upon. He asked for six witnesses, but they would not give him six; he asked for three and they would not give him three; and yet gentlemen come here, and on this question, involving the sovereignty of a State and its right to have two Senators sit in this body, say to us this is res adjudicata. What is the rule technically in regard to res adjudicata? I am asking the question simply as a lawyer. Says the Supreme Court of the United States: preme Court of the United States:

It is undoubtedly settled law that a judgment of a court of competent jurisdiction upon a question directly involved in one suit, is conclusive as to that question in another suit between the same parties. But to this operation of the judgment it must appear, either upon the face of the record or be shown by extrinsic evidence, that the precise question was raised and determined in the former suit. (Russell vs. Place, 94 U. S., page 608.)

Even if the rule applied to the action of the Senate, which I emphatically deny, it would not be applicable in the case under consideration, for the reason that the whole case was not passed upon. Nor is this a different suit. This is the same proceeding.

The onus of proof is on the party who relies on the adjudication as a bar, and he must make it appear that the precise point has been considered and passed upon in the former suit.

The fundamental error into which our opponents fall is that this is a different suit or proceeding from that by which Kellogg was seated, when in fact it is not a different suit, but simply a bill of review, attacking the former judgment of the Senate, and asking that the case may be heard de novo. No lawyer will deny that a bill of review can be brought after a final decree, either upon the ground of newly-discovered evidence, or on account of fraud practiced upon the court by the successful party. It is not a new proceeding, but a part of the suit originally instituted and decided. In this case Spoford alleges both newly-discovered evidence and fraudulent conduct part or the suit originally instituted and decided. In this case Spofford alleges both newly-discovered evidence and fraudulent conduct by Kellogg, through which material facts were suppressed, and an unjust and wrongful judgment obtained. Whether these charges are well founded is another, and for the present an immaterial, question. The inquiry now before us is whether the plea of res adjudicata is well taken, and whether an issue can now be tried as to the truth of these allegations. allegations.

I put the question to Senators who advocate the retaining of Mr. Kellogg in the Senate, is this another suit within the meaning of that rule or not? Where is the other suit? Is it not a continuation of the same proceeding? What is it but a bill of review? Has that suit ever been determined? It is true that the Senate in the Forty-

fifth Congress passed a resolution declaring that Mr. Kellogg was entitled to the seat in the Senate, but Mr. Spofford comes and files a bill in the nature of a bill of review, and says that Mr. Kellogg obtained that adjudication by fraud, he obtained it by imposing upon the court, and he produces now the evidence to the people of the United States and to the Senate. What right has the Senate, then, even if it acts as a court, and I will assume that for the sake of the argument—what right has a court even to turn him out and say to argument—what right has a court even to turn him out and say to him, "You are forever debarred from examining into this question; it is res adjudicata?" The Senator from Wisconsin admits, neither he nor any other lawyer can deny, that I have a right to go into any court, whether there is an appeal from it or not I have a right to go into a court, but especially to the tribunal of last resort, and say to that tribunal this decree was obtained by imposition and fraud. I say you never adjudicated the real question at issue, and if I can prove it to the satisfaction of that court I can reopen the case and have a tried da ways, and muon the merits. Is not that the whole of have a trial de novo, and upon the merits. Is not that the whole of

prove it to the satisfaction of that court I can reopen the case and have a trial de novo, and upon the merits. Is not that the whole of it? I ask the question now upon what theory is it that they claim this to be another and a different proceeding? Who are the parties to the other suit? That is the test, the crucial test. The parties before were Spofford against Kellogg with the State of Louisiana standing as the great interested party between the two, they being simply her agents and servants. Who are the parties here to-day and what is the issue? Spofford against Kellogg with the State of Louisiana occupying the same identical position. Is it not the same proceeding? Is there any difference between this and an ordinary bill of review which sets up that the decree was obtained by fraud, or by any of the means used by vexatious or fraudulent litigants?

Mr. President, it seems to me upon either of these propositions, whether the Senate be a court or not, it is conclusive that we have the right to reopen the case. I have been discussing so far the legal power of the Senate, and I say that if Mr. Spofford makes good what he states to be the fact the Senate has jurisdiction to determine upon this question. Now, is it the fact or not? I have hitherto said nothing about the facts in the case; I have simply been arguing with my brother Senators as to the legal power existing to reopen this case and to hear the contestants upon the merits, as that committee said they were heard when it was not the fact. It was asked the other day if we charged the majority of the Senate in the Forty-fifth Congress with corruption? Certainly I do not intend to be forced into anything of that sort or into an assertion so shameful in its character. I do say emphatically and distinctly, and am bound to say, that when the committee said they examined the case of the majority is two ter. I do say emphatically and distinctly, and am bound to say, that when the committee said they examined the case on the merits it was when the committee said they examined the case on the merits it was not so examined. They refused to hear witnesses; they refused to hear testimony. I go no further. I say, here is the record, and that record shows when Spofford stood there and said, "I have a right to be heard, Louisiana has a right to be heard," the Senate Committee on Privileges and Elections, as then constituted, turned him out of doors and turned the State of Louisiana out, and said, "We propose to settle this case now and here, before a democratic Senate comes into existence and assumes power." That is the whole of it; that is the beginning, that is the intermediate process, and that is the end. They determined to settle it then and they did settle it, and to-day they come in with an exparte minority report, hardly a page in length, without argument, without a fact, with the phrase "the brigadiers in counsel," "the rebel brigadiers." That is the whole argument, the beginning and the end of it. That is all that they allege, and all beginning and the end of it. That is all that they allege, and all

beginning and the end of it. That is all that they allege, and all that they can show.

Now, Mr. President, a very few words in regard to the facts. My strength does not permit me, and the patience of the Senate would not endure that I should wade through the 1,200 pages of filth and perjury and fraud and stupendous lying contained in this record as brought here by the Committee on Privileges and Elections. I simply desire, in my printed remarks, to place before the people of the United States certain extracts from the testimony of these model statesmen, placed by the republican party of this country over the Southern desire, in my printed remarks, to place before the people of the United States certain extracts from the testimony of these model statesmen, placed by the republican party of this country over the Southern States to adjudicate the rights of life and property under the Constitution. I want the people of the United States to see what sort of legislators were furnished by this great party to the white people of the South I want them to see that this party of progress, morality, reform, and statesmanship put above the people of Louisiana a set of thieves, scoundrels, and liars without a parallel in judicial or legislative history since the world commenced. I dety a comparison with all the worst judicial eras of the world to produce such testimony as we have here before us. Not in Jeffreys' time, when blood was in the air, and men accumulated fortunes by swearing away the lives of their fellow-men; not in the shameless perjury of Titus Oates, when he came into court from day to day with lips blistered with lies, did they rival these embryo statesmen of Louisiana before this loommittee. I commence with Joseph J. Johnson, who, in the city of New Orleans, made a voluntary affidavit that he received \$200 for MELLOGG knew that the storm had burst in all its fury; he knew that the hurricane had come; he knew that for a very few hours work that the hurricane had come; he knew that for a very few hours of Louisiana. He determined in old parlance to make hay while the sum history of Kellog for Senator. "Oh," says the Senator from Louisiana, "it amounts to nothing, because they were unanimous for me." That is his great argument. "Warmouth spoke for me; he day of wrath has come in Louisiana. Here I am in for Heaven's sake, Massachusetts, Vermont, what occasion was there for me to buy votes?"

I have no personal feeling against the sitting member. I have no personal feeling against the sitting member. I have no personal feeling against the sitting member. I have pundled them; I have fattened upon them for our years, but now the

conclusive that Mr. Kellogg, with his customary astuteness and boldness, determined to act expeditiously upon the moment and to boldness, determined to act expeditiously upon the moment and to seize the fruit while the opportunity was presented to him. For four long years he had been the fraudulent governor of Louisiana. The Senator from Wisconsin said so, and the Vice-President of the United States said so. The Senator from Massachusetts [Mr. HOAR] shakes his head. I say that he, too, signed the report, in which he said that the returning board had abused its authority when it returned Mr. Kellogg as governor of Louisiana. Kellogg as governor of Louisiana.

Mr. HOAR. The Senator from Missouri will permit me to remind

Mr. VEST. Certainly.

Mr. HOAR. That the report which the Vice-President of the United States and I signed related to an election held two years after Mr. Kellogg had been inaugurated.

Mr. VEST. It referred to the election of 1872.

Mr. HOAR. No; it was that of 1874.
Mr. VEST. Even if 1874, I should like the Senator from Massachusetts to point me out the difference between the modes of proceeding

in 1872 and 1874.

Mr. HOAR. The Senator from Missouri will permit me. He said that the Vice-President of the United States signed a report in which he declared that Mr. Kellogg was fraudulently elected governor. When I shook my head he called attention to the fact and said that I signed it too. signed it too.
Mr. VEST. Yes, sir; that same report.
Mr. HOAR. Mr. Kellogg was elected governor in 1872.

Mr. VEST. I understand that.

Mr. HOAR. There was an election for the Legislature and State officers in 1874, which late in that year the Vice-President and I and omeers in 1874, which late in that year the vice-Fresident and I and some other gentlemen had the duty to investigate, and we signed a report in which we stated that the returning board, though acting honestly as we believed, had, in regard to certain of the disputes, misconstrued their powers, thereby, as we stated, following the precedent set by the democratic returning board in applying the same law in a previous year. We found no fraud in their purposes or in their conduct, and it had nothing to do with the election of Mr. Kellogg

whatever.
Mr. VEST. In 1874, then, the Senator from Massachusetts made this report. He made it about this same returning board, and I assert that the returning board in 1874 pursued the same course of proceedthat the returning board in 1874 pursued the same course of proceeding, adopted the same rules, and perpetrated the same outrages that they did in 1872 and 1876. It was the same thing. If they perpetrated a fraud upon the people of Louisiana in 1874 they did it in 1872 and they did it in 1876, for their proceeding was identical—the same men put there for the same purpose and acting in the same way. If it was true then, it was true afterward. The Senator from Wisconsin [Mr. Carpenter] in 1874 declared the same thing. I happen to have his language here, as I have the other, though I cannot put my hand on it. Said the Senator from Wisconsin, March 4, 1874—that was not in 1872, it was in 1874—

And yet we know that under that gross usurpation of a Federal judge the Legislature was organized by a mandamus and an injunction, and then under the protection of that organization, and in a State-house held by Federal troops, this Kellogg government was inaugurated and set up, and that government is to-day supported by United States troops. The peace of that State is to-day preserved at the expense of the Union.

That is language as strong as any rebel democrat ever used about that corrupt, carpet-bag government in the South, and this from the most astute lawyer in the republican party here upon the floor of the

I was in New Orleans last May, and conversing with officers of the Army high in authority, they assured me that in their opinion, if the Federal troops were withdrawn from the State, the Kellogg government could not stand a week.

That was his opinion, and his evidence, if you may so term it, delivered upon the floor of the Senate March 4, 1874. I say, then, that for four years Mr. Kellogg administered the affairs of that State sim-

shows, said: "Boys, I want to go on to protect your interest. I want to get to Washington to protect you. I must go there and represent the party." That was the meaning of it. He left in a very few days, and on the 20th of that month presented his credentials to the United States Senate signed on the 11th by Packard. The Nicholls legislature did not elect until the 23d of April, and Mr. Spofford did not get his credentials until the October following. That is the reason why Mr. Kellogg wanted these votes; he wanted them then, right then, and he wanted to bring his credentials to Washington City before the

and he wanted to bring his credentials to Washington City before the complexion politically of the Senate had changed.

But I pass on to the next of these witnesses. Mr. Jules Seveignes is the next of these illustrious liars. He made an affidavit in the city of New Orleans in which he testified that he was not present in the Legislature when Kellogg was elected, although his vote was recorded. He gave that affidavit, and gave it voluntarily. It is so remarkable that I propose to read it to the Senate:

STATE OF LOUISIANA, Parish of Orleans, city of New Orleans:

Before me, the undersigned authority, personally came and appeared Jules Seveignes, who, being duly sworn, says: I was not present at the session of the General Assembly of Louisiana, in January, 1877, when William P. Kellogg was declared elected United States Senator for the long term, but recorded my vote for him on the following day.

JULES SEVEIGNES, Ex-member House of Representatives from La Fourche.

Sworn to and subscribed before me at the city of New Orleans this 30th day of [SEAL.]

OSCAR ARROYO, Assistant Secretary of State.

In all the ingenuity of human lying and mendacity who could ever have suggested the reason given by this man for committing perjury? Men have lied for money, men have lied for revenge, men have lied for love, men have lied for ambition, but who ever heard before that a man swore to a lie simply to demonstrate the facility of perjury? This man says he simply swore to this to show that perjury could be committed in Louisiana with ease! The sitting member took him and handled him as tenderly as a sucking dove, folded him in his arms like a long-lost brother, and this is his explanation of this wondrous perjury:

Question, (by Senator Kellogg.) Now tell me why you signed that affidavit.

He said it was a lie, a lie made out of whole cloth. Mr. KELLOGG says, "Why did you make it?"

Answer. I signed the affidavit just merely to show how easy it was to get affidavits, knowing at the same time that they were not true.

He committed perjury to demonstrate the facility of perjury!

Q. I will ask you this question: Did you just take it into your head?

He took it into his mouth.

Did you just take it into your head?

By natural absorption I suppose.

A. Yes, sir.

That was the way he got it; he inoculated himself.

Q. That you would get at the bottom of this thing, and see if you could not burrow into it and find out what was at the bottom and what was actuating them?

A. Yes, sir. Q. Have you a family?

I ask what did that have to do with the question; I suppose the point was whether the whole family were of the same sort. ter.]

Q. Have you a family?
A. I have a mother and sister.

A mother and sister; he was not an orphan!

Q. You have no wife, have you?

In the interest of the female sex I am glad to say he had none.

Q. Are you not one of those kind of men in Louisiana

Thank God they are confined, as far as I know, to that sunny

Q. Are you not one of those kind of men in Louisiana who think, as you probably do, that you have been a consistent republican, and when you find anything against the republican party and you get a point, men like you quietly and secretly, like a detective, run it out?

Upon perjury.

A. I always do so.

True to my party, true to republican instincts and practices, whenever I get a point I generally manage to get in a lie. [Laughter.]

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Chair reminds the galleries that if disorder is repeated he will order the galleries cleared.

Mr. VEST. But this is not all. The governor is not satisfied with the individual; he wants to institute and establish a class of republican perjurers in his State.

Q. And has your class done it repeatedly in parishes and in the city? A. Yes, sir.
Q. Now—
Says the governor—

I want to know, did you take it into your head, seeing that that scheme was on foot, that you would follow it and go to the bottom of it, and get the details of it?

A. Yes, sir; that was why I wanted to be examined on Mr. Spofford's side.

That is the reason he wanted to swear to a lie, to get to the bottom of it.

Q. Is that the reason why you went to Mr. Elder and made that affidavit—to get his secret—

Play the spy and the traitor and the perjured scoundrel and villain that he was, is the question—

knowing that he was on Mr. Spofford's side ? A. Yes, sir.

What must be the cause that would use such instrumentalities and unblushingly bring them before the Senate of the United States? He asks this man, did you do this voluntarily, act the spy, the traitor, the perjured scoundrel, all in the interest of your party?

A. Yes, sir. Q Did you go with Murray into Cavanac's office for the purpose of getting out the secret there?

Another affidavit there. One lie was not enough. He was ready to perjure himself again any hour in the day for the republican party.

Q. Did you swear that that was your motive?
A. That was my motive and nothing else.
Q. Have you been offered any inducements by anybody?
A. I was on the cars and was offered inducements there, that if I testified in behalf of Mr. Spofford that I would be taken care of.
Q. You are a Catholic, are you not?
A. Yes, sir.
Senator Hill. He is what?
Senator Kellogg. I have a reason for asking it.

The reason has never been developed.

(To the witness.) Now, I want to know if that was your motive in running this thing down?

A. Yes, sir.
Senator Kellogg. I may get at some other difficulties in this matter. (To the witness.) Did you come here for the same purpose—
Mr. MERRICK. To run this thing down?
The Witness. Yes, sir.

And that is the testimony of this man Seveignes, who made a voluntary affidavit, wrote it himself, swore to it himself, went and swore to it again, and comes here and says he committed perjury to demonstrate the fact that one could do it with the utmost facility and alac-

Next comes Hon. William John De Lacey, the illustrious scion of a knightly line, grandson of Sir Hugh De Lacey, of county Connaught, Ireland, whose affidavit in New Orleans was as follows:

Ireland, whose affidavit in New Orleans was as follows:

State of Louistana,

Parish of Orleans:

Personally appeared before me this 9th day of April, 1879, W. John De Lacey, who, being duly sworn, does depose as follows, to wit:

I reside in Rapides Parish, Louisiana. I represented that parish in the Legislature in 1877 and 1873; am a republican, and took my stand with the Packard government until its fall, believing it to be the lawful government at that time. I arrived in New Orleans December 9, 1876, after the promulgation of the elections by the returning board. I attended the republican caucuses before the assembling of the Legislature. Colonel Keating was chairman of the caucus, and A. Dejoie secretary. The caucus was called the "administration caucus." The object was to elect Michael Hahn speaker, and W. P. Kellog United States Senator. I staid in the caucus eight days. I left the caucus, having refused to pledge myself to support certain measures, namely, the election of Michael Hahn to the speakership of the house of representatives. I was short of money, so I went to Kelloge to borrow some. He loaned me \$50, with the understanding that I was to vote for him for United States Senator. On the day Kellogg was elected to the Senate, I did not vote when my name was called, neither did my colleague, Mr. Drew. George L. Smith came to me and told me to stand by Kellogg, that I would be taken care of and that I would get what I was promised. Smith then threw an envelope on my desk, sealed. I opened it and saw that it contained money. Mr. L. D. Herbert was present when I received the money. Members were offered from \$200 to \$250 for their vote. Several that were promised got nothing. It was the every-day talk among the members of the Legislature that "Kellogg" up 1 up money so as to beat "Pinchback," and how much they were going to get. I got \$200 for voting for Kellogg.

W. JOHN DE LACEY.

Sworn to and subscribed before me this 9th April, 1879.

TH. BUISSON,

Third Justice of the Peace.

This lineal descendant of Sir Hugh De Lacey, whose ancestors followed the gleaming banners of William the Conqueror, swore that he was bribed in New Orleans, and swore to it deliberately and positively, and when he came here his conversion was as sudden and miraculous as that which fell on Saul of Tarsus when he journeyed from Jerusalem to Damascus, breathing out fire and slaughter against the Christians. The apostle saw a heavenly vision; but our Louisiana statesman, I am afraid, saw a vision of another sort and from another quarter. This gentleman arrived in the city of Washington, and unfortunately for ancestral glory, Hon. William John De Lacey denied his signature to the affidavit, and swore positively that he never spelled it with an "e," but when confronted with other signatures admitted by himself to be genuine and containing the fatal letter, he swore just as positively that he had never given any such testimony. Alas! that "De Lacey," "famous in story," which graced the banner of a knight "without fear or reproach," should have descended to one who proclaims his infamy even in the alliteration of the family name! as that which fell on Saul of Tarsus when he journeyed from Jerusaclaims his infamy even in the alliteration of the family name!

claims his infamy even in the alliteration of the family name!

Mr. President, I leave now profane and approach ecclesiastical matters. I come now to the testimony of that dusky sign-board on the road to heaven, the Reverend Joseph R. Watson. [Laughter.] He swore that according to the Scriptures he was justified in swearing to a lie at his own sweet will and pleasure, that it was the custom in Louisiana, that the republican party sanctioned all that sort of thing. He said, when pressed by Mr. Merrick upon that branch of the inquiry to justify his quotation from the Scriptures, that the Scriptures tell us that there are times when we should not let our right hand know what our left hand doeth, and there were times when the truth should be judiciously suppressed.

should be judiciously suppressed.

I have not time to read to the Senate the whole of these nauseating statements. This man swore he was pastor of a church, in fact of many churches, as many as the apostles of old, when they traveled from the confines of one land to another preaching the Gospel, and he says, except in some cases when he was bulldozed—and then the Senator from Wisconsin [Mr. Cameron] caught him and wanted to know all about that—he said except when he was bulldozed he followed his clerical pursuits most assiduously; he went from parish to parish spreading the glad tidings of salvation without money and without price, that doctrine taught us by Him who was more than man, that truth was the essence of all true religion; and yet he says when preaching the gospel with Bible in hand he committed perjury whenever he pleased; that there was no harm in it. Finally he said, as the last excuse for retracting his affidavit, "Oh," said he, "it is the spasm of conscience." Conscience hurt him! "When did you have it," said Mr. Merrick; "when did it afflict you?" Said he, "I have had it every once in a while, and I seem to be in a vision." [Laughter.]

Doubtless he was in a vision, a strange and unknown territory, if he ever got within ten miles of the naked truth. [Laughter.] A trance came over him and he was like one in a dream, but he waked up to find that he was a Louisiana politician and statesman of the radical reconstruction era and then he went on lying by the acre as he

had done for the past five years.

Mr. President, I have no patience to go through this miserable stuff, nauseating and sickening and poisonous to the public ear.

Mr. McMILLAN. Will the Senator allow me to ask him a ques-

Mr. VEST. Certainly.
Mr. McMILLAN. Were these witnesses called by Mr. Spofford to prove fraud, in the judgment of the Senate?
Mr. VEST. Is that the question? Mr. Spofford, when he went into Mr. VEST. Is that the question? Mr. Spofford, when he went into the den of forty thieves, took in all the thieves he could get hold of. In the absence of all other testimony, he was bound to use that of these thieves, and I am glad the Senator has asked the question, for it opens up a chapter that I shall now discuss. These men made voluntary affidavits in the city of New Orleans. They were submitted to Mr. Spofford. They were brought here as Spofford's witnesses. Then what became of them? They fell into the hands of Kellogg's agents at the depot. They are never seen with Spofford after they set here. They shunned Cayanac, they shunned Spofford they shunned agents at the depot. They are never seen with Spofford after they get here. They shunned Cavanac, they shunned Spofford, they shunned the members of Congress from Louisiana. They are found with Colonel Jim Lewis, the naval officer of New Orleans, Mr. Kellogd's boon companion and friend, who was elected for the short term when Mr. Kellogg was elected for the long term. Lewis came with them and met them on the cars. He had a fine lunch, and regaled them on the way. They was not have at the depot and carried to het did and met them on the cars. He had a fine lunch, and regaled them on the way. They were met here at the depot and carried to a hotel in this city. There is evidence that that night they were found in the room of Mr. Kellogs. I do not say whether Mr. Barney Williams, whom we heard so much of in the speech delivered here by the sitting member, perjured himself or not. I have simply to say that I expect nothing but perjury from any of that crowd. I doubt from these specimens whether any of them ever speak the truth. But Williams is corroborated as to one material fact by the register of the hotel here. He says he registered himself as Mr. Davis, and the register of the hotel, according to the proprietor's testimony, bears him

out in that assertion. Whether he swore the truth or not, I assert this, which Mr. Kellogg will not deny: that these witnesses were with him; that they were not with Spofford; but they went upon the stand and refused to tell one word for Spofford or Spofford's attorney, stand and refused to tell one word for Spofford or Spofford's attorney, Merrick, but the moment they saw the benign countenance of the Senator from Louisiana, [Mr. Kelloge,] that moment they melted like wax; they became unctuous in his hands, and swore like milk and honey from beginning to end. And more than that, these witnesses got out of money, according to the testimony of Lewis himself—Colonel Jim Lewis, who under the rules of civil-service reform left his position in the city of New Orleans and came here to see the confederate brigadiers in Congress—came all the way for that purpose! This gentleman swears that when they were out of money he pose! This gentleman swears that when they were out of money he advanced money to them to pay their way to New Orleans, and got the money from Governor Kellogg.

Mr. Kellogg. I am sure the Senator would not misrepresent—

Mr. VEST. I would not. Mr. KELLOGG. Mr. Lewis says that he called on me some days after he testified to say that one or two of my own witnesses that had brought on were out of money and he had to lend it, and asked me to loan him some money and I loaned it, and he returned it. Mr. VEST. I understand these were Spofford's witnesses, but I may

be mistaken.

Mr. KELLOGG. They were my own witnesses-only one or two. Mr. VEST. If the record does not bear me out it goes for nothing. I repeat the assertion that these witnesses—and in that at least I am not mistaken—the witnesses, to use a common expression, went back on Mr. Spofford and swore they had never made these affidavits, and they became the witnesses to all intents and purposes of Mr. Kellogg. Why was this? If I were argning the case which the Senator from Wisconsin speaks of, and we were on opposite sides, I would put the question to him before any court in Christendom, Why did put the question to him before any court in Christendom, Why did our witnesses turn against us and in the last resort become your witnesses? What was the motive? Men do not act without motive. What motive induced a man who had gone deliberately before a justice of the peace, written out his affidavit, and sworn to it, to come here, and, in the face of the whole people of Louisiana and of the United States, say "I am a perjured liar and scoundrel?" What could have induced him to do it? Mr. President, it is a wonderful fact that nearly all these people found places in the custom-house. Out of eighty-three senators and representatives who yoted for Mr. Out of eighty-three senators and representatives who voted for Mr. Kellogg thirty-four were put in the custom-house according to the

Mr. KELLOGG. How is that?

Mr. VEST. Thirty-four of these men were appointed to office. Mr. KELLOGG. I will simply state that when I come to deal with this matter-I do not know that I shall, and if not, I shall ask some of my friends to do it—it shall be shown that the statement made by the Senator from Missouri is not true.

Mr. VEST. I have got the returns made out from the Blue Book, the official statement of the Government.

Mr. HILL, of Georgia. The names are there.

Mr. VEST. I do not know any better place to put it in than right

How Hayes has paid the men who made him President.

Member returning board. M. Kenner Member returning board. Deputy collector, port of New Orleans. 3, 0 Member returning board. Deputy valector, port of New Orleans. 2, 5 Deputy naval officer Deputy valector, port of New Orleans. 1, 4 Member returning board. Deputy valector, port of New Orleans. 1, 4 Member returning board. Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 2, 5 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 1, 4 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 4, 6 Deputy valector, port of New Orleans. 3, 6 Deputy vale of Clerk, custom-house 1, 6 Deputy valector, port of New Orleans. 3, 6 Deputy valector, port of New Orleans. 4, 6 Deputy valector, port of New Orleans. 4, 6 Deputy valector, port of New Orleans. 5, 6 Deputy valector, port of New Orleans. 4, 6 Deputy valector, port of New Orleans. 5, 6 Deputy valector, port of New Orleans. 6, 7 Deputy valector, port of New Orleans. 8, 6 Deputy valector, port of New Orleans. 8, 6 Deputy valector, port of New Orleans. 9, 7 Deputy valector, port of New Orleans. 1, 10 Deputy valector, port of New Orleans. 1, 2 Deputy valector, port of New Orleans. 1, 2 Deputy valector, port of New Orleans. 1, 2 Deputy valector, port of New Orleans. 1,	Names.	Political employment in 1876.	Office.	Salary.
M. Kenner	Members of returning boards:			
M. Kenner Member returning board Member returning board Member returning board Member returning board Brother United States storekeeper, New Orleans 1, 4 Mork A. Woodward Clerk returning board Secretary returning board Clerk custom-house 2, 5 Member of returning board Clerk custom-house 1, 6 Member of returning board Clerk custom-house 1, 2 Member of returning board Clerk custom-house 1, 4 Member of returning board Clerk custom-house 1, 5 Member of Returning board Returning Returni			Surveyor of port of New Orleans	\$3,50
Casanave			Deputy collector, port of New Orleans	3, 00
harles S. Abell Secretary returning board Clerk voodward Clerk voodward Clerk returning board Clerk custom-house 1.8 Clerk returning board Clerk, custom-house 1.1 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.1 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk, avai office 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk, avai office 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk, avai office 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board Special agent Treasury Department and counsel for Mr. Sherman. Inspector, custom-house 1.2 Clerk returning board 1.2 Clerk returnin			Deputy naval officer	2, 50
Clerk returning board Clerk custom-house 7, 8, 7, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10	Lasanave	Member returning board	Brother United States storekeeper, New Orleans	
Clerk returning board Clerk, custom-house 1, 0	Contra A Woodward	Clork notarning board	Inspector, custom-house	
P. Blanchard			Clerk, custom-house	
P. Davis. Clerk returning board Clerk, custom-house 1, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2,			Clerk, custom-house	
harles Hill Clerk returning board Clerk, custom-house 1, 4 Clerk returning board Clerk, custom-house 1, 4 Clerk returning board Clerk, custom-house 1, 6 Counsel for returning board Special agent Treasury Department and counsel for Mr. Sherman. S. Wells Son of J. Madison Wells Inspector, custom-house 1, 0 Son of J. Madison Wells Special deputy surveyor, New Orleans 2, 5 Brother of returning-board Kenner Clerk, naval office 6 Total State officers and managers: lichael Hahn State register Superintendent mint 1, 0 J. Dumont Chairman republican State committee Inspector, custom-house 1, 2 J. Soner Agent to control Legislature Appraiser, custom-house 1, 2 Agent to control Legislature Appraiser, custom-house 3, 0 P. Packard Candidate for governor Consult to Liverpool 6, 0 andes Lewis Police commissioner, New Orleans Naval officer 5, 0 S. Badger General of State militia Postmanster New Orleans, \$3,500; now collector 7, 0 S. Badger General of State militia Postmanster New Orleans, \$3,500; now collector 7, 0 Conquest Clark Chief of affidavit factory United States attorney, Wyoming 1, 4 Chief of police and supervisor 15th ward, New Orleans Inspector tobacco, internal revenue 1, 4 Chief of police and supervisor 15th ward, New Inspector tobacco, internal revenue 1, 4 Inspector custom-house 2, 5 Inspector, custom-house 1, 2 Inspector, custom-house 1, 4 Inspector, custo		Clark returning board	Clerk, custom-house	
corps Grindley ohn Ray Counsel for returning board Counsel for returning board Special agent Treasury Department and counsel for Mr. S. Wells Son of J. Madison Wells Son of J. Madison Wells M. J. Kenner State officers and managers: Clerk, naval office Total State officers and managers: Clerk returning-board Kenner State officers and managers: Clerk republican State committee Inspector, custom-house Agent to control Legislature Appraiser, custom-house Adgulant-general of Louisiana Candidate for governor Consult o Liverpool S. Badger General of State militia Postmanster New Orleans, \$3,500; now collector Chief of affidavit factory Chief of affidavit factory Chief of police and supervisor 15th ward, New Orleans Inspector tobacco, internal revenue Inspector toba			Clerk, custom-house	
counsel for returning board Special agent Treasury Department and counsel for Mr. S. Sherman. S. Wells Son of J. Madison Wells Special deputy surveyor, New Orleans Special agent Treasury Department and counsel for Mr. Sherman Inspector, custom-house Superintendent mint Inspector, custom-house Superintendent mint Inspector, custom-house Clerk new orleans Appraiser, custom-house		Clerk returning board	Clerk, custom-house	1, 40
S. Wells	ohn Ray	Corneal for returning board	Cherk, custom-nouse	1,60
C. Wells			Sherman.	2, 3
C. Wells	S. Wells		Inspector, custom-house	1, 09
State officers and managers	. C. Wells		Special deputy surveyor, New Orleans	2, 50
State officers and managers: Chief of police and supervisor 15th ward, New Orleans. Superintendent mint	. M. J. Kenner	Brother of returning-board Kenner	Clerk, naval office	60
State register	Total			29, 09
J. Dumont. Chairman republican State committee Inspector, custom-house. 3, 0 P. McArdle. Clerk republican State committee Clerk, custom-house. 1, 2 J. Souer Agent to control Legislature Appraiser, custom-house. 1, 2 P. Packardl. Candidate for governor. Consult to Liverpool 6, 0 P. Packardl. Police commissioner, New Orleans. Naval officer 5, 0 Rok Wharton Adjutant-general of Louisiana. United States marshal 6, 0 S. Badger General of State militia. Postmaster New Orleans, \$3,500; now collector 7, 0 S. Campbell Chief of affidavit factory. United States attorney, Wyoming. 5, 0 Conquest Clark Row Officer Private secretary to Commissioner of Internal Revenue. 1, 44 V. F. Loan Orleans. Inspector tobacco, internal revenue 1, 44	State officers and managers:			
J. Dumont. Chairman republican State committee Inspector, custom-house. 3,0 of Clerk republican State committee. Clerk, custom-house. 1,2 of Clerk custom-house. 1,2 of Clerk custom-house. 2,2 of Clerk custom-house. 1,2 of Clerk custom-house. 2,3 of Clerk custom-ho	fichael Hahn	State register	Superintendent mint	4, 00
P. McArdle Clerk republican State committee Clerk, custom-house 1, 28 Agent to control Legislature Appraiser, custom-house 3, 00 P. Packard Candidate for governor Consul to Liverpool 6, 0 ames Lewis Police commissioner, New Orleans Naval officer 5, 0 Adjutant-general of Louisiana United States marshal 6, 00 S. Badger General of State militia Postmaster New Orleans, \$3,500; now collector 7, 00 S. Campbell Chief of affidavit factory United States attorney, Wyoming 5, 00 Conquest Clark Knew of forgery of electoral certificates Private secretary to Commissioner of Internal Revenue. V. F. Loan Chief of police and supervisor 15th ward, New Inspector tobacco, internal revenue 1, 44	. J. Dumont	Chairman republican State committee	Inspector, custom-house	3, 00
Agent to control Legislature Appraiser, custom-house 3, 0, 0 P. Packard. Candidate for governor. Consult to Liverpool 6, 0 ames Lewis. Police commissioner, New Orleans. Naval officer S. Badger. General of State militia. Postmaster New Orleans, \$3,500; now collector. 7, 0 S. Campbell Chief of affidavit factory. United States attorney, Wyoming. 7, 0 Conquest Clark Chief of police and supervisor 15th ward, New Orleans, 80,500; now collector. 1, 44 Chief of police and supervisor 15th ward, New Inspector tobacco, internal revenue. 1, 44	P. McArdle	Clerk republican State committee	Clerk, custom-house	1, 20
A. P. Packard. Candidate for governor. Consul to Liverpool. R. Police commissioner, New Orleans. Naval officer. S. Naval officer. Naval officer. S. Badger. General of State militia. Chief of affidavit factory. Conquest Clark. Conquest Clark. Chief of police and supervisor 15th ward, New Orleans. Chief of police and supervisor 15th ward, New Orleans. Consult o Liverpool. S. Consult o Liverpool. S. Question. S. Question. S. Question. View Orleans. Consult o Liverpool. S. Question. S. Consult o Liverpool. S. Question. United States marshal. Postmaster New Orleans, \$3,500; now collector. 7, 00 United States attorney, Wyoming. 5, 00 Private secretary to Commissioner of Internal Revenue. 1, 44	. J. Souer	Agent to control Legislature	Appraiser, custom-house	3, 00
ames Lewis. Solice commissioner, New Orleans. Naval officer Solicer Adjutant-general of Louisiana. United States marshal. Solicer Scampbell Conjugate Conquest Clark. Chief of affidavit factory. United States attorney, Wyoming. Solicer Sol	P. Packard	Candidate for governor	Consul to Liverpool.	6,00
Adjutant-general of Louisiana United States marshal. 6, 0 S. Badger General of State militia Postmaster New Orleans, \$3,500; now collector 7, 0 S. Campbell Chief of affidavit factory United States attorney, Wyoming 5, 0 Conquest Clark Chief of affidavit factory Private secretary to Commissioner of Internal Revenue. Chief of police and supervisor 15th ward, New Orleans.	ames Lewis	Police commissioner, New Orleans	Naval officer	5, 00
S. Barger. General of State militia. Postmaster New Orleans, \$3,500; now collector. 7,00 Chief of affidavit factory. United States attorney, Wyoming. 5,00 Knew of forgery of electoral certificates. Private secretary to Commissioner of Internal Revenue. Chief of police and supervisor 15th ward, New Orleans. 1,44	ick Wharton	Adjutant-general of Louisiana	United States marshal.	6, 00
S. Campbell Chief of affidavit factory. United States attorney, Wyoming. 5, 0 Knew of forgery of electoral certificates. Private secretary to Commissioner of Internal Revenue. 7. F. Loan Chief of police and supervisor 15th ward, New Orleans. 1, 46	S. Badger	General of State militia	Postmaster New Orleans, \$3,500 - now collector.	7, 00
7.F. Loan	S. Campbell	Chief of affidavit factory	United States attorney, Wyoming	5, 00
F. Loan Chief of police and supervisor 15th ward, New Inspector tobacco, internal revenue	. Conquest Clark	Knew of forgery of electoral certificates	Private secretary to Commissioner of Internal Reve-	2, 50
	7. F. Loan	Chief of police and supervisor 15th ward, New		1, 40
	7. L. McMillan			4,00
				1127/29

How Hayes has paid the men who made him President .- Continued.

Total Supervisors and persons connected with the elections: I. J. Grady. V. R. Hardy Ienry Smith amuel Chapman L. Ferguson E. Scott S. W. Woodruff F. Bangnor V. H. McVey. Williams L. K. Russ A. Deslonde V. H. Heistand A. Clover C. Lasage Villiam McKenna D. Cornog	Elector at large Supervisor at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of Destroy Esta Supervisor of East Baton Rouge Supervisor of Fanklin Supervisor of Fanklin Supervisor of Natchitoches Supervisor of Independent Supervisor of Independent Supervisor of Independent Supervisor of Independent Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Tangipahoa Supervisor of East Baton Rouge Supervisor of Tangipahoa	Clerk, custom-house Counsel for John Sherman Collector internal revenue Special agent Treasury Department Surveyor-General Deputy collector of internal revenue Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Matchman, custom-house Letter-carrier, post-office Night watchman, custom-house Letter-custom-house Letter-custom-house Letter-custom-house Lestom-house Laspector custom-house Laspector, custom-house Laborer, custom-house Laborer, custom-house Laborer, custom-house Chief laborer	\$1, 22 3, 7, 5, 1, 8 11, 0 1, 4 1, 0 6 1, 0 8 1, 3 1, 2 1, 2 1, 2 1, 2 1, 2 1, 2 1, 2 1, 2
eter Joseph A. Sheldon forris Marks B. Levisee H. Brewster Total Supervisors and persons connected with the elections: I. J. Grady V. R. Hardy Ienry Smith annuel Chapman L. Ferguson E. Scott W. Woodruff F. Bangnor V. H. McVey Williams K. Russ A. Deslonde V. H. Heistand A. Clover C. Lasage Villiam McKenna D. Cornog	Elector at large Supervisor at Ouachita District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto Supervisor of Claiborne Supervisor of Rapides Supervisor of Fanklin Supervisor of Fanklin Supervisor of Natchitoches Supervisor of The Supervisor of De Supervisor of East Baton Rouge Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Caddo Supervisor of Rad River	Counsel for John Sherman Collector internal revenue Special agent Treasury Department Surveyor-General Deputy collector of internal revenue. Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Laborer, custom-house Inspector custom-house Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house Laborer, custom-house Laborer, custom-house Laborer, custom-house Laborer, custom-house	1,2 3,7 1,8 11,0 6,6 6,8 1,3,9 8,1,2 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0
Iorris Marks Levisee H. B. Levisee L. H. Brewster Total Supervisors and persons-connected with the elections: I. J. Grady V. R. Hardy Iorry Smith Iorright Manuel Chapman L. Ferguson E. Scott L. W. Woodruff F. Bangnor V. H. McVey Williams K. Russ A. Deslonde V. H. Heistand A. Clover C. Lassge Villiam McKenna D. Cornog	Elector at large Elector at large Elector at large Elector at large Supervisor at Ouachita District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto Supervisor of Claiborne Supervisor of East Baton Rouge Supervisor of Franklin Supervisor of Franklin Supervisor of Natchitoches Supervisor of Index of Natchitoches Supervisor of Tangipahoa Supervisor of East Eaton Rouge Clerk to supervisor East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Caddo Supervisor of Gaddo Supervisor of Gaddo Supervisor of Rever	Collector internal revenue Special agent Treasury Department Surveyor-General Deputy collector of internal revenue Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Inspector custom-house Inspector custom-house Inspector custom-house Inspector, custom-house Inspector, custom-house Inspector, custom-house Inspector, custom-house Inspector, custom-house Inspector, custom-house	2,5 1,8 11,0 4 1,4 1,0 6 6 1,3 9 1,0 1,2 1,2 1,3 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0
B. Levisee b. H. Brewster. Total Supervisors and persons connected with the elections: I. J. Grady V. R. Hardy Lenry Smith amuel Chapman b. F. Feguson E. Scott b. W. Woodruff F. Bangnor V. H. McVey Williams K. Russ A. Deslonde V. H. Heistand A. Clover C. Lasage Villiam McKenna D. Cornog	Elector at large Elector at large Supervisor at Ouachita District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of Claiborne Supervisor of Rapides Supervisor of Franklin Supervisor of Franklin Supervisor of Franklin Supervisor of Natchitoches Supervisor of Tangipahoa Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of East Eaton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Caddo Supervisor of Reliver	Special agent Treasury Department Surveyor-General. Deputy collector of internal revenue. Inspector of custom-house. Laborer, custom-house. Laborer, custom-house. Laborer, custom-house. Laborer, custom-house. Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house. Laborer, custom-house. Unspector, custom-house. Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house. Assistant weigher, custom-house Inspector custom-house. Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	2,5 1,8 11,0 4 1,4 1,0 6 6 1,3 9 1,0 1,2 1,2 1,3 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0
Total Supervisors and persons connected with the elections: L. J. Grady. V. R. Hardy. J. Francy. J. Ferguson E. Scott. W. Woodruff. F. Bangnor V. H. McVey. Williams. K. Russ. A. Deslonde. V. H. Heistand A. Clover. C. Lasage. C. Lasage. J. Cornog.	Supervisor at Ouachita District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto. Supervisor of Claiborne Supervisor of Rast Baton Rouge. Supervisor of Franklin Supervisor of Franklin Supervisor of Natchitoches Supervisor of Index of Natchitoches Supervisor of Tangipahoa Supervisor of East Baton Rouge. Clerk to supervisor East Baton Rouge. Clerk to supervisor East Baton Rouge. Supervisor of Caddo. Supervisor of Caddo. Supervisor of River	Deputy collector of internal revenue. Inspector of custom-house. Laborer, custom-house. Laborer, custom-house. Captain night watch, custom-house. Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house Clerk, custom-house Laborer, custom-house Inspector custom-house Inspector custom-house Inspector, custom-house Laborer, custom-house Laborer, custom-house Inspector, custom-house	11,0 1,4 1,0 6 6 8 1,3 9 6 1,0 8 1,2 1,2 1,2 1,3 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0
Total Supervisors and persons-connected with the elections: L. J. Grady T. R. Hardy Lenry Smith L. Ferguson E. Scott W. Woodruff F. Bangnor T. H. McVey Williams K. Russ A. Deslonde J. H. Heistand A. Clover C. Lasage C. Lasage Illiam McKenna D. Cornog	Supervisor at Ouachita District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto. Supervisor of Claiborne Supervisor of Rast Baton Rouge. Supervisor of Franklin Supervisor of Franklin Supervisor of Natchitoches Supervisor of Index of Natchitoches Supervisor of Tangipahoa Supervisor of East Baton Rouge. Clerk to supervisor East Baton Rouge. Clerk to supervisor East Baton Rouge. Supervisor of Caddo. Supervisor of Caddo. Supervisor of River	Deputy collector of internal revenue. Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house Clerk, custom-house Inspector custom-house Inspector custom-house Inspector, custom-house Inspector, custom-house Laborer, custom-house Laborer, custom-house	11,0 1,4 1,0 6 6 8 1,3 9 6 1,0 8 1,2 1,2 1,2 1,3 1,0 1,0 1,0 1,0 1,0 1,0 1,0 1,0
elections : L J. Grady V. R. Hardy Enry Smith amuel Chapman . L. Ferguson E. Scott . W. Woodruff . F. Bangnor V. H. McVey . Williams . K. Russ . A. Deslonde . W. H. Heistand . A. Clover . C. Lasage . C. Lasage . C. Lasage . C. Lorng . C.	District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto. Supervisor of Clablorne Supervisor of Rapides Supervisor of East Baton Rouge Supervisor of Franklin Supervisor of Franklin Supervisor of Franklin Supervisor of The Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo. Supervisor of Caddo. Supervisor of Red River	Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Laborer, custom-house Later-carrier, post-office Night watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Lassistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	1,4 1,0 6 8 1,3 9 6 1,0 8 7 7 8 1,2 1,2 1,2 1,0 1,0
I. J. Grady. V. R. Hardy. lenry Smith amuel Chapman I. Ferguson E. Scott. W. Woodruff F. Bangnor V. H. McVey. Williams K. Russ A. Deslonde V. H. Heistand A. Clover C. Lasage Villiam McKenna D. Cornog	District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto. Supervisor of Clablorne Supervisor of Rapides Supervisor of East Baton Rouge Supervisor of Franklin Supervisor of Franklin Supervisor of Franklin Supervisor of The Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo. Supervisor of Caddo. Supervisor of Red River	Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Laborer, custom-house Later-carrier, post-office Night watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Lassistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	1,0 6 6 1,3 9 1,0 1,0 3,1 1,0
7. R. Hardy enry Smith annuel Chapman L. Ferguson E. Scott W. Woodruff F. Bangnor 7. H. McVey Williams K. Russ A. Deslonde 7. H. Heistand A. Clover C. Lasage Filliam McKenna D. Cornog	District attorney at Ouachita Sheriff of East Feliciana Sheriff of East Feliciana Supervisor of De Soto. Supervisor of Clablorne Supervisor of Rapides Supervisor of East Baton Rouge Supervisor of Franklin Supervisor of Franklin Supervisor of Franklin Supervisor of The Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo. Supervisor of Caddo. Supervisor of Red River	Inspector of custom-house Laborer, custom-house Laborer, custom-house Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Laborer, custom-house Later-carrier, post-office Night watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Lassistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	1,0 6 6 1,3 9 1,0 1,0 3,1 1,0
muel Chapman L. Ferguson E. Scott. W. Woodruff F. Bangnor T. H. McVey. Williams K. Russ A. Deslonde T. H. Heistand A. Clover C. Lasage Illiam McKenna D. Cornog	Sheriff of East Feliciana. Supervisor of De Soto. Supervisor of Clalborne. Supervisor of Rapides Supervisor of Fast Baton Rouge. Supervisor of Franklin Supervisor of Indexides Supervisor of Natchitoches Supervisor of Tangipahoa Supervisor of East Baton Rouge. Clerk to supervisor East Baton Rouge. Supervisor of East Baton Rouge. Supervisor of Caddo. Supervisor of Caddo. Supervisor of Red River.	Laborer, custom-house Captain night watch, custom-house. Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house Assistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	1, 3 1, 6 1, 6 1, 8 1, 8 1, 9 1, 9 1, 9 1, 9 1, 9
L. Ferguson E. Scott	Supervisor of De Soto. Supervisor of Claiborne. Supervisor of Rapides Supervisor of Fast Baton Rouge. Supervisor of Franklin Supervisor of Franklin Supervisor of Natchitoches Supervisor of The Supervisor of Levrelle. Supervisor of Tangipahoa Supervisor of East Baton Rouge. Clerk to supervisor East Baton Rouge. Supervisor of Caddo. Supervisor of Caddo. Supervisor of Red River.	Captain night watch, custom-house Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office Night watchman, custom-house Clerk, custom-house Assistant weigher, custom-house Inspector custom-house Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house	1, 5 1, 6 1, 6 1, 8 1, 8 1, 8 1, 9 1, 9 1, 9 1, 9 1, 9
E. Scott. W. Woodruff F. Bangnor H. McVey. Williams K. Russ A. Deslonde J. H. Heistand A. Clover C. Lasage Illiam McKenna D. Cornog	Supervisor of Claiborne Supervisor of Rapides Supervisor of Fanklin Supervisor of Franklin Supervisor of Tranklin Supervisor of Natchitoches Supervisor of Inerville Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Caddo Supervisor of Rever	Money order, post-office, New Orleans Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house. Assistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Laborer, custom-house	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
W. Woodruff F. Bangnor . H. McVey. Williams K. Russ . A. Deslonde . H. Heistand . A. Clover . C. Lasage . Illiam McKenna . D. Cornog	Supervisor of Rapides Supervisor of East Baton Rouge Supervisor of Franklin Supervisor of Stanklin Supervisor of Natchitoches Supervisor of Iberville Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Caddo Supervisor of Rad River	Box clerk, post-office, New Orleans Laborer, custom-house Inspector, custom-house Watchman, custom-house Letter-carrier, post-office Night watchman, custom-house. Clerk, custom-house Assistant weigher, custom-house Inspector custom-house Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house Inspector, custom-house	1, 1, 1, 1, 3,
7. H. MeVey. Williams. K. Russ. A. Deslonde. 7. H. Heistand. A. Clover. C. Lasage. Villam McKenna. D. Cornog.	Supervisor of Franklin Supervisor of Natchitoches Supervisor of Iberville. Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge. Supervisor of Caddo. Supervisor of Red River.	Inspector, custom-house Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house. Assistant weigher, custom-house Inspector custom-house. Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house. Laborer, custom-house. Inspector, custom-house.	1,
Williams K. Russ A. Deslonde	Supervisor of Natchitoches Supervisor of Iberville Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Red River	Watchman, custom-house Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house Assistant weigher, custom-house Inspector custom-house. Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house	1, 1, 1, 3,
K. Russ. A. Deslonde 'H. Heistand A. Clover. C. Lasage illiam McKenna D. Cornog	Supervisor of Natchitoches Supervisor of Iberville Supervisor of Tangipahoa Supervisor of East Baton Rouge Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Red River	Letter-carrier, post-office. Night watchman, custom-house. Clerk, custom-house Assistant weigher, custom-house Inspector custom-house. Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house. Inspector, custom-house.	1, 1, 1, 3,
' H. Heistand	Supervisor of Tangipahoa Supervisor of East Baton Rouge. Clerk to supervisor East Baton Rouge Supervisor of Caddo Supervisor of Red River.	Clerk, custom-house Assistant weigher, custom-house Inspector custom-house. Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Inspector, custom-house	1, 1, 1, 3, 1,
C. Lasage	Clerk to supervisor East Baton Rouge Supervisor of Caddo	Assistant weigher, custom-house Inspector custom-house Postmaster, Shreveport Inspector, custom-house Laborer, custom-house Inspector, custom-house	1, 1, 3, 1,
C. Lasage	Clerk to supervisor East Baton Rouge Supervisor of Caddo	Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house. Inspector, custom-house.	1, 3, 1,
illiam McKenna	Supervisor of Caddo	Postmaster, Shreveport. Inspector, custom-house Laborer, custom-house. Inspector, custom-house.	3, 1,
J. Cernog A. Lenet J. Brim trick Creagh C. Howard C. Peuchler J. Moore.	Supervisor of La Fourche Republican manager of 2d ward, New Orleans. Republican manager of 3d ward, New Orleans. Republican manager of 4th ward, New Orleans Republican manager of 5th ward, New Orleans Republican manager of 7th ward, New Orleans	Laborer, custom-house	
J. Brim. trick Creagh C. Howard C. Peuchler J. Moore	Republican manager of 2d ward, New Orleans. Republican manager of 3d ward, New Orleans. Republican manager of 4th ward, New Orleans. Republican manager of 5th ward, New Orleans. Republican manager of 7th ward, New Orleans.	Inspector, custom-house	100
trick Creagh C. Howard C. Peuchler J. Moore	Republican manager of 3d ward, New Orleans. Republican manager of 4th ward, New Orleans. Republican manager of 5th ward, New Orleans. Republican manager of 7th ward, New Orleans.		
C. Howard	Republican manager of 4th ward, New Orleans. Republican manager of 5th ward, New Orleans. Republican manager of 7th ward, New Orleans.		1,
J. Moore	Republican manager of 7th ward, New Orleans.	Laborer, custom-house	
	and business and all the state of the state	Laborer, custom-house	F
iomas Leon	Republican manager of 8th ward, New Orleans.	Gauger, custom-house	F
H. Bowan	Republican manager of 10th ward, New Orleans.	Night inspector, custom-house	
W. Kempton	Commissioner of 11th ward, New Orleans	Assistant weigher, custom-house	1,
p Underwood	Supervisor of 14th ward, New Orleans	Inspector, internal revenue	1,
		Weigher, custom-house	20,00
A. Herbert	Republican manager of Therville	Superintendent warehouses, custom-house	2
. B. Dickey	Republican manager and tax collector, Madison. Husband of Mrs. Jenks, who swore for John	Inspector, custom-house	1,
	Sherman.		
Total			33
Visiting statesmen:	Visiting statesman, Louisiana	Secretary of the Treasury	8.
ohn M. Harlan	Visiting statesman, Louisiana	Justice Supreme Court	10,
ugene Hale	Visiting statesman, Louisiana	Justice Supreme Court Offered Postmaster-Generalship	
W. Stoughton	Visiting statesman, Louisiana	Minister to Russia	17, 12,
R Hawley	Visiting statesman, Louisiana	Commissioner to Paris exposition	2
ohn Coburn	Visiting statesman, Louisiana	Commissioner to Hot Springs	5,
F. Noves	Visiting statesman, Louisiana	Minister to France	17,
	v isiting statesman, Louisiana	Governor of New Mexico	
Total			87,
L. Stearns	Governor	Commissioner to Hot Springs	5,
C. Humphries. B. McLin	Elector	Collector, Pensacola Associate Justice, New Mexico (not confirmed)	3,
B. McLinoses J. Taylor	Member of returning board	Associate Justice, New Mexico (not confirmed)	1,
seph Bowes	Inspector, Leon County	Clerk Treasury Department	
. K. Cessna	Clerk circuit court, Jefferson County Inspector, Leon County Judge, Alachua Inspector of elections, Alachua County	Postmaster	2
H. Black	Inspector of elections, Alachua County	Philadelphia custom-house	1.
	Secretary to Governor Stearns		1
	Adjutant-general	Receiver, land office	and f
mes Bell	Changed tickets, Jefferson County Republican manager, Monroe	Timber agent.	····i
nnel Govan — Phelps W. Maxwell	Political manager. Detective in employ of republican visiting	Consul to Spezzia Secretary to McCormick at Paris exposition Lieutenant in regular Army	2
	statesmen. Telegrapher, who gave news about democratic		1
	dispatches.	Treasury Department. (Sister in Treasury; dismissed when he said he considered Tilden elected.)	
ennis Eagan	Chairman republican State committee Republican manager of Alachua	Collector internal revenue	2
W. Howell	Manager false returns from Baker	davit.) Collector for Fernandina	1
The following officers of the Government were in Florida, drawing their regular sal-			26
aries, looking after the canvass during the			
iomas J. Brady		Second Assistant Postmaster-General	3
- Peyton		Assistant in Attorney-General's Office	1
illiam T. Henderson		Special agent, Post-Office Department	1,
L. Tidball.		Special agent, Post-Office Department	1,
			11,
Grand aggregate of annual salaries paid to the men who counted Hayes in			233,

I say that from this paper the price of the Presidency to pay the men connected with the returning boards amounts annually to \$233,020 and received the postmaster. They are scattered around from twenty-five cents a day of the property of the people as honestly in the series of the Presidency to pay the men option of the presidency to pay the presidency to pay the men option of the presidency to pay the presidency

expressed at the polls! I propose to have this list go to the people of the United States to show the price of the Presidency paid under the strict rules of civil-service reform. We know what civil-service reform means under this administration created by the republican party and put in power. We saw it last summer. In the inaugural message of Mr. Hayes he said that the offices of the Government belonged to the people; that office should not be given as a reward for partisan services. I wish I had time to read it. It is blessed and holy and refreshing in the light of subsequent events. Last summer we saw but one Cabinet officer left in the city of Washington to attend to the business of the Government, and he was afflicted with a sore throat and could not talk. [Laughter.] One of them was speaking in soft Teutonic accents to the Germans of Ohio. Two others were chained like galley-slaves to the triumphal car of the senior Senator from New York, most unwilling captives; another of them was in the State of Virginia haranguing the loyal colored people of that ancient Commonwealth with such fervid eloquence that they voted unanimously the other way. The President himself led the van, "swinging around the circle," to borrow the phrase of Johnsonian times, telling the dear people what he knew of agriculture and the great blessings of civil-service reform!

I said this was the price of the Presidency. I shall file an amended petition. I left out \$1,750 paid by President Hayes and the Secretary of the Treasury last summer to Cassanave, a member of the returning board in New Orleans. He did not receive any pay in the shape of office. He came on to Washington City because a judgment had been rendered against him and Kennard and Anderson and Wells for a fee of \$5,000 for defending them on an indictment in the circuit court of them was speaking in soft Teutonic accents to the Germans of

a fee of \$5,000 for defending them on an indictment in the circuit court at New Orleans for perjury and fraud as members of the returning board. Judgment was rendered and execution was issued. The others being insolvent the plaintiff levied on the livery stable of Mr. Cassanave. He came to Washington City to appeal to the gentlemen who had received the principal reward of his rascality to take up that judgment and relieve him. The entire history of the transaction is worthy of being perpetuated.
On August 7, 1879, Cassanave addressed a letter to the President, stating distinctly his demands:

If my property is sacrificed under that judgment it will render me bankrupt. I am a poor man and unable to sustain such a loss. I have always assumed a full share of the responsibility attaching to the official acts of the returning board, although I have never enjoyed any of the fruits resulting from its findings; and in this connection I respectfully remind you—

The head of the civil-service reformthat I hold no office under your administration-

He had not been paid-

and have derived no pecuniary benefits whatever therefrom; but on the contrary I have sustained considerable loss in my business on account of my identity with the board. Messrs. Anderson, Wells, and Kenner, the other three members and their numerous family connections are enjoying lucrative positions in the employ of the Government.

I called upon Mr. Sherman yesterday and he proffered me a contribution of \$100 as the only relief he could offer me, which I was compelled to decline out of respect for the great finance minister of our Government.

I think that is pretty good, even for Louisiana. [Laughter.]
Before sending this letter, Cassanave had called upon Mr. Hayes
and was informed that he could do nothing for him. In a few hours,
however, after writing this letter, \$500 was sent to New Orleans to
be paid on the judgment, and on August 13 the following dispatch
was sent to Messrs. Shellabarger and Wilson, attorneys for KELLOGG
in this case now before the Senate, they seem to have a general rein this case now before the Senate; they seem to have a general retainer in this Louisiana business:

WASHINGTON, D. C., Aug. 13, 1879.

E. NORTH COLLUM, New Orleans, La. : Should we send \$1,000 more on returning board judgment will you give reason able time for balance?

SHELLABARGER & WILSON. To this dispatch came the following reply:

NEW ORLEANS, La., Aug. 13, 1879.

Messrs. Shelllabarger & Wilson, Washington, D. C.:

Messrs. Shelllanarder & Wilson, "Maching on the 17,750, and Cassanave will give security not to dispose of his property, I will wait till Jan'y. 1.

E. NORTH CULLOM.

Cassanave stated that on August 15 Shellabarger gave him the following dispatch, and directed him to sign and send to Cullom:

WASHINGTON, D. C., Aug. 15, 1879.

E. NORTH CULLOM. New Orleans:

Will cause \$1,000 to be mailed to-day, provided you stop sale and wait until Jan'y, 1 for balance. Answer immediately. G. CASSANAVE.

To which Cullom replied:

NEW ORLEANS, LA., August 15, 1879.

G. Cassanave,

Washington, D. C.:

I will not. Sale goes on.

E. SMITH CULLOM.

Cassanave carried the answer to Shellabarger, who indorsed upon it the following:

To Secretary SHERMAN:

I telegraphed that I would send \$1,000 to-day if sale would stop and the plaint-iff wait for the balance till January, and this is the answer. What shall I do with the \$1,000 ?

It is proper to state that this \$1,000 had been sent Shellabarger by Mr. Hayes on August 13.

Cassanave delivered the indorsed dispatch to Sherman while at a Cabinet meeting, and the Secretary wrote upon it to Shellabarger as

You may offer the \$1,250.

Cullom declined to take less than the \$1,750, and the result was its payment by the attorneys of the Administration and the stopping of the sale. Why the President and Secretary of the Treasury changed their determination, and what relation existed between the work of the returning board and the payment by them of \$1,750, I leave to the candid judgment of honest men.

Mr. President, I have spoken much longer than I intended. sire to notice one or two other points in this case, and conclude. As a matter of course, in a debate of this sort, which more or less partakes of a partisan character, it is not to be expected that the staple stock in trade of the republican party should not be brought out and exhibited to the public gaze. As a matter of course we have heard from the Senator from Louisiana and the Senator from Maine intimations that all this thing turns upon the treatment of the colored race in the South by those who were lately in rebellion against the Government, that the colored people of Louisiana had been continually butchered, and that rapine and disorder prevailed through the entire

The pencil of Nast, the pen of Nasby, the northern press and pulpit and the republican orators upon the hustings have taught the average republican mind that the whites of the South spend their time age republical mind that the man whisky and abusing the principally during the day in drinking mean whisky and abusing the Government, and at night in murdering inoffensive negroes. That Government, and at night in murdering inoffensive negroes. That is the staple stock in trade to-day of the republican party. It was used to carry some of the Northern States at the last election. It is to be used again under the leadership of that most illustrious ex-President of the United States, with the banner so well described by the Senator from North Carolina [Mr. VANCE] floating above him. We are again to be lectured upon this same theme.

There are certain facts that ought to be known to the American people. I have no hope that any feeble utterance of mine will reach that great public ear of the North; I know that it is hermetically sealed against any man who, like myself, shared the fortunes of the South. They hermetically seal their ears against any utterance from such a source, but it is an adage that figures will not lie.

such a source, but it is an adage that figures will not lie.

In 1870 the population of the ten cotton States, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Tennessee, was 8,272,233.

For the year ending June 30, 1879, the domestic exports from the United States amounted in value to \$717,093,777. Of this vast sum the cotton States are credited with \$162,304,250 for cotton alone; showing that over 22 per cent. of the value of our exports was for a crop grown by less than 20 per cent. of our population.

From the New Orleans papers of the 25th instant, I see that the receipts of cotton up to April 24, 1880, in all the southern ports were 5,551,769 bales, against 4,900,545 for the same period in the preceding year, showing an increase of 650,224 bales.

What candid mind can believe that results like these come from murder, oppression, and social disorder?

murder, oppression, and social disorder?
In his message to the Packard legislature on January 1, 1877, Mr. Kellogg made the following statements:

In his message to the Packard legislature on January 1, 1877, Mr. Kellogg made the following statements:

The assumption that Southern States cannot prosper under governments elected in strict accordance with the requirements of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States is disproved by facts. The assessment-rolls of the different parishes of the year 1875, filed in the office of the State auditor, give instructive statistics of the agricultural productions of that year. From several of the parishes complete returns were not made. It is fair to assume, as they are tax returns, that none of them err on the side of overstating results. In fifty-three out of fifty-seven parishes, with a cultivated area of 1,934,907 acres, and an uncultivated area of 1,934,907 acres, the products of the year are shown to have been 300,000 bales of cotton, 100,000 hogsheads of sugar, 235,000 barrels of octoon, 185,000 barrels of rice, and over 6,000,000 bushels of cour. Returns for the year just closed have thus far been received from only forty-eight out of fifty-seven parishes, but careful computations place the probable yield at 450,000 bales of cotton, 186,000 hogsheads of sugar, 364,000 barrels of rice, with more than sufficient corn to supply all home demands. These statistics do not include cypress lumber, moss, and other fruits; tobacco, one variety of which is cultivated to a considerable extent in several parishes; oats and other cereals, which in the hill districts are successfully raised; and neat-cattle and vegetables, in the rearing of which the State is almost self-supporting. All these considered, it is safe to say that the value of the products of the State during the present year will range from fifty-five to sixty millions of dollars. By whom have these results been produced! Not to any appreciable extent by white labor. It is one

And yet we are told in the face of these statements, showing, if Kellogg is believed, a prosperity almost unexampled, that crime and violence ran riot, while every sort of lawless oppression was being daily exercised toward the laboring class by the owners of the

No honest mind will credit the assertion. The figures of Mr. Kel-Logg show the increase in sugar, the increase in cotton, the increase in corn, hogs, and cattle; and yet at the same time he would have us

believe that by night and by day an unceasing war was being made upon the producers by the owners of the soil. To-day the South stands and speaks for herself, speaks in the homes she is now rebuilding an lin the men that come with honest allegiance to this Government to fight for it and die for it against a foreign foe.

I do not pretend that scenes of violence and disorder have not been witnessed during the period of reconstruction in the Southern States. If such had not been the case, it would have been a miracle equal to any recorded in Holy Writ. The people of the South have been called upon to pass through an ordeal such as no other people in all history have experienced. Their slaves, suddenly emancipated, were put over them as rulers and law-givers, while a horde of merciless and unprincipled adventurers controlled the ignorant and credulous negro, in order to plunder the State. in order to plunder the State.

What English-speaking people would have submitted without resistance to such outrages as have been perpetrated upon the people

of the South?

Sir, I have not one word to utter against the colored race. I know them far better than their pretended friends upon the other side of this Chamber, and I bear willing witness to their docility, kindness, and fidelity. By the memory of long years of kindly intercourse am I and mine reminded of these traits; but this very docility, this parasitic nature of the colored race, made them pliant tools and easy victims of the unprincipled carpet-baggers who gathered like wolves than the wounded and bleeding South

about the wounded and bleeding South.

Sir, I stand here to-day representing three millions of people as loyal to this Government as any in New England. I come from a State that furnished one hundred and ninety-nine thousand soldiers to the Union Army; and I am here representing these soldiers; and I say that the people of Missouri are as true and loyal to this Government as any man who claims direct descent from the Pilgrim fathers at Plymouth Rock; yes, sir, as true, as earnest, and as loyal to the Constitution and Union of these States. In the name of this people I protest against partisan and sectional appeals to justify the outrage

perpetrated upon Louisiana in seating upon this floor one who was never elected by that State to represent her sovereignty in the Senate.

But, Mr. President, my strength is exhausted. I would that I could say more upon this question so important to the people of Louisiana and so important to constitutional liberty throughout the country. The rights of Louisiana can be secured, the wrongs of Louisiana can be redressed, but who can estimate the far-reaching consequences of that greater wrong inflicted by the same agencies and at the same time upon the people of all the States, when the representative prin-ciple of free Government was stricken down to subserve the madness

and greed of party.

Time may heal the wound, and such will be every patriot's prayer, but liberty is a plant so sensitive that once touched by robber hands to be a plant so sensitive that once touched by robber hands.

but liberty is a plant so sensitive that once touched by robber hands it needs long years of tender watch and loving care before its leaves again put forth or its flowers bloom.

Mr. HAMLIN. If there is no Senator desiring to speak upon the pending question at this time, I ask the unanimous consent of the Senate to take up Senate bill No. 1650 and dispose of it.

Mr. WITHERS. I gave notice yesterday that I would to-day ask the Senate to take up for consideration the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes. In discharge of the duty imposed on me by the Committee on Appropriations, I must ask that that be done by laying aside temporarily the regular order and proceeding to consider the bill I have named. the bill I have named.

Mr. HAMLIN. I wish to make an appeal to my friend from Virginia. I feel an interest in the bill which I have referred to. I think it cannot take much time. I shall be absent from this body to-morrow in paying that respect which is due from me to a deceased friend.

On the next day I shall be away on my road home. I wish the Senator would indulge me in letting this bill come up and be disposed of.

Mr. HILL, of Georgia. Mr. President, what has become of the reg-

ular order ?

The PRESIDING OFFICER, (Mr. FERRY in the chair.) It is pro-

posed that it be laid aside temporarily. It holds its place.

Mr. HILL, of Georgia. I desire to state to the Senate that I very much hope to hear something from the other side on the regular order, the Louisiana question, before I address the Senate. If any gentleman wishes to take the floor now I will give way to him and let him speak before I do.

Mr. CAMERON, of Wisconsin. Mr. President, I think that some one or more Senators on this side of the Chamber will desire to ad-

dress the Senate, and will be ready to go on to-morrow morning.

Mr. HILL, of Georgia. That will do. The Senator from Wisconsin
may take the floor and yield to any gentleman on that side he pleases to-morrow morning.

to-morrow morning.

Mr. CAMERON, of Wisconsin. I will.

Mr. HILL, of Georgia. I simply want the programme understood.

That being arranged, I am willing that the Senator from Maine [Mr. HAMLIN] shall have his way. I may be called away from the city next week, and during this week some time I desire to submit my views to the Senate on the question now before it, the Louisiana case, perhaps the day after to purpose. perhaps the day after to-morrow.

Mr. CAMERON, of Wisconsin. If the Senator from Georgia desires to go on, I will not take the floor now.

Mr. HILL, of Georgia. No: I prefer not to do so now.
Mr. HAMLIN. Then the floor being assigned to my friend from
Wisconsin, I now ask the Senate to allow me, by unanimous consent,
to take up this bill. I do not wish to interfere with the pending

The PRESIDING OFFICER. The Chair recognizes the Senator from Visconsin [Mr. Cameron] on the Kellogg question. The Senator from Maine asks for the present consideration of Senate bill No. 1650.

CLAIMS AGAINST NICARAGUA.

By unanimous consent, the bill (S. No. 1650) authorizing the President to make the necessary arrangements to carry into effect any convention between the United States and Nicaragua for the adjustment of claims which may be duly concluded between the two governments was considered as in Committee of the Whole.

Mr. WITHERS. I wish to merely state before the Senate proceeds to the consideration of that bill that I shall feel it my duty to antagonize other business with the appropriation bill to-morrow.

Mr. CAMERON, of Wisconsin. I will state to the Senator from Vir-

ginia that, so far as I am concerned, I will not antagonize the appropriation bill.

Mr. HAMLIN. The question is on agreeing to the amendment re-

ported by the committee.

The PRESIDING OFFICER. The question is on the amendment of the select committee to inquire into claims of citizens of the United States against the government of Nicaragua.

The Chief Clerk read the amendment, which was to add to the bill: SEC. 7. That the appointment of none of the officers named in this act shall be made until after a convention as herein provided for shall have been made and ratified by the Senate.

The amendment was agreed to.
Mr. HAMLIN. The Senator from Vermont [Mr. EDMUNDS] is not now in his seat, but messengers have gone to find him.
The PRESIDING OFFICER. The Chair understands that an amendment has been proposed and ordered to be printed while the Senate was sitting on this bill with closed doors. Mr. HAMLIN. I do not ask that the bill be considered with closed

The PRESIDING OFFICER. There was an amendment offered when the Senate was in session with closed doors. The Chair understands that the Senator from Vermont has offered an amendment as as substitute for the bill. That occurred when the Senate was sitting with closed doors. The Senator is not in his seat.

Mr. HAMLIN. I want to know if an amendment changing a bill of the Senate into a resolution of the Senate is in order—to change a

colt into a calf!

The PRESIDING OFFICER. The Chair is not to decide on that. The Chair will rule that all amendments are in order to any bill pend-

ing except upon appropriation bills.

Mr. HAMLIN. Then I raise the question of order that it is not in order to change a bill reported by a committee into a simple resolu-

tion of the Senate.

The PRESIDING OFFICER. The Chair will submit that question to the Senate. The Chair has a little delicacy, however, in having this amendment read unless the Senate desire it, it having been offered while the Senate was sitting with closed doors and the Senator who offered it not being in his seat.

Mr. DAVIS, of West Virginia. I submit to the Senator from Maine

whether we ought to proceed in the absence of the Senator from Ver-

mont.

Mr. EATON. I have sent for the Senator from Vermont, and I do not suppose my friend from Maine desires to push this matter till he comes in

Mr. HAMLIN. Here he is.
Mr. EDMUNDS. What is pending?
The PRESIDING OFFICER. The amendment of the committee has been agreed to. It was stated that the Senator from Vermont while the Senate was sitting with closed doors had offered an amendment which the Chair, in deference to the Senator, under the circumment which the Chair, in deterence to the Senator, under the circumstances declined having read unless the Senato ordered it to be done. The Senator from Vermont is now in his seat.

Mr. EDMUNDS. I think it better that we should consider this matter with closed doors as we did before, and I make that motion.

The PRESIDING OFFICER. The Senator from Vermont moves that the consideration of this bill be with closed doors.

The protion reason and the doors were alread.

The motion was agreed to, and the doors were closed. After a session of twenty minutes with closed doors the doors were reopened and the bill was reported to the Senate, and the amendment made as in Committee of the Whole was concurred in. Mr. INGALLS. Does the amendment offered by the Senator from

Vermont appear on the Journal of the Senate?

The PRESIDING OFFICER. The Chair was about to state that the Senator from Vermont had moved an amendment which will now

be reported. Mr. HOAR. It is not necessary to read it again; it has been read.

It can be inserted in the RECORD.

The amendment of Mr. EDMUNDS was to substitute the following resolution:

Resolved. That the President be, and he hereby is, requested to urge upon the government of Nicaragua the conclusion of a convention to provide for the settlement of claims of citizens of the United States against that government.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments, disagreed to by the House of Representatives, to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes.

On motion of Mr. BECK, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-

And Messrs. Beck, Withers, and Allison were appointed conferees on the part of the Senate.

SESSIONS WITH CLOSED DOORS.

Mr. CONKLING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be instructed to inquire into the propriety of amending Rule 64 of the Senate so as to require a vote of the Senate to close its doors.

EXECUTIVE SESSION.

Mr. McPHERSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 4, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. TOWHSHEND, of Illinois. As the list of States and Territories was not called through yesterday for the introduction of bills and joint resolutions for reference, I ask now that unanimous consent be given to complete the call as of yesterday.

Mr. ORTH. I must object. I rise under the order of the House

made yesterday, to submit a personal explanation.

Mr. TOWNSHEND, of Illinois. I hope my friend from Indiana
[Mr. Orth] will allow the list of States to be called through; it will take but a short time.

Mr. ORTH. I will take but a short time myself.

The SPEAKER. The gentleman from Indiana [Mr. ORTH] declines until he has made his statement, and he now claims the floor under

Intil he has made his statement, and he how claims the hoor under the order of the House yesterday.

Mr. TOWNSHEND, of Illinois. Mr. Speaker—
Mr. ORTH. I do not yield.

Mr. TOWNSHEND, of Illinois. I rise for the purpose of saying that as the gentleman from Indiana [Mr. ORTH] intimated yesterday that he desired my colleague [Mr. Springer] to be in his seat when he made his explanation, I call his attention to the fact that my colleague is not now present.

league is not now present.

Mr. ORTH. That is not my fault.

Mr. TOWNSHEND, of Illinois. If the gentleman will allow the States to be called, my colleague will be here by that time.

Mr. ORTH. I must decline to be interrupted.

The SPEAKER. The gentleman declines to be interrupted and will

VENEZUELAN CLAIMS-PERSONAL EXPLANATION.

Mr. ORTH. Mr. Speaker, this is the first time in a service of nearly twelve years that I have asked the attention of the House to a matter personal to myself. The explanation which I am about to make is due to my friends, and especially to my immediate constituents, who have for so long a period favored me with their unwavering confidence and support. These friendships and this confidence are to me dence and support. These friendships and this confidence are to me beyond all price, and shall ever be regarded as among the most cherished memories of my life. To some it may seem that this explanation should not have been deferred so long, but it was so deferred in the hope, now a reality, that I could make it in this Hall, where it can most properly be made, for the reason that here the chief matters causing it had their origin.

Four years ago, while I had the honor of representing our Government at the court of Vienna, the republican party of my State, with singular unanimity and without solicitation on my part, tendered to me the nomination for the honorable and responsible position of governor. I accepted this nomination, returned home, entered upon the

canvass, and soon thereafter tendered my declination, and I now propose to state the reasons which induced this declination.

The year 1876 will long be remembered as the era of "congressional investigations." These were exceedingly fashionable, and whether they produced any practical results or simply the result which the mountain in labor produced, they furnished at least what a then morbid public sentiment desired, choice morsels of scandal and vilification.

and vilification.

Prominent among these is the one known as the "Venezuela investigation," in connection with which my name has been so freely used. After a brief recital of the history of the claims of American citizens against the government of Venezuela, necessary to a proper understanding of this matter, I shall refer to the origin, peculiarities, and purpose of said investigation.

For a long period of time in our past history, dating back to and beyond the administration of Andrew Jackson, some of our citizens have had claims against the government of Venezuela griging out of

have had claims against the government of Venezuela arising out of various torts and contracts, some of the contracts being for the guns and powder used by Simon Bolivar in achieving the independence of that country. These claims at one time or another had been made the subject of official correspondence with reference to their adjudication and payment between the respective governments during all, or nearly all, of our administrations from that of Andrew Jackson to that of Andrew Johnson. Their validity was thus frequently recog-

nized and their payment demanded by our Government.

As a result of this correspondence, a treaty was concluded between the two governments in April, 1866, for the creation of a "mixed commission," consisting of two members, one of whom should be appointed by each of the governments, and of an umpire to be named by the Russian minister at Washington. The person named as umire was a siting of Vergrala, the giving to the government tree. by the Russian minister at Washington. The person named as umpire was a citizen of Venezuela, thus giving to that government two out of the three members of the commission. The commission met, discharged its duty, allowed claims to the amount of one million and a quarter of dollars—the amount claimed being nearly four times that sum—and adjourned in August, 1868. Venezuela soon after these claims were allowed began the same rôle of delay and refusal in their payment that had characterized her course for so many years, not-withstanding the urgent requests of so many of our administrations. In 1869 complaint was made by that government against the action of the mixed commission, to which Secretary Seward replied that—

The utmost indulgence and forbearance had been practiced by this Government in regard to the claims of its citizens upon Venezuela.

An installment of the interest awarded by the commission has already become due to this Government, and it has been pressed by the claimants to insist with urgency upon prompt payment. It has forborne to do so until it should have maturely considered the objections taken by the government of Venezuela to the proceedings of the commission. That reason for delay having now ceased, this Government can no longer defer a compliance with the just demands of its citizens.

This frank and manly position of Secretary Seward did not prevent the government of Venezuela from continuing its complaints—complaints which never in the whole history of this matter have been sustained by evidence which any respectable court would tolerate—and accordingly charges against the commission were again made to this Government, to which Secretary Washburne replied:

I cannot perceive that you present any new fact or reason for acceding to that

A revision of the work of the commission-

additional to those adduced in your letter of the 12th ultime, and which, as you were informed by my predecessor in his communication of the 3d instant, this Government was constrained to regard as inconclusive and unsatisfactory. I must therefore decline to reconsider the determination with which you have been made acquainted.

In May, 1869, complaints, and complaints only, but no evidence, being again preferred by Venezuela, Secretary Fish replied thus plainly and emphatically:

Plaintly and emphatically:

Had the Government of the United States been as prone to suspicion as the government of Venezuela it might have declined to investigate charges brought forward at so late an hour; but instead of so doing, animated by the spirit of justice, it invited proof. The government of Venezuela failed to furnish anything which Mr. Seward regarded as entitled to the least consideration as evidence. Mr. Washburne, on taking office, was asked to review the decision of Mr. Seward. He did so, and found nothing in the record to warrant him in reversing it. * * * Three times, under three different Secretaries of State, opportunities have been given to the government of Venezuela to substantiate these charges, and nothing has come of the forbearance of the United States except a reiteration of the assault upon the character of citizens of the United States and of Venezuela, without corresponding proof. The President directs me, therefore, to decline further discussion of the subject.

Thus matters stood at the time the Committee on Foreign Affairs, in June, 1870, after a careful investigation of the charges and testimony, unanimously reported-

That the charges against the commission are not substantiated, and that there is nothing which should affect or impair the validity of the awards.

I was a member of Congress at that time, and a member of that committee, and voted, as did every member of the committee, for the adoption of that report. This was all of my congressional connection with these claims.

Afterward, when I was not a member of Congress, I was retained as an attorney on behalf of some of the claimants to procure a distri-bution of the money then in the hands of the Secretary of State, and the passage of the act of February 25, 1873, declaring these claims "as valid and subsisting against the republic of Venezuela." The distribution was made, the resolution was passed, and this ended my connection as attorney. After the action of three Secretaries of State, and the unanimous report of the committee referred to and its adop-

tion by the House, I had reason to believe, and did believe, and now believe, that they are honest, valid, and subsisting claims.

Venezuela continuing to disregard her treaty obligations, notwithstanding the action of the executive and legislative departments of our Government, Secretary Fish, in July, 1875, in a dispatch to our minister at Venezuela, reviewed fully and ably the history of this entire transaction, sustaining the position of our Government, showing the groundlessness of the complaints of Venezuela and the utter absence of any testimony to maintain their charges, and adding that-

Venezuela still complained of some of the decisions and promised shortly to sub-mit a record of testimony in relation thereto, but to this day, while much denuncia-tion and vague suspicion has been spread out, no evidence of any fraud or collusion has been submitted.

This dispatch concluded with directions to our minister at Vene-

Should the payment be refused or be offered only in connection with conditions restraining the right of disposal of the money by the United States, you will, at the expiration of the time which you may have named, close your legation and notify the minister of foreign affairs thereof and will take the earliest opportunity to leave the country.

I have the country.

I have thus very briefly alluded to the action of Secretaries Seward, Washburne, and Fish, than whom no three persons stand higher in public esteem as occupants of our State Department in all the past history of our Government. Their very names are synonyms for all that is able, honorable, and dignified in public station and for all that is pure, honest, and reputable in private life. I will not reproach the memory of the dead or the character of the living by asking whether anything in the lives of these distinguished gentlemen renders them liable even to the suspicion of lending themselves to the base and ignoble act of enforcing the payment of false or fraudulent claims against any foreign government.

against any foreign government.

We might find a clew to the conduct of the Venezuelan government toward our citizens, from whom they have thus long withheld payment, in the following dispatch from our minister, Mr. Russell, to the State Department, in 1875:

I feel bound to add that there are in my opinion only two ways in which the payment of so large an amount can be obtained. The first is by sharing the proceeds with some of the chief officers of this government, (meaning Venezuela,) and the second by a display or at least a threat of force. The first course, which has been pursued by one or more nations, will of course never be followed by the United States.

That is a choice sample of national honor and dignity. Upon it I have no comment to make, because comment is unnecessary. So much for these claims, and the manner in which they had been recognized and treated by the executive and legislative departments of our Government prior and up to the year 1876.

Let me now refer to the investigation which, I contend, was made without the shadow of authority either by the House or the committee. It must be remembered that this pretended to be an investigation into alleged complaints on the part of Venezuela.

This House has no authority in and of itself to treat with a foreign

government, to receive from it any communication, or to have any intercourse whatever with its agents, attorneys, or officials. All intercourse between governments must be through their executive and not through their legislative department. Our Executive made no communication to or request of either House during the Forty-fourth

communication to or request of either House during the Forty-fourth Congress looking to such investigation. On the contrary, President Grant, in his annual message, December 7, 1875, says:

I am happy to announce that the government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenues which some years since it allotted toward the extinguishment of the claims of foreigners generally.

In thus reconsidering its determination, that government has shown a just sense of self-respect, which cannot fail to reflect credit upon it in the eyes of all disinterested persons elsewhere.

The investigating report made to this House starts out by saying, "The committee, &c., to whom was referred the message of the Pres ident, &c., with accompanying correspondence, relating to the mixed commission and also sundry memorials on that subject, have," &c.

This language could not refer to the President's annual message,

This language could not refer to the President's annual message, from which I have quoted, but it may be said that the President thereafter sent another message to this House on this subject. He did so on the 15th of May, 1876, in response to a resolution of this House, adopted April 10, 1876, "requesting the President to inform the House as to what measures have been adopted to enforce the provisions of the act of February 25, 1873," affirming the validity of these awards. Mark here, not a single word in the resolution about complaints from Venezuela—not a word in the message about any such complaints.

How then did this House obtain any jurisdiction, and where did the Committee on Foreign Affairs obtain any power or authority to enter upon any such investigation? Did it obtain any jurisdiction or authority by virtue of any "memorials" asking for such investigation? I answer, none whatever; and no man can truthfully controvert this

The committee had but one memorial before it, and that asked for no investigation or relief affecting the validity of the award. That was the memorial of Seth Driggs, a simple-minded octogenarian, who on the 8th of February, 1876, sent a memorial to Congress asking that the State Department be instructed to withhold the payment of cer-tain portions of his awards from his attorney, with whom he quar-

reled, and who, he alleged, had taken advantage of him in the settlement of his claim against Venezuela. Mr. Driggs had large claims tiement of his claim against venezuela. Mr. Driggs had large claims of long standing against that government, was awarded a large sum of money, and was not likely to ask Congress to invalidate his awards and take from him that which he then and now claims is justly due him from that government. The idea of his asking such relief is preposterous in the extreme; a relief which would deprive him of his just rights and make him a pauper for life.

This so for as the mingrand or account in the calls had a large claims of the calls had a large claims of the calls had a large sum of large claims.

This, so far as I am informed or can ascertain, was the only basis upon which the committee (or rather one of its members) proceeded to act in a matter which affected the rights of American citizens to the extent of over a million of dollars, and to wipe out this large amount of their property without even so much as giving them any notice or any opportunity to appear and defend their rights. I affirm that not a single claimant was informed of the intended action or purposes of the committee, or invited to meet any charges which might be made by any person whatever affecting their rights under the treaty. Was there ever such outrage or injustice? The most despotic government on earth would scorn thus to treat any of its

Secretary Seward, in his correspondence on this subject, very properly, after referring to the parties in whose favor awards had been made, says:

All such persons may claim, with show of reasons which it is difficult to refute, that they have vested rights in the awards, indefeasible by the action of either or both the governments, which surrendered to a common arbiter, without reserve, their entire jurisdiction in the premises.

Mr. Driggs had prior to the Forty-fourth Congress presented similar memorials, but no action was taken on them, for the simple reason that no Congress would intervene between the quarrels of a client and this attorney. No action would have been taken on this memorial, only that it was a year of investigations. The memorial was presented on the 8th of February, and slept quietly in the committee-room until the 20th of May following.

In the mean time I had been nominated as a candidate for governor

in my State. Indiana was regarded as a pivotal State in the campaign of 1876, and no means must be left untried which could in any manner affect the result of the contest. It was known that at a time when I was not in Congress I had been the attorney for some of these claimants, and hence it might be well to start an investigation. The agents, attorneys, and officials of Venezuela would favor it, for it would furnish that government a pretext for further delays; my political and personal enemies—and what public man is without these?—would favor it, for it might inure to their benefit or gratify their animosities.

Am I mistaken in my surmises? Let us see as we proceed. The report made to this House is made by "Mr. Springer." All the witnesses were examined by "Mr. Springer," the entire machinery of nesses were examined by "Mr. SPRINGER," the entire machinery of the investigation was managed, engineered, controlled by "Mr. SPRINGER." The examination of witnesses was commenced on the 20th of May, 1876, by "Mr. SPRINGER," and drawing its slow length along was concluded on the 1st of August, 1876, by "Mr. SPRINGER." It took seventy-three days to examine nine witnesses. There may have been a purpose in "Mr. SPRINGER." for thus protracting the ex-

What further reason for supposing I was to be investigated? The first witness examined was Seth Driggs, and before his examination had proceeded very far "Mr. Springer" asked this question, namely:

What relations did Mr. ORTH, of Indiana, have to the matter

Why this question? My name was not mentioned in the Driggs memorial, nor in any paper or document then before the committee or before "Mr. Springer" that would naturally suggest such ques-

Again, why was the examination protracted for seventy-three days? There might be a necessity for this, and then again it might be deemed a master-stroke of strategy, to furnish the stuff called testimony in weekly doses. Why stop the examination on the 1st of August? My declination as a candidate was on the 2d of August, and there seemed no special reason for proceeding further. Machines are generally run as long as necessary, and when the necessity ceases the machine ceases. It is not generally known that the labors of this most extraordinary

investigation resulted in two reports. The one was sent to and published by the sensational press of the country. It was intended for "general consumption," was manufactured for "partisan purposes," and most adroitly manipulated to accomplish that purpose. It may with propriety be styled a "campaign document," and is entitled to no greater consideration than the stump-speech of any ordinary dema-

gogue.

I hold in my hands a copy of the Chicago Times, of August 7, 1876, in which this "campaign document" is published with the head-lines "The Venezuela swindle." This is the report which the public saw and read, and from which they formed their opinions. I have here also a copy of the report made to this House. This one was not insaw and read, and from which they formed their opinious. I have not intended for newspaper publication, and although full of distorted facts and erroneous conclusions is a very different document from the former. This will fully appear from a comparison between them.

In order to attack the justice of the awards, it became necessary to

bring suspicion and odium upon the members composing the commission. It will be remembered that each of the governments selected one commissioner and they jointly were to select one umpire. If they could not agree in this selection the umpire was to be named by the

Russian minister at Washington. Not having been able to agree, the Russian minister, Baron Stoeckl, was notified of the fact and requested to make the appointment, with which request he complied. If the integrity of this appointment could be successfully attacked, of course the commission would be invalidated and the cry of fraud be raised with some show of plausibility. The author of the "partisan" report had sense enough to appreciate this, and hence he deliberately pens and publishes the following in reference to the umpire, namely:

had sense enough to appreciate this, and hence he deliberately pens and publishes the following in reference to the umpire, namely:

Baron Stoeckl appointed an umpire February 27, 1868. Just how this appointment was brought about, and why there was a delay of over four months in making it, is involved in much mystery.

That Baron Stoeckl vots defrauded in making the appointment of umpire there can scarcely be a doubt, when we consider all the facts and circumstances in relation thereto. Juan N. Machado, jr., was a manufacturer of cotton candle-wicks in Venezuela, and was also the agent of Commissioner Talmage for the transaction of his private business in Caracas, acting under special power of attorney given him by Mr. Talmage. He had no legal attainments and no local reputation such as would suggest him as a proper person for an international arbitrator. From all that can be learned of him, it appears that he was wholly unfit for the discharge of the important duties which were devolved upon him.

Of the claims passed upon by the commission and the umpire, only about one-third in amount was allowed by the two commissioners and two-thirds in amount of the awards were allowed by the decision of the umpire.

The official paper, signed by Baron Stocckl, by which Machado was appointed, states:

"I have been trying to fulfill the confidence reposed in me by those two governments, and therefore I have appointed an impartial man as arbitrator, which man is Senor Machado, who, according to the best information I get about him, has these qualifications in a high degree."

It will be observed that no Christian name is given to the umpire by Baron Stocckl, but in the confirmation of the appointment of the umpire by the commissioners the name appears in full as Mr. Juan N. Machado, jr. This is the first appearance in the record of the name of Juan N. Machado, fr.

It appears from the evidence of Mr. Munoz y Castro that there were resident in Caracas, at that time, three persons bearing the name of Machado. First, Dr. Flipe

Most assuredly, if Baron Stoeckl, by imposition or otherwise, had been made to select one particular person as umpire when he had intended to appoint another and different person, the awards made by such wrongful umpire would have been "void and of no effect." And this would have furnished the author of this "campaign document" a sweet morsel. So anxious was he to find even supposed ment" a sweet morsel. So anxious was he to find even supposed ground for fraud that he deliberately penned the foregoing extract from the "campaign document;" but in the report submitted to this House we find totally different language. In the former it is said, if the hypothesis of Mr. Springer is true, "then the Russian ambassador did not appoint an umpire at all, and the awards made by him are void and of no effect," while in the report made to this House the following language is used, namely:

There has been much discussion on this subject in the diplomatic correspondence between the two governments, and your committee have not thought it necessary to pass upon it at this time. It is sufficient for this inquiry that the Venezuelan government insists that a fraud was perpetrated in this respect, while our government has insisted that the appointment was regular and fairly made.

How very differently indeed this transaction is related in these two reports! But the wily Venezuelan minister and the equally wily au-thor of these reports had no reason whatever to indulge in these surthor of these reports had no reason whatever to indulge in these surmises and suspicions affecting the integrity of Baron Stoeckl and the entire impartiality and good faith with which he discharged the duty assigned him. The author of these two reports especially had no reason to attack the absolute integrity of the good old baron who for so many years and so acceptably represented his government at our capital. Baron Stoeckl intended to appoint Juan N. Machado, jr., and he did arrested that the second province of the seco capital. Baron Stocki intended to appoint Juan N. Machado, jr., and he did appoint Juan N. Machado, jr., as such umpire; and the official evidence of his action is to-day in the State Department and has been there since the 27th day of February, 1868. And more than this, the author of these reports knew it was there; and it reads as

Washington, February 27, 1868

To Hon. WILLIAM H. SEWARD, &c., Secretary of State :

By your communication of the 6th of February, ultimo, you send me a copy of a convention between the United States and Venezuela, to arrange the arbitrament of certain claims.

of certain claims.

In which convention it is stipulated that in case the two commissioners employed, respectively, by the two governments do not agree with the election of one arbiter, he will be appointed by me, as representative of His Majesty the Emperor of all the Russias in the United States.

I have been trying to fulfill the confidence reposed in me by those two governments, and therefore I have appointed an impartial and respectable man as arbiter, which man is Mr. Juan N. Machado, jr., who, according to the best information I get about him, has the qualification.

I have submitted his election to Mr. Rivas, who is in charge of the business belonging to the united states of Venezuela, and he has regarded it as favorable. I am, &c.,

It appears that Rivas, chargé d'affaires of Venezuela to this Government, was informed of Juan N. Machado, jr.'s, appointment and "regarded it as favorable." Again, the two commissioners were informed of such appointment.

as appears by the following:

CARACAS, April 18, 1868.

CARACAS, April 18, 1868.

Inasmuch as the embassador of Russia, in the city of Washington, has appointed as arbiter, in conformity with the convention made between the United States of America and Venezuela of April 25, 1866, and having appointed Mr. Juan N. Machado, jr., as arbiter, and who has accepted the office and taken the oath before the commission, who having received the notification by their respective governments, and agreed to continue the meetings of the joint commission according to the act of the 7th of October, 1867, which election is notified to the minister of the united states of Venezuela:

It is agreed that the meeting of the commission is to occur every day, except Sunday, &c.

FRANCISCO CONDÉ, Commissioner for Venezuela.
DAVID M. TALMAGE,
Commissioner on part of United States.

ALFREDO ANDERSON, Secretary.

In the presence of this testimony, all of which is on file in the State Department, this charge of fraud, which also forms the grand basis of other equally false charges of fraud, must vanish into very thin air and leave its author in an unenviable predicament.

Let us proceed with our comparisons. Here is another extract from this campaign document, not one syllable of which is to be found in the official report of the committee, namely:

found in the official report of the committee, namely:

On the 31st of March, 1870, the record of the committee states as follows:

"The subject of the claims of American citizens against the government of Venezuela was taken up, and Mr. Orff made a statement with regard to the question. The members of the committee discussed the question at some length, after which Mr. Orff was requested to prepare a resolution on this subject."

At the next meeting of the committee, on April 4, the record states:

"The consideration of claims of American citizens on the government of Venezuela was resumed, and Mr. Orff submitted a resolution entitled 'Joint resolution to enforce the stipulations of the convention of Venezuela of April 25, 1866.

"The joint resolution was ordered to be reported to the House, with the recommendation that it pass. Accordingly Mr. Wilkinson, from the Committee on Foreign Affairs, on the 1st day of June, 1870, submitted a report to the House which states that the committee had carefully examined the testimony taken in Venezuela, transmitted to this country in charge of an accredited party, filed in the State Department, and laid before the House by the Secretary of State.

"From the examination made by the committee at that time it was deemed surprising that the evidence was so feeble and inconclusive.

"The report stated that the American commissioner and others implicated had been heard in defense by the committee; the committee were therefore of the opinion that the charges against the commissioner were not sustained, and that there was not sufficient in the testimony to affect or impair the validity of the awards. In view of the premises they recommended the passage of the joint resolution prepared by Mr. Orth."

Let us proceed with our comparisons, for we have not yet reached

Let us proceed with our comparisons, for we have not yet reached the end of this disreputable matter. Here is another part of this "campaign document," not a word or syllable of which can be found in the report which the committee presented to this House, namely:

in the report which the committee presented to this House, namely: It may be interesting in this connection to inquire into the circumstances which brought about the passage of this act in the face of the serious charges which have been made by the government of Venezuela against the conduct of the commission and the character of the claims awarded. Mr. Orth appeared before your committee on the 23d of May last, and stated that he was a member of the Forty-first Congress, but was not a member of the Forty-second. In his testimony he said:

"I went out of Congress on the 4th day of March, 1874. Subsequently to that time, and when I never expected to be in Congress, I accepted an employment from Stilwell and Talmage to act as their attorney in procuring a payment of some money which had been forwarded here by the Venezuelan government and which was in the State Department. That employment included my services down here in Washington to assist in procuring the passage of the joint resolution of the Forty-second Congress declaring the validity of the award.

"My recollection is that the House passed a joint resolution, which went to the Senate, and that the Senate amended it by striking out what was supposed to have been the force part of it, as it was called, and when it came back to the House the House concurred in the Senate amendement."

Mr. Orth further said:

been the force part of it, as it was called, and when it came back to the House the House concurred in the Senate amendment."

Mr. ORTH further said:

"Q. What service did he desire you to perform in relation to the matter?

"A. The first service he wanted me to perform was to come here and get Mr. Fish to make a distribution of the 7 per cent. that was paid. I came and saw the Secretary. Mr. Stilwell desired me subsequently to assist in getting a legislative recognition of the validity of these awards. As I understood, Mr. Stilwell cared nothing for what was called the force part of the joint resolution; he only wanted a legislative recognition of the validity of the awards. They were disputed, and the certificates were comparatively valueless in consequence."

Mr. ORTH stated that on the 4th of March, 1873, when his term of office began, he terminated his employment as attorney for the parties; but in the summer of 1873, as a matter of friendship as much as anything else, he wrote some letters to the State Department in reference to those certificates.

He further stated that he received as compensation for his professional services seven of the one-thousand-dollar certificates issued by the mixed commission, and also money enough to pay his expenses and a reasonable fee; that these certificates were paid to him in nearly equal proportions, but that Talmage paid the greater part. He received some of these certificates in 1871, some in 1872, and some in 1873; most of them after the passage of the law in 1873.

The question was put to Mr. Orth, "Did it not strike you that there was some truth in the statement about the action of the commissioners in the rendering of these awards?"

To which he replied: "I would not like to swear to a surmise. I must confess that where there was so much said, at some time I thought this, and at some time I thought the other; but after the examination, and after the testimony of Murray and Stilwell and Talmage before the Commissioners in the rendering of these owning the other in

the United States had waited long enough for the Venezuelan government, and that the money on hand should be distributed. It was mainly through Mr. ORTH'S efforts that the act of February 25, 1873, became a law. The passage of this act ended all congressional action up to the present time.

If it was not the purpose of the author of this "campaign document" to investigate me, under the pretext of investigating these claims, why did he insert my testimony and exclude that of all the other witnesses? He did so doubtless with the purest of partisan motives; but the Committee on Foreign Affairs would not suffer itself to be thus used, and hence struck out every word of it from the report which he was authorized to present to the House.

But the animus of this "campaign decument" appears still further.

But the animus of this "campaign document" appears still further in the following extract therefrom, and which was not permitted to remain in the report made to this House for the very good reason that not a word of it was true, namely:

Your committee have directed me to report the accompanying bill, and recom mend its passage:

A bill in relation to the Venezuelan mixed commission

A bill in relation to the Venezuelan mixed commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be directed to abstain from distributing among the holders of certificates of awards of the commissioners or arbiters under the convention with Venezuela of the 25th of April, 1866, any sums now in his custody, or which may hereafter be received, on the account of these awards, and that the President be recommended to propose to the government of that republic a convention providing for a rehearing of such of the claims as were laid before or passed upon by the commissioners and arbiter aforesaid as may be agreed upon, and also for the examination of such other claims as may be presented.

SEC. 2. That the said commission to be so formed shall have power to control all outstanding certificates of award of the said mixed commission of 1866, and to issue other certificates to such persons as may be rightfully entitled thereto.

SEC. 3. That the act entitled "An act to enforce the stipulations of the convention of Venezuela of April 25, 1866, and the payment of adjudicated claims," approved February 25, 1873, be, and the same is hereby, repealed.

Mr. Speaker, it is almost beyond belief, but the fact nevertheless

Mr. Speaker, it is almost beyond belief, but the fact nevertheless is so, that the Committee on Foreign Affairs never agreed to any such bill as is above recited, and of course never authorized such bill to be reported to the House, as the author of this "campaign document" asserts. But the end is not yet. All of us know the weight which the asserts. But the end is not yet. All of us know the weight which the unanimous report of a committee carries with it. None knows this better than the author of the "campaign document" report, judging from the fact that he sought to convey the impression to its readers that such report had the unanimous approval of the committee by suppressing the fact that a respectable minority of the committee refused to sanction it. That minority consisted of Mr. Monroz, the distinguished goat laws from Ohio and Mosers Beaker from Peru distinguished gentleman from Ohio, and Messrs. Packer from Penn-sylvania, and Banks from Massachusetts, the former [Mr. Monroe] stating "that he was not prepared, with present opportunities for examination, to adopt all the incidental statements and opinions of the report," and the latter (Packer and Banks) that-

In view of the fact that the testimony taken by the sub-committee has not all been printed, has not yet been submitted to the committee, and is incomplete, and that the time afforded for an examination of the questions involved has been limited, they do not wish to commit themselves to all the findings, deductions, and propositions contained in the report.

Mr. Speaker, each progressive step in this "investigation" but reveals more and more plainly the reckless, if not wicked, purpose of its veals more and more plainly the reckless, if not wicked, purpose of its author, and indelibly stamps upon it a character of utter worthlessness. Here you have the unchallenged statement of two members of the committee (Messrs. Packer and Banks) that the evidence upon which the report pretends to be based "has not yet been presented to the committee," and yet here is an official report made to the House by its author, and filed among our national archives, seeking to destroy over a million of dollars of the property of our citizens, and what is still more reprehensible, seeking to tarnish character and reputation infinitely more precious, without so much as the committee having the opportunity of seeing the testimony upon which it is supposed to be based. A report made under such circumstances and with such surroundings carries with it no weight and is entitled to no consideration, and had its true character and the animus of its author sideration, and had its true character and the animus of its author

been fully known I venture to say the committee would never have authorized its presentation to the House.

This "investigator" was not content with the examination of witnesses brought before him by summons or coming voluntarily. The sanctuary of domestic life and the sacredness of private correspondence was invaded, drawing out the private letters of our former minister to Venezuela, the late Colonel Stilwell, in the vain hope of finding something that would blast the memory of the dead or reflect upon the character of the living. I do not recollect of ever writing or authorizing any one to write to Colonel Stilwell on this subject, but if any letter to him or any one else was written by me, or authorized by me to be written, I am perfectly willing at any time to have

it published to the world. So much for the investigation and the reports

So much for the investigation and the reports.

Mr. Speaker, would you believe it, in view of the clamor which prevailed against me during this investigation that while the "campaign document" is full of direct and incidental allusions to me—referring to me time and again by name—the report presented to the House mentions my name but once or twice incidentally, and nowhere makes the least charge against me personally, or any allusion or insinuation affecting my integrity, or calling in question in any manner any of my acts in connection with this entire transaction. The presentation of this report to the House was followed by a repeal of the act of February, 1873, which the committee in their report to

the House say "was wholly unnecessary, as the treaty provides that the awards " " shall be final and conclusive," and the whole matter remitted to the Executive.

Since then Venezuela has been again urging that our Government should consent to an abrogation of the awards under the treaty of 1866, and the institution of a new commission for the re-examination of these claims. This the President has very properly declined, Secretary Evarts in a recent communication to the Senate stating that "no obligation of justice to Venezuela requires from this Government such abrogation or such new commission," but "on the other hand a necessary attention to the rights of our own citizens * * precludes a remission of their demands to the uncertain composition and the precenting of the precent of the rights of the uncertain composition.

precludes a remission of their demands to the uncertain composition and the precarious administration of a new commission," and adds that Congress might if it saw fit, "institute a judicial investigation * * * to determine which of the awards it would decline to further press the payment of and what awards it would insist upon."

In this connection it may be proper, in a single word or two, to answer the question frequently propounded, "Why I declined to continue the canvass for governor?" As already mentioned Indiana is politically a doubtful State. By both parties it was then regarded as the pivotal State in the Union. The result of her election in October would in all probability have been decisive of her presidential vote in November, and that vote with equal probability might have decided the presidential election. A defensive campaign is most generally regarded as a disastrous campaign. By this investigation have decided the presidential election. A defensive campaign is most generally regarded as a disastrous campaign. By this investigation I was placed on the defensive—placed so not only by the dilatory character of the investigation and the continuous clamor of my political opponents, but also by a similar clamor of personal enemies in my own party as well as by the timidity of political friends. It was a year, too, when charges abounded against all prominent candidates of both parties, and when the public ear was most willing to hear charges, but equally reluctant to listen to explanations or denials. In my case it was not a single charge or series of charges fully made In my case it was not a single charge or series of charges fully made In my case it was not a single charge or series of charges fully made up and challenging denial, but continuously made with weekly variations having their origin in the peculiar mode of examination most congenial to "Mr. Springer," to which I have already adverted, furnished to the press in weekly installments, and embellished with such additions, innuendoes, and insinuations in which a reckless reporter loved to indulge and which a sensational press regarded with luxury unspectable. On mature reflection it seemed to a hour property of the constraints of the constraints of the constraints. unspeakable. On mature reflection it seemed to me but one course unspeakable. On mature reflection it seemed to me but one course could be adopted, and that was to remain no longer in a position when by so remaining I endangered the success of my party to whose principles I am attached, of whose history I am proud, and whose continued triumphs are paramount to the wishes or interests of any single individual. [Applause on republican side.] This concludes what I have to say, and I am thankful for the attention accorded me.

While I have spoken freely and plainly, I have hardly dared to trust myself in view of the treatment I received to use language that would fitly characterize this transaction for fear of trespassing upon the proprieties of parliamentary debate. I have made my explanation and placed it where I most desired it should be placed, on the permanent records of this House. There I leave it, and I leave the conduct of

my "investigator" to receive, what it so justly merits, the condemnation of all honorable men. [Renewed applause on republican side.]

Mr. SPRINGER. I had no notice until yesterday of the address which the gentleman from Indiana [Mr. ORTH] has just submitted to the House. This matter had passed out of my mind, it having occurred four years ago this coming summer. I have not heard more than half of the remarks made by the gentleman to-day, owing to some confusion in the Hall and the difficulty of hearing the gentleman at this distance

As the gentleman has seen fit to submit as a matter of personal explanation at this time remarks concerning what took place during a previous Congress of which I was a member, and has referred to my official conduct at that time as conduct which ought to receive the condemnation of all honorable men, I shall ask the indulgence of the House to hear me at some future day when I have been allowed an opportunity to read the remarks of the gentleman as they will appear in the RECORD and to submit such explanation of my course as in my judgment will convince the gentleman from Indiana himself, as well as all honorable men, that my course in that respect was one in the strict line of official duty and actuated by no ill will to him. On the strict line of official duty and actuated by no ill will to him. On the contrary, the discrepancy between the two reports to which he refers was caused by the request of the gentleman's friends, which I granted, to omit a portion of the first report so that it should not go to the public in the official report of the House.

Mr. ORTH. By whose request?

Mr. SPRINGER. The request came from the honorable gentleman from Ohio, [Mr. MONROE.]

Mr. ORTH. The request came from none of my friends, for that report was not substantiated by any testimony.

report was not substantiated by any testimony.

Mr. SPRINGER. The gentleman from Ohio was a republican member of the committee and was recognized at the time this substitution was made as a friend of the gentleman from Indiana, who had retired from the canvass. I was assured by his friends on this floor that it was not proper after he had retired to private life to connect him with the investigation; therefore I was requested as a favor to him to omit that part of the report which I had prepared and submitted to the general committee. It seems now that an act of kindness on my part at that time toward the gentleman has been construed by him into

dishonorable conduct. All this I will explain to the satisfaction of this House and the country when I have had an opportunity to read his remarks and to review the matter at length. I ask unanimous consent to make such explanation at a future time, due notice of which I will give to the gentleman from Indiana, as he has given me notice on this occasion

Does the gentleman indicate any time? The SPEAKER.

Mr. SPRINGER. The SPEAKER. I cannot state now the time. The gentleman from Illinois asks unanimous consent that he be allowed the same privilege which has been accorded to the gentleman from Indiana, [Mr. Orth,] so that he may reply to the remarks made by that gentleman touching the subject which has been discussed. Is there objection?

Mr. HEILMAN objected. [Cries of "Oh no!" and "Withdraw

your objection!"]
Mr. KELLEY. I hope the gentleman from Indiana will withdraw his objection, as an act of justice to his friend and colleague.

Mr. HEILMAN. I withdraw the objection.

The SPEAKER. The Chair hears no further objection, and unani-

mous consent is given.

Mr. YOUNG, of Tennessee. I wish to make a parliamentary inquiry. I want to ascertain whether any limit is fixed by our rules or by parliamentary usage as to the extent to which a gentleman may go in making a personal explanation? I have no objection to what the gentleman from Indiana has said, or what the gentleman from

Illinois proposes to say.

The SPEAKER. The rules very clearly define what are questions of privilege; but the Chair might as well state, in reference to the matter which has been proceeding here this morning, that it has gone

on by unanimous consent, not under any rule of the House.

Mr. YOUNG, of Tennessee. I think it would be well enough to fix now how far a matter of this kind shall go.

The SPEAKER. The rules fix that; and they will be adhered to, of course, unless the House by unanimous consent should vary the

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and

who also informed the House that the President had approved and signed bills of the House of the following titles:

An act (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee;

An act (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes;

An act (H. R. No. 2902) to place William Gaines, late ordnance-

sergeant United States Army, on the retired list;
An act (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York; to change the name of the steamboat Minnie R. Child, of New York;
An act (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the
Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas; Richard Parker, of Minnesota; James N. Pinkerton, of Colorado,
and Ed. G. Wright, of Kansas;
An act (H. R. No. 4247) to change the name of the steam pleasureyacht W. J. Gordon to Salmo;
An act (H. R. No. 5523) making appropriations for the support of
the Army for the fiscal year ending June 30, 1881, and for other pur-

An act (H. R. No. 5524) to establish post-routes; and

An act (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 6060) making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. REAGAN. One of the objects in reporting this bill now and having it printed is that members may examine it before it is brought

up, so as to make corrections of names, &c.

INTERSTATE COMMERCE.

Mr. REAGAN. I desire to give notice that on Thursday morning next, if the Post-Office appropriation bill shall have been completed by that time, or if not, then as soon as it may be completed, I shall ask the House to take up the interstate commerce bill for considera-

Mr. FERNANDO WOOD. I give notice that I shall antagonize that proposition with the funding bill.

The SPEAKER. These notices do not amount to anything unless sustained by a majority of the House.

Mr. REAGAN. I am aware of that, but I desire the House to know

my purpose in the matter.

INDIAN APPROPRIATION BILL.

Mr. WELLS, from the Committee on Appropriations, to which were referred the amendments of the Senate to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other pur-

poses, reported the same back with a recommendation of concurrence in the amendments numbered 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 26, 27, 33, and 35, and non-concurrence in the amendments numbered 3, 4, 5, 6, 7, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, and 34.

The SPEAKER. The Chair understands that this is a unanimous

report.
Mr. CONGER. Have these amendments been printed in any way?
Mr. BLOUNT. They have been. I will remind the gentleman from
Michigan that this is not a conference report.

The SPEAKER. It is a report of the Committee on Appropriations recommending concurrence in certain amendments of the Senate and

non-concurrence in others.

non-concurrence in others.

Mr. GARFIELD. It is a unanimous report?

The SPEAKER. The Chair is so advised.

Mr. GARFIELD. Then let us adopt the report.

The SPEAKER. It is within the power of any member of the House to ask a separate vote on any of these amendments, but if there be no objection the report of the committee will be adopted as a whole and the amendments of the Senate concurred in respectively, as recommended. curred in, respectively, as recommended.

There being no objection, the report of the Committee on Appropriations was adopted.

Mr. WELLS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

VETO OF IMMEDIATE DEFICIENCY BILL.

The SPEAKER. The Chair desires to lay before the House a message in writing from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

After mature consideration of the bill entitled "An act making ap-After mature consideration of the bill entitled "An act making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes," I return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill appropriates about \$8,000,000, of which over \$600,000 is for the payment of the fees of United States marshals, and of the general

the payment of the fees of United States marshals, and of the general and special deputy marshals, earned during the current fiscal year, and their incidental expenses. The appropriations made in the bill are needed to carry on the operations of the Government and to fulfill its obligations for the payment of money long since due to its officers for services and expenses essential to the execution of their duties under the laws of the United States. The necessity for these appropriations is so urgent, and they have been already so long delayed, that if the bill before we contained as represents a great level. that if the bill before me contained no permanent or general legislation unconnected with these appropriations it would receive my prompt approval. It contains, however, provisions which materially change, and by implication repeal, important parts of the laws for the regulation of the United States elections. These laws have for several years past been the subject of vehement political controversy and have been denounced as unnecessary, oppressive, and unconstitutional. On the other hand, it has been maintained with equal zeal and earnestness that the election laws are indispensable to fair and lawful elections, and are clearly warranted by the Constitution. Under these circumstances to attempt in an appropriation bill the modification or repeal of these laws is to annex a condition to the passage of needed and proper appropriations which tends to deprive the Executive of that equal and independent exercise of discretion and judgment which the Constitution contemplates.

The objection to the bill, therefore, to which I respectfully ask your attention, is that it gives a marked and deliberate sanction, attended by no circumstances of pressing necessity to the questionable and as

by no circumstances of pressing necessity, to the questionable and, as I am clearly of opinion, the dangerous practice of tacking upon appropriation bills general and permanent legislation. This practice opens a wide door to hasty, inconsiderate, and sinister legislation. It invites attacks upon the independence and constitutional powers of the Executive by providing an easy and effective way of constraining Executive discretion. Although of late this practice has been resorted to by all political parties, when clothed with power, it did not prevail until forty years after the adoption of the Constitution, and it is confidently believed that it is condemned by the enlightened judgment of the country. The States which have adopted new constitutions during the last quarter of a century have generally provided remedies for the evil. Many of them have enacted that no law shall contain more than the country that the relative transfer is the country. one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision, or some other of like intent and meaning. The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true rule of legislation, which is that every measure should stand upon its own merits.

I am firmly convinced that appropriation bills ought not to contain any legislation not relevant to the application or expenditure of the money thereby appropriated, and that by a strict adherence to this principle an important and much-needed reform will be accom-

plished. Placing my objection to the bill on this feature of its frame, I forbear any comment upon the important general and permanent legislation which it contains, as matter for specific and independent consideration.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, May 4, 1880.

Mr. COBB. I move that the message be printed and referred to the Committee on Appropriations and that the bill lie upon the Speaker's

Committee on Appropriations and that the bill lie upon the Speaker's table; and upon that I move the previous question.

Mr. GARFIELD. I wish to inquire what effect "lying on the table" will have upon this bill? Does not the Constitution require us to vote on the bill? If the bill is laid upon the table that would be equivalent to killing it.

The SPEAKER. The motion of the gentleman from Indiana is in accordance with the practice of the House on similar occasions.

Mr. GARFIELD. I understand it is competent to lay a bill on the table: but the language of the gentleman from Indiana is that this

table; but the language of the gentleman from Indiana is that this

bill lie on the table.

The SPEAKER. It is the language of the Manual.

Mr. GARFIELD. When I move that a bill be laid on the table I may not call it up afterward; but if I move that it remain on the table it is quite another thing. What I want in this motion is that there may be no misunderstanding in reference to it, that it may be

Mr. McLANE. It is not on the table now, and cannot remain there.
Mr. GARFIELD. If it merely intends that it shall remain on the
table until acted on, I have no objection to that.
Mr. STEPHENS. The right language would be to postpone the con-

Mr. SPARKS. The Manual says—
Mr. LAPHAM. I submit that if it is laid on the table we cannot proceed to execute the injunction of the Constitution by voting on it. Under the Constitution we must pass upon it, and no motion should be made in the House which would prevent us under the rules from

The SPEAKER. The Chair supposes that the object of the gentleman from Indiana is to refer the message to the Committee on Appropriations in order that that committee may consider the objections of the President. Pending the consideration of which the bill is to remain on the Speaker's table.

Mr. COBB. That is my object, simply that the matter shall be

Mr. COBB. That is my object, simply that the matter shall be referred to the Committee on Appropriations to consider and determine what course or policy to pursue. I will read from the Manual—
Mr. SPARKS. The motion is to print the message and refer it to the Committee on Appropriations, and the effect of the motion is full ther that the bill shall lie upon the table pending that consideration; in other words, to remain on the Speaker's table until called up for action.

Mr. COBB. I read now from page 328 of the Manual:

Whenever a bill is returned to the House with the objections of the President, it is usual to have the message containing his objections immediately read, (Journals 1, 28, pages 1081 et seq.,) and for the House to proceed to the consideration of the bill, (Ibid.,) or to postpone its consideration for a future day.

Mr. STEPHENS. That is right.

Mr. COBB:

But not where less than a quorum is present, (Ibid. 33, page 1341.) A veto message and a bill may be referred, or the message alone, and the bill may be laid on the table.

Now, my motion is to refer the message to the Committee on Ap propriations, and let the bill lie on the table, in accordance with the

Mr. GARFIELD. Let the gentleman, then, make his motion to lie on the Speaker's table.

Mr. COBB. That is what I did in the first instance.

Mr. GARFIELD. The Speaker's table is simply a place of waiting

Mr. WHITTHORNE. I want to appeal to the gentleman from Indiana to permit the message to go to the Committee on the Judiciary, stating as my reason that while I am prepared just after the cursory reading to agree with the reasoning of the President as against the policy of tacking riders upon bills, and especially upon appropriation bills, yet, sir, I am inclined to believe from that reading that the President has going a start to for and that the prespace advanced in his ident has gone a step too far, and that the reasons advanced in his message threaten a serious invasion upon the rights and privileges of this House, in that under the Constitution this House determines for itself the rules of its proceedings, &c. I prefer, therefore, that my friend will allow me to make a motion that it be referred to the Committee on the Judiciary.

Mr. GARFIELD. The whole subject belongs to the Committee on Appropriations, and should go there.

Mr. COBB. I do not think it proper to go to the Judiciary Committee. If it should go to any other committee than the Committee on Appropriations, the Committee on Rules would seem to be the appropriate committee, because the question involved is whether, under the Constitution, this House has the power to make such rules in regard to legislation as will permit this character of legislation upon appropriation bills. But I take it for granted that there can be no question in reference to that matter, and therefore this question should question in reference to that matter, and therefore this question should properly go to the Committee on Appropriations, to be considered by that committee as to what action shall be taken.

Mr. CALKINS. Is debate in order ?
Mr. WHITTHORNE. I withdraw my proposed amendment.

Mr. COBB. I insist upon my motion.

The previous question was seconded and the main question ordered; and under the operation thereof the motion that the message be printed and referred to the Committee on Appropriations and that the bill lie upon the Speaker's table was agreed to.

Mr. COBB moved to reconsider the vote just taken; and also moved

that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ARTESIAN WELLS EAST OF THE ROCKY MOUNTAINS.

Mr. CONVERSE. I ask unanimous consent of the House to take from the Speaker's table for consideration at this time Senate bill No. 768, which relates to artesian wells east of the Rocky Mountains. is a measure of vast importance, as we have some two hundred mill-

Mr. ALDRICH, of Rhode Island. I reserve the points of order on the bill.

The SPEAKER. The Chair understands the gentleman from Rhode Island as objecting to the consideration of the bill.

Mr. CONVERSE. The gentleman from Rhode Island did not object

to the consideration of the bill; he simply reserved the point of order

The SPEAKER. The gentleman raised the question of order, which the Chair understood as equivalent to an objection.

Mr. ALDRICH, of Rhode Island. I did not make an objection to the consideration of the bill, but simply reserved the point of order

Mr. MAGINNIS. I hope the bill will be taken up. There can be

no objection to it.

Mr. BLOUNT. I object. I want to go on with the Post-Office appropriation bill.

Several members called for the regular order.

INTERNAL REVENUE.

The SPEAKER. The regular order is the bill (H. R. No. 4812) to amend the laws in relation to internal revenue, which comes over as unfinished business from Saturday. When the House adjourned on that day the previous question was prevailing upon the bill and amendments up to the engrossment of the bill. A vote had been taken upon one of the amendments and it was rejected. The second amendment offered by the gentleman from Michigan [Mr. Conger.] will now be read. be read.

The Clerk read as follows:

Strike out section 16.

Mr. CONGER. I think the section proposed to be stricken out need not be read. If my amendment be adopted it will strike out the charge of ten cents on the stamps; and if that be stricken out the law is left as it is.

The SPEAKER. In the absence of any demand for the reading of what is proposed to be stricken out the Chair will submit the question to a vote.

The question being taken on the amendment, there were—ayes 52, noes 65

Mr. CONGER. I will not call for the yeas and nays upon this amendment. Nor do I make the point that a quorum has not voted. I do not consider this amendment so essential as the next.

So (further count not being called for) the amendment was rejected. The Clerk read the next amendment offered by Mr. Conger, as follows:

The Clerk read the next amendment offered by Mr. Conger, as follows:

Strike out section 17 of the bill, as amended, which reads as follows:

"Sec. 17. Whenever the owner of any distilled spirits shall desire to withdraw the same from the distillery warehouse or from a special bonded warehouse, he may file with the collector a notice giving a description of the packages to be withdrawn, and request that the distilled spirits be regauged; and thereupon the collector shall direct the ganger to regauge the same, and mark upon each package so regauged the number of gauge or wine gallons and proof-gallons therein contained. If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package, at the time of the withdrawal thereof from the distillery warehouse or special bonded warehouse: Provided, however, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed one gallon for two months, or part thereof, one and one-half gallons for seven and eight months, troe gallons for nine and ten months, three and one-half gallons for seven and eight months, three and seven and the months, three and one-half gallons for cleven and twelve months, four gallons for thirteen, fourteen, and fifteen months; four and one-half gallons for sixteen, seventeen, and eighteen months; it we gallons for nineteen, twenty-three, and twenty-four months; six gallons for twenty-two, twenty-three, and twenty-four months; six gallons for twenty-five, twenty-six, and twenty-seven months; six and one-half gallons for twenty-five, twenty-six, and twenty-one months; six gallons for twenty-five, twenty-six, and twenty-one months; six gallons for twenty-five, twenty-six, and twenty-one months; six and one-half gallons for twenty-five, twenty-six, and twenty-one months; six and one-half gallons and that the al

Mr. CONGER. I call for the yeas and nays upon that amendment. The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 128, not voting 78; as follows:

	YE	AS-86.	
Aiken, Aldrich, William Anderson, Baker, Ballou, Barlow, Blake, Boyd, Brewer, Briggs, Browne, Burrows, Camp, Carpenter, Caswell, Clafiin, Conger, Cowgill, Crowley, Daggett, Deering, Dunnell,	Farr, Ferdon, Field, Fisher, Frye, Garfield, Gillette, Godshalk, Hall, Hammond, John Haskell, Hawke, Hawley, Hayes, Hazelton, Hiscock, Horr, Hubbell, Joyce, Keifer, Killinger, Lapham,	Lindsey, Loring, Mason, McGowan, Miles, Mitchell, Monroe, Neal, Newberry, Norcross, Orth, Osmer, Overton, Price, Reed, Rice, Richardson, D. P. Richardson, J. S. Robinson, Russell, W. A. Sapp, Sherwin.	Simonton, Singleton, O. R. Silemons, Sparks, Sparks, Stone, Thomason, W. G. Townsend, Amos Townshend, R. W. Tyler, Updegraff, J. T. Updegraff, Thomas Van Voorhis, Wait, Ward, Warner, Weaver, Williams, C. G. Yocum.

NAYS-128.

Acklen,	Davidson,	Jones,	Ryon, John W.
Armfield,	Davis, George R.	Kelley,	Sawyer,
Atkins,	Davis, Horace	Kenna,	Scales,
Bachman,	Davis, Joseph J.	Kimmel,	Shelley,
Bailey,	Deuster,	King,	Singleton, J. W.
Barber,	Dibrell,	Kitchin,	Smith, Hezekiah I
	Dick,	Klotz,	Smith, William E.
Bayne,	Dickey,	Knott.	Speer,
Beale,	Einstein,	Lounsbery,	Springer,
Belford,	Ellistein,	Lowe,	Steele,
Beltzhoover,	Elam,		
Berry,	Ellis,	Manning,	Stephens,
Bicknell,	Errett,	Martin, Benj. F.	Stevenson,
Bingham,	Evins,	Martin, Joseph J.	Taylor,
Blackburn,	Ewing,	McKenzie,	Thompson, P. B.
Bland,	Felton,	McLane,	Tillman,
Blount,	Finley,	McMillin,	Tucker,
Bright,	Ford,	Miller,	Turner, Oscar
Buckner,	Forney,	Money,	Turner, Thomas
Butterworth,	Frost,	Morse,	Upson,
Caldwell.	Geddes,	Morton,	Valentine,
Calkins,	Goode.	New,	Waddill,
Cannon,	Gunter,	Nicholls,	Wellborn,
Carlisle,	Harmer,	O'Neill,	Wells,
Chalmers,	Harris, John T.	Pacheco,	Whitthorne,
Clark, John B.	Heilman,	Page,	Williams, Thomas
Cobb.	Henry,	Persons.	Willis,
Colerick,	Herbert,	Philips,	Wilson,
Converse.	Hooker,	Poehler.	Wise,
	Hostetler,	Reagan,	Wood, Fernando
Cook,		Richmond,	Wright,
Covert,	House,	Rothwell,	
Cravens,	Hull,		Young, Casey
Culberson,	Hunton,	Russell, Daniel L.	Young, Thomas L.
	NOT V	OTTNO 79	

	NOT V	OTING—78.	
Aldrich, N. W. Atherton, Bliss, Bouck, Bowman, Bragg, Brigham, Cabell, Chittenden, Clardy, Clardy, Clark, Alvah A.	Fort, Gibson, Hammond, N. J. Harris, Benj. W. Hatch, Henderson, Henkle, Herndon, Hill, Houk, Humphrey,	Marsh, Martin, Edward L. McCoid, McCook, McKinley, McMahon, Mills, Morrison, Muldrow, Muller, Murch,	Ross, Ryan, Thomas Samford, Shallenberger, Smith, A. Herr Starin, Talbott, Urner, Van Aernam,
Clymer, Coffroth,	Hurd, Hutchins,	Myers, O'Brien,	Vance, Washburn,
Cox, Crapo, Davis, Lowndes H.	James, Johnston, Jorgensen,	O'Connor, O'Reilly, Phelps,	White, Whiteaker, Wilber, Willits.
De La Matyr, Dunn, Dwight,	Ketcham, Ladd, Le Fevre,	Phister, Pierce, Pound,	Wood, Walter A.

Lewis, So the amendment was not agreed to.

The following pairs were announced: Mr. McMahon with Mr. Ryan, of Kansas, on the revenue bill.

Prescott.

Mr. Gibson with Mr. Humphrey. Mr. Talbott with Mr. Urner.

Mr. TALBOTT WITH Mr. URNER.
Mr. MULLER WITH Mr. FORSYTHE, for to-day.
Mr. HAMMOND, of Georgia, with Mr. VAN AERNAM.
Mr. LADD WITH Mr. PIERCE.
Mr. DAVIS, of Missouri, with Mr. HOUK.
Mr. JAMES WITH Mr. O'BRIEN.
Mr. VANCE WITH Mr. WALTER A. WOOD.
Mr. MANDEN WITH Mr. EDER.

Forsythe,

Mr. Myers with Mr. Fort.

Mr. Calkins with Mr. Phister. Mr. Smith, of Pennsylvania, with Mr. Martin, of Delaware. Mr. Dunn with Mr. Harris, of Massachusetts.

Mr. CLYMER with Mr. HUBBELL, on political questions. Mr. Muldrow with Mr. Dwight.

Mr. SHALLENBERGER with Mr. CABELL. Mr. HURD with Mr. WILLITS, on the pending revenue bill and on all political questions.

Mr. Hatch with Mr. Robeson.
Mr. Starin with Mr. Herndon.
Mr. Phister with Mr. Mills, on this bill and all amendments.
Mr. Morrison with Mr. Henderson.
Mr. Cox with Mr. Jorgensen.

Mr. Aldrich, of Illinois, with Mr. Samford. Mr. Lewis with Mr. Davis, of Illinois, for this day, but not upon this bill.

Mr. O'CONNOR with Mr. KETCHAM.

Mr. McKinley with Mr. Bouck.
Mr. Le Fevre with Mr. McCook.
Mr. Prescott with Mr. Robertson during the absence of either from this date, on all questions except to make a quorum or upon a call of the House.

Mr. Pound with Mr. Whiteaker, on all political and revenue ques-

tions until May 12, not to interfere with making a quorum.

Mr. McGowan with Mr. O'Nelll, on all votes upon the internal-

revenue bill.
Mr. CALKINS. Mr. CALKINS. A pair has been announced between the gentleman from Kentucky [Mr. Phister] and myself. Another pair with the same gentleman upon this bill has been announced. My pair with

Mr. Phister on this vote has been withdrawn by consent of his colleagues, and I vote "no."

Mr. WILSON. I am paired with Mr. Robeson, of New Jersey, on all political questions, but not regarding this as a political question,

Down Tohn W

Mr. TOWNSHEND, of Illinois. There has been some misunder-standing as to the pair of the gentleman from New Jersey, [Mr. ROBESON.] I am authorized to say that he is paired with the gen-

The prayions question was seconded and the prayion ordered.

The prayions question was seconded and the prayions question.

The previous question was seconded, and the main question ordered. Mr. CONGER. I call for the yeas and nays on the passage of this

The question was taken upon ordering the yeas and nays, and there were 30 in the affirmative.

The SPEAKER. Upon ordering the yeas and nays there are 30 in

the affirmative, not one-fifth of the last vote.

Mr. CONGER. Let the other side be counted.

The nays were counted, and there were 116. So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 67, not voting 91; as follows:

	YE	AS-134.	
Acklen.	Cravens,	Kelley,	Singleton, O. R.
Aldrich, William	Culberson,	Kenna,	Slemons,
Armfield,	Davidson,	King,	Smith, Hezekiah B.
Atherton,	Davis, George R.	Kitchin,	Smith, William E.
Atkins,	Davis, Horace	Klotz,	Speer,
Bachman,	Davis, Joseph J.	Knott,	Springer,
Bailey,	Deuster,	Lounsbery,	Steele,
Barber,	Dibrell,	Lowe,	Stephens,
Bayne,	Dunnell,	Manning,	Stevenson,
Belford,	Einstein,	Martin, Benj. F.	Taylor,
Beltzhoover,	Elam,	Martin, Joseph J.	Thompson, P. B.
Berry,	Errett,	McKenzie,	Tillman,
Bicknell,	Evins,	McLane,	Townsend, Amos
Bingham,	Ewing,	McMillin,	Tucker,
Blackburn,	Felton,	Miller,	Turner, Oscar
Blake,	Field,	Money,	Turner, Thomas
Bland,	Fisher,	Morton,	Updegraff, Thomas
Blount,	Ford,	New,	Upson,
Bowman,	Forney,	Nicholls,	Van Voorhis,
Bragg,	Frost,	O'Neill,	Warner,
Bright,	Geddes,	Pacheco,	Washburn,
Buckner,	Goode,	Persons,	Wellborn,
Butterworth,	Gunter,	Philips,	Wells,
Caldwell,	Harmer,	Poehler,	Whitthorne,
Calkins,	Harris, John T.	Rice,	Williams, Thomas
Carlisle,	Heilman,	Richardson, J. S.	Willis,
Chalmers,	Henry,	Richmond,	Wilson,
Chittenden,	Herbert,	Rothwell,	Wise,
Clark, John B.	Hill,	Russell, Daniel L.	Wood, Fernando
Cobb,	Hooker,	Ryon, John W.	Wright,
Colerick,	Hostetler,	Sawyer,	Young, Casey
Converse,	House,	Scales,	Young, Thomas L.
Cook,	Hull,	Shelley,	
Covert,	Jones,	Simonton,	
	N.A	VS-67.	

COTOLOG	o omou	EVERTO EL CORES	
	N.A	YS-67.	
Aiken, Anderson, Baker, Barlow, Beale, Boyd, Brewer, Briggs, Brigham, Browne, Burrows, Camp, Carpenter, Caswell, Conger, Cowley,	Daggett, Deering, Farr, Ferdon, Frye, Garfield, Gillette, Godshalk, Hall, Hammond, John Haskell, Hawley, Hazelton, Horr, Hubbell, Jorgensen, Joyce,	Keifer, Killinger, Lapham, Lindsey, Mason, McCoid, McGowan, Miles, Mitchell, Monroe, Newberry, Norcross, Orth, Osmer, Overton, Price, Reagan,	Reed, Richardson, D. P. Robinson, Sherwin, Singleton, J. W. Sparks, Stone, Thomas, Thompson, W. G. Townshend, R. W. Tyler, Updegraff, J. T. Wait, Wilber, Williams, C. G. Yocum.

NOT VOTING—91.

Clark, Alvah A.

Clymer,

Coffroth, Cabell, Cannon Claffin, Aldrich, N. W. Ballou, Bliss, Bouck Cox, Clardy

Crapo, Davis, Lowndes H. De La Matyr, Dick,

Dickey, Dunn,	Hunton, Hurd,	Muldrow, Muller,	Samford, Sapp,
Dwight, Ellis.	Hutchins, James,	Murch, Myers,	Shallenberger, Smith, A. Herr
Finley.	Johnston,	Neal,	Starin.
Forsythe,	Ketcham,	O'Brien,	Talbott,
Fort,	Kimmel,	O'Connor,	Urner,
Gibson,	Ladd,	O'Reilly,	Valentine,
Hammond, N. J.	Le Fevre,	Page, Phelps,	Van Aernam, Vance,
Harris, Benj. W. Hatch.	Lewis, Loring,	Phister,	Voorhis.
Hawk.	Marsh,	Pierce.	Waddill,
Hayes,	Martin, Edward L.	Pound,	Ward,
Henderson,	McCook,	Prescott,	Weaver,
Henkle,	McKinley,	Robertson,	White,
Herndon,	McMahon, Mills.	Robeson, Ross,	Whiteaker, Willits.
Hiscock, Houk.	Morrison,	Russell, W. A.	Wood, Walter A.
Humphrey,	Morse,	Ryan, Thomas	Wood, Walter 21.

So the bill was passed.

The following additional pairs were announced:

Mr. Finley with Mr. Hammond, of New York, for ten days. Mr. White with Mr. Hunton, on the pending bill and on all polit-

Mr. Dickey with Mr. Neal, on thisvote.
Mr. Page with Mr. Murch, on this bill.
Mr. Hatch with Mr. Hawk, on this bill.
Mr. Ellis with Mr. Ward, for the remainder of the day.

The result of the vote was then announced as above stated.

Mr. CARLISLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. With the view of proceeding to the consideration in Committee of the Whole of the Post-Office appropriation bill, I move that the morning hour of to-day be dispensed with. The motion was agreed to, two-thirds voting in favor thereof.

CHEROKEE AND ARKANSAS RIVER RAILROAD. Mr. YOUNG, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ORDER OF BUSINESS.

ORDER OF BUSINESS.

Mr. HOOKER. I ask consent to report from the Committee on Indian Affairs the bill (H. R. No. 3439) to transfer the Office of Indian Affairs from the Interior to the War Department. I ask that the report accompanying the bill be read.

Mr. CONGER. Is that in order now?

The SPEAKER. It is not, except by unanimous consent.

Mr. CONGER. Then I object.

The SPEAKER. Does the gentleman object to the bill being reported and placed on the Calendar?

Mr. CONGER. Let it be reported during the morning hour. I object to any reports of committees except during the morning hour.

Mr. MONEY. I ask the gentleman from Kentucky [Mr. Blackburn] to yield to me for a moment.

Mr. BLACKBURN. It is evident that objection will be made, and I therefore take it to be useless to yield to the gentleman from Mississippi.

sippi.
Mr. MONEY. I do not ask the gentleman to yield to me to make

a report from a committee.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] has

objected to any reports from committees.

Mr. CONGER. The House has dispensed with the morning hour,

which is the time for making reports from committees.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself in Committee of the Whole,
Mr. CARLISLE in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 6036) making appropriations for the service of the Post-Office Department for the fiscal be read the first time in committee.

The Clerk proceeded to read the bill.

Mr. BLACKBURN. Believing, Mr. Chairman, that in the opinion of the House there is no necessity for general debate upon this bill,

of the House there is no necessity for general debate upon this bill, but that under the five-minute rule opportunity will be afforded to both sides (I do not mean both sides politically; I mean both the advocates and opponents of the measure in its several features) to say all that they may desire to say upon its merits or demerits, I move that the committee rise with a view of limiting all general debate on this bill to one minute, so that we may at once proceed to consider it by clauses under the five minute rule.

by clauses under the five-minute rule.

Mr. BELFORD. I understand that some gentlemen on this side desire to be heard in reference to the provision of the bill limiting pay for increased expedition on star routes to 50 per cent. over the original contract price. So far as I am personally concerned I would have no objection to dispensing with general debate, as I do not de-incorporated in the appropriation bills.

sire to take part in such discussion; but I make this suggestion in behalf of other gentlemen. I know that one gentleman at least, the gentleman from California, [Mr. Page,] who is not now in his seat, desires to be heard on the bill.

Mr. BLACKBURN. I am sure the House will bear me out in the statement that I have never sought to abridge debate upon any mat ter pending for its consideration; and I do not desire to do so in this case. But I do not believe there is needed on this bill any discussion which may not be had to the satisfaction of every member under the five-minute rule. The motion I have indicated meets, I think, the approval of an overwhelming majority of the House; and in order to test the sense of the House, I move that the committee now rise with the view of limiting general debate to one minute.

Mr. HASKELL. I would like to have time at least to secure from the Committee on Appropriations an explanation of this provision to which the gentleman from Colorado [Mr. Belford] has referred.

Mr. BLACKBURN. I will undertake to answer for the committee, and remind the contract of the committee,

and remind the gentleman from Kansas that the very provision to and remind the gentleman from Kansas that the very provision to which he alludes was subjected to elaborate discussion under the hour rule, less than ninety days ago, in this House; and, so far as concerns members of the Committee on Appropriations and other advocates of the bill, they will be amply content with the opportunity given by the five-minute rule to satisfy the House as to the propriety of the insertion of that provision.

The motion of Mr. BLACKBURN that the committee rise was agreed

The committee accordingly rose; and Mr. Buckner having taken the chair as Speaker pro tempore, Mr. Carlisle reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6036) making appropriations for the service of the Post-Office Department for the fiscal year ending June

30, 1881, and for other purposes, and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Post-Office appropriation bill; and pending that motion I move that all general debate upon the bill in Committee of the Whole be limited to one minute.

Mr. BELFORD. I move to amend by inserting one hour. The amendment of Mr. Belford was not agreed to. The motion of Mr. Blackburn, to limit general debate to one min-

ute, was agreed to.

The question recurring on the motion of Mr. BLACKBURN, that the House again resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. Carlisle in the chair) and resumed the consideration of the office Department for the fiscal year ending June 30, 1881, and for other purp

The CHAIRMAN. By order of the House all general debate upon the pending bill is limited to one minute. Unless some gentleman desires to occupy that time the Clerk will proceed to read the bill by paragraphs, for amendment under the five-minute rule.

The Clerk, proceeding to read the bill, read as follows:

Office of the Postmaster General: For mail depredations and inspectors of mails, including amounts necessary for fees to United States marshals and attorneys, \$150,000. And not exceeding \$5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and counsel necessarily employed by inspectors of mails of the Post-Office Department, subject to approval by the Attorney-General; and the superintendent of railway mail service and the chief of inspectors of mails shall be paid their actual expenses while travelling on the business of the Department; and section 4017 of the Revised Statutes is hereby so amended as to insert in lieu of the words "special agents" and the word "agents," wherever they occur in said section, the words "inspectors of mails."

Mr. BLACKBURN. I desire to make a verbal amendment on the suggestion of the Post-Office Department. I move to strike out, wherever they occur, the words "inspectors of mails," and insert in lieu thereof the words "post-office inspectors." It is the preference of the Department that these employes be denominated "post-office inspectors" instead of "inspectors of mails," as proposed in the bill.

The amendment was agreed to. The Clerk read as follows:

For advertising, \$35,000: Provided, That the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

Mr. BUCKNER. I will ask whether the proviso contained in the

Mr. BUCKNER. I will ask whether the proviso contained in the paragraph just read is new legislation.

Mr. BLACKBURN. No, sir; it is a verbatim copy of the provision of the bill passed last year for the present fiscal year.

Mr. DUNNELL. There is a general law in the precise words which have been incorporated in this paragraph.

Mr. BLACKBURN. The bills making appropriations for the present fiscal year and the preceding year follow the general law, which has also been followed in this bill.

Mr. DUNNELL. Why represe the provision here if it is a part of

Mr. DUNNELL. Why repeat the provision here, if it is a part of

Mr. BLACKBURN. Because it seems to have been the judgment

Mr. DUNNELL. The judgment of Congress in that respect may

have been wrong.

Mr. BLACKBURN. The committee did not undertake to pass upon

that question.

Mr. DUNNELL. Why recite every year the existing law?

The CHAIRMAN. Is there any proposition to strike out these words !

Mr. DUNNELL. I move to amend by striking out the proviso.
Mr. BLACKBURN. I trust that will not be done. I think the
Committee of the Whole is not prepared to take such action.
Mr. DUNNELL. I will say to the gentleman from Kentucky that

the words embraced in this proviso are precisely those of the existing law, now a part of the Revised Statutes.

Mr. BLACKBURN. I will refer the gentleman from Minnesota to

Mr. BLACKBURN. I will refer the gentleman from Minnesota to every Post-Office appropriation bill from 1879 until now, and he will find this identical provision is contained in every one of them.

Mr. DUNNELL. I do not doubt that; but the appropriation bill is not as good a source of information as the law itself.

Mr. BLACKBURN. Has the gentleman the law before him?

Mr. DUNNELL. No, sir; but I know that it is in existence.

Mr. BLACKBURN. It is for the Committee of the Whole to take the risk of striking it out. The Committee on Appropriations have deemed it wise to retain it.

deemed it wise to retain it.

Mr. BLOUNT If my colleague will allow me, I desire to suggest that a similar provision on other matters in Post-Office appropriation

bills has given rise to doubt in the Department.

Mr. BLACKBURN. In response to the objections I will simply say that through abundant caution I am following the precedent of the Post-Office appropriation bills which have prevailed since 1879.

Mr. DUNNELL. I have no doubt of that. The Committee on Appropriations follow a good many poor precedents. It is one of them in this case where it is proposed to re-enact a part of the Revise.

The amendment was not agreed to. The Clerk read as follows:

Office of the First Assistant Postmaster-General: For compensation to postmasters, \$7,500,000.

Mr. MONEY. I move to amend, in the forty-first and forty-second lines, by adding \$50,000 to the sum therein named; so it will read:

For compensation to postmasters, \$7,550,000.

I do this, Mr. Chairman, in order that the bill may agree with the estimates of the Department. In reference to this matter I wish to say that the compensation of postmasters of the first, second, and third class is fixed by law and must be paid whether the amount is appropriated or not; and further, that the compensation to postmasters of the fourth class is retained by them out of commissions on the ters of the fourth class is retained by them out of commissions on the sale of postage-stamps, box rents, &c., and that they will thus be paid their salaries as fixed by law whether this appropriation is made or not. I think, therefore, it is not necessary that it should differ from the estimates of the Department. It is estimated by the Department that it will take \$7,550,000 for this purpose, and that much ought to be appropriated. If that amount is necessary it will have to be paid. If it is not necessary there can be no objection to appropriating it, because it will not be used.

Mr. BLACKBURN. I would like to inquire of the gentleman from Mississippi whether, in submitting this amendment, he predicates it on any calculation he himself has made as to the amount of money spent in past years or in the past year, or whether he has predicated

spent in past years or in the past year, or whether he has predicated it upon any comparison of the rate of increase between the present fiscal year and any preceding years for compensation of postmasters; or, further, whether he simply predicates it upon the fact that the Post-Office Department has made an estimate for \$7,550,000. I am frank to say to the gentleman from Mississippi that the committee having this bill in charge have made as elaborate an investigation into this subject as it was possible to make, and instituted a patient examination based upon past experience for this service as well as the estimates obtained from the Post-Office Department, and upon the facts thus gained they base the amount of the appropriation as given here. It is well known that it is a matter that cannot be determined here. It is well known that it is a matter that cannot be determined accurately, because you cannot tell nor can the Post-Office Department tell what new post-offices will be created, or how many additional postmasters will be necessary for conducting the business of the Government, and it cannot be made a matter of practical calculation. It is at best simply an estimate.

But the Committee on Appropriations with such facts as they were able to reach in the shape of comparisons between the service in past years, with the presumable rate of increase annually, arrived at the conclusion that the sum of \$7,500,000 is amply sufficient for this purpose, and even if it is not enough it does not matter, because these salaries are determined and arranged by law, and whether the com-

purpose, and even it to shot cloud it these not matter, because these salaries are determined and arranged by law, and whether the committee appropriate too much or too little it does not affect the compensation of this class of employés a particle. It is simply a question whether the estimates of the Post-Office Department are too lib-

eral or the committee are too close.

Mr. MONEY. Does the gentleman from Kentucky desire an an-

Mr. BLACKBURN. I do, if the gentleman is able to give any additional figures or any computations. I wish to say in addition that the compensation of the postmasters cannot be changed by this, for

that is a matter regulated by law and beyond our power to control

in this way.

Mr. MONEY. I say, does the gentleman from Kentucky desire me to answer him?

Mr. BLACKBURN. If the gentleman has any comparative statement I should be very glad if he would.

Mr. MONEY. I did not know that the gentleman was going to

give me an opportunity to answer him.

I have already given the reason why the estimate of the Department should be observed in making this appropriation. I have told the gentleman from Kentucky that I based my statement upon what is estimated by the Department and that there could be no good is estimated by the Department and that there could be no good ground for reducing that estimate for the reason that the postmasters of the first, second, and third class have their salaries fixed by law, and they certainly would not be affected by this. I also told the gentleman that the salaries of the fourth-class postmasters are fixed by law based on commissions on the sales of stamps, &c., and their salaries are retained in their own hands out of the moneys derived from the sale of stamps, box rents, &c. They are empowered by the law to retain this from the sums that come into their hands from these sources. For these reasons I have seen and I see now no reason whatever why this bill should depart from the estimate of the Department in that respect.

Mr. BLACKBURN. I am satisfied after the statement of the gentleman from Mississippi to leave this matter to the committee to determine. The gentleman made his motion to increase the sum therein appropriated \$50,000, without any single item of information or any facts from the Post-Office Department which would warrant it, and simply because it was the amount estimated by the Department. The gentleman has no comparative statement of the increase or probable increase of postmasters or post-offices throughout the year. Nor has he any information which the Committee on Appropriations had not before them in a much fuller way when this appropriation was recommended. The Department stated to us through its officers that it could not know any more than we could know what would be required by a comparative increase of postmasters. Now you have it for your consideration. This is the proposition of the committee upon one side, after an investigation and careful inquiry into all the facts, the unanimous report of the committee; and on the other side the application to increase it \$50,000, without giving any facts, or statements, or figures, or comparisons, or estimates to warrant it. The committee

or figures, or comparisons, or estimates to warrant it. The committee believe the amount recommended is amply sufficient.

Mr. BLOUNT. The gentleman from Mississippi [Mr. Money] asks for the increase of this appropriation without giving a single reason to the House except what is patent to every one, that the Post-Office

Department have estimated so much.

Mr. MONEY. Will the gentleman allow me to interrupt him?

Mr. BLOUNT. Yes, sir.

Mr. MONEY. The gentleman from Georgia certainly could not have heard me, for I gave other reasons.

Mr. BLOUNT. I did not understand the gentleman to give any

Mr. MONEY rose.
Mr. BLOUNT. The gentleman will have an opportunity hereafter to correct me if I am misstating his position. He certainly gave no other reason which addressed itself, in my judgment, to the House.
We appropriated for this purpose for the last fiscal year \$7,500,000; and here is a statement from the Sixth Auditor of what was spent in

that year, the amount being \$7,182,000. The Committee on Appropriations have taken the rates of increase in the compensation of postmasters from year to year and from them have made their calculation, arriving at the result that they could get along with this amount. From year to year in the matter of the compensation of postmasters, for the last two or three years, we have gone on the estimates based on the calculations. There is no deficit this year for the compensation of postmasters.

Mr. SLEMONS. Will the gentleman allow me to ask him a ques-

Mr. BLOUNT. Yes, sir. Mr. SLEMONS. How many new post-offices have been estab-

lished since last year?

Mr. BLOUNT. I do not know how many new post-offices have been established. I do not keep the figures in my mind; nor do I

know how many new post-routes exactly there are.

Mr. SLEMONS. Will the gentleman allow me to finish my ques-

tion? Mr. BLOUNT. I understood the gentleman had completed it. Mr. SLEMONS. I ask further, how you arrive at the conclu Mr. SLEMONS. I ask further, how you arrive at the conclusion that a sum of \$7,500,000 is sufficient?

Mr. BLOUNT. There are new post-offices this year, but we have

made the ratio of increase larger than heretofore. And to ask this House, after the careful examination by the Committee on Appropriations of the receipts and expenditures leading them to the conclusions on which they base this bill, to override the committee, simply on the ground of estimates, it seems to me is asking a good deal.

The question being taken on Mr. Money's amendment, it was not

The Clerk read as follows:

For compensation to clerks in post-offices, \$3,650,000.

Mr. DUNNELL. I wish to ask the gentleman from Kentucky

whether the Post-Office Department has not asked an increase of

which is the rost-office Population and the asked at increase of this amount since the estimates were sent in?

Mr. BLACKBURN. No, sir. On the contrary, this bill gives the Post-Office Department every dollar it asks under this head. There have been requests from the Department for increased appropriations in various items, but in this instance there is no such request.

The Clerk read as follows:

For marking and rating stamps, \$13,500.

Mr. SHELLEY. I offer the amendment which I send to the desk. The Clerk read as follows:

After line 50 insert:
"For the purchase of card-canceling and post-marking machines, \$6,000; and the proper officers of the Post-Office Department may purchase such machines as in their judgment may best answer the purpose."

Mr. SHELLEY. Mr. Chairman, I understand that the Postmaster-General has requested an appropriation of this amount of money for the purpose stated in my amendment; that is, for the purpose of purchasing canceling machines, which are necessary in the larger offices in order to the proper dispatch of the mails. I believe there is no objection to the amendment, and I hope there will be no point of order made on it.

Mr. STONE. Let the amendment be again reported.

The amendment was again read.

Mr. BLACKBURN. I simply suggest to the gentleman from Alabama to consider whether his amendment would not come more properly on page 6 at the end of line 118, under the head of "Office of the Third Assistant Postmaster-General," where the postal-cards are appropriated for.

Mr. MONEY. Oh, no; this is a stamp, and comes in appropriately

in connection with the marking and rating stamps.

Mr. BLACKBURN. It is not a stamp. It is a canceling and post-marking machine. The instrument used for marking and rating stamps is a little hand-machine; this is for the cancellation of postal cards. The machine—the only one under patent that I know of cards. The machine—the only one under patent that I know of—was before the Committee on Appropriations and was examined very elaborately and carefully; and I doubt not it is entitled to all the good words spoken for it by its advocates here and by the Post-Office Department as a labor-saving machine. In the opinion of the Committee on Appropriations the price at which it was offered to the Post-Office Department at its first presentation here was exorbitant, and for that reason the Committee on Appropriations declined to recommend the purchase or make appropriations for it. The price was ommend the purchase or make appropriations for it. The price was afterward reduced and it was offered at a recent date to the Post-Office Department, as the Committee on Appropriations were advised by the Postmaster-General, at a very much reduced rate of cost. The Post-Office Department also advised us the Government will

need about thirty of these postal card-canceling machines. That they are labor-saving machines I have no doubt. The Department seems to be thoroughly convinced of it; and while it did hesitate a long while to recommend an appropriation for that purpose it subsequently sent in a communication to the House, which has been referred to the Committee on Appropriations, recommending the sum of \$6,000 to be set said for prevailing these thirty card canceling machine. of \$6,000 to be set aside for providing these thirty card-canceling machines. The Committee on Appropriations have instructed me to make no point of order on the amendment offered by the gentleman from Alabama; and I have no doubt it is very proper it should pass.

Mr. MONEY. Does the gentleman from Kentucky accept the amend-

Mr. BLACKBURN. I have no authority to do so.

The CHAIRMAN. The gentleman from Kentucky cannot accept
the amendment; it must be voted upon by the Committee of the

Mr. MONEY. It is a mistake to say there is only one of these canceling-stamps; there is quite a number of them.

Mr. BLACKBURN. I did not say there was only one.

Mr. BLOUNT. The amendment does not cover any particular one.
Mr. MONEY. The gentleman from Kentucky spoke of only one.
Mr. BLACKBURN. I said that the instrument used for rating stamps is a hand-machine, and makes its impression on the envelope, showing how much rost on its angle of the particular package. This

showing how much postage is due on the particular package. This machine answers no such purpose, but simply cancels postal cards; and it was for that reason I suggested it should be offered to another portion of the bill.

The amendment was agreed to. The Clerk read the following: For letters, test-weights, and scales, \$8,000.

Mr. MONEY. I move to amend by striking out "\$8,000" and inserting "\$10,000." I am assured by the officials of the office of the Third Assistant Postmaster-General that there is an immense amount of merchandise mail-matter registered and a great number of new bal-ances and scales are demanded. They tell me they cannot get along with less than \$10,000. Gentlemen will recollect that last year the system of registering packages of merchandise began to be operative, and these scales and balances are made necessary where heretofore

they were not needed at all.

Mr. BLACKBURN. I hope the amendment will not be adopted for this reason: Hitherto there has been appropriated the sum of \$2,500 annually for letter-balances, test-weights, and scales, and the annual appropriation for that purpose has never been expended heretofore.

I know there is some force in what the gentleman from Mississippi [Mr. Money] says about the increase in bulk of this insubordinate class of mail-matter under the new arrangement of the Post-Office Department. I know that to some extent it does necessitate a larger supply of scales and letter-balances than they have had heretofore; but gentlemen must remember that \$2,500 a year has been all that has been appropriated heretofore for this purpose, and that amount has proved to be amply sufficient and has never been exceeded.

The Department now asks for \$10,000 for this purpose. It is true that about three months ago we appropriated a sum as a deficiency to meet the very demand which the gentleman from Mississippi now refers to, the increase of third-class mail matter.

The Department now comes forward and asks for \$10,000 next year for this purpose, as against \$2,500 a year heretofore appropriated. The Committee on Appropriations propose by this bill to approriate the sum of \$8,000 for this purpose.

I will correct the statement which I made a moment since in regard I will correct the statement which I made a moment since in regard to the appropriations heretofore made for this purpose. I find by reference to the tables that there have been appropriated annually these sums, \$3,501.25, \$3,142, and \$2,773. The Committee on Appropriations now propose to give \$8,000, as against the sum heretofore appropriated; an increase of more than 100 per cent. upon the expenditures for this purpose made in any previous year. The committee thought that amount would be amply sufficient, and would give enough margin for the wants of the Department.

I know of po reason for the amendment of the gentleman from Mississippi to increase the sum to \$10,000, except that the Department have asked for that sum. I am sure that the comparative statements here before me will not warrant even the amount which the bill itself proposes to give.

the bill itself proposes to give.

The question was taken upon the amendment of Mr. Money; and

was not agreed to. The Clerk read the following:

Office of the Second Assistant Postmaster-General:
For inland mail transportation, namely: For transportation on railroad routes, \$9,500,000: Provided, That in case any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department said company shall have its pay reduced 10 per cent. on the rates fixed in section 4003 of the Revised Statutes; and section 5 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. BLACKBURN. By direction of the Committee on Appropriations I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as 10110Ws:

Insert after the words "Revised Statutes" the following:

"As amended by the act of July 18, 1876, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes,' and as further amended by the act of June 17, 1878, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes.'"

Mr. MONEY. Should that amendment be adopted, would it be in order to move to amend the paragraph by striking out all of the provise?

proviso?

The CHAIRMAN. It would.

Mr. MONEY. Including this amendment?

The CHAIRMAN. Including this amendment.

Mr. KEIFER. I hope the gentleman from Kentucky [Mr. BLACK-BURN] will explain the effect of this amendment.

Mr. BLACKBURN. I will do so. This amendment simply supplies an oversight in the printed bill.

The amendment refers to two sets—the one of July 12, 1876, and

The amendment refers to two acts—the one of July 12, 1876, and the one of June 17, 1879. By the first of those acts the rate of pay to railroads refusing or failing to furnish the car space required by the Department was cut down 10 per cent. By the second act it was still

further reduced 5 per cent.

The object of this amendment is to subject these railroads to a still greater reduction of pay, to the extent of 10 per cent. additional, where they shall refuse to furnish to the Department the amount of car space absolutely needed for the mails.

car space absolutely needed for the mails.

In the absence of the amendment just reported by the Clerk, instead of operating as a penalty to the amount of 10 per cent. reduction upon the present actual rate of pay, the bill would result practically in giving a premium of 5 per cent. to any railroad for refusing to furnish the necessary amount of car space. If Congress contents itself with a reference to section 4002 of the Revised Statutes, leaving out any reference to the two acts of 1876 and 1879, it will remit these rail-road companies to the old rate of pay, which is 15 per cent. above what it is now. It would therefore practically result in offering a what it is now. It would therefore practically result in oldering a premium of 5 per cent. to all the railroad companies for refusing to give the car space required by the Government for its mail service, instead of a reduction of 10 per cent. which the committee propose. For that reason this amendment is rendered necessary.

Mr. STONE. You refer to these acts simply as amendments of the section of the Revised Statutes?

Mr. BLACKBURN. Yes; as amendments of section 4002.

The amendment offered by Mr. BLACKBURN was then agreed to.

Mr. MONEY. I move to amend by striking out in lines 61 and 62 the words "\$9,500,000" and inserting "\$10,000,000." I will state my reason for offering this amendment.

We have already in this fiscal year forty-three hundred and ninety-one miles of new railroads, and it is estimated that by the 1st of July

there will be five thousand miles of new railway, all of which will demand postal service. The appropriation last year for this item was \$9,000,000, and making a very reasonable estimate for increased service, at least \$10,000,000 will be required for the coming year. Now we understand very well that the expenditure for this purpose must in its very nature be flexible. The Postmaster-General must be governed in this respect by the law regulating the pay of the railroad companies by weight, supplemented by space, and if the business of the country should so increase as to put upon the railroads such additional weight of mail matter as will demand extra compensation, this must be paid whether the appropriation is sufficient to meet it or not. there will be five thousand miles of new railway, all of which will to meet it or not.

Now the increase of business in the last six months has been more than 14 per cent. It is well known to gentlemen here that 95 per cent. of the mail-matter of this country is carried upon railroads. We have here an increased mileage of five thousand miles to be paid for with an appropriation increased only \$500,000 above the appropriation made last year, leaving out altogether the increase of 14 per cent.

made last year, leaving out altogether the increase of 14 per centupon the business.

Mr. Chairman, I do not know upon what estimate the Committee on Appropriations have submitted this item of the bill. It must be apparent to every man here that if the sum of \$9,000,000 was necessary last year, as it was, then with the increased mileage and corresponding increase of business, calling for an immense increase of compensation, \$10,000,000 will not be too much to appropriate for this purpose for the next fiscal year. Hence I hope the amendment will be adouted.

be adopted.

Mr. BLACKBURN. Now, Mr. Chairman, I want to test the accuracy of the suggestions made by the gentleman from Mississippi [Mr. Money] as to the increase in the railway mail transportation. The gentleman says that the amount appropriated must of necessity be "flexible;" yet he undertakes to tell the Committee of the Whole that it is not safe to leave this appropriation at \$9,500,000 for the next fiscal year; that this will not leave a sufficient margin to meet the increase of railway mail service.

Mr. MONEY. The gentleman misunderstood me. I did not say the amount appropriated must be flexible; I said the amount expended

must be

Mr. BLACKBURN. I wish the gentleman would be as accurate as he desires me to be, and as I certainly desire to be.

I know that according to the estimate for the next fiscal year there will be an increase of six thousand miles of railroad mail service. The Committee on Appropriations have predicated their recommendation upon that estimate. The gentleman may go on and tell us, if he desires, that there will be an increase of eight thousand miles; yet, even upon that basis, he cannot justify his conclusion that \$10,000,000 will be needed for this purpose. We have taken the estimates of the Department itself—not as they were made for us in bulk, but as they have been given to us in detail by the officers of the Department upon consultations with us day after day. We have reported this item upon an estimated increase of six thousand miles of railway mail service for the next fiscal year; yet I doubt not I shall surprise the gentleman from Mississippi, certainly if I do not surprise him I shall surprise the House, by the statement I am about to make.

Mr. MONEY (in his seat) made an undertone remark.

Mr. BLACKBURN. No, I do not believe the gentleman will be surprised at anything; but he would utterly astound and amaze me if he should support a single amendment he offers here by any data, or any facts or any figures or any evidence. I will show the House the accuracy of the gentleman in his estimates.

I hold in my hand a report not three days old from this very branch will be an increase of six thousand miles of railroad mail service.

the accuracy of the gentleman in his estimates.

I hold in my hand a report not three days old from this very branch of the Post-Office Department, giving the actual expenditures by quarters for the present fiscal year so far as it has gone. What do you imagine these expenditures have been? Nine million one hundred and fifty thousand dollars was appropriated for railway mail service for the present fiscal year. One hundred and fifty thousand dollars of that was for the purpose of securing proper facilities upon main trunk lines; so that for railway mail transportation proper there was exactly \$9,000,000 appropriated for the present fiscal year. Now, if the reports and records of the Post-Office Department are to be credited (and here they are, not three days old, as given to the Committee ited (and here they are, not three days old, as given to the Committee on Appropriations) there was expended for the first quarter of the on Appropriations) there was expended for the first quarter of the present fiscal year, beginning upon the 1st of last July, \$1,944,901.86; and for the second quarter, terminating December 31, \$2,082,690.21. The increase of the second quarter over the first was only the difference between \$1,944,901.86 and \$2,082,690.21. The Department has not rendered an account for the third quarter, and of course cannot give any for the fourth quarter, which is now current. Thus it will be seen that notwithstanding the increased railway service, which the gentleman tells us has been up to the present time over four thousand miles, there was expended during the first half of the present fiscal year only \$4,027,592.07, leaving unexpended to the credit of the railway mail service fund on the first day of the third quarter, the beginning of the last half of the fiscal year, \$5,122,407.93. [Here the hammer fell.] Now, Mr. Chairman, I simply desire to add that instead of \$5,000,000 the committee offer here \$9,500,000, and that is at least \$700,000 in excess of the average estimates, as I have just shown.

Mr. DUNNELL rose. Mr. DUNNELL rose.

The CHAIRMAN. Does the gentleman from Minnesota desire to debate the amendment?

Mr. DUNNELL. I have an amendment which I desire to offer after the vote is taken upon the pending amendment.

The amendment was not agreed to.

Mr. CANNON, of Illinois. I desire to offer the following amendment: to insert after the word "dollars," in line 62, the following:

Of which sum \$150,000 may be used by the Postmaster-General to maintain and secure from railroads necessary and special facilities for the postal service for the fiscal year ending June 30, 1881.

Mr. BLOUNT. Mr. Chairman, I raise the question of order upon that amendment that it changes existing law and that it does not

retrench expenditures.

The CHAIRMAN. The Chair will hear the gentleman on the point

of order.

Mr. BLOUNT. The law in relation to the compensation of railmr. BLOUNT. The law in relation to the compensation of railroads for mail transportation provides for their payment by weight. The rate of pay provided for such service will be found by reference to section 4002 of the Revised Statutes as amended by the Post-Office appropriation bill of 1876, and further amended by the Post-Office appropriation bill of 1878. The exact dates of the passage of the bills I do not remember, but, that the Chair may understand the point, I will send to the Clerk's desk and have read section 4002 of the Revised Statutes

The Clerk read as follows:

SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$15; 2,000 pounds, \$150; 3,500 pounds, \$175; 5,000 pounds, \$200, and \$25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Mr. BLOUNT. After a while I shall ask also to have read in this connection section 4004. In 1876, in the Post-Office appropriation bill, the rate of pay was reduced 10 per cent. on the amount of the preceding year; and in the bill of 1878 it was further reduced 5 per cent. The Chair will see that the principle on which compensation for this service is based is to pay so much upon the weight of the mails, and the pay, as has been shown by the section which has just been read, being dependent and graded by the amount of mail mat-

been read, being dependent and graded by the amount of mail matter transported.

Now, the law provides that the compensation shall not exceed a given sum; in other words, that there is a limit. The amendment proposed by the gentleman from Illinois provides, however, that in addition to the amount this law declares may be paid, the further sum of \$150,000 may be used by the Department for additional compensation to railroads, with a view to obtaining additional facilities from them. This is the legal question that I raise; and I apprehend that there will be no difficulty in deciding it, as it seems to be a very plain question.

Mr. CANNON, of Illinois. Mr. Chairman, I do not know a great deal about parliamentary usages. I never am quite clear whether I am in or out of order in this House, and I do not think anybody else is until after the rulings are made. But I want to call the attention of the Chair to the fact that this amendment which I offer is precisely of the Chair to the fact that this amendment which I offer is precisely the language of the law as enacted upon the general appropriation bill for the current fiscal year, and also for the two years preceding, so that this appropriation, substantially in amount, and I believe precisely in words, has been enacted in three general Post-Office bills, and is the law to-day. I sent to the desk, in fact, the amendment as it is in the original appropriation bill, which the Chairman will perceive by examining for himself.

Now, as to the points which have been made against it by the gentleman from Georgia: In the first place it does not change existing

tleman from Georgia: In the first place, it does not change existing law. On the contrary, section 3964 of the Revised Statutes makes all railroads or parts of railroads now in operation post-roads. Again, section 3942 authorizes the Postmaster-General to put service upon all post-roads or railroads without advertising, being the general provision. Now, I suspect if a railroad were to refuse to carry the mail at all the Postmaster-General might treat it as a post-road, and, if he saw proper, hire somebody to run a hand-car over it or perform any other service in reference to it which would be warranted by the

any other service in reference to it which would be warranted by the general law. So I do not think or believe this is subject to the point of order, for the reason that under the general law to which I have referred the Postmaster-General would have the right to run the road himself or hire anybody else to run it, in the event the railroad company refused to carry the mail.

The CHAIRMAN. Will the gentleman permit me to interrupt him for a question? While that may be very true, could the Postmaster-General, where he hired somebody else, pay to him for carrying the mail anything in excess of what is prescribed in the statutes? In other words, suppose that he were to undertake to run the road, would he have the right to pay anything in excess of the amount prescribed by the law? That seems to be the question here.

Mr. CANNON, of Illinois. I understand that is the question. I do not know whether he could or not, but I am inclined to think he can,

because by the general provision of the law concerning all such cases to which I have referred he is authorized to contract generally without advertising for bids for service upon all post-roads. And I will acknowledge that this law was enacted for the purpose of compenacknowledge that this law was enacted for the purpose of compensating railroad companies who were operating their roads by weight and by space; and so long as they are compensated for doing the service in that way I suppose the payment would have to be made as the section now provides. But in the case supposed, and I have a right to put strong cases, suppose the railroad company abandons the road altogether, refuses to do the service. In that case the Postmaster-General, under the statute which makes it a post-route, has the power to put service upon it the same as on any other route, and to put service upon it without advertising. He is not confined to a locomotive; he is not confined to a steam-car; he may run a horse-car on it; he may run a foot-messenger upon it if he chooses, or upon any other post-road where he has authority to contract, without reference to advertisement.

It is true it may be replied it cannot be anticipated that this state of affairs would arise or will arise. Yet it may arise. While it would not arise ordinarily, yet it may arise, and if it does I think under those general provisions of the law, and not under the operation of the two sections mentioned by the gentleman from Georgia, that service could be placed upon those roads. If so, then this amendment is not sub-

ject to the point of order.

Mr. HAWLEY. I would like to suggest an illustration to the Chair. This money is intended for purposes not contemplated directly by the statute; it is intended to meet certain emergencies; and I will supstatute; it is intended to meet certain emergencies; and I will suppose a case as perhaps the best mode of illustration. Let us suppose that a fast and valuable mail came through from the West to Baltimore and went on to New York early in the morning. And suppose that the Postmaster-General was anxious to connect with that train at Baltimore to get a mail from Washington early to New York and the East. The Baltimore and Ohio road say, "We have no occasion to run a train so early in the morning; we would have no passengers at all; but if you consider that train essential give us \$5,000 a year and the commensation at so much a ton allowed by statute, and we at all; but if you consider that train essential give us \$5,000 a year and the compensation at so much a ton allowed by statute, and we will run a train to serve the purposes of the Department." This would be no violation of the statute as to the compensation for the amount of mail carried; but the railway will not put on their train to be for no other use than to carry that mail. It seems to me an appropriation of money could be used in a case like that and would not be a change in the existing law. It is an additional facility we have a sight to great

change in the existing law. It is an additional facility we have a right to grant.

We go upon the supposition that the railroad company is to send a train in a certain direction over its road at any rate, and we buy of them the privilege of using a portion of a car or putting on a whole car to carry the mails along. Now, suppose a railroad company find it entirely and altogether sufficient for their purposes to run a train at fifteen miles an hour, and only one in the morning, as some railways do, and the Government service requires a mail in the afternoon or requires one to go over a piece of the road at double the rate in order to connect somewhere. In such a case I think it is entirely wise and sensible on our part to put in a little additional money sometimes for that purpose, and I do not think it is a change of existing law.

I know on the general question I could make an argument as to the necessity of great care in the exercise of this power, but I hold we have the right to make an appropriation for special uses that do not conflict with the existing statute, and therefore that the point of order is not well taken.

is not well taken.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. BUCKNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate insided upon its amendments to the bill (H. R. No. 4212) making approprations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes disagreed to by the House of Representatives, asked a conference on the disagreeing votes of the two Houses thereon, and appointed Mr. BECK, Mr. WITHERS, and Mr. ALLISON as conferees on the part of the Senate. The message further announced that the Senate had passed with amendments in which the concurrence of the House was requested. Here the committee informally rose; and Mr. Buckner having taken

amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at

Marietta, Ohio.

The message further announced that the Senate had passed a bill and joint resolutions of the following titles; in which the concurrence

of the House was requested:

A bill (S. No. 1670) to authorize the Wyoming, Montana and Pacific Railroad Company to build its road across the Fort Russell and Fort

Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations;

The joint resolution (S. R. No. 107) to authorize the loaning of certain tents and artillery to the Union Veteran Corps, composed of ex-Union soldiers, for the purposes of a reunion to be held at Wichita, Kansas, in the month of October, 1880; and

A joint resolution (S. R. No. 104) authorizing the Secretary of War to lend certain tents, flags, &c., to the governor of the State of New Hampshire for the use of the militia of that State at their general months to be held the present year. muster to be held the present year.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BLOUNT. Mr. Chairman, the argument of the gentleman from Connecticut [Mr. Hawley] who has just taken his seat would go well to the merits of the question as to whether or not money should be appropriated for the purpose of getting additional facilities. It does not apply to the point of order, and I shall not therefore occupy

time in discussing the statements made by that gentleman.

My friend from Illinois [Mr. Cannon] very modestly tells the House that when questions of order are raised he does not know exactly where he is, whether he is right or wrong. My observation is that whenever the gentleman takes the floor he knows exactly where he is.

Mr. CANNON, of Illinois. I would only commend my modesty to

the gentleman.

Mr. BLOUNT. I understand the gentleman's modesty, but I would give it another name more complimentary to his intellectual powers than the name he gives it.

The gentleman says that the law now authorizes the Postmaster-General to do this very thing; that this amendment is not contrary to existing law. Then, why is it that my friend wants to put it on this bill? If the Postmaster-General has the power under the law now, why does he ask for more law?

Here is a large sum of money appropriated which my friend does not propose to increase at all; but he proposes to put law in here with a view of enabling the Postmaster-General to expend the money for a certain purpose, because as the law now stands it expressly provides that the Postmaster-General shall not pay exceeding a given sum for

It is further argued by my friend that this was in the bill of last year and of the year before. That is true, and I remember quite well how it was done. The first time it was ever placed in the bill the Senate tacked on our bill a new method of compensating the railroads. There were various contests over it, and finally there was an agreement to put in the sum of \$150,000 for the purpose of enabling the railroad companies to build postal cars, and of that sum only \$84,000 was used during that year. In the next bill the Committee on Appropriations did not object to the sum of \$125,000, which passed

through.

In the next bill the committee refused to put in a dollar for the purpose, and the House did not put any in. The bill then went to the Senate and was there amended by having added to it another bill providing for the reclassification of mail matter, for a new method of compensating railroads, and various other propositions, the Brazilian mail subsidy among others. We found ourselves near the close of the Congress. We ascertained there would be concessions in regard to everything else but the sum of \$150,000 for this purpose, which was finally agreed upon by way of adjustment. That was the way it got in the bill then. Therefore the argument of my friend amounts to nothing. The law is clear, and I am willing to submit the question to the Chair.

Mr. ROBINSON. I desire to make a single suggestion upon the

to the Chair.

Mr. ROBINSON. I desire to make a single suggestion upon the point of order. I do not think the merits of the amendment are to be taken into consideration by the Chair at all. The gentleman from Georgia has asked to have section 4002 read, in which it is provided that the pay per mile shall not exceed a certain sum per annum, and the Chair is apparently troubled with the idea that the amendment may go further than the provisions of section 4002. I will ask to have another section read. This amendment provides that of the sum here appropriated \$150,000 may be expended for securing "special and necessary facilities" by way of railway service. That is the language of the amendment. I now ask the Clerk to read section 4004 of the Révised Statutes.

The Clerk read as follows:

The Clerk read as follows:

Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding \$25 per mile per annum for cars forty feet in length; and \$30 per mile per annum for forty-five-foot cars; and \$40 per mile per annum for fifty-five to try foot cars.

Mr. BLOUNT. I want to suggest to my friend—
Mr. ROBINSON. If the gentleman from Georgia will bear with
me, I will occupy the attention of the committee but a moment longer.
Mr. BLOUNT. The gentleman has had section 4004 read, which relates to postal cars. He will find in lines 84 and 85 of this bill the
appropriation made for transportation by postal-cars.
Mr. ROBINSON. Very well; that does not at all affect the question whether the amendment now offered is in order or not.
Mr. BLOUNT. Not at all.
Mr. ROBINSON. I am only discussing the point of order, and I
hope the gentleman will keep to the point of order, and not go to the
merits of the amendment. Is this amendment in order? Here is an
appropriation, and under section 4004 of the Revised Statutes a cer-

appropriation, and under section 4004 of the Revised Statutes a cerappropriation, and under section 4004 of the Revised Statutes a certain rate of payment is provided. For a certain other special and necessary facility section 4004 provides another rate of payment. Now, I submit that the Chairman will not undertake to say that it is not within the power of the Postmaster-General to determine that the special and necessary facilities to be provided under this amendment will be authorized by section 4004 of the Revised Statutes. If they are, then the money will be expended in accordance with the provisions of existing law, and there is no change in the existing law required.

The CHAIRMAN. Will the gentleman allow the Chair to inquire what effect in that case this amendment will have ?

what effect in that case this amendment will have f
Mr. ROBINSON. If the Chair will allow me to say so, I do not
think that is a question which the Chair should be troubled with.

The CHAIRMAN. But the Chair is endeavoring, of course, to construe the amendment to determine what it means, for the purpose of
ascertaining whether or not it does change existing law. In that way,
of course, it becomes necessary for the Chair to determine what effect
the amendment would have if adopted.

Mr. PODINSON. The affirmative proposition is that this amend-

Mr. ROBINSON. The affirmative proposition is that this amendment changes existing law. That is the position of the gentleman from Georgia. Now, I say there is another construction of which this amendment is susceptible by which it does not change existing law. The burden of showing that it does so rests upon the gentleman who The burden of snowing that it does so rests upon the gentleman who makes the point. I submit that the Chair may entertain this amendment under the provision of section 4004. Whether it is a sensible amendment or whether it will do any good, is not a question with which the Chair is to be troubled at the present time.

Mr. BLOUNT. I wish to ask the gentleman a question. If he invokes in support of the amendment section 4004 which has reliation to the amendment section 4004 which has reliation.

to postal cars, can the amendment be in order now, the provision in regard to postal cars being in another part of the bill?

Mr. ROBINSON. My friend is always anticipating trouble in some

lines ahead.

Mr. BLOUNT. My friend is trying to run away from the point. Mr. ROBINSON. Not at all. If the gentleman will stick by me

we will anchor on solid ground.

The point is simply whether this amendment is in order. My friend concedes that it is if it does not change existing law. Does it do this? If so, how? What law does it change? He says it allows an increase of compensation to the railroad companies. I ask how? Why, he answers, under section 4002 the companies are limited to a certain amount by weight. But I refer him to section 4004, under which the companies may have an allowance of pay in another form.

Therefore the law is not changed by the amendment.

Mr. BLOUNT. I will add but a word. I have cited the law applicable to the amendment. The paragraph now under consideration in this bill makes appropriation for the transportation of the mails by weight; therefore I have not read the law in relation to postal cars, for I did not consider that it had any relation at all to this question, as another portion of the bill provides for compensation for postal cars. There are two modes of compensation according to the gentleman's own statement—one by weight of the mails, the other by car space. But this proposition contemplates compensation, not by either of these modes, but for additional facilities, which, as the gentleman from Kentucky has suggested, may be extra trains, increased speed, or anything of that kind.

Mr. ROBINSON. Let me correct the gentleman from Georgia. The language of the amendment is not "additional facilities;" it is "special and necessary facilities."

Mr. BLOUNT. Well, "special and necessary facilities."

Mr. ROBINSON. I hold the gentleman down to the language of section 4004, which allows additional expenditures even under the present law; therefore the amendment does not propose to change existing law. weight; therefore I have not read the law in relation to postal cars,

existing law.

Mr. BLOUNT. If the gentleman would look at the law, he would see that he is not holding himself down to its language, or he could not make the argument he is making.

Mr. ROBINSON. Well, the only refreshing thing about this matter is to be told, after we have expressed our feeble ideas as best we can that we do not know anything about the whiter.

can, that we do not know anything about the subject.

Mr. BLOUNT. Then I take back what I have said.

The CHAIRMAN. This question is by no means free from difficulty. The chief difficulty, however, in the mind of the Chair, arises from the fact that the amendment itself is not very clear and explicit in its terms. It reads as follows:

Of which sum \$150,000 may be used by the Postmaster-General to maintain and secure from railroads necessary and special facilities for the postal service, for the fiscal year ending June 30, 1881.

Now, the Revised Statutes allow the Postmaster-General to contract with railroad companies for carrying the mails only upon certain terms; that is, for compensation according to the weight of matter carried, having regard to a due rate of speed. If the Chair could be advised as to what construction the Post-Office Department has put upon this proposed amendment as it now stands in the appropriathe appropriation act for the present fiscal year, that information might be of very great assistance to him in deciding this question of order.

Mr. BLOUNT. The Chair can obtain that information from the report of the Department.

Mr. HAWLEY. Here is a list of all expenditures under that head

The CHAIRMAN. In the case supposed by the gentleman from Connecticut, [Mr. HAWLEY,] if that were the whole extent to which the amendment would authorize the Department to go, it would not be a change of existing law. But according to the best view which the Chair can take of the subject, after listening to the discussion, the effect of the amendment would be to enable the Postmaster-General to we for a convinct to making the mediant to the chair can take of the subject, after listening to the discussion, the effect of the amendment would be to enable the Postmaster-General to we for a convinct to making the mediant to the chair can be considered to the contract the mediant to the chair can be subject. eral to pay for carrying the mails upon railroads at greater rates than those fixed in the Revised Statutes, for the purpose of securing greater speed. If this be the true construction of the amendment—if, in other

words, the amendment would authorize, as the Chair is inclined to think it would, the Post-Office Department to make arrangements for fast mails, and in order to secure these fast mails to pay more than the rates specified in the statute, it would certainly change existing law. The Chair is inclined to believe that this is the proper construction to be put upon the amendment, and therefore, in his opinion, it changes existing law, and is out of order.

Mr. DUNNELL. I submit the amendment which I send to the

Clerk's desk.

The Clerk read as follows:

Strike out, in line 61, the word "five" and insert "eight;" so that if adopted the amendment will read, "\$9,800,000."

Mr. DUNNELL. Mr. Chairman, I am satisfied that the Committee on Appropriations desire to appropriate a sufficient sum of money for all branches of the postal service, and I am very well satisfied that the estimates of the Department calling for \$10,000,000 for railway mail service for the next fiscal year are not too high, and that when the committee cut that down from ten million dollars to nine millions and a half they made a mistake. I do not believe that the House thoroughly accepts the statement of the gentleman from Kentucky having this bill in charge, because in his statement which he has just made he simply bases the conclusions upon the first and second quarters of the present fiscal year.

Living in a State where five hundred, six hundred, or seven hundred miles of railroad were built during the last year I know very well that for many weeks, and in fact for many months, mail service was not put upon the new roads, because there was a deficiency, and there is a deficiency existing to-day in the appropriations of last year. on Appropriations desire to appropriate a sufficient sum of money for

there is a deficiency existing to-day in the appropriations of last year. I understand that there are now many miles of road, running up into thousands of miles, upon which service has not yet been put, simply

because the Department has not the money.

Now, Mr. Chairman, we may reasonably expect that during the Now, Mr. Chairman, we may reasonably expect that during the coming fiscal year there will be a very large increase in railway construction in the United States. Already in the newer States and in the Territories preparations are being made on an extensive scale for a very large increase in railway construction, and I venture the assertion that the \$10,000,000 asked for by the Department would no more than meet the demand for the next year. In this especial branch of the service there is no risk in appropriating a larger sum. If the service be put, and as soon as may be, on all of the roads, inasmuch as the rate of compensation is fixed by law, there can be no loss to the Government by appropriating a sum of money fully equal to the possible ernment by appropriating a sum of money fully equal to the possible

contingencies of the year.

I need not expatiate or talk at length about the mail service of this I need not expatiate or talk at length about the mail service of this country, whether it be the railway mail service or the star-route service. The people of this country demand first-rate mail facilities, no matter how it may be carried, whether it be carried by rail or on horseback; but they want mail North, South, East, or West, wherever they may live, and they want mails whenever a railroad has been constructed through any portion of the country. It is a constantly growing service, and as the increase of railroads extends the facilities for distributing the mails there will be a constantly ingressing defor distributing the mails there will be a constantly increasing demand for the service. This, too, Mr. Chairman, ought to be remembered: that when a railroad is built in any one of the States, from the moment it starts a large number of star routes drop out and thus all the money, or a large portion of it, that is expended in the railroad mail transportation is saved by the decrease in the star-route service. Instances of this have come within my own observation. There was a railroad built by private subscription through two of the largest counties in my State, and though many months elapsed before service was put on it, yet the star routes connected with that railway were discontinued before service was put on it. I am satisfied if the House shall increase the appropriation no more than I have indicated by the amendment, that we will not give one dollar beyond the demands of the next fiscal year to meet the necessities of this service; and I hope the gentleman from Kentucky, if he has listened to my argument, if, indeed, it can be called an argument, will give some reason why the committee has fallen short a half million of dollars of the amount

estimated by the Department.

Mr. BLACKBURN. Mr. Chairman, I have tried to listen to the gentleman's argument, as he demonstrates it, and I have discovered nothing in it except a criticism unwarranted by the semblance of a fact. I stated to this committee that according to the estimates of the Post-Office Department less than four days old, made up to this date and now in my hand, it had used for the quarter of the current fiscal year out of the appropriation of \$9,150,000—

Mr. DUNNELL. Will the gentleman permit me to ask him a ques-

tion ?

Mr. BLACKBURN. When I am through; the gentleman has had his time

Mr. DUNNELL. Well, the gentleman is making an "argument;" I did not. Therefore I simply wanted to ask his attention to a ques-

Mr. BLACKBURN. I am not replying to the gentleman from Minnesota or to his argument, but am restating, for the information of the committee and of the House, what the gentleman from Minnesota himself appears to have heard so badly in reference to the amounts expended up to this time for this railway service.

I have stated that \$9,150,000 had been appropriated for the present fiscal year. If the Committee on Appropriations have not been liberal

in this matter, if they have not in the bill here made ample provision for the railway mail service of the country for the next fiscal year, and even gone beyond that and made a reasonable, I may say liberal, margin for the increase of that service, I hope the House will override the action of the committee and increase the amount appropriated or recommended by the Committee on Appropriations. But I do not think, sir, that any person who has listened to the statement which I made and the figures which I quoted would make any such an assertion. I may say that it was almost unanimously agreed upon in the Committee on Appropriations to reduce the amount astimated by the Committee on Appropriations to reduce the amount estimated by the Department from ten millions to nine millions instead of to nine and a half millions, but it was suggested that a liberal margin should be left to meet the increase of the railway mail service for the next fiscal year, and a half million dollars was put in for that purpose. Looking at the figures, it is estimated that there are to be six thousand miles of additional railway mail service to be provided for in the next fiscal year. That is the estimate. During the present fiscal year we know that there have been four thousand miles increased. Now, for the first quarter of the present fiscal year, that is the quarter ending September 30, 1879, out of this \$9,150,000 the sum of \$1,944,000 in round numbers was expended. For the second quarter of this current fiscal year, ending December 31,1879, and which is the last given by the present was reliable to the increased reliable to the amount expended out ment under the increased railway service, the amount expended out of the appropriations was \$2,082,000, in round numbers, showing an increase between those two quarters of the difference between \$1,944,000 crease between those two quarters of the difference between \$1,944,000 and \$2,082,000; \$138,000 was the increase in round numbers of the second quarter of the present fiscal year over the first quarter. But for the whole first half of the present fiscal year this service only cost \$4,027,592.07, leaving of the sum appropriated, which was \$9,150,000, an amount of \$5,122,407.93 for the last half of the year, as against \$4,027,000 for the first half.

Now, sir, what do we do? There you have the amount left for the last half of the year, exceeding the amount expended in the first half by \$1,120,000, as a margin for increase; and this bill supplements that

last hair or the year, exceeding the amount expended in the first hair by \$1,120,000, as a margin for increase; and this bill supplements that margin of increase by \$500,000. If that is not margin enough, then the calculations made by the Post-Office Department are all at fault. If, indeed, six thousand miles of additional railway mail service are what we have to make allowance for, there is this provision made for it. You never had but \$9,150,000 for this purpose before.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Yes, sir.
Mr. DUNNELL. The estimates are for \$10,000,000. Let me ask
the gentleman if the Post-Office Department through any of its officers has come to the committee and asked this reduction of amount?

Mr. BLACKBURN. I presume not; but I will go a little further Mr. BLACKBURN. I presume not; but I will go a little further in answer to the gentleman's question and say I am equally ignorant of such a question having ever been submitted to the Department or any of its officials by any member of the committee. But I will say further that the sub-committee having charge of this bill believed that nine millions, the amount appropriated for the present year, left a margin large enough. But upon a careful revision of the estimates and a calculation of the percentages of increase they determined from abundant caution to give \$500,000 more.

[Here the hammer fell.]

Mr. HUNTON. I should like to have the amendment again re-

ported.

The amendment was again read.

The amendment was again read.

Mr. BLOUNT. Directing my attention to what has fallen from the lips of the gentleman from Minnesota, [Mr. DUNNELL,] I will state that the Book of Estimates for the year 1879 called for \$10,140,126. The appropriations for that year, the Committee on Appropriations reducing the estimates, were \$9,100,000. That was the appropriation for the last fiscal year. The expenditures for that year were \$9,100,706. The appropriations were exceeded by the expenditures \$700. There was this element of reduction, however; we decreased by law the compensation of the railroads 5 per cent., which it was estimated would amount to about \$350,000 for that year; so that the gentleman from Minnesota [Mr. DUNNELL] will see how very far the estimates were beyond the actual expenditures—nearly \$1,000,000; and with that 5 per cent. off, over \$600,000.

The gentleman from Minnesota refers to the expenditures to come as exceeding those in the two first quarters of the current year. If

The gentleman from Minnesota refers to the expenditures to come as exceeding those in the two first quarters of the current year. If he will examine the Report of the Postmaster-General for the last fiscal year he will find the first and second quarters were the most expensive; that they were more expensive than the last two quarters, and I think it may be stated as a general proposition that the first two quarters are the two which are most expensive.

My friend from Kentucky [Mr. BLACKBURN] has already stated to the committee the cost of the service during the first two quarters of this year. He has also stated that we have allowed for increased service fully up to what the Department estimate, looking well to the great increase in the railway facilities which have been especially

great in the section of country of my friend from Minnesota. I say the Committee on Appropriations have given full force to all the Department have suggested about that, and that, looking to the decreased per cent. as compared with other years for the compensation of railroads, they have allowed ample margin for all the wants of the service.

Mr. CANNON, of Illinois. I wish to call the attention of the gen-

tleman from Minnesota [Mr. DUNNELL] to an error that I think he has made, or rather perhaps a fact that he has failed to note. The current fiscal year is the first time that there ever have been two items in this appropriation; the first item, transportation by railroad routes; the second item, railway post-office car service. The two were formerly appropriated for together. But for the current year the appropriation for one was \$9,150,000 and for the other \$1,250,000. This year we recommend \$9,500,000 for railroad transportation, and also recommend \$1,350,000 for car space; making together in fact, \$10,850,000.

Mr. DUNNELL. Do I understand the gentleman to say that prior to this year these two items were embraced in one?

Mr. CANNON, of Illinois. Yes; these two items were in one; so

Mr. CANNON, of limbors. Tes; these two items were in one; so that in fact I think we are giving as much as the service demands.

Mr. BUCKNER. It is very evident that this appropriation is extra liberal to the Department, in view of the fact stated by the gentleman from Illinois [Mr. CANNON] that the latter appropriation for transportation by postal cars was formerly included in the appropriation we are now making. ation we are now making.

Mr. CANNON, of Illinois.

Yes, sir.

Mr. BUCKNER. Now whatever increase may take place in the railway service of this country there is no doubt that there should be

Mr. CANNON, of Illinois. We do deduct half a million.
Mr. BUCKNER. Yes; but you do not decrease it enough according to the figures. If these statements are true, and they are verified by the reports from the Treasury Department as to the amount that has

already been expended within the first two quarters—

Mr. DUNNELL. Will the gentleman from Missouri admit for a moment that in arguing what may be needed in the next fiscal year from what has been expended in part of the present year he is liable to err very much in his conclusions?

Mr. BUCKNER. It is just as much an error on the part of my friend

Mr. BUČKNER. It is just as much an error on the part of my friend to suppose there is anything in the idea of this magnificent increase for the next year over and above what it was last year or what it was this year. But I make all due allowance for that. It will be found that, allowing the same rate of increase for the third and fourth quarters of this year which the papers show took place in the first and second quarters, which is \$148,000, there is proposed to be appropriated a larger sum than will be consumed, unless the gentleman knows there will be a deficiency, and there is no evidence of that sort before the Committee on Appropriations. If you allow the same rate of increase for the third and fourth quarters, you will have the sum of \$8,635,000, as against \$9,800,000 which the gentleman asks for now. I think the appropriation should be reduced to \$9,300,000, and that that will be ample and sufficient for all contingencies that can arise.

I think the appropriation should be reduced to \$9,300,000, and that that will be ample and sufficient for all contingencies that can arise.

Mr. CHALMERS. I shall support the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL,] for the reason that there is no branch of the service for which this House should make more liberal appropriations than for the mail service of the country. It is the great educator of the country; it furnishes the people with newspapers and letters, and supplies such facilities to the great tide of

emigration in this country.

I think it is a small matter for this great American Congress to sit I think it is a small matter for this great American Congress to sit here and calculate closely as to figures, when we are called upon to determine how much we will give for the purpose of extending these mail facilities throughout the country. The very argument made by the gentleman from Georgia [Mr. BLOUNT] should lead the House to adopt the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.] The gentleman from Georgia shows that in past years more money has been given for this purpose than was used; he tells us that a larger appropriation was made than the service needed. That very fact, showing the honesty of the Government and of its officials in not misusing, in not squandering, in not wasting this money, is proof that we can trust the Government in this regard.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. CHALMERS. Certainly.
Mr. BLOUNT. Does not the gentleman know that so far as the compensation of these railroads are concerned it is not a matter of matter of weight?

I know also that unless the

compensation of these railroads are concerned it is not a matter of discretion but simply a matter of weight?

Mr. CHALMERS. I know that, and I know also that unless the weight is there the money will not be spent. That makes it still more safe to place the money in the hands of the Postmaster-General. The argument of the gentleman cuts away his position, not mine.

If there is more weight than the appropriation will pay for, there will be necessarily a deficiency; for the law requires that the compensation shall be made at a given rate. If there is more money voted than is necessary, it will not be expended. If there is less money appropriated than is necessary under the law, there will be a deficiency.

appropriated than is necessary and ciency.

I think we can well trust the Department in this matter, because the gentleman himself has shown that it is worthy to be trusted, in that it has not heretofore wasted the money given it. I shall therefore vote for the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. BLACKBURN. As it is not likely that we can get a vote this afternoon, I will move that the committee now rise.

Many Members. "Vote!" "Vote!"

Mr. BLACKBURN. Very well; I will withdraw that motion until

the amendment of the gentleman from Minnesota [Mr. DUNNELL] has been voted on.

The question was taken on the amendment; and upon a division

there were—ayes 69, noes 54.

Mr. BLACKBURN. No quorum has voted.

The CHAIRMAN. A vote can be taken upon the amendment in the House

Mr. BLACKBURN. I am not desirous of prolonging the session of the committee this afternoon; but I cannot submit to this amend-ment being adopted without a vote by tellers. Tellers were ordered; and Mr. BLACKBURN and Mr. DUNNELL were

The committee again divided; and the tellers reported that there

were—ayes 77, noes 57.

Mr. BLACKBURN. As this amendment involves an appropriation of \$300,000, I must raise the point of order that no quorum has voted upon it. Leaving the amendment undisposed of, I will move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Carlisle reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H.R. No. 6036) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

PUBLIC BUILDINGS.

Mr. BLOUNT. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk. The Clerk read as follows:

Resolved. That the rules be suspended and Saturday, the 15th instant, after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds authorizing the erection of public buildings, to be considered in the House as in Committee of the Whole, and to be taken up in their order on the Calendar, and to require a two-thirds vote to pass

The SPEAKER. This resolution requires unanimous consent.
Mr. BRAGG. I object.
Mr. MILLS. I thought the gentleman from Georgia [Mr. BLOUNT]
was going to move on Monday to suspend the rules so as to give us
a chance to vote on that resolution.

Mr. BLOUNT. I could not get the floor yesterday for that purpose.

The SPEAKER. The Chair will state in justice to the gentleman from Georgia [Mr. BLOUNT] that he did apply yesterday to the Chair to be recognized for this purpose, but motions to suspend the rules were not reached at all on that day.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I ask unanimous consent that House bill No. 4212. making appropriations for the current and contingent expenses of making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, returned from the Senate with amendments, be now taken from the Speaker's table. There was no objection, and the bill, with the Senate amendments, was taken from the Speaker's table.

Mr. WELLS. I move that the House insist upon its disagreement

to the amendments of the Senate to this bill, which amendments have been insisted upon by the Senate; and that the conference upon the disagreeing votes of the two Houses thereon, which has been requested by the Senate, be granted by the House.

The motion was agreed to.

The SPEAKER announced the appointment as the conferees on the part of the House of Mr. Wells, Mr. Singleton of Mississippi, and Mr. Hubbell.

ORDER OF BUSINESS.

The SPEAKER. The Chair, if there be no objection, will lay before the House certain executive communications for reference. There was no objection.

PURCHASE OF CLOTHING, ETC., FROM SOLDIERS.

The SPEAKER laid before the House a letter from the Secretary of War, recommending legislation for preventing purchases of clothing or accounterments from soldiers; which was referred to the Committee on Military Affairs.

TENTS, ETC., ISSUED TO CIVIL SOCIETIES.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the cost of issuing tents, &c., to civil societies; which was referred to the Committee on Appropriations.

HEIRS OF JUAN READ.

The SPEAKER also laid before the House a letter from the Chief of Engineers, recommending an amendment to House bill No. 5545 for the relief of Juan Read; which was referred to the Committee on Private Land Claims.

RETIRED LIST OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to certain remarks of Hon. Mr. Atherton, in the House of Representatives, relative to delay in answering a resolution of inquiry as to the retired list of the Army; which was laid on the table, and, on motion of Mr. Conger, ordered to be printed.

RAILROAD MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Post-master-General, relative to special mail service on railroads; which was referred to the Committee on Appropriations.

LAWS OF WASHINGTON TERRITORY.

The SPEAKER. The Chair also presents a copy of the laws enacted by the Legislative Assembly of Washington Territory in 1879, transmitted to the House of Representatives in pursuance of law; which, if there be no objection, will be laid on the table.

Mr. CONGER. They should be referred to the Committee on the Indiana.

Judiciary.

The SPEAKER. The Chair thinks these territorial laws usually go into the House Library.

Mr. CONGER. I do not know that in this case any of the laws need to be approved by Congress; but some of the territorial laws require such approval.

need to be approved by Congress; but some of the territorial laws require such approval.

The SPEAKER. Does the gentleman move the reference to the Committee on the Judiciary?

Mr. MAGINNIS. Under the new rules the Committee on Territories have charge of the revision of territorial legislation.

The SPEAKER. Does the Chair understand the gentleman from Michigan [Mr. Conger] to say that these laws must be approved? As the Chair recollects the law, they stand unless disapproved.

Mr. CONGER. As to some of the Territories—I think not this particular Territory—the laws require approval. Legislation of the Territory of Utah I know requires positive action to give it effect.

The SPEAKER. These are the laws of Washington Territory.

Mr. MAGINNIS. The new rules provide that "territorial legislation or the revision thereof" shall be referred to the Committee on Territories. Territories

The SPEAKER. The gentleman from Montana [Mr. Maginnis] will please state whether or not it is the law that these territorial enactments stand unless Congress should disapprove them?

mr. MAGINNIS. Certainly they do.

The SPEAKER. That was the recollection of the Chair. To which committee does the House desire to refer these laws? The gentleman from Michigan has indicated the Committee on the Judiciary.

Mr. MAGINNIS. I do not care about the reference; but I wanted to correct the supposition that such subjects go properly to the Committee on the Judiciary.

Mr. CONGER. I do not, as to this Territory, care for any reference;

as to some other of the Territories I should.

The SPEAKER. These laws will be laid on the table, and, as the Chair supposes, will at the end of the session go into the House Library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. HURD, until next Monday, on account of important busi-

To Mr. LE FEVRE, until next Monday, on account of important

To Mr. HATCH, for five days, on account of the death of his bro-

To Mr. Finley, for ten days, on account of important business;
To Mr. Robeson, indefinitely;
To Mr. Ryan, of Kansas, for four days, on account of the death of a member of his family;
To Mr. Fernando Wood, from the night sessions for this month;

To Mr. URNER, for three weeks, on account of important business.

DONATION OF LANDS FOR HOSPITAL PURPOSES.

Mr. BELFORD introduced a bill (H. R. No. 6062) donating certain lands in Lake County, Colorado, to the Veteran Union Association of Leadville for hospital and burial purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL POLLOCK.

Mr. TOWNSEND, of Ohio, introduced a bill (H. R. No. 6063) for the relief of Samuel Pollock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. UPSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AINSLIE: The petition of James H. Hawley, Thomas S, Hart, and others, citizens of Boise County, Idaho Territory, against the proposed change in the mining laws—to the Committee on Mines and Mining.

By Mr. NELSON W. ALDRICH: The petition of the Rhode Island. Horse Shoe Company, of Providence, Rhode Island, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

Also, the petition of Comstock & Co. and others, of Providence,

Rhode Island, that salt be placed on the free list-to the same com-

By Mr. BACHMAN: The petition of Oliver & Co., of Easton, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. BALLOU: The petition of D. Goff & Sons, of Pawtucket,

Rhode Island, of similar import—to the same committee.

By Mr. BAYNE: The petition of Spang, Chalfant & Co., of Etna,
Pennsylvania, of similar import—to the same committee.

By Mr. BOUCK: Memorial of the Chamber of Commerce of Mil-

waukee, Wisconsin, against the passage of the Hurd bill providing

watkee, wisconsin, against the passage of the flurd bill providing for taxing goods transported from one point in the United States to another through Canada—to the same committee.

By Mr. BRAGG: The petition of the Chamber of Commerce of Milwaukee, Wisconsin, of similar import—to the same committee.

By Mr. CALKINS: A communication from George Wyman & Co., of South Bend, Indiana, on the subject of the tariff—to the same committee.

By Mr. CASWELL: The petition of James P. McPherson and 20 others, citizens of Wisconsin, for the passage of a law creating a national railway commission—to the Committee on Railways and Canals.

By Mr. JOSEPH J. DAVIS: Resolutions and proceedings of a public meeting of the citizens of Johnston County, North Carolina, asking an appropriation to complete the opening of Neuse River from Goldsborough to Smithfield, North Carolina—to the Committee on Com-

merce.

By Mr. DICK: The petitions of the Stewart Iron Company and Westerman Iron Company, of Sharon, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. ERRETT: The petitions of Shoenberger & Co. and of Shoenberger, Blair & Co., of Pittsburgh, Pennsylvania, of similar import—to the same committee.

Also resolutions of the Pittsburgh Pentsylvania

Also, resolutions of the Pittsburgh Dental Association, against the extension of the Cummings patent—to the Committee on Patents.

By Mr. FELTON: The petition of merchants of Atlanta, Georgia, that salt be placed on the free list—to the Committee on Ways and

Means.

By Mr. FERDON: The petition of George A. and Hannah P. Foster, for pensions—to the Committee on Invalid Pensions.

Also, the petition of John Peck, jr., of Haverstraw, New York, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. GARFIELD: The petition of Henry Chisholm, of Cleveland, Ohio, of similar import—to the same committee.

By Mr. HARMER: The petition of A. A. Meeser, late lieutenant Pennsylvania volunteers, that his Army record may be so amended as to grant him an honorable discharge—to the Committee on Military Affairs.

Also, the petition of Herman Walters, for a special act reimbursing him \$486.66 of the Geneva award for loss of effects sustained by capture of merchant-vessel Gildersleeve by the privateer Alabama, claim for which was pending at the expiration by limitation of court of commissioners—to the Committee on the Judiciary.

By Mr. HASKELL: The petitions of citizens of Paola and of Oswego, Kansas, for the abolition of the duty on salt—to the Committee on Ways and Means.

By Mr. HANLEY: The petition of the Hockannum Company and 8 other corporations and firms of Hartford and Tolland Counties, Connecticut, for the passage of the bill to create a tariff commission—to the same committee.

By Mr. HENDERSON: The petition of D. S. Bover and 41 others

the same committee

By Mr. HENDERSON: The petition of D. S. Boyer and 41 others, citizens of Illinois, that salt be placed on the free list—to the same

By Mr. HURD: The petition of citizens of Toledo, Ohio, for the passage of a bill authorizing the appointment of a local inspector at that port—to the Committee on Commerce.

By Mr. JOHNSTON: The petition of tobacco manufacturers of Richmond, Virginia, for the repeal of the duty on licorice paste—to the Committee on Ways and Means.

Also, the petition of the Old Dominion Iron and Nail Works Company, of Richmond, Virginia, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee. mittee

By Mr. KETCHAM: The petition of Millerton Iron Company, of Millerton, New York, of similar import—to the same committee.

By Mr. McCOID: The petition of William Salter and others, of Burlington, Iowa, for the removal of the duty on paper—to the same

committee.

By Mr. McMILLIN: The petition of W. B. Stokes, J. H. Driver, and 60 others, citizens of Tennessee, for the passage of a bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. MCRSE: The petition of Haite, Frost & Co. and others, for the passage of the bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. O'NEILL: Resolutions of the Philadelphia Maritime Exchange, favoring the passage of the bill (H. R. No. 1352) amending the law relating to merchant-seamen—to the Committee on Commerce.

Also, the petition of Strain & Co., of Hemphill, Pennsylvania, for Also, the petition of Strain & Co., of Hemphill, Pennsylvania, for

the passage of the Eaton bill providing for the appointment of a tariff

the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. JOHN W. RYON: The petitions of D. Longenecker, jr., of New Ringgold; of Greenwood Rolling Mill Company, of Tamaqua; of J. M. and H. Y. Kaufman, of Auburn; of James A. Inness, of Port Clinton; and of T. Garretson and Atkins & Brother, of Pottsville, Pennsylvania, of similar import—to the same committee.

By Mr. SAPP: The petition of John Fox and others, soldiers and sailors of Iowa, for the equalization of bounties—to the Committee on Military Affairs

Military Affairs

Also, two petitions of soldiers of Iowa, for the passage of the Geddes pension court bill—to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of William Thompson, for a pension and bounty land—to the Committee on Pensions.

By Mr. PHILIP B. THOMPSON: The petition of citizens of the eighth congressional district of Kentucky, for the removal of the duty on salt—to the Committee on Ways and Means.

on salt—to the Committee on Ways and Means.

By Mr. AMOS TOWNSEND: The petition of the Cleveland (Ohio)
Rolling Mill Company, for the passage of the Eaton bill providing for
the appointment of a tariff commission—to the same committee.

By Mr. RICHARD W. TOWNSHEND: The petition of 31 citizens
of Rock Island, and of 19 citizens of Sheffield, Illinois, for the abolition of the duty on salt—to the same committee.

By Mr. THOMAS UPDEGRAFF: The petition of L. E. Beebe and

24 others, citizens of Delaware County, Iowa, and of Latimer Brothers and 25 others, citizens of Masonville, Iowa, that salt be placed on the free list—to the same committee.

Also, the petition of John S. Frink, against the passage of the congressional district traveling pension court bill—to the Committee on Invalid Pensions.

Also, resolutions of a meeting of soldiers of Buchanan County, Iowa, favoring the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WARD: The petition of Huston & Primrose, of Centreville, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and

By Mr. WISE: The petition of Charles Little and other soldiers, against the passage of the traveling pension court bill—to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, May 5, 1880.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of war, transmitting letters from the Quarter-master-General on the subject of printing the revised Roll of Honor; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS. Mr. WALLACE presented the petition of Oliver Evans Woods, residing in Philadelphia, Pennsylvania, praying for relief in relation to an alleged infringement of his patent knapsack; which was referred to the Committee on Patents.

He also presented the petition of the Crucible Cast Steel Company, of Philadelphia, Pennsylvania, manufacturers of cast steel, employing twenty hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

on the table.

Mr. KERNAN presented the petition of the receiver of the Peru Steel and Iron Company, of Clintonville, New York, manufacturers of steel and iron, employing three hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. DAWES presented the petition of the Farr Alpaca Company, of Holyoke, Massachusetts, manufacturers of woolen goods, employing one thousand hands; the petition of the Bel Air Manufacturing Company, of Pittsfield, Massachusetts, manufacturers of woolen goods, employing one hundred and sixty hands; and the petition of the A. employing one hundred and sixty hands; and the petition of the A. G. Tompkins Company, of Boston, Massachusetts, manufacturers of bar-iron, employing one hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

which were ordered to lie on the table.

Mr. CAMERON, of Pennsylvania, presented the petition of Thomas Dolan & Co., of Philadelphia, Pennsylvania, manufacturers of woolen goods, employing two thousand hands; the petition of the Westeman Iron Company, of Sharon, Mercer County, Pennsylvania, manufacturer of sheet, hoop, and band iron, nails, boat and railroad spikes, employing six hundred hands; the petition of the Montour Iron and Steel Company, of Danville, Pennsylvania, manufacturers of pig-iron and iron rails, employing about one thousand hands; the petition of the Gantin Steel Company, (limited,) of Johnstown, Pennsylvania, manufacturers of steel wire and springs, employing one thousand

hands; the petition of Theo. Oliver & Co., of Easton, Pennsylvania, manufacturers of sheet-iron, employing forty hands; the petition of the New Castle Iron and Steel Company, of New Castle, Delaware, manufacturers of boiler-iron, employing one hundred hands; the petition of the Stewart Iron Company, (limited,) of Sharon, Mercer County, Pennsylvania, manufacturers of pig-iron, &c., employing two hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to like on the table.

dered to lie on the table.

Mr. BAILEY presented the petition of the Roane Iron Company, of Chattanooga, Tennessee, manufacturers of iron and steel, employing eight hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was or-

dered to lie on the table.

Mr. WALLACE presented seven petitions signed by William E. Rathbone, A. E. Smith, W. Montgomery, William Wilson, and 73 others, praying for the enforcement of the eight-hour law; which were referred to the Committee on Education and Labor.

Mr. PENDLETON presented the petition of William D. Kelly & Sons, of Ironton, Ohio, manufacturers of iron, employing five hundred hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on

the table.

Mr. CONKLING presented the petition of Andrew Williams, of Plattsburgh, New York, manufacturer of bloom-iron, employing three hundred hands; the petition of Sheldon & Co., of Auburn, New York, manufacturers of iron and steel axles, employing four hundred and twenty-five hands; the petition of the Ausable Horse Nail Company, of Keeseville, New York, manufacturers of horse-nails, employing about two hundred hands; the petition of the Horicon Iron Company, about two hundred hands; the petition of the Horicon fron Company, of Ticonderoga, New York, manufacturers of iron, employing one hundred hands; the petition of the Rome Iron Works, of Rome, Oneida County, New York, manufacturers of rails and brass, employing four hundred hands; the petition of Daniel F. Payne, of Wadham's Mills, Essex County, New York, manufacturer of bloom-iron, employing two hundred hands; and the petition of H. A. Putnam & Co., of Elizabethtown, New York, manufacturers of bloom-iron, acetic acid, &c., employing two hundred and twenty hands, praying for the passage of the Eaton bill providing for the appointment of a tariff commission; which were ordered to lie on the table.

He also presented a petition, signed by a large number of hardware merchants of the city of New York, praying for the passage of a national bankrupt law; which was referred to the Committee on the

Judiciary.

Mr. CONKLING. I present also a petition signed by a large number of citizens of the State of New York, consumers of salt, asking that the duty on foreign salt, salt being a prime necessity, be removed. I move its reference to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 83) for the relief of Nicholas White, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 445) for the relief of Joseph B. Campbell, reported it with a manufacture of the property of the proper

ported it with an amendment, and submitted a report thereon; which

was ordered to be printed.

Mr. CAMERON, of Pennsylvania. I report, from the Committee on Naval Affairs, the petition of William Collins, of Waldo, Maine, praying payment of certain moneys alleged to be due him as bounty for services of the schooner Sarah Franklin, employed in cod fishery in the year 1866. This petition was first referred to the Committee on Commerce, and then transferred to the Committee on Naval Affairs. The Committee on Naval Affairs desire to be discharged from its further consideration, and that it be referred to the Committee on Claims mittee on Claims.

The report was agreed to.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of George E. Payne, of Saint Charles Parish, Louisiana, praying compensation for the seizure, use, and occupation of his sugar plantation by the officers of the Government, submitted a report thereon, accompanied by a bill (S. No. 1720) to refer the claim of George E. Payne to the Court of Claims.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1599) for the relief of Dr. A. Sidney Tebbs, reported it without amendment.

ABRIDGMENT OR DENIAL OF SUFFRAGE.

Mr. WALLACE, from the select committee to inquire into alleged frauds in the late elections, and who were also directed to inquire and report to the Senate concerning the denial or abridgment of the right of suffrage to citizens of the United States, submitted a report thereon, accompanied by a bill (S. No. 1721) to enforce the provisions of section 2 of the fourteenth amendment to the Constitution of the United States.

The bill was read twice by its title, and the report was ordered to

be printed.

Mr. WALLACE. I also move that the testimony taken by that committee be printed.

The motion was agreed to.

Mr. BLAIR. I wish to give notice that on the matter reported from the select committee to inquire into alleged frauds in the late elections there will be a minority report submitted as soon as there

shall be time to prepare it.

Mr. WALLACE. I present, in accordance with the request of certain citizens of Rhode Island, sundry petitions to the Senate praying for relief from the rule of suffrage imposed in that State. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

ENTRIES OF PUBLIC LANDS.

Mr. BOOTH. I am directed by the Committee on Public Lands to report back the bill (H. R. No. 4227) for the relief of settlers on public lands, with the recommendation that it pass with an amendment. I am directed also by the committee to ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides in the first section that when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the Gen-

eral Land Office.

The second section provides that in all cases where any person has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from the date of such notice to enter the lands. The register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

The amendment reported from the Committee on Public Lands was

to add as a new section:

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application, and perfect his original entry in the United States land office as is now aflowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1722) for the relief of the heirs of Edward B. Clark; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1723) authorizing the Secretary of the Treasury to issue an American register to the bark Annie Johnson; which was read twice by its title, and referred to the Committee on Commerce.

REPORT ON ALASKA.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Treasury be, and he is hereby, directed to forward to the Senate the reports of Captain John W. White of the United States revenue service, made while that officer was on duty in the waters of the Territory of Alaska; and also copies of all papers relating to the transfer of the jurisdiction over the Territory of Alaska from the War to the Treasury Department.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. I gave notice yesterday that after the routine business of the morning hour had been gone through with to-day I should move to take up the Holladay claim, but at the solicitation of various Senators about me who desire to go on with the Calendar, I shall not make that motion this morning.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. EDMUNDS. If it does any good, I wish to give notice that to-morrow morning and every other morning after the routine business, I shall move, or try to move, to take up Senate bill No. 818, reported from the Committee on Private Land Claims, to adjust and settle private land claims in New Mexico and Arizona, &c., which is quite important both to public and private interests; and I hope it will not take long to dispose of it.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Martin V. Jackson have leave to withdraw his papers from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 4812) to amend the laws in relation to internal revenue; in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1881, and for other purposes; it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and had appointed M. agreeing votes of the two Houses thereon, and had appointed Mr. Erastus Wells of Missouri, Mr. O. R. Singleton of Mississippi, and Mr. J. A. HUBBELL of Michigan, managers at the conference on the part of the House.

THE FORT LOGAN RESERVATION.

Mr. McMILLAN. I ask the Senate, owing to the peculiar circumstances of the case, to take up now the bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier. It is a House bill reported favorably by the Military Committee. The Senator from Texas [Mr. MAXEY] who is now in his seat, I observe, submitted the report, and I think he will be able to state that this is a measure which should pass immediately.

will be able to state that this is a measure which should pass himse diately.

Mr. MAXEY. The report was made by the unanimous direction of the Committee on Military Affairs, and shows on its face that the Secretary of War regarded it as a matter of pressing necessity. The report is very short and can be read. I think myself that the bill ought to be passed, and is a very proper measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which empowers the Secretary of War to establish a new military post at or near the Mussel Shell River, in the Territory of Montana, as he may deem best for the protection of the frontier from Indian incursions—the total cost not to exceed \$50,000. It also directs the Secretary of War, after due notice, to sell \$50,000. It also directs the Secretary of War, after due notice, to sell at public auction or otherwise dispose of, as he may deem most advantageous to the Government, the site, reservations, and buildings of Fort Logan, Montana Territory, and reinvest the proceeds of such sale in the erection of the post authorized by the previous section. Such portion of the buildings, or of the materials thereof, as can be profitably removed to the new post, may be reserved from sale and

Mr. EDMUNDS and Mr. McMILLAN. Let the report of the com-

The Chief Clerk read the following report, submitted by Mr. MAXEY April 27, 1880:

April 27, 1880:

The Committee on Military Affairs, to which was referred the bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier, respectfully submits the following report:

This bill passed the House of Representatives April 20, 1880.

The facts are presented in the report of the Committee on Military Affairs of the House, which is hereby adopted, and is as follows:

"The Committee on Military Affairs beg leave to report that Fort Logan, when established, was on the frontier, but that the settlements have outgrown it, and the post needs to be moved out about a hundred miles on the present frontier, which is now the scene of continued Indian raids and conflicts.

"It is thought that sufficient money can be obtained by the sale of the old post to establish the new one.

"The troops now have to be sent continually to the front, and their transportation back and forth is expensive, and their service is much more unsatisfactory than if stationed where needed. The military authorities have repeatedly urged this change, and present exigencies make it immediately necessary. The accompanying letter of the Secretary of War, and the indorsements of General Terry and General Sherman, having been referred to the Committee on Military Affairs, that committee have prepared this bill. In view of the pressing necessity of the case, on account of recent and threatened conflicts, and the approach of the season whem war parties of Indians can make their raids with the greatest impunity, the committee unanimously recommend that the rules be suspended and the bill passed."

Wherefore the committee reports back House bill No. 5894 without amendment, and recommends its passage.

Mr. INGALLS. What is the area of this reservation? Where is it

Mr. INGALLS. What is the area of this reservation? Where is it

Mr. MAXEY. In Montana Territory.
Mr. INGALLS. What is the area of the reservation?
Mr. MAXEY. I cannot reply to the Senator on that point. As the

Mr. MAXEY. I cannot reply to the Senator on that point. As the Senator well knows, all these reservations in the Territories are very large, ordinarily about a thousand acres. I had a list of some forty or forty-one of them, and that is about the general average.

Mr. INGALLS. I observe that this bill is a departure from the bills usually passed on subjects of this kind in that it provides that the Secretary of War shall sell the reservation, with the buildings and other improvements, at public auction. It has been customary when reservations have been relinquished to allow them to be disposed of under the provisions of the general land laws to actual settlers. If this is the provisions of the general land laws to actual settlers. If this is, as I suppose it to be, a very large reservation, serious inconvenience might result and wrong might be done to those who would like to obtain the right to settle on the lands now in the reservation.

Mr. MAXEY. The Senator will observe that the bill provides that such portion of the buildings or of the materials as may be profitably

removed to the new post may be reserved from sale and removed. Whatever can be used in the erection of a new post will not be sold.

Mr. EDMUNDS. I do not know that I heard the Senator from Texas in reply to the Senator from Kansas state the size of this reser-

vation, the number of acres embraced in it.

Mr. INGALLS. He said he did not know.

Mr. MAXEY. I did not reply because I did not remember. I stated in general terms that the military reservations in all the Territories are ordinarily large. I had a list the other day of some forty or forty-one furnished me by the Secretary of War, and the general average was

about a thousand acres. There are some more than that. amount in the Fort Logan reservation I do not know. sider it important to inquire, because the reservation is no longer of

sider it important to inquire, because the reservation is no longer of service, the settlement having passed about a hundred miles beyond it, or considerably beyond it, and I see no reason why it should not be sold for the public good.

Mr. EDMUNDS. I think the Senator is entirely right about that on his statement that the frontier has gone beyond the place.

Mr. MAXEY. I beg the Senator to pay attention to the report which I made on that point. He will find in the first paragraph of the report that "the settlements have outgrown it and the post needs to be moved out about a hundred miles on the present frontier." That is the reason for it. The post is no longer of service because the settlements have gone beyond it.

ments have gone beyond it.

Mr. INGALLS. My recollection about military reservations is that they are usually several miles in extent. This may be an exception, and as the Senator says may not comprise over a thousand acres, but if it is anything like the average of western military reservations, it

if it is anything like the average of western military reservations, it is a good many miles in extent.

Mr. MAXEY. The Senator will pardon me, I did not state that it did not contain over a thousand acres; I stated that I did not know; but I had a list of forty or forty-one that the Secretary furnished me, and the general average was about a thousand acres. It was a conjecture that this is like the rest of the reservations out there. Whatever the amount is, however, it is not necessary for military purposes, and therefore it seems to me it should be sold and the proceeds used for other purposes.

for other purposes.

Mr. INGALLS. I think so too, but I think there ought to be some limitation as to the mode of sale.

Mr. EDMUNDS. If this be a large reservation, as I suppose it is, to sell it in block altogether might be injurious to the local public interests and possibly to the Treasury; and therefore I wish to propose an amendment that will authorize the Secretary of War to sell it is passed if the public interests will be better advanced in that way. it in parcels if the public interests will be better advanced in that way,

and to that I presume the Senator from Texas would have no objection.

Mr. MAXEY. I have no objection to the Senator from Vermont amending the bill in any way whatever to protect the Government. I am as much in favor of that as he is. I only think generally that after the Government has used a reservation until it has no further use for it, the best thing that can be done is to sell it and use the

use for it, the best thing that can be done is to sell it and use the money for other purposes.

Mr. EDMUNDS. Undoubtedly.

Mr. MAXEY. Whatever course the Senator thinks is best to accomplish that object, I am perfectly willing to accept.

Mr. EDMUNDS. I merely submitted it to my friend from Texas in charge of the bill, whether it would not be wise to authorize the Secretary to sell this in parcels, if he thinks that is the best way. I think the present construction of the bill would be that he would have to sell it in block.

Mr. MAXEY. The bill authorizes the Secretary of Way (14).

sell it in block.

Mr. MAXEY. The bill authorizes the Secretary of War "to sell at public auction or otherwise dispose of, as he may deem most advantageous to the Government, the site, reservations, and buildings of Fort Logan." It occurred to me, this bill having been drawn by the Committee on Military Affairs in the House, that it was drawn perhaps upon a frame furnished by the Secretary of War and to meet his views. I do not know that to be true, but I know that is the rule with us in our committee. The bill gives to the Secretary of War the power to sell in such manner as he may deem most advantageous. From the opinion I have of the Secretary of War I am perfectly willing to leave it to his discretion and judgment, he being a sensible and ing to leave it to his discretion and judgment, he being a sensible and honest man, to sell it to the best advantage to the Government, as the bill directs

Mr. EDMUNDS. But I am not able to construe the bill as my friend from Texas does on the precise point about which I am speak ing. He is "to sell at public auction or otherwise dispose of, as he ing. He is "to sell at public auction or otherwise dispose of, as he may deem most advantageous to the Government, the site, reservations," &c. I think the words "otherwise dispose of" there refer merely to a distinction between the mode of selling by public auction and the mode of selling by private sale. In order, therefore, to make it clear that he would have a right to cut it up into parcels and sell it to villagers or settlers, an amendment should be made.

Mr. MAXEY. I place this construction upon that language, (perhaps I am entirely wrong,) that the Secretary of War is to sell at public auction or otherwise, that is, at private sale, in such manner as he may deem most advantageous. Now, if he deems it most advantageous to sell in block it will be sold in block; if he deems it most advantageous to sell at public outery it will be done, or if at private sale

vantageous to sell at public outcry it will be done, or if at private sale that may be done. That occurs to me as the construction, although I may be entirely wrong.

Mr. EDMUNDS. I think my friend on reflection will see in a mo-

Mr. EDMUNDS. I think my friend on reflection will see in a moment that in point of legal construction the words "most advantageous" refer merely to the method of sale, whether at public auction or some other mode of sale. I think that is the legal and grammatical construction. At any rate, to save all possible question, I move to amend the bill by inserting after the words "dispose of," in the third line of section 2, the words "in parcels or otherwise," so as to leave him with a clear right.

Mr. MAXEY. I have no objection whatever to perfecting the bill in that way

in that way.

The amendment was agreed to.

Mr. THURMAN. Who is authorized to sell the reservation?
Mr. EDMUNDS. The Secretary of War.
Mr. THURMAN. If the reservation is to be abandoned, why should

it not be turned over into the body of the public lands and disposed

of by the Land Office?

Mr. EDMUNDS. Because the reservation has got more value than the ordinary public lands; and to permit homestead rights, which are in large part frauds now, I am told, and dollar-and-a-quarter per acre rights to apply here would be unjust to the Treasury. We can get much more for such a reservation usually. I do not know that

it applies to this case, but usually that is the case.

Mr. THURMAN. Suppose that is so, and that the reservation ought not to be subject to homestead entry, why should not this reservation be turned over to that Department of the Government which has charge of the public lands? If this tract is to be surveyed and is to charge of the public lands? If this tract is to be surveyed and is to be disposed of in any different way than public lands generally, let it be so provided; but why should the disposition of the public lands be left to the Secretary of War? We have a land system, and it is all under one Department. Why should not this reservation, if we abandon it for military purposes, become a part of the public lands, and under charge of the public land Department?

Mr. MAXEY. I think if the Senator will look at the frame-work of the bill he will see the reason why. The object is to raise money out of this military reservation, which is now of no use for military purposes, to pay for the erection of a new post. If that can be done, it saves that much out of the general Treasury. The Secretary of War is authorized to sell this at whatever amount he can obtain, and it is believed a sufficient amount can be realized out of the sale of the

believed a sufficient amount can be realized out of the sale of the reservation to build a new post. If that can be done it certainly will

reservation to build a new post. If that can be done it certainly will be an honorable business transaction.

Mr. THURMAN. That does not save the Treasury of the United States anything, and makes the proposition obnoxious to another objection; and that is, that you are expending money without appropriating it. You do not know how much you are appropriating for this new post when you simply allow the proceeds of the old reservation to be applied to the new.

Mr. EDMUNDS. There is a limitation.

Mr. MAXEY. There is a limitation of \$50,000.

Mr. MCMILLAN. The Senator from Ohio will permit me to call his attention to the proviso in the bill, which is as follows:

his attention to the proviso in the bill, which is as follows:

The total cost of the same shall not exceed the sum of \$50,000.

As I understand it, this military post was located at the mouth of this Mussel Shell River rather as a temporary post, and the circumstances are such as to require its transfer nearer to the present frontier. If the Senator will refer to the report of the House committee, embodied in the Senate report, it will be observed that the recommendation for this removal is made in letters addressed to the House mendation for this removal is made in letters addressed to the House by the Secretary of War with the indorsement of General Terry, the commander of that department, and of General Sherman, the General of the Army. I regret that these letters are not at present in the possession of the Secretary of the Senate, as I think they ought to be accompanying the bill from the House here. These letters I have no doubt would satisfy the Senate positively in regard to all these facts. The purpose is to dispose of the present fort and out of the proceeds to erect a new fort in the new position where it is now required to protect against Indian outrages upon the frontier. To any amendment in regard to the protection of the reservation desired, of course there is no objection. there is no objection.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate of December 16, 1879, to print 3,000

copies of the report of the board to test iron and steel.

The message also announced that the House had passed a bill (H. R. No. 6066) appropriating money for the public printing; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following the state of the senate of the senate of the senate.

occupy its time briefly upon that question, and will then leave it to the Senate to determine what it ought to do in view of the condition

of our collection of books at this time.

The VICE-PRESIDENT. Will the Senate grant the request of the Senator from Indiana? The Chairs hears no objection. The Senator

from Indiana

Mr. EDMUNDS. Had not the bill better be reported?

The VICE-PRESIDENT. The bill will be read.

The Chief Clerk read the bill (S. No. 1117) to provide additional accommodations for the Library of Congress.

Mr. VOORHEES. Mr. President, it is impossible to magnify the importance of immediate action looking not merely to the accommodation, but to the preservation of the Library of Congress. We have reached a point where we have no choice on this subject. Our duty is importative as the guardians of public property, and we cannot avis imperative as the guardians of public property, and we cannot ex-cuse ourselves or be excused by the country if we delay the discharge of that duty any longer. There has been much talk here and elsewhere on this subject, but my desire now is to impress upon the minds of Senators the fact that prompt and decided action is an

absolute necessity.

minds of Senators the fact that prompt and decided action is an absolute necessity.

The present condition of the Congressional Library is a reproach and a shame to this Government. But for the services of an exceptionally able and accomplished Librarian its utility as a place of resort for information would be almost wholly destroyed. It contains now 375,000 volumes of books, with shelf room for 280,000 volumes, leaving 95,000 volumes to be piled in heaps on the floor and in the alcoves, or packed on the shelves behind the others. The principal value of a library consists in the readiness with which you can find what you want. In the Library of Congress, however, at this time, every fourth book is denied a place on a shelf and has to be sought for on the floor, or in some nook or corner or hidden place. When we reflect that the call for books on the part of those who are entitled to their use is incessant, we may form some conception of the perpetual overhauling going on from day to day among the contents of that Library. Books are damaged and worn out by this condition of things.

In addition to the books in the Library there are 120,000 pamphlets for which no other provision can be made than to cord them up together in an almost inaccessible condition. Nor is there any room whatever for filing the periodicals or the newspapers of the day. There are more than six thousand bound volumes of newspapers in the Library, embracing more than a century of American history; also, complete sets of the London Times since 1796, of the London Gazette since 1665, of the Moniteur Universel since 1789, and of nearly all the English and American reviews and magazines. Two newspapers from each State, representing both political parties, have also been taken for many years, and kept for reference. All this great mass of valuable matter has no place at all provided for it, and has to take its chance for an obscure and inconvenient lodgment somewhere. It is mostly packed together like dry goods in a crowded store, one piece on to has to take its chance for an obscure and inconvenient lodgment somewhere. It is mostly packed together like dry goods in a crowded store, one piece on top of another. There was yet another collection which strongly attracted my attention on a recent occasion. In a dark room up stairs there is an immense accumulation of maps and charts—chiefly, as I was informed by the Librarian, American—both manuscript and engraved, illustrative of the chartography of our widely extended country in every stage of its development. These splendid maps, thousands in number, are actually inaccessible because there is no space in which to arrange them for use. The officers in charge of the various Government surveys, to whom these maps would furnish most valuable and essential aid, have made strenuous attempts, assisted by the Librarian, to utilize them, but have all failed. They are lying there, a huge fund of knowledge, acquired in that form at great labor and expense, and now of no value whatever to anybody. Their condition is more that of an accumulation of leather, some bound in rolls and some spread out in piles together, than anything bound in rolls and some spread out in piles together, than anything else that now occurs to me. Imagine, if you can, the process of hunting for one of these maps or charts if some committee of Congress or some Senator or Member should be seized with a sudden curiosity to examine it! It simply could not be had, and the applicant would have to go elsewhere or do without the desired information.

Not only the resembless of the Library but the propriety of its business.

The message also announced that the House had passed a bill (H. R. No. 6066) appropriating money for the public printing; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A resolution for the printing of 10,000 copies of the proceedings of the two Houses of Congress upon the presentation to the United States by J. Randolph Coolidge and others of the desk upon which Thomas Jefferson wrote the Declaration of Independence; and A resolution for the printing at the Government Printing Office of 5,000 copies each of volumes 4 and 5, Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations.

ACCOMMODATIONS FOR THE LIBRARY.

Mr. VOORHEES. Some weeks ago I was authorized by the Joint Committee on the Library of Congress to report a bill providing for additional accommodations for the Library. I feel impelled by a high sense of duty to ask the Senate to listen this morning to some reasons why it is now imperatively necessary to take prompt action.

Not only the usefulness of the Library but the propriety of its business details is destroyed by its limited and cramped condition. Thousands of volumes are annually received there from foreign agents of the Library, from the bindery, and from other sources. The smallest town library in the country usually has some place, outside of the Library of Congress. All this vast work, going on almost daily, breaking open boxes and nailing them up, takes place in the public resorting to the Library, and, to use the language of the Library, and to use the language of the Library of congress and almost under the feet of members of Congress and of the work in the from the resort with the Library and to pack and unpack books. Not so with the Library of the Library, and, to use the language of the Library and to pack and unpack books. Not so with the Library of the Lib Not only the usefulness of the Library but the propriety of its busiauthorities could be examined and ample notes taken without any

interruption from any source.

Again, the Librarian of Congress, in addition to his other duties, is required by law to preserve the records of copyright and to receive copyright publications for the United States. This of itself is a business of great magnitude and of the highest importance. During the last year there were more than eighteen thousand entries of copyright publications, and for each entry two copies of the publication are required to be deposited in the Library. The money value of the law books alone deposited under this law is estimated at over \$8,000 per annum. I am also informed by the Librarian that under this law, during the ten years of its operation, an immense number of prints, during the ten years of its operation, an immense number of prints, engravings, chromos, and photographs, some of them of great size, have been received, and that there is rapidly forming a collection which will make a most instructive gallery of the progress of the arts of design in America. Yet none of these interesting works can be seen by the public. There are not ten feet of space anywhere in which to exhibit them. They are completely hidden from view, piled up with their copyright stamps and numbers until more room is obtained. The entire records of copyright in the United States, from the first enactment of the law in 1790 to this date, comprising the original records of more than forty United States district clerks' offices, as well as those of the Librarian of Congress since 1870, are actually

well as those of the Librarian of Congress since 1870, are actually stored away in a dark room, two stories under the Library, where the constant references to them are prosecuted under every conceivable disadvantage and inconvenience. What first-class business house in the world would tolerate such obstructions for a single year or even

a month? But there is still another and even a far more pressing cause for amediate action on our part than any I have yet named. There is immediate action on our part than any I have yet named. There is danger every hour of a destructive fire in the Library. It is true that after it was destroyed by fire in 1851, the Library-room "was rebuilt in fire-proof material, the walls, ceiling, and shelving being wholly of cast-iron; the first instance, it is said, of the employment of that material exclusively for the interior of any public edifice in America." There, however, Congress stopped, while the Library has continued to grow. An avalanche of over twenty thousand volumes a year has poured in upon the Librarian, all of which have been provided for somewhere and somehow. In order to accommodate, to some extent at least, this increasing flow of books, and to keep them from absolutely blocking up the passage-ways of the Library-rooms, the Librarian has been compelled to introduce over two hundred wooden cases of shelves into the iron alcoves. The language of the Librarian himself on this point is as follows:

These cases of pine wood may not be immediately dangerous since the heat that warms the Library is brought in steam-pipes for two hundred feet underground from the heating apparatus of the Senate and the House of Representatives. But there is serious risk of fire in the upper loft of the Library, which contains most of the newspapers and documents, and where the great collection of maps are from necessity piled in heaps. This room is full of combustibles, and is detached from the fire-proof or iron-cased apartments of the Library, so that a fire once communicated would sweep shelving, periodicals, maps, and all before it. With incessant watchfulness such a calamity may be averted, but Congress should not suffer such a risk to be run for a day by falling longer to provide adequate and fire-proof accommodations for the great and precious collections of which it is the responsible custodian.

Sir, a fire may break out at any moment in that dark upper loft, where gas has to be lit by the Librarian and his assistants whenever where gas has to be lit by the Librarian and his assistants whenever their duties call them there. The very dust of decomposing paper, and of the friction induced by constant handling may become inflammable. In fact, with all the incessant watchfulness of the officers of the Library there is no safety there at all for the public property under our care. I hope a conflagration here in the Capitol may not be necessary to unite our minds in the discharge of a plain public duty. If such a disaster, however, should befall the country the reduty. If such a disaster, however, should berail the country the Association of the sponsibility must rest upon those, who, knowing the danger, shall hereafter delay the action of Congress upon this subject.

In considering the proper construction of a library building for the future, which I think I have now sufficiently shown must be speedily done, it may not be without profit and interest to look for a few moments at the history of the Library in the past. It has had a most singular and instructive career—a career which should admonish us to build for the centuries, and not merely for the decades, or the generations. It made an humble and modest start, and its progress was slow until within these later days. It is curious now to mark its origin and its various stages. On the 24th day of April, in the year 1800, an act passed Congress, then sitting in Philadelphia, "making provision for the removal of the Government of the United States" to this city, and in that act there was appropriated the sum of \$5,000 "for the purchase of such books as may be necessary for the use of Congress at the said city of Washington." This was the beginning of the present splendid Library of Congress. At that time Washington City contained less than five hundred inhabitants, and everything was on a very small scale compared with what came afterward. There was on a very small scale compared with what came afterward. There were not then more than three public libraries in the United States embracing over five thousand volumes. Congress, before it convened in this city, appears to have relied almost entirely on private sources for its works of reference. In December, 1801, a bill was introduced into Congress, which afterward, January 26, 1802, became a law in the form of an act, entitled "An act concerning the Library for the use of both Houses of Congress." It was warmly debated, such men as Mr.

Bayard of Delaware, John Randolph of Virginia, and John Bacon of Massachusetts, taking a leading part in the discussion. Mr. Bayard proposed an appropriation of a thousand dollars a year for the period of ten years for the purchase of books; Mr. Bacon moved to make it ten thousand a year; while it surprises me to find that the scholarly and cultivated Virginian thought they were both extravagant in their notions.

The act as it finally passed made \$3,800 available for books; provided for the present joint committee of three Senators and three members of the House; regulated the use of books outside of the Library, and gave the President authority to appoint a Librarian. Until 1815 the Clerks of the House of Representatives were the Librarian. rians of Congress. Since that time there have been but four: George Watterson, appointed by James Madison, served fourteen years; John S. Meehan, appointed by General Jackson, served thirty-two years; John G. Stephenson, appointed by Mr. Lincoln, served three years, and the present incumbent, Ainsworth R. Spofford, appointed by Mr. Lincoln in 1864, having now served about sixteen years. I have said that the early progress of the Library was slow, yet it seems almost incredible that on the 24th of August, 1814, when our British relations visited this Capitol by way of Bladensburgh, they found a library of only three thousand volumes to which to apply their torch of uncivilized, barbarian, vandal warfare. Book-burning and the sacking of libraries have not been esteemed among the graces of varfare between Christian patients but it was peaked. between Christian nations, but it was perhaps for the best that the British forces made a bonfire of what little we had. It illustrated their hatred of a people who had conquered them on the fields of the Revolution, and it also provoked one of the most attractive incidents in the history of the Congressional Library. The very few volumes, as we reckon them now, which had been accumulated in the space of fourteen years, had disappeared in smoke and ashes when Congress convened in special session on the 19th of September, 1814. The Library of Congress had ceased to exist; it was wholly swept away. There was not a book here for public use. It was at this juncture of disaster and discouragement that Thomas

Jefferson, whose great name even to this day provokes so much controversy, spoke from his retirement at Monticello in behalf of a better foundation for the Library than it had ever possessed before. He offered his entire collection of books on such terms as Congress itself might determine, a collection which had cost him fifty years to make, in which he had spared neither pains, opportunity, nor expense. Allow me to submit his grand letter to his friend Samuel Harrison Smith on the subject. It may encourage the young men of the present time in their love of libraries, and in their thirst for knowledge. It is as follows:

ent time in their love of libraries, and in their thirst for knowledge. It is as follows:

Dear Sir: I learn from the newspapers that the vandalism of our enemy has triumphed at Washington, over science as well as the arts, by the destruction of the public library, with the noble edifice in which it was deposited. Of this transaction, as of that of Copenhagen, the world will entertain but one sentiment.

I presume it will be among the early objects of Congress to recommence their collection. This will be difficult while the war continues and intercourse with Europe is attended with so much risk. You know my collection, its condition and extent. I have been fifty years making it, and have spared no pains, opportunity, or expense to make it what it now is. While residing in Paris I devoted every afternoon I was disengaged for a summer or two in examining all the principal book stores, turning over every book with my own hands, and putting by everything which related to America, and indeed whatever was rare and valuable in every science; besides this, I had standing orders, during the whole time I was in Europe, in its principal book-marts, particularly Amsterdam, Frankfort, Madrid, and London, for such works relating to America as could not be found in Paris. So that in that department particularly such a collection was made as probably can never again be effected, because it is hardly probable the same opportunities, the same time, industry, perseverance, and expense, with some knowledge of the bibliography of the subject, would again happen to be in concurrence. During the same period, and after my return to America, I was led to procure also whatever related to the duties of those in the highest concerns of the nation; so that the collection which I suppose is of between nine and ten thousand volumes, while it includes what is chiefly valuable in science and literature generally, extends more particularly to whatever belongs to the American statesman; in the diplomatic and parliamentary branches it is particul

Accept the assurance of my great esteem and respect.

THOMAS JEFFERSON.

The Senate it seems had no trouble in passing a bill on the 10th of October, 1814, to purchase Jefferson's library. When the question was presented to the House, however, a different scene occurred. There was a hot discussion and a close vote. Some thought the extent of the library was greater than the public wants required; some thought it would cost too much; some thought too many of the books

were in foreign languages, and some thought the collection was entirely too philosophical in its character. One gentleman, Mr. King, of Massachusetts, felt impelled to move an amendment "authorizing the Library Committee as soon as said library shall be received at Washington to select therefrom all books of an atheistical, irreligious, and immoral tendency, if any such there be, and send the same back to Mr. Jefferson without any expense to him." This amendment was not adopted, and the bill eventually passed after much controvate by only 10 majority—81 yeas and 71 nays. The House of Representatives at that time seems to have been hard to please, when, without a book in their possession, they had the privilege of purchasing such a library as Jefferson's at their own price and time of payment, acame so near not doing it. This library has been pronounced by competent judges one of the best selections of ancient and modern literature up to the commencement of the present century ever made, and they say that "by no other method than its purchase en bloc could Congress have acquired so valuable and comprehensive a library of reference." It remained three years in the post-office building of this city, then came to the Capitol, and after sojourning in different quarters, finally, in 1824, found its present location. It appears that every time the subject was agitated the Library of Congress gained something, though for a long time not much.

thing, though for a long time not much.

After the purchase of the Library was raised from one thousand to two thousand dollars, at which figure it stood until in 1824, when upon the removal of the Library to its present place the amount was again raised to \$5,000 per annum. Something was afterward added for the purchase of law-books, yet a half century after the Library was founded, when the fire took place in 1851, there had been gathered together, all told, only 55,000 volumes, averaging but little over a thousand volumes a year from the beginning. Of this collection, so slowly acquired, the fire from "a defective flue" devoured 35,000 volumes, leaving but 20,000 to again start with. But the fire had awakened Congress from a long drowsy spell, just as a fire in the Library would now disturb the repose of this body. Something really very creditable was done under this fery impulse, and without delay. Congress appropriated \$85,000 in one year for the purchase of books, and \$72,500 for repairing and restoring the Library room. With what praiseworthy zeal we are prone to act for the prevention of accidents after they have happened! It is the old story, and will be repeated

The next most important events in the history of the Library, showing its growth in the past and its probable developments in the future, were the construction of the two wings in 1865, with room in each for seventy-five thousand volumes, which was almost immediately filled; the acquisition of the great scientific Smithsonian library in 1866; the purchase of the Peter Force historical collection for \$100,000 in 1867, and the enactment of the copyright law in 1870. Each one of these events is full of most interesting details, and under different circumstances would be pleasant themes for comment. They are cited now, however, simply to illustrate the quickening influence of the last twenty-five years; to account for the present condition of the Library, and to point out our duty in making provision for the future. In 1864, when Mr. Spofford became the Librarian of Congress, it contained 86,414 volumes. It now contains more than 375,000. He has handed me the following table, which exhibits the progressive growth of the Library each year from 1864, when the annual enumeration of the books was commenced by him:

Year.	Volumes.	Year.	Volumes.
1864	86, 414	1879	246, 345
	92, 450	*1873	258, 752
	99, 650	1874	274, 157
	165, 467	1875	293, 507
	173, 965	1876	311, 097
	185, 227	1877	331, 118
	197, 668	1877	352, 655
	236, 846	1879	374, 022

It will be seen from this table that the Library has been more than quadrupled in the last sixteen years. It is now the tenth collection of books in size in the world. What will it be in the brief space of another sixteen years under our present system of laws for the reception of books and other library matter? Ten years ago there were forty-two European libraries larger than the Congressional Library. In my judgment sixteen years hence it will be the largest in the world, with possibly two exceptions, the National Library, Paris, and the British Museum, London. Considering the constantly increasing activity and power of the intellectual world, the determined spirit of inquiry into every realm, whether of speculation or demonstration, the magical profusion with which the press is flooding all countries with the published thoughts of thinking people, and considering the further fact that under the requirements of the copyright law the Library of Congress is rapidly becoming a complete repository of the entire product of the American press, it is very safe to estimate that in the next sixteen years the contents of the Library will be swollen to six times their present proportions. This will make a collection of about 2,250,000 volumes, a much larger one than now exists anywhere. The National Library, Paris, has now 2,000,000 vol-

umes, the British Museum 1,150,000, and the Imperial Library, Saint Petersburg, 1,100,000. Looking back upon the centuries it has taken them to make these accumulations, it is clear to my mind that they will soon be outstripped by their young rival, the Library of the United States. This will certainly be the case unless we deliberately cripple the growth of an institution which it should be our care and pride to foster and sustain.

But the next question which naturally arises relates to the measures which ought to be taken for the relief of the Library from its present deplorable condition, and for its safety and greatness in the future. It is now between seven and eight years since the Librarian first urged upon Congress the necessity of more room for books. During that time I find that various plans upon the subject have been put forth and discussed. One suggestion is to largely reduce the Library by the sale of duplicate volumes, and to exclude hereafter, by some sort of censorship, much that is now placed there by the law of copyright. Mr. Spofford has stated the objections to this plan so strongly and so well in a private memorandum made for my use that I cannot refrain from submitting it entire. He says:

refrain from submitting it entire. He says:

But this proposition overlooks the facts, first, that the duplicates are mostly of a class absolutely needed for the use and reference of Congress and of the reading public, one copy being kept constantly in while another may be drawn out by those privileged; and, second, that Congress has received the copyright publications as a trust, to be permanently preserved unbroken in the archives of the Government. The Library of Congress has, through the legislation of Congress, become national in its character, and by the legal requirements of the copyright law is becoming a complete repository of the whole product of the American press, so far as secured by copyright. Such a library is not for one generation alone, but its value extends beyond our day, in handing down to successive generations an approximately complete representation of the nation's literature. The American people should rely with confidence upon finding in one great and monumental library, and that belonging to the Government, every book which their country has produced. To reduce or cripple such a collection, so well begun, and now in the full tide of a successful and inexpensive accumulation of those literary stores which can be fully secured in no other way, and which, once lost, could never be reassembled, could not but be looked upon as a narrow and unwise policy, unworthy of a nation claiming to hold a front rank in civilization.

Another method proposed, in order to avoid the construction of new library accommodations, is to store or colonize portions of the books in some other and separate building. The idea of segregating the contents of the Library, and locating them at different points, is worthy only of being stated and not of being discussed. And this brings us to the last and only practical plan, the erection of a suitable building, either in connection with the Capitol or at some other convenient point. It is conceded by all that if such a building can be constructed as a part of the Capitol, with a due regard to the architectural harmony and beauty of that magnificent national edifice, it is desirable in every respect that it should be done. There exists, however, a wide variety of opinions whether such a structure is possible. When the question was last before the Senate, in February, 1879, there was an extended and instructive debate. It came up on a bill reported by Mr. Howe, of Wisconsin, then chairman of the Joint Committee on the Library, providing for additional accommodations for the Library of Congress, and on an amendment offered by Mr. MORRILL, the Senator from Vermont. The bill reported from the committee provided for the erection of a library building on Judiciary Square, in this city, and the amendment of the Senator from Vermont made provision for a similar building on the squares that directly front the east of the Capitol. The other Senator from Vermont, [Mr. Edmunds,] then and now a member of the Committee on the Library, agreed with neither one of the foregoing propositions, and had one of his own. He strenuously insisted that such changes could be and ought to be made in the Capitol as would furnish proper relief from the present evils of the Library, and afford sufficient accommodations for its future expansion. The Senator from New York [Mr. Conkling] offered a resolution, which, after being amended, finally passed in the following form:

That the bill (S. No. 1591) to provide additional accommodations for the Library of Congress be recommitted to the Committee on the Library on the part of the Senate, with instructions to report a bill providing for a commission of skilled persons to examine and report to Congress at the next session touching practicable changes which may be made in the Capitol building, adapted to the accommodation of the two Houses of Congress and the Library.

of the two Houses of Congress and the Library.

In obedience to this instruction the Senate Committee on the Library, through the Senator from Vermont, [Mr. EDMUNDS,] on the 21st day of February, 1879, reported a bill in accordance therewith. It fell to the ground, however, on the 4th of March ensuing, that being the close of the Forty-fifth Congress. During the present session the matter was again taken up in the Joint Committee on the Library, and the bill now under consideration was agreed upon and ordered to be reported in both Houses of Congress. It has already been read. This bill is plain and simple in its meaning, and needs but little explanation and that little mainly personal to myself. I did not be:

This bill is plain and simple in its meaning, and needs but little explanation, and that little mainly personal to myself. I did not be lieve, when the question was here before, that such changes could be made in this Capitol without defacing its imposing beauty and just proportions as the growing wants of the Library required. Is o stated on this floor at that time, and I have not changed my opinion, for I have had no opportunity for further instruction on the point. I value my opinion, however, but slightly on such a question, and Senators will pardon me for saying that I value theirs no more than my own. There is not an architect by profession, I presume, in this body, and though it is said that poets are born full-fledged and ready to fly, yet I believe that architects, as a rule, are only made by education and

experience. Such being the case, I cheerfully concurred in this bill, and reported it, in order that I, and others knowing no more than I

and reported it, in order that I, and others knowing no more than I do, might be instructed by skilled persons in architecture, whether the proposed new structure for the Library can, with a due regard to the fitness of things, be attached to the Capitol. It is necessary to determine that question before we can move on.

The controversy growing out of it must be eliminated from the situation or we will remain at a stand-still until some great disaster overtakes the Library. It is true that I cannot perceive how sufficient space can be planned for the Library of the future in connection with the Capitol without marring its symmetry but if experts can I will space can be planned for the Library of the future in connection with the Capitol without marring its symmetry, but if experts can I will be glad of it. There are 11,600 square feet of floor for books, about one-fourth of an acre in space, in the present Library rooms. There are 110,000 square feet for the same purpose in the Library of the British Museum, about two acres and a half, and it is absolutely certain that the Library of Congress will require at least a similar space within the next ten years. How such an area can be properly incorporated into this Capitol I do not at all comprehend, and for that reason I want this bill passed at once as the only fair and satisfactory way of putting an end to controversy and of securing action. If the skilled persons provided for in this bill shall overrule my unskilled judgment I shall most gladly acquiesce; but if, on the contrary, they determine that the new Library building must stand detached from the Capitol, then the sconer we know that fact the better. I look upon the passage of the bill before us as the first possible step toward the conclusion which we must now reach in the speediest manner practicable. It will settle and put behind us a vexed question which is now an invincible obstruction to the wishes, purposes, and duties of this body.

question which is now an invincible obstruction to the wishes, purposes, and duties of this body.

The amendment offered by the Senator from Vermont, [Mr. Morrill,] and now pending, provides for the appointment of a joint committee of three Senators and three members of the House to proceed at once and select a site for a new Library building, without the aid of architectural experts to ascertain whether it can be incorporated into the Capitol. I have great respect for that Senator's judgment and taste, but I think his amendment ought not to be adopted, at least for the present. If it should be found that accommodations ment and taste, but I think his amendment ought not to be adopted, at least for the present. If it should be found that accommodations for the Library cannot be provided for within the Capitol, then his proposition will perhaps be the next step in order. But to adopt it now would simply leave open and undetermined a prolific source of dispute which I see no way of closing except by the operations of the bill as reported from the committee. If the skilled persons contemplated by the bill shall ascertain and report that the Library must be located away from this Capitol building, then I will join the Senator in the support of his or some similar measure.

located away from this Capitol building, then I will join the Senator in the support of his or some similar measure.

Sir, I have now endeavored to lay this whole subject before the Senate. I have pointed out the condition of the Library, its pressing necessities, the different remedies suggested; and I have explained the proposed pending legislation. I might indeed make additional appeals to Senators. I might dwell upon the inestimable value of the Library of Congress aside from the mere numerical extent of its collection. It is rich in every branch of human knowledge. It is not only a great collection of American thought, but it embraces the best productions of all other countries. It has been made very complete up to the present time in all that pertains to the legislative. best productions of all other countries. It has been made very complete up to the present time in all that pertains to the legislative, executive, and judicial departments of the Government, in works on jurisprudence, political science, political history, and parliamentary law. The collection of works on the physical sciences is also very extensive and valuable, while in the fields of architecture, painting, sculpture, natural history, medicine, theology, topography, genealogy, and kindred subjects, the foundation has been laid for great future excellence. To neglect the proper care of such a source of information and of light, or to leave it in jeopardy an hour longer than is now possible apnears little less than a crime against civilization and tion and of light, or to leave it in jeopardy an hour longer than is now possible, appears little less than a crime against civilization and progress. We all eagerly turn to it in order to renew our strength for the conflicts of life. Those who drink most deeply at its springs are the strongest and most enduring. Ponce de Leon, the Spanish adventurer, sought the fabled fountain of perpetual youth, a fountain whose warm waters would melt the frosts of age and change the autumn and the winter time of human existence into an eternal autumn and the winter time of human existence into an eternal spring. He did not find it; no such fountain flows except in the immortal realms beyond; but even had he made the discovery his heart longed for, it would have had but slight value in comparison with a vast fountain of thought into which the best minds of all the ages have poured their mighty resources, and from whose depths we may draw from hour to hour end from day to day the inemiations of meaning the second s draw from hour to hour and from day to day the inspirations of un-

The physical man must grow old, his hair must whiten, and his face bear the furrows of years; his step must falter and his hand grow feeble. Not necessarily so with the intellectual man. The grow feeble. Not necessarily so with the intellectual man. The mind fed at the crystal fountains of accumulated knowledge will continue its youth, its growth, and its expansion until it makes its final transition to a sphere of endless and unlimited development. Let us therefore give this great national library our love and our care. Nothing can surpass it in importance. Knowledge is power, the power to maintain free government and preserve constitutional liberty. Without it the world grows dark and the human race takes up its backward march to the regions of barbarism.

I cannot believe that the plain and imperative duty of Congress on the subject of its Library will be longer neglected.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The morn-

ing hour has expired.

Mr. CONKLING. If the Senator from Indiana will give me his attention a moment before resuming his seat, I should like to inquire of him when it is his purpose to take up the bill of which he has been

or him when it is his purpose to take up the office which he has been so pertinently speaking?

Mr. VOORHEES. Mr. President, I am apprised of the fact that the Senator from Vermont opposite me [Mr. Morrill] desires to be heard upon his amendment, and whenever it is his pleasure to be heard I

upon his amendment, and whenever it is his pleasure to be heard I shall then ask for action without delay.

Mr. CONKLING. I venture to suggest to the Senator as the chairman and organ of the Library Committee, whether it would not be well on some day pretty soon, after the morning hour, to take up this bill, not only that Senators may be heard who have particular or preconceived views about it, which I should like very much to hear myself, but also that others may make such suggestions as at the time they would like to present, and that we may have action on the bill. It seems to me if we could consider it in one day we might get an expression of the Senate upon it.

Mr. VOORHEES. If it be the pleasure of the Senator from Vermont to proceed in the matter to-morrow, or any other day, I will give the notice.

Mr. MORRILL. I have no objection to the bill coming up at once

Mr. MORRILL. I have no objection to the bill coming up at once, to-day or to-morrow. I have no set speech to make on the subject, and can say what I have to say at one time as well as at another. I would suggest, however, that perhaps it had better be to-morrow.

Mr. WITHERS. There is an appropriation bill now ready to come before the Senate.

Mr. MORRILL. Then I would set it for to-morrow after the morning.

Mr. MOKRILL. Then I would set it for to-morrow after the morning hour.

Mr. VOORHEES. If it is the pleasure of the Senate, then I shall ask to take up the bill after the morning hour to-morrow.

Mr. CONKLING. What is the appropriation bill to which the Sen-

Mr. CONKLING. What is the appropriation bill to which the Senator from Virginia refers?

Mr. WITHERS. The appropriation bill providing for the expenses of the government of the District of Columbia, one of the general appropriation bills.

Mr. CONKLING. I suppose it is not a long bill probably.

Mr. WITHERS. Not very long—about nineteen pages I think. There are not many amendments reported to it.

Mr. CONKLING. Without intending in any way to interfere unduly, I venture to suggest that if it be agreeable to the Senator from Indiana, and if the Senator from Wisconsin [Mr. CAMERON] who has the floor on the privileged question would as soon proceed to-morrow, we might go on now in the light of what has been said about this bill after the appropriation bill shall have been disposed of.

Mr. VOORHEES. Very well; that will suit me.

PACIFIC HARBOR OF REFUGE.

Mr. FARLEY submitted the following resolution:

Resolved, That the Secretary of War be directed to furnish the Senate with a copy of the majority and minority reports of the board of engineers on the proposed harbor of refuge for the Pacific coast.

By unanimous consent, the Senate proceeded to consider the reso-

Mr. FARLEY. I will state, Mr. President, that the appropriation for the construction of a harbor of refuge on that coast has already been made and the board of engineers have made their report. I understand there is a majority and also a minority report now in the War Department. I simply ask that the Secretary of War be directed to furnish the Senate with a copy of the majority and minority reports. I hope the resolution will pass at once.

The resolution was agreed to.

SENATOR FROM LOUISIANA.

The PRESIDING OFFICER. The regular order is before the Senate, being the resolutions reported by the Committee on Privileges and Elections relative to the seat held by WILLIAM PITT KELLOGG as a Senator from the State of Louisiana. The Senator from Wisconsin [Mr. CAMERON] is entitled to the floor.

Mr. WITHERS. I ask the Senator from Wisconsin to yield to me

Mr. WITHERS. I ask the Senator from Wisconsin to yield to me in order that I may present the bill making appropriations for the government of the District of Columbia, asking that the special order be laid aside temporarily.

Mr. CAMERON, of Wisconsin. In accordance with what was agreed to last evening, I yield.

The PRESIDING OFFICER. If there be no objection the regular order will be laid aside for that purpose.

Mr. CONKLING. The unanimous consent is that the regular order be laid aside.

be laid aside.

The PRESIDING OFFICER. Temporarily.

Mr. CONKLING. Subject to call whether an adjournment intervenes or not. It is subject to call not influenced by the adjournment of the Senate to-day.

The PRESIDING OFFICER. That is correct.

DISTRICT OF COLUMBIA APPROPRIATIONS.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5896) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes.

Mr. WITHERS. I will state that for the first time a bill making appropriations for the support of the government of the District of Columbia is made one of the general appropriation bills. Heretofore the expenses necessary for the government of the District have been embodied in the sundry civil appropriation bill. I desire to make some general statements in regard to the provisions of this bill preliminary

to its consideration.

I will state that the total estimates of the commissioners of the District were \$3,435,980.65. The total estimates as approved by the Secretary of the Treasury, who under the law is required to revise them, were \$3,434,312.55. The refere the amount disapproved by the Secretary was \$1,668.10. The total of the bill as presented from the House is \$2,432,727. The reference of reduction made by the Commit is \$3,423,737.35. The net amount of reduction made by the Committee on Appropriations of the Senate on the House bill is \$8,800. The amount of the bill as reported to the Senate is \$3,414,937.35. The bill as reported is less than the estimates of the commissioners \$21,043.30. The bill as reported is less than the estimates approved by the Secre-

The bill as reported is less than the estimates approved by the Secretary of the Treasury \$19,375.20.

The total of the appropriations for 1880 was \$3,251,466. The bill as reported exceeds the act for 1880 by \$163,471.35. The total amount to be paid by the United States according to the bill as reported is \$1,707,468.67. The total amount paid under appropriations for 1880 by the United States was \$1,625,733. The amount to be paid under this bill exceeds the amount paid under the act of 1880 by \$81,735.67.

I will state now also the items in which an increase has been made I will state now also the items in which an increase has been made by the Committee on Appropriations of the Senate from the act of 1880. There has been an increase under the head of street improvements and repairs, \$96,600; of repairs to bridges, \$1,300; for the Washington Asylum, \$2,880; for the Reform School, \$5,000; under the head of Insane Asylum, for the indigent poor of the District of Columbia, \$15,000; for charities, \$20,000; for public schools, \$5,634.80; for school buildings, \$25,000; purchase of police court building, \$14,000; amount due property owners for ground condemned for streets, alleys, &c., \$30,000, making an increase of \$215,214.80 for the items enumerated. There are also miscellaneous items of reduction which I have not thought it necessary to enumerate specifically, aggregating \$51,741.35. thought it necessary to enumerate specifically, aggregating \$51,741.35, leaving a net increase in this bill over the act of 1880 of \$163,473.45.

The items of increase made by the Committee on Appropriations of the Senate over the bill as reported by the House are as follows:

For transportation of paupers	\$1,000
For cottages, Columbia Hospital.	
For map of District of Columbia	3, 000
For one clerk sinking-fund office	1, 200
For superintendent of parking, (increase)	200
For fuel, schools, (increase)	2,000
For removal of bodies from Holmead's Cemetery	1,000
Totalingwaga	

The following items of reduction, as compared with the House bill, are embodied in the bill as now reported:

For indigent insane of District of Columbia in Insane Hospital	6,000
Mechanical fanitor	1, 200

Leaving the net amount of reduction made by the Committee on Appropriations of the Senate, as compared with the House bill, \$3,800. With this general statement of the provisions of the bill and the changes made in it by our committee, as compared with the House bill and the appropriation of last year, I ask that the formal reading of the bill in extenso be dispensed with, and that we proceed to read it by paragraphs and act upon the amendments as they are reached in the reading.

in the reading.

The PRESIDING OFFICER. The Senator from Virginia asks that the formal reading of the bill be dispensed with and that the amendments of the committee be acted on as the bill is read. Is there objection? The Chair hears none.

Mr. WITHERS. I will state that I wish the committee amendments passed on first and then any other amendments may be offered. The PRESIDING OFFICER. That is the order under the rule.

The reading will proceed. The Secretary proceeded to read the bill. The first amendment reported from the Committee on Appropriations was, in section 1, line 13, after the word "dollars," to insert "to be immediately available;"

so as to read:

For work on New York avenue intercepting sewer, \$28,000, to be immediately available.

Mr. WITHERS. I will state briefly that the necessity for the amendment lies in this: the New York avenue intercepting sewer, which is a very large sewer, is now entirely open for a considerable distance, and unless the appropriation be made available at once, it will remain in that condition during the heat of the summer and all the noxious gases emanating from it will be disseminated over the city to the great detriment of the health of the people. Therefore we desire to make it immediately available. desire to make it immediately available.

The amendment was agreed to.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 59, to increase the appropriation "for transportation of paupers and conveying prisoners to the work-house" from \$2,500 to \$3,500.

Mr. WITHERS. The amount asked by the commissioners and rec-

ommended by the Secretary was \$5,000. The committee of the Senate agreed to increase it to \$3,500 on the ground that there were a large number of these people for whose transportation from the city this money was used, and that the present appropriation is entirely exhausted, and therefore the committee agreed to recommend the in-

crease.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 64, to reduce the appropriation "for support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided in sections 4843, 4844, and 4850 of the Revised Statutes," from \$45,000 to \$32,000.

Mr. WITHERS. In reference to that amendment of the committee, I will state that it was incorporated into the bill for this reason: There seems to be a very decided difference of opinion between the superintendent of the Insane Asylum and the commissioners of the District as to the number of pauper inmates of the asylum for whose

superintendent of the Insane Asylum and the commissioners of the District as to the number of pauper inmates of the asylum for whose support the District should be held responsible. They recommended in their estimate \$20,000 as being an amount sufficient to cover this expense. The superintendent asked for upward of \$90,000. Upon investigating the question thoroughly we were of opinion that in the absence of specific information as to the number of inmates for whose support the District of Columbia is responsible, we should assume the estimate made by the board of visitors of that institution is a correct basis for our appropriation, which is \$32,000 leaving to the commisbasis for our appropriation, which is \$32,000, leaving to the commissioners, who are now engaged in collecting evidence of the facts of the case, to establish whether or not the number of patients charged to the District is greater than should legitimately be charged to it. They will secure this information in a day or two at the farthest, and the object of the committee was to introduce an amendment which, while in accordance with the recommendation of the board of visitors to the institution, would place the whole subject within the purview of a committee of conference to act on the specific information as to the numbers of insane poor that are in the asylum. Consequently they have moved to strike out "forty-five" and insert "thirty-two" thirty-two.

The amendment was agreed to. The next amendment of the Committee on Appropriations was, in line 76, after the words "trustees of," to strike out "the Freedman's Bank" and insert "Jay Cooke & Co.;" so as to make the clause read:

For Reform School: For salaries, fuel, and incidentals and repairs, and payment by the District of Columbia for support of the boys sent to the school, under act of May 3, 1876, \$25,000. The trustees of said Reform School are authorized to use of the money due them from the trustees of Jay Cooke & Co. the sum of \$8,500, or so much as may be necessary, to purchase the remainder of the Peter farm for the use of said school.

Mr. WITHERS. That is because the fund is in the hands of the trustees of Jay Cooke & Co., and not of the Freedman's Bank.

The amendment was agreed to.

The next amendment was, after the word "school," in line 80, to

Provided, That no part of said money shall be paid until a title satisfactory to said trustees is made for said farm at a price not exceeding the sum aforesaid.

Mr. WITHERS. That is in order to render certain the fact that the meney appropriated, authorized to be used at least, by this bill, shall be in full for the purchase-money of the property indicated, and not to leave a debt hereafter for which Congress or the United States might be held responsible. It is merely to make it more stringent and specific.

Mr. ALLISON Property in the fact that the money of the united States might be held responsible. It is merely to make it more stringent and specific.

and specific.

Mr. ALLISON. Before passing from this paragraph I want to call attention to the fact that this sum of \$25,000 is not sufficient to carry on the ordinary operations of the Reform School of the District of Columbia for the next year. The commissioners of the District of Columbia think a portion of these expenses should be borne by the United States can are and apart from the one-half which we are re-Columbia think a portion of these expenses should be borne by the United States separate and apart from the one-half which we are required to bear under this bill, and I believe it was understood by the Committee on Appropriations that some additional sum would be provided in the sundry civil bill. Unless that is to be done, this sum ought to be increased from \$25,000 to \$28,000.

Mr. WITHERS. I will state that the sum appropriated by this bill is in accordance with the estimates made by the commissioners, and it is in excess of the appropriation of last year \$5,000.

Mr. ALLISON. I call the attention of the Senator to the fact that the \$20,000 appropriated last year did not cover the additional sum named by the commissioners, so that the actual sum expended for

named by the commissioners, so that the actual sum expended for this year is much more than \$20,000.

Mr. WITHERS. That is true; but the sum of \$25,000 is the estimate made by the commissioners and approved by the Secretary of the Treasury, and we did not feel authorized to exceed their recommendations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 85, to insert:

For the erection of two isolated cottages on the grounds of the Columbia Hospital for Women and Lying-in Asylum, for use in treatment of puerperal, infectious, and other offensive diseases, \$3,000.

Mr. WITHERS. That is the substance of an amendment which was offered in the Senate and referred to the committee. Upon investigation the fact was ascertained that they have no means of isolating such cases, and the committee were unanimously of the

opinion that the amendment was advisable, and therefore incorpo-

rated it in the bill.
Mr. McMILLAN.

I should like to inquire of the Senator having Mr. McM'ILIAN. I should like to inquire of the Senator having this bill in charge whether the items mentioned as charities, commencing with the appropriation just read at the desk, are public institutions or private institutions, and by what authority, if they are not public institutions, appropriations are made for their support? I am not aware of the relation which these institutions sustain to the government of the District of Columbia, and ask for information that I may understand:

For the support and maintenance of the Columbia Hospital for Women and Lying in Asylum, \$15,000.

Then the amendment proposed by the committee, which is pending, follows, and then these items:

For the Children's Hospital, \$5,000.
For Saint Ann's Infant Asylum, \$5,000.
For the Industrial Home School, \$10,000.
For the National Association for Colored Women and Children, \$6,500.
For the Women's Christian Association, \$5,000,
For the Little Sisters of the Poor, to defray the expenses of construction of their building, \$5,000.

For the erection of a building for the German Orphan Asylum, \$10,000.

These are called "charities," and I wish to know whether they are connected with the government of the District of Columbia, or

whether we are appropriating money for general public charities having no connection with the government?

Mr. WITHERS. The government of the District of Columbia has no connection directly with these charities. The commissioners of the District of Columbia have no control over them; they are just private charities controlled by boards of visitors or boards of trustees, as the case may be, for which Congress has been called on to approas the case may be, for which Congress has been called on to appropriate money more or less every year since I have been a member of this body. These charities have been such as commend them to the favorable consideration of Congress. It is believed that they are doing a good work; and while they present the singular anomaly, as intimated by the Senator, of being entirely beyond the control of the commissioners of the District, in the management of which they have no voice whatever, I will state for the information of the Senator and of the Senate that the Committee on the District of Columbia have under consideration a bill which they may offer as an amendment to this bill, or as an independent bill—I am not fully posted as to their purpose—which provides that the commissioners of the District shall have some supervision of the distribution and the expenditure of this money by providing that one of the commissioners shall be ex officio money by providing that one of the commissioners shall be ex officio a member of the board of visitors or the board of trustees, as the case may be, of each of these institutions, which I freely say I favor my-

Mr. McMILLAN. I am unable to see by what authority any of

Mr. McMillan. I am unable to see by what authority any of these appropriations are made.

Mr. WITHERS. It is simply by authority of Congress.

Mr. McMillan. It seems to me that you might just as well appropriate for charities in any of the Territories of the United States

or elsewhere.

Mr. WITHERS. I have merely stated the facts in the case. It is a donation for the support of charitable institutions located in the

city of Washington.
Mr. THURMAN. I will venture to say a word on the subject, because I remember very well the discussion it underwent some years ago, I think not long after I came into this body. I remember that ago, I think not long after I came into this body. I remember that when we settled then upon making appropriations to these various charities, for that is what they are, it was placed upon what I thought was a sound principle, and that was that there was not one of them but what was a charity that in most of the States of the Union is provided for by State authority, and that deserved support from the Government, more or less. So long as we do not organize such charities by law in the District of Columbia, but leave it to private enterprise and private effort to do so, it is right for the Government to aid these obstities aid these charities.

I must say further, that in my judgment these charities are better administered and are more beneficial than any under the control of Government that ever I have seen. I hope the bill will be agreed to as it is, and that no objection will be made to retaining this provision in it. If ever it should be proposed to me that one of the commissioners of the District of Columbia should be a member of the trustees to regulate the affairs of these charities, I should not have the least objection in the world to it, although my own belief is that no charities could be more honestly and efficiently administered than are these.

Mr. WITHERS. Such was the character of the information before the committee I think it necessary to remark in this connection, somewhat in correction of the general statement I made in response somewhat in correction of the general statement I made in response to the interrogatory of the Senator from Minnesota, that in regard to one of these institutions, the Columbia Hospital, Congress does exercise some supervision over it to this extent: the President of the Senate and the Speaker of the House each has the power and has exercised the power of appointing a member of the board of trustees.

Mr. BECK. And so with the Reform School.

Mr. WITHERS. So with the Reform School.

Mr. MCMILLAN. I was under the impression from the reference to the Columbia Hospital that there was some connection between the District government and the institution.

the District government and the institution.

Mr. WITHERS. The District has nothing to do with it. Congress has the power to exercise supervision over it.

Mr. McMILLAN. So far as that is concerned I have nothing to

The question is on the amendment as to that, I believe.

Mr. BECK. Mr. President, I desire to say that as a member of the Committee on Appropriations I agreed, upon the grounds stated by the Senator from Ohio, to giving the money necessary to aid these charities; but I desire also to say that whenever any proposition is made giving to the commissioners of the District some authority to look into the working of these different institutions, especially as half this money is being paid by the District of Columbia. I shall surely this money is being paid by the District of Columbia, I shall surely support it, because the District commissioners are absolutely ignorant of the management of any of these charities, not being even allowed, except as a matter of grace, to look inside the doors of any of them. If we have a government of the District presided over by commissioners, and the money of the people is taken to support these charities, no matter how well they are managed, if the taxation is imposed, there ought to be some sort of supervision attached to them for the benefit of tax-payers. I believe that the Senator from Tennessee, [Mr. Harris,] the chairman of the Committee on the District of Columbia, will devise some mode whereby that can be done, perhaps not on this bill, but on some other

Mr. HARRIS. So far as I have been able to obtain information as Mr. HARRIS. So far as I have been able to obtain information as to the character of these institutions, I am satisfied that most if not all of them are highly meritorious and should have assistance, at least to the extent of the appropriations contained in this bill. It is a fact, however, that they are each and all of them private corporations, having no connection with the District government, and over which the authorities of the District have no control, nor have they indeed anything in the form of a report or satisfactory information indeed anything in the form of a report or satisfactory information as to the management and workings of these institutions. In view of these facts I have prepared and am instructed by the Committee on the District of Columbia to offer at the end of line 101 an amendment, which I will send to the Clerk's desk to be read for information now; and when the amendments proposed by the Committee on Appropriations have been acted upon I shall ask the Senate to adopt that amendment, subject as I know it is to a question of order if the question shall be raised; but the amendment, as I think, is so decidedly meritorious and so proper as connected with this bill, that I am not inclined to think any Senator will raise a question of order. The PRESIDING OFFICER, (Mr. FERRY in the chair.) The amendment to be proposed will be read for information.

The Chief Clerk read as follows:

And that from and after the passage of this act, one of the commissioners of the District of Columbia, to be selected by the board of commissioners, shall be a trustee with all the powers, privileges, and duties of other trustees of the Reform School and of the Columbia Hospital for Women and Lying-in Asylum. And one of said commissioners selected by said board of commissioners shall be a director, with all the powers, privileges, and duties of other directors, of the Children's Hospital of the District of Columbia. And one of said commissioners selected by said board, shall be a member of the board of managers, with all the powers, privileges, and duties of other members of the board of managers of the Industrial Home School; the National Association for the Relief of Destitute Colored Women and Children; and of the Women's Christian Association. And the commissioners of the Instrict of Columbia shall have the right to visit, investigate, and have a full report of the management, receipts, and expenditures of the Saint Ann's Infant Asylum.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations after line 85.

The amendment was agreed to.

Mr. McMILLAN. I move to strike from the bill all the items embraced from lines 90 to 100, inclusive.

The PRESIDING OFFICER. That will be in order after the Senate has considered the committee's amendments. The Chair will enter the senate has considered the committee's amendments. tertain the motion after the amendments of the committee have been gone through with.

Mr. McMillan. Can I not offer an amendment to the bill at this

The PRESIDING OFFICER. Not until the amendments of the

committee shall have been concluded.

Mr. McMILLAN. Then I give notice that at the proper time I shall move, after line 100, to insert:

For the Home for Fallen Women in Saint Paul, Minnesota, \$10,000.

The PRESIDING OFFICER. The Chair will recognize the Senator at the proper time. The Secretary will proceed with the read-

ing of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 97, after "Poor," to insert "to defray the expenses of construction of their building;" so as to make the clause read:

For the Little Sisters of the Poor, to defray the expenses of construction of their

Mr. WITHERS. The committee was informed that it was the desire of those who control the institution to appropriate this money for the building. We did not desire to be committed to the principle of contributing to the support of the institution itself, but were willing to contribute to the erection of the building.

Mr. CONKLING. I wish the Senator would state what this build-

ing is, and what the occasion of the appropriation is.

Mr. WITHERS. In reply to the Senator I would say that it is a charity, I understand, for the support of aged persons of both sexes,

who are here provided a home and the means of living. It is controlled, I think, by sisters—perhaps Sisters of Charity.

Mr. JOHNSTON. By the Little Sisters of the Poor.

Mr. WITHERS. The fraternity which exercises supervision and control over it is the sisternood known as the Little Sisters of the

control over it is the sisterhood known as the Little Sisters of the Poor. It is a simple charity for the support of the aged of both sexes.

Mr. KERNAN. If I may be permitted to say a word, I will remark that if any gentleman will do these sisters the favor to visit their institution, which is not a great way from here northwardly, he will see that it is controlled by the sisters, who take aged people over a certain age, without reference to creed, who are indigent, and support them; and they support them by charity. They are the sisters who go around and gather up by their own solicitations from ladies and others the means of supporting them. Any one who will go there will find there old people of both sexes. I was taken there the other day by a friend who wanted me to see the institution. They had 103 inmates; some of them were entirely invalids, some of them were in bed, others were old people quite happy, chatting and doing nothing, all of them poor, and all of them unable to take care of them selves.

As I understand from information from ladies and others, as well as from the sisterhood, they support them without public aid, but they do need some aid in reference to buildings which they have to keep them in, and I want to say that I know they will be delighted with anybody, public or private, who will visit their institution and see the work they are doing.

Mr. CONKLING. I have no doubt of the commendable object subserved in the case of every one of these appropriations; but I have a doubt as to the property of the appropriations. Every institution for which the property of the District of Columbia should be taxed is one a portion of the expenses of which ought to be paid by the General Government. That is true for several reasons, but sufficiently true for the reason that of the real estate in this District the title to more than half is in the United States; and to state that is to enable more than half is in the United States; and to state that is to enable every Senator to conclude that either by subjecting it to taxation or in the other mode of direct appropriation the aliquot part at least belonging to the Government, and if the property was in the hands of individuals assessable upon the property, ought to be paid. But I confess with the utmost sympathy for many, and for aught I know for all the establishments spoken of here, I cannot dismiss from my mind this doubt: Here is a charitable institution, or a religious institution, or a beneficial institution of any sort, maintained here or stitution, or a beneficial institution of any sort, maintained here or elsewhere by private benevolence, by private enterprise. It is the subject of private or corporate ownership. How can it be said that as the residue of the property here is not taxable for it and should not be, the property of the United States should be taxable or that there should be response on the part of the United States?

I beg to say, Mr. President, that I am not aiming this suggestion at this bill or at anything in this bill. I have sometimes heretofore, not in the case of these institutions but in the case of others, felt bound to withhold my vote although very urgently appealed to by

bound to withhold my vote although very urgently appealed to by very excellent people deeply interested in these enterprises to give it, and I have felt so constrained for the reason which now in these few words I seek to indicate.

I know that Congress has exclusive jurisdiction of the District of Columbia, but I take it that that jurisdiction should proceed upon Columbia, but I take it that jurisdiction should proceed upon some ascertainable, definable principle, and I hardly see how it happens that if a voluntary association, religious or secular, charitable or otherwise, embarks, no matter from motives how good, in an enterprise such as some of these, it behooves Congress, bestowing money of the whole people, to select it as the subject of endowment.

Such institutions as I see named here and such descriptions as I

have been given of them can be found in example all over the country. In the city in which I live there is this same thing, a home for aged women and a home for aged men founded by the generosity of those who living have made gifts and dying have left legacies to found and to aid them; but the property of the city is not taxable because they are not public or governmental agencies.

The question which arises in my mind is whether all of this prin-

ciple is not as applicable here as anywhere else. If it is not, and if going out and seeking objects of undoubted merit, benevolent unquestionably, useful unquestionably, we are at liberty to give as one would give of his own private charity, of course it opens a very wide field in the present and in the future.

But, as I said, I do not aim my remarks at any object in this bill. On the contrary, if I may say so without seeming to profess too much, I should be inclined to insist that I had as much sympathy as any I should be inclined to insist that I had as much sympathy as any member of the Senate has with these or with any similar objects, purposes, establishment; but when I am required to vote on my oath upon the question whether the right of appropriating money extends so far as this, I cannot have at this time, as I have often had before, anything less than very serious and uncomfortable doubts, to say the least, whether these objects fall within the purview of legislative right and well-guarded legislative discretion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations in line 97.

The amendment was agreed to.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 140, to insert "to prepare a proper map showing accu-

rately the subdivisions of real estate in that portion of the District outside of the cities, \$3,000, or so much thereof as may be necessary;" and, in line 145, to strike out "nineteen" and insert "twenty-two;" so as to make the clause read:

For treasurer and assessor's office: For one treasurer and assessor, \$3,000; one assistant assessor, \$1,800; one clerk, \$1,600; two clerks, at \$1,400 each; six clerks, at \$1,200 each; one clerk, \$900; one messenger, \$600; to prepare a proper map showing accurately the subdivisions of real estate in that portion of the District outside of the cities, \$3,000, or so much thereof as may be necessary; contingent expenses, including printing, books, stationery, car-fare, and miscellaneous items, \$2,000; in all, \$22,900.

Mr. WITHERS. I will state in explanation of that amendment that the commissioners inform the committee that there is no complete map of the territory lying outside of and around the city of Washington included within the limits of the District of Columbia; that there is a considerable portion of the real estate there which is not now assessed and upon which there is no tax paid. They desire this appropriation in order that the whole territory may be accurately surveyed and mapped out, in order that they may acquire the data for assessing the value in accordance with the law as applied to other property in the District.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amend-

ment of the Committee on Appropriations was, in the clause making appropriations for the sinking-fund office, after the word "for," in line 155, to strike out "one clerk" and insert "two clerks," and in line 158, after the word "all," to strike out "\$1,500" and insert "\$2,700;" so as to make the clause read:

For sinking-fund office: For two clerks, at \$1,200; for contingent expenses, in cluding books, stationery, printing, and miscellaneous items, \$300; in all, \$2,700.

Mr. WITHERS. I wish to state in explanation of that that the committee restore a clerk who was stricken from the bill, as it passed last year, by this clause of the House bill. They did it in accordance with the request of the Treasurer of the United States in a letter which I hold in my hand, which I will not trouble the Senate to read, but ask that it be put in the RECORD, in which he states that it is physically impossible for one clerk to perform the duties incident to the position, and it is absolutely necessary, in order to discharge properly the business of the sinking-fund office, that the additional clerk shall be provided.

TREASURY OF THE UNITED STATES,

Washington, May 1, 1880.

SIR: I have the honor to most earnestly urge the restoration of the twelve-hundreddollar clerk proposed to be dropped from the appropriation for the sinking-fund office in the bill making appropriations to provide for the expenses of the government
of the District of Columbia for the fiscal year ending June 30, 1881. The sinking-fund
office, under the present law, is under the direct charge of the Treasurer of the
United States. The two gentlemen now employed therein were in that office prior
to the transfer of the powers and duties of the sinking-fund commissioners to the
Treasurer of the United States. They are thoroughly competent, and are kept
fully employed. Their duties embrace the keeping of all the accounts pertaining
to the sinking fund; the custody of the tax-lien certificates pledged to the sinking
fund, and the receipt and examination of all collections on account thereof; the
keeping of the accounts pertaining to the 3.65 loan and of all transfers thereof; the
examination and scheduling of all paid coupons of District loans except the 3.65
bonds; the making up of the accounts for the payments on account of sinking
fund and interest; and many other important and responsible duties which it
would be physically impossible for one person to perform.

LAS CHARLY.

JAS. GILFILLAN, Treasurer United States.

Hon. R. E. WITHERS, Committee on Appropriations, U. S. Senate.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 242 to increase the item for the compensation of the superintendent of the parking commission from \$1,000 to \$1,200; and in line 247 to increase the total amount of the appropriation for the parking commission from \$15,120 to \$15,320.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the word "dollars," in line 322, to insert the following proviso:

Provided, That the janitors of the principal school buildings, in addition to their other duties, shall do all minor repairs to buildings and furniture, glazing, fixing seats and desks, and shall be selected with reference to their qualifications to perform this work.

The amendment was agreed to.

The next amendment was, to strike out lines 328 and 329, as fol-

For one mechanical janitor, who shall also furnish a horse, wagon, and hand, \$1,200.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 331, to insert "out of which amount the sum of \$2,400, being interest on the Linthicum Institute loan, shall be paid."

The amendment was agreed to.

The next amendment was, after "fuel," in line 333, to strike out "ten" and insert "twelve;" so as to read: For fuel, \$12,000.

Mr. WITHERS. That is the estimate of the commissioners, and we did not think it a good thing to economize on fuel for the schools.

The amendment was agreed to.

The next amendment was, after the word "sites," in line 337, to

strike out the words "(when necessary;)" in line 341, after the word "of," to strike out "July" and insert "August;" so as to make the clause read :

For the purchase of sites and the erection and completion of three school buildings, \$100,000: Provided, That they shall be contracted for before the 1st of next September and finished before the 1st of August, 1881, to be appropriated as follows, namely.

The amendment was agreed to.

Mr. McMILLAN. With reference to this portion of the bill I desire to suggest to the Senator having the bill in charge whether he amendment at the end of this paragraph in line 348 might not be inserted to this effect:

 ${\it Provided},$ That in the sixth school district the sum appropriated may be used for one or more school buildings.

The reason I make this suggestion is that in the case of the examination of a subject which was before the Committee on the District of Columbia the interests of this school district lying outside of the or Columbia the interests of this school district lying outside of the cities of Washington and Georgetown were involved, and the trustees suggested that they desired the appropriation in such form that instead of erecting one building only they might erect four buildings, but in that case they thought the appropriation should be somewhat larger than that embraced in this bill; but if the amount appropriated could be used as far as it would go in the erection of more than the discretion of the trustees it exempts a result would go. one building in the discretion of the trustees, it seems to me it would

be the proper form.

Mr. WITHERS. I will simply state, in reference to what the Senator from Minnesota has suggested, that no such information was before the committee, and they passed the bill in the form in which it now stands; but it strikes me as being eminently judicious, and if he will permit it to lie until the amendments of the committee shall have been disposed of I think there will be no objection on the part of the committee, so far as I understand, to the amendment which he

Mr. McMILLAN. I shall do so.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 346, after the word "and," to strike out "four thousand eight" and insert "five thousand six;" so as to make the clause read:

For the second school division, \$45,000; for the sixth school division, (county, \$10,000; for the seventh school division, \$45,000; amounting in all, for school purposes, to \$505,634.80.

Mr. WITHERS. That is a consequential amendment, following in consequence of the other amendments to the clause.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the clause making appropriations for miscellaneous expenses, in line 430, to reduce the appropriation "for purchase of police-court building" from \$20,000 to \$14,000.

Mr. THURMAN. I hope the amendment will not be adopted. Leaving the appropriation in settles the main question, that it is right and proper to purchase the building, and the amendment simply raises

the question of price.

Notwithstanding there are contradictory opinions on this subject, speaking for myself, I do not believe the appropriation as it comes from the House is one dollar too much; and there are special circumstances connected with this case, which are better known to some other

stances connected with this case, which are better known to some other Senators than they are perhaps to myself, and I hope that, when they are stated to the Senate, there will be no objection to retaining the appropriation as it came from the House.

I understand in short, and I make the statement subject to correction, that the trustees of the Unitarian church agreed with the District commissioners several years ago to rent the old church property to the commissioners at an annual rent, with an option on the part of the commissioners to purchase the property within one year at \$18,000; if not purchased within one year, then they had the option to purchase it in the second year at \$19,000; if they did not exercise that option, then they had the right to purchase in the third year at \$20,000. I am informed further that pending this contract the trustees could have obtained \$18,000 for the property and applied to the District commissioners, or to whatever authority it was with which they had made the contract, asking whether they would consent to cancel had made the contract, asking whether they would consent to cancel the contract so that the trustees might sell the property and get the \$18,000 offered for it. The commissioners answered no, they would not agree to the cancellation of the contract. Relying, then, upon this contract, the trustees of this church borrowed \$18,000 to enable them to construct the beautiful structure which they have built at the corner of Fourteenth and L streets, and gave a mortgage or some other security for the return of those \$18,000.

Now, it does seem to me that after having relied in good faith upon this contract which they had made with the District commissioners and which estimated this property to be worth at least \$18,000 if not \$20,000, and having involved themselves in the loan which they made in order to erect one of the most beautiful little structures in the city, it is pretty hard—I was going to use a word which I will not use—but it is pretty hard to attempt to cut that down.

Mr. DAVIS, of Illinois. Had the commissioners any power to make

powers. They have powers such as were conferred on the old gov-

powers. They have powers such as were conferred on the old governments except so far as they are repealed, expressly or by implication, by the subsequent acts we have passed; and certainly the old governments had power to purchase property.

Mr. DAVIS, of Illinois. I should like to see the power.

Mr. THURMAN. But I do not wish to go into a mere question of power. Does the Government need this building or some building for the police court? Nobody denies that. Is this a suitable building for that purpose? I do not suppose anybody denies that.

Mr. BECK. Nobody claims that it is.

Mr. THURMAN. Why then did not the committee strike it clear out?

I hope the Senate will.

Mr. BECK. I hope the Senate will.

Mr. THURMAN. Several thousand dollars have been expended on it.

Mr. BECK. I desire to say that one of the commissioners protested against it. I have his protest in writing. One of the leading lawyers of the city, Mr. Davidge, came before the committee with a number of other gentlemen with him, and avowed that no one would pretend that this was a proper place for the police court; and he gave a reason which nobody contradicted. We have passed in the Senate a bill appropriating \$117,000 to have a building on our own grounds which will accommodate all the courts the people here want, and exclude the scum of the community from public view.

Mr. THURMAN. I do not believe Mr. Davidge has had to go inside of a police court for twenty years. Mr. Davidge is not a law-

side of a police court for twenty years. Mr. Davidge is not a law-yer who practices in the police court. His practice is more in the Supreme Court of the United States than anywhere else. It certainly is not in the police court of this District. And as we have had the suggestion made that the enlargement of the City Hall will provide a suitable place for the scum of the city, as the Senator from Kentucky says, I beg leave to say that that is not the place to send the scum of the city; nor do I admit at all that the enlargement proposed by the bill which has passed the Senate on that subject will provide for the police court as it ought to be provided for. There will be no more room in the City Hall when enlarged than is necessary for the supreme court of this District, and I doubt if there will be sufficient for that, but certainly not for the police court.

I confess that I am surprised to hear it said that this building is not suitable as it has now been arranged for the police court. I hear side of a police court for twenty years. Mr. Davidge is not a law-

not suitable as it has now been arranged for the police court. I hear it for the first time. Of course I do not pretend to set up my judgment against that of other Senators, but I have always heard the con-

trary before.

Mr. President, it seems to me that under the circumstances of this case this bill is right as it came from the House in this respect, and I hope that the amendment offered by the Committee on Appropria-

I hope that the amendment offered by the Committee on Appropriations will not be agreed to.

Mr. WINDOM. Mr. President, as a member of the Committee on Appropriations, I voted to reduce this sum from \$20,000 to \$14,000. I did it upon the information the committee then had. I believed from that information that the property was not worth more than \$14,000. I have since received evidence which satisfies my mind perfectly and entirely that \$20,000 is not an undue price for this property. appraised at about that some years ago. I think the appraisal for taxation amounted to about that sum. I know that an offer of about that sum was made for it, for I have seen the letter stating the offer; and being perfectly satisfied that the amount of \$14,000 is too small, and that \$20,000, as proposed by the House, is not far from the right sum, I wish to state, for one, that I have changed my mind since the sum, I wish to state, for one, that I have changed my mind since the recommendation of the committee was made, and I want now to vote for \$20,000. We are paying \$1,500 a year rent now, I understand, for the building, besides taxes and insurance.

Mr. BUTLER. I should like to ask the Senator if it is not a fact that that property has been appraised by experts at \$20,000—from \$18,000 to \$24,000 f

Mr. WINDOM. I think \$20,000 is the figure. I have seen the statement of experts putting it at from \$18,000 to \$24,000 for the land alone, as I am informed, and I have seen the other papers showing what the property is worth.

property is worth.

I was about to say that we are paying \$1,500 a year rent, together with taxes and insurance, for this property. If we buy it at \$20,000, which I think not more than its value, we shall pay but about \$800 a year, for I suppose it is safe to estimate the interest on Government bonds or debt at 4 per cent. I think it a profitable thing to do. I think the property is worth it. I think for reasons given by the Senator from Ohio we ought to do it, provided we did not pay too much for the property, and that was the only ground on which I concurred in the recommendation of the committee before.

Mr. President I was willing to yote for the amendation.

Mr. BECK. Mr. President, I was willing to vote for the amendment fixing \$14,000, and I did so vote in committee, not because I desired to purchase the property at all, but because I believed if we did buy it \$14,000 was a full price; but it was with the determination and reservation in the committee of the right to move to strike out the paragraph altogether, because I thought it was an improper

it is pretty hard—I was going to use a word which I will not use—but it is pretty hard to attempt to cut that down.

Mr. DAVIS, of Illinois. Had the commissioners any power to make the contract?

Mr. THURMAN. I think they had power, although I do not profess to have looked much into it. The commissioners have very broad to the paragraph altogether, because I though I was an improper purchase to make.

The arrangement to rent this building was not made by the present commissioners. There was no contract to purchase; there was no obligation on which the church or anybody else could rether was to be a purchase. On the contract, as soon as those commissioners who were then in office, against the written protest of Mr. Dent, one of the present commissioners, whose protest I have here,

and who merely said before us he now acquiesced, as soon as those commissioners attempted to make that lease and establish the police court there, the people of the District undertook to obtain an injunction upon the ground that the commissioners had no legal right to make the contract and that it was a nuisance to the whole neighborhood. They obtained that injunction from Judge Wylie; but the court in barc, saying they had no right to look into the question of an injunction upon the ground of nuisance, dissolved the injunction, an injunction upon the ground of nuisance, dissolved the injunction, because they thought that the legal power to make the lease existed. From that an appeal was taken to the Supreme Court of the United States, Judge Cox, now on the bench, and Mr. Davidge, as I understand, acting as counsel for citizens residing in that part of the city. That appeal is now pending; that appeal Mr. Davidge believes he will sustain. It is now pending. Judge Cox and he brought the suit, very good lawyers. The Senator from Ohio says Mr. Davidge's practice is principally in that court. While that appeal is pending the effort is now made to get the United States to buy the property, which necessarily dismisses the appeal, because it is the intervention of the sovereign power ratifying whatever may have been done before and fastening it upon the people.

Mr. THURMAN. Will my friend from Kentucky allow me to ask a question?

question? Mr. BECK.

Mr. BECK. Certainly.
Mr. THURMAN. I have so high a respect for the legal ability of
Mr. Davidge that the statement the Senator has just made fills me
with astonishment. I understand him to state that Mr. Davidge is of the opinion that this police court can be suppressed as a nuisance by

an injunction.

Mr. BECK. No. sir; I did not say that.

Mr. THURMAN. If that is the case, if police courts are all nuisances, what will be the result?

Mr. BECK. I said the court in banc decided that they could not consider that question on an injunction, and for that reason overruled Judge Wylie's opinion. From the opinion of the court in banc there was an appeal taken to the Supreme Court of the United States, which is still pending. I think it does not become the Congress of the United States nor the chairman of the Judiciary Committee of the Senate of the United States to seek to deprive the people of their right to a decision of the Supreme Court when that lease has two right to a decision of the Supreme Court when that lease has two more years to run and when there is no necessity for making the purchase now nor until that question can be heard in the Supreme Court of the United States, for the lease does not expire until July, 1881, and another session of Congress will intervene between now and then. Why deprive these men of the right to have their case heard? Why rush with this haste now, more than a year before the lease expires, to pay \$20,000 for what? Ten thousand dollars is to be taken out of the treature of the District of Columbia for what? To purchase to pay \$20,000 for what? Ten thousand dollars is to be taken out of the treasury of the District of Columbia for what? To purchase a building wholly unfitted now and becoming more and more unfit year by year as the city increases for the purpose for which it was intended; and when bought who gets it? What interest has the United States in it after it is bought? Not a dollar; the title to not a foot of land on which it is built will be in the United States. It can be sold tomorrow or abandoned, and \$10,000 is to be taken out of the Treasury of the United States now for property for which the United States sets nothing. gets nothing.

The title to this police court and the building is to be vested, if vested at all, not in the United States, but in the commissioners of the District of Columbia; not one foot of it vests in the United States; the District of Columbia; not one foot of it vests in the United States; and this provision of this bill, which the Senator from Ohio insists is so just, is to make the tax-payers of Ohio and Kentucky and elsewhere pay half of the \$20,000 to vest the title in the commissioners of the District who may abandon it to-morrow if they choose, and the United States gets nothing for all she pays. First you dismiss the appeal, and then give \$10,000 to acquire nothing, against the protest of all the people in the neighborhood and against the fact that we have appropriated \$117,000 by another bill to add to buildings on land now owned by the United States, which every lawyer that appeared before us said, and every lawyer in the city will say, is sufficient to build all the courts we want, police courts included.

cient to build all the courts we want, police courts included.

Mr. THURMAN. Will the Senator from Kentucky tell me, if I may interrupt him there, the provision in this bill that the title to this property shall be in the commissioners of this District?

Mr. BECK. There is \$20,000 given for what? For the purchase of the police court building. Will the Senator from Ohio tell me, under the statement of the contract made on which he relies as the only basis of equity here, whether the United States will get a dollar of it and whether if this passes it is not to carry out the contract which he says is equitable? And if so, it is to vest title in the District commissioners who alone made the lease whose legality is now in doubt.

Mr. THURMAN. Will the Senator allow me to interrupt him?

Mr. BECK. Yes, sir.
Mr. THURMAN. Without a provision in the bill that the title shall be in the District, I do not see that there can be any title in the District. If the Senator prefers that the title should be taken by the United States-and I am sure I have no objection to that, and I do not

know that anybody else has—five words will so declare that the title shall be taken by the United States.

Mr. BECK. The bill as it comes from the House and which the Senator advocates was to carry out a contract which he said was equitable and just to the trustees of some church because they had made an

arrangement or understanding with the District commissioners that the commissioners were to have this building and that our money was to go into it unless something else was done, when beyond all perad-

venture the title passes to other people.

Several papers have been sent to me as a member of the commitseveral papers have been sent to me as a member of the commit-tee, and before I say anything upon the question of the valuation, about which a good deal has been said, I wish to remark that it was made apparent to my mind, as I think it would be to the mind of every gentleman who heard the argument, that this is not a fit place to have the police court. It is on the corner of Sixth and D streets on a public square. It has not been a month since a colored man was charged with an offense on Capitol Hill, and when he was taken to charged with an offense on Capitol Hill, and when he was taken to the court in a van I am told that not less than five thousand people gathered there on the public streets. There all the crime of the city is unloaded in the public view. There is no way of keeping it in any seclusion; whereas on Judiciary Square where we have four or five acres, as is known to all Senators, where a great extension is to be made to the City Hall building, a wall can be erected and the van driven inside of the gates. By doing that the prisoner is himself secure, the people are secure from the sights generally seen around police courts, and everything will be done decently and in order.

Plenty of room can be had there without offending anybody or without anybody rushing around and crowding to see what comes from

Plenty of room can be had there without offending anybody or without anybody rushing around and crowding to see what comes from the slums of the city every morning or what is taken away from the court. As the city increases in size it will become more and more important that that should be done. Why should a whole neighborhood of respectable citizens have this thing fastened upon them merely because somebody wants to oblige some church? The church lot is only sixty-two feet by ninety-odd. The cells are in a condition there, as was stated by Mr. Davidge and others, wholly unfit for people to be placed in who are presumed to be innecent until they are found be placed in who are presumed to be innocent until they are found guilty. The whole arrangement there is of a character that cannot last more than a year or two, and it will probably be abandoned the very moment the church gets the money out of it. I would rather give the church \$20,000 in charity than to establish an institution of that sort to the detriment of a great many good people. I know nothing about the people who live near there; I do not know any of them; I never had seen Mr. Davidge until he appeared before us, but no man could hear him, no man could hear the statements of those people, without seeing that there is a wrong to that whole section of the city, and a wrong that can be remedied very easily by placing the police court on our own grounds in connection with our own buildings.

Mr. BUTLER. Will the Senator permit me to ask him a question?

Mr. BECK. Yes, sir.
Mr. BUTLER. Is not Judiciary Square surrounded by the residences of citizens just as well as the present location of the police

Mr. BECK. Judiciary Square, as is known to every Senator, oc-

Mr. BECK. Judiciary Square, as is known to every Senator, occupies a great open space.

Mr. BUTLER. It is surrounded by the residences of citizens.

Mr. BECK. A building can be so erected there that the van which carries the vagabonds of the night before, for they are carried in a close van, can be driven inside of the gates with a wall keeping it from the public view, and where crowds will not stand gazing to see the persons taken there in the morning.

Mr. BUTLER. Do I understand the Senator to insist that every police court should be surrounded by a wall to keep it from view?

Mr. BECK. I mean to say that a police court ought to be kent in

Mr. BECK. I mean to say that a police court ought to be kept in such a shape that the prisoners will be secure, that the people of the neighborhood will not have their property injured by it. Every well adapted police court is put in a shape where it is the least effensive to the great mass of people.

Mr. BUTLER. It seems to me that the locality to which the Senator property is presented as the court is put in a shape where it is the least effensive to the great mass of people.

tor proposes to remove the court is just as much exposed to that ob-

jection as the site now occupied.

Mr. BECK. The Senator must know that when that building is erected it can be so built, and at very little expense, as to exclude every possible chance of a citizen being offended by anything, and that in the present situation it is absolutely impossible that those conditions should exist.

conditions should exist.

Mr. BLAINE. If the Senator will permit an interruption, does he not know that one of the unsightly objects, and he is disposed to rate this among them, which Judiciary Square suffered from for many years was from having a jail upon it, built around with a high wall? That is one of the finest squares in the city and is destined to be the site probably of some of the most important buildings that the Government will not up to the factors of the most important from Konton Konton. ernment will put up in the future. Surely the Senator from Kentucky would not have that most splendid square in the city disfigured in the way that he speaks of. Of all the places in the world, he surely

would not put the police court there.

Mr. BECK. I am not an architect, but I know very well that in the plan that was laid down the other day and submitted to us as a reason for paying \$117,000 to extend the City Hall on that square where all court-houses can be provided for, gates can be made to the entrance, so that without any unsightly or unseemly object attached to it the view will be excluded, and where nothing will appear that will offend anybody, so that when men are discharged they can go without being run after, and when men are convicted they can be carried to the place of punishment without being followed and the streets of the city will not be blocked by people who are running after that class of cases, and the private property of nobody will be

affected by it.

I take that view of the case, first, because there is a suit pending by I take that view of the case, first, because there is a suit pending by men living in that part of the city in the Supreme Court, and the lease runs for another year, and before it expires there will be ample time. Next, the bill vests the title, if it vests it at all, in the District commissioners, if we make the purchase under the arrangement which was made, and not in the United States. Again, we have ground of our own upon which we are proposing to make improvements for court-houses and for court purposes, where all men will agree that the police court can be put, and there is no sort of propriety in forcing this measure through now.

ing this measure through now.

Upon the question of valuation I desire to make a few statements.

Thomas E. Waggaman, (I do not know the gentleman, but I see his name as a real-estate agent all over the city,) being duly sworn, says:

I am a real-estate agent and auctioneer in the city of Washington, in the District of Columbia; have been engaged in that business for the past thirteen years, and have a general knowledge of the values of real estate in this city. I know the property which is now used by the police court, situated at the corner of Sixth and D streets, northwest, in this city. In my opinion the said property is not worth to-day over \$12,000 as an investment. I regard that as a fair price for it at this time for any purpose, and more than it would sell for at anction.

THOS. E. WAGGAMAN.

Subscribed and sworn to before me this 5th day of May, 1880.

CHARLES S. DRURY,

Notary Public.

I concur in the above as to valuation,

W. M. WRIGHT.

Mr. ALLISON. What is the date of Waggaman's affidavit?
Mr. BECK. The date of Waggaman's affidavit is to-day.
Mr. WITHERS. Ammunition collected for the purpose.
Mr. BECK. "Ammunition collected for the purpose," the Senator from Virginia says. I say the lobbyists have been around here to every Senator.

Mr. WITHERS. On both sides.

Mr. BECK. On both sides, if you please. These highly respectable people are seeking to protect their own property and their own homes against a nuisance, because under the former commissioners, some of whom did not have the best reputation, there was obtained what is called a lease, and now, under pretense of representing a church, it is sought to make the United States give money for property that the United States have interest in a while year. entrenty that the United States has no interest in; and while people are earnestly proceeding with a suit in the Supreme Court of the United States it is proposed to cut them off from the right to a decision, when the Government of the United States is providing ample means to secure accommodations for all these things on its own ground.

Mr. BUTLER. If the Senator will pardon me a moment, the real-

Mr. BUTLER. If the Senator will pardon me a moment, the real-estate agent who has sent this communication says that he would take that amount of money for this property if it had been his.

Mr. BECK. I read his affidavit word for word. He has been a real-estate agent for thirteen years and values the property at \$12,000.

Mr. HOAR. Who was that?

Mr. BECK. Mr. Waggaman and Mr. Wright. Here are other statements which have been sent to me. Why they were sent to me I do not know, except that I opposed this measure upon public grounds. I opposed buying an old church to oblige anybody, or because anybody's wife or anybody's kin is seeking to make a speculation out of it. I opposed it because it was oppressive to a large number of people. I opposed it because it was not certain the District could use it after we bought it, but might have to abandon it.

Mr. BUTLER. Does the Senator object because the money goes to a church?

a church ?

Mr. BECK. If I have anything to give to a church, I will give it, and I reckon I have given as much as the Senator from South Caro-

Mr. BUTLER. More.

Mr. BECK. And perhaps more. That interruption is hardly worth answering. I received other papers upon the subject from very highly respectable men. I have stated what Mr. Davidge said, and, by the way, here is the protest of Mr. Dent:

The following is an extract from the minutes of the board of commissioners, District of Columbia of November 17, 1879:
"Commissioner Dent—

One of the present commissioners-

entered the following protest in connection with the estimates for the District government for the fiscal year ending June 30, 1881; and the secretary was directed to place the same in the minutes of the board: 'I object to the item of \$20,000 for purchase of the property now occupied by the police court, but am willing it shall go before the Secretary of the Treasury and Congress for consideration.' "WILLIAM TINDALL, Secretary."

There is the protest of one of the present commissioners entered of record against this very appropriation.

Mr. HARRIS. The president of the board.
Mr. BECK. The president of the board. He came before us and said: "I objected to it then; I am opposed to it now; but I yield because my associates differ with me." All along he told us he was opposed to it, and here is the record in evidence of his opposition; and yet the Senator from Ohio thinks it is an outrage that we shall not vote the \$20,000 in the face of all these facts.

Mr. HURMAN. I used no such words.
Mr. BECK. Well, the Senator thinks it is a great wrong and a want of faith to the church. I believe those are the correct words.

Mr. EATON. I should like to ask my friend if I understood him correctly as saying that Mr. Dent appeared before the committee and protested against this purchase?

Mr. BECK. I did not say that he did.

Mr. EATON. I understood the Senator to say so.

Mr. BECK. No, sir; I produced his written protest, and I said that I spoke to Mr. Dent and others had spoken to him. He said that was

his opinion then and now.

Mr. EATON. He did not so state to the committee, however.
Mr. BECK. He said to me it was his opinion now. I think the
present chairman of the committee will say that he stated it was his
opinion now. This protest was entered upon the record.
Mr. WITHERS. The Senator is stating what occurred in commit-

I have not said what occurred in committee; I am speaking of what Mr. Dent said to me and what he put on record, to the effect that he was opposed to this proposition, and no man can deny the fact that he is opposed to it.

Here is another paper from a man by the name of Ruppert:

In reference to the property on the corner of Sixth and D streets, I would state in my opinion it could not be sold for over \$10,000—the property now occupied by the police court.

Here is another one, from Mr. Barbour, of Barbour & Hamilton, commission merchants:

In reply to your inquiry as to the present value of the property on the corner of Sixth and D Streets, northwest, now occupied by the police court, I have to say that in my opinion it could not be sold for over \$12,000 cash.

Mr. Keyser, receiver of the German-American National Bank, values the property, without the building, at nine or ten thousand dollars. He says:

I do not in this estimate include the building, for the reason that it is worthless for general business purposes, cannot readily be altered, and the cost of taking down would be about equal to the value of the materials. I think it would be difficult to find a purchaser even at the price above named.

A good deal has been said about a man by the name of Wilson, a man I never saw until he came to me to protest against this action being taken. I was advised that he had offered \$18,000 for the property after he had said that it was not worth over \$14,000. I said to him, "Why this contradiction?" He sent me a letter on the subject. I have no personal feeling about this thing in any form, and care nothing about it except to see fair play.

Mr. WITHERS. You are angry.

Mr. BECK. No. I am the most unfortunate man. If I speak with the least bit of earnestness, gentlemen say I am angry. I never saw this man Wilson; I never saw the building until this morning; I never saw anything connected with it except its obvious uselessness. Nobody can look at it without seeing that it is obviously unfit for the purpose. Nobody can examine it without saying so.

Mr. BUTLER. The commissioners ag it is fit.

Mr. BECK. The commissioners I do not think say any such thing. There is the protest of Mr. Dent, one of them. Here is what Mr. Wilson said as to \$18,000 being offered. His note is dated yesterday, for I wanted to know what he meant by saying that it was worth but \$14,000 when he had offered \$18,000 for the property:

I understand that a statement is in circulation to the effect that the sum of man I never saw until he came to me to protest against this action

Dut \$14,000 when he had offered \$18,000 for the property:

I understand that a statement is in circulation to the effect that the sum of \$18,000 was offered in the year 1877 for the property at the corner of Sixth street and Louisiana avenue, now occupied by the police court.

In respect to such statement I desire to say that such an offer was made by a combination of the property-holders in the neighborhood, of whom I was one, for the sole purpose of protecting our property from the nuisance of the police court, for the establishment of which on the property in question the commissioners had taken or were about to take the lease, and with a full knowledge on our part that we were paying five or six thousand dollars more than the value of the property. We were willing to submit to the sacrifice simply in order to prevent a greater one, and any assertion to the effect that the offer represented the value of the property or was other than an offer coerced by the necessity of saving our property is wholly devoid of truth.

I have seen plenty of men coerced in the same way; and so has every Senator. They believed they could sell it for a law-school to the trustees of Georgetown College for \$12,000, and by buying it for that purpose they could avoid its use as a police court. They resorted to an injunction. They have now appealed to the Supreme Court. They have got leading lawyers of the city pressing an appeal before that court, and it is pending now. It is not known whether they will be sustained, but they are willing to pay out of their own pockets five or six thousand dollars more than the property is worth in order to get away what is regarded as a great nuisance; for everybody knows it is a nuisance. When in the effort to save themselves they were willing to pay more than the property is worth and sell it to a were willing to pay more than the property is worth and sell it to a corporation that would not be a nuisance, at a loss of \$6,000, then we are told we have got to give \$20,000 in face of all these facts because some church wants the money.

Mr. EATON. Does my friend know how much the assessed value is and what the taxes are that are laid upon the property?

Mr. BECK. I have never seen the tax list.

Mr. EATON. I propose to show to the Senator that the assessed value for taxation is \$18,790.

Mr. BECK. I have never seen the tax list. Is there any tax paid upon it at all?

Mr. EATON. I have not examined the tax list myself. The as-

Mr. EATON. I have not examined the tax list myself. The assessed value of the property upon which taxes are to be laid is

Mr. WITHERS. I have an official copy of the estimate here which

Mr. WITHERS. I have an omeial copy of the estimate less than I propose to submit to the Senate.

Mr. BECK. I have no doubt if necessary it could have been assessed for \$50,000, so as to have Congress give \$50,000 for it. I have one other letter here which I have not read. I received it to-day; it is dated yesterday, from Mr. Davidge, and addressed to Mr. ATKINS, chairman of the Committee on Appropriations of the House of Representatives:

Dear Sir: I have been requested to wait on your committee this morning to explain the grounds upon which the purchase by the Government of the lot at the corner of Sixth and Louisiana avenue in this city for a police court is opposed. But my engagements in court do not permit me to leave. I understand it has been represented to your committee that all opposition to the purchase had been withdrawn. There is no shadow of foundation for such representation, if it has been made. The appeal of the property-holders is now pending in the Supreme Court of the United States. The purchase of the property by the Government will of course prevent judicial determination of their rights. The power of the commissioners to lease the property, and the propriety of the exercise of such power, if it existed, were fully discussed during the last Congress before the Committee on the District of Columbia of the House, and the report of that committee on the District of Columbia of the commissioners in respect both of power and propriety will put you in possession of all the considerations of law and fact that belong to the subject. Apart from the injustice to the neighboring property holders, the property is too small for the purpose, and the price proposed to be paid is far beyond its value. Under the lease the commissioners reserved the right of purchase at any time during the lease. There is no obligation to purchase, and the privilege does not expire until June, 1881. Besides, the Senate has by bill now pending in your House appropriated \$117,000 for the extension of the City Hall, and the police court can readily be accommodated in such extension without being a nuisance to the neighborhood.

Very respectfully, yours, WASHINGTON, D. C., May 4, 1880.

To Hon. J. D. C. Atkins, Chairman Appropriations Committee of the House of Representatives

Mr. CONKLING. Will the Senator let me ask him, does the letter

Mr. CONKLING. Will the Senator let me ask him, does the letter state that the present lease runs until a year from next June?

Mr. BECK. It does; it runs until June, 1881, and the same right extends all through next year to make this purchase. That would give ample time to the property-holders to have their case decided in the Supreme Court. It would give ample time to ascertain what can be done with the \$117,000 that we have voted to build improvements on our own land, and at the same time if it is determined to buy this property it would give time to make such arrangement that the United States may have some title to it after we pay the \$20,000, instead of none, as is proposed now. instead of none, as is proposed now.

I have here the report of the District Committee of the House of

I have here the report of the District Committee of the House of Representatives, signed by A. S. Williams, J. C. S. Blackburn, E. J. Henkle, Gabriel Bouck, William Claffin, Eppa Hunton, Hiester Clymer, and Lorenzo Brentano, protesting against the action of the commissioners in taking possession of this property or attempting to buy it and fasten a nuisance upon the neighborhood. Among other things the committee say.

Among other things the committee say:

The committee do not propose to impute to the commissioners any improper motives or designs, but simply assert that their action in the premises is not, in the judgment of the committee, to be defended or sustained either upon the score of expediency or warrant of law.

While the property-holders are pressing their rights before the House and before the Supreme Court, in the face of all these facts and in contravention of them all, with the protest of Mr. Dent against it, more than a year in advance of the time when there will be any necessity for action, we are asked now to pay \$20,000; and the amendment of the committee fixing \$14,000 is to be voted down as a wrong to some church!

Mr. TELLER. I want to ask the Senator a question. In the lease is there any provision how the value of this property shall be arrived

Mr. BECK. No; there is none as far as I have seen the lease. The report of the committee of the House sets forth the fact that the commissioners have the property for four years from the 1st of June, 1877, with a right to purchase during the first year at \$18,000, the second year at \$19,000, and the third year and fourth year at \$20,000. The commissioners have that right; but the United States nowhere has any title or right to it, although we are required to pay half the

money.

Mr. BUTLER. I understand, if the Senator will permit me, that when the lease was made it was agreed by the commissioners that the purchase could be made for \$20,000 that year, and that was expressed in the lease. That is my information.

Mr. BECK. No, sir. We had the option for four years as stated in this report at \$18,000, \$19,000, and \$20,000.

Mr. HOAR. The title taken by this public board would certainly be a title to the use of the United States and entirely in the control of Congress.

Mr. EDMUNDS. I am not sure about that.
Mr. BLAINE. The economic side of this question I suppose is the proper one to regard and discuss upon an appropriation bill. I am moved to say that I do not believe Congress closely enough scrutinizes or thoroughly appreciates the large amount of money that is paid out for rent of buildings occupied for public uses. It is a very large item in the city of Washington, and one that when you come to examine it will cause a good deal of surprise, that largely as we build, extended as the accommodations grow for the public service, there is still such a large number of outlying buildings used. Take this case: here is a building on which taxes are remitted and on which insur-

ance is paid, amounting I suppose at a moderate estimate to \$300 on the building, and then \$1,500 a year are paid for rent, making \$1,800, which on a valuation of \$20,000 is 9 per cent. that we are paying when money in the hands of the United States is in millions and hundreds of millions handled at 4 per cent. If we do not purchase this building I venture to remind the Senator from Kentucky that it will go on year in and year out at \$1,500 a year, with taxes and insurance, and that we shall rent it until we shall have paid out more, interest included and allowed for, than we can have the fee-simple of it for

to-day.

That is a mere question of economic consideration. I venture to say that that would have been the result, and will no doubt hereafter be the result, in the case of almost any building that the United States rents. It would be a wise thing to take it in fee-simple from the day of its first occupancy and pay down on a fair and even a liberal cash valuation, viewed simply as a question of dollars and cents to the Treasury.

to the Treasury.

This is not a large amount of money; it is rather a small amount of money. When you come to regard a public building according as public buildings usually cost at the hands of the United States this public buildings usually cost at the hands of the United States this is rather a trivial affair; but trivial as it may be in a moneyed point of view it will largely outrun by its annual rental in a very short time the expenditure now required to be paid for it at \$20,000. Viewing it simply, and I argue it only from that point, as an economic question, the United States, I am very sure, would be very much better off to-day to take this building and pay for it and own it than it will be a learn renting it in this year.

ter off to-day to take this building and pay for it and own it than it will be to keep renting it in this way.

Mr. SAULSBURY. I desire simply to make a remark in reply to the suggestion of the Senator from Maine on the line of economy. This building I understand is a very old and a very dilapidated building. In a few years Congress will be called upon to provide a building on this or on some other spot for the police court. This building, in the condition I understand it to be, will not answer the purposes of that court for many years. I have no doubt that upon the line of economy it will be much better for us to reject this application and to erect a building, rather than to buy this one and pay \$20,000 for the ground upon which you would soon have an application to erect a new building for this court.

While I am on my feet I will say that a year or two ago, at the

While I am on my feet I will say that a year or two ago, at the time this lease was made, and about the time these legal proceedings were being instituted, I heard persons residing in that neighborhood, and among others Mr. Davidge, who has been referred to in this debate, speak of the great detriment the establishment of a police court there would be to that neighborhood and to the property-holders. He lived at that time, I believe, in the immediate neighborhood. I heard that there was a very general complaint and I think now as he lived at that time, I believe, in the immediate neighborhood. I heard that there was a very general complaint, and I think now, as the citizens have instituted proceedings in the court to arrest, if possible, this proposed action of establishing a police court there, we should be acting unjustly to those persons who have instituted proceedings for the protection of their property if we interfered by an act of Congress and deprived them of their legal remedy.

Mr. HOAR. May I ask the Senator from Delaware a question?

Mr. SAULSBURY. Certainly.

Mr. HOAR. As is very well known to every member of this hody.

Mr. HOAR. As is very well known to every member of this body, on the corner of Judiciary Square and D street there is a great open space going into Louisiana avenue. Now my question is, leaving out the Judiciary Square itself, which the Senator from Kentucky suggested, suppose that ought not to be appropriated to a police court, is there any other site in the city of Washington which the Senator can think of which would injure the adjacent property-holders less than this one, where the adjacent buildings are used mainly for lawyers' offices now?

Mr. SAULSBURY. I have not the slightest idea but what there are locations south of Pennyslvania avenue upon which a police court could be established that would prove of no detriment to any-

court could be established that would prove of no detriment to anybody, and would not injure the value of the property of anybody.

Mr. HOAR. Is not the judgment of the District commissioners pretty important in regard to a proper site for a police court?

Mr. SAULSBURY. I understand all about that. I understand that at the time this lease was made one of the considerations for entering into the lease was that it was for the benefit of a church which had been established there which wished to build a new edifice. I have a very high regard for churches of all denominations, and would be perfectly willing to see all of them get rid of their old property fairly, but I am not ready, for the purpose of relieving a church, to see old property belonging to any church bought for the purpose of converting it into a police court to the detriment of the citizens who reside in that neighborhood, when we have property of our own upon which that neighborhood, when we have property of our own upon which we can erect at as little cost as this building will be, a proper build-

ing for the police court to be held in.

I know that that was a few years ago the sentiment of the people in that neighborhood, because I was brought in contact with them. in that neighborhood, because I was brought in contact with them. I heard then that they considered it a great detriment to their property, and that it might result in driving persons who had a residence in that neighborhood out of the neighborhood, because of the annoyance that would be created to their families by the presence of a police court in that vicinity.

Mr. HOAR. Will the Senator from Delaware allow me to ask him one other question?

Mr. SAULSBURY. In a moment. Apart from every other con-

sideration, as these people feeling themselves aggrieved have sought their remedy in the court, and the case is now pending and undecided in the court, as I understand from the letter of Mr. Davidge, which was read a few moments ago, I say it would be an act of injustice to those people to step in by an act of Congress and deprive them of the legal remedies which they are seeking in a proper and legal way. Suppose that I were a party to this proceeding. Suppose I had property in that immediate neighborhood. Believing that my property was to be damaged and rendered inconvenient for my residence, suppose I had incurred the expense of taking legal proceedings to have the question decided in the court, should I not think it a very gratuitous act on the part of Congress to step in to deprive me of the legal remedy which I had sought for the protection of my property? I ask any Senator on this floor to apply the case to himself and say whether he would be willing to have his rights divested by an act of Congress when he was seeking in a proper and lawful way to protect himself against injury? In my opinion, there is not a single Senator on this floor, situated as these complainants are in the case, but what would regard it just as I regard it, as a gratuitous act, one uncalled for, and one that would do injustice to him.

For my part, however much I value the churches, however much I

For my part, however much I value the churches, however much I am willing to extend all proper aid to them by way of purchase of their old property when they can get better, I am not willing to do it at the sacrifice of private rights. I say that if I were in the situation of these property-holders I would not like to see the same rules applied to me. I have nothing against the purchase of this property for any proper use the Government has for it at the proper time and for a proper purpose; but I am unwilling to see it purchased now or at any time hereafter for the purpose of establishing a police court there, when I am satisfied by evidence that is here all around me that it would greatly damnify the property in the immediate neighborhood and render it inconvenient as a place of residence for persons who own the adjacent property, especially as we have a location of our own upon which we can erect the court, if we see proper, where it will not injure the property of any person if we see fit to so erect it out of money in the Treasury of the United States.

Mr. THURMAN. Mr. President—

Mr. WITHERS. I wish to make a statement on behalf of the com-

mittee, in view of the criticism which has been cast on their report, but I yield to the Senator from Ohio.

Mr. THURMAN. I am very sure I have made no criticism on the

committee.

Mr. WITHERS. No, sir.
Mr. THURMAN. A very few words, Mr. President, and I do not
wish to take up much of the time of the Senate on this subject. The Senator from Kentucky and the Senator from Delaware have both insisted that Congress ought not to make this appropriation, because certain property-holders in the vicinity of the building which it is proposed to purchase have filed a bill to obtain an injunction. What what is the injunction asked for I do not know; I am not informed. When I put the question to my friend from Kentucky to know whether it was possible that Mr. Davidge, one of the most distinguished lawyers and practitioners before the Supreme Court of the United States, had actually and seriously asked the court to grant him an injunction against the use of a building as a police court on the ground that that would be a nuisance, such a nuisance as a court the ground that that would be a huisance, such a huisance as a court of equity could abate by injunction, I was told no, that was not it. However, the whole argument goes upon that ground; and yet the Senator from Kentucky immediately saw that such an astounding proposition as that amounted to nothing more nor less than this, that you should have no police court at all, because if this police court would be a nuisance at the corner of Sixth street and Louisiana averaged. nue it would be a nuisance anywhere else, and every police court in every city in the United States would be a nuisance abatable by the mandate of a chancellor. Mr. Davidge never could have done any such thing as that seriously. I can imagine that he has filed a bill to obtain an injunction upon the ground that the District commissioners had no right to make the purchase; that they had transcended their powers in taking the lease, perhaps. That I can conceive of; but I never can conceive that that able lawyer ever asked the Supreme Court of the United States or any other court to say that the police court was per se a nuisance to be abated by an injunction in

Mr. BECK. Will my friend allow me to say a word?
Mr. THURMAN. Certainly.
Mr. BECK. When the Senator from Ohio asked me whether Mr. Davidge had taken an appeal on the ground that it was a nuisance, I said to him no, that the decision in bane was against the decision of Judge Wylie who put it on the question of legal right. The court in banc said they could not consider the question of nuisance. I said that an appeal was pending in the Supreme Court of the United States upon the question of legal right, not upon the question of nuisance; and I said the court in banc had beld that they could not take juris-

diction of the question of nuisance, all through the responses I made.
Mr. THURMAN. So I understood the Senator.
Mr. BECK. Then why argue now that I had alleged that Mr. Davidge had said any such thing?
Mr. THURMAN. I did not say he had said so. I said just other-

wise; that he repudiated any such idea.

Well, then, upon what ground is an injunction asked which should

delay our proceedings in this matter? Simply on the ground that the District commissioners had no authority to make the purchase. That decides nothing. Suppose the injunction were granted and made perpetual on the ground that we have not yet given them power to make this purchase; how does that affect the question whether or not we ought to make the purchase? If we have not given the power to make it heretofore, if it is right and proper to give them the power to make it now, we ought to give them the power wholly irrespective of this injunction. But here the supreme court of the District has decided that there is no case for an injunction, and I can very well conceive that they decided that correctly; because I do not very well see that it was for a private man to come in and obtain an injunction on the ground that the commissioners had transcended their powers in contracting for a public building, it would be a matter calling on the Government to interfere.

But, Mr. President, let us pass that and come to the merits of the case. Is a police court building a nuisance? Where are the great police court buildings in the city of New York? I have seen several of them; I have gone through them from top to bottom as a matter of curiosity; and more quiet and orderly places I never saw right in the heart of the city, surrounded by buildings and by business houses. Take the largest city in the State of Ohio, Cincinnati, and where is the count? Picht in the City Public of Nickels and the city of the city. police court? Right in the City Building on Ninth street, if I recollect aright, in the heart of the city surrounded by private dwellings and by business houses; and yet nobody ever thought of calling that a nuisance. Take New Haven, as my friend from Connecticut [Mr. EATON] suggests, where it is in the public square. Take my own city of Columbus where the police court, until within a few months, was held in the city building in which is the post-office. Up until within two months the police court was held in the city building fronting the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the public square in the thickest has increased and the city building the city building the city building the city building the public square in the city building fronting the public square in the thickest business part of the city, with a private residence in the thickest business part of the city, with a private residence in the next block to it and other private residences in the vicinity; and in that public building were the chambers of the common council, and was the city post-office, the city clerk's office, the city surveyor's office, and the offices of all the branches of the government of the city. That was where the people went every day of their lives and every night of their lives for years and years to get their mail; and I venture to say that I never saw

the least disturbance there.

How is it here in this city? I am assured by a gentleman who was chief of the police of this city that there has been no disturbance at

all at this police court.

If Senators will reflect what kind of a plot of ground this is, they will see that you can hardly find a place in this city so suitable. It is just at the intersection of Sixth street with Louisiana avenue, and as Louisiana avenue runs diagonally it makes a large triangle, leaving a larger open space before that building than there is before any building I know of in the city of Washington. Louisiana avenue is a very wide avenue; but there is in addition to the width of Louisiand avenue another piece of ground crossed by one of the streets which comes into Louisiana avenue, making a large triangle in front of this building and more completely isolating the building than almost any building that I know in this city of a public character. Then, on Louisiana avenue what are the buildings? Almost entirely buildings occupied by law offices or the like. I do not know that there is, from Fifth street to Sixth street, on Louisiana avenue, on the north side, one single private dwelling. If there is it has escaped

my observation entirely.

Then, why should not this place be taken? The Senator from Kentucky says take Judiciary Square. We cannot take Judiciary Square without disturbing five times as many holders of private property. Look at the beautiful buildings all along Fourth street east of Judiciary Square, private dwellings, all of them beautiful buildings. Look then at the houses on Fifth street on the west side of Judiciary Square, schools, lawyers' offices, private dwellings. The Senator proposes to set down the police court, which he describes as a nuisance, in such a neighborhood as that, and fence it in with a great thick stone wall like the wall around the Bastile in order to keep everything that takes place within it from offending the noses and asthetic feelings of the people of that neighborhood. No, Mr. President, that won't do at all.

The Senator seems to think there is some speculation here, or a gratuity or something in behalf of a church; and although the Senator is friendly to churches, as we all are, though not quite as friendly as we ought to be, yet that idea has got into his head and that this church wants to take some advantage of the Government of the United States. Mr. President, I do not profess to be authorized to speak for churches; it would be great presumption on my part if I should attempt to speak for churches; but this I do say, knowing well the men who are the ruling men in that church and who govern its affairs, that if there are any men on the face of this earth who would be appropriate and it would be an architecture at affairs, that if there are any men on the face of this earth who would scorn to do an unchristian act—and it would be an unchristain act to cheat the Government—these are the men. No, sir, there is nothing of that kind at all. This is a plain, honest proposition to be determined upon its own merits, and upon its own merits alone. There is no job in it, not the least of it in the world, and I hope the Senate will not fail to stand by the House and rejecting this amendment of the Committee on Appropriations will take the bill as it came from

Mr. HEREFORD. Mr. President, if I am correctly informed I

differ with my friend, the Senator from Ohio. I understand that the church which once occupied this building has removed to a place near to his residence

They did not move the old building, but built a Mr. THURMAN.

nice new one, and I have felt better ever since.

Mr. HEREFORD. 1 sympathize with my friend very much. They have improved his property by going and building a nice church alongside of his house. It is very convenient to him, and I hope he attends it every Sabbath. But if it was proposed to take that building which they have just erected near him and make a police court out of it, I am sure the Senator from Ohio would leave there just as soon as he could move out of it. I know the old building; I pass by it once a week every week; and I know it to be a fact that the ladies and the families who live in that neighborhood, when they want to go from their residences down to Pennsylvania avenue, have to cross to the opposite side of the street rather than pass through the crowds of idle loafers who are there, and brought there from idle curiosity. Will you tell me that it is no nuisance? All any Senator has to do is to go there and on some days that have brought curious people there, when some of these disgusting trials that have taken place were going on, the negroes gathered there blocked up the whole street by hundreds. The wives and daughters of the residents cannot even go to Pennsylvania avenue without crossing to the opposite side of the street.

The Senator from Ohio ridicules the idea that such a fine lawyer as Mr. Davidge would incorporate in a bill for an injunction the allegation that a police court was a nuisance. Well, I do not see any very great want of legal knowledge for him to incorporate that. The question whether this or that is a nuisance is a question of fact. If it should not even be a nuisance in law, the question is whether it is so in fact or not. Some of the Senators who have spoken on this subject say that you must not put this building on Judiciary Square; you must not put it upon some of the public property of the Government, because it would damage it. These Senators are unwilling to damage the public property by putting a police court on it, but they are willing to damage private property. I do not think that is very sound logic. Mr. President, if you put it upon Judiciary Square, it sound logic. Air. Fresident, if you put it upon Judiciary Square, it will be hundreds of feet from any residence, private or public, and if it did incommode people when put on Judiciary Square, if it did incommode the residences and schools there, they are in a very different position from what these gentlemen are. When anybody puts up a building, public or private, adjacent to or around any of the public squares, he takes the chances of the consequences. He knew that the resemble research. that that was public property; that it was dedicated for public uses, and that at any time the Government had the right to put any kind of a building there, and he took the risk. When a man builds around any of these public squares he takes the risk of a jail being put there, a police station, or a police court, or anything else that the Government chooses to erect there. Not so with these people here who are not on a public square. It is very different with them. They are in a very different position. If any Senator will go there and see this police court and then look at these people's residences north of it running along Sixth street, he will see very soon that it is a nuisance, and the question is not an economical question at all, as the Senator from Maine has suggested. It is a question of right to these private

citizens who are living there.

Will you do this? The Government has plenty of public property.

Why go on and invest the money of the Government in the purchase of private property for such a purpose as this when it has any amount of acres, and acres that are unused? Why not take some of the public property, and in that way we can be economical. If we are to act from an economical stand-point, the economy comes in there, not to buy a an economical stand-point, the economy comes in there, not to buy a private property, but to use the public property the General Government already has. These people are here protesting against this purchase. They ask the Senate in its magnanimity not to do this thing, and I hope the Senate will not do it. We have plenty of public property elsewhere—Judiciary Square or elsewhere—and let the police court be built on that. Every Senator who occupies a seat on this floor knows that he, as a Senator, would not like to have a police court in a great city like this adjacent to his private residence. There is not a Senator on this floor who would not protest against it. Then I call on the Senate to act by these private citizens who live in that immediate neighborhood as they would like to be done by. I repeat that there is not a Senator on this floor who would not enter his protest here against it in the vicinity of his own residence.

The Senator from Ohio said that in the city of New York they have police stations. Yes, but not with private residences around them, I suspect. In the city of my friend from Connecticut it was said the police court was on the public square or fronting the public square of that city. That is exactly where it ought to front on, the public of that city. That is exactly where it ought to front on, the public square. Put this building where there are buildings devoted to business, stores, warehouses, things of that kind, and do not put it right in the midst of where families live, where the wives and daughters of these gentlemen live, and have to pass around it or about it or through these crowds of people every time they wish to go to the great thoroughfare of the city. Go there during some of the beastly trials that have taken place this winter, some of them disgusting in the average and see the hundreds of people that are there then and the extreme, and see the hundreds of people that are there then, and answer the question would you like your family to be thus located?

I will vote to strike out every dollar of this item; not only to strike

the sum down to \$14,000, but every dollar of it, because if you pass the fourteen-thousand-dollar clause by the provisions of the bill you get the property for police headquarters. Senators have talked about a breach of faith; they say it would be mala fides to refuse this appropriation. There is no contract on the part of the General Government to buy this property; it is at their option to buy it or not within

I am opposed to the amendment of the committee, but I will vote for that rather than take the other. I will vote to strike out every dollar proposed to be appropriated for this purchase.

Mr. CONKLING. Mr. President, when the honorable Senator from Ohio treats a question of religion or theology, I should never be venturesome enough to differ with him; and when it turns out that this congregation has renounced its church on Louisiana avenue and built a fine church very near him, I congratulate him. I hope it will have an evangelizing and ameliorating effect on him and more especially upon his politics. But when the honorable Senator from Ohio lays down the proposition which I understood him to announce as one touching the law of nuisance, I will venture with great respect to

dissent entirely from what he says.

The honorable Senator from Ohio said—I think I quote his language—that if a police court was a nuisance in this place, it was a nuisance in any other place, thereby meaning that the test of a nuisance is what it is, regardless of where it is. I do not understand that to be the law at all. A brick-yard is in and of itself not a nuithat to be the law at all. A brick-yard is in and of itself not a nulsance; it is an example of a very needed and wholesome industry; but I take that illustration because it has fallen within my personal observation that a very well conducted court said, and another court on appeal affirmed, that a brick-yard was a nuisance in a given place and not in a thickly occupied place at all. So a fat-boiling establishment is not in and of itself a nuisance; but a constituent of mine some years ago undertook to boil fat in rather an outlying place in the city of New York and the court said that although there was no end of places where fat-boiling might be carried on, fat-boiling carried on at that place was, not in the abstract but in the concrete, a nuisance, and they enjoined and abated it.

I am not now upon the question whether a police court in and of itself is a nuisance; but I think the Senator can scarcely maintain of a police court or of anything else, harmless or harmful, that if it is a nuisance in one place it must necessarily be a nuisance somewhere else. And, Mr. President, if Mr. Davidge, who deserves, I believe, the commendation he has received as a lawyer, filed a bill in which he put, among other things, an allegation that this police court was there a nuisance, I am not prepared on the face of the papers, as my learned friend behind me [Mr. Carpenter] sometimes says, to say that that discredits him as a lawyer, although I should be rather sur-prised if he bottomed his bill on that idea alone, because in these cases a great many other grounds may enter and customarily do enter into such a question,—grounds growing out of municipal regulations, growing out of the terms on which people bought ground, sometimes only on the plot shown them in advance on which they bought which established for them certain equities and vested rights which go to nourish and support a bill filed to restrain the devotion or diversion of the property to certain unacceptable uses. How it may be in this case I only know from the Senator from Kentucky who says that this bill stated the radical ground that the parties had no right whatever, before coming to the question whether it would be a nuisance or not, to devote this property to any such purpose. Well, if the facts up-hold the bill, that I should think would be a pretty good ground in a court of equity or in a court of law on which such a bill might stand. Then I can see, as the Senator from Kentucky and the Senator from

Delaware have said, that there may be very substantial ground in respect of this branch of the subject which we ought to regard before we interpose and oust the court of this case and undertake to say peremptorily that this police court shall be planted and kept in this particular spot. But now I turn away from that branch of the sub-ject to speak of one or two other things which have struck me very

much. The other day the honorable Senator from Vermont [Mr. MORRILL] reported a bill or an amendment giving \$117,000 to be expended on Judiciary Square. How expended? Expended leaving the City Hall there now to stand; and I may say that I had then and have now great doubt whether that was a wise thing to do. Be that as it may, there stands a somewhat commodious, somewhat dilapidated, and somewhat ungainly building which has always until this time accommodated the courts of the District. One hundred and seventeen thousand dollars is to be expended in carrying back or out from it, as I understand, commodious wings, into which wings the present courts are to move and hold their sittings when it is completed. Now I should say, and I think I should feel a good deal of confidence in saying, that unless that building is to be occupied in some mode dif-ferent from that of which we know, unless there is to be some considerable additional occupation of it, the deserted chambers of the City Hall, the chambers from which the court and the officers of the court are to be removed will leave ample room for the police court.

Mr. THURMAN. Will the Senator allow me?
Mr. CONKLING. Certainly.
Mr. THURMAN. There is not a single one of the rooms in that building that is to be abandoned; no court-room is to be abandoned.

and no office is to be abandoned.

Mr. CONKLING. I did not say the rooms were to be abandoned. I only said that the court is to be moved out of them.
Mr. THURMAN. No, sir.
Mr. CONKLING. Then I will appeal to the honorable Senator from

Vermont to know whether I do not quote him correctly in a statement he made the other day—

Mr. MORRILL. I do not know what the Senator quotes.

Mr. CONKLING. I understood the Senator from Vermont to say

that the present accommodations were insufficient and uncomfortable, and that these new wings were to be put upon the City Hall in order that the courts and the officers of the courts might be there accom-

modated. Did not the Senator says of

Mr. MORRILL. I do not remember the precise phraseology used
by me, but it was to give additional accommodations for the courts.

As I understand they need more court-rooms because the courts now have not enough rooms to accommodate the different courts while they are in session. They are divided; two or three judges will be holding court in one room and two or three perhaps in another, and there will not be more than sufficient room, as I understand, to accommodate the courts when these two additional court-rooms are constructed

Mr. CONKLING. Will the Senator allow me to inquire what are to

Mr. CONKLING. Will the Senator allow me to inquire what are to be the dimensions of these wings? I think he gave them the other day.

Mr. MORRILL. I have not the dimensions. The plan adds something like seventy feet on the north side, and a portion of these rooms will be used for additional jury-rooms and for additional offices for the holding of the records. The rooms will be made fire-proof in order to protect the records.

Mr. CONKLING. And there are to be two wings?

Mr. MORRILL. No, sir, merely one addition right straight through from one side to the other.

Mr. CONKLING. Projecting north?

Mr. MORRILL. Yes.

Mr. CONKLING. Does the Senator know the width?

Mr. MORRILL. Yes.
Mr. CONKLING. Does the Senator know the width?
Mr. MORRILL. I think about seventy feet.

Mr. MORRILL. I think about seventy feet.
Mr. CONKLING. What is the depth?
Mr. MORRILL. I do not remember.
Mr. CONKLING. Now, Mr. President, it turns out that, without any reason except the additional number of judges and the subdivision into which the court is to be divided, a building seventy feet in width and the depth of which the Senator cannot give, is to be constructed. I say again, feeling well warranted in saying, that as far as we can judge at all, we can judge that accommodations no more extensive than are needed by a police court can be found in the same story or some corner of this building so greatly enlarged as it is to be:

Now, let me suppose I am mistaken about that. The Senator from Delaware said—and he need not have said it, because nearly every member of the Senate passes and repasses this place frequently—that the present building is old, unsuited and not available for this purthe present building is old, unsuited and not available for this purpose; and I shall be greatly surprised in case this plan succeeds if any considerable space of time elapses before somebody comes here with an application for an appropriation to erect on this ground a new building that will be durable and will be suitable. So I regard this as paying so much a square foot—that is the way land is sold here—for this ground regardless of the building.

Mr. THURMAN. The Senator will allow me to say that I am assured by one of the commissioners, who was the chief of police for a long time here and who knows all the improvements that have been made on this building, that the building is a very large building, and will last for a long time, probably fifty years—a solid, square, honestly built church.

built church.

Mr. CONKLING. I would not dare to put my judgment as an expert against this unnamed commissioner who seems to have expressed himself very enthusiastically to the Senator from Ohio; but I undertake to say that if the Senators who are here and who go to the other end of the town will look at that building as they pass it to-day and remember that it has been stated to the Senate that it would be good and good for this purpose for fifty years, credit it, it ought to be said of them as was said once before: There is no such faith; no, not in

Mr. THURMAN. There is nothing remarkable in its being able to stand fifty years. I should not be surprised if it would be good for five hundred years, for the oldest structures in this world are built of

Mr. CONKLING. Since the church has been moved up next door to the Senator his faith has evidently greatly enlarged. [Laughter.] He is able now to believe what is going to happen five hundred years from now; and I hope if that church remains there and he attends it as regularly as I hope he does, being at least thrice every Sunday, that his faith will extend to five thousand years before his term in

that his faith will extend to five thousand years before his term in this body expires.

But with the limited vision that I have and with some knowledge of this building which I have looked at very often, my attention being sometimes attracted to it in the way the Senator from West Virginia has suggested, by a very large and motley collection of people about there, I believe that it will answer this purpose but a very short time and that in the march of progress very soon, if this is done, an approprition will be made to take away this building and put up one larger and better conformed to modern notions and modern improvements.

It seems that the lease which we have, or under which we are occupying it, extends for a year from next June. Would it not be well to wait until the new seventy-foot building has been run back northward on Judiciary Square and see what the accommodations are there, ward on Judiciary Square and see what the accommodations are there, and in the mean time allow these people to ascertain their rights and confirm or correct their prejudices against this alleged nuisance? It seems to me it would, economically and every other way. If somebody else were to take possession of this property, if the question was whether we should get it now or never, and the building was right suitable, and there was no objection to the site, I could see that a nimble huver might profit himself by set being the latest that the first set. suitable, and there was no objection to the site, I could see that a nimble buyer might profit himself by not being too late; but I do not believe that this property is to go like hot cakes, that unless we speak at once we cannot get it at all. On the contrary, all the chances of the future seem to be in our favor, if this is allowed to stand; and, therefore, with the knowledge that I have been able to derive from this debate, I shall vote to allow the lease to go on, to allow these people to settle their rights, if they have any, to allow Congress to determine whether the large addition already provided for in the City Hall building will not accommodate the police court and dispose of this whole question. whole question.

The honorable Senator from Ohio made one remark about Judiciary Square, which I noted. He asked, would it not be a great annoyance to have this police court on Judiciary Square? I answer with little hesitation, no. If the courts of the District are to continue to be held there, attracting, as they do, very considerable crowds, making it no easy matter oftentimes to traverse that sidewalk and impossible to do so except by making one's way through a crowd,—if that is to go on the additional attraction of Congress and standers-by and spectators, which will come from having the police court there also will be rather fanciful than serious or appreciable. In other words, people who own property near Judiciary Square, near the City Hall, will be no worse off if the police court was removed into the basement of that building than they are now. I do not think there would be any change that anybody could notice to his serious detriment.

So I think that that objection is disposed of; and take it all around the limit of the country of

I believe it a good deal safer to cut and try to go along and see what comes out of this; what rights these people have in court, and what provision, if any, turns out in the end to be necessary.

Mr. HARRIS. Mr. President—

Mr. WITHERS. Mr. President, I should like very much to state that I am more anxious to dispose of the bill than to make any research is righted.

marks in vindication of the action of the committee; but the Senator

marks in vindication of the action of the committee; but the Senator from Tennessee has risen.

Mr. HARRIS. No matter. I want to get through with the bill.

Mr. WITHERS. I wish merely to state, in vindication of the action of the committee in this matter, that they had no knowledge whatever of any interest churches might have had or of any arrangement in the interest of churches. So far as I am aware, no person approached any member of the committee in the interest of a church or in favor of this bill as it was reported from the House. The only persons of whom I have any knowledge were those who opposed the provision, and upon questioning those gentlemen and inquiring of persons of whom I have any knowledge were those who opposed the provision, and upon questioning those gentlemen and inquiring of others, I ascertained that their objections arose from the fact that they owned property or occupied residences in the neighborhood.

When the case came up for consideration in the committee the

when the case came up for consideration in the committee the commissioners were present, and when the statement was made in regard to one of them that he was opposed to the purchase of the building, it was said that he had withdrawn his opposition. The questions propounded to the commissioners were: "Is this a suitable location for the police court?" The answer was, "It is." "Is it a suitable building?" "It is." Then the question came up as to the price which was provided to be paid for it. I am free to say that the testiment of continuous who were introduced as executed in the continuous of continuous had been interesting to the continuous of continuous and testimony of gentlemen, who were introduced as experts in this mattestimony of gentlemen, who were introduced as experts in this matter, real-estate agents, to the effect that the property was not really worth more than \$14,002, influenced my vote, as it did that of other members of the committee, and induced us to give our assent to the proposition to reduce the amount appropriated by the bill from \$20,000 to \$14,000. But when yesterday a letter was placed in my possession, of which I have a copy before me, and which I have compared myself with the original and find it to be correct, wherein the very gentleman who made this statement and upon whose knowledge of the subject we acted, put down in black and white an offer of \$18,000 for the same property. I am free to confess that my confidence \$18,000 for the same property, I am free to confess that my confidence in his judgment or sincerity was very much changed.

Mr. CONKLING. Who was that †

Mr. WITHERS. He was not the man quoted by my friend on the right, a member of the committee.

Mr. CONKLING. If the Senator will pardon me, the point of my question is this: Was it somebody that wished to rescue the property from this threatened use, or was it somebody who wished to buy it on speculation? for that would make a good deal of difference.

on speculation? for that would make a good deal of difference.

Mr. WITHERS. I am not in possession of accurate information on
the subject. I only know that the paper which I hold in my hand
made an offer from this gentleman on behalf of other parties, "to
purchase the above-mentioned property at the price of \$18,000." It
is signed by Mr. J. M. Hanna, the same man who testified before us
that it was only worth \$14,000.

Mr. CONKLING. The Senator from Virginia will pardon me for
a moment. He knows better than I can tell him that it might very
well be true of him and of me that if a thing was very disagreeable

in the neighborhood in which we lived we and others might club together and not only pay a large price but twice or three times its price in order to prevent a livery stable or any other thing you please which would be very disagreeable occupying a particular site. Unless the Senator knows the purpose of this offer, I do not think much light is thrown on this question by it.

4 Mr. WITHERS. I have only the information conveyed in the statement which I presume is anthentic. The fact appears from the data

ment, which I presume is authentic. The fact appears from the date of the paper that this offer was made subsequent to the lease, and therefore it could not have been made pending the lease and in order

to prevent the lease.

Mr. CONKLING. I do not see that. It might be the reverse of

Mr. WITHERS. If the Senator does not see it, of course it is not for me to enlighten him on the subject.

Mr. BECK. Mr. Wilson was the man who testified it was worth \$14,000; and when the Senator speaks of the same man who made the offer, I wish him to understand that I referred to Mr. Wilson who

signed the letter to which I referred.

Mr. WITHERS. I do not pretend to state whether this was the same man or not. I was so informed and I understood his name to be the same as that of the gentleman who, as I have understood, made the statement before the committee. But what I do wish to state is this: that there is official evidence before me now which shows the actual value of the property in the judgment of a man competent to judge. I think that the official assessment made by an officer of the District whose duty is to assess property with a view to its taxation is testimony which should be accepted as impartial and carrying authority with it, and under that the assessment of this property for taxation purposes is put at \$18,700.

Livish to state further that when this lease was made by the commissioners they secured the services of several of the most prominent real-estate agents of the city to ascertain, if they could, the value of this property, and the estimates made by this class of men as to the value of the property ranged from \$18,000 to \$24,000.

Now, I respectfully submit that the committee should not be sub-

jected to the severe criticisms which have been made upon their action

by some of the Senators who have discussed the question.

Mr. HOAR. I desire to ask the Senator if it is not also true that
\$18,000 was raised upon the mortgage of this property?

Mr. WITHERS. I am not in possession of information on that sub-

Mr. HOAR. That is the fact.

Mr. WITHERS. But I have this additional fact to communicate to the Senate, that after the lease was consummated and after legal preceedings were instituted the trustees of the church came forward and asked the commissioners to release them from the lease, to release them from the obligations of this contract, in order that they might dispose of the property, for which they then had an offer, for \$18,000, and that the commissioners refused to release them. This was done and that the commissioners refused to release them. This was tone after legal proceedings were instituted; and they not only made this application once, but renewed it subsequently. So that twice the trustees of the church have asked to be released from this contract, and twice have the commissioners refused to release them.

Now, whether one individual member of the commission favored or opposed the purchase in question, I undertake to say here without the fear of successful contradiction, that the commissioners of the District of Columbia recommend this purchase, recommend the building as a suitable one, and the place as a suitable location.

Mr. President, these were the considerations which prompted the

committee, in my judgment, to report the bill in the form in which it is now before us. All the objections to the clause resolve themselves, in my mind, into one, and that is the objection of the property-holders in the neighborhood to the location of the building at that point. I undertake to say that whatever point may be selected for the build-I undertake to say that whatever point may be selected for the building, whether this or any other point, the same objection will be urged with equal if not with greater force. The testimony before the committee and the statements made in the Senate to-day go to the effect that this particular locality is as free from the objection that it is in the immediate vicinity of residences as any location which can be selected. There is a large open space around it, which cuts off the immediate neighborhood of residences. On one side of it the property

immediate neighborhood of residences. On one side of it the property is occupied almost exclusively by the offices of lawyers, and there are very few private residences in immediate contiguity to this building. Looking upon it in that light, and recognizing the fact that wherever this building might be located the objection of the adjacent property-holders would be equally strennous, I did not regard it as sufficient to induce us to oppose a provision which had been reported by the House committee. The District of Columbia Committee having reported a bill there with this provision in, it having passed the House without objection, no person there challenging the suitable character of the place or of the building itself, when it came to us I must confess that I have been surprised at the amount of objection which has been developed here to-day.

must confess that I have been surprised at the amount of objection which has been developed here to-day.

This opposition to the existence of a police court, the allegation that it constitutes a nuisance, the very fervid argument of my friend from Kentucky to show that the existence of a police court must of necessity be a nuisance and that it ought to be removed into Judiciary Square to prevent the congregation around it of low, disreputable characters, offensive to public decency and public morals, it

seems to me resolves itself at last into this proposition, that, by the change proposed, you would be enabled to empty the vans of the police department into an old building, but if improper characters follow up these vans to the building, at last the only advantage would be in the exposure in the limited period of time occupied in passing from the vans into the walls in the one case or into the existing building in the other.

Mr. President I never resided in any contiguity to police courts.

Mr. President, I never resided in any contiguity to police courts, but I had an office once immediately adjoining, and one of my early experiences was as physician at a poor-house, and I never lived as high anywhere as I did at the poor-house, and I never had as quiet a time about my office and as perfect freedom from loafers as I had

when it was next to a police court.

Several Senators. You are a doctor.

Mr. WITHERS. I was a doctor, but I do not see why a doctor's office should be any more free from nuisances than the offices of

office should be any more free from nuisances than the offices of others when next to a police court.

The Senate may of course do with this bill as it pleases. So far as I am concerned as the organ of the committee, my judgment now is that the amount fixed by the committee was not sufficient, was not adequate to the purchase, because information now lies before me upon the subject which has induced me to change my original opinion upon that question.

Mr. TELLER. Does the Senator then ask us to sustain the com-

Mr. WITHERS. No; with the statement I have made of course I cannot. Several members of the committee have already indicated the same change of opinion on the subject to which I have given utterance, and therefore I cannot insist on the Senate standing by the report of the committee, because that amount was fixed upon what I regard now as unreliable testimony; and subsequent testimony having satisfied me of the unreliable character of that on which we acted, I do not hesitate to say that I have changed my opinion on the subject.

on the subject.

The PRESIDING OFFICER, (Mr. Garland in the chair.) The question is on the amendment of the Committee on Appropriations to strike out "twenty" and insert "fourteen," in line 430.

Mr. BECK. I desire the yeas and nays on that. I have read enough proof to show that \$12,000 is sufficient.

The yeas and nays were ordered; and the Secretary proceeded to call the real.

Mr. HOAR, (when Mr. Dawes's name was called.) My colleague [Mr. Dawes] is absent as one of the trustees of the Deaf and Dumb

Asylum on public duty.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were present, he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 17, nays 33; as follows:

YEAS-17.

Beck, Booth, Cockrell, Conkling, Davis of Illinois,	Harris, Hereford, Jones of Nevada, Kernan, Mergan,	Pendleton, Pryor, Randolph, Saulsbury, Teller,	Vest, Williams.
	NA	YS-33.	
Allison, Anthony, Bailey, Baldwin, Blaine, Bruce, Burnside, Butler, Call,	Cameron of Pa., Cameron of Wis., Coke, Edmunds, Farley, Garland, Hampton, Hoar, Ingalls,	Jonas, Kellogg, Kirkwood, McMillan, Maxey, Morrill, Paddock, Platt, Plumb,	Rollins, Thurman, Vance, Voorhees. Windom, Withers.
	ABSI	ENT-26.	
Bayard, Blair, Carpenter, Davis of W. Va., Dawes, Eaton, Ferry,	Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hill of Georgia, Johnston,	Jones of Florida, Lamar, Logan, McDonald, McPherson, Ransom, Saunders,	Sharon, Slater, Walker, Wallace, Whyte.

So the amendment was rejected.

Either now or as soon as the committee amendments are through I will move to strike out these words in lines 429 and 430:

For purchase of police-court building, \$20,000.

The PRESIDING OFFICER. The Senator from Kentucky offers

Mr. WITHERS. I ask the Senate to go on with the amendments of

The PRESIDING OFFICER. The amendments of the committee will be acted on first. The Secretary will continue the reading of the

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 432, to increase the appropriation "for removal of bodies from Holmead's cemetery, (when requested by the relatives,)" from \$1,000 to \$2,000.

The amendment was agreed to.

The next amendment was, in line 441, to reduce the total amount of the appropriation for miscellaneous expenses from \$68,800 to \$63,800.

Mr. WITHERS. It will be necessary in consequence of the action.

of the Senate just now to amend that by substituting "sixty-nine" for "sixty-three," \$6,000 having been added to the bill by the last vote of the Senate, so as to make the total \$69,800.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia for the senator of the senator.

of the Senator from Virginia to the amendment of the committee.

Mr. MORGAN. I think the committee had better pass over that

amendment until the amendment of the Senator from Kentucky is

Mr. HOAR. I understand these footings are always made correct

by the Clerk.

The PRESIDING OFFICER. Does the Senator from Virginia offer his amendment now?

Mr. WITHERS. I offer the amendment now on the part of the committee. It is in consequence simply of the vote of the Senate just taken

The PRESIDING OFFICER. If there is no objection to that amendment, it will be considered adopted.

ment, it will be considered adopted.

Mr. BECK. Before anything further is done I have given notice of a motion to strike out "for purchase of police-court building, \$20,000" in this same paragraph. If that should happen to prevail, then the present footing would be wrong.

Mr. EDMUNDS. Then that can be corrected correspondingly. This only corrects it according to the present opinion of the Senate, and if the opinion is changed the amount can be changed again.

Mr. WITHERS. This only corrects it according to the present

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be regarded as agreed to.

The Secretary resumed the reading of the bill.

Mr. BUTLER. I give notice that when the committee amendments have been disposed of I shall move to strike out, in line 447, "\$480" and insert "\$600" as the compensation of "one messenger of the health department."

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "debt," in line 455, to insert "exclusive of water bonds;" so as to make the clause read:

For interest and sinking fund on the funded debt, exclusive of water bonds, \$1,155,583.55.

Mr. EDMUNDS. I should like to hear that explained.
Mr. WITHERS. I was just about to offer the explanation. It is Mr. WITHERS. I was just about to offer the explanation. It is simply to make a definitive provision of law for that which we have at present in practice. That is to say, the amount provided in the bill, \$1,155,583.55, is the amount actually required to pay the interest and provide for the sinking fund, exclusive of water bonds, which are not now paid out of that fund, but they are paid out of the water fund. It is simply to prevent any doubt or uncertainty about it that the committee at the request of the commissioners propose to insert these

Mr. EDMUNDS. I think that is quite right, but I should like to call attention in that connection to the vagueness of the first line in that clause:

For interest and sinking fund on the funded debt.

I do not know what the words "sinking fund on the funded debt" mean. The phrases are run together without any separation.

Mr. WITHERS. I presume the language may be subject to the criticism of the Senator from Vermont as a question of syntax or

prosody.

Mr. EDMUNDS. I am merely on the question of how it will be construed by the Treasury Department. If I may suggest to the Senator, as is suggested by my friend from Minnesota behind me, [Mr. WINDOM,] it would be better to transpose the words "interest" and "sinking fund," so as to read, "for sinking fund and interest on the funded debt," so much. I think that will be clear.

Mr. ALLISON. I think that is better.

Mr. WITHERS. I concede the force of the objection; but the bill follows precisely the language of the estimates of the Secretary of the Treasury and the commissioners of the District of Columbia.

Mr. EDMUNDS. I think the words had better be transposed to

Mr. EDMUNDS. I think the words had better be transposed to make it clear, so as to read, "for the sinking fund and interest on the

funded debt exclusive of water bonds," and so forth.

Mr. WITHERS. I have no objection to the amendment proposed.

The PRESIDING OFFICER. The amendment of the Senator from
Vermont will be considered as agreed to, and the question is on the
amendment of the committee as amended.

The amendment was agreed to.

The reading of the bill was continued and concluded. The last amendment of the Committee on Appropriations was, after the word "District," in line 21, at the end of section 2, to insert:

And provided further. That they shall submit their annual estimates to the Secretary of the Treasury by the 1st day of October of each year.

Mr. EDMUNDS. I should like to inquire why that is necessary?

Does not the existing law require these estimates to be made by the commissioners?

Mr. WITHERS. Not specifically. The existing law simply requires that the estimates for the expenditures for the District shall be submitted by the commissioners of the District to the Secretary of the Treasury for his revision, and that he shall make such suggestions and alterations in them as may comport with his views and return them to the commissioners; but there is nothing said as to the time within which this shall be done. The amendment was introduced at

the instance of the Secretary of the Treasury in order that the estimates for the expenses of the District of Columbia should be submitted at the same time that the other estimates are required to be submitted

by the Departments.

Mr. EDMUNDS. This then is only understood to merely fix a time for complying with existing law and not to make any change in their present duties beyond fixing the time?

Mr. WITHERS. That is the whole effect.

Mr. EDMUNDS. With that construction I have no objection to it.

Mr. EDMUNDS. With that construction I have no objection to it.
Mr. WITHERS. That is precisely the construction.
The amendment was agreed to.
Mr. BUTLER. I move now, in line 447, that the words "four hundred and eighty" be stricken out and "six hundred" substituted in lieu thereof. I base this motion on a letter which I received this morning from the health officer of the District.
Mr. WITHERS. I would suggest to the Senator from South Carolina that the estimate is only \$540 for that messenger, and it is the sum which he has been receiving, and it would be improper to increase

sum which he has been receiving, and it would be improper to increase

sum which he has been receiving, and it would be improper to increase the salary beyond the estimates.

Mr. BUTLER. I will call attention to the allowance for messengers in the other offices of the District government. On line 122, page 6, in the auditor and comptroller's office, "one messenger, \$600;" on page 7, line 140, in the treasurer and assessor's office, "one messenger, \$600;" in line 150, in the collector's office, "one messenger, \$600;" for the division-of-property office, line 188, page 9, "one messenger, \$600;" for the engineer's office, page 10, line 217, "two messengers, at \$480 each," and so on. I think, with the exception of the health officer, the various offices have either one messenger at \$600, or two at \$480 each. at \$480 each.

Mr. WITHERS. There are more than two, according to my recollection, the salary of which is fixed at \$480. I think there are three or four. I undertake to say that the committee did not alter the bill as it came from the House in those particulars; it made no change whatever; but the House cut down this particular messenger from \$540, which he had previously received, to \$480. I am not possessed of any information as to the reasons which influenced them in making that change; nor do I know any reason why this messenger should not be replaced at the amount provided for in the estimates and the sum which he has heretofore received, and I have no objection to that being done, but I shall be compelled to object to any increase of the estimates.

Mr. BUTLER. I will accept that, then, and say \$540.

The PRESIDING OFFICER. The Senator from South Carolina accepts the amendment suggested by the Senator from Virginia. The question now is on the amendment as amended, to make this salary

The amendment was agreed to.

Mr. WITHERS. That will necessitate a corresponding change in

the footing at the end of that paragraph.

Mr. DAVIS, of Illinois. Let that be done by general consent.

The PRESIDING OFFICER. If there is no objection the correction will be made.

Mr. WITHERS. Let the Clerk note the proper addition in the footing.
The PRESIDING OFFICER. That will be done.

Mr. HARRIS. Mr. President, I gave notice on the first reading of the bill that on page 5, at the end of line 101, I would-offer an amendment, which I sent to the Clerk's desk, and it was then read for information. I ask that it be again read, and I now offer it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed, after the word "dollars," in line 101 to insert:

And that from and after the passage of this act one of the commissioners of the District of Columbia, to be selected by the board of commissioners, shall be a trustee, with all the powers, privileges, and duties of other trustees of the Reform School and of the Columbia Hospital for Women and Lying-in Asylum. And one of said commissioners, selected by said board of commissioners, shall be a director, with all the powers, privileges, and duties of other directors of the Children's Hospital of the District of Columbia. And one of said commissioners, selected by said board, shall be a member of the board of managers, with all the powers, privileges, and duties of other members of the board of managers of the Industrial Home School, the National Association for the relief of Destitute Colored Women and Children and of the Women's Christian Association. And the commissioners of the District of Columbia shall have the right to visit, investigate, and have a full report of the management, receipts, and expenditures of the Saint Ann's Infant Asylum.

Mr. INGALLS. Why is the German Orphan Asylum omitted?
Mr. HOAR. I desire to ask the Senator from Tennessee if the
Women's Christian Association is an association of women?

Mr. HARRIS. It is governed, however, by a board of managers, as specified in the amendment, and is one of those institutions for the benefit of which an appropriation is made, one-half of which appropriation is paid by the tax-payers of the District of Columbia—Mr. HOAR. My question was whether it was an association of

women?

Mr. HARRIS. Yes, sir.
Mr. HOAR. And whether therefore we should not provide that one of the commissioners should be a woman, in order to carry out the Senator's view?

Mr. HARRIS. I hardly think such a provision would be wise, nor do I see any impropriety in making one of the commissioners a member of the board of managers to look into the general management

and the expenditure of this fund that is raised from the people of the District of Columbia by taxation.

Mr. HOAR. Why does the Senator omit in his amendment the

Saint Ann's Infant Asylum and the Little Sisters of the Poor

Mr. HARRIS. Only for the reason that in those cases these are specific appropriations for the construction of buildings, not appropriations for the general administration of their affairs; but whenever an appropriation shall be made for the general charitable purposes to which those institutions are devoted, then I should think it proper to make the same provision in respect to them that has been made in respect to these others.

Mr. HOAR. Perhaps I did not understand the Senator's amendment. Does he make the same provision for the Saint Ann's Infant Asylum that he does for the Children's Hospital?

Mr. HARRIS. The same provision for every institution except the two where the appropriation is specific to aid those institutions in the construction of buildings.

Mr. CONKLING. Which two?

Mr. HOAR. Will the Secretary read the Senator's amendment

again †
The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk read the amendment of Mr. HARRIS

Mr. HOAR. Now, why does the Senator make a District commissioner a director of the Children's Hospital, a Protestant institution, and not make him a director of the Saint Ann's Infant Asylum?

Mr. HARRIS. Alone because the former institution is incorporated

and it is governed by a board of directors, while the latter is governed by the Sisters of Charity, and has no board of directors or board of managers or other board than the Sisters of Charity. Hence I provided that the commissioners should have a right to visit, the right to investigate, the right to demand a full report as to the management, receipts, and disbursements of that institution, but I did not seek to give them further control than that.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Tennessee.

Mr. EDMUNDS. This is a little extraordinary. Here Congress is called upon to pay certain sums of money, \$5,000 to the Children's Hospital which is managed by charitable individuals in this town under one form of government; for Saint Ann's Infant Asylum which is managed by other individuals in this town under a different form of government; for the Industrial Home School which is managed by certain other people under some sort of government, and so on. And yet the Senator from Tennessee has fixed his amendment so that any control, any voice in the management by force of this legislation is exclusively applied to the Protestant institutions and not to the Roman Catholic ones?

Mr. CONKLING. Is not that inevitable?
Mr. EDMUNDS. The Senator from New York asks if that is not Mr. EDMUNDS. The Senator from New York asks if that is not inevitable? No, I do not think it is inevitable because we can give the money upon just such terms as we please. But I should be glad to know upon what principle it is, if it is right that we should have a voice in the management of institutions to which we appropriate money, that we are to have that voice in Protestant institutions and not to have it in Catholic institutions?

Mr. HARRIS. Mr. President— Mr. CONKLING. Before the Senator from Tennessee answers, I beg him to allow me to say to the Senator from Vermont what perhaps did not appear fully enough in my question. If you once admit, as this proposed legislation does, the propriety of going into voluntary societies, whether they are churches or whatever, and bevoluntary societies, whether they are churches or whatever, and bestowing the public money upon them, when you come to one which because of church government does not admit of any board of directors, does not do business in that way, is it not one of the inevitable consequences that you accept, simply finding a case where your machinery for inspection will not operate?

Mr. EDMUNDS. Now, I will go on, Mr. President.

In answer to my friend from New York, I do not think you do because you can just into the one way more the clarical review.

the power of the hierarchy, whatever you may call it, of a church, this power of the hierarchy, whatever you may call it, of a church, this power of having a voice in the disposition of the money as well as the general power of disposition, just as well as you can where there is a board. That is your responsible officer enters into the composition of the disposition of that money and of the management of the things to which that money is to be appropriated. I am quite unwilling to vote for any proposition which, for what are called inevitable causes or any others, makes a distinction in respect of the power of the Government to have its voice in the disposition of this money and in the management of the institution that is to dispose of it, merely because one church happens to be a hierarchy constituted in merely because one church happens to be a hierarchy constituted in one way, and the other church happens to have its members exercising the powers of a board of control. That is a mere matter of machinery. The principle applies just as well to it all and the principle ought to be effectuated.

When you come to the other aspect of the case, which is a broader one, I will say what I believe I have said heretofore, that I greatly dankt the propriety of the Congress of the United States could be a propriety of the Congress o

doubt the propriety of the Congress of the United States or of the Legislature of any State aiding by direct appropriation in this way special private charities, as they are called, whether they are man-aged by one church or another or by the members of one church or another, or managed by anybody else, for I believe human experience

has shown that it runs to evil and favoritism and into politics, and that much more evil is done on the whole than good by pursuing that style of performance. If the tax-payers are to pay the expenses of performing these various charities—worthy I have no doubt all of them are in themselves—then the tax-payers themselves ought to provide the organization in the form of a public institution in which all religions and all politics and all good order and progress should be merged as one board of control, and then we know what we are doing. But if every little church or great church gets up a charity, and has a little institution of its own, sectarian necessarily in its and has a little institution of its own, sectarian necessarily in its character almost always,—sometimes several churches combine it is true in a particular charity, all very good in itself—but the moment you begin to impose taxes upon the people to support these special institutions that are managed by private arrangements, in my belief you have departed from the true principles of a republican government. And therefore I shall vote, if somebody moves it, to strike out the whole thing. the whole thing

Certainly, as it now stands, to make this discrimination on what my friend from New York calls the inevitable nature of the situation, shows I think the injustice and absurdity of this method of proceeding. If it is a discrimination that must be made growing out of the circumstances—but I do not think it need be made—I think we can provide that if this money is to be taken by the Saint Ann's Infant Asylum, one of these commissioners shall have a voice in directing the expenditure of the money and in the selection of the objects to which it shall be applied, no matter whether it is a hierarchy that controls it that has not a municipal organization, or not. There is no practical difficulty about it. I know it appears incongruous; I agree to that, but you get at the solid fact that the representative of the tax-payers has to see to the application of the money that the tax-

payers pay.

Mr. HOAR. Mr. President, I rise to a point of order. The point of order is that the amendment is out of order because it is general leg

islation. It is not simply fixing a condition for this year's expenditure of the money, but it is a permanent provision for the future.

Mr. HARRIS. I hope the Senator from Massachusetts will not insist upon his point of order. I am quite satisfied myself that the point of order is well taken if insisted upon. I was quite satisfied of it when I prepared the amendment.

Mr. THURMAN. May I interrupt my friend? Does he think the

point well taken?

Mr. HARRIS. I am inclined to think so.
Mr. THURMAN. I beg leave to dissent from him utterly.
Mr. HARRIS. I am inclined to think that it is general legislation which I propose in this amendment; and in that point of view alone I was inclined to concede that the point of order was perhaps well taken. I shall be glad to find that my friend from Ohio is right and that I am mistaken in that, for I think the legislation is important.

Now, in respect to the suggestion of the Senator from Vermont, I beg to say only this, and I will not detain the Senate longer than a moment. However wise or unwise, proper or improper, it may be to make these appropriations to these charities, our records show for years and years in the past we have made them; we are making them year by year in our general appropriation bills, and doubtless will continue to make them-

Mr. HOAR. Mr. President, I am sorry to interfere with my friend from Tennessee, but it seems to me the point of order should be de-

cided before we enter upon discussion.

The PRESIDING OFFICER. If the point of order is insisted upon, it is not debatable. The Chair will submit the question raised by the Senator from Massachusetts to the Senate whether the amendment is

Mr. THURMAN. Does the Chair submit it to the Senate? The PRESIDING OFFICER. The Chair does.

Mr. THURMAN. Then it is debatable. I suppose the point of order is made under the twenty-ninth rule, which reads:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

The question arises, therefore, first, whether this is an amendment

which proposes general legislation, and, second, whether this bill is a general appropriation bill within the meaning of this rule.

Now, Mr. President, without taking up the time of the Senate to argue it, I do not believe the amendment of the Senator from Tennessee is general legislation within the meaning of this rule; nor do I believe that this bill, relating simply to the District of Columbia, is one of the general appropriation bills intended by this rule.

the general appropriation bills intended by this rule.

For these reasons I think the amendment is in order.

Mr. HOAR. Mr. President, the Senator in charge of the bill has already stated that this bill is a general appropriation bill and comes within that category, as I am informed, and it clearly was so. It gets to the Committee on Appropriations and not to the Committee on the District of Columbia solely under the rule which makes it a general appropriation bill. The term "general appropriation bill" is a name of a certain set of bills which come in regularly every year. The twenty-seventh rule refers them all to the Committee on Appropriations. Nothing else could have sent them there. This comes under

that rule as a general appropriation bill. It comes to us from the Committee on Appropriations as a general appropriation bill.

Now, is this general legislation? It is a permanent enactment set-

ting forth the duties of the commissioners of the District of Columting forth the duties of the commissioners of the District of Columbia perpetually until repealed; not merely for next year, but for every year; and providing that certain described corporations shall in future be managed in part by public officers of this District in a certain way, changing the board of managers of all of them, and changing and enlarging the duties of the commissioners of the District. It seems to me that is general legislation, if anything is.

Mr. INGALLS. Mr. President, I hope the point of order will be sustained, whether it is well taken or not. Here in this District are one hundred and seventy-five thousand people assembled from every State in the Union and from all the four quarters of the globe. A number of self-denying and noble-hearted women have undertaken to dispense charity among these people, to furnish food for the hun-

number of self-denying and noble-hearted women have undertaken to dispense charity among these people, to furnish food for the hungry, a shelter for the homeless, medicine for the sick, and consolation for the afflicted, and to alleviate as far as possible the inevitable ills of human life. I do not care whether they are Catholics or whether they are Protestants, the work that they propose to perform is a noble one; it ought to have the sympathy and the support of every human being; and the attempt to introduce here in the Senate some sort of supervision of how our little charities shall be disbursed seems to me on about the same par with the action that would require me if I gave half a dollar to a beggar on the Avenue to ask how it is going to be expended, and see whether or not it is to be appropriated to the proper use.

Mr. President, if we want to give these people anything, if it is humane and generous to take care of the sick and of the afflicted, what is the use of your inquiring whether Catholics do it or whether Protestants do it?

There is no caste in blood Which runneth of one hue; nor caste in tears Which trickle salt for all.

It appears to me that we are devoting ourselves to rather small busi

It appears to me that we are devoting ourselves to rather small business, and, as I said before, whether the point of order of the Senator from Massachusetts is well taken or not, I hope it will be sustained, because I' am opposed on principle when we are disbursing charity here to worthy objects to insisting that we shall have some supervision or some control over the way in which this charity shall be expended, and when everybody admits that every one of these institutions is noble and generous, and that the people who devote their time and their money to carrying them on deserve the consideration, and deserve the support of all good men everywhere.

Mr. CONKLING. Mr. President, the Senator from Kansas has stated I think the way to sustain this point of order; that is to do it whether it is well taken or not. Because I think it is not well taken, I shall vote against sustaining it, and I hope in a moment I can give my reason. I will assume that this is a general appropriation bill, and that brings us to the words about general legislation, and I submit to the Senate that that is not and cannot be within the meaning of that rule "general legislation" which is a mere provise and condition on which the money is appropriated. Five thousand dollars is appropriated to send tents to those who have suffered from a hurricane, provided the Secretary of War shall be authorized to detail an officer to see that the tents are returned. If the tents were money, that would not be general legislation; so of any object which for illustration you may take. You appropriate money. That is competent. You say "provided that such or such thing," a safeguard, "shall be adopted as to its expenditure." That is a provise, a restraint upon the appropriation. It gives guidance to the appropriation; it pertains to that, it pertains only to that; it cannot be general legislation.

Now, the criticism made by the Senator from Massachusetts upon the form in which the Senator from Tennessee offers his amendment, is merely, I submit, model, enti

the form in which the Senator from Tennessee offers his amendment, is merely, I submit, model, entirely so. The honorable Senator says it is permanent. Very well; then the Senator from Tennessee has only to say, to escape that technical objection if it be good, "provided that the money shall be paid on this condition." Then it would extend perhaps only in time to the period covered by the appropriation, or perhaps it would extend beyond, but it would be technically, as it is now substantially and virtually, a mere condition on which the appropriation is made.

the appropriation is made.

As to the suggestion made by my honorable friend from Kansas that it is paltry, it is unworthy in bestowing what he calls charity to adopt any mode of knowing how it is administered, securing its faithful administration, I confess I cannot quite sympathize with him. I believe, as I said an hour or two ago, and as the Senator from Vermont has since said, that it is, to say the least of it, exceedingly doubtful whether we are warranted in sitting here and picking out something which individually and collectively we approve because of its appeal to our sympathies, because of the morality and exaltation of its purpose, and saying we will vote away the money of the taxpayers for that. Here is some individual—I might name one in this District—who alone establishes a benevolent house where the hungry and the friendless can go, and we sit here and say we will vote five, or ten, or fifteen thousand dollars to this man or this woman or this estate, we approve of that. I have some doubt about it; but if we are to do it, I we approve of that. I have some doubt about it; but if we are to do it, I cannot doubt that it is a seemly, provident, well-regulated and good example, to at least give to it the semblance and as far as we can the substance of public and official accountability. Therefore I think

that if it were proper to sustain a point of order not well taken because of the object to be attained by sustaining it, this case could hardly be put with safety upon that ground; but I do not believe it is general legislation, and, therefore, I shall be compelled to vote

against sustaining the point of order.

Mr. HOAR. The Senator from New York answers the proposition which I laid down by saying that this is not general legislation, it is a condition attached to the appropriation of the money. But certainly, if the condition attached to an appropriation of money be in itself general legislation, the mere fact that it is annexed as a condition of the money of the condition of the money be in itself general legislation, the mere fact that it is annexed as a condition of the condition of the mere fact that it is annexed as a condition of the cond nseri general legislation, the mere fact that it is annexed as a condition to the appropriation of money does not make it any less so. Now, suppose the amendment were this: that the money be appropriated provided the justices of the supreme court of the District of Columbia should have jurisdiction in equity over all charitable trusts administered by these corporations, would that be any less general legislation because it is made a condition to a grant of money? This is not that they are not that it is not that the stress of the suppose that the stress of the suppose that the suppose the suppose that the suppose the suppose that the suppose the suppose that the suppose that the suppose the suppose that the suppose that the suppose the suppose the suppose that the suppose t is just that thing except that it says as the proviso that the commissioners of the District shall be ex officio managers of half a dozen enumerated charitable institutions, from and after the passage of this

I concede that it would not be open to the point of order if it said that in regard to the particular expenditure of this sum of money the commissioners of the District should exercise a certain oversight in their discretion; but when you go beyond that and make a change in general legislation a condition of the appropriation, it is just as much liable to the point of order as if it came in separately without any appropriation. And this is not even in form a condition of the appropriation. If this amendment should be added to the bill and the appropriation then stricken out, this amendment would stand. It is a separate, substantial matter that from and after the passage of this act the commissioners of the District of Columbia shall have certain duties in regard to certain corporations.

Mr. VOORHEES. It is manifest that this bill cannot be finished

this evening. I move that the Senate do now adjourn.

Several SENATORS. We can finish it.

The PRESIDING OFFICER. Will the Senator withhold his motion for a moment, that the Chair may submit some bills on the table?

Mr. VOORHEES. Certainly.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4312) to amend the laws in relation to internal revenue was read twice by its title, and referred to the Commistee on

The bill (H. R. No. 6066) appropriating money for the public printing was read twice by its title, and referred to the Committee on Appropriations.

NORTH AMERICAN ETHNOLOGY.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was

referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing-Office 5,000 copies each of volumes 4 and 5, Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for distribution by the Smithsonian Institution.

ACCEPTANCE OF JEFFERSON'S DESK.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein.) That there be printed 10,000 copies of the proceedings of the two Houses of Congress upon the presentation to the United States, by J. Randolph Coolidge and others, of the desk upon which Thomas Jefferson wrote the Declaration of Independence; 7,000 copies to be for the use of the House of Representatives and 3,000 copies for the copies to be ro.

Mr. VOORHEES. I move that the Senate adjourn.
Mr. WITHERS. I hope the Senator will withdraw that motion.
It is very important for us to get through this appropriation bill.
Mr. EDMUNDS. You cannot finish it to-night. There are a good many other topics to be discussed in it.

Mr. VOORHEES. I made the motion after conference with those who seem to understand the condition of business. I shall have to

insist on my motion. The motion was agreed to; and (at five o'clock and fourteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 5, 1880.

The House met at twelve o'clock m. and was called to order by the

Speaker.
Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of yesterday was read and approved.

PRESENTATION OF JEFFERSON'S DESK.

Mr. WILSON, from the Committee on Printing, reported back favorably the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 10,000 copies of the proceedings of the two Houses of Congress upon the

presentation to the United States, by J. Randolph Coolidge and others, of the desk upon which Thomas Jefferson wrote the Declaration of Independence; 7,050 copies to be for the use of the House of Representatives and 3,000 copies for the use of the

The resolution was concurred in.

NORTH AMERICAN ETHNOLOGY.

Mr. WILSON also, from the same committee, reported back the following concurrent resolution, with amendments:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 5,000 copies each of volumes 4 and 5, Contributions to North American Ethnology, uniform with the preceding volumes of the series and with the necessary illustrations; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 2,000 for distribution by the Smithsonian Institution.

The amendments of the committee were read, as follows:

In line 6 strike out "2,000" and insert "3,000;" and in line 8 strike out "2,000" and insert "1,000;" so it will read: "3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for distribution by the Smithsonian Institution."

The amendments of the committee were agreed to, and the resolu-

tion, as amended, was concurred in.

Mr. WILSON. I desire, by unanimous consent, leave to print some remarks on the subject of the resolution just concurred in, which I have not time now to deliver.

There was no objection, and it was ordered accordingly. [See Appendix.]

REPORT ON IRON, STEEL, ETC.

Mr. WILSON also, from the same committee, reported back favorably the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 copies of the report of the board to test iron, steel, and other metals be printed for the use of Congress; 1,000 for the use of the Senate, and 2,000 for the use of the House.

The resolution was concurred in.

COLUMBIA HOSPITAL.

Mr. BREWER, (by request,) by unanimous consent, introduced a bill (H. R. No. 6064) relating to the Columbia Hospital in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY VREDENBURGH.

Mr. BREWER also, by unanimous consent, introduced a bill (H.R. No. 6065) granting a pension to Mrs. Mary Vredenburgh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KING. Mr. Speaker, I am directed by the Committee on the Interoceanic Ship Canal to submit the resolution which I send to the

Clerk's desk.

Mr. CHALMERS. Is that a question of privilege?

Mr. COX. The Committee has leave to report at any time.

Mr. CHALMERS. But is that a privileged question?

Mr. FERNANDO WOOD. Several other committees stand in like

Mr. COX. The committee has leave to report at any time under

Mr. WHITTHORNE. Mr. Speaker, it would be well to turn back to the record to see exactly the condition of this matter. The gentleman from Louisiana [Mr. King] reported this subject at the start by unanimous consent, and, under the direction of the Speaker, he reserved the right to call it before the House at any time.

The SPEAKER. That subject, however, is open to the majority of the House.

the House.

Mr. BLACKBURN. I rise to a parliamentary inquiry, and that is to know whether it is not competent to raise the question of consideration against the report the gentleman from Louisiana is now making, although he is on the floor under the order of the House to make it at any time.

Mr. COX. There is no doubt about the question of consideration.

Mr. BLACKBURN. That is all I want.

Mr. COX. The majority can decide that.

PRINTING DEFICIENCY BILL.

Mr. ATKINS. I ask by unanimous consent to report from the

Mr. ATKINS. I ask by unanimous consent to report from the Committee on Appropriations a bill (H. R. No. 6066) appropriating money to provide for the public printing.

The bill, which was read, provides that the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to continue the public printing, the public binding, and for paper for public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving, being a deficiency for the present fiscal year.

Mr. ATKINS. That sum of \$250,000 was provided for in the deficiency bill which was vetoed by the President yesterday. It is necessary that it should pass, as the Government Office will be entirely without funds to meet its expenses.

Mr. CONGER. That is in the bill now pending before the House.

Mr. ATKINS. This covers the whole deficiency as far as that office is concerned.

The SPEAKER, This bill by unanimous consent will be considered as in Committee of the Whole House.

Mr. ATKINS. I ask unanimous consent that it be so considered. Mr. KITCHIN. I object.

Mr. ATKINS. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering this appropriation bill; and I move that all general debate be limited to one minute upon it.

Mr. KITCHIN. I will withdraw the objection.

The SPEAKER. The objection being withdrawn, this will be considered by unanimous consent as having been read a first and second time, and the question is on the engrossment and third reading of the

time, and the question is on the engrossment and third reading of the

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. ATKINS moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

Mr. CONGER. Can that be passed without calling the yeas and

nays?

The SPEAKER. The Chair will cause the rule to be read.

Mr. GARFIELD. Unanimous consent can suspend the rule which requires the yeas and nays to be called.

The SPEAKER. The Chair will cause to be read clause 6 of Rule

The Clerk read as follows:

Upon all general appropriation and revenue bills, and bills for the improve-ment of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

The SPEAKER. The Chair thinks that this is not included in the term "general appropriation bill," as used in the rule, although it has got to be a very general thing to have deficiency bills. [Laughter.] Mr. CONGER. More general than any other bills in the House.

ORDER OF BUSINESS.

Mr. KING. I object to any further proceedings until this resolution from the Committee on the Interoceanic Ship Canal is disposed of.

The SPEAKER. The gentleman from Louisiana desires to report back a joint resolution in reference to the interoceanic ship-canal, and claims the right to do it now. The Chair sustains the point of order made by the gentleman from Kentucky that it is a question for the House to determine by a majority vote, where the question of consideration has been raised.

Mr. BLACKBURN. I move, therefore, that the House resolve itself into the Committee of the Whole on the state of the Union in order

mr. COX. The gentleman cannot make two motions at once when

Mr. COX. The gentleman cannot make two motions at once when there is a question of consideration raised.

Mr. BLACKBURN. The regular order is the morning hour, and I move therefore to dispense with the morning hour.

The SPEAKER. The gentleman from Louisiana can interpose his question of consideration when the motion is made to go into the Committee of the Whole on the state of the Union after the House shall have determined the question of dispensing with the regular

Mr. WHITTHORNE. Mr. Speaker, as a matter of parliamentary inquiry, and before the motion is put to dispense with the morning hour, I beg to call the attention of the Chair to what transpired at the time my colleague on the committee reported this resolution. that time my colleague on the committee reported this resolution. At that time, this being introduced as a matter of privilege, and the Speaker sustaining that view of it and deciding that it was a question of privilege, when it was presented for consideration the gentleman from Texas objected to its consideration at that time; whereupon, on the suggestion, I think, of the Speaker, it was agreed by unanimous consent to be laid over subject to be called up at any time by the gentleman from Louisiana, and under that agreement—that preprious consent. unanimous consent—it was laid over to be called up as if it were a constantly pending question before the House, subject simply and solely to the action of the gentleman from Louisiana. That is to say, it was to be called up as a pending measure, and in that way, deferentially I submit to the Chair, it has precedence over every other question in the House

The SPEAKER. Nevertheless, the majority of the House has the right to say whether it will consider it at this time or not.

Mr. SPARKS. That is not now the question; the question is whether the morning hour will be dispensed with.

The SPEAKER. That is the pending question, but the gentleman from Tennessee [Mr. WHITTHORNE] rose to discuss the matter in the nature of a parliament or constitution.

mature of a parliamentary question.

Mr. SPARKS. We would all like to be heard—

Mr. SINGLETON, of Illinois. I desire to ask the Speaker whether an order of the House made by unanimous consent can be set aside

The SPEAKER. The order to allow the report to be made at any time does not force the House to consider it at any time, because the House may prefer to take up and consider some other subject of legis-

Mr. SINGLETON, of Illinois. But if the majority have unanimously consented that it shall be a pending order before the House made by unanimous consent, is it not subject to be called up under

that understanding at any time?

The SPEAKER. The gentleman from Illinois will observe that there was unanimous consent to call it up at any time, which unanimous consent the Chair will recognize. But the Chair has not the power to force the majority of the House to consider it if the majority

Mr. COX. Which motion of the two pending is to be taken first? The SPEAKER. The motion will first be taken to dispense with

the morning hour.

Mr. COX. The gentleman from Kentucky made two motions.

The SPEAKER. After the question is taken on dispensing with the morning hour the Chair will then recognize the gentleman from Kentucky and the gentleman from Louisiana respectively on the question of consideration.

Several members demanded the regular order.

The SPEAKER. The regular order is the motion to dispense with the morning hour.

The House divided; and there were—ayes 139, noes 14. So (two-thirds voting in favor thereof) the morning hour was dis-

Mr. BLACKBURN. I move now that the House resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the Post-Office appropriation bill.

Mr. KING. And I raise the question of consideration as between

that motion and the unanimous consent given to introduce this report

from the Committee on the Interoceanic Ship Canal.

The SPEAKER. The question will first be taken on the motion of the gentleman from Louisiana to proceed to consider the report from the Committee on the Interoceanic Ship Canal.

The motion was not arread to.

The motion was not agreed to.

Mr. BLACKBURN. I now insist on my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Post-Office appropriation bill.

The motion was agreed to.
The SPEAKER. The gentleman from Kentucky [Mr. CARLISLE] will take the chair in Committee of the Whole.

Mr. KING. I give notice that I will again call up the resolution reported by the Committee on the Interoceanic Ship Canal on Tues-

day next.

Mr. COX. The consideration of the resolution will occupy two days. I would like to ask unanimous consent that two days be assigned to it.

The SPEAKER. That request cannot be entertained now, the House being really in Committee of the Whole.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Carlisle in the chair.

The CHAIRMAN. The Committee of the Whole resumes the consideration of the bill (H. R. No. 6036) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1881, and for other purposes. The pending question is upon an amendment offered by the gentleman from Minnesota, [Mr. Dunnell,] upon which the committee divided yesterday and a quorum did not vote. The pending paragraph and the amendment thereto will be read.

The Clerk read as follows:

Office of the Second Assistant Postmaster-General:
For inland mail transportation, namely: For transportation on railroad routes, \$9,500,000: Provided, That in case any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, said company shall have its pay reduced 10 per cent. on the rates fixed in section 4002 of the Revised Statutes; and section 5 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1860, and for other purposes," approved March 3, 1879, be, and the same is hereby, repealed.

The amendment offered by Mr. DUNNELL was read, as follows:

In line 61 strike out "\$9,500,000," and insert "\$9,800,000," making it read:
"For inland mail transportation, namely: For transportation on railroad routes,
\$9,800,000."

The question was taken on the amendment; and upon a division

there were—ayes 65, noes 54.

Mr. BLACKBURN. No quorum has voted.

Tellers were ordered; and Mr. BLACKBURN and Mr. DUNNELL were

appointed.

The committee again divided; and the tellers reported that there

were—ayes 76, noes 80.

So the amendment was not agreed to.

Mr. ANDERSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after line 71: Insert, after line 71:

And provided further, That the Secretary of the Treasury shall retain, out of any part of the said \$9,500,000 which shall be earned by a Pacific railroad company to which public lands were granted by the Pacific railroad acts severally approved July 1, 1882, and July 2, 1264, the amount of unpaid costs of surveying, selecting, and conveying the lands so granted to said company; and he shall charge the sums so retained to said company, and credit the proper account with said sums.

Mr. BLACKBURN. I do not desire to prevent the gentleman from

Kansas [Mr. Anderson] being heard on his mendment, but meanwhile I reserve points of order.

The CHAIRMAN. The point of order will be considered as reserved.

Mr. ANDERSON. Mr. Chairman, the object of this amendment is Mr. ANDERSON. Mr. Chairman, the object of this amendment is to require the Kansas Pacific Railway Company to complete its title to the lands granted under the acts of 1862 and 1864. Upon the construction of its road, in accordance with the terms of these acts, the company had fully earned the right in equity to an immense body of magnificent farming land in Kansas and Colorado; but, by persistently neglecting to pay the "costs of surveying, selecting, and conveying" these lands, it has failed to complete its legal title thereto. As this title by consequence remains in the Government, and as United States property cannot be taxed by a State, this failure on the part of the company prevents, and is intended to prevent, the assessment and collection of taxes on its lands by the counties in which they are situated.

It will readily be seen that, as a necessary result of the course pursued by the company, taxes in the State of Kansas amounting in the aggregate to a quarter of a million of dollars are annually and unjustly withheld from the county treasuries; that property worth many millions of dollars is exempted from its equitable share of the public burden; and, therefore, that a constitutional principle, or want of principle, is involved. It is for these reasons, and more particularly because of the especial importance of this matter to the constituency for whom I have the honor to appear, that I feel bound to ask the kind indulgence of the House.

OBJECT OF THE PACIFIC RAILWAY ACTS.

It is only just to remember that in one sense the Pacific Railway grants were a war measure. In 1860 the settlement of the huge Mississippi basin was practically bounded on the west by the Missouri River; Kansas and Nebraska being alike unoccupied and uncivilized. From that stream westward, for many months of travel over vast plains, across the Rockies, and away to the Nevadas, a distance of two plains, across the Rockies, and away to the Nevadas, a distance of two thousand miles, there were only drear waste, bristling ranges, and wild savagery. This vast region, lying in the heart of the continent, blocked and barred passage more effectually than an ocean of twice the extent would have done. While beyond it, in the sunshine of fable and of the future, nestled California, Oregon, and Nevada, young States tingling with enterprise, true to the flag, deserving the highest privileges of national citizenship, and rolling from out gorge and flat that gold of which the nation found special need in the day of its sore trial. And the only means of communication with those States

that gold of which the nation found special need in the day of its sore trial. And the only means of communication with those States were vessels around the Horn, or steamers across the Isthmus.

With the war speedily came the menace of intervention by England; and in 1862 that was our greatest danger, either internal or external. Such intervention meant war by England's navy; and the immediate effect would have been the stoppage of American vessels, the blockade of Panama, the severance of the Pacific from the Atlantic coast, and, possibly, the occupation of San Francisco and Portland by foreign troops. In the glare of these contingencies, the geographical relations of the two slopes and of the vast interior wilderness which separated them, appeared in a new and startling light. Aside from obligations of patriotism, there suddenly arose strategic considerations of such importance as to require national action. The military, as well as the commercial, necessity for transit across the conerations of such importance as to require national action. The mittary, as well as the commercial, necessity for transit across the continent flashed through the public mind with a vividity that fully justified Congress in offering subsidies for a railway, which, under different circumstances, public opinion would have sternly forbidden. And the following words in the act of 1862, approved by Lincoln, had then a spirit which has long since evaporated in the sun rays of peace: For the purpose of aiding in the construction of the Union Pacific Railroad and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, there is hereby granted, &c.

As a result, the far West was brought to the East by steam and electricity; the two great slopes were lifted together and compacted; months were condensed into days; till armies from the Atlantic, as

well as men, gold, and grains from the Pacific, could be quickly shifted in spite of all the navies of the world.

In this sense the Pacific railroad was a war measure. The power to make the inducing grants was clearly constitutional; and in view of the circumstances of that day the building of these lines was an achievement of which this nation has a lusty right to be proud.

But that period has given place to the present; and we of to-day have only to deal with existing facts. Whether the law was wise, whether the subsidies were too munificent, whether the limitations were sufficiently stringent, are no longer questions for action. Yet as we consider the subject I somehow feel bound to recall the past, as an act of sheer justice, if not of proper generosity, to the men who devised, shouldered the risks, and successfully executed an enterprise of such pith and moment.

SUBSIDIES.

Coming to the specific question, the Kansas Pacific, then known as the "Union Pacific Company, eastern division," received governmental aid of two different kinds, namely, bonds and lands.

By the act of 1862 the road was to be built and inspected in sections

of forty miles each; and upon the acceptance of such a section by United States commissioners the company became entitled to \$16,000 per mile in bonds, running thirty years, bearing 6 per cent. interest, and payable at maturity by the company. These bonds ipso facto con-

stituted a first mortgage upon the whole line, but by a subsequent act gave place to an equal amount of bonds issued by the company as a first mortgage. The amount of United States bonds issued and outstanding May 1, 1880, is as follows:

outstanding May 1, 1880, is as follows:

Principal outstanding. \$6,303,000 00
Interest paid by the United States \$4,805,703 09
Interest accrued and not yet paid. \$126,000 00
Interest repaid by the company in transportation \$2,370,183 23
Balance of principal and interest. \$8,864,579 80

I presume the road was built with the proceeds derived from these bonds. If not, it was undoubtedly built with the additional proceeds derived from the company's first-mortgage bonds. It could be duplicated to-day at a cost of \$12,000 or \$15,000 per mile. So that the subsidy in the shape of lands may fairly be regarded as clear profit and bonus. and bonus.

LAND GRANT.

The original act grants "every alternate section of public lands, designated by odd numbers, to the amount of five alternate sections per mile on each side of said road, on the line thereof, and within the limits of ten miles on each side of said road." The road extends from Kansas City to Denver, a distance of six hundred and thirty-nine miles, of which four hundred and forty miles are in the State of Kansas City to Denver, a distance of six hundred are state of Kansas City to Denver, a distance of six hundred and thirty-nine miles, of which four hundred and forty miles are in the state of Kansas City to Denver, a distance of six hundred and forty miles are in the state of Kansas City to Denver, and server alternate square mile of land miles, of which four hundred and forty miles are in the State of Kansas. Hence the grant embraced every alternate square mile of land, then owned by the United States, in a belt twenty miles broad, and reaching from Missouri to the Rocky Mountains, or a distance equal to that from Washington, via Philadelphia, New York, and Boston, to Maine—a body of land aggregating three millions of acres, and having an area as great as that of the combined States of Rhode Island and Delaware.

TRANSFER OF TITLE.

The provisions regulating the transfer of title were minute and precise. I call attention to two points as the section is read: First, that definite periods are fixed at which a conveyance of title shall be made, namely, upon the acceptance of a section of completed road; second, that upon the occurrence of these periods there should be an actual and absolute transfer of the title to the lands earned.

Sec. 4. That whenever said company shall have completed forty consecutive miles of any portion of said railroad and telegraph line, ready for the service contemplated by this act, and supplied with all * * the necessary equipments of a first-class railroad, * * the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto; and if it shall appear to him that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall seve conveying the right and title to said lands to said company, on each side of the road as far as the same is completed, to the amount aforesaid; and patents shall in like manner issue as each forty miles of said railroad and telegraph line are completed, upon certificate of said commissioners.

No contingent paried can be were deficitable for the contingent paried can be were deficitable for the contingent paried can be were deficitable for the same is company to an extensive the contingent paried can be were deficitable for the contingent paried can be were deficitable.

No contingent period can be more definitely fixed than is here designated: "whenever forty miles of road have been completed, then, upon certificate to that effect," the title shall pass.

Respecting the second point, the language is, if possible, even more absolute: "Patents shall issue conveying the right and title to said lands to said company." It is not that patents "may" issue, or "may be" issued, or "may be accepted" by the company; but "patents shall issue conveying the right and title to the company; In what words can a peremptory command be more positively given? When the certificate reached the Secretary of the Interior he had not even the shadow of an "option" as to whether he might or might not issue the patents. The law was mandatory; it could neither be disobeved nor evaded: The law was mandatory; it could neither be disobeyed nor evaded; and it forced him to transfer the titles.

But was not the law equally mandatory to the company? When, by building the road, it had lawfully earned the right and title to the adjacent lands, and when this fact was duly certified, what "option" had the company as to whether it should or should not accept the had the company as to whether it should or should not accept the patents? If there was such an option, upon what ground, either expressed or implied, did it rest? Certainly upon nothing expressed. A title is merely legal evidence of a completed right, and the patent is merely an official certificate of the legal title. But the statute is explicit: "Patents, as the official conveyances of the right and title to said lands from the United States to said company, shall issue."

Nor is there anything in the transaction from which such an option on the part of the company can be inferred. The Government no longer possessed an equitable interest in the lands. It had parted with its contiable right, and therefore with the equitable title by

with its equitable right, and therefore with the equitable title, by accepting the road as the fulfillment of the conditions of the grant. accepting the road as the fulfillment of the conditions of the grant. Both the right and title had equitably passed to the company by the same acceptance, because they could not hang midway between the parties, and there was no third party. But when the company had thus acquired the right to possess the lands, and had exercised this right by offering them for sale and by pledging them as security for bonds, then certainly the Government had equally acquired the right to be released from the custody of property which it no longer owned, and, therefore, the right to divest itself of the "legal" title thereto. Rights have responsibilities, and the transfer of a right equitably transfers the accompanying responsibility. So that the action which conveyed have responsibilities, and the transfer of a right equitably transfers the accompanying responsibility. So that the action which conveyed the equitable right and title to the company imposed upon it the concurrent obligation to accept the legal title.

And there can be no doubt that Congress intended, and enacted, that just as soon as the company had earned the lands it should at once convey to and vest in itself the legal title, by accepting the patents.

A VERY PECULIAR AMENDMENT!

I have dwelt on this point because of the strong light which it throws upon a very remarkable amendment passed in the interest of the companies July 2, 1864, as follows:

SEC. 21. Before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said com-

On a casual reading the purpose of the amendment seems to be that On a casual reading the purpose of the amendment seems to be that of protecting Government, by requiring the company to pay the expenses of running the lines and of transferring the title to its grant. The section wears the smiling face of an innocent measure of "economy," and demurely walks at the tail end of a long procession of sections as the saintly personification of "retrenchment and reform." But had this been the true object, the section would have simply said, "the company shall pay the cost of surveying, selecting, and conveying the land." So far from this, it enacts "that before the title shall pass the company shall first pay the cost of survey and conveying the land." shall pass the company shall first pay the cost of survey and convey-ance, as the titles shall be required by the company." Here is the exact "option" given to the company that was expressly denied by the mandatory act of 1862, which fixed the completion of a section of the mandatory act of 1802, which fixed the completion of a section of the road as the time when the patent should issue. What time is here specified for the conveyance of legal title? When shall the costs of survey become due and payable? Not upon the completion of a section, or of the whole road; not upon the certificate of acceptance; only at the sweet will and pleasure of the party by whom costs are to be paid; only when and "as" the titles shall be required by the company!

EFFECT OF "SECTION TWENTY-ONE."

Suppose it should never require the patents, what is there in this law, or in any law, to compel it to take the legal title? The Secretay, or in any law, to compet it to take the legal title? The Secretary of the Interior cannot deliver patent until after the company has first paid certain fees; and just so long as it retains these fees it can legally defy the Secretary. The Attorney-General cannot sue it as a delinquent, because the fees only become due "as" and when it requires the titles-which it does not vigorously require! the same reason the Secretary of the Treasury cannot withhold an equal sum from the company's money passing through his hands. Hence the legal title remains in Government, and, as a consequence, the lands cannot be taxed.

There have been two decisions of the United States Supreme Court to this effect, reported in 16 and 22 Wallace. Justice Miller said:

That the payment of these costs of surveying the land is a condition precedent to the right to receive the title from the Government can admit of no doubt. Until this is done, the equitable title of the company is incomplete. There remains a payment to be made to perfect it. There is something to be done without which the company is not entitled to a patent.

Under these views we are of opinion that the State has no right to tax the lands for which the cost of surveying had not been paid, and for which no patent had been issued.

As has been well said by counsel:

How long shall these immense bodies of land remain in this situation? Not under the control of the United States, so as to be open to settlement and cultivation; not owned by the company, so as to be subject to taxation, but owned by it when it wants lenders on mortgage, or when it wants purchasers; owned by it for every beneficial purpose, but not owned for the purpose of bearing any share of the publishments.

ADVANTAGES TO THE COMPANY BY NOT COMPLETING TITLE.

What inducement has the company to complete its title? None in the world, because it sells the lands and only draws the patent after the purchaser has paid the fees. On the contrary, it has every induce-ment that can influence a corporation to leave matters precisely as they are. By so doing it saves the expenses of survey, of conveyance, of taxation by the State, and a legal possibility of retaining its lands after the foreclosure of its first-mortgage bonds, because under the above decision the lands are Government property, and hence only the road is subject to foreclosure. After the sale of the road under mortgage the company could still pay the survey fees and take patents to the land.

Furthermore, why should not the company in selling a tract of land first release it from mortgage (which it has the power to do and does) and then, without drawing patent, quitclaim its right in the land to the purchaser? Would not his title be good? Who has a better or even an adverse claim? Not the Government, nor the company, and it is impossible that any other party can have an interest. But as the legal title is in the Government, the tract remains exempt from taxation. Has its owner any inducement to obtain the patent? None tion. Has its owner any inducement to obtain the patent? None whatever; and I can see no reason why the same rule which enables the company to evade taxes for years will not equally enable the individual to evade taxes forever. And this fact constitutes an additional inducement to the company to decline patent, because purchasers can afford to pay a higher price for land perpetually exempted from taxation, and the company can afford to demand a corresponding advance

THE ACT OF 1864 BENEFICIAL TO THE COMPANIES.

Every provision of the act of 1864 amending that of 1862 was framed for the benefit of the companies. The time for the completion of the roads was extended; the bonds of the United States which had been first mortgages were made second to those of the companies; the land-belt was broadened from twenty to forty miles, giving to the Kansas Pacific six millions instead of three millions of acres, or a domain of greater area than that of the State of Massachusetts or New Hampshire, nearly equal to that of Maryland, and greater than that of Rhode Island, Delaware, and Connecticut combined. And last of all is this bland and child-like "section 21," which furnishes to the company, as a free gift, a constitutional barrier behind which it legally places itself and says to the officers of the United States, of the States, of the counties, of the townships, and to the agents of foreclosing bondholders, "The legal title to these lands is in the United States, and United States property can neither be assessed nor seized. Now, what are you going to do about it?"

THE NATION'S GENEROSITY.

Such is the legal status of this kingly grant, and such are the baleful effects of this subtle amendment. Its spirit is as different from that of the noble grantor in the original act as is darkness from sunthat of the noble grantor in the original act as is darkness from sunshine. The Congress of 1862, with pulsing patriotism and 'mid the surges of desperate war, offered an imperial prize for continental transit. It granted huge kingdoms with a munificence unequaled in modern history, and wrote the nation's signature upon the back of notes issued by private corporations in the sum of sixty-five millions of dollars, (\$64,623,512.) Its word has been kept to the syllable and hour. Patents have been issued without a murmur, and thirty-three millions of interest (\$32,981,602.09) have been paid at the stroke of the clock; and its faith will be kept to the last letter and to the last cent. But will it submit to the bold trickery and gross imposition of this "section 21," an anomaly in equity and an outrage upon justice? It fetters the Departments, gags the Supreme Court, and manacles the States; nor can any power save that of Congress set these pristhe States; nor can any power save that of Congress set these prisoners free.

And now, Mr. Chairman, I wish briefly to present the practical side of the question, that side which presses against the people of Kansas and bears down upon the tax-payers.

VALUE OF THE GRANT.

The Government estimates the extent of the grant of land in Kansas at 4,300,000 acres; the company places it at 3,953,320 acres, or 246,680 acres less; and I take the latter authority. By an official statement made August, 1878, the company had then sold to individuals 1,023,270 acres; or, to be more exact, it had contracted with the buyer to deliver title when the terms of purchase were fulfilled, the lands being usually sold on long time, with annual payments of interest and an installment of the principal. From an advertisement issued by the company in November, 1879, I infer that it had then sold 66,788 additional acres, making the quantity sold at that date 1,090,058 acres, and the number of acres offered for sale 2,863,262. The average price asked for the lands offered was \$4.30 per acre, which gives \$12,312,026.60 as the company's appraisement of their value.

But on May 1, 1880, it had paid the costs of survey and drawn patents for only 791,987 acres of the entire grant in Kansas. This amount may fairly be assumed as indicating the number of acres which have

ents for only 791,987 acres of the entire grant in Kansas. This amount may fairly be assumed as indicating the number of acres which have legally passed from it to buyers, and to which it has given the deeds. Hence there remain 298,071 of the 1,090,058 acres reported as sold, still in the legal but not in the actual possession of the company; because it merely holds the legal title as security for the final payments of the purchase-money, while the lands themselves are used and cultivated by the buyers. Estimating their average price as above, and we have \$1,281,705.30, which added to the value of lands offered for sale gives \$13,593,731.90 as an approximate estimate of the value of the grant for which the company has not drawn patent, and on which taxes cannot be levied. taxes cannot be levied.

WHY SHOULD THIS PROPERTY ESCAPE TAXATION?

Why should this enormous property be permitted to escape its share why should this enormous property be permitted to escape its share of the public burden? Does it not receive its full share of the public benefits, both directly and indirectly? The expenses of making, maintaining, and executing the public laws are borne by the taxpayers, and not in the least by these lands. Yet the permanence of boundaries, the right of possession as against trespasser or squatter, the preservation of records, and the freedom of sale, collection, and transfer are each and all maintained and enforced by the courts of transfer, are each and all maintained and enforced by the courts of

the preservation of records, and the freedom of sale, collection, and transfer, are each and all maintained and enforced by the courts of the State and at the public expense.

And, too, as adjacent lands are cultivated, as houses are erected and homes beautified, as schools, churches, and towns spring into rigorous life, the value of the company's property is correspondingly and rapidly increased. But these are the indirect benefits of that security and civilization which law begets and law alone maintains. Then, upon what semblance of justice or upon what pretense of soulless legality can it be claimed that so vast a property, receiving such valuable benefits from society, should rightfully evade its quota of the common expenses necessary to the maintenance of society?

Is a millionaire, just and only because of his wealth, to clude the tax which the poor man must pay even though the roof be sold from over his head? Or is the power of this company, which commands many millions of dollars, greater than the sense of justice in this House and stronger than the will of an American Congress? I believe neither of the propositions.

For a moment note another phase of the question. Suppose two immigrants of equal necessities and industry to take adjacent farms at the same time, the one by homesteading Government land and the other by contract of purchase with the company on say fifteen years'

other by contract of purchase with the company on say fifteen years' time. At the end of five years the homesteader receives his patent, and

thereafter pays his share of public expenses; but for ten years longer, under any event his neighbor goes scot-free, though equally receiving all public benefits. If the homesteader happens to have rendered four years' service in defense of his flag he must pay taxes ten years longer than would the purchaser of railroad land. For that matter there is no reason whatever, as the law now stands, why the purchaser need ever take the Government patent, or ever allow his land to be assessed.

AMOUNT OF TAXES ANNUALLY WITHHELD FROM THE COUNTIES.

I present herewith a reliable statement by counties of the lands thus exempted from taxation and of the amount of taxes unjustly withheld from the county treasuries. The public expenditures must be met, and every tax-payer in these counties is forced to bear some of that burden which would otherwise be met by the taxes on these lands:

Abstract of statements of the county clerks of certain counties in Kansas, showing the number of acres of land granted to the Kansas Pacific Railway Company by act of Congress of July 1, 1862, in their respective counties, and upon which no taxes can now be legally collected.

Names of counties.	Number of acres upon which no taxes can be collected now.	Assessed value per acre.	Amount of tax levy on each \$100 valua- tion.	Total amount of taxes per annum.
Riley Wabaunsee Dickinson Ellsworth Barton Lincoln Rush Davis Morris Osborne Russell Ellis Gove McPherson Ottawa Saline Pottawatomie	10, 160 17, 000 5, 040 92, 640 83, 189 76, 500 43, 859 6, 080 26, 240 234, 720 177, 920 222, 720 43, 320 77, 200	\$2 00 1 50 3 50 3 00 2 50 3 00 2 50 2 50 4 00 3 00 2 50 2 50 2 50 2 50 3 00 3 00 3 00 3 00 3 00 2 50 3 00 4 00 3 00 4 00 6 00 6 00 6 00 6 00 6 00 6 00 6	\$3 25 2 15 3 00 4 65 4 30 5 12 3 552 3 80 2 93 3 75 3 00 4 40 4 74 3 50 2 36	\$660 40 548 25 529 20 23, 600 00 11, 950 56 9, 931 60 7, 836 00 3, 863 07 518 01 1, 495 68 17, 017 20 26, 688 00 20, 044 80 2, 749 20 9, 097 20 5, 326 80
Total	1, 248, 899			143, 047 97
Names of counties from which no statement has been received,			9.11	
Johnson *	418 707			
Jackson Shawnee Shawnee	200			
Clay	24, 388			
Marion	314		LOGIC CONTRACT	
Rice.	40, 895	1		************
Rooks	38, 517	9500000		
Graham	120, 415			
Trego	230, 317			
Ness	9, 738			
Sheridan	176, 126			
Thomas	202, 656			
Wallace	625, 269			
Sherman	69, 002			
Wichita	15, 315			
Greeley	60, 086			
Total	1, 614, 363	2 00	3 00	96, 861 78

*The number of acres given for this county and those following is taken from the statement of lands for sale and price per acre in the Kansas Pacific Homestead, an advertising paper published by said company, in November, 1879; and the assessed value per acre and the amount of tax levy on each \$100 valuation are assumed, but considered fairly low.

STATE OF KANSAS, County of Davis, 88:

Before me, P. V. Trovinger, county clerk within and for the county and State aforesaid, personally appeared Martin Mullins, of lawful age, who, being by me duly sworn, deposes and says: That the above abstract correctly shows the number of acres, the assessed value per acre of similar lands, and the fax levy on each \$100 valuation as shown in the statements received by him from the county clerks of their respective counties as above set forth, and that said reports or statements were received by him in the mouth of March, 1880.

MARTIN MULLINS

MARTIN MULLINS.

Sworn to and subscribed before me this 3d day of April, A. D. 1880.

[SEAL.]

P. V. TROVINGER,

County Clerk.

POINTS OF ORDER.

Now, upon the point as to whether this amendment is germane to this bill or not, I call the attention of the Chair to the title of the

A bill making appropriations for the service of the Post-Office Department.

I also call attention to the title of the act of 1864:

An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

The point I desire to make here is that the Government by giving

to these roads a magnificent grant of land, by giving them bonds amounting to \$65,000,000, on which it has paid \$33,000,000 of interest, acquired certain rights in the roads, and among those rights is the right to use the road for postal purposes. The company by its own option has neglected to pay certain costs of surveying, locating, and conveying lands that were required by the act to be paid by the company, consequently there is a lapse so far as the fulfillment of the contract with the Government is concerned. I submit, therefore, that even in a postal bill, on the ground that the road is a part of the postal machinery of the United States, it is germane and legitimate to require that the Treasurer of the United States shall withhold or retain from any portion of the fund earned by the company under

to require that the Treasurer of the United States shall withhold or retain from any portion of the fund earned by the company under this postal bill enough money to make good to the Government that which the company has failed to make good.

I have one more word to say. It is that the amendment does not change existing law. The act of 1862 required that the patent should issue immediately upon the completion of a section of road forty miles in length. Then there came an amendment in 1864 which provided that before the patent should issue the company should pay the costs of survey. Now, the company fails to pay the costs of survey, and—

vey, and—
Mr. BUCKNER. Will the gentleman allow me to ask him a ques-

Mr. ANDERSON. Certainly, sir.
Mr. BUCKNER. Has the gentleman considered whether this amendment, if adopted, would be obnoxious to the views of the President, as detailed in his message of yesterday? In other words, whether

Mr. ANDERSON. No, sir; I do not regard it as a rider, because this amendment is only the teeth of the animal itself and not a rider in the shape of a man on the horse's back. It is no rider in that sense; and certainly it is not a political rider. It simply asks mere justice upon the part of these companies.

I conclude with making this remark: that as a consequence of the decision of the Supreme Court, and of the fact that the patent cannot issue and of the resultant fact that the fill remains in the Court.

decision of the Supreme Court, and of the fact that the patent cannot issue, and of the resultant fact that the title remains in the Government until these fees are paid, all of these lands are exempt from taxation. As a consequence of that, the company is selling these lands upon long time, eleven years, I think, and does not give title to the purchaser until he has made the last payment. Therefore these lands, for, say, eleven years, are kept off our tax-rolls; and they constitute a body of land approaching in area that of the State of Massachusetts. I hope the point of order will not hold good against the proposed amendment.

proposed amendment.

Mr. BLACKBURN. I ask the Chair to rule on the point of order.

The CHAIRMAN. The Chair thinks the amendment is not germane to the bill under consideration. The purpose of the amendment is to impose certain duties upon the Treasury Department in reference to the accounts between the United States and this railroad company. It seems to have no connection with carrying the mails or the duties of the Post-Office Department. The Chair sustains the point of order.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all in the sixtieth and sixty-first and sixty-second lines between the word "namely," in the sixtieth line, and the word "provided," in the sixty-second line, and substitute the following:

"For transportation on railroad routes, \$9,490,000, of which sum \$150,000 may be used by the Postmaster-General to maintain and secure from railroads necessary and special facilities for the postal service for the fiscal year ending June 30, 1881."

Mr. BLOUNT. I make the point of order on that amendment. Mr. ROBINSON. I would like the gentleman to state what the point of order is.

Mr. BLOUNT. The point of order is that the amendment changes existing law and does not retrench expenditures.

Mr. ROBINSON. I ask the Clerk to read the second portion of clause 3, Rule XXI.
The Clerk read as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. ROBINSON. The gentleman from Georgia [Mr. BLOUNT] says that the amendment I have proposed, if adopted, would change existing law; and abiding by the ruling of the Chair made yesterday, I will admit that for the present. But amendments involving changes of existing law are in order under the rule in certain circumstances enumerated in the rule. The first question is, are they germane to the subject-matter of the bill? I believe the gentleman does not object to the amendment upon that ground; this amendment clearly is germane to to the subject-matter of this bill.

Being germane to the subject-matter of the bill, amendments involving changes of existing law are in order if they retrench expenditures. Does this amendment retrench expenditures? This bill provides for an appropriation of \$9,500,000 for this branch of the service. The amendment I have offered proposes to reduce that amount \$10,000, leaving it \$9,490,000. The amendment, therefore, does retrench ex-

Further, the rules provide that the retrenchment of expenditures must be done in one of three ways enumerated in the rule. I will

call the attention of the Chair to the last one: "By the reduction of amounts of money covered by the bill." Now, can language be plainer than that? Can that language be given any construction which will hold this amendment not to be in order? "By the reduction of amounts covered by the bill." Now the amount covered by the bill." Now the amount covered by the paragraph of the bill is \$9,500,000. This amendment proposes to reduce that amount to \$9,490,000, and therefore would be a clear reduction of expenditures of \$10,000.

Now I wish to re-enforce the anticipated decision of the Chair that this amendment is in order, by referring the Chair to a decision made during the last Congress by the distinguished gentleman from Kentucky who has charge of this bill, [Mr. BLACKBURN.] When the jury amendment was under discussion on an appropriation bill, and I made the point of order upon it that although the proposed amendment did in terms reduce the per diem pay of jurors, yet it went further and changed the whole mode of drawing jurors, my distinguished friend said that a point of order is read a grainst the relations and the said that a point of order is read a grainst the relations. friend said that a point of order is made against the whole amendment, and that there could not be a division of it. Now, I believe that decision is sound, although the decision was against me. I never fight against the court when the decision is against me, whether eight to seven or otherwise. I always abide the decision of the court

eight to seven or otherwise. I always abide the decision of the court and do not fight it. Now I submit this to the gentleman from Georgia [Mr. BLOUNT] for his most careful consideration and reply.

Mr. BLOUNT. I am surprised at the argument of my friend from Massachusetts, [Mr. ROBINSON,] quite surprised. The gentleman says that his amendment retrenches expenditure. Now, sir, what is his amendment? The present law requires that so much shall be paid to a railroad company for the mails it carries according to their weight, and that so much shall be paid where postal cars are used. In addition to what is the present law, the amendment of my friend proposes a clause which will authorize the payment of a sum beyond this.

Mr. ROBINSON. Oh, no; the gentleman is wrong.

Mr. BLOUNT. I do not want to be interrupted by my friend. I wish to state his argument as I think would be proper to state it, and the gentleman can afterward correct me.

wish to state his argument as I think would be proper to state it, and the gentleman can afterward correct me.

Mr. RQBINSON. Do not go on in the dark.

Mr. BLOUNT. I am not going in the dark; but I want to bring the gentleman into the light.

Mr. ROBINSON. Go ahead; let us have the light.

Mr. BLOUNT. The legal proposition of the gentleman is to allow the law compensating railroad companies for the weight of the mails they carry and the postal cars used by them to standard it is a mails. the law compensating railroad companies for the weight of the mails they carry and the postal cars used by them to stand as it is; and to include another proposition, over and above that, legalizing payment for special services. Yet the gentleman would have the Chair believe that such an amendment would retrench expenditures. How? Simply by cutting down the figures in the bill; although the gentleman knows that the railroad companies would even then have the right to the full amount under the law for the weight of their mails and restal cars and a reduction of the forms in the bill would amount. postal cars, and a reduction of the figures in the bill would amount

postal cars, and a reduction of the figures in the bill would amount to nothing at all except perhaps a deficiency.

Now, I am surprised at my friend, who is generally so liberal and fair, attempting to palm off such sophistry as this on the Chair or anybody else. His proposition does cut down the amount in the bill, but it is not the legislation he proposes which will decrease expenditures. While the figures are cut down, the legislation will increase expenditures, by authorizing payments to be made to railroad companies not only for the weight of the mails they carry and for the postal cars they use, but for the extra trains and increased speed.

Mr. ROBINSON. The gentleman from Georgia has seen fit to characterize my argument by certain words which he has got from the dictionary this morning. I will say nothing of the character of his speech, but will only refer to what he offers as a reply to me.

He says that my amendment does not accomplish anything in the

He says that my amendment does not accomplish anything in the way of retrenching expenditures, because it will create a deficiency. Not at all. If a deficiency shall arise hereafter, it will arise under the law as it now stands.

He says I propose to change existing law. I concede it; but I say that under the rules of this House I have a right to offer an amendment which will change existing law, provided I bring that amendment within this one of three conditions: "Reduction of the amounts covered by the bill." Now, the gentleman himself says that it does reduce the amount covered by the bill. He comprehends even so small a sum as \$10,000. He says there will be a saving or reduction to that extent, but he says it may create a deficiency.

Ah! but the language of the rule so carefully drawn after long.

Ah! but the language of the rule, so carefully drawn after long deliberation in this House, is that the amendment shall reduce the amount of money covered in the bill. The committee bring in here a bill embracing an appropriation of \$9,500,000. I propose to reduce that amount to the extent of \$10,000. I will not characterize the gentleman's argument; I will let it stand before the Chair for what it is worth

Mr. PAGE. Did I understand the gentleman from Georgia [Mr. BLOUNT] to say that the amendment offered by the gentleman from Massachusetts was for the purpose of appropriating \$150,000 additional for extra mail service and for expedited service?

Mr. BLOUNT. Yes, sir.
Mr. PAGE. Is this similar to the amendment offered by the gentleman from Illinois yesterday?

Mr. BLOUNT. The same.

I desire to call the attention of the Chair to the language of the

rule, under which, as I contend, the effect of the amendment as a legal proposition must be to retrench expenditures, not merely to strike out a part of the sum named in the bill. The language is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

ing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The CHAIRMAN. Although the meaning of the words "necessary and special facilities for postal service" is not very clear, yet the Chair held yesterday, after giving the subject some consideration, that the effect of such an amendment would be to change existing law. The Chair still adheres to that opinion. But under the third clause of Rule XXI an individual member upon the floor may offer an amendment changing existing law provided it retrenches expenditures in one of three modes: First, by reducing the number and salaries of the officers of the United States; or, secondly, by reducing the compensation of persons paid out of the Treasury of the United States; or, thirdly, by reducing the amounts covered by the bill. The amendment offered by the gentleman from Massachusetts does not propose to add an appropriation of \$150,000 to the bill; but it provides that of the amount appropriated by the bill the sum of \$150,000 may be used for certain purposes; and it diminishes the amount covered by the bill by striking out "\$9,500,000" and inserting "\$9,490,000." So that the Chair is bound to hold that the amendment conforms strictly to the language of the rule. Whether the language actually used in this rule accomplishes the exact purpose which the House had in view in adopting it, is not a question for the Chair to decide; but taking the language of the rule as it stands and putting upon it the construction which ordinarily would be put upon such language in a statute or in a rule of the House, the Chair is compelled to hold that the amendment comes within the rule, and is in order.

Mr. CANNON, of Illinois. I ask that the amendment be now re-

Mr. CANNON, of Illinois. I ask that the amendment be now re-

ported.

The Clerk again read the amendment.

Mr. MONEY. I move to amend the amendment by striking out "\$150,000" and inserting "\$350,000." Mr. Chairman, I was extremely disappointed that the Committee on Appropriations did not report some appropriation for providing proper mail facilities on railway trunk lines, and especially—

Mr. BLACKBURN. Without wishing to interrupt the gentleman's argument, but simply wanting to have the opinion of the Chair before he proceeds, I desire as a parliamentary inquiry to ask whether the Chair holds that the amendment offered by the gentleman from Massachusetts was in order, although changing existing law, by reason of the reduction of the amount covered by the bill, and that it is in order now by way of amendment to the amendment to do away, as

Chair holds that the amendment offered by the gentleman from Massachusetts was in order, although changing existing law, by reason of the reduction of the amount covered by the bill, and that it is in order now by way of mendment to the amendment to do away, as the gentleman from Mississippi proposes, with the feature of the amendment which alone made it admissible under the rule?

Mr. MONEY. I do not propose to do that; the gentleman is mistaken. I propose that the \$350,000 shall come out of the \$9,490,000. The CHAIRMAN. The amendment of the gentleman from Mississippi does not propose to add anything to the aggregate amount which the amendment proposes to expend.

Mr. BLACKBURN. Then I was mistaken.

Mr. MONEY. As I was saying, I was very much disappointed in the report of the Committee on Appropriations as embraced in this bill. There is nothing that is to-day so much needed by the business interests of this country as fast mail service. The importance of these fast mails cannot be appreciated unless the matter is brought directly to the notice of gentlemen by the evidence of business men in different portions of the country. I am perfectly astonished that any man from the South or West should vote against an appropriation to give us fast mail facilities. The superintendent of the railway mail service had just about completed arrangements for a mail from New York to New Orleans that would shorten the time fourteen hours. Richmond, Danville, Atlanta, Montgomery, Mobile, and New Orleans were particularly to be benefited by this arrangement. He had also made arrangements for similar facilities for the far West on lines leading to Saint Louis and Chicago. If this bill passes in the form reported by the committee the special train now leaving New York City (the great postal center of this Union, and, I may say, of the whole world) at five o'clock in the morning and half past six o'clock in the evening will be cut off. The consequence will be that New England from Hartford northward will receive mails from the repo

Said:

The time saved by these mails in the transmission of correspondence between the Southwestern, Western, and Northwestern States and the Eastern eities was over twenty-four hours, making the difference of one day's interest on all Eastern remittances. Intelligent business men in Galveston estimated the amount of exchanges between that city and New York at \$30,000,000 annually; in Houston it was placed at \$35,000,000; in Little Rock, Arkansas, at \$30,000,000; in Nashville, Tennessee, at \$75,000,000; in Derver, at \$20,000,000, in San Francisco, at \$450,000,000; in Toledo, at \$350,000,000; in Chicago, at \$600,000,000.

The annual saving to these cities alone, assuming the average rate of interest to be 7 per cent., would amount to nearly \$300,000; and if we assume \$000,000 as the entire amount of interest annually saved it would be a low estimate. Many mer-

chants estimated the benefits they received from the shortening of time between the sending and filling of orders for goods as greater even than the saving of inter-est, for though the telegraph is largely used in a certain class of transactions, yet the great bulk of mercantile orders, where not given by the purchaser in person, are sent by mail. About forty times as many letters as telegrams are sent.

One merchant at Denver said the fast mail was worth alone to him

\$100,000 a year.

Now, Mr. Chairman, the section which I have the honor in part to represent is more interested in this mail service than in all the other Departments of the Government. You may abolish the Army and Departments of the Government. You may abolish the Army and Navy and all the Federal courts, and the people would hardly know it; but when you touch the mail service, then you touch every man, I care not whether he is served by the railroad or star route. The star routes are all dependent on the railroads for their mail. They carry 95 per cent. of the mail. The man—I do not care where he is—who gets his mail in the South gets it one day earlier by reason of this fast-mail service. These facilities which we of the South get are cut off by action of this committee. Only seven or eight States pay an excess of revenue to the Post-Office Department, and they are all in the North with the exception alone of Missouri; and yet we of the South, in the only manner in which we feel the beneficence we of the South, in the only manner in which we feel the beneficence of the Government without feeling its burdens, are now to be plucked short by the action of the Committee on Appropriations of our share of the benefit of the fast mail.

of the benefit of the fast mail.

[Here the hammer fell.]

Mr. ROBINSON. Mr. Chairman, I do not think it necessary to occupy the attention of the House for any length of time on this question, because I believe nearly all concede my amendment should be adopted, and I look for its adoption. I call the attention of the House to the fact that this amendment increases in no way the amount in the bill, but provides for these special and necessary facilities through the railroad service which carries the mail to remote parts of the country, and is not a benefit alone to the great central parts. I wish it understood this provision is only the same we have had in the bill the preceding year, and it ought to be adopted in accordance with the recommendation of the Post-Office Department through the superintendent of the railway service, Mr. Thompson. I ask to have read a communication, so it may go into the Record, from Postmaster James, of New York, who has some information on the subject of a through mail. a through mail.

The Clerk read as follows:

Post-Office Department,
Washington, D. C., May 5, 1880.

Sir: In corroboration of the statement of the General Superintendent of Railway
Mail Service, transmitted by me to you on the 3d instant, I have the honor to submit herewith a letter from the postmaster of New York City, showing the necessity for continuing the appropriation for the fast mails.

Very respectfully,

D. M. KEY, Postmaster-General.

Hon. S. J. RANDALL, Speaker House of Representatives.

Post-Office, New York City, N. Y.
Office of the Postmaster, May 4, 1880.

Sh: Having noticed the published announcement that General Superintendent Thompson, of the railway mail service, has addressed to you a communication recommending an appropriation for the continuance of the special mail service which has been performed during the past year and setting forth the advantages which have accrued from such service, I venture to add my testimony to that of Mr. Thompson, and to say that the results of the improvements in the service, effected under the special appropriation of last year, have been beneficial in the highest degree, more especially to the mercantile community, the dispatch and delivery of whose correspondence has been greatly facilitated and their interest sensibly promoted thereby.

The special trains which have been placed on the New York.

whose correspondence has been greatly facilitated and their interest sensibly promoted thereby.

The special trains which have been placed on the New York, New Haven and Hartford Railroad and the New York Central and Pennsylvania Railroads have been of very great advantage in enabling this office to dispatch with promptitude and celerity the greater portion of the mass of correspondence deposited and arriving here for distribution between the hours of four and six p. m., between which hours the bulk of the business letters written here are posted, as well as allowing an early dispatch to the North and East of heavy mails arriving here during the night; and the facilities thus afforded could not, in my opinion, be withdrawn without serious detriment to the commercial, manufacturing, and other business interests of the entire country.

The local benefits of every improvement in postal facilities are incidental only; their effects are in no case limited to a single neighborhood or community, but are felt throughout the Union to its remotest extremity. It is, therefore, not solely with a view to the special interest of New York in this matter that I write to express the hope that Congress will promptly furnish the means to continue, and even to extend, the advantages which its last appropriation has enabled the railway mail service to provide, and the withdrawal of which would not, in my judgment, be anything less than a public calamity.

Very respectfully,

T. L. JAMES, Postmaster.

Hon. D. M. KEY, Postmaster-General.

Mr. ROBINSON. I wish to say a word more before my time expires. The CHAIRMAN. The gentleman has two minutes left.

Mr. ROBINSON. I hope the amendment of the gentleman from Mississippi [Mr. Money] to my amendment will not be adopted. I think there are gentlemen here who are willing to devote \$150,000 to this purpose, but who are not willing to take out of the whole sum as large an amount as the gentleman proposes. I hope, therefore, in the interest of accomplishing something in this line—though if the situation were different I would favor the larger sum—my amendment will be adopted and the amendment to the amendment will be voted down. down.

I yield the one minute remaining of my time to the gentleman from